CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER
Includes 1976 Annual Index

VOLUME: 42

ISSUES: 116-126
pg. 30,599-33,705

DATE: June 16 - 30, 1977
Reel 12 of 12

NOTICE: This periodical may be copyrighted, in which case the contents remain the property of the copyright owner. The microfilm edition is reproduced by agreement with the publisher. Duplication or resale without permission is prohibited.

University Microfilms International, Ann Arbor, Mich.

MICROFILMED – 1977

VOL 42

116

Vol.42—No.116
6–16–77

PAGES
30599–30827

federal register

THURSDAY, JUNE 16, 1977

highlights

SUNSHINE ACT MEETINGS..... 30742

AID TO FISHERIES
Commerce/NOAA establishes fees for vessel owners entering into guarantee agreements; effective 6–16–77 30621

AIR BRAKE SYSTEMS STANDARD
DOT/NHTSA proposes additions to list of permanently excluded vehicles, extension of temporary exclusion of heavy hauler trailers and auto transporters, and elimination of "no lockup" requirement in certain cases; comments by 7–11–77 30653

ABNORMAL OCCURRENCE REPORT
NRC submits seventh report to Congress 30696

AIRPORT SECURITY
DOT/FAA adopts uniform standards for law enforcement personnel and revises regulations to ensure the security of certain airports serving air carriers; comments by 8–15–77 (Part II of this issue) 30765

AMATEUR RADIO SERVICE
FCC adopts standards for the suppression of spurious radiation in transmitters; effective 7–18–77 30623

BUDGET RESCISSIONS AND DEFERRALS
OMB issues cumulative report (Part IV of this issue) 30781

BUMPER STANDARDS
DOT/NHTSA proposes program for implementation of requirements, including consumer information program; comments by 8–15–77; hearing on 7–28–77 30655

COMMUNITY FOOD AND NUTRITION PROGRAM
CSA solicits applications for funding of projects; closing date 7–26–77 30668

ENERGY CONSERVATION
FEA proposes test procedures for conventional ranges, cooking tops and ovens, and microwave ovens; comments by 8–8–77 30627

FERTILIZERS
Commerce/DIBA issues export monitoring report for October through November, 1976 (Part V of this issue) 30797

CONTINUED INSIDE

V42 116 JUN 16 77
UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

FIRE PROTECTION EQUIPMENT
DOT/CG proposes to require combination solid stream and water spray firehose nozzles and low-velocity water spray applicators on certain vessels; comments by 8–1–77 30649

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976
State publishes applications for permits to fish off coasts of United States (Part VI of this issue) 30813

GRAPES
USDA/FSQS proposes to permit all types for processing, hand-picked or mechanically harvested, to be certified under standards; comments by 7–31–77 30626

HANDICAPPED MEDIA SERVICES AND CAPTIONED FILMS
HEW/OE announces closing date of 7–18–77 for receipt of applications 30688

HAZARDS TO AIR NAVIGATION
DOT/FAA proposes revision of rules describing process of evaluation of objects affecting navigable airspace; comments by 9–14–77 30643

INDIAN GROUPS
Interior/BIA proposes procedures for determination of federally recognized tribe; comments by 7–18–77 30647

MARINE OTTER
Interior/FWS proposes to designate as marine mammal; comments by 7–18–77 30659

MINE HEALTH AND SAFETY STANDARDS
Interior/MESA announces hearings on proposed standards related to fire prevention and control, air quality and ventilation and radiation, loading, hauling, and dumping, toilet facilities, and gassy mines; hearing 8–22 thru 8–26–77 (Part III of this issue) 30771

NEW PNEUMATIC TIRES FOR PASSENGER CARS
DOT/NHTSA adds certain tire size designations; effective 7–11–77 30620

PRIVACY ACT OF 1974
HUD/Secy notice on specific exemptions; effective 6–17–77; comments by 7–18–77 30617

SMALL AIRPLANES
DOT/FAA adds requirements and operating rules concerning shoulder harnesses, and compartment interior design requirements; effective 7–18–77 30601

V42116 JUN 16 77 UMI

MEETINGS—
Administrative Conference of the United States: Judicial Review Committee; 6–27–77 30661
DOD/Navy: Secretary of the Navy's Advisory Board on Education and Training; 7–21 thru 7–22–77 30669
HEW/ADAMHA: Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; 7–19–77 30688
Interior/NPS: Canaveral National Seashore Advisory Commission; 7–1–77 30695
Gateway National Recreation Area Advisory Commission; 7–11–77 30695
National Commission on Electronic Fund Transfers; 6–27–77 30696

CANCELLED MEETING—
EPA: Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel; 6–20 thru 6–21–77 30666

CHANGED MEETING—
Commerce/DIBA: Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee; 7–12–77 30666

SEPARATE PARTS OF THIS ISSUE
Part II, DOT/FAA 30765
Part III, Interior/MESA 30771
Part IV, OMB 30781
Part V, Commerce/DIBA 30797
Part VI, State 30813

contents

ADMINISTRATIVE CONFERENCE OF UNITED STATES
Notices
Meetings:
Judicial Review Committee 30661

AGENCY FOR INTERNATIONAL DEVELOPMENT
Rules
Procurement; correction 30619

AGRICULTURAL MARKETING SERVICE
Rules
Oranges (navel) grown in Ariz. and Calif 30600
Rice; Federal inspection services fees; reduction 30599
Proposed Rules
Milk marketing orders:
New Orleans-Mississippi and Greater Louisiana 30627
Upper Florida, Tampa Bay, and Southeastern Florida; hearing 30627
Pears, plums, and peaches (fresh) grown in Calif 30626

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Food Safety and Quality Service; Forest Service.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meetings:
Federal Activities for Alcohol Abuse and Alcoholism Interagency Committee 30688

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Air Chariot Ltd. et al 30661
Allegheny Airlines, Inc 30662
Arizona service investigation 30663
P. T. Merpati Nusantara Airlines 30664
Subsidy rate, local service class VII 30664

COAST GUARD
Rules
Anchorage regulations:
Alaska 30618
Virginia 30618
Great Lakes pilotage:
Rates; increase 30619
Proposed Rules
Fire protection equipment; fire-hose nozzle requirements 30649

COMMERCE DEPARTMENT
See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

COMMUNITY SERVICES ADMINISTRATION
Notices
Community Food and Nutrition Program; grants applications, solicitation of 30668

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Aluminum wire connections; household systems, safety standards; extension of time 30669

DEFENSE DEPARTMENT
See Navy Department.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Fertilizers, export monitoring report for October to December, 1976 30797
Meetings:
Computer Systems Technical Advisory Committee, Foreign Availability Subcommittee 30666
Scientific articles; duty free entry:
Army Medical Research Institute of Infectious Diseases et al 30667
Children's Hospital Medical Center 30665
Lehigh University et al 30696
Ohio State University, College of Pharmacy 30666

DRUG ENFORCEMENT ADMINISTRATION
Notices
Registration applications, etc.; controlled substances:
Collier, David I., D.O 30696
Greco, Joseph A., M.D 30696

EDUCATION OFFICE
Notices
Applications and proposals, closing dates:
Handicapped media services and captioned films 30688

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION
Notices
Meetings 30696

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air quality implementation plans; various States, etc.:
Arizona 30648
Notices
Meetings:
FIFRA Scientific Advisory Panel; cancelled 30670

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Hawker Siddeley 30603
Hiller 30604
Lockheed-California 30604
Piper 30605
Airworthiness standards; air traffic operating and flight rules:
Shoulder harnesses; installation in small airplanes 30601
Area high routes 30611
Control zones 30609
Jet routes 30611
Transition areas (3 documents) 30607–30609
VOR Federal airways (7 documents) 30606–30610
Proposed Rules
Airport security; criminal violence and aircraft piracy protection, etc 30765

Airspace, navigable, objects affecting 30643
Control zones and transition areas 30639
Restricted areas 30642
Transition areas (4 documents) 30638, 30640–30642
VOR Federal airways (2 documents) 30638, 30639
Notices
Air traffic control towers:
Anderson, S.C.; reduction of hours 30709
Martha's Vineyard, Mass.; commissioning 30708
Rocky Mount, N.C.; reduction of hours 30709
Tuscaloosa, Ala.; reduction of hours 30709
Valdosta, Ga.; reduction of hours 30709

FEDERAL COMMUNICATIONS COMMISSION
Rules
Amateur radio service:
Emissions authorization; reconsideration 30623
FM broadcast stations; table of assignments:
Virginia 30622
Notices
Domestic public radio services; applications accepted for filing 30670
FM broadcast stations; table of assignments:
Oregon 30671
South Carolina 30672

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Energy conservation program, appliances:
Ranges, cooking tops, and ovens, conventional, and microwave ovens; inquiry 30627

FEDERAL MARITIME COMMISSION
Notices
Freight forwarder licenses:
Forwarding Services, Inc 30673

FEDERAL POWER COMMISSION
Rules
Electric utilities, natural gas companies, policy and interpretations:
Editorial changes 30612
Notices
Hearings, etc.:
Alabama-Tennessee Natural Gas Co 30673
Cities Service Gas Co. et al 30673
Columbia Gas Transmission Corp. et al 30674
East Tennessee Natural Gas Co. 30674
El Paso Natural Gas Co. (2 docs.) Inc 30674
Great Southern Oil & Gas Co., 30675
Hunt Oil Co 30676
Iowa Public Service Co 30676
Kansas City Power & Light Co. 30676
Co., Inc 30676
Kansas-Nebraska Natural Gas (2 documents) 30677
Louisiana Power & Light Co 30677
Lull, S. Hale 30679
McCormick 1975 Oil & Gas Program et al 30678
Montaup Electric Co 30678
National Fuel Gas Supply Corp. 30678
North Penn Gas Co 30678
Pacific Power & Light Co 30678
Parowan, City of, Utah 30674
Public Service Co. of New Hampshire 30679
Southern California Edison Co. et al 30679
Southern Natural Gas Co 30679
Southwest Gas Corp 30680
Tenneco Inc. et al 30680
Transco Exploration Co 30683
Transcontinental Gas Pipe Line Corp 30684
Transwestern Pipeline Co 30684
Trudeau, James O 30684
Utah Power & Light Co 30685

FEDERAL RESERVE SYSTEM
Rules
Authority delegations:
Federal Reserve banks; approval of share acquisition 30601
Notices
Board actions; applications and reports 30685
Applications, etc.:
Industrial Loan & Investment Co 30687

FISH AND WILDLIFE SERVICE
Rules
Fishing:
Browns Park National Wildlife Refuge, Colo 30621
Ouray National Wildlife Refuge, Utah 30621
Hunting:
Red Rock Lakes National Wildlife Refuge, Mont. 30621
Proposed Rules
Marine mammals:
Otter, marine; designation 30659

FOOD SAFETY AND QUALITY SERVICE
Proposed Rules
Grapes (eastern type), processing and freezing; grade standards 30626

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Santa Fe National Forest, Gallina Planning Unit, N. Mex 30661

GEOLOGICAL SURVEY
Notices
Coal mining plan:
Montana 30695

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Public Health Service.
Notices
Organization, functions, and authority delegations:
Comptroller Office 30689

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Rules
Privacy Act; implementation 30617

INDIAN AFFAIRS BUREAU
Proposed Rules
Indian tribe, Federal recognition; determination procedures 30647

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.
Notices
Environmental statements; availability, etc.:
East Decker and North Extension Mines, Big Horn County, Mont 30696

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 30712
Hearing assignments 30712
Motor carriers:
Lease and interchange of vehicles 30712
Temporary authority applications 30713
Transfer proceedings 30712
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 30717

JUSTICE DEPARTMENT
See Drug Enforcement Administration.

LAND MANAGEMENT BUREAU
Notices
Alaska native selections; applications, etc.:
Eklutna, Inc 30689
Port Graham Corp 30690
Applications, etc.:
New Mexico (4 documents) 30693, 30694
Wyoming 30695
Coal lease offering by sealed bid and oral auction:
Colorado; correction 30692
Indian lands, jurisdiction transfer:
Fort Peck Indian Reservation, Mont.; correction 30693
Withdrawal and reservation of lands, proposed, etc.:
Arizona 30692
California (2 documents) 30694
Montana 30692

V 42 116
JUN 16 77
UM

CONTENTS

MANAGEMENT AND BUDGET OFFICE
Notices
Budget rescissions and deferrals 30781
Clearance of reports; list of requests (2 documents) 30703

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Proposed Rules
Metal and nonmetallic mine safety:
Fire prevention and control, explosives, etc 30771

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Rules
Motor vehicle safety standards:
Tires, new pneumatic, for passenger cars 30620
Proposed Rules
Bumper standards; damageability requirements and consumer information 30655
Motor vehicle safety standards:
Brake systems, air 30653
Notices
Motor vehicle safety standards; exemption petitions, etc.:
Batavus USA, Inc.; motorcycle controls and displays 30709

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules
Financial aid to fisheries:
Guarantee agreements; fees 30621
Notices
Fishery transfer applications:
Wrathell, Richard J. and Raymond L 30667

NATIONAL PARK SERVICE
Notices
Meetings:
Canaveral National Seashore Advisory Commission 30695
Gateway National Recreation Area Advisory Commission 30695

NATIONAL TRANSPORTATION SAFETY BOARD
Notices
Safety recommendations and accident reports; availability, responses, etc 30700

NAVY DEPARTMENT
Notices
Meetings:
Education and Training Advisory Board 30669

NUCLEAR REGULATORY COMMISSION
Notices
Abnormal occurrence reports:
Radiography incident 30696
Environmental statements; availability, etc.:
Bear Creek Uranium Mining & Milling Project 30699
Utah International Inc 30700
Applications, etc.:
Arkansas Power & Light Co. (2 documents) 30697
Boston Edison Co. et al 30697
Cincinnati Gas & Electric Co. et al 30697
Iowa Electric Light & Power Co. et al 30698
Omaha Public Power District (2 documents) 30698, 30699
Power Authority of State of New York 30699
Puget Sound Power & Light Co. et al 30699
South Carolina Electric & Gas Co. et al 30700
Tennessee Valley Authority 30700
Washington Public Power Supply System 30700

PIPELINE SAFETY OPERATIONS OFFICE
Notices
Petition for waiver; pipeline:
Tennessee Gas Pipeline Co 30709

PUBLIC HEALTH SERVICE
Notices
Authority delegations:
Health Resources Administrator; health professions schools and training 30689

STATE DEPARTMENT
See also Agency for International Development.
Notices
Fishing permits, applications:
German Democratic Republic, Japan, Poland, and Spain 30813

SUSQUEHANNA RIVER BASIN COMMISSION
Notices
East Petersburg Borough Authority ground-water development; hearing 30708

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE
Notices
Generalized system of preferences, articles eligible for; list modification, hearings 30703

TRANSPORTATION DEPARTMENT
See also Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration; Pipeline Safety Operations Office.
Notices
Motor vehicles, passenger; post-1980 goals, Federal task force report; availability 30710

UNITED STATES RAILWAY ASSOCIATION
Notices
Loan applications:
Consolidated Rail Corp 30711

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR
68 30599
908 30600
PROPOSED RULES:
51 30626
917 30626
1006 30627
1012 30627
1013 30627
1094 30627
1096 30627

10 CFR
PROPOSED RULES:
430 30627

12 CFR
265 30601

14 CFR
23 30601
39 (4 documents) 30603–30605
71 (11 documents) 30606–30610
75 (2 documents) 30611
91 30611
PROPOSED RULES:
71 (7 documents) 30638–30642
73 30642
77 30643
107 30766

18 CFR
2 30612
33 30613
34 30613
35 30613
101 30613
104 30614
125 30614
131 30615
141 30615
154 30615
201 30615
204 30616
260 30617

24 CFR
16 30617

25 CFR
PROPOSED RULES:
54 30647

30 CFR
PROPOSED RULES:
55 30772
56 30772
57 30772

33 CFR
110 (2 documents) 30618

40 CFR
PROPOSED RULES:
52 30648

41 CFR
7–30 30619

46 CFR
401 30619
PROPOSED RULES:
34 30649
76 30649
95 30649
162 30649
167 30649
193 30649

47 CFR
73 30622
97 30623

49 CFR
571 30620
PROPOSED RULES:
571 30653
575 30655
581 30655

50 CFR
32 30621
33 (2 documents) 30621
258 30621
PROPOSED RULES:
18 30659

VOL 42 116 JUN 16 77 UM

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:

11861 (Amended by EO 11995) ... 29841
11905 (Amended by EO 11994) ... 28869
11985 (See EO 11994) ... 28869
11994 ... 28869
11995 ... 29841
11996 ... 30489

PROCLAMATIONS:

4505 ... 29471
4506 ... 30143
4507 ... 30351
4508 ... 30353

MEMORANDUMS:

June 2, 1977 ... 29843

5 CFR

213 ... 28515, 28989, 29845, 29846, 29879, 30355
752 ... 28516
754 ... 28516
771 ... 28516
831 ... 29846

PROPOSED RULES:

831 ... 29880

7 CFR

26 ... 30145
68 ... 30599
908 ... 30600
210 ... 30355
271 ... 28516
401 ... 28871-28873, 28989
411 ... 28873
413 ... 28141
724 ... 29847
730 ... 30355
905 ... 27875
908 ... 28144, 29487
910 ... 28516, 29848
911 ... 30147
916 ... 30491
918 ... 29487
922 ... 30492
1004 ... 29848
1207 ... 29295
1427 ... 29849
1446 ... 28989
1472 ... 29854

PROPOSED RULES:

51 ... 30626
53 ... 29313
271 ... 28546
905 ... 30198
911 ... 30513
915 ... 30513
916 ... 27911, 30206
917 ... 28146, 30513, 30514, 30626
921 ... 29489
922 ... 30514
923 ... 27912
989 ... 27913
1006 ... 30627
1012 ... 30627
1013 ... 30627
1030 ... 27921
1040 ... 29881

7 CFR—Continued

PROPOSED RULES—Continued

1065 ... 28897
1094 ... 30627
1096 ... 30627
1205 ... 29313
1435 ... 30409
1701 ... 29012
1822 ... 29885
1933 ... 29885

8 CFR

223 ... 28113
238 ... 28990, 29871

PROPOSED RULES:

100 ... 28547

9 CFR

78 ... 28517
112 ... 28519, 29854

PROPOSED RULES:

113 ... 28548, 28549

10 CFR

2 ... 28893
21 ... 28893
31 ... 28896
34 ... 28896
35 ... 28896
40 ... 28896
70 ... 28896
211 ... 27908
212 ... 27908
214 ... 29295
430 ... 27896, 30401
440 ... 27899
745 ... 30492

PROPOSED RULES:

70 ... 28147
73 ... 28147
202 ... 28147
211 ... 27936
212 ... 27936, 29490
430 ... 27941, 27951, 30206, 30210, 30401, 30627
450 ... 29906

12 CFR

207 ... 29299
226 ... 28520, 30148
264 ... 27876
265 ... 28521, 30601
268 ... 28522
545 ... 29473
561 ... 29473
748 ... 30493

PROPOSED RULES:

340 ... 27955
543 ... 29511
545 ... 29512
584 ... 29512

13 CFR

112 ... 28530
121 ... 29300

PROPOSED RULES:

113 ... 29317

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603-30605
71 ... 28113-28114, 28874, 29475, 29476, 30149, 30606-30610
73 ... 29475
75 ... 30149, 30611
91 ... 30611
95 ... 28115
97 ... 28120, 29477
221 ... 28874-28876
372a ... 28121
378a ... 28122

PROPOSED RULES:

1 ... 28148
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513
71 ... 28129, 29513-29516, 30210-30213, 30638-30642
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376

15 CFR

379 ... 28998

16 CFR

4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493
1301 ... 30296
1500 ... 28060

PROPOSED RULES:

13 ... 28550, 29516, 29915, 30515, 30516
23 ... 29916
441 ... 28551
456 ... 29917

17 CFR

210 ... 27879
211 ... 28999
240 ... 27879, 27880
271 ... 28999
275 ... 29300

PROPOSED RULES:

9 ... 30472
200 ... 30378
230 ... 30378, 30379
239 ... 29012, 29716
240 ... 29918
241 ... 30066
249 ... 29918
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614

18 CFR—Continued

131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
250 ... 30160, 30617

19 CFR

159 ... 28531, 28532

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

5 ... 28533, 29855
155 ... 30358, 30359
173 ... 29856
177 ... 28533
193 ... 29857
436 ... 29857
452 ... 29858
510 ... 29858
520 ... 28534, 29003
522 ... 28535
539 ... 29003
555 ... 29859
558 ... 28535
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859
650 ... 29859
660 ... 30361
701 ... 28877, 30495
1306 ... 30495
1308 ...

PROPOSED RULES:

15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390
184 ... 29925, 30390
186 ... 30390
510 ... 29928
558 ... 29928
808 ... 30383
1309 ... 28560

22 CFR

PROPOSED RULES:

123 ... 28551, 29929, 30391
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304
221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
1914 ... 29428-29431, 30304
1915 ... 29433, 30305
1916 ... 29307, 30344
1920 ... 28878-28882, 29859-29870, 30160-30174
1930 ... 29479
1931 ... 29479

PROPOSED RULES:

1908 ... 29692
1911 ... 29692
1912 ... 29692
1913 ... 29692
1914 ... 29692
1921 ... 29692
1922 ... 29692
1923 ... 29692

25 CFR

191 ... 30367
192 ... 30367
193 ... 30367
194 ... 30367
195 ... 30367
196 ... 30367
197 ... 30367
198 ... 30367
199 ... 30367
200 ... 30367
201 ... 30367
221 ... 28538, 30367

PROPOSED RULES:

54 ... 30647
258 ... 28552
260 ... 30216

26 CFR

1 ... 30496
11 ... 27881
54 ... 27882

PROPOSED RULES:

1 ... 29517

27 CFR

PROPOSED RULES:

4 ... 30517

28 CFR

0 ... 29003
17 ... 29307

28 CFR—Continued

PROPOSED RULES:

2 ... 29934

29 CFR

97 ... 30367
1952 ... 30368

PROPOSED RULES:

1910 ... 29021
1952 ... 29024
2610 ... 29318

30 CFR

55 ... 29418
56 ... 29420
57 ... 29422
211 ... 30175

PROPOSED RULES:

55 ... 30772
56 ... 30772
57 ... 30772
70 ... 28151

31 CFR

51 ... 27883

32 CFR

PROPOSED RULES:

276 ... 27963
286b ... 29935

33 CFR

110 ... 30618
114 ... 28882
115 ... 28882
117 ... 30178, 30179
127 ... 30179
161 ... 29480
205 ... 30368
401 ... 29308

PROPOSED RULES:

117 ... 30216-30218
209 ... 29025

36 CFR

2 ... 30501
221 ... 28252
223 ... 28252
261 ... 30503

37 CFR

3 ... 27883

PROPOSED RULES:

1 ... 30522

38 CFR

36 ... 28883

PROPOSED RULES:

8a ... 30392

39 CFR

10 ... 29488
111 ... 27892, 29308, 29488
224 ... 29308
601 ... 29488
952 ... 30504
954 ... 30504
958 ... 30504

PROPOSED RULES:

111 ... 28153

V 42 N 116 JUN 16 77 UM

40 CFR

35 29481
52 ..... 27892, 28122, 28559, 28883, 29004, 30369, 30504
61 29005
85 28123
86 28130
180 28540
416 29871

PROPOSED RULES:

52 ..... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648
61 28154
86 28970
600 28970

41 CFR

3–3 29871
3–30 30190
4–2 28871
7–7 28540
7–30 30619
8–1 28541
9–5 29873
9–51 29308
9–55 29308
Ch. 14 30196
15–19 30509
114–1 30196

PROPOSED RULES:

3–4 ..... 29872, 29937
5B–2 27966
105–65 29319
110–26 28556

42 CFR

51e 28692
66 29482
110 29400

PROPOSED RULES:

67 29518

43 CFR

2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5618 30370
5619 30180

45 CFR

177 29009
201 28884
249 28700
304 28885
1067 29873

PROPOSED RULES:

12 27966
122a 28706
136 28859
163 28159
163a 28159
197 30290
1067 29523

46 CFR

2 28886
31 28886
151 28886
187 29483
401 30619

PROPOSED RULES:

30 30220
32 30220
34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 30649
167 30649
193 30649
507 29524
536 30399
543 30584

47 CFR

0 30370
1 ..... 27894, 28887, 30180
21 27894
23 27894
68 29010
73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ..... 27895, 29483
81 ..... 27895, 28542
83 29309
87 ..... 27895, 29483
89 27895
89 ..... 27895, 30511

47 CFR—Continued

91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

64 27971
67 ..... 30220, 30221
68 28559
73 ..... 27971, 27973, 29027, 30400
76 ..... 30222, 30401
83 28164
87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 28976
571 ..... 28135, 30188, 30620
1033 ..... 28542, 28543, 28888, 29309
1063 29311
1100 ..... 28889, 30190
1307 .....

PROPOSED RULES:

571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

17 ..... 28052, 28136, 28543
26 29312
32 ..... 28545, 30373, 30621
33 ..... 29312, 30621
217 28137
222 28137
258 30621
285 30373
651 29876
661 29485

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*
27875–28112	June 1	29471–29840	9
28113–28513	2	29841–30142	10
28515–28868	3	30143–30350	13
28869–28987	6	30351–30487	14
28989–29293	7	30489–30598	15
29295–29470	8	30599–30827	16

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Airworthiness directives:
Lockheed Aircraft Corp. model 18 airplanes 24721; 5–16–77
McDonnell Douglas DC–3 and C–47 series airplanes 24722; 5–16–77
McDonnell Douglas DC–4 and C–54 series airplanes 24723; 5–16–77
Control zones/transition areas:
Bloomfield, Iowa 21103; 4–25–77
Greenwood Village, Colo 17868; 4–4–77
Fort Worth, Tex 13819; 3–14–77
Humboldt, Nebr 22138; 5–2–77
McGehee, Ark 13273; 3–10–77
Oxford, Conn 17105; 3–31–77
Oxnard and Santa Barbara, Calif. 20619; 4–21–77
Santa Fe, N. Mex 20618; 4–21–77
Yakataga, Alaska 15894; 3–24–77
Designation of Federal airways, area low routes, controlled airspace, and reporting points; designation of Federal airway 15309; 3–21–77
Designation of airways, Federal airways; VOR Federal airways; alteration, restricted areas, temporary, and jet route alteration 20620–20624; 4–21–77
Federal airways alteration between Sugarloaf Mountain and Holston Mountain, Tenn 20619; 4–21–77
IFR altitudes; amendments 28115; 6–2–77
Key West, Fla.; alteration of Federal airways 12167; 3–3–77
Revocation of VOR airway; Pawnee City and Omaha, Nebr 20116; 4–18–77
Standard instrument approach procedures (2 documents) 26971; 5–26–77; 28120; 6–2–77
Transition area; Brunswick, Ga 28113; 6–2–77
VOR Federal airway V–44, Foristell, Mo. to Jefferson City, Mo; extension. 17105; 3–31–77
VOR Federal airway, Kennebunk, Maine; alteration 17105; 3–31–77
EPA—Aquaculture projects; requirements for approval of discharges 25478; 5–17–77
FCC—Radio broadcast services, change in table of assignments for FM broadcast station in Chadron, Nebr. 24272; 5–13–77
Radio broadcast services, changes in table of assignments; noncommercial educational channel assignments under U.S.-Mexico FM broadcast agreement 24273; 5–13–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 5306 ..... Pub. L. 95–42
To amend the Land and Water Conservation Fund Act of 1965, and for other purposes. (June 10, 1977; 91 Stat. 210)
Price: $.35

VOL 42 NO 116 JUN 16 77 UM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE,[1] DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees for Federal Rice Inspection Services

AGENCY: Federal Grain Inspection Service (FGIS), USDA.

ACTION: Final rule.

SUMMARY: This rule reduces the fees for Federal rice inspection services. Rice inspection services are made available only upon request of an applicant. The revenue received from fees in recent months has exceeded the cost of providing the service, due, in part, to an increase in the volume of inspection and better utilization of inspection personnel. This action permits fees to equal, as nearly as possible, the cost of providing the service.

EFFECTIVE DATE: July 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Kenneth C. Bourgeois, Federal Grain Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–8029).

SUPPLEMENTARY INFORMATION: The adjustments in the fees include a change in the:

(1) Commitment service hourly rates for 5 consecutive days per week, except on holidays, from $18.40 to $16.40 between the hours of 6 a.m. and 6 p.m. and from $22.10 to $19.80 between the hours of 6 p.m. and 6 a.m. For holidays from $25.80 to $23.20.

(2) Noncommitment service hourly rates for Monday through Friday, except on holidays, from $23.10 to $20.80 between the hours of 6 a.m. and 6 p.m. and from $26.80 to $24.00 between the hours of 6 p.m. and 6 a.m. For holidays from $30.50 to $27.40.

(3) Inspection for quality fee per lot or sublot when performed at other than the point of sampling and the per sample fee for sample inspections from $13.45 to $12.10 for rough rice, $11.50 to $10.35 for brown rice for processing and $9.60 to $8.65 for milled rice.

(4) Per factor fee for any single factor for sample inspection from $3.85 to $3.45.

To promote uniformity of the application of service fees within the Federal Grain Inspection Service the rice inspection fees are amended by:

(1) Changing the time periods for charging regular hourly rates from a 9-hour period (7 a.m. to 4 p.m.) to a 12-hour period (6 a.m. to 6 p.m.).

(2) Deleting the provision that an applicant who terminates a commitment, and within 1 year after cancellation is granted a new commitment at his request, shall pay for any moving costs incurred by the Federal Grain Inspection Service to transfer official inspection personnel to service the applicant's new commitment.

(3) Adjusting the minimum fee requirement under a commitment agreement by providing that when one of the minimum 5 consecutive days per week falls on a holiday and inspection services are not needed, the applicant shall not be charged. Under the present provisions the commitment applicant agrees to pay for a minimum of eight hours of service per day per person for 5 consecutive days per week even when one of the days falls on a holiday and services are not needed.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 68.42c is amended to read as follows:

§ 68.42c Fees for Federal rice inspection services.

The following fees apply to the Federal rice inspection services specified below:

SERVICE	Fee
(a) *Appeal inspection.* The applicable fee which would be assessed if the inspection were not an appeal: *Provided,* That no fee shall be assessed if it is found that there was a material error in the inspection from which an appeal was taken.	
(b) *Commitment service.* If desired, an applicant may enter into an agreement with the Federal Grain Inspection Service for rice inspection services on a weekly basis, whereby the applicant agrees to pay for a minimum of 8 hours of service per day per person, for 5 consecutive days per week, and the Federal Grain Inspection Service agrees to make official inspection personnel available to perform such service for the applicant at reduced hourly rates: *Provided,* That if one of the 5 consecutive days per week falls on a holiday and inspection services are not needed the applicant shall not be charged.	
To enter into a commitment agreement the applicant must give the Federal Grain Inspection Service 60 days written notice specifying the proposed effective date of the commitment: *Provided,* That a commitment may become effective prior to the proposed effective date by consent of both parties. To terminate a commitment the applicant must give the Federal Grain Inspection Service 60 days written notice specifying the date of termination.	
The commitment service can be used by 1 applicant who guarantees to pay for the full 8 hours per day per person, 5 consecutive days per week, or by 2 or more applicants each guaranteeing to share the cost of the 8 hours per day per person: *Provided,* That each party to the commitment agrees to assume an even number of hours so that charges may be easily prorated.	
Under a commitment service, the Federal Grain Inspection Service reserves the right to (1) determine the number of official inspection personnel needed to perform the service for a commitment applicant; (2) terminate a commitment agreement by giving the applicant 60 days written notice specifying the date of termination; and (3) temporarily reassign official inspection personnel from a commitment applicant when, in the opinion of the Director, the official inspection personnel are not needed to perform service for the commitment applicant. The commitment applicant in such instances would be credited with the number of commitment hours charged to other applicants or activities of the Federal Grain Inspection Service.	
Hourly rates for commitment services shall begin when the official inspection personnel arrive at the point of service and end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 4 copies of each certificate.	
(1) Hourly rates per person per hour for commitment service, but see (d):	
(i) For all work performed between the hours of 6 a.m. and 6 p.m., for 5 consecutive days per week, except on holidays[1] (1)	$16.40
(ii) For all work performed before 6 a.m. or after 6 p.m., for 5 consecutive days per week, and any time during the 2 remaining days per week, except on holidays[1]	19.80
(iii) For all work performed on holidays[1]	23.20
(2) Minimum fees for service performed under a commitment service agreement shall be on the basis of 8 hours per day per per-	

[1] Including matters within the responsibility of the Federal Grain Inspection Service.

V 42 116 JUN 16 77 UM

son, for 5 consecutive days per week, calculated at the hourly rate of $16.40: *Provided*, That if one of the 5 consecutive days per week falls on a holiday and inspection services are not needed, the applicant shall not be charged Further, when the commitment applicant's hours are charged to other applicants or activities of the Federal Grain Inspection Service such hours shall not be included in the minimum fee.

(3) Standby time per person per hour shall be charged at the applicable hourly rate.

(c) Extra copies of certificates: Per copy 1.00

(d) Inspection for quality [2] charges per lot or sublot when performed other than at the point of sampling, but see (b) and (f):

Service	Fees
(1) Rough rice	12.10
(2) Brown rice for processing	10.35
(3) Milled rice	8.65

(e) Interpretive line samples:

Per set	50.00

NOTE.—The interpretive line samples illustrate the lower limit for milling degrees only. Interpretive line samples are available for examination at, or may be purchased from, the Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, D.C. 20250.

Interpretive line samples are also available for examination at selected field offices of the Federal Grain Inspection Service. A list of the field offices may be obtained from the above address:

(f) Noncommitment service: A noncommitment service is provided for applicants who do not enter into a commitment service agreement with the Federal Grain Inspection Service. Service on a noncommitment basis will be furnished to applicants in the order in which requests are received, insofar as consistent with good management, efficiency, and economy. Precedence will be given, when necessary, to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 4 copies of each certificate.

(1) Hourly rates per person per hour for noncommitment service, but see (d):

(i) For all work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on holidays [1]	
(ii) For all work performed before 6 a.m. or after 6 p.m., Monday through Friday, and any time Saturday or Sunday, except on holidays [1]	24.00
(iii) For all work performed on holidays [1]	27.40

(2) Minimum fee per person per callout or inspection visit for noncommitment service—2 hours at the applicable hourly rate.

(3) Standby time per person per hour shall be charged at the applicable hourly rate.

(g) Sample inspection:

(1) Inspection for quality [2] per sample:

(i) Rough Rice	12.10
(ii) Brown Rice for Processing	10.35
(iii) Milled Rice	8.65
(2) Factor analysis for any single factor: Per Factor	3.45

[1] Holiday shall mean the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal statute or Executive Order: *Provided*, That if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

[2] Includes kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the rice standards or instructions, whether singly or combined, except as provided for in paragraph (g).

The need for reducing the service fees and the amounts thereof are dependent upon facts within the knowledge of the Federal Grain Inspection Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624, FR 28468 and 28476).)

Done at Washington, D.C. on June 13, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77-17302 Filed 6-15-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 560]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 17-23, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges has eased somewhat during the present week. Average f.o.b. price was $3.92 per carton on 899 cars for the week ended June 9, as compared with $3.94 per carton on 822 cars the previous week. Track and rolling supplies at 494 cars were up 142 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be established as provided in this regulation.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information became available upon which this regulation is based and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on June 14, 1977.

§ 908.860 Valencia Orange Regulation 560.

* * * * *

(b) Order. (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 17, 1977, through June 23, 1977, are hereby fixed as follows: (i) District 1: 266,000 cartons; (ii) District 2: 384,000 cartons; (iii) District 3: Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: June 15, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-17493 Filed 6-15-77;11:38 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0104]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate performance of certain of its functions, the Board of Governors has amended its Rules Regarding Delegation of Authority. The amendment is intended to expand the scope of authority previously delegated regarding acquisitions of shares of a bank.

EFFECTIVE DATE: June 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Assistant General Counsel (202-452-3274) or Julius L. Loeser, Senior Attorney (202-452-3236), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Bank Holding Company Act (12 U.S.C 1841 et. seq.) generally prohibits, except with prior approval of the Board, a bank holding company's acquisition of direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company would directly or indirectly own or control more than 5 per centum of the voting shares of such bank. On April 23, 1973, the Board delegated authority to the Federal Reserve Banks to approve acquisitions of controlling interests in additional banks pursuant to certain enumerated conditions (38 FR 10917 (1973)). The Board has now, by the instant amendment, expanded the scope of that delegated authority to include acquisitions of additional shares of a bank in which an applying bank holding company, at the time of the application, owns at least 25 percent of a class of the voting shares.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of this amendment because the change involved is procedural in nature and does not constitute a substantive rule subject to the requirements of such section. The amendment is effective immediately.

In order to accomplish this delegation, § 265.2(f) is amended by renumbering subsections (33), (34) and (35) as (34), (35), and (36) respectively and adding a new subsection (33) providing as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district or under paragraph f(34) as to its own facilities:

* * * * *

(33) Under the provisions of section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to approve the acquisition by any bank holding company of additional voting shares of a bank in which such bank holding company owns 25 per cent or more of any class of voting securities, if the proposal generally is in conformity with the conditions specified in § 265.2(f)(24) of this part. (12 U.S.C. 248(k) and 12 U.S.C. 1844(b)).

* * * * *

By order of the Board of Governors, June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-17097 Filed 6-15-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10162; Amdt. Nos. 23-19 and 91-139]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 91—GENERAL OPERATING AND FLIGHT RULES

Crashworthiness; Installation of Shoulder Harnesses in Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds requirements concerning shoulder harnesses and compartment interior design for the type certification of small airplanes and adds an operating rule requiring a shoulder harness for each front seat in certain newly manufactured small airplanes. This amendment is intended to improve the crashworthiness of small airplanes and was prompted by a recommendation of the National Transportation Safety Board (NTSB) and a petition for rule making submitted by Mr. Ralph Nader.

DATES: Effective date—July 18, 1977. Operating rule compliance dates—July 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond E. Ramakis, Regulatory Projects Branch, AFS-940, Federal Aviation Administration, Washington, D.C. 20591, Telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION: These amendments are based on the Notice of Proposed Rule Making (Notice No. 73-1) published in the FEDERAL REGISTER on January 31, 1973 (38 FR 2985). Numerous comments relating to these proposals were received in response to the notice and except for those indicating agreement or merely repeating issues discussed and disposed of in the notice, the FAA's disposition of the significant comments is discussed below. In general, comments received that were beyond the scope of the notice are not discussed. Based on the relevant comments and upon further review by the FAA, a number of the proposals have been dropped or changed. In addition, various nonsubstantive changes of a clarifying and editorial nature have been made. Since these changes impose no additional burden on any person, they may be adopted without further notice and public procedure.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

A substantial number of commentators objected to the proposed rules that would require fastening of the harness, and a large number suggested that harness installation be optional. In addition, several commentators stated that the notice seemed to assume that there is merit in wearing harnesses without citing any studies to support that view. One recommended that the notice be withdrawn pending the results of NASA and FAA crash testing of complete general aviation airplanes. Contrary to the commenators' allegations, the FAA believes that sufficient data and information exists on which to base shoulder harness requirements for small airplanes. The changes being made are based primarily on the results and conclusions of small airplane accident investigations. Information regarding specific accidents is available in documents published by the National Transportation Safety Board such as the "Annual Review of General Aviation Accidents." In addition, a summary of test information on seats, belts, harnesses, as well as entire airplanes, is included in FAA Technical Report No. FS-70-592-120A, "A Summary of Crashworthiness Information for Small Air-

V 42 116 JUN 16 77 UM

planes," dated February 1973. Furthermore, data which substantiate the premise that use of a harness will increase safety sufficiently to warrant a change in FAR Part 23 are contained in FAA report No. FAA–AM–71–3, "General Aviation Structures Directly Responsible for Trauma in Crash Decelerations," dated January 1971. With respect to deferring rule making pending the results of crash testing, the FAA does not believe delay is advisable since crash-worthiness investigation, testing, and analysis is a continuous process, and updating of rules can be accomplished as new information becomes available should later revisions be warranted.

In connection with the foregoing, after further FAA review in light of the comments received, a number of the proposals have been withdrawn or substantially revised.

Proposed § 23.785(g) would require the installation of a shoulder harness at each forward facing seat and at each sideward facing seat for type certification. However, the FAA's analysis of the cost benefit considerations show that small airplanes are operated mostly with only the front seats occupied and the cabin structure surrounding the occupants of seats other than front seats can be designed to be very effective in protecting occupants during minor crash landings. Based on this and the many adverse comments to proposed § 23.785 (g), the FAA has determined that, at this time, shoulder harness installations on seats other than the front seats should not be required under FAR Part 23. Accordingly, the proposal has been revised to require shoulder harness installations only on front seats. Front seats in this context are seats located at flight crewmember stations or seats located alongside such a seat. For clarity a definition of "front seat" has been added to the rules being adopted herein.

Proposed § 23.785(g) would also require that rearward and certain sideward facing seats have energy absorbing rests. A similar provision currently exists as an optional requirement in § 23.785(g)(3) for all seats. Based on a further assessment of the proposed requirements, the FAA has determined that the energy absorbing rest requirement is not necessary since compliance with the requirements of § 23.785(g) and (j), as adopted herein, assures adequate cabin occupant safety. The proposed energy absorbing rest requirement has, therefore, been withdrawn.

The proposed type certification requirement in § 23.785(j) concerns delethalization of the cabin area surrounding each seat within striking distance of the occupant's head, torso, arms, and legs. However, information now available to the FAA indicates that fatalities during minor crash landings are primarily due to head and torso injuries. Also, most serious injuries during minor crash landings are limited to the head and torso. Furthermore, confining the provision to the head and torso would reduce the burden of compliance and simplify compliance determinations. The FAA has therefore determined that the requirement should not be applicable to arms and legs, and the proposed rule has been changed accordingly.

A number of comments were adverse to the proposed operating requirements in §§ 91.7 and 91.14 that would require fastening of shoulder harnesses. Based on these comments, the FAA has reevaluated the need for the proposed requirements, and the proposed passenger shoulder harness fastening requirement of § 91.14 has been withdrawn. In addition, proposed § 91.7 has been revised to require the fastening of shoulder harnesses by flight crewmembers only during takeoff and landing; however, it would not be required if it would interfere in the performance of required duties.

A further operating requirement proposed in § 91.14 would be have required the pilot to ensure that each person aboard the aircraft be given certain instructions and notifications regarding restraint equipment and to ensure proper securing of equipment at unoccupied seats. However, the requirements for shoulder harnesses on other than front seats and on other than newly manufactured airplanes have been withdrawn, as discussed in connection with §§ 91.33 and 91.39. In this light and since the fastening of shoulder harnesses will not be mandatory except with respect to flight crewmembers, the benefits expected from the operating requirements proposed in § 91.14 no longer are sufficient to warrant the adoption of the proposals. The proposals have therefore been withdrawn.

The proposed operating rules in §§ 91.33(b)(13) and 91.39(f) would have required, in effect, that small airplanes either be placarded to indicate lack of structural provisions for the attachment of shoulder harnesses or be equipped with shoulder harnesses. Subsequently, a number of comments received in response to Notice 73–1 indicated strong opposition to a rule requiring the installation of shoulder harnesses in small airplanes currently in service. In light of these comments, a cost analysis was conducted by the FAA which indicated that a substantial financial burden would be imposed upon many consumers over a short period of time if the proposals were to be adopted. Based on this cost analysis and a review of the benefits expected from the proposal, the FAA has determined that the decision of whether to install shoulder harnesses in small airplanes now in service or to install shoulder harnesses at seats other than front seats should be left to the owner. Therefore, the proposal has been revised to require the installation of shoulder harnesses only on the front seats of airplanes that are manufactured after one year after the effective date of the amendment.

A number of commentators contended that it would be unreasonable to expect any occupant protection system to prevent minor scratches or bruises in a crash landing, and recommended revising proposed §§ 23.785 and 91.33 to require protection against serious injury or serious head injury rather than protection against any degree of injury. In this connection, current §§ 23.561, 25.561, and 25.785 use the criteria of serious injury. The FAA agrees and proposed §§ 23.785, 91.33, and 91.39 have been revised accordingly.

One commentator contended that § 23.785(j) should be eliminated as it is too general to be a workable, enforceable or effective standard. The FAA does not agree. Section 23.785(j) as adopted will require elimination of obvious injurious objects and require that instrument panels be designed to prevent injuries. In applying the rule, since the movement of a restrained occupant under design inertia loads and the impact velocity on an interfering structure can be predicted, and since the body tolerances and energy to be absorbed are known, the major items subject to contact can be designed to prevent serious injury.

One commentator recommended changing the parenthetical portion of proposed § 23.785(j) to read "(with the safety belt and shoulder harness fastened)", because it would be inconsistent to require shoulder harnesses and at the same time provide protection in the space a passenger might occupy without the harness. The FAA does not agree. A shoulder harness does not protect against side loads, nor does it constrain the head. Also, the proposed rule concerning shoulder harnesses has been revised to require a shoulder harness only for each front seat.

One commentator indicated that use of restraints and padding would reduce safety by reducing the visibility of, and accessibility to, controls and instruments on the part of pilots, and by interfering with evacuation of airplanes by passengers. The FAA does not agree since it is feasible to provide in new designs the protection specified without a significant decrease in visibility and accessibility. While in a specific case some compromise during design may have to be made, the FAA has determined that the benefits to be derived with regard to improved safety through proper restraints and cabin delethalization would in general far outweigh any detrimental effects resulting from reduction in visibility and accessibility.

Several commentators expressed concern that the shoulder harness and cabin design resulting from the proposed requirements would be restrictive, inadequate, or ineffective for certain sizes of occupants or crew. The FAA agrees that harness installations designed primarily for adults may not be effective for children or other small persons, but the seat belt portion of the restraint would nevertheless constrain a small person on whom the shoulder harness cannot be properly fitted within the space envelope of protection provided for adults with the harness fastened. No change has been made as a result of these comments.

The FAA has determined, based on an evaluation of the expected benefits and other impacts on the public and private

sectors, that the adoption of this amendment will result in a significant improvement in the chances of occupants of small airplanes covered by the amendment to survive minor crash landings and provide those occupants additional protection in more servere crashes at a nominal cost. Over the next 25 years, it is estimated that approximately 1.875 lives may be saved by this amendment at an average cost of less than $5.5 million per year.

The principal authors of this document are Heinz J. Hellebrand, Flight Standards Service, and Samuel Podberesky, Office of the Chief Counsel.

Accordingly, Parts 23 and 91 of the Federal Aviation Regulations (14 CFR Parts 23 and 91) are amended effective, July 18, 1977, as follows:

1. Section 23.785 is amended by revising the title and paragraphs (b) and (g) and by adding new paragraphs (h), (i), (j), and (k) to read as follows:

§ 23.785 Seats, berths, safety belts, and harnesses.

* * * * *

(b) Each seat, berth, safety belt, and harness must be approved.

* * * * *

(g) Each occupant must be protected from serious head injury when he experiences the inertia forces prescribed in § 23.561(b)(2) by—

(1) A safety belt and shoulder harness that is designed to prevent the head from contacting any injurious object, for each front seat; and

(2) A safety belt, or a safety belt and shoulder harness, for each seat other than a front seat.

(h) Each shoulder harness installed at a flight crewmember station must allow the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations.

(i) There must be a means to secure each safety belt and shoulder harness, when not in use, so as to prevent interference with the operation of the airplane and with rapid egress in an emergency.

(j) The cabin area surrounding each seat, including the structure, interior walls, instrument panel, control wheel, pedals, and seats, within striking distance of the occupant's head or torso (with the safety belt fastened), must be free of potentially injurious objects, sharp edges, protuberances, and hard surfaces. If energy absorbing designs or devices are used to meet this requirement they must protect the occupant from serious injury when the occupant experiences the ultimate inertia forces prescribed in § 23.561(b)(2).

(k) For purposes of paragraph (g) of this section, a front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

§ 23.1307 [Amended]

2. Section 23.1307 is amended by deleting paragraph (a) and marking it "Reserved".

3. Section 91.7 is amended by redesignating the introductory phrase as paragraph (a), by redesignating old paragraphs (a) and (b) as (a)(1) and (a)(2), respectively, and by adding a new paragraph (b) to read as follows:

§ 91.7 Flight crewmembers at stations.

* * * * *

(b) After July 18, 1978, each required flight crewmember of a U.S. registered civil airplane shall, during takeoff and landing, keep the shoulder harness fastened while at his station. This paragraph does not apply if—

(1) The seat at the crewmember's station is not equipped with a shoulder harness; or

(2) The crewmember would be unable to perform his required duties with the shoulder harness fastened.

4. Section 91.33 is amended by adding a new paragraph (b)(13) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(b) * * *

(13) For small civil airplanes manufactured after July 18, 1978, an approved shoulder harness for each front seat. The shoulder harness must be designed to protect the occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. Each shoulder harness installed at a flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations. For purposes of this paragraph—

(i) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA Approved Type Design Data; and

(ii) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

* * * * *

5. Section 91.39 is amended by adding a new paragraph (g) to read as follows:

§ 91.39 Restricted category civil aircraft: operating limitations.

* * * * *

(g) No person may operate a small restricted category civil airplane, manufactured after July 18, 1978, unless an approved shoulder harness is installed for each front seat. The shoulder harness must be designed to protect each occupant from serious head injury when the occupant experiences the ultimate inertia forces specified in § 23.561(b)(2) of this chapter. The shoulder harness installation at each flight crewmember station must permit the crewmember, when seated and with his safety belt and shoulder harness fastened, to perform all functions necessary for flight operations. For purposes of this paragraph—

(1) The date of manufacture of an airplane is the date the inspection acceptance records reflect that the airplane is complete and meets the FAA Approved Type Design Data; and

(2) A front seat is a seat located at a flight crewmember station or any seat located alongside such a seat.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 9, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

[FR Doc.77–17074 Filed 6–15–77;8:45 am]

[Docket No. 15037; Amdt. 39–2920]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH–114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires an inspection and replacement, if necessary, of engine mount parts on Hawker Siddeley Model DH–114 airplanes to prevent possible separation of the engine from the airplace due to corrosion.

EFFECTIVE DATE: July 18, 1977.

Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation Ltd., Hatfield Hertfordshire, England, AL109TL, Attention: Technical Manuals Distribution Center.

A copy of the technical news sheet is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel: 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an X-ray inspection and replacement, if necessary, of engine mount stay struts on Hawker Siddeley Model DH–114 air-

planes was published in the FEDERAL REGISTER at 40 FR 46321. The proposal was prompted by reports of internal corrosion of the struts that could cause separation of the engine from the airplane.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH–114 airplanes, certificated in all categories, that are not equipped with engine mount stay struts marked as Issue 2 or subsequent or marked "DOI No. 68640."

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To detect internal corrosion of the engine mount stay strut, P/N 14 EM.337A, accomplish the following:

(a) Remove the stay strut from the aircraft and inspect in accordance with the X-ray procedure of Appendix I of the Hawker Siddeley Technical News Sheet No. E.8, dated March 19, 1973, or an FAA-approved equivalent.

(b) Replace any strut for which internal corrosion is detected by the inspection required by paragraph (a) of this AD with a new part or otherwise serviceable spare part of the same part number determined to be free of internal corrosion by the inspection required by paragraph (a) of this AD or an FAA-approved equivalent.

(c) It is requested that copies of the X-rays, or results of an FAA-approved equivalent inspection, be forwarded to the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667. (Reporting approved by the Office of Management and Budget under OMB No. 04–RO–174).

This amendment becomes effective July 18, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C. on June 6, 1977.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.77–16828 Filed 6–15–77;8:45 am]

[Docket No. 74–WE–41–AD; Amdt. 39–2917]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller UH–12 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An air-mail airworthiness directive (AD) amendment dated April 22, 1977, extended the required replacement time for certain rotor blade parts from 25 hours to 225 hours time in service, provided certain inspections are performed. This amendment was necessary because new parts are not yet available.

EFFECTIVE DATE: June 20, 1977.

ADDRESS: Service Bulletin, No. 36–1, Revision 2, dated June 19, 1974 can be obtained from Hiller Aviation, 2075 West Scranton Avenue, Porterville, California 93267.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Kyle L. Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone 213–536–6351.

SUPPLEMENTARY INFORMATION: On April 7, 1977, the FAA issued Airworthiness Directive (AD) 77–07–05 (Amendment 39–2862, 42 FR 17868) on Hiller UH–12 helicopters, which required inspections of the control rotor blade spar tube and cuffs for cracks, corrosion or excessive wear of the outboard retention bolts; and replacement or repair, if necessary. The original paragraph (d)(3) of AD 77–07–05 required removal and replacement of cuffs whose service life could not be documented within 25 hours of time in service after the effective date of the AD.

However, the FAA has determined that data originally furnished as to replacement parts was inaccurate. Also the FAA determined that service experience and the use of repetitive dye penetrant inspections at intervals not to exceed 50 hours time in service, up to 200 hours total time in service beyond the present 25 hour compliance time per the manufacturer's service document will provide an adequate level of safety and that, due to parts unavailability there will be an unnecessary grounding of aircraft which is neither due to the fault of the operators nor in the public interest. Therefore, on April 22, 1977 and effective upon receipt, an air-mailed relieving amendment to paragraph (d)(3) of AD 77–07–05 was issued.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hiller UH–12 series helicopters by individual Airmail letter dated April 22, 1977. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

DRAFTING INFORMATION

The principal authors of this amendment are Paul Tanimoto, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39–2862 (42 FR 17868), paragraph (d)(3) of AD 77–07–05 is amended to read:

(3) For cuffs for which the prior service history cannot be documented, within the next 25 hours time in service, unless already accomplished within the last 25 hours time in service prior to the effective date of this AD and at intervals not to exceed 50 hours time in service, perform a dye penetrant inspection of the cuff per Hiller Aviation Service Bulletin, No. 36–1, Revision 2, dated June 19, 1974, or later FAA approved revisions. Remove cracked cuffs from service prior to further flight. Cuffs for which the prior service history cannot be documented cannot be used as a replacement part. Remove from service all cuffs prior to the accumulation of 225 hours total time in service since April 7, 1977.

This amendment becomes effective June 20, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Los Angeles, California on June 3, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77–16831 Filed 6–15–77;8:45 am]

[Docket No. 76–WE–19–AD; Amdt. 39–2916]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment to an existing airworthiness directive (AD) requires modification of the Lockheed-California Company L–1011–385 series aircraft main landing gear upper side brace trunnion joints. Accomplishment of the modification required by this amendment will remove the need for visual pre-flight checks required by the existing airworthiness directive (AD).

EFFECTIVE DATE: June 17, 1977.

Compliance schedule.—As prescribed in the text of the amendment.

ADDRESSES: The applicable service bulletin may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520. Attention: Commercial Support Contracts, Dept. 63–11, U33, B–1. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Wallace M. Frei, Executive Secretary, Airworthiness Directive Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, telephone 213–536–6351.

SUPPLEMENTARY INFORMATION: AD 76–20–08 (Amendment 39–2742) requires repetitive visual checks of the main landing gear upper side brace trunnion joint areas with replacement or repair of damaged parts, as necessary, on Lockheed-California Company Model L–1011–385 series airplanes. Amendment 39–2742 was issued as a result of several cases where one of the two main landing gear upper side brace trunnion joint retaining bolts failed due to stress corrosion. A single bolt failure will not usually result in secondary structural failures leading to unsafe conditions. However, continued operation with one failed bolt, combined with severe landing or ground maneuver conditions, could lead to the collapse of a main landing gear assembly. The required pre-flight visual checks provide an interim safety precaution. After issuing Amendment 39–2742, the manufacturer modified the type design of the upper side brace trunnion joint components to eliminate the potential stress corrosion condition of the upper side brace trunnion joint retaining bolts. This modification is described in FAA approved Lockheed-California Company Service Bulletin 093–32–115. Subsequently, the FAA has proposed amending Amendment 39–2742 to require modification of the upper side brace bearing trunnion joints in accordance with the manufacturer's service bulletin. A proposal to amend Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR Part 39), Amendment 39–2742 (41 FR 45817), AD 76–20–08, to modify the main landing gear upper side brace joints in accordance with the manufacturer's service bulletins on Lockheed-California Company Model L–1011–385 series airplanes was published in 42 FR 17879.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from Air Transport Association of America (ATA) representing the domestic operators, and the manufacturer, Lockheed-California Company.

ATA and Lockheed comments have been reviewed and the proposed amendment as published in 42 FR 17879 has been revised, in part, in consideration of these comments.

ATA concurred with the need for accomplishment of modification in accordance with Lockheed Service Bulletin 093–32–115 and requested the date of March 31, 1978, as the compliance date for the total fleet accomplishment. ATA supported the compliance date of March 31, 1978 in accordance with Service Bulletin 093–32–115 with a stated belief that a one time final modification of the upper side brace trunnion joint would provide for a higher level of safety than an interim partial modification in accordance with Service Bulletin 093–32–120. Additionally, ATA requested that the amendment to the AD should specify accomplishment of modification in accordance with the accomplishment instructions of the Service Bulletin 093–32–115 in lieu of callout of detailed component part numbers as proposed in the NPRM. FAA has reviewed the above ATA comments, concurs with these comments, and this amendment consequently reflects the March 31, 1978 compliance date and the Manufacturer's Service Bulletin 093–32–115 accomplishment instructions.

Lockheed stated that the visual preflight checks required by AD 76–20–08 (Amdt. 39–2742) constitute an equivalent compliance to the requirement of FAR 25.573(b) and thus mandatory incorporation of trunnion joint modification in accordance with Service Bulletin 093–32–115 is unnecessary. FAA disagrees since the pre-flight visual checks required by AD 76–20–08 (Amdt. 39–2742) provide an interim safety precaution only, because these checks do not necessarily identify the trunnion retaining bolt failures occurring in the middle of the bolt shank, as has occurred in two service incidents to date. FAA therefore concluded that this existing unsafe condition necessitates a mandatory requirement for accomplishment of the main landing gear upper side brace trunnion joint modification in accordance with the Service Bulletin 093–32–115.

This amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39), amends the Amendment 39–2742 (41 FR 45817), AD 76–20–08, and requires the modification of the main landing gear upper side brace joints in accordance with the manufacturer's Service Bulletin 093–32–115 on or before March 31, 1978.

DRAFTING INFORMATION

The prinicpal authors of this airworthiness directive are George Vasley, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39–2742 (41 FR 45817), AD 76–20–08, is amended by adding paragraphs (c) and (d):

(c) Compliance is required on or before March 31, 1978, unless already accomplished:

Accomplish the modification of the main landing gear upper side brace trunnion joints in accordance with Paragraph 2, Accomplishment Instructions, of the FAA approved Lockheed-California Company Service Bulletin 093–32–115, Revision I, dated March 18, 1977 or later FAA approved revisions.

(d) Accomplishment of the modification of the upper side brace trunnion joints in accordance with paragraph (c) will remove the need for accomplishment of the requirements of paragraph (a).

This amendment becomes effective June 17, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A–107.

Issued in Los Angeles, California on June 3, 1977.

ROBERT H. STANTON,
Director,
FAA Western Region.

[FR Doc.77–16830 Filed 6–15–77;8:45 am]

[Airworthiness Docket No. 77–SW–25; Amdt. 39–2915]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA–31 and PA–31–300

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: An Airworthiness Directive (AD) is being issued to require inspection of Piper PA–31 and PA–31–300 modified per STC SA986SW because elevator balance weights were found loose or separated during one accident investigation.

EFFECTIVE DATE: June 17, 1977.

Initial compliance within the next 25 hours' time in service after the effective date of this AD.

ADDRESSES: Nayak Service Bulletin No. 1 may be obtained from persons or offices noted in the AD.

FOR FURTHER INFORMATION CONTACT:

Al Backstrom, Propulsion Section, Engineering and Manufacturing Branch, ASW–214, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817–624–4911, Extension 524.

SUPPLEMENTARY INFORMATION: During an accident investigation, elevator balance weights added by STC SA986SW were found loose or separated. A detailed inspection indicated that the "rivnuts" used for attachment of the balance weights were not properly set. Also, since the elevators had been painted subsequent to modifications, it was considered possible that the elevators were not balanced to the correct limits.

Since this condition is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive is being issued to require inspection of the

JUN 16 1977 UM

elevator balance weights and to assure correct balancing of the elevators. Since the situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists in making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal author of this document is Al Backstrom, Flight Standards Division with assistance by James O. Price, General Attorney, Southwest Region, FAA.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective June 17, 1977, by adding the following new Airworthiness Directive:

PIPER: Applies to Piper PA-31 and PA-31-300 which have wing luggage lockers installed per STC SA986SW certificated in all categories.

Compliance required as indicated.

Within the next 25 hours in service or at the next annual inspection, whichever occurs first, unless already accomplished within the last 25 hours' time in service, inspect the elevator balance weights for security of attachment ("rivnut pullup") and check elevators unbalance (96.4 in lbs. tail heavy maximum) and repair or rebalance elevator, as necessary, in accordance with Nayak Service Bulletin No. 1, dated May 16, 1977, or later approved revisions or in accordance with an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

This amendment becomes effective June 17, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas, on June 1, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-16824 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-AL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Airway Title Change

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The title of the segment of V-436 from Anchorage, Alaska, to the Augey, Alaska, intersection is hereby changed to V-334 because of the confusion being experienced in flight planning and traffic control communication as a result of transposing the number 5 for the number 3 as in V-436 and V-456. This action will eliminate that confusion and potential hazard.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to change the title of a segment of VOR federal airway to eliminate a potential hazard. Both V-436 and V-456 airways use the same radial for a distance of 43 NM from Anchorage, Alaska, before they separate in a southwest direction. Although the location of these airways contributes to the confusion, their location will not be changed and the problem will be solved by changing the airway number of one of them. Numbering of airways is an administrative function of the FAA. Since changing the number of an airway is a minor action on which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.125 (42 FR 341) of Part 71:

1. V-436 is amended to read as follows: "From Anchorage, Alaska, via Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, NDB; to Deadhorse, Alaska."

2. V-334 is added to read as follows: "From the INT King Salmon, Alaska, 068° and Kenai, Alaska, 217° radials; via Kenai; to Anchorage, Alaska."

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16822 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SO-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates an east alternate to V-97 between Miami, Fla., and LaBelle, Fla. After a review of the traffic flow in the Ft. Lauderdale, Fla., area the FAA determined that a revision of the airway structure is required. This revision will help to improve the flow of traffic at Ft. Lauderdale, Fla., and other airports in the general area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 3, 1977, the FAA published for comment a proposal to designate an east alternate to V-97 airway between Miami, Fla., and LaBelle, Fla., (42 FR 12190). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One public comment was received that interposed no objection. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) designates an east alternate to V-97 between Miami and LaBelle to improve the flow of traffic arriving at the Ft. Lauderdale-Hollywood, INT. Airport and satellite airports. Aircraft using this alternate airway will enter an arrival transition area at a lower altitude via an airway number which helps to simplify flight planning for the pilot.

DRAFTING INFORMATION

The principal authors of this document are Everett McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished and amended (42 FR 307, 7121, 41 FR 56789), is further amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-97, "LaBelle, Fla.;" is deleted and "LaBelle, Fla., including an E alternate via INT Miami 343° and LaBelle 120° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 7, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16826 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-CE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Airway Segment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes an airway segment because it has not been used sufficiently to warrant its retention. As a result of this action, chart clutter will be reduced.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Wray McClung, Airspace Regulations Branch (AAT-230), Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-8530.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 14, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revoking VOR Federal Airway No. 74-N between the cities of Anthony, Kans., and Ponca City, Okla. (42 FR 13838). This airway segment is based on the northwest by the Anthony VORTAC near the city of Anthony, and on the southeast by the Pioneer VORTAC near the city of Ponca City. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One public comment was received and it interposed no objection. Except for editorial changes, this amendment is the same as proposed in the notice. Section 71.123 was republished in the Federal Register on January 3, 1977 (42 FR 307)

THE RULE

At the present time VOR Federal Airway No. 74 extends in part from the Anthony VOR to the Pioneer VOR with a north alternate via the intersection of the Anthony 097° and the Pioneer 334° radials. Most aircraft operating between Anthony and Pioneer proceed via the main segment, and insufficient use is made of the north alternate to justify its retention. Therefore, this amendment to Part 71 of the Federal Aviation Regulations revokes VOR Federal Airway No. 74-N between Anthony and Pioneer.

DRAFTING INFORMATION

The principal authors of this document are Wray McClung, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-74 (42 FR 307), "Pioneer, Okla., including a north alternate via INT Anthony 097° and Pioneer 334° radials;" is deleted and "Pioneer, Okla.;" is substituted therefor.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 7, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16825 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SO-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of the North Alternate of VOR Airway (V-152)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the north alternate of VOR Airway (V-152) between St. Petersburg, Fla., and Orlando, Fla. An Air Traffic Use Survey of this alternate airway indicates only one aircraft operation in the last three years; therefore, retention of this airway segment serves no useful purpose to the flying public or Air Traffic Control.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-8530.

SUPPLEMENTARY INFORMATION:

HISTORY

An Air Traffic Use Survey of this alternate airway indicates only one aircraft operation in the last three years. Should an occasional aircraft request to fly through this general area, it can be accommodated quite readily by Air Traffic Control.

Under the circumstances presented, the FAA concludes that this alternate airway can be revoked as it is no longer required. Further, since it has been rarely used, its revocation is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary.

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends § 71.123 by revoking alternate airway V-152N between St. Petersburg, Fla., and Orlando, Fla.

DRAFTING INFORMATION

The principal authors of this document are David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307), is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-152 "a N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by utive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16823 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Bartlesville, Okla., transition area to provide controlled airspace for aircraft executing the new localizer runway 17

instrument approach procedure established for the Phillips Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Bartlesville, Okla., transition area.

On March 17, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 14884) stating that the Federal Aviation Administration proposed to alter the Bartlesville, Okla., transition area to provide controlled airspace for aircraft executing the new localizer runway 17 instrument approach procedure established for the Phillips Airport.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., August 11, 1977, as hereinafter set forth.

In Subpart G, § 71.181 (42 FR 440), the Bartlesville, Okla., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); and within 5 miles each side of the Bartlesville VORTAC 175° radial extending from the 9-mile radius to 21.5 miles south of the VORTAC; and within 5.5 miles west and 3.5 miles east of the Bartlesville localizer north course extending from the 9-mile radius to 12 miles north of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17080 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SW-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Orange, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure established for the Orange County Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Orange, Tex., transition area.

On March 10, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 13304) stating the Federal Aviation Administration proposed to alter the Orange, Tex., transition area to provide controlled airspace for aircraft executing the new NDB instrument approach procedure established for the Orange County Airport.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended, effective 0901 G.m.t., August 11, 1977, as hereinafter set forth.

In Subpart G, § 71.181 (42 FR 440), the Orange, Tex., transition area is amended as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Orange NDB (latitude 30°04'14" N., longitude 93°47'42" W.) within 2.5 miles each side of the 159°M bearing (165°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles southeast of the Orange NDB and within 2.5 miles each side of the 028°M bearing (034°T bearing) from the Orange NDB extending from the 5-mile radius to 8 miles northeast of the Orange NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17082 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-CE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates two new airways, extends one airway and alters one airway. This action will improve the traffic handling capabilities in the State of Kans., by reducing flight planning and communication time required in using the present direct routes.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 24, 1977, the FAA published for comment a proposal to designate a new airway from Pioneer, Okla., direct to Emporia, Kans., and another new airway from Wichita, Kans., direct to Chanute, Kans., and also to extend V-73 from Tulsa, Okla., direct to Wichita and to exclude the two new airways and V-132 from the Eureka MOAs during the time that they are activated by NOTAM (42 FR 15915). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. One comment was received that expressed no objection. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs): (1) Extends V-73 from Tulsa, Okla., to Wichita, Kans.; (2) excludes V-132, V-350 and V-354 from the Eureka MOAs during the time that they are activated by NOTAM; (3) designates V-350 from Wichita, Kans., to Chanute, Kans.; and (4) designates V-354 from Pioneer, Okla., to Emporia, Kans.

This action will reduce the time required for flight plan preparation and traffic control communication for flight operations in the southeastern part of Kans. Exclusion of airways from MOAs permits a type of military training that is not compatible with airway operations.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123:

1. In V-73 "From Wichita, Kans.," is deleted and "From Tulsa, Okla., via Wichita, Kans.;" is substituted therefor.

2. In V-132 "The airspace 6,000 feet MSL and above is excluded within the Eureka I MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM." is added.

3. V-350 is added to read as follows: "V-350 From Wichita, Kans., to Chanute, Kans. The airspace 6,000 feet MSL and above is excluded within the Eureka 1 MOA during the time that it is activated by NOTAM and the Eureka II MOA during the time that it is activated by NOTAM."

4. V-354 is added to read as follows: "V-354 From Pioneer, Okla., to Emporia, Kans. The airspace 6,000 feet MSL and above is excluded within the Eureka I MOA during the time that it is activated by NOTAM."

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 9, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-17078 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-SW-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Welch, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a transition area at Welch, Okla., to provide controlled airspace for aircraft executing an instrument approach procedure established for the Patch Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a transition area at Welch, Oklahoma.

On March 17, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 14885) stating that the Federal Aviation Administration proposed to designate a transition area at Welch, Okla., to provide controlled airspace for aircraft executing an instrument approach procedure established for the Patch Airport and coincident with this action the airport would be changed from VFR to IFR.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 440) is amended effective 0901 G.m.t., August 11, 1977, as hereinafter set forth.

In Subpart G, 71.181 (42 FR 440), the following transition area is added.

WELCH, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Patch Airport (latitude 36°52'39" N., longitude 95°08'58" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Forth Worth, Tex., on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17081 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Temporary Control Zone, Daggett, California

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule proposes to establish a temporary control zone for the Barstow-Daggett Airport, Daggett, California. This action will provide controlled airspace for aircraft/helicopters making instrument approaches to the Barstow-Daggett Airport during the "BRAVE SHIELD XVI" joint military exercise.

EFFECTIVE DATE: July 7, 1977.

ADDRESSES: Copies of this final rule may be obtained from: Federal Aviation Administration, Air Traffic Division Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the Barstow-Daggett Airport, Daggett, California during the July 7, 1977 through July 23, 1977 time period.

A temporary control tower will be furnished by the Department of the Army with air traffic control services provided by U.S. Army air traffic controller personnel.

Approximately 110 rotary-wing aircraft will be temporarily based at the Barstow-Daggett Airport.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and Richard G. Wittry, Esquire, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective July 7, 1977 through July 23, 1977, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

DAGGETT, CALIFORNIA

Within a five mile radius of Barstow-Daggett Airport (latitude 34°51'20" North, longitude 116°47'10" West).

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on June 3, 1977.

M. C. BEARD,
Acting Deputy Director,
Western Region.

[FR Doc.77-16829 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WA-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates the United States segments of Federal Airways V-348 between Thunder Bay, Ont., Canada; Sault Ste. Marie, Mich., and Sudbury, Ont., Canada. This airway was proposed by the Canadian Department of Transport, to assist the Toronto Air Route Traffic Control Center in the control of flights in that area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 21, 1977, the FAA published for comment a proposal to establish the United States segments of an airway proposed by the Canadian Department of Transport to extend from Thunder Bay, Ont., via the INT of Thunder Bay 102° and Sault Ste. Marie, Mich., 316° radials; Sault Ste. Marie; INT Sault Ste. Marie 066° and Sudbury, Ont., 282° radials to Sudbury (42 FR 15335). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only public comment received expressed no objection. Except for editorial changes, this amendment is that proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) establishes two small segments of airways within the United States, east and west of Sault Ste. Marie, totaling slightly more than 15 nautical miles. The purpose of this airway is to assist in the control of direct flights from the VORs to INTs and to bypass slower direct flights between VORs.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel,

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123 V-348 is added to read as follows: "V-348 From Thunder Bay, Ont., Canada, via INT Thunder Bay 102° and Sault Ste. Marie, Mich., 316° radials; Sault Ste. Marie; INT Sault Ste. Marie 066° and Sudbury, Ont., Canada, 282° radials to Sudbury. The airspace within Canada is excluded."

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 9, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.77-17075 Filed 6-15-77;8:45 am]

[Airspace Docket No. 76-EA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Airway; Extension of VOR Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends VOR Airway (V-6) and realigns VOR Airway (V-232) commensurate with the commissioning of the Broadway, N.J., VOR/DME at Lat. 40°47'54" N., Long. 74°49'20" W. This action is necessary in order to provide more efficient air traffic routings to aircraft transiting this area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

David F. Solomon, Airspace Regulations Branch, (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-8530.

SUPPLEMENTARY INFORMATION:

HISTORY

On July 15, 1976, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend low altitude airway V-6 from Allentown, Pa., to Broadway, N.J., and to also realign low altitude airway V-232 from Milton, Pa., via Broadway, N.J., intersection of V-123/V-467; to LaGuardia, N.Y., commensurate with the commissioning of the Broadway, N.J., VOR/DME at Lat. 40°47'54" N., Long. 74°49'20" W. The original commissioning date was forecast for January 15, 1977, but the past severe winter season and other unforeseen delays have now reset the commissioning date for August 11, 1977. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposals to the FAA. Two comments were received with no objections. Except for editorial changes, this amendment is that proposed in the notice. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307)

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) extends low altitude airway V-6 from Allentown, Pa., to Broadway, N.J., and also realigns low altitude airway V-232 from Milton, Pa., via Broadway, N.J., intersection of V-123/V-467; to LaGuardia, N.Y. This action is necessary in order to provide more efficient air traffic routings to aircraft transiting this area.

DRAFTING INFORMATION

The principal authors of this document are David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

In § 71.123:

1. V-6 "Allentown, Pa.," is deleted and "Allentown, Pa.; to Broadway, N.J." is substituted therefor.

2. V-232 "to INT Milton 099° and Stillwater, N.J., 172° radials." is deleted and "Broadway, N.J.; INT of Broadway 112°T (123°M) and LaGuardia, N.Y., 209°T (221°M) radials; to LaGuardia." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 9, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.77-17076 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WA-7]

PART 75—ESTABLISHMENT OF JET ROUTE AND AREA HIGH ROUTES

Relocation of Area High Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment relocates three area navigation (RNAV) waypoints slightly to overlie an air navigation aid (NAVAID) or an intersection (INT) of radials from NAVAIDS in the Atlanta, Ga., area. The collocation of these fixes will simplify computer processing and reduce the number of fixes within the Atlanta terminal area.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to: (1) relocate the TAXII waypoint to overlie the LaGrange, Ga., VORTAC and be renamed LaGrange in the description of J804R and J814R; (2) relocate the SINCA waypoint to overlie the CORNI INT and be renamed CORNI in the description of J812R, J839R, J869R and J877R; and (3) relocate the LANDS waypoint to overlie the MACEY INT and be renamed MACEY in the description of J815R, J863R, J879R and J881R.

The present waypoints are so near intersections and the LaGrange VORTAC that they are almost collocated. Using two names for practically the same location is confusing and burdensome to the segment of the air traffic control system that is computerized.

Under these circumstances the FAA has concluded that there is a need to take action to eliminate the confusion and relieve the burden caused by having two names for the same location. Because this action merely renames waypoints and moves them slightly, it is a minor matter on which the public would have no particular desire to comment; therefore, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 722) is amended, effective 0901 GMT, August 11, 1977, as follows:

1. In J804R "TAXII 33°02'35" N. 85°12'27" W. Montgomery, Ala." is deleted and "LaGrange, Ga. 33°02'56" N. 85°12'23" W. Montgomery, Ala." is substituted therefor.

2. In J814R "TAXII 33°02'35" N. 85°12'27" W. Montgomery, Ala." is deleted and "LaGrange, Ga. 33°02'56" N. 85°12'23" W. Montgomery, Ala." is substituted therefor.

3. In J812R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.

4. In J839R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.

5. In J869R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.

6. In J877R "SINCA 33°05'19" N. 83°33'-03" W. Augusta, Ga." is deleted and "CORNI 33°04'52" N. 83°36'18" W. Augusta, Ga." is substituted therefor.

7. In J815R "LANDS 34°19'21" N. 83°40'-53" W. Spartanburg, S.C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S.C." is substituted therefor.

8. In J863R "LANDS 34°19'21" N. 83°40'-53" W. Spartanburg, S.C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S.C." is substituted therefor.

9. In J879R "LANDS 34°19'21" N. 83°40'53" W. Spartanburg, S. C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S. C." is substituted therefor.

10. In J881R "LANDS 34°19'21" N.83°40'-53" W. Spartanburg, S. C." is deleted and "MACEY 34°19'37" N. 83°41'45" W. Spartanburg, S. C." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 8, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.77-16827 Filed 6-15-77;8:45 am]

[Airspace Docket No. 77-WA-10]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a jet route identified as J-93 between the United States/Mexican Border and Julian, Calif. This action provides for the safe and efficient use of the navigable airspace and is in response to a request of Mexico's Director General of the Civil Aeronautics Office.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to (1) delete J-93 from Julian, Calif., direct Hermosillo, Mexico, and (2) align J-93 from Julian, Calif., direct Punta Penasco, Mexico. Concurrently, the Mexican Government will: (1) delete the ALTAR and GOLFO intersections associated with J-93; (2) establish a new ALTAP. intersection at the J-23 and new J-93 crossing point and (3) establish a new GOLFO intersection at the J-23 and J-5 crossing point.

This action enhances safety by improving and expediting the movement of IFR traffic south of the United States/Mexican Border. Since this amendment is a minor matter on which the public would have no particular desire to comment and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Richard Huff, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (42 FR 707) is amended, effective August 11, 1977, as follows:

In § 75.100 Jet Route No. 93 "136°" is deleted and "123°" is substituted therefor.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 9, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.77-17077 Filed 6-15-77;8:45 am]

JUN 16 1977 UM

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM77-11; Order No. 567]

ORDER PRESCRIBING CORRECTIONS, MINOR REVISIONS AND CLARIFICATIONS

AGENCY: Federal Power Commission.

ACTION: Final rule.

SUMMARY: By this order the Commission amends certain sections of its Rules in order to correct and eliminate numerous minor errors, oversights, misprints, and deletions, that have occurred over a period of time in the promulgation of the Commission's regulations.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert E. Hildebrand, Office of Chief Accountant, 202-275-4067.

SUPPLEMENTARY INFORMATION: On February 22, 1977, the Commission issued a notice of proposed rulemaking in Docket No. RM77-11 (42 FR 12072, March 2, 1977). This rulemaking proposed to correct and eliminate numerous errors, oversights, misprints, deletions, etc., that have occurred over a period of time in the promulgation of the Commission's regulations embodied in Title 18 of the Code of Federal Regulations.

Comments were invited from interested parties on or before March 8, 1977. The Commission received no responses to its proposed rulemaking. There were two requests [1] for an extension of time; these were denied by the Commission on March 11, 1977.

The proposed revisions to Part 3 and to certain regulations in Parts 35 and 154 of the Code of Federal Regulations have been deleted from this proceeding. The revisions to Part 3 proposed in this Notice of Proposed Rulemaking, as well as other revisions to Part 3, were included in Commission Order No. 564 issued on March 30, 1977. The proposed revisions to Parts 35 and 154 relative to the deferred income tax effects of research and development expenditures have been included in Order No. 566 which addresses the research, development, and demonstration project question more fully. Other than the deletions noted above, the rulemaking proposals are being adopted as noticed.

The Commission finds: (1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above, are consistent and in accordance with procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments of the Commission's Regulations herein prescribed are necessary and appropriate for administration of the Federal Power Act and the Natural Gas Act.

(3) Good cause exists for making the amendments adopted herein, effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Sections 3, 4, 15, 16, 301, 304, 308, and 309 (41 Stat. 1063-1066, 1068, 1072, 1075; 49 Stat. 838, 839, 840, 841, 854-856, 858-859; 82 Stat. 617; 16 U.S.C. 796, 797, 803, 808, 809, 816, 825, 825b, 825c, 825g, 825h, 8261) and of the Natural Gas Act, as amended, particularly Sections 8, 10, and 16 (52 Stat. 825-826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

PART 2—GENERAL POLICY AND INTERPRETATIONS

(A) Part 2, General Policy and Interpretations, of Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) In § 2.9, *Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms*, paragraph (b) is amended by deleting "825 No. Capitol St., NE.," from the last sentence. As amended, this portion of § 2.9 reads:

§ 2.9 Conditions in preliminary permits and licenses—list of and citations to "P-" and "L-" Forms.

* * * * * *

(b) * * * Forms currently in use, including those which have not yet appeared in the FPC reports, may be obtained from the Office of Public Information, Federal Power Commission, Washington, D.C. 20426.

* * * * * *

(2) In § 2.12, *Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970*, the last sentence of the text is amended by revising the title of Account No. 282, "Accumulated Deferred Income Taxes—Liberalized Depreciation." As amended, this portion of § 2.12 reads:

§ 2.12 Calculation of taxes for property of public utilities and licensees constructed or acquired after January 1, 1970.

* * * As to balances in Account 282 of the Uniform System of Accounts, "Accumulated deferred income taxes—Other property," it will remain the Commission's policy to deduct such balances from rate base in rate proceedings.

(3) In § 2.13, *Design and construction*, the last sentence of paragraph (b) is amended by deleting "441 G Street NW." As amended, this portion of § 2.13 reads:

§ 2.13 Design and construction.

* * * * * *

(b) * * * The guidelines may be obtained from the Office of Public Information, Federal Power Commission, Washington, D.C. 20426.

* * * * * *

(4) In § 2.60, *Facilities and activities during emergency—accounting treatment of defense-related expenditures*, paragraph (c) is amended by deleting "205" referenced parenthetically. As amended, paragraph (c) reads:

§ 2.60 Facilities and activities during an emergency—accounting treatment of defense-related expenditures.

* * * * * *

(c) When a person, not otherwise subject to the jurisdiction of the Commission, files an application for a certificate of public convenience and necessity authorizing the construction of facilities to be used solely for operation in a national emergency for the delivery of gas to, or receipt of gas from, a person subject to the Commission's jurisdiction, the Commission will consider a request by such applicant for waiver of the requirement to keep and maintain its accounts in accordance with the Uniform System of Accounts for Natural Gas Companies (Parts 201 and 204 of this chapter) or to file the annual reports to the Commission required by §§ 260.1 and 260.2 of this chapter.

(5) In § 2.67, *Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970*, the last sentence of text is amended by revising the title of Account No. 282, "Accumulated Deferred Income Taxes—Liberalized Depreciation." As amended, this portion of § 2.67 reads:

§ 2.67 Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970.

* * * As to balances in Account No. 282 of the Uniform System of Accounts, "Accumulated deferred income taxes—Other property," it will remain the Commission's policy to deduct such balances from the rate base of natural gas pipeline companies in rate proceedings.

(6) In § 2.67a, *Policy with respect to the natural gas shortage as it relates to the Revenue Act of 1971*, paragraphs (a), (1) (i), (a) (1) (ii) and (2) are amended by revising the numerical reference, "Account 411.3" to read, "Account Nos. 411.4 and/or 411.5." In addition, delete the parenthesized sentence at the end of paragraph (a) (1) (i). As amended, these portions of § 2.67 read:

§ 2.67a Policy with respect to the natural gas shortage as it relates to the Revenue Act of 1971.

(a) * * *

(1) (i) When the "General Rule" is applicable to a utility, other than a natural gas pipeline company, the amount of the investment credit allowed shall be debited to Accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and/or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and credited to Account 255, Accumulated Deferred Investment Tax Credits. The amount in Account 255 shall be amortized to Account 420, Investment Tax Credits, ratably over the book service life of the related property.

(ii) Since the Commission has determined that there is a natural domestic supply of gas insufficient at this time to meet the present and future requirements, natural gas pipeline companies, at their option, may account for the investment credit by either debiting Accounts 411.4, Investment Tax Credit Adjustments, Utility Operations, and/or 411.5, Investment Tax Credit Adjustments, Nonutility Operations, and crediting Account 420, or by debiting Accounts 411.4 and/or 411.5, and crediting Account 255 with amortization from Account 255 to Account 420 over a period of time as selected by the Company.

(2) Under the "Special Rule for Ratable Flow-Through," the utility shall, when this option applies, debit Accounts 411.4 and/or 411.5 and credit Account 255. The amounts in Account 255 shall be amortized to Accounts 411.4 and/or 411.5 over the book service life of the related property.

* * * * * *

PART 33—APPLICATION FOR SALE, LEASE OR OTHER DISPOSITION, MERGER OR CONSOLIDATION OF FACILITIES, OR FOR PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY

(B) Part 33—Application for sale, lease or other disposition, merger or consolidation of facilities, or for purchase or acquisition of securities of a public utility, of Subchapter B—Regulations under the Federal power act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (l) of § 33.2 is amended by revising "(in conformity with § 131.41 of this chapter)" to read "(in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees)" to read as follows:

§ 33.2 Contents of application; filing fee.

* * * * * *

(l) A Statement (in the form prescribed by the Commission's Uniform System of Accounts for Public Utilities and Licensees) * * *

* * * * * *

(2) Revise Exhibits G, I and J of § 33.3 by:

(a) Revising the entire paragraph.

(b) Revising the entire paragraph.

(c) Exhibit J, changing the word "surplus" to read "Retained Earnings."

As amended and revised, these sections read:

§ 33.3 Required exhibits.

* * * * * *

Exhibit G. Balance sheets and supporting plant schedules for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statement A and B of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * * *

Exhibit I. Income statement for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statement C of the FPC Annual Report Form No. 1 prescribed by § 141.1 of this Chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * * *

Exhibit J. An analysis of retained earnings * * *

* * * * * *

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

(C) Part 34—Application for Authorization of the Issuance of Securities or the Assumption of Liabilities, of Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Revise Exhibits H, L and M of § 34.3 by:

(a) *Exhibit H*, revising the entire paragraph.

(b) *Exhibit L*, revising the entire paragraph.

(c) *Exhibit M*, changing the word "surplus" to read "Retained Earnings."

As amended, these sections read:

§ 34.3 Required exhibits.

* * * * * *

Exhibit H. Balance sheets and supporting plant schedules for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statements A and B of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * * *

Exhibit L. Income statement for the most recent 12 month period only, on an actual basis and on a pro forma basis in the form prescribed for Statement C of the FPC Annual Report Form No. 1, prescribed by § 141.1 of this Chapter. The adjustments necessary to arrive at the pro forma statements should be clearly identified.

* * * * * *

Exhibit M. An analysis of retained earnings * * *

* * * * * *

PART 35—FILING OF RATE SCHEDULES

(D) Part 35—Filing of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (b) (4) (iii) of § 35.13 is amended by revising title of Statement C—"Earned Surplus Statement" to read "Statement C—Retained Earnings Statement" and the first sentence by revising the words, "Earned surplus" to read "Retained earnings".

As amended, this section reads:

§ 35.13 Filing of changes in rate schedules.

* * * * * *

(b) * * *

(4) * * *

(iii) * * *

Statement C—Retained earnings statement. Retained earnings statement * * *

* * * * * *

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

(E) Part 101—Uniform System of Accounts Prescribed for class A and class B Public Utilities and Licensees, of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Revise the title to Part 101 to read as set forth above.

(2) In the preface section of Part 101, under the clarification "Applicability of system of accounts," delete the last two sentences of the second paragraph, which make reference to §§ 102.01-1 and 104.1 and amend the first sentence of the fourth paragraph by revising the reference to § 103.01-1" to read "§ 103."

As amended, these portions read.

* * * * * *

Applicability of system of accounts.

* * *

* * * * * *

This system of accounts is applicable to public utilities, as defined in this part, and to licensees engaged in the generation and sale of electric energy for ultimate distribution to the public.

* * * * * *

In accordance with the requirements of section 3 of the act (49 Stat. 839; 16 U.S.C. 796(13)), the "classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission", is published and promulgated as a part of the accounting rules and regulations of the Commission, and a copy thereof appears as § 103 of this chapter. * * *

* * * * * *

(3) In the preface section of Part 101, delete the entire portion entitled "Comparison of the uniform system of accounts Prescribed for Public Utilities and Licensees effective Jan. 1, 1937, with the revised system of accounts effective Jan. 1, 1961."

(4) In the title of Part 101 which immediately precedes the Definition section, amend the title to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS A AND CLASS B)

(5) In the Definitions sections, amend definition number 5.A, "Associated Companies," by adding "(Affiliated)" to the title.

As amended, number 5.A reads:

Definitions

* * * * * *

5.A. "Associated (affiliated) companies" * * *

* * * * * *

(6) In the General Instructions section paragraph B of General Instruction 1, "Classification of Utilities" is amended by revising the second sentence. As amended paragraph B reads:

General Instructions

1. *Classification of Utilities.*

* * * * * *

B. This system of accounts applies to Class A and Class B utilities. The system of accounts, applicable to Class C and Class D utilities is issued separately.

* * * * * *

[1] Carolina Power & Light Company and Salt River Project.

(7) In the Electric Plant Instructions section:

(a) Instruction 7, "Land and Land Rights", paragraph "H" is amended by revising the title of Account No. 111, "Accumulated Provision for Amortization of Electric Plant in Service," referenced parenthetically.

(b) Instruction 10, "Additions and Retirements of Electric Plant", paragraph (C) (3), is amended by changing the word "appropirate" to read "appropriate" and the words "he" and "teh" to read "the."

As amended, this portion of the Electric Plant Instructions reads:

Electric Plant Instructions

* * * * * * *

7. *Land and Land Rights.*

* * * * * *

H. * * * (See account 111, Accumulated Provision for Amortization of Electric Utility Plant, and account 404, Amortization of Limited-Term Electric Plant.)

* * * * * *

10. *Additions and Retirements of Electric Plant.*

* * * * * *

C. * * * account appropriate for the item; except that if the replacement * * * charged to the appropriate electric plant account.

* * * * * *

(8) The title of the chart of accounts for the "Balance Sheet Accounts," is amended and the titles of "Account 203, Preferred Stock Liability for Conversion" and "Account 210, Gain or Resale on Cancellation of Reacquired Capital Stock" are amended to read "Account 203, Common Stock Liability for Conversion" and "Account 210, Gain on Resale or Cancellation of Reacquired Capital Stock," as amended, this reads:

Balance Sheet Chart of Accounts

* * * * * *

LIABILITIES AND OTHER CREDITS

5. PROPRIETARY CAPITAL

Sec	
203	Common stock liability for conversion.
210	Gain on resale or cancellation of reacquired capital stock.

* * * * * *

(9) In the text of the Balance Sheet accounts:

(a) The first sentence of Account 120.5, "Accumulated Provision for Amortization of Nuclear Fuel Assemblies," is amended by adding the word "Expense" to the title of "Account 518, Nuclear Fuels."

(b) The title of "Account 157, Nuclear Materials held for sale" is amended to read "Account 157, Nuclear materials held for sale."

As amended, this portion of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * * *

120.5 Accumulated provision for amortization of nuclear fuel assemblies.

A. This account shall be credited and account 518, Nuclear fuel expense, * * *

* * * * * *

157 Nuclear materials held for sale.

* * * * * *

(10) The title of the chart of accounts for the "Electric Plant Accounts," is amended to read as follows:

Electric Plant Chart of Accounts

(11) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(12) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(13) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(14) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 104—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT (CLASS C AND CLASS D)

(F) Part 104—Uniform System of Accounts for Public Utilities and Licensees (Class C and Class D), of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The title to Part 104 is amended to read as set forth above.

(2) In the preface section delete the entire portion entitled "Comparison of the uniform system of accounts prescribed for Public Utilities and Licensees effective Jan. 1, 1938, with the revised system of accounts effective Jan. 1, 1961."

(3) In the title of Part 104 which immediately precedes the Definitions section, the title is amended to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR PUBLIC UTILITIES AND LICENSEES SUBJECT TO THE PROVISIONS OF THE FEDERAL POWER ACT CLASS C AND CLASS D)

(4) In the Electric Plant Instructions section:

(a) Electric Plant Instruction 9, "Additions and Retirements of Electric Plant," paragraph F, is amended by revising the title of Account 110, "Accumulated Provision for Depreciation and Amortization of Electric Plant," to read "Accumulated Provision for Depreciation and Amortization of Electric Utility Plant,"

As amended, this portion of the Electric Plant Instructions reads:

Electric Plant Instructions

* * * * * *

9. *Additions and Retirements of Electric Plant.*

* * * * * *

F. The book cost less net salvage of electric plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant. Any amounts which, by approval or order of the Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation and Amortization of Electric Utility Plant.

* * * * * *

(5) The title of the chart of accounts for the "Balance Sheet Accounts," is amended to read as follows:

Balance Sheet Chart of Accounts

(6) The title of the chart of accounts for the "Electric Plant Accounts," is amended to read as follows:

Electric Plant Chart of Accounts

(7) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(8) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(9) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(10) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended and the title of section 6, "Administration and General Expenses," of the chart of accounts, is amended. As amended, this section reads:

Operation and Maintenance Expense Chart of Accounts

* * * * * *

6. Administrative and General Expenses.

* * * * * *

PART 125—PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

(G) Part 125—Preservation of Records of Public Utilities and Licensees, of Subchapter C—Accounts, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) § 125.2, "General instructions," paragraph (g) (iii) is amended by revising subparagraph (iii), "Be stored in such a manner as to certification, when damaged," to read "Be regenerated, including proper certification, when damaged."

As amended, subparagraph (iii) reads:

§ 125.2 General instructions.

* * * * * *

(g) Media. * * *

(iii) Be regenerated, including proper certification, when damaged. * * *

* * * * * *

PART 131—FORMS

(H) Part 131—Forms, of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

§ 131.40 [Deleted]

§ 131.41 [Deleted]

§ 131.42 [Deleted]

Delete entire § 131.40, Balance sheet. § 131.41, Classification of utility plant and reserves applicable to utility plant, and § 131.42, Comparative income statement.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(I) Part 141—Statements and Reports (Schedules), of Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (d) of § 141.1 is amended by:

(a) Relocating "Nuclear Fuel Materials" schedule following Attestation to a location immediately following the schedule "Statement of Changes in Financial Position—Statement E.".

(b) Immediately following "Miscellaneous Deferred Debits," deleting the schedule "Deferred Regulatory Commission Expenses."

(c) Revising the title of schedule "Rents Charged," to read "Lease Rentals Charged."

As amended, these portions of paragraph (d) read:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

* * * * * *

(d) This annual report contains the following schedules:

* * * * * *

Statement of Changes in Financial Position—Statement E.
Nuclear Fuel Materials.

* * * * * *

Lease Rentals Charged.

* * * * * *

PART 154—RATE SCHEDULES AND TARIFFS

(J) Part 154—Rate Schedules and Tariffs, of Subchapter E—Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Under § 154.38(d) (4) the first sentence of Footnote No. 1 is amended.

(2) Section 154.38 is amended by deleting paragraphs (c) and (*l*) following paragraph (d) (4) (iv) (b).

As amended and revised, those sections read:

§ 154.38 Composite of rate schedule.

* * * * * *

(d) * * *

(4) * * * its cost of purchased gas.[1] * * *

* * * * * *

(3) Section 154.63(f) is amended by amending Statement H(2) as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.[1]

(f) *Description of statements.* * * *

Statement H(2)—* * * The amounts of depreciable plant shall be shown by the functions specified in Paragraph C of Account 108, Accumulated Provision for Depreciation of Gas Utility Plant of the Commission's Uniform System of Accounts for Natural Gas Companies, and, if available, for each detailed plant account (300 Series) together with the rates used in computing such expenses. * * *

* * * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS A AND CLASS B)

(K) Part 201—Uniform System of Accounts for Natural Gas Companies, of Subchapter F Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The title of Part 201 is amended to read as set forth above.

(2) In the preface section delete the entire portion entitled "Comparison of the uniform system of accounts prescribed for natural gas companies effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961."

(3) In the title of Part 201 which immediately precedes the Definitions section, the title is amended to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS A AND CLASS B)

(4) In the General Instructions section:

(a) General Instruction 1, paragraph B "Classification of Utilities," is amended by revising the second sentence.

(b) General Instruction 16, "Significance of Commission Opinion Nos. 568 and 568A on accounting," is amended by changing "Gas Plant in Service" to "Gas Utility Plant" in paragraph B. As amended, this portion reads:

General Instructions

1. *Classification of Utilities.*

* * * * * *

B. This system of accounts applies to Class A and Class B utilities. The system of accounts applicable to Class C and Class D utilities is issued separately.

* * * * * *

16. *Significance of Commission Opinion Nos. 568 and 568A on accounting.*

B. * * * among others:

108 Accumulated Provision for Depreciation of Gas Utility Plant.

* * * * * *

(5) In the Gas Plant Instructions section:

(a) Gas Plant Instruction No. 3, "Components of construction cost," first sentence of note to subparagraph (17) is amended by revising "Electric Plant in Service" to read "Gas Utility Plant."

As amended, this portion of the Gas Plant Instructions reads:

Gas Plant Instructions

* * * * * *

3. *Components of construction cost.*

* * * * * *

(17) * * *

NOTE: * * * as "Gas Utility Plant" and * * *

* * * * * *

(6) The title of the Chart of Accounts for the "Balance Sheet Accounts," is amended to read as follows:

Balance Sheet Chart of Accounts

(7) In the text of Balance Sheet Accounts:

(a) The text of Account 103, "Experimental Gas Plant Unclassified," last sentence of paragraph B is amended by deleting the word "an".

(b) The text of Account 105, "Gas Plant Held for Future Use," paragraphs A and B and Note B is amended by revising the date "on or before October 6, 1969" to read "on or before October 7, 1969."

(c) The text of Account 105.1, "Production Properties Held for Future Use," paragraph A and B, is amended by revising the date "on or after October 7, 1939." to read "on or after October 8, 1969."

(d) The text of Account 106, "Completed Construction Not Classified—Gas" is amended by revising the word "has" to read "have".

(e) Note A to text of Account 107, "Construction Work in Progress—Gas," is amended by revising "instruction 16." to read "instruction 15."

(f) Item (5) in the second sentence in paragraph C of Account 111, "Accumulated Provision for Amortization and Depletion of Gas Utility Plant," is amended by revising the word "local" to read "other."

[1] For the purposes of this subsection, purchased gas cost represents the cost of wellhead purchases, field line purchases, plant outlet purchases, transmission line purchases, and from pipeline production that qualifies for and is being afforded area or nationwide rate treatment. * * *

[1] The provisions of this section shall not be applicable to filings made pursuant to §§ 154.81 through 154.86, unless such filing results in a change in rate, charge, classification or service.

JUN 16 1977 UM

(g) Paragraph A of Account 186, "Miscellaneous Deferred Debits," is amended by revising "instruction 16A," to read "instruction 15A."

(h) First sentence of paragraph B of Account 255, "Accumulated Deferred Investment Tax Credits" is amended by revising "electric utility property" to read "gas utility plant."

As amended, this portion of the text of the Balance Sheet Accounts reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

103 Experimental gas plant unclassified.

* * * * *

B. Prior to transfer to account 101 * * *

* * * * *

105 Gas plant held for future use.

A. * * * on or before October 7, 1969.

* * * * *

B. * * * on or before October 7, 1969, * * *

* * * * *

NOTE B: * * * on or before October 7, 1969.

* * * * *

105.1 Production properties held for future use.

A. * * * on or after October 8, 1969, * * *

* * * * *

B. * * * on or after October 8, 1969, * * *

* * * * *

106 Completed construction not classified—Gas.

At the end of the year or such other date as a balance sheet may be required by the Commission, this account shall include the total of the balances of work orders for gas plant which have been completed and placed in service but which work orders have not been classified for transfer to the detailed gas plant accounts.

* * * * *

107 Construction work in progress—Gas.

* * * * *

NOTE A: This account shall include certificate application fees paid to the Federal Power Commission as provided for in gas plant instruction 15.

* * * * *

111 Accumulated provision for amortization and depletion of gas utility plant.

* * * * *

C. * * * (5) other storage, * * *

* * * * *

186 Miscellaneous deferred debits.

A. * * * instruction 15A, * * *

* * * * *

255 Accumulated deferred investment tax credits.

* * * * *

B. * * * of gas utility plant * * *

* * * * *

(8) Amend the title of the chart of accounts for the "Gas Plant Accounts," to read as follows:

Gas Plant Chart of Accounts

(9) The text of the next to the last sentence of the special instructions applicable to "B.1 Natural Gas Production and Gathering Plant" accounts is amended by changing Account 403, Depreciation and Depletion Expense to read Account 404.1; Amortization and Depletion of Producing Natural Gas Land and Land Rights. As amended, this instruction reads:

Gas Plant Chart of Accounts

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural gas production and gathering plant.

Special Instruction—Costs Related to Leases Acquired After October 7, 1969. * * * by debiting Account 404.1, Amortization and Depletion of Producing Natural Gas Land and Land Rights. * * *

* * * * *

380 [Amended]

(10) Delete the Note following item 12 of Account 380, "Services."

(11) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(12) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(13) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(14) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 204—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS C AND CLASS D)

(L) Part 204—Uniform System of Accounts for Natural Gas Companies (class C and class D), of Subchapter F, Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) The title of Part 204 is amended and the preface section is amended by deleting the entire portion entitled "Comparison of the uniform system of accounts prescribed for natural gas companies, effective Jan. 1, 1940, with the revised system of accounts effective Jan. 1, 1961." As amended, the title reads as set forth above.

(2) In the title of Part 204 which immediately precedes the Definition section, the parenthetical reference, "(Class C)," is amended to read as follows:

UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (CLASS C AND CLASS D)

(3) Paragraph H of Gas Plant Instruction 6, "Land and Land Rights." is amended.

(4) The title of Gas Plant Instruction 9, "Additions and Requirements of Gas Plant," is amended and paragraph F by revising the title of Account 110, "Accumulated Provision for Depreciation, Depletion and Amortization of Gas Plant," is amended to read "Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant."

As amended, the General Plant Instruction reads:

Gas Plant Instructions

* * * * *

6. *Land and Land Rights.*

* * * * *

H. * * * (See account 403, Depreciation and Depletion Expense, and account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant, * * *

* * * * *

9. *Additions and Retirements of Gas Plant.*

* * * * *

F. The book cost less net salvage of gas plant retired shall be charged in its entirety to account 110, Accumulated Provision for Depreciation, Depletion and Amortization of Gas Utility Plant. Any amounts which, by approval or order of Commission, are charged to account 182, Extraordinary Property Losses, shall be credited to account 110, Accumulated Provision for Depreciation, Depletion Amortization of Gas Utility Plant.

* * * * *

(5) The title of the chart of accounts for the "Balance Sheet Accounts," is amended to read as follows:

Balance Sheet Chart of Accounts

(6) The title of the chart of accounts for the "Gas Plant Accounts," is amended to read as follows:

Gas Plant Chart of Accounts

(7) Delete Note to Account 380, "Services."

(8) The title of the chart of accounts for the "Income Accounts," is amended to read as follows:

Income Chart of Accounts

(9) The title of the chart of accounts for the "Retained Earnings Accounts," is amended to read as follows:

Retained Earnings Chart of Accounts

(10) The title of the chart of accounts for the "Operating Revenue Accounts," is amended to read as follows:

Operating Revenue Chart of Accounts

(11) The title of the chart of accounts for the "Operation and Maintenance Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(M) Part 260—Statements and Reports (Schedules), of Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (c) of § 260.1 is amended by:

(a) Revising the title of schedule "Statement of Earned Surplus for the Year—Statement D" to read "Statement of Retained Earnings for the Year—Statement D."

(b) Revising title of schedule "Gas Stored Underground" to read "Gas Stored."

(c) Revising title of schedule "Prepaid Gas Purchases Under Purchase Agreements" to read "Gas Prepayments Under Purchase Agreements," and relocating schedule to immediately follow "Extraordinary Property Losses."

(d) Relocating "Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167)." to immediately follow "Gas Prepayments Under Purchase Agreements."

(e) Deleting schedule "Deferred Regulatory Commission Expenses."

(f) Revising title of schedule. "Accrued and Prepaid Taxes," to read "Taxes Accrued, Prepaid and Charged During Year."

(g) Adding schedule titled "Gain or Loss on Disposition of Property," immediately following "Accumulated Deferred Investment Tax Credits."

(h) Adding schedule titled "Extraordinary Items," immediately following "Expenditures for Certain Civic, Political and Related Activities."

(i) Deleting schedule titled "Taxes Charged During Year."

(j) Adding schedule inadvertently left out, titled "Production Property Held for Future Use." immediately following "Gas Plant Held for Future Use."

(k) Revising title of schedule "Main Line Industrial Sales of Natural Gas," to read "Field and Main Line Industrial Sales of Natural Gas."

(l) Revising title of schedule "Underground Gas Storage," to read "Gas Storage."

As amended, this portion reads:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

Notes to Statement of Income—Statement C (Continued).
Statements of Retained Earnings for the Year—Statement D.

* * * * *

Expense Accounts," is amended to read as follows:

Operation and Maintenance Expense Chart of Accounts

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(M) Part 260—Statements and Reports (Schedules), of Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (c) of § 260.1 is amended by:

(a) Revising the title of schedule "Statement of Earned Surplus for the Year—Statement D" to read "Statement of Retained Earnings for the Year—Statement D."

(b) Revising title of schedule "Gas Stored Underground" to read "Gas Stored."

(c) Revising title of schedule "Prepaid Gas Purchases Under Purchase Agreements" to read "Gas Prepayments Under Purchase Agreements," and relocating schedule to immediately follow "Extraordinary Property Losses."

(d) Relocating "Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167)." to immediately follow "Gas Prepayments Under Purchase Agreements."

(e) Deleting schedule "Deferred Regulatory Commission Expenses."

(f) Revising title of schedule. "Accrued and Prepaid Taxes," to read "Taxes Accrued, Prepaid and Charged During Year."

(g) Adding schedule titled "Gain or Loss on Disposition of Property," immediately following "Accumulated Deferred Investment Tax Credits."

(h) Adding schedule titled "Extraordinary Items," immediately following "Expenditures for Certain Civic, Political and Related Activities."

(i) Deleting schedule titled "Taxes Charged During Year."

(j) Adding schedule inadvertently left out, titled "Production Property Held for Future Use." immediately following "Gas Plant Held for Future Use."

(k) Revising title of schedule "Main Line Industrial Sales of Natural Gas," to read "Field and Main Line Industrial Sales of Natural Gas."

(l) Revising title of schedule "Underground Gas Storage," to read "Gas Storage."

As amended, this portion reads:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

Notes to Statement of Income—Statement C (Continued).
Statements of Retained Earnings for the Year—Statement D.
Materials and Supplies.
Gas Stored.

* * * * *

Extraordinary Property Losses.
Gas Prepayments Under Purchase Agreements.
Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167).

* * * * *

Payables to Associated Companies.
Taxes Accrued, Prepaid and Charged During Year.

* * * * *

Accumulated Deferred Investment Tax Credits.
Gain or Loss on Disposition of Property.

* * * * *

Expenditures for Certain Civic, Political and Related Activities.
Extraordinary Items.

* * * * *

Gas Plant Held for Future Use.
Production Property Held for Future Use.

* * * * *

Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers.
Field and Main Line Industrial Sales of Natural Gas.

* * * * *

Field and Storage Lines.
Gas Storage.

* * * * *

(2) § 260.2, paragraph (c) is amended by adding schedules, "Investment Tax Credits—Generated and Utilized" and "Accumulated Deferred Investment Tax Credits,"

As amended, this portion reads:

§ 260.2 Form No. 2–A; Annual report for natural gas companies (Class C and Class D).

* * * * *

(c) This annual report contains the following schedules:

* * * * *

General Information Concerning Plant and Operations.
Investment Tax Credits—Generated and Utilized.
Accumulated Deferred Investment Tax Credits.

* * * * *

(N) The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17263 Filed 6-15-77;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-350]

PART 16—IMPLEMENTATION OF THE PRIVACY ACT OF 1974 SPECIFIC EXEMPTIONS

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule.

SUMMARY: The Secretary is amending HUD's Privacy Act Regulations to give the public notice of recently adopted specific exemptions exercised by the Department. The Secretary is also making a minor editorial change that substitutes the term "Privacy Act Officer" for "Privacy Officer" wherever it appears in Part 16. This change conforms to the wording of the Act.

DATES: Effective: June 17, 1977. Comments due no later than July 18, 1977.

ADDRESS: Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer; telephone 202–755–5192.

SUPPLEMENTARY INFORMATION: This amendment exempts records contained in HUD systems of records identified in this rule so that the person who is a subject of the records may be denied: (1) Access to the records; (2) the opportunity to correct or amend the records; and (3) an accounting of non-HUD sources which have received the records. These exemptions have been previously adopted as part of the Notice of Systems of records and are hereby being incorporated into the Department's Code of Federal Regulations to provide greater visibility to the public.

The specific exemptions provided for by 5 U.S.C. 552a(k) were published on August 28, 1975, at 40 FR 39738 and adopted on October 8, 1975, at 40 FR 47435, effective September 27, 1975, for the following systems of records: (1) Investigation Files in the Office of the Inspector General (HUD/DEPT–24); (2) Legal Action Files (HUD/DEPT–25); and (3) Interstate Land Sales Registration Investigation (HUD/OILSR–2). The Secretary adopted on April 26, 1977, at 42 FR 21323 a specific exemption under 5 U.S.C. 552a(k)(2) in an amendment to the system entitled Equal Opportunity Housing Complaints (HUD/DEPT–15). This amendment incorporates the previously adopted specific exemptions in the Department's Privacy Act Regulations at Section 16.15.

The Secretary has determined that comment and public procedure prior to adoption of this Amendment is impracticable and good cause exists for making this amendment effective June 17, 1977, since a delay in adoption of this rule could result in disclosures which might seriously interfere with the Department's ability to perform its functions. Interested persons are invited to submit written comments on or before July 18, 1977.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during

JUN 16 1977 UM

regular business hours at the address set forth above.

It is hereby certified that the economic and inflationary impacts of this interim rule have been carefully evaluated in accordance with OMB Circular A–107.

Accordingly, Part 16 of Subpart A of Title 24 of the Code of Federal Regulations is amended as follows:

1. Section 16.15 is amended to read:

§ 16.15 Specific exemptions.

Whenever the Secretary of Housing and Urban Development determines it to be necessary and proper, with respect to any system of records maintained by the Department, to exercise the right to promulgate rules to exempt such systems in accordance with the provisions of 5 U.S.C. 552a(k), each specific exemption, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for each exemption shall be published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(a) Exempt under 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f). This exemption allows the Department to withhold records compiled for law enforcement purposes. The reasons for adopting this exemption are to prevent individuals, who are the subjects of investigation, from frustrating the investigatory process, to ensure the integrity of the investigatory process, to ensure the integrity of law enforcement activities, to prevent disclosure of investigative techniques, and to protect the confidentiality of sources of information. The names of systems correspond to those published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(1) HUD/DEPT–15. Equal Opportunity Housing Complaints.
(2) HUD/DEPT–24. Investigation Files in the Office of the Inspector General.
(3) HUD/DEPT–25. Legal Action Files.
(4) HUD/OILSR–2. Interstate Land Sales Registration Investigation.

(b) Exempt under 5 U.S.C. 552(k)(5) from the requirements of 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), and (I), and (f). This exemption allows the Department to withhold records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified material. The reasons for adopting this exemption are to insure the proper functioning of the investigatory process, to insure effective determination of suitability, eligibility and qualification for employment and to protect the confidentiality of sources of information. The names of systems correspond to those published in the FEDERAL REGISTER as part of the Department's Notice of Systems of Records.

(1) HUD/DEPT–24. Investigation Files in the Office of the Inspector General.
(2) HUD/DEPT–25. Legal Action Files.
(3) HUD/OILSR–2. Interstate Land Sales Registration Investigation.

2. The term "Privacy Officer" is changed to read "Privacy Act Officer" wherever that term appears in Sections 16.2, 16.3, 16.4, 16.5, 16.6, 16.8, 16.9, 16.10, 16.11, 16.12, and Appendix A.

(5 U.S.C. 552a; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., June 13, 1977.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and Urban Development.

[FR Doc.77–17262 Filed 6–15–77;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77–020]

PART 110—ANCHORAGE REGULATIONS

Administrative Change; Captain of the Port, Southeast Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These amendments to the anchorage regulations rename the Captain of the Port, Ketchikan, Alaska, as Captain of the Port, Southeast Alaska. These amendments bring this section of the Code of Federal Regulations into agreement with a previous administrative change.

EFFECTIVE DATE: These amendments are effective on June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council, (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–1477).

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the Notice of Proposed Rulemaking requirements in 5 U.S.C. 553(b)(3)(A) and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(2).

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule are: Ensign George W. Molessa, Jr., Project Manager, Office of Marine Environment and Systems, and Lieutenant William Kerivan, Project Attorney, Office of Chief Counsel.

DISCUSSION OF REGULATION

The Captain of the Port, Ketchikan, Alaska, was previously renamed as the Captain of the Port, Southeast Alaska. To reflect that change the Coast Guard is taking this action in updating the anchorage regulations.

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

§ 110.232 [Amended]

1. In § 110.232(b)(2), by striking the words "Captain of the Port, Ketchikan, Alaska", and inserting the words "Captain of the Port, Southeast Alaska" in place thereof.

2. In § 110.232(b)(4), by striking the words "Captain of the Port, Ketchikan, Alaska", and inserting the words "Captain of the Port, Southeast Alaska", in place thereof.

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46(c).)

Dated: June 10, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77–17218 Filed 6–15–77;8:45 am]

[CGD 76–41]

PART 110—ANCHORAGE REGULATIONS

Disestablishment of Anchorage H–2 (Explosives), Hampton Roads, Virginia

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The U.S. Navy has advised the Coast Guard that Explosives Anchorage H–2 located in Hampton Roads, Virginia has not been used for the past four years and has recommended that the anchorage be disestablished. The Coast Guard concurs with this recommendation and this amendment disestablishes this anchorage.

EFFECTIVE DATE: This amendment is effective on June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: This Explosives Anchorage was established at the request of the U.S. Navy to service Naval vessels. Since U.S. Naval vessels were the only vessels authorized to use this anchorage, the Coast Guard has determined that it is unnecessary to go through the rulemaking requirements under 5 U.S.C. 553, and it may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: LCDR H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Mr. S. D. Jackson, Project Attorney, Office of Chief Counsel.

§ 110.168 [Amended]

In consideration of the foregoing, Title 33 of the Code of Federal Regulations is amended by revoking § 110.168(a)(6–a).

(Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471) Sec. 6(g)(1)(a), 80 Stat. 937 (49 U.S.C. 1655 (g)(1)(a); 49 CFR 1.46(c)(1)).)

Dated: June 10, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77–17219 Filed 6–15–77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 77–4]

PART 7–30—CONTRACT FINANCING

Procurement Regulations; Miscellaneous Amendments

Correction

In FR Doc. 77–2314 appearing at page 4841 in the issue for Wednesday, January 26, 1977, in Appendix G, on page 4844, in the first column, in paragraph "(4) Procedures," the sixth line should read: "tive, reviews the contract records to identify".

Title 46—Shipping

CHAPTER III—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77–045]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Great Lakes Pilotage Regulations increases pilotage rates by 15 percent in Districts 1 and 3, and by 19 percent in the Welland Canal. This amendment is necessary in order to increase U.S. pilot compensation which presently does not meet U.S. target pilot compensation levels. It also has the effect of increasing the amount a vessel pays for the services of U.S. registered pilots.

EFFECTIVE DATE: This amendment is effective on June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: On April 18, 1977, the Coast Guard published a proposed rule in the FEDERAL REGISTER (42 FR 20162) concerning this amendment. Interested persons were given until May 18, 1977, to submit comments. Five comments were received.

This rule is effective in less than 30 days from publication in order to have the effective date of this rule coincide with the effective date of the Canadian rule thus allowing both countries to maintain identical rates for the same pilotage services provided by U.S. and Canadian pilots.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: John J. Hartke, III, Project Manager, Office of Merchant Marine Safety, and Stephen D. Jackson, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

Four comments stated that the proposed rate increase was not sufficient to make pilot compensation comparable to the pilot's licensed counterparts on the Great Lakes. The District 2 Pilot Association commented that the rates in the area serviced by the U.S. District 2 pilots should be increased across the board.

In the development of the proposed rate increase a number of factors were taken into consideration, including: projecting the volume of ocean vessel traffic, determination of the number of pilots required to service the expected traffic based on existing pilot workload standards (1,000 hours per pilot per season in designated waters and 2,000 hours per pilot per season in undesignated waters), anticipated operating costs of the pilot associations, and the determination of target pilot compensation. Because the area of compensation is by its nature somewhat imprecise, we first obtained data from the U.S. Maritime Administration regarding current compensation levels for Masters and Chief Mates on U.S. Great Lakes vessels. We then conducted further research to ensure reasonable figures. We are satisfied that the figures used for target pilot compensation are fair.

Using the same rate development methodology as in prior years and applying that methodology consistently in all 3 districts throughout the system, the rate increase as proposed should produce pilot compensation comparability with the pilots' licensed counterparts on U.S. Great Lakes vessels and should enable the U.S. pilotage system to be self-supporting.

The Welland Canal is situated entirely within Canada and U.S. pilots are presently not providing services there. Canada is withdrawing the proposed dock/undock charge and accordingly, we are not adopting the dock/undock charge in the Welland Canal and we are deleting (iii) in § 401.405(b)(1).

The comments received have been considered, and the proposed rate changes in Part 401 of Title 46 of the Code of Federal Regulations, with the exception of the one change as indicated, are hereby adopted without change and are set forth below.

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: June 10, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

Part 401 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under §401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District or any part thereof, $5 for each statute mile, plus $68 for each lock transited, but with a minimum basic rate of $151 and a maximum basic rate for a through trip of $664.

(2) For a movage in any harbor, $227.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, $19 for each statute mile, plus $70 for each lock transited but with a minimum basic rate of $235 and a maximum basic rate for a through trip of $866. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7, $433.

(ii) Between Lock 7 and southerly limits, $433.

(2) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, $335.

(3) Between points on Lake Erie west of Southeast Shoal, $198.

(4) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, $584.

(5) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, $335.

(6) Southeast Shoal to Detroit Pilot Boat, $243.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, $676.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, $435.

(9) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, $335.

(10) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, $198.

(11) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, $440.

(12) Detroit Pilot Boat to any point on the St. Clair River, $440.

(13) Detroit Pilot Boat to Port Huron Change Point, $341.

(14) Between points on the St. Clair River, $198.

(15) Port Huron Change Point to any point on the St. Clair River, $243.

(c) District 3:

(1) Between the southernly limit of the District and the northerly limit of the District or the Algoma Steel Corpo-

V 42 116 JUN 16 77 UM

ration Wharf at Sault Ste. Marie, Ontario, $604.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corporation Wharf, $506.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan, $227.

(4) For a movage in any harbor, $227.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario, $121.

In Lake Erie, $158.

In Lakes Huron, Michigan and Superior, $121.

for each 6 hour period or part thereof that the U.S. pilot is on board, plus $115 for each time the U.S. pilot performs the docking or undocking of the ship.

• • • • •

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour during which each interruption lasts with a mixmum basic rate of $302.00 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or movage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of $302 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of $114.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of $19 for each hour or part of an hour after the first hour, with a maximum basic rate of $302 for each 24 hour period.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of $115 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4); 49 CFR 1.46(a)).)

[FR Doc.77-17220 Filed 6-15-77;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 77-02; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the European Tyre and Rim Technical Organisation to permit the production of tires with the specified designations.

EFFECTIVE DATE: July 11, 1977, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John Diehl, Office of Crash Avoidance, Motor Vehicle Programs, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifiying procedures by which routine additions could be made effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

The principal authors of this document are John Diehl, Office of Crash Avoidance, and Roger Tilton, Office of Chief Counsel.

Accordingly, Appendix A of 49 CFR § 571.109 is amended subject to the 30 day provision indicated above, as specified below.

§ 571.109 [Amended]

Amendment requested by European Tyre and Rim Technical Organisation:

In Table I-MM of Appendix A, the following new tire size designation and corresponding values are added.

TABLE I-MM—*Tire load ratings, test rims, minimum size factors, and section widths for "65" series radial ply tires*

Tire size[1] designation	Maximum tire loads (pounds), at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width[2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
185/65 R14	750	800	845	890	935	980	1,020	1,060	1,100	1,140	1,175	1,210	1,245	5	30.19	7.24

[1] The letters "H," "S" or "V" may be included in any specified tire size designation adjacent to the letter "R."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 3, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-16926 Filed 6-15-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of the Red Rock Lakes National Wildlife Refuge, Montana to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of the Red Rock Lakes National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource and will provide additional recreational opportunity to the public.

DATES: Hunting season from September 15, 1977 through December 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Red Rock Lakes National Wildlife Refuge, Monida Star Route, Box 15, Lima, Montana 59739; phone 406-276-3347 or Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101; phone 406-234-4608.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations: migratory game birds; for individual wildlife refuge areas.

Migratory game bird hunting is permitted on the Red Rock Lakes National Wildlife Refuge, Montana, only on areas designated by signs as being open to migratory game bird hunting. This area comprises approximately 10,000 acres.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game hunting is permitted on the Red Rock Lakes National Wildlife Refuge, Montana, only on the areas designated by signs as being open to big game hunting. These areas comprise approximately 20,000 acres.

Hunting areas are delineated on maps available at the refuge headquarters and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, Montana 59101. Hunting shall be in accordance with all applicable State regulations.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge.

JUNE 6, 1977.

[FR Doc.77-17251 Filed 6-15-77;8:45 am]

PART 33—SPORT FISHING

Opening of Browns Park National Wildlife Refuge, Colorado, to Sport Fishing

AGENCY: Fish and Wildlife Service (FWS), Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Browns Park National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through February 28, 1977, inclusive, and June 16 through December 31, 1977, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Browns Park National Wildlife Refuge, Greystone Route, Maybell, Colorado 81640, telephone: 303-365-3695.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Browns Park National Wildlife Refuge, Colorado, only on the areas designated by signs as being open to fishing. These open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the refuge office and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 25486, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

HERBERT G. TROESTER,
Refuge Manager, Browns Park National Wildlife Refuge, Maybell, Colorado.

JUNE 7, 1977.

[FR Doc.77-17272 Filed 6-15-77;8:45 am]

PART 33—SPORT FISHING

Opening of Ouray National Wildlife Refuge, Utah, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Ouray National Wildlife Refuge is compatible with the objectives for which the area was established, will ultlize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1 through December 31, 1977, inclusive.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Ouray National Wildlife Refuge, 447 East Main Street, Suite 4, Vernal, Utah 84078, telephone: 801-789-0351.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing on the Ouray National Wildlife Refuge, Utah, is permitted in the Green River only. The Green River comprises 360 acres within the refuge. Information may be obtained from the refuge office and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, P.O. Box 25486, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE: The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JUNE 7, 1977.

[FR Doc.77-17273 Filed 6-15-77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 258—FISHERMEN'S PROTECTIVE ACT PROCEDURES

Provision for Fees

AGENCY: National Marine Fisheries Service, (NOAA), Commerce.

ACTION: Amendment of regulations.

SUMMARY: Section 7 of the Fishermen's Protective Act, as amended (22 U.S.C. 1971-1977), authorizes, among other things, the Secretary of Commerce to establish by regulation fees which shall be paid by the owners of vessels entering into Guarantee Agreements under Section 7 of the Act. These fees established annually are credited to the Fishermen's Guarantee Fund and used to carry out the provisions of Section 7 of the Act. This amendment establishes fees for the period from July 1 to September 30, 1977.

JUN 16 1977 UM

EFFECTIVE DATE: June 16, 1977.

ADDRESS: Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, 202–634–7496.

SUPPLEMENTARY INFORMATION: Section 7 of the Act guarantees to the owners of vessels entering into Guarantee Agreements payment of certain costs and losses resulting from (1) the seizure of a vessel of the United States by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States or (2) if recognized by the United States, (a) are unrelated to fishery conservation and management, (b) fail to consider traditional fishing practices of U.S. vessels, (c) are more onerous than those which the United States applies to foreign fishing vessels in U.S. fishery conservation zone, (d) fail to allow U.S. fishing vessels equitable access to such country's fishery conservation zone.

Regulations governing administration of section 7 of the Act, Fishermen's Protective Act Procedures (50 CFR Part 258), have annually established fees based on anticipated claims projected from prior experience. The purpose of the following amendment to § 258.5 of Fishermen's Protective Act Procedures is to establish fees for the period beginning July 1, 1977, and terminating on September 30, 1977. This amendment is needed to meet the requirements of Section 7 of the Act (22 U.S.C. 1971–1977), which will terminate on September 30, 1977, unless extended by legislation.

Due to the reserve in the fund, the percentage of past claims paid by the industry, and the fact that the tuna fleet (the principal users of the fund) did not fish for approximately three months of the last agreement year, provisions are made that if no seizures occur during this agreement period the fees will be refunded if the Fishermen's Protective Act is not extended or will be applied against fees for the following year ending September 30, 1978 if it is extended.

All parties holding Guarantee Agreements for the present agreement year (July 1, 1976, through June 30, 1977), who wish them extended through September 30, 1977, by amendment to such Agreement, rather than entering into an entirely new Agreement, must submit their fees in accordance with § 258.5(b) of the following amendment. Failure to do so will result in termination of those Agreements.

This amendment relates to matters which are exempt from the rulemaking requirements of the Administrative Procedures Act (5 U.S.C. 553). In addition the amendment makes no substantive change in the program's conduct.

Section 258.5 of Fishermen's Protective Act procedures (50 CFR Part 258) is hereby amended by revising § 258.5 as follows:

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and a minimum of at least 25 percent of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. In order to meet the requirements of the Act, the fees may be adjusted from time-to-time by amendment to this part at any time, after appropriate notice, to become consistent with claims greater or lesser than estimated or in the event the Fishermen's Guarantee Fund is reimbursed under Section 5 of the Act.

(b)(1) Fees to be paid by applicants for, or holders of, Guarantee Agreements executed (by amendment or otherwise) for the period terminating September 30, 1977, shall be as follows: for vessels 500 gross tons or under, $60 plus $0.45 per gross ton; for vessels over 500 gross tons, $60 plus $0.625 per gross ton. All tonnage shall be as listed on each vessel's document. Fractions of a ton shall not be included.

(2) Athough fees are due on July 1, 1977, all parties holding Guarantee Agreements (by amendment or otherwise) for the period terminating June 30, 1977, shall have until August 1, 1977 (midnight local time), to pay the fees established herein. Failure to do so will result in the necessity of entering into another Guarantee Agreement which will be effective only from the date actually executed.

(c) No return of a fee or portion of a fee will be made after a Guarantee Agreement is executed by the Secretary except:

(1) That if no claims are filed as a result of seizures occurring between July 1, 1977, and September 30, 1977, and the Act is not extended, fees paid under Section (b)(1) above will be refunded;

(2) That if no claims are filed as a result of seizures occurring between July 1, 1977, and September 30, 1977, and the Act is extended, fees paid under paragraph (b)(1) of this section will be applied against the fee for extension of Agreements through September 30, 1978.

Failure to submit fees in accordance with paragraph (c) of this section or failure to pay any increased fees within 30 days of adjustment shall constitute a basis for termination of the Guarantee Agreement.

(d) A Guarantee Agreement may, with the consent of the Secretary, be assigned to a new owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

By order of the Director, National Marine Fisheries Service.

Dated: June 13, 1977.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.77–17279 Filed 6–15–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21022; RM–2722]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Mechanicsville, Virginia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken assigning a first Class A FM channel to Mechanicsville, Virginia. Petitioner, Crusade for Christ, Inc., states it intends to serve the needs of Mechanicsville through emphasis in its programing and accessibility of its facility to local residents. The assignment of this channel will provide for a first local aural broadcast service and will serve a need and demand for a first local outlet in the community.

EFFECTIVE DATE: July 22, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 7, 1977.

Released: June 10, 1977.

By the Chief, Broadcast Bureau.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted December 16, 1976, 41 FR 56677, in the above-captioned proceeding instituted in response to a petition filed by Crusade for Christ, Inc. ("petitioner"). The petition proposed the assignment of Channel 224A as a first FM channel to Mechanicsville, Virginia. Petitioner filed supporting comments in which it reaffirmed its intention to file an application for a construction permit, and upon receipt will proceed to construct the station. Supporting comments were also filed by Old Dominion Broadcasting Co., Inc., licensee of AM Station WANT, Richmond, Virginia, in which it stated that it would also apply for the proposed channel, if assigned.

2. Mechanicsville (pop. 5,189) in Hanover County (pop. 37,479)[1] is located approximately 16 kilometers (10 miles) northeast of Richmond, Virginia. It has no local aural broadcast service. The petitioner has stated that Mechanicsville is a rapidly growing community, and urges the assignment of a first FM channel for a first local outlet of its own. The details of other information supporting the request has been set forth in the Notice and will not be repeated here.

3. Because of the close proximity of Mechanicsville to Richmond, Virginia, and the fact that the proposed station's 1 mV/m contour apparently could cover all of Richmond, the *Notice* requested the petitioner to provide documentation of its intent to serve Mechanicsville rather than Richmond. In response, petitioner stated that it proposes to locate its main studio in Mechanicsville and to devote a minimum of one and one-half hours per week to the presentation of public affairs programming directed specifically to the problems, needs and interests of residents of Mechanicsville. It adds that it will solicit support through local advertisers and frequent contacts will be made with local officials to keep abreast of local needs and problems which the proposed station will program to meet. It points out that it intends to serve the needs of Mechanicsville through emphasis in its programming and accessibility of its facility to local residents.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 224A to Mechanicsville, Virginia. Based on information submitted by petitioner, we are convinced that it intends to serve the needs and interests of the residents of Mechanicsville. The assignment of Channel 224A would provide for a first local aural broadcast service and would serve a need and demand for a first local outlet in the community.

§ 73.202 [Amended]

5. Accordingly, *it is ordered*, That effective July 22, 1977, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City	*Channel No.*
Mechanicsville, Va	224A

6. Authority for the action taken herein is found in Sections 4(i), 303(g) and (r), 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77–17268 Filed 6–15–77;8:45 am]

[1] Both population figures are taken from the 1970 U.S. Census.

[Docket No. 20777; RM–1429, etc.; FCC 77–379]

PART 97—AMATEUR RADIO SERVICE

Deregulation of Authorized Emissions; Memorandum Opinion and Order

AGENCY: Federal Communications Commission.

ACTION: Reconsideration and amendment of rules (Memorandum Opinion and Order) (Docket No. 20777; RM–1429, RM–2163, RM–2170, RM–2330, RM–2429, RM–2507, RM–2545, RM–2550; FCC 77–379).

SUMMARY: On March 10, 1977, the Commission released a First Report and Order in Docket 20777 adopting certain specific standards for the suppression of spurious radiation in transmitters used in the Amateur Radio Service. Petitions for reconsideration requesting modification of the adopted rules were received from the American Radio Relay League (ARRL), the Amateur Radio Manufacturers Association (ARMA), and the R. L. Drake Company. The ARRL also filed a Motion for Stay of the effective date of the rule provisions. Upon review of the petitions, the Commission finds that reconsideration of certain provisions of the rules is warranted and has therefore amended these rules accordingly.

EFFECTIVE DATE: July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph Johnson, Personal Radio Division, Federal Communications Commission, Washington, D.C. 20554 (202–632–7175).

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1977.

Released: June 13, 1977.

BACKGROUND

A Notice of Proposed Rule Making in the above-captioned proceeding was released on April 22, 1976, and printed in the FEDERAL REGISTER on April 28, 1976 (41 FR 17789). In the Notice, it was proposed that all references to specific emission types be deleted from the Amateur Radio Service Rules, Part 97, and replaced with limitations on the permissible bandwidth an amateur signal may occupy in the various bands. The Notice also proposed to establish limits on spurious, harmonic, and parasitic oscillations generated at amateur stations. This latter proposal was the sole subject of the First Report and Order.

MOTION FOR STAY AND PETITIONS FOR RECONSIDERATION

On April 11, 1977, the American Radio Relay League, Inc. (ARRL), filed a Motion for Stay of the effective date in this proceeding. They have requested that the April 15, 1977, effective date of the rule amendments be stayed for a period of at least nine months to afford the Commission time to (1) act upon the ARRL's Reconsideration Petition and (2) "investigate other, more effective, practical, and palatable solutions" to the problems of use of illegal, over-power, equipment by CB Service licensees and interference from CB Service equipment to TV sets. In its Petition for Reconsideration, the ARRL makes three basic arguments: (1) Adequate notice of the [rule] amendment as adopted was not given; (2) No significant need has been shown and none is known for establishing finite limits on spurious emissions from amateur transmitters and power amplifiers; and (3) The impact upon radio amateurs and those manufacturing and selling equipment to amateurs will be most severe. Also filing Petitions for Reconsideration were the Amateur Radio Manufacturers Association (ARMA) and the R. L. Drake Company (Drake). ARMA requested that the Commission "grandfather" commercially-built amateur radio transmitters and transceivers manufactured prior to April 15, 1977. If such a grandfather provision is not provided, ARMA states that severe financial hardship could be caused to some amateur equipment companies and to individual amateurs. In its petition, the R. L. Drake Company requests that the effective date of the new rules be postponed for 6 months to allow the marketing of non-conforming transmitters and transceivers. Additionally, Drake wanted rule § 97.73 amended to state that external filters or other devices may be attached to non-conforming equipment in order to allow it to meet the new emission standards. As do the other petitioners, Drake says that financial hardship would result if the rule was left as-is. Drake states that its own line of high-frequency transmitters and transceivers meets the new standard but that the products of certain other legitimate American manufacturers do not.

ADEQUATE NOTICE WAS GIVEN

The ARRL states that the Commission did not have in mind at the time it issued its Notice of Proposed Rule Making the adoption of a rule establishing finite limits for spurious emissions from amateur transmitters. Rather, they argue, the proposals related to the overall operation of an amateur station and made no mention of individual station components. Further, they argue that the International Telecommunications Union (ITU) Radio Regulations also refer only to amateur stations and not individual station components.

The Commission must take exception to these contentions, however, as they are not supported by the facts at hand. Part 97 of the Commission's Rules has traditionally referenced unwanted radiation limits to individual station components. Former § 97.73 read, in part:

> For the purposes of this section, a spurious radiation is any radiation from a *transmitter* which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. [Emphasis supplied.]

In the NPRM in Docket 20777, the Commission proposed to establish numerical limits on spurious, harmonic, and parasitic radiations. Specifically, the Commission proposed an amended § 97.73 to read:

> The mean power of emissions on any frequency removed from the upper or lower limit of the authorized bandwidth, by more than 250 percent of the authorized bandwidth, shall be attenuated at least 40 decibels below the peak output power of the *transmitter*. [Emphasis supplied.]

JUN 16 1977 UM

Clearly, the present rule, as well as the proposed rule, relates to the operation of an amateur transmitter (and external amplifier, if one is used as part of the transmitting apparatus). Further, the ITU Radio Regulations, at Appendix 4, paragraph 2, state:

[S]purious radiation from any part of the installation other than the antenna system * * * shall not have an effect greater than would occur if the antenna system were supplied with the maximum permissible power at that spurious emission frequency.

The intent of this ITU provision is to relate individual pieces of station apparatus (i.e., the station transmitter) to the spurious standards of ITU Article 12. Clearly, all rules pertinent to the spurious, harmonic, and parasitic radiation at amateur stations reference their provisions to the device which is the source of the radiation, namely, the transmitter. Section 553(a)(3) of the Administrative Procedures Act requires that general notice of a rule contain either the terms or substance of the proposed rule or a description of the subjects and issues involved. We believe that requirement has been met in this proceeding, and we reject the ARRL contention to the contrary.

SPECIFIC LIMITS ON SPURIOUS RADIATION ARE NECESSARY

In its petition, the ARRL states that "limitations on spurious emissions from amateur transmitters and power amplifiers are not required because, when legitimate complaints of interference are received, amateurs take effective measures to eliminate the interference". It contends that the sole reason for imposing new standards was to "bring under control the enormous problem of television interference from the 27 MHz CB Service". If the ARRL's position is that all limitations on spurious emissions are not necessary, it is unclear why they did not earlier petition to strike the former limitation from the amateur regulations. That rule required such emissions be reduced or eliminated in accordance with good engineering practice, and, in certain instances, could have resulted in the imposition of more stringent standards than the new finite standards.

We believe it indisputable that some reasonable standard governing unwanted emissions should apply to amateurs. The real issue is what that standard ought to be. The term 'good engineering practice' has been adequate in certain situations as an aid to the Commission in resolving interference problems. However, it has been far too vague to serve as a useful guide to amateurs and others engaged in the design and/or construction of amateur equipment. As the spectrum becomes increasingly congested, we believe it essential that equipment utilized in all services at least meet certain minimum unwanted radiation limits. Indeed, transmitters presently used in other licensed services are bound by similar, but usually more stringent, finite suppression requirements. The ARRL contends that all amateur interference problems can be resolved simply by the addition of a low-pass filter at the amateur's station. We disagree. Such filters are oftentimes effective against harmonic radiation, but are usually not effective against spurious and parasitic radiation. A low-pass filter will have no effect whatever on the amateur transmitter operating on one channel in the 2-meter band while at the same time putting out spurious radiation on one or more additional channels. As we noted in Docket 21117, spurious emissions from amateur 2-meter equipment has caused harmful interference to at least one aircraft radionavigation system, and it is well known among amateur licensees and equipment dealers that certain 2-meter FM transceivers have levels of spurious radiation which often causes them to trigger two or more 'repeater' stations (on different frequencies) simultaneously. Such occurrences have been all too common in recent years, and this is largely due to the absence of specific emission standards in the amateur rules. We must conclude, therefore, that such standards are needed and that the ARRL objections on this point are without merit.

AMATEURS AND EQUIPMENT MANUFACTURERS WILL BE IMPACTED BY THIS RULE

The ARRL states that all production lines for amateur equipment will shut down, that manufacturers will be left with an inventory of finished products which cannot be shipped, advertised, or sold for an indefinite length of time, and that dealers will be unable to sell equipment, whether used or new, on their shelves. Further, they say that individual amateurs will be adversely affected because the cost of amateur equipment will suddenly increase and they may be unable, due to technical and economic limitations, to defend against complaints of interference. The Amateur Radio Manufacturer's Association (ARMA) requested that a "grandfather" clause be inserted in the rules to exempt commercially built amateur transmitters and transceivers manufactured prior to April 15, 1977 from the provisions of § 97.73. ARMA also cited as their basis for this request the probability of major adverse effects on manufacturers and individual amateurs if the rule were actually implemented as adopted. R. L. Drake requested in their petition that the effective date of the new rule provisions be postponed for 6 months in order to ease the economic impact of the rules on amateur equipment companies and individual amateurs who have transmitters and transceivers they wish to market. Drake said that immediate implementation of the new standards could result in substantial financial losses to equipment dealers and manufacturers, especially small manufacturers, who may be forced to cease operations. Drake also requests that the use of filters and other external devices be allowed as attachments to non-conforming equipment in order to bring their emissions within the new limitations.

Article 12, Appendix 4 of the ITU Radio Regulations sets forth the specific standards applicable to amateur stations. We do not believe these standards to be unreasonable. Indeed, both ARMA and Drake support the new standards. ARMA stated that "at long last, we will have some concrete specifications from which to engineer our products rather than merely following good engineering practices." Similarly, Drake believes that the provisions of revised § 97.73 are in the public interest, and predicts that all manufacturers of amateur radio transmitters and transceivers should be able to produce equipment meeting the new limitations if the 6 month delay Drake requests is approved. Tighter emission standards have been in effect in other radio services for some time, and we are confident that these new amateur standards are well within the state-of-the-art among amateur equipment manufacturers. We do, nevertheless, recognize the concern expressed by the petitioners with respect to the date of implementation of these provisions. We do not wish to cause unnecessary economic hardship to amateur equipment companies or individual amateurs, and we believe that a moderate delay and a grandfather clause are not inappropriate in these circumstances. The Commission has therefore amended § 97.73 to provide that the rule amendments adopted in the First Report and Order, Docket 20777, tightening the purity of emission standards for amateur radio equipment shall not apply to transmitters and transceivers marketed before January 1, 1978, nor to transmitters and transceivers built before April 15, 1977.

USE OF EXTERNAL FILTERS

We have carefully considered Drake's request that external filters and other devices be allowed as attachments to equipment in order to bring it into compliance with the new rules. Such attachments can be effective in suppressing harmonic radiation emanating from the transmitter antenna terminals. However, they will not usually be effective against other unwanted emissions and cannot suppress radiation from sources other than the antenna terminals, such as the chassis or microphone cord. We therefore do not believe that use of these devices is a suitable alternative and we must therefore deny Drake's request. For existing equipment, however, which is already in use and covered by the grandfather clause, the attachment of external filters, antenna tuners, etc., could be useful should interference occur. Moreover, Rule § 97.73(e) provides that the attachment of these devices could be required by the Commisison should they be necessary to eliminate interference to the reception of other radio stations. We strongly encourage all amateur operators to take whatever measures are necessary to reduce their spurious and harmonic radiations to an absolute minimum, and we urge the manufacturers and designers of amateur equipment to disseminate information on the types of retrofit measures that must be taken to bring their equipment into compliance. Amateurs have traditionally been in the forefront of such technology and their continued efforts in this area are essential.

PETITION GRANTED IN PART

In view of the foregoing, we are of the opinion that the rule amendment, as discussed above, is in the public interest. Authority for this amendment is contained in Sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended. Accordingly, *it is ordered*, That the Petitions for Reconsideration filed by ARRL, ARMA, and Drake are granted to the extent they conform with the actions taken herein and are denied in all other respects. *It is further ordered*, That the Motion for Stay filed by the ARRL is denied. *It is further ordered*, That Part 97 of the Commission's Rules is amended as set forth below effective July 18, 1977. *It is further ordered*, That this proceeding is continued.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290; 47 U.S.C. 154, 302, 303.)

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 97.73, paragraph (f) is added to read as follows:

§ 97.73 Purity of emissions.

* * * * *

(f) The provisions of paragraphs (a) and (b) of this section shall not apply to amateur transmitters or transceivers built before April 15, 1977, nor to amateur transmitters or transceivers first marketed before January 1, 1978. The effective date of paragraphs (a) and (b) of this section is April 15, 1977 for all external radio frequency power amplifiers.

[FR Doc.77-17267 Filed 6-15-77;8:45 am]

V 42 116 JUN 16 77 UM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

[7 CFR Part 51]

UNITED STATES STANDARDS FOR GRADES OF MECHANICALLY HARVESTED AMERICAN (EASTERN TYPE) GRAPES FOR PROCESSING AND FREEZING[1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the title of the grade standards for mechanically harvested American (Eastern type) grapes for processing and freezing to standards for grapes for processing and freezing. This action is being taken at the request of the National Grape Cooperative Association, Inc. This proposal would permit all types of grapes for processing, hand-picked or mechanically harvested, to be certified under these standards.

DATE: Comments, in duplicate, must be received before July 31, 1977.

ADDRESS: Send comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be available for public review at the same address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Frank W. Betz, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–2093).

SUPPLEMENTARY INFORMATION: The United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing and Freezing became effective May 15, 1975. In May of this year, the National Grape Cooperative Association, Inc. (NGCA) formally requested that the title of these standards be changed to "United States Standards For Grades of American (Eastern Type) Grapes For Processing and Freezing". Taylor Wine Co., Hammondsport, New York and Coca Cola Co., Geneva, Ohio support NGCA's requested change.

Changing the title of the standards, as requested, would permit grape processors to receive "hand-picked" as well as "mechanically harvested" American (Eastern Type) grapes based on grade requirements set forth in the standards. Currently, NGCA receives "hand-picked" grapes under grower-processor contract specifications which are the same as the requirements of the U.S. No. 1 and U.S. No. 2 grades as set forth in the standards.

The Department agrees that the change requested would be of benefit to the industry. However, it has been further suggested that the title of the standards be changed to "United States Standards For Grades of Grapes For Processing and Freezing". This change would permit all types of grapes for processing, whether "hand-picked" or "mechanically harvested" to be certified in accordance with grade requirements of the standards. The Department and industry representatives agree that this change would better serve the industry.

In addition to changing the standards title from United States Standards For Grades of Mechanically Harvested American (Eastern Type) Grapes For Processing and Freezing to United States Standards For Grades of Grapes for Processing and Freezing, the proposed amendment would also involve changing §§ 51.2150. The proposed changes would read as follows:

Subpart—United States Standards for Grades of Grapes for Processing and Freezing

§§ 51.2150 General.

(a) These standards apply to all types of grapes, hand-picked or mechanically harvested, which are to be processed.

(b) The grade of a lot of grapes shall be determined on the basis of a composite sample.

(AUTHORITY: Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat. 1087, as amended. 1090 as amended; (7 U.S.C. 1622, 1624).

Dated: June 10, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator, Commodity Operations.

[FR Doc.77-17110 Filed 6-15-77;8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Proposed Rulemaking With Respect to the Plum Commodity Committee's Expenses and Rate of Assessment for the 1977–78 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $938,928 and a rate of assessment of $0.095 per lug of plums for the functioning of the Plum Commodity Committee for the 1977–78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of fresh pears, plums and peaches grown in California. The regulation would enable the committee to collect assessments from first handlers on all assessable plums handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before July 5, 1977. Proposed effective dates: March 1, 1977, through February 28, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection, at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–3545.

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917). This marketing agreement and order regulates the handling of fresh pears, plums and peaches grown in California, and is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) Expenses that are reasonable and likely to be incurred during the fiscal period from March 1, 1977, through February 28; 1978, will amount to $938,928.

(b) The rate of assessment for the fiscal period, payable by each handler in accordance with § 917.37 is established at $0.095 per No. 22D standard lug box of plums or its equivalent in other containers or in bulk.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture".

Dated: June 13, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-17112 Filed 6-15-77;8:45 am]

[7 CFR Parts 1006, 1012, and 1013]

[Docket Nos. AO–356–A16, AO–347–A19, and AO–286–A27]

MILK IN THE UPPER FLORIDA, TAMPA BAY, AND SOUTHEASTERN FLORIDA MARKETING AREAS

Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Kahler Plaza Inn, 151 East Washington Street, Orlando, Florida, beginning at 9:30 a.m., local time, June 29, 1977, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid specified marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY THE SOUTHLAND CORPORATION

PROPOSAL NO. 1

Amend § ____.55(a) in orders 1006, 1012, and 1013 to read as follows:

(a) Class I price, 0.115 times the Chicago butter price specified in § ____.51; and

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, P.O. Box 11368, Fort Lauderdale, Florida 33306 or from the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 13, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-17214 Filed 6-15-77;8:45 am]

[7 CFR Parts 1094 and 1096]

[Docket Nos. AO–103–A40 and AO–257–A28]

MILK IN THE NEW ORLEANS-MISSISSIPPI AND GREATER LOUISIANA MARKETING AREAS

Termination of Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of rulemaking proceeding.

SUMMARY: This action terminates a rulemaking proceeding on proposals to include a seasonal production incentive payment plan for producers in the New Orleans-Mississippi and Greater Louisiana orders. A public hearing on the proposals had been scheduled for November 22, 1976, and then was postponed indefinitely in response to industry requests. Dairymen, Inc., the producer cooperative that asked for the hearing, has withdrawn its proposals, which removes the basis for the hearing.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. (202–447–4829).

SUPPLEMENTAL INFORMATION: Prior documents in this proceeding: Notice of hearing—Issued November 3, 1976; published November 8, 1976 (41 FR 49112). Postponement of hearing—Issued November 17, 1976; published November 22, 1976 (41 FR 51404).

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of the termination of the proceeding as set forth in a notice of hearing on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the New Orleans-Mississippi and Greater Louisiana marketing areas.

The aforesaid notice of hearing was issued November 3, 1976 (41 FR 49112) for a hearing to begin in Baton Rouge, Louisiana, on November 22, 1976. The hearing was requested by Dairymen, Inc., a cooperative that represents a substantial number of producers under both the New Orleans-Mississippi and Greater Louisiana orders. At the request of Dairymen, Inc., and Northern Louisiana Pure Milk Producers Association, Inc., the Department issued a notice on November 17, 1976 (41 FR 51404) postponing the hearing until a date to be announced at a later time.

Dairymen, Inc., recently notified the Department that it desires to withdraw its proposals from consideration at a public hearing. Since this removes the basis for the hearing, the proceeding instituted by the aforesaid notice of hearing on proposed amendments to the New Orleans-Mississippi and Greater Louisiana orders is hereby terminated.

Signed at Washington, D.C., on June 13, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-17111 Filed 6-15-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking and Public Hearing Regarding Test Procedures for Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens and Determination of Further Delay in the Publication of Proposed Test Procedures for Any Other Class of Kitchen Ranges and Ovens

AGENCY: Federal Energy Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Energy Administration (FEA) hereby proposes to amend its regulations in order to prescribe test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens under the Energy Policy and Conservation Act. Conventional ranges, conventional cooking tops, conventional ovens and microwave ovens are classes included within the broader type of appliances, kitchen ranges and ovens, covered by the Act. The Act requires that standard methods for testing covered appliance types be prescribed as part of the energy conservation program for appliances. The Act further authorizes FEA to prescribe test procedures for classes within a given type of covered product and permits FEA to delay the publication of proposed test procedures for some class or classes within a given type. FEA has determined to delay the publication of proposed test procedures for any class of the type of covered product designated by the Act as "kitchen ranges and ovens" other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. The intended effect of this proposal is to implement the Act's requirements by soliciting comments before test procedures are prescribed and to give notice of FEA's determination to delay the publication of certain proposed test procedures.

DATES: Comments by August 8, 1977, 4:30 p.m.; requests to speak by August 2, 1977, 4:30 p.m.; statements by August 9, 1977, 4:30 p.m.; hearing to be held on August 11, 1977, at 9:30 a.m.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3317, Federal Energy Administration, Box NE, Washington, D.C. 20461; statements to Regulations Management, Room 2214, Federal

JUN 16 1977
UM

Energy Administration, 2000 M Street NW., Washington, D.C. 20461. Hearing held at:

Room 2214, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, (Program Office), Old Post Office Building, Room 307, 12th Street and Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–4635).

Robert C. Gilette, (Hearing Procedures), 2000 M Street NW., Room 222A, Washington, D.C. 20461 (202–566–5201).

Jim Merna, (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 (202–566–9833).

Michael T. Skinker, (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Washington, D.C. 20461 (202–566–9750).

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

The Federal Energy Administration (FEA) proposes to amend Chapter II of Title 10, Code of Federal Regulations, in order to prescribe test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens pursuant to section 323, 42 U.S.C. 6293, of the Energy Policy and Conservation Act (Act) Pub. L. 94–163). The Act requires that FEA prescribe standard methods for testing covered appliances and further authorizes FEA to prescribe test procedures for classes within a given type of covered product. Conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens are classes included within the type designated by the Act as "kitchen ranges and ovens."

Development of test procedures is one discrete part of the energy conservation program for appliances. Even when promulgated, final test procedures will not of themselves require testing to be conducted. They will merely establish standard methods for testing when testing is otherwise required by the Act itself or by regulations implementing other parts of the program. For example, the Federal Trade Commission (FTC), in exercising its appliance energy efficiency labelling authority regarding a particular appliance type, may well require the application of substantially less than all of the final test procedures applicable to that appliance type.

By notice issued May 10, 1976 (41 FR 19977, May 14, 1976), FEA proposed to establish Part 430, entitled "Energy Conservation Program for Appliances," in Chapter II of Title 10 of the Code of Federal Regulations. That notice proposed a Subpart A to Part 430, containing general program provisions, and a Subpart C, containing proposed energy efficiency improvement targets. By notice issued July 22, 1976 (41 FR 31237, July 27, 1976), FEA proposed an amendment to proposed Part 430 to add a Subpart B which would contain the appliance test procedures required to be prescribed by section 323 of the Act. Subparts A and B were established by notice issued on May 24, 1977 (42 FR 27896, June 1, 1977). Proposed Subpart C has not yet been finalized, and a further proposal of Subpart C will be necessary in order to meet the requirements of section 325(a)(1) of the Act as amended by section 161 of the Energy Conservation and Production Act (Pub. L. 94–385).

The notice issued on May 24, 1977, included final test procedures for room air conditioners. By notice issued March 17, 1977 (42 FR 15423, March 22, 1977) FEA proposed test procedures for dishwashers. This notice also included certain program definitions which have not yet been finalized. Proposed test procedures for water heaters, television receivers, refrigerators and refrigerator-freezers, freezers and clothes dryers were issued on April 21, 1977 (42 FR 21576 et seq., April 27, 1977). Proposed test procedures for unvented home heating equipment were issued on May 4, 1977 (42 FR 23860, May 11, 1977), and proposed test procedures for automatic and semi-automatic clothes washers were issued on May 11, 1977 (42 FR 25329, May 17, 1977), including a determination that test procedures cannot be developed for any other class of clothes washers. Proposed test procedures for humidifiers and dehumidifiers were issued on May 25, 1977 (42 FR 27941, et seq. (June 1, 1977). Proposed test procedures for central air conditioners were issued on June 7, 1977 (The FEDERAL REGISTER issue of June 14, 1977). By this notice, FEA is proposing test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, including a determination to delay the publication of test procedures for any other class of the type "kitchen ranges and ovens."

Section 323(a)(2) of the Act requires FEA to direct the National Bureau of Standards (NBS) to develop, for specifically named types of covered products, test procedures for the determination of the estimated annual operating costs and at least one other useful measure of energy consumption which FEA determines is likely to assist consumers in making purchasing decisions. Pursuant to the Act, FEA directed NBS to develop test procedures for FEA's use in prescribing test procedures under the Act. As part of this undertaking, NBS evaluated existing test procedures for measuring energy consumption of kitchen ranges and ovens.

The existing American National Standard (ANS) C71.1 for household electric ranges does not specifically relate to energy consumption, but is concerned with determining the efficiency of electric heating elements in the conventional cooking top, and other performance characteristics of conventional electric ranges. The existing International Electrical Commission standard, IEC–SC59H, for microwave ovens does not specifically relate to energy consumption, but is concerned with the determination of the power output and efficiency of microwave ovens.

NBS has transmitted to FEA a test procedure review document which recommends test procedures for measuring energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, which are classes of the broader appliance type designated by the Act as "kitchen ranges and ovens." NBS also recommended that proposed test procedures for any other class of the data are available. Copies of this review document will be made available for inspection by interested persons as provided for later in this notice.

In developing the proposed test procedure for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, NBS consulted with the technical committees of the Association of Home Appliance Manufacturers (AHAM), the American Gas Association Laboratories (AGA Labs), and the Gas Appliance Manufacturers Association (GAMA).

The test procedures proposed today are based on discussions between NBS and the technical committees of the industry associations and on field survey dated presented in the proposed AHAM Standard Test Method for Measuring Energy Consumption of Electric and Gas Ovens and Surface Units and Microwave Ovens (ER–5–EC) on August 2, 1977, and incorporate the general approach contained in the American National Standard (ANS) C71.1 and the International Electrical Commission standard IED–SC59H. Copies of these will be made available for inspection by interested persons as provided for later in this notice.

FEA is today withdrawing the previously proposed definitions in § 430.2 of "surface unit," "electric range," and "non-electric range;" reproposing the definition of "surface unit;" and adding new definitions of "kitchen ranges and ovens" and of each of the different classes of the type "kitchen ranges and ovens." FEA is also proposing to amend the definition in § 430.2 of "basic model" by adding subparagraph (9) applying specifically to conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. In addition, § 430.2 contains definitions promulgated or proposed previously (42 FR 27896, June 1, 1977; 42 FR 15423, March 22, 1977), some of which are applicable to the test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. Comments on these definitions are timely as provided below.

B. MEASURES OF ENERGY CONSUMPTION

The Act requires FEA to prescribe test procedures for the determination of estimated annual operating costs and at least one other useful measure of energy consumption which the Administrator determines is likely to assist consumers in making purchasing decisions.

FEA is proposing to establish an estimated annual operating cost for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens (§§ 430.22(i)(1), (2), (3), and (4), respectively). In each case, the estimated annual operating cost will be the product of the total energy consumption for the representative average-use cycle of one year (annual energy consumption) times the cost of energy (representative average unit costs as provided by the Administrator).

The annual energy consumption for a conventional range is the sum of the annual energy consumption of the conventional cooking top plus the annual energy consumption of any conventional ovens.

The annual energy consumption of the conventional cooking top is the quotient of the annual useful energy output of the conventional cooking top, as determined by the AHAM field and laboratory study, divided by the energy efficiency of the conventional cooking top.

The annual energy consumption of a conventional oven is the sum of the conventional oven annual self-cleaning energy consumption plus the conventional oven annual cooking energy consumption. The annual cooking energy consumption of a conventional oven is the quotient of the annual useful energy output for the conventional oven (4.1.3 of Appendix I) divided by the efficiency of that conventional oven. If, however, the basic model tested has more than one conventional oven, the annual useful energy output is divided by the average efficiency of the conventional ovens (4.1.2.3 of Appendix I). The annual energy consumption of the self-cleaning operation of a conventional oven is the product of the energy consumption of the conventional oven for the self-cleaning operation (3.2.1.1 of Appendix I) times 11 (representative average number of times the self-cleaning operation of a conventional oven is used per year). The representative average number of times the self-cleaning operation of a conventional oven is used per year is based on NBS' recommendation to FEA.

The annual energy consumption of a microwave oven is the sum of the annual energy consumption of any features of the oven which use energy when the microwave oven is turned off plus the quotient of the annual useful energy output divided by the oven's rated efficiency (4.5.4. of Appendix I).

The annual useful energy output of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens was determined from field survey data obtained by NBS from AHAM. In the AHAM survey these appliances were monitored during actual home use to determine the energy consumed for cooking. All modes of cooking on each appliance (e.g., broiler of an oven, griddle of a cooking top) were potentially accounted for by the energy consumption data. The appliances were then tested by the laboratory methodology proposed today to determine their efficiency. The annual useful energy output of a particular appliance was computed by multiplying its efficiency times its annual energy consumption. While the annual energy consumption figures generated by the survey potentially include all modes of cooking, the laboratory methodology used to determine the efficiency of an appliance measures only the energy consumed when the appliance is operated as it would primarily be used by consumers (e.g., baking in an oven). NBS has determined that the uniform test method for measuring the energy consumption of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens provides data that are representative of actual consumer use in the home.

The annual useful energy output figures represent the energy actually absorbed by the food. Thus, the difference between the annual energy consumed by an appliance and its annual useful energy output represents the annual energy lost to the environment. The AHAM field survey concludes that the annual useful energy output is: 291.6 kilowatt-hours per year (995,000 Btu's per year) for conventional ranges; 238.5 kilowatt-hours per year (814,000 Btu's per year) for conventional cooking tops; 53.13 kilowatt-hours per year (181,300 Btu's per year) for conventional ovens; and 34.2 kilowatt-hours per year for microwave ovens. Copies of the AHAM survey data may be obtained for review by interested persons as provided for later in this notice.

An additional proposed measure (section 430.22(f)(5) that is likely to assist consumers in making purchasing decisions is the energy factor.

For conventional ovens (4.1.2.1. of Appendix I) and conventional cooking tops (4.2.1.1.1 of Appendix I) which utilize electric resistance heaters, and for conventional ovens (4.1.2.2.1 of Appendix I) and conventional cooking tops (4.2.1.2.-1.1 of Appendix I) which utilize gas burners without any continuously burning pilot lights, the energy factor is the quotient of the product of the following three factors: (1) The weight of a metal test block, times (2) the specific heat of the test block, times (3) the measured temperature rise of the test block; divided by the product of the energy consumed during the test.

For conventional ovens (4.1.2.2.2 of Appendix I) and conventional cooking tops (4.2.1.2.1.2 of Appendix I) which utilize gas burners with any continuously burning pilot lights, the energy factor is the quotient of the representative annual useful energy output divided by the energy input (which includes the annual energy consumed by any continuously burning pilot lights).

The annual energy consumption of any continuously burning pilot lights of a conventional gas oven is the energy consumed hourly by the pilot lights times 8,460 hours per year. The continuously burning pilot lights are consuming energy each hour of the year (there are 8,760 hours in a year). NBS has determined that 300 hours of the energy consumed by any of the oven's pilot lights contributes to the energy consumed by the conventional gas oven when the oven is being used for heating food. Therefore, the energy consumed by the continuously burning pilot lights per hour is multiplied by 8,460 rather than 8,760 hours to arrive at the annual energy consumption for the pilot lights.

The energy factor for conventional ranges (4.4 of Appendix I) is defined as the quotient of the representative average annual useful energy output divided by the annual energy consumption in kWh (Btu's) per year, as determined in 4.3 of Appendix I for the conventional range under test. For microwave ovens, the energy factor is defined as the average of the microwave oven's efficiency for the four test loads (4.5.4 of Appendix I). The microwave oven's efficiency for a specific test load is defined as the quotient of the product of the average microwave power output in watts, times the elapsed test time in seconds, divided by the product of the energy consumed during the test in watt-hours (wh) times 3600 seconds per hour (4.6.3 of Appendix I).

Among other possible applications, the energy factor may be used by FEA to determine the efficiency of conventional ranges, conventional cooking tops, conventional ovens and microwave ovens for the purposes of the efficiency improvement program described by section 325 of the Act.

FEA recognizes that there may be additional useful measures of energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens other than the measures described above. Accordingly, today's proposal, in proposed § 430.22(i)(6), provides for other useful measures which the Administrator determines are likely to assist consumers in making purchasing decisions. These measures, however, must be derived from the application of the uniform test method proposed today as Appendix I to Subpart B. Manufacturers would, if required, only have to perform various computations while still applying the same test method contained in Appendix I. For example, if the Administrator determined that a per-day energy cost would aid consumers in making purchasing decisions, this cost could be derived by applying the uniform test procedures to calculate the estimated annual operating cost and then dividing by 365 days per year to achieve a per-day cost figure.

C. LABORATORY METHODOLOGY

Proposed Appendix I to Subpart B provides for a controlled laboratory environment for measuring energy consumption for the various conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens which are available to the consumer. The proposed test procedures apply to appliances which may contain certain energy con-

V 42 N 116 JUN 16 77 UM

suming cooking features and devices which are not accounted for in the laboratory test measurements. Such cooking features may include broilers, griddles, grills or deep-well cookers. Such devices may include automatic temperature controlled suface units, keep-warm timers or other energy consuming devices. The effect these cooking features or devices may have on the annual energy consumption of the appliance in actual use by the consumer cannot be quantified due to the lack of data on the separate energy consumption, energy efficiency, and consumer usage of these cooking features or devices. NBS, however, has determined that the proposed test procedures produce results in the laboratory which are representative of the energy that would be consumed annually by that given appliance at home. FEA specifically requests comments and data from manufacturers regarding the energy consumption, energy efficiency, and consumer usage patterns on any such cooking features or devices.

A conventional oven cooks food by heating a compartment into which the food has been placed. The food is cooked by absorbing the heat in the compartment. In the proposed test procedures for conventional ovens, an anodized aluminum alloy block is used as the standard test load. A metal block is used because it provides a standard, uniform, and repeatable means of testing the oven and reduces the variability that might occur if other loads were used. The proposed test procedures require that the temperature of the test block be raised 234° F above its initial temperature. The proposed temperature rise and block specifications are based on tests and studies done by the industry and NBS which indicate that these conditions simulate, in a controlled laboratory environment, the actual average use of the conventional oven in the home. Copies of these data may be obtained for review by interested persons as provided for later in this notice.

For conventional cooking tops a metal block is again used as the standard test load. For electric heating elements two different sized test blocks are used depending on the size of the heating element. The larger of these test blocks is used to test all gas heating elements. The differences in the size and the weight of the test blocks are proposed because they are the standard measures used in the American National Standard (ANS) C71.1 and provide repeatable and accurate test results.

The proposed test procedures for conventional cooking tops provide that the standard test block be raised 144° F. above its initial temperature (3.1.2 of Appendix I). The energy input to the gas or electric heating element is then decreased by reducing the energy input rate from its maximum value to 25 percent of its maximum value for 15 minutes in order to represent actual use conditions in the home. The proposed specified loads and temperature control procedures are based on NBS' recommendation which, in turn, is based on industry studies. Copies of these documents will be made available for inspection by interested persons as provided for later in this notice.

A microwave oven heats by the transmission of electromagnetic waves (microwave energy) to the food rather than by conduction. The energy is absorbed by the food and converted to heat. The proposed microwave oven test procedure uses four glass beakers filled with different quantities of distilled water containing one percent sodium chloride (NaCl) as the standard test loads. Glass beakers filled with the salt water solution are used because the glass transmits the microwave energy and the distilled water absorbs the microwave energy in the same manner as food does. Metal blocks would not be appropriate for the test load since metal reflects microwave energy. Specified quantities of distilled water are proposed as the test loads, rather than food, in order to provide repeatable, accurate and uniform test results. Test loads of 275, 500, 1000, and 2000 milliliter water loads raised 45±9° F above their initial temperature are proposed in order to determine the microwave oven's average power output. Based on discussions with the industry, NBS has determined that the proposed microwave oven test loads and temperature rise provide a representative simulation in the laboratory of the actual use of microwave ovens in the home.

In addition to proposing test procedures for most classes of "kitchen ranges and ovens" today, FEA hereby gives notice of its determination of further delay for the publication of proposed test procedures for any class of the type "kitchen ranges and ovens" other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. Section 323(a)(3) of the Act requires that, not later than September 30, 1976, FEA shall publish proposed test procedures for kitchen ranges and ovens. Section 323(a)(6) of the Act, however, provides that FEA may delay the publication of proposed test procedures for a type of covered product (or class thereof) beyond the required dates of publication if it determines that it cannot, within the applicable time period, publish proposed test procedures and gives notice of such determination in the FEDERAL REGISTER. On October 21, 1976, FEA issued a notice including its determination of the necessity to delay the publication of proposed test procedures for kitchen ranges and ovens (41 FR 47286, October 28, 1976).

In particular, FEA intends to delay further the publication of proposed test procedures for the following three consumer products which are relatively new products and, therefore, presently represent only a small percentage of the market: (1) Cooking tops which utilize induction surface heating elements; (2) ranges which contain a conventional cooking top, a conventional oven, and a microwave oven in the same basic model; unit; and (3) single compartment ovens which are capable of heating food by means of electric resistance heaters and microwave energy in the same compartment. NBS has determined that there is not sufficient data on the consumer usage of these products to develop adequate test procedures to measure their energy consumption or energy efficiency. FEA will publish test procedures for such products, as soon as practicable, unless it determines that test procedures cannot be developed which the requirements of section 323(b) of the Act and publishes such determination in the FEDERAL REGISTER, together with the reasons therefor.

D. REPRESENTATIVE AVERAGE-USE CYCLE

Section 323(b)(2) (42 U.S.C. 6239(b)(2)) of the Act provides that test procedures for determining estimated annual operating costs of any covered product shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator) and from representative average unit costs (as provided by the Administrator) needed to operate such product during such cycle. FEA has determined that the representative average-use cycle for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens is one year. This determination is based upon NBS' recommendation to FEA which, in turn, is based upon the premise that a cycle representing a year's usage will encompass variations such as seasonal patterns, and the effects of vacations and holidays. NBS' recommendation is available for inspection as provided for later in this notice.

FEA intends to develop representative average unit costs of energy needed to calculate the annual operating cost for the representative average-use cycle and to provide this information to manufacturers and FTS on or before the effective date of test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.

E. NUMBER OF UNITS TO BE TESTED

Proposed § 430.23(i) would provide for sampling of each basic model to be tested when testing of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens is required by the Act or by program regulations of agencies responsible for administering the Act. This provision is intended both to provide an acceptable level of assurance that test results are applicable to any entire basic model for which testing is required and to minimize the testing burden on manufacturers. FEA believes that the sampling approach proposed today will enable consumers to make meaningful comparisons of information appearing on appliance labels, and also will meet the requirements of section 323(b) of the Act that test procedures not be unduly burdensome to conduct.

Under proposed § 420.23(i), a sample of sufficient size of each basic model would be tested to assure that, for each measure of energy consumption described in § 430.22(i) there is a 95 percent probability that the mean of the values of these measures of the sample is within 5 percent of the true mean of these measures of the basic model. The size of the sample of a particular basic model will depend upon the following factors:

(a) The level of confidence required (set at 95 percent in the proposed regulations);

(b) The maximum allowable difference between the sample mean and the mean of the basic model (expressed in the proposal as a percent of the true mean and set at 5 percent); and

(c) The relationship of the mean and standard deviation of the basic model.

The relationship of the mean and standard deviation of the basic model can be determined from data available to manufacturers. With this information and using standard statistical techniques, manufacturers can determine the number of units required to be tested. In any case, no fewer than three units of each basic model must be tested. Sample units would be selected randomly from the production stream.

Manufacturers and other interested persons are encouraged to comment on the sampling approach. Manufacturers are especially encouraged to submit any data which relates to the size of the samples which the provision would require to be tested. Comments alleging that the sampling provision is burdensome should include a full discussion of the facts upon which such allegation is based.

F. REQUEST FOR PARTICULAR COMMENTS

While FEA is soliciting comments on all aspects of the proposed test procedures for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens FEA is particularly interested in receiving comments on any other useful measures of energy consumption or data on typical consumer usage of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens in addition to those proposed today.

In addition, FEA is interested in receiving comments on any definitions already promulgated or proposed in § 430.2, as discussed above, as these provisions might affect the testing of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens. Comments with respect to these definitions are timely until the close of the written record, as specified below.

G. COMMENT PROCEDURE

1. *Written Comment.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed test procedures for conventional ranges, conventional cooking, tops, conventional ovens, and microwave ovens set forth in this notice to Executive Communications, Room 3317, Federal Energy Administration, Box NE., Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA with the designation "Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens—Proposed Test Procedures." Fifteen copies should be submitted. All copies received by August 8, 1977, before 4:30 p.m., e.d.t., and all other relevant information, will be considered by FEA before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. *Public Hearings.*—a. *Request procedures.* The time and place of the public hearing are indicated at the beginning of this preamble. The hearing will be continued, if necessary, on August 12, 1977.

FEA invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated at the beginning of this preamble and must be received before 4:30 p.m. e.d.t., on August 2, 1977. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, and Microwave Ovens—Proposed Test Procedures."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through August 11, 1977.

FEA will notify, before 4:30 p.m., August 4, 1977, each person selected to appear at a hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date given in the beginning of this preamble. In the event any person wishing to testify cannot meet the 50 copy requirement, alternative arrangements can be made with the Office of Regulations Management in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling the Office of Regulations Management at 202–254–3345.

b. *Conduct of Hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by FEA with respect to the subject matter of the hearing will be based on all information available to FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p.m., e.d.t., August 8, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the report. A copy of NBS' recommendations concerning test procedures for conventional ranges, conventional cooking tops, conventional ovens and microwave ovens along with the American National Standard (ANS) C71.1, the International Electrical Commission Standard IEC–SC59H, and the field survey data presented in the proposed AHAM Standard Test Method for Measuring Energy Consumption of Electric and Gas Ovens and Surface Units and Microwave Ovens (ER–5–EC) on August 2, 1976 will also be made available for inspection at the FEA Freedom of Information Office.

H. ENVIRONMENTAL AND INFLATIONARY REVIEW

As required by section 7(c)(2)) of the Federal Energy Administration Act of 1974 (Pub. L. 93–275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has no comments.

The National Environmental Policy Act of 1969 requires FEA to assess the

V42N116 JUN 16 77 UM

environmental impacts of any proposal by the Agency for "major Federal actions significantly affecting the quality of the human environment." Since test procedures under the conservation program for appliances will be used only to standardize the measurement of energy usage and will not affect the quantity or distribution of energy usage, FEA has determined that the action of prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures, by itself, will not result in any environmental impacts. On this basis, FEA has determined that, with respect to prescribing test procedures under the conservation program for appliances, no environmental impact statement is required.

The proposal has been reviewed in accordance with Executive Order 11821 as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evalution of its economic impact as provided for therein.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., June 9, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

1. Section 430.2 is amended by adding a subparagraph (9) as part of the definition of "basic model." and by reproposing the definition of "surface unit," and by adding definitions of "kitchen ranges and ovens," "conventional range," "conventional cooking top," "conventional oven," "microwave oven," and "other kitchen ranges and ovens," to read as follows:

§ 430.2 Definitions.

* * * * *

"Basic model" means all units of a given type of covered product manufactured by one manufacturer and—

* * * * *

(9) with respect to conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens, having the same primary energy source and essentially identical functional physical and electrical characteristics.

* * * * *

"Kitchen ranges and ovens" means consumer products that are used as the principal household cooking appliances. They are designed to cook or heat different types of food by one or more of the following sources of heat: gas, electricity, or microwave energy. Each product may consist of a horizontal cooking top containing surface units and/or one or more heating compartments. They must be one of the following classes: conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, and other kitchen ranges and ovens.

* * * * *

"Conventional range" means a household cooking appliance consisting of a conventional cooking top and one or more conventional ovens, in which both the cooking top and the oven (or ovens) utilize either gas burners or electric resistance heaters as the source of heat.

* * * * *

"Conventional cooking top" means a horizontal surface containing surface units heated by means of either gas burners or electric resistance heaters.

* * * * *

"Conventional oven" means a compartment or compartments intended for the cooking or heating of food by means of gas burners or electric resistance heaters. It may include a broiler.

* * * * *

"Microwave oven" means a compartment designed to heat food by means of microwave energy.

* * * * *

"Other kitchen ranges and ovens" means any class of kitchen ranges and ovens other than conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.

* * * * *

"Surface unit" means a unit mounted in a cooking top and designed for the heating or cooking of food.

* * * * *

2. Section 430.22 is amended by adding a paragraph (i), to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(i) *Conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.* (1) The estimated annual operating cost for conventional cooking tops shall be the product of the following two factors—(i) The total conventional cooking top annual energy consumption in kilowatt-hours (kWh) per year for conventional electrical cooking tops and in British thermal units (Btu's) per year for conventional gas cooking tops, determined according to paragraph 4.2.2 of Appendix I of this subpart, and (ii) the representative average unit cost in dollars per kWh or Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(2) The estimated annual operating cost for conventional ovens shall be the product of the following two factors—(i) The total conventional oven annual energy consumption in kWh per year for conventional electric ovens and Btu's per year for conventional gas ovens, determined according to paragraph 4.1.5 of Appendix I of this subpart, and (ii) the representative average unit cost in dollars per kWh or Btu as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(3) The estimated annual operating cost for conventional ranges shall be the product of the following two factors—(i) The total conventional range annual energy consumption, in kWh per year for conventional electric ranges and Btu's per year for conventional gas ranges, determined according to paragraph 4.3 of Appendix I of this subpart, and (ii) the representative average unit cost in kWh or Btu's as provided by the Administrator, the resulting product then being rounded off to the nearest dollar per year.

(4) The estimated annual operating cost for microwave ovens shall be the product of the following two factors—(i) The total microwave oven annual energy consumption in kWh per year, determined according to paragraph 4.5.5 of Appendix I to this subpart, and (ii) the representative average unit costs in dollars per kWh as provided by the Administrator, the resulting product then being rounded off to the nearest dollar pear year.

(5) The energy factor for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens shall be the efficiency of the conventional range, conventional cooking top, conventional oven, and microwave oven as determined according to paragraphs 4.4, 4.2.1, 4.1.2, and 4.5.4, respectively, of Appendix I of this subpart.

(6) Other useful measures of energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens shall be those measures of energy consumption for conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens which the Administrator determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendix I to this subpart.

* * * * *

3. Section 430.23 is amended by adding a paragraph (i), to read as follows:

§ 430.23 Units to be tested.

* * * * *

(i) *Conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens.* (1) When testing of conventional ranges, conventional cooking tops, conventional ovens, and microwave ovens is required for a measure or measures of energy consumption described in § 430.22(i) of this subpart, a sample of sufficient size of each basic model shall be tested to ensure that, for each such measure of energy consumption, there is a 95 percent probability that the means of the sample is within five percent of the true mean of such measure of the basic model, except that no fewer than three units of each basic model shall be tested.

(2) The sample selected for paragraph (i)(1) of this section shall be a simple random sample drawn from the production stream of the basic model being tested.

(3) A basic model having dual voltage ratings shall be separately tested at each design voltage such that the requirements of paragraph (i)(1) of this section are satisfied at each rating.

* * * * *

4. Subpart B of Part 430 is amended to add an Appendix I. to read as follows:

APPENDIX I—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF CONVENTIONAL RANGES, CONVENTIONAL COOKING TOPS, CONVENTIONAL OVENS AND MICROWAVE OVENS.

1. *Definitions*

1.1 "Built-in" means the product is supported by surrounding cabinetry, walls, or other similar structures.

1.2 "Drop-in" means the product is supported by horizontal surface cabinetry.

1.3 "Freestanding" means the product is not supported by surrounding cabinetry, walls, or other similar structures.

1.4 "Electric heating element" means a surface unit on which vessels are placed and then heated by electric resistance heaters.

1.5 "Gas heating element" means a surface unit on which vessels are placed and then heated by gas burners.

2. *Test Conditions.*

2.1 *Installation.*

2.1.1 *Conventional electric ranges.* Install conventional electric ranges that are free-standing, with a vertical back wall extending at least one foot above and one foot on either side of the appliance and with no side walls, with all electric resistance heaters, baking racks, and baffles in place, and in accordance with manufacturer's instructions. Disconnect all electrical devices not necessary to the operation of the electric resistance heaters of the conventional electric range. Install conventional electric ranges that are built-in, in an enclosure constructed in accordance with manufacturer's installation instructions. Conventional electric ranges shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent.

2.1.2 *Conventional gas ranges.* Install conventional gas ranges that are free-standing, with a vertical back wall extending at least one foot above and one foot on either side of the appliance and with no side walls, with all gas burners, baking racks, and baffles in place, and in accordance with manufacturer's instructions. Install conventional gas ranges that are built-in, in an enclosure constructed in accordance with manufacturer's installation instructions. Conventional gas ranges shall be connected to a gas supply line with a gas displacement meter installed between the supply line and the range according to manufacturer's specifications. The gas displacement meter shall have a maximum error not greater than one percent. Conventional gas ranges with electrical ignition devices or electrical thermostats shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent. All other electrical devices not necessary to the operation of the gas burners of the conventional gas range shall be disconnected.

2.1.3 *Conventional electric ovens.* Install conventional electric ovens with all electric resistance heaters, baking racks and baffles in place and in accordance with the manufacturer's instructions. Disconnect all electrical devices not necessary to the operation of the electric resistance heaters of the conventional electric oven. Conventional electric ovens shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent.

2.1.4 *Conventional gas ovens.* Install the conventional gas oven with all gas burners, baking racks, and baffles in place and in accordance with the manufacturer's instructions. Conventional gas ovens shall be connected to a gas supply line according to manufacturer's specifications with a gas displacement meter installed between the supply line and the conventional gas oven. The gas displacement meter shall have a maximum error not greater than one percent. Conventional gas ovens with electrical ignition devices or electrical thermostats shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent. All other electrical devices not necessary to the operation of the gas burners of the conventional gas oven shall be disconnected.

2.1.5 *Conventional electric cooking tops.* Install the electric heating elements to be tested in the conventional electric cooking top in which they will be used or in a thermally and mechanically equivalent fixture with all component parts attached in accordance with the manufacturer's instructions. Disconnect all electrical devices not necessary to the operation of the electric heating elements of the conventional electric cooking top. Conventional electric cooking tops shall be connected to an electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent.

2.1.6 *Conventional gas cooking tops.* Install the gas heating elements to be tested in the conventional gas cooking top in which they will be used or in a thermally and mechanically equivalent fixture with all component parts attached in accordance with the manufacturer's instructions. Conventional gas cooking tops shall be connected to a gas supply line according to manufacturer's specifications and have a gas displacement meter installed between the gas supply line and the conventional gas cooking top. The gas displacement meter shall have a maximum error not greater than one percent. Conventional gas cooking tops with electrical ignition devices shall be connected to a electrical supply circuit of nameplate voltage with a watt-hour meter installed in the circuit. The watt-hour meter shall have a maximum error not greater than one percent. All other electrical devices not necessary to the operation of the gas heating elements of the conventional gas cooking top shall be disconnected.

2.1.7 *Microwave ovens.* Install the microwave oven in accordance with the manufacturer's instructions. A watt-hour meter shall be installed in the circuit having a maximum error not greater than one percent.

2.2 *Energy supply.*

2.2.1 *Electrical supply.* Maintain the electrical supply to the conventional range, conventional cooking top, conventional oven and microwave oven within one percent of the center of its nameplate voltage range for the entire test.

2.2.2 *Gas supply.*

2.2.2.1 *Natural gas.* Maintain the gas supply to a unit that uses natural gas at the normal inlet test pressure immediately ahead of all controls at 7 to 10 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the gas burners to be within ±5 percent of the Btu rating specified by the manufacturer. The natural gas supplied should have a heating value of approximately 1,025 Btu's per standard cubic foot. The actual heating value, H_n, in Btu's per standard cubic foot, for the natural gas to be used in the test shall be derived from measurements made with equipment which is accurate to within 0.5 percent of its indicated value.

2.2.2.2 *Propane gas.* Maintain the gas supply to a unit that uses propane gas at the normal inlet test pressure immediately ahead of all controls at 11 to 13 inches of water column. The regulator outlet pressure at normal test pressure shall be approximately that recommended by the manufacturer. Adjust the gas burners to be within ±5 percent of the Btu rating specified by the manufacturer. The propane gas supplied should have a heating value of approximately 2,500 Btu's per standard cubic foot. The actual heating value, H_p, in Btu's per standard cubic foot, for the propane gas to be used in the test, shall be derived from measurements made with equipment which is accurate to within 0.5 percent of its indicated value.

2.3 *Air circulation.* Maintain air circulation in the room sufficient to secure reasonable uniform temperature distribution, but do not cause a direct draft on the unit under test.

2.4 *Setting the conventional oven thermostat.*

2.4.1 *Conventional electric oven.* Install a thermocouple approximately in the center of the usable baking space. Provide an associated temperature measurement and indicator system. The accuracy of the temperature indicator system shall be within 1° F of the indicated temperature. Adjust or determine the conventional electric oven thermostat setting which will provide an average internal temperature of 325+5° F above room temperature. Determine the average internal temperature from the maximum and minimum temperatures measured in three consecutive "cut-off/cut-on" actions of the electric resistance heaters by the thermostat after the specified temperature rise has been attained by the conventional electric oven. Remove the thermocouples after the thermostat has been set.

2.4.2 *Conventional gas oven.* Install five parallel-connected thermocouples, one located at the center of the conventional gas oven's usable baking space and the other four equally spaced between the center and

the corners of the conventional gas oven on the diagonals of a horizontal plane through the center of the conventional gas oven. Provide an associated temperature measurement and indicator system. The accuracy of the temperature indicator system shall be within 1° F of the indicated temperature. Adjust or determine the conventional gas oven thermostat setting which will provide an average internal temperature of 325±5° F above room temperature. Determine the average internal temperature from the maximum and minimum temperatures measured in three consecutive "cut-off/cut-on" actions of the gas burners by the thermostat after the specified temperature rise has been attained by the conventional gas oven. Remove the thermocouples after the thermostat has been set.

2.5 *Ambient temperature.* Maintain ambient test room air temperature (T_r), at 77±9°F as measured at least 5 feet and not more than 8 feet from the nearest surface of the unit under test and approximately 3 feet above the floor. The temperature shall be measured with a device that is accurate within 1°F of the indicated temperature.

2.6 *Normal nonoperating temperature.*

2.6.1 *Conventional electric oven.* Normal nonoperating temperature for a conventional electric oven is within 1 degree Farenheit of the ambient room air temperature as determined in 2.5.

2.6.2 *Conventional electric cooking top.* Normal nonoperating temperature for a conventional electric cooking top is within 1 degree Farenheit of the ambient room air temperature as determined in 2.5.

2.6.3 *Conventional gas oven.* Normal nonoperating temperature for a conventional gas oven is equivalent to within 1°F of the temperature of a conventional gas oven which has not been used, with the conventional oven door closed, for at least 24 hours in the ambient room air temperature as determined in 2.5.

2.6.4 *Conventional gas cooking top.* Normal nonoperating temperature for a conventional gas cooking top is equivalent to within one degree Farenheit of the temperature of a conventional gas cooking top which has not been used for at least 24 hours in the ambient room air temperature as determined in 2.5.

2.7 *Test blocks.*

2.7.1 *Test block size.*

2.7.1.1 *Conventional oven.* The block shall be made of aluminum alloy No. 6061, with a specific heat of 0.23 Btu's/lb °F The oven test block shall be 6.25±.05 inches in diameter, approximately 2.8 inches in height and weight 8.5±0.1 lb (W_1) The test block shall have a hole at the center of the top of the block. The hole shall be .08 in in diameter and be 0.80 in deep. The bottom of the block shall be flat to within ±.002 in. The finished test block shall be anodized with a black hard coat .005 in minimum thickness.

2.7.1.2 *Conventional cooking top.*

2.7.1.2.1 *Small surface unit.* The block shall be made of aluminum alloy No. 6061, with a specific heat of 0.23 Btu's/lb °F. The block shall be 6.25±.05 inches in diameter, approximately 2.8 inches in height and weigh 8.5±0.1 lb (W_2). The block shall have a hole at the center of the top of the block. The hole shall be .08 in in diameter and 0.80 in. deep. The bottom of the block shall be flat to within ±.002 in.

2.7.1.2.2 *Large surface unit.* The block shall be made of aluminum alloy No. 6061, specific heat 0.23 Btu's/lb °F. The block shall be 9.0±.05 inches in diameter and approximately 3.0 in in height and weigh 19.0±0.1 lb (W_3). The block shall have a hole at the center of the top of the block. The hole shall be .08 inch in diameter and 0.08 in deep. The bottom of the block shall be flat to within ±.002 in.

2.7.2 *Thermocouple installation.* Install the thermocouple such that the thermocouple junction with the test block is at the bottom of the hole provided in the test block and that the thermocouple makes a good thermal contact with the bottom of the hole or with the side of the block at the bottom of the hole. Provide an associated temperature measurement and indicator system. The accuracy of the temperature indicator system shall be within 1°F of the indicated temperature.

2.7.3 *Test block temperature.* Maintain the initial temperature of the test blocks (T_I), within ±4°F of the room temperature.

2.8 *Test beakers.*

2.8.1. *Test beaker size.* The test beakers shall be made of thin walled glass. Two test beakers shall have an inside diameter of approximately 85 millimeters (mm). Three test beakers shall have an inside diameter of approximately 110 mm.

2.8.2 *Test beaker load.* Fill one of the 85 mm diameter test beakers with 275 milliliters (ml) ±1 percent of distilled water containing 1 percent by weight NaCl (sodium chloride). Fill one of the 85 mm diameter test beakers with 500-ml±1 pct of distilled water containing 1 percent by weight NaCl. Fill the 110 mm diameter test beakers with 1,000ml±1 percent of distilled water containing 1 percent of weight NaCl.

2.8.2.1 *Test beaker water load temperature.* Maintain the initial temperature of the test beaker water load within one degree Farenheit of room temperature. The temperature shall be measured with a device that assures that the measured temperature is within one degree Farenheit of the actual value.

3. *Test methods and measurements.*

3.1 *Test.*

3.1.1 *Conventional oven.* Perform a test by establishing the testing conditions set forth in 2 of this Appendix, and adjust any pilot lights of a conventional gas oven in accordance with the manufacturer's instructions and turn off the gas flow to the conventional cooking top. Set the conventional oven test block approximately in the center of the usable baking space with the conventional oven at its normal nonoperating temperature. Turn oven thermostat to the setting which provides an average internal temperature of 325±5°F above ambient temperature. If there is a special control or mode of operation, set for normal baking. The conventional oven shall remain on for at least one complete thermostat "cut-off/cut-on" of the electrical resistance heaters or gas burners after the test block temperature has increased 234°F above its initial temperature.

3.1.1.1 *Self-cleaning.* Perform a test by establishing the testing conditions set forth in 2 of the Appendix. Adjust any pilot lights of a conventional gas oven in accordance with the manufacturer's instructions and turn off the gas flow to the conventional cooking top. With the conventional oven at its normal nonoperating temperature, set the conventional oven self-cleaning process in accordance with manufacturer's instructions. If the cleaning process is adjustable, use the average recommended time for a moderately soiled oven.

3.1.1.2 *Continuously burning pilot lights.* Perform a test by establishing the test conditions set forth in 2 of this Appendix. Adjust any pilot lights of a conventional gas oven in accordance with the manufacturer's instructions and turn off the gas flow to the conventional cooking top. Meter for a period (L_s) of at least 24 hours the gas consumption of the pilot lights under test.

3.1.2 *Conventional cooking top.* Perform a test by establishing the testing conditions set forth in 2 of this Appendix. Adjust any pilot lights of a conventional gas cooking top in accordance with the manufacturer's instructions and turn off the gas flow to the conventional oven. With the conventional cooking top at its normal non-operation temperature, set the test block in the center of the hearing element under test. The small test block shall be used on electric heating elements 7 inches or less in diameter. The large test block shall be used on electric heating elements over 7 inches in diameter and on all gas heating elements. Energize the heating element at its maximum energy input rate (100 percent). When the test block reaches 144° F above its initial test block temperature, immediately reduce the energy input rate to 25±5 percent of the maximum energy input rate. After 15±0.1 minutes at the reduced energy setting, turn off the gas or electric heating element under test.

3.1.2.1 *Continuously burning pilot lights.* Perform a test by establishing the test conditions set forth in 2 of this Appendix. Adjust any pilot lights of a conventional gas cooking top in accordance with the manufacturer's instructions and turn off the gas flow to the conventional oven. Meter for a time (L_s) of at least 24 hours the gas consumption of the pilot lights under test.

3.1.3 *Microwave oven.* Perform the tests by establishing the testing conditions set forth in 2 of this Appendix. Four tests are to be conducted with the water test loads in the following sequence: 2,000 ml, 1,000 ml, 500 ml and 275 ml. For the 2,000 ml test, set, side by side, two of the 110 mm diameter test beakers each containing 1,000 ml of the specified water load in the approximate center of the load carrying surface of the oven, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F. Allow one minute for changing the test load beakers between each of the tests. For the 1,000 ml test, set one of the 110 mm diameter test beakers containing 1,000 ml of the specified water load in approximately the center of the load carrying surface of the oven, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F. For the 500 ml test, set one of the 85 mm diameter test beakers containing 500 ml of water

load in approximately the center of the load carrying surface of the oven, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F. For the 275 ml test, set the 85 mm diameter test beaker containing 275 ml water load in approximately the center of the oven's load carrying surface, and operate the microwave oven at its maximum microwave power setting until the temperature of the water load has been raised 45±9°F.

3.2 *Energy consumption.*

3.2.1 *Conventional oven test energy consumption.* Measure the block temperature, T_A, and the energy consumed, E_A, at the end of the last "ON" period of the conventional oven before the block reaches T_O (T_O is 234°F above the initial block temperature (T_I). Measure the block temperature, T_B, and energy consumed E_B, at the beginning of the next "ON" period. Measure the block temperature, T_C, and energy consumed, E_C, at the end of that "ON" period. Measure the block temperature, T_D, and energy consumed E_D, at the beginning of the following "ON" period. Measure any electrical energy, E_{IO}, consumed by an ignition device or thermostat of a conventional gas oven in watt-hours.

3.2.1.1 *Self-cleaning test measurement* Measure the self-cleaning conventional oven energy consumption, E_s, specified as the number of watt-hours of electrical energy or cubic feet of gas, consumed during the self-cleaning test set forth in 3.1.1 of this Appendix. Measure any electrical energy, E_{IS}, consumed by an ignition device of a self-cleaning conventional oven in watt-hours.

3.2.1.2 *Gas consumption of continuously burning pilot lights.* Measure the gas consumption of the pilot lights, P_s, specified as the cubic feet of gas consumed during the test set forth in 3.1.1.2.

3.2.2 *Conventional cooking top test energy consumption.* For the gas or electric heating element under test, measure the energy consumption, E_{CT}, and the test block temperature, T_{CT}, at the end of the 15 minute (reduced input setting) test interval for the test specified in 3.1.2 and the total time (T_T), in hours, the element is under test. Measure any electrical energy, E_{IC}, consumed by an ignition device of a gas heating element in watt-hours.

3.2.2.1 *Energy consumption of continuously burning pilot lights.* If the conventional cooking top under test has one or more continuously burning pilot lights, measure the gas consumed during the test by the, pilot lights, P_s, in cubic feet of gas specified in 3.1.2.1.

3.2.3 *Microwave test cycle energy consumption.* Measure the initial, T_{Mi}, and final, T_{Fi}, temperature, in degrees Fahrenheit (°F), of the water test load for the 2,000 ml, 1,000 ml, 500 ml and 275 ml tests. The final temperature, T_{Fi}, shall be measured after the test load has been stirred to insure uniform temperature distribution. Measure the elasped time, t_i, in seconds, until the temperature rise of the water load is 45±9°F.

Measure the electrical input energy, E_i, in watt-hours consumed by the microwave oven during the elapsed time, t_i, for each test.

3.3 *Recorded values.*

3.3.1 Record the test room temperature, T_R, for each test in degrees Farenheit.

3.3.2 Record measured test block weights W_1, W_2, W_3.

3.3.3 Record the initial temperature, T_I, of the test block under test.

3.3.4 Record the conventional oven test measurements T_A, E_A, T_B, E_B, T_C, E_C, T_D, and E_D.

3.3.5 Record the measured energy consumption, E_S, for the self-cleaning conventional oven test.

3.3.6 Record elapsed time, L_c, that any conventional oven continuously burning pilot lights are under test.

3.3.7 Record the elapsed time, L_c, that any conventional cooking top continuously burning pilot lights are under test.

3.3.8 Record the gas consumption of any continuously burning pilot lights, P_c and P_c.

3.3.9 Record the total time (T_T) in hours required for the heating element test in 3.2.2.

3.3.10 For the heating element under test, record the energy consumption, E_{CT}, and the final test block temperature, T_{CT}.

3.3.11 Record the electrical input energy, E_i, the elapsed time, t_i, and initial (T_{Mi}) and final (T_{Fi}) temperature of the water load for each microwave oven test.

3.3.12 Record the heating value, H_n, as determined in 2.2.2.1 of this Appendix for the natural gas supply.

3.3.13 Record the heating value, H_p, as determined in 2.2.2.2 of this Appendix for the propane gas supply.

4. *Calculation of derived results from test measurements.*

4.1 *Conventional oven energy consumption.*

4.1.1 *Conventional oven test energy consumption.*

4.1.1.1 *Conventional electric oven test energy consumption.*

For each conventional electric oven of the basic model tested, calculate the test energy consumption, E_O, expressed in Btu's, and corresponding to T_O and defined as:

$$E_O=(E_{AB}\times H_e)\left[+\left[\frac{T_O-T_{AB}}{T_{CD}-T_{AB}}\times(E_{CD}-E_{AB})\times(H_e)\right]\right].$$

where

H_e = conversion factor of watt-hours to Btu's (3.412 Btu/wh).

$$T_{AB}=\frac{T_A+T_B}{2}$$

$$T_{CD}=\frac{T_C+T_D}{2}$$

$$E_{AB}=\frac{E_A+E_B}{2}$$

$$E_{CD}=\frac{E_C+E_D}{2},$$

where

T_O = 234°F above the initial block temperature.

T_A = block temperature at the end of the last "ON" period of the conventional oven before the test block reaches T_O.

E_A = energy consumed in watt-hours at the end of the last "on" period before the test block reaches T_O.

T_B = block temperature at the beginning of the "ON" period after the test block reaches T_O.

E_B = energy consumed in watt-hours at the beginning of the "ON" period after the test block reaches T_O.

T_C = block temperature at the end of the "ON" period in which T_B and E_B were measured.

E_C = energy consumed in watt-hours at the end of the "ON" period in which T_B and E_B were measured.

T_D = block temperature at the beginning of the "ON" period which follows the period in which T_C was measured.

E_D = energy consumed in watt-hours at the beginning of the "ON" period which follows the period in which T_C was measured.

4.1.1.2 *Conventional gas oven test energy consumption.* For each conventional gas oven of the basic model tested, calculate the test energy consumption, E, expressed in Btu's and corresponding to T_O and defined as:

$$E=(E_{IO}\times H_e)+E_O,$$

where

E_{IO} = any electrical energy consumed by an ignition device or thermostat of the conventional gas oven as measured in 3.2.1.

H_e = conversion factor of watt-hours to Btu's (3.412 Btu's/wh).

$$E_O=(E_{AB}\times H)\left[+\frac{(T_O-T_{AB})}{(T_{CD}-T_{AB})}\times(E_{CD}-E_{AB})\times(H)\right],$$

where

H = either H_n or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

$$T_{AB}=\frac{T_A+T_B}{2}$$

$$T_{CD}=\frac{T_C+T_D}{2}$$

$$E_{AB}=\frac{E_A+E_B}{2}$$

$$E_{CD}=\frac{E_C+E_D}{2},$$

where

T_O = 234°F above the initial block temperature.

T_A = block temperature at the end of the last "ON" period of the conventional oven before the test block reaches T_O.

E_A = energy consumed at the end of the last "ON" period before the test block reaches T_O.

T_B = block temperature at the beginning of the "ON" period after the test block reaches T_O.

E_B = energy consumed at the beginning of the "ON" period after the test block reaches T_O.

T_C = block temperature at the end of the "ON" period in which T_B and E_B were measured.

E_C = energy consumed at the end of the "ON" period in which T_B and E_B were measured.

VOL 42 NO 116 JUN 16 77 UM

T_D = block temperature at the beginning of the "ON" period which follows the period in which T_C was measured.

E_D = energy consumed at the beginning of the "ON" period which follows the period in which T_C was measured.

4.1.1.3 *Test energy consumption of any continuously burning pilot lights.* Calculate the test energy consumption of any continuously burning pilot lights, E_{po}, expressed in Btu's per hour and defined as:

$$E_{po} = \frac{P_o \times H}{L_o},$$

where

P_O = cubic feet of gas consumed by any pilot lights as determined in 3.2.1.2.

$H = H_u$ or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2 in Btu's per standard cubic foot.

L_O = elapsed test time in hours for any pilot lights tested.

4.1.2 *Conventional oven efficiency.*

4.1.2.1 *Conventional electric oven efficiency.* For each conventional electric oven of the basic model tested, calculate the efficiency, Eff_{EO}, using the following equation:

$$Eff_{EO} = W_1 \times C_p \times \frac{T}{E_O},$$

where

W_1 = measured weight of test block, in pounds.

C_p = specific heat of test block, or 0.23 Btu's/lb °F.

T = temperature rise of test block (234°F).

E_o = energy consumed to raise temperature of test block 234°F, as calculated in 4.1.1.1.

4.1.2.2 *Conventional gas oven efficiency.*

4.1.2.2.1 *Efficiency of a conventional gas oven without any continuously burning pilot lights.* For each conventional gas oven without any continuously burning pilot lights of the basic model tested, calculate the efficiency, Eff_{GO}, using the following equation:

$$Eff_{GO} = W_1 \times C_p \times \frac{T}{E},$$

where

W_1 = measured weight of test block, in pounds.

C_p = specific heat of test block, 0.23 Btu's/lb °F.

T = temperature rise of test block (234°F).

E = test energy consumption as defined in 4.1.1.2.

4.1.2.2.2 *Efficiency of a conventional gas oven with any continuously burning pilot lights.* For each conventional gas oven with any continuously burning pilot lights of the basic model tested, calculate the efficiency, Eff_{GP}, using the following equation:

$$Eff_{GP} = \frac{O_o}{I},$$

where

O_o = Annual useful energy output (181,300 Btu's per year)

I = Annual cooking energy consumption

$$= \frac{O_o}{W_1 \times C_P \times \frac{T}{E}} + Y_o \times E_{po},$$

where

W_1 = measured weight of test block, in pounds.

C_p = specific heat of test block, 0.23 Btu/lb °F.

T = temperature rise of test block (243°F).

E = conventional gas oven energy consumed as calculated in 4.1.1.2.

$Y_o = A - B$,

where

A = total number of hours in a year, (8760 hours per year).

B = number of hours any continuously burning pilot lights contribute to the heating of the conventional oven for cooking food, (300 hours per year).

E_{po} = test energy consumption of any continuously burning pilot lights of a conventional gas oven, in Btu's per hour, as determined according to 4.1.1.3.

4.1.2.3 *Conventional oven efficiency of a basic model.* Calculate the conventional oven efficiency, Eff_{AO}, of the basic model tested, using the following equation:

$$Eff_{AO} = \sum_{i=1}^{n} \frac{(Eff_o)\,i}{n}$$

where,

Eff_o = the efficiency of each oven as determined according to 4.1.2.

n = number of conventional ovens of the basic model tested.

4.1.3 *Conventional oven annual cooking energy consumption of a basic model.* Calculate the conventional oven annual cooking energy consumption, E_{oc}, of the basic model tested, expressed in kWh per year for electrical energy and Btu's per year for gas, and defined as:

$$E_{oc} = \frac{O_o}{Eff_{AO}},$$

where

O_o = conventional oven annual useful energy output expressed as 53.13 kWh or 181,300 Btu's.

Eff_{AO} = conventional oven efficiency of a basic model as determined according to 4.1.2.3.

4.1.4 *Conventional oven annual self-cleaning energy consumption of a basic model.* Calculate the conventional oven annual self-cleaning energy consumption, E_{ss}, of the basic model tested, expressed in kWh per year for electrical energy and Btu's per year for gas, and defined as:

For conventional gas ovens:

$$E_{sc} = \left(\frac{\sum_{i=1}^{n} (E_s + (E_{IS} \times H_e))_i}{n} \right) \times H \times S,$$

where

E_s = energy consumption in cubic feet of gas per oven tested according to 3.2.1.1.

E_{IS} = electrical energy consumed by an ignition device for the self-cleaning operation of a conventional gas oven.

H_e = conversion factor of watt-hours to Btu's (3.412 Btu/wh).

$H = H_u$ or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2 in Btu's per standard cubic foot.

S = 11 (representative average number of times a self-cleaning operation of a conventional oven is used per year).

n = number of conventional ovens of the basic model tested.

For conventional electric ovens:

$$E_{sc} = \left(\frac{\sum_{i=1}^{n} (E_s)\,i}{n} \right) \times S \times Cs$$

where

E_s = energy consumption in watt-hours per oven tested according to 3.1.1.1.

S = as defined above.

n = as defined above.

C = conversion factor of watts to kilowatts (.001 W/kW).

4.1.5 *Total conventional oven annual energy consumption of a basic model.* Calculate the total conventional oven annual energy consumption, E_{AO}, of the basic model tested, expressed in kWh per year or Btu's per year, and defined as:

$$E_{AO} = E_{oc} + E_{sc},$$

where

E_{oc} = Conventional oven annual cooking energy consumption of a basic model as determined in 4.1.3 in kWh's per year or Btu's per year.

E_{sc} = Conventional oven annual self-cleaning energy consumption of a basic model as determined in 4.1.1 in kWh's per year of Btu's per year.

4.2 *Conventional cooking top energy consumption.*

4.2.1 *Conventional cooking top efficiency.*

4.2.1.1 *Electric heating element efficiency.* Calculate the efficiency, Eff_{ESS}, of the electric heating element under test, and defined as:

$$Eff_{ES} = W \times C_p \times \frac{T_{eu}}{H_e \times E_{CT}}.$$

where

W = measured weight of test block (W_2 or W_3), in pounds.

C_p = specific heat of aluminum: 0.23 Btu's/lb °F.

T_{eu} = temperature rise of the test block: final test block temperature, T_{CT}, minus the initial testblock temperature, T_I, in °F.

H_e = conversion factor of watt-hours to Btu's, (3.412 Btu/wh).

E_{CT} = n cased energy consumption, as determined according to 3.2.2, in watt-hours.

4.2.1.1.1 *Conventional electric cooking top efficiency.* Calculate the conventional electric cooking top efficiency, Eff_{EC}, using the following equation:

$$Eff_{EC} = \frac{\sum_{i=1}^{n} (Eff_{ES})_i}{n},$$

where

n = number of electric heating elements contained in the cooking top.

Eff_{ES} = the efficiency of each of the electric heating elements, as determined according to 4.2.1.1.

4.2.1.2 *Gas heating element efficiency.* Calculate the efficiency, Eff_{GS}, of the gas heating element under test, and defined as:

$$Eff_{GS} = W_3 \times C_p \times \frac{T_{eu}}{E \times H},$$

where

W_3 = measured weight of test block according to 3.3.2, in pounds.

C_p = specific heat of aluminum, 0.23 Btu's/lb °F.

T_{eu} = temperature rise of the test block: final test temperature T_{CT}, as determined in 3.2.2, minus the initial test block temperature, T_I.

H = either H_u or H_p, the value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

$$E = (E_{CT} + (E_{IC} \times H_e)) - E_{CP},$$

where

E_{CT} = energy consumption for the gas heating element as defined in 3.2.2.

E_{IC} = electrical energy consumed by an ignition device of a gas heating element.

H_e = conversion factor of watt-hours to Btu's (3.412 Btu/wh).

$$E_{CP} = P \times T_T,$$

where

$$P = \frac{P_c}{L_c},$$

where

P_c = any pilot lights gas consumption defined in 3.2.2.1.

L_c = elapsed time of the cooking top pilot lights test as defined in 3.1.2.1.

T_T = the elapsed test time as defined in 3.2.2.

4.2.1.2.1 *Conventional gas cooking top efficiency.*

4.2.1.2.1.1 *Efficiency of a conventional gas cooking top without any continuously burning pilot lights.* Calculate the efficiency, Eff_{GC}, of a conventional gas cooking top without any continuously burning pilots using the following equation:

$$Eff_{GS} = \frac{\sum_{i=1}^{n} (Eff_{ES})_i}{n},$$

where

n = number of gas heating elements contained in the cooking top.

Eff_{GS} = the efficiency of each gas heating element as determined according to 4.2.1.2.

4.2.1.2.1.2 *Efficiency of a conventional gas cooking top with any continuously burning pilot lights.* Calculate the effiency, Eff_{PC}, of a gas cooking top with any continuously burning pilot lights using the following equation:

$$Eff_{PC} = \frac{O_{CT}}{I_{CT}}.$$

where

O_{CT} = 814,000 Btu's (annual useful conventional cooking top energy output).

$$I_{CT} = \frac{O_{CT}}{Eff_{GC}} + (A \times P \times H),$$

where

O_{CT} = the annual useful energy output as defined above.

Eff_{GC} = the gas cooking top efficiency as defined in 4.2.1.3.1.

P = the hourly energy consumption defined in 4.2.1.2.

A = the total number of hours in a year (8,760 hours).

H = either H_u or H_p, the heating value of the gas used in the test as specified in 2.2.2.1 and 2.2.2.2, in Btu's per standard cubic foot.

4.2.2 *Conventional cooking top annual energy consumption.* Calculate the conventional cooking top annual energy consumption, E_{CA}, in kWh per year for conventional electric cooking tops or Btu's per year for conventional gas cooking tops, and defined as:

$$E_{CA} = \frac{O_{CT}}{Eff},$$

where

O_{CT} = 238.5 kWh per year or 814,000 Btu's per year (conventional cooking top annual useful energy output).

Eff = conventional cooking top efficiency as determined according to 4.2.1.1.1 for conventional electric cooking tops and 4.2.1.3 for conventional gas cooking tops.

4.3 *Conventional range annual energy consumption.* Calculate the conventional range annual energy consumption, E_R, in kWh per year for conventional electric ranges and Btu's per year for conventional gas ranges, and defined as:

$$E_R = E_{AO} + E_{CA},$$

where

E_{AO} = the conventional oven annual energy consumption in kWh's per year or Btu's per year as defined in 4.1.5.

E_{CA} = the conventional cooking top annual energy consumption in kWh's per year or Btu's per year as defined in 4.2.2.

4.4 *Conventional range efficiency.* Calculate the conventional range efficiency, Eff_R, and defined as:

$$Eff_R = \frac{O_R}{E_r},$$

where

O_R = 291.5 kWh per year for conventional electric ranges and 995,000 Btu's per year for conventional gas ranges (conventional range annual useful energy output).

E_R = the conventional range annual energy consumption as defined in 4.3.

4.5 *Microwave oven energy consumption.*

4.5.1 *Microwave power output.* Calculate for each test load (i) the microwave power output, MP_o, in watts, and defined as:

$$(MP_o)_i = \frac{W_i \times F \times DT_i}{t_i},$$

where

W_i = size of the test load, in milliliters (ml).

$$DT_i = T_{Mi} - T_{Ii},$$

where

T_{Mi} = the final temperature in °F of the test load as defined in 3.2.3.

T_{Ii} = the initial temperature in °F of the test load as defined in 3.2.3.

F = 2.32 Watt-sec/Ml °F (conversion factor used to convert milliliter, degrees Farenheit to watt-seconds).

t_i = the elapsed test time, in seconds, as defined in 3.2.3.

4.5.2 *Average microwave power output.* Calculate the average microwave power AP_o, in watts, as defined as:

$$AP_o = \frac{\sum_{i=1}^{m} (MP_o)_i}{m},$$

where

m = 4 (the number of test loads).

$(MP_o)_i$ = the microwave power output for each test load as defined in 4.5.1

4.5.3 *Specific microwave efficiency.* Calculate the specific microwave efficiency, e, for each test load (i), and defined as:

$$e_i = \frac{AP_o}{E_i} \times \frac{t_i}{S},$$

where

S = 3,600 seconds (the number of seconds in one hour).

AP_O = the average microwave power output in watts as defined in 4.5.2.

E_i = the energy consumption as defined in 3.2.3.

t_i = the elapsed test time as defined in 3.2.3.

4.5.4 *Microwave oven rated efficiency.* Calculate the microwave oven rated efficiency, $e_{(ave)}$, and defined as:

$$e_{(ave)} = \frac{\sum_{i=1}^{m} e\,i}{m},$$

where

m = 4 (the number of test loads).

e_i = the specific microwave efficiency as defined in 4.5.3.

4.5.5 *Microwave oven annual energy consumption.* Calculate the microwave oven annual energy consumption, E_{mo}, in kWh per year, and defined as:

$$E_{mo} = \frac{MO}{e_{(ave)}} + ((PR) \times (KH)),$$

where

$e_{(ave)}$ = the microwave oven rated efficiency as defined in 4.5.4.

PR = the power rating of features (such as clocks), in watts. The power rating is the power drawn from the electrical supply when the microwave oven is turned off.

MO = 34.2 kWh per year (the microwave oven annual useful energy output).

KH = 8.76 (the number of thousand hours in a year).

[FR Doc.77-16978 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76-RM-27]

TRANSITION AREA AT DELTA, UTAH

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice (NPRM) proposes to alter the Delta, Utah, 700 foot transition area to provide controlled airspace for aircraft executing new VOR approach procedures developed for the Delta, Utah, Municipal Airport.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Rocky Mountain Region, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The official docket may be examined at the following location: Office of the Regional Counsel, Rocky Mountain Region, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Aurora, Colorado.

FOR FURTHER INFORMATION CONTACT:

Clyde A. Powers, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-538, FAA Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010, telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION: A new VOR Instrument approach procedure to runway 16 and an amended VOR Instrument approach procedure (amendment 1) to runway 34 has been developed for the Delta Municipal Airport, Delta, Utah. Accordingly, it is necessary to alter the Delta, Utah, 700 foot transition area to adequately protect aircraft executing these procedures. Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

Persons desiring copies of the NPRM should contact: Rules Docket Clerk Office of the Regional Counsel, ARM-7, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colorado 80010.

The principal authors of this document are Clyde A. Powers, Air Traffic Division, and Daniel J. Peterson, Office of the Regional Counsel, Rocky Mountain Region.

Accordingly, the Federal Aviation Administration proposes to amend Part 71, Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) as follows:

Amend § 71.181 (42 FR 440) so as to alter the following 700 foot transition area to read:

DELTA, UTAH

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Delta Municipal Airport (latitude 39°23'-00"N., longitude 112°30'35"W.); and within 10.5 miles northwest and 5 miles southeast of the Delta VORTAC 203° radial, extending from the 9-mile radius area to 18.5 miles southwest of the VORTAC; within 5 miles east of the Delta VORTAC 186° radial, extending from the 9-mile radius area to 13 miles south of the VORTAC; within 8 miles west and 6.5 miles east of the Delta VORTAC 360° radial, extending from the 9-mile radius area to 30 miles north of the VORTAC • • •

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colorado, on June 6, 1977.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.77-17084 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-23]

FEDERAL AIRWAY

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to realign the VOR Federal Airway identified as V-37 between Morgantown, W. Va., and Ellwood City, Pa., to reduce aircraft radio frequency changes and provide more efficient use of the navigable airspace in and around the Greater Pittsburgh Airport Area.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region. Attention: Chief, Air Traffic Division, Docket No. 77-EA-23, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. David F. Solomon, Airspace Regulations Branch (AAT-230, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before July 18, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign the VOR Federal Airway identified as Victor (V)-37 between Morgantown, W. Va., and Ellwood City, Pa. The FAA acknowledges that the proposed realignment of this airway will add one mile to the overall distance between Morgantown and Ellwood City. However, the FAA believes the benefits to be gained by reducing the number of radio changes from three to two and the improved air traffic handling capabilities will offset the extra mile of flying. This proposal should also help the pilot by reducing cockpit workload, thereby alowing him to fly and navigate better.

DRAFTING INFORMATION

The principal authors of this document are David F. Solomon, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) to realign VOR Federal Airway V-37 in part between Morgantown, W. Va., and Ellwood City, Pa., as follows:

"INT Morgantown 331°T (336°M) and Ellwood City, Pa., 185°T (190°M) radials:

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 9, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-17085 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-20]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign and redesignate the existing transition area and control zone at K. I. Sawyer Air Force Base, Michigan, to provide for adjustment of the controlled airspace to accommodate aircraft executing instrument approach procedures to K. I. Sawyer Air Force Base which approach procedures have been altered by the Air Force.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-20, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois, 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to realign and redesignate the control zone and transition area to insure segregation of aircraft using the various instrument approach procedures into K. I. Sawyer AFB in instrument weather conditions and other aircraft operating under visual conditions. The circumstance which created this action was an alteration by the Air Force of various instrument approach procedures at K. I. Sawyer AFB. These procedural changes will require the FAA to reorient the control zone extensions approximately one-half mile counter-clockwise and will allow for the return of approximately eight miles of 700' above the surface transition area to the south of the Air Force Base to the public for general aviation use. In addition, aeronautical maps and charts will reflect the revised area which will enable non-military aircraft to circumnavigate the area if required in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-20, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 16, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subparts G and F, Part 71, of the Federal Aviation Regulations (14 CFR Part 71) to alter the 700' controlled airspace transition area and the control zone near K. I. Sawyer AFB, Michigan. Subparts G and F of Part 71 were republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440 and 355).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.181 (42 FR 440) the following transition area is amended to read:

K. I. SAWYER AFB, MICHIGAN

That airspace extending upward from 700' above the surface within an 8.5 statute (7.1 nautical) mile radius of the K. I. Sawyer Airport.

In addition, the FAA proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations as follows:

In Section 71.171 (42 FR 355), the following control zone is amended to read:

K. I. SAWYER AFB, MICHIGAN

Within a 5 statute mile radius of the K. I. Sawyer Airport (latitude 46°21' N, longitude 87°24' W); within two statute miles each side of the extended center line of runaway 01/19, extending from the 5-mile radius zone to 7.5 statute miles north and south of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on June 2, 1977.

JOHN TRUHAN,
Acting Director, Great Lakes Region.

[FR Doc.77-16834 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-WE-31]

FEDERAL AIRWAYS IN SOUTHWESTERN CALIF.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign V-12, V-25, V-27, V-186 and V-485 airways in the southwestern Calif., area. This action would improve traffic handling capabilities, reduce airway distances and promote safety by segregating moving en route traffic from terminal traffic and changing airways to go direct station to station.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA

Western Region, Attention: Chief, Air Traffic Division, Docket No. 76–WE–31, FAA, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC–24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202–426–3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before July 18, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202–426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign VOR Federal Airways identified as V–12, V–25, V–27, V–186 and V–485 in southwestern Calif. This action would: (1) Provide a safer, more efficient flow of traffic in the Santa Barbara-Ventura area; (2) provide additional flexibility in handling IFR traffic; (3) support the "most direct route" philosophy; (4) facilitate feeder routes into Santa Barbara Municipal Airport; and (5) reduce controller workload.

ICAO CONSIDERATIONS

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) to realign VOR Federal Airways V–12, V–25, V–27 and V–485 and to extend V–186 segments in the southwest area of Calif., as follows:

1. V–12 from Santa Barbara, Calif., direct to Palmdale, Calif., and V–12 S from Santa Barbara to Palmdale via Fillmore, Calif. V–12 is presently designated from Santa Barbara to Palmdale via the Henderson INT and Fillmore without an alternate airway between these points.

2. V–25 from Ventura, Calif., direct to Santa Barbara, Calif., and V–25 W as a standard west alternate between Santa Barbara and Paso Robles, Calif. V–25 is presently designated from Ventura to Santa Barbara via the Henderson INT. There is no V–25 W between Santa Barbara and Paso Robles.

3. V–27 from Ventura, Calif., via INT Ventura 326°T (311°M) and Fillmore, Calif., 265°T (250°M) radials; INT Fillmore 265°T (250°M) and Gaviota, Calif., 143°T (127°M) radials; to Gaviota. V–27 is presently designated from Ventura to Gaviota via the Henderson INT and the Goleta INT.

4. V–186 from Fillmore, Calif., via INT Fillmore 265°T (250°M) and Santa Barbara, Calif., 123°T (107°M) radials to Santa Barbara. This is an extension of V–186 which presently stops at Fillmore.

5. V–485 from Ventura, Calif., direct to Fellows, Calif. V–485 is presently designated via an INT.

(Sec. 307(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 9, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77–17086 Filed 6–15–77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77–SW–19]

TRANSITION AREA AT DE RIDDER, LA.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the De Ridder, Louisiana, transition area to provide controlled airspace for aircraft executing a newly established NDB (nondirectional radio beacon) instrument approach procedure to the Beauregard Parish Airport.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW–535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone, 817–624–4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart G, § 71.181 (42 FR 440) of FAR Part 71, the description of the De Ridder, Louisiana, transition area reflects the controlled airspace provided for the present instrument approach to the Beauregard Parish Airport. The new NDB Runway 36 approach will require alteration of the transition area to provide the necessary controlled airspace for this approach.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before July 18, 1977 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling 817–624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the De Ridder, La., transition area. The FAA believes this action will enhance IFR operations at the Beauregard Parish Airport by providing controlled airspace for aircraft executing the new NDB runway 36 instrument approach procedure established for the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, in Subpart G, 71.181 (42 FR 440), the De Ridder, La., transition area is amended to read as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.) within 3.5 miles each side of the 347 bearing from the De Ridder NDB (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the NDB, and within 3 miles each side of the 191 bearing from the De Ridder NDB extending from the 5-mile radius area to 8 miles south of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Fort Worth, Texas, on June 7, 1977.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.77–17087 Filed 6–15–77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77–GL–19]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Aitkin, Minnesota, to provide controlled airspace for aircraft executing instrument approach procedures to Aitkin Municipal Airport which are based on a Non-Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL–7, Attention: Rules Docket Clerk, Docket No. 77–GL–19, 2300 East Devon Avenue, Des Plaines, Illinois 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone 312–694–4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from the Aitkin Municipal Airport to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL–7, Great Lakes Region, Rules Docket No. 77–GL–19, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 18, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202–426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Aitkin, Minnesota. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (42 FR 440), the following transition area is added:

AITKIN, MINNESOTA

That airspace extending upward from 700 feet above the surface within a five (statute) mile radius of the Aitkin Municipal Airport (latitude 46°32'45" N. longitude 93°40'45" W) and within 3 miles (statute) each side of the 355° (true) bearing of the Aitkin NDB, extending from the five-mile radius to 8.5 miles (statute) north of the airport.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on June 2, 1977.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc.77-16835 Filed 6-15-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-21]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Peebles, Ohio, to provide controlled airspace for aircraft executing instrument approach procedures to the General Electric Airport which are based on a Non-Directional Radio Beacon (NDB) navigational aid being installed at the airport.

DATE: Comments must be received on or before July 18, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 77-GL-21, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone 312 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from the General Electric Airport officials to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-21, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 16, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend the existing 700' controlled airspace transition area near General Electric Airport, Peebles, Ohio. Subpart G of Part 71 was republished in the Federal Register on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (42 FR 440), the following transition area is added:

PEEBLES, OHIO

That airspace extending upward from 700 feet above the surface within a seven nautical mile radius of the Center (latitude 38° 55'16" N, longitude 83°10'37" W) of General Electric Airport, Peebles, Ohio; excluding that portion which overlies the Salamon, Ohio transition area.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81 of the Federal Aviation Regulations (14 CFR 11.61).

NOTE: The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on June 2, 1977.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

[FR Doc.77-16833 Filed 6-15-77;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 76-AL-9]

RESTRICTED AREA

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Eagle River, Alaska, Restricted Area identified as R-2203A and R-2203B, and to establish an additional Restricted Area R-2203C west of the present restricted area in the vicinity of Fort Richardson, Alaska, to release to the flying public the airspace overlying the water in Knik Arm north of the shoreline. This proposed action will provide more efficient use of the navigable airspace.

DATES: Comments must be received on or before August 1, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 76-AL-9, FAA, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may particapte in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before August 1, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which described the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter the Eagle River, Alaska, Restricted Area identified as R-2203A and R-2203B, and to establish an additional Restricted Area R-2203C west of the present restricted area in the vicinity of Fort Richardson, Alaska. Restricted area is specified airspace within which the flight of aircraft, while not wholly prohibited, is subject to restriction. Most restricted areas are designated joint use and IFR/VFR operations in the areas may be authorized by the controlling ATC facility when it is not being utilized by the using agency. On February 24, 1977, the FAA circulated the proposal as an advanced NPRM to interested persons. The notice generated 17 concurrences and no objections. Modification of the Eagle River, Alaska, Restricted Areas R-2203A and R-2203B will release to the flying public the airspace overlying the water in Knik Arm north of the shoreline and lower the ceiling from the present 18,000 feet MSL to 11,000 feet MSL. Further, R-2203A would be modified to include the southern portion of R-2203B which overlies Gwen Lake; therefore, when R-2203A is not in use, substantial airspace immediately northeast of Elmendorf would be available for aircraft operations. The new Restricted Area R-2203C west of and adjacent to R-2203B, would include that airspace from the surface to 5,000 feet MSL over land area only. This additional restricted area is required to provide needed impact area to properly train Field Artillery Battalions.

The United States Army, 172nd Infantry Brigade (Alaska), Fort Richardson, Alaska, would be the using agency for R-2203A, R-2203B and R-2203C. The controlling agency would be the FAA, Anchorage Approach Control. The restricted area would be joint use and released to other airspace users when not required by the using agency. Subpart B of Part 73 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 655).

DRAFTING INFORMATION

The principal authors of this document are Richard Huff, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.22 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (42 FR 658) to alter Eagle River, Alaska, Restricted Area R-2203A and R-2203B, and to establish R-2203C as follows:

R-2203A EAGLE RIVER, ALASKA

Boundaries. Beginning at Lat. 61°22'00" N., Long. 149°33'48" W., thence southwesterly along the Alaska Railroad to Lat. 61°18'00" N., Long. 149°39'45" W., to Lat. 61°18'00" N., Long. 149°44'00" W., to Lat. 61°17'15" N., Long. 149°42'25" W., to Lat. 61°17'15" N., Long. 149°36'15" W., to point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

R-2203B EAGLE RIVER, ALASKA

Boundaries. Beginning at Lat. 61°24'34" N., Long. 149°33'48" W., thence southwesterly along the shoreline to Lat. 61°19'45" N., Long. 149°44'00" W., to Lat. 61°18'00" N., Long. 149°44'00" W., to Lat. 61°18'00" N., Long. 149°39'45" W., thence northeasterly along the Alaska Railroad to Lat. 61°22'00" N., Long. 149°33'48" W., to point of beginning.

Designated altitudes. Surface to 11,000 feet MSL.

R-2203C EAGLE RIVER, ALASKA

Boundaries. Beginning at Lat. 61°19'45" N., Long. 149°44'00" W., thence westerly along the shoreline to Lat. 61°19'38" N., Long 149°46'36" W., to Lat. 61°19'12" N., Long. 149°46'36" W., to Lat. 61°18'00" N., Long. 149°44'00" W., to point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.

Time of designation. Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.

Controlling agency. FAA, Anchorage Approach Control.

Using agency. 172nd Infantry Brigade (Alaska) Fort Richardson, Alaska.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE: The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 7, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-16832 Filed 6-15-77;8:45 am]

[14 CFR Part 77]

[Docket No. 16920; Notice No. 77-7]

OBJECTS AFFECTING NAVIGABLE AIRSPACE

Proposed Revision and Reorganization of Part 77 of the Federal Aviation Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The FAA is considering amending the rules under which the FAA determines whether an object would constitute a hazard to air navigation. The intent of this proposal is a more logical presentation of the agency functions contained in these rules. The need for this action results from experience indicating that the current rules do not fully and clearly describe the process necessary to permit adequate evaluations of objects intruding into the navigable airspace.

DATES: Comments must be received on or before September 14, 1977.

ADDRESSES: Send comments on the proposals to, Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16920, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Oreste E. Falsetti, Airspace Obstruction and Airports Branch (AAT-240), Airspace and Air Traffic Rules Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone, 202-426-8777.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

This advance notice of proposed rule making (ANPRM) is being issued pursuant to the FAA's policy for the early institution of public proceedings in actions related to rulemaking. An advance notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. Communication received on or before September 12, 1977, will be considered by the Administrator before taking any action on this part. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NOTICE

Any person may obtain a copy of this advance notice of proposed rulemaking by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20791, or by calling 202-426-8058. Communications must identify the notice number of the ANPRM. Persons interested in being placed on a mailing list for future notices should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

DISCUSSION OF PROPOSED RULE

FAR Part 77, "Objects Affecting Navigable Airspace," requires that notice of certain proposed construction or alteration be provided to the Administrator. In addition, it establishes standards for determining obstructions, and provides for aeronautical studies of obstructions, public hearings on hazardous effects of proposed construction, and FAA actions with respect to the establishment of antenna farm areas.

The proposed modification would affect all Part 77 regulatory functions, from notice requirements to discretionary review. There is a growing consensus that changes may be needed to effectively and equitably deal with the complexities surrounding many of today's construction proposals. FAA personnel have noted shortcomings with respect to Part 77 applications and have suggested regulatory adjustments. Also, industry comments have indicated areas of general misunderstanding, especially with respect to the use of the obstruction standards.

Amendments to many sections are being considered and comments on the suggested changes and alternatives to them are being solicited.

Section 77.1 lists the functions of Part 77. As now written, the first function listed is the establishment of standards for determining obstructions in navigable airspace. The requirement of notice to the Administrator of certain proposed construction or alteration follows. Although Part 77 makes no discernible attempt to establish priority of function, the notice requirement is rooted directly in Public Law and is precedent to other major actions involved in construction proposals. Section 77.1(a) could be listed as the notice requirement and read "Sets forth the requirements for all persons to give adequate public notice, in the form and manner prescribed by the Administrator, of the construction or alteration of any structure where notice will promote safety in air commerce."

The current § 77.1(a) states that this part—"Establishes standards for determing obstructions in navigable airspace." Sponsors and interested persons often misinterpret FAA use of the standards. They are mistakenly considered to be inviolable, and if exceeded, automatically result in a hazard determination. The function not only needs to be stated; it needs to be accompanied with a description of its limited role. A new § 77.1(b) might read: "Establishes standards for determining obstructions in navigable airspace. The standards are used to identify obstructions which are subsequently studied to determine impact on air navigation."

No mention is made in § 77.1, of discretionary review procedures. Although procedures are prescribed in Part 77, no reference to this major function is provided in this section entitled "Scope." To rectify this oversight, a new § 77.1(d) could read: "Provides discretionary review procedures so that interested persons may petition the Administrator for a review of the determination, revision or extension.

As written, § 77.1(e) states: (This part) "Provides for establishing antenna farm areas." The word "establishing" as used alone, implies that this is an FAA regulatory function. In fact, the FAA proposes the establishment of an antenna farm area; it is the Federal Communications Commission which has the statutory responsibility to establish the areas. Thus, § 77.1(e) might read: "Provides policy, procedures and considerations for FAA actions related to proposed establishment of antenna farm areas."

Section 77.3 explains in general terms the use of standards in Part 77 by the Administrator. Were § 77.1 to be revised as suggested, this section would be unnecessary and could be deleted.

Section 77.11 states that a supplemental notice is required 48 hours before the start, and upon completion, of construction or alteration that is the subject of notice. Supplemental notice allows the FAA time to adjust aeronautical procedures, if necessary. The time, as provided, is hardly enough to initiate an operation or procedure change. The notice requirement itself was intended to provide adequate advance warning of proposed surface construction or alteration. It is considered just as vital to air safety that supplemental notice of actual implementation of construction plans be provided with reasonable advance warning. It is proposed that the Regional Director be given discretionary authority to request up to a 90-day advance supplemental notice of actual start and/or completion of construction. Thus, the third sentence of § 77.11(a) might be amended to read: "It also requires supplemental notice up to 90 days, as requested by the Regional Director, before the start and upon completion of certain construction or alteration that was the subject of a notice under § 77.13(a)."

Section 77.13(b) specifies the 48-hour supplemental notice requirement. As noted above, this time is considered insufficient. As proposed, up to 90 days supplemental notice could be requested by the Regional Director, as required, on a case-by-case basis. Section 77.13(b) might be revised to read: "Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office, up to 90 days, as determined by the Regional Director, before the start of the construction or alteration."

Section 77.15(a) describes the conditions under which objects may be considered shielded and shielding locations. Under these circumstances no notice is required. However, the conditions described do not explicitly cover that situation where an object may be considered shielded but may be closer to an airport than the shielding object. In such a situation, it may be possible for an object to adversely affect air navigation. The object would not truly be shielded and should not be exempt from notice. Section 77.15(a) ought to provide for this situation and might be revised to read: "Any object which would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement, and which would be no closer to an airport than the shielding object, where it is determined that the structure so shielded will not adversely affect safety in air navigation."

Section 77.15(b) exempts from the notice requirement any antenna structure of 20 feet or less, except one that would increase the height of another antenna structure. In many cases, antennas of 20 feet or less have been placed on existing buildings or terrain with a resultant effect on minimum instrument flight altitudes. Obstacle Clearance Standards do not "absorb" the 20 feet or less antennas to maintain required clearance criteria. Since antennas of 20 feet or less, where placed on existing surface objects or terrain, could raise minimums, those that cause notice criteria to be exceeded should be considered under § 77.13 "Construction or Alteration Requiring Notice." Accordingly, the deletion of § 77.15(b) is being considered.

Section 77.15 exempts from the notice requirements any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or a military service on military airports, the location and height of which are fixed by its functional purpose. Clarification is needed as to which NAVAIDs or facilities are exempt. It is suggested that the aids which should be exempt are those that are federally owned or funded because, in these cases, the FAA already has access to the information that notice under Part 77 provides. Section 77.15(c) might be amended to read: "Any federally owned or funded existing or proposed navigation facility, aid or device approved by the Administrator, and for which specific siting criteria have been prescribed."

Section 77.17(b) refers to § 77.13, "Construction or Alteration Requiring Notice," subparagraphs (a)(1) through (4). No reference is made to § 77.13(a)(5) which pertains to airport construction and should logically be included in the reference. To correct this, § 77.17(b) might be amended to read: "The notice required under § 77.13(a)(1) through (5) must be submitted • • •"

Section 77.17(b) requires that notice to FAA be made at least 30 days before the proposed construction or alteration is to begin or the date an application for a construction permit is to be filed, whichever is earlier. However, this notice requirement ignores one important factor—State or local aeronautical zoning. It is recognized that FAA responsibilities and state or local zoning are complementary in preserving and fostering flight safety in the public interest. To build or alter, a construction sponsor should be aware not only of FAA notice requirements, but also of a zoning authority's land use requirements. It is beneficial to FAA, the state or local authority, and the sponsor that the sponsor be aware of each agency's requirements. Thus, it is recommended that FAA notice requirement procedures refer to zoning requirements. This could be accomplished through the addition of a new § 77.17(b)(3) which reads: "The date a request for a variance in compliance with a state or local aeronautical zoning requirement is filed with the state or local zoning authority."

Section 77.17(b) states that a notice relating to proposed construction or alteration subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the FCC or at any time before that filing. However, this is written in a parenthetical sense. In order to more appropriately recognize the importance of this provision it is suggested that it be incorporated in a new § 77.17(c) to read as follows: "A notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for a construction permit is filed with the Federal Communications Commission or at any time before that filing." The current paragraphs (c) and (d) would be redesignated as paragraphs (d) and (e), respectively.

Section 77.17(e) requires a person to send an executed copy of the Notice of Progress of Construction or Alteration to the Chief, Regional Air Traffic Division. Notice of Progress of Construction is supplemental and supplemental notice requirements are already defined in § 77.13(b) and (c). Thus, § 77.17(e) could be deleted because it is superfluous.

Section 77.17 deals with form and time of notice requirements. Sections 77.13(b) and (c) now contain supplemental notice requirements. These paragraphs might more appropriately be placed in § 77.17.

Section 77.19(a) states that the FAA acknowledges in writing the receipt of each notice submitted under § 77.13(a). (Section 77.13(a) describes construction or alteration requiring notice.) In specifying § 77.13(a) one might be led to understand that the FAA acknowledges only those notices which actually meet, or exceed notice criteria. It implies that those who submit notice but are uncertain whether notice is required, are not acknowledged if notice criteria is not met. This is not the FAA's intent. Therefore, § 77.19(a) might be changed to read: "each notice submitted under this part is acknowledged in writing."

Section 77.19(c) lists three possible notice acknowledgement actions relative to proposed construction or alteration; i.e., that the proposal would not exceed a standard and would not be a hazard; that it would exceed a standard and further study is necessary. No provision is made for cases where notice is not required, though such acknowledgement is current FAA practice. Thus, it is proposed that a fourth option of acknowledgment be added. Section 77.19(c)(1) could read: "Does not require notice to the FAA." In rearrangement, existing § 79.19(c)(1), (2) and (3) would become § 77.19(c)(2), (3) and (4).

Section 77.21(a) states that, "This subpart establishes standards for determining obstructions to air navigation." Experience in handling Obstruction Evaluation cases has shown that the public sees these standards as inviolable. The belief is that once a standard is exceeded, an automatic determination of hazard must occur. Confusion arises when the FAA issues a no hazard determination despite an object's identification as an obstruction. There is little or no realization that it is within the FAA's discretion to revise flight operations or procedures. The use of the standards needs to be stated clearly to better inform the public of this alternative. Therefore, it is proposed to insert after the first sentence in § 77.21(a) the following: "These standards do not automatically classify as a hazard to air navigation an object that exceeds any standards. The standards identify certain objects as obstructions. If an object is so identified, an aeronautical study is made of the object's impact on air navigation in accordance with Subpart D of this part." It is proposed that § 77.21(a) also contain a sentence which is substantially the existing § 77.3(b): 'Standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations and referred to in the course of an aeronautical study are not set forth in this part but are contained in other publications of the Administrator." The preceding would be followed by the existing second sentence of § 77.21(a). It is also proposed that the sentence in § 77.21(a) beginning "The standards apply to the use of navigable airspace • • •" be deleted from this section, and inserted in a reorganization of Subpart D on aeronautical studies.

As a result of the preceding proposed changes, § 77.21 entitled "Scope" would read: "This subpart establishes standards for determining obstructions to air navigation. These standards do not automatically classify as a hazard to air navigation an object that exceeds any standard. The standards are intended to identify certain objects as obstructions. If an object is so identified, an aeronautical study is made of the object's impact on air navigation in accordance with Subpart D of this part. Standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations and referred to in the course of an aeronautical study are not set forth in this part but are contained in other publications of the Administrator. This subpart applies to existing and proposed man-made objects, objects of natural growth, and terrain."

Section 77.21(c)(1) states that the standards in this subpart apply to the effect of construction or alteration proposals upon an airport, if, at the time of filing the notice required by § 77.13(a), that airport is "available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement."

This procedure does not apply to a situation where the publication of an airport as a public use facility may be in progress. The capability is needed to apply obstruction standards to structures near airports whose status has changed from personal to public use when that change has not been published. To remedy this situation the following language could be added to § 77.21(c)(1): "* * * or is in the process of being published in any of these documents." Section 77.21(c)(2) states that standards in the subpart apply to the effect of construction or alteration of proposals upon an airport if at the time of filing of the notice, that airport is: "A planned or proposed airport or an airport under construction that is the subject of a notice or proposal on file with the FAA, and except for military airports, it is clearly indicated that the airport will be available for public use." However, the question arises as to whether the mere existence of an airport plan or proposal on file with the FAA is a sufficient consideration when evaluating an object's impact on air navigation The existence of such a plan or proposal, when there is no apparent intent to implement it, may pose severe problems for a construction sponsor. In fairness, construction proposals should be granted serious consideration when the intent to implement the airport plan is in reasonable doubt. It is proposed that § 77.21(c)(2) be amended to read: "A planned or proposed airport, when it appears from all available information that the plan or proposal will be implemented, * * *"

Section 77.23(a)(3) states that an object is considered an obstruction to air navigation if it is of a greater height than "a height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance." This subparagraph provides basic obstruction-identifying criteria with which to evaluate an object's impact on air navigation within a terminal area. A key consideration is any increase to an "established" minimum instrument altitude brought about by an object's construction. Where minimum instrument flight altitudes are established, the required obstacle clearance (ROC) is considered. When assessing impact to air navigation, the appropriate reference is the minimum flight altitude and not the ROC.

Section 77.23(a)(3), when referring to the minimum instrument flight altitude, includes in the reference the word "established." Frequently, the FAA finds it necessary to modify an established minimum instrument flight altitude. Action to initiate procedural change may occur at any time. Therefore, the FAA should be able to apply the standard to operations or procedures, including a minimum flight altitude which is in the process of being revised or which the FAA intends to establish or revise.

Section 77.23(a)(3) also refers to a departure area. With respect to a required obstacle clearance, minimum flight altitudes are not established in a departure area. Therefore, an obstruction standard cannot be applied. Without a standard, there can be no effective evaluation of an object's impact on air navigation within a departure area. Establishment or adjustment of ceiling and visibility minima, made necessary to avoid an object on departure should be considered as qualifying obstruction standard criteria.

To remedy these deficiencies, § 77.23(a)(3) could be revised to read: "A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in an increase to an established or planned minimum instrument flight altitude or the establishment or adjustment of ceiling and visibility restrictions applicable to departures within that area or segment."

The present Subpart D, entitled "Aeronautical Studies of Effect of Proposed Construction on Navigable Airspace" includes not only studies but the issuance of determinations and conduct of discretionary reviews. It is believed that each of these functions should be given separate subpart status. Their order in a reorganization of Part 77 would be as performed. The title of Subpart D would be changed to reflect this proposed reorganization. In the reorganization, § 77.31(b) would be deleted from this subpart and transferred to a new Subpart E entitled "Determinations." Under this proposal Subpart D would be entitled "Aeronautical Studies and Related Actions." Section 77.31, "Scope" would read: "This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. These aeronautical studies consider an object's impact on the use of navigable airspace by aircraft and on air navigation facilities such as an air navigation aid, airport, federal airway, instrument approach or departure procedure, or approved off-airway route. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained." Paragraph (b) of § 77.31(b) might be deleted, consistent with limitation of Subpart D to provisions related to aeronautical studies.

The inappropriate use in Part 77 of the word "establish" with respect to antenna farm areas has already been noted. The same use of the word occurs in § 77.33(a). It would be preferable to refer to FAA procedures used in the establishment of antenna farm areas. Accordingly, § 77.33(a) might be revised to read: "Upon the request of the sponsor of any construction or alteration for which a notice is submitted under Subpart B unless that construction or alteration would be located within an antenna farm area established in accordance with procedures of Subpart H."

Section 77.35(b)(2) uses the word "objections" with respect to replies to a proposal. During the fact-finding phase of an aeronautical study, the FAA reaches no judgmental decision point; replies to a proposal are not considered tantamount to approval or disapproval. It would be more appropriate to state that the Regional Director explores all "comments" in order to define possible problems and seek solutions to them.

Section 77.35(c) states that the Regional Director or his designee issues a determination. Under the proposed Part 77 reorganization determinations would be the subject of a separate subpart. Thus, the present § 77.35(d) would become § 77.35(c).

In the proposed reorganization of Subpart D the functions now covered would be separated. Studies, determinations and discretionary reviews would each become a subpart. Thus, § 77.37 would be placed in new Subpart E, "Determinations—Conclusion of Aeronautical Study." The new § 77.37 would contain existing §§ 77.31(b) and 77.35(c). It would also contain a provision which explains that determinations are advisory in nature and do not cancel, waive or supersede ordinances or laws of the governing authority.

The new § 77.37, "*Scope*" would read as follows:

(a) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard or no hazard to air navigation.

(b) The Regional Director or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons of the aviation community, and to persons or organizations that may be affected by the proposal such as state or local government officials, civic groups or associations.

(c) A determination is an advisory opinion as to an object's effect on air navigation. It in no way preempts, cancels, waives, or supersedes any ordinance, law, or regulation of any other governmental body or agency.

Sections 77.39 (a) and (d) refer to Subpart E, "Rules of Practice for Hearings under Subpart D." Under the suggested reorganization rules concerning discretionary review would be placed in a new Subpart F. The current Subpart E would be redesignated a Subpart G. Therefore, the references in §§ 77.39 (a) and (d) should be to Subpart G.

Section 77.39(d)(1) states that if the Federal Communications Commission is issuing a construction permit, the effective period of each final determination includes: "The time required to apply to the Commission for a construction permit but not more than six months after the effective date of the determination." It has been noted that often the six months effective period elapses without sponsor action. The determination must then be extended, in some cases, many times. It is, therefore, proposed that, if an application for an FCC permit has been made, the effective period of a no hazard determination be 18 months. To meet this need § 77.39(d)(1) could be amended to read: "The time required to apply to the Commission for a construction permit but not more than 18 months after the effective date of the determination."

The new Subpart F would be entitled "Discretionary Review Procedures." As has already been noted, the current Subpart E would be redesignated as Subpart G. The only change would be the renumbering of its sections.

Section 77.41 would be entitled "Scope" and it would read as follows: "This subpart identifies those persons who may petition for a discretionary review of a determination issued under §§ 77.19 or 77.35, or revision or extension of a determination under § 77.39, applies to time limits within which the petition must be filed, and describes the form and manner of submittal and processing."

A new § 77.43, entitled "Petition Eligibility," would contain the text of the present § 77.37(a). A new § 77.45, entitled "Petition Submittal," would include the present § 77.37(b) redesignated subparagraph (a). Section 77.45(b) would read: "(b) A petition must contain a full statement of the aeronautical basis upon which it is made, including valid reasons why the determination, revision or extension made by the Regional Director, or his designee, should be reviewed. It should contain new information and facts not previously considered or discussed during the aeronautical study. If the petition for review of the determination, revision or extension is based on an error in procedure, application of obstruction standards or conclusion, it should be so stated."

A new § 77.47, entitled "Petition Examination and Review," would contain the text of the current § 77.37(c)(1) and (2), except that the reference to Subpart E in § 77.37(c)(2) would be changed to Subpart G. Section 77.47 would also contain a provision that acknowledgement will be made to the petitioner and to the sponsor that the petition has been received and it will be considered, and that the determination is not and will not be final pending disposition of the petition.

The current Subpart F will be redesignated Subpart H. In addition, it is recommended that the title be changed to "Antenna Farms." As has been previously discussed, the use of the word "establishment" might imply that establishing antenna farms is an FAA regulatory function when, in fact, only the Federal Communications Commission is authorized to perform this function. Therefore, it is suggested that the current § 77.71(a) be amended to reflect this.

The FAA solicits the comments of all interested persons on the foregoing proposed changes to Part 77. It also welcomes any suggestions on the need for further revision of this part.

EVALUATION OF IMPACTS

It has been determined that the regulatory impact of this proposed amendment would be minimal and that an evaluation pursuant to the policy statement published by the Secretary of Transportation (41 FR 16200) is not required.

DRAFTING INFORMATION

The principal authors of this document are William E. Broadwater, Air Traffic Service, and Richard W. Danforth, Office of the Chief Counsel.

(Secs. 313(a) and 1101 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1354, 1501); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)).)

Issued in Washington, D.C. on June 2, 1977.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.77-17083 Filed 6-15-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 54]

PROCEDURES GOVERNING DETERMINATION THAT INDIAN GROUP IS A FEDERALLY RECOGNIZED INDIAN TRIBE

Issuance of New Part

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The Bureau proposes new regulations that would establish procedures to govern the determination that an Indian group is a federally recognized Indian tribe. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable that a uniform and objective approach be taken to their evaluation.

DATES: Comments must be received on or before July 18, 1977.

ADDRESSES: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie N. Gay, Jr., Division of Tribal Government Services, Branch of Tribal Relations, Telephone: (202) 343-4045.

SUPPLEMENTARY INFORMATION: Various Indian groups throughout the United States, thinking it in their best interest, have requested the Secretary of the Interior to "recognize" them as an Indian tribe. Heretofore, the sparsity of such requests permitted an acknowledgment of a group's status to be at the discretion of the Secretary or representatives of the Department. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable that a uniform and objective approach be taken to their evaluation.

The authority for the Commissioner to issue these regulations is contained in (5 U.S.C. 301), and Sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

It is proposed to add a new Part 54 to Subchapter G of Chapter I of Title 25 of the Code of Federal Regulations to read as follows:

PART 54—PROCEDURES GOVERNING THE DETERMINATION THAT AN INDIAN GROUP IS A FEDERALLY RECOGNIZED INDIAN TRIBE

Sec.
54.1 Definitions.
54.2 Purpose.
54.3 Who may petition.
54.4 Where the petition is to be filed.
54.5 Notice of receipt of the petition.
54.6 Form and content of the petition.
54.7 Processing of the petition.
54.8 Action by the Commissioner.

AUTHORITY: 5 U.S.C. 301; secs. 463 and 465 (25 U.S.C. 2 and 9); 230 DM 1 and 2.

§ 54.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Bureau" means the Bureau of Indian Affairs.

(d) "Department" means the Department of the Interior.

(e) "Indian group," referred to also herein as "group," means any community of persons of Indian, Aleut, or Eskimo extraction.

(f) "Federally Recognized Tribe" means any Indian group within the United States that the Secretary of the Interior Acknowledges to have had and should continue to have the status of a domestic dependent sovereign.

§ 54.2 Purpose.

The purpose of this part is to establish a Departmental procedure and policy for determining which Indian groups should have the status of federally recognized Indian tribes. These regulations shall not apply to any group which has already been recognized by the Secretary of the Interior.

§ 54.3 Who may petition.

Any Indian group in the United States which believes that it has the status of a federally recognized Indian tribe may submit within one year from the effective date of these regulations a petition requesting that the Secretary acknowledge such status.

§ 54.4 Where the petition is to be filed.

A petition requesting acknowledgment that an Indian group has the status of a federally recognized Indian tribe shall be filed with the Commissioner of Indian Affairs in Washington, D.C. 20245.

§ 54.5 Notice of receipt of the petition.

Within ten days after receiving a petition, the Commissioner shall acknowl-

edge receipt of such petition and shall have published in the FEDERAL REGISTER a notice of such receipt, including the name and location of the Indian group submitting the petition and the date it was received. The notice shall also indicate where a copy of the petition may be examined locally. The notice shall invite comments concerning the petition, which comments shall be considered by the Commissioner in connection with his review as specified in § 54.7 of this part, if received by him within sixty days of the date of the notice.

§ 54.6 Form and content of the petition.

The petition may be in any readable form which clearly indicates that it is a petition requesting the Secretary to acknowledge that the Indian group has the status of a federally recognized Indian tribe. It shall include at least the following:

(a) A statement of the facts and arguments which the petitioners believe will establish that their group is a federally recognized Indian tribe which has been and should continue to be dealt with as such by the United States.

(b) A list of all current members of the group, and a copy of each available former list of members.

(c) A copy of the group's governing document or, in the absence of such written document, a statement describing fully the procedures which govern the affairs of the group and its membership standards.

§ 54.7 Processing of the petition.

(a) Upon receipt of a petition, the Commissioner shall cause a review to be conducted to determine whether the group is a federally recognized Indian tribe which has been and should continue to be dealt with as such by the United States. The review shall include consideration of the petition and, to the extent necessary, verification of the factual statements contained therein and an opportunity to present oral arguments.

(b) The Commissioner may require that the group provide additional information, especially about its members, including but not limited to the age, Indian ancestry, nature of tribal affiliation, and addresses of individual members. On the basis of this review the Commissioner shall make a written report to the petitioner and interested parties setting forth his findings and conclusions as to the group's status. All timely filed petitions shall be disposed of no later than three years from the effective date of these regulations.

(c) The Commissioner's report shall deal specifically with whether the group:

(1) Manifests a sense of social solidarity.

(2) Has as members principally persons of common ethnological origins.

(3) Exercises political authority over its members.

(4) Has a specific area which the group either presently inhabits or has inhabited historically.

(5) Is not, nor are its members, the subject of congressional legislation terminating the Federal relationship.

(6) Has been a party to a treaty or agreement with the United States, or is a successor in interest to an Indian tribe which was party to a treaty or agreement with the United States, which treaty or agreement was ratified by Congress and remains in effect. For purposes of this paragraph, "successor in interest" to a tribe means an Indian group whose members are principally descendants of the tribe in question, which has evolved from the tribe by a continuous process of social evolution, and which has, as an entity, assumed at least some of the rights, obligations, and traditions of the tribe in question. If the group has been a party to a treaty or agreement with the United States, which treaty or agreement was not ratified by Congress, the Commissioner's report shall indicate, to the extent possible, the reasons for nonratification.

(7) Has been designated a tribe by an Act of Congress, Executive Order, or judicial decision, or in the legislative history of a bill which was subsequently enacted into law.

(8) Has, or has been treated by a state or by a Federal Government Agency as having, collective rights in land, water, funds or other assets, or collective hunting and fishing rights.

(9) Has received services from any Federal or state agency (the report shall specify the exact nature and extent of such services, whether incidental or otherwise).

(10) Has as members principally persons who are not members of any other Indian tribe.

§ 54.8 Action by Commissioner.

(a) The Commissioner's report shall state his conclusion as to whether the petitioning group has had the status of a federally recognized Indian tribe and should continue to be dealt with as such by the United States.

(b) The Commissioner shall determine that an Indian group is a federally recognized Indian tribe whenever the group satisfies paragraphs (1-5) and (10) of § 54.7(c) so long as at least one other paragraph of that section is also satisfied.

(c) The Commissioner shall determine that an Indian group is not a federally recognized Indian tribe if the group fails to satisfy paragraphs (1)–(5) and (10 of § 54.7(b) along with at least one other paragraph of that section.

(d) A summary of the Commissioner's report and his determination as to the group's status shall be published in the FEDERAL REGISTER and shall be subject to review by the Secretary, who may, by acting within thirty days of such publication, supersede that determination. If the Secretary takes no action within such thirty-day period, the Commissioner's determination shall be final, and become effective immediately. If, after review, the Secretary reaches a conclusion contrary to that made by the Commissioner, he may supersede the Commissioner's determination. The Secretary's determination will be final and notice thereof shall be published in the FEDERAL REGISTER.

The primary author of this document is Mr. Leslie N. Gay, Jr., Chief, Branch of Tribal Relations, Bureau of Indian Affairs, (202) 343-4045.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affair.

[FR Doc.77-17200 Filed 6-15-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 747-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control, State of Arizona

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: Through this notice EPA proposes to approve, with exception, revisions to the Arizona State Implementation Plan (SIP). These revisions include State regulations for vehicle inspection/maintenance, organic compound emissions from stationary sources, definitions, particulate emissions from stationary sources, assertions of jurisdiction, ambient air quality standards, sulfur compound emissions, carbon monoxide emissions from stationary sources, nitrogen oxide emissions, and miscellaneous (general) regulations. The revisions were submitted to EPA on August 20, 1973, August 30, 1974, February 3, 1975, September 16, 1975, and January 23, 1976.

DATES: Comments by: July 18, 1977.

ADDRESSES: Send comments to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, Arizona-Nevada-Pacific Islands Section (A-4), EPA Region IX, 100 California Street, San Francisco, CA 94111.

Availability of documents: Copies of the State revisions, the EPA Evaluation Report, and this FEDERAL REGISTER notice are available for public inspection during normal business hours at the EPA Region IX Library at the above address, and at the following locations:

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

Arizona Department of Health Services, Bureau of Air Pollution Control, 1740 West Adams Street, Phoenix, AZ 85007.

Arizona Department of Health Services, Bureau of Air Pollution Control, Northern Regional Office, 2501 North Fourth Street, Suite 14 Flagstaff, AZ 86001.

Arizona Department of Health Services, Bureau of Air Pollution Control, Southern Regional Office, 5055 East Broadway, Suite C-209, Tucson, AZ 85711.

FOR FURTHER INFORMATION CONTACT:

Erik Hauge, 415-556-7595.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 28, 1972, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the State of Arizona submitted to EPA an implementation plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). On May 31, 1972 (37 FR 10842), the Administrator approved the plan with specific exceptions. Since then, the State of Arizona has submitted to EPA numerous proposed revisions to the SIP correcting deficiencies originally identified by EPA and including new and amended regulations adopted by the State and local governments. EPA has viewed, or is in the process of reviewing, these revisions.

On August 20, 1973 and August 30, 1974 the State submitted to EPA revised rules and regulations for air pollution control. On February 3, 1975, the State submitted to EPA assertions of jurisdiction and House Bill 2200 (Chapter 35, Laws of 1974). On September 16, 1975, the State submitted to EPA amendments to its rules and regulations, including definitions, test methods and procedures, and particulate emissions from stationary sources. On January 23, 1976, the State submitted to EPA amendments to its rules and regulations, including vehicle inspection/maintenance and organic compound emissions from stationary sources. The intent of this notice is to propose EPA's actions and solicit public comments on these five submittals.

DISCUSSION OF ACTION

EPA, pursuant to its authority in 40 CFR 51.4(e) to approve different State procedures designed to assure adequate public notice and participation in hearings, has determined that, although less than 30 days public notice was sometimes given in advance of the hearings held by the State on the adoption of these amendments to the SIP, public participation measures were adequate for the adoption of these regulations.

The State regulations were adopted pursuant to the authority in Arizona Revised Statutes (ARS) Sections 36-1707, 36-1717, and 36-1772. This fulfills the requirements of 40 CFR 51.11(a) (1) and (2), that each plan shall show that the State has the legal authority to carry out the plan, including adoption and enforcement of emission standards, limitations and any other measures necessary for attainment and maintenance of national standards.

EPA has revised the five State submittals for their consistency with the other requirements of 40 CFR Part 51 and the Clean Air Act. EPA proposes to approve the submittals with the following exceptions:

1. Regulation R9-3-1005B Time of Inspection should be disapproved because it can require the inspection of new vehicles prior to sale, which is prohibited by Section 209(a) of the Clean Air Act.

2. Regulation R9-3-301 Visible Emissions: General should be disapproved because the visible emission limitation of No. 2 on the Ringelmann Chart is not an appropriate visible emission limitation for the detection of violations of any rules and regulations, as required by 40 CFR 51.19(c). EPA has determined that Ringelmann 1 or 20 percent opacity is the appropriate visible emission limitation except for brief periods of soot-blowing and start-up conditions.

3. Regulation 7-1-4.2 (R9-3-402) Sulfur Emissions: Fuel Burning Installations should be disapproved because no demonstration was made to show that the use of high sulfur oil would not interfere with attainment or maintenance of the National Ambient Air Quality Standards.

4. Regulation 7-1-1.3 (R9-3-103) Air Pollution Prohibited should be disapproved because it may allow violations of ambient air quality standards to occur within the boundaries of an operation. Areas where the public has access, both within and outside of the boundaries of an operation, must be protected pursuant to the provisions of the Clean Air Act.

5. Regulation 7-1-1.6 (R9-3-106) Exceptions should be disapproved because it is too broad and makes all emission limitations established in the regulations unenforceable.

6. *Assertions of Juridsiction* by the Director of the Bureau of Air Pollution Control over all sources within Apache, Navajo, Santa Cruz and Yavapai Counties, except with respect to Indian lands (May 8, 1973); over all sources in Cochise County (January 21, 1974); and over all existing and future mining facilities with ore concentrators and/or ore roasters, and cotton gins in Mohave County (November 1, 1974) should be approved. However, EPA proposes to disapprove the State-submitted implementation plan to the extent that the plan does not provide any legally enforceable regulations and a demonstration that such regulations will cause the attainment and maintenance of the National Ambient Air Quality Standards in Graham and Greenlee Counties.

7. Regulation 7-1-2.8 (R9-3-208) Anti-Degradation should be approved. However, the State plan should be disapproved in part because the State has failed to submit specific regulations to prevent air quality degradation in accordance with the intent of Section 101 (b)(1) of the Clean Air Act. Substitute regulations have been promulgated in 40 CFR 52.144 for the State of Arizona.

8. Regulation 7-1-4.1 (R9-3-401) Sulfur Emissions: Copper Smelters will be considered in a separate FEDERAL REGISTER action.

9. House Bill 2200 (Chapter 35, A.R.S.—April 26, 1974) Terms and Conditions for Conditional Permits will be considered in a separate FEDERAL REGISTER action.

AUTHORITY

Sections 110 and 301(a), Clean Air Act, as amended (42 U.S.C. 1857c-5 and 1857g(a), respectively).

Dated: June 7, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc.77-17068 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR 34, 76, 95, 162, 167, and 193]

[CGD 76-086]

FIRE PROTECTION EQUIPMENT

Firehose Nozzle Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard is considering amending the fire protection equipment regulations in 46 CFR Chapter I by requiring that, except in special limited cases, only combination solid stream and water spray firehose nozzles and low-velocity water spray applicators that meet 46 CFR Subpart 162.027 may be used on Coast Guard-inspected vessels other than small passenger vessels. Straight or "smoothbore" firehose nozzles that emit only a solid stream of water are ineffective on some types of fire and lack cut-off capability. This proposal would, in effect, prohibit the use of straight firehose nozzles on both new and existing vessels.

DATES: Comments must be received on or before: August 1, 1977.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. A copy of the economic evaluation from which the economic summary in this document is taken is also available for examination at the above addresses.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 76-086) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. Copies of all writ-

JUN 16 77
UM

ten comments received will be available for examination by interested persons. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in the drafting of this rule making are: Mr. Daniel Sheehan, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley Colby, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF PROPOSAL

On June 2, 1973, the SS *C. V. Seawitch* lost steering control in New York harbor and struck and penetrated the anchored Belgian tank vessel SS *ESSO Brussels*. The resulting disaster caused 16 deaths, $23 million dollars in damage to the vessels and their cargo, and pollution of nearby beaches.

The only firefighting equipment utilized by the *C. V. Seawitch* crew was the 1½ inch interior hoses equipped with straight-bore nozzles. The exterior firehose stations with 2½ inch hoses were all inaccessible due to the heat and flames and were not able to be used. The 1½ inch hoses were used to direct streams of water to cool exterior doors and to gain a supply of fresh air by sweeping adjacent areas to the weather deck to drive the fire and smoke away from the partially opened doors. They were considered, by the crew, to be ineffective in providing a protective screen of water. The fire main lost pressure and became ineffective about 10 minutes prior to the crew abandoning ship (approximately 50 minutes after impact).

The Marine Board of Investigation convened to investigate the *C.V. Seawitch–Esso Brussels* collision and fire issued its report on January 31, 1974. Among the findings of the board was, "The fire-fighting and survival efforts subsequent to the casualty were hampered by the limitation of the straight hose nozzles at the interior firehose stations. The subsequent loss of emergency fire main pressure, about ten minutes prior to the abandonment of the vessel, can be attributed to the many hoses left open and some without nozzles to restrain or reduce the flow. The lack of crew training in proper firefighting techniques is evident by the manner in which the hoses and fire stations were left open thereby depriving the crew of firefighting capability prior to rescue. The proper use of combination type nozzles capable of solid stream, fog, and cut-off capability in one unit, would have been more effective and prevented the loss of fire main pressure."

The Marine Board of Investigation recommended that the Coast Guard should amend the applicable regulations to require that approved combination firehose nozzles that provide solid stream, high velocity water spray, and shutoff capability must be installed at all fire station hydrants. The National Transportation Safety Board Subsequently concurred with this recommendation.

In accordance with the Marine Safety Board's recommendation, the Coast Guard proposes to amend 46 CFR 34.10–10, 34.10–90, 76.10–10, 95.10–10, 95.10–90, 167.45–5, 167.45–40, 193.10–10, and 193.10–90 to require that each length of firehose on each fire hydrant on a Coast Guard-inspected vessel other than a small passenger vessel must have a combination solid stream and water spray firehose nozzles that is approved under 46 CFR Subpart 162.027. The requirement, which now applies to all tank vessels contracted for after May 25, 1965, would be extended to tank vessels contracted before May 25, 1965, cargo and miscellaneous vessels, nautical school ships, and oceanographic vessels. The only exceptions to this requirement are in 46 CFR 95.10–10(i)(6), 95.10–90(a)(2), 193.10–10(i)(6), and 193.10–90(a), that allow a bronze garden hose nozzle on a ¾ inch hose. Combination solid stream and water spray firehose nozzles and low-velocity water spray applicators approved under Subpart 162.027 before May 26, 1965, could be continued in use after the effective date of these proposed regulations if their water spray tips and heads are designed to prevent clogging by rust or other foreign matter, or if the nozzle or fire hydrant has a self-cleaning strainer that meets the requirements under which the nozzle was originally approved. Replacement nozzles or applicators, however, would be required to meet the current standards in Subpart 162.027.

The "smoothbore" nozzle which would be replaced under this proposal emits only a solid stream of water which cannot be shut off at the nozzle. Its chief use is in fighting "Class "A" fires, for cooling decks and bulkheads, and for diverting the flow of flammable liquids. The combination solid stream and water spray firehouse nozzle, which would replace it, is more versatile, having both solid stream and high-velocity spray capabilities, and can be shut off by a valve in the nozzle. The use of the combination nozzle is flexible. The firefighter moves the valve handle from shut-off to high velocity spray and to solid stream quickly and easily as conditions warrent. The high-velocity water spray is used to beat back the heat, flames, and smoke, and to form a protective barrier between the firefighters and the fire, allowing them to move forward and approach the seat of the fire. The solid stream is then brought into play to get at the seat of the fire while the surrounding area is cooled by the high-velocity spray. When a low-velocity water spray applicator is fitted to the combination nozzle, the firefighter is able to reach over or around obstructions to smother the fire with a cooling blanket of spray.

In the specification for the combination solid stream and water spray firehose nozzle, 46 CFR Subpart 162.027, the low-velocity water spray applicator is described as though it was an integral part of the combination nozzle. In the vessel regulations, 46 CFR Parts 34, 76, 95, 167, 181 and 193, however, the applicator is treated as a separate item of equipment. This inconsistency would be eliminated by amending Subpart 162.027 to agree with the vessel regulations. In Subpart 162.027, as amended, the applicator would be a separate item of equipment but would mate with, and be approved simultaneously with, a specific make and model of combination nozzle. The number of low-velocity water spray applicators required by the vessel regulations for each vessel would not be changed. The applicator length requirements in 46 CFR 34.10–10, 76.10–10, 95.10–10 and 193.10–10, however, would be changed to conform to Subpart 162.027.

In addition, editorial changes would be made in each applicable section to simplify and clarify the firehose nozzle and applicator requirements.

This proposal would apply to new and existing vessels. The Coast Guard recognizes that manufactures and suppliers of combination nozzles may not have sufficient quantities of nozzles in stock to allow an immediate industry-wide change-over. Therefore, in order to allow orderly implementation of the proposed requirements, owners of existing vessels would be given up to two years to comply. This would allow the Coast Guard to ensure compliance with the proposed amendment at a vessel's next inspection after the effective date of the final rule.

This proposal has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200).

The estimated present cost of a combination nozzle that meets 46 CFR Subpart 162.027, not including the low-velocity water spray applicator, is about $150. The number of fire stations varies from vessel to vessel, but on the average there are 10 per vessel. Most tank vessels are already equipped with combination nozzles, so the proposal would affect only tank vessels contracted before May 25, 1965, passenger vessels, cargo and miscellaneous vessels, nautical school ships, and oceanographic vessels. If a total of 1,000 vessels are affected, the total industry cost to purchase the proposed combination nozzles would be $1,500,000. The cost of labor to install the nozzles on each vessel would be insignificant. If the industry is given two years to comply, the annual cost of this proposal would be less than $800,000, well below the lower limits of a major action under Executive Order 11821 and OMB Circular A–107.

This proposal benefits the shipping industry and the public by improving the capability of a vessel's crew to control or extinguish a fire, and by reducing the danger to which the fire fighters may be exposed.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 34—FIREFIGHTING EQUIPMENT

1. By deleting § 34.10–10(e), revising Table 34.10–10(e–1), revising § 34.10–10 (n) and the first sentence of § 34.10–10 (e), and adding a new sentence to follow this first sentence and adding a new § 34.10–10(e–1), to read as follows:

§ 34.10–10 Fire station hydrants, hose and nozzles—T/ALL.

• • • • • •

(e) Each fire station hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter. • • •

(e–1) Each of the number of hydrants in the locations listed in Table 34.10–10 (e–1) must have a low-velocity water spray applicator approved under Subpart 162.027 of this chapter that is of the length listed in that table.

TABLE 34.10–10(e–1).—*Hydrants with Coast Guard approved low-velocity water spray applicators*

Location	Number of hydrants with approved applicators	Approved applicator length (feet)
Living space	1	4.
Weather deck	4	10 or 12.
Machinery space	2	4.

• • • • • •

(n) Each low-velocity water spray applicator under paragraph (e–1) of this section must:

(1) connect to the Coast Guard-approved combination nozzle; and

(2) have fixed brackets, hooks, or other means for stowing it next to the hydrant.

2. By revising § 34.10–90 (a)(7), and (a)(10) through (a)(13), striking the words "and facilities" and inserting the words, "facilities, and equipment, except firehose nozzles," after the word "materials" in the first sentence in paragraph (b)(1), and revising paragraph (b)(2) to read as follows:

§ 34.10–90 Installations contracted for prior to May 26, 1965—T/All.

(a) • • •

(7) Each fire pump on a tankship of 500 gross tons or more must deliver enough water to the fire main so that the topmost outlet on the fire main emits two jets of water at a Pitot tube pressure of 50 pounds per square inch through two combination solid stream and water spray firehose nozzles meeting paragraph (a)(10) of this section.

• • • • • •

(10) Each fire station hydrant on a tankship of 500 gross tons or more must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027, except as allowed under paragraphs (a)(12) and (a)(13) of this section.

(11) On each tankship of 1,000 gross tons or more, the nozzle under paragraph (a)(10) of this section on each of the following hydrants must have a low-velocity water spray applicator that is approved under Subpart 162.027:

(i) At least two hydrants in the machinery and boiler spaces.

(ii) At least 25 percent of the other hydrants.

(12) Each tankship of 1,000 gross tons or more contracted for after June 30, 1951 and before January 1, 1962, must meet the following:

(i) Before (*effective date*), if the nozzle or applicator was approved under Subpart 162.027 before May 26, 1965:

(A) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(B) The fire hydrant or the nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(ii) After (*effective date*), each new or replacement nozzle must meet § 34.10–90(a)(10), and each replacement low-velocity water spray applicator must meet § 34.10–90(a)(11).

(13) Each tankship of 1,000 gross tons or more contracted for before July 1, 1951, must meet the following:

(i) Before (*effective date*), if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965:

(A) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(B) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(ii) After (*effective date*), each new or replacement nozzle must meet § 34.10–90(a)(10), and each new or replacement low-velocity water applicator must meet § 34.10–90(a)(11).

• • • • • •

(b) • • •

(2) Each fire station hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter, and each of the number of hydrants in the locations listed in Table 34.10–10(e–1) must have a low-velocity water spray applicator that:

(i) Is approved under Subpart 162.027 of this chapter;

(ii) Is of the length listed in Table 34.10–10(e–1); and

(iii) Meets § 34.10–10(n).

PART 76—FIRE PROTECTION EQUIPMENT

3. By revising § 76.10–10(g) and (j) and adding new § 76.10–10(j–1) and (j–2) to read as follows:

§ 76.10–10 Fire hydrants and hose.

• • • • • •

(g) Each fire hydrant must have at least one length of fire hose, a spanner, and a hose rack or other device for stowing the hose.

• • • • • •

(j) Each fire hose on each hydrant must have a combination solid stream and water spray fire hose nozzle that is approved under Subpart 162.027 of this chapter.

(j–1) The following must have low-velocity water spray applicators that are approved under Subpart 162.027 of this chapter:

(1) In the accommodation and service areas, two fire hoses having approved combination nozzles.

(2) In each propulsion machinery space containing an oil-fired boiler, internal combustion machinery, or oil fuel unit on a vessel on an international voyage or of 1000 gross tons or more, each firehose having an approved nozzle. The length of each applicator must be 4 feet.

(j–2) Fixed brackets, hooks, or other means for stowing an applicator must be next to each fire hydrant that has an applicator under paragraph (j) of this section.

• • • • • •

4. By inserting the words ", except firehose nozzles and low-velocity water spray applicators," following the words "Existing equipment" in the second sentence of § 76.10–90(a)(1), and by adding new § 76.10–90(a)(6) and (7) to read as follows:

§ 76.10–90 Installation contracted for prior to May 26, 1965.

(a) • • •

(6) Before (*effective date*), each firehose nozzle must meet § 76.10–10(j), and each low-velocity water spray applicator must meet §76.10–10(j–1), except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(i) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(ii) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(7) After (*effective date*), each new or replacement nozzle must meet § 76.10–10 (j) and each low-velocity water spray applicator must meet § 76.10–10(j–1).

PART 95—FIRE PROTECTION EQUIPMENT

5. By revising § 95.10–10 (g) and (j), and adding new § 95.10–10(j–1) and (j–2) to read as follows:

§ 95.10–10 Fire hydrants and hose.

• • • • • •

(g) Each fire hydrant must have at least one length of firehose, a spanner,

and a hose rack or other device for stowing the hose.

• • • • • •

(i) Each firehose on each hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter, except as allowed in Table 95.10–5(a).

(i–1) In each propulsion machinery space containing an oil fired boiler, internal combustion machinery, or oil fuel unit on a vessel on an international voyage or of 1000 gross tons or more, each firehose having an approved combination nozzle must have a low-velocity water spray applicator that is approved under Subpart 162.027 of this chapter. The length of each applicator must be four feet.

(i–2) Fixed brackets, hooks or other means for stowing an applicator must be next to each fire hydrant that has an applicator under paragraph (i–1) of this section.

• • • • • •

6. By inserting the words ", except firehose nozzles and low-velocity water spray applicators," following the words "Existing equipment in the second sentence of § 95.10–90(a)(1), and adding new § 95.10–90(a) (5) and (6) to read as follows:

§ 95.10–90 Installation contracted for prior to May 26, 1965.

(a) • • •

(5) Before (*effective date*), each firehose nozzle must meet § 95.10–10(i), and each low-velocity water spray applicator must meet § 95.10–10(i–1), except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(i) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(ii) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(6) After (*effective date*), each new or replacement nozzle must meet § 95.10–10(i), and each new or replacement low-velocity water spray applicator must meet § 95.10–10(i–1).

PART 162—ENGINEERING EQUIPMENT

7. By revising the heading of Subpart 162.027 to read as follows:

Subpart 162.027—Combination Solid Stream and Water Spray Firehose Nozzle and Low-Velocity Water Spray Applicator

§ 162.027–2 [Amended]

8. In § 162.027–2(a) by—

a. Inserting the word "and" between the words "either outlet," and "a high velocity" in the first sentence;

b. Striking the words ", and an applicator with a low-velocity water spray head", from the first sentence;

c. Striking the words "the applicator with the low-velocity head" from the second sentence and inserting in their place the words "a low-velocity water spray applicator that meets § 162.027–3(b)(2)"; and

d. By revising the third sentence to read: "The low-velocity water spray applicator has an angled tube, a low-velocity water spray head, and a connection for the combination nozzle."

9. By revising the heading of § 162.027–2(b) and adding a new § 162.027–2(c) to read as follows:

• • • • • •

(b) *Nozzle size.* • • •

(c) *Spray tip and head.* Each high-velocity water spray tip and each low-velocity water spray head of a nozzle or applicator for 1½ inch hose must be designed to pass material equal in size to a ⅜ inch diameter ball. Each high-velocity water spray tip and each low-velocity water spray head of a nozzle or applicator for 2½ inch hose must be designed to pass material equal in size to a ½ inch diameter ball.

§ 162.027–3 [Amended]

10. By inserting the words "and applicators" following the words "fire hose nozzles" in the first sentence of § 162.027–3(a)(1), following the words "combination nozzles" in the first sentence of the introductory text in § 162.027–3(b), and following the words "Combination nozzles" in § 162.027–3 (c) and (d).

§ 162.027–4 [Amended]

11. By inserting the words "and applicators" following the words "combination nozzles" wherever they appear in the first sentence of § 162.027–4(a).

12. By revising the heading of § 162.027–5(a) and adding a new § 162.027–5 (b) to read as follows:

§ 162.027–5 Marking.

(a) *Nozzles.* • • •

(b) *Applicators.* Each low-velocity water spray applicator must be permanently and legibly marked with the manufacturer's name and the model designation of the nozzle with which it is used.

§ 162.027–6 [Amended]

13. By inserting the words "and applicators" following the words "fire hose nozzles" in the first sentence of § 162.027–6(a) and following the words "combination nozzles" in the first sentence of § 162.027–6(b).

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

14. By striking in the third sentence of § 167.45–5(c)(1) each word after the words "50 pounds per square inch", and adding a new § 167.45–5(h) to read as follows:

§ 167.45–5 Steam fire pumps or their equivalent.

• • • • • •

(h) Each fire hydrant must have at least one length of firehose. Each firehose on the hydrant must have a combination solid stream and water spray firehose nozzle that is approved under Subpart 162.027 of this chapter.

15. By revising § 167.45–40(c) and adding new § 167.45–40 (c–1) and (c–2) to read as follows:

§ 167.45–40 Fire fighting equipment on nautical school ships using oil as fuel.

• • • • • •

(c) In the boiler and machinery spaces, at least two fire hydrants must have a firehose of a length that allows each part of the boiler and machinery spaces to be reached by the combination nozzle.

(c–1) Before (*effective date*), each firehose under paragraph (c) of this section must have a combination solid stream and water spray nozzle and a low-velocity water spray applicator that are approved under Subpart 162.027 of this chapter, except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(1) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray applicator that meets § 162.027–2(c) of this chapter; or

(2) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(c–2) After (*effective date*), each new or replacement nozzle or applicator must be approved under Subpart 162.027 of this chapter.

• • • • • •

PART 193—FIRE PROTECTION EQUIPMENT

18. By striking out the words "and hose with fog applicator" from the second sentence of § 193.10–10(d), revising § 193.10–10(i) and adding § 193.10–10 (i–1) and (i–2) to read as follows:

§ 193.10–10 Fire hydrants and hose.

• • • • • •

(i) Each fire hydrant must have at least one length of firehose. Each firehose must have a combination solid stream and water spray nozzle that is approved under Subpart 162.027 of this chapter, except ¾ inch hose may have a garden hose nozzle that is bronze or equivalent corrosion-resistant metal.

(i–1) Each of the following must have a low-velocity water spray applicator that is approved under Subpart 162.027 of this chapter:

(1) At least one length of firehose on each fire hydrant outside, and in the immediate vicinity of, each laboratory.

(2) In each propulsion machinery space containing an oil-fired boiler, internal combustion machinery, or oil fuel unit on a vessel of 1000 gross tons or more, each firehose having an approved combination nozzle. The length of each applicator must be four feet.

(i–2) Fixed brackets, hooks, or other means for stowing an applicator must be next to each fire hydrant that has an applicator under paragraph (i–1) of this section.

• • • • • •

19. By inserting the words "except firehose nozzles and low-velocity water spray applicators," following the words "Existing equipment" in the first sentence of § 193.10–90(a)(2) and adding new § 193.10–90(a)(4) and (5) to read as follows:

§ 193.10–90 Installations contracted for prior to March 1, 1968.

(a) • • •

(4) Before (*effective date*), each firehose nozzle must meet § 193.10–10(i), and each low-velocity water spray applicator must meet § 193.10–10(i–1), except if the nozzle or applicator was approved under Subpart 162.027 of this chapter before May 26, 1965—

(i) The nozzle must have a high-velocity water spray tip that meets § 162.027–2(c) of this chapter, and the applicator must have a low-velocity water spray head that meets § 162.027–2(c) of this chapter; or

(ii) The fire hydrant or nozzle must have a self-cleaning strainer that meets the requirements under which the nozzle was approved.

(5) After (*effective date*), each new or replacement nozzle must meet § 193.10–10(i), and each new or replacement low-velocity water spray applicator must meet § 193.10–10(i–1).

(46 U.S.C. 390b, 481, and 391a; 49 U.S.C. 1655 (b)(1); and 49 CFR 1.46(b) and 1.46(n)(4).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: June 13, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc. 77–17221 Filed 6–15–77;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75–16; Notice 13]

AIR BRAKE SYSTEMS

Exclusions From Standard's Applicability

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposal.

SUMMARY: This notice proposes to add a small number of vehicles to the category of oversize and specialized vehicles that are permanently excluded from the applicability of Standard No. 121, Air Brake Systems, to extend the existing temporary exclusion of heavy hauler trailers and auto transporters until January 1, 1979, and to eliminate the "no lockup" requirement in the case of trailers designed exclusively for harvesting lumber or pulpwood, and inboard wheels on trailers with more than four wheels on an axle system. This proposal responds to manufacturer petitions for exclusion from some or all of the requirements of the standard because of the vehicles' distinctive configurations and functions.

DATES: Comments must be received on or before July 11, 1977.

PROPOSED EFFECTIVE DATE: Date of publication of the final rule in the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Dr. Stephen Sacks, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202 426–2153).

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) regulates the braking system performance of air-braked trucks, buses, and trailers. The standard has been in effect for trailers since January 1, 1975, and for trucks and buses since March 1, 1975. Certain oversize or otherwise specialized vehicles were excluded from the standard's applicability because their functions or construction dictate oversize or distinctive operational characteristics that result in restricted highway operation (e.g., low speed, permit requirements, daytime operation) which limits hazards and the possibility of accidents. Also their distinctive configurations and low production volumes sharply increase compliance costs.

Because of unavailability of components and other constraints, certain other vehicle categories were excluded from all or some of the standard's requirements for a temporary period. The temporary exclusions that remain in effect are scheduled to end on September 1, 1977.

Several vehicle manufacturers and manufacturer trade associations have petitioned for extension of some of the temporary exclusions, or conversion of them into permanent exclusions. Also, the Truck and Bus Subcommittees of the National Motor Vehicle Safety Advisory Council and National Highway Safety Advisory Committee have recommended to the Secretary of Transportation that particular vehicle types be granted full or partial exclusions from the standard. The Subcommittees' resolution has been made a part of the public Docket No. 75–16. The American Trucking Associations (ATA) supported the resolution so that manufacturers could concentrate on the problems of "over-the-road" vehicles. This notice is responsive to the petitions and to the Subcommittees' resolution, which was forwarded by the Secretary to the NHTSA for consideration. To the degree that named petitioners' requests are not granted in the notice, they are denied.

PERMANENT EXCLUSION FROM THE STANDARD

The Truck Trailer Manufacturers Association (TTMA) petitioned for permanent exclusion of seven vehicle configurations from the standard as a whole. The Heavy Specialized Carriers Conference of the American Trucking Associations supported the TTMA petition, and a meeting between the TTMA and the NHTSA engineering staff was held in March 1977 to gather information relevant to the requested exclusions.

The standard's existing permanent exclusions for heavy specialized vehicle are as follows: any trailer with an unloaded vehicle weight of at least 95 percent of its gross vehicle weight rating (GVWR), any vehicle with an overall width of 108 inches or more, any vehicle equipped with an axle having a gross axle weight rating (GAWR) of 29,000 pounds or more, any vehicle with a maximum attainable speed of 33 mph or less, and any vehicle having a maximum attainable speed of 45 mph or less, an unloaded vehicle weight of at least 95 percent of its GVWR, and no passenger-carrying capacity. The TTMA recommended the exclusion of additional vehicle categories for the same reasons underlying the present exclusions.

The agency's analysis of the TTMA's recommendations indicates that three of them should be added to the existing exclusions, although the criteria may, in some cases, overlap somewhat with the existing exclusions. One recommendation is for expansion of the 108-inch width criterion to any width in excess of 102 inches. In all states other than Hawaii, vehicles of this width are allowed on the highway only in permit operation. It is the agency's tentative conclusion that these vehicles are operated with the same care as vehicles of 108 inches in overall width. Accordingly, they are proposed for exclusion from the standard's requirements.

The second vehicle category recommended for exclusion involves those with a gross vehicle weight rating (GVWR) of over 120,000 pounds. It is the agency's understanding that such a vehicle would always be operated under special arrangements with the state motor vehicle administrations and be restricted in its operation. In fact, the TTMA was only able to describe vehicle combinations that reach the 120,000 GVWR figure. Therefore, while the agency proposes this exclusion on the basis that it falls into the category of oversize vehicles, the agency solicits comment on whether such single vehicles actually exist and whether there are any circumstances in which they could operate in unrestricted highway use.

The third category recommended for exclusion represents an oversight in the agency's actions to exclude particularly large and specialized trailers from Standard No. 121. When the agency excluded large "low-boy" type trailers, it failed to exclude the "load divider

dolly" that is designed exclusively for use with the larger trailers to distribute the load at the upper fifth wheel plate between the towing vehicle fifth wheel and the dolly's own suspension system. In the agency's view, these specialized dollies are in effect portions of the larger "low-boy" trailers and should be excluded along with them.

In proposing these three additional permanent exclusions, it is noted that they are intended to apply to all vehicle types and not only to trailers as requested by the TTMA. For clarification, the agency also proposes that the existing exclusion for any "vehicle" with a maximum attainable speed of 33 mph or less be restricted to any "truck or bus" with such a limited top speed. This revision would simply make clear that trailers do not have a top speed because they can be towed at any speed by a towing vehicle.

PERMANENT EXCLUSION FROM SPECIFIED REQUIREMENTS OF THE STANDARD

TTMA petitioned for permanent exclusion of "logging and pulpwood trailers" from the entire standard because of the particularly hostile environment to which they are subjected, i.e., being dragged on their axles through stumpy or muddy woodland by crawler tractors. The agency granted a petition from R. E. Thomas Erectors for exclusion of these trailers from the standard's "no lockup" requirement but denied the request for exclusion from the standard's other requirements. It is the agency's position that no justification exists for eliminating other beneficial aspects of the standard such as faster actuation and release times, larger air supplies, and better brake retardation characteristics. Upon review of the TTMA materials and the presentations at the March 1977 meeting, it is still apparent that the significant problem is the susceptability to damage of exposed antilock components installed on the axles and subframe in satisfaction of the standard's "no lockup" requirement. In the agency's view, the terrain encountered in logging is virtually unique in its severity but does not affect aspects of the standard other than the "no lockup" requirements.

The Truck and Bus Safety Subcommittees of the Advisory Committee and Council recommended that refuse trucks and mobile cranes also be permanently excluded from the "no lockup" requirements of the standard. While the Subcommittees' reasoning in support of these recommendations was not stated, presentations by Grove Manufacturing and the National Solid Waste Management Association presumably formed the basis of the recommendations. As for refuse haulers, the apparent basis for recommended exclusion was the operational problem of damage to antilock components in a landfill while dumping refuse. It is the NHTSA's considered opinion that the problems are not significantly different from those encountered by the many other trucks such as dump trucks or livestock haulers, which operate off road part of the time. Unlike logging trailers whose solid, nondriving axles are used as skids to move the vehicles through extremely rough terrain, a refuse truck's rear axles are driving axles containing one or more differentials and other expensive machined components that are vulnerable to damage and which must be protected in any off-road situation. With the exception of the AC Division system, truck rear axle components are placed inside the foundation brake, where they are not exposed. Presumably then, the antilock components would receive the same protection as any other axle component. The agency tentatively concludes that the refuse vehicle is not significantly exposed to a worse terrain than dump trucks and that exclusion from the requirements of the standard would not be justified.

With regard to mobile cranes, the agency treated this category of vehicles in a series of proposals and final rule actions following extensive comment by interested persons (39 FR 40168; November 14, 1974: 40 FR 4153; January 28, 1975: 40 FR 8953; March 4, 1975: 40 FR 24915; June 11, 1975: 40 FR 38160; August 27, 1975: 40 59222; December 22, 1975: 41 FR 8783; March 1, 1976). The agency decided that those mobile cranes that are not excluded from the standard on the basis of any of the several oversize criteria should nevertheless be excluded, provided that they have a maximum attainable speed of not more than 45 mph. The agency reasoned that the complexity and expense of compliance would be unjustifiable unless the vehicles did operate in totally unrestricted high-speed operation with the rest of the stream of traffic. It was considered reasonable, therefore, to allow the manufacturer to avoid the standard entirely by limiting vehicle speed to 45 mph, or to meet the standard if it chose to add the additional 10-mph capability to take advantage of the 55-mph national maximum speed limit. Having reviewed the Grove Manufacturing testimony, the agency continues to consider the limits of the present permanent exclusion as justified and sufficient.

The TTMA also asked for permanent exclusion from all of the standard's requirements for any trailer with more than four wheels mounted on a single axle system (referring to any row of wheels arranged in a line that is perpendicular to the longitudinal axis of a vehicle, whether or not the wheels are mounted on a tube, beam, or other conventional type of solid axle). As in the case of logging trailers, the agency does not perceive the justification for exclusion of this trailer category from all the requirements of the standard. Some of these trailers are quite light and operate in unrestricted highway operation. The many benefits of more powerful, faster acting brakes are obvious and important to maximize compatibility with 121-equipped towing vehicles. The heavier vehicles in this proposed category already qualify for exclusion because of their size or axle configurations.

With respect to the "no lockup" performance requirement, the agency cannot agree with the TTMA that the presence of more than four tires on an axle system provides increased lateral stability comparable to that obtained through the "no lockup" requirement. At the same time the agency recognizes that, for an axle having more than four wheels, it is not necessary to require all of the wheels to meet the "no lockup" requirement. Thus, it is proposed that the standard be amended for these special multi-braked axles to require that only the outermost wheels meet the "no lockup" requirement.

TEMPORARY EXCLUSIONS FROM THE STANDARD

The TTMA recommended, in addition to exclusions based on specific criteria of overwidth, heavy axle size, or multitired axle systems, that all trailers presently excluded on a temporary basis as "heavy hauler" trailers until September 1, 1977, continue to be excluded permanently. The two characteristics that entitle a trailer to this exclusion are brake line designed to adapt to separation or extension of the vehicle frame, or a body that consists only of a platform whose primary cargo-carrying surface is not more than 40 inches above the ground in the unloaded condition. The TTMA and the National Automobile Transporters Association (NATA), along with various auto transporter manufacturers, also sought continuation of the exclusions for auto transporters until September 1, 1980. The ATA requested exclusion for both categories until January 1, 1979. The intent of the temporary exclusions for heavy hauler trailers and for auto transporters was to allow time for the development and application of 121 componentry for these specialized vehicles. At the time of the standard's implementation suppliers were concentrating their efforts on components for the larger highway markets.

The heavy hauler trailers in question and the auto transporters both use the highways regularly without speed or other types of restrictions. These vehicles are as susceptible to brake-related and maneuvering accidents as any other heavy commercial vehicle and the agency continues to consider that the standard should apply to them. Many of the problems of the vehicles in question may relate to the use of the smaller 15-inch wheel in place of the standard 20-inch wheel. While it is understood that the packaging of new brake components may be more difficult due to space limitations, it is also apparent that other users of 15-inch wheels (e.g., furniture vans) have been able to solve packaging and component availability problems. No data other than increased cost, limited engineering staffs, or possible compliance test problems were submitted by the petitioners in support of their requests. None of the auto transporter manufacturers have ever asked the NHTSA for clarification of the test procedures with which they are concerned. Additionally, the agency is aware that at least one antilock supplier has made several successful prototype installations of complete 121 systems on auto transporters. As justification for permanent exclusion of heavy haulers, the TTMA did note that the price of "tag-a-long" trailers could in some cases be increased 25 percent by Standard No. 121 and that a substantial cost increase of this nature could result in a shift to electric or vacuum brakes.

It is apparent that manufacturers of the heavy hauler and auto transporter vehicles are not prepared to conform to the standard. The agency has for this reason granted these petitions for a limited extension because of the leadtime problem, despite the fact that manufacturers appear not to have made sufficient efforts to achieve compliance. The agency has decided to propose a delay in applicability for a limited period to provide time to determine what problems of availability or impracticability remain for these vehicles.

The date of January 1, 1979, is proposed, which is four years from the implementation of the standard for trailers and which conforms to the Subcommittees' recommendation.

Petitions for delay of nearly six years from implementation are denied because no evidence on the record justifies such a long delay. Justification for further delay would have to be specific and be brought to the agency's attention before the end of the period of extension. During the period of delay, the agency will attempt to fully catalog the problems facing manufacturers by means of specific questions addressed to them under authority of section 112 of the Act.

In this vein, the agency notes that the majority of rulemaking petitions it receives do not contain the minimum amount of justification and substantiation of requests that is necessary to permit reaching a decision to grant or deny the petition. Substantiation of a request is a necessary element of a petition under NHTSA regulations (49 CFR 552.4) and is, of course, necessary to permit a rational disposition of the petition. Therefore, when the agency receives an unsubstantiated request for rulemaking in the future, it will be returned with a request that substantiation be provided before further action is taken.

OTHER ASPECTS OF THE PROPOSAL

It is noted that the American Trucking Associations petitioned for extension of the temporary exclusion of vehicles with a GAWR for any axle of 24,000 pounds or more, or two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle. No justification for the request was cited other than the belief that suppliers' problems with Standard No. 121 make the suppliers unable to cope with the vehicles covered by these exclusions. Comments from suppliers are solicited on this question.

In a separate matter, one of the criteria for exclusion of mobile cranes is an absence of "passenger-carrying capacity." Bucyrus-Erie Company and FWD Corporation asked that the agency modify the standard to make clear that riding positions for the operating crew of a mobile crane do not constitute "passenger carrying capacity." The agency takes this opportunity to make this clarification a part of the standard by amendment of S3 of the standard.

The economic and inflationary impacts of this rulemaking have been evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. Section S3, Applicability, would be amended to read:

§ 571.121 Standard No. 121; Air Brake Systems.

• • • • •

S3 *Applicability.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to—

(a) Any vehicle that has an overall vehicle width of more than 102 inches with extendable equipment in the fully retracted position;

(b) Any vehicle that has a gross vehicle weight rating (GVWR) of more than 120,000 pounds;

(c) Any vehicle equipped with an axle that has a gross axle weight rating (GAWR) of 29,000 pounds or more;

(d) Any truck or bus that has a speed attainable in 2 miles of not more than 33 mph;

(e) Any truck that has a speed attainable in 2 miles of not more than 45 mph, an unloaded vehicle weight that is not less than 95 percent of its GVWR, and no capacity to carry occupants other than the driver and operating crew;

(f) Any trailer that has an unloaded vehicle weight which is not greater than 95 percent of its GVWR; and

(g) Any trailer composed of a trailer chassis, one or more axles, and a fifth wheel plate, and which is designed exclusively to support a portion of the weight of a trailer excluded from all the requirements of this standard.

In addition, the standard does not apply to a heavy hauler trailer manufactured before January 1, 1979; any vehicle manufactured before January 1, 1979, that in combination with another vehicle, constitutes a part of an auto transporter; and any vehicle manufactured before September 1, 1977, that has a GAWR for any axle of 24,000 pounds or more, or two or more front steerable axles with a GAWR of 16,000 pounds or more for each axle.

2. The date "September 1, 1977" in the first paragraph of S5.3 would be changed to "January 1, 1979."

3. Section S5.3.2 would be amended by replacing the period at the end of paragraph (b) with ", or" and by the addition of a new paragraph (c) to read:

S5.3.2 • • •

(c) In the case of an axle system having more than four wheels, lockup of any wheel other than the outermost wheel at each end of the axle system.

4. A new section S5.3.2.2 would be added to read:

S5.3.2.2 When stopped in accordance with S5.3.2, any trailer designed exclusively for harvesting logs or pulpwood and constructed with a skeletal frame with no means for attachment of a solid bed, body, or container, and with an arrangement of air control lines and reservoirs designed to minimize damage in off-road operations need not meet the requirements relating to wheel lockup, but must nevertheless meet the requirements of straying within the 12-foot lane.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket.

A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons contine to examine the docket for new material.

The program official and lawyer principally responsible for the development of this proposal are Duane Perrin and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 9, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-16992 Filed 6-15-77;8:45 am]

[49 CFR Parts 575 and 581]

[Docket No. 73-19, 74-11; Notices 15, 18]

BUMPER STANDARD

Damageability Requirements and Consumer Information

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Announcement by public meeting and proposed rule.

SUMMARY: This notice proposes three alternative amendments to Part 581,

Bumper Standard, two of which would include the establishment of a consumer information program under the combined authority of Section 112(d) of the National Traffic and Motor Vehicle Safety Act (Pub. L. 89–563) and Title II of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513). The notice would also schedule a public hearing on the issues involved in the proposal.

DATES: Comments must be received on or before August 15, 1977. Proposed effective dates:

Alternative I—Part 581 amendment, September 1, 1980.

Alternative II—Consumer Information Program, September 1, 1978. Part 581 amendment, September 1, 1980.

Alternative III—Consumer Information Program, September 1, 1978. Part 581 amendment, delay implementation of Phase II for several years beyond 1980 or, alternatively, indefinitely.

HEARING: July 28, 1977. Deadline for submission of application for financial assistance: June 29, 1977.

ADDRESSES: Comments should refer to the docket number and be submitted to: Room 5108—Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Bob Mewhinney, Office of Crashworthiness, Motor Vehicle Programs, NHTSA, 400 Seventh St., SW., Washington, D.C. 20590 (202–755–8896).

SUPPLEMENTARY INFORMATION: On February 24, 1977, the National Highway Traffic Safety Administration (NHTSA) published a notice (42 FR 10862) proposing to delay for 1 year until September 1, 1980, implementation of the Phase II bumper requirements. This NPRM was in response to petitions for reconsideration from Ford and General Motors (GM), concerning the final rule establishing Part 581 (41 FR 9346, March 4, 1976). GM, in its petition, had expressed concern that implementation of two sets of bumper requirements only one year part (September 1, 1978 and September 1, 1979) would result in unrecoverable costs relating to research, design, development, and tooling. Ford had described a problem relating to its design plans for compliance with fuel economy standards. It requested that the effective date for implementation of the bumper requirements be delayed until September 1, 1980, in order that design changes could be accomplished simultaneously with those made necessary by the fuel economy provisions of the Energy Policy and Conservation Act (Pub. L. 94–163). The NHTSA proposed a 1-year delay in the implementation of the Phase II requirements as a possible method for resolving the problems alleged by Ford and GM.

The February NPRM was issued by the previous Administrator of the NHTSA. The current Administrator has reexamined the issues involved in that NPRM and has determined that alternative methods of resolving petitioners' problems should also be considered. A decision has also been made to examine by this notice and hearing the possible impact on compliance with the Phase II requirements of the new Clean Air Act amendments currently being considered by Congress for implementation in either the 1980 or 1982 model year, as well as the significant fuel economy standards which become effective in the 1981 model year and any action the Secretary of Transportation might take to enhance vehicle occupant protection under Standard No. 208 (49 CFR 571.208).

The three alternatives proposed by this notice will be closely examined in light of the information submitted by all interested persons, both in written comments and oral testimony at the public meeting. If none of the three approaches appear to be superior to the currently prescribed approach (49 CFR Part 581) when examined in terms of the considerations mentioned above, the three approaches proposed by this notice will be withdrawn and Part 581 will be implemented in its present form (Phase I effective September 1, 1978, and Phase II effective September 1, 1979).

The first alternative proposed by this notice is the amendment to 40 CFR Part 581 described in the February NPRM. Under this alternative, manufacturers would not be required to meet the Phase II requirements of Part 581 until September 1, 1980. According to the February notice, such an amendment would respond to petitions for reconsideration by enabling manufacturers to better optimize their Phase I bumper systems and to coordinate their bumper redesign efforts with those planned for fuel economy purposes.

The second alternative proposed by this notice would combine a 1-year delay, until September 1, 1980, in the implementation of the Phase II bumper requirements with a consumer information program on bumper damageability, to become effective September 1, 1978. The 1-year effective date delay would be responsive to the petitions for reconsideration from Ford and GM, as described in the February 24, 1977, NPRM. The consumer information program would be established under the authority of Section 112(d) of the National Traffic and Motor Vehicle Safety Act (Pub. L. 89–563) and Title II of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513). It would remain in effect until September 1, 1980, and would provide both the agency and consumers with specific bumper damageability information. After September 1, 1980, under this proposed option, Phase II would prohibit any significant damage to the bumper, thus obviating the need for bumper damageability information at 5 mph impact speeds.

Implementation of a consumer information program on bumper damageability would enable consumers to base their car-buying choices on what they perceive to be satisfactory bumper system performance. Car owners who live in congested urban areas where the threat of low-speed collisions may be of particular concern, would be able to rely on the bumper damageability information in selecting a more damage resistant vehicle. The information provided under the program, which would be of two kinds initially, bumper system damage and bumper system repair cost, would be based upon the results of impact tests conducted for compliance purposes under Phase I of the Part 581 bumper standard which also takes effect on September 1, 1978. A description of the bumper system damage would not only alert consumers to the crash performance capabilities of the various bumper systems, but would provide them with sufficient information to make their own assessment of the possible safety hazards of a damaged system.

Beginning with the second year of the consumer information program, passenger car insurers would be required to disclose to the NHTSA the insurance rate discounts which would be available for vehicles whose bumper systems performed at particular levels. This information would then be placed in the consumer information booklet along with the bumper system performance and repair cost information. A consumer would thus have all of the cost and performance data necessary to make an informed car-buying choice.

The NHTSA has identified, in Standard No. 215, Exterior Protection, the system whose proper functioning is important to the safety performance of the vehicle. Damage to these systems would obviously tend to create hazards. In addition, damage to the vehicle body surfaces may have a distinct effect on safety. Although such hazards are difficult to identify and quantify, a lacerated or projecting bumper surface, for example, might well pose special danger to pedestrians, either on a moving or a stationary vehicle. This agency has tentatively decided, therefore, that the information concerning damage to vehicle surfaces that will be produced by tests for compliance with Part 581 (which includes Standard 215) can be of value to the public in evaluating the performance of the tested vehicles. Such information is the type described in Section 112 (d) of the Traffic Safety Act. It is therefore proposed that 49 CFR Part 575, Consumer Information Regulations, be amended to require manufacturers to distribute bumper performance information to prospective purchasers. This information would also be highly significant to consumers in the event the agency adopted, in the future, a consumer information program based upon impacts up to 10 mph. Although not specifically proposed as an alternative, comments should address the feasibility and advisability of requiring a consumer information program for bumper and other surface area damageability that is based upon impacts at up to 10 mph. Specially, the program would be based upon the same type of testing and damage criteria as currently prescribed in Part 581. The only difference would be the impact speed.

Title II of the Cost Savings Act gives the NHTSA the authority to compile damage susceptibility and crashworthiness information which will facilitate comparison by the public of the various makes and models of passenger cars. It is the agency's tentative judgment that this can be best accomplished by making available repair cost figures for the damage incurred by the bumper systems of the various passenger car models when tested in accordance with the 5 mph impact tests required by Part 581. Thus, this information would, under this proposal, be furnished to consumers along with the information proposed above to be supplied pursuant to Part 575.

The consumer information program would function in conjunction with the Part 581 Phase I compliance measures. Manufacturers would be required to determine the amount of set and dent incurred by the bumper face bar of each of its passenger car models following the prescribed Part 581 testing. If the set and dent were equal to or less than ¾ inch and ⅜ inch, respectively, that particular vehicle would be considered to have incurred "inconsequential" damage and would not be subject to any further examination. If, however, the set and dent exceeded those limits, the manufacturer would be required to examine the entire bumper system for damage. With regard to the exterior parts of the system, any type of deformation or blemish would be considered as damage. With regard to the components of the bumper system substructure, any deformation that caused a component to no longer be capable of operating in the normal manner would be considered as damage.

Manufacturers would be required to disclose in a booklet to be distributed to prospective passenger car purchasers, information pertinent to the bumper system performance of each of its passenger cars. The booklet would list all passenger car models in groups according to their interior size (e.g., subcompact, compact). The first section of the booklet would list all motor vehicle models that sustained set and dent not greater than ¾ inch and ⅜ inch, respectively. These vehicles would be labeled as having incurred "inconsequential" damage when impacted at 5 mph in accordance with Part 581 test procedures. The second section of the booklet would list all other passenger car models. Next to each model would be a detailed yet understandable description of the exterior bumper system damage incurred as a result of the 5 mph impacts. In addition, the total cost to repair the system by replacement of the damaged bumper system components (including labor costs), and the manufacturer's estimate of the lowest cost to repair the total damaged bumper system damage would be listed.

Manufacturers would be required to submit to the NHTSA all of the information required to appear in the booklet by June 1 of each year. The NHTSA would then compile the information supplied by all of the manufacturers and print a booklet containing the data as described above. A copy of the booklet would then be provided to each passenger car manufacturer by August 1 of each year. The manufacturer would be responsible for printing a sufficient number of copies of the booklet for distribution by his dealers to all prospective passenger car purchasers. The booklets with information applicable to the passenger cars of a single model year, would have to be available at each dealer's place of business by September 15 of each year. Each passenger car dealer would be required to place the booklets in a location which is obvious to prospective motor vehicle purchasers and to furnish each prospective purchaser with a copy at no charge.

Manufacturers would be required to include on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) or on a separate label affixed to the right front window of each passenger car the two total cost figures applicable to that particular vehicle. If the vehicle had incurred "inconsequential" damage, that should be indicated on the label. The label information would describe the meaning of the two figures or the "inconsequentiality" rating and would make reference to the existence of the booklet and the comparative information it contains. The manufacturer would also be required to place this damageability information in each vehicle owner's manual.

The third alternative proposed by this notice is to implement the consumer information program beginning September 1, 1978, as proposed in the second alternative, and to delay for several years beyond September 1, 1980, or perhaps indefinitely, implementation of the Phase II bumper requirements. The consumer information program would remain in effect until such time as the Phase II requirements were implemented. This alternative is proposed in acknowledgement of the major requirements with which motor vehicle manufacturers will be required to comply in the early 1980's. Major amendments to the Clean Air Act are being considered by Congress for implementation in either the 1980 or 1982 model year. In addition, substantial improvement in the fuel economy of passenger automobiles will be required for the 1981 model year. If the passive restraint option of the notice proposing to amend Standard No. 208 (42 FR 15935) is adopted, it also would become effective in the early 1980's. The agency is concerned about the burden on manufacturers to comply with these several major requirements during only a one- or two-year period. Since these requirements slated for implementation in the early 1980's involve significant safety and health matters, as well as the nation's energy policy, the agency has determined that the impact of compliance with a cost savings standard on satisfaction of these critical standards should be considered.

Implementation of all of these major requirements during the early 1980's will certainly require the concentration of significant automotive industry resources. Because such resources may have to be applied to compliance with other standards, it is possible that satisfaction of the Phase II bumper requirements would not be achieved in as cost-efficient a manner as previously anticipated. Given the mandate in Title I to provide consumers with a bumper system that will save them money, it is incumbent upon the agency to examine closely the effect of compliance with other important requirements. If it appears that a cost-efficient Phase II program cannot be effected in either the currently prescribed 1980 model year or the proposed 1981 model year, it is the agency's responsibility to reconsider those effective dates.

Comments are specifically requested on the difficulties, if any, of meeting the Phase II bumper requirements simultaneously with the other requirements due to go into effect. Additionally, the cost impact on the development of Phase II bumper systems of complying with fuel economy, emissions, and possibly passive restraint requirements is solicited.

In addition to comments on the three proposed amendments, it is requested that passenger car manufacturers responding to this notice indicate whether their passenger cars are now or will soon be capable of meeting the Phase II requirements of Part 581. It is also requested that manufacturers address the degree to which a consumer information program, such as that described in this notice, might motivate passenger car manufactuers to improve the performance of their bumper systems given the possible competitive effect of the information disclosed.

In accordance with Section 102(e)(1) of the Cost Savings Act which requires that interested persons be given an opportunity to orally present their views on any rule amending a bumper standard, a public meeting is hereby scheduled to discuss the alternatives proposed by this notice. Interested persons are invited to attend the meeting and to present oral or written comments. Persons wishing to make written comments only, must submit those comments to the docket by August 15, 1977. Persons making oral statements are encouraged to submit their comments in written form either at the meeting or by mail. All comments, both oral and written, must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion. All written submissions should be mailed to Docket No. 73–19, Notice Docket Section, National Highway Traffic Safety Administration, Room

5108, 400 Seventh Street SW., Washington, D.C. 20590.

Persons who desire to make an oral statement should contact Mr. Bob Mewhinney, Motor Vehicle Programs, NHTSA, Washington, D.C. 20590 (202–755–8896) by July 18, 1977, so that time limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at the same time. Persons whose presentations include slides, motion pictures, or any other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the NHTSA Docket Section, Room 5108, approximately 5 days after the meeting.

The meeting will be held on July 28, 1977, in the Departmental Auditorium, 14th St. and Constitution Ave., N.W., Washington, D.C., beginning at 9:30 a.m. The meeting will continue on July 29, 1977, if additional time is necessary to hear all presentations.

In addition to the public meeting, the Department also invites applications for financial assistance from individuals or organizations that wish to participate in this rulemaking proceeding on Part 581, Title II of the Cost Savings Act, and Section 112(d) of the Traffic Safety Act but are financially unable to do so. This invitation is issued pursuant to the recently established (41 FR 2863, January 13, 1977) one-year demonstration program for funding of individuals or organizations that desire to participate in designated NHTSA proceedings under the National Traffic and Motor Vehicle Safety Act of 1966, as amended, the Motor Vehicle Information and Cost Savings Act, as amended, and the Highway Safety Act of 1966, as amended.

All those applications submitted before the deadline specified above will be evaluated by a panel of NHTSA and DOT officials to determine whether each applicant is eligible to receive funding under the regulations. In general, an applicant is eligible if (1) it represents an interest the representation of which can reasonably be expected to contribute to a full and fair determination of the issues in the proceeding, (2) its participation is reasonably necessary to represent that interest, (3) it can competently represent that interest, and (4) it lacks sufficient financial resources to participate in the absence of such assistance. If more than one applicant representing the same or similar interest is deemed eligible, the panel either will select the applicant which can make the strongest presentation or, will select more than one applicant if the eligible applicants seek to present significantly different points of view or proposals. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim. Interested persons may obtain a copy of the regulations for the demonstration program from Jeannette Feldman, Office of the Administrator, NHTSA, 400 Seventh St. SW. Washington, D.C. 20590 (202–426–1590) regarding the July 28, 1977, hearing.

Each application submitted pursuant to this notice should identify which of these or other issues the applicant proposes to address and the manner in which the applicant proposes to do so.

Applicants are urged to submit their applications by the deadline specified above. Under the regulations for the demonstration program, consideration of late applications is at the discretion of the panel of officials that will review the applications.

The principal author of this notice is Karen Dyson, Office of Chief Counsel.

In consideration of the foregoing, it is proposed that the NHTSA take one of the following three courses of action (I, II, or III below):

I

In 49 CFR Part 581, Bumper Standard, § 581.5 would be amended as follows:

§ 581.5 [Amended]

(1) In § 581.5(b) the date "September 1, 1979" in the title and the text is changed to "September 1, 1980."

(2) In § 581.5(c)(8) the phrase "from September 1, 1978 to August 31, 1979" is changed to "from September 1, 1978 to August 31, 1980."

(3) In § 581.5(c)(10) the date "September 1, 1979" is changed to September 1, 1980."

II

The same amendments as proposed in I would be made, and in addition 49 CFR Part 575, Consumer Information Regulations, would be amended by adding a new § 575.107 to read as follows:

§ 575.107 Bumper performance.

(a) *Scope.* This section requires passenger car manufacturers to provide information on the damage and cost of repair of bumper systems that have been subjected to impact tests under 49 CFR Part 581.

(b) *Purpose.* The purpose of this section is to provide information to car buyers on the damage susceptibility and crashworthiness of passenger car bumper systems in order to enable them to assess the safety of those systems and their cost of repair.

(c) *Application.* This section applies to passenger cars and passenger motor vehicles manufactured from September 1, 1978 until August 31, 1980.

(d) *Definitions.* "Exterior damage" means any blemish or deformation of the exterior surface areas of the bumper system.

"Substructure damage" means any deformation of a component of the bumper system substructure which causes such component to be no longer capable of performing in the normal manner.

(e) *Requirements.* (1) Each manufacturer shall, following the prescribed testing for compliance with 49 CFR Part 581, measure the bumper face bar of each of its passenger car models to determine whether it meets the requirements of § 581.5(c)(11) of this chapter.

(2) If a vehicle does not meet the requirements of § 581.5(c)(11) of this chapter, the manufacturer shall examine the entire bumper system and determine the following information:

(i) Which bumper system components have incurred exterior damage.

(ii) Which bumper system components have incurred substructure damage.

(iii) The cost to replace each component that has incurred the type of damage described in paragraph (e)(2) (i) and (ii) of this section.

(iv) The number of hours of labor required to repair the damaged bumper system by replacement of the components described in paragraph (e)(2) (i) and (ii) of this section.

(v) The total cost of labor to accomplish the repair by replacement described in paragraph (e)(2)(iv) of this section, computed based upon the hourly labor cost figure supplied by the NHTSA.

(vi) An estimate of the lowest cost to repair the bumper system components described in paragraph (e)(2) (i) and (ii) of this section.

(3) Each manufacturer shall include either on the label required by Section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), or on a separate label affixed to the right front window of each vehicle, and in each owner's manual, the following information:

(i) If the vehicle meets the requirements of § 581.5(c)(11) of this chapter, a statement that when subjected to crash tests at 5 mph the vehicle bumper system sustained "inconsequential" damage.

(ii) If the vehicle does not meet the requirements of § 581.5(c)(11) of this chapter, a statement that when subjected to crash tests at 5 mph the vehicle bumper system sustained damage which (*a*) to repair by replacement of damaged components would cost _____ dollars (including labor costs) and (*b*) to repair by the most economical means would cost _____ dollars.

(iii) A statement that the vehicle dealer has, at no charge, a booklet listing the type of damage incurred by the vehicle bumper systems of all passenger car models when subjected to 5 mph crash tests, and the cost to repair that damage.

(3) Each manufacturer shall supply to the NHTSA, by June 1 of each year, the following information concerning the passenger car models it intends to sell as manufactured in the model year beginning the following September:

(i) A description, in terms readily understandable by a prospective passenger car purchaser, of the exterior bumper system damage incurred following testing under Part 581 of this chapter.

(ii) The total cost, including labor, to repair by replacement the components damaged, as described in paragraph (e)(2) (i) and (ii) of this section.

(iii) The lowest cost, estimated by the manufacturer, to repair the components damaged, as described in paragraphs (e)(2) (i) and (ii) of this section.

(5) Each insurer of motor passenger cars shall, by June 1 of each year, beginning June 1, 1979, supply the NHTSA with specific information indicating the amount of insurance rate discount it will provide for certain described levels of bumper performance.

(6) The NHTSA shall compile the information described in paragraph (e)(4) and (5) of this section and print a booklet, as described in paragraph (e)(7) of this section. A copy of this booklet shall be supplied to each passenger car manufacturer by August 1 of each year.

(7) Each manufacturer shall publish a supply of booklets, in sufficient number to be distributed to all prospective purchasers, and distribute them by September 15 of each year to all dealers that offer their passenger cars for sale to the public. The booklets shall contain the following:

(i) The title "Bumper Damageability and Cost Informaton."

(ii) A first section listing all vehicle models that sustained "inconsequential" bumper system damage when subjected to crash tests at 5 mph.

(iii) A second section listing all other vehicle models in groups according to their interior size.

(iv) Next to each model entry in the second section shall a description of the exterior bumper system damage in terms readily understandable by prospective passenger car purchasers, the total cost, including labor, to repair by replacement the damaged bumper system components, the lowest estimated cost to repair the bumper system damage, and, beginning September 1, 1979, the issuance rate discount provided by the various passenger car insurers for certain secified levels of bumper performance.

(v) An hourly labor cost to be supplied to the manufacturers by the NHTSA and used in the booklet to compute the total labor costs for repair of a damaged bumper system.

(8) Each passenger car dealer shall provide to prospective passenger car purchasers, without charge, the "Bumper Damageability and Cost Information" booklet described in paragraph (e)(7) of this section.

(9) Each passenger car dealer shall maintain the booklets in a location that is easily observable by prospective passenger car purchasers.

(10) No passenger car dealer shall remove or alter the bumper damageability sticker affixed by a manufacturer pursuant to paragraph (e)(3) of this section.

III

§ 581.5 [Amended]

1. In 49 CFR Part 581, Bumper Standard, the dates "September 1, 1979" which appears in § 581.5(b) and § 581.5(c)(10), and "August 31, 1979" which appears in § 581.5(c)(8) are deleted, and the requirements of those paragraphs are indefinitely postponed.

2. The same amendment to 49 CFR Part 575 (§ 575.107) as proposed in II would be made except that subsection (c) would read as follows:

§ 575.107 Bumper performance.

* * * * *

(c) *Application.* This section applies to passenger cars and passenger motor vehicles manufactured on or after September 1, 1978.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the ocmplete comments should be submitted to the Office of Chief Counsed at the above address, with tn indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Secs. 103, 112, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); Sec. 201, Pub. L. 92–513, 86 Stat. 947 (15 U.S.C. 1941); delegation of authority at 49 CFR 1.50 and 501.8.)

NOTE.—It is hereby certified that the economic and inflationary impacts of these proposed amendments have been carefully evaluated in accordance with Office of Management and Budget Circular A-107.

Issued on June 13, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-17293 Filed 6-14-77;11:14 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 18—MARINE MAMMALS

Proposed Designation of Marine Otter as a Marine Mammal

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Director of the Service proposes to add the marine otter (*Lutra felina*) to the list of species formally designated as marine mammals for purposes of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407). The Director's judgment that it is appropriate to list the marine otter at this time is based on available biological data concerning the species. Although the marine otter is presently listed as an endangered species and is therefore protected by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), this proposed listing would afford the species additional protection.

DATE: Interested persons are invited to participate in this rulemaking by submitting written comments on or before July 18, 1977.

ADDRESS: Comments should be addressed to the Director (FWS/LE), United States Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036, and should make reference to file number REG 18–02–09. All comments timely received will be available for public inspection between 7:45 a.m. and 4:15 p.m., Monday through Friday, in Suite 600 of the Service's office at 1612 K Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Rupert Bonner, Marine Mammal Coordinator, Division of Wildlife Assistance, United States Fish and Wildlife Service, Suite 1200, 1612 K Street, NW., Washington, D.C. 20006, 202–343–8961.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under authority of section 112 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1382). The Fish and Wildlife Service has determined that (1) this proposed rule is not a major Federal action significantly affecting the human environment and requiring preparation of an environmental impact statement and (2) that this proposed rule does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A–107.

Section 3(5) of the Act (16 U.S.C. 1362(5)) defines the term "marine mammal" as "any mammal which (A) is morphologically adapted to the marine environment (including sea otters and members of the orders Sirenia, Pinnipedia, and Cetacea), or (B) primarily inhabits the marine environment (such as the polar bear); and, for the purposes of this chapter, includes any part of any such marine mammal, including its raw, dressed, or dyed fur or skin." A species which satisfies this definition and is formally listed as a marine mammal in § 18.3 of Title 50, Code of Federal Regulations, is subject to the restrictions and protective provisions of the Act. This rulemaking would add the marine otter to the list of marine mammals in § 18.3.

The species primarily inhabits the coastal waters of South America, from Central Peru to Cape Horn, Chile, but is also known to ascend rivers to at least 650 meters above sea level. Two subspecies of the marine otter are recognized: the first from southern Chile and the second from northern Chile and Peru.

Only very limited population data are available with regard to the marine otter found at the northern end of the Chilean range, but in Peruvian waters the population is estimated to be as small as 200 to 300 specimens. In the Cape Horn and southern Tierra del Fuego region, the species is nearly extinct. (See Administration and Status Report of the Marine Mammal Protection Act of 1972, United States Fish and Wildlife Service (1975); (1976)). Copies of these reports may be obtained by writing to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. For these reasons, the Marine Mammal Commission has independently recommended to the Director that the marine otter be formally listed in § 18.3.

DRAFTING INFORMATION

The principal author of this proposal is David R. Endres, a legal specialist for the Division of Law Enforcement, United States Fish and Wildlife Service.

PROPOSAL

It is proposed to amend the definition of "marine mammal" contained in § 18.3 of Part 18, Subchapter B, Chapter I of Title 50, Code of Federal Regulations, to read as follows:

§ 18.3 Definitions.

In addition to the definitions contained in section 3 of the Act (16 U.S.C. 1362) and in Part 10 of this subchapter, and unless the context requires otherwise, in this Part 18:

* * * * *

"Marine mammal" means any specimen of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name	Date listed
Ursus maritimus	Polar bear	Dec. 21, 1972
Enhydra lutris	Sea otter	Do.
Odobenus rosmarus	Walrus	Do.
Dugong dugong	Dugong	Do.
Trichechus manatus	West African manatee.	Do.
Trichechus inunguis	West Indian manatee.	Do.
Trichechus senegalensis	Amazonian manatee.	Do.
Lutra felina	Marine otter	June 16, 1977

NOTE.—Common names given may be at variance with local usage.

* * * * *

Dated: June 6, 1977.

LYNN A. GREENWALT,
Director, Fish and Wildlife Service.

[FR Doc.77-17199 Filed 6-15-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2 p.m., June 27, 1977 in the 7th floor Conference Room of Covington and Burling, 888 16th Street NW., Washington, D.C. 20006.

The Committee will meet to consider, for the third time, a study of "Judicial Review of Customs Service Actions," by Professor Peter M. Gerhart, as well as tentative recommendations stemming from the study.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Jeffrey Lubbers (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JUNE 9, 1977.

[FR Doc.77-17106 Filed 6-15-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GALLINA PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Galinna Planning Unit, USDA-FS-R3 FES Adm. 76-06.

The environmental statement considers a proposed plan of management for 59,780 acres of National Forest in the vicinity of Galinna, New Mexico. Rio Arriba and Sandoval Counties.

The final environmental statement was transmitted to CEQ on June 8, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, So. Agriculture Bldg., Rm. 3230, 14th and Independence Ave. SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, New Mexico 87102.

Santa Fe National Forest, Federal Building, Santa Fe, New Mexico 87501.

A limited number of single copies are available upon request to the Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87501.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

GARY E. CARGILL,
Deputy Regional Forester, Resources Region 3.

JUNE 8, 1977.

[FR Doc.77-17254 Filed 6-15-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 30779; Order 77-6-62]

AIR CHARIOT LTD. AND McCULLOCH INTERNATIONAL AIRLINES, INC.

Order Setting Application for Hearing

On April 22, 1977, Air Chariot Ltd. (Chariot) and McCulloch International Airlines, Inc. (MIA) filed a joint application requesting approval, pursuant to section 408 of the Act, of a Purchase Agreement entered into on February 11, 1977, between Chariot and FGH Financial Corp. (FGH) which provides for the transfer to Chariot of 81 percent of the outstanding stock of MIA, now held by FGH, and three Lockheed Electra aircraft and other FGH assets.[1] Chariot also requests section 408 approval of a mutually dependent Purchase Agreement entered into on March 29, 1977, between Chariot and McCulloch Properties, Inc. (Properties) which provides for the transfer to Chariot of the 19 percent balance of MIA's outstanding stock.

Certain other aspects of the transactions in question require Board approval under sections 408 and 409 of the Act. Chariot and MIA request approval of a proposed dry lease of a B-720 aircraft by Chariot to MIA, Chariot having entered into a purchase agreement to buy the aircraft upon Board approval of the basic Purchase Agreements. Approval is also sought for certain interlocking relationships subject to Board approval under section 409 of the Act.

[1] On May 20, 1977, the joint applicants filed a Motion for Expeditious Issuance of Notice of Prehearing Conference and Establishment of Other Procedural Dates. Except to the extent granted herein, the Motion will be denied.

which may arise by reason of approval of the Purchase Agreements as well as certain interests shareholders of Chariot have in Jet Avia, Ltd. (Jet), a registered air taxi operator. Board approval is also sought for the common control relationship between Jet, on the one hand, and Chariot and MIA, on the other. Jet, along with MIA and Chariot, requests an exemption from the Board's Economic Regulation, 14 CFR 298, which would otherwise prohibit the continuation of the air taxi operations after consummation of the Purchase Agreements. Finally, Chariot proposes, pursuant to the Board's Economic Regulations, 14 CFR 215, to change the name of MIA, such name change being a condition of the Chariot/Properties Purchase Agreement.

No comments in response to this application were filed.[2]

Upon consideration of the pleadings and all the relevant facts, we have decided to set the joint application of Chariot and MIA for hearing.

Accordingly, It is so ordered, That: 1. The joint application of Air Chariot Ltd. and McCulloch International Airlines, Inc., Docket 30779, be and it hereby is set for hearing, at a time and place hereafter to be designated; 2. The issues in the proceeding instituted by 1 above shall include the following:[3]

(a) Will the proposed acquisition of 81 percent of the stock of McCulloch International Airlines, and the aircraft and the assets set forth in the agreement by the applicants, by Air Chariot Ltd. through FGH Financial Corp. and of 19 percent of McCulloch International Airlines' stock through McCulloch Properties, Inc. be consistent with the public interest under sections 102 and 408(b) of the Federal Aviation Act of 1958, as amended?

(b) Will the proposed acquisition result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the acquisition?

(c) Will approval of the proposed acquisition create interlocking relationships within the meaning of section 409 of the Act and, if so, shall these rela-

[2] Teamsters Local No. 2707 filed a formal request to be made a party to Docket 30779. The request will be granted.

[3] These issues do not encompass the question of the proposed dry lease of a B-720 by Chariot to MIA and the proposal to change MIA's name, neither of which need be resolved in an evidentiary hearing. However, facts concerning these questions may be developed during the course of the proceeding, and the Board proposes to separately resolve them if the proposed agreement is approved.

tionships be approved as not adverse to the public interest?

(d) If the proposed acquisition is approved, what terms, conditions, and limits, if any, shall the Board apply?

(e) If the proposed acquisition is approved, shall Jet Avia Ltd. be given an exemption to permit it to continue as an air taxi operator under section 298 of the Board's Regulations?

3. McCulloch International Airlines, Air Chariot Ltd., Jet Avia Ltd., FGH Financial Corp., McCulloch Properties, Inc., and Teamsters Local No. 2707 be and they hereby are made parties to the proceeding in Docket 30779;

4. Motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers shall be filed 5 days thereafter; and

5. The joint applicants' Motion for Expeditious Issuance of Notice of Prehearing Conference and Establishment of Other Procedural Dates be and it hereby is granted to the extent indicated herein and denied in all other respects.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17287 Filed 6-15-77;8:45 am]

[Docket Nos. 28985, 21389; Order 77-6-65]

ALLEGHENY AIRLINES, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June, 1977.

By Order 74-11-45, November 8, 1974, Docket 21389, the Board authorized Allegheny Airlines, Inc., to suspend service at Kokomo-Logansport-Peru, Indiana (Kokomo), for a 7-year period.[1] The authority was made subject to a number of conditions, including that Air Wisconsin, Inc. (or another acceptable Part 298 carrier), provide a minimum level of service and that Allegheny notify the Board within 30 days of its plans for service at Kokomo in the event that Air Wisconsin ceased providing regularly scheduled commuter service.

On February 19, 1976, Air Wisconsin notified the City of Kokomo that it intended to terminate its service effective April 1, 1976. By the terms of its suspension Allegheny would have been required to resume service on May 1, 1976. On March 2, 1976, Allegheny filed a petition in Docket 28985 requesting the deletion of Kokomo from its certificate for Route 97. On March 17, 1976, Allegheny filed two petitions: one in Docket 28985 requesting the issuance of an order directing all parties to show cause why Allegheny's certificate should not be amended to delete Kokomo, and one in Docket 21389 requesting modification of Order 74-11-45 so as to eliminate the substitute-service requirement imposed therein until the Board rules on the deletion request in Docket 28985. By Order 76-4-185, April 30, 1976, the Board (1) deferred action on Allegheny's petition for an order to show cause and on its deletion application and (2) waived for 90 days the requirement that Allegheny resume Kokomo service. Further, the Board suggested that Allegheny seek another Part 298 replacement carrier for Kokomo during the 90-day period and, if unable to reasonably secure such replacement service, describe its efforts in this regard in any further request for extension of its suspension authority.

On July 9, 1976, Allegheny filed a petition for extension of its suspension at Kokomo, without replacement, for an indefinite time period pending Board action on its deletion application. By Order 76-7-128, served August 12, 1976, the Board denied Allegheny's request for an indefinite suspension and granted it 30 days to prepare to reinstitute service or find an acceptable replacement carrier. On August 18, 1976, Allegheny filed a petition for reconsideration of Order 76-7-128 requestiong a six-month extension of its suspension authority at Kokomo, without replacement, until March 1, 1977. By Order 76-8-144, August 27, 1976, the Board extended Allegheny's suspension until March 1, 1977 in order to afford the carrier and Kokomo additional time to explore solutions to the problem of air service at Kokomo.

On February 8, 1977, Allegheny filed an application requesting (1) extension of its suspension authority at Kokomo until 60 days after final decision on its application to delete Kokomo in Docket 28985 and (2) that the Board act expeditiously and grant Allegheny's application for the deletion of Kokomo.[2]

In support of its requests, Allegheny states, inter alia, that: CV-580 service by Allegheny in the Kokomo-Indianapolis market would produce substantial losses;[3] since Convairs are used primarily on the eastern portion of Allegheny's system and Allegheny is in the process of eliminating CV-580's from its fleet, the resumption of Kokomo service would require the ferrying of a Convair to Indianapolis solely for the purpose of serving that point; Skystream Airlines, a commuter air carrier, provides nonstop and one-stop service to Chicago, Detroit, Indianapolis, and South Bend; Kokomo is not isolated from the air transportation network, having convenient access to three major airports (Indianapolis, Fort Wayne, South Bend); Allegheny has not served the community for several years and Kokomo does not expect or want Allegheny to provide large-aircraft service to the local airport; and, under these circumstances, Kokomo should be deleted from Allegheny's certificate.

No answers opposing Allegheny's application were filed.

The Kokomo Board of Aviation Commissioners (Kokomo) filed an answer stating that it has no objection to Allegheny's request for an extension of its suspension pendente lite. Kokomo further stated that it has always been the community's desire to be served by a commuter air carrier providing a reasonable pattern of service; that provision of CV-580 service by Allegheny at Kokomo would not be in the best interests of the community and would be uneconomical for Allegheny; and that, until final decision on Allegheny's deletion request, Kokomo prefers to function with a commuter air carrier in lieu of Allegheny's CV-580's.

Upon consideration of the pleadings and all relevant facts, we have decided to issue an order to show cause proposing (1) to authorize the suspension of Allegheny's service at Kokomo and (2) dismiss Allegheny's application and motion, in Docket 28985, for an order to show cause the deletion of Kokomo.

We tentatively find and conclude that the public convenience and necessity require the amendment of Allegheny's certificate for Route 97 so as to suspend Kokomo thereon.[4] As a result of events occurring subsequent to Allegheny's renewal request, specifically the current consideration by Congress of legislative proposals for providing service to small communities, we believe that it is appropriate to suspend, rather than to delete, Allegheny's service obligation. The facts and circumstances which we have tentatively found to support our proposed ultimate conclusions appear below.

Kokomo has not been a strong traffic-generating point. Since 1965, enplanements have exceeded 15 per day only twice, in 1966 (16.9) and 1969 (16.4).[5] With the introduction of Air Wisconsin's more frequent small-aircraft service in 1969, the number of passengers using Air Wisconsin's service declined from 9,589 passengers in 1970 to only 4,544 passengers in 1975, or an average of only 2.6 passengers per flight. This level of traffic cannot economically support certificated service with the 50-seat aircraft that would be used by Allegheny.

Further, the Board has already found that service by Allegheny at Kokomo would be uneconomic. See Order 69-11-8, November 4, 1969. There, the Board found that suspension would reduce Allegheny's economic losses by approximately $230,000. Due to the declining traffic at Kokomo, the losses the carrier could expect to incur were it required to restore service with 50-seat CV-580 aircraft would be substantially greater than the losses forecast in 1969.

Nor is there any reason to believe that the traffic experience and the financial results for service by Allegheny at Kokomo have any reasonable chance of meaningful improvement in the foreseeable future, especially in light of the ample and convenient transportation alternatives currently available to Kokomo travelers. Skystream Airlines provides Beech-99 service between Kokomo and Detroit, Chicago, South Bend, and Indianapolis. Moreover, Kokomo has access to a medium hub, Indianapolis (58 road miles and 70 minutes driving time), and two small hubs, Fort Wayne (78 road miles and 94 minutes driving time), and South Bend (88 road miles and 106 minutes driving time). In addition, Kokomo receives motor coach and passenger rail service to Chicago, Indianapolis, and other Midwest cities. Thus, the city is not isolated from the national air transportation network. Consequently, we tentatively find and conclude that restoration of large-aircraft service at Kokomo by Allegheny will produce benefits that are too limited when compared with the costs involved, to warrant continuation of certificated local service at that point and that deletion of Kokomo would be consistent with a long line of Board cases involving the termination of certificated service following unsuccessful operations.[6]

Nonetheless, we have tentatively determined that as a matter of policy Allegheny's certificate obligation should be suspended rather than deleted and, therefore, that Allegheny's deletion application and motion for an order to show cause in Docket 28985 should be dismissed. Our determination stems from the fact that the Board has recently proposed legislation which, if adopted by Congress, would authorize the Board to implement a new Small Community Service Program.[7] Under the program, all small communities which cannot support certificated air service but which are currently named in the certificates of air carriers (either active or suspended points) will be initially eligible for federally subsidized service.[8] Kokomo has been included in the list of eligible communities that accompanied the Board's legislative proposal. An alternate approach, contained in S. 292, introduced by Senators Pearson and Baker, would provide Federal assistance for air service to small communities through the limited certification of commuter operators. Both programs have a common policy theme—i.e., all small communities currently named in certificates of public convenience and necessity would be eligible for Federally supported service irrespective of traffic generation or cost. While we have no doubt that any newly enacted legislation could go back and "pick up" points recently deleted, we believe it is preferable, from an administrative standpoint, to retain currently certificated points which no longer justify the continued imposition of a service obligation on a local service carrier as suspended points in the carrier's certificate. Consequently, we tentatively find that the public convenience and necessity require the suspension of Allegheny's authority at Kokomo. Finally, the community preference for commuter air carrier service in lieu of service by Allegheny with CV-580's lends support to our decision that the show-cause procedure is appropriate.[9]

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it in ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience, and necessity of Allegheny Airlines, Inc., for Route 97 so as to suspend Kokomo-Logansport-Peru, Inc., thereon, and dismissing the application of Allegheny in Docket 28985 and all motions filed therein;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after adoption of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; and answers to such objections may be filed 10 days thereafter;[10]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; Air Wisconsin, Inc.; Skystream Airlines, Inc.; Governor, State of Indiana; Mayor, City of Kokomo; Mayor, City of Logansport; Mayor, City of Peru; Airport Manager, Kokomo Municipal Airport; Indiana Aeronautics Commission; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17289 Filed 6-15-77;8:45 am]

[Docket 30635]

ARIZONA SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 13, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circu-

---

[1] The original suspension authority was granted for a period of 5 years by Order 69-11-8, November 4, 1969. The order also granted suspension authority at Marion, Indiana, but Marion was subsequently deleted from Allegheny's certificate for Route 97 by Order 72-10-26, October 10, 1972. The original suspension was subject to the condition that replacement service would be provided by air taxi operators that operated at least three round trips daily between Kokomo and Chicago.

[2] On February 16, Allegheny filed a request for a waiver of the timeliness of filing requirements of section 377.10(c)* of the Board's regulations so as to automatically extend the effectiveness of the authority granted by Order 76-8-144 beyond March 1, pursuant to 5 U.S.C. 558(c), pending final decision on its suspension application. Allegheny's waiver request was granted by Order 77-2-127, February 25, 1977.

[3] This is the smallest aircraft in Allegheny's fleet.

[4] We also tentatively find that Allegheny is fit, willing, and able to properly perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[5] Enplanements were: 5,985 in 1969 (both Allegheny and Air Wisconsin); 4,894 in 1970; 3,262 in 1971; 2,935 in 1972; 2,825 in 1973; 2,529 in 1974 and 2,219 in 1975.

[6] See Eastern Air Lines Deletion of Bowling Green, Ky., Order 72-7-25 July 7, 1972, *aff'd sub nom.* Bowling Green-Warren County v. CAB, 479 F. 2d 553 (6th Cir. 1972). See, also, Eastern Air Lines Deletion of Rome, Ga., Order 72-1-60, January 18, 1972; Eastern Air Lines Waycross Deletion Case, Order 72-5-50, May 12, 1972; Allegheny Airlines Deletion of Marion, Ind., Order 72-10-26, October 10, 1972; Frontier Airlines Deletion of Moab, Utah, Order 76-10-84, October 19, 1976; and most recently, Allegheny Airlines Service to Glen Falls, Order 77-2-49, February 10, 1977.

[7] The Board's program before the Senate Aviation Subcommittee on March 21, 1977.

[8] Under the Board's proposal, points which are currently not named in carrier certificates will be eligible for addition to the program after a three-year phase in period.

[9] It is found that the action herein will not constitute a "major" Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969, inasmuch as Allegheny has no operations at Kokomo.

[10] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[11] Statement of Commissioner Johnson, dissenting, filed as part of the original document.

late its material on or before June 24, 1977, and the other parties on or before July 6, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 10, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-17285 Filed 6-15-77;8:45 am]

[Docket 30826]

P. T. MERPATI NUSANTARA AIRLINES

Amendment of Foreign Air Carrier Permit; Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on June 16, 1977 (42 F.R. 29033), is postponed to June 30, 1977, 9:30 a.m. (local time), in Room 1003 B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., June 10, 1977.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc.77-17286 Filed 6-15-77;8:45 am]

[Docket No. 25659; Order 77-6-37]

PIEDMONT AVIATION, INC.

Investigation of the Local Service Class Subsidy Rate; Order Requiring Subsidy Refund

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of June, 1977.

By this order, the Board is requiring Piedmont Aviation, Inc. (Piedmont), to make a refund to the Civil Aeronautics Board in the amount of $1,788,000 which reflects the effects of completely removing the carrier's tax allowance from its subsidy computations for calendar year 1975. The factual support for the decision is set forth below.

Section III. A. of the Rate Formula of Class Rate VII, as adopted in Order 74-1-123, issued January 24, 1974, states that a carrier is in a tax position only if the carrier is incurring a liability under the Internal Revenue Code of 1954 for the payment of Federal income taxes. Section III. B. of the Rate Formula provides that a tax allowance shall be payable only to those carriers determined to be in a tax position, with such a determination to be based on an evaluation of the carrier's filed actual Federal income tax return, as amended and/or modified, or on the basis of a pro forma tax return filed with the Board pursuant to other parts of the Rate Formula.

As an integral part of the third and fourth reviews of Class Rate VII,[1] the Board provided Piedmont, among others, with a tax allowance in anticipation of a Federal tax liability for calendar year 1975. This allowance was provided because Piedmont had made a showing in the base period of Class Rate VII that it would incur a Federal tax liability at that time,[2] and subsequent examinations of Piedmont's profitability mandated the retention of the carrier's tax allowance. However, Piedmont submitted to the Board a pro forma tax return for calendar year 1975 showing both a net loss for its airline division and an overall corporate net loss.[3] In addition, a recent audit,[4] conducted to verify the accuracy of Piedmont's reports, also revealed that the airline had a net loss for calendar year 1975. Consequently, under the provisions of Class Rate VII, the carrier is not entitled to a tax allowance for calendar year 1975.[5]

During calendar year 1975, Piedmont was provided with a tax allowance of $1.248 million for its eligible operations. Pursuant to Section III. G.4., the carrier is required to refund this amount pertaining to the tax allowance.

The Board has also recomputed Piedmont's subsidy rates effective January 1—June 30, 1975, and July 1—December 31, 1975, excluding the tax allowance. (See Appendices A and B, respectively.) Pursuant to authority in Section IV. C. 8.[6] of the Rate Formula, Piedmont's profit offset from ineligible services has been recomputed without a tax allowance. The removal of taxes from this computation results in increased ineligible profits to be shared. The government's share of these increased ineligible profits amounts to $1.134 million.

Because of similar authority found in Section VIII. B. 8. of the Rate Formula, Piedmont's eligible improvement/deficiency has been recomputed for the same review periods, without a tax allowance, which produces a smaller improvement in the third review period and a smaller deficiency in the fourth review period. However, due to the provision that the eligible deficiency can be used to offset ineligible profits, the recomputation indicates that an increase of $594,000 in the eligible deficiency should be recognized. Netting this amount against the increased ineligible offset of $1.134 million produces a $.54 million refund which, in addition to the tax allowance refund of $1.248 million, provides for a total refund of $1.788 million.

$$R-I=A,\ \frac{A}{X}=Y;\ Y-A=T$$

where:

R=Return computed in Section IV. B. 1(a);
I=Allocated interest expense;
A=Amount subject to tax;
X=Complement of federal tax rate;
Y=Amount subject to tax plus tax; and,
T=Tax.

Federal tax computations under this Section shall be subject to the applicable provisions and definitions set forth under Section III of this rate. However, no taxes shall be provided for ineligible services unless a carrier has excess profits after taxes available for offset to reduce the need of the eligible services."

The recomputation of the effective subsidy rates employed herein is consistent with prior practice under Class Rate VII.[7]

Based upon the foregoing, the Board finds and concludes that Piedmont was not in a tax position during calendar year 1975 and, therefore, was not entitled to a tax allowance for the period. Consequently, Appendix L of Order 74-12-120 and Appendix L of Order 75-7-64 will be amended to reflect our findings and conclusions stated herein, and Piedmont will be required to refund $1,788,000.[8] (See Appendix C.)

ACCORDINGLY, *it is ordered*, that:

1. Appendix L to Order 74-12-120, as it applies to Piedmont Aviation, Inc., is amended as follows: The daily tax rate shown under "Federal Taxes Section III" is eliminated; the daily rate under "Eligible Improvement/Deficiency" is amended to read —978.08 and, the daily rate under "Ineligible Profit Offset Section IV" is amended to read —6,284.93;

2. Appendix L to Order 75-7-64, as it applies to Piedmont Aviation, Inc., is amended as follows: The daily tax rate shown under "Federal Taxes Section III" is eliminated; the daily rate under "Recognized Eligible Improvement/Deficiency" is amended to read +3,158.90; the daily rate under "Ineligible Profit Offset Section IV" is amended to read —3,158.90; and, the daily rate in footnote 6 is amended to read +3,767.12;

3. Piedmont Aviation, Inc., is hereby ordered to refund to the Civil Aeronautics Board $1,788,000;

4. This order shall become effective on the fifteenth day after service hereof, unless prior to that date exceptions, together with supporting reasons, shall have been filed with the Board by any party to this proceeding. If exceptions and supporting reasons are filed by any party within the prescribed time, the effective date of this order shall be stayed, only for the party or parties filing exceptions, pending further action by the Board; and

5. This order shall be served upon all parties to this proceeding.

---

[1] See Orders 74-12-119, issued December 30, 1974, 74-12-120, issued December 30, 1974, 75-7-64, issued July 14, 1975, and 75-8-41 issued August 8, 1975.

[2] See order 73-10-1, issued October 1, 1973.

[3] The pro forma tax return was submitted pursuant to directions contained in Order 76-4-101, issued April 20, 1976, pertaining to the establishment of Class Rate VII.

[4] All other local service carriers were similarly audited.

[5] This order does not affect the tax allowance paid to Piedmont for the period from January 1, 1976, to June 30, 1976, pursuant to Order 76-2-39, issued February 11, 1976, or the tax allowance being paid on and after July 1, 1976, pursuant to Order 76-12-159, issued December 30, 1976, which fixed the final rate for Class Rate VIII.

[6] "Federal taxes to be recognized in Section IV. B. 1 (b) shall be derived based on the following formula:

[7] See Orders 74-7-76, July 18, 1974, 74-12-120, December 30, 1974, 76-2-111, February 27, 1976, and 77-4-5, April 1, 1977.

[8] The details of the method of reimbursement will be formulated by the CAB Comptroller.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A.—*Piedmont Aviation, Inc.—Comparison of subsidy need determinations—Year ended Sept. 30, 1974*[1]

[Amounts in dollars]

	Eligible	Ineligible	System
Third review computations:			
Reported operating breakeven need	2,369	(9,284)	(6,915)
Subsidy ratemaking adjustments	(943)	(677)	(1,620)
Adjusted operating breakeven need	1,426	(9,961)	(8,535)
Return on adjusted investment	4,849	5,358	10,207
Federal tax provision	1,194	2,231	3,425
State tax provision	8	15	23
Total subsidy need	7,477	(2,357)	5,120
Adjusted base ceiling	8,244		
Ineligible profit offset	(1,178)	1,178	
Eligible improvement/deficiency[2]	(384)		
Six-month subsidy rate recognized[3]	6,682		
Revised computations:			
Reported operating breakeven need	2,369	(9,284)	(6,915)
Subsidy ratemaking adjustments	(943)	(677)	(1,620)
Adjusted operating breakeven need	1,426	(9,961)	(8,535)
Return on adjusted investment	4,849	5,358	10,207
Federal tax provision	8	15	23
State tax provision			
Total subsidy need	6,283	(4,588)	1,695
Adjusted base ceiling	6,996		
Ineligible profit offset	(2,294)	2,294	
Eligible improvement/deficiency[2]	(357)		
Sixth-month subsidy rate recognized[4]	4,345		

[1] Third review of Class Rate VII (see orders 74-12-119, Dec. 30, 1974, and 74-12-120, Dec. 30, 1974).
[2] Recognized deficiency cannot be greater than ineligible profit offset per section VIII of the rate formula (see order 74-12-120).
[3] Annualized rate for the 6-month period Jan. 1, 1975, to June 30, 1975.
[4] Cannot exceed adjusted base ceiling.

APPENDIX B.—*Piedmont Aviation, Inc.—Comparison of subsidy need determinations—Year ended Mar. 31, 1975*[1]

[Amounts in dollars]

	Eligible	Ineligible	System
Fourth Review Computations:			
Reported operating breakeven need	5,719	(7,472)	(1,753)
Subsidy ratemaking adjustments	(956)	(793)	(1,749)
Adjusted operating breakeven need	4,763	(8,265)	(3,502)
Return on adjusted investment	4,873	5,933	10,806
Federal tax provision	1,364	2,500	3,881
State tax provision	15	26	41
Total subsidy need	11,032	194	11,226
Adjusted base ceiling	8,150		
Ineligible profit offset			
Eligible improvement/deficiency[2]			
Six-month subsidy rate recognized[3][4]	8,150		
Revised computations:			
Reported operating breakdown need	5,719	(7,472)	(1,753)
Subsidy ratemaking adjustments	(956)	(793)	(1,749)
Adjusted operating breakdown need	4,763	(8,265)	(3,502)
Return on adjusted investment	4,873	5,933	10,806
Federal tax provision			
State tax provision	15	26	41
Total subsidy need	9,651	(2,306)	7,345
Adjusted base ceiling	6,902		
Ineligible profit offset	(1,153)	1,153	
Eligible improvement/deficiency[2]	1,153		
Six-month subsidy rate recognized[3][4]	6,902		

[1] Fourth review of Class Rate VII (see orders 75-7-64, July 14, 1975 and 75-8-41, Aug. 8, 1975).
[2] Recognized deficiency cannot be greater than ineligible profit offset per section VIII of the rate formula (see order 74-12-120).
[3] Annualized rate for the 6-month period July 1, 1975, to Dec. 31, 1975.
[4] Cannot exceed adjusted base ceiling.

Appendix C.—Piedmont Aviation, Inc., computation of actual amount to be refunded[1] *for calendar year 1975*

Description	Change due to recalculation (in thousands)	Daily rate	Amount (in thousands)
Period Jan. 1, 1975 to June 30, 1975[2]			
Annual CR VII tax allowance[3]	$1,248	$3,419.18	$619
Increase in the ineligible profit offset[4]	1,116	3,057.53	553
Decrease in the eligible improvement[4]	(27)	73.97	(13)
Subtotal			1,159
Period July 1, 1975 to Dec. 31, 1975:[5]			
Annual CR VII tax allowance[6]	1,248	3,419.18	629
Increase in the ineligible profit offset[7]	1,153	3,158.90	581
Increase in the eligible deficiency[7]	(1,153)	3,158.90	(581)
Subtotal			629
Total			1,788

[1] Computed on the basis of applying daily rates times the number of days in the period.
[2] This period contains 181 d.
[3] Annual tax allowance from appendix F-1 of Order 74-12-119.
[4] See appendix A.
[5] This period contains 184 d.
[6] Annual tax allowance from appendix F-1 of Order 75-7-64.
[7] See appendix B.

[FR Doc.77-16916 Filed 6-15-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDREN'S HOSPITAL RESEARCH FOUNDATION

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00114. Applicant: Children's Hospital Research Foundation of the Children's Hospital Medical Center, Elland and Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 400 with High Tilt Goniometer and Accessories. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in the following investigations: (1) Studies of the ultrastructural pathology of Reye's Syndrome and related hepatic encephalopathies including: High resolution analysis of the ultrastructure of mitrochondrial membranes and mitochondrial matrix protein structure, a search for virus particles and provirus structures in liver, muscle and brain tissues, a classification of influenzalike viral agents isolated from the tissues of Reye's Syndrome patients by passage in embryonated eggs, monkey kidney tissue culture fibroblasts and ferrets, and a search for influenza virus proteins in affected tissues using ferritin labelled and peroxidase labelled specific immune globulins, (2) Study of the ultrastructural pathology of brain biopsies of infants and children with unexplained, progressive, severe brain disorders. (3) Study of the ultrastructural pathology of the jejunal mucosa of infants affected by intractable diarrhea, (4) Study of the ultrastructure of the bile canaliculus in congenital disorders of biliary secretion including a study of the anatomy of pericanalicular microfibrils and microtubules, and (5) a study of the plasma membrane of the duodenal mucosal epithelium during calcium absorption to determine the significance of microvillus dense bodies. In addition, the article will be used in the training of postdoctoral fellows in pediatric gastroenterology.

COMMENTS: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26,

1976). Reasons: The foreign article is equipped with a eucentric goniometer stage and a guaranteed resolution of 5 Angstroms (point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 23, 1977 that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no domestic instruments which provided an equivalent eucentric goniometer and resolving power at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17202 Filed 6-15-77;8:45 am]

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

The place and time for the meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee scheduled for Tuesday, July 12, 1977, at 9:30 a.m. in Room 6511 has been changed to 1:30 p.m. in Room 5611, Main Commerce Building. The agenda and other information relating to the Subcommittee meeting, as published in the FEDERAL REGISTER, (42 FR 2934), on Tuesday, June 7, 1977, remain unchanged.

Dated: June 13, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-17215 Filed 6-15-77;8:45 am]

LEHIGH UNIVERSITY AND UNIVERSITY OF COLORADO

Consolidated Decision on Applications For Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00067. Applicant: Lehigh University, Metallurgy and Materials Science Dept., Whitaker Laboratory Bld. No. 5, Bethlehem, Pa. 18015. Article: PW6570/00C Scanning Attachment for EM 300, Adaptor; and accompanying accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is an attachment to an existing electron microscope that provides the facility to scan the electron beam across the specimen with a beam diameter from 250 to 2.5 nm. The STEM facility will be used to investigate the following materials problems:

(1) Solute redistribution occurring during selected phase transformations.

(2) Solute profiles occurring in meteorites.

(3) The fine scale structure of iron meteorites which have been shocked and cosmically reheated.

(4) The fine structure of hot-pressed and as-crept specimens of SiC and Si_3N_4 manufactured from the powder.

(5) The identification of particles in the Bi-MnBi directionally solidified eutectic.

(6) Theecrystalline structure of polyethylene.

The equipment will also be used in a course in Electron Metallography to introduce students to the most recent advances in electron optical applications. Application received by Commissioner of Customs: December 19, 1976. Advise submitted by the Department of Health, Education, and Welfare on: March 22, 1977.

Docket number: 77-00147. Applicant: University of Colorado, Department of Buying and Contracting, Willard Administrative Center 160, Boulder, Colorado 80309. Article: Ultrahigh Resolution Scanning System EM-100C ASID-4D and accessories. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is an accessory to be used in conjunction with an existing electron microscope in a wide variety of research and teaching projects. Investigations to be carried out involve the study of the structure of biological cells and tissues including nerve tissues, phenomena associated with neurological diseases; tumors and comparable normal tissues; and various types of plant cells especially valuable in displaying fundamental features of cell division and morphogenesis. The article will be used primarily in the course "MCDB 490/590: Workshop in Electron Microscopy", which introduces students to standard preparative techniques for both scanning and transmission electron microscopy. Application received by Commissioner of Customs: March 3, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977.

COMMENTS: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17206 Filed 6-15-77;8:45 am]

OHIO STATE UNIVERSITY

Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00115. Applicant: The Ohio State University, College of Pharmacy, 500 W. 12th Avenue, Columbus, Ohio 43210. Article: Electron Microscope, Model EM 9S-2 including spare parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the course Pharmacy 894 which is designed primarily for educating graduate students in the medical biological sciences in the techniques and interpretations of electron microscopic data. The students will devote a brief initial period in learning how to operate the electron microscope. The bulk of the time will be devoted to instruction of students in the techniques of preparation of the sample for electron microscopic examination and interpretation of electron micrographs.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 17, 1976). Reasons: The foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus the article covers the range of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 3, 1977 that simplicity and ease of operation are pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus which provided the pertinent features of the article at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17207 Filed 6-15-77;8:45 am]

U.S. ARMY MEDICAL RESEARCH INSTITUTE OF INFECTIOUS DISEASES AND GEORGE WASHINGTON UNIVERSITY

Consolidated Decision on Applications For Duty-Free Entry of Isotachophoresis Apparatus

The following is a consolidated decision on applications for duty-free entry of Isotachophoresis Apparatus pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00122. Applicant: U.S. Army Medical Research Institute of Infectious Diseases (USAMRIID), Bacteriology Division, Suite B1, Building 1425, Fort Detrick, Frederick, MD 21701. Article: Tachophor, Model LKB 2127-001 with accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological molecules including: proteins, peptides, metabolites from plant and animal tissues. Investigations will include studies on in vitro and/or in vivo reactions between molecules following increase, decrease or absence of one or all of the reacting molecules. Application received by Commissioner of Customs: February 9, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: January 27, 1977.

Docket Number: 77-00138. Applicant: HEW/FDA National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Tachophor complete, with Power Supply Unit, Analyzer Unit equipped with Perspex Electrode Houses, Lamps and Filter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological molecules including proteins, peptides, and metabolites from plant and animal tissue. Investigations will include studies on in vitro and/or in vivo reactions between biological molecules following increase, decrease, or absence of one or all of the reacting molecules. The objective pursued in the course of these investigations is to understand the interrelationship between biological molecules and to correlate these changes with chemical alterations seen in human diseases. Application received by Commissioner of Customs: February 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: December 28, 1977.

Docket Number: 77-00145. Applicant: The George Washington University, Lab for Virus and Cancer Research, Department of Medicine, Ross Hall, Room 526, 2300 I St. NW., Washington, D.C. 20037. Article: Tachophor (LKB-2127-001) complete, with Power Supply Unit, Analyzer Unit and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for the elucidation of the roles of various substances on a molecular level in disease states, particularly in regard to cancer, and to provide information necessary to design separatory systems capable of recovering such substances from complex mixtures of substances in sufficient quantity and integrity to allow for their use in diagnostic systems and for further immunological and biochemical analyses. The article will also be used to quantitate subtle alterations in the materials used in experiments and to monitor experiments in other systems. Application received by Commissioner of Customs: March 3, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: February 2, 1977.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article provides sensitivities in nanomole quantities with sample volumes of 0.1 to 50 microliters. The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda that the capability described above is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to each of the foreign articles for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17205 Filed 6-15-77;8:45 am]

National Oceanic and Atmospheric Administration

TRANSFER OF A FISHING VESSEL TO FOREIGN OWNERSHIP

Receipt of Application for Approval

Notice is hereby given that on May 24, 1977, the Maritime Administration of the Department of Commerce received an application from Messrs. Richard J. and Raymond L. Wrathell, 15104 N. 19th Street, Lutz, Florida 33549, for the approval of the sale of the 30.3' registered length fishing vessel R & R, O.N. 280321, to Mr. Pham Cong Hanh, 66069 49th Avenue, St. Petersburg, Florida and Dung Viet Mai, 1572 Delaware Avenue, St. Petersburg, Florida. Such approval is required by Sections 9 and 37 of the Shipping Act, 1916, as amended (36 U.S.C. 808.835), because the applicants are citizens of Vietnam. The vessels will be modified to be admeasured at under 5 net tons and will be operated primarily in the fishery for shrimp.

The Maritime Administration is the Federal agency responsible for the approval or disapproval of applications submitted pursuant to Sections 9 and 37 of the Shipping Act. However, the Maritime Administration customarily solicits the views of the National Marine Fisheries Service before deciding on an application relating to a fishing vessel, and has sought the views of the Service with regard to this application.

Accordingly, the Service solicits the written comments of interested persons in regard to this application. Such comments should be address to the Director, National Marine Fisheries Service,

Washington, D.C. 20235, and received no later than July 18, 1977. All communications received by such date will be considered before action is taken with respect to this application. No public hearing is contemplated at this time.

Dated: June 13, 1977.

JACK W. GEHRINGER,
Deputy Director, National Marine Fisheries Service.

[FR Doc.77-17265 Filed 6-15-77;8:45 am]

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY FOOD AND NUTRITION PROGRAM

Solicitation of Applications for Grants for the Community Food and Nutrition Program Funded Under Section 222(a)5) of the Economic Opportunity Act, as Amended

Notice is hereby given that the Community Services Administration (CSA) is soliciting applications for funding Community Food and Nutrition Program (CFNP) projects with Fiscal Year 1977 funds.

All policies and procedures promulgated by CSA Instruction 6132-2, Community Food and Nutrition Program, published in the FEDERAL REGISTER (42 FR 12047) on March 2, 1977, including the application process and categories of eligible applicants, apply to these fundings. In addition, consistent with the interim rule published in the FEDERAL REGISTER (42 FR 27593) on May 31, 1977, program emphases have been defined for Fiscal Year 1977 fundings and the percent of effort for each emphasis in each state has been set based on needs assessments and other consultations. (See attachment 1.)

Potential applicants are reminded that the regular A-95 procedures apply. Therefore, applicants are encouraged to submit their notification of intent to the appropriate clearinghouse(s) as soon as they decide that they will apply for funds.

Following are the program emphases for the Fiscal Year. They are derived from the eligible activities outlined in the basic policy statement (CSA Instruction 6132-2) but provide greater specificity:

ADVOCACY

Advocacy projects are designed to improve access to, and to expand the participation of eligible participants in, the various Federal food programs, e.g., food stamps, school lunch and breakfast, child care feeding, WIC, elderly feeding, etc. Advocacy activities may include: efforts to monitor, study and evaluate program operation when coupled with a plan to implement findings, recommendations, etc. in a manner which will improve program operation; legal and paralegal representation of eligible participants; community education and outreach efforts designed to inform eligible participants about the various food programs, the benefits available thereunder and to assist such persons in obtaining benefits; and efforts to plan, develop and implement food and nutrition policies and programs. In-so-far as is practical, advocacy efforts should be directed at effecting institutional changes in program policy and operations.

Examples of acceptable advocacy projects include, but are not limited to: 1. The development of a state or local coalition to insure community input in the implementation process of the major revisions of the food stamp program. Activities would include the development of the coalition; education of the members to the issues, solicitation of comments on proposed state and Federal regulations, negotiations with the state on the development of the state plan of operation and certification manual, and negotiation and monitoring of the implementation of the revision;

2. A community education/outreach effort designed to inform people of food stamp program revisions and to assist persons in obtaining benefits. Activities might include the development and distribution of informational materials, development of a media campaign, the development of a speakers bureau, training of personnel of other organizations, coordination of volunteers who provide transportation and prescreening services, negotiations to alter practices which prevent participation, and direct representation of applicants in their efforts to obtain benefits;

3. A short term study of the school breakfast program, the results of which would be used to expand program operation. Activities would include an analysis of the existing program operation and roadblocks to participation, the development of a school breakfast coalition to make recommendations and negotiate with school food officials, and formal meetings with the school board to provide community input into the decisions about the operation of the program.

SELF-HELP

Self-help projects are designed to directly involve the poverty community in efforts to improve access to food production and distribution processes designed to improve their nutritional well-being and to foster self-sufficiency. Self-help activities may include: efforts to develop alternative food production and distribution mechanisms which are community-owned and controlled; efforts to develop and utilize other community resources in the continuation of such activities; and, efforts to provide lower cost food stuffs to low-income people. Self-help activities will not be funded as continuing activities. All present and prospective grantees must have a specific plan for phasing out funding of particular projects.

Examples of acceptable self-help projects include, but are not limited to: 1. The development of a community food sale cooperative operated by the people it serves and designed to provide lower cost food to its membership. Activities would include organizing the co-op, assisting in establishing the physical and legal entity, providing training to operators, assisting in negotiating contracts with farmers and wholesalers for food delivery, assisting in seeking alternative sources of funds, and assisting in the development of other similar projects;

2. The development of a food production operation such as a greenhouse operation which would provide both lower cost food through distribution networks in the low-income community and provide employment opportunities to low-income people; and

3. Cooperative programs for the production of food or animals for family consumption.

SUPPLEMENTAL

Supplemental projects are designed to fill the voids in existing Federal feeding programs or to establish programs on a pilot basis. Acceptable supplemental activities may include the provision of services which are tangential to but necessary for the operation of existing Federal feeding programs. Supplemental programs will not be funded on a continuing basis. They must either be capable of being supported by another food program or by other funding sources within a specified period of time.

CRISIS RELIEF

This category is intended to meet temporary emergency needs of households through the direct provision of foodstuffs or direct access to food. Applicants desiring funding under this category must specifically delineat the need and explain why direct services are not duplicative or substitutes for already existing programs. Preference will be given to applicants who combine direct service efforts with activities designed to transfer the responsibility for the continuation of direct service activities within a specified period of time or which mobilize or organize community resources to provide crisis relief.

APPLICATION SUBMISSION

Closing date for receipt of applications is July 26, 1977. Applications should be submitted to the appropriate CSA Regional Office.

GRACIELA (GRACE) OLIVAREZ,
Director.

Attachment 1.—Program emphases listing by each State's percent of fiscal year 1977 funding level

State	Advocacy	Supplemental programs	Self-help	Crisis relief
Region I:				
Maine	35	60	5	0
Connecticut	73	5	11	11
Rhode Island	63	11	21	5
Vermont	37	0	53	10
Massachusetts	58	16	16	10
New Hampshire	47	0	51	2
Region II:				
New York	85	0	5	10
New Jersey	95	0	2	3
Puerto Rico	69	0	21	10
Virgin Island	82	0	16	2
Region III:				
Pennsylvania	35	24	25	16
Maryland	35	24	25	16
Delaware	35	25	25	16
West Virginia	35	24	25	16
Virginia	35	24	25	16
District of Columbia	35	24	25	16
Region IV:				
Mississippi	15	50	18	17
Kentucky	33	23	29	15
North Carolina	33	27	25	15
South Carolina	33	29	23	15
Tennessee	33	30	22	15
Florida	15	37	30	18
Georgia	33	27	25	15
Alabama	33	24	27	16
Region V:				
Illinois	64	5	26	5
Indiana	64	21	5	10
Michigan	64	5	26	5
Minnesota	59	5	26	10
Wisconsin	100	0	0	0
Ohio	48	27	15	10
Region VI:				
Arkansas	35	39	16	10
Louisiana	35	13	42	10
New Mexico	35	45	10	10
Oklahoma	35	25	24	16
Texas	35	35	15	15
Region VII:				
Iowa	35	34	21	10
Missouri	35	42	13	10
Kansas	36	44	8	10
Nebraska	35	50	10	5
Region VIII:				
Wyoming	37	26	32	5
Utah	64	21	10	5
North Dakota	60	19	16	5
South Dakota	35	22	40	3
Montana	35	16	44	5
Colorado	37	32	21	10
Region IX:				
Arizona	35	39	16	10
California	35	48	10	7
Hawaii	35	48	10	7
Nevada	35	39	16	10
Region X:				
Washington	38	25	22	15
Idaho	38	22	25	15
Oregon	38	12	35	15
Alaska	33	15	37	15

An amount equal to 5% of each state's allocation shall be set aside in each Region for program support projects intended to strengthen local programs thru the provision of training and technical assistance and to assist in coordination of anti-hunger efforts throughout the state including communication of successful methods and techniques.

[FR Doc.77-16912 Filed 6-15-77;9:30 am]

CONSUMER PRODUCT SAFETY COMMISSION

ALUMINUM WIRE CONNECTIONS

Extension of Time

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Consumer Product Safety Commission extends the time period within which it must publish either a proposed consumer product safety standard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop a standard for an indefinite period until jurisdictional questions concerning aluminum branch circuit wiring have been resolved.

FOR FURTHER INFORMATION CONTACT:

Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7770.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission has been in the process of developing a mandatory consumer product safety standard for aluminum branch circuit wire systems since it formally began a proceeding on November 4, 1975 under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). It has previously extended the period within which it must propose a consumer product safety standard for the aluminum wire system or withdraw the notice of proceeding until May 1, 1977, in order to discuss with the National Fire Protection Association and other organizations modification of the National Electric Code as an alternative to a mandatory federal standard. A detailed history of this action and of the standard development activities appears in the FEDERAL REGISTER of January 18, 1977 (42 FR 3342).

On March 11, 1977, the United States District Court for the District of Delaware in *Kaiser Aluminum and Chemical Corporation* v. *United States Consumer Product Safety Commission*, Civil Action No. 76-44 (D. Del.) concluded that aluminum branch circuit wire and aluminum branch circuit wiring systems are not consumer products as that term is defined in section 3(a)(1) of the CPSA (15 U.S.C. 2052(a)(1)). The Court issued an order in that matter on March 30, 1977. On May 25, 1977, the Department of Justice filed a notice of appeal of the Court's decision on behalf of the Commission. In view of the District Court's ruling, the Commission has decided that pending resolution of the jurisdictional question it will suspend activity under section 7 of the CPSA, including staff efforts toward modification of the NEC. Accordingly, the Commission is extending the period within which it must publish either a proposed consumer product safety standard for aluminum wire connections or a notice withdrawing the previously published notice of proceeding to develop a standard for an indefinite period until resolution of the jurisdictional question.

The Commission's decision is limited to activities under section 7 of the CPSA and does not apply to any activities related to section 15 of the CPSA or enforcement of subpoenas issued under section 27 of the CPSA regarding aluminum branch circuit wire.

Dated: June 10, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-17072 Filed 6-15-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training (the Board) will meet on July 21-22, 1977, in the Compass and Viking Room of the Admiral Kidd Club located at the Naval Training Center, San Diego, California. Sessions of the meeting will commence at 8:15 a.m. and terminate at 4:30 p.m. on Thursday, July 21, 1977, and commence at 8:30 a.m. and terminate at 11:30 a.m. on Friday, July 22, 1977.

The Board will discuss the Navy's Instructional Development Program and Computer Managed Instruction. Board members will observe course development procedures and visit various training sites. The merits of existing training and instructional systems under development will be reviewed in order to provide recommendations to the Secretary of the Navy at the Executive Session on July 22, 1977.

For further information, contact:

Dr. Francis Kelly, Assistant Branch Head, Professional Education (991EB), 800 North Quincy Street, Arlington, Va. 22203, (202) 692-4636.

Dated: June 9, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-17266 Filed 6-15-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00053A; FRL 747-4]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Scientific Advisory Panel; Cancellation of Meeting

The two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel scheduled for Monday, June 20, and Tuesday, June 21, 1977, has been cancelled due to problems associated with scheduling topics for review by the Panel. Notice of this meeting was published in the FEDERAL REGISTER on June 3, 1977 (42 FR 28572).

For further information contact: Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH-567), Room E-315, EPA, 401 M St., SW., Washington, D.C. 20460, telephone 202-755-4851.

(Sec. 25(d) of FIFRA, as amended (86 Stat. 97; 89 Stat. 751; 7 U.S.C. 136(a) et seq.) and sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: June 13, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-17297 Filed 6-15-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 862]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 13, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21460-CD-TC-(3)-77 Autophone of Laredo, Inc. Consent to Transfer of Control from Autophone of Laredo, Inc., transferor, to Paul E. Russum, transferee. Stations: KLF536 and KWH344, Laredo, Texas; and KUO642, Zapata, Texas.

21468-CD-TC-(2)-77 Haviland Telephone Company, Inc. Consent to Transfer of Control from Howard Ellis, transferor to Shareholders of Haviland Telephone Company, transferees. Stations: KAQ634, Haviland, Kansas; and KAQ646, Conway Springs, Kansas.

21469-CD-AL-77 Bertha C. Mathews dba Mathews Telephone Answering Service. Consent to Assignment of License from Mathews Telephone Answering Service, assignor to J.J., Inc., assignee. Station: KGI274, Great Falls, Montana.

21470-CD-TC-(2)-77 Fulmont Communications, Inc. Consent to Transfer of Control from Howard D. Hinkle, transferor to Charles J. Bertuch, Jr., M.D., transferee. Stations: KWU350 and KWU352, Amsterdam, New York.

21471-CD-TC-(4)-77 Harbor Communications, Inc. Consent to Transfer of Control from A. Steve Kircos, transferor to Rahn J. Farris, transferee. Stations: KWT996 and KUD204, Port Huron, Michigan; and KLF-591 and KWA 673, Benton Harbor, Michigan.

21472-CD-TC-(2)-77 Business Service Center, Inc. Consent to Transfer of Control from June E. Stevens, personal representative of the estate of Robert L. Stevens, transferor to Paul R. Bartell, transferee. Stations: KTS230 and KTS231, nr. Rothschild, Wisconsin.

21473-CD-P/L-77 Southwestern Bell Telephone Company (KKB392), C.P. to change antenna system operating on 152.66 MHz located 1.5 mile NNW of Eureka, Texas.

21474-CD-TC-(3)-77 Ace Commercial Services, Inc. Consent to Transfer of Control from John R. Laws, transferor to George E. Donavan, transferee. Stations: KQZ740, KQZ741 and KUS286, Columbus, Mississippi.

21475-CD-P-77 Prospect Communications (new), C.P. for a new 1-way station to operate on 158.70 MHz to be located 5.5 miles ESE of Lawrenceburg, Tennessee.

21476-CD-P-77 Southwestern Bell Telephone Company (KBM505), C.P. to change antenna system operating on 152.63 MHz located 3 miles NW of Dodge City, Kansas.

21477-CD-MP-77 Radio Relay New York Corp. (KAA282), modification of CP to change antenna system and relocate facilities operating on 158.70 MHz to be located at 40 West Mosholu Parkway, Bronx, New York.

21478-CD-P-77 Metrotec, Inc. (KTS283), C.P. to relocate facilities operating on 35.22 MHz to be located at Rt. 55, 0.5 miles North of Rt. 118, Medina, Ohio.

21479-CD-P-77 Pat's Mobilephone, Inc. (new), C.P. for a new station to operate on 152.06 MHz to be located in center of town, Collinwood, Tennessee.

21480-CD-P-77 Carolina Telephone and Telegraph Company (new), C.P. for a new 1-way station to operate on 158.10 MHz to be located at 111 W. Calhoun Street, Whiteville, North Carolina.

21481-CD-P-(2)-77 Arvig Telephone Company (KCI305), C.P. to change antenna system operating on 152.57 and 152.81 MHz located at West of Equation Avenue, Pequot Lakes, Minnesota.

21482-CD-P-77 Aricall, Inc. (KIY779), C.P. to change frequency from 454.100 MHz, control, to 454.150 MHz, and relocate facilities to be located at Westgate Office Building, Asheville, North Carolina, Loc. No. 2.

21483-CD-ML-77 Morris Communications, Inc. (KFL904), modification of License to change base frequency from 454.275 MHz to 454.350 MHz at Loc. No. 2: Oconee County Memorial Hospital, Seneca, South Carolina.

21484-CD-P-77 Answering Service of Trenton, Inc. (KED352), C.P. for additional facilities to operate on 35.58 MHz at a new site described as Loc. No. 3: North Gate Apartments, 7th and Linden Streets, Camden, New Jersey.

21485-CD-P-(4)-77 The Pacific Telephone and Telegraph Company (KMA612), C.P. to replace transmitters operating on 152.69 and 152.72 MHz at Loc. No. 2; change antenna system operating on 152.57 MHz, replace transmitters on 157.83, 157.95 and 157.98 MHz, test and relocate from Loc. No. 1 to Loc. No. 2: 95 Almaden Avenue, San Jose, California.

21486-CD-P-(2)-77 Anser-Quik Enterprises, Inc. (new), C.P. for a new 1-way station to operate on 158.70 MHz, base and standby, to be located at Roosevelt Avenue, 500 feet West of Intersection with Pine Knoll Blvd., Pine Knoll Shores, North Carolina.

21487-CD-P-77 H. I. Pierce dba Business Communications Company (new), C.P. for a new station to operate on 152.06 MHz to be located 6½ miles North of Great Falls, Montana.

21488-CD-P-77 Pat's Mobilephone, Inc. (new), C.P. for a new 1-way station to operate on 152.24 MHz to be located at center of town, Collinwood, Tennessee.

21489-CD-MP-(2)-77 Area-Wide Paging System, Inc. (KWU399), modification of CP to change antenna system operating on 454.175 and 454.325 MHz located at Terminal Tower Building, Cleveland, Ohio.

21491-CD-P-77 Tel-Page Corporation of Wisconsin (new), C.P. for a new 1-way station to operate on 35.22 MHz to be located at First Wisconsin Bank Building, Milwaukee, Wisconsin.

21493-CD-P-4-77 A Plus Communication of Puerto Rico, Inc., dba Caribbean Mobile Telephone System (KWU360), modification of CP to change antenna system operating on 454.125, 454.150, 454.175 and 454.225 MHz located at intersection of Avenida Pinero and Avenida San Patrico, Caparra Heights, Puerto Rico.

MAJOR AMENDMENT

21042-CD-P-77 Radio Telephone Service, Inc. (KRH665), amend location operating on 152.24 MHz to read WKYT-TV tower on North side of U.S. 60, 2.8 miles East of New Circle Road, Lexington (Fayette) Kentucky. All other particulars to remain as reported on PN No. 852 dated April 4, 1977.

RURAL RADIO SERVICE

60296-CR-P/L-77 Puerto Rico Communications Authority (new), C.P. and License for a new rural subscriber station to operate on 454.375, 454.400, 454.425, 454.450, 454.475, 454 500, 454.525, and 454.550 MHz to be located at Bo. Montones IV Carr. 917 Km. 7.9, Las Piedras, Puerto Rico.

60327-CR-P-77 McClellanville Telephone Company (new), C.P. for a new Temp-fixed station to operate on 158.07 MHz to be located at any temporary-fixed location within the territory of the grantee.

60328-CR-TC-77 Autophone of Laredo, Inc. Consent to Transfer of Control from Autophone of Laredo, Inc., transferor to Paul E. Russum, transferee. Station: WAY69, Temp-Fixed.

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

MAJOR AMENDMENTS

50015-CG-P-(3)-77 Offshore Telephone Company (new), Amend frequency 488.525 to read 488.625 MHz. All other particulars to remain as reported on PN No. 857 dated May 9, 1977.

50017-CG-P-(3)-77 Offshore Telephone Company (new), Amend to delete frequencies 488.075 and 488.125 MHz. Add frequency 488.150 MHz. All other particulars to remain as reported on PN No. 857 dated May 9, 1977.

50018-CG-P-77 Offshore Telephone Company (new), Amend frequency 488.250 MHz to read 488.400 MHz. All other particulars to remain as reported on PN No. 857 dated May 9, 1977.

POINT TO POINT MICROWAVE RADIO SERVICE

2415-CF-P-77 The Chesapeake and Potomac Telephone Company of Virginia (KJG52), 3305 Huntington Avenue, Newport News, Virginia (lat. 36°59'01" N., long. 76°25'57" W.): C.P. to add transmitter on frequencies 10875.0H 10795.0H MHz toward Norfolk and replace antenna on 6234.3V 10795V MHz toward Norfolk, Virginia.

2416-CF-P-77 Same (KJG53), 120 W. Bute Street, Norfolk, Virginia (lat. 36°51'11" N., long. 76°17'25" W.): C.P. to add frequencies 11325H, 11245H MHz toward Newport News 5952.6V 11265V, 11345H MHz toward Hampton and replace antenna on 5982.3V, 11245V MHz toward Newport News and 11445H MHz toward Hampton, Virginia.

2417-CF-P-77 Same (KIW79), 131 East Queen Street, Hampton, Virginia (lat. 37°-01'35" N., long. 76°20'34" W.): C.P. to add frequencies 10895V, 11055V, 11135H MHz toward Norfolk and replace antenna on 6204.7H, 10755V MHz toward Norfolk, Virginia.

2684-CF-P-77 American Telephone and Telegraph Company (KLV40), 2.5 miles NE of Crossroad, Mississippi (lat. 30°47'50" N., long. 89°44'17" W.): C.P. to change polarization from vertical to horizontal on frequencies 3930, 4010, 4170 and from horizontal to vertical 3710, 3790, 3870, 3950, 4030, 4110 MHz toward Pine, Louisiana.

2665-CF-P-77 Same (KLV45), 0.9 mile N of Pine, Louisiana (lat. 30°55'12" N., long. 90°00'43" W.): C.P. to change polarization on frequencies from horizontal to vertical 3750, 3830, 3910, 3990, 4070 MHz toward Crossroads, 3750, 3830, 3910, 3990, 4070, 4150 MHz toward Wilmer, from vertical to horizontal 3890, 3970, 4130 MHz toward Crossroads, and 3890, 3970, 4130 MHz toward Wilmer.

2666-CF-P-77 Same (KLV46), 2.3 miles NW of Wilmer, Louisiana (lat 30°50'41" N., long. 90°22'35" W.): C.P. to change polarization on frequencies from vertical to horizontal 3930, 4010, 4170, and from horizontal to vertical 3710, 3790, 3870, 3950, 4030 MHz toward Pine, Louisiana.

2667-CF-P-77 Same (KLV49), 2 miles W of Starhill, Louisiana (lat. 30°45'42" N., long. 91°20'30" W.): C.P. to correct coordinates, change polarization from vertical to horizontal on frequencies 3890, 3970, 4130 MHz toward Pride 3970, 4130 MHz toward Innis and from horizontal to vertical 3750, 3830, 3910, 3990, 4070 MHz toward Pride, 3750, 3830, 3910, 4070, 4150 MHz toward Innis.

2668-CF-P-77 American Telephone and Telegraph Company (KLV48), 9 miles NE of Pride, Louisiana (lat. 30°41'06" N., long. 90°59'18" W.): C.P. to change polarization from vertical to horizontal on frequencies 3930, 4010, 4170 MHz toward Starhill, Louisiana.

2669-CF-P-77 Same (KLV50), 1 mile S. of Innis, Louisiana (lat. 30°51'53" N., long. 91°40'21" W.): C.P. to change polarization from vertical to horizontal on frequencies 3850, 3930, 4010, 4170 and from horizontal to vertical on 3710, 3790, 3870, 3950 MHz toward Starhill, Louisiana.

2731-CF-P-77 The Mountain States Telephone and Telegraph Company (new), 27 West First Street, Elfrida, Arizona (lat. 31°-41'10" N., long. 109°41'16" W.): C.P. for a new station on frequency 2162.0V MHz toward Mule Pass on azimuth 226.9 degrees.

2732-CF-P-77 Same (KPS86), 1.6 miles NW of Bisbee, Arizona (lat. 31°28'20" N., long. 109°57'14" W.): C.P. to add a new point of communication on frequency 2112.0V MHz toward Elfrida, Arizona on azimuth 46.7 degrees.

2674-CF-P-77 Commonwealth Telephone Company (WBB364), 17 Main Street, Towanda, Pennsylvania (lat. 41°46'13" N., long. 76°26'34" W.): C.P. to add a new point of communication on frequencies 2116V, 2124V MHz toward Towanda PR2 on azimuth 27.7 degrees and from passive reflector to Armenia on azimuth 268.0 degrees.

2675-CF-P-77 Same (new), Armenia 2.6 miles SW of Sylvania, Pennsylvania (lat. 41°46'06" N., long. 76°51'47" W.): C.P. for a new station on frequencies 2166.0H, 2174.0H MHz toward Mansfield on azimuth 262.5 degrees and 2166.0V, 2174.0V MHz toward Towanda PR2 on azimuth 87.7 degrees and from passive reflector to Towanda on azimuth 207.7 degrees.

2676-CF-P-77 Same (WBB285), 2.25 KW W of Mansfield, Pennsylvania (lat. 41°48'30" N., long. 77°06'23" W.): C.P. to add new point of communication on frequencies 2116H, 2124H MHz toward Armenia on azimuth 102.3 degrees.

2491-CF-P/ML-77 American Telephone & Telegraph Company (KEA 87), 6.0 miles West of Windsor, New York (lat. 42°06'54" N., long. 75°44'44" W.): Construction permit and license to change receive station location from Binghampton, New York to new location at Vestal (WICZ-TV) New York, on azimuth 262.6 degrees. Existing frequency (3810.0H MHz) unchanged.

2612-CF-P-77 Satellite Networks, Inc., (new), Milwaukee, 10510 North Point Washington Road, Mequon, Wisconsin (lat. 43°12'31" N., long. 87°55'19" W.): Construction permit for news station—11385.0V MHz toward Wisconsin Center, Wisconsin, on azimuth 174.9 degrees.

2683-CF-P-77 Satellite Networks, Inc. (new), Elk Horn, 3.3 miles WNW of Cordelia Junction, California, Napa, California (lat. 38°13'51" N., long. 122°11'42" W.): Construction permit for new station—6375.2V MHz toward Vollmer Peak, California, on azimuth 183.2 degrees.

CORRECTION

2622-CF-AL-(24)-77 Microwave Transmission Corporation. Application for assignment of radio station licenses and construction permits. This entry appearing in Public Notice May 31, 1977 is corrected to delete all reference to Section 214 Applications. All other particulars remain the same as previously reported.

MAJOR AMENDMENT

9897-CF-P-73 Mid-Kansas, Inc. (new) Newton, Kansas (lat. 38°04'16" N., long. 97° 22'06" W.): Application amended to change station coordinates to foregoing coordinates. Other particulars (PN 7/16/73) unchanged.

[FR Doc.77-17261 Filed 6-15-77;8:45 am]

[Docket Nos. 21171 and 21172; File Nos. BPH-9923 and BPH-10,022]

FAITH TABERNACLE, INC. AND KILIBRO BROADCASTING CORP.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Faith Tabernacle, Inc. Ashland, Oregon (Req: 101.7 MHz, No. 629; 3 kW (H & V);—1298 ft.) and Kilibro Broadcasting Corporation, John D. Feldman, Arthur B. Hogan and Arnold D. Sias Joint Venture, Ashland, Oregon (Req: 101.7 MHz, No. 269; 3 kW (H & V); —310 ft.) for construction permits.

Adopted: May 31, 1977.

Released: June 9, 1977.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned applications of Faith Tabernacle, Inc. (hereinafter "Faith") and Kilibro Broadcasting Corp., John D. Feldman, Arthur B. Hogan, and Arnold D. Sias, a Joint Venture (hereinafter "Kilibro"), requesting a construction permit for a new FM broadcast station in Ashland, Oregon. Faith is the licensee of standard broadcast station KDOV, and the partners in Kilibro own Rogue Radio Corp., the licensee of standard broadcast station KCMX. Both stations are located in Ashland, Oregon.

2. In its compositional study, Faith lists 16 manufacturing firms in Ashland, and shows that area employment in manufacturing, construction, transportation, etc., is 11,800. Although these figures clearly show that labor is an important element in the community, Faith failed to interview any leaders of labor. Question and Answer 16 of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), indicate that an ascertainment showing is defective if leaders of a significant group in the community are not consulted. A limited ascertainment issue will therefore be specified.

JUN 16 1977 UM

3. Faith proposes a specialized format of predominantly religious programming. Kilibro, in contrast, proposes general market programming. Thus, the relative need for these different types of programming will be considered under the standard comparative issue. Ward L. Jones, FCC 67–82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, Footnote 9 at 397 (1965). In addition, Kilibro proposes duplication of the programming of KCMX during five to ten percent of its proposed schedule. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

4. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.[1]

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, *it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the efforts made by Faith Tabernacle, Inc. to ascertain the problems of labor in the area to be served and the means by which the applicant proposes to meet those problems.

(2) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(3) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered*, That the applicants herein, to avail themselves of the opportunity to be heard, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.77-17259 Filed 6-15-77;8:45 am]

[Docket Nos. 21258 and 21259, File Nos. BPH-9366 and BPH-9667]

TOWN AND COUNTRY RADIO, INC. AND CHERAW BROADCASTING CO., INC.

Memorandum Opinion and Order Designating Applications For Consolidated Hearing on Stated Issues

In re applications of Town and Country Radio, Inc., Cheraw, South Carolina. Requests: 103.1 MHz, Channel 276A; 3kW (H&V); 300 ft. and Cheraw Broadcasting Company, Inc., Cheraw, South Carolina. Requests: 103.1 MHz, Channel 276A; 3kW (H&V); 300 ft. for construction permits.

Adopted: June 3, 1977

Released: June 8, 1977

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned applications of Town and Country Radio, Incorporated [Town and Country], licensee of standard broadcast station WCRE, Cheraw, South Carolina; and Cheraw Broadcasting Company, Inc. [Cheraw Broadcasting], requesting a construction permit for a new FM broadcast station in Cheraw, South Carolina.

2. Section 73.210 of the Commission's Rules specifies, inter alia, that the main studio of an FM station is to be located within the community of license. It also provides that upon sufficient showing, the main studio may be located outside the community. Both applicants propose main studios outside of Cheraw, Town and Country proposes to locate its main studio and transmitter at the transmitter site of station WCRE which is located .2 miles outside of the city limits. The proposed FM station will duplicate a substantial amount of WCRE's programming and utilize personnel of WCRE. Cheraw Broadcasting proposes to locate its main studio and transmitter site 4.4 miles south of Cheraw. This site is located on a main highway and is within approximately five minutes driving time from downtown Cheraw.

The proposed studio locations are convenient to Cheraw and raise no possible question of de facto change in station location. Under these circumstances, we believe that adequate justification has been provided for use of the proposed studio locations if either of the applications is granted. Radio Station WINI, 29 FCC 2d 396 (1971).

3. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Both applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order on the following issues:

(1) To determine which of the proposals would, on a comparative basis, better serve the public interest.

(2) To determine in light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to section 1221(c) of the Commission's Rules, in person, or by attorney shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-17258 Filed 6-15-77;8:45 am]

[1] Since there are directions where the terrain is such that negative antenna heights or heights below 100 feet for the 2- to 10-mile sector are obtained, a supplemental showing of expected coverage must be included together with a description of the method employed in predicting such coverage, as required by Section 73.313(e) of the Commission's Rules.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1848]

FORWARDING SERVICES, INC.

Order of Revocation

By letter dated May 11, 1977, Mr. John M. Revolinski, President, Forwarding Services, Inc., 1310 Prairie, Cotton Exchange Bldg., Suite 704, Houston, TX 77002 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1848 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 8, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01 (c) dated June 30, 1975;

It is Ordered, that Independent Ocean Freight Forwarder License No. 1848 issued to Forwarding Services, Inc., be returned to the Commission for cancellation.

It is Further Ordered, that Independent Ocean Freight Forwarder License No. 1848 be and is hereby revoked effective June 8, 1977.

It is Further Ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Forwarding Services, Inc.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc.77-17290 Filed 6-15-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-77 (PGA77-6) (DCA77-2)]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 8, 1977.

Take notice that on May 19, 1977, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute Twenty-Second Revised Sheet No. 3–A. This revised tariff sheet is proposed to become effective as of July 1, 1977.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Sections 20 and 22 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on July 1, 1977, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate schedule:	*Substitute 22nd revised sheet No. 3–A*
G–1 Demand	$1.78
G–1 Commodity	115.10¢
SG–1 Commodity	128.10¢
I–1 Commodity	120.95¢

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10. All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17243 Filed 6-15-77;8:45 am]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Petition for Declaratory Order or Alternatively Petition to Amend Further

JUNE 8, 1977.

Take notice that on May 20, 1977, Cities Service Gas Company (Cities Service), P.O. Box 25128, Oklahoma City, Oklahoma 73125, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, (Petitioners) filed in Docket No. CP64–89 a joint petition pursuant to § 1.7 (c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order declaring that the gas purchased by Natural from the Groskopf Well in the Watonga-Chickasha Trend field, or other wells in the field, may be exchanged at an existing exchange point, the Anthony No. 1 Exchange Point in Grady County, Oklahoma, under their present certificate authorization issued in the instant docket without an amendment thereto, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioners states that on January 2, 1964, they were granted authorization to construct and operate certain facilities and to exchange natural gas between themselves. Under the terms of a gas exchange agreement dated September 30, 1963, Petitioners exchange up to 40,000 Mcf of gas per day through May 1, 1964, it is said. Pursuant to the Commission's order of January 2, 1964, as amended, Petitioners were authorized to construct and operate certain additional exchange facilities, and exchange 60,000 Mcf of gas per day during the period ending May 1, 1980, pursuant to the gas exchange agreement dated September 30, 1963, as amended. Applicant indicates that on March 26, 1976, the Commission authorized the establishment of the Anthony No. 1 Exchange Point in the Watonga-Chickasha Trend Field in Grady County, Oklahoma, and that on February 26, 1976, Petitioners amended the subject gas exchange agreement to provide that additional gas purchased by Natural from the Groskopf well also located in the Watonga-Chickasha Field would be delivered to Cities Service for Natural's account at the Anthony No. 1 exchange point. Petitioner indicates that it did not amend its certificate at that time because the total volume of gas exchanged at Anthony No. 1 exchange point did not exceed the 5,000 Mcf per day limit for said exchange point or the 60,000 Mcf per day limit on the total volume of gas exchanged. Application indicates that recent communications between the Petitioners have now created uncertainty whether the certificate of public convenience and necessity should be amended to provide for the said exchange point even though the total amount of gas exchanged does not exceed the limit authorized for this exchange point.

No new facilities were installed by Cities Service to effectuate the receipt of gas from the Groskopf well, and Natural has installed at its expense the necessary gathering facilities to deliver the volumes of gas from the Groskopf well to the Anthony No. 1 exchange point, it is said. Petitioners state that since they anticipate that volumes of gas from other wells in the immediate vicinity of the Anthony No. 1 exchange point may become available to Natural, Petitioners request that no amendment to the certifiacte of public convenience and necessity is needed.

Petitioners state that in the event the Commission determines that the gas from an additional well or wells may not be exchanged at the existing exchange point without further amendment of the order of January 2, 1964, Petitioners, in the alternative, request hereby further amendment of said order to authorize the exchange as proposed.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act

JUN 16 77
UM

(18 CFR 157.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17235 Filed 6-15-77;8:45 am]

[Project No. 1273]

CITY OF PAROWAN, UTAH

Land Withdrawal (Additional), Utah

JUNE 6, 1977.

On May 22, 1975, the City of Parowan, Utah, filed map Exhibit K, sheet 1 (FPC No. 1273-2) as part of an application for new license (minor) for the constructed Center Creek Project, designated as Project No. 1273, and located near the City of Parowan in the State of Utah.

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described insofar as title thereto remains in the United States is, from the date of said filing, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress:

All portions of the following described subdivisions lying within the project boundary as shown on map Exhibit K, sheet 1 (FPC No. 1273-2):

SALT LAKE MERIDIAN, UTAH

T. 34 S., R. 8 W.,
Sec. 30, lots 2, 3, 4, E½SW¼;
Sec. 31, lots 1, 2, 3, NE¼NW¼.
T. 34 S., R. 9 W.,
Sec. 24, lot 1, SE¼NW¼;
Sec. 25, lots 1 and 5.

The total area of U.S. lands affected by this notice is approximately 17.40 acres. Of these lands, approximately 17.32 acres have been previously reserved for power purposes on June 6, 1934, for Project No. 1273.

Copies of the aforementioned map exhibit have been transmitted to the Geological Survey, Bureau of Land Management, and Forest Service.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17246 Filed 6-15-77;8:45 am]

[Docket No. CP72-300]

COLUMBIA GAS TRANSMISSION CORP. AND CONSOLIDATED GAS SUPPLY CORP.

Petition to Amend

JUNE 7, 1977.

Take notice that on May 26, 1977, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S. E., Charleston, West Virginia 25314, and Consolidated Gas Supply Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, (Petitioners) filed in Docket No. CP72-300 a petition to amend the Commission's order of October 24, 1972, issued in the instant docket (48 FPC 872) pursuant to Section 7 of the Natural Gas Act so as to authorize the exchange of natural gas between Petitioners at seven additional delivery points and certain other operational changes, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners indicate that on October 24, 1972, the Commission authorized them to exchange natural gas and to construct and operate certain facilities for such exchanges. Petitioners' exchange agreement dated June 1, 1972 was filed with the Commission as Columbia's Volume 2 Rate Schedule X-35 and Consolidated's Volume 2 Rate Schedule X-17, it is said. Petitioners state that they have amended the subject exchange agreement with a letter agreement dated April 26, 1977.

It is stated that Columbia proposes to deliver gas to Consolidated at three additional points:

(1) Up to 150 Mcf of gas per day to Consolidated's three-inch Line No. H-20465 in Sandy River District, McDowell County, West Virginia;

(2) Up to 75 Mcf of gas per day to Consolidated's six-inch Line No. H-18155 in Browns Creek District, McDowell County, West Virginia; and

(3) Up to 300 Mcf of gas per day at a point near Consolidated's Well No. 10842 in Big Creek District, McDowell County, West Virginia.

The interconnecting facilities required for the above new points of delivery would be constructed by Columbia under authorization issued by the Commission on October 26, 1976 at Docket No. CP77-33, it is said.

It is stated that Consolidated proposes to deliver gas to Columbia at four additional points:

(1) Columbia has installed interconnecting facilities and agrees to receive gas from Consolidated at the W. W. McCoy No. 1 Well at the connection with Columbia's six-inch Line No. E-115 in Washington District, Jackson County, West Virginia. Volumes received at this point of delivery would be included in the previously authorized maximum exchange volume of 1,000 Mcf per day;

(2) Up to 500 Mcf of gas per day to Columbia's six-inch Line No. V-45 in Stafford District, Mingo County, West Virginia;

(3) Up to 800 Mcf of gas per day to Columbia's ten-inch Line R in Duval District, Lincoln County, West Virginia; and

(4) Up to 20 Mcf of gas per day to Columbia's two-inch Line No. SW-3919 in Malden District, Kanawha County, West Virginia.

No additional facilities would be required to deliver gas at the above four additional points, it is said.

Petitioners state that the volumes of gas to be exchanged are local production needed by them to assist in maintaining adequate and reliable service to their customers.

Petitioners further request the following changes in their presently effective tariffs:

(1) Redelivery by Columbia in Paragraph Sixth thereof shall be at an interconnection between Consolidated's Line No. TL-255 and Columbia's Line No. EM-105 near its Rockport Compressor Station, which is the point that has been mutually agreed upon for such redelivery;

(2) In Paragraph Seventh percent retainage to be reduced from 20 percent to 5 percent due to the current cost of gas;

(3) In Paragraph Eighth Provision is made for monthly balancing in lieu of the daily and monthly balancing and year end adjustment previously in effect; and

(4) In Paragraph Ninth the measurement pressure base is to be reduced from 15.325 psia to 14.73 psia in conformity with the current operating practice of Columbia and Consolidated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17225 Filed 6-15-77;8:45 am]

[Docket Nos. RP71-15 and RP75-28 (PGA77-V4) (DCA77-2)]

EAST TENNESSEE NATURAL GAS CO.

Rate Filing Pursuant to Tariff Rate Adjustment Provisions

JUNE 8, 1977.

Take notice that on May 16, 1977, East Tennessee Natural Gas Company (East Tennessee) tendered for filing Twenty-First Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective July 1, 1977.

East Tennessee states that the sole purpose of this revised tariff sheet is: (1) to adjust East Tennessee's rates pursuant to the PGA provision in Section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed May 16, 1977, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee); (2) to adjust East Tennessee's rates for a negative Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account determined in accord with Section 22.3 of the General Terms and Conditions in order to reflect the flow-through of the jurisdictional portion of the curtailment credits received from Tennessee for the period from October 1, 1976 through March 31, 1977; and (3) to adjust East Tennessee's rates pursuant to § 24.8 of the General Terms and Conditions to recover curtailment credits given its customers.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17239 Filed 6-15-77;8:45 am]

[Docket No. CP77-408]

EL PASO NATURAL GAS CO.

Application

JUNE 8, 1977.

Take notice that on May 23, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-408 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of up to 10,000 Mcf of natural gas per day for Southwest Gas Corporation (Southwest) on a best effort, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport the proposed volumes of gas for Southwest capacity as may otherwise exist from time to time in Applicant's interstate pipeline system pursuant to the terms of a gas transportation agreement dated May 4, 1977, between Applicant and Southwest.

It is stated that Southwest has contracted with Kimbark Operating Company (Kimbark), a small producer, to purchase the natural gas production from seven wells in the San Juan Basin production area, San Juan County, New Mexico, and La Plata County, Colorado, and that Applicant is advised that the aggregate initial productive capability of the seven Kimbark wells is projected to be approximately 1,800 Mcf per day during the first year.

Applicant states that it would gather, process and transport the gas that Southwest would purchase from the seven wells on a best efforts basis through the use of its existing facilities and that it would deliver equivalent quantities, less shrinkage, to Southwest at existing delivery points on its mainline transmission system. Applicant indicates that pursuant to the terms of the gas transportation agreement it may retain 10 percent of the total number of Btu's contained in the gas which it receives for Southwest's account as compensation for such shrinkage as occurs in the gathering and processing of such gas prior to its introduction into Applicant's mainline transmission system and an additional 5 percent of the Btu's contained in such gas after giving effect to the reduction for field shrinkage as compensation for compressor fuel usage and gas lost or unaccounted for in the transportation of such gas through applicant's mainline system.

It is stated that Applicant has agreed to acquire the right-of-way for, and to construct, own and operate certain gathering pipelines and appurtenances thereto which are necessary to attach 6 of the Kimbark wells to Applicant's existing San Juan Basin gathering system, and that Southwest has agreed to construct gathering facilities necessary to connect the remaining well (Kimbark-Penrose No. 1) to Applicant's system. Applicant would construct the necessary metering facilities for all of the wells to be attached to Applicant's system, it is said. Applicant states that Southwest has agreed to reimburse Applicant for the actual cost of acquiring such rights-of-way and its construction of the gathering facilities (estimated to be some $175,550) together with associated carrying charges and related Federal and state taxes, including income taxes, through the payment of a facilities surcharge on the transportation gas volumes.

It is stated that Southwest would pay Applicant the following charges:

(a) for each Mcf of transportation gas delivered by Applicant at delivery points in the State of Arizona, the rate in effect and reflected from time to time as the "Mainline Transmission Charge, Arizona" set forth on Sheet No. 1-D.2 of Applicant's FPC Gas Tariff, Third Revised Volume No. 2, or superseding sheet or tariff; and

(b) for each Mcf of transportation gas delivered by Applicant at the delivery point on the boundary between the States of Arizona and Nevada, the rate in effect and reflected from time to time as the "Mainline Transmission Charge, Nevada" set forth on Sheet No. 1-D.2 of Applicant's FPC Gas Tariff, Third Revised Volume No. 2, or superseding sheet or tariff.

As compensation for the gathering and processing operations to be performed by Applicant on Southwest's behalf through the use of existing facilities in Applicant's San Juan Basin field gathering system, Southwest would pay Applicant the rates in effect and reflected from time to time as the production area charge, field gathering and the production area charge, processing, respectively, it is said.

It is stated that to the extent that the quantity of transportation gas available to Southwest on any day exceeds its need for additional gas supplies to serve its customers' priority 1, 2, and 3 end-use requirements, Southwest would sell such excess gas to Applicant at Applicant's receipt points and that on any day when Applicant is (1) rendering transportation service thereunder for Southwest and (2) otherwise allocating gas to Southwest for service to Southwest's priority 3 customers, Southwest would also sell to Applicant at Applicant's receipt points a quantity of gas equal to 25 percent of the aggregate quantity of transportation gas which Southwest is tendering to Applicant if such sale would require Southwest provided, however, that Southwest would not be obligated to sell such 25 percent quantity or any portion thereof to Applicant if such sale would require Southwest to curtail or interrupt service to its own priority 1 and 2 customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17247 Filed 6-15-77;8:45 am]

[Docket No. CP74-126]

EL PASO NATURAL GAS CO.

Petition to Amend

JUNE 8, 1977.

Take notice that on May 26, 1977, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-126 a petition to amend the Commission's order of April 2, 1975, as amended, issued in the

instant docket (53 FPC ____), pursuant to Section 7 of the Natural Gas Act so as to authorize the Lea No. 3 exchange point located in Lea County, New Mexico, as a new exchange point between Petitioner and Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner indicates that pursuant to the Commission's order issued April 2, 1975, as amended, at Docket Nos. CP74–126 and CP74–162, Petitioner and Natural, respectively, were granted authorization to construct and operate facilities and to exchange gas in quantities aggregating up to 65,000 Mcf daily. Petitioner states that since the issuance of such authorizations, Natural has acquired additional gas supplies in proximity to Petitioner's gathering system in Lea County, New Mexico. In order to avoid construction of gathering facilities which would be duplicative of Petitioner's existing gathering facilities in such area, as well as the incurrance of the associated costs, and to aid Natural in the maintenance of natural gas service to customers served from its pipeline system, Petitioner and Natural have executed amendatory agreement no. 7 dated April 28, 1977, further amending the gas exchange agreement dated September 24, as previously amended, it is said.

Pursuant to the terms of the amendatory agreement no. 7, Natural would deliver, or cause the delivery of, exchange gas to Petitioner for Natural's account from the Mark Production Federal E No. 1 Well, which is presently connected to Petitioner's existing gathering system located in Lea County, New Mexico (Lea No. 3 exchange point). It is stated that Natural would reimburse Petitioner for 50 percent of the total costs and expenses incurred by Petitioner for labor and materials utilized in the installation of measurement and pipeline facilities required to connect said well to Petitioner's existing gathering system. The total costs to be shared by Petitioner and Natural are $52,450, and the facilities would be used to connect the Mark Production Federal E Well No. 1 to Petitioner's existing gathering system, it is said.

Petitioner states that the gathering facilities it has constructed in order to attach the Mark Production Federal E Well No. 1 to its existing gathering system are as follows:

Approximately 1.46 miles of 4½ inch O.D. pipeline, with appurtenances, including a 4½ inch O.D. standard orifice meter run, commencing at the wellhead of the Mark Production Federal E Well No. 1 and terminating at a point of interconnection with the existing 6⅝ inch O.D. Petroleum Corporation's McKay West Federal No. 1 well-tie pipeline in Lea County, New Mexico.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any heaing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17248 Filed 6-15-77;8:45 am]

[Docket No. CS73-34]

GREAT SOUTHERN OIL & GAS CO., INC.

Petition for Waiver

JUNE 8, 1977.

Take notice that Great Southern Oil & Gas Co., Inc. (Applicant), P.O. Box 52957, OCS, Lafayette, Louisiana 70505, filed a petition for waiver of § 157.40(c) of the Commission's Regulations.

Applicant states that insofar as he may make any sales of gas produced from properties acquired from Edgewater Oil Co., Inc., a small producer which had in turn acquired its interest from Monterey Pipe Line Company, a large producer, he will not seek a higher price than the applicable ceiling rate established by the Commission for comparable sales by large producers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 30, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17232 Filed 6-15-77;8:45 am]

[Docket No. CI77-500]

HUNT OIL CO.

Limited-Term Certificate Application

JUNE 8, 1977.

Take notice that on May 19, 1977, Hunt Oil Company (Hunt), 2900 First National Bank Building, 1401 Elm Street, Dallas, Texas, 75202, filed in Docket No. CI77-500 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity, with pregranted abandonment, authorizing the sale of gas to United Gas Pipe Line Company attributable to Hunt's gas production from the John R. Zavesky Well No. 1, Karnes County, Texas, pursuant to the terms of that certain contract dated January 5, 1977. It is Hunt's understanding that United will transport such gas in interstate commerce for resale for ultimate public consumption.

Hunt states that it intends to contract for the sale of gas from the John R. Zavesky Well No. 1 with an intrastate gas purchaser at the end of the period of this application.[1]

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17244 Filed 6-15-77;8:45 am]

[Docket No. ER77-400]

IOWA PUBLIC SERVICE CO.

Cancellation

JUNE 8, 1977.

Take notice that Iowa Public Service Company (Iowa) on May 23, 1977, tendered for filing a cancellation of service supplied by Iowa to Farmers Cooperative Light and Power Company, located at Goldfield, Iowa. Iowa indicates that said agreement is to be cancelled by its own terms as of July 25, 1977, and that Humboldt County Rural Electric Cooperative is to be the successor in interest of Farmers Cooperative Light and Power Company. Iowa indicates that it has supplied electric energy at wholesale under an agreement dated July 25, 1972, designated Rate Schedule FPC No. 21, as supplemented.

Iowa proposed an effective date of cancellation of this service of July 25, 1977.

Iowa indicates that a copy of the notice of cancellation has been mailed to Farmers Cooperative Light and Power Company and Humboldt County Rural Electric Cooperative.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 16, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17222 Filed 6-15-77;8:45 am]

[1] Applicant proposes to sell and deliver to United up to 1,000 Mcf of gas per day at $1.90 per Mcf at 14.65 psia.

[Docket No. ER77-406]

KANSAS CITY POWER & LIGHT CO.

Filing of Change in Rate Schedule

JUNE 7, 1977.

Take notice that on May 27, 1977, Kansas City Power & Light Company (KCPL) tendered for filing a Municipal Wholesale Firm Power Contract dated May 9, 1977, between KCPL and the City of Slater, Missouri. KCPL requests an effective date of June 27, 1977. KCPL indicates that the Contract terminates the Municipal Wholesale Firm Power Contract, dated December 11, 1967, KCPL Rate Schedule FPC No. 64, and provides for rates and charges for wholesale firm power service by KCPL to the City of Slater.

KCPL states that the proposed rates are KCPL's rates and charges for similar service under schedules previously filed by KCPL with the Federal Power Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17228 Filed 6-15-77;8:45 am]

[Docket No. RP76-90]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Proposed Revised Tariff Sheets

JUNE 8, 1977.

Take notice that on May 27, 1977, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), 300 N. St. Joseph Avenue, Hastings, Nebraska 68901, proposes, pursuant to Section 4 of the Natural Gas Act, the withdrawal of certain Tariff Sheets presently under suspension and the substitution therefor of Revised Tariff Sheets, all as more fully set forth in the May 27, 1977, filing which is on file with the Commission and open to public inspection.

Kansas-Nebraska states that on December 27, 1976, it filed with the Commission the following revised tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 to be effective February 1, 1977:

Second Revised Sheet No. 14
First Revised Sheet No. 24
Original Sheet No. 24A
Original Sheet No. 24B
Original Sheet No. 24C
First Revised Sheet No. 25
Original Sheet Nos. 33 through 37

According to Kansas-Nebraska these tariff sheets contain a proposed plan for allocating Kansas-Nebraska's delivery capability on a non-discriminatory basis. By order of the Commission issued January 26, 1977, these tariff sheets were accepted for filing and suspended until July 1, 1977.

Subsequent to the December 27, 1976 filing and during the hearings held on the issue of whether the proposed filing should be acted upon under Section 7 or Section 4 of the Natural Gas Act, Kansas-Nebraska claims that it stated its intention of making certain changes in the filed tariff sheets. Accordingly, Kansas-Nebraska requests that the following tariff sheets submitted on December 27, 1976 be withdrawn:

First Revised Sheet No. 24
Original Sheet No. 24A
Original Sheet No. 24B
Original Sheet No. 24C

In substitution thereof, Kansas-Nebraska proposes the following revised tariff sheets:

First Substitute First Revised Sheet No. 24. Kansas-Nebraska states that the last sentence of Section 13.b.(2) has been revised to clarify when the replacement of an existing generating unit is considered an additional sale.

Substitute First Revised Sheet No. 24A. Kansas-Nebraska states that an additional sentence was added to place a limitation on the amount of gas Kansas-Nebraska would be permitted to inject into storage when reducing deliveries to customers in Steps 1 through 4. In addition, the phrase "more than 50 Mcf" in Step 7 has been changed to "50 Mcf or more."

Substitute First Revised Sheet No. 24B. Kansas-Nebraska states that a clause has been added to clarify when notice is to be given in force majeure situations.

Substitute First Revised Sheet No. 24C. Kansas-Nebraska states that the addition of material on proceeding sheets moves the lines at the bottom of Original Sheet No. 24B onto Sheet No. 24C. There is no other change on this sheet.

In addition, Kansas-Nebraska has filed Second Revised Sheet No. 15. Kansas-Nebraska states that an additional sentence has been added to Section 5 of Rate Schedule IOR–1 and IOR–2 to deal with curtailment of gas under the IOR Rate Schedule.

Kansas-Nebraska requests that the tendered tariff sheets be suspended until July 1, 1977, in conformance with the Commission's order of January 26, 1977, and Kansas-Nebraska further requests such waivers of the Rules and Regulations as are necessary, particularly a waiver of § 154.66, to assure an effective date of July 1, 1977.

Kansas-Nebraska states that a copy of this filing is mailed to each of Kansas-Nebraska's customers and interested state commissions and all parties of record in Docket No. RP76-90 and that a copy of this filing is also available for publis inspection in a convenient form and place at Kansas-Nebraska's offices at Hastings, Nebraska and Phillipsburg, Kansas.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 20, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17240 Filed 6-16-77;8:45 am]

[Docket No. ER77-404]

LOUISIANA POWER & LIGHT CO.

Proposed Electric System Interconnection Agreement

JUNE 7, 1977.

Take notice that on May 31, 1977, the Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated May 24, 1977. According to LP&L the agreement provides for the delivery of emergency electric service to the City of Monroe, Louisiana (City), and also provides when elected by the City, service

schedules for Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L indicates that the City will continue taking only emergency assistance service.

LP&L states that the City is experiencing a shortage of fuel and problems with generation which may require extensive emergency assistance immediately and therefore requests waiver of the Commission's formal notice requirements. LP&L further states that there is no change in the facilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17226 Filed 6-15-77;8:45 am]

[Docket No. CI77-510]

McCORMICK 1975 OIL AND GAS PROGRAM, ET AL.

Limited-Term Certificate Application

JUNE 8, 1977.

Take notice that on May 20, 1977, McCormick 1975 Oil and Gas Program, et al. (Applicants) 1204 Tenneco Building, Houston, Texas 77002 filed in Docket No. CI77-510 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity, with pregranted abandonment, for the sale of gas produced from certain leases in the West Beckville Field Area, Panola County, Texas to United Gas Pipe Line Company, pursuant to a gas purchase contract dated May 4, 1977.

Applicants are the sellers under that certain gas purchase contract with United Gas Pipe Line Company dated May 4, 1977 West Beckville Field Area, Panola County, Texas.

Applicants state that no construction of facilities is necessary to take deliveries of gas from Applicants.

Applicants are advised that United Gas has an existing gas supply emergency on its system and the proposed 1 year gas sale contract sought herein is needed to assist United Gas in meeting its commitments to its customers. Applicants indicate that they have no subsequent commitment of the subject gas.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing herein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17245 Filed 6-15-77;8:45 am]

[Docket No. ER76-46]

MONTAUP ELECTRIC CO.

Filing of Refund Report

JUNE 8, 1977.

Take notice that on May 31, 1977 Montaup Electric Company (Montaup) tendered for filing a refund report in accordance with the Commission's order approving a settlement agreement in the captioned proceeding entered on February 25, 1977.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 27, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17241 Filed 6-15-77;8:45 am]

[Docket No. RP74-100 (PGA77-6)]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

JUNE 8, 1977.

Take notice that on May 25, 1977, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FPC Tariff, Original Volume No. 1, Substitute Twelfth Revised Sheet No. 4, proposed to be effective July 1, 1977.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in Nation's rates of 20 cents per Mcf on Substitute Twelfth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17238 Filed 6-15-77;8:45 am]

[Docket No. RP76-158]

NORTH PENN GAS CO.

Certification of Settlement Agreement

JUNE 7, 1977.

Take notice that on May 11, 1977, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement for Settlement of Rate Proceeding together with the record in the proceeding. The proposed agreement disposes of all issues in the proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 1, 1977, reply comments are due no later than July 15, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17244 Filed 6-15-77;8:45 am]

[Docket No. ER77-43]

PACIFIC POWER & LIGHT CO.

Presiding Administrative Law Judge's Certification of Proposed Settlement to Commission

JUNE 8, 1977.

Take notice that on May 17, 1977, Presiding Administrative Law Judge Isaac D. Benkin (ALJ) certified to the Commission, pursuant to § 1.18 of the Rules of Practice and Procedure, a contract between Pacific Power & Light Company (PP&L) and Montana Light & Power Company (ML&P) relating to rates for electric power sales between those two parties. The ALJ indicates that the contract, which has been executed by both parties, carries a May 1, 1977, effective date. The ALJ also indicates that the contract has been submitted by counsel for PP&L as a settlement of all issues in dispute in this proceeding.

According to the ALJ the proceeding was initiated on November 5, 1976 by PP&L's filing of a rate schedule for sales of electricity to ML&P. Moreover, states the ALJ, prior to that date, service to ML&P had been governed by a letter agreement, dated February 3, 1973, and that under that agreement, PP&L had supplied electric power to ML&P on a month-to-month basis. The ALJ indicates that by order issued February 4, 1977, the Commission suspended the PP&L filing until July 7, 1977, and directed that a hearing to be held to determine whether the rates contained in the November 5, 1976, filing are just and reasonable.

According to the ALJ, although not expressly stated in the May 1, 1977, agreement, the terms contained therein presumably supersede those in the PP&L filing and that if deemed just and reasonable by the Commission, therefore, the agreement would render moot the issues set down for hearing in the Commission's February 3, 1973 order.

Any person wishing to do so may submit comments in writing concerning the above filing. Comments should be addressed to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should be submitted on or before June 20, 1977. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17234 Filed 6-15-77;8:45 am]

[Docket No. ER76-505]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Rate Schedule Supplements

JUNE 8, 1977.

Take notice that Public Service Company of New Hampshire on April 19, 1977 tendered for filing, purportedly in accordance with the Commission order issued March 18, 1977 approving the Settlement Agreement in Docket No. ER76-505, rate schedule supplements in connection with the following rate schedules:

Concord Electric Company, FPC No. 24
Town of Ashland, New Hampshire, FPC No. 28
The New Hampton (New Hampshire) Village Precinct, FPC No. 29
Exeter & Hampton Electric Company, FPC No. 35
New Hampshire Electric Cooperative, Inc., FPC Nos. 50 & 71
Town of Wolfeboro, New Hampshire, FPC No. 72

The Public Service Company of New Hampshire states that copies of this filing have been furnished to each of the customers listed and the New Hampshire Public Utilities Commission and the Vermont Public Service Board.

Any person desiring to be heard on whether said filing is in accordance with the Commission order issued March 18, 1977, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17233 Filed 6-15-77;8:45 am]

[Docket No. ID-1813]

S. HALE LULL

Application

JUNE 7, 1977.

Take notice that on May 12, 1977, S. Hale Lull, Vice President of Northeast Utilities Service Company, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Company, Public Utility.
Vice President, The Hartford Electric Light Company, Public Utility.
Vice President, Western Massachusetts Electric Company, Public Utility.
Vice President, Holyoke Water Power Company, Public Utility.
Vice President, Holyoke Power and Electric Company, Public Utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17227 Filed 6-15-77;8:45 am]

[Docket No. E-6859]

SOUTHERN CALIFORNIA EDISON CO. AND PACIFIC GAS & ELECTRIC CO.

Proposed Agreement

JUNE 8, 1977.

Take notice that on October 26, 1976. Southern California Edison Company (Edison) filed a letter of agreement concerning payments for headwater benefits furnished by Edison to Pacific Gas and Electric Company (Pacific). Pacific proposed to increase its annual headwater payments to Edison from $72,000 to $83,000 commencing with the payment for 1972. Edison and Pacific agree that this increased payment shall remain in effect for a minimum of five annual payments. Thereafter, the annual payments amount may be reviewed and readjusted upon the written request of either party to the other in order to provide for revisions that may be appropriate by reason of changes in facilities, cost of interest, depreciation, or maintenance, or in pertinent operating conditions which might result in changes in benefits; provided that any future readjustment shall be applied only prospectively to payments made after the date of the readjustment, and shall also remain in effect for a minimum of five annual payments.

Any person desiring to be heard or to protest said proposed agreement should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 22, 1977.

Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17242 Filed 6-15-77;8:45 am]

[Docket No. RP73-64 (PGA77-2) (DCA77-2]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 8, 1977.

Take notice that Southern Natural Gas Company (Southern), on May 17, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1977. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items:

(1) A Current Adjustment, pursuant to Section 17.3 of the General Terms and Conditions of Southern's FPC Gas Tariff, for an increase in cost of purchased gas to jurisdictional customers of $52,992,-170 or 11.190 cents per Mcf.

(2) A Surcharge Adjustment for Purchased Gas Costs, pursuant to Section 17.4 of the General Terms and Conditions

of Southern's FPC Gas Tariff, for Unrecovered Purchased Gas Costs of 6.78 cents per Mcf, which is a net increase of 1.905 cents per Mcf above the present Surcharge Adjustment. The Surcharge Adjustment is made up of two parts. The first part of 3.603 cents per Mcf is for all unrecovered purchased gas costs in the Unrecovered Purchased Gas Cost Account as of March 31, 1977 except those unrecovered costs due to Opinion No. 770–A. The second part, or 3.165 cents per Mcf, is the Surcharge Adjustment for unrecovered purchased gas costs due to Opinion No. 770–A for increases effective July 27, 1976 through December 31, 1976 and will be in effect for the entire year of 1977.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to Section 9.6(3) of the General Terms and Conditions of Southern's FPC Gas Tariff of 2.344 cents per Mcf.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17237 Filed 6-15-77;8:45 am]

[Docket No. CP77-411]

SOUTHWEST GAS CORP.

Application

JUNE 8, 1977.

Take notice that on May 25, 1977, Southwest Gas Corporation (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77-411 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicant has signed two contracts with independent natural gas producers to purchase natural gas from wells in the San Juan Basin in northern New Mexico and southern Colorado. Applicant indicates that the subject gas is intended primarily to provide protection of Applicant's priority 1, 2, and 3 customers in southern Nevada and Arizona. It is asserted that Applicant has experienced significant curtailments by El Paso of Applicant's priority 3 requirements in the past and believes such curtailments would continue and worsen in the future. It is stated that Applicant's priority 1 and 2 gas requirements have already grown beyond the cut-off levels prescribed in the Commission's Opinion No. 697–A in Docket No. RP72–6.

Applicant states that it has signed agreements with El Paso in which El Paso has agreed: (1) To construct and operate facilities and (2) to gather, process, and transport the subject gas to the existing delivery points for Applicant's market areas. Such transportation service would be provided by El Paso on a best efforts basis using such idle capacity as may exist from time to time in El Paso's interstate pipeline system, it is said.

Applicant further states that it would sell to El Paso volumes of natural gas determined by Applicant on a daily basis to be excess. Applicant indicates that it would reimburse El Paso for the actual costs incurred by El Paso in acquiring all necessary rights-of-way and constructing the needed gathering facilities, together with associated carrying charges and related Federal and state taxes, including income taxes. Applicant states that it would also pay a transportation charge to El Paso for volumes transported for Applicant by El Paso.

It is stated that El Paso agrees to pay Applicant for the quantities of excess gas sold by Applicant, and purchased by El Paso the same price which Applicant is itself obligated to pay Seller(s) from whom it purchases such quantities; provided, however, that in the event of deregulation of the wellhead price of natural gas sold for resale in interstate commerce, El Paso would not be obligated to pay a price in excess of the highest price then being paid by El Paso to others for gas of similar quality in the San Juan Basin.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17249 Filed 6-15-77;8:45 am]

[Docket No. CI77-298]

TENNECO INC. AND AMOCO PRODUCTION CO. ET AL.[1]

Investigation Certificates Abandonment; Order Setting Investigation for Hearing and Granting Interventions

JUNE 6, 1977.

Before Commissioners: Richard L. Dunham, Chairman, Don S. Smith, and James G. Watt.

By order issued March 8, 1977, the Commission instituted an investigation into the matters raised in a pleading filed on February 28, 1977, by Tenneco Inc. (Tenneco). Tenneco requested in the pleading that the Commission issue a declaratory order resolving alleged uncertainties as to whether the necessary authority had been obtained under the Natural Gas Act in connection with the release of natural gas from acreage or reservoirs under contract to Tennessee Gas Pipeline Company (Tennessee), an interstate pipeline and a division of Tenneco, for sale by independent producers to channel Industries Gas Company (Channel), an intrastate pipeline which is also a Tenneco subsidiary. In the March 8, 1977, order the Commission required the affected producers to respond to these issues.

Tenneco filed on March 18, 1977, a supplement to its first petition providing additional information on certain fields already mentioned and information concerning additional fields previously unmentioned. In its Supplemental Order, issued April 4, 1977, the Commission directed the additional affected producers to file a response to the matters raised in Tenneco's supplemental petition.

In response to requests for extensions of time within which to file the producer responses, the date for filing responses to Tenneco's February 28, 1977, petition was extended to April 20, 1977, by notice issued April 11, 1977.

In response to the public notice of Tenneco's pleadings, the parties listed in Appendix B filed petitions to intervene, notices of intervention or responses.

Based on Tenneco's two petitions and the producer comments filed in response thereto, we have constructed a brief out-

[1] The other producer respondents are listed in Appendix A.

line of the facts surrounding the transactions referred to by Tenneco. We shall set forth these facts below by reference to the producing fields which are involved.

(1) SEELIGSON FIELD, JIM WELLS COUNTY, TEXAS

Shell Oil Company (Shell) and the predecessors of Atlantic Richfield Company (ARCO), Mobil Oil Corporation (Mobil) and Sun Oil Company (Sun) entered into a contract dated May 25, 1948, with the predecessor of Tennessee Gas Pipeline Company (Tennessee) to sell natural gas from the Seeligson Field in Jim Wells County, Texas. Production from this field was dedicated to this contract without depth limitation. After the Phillips[2] decision each of the producers applied for and received certificates of public convenience and necessity authorizing these sales.

Subsequently, each of the producers entered into a replacement contract with Tennessee dated March 1, 1958, which extended the term of the original contract and limited the dedications of leaseholds for sales of gas to Tennessee to the depth intervals made subject to the Texas Railroad Commission approved unitization agreement for the Seeligson Field Unit. The Seeligson Unit was limited to reservoirs above the base of the 20–C4 zone. In addition, the replacement contracts contained a provision under which the reserves committed to the contracts could be reduced if Tennessee did not take or pay for the required contract quantity and a procedure under which gas available in excess of Tennessee's purchases could be deemed to be surplus gas available for sale to other purchasers.

Each of the producers filed the replacement contracts with the Commission as supplements to their respective rate schedules. Furthermore, Arco and Sun applied under Section 7 of the Natural Gas Act for amendments to their certificates to correspond to the terms of the 1958 replacement contracts. The Commission granted Sun's application by order issued June 9, 1960, but rejected Arco's application by letter dated April 18, 1960, on the grounds that "no further certificate authorization is required".

Each of these producers then executed contracts in 1965 for the sale of gas to Channel from reservoirs below the depth limitation of the Seeligson Unit. Then in April of 1966 the producers contracted to sell to Channel surplus gas from the Seeligson Unit.

(2) RIVERSIDE—O'NEIL FIELDS, NUECES COUNTY, TEXAS

On November 30, 1945, a predecessor of Amoco contracted to sell gas to Tennessee from the Riverside and O'Neil Fields. The contract provided for a purchase quantity equal to the amount "Buyer may from day to day elect to take * * *". This contract expired by its terms on May 1, 1956, and was not renewed, although deliveries continued under the terms of the rate schedules filed by Amoco. The sale to Tennessee was certificated on June 19, 1959, in Docket No. G–7503.

On February 2, 1965, Amoco contracted to sell Channel gas which Tennessee elected not to take. Amoco conveyed its interests in the Riverside Field to Clinton Oil Company (now Energy Reserves Group, Inc.) effective December 31, 1969. In early 1974 Clinton executed a contract with Tennessee which did not cover all the Riverside Field acreage which had been covered by the 1945 Tennessee contract. On March 16, 1970, Tennessee elected not to continue taking gas from the O'Neil Field lease. Peninsula Exploration Company (Peninsula) acquired a portion of the Riverside Field acreage below 6,900 feet which was covered by the 1945 contract but not by the 1974 Clinton-Tennessee contract. On December 1, 1974, Peninsula contracted to sell gas from this acreage below 6,900 feet to Channel.

(3) SOUTHWEST PHEASANT FIELD, MATAGORDA COUNTY, TEXAS

In 1959 Mobil and ARCO contracted to sell gas to Tennessee from the Southwest Pheasant Field. The gas was to be used by Tennessee for compressor fuel within the State of Texas. These contracts terminated in 1965 and on February 15, 1965, and May 4, 1965, Mobil and Arco contracted to sell to Channel gas from the acreage previously covered by the Tennessee contracts. As of the date of Tenneco's first petition, sales from this acreage were still being made by Mobil and Arco to Channel. By contract dated March 11, 1977, Mobil has agreed to sell and Tennessee has agreed to purchase gas from this field. On March 14, 1977, Mobil filed an application for a certificate and for temporary authorization to initiate the sale. By letter order issued April 8, 1977, the Commission issued to Mobil a temporary certificate in Docket No. CI77–328.

(4) EDINBURG FIELD, HIDALGO COUNTY, TEXAS

On April 1, 1952, Tennessee contracted to purchase gas from Mobil, Arco, Sun and Rio Bravo Oil Company (Bravo) from the Edinburg Field. The contract provided that the producers would sell to third parties gas produced from wells at insufficient pressure to enter Tennessee's lines. The contract also provided that if Tennessee did not take (or pay for, if available and not taken) sufficient gas to keep the producers' leases in force and effect, then the producers could sell to others such quantities of gas necessary to keep the leases in force and effect. Each of the producers obtained a certificate from the Commission for their respective sales.

The producers contracted on September 1, 1966, to sell to Channel gas from the Edinburg Field acreage covered by the Tennessee contract. These sales, which were purportedly made in volumes exceeding the producers' delivery obligations under the Tennessee contract, were terminated in late 1973.

(5) CHESTERVILLE FIELD, COLORADO COUNTY TEXAS

By contract dated December 1, 1946, Mobil, Amoco, Monsanto Company, Continental Oil Company (Continental) and Shell agreed to sell to Tennessee gas from the Chesterville Field. Tennessee was given the discretion to determine, within certain limitations, the quantity of gas to be purchased under the contracts. These sales were certificated by the Commission. In 1966 and 1967 the producers contracted to sell to Channel gas from this field which Tennessee elected not to take. Tennessee later elected to take all gas from the Chesterville area and the deliveries to Channel were terminated in 1974.

(6) BAY CITY FIELD, MATAGORDA COUNTY, TEXAS

Skelly Oil Company (now Getty Oil Company) contracted on June 28, 1948, to sell to Tennessee gas produced from all horizons down to 8,800 feet in the Bay City Field. The contract provided that the reserves dedicated could be reduced if Tennessee did not take or pay for the required contract quantity for a specified time period. The sale was certificated on June 7, 1956, in Docket No. G–5331. The contract was amended by letter dated May 11, 1966, adding a provision allowing Skelly to sell any excess gas not taken by Tennessee to other parties. This amendment was filed as a supplement to Skelly's FPC Gas Rate Schedule No. 10 and accepted by the Commission in a letter order dated June 25, 1966.

By contract dated July 25, 1966, Skelly sold to Channel all excess gas from acreage covered by the Tennessee contract as well as gas produced from depths below 8,800 feet. These excess gas sales are no longer continuing.

(7) BRAYTON FIELD, NUECES COUNTY, TEXAS

In 1949 Tennessee contracted with D. H. Perry, et al. (later Puenticitas Oil Company) to purchase gas in the Brayton Field. The contract provided that reserves could be released from the contract dedication if Tennessee did not take or pay for the required contract quantity for a specified period of time. This sale was certificated in 1954. By contract amendment dated August 2, 1965, the Perry and Simmonds sands were deleted from the reserves covered by the contract pursuant to the above provision. In 1973 after Puenticitas decided to abandon the remaining wells the Puenticitas-Tennessee contract was terminated and the Commission granted abandonment on September 26, 1974, in Docket No. CI74–358. Puenticitas contracted on August 3, 1965, to sell to Channel gas from the Perry and Simmonds sands, and an additional sand was dedicated to

[2] *Phillips Petroleum Co. v. Wisconsin*, 347 U.S. 672 (1954).

Channel on April 21, 1966. These sales ceased in 1971.

J. C. Storm obtained from Puenticitas an interest in the Brayton Field and contracted on December 21, 1969, to sell to Channel gas from depths not then covered by the previous contracts. South Texas Oil and Gas Producing Company, Inc. then obtained Storm's interest and the contract covering the sale was amended to cover all depths in the acreage covered by the original Tennessee contract. Sales under this contract are continuing.

Forest Oil Corporation (Forest) also sold to Tennessee gas produced from the Brayton Field under a contract certificated in Docket No. G-2954. This contract contained a release of reserve provision similar to the clause in the Puenticitas-Tennessee contract, and the Perry and Simmonds sands were released from the contract on March 7, 1966. By contract dated December 1, 1965, Forest sold to Channel gas from the Perry and Simmonds sands. These sales were later discontinued.

(8) COLD SPRINGS FIELD, SAN JACINTO, TEXAS

On June 5, 1950, Continental contractd to sell to Tennessee gas produced from the Cold Springs Field without depth limitation. After the sale was certificated in 1956 the contract was amended on March 21, 1967, to limit the dedicated acreage to the 9,000 to 10,312 foot zone. This amendment was filed as a rate schedule supplement and accepted by the Commission. In 1968 Continental contracted to sell gas to Channel from depths other than the 9,000 to 10,312 foot zone under the same acreage covered by the Tennessee contract. The Channel contract was terminated in 1973.

(9) NORTH GARWOOD FIELD, COLORADO COUNTY, TEXAS

On November 3, 1953, Tennessee contracted with a predecessor of Marathon Oil Company to purchase gas from the North Garwood Field. A certificate authorizing this sale was issued on December 1, 1958, in Docket No. G-11816. Marathon assigned its interest in four leases to Neil E. Hanson who applied for and received certificate authorization. These leases were then assigned to Goldrus Drilling Co. and then to Goldking Properties, Inc. (Goldking), for which Goldking Production Company is agent and operator. According to Goldking, Tennesse was unwilling to install the necessary compressor and gathering line in order to receive deliveries of the gas, and therefore the contract with Tennessee expired by its own terms. By contract effective September 1, 1972, Goldking contracted to sell to Channel gas from the four leases, and gas is currently being delivered at a rate of 418 Mcf per day from four wells to Channel under the terms of this contract.

(10) STRATTON—AGUA DULCE FIELD, JIM WELLS, KLEBURG AND NUECES COUNTIES, TEXAS

On August 15, 1952, predecessors of Champlin Petroleum Company (Champlin) contractd to sell to Tennessee gas from the Stratton-Agua Dulce Field. The contract provided that the producer was authorized to sell gas to others in order to maintain ratable takes. The sale was certificated in Docket No. G-2999. Pursuant to the ratable take provision, Champlin sold gas from this field to Channel as evidenced by a letter agreement date June 7, 1972. The sales were discontinued in 1973.

In their responses to Tenneco's petitions, Arco, Mobil and Amoco request that the investigation into these matters be discontinued on the grounds that such a proceeding would not be in the public interest. Essentially, these producers argue that it would not be proper to look into transactions which took place years ago, especially where the affected producers have relied on "the long-standing actions and approvals" by the Commission. We do not agree that this investigation should be terminated merely because many of the transactions involved are several years old, particularly where these transactions may have involved violations of th Natural Gas Act and the Commission's Regulations thereunder. Furthermore, we cannot accept the argument that no further action be taken with respect to Tenneco's petition on the ground that the producers have relied on Commission actions, for it is not clear at this time that all of the necessary Commission authorization was obtained regarding the transactions at issue. Therefore, we find that this investigation should not be discontinued, and, in view of the many legal and factual questions that are presented by Tenneco's pleadings and the producers' responses thereto, we believe that the issues cannot be resolved without a full evidentiary proceeding.

Among the issues to be addressed by the parties in this proceeding is the question of whether a producr has complied with the requirements of the Natural Gas Act when gas formerly dedicated to the interstate market is sold intrastate pursuant to a surplus gas provision in the contract with the purchasing interstate pipeline which was certificated by the Commission. Another issue to be addressed is the question of the legal effect of the filing and acceptance of a contract amendment as a supplement to a producer's rate schedule. The parties should also address the question of remedies if it is determined that the provisions of the Natural Gas Act were not complied with, including the possibility of payback. Finally, we direct the parties to address the question of whether violations of the Natural Gas Act have occurred such that the penalty provisions of Section 21 of the Act should be invoked. Of course, we do not intend to limit the issues in this proceeding to those discussed above.

In lieu of filing a response to Tenneco's pleadings, Sun filed on April 20, 1977, a motion to dismiss Tenneco's petition for a declaratory order and to dismiss the order issued March 8, 1977, instituting this investigation. Sun states that Tenneco has no standing to file a petition for a declaratory order because Tenneco is not subject to the Commission's jurisdiction. We reject this contention and note that the real question is whether the matters raised in such a petition are appropriate for a Commission determination. Clearly, possible violations of the Natural Gas Act by natural gas producers come within the ambit of the Commission's jurisdiction. Sun also alleges that Tenneco's pleading merely represents an attempt to raise a defense in damage suits pending against Tenneco in state court proceedings in the District Court of Harris County, Texas.[3] We cannot permit the allegation of potential impact on state court proceedings to deter us from our duty to insure that the Natural Gas Act is properly enforced. Finally, Sun notes that Tenneco filed its petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure, and, according to Sun, the subject matter of the petition is not a valid subject of a petition under this section. Section 1.7(c) of the Rules provides that issuance of a declaratory order is designed "to terminate a controversy or remove uncertainty." Tenneco's petition was properly filed pursuant to this section in that the matters raised therein involve a number of uncertainties with regard to compliance with the Natural Gas Act. For these reasons we shall reject Sun's April 20, 1977, motion to dismiss.

In its Notice of Intervention filed on March 23, 1977, the Public Service Commission of the State of New York (New York) requests that the producers mentioned in Tenneco's February 28, 1977, petition be directed to immediately cease any future gas deliveries to Channel and that Tennessee be ordered to cease transportation of the gas to Channel. Furthermore, New York asks that Channel be directed to stand ready to deliver to Tennessee an amount of gas equivalent to that which it has received from the producers where no abandonment authorization has been secured. We believe that it would be inappropriate to grant New York's requests at this time. As noted previously, it is necessary that these matters be fully explored in an evidentiary hearing before the Commission may make a reasoned determination as to whether the necessary Commission authorizations have been obtained regarding these transactions.

The Tennessee Public Service Commission filed on March 21, 1977, a request that the matters raised in Tenneco's pleadings filed in this docket be set for hearing. For the reasons noted above we shall grant this request.

On May 25, 1977, FMC Corporation (FMC) filed a motion for reconsideration of our March 8, 1977 order urging the deferral of this investigation on the grounds that Tenneco has yet to submit a complete statement of the facts and

[3] *FMC Corp. v. Tenneco Inc.*, et al., No. 1,-055,430, in the District Court of Harris County, Texas, 165th Judicial District and *Amoco Gas Co. v. Channel Industries Gas Co.*, et al., No. 1,095,430, in the District Court of Harris County, Texas, 151st Judicial District.

grounds prompting its petition for declaratory order pursuant to § 1.7(c) of the Commission's Regulations. We shall deny FMC's motion as we have determined that sufficient information has been presented in Tenneco's pleadings and the producers responses to justify the continuation of the investigation instituted in our March 8, 1977 order.

The Commission finds: (1) It is in the public interest to set the investigation instituted by the Commission's March 8, 1977 order issued in this proceeding for hearing.

(2) Sun's motion to dismiss should be denied.

(3) New York's requests to require the producers to cease gas deliveries to Channel and to direct Channel to stand ready to deliver to Tennessee a volume of gas equivalent to that received from the producers should be denied.

(4) FMC's motion for reconsideration should be denied.

(5) Good cause exists to grant the above-mentioned petitions to intervene and to make the affected producers respondents to this proceeding.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 8, 10, 14, 15 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing in Docket No. CI77-298 shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 for the purpose of hearing and disposition of the issues in this proceeding.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(C) Tenneco shall file its direct testimony and evidence on or before July 1, 1977. The producer respondents shall file their direct testimony and evidence on or before July 22, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Presiding Judge shall preside at a pre-hearing conference to be held on August 16, 1977, at 10:00 A.M. E.D.T. in a hearing room at the address noted in Ordering Paragraph (A).

(E) Sun's motion to dismiss is hereby denied.

(F) New York's requests noted above are hereby denied.

(G) FMC's motion for reconsideration is hereby denied.

(H) The above-mentioned petitioners to intervene are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as are specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that such intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(I) Each of the affected producers listed on Appendix A are hereby made respondents.

By the Commission.

KENNETH F. PLUMB, *Secretary.*

APPENDIX A

RESPONDENTS

Amoco Production Company
Atlantic Richfield Company
Bravo Oil Company
Champlin Petroleum Company
Continental Oil Company
Devon Corporation
Energy Reserves Group, Inc.
Forest Oil Company
Getty Oil Company
Goldking Production Company
Hanson, Neil E.
Kirby Oil Company
Marathon Oil Company
Mobil Oil Company
Monsanto Company
Peninsula Exploration Company
Puenticitas Oil Company
Shell Oil Company
South Texas Oil & Gas Producing Company, Inc.
Storm, J. C.
Sun Oil Company

APPENDIX B

PETITIONS TO INTERVENE

Atlantic Richfield Company
Brooklyn Union Gas Company, The
Continental Oil Company
FMC Corporation
Forest Oil Corporation
Getty Oil Company
Knoxville Utilities Board, et al.
Monsanto Company
Nashville Gas Company
New England Customer Group, The
Northern Illinois Gas Company
Public Service Electric & Gas Company
State of Tennessee
Tennessee Natural Gas Lines, Inc.

NOTICES OF INTERVENTION

Pennsylvania Public Utility Commission
Public Service Commission of the State of New York
Tennessee Public Service Commission

RESPONSES

Amoco Production Company
Atlantic Richfield Company
Bravo Oil Company
Continental Oil Company
Devon Corporation
Energy Reserves Group, Inc.
Getty Oil Company
Goldking Production Company, et al.
Marathon Oil Company
Mobil Oil Corporation
Monsanto Company
Puenticitas Oil Company
Shell Oil Company
South Texas Oil & Gas Producing Company, Inc.
Storm, J. C.

[FR Doc.77-17223 Filed 6-15-77;8:45 am]

[Docket No. CI77-522]

TRANSCO EXPLORATION CO.

Limited-Term Certificate Application

JUNE 8, 1977.

Take notice that on May 25, 1977, Transco Exploration Company (Applicant) P.O. Box 1396, Houston, Texas, 77001, filed in Docket No. CI77-522 an application pursuant to Section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity, with pregranted abandonment, covering the sale of gas by Applicant to Transcontinental Gas Pipe Line Corporation (Transco). The limited-term is to cover the period from date of initial delivery to the date that notice of payout of the well is given.

Under the terms of the agreement by which Applicant acquired its interest, Patrick retained an overriding royalty interest convertible after payout of the well to a one-third working interest. The lease obtained from Amoco also allows Amoco similar conversion rights after payout. Under the terms of said agreement and lease, Applicant is prohibited from taking any action which would interfere with the ability of Patrick or Amoco to market their working interest share of production in the event either of their royalty interests are converted.

Applicant and Transco entered into a contract dated May 23, 1977, covering the sale and purchase of gas from the Southwest Gibson Field, Terrebonne Parish, Louisiana. Pursuant to the agreement Applicant proposes to sell natural gas to Transco from the date of initial delivery thereunder, at an initial rate of $1.55413953 per Mcf at 15.025 psia, to be delivered at a mutually agreeable point in the field into Transco's facilities. The agreement pertains to that portion of Applicant's working interest which the overriding royalty interests have the right to convert into their working interests.

Transco has advised that its gas supply shortage is very critical and that it needs all available volumes at the earliest possible date.

Transco has constructed a gathering line running from its pipeline to a central point in the Southwest Gibson Field. This line is now installed and final tie-in connections completed.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this appplication if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17236 Filed 6-15-77;8:45 am]

[Docket No. CP76-458]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition to Amend

JUNE 8, 1977.

Take notice that on May 26, 1977, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-458 a petition to amend the Commission's order of October 13, 1976, issued in the instant docket (56 FPC), pursuant to Section 7 of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize Petitioner to increase the total cost of facilities constructed under the budget-type authorization to $16,000,000, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Pursuant to the Commission's order of October 13, 1976, issued in the instant docket, Petitioner was authorized to construct and operate gas purchase facilities under budget-type authorization for a one-year period which commenced on October 22, 1976. Petitioner indicates that the total cost of facilities constructed under the budget-type authorization is limited to $12,000,000, with no single onshore project to exceed $1,500,000, and no single offshore project to exceed $2,500,000.

By this petition, Petitioner requests a waiver of the total cost limitation provided by § 157.7(b)(2) of the Regulations and an increase in the limitation to $16,000,000. Petitioner states that with about five months remaining on the current one-year budget authorization, it has already committed for actual or estimated expenditures under work orders issued thereunder of about $11,000,000, and that this amount reflects the cost of projects which have been completed, or are now under construction, or as to which engineering has been finalized and which are scheduled to be commenced in the near future. Petitioner further states that it estimates that additional expenditures for budget-type facilities during the remaining term of the current authorization, i.e., through October 21, 1977, may be up to $4,000,000; however, since Petitioner does not know at this time with particularity the location or source of supplies which would be attached under the proposed amended authorization, such total cost figure is necessarily an estimate based on past experience rather than specific known projects, it is said.

Petitioner indicates that the principal reason for increased budget-type expenditures is the much higher number of new gas supply attachments during the current period, and substantial inflation in material and construction costs that has occurred during the past several years. Petitioner's experience reflects that the two-year period 1975 and 1976, inflation of offshore construction costs has been approximately 33 percent on a compounded basis, it is indicated.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17250 Filed 6-15-77;8:45 am]

[Docket No. RP77-19]

TRANSWESTERN PIPELINE CO.

Motion to Place Tariff Sheets in Effect

JUNE 7, 1977.

Take notice that on May 31, 1977, Transwestern Pipeline Company (Transwestern), pursuant to Section 4(e) of the Natural Gas Act and Ordering Paragraph (B) of the Federal Power Commission's order issued December 29, 1976, filed a motion to place into effect on June 1, 1977 the following tariff sheets originally filed on December 1, 1976:

First Revised Sheet No. 1.
First Revised Sheet No. 23.
First Revised Sheet No. 50.
First Revised Sheet No. 63.
First Revised Sheet No. 64.
First Revised Sheet No. 74.
First Revised Sheet No. 76.
First Revised Sheet No. 78.

Transwestern requests that First Revised Sheet No. 24 filed on December 1, 1976 be withdrawn and the effectiveness of Original Sheet No. 24 be retained since no changes to the text of Original Sheet No. 24 were made in its revision.

Transwestern, additionally, moves that Seventh Revised Sheet Nos. 5 and 6, originally filed on December 1, 1976 and now modified to reflect subsequent purchased gas cost adjustment rate changes, be permitted to go into effect on June 1, 1977. In the alternative, Transwestern moves to place into effect on June 1, 1977 tariff sheet numbers 5 and 6 as originally filed on December 1, 1976 and now renumbered as Alternate Seventh Revised Sheet Nos. 5 and 6.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 24, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17230 Filed 6-15-77;8:45 am]

[Docket No. ID-1812]

JAMES O. TRUDEAU

Application

JUNE 7, 1977.

Take notice that on May 9, 1977, James O. Trudeau, Vice President of Orange Rockland Utilities, Inc., filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Orange and Rockland Utilities, Inc., Public Utility. Vice President, Rockland Electric Company, Public Utility. Vice President, Pike County Light and Power Company, Public Utility.

Any person desiding to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17229 Filed 6-15-77;8:45 am]

[Docket No. ER77-311]

UTAH POWER & LIGHT CO.

Further Extension of Time

JUNE 7, 1977.

On June 6, 1977, Lincoln Service Corporation filed a motion for a further extension of time in which to file petitions to intervene or protests to the proposed tariff changes tendered for filing in the above indicated docket on April 20, 1977, and noticed April 29, 1977.

Upon consideration, notice is hereby given that the time for filing petitions to intervene or protests in the above proceeding is extended to and including July 6, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17231 Filed 6-15-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1977 No. 22]

ACTIONS OF THE BOARD AND APPLICATIONS AND REPORTS RECEIVED DURING THE WEEK ENDING MAY 28, 1977

Announcement by Board of Governors

ACTIONS OF THE BOARD

Statement by Vice Chairman Stephen S. Gardner before the Senate Committee on Banking, Housing and Urban Affairs on S. 71, S. 73, S. 895, and S. 1433, bills that will aid the regulatory agencies in carrying out supervisory responsibilities.

Statement by Governor Charles Partee before the Subcommittee on Intergovernmental Relations of the Senate Committee on Governmental Affairs on S. 600, the Regulatory Reform Act.

International Banking Act of 1977, letter to Chairman St Germain recommending enactment of foreign bank legislation; the Board's recommendation was accompanied by proposals for a number of amendments.

Letter in response to request for confirmation that member banks of the Federal Reserve System will not be required to maintain domestic reserves under the Board's Regulation D on deposits of their overseas military banking facilities when the Department of Defense assumes responsibility for the government's overseas military banking program on October 1, 1977.

Equal Employment Opportunity, the Board is amending its Policies and Procedures in order to replace the procedure for reviewing third party allegations to allow for consolidation of complaints, and to provide for administrative processing of class complaints of discrimination in employment (Docket No. R-0102).

Rules Regarding Delegation of Authority, delegation of certain new functions to the Director of the Division of Banking Supervision and Regulation and to the Federal Reserve Banks in order to expedite and facilitate the performance of certain of the Board's supervisory and regulatory functions over bank holding companies and State member banks, effective May 26, 1977 (Docket No. R-0103).

Rules of "Employment Responsibilities and Conduct" amendment, which expands the number of positions for which Statements of Employment and Financial Interests are required pursuant to the Board's rules and Executive Order 11222 (Docket No. R-0101).

Marblehead Bank and Trust Company, Marblehead, Massachusetts, proposed merger with Essex County Bank and Trust Company, Lynn, Massachusetts, report to the Federal Deposit Insurance Corporation on competitive factors.

Sullivan County National Bank, LaPorte, Pennsylvania, proposed merger with Citizens & Northern Bank, Ralston, Pennsylvania, report to the Federal Deposit Insurance Corporation on competitive factors.

Dakota Bancorporation, Rapid City, South Dakota, extension of time to July 8, 1977, within which to complete acquisition of the First National Bank of Crosby, Crosby, North Dakota.[1]

Bank of Ste. Genevieve, Ste. Genevieve, Missouri, to make an investment in bank premises.[1]

Elberfeld State Bank, Elberfeld, Indiana, to make an additional investment in bank premises.[1]

Peoples State Bank of Plainview, Plainview, Minnesota, to make an investment in bank premises.[1]

Provident Bank, Cincinnati, Ohio, to make an investment in bank premises.[1]

Mountain Trust Bank, Roanoke, Virginia, request for a nine-month extension of time within which to establish a branch at 3702 Brandon Avenue, S.W., Roanoke, Virginia.[1]

Chase Manhattan Overseas Banking Corporation, New York, New York, (1) extension of time to November 23, 1977, within which to acquire all of the shares of a limited liability company in Sao Paulo, Brazil, and (2) extension of time to July 14, 1978, within which to complete its investment in Chase and Bank of Ireland (International) Ltd., Dublin, Ireland.[1]

First Citizens Bank of Butte, Butte, Montana, extension of time to accomplish membership in the Federal Reserve System.[1]

Carroll Bank, Hillsville, Virginia, proposed merger with Bank of Carroll, Hillsville, Virginia, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Issuance of subordinated capital notes by United California Bank, Los Angeles, California.[1]

Extension of time to December 31, 1977, within which the Bank of Woodward, Woodward, Oklahoma, may complete the sale of capital debentures.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Fort Worth Bank & Trust, Fort Worth, Texas. Branch to be established as a Drive-in and Mini-Bank Branch, located across Beach Street and Main Bank Building.[2]

* * * * *

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

APPROVED

Morgan Guaranty International Finance Corporation: Investment-additional shares of Morgan Guaranty Finance Limited, Hamilton, Bermuda.

Bamerical International Financial Corporation: Investment-additional shares of Jamaican American Merchant Bankers Limited, Kingston, Jamaica.

* * * * *

To form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Goodlettsville Bancshares, Inc., Goodlettsville, Tennessee, for approval to acquire 80 per cent or more of the voting shares of Bank of Goodlettsville, Goodlettsville, Tennessee.[2]

Crown Bancshares, Incorporated, Hammond, Indiana, for approval to acquire 90 per cent or more of the voting shares of The First National Bank of Crown Point, Crown Point, Indiana.[2]

Guaranty Bancshares Corporation, Kansas City, Kansas, for approval to acquire 96.03 per cent of the voting shares of Guaranty State Bank & Trust, Kansas City, Kansas.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

Southeast Banking Corporation, Miami, Florida, for approval to acquire 100 per cent of the voting shares of Southeast Acquisition Company, Miami; Southeast Bank of Fort Myers, N.A., Fort Myers; Southeast Bank of St. Armands, Sarasota; Southeast Bank of Village Plaza, N.A., Sarasota; all located in Florida.

Michigan National Corporation, Bloomfield Hills, Michigan, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Michigan National Bank-Farmington, Farmington Hills, Michigan, a proposed new bank.

Republic of Texas Corporation, Dallas, Texas, for approval to acquire 2,800 shares of the voting shares of The First National Bank of Duncanville, Duncanville, Texas.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Chemical New York Corporation, New York, New York, for approval to convert to an industrial bank, to be known as Depositors Industrial Bank, an office of its indirect subsidiary, Sun Finance and Loan Company, Boulder, Colorado.

WITHDRAWN

First Security Corporation, Salt Lake City, Utah, for approval to continue to engage in the activities of an industrial mortgage loan compauy through a subsidiary known as Simco Industrial Mortgage Company, San Jose, California.

DELAYED

Sun Banks of Florida, Inc., Orlando, Florida, notification of intent to engage in *de novo* activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit and servicing

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

loans and other extensions of credit for any person) at 1501 N.E. 26th Street, Wilton Manors (Fort Lauderdale), Florida, through a subsidiary, Sunbank Mortgage Company (5/23/77).[3]

PERMITTED

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (consumer sales finance activities) from 3401 Chinden Boulevard, Boise, Idaho to 1775 Westgate Drive, Suite 225, Boise, Idaho, through its subsidiary, Nationwide Financial Corporation and its subsidiary, Nationwide Financial Corporation of Idaho (5/27/77).[3]

Citicorp, New York, New York, notification of intent to relocate *de novo* activities (the making of consumer installment personal loans; and the sale of life/accident and health, and property insurance related thereto) from 3401 Chinden Boulevard to the Corner of Five Mile Road and Fairview Avenue, Boise, Idaho, through its subsidiary, Nationwide Financial Corporation and its subsidiary, Nationwide Financial Corporation of Idaho (5/27/77).[3]

Barnett Banks of Florida, Inc., Jacksonville, Florida, notification of intent to engage in *de novo* activities (performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company including activities of a fiduciary, agency or custodial nature in the manner authorized by Federal and State law; provided however, that loans and investments will be made and deposits accepted only in conformity with Regulations of the Board of Governors of the Federal Reserve System) at 1900 Tyler Street, Hollywood, Florida, through a subsidiary, Barnett Banks Trust Company, N.A. (5/27/77).[3]

Trust Company of Georgia, Atlanta, Georgia, notification of intent to engage in de novo activities (providing data processing services to banks and bank holding companies including, but not limited to, processing for checking and savings accounts, savings certificates, installment loans, commercial loans, overdraft banking, automated proof transit, general ledger, and check reconcilement) at 2140 N.E. 2nd Street, Gainesville, Florida, through a subsidiary, Trusco Data Systems of Florida, Inc. (5/27/77).[3]

National Detroit corporation, Detroit, Michigan, notification of intent to engage in de novo activities (making, acquiring, and serving for its own account and for the account of others, mortgage loans and other extensions of credit in connection with the purchase, development and/or improvement of real property) at 200 Renaissance Center, Detroit, Michigan, through its subsidiary, NBD Mortgage Company (5/28/77).[3]

Landmark Bancshares Corporation, St. Louis, Missouri, notification of intent to continue to engage in an activity earlier commenced de novo (providing bookeeping and data processing services to the parent company and its subsidiaries and the storing and processing of other banking, financial and related economic data including the performance of payroll, accounts receivable or payable, or billing services) at 6313 Dr. M. L. King Drive, St. Louis, Missouri, through a subsidiary, Landmark Data Services Incorporated (5/26/77).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Fremont Bancorporation, Fremont, California, notification of intent to continue to engage in an activity earlier commenced de novo (acting as an insurance agent or broker for the sale of insurance related solely to extensions of credit by its banking subsidiary, Fremont Bank, in addition to any type of insurance sold to the bank itself) at 39150 Fremont Boulevard, Fremont, California; 35880 Fremont Boulevard, Fremont, California; and 4948 Stevenson Boulevard, Fremont, California, through its subsidiary, Appraisal Associates (5/23/77).[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit including the making of consumer installment loans, purchasing consumer installment sales finance contracts, and making of loans to small businesses; leasing personal property and equipment, or acting as agent, broker, or adviser in such leasing where at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; acting as insurance agent or broker with regard to credit life and disability insurance relating only to extensions of credit by Rainier Credit Company, secured or unsecured, with the limitation that the initial amount of such insurance issued with respect to any debtors may at no time exceed the amount owed by debtors) at 3278 B Lancaster Drive N.E., Salem, Oregon, through its subsidiary, Rainier Credit Company (5/26/77).[3]

• • • • •

To Expand a Bank Holding Company Pursuant to Section 4(c)(12) of the Bank Holding Company Act of 1956.

PERMITTED

American Finanial Corporation, Cincinnati, Ohio and its subsidiaries, notification of intent to acquire from 5 per cent to 35 per cent of the outstanding voting shares of the following 24 specified corporations: Air Florida Systems, Inc.; Bangor Punta Corporation; The Charter Company; Cowles Communications, Inc.; CNA Financial Corporation; DWG Corporation; Floyd Enterprises, Inc.; General Host Corporation; Gulf Life Holding Company; Gulf Life Insurance Company; IC Industries, Inc.; International Mining Corporation; Lone Star Industries, Inc.; New York Magazine Company, Inc.; The New York Times Company; Orion Capital Corporation; Pennsylvania Engineering Company; The Progressive Corporation; Rapid-America Corporation; Reliance Group, Inc.; St. Joe Paper Company; Stutz Motor Corporation of America, Inc.; The TI Corporation of California; and WUI, Inc. (5/28/77).[3]

• • • • •

Certifications Issued Pursuant to the Bank Holding Company Tax Act of 1976.

The Signal Companies, Inc., Beverly Hills, California ("Signal"), (1) prior certification pursuant to § 6158(a) of the Internal Revenue Code ("Code") that its divestiture of 462,636 shares of the outstanding voting stock of the Arizona Bank, Phoenix, Arizona ("Bank"), by Signal Equities Company, Phoenix, Arizona, through the sale of such shares to Arizona Equities Inc., Phoenix, Arizona, was necessary or appropriate to effectuate the policies of the Bank Holding Company Act ("BHC Act"); and (2) final certification pursuant to § 6158 (c) of the Code that Signal has (before the expiration of the period prohibited property is permitted under the BHC Act to be held by a bank holding company) ceased to be a bank holding company. (Legal Division Docket TCR 76-103.)[4]

Clinton Cable TV Co., Inc., Clinton, Indiana ("Clinton"), prior certification, pursuant to § 1101(b) of the Internal Revenue Code, that its proposed divestiture of all of the 10,002 shares of Dulaney National Bank of Marshall, Marshall, Illinois, through the pro rata distribution of such shares to the common shareholders of Clinton, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act. (Legal Division Docket TCR 76-131).[4]

304 Corporation, Omaha, Nebraska ("304"), prior certification, pursuant to § 6158(a) of the Internal Revenue Code, that its proposed sale of all of its 1,050 shares of the common stock of Industrial Loan and Investment Company, Omaha, Nebraska, is necessary or appropriate to effectuate § 4 of the Bank Holding Company Act. (Legal Division Docket TCR 76-140.)[4]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

The Western Security Bank, Sondusky, Ohio. Branch to be established at the Intersection of Route 250 and Hull Road, Perkins Township, Erie County.

The Detroit Bank—Livonia, Michigan. Branch to be established at 29540 Seven Mile Road in the Livonia Mall (B-1 of "B" Building), Livonia, Wayne County.

English State Bank, English, Indiana. Branch to be established in the Jay-C Plaza shopping center at the intersection of U.S. Highway 64 and State Road 37, R.R.1, English, Crawford County.

• • • • •

[4] Processed on behalf of the Board of Governors under delegated authority.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act.

Security National Bank: Branch—Manama, Bahrain.

• • • • •

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

The Mattatuck Bancorp, Inc., Waterbury, Connecticut, for approval to acquire 80 per cent of the voting shares (less directors' qualifying shares) of The Mattatuck Bank and Trust Company, Waterbury, Connecticut.

Union Financial Corporation, Manhattan, Kansas, for approval to acquire 80 per cent or more of the voting shares of Union National Bank and Trust Company of Manhattan, Kansas, Manhattan, Kansas.

To expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Houding Company Act of 1956.

Manufacturers Hanover Corporation, New York, New York, for approval to acquire all the assets of Modern Loan Company, Incorporated, Louisville, Kentucky.

Manufacturers Hanover Corporation, New York, New York, notification of intent to engage in de novo activities (expand the geographical area to be serviced by an office in Cincinnati, Ohio of Manufacturers Hanover Leasing Corporation; leasing real and personal property on a full payout basis, acting as agent, broker, or adviser in leasing of such property and making and acquiring, for its own account or for the account of others, loans and other extensions of credit with respect to such property and servicing such leases, loans or other extensions of credit to include the communities served by the Midwestern and Eastern editions of The Wall Street Journal) (5/27/77).[3]

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in de novo activities (making loans for its own account principally secured by second mortgages or second deeds of trust and such other incidental activities as may be necessary to the business of making such loans; including acting as agent for the sale of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with the making of such loans) at 1510 Willow Lawn Drive, Richmond, Virginia; 7825 Midlothian Turnpike, Richmond, Virginia; 9286 Warwick Boulevard, Newport News, Virginia; 14749 Warwick Boulevard, Newport News, Virginia; 11 Koger Executive Center, Norfolk, Virginia; 4336 Virginia Beach Boulevard, Virginia Beach, Virginia; 3217-B Western Branch Boulevard, Chesapeake, Virginia; 2036 Colonial Avenue, S.W., Roanoke, Virginia; 8027 Leesburg Pike, Vienna, Virginia; 6901 Old Keen Mill Road, Springfield, Virginia; 17 Executive Park Drive, N.E., Atlanta, Georgia; 2105 South Hamilton Road, Columbus, Ohio; 150 Tri-County Parkway, Cincinnati, Ohio (doing business in Ohio as First & Merchants Mortgage Corporation); 416 Hungerford Drive, Rockville, Maryland; 10750 Columbia Turnpike, Silver Spring, Maryland; and Beltway Plaza, Camp Springs, Maryland; through its subsidiary, First Realty Mortgage Corporation (5/26/77).[3]

First Bancgroup-Alabama, Inc., Mobile, Alabama, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit) at 31 North Royal Street, Mobile, Alabama (5/23/77).[3]

Associated Bank Corporation, Mason City, Iowa, notification of intent to relocate de novo activities (leasing personal property and equipment or acting as agent, broker, or adviser in leasing of such property where at the inception of the initial lease the expectation is that the effect of the transaction and reasonably anticipated future transactions with the same lessee as to the same property will be to compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease) from Iowa City, Iowa, to 5 West State Street, Mason City, Iowa, through its subsidiary, Leasing, Inc. (5/12/77).[3]

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, notification of intent to engage in de novo activities (making, acquiring, and/or servicing commercial and residential real estate loans and other extensions of credit) at 201 West 8th Street, Pueblo, Colorado, through its wholly-owned subsidiary, Piedmont Mortgage and Investment Co., Inc. (5/26/77).[3]

BankOklahoma Corp., Tulsa, Oklahoma, notification of intent engage in de novo activities (to make, acquire, sell participations, and or service for its own account or for the account of others, loans or other extensions of credit for agricultural and agricultural related purposes as well as provide other ancillary services) at Highway 54 East, Guymon, Oklahoma, through its subsidiary, BankOklahoma Agri-Service Corp., a wholly-owned subsidiary, in a general partnership known as Agbanc of Oklahoma (5/23/77).[3]

Peoples Savings, Inc., Ottawa, Kansas, notification of intent to engage in de novo activities (acting as insurance agent and/or as depositor for insurance commissions with respect to the sale of the following types of insurance: credit life insurance, level term credit life insurance and credit health and accident insurance directly related to extensions of credit by the bank holding company's subsidiary bank, Peoples National Bank & Trust, Ottawa, Kansas) on the premises of Peoples National Bank & Trust, 434 South Main, Ottawa, Kansas (5/24/77).[3]

REPORTS RECEIVED

Current Report Filed Pursuant to Section 13 of the Securities Exchange Act.

Union Bank & Trust Company, Montgomery, Alabama.

• • • • •

Proxy Statement (Special Meeting) Filed Pursuant to Section 14(a) of the Securities Exchange Act.

Hempstead Bank, Hempstead, New York.

• • • • •

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 10, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17203 Filed 6-15-77;8:45 am]

INDUSTRIAL LOAN AND INVESTMENT CO.

Order Approving Formation of a Bank Holding Company and Continuation of Industrial Loan Company and Insurance Agency Activities

Industrial Loan and Investment Company, Sedalia, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act ("Act") (12 U.S.C. § 1842(a)(1)) of formation of a bank holding company through acquisition of 87.67 percent of the voting shares of Bank of Ionia, Ionia, Missouri ("Bank"). At the same time, Applicant has applied, pursuant to section 4(c)(8) of the Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y 12 CFR § 225.4(b)(2), for permission to continue to engage in the activities of an industrial loan company and to continue to engage in the sale of credit life and credit accident and health insurance directly related to extensions of credit by Applicant. Such activities have been determnned by the Board to be closely related to banking (12 CFR § 225.4(a)(2) and (9)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (41 FR 35908). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c)(8) of the Act.

Applicant is chartered as an industrial loan company under Chapter 368 of the Missouri Revised Statutes and engages in the activity of making small loans. Pursuant to the provisions of State law, Applicant also engages in the business of selling debt instruments in the form of uninsured passbook investment certificates and term investment crtificates, an activity similar to the deposit-taking activities of a commercial bank.[1]

Applicant is a relatively small institution (assets of $9.1 million) and operates its sole office in Sedalia, Missouri.[2] Bank (deposits of $2.6 million) is the smallest of five banks operating in the Warsaw banking market, and controls 6.1 per cent (as of December 31, 1975) of the total deposits in commercial banks in that market.[3] Although Applicant and Bank offer some similar services, Applicant does not compete in the Warsaw banking market, and the proposed acquisition would not result in the elimination of any existing competition. Moreover, in view of the relatively small size of Applicant and Bank, it appears that the proposal would not have significant adverse effects upon potential competition, nor would it increase the concen-

[1] Although chartered by the State, Applicant at the present time is not subject to any significant regulation or examination by a State regulatory authority. However, upon becoming a bank holding company, Applicant would become subject to the Bank Holding Company Act and supervision and regulation by the Board. In addition, pursuant to section 5(c) of the Act, Applicant would be required to file regular reports with the Board and would be subject to examination.

[2] Unless otherwise indicated, all banking data are as of December 31, 1976.

[3] The Warsaw banking market is approximated by Benton County.

tration of banking resources. Accordingly, on the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application to acquire Bank.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval of the application. Although consummation of the proposed transaction may not result in any immediate benefits to the public, Applicant is substantially larger than Bank and possesses some managerial and technical resources that are unavailable to Bank due to its relatively small size. It is anticipated that the proposed acquisition would provide Bank with access to Aplicant's greater resources and thereby enhance Bank's ability to improve services to the community. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposal to form a bank holding company would be in the public interest and the application should be approved.

In connection with the application to become a bank holding company, Applicant has also applied, pursuant to § 225.4(a) (2) and (9) of Regulation Y, to continue to engage in the activities of an industrial loan company and continue selling credit life and credit accident and health insurance directly related to extensions of credit by the industrial loan company.[4] Approval of these applications would enable Applicant to acquire Bank, which acquisition is viewed as being in the public interest. Moreover, approval of these applications would serve to assure the residents of Sedalia and nearby areas of a convenient source of industrial loan and credit-related insurance services, and the Board views these results as being in the public interest. It does not appear that Applicant's continuation of these activities would have any significant adverse effects on competition. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c) (8) of the Act both favor approval of Applicant's proposals.

[4] Applicant is also engaged in leasing activities of a type generally permissible for bank holding companies. Applicant has indicated that upon becoming a bank holding company it would promptly file an application, pursuant to the relevant provisions of Regulation Y, to continue to engage in such leasing activities.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order; nor (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's industrial loan and insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[1] effective June 10, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-17202 Filed 6-15-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL, ABUSE AND ALCOHOLISM

Meeting

In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of July 1977:

INTERAGENCY COMMITTEE ON FEDERAL ACTIVITIES FOR ALCOHOL ABUSE AND ALCOHOLISM

July 19, 9:30 a.m. to 4:30 p.m., Conference Rooms "G" and "H" Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open Meeting: Contact.—James Vaughan, Room 16C-10, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3888.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism:. (1) Evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: This meeting will be open to the public. The meeting will consist of presentations by Committee groups of their current and proposed activities. The Department of Justice will make a presentation on its programs relating to alcohol abuse and alcoholism. Reports will also be given on current legislative activities, interagency agreements, and data gathering activities.

Substantive program information may be obtained from the contact person listed above. The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Committee members is Mr. Henry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, 20857, 301-443-3306.

Dated: June 10, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-17096 Filed 6-15-77;8:45 am]

Office of Education

HANDICAPPED MEDIA SERVICES AND CAPTIONED FILMS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that, pursuant to the authority contained in section 652 of Part F of the Education of the Handicapped Act (20 U.S.C. 1452), applications are being accepted for the support of research, training of personnel and the use of educational media and/or technology for the education of the handicapped. The U.S. Commissioner of Education has established a final closing date of July 18, 1977 for the receipt of applications for grant awards under this new Media Research and Training Program.

Under the Media Research and Training Program, the Office of Education is interested in projects focusing on:

(1) Research to identify and meet the full range of special needs of the handicapped relative to instructional materials and instructional technology;

(2) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of such persons through use of such persons through use of instructional materials, media, and/or technology;

(3) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such persons.

Awards will be made on the basis of the criteria set forth in 45 CFR 100a.26 (b). The amount of funds available for this grant program for fiscal year 1977 is approximately $3 million dollars. Approximately 25 to 40 projects are expected to be funded prior to September 30, 1977. The funding level for each of these projects may average between $50,000 and $200,000.

Applications must be received by the U.S. Office of Education Application Control Center on or before July 25, 1977.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Ave., S.W., Washington, D.C. 20202, Attention: 13.446. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than July 20, 1977 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mailrooms in Washington, D.C.

(In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted by the Application Control Center after 4:00 p.m., Washington, D.C. time, on the closing date.

C. *Program information and forms.* Further information and application forms may be obtained from the Division of Media Services, Bureau of Education for the Handicapped, Office of Education, 40 Maryland Avenue, S.W., (Donohoe Building, Room 4821, CF&T Branch), Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) and the applicable program regulations (Subparts A and D of 45 CFR 1211, excepting section 1211.51)

(20 U.S.C. 1452)

(Catalog of Federal Domestic Assistance, No. 13.446 Handicapped Media Services and Captioned Films.)

Dated: June 7, 1977.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc.77-17109 Filed 6-15-77;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Coldwell, Jackson, Partee, and Lilly.

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION, ET AL.

Amendment of Reorganization Order

The Reorganization Order 42 FR 13262, March 9, 1977, as amended by 42 FR 19405, April 13, 1977, is further amended as follows:

Part I, Paragraph E, Subparagraph 2, is deleted.

Dated: June 7, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-17256 Filed 6-15-77;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Delegation of Authority

Notice is hereby given that pursuant to the authority delegated to the Assistant Secretary for Health on April 12, 1977 (42 FR 23179), by the Secretary of Health, Education, and Welfare, the Assistant Secretary for Health made the following delegation of authority under Part F of Title VII of the Public Health Service Act (42 U.S.C. 295g), as amended by Public Laws 94-484 and 94-573, providing for grants and contracts for programs and projects concerning health professions schools and training:

Delegation by the Assistant Secretary for Health to the Administrator, Health Resources Administration, with authority to redelegate, subject to section 707 of the Public Health Service Act, of the authorities delegated to the Assistant Secretary for Health under Part F of Title VII of the Public Health Service Act (42 U.S.C. 295g), except for the authority to issue regulations, the authority under section 785 of the Public Health Service Act (42 U.S.C. 295g-5) providing for occupational health training and education centers, and the authority under Section 790 of the Public Health Service Act (42 U.S.C. 295g-10) insofar as the general provisions thereunder are applicable to section 785.

This delegation is effective on June 7, 1977.

Dated: June 7, 1977.

R. MOURE,
Executive Officer, Public Health Service.

[FR Doc.77-17255 Filed 6-15-77;8:45 am]

DEPARTMENT OF THE INTERIOR

[AA-6661-B]

ALASKA

Native Claims Selection

JUNE 6, 1977.

On April 23, 1974, Eklutna, Inc. filed selection application AA-6661-B under the provisions of section 12(a) (1) of the Alaska Native Claims Settlement Act, 85 Stat. 688, of December 18, 1971, for the surface estate of lands located in the vicinity of Eagle River, Alaska which included lands in the S½SW¼ of section 32, T. 15 N., R. 1 W., Seward Meridian.

On March 30, 1976, the Stateof Alaska land selection A-061179 was rejected as to the above-mentioned parcel because the provisions of sections 11(a) (2) and 12(a) (1) of the act, supra., superseded the provisions of 6(b) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339. The State did not appeal the rejection.

The village selection application AA-6661-B for the lands described below was properly filed and has been found to meet the requirements of the Departmental regulations issued pursuant to ANCSA. The lands are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described surveyed lands, containing 80 acres, is considered proper for acquisition by Eklutna, Inc., subject to valid existing rights, and is hereby approved for patent pursuant to section 14(a) of the act, supra.

T. 15 N., R. 1 W., Seward Meridian (Surveyed)
sec. 32, S½SW¼.

The patent to Eklutna, Inc. for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals construction by the authority of the United States (act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945)).

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines as prescribed and directed by the act of March 12, 1914 (38 Stat. 305; 43 U.S.C. 975(d)).

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said subsurface estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601-1624).

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601-1624), the following easements, referenced by easement identification number (EIN) on the easement map in case file AA-6661-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 52 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

b. (EIN 53 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources including those related facilities necessary

during periods of planning, locating, constructing, operating, maintaining or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; *Provided, however,* That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

There are no inland water bodies known to be navigable by reason of travel, trade and commerce within the area described above.

The grant of lands by the patent shall be subject to:

1. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him.

2. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c) that the grantee hereunder convey those portions, if any, of the land hereinabove granted, as are prescribed in said section.

3. The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Cook Inlet Region, Inc., Eklutna, Inc., and other Cook Inlet village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management file AA–6661–EE. Any person wishing to examine the agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Conveyance of the remaining entitlement to Eklutna, Inc. will be made at a later date. Patent to the subsurface estate of the land described above will be simultaneously granted to Cook Inlet Region, Inc., pursuant to section 14(f) and 22(j) of the act, supra.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY TIMES. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice shall have until July 18, 1977 to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Eklutna, Inc., or Cook Inlet Region, Inc., objects to any easement identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, they must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, or it will be deemed that they have waived the right to contest it. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17070 Filed 6-15-77;8:45 am]

Bureau of Land Management
ALASKA

[AA–6695–A and AA–6695–B]

ALASKA
Native Claims Selection

On January 28, 1977, the Alaska Native Claims Appeal Board [1] directed publication of the October 10, 1975 decision (as amended by decision of December 10, 1975), as amended by the addition of easement reservations mandated by Secretarial Order No. 2987, 41 FR 11331 (1976), and Secretarial Order No. 2982, 41 FR 6295 (1976).

Therefore, pursuant to the above, the decision to convey lands to The Port Graham Corporation is hereby published once in the FEDERAL REGISTER and once a week for four (4) consecutive weeks in the Anchorage Daily Times.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Port Graham Corporation, Port Graham via Homer, Alaska 99603.
AA–6695–A AA–6695–B Village Selections.

LANDS PROPER FOR SELECTION APPROVED FOR INTERIM CONVEYANCE OR PATENT

On May 21 and November 15, 1974, the Port Graham Corporation filed selection applications AA–6695–A and AA–6695–B, respectively, under the provisions of section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, for the surface estate of certain lands in T. 9 S., R. 15 W.; T. 10 S., Rs. 13–15 W.; T. 11 S., Rs. 13–14 W.; and T. 12 S., R. 13 W., all Seward Meridian. Both applications have been amended several times.

The applications, as amended, are properly filed and met the requirements of the regulations issued pursuant to the act. The selected lands described below are unoccupied and do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate in and to the following described lands, containing approximately 65,917 acres, is considered proper for acquisition by the Port Graham Corporation and is hereby approved for interim conveyance or patent pursuant to section 14(a) of the act:

T. 9 S., R. 15 W., Seward Meridian (Unsurveyed),
Sec. 2, SW¼NW¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼;
Secs. 3 and 4, all, excluding fractional Native allotment application AA–7203;
Secs. 5–7, fractional;
Secs. 8–10, all;
Sec. 11, SW¼SW¼NE¼, SW¼NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, SW¼NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 12, NW¼SW¼SW¼, S½S½SW¼;
Secs. 13–17, all;
Sec. 18, fractional;
Sec. 19, fractional, excluding Native allotment application AA–7261;
Secs. 20–26, all;
Sec. 27, all, excluding fractional Native allotment application AA–7194;
Sec. 28, fractional, excluding fractional Native allotment application AA–7194;
Sec. 29, fractional;
Sec. 31, fractional, excluding Native allotment applications AA–7535 and AA–7936 Parcel A and fractional Native allotment application A–053499;
Sec. 34, fractional, excluding fractional Native allotment application AA–7194;
Sec. 35, fractional;
Sec 36, all.
T. 10 S., R. 13 W., Seward Meridian (Unsurveyed),
Secs. 2 and 3, all;
Secs. 10 and 11, all;
Secs. 13–16, all;
Sec. 20, all, excluding fractional Native allotment application AA–8194 Parcel A;
Sec. 21, all;
Sec. 22, all, excluding fractional Native allotment application AA–8194 Parcel C;
Secs. 23 and 24, all;
Secs. 25 and 26, fractional;
Sec. 27, all, excluding fractional Native allotment application AA–8194 Parcel C;
Sec. 28, all;

[1] EDITORIAL NOTE: The following are filed as part of the original document:
1. Alaska Native Claims Appeal Board memorandum and order regarding appeal of State of Alaska from Bureau of Land Management decision #AA–6695–A, AA–6695–B (Port Graham).
2. Letter of Alaska Native Claims Board to Joint Federal-State Land Use Planning Commission requesting review of certain easements which are the subject of the appeal cited in item 1 above.

Sec. 29, all, excluding Native allotment application AA–8194 Parcel B and fractional Parcel A;
Secs. 32 and 33, all;
Secs. 34–36, fractional.
T. 10 S., R. 14 W., Seward Meridian (Unsurveyed),
Secs. 19 and 20, all;
Secs. 25–32, all.
T. 10 S., R. 15 W., Seward Meridian (Unsurveyed),
Sec. 1, all;
Sec. 2, fractional, excluding fractional Native allotment application AA–7199 Parcel B;
Sec. 3, fractional, excluding fractional Native allotment applications A–053493, A–056855 Parcel B and AA–7199 Parcel B;
Sec. 4, fractional, excluding fractional Native allotment applications A–053493, A–056855 Parcel B, AA–7202 and AA–7260;
Sec. 5, fractional, excluding fractional Native allotment application AA–7076;
Sec. 6, all;
Sec. 7, fractional, excluding fractional Native allotment applications AA–7549 and AA–7779;
Sec. 8, all;
Sec. 9, all, excluding fractional Native allotment applications A–056855 Parcel B and AA–7260;
Sec. 10, fractional, excluding fractional Native allotment applications A–056855 Parcel B, AA–7195 and AA–8159;
Sec. 12, all, excluding fractional Native allotment application A–053495 Parcel B;
Sec. 13, all, excluding Native allotment application AA–7196;
Sec. 14, fractional, excluding Native allotment applications AA–7200 and AA–7937 and fractional Native allotment applications AA–7197 and AA–7198;
Sec. 15, fractional;
Sec. 16, all;
Sec. 17, fractional;
Sec. 18, fractional, excluding fractional Native allotment application AA–7779;
Secs. 19 and 20, fractional;
Secs. 21–36; all.
T. 11 S., R. 13 W., Seward Meridian (Unsurveyed),
Secs. 1–3, fractional;
Secs. 4–6, all;
Secs. 7–10, fractional;
Secs. 12 and 13, fractional;
Secs. 15–18, fractional;
Sec. 19, all;
Secs. 20–22, fractional;
Secs. 29 and 30, fractional.
T. 11 S., R. 14 W., Seward Meridian (Unsurveyed),
Sec. 1, all.
T. 12 S., R. 13 W., Seward Meridian (Unsurveyed),
Secs. 7–9, fractional;
Secs. 14–18, fractional;
Secs. 20–23, fractional;
Secs. 26–28, fractional.
U.S. Survey No. 4765.
U.S. Survey No. 4772, lot 1–A.

The interim conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States.

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975(d);

3. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601–1624;

4. The public easements designated pursuant to section 17(b)(3) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708; 43 U.S.C. 1616(b)(3), upon the conditions of use prescribed by 43 CFR 2650.4–7, and identified as follows:

a. An easement of 60 feet for the existing road from Seldovia to the head of Windy Bay. Subject easement (D9–1) is described in easement case file AA–9791.

b. A 25-foot trail easement along the existing trail from the 25-foot coastline easement in English Bay along the English Bay River to the head of the second lake in section 18, T. 10 S., R. 15 W., Seward Meridian. Subject easement (D9–2) is described in easement case file AA–9791.

c. Two easements of 1 acre each (approximately 200 feet by 200 feet) for a campsite and floatplane landing area at the head and outlet of upper English Bay lake, located in T. 10 S., R. 15 W., Seward Meridian. Subject easements (D9–6) are described in easement case file AA–9791.

d. A 25-foot trail easement paralleling the right bank of Port Graham Creek from its mouth upstream to section 19, T. 10 S., R. 14 W., Seward Meridian, then northeasterly to public lands in section 17, T. 10 S., R. 14 W., Seward Meridian. Subject easement (D9–7, S–1) is described in easement case file AA–9791.

e. An easement of 1 acre (approximately 200 feet by 200 feet) for a public campsite and floatplane landing area at the outlet of the unnamed lake in section 29, T. 10. S., R. 13 W., Seward Meridian. Subject easement (D9–15) is described in easement case file AA–9791.

f. An easement 60 feet in width for the existing road from road D9–1 to the unnamed lake in section 29, T. 10 S., R. 13 W., Seward Meridian. Subject easement (D9–17, P–17) is described in easement case file AA–9791.

g. An easement 50 feet in width for the existing trail from Port Graham to English Bay. Subject easement (P–14) is described in easement case file AA–9791.

h. A 25-foot trail easement for a proposed trail from the existing road (D9–1) easterly to the Port Dick drainage and State Park lands. Subject easement (D9–19) is described in easement case file AA–9791.

i. Easements of approximately 1 acre (200 feet by 200 feet) for three camp sites adjacent to the existing road (D9–1) located as follows: one site adjoining Windy Bay, one adjoining Picnic Harbor, and one at the junction of trail D9–19. Subject easements (D9–14, P–16) are described in easement case file AA–9791.

j. Easements for proposed spur trails twenty-five (25) feet in width to provide access from the existing road (D9–1) to public lands in section 2, T. 11 S., R. 14 W., Seward Meridian and section 36, T. 10 S., R. 14 W., Seward Meridian (D1–1).

k. An easement for a proposed access trail twenty-five (25) feet in width from trail D9–7, S–1 in section 19, T. 10 S., R. 14 W., Seward Meridian southeasterly to public lands in section 34, T. 10 S., R. 14 W., Seward Meridian (D1–2).

l. A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, i.e., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction (D9–39).

m. The right of the United States to enter upon the lands herein granted for cadastral, geodetic or other survey purposes is reserved together with the right to do all things necessary in connection therewith (C–42).

n. Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996 shall continue to be in force (C–43).

The grant of lands by the interim conveyance shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him.

The State of Alaska has identified the following third-party interests which were granted prior to December 18, 1971: a right-of-way permit for a public access road (ADL No. 37929) and a lease issued to the Glacier State Telephone Company (ADL No. 38946).

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions, if any, of land hereinabove granted, as are prescribed in said section.

Interim conveyance or patent to the subsurface estate in the N½ of T. 9 S., R. 15 W., Seward Meridian will be granted to Cook Inlet Region, Inc., and the subsurface estate of the remaining land described above will be granted to Chugach Natives, Inc. at the same time that conveyance is granted to the Port Graham Corporation for the surface estate.

It should be noted that:

1. Subsequent to initial issuance of this decision, the unsurveyed lands in Ts. 11 and 12 S., R. 13 W.; T. 11 S., R. 14 W.; and Ts. 9 and 10 S., R. 15 W., Seward Meridian, which were not the subject of a timely filed appeal, were conveyed to the Port Graham Corporation in interim conveyances numbered 018 and 023 dated November 4 and December 5, 1975, respectively.

2. This decision may be appealed, as indicated below, only as to those lands not as yet conveyed, specifically those unsurveyed lands in T. 10 S., Rs. 13 and 14 W., Seward Meridian and U.S. Survey No. 4765 and lot 1–A of U.S. Survey No. 4772 which lie within T. 11 S., R. 13 W., and T. 9 S., R. 15 W., Seward Meridian, respectively.

3. The easement case file number has been changed from AA–9791 to AA–6695–EE.

4. The conveyance of lands described in subparagraph 2, above will be subject to the terms and conditions of the agreement dated January 18, 1977 between the Secretary of the Interior, Chugach Natives, Inc., the Port Graham Corporation and other Chugach village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for the Port Graham Corporation, serialized AA–6695–EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

In accordance with Departmental regulation 43 CFR 2650.7, notice of the above decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Daily Times. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until July 18, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived his rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If the Port Graham Corporation or Chugach Natives, Inc. objects to any easement identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, they must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, or it will be deemed that they have waived the right to contest it. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17071 Filed 6–15–77;8:45 a.m.]

(Serial No. A–8893)

ARIZONA

Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application of the National Park Service, Department of the Interior, Serial No. A–8893, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 75–5898 in the March 6, 1975 issue. The applicant agency has cancelled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2091.2–5, such lands will be, at 10 a.m. on July 14, 1977, relieved of the segregative effect of the above-mentioned application. The lands will remain segregated, however, to the extent provided by Public Law 94–578, enacted on October 21, 1976. Said Law provides for inclusion of all lands described in the above-mentioned FEDERAL REGISTER publication within the Saguaro National Monument.

Dated: June 7, 1977.

MARIO L. LOPEZ,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17101 Filed 6–15–77;8:45 am]

[Colorado 16284]

LANDS IN ROUTT COUNTY, COLO.

Coal Lease Offering by Sealed Bids

Correction

In FR Doc 77–15662 appearing at page 28189 in the issue of Thursday, June 2, 1977, in the fourth paragraph, the sixth line should be corrected to read as follows,

"P.M., Colorado, Section 33, SE¼NE¼,".

[M 166]

MONTANA

Opportunity For Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 8, 1977.

The Department of Agriculture filed application, Serial No. M 166, on August 8, 1966, for a withdrawal in relation to the following described lands:

PRINCIPAL MERIDIAN, MONTANA

BEAVERHEAD NATIONAL FOREST

Dinner Station Campground

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 1, W½SE¼NE¼ and E½SW¼NE¼.
Total area—40 acres.

Boot Lake Campground

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 4, SW¼NE¼NW¼ and NW¼SE¼NW¼.
Total area—20 acres.

Canyon Creek Campground

Unsurveyed, but which probably will be when surveyed:
T. 2 S., R. 11 W.,
Sec. 34, NW¼NE¼NE¼.
Total area—10 acres.

Pear Lake Campground

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 5, SW¼SE¼NE¼SW¼, NW¼NE¼SE¼SW¼, SE¼SW¼NE¼SW¼, and NE¼NW¼SE¼SW¼.
Total area—10 acres.

Reservoir Lake Campground

T. 8 S., R. 15 W.,
Sec. 21, E½W½NW¼SW¼, E½NW¼SW¼, and W½NE¼SW¼.
Total area—50 acres.

Aspen Campground

T. 5 S., R. 10 W.,
Sec. 4, S½SW¼SW¼SW¼.
Total area—5 acres.

Lower Seymour Campground

T. 3N., R. 13 W.,
Sec. 26, SW¼NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, NW¼SE¼NE¼NW¼, and NE¼SW¼NE¼NW¼.
Total area—10 acres.

Mono Creek Camp

Unsurveyed, but which probably will be when surveyed:
T. 3 S., R. 12 W.,
Sec. 34, NW¼NW¼NW¼.
Total area—10 acres.

Little Joe Camp

Unsurveyed, but which probably will be when surveyed:
T. 3 S., R. 12 W.,
Sec. 21, S½SE¼NE¼SW¼ and N½NE¼SE¼SW¼.
Total area—10 acres.

May Creek Camp

T. 2 S., R. 18 W.,
Sec. 13, SW¼SW¼SW¼;
Sec. 14, SE¼SE¼SE¼;
Sec. 23, E½NE¼NE¼; and
Sec. 24, W½NW¼NW¼.
Total area—60 acres.

Pintlar Falls Camp

Unsurveyed, but which probably will be when surveyed:
T. 3 N., R. 13 W.,
Sec. 2, S½S½SW¼SW¼;
Sec. 10, NE¼NE¼NE¼; and
Sec. 11, NW¼NW¼, N½SW¼NW¼, and N½S½SW¼NW¼.
Total area—90 acres.

Branham Lakes Campground

T. 4 S., R. 3 W.,
Sec. 5, SE¼SE¼NE¼, E½SW¼SE¼NE¼, and N½NE¼NE¼SE¼.
Total area—20 acres.

West Fork Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 12 S., R. 2 W.,
Sec. 7, W½SW¼SE¼NE¼, E½SE¼SW¼NE¼, W½NW¼NE¼SE¼, and E½NE¼NW¼SE¼.
Total area—20 acres.

Crockett Lake Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 8 S., R. 2 W.,
Sec. 20, W½NW¼NE¼ and N½NW¼SW¼NE¼.
Total area—25 acres.

Willow Creek Campground

T. 3 S., R. 3 W.,
Sec. 22, NE¼NE¼SW¼ and N½NW¼SE¼.
Total area—30 acres.

Upper Sureshot Lake Picnic Area

T. 3 S., R. 3 W.,
Sec. 25, NW¼SW¼NE¼, E½SW¼NE¼, and W½SE¼NE¼.
Total area—50 acres.

The areas described aggregate 460 acres in Deer Lodge, Beaverhead, and Madison Counties, Montana.

The applicant desires that the land be reserved for administrative sites and recreational areas.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 19, 1966, Volume No. 31, Page No. 11039, Document No. 66–9027.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, on or before July 21, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 21, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17271 Filed 6–15–77;8:45 am]

[M 141]

MONTANA

Transfer of Submarginal Lands, Fort Peck Indian Reservation

Correction

In FR Doc. 77–15087 appearing at page 27308 in the issue of Friday, May 27, 1977, on page 27309, second column, line 35, the entry should read:

"Sec. 29, NE¼."

On page 27310, first column, line 7, the entry should read:

"Sec. 16, NW¼, NE¼SW¼ and S½ SW¼."

[NM 30789, 30790 and 30819]

NEW MEXICO

Applications

JUNE 9, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 23 S., R. 22 E.,
Sec. 25, S½N½;
Sec. 26, S½N½;
Sec. 27, SE¼NE¼.
T. 23 S., R. 23 E.,
Sec. 5, SE¼SW¼.
T. 18 S., R. 29 E.,
Sec. 5, E½SW¼ and NW¼SE¼;
Sec. 7, E½SE¼ and SW¼SE¼;
Sec. 18, NE¼SW¼.

These pipelines will convey natural gas across 3.375 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17274 Filed 6–15–77;8:45 am]

[NM 30768, 30821, 30822, 30825, and 30826]

NEW MEXICO

Applications

JUNE 9. 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX

T. 27 N., R. 7 W.,
Sec. 28, W½SE¼.
T. 30 N., R. 10 W.,
Sec. 12, lots 2, 3, and 4.
T. 31 N., R. 10 W.,
Sec. 3, lots 8, 9, and 10;
Sec. 17, lot 8.

These pipelines will convey natural gas across 0.994 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17275 Filed 6–15–77;8:45 am]

[NM 30798]

NEW MEXICO

Application

JUNE 10, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 21 S., R. 32 E.,
Sec. 4, SE¼SW¼ and S½SE¼.

This pipeline will convey natural gas across 0.525 of a mile of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17276 Filed 6-15-77;8:45 am]

[NM 30794]

NEW MEXICO

Application

JUNE 10, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for fourteen 2-inch, 4-inch and 6-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 13 N., R. 13 W.,
Sec. 13, NE¼SW¼ and S½SW¼;
Sec. 23, N½NE¼, SW¼NE¼, and NE¼SE¼;
Sec. 24, W½NW¼, NW¼SW¼, and SE¼SW¼;
Sec. 25, NW¼NE¼, E½NW¼, SW¼NW¼, and W½SW¼;
Sec. 26, lot 8, W½SW¼ and SE¼SW¼;
Sec. 27, SE¼SW¼ and NW¼SE¼;
Sec. 34, W½NE¼, SE¼NE¼, and N½NW¼;
Sec. 35, lots 1, 4, NE¼ and N½SW¼.

These pipelines will convey natural gas across 7.474 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17277 Filed 6-15-77;8:45 am]

[CA 167]

SHASTA-TRINITY NATIONAL FOREST, CALIF.

Opportunity of Public Hearing and Republication of Notice of Proposed Withdrawal

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 167 on February 6, 1973, for a withdrawal in relation to the following described lands:

SHASTA-TRINITY NATIONAL FOREST

HARRISON GULCH ADMINISTRATIVE SITE, MOUNT DIABLO MERIDIAN, CALIF.

T. 29 N., R. 10 W.,
Sec. 11, SW¼SW¼SW¼;
Sec. 14, S½SE¼, NW¼SE¼, and S½NE¼SE¼;
Sec. 23, N½N½NE¼.

The area described aggregates 190 acres in Shasta County, California.

The applicant desires that the land be reserved for the protection of a developed administrative site.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on March 8, 1973, pages 6292 and 6293, FR Doc. No. 73-4441.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from all forms of location and entry under the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17270 Filed 6-15-77;8:45 am]

[CA 3981]

TAHOE NATIONAL FOREST, CALIF.

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 3981 on October 12, 1976, for a withdrawal in relation to the following described lands:

TAHOE NATIONAL FOREST

GREEK STORE ADMINISTRATIVE SITE, MOUNT DIABLO MERIDIAN, CALIF.

T. 14 N., R. 13 E.,
Sec. 7, E½NE¼NE¼SE¼, SE¼NE¼SE¼, and NE¼NE¼SE¼SE¼;
Sec. 8, W½NW¼NW¼SW¼.

The area described aggregates 22.5 acres in Placer County, California.

The applicant desires that the land be reserved for protection of the Greek Store Administrative Site.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on November 18, 1976, page 50873, FR Doc. No. 76-34100.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Buildig, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from location and entry under the mining laws (30 U.S.C. Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204 (g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-17269 Filed 6-15-77;8:45 am]

[Wyoming 59511]

WYOMING

Application

JUNE 7, 1977.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Belle Fourche Pipeline Company of Casper, Wyoming filed an application for a right-of-way to construct a 4½" diameter pipeline for the purpose of transporting crude oil across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 36 N., R. 74 W.,
Sec. 21, NW¼SW¼.

The pipeline will transport crude oil from a well in section 21, T. 36 N., R. 74 W. to existing facilities in the NW¼NW¼, section 21, T. 36 N., R. 74 W., Converse County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 2834, Union and Overland Blvd., Casper, Wyoming 82601.

WILLIAM S. GILMER,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17162 Filed 6-15-77;8:45 am]

Geological Survey

COAL MINING PLAN, MONTANA

Availability of Proposed Decision for Mine Plan Submitted for Approval

In accordance with the requirements of 30 CFR Part 211.5(c)(2), notice is hereby given that Westmoreland Resources, P.O. Box 449, Hardin, Montana 59034, has submitted a mining plan to mine coal by strip mining methods on Crow Indian Coal Lease 14-20-0252-4088. The mining plan was initially received for review by the Area Mining Supervisor on June 9, 1975.

The Absaloka Mine of Westmoreland Resources is an ongoing strip mine on Sections 25 and 26, T. 1 N., R. 37 E. The mining plan proposes extending the operation into Section 36, T. 1 N., R. 37 E., and Sections 19, 30, and 31, T. 1 N., R. 38 E. The plan covers mining about 10 million tons of coal per year through the year 1997.

The purpose of this notice is to inform the public that the Mining Supervisor proposes to approve the mining plan. An Environmental Impact Statement (EIS) has been prepared on the plan for the extension of the existing mine. Under CEQ guidelines the Mining Supervisor will not take approval action until at least 30 days after the EIS is submitted to the CEQ, and after Secretarial review and concurrence. Any person having an interest, which is or may be adversely affected by this action, may request a public meeting in writing. Requests should include the name and address of the requestor and should be submitted to the Area Mining Supervisor, Conservation Division, U.S. Geological Survey, P.O. Box 2550, Billings, Montana 59103. All requests should be made on or before July 6, 1977. No decision on the mining plan will be made prior to July 6, 1977.

The Department held a public meeting on the mine plan on December 9, 1976. The Department may, after reviewing the comments on the plan, determine that as permitted by 30 CFR 211.5(c)(4) no additional public meetings will be required.

Dated: June 1, 1977.

V. E. MCKELVEY,
Director.

[FR Doc 77-17196 Filed 6-15-77;8:45 am]

National Park Service

CANAVERAL NATIONAL SEASHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 9 a.m. on July 1, 1977, at the Islander Beach Lodge, 1601 South Atlantic Avenue, New Smyrna Beach, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior on all matters of planning, development, and operation of the Canaveral National Seashore.

The members of the Advisory Commission are as follows:

Mr. Ney C. Landrum (Chairman)
Mr. Robert H. Hudson
Ms. Doris Leeper
Mr. James T. Swann
Mr. Thomas K. Wetherell
Mr. T. C. Wilder

The Commission will discuss the following matters:

(1) Report from Mr. Wetherell regarding land acquisitions policies;
(2) Transportation alternatives;
(3) Conveyance of state lands.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited.

Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Donald Guiton, Superintendent, Canaveral National Seashore, P.O. Box 2583, Titusville, FL 32780, Telephone 305-867-4675. Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at park headquarters.

Date: June 8, 1977.

DAVID G. WRIGHT,
Acting Regional Director, Southeast Region.

[FR Doc.77-17197 Filed 6-15-77;8:45 am]

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10:00 a.m., Monday, July 11, 1977, at Building 272, First Floor Conference Room, Floyd Bennett Field, Brooklyn, New York. The Commission was established by Public Law 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreational Area.

The members of the Commission are:

Marian Heiskell, Chairman, New York, New York.
Archibald S. Alexander, Bernardsville, New Jersey.
John F. Haggerty, Forest Hills, New York.
Orin Lehman, New York, New York.
Gordon N. Litwin, Little Silver, New Jersey.
Terrence D. Moore, Newark, New Jersey.
Sheldon Pollack, New York, New York.
Barbara Reach., New York, New York.
Richard J. Sullivan, Hamilton Square, New Jersey.
Nathaniel Washington, Newark, New Jersey.
Joseph B. Williams, Brooklyn, New York.

The matters to be discussed at this meeting include:

1. Transportation Sub-Committee Report.
2. Report on Nominations for National Register of Historic Places.
3. Status Report on Summer 1977 Activities.
4. Progress Report on Park Interpretive Plan.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact the Superintendent, Gateway National Recreation Area, Headquarters Building 69, Floyd Bennett Field, Brooklyn, New York 11234, Area Code 212-252-9150.

Minutes of the meeting will be available for inspection four (4) weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: June 6, 1977.

HERBERT OLSEN,
Acting Superintendent.

[FR Doc.77-17198 Filed 6-15-77;8:45 am]

Office of the Secretary

[Int FES 77-20]

EAST DECKER AND NORTH EXTENSION MINES, BIG HORN COUNTY, MONT.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and to section 69-6504(b)(3) R.C.M. 1947 of the Montana Environmental Policy Act, the Department of the Interior and the Montana Department of State Lands have jointly prepared a final environmental impact statement on the proposed surface mining of coal in the East Decker and North Extension areas in Big Horn County, Montana. The final statement assesses the environmental impacts of the lessee's plan for the strip mining of Federal, State, and privately owned coal and for the concurrent reclamation of lands disturbed by mining and related activities. The proposed action in the East Decker area is on Federal coal lease Montana 073093, on State coal lease numbers 531, 822, 823, and 918, and on fee coal owned by Gregg H. and Charles V. Penson and by George B. Holmes. These leases and holdings include all or parts of sections 1, 11, 12, 13, and 14, T. 9 S., R. 40 E. and sections 7, 8, 17, and 18, T. 9 S., R. 41 E., Montana Prin. Mer. The proposed action in the North Extension area is on Federal coal leases Montana 057934, Montana 057934A, Montana 061685, and Montana 06770, and on fee coal owned by Rosebud Coal Sales Company. These leases and holdings include all or parts of sections 33 and 34, T. 8 S., R. 40 E., and sections 3, 4, 9, and 10, T. 9 S., R. 40 E., Montana Prin. Mer.

Comments received on the draft environmental statement (DES 76-40) during the 45-day comment period were considered in the preparation of the final statement and are reproduced, together with responses, in appendixes M and N, volume II.

Copies of the final environmental statement are available for public inspection and review in the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, 1961 Stout Street, Denver, Colorado; the U.S. Geological Survey Library, Denver West Office Park, Building 3, 1526 Cole Boulevard, Lakewood, Colorado; the U.S. Geological Survey Library, Room 4A100, USGS National Center, 12201 Sunrise Valley Drive, Reston, Virginia; Montana State Library, 900 East Lyndale, Helena, Montana; Montana Department of State Lands, 1625 11th Avenue, Helena, Montana; Parmly Billings Library, 510 North Broadway, Billings, Montana; Big Horn County Public Library, 419 North Custer Avenue, Hardin, Montana; Rosebud County Library, 201 North 9th Avenue, Forsyth, Montana; and Sheridan County Public Library, Louks and Alger Streets, Sheridan, Wyoming.

A limited number of single copies are available on request from the U.S. Geological Survey, Box 25046, Federal Center, Mail Stop 602, Lakewood, Colorado 80225; and over the counter only from the U.S. Geological Survey Public Inquiries Office, Room 1012, Federal Building, 1961 Stout Street, Denver, Colorado; and the Montana Department of State Lands, 1625 11th Avenue, Helena, Montana.

Dated: June 13, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-17098 Filed 6-15-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-11]

DAVID IRVING COLLIER, D.O.

Hearing

Notice is hereby given that on February 16, 1977, the Drug Enforcement Administration, Department of Justice, issued to David Irving Collier, D.O., Pompano Beach, Florida, an Order to Show Cause as to why the Drug Enforcement Administration registration AC6923824 issued to him pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Tuesday, June 21, 1977, either in Room 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C., or in Courtroom No. 2, Room 305, U.S. Court of Claims, 717 Madison Place NW., Washington, D.C.

Dated: June 8, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-17299 Filed 6-15-77;8:45 am]

[Docket No. 77-9]

JOSEPH A. GRECO, M.D.

Hearing

Notice is hereby given that on February 2, 1977, the Drug Enforcement Administration, Department of Justice, issued to Joseph A. Greco, M.D., Patchogue, New York, an Order to Show Cause as to why the Drug Enforcement Administration registration AG0800727 issued to him pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m., or as soon thereafter as this matter may be reached, on July 13, 1977, in the U.S. Tax Court Courtroom, Room 1524, 51 S.W. First Avenue, Miami, Florida.

Dated: June 8, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-17298 Filed 6-15-77;8:45 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

SHARING COMMITTEE

Meeting

The Sharing Committee of the National Commission on Electronic Fund Transfers will meet on Monday, June 27, 1977, at 10 a.m. in the 8th Floor Conference Room of the Comptroller of the Currency, 490 L'Enfant Plaza, Washington, D.C. The purpose of the meeting is to discuss possible sharing recommendations.

This meeting is open to the public to the extent space permits. Any person interested in attending should first call Ms. Janet Miller at 202-254-7400 to check on the availability of space.

Dated June 13, 1977.

JAMES O. HOWARD, Jr.,
General Counsel.

[FR Doc.77-17329 Filed 6-15-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ABNORMAL OCCURRENCE REPORT

Seventh Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission has published and issued the seventh periodic report to Congress on abnormal occurrences (NUREG-0090-6). The release date is June 14, 1977.

Under the Energy Reorganization Act of 1974, which created the NRC, an abnormal occurrence is defined as "an unscheduled incident or event which the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the FEDERAL REGISTER (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and byproduct materials are abnormal occurrences.

The seventh report to Congress is for the fourth quarter of 1976 and indicates that during this period:

(a) There were two abnormal occurrences at the 63 nuclear power plants licensed to operate. One event involved improper control rod withdrawals resulting in unplanned reactor criticality. The second is a generic event pertaining to feedwater nozzle craking in Boiling Water Reactors. The incidents had no actual impact on public health or safety.

(b) There were five abnormal occurrences at other licensee facilities. The occurrences involved overexposures to radiography personnel; one event also involved high radiation levels in unrestricted areas.

The incidents involved temporary reductions in margins of safety normally provided.

The seventh report to the Congress also contains updating information on abnormal occurrences reported in previous reports.

Interested persons may review the report at the NRC's Public Document Room, 1717 H Street NW., Washington, D.C., or at any of the 130 local Public Document Rooms throughout the country. The report, designated NUREG 0090-6, may be purchased from the National Technical Information Service, Springfield, Virginia 22161, at $4 a copy on or about June 28, 1977.

Dated at Washington, D.C., this 13th day of June 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-17357 Filed 6-15-77;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

This amendment authorized changes in the Technical Specifications to add provisions for steam generator tube inspections consistent with the guidance of Regulatory Guide 1.83, Revision 1 (July 1975).

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 22, 1976, (2) Amendment No. 24 to Facility Operating License No. DPR-51 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of May, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-16846 Filed 6-15-77;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment deleted reference to certain usage of the terms "refueling period", "refueling outage", and "refueling shutdown" in response to the NRC letter dated June 7, 1976. In place of these terms, time periods affording easier interpretation of requirements have been specified.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 30, 1976, (2) the Commission's letter to Arkansas Power & Light Company dated June 7, 1976, (3) Amendment No. 25 to Facility Operating License No. DPR-51, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of June, 1977.

For the Nuclear Regulatory Commission.

MARSHALL GROTENHUIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-16845 Filed 6-15-77;8:45 am]

[Docket No. 50-471]

BOSTON EDISON CO. ET AL. (PILGRIM NUCLEAR GENERATING STATION, UNIT 2)

Order

It is ordered, That the evidentiary hearing will resume on Monday, June 20, 1977, at 1 p.m. in the Blue Room, Memorial Hall, 83 Court Street, Plymouth, Massachusetts.

Dated at Bethesda, Maryland, this 10th day of June 1977.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.77-17358 Filed 6-15-77;8:45 am]

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO. ET AL. (WILLIAM H. ZIMMER NUCLEAR POWER STATION, UNIT NO. 1)

Order Extending Construction Completion Date

Cincinnati Gas and Electric Company, Columbus and Southern Ohio Electric Company and The Dayton Power and Light Company are the holders of Construction Permit No. CPPR-88 issued by the Atomic Energy Commission[1] on October 27, 1972, for construction of the William H. Zimmer Nuclear Power Station, Unit No. 1, presently under construction at the Companies' site in Clermont County, Ohio.

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and Permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

On July 28, 1976, the Companies filed a request for an extension of the completion dates because construction has been delayed due to a number of reasons. According to the Companies:

(1) Construction suffered an initial 12 months delay because of the Calvert Cliffs decision which delayed the issuance of the Construction Permit (the ACRS report on the Zimmer Station was received on September 17, 1971, but the environmental review was not completed until mid-1972 and the Construction Permit was not issued until October 27, 1972). The staff regards this delay to be for good cause, beyond the control of the Companies and reasonable in duration. The Companies stated that in spite of the delay caused by the Calvert Cliffs decision, they were optimistic that construction would be completed prior to the latest completion date of January 1, 1977 in the Construction Permit (two years for contingencies were included in the original estimates and one year was lost to the Calvert Cliffs decision). However, the facility could not be completed by January 1, 1977. The companies feel that, at least in hindsight, this was administrative oversight and the staff concurs.

(2) Once construction was in progress additional delays were experienced because of design changes; shortage of craft labor; and extended materials and equipment deliveries. The design changes involved improved design criteria for safety related systems and structures and the shortage of craft labor and poor materials and equipment delivery schedules are common. These delays have impacted the construction schedules by about 12 months since the start of construction. The staff regards these delays to be for good cause, beyond the control of the companies and reasonable in duration.

(3) It was necessary, as a recent company move, to stretch the remaining construction activities by 15 months to adjust them to match projected available financing and to levelize expenditures. Construction has been in progress for 4 years and 6 months and is estimated to be about 70% complete. It is reasonable to expect that late deliveries of materials and equipment will tend to peak expenditures during the remaining construction time. The staff regards this delay to be for good cause, beyond the control of the companies and reasonable in duration.

This action involves no significant hazards considerations and no significant environmental impact; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation, dated May 9, 1977.

Copies of the above documents and other related material are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103.

It is hereby ordered, That the latest completion date for CPPR–88 is extended from January 1, 1977 to April 1, 1980.

Date of Issuance: June 1, 1977.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light Water Reactors, Division of Project Management.

[FR Doc.77–16844 Filed 6–15–77;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for Operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of an administrative change to the Technical Specifications which will add the requirement that the Radiation Protection Engineer shall meet or exceed the qualifications of Regulatory Guide 1.8, September, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 14, 1977, (2) Amendment No. 35 to License No. DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–16843 Filed 6–15–77;8:45 am]

[Docket No. 50–285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 25 to Facility Operating License No. 40 issued to Omaha Public Power District which revised Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will (1) correct a typographical error regarding battery changer numbers and (2) correct an inconsistency between the existing radiation monitoring system and the Technical Specification requirements for operating radiation monitoring during refueling operations.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1975, supplemented by letter dated April 7, 1976, (2) Amendment No. 25 to License No. DPR–40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–16842 Filed 6–15–77;8:45 am]

[Docket No. 50–285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR–40 issued to Omaha Public Power District, which revised Technical Specifications for operation of the Fort Calhoun Station Unit No. 1 located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

This amendment consists of changes to the Technical Specifications which will (1) add the definitions for "Refueling Outage", "Refueling Shutdown" and "Plant Operating Cycle", (2) modify the presently specified definition for "Refueling Operation" and (3) incorporate these terms into the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 10, 1977, (2) Amendment No. 24 to License No. DPR–40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethasda, Maryland, this 6th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–16841 Filed 6–15–77;8:45 am]

[Docket No. 50–333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 22 to Facility Operating License No. DPR–59, issued to Power Authority of the State of New York (PASNY) for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment is effective at 11:59 p.m., EDST, June 4, 1977.

The amendment is administrative in nature and permits PASNY to assume sole responsibility for the operation of the facility. Previously, Niagara Mohawk Power Corporation was licensed to operate the facility under contract to PASNY.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated December 20, 1976, as supplemented March 22, 1977, April 11, and 14, 1977, (2) Amendment No. 22 to License No. DPR–59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Dirision of Operating Reactors.

[FR Doc.77–17047 Filed 6–15–77;8:45 am]

[Docket Nos. STN 50–522 and STN 50–523]

PUGET SOUND POWER AND LIGHT COMPANY, ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)

Order Convening Evidentiary Hearing

The Atomic Safety and Licensing Board, at an evidentiary hearing held on May 13, 1977, considered with the parties the selection of a convenient date for resumption of further evidentiary hearings in this proceeding. The Board determined that July 19, 1977 was the first available date.

Wherefore, *It is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that an evidentiary hearing shall convene at 9:00 a.m. on Tuesday, July 19, 1977, in Room 3086 of the New Federal Building, 915 Second Avenue, Seattle, Washington, to consider the agenda of presentations discussed at the May 13th hearing session including, without limitation on the generality of the foregoing, availability of a uranium fuel supply, Table S–3 considerations, health effects of coal vs. nuclear comparisons, Wild and Scenic River presentations, alternative sites and a possible supplement to the Final Environmental Statement.

Issued: June 8, 1977, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.77–16890 Filed 6–15–77;8:45 am]

[Docket No. 40–8452]

ROCKY MOUNTAIN ENERGY COMPANY

Notice of Availability of Final Environmental Statement for Bear Creek Uranium Mining and Milling Project

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a final environmental impact statement issued by the Commission's Office of Nuclear Material Safety and Safeguards related to the Bear Creek Project in north-central Converse County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the Converse County Library, Douglas, Wyoming 82633. The final statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

Notice of availability of the Draft Environmental Statement for the Bear Creek Project (NUREG–0129) and request for comments from interested persons was published in the FEDERAL REGISTER on January 10, 1977 (42 FR 2140). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Preparation of the final statement is a joint effort between the Nuclear Regulatory Commission, the U.S. Forest Service, and the U.S. Geological Survey, with NRC acting as the coordinating agency.

Copies of the Final Environmental Statement (Document No. NUREG–0129) may be purchased at $11.00 a printed copy and $3.00 for microfiche copy from the National Technical Information Service, Springfield, Virginia 22161, on or about June 23, 1977.

Dated at Silver Spring, Maryland, this 3rd day of June, 1977.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77–16838 Filed 6–15–77;8:45 am]

[Docket No. 50–395–OL]

SOUTH CAROLINA ELECTRIC AND GAS CO. AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Establishment of Atomic Safety and Licensing Board to Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

SOUTH CAROLINA ELECTRIC AND GAS COMPANY, AND SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

(Virgil C. Summer Nuclear Station)
Construction Permit No. CPPR–94

This action is in reference to a notice published by the Commission on April 18, 1977, in the FEDERAL REGISTER (42 FR 20203) entitled "Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License and Opportunity for Hearing".

The members of the Board and addresses are as follows:

Frederic J. Coufal, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Frank F. Hooper, Member, University of Michigan, Camp Filibert Roth, Iron River, Michigan 49935.

Mr. Gustave A. Linenberger, Member, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 8th day of June 1977.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
JAMES R. YORE,
Chairman.

[FR Doc.77–16839 Filed 6–15–77;8:45 am]

[Docket Nos. 50–553 and 50–554]

TENNESSEE VALLEY AUTHORITY (PHIPPS BEND NUCLEAR PLANT, UNITS 1 AND 2)

Order for Evidentiary Hearing

The evidentiary hearing in this matter will commence on Tuesday, June 28, 1977, at 9:30 a.m., at the Kingsport Civic Auditorium (Club Room), 1150 Memorial Boulevard, Kingsport, Tennessee. The hearing will continue through June 29, 1977.

It is so ordered.

Dated at Bethesda, Maryland this 8th day of June 1977.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77–16847 Filed 6–15–77;8:45 am]

[Docket Nos. 50–390 OL and 50–391 OL]

TENNESSEE VALLEY AUTHORITY (WATTS BAR NUCLEAR PLANT, UNITS 1 AND 2)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding:

Alan S. Rosenthal, Chairman, Dr. John H. Buck, Richard S. Salzman.

Dated: June 8, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77–17048 Filed 6–15–77;8:45 am]

[Docket No. 40–2259]

UTAH INTERNATIONAL INC. (LUCKY MC URANIUM CORPORATION)

Availabiilty of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Utah International Inc. has filed an environmental report and supplement in support of their application for renewal of Source Material License SUA–672 for the Lucky Mc Uranium Mill, Gas Hills, Fremont County, Wyoming. Lucky Mc Uranium Corporation has pending a request to transfer Source Material License SUA–672 from Utah International Inc., to Lucky Mc Uranium Corporation.

The reports, which discuss environmental considerations, related to the operation of the mill, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the reports are also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

After the environmental reports have been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Maryland, this 8th day of June 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77–17046 Filed 6–15–77;8:45 am]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, NUCLEAR PROJECTS NOS. 3 AND 5

Request for Suspension of Limited Work Authorization

Notice is hereby given that by letter dated May 12, 1977, The Camran Corporation, 3040 W. Commodore Way, Seattle, Washington 98199, filed a request for the suspension of the Limited Work Authorization granted to the Washington Public Power Supply System for Nuclear Projects Nos. 3 and 5, Elma, Washington. In accordance with the procedures specified in 10 CFR 2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington.

Dated at Bethesda, Maryland this 9th day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77–17049 Filed 6–15–77;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 77–24]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aircraft Accident Report.—The failure of each pilot to maintain adequate vigilance was probably the cause of the fatal midair collision of two Piper PA–28 aircraft near Huntsville, Missouri, last July 24, the National Transportation Safety Board has determined. No reason could be found for this lack of vigilance.

One Piper, a private flight operating under instrument flight rules and under the control of Kansas City air route traffic control center, was en route from Urbana, Illinois, to Emporia, Kansas. The other Piper, a Reeds Aviation, Inc., air taxi/charter flight operating under visual flight rules and without a flight plan, was climbing en route from Salisbury, Missouri, to the Chicago, Illinois, area. The collision occurred at 6,000 feet. The pilot and two passengers aboard the air taxi and the pilot and one passenger aboard the other Piper were killed; both aircraft were destroyed.

Both pilots were qualified for the flights, and there was no evidence of any preaccident failure of either aircraft or their components. Since the sky was clear and visibility unrestricted, the Safety Board concluded that weather was not a factor. The relatively low closure rates, the location of each target in each aircraft windshield, and the visibility, would have combined to permit each pilot ample opportunity to see the other aircraft in time to prevent the collision.

This midair collision accident, the Board said, is an example of the limitations of the see-and-avoid concept. It should serve as a reminder to all pilots to constantly maintain vigilance while flying in visual flight conditions regardless of the type flight plan under which they are operating, to request traffic advisories from Federal Aviation Administration facilities, and to insure that their transponder is on and functioning properly.

Copies of the Board's narrative report, No. NTSB–AAR–77–2, are now available to the public.

During investigation of the Huntsville accident and several other recent aircraft accidents, the Safety Board discovered certain problems regarding medical certification of airmen—problems which demonstrate nonadherence to 14 CFR Part 67 as well as a lack of quality control by Aviation Medical Examiners and the FAA's Civil Aeromedical Institute. Four corrective recommendations, Nos. A–77–5 through 8, were issued last February 17 to the FAA. (See 42 FR 10915, February 24, 1977.)

Railroad Accident Report.—Two locomotive units and 11 cars of an Amtrak train derailed near Goodman, Mississippi, June 30, 1976, when the track structure was unable to withstand the lateral forces generated by excessive swaying of the locomotive trucks. The Safety Board report on the investigation of this accident, report No. NTSB–RAR–77–3, was made available June 6.

One trackman was killed when the "Panama Limited" derailed on Illinois Central Gulf railroad track. Six other trackmen were injured, along with 11 members of the traincrew and 34 of the 145 passengers. The train was traveling at 88 mph—9 miles an hour over the allowable speed—when it derailed.

The Safety Board determined that the probable cause of this accident was the tipping of the east rail and widening of track gage when the track structure was unable to withstand the lateral forces generated by excessive oscillations of the locomotive trucks due to irregularities in the track alignment and cross level, the wet ballast and subgrade, and the train's excessive speed. The excessive oscillations occurred even though track alignment, track surface, and crosstie spiking complied with the minimum requirements for Federal Railroad Administration Class 4 track, indicating that these requirements are inadequate.

As a result of its investigation of this accident, the Safety Board on April 21 issued three recommendations to FRA—two designed to amend FRA track geometry standards, and a third urging the inclusion in review of current FRA track safety regulations, investigation and testing to determine whether minimum track conditions required for the FRA classes of track by 49 CFR 213.9 are adequate for all types of trains and for the maximum allowable speed for each class. (See 42 FR 21677, April 28, 1977.)

Pipeline Safety Recommendations.—Following investigation into two gas explosion accidents, both in residential areas, the Safety Board last week issued eight new pipeline safety recommendations. One accident occurred last August 8 in Allentown, Pennsylvania; the other accident occurred last January 25 near Williamsport, Pennsylvania.

The Allentown explosion at 2 p.m. destroyed a house at 1127 Oak Street. The gas migrated from a break in a 4-inch cast-iron main under the street, through loose soil under a concrete sidewalk, and into the building through cracks and openings in its foundation; 26 minutes later, another house exploded across the street from the site of the first explosion. The front brick wall collapsed into the street, trapping two firemen. The street then caved in directly in front of the trapped firemen. The cast-iron gas main within the sinkhole broke into several pieces; flames from the broken main, more than 10 feet high, hampered rescue. Two firemen were killed, 14 persons were injured, 4 buildings were destroyed, and several buildings were damaged.

Because of lack of coordination between UGI personnel and firemen as to their responsibilities in the emergency, two gas meters were overlooked and were not shut off. This probably provided the source of ignition for the second explosion, the Board said.

Gas was allowed to burn after each of the explosions because the firemen had been taught: "Burning gas will not explode"; and "if natural gas is burning outside, the firemen should make no attempt to extinguish a gas fire." These statements, although true under most circumstances, are too simplified to cover all situations, and attempts should be made to modify training materials to include provisions for events similar to this accident.

Accordingly, on June 8 the Safety Board issued three recommendation letters:

To UGI Corporation, Reading, Pennsylvania—

Revise your 1968 Guide for Fire Fighters and training program by incorporating instructions on how to deal with events similar to this accident with particular emphasis on the proper use of combustible gas indicators. (P–77–1)

Revise your emergency plans to incorporate the revisions that became effective October 1, 1976, to 49 CFR 192.615, and to insure emergency response coordination with fire and other public officials. Particular emphasis should be placed on the availability and the proper use of combustible gas indicators (P–77–2)

Expedite, in conjunction with equipment manufacturers, the development of a survey unit that could be used to detect the location of sinkholes in the vicinity of cast-iron gas mains. "Downwardlooking" radar equipment should be investigated as one possible means of surveying for sinkholes. (P–77–3)

To Materials Transportation Bureau, U.S. Department of Transportation—

Encourage, coordinate, and monitor development of equipment which could be used to detect the location of sinkholes in the vicinity of underground utilities. (P–77–4)

To the Gas Piping Standards Committee, American Society of Mechanical Engineers, New York City—

Develop guidelines to assist operators during emergencies to promptly isolate leaking segments of pipe in a low-pressure system. (P–77–5)

Each of the five recommendations above is designated "Class III, Longer Term Followup."

With respect to the Williamsport accident, at 1:36 a.m. on January 25, a low-order explosion and fire destroyed a house; the occupant was not seriously injured. At 1:44 a.m. nearby volunteer firemen responded and notified Pennsylvania Gas and Water Company (Penn Gas) of Wilkes-Barre, Pennsylvania, of strong odors of gas at the accident site. A local serviceman, arriving at 2:10 a.m., determined that, since there was no gas service into the house that exploded, the gas main was leaking; he telephoned his dispatcher for a street crew at 2:15 a.m.

At 2:39 a.m., a few minutes after the street crew arrived, another explosion demolished a large house 100 feet away. A resident of the house and a bystander were killed; several persons, including 19 firemen, were injured. Automobiles, a fire truck, and many houses within a one-block radius were damaged severely.

The Safety Board found that Penn Gas did not have a program in Williamsport for instructing the volunteer fire department on procedures to be followed during a gas emergency. The serviceman at the accident site did not establish a liaison with the fireman or offer any advice regarding checking other buildings for gas accumulations and evacuation of residents and bystanders from the area.

Penn Gas traced the leaking gas back to its 4-inch bare steel gas main, which was installed as a low-pressure main in 1963 and was later converted to high-pressure service. The pipe was excavated in an alley 60 feet from one of the demolished houses.

Investigation also revealed that a gas company inspection program was not adequate to protect gas facilities from damage by extensive sewer construction.

Accordingly, by letter dated June 6, the Safety Board recommended that Penn Gas—

Excavate, on a random sample basis acceptable to the Pennsylvania Public Service Commission, the welds in the failed 4-inch gas main and nondestructively test them according to the American Petroleum Institute 1104 Welding Code to determine if there are more faulty welds on the pipeline. Replace or repair all welds which do not pass reinspection. (P–77–6)

Instruct its personnel in inspection techniques and procedures and emphasize the potential hazards of undetected faulty welds and construction damage to operating pipelines. (P–77–7)

Reemphasize and instruct gas operations personnel on the importance of liaison with the fire department and establish with all fire departments, including volunteer fire departments, what the proper response should be to every type of gas emergency. (P–77–8)

Recommendation P–77–6 is designated "Class I, Urgent Followup"; P–77–7 and 8 are "Class II, Priority Followup" recommendations.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A–73–46.—Federal Aviation Administration letter of May 31 is in response to the Safety Board's request of May 6, 1977, asking for further details about a minimum safe altitude warning system (MSAW) which the Board learned has been developed as an integral part of the ARTS III computer and which is expected to be introduced into the national aviation system shortly. Also, the Board's May 6 letter asked FAA for assurance that procedures have been developed to prevent recurrence of accidents that generated this recommendation. A–73–46 was issued following investigation of the Eastern Airlines Lockheed L–1011 accident at Miami, Florida, December 29, 1972 (report No. NTSB–AAR–73–14) and asked that FAA review the ARTS III program for possible development of procedures to aid flightcrews when marked deviations in altitude are noticed by an air traffic controller.

On December 18, 1973, the Safety Board was informed that the FAA's Systems Research and Development Service had contracted UNIVAC to develop the hardware and software modifications necessary to implement this recommendation. On May 13, 1974, the Board was advised that the FAA Systems Research and Development Service was conducting tests to verify the feasibility of the concept.

To FAA's May 31 letter are attached copies of Advisory Circular AC 90–72 which describes the capabilities of the NSAW function, an FAA news release "Fact Sheet-MSAW" which describes in part the history of MSAW development, how MSAW works, and paragraph 33, "Safety Advisory," represcribed control procedures from Air Traffic Control Handbook 7110.65. FAA anticipates that all 63 ARTS III terminal facilities will be MSAW equipped and operational by June 30. The ARTS III add-on feature is now operational at 17 locations, FAA said.

FAA reports that although the procedures will minimize possibilities of recurrence of the type of accidents that generated A–73–46, FAA said it cannot assure the Safety Board that they will in fact prevent similar type accidents in the future. FAA stated, "The MSAW system is designed to provide the controller with information that he may relay to the pilot to assist him in his safe altitude management responsibility. It in no way relieves the pilot of his responsibility for safe altitude management."

Aviation: A–77–12 and 13.—Federal Aviation Administration letter of June 2 responds to recommendations issued last March 14 re formulation and dissemination of a training program for firefighting personnel involved in crash/fire/rescue activities at noncertificated airports. (See 42 FR 15993, March 24, 1977.) FAA concurs in both recommendations.

Re A–77–12, FAA reports that its Advisory Circular (AC) 139.49–1 presents a recommended training program for aircraft firefighting and rescue personnel. In addition to covering the two primary areas of training—operation of airport firefighting and rescue equipment and the principles of aircraft firefighting and rescue techniques—the AC includes a basic program for practical training, subjects for classroom or individual study, information on the availability of courses/course material, and safety procedures for hot fire training. The AC was published in November 1974 to furnish airport operators of certificated airports guidance under FAR Part 139.

The June 2 letter references discussion of current efforts in this area contained in FAA's letter of May 18 to the Safety Board concerning recommendation A–76–142. (See 42 FR 29580, June 9, 1977.)

A–77–13 recommended that FAA disseminate the training program, in coordination with the Commuter Airlines Association of America, the National Fire Prevention and Control Administration, and the American Association of Airport Executives, to State and local governments and airport operators, and urge them to adopt it in the interest of passenger safety.

In response, FAA notes that its recommended training program under AC 139.49–1 was originally disseminated through the AC 150 series (Airport Compliance Program and Airport Safety—General) distribution list. Total number of subscribers varies from month to month, FAA says, but normally runs 15,000–17,000 The AC is listed in the FEDERAL REGISTER as available to the general public free of charge. A much broader audience was reached than recommended, FAA says.

FAA expects to be working with the National Fire Prevention and Control Administration on developments in the aircraft firefighter training area. FAA strongly recommends implementation of the advice contained in AC 139.41 at noncertificated airports, and concurs with recommendation A–77–13 from the point that its advisory circular distribution already includes the majority of the listed groups. FAA does not believe any additional distribution through these groups is warranted at this time.

Aviation: A–77–32 and 33.—Federal Aviation Administration letter of May 24 is a further response to the two recommendations issued by the Board immediately following the May 16 accident involving a Sikorsky Model S–61L helicopter on the Pan American Building's heliport in New York City. FAA's initial response of May 20 was reported at 42 FR 29580, June 9, 1977.

Recommendation A–77–32 asked FAA to issue an airworthiness directive to require an immediate one-time inspection by an approved method on both the forward and aft main landing gear attachment fittings, right and left, on all Sikorsky Model 61L series helicopters having similar installations. FAA reports that a "telegraphic airworthiness directive has been issued to require prior to next flight fluorescent penetrant inspection of the forward and aft main landing gear attachment fittings, right and left, on all affected Sikorsky Model 61 series helicopters. In addition, a visual inspection is required prior to the first flight of each day."

Re A–77–33, which asked FAA to reevaluate the current inspection interval and issue requirements for more frequent periodic inspections if necessary to insure continued safe operation, FAA reports that assessments are being made by FAA and the manufacturer to establish a service life and additional inspections based on available data and service experience. The assessments should be completed within 60 days, FAA said, at which time FAA will initiate action in consonance with the recommendation.

Marine: 69–M–60 and 71–M–28.—Letter of May 26 from the U.S. Coast Guard, in answer to these two recommendations, reports that a notice of proposed rulemaking concerning offshore drilling units was published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22296). Coast Guard does not consider further response to these recommendations to be necessary. A copy of the proposal is attached to the letter.

Recommendation 69–M–60 was issued following investigation of Continental Oil Rig 43–A, explosion and fire in the Gulf of Mexico, October 24, 1967. The recommendation asked that the Department of Transportation, in conjuntion with the Department of the Interior, study the need for safety regulations or the revision of regulations for fixed and mobile drilling and production units operating on the outer continental shelf, including the operating equipment, the methods and operations used in drilling for and the production of oil, gas, or other subsoil minerals, and the transportation thereof by pipeline.

Recommendation 71–M–28 was issued as a result of investigation of the explosions and fire on the Chambers and Kennedy Offshore Platform, Block 189–L, and fire on the MV Carryback in the Gulf of Mexico, May 28, 1970. The recommendation asked the Department of the Interior and the Department of Transportation to evaluate their present regulations governing fixed and mobile offshore drilling and production structures operating under Federal jurisdiction. and, based on analysis of casualty data, determine whether revisions or additions are needed to prevent recurrence of similar casualties.

Marine: M–74–30.—Coast Guard's letter of May 19 provides updated information on this recommendation which was discussed at the latest NTSB/USCG quarterly meeting, May 4. The recommendation was issued as a result of the investigation into the death of three officers aboard the SS *William T. Steele*, November 18, 1972.

The Coast Guard letter cites Title 46 U.S.C. 673 in part:

• • • nor shall any licensed officer or seaman in the deck or engine department be required to work more than eight hours in one day; • • • these provisions shall not limit either the authority of the master or other officer • • • when in the judgment of the master or other officer, the whole or any part of the crew are needed for maneuvering, shifting berth, mooring or unmooring the vessel or the performance of work necessary for the safety of the vessel, her passengers, crew and cargo or for the saving of life aboard other vessels in jeopardy, or when in port or at sea, from requiring the whole or any part of the crew to participate in the performance of fire, lifeboat or other drills.

Coast Guard states that since the seamen employed on board U.S. vessels are already protected from being required to work excessively long hours, further action on recommendation M–74–30 "would appear to be redundant. According to the May 19 letter, Coast Guard has considered this recommendation closed since March 21,1975.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The accident reports and the safety recommendation letters in their entirety, are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence may be obtained at a cost of $4.00 for service and 10 cents per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board. Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register,
Liaison Officer.

JUNE 13, 1977.

[FR Doc.77–17303 Filed 6–13–77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 10, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

REVISIONS

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Notice of Progress of Construction or Alteration, FAA 7460–2, on occasion, private enterprise, Marsha Traynham, 395–4529.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Gallonage Sales of Gasoline, SG4, SG4 (Birth), SG–3, monthly, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

Coast Guard, Masters Report of Seamen shipped or Discharged, CG–735T, monthly, masters of coastwide merchant vessels, Strasser, A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc. 77–17252 Filed 6–15–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 9, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

FEDERAL HOME LOAN BANK BOARD

Money Order Survey, 1095, single time, insured savings and loan associations, Gaylord Worden, 395–4730.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Claim for Reimbursement (SL, SB, SM Programs), FNS–806, monthly, school food authorities, institutions, and sponsoring agencies, Human Resources Division, 395–3532.

EXTENSIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Employment, Wages, and Contribution Report, BLS 3031 (ES 202), quarterly, States, Strasser, A., 395–5867.

Employment Standards Administration, Claim for Compensation in Death Case by Widow and/or Children Under the Age of Eighteen, LS–262, on occasion, widows, widowers, and guardians of children, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77–17253 Filed 6–15–77;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES

Public Hearings on Petitions to Modify the List of Articles Receiving Duty Free Treatment

I. Requests to present oral testimony, and related written briefs, in connection with public hearings announced in 42 FR 24878 (May 16, 1977) should be received by Friday, July 1, 1977.

II. Hearings will begin at 10 a.m. on Thursday, July 14, in Room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Street, N.W.), Washington, D.C., and will continue on that and subsequent days until all witnesses wishing to appear have been heard.

1. *Acceptance of petitions for review.* Notice is hereby given by the Chairman of the Trade Policy Staff Committee (TPSC) of acceptance for review of petitions for modification of the list of articles receiving duty-free treatment under the Generalized System of Preferences (GSP) as provided for in Title V of the Trade Act of 1974 (88 Stat. 2066–2071, 19 U.S.C. 2461–2465). These petitions have been submitted, and will be reviewed, pursuant to regulations codified at 15 CFR Chapter XX, Part 2007. Some of the petitions have been accepted notwithstanding the fact that additional information has been requested of the petitioners.

The list of petitions accepted for review is set forth in Annex I at the end of this notice.

V 42 N 116 JUN 16 77 UMI

2. *Types of petitions included in this review.* Petitions to add articles to the list of eligible articles for the GSP are listed in Part 1(A) of Annex I.

Petitions to remove products from the list of eligible articles for the GSP are listed in Part 1(B) of Annex I.

Petitions to subdivide Tariff Schedules of the United States (TSUS) items currently designated as eligible articles for the GSP are listed in Part 1(C) of Annex I. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504 (c)(1)(B) of the Trade Act of 1974, are listed in Part 1(D) of Annex I.

Matters being considered by the TPSC on its own motion are listed in Part 2 of Annex I.

3. *Notice of public hearings.* The TPSC will hold public hearings at the time and place specified at the beginning of this notice on all petitions and articles listed in Annex I. The TPSC invites briefs and testimony on any matters covered by Annex I.

4. *Requests to present oral testimony.* All requests to present oral testimony, and accompanying written briefs, must be received by the Secretary of the Trade Policy Staff Committee, Room 728, 1800 G Street, N.W., Washington, D.C. 20506, not later than the close of business, Friday, July 1, 1977. Requests to present oral testimony must conform to the regulations codified at 15 CFR Chapter XX, Parts 2001–2003, which are described below.

Pursuant to the regulations referred to in the preceding sentence, a request to present oral testimony will be granted only if a written brief is submitted before the deadline for submitting such briefs (in this instance, July 1, 1977), except that no such brief need be submitted if the party requesting to testify already has submitted a petition listed in Annex I of this notice.

The deadlines for the submission of requests to present oral testimony, and for the submission of written briefs may be waived by the Chairman of the Trade Policy Staff Committee for reasons of equity and public policy.

Requests to present oral testimony should state briefly the interest of the applicant in the subject matter, the position to be taken by the applicant and whether the applicant has filed, or has joined in the filing of, a petition listed in Annex I.

In addition, requests to present oral testimony should include the following information:

(a) The name, address, telephone number, and official position (if applicable) of the party submitting the request, and the person or persons who will present the oral testimony (if different from the party submitting the request);

(b) The description and tariff item number(s) of the article or articles in which the party has an interest;

(c) The subject or subjects to be dealt with in the proposed testimony; and

(d) The amount of time requested for the presentation of oral testimony, and, if more than 15 minutes is requested, the reasons therefor.

Each person scheduled to appear before the TPSC will be notified of the date and the amount of time allotted for his presentation. If the scheduled appearance is inconvenient to the requesting person, the Secretary of the TPSC will consider rescheduling for that person. The Chairman of the TPSC reserves the right to restrict the time allotted for oral presentation, and to deny requests when he determines that the proposed testimony is not relevant to the subject matter of the hearings.

5. *Submission of written briefs.* Briefs must conform to the TPSC regulations codified at 15 CFR Chapter XX, Parts 2001–2003. Briefs must be submitted in 20 copies. In addition, each brief should designate clearly on the first page the name and address of the party submitting the brief, the subject matter of the brief, and the item number of the article (or articles) in the Tariff Schedules of the United States to which the brief pertains.

Every written brief must present, in nonconfidential form, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments that must be met in order to oppose the position taken in the brief.

6. *Suggestions on the preparation of written briefs and oral testimony.* While there are no formal requirements governing the format or content of the material submitted (other than those mentioned in paragraphs 4 and 5 of this notice), the TPSC suggests that parties preparing testimony or briefs include the following points:

(a) An introductory summary statement indicating the interest of the party on whose behalf the brief or testimony is submitted, and the position to be taken in the brief or testimony;

(b) A clear indication of the matters covered in Annex I of this notice of interest to the party submitting the brief or testimony, and a statement of whether that party supports or opposes the action under consideration; and

(c) Any data or arguments relevant to support the position of the party submitting the brief or testimony.

While the TPSC welcomes the full presentation of oral testimony, it is preferable that such testimony not duplicate material submitted in writing, since both will be reviewed. Instead, oral presentations should emphasize the main points of the briefs or petitions submitted, expand upon their contents when necessary, or cover any developments occurring since the briefs were submitted. Persons presenting oral testimony should be prepared to answer questions.

7. *Rebuttal briefs.* In order to assure parties the opportunity to contest the information provided by other parties, the TPSC will accept rebuttal briefs filed by any party within one week after the close of the hearings. Rebuttal briefs must conform, in form and number, to the regulations of the TPSC and the provisions of this notice applicable to written briefs. Rebuttal briefs should be limited to demonstrating errors of fact or analysis not pointed out in the briefs or testimony and should be as concise as possible.

8. *Information exempt from public inspection.* Parties are referred to 15 CFR Chapter XX, Sections 2003.6 and 2006.10, for the regulations concerning information labelled as business confidential and exempt from public inspection.

Oral testimony should contain no confidential information. Any business confidential information submitted with written briefs should be clearly identified as confidential, should be easily separable, and should be accompanied by a nonconfidential summary of the confidential material. If the Chairman of the TPSC determines that he cannot accord confidential treatment to material for which such treatment is requested, that material will be returned to the addressee.

9. *Public inspection of written materials.* Subject to the regulations of the TPSC, and except for business confidential information, all written materials filed with the TPSC in connection with these hearings will be open to public inspection, by appointment at the Office of the Trade Policy Staff Committee, Room 728, 1800 G Street, N.W., Washington, D.C. 20506.

10. *Transcripts of the hearings.* All oral testimony before the TPSC will be recorded and transcribed. Persons giving testimony before the TPSC may correct errors of form or expression in the testimony, but may not change substance. All corrections must be approved by the Secretary of the TPSC. The cost of making such corrections will be charged to the person requesting the corrections.

Transcripts of the hearings will be available for inspection or purchase.

11. *Attendance at the hearings.* The hearings will be open to the public. Heavy or disruptive equipment such as television equipment, will not be admitted to the hearings except by the express permission of the Chairman of the TPSC.

12. *Communications.* All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street, N.W., Room 728, Washington, D.C. 20506. The telephone number of the Secretary of the TPSC is (202) 395–3395.

Acceptance of the petitions listed in Annex I does not indicate any opinion with respect to a disposition on the merits of the petitions accepted for review. Acceptance indicates only that the listed petitions have been found to be formally adequate as bases for reviews by the TPSC, and that such reviews will take place.

WILLIAM B. KELLY, JR.,
Chairman, Trade Policy Staff Committee.

Annex I

Part 1: Petitions Accepted for Review

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
		[The bracketed language in this list has been included only to clarify the scope of the numbered items which are being considered, and such language is not itself intended to describe articles which are under consideration.]	
		A. Petitions to add products to the list of eligible articles for the Generalized System of Preferences.	
77-1		Luggage and handbags, whether or not fitted with bottle, dining, drinking, manicure, sewing, traveling, or similar sets; and flat goods:	Ambassador International Tempe, Arizona
		[Of leather; of unspun fibrous vegetable materials; of textile materials (except yarns, of paper), whether or not ornamented; of reinforced or laminated plastics]	
		Of other materials:	
		[Handbags]	
		[Of beads, of bugles, of spangles, of imitation gemstones, or of any combination thereof; of metal; of paper yarns]	
		[Flat goods, of metal]	
		Other:	
	706.6020 or 706.6020 (pt.)	Handbags or Handbags of vinyl	
77-2		Plywood, whether or not face finished:	Ben Pivnick Plywood and Veneer Company Farmington, Michigan
		[Not face finished, or face finished with a clear or transparent material which does not obscure the grain, texture, or markings of the face ply]	
	240.25 or 240.25 (pt.)	Other or Face-finished with an opaque finish of paint, printed simulated grain, or paper overlay, not exceeding in any dimension 5/32 inch in thickness, 47 inches in width, and 85 inches in length	
77-3		Watch cases and parts thereof:	Productos Metalicos "America," S.A. Mexico City, Mexico
		Not wholly and not almost wholly of gold or platinum or of both gold and platinum:	
		Wholly or in part of silver; or containing gold or platinum; or set, or prepared to be set, with precious or semiprecious stones or with imitation gemstones	
	720.24	Cases	
		Other:	
	720.28	Cases	
77-4		Gloves of rubber or plastics:	Magla Products Irvington, New Jersey Intermarket Corporation Cleveland, Ohio
		Seamless	
		[Surgical and medical]	
	705.8430	Other	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
77-5		Leather, in the rough, partly finished, or finished /Chamois, patent, upholstery leather/ /Calf and kip; pig and hog/ Other: Not fancy: /Vegetable-tanned goat and sheep, in the rough; buffalo/ Other: /Bovine/ Other leather: Reptilian and shark skin	The Fouke Company Greenville, South Carolina
	121.5850 or 121.5850 (pt.)	or Reptilian	
77-6		Parts of bicycles: /Frames/ Other parts of bicycles Hubs:	The Bendix Corporation South Bend, Indiana
	732.3610	Coaster brakes	
77-7		Products suitable for medicinal use and drugs: Obtained, derived, or manufactured in whole or in part from any product provided for in subpart A or B of part 1 of schedule 4 of the Tariff Schedules of the United States: /Products provided for in items 407.02 through 407.80/ Other: Antibiotics: /Penicillin G, potassium; penicillin G, procaine; phenoxymethylpenicillin, potassium/	The Dow Chemical Company Indianapolis, Indiana
	407.8525 or 407.8525 (pt.)	Other or Rifampin	

B. Petitions to remove products from the list of eligible articles for the Generalized System of Preferences

77-8		Complete packing boxes, cases, and crates, and other containers and holders chiefly used for packing, transporting, or marketing merchandise, all the foregoing (except baskets and coopers' products) of wood, whether wholly or partly assembled or not assembled: /Packing boxes and cases with solid sides, lids, and bottoms; containers designed for use in the harvesting of fruits and vegetables/	The Martin Bros. Container and Timber Product Corp. Toledo, Ohio
	204.30 or 204.30 (pt.)	Other or Wirebound boxes	

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
77-9		Other metal-bearing materials of a type commonly used for the extraction of metal or as a basis for the manufacture of chemical compounds: /Products provided for in items 603.05 through 603.30/ Other:	Refractory Metal Association Princeton, New Jersey
	603.45	Materials in chief value of tungsten	
		Tungsten, unwrought and wrought; tungsten waste and scrap: Waste and scrap:	
	629.25	Containing by weight not over 50 percent of tungsten	
	629.26	Containing by weight over 50 percent of tungsten	
		Interchangeable tools for hand tools or for machine tools, including dies for wire drawing, extrusion dies for metal, and rock drilling bits: /Files and rasps, including rotary files and rasps/	
	649.43	Cutting tools (except tools provided for in item 649.41) with cutting part containing by weight over 0.2 percent of chromium, molybdenum, or tungsten, or over 0.1 percent of vanadium Other: Not suitable for cutting metal:	
	649.48	Wire-drawing dies and extrusion dies	
	649.53	Tool tips; and plates, blanks and other forms for making tool tips; all the foregoing, unmounted, of sintered metal carbides	

C. Petitions to subdivide TSUS items currently designated as eligible articles for the Generalized System of Preferences.

77-10		Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof: Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof: /Television apparatus, and parts thereof/ Other: /Solid-state (tubeless) radio receivers/ Other Transceivers: Citizens Band (CB) /CB transceiver and AM or AM/FM radio combination/ Hand-held: Valued not over $7.50 each	Cox Hobbies, Inc. Santa Anna, California
	685.2505		

1/ Tariff Schedules of the United States Annotated (19 U.S.C. 1202).

4

Case No.	TSUS or TSUSA 1/ item No.	Article	Petitioner
D. Petitions to determine eligible articles as not like or directly competitive with any article produced in the United States on January 3, 1975, in order to avoid loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.			
77-11	791.80 (pt.)	Articles not specially provided for, of leather: Of reptile leather: Plaques of snakeskin	Columbia Impex Corp. New York, New York

Part 2: Matters Being Considered on the TPSC's Own Motion

Case No.	TSUS or TSUSA 1/ item No.	Article
A. Possible determination of eligible articles as not like or directly competitive with any article produced in the customs territory of the United States on January 3, 1975, and therefore not subject to loss of GSP duty-free treatment under the provisions of section 504(c)(1)(B) of the Trade Act of 1974.		
77-12	137.75	Vegetables, fresh, chilled, or frozen: Other: Chayote (Sechium edule)

1/ Tariff Schedules of the Untied States Annotated (19 U.S.C. 1202)

[FR Doc.77-17211 Filed 6-15-77;8:45 am]

SUSQUEHANNA RIVER BASIN COMMISSION

EAST PETERSBURG BOROUGH AUTHORITY GROUND-WATER DEVELOPMENT

Public Hearing

Notice is hereby given that the Susquehanna River Basin Commission will hold a public hearing as part of its review of the East Petersburg Borough Authority's (East Petersburg, PA) ground-water development. The hearing will be held immediately following the Commission's July 14, 1977, meeting which is scheduled to begin at 1:00 PM in the Penn Harris Motor Inn, U.S. Routes 11 and 15 in Camp Hill, Pennsylvania. The hearing is being held to receive pertinent testimony from the Authority and interested parties concerning the Authority's development and its potential impact on the water and related resources of the basin.

The East Petersburg Borough Authority water supply system serves approximately 3,500 persons in the Borough of East Petersburg, Lancaster County, Pennsylvania. The Authority anticipates withdrawing 0.30 mgd from a well drilled and developed in an earlier project. In addition, the Authority intends to construct a well house, water softening and treatment plant, and transmission facilities.

The principal areas of interest upon which the Commission is basing its review of the project are demand projections, availability of enough water to satisfy future needs; and efficient utilization of available water supplies.

The application documents filed by the project sponsor are available for public inspection during regular business hours at the office of the Susquehanna River Basin Comission, 5012 Lenker Street, Mechanicsburg, Pennsylvania 17055. The offices are open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Persons wishing to participate in the hearing may present oral and/or written testimony. Those wishing to testify in person are requested to contact the Secretary to the Commission, in writing, prior to the hearing.

ROBERT J. BIELO,
Executive Director.

[FR Doc.77-17284 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER

Notice of Commissioning

Notice is hereby given that on June 17, 1977, through September 10, 1977, the Airport Traffic Control Tower at the

Martha's Vineyard Airport, Martha's Vineyard, Massachusetts, will be commissioned at a part-time FAA facility. Hours of operation will be established in advance by a Notice of Airmen and, thereafter, be published in the Airman's Information Manual. This information will be reflected in the FAA Organization Statement the next time it is issued Communications to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, Post Office Box 71, Vineyard Haven, Massachusetts 02568.

It has been determined that good cause exists for publication of this notice in less than thirty (30) days prior to the commissioning date.

(Sec. 313(a), 72 Stat.752 (49 U.S.C. 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Issued in Burlington, Massachusetts, on June 3, 1977.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.77-16807 Filed 6-15-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT SERVICE STATION AT ANDERSON, S.C.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Anderson, S.C. Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17091 Filed 6-15-77;8:45 am]

FLIGHT SERVICE STATION AT ROCKY MOUNT, N.C.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Rocky Mount, N.C. Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17090 Filed 6-15-77;8:45 am]

FLIGHT SERVICE STATION AT TUSCALOOSA, ALA.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Tuscaloosa, Alabama Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17089 Filed 6-15-77;8:45 am]

FLIGHT SERVICE STATION AT VALDOSTA, GA.

Reduction of Hours

Notice is hereby given that on or about August 11, 1977, the Valdosta, Georgia Flight Service Station will be closed each day from 10 p.m. to 6 a.m. local time. This information will be reflected in forthcoming issues of the Airman's Information Manual.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-17088 Filed 6-15-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP77-3; Notice 2]

BATAVUS USA, INC.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice denies the petition by Batavus USA, Inc. of Atlanta, Georgia, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.123, Motor Vehicle Safety Standard No. 123, Motorcycle Controls and Displays. The company petitioned on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published in the FEDERAL REGISTER on March 3, 1977 (42 FR 12284) and an opportunity afforded for comment.

Petitioner is an importer of motor-driven cycles (mopeds). Table 1 of Standard No. 123 requires that the manual fuel shut off control on such vehicles have the following operating positions: "off"—control forward; "on"—control downward; reserve" (if provided)—control upward. The Batavus control, however, has the following noncomplying positions—"on", upward instead of downward; "reserve", backward instead of upward. The noncompliance exists on approximatly 6,000 vehicles manufactured before July 1976. Petitioner argues that the noncompliance is inconsequential because the improper positions "are clearly marked on all mopeds in such a way that a moped user cannot be mistaken.". Vehicles manufactured since July 1976 are said to be in compliance with Standard No. 123.

No comments were received on the petition.

The decision of this agency in the petition by Cimatti, Ltd. (41 FR 11860) is dispositive of this case. There NHTSA affirmed that the purpose of Standard No. 123 is "to minimize accidents caused by operator error in responding to the motoring environment by standardizing certain controls and displays" (S2). The manual fuel shut off control has been standardized (Table 1). Although a motor-driven cycle is not required to have this control, if the manufacturer chooses to so equip his vehicle, the control must operate as the standard requires.

Controls and displays link the operator and the machine. and if there is confusion as to their location, interpretation, or operation, a dangerous situation may result. A cyclist, especially the novice and the cyclist who has changed from one make of machine to another, must not hesitate when confronted with an emergency.

Since standardization of control operation is a purpose of, and justification for, the standard, a noncomplying method of operation cannot be termed inconsequential. Batavus USA, Inc. has not met its burden of convincing this agency that the noncompliance is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 10, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-17201 Filed 6-15-77;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 77-8W; Notice 1]

TENNESSEE GAS PIPELINE CO.

Grant of Waiver From Federal Gas Pipeline Safety Standards

On February 16, 1977, the Tennessee Gas Pipeline Company telephonically requested a waiver from compliance with the preinstallation strength test requirements of 49 CFR 192.505(e) for certain

fabricated piping assemblies. The assemblies were to be installed at each end of a 500-foot gas pipeline being constructed near Katy, Texas, between Tennessee Gas's No. 100–3 pipeline and the Dow Gas Company's "Bronco pipeline."

Section 192.505(e) reads as follows:

For fabricated units and short sections of pipe, for which a postinstallation test is impractical a preinstallation strength test must be conducted by maintaining the pressure at or above the test pressure for at least 4 hours.

In Addition, § 192.503(a) provides, in part:

No person may operate a new segment of pipeline, or return to service a segment of pipeline that has been relocated or replaced until:

(1) It has been tested in accordance with this subpart to substantiate the proposed maximum allowable operating pressure • • •.

Tennessee Gas stated in its telephone call and in a subsequent telegram that:

1. The assemblies include 8", 10", and 12" pipe pretested for at least 8 hours to 2,042 psig and 30" pipe pretested to 1,750 psig for at least 8 hours. The assemblies also include standard regularly manufactured pipe fittings.

2. The design maximum allowable operating pressure of the entire facility is 780 psig, however, the operating pressure is not expected to exceed approximately 680 psig.

3. The facility is to be installed in a Class 1 location but is to be built under Class 3 requirements as defined in 49 CFR 192.5.

4. All welds in the assemblies are to be 100 percent nondestructively tested.

Tennessee Gas further stated that the waiver is necessary to save at least 36 hours in installation time during the nationwide gas shortage, and thus speed the delivery of between 150,000 MCF and 300,000 MCF of natural gas to customers.

In consideration of (1) the high degree of safety afforded by the proposed construction in the absence of the strength test required by § 192.505; (2) the President's declaration of a National Gas Emergency (42 CFR 6789); and (3) the urgent need for immediate additional supplies of natural gas, it was determined that the requested waiver would not be inconsistent with gas pipeline safety and that it would be in the public interest. Therefore, effective February 16, 1977, Tennessee Gas was orally granted a waiver from § 192.505(e), thereby enabling it to operate the prefabricated piping assemblies consistent with the requirements of § 192.503(a). This notice establishes a record of that waiver. Regarding § 192.503(a), it should be noted that if, in the future, the piping assemblies are relocated or replaced, the waiver does not permit them to be returned to service without compliance with the applicable strength test requirements of § 192.505.

Tennessee Gas also requested that the waiver be assignable to the Columbia Gas Transmission Company to whom Tennessee Gas intends to transfer its interest in the piping assemblies. MTB does not believe that the granting of a waiver confers any assignable right or property interest on the grantee. Rather, a waiver establishes a particular rule for an operator based on specific circumstances. Although there is little precedent on this issue, it seems that once such a rule is established regarding a pipeline facility, it should continue in effect according to its terms for succeeding operators of the facility as long as the transfer does not alter the bases of the waiver. Since it is not conceivable that a transfer to Columbia Gas of the piping assemblies to which this waiver applies would change the bases of the waiver, if such a transfer is made, MTB would consider the waiver granted to Tennessee Gas to apply to Columbia Gas.

Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 USC 1672 (e)) authorizes the Secretary of Transportation to grant waivers from compliance with the Federal gas pipeline safety standards. Section 3(e) of the Act further provides that subchapter II of Chapter 5 of Title 5 of the United States Code shall apply to all orders "waiving compliance with any standard established under this Act." Therefore, in accordance with 5 USC 553(b), in view of the National Gas Emergency, the need for a waiver, and the shortness of time involved, notice and public procedure on the granting of this waiver would have been contrary to the public interest.

(Sec. 3, Pub. L. 90–481, 82 Stat. 721, 49 USC 1672; 40 FR 43901, 49 FR 1.53.)

Issued in Washington, D.C., on June 10, 1977.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.77-17294 Filed 6-15-77;8:45 am]

Office of the Secretary

TASK FORCE REPORT ON MOTOR VEHICLE GOALS BEYOND 1980

Availability of Volume 3, Appendices and Revised Safety Panel Report

Purpose. This announcement is issued to make known the availability of copies of Volume 3, Appendices, and the Revised Safety Panel Report of the Task Force Report on Motor Vehicle Goals Beyond 1980.

Background. In September 1976, the draft "Report of the Federal Task Force on Motor Vehicle Goals Beyond 1980" was issued for public debate and comment under the auspices of the Energy Resources Council. Volumes 1 (Executive Summary) and 2 (Task Force Report) were available in quantity and were distributed to all who requested copies. Volume 3 (Appendices) were not available in quantity due to unforeseen delays. Volume 3 is now available in quantity.

The Revised Safety Panel Report was completed in November 1976 and initial distribution was made in early 1977. Additional copies are now available.

Requests for copies of these reports. To receive single copies of these reports, written or telephone requests should be directed to:

Facilities Management Branch (TAD–443), U.S. Department of Transportation, Washington, D.C. 20590. Phone: 202–426–9654.

Requests should indicate the volume desired by citing either, "Volume 3, Appendices," or "Revised Safety Panel Report" of the Task Force on Motor Vehicle Goals Beyond 1980.

Issued in Washington, D.C. on June 8, 1977.

W. H. CLOSE,
Project Leader,
Motor Vehicle Goals Task Force.

[FR Doc.77-17298 Filed 6-15-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket No. 211–13]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Part 922 (Loan Procedure), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976 ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000. On July 29, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

On November 18, 1976 ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to $203,143,749.60. This application included the certification and exhibits required by the Loan Procedures. On December 6, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $11,251,396.39.

On February 1, 1977 ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting, among other things, new borrowings of $107,761,877.76. This application included the certification and exhibits required by the Loan Procedures. On February 17, 1977 the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $107,761,877.76.

On March 16, 1977 ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,333,400. This application included the certification and exhibits required by the Loan Procedures. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $25,333,400.

On April 25, 1977 ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,888,400. This application included the certification and exhibits requested by the Loan Procedures. On April 29, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $7,825,000, to be effective May 10, 1977.

On June 6, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $10,137,739.43. ConRail states that it will apply $9,202,404 of the new borrowings to the payment of certain non-employee related pre-conveyance obligations of the Central Railroad of New Jersey (CNJ), and $935,335.43 of the new borrowings to payment of certain employee-related pre-conveyance obligations of the CNJ.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before June 27, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C., this 13th day of June, 1977.

EDWIN RECTOR,
Assistant Secretary,
U.S. Railway Association.

[FR Doc.77-17104 Filed 6-15-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 414]

ASSIGNMENT OF HEARINGS

JUNE 13, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 36505, Pioneer Mills -v- The Atchison, Topeka and Santa Fe Railway Company now being assigned September 7, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 138635 Sub 34, Carolina Western Express, Inc. now being assigned September 12, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 108207 Sub 454, Frozen Food Express, Inc. now being assigned September 13, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 107993 Sub 49, J. J. Willis Trucking Co. now being assigned September 14, 1977 (1 day) at Los Angeles, California in a hearing room to be later designated.

MC 141084 Sub 4, National Freight Lines, Inc. now being assigned September 15, 1977 (2 days) at Los Angeles, California in a hearing room to be later designated.

MC 118288 Sub 47, Frost Truck Lines, Inc. now being assigned September 19, 1977 (2 days) at Los Angeles, California in a hearing room to be later designated.

MC 141804 Sub 42, Western Express now being assigned September 21, 1977 (3 days) at Los Angeles, California in a hearing room to be later designated.

MC 67818 Sub 85, Central Transport, Inc. now being assigned September 27, 1977 (9 days) at Lansing, Michigan in a hearing room to be later designated.

MC 134068 Sub 31, Kodiak Refrigerated Lines, Inc. now assigned July 18, 1977 at Seattle, Washington is being postponed to a date to be hereafter fixed.

MC 2900 (Sub-296), Ryder Truck Lines, Inc., now being assigned September 26, 1977 (2 weeks) at Charleston, West Virginia, in a hearing room to be later designated.

MC 98952 (Sub-39), General Transfer Company, now being assigned September 20, 1977 (1 day) at Springfield, Illinois, in a hearing room to be later designated.

MC 114211 (Sub-284), Warren Transport, Inc., now being assigned September 12, 1977 (1 week) at Des Moines, Iowa, in a hearing room to be later designated.

MC 142620, Bay View Orchards Cooperative, Inc. now being assigned September 22, 1977 (2 days) at Chicago, Illinois in a hearing room to be later designated.

MC 115730 Sub 21, The Mickow Corp. now being assigned September 21, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 119632 Sub 71, Reed Lines, Inc. now being assigned September 20, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 113855 Sub 359, International Transport, Inc. now being assigned September 19, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

MC 142686, Midwestern Transport, Inc. now being assigned September 16, 1977 (1 day) at Chicago, Illinois in a hearing room to be later designated.

AB 18 Sub 6, Chesapeake and Ohio Railway Company Abandonment Between Coleman and Union, Isabella County, Michigan and FD 27412, Chesapeake and Ohio Railway Company—Trackage Rights—A Line of Railroad of the Ann Arbor Railroad Company Between Mount Pleasant and Clare, in Isabella County, Michigan now being assigned September 13, 1977 (2 days) at Mt. Pleasant, Michigan in a hearing room to be later designated.

MC 52460 (Sub-186), Ellex Transportation, Inc.; MC 107515 (Sub-No. 1027), Refrigerated Transport Co., Inc.; MC 109365 Sub-40), Ronald A. Patterson, d/b/a Anthony & Patterson Truck Line; MC 113267 (Sub-340), Central & Southern Truck Lines, Inc.; MC 119493 (Sub-144), Mon Kem Company, Inc.; MC 119988 (Sub-97), Great Western Trucking Co., Inc.; MC 139495 (Sub-155), National Carriers, Inc. and MC 142207 (Sub-3), Gulf Coast Truck Services, Inc., now assigned June 27, 1977 at New Orleans, Louisiana, will be held in the East Court Room 223 U.S. Court of Appeals, 600 Camp Street.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17282 Filed 6-15-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 13, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43380—*Soda Ash from Points in Wyoming.* Filed by Western Trunk Line Committee, Agent, (No. A-2738), for interested rail carriers.

Rates on soda ash (other than modified soda ash), in bulk, in covered hopper cars, as described in the application, from Alchem, Stauffer, Tg Soda, and Westvaco, Wyoming, to East Tampa, Florida.

Grounds for relief—Market competition.

Tariff—Supplement 152 to Western Trunk Line Committee, Agent, tariff 134-R, I.C.C. No. A4949.

Rates are published to become effective on July 9, 1977.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17281 Filed 6-15-77;8:45 am]

[Notice No. 179]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer publications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 18, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77155, filed May 25, 1977. Transferee: Movers, Inc., doing business as H & R Transfer & Storage Co., 411 S. First St., Phoenix, Ariz. 85004. Transferor: H & R Transfer & Storage Co., Inc., 411 S. First St., Phoenix, Ariz. 85004. Applicants' representative: A. Michael Bernstein, Attorney at Law, 1441 E. Thomas Rd., Phoenix, Ariz. 85014. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate of Registration No. MC-111883 Sub-No. 4, issued July 6, 1967, as follows: Household goods between points in the State of Arizona. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17283 Filed 6-15-77;8:45 am]

[Ex Parte No. MC-43]

MOTOR CARRIER LEASING BOARD

Lease and Interchange of Vehicles by Motor Carriers; Order

JUNE 6, 1977.

It appearing, that a petition has been filed by Kessell Transfer & Storage, Inc. (MC-56383 and Subs 7 and 11), Transport Van Lines, Inc. (MC-126593 and Subs 2 and 3) and Ogden Transfer & Storage Co. (MC-75138 and Sub. No. 2), under common control for waiver of paragraphs (a)(3) and (c) of Section 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the Motor Carrier Safety Regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation offers no objection to a grant of the petition based on an examination of petitioners' records;

It further appearing, that no enforcement action is pending involving the fitness of petitioners;

It is ordered, That waiver of paragraphs (a)(3) and (c) of § 1057.4, be, and it is hereby granted, provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the Motor Carrier Safety Regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control.

By the Commission, Motor Carrier Leasing Board, Board Members Burns, Turkington, and Sibbald. (Member Joel E. Burns not participating.)

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-17301 Filed 6-15-77;8:45 am]

[Notice No. 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 10, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub-No. 290TA), filed May 24, 1977. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between plant sites and warehouse facilities of Eli Lilly & Co. located at Clinton and LaFayette, Ind., on the one hand, and, on the other, points in the states of Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, and the District of Columbia (restricted to freight originating or destined to the plant site and warehouse facilities of Eli Lilly & Co., in Clinton and LaFayette, Ind.), for 180 days. Supporting shipper: Eli Lilly and Company, 1200 Kentucky Avenue, Indianapolis, Ind. 46202. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 47583 (Sub-No. 48TA), filed May 24, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass marbles*, from the plant site and storage facilities of Johns Manville Sales Corp., at or near Cleburne, Tex., to the plant site and storage facilities of Johns Manville Sales Corp., at or near McPherson, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Johns Manville Sales Corp., Ken-Caryl Ranch, Denver, Colo. 80217. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 52704 (Sub-No. 144TA), filed May 20, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", Opelika Hwy., Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246—1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds and absorbents* (except in bulk) from the plantsite of Oil-Dri Corporation of America at or near Ochlocknee, Ga., to points in Florida (except Jacksonville), North Carolina, South Carolina, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, I. C. C., Room 1616-2121 Building, Birmingham, Ala. 35203.

No. MC 95743 (Sub-No. 29TA), filed May 25, 1977. Applicant: WILLIAM F. MEHRING & SONS, INC., Route 1, Box 3, Keymar, Md. 21757. Applicant's representative: Charles U. Mehring (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous asphalt hot mix*, in bulk, in dump vehicles, from Boonsboro, Md., to Berkeley and Jefferson Counties, W. Va., for 180 days. Supporting shipper(s): Mr. Sidney M. Ridenour, Vice President, Richard F. Kline, Inc., P.O. Box 665, Frederick, Md. 21701. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 100666 (Sub-No. 348TA), filed May 23, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW., 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, fencing and fencing materials*, from Edenton, N.C., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. Supporting shipper: Atlantic Forest Products, 6540 Powers Ferry Road, Suite 200, Atlanta, Ga. 30339. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Ave., 9038 Federal Bldg., New Orleans, La. 70113.

No. MC 108393 (Sub-No. 121TA), filed May 18, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Ave., Hinsdale, Ill. 60521. Applicant's representative: T. B. Hills (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, except commodities in bulk, in tank vehicles, (1) between St. Paul, Minn., on the one hand, and, on the other, Danville, Ky.; Benton Harbor, Detroit and St. Joseph,

Michigan; and Cleveland, Clyde, and Findlay, Ohio, (2) from St. Paul, Minn., to Peoria, Ill.; Indianapolis, Indiana; St. Louis, Mo.; Charlotte and Greensboro, North Carolina; and Cincinnati and Columbus, Ohio, (3) from Searcy, Ark.; Ottawa, Ill.; Columbus, Ind.; Cynthiana and Winchester, Ky.; Waynesville, N.C.; Cambridge, Ohio and Anderson, S.C.; to St. Paul, Minn., under a continuing contract or contracts with Whirlpool Corporation, for 180 days. Supporting shipper: Whirlpool Corporation, Carl R. Anderson, Director of Corporated Traffic, Administrative Center, Benton Harbor, Mich. 49022. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St. Rm. 1386, Chicago, Ill. 60604.

No. MC 112184 (Sub-No. 53TA), filed May 17, 1977. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, 11250 Kinsman Rd., Newbury, Ohio 44065. Applicant's representative: John McMahon, 100 Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products*, in bulk, in tank vehicles, from Cleveland, Ohio, to ports of entry on the United States-Canada Boundary line at Detroit, Mich. and also points which lie between Buffalo and Youngstown, N.Y., and including Buffalo and Youngstown, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: PPG Industries, Inc., 3800 West 143 Street, Cleveland, Ohio 44111. Send protets to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 113267 (Sub-No. 349TA), filed May 17, 1977. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Road, P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Mr. Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A & C, Apendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities of Stark-Wetzel Foods (Division of The Rath Packing Company), at Indianapolis, Ind., to points in the states of Alabama, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee, for 120 days. Supporting shipper: The Rath Packing Company, P.O. Box 330, Waterloo, Iowa 50704. Send protests to: Mr. Floyd A. Johnson, district Supervisor, Interstate Commerce Commission, 100 North Main St., 100 North Main Building, Suite 2006, Memphis, Ten. 38103.

No. MC 113528 (Sub-No. 30TA), filed May 22, 1977. Applicant: MERCURY FREIGHT LINES, INC., 67 Midtown Park East, P.O. Box 124, Mobile, Ala. 36601. Applicant's representative: Joy Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Dallas, Tex., and Baton Rouge, La., and a fifteen mile radius thereof, serving no intermediate points. From Dallas over Interstate Highway 20 to its junction with U.S. Highway 71 at or near Shreveport, La. (also over U.S. Highway 80 to its junction with U.S. Highway 71 at or near Shreveport, La.), thence over U.S. Highway 71 to its junction with U.S. Highway 190 at or near Krotz Springs, La., thence over U.S. Highway 190 to Baton Rouge, and return over the same route. Applicant does intend to tack the authority applied for herein with its existing authority in MC–113528 and interline with other carriers at Ft. Worth-Dallas, Tex., and Baton Rouge, La., for 180 days. Supporting shipper(s): There are approximately sixty-one (61), supporting shippers attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C.; or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616–2121 Building, Birmingham, Ala. 35203.

No. MC 115162 (Sub-No. 366TA), filed May 23, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Ground clay, floor sweeping compounds and absorbents* (except in bulk), and (2) *floor sweeping compounds and absorbents* (except in bulk), (1) from the plantsite and warehouse sites of Oil-Dri Corporation of America located at or near Ochlocknee, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) from the plantsite and warehouse sites of Oil-Dri Corporation of America located at or near Ripley, Miss., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oil-Dri Corporation of America, 520 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, I.C.C., Room 1616 – 2121 Building, Birmingham, Ala. 35203.

No. MC 117940 (Sub-No. 221TA), filed May 24, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in packages, (2) *pepper*, in packages, in mixed loads with salt in packages, and (3) *materials and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt in packages (except commodities in bulk), from the facilities of Morton Salt Company at Silver Springs, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Morton Salt Company, A Division of Morton-Norwich Products, Inc., 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401

No. MC 119094 (Sub-No. 5TA), filed May 20, 1977. Applicant: CLARENCE S. WINTERSTEEN, doing business as WINTERSTEEN COMPANY, 1st. St. and Park Ave., P.O. Box 802, Bemidji, Minn. 56601. Applicant's representative: Sheldon D. McRae, Sr., 204 Fifth St., P.O. Box 684, Bemidji, Minn. 56601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and advertising material*, from Milwaukee, Wis., to Bemidji, Minn. under a continuing contract or contracts with Bemidji Distributing Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bemidji Distributing Company, Inc., 305 Park Ave., Bemidji, Minn. 56601. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119619 (Sub-No. 108TA), filed May 18, 1977. Applicant: DISTRIBUTORS SERVICE CO., 2000 W. 43rd St., Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses* described in Sections A & C of Appendix I. to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 & 766, (except hides and commodities in bulk), from St. Louis, Mo. and points in the St. Louis, Mo. Commercial Zone to points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, West Virginia, Rhode Island, North Carolina, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: Krey Packing Company, Regina D. Kanc, Traffic Manager, 3607 N. Florissant Ave., St. Louis, Mo. 63107. Send protests to: Transportation Assis. Patricia, A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, Ill. 60604.

No. MC 119789 (Sub-No. 350TA), filed May 19, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from St. Martinsville, La., to points in Illinois, Michigan, Missouri and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper. Cajun Chef Products, Inc., P.O. Box 248, St. Martinsville, La. 70582. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 123544 (Sub-No. 10TA), filed May 10, 1977. Applicant: BERTSCH TRUCKING, INC., P.O. Box 15, Hillsboro, N. Dak. 58045. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and implements and parts thereof*, from Fargo, N. Dak. to points in the United States (except Alaska and Hawaii), and (2) *damaged or defective farm machinery and implements and parts thereof*, from points in the United States (except Alaska and Hawaii), to Fargo, N. Dak., under a continuing contract or contracts with Versatile Manufacturing, Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Versatile Manufacturing, Ltd. 1260 Clarence Ave., Winnipeg, Manitoba, Canada. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124947 (Sub-No. 59TA), filed May 24, 1977. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass Street, P.O. Box 2338 East, Peoria, Ill. 61611. Applicant's representatives: T. M. Brown, 223 Cuidad Bldg., Okla. City, Okla. 73112; David J. Lister, 1945 S. Redwood Rd., Salt Lake City, Utah 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, cast iron meter boxes, manhole frames and manhole covers*, except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in *T.E. Mercer and G.E Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, 543, from the plantsite and shipping facilites of Tyler Pipe Company located at or near Tyler, TX to Washington, Oregon, California, Nevada, Utah, Idaho, Arizona, Montana, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Tyler Pipe Co., Tyler, TX. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, OK 73102.

No. MC 125543 (Sub-No. 11TA), filed May 20, 1977. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, Wis. 53186. Applicant's representative: David V. Purcell, 111 E. Wisconsin Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise* as is dealt in by wholesale and retail food business houses and restaurant equipment and supplies from Cook and DuPage Counties, Illinois, Milwaukee and Waukesha Counties, Wisconsin and Appleton, Beaver Dam, Deloit, Bonduel, Columbus, Eau Claire, Germantown, Green Bay, Menasha, Neenah, Watertown, and Whitewater, Wisconsin to points in the Upper Peninsula of Michigan, restriction the operations authorized herein are limted to a transportation service to be performed under a continuing contract or contracts with Portion Control, Inc., of Ishpeming, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Portion Control, Inc., 602 Euclid, Ishpeming, Mich. 49849, (Edward M. Berres). Send protests to: Gail Daugherty, Transportation Asst. Interstate Commerce Commission, Bureau of Operation, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 126118 (Sub-No. 42TA), filed May 16, 1977. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from Louisville, Ky., and its commercial zone to Wake County, and Wilkes County, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Carl Renfro, Manager, Northwestern Distribution, Inc., Box 369, North Wilkesboro, N.C. 28659. Roger Warlick, President, Capital Distribution, Raleigh, N.C. 27611. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Contennial Mall North, Lincoln, Nebr. 68508.

No. MC 134922 (Sub-No. 230TA), filed May 23, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Tile, and tools* used in the installation of tile (except commodities in bulk and those which because of size or weight require the use of special equipment), from the plantsite and storage facilities of American Olean Tile at or near Jackson, Tenn., to points in the states of Washington, Oregon, California, Nevada, Idaho, Utah and Arizona, for 180 days. Supporting shipper: American Olean Tile, 1000 Cannon Avenue, Lansdale, Pa. 19446. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136086 (Sub-No. 8TA), filed May 18, 1977. Applicant: Bacil Guiley, doing business as GUILEY TRUCKING, 8615 Pecan Ave., Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dies and die molds* used in the manufactue and processing of steel roofing, siding and floor decking in mixed shipments with steel roofing, siding and floor decking, between the plantsites of Verco Manufacturing, Inc., at Phoenix, Ariz., Fontana, Calif., and Everett, Wash., (2) *pre-painting solvent or solvent or solution* used in the manufacture or processing of steel roofing, siding and floor decking (except in bulk), from Los Angeles, Calif., and Oakland, Calif., to the plantsite of Verco Manufacturing, Inc., at Phoenix, Ariz., (3) *steel roofing, siding and floor decking*, from the plantsite of Verco Manufacturing, Inc., at Everett, Wash., to points in Nevada, under a continuing contract or contracts with Verco Manufacturing, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Verco Manufacturing, Inc., 4340 North 42nd Ave., Phoenix, Ariz. 85019. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Rm. 1321 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136086 (Sub-No. 9TA), filed May 18, 1977. Applicant: Bacil Guiley, doing business as GUILEY TRUCKING, 8615 Pecan Ave., Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Blvd., No. 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mobile home and travel trailer chassis components*, from Whittier, Calif., and points in the Los Angeles Harbor Commercial Zone, Calif., as defined by the Commission, to Phoenix and Casa Grande, Ariz., with no transportation for compensation, on return except as otherwise authorized, under a continuing contract or contracts with Zieman Manufacturing Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Zieman Manufacturing Company, 7909 Painter Ave., Whittier, Calif. 90602. Send protests to: Irene Carlos, Transportation Assist., Interstate Commerce Commission, Rm. 1321 Federal Building, 300

V 42 116 JUN 16 77 UM

North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 138991 (Sub-No. 21TA), filed May 23, 1977. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representatives: S. Michael Richards/Raymond A. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers*, from Hightstown, N.J., to Geneva, Ohio; and (2) *Non-carbonated beverages* (except alcoholic beverages) from Geneva, Ohio to all points in New York on and west of Interstate 81 and all points on and west of Route 15 in Pennsylvania and from Hightstown and Vincentown, N.J., to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putman, Rockland, Westchester, Nassau and Suffolk Counties, N.Y., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Coca-Cola Company Foods Division of Hightstown, N.J. Supporting shipper: The Coca-Cola Co. Foods Division, 480 Mercer St., Hightstown, N.J. 08520. Send protests to: Mr. Morris H. Gross, District Supervisor, Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 S. Clinton St., Rm. 1259, Syracuse, N.Y. 13202.

No. MC 139112 (Sub-No. 12TA), filed May 23, 1977. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cast acrylic sheet*, from Stamford, Conn., and Hackensack, N.J., to San Francisco and Los Angeles, Calif., and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Polycast Technology Corporation, 69 Southfield Avenue, Stamford, Conn. 06902. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 142258 (Sub-No. 3TA), filed May 17, 1977. Applicant: DALE BLAND TRUCKING, INC., R. R. 1, Switz City, Ind. 47465. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Butler and Ohio Counties, Ky., to the Alcoa plantsite at or near Evansville, Ind., and to the Gibson Generating Station of Public Service Indiana, located near Princeton, Ind. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Tri-Coal Energies, Inc., Box 37, Alvaton, Ky. 42122; and Kentucky Pioneer Coal Company, 1215 Citizens Plaza, Louisville, Ky. 40202. Send protests to: William S. Ennis D/S, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 143041 (Sub-No. 1TA), filed May 18, 1977. Applicant: Byron G. Davenport, doing business as DRILLING AND MINING INTERNATIONAL, P.O. Box 1901, 1350 Sage St., Unit S., Rock Springs, Wyo. 82901. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, restricted against commodities in bulk, commodities which by reason of their size and weight require the use of special equipment and limited to a "hot shot service" on commodities weighing less than 5,000 pounds, from Rock Springs, Wyo., to Colorado and Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Land and Marine Rental Co., 1912 Elk Street, Rock Springs, Wyo. 82901; Mid-Continent Supply Co., 240 Industrial Drive, Rock Springs, Wyo. 82901; Baker Service Tools, 420 Mitchelson Street, Rock Springs, Wyo. 82901; and Dowell a Div. of Dow Chemical, 1145 Elk Street, Rock Springs, Wyo. 82901. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg. & Crt House, 111 South Wolcott, Casper, Wyo. 82601.

No. MC 143151 (Sub-No. 2TA), filed May 18, 1977. Applicant: MICHIGAN CONTRACT CARRIERS, INC., P.O. Box 9086, Wyoming, Mich. 49509. Applicant's representative: Karl Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, between Plymouth, Ind., and Bentheim, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin, under a continuing contract or contracts with Pilgrim Farms, Inc., with the privilege of returning raw materials for manufacturing or processing foodstuffs, to Plymouth, Ind. and Bentheim, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pilgrim Farms, Inc., Plymouth, Ind. 46563. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 143158TA, filed May 23, 1977. Applicant: NOEL TRANSPORT, INC., 1001 S. 1st Street, Yakima, Wash. 98901. Applicant's representative: Richard L. Wiehl, Halverson, Applegate & McDonald, 415 N. 3rd Street, P.O. Box 526, Yakima, Wash. 98907. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and bottled beverages* other than alcoholic, and *material, equipment, and supplies* used in the soft drink business; (2) the return transportation of *empty bottles, containers, pallets*, or *similar shipping devices;* and (3) *commodities* as are exempt under Section 203(b) (6) of the Interstate Commerce Act, as amended by the Transportation Act of 1958 whenever in the same vehicle. Restriction: All carriage limited to the account of the Noel Canning Corporation and its subsidiary, Pepsi Bottling Co. of Yakima. From Yakima, Wash., to the following points in California: Yreka and the San Francisco Bay Area, and from said points in California to Yakima, Wash. From Yakima, Wash., to the following points in Oregon: The Dalles, Pendleton, Hood River, La Grande, Portland, Bend, Baker, Salem, Astoria, Canyon City, Tillamook, Eugene, Newport, Klamath Falls, Roseburg, Winston, North Bend, Grants Pass, Medford, White City, Brookings, Albany, Kalma, and Ontario, and from said points in Oregon to Yakima, Wash. From Yakima, Wash., to the following points in Idaho; Lewiston, Couer D'Alene, Payette, Boise, Mt. Home, Twin Falls, Pocatello, Idaho Falls, Moscow, and Farragut, and from said points in Idaho to Yakima, Wash. From Yakima Wash., to the following points in Montana; Missoula, Kalispell, Anaconda, Helena, Butte, Great Falls, Bozeman, Shelby, Livingston, Billings, Havre, Lewiston, Libby, Laurel, and Miles City, and from said points in Montana to Yakima, Wash. From Yakima, Wash., to the following points in Nevada; Winnemucca, Ely, Elko, and Reno, and from said points in Nevada to Yakima, Wash. From Yakima, Wash., to the following points in Wyoming: Gillette and Casper, and from said points in Wyoming to Yakima, Wash. From Yakima, Wash., to the following points in Alaska: Anchorage, Fairbanks, and Ketchikan, and from said points in Alaska to Yakima, Wash., for 180 days. Supporting shipper: Pepsi Cola Bottling Co., Yakima, Wash. 98901. Noel Canning Corporation, Yakima, Wash. 98901. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 143227R (Sub-No. 1TA), filed May 17, 1977. Applicant: GARLAND L. ENOX, 409 Ash Lane, Euless, Tex. 76039. Applicant's representative: Richard T. Churchill, 3000 Sandage St., Fort Worth, Tex. 76109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oil and gas well down-hole equipment; replacement and spare parts* for oil field service equipment on an emergency basis; other products which are used, distributed or manufactured by Otis for use in oil fields; and intercompany mail, memos, bills, invoices, legal documents; and other accounting materials, limited to exclusives use of equipment both outbound and return with designated equipment, restricted to a transportation service to be performed under a continuing contract or contracts with Otis Engineering Corporation, from the plantsite of Otis Engineering Corporation at Belt Line and Webbs Chaple Rd., Carrollton, Tex., to the plaintsites of Otis Engineering Corp., at 5600 Opelousas, Lake Charles, La.; 1505 Weeks Island Rd., New Iberia, La.; Highway 90 East, Petterson-Bayou Vista, La.; Highway 90 East Houma, La.; and Highway 23 South Belle Chasse, La. and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Otis Engineering Corporation, P.O. Box 34280, Dallas, Tex. 75234. Send protests to: Robert J. Kirspel, District Supervisor, Rm. 9A27, Federal Building, 819 Taylor St., Fort Worth, Tex 76102.

No. MC 143229 (Sub-No. 1TA), filed May 20, 1977. Applicant: ANDERSON CARTAGE COMPANY, 3976 Ulster Street, Denver, Colo. 80207. Applicant's representative: Robert G. Shepherd, Jr., 600 South Cherry St., No. 711, Denver Colo. 80222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished electrical components* (capacitors), from Stapleton International Airport, Denver, Colo., to the plant site or facilities of TRW Capacitors, TRW, Inc., at or near Ogallala, Nebr., and *materials, equipment and supplies* used in the manufacture of electrical components from the plant site or facilities of TRW Capacitors, TRW, Inc. at or near Ogallala, Nebr., to Stapleton International Airport, Denver, Colo., for 180 days. Restriction: Transportation service rendered hereunder shall be restricted to shipments having a prior or subsequent movement by air and against commodities in bulk. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: TRW Capacitors, TRW, Inc., 301 West "O" Street, Ogallala, Nebr. 69153. Send protests to: Herbert C. Ruoff, District Supervisor, I.C.C., 492 U.S. Customs Bldg., 721 19th Street, Denver, Colo. 80202.

No. MC 143289TA, filed May 19, 1977. Applicant: FEDERATED TRANSPORT SYSTEMS, 800 South McGary St., Los Angeles, Calif. 90021. Applicant's representative: Warren N. Grossman, 606 South Olive St., Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished and unfinished piece goods*, from points in North Carolina, South Carolina, and Georgia to Los Angeles County, Calif., and (2) *finished piece goods*, from Los Angeles County, Calif., to points in North Carolina, South Carolina, and Georgia, under a continuing contract or contracts with Concord Fabrics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Concord Fabrics, Inc., 1411 Broadway, New York, N.Y. 10018. Send protests to: Irene Carols, Transportation Assistant, Interstate Commerce Commission, Rm. 1321 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 143292TA, filed May 18, 1977. Applicant: JOE MAZZARO doing business as MAZZARO'S REFRIGERATED SERVICE, 1120 N.E. 140th St., North Miami, Fla. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plantains, guava paste, canned goods and coffee*, from Miami, Fla., to points and places in the State of California, under a continuing contract or contracts with Caribbean Pacific Atlantic Importers, for 180 days. Supporting shipper: Caribbean Pacific Atlantic Importers, C.P.A. Inc., 1266–1286 Produce Row, Los Angeles, Calif. 90021. Send protests to: Donna M. Jones, Transportation, Asst. Interstate Commerce Commission, Bureau of Operations, Monterey Building, Suite 101, 8410 N.W. 53rd. Terrace, Miami, Fla. 33166.

PASSENGER APPLICATION

No. MC 143296 (Sub-No. 1TA), filed May 23, 1977. Applicant: PEACH STATE BUS LINES, INC., 151 Mills Street, N.W., Atlanta, Ga. 30313. Applicant's representative: Alvin Barnes, 323 Bromack Drive, S.E., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter coach service, from Atlanta, Ga. and 25 miles thereof to points in Alabama, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia and Wisconsin, and return terminating in Atlanta, Ga., and 25 miles thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Henderson Travel Service, 3175 Middleton Road Apt. 2, Atlanta, Ga. 30311; Spectrum Services, Inc., 1256 University Dr., Atlanta, Ga. 30306; Las Damas Encantadas, 184 Chicamauga Avenue, S.W., Atlanta, Ga. 30314; Truck Stop Boys Lodge, 26 Peachtree Place, N.W., Atlanta, Ga. 30309; Ladies of the Hour, 5155 Cotter Drive, Union City, Ga. 30291; Sophisticated Ladies, 189 South Lake Dr., Jonesboro, Ga. 30236; Ben Hill Social Club, 1937 County Line Rd., S.W., Atlanta, Ga. 30331. SEND PROTESTS TO: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Rm. 546, Atlanta, Ga. 30309.

By the Commission

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17280 Filed 6-15-77;8:45 am]

[Volume No. 21]

JUNE 10, 1977.

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the Federal Register notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before July 18, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 111981 and (Sub-No. 8) (Notice of filing of petition to modify commodity descriptions), filed May 5, 1977. Petitioner: ROBIDEAU'S EXPRESS, INC., S.E. C. Front and Oregon Ave., Philadelphia, Pa. 19148. Petitioner's representative: Alan Kahn (same address as applicant). Petitioner holds motor *common carrier* Certificates in No. MC 111981 and (Sub-No. 8), issued July 1, 1958 and April 26, 1965, respectively, authorizing transportation: (1) in MC 111981, as pertinent, over irregular routes, of *frozen foods*, (a) from Philadelphia, Pa., to points in Lancaster and Lebanon Counties, Pa., and (b) between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., those in Pennsylvania in and east

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

V 42 116 JUN 16 77 UM

of Chester, Berks, Schuylkill, Carbon, and Monroe Counties, Pa., and those in New Castle County, Del., and Cecil County, Md. (except those south of the Chesapeake and Delaware Canal); and (2) in MC 111981 (Sub-No. 8), as pertinent, over irregular routes, of *meats and meat products and frozen foods*, in vehicles equipped with mechanical refrigeration, from Philadelphia and Doylestown, Pa., to points in Delaware, Maryland, New Jersey, New York, Virginia and the District of Columbia; and *frozen foods*, from Braddock, Glassboro, and Hammonton, N.J., to points in Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia. By the instant petition, petitioner seeks to modify the commodity descriptions of both of the above certificates that read *"Frozen foods"*, to read *"Foods* in vehicles equipped with mechanical refrigeration."

No. MC 113784 (Sub-No. 55) (Notice of filing of petition to modify certificate), filed May 6, 1977. Petitioner: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, Ontario, Canada L8L 4M1. Petitioner's representative: David A. Sutherland, 1150 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036. Petitioner holds a motor *common carrier* Certificate in No. MC 113784 (Sub-No. 55), issued October 23, 1975, authorizing transportation over irregular routes, of *dry commodities*, in bulk, in dump vehicles, between ports of entry on the United States-Canada Boundary line, located in Michigan and New York, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to transportation of traffic originating at or destined to points in Canada, and restricted against the transportation of finished refractory products and nepheline syenite. By the instant petition, petitioner seeks to modify the authority above in the following ways: (1) Remove from the commodity description the language "in dump vehicles," (2) add to the territorial description points in Iowa, Michigan and Minnesota, and (3) remove the restriction against the transportation of "finished refractory products and nepheline syenite."

No. MC 114569 (Sub-Nos. 30 and 60) (Notice of filing of petition to delete plantsite limitation), filed May 2, 1977. Petitioner: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Petitioner's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Petitioner holds motor *common carrier* Certificates in No. MC 114569 (Sub-Nos. 30 and 60) issued May 15, 1962 and June 4, 1964, respectively, authorizing transportation: (1) in MC 114569 (Sub-No. 30) over irregular routes, of *metal grass stops* (in rolls), *metal shovels*, and *building materials* made of sheet metal, no single piece to weight more than 2,000 pounds, from the plantsites of Penn Supply & Metal Corporation located at Philadelphia, Pa., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas and Wisconsin; and (2) in No. MC 114569 (Sub-No. 60) over irregular routes, of *Sheet metal pipe, duct, fittings, and parts for heating, cooling, and ventilating equipment*, no single piece to weigh more than 2,000 pounds, *sheet metal down spouts, gutters, fittings, and fasteners* therefor, and *advertising matter* relative to, and when moving in the same vehicle with the above-named commodities, from the plant site of the Acme Manufacturing Company located at Philadelphia, Pennsylvania, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. By the instant petition, petitioner seeks in both of the above Certificates to delete the origin plantsite limitations so that the origins will read: "from Philadelphia, Pa."

No. MC 129480 (Sub-No. 14) (Notice of filing of petition for modification of commodity description), filed May 6, 1977. Petitioner: TRI-LINES EXPRESSWAYS LTD., 550 71st. Ave., SE., P.O. Box 5245, Station A, Calgary, Alberta, Canada T2H OS6. Petitioner's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, 1600 Lincoln St., Denver, Colo. 80264. Petitioner holds a motor *common carrier*, Certificate in No. MC–129480 (Sub-No. 14), issue August 26, 1976, authorizing transportation, as pertinent, over irregular routes, of *Lumber, lumber products, and forest products*, between the ports of entry on the International Boundary Line between the the United States and Canada located in Idaho, Minnesota, Montana, North Dakota, and Washington, on the one hand, and, on the other, points in Idaho, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming, restricted to the transportation of shipments originating at or destined to the Provinces of Alberta, British Columbia, Manitoba, and Saskatchewan, Canada. By the instant petition, petitioner seeks to modify that portion of the commodity description to read *"Lumber, lumber products, wood products, and forest products."*

No. MC 139349 (Sub-No. 2) (Notice of filing of petition to add an additional base point and add an additional contract shipper), filed May 5, 1977. Petitioner: JAYMAR TRUCKING CO., INC., 134 Garfield Ave., Jersey City, N.J. 07305. Petitioner's representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Petitioner holds a motor *contract carrier* Permit in No. MC 139349 (Sub-No. 2) issued November 8, 1974, authorizing transportation, as pertinent, over irregular routes, of *lighting fixtures and lamps, and equipment, materials, and supplies* used in the manufacture and sale (except commodities in bulk), between Jersey City and Kearny, N.J., on the one hand, and, on the other, points in Louisiana, Minnesota, and Texas, and those points in the United States east of the Mississippi River, under a continuing contract, or contracts, with Lightoller, Inc., of Jersey City, N.J. By the instant petition, petitioner seeks (1) to add West Orange, N.J., as an additional base point to the above authority; and (2)to add Energix Lighting Industries, located at West Orange, N.J., as an additional contract shipper to the above authority.

No. MC 142953 (Notice of filing of petition to add and additional destination state), filed April 13, 1977. Petitioner: C. A. CARTER, INC., 239 Broadturn Rd., West Scarborough, Maine 04074. Petitioner's representative: Carl A. Carter (same address as applicant). Petitioner holds a motor *common carrier* Certificate in No. MC 142953, issued May 20, 1977, authorizing transportation over irregular routes, of *scrap metals*, (1) from points in Maine, to points in Connecticut, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont; and (2) from points in Connecticut, New Hampshire, Massachusetts, Rhode Island, and Vermont, to the facilities of Saco Steel Company located at or near Saco, Maine. By the instant petition, petitioner seeks to add Massachusetts as a destination state to part (1) of the above authority.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before July 18, 1977. Such pleading shall comply with Special Rule 247(d) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 61592 (Sub-No. 385) (Republication), filed Mach 22, 1976, published in the FEDERAL REGISTER issue of April 22, 1976, republished in the FR issue of September 16, 1976 as amended, and republished this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. An Order of the Commission, Review Board Number 1, dated May 26, 1977, and served June 2, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of (1) *industrial and commercial waste containers, and roll-off hoists*, from the plant site of Galbreath, Incorporated, at or near Winamac, Ind., to points in Arizona, California, Colorado, Iowa, Delaware, Idaho, Kansas, Louisiana, Missouri, Montana, North Dakota, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of industrial and commercial waste containers, and roll-off hoists, in the reverse direction; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of Colorado as an additional origin state in (2) above in applicant's grant of authority.

No. MC 140474 (Sub-No. 2) (Partial corrected republication), filed January 2, 1975, published in the FEDERAL REGISTER issue of January 30, 1975, republished in the FEDERAL REGISTER of June 3, 1977, and republished in part as corrected this issue. Applicant: C. E. JOHNSON, 704 North First, Osborne, Kans. 67473. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. The purpose of this partial correction of the republication of this proceeding in FEDERAL REGISTER issue of June 3, 1977, is to indicate that Ohio was omitted as a destination state in part (2) of the republication. The rest of the republication remains the same as published June 3, 1977.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularly the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 409 (Sub-No. 63), filed May 10, 1977. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Saunders Avenue and Highway 6, Sutton, Nebraska 68979. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid feed supplements*, in bulk, in tank vehicles, from Omaha, Nebraska to points in Colorado, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 1838 (Sub-No. 11), filed April 27, 1977. Applicant: S & K TRANS. INC., P.O. Box 208, 13557 Bloomingdale, Akron, New York 14001. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Massachusetts 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *building materials*, (except commodities in bulk, in tank trucks), between the facilities used by MacMillan Bloedel Building Materials located in the United States on the one hand, and on the other, points in the United States (except Alaska and Hawaii), and all ports of entry on the International Boundary Line between the United States and Canada, for furtherance to all points in Canada, under a continuing contract or contracts with MacMillan Bloedel Building Materials.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 2860 (Sub-No. 157), filed May 4, 1977. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, New Jersey 08360. Applicant's representative: Robert W. Gerson, 1400 Candler Building, Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: paper, paper articles and related articles, plastic articles and rubber articles (except commodities in bulk): (1) from the plantsites of Malanco East, Inc., Vineland, New Jersey, and Malanco South, Inc., Madison, Georgia, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee, and (2) between the plantsite of Malanco East, Inc., Vineland, New Jersey, and the plantsite of Malanco South, Inc., Madison, Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Georgia, Washington, D.C., or Baltimore, Maryland. Common control may be involved.

No. MC 2860 (Sub-No. 159), filed May 5, 1977. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, New Jersey 08360. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal, paper and composite*, and *container closures, container components* and *materials and supplies* used in the manufacture or distribution of containers from the plant and warehouse sites of Continental Can Company U.S.A. a member of the Continental Group, Inc., located at Alsip, Bridgeview, Chicago, Danville, Itasca, and Peoria Heights, Ill.; Burns Harbor, Chesterton, Elwood, and Portage, Ind.; Kansas City and Lenexa, Kans.; Louisville, Ky.; Shoreham, Mich.; Arden Hills, Mankato, and St. Paul, Minn.; St. Joseph and St. Louis, Mo.; Omaha, Nebr.; Bedford Heights, Cincinnati, Cleveland, Columbus, Sharonville and Worthington, Ohio; Oil City and West Mifflin, Pa.; La Crosse, Milwaukee and Racine, Wis. to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, Nebraska, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Chicago, Ill.

No. MC 2900 (Sub-No. 302), filed May 10, 1977. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *regular* routes, transporting: *General commodities* (except house-

JUN 16 1977 UM

hold goods as defined by the Commission, Classes A and B explosives, commodities in bulk and those requiring special equipment) : Serving the plant site and warehouse facilities of Northern Electric Company, located at or near Waynesboro, Miss. as an off route point in connection with applicant's presently authorized regular routes.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Atlanta, Ga. or Washington, D.C.

No. MC 4963 (Sub-No. 52), filed April 18, 1977. Applicant: ALLEGHANY CORPORATION, d/b/a JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 501, Perpetual Bldg., 1111 E Street, N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Fayette and Greene County, Pa., on the one hand, and, on the other, points in Connecticut, Delaware; those in Illinois on and south of a line beginning at New Boston, Ill., and extending along Illinois Highway 17 to Junction U.S. Highway 34 at or near Nekoma, Ill., thence along U.S. Highway 34 to Chicago, Ill., including points on the indicated portion of the highways specified; Indiana; those in Maryland east of a line beginning at the Maryland-Pennsylvania State Line and extending along Maryland Highway 45 to Cockeysville, Md., thence along Maryland Highway 45 to Baltimore, Md., those in part of Maryland east of the Susquehanna River and Chesapeake Bay, those on U.S. Highway 140 between Baltimore, Md. and Reistertown, Md., those on Maryland Highway 30 between Reistertown, Md. and the Maryland-Pennsylvania State Line, and those on U.S. Highway 1 between Baltimore, Md., and Washington, D.C.; Massachusetts; Jackson and Flint, Mich., and points in Michigan within thirty (30) miles of Detroit, Mich.; St. Louis, Mo.; points in New Hampshire within fifteen (15) miles of Manchester, N.H.; points in New Jersey, (except those in Atlantic and Cape May Counties, N.J.); Buffalo, N.Y., those in New York within eighty (80) miles of Erie, Pa., and those in New York within one hundred and fifty (150) miles of Scranton, Pa.; North Carolina; Toledo, Ohio, those in Ohio within twenty (20) miles of Akron, Cleveland and Warren, Ohio respectively, those in Ohio within thirty (30) miles of Canton, Ohio; Rhode Island, Bristol, Tenn.; Virginia; and points in Beech Bottom, Weirton and Wheeling, W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Uniontown, Pa. and Washington, D.C.

No. MC 16513 (Sub-No. 19), filed May 10, 1977. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 819 Union Avenue, Pennsauken, N.J. 08110. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, paperboxes* and *partitions* (except commodities in bulk) from the plantsite of Anchor Hocking Glass Corporation located at Salem, N.J., to South Volney and Syracuse, N.Y., and returned shipments of the commodities described above from South Volney and Syracuse, N.Y., to the plantsite of Anchor Hocking Glass Corporation at Salem, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Philadelphia, PA, or Washington, D.C.

No. MC 19227 (Sub-No. 236), filed May 9, 1977. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 N.W. 20th Street, P.O. Box 520602, Miami, Florida 33152. Applicant's representative: Thomas A. Leonard, 2515 N.W. 20th Street, Miami, Florida 33152. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air pollution, heating and cooling equipment, and parts and accessories for such commodities*, from the plantsite and facilities of the Fuller Company located in Houston, Texas to points in Alabama, Colorado, Idaho, Illinois, Indiana, Iowa,, Kentucky, Michigan, Minnesota, Montana, Nevada, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin and Wyoming and shipments of refused or rejected items on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex.; Dallas, Tex.; or Washington, D.C.

No. MC 24379 (Sub-No. 42), filed April 28, 1977. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14510 West Eight Mile Rd. Oak Park, Mich. 48232. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Napoleon, Ohio and Toledo, Ohio, over U.S. Highway 24, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE.—Applicant states it presently serves Napoleon, Ohio in regular route operations over U.S. Highway 6 and applicant presently serves Toledo, Ohio in regular route operations over U.S. Highway 20. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 24379 (Sub-No. 43), filed April 28, 1977. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 14510 West Eight Mile Rd., Oak Park, Mich. 48212. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), serving Mansfield, Ohio as an off-route point in connection with presently authorized service over U.S. Highway 224.

NOTE.—Applicant is presently authorized to serve Mansfield, Ohio pursuant to irregular route authority granted in Docket MC-24379 Sub 39 via a gateway at Medina, Ohio. Applicant seeks to eliminate this gateway by virtue of this application. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 27817 (Sub-No. 131), filed May 5, 1977. Applicant: H. C. GABLER, INC., R.D. No. 3, P.O. Box 220, Chambersburg, Pennsylvania 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pennsylvania 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale, chain grocery and food business houses (except commodities in bulk and frozen foods), from Hanover, Pa., and points in Adams County, Pa., to points in the lower peninsula of Michigan, restricted to traffic originating at and destined to the above-named origins and destination.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 30605 (Sub-No. 161), filed May 4, 1977. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: Bertram S. Silver, 256 Montgomery Street, San Francisco, California 94104. Authority sought to operate as *common carrier*, by motor vehicle, over regular routes, in the transportation of *general commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment).

(1) Between Los Angeles, California, and Winslow, Arizona, serving all intermediate points. From Los Angeles via U.S. Highway 66 to Winslow and return via the same route. From Los Angeles via Interstate Highway 10 to Colton, thence Interstate Highway 15 to Barstow, thence Interstate Highway 40 to Winslow and return via the same route.

(2) Between Los Angeles, California, and Phoenix, Arizona, serving intermediate points of Blythe, California, and Salome, Aguila, and Wickenburg, Ariz. From Los Angeles via U.S. Highway 60 via Indio, California, to Phoenix, and return via the same route. From Los Angeles via Interstate Highway 10 to Phoenix and return via the same route.

(3) Between Phoenix, Arizona, and Grand Canyon, Arizona, serving all intermediate points and the off-route points of Hillside, Kirkland, Skull Valley, and Iron Springs, Ariz. From Phoenix via U.S. Highway 89 to junction of Arizona Highway 64, near Williams, thence via Arizona Highway 64 to Grand Canyon and return via the same route.

(4) Between Prescott, Arizona, and Camp Verde, Arizona, serving intermediate points of Jerome, Clarkdale and Cottonwood, Arizona. From Prescott via U.S. Highway 89A to its junction with Arizona Highway 279, thence via Arizona Highway 279 to Camp Verde, and return via the same route.

(5) Between Winslow, Arizona and Albuquerque, New Mexico, serving all intermediate points. From Winslow via U.S. Highway 66 to Albuquerque and return via the same route. From Winslow via Interstate Highway 40 to Albuquerque and return via the same route.

(6) Between Willard, New Mexico, and Canyon, Texas serving all intermediate points. From Willard via U.S. Highway 60 to Canyon, and return via the same route.

(7) Between Dallas, Texas, and Amarillo, Texas, serving all intermediate points, except no service to Abilene, Texas. From Dallas via U.S. Highway 80 to Ft. Worth, thence via U.S. Highway 377 to Stephenville, thence via U.S. Highway 67 to Brownwood, thence via U.S. Highway 84 to Lubbock, thence via U.S. Highway 87 (I-27) to Amarillo, and return via the same route.

(8) Between Lubbock, Texas, and Seagraves, Texas, serving all intermediate points. From Lubbock via U.S. Highway 62 to Seagraves, and return via the same route.

(9) Between Lubbock, Texas, and Lamesa, Texas, serving the intermediate points of Tahoka and O'Donnell, and the off-route point of Wilson, Texas. From Lubbock via U.S. Highway 87 to Lamesa, and return via the same route.

(10) Between Santa Anna, Texas, and San Angelo, Texas serving all intermediate points. From Santa Anna via U.S. Highway 67 to San Angelo and return via the same route.

(11) Between Temple, Texas, and Brownwood, Texas serving all intermediate points. From Temple via U.S. Highway 190 to Lampasas, thence via U.S. Highway 183 to Goldthwaite, thence via U.S. Highway 84 to Brownwood, and return via the same route.

(12) Between Galveston, Texas, and Gainesville, Texas, serving all intermediate points and the off-route points of Kopperl, Blum, Crowley, Haslet, Justin, Ponder, and Krum. From Galveston via Interstate Highway 45 (U.S. 75) to Houston, thence via U.S. Highway 90A to Rosenberg, thence via Texas Highway 36 to the junction of Texas Highway 317, near Temple, thence via Texas Highway 317 to Valley Mills, thence via Texas Highway 6 to Meridian, thence via Texas Highway 174 to the junction of U.S. Highway 81, thence via U.S. Highway 81 to Ft. Worth, thence via U.S. Highway 377 to Denton, thence via U.S. Highway 77 to Gainesville, and return via the same route.

(13) Between Galveston, Texas, and Rosenberg, Texas, serving all intermediate points. From Galveston via Texas Highway 6 to the junction of U.S. Highway 90A, thence via U.S. Highway 90A to Rosenberg and return via the same route.

(14) Between Texas City, Texas, and the junction of Texas Highway 146 and U.S. Highway 75. From Texas City via Texas Highway 146 to its junction with U.S. Highway 75, and return via the same route.

(15) Between Houston, Texas, and Alvin, Texas, serving all intermediate points. From Houston via Texas Highway 35 to Alvin, and return via the same route.

(16) Between Dallas, Texas, and Cleburne, Texas, serving all intermediate points. From Dallas via U.S. Highway 67 to Cleburne, and return via the same route.

(17) Between Dallas, Texas, and Denton, Texas, serving all intermediate points. From Dallas via U.S. Highway 77 (I-35E) to Denton and return via the same route.

(18) Between Houston, Texas, and Dallas, Texas, via Beaumont and Longview, serving Beaumont and Longview and all intermediate points between Beaumont and Longview, Texas. From Houston via U.S. Highway 90 to Beaumont, thence via U.S. Highway 96 to Tenaha, thence via U.S. Highway 59 to Longview, thence via Interstate Highway 20 to Dallas, and return via the same route.

ROUTES FOR OPERATING CONVENIENCE ONLY SERVING NO INTERMEDIATE POINTS

(19) Between Dallas, Texas, and Ft. Smith, Arkansas, serving no intermediate points. From Dallas via U.S. Highway 75 to the junction of U.S. Highway 69, thence via U.S. Highway 69 to the junction of Interstate Highway 40, thence via Interstate Highway 40 to Ft. Smith and return via the same route.

(20) Between Albuquerque, New Mexico, and Amarillo, Texas. From Albuquerque via U.S. Highway 66 (I-40) to Amarillo, and return via the same route.

(21) Between Amarillo, Texas, and Oklahoma City, Oklahoma. From Amarillo via U.S. Highway 66 (I-40) to Oklahoma City and return via the same route.

(22) Between Ft. Worth, Texas, and the junction of Interstate Highway 20 and U.S. Highway 84. From Ft. Worth via Interstate Highway 20 to the junction of U.S. Highway 84, and return via the same route.

(23) Between Houston, Texas, and Beaumont, Texas. From Houston via Interstate Highway 10 to Beaumont, and return via the same route.

(24) Between Houston, Texas, and Dallas, Texas. From Houston via Interstate Highway 45 to Dallas, and return via the same route.

(25) Between Aguila, Arizona, and Congress, Arizona. From Aguila via Arizona Highway 71 to Congress, and return via the same route.

(26) Between Lamesa, Texas, and Snyder, Texas. From Lamesa via U.S. Highway 180 to Snyder, and return via the same route.

(27) Between Houston, Texas, and Brenham, Texas. From Houston via U.S. Highway 290 to Brenham, and return via the same route.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Houston, Texas; or Tulsa, Oklahoma; or Oklahoma City, Oklahoma; or Wichita, Kansas; or Los Angeles, California; or Phoenix, Arizona. Common control may be involved.

No. MC 30844 (Sub-No. 590), Filed May 5, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses* (except hides and and commodities in bulk) as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (1) from Hartley and Spencer, Iowa to points in Indiana, Michigan and Ohio, and (2) from Schuyler and Fremont, Nebraska to points in Indiana, Michigan and Ohio, restricted to shipments originating at the plantsites and facilities of Spencer Foods, Inc. at the above named origins.

NOTE.—Common control may be involved If a hearing is deemed necessary the applicant requests it be held at Minneapolis, Minnesota.

No. MC 35358 (Sub-No. 39), filed May 11, 1977. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Furniture, appliances, equipment and commercial and institutional fixtures*, and *materials, parts and supplies* used in the manufacture of appliances, equipment and commercial and institutional fixtures, (1) from points in Iowa, to points in the United States (except Alaska and Hawaii); and

(2) from points in the United States (except Alaska and Hawaii), to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests either Des Moines, Iowa or Chicago, Ill.

No. MC 35628, (Sub-No. 392), filed May 3, 1977. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Avenue, S.W., Grand Rapids, Michigan 49503. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting general commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Manchester Plastics, Inc. lo-

V 42 N 116 JUN 16 77 UM

cated at Manchester, Michigan as an off-route point in connection with applicant's authorized operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Massachusetts or Washington, D.C.

No. MC 35807 (Sub-No. 72), Filed May 10, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: coin, currency and securities, between Denver, Colorado and points in Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman and Harper Counties, Kansas, and points in Kansas west thereof, under a continued contract or contracts with the Federal Reserve Bank of Kansas City.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or Washington, D.C. Common control may be involved.

Docket No. MC 35807 (Sub-No. 73), filed May 10, 1977. Applicant WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: Foreign coin, U.S. coin, stamps and other items of value, between Hartford, Connecticut; Boston, Massachusetts; New York, New York and Littleton, New Hampshire, under a continuing contract, or contracts, with Littleton Stamp & Coin Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 40978 (Sub-No. 31), filed May 10, 1977. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 Business 141 South, Sheboygan, WI 53081. Applicant's representative: William C. Dineen, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Muscatine, Iowa to points in Indiana, and (2) *new furniture*, and *lamps and shades*, from points in Illinois to points in Indiana.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 42000 (Sub-No. 5), filed May 13, 1977. Applicant: TEXAS INTERSTATE MOTOR EXPRESS, INC., 2210 Congress, P.O. Box 3751, Houston, Texas 77001. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Texas, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk and those requiring special equipment) between Houston, Galveston, and Freeport, Tex., on the one hand, and, on the other, Big Spring, Sweetwater, Odessa and El Paso, Tex., and points in that part of Texas on and east of a line beginning at the Red River and extending along U.S. Highway 277 through Wichita Falls to Abilene, Tex., then along U.S. Highway 83 to Ballinger, Tex., thence along U.S. Highway 67 to San Angelo, Tex., thence along U.S. Highway 87 to San Antonio, Tex., and thence along U.S. Highway 181 via Floresville, Tex., to Corpus Christi, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Dallas or Houston, Tex.

No. MC 45363 (Sub-No. 9), filed: May 10, 1977. Applicant: STONES EXPRESS, INC., 1099 Hendricks Causeway, Ridgefield, N.J. 07657. Applicant's representative: THOMAS F. X. FOLEY, ESQ., P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Such merchandise* as is dealt in by retail chain grocery and food business houses; (2) *equipment, materials, and supplies* used in the conduct of such business as specified in (1) above; (3) *shoes;* and (4) *materials and supplies* used in the manufacturing of the commodity named in (3) above, between New York, N.Y. and points in New Jersey with the New York, N.Y. Commercial Zone as defined by the Commission, and Totowa, N.J., on the one hand, and, on the other, Barre, Bellows Falls, Bennington, Bethel, Brandon, Brattleboro, Bristol, Burlington, Essex Junction, Manchester, Middleburg, Montpelier, Newport, Norwich, Randolph, Rutland, Springfield, St. Albans, Vergennes, White River Junction, and Windsor, Vt.

NOTE.—Common control may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Newark, N.J., New York, N.Y. or Washington, D.C.

No. MC 59150 (Sub-No. 99), filed May 13, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Florida 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite and warehouse facilities of Day Companies, Inc., in Randolph County, Georgia, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Florida or Atlanta, Georgia.

No. MC 61231 (Sub-No. 102), filed May 10, 1977. Applicant: Ace Lines, Inc., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the plantsite of Southwest Ornamental Iron Co., at or near Bonner Springs, Kansas, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Kansas City, Missouri.

No. MC 61231 (Sub-No. 103), filed May 10, 1977. Applicant: Ace Lines Inc., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrought steel pipe and tubing* from the plantsite of Tubular Steel, Incorporated at Staunton, Ill. and Hazelwood, Mo., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61788 (Sub-No. 34), filed: May 4, 1977. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, a Corporation, 1541 Reeves Street, Dothan, Alabama 36302. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Alabama 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the plantsite and warehouse facilities of the John Deere Company, located at or near Conyers, Georgia, as an off-route point in connection with the carrier's authorized regular routes, restricted against the transportation of traffic, direct or interline, between Atlanta, Georgia, on the one hand, and, on the other, the plantsite and warehouse facilities of John Deere Company located at or near Conyers, Georgia.

NOTE.—If a hearing is deemed necessary, the applicants it be held at Atlanta, Ga.

No MC 63417 (Sub-No. 100), filed: May 6, 1977. Applicant: Blue Ridge Transfer Company, Incorporated, P.O. Box 13447, Roanoke, Virginia 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Virginia 24034. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *New furniture and furniture parts* from Columbia, S.C. to points in Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia. (2) *Materials and supplies used in the manufacture of new furniture* (except commodities in bulk and those which because of size and weight require special equipment) from states in (1) above to Columbia, S.C. and

(3) damaged, defective, refused, rejected or returned shipments of new furniture from states in (1) above to Columbia, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Roanoke, Virginia or Columbia, S.C.

No. MC 77214 Sub-No 7, filed May 9, 1977. Applicant: Haldon S. Miller, 1028 S. CR. 32, Helena, Ohio 43435. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid nitrogen solution*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Ohio. (2) Dry nitrogen-urea, in bulk, from Madison, Ind., to points in Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio; Cleveland, Ohio, or Washington, D.C.

No. MC 78118 (Sub-No. 34), filed May 9, 1977. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pennsylvania 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pennsylvania 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, not exceeeding 1 gallon in capacity, from the plantsite and shipping facilities of Glass Containers Corporation in the Borough of Knox and the Townships of Paint and Elk, Clarion County, the Borough of Marienville, Forest County, and the Borough of Parker, Armstrong County, Pa., to points in New Jersey, restricted to traffic originating at and destined to the above origins and destination.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 78687 (Sub-No. 46), filed May 3, 1977. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, New York 14527. Applicant's representative: E. Stephen Heisley, Suite 850 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority is sought by applicant to operate in interstate or foreign commerce as a *common carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals*, in dump vehicles, between points in Connecticut, Massachusetts, New York, Pennsylvania, and New Jersey (except points in Atlantic, Cumberland, Burlington, Camden, Cape May, Gloucester, and Salem Counties, New Jersey).

NOTE.—If a hearing is held, applicant requests that the hearing be held in Washington, D.C. Applicant states that it holds contract carrier authority in No. MC 2505, therefore dual operations may be involved. Common control may also be involved.

No. MC 78687 (Sub-No. 47) filed May 4, 1977. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, New York 14527. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from Solvay, N.Y., to points in Virginia.

NOTE.—Applicant hold contract carrier authority in MC 2505, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held on a consolidated record with similar applications.

No. MC 79267 (Sub-No. 2), filed May 4, 1977. Applicant: P & D WAREHOUSE & CARTAGE, INC., 7636 Canton Center Drive, Baltimore, Maryland 21224. Applicant's representative: Maurice S. Bozel, 303 Felton Road, Lutherville, Md. 21093. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) Containers, Container Chassis & Trailers, (2) General Commodities (except commodities of unusual value, commodities requiring special equipment and commodities in bulk.) Between points in the Baltimore, Maryland Commercial Zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Maryland.

No. MC 83835 (Sub-No. 142), filed May 11, 1977. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Texas 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Prof. Building, Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Castings, empty shipping containers, scrap metal, variable speed drives, electrical cable, switch boards, transformers, motors, pumps, motor and pump parts and accessories; and, (2) Equipment, materials, and supplies used in, or in connection with, the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities described in (1) above, between the facilities of Byron Jackson Pump Division and Centrilift Division, Borg-Warner Corporation, located at or near Ardmore, Healdton, and Tulsa County, Oklahoma; Casper and Cody, Wyoming; Glendive, Montana; Huntington Beach and Los Angeles, California; Rangely, Colorado; and Conroe, Midland, Plainview, and Tyler, Texas; on the one hand, and, one the other, points in the United States, including Alaska, but excluding Hawaii. RESTRICTION: Restricted against the transportation of (a) Pumps, pump parts, and pump motors, and (b) equipment, materials, and supplies used in the installation, operation, removal, repair, and maintenance of the commodities described in (a) above, between the facilities of Byron Jackson Pump Division, Borg-Warner Corporation located at Tulsa, Oklahoma, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 149), filed: May 3, 1977. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, Atlanta, Georgia 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Building, Birmingham, Alabama 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General Commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between the plantsite of Goodyear Tire and Rubber Company located at or near Union City, Tenn., on the one hand, and, on the other, points Illinois, Indiana, points in Ohio; Louisville, Ky., St. Louis, Kansas City, Carthage and Springfield, Mo.; Topeka, Kans.; North Carolina, and Norfolk and Richmond, Va.; Kansas City, Kans., and points within the commercial zones of each city named. The authority sought would be tacked as follows: 1. Richmond, Va. with the Bowman Sub 52 authority to provide service to points in New York, where it would be tacked with Bowman Sub-53 to provide service to points in Connecticut, Massachusetts and New York within 35 miles of Columbus Circle, N.Y., and with the Sub-109 authority to provide service to all points in Rhode Island and Massachusetts and named Counties in Connecticut. 2. The authority would also be tacked with the Sub-52 authority at Richmond, Va. to provide service to Baltimore, Md., Philadelphia, Pa., Washington, D.C., and points in their respective commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio or Atlanta, Georgia.

No. MC 94350 (Sub No. 387), filed May 9, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Singlewide and double-wide mobile homes*, in initial movements, from points in Clay and LaGrange Counties, Ind. to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. If hearing is deemed necessary, applicant requests that it be held at South Bend, Ind.

No. MC 95540 (Sub No. 980), filed May 9, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Covington, Tenn. to points in Connecticut, Delaware, District of

JUN 16 77
UM

Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, Wisconsin and Kentucky; Restricted to the transportation of shipments originating at the facilities of the Charms Co., located at or near Covington, Tenn. and destined to the named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Washington, D.C., or Tampa, Fla.

No. MC 95540 (Sub-No. 981), filed May 9, 1977. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, Florida 33802. Applicant's representative Benjy W. Fincher, P.O. Box 1636, Lakeland, Florida 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Bananas and agricultural commodities, exempt from economic regulations under Section 203(b)(6) of the Act, when transported at the same time and in the same vehicle with bananas, from Norfolk, Va. to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Tampa, Fla.

No. MC 106274 (Sub-No. 25), filed May 9, 1977. Applicant: RAEFORD TRUCKING COMPANY, a corporation, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: R. B. Guthrie, P.O. Box 219, Sanford, N.C. 27330. Authority sought to operate as a *common carrier*, over irregular routes, transporting: Lumber, lumber products, fencing, wooden, in sections, fence pickets, wooden, poles, wooden, and posts, wooden, (1) from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont, to points in Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Tennessee, Ohio, West Virginia, New York, and New Jersey, and (2) from points in Virginia to points in North Carolina and South Carolina. Restriction: Restricted to movements for the account of Lawrence R. McCoy & Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 106674 (Sub-No. 232), filed May 9, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Indiana 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123. Remington, Indiana 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials, adhesives and such materials and supplies as are used in the manufacture, installation and distribution of such commodities (except liquid in bulk)* between the plantsite, warehouse and facilities of the United States Gypsum Company, River Rouge, Michigan, on the one hand and on the other Illinois, Indiana, Kentucky, Ohio, Pennsylvania and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Indianapolis, Indiana.

No. MC 106920 (Sub-No. 69), filed May 4, 1977. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought by applicant to operate in interstate and foreign commerce as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foodstuffs, including dairy products*, in vehicles equipped with mechanical refrigeration, from Plymouth, Wisconsin to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held either in Columbus, Ohio or Washington, D.C.

No. MC 107010 (Sub-No. 83), filed May 10, 1977. Applicant: BULK CARRIERS, INC., P.O. Box 423, Auburn, Nebraska 68305. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the pipeline terminals of the Gulf Central Pipeline Company located at or near Spencer and Holstein, Iowa; and David City, Nebraska to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

MC 107496 (Sub-No. 1079), filed May 11, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from LaCrosse, Wisconsin to points in Iowa, Nebraska, Minnesota, Wisconsin, Illinois, Indiana, North Dakota, South Dakota, and Michigan (Upper Peninsula).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois.

No. MC 107496 (Sub-No. 1080), filed May 11, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, in bulk, from (a) Cass and Sangamon Counties, Ill., to Indiana, Iowa, Wisconsn, Missouri, Kentucky, Ohio, Michigan, Kansas, Nebraska, Texas, New Mexico, and Florida; (b) from the plantsite of Agrico Chemical Company and the Fulton River Terminal at Fulton, Ill., to points in Iowa, Illinois, Missouri, Minnesota, and Wisconsin; and (c) from Eau Claire, Mich., to points in Minnesota, Illinois, Indiana, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois.

No. MC 107515 (Sub-No. 1073), filed May 5, 1977. Applicant: Refrigerated Transport Co., Inc., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, by motor vehicle, transporting: *Dairy products*, from the plantsites and warehouse facilities of Cudahy Foods, located at Harrodsburg, Cynthiana, Russell Springs and Tompkinsville, Ky.. to points in Virgina, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 126436 Sub 2 and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 1074), filed May 10, 1977. Applicant: Refrigerated Transport Co., Inc., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk); (2) *Animal Foods;* and (3) *Such merchandise* as is dealt in by retail gift and curio shops and catalog distribution centers. Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to transportation of the above commodities in vehicles equipped with mechanical refrigeration, from points in Wisconsin to points in Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas and Oklahoma. Restricted to traffic originating at points in Wisconsin.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Madison, Wisconsin.

No. MC 107515 (Sub-No. 1075), filed: May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk); (2) *Animal foods;* and (3) *Such merchandise* as is dealt in by retail gift and curio shops and catalog distribution centers. Restricted against transportation of commodities in bulk, in tank vehicles, and restricted to transportation in vehicles equipped with mechanical refrigeration, from, points in Wisconsin to points in California, Oregon, Washington, Idaho, Nevada, Utah, Arizona, New Mexico, Colorado and Wyoming. Restricted to traffic originating at points in Wisconsin.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 107515 (Sub-No. 1076), filed May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chewing Gum, Candy and Cough Drops*, from the plantsite and storage facilities of Lifesavers, Inc. at Holland, Michigan to Morrow, Georgia.; Charlotte, North Carolina; Dallas, Texas; and Jacksonville, Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York City, New York or Atlanta, Georgia. Common control and dual operations may be involved.

No. MC 107515 (Sub-No. 1077), filed May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and storage facilities of Standard Brands Incorporated at Atlanta, Georgia to, points in Texas, Oklahoma, Arkansas and Louisiana.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 1078), filed May 10, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products* in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Specialty Lady Fingers located at Marysville, Pennsylvania to points in Michigan, Illinois, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Nebraska, Indiana and Ohio. Restricted to traffic originating at the named plantsite and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in No. MC 126436 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 108053 (Sub-No. 139), filed May 10, 1977. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P.O. Box 129, Fremont, Nebraska 68025. Applicant's representative: ARNOLD L. BURKE, 180 N. LaSalle Street, Chicago, Illinois 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, From the plantsite and warehouse facilities of Wilson Foods Corporation at Cedar Rapids, Iowa, to points in Arizona, California, Idaho, Nevada, Oregon, Utah and Washington, restricted to the transportation of traffic originating at the named origins and destined to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Missouri.

No. MC 108341 (Sub-No. 60), filed May 10, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire mesh*, from the facilities of Exposaic Wire Company located at or near Mount Airy, North Carolina to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108835 (Sub-No. 40), filed May 11, 1977. Applicant: Hyman Freightways, Inc., 1745 University Ave., St. Paul, Minnesota 55104. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between Minneapolis-St. Paul, Minn., and Noyes, Minn., serving no intermediate points: (a) From St. Paul, Minn., over U.S. Highway 10 to its junction with U.S. Highway 59 at Detroit Lakes, Minn., thence via U.S. Highway 59 to its junction with Minnesota Highway 11, thence over U.S. Highway 11 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Noyes, Minn., and return over the same route; (b) From Minneapolis, Minn., over U.S. Highway 52 to its junction with Minnesota Highway 152 near Osseo, Minn., thence over Minnesota Highway 152 to its junction with U.S. Highway 52 at or near St. Cloud, Minn., thence over U.S. Highway 52 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to its junction with Minnesota Highway 220, thence over Minnesota Highway 220 to its junction with Minnesota Highway 11, thence over Minnesota Highway 11 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Noyes, Minn., and return over the same route; and (c) From Minneapolis, Minn., over Interstate Highway 94 to its junction with Minnesota Highway 9 at or near Barnesville, Minn., thence over Minnesota Highway 9 to its junction with U.S. Highway No. 2, thence over U.S. Highway No. 2 to its junction with U.S. Highway 75, thence over U.S. Highway 75 to Noyes, Minn., and return over the same route.

NOTE.—This proceeding involves a conversion of applicant's irregular route authority between the points involved, MC 108835 (Sub 29G), to regular route authority. Applicant will voluntarily take a restriction either in the certificate issued in this proceeding or in its Sub 29G certificate that would preclude it from performing both irregular and regular route service between Minneapolis-St. Paul and Noyes, Minnesota. Common control may be an issue. If a hearing should be necessary, applicant requests it be held in St. Paul, Minnesota.

No. MC 108937 (Sub-No. 46), filed May 9, 1977. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, P.O. Box 3640, St. Paul, Minnesota 55113. Applicant's representative: Raymond L. Stevens, 2323 Terminal Road, St. Paul, Minnesota 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between St. Paul, Minn. and Rhinelander, Wis., serving no intermediate points; From St. Paul over U.S. Highway 8 to Rhinelander, and return over the same route. (2) Between Duluth, Minn. and Rhinelander, Wis., serving no intermediate points; From Duluth over U.S. Highway 2 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction Wisconsin Highway 47 to Woodruff, Wis., thence over Wisconsin Highway 47 to Rhinelander, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rhinelander, Wis. Common control may be involved.

No. MC 108937 (Sub-No. 47), filed May 9, 1977. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, P.O. Box 3640, St. Paul, Minnesota 55113. Applicant's representative: Raymond L. Stevens, 2323 Terminal

V 42 116 JUN 16 77 UM

Road, St. Paul, Minnesota 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities—except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment—(1) Between South Bend, Ind. and Columbus, Ohio, serving no intermediate points: From South Bend over U.S. Highway 31 to junction U.S. Highway 31 and U.S. Highway 30, near Plymouth, Ind., thence over U.S. Highway 30 to junction U.S. Highway 30 and U.S. Highway 30S, near Delphos, Ohio, thence over U.S. Highway 30S to Kenton, Ohio, thence over Ohio Highway 31 to Marysville, Ohio, thence over U.S. Highway 33 to Columbus, and return over the same route; and (2) Between South Bend, Ind. and Louisville, Ky., serving the intermediate point of Indianapolis, Ind.: From South Bend over U.S. Highway 31 to Indianapolis, thence over Interstate Highway 65, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at South Bend, Ind.

No. MC 111401 (Sub No. 487), filed May 10, 1977. Applicant: Groendyke Transport, Inc., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Oklahoma 73701. Applicant's representative: Alvin L. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: (1) *Wax*, in bulk, in tank vehicles, from West Lake Charles, Louisiana to points in Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Ohio and Wisconsin; and (2) *Liquid Hydrochloric (Muriatic) Acid*, in bulk, in tank vehicles, from Deer Park (Harris County), Texas to points in Arkansas, Louisiana, Mississippi and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Little Rock, Arkansas or Dallas, Texas.

No. MC 111401 (Sub No. 448), filed May 10, 1977. Applicant: Groendyke Transport, Inc., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Oklahoma 73701. Applicant's representative: Alvin L. Hamilton (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Chemicals*, in bulk, in tank vehicles, from (1) Sacramento, California and Shreveport, Louisiana to Brownsville, Texas, in foreign commerce only; and (2) Brownsville, Texas to Houston, Texas, in foreign commerce only.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, Oklahoma or Oklahoma City, Oklahoma.

No. MC 111729 (Sub No. 701), filed May 10, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods and business papers and records* moving therewith: Between Wheeling, W. Va., on the one hand, and, on the other, Cumberland, Md. and Washington, Pa.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub Numbers thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 111729 (Sub No. 702), filed May 11, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complementary replacement film, incidental dealer handling supplies, advertising literature, and business papers:* Between Phoenix, Ariz., and Gallup, N.M., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, rail or motor vehicle.

NOTE.—Applicant holds motor contract carrier authority in MC 112750 and Sub Numbers thereunder, and therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Phoenix, Ariz. or Washington, D.C.

No. MC 111940 (Sub-No. 67), filed May 5, 1977. Applicant: SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aircraft and internal combustion engines, aircraft and internal combustion engine parts*, and *materials, supplies and equipment* used in or incidental to the manufacture, storage, sale, distribution or installation of aircraft and internal combustion engines, and aircraft and internal combustion engine parts, between the plant sites of Lycoming Division of Avco Corporation, at or near Williamsport, Pa., on the one hand, and, on the other, points in the United States in and east of the states of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 112304 (Sub No. 118), filed May 9, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper articles*, from Wynne, Arkansas; Greensboro, North Carolina; Zelienople, Pennsylvania; and Pulaski, Tennessee; to points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; and (2) *Scrap copper*, from points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; to Wynne, Arkansas; Greensboro, North Carolina; Zelienople, Pennsylvania; and Pulaski, Tennessee; and (3) *Steel pipe*, from ports of entry in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Illinois, Indiana, Michigan, Ohio, Minnesota, and Wisconsin, to all points in the United States in and east of Colorado, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 112588 (Sub-No. 23), filed May 9, 1977. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, Ohio 44870. Applicant's Representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *cement* and *mortar*, from York, Pennsylvania, to points in Delaware, Maryland, New Jersey, New York, Ohio and West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 112617 (Sub-No. 365), filed May 4, 1977. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, Kentucky 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (except petrochemicals), in bulk, in tank vehicles, from the plant site of W. R. Grace and Company, at or near Owensboro, Kentucky, to Omaha, Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Kentucky. Common control may be involved.

No. MC 112963 (Sub No. 66), filed May 11, 1977. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Wine*, in bulk, in tank vehicles, from Naples, N.Y., to Laconia, N.H., and Absecon, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 113434 (Sub No. 77), filed May 5, 1977. Applicant: GRA-BELL TRUCK LINE, INC., 479 Lincoln Avenue, Holland, Mich. 49423. Applicant's Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, over irregular routes, transporting (1) *Glass containers, caps, stoppers and covers*, from the facilities of Glenshaw Glass Company, Inc., in Allegheny County, Pa. to points in Michigan; and (2) *return of refused, rejected or damaged shipments and empty pallets*, from points in Michigan, to the origin point named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 113678 (Sub-No. 667), filed May 10, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colorado 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Ks. to points in Alabama, California, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Francisco, Calif., or Denver, Colo.

No. MC 113678 (Sub-No. 668), filed May 10, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colorado 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Carpet and rugs, and related articles and equipment used in the installation thereof, from points in Georgia, to points in California, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 113843 (Sub-No. 242), filed May 10, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: Lawrence T. Sheils (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Canned Foodstuffs* from Napoleon, Ohio to points in Pennsylvania, New Jersey and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held in Cleveland, Ohio or Washington, D.C.

No MC 113843 (Sub-No. 243), filed May 10, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC, 316 Summer Street, Boston, Massachusetts 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Illinois 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) From the warehouses of Beatrice Foods Co., located at Scranton, Pennsylvania and at or near Allentown, Pennsylvania to points in Illinois, Indiana, and Michigan, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania and destined to the named destination states: and (2) from points in Illinois, Indiana, and Michigan to the warehouses of Beatrice Foods Co., located at Scranton, Pensylvania and at or near Allentown, Pennsylvania, restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 114211 (Sub-No. 302), filed May 11, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Singer & Sullivan, Suite 1600, 10 South La Salle Street, Chicago, Illinois 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: Recreational vehicles and equipment; parts and accessories of, and paraphernalia used in connection with, recreational vehicles and equipment from Lancaster County, Nebraska to points in the United States (except Alaska and Hawaii), including ports of entry between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications at either San Francisco or Los Angeles, Calif.

No. MC 114457 (Sub-No. 301), filed May 3, 1977. Applicant: DART TRANSIT COMPANY—A Corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses and box springs*, from Rock Island, Illinois to Bismarck, Fargo, Grand Forks and Minot, North Dakota; Aberdeen and Sioux Falls, South Dakota; and Sioux City, Iowa.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago, Illinois.

No. MC 114457 (Sub-No. 302), filed May 3, 1977. Applicant: DART TRANSIT COMPANY—A Corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* from the plantsite and storage facilities of Midland Glass Company, Inc., located at or near Henryetta, Oklahoma, to points in the United States (except Alaska and Hawaii).

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago, Illinois.

No. MC 114457 (Sub-No. 303), filed May 9, 1977. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, Minnesota 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter* from Rapid City, South Dakota to points in Illinois, Iowa, Minnesota and Wisconsin, and Vineland, New Jersey.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago, Illinois.

No. MC 114533 (Sub-No. 358), filed May 9, 1977. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th St., Chicago, Illinois 60609. Applicant's representative: WARREN W. WALLIN, 1106 West 35th St., Chicago, Illinois 60609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies (except motion picture film and materials and supplies used in connection with commercial and television motion pictures), between Wyandotte County, Kansas, on the one hand, and, on the other, Caddo, Washita, Commanche, Stephens, Marshall, and Garvin Counties, Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri, Applicant holds contract carrier authority in No. MC 128616 and sube thereunder; therefore dual operations may be involved.

No. MC 114569 (Sub-No. 177) filed May 5, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representatives: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located at Scranton, Pennsylvania and at or near Allentown, Pennsylvania to points in Illinois, Indiana, and Michigan. Restriction: The above authority is restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania and destined to the named destination states, and, (2) from points in Illinois, Indiana, and Michigan to the warehouses of Beatrice Foods Co. located at Scranton, Pennsylvania and at or near Allentown, Pennsylvania. Restriction: The above authority is restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co. at Scranton, Pennsylvania and at or near Allentown, Pennsylvania.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

V 42 116 JUN 16 77 UM

No. MC 114896 (Sub-No. 51), filed April 27, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch, (same address as Applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Dore bullion, from Omaha, Neb., to Amarillo, Tex.; and (2) precious metals, from Amarillo, Tex., to points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania; under a continuing contract or contracts with ASARCO, Inc.

NOTE.—Applicant holds common carrier authority in No. MC 140345 (Sub-No. 1), therefore, dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y. or Washington, D.C.

No. MC 115496 (Sub-No. 48), filed May 5, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: VIRGIL H. SMITH, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, pulpboard, paper and paper products*, from St. Marys, Ga., to points in the United States on and east of a line beginning at the mouth of the Mssissippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 116763 (Sub-No. 378), filed May 5, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper, paper bags, paper and paper products*, from St. Marys, Georgia, to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at Atlanta, Georgia.

No. MC 117119 (Sub-No. 626) (correction), filed April 29, 1977, published in the FEDERAL REGISTER issue of May 26, 1977 as No. MC 117119 (Sub-No. 625), and republished as corrected this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds, dry or liquid, oven cleaners, sodium bicarbonate and sal soda* (except in bulk), from Syracuse, New York; Ft. Thomas, Ky.; and Cincinnati, Ohio to points in Arkansas, Colorado, Iowa, Kansas, Idaho, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahomo, South Dakota, Texas, Utah, Wyoming, Tennessee, Louisiana, and Mississippi.

NOTE.—The purpose of this republication is (1) to indicate the correct docket number assigned to this proceeding as No. MC 117119 (Sub-No. 626) in lieu of No. MC 117119 (Sub-No. 625) as previously published in error; and (2) to indicate applicant's correct commodity description. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 117119 (Sub-No. 627), filed May 9, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Heating and air conditioning units, parts, and accessories*, from the facilities of Rheem Mfg. Co., at Fort Smith, Ark. to points in Arizona, California, Oregon, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117119 (Sub-No. 628), filed May 9, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Heating and Air Conditioning Units, Parts, and Accessories*, from the facilities of Rheem Manufacturing Co., at Milledgeville, Ga., to points in Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Virginia, West Virginia, Delaware, Maryland, New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 117119 (Sub-No. 629), filed May 10, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Arkansas 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificate 61 M.C.C. 209 and 766; (except commodities in bulk), from the plantsite and storage facilities of Land O'Frost, Inc. located at Searcy, Arkansas to points in Colorado, Idaho, Nevada, Oregon, Utah and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 117686 (Sub-No. 171), filed May 9, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa. Applicant's representative: Mr. George L. Hirschbach (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Lyons, Nebraska, to points in Florida, Georiga, Alabama, Mississippi, Louisiana, Tennessee, Texas, Kansas and Missouri. Restricted to traffic originating at the plantsite of Premier Boneless Meats, Inc., at or near Lyons, Nebraska, and destined to the above named destination states.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska or Chicago, Illinois.

No. MC 117686 (Sub-No. 172), filed May 16, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Flavorland Industries, Inc., located at or near Denver, Colo., to points in Arizona, California, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo., or Washington, D.C.

No. MC 117954 (Sub-No. 23), filed May 10, 1977. Applicant: H. L. HERRIN, JR., d/b/a H. L. HERRIN TRUCKING COMPANY, P.O. Box 1106, Metairie, Louisiana 70004. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular routes*, transporting: *Frozen and dry processed potatoes*, from the facilities of American Potatoe Company located at or near Plover, Wisconsin, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118142 (Sub-No. 147), filed May 5, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kansas 67219. Applicant's representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Batteries, new and spent, and battery supplies*: (1) From Salina, Kansas, to the City of Industry, California; Opa Locka, Florida; Framingham, Massachusetts; Portland, Oregon; Reading, Pennsylvania; and Greer, South Carolina; (2) From Selma, Alabama, To Dallas, Texas; O'Fallon, Missouri; City of Industry, California; Indianapolis, Indiana; and Salina, Kansas; (3) From Lampeter, Pennsylvania; and Indianapolis, Indiana, to Salina, Kansas; (4) From Indianapolis, Indiana, to Selma, Alabama; and (5) From Greer, South Carolina, to Salina, Kansas; restricted in (1)–(5) above to traffic originating at the plantsite and facilities of General Battery Corporation, and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118142 (Sub-No. 149), filed May 10, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kansas 67219. Applicant's representative, Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over *irregular routes*, transporting *Frozen and dry processed potatoes*, from the facilities of American Potatoe Company, located at or near Plover, Wisconsin, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 118288 (Sub-No. 48), filed May 9, 1977. Applicant: FROST TRUCK LINES, INC., 14751 Boyle Avenue, Fontana, Calif. 92335. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except commodities in bulk in tank vehicles, classes A & B explosives and household goods as defined by the Commission), restricted to shipments moving on the bills of freight forwarders, between points in California, on the one hand, and, on the other, points in Utah, Colorado and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 118468 (Sub-No. 50), filed May 10, 1977. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Plastic pipe from the plantsite of Johns-Manville Sales Corporation, located at or near Wilton, Iowa, to points in Illinois, Indiana, Kansas, and Wisconsin, under continuing contract with Johns-Manville Sales Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Illinois. Applicant holds common carrier authority in MC 124813 (Sub-No. 1) and subs thereunder, therefore dual operations may be involved.

No. MC 119226 (Sub-No 99), filed May 5, 1977. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, in tank vehicles, from Indianapolis, Ind., points in Illinois, Iowa, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Wisconsin, and West Virginia, restricted against the transportation of traffic originating at the facilities of National Starch and Chemical Corporation, at Indianapolis, Indiana.

NOTE.—Applicant is controlled by Ecoff Trucking, Inc., who holds contract carrier authority under Docket No. MC 128161 and MC 128161 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind. or Chicago, Ill.

No. MC 119641 (Sub-No. 138), filed May 10, 1977. Applicant: RINGLE EXPRESS, INC., 420 East Ninth Street, Fowler, Indiana 47944. Applicant's representative: Robert C. Smith, J.F.K. Circle, Suite 109–B, Atlantis, Florida 33462. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from the plant sites and warehouses facilities of Van Huffel Tube Corp., a Division of Youngstown Sheet and Tube, located at or near Warren, Ohio, to points in Illinois, Iowa, Minnesota, Missouri, Nebraska and Wisconsin, restricted to traffic originating at the plant sites and warehouse facilities of Van Huffel Tube Corp., a Division of Youngstown Sheet and Tube, located at or near Warren, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119789 (Sub-No. 346), filed May 4, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas. Applicant's representative James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Meats, Meat products, Meat by-products, and Articles distributed by Meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite of, and warehouse facilities utilized by Armour & Co. at St. Joseph, Mo. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz.

No. MC 119789 (Sub-No. 347), filed May 9, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned Seafood*, from New Orleans, La. to points in Arizona, California, Colorado. Minnesota, Missouri, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La.

No. MC 119789 (Sub-No. 348), filed May 9, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Cooking Oil*, in containers from Opelousas, La. to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, New York, North Dakota, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Ohio, Wisconsin, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Opelousas or New Orleans, La.

No. MC 123194 (Sub-No. 9), filed May 11, 1977. Applicant: ENTERPRISE TRUCK LINE, INC., 7333 West 15th Avenue, Gary, Ind. 46406. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pickles, pickled tomatoes, sauerkraut and relishes*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant site of Clausen Pickle Co. (a subsidiary of Oscar Mayer & Co., Inc.) at or near Woodstock, Ill., to points in Connecticut, Delaware, District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, restricted to traffic originated at the above-named origin and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 375), filed May 10, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative:

H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *building materials* from the facilities of Fry Division of Owens Corning Fiberglass located at or near North Kansas City, Missouri, to points in Minnesota, North Dakota, South Dakota, Iowa, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois.

No. MC 123615 (Sub-No. 7), filed May 9, 1977. Applicant: TRANSPET, INC., 700 South Fourth Street, Harrison, N.J. 07029. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: ground clay, except in bulk, from Wrens, GA, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, and the District of Columbia, under a continuing contract or contracts with Hartz Mountain Corporation or its subsidiaries, of Harrison, N.J.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at either Newark, N.J. or New York, N.Y.

No. MC 123640 (Sub-No. 25), filed: May 10, 1977. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, Indiana 46803. Applicant's representative: Irving Klein, Southgate Tower, 371 Seventh Ave., New York, N.Y. 10001. Authority Sought: Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, footwear accessories, footwear display cases, and display materials, and materials and supplies* used in the distribution of footwear, between Huntington, Ind. on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan and Kentucky, under a continuing contract, or contracts, Meldisco, a Division of Melville Corporation.

NOTE.—If hearing is deemed necessary, applicant can request that it be held at either New York, N.Y. or Washington, D.C.

No. MC 123872 (Sub-No. 73), filed: May 10, 1977. Applicant: W & L MOTOR LINES, INC., P.O. Box 2607, Hickory, N.C. 28601. Applicants representative: Allen E. Bowman, P.O. Box 2607, Hickory, N.C. 28601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Candy and Confectionery, and advertising and promotional materials* when moving in the same vehicle and at the same time with the afore-mentioned commodities (Except commodities in bulk), from Centralia, Illinois to points in Virginia, West Virginia, North Carolina, South Carolina, points in Georgia on and North of U.S. Highway 80, and points in Tennessee on and east of U.S. Highway 27.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 124078 (Sub-No. 727), filed May 10, 1977. Applicant: Schwerman Trucking Co., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *clay and clay slurry*, in bulk, in tank vehicles, from points in Jefferson County and Twiggs County, Georgia, and Aiken County, South Carolina, to points in Connecticut, New York, Ohio, Oklahoma, Pennsylvania, Vermont, Virginia and West Virginia; (2) *clay slurry*, in bulk, in tank vehicles, from Dry Branch and Hepzibah, Georgia to Cincinnati, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Georgia. Common control may be involved.

MC 124170 (Sub-No. 67), filed May 11, 1977. Applicant: Frostways, Inc., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, food ingredients, and products requiring mechanical refrigeration* (except in bulk), (1) from the warehouses of Beatrice Foods Co., located At Scranton, Pa., and at or near Allentown, Pa., to points in Illinois, Indiana, and Michigan, restricted to the transportation of traffic originating at the warehouses of Beatrice Foods Co. at Scranton, Pa., and at or near Allentown, Pa., and destined to the named destination states; and (2) from points in Illinois, Indiana, and Michigan to the warehouses of Beatrice Foods Co., located at Scranton, Pa., and at or near Allentown, Pa., restricted to the movement of traffic originating in the named origin states and destined to the warehouses of Beatrice Foods Co. at Scranton, Pa., and at or near Allentown, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 124212 (Sub-No. 96), filed May 9, 1977. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cement, in bulk, between points in Ohio, restricted to traffic originating at the plant sites of Bessemer Cement Company or Louisville Cement Company, and restricted to shipments having an immediately prior movement by rail.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washinton, D.C.

No. MC 124813 (Sub-No. 172), filed May 10, 1977. Applicant: Umthun Trucking Co., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wrought steel pipe and tubing from the plantsite of Tubular Steel, Incorporated located at Staunton, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, Mo. Applicant holds contract carrier authority in MC 118468 (Sub-No. 16) and subs thereunder, therefore dual operations may be involved.

No. MC 124813 (Sub-No. 173, filed May 9, 1977. Applicant: Umthun Trucking Co., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Dry fertilizer in bulk, from Mason City, Iowa to points in Minnesota.

NOTE.—Applicant holds contract carrier authority in No. MC 118468 (Sub-No. 16) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn. or Des Moines, Iowa.

No. MC 125433 (Sub-No. 101), filed May 5, 1977. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, Suite 404, Boston Building, P.O. Box 2135, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Combines, parts, attachments and accessories*, from Independence, Mo., to points in Montana, Idaho, Oregon, Washington, California, Arizona, New Mexico, Utah, Nevada, Colorado and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Kansas City, Mo.

No. MC 126973 (Sub-No. 4), filed May 10, 1977. Applicant: CLEMENT BRESINA, Route 1, Chippewa Falls, Wisconsin 54729. Applicant's representative: F. H. Kroger, 1745 University Avenue, St. Paul, Minnesota 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting animal and poultry feed, in bag and bulk; transported upon the same hopper and belt trailers, that have convertible bulkhead, doors and chutes, also equipped with auxiliary auger equipment. From: Minneapolis and St. Paul, Minn., and the commercial zone thereof, to Jackson, Monroe, Vernon, Crawford, Buffalo, Trempealeau, and La Crosse Counties, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 127047 (Sub-No. 27), filed May 3, 1977. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kansas 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Component parts for mobil homes and recreational vehicles*, (except in bulk), From the plant and warehouse facilities of Chandler Supply Company at Wichita, Kansas to points in Colorado, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Illinois, Wisconsin, Michigan, Indiana, Georgia, Mississippi, Alabama, Tennessee and Louisiana. Restricted to traffic originating at point of origin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Kansas City, Missouri.

No. MC 127274 (Sub-No. 46), filed May 17, 1977. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bread making compounds and bakery supplies*, from Kansas, City, Co., to the plant site of Lewis Brothers Bakery, located at Evansville, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127811 (Sub-No. 10), filed May 9, 1977. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Ave. SW., New Brighton, Minnesota 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (except commodities in bulk) from Eau Claire, Wisconsin to points in Minnesota and Iowa, restricted to traffic originating at the plantsite or storage facilities of Phoenix Steel Co. located at or near Eau Claire, Wisconsin and destined to the named destination states.

NOTE.—If a hearing is deemed necessary applicant request it be held at Minneapolis, Minnesota.

MC 128031 (Sub-No. 5), filed May 9, 1977. Applicant: George McFarland, d.b.a., McFARLAND TRUCKING, P.O. Box 643, Austin, Minnesota 55912. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Plastic pipe, fittings and accessories, from Austin, Minnesota to North Dakota, South Dakota, Montana, Iowa, Wyoming, Wisconsin, Illinois, Indiana, Michigan, Missouri, Ohio and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minnesota.

MC 128527 (Sub-No. 83), filed May 5, 1977. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 SW., Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plastic pipe or tubing and fittings;* From the plantsite of Johns-Manville at or near Umatilla, Oreg., to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Boise, Idaho.

MC 129063 (Sub-No. 12), filed May 9, 1977. Applicant: JIMMY T. WOOD, Post Office Box 248, Ripley, Tennessee 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38137. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap metal*, in dump vehicles, between points in Shelby County, Tennessee, on the one hand, and, on the other, points in Arkansas, Missouri, Kentucky, Illinois, Alabama, and Mississippi; (2) *Scrap metal*, in dump vehicles, from Jackson, Tennessee, to Yellow Creek Port, Mississippi; Newport, Arkansas; and Camden, Tennessee; and (3) *Mill scale*, in dump vehicles, between points in Shelby County, Tennessee, on the one hand, and, on the other, Birmingham, Alabama, and points in its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Memphis, Tennessee.

No. MC 129537 (Sub-No. 21), filed May 10, 1977. Applicant: REEVES TRANSPORTATION CO., a Corporation, Rt. 5 —Dew's Pond Road, Calhoun, Georgia 30701. Applicant's representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa, Florida 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpetings, floor coverings, carpet padding, and materials, supplies and equipment used in the manufacture and installation of said commodities* (a) from the plant sites of Magee Carpet Co., Perry, Georgia, and Bloomsburg, Pennsylvania, to points in the States of Florida, Texas and Arkansas, and (b) between the plant sites of Magee Carpet Co., at Perry, Georgia, and Bloomsburg, Pennsylvania; (2) *Carpet padding and materials, supplies and equipment used in the manufacture and installation of said commodity* (a) from the plant site of Calhoun Padding Co., Inc., located at Calhoun, Georgia, to points in the States of Florida, Texas and Arkansas, and (b) from Russellville and Louisville, Kentucky, Greensboro and Cornelius, North Carolina, and Norfolk, Virginia to points in the States of Georgia, Florida, Texas and Arkansas; (3) *Carpet tacking strips*, from New York, N.Y., and Philadelphia, Pennsylvania, to points in the State of Georgia; and (4) *Materials, supplies and items used in the manufacture and installation of carpetings, floor coverings, carpet paddings and related items*, from points in the State of Texas to all points in the State of Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Georgia.

No. MC 133566 (Sub.-No. 88), filed May 9, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Indiana, 46947. Applicant's representative: Charles W. Beinhauer, Suite 1573, One World Trade Center, New York, New York 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and storage facilities owned and/or utilized by J. H. Filbert, Inc. in Baltimore City, Anne Arundel, Baltimore, Howard, and Prince Georges Counties, Maryland, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at the above named plantsites and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Washington, D.C. or New York, New York.

No. MC 133590 (Sub-No. 9), filed May 9, 1977. Applicant: Western Carriers, Inc., 288 Franklin Street, Worcester, Mass. 01604. Applicant's representative: David M. Marshall, 135 State Street—Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, and leisure and recreational products, and materials and supplies*, used in the manufacture and sale of such commodities (except in bulk, in tank vehicles), between Williston, Vt.; Boston, Mass.; New York, N.Y.; Houston, Tex.; Clearfield, Utah; Sparks, Nev.; San Francisco, Calif., and ports of entry on the International Boundary line between the United States and Canada, located in Vermont, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Rossignol Ski Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Montpelier, Vt.; Boston, Mass., or Washington, D.C.

No. MC 133777 (Sub.-No. 9), filed May 12, 1977. Applicant: TEXAS METAL CARRIERS, INC., a Texas corporation, 1000 North Beltline Road, Suite 106A, Irving, Texas, 75061. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Texas, 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *scrap, non-ferrous metals*, between points in Texas, Arkansas, Oklahoma, Kansas, Illinois, Missouri, Tennessee, Louisiana, Indiana, Kentucky, Missis-

sippi, Alabama, Ohio, Nebraska, New Mexico, Iowa, Colorado, and Florida.

NOTE.—If an oral hearing is deemed necessary, applicant requests it be held in Dallas, Texas, or Oklahoma City, Oklahoma.

No. MC 133841 (Sub.-No. 3), filed May 10, 1977. Applicant: DAN BARCLAY, INC., 362 Main St., Lincoln Park, N.J. 07035. Applicant's representative: George A. Olsen, 69 Tonele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Nuclear Devices, Machinery, Engines, Environmental and Solar Equipment and materials, equipment and supplies used in the manufacture or sale of the foregoing commodities (except commodities in bulk), between the facilities of Curtiss Wright Corp., located at or near Woodbridge, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 134286 (Sub-No. 25), filed May 10, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *shortening, vegetable oil shortening, lard, edible tallow, cooking oils and margarine* from the plantsite and warehouse facilities of Swift Edible Oil Company located at or near Bradley, Illinois to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origin and destined to the above-described destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Springfield, Illinois. Common control may be involved.

MC 134477 Sub 169, filed May 5, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transport: 1. (A) *Cleaning, washing, buffing or polishing compounds, textile softener, deodorants or disinfectants, lubricating greases or oils, varnishes, and rust preventatives* (except commodities in bulk), from Avenel, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, New York, Ohio, Pennsylvania, Texas, West Virginia and Massachusetts, and (B) materials, supplies and equipment used in the manufacture and distribution of the commodities described in (A) above (except commodities in bulk), from points in Illinois, Indiana, Iowa, Kentucky, Michigan, New Hampshire, New York, Ohio, Pennsylvania, Texas and West Virginia to Avenel, N.J., restricted in (A) and (B) above to the transportation of shipments originating at or destined to the facilities of Economics Laboratory, Inc. at or near Avenel, N.J.; and 2. *Cleaning, washing, buffing or polishing compounds, textile softeners, deodorants or disinfectants, lubricating greases or oils, varnishes, and rust preventatives* (except commodities in bulk), from Joliet, Ill., to points in Alabama, Colorado, Georgia, Iowa, Kansas, Kentucky, Missouri, Michigan, Nebraska, New Jersey, Ohio, Pennsylvania, South Dakota, and Tennessee, restricted to the transportation of traffic originating at the facilities of Economics Laboratory, Inc. at or near Joliet, Ill., and destined to the above named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MC 134477 (Sub-No. 170), filed May 5, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Confectionary and confectionary products* (except commodities in bulk), from the plantsite of Charms Company, at or near Covington, Tennessee to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin. Restricted to traffic originating at the above named origin and destined to the above named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minnesota.

MC 134477 (Sub-No. 172), filed May 10, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minnesota 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by farmers cooperative associations (except commodities in bulk and foodstuffs), from points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic destined to the facilities of Farmers Union Central Exchange, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minnesota.

No. MC 134755 (Sub-No. 105), filed May 4, 1977. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk), pet foods (except in bulk), and supplies and materials (except in bulk), from Souderton, Pennsylvania, to points in Kansas and Missouri.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138398 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Rochester, N.Y.

No. MC 135078 (Sub-No. 17), filed May 11, 1977. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebraska 68127. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebraska 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *aluminum coils, aluminum sheets* and *aluminum blanks*, from Manheim Township, Pennsylvania, to points in Arkansas, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, Utah, Wisconsin and Wyoming, restricted to traffic moving in mechanically temperature-controlled equipment.

NOTE.—Applicant holds motor contract carrier authority in Number MC–135007 and Sub-numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C. or Omaha, Nebraska.

No. MC 135410 (Sub-No. 12), filed May 10, 1977. Applicant: COURTNEY J. MUNSON, d/b/a Munson Trucking, 700 South Main Street, Monmouth, Illinois 61462. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Illinois 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (except in bulk), from the facilities of Hardy Salt Company, located at or near Manistee, Michigan, to points in Illinois, Indiana, Iowa, Missouri and Wisconsin, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois.

No. MC 135684 (Sub-No. 40), filed May 10, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street, NW., Suite 1030, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail and chain grocery, hardware and drug stores, in containers (except fresh meats and furniture), from the plantsite and warehouse facilities of Boyle Midway, Division of American Home Products Corporation at or near Chicago, Illinois to points in Arkansas, Louisiana, Oklahoma and Texas (except Arlington, TX).

NOTE.—Applicant holds motor contract authority in No. MC 87720 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, NY or Washington, DC.

No. MC 135684 (Sub No. 41), filed May 10, 1977. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert Alan Dubin, Federal Bar Building West, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by retail and chain grocery, hardware and drug stores, in containers (except fresh meats and furniture), from Chamblee Georgia, to points in Arkansas, Louisiana, Oklahoma and Texas.

NOTE.—Applicant holds motor contract authority in No. MC 87720 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 135797 (Sub-No. 73), filed May 3, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Arkansas 72745. Applicant's representative: L. C. Cypert, 324 North Second Street, Rogers, Arkansas 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Plastic pipe, plastic or rubber articles, fittings, compounds, cement and accessories used in the installation of such products, (a) From Mason City, Iowa, To points in the United States, (except Alaska and Hawaii), and; (b) From Siloam Springs, Arkansas, To points in Arkansas, Arizona, California, Delaware, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New York, Oregon, Rhode Island, Utah, Vermont, Washington and the District of Columbia. (2) Plastic or rubber articles, compounds, cement and accessories used in the installation of plastic pipe, plastic or rubber articles, fittings, compounds and cement, From Siloam Springs, Arkansas, To points in Alabama, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin and Wyoming; and (3) Machinery, materials, equipment, and supplies used in the manufacture, distribution, or application of the commodities named in (1) above, Between Mason City, Iowa, and Siloam Springs, Arkansas, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Oklahoma, or Little Rock, Arkansas. Common control may be involved.

No. MC 136408 (Sub No. 38), filed May 3, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Cleaning, washing, and polishing soaps and compounds, paints, varnishes, rust preventatives, oils and greases, (except in bulk in tank vehicles) from Joliet, Ill., to points in Arkansas, Florida, Georgia, Minnesota, North Carolina, Oklahoma, South Carolina, Texas and Wisconsin under a continuing contract or contracts with Economics Laboratory, Inc.

NOTE.—Applicant holds common carrier authority in MC 140829 and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary the applicant requests it to be held in Washington, D.C.

No. MC136605 (Sub-No. 27), filed May 11, 1977. Applicant: DAVIS BROS. DIST., INC., P.O Box 8058, Missoula, Mt. 59807. Applicant's representative: W. E. Seliski, P.O. Box 8058, Missoula, Mt. 59807. Authority sought to operate as a *common carrier*, by motor vehicle over *irregular routes*, transporting *soil conditioner-trace mineral fertilizer (except in bulk in tank vehicles)* from the facilities of U.S. Soil at or near Wellsville, Colorado to points in North Dakota, Montant, Washington and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Billings or Missoula, Mont. Applicant holds contract carrier authority in No. MC 127349 (Sub-No. 2); therefore dual operations may be involved.

No. MC 136786 (Sub-No. 115), filed May 10, 1977. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Avenue Northwest, New Brighton, Minnesota 55112 Applicant's representative: Stanley C Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minnesota 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products* and *articles distributed by meat packinghouses* as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Grand Island, Nebraska, to points in Delaware, Maryland, North Carolina, South Carolina, Tennessee on and east of I–75, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minnesota.

No. MC 136817 (Sub-No. 1), filed May 5, 1977. Applicant: HUNTER BROKERAGE, INC., 3910 Richland Drive, Council Bluffs, Iowa 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Iowa, to Logan, Utah and Los Angeles, California and points in Minnesota, Wisconsin, Nebraska, Illinois, Ohio, Kentucky, Tennessee, Georgia, North Carolina, Virginia, Indiana, Arkansas and Pennsylvania; (2) from points in Wisconsin, Illinois and Missouri, to Belle Plaine and Oxford Junction, Iowa; and (3) from Grand Rapids, Michigan and Stoughton, Wisconsin to Loveland, Colorado, restricted to a transportation service to be performed under a continuing contract, or contracts, with McGuffin Lumber, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois or Omaha, Nebraska.

No. MC 136987 (Sub-No. 17), filed May 11, 1977. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315, U.S. 24 West Remington, Ind. 47977. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsite and warehouse facilities of George A. Hormel & Co., at or near Beloit, Wisc., to points in Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware and the District of Columbia, restricted to the transportation of shipments originating at the named origin and destined to the named points, under a continuing contract with George A. Hormel & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Ill.

No. MC 138003 (Sub-No. 12), filed May 10, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces and air conditioners* (except commodities which because of size or weight require the use of special equipment), from Louisville, KY. to points in Iowa, Nebraska, Colorado, Kansas, Oklahoma, New Mexico and Wyoming, under a continuing contract, or contracts, with General Electric Company.

NOTE.—Applicant holds motor common carrier authority in No. MC 140612 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, KY., or Lincoln, NE.

No. MC 138003 (Sub-No. 13), filed May 10, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces, and air conditioners, parts, materials, equipment and supplies used in the manufacture thereof*, (1) between the facilities of the Tappan Co. at or near Mansfield, OH., Nashville, and Springfield, TN., Murray, KY., Dalton, GA., and Anaheim, CA., and (2)

from the facilities of the Tappan Co. at or near Mansfield, OH., Nashville, and Springfield, TN., Murray, KY., Dalton, GA. and Anaheim, CA., to points in the United States in and west of Minnesota, Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, (except Alaska and Hawaii), under a continuing contract, or contracts, in (1) and (2) above with the Tappan Co.

NOTE.—Applicant holds motor common carrier authority in No. MC 140612 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Mansfield, OH., or Lincoln, NE.

MC 138359 (Sub 7), filed May 9, 1977. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan St., Hutchinson, Minnesota 55350. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minnesota 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Memphis, Tennessee to Hutchinson, Minnesota, under a continuing contract, or contracts, with Lenneman Beverage Distributors, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 138991 (Sub-No. 18), filed February 24, 1977. Applicant: K. J. TRANSPORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry beverage preparations when moving in mixed loads with commodities presently authorized*, from Hightstown, N.J. to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y.); (2) *empty containers*, from Hightstown, N.J. to Geneva, Ohio; (3) *non-carbonated beverages (except alcoholic beverages)*, from Geneva, Ohio to all points in New York on and west of Interstate 81 and all points on and west of Route 15 in Pennsylvania; and from Hightstown and Vincentown, N.J. to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk Counties, N.Y.) and Georgia, North Carolina, So. Carolina and Tennessee; (4) *dry beverage preparations*, from Northfield, Illinois to Hightstown, N.J.; and (5) (a) *juices, not canned and not frozen, and* (b) *non-carbonated canned juices and dry beverage preparations, in mixed loads with juices, not canned and not frozen, in vehicles equipped with mechanical refrigeration*, from Hightstown and Vincentown, N.J. to points in Georgia, North Carolina, South Carolina and Tennessee; and Vincentown, N.J. to points in New York (except New York City and those points in Delaware, Greene, Columbia, Sullivan, Ulster, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk Counties, N.Y.), under a continuing contract, or contracts, with Coca-Cola Company Foods Division of Highstown, N.J.

NOTE.—The authority presently authorized to applicant herein as refered to in Part (1) above involves "Juices, not canned and not frozen, and non-carbonated canned juices in mixed loads with juices, not canned and not frozen, in vehicles equipped with mechanical refrigeration". If a hearing is deemed necessary, applicant requests that it be held at New York City or Trenton, N.J. Common control may be involved.

No. MC 139156 (Sub-No. 5), filed April 29, 1977. Applicant: FAITH TRUCK LINES, INC., 14326 So. Wood St., Dixmoor, Ill. 60426. Applicant's representative: Lee J. Schwartz, 33 No. LaSalle St., Suite 2027, Chicago, Ill. 60602. The applicant has filed for authority to engage in operation as a *common carrier*, by motor vehicle, under irregular routes in the transportation of *Muriatic acid*, in rubber lined tank vehicles, from Birmingham, Ala., to Albion, Mich.; Burns Harbor, Ind.; the Chicago, Ill. Commercial Zone; Dwight, Ill.; Juneau, Wisc.; Joliet, Ill., and Niles, Mich., and (2) from Weeks Island, La., to the Chicago, Ill. Commercial Zone and points in Illinois, Indiana, Michigan, Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139336 (Sub-No. 12), filed May 5, 1977. Applicant: Transtates, Inc., 3216 East Westminster, Santa Ana, California 92703. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, California 90014. Applicant sought to operate as a *contract carrier* by motor vehicle over irregular routes in the transportation of: *Retreaded and new aircraft tires and worn aircraft tires*, between South San Francisco, California, and Salina, Kansas, on the one hand, and, on the other, Chicago, Bensenville and Galva, Illinois; Minneapolis and Bloomington, Minnesota; Dallas and Houston, Texas; Seattle and Blaine, Washington; Kansas City, Kans.; and Kansas City, Mo.; Denver, Colorado; and Tulsa, Oklahoma, under a continuing contract or contracts with Thompson Aircraft Tire Corporation located at South San Francisco, California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, California.

No. MC 139824 (Sub-No. 4), filed May 4, 1977. Applicant: BITTERSWEET ENTERPRISES, INC., R.R. 1, Manhattan, Kansas 66502. Applicant's representative: Clyde N. Christey, 515 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete buildings* (except prefabricated buildings when transported on wheeled undercarriages equipped with hitchball connectors), between points in Marshall County, Kans., on the one hand, and, on the other points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 139973 (Sub No. 25), filed April 25, 1977. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, Missouri 65251. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats, meat products, meat by-products*, and articles distributed by meat packing houses as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company located at or near Clovis, New Mexico, to points in Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in MC 138375 and sub numbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Missouri or Chicago, Illinois.

No. MC 140024 (Sub-No. 68), filed May 10, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colorado 80022. Applicant's representative: John F. DeCock, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cheese and cheese products (except in bulk), from Cuba, New York, to Champaign, Illinois and Superior, Nebraska, restricted to traffic originating at the plant site and storage facilities of Leprino Cheese Co., Inc. at Cuba, New York and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colorado.

No. MC 140024 (Sub-No. 69), filed May 10, 1977. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, Colorado 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles). From points in Colorado, to points in California, Nevada, Oregon, Utah, and Washington, restricted to traffic originating at points in Colorado and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held on a consolidated record with similar applications. Hearing is scheduled to commence June 20, 1977.

No. MC 140384 (Sub-No. 3), filed May 13, 1977. Applicant: BERNARD D. HARRIS, 4146 State Street Drive, New Orleans, Louisiana 70125. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, Louisiana 70130. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from the Southern Railway Shed H at New Orleans, Louisiana to Baton Rouge, Denham Springs, Gonzales, Houma, Luling, Morgan City, Raceland, Thibodaux, and Vacherie, Louisiana restricted to traffic having an immediate prior movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 140457 (Sub-No. 3), filed May 9, 1977. Applicant: W.H.P.T. CO., INC., Rt. 8, Box 644, Roanoke, Virginia 24014. Applicant's representative: Michael S. Ferguson, 214 Shenandoah Building, Roanoke, Virginia 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Super Phosphate (a fertilizer ingredient) in bulk, in Dump Truck Vehicles (1) from Roanoke, Virginia, to Winston-Salem, N.C. (2) From Chesapeake and Hopewell, Virginia, to Winston-Salem, N.C. (3) From Winston-Salem, N.C. to Chesapeake, Virginia, & Hopewell, Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Virgina.

No. MC 140842 (Sub-No. 4) (Correction), filed December 15, 1976, published in FEDERAL REGISTER issue of April 7, 1977, and republished as corrected this issue. Applicant: B AND P MOTOR LINES, INC., P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: Charles G. Dennis, Suite 101, 10205 Oasis St., San Antonio, Tex. 78216. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers and air conditioners*, (except water evaporative types), from the plantsite of Friedrich Air Conditioning and Refrigeration Company located at San Antonio, Tex., to points in Florida, under a continuing contract, or contracts, with Friedrich Air Conditioning and Refrigeration Company located at San Antonio, Tex.

NOTE.—The purpose of this republication is to indicate applicant's corrected commodity description. Applicant holds common carrier authority in No. MC 106074 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Antonio, Tex.; Charlotte, N.C.; or Jacksonville, Fla.

No. MC 141652 (Sub-No. 16), filed May 10, 1977. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Wearing apparel*, from Hattiesburg, Miss. to points in California, restricted to the transportation of traffic originating at the facilities of Big Yank Corp. located at Hattiesburg, Miss. and destined to points in California.

NOTE.—Applicant states the purpose of this filing is to convert existing contract carrier authority in MC 138807 to common carrier authority. Applicants hold contract carrier authority in MC 138807 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Jackson, Miss., or Atlanta, Ga.

No. MC 141695 (Sub-No. 6), filed May 9, 1977. Applicant: Oliver Wendell Collins, d.b.a. COLLINS TRUCKING, P.O. Box 185, Jordan Valley, Oregon 97910. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities*, (except commodities in bulk, and commodities which because of size or weight require special equipment to load, unload or transport), between Jordan Valley and Sheaville, Oregon, on the one hand, and, on the other the facilities of the DeLamar Silver Mine, at or near DeLamar (Owyhee County), Idaho.

NOTE.—If a hearing is deemed necessary, it is requested to be held at Boise, Idaho.

No. MC 141804 (Sub-No. 54), filed May 5, 1977. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper labels (plain or printed), gummed paper, corrugated boxes, and materials, parts and supplies*, used in the manufacture thereof (except commodities in bulk and which because of size or weight require special handling or equipment), from Azusa and Monrovia, Calif. to points in Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Delaware, New Jersey, Maryland, Missouri, Georgia, North Carolina, Florida, Louisiana, Kansas and Iowa, restricted to traffic originating at the plant sites and storage facilities utilized by Avery Label.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 57), filed May 11, 1977. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tennessee 37072. Applicant's representative: Frederick J. Coffman, P.O. 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: *Grinding wheels, rubbing stones, abrasive grain, crude abrasives, abrasive paper or cloth, crude silicon carbide, insulating materials, tools, high temperature mortar, metal alloys and cleaning compound other than liquid*, from the plantsite and storage facilities of The Carborundum Company located at or near Niagra Falls, New York and New Carlisle, Indiana, to Compton, Santa Fe Springs, and Los Angeles, California; Phoenix, Arizona; Salt Lake City, Utah; Farmington, New Mexico; Denver, Colorado; Seattle and Vancouver, Washington, restricted to traffic originating at or destined to the above locations and further restricted against commodities in bulk and commodities that because of their size and weight require special equipment for loading or unloading.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Niagara Falls, New York or Lincoln, Nebraska.

No. MC 142559 (Sub-No. 1), filed May 3, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *water heaters* and *water heater parts* and *accessories*, and (2) *materials and supplies* (except commodities in bulk), used in the manufacture or distribution of the commodities in (1) above, between the facilities of the Bradford-White Corporation, at Middleville, Mich., and Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the said facilities of the Bradford-White Corporation.

NOTE.—Common control may be involved. Applicant holds motor contract carrier authority in No. MC 139254; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 142727 (Sub-No. 1), filed May 2, 1977. Applicant: REYNALDO TAMAYO, 4421 N.W. 200th Street, Miami, Fla. 33133. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, Class A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement, and commodities requiring refrigeration), Between all points in Dade County, Fla., lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean, restricted to shipments having a prior or subsequent movement by water.

NOTE.— If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142732 (Sub-No. 1), filed May 3, 1977. Applicant: TIFFANY TRANSPORTATION COMPANY, INC., 3346 NW. 78th Avenue, Miami, Fla. 33122. Applicant's representative: James P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except the transportation of commodities in bulk, Classes A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement), between points in Dade County, Fla., east

V 42 116 JUN 16 77 UM

of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 142765 (Sub-No. 2), filed May 11, 1977. Applicant: AMERICAN TRANSPORTATION, INC., P.O. Box 2379, Trenton, New Jersey 08601. Applicant's representative: Mel P. Booker, Jr., 118 North St. Asaph Street, Alexandria, Virginia 22314. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *such commodities* as are dealt in or sold by direct sale, catalog sale and mail order houses, and *material, equipment and supplies*, used or useful in the manufacture, distribution or sale of products dealt in by direct sale, catalog sale, and mail order houses, between the Facilities of Amway Corporation, at or near Dayton, New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, under a continuing contract, or contracts, with Amway Corporation Regional Distribution System. *Restriction*: Restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Trenton, New Jersey or Washington, D.C.

No. MC 142772 (Sub-No. 2) (Correction), filed March 28, 1977 published in the FEDERAL REGISTER issue of May 19, 1977 and republished as corrected this issue. Applicant: HRDLICKA ENTERPRISES, INC., Route 7, Box 59, Chippewa Falls, Wis. 54729. Applicant's representative: Roderick A. Cameron, 101 N. Broadway, Stanley, Wis. 54768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and roofing slabs, tile and panels*, and *related materials, parts; supplies and accessories*, from Cornell, Wis., (a) to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan; and (b) to points in Wisconsin, restricted in (b) above to shipments having a subsequent movement in interstate commerce by rail or water; and (2) *wood fabricated components* for cabinets and store fixtures, *wood building materials and lumber*, and *materials* used or useful in the transportation and installation of these commodities, from Chippewa Falls, Wis., to points in Illinois, Indiana, Iowa and Minnesota.

NOTE.—The purpose of this republication is to correct territorial description. If a hearing is deemed necessary, applicant requests it be held at either Eau Claire, Wis., or Minneapolis, Minn.

No. MC 142856 (Sub-No. 1), filed May 9, 1977. Applicant: THOMAS A. McKISSICK, 5945 Hunt Club Road, Baltimore, Md. 21227. Applicant's representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., N.W., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products and materials, supplies and equipment*, used in the manufacture and distribution of concrete products, between Jessup, Md., and Manassas, Va., on the one hand, and, on the other, points in Maryland, Delaware, Virginia, W. Virginia, Pennsylvania, New Jersey, North Carolina and the District of Columbia, under a continuing contract with Concrete Pipe & Products Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 142894 (Sub-No. 1) (Correction), filed February 2, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished as corrected this issue. Applicant: Charles Miller, doing business as MILLER DELIVERY SERVICE, 134 Shinkle Street, Findlay, Ohio 45840. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile and truck panels*, from Findlay, Ohio, to Detroit, Detroit Metropolitan Airport, Warren, and Willow Run Airport, Mich., under contract with Findlay Industries, Inc., and Superior Trim Company, restricted to the transportation of shipments weighing 2,000 pounds or less.

NOTE.—The purpose of this correction is to indicate the elimination of restriction (1) and (3), from the commodity description. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 143203 (Sub-No. 1), filed May 10, 1977. Applicant: UNITED TRUCKING COMPANY, a corporation, P.O. Box 1158, Miles City, Montana 59301. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Montana 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages and empty containers*, between Olympia, Washington, Milwaukee, Wisconsin, Vancouver, Washington and Portland, Oregon, on the one hand, and, on the other, Miles City, Montana, under a continuing contract, or contracts, with Olympia Brewing Company and United Beverage Company.

NOTE.—If a hearings is deemed necessary, the applicant requests it be held at either Billings, Mont. or Olympia, Wash.

No. MC 143216, filed May 2, 1977. Applicant: ANDREW DENTON, P.O. Box 5863, Jackson, Mississippi 39208. Applicant's representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, Texas 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, materials*, and *supplies* used in the manufacture of rubber products, paint and plastic (except commodities in bulk, in tank vehicles) from Memphis, Tenn.; Gulfport, Miss.; Mobile, Ala.; and New Orleans, La. to Torrance, Calif., under a continuing contract, or contracts, with The C. P. Hall Company.

NOTE.—If oral hearing is held, applicant requests that it be conducted in Los Angeles or San Francisco, Calif.

No. MC 143224 (Sub-No. 2), filed May 10, 1977. Applicant: LAPEYROUSE GRAIN CORPORATION OF MISSISSIPPI, P.O. Box 41, Lucedale, Mississippi 39452. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Mississippi 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *fertilizer*, bagged and in bulk; (1) from the facilities of Kerr-McGee Chemical Corporation at Cottondale and Pensacola, Florida to points in Mississippi; and (2) from the facilities of Keer-McGee Chemical Corporation at Franklinton, Louisiana to points in Mississippi, under a continuing contract, or contracts with Kerr-McGee Chemical Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jackson, Mississippi and Mobile, Alabama.

No. MC 143234, filed May 9, 1977. Applicant: PHILLIPS BROTHERS WARE HOUSING AND DISTRIBUTING CORPORATION, 25 Thomas Avenue, Baltimore, Md. 21225. Applicant's representative: Walter T. Evans, 7401 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *containers, container chassis and trailers* and (2) *general commodities* (except commodities requiring special equipment, household goods as defined by the Commission, Class A and B explosives and commodities of unusual value): Between Baltimore, Md. and points in the Baltimore, Md. commercial zone, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Baltimore, Md.

No. MC 143251, filed May 6, 1977. Applicant: FOB TRANSPORTATION GROUP, 103 Branch Ave., Red Bank, N.J. 07701. Applicant's representative: Robert A. Russell, 19 Midvale Road, P.O. Box 215, Mountain Lakes, N.J. 07046. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of (1) Paper from Middletown, Ohio to points in Connecticut, Delaware, Georgia, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin, (2) materials and supplies used in the manufacture of paper from the above States to Middletown, Ohio, under a continuing contract or contracts with the Sorg Paper Company of Middletown, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Newark, New Jersey or New York, N.Y.

No. MC 143253, filed May 5, 1977. Applicant: KENNETH J. LOTZ, d/b/a, CONLEY'S TOWING SERVICE, 2100 Bowman Avenue, McKeesport, Pa. 15132. Applicant's representative: Arthur J. Diskin, Esq., 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting wrecked, disabled, or repossessed motor vehicles, trailers and buses (except mobile homes and trailers designed to be drawn by passenger automobiles) and replacement vehicles therefor, by use of wrecker equipment or single car haulers, between points in the counties of Allegheny, Washington, Westmoreland, Fayette, Greene and Somerset, Pa. on the one hand, and on the other, points in Me., Vt., N.H., Mass., Conn., R.I., N.Y., N.J., Del., Md., D.C., Va., N.C., S.C., Ga., Fla., Ky., Tenn., Ala., Ohio, Mich., Ind., and Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Washintgon, D.C.

No. MC 143254, filed May 6, 1977. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, Mass. 02167. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *polymeric products* (except in bulk), and (2) *equipment, materials, and supplies* (except commodities in bulk), used in the manufacture and distribution of polymeric products, between the facilities of Family Products, Inc., in Middlesex and Essex Counties, Mass., and Hillsborough County, N.H., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service performed under a continuing contract or contracts with Family Products, Inc., located at Lowell, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 143255, filed May 6, 1977. Applicant: R & D TRANSPORTATION CORPORATION, P.O. Box 1908, Des Moines, Iowa 50306. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Lumber, lumber products, and building materials; and (2) such commodities as are dealt in or used by distributors of the commodities named in (1) above, between the facilities of Roberts & Dybdahl Inc., at or near Des Moines, Carroll, Waterloo, Marengo, and Ottumwa, Iowa, Sun Prairie and LaCrosse, Wisconsin; Chillicothe, Missouri; Indianapolis, Indiana; Mitchell and Milan, Illinois; Minneapolis, Minnesota; Wichita, Kansas; and Omaha, Nebraska, on the one hand, and, on the other, points in North Dakota, South Dakota, Wyoming, Colorado, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Montana, Mississippi, Alabama, Tennessee, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Arkansas, Missouri, Iowa, and Minnesota. Restricted against the transportation of commodities in bulk, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with Roberts & Dybdahl Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 143256, filed May 10, 1977. Applicant: LAND-O-NOD, INC., 945 Northeast Broadway, Minneapolis, Minnesota 55411. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55411. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and accessories*, from Minneapolis and Cokato, Minnesota, to points in Iowa, Wisconsin, Nebraska, North Dakota, South Dakota, Michigan, and Illinois; (2) *Materials, equipment and supplies* used in the manufacture of furniture and furniture accessories, from points in Illinois, Iowa, Wisconsin, Nebraska, North Dakota, South Dakota and Michigan to Minneapolis and Cokato, Minnesota, under a continuing contract or contracts with Land-O-Nod, Inc., and Richwell Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minnesota.

No. MC 143257, filed May 11, 1977. Applicant: CHAMBERS, LTD., P.O. Box 304, Corydon, Iowa 50060. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: (1) *Grain drying equipment;* (2) *grain bins;* and (3) *parts and accessories* for (1) and (2); and *materials and supplies* (except in bulk) used in the manufacture and distribution of the commodities in (1), (2), and (3), between Corydon, Iowa, on the one hand, and on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Des Moines, Iowa, or Kansas City, Mo.

No. MC 143305, filed May 11, 1977. Applicant: JOHN H. SCHUFER and ROBERT W. HANNA, a partnership, doing business as JOHN & BOB'S AUTO SERVICE, Rt. 66, East Hampton Rd., Portland, Conn. 06480. Applicant's representative: John H. Schufer or Robert W. Hanna (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cars, trucks and other motor vehicle equipment*, between points in Connecticut, on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Hartford or New Haven, Conn.

WATER CARRIER APPLICATION

No. W 104 (Sub-No. 30), 194 filed May 11, 1977. Applicant Union Mechling Corporation, One Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: S. S. Elsen, 370 Lexington Avenue, New York City, N.Y. 10017. Authority sought to operate as a *common carrier* by water: (I) By self-propelled vessels in the transportation of articles exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 100 net tons in weight, component parts thereof, and related equipment in straight loads or mixed loads with materials, supplies and equipment used or useful in the construction, installation and maintenance thereof: (a) Between ports and points on the Pacific Coast and tributary waterways on the one hand, and on the other, ports and points on the Gulf of Mexico Coast and tributary waterways; (b) Between ports and points on the Atlantic Coast and tributary waterways, on the one hand, and on the other, ports and points on the Gulf of Mexico Coast and tributary waterways; (c) Between ports and points in (a) and (b) above, on the one hand, and on the other, ports and points presently served by non-self-propelled vessels with the use of separate towing vessels in Sixteenth Amended Certificate issued in Docket No. W-104; (d) Between ports and points on the Pacific Coast and tributary waterways on the one hand, and on the other, ports and points on the Atlantic Coast and tributary waterways.

NOTE.—The intention is to provide service by self-propelled vessel between points applicant now is authorized to provide transportation of the commodities herein by non self-propelled vessels with the use of separate towing vessels. The states involved in No. W-104 referred to in (c) above are Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at New Orleans, La.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 226), filed May 2, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Arizona 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, (1) between Chicago, Illinois and the junction of Interstate Highway 80 and U.S. Highway 66 (Interstate Highway 55) southwest of Joliet, Illinois, serving all intermediate points: From Chicago over Interstate Highway 94 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 66 (Interstate Highway 55) and return over the same route, (2) between Joliet, Illinois and the junction of Interstate Highway 80 and

V 42 116 JUN 16 77 UM

U.S. Highway 30 serving all intermediate points: From Joliet over U.S. Highway 30 to junction Interstate Highway 80 and return over the same route, (3) between the junction of unnumbered highway and U.S. Highway 66 (portions of which are also designated Interstate Highway 55) at a point approximately one mile north of Mount Olive, Illinois and the junction of U.S. Highway 66 (Interstate Highway 55) and Interstate Highway 70 northeast of Collinsville, Illinois, serving all intermediate points: From the junction of unnumbered highway and U.S. Highway 66 over U.S. Highway 66 to junction Interstate Highway 55, thence over U.S. Highway 66 and Interstate Highway 55 to junction Interstate Highway 70 and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at Chicago, Illinois.

No. MC 41638 (Sub-No. 7), filed May 4, 1977. Applicant: DELUXE TRAILWAYS, INC., 1718 South Clark St., Chicago, Ill. 60616. Applicant's representative: C. Zimmerman, 413 Brown Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Decatur, Ill., and Fullerton, Ill.: From Decatur over U.S. Highway 51 to Clinton, Ill., thence over Illinois Highway 54 to Fullerton, Ill. and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Decatur or Springfield, Ill.

No. MC 99581 (Sub-No. 4), filed May 5, 1977. Applicant: HORACE SIMMONS, doing business as VACA VALLEY BUS LINES, 321 State Street, Fairfield, California 94533. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, California 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *passengers and baggage of passengers* in the same vehicle with passengers, in special and charter operations, from and to the following points or areas: Beginning and ending at points in Contra Costa County and those points in Alameda County on, north and east of the following highways including all points within 3 miles of said highways: Interstate Highway 680 between the Alameda-Contra Costa County Boundary Line and junction with State Highway 84; State Highway 84, between junction with Interstate Highway 680 and junction with Tesla Road; Tesla Road, between junction with State Highway 84 and the Alameda-San Joaquin County Boundary Line; and Dublin and Livermore, California; and extending to points in the United States, including Alaska (except Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 143252, filed May 5, 1977. Applicant: JOHN WILLIAM JIGGETTS, doing business as JIGGETTS CHARTERED BUS SERVICE, Post Office Box 18, Palmer Springs, Virginia 23957. Applicant's representative: Thomas B. Throckmorton, 1400 Ross Building, Richmond, Virginia 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special and round trip operations, beginning and ending at Mecklenburg, Nottoway, Greenville and Lunenburg Counties, Virginia, and Vance and Warren Counties, N.C., and extending to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Richmond, Virginia.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before July 18, 1977. Such protest shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-12881 (Amendment) (CASSENS TRANSPORT COMPANY—Purchase—Square Deal Cartage Company, Gate City Transport, et al.) published in the July 29, 1976 issue of the FEDERAL REGISTER. By notice served May 27, 1977, the Commission upheld the decision made in the initial decision by the Administrative Law Judge. The interstate operating rights initially sought to be purchased are held under certificates of public convenience and necessity issued to Square Deal in MC 2765 and various subs thereunder, and to Gate City in MC 61623, and various subs thereunder. After notice of the application to acquire the foregoing authority was published in the FEDERAL REGISTER, the Commission on December 10, 1976 issued an additional certificate of public convenience and necessity to Gate City in MC 61623 (Sub-No. 16) which is as follows: Motor homes, in secondary movements, in truckaway service, when moving in mixed loads with automobiles and trucks (otherwise authorized), except Chrysler Corporation products, as a common carrier over irregular routes between points in Ohio. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with carrier's other irregular route authority unless specifically authorized herein. General restrictions: The authority granted herein (a) to the extent that any one portion duplicates any other portion or is duplicative of any authority heretofore granted to or now held by the carrier, shall not be severed from common control by sale, lease, transfer of stock, or otherwise, and (b) may not be tacked or joined with the carrier's other irregular route authority.

No. MC-F-13229. Authority sought for control by THE FIRST GRAY LINE WEST CORPORATION, 3550 Wilshire Boulevard, Suite 1128, Los Angeles, CA 90010, of The Gray Line Tours Company, 1207 West Third Street, and for acquisition by The First Gray Line Corporation, who in turn is controlled by Mr. Henry F. Burroughs, Mr. James R. Burroughs and Ms. Mary Anne Doms, as Trustee for the estates of Mr. Henry F. Burroughs and Mrs. Henry F. Burroughs of 3550 Wilshire Blvd., Suite 1128, Los Angeles, CA 90010. Applicants' attorney: Warren N. Grossman, 606 South Olive, Suite 825, Los Angeles, CA 90014. Operating rights sought to be controlled: *Pending: Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, as a *common carrier* over irregular routes beginning and ending at points in Los Angeles and Orange Counties, Calif., and extending to the port of entry (located in California) along the United States-Mexico International Boundary line at or near the southernmost terminus of Interstate Highway 5; visiting such points of sightseeing interest en route as San Juan Capistrano, San Clemente, LaJolla and Coronado, Calif. Applicant is a no record carrier, however, it is affiliated with Gray Line, Inc., (MC 453), which is authorized to operate as a common carrier in District of Columbia, Maryland, Virginia, West Virginia, Delaware, New Jersey, and Pennsylvania; and Gray Line Tours of Southern Nevada (MC-127564), which is authorized to operate in Nevada, Arizona, and California. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Applicant presently owns 100 percent of the issued and outstanding stock of The Gray Line Tours Company. By Initial Decision No. MC 141460 (Sub-No. 1), dated February 16, 1977, the latter, presently a noncarrier was issued a Certificate of Public Convenience and Necessity, subject to the filing of the instant application. Said Initial Decision was subsequently modified by "Stay Decision and Order," dated March 23, 1977.

No. MC-F-13230. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO, 80223, of a portion of the operating rights of Tischler Express Inc., 8408 Elliston Drive, Philadelphia, PA, 19118, and for acquisition by United Transportation Investment Company, David H. Ratner, 310 South Michigan

Avenue, Chicago, IL, 60604, of control of such rights through the purchase. Applicants' attorneys: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL, 60603, and Ira Megdal, Hyland, Davis and Reberkenny, Box 459, Cherry Hill, N.J., 08002. Operating rights sought to be transferred: Glassware, as a common carrier over irregular routes from Philadelphia, Pa. to Wilmington, Dela., serving no intermediate points; from Philadelphia over U.S. Highway 13 to Wilmington, and return over the same route, with no transportation for compensation except as otherwise authorized; from Philadelphia over U.S. Highway 1 to junction U.S. Highway 202, thence over U.S. Highway 202 to Wilmington, and return over the same route with no transportation for compensation except as otherwise authorized, glassware, chinaware, and advertising matter, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Iowa, Kansas, Colorado, Oklahoma, New Mexico, Arizona, California, Wyoming, Utah, Nebraska, Missouri, Texas, Nevada, Louisiana Virginia, Maryland, Arkansas, Florida, New York, Tennessee, Kentucky, Ohio, Michigan, Washington, Idaho, Oregon, Montana, New Jersey, Deleaware and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13231. Authority sought for purchase by ELFRINK TRUCK LINES, INC., P.O. Box 92, Advance, MO 63730, of a portion of the operating rights and property of RIGHTER TRUCKING CO., INC., 1238 Meadowbrook, Cape Girardeau, MO 63701, and for acquisition by EDWARD ELFRINK, 508 Berchman, Jackson, MO 63755, Edward Vandeven, Bloomfield, MO 63825, and Theodore Elfrink, 6804 Fyler, St. Louis, MO 63139, of control of such rights through the purchase. Applicant's attorney: Herman Huber, 101 E. High Street, Jefferson City, MO 65101. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over *regular* routes between St. Louis, Mo., and Cape Girardeau, Mo., service is authorized to and from intermediate points except those between East St. Louis and Cape Girardeau; and to and from the off-route points of Tamms and National Stockyards, Ill.; between junction Illinois Highways 3 and 146, and junction Illinois Highway 3 and U.S. Highway 51, service is not authorized to or from intermediate points, between Mound City, Ill., and Sikoston, Mo., service is authorized to and from all intermediate points; General commodities with exceptions as a common carrier over irregular routes between points and places in Mississippi County, Mo., on the one hand, and, on the other, points in which service is authorized in connection with the regular routes described above. General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over an alternate regular route, for operating convenience only, in connection with carrier's presently authorized regular route operations, between Chester, Ill., and Sikeston, Mo., service is not authorized to or from intermediate points, but service is authorized at Chester, Ill., for the purpose of joinder only; general commodities, with exceptions as a common carrier over regular routes serving the plant site of the West Virginia Pulp and Paper Company near Wickliffe, Ky., as an off-route point in connection with, carrier's authorized regular-route operations; ground silica, in bags, as a common carrier over irregular routes from Tamms, Ill., to points in Florida, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Missouri, Illinois and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13237. Authority sought for merger by MIDWEST EMERY FREIGHT SYSTEM, INC., 7100 West Center Road, Omaha, NE 68106, of the operating rights and properties of LASKAS MOTOR LINES, INC., P.O. Box 2828, South Bend, IN 46680, and for acquisition by RENTAR INDUSTRIES, INC., 7005 South Pulaski Road, Chicago, IL 60629, of control of such rights through the merger. Applicants' attorney: Arnold Burke, Burke, Kerwin & Towle, LaSalle Plaza, 180 N. LaSalle Street, Chicago, IL 60601. Operating rights sought to be merged: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Hartford, Conn., and Perth Amboy, N.J., Between Hartford, Conn., and Waterbury, Conn., between Derby, Conn., and New Haven, Conn., between Naugatuck, Conn., and Stratford, Conn., between Hartford, Conn., and Boston, Mass., between Manchester, Conn., and Boston, Mass., with restrictions, between Springfield, Mass., and Meriden, Conn., between Northampton, Mass., and East Hartford, Conn., serving all intermediate points; and the off-route points of Chicopee, Easthampton, Greenfield, Indian Orchard, Ludlow, North Adams, Palmer, Pittsfield, Three Rivers and Turners Falls, Mass.; *General commodities*, with exceptions, over irregular routes, between points and places on the above-designated regular routes, including intermediate and off-route points, on the one hand, and, on the other, Bethel, Danbury, Danielson, Fitchville, Hanover, Jewett City, Mystic, Manchester, Norwich, New London, Sandy Hook, Southbury, Torrington, Taftville, Wauregan, Willimantic, Wilton and Winsted, Conn., Mineola, N.Y., and Bound Brook, Clifton, Carlstadt, Dunellen, Englewood, Guttenberg, Garfield, Hawthorne, Lodi, Maplewood, Montclair, Morristown, New Brunswick, Nutley, Passaic, Paterson, Plainfield, Ridgewood, Union City and West New York, N.J., from Hartford, Conn., to points in Massachusetts not authorized as intermediate or off-route points in connection with regular-route operations over the first three routes above. Vendee is authorized to operate as a common carrier in all the States in the United States including District of Columbia but excluding Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MIDWEST EMERY FREIGHT SYSTEM, INC., was granted control of LASKAS MOTOR LINES, INC., in MC-F-11193, served October 30, 1972.

No. MC-F-13239. Authority sought for purchase by B & L TRUCK LINES, INC. (non-carrier), wholly owned by BRAZOS, INC. which is controlled by LOYD LANOTTE, BILL BARNETT AND NICOLAS L LANOTTE, 339 East 24th Street, Lubbock, TX., 79404, of the operating rights and property W. D. SMITH TRUCK LINE, INC., Highway 71 North, De Queen, Ark., 71832, and for acquisition by LOYD LANOTTE and NICOLAS LANOTTE, 339 34th St., Lubbock, TX, 79404, and BILL BARNETT, Drawer F, Levelland, TX., 79336, of control of such rights through the purchase. Applicants' attorney: Mr. John C. Sims, 1607 Broadway, P.O. Box 2976, Lubbock, TX., 79408. Operating rights sought to be transferred: Lumber and Lumber products, and windows and door complete with glass panes, pressure-treated forest products, asphalt or composition lumber, paper and waste paper, tape, joint cement and joint systems used in the manufacture and installation of gypsum board, charcoal briquettes, composition or asphalt lumber, particleboard, plywood, paper, paper products, and linerboard, pressure-treated lumber, posts, poles and piling, milk carton, insulating materials, with certain specified exceptions, and numerous other specified commodities, as a common carrer over irregular routes, from, to, and between specified points in all the States in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC-103498 and Subs numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. B & L TRUCK LINES, INC., holds no authority from this Commission. However, it is wholly owned by BRAZOS, INC. which in turn owns 100 percent of BRAZOS TRANSPORT, INC. BRAZOS TRANSPORT, INC. is authorized to operate as a common carrier in Texas, Arkansas, Louisiana, New Mexico, Oklahoma, Kansas, Colorado, Missouri, Arizona Illinois, Iowa, Mississippi, Nebraska, Tennessee, Utah, Montana, North Dakota, South Dakota, Wisconsin, Wyoming, Minnesota, Indiana, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a(b).

JUN 16 77
UM

No. MC–F–13241. Authority sought for purchase by SPRINGFIELD EXPRESS, INC., U.S. Highway 41, North, Springfield, TN., 37172, of a portion of the operating rights of OWENSBORO EXPRESS, INC., Alsop Lane, Owensboro, KY. 42311, and for acquisition by DAVID P. FISHER, U.S. Highway 41, North, such rights through the purchase. Applicants' Attorney: Walter Harwood, P.O. Box 15214, Nashville, TN., 37215. Operating rights sought to be transferred: General commodities (except classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk, in tank vehicles), as a common carrier over regular routes between Owensboro, Ky., and Nashville, Tenn., serving no intermediate points; From Owensboro over U.S. Highway 431 to Springfield, Tenn., thence over U.S. Highway 41 to Nashville, and return over the same route. Between Owensboro, Ky., and Nashville, Tenn., as an alternate route for operating convenience only in connection with the route described above, serving no intermediate points: From Ownesboro over U.S. Highway 231 to junction Interstate Highway 65 near Bowling Green, Ky., and thence over Interstate Highway 65 to Nashville, and return over the same route, with restrictions. Vendee is authorized to operate as a common carrier in Indiana, Kentucky, and Tennessee. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13244. Authority sought for purchase by GAIL R. KALDENBERG, ABC CARTAGE, 129 SE 18th Street, Des Moines, IA., 50318, of a portion of the operating rights of RINGSBY TRUCK LINES, INC., 3980 Quebec Street, Denver, CO., 80207, and for acquisition by GAIL R. KALDENBERG, 129 SE 18th St., Des Moines, IA. 50318, of control of such rights through the purchase. Applicants' attorney: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA. 50309. Operating rights sought to be transferred: General commodities, except those of unusual value, Class A and B explosives, commodities in bulk, and those requiring special equipment, as a common carrier over irregular routes from Des Moines, Iowa to points in Iowa within 100 miles of Des Moines, with no transportation for compensation or return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Iowa, Colorado, California, Wyoming, Nebraska, Illinois, Nevada, Utah, Missouri, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia, Kansas, New Mexico, Minnesota, Wisconsin, Arizona, Idaho, Montana, Oregon, Washington, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13246. Authority sought for purchase by ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, MA., 02351 of the operating rights of BLACKHAWK MOTOR LINES, INC., P.O. Box 76, Charlestown (Boston), MA., 02129, and for by PIERCE ENTERPRISES, INC., also of Abington, MA., 02351, of control of such rights through the purchase. Applicants' attorneys: David M. Marshall, 135 State St., Springfield, MA., 01103, and James E. Mahoney, 84 State St., Boston, MA., 02129. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–121196 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a common carrier in Massachusetts and Rhode Island. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 63871 (Sub-No. 5), is a directly related matter.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 18, 1977.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 1515 (Deviation No. 729), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed June 2, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Alternate U.S. Highway 41 and Interstate Highway 24 north of Ft. Campbell, Ky., over Interstate Highway 24 to Nashville, Tenn., with the following access routes: (1) From Clarksville, Tenn., over Tennessee Highway 76 to junction Interstate Highway 24, and (2) From Pleasant View, Tenn., over Tennessee Highway 49 to junction Interstate Highway 24 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Alternate U.S. Highway 41 and Interstate Highway 24 north of Ft. Campbell, Ky., over Alternate U.S. Highway 41 to Nashville, Tenn., and return over the same route.

No. MC 2202 (Deviation No. 158), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed June 6, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bonham, Tex., over Texas Highway 78 to the Texas-Oklahoma State line, thence over Oklahoma Highway 78 to Durant, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Bonham, Tex., over U.S. Highway 82 to junction U.S. Highway 69, thence over U.S. Highway 69 to Durant, Okla., and return over the same route.

No. MC 2202 (Deviation No. 159), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed June 6, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Springfield, Mo., over Missouri Highway 13 to junction U.S. Highway 54, thence over U.S. Highway 54 to Iola, Kans., and return over the same route for operating convenience only. The Notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Springfield, Mo., over U.S. Highway 66 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 169, thence over U.S. Highway 169 to Iola, Kans., and return over the same route.

No. MC 29555 (Deviation No. 18), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, Minn. 55104, filed June 2, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Minneapolis/St. Paul, Minn., over Interstate Highway 35 to junction Interstate Highway 80 near Des Moines, Iowa, thence over Interstate Highway 80 to junction U.S. Highway 59, thence south over U.S. Highway 59 to junction Interstate Highway 29 near Craig, Mo., thence over Interstate Highway 29 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Minneapolis/St. Paul, Minn., over U.S. Highway 65 to Mason City, Iowa, thence over U.S. Highway 18 to Charles City, Iowa, thence over U.S. Highway 218 to Waterloo, Iowa, thence over U.S. Highway 63 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 275 in Council Bluffs, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, Mo., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 77–181–MF/O, filed May 16, 1977. Applicant: Roy D. Earnest, doing business as DAVE EARNEST TRUCKING, Box 60, Craig, Alaska 99921. Applicant's representative: George L. Gucker, 320 Bawden St. No. 318, Ketchikan, Alaska 99901. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Common carrier permit authority in intrastate for truck hauling of *General commodities* (except those of unusual value and excluding explosives), between, from and to all points or places on Prince of Wales Island, Alaska, over irregular routes or regular routes on all road areas of Prince of Wales Island, Alaska, non-scheduled. Also, for the same commodities to pick up and send said interstate commodities arriving or going by boat, ferry or plane from or to Seattle or other states, or by boat, ferry or air from or to Ketchikan or other Alaska cities or other interstate carriers to or from Prince of Wales Island to be delivered to the recipient or sent by shipper. Intrastate, interstate or foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Alaska Public Utilities Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

Maine Docket No. X–71 (Correction), filed May 9, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, and republished as corrected this issue. Applicant: DUGAS EXPRESS CO., 101 Knox Street, Lewiston, Maine 04240. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Applicant seeks to amend Maine Common Carrier Certificate No. 68 by adding authority to extend its present service to include service (1) Between Portland-South Portland and Burnham, passing through and serving Lewiston, Canaan, Pittsfield, Palmyra, Newport, East Newport, Detroit, Etna, Carmel, Herman, Bangor, Orono, Veazie, Brewer, Holden, South Brewer, Hampden, Plymouth, with pick up and delivery service between all points in both directions. (2) Between Portland-South Portland and Moose River, passing through and serving Lewiston, Norridgewock, Mercer, Skowhegan, Madison, Anson, North Anson, Embden, Solon, Bingham, Moscow, Caratunk, West Forks, Lake Parlin, Jackman, with pick up and delivery service between all points in both directions. (3) Between Portland-South Portland and Belgrade, passing through and serving Lewiston, Riverside, Vassalboro, East Vassalboro, North Vassalboro, China, Winslow, Waterville, Benton, Fairfield, Clinton, Hinckley, Shawmut, Oakland, North Sidney, Sidney, Larone, Smithfield, Rome, North Belgrade, with pick up and delivery service between all points in both directions. (4) Between Portland-South Portland and Fayette, passing through and serving Lewiston, Sabattus, Litchfield, Leeds Junction, Wales, Monmouth, Litchfield Corner, West Gardiner, Gardiner, South Gardiner, Farmingdale, Pittston, Randolph, Chelsea, Togus, Hallowell, Augusta, Manchester, Winthrop, Greene, Leeds, North Leeds, Wayne, North Wayne, Readfield, Kents Hill, with pick up and delivery service betwen all points in both directions.

(5) Between Portland-South Portland and Vienna, passing through and serving Lewiston, Turner, Turner Center, North Turner, Livermore, East Livermore, Hartford, Canton, Gibertville, East Peru, North Livermore, Livermore Falls, Chisholm, East Dixfield, North Jay, Dryden, Jay, Wilton, East Wilton, Farmington Falls, Farmington, North Chesterville, New Sharon, Mount Vernon, Belgrade Lakes, with pick up and delivery service between all points in both directions; and (6) Between Portland-South Portland and Peru, passing through and serving Lewiston, Mechanic Falls, Minot, Welchville, West Minot, Hebron, South Paris, Paris, Norway, Buckfield, East Sumner, Sumner, West Sumner, West Woodstock, West Paris, Bryant Pond, North Woodstock, Locke Mills, Bethel, Milton, Abbotts Mill, Rumford, Mexico, Dixfield, West Peru, with pick up and delivery service between all points in both directions.

NOTE.—The purpose of this correction is to indicate the correct authority sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Main Public Utilities Commission, State House Anner, Capitol Shopping Center, Augusta, Maine 04330 and should not be directed to the Interstate Commerce Commission.

No. MC 4610 (Sub-No. 8), (Partial Correction), filed February 24, 1977, published in the FEDERAL REGISTER issue of March 24, 1977, and republished as corrected this issue. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 11080, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. NOTE.—The purpose of this partial correction is to indicate the correct territory sought in paragraph (3) to read: Between the junction of Interstate Highway 40 and Interstate Highway 81 (in Jefferson County) and Newport, Tenn.: From junction Interstate Highway 40 and Interstate Highway 81 to junction with U.S. Highway 411, thence via U.S. Highway 411 to Newport, Tenn., and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 40 and Interstate Highway 81 for joinder only, the rest remains the same. Hearing: Date, time and place was scheduled for May 23, 1977, at 9 a.m. in the Conference Room, C&C Bank, White Pine, Tenn. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Room C1–111 Cordell Hull Building, Nashville, Tenn. 37129 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77–17053 Filed 6–15–77;8:45 am]

JUN 16 77 UM

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Commodity Futures Trading Commission	1
Consumer Product Safety Commission	8, 9
Federal Election Commission	5
Federal Home Loan Bank Board	4
Federal Maritime Commission	11
Federal Power Commission	10
National Transportation Safety Board	2, 3
Securities and Exchange Commission	6, 7

1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 a.m., June 16, 1977.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-660-77 Filed 6-13-77;4:08 pm]

2

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 9:30 a.m., Thursday, June 23, 1977 (NM-77-17).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. *Letter* to Air Line Pilots Association re reconsideration of probable cause and revised accident report, Pan American B-707, Pago Pago, American Samoa, January 30, 1974. 2. *Recommendation* to Equitable Gas Co. and Materials Transportation Bureau re pipeline accident in Mononghela, Pennsylvania, March 13, 1977. 3. *Letter* to Mr. John Halligan re reconsideration of probable cause, Cessna 337, N5464S, Augusta, Georgia, July 6, 1976.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-661-77 Filed 6-13-77;5:07 pm]

3

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

TIME AND DATE: 2:30 p.m., Thursday, June 23, 1977 (NM-77-18).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. *Opinion and Order—Administrator* v. *Apte*, Dkt. SE-3281; Disposition of Administrator's Appeal.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-755-4930.

[S-662-77 Filed 6-13-77;5:07 pm]

4

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 9:30 a.m., June 22, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED: Designation of Elective Directorships for Federal Home Loan Banks, 1977 Election.

Application for Modification of Condition and Extension of Time—Hayward Savings and Loan Association, Hayward, California.

Branch Office Application—South Suburban Federal Savings and Loan Association, Flossmoor, Illinois.

Consideration of Proposed Major Loan Information System (MLIS).

Consideration of Final Amendments Relating to Participation Interests in Large Pools of Loans.

Consideration of Final Amendment Relating to Three-Year Term to Maturity on IRA and Keogh Accounts.

Consideration of Final Amendments Relating to Alteration, Repair, or Improvement Loans.

EFTS-RSU Application—P.O.S. Services, Inc., Minneapolis, Minnesota.

Branch Office Application—Lincoln Federal Savings and Loan Association of Owensboro, Owensboro, Kentucky.

No. 34, June 13, 1977.

[S-663-77 Filed 6-14-77;10:02 pm]

5

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Wednesday, June 22, 1977, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, phone 202-523-4065.

MARJORIE W EMMONS,
Secretary to the Commission.

[S-664-77 Filed 6-14-77;10:02 am]

6

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be printed on June 13, 1977).

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 16, 1977.

STATUS: Open meeting.

CHANGES IN THE MEETING: Additional item to be considered on the agenda.

Additional discussion of the Commission's consideration of the publication for comment of a proposed amendment to Rule 3-07 of Regulation S-X to substantially eliminate the practice of accounting for certain transactions as adjustments of prior period earnings. This item was discussed previously at the open meeting held by the Commission on June 9, 1977.

Commissioners Loomis, Evans and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 13, 1977.

[S-665-77; Filed 6-14-77;10:18 am]

7

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: June 14, 1977, 4 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT MATTER TO BE CONSIDERED: Post-oral argument discussion by the Commission.

Commissioners Loomis, Evans and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 13, 1977.

[S-666-77 Filed 6-14-77;10:18 am]

8

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: June 23, 1977 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: 9.30 a.m.—*Baby Rattles*. The Commission will consider whether or not to regulate certain baby rattles and under what regulatory authority. 2:00 p.m.—*Management Budget Review*. This is one of a series of briefings on the zero-based budget process for FY 79.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, telephone 202-634-7700.

[S-667-77 Filed 6-14-77;10:27 am]

9

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE: June 24, 1977 9:30 a.m.

LOCATION: 3rd Floor Hearing Room, 1111 18th St., N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: *Management Budget Review*. The Commission will continue the zero-based budget review process for FY 79.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., N.W., Washington, D.C. 20207, telephone 202-634-7700.

[S-668-77 Filed 6-14-77;10:27 am]

10

AGENCY HOLDING THE MEETING: Federal Power Commission.

TIME AND DATE: 9:30 a.m., June 21, 1977.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART I (9:30 A.M.)

P-1.—Docket No. E-8264, Maine Public Service Company.

P-2.—Docket No. ER77-311, Utah Power & Light Company.

P-3.—Docket No. ER77-388, Lake Superior District Power Company.

P-4.—Docket No. ER77-408, ER77-409, ER76-410, Idaho Power Company.

MISCELLANEOUS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART I

M-1.—Docket No. RM75-29, fuel adjustment provisions in FPC rate schedules.

M-2.—Reserved.

M-3.—Reserved.

M-4.—Docket No. R-424, accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes.

GAS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART I

G-1.—Docket No. RP76-159, Columbia Gas Transmission Corporation.

G-2.—Docket No. RP77-8-1, United Gas Pipe Line Company (Southland Oil Company).

G-3.—Docket No. RI77-3, Panhandle Production Company.

G-4.—Docket No. RI77-30, Karis Oil Company, Inc.

G-5.—Docket No. CI76-806, Pennzoil Offshore Gas Operators, Inc.

G-6.—Docket No. CI77-298, Tenneco Inc., Amoco Production Company, et al.

G-7.—Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.

G-8.—Docket Nos. CP74-138, CP74-139, Trunkline LNG Company. Docket No. CP74-140, Trunkline Gas Company.

G-9.—Docket Nos. CP75-17 and CP75-277, Transwestern Pipeline Company.

G-10.—Tennessee Gas Pipeline Company, Midwestern Gas Transmission Company.

G-11.—Smyrna, Tennessee, Loretto, Tennessee.

POWER AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART II

CP-1.—Docket No. ER77-344, Public Service Company of Oklahoma.

CP-2.—Docket No. ER77-397, Louisville Gas & Electric Company.

CP-3.—Docket No. ER77-214, Ohio Power Company and Ohio Edison Company.

CP-4.—Docket Nos. ER76-250, ER77-320, Union Electric Company, Central Illinois Public Service Company, Illinois Power Company.

CP-5.—Docket No. ES77-32, Upeer Peninsula Power Company.

CP-6.—Docket No. ES77-39, Iowa Power and Light Company.

CP-7.—Docket No. ES77-37, Northwestern Public Service Company.

CP-8.—(A) Project No. 3270, Pensylvania Electric Company. (B) Project No. 2370, Pennsylvania Electric Company.

CP-9.—Project Nos. 2498 and 2499, Nekoosa Paper Inc., Potsdam Paper Corporation.

MISCELLANEOUS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART II

CM-1.—Utah Power & Light Company.

CM-2.—Commission minutes.

GAS AGENDA, 7635TH MEETING—JUNE 21, 1977, REGULAR MEETING—PART II

CG-1.—Docket No. RP77-64, Valley Gas Transmission, Inc.

CG-2.—Docket No. CI77-355, Chevron U.S.A. Inc.

CG-3.—Docket No. CI77-246, Victory Petroleum Company.

CG-4.—Docket No. CI76-195, Marathon Oil Company.

CG-5.—Docket No. CP77-327, Natural Gas Pipeline Company of America, Columbia Gulf Transmission Company, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

CG-6.—Docket No. CP77-323, South Texas Natural Gas Gathering Company.

KENNETH F. PLUMB,
Secretary.

[S-669-77 Filed 6-14-77;10:53 am]

11

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10 a.m., June 22, 1977.

PLACE: Room 12126, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Report of Notation Items Disposed of During May, 1977, pursuant to Commission Procedures.

2. Report on times shortened for submitting comments on section 15 agreements during the month of May, 1977, pursuant to delegated authority.

3. Report on Applications for Admission to Practice approved during the month of May, 1977, pursuant to delegated authority.

4. Assignment of Informal Dockets during the month of May, 1977, pursuant to delegated authority.

5. Agreements Nos. 8054-14 and 9502-9: Modifications of the South and East Africa/U.S.A. Conference and the United States/South & East Africa Conference Agreements to increase the

V42 N116 JUN 16 77 UM

amount of admission fee for membership from $5,000 to $25,000.

6. Agreement No. 8210–35: Modification of the Continental North Atlantic Westbound Freight Conference Agreement; prohibit agents of member lines from giving unauthorized conclusions to shippers.

7. Docket No. 73–64—Additional Provisions and Reporting Requirements Applicable to Self-Policing Systems Under General Order 7—Possible Discontinuance of Proceeding.

8. 9972–5—Application for two-year extension of the Mediterranean Discussion Agreement among carriers in the U.S./Mediterranean Ports trade.

9. Docket No. 74–45—Agreement No. 80005–7—Between Members of the New York Terminal Conference NYTC)—Request for Oral Argument.

10. Docket No. 75–45—Madeplac S.A. Industria De Madeiras v. L. Figueiredo Navegacao, S.A. A/K/A Frota Amazonica, S.A.—Request for Oral Argument.

11. Docket No. 76–10—Joy Manufacturing Co. v. Lykes Bros. Steamship Co., Inc.—Request for Oral Argument.

12. Docket No. 74–10—Freight Forwarders Bids on Government Shipments at United States Ports—Possible Violations of the Shipping Act, 1916, and General Order 4—Petition for Partial Reconsideration of Report and Order served March 18, 1977.

Portions closed to the public:

1. E. L. Mobley, Inc.—FMC Independent Ocean Freight Forwarder License No. 1064–R—Qualification for Continuance of License.

2. Docket No. 76–42—Heavy Lift Practices and Charges of Hapag-Lloyd Aktiengesellschaft, the North Atlantic Westbound Freight Assoc. and its Member Lines and Europe Canada Lakes Line (Ernst Russ) in certain United Kingdom Trades—Review of Initial Decision of Administrative Law Judge served May 24, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary (202–523–5727).

[S–670–77 Filed 6–14–77;10:58 am]

federal register

THURSDAY, JUNE 16, 1977

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

AIRPORT SECURITY

Revision of Regulations

V 42 N 116 JUN 16 77 UM

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 107]

[Docket No. 16245; Notice No. 77-8]

AIRPORT SECURITY

Proposed Revision of Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making. Withdrawal of Notices 73-30 and 76-13.

SUMMARY: This notice of proposed rule making (NPRM) proposes to revise those Federal Aviation Regulations which are designed to ensure the security of certain airports serving scheduled air carriers. The experience of airport operators and the FAA has indicated that these regulations are in need of clarification. In addition, it is necessary to add certain requirements, including uniform standards for law enforcement personnel, which the Congress has directed the FAA to adopt.

DATES: Comments must be received on or before: August 15, 1977.

ADDRESS: Send comments in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16245, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Milford T. Conarroe, Ground Operations Security Division (ACS-300), Civil Aviation Security Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-8768.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, (AGC-24), 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before August 15, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to:

Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center (APA-430), 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-8058.

Each communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Part 107 (Airport Security) of the Federal Aviation Regulations (14 CFR Part 107) was adopted on March 16, 1972 (37 FR 5689; March 18, 1972). It was adopted to provide aviation security standards for operators of airports serving certain scheduled air carriers that would meet the growing need for aviation security measures to protect persons and property.

On December 5, 1972, Part 107 was amended by Amendment 107-1 (37 FR 25934; December 6, 1972) to require that operators of airports covered by Part 107 provide for the presence of armed law enforcement personnel prior to and throughout the screening of passengers before boarding. The amendment was issued in response to the direction of the President that the Civil Aviation Security Program be strengthened to meet the escalating threats of hijacking, extortion, sabotage, and terrorism against U.S. civil air commerce.

The purpose of this revision is to update and clarify Part 107, and to provide more effective protection of persons and property in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy. In addition, it is proposed to add certain new provisions to Part 107 which are needed to implement specific requirements of section 316 of the Federal Aviation Act of 1958 (49 U.S.C. 1357).

The applicability of Part 107 is presently described in § 107.1(a) as "aviation security rules for the operators of airports regularly serving scheduled air carriers holding certificates of public convenience and necessity issued by the Civil Aeronautics Board and commercial operators engaging in common carriage covered by § 121.7, of this chapter, operating large aircraft other than helicopters." The FAA believes that this statement of applicability should be revised to make it clear that Part 107 is intended to apply to airports regularly serving air carriers and commercial operators required by § 121.538 or § 129.25 of the chapter to have their own security programs. This would not be a substantive change in the applicability of the part.

In addition, it is proposed to expand the applicability of Part 107 to cover each person who is on an airport subject to this part. This expansion is necessary because of a new provision proposed herein regarding the unlawful carriage of certain weapons that would apply directly to these persons.

Experience has indicated that the definitions now contained in § 107.1 are in need of clarification and modification. Without expanding the meaning of the term "airport operator" as it is presently used in Part 107, it is proposed to define "airport operator" as a person who operates an airport regularly serving a certificate holder or permit holder to whom § 121.538 or § 129.25 applies. It should be noted that "person", as defined in § 1.1, is not limited to an individual but includes a firm, partnership, corporation, company, association, or governmental entity, as well as a trustee, receiver, assignee, or similar representative of any of them.

"Air operations area" is presently defined as "any area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft." This definition would be revised by substituting the phrase "designed and used" for the phrase "used or intended to be used." This would make it clear that abandoned runways and taxiways are not part of an air operations area since they are not, in fact, used for their intended use. In addition, "airplane" would be substituted for "aircraft" in the definition to specifically exclude areas designed and used exclusively for helicopter operations.

The definition of "law enforcement officer" would be revised to limit it to the essential elements of his authority and to clarify his power of arrest. Under the proposed definition, a law enforcement officer would have to be "[A]uthorized to arrest for the violation, either in or out of his presence, of any criminal law of the State and local jurisdictions in which the airport where he is assigned to duty is located * * *." In the case of an airport operated by the Federal government including airports operated by the military, or other Federal agencies, such as Washington National Airport and Dulles International Airport, the criminal law of the local jurisdiction would include Federal criminal law. Certain operational requirements now in the definition would be transferred to the proposed new § 107.17.

A definition would also be added to § 107.1 to indicate that "the Regional Director" referred to in Part 107 is the Director of the FAA region in which the airport is located.

It is proposed to delete as unnecessary § 107.1(d) which deals with military installations having joint-use agreements with civil agencies. The present provisions are not sufficiently broad to cover all of the airports jointly used by government and civil agencies. Moreover, experience has indicated that identification of air operations areas on these airports is generally not a problem.

Section 107.3 presently contains the security program and related requirements for airport operators. It is proposed to revise that section to provide a more specific statement of the material that must be included in the airport security program which each airport operator must adopt and carry out. The requirement in § 107.3 for a master security plan would be deleted since these plans were originally required only to provide for temporary security measures to protect air operations areas while comprehensive security programs were

being developed and to provide a timetable for their development. Moreover, the elimination of the requirement for these plans would avoid some confusion that has arisen between them and airport master plans which are the subject of Part 152 (Airport Aid Program Contents; 14 CFR Part 152).

Revised § 107.3(a)(1) would set forth the basic standard which each airport security program must meet; namely, that it must provide for the safety of persons and property traveling in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy. This standard is mandated by section 316 of the Act which requires the Federal Aviation Administrator to prescribe reasonable rules and regulations requiring practices, methods, and procedures to accomplish this end.

Paragraph (b) of revised § 107.3 would provide a more comprehensive list of those items that must be included in each airport security program. However, it must be recognized that airports frequently have unique security problems and, for this reason, an exhaustive statement of the necessary provisions of each security program cannot be made.

Under proposed § 107.3(b), in addition to descriptions of the procedures, facilities, and equipment needed to comply with the various requirements of revised Part 107, the airport operator would be allowed to include in the security program a description of alternate procedures to be used during those emergencies and other unusual conditions specified by the airport operator in his security program, including those conditions for which the airport operator must provide an appropriate response in the emergency plan required by § 139.55 (14 CFR 139.55).

A listing in the master security plan of the items of security equipment necessary to carry out that plan was proposed by Notice 73-30, issued on December 12, 1973 (38 FR 35016; December 21, 1973), for the purpose of implementing the Airport Development Acceleration Act of 1973. The notice stated that the proposed required listing would not represent a complete or exclusive listing of security equipment, and acknowledged that security equipment requirements may differ between airports, requiring that some flexibility be provided.

The FAA believes that the required listing proposed in that notice would not be practical for the security program required by proposed § 107.3, since some security programs approved under revised Part 107 may contain security equipment which exceeds that required for the safety and security of persons and property on the airport. Any equipment in excess of the minimum required for safety and security purposes is not required security equipment within the meaning of Part 107. Therefore, while an airport operator may weigh aesthetic and other considerations when purchasing appropriate security equipment, the cost of that equipment, to the extent that it exceeds the reasonable cost of the minimum equipment required, will not be eligible for funding under Part 152. For these reasons, Notice 73-30 is hereby withdrawn.

As is presently required by § 107.3(d), each airport operator would have to maintain at least one complete copy of his approved security program at his principal operations office. The rule would be revised to specify that Civil Aviation Security Inspectors are the FAA personnel to whom the airport operator must make his security program available for inspection upon request. Under proposed § 107.3(d), applications by persons other than those with an operational need-to-know for disclosure of information contained in the airport security program would have to be submitted to the Director, Civil Aviation Security Service.

Sections 107.9 and 107.11 presently prescribe requirements for the identification of persons and ground vehicles to control access to air operations areas. These requirements do not apply to access from a non-air operations area to an air operations area where both areas are adjacent and exclusively occupied or controlled by a certificate holder that is required to have a security program under § 121.538. It is proposed to replace these provisions with a new § 107.13 which would recognize the airport operator's underlying responsibility for the security of all air operations areas.

New § 107.13 would require the airport operator to use appropriate procedures, facilities, and equipment to control access to air operations areas and movement within them. Under new § 107.3(b)(3), he would be required to set out these procedures and describe the facilities and equipment used for this purpose in his security program. The airport operator would not be required to duplicate any of the procedures, facilities, and equipment in the security program of a Part 121 certificate holder occupying or controlling an air operations area or a portion thereof. However, he would not be allowed to ignore security problems that may arise in these areas which have not been or cannot be dealt with by the Part 121 certificate holder.

New § 107.13 would also provide for a flexible identification system that would not require a person to "carry" identification in every case. In this connection, the FAA recognizes that at some small airports recognition of individuals by sight may be the best and most practical system of identification.

The FAA also believes that flexibility should be provided in the airport operator's system of law enforcement support. Public Law 93-366 was enacted two years after the current § 107.4 was effective. It expanded the use of law enforcement officers in the aviation security program, but did not require that the officer be at a fixed station at a screening point. The law requires law enforcement presence and capability at the airport. To effectuate this concept of law enforcement officer presence and capability, the airport operator must provide officers at the airport in a manner adequate to assure the security of persons in air transportation against acts of criminal violence and aircraft piracy.

The passenger screening function remains a focal point of airport security. However, the law enforcement officer could patrol and support, if necessary, other sensitive areas of a terminal, while at all times remaining ready to respond promptly to the screening point should the need arise. Considerations such as the complexity of a terminal, the volume of traffic, and the ever-changing nature of the security threat would affect whether the officer could patrol a terminal and, if so, how promptly a response should occur. No fixed response time is proposed. However, at this time the FAA believes that the response to the screening point should not ordinarily exceed one minute.

Accordingly, proposed new § 107.15 (Law enforcement support) would not make it mandatory that a law enforcement officer be present at the point of, and prior to and throughout, the final passenger screening process prior to boarding, as does current § 107.4. Rather, under proposed new § 107.15, each airport operator would provide law enforcement officers in a number and manner adequate to ensure support of his own security program and that of the passenger screening conducted by Part 121 certificate holders and Part 129 permit holders. Support of the screening systems of Part 129 permit holders would not begin until 90 days after the effective date of the revision of Part 107, unless it is requested sooner by the permit holder. The airport operator's security program would have to contain a description of the law enforcement support necessary to comply with new § 107.15, including the number and duty stations of law enforcement officers and their response times to the screening stations and other locations.

Notice 76-13 was issued on April 23, 1976 (41 FR 17933; April 29, 1976) proposing to require that Part 107 airport operators have a master security plan which ensures that at least one law enforcement officer is present during passenger screening conducted by foreign air carriers under § 129.25 of the Federal Aviation Regulations. However, as already noted, the FAA believes that the requirement that a law enforcement officer be present at the point of, and prior to and throughout, the final passenger screening process prior to boarding may not be appropriate in every instance. For this reason, Notice 76-13 is hereby withdrawn.

It is noted that the prime objections raised by the foreign governments and air carriers who commented on Notice 76-13 were based on economic considerations. They believed that security costs should be absorbed by a government rather than the aviation industry and perceived that under the proposed requirement the airport operator would simply pass the cost of law enforcement support to the foreign air carriers. In

the United States, civil aviation recognizes security costs as a valid and necessary operational expense of the air transportation system and are treated no differently than the costs of fuel, wages or maintenance. The position taken in this Notice is believed to be consistent with this concept. It should be emphasized that the new provision, discussed earlier, for a flexible law enforcement response could appreciably reduce any economic impact previously envisioned by the foreign air carriers.

Each required law enforcement officer used by an airport operator would have to meet the standards of new § 107.17. In addition to being armed, he would have to be readily identifiable by a uniform and he would have to display or carry a badge or other indicia of his authority. This would be a change from the present rule. In addition, each officer would have to have completed a training program that meets the standards of proposed § 107.17(b) and is described in the airport operator's security program.

Section 316(c) of the Act requires that the Administrator prescribe uniform standards with respect to training provided law enforcement personnel whose services are used to enforce air transportation security programs. To comply with this requirement, it is proposed to require that each airport operator's training program meet the training standards for law enforcement officers prescribed by either the State or the local jurisdiction in which the airport is located. The program also would have to meet training standards prescribed by a Federal jurisdiction, if appropriate. In addition, the program would have to include training in the use of firearms and in the responsibilities of a law enforcement officer under the airport operator's security program. Moreover, to comply with a specific directive of section 316(a) of the Act, each officer would have to be trained in the courteous and efficient treatment of persons subject to inspection, detention, search, and other aviation security activities. Finally, to ensure that each training program meets an acceptable level of uniformity, the program would have to include any other subject the Administrator determines is necessary to cover a particular situation.

Section 316(b) of the Act provides that the Administrator may authorize an airport operator to use, on a reimbursable basis, personnel employed by the FAA or other Federal agencies, when the airport operator notifies him that State, local, and private law enforcement personnel are not available in sufficient numbers to ensure the safety of persons traveling in air transportation and intrastate air transportation from acts of criminal violence and aircraft piracy. To implement this provision a new § 107.19 would be added. Each airport operator requesting authorization for the use of Federal law enforcement officers would have to submit with his request, in addition to an estimate of the number of officers needed, information on the number of passengers enplaned, the risk of criminal violence and aircraft piracy, and the specific security program requirements for law enforcement support. The airport operator would also have to submit information on the availability of qualified State, local, and private law enforcement officers and his efforts to obtain the needed number of officers. Finally, before a request for Federal law enforcement officers could be considered, the airport operator would have to acknowledge responsibility for providing reimbursement for the cost of providing Federal officers, as required by section 316 of the Act.

Procedures for approval of a security program would be contained in new § 107.5. They would be substantially the same as those now contained in § 107.3 (b) and (c). The specific dates used when Part 107 was originally adopted in 1972 would be eliminated. The revision would make clear the role of the Regional Director in the approval of the program and in the review of a petition for reconsideration of a notice to modify.

For clarity it is proposed to divide the procedures for amending an approved security program presently in § 107.5 into two separate sections. New § 107.9 would apply to amendments proposed by the airport operator; new § 107.11 would apply to amendments by the FAA.

Under proposed § 107.9 the airport operator would have to submit his request for approval of a proposed amendment at least 30 days before he intends it to become effective, instead of the 15 days now required by § 107.5(c). A shorter period for submission could still be allowed by the Regional Director. Also, a procedure would be added for reconsideration by the Administrator of the denial by a Regional Director of a request for approval.

Proposed § 107.11 would provide for amendment of a security program by the FAA in accordance with procedures substantially the same as those now contained in § 107.5. In addition, the procedures for reconsideration of an amendment would be clarified.

It must be recognized that changing conditions on an airport can reduce the effectiveness of an approved security program. The FAA believes that each airport operator should be responsible for maintaining the level of security which the approved security program is intended to provide. Accordingly, it is proposed to prescribe procedures for the airport operator to follow whenever the procedures, facilities, and equipment described in the security program are not adequate to secure each air operations area in accordance with proposed § 107.13 or when the law enforcement support described in the security program is not adequate to comply with proposed § 107.15. These procedures would require the airport operator to immediately notify the Regional Director of any changed security condition and to advise him of each interim security measure he is taking to maintain adequate security until an appropriate amendment to his security program is approved. He would then be required to submit for approval an amendment to his security program.

The FAA believes that a necessary element in the protection of persons traveling in air transportation and in interstate air transportation is the elimination of unlawful possession of weapons on every part of the airport. Accordingly, it is proposed to prohibit the carriage of a weapon in violation of any applicable law of the State and local jurisdictions in which the airport is located by any person on the airport.

Finally, section 315 of the Act requires that semi-annual reports be submitted to the Congress concerning the effectiveness of the screening procedures required by that section. To assist the Administrator in preparing this report, it is proposed to require the airport operator to ensure that a record is maintained of certain information. This information is now provided to the FAA by airport operators voluntarily. Proposed new § 107.23 would not require the airport operator to maintain his own system of records if this information is accessible to him elsewhere, e.g., in the records of a State or local law enforcement agency.

The FAA believes that a 60-day comment period is sufficient for this notice. It is normally the FAA's policy to allow a longer comment period for rulemaking involving the international community. However, the provision at § 107.15 calling for law enforcement support of foreign air carrier screening operations was proposed previously in Notice 76–13, and extensive comment was received from the aviation community at that time. Furthermore, the subject was discussed at length during several international conferences attended by both foreign air carrier and foreign government representatives.

The principal authors of this document are Milford T. Conarroe, Civil Aviation Security Service, and Joseph M. Dorsey, Office of the Chief Counsel.

Accordingly, it is proposed to revise Part 107 of the Federal Aviation Regulations to read as follows:

PART 107—AIRPORT SECURITY

Sec.

107.1 Applicability and definitions.
107.3 Security program.
107.5 Approval of security program.
107.7 Changed security conditions.
107.9 Amendment of security program by airport operator.
107.11 Amendment of security program by FAA.
107.13 Security of air operations areas.
107.15 Law enforcement support.
107.17 Law enforcement officers.
107.19 Use of Federal law enforcement officers.
107.21 Carriage of Firearms, explosives, or incendiary devices.
107.23 Records.

AUTHORITY: Secs. 313, 315, 316 and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1356, 1357, and 1421); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

§ 107.1 Applicability and definitions.

(a) This part prescribes aviation security rules governing—

(1) The operation of each airport regularly serving a certificate holder to whom § 121.538 of this chapter applies;

(2) The operation of each airport regularly serving a permit holder to whom § 129.25 of this chapter applies; and

(3) Each person who is on an airport described in paragraph (a) (1) or (a) (2) of this section.

(b) For purposes of this part—

(1) "Airport Operator" means a person who operates an airport regularly serving a certificate holder or a permit holder to whom § 121.538 or § 129.25 of this chapter applies.

(2) "Air Operations Area" means a portion of the airport designed and used for landing, taking off, or surface maneuvering of airplanes;

(3) "Law enforcement officer" means an individual who, while on duty at the airport, is—

(i) Authorized to arrest for the violation, either in or out of his presence, of any criminal law of the State and local jurisdictions in which the airport where he is assigned to duty is located; and

(ii) Authorized to carry and use a firearm; and

(4) "Regional Director" means the Director of the FAA region in which an airport is located.

§ 107.3 Security program.

(a) No airport operator may operate an airport subject to this part unless he adopts and carries out a security program that—

(1) Provides for the safety of persons and property traveling in air transportation or intrastate air transportation against acts of criminal violence and aircraft piracy;

(2) Is in writing and signed by the individual empowered to so act by the airport operator;

(3) Includes the items listed in paragraph (b) of this section; and

(4) Has been approved by the Regional Director.

(b) Each security program required by paragraph (a) of this section must include at least the following:

(1) A description of each air operations area, including its dimensions and boundaries.

(2) A description of each area on, or adjacent to, the airport which affects the security of any air operations area.

(3) The procedures, and a description of the facilities and equipment, used to secure each air operations area in accordance with § 107.13.

(4) A description of any alternate procedures the airport operator may wish to use in emergencies and other unusual conditions, including those described in § 139.55(b)(1) of this chapter.

(5) A description of the law enforcement support necessary to comply with § 107.15.

(6) A description of the training program for law enforcement officers required by § 107.17(b).

(7) A description of the system for maintaining the records described in § 107.23.

(8) Copies of documents issued by the airport operator to implement the provisions of the security program.

(c) Each airport operator shall maintain at least one complete copy of his approved security program at his principal operations office, and shall make it available for inspection upon the request of any Civil Aviation Security Inspector.

(d) Each airport operator shall restrict the distribution, disclosure, and availability of information contained in the security program to those persons with an operational need-to-know and shall refer requests for such information by other than those persons to the Director of the Civil Aviation Security Service.

§ 107.5 Approval of security program.

(a) Unless a shorter period is allowed by the Regional Director, each airport operator seeking initial approval of a security program for an airport subject to this part shall submit his program to the Regional Director at least 90 days before regular service is expected to begin by any certificate holder or permit holder to whom § 121.538 or § 129.25 of this chapter applies.

(b) Within 30 days after receipt of a proposed security program, the Regional Director either approves the program or gives the airport operator written notice to modify the program to make it conform to the applicable requirements of this part.

(c) After receipt of a notice to modify, the airport operator may either submit a modified security program or petition the Administrator to reconsider the notice to modify. A petition for reconsideration must be filed with the Regional Director.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the notice to modify and either amends or withdraws the notice or transmits the petition, together with any pertinent information, to the Administrator for his consideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to withdraw or amend the notice to modify, or by affirming the notice to modify.

§ 107.7 Changed security conditions.

(a) After approval of his security program, the airport operator shall follow the procedures prescribed in paragraph (b) of this section whenever either of the following changed security conditions occus:

(1) The procedures, facilities, and equipment described in the security program are not adequate to secure each air operations area in accordance with § 107.13.

(2) The law enforcement support described in the security program is not adequate to comply with § 107.15.

(b) Whenever a changed security condition described in paragraph (a) of this section occurs, the airport operator shall:

(1) Immediately notify the FAA security office having jurisdiction over the airport of the changed security condition, and identify each interim security measure he is taking to maintain adequate security until an appropriate amendment to the security program is approved; and

(2) Within 30 days after notifying the FAA in accordance with paragraph (b) (1) of this section, submit for approval in accordance with § 107.9 an amendment to the security program to bring it into compliance with § 107.3(b) (3) or (5), as appropriate.

§ 107.9 Amendment of security program by airport operator.

(a) An airport operator requesting approval of a proposed amendment to the security program shall submit his request to the Regional Director. Unless a shorter period is allowed by the Regional Director, the request must be submitted at least 30 days before the proposed effective date.

(b) Within 15 days after receipt of a proposed amendment, the Regional Director issues to the airport operator in writing either an approval or a denial of the request.

(c) The Regional Director approves an amendment to a security program if he determines that:

(1) Safety and the public interest allow it; and

(2) The proposed amendment provides the level of security required by §107.3.

(d) After denial of a request for an amendment, the airport operator may petition the Administrator to reconsider the denial. A petition for reconsideration must be filed with the Regional Director.

(e) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the denial of approval and either approves the proposed amendment or transmits the petition, together with any pertinent information, to the Administrator for his consideration.

(f) After review of a petition for reconsideration, the Administrator disposes of the petition by either directing the Regional Director to approve the proposed amendment or affirming the denial of approval.

§ 107.11 Amendment to security program by FAA.

(a) The Administrator or Regional Director may amend an approved security program for an airport, if he determines that safety and the public interest require the amendment.

(b) Except in an emergency as provided in paragraph (f) of this section, when the Administrator or the Regional Director proposes to amend a security program, he notifies the airport operator, in writing, of the proposed amendment, fixing a reasonable period (but not less than 7 days) with which the airport operator may submit written information, views, and arguments on the amendment. After considering all relevant material, including that submitted by the airport operator, the Administrator or the Regional Director either rescinds the notice or notifies the air-

port operator in writing of any amendment adopted, specifying an effective date not less than 30 days after receipt of the notice of amendment by the airport operator.

(c) After receipt of a notice of amendment from a Regional Director, the airport operator may petition the Administrator to reconsider the amendment. A petition for reconsideration must be filed with the Regional Director. Except in an emergency as provided in paragraph (f) of this section, a petition for reconsideration stays the amendment until the Administrator takes final action on the petition.

(d) Upon receipt of a petition for reconsideration, the Regional Director reconsiders the amendment and either rescinds or modifies the amendment or transmits the petition, together with any pertinent information, to the Administrator for his consideration.

(e) After review of a petition for reconsideration, the Administrator disposes of the petition by directing the Regional Director to modify, rescind, or approve the amendment.

(f) If the Administrator or the Regional Director finds that there is an emergency requiring immediate action with respect to safety that makes the procedure in paragraph (b) of this section impracticable or contrary to the public interest, he may issue an amendment, effective without stay on the date the airport operator receives notice of it. In such a case, the Administrator or the Regional Director incorporates the finding, and a brief statement of the reasons for the emergency and the need for emergency action, in the notice of the amendment.

§ 107.13 Security of air operations areas.

Each airport operator shall use the procedures, facilities, and equipment, contained in his approved security program, to:

(a) Control access to each air operations area, including methods for preventing entry by unauthorized individuals and ground vehicles;

(b) Control movement of individuals and ground vehicles within each air operations area, including, when appropriate, requirements for the display of identification; and

(c) Promptly detect and take action to control any unauthorized persons who penetrate an air operations area.

§ 107.15 Law enforcement support.

Each airport operator shall provide law enforcement officers, in the number and in a manner adequate to support:

(a) His security program;

(b) Each passenger screening process required by Part 121 of this chapter; and

(c) Each passenger screening system required by Part 129 of this chapter after (90 days after the effective date) or after the date specified by the foreign air carrier involved, whichever date is earlier.

§ 107.17 Law enforcement officers.

(a) No airport operator may use any individual as a required law enforcement officer unless he: (1) Is armed;

(2) Is readily identifiable by uniform and displays or carries a badge or other indicia of his authority; and

(3) Has completed a training program that meets the requirements in paragraph (b) of this section.

(b) The training program required by paragraph (a)(3) of this section must: (1) Meet the training standards prescribed for law enforcement officers by either the State or the local jurisdiction in which the airport is located, whichever are higher; and

(2) Include training in: (i) The use of firearms;

(ii) The courteous and efficient treatment of persons subject to inspection, detention, search, and other aviation security activities;

(iii) The responsibilities of a law enforcement officer under the airport operator's approved security program; and

(iv) Any other subject the Administrator determines is necessary.

§ 107.19 Use of Federal law enforcement officers.

(a) Whenever State, local, and private law enforcement officers who meet the requirements of § 107.17 are not available in sufficient numbers to meet the requirements of § 107.15, the airport operator may request that the Administrator authorize him to use Federal law enforcement officers.

(b) Each request for the use of Federal law enforcement officers must be accompanied by the following information:

(1) The number of passengers enplaned at the airport during the preceding calendar year and the current calendar year as of the date of the request.

(2) The anticipated risk of criminal violence and aircraft piracy at the airport and to the air carrier aircraft operations at the airport.

(3) A copy of that portion of the airport operator's security program which describes the law enforcement support necessary to comply with § 107.15.

(4) The availability of State, local, and private law enforcement officers who meet the requirements of § 107.17, including a description of the airport operator's efforts to obtain law enforcement support from State, local, and private agencies and the responses of those agencies.

(5) The airport operator's estimate of the number of Federal law enforcement officers needed to supplement available State, local, and private law enforcement officers and the period of time for which they will be needed.

(6) A statement acknowledging responsibility for providing reimbursement for the cost of providing Federal law enforcement officers.

(7) Any other information the Administrator considers necessary.

(c) In response to a request submitted in accordance with this section, the Administrator may authorize, on a reimbursable basis, the use of law enforcement officers employed by the FAA or by any other Federal agency, with the consent of that agency.

§ 107.21 Carriage of firearms, explosives, or incendiary devices.

No person on an airport subject to this part may have any firearm, explosive, or incendiary device, on or about his person or property in violation of any applicable law of the State and local jurisdictions in which the airport is located.

§ 107.23 Records.

(a) Each airport operator shall ensure that a record is made of law enforcement actions taken in furtherance of this part, that these records are maintained for a minimum of 90 days, and that they are made available to the Administrator upon request.

(b) Data developed in response to paragraph (a) of this section shall, as a minimum, include the following:

(1) The number and type of firearms, explosives, and incendiary devices discovered during any passenger screening process, and the method of detection of each.

(2) The number of acts and attempted acts of air piracy.

(3) The number of bomb threats received, real and simulated bombs found, and actual bombings on the airport.

(4) The number of detentions and arrests, and the immediate disposition of each person detained or arrested.

(Secs. 313, 315, 316, and 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1356, 1357, and 1421); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 10, 1977.

RICHARD F. LALLY,
Director Civil Aviation Security Service.

[FR Doc.77-16666 Filed 6-15-77;8:45 am]

federal register

THURSDAY, JUNE 16, 1977

PART III



DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

HEALTH AND SAFETY STANDARDS RELATING TO FIRE PREVENTION AND CONTROL, AIR QUALITY AND VENTILATION AND RADIATION

Public Hearing

V 42 N 116 JUN 16 77 U

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, and 57]

HEALTH AND SAFETY STANDARD

Notice of Public Hearing

AGENCY: Department of the Interior, Mining Enforcement and Safety Administration (MESA).

ACTION: Proposed health and safety standards, notice of public hearing.

SUMMARY: This is a notice to conduct formal public hearings on proposed new and revised health and safety standards relating to fire prevention and control, air quality and ventilation and radiation, loading and hauling and dumping, hoists and hoisting, toilet facilities, and gassy mines.

There has been widespread interest and comment on these proposed standards from many individuals and groups representing mine operators and workers.

The Federal Metal and Nonmetallic Mine Safety Act (Act) (30 U.S.C. 721–740) requires the Secretary of the Interior and MESA to follow certain rulemaking procedures for promulgating health and safety standards. The Department must hold a formal public hearing on certain proposed standards, with the opportunity for cross-examination, and establish a record to contain the testimony and documents being considered.

DATES: The public hearing will be held during the week of August 22 through August 26, 1977, beginning at 9 a.m. on Monday, August 22, 1977, and continuing each day thereafter until all objections subject to hearing have been heard. The hearing will be held in the Rivera Room, Hilton Inn, 1901 University Blvd., NE., Albuquerque, New Mexico 87125, telephone number 505–243–8661.

ADDRESSES: All communications with the Office of Hearings and Appeals should be addressed to: The Honorable George A. Koutras, Administrative Law Judge, Office of Hearing and Appeals, Department of the Interior, Room 1235, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone number 703–557–9200.

FOR FURTHER INFORMATION CONTACT:

Interested persons may obtain additional information and examine or obtain copies of all written comments and objections including requests for public hearing, which have been filed by contacting: Mr. E. Levi Brake, Chief, Division of Safety, Metal and Nonmetal Mine Health and Safety, Mining Enforcement and Safety Administration, Room 717, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203, telephone number 703–235–8647.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of section 6 of the Act (30 U.S.C. 725) authorizing the Secretary of the Interior to develop, revise, and promulgate health and safety standards for metal and nonmetal mining and milling operations subject to the Act, there was published in Part III of the FEDERAL REGISTER for September 25, 1975, (40 FR 44272–44285) a notice of proposed rulemaking setting forth proposed amendments to Parts 55, 56, and 57 of Title 30 of the Code of Federal Regulations by revising certain existing standards and adding certain new definitions, deleting or revising certain advisory standards and making them mandatory, and revising and adding new mandatory standards relating to fire prevention and control; air quality, ventilation, radiation, and physical agents; explosives; loading, hauling, dumping; travelways and escapeways; man hoisting; toilets and gassy mines. The proposed health and safety standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee authorized to be established under section 7 of the Act (30 U.S.C. 726) and established in accordance with section 9 of the Federal Advisory Committee Act (5 U.S.C. Appendix I (Supp. V 1975)).

The notice of proposed rulemaking provided that each standard which is to be a mandatory standard is designated by the word "Mandatory" which appears at the beginning of the subsection in which the standard was prescribed. If the Federal Metal and Nonmetal Mine Safety Advisory Committee has recommended a mandatory standard, the standard was preceded by the words "Mandatory" and the letters "MNMSAC" in this manner "Mandatory. MNMSAC."

The notice of proposed rulemaking provided further that subject to the provisions of subsection (e) of section 6 of the Act (30 U.S.C. 725 (e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725 (d)) on or before the last day of the period of time fixed for the submission of written data, views, or arguments, any person who may be adversely affected by a proposed health and safety standard which was designated as a mandatory standard and which had not been recommended as a mandatory standard by the Federal Metal and Nonmetal Mine Safety Advisory Committee could file with the Secretary of the Interior written objections thereto stating the grounds for such objections and request a public hearing, subject to the Administrative Procedure Act (5 U.S.C. 553–557), on such objections. Also, the notice advised interested persons that a mandatory standard which is recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee is not subject to public hearing.

Interested persons were afforded a period of time until November 6, 1975 within which to submit written data, views, arguments, and objections including a request for public hearing on the proposals to the Administrator, Mining Enforcement and Safety Administration. The period of time for comment was subsequently extended to and including December 5, 1975, by a notice published in the FEDERAL REGISTER for November 4, 1975 (40 FR 51202).

Following the publication of the notice of proposed rulemaking numerous persons and organizations representing a broad interest of metal and nonmetal open pit mines; sand, gravel, and crushed stone operations; and underground mines timely submitted written comments and objections. Requests for public hearing were requested on practically every proposed mandatory health and safety standard that was designated as a mandatory standard by the Secretary of the Interior and which had not been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee. At the request of interested parties and in order to provide a reasonable opportunity for interested persons to prepare, attend, and participate in public hearings, the proposed mandatory health and safety standards subject to hearing have been divided or grouped and separate hearings held at staggered time intervals for each group of standards. This notice concerns the public hearing for the second and final group of mandatory standards or the proposed new and revised health and safety standards relating to fire prevention and control; air quality, ventilation, radiation; loading, hauling, dumping; hoists and hoisting; toilet facilities; and gassy mines. A prior notice was published in the FEDERAL REGISTER on April 16, 1976 (41 FR 16163–16169) advising interested persons of the time and location for the public hearing on proposed new and revised safety standards relating to explosives. This hearing was held in Salt Lake City, Utah, and Denver, Colorado, on June 27 through July 2, 1976, and July 12 and 13, 1976, respectively.

STANDARDS NOT SUBJECT TO HEARING

In accordance with subsections (c) and (e) of section 6 of the Act and as stated in the notice of proposed rulemaking (40 FR 44272), proposed mandatory standards which have been recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee are not subject to public hearings. Objections were filed and hearings were requested by the National Crushed Stone Association on proposed new mandatory standard 57.5–32 which requires that when ventilation control doors are open as part of the normal mining cycle, they must be closed as soon as possible to re-establish normal ventilation. The National Crushed Stone Association and The American Mining Congress also filed objections and requested hearings on proposed mandatory standard 57.5–31 which required that ventilation doors must be substantially constructed, covered with fire-retardant materials if constructed of wood, maintained in good condition, self-closing if manually operated, and equipped with audible and (changed to "or") visual warning devices if manually operated; and, proposed mandatory standards 55.9–19, 56.9–19, and 57.9–19 which require that tract guardrails, lead rails, and frogs must be protected or

blocked so as to prevent a person's foot from becoming wedged. These proposals were recommended by the Federal Metal and Nonmetal Mine Safety Advisory Committee and so designated as Advisory Committee recommendations by the letters "MNMSAC" preceding each proposal. Since interested persons were advised by the notice of proposed rulemaking that all proposals identified by the designation "MNMSAC" are not subject to public hearings, hearings will not be held on these proposals. However, the objections filed by the National Crushed Stone Association and The American Mining Congress and all other writen comments and objections received on these proposals were given thorough and careful consideration prior to promulgating these mandatory standards in Part VI of the FEDERAL REGISTER on Thursday, June 10, 1976 (41 FR 23612–23618).

In response to the comments and objections filed the following proposed new definition and mandatory standards are withdrawn: The term "Fire-retardant wood" to be used in Parts 55, 56, and 57; and standards 55.9–64, 56.9–64, and 57.9–64.

HEARING

The Honorable George A. Koutras, Administrative Law Judge will preside over the public hearing and receive evidence relevant and material to the issues raised by the objections which are set forth below. The Administrative Law Judge shall have all the powers necessary and appropriate to conduct a fair, full, and impartial hearing including the powers provided in 5 U.S.C. 556 (c) (1) through (7). The Administrative Law Judge will consider all objections and based upon the record will submit a recommended decision to the Secretary who will review the recommended decision and record, and the Secretary will issue the final decision.

PUBLIC PARTICIPATION

An opportunity for interested persons to submit oral and written testimony concerning the issues raised by the proposed new definition and standards, or any changes thereto, will be provided during this hearing.

Persons desiring to participate at the hearing, including those who requested that a public hearing be held, should file with the Administrative Law Judge a notice of intention to appear on or before Friday, August 19, 1977. The notice should contain: (1) The name, address, and telephone number of each person to appear; (2) the capacity in which the person will appear; and (3) the issues that will be addressed. This information will be available to the public and is necessary in order to properly schedule the hearing. At the hearing any interested person may be heard.

ISSUES

In response to comments received, objections filed and grounds stated for the objections, MESA will recommend and offer evidence in support of revising certain proposed definitions and standards. The recommendations to be made by MESA are set forth following the statements of objections. Interested persons may submit relevant evidence, comments, and suggestions at the hearing on the recommendations which will be made by MESA.

The comments, objections, grounds for objections, and recommended changes to the proposed definition and mandatory standards are:

I. PROPOSED NEW DEFINITION FOR THE TERM "PORTABLE FIRE EXTINGUISHER"

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This definition should be omitted because it is unnecessary, too restrictive, confusing (it does not even speak to portability) and it conflicts with proposed standard 57.4–24 (item No. 22).

"It is a serious mistake to restrict portable fire extinguishers for use underground or at surface locations to multipurpose dry chemical extinguishers. Dry chemicals are not always the most effective extinguishing agent. In areas involving potential electrical hazards, carbon extinguishers may be more desirable for certain applications, such as electric motor fires. In recent years extinguishers utilizing nontoxic Halon gases, which offers some substantial advantages for certain applications have become available. The effect of the definition (which would in effect be a regulation) as proposed by MESA would be to prevent the use of the most effective portable fire extinguisher in some cases, including areas where electrical fire hazards may be present."

B. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"We object to the definition proposed as (b). We believe that the National Fire Protection Association is not in the business of approving fire extinguishers. As written, no operators possess, or could obtain, extinguishers that would meet this Standard."

MESA Recommendation: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed definition for "Portable fire extinguisher" and replacing the definition with the term "Multipurpose dry-chemical fire extinguisher". MESA will recommend that the term "Multipurpose dry-chemical fire extinguisher" read as follows:

"Multipurpose dry-chemical fire extinguisher" means a listed or approved multipurpose dry-chemical fire extinguisher having a minimum rating of 2A: 10BC by Underwriters Laboratories, Inc. and containing a minimum of 4.5 pounds of dry-chemical agent.

II. PROPOSED MANDATORY STANDARDS 55.4–36, 56.4–36, AND 57.4–36 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be omitted.

"The potential hazards intended to be covered are adequately taken care of by present mandatory standard 57.4–29. If it is necessary to include soldering with an open flame, this term should be added to 57.4–29.

"This proposed standard makes no attempt to determine how much combustible or flammable material is contained in the non-dimensional 'active working' area or how close such material is to the actual welding, cutting, or soldering. One fire extinguisher of the proper size may be adequate for any possible combustion. A water line and fire hose may also be readily available. The presence of a second person is not necessary for fire protection and could be a 'make work' requirement.

"These comments should be considered with those on Items No. 28, No. 29, No. 30, No. 31.

B. The objections and grounds stated for the objections filed by the National Limestone Institute are as follows:

"This standard appears unusually vague and open to wide interpretation. What is your definition of an active working area both in terms of activity and size? It is conceivable that the proposed language could be interpreted to include the entire mining area in which case it would be ludicrous to require the presence of a 'second person.' Even if the term is more narrowly defined, the decision as to whether a second person is necessary should be left up to management. Otherwise, many man-hours could be wasted with no apparent benefit."

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"It is not the purpose of safety regulations to specify how jobs should be manned. Therefore, we propose the following revised wording for the Standard to avoid pit-fall(s).

'*Mandatory.*—Adequate precautions shall be made in advance where welding or cutting with an arc or open flame or soldering with an open flame is done in an active working area or area containing combustible or flammable materials.' "

MESA recommendation: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising proposed mandatory standards 55.4–36, 56.4–36, 57.4–38 which will be applicable to surface only, and reserved standard number 57.4–38 will be transferred and placed under the center subheading "Surface Only". MESA will recommend that these proposed mandatory standards read as follows:

"Where welding or cutting with an arc or open flame or soldering with an open flame in an active working within 35 feet of or more than 1 gallon of combustible liquid, or more than 50 pounds of nonfire-retardant treated wood, or more than 10 pounds of plastic, 2 multipurpose dry-chemical fire extinguishers and a second person shall be present. Where welding or cutting with an arc or open flame or soldering with an open flame in

other areas, 1 multi-purpose dry-chemical fire extinguisher shall be present."

III. PROPOSED MANDATORY STANDARD 57.4–65 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"The promulgated version of 57.4–65 should be amended by adding the phrase 'soldering with an open flame, or thawing with an open flame' after the words 'welding or cutting' in the first and third sentences.

"The length of time necessary for a fire patrol is dependent on the potential hazard involved, and the pre- and post-welding precautions taken, such as wetting down. The 8-hour requirement is entirely arbitrary and is, in any case, unenforceable."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"Maintaining a fire patrol in areas where open flame or soldering has been done in areas containing combustible or flammable material will be difficult, impractical, and a severe economic matter for many mines, particularly small mines and those that operate one or two shifts a day. To retain personnel to patrol a mine would require a hoistman and two other people on shift. Many mines do not employ over three people in total. This could effect doubling the personnel requirements on an intermittent basis; a virtual impossibility in some areas. In addition it is questionable whether such extreme surveillance is necessary; particularly in those areas where only minimum amounts of combustible material exists and where little or no problem would arise even if it did burn. We suggest that welding, cutting and soldering requirements need only the following provisions for safety: (1) Wet down the area before welding, cutting and soldering except in shop areas or other similar locations where flammable material is adequately confined and not exposed to open flame. (2) Inspect the area during and immediately after welding to be alert for any insidious fire that may start. (3) Wet down the area except as noted in Item 1 following completion of welding and during and after the inspection process. (4) If any indication is noted during the welding or inspection process and following wetting down a fire watch will be maintained for one-half hour and the area patrolled within the following hour."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of including revised requirements of this proposed standard in MESA's recommendations to revise proposed mandatory standard 57.4–77 and reserving standard number 57.4–65. (See MESA's recommendation in V below.)

IV. PROPOSED MANDATORY STANDARD 57.4–76 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objectives filed by the American Mining Congress are as follows:

"This proposal should be omitted. See AMC comments on items No. 25 and No. 28. The same objections and points raised are applicable to 57.4–76."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.4–76 read as follows:

"Where welding or cutting with an arc, or thawing pipes electrically (excluding heat tape) or soldering with an open flame a multipurpose dry-chemical fire extinguished shall be provided."

V. PROPOSED MANDATORY STANDARD 57.4–77 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposal should be omitted. The hazards involved are adequately covered by existing standard 57.4–65."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.4–77 read as follows:

Where welding or cutting with an arc, or thawing pipes electrically (excluding heat tape), or soldering with an open flame within 35 feet of more than 1 gallon of combustible liquid, or more than 50 pounds of nonfire-retardant treated wood, or more than 10 pounds of plastic, the following precautions, in addition to those provided in 57.4–76, shall be taken:

a. A second multipurpose dry-chemical fire extinguisher, or equivalent, shall be provided.

b. The area shall be wetted down (precautions should be taken against electrical shock, where necessary) before and after, for a distance of 35 feet in all directions from the location of the operation; or, when wetting down is not practical, the combustibles shall be isolated by non-combustible material.

c. A second person shall be continuously present at the operation to observe and extinguish fires if the precautions in (b) are not practical.

d. A fire patrol of the affected area shall be made for the first hour after the operation is terminated.

e. The operator shall be responsible for extra precautionary measures in areas where necessary."

VI. PROPOSED MANDATORY STANDARD 57.4–78 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This standard should be omitted. The hazards involved are adequately covered by existing standard 57.4–65."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"To require a bulkhead below the open flame or soldering within a *shaft*, raise, or winze, or other active workings where sparks and heated material may fall does not take into consideration the fact that there are such locations, particularly shafts, where there is no combustible material Metal or concrete shafts with steel guides will have nothing that can burn. Furthermore, there should be some provision for alternate methods. Extremely large shafts would require bulkheads which may be far more dangerous to build than using water sprays, etc. In some shafts the amount of water flowing in the shaft itself would make it necessary as well as very difficult to install a bulkhead; particularly a tight bulkhead."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.4–78 read as follows:

"When welding, cutting with an arc or using an open flame for any purpose in shafts, mine facilities located within 100 feet of a shaft, intake air courses, escapeways, main or booster fan installations; and, where the operation is within 35 feet of more than 1 gallon of combustible liquid, or more than 50 pounds of non-fire-retardant treated wood, or more than 10 pounds of plastic, a second person shall be continuously present at the operation to observe and extinguish fires.

VII. PROPOSED MANDATORY STANDARD 57.5–18B APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposal should be omitted.

"Advisory standard 57.4–42, 43, 44 concerns keeping mine fan installations or surface free of combustible materials. The requirements for surface installations and underground fan installations should be treated separately.

"Under the existing definition of 'combustible', *no* material would be allowed within 100 feet of any fan. The proposed standard is exceedingly vague in that 'accumulate' is not defined or explained. Does this mean that no 'combustible material' (for example, minor quantities of wood, electrical wiring, etc.) may not be used in constructing a fan housing? What is fire-retardant material? Would shotcreted wood suffice? Where did the magic figure of 100 feet come from? These and other questions of interpretation must be clarified."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"To keep all combustible material from areas within a hundred feet of main or booster fans will be difficult and seems unnecessary. Particularly difficult will be alternative of using fire retarding material for ground support. As noted in our earlier comments the definition of fire retardant material permits only pressure impregnated wood which precludes the application of any fire retardants to any existing timber in the area. We suggest that this should be worded to lessen

the distance and permit fire retardant material other than pressure impregnated."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–18B read as follows:

"Areas within 25 feet of main and booster fans shall be kept free of combustible materials except for installed wiring, materials used for fan maintenance, direct fired heaters, and material used for ground support."

VIII. PROPOSED MANDATORY STANDARD 57.5–18D APPLICABLE TO SURFACE AND UNDERGROUND.

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposal should be omitted. This standard is not indicated in nongassy mines and it implies that the quality of the mine air will be reduced to unhealthy conditions in the event of fan failure. This would rarely be the case.

"The important criteria is the air quality itself, not mechanical devices which may or may not be necessary to ensure air quality. The standard as proposed would require continuous operation of fans in unoccupied areas of the mine (certainly not an energy concerning measure). In fact, blindly requiring continuous operation of fans could, in some circumstances, actually impair air quality, particularly in mines having good natural ventilation during certain times of the year."

B. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

C. The objections and grounds stated for the objections filed by Colorado United Mine Operators are as follows:

"It may not be necessary to operate all main and booster fans in a mine to achieve the desired ventilation. Certain areas of the mine may not be occupied and it would be unnecessary to operate fans serving those areas. In other cases the natural air flow through the mine most of the year is so great that main and booster fans are not only unnecessary but detrimental at times. The important thing is to achieve the desired air quality and quantity. This is the function of the ventiliation department or person at the mine assigned to measure and achieve the desired result."

D. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air quality standard regulations are met, the purposes of safety and health are served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–18D read as follows:

"All main and booster fans of the mine shall be operated continuously in those areas where persons are underground, except for scheduled production-cycle shutdowns where air quality is maintained. In the event of fan failure, scheduled maintenance, or fan adjustments:

(a) The air quality in the affected active workings shall be tested at least every 2 hours by a competent person for compliance with requirements of the standards in this section 57.5 until normal ventilation is restored, or

(b) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air quality in the affected active workings shall be tested by a competent person to assure that the air quality meets the requirements of the standards in section 57.5, before any other persons are permitted to enter the affected active workings."

IX. PROPOSED MANDATORY STANDARD 57.5–20 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the *American Mining Congress* are as follows:

"The proposed standard should be revised as follows:

"A current ventilation plan, suitable to the conditions and mining system of the mine, shall be adopted and kept current by the operator. The plan shall show the type and location of mechanical ventilation equipment installed and operated at the mine, the quality of air reaching each working area, and the direction of ventilating air currents. The plan should be available for review by the Secretary.

"The detailed requirements of this proposed standard would not improve the health and safety of the miners and would only result in voluminous amounts of paperwork by the mine operators and the government. A ventilation plan should be available for review by the Secretary or his representatives, but it should not require MESA approval. A mine operator has a thorough understanding of the ventilation requirements of his particular mine. There are no criteria upon which MESA could base approval.

"The basic principles of the ventilation plan are now required under the provisions of standard 57.11–53 concerning escape and evacuation plans."

B. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

C. The objections and grounds stated for the objections filed by the National Limestone Institute are as follows:

"Our initial concern with this standard was that it would require the installation of unnecessary and expensive equipment. We contacted MESA in order to get their interpretation. The response we received from MESA is enclosed. It is our feeling, as mentioned in my opening comments, that this standard was written for deep shaft mines and is not relevant to the room and pillar mines employed by this industry."

D. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"This very detailed ventilation plan requirement including submission of information goes far beyond practicality or necessity. We question whether submission of this vast amount of detail from each mine to MESA would serve any purpose. Should there be a mine emergency the mine management who have an intimate knowledge of the mine situation would be the ones who would have to make decisions as to how and what action should be taken. The information they need is available at the mine. The pertinent information to aid in any evacuation or emergency process is covered in existing 57.11–53 and which requires necessary information availability to personnel at the mines as well as to the Secretary. The details of mine equipment, ventilation methods, fans, engines, etc., is not the kind of information many mines wish to make available on open record. To accumulate document, and provide the wide amount of information mentioned in the proposed standard would take considerable employee time and could never be kept really updated; particularly regarding location of equipment underground which is moved in many cases daily. To make up this information document for a small mine would be another record keeping requirement added onto the many onerous and burdensome requirements already in existence. We suggest that if MESA wishes to review the type of information specified here the practical approach would be to have the inspector shown the information in whatever form it is available on his routine visits to the mine. This standard should be an advisory standard and should serve as a guide to developing information by the employer which would be of service to him and could be evaluated by MESA representatives. It would appear this is the type of thing that President Ford had in mind when he asked the regulatory agencies to minimize their reporting and related requirements."

E. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air quality standard regulations are met, the purposes of safety and health are served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–20 read as follows:

"A ventilation plan, and revisions thereof, suitable to the conditions and the mining system of the mine shall be set out by the operator in written form and submitted within 45 days after promulgation of this standard for review and comments to the District Manager, Metal and Nonmetal Mine Health and Safety, of the district in which the mine is located. The plan shall be reviewed, updated and resubmitted by the operator to the District Manager for review and comments at least every 12 months from the date of the last submittal. The plan shall, where appropriate, contain the following:

(a) The mine name

(b) A current mine map or series of mine maps of an appropriate scale, not greater than 500 feet to the inch, showing

(1) Locations of seals used to isolate abandoned workings;

(2) Locations of unventilated areas;

(3) Locations of air regulators and stoppings not shown in subsection (e) of this standard;

(4) Locations of overcasts, undercasts, and other airway crossover devices;

(5) Locations of known oil or gas wells;

(6) Locations of known underground mine openings adjacent to the mine;

(7) Locations of underground shops, diesel fuel storage, oil storage, substations, battery charging stations, hoist rooms, compressors, and explosive storage facilities intended to be used for 1 year; and

(8) Projected ventilation changes for 1 year.

(c) Mine fan data for all main, booster, and auxiliary fans including manufacturer's name, type, size, speeds, water gages, air quantity capabilities, blade settings at present operating points, and fan motor name plate data.

(d) The procedure for reversing main and booster fans, including location of remote controls.

(e) Descriptions and sketches showing how face ventilation is accomplished in each typical type of working place and the approximate quantity of air provided.

(f) The number and type of internal combustion engine powered units used underground, including make and model of unit, type of engine, make and model of engine, horsepower rating of engine, and approval number. This list shall designate number of typical units used on each split of air and the expected maximum number of units used on each split of air."

X. PROPOSED MANDATORY STANDARD 57.5–24 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be omitted.

"Keeping intake areas separate from exhaust airways is not possible in many types of mines. For example, in some open stope and room-and-pillar mining it would be totally impractical if not physically impossible to construct the necessary brattices, or curtains, across miles of openings, some of which would be at least eighty feet high. In any case, such separation would serve no useful purpose.

"Few metal and nonmetal mines are developed and designed like coal mines with multiple entry systems or parallel intake and exhaustways.

"Again, we must emphasize that in nongassy mines the important criteria should be air quality, not quantity."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"Keeping intake airways separate from exhaust airways is not possible in many existing mines which have been developed with ventilation carried in pipes or tubes within the drift or shaft which acts as the exhaust airway. Metal/Nonmetal mines are not developed and designed like the coal mines with multiple separate entry systems. To require parallel entryways and exhaustways in existing mines is unbelievable and certainly would force many, if not most, of the mines out of business. Obviously, this does not square with the statement at the beginning of this set of standards, 'It is hereby certified that the economic and inflationary impacts of these proposed regulations have been carefully evaluated in accordance with the OMB Circular A–107.'"

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air quality standard regulations are met, the purposes of safety and health are served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–24 read as follows:

"Ventilation air shall be coursed through the mine by defined routes. To prevent recirculation the defined routes or airways used for intake airflow shall be separated from those defined routes or airways used for exhaust airflow.

XI. PROPOSED MANDATORY STANDARD 57.5–34 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be omitted.

"Auxiliary fans are often installed for intermittent, as-needed use and the continuous operation of an auxiliary fan is often not necessary to assure the quality of the air specified by other standards."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"Requiring that auxiliary fans be operated continuously, or that the air be monitored every two hours or people removed seems to go beyond the need in some cases. As noted previously in 57.5–18 it is the quality and the quantity of the air available at a particular time that it be important. Freqently auxiliary ventilation is used only when conditions are such that primary ventilation may be inadequate. Auxiliary fans should be mandatory only if there is a potential for hazardous or toxic problems such as radon daughters, gassy mines involving methane, or some known hazard such as buildup of diesel smoke, etc. To be prepared to conduct air monitoring tests in two hours would require a trained person with specialized equipment at the mine on all shifts. This is a burden, especially for small mines. The use of all fans when not necessary for air quality is a waste of energy and money (OMB Circular A107)."

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"For crushed stone mining applications, compliance with air quality standards should be sufficient. Once the air the purposes of safety and health are quality standard regulations are met, the purposes of safety and health served in underground stone mines."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–34 read as follows:

"Auxiliary fans shall be operated continuously while persons are in working places ventilated by these fans, except for scheduled production-cycle shutdowns and where they are not used for air quality. In event of auxiliary fan failure, scheduled maintenance, or fan adjustments:

(a) The air quality in the affected active workings shall be tested at least every 2 hours by a competent person for compliance with requirements of the standards in this section 57.5 until normal ventilation is restored, or

(b) All persons, except those working on the fan, shall be withdrawn, the ventilation shall be restored to normal and the air quality in the affected active workings shall be tested by a competent person to assure that the air quality meets the requirements of the standards in section 57.5, before any other persons are permitted to enter the effected active workings."

XII. PROPOSED MANDATORY STANDARD 57.5–37 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"It is highly arbitrary to require the operators of nonuranium mines which have no reason to suspect even minor concentrations of radon daughters to conduct sampling of mine air exhaust. Training of a competent person to take the required initial sample is much more extensive than that required for routine mine atmosphere sampling. The equipment required is only applicable to radiation sampling. The initial sampling

should be performed by MESA personnel. If radon daughter concentrations are found at the levels which will require subsequent sampling as in subparagraph (a)(1), the operator should then assume the responsibility for subsequent sampling. The levels of radon concentrations contemplated in MESA's proposals are well below the limits in which constant exposure would result in the annual 4 wlm exposure limit. In our view the existing standard adequately covers the potential 'hazard' to which this proposal is directed. However, if any modification is made it should incorporate further revisions to the proposal. For example, in (a)(1) the phrase 'Except where uranium is mined' is confusing. It is our understanding that this is to cover conditions other than those in paragraph (a)(2) which with the phrase 'Where uranium is not mined'. Also the proposal should be revised to require initial sampling to be done by MESA personnel in nonuranium mines, as discussed above."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory 57.5–37 read as follows:

"Mandatory. In all mines:

"(a) At least one mine air sample shall be taken in exhaust air by a competent person to determine if concentrations of radon daughters are present. Sampling shall be done using suggested equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled 'American National Standard Radiation Protection in Uranium Mines,' approved July 18, 1973, pages 13–15, by the American National Standards Institute, Inc., which is hereby incorporated by reference and made a part hereof or equivalent procedures and equipment acceptable to MESA. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office, Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute Inc., 1430 Broadway, New York, New York 10018. Thereafter—

"(1) Where uranium is not mined—when radon daughter concentrations between 0.1 and 0.3 WL are found in active workings, radon daughter concentration measurements shall continue to be determined within 90 days from the date of the last sample or until such time as the radon daughter concentrations are below 0.1 WL, and annually thereafter.

"(2) Where uranium is mined—radon daughter concentrations shall be determined within 30 days from the date of the last sample in all working places, travelways, haulageways, shops, stations, lunch rooms, magazines, and any other place or location where persons work, travel or congregate.

"(b) The sample date, location, and results obtained under (a) above shall be recorded and retained at the mine site or nearest mine office for at least two years and shall be made available for inspection by the Secretary of the Interior or his duly authorized representative."

XIII. PROPOSED MANDATORY STANDARDS 57.5–40 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"The weekly sampling requirements in paragraph (a) should be limited to those working areas in which the radon daughter concentrations are in excess of 0.3 WL or those areas of the mine which have substantial fluctuation in radiation. Many areas in uranium mines have consistent readings of less than 0.3 WL. In such areas monthly sampling is sufficient and is consistent with the requirements of 57.5–37(a)(2) as amended by proposed item #45, and existing standard 57.5–37.

"In paragraph (c)(1) we object to the requirement for submitting data directly to MESA in states which have a state plan. The Federal Metal and Nonmetallic Mine Safety Act clearly gives the enforecent authority to the state where a state plan has been executed. If MESA desires to obtain this information, it should be obtained from the state.

"In paragraphs (c)(1) and (c)(2), the 14–day period for submission of records is unreasonably short. To collect the data, mail it to a computer center, review it for completeness, punch tab cards, calculate exposures (even using automatic tab equipment), check data, and correct any errors, a minimum of 45 days is required. Exposure data is by definition "after-the-fact" information to be retained for future reference and does not require urgent action. Hence a 45–day period is a reasonable one.

"We object to the reporting requirements of paragraph (c) and to the forms designated Y–4000–8, Y–4000–8s, X–4000–9 and X–4000–9s. The provisions in paragraph (b) which require the operator to maintain records of the individual exposure for all persons working underground including the supporting data is sufficient for MESA to enforce the standard limiting individual exposure to 4 WLM/year."

MESA recommendations: At the hearings MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.5–40 read as follows:

57.5–40 Mandatory. When concentrations of radon daughters are found in excess of 0.3 WL in any active working:

(a) The operator shall sample the air within the breathing zones of persons working in stopes and drift headings, and sample the air in all travelways, haulageways, shops, stations, lunchrooms, magazines, and any other place or location where persons work, travel, or congregate. Sampling shall be performed at least weekly at random times during regular work shifts, and shall be done by a competent person using suggested equipment and procedures described in section 14.3 of ANSI N13.8–1973, entitled "American National Standard Radiation Protection in Uranium Mines", approved July 18, 1973, pages 13–15 by the American National Standards Institute Inc., which is hereby incorporated by reference and made a part hereof, or equivalent procedures and equipment acceptable to MESA. This publication may be examined in any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration or may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

(b) The operator shall record individual exposures to concentrations of radon daughters for all persons working underground. These records shall include the individual's time in each working place and each active working, and the average concentration of airborne alpha radiation for each working place and each active working.

(c) The operator shall maintain a "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Form Y–4000–8s for mines located in States with State Plans) and a "Record of Individual Exposure to Radon Daughters" (Form X–4000–9, or Form X–4000–9s for mines located in States with State Plans), or equivalent reporting forms that are acceptable to the Administrator, Mining Enforcement and Safety Administration, on which there shall be entered and recorded specific information with respect to each person's average exposure to concentrations of radon daughters. Form Y–4000–8 or Y–4000–8s shall also include any non-duplicated measurements taken by Federal and State representatives and reported to the operator. Such Federal and State measurements shall be clearly identified.

(1) For mines located in a State with a State Plan approved by the Secretary of the Interior under section 16 of the Federal Metal and Nonmetallic Mine Safety Act, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9s) shall consist of an original of each form for the operator's records and a first and second copy of each form for use by the Mining Enforcement and Safety Administration and the State, respectively. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form to the State agency responsible for administering the State Plan on behalf of the State in which the mine is located, and to:

Data Management—Attn: MCS System, Mining Enforcement and Safety Administration, 603 Miller Court, Lakewood, Colorado 80215.

Such forms shall be mailed or delivred no later than 45 days following a reporting period covering each month.

(2) For mines located in a State without a State Plan, the "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8) and the "Record of Individual Exposure to Radon Daughters"

JUN 16 77
UM

(Form X–4000–9) shall consist of an original of each form for the operator's records and a carbon copy of each form, for use by the Mining Enforcement and Safety Administration. Operators shall retain the original and mail or deliver a clear, legible copy of each form, or acceptable equivalent reporting form, to the Mining Enforcement and Safety Administration, address given in (c) (1) above, no later than 45 days following a reporting period covering each month.

(3) Errors detected by the operator shall be corrected, and a corrected copy of the reporting form, or acceptable equivalent, shall identify the error and indicate the date the correction was made. The corrected copy or acceptable equivalent shall be mailed or delivered within 45 days to the Mining Enforcement and Safety Administration, address given in (c) (1) above and, if applicable, to the State agency.

(4) The operator's records of individual exposure to concentrations of radon daughters and copies of "Records of Work Area Radon Daughter Concentrations" and "Record of Individual Exposure to Radon Daughters", or true legible facsimiles thereof (microfilm or other), shall be retained at the mine or nearest mine office for a period of 2 years from the date the records are mailed or delivered to the Mining Enforcement and Safety Administration. These records shall be open for inspection by the Secretary of the Interior, his duly authorized representative, and authorized representatives of the official mine inspection agency of the State in which the mine is located.

(5) Upon written request from a person who is a subject of these records, a statement of year-to-date and cumulative exposure applicable to that person shall be provided to the person, or to whomever such person designates.

(6) The blank forms entitled "Record of Work Area Radon Daughter Concentrations" (Form Y–4000–8, or Y–4000–8s) and the "Record of Individual Exposure to Radon Daughters" (Form X–4000–9, or X–4000–9s) may be obtained on request from any Metal and Nonmetal Mine Health and Safety Subdistrict Office of the Mining Enforcement and Safety Administration.

NOTE.—To calculate an individual's exposure in WLM for a given period of time in each working place or each active working, as applicable, multiply the total exposure time (hours to the nearest half hour) in a working place or an active working as applicable, by the average concentration of airborne alpha radiation for the applicable working place or active working (average working level calculated to the nearest hundredth working level), and divide the product by the constant, 173 hours per month.

An average airborne alpha radiation concentration for a designated working place or active working shall be determined by averaging all sampling results for the applicable working place or active working during the time that the person is present in that designated working place or active working.

An individual's exposure for an extended period of time is the sum of the individual's exposure calculated each week, or part thereof, for all working places and active workings where the individual has worked during that period of time.

XIV. PROPOSED MANDATORY STANDARDS 55.9–1, 56.9–1, AND 57.9–1 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"It is recommended that this proposed standard be revised as follows:

'Mobile equipment shall be inspected by a competent person before being placed in operation. Equipment defects affecting safety shall be corrected before the equipment is used.'

"Existing standard 57.9–2, which requires that the equipment defects affecting safety be corrected before the use of such equipment, could be revoked if our revision were adopted since it would be incorporated. The two-year record keeping requirement for each shift inspection will result in a burdensome and voluminous record keeping requirement and serves no useful purpose.

"The purpose of the standard is to ensure (1) detection and (2) correction of defects affecting safety on equipment. Compliance can easily be determined through inspections of the equipment, not necessary records."

B. The objections and grounds stated for the objections filed by the National Limestone Institute are as follows:

"This industry takes particular exception to the record keeping requirements proposed in this standard. Existing MESA regulations (55/56/57.14–26) already require that 'unsafe equipment or machinery shall be removed from service immediately.' This new regulation, in our opinion, imposes additional needless record keeping without any apparent merit and, therefore, should be removed entirely."

C. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"The crushed stone industry concurs that operator inspection of his equipment is fundamentally a good idea. We vigorously oppose the proposed requirement to maintain records of equipment defects, so detected, for the period specified. The volume of records to be maintained under the proposed standard will constitute a superfluous and record keeping hardship, especially since existing Mandatory Standards 56.9–2 and 57.9–2 require that 'equipment defects affecting safety shall be corrected before the equipment is used.' If this existing standard (56.9–2 and 57.9–2) is followed and enforced, there is no need for 56.9–1 or 57.9–1."

D. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend that mandatory standards 55.9–1, 56.9–1, and 57.9–1 read as follows:

"Mobile equipment that is to be used during a shift shall be inspected by the equipment operator before being placed in operation. Equipment defects affecting safety shall be reported to, and recorded by the mine operator. The records shall be maintained at the mine or nearest mine office for at least 6 months from the date the defects are recorded. Such records shall be made available for inspection by the Secretary of the Interior or his duly authorized representative."

XV. PROPOSED MANDATORY STANDARDS 55.9–34, 56.9–34, AND 57.9–34 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This standard should be changed to the following:

'Haulage equipment shall be loaded in such a manner as to minimize spillage while in route (sic) to a dumping site.'

"It appears that the intent of the proposal to minimize spillage (sic) which would be covered by our proposed revision. The published proposal is totally unacceptable because haulage units are often built to allow alterations and the safe carrying capacities can easily be greater than the nominal rated capacity. The density of the material being hauled can vary, for example, a 150-ton rated truck could safely carry from 120 to 190 tons of material depending on the density of the material. The proposed standard would seem to require scales near the loading site which would be totally impractical, and load indicator on haulage equipment have not been proved to be reliable or satisfactorily maintenance free."

B. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows:

"This proposed standard is acceptable so long as reasonable calculated values and visual checks based on the material handled can be substituted for routine weighing."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standards. MESA will recommend that mandatory standards 55.9–34, 56.9–34, and 57.9–34 read as follows:

"Haulage equipment shall not be loaded in excess of the manufacturer's rated weight capacity and the equipment shall be loaded in a manner to minimize spillage during haulage."

XVI. PROPOSED MANDATORY STANDARD 57.9–104 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"It is recommended that the word 'and' be inserted between 'chute lips' and 'air doors' and the words 'and obstructions' should be omitted.

In underground mines there are all sorts of conditions that could be interpreted as an 'obstruction'. This very loose wording would be very difficult to comply with."

MESA recommendation: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.9–104 read as follows:

"Warning devices or conspicuous markings shall be installed where chute lips, ventilation doors, and obstructions create a hazard to persons on equipment."

XVII. PROPOSED MANDATORY STANDARD 57.11–59 APPLICABLE TO UNDERGROUND ONLY

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This proposed standard should be changed to the following:

'An auxiliary respiratory system, with sufficient capacity to effect mine evacuation plans, shall be provided for operators of all underground hoists.'

"The provisons necessary to provide a respirable atmosphere for underground hoist operators is dependent on the local conditions in the mine—the number of men to be surfaced by the hoist, the location of the hoist with relation to the fresh air supplies, and its physical location in the mine. The proposed detailed requirements are much too rigid to apply to the varying situations found in underground mines."

B. The objections and grounds stated for the objections filed by the Colorado United Mine Operators are as follows:

"The many requirements for hoistman protection in this standard seem to go beyond the needs of personal protection. In addition automatic hoists or self-actuated hoists should be excluded. None of the three alternatives for ventilation specified in (a) are feasible in large, deep, existing mines. Air through a bore hole from the surface or supplied by compressors on the surface and piped or aircoursed through metal ducts not located in timber would be fantastically expensive in a mine many thousands of feet deep or several miles under a mountain. (b) Provides for compressed air storage in containers. This is a practical method of providing the hoistman with his personal air supply. (c) The two-hour self-contained breathing apparatus for escape may be far more than needed depending on the distance and estimated time to rach safety. In addition, many hoistmen are not physically able to qualify for 2-hour breathing apparatus training or wearing whereas they might meet a minimum of some simpler device for supplied air to provide for their travel to safety."

C. The objections and grounds stated for the objections filed by Gulf Mineral Resources are as follows:

"Are you sure that the rules should not call for a blower not a compressor?"

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.11–59 read as follows:

"For the protection of operators of hoists located underground which are part of the mine escape and evacuation plan required under Standard 57.11–53, the hoist operator shall be provided with respirable atmosphere completely independent of the mine atmosphere. This independent ventilation system shall convert, without contamination, to an approved and properly maintained 2-hour self-contained breathing apparatus to provide a safe means of escape for the hoist operator after the hoisting duties have been completed as prescribed in the mine escape and evacuation plan for that hoist. The hoist operators independent ventilation system shall be provided by one of the following methods:

(a) A suitable enclosure equipped with a positive pressure ventilation system which may be operated continuously or be capable of immediate activation from within the enclosure during an emergency evacuation. Air for the enclosure's ventilation system shall be provided in one of the following ways—

(1) Air coursed from the surface through a borehole into the hoist enclosure directly or through a metal pipeline from such borehole; or

(2) Air coursed from the surface through metal duct work into the hoist enclosure (although this duct work shall not be located in timber-supported active workings); or,

(3) Air supplied by air compressors located on the surface and coursed through metal pipe into the hoist enclosure.

A back-up system shall be provided for a hoist enclosure ventilation system provided by either of the methods set forth in (a) (2) and (a) (3) above. This back-up system shall consist of compressed air stored in containers connected to the enclosure. This back-up system shall provide and maintain a respirable atmosphere in the enclosure for a period of time equal to at least twice the time necessary to complete the evacuation of all persons designated to use that hoist as prescribed in the mine escape and evacuation plan required under Standard 57.11–53; or

(b) An approved and properly maintained self-contained breathing apparatus system which shall consist of a mask connected to compressed air stored in containers adjacent to the hoist controls. This self-contained breathing system shall provide a minimum of 24 hours of respirable atmosphere to the hoist operator. In addition, the self-contained breathing system shall be capable of a quick connect with the approved 2-hour self-contained breathing apparatus above."

XVIII. PROPOSED MANDATORY STANDARDS 55.19–78, 56.19–78 AND 57.19–78

A. The objections and grounds stated for the objections filed by American Mining Congress are as follows: "In the third sentence 'minimum speed' should be changed to 'slow speed'.

"Hoisting at a minimum speed may be much slower than necessary for safe operations and in addition is a very vague term. We realize that the term 'slow speed' is also a general term but it is felt that it would be more readily understood."

XIX. PROPOSED MANDATORY STANDARDS 55.20–8, 56.20–8, AND 57.20–8 APPLICABLE TO SURFACE AND UNDERGROUND

A. The objections and grounds stated for the objections filed by the American Mining Congress are as follows:

"This standard should be changed to the following:

'Toilet facilities shall be provided at convenient locations and shall be kept clean and sanitary.'

"The detailed requirements in the proposed standard do not take into proper consideration the different conditions in: (1) underground mining situations; (2) surface mining operations; and (3) fixed facilities, such as shops, mills, etc.

"The positioning of toilets based on 10-minute accessibility is totally unreasonable. The proposed standard goes beyond the requirements for general industry in requiring one toilet per ten workers. The requirement for weekly cleaning, recharging and disposal should not apply to the enzyme-type unit. Separate facilities for males and females are not necessary if privacy can be maintained by locks. Because of the wide variety of conditions at surface and underground mining operations throughout the country, a very flexible standard is necessary."

B. The objections and grounds stated for the objections filed by the National Crushed Stone Association are as follows: "NCSA believes that such matters as toilet regulations should be left to local health service authorities if possible particularly since section 6(b) of Pub. L. 89–577, the Federal Metal and Nonmetallic Mine Safety Act states that mandatory standards should '• • • deal with conditions or practices of a kind which could reasonably be expected to cause death or serious physical harm.'

"NCSA agrees that providing adequate number of clean, well maintained toilet facilities for employees is highly desirable. However, we question seriously the requirement for separate sexes because of the limited number of total people involved and the field conditions experienced in mining."

"Further, at least one other Federal regulatory agency which does have existing standards for employee toilets allows for use of a toilet by either sex when the toilet room can be occupied by no more than one person at a time, can be locked from the inside, and contained at least one water closet.

"Also, mobile crews of those working in normally unattended work locations cannot always have toilet facilities within 10 minutes accessibility.

"Finally, the requirement to service toilets '• • • when full, but not less frequently than weekly' ignores recent re-

JUN 16 77
UM

circulating, self cleaning, advanced systems of toilet design, some of which require removal of waste as seldom as once a year. Exception provision should be made for those which do not require such servicing at less frequent intervals than once a year or month."

C. The objections filed and grounds stated for the objections filed by the National Limestone Institute are as follows:

"The requirements in this standard are frivolous, in many cases extremely impractical, and fail to recognize new technology. To begin with, we are at a complete loss as to how this standard relates to safety. Further, many of this industry's operations are portable and operate in remote areas where it would be extremely difficult and costly to meet the requirements of the standard. Also, we do not think it necessary to provide separate facilities for men and women. Certainly there is ample precedent for this line of reasoning for one need only to look at the airlines where no such distinction is made—and they certainly don't require a separate facility for every ten passengers.

"The requirement that each toilet be serviced 'not less frequently than once a week' does not recognize the existence of new technology. We have been informed of a new chemical type toilet which utilizes a recirculating liquid and reportedly needs service only once a year.

"Because we do not feel it is MESA's responsibility to set standards for toilet facilities, we would like to see this standard deleted in its entirety. Failing that, we urge you to give consideration to our other arguments with respect to number of toilets, servicing requirements and the need for separate facilities for men and women."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 55.20–8, 56.20–8, and 57.20–8 read as follows: Toilet facilities shall be provided at readily accessible locations and shall be kept clean and sanitary.

(a) The number of toilets provided shall be in accordance with the following table:

Number of employees:	*Minimum number of water closets*
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	(1)

[1] One additional fixture for each additional 40 employees.

(b) The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided.

(c) Toilets shall be chemical types, water closets, or equivalent facilities approved by the District Manager, Metal and Nonmetal Mine Health and Safety, for the District in which the mine is located. Such facilities shall be protected from the elements. Toilets shall be removed to the surface for cleaning, recharging, disposal (as applicable); or toilet waste transfer tanks and transfer equipment shall be provided with fittings to permit complete transfer of waste without spillage. Toilet waste shall be disposed of in accordance with State and local laws and regulations.

XX. PROPOSED MANDATORY STANDARD 57.21–21

A. The objections and grounds stated for the objections filed by FMC Corporation are as follows: "The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.21–21 read as follows:

"Main fans shall be:

"(a) Operated continuously while persons are underground except when stopped or slowed down for fan maintenance and/or fan adjustments and related ventilation system adjustments and compliance is made with the provisions of mandatory standard 57.21–24.

"(b) Provided with pressure-recording gauges which shall be examined daily for good operating condition. The charts of such gauges shall be changed after completing one revolution.

"(c) Inspected daily and logs kept of such inspections and of fan maintenance.

"(d) Charts and logs shall be retained for a minimum of one year. Such records and charts shall be available for inspection by the Secretary of the Interior or his duly authorized representative."

XXI. PROPOSED MANTATORY STANDARD 57.21–24

A. The objections and grounds stated for the objections filed by FMC Corporations are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.21–24 read as follows:

"(a) At mines where a single main fan is used and such fan stops, or at mines where multiple main fans are used and all such fans stop, the operator shall take the following immediate action:

(1) Withdraw all persons from the affected active workings.

(2) Deenergize the power in affected active workings.

(3) Withdraw all persons from the mine when a 1.0 percent concentration of methane in air is measured in any active working.

"If ventilation has been interrupted for more than 15 minutes, all working places and active workings where methane may accumulate shall be examined by a competent person(s). The power shall not be restored or persons permitted to reenter the affected active workings until the competent persons(s) has determined the methane concentration in such active workings is less than 1.0 percent.

"(b) At mines where multiple main fans are used and one or more but not all fans stop, and air flow in intake and return air courses is maintained, the operator shall take the following immediate action:

(1) Monitor the air in all active workings for methane content.

(2) Withdraw all persons from, and deenergize the power, in all active workings when a 1.0 percent concentration of methane in the air is measured.

(3) Comply with all related mandatory standards in section 57.21."

XXII. PROPOSED MANDATORY STANDARD 57.21–80

A. The objections and grounds stated for the objections filed by FMC Corporation are as follows:

"The wording of the standard is unclear as to their meaning and not worded in the best interest of safety."

MESA recommendations: At the hearing MESA, in response to the comments received and the objections filed, will recommend and offer evidence in support of revising the proposed mandatory standard. MESA will recommend that mandatory standard 57.21–80 read as follows:

"A methane monitoring device (methane monitor), approved by the Secretary of the Interior, shall be installed and properly maintained on all continuous miners and longwall face equipment. The sensing unit of the methane monitor shall be positioned as close to the working face as practicable. When the concentration of methane is 1.0 percent or more, the monitor shall give a warning and deenergize the equipment automatically when the concentration reaches 1.5 percent. The methane monitor also shall deenergize such equipment automatically when the monitor is not functioning properly."

DRAFTING INFORMATION

The principal persons responsible for preparation of these proposed and revised proposed standards are: Arthur P. Nelson, Assistant Administrator, Metal and Nonmetal Mine Health and Safety, MESA; E. Levi Brake, Chief, Division of Safety; Aurel Goodwin, Chief, Division of Health; and, Donald R. Tindal, Assistant Solicitor, Metal and Nonmetallic Mine Health and Safety, Office of the Solicitor.

Dated: June 10, 1977.

JOAN M. DAVENPORT,
Assistant Secretary of the Interior.

[FR Doc.77–17105 Filed 6–15–77;8:45 am]

federal register

THURSDAY, JUNE 16, 1977

PART IV



OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS, JUNE 1977

Cumulative Report

V 42 N 116 JUN 16 77 UM

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS, JUNE 1977

Cumulative Report

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all current year budget authority with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of June 1, 1977, of the 14 rescissions and 58 deferrals contained in the first twelve special messages transmitted to the Congress for fiscal year 1977. These messages were transmitted to the Congress on July 29, September 22, October 1, November 5, December 3, 1976, January 7 and 17, March 9 and 24, April 4 and 28, and May 18, 1977.

RESCISSIONS (TABLE A AND ATTACHMENT A)

One rescission totaling $126.2 million in fiscal year 1977 budget authority is presently before the Congress. Table A summarizes the status of rescissions proposed as of June 1, 1977. Attachment A shows the history and status of each rescission proposed for fiscal year 1977.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of June 1, 1977, $4,434.5 million in 1977 budget authority was being deferred from obligation and another $38.1 million in 1977 obligations was being deferred from expenditure. Table B summarizes the status of existing deferrals. Attachment B shows the history and status of each deferral proposed during fiscal year 1977.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Tuesday, August 3, 1976 (Vol. 41, No. 150, Part VI).
Monday, September 27, 1976 (Vol. 41, No. 188, Part III).
Thursday, October 7, 1976 (Vol. 41, No. 196, Part IV).
Wednesday, November 10, 1976 (Vol. 41, No. 218, Part VII).
Wednesday, December 8, 1976 (Vol. 41, No. 237, Part II).
Thursday, January 13, 1977 (Vol. 42, No. 9, Part X).
Monday, January 24, 1977 (Vol. 42, No. 15, Part VIII).
Wednesday, March 16, 1977 (Vol. 42, No. 51, Part IV).
Wednesday, March 30, 1977 (Vol. 42, No. 61, Part VI).
Friday, April 8, 1977 (Vol. 42, No. 68, Part VI).
Wednesday, May 4, 1977 (Vol. 42, No. 86, Part VI).
Monday, May 23, 1977 (Vol. 42, No. 99, Part IX).

BERT LANCE,
Director.

TABLE A

STATUS OF 1977 RESCISSION PROPOSALS

	Amount (In millions of dollars)
Proposed rescissions	1,261.6
Withdrawn (R77-4A, Special Message No. 4, R77-13A, Special Message No. 8)	-95.0
Accepted by the Congress (R77-3, R77-5, R77-8, R77-9, R77-10, R77-11)	-711.6
Rejected by the Congress	-60.4
Adjustments	-268.4 1/
Pending before the Congress	126.2

TABLE B

STATUS OF 1977 DEFERRALS

	Amount (In millions of dollars)
Proposed deferrals	7,249.3
Routine Executive releases (-2,291.4M) and adjustments (-459.8M) 2/ through June 1, 1977.	-2,751.1
Overturned by the Congress	-25.6
Currently before the Congress	4,472.6 3/

1/ This amount is the difference between $721.0 million in Navy shipbuilding and conversion funds originally proposed for rescission and $452.6 million rescinded. When the rescission was proposed, these funds were already obligated for supply contracts. In testimony before the House Appropriations Committee, the Secretary of Defense concurred in the opinion that these contracts should not be terminated.

2/ An amount equal to $1,652.7 million included in the "Adjustments" column of Attachment B to this report represents superseded deferrals. This amount is not included in the "Adjustments" entry above because superseded deferrals are netted out in calculating the amount shown on the line "Deferrals proposed by the President" to avoid double counting.

3/ Includes $38.1 million of outlays in two Treasury deferrals--D77-26 and D77-27A.

V42N116 JUN 16 77 UM

A-1

STATUS OF RESCISSIONS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

As of June 1, 1977

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Funds Appropriated to the President							
International Security Assistance:							
Foreign military credit sales	R77-5	(41,500) 1/	01-17-77	41,500 2/	03-25-77		
Department of Commerce							
U.S. Travel Service							
Salaries and expenses	R77-6	(525)	01-17-77			525	03-15-77
National Oceanic and Atmospheric Administration:							
Operations, research, and facilities	R77-7	(1,500)	01-17-77			1,500	03-15-77
Department of Defense-Military							
Retired pay, Defense	R77-8	(143,600)	01-17-77	143,600 2/	03-25-77		
Shipbuilding and conversion, Navy	R77-9	(721,000) 3/	01-17-77	452,600 2/	03-25-77		
Shipbuilding and conversion, Navy	R77-10	126,212	05-18-77				
Other procurement, Air Force	R77-10	(14,350)	01-17-77	14,350 2/	03-25-77		
Department of Defense-Civil							
Corps of Engineers-Civil:							
Revolving fund	R77-2	(6,600)	09-22-76			6,600	03-02-77
Department of the Interior							
Bureau of Mines:							
Helium fund	R77-3	(47,500)	09-22-76	47,500 4/	03-16-77		

Agency/Bureau/Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available	Date Made Available
Department of State							
Contributions for international peacekeeping activities	R77-11	(12,000)	01-17-77	12,000 2/	03-25-77		
Department of Transportation							
Federal Highway Administration:							
Highway crossing Federal projects	R77-4	(35,000)	09-22-76				
	R77-4A	0	11-05-76			35,000 5/	10-01-76
Coast Guard:							
Retired pay	R77-12	(6,803)	01-17-77			6,803	03-15-77
Other Independent Agencies							
Legal Services Corporation:							
Payment to the Legal Services Corporation	R77-1	(45,000) 6/	07-29-76			45,000 5/	10-01-76
Small Business Administration:							
Business loan and investment fund	R77-13	(60,000)	01-17-77				
	R77-13A	0	03-09-77			60,000 7/	10-01-76 7/
TOTAL:		126,212		711,550		155,428	

1/ This amount was included in a deferral (D77-38) that was transmitted to the Congress on 12-03-76.
2/ P.L. 95-15.
3/ Of the $721,000,000 proposed for rescission, $452,600,000 was rescinded because the difference, totaling $268,400,000, was previously obligated. The $452,600,000 was assumed to be included in a deferral (D77-34) transmitted to the Congress on 11-05-76.
4/ P.L. 95-10.
5/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on November 5, 1976.
6/ These funds were not withheld during the 45-day Congressional consideration period.
7/ A supplementary report withdrawing the proposed rescission was transmitted to the Congress on March 9, 1977. These funds were not withheld during the 45-day Congressional consideration period.

B-1

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Releases Resulting From Subsequent Actions Taken by: OMB/Agency	Releases Resulting From Subsequent Actions Taken by: House	Releases Resulting From Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 06-01-77
Emergency Refugee and Migration Assistance Fund	D77-1		9,640	10-01-76					
				10-28-76	-1,000				
				11-12-76	-1,200				
				12-29-76	-2,000				
				01-10-77	-1,000				
				01-31-77	-2,100				
				05-25-77				43,660	5,000
International Security Assistance									
Military assistance, 1977	D77-37		73,000	12-03-76					73,000
Foreign military credit sales	D77-38		740,000	12-03-76					
				01-10-77	-23,627				
				01-25-77	-565,333				
				05-04-77	-27,500				
				05-20-77				+12,250	74,090
TOTAL:			821,640		-643,960			-25,562	152,090

1/ This amount was proposed for rescission (R77-5). The proposal was accepted by the Congress in P.L. 95-15.

V42 N116 JUN 16 77 UM

E-2

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Foreign Agricultural Service									
Salaries and expenses: (Special foreign currency program).....	D77-2	[1,614]		10-01-76 01-17-77				-1,614 1/	
	D77-2A		1,743	01-17-77					1,743
Agricultural Stabilization and Conservation Service									
Commodity credit corporation administrative expenses.....	D77-3		3,919	10-01-76 12-30-76 03-25-77 05-19-77	-3,629 -44 -140				66
Forest Service									
Expenses, brush disposal.	D77-4		22,321	10-01-76					22,321
Licensee programs.....	D77-5	[144]		10-01-76 01-17-77				-144 1/	
	D77-5A		239	01-17-77					239
TOTAL:		1,758	27,222		-3,853			-1,758	24,369

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
General Administration									
Special foreign currency program.....	D77-45		654	01-17-77					654
National Oceanic and Atmospheric Administration									
Operations, research, and facilities.....	D77-46	[9,500]		01-17-77 03-28-77 04-2m-77	-1,200			-6,300 1/	
	D77-46A		6,300	04-2m-77					6,300
Promote and develop fishery products and research pertaining to American fisheries.....	D77-6	[3,772]		10-01-76 01-07-77				-1,771 1/	
	D77-6A		1,772	01-07-77 03-08-77	-600				1,172
Fisheries loan fund.....	D77-7		5,799	10-01-7m					5,799
Offshore shrimp fisheries fund.....	D77-8		59	10-01-7m 05-06-77	-58				1
Fisherman's guaranty fund.....	D77-9	[350]		10-01-76 01-07-77				-350 1/	
	D77-9A		344	01-07-77					344

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Commerce (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Maritime Administration									
Ship construction.....	D77-47	[200,900]		01-17-77 04-04-77				-200,900 1/	
	D77-47A		200,900	04-04-77 05-16-77	-102,900				98,000
TOTAL:		218,527	216,028		-104,758			-209,327	112,476

1/ Subsequently incorporated in a supplementary report.

VAULT JUN 16 77 UM

B-5

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Shipbuilding and conversion, Navy.....	D77-34		929,250	11-05-76 01-17-77				-452,600 1/	476,650
Military construction, all services.....	D77-10	[76,463]		10-01-76 12-03-76				-76,463 2/	
	D77-10A	[335,883]		12-03-76 01-17-77				-335,883 2/	
	D77-10B	[387,652]		01-17-77 03-09-77				-387,652 2/	
	D77-10C		424,240	03-09-77 03-25-77 03-28-77 03-30-77 04-12-77 04-14-77 05-23-77	-12,960 -18,527 -34,011 -8,210 -5,425 -24,253				320,854
TOTAL:		800,018	1,353,490		-103,366			-1,252,618	797,504

1/ This amount was included in a rescission proposal (R77-9). The proposal was accepted by the Congress in P.L. 95-15.
2/ Subsequently incorporated in a supplementary report.

B-6

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting from Subsequent Actions Taken by OMB/Agency	Releases Resulting from Subsequent Actions Taken by House	Releases Resulting from Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Corps of Engineers-Civil Construction, general...	D77-53	[7,760]		03-24-77 03-14-77	-5,095				
	D77-53A		2,665	05-18-77 05-18-77				-2,665 1/	2,665
Panama Canal Canal Zone Government: Capital outlay.....	D77-11		146	10-01-76					146
Miscellaneous Accounts Wildlife conservation; etc., military reservations.....	D77-12	[363]		10-01-76 03-09-77				-363 1/	
	D77-12A		515	03-09-77					515
TOTAL:		8,123	3,326		-5,095			-3,028	3,326

1/ Subsequently incorporated in a supplementary report.

B-7

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Office of the Assistant Secretary for Health Scientific activities overseas (Special foreign currency program).....	D77-13	[1,113]		10-01-76 01-07-77				-1,113 1/	
	D77-13A		2,113	01-07-77					2,113
Office of Education Higher education.....	D77-14	[31,702]		10-01-76 11-05-76				-31,702 1/	
	D77-14A		303,862	11-05-76 02-28-77	-23,082				280,780
Social Security Administration Limitation on construction.....	D-77-15	[17,272]		10-01-76 11-05-76				-17,272 1/	
	D77-15A		18,673	11-05-76					18,673
Special Institutions Howard University.....	D77-35		500	11-05-76					500
TOTAL:		50,087	325,148		-23,082			-50,087	302,066

1/ Subsequently incorporated in a supplementary report.

V 42 N 116 JUN 16 77 UM J

B-8

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Bureau of Land Management									
Oregon and California grant lands	D77-16	(5,426)		10-01-76					
				05-18-77				-5,426 1/	
	D77-16A		7,615	05-18-77					7,615
Bureau of Reclamation									
Colorado River Basin Project	D77-54		6,700	03-24-77					
				03-15-77	-6,700				0
Bureau of Outdoor Reclamation									
Land and water conservation fund	D77-17		30,000	10-01-76					30,000
National Park Service									
Road construction	D77-18		3,245	10-01-76					
				10-01-76	-3,245				0
Geological Survey									
Payment from proceeds, sale of water	D77-19		30	10-01-76					30
Bureau of Mines									
Drainage of anthracite mines	D77-20		3,525	10-01-76					3,525
TOTAL:		5,426	49,295		-8,035			-5,426	41,170

1/ Subsequently incorporated in a supplementary report.

B-9

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Federal Prison System									
Buildings and facilities	D77-21		1,900	10-01-76				-1,900 1/	0
TOTAL:			1,900					-1,900	0

1/ This deferral resulted from anticipated savings attributable to a plan for leasing a New York State correctional facility. The lease proposal on which the deferral was based was not accepted by New York and the funds are needed to construct the facility as originally planned. Funds related to this deferral were not withheld.

B-10

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Employment and Training Administration									
Advances to the unemployment trust fund and other funds	D77-39		2,919,000	12-03-76					
				12-28-76	-1,119,000				1,800,000
TOTAL:			2,919,000		-1,119,000				1,800,000

B-11

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Administration of Foreign Affairs									
Acquisition, operation, and maintenance of buildings abroad	D77-22		14,225	10-01-76					14,225
TOTAL:			14,225						14,225

VOL 42 NO 116 JUN 16 77 UM

B-12

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Coast Guard									
Acquisition, construction and improvements	D77-23		22,581	10-01-76					22,581
Federal Aviation Administration									
Civil supersonic aircraft development termination	D77-24	[464]		10-01-76 01-17-77				-464 1/	
	D77-24A		8,080	01-17-77					8,080
Facilities and equipment (Airport and airway trust fund)	D77-25	[276,101]		10-01-76 01-17-77				-276,101 1/	
	D77-25A	[287,095]		01-17-77 03-09-77				-287,095 1/	
	D77-25B		278,095	03-09-77					278,095
Federal Highway Administration									
Trust fund share of other highway programs	D77-48		31,250	01-17-77					31,250
TOTAL:		563,660	340,006					-563,660	340,006

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Department of the Treasury

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Office of the Secretary									
Antirecession financial assistance fund	D77-57		6,030	04-28-77 05-01-77 05-31-77	-938			+359	5,451
State and local government fiscal assistance trust fund	D77-26		113,732 1/	10-01-76 11-01-76 01-31-77 05-01-77	-28,433 1/ -28,433 1/ -28,433 1/				28,433 1/
State and local government fiscal assistance trust fund	D77-27	[10,000] 1/		10-01-76 12-03-76				-10,000 1/2/	
	D77-27A		21,075 1/	12-03-76 12-31-76 01-31-77 05-01-77 06-01-77	-16,693 1/ -1,590 1/ -5,835 1/			+12,860 1/	9,817 1/
State and local government fiscal assistance trust fund	D77-28		61,500	10-01-76 11-01-76 12-01-76 12-31-76 03-01-77 04-01-77 05-01-77	-226 -186 -7,000 -317 -4			+8,204	61,147
Loans to the District of Columbia for capital outlay	D77-36		51,002	11-05-76					51,002
TOTAL:		10,000	134,5328A 134,0070		-9,559BA -109,0170			+8,827dA +2,0000	197,000BA 36·0500

1/ Outlays only.
2/ Subsequently incorporated in a supplementary report.

V 42 116 JUN 16 77 UM

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Energy Research and Development Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Operating expenses (Energy extension service)	D77-49		7,500	01-17-77 02-22-77				-7,500 1/	0
Operating expenses (Magnetic fusion energy)	D77-50		12,000	01-17-77		-12,000 2/			0
Operating expenses (Program support-community operations)	D77-51		5,400	01-17-77		-5,400 3/			0
Operating expenses (Biomedical and environmental research)	D77-52		8,200	01-17-77		-8,200 4/			0
Operating expenses	D77-55		80,500	04-04-77					80,500
Operating expenses (Clinch River Breeder Reactor Plant project)	D77-58		31,800	05-18-77					31,800
Plant and capital equipment	D77-56		46,660	04-04-77					46,660
TOTAL:			192,060			-25,600		-7,500	158,960

1/ This adjustment reflects the impact of P.L. 95-3 which makes the source of ERDA's funding their regular 1977 appropriations, rather than the continuing resolution (P.L. 94-473)) without need for enactment of authorizing legislation.
2/ Impoundment resolution H. Res. 305 passed the House on March 3, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 306 passed the House on March 3, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 307 passed the House on March 3, 1977, rejecting this deferral.

B-15

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Rare Silver Dollar Program	D77-29	[1,709]		10-01-76 01-07-77				-1,709 1/	
	D77-29A		1,797	01-07-77					1,797
TOTAL:		1,709	1,797					-1,709	1,797

1/ Subsequently incorporated in a supplementary report.

B-16

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
Action Operating expenses, international and domestic programs	D77-40		550	12-03-76 12-31-76	-15				535
Foreign Claims Settlement Commission Payment of Vietnam prisoner of war claims.	D77-30		10,833	10-01-76					10,833
American Revolution Bicentennial Administration Commemorative activities fund	D77-31	[1,346]		10-01-76 01-07-77				-1,346 1/	
	D77-31A		198	01-07-77					198
Interstate Commerce Commission Payment for directed rail service	D77-32		13,700	10-01-76					13,700
National Commission on the Observance of International Women's Year Salaries and expenses	D77-33		680	10-01-76					680
U.S. Information Agency Salaries and expenses (special foreign currency program)	D77-41		2,437	01-07-77					2,437
Special international exhibitions	D77-42		1,716	01-07-77					1,716

B-17

STATUS OF DEFERRALS

FISCAL YEAR 1977
(Amounts in thousands of dollars)

Agency: Other Independent Agencies (continued)

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Releases Resulting From Subsequent Actions Taken by OMB/Agency	Releases Resulting From Subsequent Actions Taken by House	Releases Resulting From Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 06-01-77
exhibitions (special foreign currency program)	D77-43		112	01-07-77					112
U.S. Railway Association Payments for the purchase of Conrail securities	D77-44		680,700	01-07-77 01-27-77	-162,000				518,700
TOTAL:		1,346	710,926		-162,015			-1,346	548,911
TOTAL, ALL DEFERRALS:		1,642,652BA 10,0000	7,114,5058A 134,8070		-2,181,743BA -109,6170	-25,600BA		-2,115,312BA +2,0600	4,434,502BA 36,0500

1/ Subsequently incoporated in a supplementary report.

[FR Doc.77-17317 Filed 6-14-77;10:48 am]

federal register

THURSDAY, JUNE 16, 1977

PART V



DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

EXPORT MONITORING REPORT FOR FERTILIZERS

October – December 1976

V42 N116
JUN 16
77
7
UM

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORT MONITORING REPORT FOR FERTILIZERS

October–December 1976

Data collected during October through December 1976, the second quarter of the 1977 crop year, indicated a sizeable increase in imports and a modest increase in exports of nitrogen containing fertilizers, compared to the same three month period in 1975. Fertilizers containing nitrogen imported during October through December 1976, totaled 465,461 content tons. This was 190,650 content tons more than were imported during the same quarter of the preceding year, when 274,811 content tons entered the United States. During this same October through December period, exports of fertilizers containing nitrogen totaled 357,784 content tons, an increase of 31,297 content tons over the 326,487 content tons exported in the comparable 1975 period.

Of those nitrogen-containing fertilizer materials under export monitoring, ammonium phosphate was the commodity exported in the largest quantity during the October through December period, with 740,308 short tons being shipped abroad. This was 189,941 short tons more than the 550,367 short tons exported during October through December 1975. Ammonium sulfate, with exports totaling 152,841 short tons during October through December, was the second largest nitrogen fertilizer export. However, the ammonium sulfate exported in the October through December 1976 quarter, even though it was second largest in quantity for this period, was 124,344 short tons less than the 277,185 short tons of ammonium sulfate exported in the like period of 1975.

Imports of nitrogen containing fertilizers were, as already noted, well above the import level for the comparable 1975 period and also were 190,650 content tons above the 257,864 content tons imported in the first quarter of the 1977 crop year. The October through December import level reversed the trend prevailing during the preceding six months, when nitrogen-containing fertilizer imports were declining in comparison to the previous year's levels.

Imports of nitrogen fertilizer materials in the fourth calendar quarter of 1976, were led by urae. During the October through December period, 413,077 short tons of this commodity were imported, a dramatic increase over the 142,504 short tons of urea imported in the comparable period in 1975. Anhydrous ammonia was the nitrogen fertilizer imported in second largest quantity in the October through December 1976 quarter. The 200,679 short tons of anhydrous ammonia imported in October through December represented a 31,976 short ton increase over the 168,703 short tons imported in October through December 1975.

Contracts for the export of nitrogenous fertilizers for the remainder of the 1977 crop year and the first half of the 1978 crop year, were nearly double the quantity committed to export sale a year ago. Total export contracts for nitrogenous fertilizers, as of December 1975, were 103,444 content tons; in December 1976, export sales for future delivery totaled 198,733 content tons. This may presage increased export activity during the coming year, but short term contract sales, which are unaccounted for here, may greatly affect the final export figures.

During the three month reporting period, minimal production increases over previous year levels occurred only with anhydrous ammonia and ammonium phosphate. October through December anhydrous ammonia production amounted to 1,515,000 short tons in 1976, compared to 1,494,000 short tons in 1975. Ammonium phosphate production during this same 1977 period totaled 752,000 short tons, compared to 698,000 short tons in 1976. Urea and ammonium nitrate production decreased slightly from that of the comparable period a year earlier, and comparative figures were not available for ammonium sulfate production.

Producers' prices for nitrogen-containing fertilizer materials, as reported in the trade press for this three-month period, showed little change. Domestically, transaction prices were drastically discounted from those quoted in the trade press, and actual export prices as reported to the Office of Export Administration were as much as 50 percent lower than the quoted prices. In December, export prices, both for current and future shipments, were reported to be less than $100 per short ton for both ammonia and urea. In fact, worldwide prices for all nitrogen fertilizers drifted lower in December. Relatively ample worldwide supply accounted for this general price decline.

Tables of exports, imports, inventories, domestic production, and prices follow.[1]

FRANK A. WEIL,
Assistant Secretary for Domestic and International Business.

[1] World supply and demand data are not available on a monthly basis. The most recent data on world supply and demand will be included in the Semi-Annual Report to Congress on operations of the Office of Export Administration covering the period ending with the first quarter of 1977.

TABLE 1
U.S. Trade in Nitrogen Fertilizer July 1975 - December 1976
In Content Tons

	Jul-Sep 1975	Oct 1975	Nov 1975	Dec 1975	Oct-Dec 1975	Jan-June 1976	Jul-Sep 1976	Oct 1976	Nov 1976	Dec 1976	Oct-Dec 1976
IMPORTS											
Nitrogenous Fertilizer N Content Tons 1/	265,601	65,074	92,420	117,317	274,811	683,661	257,864	143,406	153,485	168,570	465,461
EXPORTS											
Nitrogenous Fertilizer N Content Tons 1/	319,469	124,604	107,827	94,056	326,487	585,709	341,859	92,968	91,121	173,695	357,784

TABLE 2
Export Contracts for January - December 1977
In Content Tons

	CONTRACTS			
	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977	Oct-Dec 1977
IMPORTS				
Nitrogenous Fertilizer N Content Tons 1/	-	-	-	-
EXPORTS				
Nitrogenous Fertilizer N Content Tons 1/	87,805	82,700	17,599	10,629

1/ N Content tons includes items not listed in accompanying tables.
Source: Bureau of the Census and Office of Export Administration

TABLE 3

U.S. Exports of Fertilizers Containing Nitrogen, July 1975 - December 1976
In Short Tons

	Jul-Sep 1975	Oct 1975	Nov 1975	Dec 1975	Oct-Dec 1975	Jan-June 1976	Jul-Sep 1976	Oct 1976	Nov 1976	Dec 1976	Oct-Dec 1976
1/											
Anhydrous Ammonia	44,896	74,142	18,006	14,981	107,129	173,918	125,402	45,285	13,325	76,940	140,550
Urea	150,857	30,880	54,289	48,627	133,796	295,871	86,304	41,648	36,014	71,958	149,620
Ammonium Nitrate	9,406	2,372	19,530	22,095	43,997	8,068	2,840	161	508	526	1,195
Ammonium Sulfate	149,615	111,372	96,582	69,231	277,185	325,156	165,572	53,151	48,609	51,081	152,841
Ammonium Phosphate	968,021	136,710	222,444	191,213	550,367	1,202,697	879,899	133,861	248,728	357,719	740,308
Mixed Fertilizer	40,469	6,458	10,543	21,787	38,788	138,918	43,819	10,142	31,021	18,193	59,356

TABLE 4

Export Contracts for Fertilizers Containing Nitrogen, January 1977 - December 1977
In Short Tons

	CONTRACTS			
	Jan-Mar 1977	Apr-June 1977	Jul-Sep 1977	Oct-Dec 1977
1/				
Anhydrous Ammonia	30,900	-	-	-
Urea	48,500	26,025	1,975	856
Ammonium Nitrate	2,000	33 264	29,600	-
Ammonium Sulfate	172	-	125	-
Ammonium Phosphate	199,096	331,837	35,000	57,500
Mixed Fertilizer	25,426	3,307	3,307	-

1/ Includes fertilizer and other grades of anhydrous ammonia.
Source: Bureau of the Census and Office of Export Administration

TABLE 5

U.S. Imports of Fertilizers Containing Nitrogen, July 1975 - December 1976
In Short Tons

	Jul-Sep 1975	Oct 1975	Nov 1975	Dec 1975	Oct-Dec 1975	Jan-June 1976	Jul-Sep 1976	Oct 1976	Nov 1976	Dec 1976	Oct-Dec 1976
Anhydrous Ammonia	222,300	42,824	27,925	97,954	168,703	375,758	153,216	70,393	51,855	78,431	200,679
Urea	77,173	20,368	94,898	27,238	142,504	307,925	120,625	127,359	154,752	130,966	413,077
Ammonium Nitrate	43,473	14,249	31,505	14,685	60,439	191,523	57,324	11,683	22,640	28,358	62,681
Ammonium Sulfate	25,383	20,242	14,780	18,274	53,296	341,646	74,477	14,954	63,387	71,842	150,183
Ammonium Nitrate Limestone	-	9,890	-	-	9,890	12,225	22	92	-	16,534	16,626
Ammonium Phosphate	41,944	27,104	47,394	45,418	119,916	177,809	109,926	29,671	18,924	13,043	61,638
Nitrogen Solution	39,107	5,866	3,650	6,644	16,160	132,546	60,661	40,410	44,343	26,937	145,414
Nitrogenous Fertilizer N.S.P.F.	31,051	3,727	7,690	20,903	32,320	65,565	9,108	6,308	3,903	14,899	19,319
Mixed Fertilizer	15,387	11,110	5,095	7,257	23,462	66,855	14,682	8,106	9,819	12,728	30,653

Source: Bureau of the Census

TABLE 6
U.S. Production of Fertilizers Containing Nitrogen, October - November 1976
(December Figures not Available
1,000 Short Tons

	Jul-Jun 75 76	Oct 1975	Oct 1976	Nov 1975	Nov 1976	Dec 1975	Dec 1976	4th Qr. 1975	4th Qr. 1976	4th Qr. % Change 1976/1975
Anhydrous Ammonia	16,442	1,283	1,332	1,299	1,297	1,494	1,515	4,076	4,144	1.4
Urea	3,822	294	307	280	280	312	247	886	834	- 5.9
Ammonium Nitrate	7,003	606	592	578	634	621	549	1,805	1,775	- 1.7
Ammonium Sulfate 1/	N.A.	212	N.A.	307	N.A.	240	N.A.	659	N.A.	N.A.
Ammonium Phosphate 2/	8,255	727	847	660	737	698	752	2,085	2,336	12.0

N.A. - Not Available
1/ Includes coke oven byproduct
2/ Gross weight
Source: Bureau of the Census

TABLE 7
U.S. Producers' Inventories of Fertilizer Materials Containing Nitrogen
In Short Tons

	June 1974	June 1975	June 1976	Sept 1976	Oct 1975	Oct 1976	Nov 1975	Nov 1976	Dec 1975	Dec 1976
Anhydrous Ammonia	615,376	1,131,500	1,427,269	1,655,418	1,614,729	1,801,911	1,676,432	1,907,499	2,061,804	2,279,136
Urea	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Ammonium Nitrate	90,491	214,326	86,442	249,609	423,788	277,232	481,816	300,245	435,116	347,922
Ammonium Sulfate	153,496	239,753	N.A.	N.A.	317,862	227,983	387,999	N.A.	407,405	N.A.
Ammonium Phosphate	95,773	263,300	305,002	188,386	217,824	237,549	229,039	315,153	261,204	311,033

N.A. - Not Available
Source: Bureau of the Census

TABLE 8

U.S. Producers' Prices of Fertilizer Materials
$ Per Ton

Commodity	Oct 24 1973	Oct 27 1975	Oct 11 1976	Dec 27, 1976 (low) (high)	% Change Oct '73 - Dec '76 (low) PERCENTAGE (high)
Anhydrous Ammonia	65	190	190	180 - 190	177 - 192
Urea	72	175	175	160 - 175	122 - 143
Ammonium Nitrate	62	115	115	91 - 115	47 - 86
Phosphoric Acid (52-54%)	78	173	173	173 - -	122 - -
Phosphate Rock (66-68%)	7	31	26	24 - 26	243 - 271
Concentrated Superphosphate	55	140	140	127 - 140	131 - 155
Ammonium Phosphate	75	135	140	110 - 125	47 - 67

Source: Price column 1 -- Cost of Living Council
Columns 2, 3, and 4 -- Chemical Marketing Reporter
(low and high quote)

TABLE 9

U.S. Export Prices of Selected Fertilizer Products Containing Nitrogen
($ Per Short Ton)

	October 1976			November 1976			December 1976		
	Low	High	Weighted Average	Low	High	Weighted Average	Low	High	Weighted Average
Ammonia									
Shipments	90	96	92	90	90	90	86	86	86
Remaining Contracts	90	90	90	82	82	82	81	81	81
Urea									
Shipments	68	142	77	68	147	80	68	147	79
Remaining Contracts	77	122	99	71	122	110	75	122	98
Diammonium Phosphate									
Shipments	90	447	105	95	525	111	98	447	112
Remaining Contracts	101	228	112	101	215	113	99	228	113

Source: Office of Export Administration, U.S. Department of Commerce

TABLE 10
October U.S. Exports and Anticipated
U.S. Exports as of October 1976
of Nitrogen Containing Fertilizers

	Actual Exports Oct 1976	Actual Exports Jul-Oct 1976	Unfilled Contracts as of Oct 1976 Nov-Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Content Tons						
NITROGEN (N)						
Western Hemisphere	64,026	237,556	78,382	9,449	3,013	1,710
Western Europe	19,123	140,723	28,208	11,513	5,340	8,900
Communist Areas in Europe	0	73	-	-	-	-
Asia	9,041	46,686	35,341	5,910	-	-
Australia and Oceania	29	1,017	3,631	-	-	-
Africa	750	8,772	2,025	-	-	-
In Short Tons						
AMMONIA						
Western Hemisphere	30,274	106,699	28,501	-	-	-
Western Europe	14,523	56,958	-	-	-	-
Communist Areas in Europe	0	89	-	-	-	-
Asia	175	231	-	-	-	-
Australia and Oceania	-	-	-	-	-	-
Africa	313	6,710	-	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	66.6%				
UREA						
Western Hemisphere	41,470	107,012	43,225	16,880	1,960	800
Western Europe	-	-	-	-	-	-
Asia	178	20,793	28,889	-	-	-
Africa	0	147	-	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	87.5%				
AMMONIUM NITRATE						
Western Hemisphere	85	1,850	72	-	125	-
Western Europe	0	14	-	-	-	-
Asia	-	-	-	-	-	-
Australia and Oceania	76	76	-	-	-	-
Africa	0	1,061	200	-	-	-
% Exported to Developing Countries	-------	63.2%				
AMMONIUM SULFATE						
Western Hemisphere	53,116	214,036	73,466	54	21	37
Western Europe	0	4,617	-	-	-	-
Asia	0	30	-	-	-	-
Africa	35	40	-	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	88.5%				

TABLE 10 (continued)
October U.S. Exports and Anticipated
U.S. Exports as of October 1976
of Nitrogen Containing Fertilizers

	Actual Exports Oct 1976	Actual Exports Jul-Oct 1976	Unfilled Contracts as of Oct 1976 Nov-Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Short Tons						
DIAMMONIUM PHOSPHATE AND OTHER AMMONIUM PHOSPHATE						
Western Hemisphere	42,640	280,622	98,905	9,400	11,600	7,500
Western Europe	39,038	519,377	158,979	64,678	30,000	50,000
Asia	49,459	192,356	111,432	33,200	-	-
Australia and Oceania	0	5,490	20,400	-	-	-
Africa	2,724	15,905	11,000	-	-	-
% Exported to Developing Countries Jul-Oct 1976	-------	30.5%				
MIXED FERTILIZER						
Western Hemisphere	8,438	33,283	13,042	-	-	-
Western Europe	1,604	3,430	-	-	-	-
Asia	72	17,151	14,159	-	-	-
Australia and Oceania	25	94	-	-	-	-
Africa	3	3	-	-	-	-
% Exported to Developing Countries, Jul-Oct 1976	-------	58.0%				

TABLE 11
November U.S. Exports and Anticipated
U.S. Exports as of November 1976
of Nitrogen Containing Fertilizers

	Actual Exports Nov 1976	Actual Exports Jul-Nov 1976	Unfilled Contracts as of Nov 1976: Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Content Tons						
NITROGEN (N)						
Western Hemisphere	55,741	293,297	52,488	2,272	3,791	1,703
Western Europe	18,778	159,501	27,988	11,517	5,340	8,900
Communist Areas in Europe	0	73	-	-	-	-
Asia	11,971	58,657	28,988	7,636	-	-
Australia and Oceania	732	1,749	3,657	-	-	-
Africa	3,898	12,670	5,664	-	-	-
In Short Tons						
AMMONIA						
Western Hemisphere	17,439	124,538	14,099	-	-	-
Western Europe	0	56,959	8,300	-	-	-
Communist Areas in Europe	0	89	-	-	-	-
Asia	34	265	-	-	-	-
Australia and Oceania	-	-	-	-	-	-
Africa	451	7,161	6,100	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 63.8%					
UREA						
Western Hemisphere	36,012	143,024	34,386	1,880	1,960	800
Western Europe	-	-	-	-	-	-
Asia	0	20,795	28,889	-	-	-
Africa	0	147	-	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 87.1%					
AMMONIUM NITRATE						
Western Hemisphere	489	2,339	72	-	125	-
Western Europe	19	33	-	-	-	-
Asia	-	-	-	-	-	-
Australia and Oceania	0	76	76	-	-	-
Africa	0	1,061	200	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 67.8%					
AMMONIUM SULFATE						
Western Hemisphere	48,509	262,645	67,024	-	-	-
Western Europe	0	4,617	-	-	-	-
Asia	0	30	-	-	-	-
Africa	0	40	-	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 88.2%					

TABLE 11 (Continued)
November U.S. Exports and Anticipated
U.S. Exports as of November 1976
of Nitrogen Containing Fertilizers

	Actual Exports Nov 1976	Actual Exports Jul-Nov 1976	Unfilled Contracts as of Nov 1976: Dec 1976	Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977
In Short Tons						
DIAMMONIUM PHOSPHATE AND OTHER AMMONIUM PHOSPHATE						
Western Hemisphere	75,319	355,941	61,755	5,000	16,000	7,500
Western Europe	82,487	601,864	118,892	64,700	30,000	50,000
Asia	67,011	259,367	74,534	33,200	-	-
Australia and Oceania	4,092	9,582	20,400	-	-	-
Africa	19,819	35,724	3,307	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 35.2%					
MIXED FERTILIZER						
Western Hemisphere	4,801	38,084	20	3,300	-	-
Western Europe	26,108	29,538	977	-	-	-
Asia	94	17,245	15,597	11,023	-	-
Australia and Oceania	18	112	-	-	-	-
Africa	0	3	-	-	-	-
% Exported to Developing Countries Jul-Nov 1976	------- 38.6%					

VOL 42 NO 116 JUN 16 77 UM

TABLE 12
December U.S. Exports and Anticipated
U.S. Exports as of December 1976
of Nitrogen Containing Fertilizers

	Actual Exports Dec 1976	Actual Exports Jul-Dec 1976	Unfilled Contracts as of Dec 1976 Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977	Oct-Dec 1977
In Content Tons						
NITROGEN (N)						
Western Hemisphere	101,046	394,343	18,970	35,119	12,259	1,729
Western Europe	33,463	192,964	25,043	13,797	5,340	8,900
Communist Areas in Europe	0	73	-	-	-	-
Asia	26,832	85,489	43,754	33,195	-	-
Australia and Oceania	6,199	7,948	7	-	-	-
Africa	6,155	18,825	33	589	-	-
In Short Tons						
AMMONIA						
Western Hemisphere	62,410	186,948	14,400	-	-	-
Western Europe	8,783	65,742	16,500	-	-	-
Communist Areas in Europe	0	89	-	-	-	-
Asia	217	482	-	-	-	-
Australia and Oceania	0	-	-	-	-	-
Africa	5,530	12,691	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	------- 70.8%					
UREA						
Western Hemisphere	50,849	193,873	-	1,775	1,975	856
Western Europe	0	-	-	-	-	-
Asia	20,606	41,401	48,500	24,250	-	-
Africa	503	650	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	------- 90.1%					
AMMONIUM NITRATE						
Western Hemisphere	450	2,789	2,000	33,264	29,600	-
Western Europe	0	33	-	-	-	-
Asia	0	-	-	-	-	-
Australia and Oceania	76	152	-	-	-	-
Africa	0	1,061	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	------- 70.1%					
AMMONIUM SULFATE						
Western Hemisphere	51,027	313,672	16	-	125	-
Western Europe	0	4,671	-	-	-	-
Asia	0	30	-	-	-	-
Africa	0	40	156	-	-	-
% Exported to Developing Countries Jul-Dec 1976	------- 90.0%					

TABLE 12 (Continued)
December U.S. Exports and Anticipated
U.S. Exports as of December 1976
of Nitrogen Containing Fertilizers

	Actual Exports Dec 1976	Actual Exports Jul-Dec 1976	Unfilled Contracts as of Dec 1976 Jan-Mar 1977	Apr-Jun 1977	Jul-Sep 1977	Oct-Dec 1977
In Short Tons						
DIAMMONIUM PHOSPHATE AND OTHER AMMONIUM PHOSPHATE						
Western Hemisphere	74,935	430,876	28,950	127,195	5,000	7,500
Western Europe	146,985	748,849	64,212	77,512	30,000	50,000
Asia	93,383	352,750	105,934	123,823	-	-
Australia and Oceania	34,665	44,247	-	-	-	-
Africa	7,751	43,475	-	3,307	-	-
% Exported to Developing Countries Jul-Dec 1976	------- 36.5%					
MIXED FERTILIZER						
Western Hemisphere	14,125	52,209	8,437	3,307	3,307	-
Western Europe	491	30,029	424	-	-	-
Asia	3,530	20,775	16,523	-	-	-
Australia and Oceania	20	132	42	-	-	-
Africa	27	30	-	-	-	-
% Exported to Developing Countries Jul-Dec 1976	------- 40.6%					

[FR Doc.77-17026 Filed 6-15-77;8:45 am]

VOL 42 NO 116 JUN 16 77

federal register

THURSDAY, JUNE 16, 1977

PART VI

DEPARTMENT OF STATE

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

V 42 116 JUN 16 77 UM

DEPARTMENT OF STATE

[Public Notice 549]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Applications for fishing during 1977 have been received from the Governments of Japan, Poland, Spain and the German Democratic Republic and are published herewith.

Dated: June 9, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

(FISHING VESSEL IDENTIFICATION FORM (FOREIGN))
AMENDED APPLICATION (to add Pacific area)

Permit Period Applied For: 1977 — Application No. PL-77-0019 For Use of Issuing Office

State: POLAND

1. Name of Vessel m/s "Helnisk"
2. Vessel No.: Hull No. _____ Registration No. 110820
3. Name and Address of Owner / Name and address of Charterer
   Name: PFLUEM "TRANSOCEAN"
   Address: 70-952 Szczecin
   ul. Odrzanska 1, POB 611, Poland
   Cable Address: Transocean Szczecin
4. Homeport and State of Registry: Szczecin - Poland
5. Type of Vessel Reefer
6. Tonnage (Gross) 5136 (Net) 2492
7. Length 113.25 M. 8. Breadth 17.02 M. 9. Draft 7.30
10. Horsepower 8400 shp. 11. Maximum Speed 18
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( )
    Other _____
12. Date Built 1971
14. Number and Nationality of Personnel 54
    Officers 14 Crew 40 Other (Specify) ___
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X),
    Other _____
    International Radio Call Sign SQBI
    Radio Frequencies Monitored 500, 2182
    Other Working Frequencies 480, 2058, 4190, 6285, 8380
    Schedule 17.30 - 17.35 on the come times

PL-77-0019

LR & 100

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca (X), Sawsat ( ), Radar (X), Fathometer (X),
    Other _____
17. Cargo Capacity (MT)

		18. Cargo Space Number	Name
Salted Fish	Freezer	4	I, II, III, IV
Fresh Fish	Dry Hold	or 1	IV
Frozen Fish 2850	Tanks	1	
Fish Meal 750	Other		
Other oil 190			

19. Processing Equipment (Indicate daily capacity, MT):

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NE PACYFIX 1977				
FROM 15.VI. - TO 31.XII.1977				
(IN ADDITION TO PREVIOUSLY AUTHORIZED ATLANTIC AREA OPERATION)				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    Sperrol International Inc. Official Representative
    Two World Trade Center Ireneusz Wrzesniewski
    Suite 2222, New York, N.Y. 10048

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-0869

Permit Period May 1, 1977, Applied For: to December 31, 1977 — Application No. JA-77-0869 For Use of Issuing Office

State: Japan

1. Name of Vessel Ise Maru No.8
2. Vessel No.: Hull No. 114 (Small 114) Registration No. HX1-405
3. Name and Address of Owner / Name and Address of Charterer
   Name: Yamasan Tsubo Suisan Ltd. / Kyoichi Yoshida
   Address: 482 Utashima, Shinsaki-mura, Shinsaki-gun Hokkaido, Japan / 190-2 Tabata, Hiroto-machi Hikusentakata-shi Iwate, Japan
   Cable Address: — / —
4. Homeport and State of Registry: Hakodate, Japan
5. Type of Vessel Pot Vessel (Small), Independent
6. Tonnage (Gross) 289.13 M.T. (Net) 162.94 M.T.
7. Length 39.50 M. 8. Breadth 7.50 M. 9. Draft 3.60 M.
10. Horsepower 650 shp. 11. Maximum Speed 10.66 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
    Other —
12. Date Built Jan., 1961
14. Number and Nationality of Personnel 18, Japan
    Officers 5 Crew 13 Other (Specify) —
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy ( ),
    Other —
    International Radio Call Sign 7JJB
    Radio Frequencies Monitored 500 khz.
    Other Working Frequencies 2075 khz.
    Schedule Watch Time 03:00-04:00, 10:00-11:00, 20:00-21:00 (G.M.T.)

JA-77-0869

16. Navigation Equipment: Loran C (X), Loran A (X), Omega (X), Decca ( ), Sawsat (X), Radar (X), Fathometer (X),
    Other Direction Finder
17. Cargo Capacity (MT)

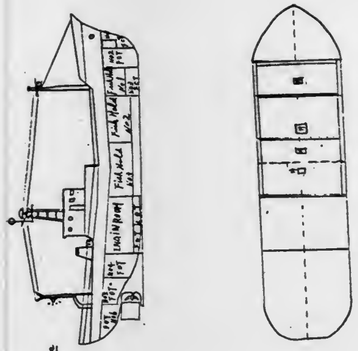
		18. Cargo Space Number	Name
Salted Fish —	Freezer	1,2,3,4.	See Attached I
Fresh Fish —	Dry Hold		
Frozen Fish 150 M.T.	Tanks		
Fish Meal —	Other		
Other —			

19. Processing Equipment (Indicate daily capacity, MT)
    Freezer 4ents 12M.T./Day (combined)
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
See Attached II				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    See Attached II

JA-77-0869



Attached I
Cargo Space

JA-77-0869

ATTACHED I

FISHERIES FOR WHICH PERMIT IS REQUESTED

OCEAN AREA : BERING SEA AND ALEUTIAN
PERIOD : MAY-DECEMBER
SPECIES : SNAIL
CONTEMPLATED CATCH : THIS VESSEL APPLIES FOR FISHING A PORTION OF THE ALLOCATION OF 2,700 METRIC TONS (EDIBLE MEAT)

GEAR TO BE USED : SNAIL POT.

JA-77-0869

ATTACHED I

NAME	ADDRESS
Ichiro Nakamura	Holiday Inn, Wellington, Room 506 2505 Wisconsin Ave. N.W. Washington D.C. 20007 U.S.A. Tel (202)337-7400 EXT 5114 5132
Sadayuki Kashiwagi	Suite 34, Post Office Mall333, West, 4th Anchorage, Alaska, U.S.A.

1086

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period MARCH, 1977 TO Applied For: DECEMBER 31 1977 — Application No. JA-77-1086 For Use of Issuing Office

State: JAPAN

1. Name of Vessel KOYOKU MARU
2. Vessel No.: Hull No. ——— Registration No. TK1-913
3. Name and Address of Owner / Name and Address of Charterer
   Name: TOKUMARU SUISAN KABUSHIKI KAISHA
   Address: 3-7, KYOBASHI, CHUO-KU, TOKYO, 104, JAPAN
   Cable Address: ———
4. Homeport and State of Registry: TOKYO, JAPAN
5. Type of Vessel REFRIGERATOR TRANSPORT
6. Tonnage (Gross) 2,993.34 (Net) 1,567.61
7. Length 110.70 M. 8. Breadth 15.00 M. 9. Draft 6.50 M.
10. Horsepower 5,800 shp. 11. Maximum Speed 15.5 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),
    Other ———
12. Date Built JULY,1972
14. Number and Nationality of Personnel TOTAL 25 23(KOREAN), 2(JAPANESE)
    Officers 10 Crew 14 Other (Specify) 1 SUPERCARGO
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ),
    Other ———
    International Radio Call Sign 8JQH
    Radio Frequencies Monitored 500 KHZ
    Other Working Frequencies SEE THE ATTACHED PAPER I
    Schedule SEE THE ATTACHED PAPER I

JA-77-1086

18. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar ( ), Fathometer ( ), Other

17. Cargo Capacity (MT)

Salted Fish		Freezer	I,II,III,IV,V,VI FROZEN FISH HOLD
Fresh Fish		Dry Hold	
Frozen Fish	1,970 M.T.	Tanks	
Fish Meal		Other	
Other			

18. Cargo Space Number: SEE THE ATTACHED PAPER II Name:

19. Processing Equipment (Indicate daily capacity, MT)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
A. Bering sea and Aleutian Trawl and Herring Gillnet Fishery B. Gulf of Alaska Trawl Fishery E. Snails Fishery				

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

(1) Japan Fisheries Association Washington D.C. I. Nakamura
c/o Holiday Inn, Georgetown 2505 Wisconsin Ave., N.W.
Washington D.C. 20007 U.S.A.

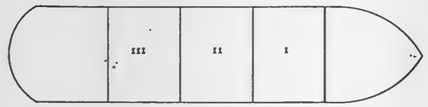
(2) J.F.A. Anchorage Alaska

JA-77-1086

ATTACHED PAPER II

CARGO SPACE

TWEEN DECK



HOLD



JA-77-1086

ATTACHED PAPER I

OTHER WORKING FREQUENCIES

A1 A2	410	425	468	500	khz
A1	2070	2075	2091	KHZ	
F3	CH 06, 08, 10-14, 16, 18, 20, 22, 24-27				

SCHEDULE

WATCH TIME

BERING SEA AND ALEUTIAN ISLANDS

03:00 TO 04:00 (GMT)
20:00 TO 23:00 (GMT)

GULF OF ALASKA

18:00 TO 21:00 (GMT)
23:00 TO 02:00 (GMT)

ATLANTIC

12:00 TO 15:00 (GMT)
17:00 TO 20:00 (GMT)

JA-77-1086

日本トロール底魚協会
JAPAN DEEP SEA TRAWLERS ASSOCIATION
NO.601 SATO BLDG.
2-8, KANDAOGAWACHO CHIYODA-KU
TOKYO JAPAN

Bering Sea and Aleutian Islands Trawl and Herring Gillnet Fishery

Gulf of Alaska Trawl Fishery

Sablefish Fishery

Crabs Fishery

Snails Fishery

Seamount Groundfish Fishery

Squids Fishery-Atlantic

Other Finfish Fishery-Atlantic

JA-77-1086

日本トロール底魚協会
JAPAN DEEP SEA TRAWLERS ASSOCIATION
NO.601 SATO BLDG.
2-8, KANDAOGAWACHO CHIYODA-KU
TOKYO JAPAN
TEL.

SUMMARY OF ADDITIONAL APPLICATION

NUMBER OF PAGE	NAME OF SUPPORT VESSEL	TYPE OF FISHERY
NO.1086	KOTOKU MARU	A,B,E

JA-77-0870

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navaid ( ), Radar (°), Fathometer (°), Other

17. Cargo Capacity (MT)

Salted Fish		Freezer	I. II.
Fresh Fish		Dry Hold	—
Frozen Fish	170 M.T.	Tanks	—
Fish Meal		Other	—
Other			SEE ATTACHED I

18. Cargo Space Number Name

19. Processing Equipment (Indicate daily capacity, MT)
FREEZER 2 SETS 7 M.T./ DAY (COMBINED)

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
SEE ATTACHED I				

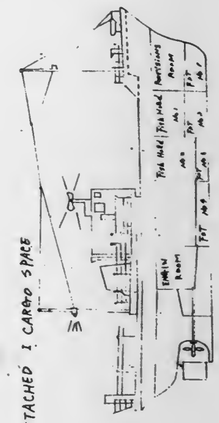
21. Name and Address of Agent appointed to receive any legal process issued in the United States:
SEE ATTACHED II

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

JA-77-0870

Permit period Applied For: MAY. 1, 1977 TO DECEMBER 31, 1977
Application No. JA-77-0870 For Use of Issuing Office
State: JAPAN

1. Name of Vessel KOHOKU MARU NO.7
2. Vessel No.: Hull No. (SMAIL 111) Registration No. HKI-416
3. Name and Address of Owner: Name KOHOKU GYOGYO KABUSHIKI KAISHA; Address 8-35 MINAMIHAMA CHO; KUSHIRO, HOKKAIDO, JAPAN.
Name and Address of Charterer
Cable Address
4. Homeport and State of Registry: KUSHIRO, JAPAN
5. Type of Vessel FOT VESSEL (SEA SNAIL) INDEPENDENT
6. Tonnage (Gross) 346.63 M.T. (Net)
7. Length 43.80 M. 8. Breadth 8.50 M. 9. Draft 5.80 M.
10. Horsepower 970 shp. 11. Maximum Speed 10.8 kt.
12. Propulsion: Diesel (°), Steam ( ), Diesel/ Electric ( ), Other
13. Date Built SEP. 28, 1967.
14. Number and Nationality of Personnel 21, JAPAN.
Officers 5 Crew 16 Other (Specify)
15. Communications: VHF-FM ( ), AM/ SSB, Voice (°), Telegraphy ( ), Other
International Radio Call Sign JDRU
Radio Frequencies Monitored 500 KHZ
Other Working Frequencies A1 8397
Schedule WATCH TIME (G.M.T.) 03:00 TO 10:30 16:30 TO 20:00


ATTACHED I CARGO SPACE
Fish Hold
Fish Hold
Fish Hold

JA-77-0870.

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES, OR FOR ANADROMOUS SPECIES OR CONTINENTAL SHELF FISHERY RESOURCES

I

DATE May, 20th, 1977 APPLICATION NO. _____ for use of issuing Office

In accordance with the provision of Section 204 of the Fishery Conservation and Management Act of 1976, (16 U.S.C. 1801-1882), and the governing international fisheries agreement entered into with the Government of the United States of America, which entered into force on February, 1977, date

the government (or competent authority) of SPAIN

hereby submits this application for permits for fishing vessels under its jurisdiction to fish within the fishery conservation zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States.

The following information is submitted in support of this application (Use additional sheets as required).

A completed Fishing Vessel Identification Form for each permit that is requested; and a compilation of data contained in questions 5 and 20 in the attached Fishing Vessel Identification Form.

Submitted May, 20th, 1977 Date

Signature of Authorized Official

-Bilateral Agreements Spe.- Title

..... See attached sheet...

JA-77-0870

166EX

ATTACHED I

FISHERIES FOR WHICH PERMIT IS REQUESTED
OCEAN AREA : BERING SEA AND ALEUTIAN
PERIOD : MAY - DECEMBER
SPECIES : SNAIL
CONTEMPLATED CATCH :
THIS VESSEL APPLIES FOR FISHING
A PORTION OF THE ALLOCATION OF
270 METRIC TONS (EOIBLE MEAT)

GEAR TO BE USED : SNAIL POT

MINISTERIO DE COMERCIO
SUBSECRETARIA DE LA MARINA MERCANTE

DIRECCION GENERAL DE PESCA MARITIMA

-SPAIN-

ASUNTO: OBJECT: APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FCZ OF THE UNITED STATES OF AMERICA.- SQUID (LOLIGO).

MAD.*	FECHA May, 20th	MAD*	FECHA

This format includes applications for new 14 (fourteen) Spanish vessels permits, corresponding to the period from June 15th to September 15th, 1.977, for the Squid (LOLIGO) fisheries, and are requested as complement of the first allocation -incomplete catched-, and also as complement of the reallocation that we expect be confirmed early next June.

In addition, we request to be deleted from the first submit sent in February, 22th, 1977, the name of the following vessels, that cannot carry out this fishery by several circumstances, as damage and others:

-PESCAMARO I
-EL QUEMADO
-EL ILAMANTE
-MONTE FURADO, and
-TITO MARQUEZ.

Madrid, May, 20th, 1.977

THE AUTHORIZED OFFICIAL,

ATTACHED II

NAME	ADRESS
Ichiro Nakamure	Holiday Inn, Wellington, Room 506 2505 Wisconsin Ave. N.W. Washington D.C. 20007 U.S.A. Tel (202)337-7400 EXT 5114 5132
Sadayuki Kashiwagi	Suite 34, Post Office Mall333, West, 4th Anchorage, Alaska, U.S.A.

ANNEX: Data compilation of questions contained in Sections 5 and 20

Ref.	OCEAN AREA	NAME OF VESSEL	TYPE OF VESSEL	PERIOD (From-To)	SPECIES	CONTEMPLATED CATCH (mt)	GEAR TO BE USED
1	ICNAF 5 - 6	IZARRA	STERN TRAWLER	15/6-15/9/77	Illex	194	O.T.B.
2	ICNAF 5 - 6	RIO VERDUGO	STERN TRAWLER	15/6-15/9/77	Illex	214	O.T.B.
3	ICNAF 5 - 6	PIEDRO CORREA	STERN TRAWLER	15/6-15/9/77	Illex	235	O.T.B.
4	ICNAF 5 - 6	ALTAIR I	STERN TRAWLER	15/6-15/9/77	Illex	161	O.T.B.
5	ICNAF 5 - 6	MARMO	STERN TRAWLER	15/6-15/9/77	Illex	135	O.T.B.
6	ICNAF 5 - 6	CAPITAN JORGE II	STERN TRAWLER	15/6-15/9/77	Illex	214	O.T.B.
7	ICNAF 5 - 6	PRADO III	SIDE TRAWLER	15/6-15/9/77	Illex	235	O.T.B.
8	ICNAF 5 - 6	M. GALLARDO PONFERRADA	STERN TRAWLER	15/6-15/9/77	Illex	135	O.T.B.
9	ICNAF 5 - 6	MARINA V	SIDE TRAWLER	15/6-15/9/77	Illex	235	O.T.B.
10	ICNAF 5 - 6	MAYI CONTRO	STERN TRAWLER	15/6-15/9/77	Illex	201	O.T.B.
11	ICNAF 5 - 6	BRITANIA N.W.	STERN TRAWLER	15/6-15/9/77	Illex	214	O.T.B.
12	ICNAF 5 - 6	CONSUELO VEIGA	SIDE TRAWLER	15/6-15/9/77	Illex	155	O.T.B.
13	ICNAF 5 - 6	RIA DE PONTEVEDRA	STERN TRAWLER	15/6-15/9/77	Illex	301	O.T.B.
14	ICNAF 5 - 6	PUERTA DE GONDOMAR	STERN TRAWLER	15/6-15/9/77	Illex	204	O.T.B.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

SP-77-0064

Permit Period Applied For: 1.977 Application No. SP-77-0064 For Use of Issuing Office

State: SPAIN

1. Name of Vessel IZARRA
2. Vessel No.: Hull No. SS-1 Registration No. 2.300
3. Name and Address of Owner: Name CONGELADOS JESUS, S.A; Address Primo de Rivera, 28; ONDARROA (VIZCAYA); Cable Address It has not
   Name and Address of Charterer: CONGELADOS JESUS, S.A; Primo de Rivera, 28; ONDARROA (VIZCAYA)
4. Homeport and State of Registry: LAS PALMAS
5. Type of Vessel (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 283,9 (Net) 192
7. Length 33 M. 8. Breadth 8,6 M. 9. Draft 3,8 M.
10. Horsepower 485 ehp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.974
14. Number and Nationality of Personnel 15 Spanish; Officers 2 Crew 3 Other (Specify) 10
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.G.S.O
    Radio Frequencies Monitored 2182 KHz
    Other Working Frequencies 2191 KHz
    Schedule Hx Permanente

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Tachometer (X), Other
17. Cargo Capacity (MT)

		18. Cargo Space	Number	Mace
Salted Fish		Freezer		
Fresh Fish		Dry Hold	480 m³	
Frozen Fish	480 m³	Tanks		
Fish Meal		Other		
Other				

19. Processing Equipment (Indicate daily capacity,MT)
    12 Tns for day Filleted
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC	15.6.77	Illex	194 T.M.	Otter trawl
ICNAF 5 y 6	15.9.77			

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
    D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
    SHIPPING AGENCY 25 Broadway New York N.Y. 10.004
    tf 252 232 425 - 5686
    Cable Address - INAGENA
    Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 Application No. SP-77-0065 For Use of Issuing Office

State: SPAIN

1. Name of Vessel RIO VERDUGO
2. Vessel No.: Hull No. CI - 4 Registration No. 2011
3. Name and Address of Owner: Name BACAMAR, S.A.; Address San Francisco, 33; VIGO; Cable Address It has not
   Name and Address of Charterer: BACAMAR, S.A; San Francisco, 33; VIGO
4. Homeport and State of Registry: VIGO
5. Type of Vessel (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 344,69 (Net) 218
7. Length 40,20 M. 8. Breadth 8,50 M. 9. Draft 6,16 M.
10. Horsepower 1.200 ehp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel 21 Spanish; Officers 2 Crew 3 Other (Specify) 16
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
    International Radio Call Sign E.H.H.P
    Radio Frequencies Monitored 2182/can. 16 VHF
    Other Working Frequencies 2191 kHz Apendice 18
    Schedule Hx Permanente

SP-77-0065

18. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish — Freezer
Fresh Fish — Dry Hold 384 m³
Frozen Fish 384 m³ — Tanks
Fish Meal — Other
Other

19. Processing Equipment (Indicate daily capacity, MT)

12 Tns for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	214 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
25 Broadway New York: N.Y. 10.004
Tf 252 212 425 - 5686
Cable Adrress - INAGENA
Telex - ITT 420211 New York

SP-77-0066

18. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish — Freezer
Fresh Fish — Dry Hold 360 m³
Frozen Fish 360 m³ — Tanks
Fish Meal — Other
Other

19. Processing Equipment (Indicate daily capacity, MT)

12 Tons. for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0066

State: SPAIN

1. Name of Vessel: PIÑEIRO CORREA
2. Vessel No.: Hull No. VI - 5 — Registration No. 1983
3. Name and Address of Owner: Name: PESQUERA PIÑEIRO, S.L. — Address: Cuatro Caminos, 7 — CARBALLINO (Orense) — Cable Address: It has not
   Name and Address of Charterer: PESQUERA PIÑEIRO, S.L. — Cuatro Caminos, 7 — CARBALLINO (ORENSE)
4. Homeport and State of Registry: Vigo
5. Type of Vessel: (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 350 (Net) 218
7. Length 34,5 M. B. Breadth 8,5 M. D. Draft 4,15 M.
10. Horsepower 1.200 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel: 20 Spanish — Officers 2 Crew 3 Other (Specify) 15
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
International Radio Call Sign E.H.D.I
Radio Frequencies Monitored 2182 can 16 VHF
Other Working Frequencies 2191 kHz Apendice 18
Schedule Permanent Hx

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0067

State: SPAIN

1. Name of Vessel: ALTAMAR I
2. Vessel No.: Hull No. VI-5 — Registration No. 9.639
3. Name and Address of Owner: Name: JAIME CORTES LLINARES — Address: — Cable Address: It has not
   Name and Address of Charterer: JOSE MALDO SEOH — Gordillo, 9 — Las Palmas
4. Homeport and State of Registry: LAS PALMAS
5. Type of Vessel: (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 307,5 (Net) 198
7. Length 41,2 M. B. Breadth 8,8 M. D. Draft 4 M.
10. Horsepower 870 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1976
14. Number and Nationality of Personnel: 21 Spanish — Officers 2 Crew 2 Other (Specify) 17
15. Communications: VHF-FM ( ), AM/SSB, Voice (X), Telegraphy ( ), Other
International Radio Call Sign E.H.V.C
Radio Frequencies Monitored 2182 kHz
Other Working Frequencies
Schedule Permanent Hx

SP-77-0067

18. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish — Freezer
Fresh Fish — Dry Hold 304 m³
Frozen Fish 304 m³ — Tanks
Fish Meal — Other
Other

19. Processing Equipment (Indicate daily capacity, MT)

8 Tons for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.5.77 15.9.77	Illex	161 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

SP-77-0068

18. Navigation Equipment: Loran C ( ), Loran A ( ), Omega (X), Decca (X), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish — Freezer
Fresh Fish — Dry Hold 250 m³
Frozen Fish 250 m³ — Tanks
Fish Meal — Other
Other

19. Processing Equipment (Indicate daily capacity, MT)

8 Tns for day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	135 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
Tf. 252 212 425 - 5686
Cable Adrese - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0065

State: SPAIN

1. Name of Vessel: MANAMO
2. Vessel No.: Hull No. 00-2 — Registration No. 2631
3. Name and Address of Owner: Name: SALVADOR LAGO COMESAÑA — Address: Muelle Linares Rivas, 6 — LA CORUÑA — Cable Address: IT HAS NOT
   Name and Address of Charterer: PESQUERA GALAICA, S.A — Muelle Linares Rivas, 6 — LA CORUÑA
4. Homeport and State of Registry: La Coruña
5. Type of Vessel (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 282,25 (Net) 179
7. Length 39 M. B. Breadth 8,60 M. D. Draft 3,90 M.
10. Horsepower 1.200 shp. 11. Maximum Speed 15 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel: 22 Spanish — Officers 2 Crew 2 Other (Specify) 18
15. Communications: VHF-FM (X), AM/SSB, Voice ( ), Telegraphy ( ), Other
International Radio Call Sign E.H.E.D.
Radio Frequencies Monitored 2182 Khz anal 16
Other Working Frequencies 2191 2053 Apendice 18
Schedule Permanent Hx

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0069

State: SPAIN

1. Name of Vessel: CAPITAN JORGE II
2. Vessel No.: Hull No. GT-4 — Registration No. 1791
3. Name and Address of Owner: Name: P. COSTA DE LA LUZ, S.A. — Address: Glorieta Norte, s/n — HUELVA — Cable Address: It has not
   Name and Address of Charterer: P. COSTA DE LA LUZ, S.A — Glorieta Norte, s/n — HUELVA
4. Homeport and State of Registry: Huelva
5. Type of Vessel (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 487,48 (Net) 163
7. Length 44,26 M. B. Breadth 8,37 M. D. Draft 4,40 M.
10. Horsepower 1.285 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.969
14. Number and Nationality of Personnel: 20 Spanish — Officers 2 Crew 3 Other (Specify) 15
15. Communications: VHF-FM ( ), AM/SSB, Voice ( ), Telegraphy ( ), Other
International Radio Call Sign E.H.T.N
Radio Frequencies Monitored 2182 kHz
Other Working Frequencies 2049 - 2056
Schedule Permanent Hx

VOL 42 NO 116 JUN 16 77 UM

SP-77-0069

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega (X), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	420 m³
Frozen Fish	420 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
18 tons. for day FREEZER

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	214 T.M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martines Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0069

State: SPAIN

1. Name of Vessel: PESAGO III
2. Vessel No.: Hull No. HU - 3 — Registration No. 1348
3. Name and Address of Owner: P. GABRIEL GONZALEZ, S.A. — Glorieta Norte. s/n — HUELVA — Cable Address: It has not
   Name and Address of Charterer: P. GABRIEL GONZALEZ, S.A — Glorieta Norte, s/n — HUELVA
4. Homeport and State of Registry: Huelva
5. Type of Vessel: (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 450 (Net) 150
7. Length 35.5 M. 8. Breadth 9,32 M. 9. Draft 6,30 M.
10. Horsepower 1170 ehp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.974
14. Number and Nationality of Personnel 19 Spanish — Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
Intersectional Radio Call Sign E.Q.P.K
Radio Frequencies Monitored 2182/can 16 VHF
Other Working Frequencies 2191 kHz. Apendice 18
Schedule Permanente — Rx

SP-77-0070

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	430 m³
Frozen Fish	430 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
12 tons for day FREEZER

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
B. Guillermo Martines Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf. 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0070

State: SPAIN

1. Name of Vessel: PESAGO XII
2. Vessel No.: Hull No. HU - 3 — Registration No. 1348
3. Name and Address of Owner: P. GABRIEL GONZALEZ, S.A. — Glorieta Norte. s/n — HUELVA — Cable Address: It has not
   Name and Address of Charterer: P. GABRIEL GONZALEZ, S.A — Glorieta Norte, s/n — HUELVA
4. Homeport and State of Registry: Huelva
5. Type of Vessel: (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 450 (Net) 150
7. Length 35.5 M. 8. Breadth 9,32 M. 9. Draft 6,30 M.
10. Horsepower 1170 ehp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.974
14. Number and Nationality of Personnel 19 Spanish — Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
Intersectional Radio Call Sign E.Q.P.K
Radio Frequencies Monitored 2182/can 16 VHF
Other Working Frequencies 2191 kHz. Apendice 18
Schedule Permanente — Rx

SP-77-0071

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	430 m³
Frozen Fish	430 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
12 tons for day FREEZER

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
B. Guillermo Martines Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0071

State: SPAIN

1. Name of Vessel: M. GALLARDO MONTESINOS
2. Vessel No.: Hull No. GI-4 — Registration No. 1980
3. Name and Address of Owner: PESQUERIAS GADES, S.A. — Avda Ramón de Carranza 17 - 5º CADIZ — Cable Address: It has not
   Name and Address of Charterer: PESQUERIAS GADES, S.A — Avda Ramón de Carranza, 17 - 5 CADIZ
4. Homeport and State of Registry: HARRATE
5. Type of Vessel: (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 304,4 (Net) 100
7. Length 39 M. 8. Breadth 8,8 M. 9. Draft 6,1 M.
10. Horsepower 1.200 ehp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.975
14. Number and Nationality of Personnel 21 Spanish — Officers 2 Crew 4 Other (Specify) 15
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
Intersectional Radio Call Sign E.N.D.R
Radio Frequencies Monitored 2182 can - 16 VHF
Other Working Frequencies 2191 - 2053 Apendice 18
Schedule Permanente — Rx

SP-77-0071

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca (X), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	225 m³
Frozen Fish	225 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
12 Tns for day FREEZER

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	135 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martines Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0071

State: SPAIN

1. Name of Vessel: MAPOSA V
2. Vessel No.: Hull No. HU - 3 — Registration No. 1370
3. Name and Address of Owner: MARITIMA POLUX, S.A. — Glorieta Norte, s/n — HUELVA — Cable Address: It has not
   Name and Address of Charterer: MARITIMA POLUX, S.A — Glorieta Norte, s/n — HUELVA
4. Homeport and State of Registry: Huelva
5. Type of Vessel: (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 450 (Net) 150
7. Length 35.50 M. 8. Breadth 9,32 M. 9. Draft 6,30 M.
10. Horsepower 1.170 ehp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.975
14. Number and Nationality of Personnel 19 Spanish — Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
Intersectional Radio Call Sign E.G.W.F
Radio Frequencies Monitored 2182/can. 16 VHF
Other Working Frequencies 2191 kHz. Apendice 18
Schedule Permanente — Rx

SP-77-0072

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number / Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	430 m³
Frozen Fish	430 m³	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity, MT)
12 tons. for day FREEZER

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	235 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:
D. Guillermo Martines Colón - President of INTERNATIONAL TRADING
SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004
tf 252 212 425 - 5686
Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0072

State: SPAIN

1. Name of Vessel: MAPOSA VI
2. Vessel No.: Hull No. HU-4 — Registration No. 1.986
3. Name and Address of Owner: MAVALES CERDEIRAS, S.L. — Cadeira, 3 — CAMARIÑAS (LA CORUÑA) — Cable Address: It has not
   Name and Address of Charterer: MAVALES CERDEIRAS, S.L — Cadeira, 3 — CAMARIÑAS (LA CORUÑA)
4. Homeport and State of Registry: LA CORUÑA
5. Type of Vessel: (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 340,2 (Net) 115
7. Length 40,8 M. 8. Breadth 8,8 M. 9. Draft 4,1 M.
10. Horsepower 1.800 ehp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel 18 Spanish — Officers 2 Crew 2 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other
Intersectional Radio Call Sign E.N.C.F
Radio Frequencies Monitored 2182/can 16 VHF
Other Working Frequencies 2191 kHz. Apendice 18
Schedule Permanente — Rx

SP-77-0073

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	355 m^3
Frozen Fish	355 m^3	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (indicate daily capacity,MT)

18 Tns for day Fresh fish

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 16.9.77	Illex	201 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y 10.004

Tf 252 212 425 - 5686

Cable Address — INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0074

State: SPAIN

1. Name of Vessel BRITANIA H.M.
2. Vessel No.: Hull No. VI-5 — Registration No. 9643
3. Name and Address of Owner: Name EMPRESAS BASILIO MARQUINEZ; Address 2ona Dique, HUELVA; Cable Address It has not — Name and Address of Charterer
4. Homeport and State of Registry: Las Palmas
5. Type of Vessel (O.T.B.) STERN TRAWLER
6. Tonnage (Gross) 328.36 (Net) 144,98
7. Length 35.60 M. 8. Breadth 8,50 M. 9. Draft 4,10 M.
10. Horsepower 1.160 shp. 11. Maximum Speed 12,299 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.976
14. Number and Nationality of Personnel 15 Spanish: Officers 4 Crew 11 Other (Specify)
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other; International Radio Call Sign E.H.B.S; Radio Frequencies Monitored 2182 kHz canal 16; Other Working Frequencies 2191 Apendice 18; Schedule Permanente Hx

SP-77-0074

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (2), Fathometer (2), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	390 m^3
Frozen Fish	390 m^3	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

12 tons. for day Fresher

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	214 T.M.	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martínez Colón, President of INTERNATIONAL TRADING SHIPPING AGENCY, 25 Broadway, New York, N.Y. 10.004

Tf. 252 212 425 - 5686

Cable Address: INAGENA
Telex: ITT 420211 New York.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0075

State: SPAIN

1. Name of Vessel CONSUELO VEIGA
2. Vessel No.: Hull No. C4 — Registration No. 934
3. Name and Address of Owner: Name MANUEL VEIGA COSTAS; Address Muelle Pesquero 509, CADIZ; Cable Address It has not — Name and Address of Charterer: MANUEL VEIGA COSTAS, Muelle Pesquero, 509, CADIZ
4. Homeport and State of Registry: Cádiz
5. Type of Vessel (O.T.B.) SIDE TRAWLER
6. Tonnage (Gross) 347,93 (Net) 191,82
7. Length 48,19 M. 8. Breadth 7,60 M. 9. Draft 4,20 M.
10. Horsepower 1.000 shp. 11. Maximum Speed 10 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.964
14. Number and Nationality of Personnel 19 Spanish: Officers 2 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other; International Radio Call Sign E.D.V.V.; Radio Frequencies Monitored 2182/can. 16 VHF; Other Working Frequencies 2191 kHz. Apendice 18; Schedule Permanente Hx

SP-77-0075

16. Navigation Equipment: Loran C ( ), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	350 m^3
Frozen Fish	350 m^3	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

10 tons. for day Fresher

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	155 T.M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004

tf 252 212 425 - 5686

Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0076

State: SPAIN

1. Name of Vessel RIA DE PONTEVEDRA
2. Vessel No.: Hull No. VI-5 — Registration No. 9451
3. Name and Address of Owner: Name GARCIA Y VIDAL ARMADORES; Address Rio Sil - POYO (Pontevedra); Cable Address It has not — Name and Address of Charterer: GARCIA Y VIDAL ARMADORES, S.A, Rio Sil - Poyo (PONTEVEDRA)
4. Homeport and State of Registry: Marín
5. Type of Vessel (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 314,12 (Net) 100
7. Length 36,88 M. 8. Breadth 8,52 M. 9. Draft 4,10 M.
10. Horsepower 1.000 shp. 11. Maximum Speed 11 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
13. Date Built 1.974
14. Number and Nationality of Personnel 20 Spanish: Officers 3 Crew 3 Other (Specify) 14
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other; International Radio Call Sign E.A.O.R; Radio Frequencies Monitored 2182/can , 16 VHF; Other Working Frequencies 2191 kHz. Apendice 18; Schedule Permanente Hx

SP-77-0076

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other

17. Cargo Capacity (MT) — 18. Cargo Space Number — Name

Salted Fish		Freezer	
Fresh Fish		Dry Hold	390 m^3
Frozen Fish	390 m^3	Tanks	
Fish Meal		Other	
Other			

19. Processing Equipment (Indicate daily capacity,MT)

14 tons. for day Fresher

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	201 T.M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - PRESIDENT OF INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y. 10.004

tf 252 212 425 - 5686

Cable Address - INAGENA
Telex - ITT 420211 New York

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1.977 — Application No. For Use of Issuing Office: SP-77-0077

State: SPAIN

1. Name of Vessel PUENTE DE GONDOMAR
2. Vessel No.: Hull No. VI-6 — Registration No. 9372
3. Name and Address of Owner: Name JOSE PEREIRA ALVAREZ; Address Puerto Pesquero 13, VIGO; Cable Address It has not — Name and Address of Charterer: JOSE PEREIRA ALVAREZ, Puerto Pesquero, 13, VIGO
4. Homeport and State of Registry: LAS PALMAS
5. Type of Vessel (O.T.B) STERN TRAWLER
6. Tonnage (Gross) 293.38 (Net) 100
7. Length 35.60 M. 8. Breadth 8.55 M. 9. Draft 6,15 M.
10. Horsepower 1.000 shp. 11. Maximum Speed 12 nudos kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ), Other
15. Date Built 1.973
14. Number and Nationality of Personnel 22 Spanish: Officers 2 Crew 2 Other (Specify) 18
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ), Other; International Radio Call Sign E.E.W.S.; Radio Frequencies Monitored 2182/can. 16 VHF; Other Working Frequencies 2191 kHz. Apendice 18; Schedule Permanente Hx

VA 42 FH 116 JUN 16 77 UM

SP-77-0077

16. Navigation Equipment: Loran C (X), Loran A ( ), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other ____

17. Cargo Capacity (MT) — 18. Cargo Space: Number / Name

Salted Fish	____	Freezer	
Fresh Fish	____	Dry Hold	390 m³
Frozen Fish	390 m³	Tanks	
Fish Meal	____	Other	
Other	____		

19. Processing Equipment (Indicate daily capacity,MT)

12 tons. per day Fishes

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
NW ATLANTIC ICNAF 5 y 6	15.6.77 15.9.77	Illex	201 T. M	Otter trawl

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

D. Guillermo Martinez Colón - President of INTERNATIONAL TRADING SHIPPING AGENCY - 25 Broadway New York N.Y.: 10.004

Tf 252 212 425 - 5686

Cable Address - INAGENA
Telex - ITT 420211 New York

GC-77-0028

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES, OR FOR ANADROMOUS SPECIES OR CONTINENTAL SHELF FISHERY RESOURCES

DATE April 19th,1977 — APPLICATION NO. 60-77-GC-0030 for use of Issuing Officer

In accordance with the provision of Section 204 of the Fishery Conservation and Management Act of 1976, (16 U.S.C. 1801-1882), and the governing international fisheries agreement entered into with the Government of the United States of America, which entered into force on March 4th 1977 date, the government (or competent authority) of German Democratic Republic hereby submits this application for permits for fishing vessels under its jurisdiction to fish within the fishery conservation zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States.

The following information is submitted in support of this application (Use additional sheets as required).

A completed Fishing Vessel Identification Form for each permit that is requested; and a compilation of data contained in questions 5 and 20 in the attached Fishing Vessel Identification Form.

Submitted ____ Date

____ Signature of Authorized Official

Director General Title

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: ____ — Application No. For Use of Issuing Office GC-77-0028

State: German Democratic Republic

1. Name of Vessel Peter Kast
2. Vessel Nat. Hull No. 310 — Registration No. 2504
3. Name and Address of Owner — Name and Address of Charterer

Name VEB Fischkombinat Rostock
Address VEB Fischkombinat Rostock, GDR 251 Rostock 5
Cable Address 31121 Fiko dd

4. Homeport and State of Registry: Rostock, GDR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 2914,96 (Net) 1154,80
7. Length 81,62 M. P. Breadth 13,51 M. D. Draft 5,80 M.
10. Horsepower 2.300 ehp. 11. Maximum Speed 11 kt.
11. Propulsion: Diesel (1), Steam (-), Diesel/Electric (-), Other -
13. Date Built 1965
14. Number and Nationality of Personnel 80, GDR
Officers 16 Crew 64 Other (Specify) -
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X), Other -
International Radio Call Sign DAZP
Radio Frequencies Monitored 500, 2182
Other Working Frequencies 425,454,468,512,2046,2191,2049
Schedule zone time: 8.00-12.00;12.30-14.30;18.00-20.00 o'clock

16. Navigation Equipment: Loran C (-), Loran A (1), Omega (-), Decca (1), Navsat (-), Radar (2), Fathometer (2), Other Autopilot (1); Direction finder (1)
17. Cargo Capacity (MT) — 18. Cargo Space: Number / Name

Salted Fish	-	Freezer	4	refrigerating holds
Fresh Fish	-	Dry Hold	1	fish meal holds
Frozen Fish	640,15	Tanks	2	fish oil tanks
Fish Meal	162	Other		
Other	fish oil tanks 62,8			

19. Processing Equipment (Indicate daily capacity,MT)
2 x Baader 666 (66 tons/d); 7 x Baader 47 (6 tons/d)
1 x Baader 338 (6 tons/d); 1 x Baader 188 (6 tons/d)
2 x Baader 33 (8 tons/d); 1 x Baader 181 (5 tons/d)
2 x KM 60 (8 tons/d);
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Long Island	1.10.-31.12.77	Atlantic mackerel	845	OTM 2
		other finfish	10	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Law offices Faulkner and Schmidt,
9 east 40th street, New York, ny 10016

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: ____ — Application No. For Use of Issuing Office GC-77-0029

State: German Democratic Republic

1. Name of Vessel Heins Priese
2. Vessel Nat. Hull No. ROS 415 — Registration No. 2616
3. Name and Address of Owner — Name and Address of Charterer

Name VEB Fischkombinat Rostock
Address VEB Fischkombinat Rostock, GDR, 251 Rostock 5
Cable Address 31121 Fiko dd

4. Homeport and State of Registry: Rostock, GDR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 963,63 (Net) 304,43
7. Length 59,01 M. P. Breadth 10,62 M. D. Draft 4,70 M.
10. Horsepower 1.500 ehp. 11. Maximum Speed 13 kt.
11. Propulsion: Diesel (1), Steam (-), Diesel/Electric (-), Other -
13. Date Built 1967
14. Number and Nationality of Personnel 22, GDR
Officers 7 Crew 15 Other (Specify) -
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X), Other -
International Radio Call Sign DEKE
Radio Frequencies Monitored 500, 2182
Other Working Frequencies 425,454,468,512,2046,2049,2191
Schedule zone time: 08.00-10.00; 18.00-20.00 o'clock

GC-77-0029

16. Navigation Equipment: Loran C (-), Loran A (1), Omega (-), Decca (1), Navsat (-), Radar (2), Fathometer (2), Other Autopilot (1), Direction finder (1)
17. Cargo Capacity (MT) — 18. Cargo Space: Number / Name

Salted Fish	-	Freezer	-	-
Fresh Fish	90	Dry Hold	-	-
Frozen Fish	-	Tanks	-	-
Fish Meal	-	Other	2	fish storage space
Other	-			

19. Processing Equipment (Indicate daily capacity,MT)
-
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
Georges Bank	15.9.-30.9.77	Atlantic herring	643	OTM 2
Long Island	1.12.-31.12.77	Atlantic mackerel	312	OTM 2
		other finfish	3	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Law offices Faulkner and Schmidt,
9 east 40th street, New York, ny 10016

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: ____ — Application No. For Use of Issuing Office GC-77-0030

State: German Democratic Republic

1. Name of Vessel F. C. Weißkopf
2. Vessel Nat. Hull No. ROS 306 — Registration No. 2441
3. Name and Address of Owner — Name and Address of Charterer

Name VEB Fischkombinat Rostock
Address VEB Fischkombinat Rostock, GDR 251 Rostock 5
Cable Address 31121 Fiko dd

4. Homeport and State of Registry: Rostock, GDR
5. Type of Vessel stern trawler
6. Tonnage (Gross) 2917,66 (Net) 1138,98
7. Length 85,57 M. P. Breadth 13,49 M. D. Draft 5,80 M.
10. Horsepower 2.300 ehp. 11. Maximum Speed 11 kt.
11. Propulsion: Diesel (1), Steam (-), Diesel/Electric (-), Other -
13. Date Built 1962
14. Number and Nationality of Personnel 80, GDR
Officers 16 Crew 64 Other (Specify) -
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy (X), Other -
International Radio Call Sign DAZG
Radio Frequencies Monitored 500,2182
Other Working Frequencies 425,454,468,512,2046,2049,2191

GC-77-0030

16. Navigation Equipment: Loran C (-), Loran A (1), Omega (-), Decca (1), Navsat (-), Radar (2), Fathometer (2), Other Autopilot(1) Direction finder(1)
17. Cargo Capacity (MT) — 18. Cargo Space: Number / Name

Salted Fish	-	Freezer	4	refrigerating holds
Fresh Fish	-	Dry Hold	1	fish meal holds
Frozen Fish	628,6	Tanks	2	fish oil tanks
Fish Meal	138,6	Other		
Other	fish oil tanks 67,1			

19. Processing Equipment (Indicate daily capacity,MT)
2 x Baader 666 (66 tons per day), 1 x Baader 181(5 tons per day)
1 x " 338 (6 " " "), 5 x " 47(6 " " ")
2 x KM 60(8 " " ")
2 x 33 (8 " " "), 1 x Vostra3310(5,5" " ")
20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contemplated Catch (MT)	Gear to be Used
			849	
long Island	1.10.-31.12.77	atlantic mackerel		OTM 2
		other finfish	9	

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Law offices Faulkner and Schmidt,
9 east 40th street, New York, ny 10016

[FR Doc. 77-16998 Filed 6-15-77;8:45 am]

V 4211 6
JUN 16 77
UM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

Volume

Title 6—Economic Stabilization

NOTE: No amendments to this volume were promulgated during the period January 1, 1976 to December 31, 1976. The CFR volume issued as of January 1, 1976, should be retained.

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons) or charge to my Deposit Account No. ..... Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name .....

Street address .....

City and State ..... ZIP Code .....

FOR USE OF SUPT. DOCS.

Enclosed.....
To be mailed later.....
Subscription.....
Refund.....
Coupon refund.....
Postage.....
Foreign Handling.....

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

U.S. GOVERNMENT PRINTING OFFICE
ASSISTANT PUBLIC PRINTER
(SUPERINTENDENT OF DOCUMENTS)
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE BOOK

Name .....

Street address .....

City and State ..... ZIP Code .....

Vol.42—No.117
6–17–77
PAGES
30829–31141

federal register

FRIDAY, JUNE 17, 1977

highlights

SUNSHINE ACT MEETINGS..... 30968

ALLOY TOOL STEEL
Presidential proclamation limiting importation into the United States..... 30829

RADIOTELEGRAPHY IN MARITIME SERVICES
FCC amends frequencies, operating procedures, technical standards and other related criteria; effective 7–18–77 (Part II of this issue)..... 30999

DISTILLED SPIRITS CONTAINERS
Treasury/ATFB eliminates serial-number-of-approved formula-marking requirement on containers made in Puerto Rico and the Virgin Islands and shipped to the U.S.; effective 6–17–77..... 30835

DRUG PRODUCTS CONTAINING DIPYRONE
HEW/FDA withdraws approval of new drug application because of safety factors; effective 6–27–77..... 30893

FARM STORAGE FACILITIES
USDA/CCC increases amounts and broadens coverage for farm storage and drying equipment loans and reduces downpayment provisions..... 30832

ANIMAL BYPRODUCTS AND MATERIALS
USDA/APHIS proposes amendments regarding transportation through the U.S. (2 documents); comments by 7–5–77 30844

FOOD ADDITIVES
HEW/FDA proposes the affirmation of Propylene Glycol and Propylene Glycol Monostearate as a safe indirect or direct food ingredient; comments by 8–16–77..... 30865

ANIMAL WELFARE
USDA/APHIS adopts comprehensive regulations to assure the humane care, treatment and transportation of certain animals; effective 9–15–77 (Part III of this issue) 31021

MINIMUM PROPERTY STANDARDS
HUD revises thermal insulation criteria for one- and two-family dwellings; effective 5–1–77..... 30915

CONTINUED INSIDE

V42 N117 JUN 17 77 UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

EPA—New York State Implementation Plan; revision..... 25501; 5–18–77
Justice/DEA—Loperamide; placement in Schedule V..... 25498; 5–18–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

NATURAL GAS COMPANIES
FPC proposes revision to uniform system of accounts for class A and B companies; comments by 8–8–77 30846

MILITARY REAL ESTATE
DOD/Engineers propose policies and procedures governing management; comments by 7–15–77 (Part IV of this issue) 31031

SOCKEYE AND PINK SALMON
Commerce/NOAA implement. convention between Canada, and the U.S. for protection, preservation, and extension of fisheries of the Fraser River System; effective 6–26–77 30841

ECONOMIC STIMULUS PACKAGE
Labor/ETA publishes proposed allocations of discretionary funds under Titles II and VI of the Comprehensive Employment and Training Act; comments by 7–18–77 30918

INCOME TAX
Treasury/IRS proposes regulations on public inspection of rulings, determination letters, and technical advice memoranda; comments by 8–1–77 30868

MINIMUM WAGES
Labor/ESA publishes general wage determination decisions for Federal and federally assisted construction (Part V of this issue) 31041

MEETINGS—
Administrative Conference of the U.S.: Licenses and Authorizations Committee, 7–15–77 30877
USDA: Agricultural Research Policy Advisory Committee, 7–22–77 30879
CRC: State Advisory Committees:
Illinois, 7–11–77 30881
Louisiana, 7–9–77 30881
Missouri, 7–14–77 30881
DOD: DDR&E High Energy Laser Review Group (HELRG), 7–18–77 30886
Defense Intelligence Agency Scientific Advisory Committee, 7–12–77 30886
FEA: Anthracite Coal Conference, 6–20–77 30897
HEW: National Professional Standards Review Council, 7–18 and 7–19–77 30895
FDA: Public Advisory Committees, 7–9 thru 7–15, 7–18, 7–19, 7–21 thru 7–23, and 7–27 thru 7–30–77 (2 documents) 30887, 30888
Labor/ETA: Equal Apprenticeship Opportunity Subcommittee, 6–27–77 30954
NSF: Oceanography Project Support Advisory Panel, 7–7 and 7–8–77 30955
Task Group 4, 7–7–77 30954
State: Ocean Affairs Advisory Committee, 7–6 and 7–7–77 30959
Transportation Policy, National Study Commission, 6–22 thru 6–24–77 30955
VA: Cemeteries and Memorials Advisory Committee, 7–20 and 7–21–77 30962

CHANGED MEETING—
NSF: Task Group 1 and Task Group 3, 6–20 and 6–21–77 30955

SEPARATE PARTS OF THIS ISSUE
Part II, FCC 30999
Part III, USDA/APHIS 31021
Part IV, DOD/Engineers Corps 31031
Part V, Labor/ESA 31041

V 42 117 7 JUN 17 77 UM

contents

THE PRESIDENT

Proclamations

Alloy tool steel, imports; limitation ---------- 30829

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF UNITED STATES

Notices

Meetings:
Licenses and Authorizations Committee ---------- 30877

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz. and Calif -- 30831

Notices

Peanut Administrative Committee; 1977 crop year, expenses and rate of assessment ---------- 30879

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food and Nutrition Service; Forest Service.

Notices

Meetings:
Agricultural Research Policy Advisory Committee ---------- 30879

AIR FORCE DEPARTMENT

Notices

F-16 aircraft; European coproduction; requirement for foreign currency banking arrangement ---------- 30886

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules

Liquors and articles from Puerto Rico and Virgin Islands:
Serial number of approved formula; marking requirement eliminated ---------- 30835

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal welfare:
Definitions and licensing ---------- 31021

Proposed Rules

Animal and poultry import restrictions:
Animal byproducts and materials; transiting through U.S. 30844
Animal products and materials; transiting through U.S ---------- 30844

ARMY DEPARTMENT

See Engineers Corps.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1977; additions and deletions (2 documents) --- 30882, 30883

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Air-Siam Air Co., Ltd ---------- 30879
International Air Transport Association (2 documents) ---------- 30880

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees:
Illinois ---------- 30881
Louisiana ---------- 30881
Missouri ---------- 30881

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Housing and Urban Development Department ---------- 30831
State Department ---------- 30831

Notices

Noncareer executive assignments:
Environmental Protection Agency ---------- 30882
Interior Department (2 documents) ---------- 30882
Justice Department ---------- 30882
Transportation Department ---- 30882

COMMERCE DEPARTMENT

See Economic Development Administration, National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Rules

Export programs:
Agricultural commodities; financing of sales from private stocks; definition of "noncommercial risk" ---------- 30833
Farm storage and drying equipment loan program; increase loan maximum, etc ---------- 30832
Loan and purchase programs:
Peanuts; correction ---------- 30832

CUSTOMS SERVICE

Notices

Administrative decisions; judicial review, individual notification 30961

DEFENSE DEPARTMENT

See also Air Force Department; Engineers Corps.

Notices

Meetings:
DDR&E High Energy Laser Review Group ---------- 30886
Defense Intelligence Agency Scientific Advisory Committee ---------- 30886

DISEASE CONTROL CENTER

Notices

Gas detector tube units; certification applications ---------- 30886

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions:
Sham-O-Kin Shoe Corp ---------- 30882

EMERGENCY NATURAL GAS ACT OF 1977, ADMINISTRATOR

Notices

Emergency orders, etc.:
Natural Gas Pipeline Co. of America ---------- 30877
Transcontinental Gas Pipe Line Corp. et al ---------- 30878

EMPLOYMENT AND TRAINING ADMINISTRATION

Rules

Apprenticeship programs; registration standards; correction -- 30836

Notices

Comprehensive Employment and Training Act programs:
Funds allocation for FY 1977 and 1978 ---------- 30918
Employment transfer and business competition determinations; financial assistance applications ---------- 30917
Meetings:
Federal Committee on Apprenticeship ---------- 30954
Unemployment compensation, emergency:
Federal supplemental benefits; availability; various States (13 documents) ---------- 30927-30934

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions ---------- 31041

ENGINEERS CORPS

Proposed Rules

Real estate, granting use ---------- 31031

ENVIRONMENTAL PROTECTION AGENCY

Notices

Environmental impact statements, availability, etc.:
Westside Trunk District Facilities Plan for Bear Creek Valley Sanitation Authority ---------- 30895

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental statements; availability, etc ---------- 30883

FEDERAL COMMUNICATIONS COMMISSION

Rules

Radiotelegraphy use in maritime services:
Frequencies, operating procedures, technical standards, and other criteria ---------- 30999

Notices

Canada-U.S. television agreement (1952); Table A amendment --- 30896

Hearings, etc.:
Jackson Cable TV ---------- 30895

FEDERAL ELECTION COMMISSION

Notices

Advisory opinion requests ---------- 30897

FEDERAL ENERGY ADMINISTRATION

Notices

Consent orders:
Guam Oil & Refining Co ---------- 30898
Environmental statements; availability, etc.:
New Jersey energy conservation plan; correction ---------- 30898
Powerplants burning natural gas or petroleum products, prohibition orders:
Wisconsin Public Service Co --- 30898
Meetings:
Anthracite Coal Conference --- 30897

FEDERAL HIGHWAY ADMINISTRATION

Rules

Engineering and traffic operations, right-of-way and environment:
Editorial amendments ---------- 30835

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Notices

Thermal insulation standards ---- 30915

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:
Atlantic Export Co ---------- 30899
Oil pollution; certificates of financial responsibility ---------- 30899
Agreements filed, etc.:
Euro-Pacific Joint Service ----- 30900
Leeward & Windward Islands & Guianas Conference ---------- 30900
Tulsa Port of Catoosa et al ----- 30901

FEDERAL POWER COMMISSION

Proposed Rules

Natural gas companies:
Base load liquified natural gas terminaling and processing facilities; separate classification ---------- 30846

Notices

Hearings, etc.:
Algonquin LNG, Inc., et al ----- 30901
Arkansas-Missouri Power Co --- 30902
Colorado Interstate Gas Co. (2 documents) ---------- 30902, 30904
Columbia Gas Transmission Corp ---------- 30904
Columbia Gulf Transmission Co. et al ---------- 30905
Consolidated Gas Supply Corp-- 30905
Consumers Power Co ---------- 30906
El Paso Alaska Co. (2 documents) ---------- 30906
El Paso Natural Gas Co. (2 documents) ---------- 30906, 30907
Exxon Corp. et al ---------- 30908
Idaho Power Co. (3 documents) - 30910
Iowa-Illinois Gas & Electric Co. 30910
McCulloch Interstate Gas Corp. 30911
Missouri Edison Co ---------- 30911
Montana Power Co ---------- 30911
Mountain Fuel Supply Co ------ 30911
Natural Gas Pipeline Co. of America (2 documents) ------ 30912
Natural Gas Pipeline Co. of America et al ---------- 30912
Ohio Edison Co ---------- 30913
Philadelphia Electric Co ------- 30913
Sea Robin Pipeline Co. (2 documents) ---------- 30914
Texas Eastern Transmission Corp. et al ---------- 30914
White, Willis S., Jr ---------- 30915

FEDERAL RAILROAD ADMINISTRATION

Rules

Regulations governing section 505, Railroad Revitalization and Regulatory Reform Act, 1976, as amended; correction (2 documents) ---------- 30840

Notices

Section 505 financial assistance applications:
Peoria & Pekin Union Railway Co ---------- 30961

FISCAL SERVICE

Notices

Surety companies acceptable on Federal bonds:
American Liberty Insurance Co. 30962
Planet Insurance Co ---------- 30962
Statesman Insurance Co ------- 30962

FOOD AND DRUG ADMINISTRATION

Proposed Rules

Drug labeling:
Thyroid, digitalis, and related drugs for human use; obesity treatment warnings; correction ---------- 30867
GRAS or prior-sanctioned ingredients:
Propylene glycol and propylene glycol monostearate ---------- 30865

Notices

Color additives; petitions filed or withdrawn:
Cosmetic, Toiletry & Fragrance Association, Inc ---------- 30893
Food additives, industry survey questionnaire; availability ----- 30894
Human drugs:
Dipyrone; approval withdrawn.. 30893
Oral contraceptives; physician and patient labeling; correction ---------- 30894
Phentolamine mesylate for injectable use and phentolamine hydrochloride for oral use; correction ---------- 30895
Meetings:
Advisory committees, panels, etc. (2 documents) ---------- 30887, 20888

FOOD AND NUTRITION SERVICE

Rules

Food stamp program; State agencies and eligible household participation:
Guam; correction ---------- 30831

FOREST SERVICE

Rules

Horses and burros, wild-free roaming; management on National Forest System lands ---- 30836

GEOLOGICAL SURVEY

Notices

Geothermal resource areas, operations, etc.:
Utah ---------- 30917
Outer Continental Shelf; oil and gas development:
Platforms; design standards --- 30917

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Disease Control Center; Food and Drug Administration; Health Care Financing Administration.

Notices

Meetings:
National Professional Standards Review Council ---------- 30895

HEALTH CARE FINANCING ADMINISTRATION

Notices

Medicare utilization review options, hospitals:
Oklahoma; correction ---------- 30895

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Commissioner—Office of Assistant Secretary for Housing.

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rules

Immigration regulations:
Deportation suspension and voluntary departure; extension of time applications; extension of time ---------- 30845

INDIAN AFFAIRS BUREAU

Proposed Rules

Irrigations projects; operation and maintenance charges:
Flathead, Mont ---------- 30867

INTERIOR DEPARTMENT

See Geological Survey; Indian Affairs Bureau; Land Management Bureau.

INTERNAL REVENUE SERVICE

Proposed Rules

Procedure and administration:
Public inspection of rulings, determination letters and technical advice memoranda ----- 30868

V 42 117 7 JUN 17 7 UM

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders; various companies:
Chicago, Milwaukee, St. Paul & Pacific Railroad Co. 30840
Vermont Northern Railroad Co. 30841

Notices

Fourth section applications for relief 30963
Hearing assignments 30962
Motor carriers:
Temporary authority applications 30963
Railroad freight rates and charges; various States, etc.:
Coal from Wyoming, capital incentive rate 30963

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration.

Notices

Adjustment assistance:
Armco Steel Corp. (2 documents) 30939, 30940
Bethlehem Steel Corp 30941
Berkowitz, Michael, Co., et al 30939
Brown Shoe Co 30941
Bruce Diamond Corp. et al 30936
Colt Tile Terazzo & Marble Co., Inc., et al 30937
De Laval Turbines, Inc., et al 30938
Dobbs, Charles, Ltd 30942
Coastal Ice & Fuel, Inc 30944
Connors Steel Co 30944
Edgewater Steel Corp 30945
Edinburg Manufacturing Corp. et al 30938
Fabien Corp 30946
General Electric Co 30947
Glass Dimensions, Inc 30947
June, Barbara, et al 30936
Kenbar Industries 30948
Kenosha Metal Products, Inc 30949
Lackede Steel Co 30949
Little Falls Footwear, Inc 30950
Northwest Steel Rolling Mills, Inc 30951
Republic Steel Corp. (2 documents) 30942, 30943
Rohm & Haas North Carolina, Inc 30951
Sea Life Ice & Fuel, Inc 30952
United States Steel Corp. (2 documents) 30953, 30954

LAND MANAGEMENT BUREAU

Notices

Opening of public lands:
Oregon; correction 30917

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 30955

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

International regulatory agencies:
Pacific Salmon Fisheries Commission, International; Fraser River Sockeye and Pink Salmon 30841

Proposed Rules

Fishery conservation and management:
Foreign fishing; foreign participation in U.S. fisheries 30875

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
National Science Foundation Advisory Council 30954
National Science Foundation Advisory Council; correction 30955
Oceanography Project Support Advisory Panel 30955

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

State plans; development, enforcement, etc.:
Hawaii 30935
Virgin Islands 30935

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices

Committees; establishment, renewals, etc.:
Earthquake Hazards Reduction Advisory Group 30956

SECURITIES AND EXCHANGE COMMISSION

Rules

Organization, functions, and authority delegations:
Conduct standards; honoraria, travel and subsistence expenses, etc., from nongovernmental sources 30833
Market Regulation Division, Director 30834

Proposed Rules

Securities Exchange Act:
Institutional investment managers, reporting information; accounts, investment discretion; extension of time 30845

Notices

Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc 30957
Depository Trust Co 30957
Hearings, etc.:
Atlantic Richfield Co. et al 30956
Middle South Utilities, Inc., et al 30958
Miner Industries, Inc 30958

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
King Small Business Investment Corp 30958

STATE DEPARTMENT

Notices

Meetings:
Ocean Affairs Advisory Committee 30959

TENNESSEE VALLEY AUTHORITY

Notices

Developmental activities; intergovernmental coordination, review, and approval 30959

TRANSPORTATION DEPARTMENT

See Federal Highway Administration; Federal Railroad Administration.

TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION

Notices

Meetings 30955

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service; Fiscal Service.

VETERANS ADMINISTRATION

Notices

Meetings:
Cemeteries and Memorials Advisory Committee 30962

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) 30829
4477 (See Proc. 4509) 30829
4509 30829

5 CFR

213 (2 documents) 30831

7 CFR

271 30831
910 30831
1446 30832
1474 30832
1488 30833

8 CFR

PROPOSED RULES:
244 30845

9 CFR

1 31022
2 31022

PROPOSED RULES:
94 30844
95 30844

17 CFR

200 (2 documents) 30833, 30834

PROPOSED RULES:
240 30845
249 30845

18 CFR

PROPOSED RULES:
201 30846
260 30846

21 CFR

PROPOSED RULES:
182 30865
184 30865
186 30865
201 30867

23 CFR

635 30835
645 30835
646 30835
650 30835
720 30835
740 30835
750 30835
771 30835

25 CFR

PROPOSED RULES:
221 30867

26 CFR

PROPOSED RULES:
301 30868

27 CFR

250 30835

29 CFR

29 30836

32 CFR

PROPOSED RULES:
643 31032

36 CFR

222 30836
231 30836

47 CFR

2 31046
81 31008
83 31012

49 CFR

258 (2 documents) 30840
1033 (2 documents) 30840, 30841

50 CFR

371 30841

PROPOSED RULES:
611 30875

V 42 N 117 JUN 17 77 UM

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:

11861 (Amended by EO 11995) ... 29841
11905 (Amended by EO 11994) ... 28869
11985 (See EO 11994) ... 28869
11994 ... 28869
11995 ... 29841
11996 ... 30489

PROCLAMATIONS:

4445 (Revoked in part by Proc. 4509) ... 30829
4477 (See Proc. 4509) ... 30829
4505 ... 29471
4506 ... 30143
4507 ... 30351
4508 ... 30353
4509 ... 30829

MEMORANDUMS:

June 2, 1977 ... 29843

5 CFR

213 ... 28515, 28989, 28845, 29846, 29879, 30355 30831
752 ... 28516
754 ... 28516
771 ... 28516
831 ... 29846

PROPOSED RULES:

831 ... 29880

7 CFR

26 ... 30145
68 ... 30599
908 ... 30600
210 ... 30355
271 ... 28516, 30831
401 ... 28871–28873, 28989
411 ... 28873
413 ... 28141
724 ... 29847
730 ... 30355
905 ... 27875
908 ... 28144, 29487
910 ... 28516, 29848, 30831
911 ... 30147
916 ... 30491
918 ... 29487
922 ... 30492
1004 ... 29848
1207 ... 29295
1427 ... 29849
1446 ... 28989, 30832
1472 ... 29854
1474 ... 30832
1488 ... 30833

PROPOSED RULES:

51 ... 30626
53 ... 29313
271 ... 28546
905 ... 30198
911 ... 30513
915 ... 30513
916 ... 27911, 30206
917 ... 28146, 30513, 30514, 30626
921 ... 29489
922 ... 30514
923 ... 27912
989 ... 27913

7 CFR—Continued

PROPOSED RULES—Continued

1006 ... 30627
1012 ... 30627
1013 ... 30627
1030 ... 27921
1040 ... 29881
1065 ... 28897
1094 ... 30627
1096 ... 30627
1205 ... 29313
1435 ... 30409
1701 ... 29012
1822 ... 29885
1933 ... 29885

8 CFR

223 ... 28113
238 ... 28990, 29871

PROPOSED RULES:

100 ... 28547
244 ... 30845

9 CFR

1 ... 31022
2 ... 31022
78 ... 28517
112 ... 28519, 29854

PROPOSED RULES:

94 ... 30844
95 ... 30844
113 ... 28548, 28549

10 CFR

2 ... 28893
21 ... 28893
31 ... 28896
34 ... 28896
35 ... 28896
40 ... 28896
70 ... 28896
211 ... 27908
212 ... 27908
214 ... 29295
430 ... 27896, 30401
440 ... 27899
745 ... 30492

PROPOSED RULES:

70 ... 28147
73 ... 28147
202 ... 28147
211 ... 27936
212 ... 27936, 29490
430 ... 27941, 27951, 30206, 30210, 30401, 30627
450 ... 29906

12 CFR

207 ... 29299
226 ... 28520, 30148
264 ... 27876
265 ... 28521, 30601
268 ... 28522
545 ... 29473
561 ... 29473
748 ... 30493

PROPOSED RULES:

340 ... 27955
543 ... 29511
545 ... 29512
584 ... 29512

13 CFR

112 ... 28530
121 ... 29300

PROPOSED RULES:

113 ... 29317

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603–30605
71 ... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610
73 ... 29475
75 ... 30149, 30611
91 ... 30611
95 ... 28115
97 ... 28120, 29477
221 ... 28874–28876
372a ... 28121
378a ... 28122

PROPOSED RULES:

1 ... 28148
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513
71 ... 28129, 29513–29516, 30210–30213, 30638–30642
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376

15 CFR

379 ... 28998

16 CFR

4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493
1301 ... 30296
1500 ... 28060

PROPOSED RULES:

13 ... 28550, 29516, 29915, 30515, 30516
23 ... 29916
441 ... 28551
456 ... 29917

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880
271 ... 28999
275 ... 29300

PROPOSED RULES:

9 ... 30472
200 ... 30378
230 ... 30378, 30379
239 ... 29012, 29716
240 ... 29918, 30845
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30366
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:

201 ... 30846
260 ... 30846

19 CFR

159 ... 28531, 28532

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

5 ... 28533, 29855
155 ... 30358, 30359
173 ... 29856
177 ... 28533
193 ... 29857
436 ... 29857
452 ... 29858
510 ... 29858
520 ... 28534, 29003
522 ... 28535
539 ... 29003
555 ... 29859
558 ... 28535
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859
650 ... 29859
660 ... 29859
701 ... 30361
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:

15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865

21 CFR—Continued

PROPOSED RULES—Continued

201 ... 30867
510 ... 29928
558 ... 29928
808 ... 30383
1309 ... 28560

22 CFR

PROPOSED RULES:

123 ... 28551, 29929, 30391
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304
221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
1914 ... 29428–29431, 30304
1915 ... 29433, 30305
1916 ... 29307, 30344
1920 ... 28878–28882, 29859–29870, 30160–30174
1930 ... 29479
1931 ... 29479

PROPOSED RULES:

1908 ... 29692
1911 ... 29692
1912 ... 29692
1913 ... 29692
1914 ... 29692
1921 ... 29692
1922 ... 29692
1923 ... 29692

25 CFR

191 ... 30367
192 ... 30367
193 ... 30367
194 ... 30367
195 ... 30367
196 ... 30367
197 ... 30367
198 ... 30367
199 ... 30367
200 ... 30367
201 ... 30367
221 ... 28538, 30367

25 CFR—Continued

PROPOSED RULES:

54 ... 30647
221 ... 30867
258 ... 28552
260 ... 30216

26 CFR

1 ... 30496
11 ... 27881
54 ... 27882

PROPOSED RULES:

1 ... 29517
301 ... 30868

27 CFR

250 ... 30835

PROPOSED RULES:

4 ... 30517

28 CFR

0 ... 29003
17 ... 29307

PROPOSED RULES:

2 ... 29934

29 CFR

25 ... 30836
97 ... 30367
1952 ... 30368

PROPOSED RULES:

1910 ... 29021
1952 ... 29024
2610 ... 29318

30 CFR

55 ... 29418
56 ... 29420
57 ... 29422
211 ... 30175

PROPOSED RULES:

55 ... 30772
56 ... 30772
57 ... 30772
70 ... 28151

31 CFR

51 ... 27883

32 CFR

PROPOSED RULES:

276 ... 27963
286b ... 29935
643 ... 31032

33 CFR

110 ... 30618
114 ... 28882
115 ... 28882
117 ... 30178, 30179
127 ... 30179
161 ... 29480
205 ... 30368
401 ... 29308

PROPOSED RULES:

117 ... 30216–30218
209 ... 29025

36 CFR

2 ... 30501
221 ... 28252

VOL 42 117 JUN 17 77 UM

36 CFR—Continued

222 30836
223 28252
231 30836
261 30503

37 CFR

3 27883

PROPOSED RULES:

1 30522

38 CFR

36 28883

PROPOSED RULES:

8a 30392

39 CFR

10 29488
111 ..... 27892, 29308, 29488
224 29308
601 29488
952 30504
954 30504
958 30504

PROPOSED RULES:

111 28153

40 CFR

35 29481
52 ..... 27892, 28122, 28539, 28883, 29004, 30369, 30504
61 29005
85 28123
86 28130
180 28540
416 29871

PROPOSED RULES:

52 ..... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648
61 28154
86 28970
600 28970

41 CFR

3–3 29871
3–30 30190
4–2 28871
7–7 28540
7–30 30619
8–1 28541
9–5 29873
9–51 29308
9–55 29308
Ch. 14 30196
15–19 30509
114–1 30196

PROPOSED RULES:

3–4 ..... 29872, 29937
5B–2 27966
105–65 29319
110–26 28556

42 CFR

51e 28692
66 29482
110 29400

PROPOSED RULES:

67 29518

43 CFR

2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5618 30370
5619 30180

45 CFR

177 29009
201 28884
249 28700
304 28885
1067 29873

PROPOSED RULES:

12 27966
122a 28706
136 28899
163 28159
163a 28159
197 30290
1067 29523

46 CFR

2 28886
31 28886
151 28886
187 29483
401 30619

PROPOSED RULES:

30 30220
32 30220
34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 30649
167 30649
193 30649
507 29524
536 30399
543 30584

47 CFR

0 30370
1 ..... 27894, 28887, 30180
2 31046
21 27894
23 27894
68 29010

47 CFR—Continued

73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008
83 ..... 29309, 31012
87 ..... 27895, 29483
89 27895
89 ..... 27895, 30511
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

64 27971
67 ..... 30220, 30221
68 28559
73 ..... 27971, 27973, 29027, 30400
76 ..... 30222, 30401
83 28164
87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
571 ..... 28135, 30188, 30620
1033 ..... 28542, 28543, 28888, 30840, 30841
1063 29309
1100 29311
1307 ..... 28889, 30190

PROPOSED RULES:

571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

17 ..... 28052, 28136, 28543
26 29312
32 ..... 28545, 30373, 30621
33 ..... 29312, 30621
217 28137
222 28137
258 30621
285 30373
371 30841
651 29876
661 29485

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
611 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date	Pages	Date
27875–28112	June 1	29295–29470	8	30351–30487	14
28113–28513	2	29471–29840	9	30489–30598	15
28515–28868	3	29841–30142	10	30599–30827	16
28869–28987	6	30143–30350	13	30829–31141	17
28989–29293	7				

presidential documents

Title 3—The President

Proclamation 4509 • June 15, 1977

Modification of Temporary Quantitative Limitations on the Importation into the United States of Certain Articles of Alloy Tool Steel

By the President of the United States

A Proclamation

1. Proclamation No. 4445, of June 11, 1976, as modified by Proclamation No. 4477 of November 16, 1976, imposed quantitative restrictions on the importation of certain articles of specialty steels. Section 203(h)(4) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2253(h)(4)) permits the President to reduce or terminate any such restrictions if, after taking into account advice received from the United States International Trade Commission (USITC) and after seeking advice from the Secretaries of Commerce and Labor, the President determines that the reduction or termination is in the national interest.

2. I have sought and received advice from the USITC and from the Secretaries of Commerce and Labor concerning the effects of excluding alloy tool steel provided for in item 923.25 of the Tariff Schedules of the United States (TSUS) from the quantitative restrictions imposed by Proclamation No. 4445, as modified by Proclamation No. 4477. I have determined, after considering that advice, that the exclusion of alloy tool steel provided for in item 923.25, TSUS, from such quantitative restrictions is in the national interest.

3. Accordingly, the purpose of this proclamation is to terminate in part Proclamation No. 4445 of June 11, 1976, as modified by Proclamation No. 4477 of November 16, 1976, so as to exclude alloy tool steel provided for in item 923.25, TSUS, from the present quantitative restrictions. The authority for this action is set forth in section 203(h)(4) (19 U.S.C. 2253(h)(4)), and section 125(b) (19 U.S.C. 2135(b)) of the Trade Act.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including sections 125 and 203 of the Trade Act (19 U.S.C. 2135 and 2253, respectively), do proclaim that—

A. Subpart A, part 2, of the Appendix to the TSUS (19 U.S.C. 1202) is modified as follows:

(1) by modifying headnote 2(a)(iii) to read as follows:

"(iii) The term *"alloy tool steel"* in item 923.26 refers to alloy steel which contains the following combinations of elements in the quantity, by weight, respectively indicated:

not less than 1.0% carbon and over 11.0% chromium; or
not less than 0.3% carbon and 1.25% to 11.0% inclusive chromium; or
not less than 0.85% carbon and 1% to 1.8% inclusive manganese; or
0.9% to 1.2% inclusive chromium and 0.9% to 1.4% inclusive molybdenum; or

V 42 117 JUN 17 77 UM

not less than 0.5% carbon and not less than 3.5% molybdenum; or
not less than 0.5% carbon and not less than 5.5% tungsten;
but does not include any of such alloy tool steel which contains, in addition to iron, each of the following elements by weight in the amounts specified:
carbon: not less than 0.95 nor more than 1.13 percent;
manganese: not less than 0.22 nor more than 0.48 percent;
sulfur: none, or not more than 0.03 percent;
phosphorus: none, or not more than 0.03 percent;
silicon: not less than 0.18 nor more than 0.37 percent;
chromium: not less than 1.25 nor more than 1.65 percent;
nickel: none, or not more than 0.28 percent;
copper: none, or not more than 0.38 percent;
molybdenum: none, or not more than 0.09 percent;"

(2) by deleting headnote 2(a)(iv) and redesignating headnote 2(a)(v) as 2(a)(iv).

(3) (a) by deleting the last sentence from headnote 2(f); and

(b) by deleting item 923.25 from the tabulation in headnote 2(f).

(4) (a) by deleting "923.24" from the superior heading to items 923.20 through 923.26 and substituting therefor "923.26"; and

(b) by deleting items 923.25 and 923.26 and their immediately superior heading and substituting therefor the following:

Item	Articles	Quota Quantity (in short tons)		
		Effective on or after—		
		June 14, 1976	June 14, 1977	June 14, 1978
923.26	Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 within the specifications of headnote 2(a)(iii):			
	Japan	3,500	3,700	3,800
	European Economic Community	3,400	3,500	3,600
	Canada	1,900	2,000	2,000
	Sweden	8,500	8,600	8,700
	Austria	6	2,322	2,385
	Other:			
	Countries entitled to the rate of duty in rates of duty column numbered 1 (total)	3,600	1,378	1,415
	Other (total)	none	6	6

B. The modifications of subpart A of part 2 of the Appendix to the TSUS, made by this proclamation, shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after the date of publication of this proclamation in the FEDERAL REGISTER.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June in the year of our Lord nineteen hundred and seventy seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-17555 Filed 6-15-77;4:26 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to reflect an organizational redesignation from: Office of the Assistant Secretary for Community Planning and Management, to: Office of the Assistant Secretary for Community Planning and Development.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3384(d) is amended to read as follows:

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Development.*

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17100 Filed 6-16-77;8:45 am]

PART 213—EXCEPTED SERVICE
Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Deputy Secretary of State and one position of Special Assistant to the Assistant Secretary for Congressional Relations because these positions are confidential in nature.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3304(a)(21) is amended and (c)(5) is added as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *
(21) One Secretary (Steno) and one Special Assistant to the Deputy Secretary.

* * * * *

(c) *Office of the Assistant Secretary for Congressional Relations.* * * *
(5) One Special Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17099 Filed 6-16-77;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[FSP No. 1977-6.2, Amdt. No. 111]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS FOOD STAMP PROGRAM
MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM
Appendix F—Guam

Correction

In FR Doc. 77-14149 appearing at page 26006 in the issue for Friday, May 20, 1977, in the table on page 26007, in the line for "Monthly net income—$150 to $169.99," in the column for a household of 6 persons, the monthly purchase requirement now reading "42" should have read "43."

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 97]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA
Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 19-25, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is easier early this week.

Average f.o.b. price was $6.65 per carton the week ended June 11, 1977, compared to $6.72 per carton the previous week. Track and rolling supplies at 225 cars were up 5 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective

V 42 117 JUN 17 77 UM

time: and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on June 14, 1977.

§ 910.397 Lemon Regulation 97.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 19, 1977, through June 25, 1977, is established at 310,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Dated: June 16, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–17601 Filed 6–16–77;11:27 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 2]

PART 1446—PEANUTS

1976 Crop Peanut Warehouse Storage Loan Supplement; Final Support Values

Correction

In FR Doc. 77–15965 appearing at page 28989 in the issue for Tuesday, June 7, 1977, in the table at the bottom of page 28990 entitled "1976 Crop Peanut Warehouse Storage Loans" the following entry was omitted after "Southeast Spanish": "Southwest Spanish..... 5.854".

[CCC Farm Storage and Drying Equipment Loan Program Regulations, Amendment 2]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule increases amounts and broadens coverage for farm storage and drying equipment loans and reduces downpayment provisions. The Secretary, USDA, in a press release dated April 4, 1977 said, "changes in the facility loan program will make storage more attractive to farmers and will encourage expansion of on-the-farm storage and drying capacity, which will help meet the objectives of the food grain reserve program." The intended effect is to make the loan program more attractive and encourage farmers to add additional on-farm facilities.

DATES: This amendment applies to loans disbursed on or after April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dean L. Spearman, ASCS, USDA, P.O. Box 2415, Washington, D.C. 20013, 202–447–9222.

SUPPLEMENTARY INFORMATION: Commodity Credit Corporation, USDA is amending the regulations governing farm facility loans to: (1) change the basis for determining storage needs, (2) increase the amount which may be loaned, (3) increase the maximum outstanding loan, (4) permit the inclusion of concrete and wiring costs, (5) provide that the interest rate will remain constant for the term of the loan, (6) increase the approval level of county committees, and (7) increase the loan amount requiring a lien on the real estate. In view of the fact that revisions in the program are being made to encourage greater participation and remove restrictions, it is hereby found and determined that compliance with the procedure for notice of proposed rulemaking and public participation is unnecessary. Therefore, these regulations are issued without compliance with such procedure.

RULE

1. In § 1474.4, paragraph (b) is revised to read as follows:

§ 1474.4 Eligible borrowers.

* * * * *

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however,* That in making this determination (1) one year's estimated production of eligible commodities shall be used in determining whether the proposed drying equipment is needed, and (2) the maximum storage space for which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for storage of eligible commodities is less than the storage capacity necessary to store two year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8 (b).

2. In § 1474.7, paragraph (c) is revised to read as follows:

§ 1474.7 Security for loan.

* * * * *

(c) *First lien on real estate.* As additional security, a first lien, except as provided in subparagraph (1) of this paragraph, on real estate shall be required for any loan of $25,000 or more: *Provided, however,* That the State Committee may establish such lower level as it considers necessary: *Provided, further,* That a first lien on the real estate may be required for any loan at the discretion of the approving committee. Such first lien shall be in the form of a real estate mortgage, deed of trust, or other form of security instrument approved by CCC. It shall attach to the borrower's farm or other real estate on which the farm storage or drying equipment is to be located or on such acreage thereof as will, in the judgment of the county committee, make the site easily accessible for the use of other farmers, and, in the event of foreclosure will constitute a salable unit.

(1) Where the real estate is subject to a prior lien, the State committee may accept a second lien provided the borrower owns the land on which the farm storage or drying equipment is located and the State committee determines that the borrower has sufficient equity in the land to adequately protect CCC's interest.

(2) Where the real estate is subject to any other lien and a second lien is not acceptable under the provisions of subparagraph (1) of this paragraph, the priority of CCC's lien must be obtained through a consent and subordination agreement which shall be filed or recorded with the lien on the real estate.

* * * * *

3. § 1474.8 is revised to read as follows:

§ 1474.8 Amount of loan and loan application approvals.

(a) *Cost basis.* (1) The loan shall be based on the "net cost" which is the actual cost to the applicant, after deduction of any discount or rebate. "Net cost" may include the purchase price, local sales taxes payable by purchasers, and costs for transportation, delivery, and erection or installation of the farm storage or drying equipment: *Provided, however,* That "net cost" shall not include the cost of used or second-hand material to be used in the proposed construction of otherwise new farm storage, or costs for labor performed by the applicant or other labor usually employed on the farm.

(b) *Amount of loan.* The amount of any loan, when added to the outstanding balance of any previous loan for farm storage and drying equipment, shall not result in an aggregate outstanding balance in excess of $50,000 and shall not exceed the smaller of (1) 85 percent of the net cost of the applicant's needed farm storage and drying equipment or (2) 85 percent of the prorated cost for the applicant's farm storage which is needed and suitable for the storage of the eligible commodities when a farm storage structure has a larger capacity than the applicant's needed farm storage.

(c) *Loan application approvals.* (1) The county committee may approve or disapprove loan applications for amounts less than $25,000 without concurrence of the State committee: *Provided, however,* That no application may be so approved by the county committee if the amount thereof, plus the outstanding balance of any previous loan, would create for the applicant an aggregate outstanding balance of $25,000 or more: *Provided, further,* That the State committee may establish such lower amount as it considers necessary.

(2) The State committee shall approve or disapprove all other loan applications.

(3) A loan application for $25,000 or more shall not be approved unless the applicant will provide the additional security in accordance with § 1474.7 (c).

(4) A loan application shall not be approved where the approving authority determines that approval would not be in the best interest of the program.

(d) *Expiration of approvals.* If there has been no disbursement of the loan 4 months after the date the loan application was approved, the approval shall become null and void unless it is extended in writing by the approving State or county committee for a stated period not to exceed an additional four months: *Provided, however,* That the Executive Vice President, CCC, or his designee, may extend the approval for such additional periods of time as he may deem justified by the circumstances.

4. In § 1474.10, paragraph (c) is added to read as follows:

§ 1474.10 Interest rate.

* * * * *

(c) Loans disbursed on or after April 1, 1977. Loans shall bear interest at the rate in effect on the date of disbursement until repaid. The rate shall be set forth in a separate announcement in the FEDERAL REGISTER.

(Sections 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c).)

NOTE.—Commodity Credit Corporation has determined that this document does not require preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Signed at Washington, D.C. on June 9, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77–17458 Filed 6–16–77;8:45 am]

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–5)

MISCELLANEOUS AMENDMENTS

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Final rule.

SUMMARY: Due to the sensitivity of the words "political risk," experience has shown that such terminology sometimes creates unintended connotations when dealing with the diplomatic community. This amendment, by substituting the words "non-commercial risk" for "political risk", will help avoid such connotations in the future.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

L. T. McElvain, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, 14th Street and Independence Avenue SW., Washington, D.C. 20250, telephone 202–447–3224.

SUPPLEMENTARY INFORMATION: Since the amendment is primarily for clarification to prevent unintended connotations, it is hereby found and determined that compliance with the procedure for notice of proposed rulemaking and public participation is unnecessary. Therefore, these amendments are issued without compliance with such procedure.

RULE

Accordingly, Part 1488 of 7 CFR containing the terms and conditions of the CCC Export Credit Sales Program regulations (GSM–5) (42 FR 10999, corrected at 42 FR 13535 and 42 FR 13561, and amended at 42 FR 27569) is hereby amended as follows:

1. Section 1488.2(g) is amended to read as follows:

§ 1488.2 Definition of terms.

* * * * *

(g) "Commercial risk" means risk of loss due to any cause other than those specified as non-commercial risk in paragraph (u) of this section.

§ 1488.13 [Amended]

2. Sections 1488.2(u) and 1488.13 are amended by substituting the words "non-commercial risk" for the words "political risk" wherever they may appear.

§ 1488.12 [Amended]

3. Section 1488.12(f) is amended by substituting the words "non-commercial risks" for the words "political risks" wherever they may appear.

(Sec. 5(f), 62 Stat. 1072 (15 U.S.C. 714c); Sec. 4, 80 Stat. 1538 (7 U.S.C. 1707a).)

Signed at Washington, D.C., on June 14, 1977.

GEORGE S. SHANKLIN,
Acting Vice President, Commodity Credit Corporation, and Acting General Sales Manager, Office of the General Sales Manager.

[FR Doc.77–17411 Filed 6–16–77;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION.

[Release Nos. 33–5832; 34–13603; 35–20067; IA–590; IC–9808]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart M—Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission

REIMBURSEMENT FOR TRAVEL OR SUBSISTENCE EXPENSES

AGENCY: Securities and Exchange Commission.

ACTION: Amendment of Conduct Regulation.

SUMMARY: The amendment prescribes the conditions under which Commission members and employees may accept reimbursement for travel or subsistence expenses from nongovernmental sources and sets forth the policy of the Commission will respect to the acceptance of honoraria or similar fees and payments. It reflects the Commission's concern that conflicts of interest be strictly prohibited and the Commission believes that the amendment will not only preclude potential conflict of interest situations but also avoid even the appearance of conflicts.

DATES: Effective Date: June 17, 1977. Comments must be received on or before: December 1, 1977.

ADDRESSES: Comments should be addressed, in triplicate, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7–704 and will be available for public inspection in Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Vernon Zvoleff, Attorney, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549.(202–755–1387).

SUPPLEMENTAL INFORMATION: On April 13, 1977, the United States Civil Service Commission approved for publication the amendment to the Commission's conduct regulation set forth below. Therefore, pursuant to 5 CFR 735.-104(c), this amendment is effective on June 17, 1977. In general, the amendment prohibits Commission members and employees from accepting reimbursement for travel and subsistence expenses, under any circumstances, from entities required to file reports or registration statements with the Commission or from entities regulated by the Commission, as well as any association predominantly composed of such regulated entities. Subject to that prohibition, Commission members and employees on official duty status may accept reimbursement from tax-exempt entities of the type described in 26 U.S.C. 501(c)(3); and employees, while appropriately on annual leave, may accept reimbursement from other entities as well. Under no circumstances may either members or employees accept reimbursement, nor may payment be made on their behalf, for unreasonable or lavish expenses, gifts, entertainment or other personal benefits.

Honoraria or similar payments are discouraged and may not be accepted without prior written approval from the Commission's General Counsel, subject to the general review of the Commission.

Although the amendment shall be effective immediately, the Commission will reevaluate the amendment after approximately six months, in light of its experience with the new requirements. Comments received prior to December 1, 1977, will be considered by the Commission during this reevaluation.

Accordingly, 17 CFR Part 200 is amended by revising paragraph (b)(5) of § 200.735–4 and adding paragraph (b)(7) thereto to read as follows:

§ 200.735–4 Outside or private employment.

* * * * * *

(b) * * *

(5)(i) A member or employee may accept reimbursement for travel or subsistence expenses, and any expenses may be paid on his or her behalf, only if reimbursement is authorized by paragraphs (b)(5)(iii) or (iv) of this section. No member or employee may, under any circumstances, accept reimbursement for travel or subsistence expenses incurred in connection with attendance at a seminar, meeting, conference, etc., sponsored in whole or in part by any person from whom the acceptance of reimbursement is prohibited by paragraph (b)(5)(ii) of this section.

(ii) No member or employee shall accept reimbursement for travel or subsistence expenses from

(A) Any person[1] directly required to file reports or registration statements with the Commission, or

(B) Any person[1] directly regulated by the Commission, including any association or other group predominantly composed of persons regulated by the Commission.

For purposes of this section, the phrase "person regulated by the Commission" means all persons whose activities are directly regulated by, or who are required to register with, the Commission, including, but not limited to, such persons as brokers or dealers in securities, national securities exchanges, national securities associations, investment companies, investment advisers, public utility holding companies, and any self-regulatory organization, as that term is defined in Section 3 of the Securities Exchange Act of 1934, 15 U.S.C. 78c.

(iii) Subject to the general prohibition set forth in paragraph (b)(5)(ii) of this section, members or employees may, pursuant to 5 U.S.C. 4111, while on official duty status, accept bona fide reimbursement for actual expenses for travel or necessary subsistence incident to attendance at meetings from a person determined by the Secretary of the Treasury to be a tax-exempt organization of the type described in 26 U.S.C. 501(c)(3), provided, however, that no Government payment or reimbursement is made for the expense so reimbursed, and provided further that the member or employee is not reimbursed, nor payment made on his or her behalf, for those personal living expenses, gifts, entertainment or other personal benefits, which are unreasonable or lavish.

(iv) Consistent with the general prohibition set forth in paragraph (b)(5)(ii) of this section and the Commission's regulations governing conflicts of interest, employees (but not members) of the Commission appropriately on annual leave may accept bona fide reimbursement for actual expenses for travel or necessary subsistence from persons in addition to organizations described in paragraph (b)(5)(iii) above, provided that the employee is not reimbursed, nor payment made on his or her behalf, for those personal living expenses, gifts, entertainment or other personal benefits, which are unreasonable or lavish.

(v) Nothing in this section or otherwise shall be considered as permitting the acceptance from any person of reimbursement to a member or employee of the Commission, directly or indirectly, for the travel or subsistence expenses of the member's or employee's spouse or traveling companion.

* * * * * *

(7) As a matter of general policy, the Commission discourages the acceptance of honoraria or similar fees and payments. In accord with this policy, no member or employee may accept an honorarium unless written approval is obtained in advance from the Commission's General Counsel, subject to the general review of the Commission. Requests for such approval should be submitted to the General Counsel in writing and should include a statement in support of the request. An employee may not, under any circumstances, accept an honorarium from any person from whom reimbursement for travel expenses is prohibited by paragraph (b)(5)(ii) of this section.

(5 CFR 735.104(b).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 7, 1977.

[FR Doc.77–17313 Filed 6–16–77;8:45 am]

[1] As defined in paragraph b(1) of § 200.-735–3.

[Release No. 34–13605]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to the Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules to delegate authority with respect to the Securities Exchange Act of 1934 to the Director of the Division of Market Regulation to exchange with Federal bank regulatory agencies notices of examination, and copies of reports and related data resulting from examination, of a bank clearing agency, transfer agent, or municipal securities dealer.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Harry Melamed, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202–755–7987.

SUPPLEMENTARY INFORMATION: Section 17(c)(3) [15 U.S.C. 78q(c)(3)] of the Securities Exchange Act of 1934 (the "Act") provides that, when the Commission is not the appropriate regulatory agency for a clearing agency, transfer agent, or municipal securities dealer, the Commission and the appropriate regulatory agency shall each notify the other and make a report of any examination conducted by it of that regulated entity and shall each, upon request, furnish to the other a copy of such report and any data supplied to it in connection with such examination. Therefore, pursuant to Sections 4, 17(c)(3) and 23(a) of the Act [15 U.S.C. 78d, q(c)(3) and w(a)], § 200.30–3 [17 CFR 200.30–3] of the rules of the Commission, relating to general organization, is amended to delegate authority to the Director of the Division of Market Regulation to request such reports and other data from any such appropriate regulatory agency, to provide notices to any such appropriate regulatory agency and, on request of any such appropriate regulatory agency, to furnish such reports and other data. The amendment adds a new paragraph (a)(25) as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(25) Pursuant to Section 17(c)(3) of the Act, 15 U.S.C. 78q(c)(3), in regard to clearing agencies, transfer agents and municipal securities dealers for which the Commission is not the appropriate regulatory agency, (i) to notify the appropriate regulatory agency of any examination conducted by the Commission of any such clearing agency, transfer agent, or municipal securities dealer; (ii) to request from the appropriate regulatory agency a copy of the report of any examination of any such clearing agency, transfer agent, or municipal securities dealer conducted by such appropriate regulatory agency and any data supplied to it in connection with such examination; and (iii) to furnish to the appropriate regulatory agency on request a copy of the report of any examination of any such clearing agency, transfer agent, or municipal securities dealer conducted by the Commission and any data supplied to it in connection with such examination.

* * * * *

The Commission finds, in accordance with sections 5 U.S.C. 553(b)(3)(B) and 553(d)(3) of the Administrative Procedure Act, that the foregoing action relates solely to agency organization, procedure or practice and should be effective immediately in order to provide an orderly procedure for the exchange of information with the Federal bank regulatory agencies. Accordingly, the foregoing action becomes effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

June 7, 1977.

[FR Doc.77–17314 Filed 6–16–77;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

MISCELLANEOUS TECHNICAL AMENDMENTS

AGENCY: Federal Highway Administration, DOT.

ACTION: Technical amendments to final rules.

SUMMARY: This document corrects final rules that contain incomplete or erroneous citations in Chapter I of Title 23, Code of Federal Regulations.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank L. Calhoun, Office of the Chief Counsel (202/426–0762), Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours Monday–Friday from 7:45 a.m. to 4:15 p.m. ET.

The following corrections are made by revising Chapter I of Title 23, Code of Federal Regulations:

PART 635—CONSTRUCTION AND MAINTENANCE

§ 635.104 [Amended]

1. In § 635.104(b), strike the period at the end of the third sentence and insert "of Part 635 of this Chapter.";

PART 646—RAILROADS

Appendix A [Amended]

2. In Part 645, Subpart B, Appendix A, Paragraph (11), § 424.206(g), is corrected to read "§ 645.206(g)";

§ 646.220 [Amended]

3. In § 646.220(b)(1), change the citation reading § 646.260(a)(3) to read "§ 646.206(a)(3)" and in (b)(2) change the citation reading § 646.206(a)(3) to read "§ 646.206(b)";

PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

§ 650.605 [Amended]

4. In § 650.605(a)(3), the citation in footnote No. 1 "23 CFR 625.3(a)(6)" is corrected to read "23 CFR 625.3" and in footnote No. 2 the address for AASHTO is changed from "341 National Press Building, Washington, D.C. 20045" to "Suite 225, 444 North Capitol Street, NW., Washington, D.C. 20001";

PART 720—APPRAISAL

§ 720.202 [Amended]

5. In § 720.202(f)(2)(i), the reference to § 720.2011(g) is corrected to read "§ 720.201(g)(1)";

PART 740—RELOCATION ASSISTANCE

§ 740.7 [Amended]

6. In § 740.7(f) the words "this Part 740, Subpart G" are changed to read "Part 140, Subpart G of this Chapter.";

PART 750—HIGHWAY BEAUTIFICATION

§ 750.304 [Amended]

7. In § 750.304(c)(4) the citation in the first sentence reading "23 CFR 710.24" is changed to read "23 CFR 710.204"; and

PART 771—ENVIRONMENTAL IMPACT AND RELATED STATEMENTS

§ 771.19 [Amended]

8. In § 771.19(g) the fourth sentence is changed to read "Separate circulation may be made if there are unusual conditions which warrant separate circulation."

AUTHORITY: (23 U.S.C. 315).

DOWELL H. ANDERO,
Acting Chief Counsel.

[FR Doc.77–17409 Filed 6–16–77;8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF–43; Re: Notice No. 307]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Elimination of the Serial-Number-of-Approved-Formula-Marking Requirement on Distilled Spirits Containers

AGENCY: Bureau of Alcohol, Tobacco and Firearms; Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: This rule eliminates the requirement of marking the serial number of the approved formula on containers of distilled spirits made in Puerto Rico and in the Virgin Islands of the United States, and shipped to the United States. Since the serial number of the approved formula is made available by other means of documentation, there is no need to require the serial number on the containers of distilled spirits. The Puerto Rican and Virgin Islands manufacturers will be relieved from meeting this marking requirement.

EFFECTIVE DATE: June 16, 1977. (Because this Treasury decision is liberalizing in nature and simplifying in terminology, it need not be subject to the effective date limitation of 5 U.S.C. 553(d).)

FOR FURTHER INFORMATION CONTACT:

A. N. Stickney, ATF&E Specialist, Research and Regulations Branch, Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226, 202–566–7626.

SUPPLEMENTARY INFORMATION: On January 27, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 5104), which proposed to amend §§ 250.40 and 250.206 of the Liquors and Articles from Puerto Rico and the Virgin Islands regulations (27 CFR Part 250) to eliminate the requirement of marking the serial number of the approved formula number on distilled spirits containers shipped to the United States from Puerto Rico and from the Virgin Islands. Both sections presently provide that the referred-to markings appear on containers of distilled spirits produced in Puerto Rico and the Virgin Islands, and shipped to the United States.

In our analysis, we found that, in the case of Puerto Rican products, Form 478–B is a required application and permit document which identifies the formula number of all shipping containers. In the case of products of the Virgin Islands, the use of a certificate and a report of gauge, which accompany each shipment, provides complete information to identify the formula number with the serial number of each package gauged for shipment. In conclusion, by eliminat-

ing the approved formula requirement of §§ 250.40 and 250.206, we are still able to trace the origin and movement of the spirits so as to protect the revenue and consumers. Moreover, the Puerto Rican and Virgin Island manufacturers are relieved from the procedure of affixing, removing, and re-marking serial numbers on containers to be shipped to the United States.

Interested persons were given until March 14, 1977, to submit relevant data, views, or arguments regarding the proposal. Since comments received were in favor of adopting the proposals, the Director has decided to delete the requirement to mark the approved formula number on the containers.

(The principle author of this final rule is A. N. Stickney of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. Officials from the Bureau and from the Treasury Department, however, participated in developing the final rule, both on matters of substance and style.)

Accordingly, under the authority of 26 U.S.C. 7805 (68A Stat. 917) the proposed amendments of §§ 250.40 and 250.206 are adopted as set forth below.

Signed: May 23, 1977.

REX D. DAVIS,
Director.

Approved: June 8, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

1. As amended, § 250.40 reads as follows:

§ 250.40 Marking containers of distilled spirits.

The distiller, rectifier, or bottler shall serially number each case, barrel, cask, or similar container of distilled spirits filled for shipment to the United States. In addition to the serial number of the container, the distiller, rectifier, or bottler shall plainly print, stamp, or stencil with durable coloring material, in letters and figures not less than one-half inch high, on the head of each barrel, cask or similar container or on one side of each case, as follows:

(a) The name of the distiller, rectifier, or bottler;

(b) The brand name and kind of liquor;

(c) The wine and proof gallon contents; or, for bottles filled according to the metric standards of fill prescribed by § 5.47a, of this chapter, the contents in liters and the proof of the spirits; and

(d) In the case of barrels or casks, the serial number of the permit to ship, Form 487–B, prefixed by the number of such form (e.g., "487–B–61–1").

2. As amended, § 250.206 reads as follows:

§ 250 206 Marking packages and cases.

The distiller, rectifier, or bottler shall serially number each case, barrel, cask, or similar container of distilled spirits filled for shipment to the United States. In addition to the serial number of the container, the distiller, rectifier, or bottler shall plainly print, stamp, or stencil with durable coloring material, in letters and figures not less than one-half inch high, on the head of each barrel, cask or similar container or on one side of each case, as follows:

(a) The name of the manufacturer;

(b) The brand name and kind of liquor; and

(c) The wine and proof gallon contents; or, for bottles filled according to the metric standards of fill prescribed by § 5.47a, of this chapter, the contents in liters and the proof of the spirits.

[FR Doc.77–17257 Filed 6–16–77;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 29—LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS

Policies and Procedures; Corrections

AGENCY: Department of Labor.

ACTION: Corrections.

SUMMARY: In FR Doc. 77–5512, appearing at page 10137 in the FEDERAL REGISTER on Friday, February 18, 1977, several typographical errors appeared. Therefore, a number of corrections should be made to correct these errors, which were made during the printing of the document. None of the corrections affect the substance of the regulation.

EFFECTIVE DATE: March 21, 1977.

FOR FURTHER INFORMATION CONTACT:

James P. Mitchell, Deputy Administrator, Bureau of Apprenticeship and Training, Employment and Training Administration, Room 5000, Patrick Henry Building, Washington, D.C. 20213, Telephone No. 202–376–6585.

Accordingly, the following changes should be made in the text of 29 CFR Part 29:

1. On page 10139, delete the abbreviation "Sec.", which appears in the table of contents between the entry for § 29.3 and the entry for § 29.4.

2. On page 10141, invert the order of the last two lines in § 29.3(h) so that the last sentence of § 29.3(h), in its entirety, reads: "The registration agency shall provide a reasonable time period of not less than 30 days nor more than 60 days for receipt of union comments, if any, before final action on the application for registration and/or approval."

3. On page 10141, the third sentence of § 29.5(b)(4) is corrected to read as follows: "Such instruction may be given in a classroom through trade or industrial courses, or by correspondence courses of equivalent value, or other forms of self-study approved by the registration/approval agency."

Dated: June 13, 1977.

HUGH C. MURPHY,
Administrator, Bureau of Apprenticeship and Training, Employment and Training Administration.

[FR Doc.77–17518 Filed 6–16–77;8:45 am]

Title 36—Parks, Forests, and Public Properties

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 222—RANGE MANAGEMENT

PART 231—GRAZING

Use of Helicopters in Management of Wild Free-Roaming Horses and Burros

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment authorizes the use of helicopters, and, for transporting captured animals, motor vehicles in the administration of the Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1331–1340). It also outlines how helicopters and motor vehicles are to be operated to ensure humane treatment of the animals. The amendment is necessary to implement provisions of section 9 of the act as required by section 404 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701). The authorized use of helicopters and motor vehicles will facilitate management of wild free-roaming horses and burros where they reside on National Forest System lands. In connection with this rulemaking, the Wild Free-Roaming Horse and Burro Regulations are being moved from 36 CFR 231.11 to 36 CFR Part 222, Subpart B. Some additional nonsubstantive language changes have been made to make the regulations easier to understand. Public comment on these changes was deemed to be unnecessary.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Don D. Seaman, Assistant Director, Range Management Staff, Forest Service, P.O. Box 2417, Washington, DC 20013, telephone 703–235–8139.

SUPPLEMENTAL INFORMATION: On March 7, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 12890) for the purpose of authorizing the use of helicopters, and, for purposes of transporting captured animals, motor vehicles, in managing wild free-roaming horses and burros on National Forest System lands. The public was given until April 30, 1977, for interested parties to make written comments on the proposal. A March 7, 1977, FEDERAL REGISTER notice advised public meetings would be held to give interested parties an opportunity to speak on the proposal. Ten meetings were held. The written record of these meetings has been reviewed and considered in arriving at the final rule. Also written submissions received have been reviewed and considered.

The Bureau of Land Management of the Department of the Interior is also involved in amending regulations covering management of wild free-roaming horses and burros occurring on lands that Agency administers. Rulemaking has been a joint effort as were the public meetings. The final rule represents a coordinated effort.

Written comments were received by the Chief, Forest Service, from 11 parties. In addition, at the meetings there were comments by 80 individuals either for themselves or an organization they represented. Written submissions received by the Director, Bureau of Land Management, in connection with similar rulemaking have been reviewed and discussed to ensure consideration of all comments from the public.

Substantive comments received from all sources have been considered as follows:

COMMENTS LEADING TO CHANGES IN RULEMAKING

1. It was suggested that the definition of "malicious harassment" be clarified to include deliberate disregard for the welfare of the animals.

2. It was suggested that the definition of "humane treatment" be changed to remove redundant and limiting words.

3. Several parties suggested that helicopters should be available for use in connection with roundup actions involving claimed animals. The rule is amended so that such helicopter use can be authorized.

4. Comments received regarding use of fixed-wing aircraft suggested: (a) use no fixed-wing aircraft, (b) use no fixed-wing aircraft below 1,000 feet above the ground surface, and (c) ensure that wording in the rulemaking will permit utilization of fixed-wing aircraft to carry personnel and supplies to gather sites if needed. The rule is clarified to satisfy the concerns expressed.

5. The words "or injury" are added to the rules covering how helicopters will be used during capture operations as suggested by comments received.

6. Some comments received were concerned about sorting animals for transportation. Criteria for sorting and provisions for efficiency of operations were suggested. The rule is amended to consider these concerns.

7. Some other minor editorial changes have been made for clarification.

COMMENTS NOT LEADING TO CHANGES IN THE RULEMAKING

1. It was suggested that the definition of "malicious harassment" be reworded to remove the exclusion of the Agencies and to use only the dictionary definitions of the terms. This is not practical because the objective is to include any unlawful gathering of animals as malicious harassment regardless of the methods used. Therefore, to avoid confusion, lawful gathering of animals by the Agencies under humane, controlled conditions must be excluded from the meaning of the terms.

2. It was suggested that "undue stress" be defined. The term used in § 222.20(b)(5) is "unnecessary stress." The comments indicated a desire to set criteria for measuring stress. No criteria have been set which could be applied in the field. It is understood that the animals will be under stress during the operation. The intent of this rulemaking is to keep the stress to a minimum.

3. Several comments suggested elimination of trespass charges on claimed animals. Trespass was not a substantive issue in the proposed rulemaking.

4. Several comments suggested allowing State brand and estray laws to apply in ownership determinations. No change is needed since these are the standards currently used for Forest officers and the appropriate State official to determine ownership of claimed animals.

5. It was suggested that saddle horses used simultaneously with helicopters would add efficiency. No change is needed; both can be used on the same operation.

6. It was suggested that helicopters only be allowed to fly under 1,000 feet at the immediate capture site. This change is not made because a capable pilot and the authorized Forest officer must have flexibility to determine a safe and efficient altitude in accordance with field conditions and terrain encountered on each operation.

7. Suggestions were received to provide for more than one helicopter on a gather and to provide for ground to air communications. Both are permissible under the rules as written.

8. It was suggested that § 222.24(a)(4) be reworded to allow the utilization of wheeled vehicles in the actual driving and capture of animals. The change would violate existing law.

9. Suggestions were made that the rules provide for a representative of a humane organization to be in any helicopter engaged in a gather of horses and burros, that a public representative be present, and that the authorized officer always be in the helicopter. These changes are not made because, for safety and liability reasons, no one except the pilot and Federal officers should be in the helicopter and in certain situations the pilot may determine that no other person should be in the helicopter for safety reasons.

10. It was suggested that the rules be written to provide for gathering only one band at a time. Such a provision is impractical because there may be natural mixing of bands at water holes or accidental mixing of bands by the disturbance of a roundup. Additionally, the efficiency of operations and related expense of gathering in an area where several bands range would be significantly affected by a piecemeal effort directed to single bands of horses and burros.

11. It was suggested that no contract be issued on a per-head basis. To make the suggested provision would restrict contracting to a time-of-operation basis and could be expected to lead to much higher costs per animal captured.

12. A comment suggested that, in gathering and driving animals, weaker animals, such as colts and mares in foal, should be considered in setting the speed of movement. This is provided for in § 222.24(a)(2)(ii).

13. Several comments suggested that the regulations provide for notification to humane groups, special interest groups, and the general public and that hearings be conducted prior to each roundup. It is not necessary to include such provisions in these regulations; the provisions of the act relating to public hearings can be more efficiency complied with on a Ranger District or National Forest basis at the discretion of the Forest officer in charge.

14. It was suggested that these rules include a provision for medical examination of horses to ensure that disease is not transmitted to already domesticated animals. No change is needed. The precaution is already being taken.

SUGGESTED CHANGES EXCEEDING EXISTING AUTHORITY

The following suggested changes in the proposed rulemaking cannot be made because they violate existing authorities:

1. Allow roundup of wild free-roaming horses and burros by any method and free of charge by any individual.

2. Provide for the sale and passage of fee title on animals.

3. Pass all responsibility for wild free-roaming horses and burros to the State government.

4. Do not allow Federal Government to gather animals because of competition with free enterprise.

SUGGESTIONS TO BE CONSIDERED IN PREPARING FOREST SERVICE MANUAL TEXT

Additionally, these comments and suggestions relate to subjects which do not belong in the regulations but will be considered in the preparation of Manual directives for the program or in the specific plans for each roundup and capture operation:

1. Operate in a manner that will keep bands together.

2. If more than one band is handled at one time, transport the animals immediately after capture to minimize fighting and the chance of injury.

3. Consider issuing contracts to reliable individuals using saddle mounts to gather animals.

4. Provide for a reconnaissance flight to locate and map potential hazards such as cliffs and fences before a gather-and-drive is underway.

5. For the vehicles to be used to transport captured animals provide specific standards as to the construction of the inside of the vehicle, its condition as related to possible injury inflicting hazards, and the number of animals to be transported per vehicle.

6. In transporting of animals, provide for adequate rest periods and feeding and watering at appropriate intervals.

The redesignation of these regulations into subpart B, part 222 is one step in a long-term effort to correlate the numbering schemes used in Forest Service regulations and the Forest Service Manual. The last two digits in the CFR part designation (e.g., Part 222, Range Management) correspond to the first two digits of the Forest Service Manual (e.g., FSM 2200, Range Management). When the grazing regulations are amended later this year, they will be moved from part 231 to subpart A of Part 222.

V42 N117 JUN 17 77 UM

The following table shows the relationship of these regulations before and after the redesignation

Old part and section	New part
Part 231, Sec 231.11	Part 222, Subpart B
Old section no.	New section no.
231.11 Introductory [illegible]	222.21
231.11 a	222.21
231.11 b	222.21
231.11 c	222.22
231.11 d	222.23
	222.24
231.11 e	222.25
231.11 f	222.26
231.11 g	222.27
231.11 (h)	222.28
231.11 (i)	222.29
231.11 (j)	222.30
231.11 (k)	222.31
231.11 l	222.32
231.11 (m)	222.33
231.11 (n)	222.34
231.11 (o)	222.35
231.11 (p)	222.36
231.11 q	[illegible]

Deleted

NOTE.—The Department of Agriculture has determined that the publication of this rule is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102.2(2) C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)) is not required.

In light of the foregoing, 36 CFR Chapter II is amended as follows:

§ 231.11 [Removed]

Section 231.11 is deleted and its provisions are redesignated and transferred to part 222.

A new subpart B to part 222 consisting in part of the former provisions of § 231.11, is added as follows:

Subpart B—Management of Wild Free-Roaming Horses and Burros

Sec.

222.20 Authority and definitions.
222.21 Administration of wild free-roaming horses and burros and their environment.
222.22 Ownership claims.
222.23 Removal of other horses and burros.
222.24 Use of helicopters, fixed-wing aircraft and motor vehicles.
222.25 Protection of wild free-roaming horses and burros when they are upon other than National Forest System or the public lands.
222.26 Removal of wild free-roaming horses and burros from private lands.
222.27 Maintenance of wild free-roaming horses and burros on privately-owned lands.
222.28 Cooperative agreements.
222.29 Relocation of animals.
222.30 Disposal of animals.
222.31 Disposal of carcasses.
222.32 Use of non-Forest Service personnel.
222.33 Management coordination.
222.34 National Advisory Board.
222.35 Studies.
222.36 Arrest.

AUTHORITY: The provisions of this Subpart B are issued under 85 Stat. 649, as amended (16 U.S.C. 1331–1340); Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 32, 50 Stat. 522, as amended (7 U.S.C. 1011).

Subpart B—Management of Wild Free-Roaming Horses and Burros

§ 222.20 Authority and definitions.

(a) *Authority.* The Chief, Forest Service, shall protect, manage, and control wild free-roaming horses and burros on lands of the National Forest System and shall maintain vigilance for the welfare of wild free-roaming horses and burros that wander or migrate from National Forest System lands. If these animals also use lands administered by the Bureau of Land Management as a part of their habitat, the Chief, Forest Service, shall cooperate to the fullest extent with the Department of the Interior through the Bureau of Land Management in administering the animals.

(b) *Definitions.* (1) "Act" means the Act of December 15, 1971 (85 Stat. 649, as amended; 16 U.S.C. 1331–1340).

(2) "Captured animal" means a wild free-roaming horse or burro taken and held in the custody of an authorized officer, his delegate or agent. This term does not apply to an animal after it is placed in private custody through a cooperative agreement.

(3) "Excess animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple use relationship on National Forest System lands.

(4) "Herd" means one or more stallions and their mares, jacks and their jennies.

(5) "Humane treatment" means kind and merciful treatment without causing unnecessary stress or suffering to the animal.

(6) "Malicious harassment" means any intentional act demonstrating deliberate disregard for the well-being of wild free-roaming horses and burros and which creates a likelihood of injury or is detrimental to normal behavior patterns of wild free-roaming horses or burros including feeding, watering, resting and breeding. Such acts include, but are not limited to, unauthorized chasing, pursuing, herding, roping or attempting to gather wild free-roaming horses or burros. It does not apply to activities conducted by, or on behalf of, the Forest Service or the Bureau of Land Management in implementation or performance of duties and responsibilities under the act.

(7) "National Advisory Board" means the Advisory Board as established jointly by the Secretary of Agriculture and the Secretary of the Interior under the provisions of the act.

(8) "National Forest System lands" include the National Forests, National Grasslands and other Federal lands for which the Forest Service has administrative jurisdiction.

(9) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, private livestock or property.

(10) "Wild free-roaming horses and burros" mean all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto National Forest System lands on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros, where the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above.

(11) "Wild horse and burro range" means an area of National Forest System land specifically so designated by the Chief, Forest Service, from wild horse and burro territory, for the purpose of sustaining an existing herd or herds of wild free-roaming horses and burros. Provided, the range does not exceed known territorial limits and is devoted principally but not necessarily exclusively to the welfare of the wild horses and burros in keeping with the multiple-use management concept for National Forest System lands.

(12) "Wild horse and burro territory" means National Forest System lands which are identified by the Chief, Forest Service as the lands which were the territorial habitat of wild free-roaming horses and burros at the time of the passage of the act.

§ 222.21 Administration of wild free-roaming horses and burros and their environment.

(a) The Chief, Forest Service shall:

(1) Administer wild free-roaming horses and burros and their progeny on the National Forest System land in the areas where they now occur (wild horse and burro territory) to maintain a thriving ecological balance, considering them an integral component of the multiple use resources, and regualting their population and accompanying need for forage and habitat in correlation with that of uses recognized under the Multiple Use-Sustained Yield Act of June 12, 1960 (74 Stat. 215, 16 U.S.C. 528–531).

(2) Provide direct administration for the welfare of wild freeroaming horses and burros that are located on National Forest System land by use of the Forest Service organization rather than by the granting of leases and permits for maintenance of these animals to individuals and organizations.

(3) Establish wild horse and burro territories in accordance with the act and continue recognition of such territories where it is determined that horses and or burros will be recognized as part of the natural system. The Chief may designate areas within these territories as a specific wild horse and burro range in those unique and singularly important situations where he determines such designation as especially fitting to meet the

purposes of the act and the Multiple Use-Sustained Yield Act and after consultation with the appropriate State agencies where such range is proposed and with the National Advisory Board.

(4) Analyze each wild horse or burro territory and, based on said analysis, develop and implement a plan of management. The analysis and plans will be updated whenever needed as determined by conditions on each territory.

§ 222.22 Ownership claims.

(a) Any person claiming ownership under State branding and estray laws of branded or unbranded horses or burros within a wild horse or burro territory or range on National Forest System lands where such animals are not authorized must present evidence of ownership to justify a roundup before permission will be granted to gather such animals. Claims of ownership with supporting evidence were required to be filed during a claiming period which expired November 15, 1973. Unauthorized privately owned horses or burros entering the National Forest System after November 15, 1973, which become intermingled with wild horses or burros, may be claimed by filing an application with the District Ranger. All authorizations to gather claimed animals shall be in writing in accordance with instructions as the Chief, Forest Service, may prescribe. After such public notice as an authorized officer deems appropriate to inform interested parties, gathering operations may be authorized. The authorization shall provide that the gathering or roundup be consistent with regulations, and will (1) establish a specific, reasonable period of time to allow the gathering of claimed animals; and (2) stipulate other conditions, including visual observation by Forest Service personnel, deemed necessary to assure humane treatment of associated wild free-roaming horses and burros and to protect other resources involved.

(b) Prior to removal of claimed animals which have been captured from National Forest System lands, claimants shall substantiate their claim of ownership in accordance with whatever criteria are cooperatively agreed to between the Forest Service and the State agency administering the State estray laws. In the absence of a cooperative agreement, ownership claims shall be substantiated in accordance with State law and subject to approval of the Forest Service.

§ 222.23 Removal of other horses and burros.

Horses and burros which do not come within the definition in § 222.20(b)(10) which are introduced onto Wild Horse and Burro Territories or Ranges after December 15, 1971, by accident, negligence, or willful disregard of private ownership, and which do not become intermingled with wild free-roaming horses or burros, shall be considered as unauthorized livestock and treated in accordance with provisions in 36 CFR 261.7 and 262.2.

§ 222.24 Use of helicopters, fixed-wing aircraft and motor vehicles.

(a) The Chief, Forest Service, is authorized to use helicopters, fixed-wing aircraft and motor vehicles in a manner that will ensure humane treatment of wild free-roaming horses and burros as follows:

(1) Prior to using helicopters in capture operations and or using motor vehicles for the purpose of transporting captured animals, a public meeting will be held in the proximity of the territory where the capture operation is proposed.

(2) Helicopters may be used in all phases of the administration of the act including, but not limited to inventory, observation, surveillance and capture operations. In capture operations, helicopters may be used to locate the animals involved, to assist ground crews in moving the animals, and for related purposes such as to transport personnel and equipment. The condition of the animals shall be continuously observed by the authorized officer and, should signs of harmful stress be noted, the source of stress shall be removed so as to allow recovery. Helicopters may be used in roundups or other capture operations subject to the following procedures:

(i) Helicopters shall be used in such a manner that bands or herds will tend to remain together.

(ii) Horses or burros will not be moved at a rate which exceeds limitations set by the authorized officer who shall consider terrain, weather, distance to be traveled and condition of the animals.

(iii) The helicopter shall be used to observe the presence of dangerous areas and may be used to move animals away from hazards during capture operations.

(iv) During capture operations, animals shall be moved in such a way as to prevent harmful stress or injury.

(v) The authorized officer shall supervise all helicopter use as follows:

(A) Have means to communicate with the pilot and be able to direct the use of the helicopter.

(B) Be able to observe effects of the use of the helicopter on the well-being of the animals.

(3) Fixed-wing aircraft may be used for inventory, observation and surveillance purposes necessary in administering the act. Such use shall be consistent with the Act of September 8, 1959, as amended (18 U.S.C. 41 et seq.). Fixed-wing aircraft shall not be used in connection with capture operations except as support vehicles.

(4) Motor vehicles may be used in the administration of the act except that such vehicles shall not be used for driving or chasing wild horses or burros in capture operations. Motor vehicles may also be used for the purpose of transporting captured animals, subject to the following humane procedures:

(i) Such transportation shall comply with appropriate State and Federal laws and regulations applicable to humane transportation of horses and burros.

(ii) Vehicles shall be inspected by an authorized officer prior to use to ensure vehicles are in good repair and of adequate rated capacity.

(iii) Vehicles shall be carefully operated to ensure that captured animals are transported without undue risk or injury.

(iv) Where necessary and practical animals shall be sorted as to age, temperament, sex, size and condition so as to limit to the extent possible, injury due to fighting and trampling.

(v) The authorizing officer shall consider the condition of the animals, weather conditions, type of vehicle and distance to be traveled when planning for transportation of captured animals.

§ 222.25 Protection of wild free-roaming horses and burros when they are upon other than National Forest System or public lands.

Individual animals and herds of wild free-roaming horses and burros will be under the protection of the Chief, Forest Service, even though they may thereafter move to lands of other ownership or jurisdiction as a part of their annual territorial habitat pattern or for other reasons. The Chief will exercise surveillance of these animals through the use of cooperative agreements and as otherwise authorized by law, and act immediately through appropriate administrative or criminal and civil judicial procedures to provide them the protective measures of the act at any time he has cause to believe its provisions are being violated.

§ 222.26 Removal of wild free-roaming horses and burros from private lands.

Owners of land upon which wild free-roaming horses and burros have strayed from National Forest System lands may request their removal by calling the nearest office of either the Forest Service or Federal Marshal.

§ 222.27 Maintenance of wild free-roaming horses and burros on privately-owned lands.

Owners of land who wish to maintain wild free-roaming horses and burros which have strayed onto their lands from National Forest System lands may do so by notifying the nearest office of the Forest Service in a timely fashion and providing such information on a continuing basis as the Chief, Forest Service, may require. Such owners shall protect the wild free-roaming horses and burros on their lands. They may not, in so maintaining these animals, impede their return to National Forest System lands unless authorized by cooperative agreement with the Forest Service.

§ 222.28 Cooperative agreements.

The Chief, Forest Service, may enter into cooperative agreements as he deems necessary to further the protection, management, and control of wild free-roaming horses and burros.

§ 222.29 Relocation of animals.

(a) The Chief, Forest Service, may cause wild free-roaming horses and burros to be captured under the supervision

V 42 117
JUN 17 77
UMI

of Forest Service personnel and relocated if they are found to be "excess" animals, "problem" animals, or if it is necessary to prevent their repetitive return to private land from which their removal has been requested.

(1) Relocation upon National Forest System land may be made only to areas identified as 1971 Horse or Burro Territory, and if suitable habitat capacity is available.

(2) Animals may be placed in the custody of private persons, organizations, and other governmental agencies through the use of a cooperative agreement. Such custodial care arrangements must require that the animals be maintained and protected in accordance with the act, and not used for commercial exploitation.

§ 222.30 Disposal of animals.

(a) No person except an authorized Forest officer shall destroy any wild free-roaming horse or burro located on National Forest System lands. Such Forest officer may destroy wild free-roaming horses or burros under the following circumstances:

(1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an Act of Mercy.

(2) Old, sick, and lame animals may be destroyed in the most humane manner possible. The National Advisory Board will be requested to recommend guidelines to be followed in such action.

(3) When the Chief, Forest Service, finds it necessary to remove wild free-roaming horses or burros for the reasons identified in § 222.29 and determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible.

§ 222.31 Disposal of carcasses.

The remains of deceased wild free-roaming horses and burros, including those in the custody of private parties, may be disposed of in any customary manner under State sanitary codes, but in no event will they be processed into a commercial product.

§ 222.32 Use of non-Forest Service personnel.

The Chief, Forest Service, may authorize the use of non-Forest Service personnel to assist in specific situations of short duration.

§ 222.33 Management coordination.

All management activities by the Chief, Forest Service, shall be carried out in consultation with the appropriate agencies of the State involved. The expert advice of qualified scientists in the fields of biology and ecology shall also be sought in administering wild free-roaming horses and burros. The advice and suggestions of agencies, qualified scientists, and other qualified interest groups shall be made available to the National Advisory Board for their use and consideration. Actions taken in connection with private ownership claims shall be coordinated to the fullest extent possible with the State agency responsible for livestock estray law administration.

§ 222.34 National Advisory Board.

The Chief, Forest Service, shall appoint a representative to attend meetings of the National Advisory Board for Wild Free-Roaming Horses and Burros and to function as prescribed by the Memorandum of Agreement between the Department of the Interior and the Department of Agriculture and the Joint Charter issued by the Secretary of the Interior and the Secretary of Agriculture. Policies and guidelines relative to proposals for the establishment of ranges, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management and control of wild free-roaming horses and burros shall be presented to the National Advisory Board for recommendations.

§ 222.35 Studies.

The Chief, Forest Service, is authorized and directed to undertake those studies of the habits and habitat of wild free-roaming horses and burros that he may deem necessary. In doing so, he shall consult with the appropriate agencies of the State(s) involved.

§ 222.36 Arrest.

Any employee designated by the Chief, Forest Service, shall have the power to arrest without warrant any person committing in the presence of the employee a violation of the act and to take such person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so designated shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the act.

M. RUPERT CUTLER,
Assistant Secretary.

JUNE 13, 1977.

[FR Doc.77-17346 Filed 6-16-77;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-01]

PART 258—REGULATIONS GOVERNING SECTION 505 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

Final Standards for Evaluation and Other Miscellaneous Amendments; Correction

AGENCY: Federal Railroad Administration, DOT.

ACTION: Correction.

SUMMARY: In FR Doc. 77-15923 appearing at page 28976 in the FEDERAL REGISTER of Monday, June 6, 1977, the following change should be made in section 258.27(b)(1):

The fourth line from the bottom of column 3 of page 28985 is corrected to read "density in (iv), (vi), (vii) and (viii), above,".

FOR FURTHER INFORMATION CONTACT:

Jeffrey K. Mercer, Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. (202) 426-7737.

Dated: June 14, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc. 77-17417 Filed 6-16-77;8:45 am]

[Docket No. 76-01]

PART 258—REGULATIONS GOVERNING SECTION 505 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

Final Standards for Evaluation and Other Miscellaneous Amendments

Correction

In FR Doc. 77-15293 appearing at page 28976 in the issue for Monday, June 6, 1977, make the following changes:

1. On page 28978, first column, fourth full paragraph, the fourteenth line, now reading "cial purpose trucks. Pickup trucks will be", should read "ards, provide that a project will be".

2. On page 28979, middle column, in the fifteenth line of the fourth full paragraph "With a continued experience" should read "With continued experience".

3. In the third line of the introductory paragraph of § 258.7(b), third column, page 28981, "(pur)chased" should read "(pur)chase".

4. In the second line of the introductory paragraph of § 258.9(c), first column, page 28982, "yearend" should read "year end".

5. In the second line of § 258.9(c)(3), page 28982, first column, the period between "741" and "Other Assets" should be a comma.

6. In the fifth line of the introductory paragraph of § 258.9(e), page 28982, middle column, "proceed" should read "proceeds".

7. In the third line of § 258.9(g), page 28982, middle column, delete the comma between "years" and "sub-".

8. In the fourth line of § 258.19(b), page 28983, third column, delete "or internally".

9. In the 17th line from the end of § 258.23(a), page 28984, middle column, delete "below".

10. In the sixth line of § 258.27(b)(2)(ii), page 28986, first column, "markekt" should read "market".

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO 1226; Amdt. 3]

PART 1033—CAR SERVICE

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 3 to Service Order No. 1226).

SUMMARY: Service Order No. 1226 authorizes the Chicago, Milwaukee, St. Paul and Pacific to operate over 2.77 miles of the Chicago & North Western Transportation Company at Fond du Lac, Wisconsin. Rerouting of trains of the Chicago, Milwaukee, St. Paul and Pacific over tracks of the Chicago and North Western contributes to public safety by eliminating train movements over nineteen street crossings and two railroad crossings at grade.

DATES: Effective 11:59 p.m., June 15, 1977; Expires 11:59 p.m., November 15, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of June, 1977.

Upon further consideration of Service Order No. 1226 (40 FR 59598; 41 FR 27728 and 42 FR 3310) and good cause appearing therefor:

It is ordered, That:

§ 1033.1226 Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.

Service Order No. 1226 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members Joel E. Burns, Robert S. Turkington, and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc 77-17413 Filed 6-16-77 8:45 am]

[SO 1254 Amdt 2]

PART 1033—CAR SERVICE

Vermont Northern Railroad Company Authorized to Operate Over Tracks Owned by State of Vermont and Formerly Operated by St. Johnsbury & Lamoille County Railroad

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 2 to Service Order No. 1254)

SUMMARY: Service Order No. 1254 authorizes the Vermont Northern Railway to operate a railroad owned by the State of Vermont between St. Johnsbury, Vermont and Swanton, Vermont, in order to provide essential railroad service to shippers served by that line.

DATES: Effective 11:59 p.m., June 30, 1977. Expires 11:59 p.m., September 30, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-257-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of June, 1977.

Upon further consideration of Service Order No. 1254 (41 F.R. 48122 and 42 F.R. 3309), and good cause appearing therefor:

It is ordered, That:

§ 1033.1254 Vermont Northern Railroad Company authorized to operate over tracks owned by State of Vermont and formerly operated by St. Johnsbury & Lamoille County Railroad.

Service Order No. 1254 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2). 40 Stat. 101 (as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc 77-17414 Filed 6-16-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER III—INTERNATIONAL REGULATORY AGENCIES (FISHING AND WHALING)

SUBCHAPTER C—INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

PART 371—FRASER RIVER SOCKEYE AND PINK SALMON FISHERY

Fraser River Sockeye and Pink Salmon Regulations

AGENCY: National Oceanic and Atmospheric Administration Commerce.

ACTION: Emergency regulations.

SUMMARY: These regulations implement the Convention between Canada and the United States for the protection, preservation, and extension of the sockeye and pink salmon fisheries of the Fraser River System. The rules include general sockeye and pink salmon fishing rules promulgated by NOAA and rules governing fishing seasons promulgated by the International Pacific Salmon Fisheries Commission. These rules do not apply to treaty Indians exercising treaty-secured fishing rights at the tribe's usual and accustomed grounds and stations.

EFFECTIVE DATE: 0001 a.m. on June 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Johnson, Northwest Regional Director, National Marine Fisheries Service, Seattle, Washington 98109. (206-442-7575).

SUPPLEMENTARY INFORMATION: On June 1, 1977, the International Pacific Salmon Fisheries Commission, acting under the authority of the Convention between Canada and the United States for the protection, preservation, and extension of the sockeye and pink salmon fisheries of the Fraser River System, forwarded to the Governments of Canada and the United States for the approval required by Article VI of the Convention the regulations to be applicable during the 1977 fishing season in Convention waters. The United States, acting

JUN 17 77
UM

through the Department of State, has approved the regulations (except as to treaty Indians exercising treaty-secured fishing rights at the tribe's usual and accustomed grounds and stations). Such Indian fishing is governed by amendments to 25 CFR, Part 256 to be published by the Department of the Interior June 17, 1977. Subpart A contains general rules which implement the Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776–776f, and apply to fishing conducted under the Commission's regulations. The appendix is a verbatim reprint of the Commission's regulations. As the Federal agency responsible for enforcement of the Convention, the Commission's regulations, and the Sockeye Salmon Act, the National Marine Fisheries Service hereby for good cause finds that, because the fishing season begins on June 26, 1977, and these regulations are necessary to meet the obligations of the United States under the Convention, the advance notice, public procedures, and delayed effectiveness provisions of 5 U.S.C. 553 are impracticable and contrary to the public interest. These regulations are therefore effective 0001 hours local time on June 26, 1977.

Issued at Washington, D.C., this 14th day of June 1977.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.

Accordingly, 50 CFR is amended by adding new Part 371 as follows:

Sec.
371.1 Purpose of regulations.
371.2 Scope of regulations.
371.3 Definitions of terms.
371.4 Other laws and regulations.
371.5 Reporting requirements.
37.16 Notice of change.
371.7 Unlawful possession.
371.8 Forcible assault of enforcement officer.

APPENDIX A—INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

AUTHORITY: The provisions of Subpart A are issued under Sockeye or Pink Salmon Fishery Act of 1947, 16 U.S.C. 776–776f.

§ 371.1 Purpose of regulations.

The regulations in this Subpart A implement the convention between the United States and Canada for the protection of sockeye and pink salmon fisheries of the Frazer River System, and the sockeye or Pink Salmon Fishing Act of 1947.

§ 371.2 Scope of regulations.

This Part 371 applies to all fishing for sockeye salmon or pink salmon conducted in U.S. convention waters during the time the Commission exercises jurisdiction over the sockeye salmon and pink salmon fishery.

§ 371.3 Definition of terms.

When used in this Subchapter C: (a) Act means: the Sockeye or Pink Salmon Fishery Act of 1947, 16 U.S.C. 776–776f.

(b) Commission means: the International Pacific Salmon Fisheries Commission provided for by article 11 of the convention.

(c) Convention means: the convention between the United States of America and the Dominion of Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to the convention, signed at Ottawa on the 28th day of December 1956.

(d) Convention waters means: those waters described in article I of the convention.

(e) Enforcement Officer means: (1) any enforcement agent of the National Marine Fisheries Service.

(2) Any commissioned, warrant, or petty officer of the Coast Guard;

(3) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (e) (2) of this section

(4) Any other person authorized by the Regional Director, Northwest Region, National Marine Fisheries Service to enforce the provisions of the convention, the Commission's regulations, the Act and this part 371.

(f) Fish, Fishing means: The fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon or pink salmon in convention waters.

(g) Fishing gear means: any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used, for the purpose of capturing fish or an aid in capturing fish.

(h) Gillnet means: Gillnet as defined in Washington Administrative Code Chapter 220–16, and lawful gillnet as defined in Washington Administrative Code Chapter 220–47.

(i) Person means: The word "person" includes individuals, partnership, associations, and corporations.

(j) Pink salmon means: That species of salmon known by the scientific name *Oncorhyuchus gorbuscha.*

(k) Purse seine means: Purse seine as defined in Washington Administrative Code Chapter 220–16 and lawful purse seine as defined in Washington Administrative Code Chapter 220–47.

(l) Reef net means: Reef net as defined in Washington Administrative Code Chapter 220–16 and lawful reef net as defined in Washington Administrative Code Chapter 220–47.

(m) Salmon preserves means: Salmon preserves defined in Washington Administrative Code Chapter 220–47.

(n) Sockeye salmon means: That species of salmon known by the scientific name *Oncorhynchus nerka.*

(o) State areas means: Fishing areas defined as Puget Sound Salmon Management and Catch Reporting Areas in Washington Administrative Code Chapter 220–22.

(p) Troll line means: Troll line as defined in Washington Administrative Code Chapter 220–16 and lawful troll line as defined in Washington Administrative Code Chapter 220–47.

§ 371.4 Other laws and regulations.

Nothing in Part 371 shall be construed to relieve a person from any other requirements imposed by a law, statute or regulation of the United States or of the State of Washington.

§ 371.5 Reporting requirements.

(a) Any person receiving or purchasing fish caught by any person fishing under Appendix A of this Part 371 shall comply with Washington Administrative Code, Chapter 220-69.

(b) Any person fishing under Appendix A of this part 371 selling these fish directly to the consumer, restaurant, boathouse or any other retail outlet shall comply with Washington Administrative Code Chapter 220–69.

§ 371.6 Notice of change in regulations.

The regulations of the Commission regarding the times permissible to fish are subject to frequent change by emergency order. Emergency orders are published by news releases to radio stations and newspapers in the fishing area. In addition, these orders will be available by calling the National Marine Fisheries Service Hotline 800–562–2870. The emergency orders will be effective from the time of publication or as stated in the order.

§ 371.7 Unlawful possession.

No person shall possess or retain on board a fishing vessel a sockeye or pink salmon while engaged in a fishery for other species in U.S. Convention waters during times these waters are closed by the Commission.

§ 371.8 Forcible assault of enforcement officer.

No person fishing under Appendix A to this Part 371 shall forcibly assault, resist, oppose, impede, intimidate or interfere with an enforcement officer engaged in enforcing the convention, the Commission's regulations, the Act or this Part 371.

APPENDIX A—INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION REGULATIONS

AUTHORITY: Art. IV, 50 Stat. 1355, T.S. 918.

1. (1) No person shall fish for sockeye or pink salmon with purse seines in the Convention Waters of the United States of America lying westerly of a straight line drawn from Angles Point in the State of Washington across Race Rocks to William Head in the Province of British Columbia:

(a) From the 26th day of June, 1977 to the 13th day of August, 1977, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday and Tuesday of each week; and

(b) From the 14th day of August, 1977 to the 24th day of September, 1977, both dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday and from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week; and

(c) From the 25th day of September, 1977 to the 8th day of October, 1977, all dates inclusive.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 26th day of June, 1977 to the 2nd day of July, 1977; from the 10th day of July, 1977 to the 16th day of July, 1977; from the 24th day of July, 1977 to the 30th day of July, 1977; and from the 7th day of August, 1977 to the 13th day of August, 1977, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the afternoon of Tuesday and from seven o'clock in the afternoon of Tuesday to half past nine o'clock in the forenoon of Wednesday of each week; and

(b) From the 14th day of August, 1977 to the 24th day of September 1977, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday and Tuesday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 26th day of June, 1977 to the 2nd day of July, 1977; from the 10th day of July, 1977 to the 16th day of July, 1977; from the 24th day of July, 1977 to the 30th day of July, 1977; and from the 7th day of August, 1977 to the 13th day of August, 1977, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday and from seven o'clock in the afternoon of Tuesday to half past nine o'clock in the forenoon of Wednesday of each week; and

(b) From the 3rd day of July, 1977 to the 9th day of July, 1977; from the 17th day of July, 1977 to the 23rd day of July, 1977; and from the 31st day of July, 1977 to the 6th day of August, 1977, all dates inclusive, except from seven o'clock in the afternoon of Sunday to half past nine o'clock in the forenoon of Monday and from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday of each week; and

(c) From the 14th day of August, 1977 to the 20th day of August, 1977; from the 28th day of August, 1977 to the 3rd day of September, 1977; and from the 11th day of September, 1977 to the 17th day of September, 1977, all dates inclusive, except from six o'clock in the afternoon of Sunday to nine o'clock in the forenoon of Monday and from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday of each week; and

(d) From the 21st day of August, 1977 to the 27th day of August, 1977; and from the 4th day of September, 1977 to the 10th day of September, 1977, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday and from six o'clock in the afternoon of Tuesday to nine o'clock in the forenoon of Wednesday of each week.

(3) No person shall fish for sockeye or pink salmon with commercial trolling gear in the waters described in subsection 1 of this section from the 26th day of June, 1977 to the 17th day of September, 1977, both dates inclusive, except from Monday to Friday of each week on those days when purse seine fishing is permitted within that area.

2. (1) No person shall fish for sockeye or pink salmon with purse seines in the Convention Waters of the United States of America lying easterly of a straight line drawn from Angles Point in the State of Washington across Race Rocks to William Head in the Province of British Columbia:

(a) From the 26th day of June, 1977 to the 13th day of August, 1977, both dates inclusive, except from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday and Tuesday of each week; and

(b) From the 14th day of August, 1977 to the 24th day of September 1977, both dates inclusive, except from five o'clock in the forenoon to nine o'clock in the afternoon of Monday and Tuesday of each week.

(2) No person shall fish for sockeye or pink salmon with reef nets in the waters described in subsection (1) of this section:

(a) From the 26th day of June, 1977 to the 2nd day of July, 1977; from the 10th day of July, 1977 to the 16th day of July, 1977; from the 24th day of July, 1977 to the 30th day of July, 1977; and from the 7th day of August, 1977 to the 13th day of August, 1977, all dates inclusive, except from seven o'clock in the afternoon to half past nine o'clock in the afternoon of Monday, from five o'clock in the forenoon to half past nine o'clock in the afternoon of Tuesday and from five o'clock in the forenoon to seven o'clock in the afternoon of Wednesday of each week; and

(b) From the 3rd day of July, 1977 to the 9th day of July, 1977; from the 17th day of July, 1977 to the 23rd day of July, 1977; and from the 31st day of July, 1977 to the 6th day of August, 1977, all dates inclusive, except from half past ten o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday, from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday, and from five o'clock in the forenoon to half past ten o'clock in the forenoon of Tuesday of each week; and

(c) From the 14th day of August, 1977 to the 20th day of August, 1977; from the 28th day of August, 1977 to the 3rd day of September, 1977; and from the 11th day of September, 1977 to the 17th day of September, 1977, all dates inclusive, except from half past ten o'clock in the forenoon to nine o'clock in the afternoon of Sunday, from five o'clock in the forenoon to nine o'clock in the afternoon Monday, and from five o'clock in the forenoon to half past ten o'clock in the forenoon of Tuesday of each week; and

(d) From the 21st day of August, 1977 to the 27th day of August, 1977; from the 4th day of September, 1977 to the 10th day of September, 1977, and from the 18th day of September, 1977, all dates inclusive, except from seven o'clock in the afternoon to nine o'clock in the afternoon of Monday, from five o'clock in the forenoon to nine o'clock in the afternoon of Tuesday, and from five o'clock in the forenoon to seven o'clock in the afternoon of Wednesday of each week.

(3) No person shall fish for sockeye or pink salmon with gill nets in the waters described in subsection (1) of this section:

(a) From the 26th day of June, 1977 to the 2nd day of July, 1977; from the 10th day of July, 1977 to the 16th day of July, 1977; from the 24th day of July, 1977 to the 30th day of July, 1977; and from the 7th day of August, 1977 to the 13th day of August, 1977, all dates inclusive, except from seven o'clock in the afternoon of Monday to half past nine o'clock in the forenoon of Tuesday and from seven o'clock in the afternoon of Tuesday to half past nine o'clock in the forenoon of Wednesday of each week; and

(b) From the 3rd day of July, 1977 to the 9th day of July, 1977; from the 17th day of July, 1977 to the 23rd day of July, 1977; and from the 31st day of July, 1977 to the 6th day of August, 1977, all dates inclusive, except from half past ten o'clock in the forenoon to half past nine o'clock in the afternoon of Sunday, from five o'clock in the forenoon to half past nine o'clock in the afternoon of Monday, and from five o'clock in the forenoon to half past ten o'clock in the forenoon of Tuesday of each week; and

(c) From the 14th day of August, 1977 to the 20th day of August, 1977; from the 28th day of August, 1977 to the 3rd day of September, 1977; and from the 11th day of September, 1977 to the 17th day of September, 1977, all dates inclusive, except from six o'clock in the afternoon to nine o'clock in the forenoon of Monday, from five o'clock in the forenoon to nine o'clock in the afternoon of Tuesday, and from five o'clock in the forenoon to seven o'clock in the afternoon of Wednesday of each week; and

(d) From the 21st day of August, 1977 to the 27th day of August, 1977; from the 4th day of September, 1977 to the 10th day of September, 1977, and from the 18th day of September, 1977, all dates inclusive, except from six o'clock in the afternoon of Monday to nine o'clock in the forenoon of Tuesday, and from six o'clock in the afternoon of Tuesday to nine o'clock in the forenoon of Wednesday of each week.

3. (1) No person shall fish for sockeye or pink salmon with nets within the described waters of subsection (1) of section 2 lying southerly and easterly of a line projected from Dungeness Light to Smith Island Light to Lawson Reef Lighted Buoy to Northwest Island, thence due east to Fidalgo Island from the 14th day of August, 1977 to the 10th day of September, 1977, both dates inclusive, except with nets having mesh not less than 8 inches extension measure at times when fishing by each gear is permitted in State Fishing Area 7.

(2) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 2 lying northerly and westerly of a straight line drawn from Iwersen's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia from the 28th day of August, 1977 to the 3rd day of September, 1977, and from the 25th day of September, 1977 to the 8th day of October, 1977, all dates inclusive.

(3) No person shall fish for sockeye or pink salmon with nets in that portion of the waters described in subsection (1) of section 2 lying westerly of a straight line drawn true south from the southeast tip of Point Roberts in the State of Washington (otherwise known as Lily Point) to the International Boundary from the 4th day of September, 1977 to the 24th day of September, 1977, both dates inclusive.

4. The foregoing recommended regulations shall not apply to the following United States Convention Waters:

(1) State Fishing Area 7B including Hale Passage and Bellingham Bay and all Convention Waters of Area 7B lying easterly and inside of a line projected from Carter Point on Lummi Island to the most northerly tip of Vendovl Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, and

(2) State Fishing Areas 6B and 7C, and

(3) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

All times hereinbefore mentioned shall be Pacific Daylight Saving Time.

[FR Doc.77-17338 Filed 6-16-77;8:45 am]

JUN 17 1977 UM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 94]

TRANSITING OF ANIMAL PRODUCTS AND MATERIALS THROUGH THE UNITED STATES

Notice of Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would provide for the transiting of animal products and materials through the United States when such products or materials would otherwise be eligible for entry into the United States as restricted products or materials subject to special handling or processing at an approved establishment. In the absence of specific transiting provisions in the regulations, brokers, importers, exporters, and carriers have experienced many unusual problems and delays in the movement of restricted animal products and materials in foreign commerce when such animal products or materials are aboard transiting vessels or other means of conveyance which enter the United States. The intended effect of this amendment is to relieve existing barriers to foreign commerce associated with such movements by adding provisions to the regulations under which restricted animal products and materials may transit the United States.

DATE: Comments on or before July 5. 1977.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS. Room 824, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. Blakey Deal, Chief Staff Veterinarian, Import/Export, Animal Products, USDA. APHIS. VS. Federal Building. Room 824. Hyattsville, Maryland 20782 (301–436–8170).

SUPPLEMENTARY INFORMATION: Provisions are made in the regulations (9 CFR Part 94) whereby certain animal products and materials may be brought into the United States from foreign countries under specified post-entry restrictions. These products and materials are moved under seal from the port of entry to an establishment which is specifically approved by the Department to receive and process such animal products, and are released from such establishment only after they have been treated in a manner which renders them safe for importation. No provision is made in the regulations for such animal products and materials which are moving in foreign commerce to transit the United States even though they would be eligible to enter and remain in the United States under restrictions. Because of this, brokers, importers, exporters, and carriers moving these animal products and materials in international commerce have experienced delays, and unnecessary expense in their efforts to satisfy existing requirements when vessels and other means of conveyance carrying such animal products and materials transit the United States.

Following a review of this matter by the Department, a determination has been made by the officials of the Animal and Plant Health Inspection Service that animal products and materials which would otherwise qualify for restricted entry and movement from a port of entry to a specifically approved establishment under seal, if offered for entry into the United States, could also be permitted to move through the United States under seal without constituting an undue risk of introduction and spread of disease. Provisions for the transit of animal products and materials through the United States under conditions specified in this amendment would not represent a substantive change in the requirements for entry of these products and materials into the United States under restrictions as presently imposed by the regulations. They would represent a change in procedure for the handling of such products and materials in foreign commerce and are being placed in effect to expedite such movements and to relieve existing barriers to international trade.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141, the Animal and Plant Health Inspection Service is considering amending Part 94, Title 9, Code of Federal Regulations.

Accordingly, Part 94, Title 9, Code of Federal Regulations, would be amended in the following respect:

A new § 94.15 would be added to read:

§ 94.15 Animal products and materials; movement and handling.

Any animal product or material which would be eligible for entry into the United States, as specified in the regulations in this part, may transit through the United States for immediate export if the following conditions are met:

(a) Notification of and the transiting of such animal product or material must be made by the importer one day in advance to the Deputy Administrator, and

(b) The animal product or material transited shall be contained in a sealed, leakproof carrier or container which shall remain sealed while aboard the transporting carrier or other means of conveyance, or if the container or carrier in which such animal product or material is transported is offloaded in the United States for reshipment, it shall remain sealed at all times.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Rm. 824, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of June 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77–17067 Filed 6–16–77;8:45 am]

[9 CFR Part 95]

TRANSITING OF ANIMAL BYPRODUCTS AND MATERIALS THROUGH THE UNITED STATES

Notice of Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would provide for the transiting of animal byproducts and materials through the United States when such byproducts or materials would otherwise be eligible for entry into the United States as restricted products or materials subject to special handling or processing at an approved establishment. In the absence of specific transiting provisions in the regulations, brokers, importers, exporters, and carriers have experienced many unusual problems and delays in the movement of restricted animal products and materials in foreign commerce when such animal byproducts or materials are aboard transiting vessels or other means of conveyance which enter the United States. The intended effect of this proposed amendment is to relieve existing barriers to foreign commerce associated with such movements by adding provisions to the regulations under which such restricted animal byproducts and materials may transit the United States.

DATE: Comments on or before July 5. 1977.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 824, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. Blakey Deal, Chief Staff Veterinarian, Import/Export Animal Products, USDA, APHIS, VS, Room 824, Federal Building, Hyattsville, MD. 20782 (301–436–8379).

SUPPLEMENTARY INFORMATION: Provisions are made in the regulations (9 CFR Part 95) whereby certain animal byproducts and materials may be brought into the United States from foreign countries under specified post-entry restrictions. These animal byproducts and materials are moved under seal from the port of entry to an establishment which is specifically approved by the Department to receive and process such products, and are released from such establishment only after they have been treated in a manner which renders them safe for importation. No provision is made in the regulations for such byproducts and materials which are moving in foreign commerce to transit the United States even though they would be eligible to enter and remain in the United States under restrictions. Because of this, brokers, importers, exporters, and carriers moving these animal byproducts and materials in foreign commerce have experienced delays and unnecessary expense in their efforts to satisfy existing requirements when vessels and other means of conveyance carrying such byproducts and materials transit the United States.

Following a review of this matter by the Department, a determination has been made by the officials of the Animal and Plant Health Inspection Service, that animal byproducts and materials which would otherwise qualify for restricted entry and movement from a port of entry to a specifically approved establishment under seal, if offered for entry into the United States, could also be permitted to move through the United States under seal without constituting an undue risk of introduction and spread of disease. Provisions for the transit of animal byproducts and materials through the United States under conditions specified in this amendment could not represent a substantive change in the requirements for entry of these products and materials into the United States under restrictions as presently imposed by the regulations. They do represent a change in procedure for the handling of such products and materials in foreign commerce and are being placed in effect to expedite such movements and to relieve existing barriers to international trade.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 37 FR 28464, 28477; 38 FR 19141, the Animal and Plant Health Inspection Service is considering amending Part 95, Title 9, Code of Federal Regulations.

Accordingly, Part 95, Title 9, Code of Federal Regulations, would be amended in the following respect:

A new § 95.4 would be added to read:

§ 95.4 Animal byproducts and materials: movement and handling.

Any animal byproduct or material which would be eligible for entry into the United States, as specified in the regulations in this part, may transit through the United States for immediate export if the following conditions are met:

(a) Notification of the transiting of such animal byproduct or material must be made by the importer one day in advance to the Deputy Administrator, and

(b) The animal byproduct or material transited shall be contained in a sealed, leakproof carrier or container which shall remain sealed while aboard the transporting carrier or other means of conveyance, or if the container or carrier in which such animal byproduct or material is transported is offloaded in the United States for reshipment out of the United States, it shall remain sealed at all times.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 824, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 9th day of June 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77–17066 Filed 6–16–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240 and 249]

[Release No. 34–13582; File No. S7–687]

REPORTING BY INSTITUTIONAL INVESTMENT MANAGERS OF INFORMATION WITH RESPECT TO ACCOUNTS OVER WHICH INVESTMENT DISCRETION IS EXERCISED

Extension of Comment Period for Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments on the notice, published March 30, 1977, proposing a rule and form regarding reporting by institutional investment managers of information with respect to accounts over which investment discretion is exercised. This action has been taken to allow the party requesting the extension additional time to prepare comments on the proposed rule.

DATES: Comments must be received on or before July 1, 1977.

ADDRESSES: Send comments to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Paul Haaga (202–755–0233), Dennis Gurtz (202–755–0228), Division of Investment Management, Securities and Exchange Commission, Washington. D.C. 20549.

SUPPLEMENTARY INFORMATION: A request for an extension of time to July 1, 1977, was submitted by the American Council of Life Insurance (the "ACLI"). The ACLI states that proposed Rule 13f–1 (17 CFR 240.13f–1) and its effect on the diverse composition of its members' assets requires a longer analysis than time would permit it to complete, prior to June 1, 1977. In view of this request and the complexity of implementation of a reporting scheme under Section 13(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq. as amended by Pub. L. No. 94–29 (June 4, 1975)), the Commission has authorized an extension until July 1, 1977, of the due date for submitting comments with respect to the proposed rule, which was published at 42 FR 16831. The Commission believes that this extension is appropriate and will not result in undue delay, since during this period members of the Commission staff will be meeting with representatives of the various agencies with which the Commission is required to consult in connection with adoption of proposed Rule 13f–1 (17 CFR 240.13f–1). Interested persons are invited to submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before July 1, 1977. All such communications should refer to File No. S7–687 and will be available for public inspection.

By the Commission.

Dated: May 31, 1977.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.77–17312 Filed 6–16–77;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 244]

VOLUNTARY DEPARTURE

Extension of Comment Period

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule. extension of period for public comments.

SUMMARY: This notice responds to a request by an interested party for an extension of the period for submission of written comments on the notice of proposed rule making to provide a formal procedure and application to be filed by aliens to request an extension of the period of time within which to depart from the United States in voluntary departure cases. The notice of proposed rule making was published in the FEDERAL REGISTER on May 2, 1977 (42 FR 22148) and established a deadline of June 1, 1977, for the receipt of written comments. In order to afford interested parties additional time to submit comments, the deadline date for receipt of comments is hereby changed to June 30, 1977. All relevant comments received on or before that date will be considered. Oral representations may not be presented in any manner and will not be considered.

DATE: Comments must be received on or before June 30, 1977.

ADDRESS: Please submit written representations only to the Commissioner of Immigration and Naturalization, 425 Eye Street, N.W., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Etreet, N.W., Washington, D.C. Telephone: 202–376–8373.

Dated: June 14, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-17412 Filed 6-16-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RM77-21]

[18 CFR Parts 201 and 260]

UNIFORM SYSTEMS OF ACCOUNTS FOR NATURAL GAS COMPANIES: STATEMENTS AND REPORTS (SCHEDULES)

Notice of Proposed Rulemaking Proposing Revisions to Uniform Systems of Accounts for Natural Gas Companies to Provide Accounts for Base Load Liquefied Natural Gas Terminaling and Processing Facilities

AGENCY: Federal Power Commission.

ACTION: Proposed rule.

SUMMARY: By this rulemaking the Commission proposes to amend its Uniform System of Accounts for Class A and Class B Gas Companies to provide a separate accounting classification for base load liquefied natural gas terminaling and processing facilities and to amend the necessary report form. The advent of base load LNG facilities such as are currently being developed by Columbia LNG Corporation and others, has pointed out the need for a separate accounting classification in the Uniform System of Accounts to porvide for such base load plants and the related expenses.

DATES: Comments by August 8, 1977. Proposed effective date January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert E. Hildebrand, Office of Chief Accountant, 202–275–4067.

The Commission is proposing to amend its Uniform System of Accounts for Class A and Class B Natural Gas Companies to provide a separate accounting classification for base load liquefied natural gas terminaling and processing facilities. Revisions are also proposed to FPC Report Form No. 2 Annual Report for Natural Gas Companies in order to reflect the amended accounting classifications.

The Uniform Systems of Accounts for Natural Gas Companies were amended by Order No. 426, issued March 10, 1971, in Docket No. R–384, by, among other things, the addition of separate accounting classifications for liquefied natural gas (LNG) storage facilities. At the time such amendments were made it was contemplated that LNG facilities would be utilized for peaking purposes only as base load LNG facilities were not contemplated at that time. However, the advent of base load facilities such as are currently being developed by Columbia LNG Corporation and others, has pointed out the need for a separate accounting classification in the Uniform System of Accounts to provide for such base load plants and the related expenses. Such amendments are proposed herein.

Certain schedules in the FPC Form No. 2 are also proposed to be amended in accordance with the amendments to the Uniform System of Accounts.

Parties responding to this Notice are requested to submit suggested retirement units for the properties classified in proposed new LNG plant accounts.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to be received no later than August 8, 1977, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny written requests for conference prior or subsequent to the filing of formal submittals.

The proposed amendments to the Commission's Uniform System of Accounts under the Natural Gas Act would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly Sections 8, 10, and 16 (52 Stat. 825–826, 830; 15 U.S.C. 717g, 717i, 717o).

The proposed amendments to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly Sections 10(a) and 16 (52 Stat. 826. 830; 15 U.S.C. 717i(a), 717o).

(A) The following are proposed amendments to Part 201—Uniform System of Accountants for Natural Gas Companies, of Subchapter F—Accounts, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend the Gas Plant Instructions by the addition of a new subparagraph 20. under instruction "3. Components of Construction Cost" entitled "(20). Line pack and LNG heel gas."

As amended, the Gas Plant Instructions will read:

Gas Plant Instructions

* * * * *

3. *Components of construction cost.*

* * * * *

(20) "Line pack and LNG heel gas." Line pack includes the first cost of that quantity of gas introduced into the utility's system necessary to bring the system up to its designed operating capacity or increases therein and which must be maintained in the system in order to sustain such design operating capacity. LNG "heel" is the first cost of that minimum quantity of liquefied natural gas necessary to be retained in holding tanks and other facilities for purposes of temperature and/or pressure maintenance.

(2) Amend the Balance Sheet Chart of Accounts by adding new "Account 164.3, Liquefied Natural Gas Held for Processing" immediately following "Account 164.2, Liquefied Natural Gas Stored."

As amended, the Balance Sheet Chart of Accounts will read:

Balance Sheet Chart of Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * *

164.3 Liquefied natural gas held for processing.

* * * * *

(3) Amend the text of the Balance Sheet Accounts as follows:

(a) Amend the second sentence of paragraph C of account 108, Accumulated Provision for Depreciation of Gas Utility Plant," and account 111, Accumulated Provision for Amortization and Depletion of Gas Utility Plant, by adding new classification "(6) Base Load LNG Terminaling and Processing Plant" and renumbering present functions 6 through 8 as 7 through 9.

(b) Add new "Account 164.3, Liquefied Natural Gas Held for Processing" immediately following "Account 164.2, Liquefied Natural Gas Stored."

As amended, the text of the Balance Sheet Accounts will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

108 Accumulated provision for depreciation of gas utility plant.

* * * * *

C. * * * For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following, functional classification for gas plant: (1) Production—manufactured gas, (2) Production and gathering—natural gas, (3) Products extraction—natural gas, (4) Underground gas storage, (5) Other storage, (6) Base load LNG terminaling and processing plant, (7) Transmission, (8) Distribution, and (9) General. * * *

* * * * *

111 Accumulated provision for amortization and depletion of gas utility plant.

* * * * *

C. * * * For purposes of analysis, however, each utility shall maintain subsidiary records in which this account is segregated according to the following functional classification for gas plant: (1) Production—manufactured gas. (2) Production and gathering—natural gas, (3) Products extraction—natural gas, (4) Underground gas storage, (5) Other storage, (6) Base load LNG terminaling and processing plant, (7) Transmission, (8) Distribution, and (9) General. * * *

* * * * *

3. CURRENT AND ACCRUED ASSETS

164.3 Liquefied natural gas held for processing.

A. This account shall include the cost of base load liquefied natural gas available for vaporization and injection into the utility's natural gas system.

B. Natural gas purchased in a liquefied form shall be priced at the cost of such gas to the utility.

C. Amounts debited to this account for liquefied natural gas purchased for processing and credited for liquefied natural gas used in processing shall be respectively credited and debited to account 804.2, Liquefied Natural Gas Held for Processing, Net.

D. Withdrawals of gas held for vaporization may be priced according to the first-in-first-out, last-in-first-out or weighted average cost method provided the method adopted by the utility is used consistently from year to year and inventory records are maintained in accordance therewith. Commission approval must be obtained for any other pricing method or for any change in the pricing method adopted by the utility. Separate records shall be maintained for Mcf (or Btu) of liquefied gas purchased for processing, used in processing, and remainnig for processing.

E. Adjustments for inventory losses shall be charged to Account 849.13, Gas Losses.

* * * * *

(4) Amend the Gas Plant Chart of Accounts by amending the title of the subsection "3. Natural Gas Storage Plant" and by adding a new subsection "C. Base Load Liquefied Natural Gas Terminaling and Processing Plant" and related accounts thereunder.

As amended, the Gas Plant Chart of Accounts will read:

Gas Plant Chart of Accounts

* * * * *

3. NATURAL GAS STORAGE AND PROCESSING PLANT

* * * * *

C. BASE LOAD LIQUEFIED NATURAL GAS TERMINALING AND PROCESSING PLANT

364.10 Land and land rights.
364.20 Structures and improvements.
364.30 LNG processing terminal equipment.
364.40 Measuring and regulating equipment.
364.50 Compressor station equipment.
364.60 Communication equipment.
364.70 Other equipment.

* * * * *

(5) In the text of the Gas Plant Accounts: (a) Amend the title of Subsection "3. Natural Gas Storage Plant" to read: "3. Natural Gas Storage and Processing Plant", and amend instruction thereto.

(b) Add new subsection "C. Base Load Liquefied Natural Gas Terminaling and Processing Plant" and related accounts immediately following Account 363.5, Other Equipment.

As amended, the text of the Gas Plant Accounts will read:

Gas Plant Accounts

* * * * *

3. NATURAL GAS STORAGE AND PROCESSING PLANT

NOTE.—The accounts under subsections A and B hereunder are to be used by the transmission and distribution companies for the classification of storage facilities used for peak shaving operations. The accounts shall be subdivided to classify the peak shaving storage facilities according to the transmission or distribution function, if the utility operates both transmission and distribution systems. Only base load liquefied natural gas terminaling and processing facilities are to be classified under subsection C, Base Load Liquefied Natural Gas Terminaling and Processing Plant.

* * * * *

C. BASE LOAD LIQUEFIED NATURAL GAS TERMINALING AND PROCESSING PLANT

364.10 Land and land rights.

A. This account shall include the cost of land and land rights used in connection with liquefied natural gas terminaling and processing operations. (See gas plant instruction 7.)

364.20 Structures and improvements.

A. This account shall include the cost in place of structures and improvements used in connection with liquefied natural gas terminaling and processing operations. (See gas plant instruction 8.)

B. This account shall be subdivided as follows:

Docking and harbor facilities.
LNG processing terminal structures.
Measuring and regulating structures.
Compressor station structures.
Other structures.

364.30 LNG processing terminal equipment.

This account shall include the cost installed of equipment used to receive, hold, and regasify liquefied natural gas for delivery into the utility's transmission or distribution system. Among the liquefied natural gas processing functions accommodated under this account are: offloading of the liquid gas, holding the liquid gas for processing, boil-off and diplacement of vapor, vaporization of liquefied gas, sendout of vaporized gas and power generation.

ITEMS

1. Aftercoolers.
2. Air compressors.
3. Air coolers.
4. Alarm systems.
5 Blowers.
6. Controls and control apparatus.
7. Dikes.
8. Drums.
9. Electrical power and ignition circuits including wiring and conduits.
10. Fire control devices and equipment.
11. Foundations.
12. Gas compressors.
13. Generators.
14. Heat exchangers.
15 Heaters and reheaters.
16. Instrumentation.
17. Intercoolers.
18. Liquefied gas holders and storage tanks.
19. Nitrogen system equipment.
20. Plant piping including pipe supports.
21. Pollution control facilities.
22. Pumps and driving units.
23. Stacks.
24. Tanks, other than LNG storage tanks (including ladders, stairs, walkways, and lighting).
25 Unloading and loading arms, and appurtenant equipment.
26. Vaporizers.
27. Waste heat recovery units.
28. Water craft and accessory equipment.
29. Miscellaneous other LNG equipment.

364.40 Measuring and regulating equipment.

This account shall include the cost installed of meters, gauges and other equipment used in measuring or regulating liquefied natural gas and vaporized natural gas converted from a liquid state in connection with liquefied natural gas operations prior to entrance of vaporized gas into the utility's transmission or distribution system.

ITEMS

1. Automatic control equipment.
2. Boilers, heaters, etc.
3. Foundation, pits, etc.
4. Gas cleaners, scrubbers, separators, dehydrators, etc.
5. Gauges and instruments, including piping, fittings, wiring, etc, and panel boards.
6. Headers.

V42PH7 JUN 17 77 UM

7. Meters, orifice or positive, including piping and connections.
8. Oil fogging equipment.
9. Odorizing equipment.
10. Regulators or governors, including controls and instruments.
11. Structures of a minor or portable type.

364.50 Compressor station equipment.

This account shall include the cost installed of compressor station equipment and associated appliances used in connection with liquefied natural gas operations prior to entrance of vaporized gas into the utility's transmission or distribution system.

ITEMS

1. Boiler plant, coal handling and ash handling equipment for steam powered compressor station.
2. Compressed air system equipment.
3. Compressor equipment and driving units, including auxiliaries, foundations, guard rails, and enclosures, etc.
4. Electric system equipment, including generating equipment and driving units, power wiring, transformers, regulators, battery equipment, switchboard, etc.
5. Fire fighting equipment.
6. Gas lines and equipment, including fuel supply lines, cooling tower and pond and associated equipment, dehydrators, fuel gas mixers, special pipebands and connections, and associated scrubbers, separators, tanks, gauges and instruments.
7. Laboratory and testing equipment.
8. Lubricating oil system, including centrifuge, filter, tanks, purifier, and lubricating oil piping, etc.
9. Office furniture and fixtures and general equipment such as steel lockers, first-aid equipment, gasoline dispensing equipment, lawn mowers, incinerators, etc.
10. Shop tools and equipment.
11. Water supply and circulation system, including water well, tank, water piping, cooling tower, spray fence, and water treatment equipment, etc., but not including water system equipment used solely for domestic and general use.

364.60 Communication equipment.

This account shall include the cost installed of radio, telephone, microwave, and other equipment used wholly or predominantly in connection with the operation and maintenance of the liquefied natural gas system. (See also accounts 370 and 397, Communication Equipment.)

ITEMS

1. Carrier terminal equipment including repeaters, power supply equipment, transmitting and receiving sets.
2. Microwave equipment, including power supply equipment, transmitters, amplifiers, paraboloids, towers, reflectors, receiving equipment, etc.
3. Radio equipment, fixed and mobile, including antenna, power equipment, transmitters and receivers, and portable receiver-transmitter units.
4. Telephone equipment including switchboards, power and testing equipment, conductors, pole lines, etc.

364.70 Other equipment.

This account shall include the cost installed equipment used in liquefied natural gas operations, when not assignable to any of the foregoing accounts.

ITEMS

1. Garage and service equipment.
2. General tools, including power operated equipment.
3. Laboratory equipment.
4. Materials handling equipment.
5. Office furniture and equipment.
6. Shop equipment.
7. Tools, other than small hand tools.
8. Other equipment.

(6) Amend the Operation and Maintenance Expense Chart of Accounts as follows:

(a) Add new accounts, "804.1, Liquefied Natural Gas Purchased" and "804.2, Liquefied Natural Gas Held for Processing—Net," immediately following account "804, Natural Gas City Gate Purchases."

(b) Amend title of expense function "2. Natural Gas Storage Expenses" to read "2. Natural Gas Storage, Terminaling and Processing Expenses."

(c) Add a new expense subsection "C. Liquefied Natural Gas Terminaling and Processing Expenses" and related accounts immediately following account "848.3, Maintenance of Other Equipment."

As amended, the Operation and Maintenance Expense Chart of Accounts will read:

Operation and Maintenance Expense Chart of Accounts

1. PRODUCTION EXPENSES

* * * * *

D. OTHER GAS SUPPLY EXPENSES

* * * * *

804.1 Liquefied natural gas purchased.
804.2 Liquefied natural gas held for processing—net.

* * * * *

2. NATURAL GAS STORAGE, TERMINALING AND PROCESSING EXPENSES

* * * * *

C. LIQUEFIED NATURAL GAS TERMINALING AND PROCESSING EXPENSES

Operation

849.01 Operation supervision and engineering.
849.02 LNG processing terminal labor and expenses.
849.03 Measuring and regulating labor and expenses.
849.04 Compressor station labor and expenses.
849.05 Communication system expenses.
849.06 System control and load dispatching.
849.07 Fuel.
849.08 Power.
849.09 Rents.
849.10 Demurrage charges.
849.11 Wharfage receipts—credit.
849.12 Processing liquefied or vaporized gas by others.
849.13 Gas losses.
849.14 Other expenses.

Maintenance

849.21 Maintenance supervision and engineering.
849.22 Maintenance of structures and improvements.
849.23 Maintenance of LNG processing terminal equipment.
849.24 Maintenance of measuring and regulating equipment.
849.25 Maintenance of compressor station equipment.
849.26 Maintenance of communication equipment.
849.27 Maintenance of other equipment.

(7) Amend the text of Operation and Maintenance Expense Accounts as follows:

(a) Add new accounts "804.1, Liquefied Natural Gas Purchases" and "804.2, Liquefied Natural Gas Held for Processing—Net," immediately following account "804, Natural Gas City Gate Purchases."

(b) Amend expense function title "2. Natural Gas Storage Expense" to read "2. Natural Gas Storage, Terminaling and Processing Expenses."

(c) Add a new expense subsection to the expense function "2. Natural Gas Storage and Processing Expenses," entitled "C. Liquefied Natural Gas Terminaling and Processing Expenses", and related accounts immediately following account "848.3, Maintenance of Other Equipment."

As amended, the text of the Operation and Maintenance Expense Accounts will read:

Operation and Maintenance Expense Accounts

1. PRODUCTION EXPENSES

* * * * *

D. OTHER GAS SUPPLY EXPENSES

* * * * *

804.1 Liquefied natural gas purchases.

A. This account shall include the cost, including transportation, at point of receipt by the utility, of liquefied natural gas purchased for the purpose of vaporization and injection into the utility's transmission or distribution system for resale.

B. The records supporting this account shall be so maintained that there shall be readily available for each vendor and point of receipt, the quantity of liquefied natural gas purchased, basis of charges, the amount paid for the liquefied gas, and transportation charges incurred up to the point of receipt of the liquefied gas.

804.2 Liquefied natural gas held for processing—net.

A. This account shall include credits for the cost including transportation of liquefied gas purchased for processing and debits for the cost of liquefied gas used for processing during the year. Respective contra debits and credits for entries to this account shall be made to account 164.3, Liquefied Natural Gas Held for Processing.

B. Deliveries and withdrawals of liquefied gas held for processing shall be netted within this account.

NOTE.—Adjustments for gas inventory losses due to cumulative inaccuracies in gas measurement, or from other causes, shall be entered in account 849.13, Gas Losses, in the month determined, if, however, any adjustment is substantial, the utility may, with approval of the Commission, amortize the amount of the adjustment to account 849.13 over future operating periods.

* * * * *

2. NATURAL GAS STORAGE, TERMINALING AND PROCESSING EXPENSES

* * * * *

C. LIQUEFIED NATURAL GAS TERMINALING AND PROCESSING EXPENSES

Operation

849.01 Operations supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of operations of liquefied natural gas facilities. Direct supervision of specific activities shall be charged to the appropriate operations accounts.

849.02 LNG processing terminal labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating liquefied natural gas processing equipment.

ITEMS

Labor:
1. Supervising.
2. Operating, checking, lubricating, cleaning, and polishing equipment, machinery, valves, instruments, and other processing equipment.
3. Reading meters, gauges and other instruments, changing charts, preparing operating reports, etc.
4. Inspecting and testing equipment when not specifically for repairs or replacement of parts.
5. Cleaning structures housing equipment, cutting grass and weeds, and doing minor grading work around structures and equipment.
6. Cleaning and repairing hand tools used for operations, etc.
7. Operating offshore facilities such as piers, docks, loading and unloading arms, water craft, etc.

Materials and expenses:
8. Charts for pressure gauges and meters, printed forms, office supplies, etc.
9. Lubricants, wiping rags, cleaning materials, etc.
10. Janitor and washroom supplies, landscaping supplies, etc.
11. Employee travel and transportation expenses.
12. Freight, express, parcel post, trucking, and other transportation.
13. Utility services: light, water, and telephone.
14. Chemicals.
15. Refrigerants.
16. Small hand tools.

849.03 Measuring and regulating labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred in operating measuring and regulating stations in connection with liquefied natural gas operations.

ITEMS

Labor:
1. Supervising.
2. Recording pressures and changing charts, reading meters, etc.
3. Estimating lost meter registrations, etc., except gas purchases and sales.
4. Calculating gas volumes from meter charts, except gas purchases and sales.
5. Adjusting and calibrating measuring equipment, changing meters, orifice plates, gauges, clocks, etc. not in connection with construction or maintenance.
6. Testing gas samples, determining specific gravity and Btu content of gas.
7. Inspecting and testing equipment not specifically to determine necessity for repairs including pulsation tests.
8. Cleaning and lubricating equipment.
9. Keeping log and other operating records, preparing reports of operations, etc.
10. Attending boilers and operating other accessory equipment.
11. Installing and removing district gauges for pressure survey.
12. Thawing freeze in gauge pipe.
13. Inspecting and pumping drips, dewatering manholes and pits, inspecting sumps, cleaning pits, etc., blowing meter drips.
14. Moving equipment, minor structures, etc., not in connection with maintenance or construction.

Materials and expenses:
15. Charts and printed forms.
16. Lubricants, wiping rags, waste.
17. Employees' transportation and travel expense.
18. Freight, express, parcel post, trucking and other transportation.
19. Utility services: light, water, telephone.

849.04 Compressor station labor and expenses.

This account shall include the cost of labor, materials used and expenses incurred, including fuel and power, in operating compressor stations in connection with liquefied natural gas operations.

ITEMS

Labor:
1. Supervising.
2. Operating and checking engines, equipment valves, machinery, gauges, and other instruments, including cleaning, wiping, polishing, and lubricating.
3. Operating boilers and boiler accessory equipment, including fuel handling, recording fuel used, etc.
4. Repacking valves and replacing gauge glasses, etc.
5. Recording pressures, replacing charts, keeping logs, and preparing reports of station operations.
6. Pumping drips at the station.
7. Taking dew point readings.
8. Testing water.
9. Cleaning structures housing equipment, cutting grass and weeds, and minor grading around station.
10. Cleaning and repairing hand tools used in operations.
11. Driving trucks.
12. Watching during shutdowns.
13. Clerical work at station.

Materials and expenses:
14. Scrubber oil.
15. Lubricants, wiping rags, waste.
16. Charts and printed forms, etc.
17. Gauge glasses.
18. Chemicals to treat water.
19. Water tests and treatment by other than employees.
20. Janitor and washroom supplies, first aid supplies, landscaping supplies, etc.
21. Employees' transportation and travel expenses.
22. Freight, express, parcel post, trucking, and other transportation.
23. Utility services: light, water, telephone.

849.05 Communication system expenses.

This account shall include the cost of labor, materials used and expenses incurred in connection with the operation of liquefied natural gas communications facilities, such as radio, telephone, microwave and other communication systems, including payments to others for communications services.

ITEMS

Labor:
1. Supervising.
2. Operating switchboards, radio equipment, power generators, microwave equipment, etc. (except general office switchboards).
3. Tagging telephone poles.
4. Testing and replacing telephone batteries, radio tubes, etc.
5. Cutting weeds and grass along telephone rights-of-way and around structures and equipment.
6. Changing radio frequencies.
7. Securing FCC authorization to change frequencies.
8. Taking FCC radio operator tests.
9. Transferring mobile radios between vehicles and/or vessels.
10. Changing locations of telephones and other communications equipment not in connection with maintenance or construction.
11. Inspecting and testing not specifically to determine necessity for repairs.
12. Cleaning and lubricating equipment.
13. Cleaning structures housing equipment.

Materials and expenses:
14. Payments to others for communications services.
15. Telephone batteries, radio tubes and other electronic components.
16. Radio crystals and other materials used in changing radio frequencies.
17. Lubricants, wiping rags, and waste.
18. Employees' transportation and travel expenses.
19. Freight, express, parcel post, trucking and other transportation.

849.06 System control and load dispatching.

This account shall include the cost of labor and expenses incurred in dispatching and controlling the supply and flow of liquefied gas and vaporized gas prior to introduction of such vaporized gas into the utility's transmission or distribution system.

Labor:
1. Supervising.
2. Analysis of pressures for irregularities, as received.
3. Collecting pressures by telephone and radio.

JUN 17 77 UM

4. Controlling mixture of various gases to maintain proper Btu content.
5. Correspondence and records, typing and maintaining files.
6. Controlling inputs and withdrawals of liquefied gas for processing.
7. Instructing field men to increase or decrease pressures at regulators.
8. Maintaining pressures at compressor stations, key line junctions and regulating stations to divide the available gas during heavy demand periods.
9. Maintaining pressure log sheets.
10. Maintaining proper compression ratios at compressor stations, consistent with economical operations.
11. Maintaining lowest necessary line pressures consistent with satisfactory service.
12. Requesting pressure changes at compressor stations, regulating stations, and key line junctions.
13. Rerouting gas during emergencies and planned shutdowns.

Materials and expenses:
14. Consultants' fees and expenses.
15. Meals, travelling and incidental expenses in connection with system load dispatching.
16. Office supplies, stationery and printed forms.
17. Transportation: company and rental vehicles.
18. Utility services: light, water, telephone.

849.07 Fuel.

A. This account shall include the cost of gas or other fuel used for the operation of liquefied natural gas terminaling and processing facilities, except compressor station fuel.

B. Concurrent credits offsetting charges to this account for natural gas used for fuel shall be made to account 812, Gas Used for Other Utility Operations—Credit.

849.08 Power.

This account shall include the cost of purchased electricity consumed for operation of liquefied natural gas processing facilities, except compressor station power.

849.09 Rents.

This account shall include the cost of rents of property of others used, occupied or operated in connection with liquefied natural gas processing operations. (See operating expense instruction 3.)

849.10 Demurrage charges.

This account shall include demurrage charges incurred by the utility relative to LNG shipments received or processed by the utility.

849.11 Wharfage receipts—credit.

This account shall include wharfage receipts received or receivable from LNG shippers or other parties relative to LNG shipments received or processed by the utility.

849.12 Processing of liquefied or vaporized gas by others.

A. This account shall include amounts paid to others for the processing of liquefied or vaporized gas of the utility.

B. Records supporting this account shall be so maintained that there shall be readily available for each agreement, the name of the other party, Mcf or Btu, as appropriate, of gas delivered to the other party for processing and the Mcf or Btu, as appropriate, of gas received back by the utility after processing, points of delivery to and receipt of gas from the other party, amount and basis of charges for the processing service.

NOTE.—If in connection with any gas delivered to another for processing such other party also processes the gas for extraction of gasoline or other salable products, credits attributable to the products so extracted shall be made to account 491, Revenues from Natural Gas Processed by Others, to the end that amounts recorded in this account shall only be charges for processing other than for extraction of salable products.

849.13 Gas losses.

This account shall include the amounts of inventory adjustments representing the cost of gas lost or unaccounted for in liquefied natural gas operations due to cumulative inaccuracies of gas measurements or other causes. (See paragraph E of account 164.3, Liquefied Natural Gas Held for Processing.) If, however, any adjustment is substantial, the utility may, with approval of the Commission, amortize the amount of the adjustment to this account over future operating periods.

849.14 Other expenses.

This account shall include the cost of labor, materials used, and expenses incurred in operating liquefied natural gas plant not includible elsewhere.

MAINTENANCE

849.21 Maintenance supervision and engineering.

This account shall include the cost of labor and expenses incurred in the general supervision and direction of maintenance of liquefied natural gas terminaling and processing facilities. Direct field supervision of specific jobs shall be charged to the appropriate maintenance accounts. (See operating expense instruction 1.)

849.22 Maintenance of structures and improvements.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of structures and improvements, the book cost of which is included in account 364.20, Structures and Improvements. (See operating expense instruction 2.)

849.23 Maintenance of LNG processing terminal equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of LNG terminal processing equipment, the book cost of which is included in Account 364.30, LNG Processing Terminal Equipment. (See operating expense instruction 2.)

849.24 Maintenance of measuring and regulating equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of measuring and regulating equipment, the book cost of which is included in account 364.40, Measuring and Regulating Equipment. (See operating expense instruction 2.)

849.25 Maintenance of compressor station equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of compressor station equipment, the book cost of which is included in account 364.50, Compressor Station Equipment. (See operating expense instruction 2.)

849.26 Maintenance of communication equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of communication equipment, the book cost of which is included in account 364.60, Communication Equipment. (See operating expense instruction 2.)

849.27 Maintenance of other equipment.

This account shall include the cost of labor, materials used and expenses incurred in the maintenance of equipment, the book cost of which is included in account 364.70, Other Equipment. (See operating expense instruction 2.)

(B) Effective for the reporting year 1977, it is proposed to amend certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by S260.1, Chapter I, Title 18 of the Code of Federal Regulations as follows:

Page No.	
110	Comparative Balance Sheet.
207A	Gas Stored.
355	Distribution of Salaries and Wages.
501	Gas Plant in Service.
508	Accumulated Provision for Depreciation of Gas Utility Plant.
528–529	Gas Operation and Maintenance Expenses.
532	Summary of Gas Operation and Maintenance Expenses.
535	Gas Purchases.
545	Depreciation, Depletion, and Amortization of Gas Plant.

as set out in Attachment A, hereto.

(C) The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 1 of 14

Annual Report of . . . . . Year ending December 31, 19 . .

STATEMENT A COMPARATIVE BALANCE SHEET
Assets and Other Debits

Line No.	Title of Account (a)	Page No. (b)	Balance Beginning of Year (c)	Balance End of Year (d)	Increase or (Decrease) (e)
	Utility Plant*		$	$	$
1	Utility plant (101-106, 114)	113			
2	Construction Work in Progress (107)	113			
3	Total Utility Plant		$	$	$
4	Less Accumulated Provision for Depreciation, Amortization and Depletion (108-111, 115)	113			
5	Net Utility Plant	113	$	$	$
6	Gas Stored Underground-Noncurrent (117)	207A			
7	Utility Plant Adjustments (116)	112			
	Other Property and Investments				
8	Nonutility Property (121) (less Accum. Prov. for Depr. & Amort. included in (122) $)	201			
9	Investment in Associated Companies (123)	202			
10	Investment in Subsidiary Companies (Cost $) (123.1)	203			
11	Other Investments (124)	202			
12	Special Funds (125 - 128)	—			
13	Total Other Property and Investments		$	$	$
	Current and Accrued Assets				
14	Cash (131)	—			
15	Special Deposits (132 - 134)	—			
16	Working Funds (135)	—			
17	Temporary Cash Investments (136)	202			
18	Notes and Accounts Receivable (less Accumulated Provision for Uncoll. Accts.) (141 - 144)	204			
19	Receivables from Assoc. Companies (145, 146)	206			
20	Materials and Supplies (151 - 156, 163)	207			
21	Gas Stored Underground-Current (164.1)	207A			
22	Liquefied Natural Gas Stored (164.2)	207A			
23	Prepayments (165)	210			
24	Advances for Gas Exploration, Development and Production (166)	210B			
25	Other Advances for Gas (167)	210B			
26	Interest and Dividends Receivable (171)	—			
27	Rents Receivable (172)	—			
28	Accrued Utility Revenues (173)	—			
29	Misc. Current and Accrued Assets (174)	210			
30	Total Current and Accrued Assets		$	$	$
	Deferred Debits				
31	Unamortized Debt Expense (181)	211			
32	Extraordinary Property Losses (182)	210			
33	Prelim. Survey and Investigation Charges (183.1, 183.2)	212			
34	Clearing Accounts (184)	—			
35	Temporary Facilities (185)	—			
36	Miscellaneous Deferred Debits (186)	214			
37	Deferred Losses from Disposition of Utility Plant (187)	214A			
38	Research & Development Expenditures (188)	572			
39	Unamortized Loss on Reacquired Debt (189)	214B			
40	Accumulated Deferred Income Taxes (190)	214L			
41	Unrecovered Purchased Gas Costs (191)	—			
42	Total Deferred Debits		$	$	$
43	Total Assets and Other Debits		$	$	$

Add: Liquefied Natural Gas Held for Processing (164.3)

SPECIMEN

*These accounts are conformed to NARUC accounts in which amounts recorded in FPC accounts 118 and 119 are classified to the accounts indicated under this caption.

110 Rev. Ed. (12-76)

JUN 17 77 UM

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 2 of 14

Annual report of.....Year ended December 31, 19....

GAS STORED (Account 117, 164.1 and 164.2)

1. Report below the information called for concerning inventories of gas stored.
2. The Uniform System of Accounts provides that inventory cost records be maintained on a consolidated basis for all storage projects with separate records showing the Mcf of inputs and withdrawals and balance for each project, except under certain specified circumstances. If the respondent's inventory cost records are not maintained on a consolidated basis for all storage projects, furnish an explanation of the accounting followed and reason for any deviation from the general basis provided by the Uniform System of Accounts. Separate schedules on this schedule form should be furnished for each group of storage projects for which separate inventory cost records are maintained.
3. If during the year adjustment was made of the stored gas inventory, such as to correct for cumulative inaccuracies of gas measurements, furnish an explanation of the reason for the adjustment, the Mcf and dollar amount of adjustment and account charged or credited.
4. Give a concise statement of the facts and the accounting performed with respect to any encroachment of withdrawals during the year, or restoration of previous encroachment, upon *native gas* constituting the "gas cushion" of any storage reservoir.
5. If the respondent uses a "base stock" in connection with its inventory accounting, give a concise statement of the basis of establishing such "base stock" and the inventory basis and the accounting performed with respect to any encroachment of withdrawals upon "base stock," or restoration of previous encroachment, including brief particulars of any such accounting during the year.
6. If respondent has provided accumulated provision for stored gas which may not eventually be fully recovered from any storage project furnish a statement showing: (a) date of Commission authorization of such accumulated provision (b) explanation of circumstances requiring such provision (c) basis of provision and factors of calculation (d) estimated ultimate accumulated provision accumulation (e) a summary showing balance of accumulated provision and entries during year.
7. Pressure base of gas volumes reported in this schedule is 14.73 psia at 60° F.

Line No.	Description (a)	Noncurrent (Account 117) (b)	Current (Account 164.1) (c)	LNG (Account 164.2) (d)	Total (e)
1	Balance, beginning of year	$	$	$	$
2	Gas delivered to storage				
3	(contra Acct. 809)	Change to: (Account 117, 164.1, 164.2 and 164.3)		Add: LNG (Account 164.3)	
4	Gas withdrawn from storage				
5	(contra Acct. 808)				
6	Other debits or credits (Explain)				
7					
8					
9					
10					
11					
12	Balance, end of year	$	$	$	$
13	Mcf				
14	Amount per Mcf				
15	State basis of segregation of inventory between current and noncurrent portions.				
16					
17	Gas delivered to storage:				
18	Mcf				
19	Amount per Mcf				
20	Cost basis of gas delivered to storage:				
21	Specify: Own production (give production area, see uniform system of accounts), average system purchases, specific purchases (state which purchases).				
22	Does cost of gas delivered to storage include any expenses for				
23	use of respondent's transmission, storage, or other facilities?				
24	..... If so, give particulars and date of Com-				
25	mission approval of the accounting				
26					
27					
28					
29	Gas withdrawn from storage:				
30	Mcf				
31	Amount per Mcf				
32	Cost basis of withdrawals:				
33	Specify: average cost, lifo, fifo. (Explain any change in				
34	inventory basis during year and give date of Commission				
35	approval of the change or approval of an inventory basis				
36	different from that referred to in uniform system of ac-				
37	counts.)				
38					
39					
40					
41					

SPECIMEN

207A Rev (12-71)

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 3 of 14

Annual report of Year ended December 31, 19

DISTRIBUTION OF SALARIES AND WAGES

Report below the distribution of total salaries and wages for the year. Amounts originally charged to clearing accounts should be segregated as to *Utility Departments, Construction, Plant Removals, and Other Accounts*, and shown in the appropriate lines and spaces provided for such amounts on pages 355 and 356. In determining this segregation of salaries and wages originally charged to clearing accounts a method of approximation giving substantially correct results may be used.

Line No.	Classification (a)	Direct Payroll Distribution (b)	Allocation of Payroll Charged Clearing Accounts (c)	Total (d)
1	ELECTRIC	$	$	$
2	Operation:			
3	Production			
4	Transmission			
5	Distribution			
6	Customer Accounts			
7	Customer Service and Informational			
8	Sales			
9	Administrative and General			
10	Total Operation			
11	Maintenance:			
12	Production			
13	Transmission			
14	Distribution			
15	Administrative and General			
16	Total Maintenance			
17	Total Operation and Maintenance:			
18	Production			
19	Transmission			
20	Distribution			
21	Customer Accounts			
22	Customer Service and Informational			
23	Sales			
24	Administrative and General			
25	Total Operation and Maintenance			
26	GAS			
27	Operation:			
28	Production—Manufactured Gas			
29	Production—Natural Gas (incl. Expl. and Dev.)			
30	Other Gas Supply			
31	Storage			
32	Transmission			
33	Distribution			
34	Customer Accounts			
35	Customer Service and Informational			
36	Sales			
37	Administrative and General			
38	Total Operation			
39	Maintenance:			
40	Production—Manufactured Gas			
41	Production—Natural Gas			
42	Other Gas Supply			
43	Storage			
44	Transmission			
45	Distribution			
46	Administrative and General			
47	Total Maintenance			
48				
49				
50				

Change to: Storage, LNG Terminaling and Processing

SPECIMEN

Continued

355 Rev (12-76)

VOL 42 NO 117 JUN 17 77 UM

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 4 of 14

Annual report of Year ended December 31, 19

DISTRIBUTION OF SALARIES AND WAGES (Continued)

Line No.	Classification (a)	Direct Payroll Distribution (b)	Allocation of Payroll Charged Clearing Accts. (c)	Total (d)
	Gas (Continued)	$	$	$
51	Total Operation and Maintenance:			
52	Production—Manufactured Gas			
53	Production—Natural Gas (incl. Expl. and Dev.)			
54	Other Gas Supply			
55	Storage			
56	Transmission			
57	Distribution			
58	Customer Accounts			
59	Customer Service and Informational			
60	Sales			
61	Administrative and General			
62	Total Operation and Maintenance			
63	Other Utility Departments			
64	Operation and Maintenance			
65	Total All Utility Departments			
66	Utility Plant			
67	Construction (by utility departments):			
68	Electric Plant			
69	Gas Plant			
70	Other			
71	Total Construction			
72	Plant Removal (by utility departments):			
73	Electric Plant			
74	Gas Plant			
75	Other			
76	Total Plant Removal			
77	Other Accounts (Specify):			
78–104				
105	TOTAL SALARIES AND WAGES			

Change to: Storage, LNG Terminaling and Processing

SPECIMEN

Rev. (12-76) 356

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 5 of 14

Annual report of Year ended December 31, 19

GAS PLANT IN SERVICE (Continued)

Line No.	Account (a)	Balance beginning of year (b)	Additions (c)	Retirements (d)	Adjustments (e)	Transfers (f)	Balance end of year (g)
	2. Production Plant—Continued	$	$	$	$	$	$
	Products Extraction Plant-Continued						
33	345 Compressor equipment						
34	346 Gas meas. and reg. equipment						
35	347 Other equipment						
36	Total Products Extraction Plant						
37	Total Nat. Gas Production Plant						
38	Manufactured Gas Prod. Plant(submit sched.)						
39	Total Production Plant						
40							
41	3. Natural Gas Storage Plant						
42	Underground Storage Plant						
43	350.1 Land						
44	350.2 Rights-of-way						
45	351 Structures and improvements						
46	352 Wells						
47	352.1 Storage leaseholds and rights						
48	352.2 Reservoirs						
49	352.3 Non-recoverable natural gas						
50	353 Lines						
51	354 Compressor station equipment						
52	355 Measuring and reg. equipment						
53	356 Purification equipment						
54	357 Other equipment						
55	Total Underground Storage Plant						
56							
57	Other Storage Plant						
58							
59							
60							
61	360 Land and land rights						
62	361 Structures and improvements						
63	362 Gas holders						
64	363 Purification equipment						
65	363.1 Liquefaction equipment						
66	363.2 Vaporizing equipment						
67							

Change to: 3. Natural Gas Storage LNG Terminaling and Processing Plant

SPECIMEN

502 Rev (12-71)

JUN 17 77 UM

Annual report of Year ended December 31, 19....

SPECIMEN

Add:
BASE LOAD LIQUEFIED NATURAL GAS TERMINALING AND PROCESSING PLANT

364.10 Land and land rights
364.20 Structures and improvements
364.30 LNG processing terminal equipment
364.40 Measuring and regulating equipment
364.50 Compressor station equipment
364.60 Communication equipment
364.70 Other equipment
Total Base Load Liquefied Natural Gas, Terminaling and Processing Plant

Charge to:
Total Natural Gas Storage, LNG Terminaling and Processing Plant

68	363.3 Compressor equipment	
69	363.4 Meas. and reg. equipment	
70	363.5 Other equipment	
71	Total Other Storage Plant	
72	Total Natural Gas Storage Plant	
73	4 TRANSMISSION PLANT	
74		
75	365.1 Land and land rights	
76	365.2 Rights-of-way	
77	366 Structures and improvements	
78	367 Mains	
79	368 Compressor station equipment	
80	369 Measuring and reg. sta. equipment	
81	370 Communication equipment	
82	371 Other equipment	
83	Total Transmission Plant	
84		
85	5 DISTRIBUTION PLANT	
86		
87	374 Land and land rights	
88	375 Structures and improvements	
89	376 Mains	
90	377 Compressor station equipment	
91	378 Meas and reg sta. equip.—General	
92	379 Meas. and reg. sta. equip.—City gate	
93	380 Services	
94	381 Meters	
95	382 Meter installations	
96	383 House regulators	
97	384 House reg. installations	
98	385 Industrial meas and reg sta. equipment	
99	386 Other prop on customers' premises	
100	387 Other equipment	
101	Total Distribution Plant	
102		
103		
104		
105		

502

Rev (12-77)

Annual report of Year ended December 31, 19

ACCUMULATED PROVISION FOR DEPRECIATION OF GAS UTILITY PLANT (Account 108)

1. Report below the information called for concerning provision for depreciation of gas utility plant.

2. Explain any important adjustments during year.

3. Explain any difference between the amount for book cost of plant retired, line 11, column (c), and that reported in the schedule for gas plant in service, pages 501-504, column (d), exclusive of retirements of nondepreciable property.

4. The provisions of account 108 in the Uniform System of Accounts contemplate that retirements of depreciable plant be recorded when such plant is removed from service. If the respondent has a significant amount of plant retired at year end which has not been recorded and/or classified to the various reserve functional classifications, preliminary closing entries should be made to tentatively functionalize the book cost of the plant retired. In addition, all costs included in retirement work in progress at year end should be included in the appropriate functional classifications.

5. Show separately interest credits under a sinking fund or similar method of depreciation accounting.

6. In section B show the amounts applicable to prescribed functional classifications.

A. Balances and Changes During Year

Line No.	Item (a)	Total (b)	Gas plant in service (c)	Gas plant held for future use (d)	Gas plant leased to others (e)
		$	$	$	$
1	Balance beginning of year				
2	Depreciation provisions for year charged to				
3	(403) Depreciation expense				
4	(413) Expenses of gas plant leased to others				
5	Transportation expenses clearing				
6	Other clearing accounts				
7	Other accounts (specify)				
8					
9	Total depreciation provisions for year				
10	Net charges for plant retired:				
11	Book cost of plant retired				
12	Cost of removal				
13	Salvage (credit)				
14	Net charges for plant retired				
15	Other debit or credit items (describe):				
16					
17	Balance end of year				
	B. Balances end of Year According to Functional Classifications				
18	Production—manufactured gas				
19	Production and gathering—natural gas				
20	Products extraction—Natural Gas				
21	Underground gas storage				
22	Other storage plant				
23	Transmission				
24	Distribution				
25	General				
26	Total				

SPECIMEN

Add:
Base load LNG terminaling and processing plant

508

Rev. (12-74)

V 42 N 117 JUN 17 77 UM

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 8 of 14

Annual report of.....Year ended December 31, 19.....

GAS OPERATION AND MAINTENANCE EXPENSES (Continued)

Line No.	Account (a)	Amount for Year (b)	Increase or Decrease from preceding year (c)
48	82. Products Extraction (Continued)		
49	Maintenance:		
50	784 Maintenance supervision and engineering		
51	785 Maintenance of structures and improvements		
52	786 Maintenance of extraction and refining equipment		
53	787 Maintenance of pipe lines		
54	788 Maintenance of extracted products storage equipment		
55	789 Maintenance of compressor equipment		
56	790 Maintenance of gas measuring and reg. equipment		
57	791 Maintenance of other equipment		
58	Total maintenance		
59	Total products extraction		
60	C. Exploration and Development		
61	Operation:		
62	795 Delay rentals		
63	796 Nonproductive well drilling		
64	797 Abandoned leases		
65	798 Other exploration		
66	Total exploration and development		
67	D. Other Gas Supply Expenses		
68	Operation:		
69	800 Natural gas well head purchases		
70	801 Natural gas field line purchases		
71	802 Natural gas gasoline plant outlet purchases		
72	803 Natural gas transmission line purchases		
73	804 Natural gas city gate purchases		
74	805 Other gas purchases		
75	805.1 Purchased gas cost adjustments		
76	Total purchased gas		
77	806 Exchange gas		
78	Purchased gas expenses:		
79	807.1 Well expenses — Purchased gas		
80	807.2 Operation of purchased gas measuring stations		
81	807.3 Maintenance of purchased gas measuring stations		
82	807.4 Purchased gas calculations expenses		
83	807.5 Other purchased gas expenses		
84	Total purchased gas expenses		
85	808 Gas withdrawn from underground storage — Debit		
86	809 Gas delivered to underground storage — Credit	( )	
87	Gas used in utility operations — Credit:		
88	810 Gas used for compressor station fuel — Credit	( )	
89	811 Gas used for products extraction — Credit	( )	
90	812 Gas used for other utility operations — Credit	( )	
91	Total gas used in utility operations — Credit	( )	
92	813 Other gas supply expenses		
93	Total other gas supply expenses		
94	Total production expenses		

Add:
804.1 Liquefied natural gas purchases
804.2 Liquefied natural gas [illegible] purchases

SPECIMEN

528 Rev (12-72)

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 9 of 14

Annual report of .....Year ended December 31, 19...

GAS OPERATION AND MAINTENANCE EXPENSES (Continued)

Line No.	Account (a)	Amount for year (b)	Increase or (decrease) from preceding year (c)
95	2. Natural Gas Storage Expenses / 2A. Underground Storage Expenses — Change to: 2. Natural Gas Storage, Terminaling and Processing Expenses		
96	Operation:		
97	814 Operation supervision and engineering		
98	815 Maps and records		
99	816 Wells expenses		
100	817 Lines expense		
101	818 Compressor station expenses		
102	819 Compressor station fuel and power		
103	820 Measuring and regulating station expenses		
104	821 Purification expenses		
105	822 Exploration and development		
106	823 Gas losses		
107	824 Other expenses		
108	825 Storage well royalties		
109	826 Rents		
110	Total operation		
111			
112			
113	Add: 2C. Liquefied Natural Gas Terminaling and Processing Expenses		
114			
115	Operation:		
116	849.01 Operation supervision and engineering		
117	849.02 LNG processing terminal labor and expenses		
118	849.03 Measuring and regulating labor and expenses		
119	849.04 Compressor station labor and expenses		
120	849.05 Communication system expenses		
121	849.06 System control and load dispatching		
122	849.07 Fuel		
123	849.08 Power		
124	849.09 Rents		
125	849.10 Demurrage charges		
126	849.11 Wharfage receipts—Cr.		
127	849.12 Transportation and processing of liquefied or vaporized gas by others		
128	849.13 Gas losses		
129	849.14 Other expenses		
130	Total operation		
131	Maintenance:		
132	849.21 Maintenance supervision and engineering		
133	849.22 Maintenance of structures and improvements		
134	849.23 Maintenance of LNG processing terminal equipment		
135	849.24 Maintenance of measuring and regulating equipment		
136	849.25 Maintenance of compressor station equipment		
137	849.26 Maintenance of communication equipment		
138	849.27 Maintenance of other equipment		
139	Total maintenance		
140	Total LNG terminaling and processing expenses		
141			
142	848.3 Maintenance of other equipment		
143	Total maintenance		
	Total other storage expenses		
	Total storage expenses — Change to: Total storage, LNG terminaling and processing expenses		

SPECIMEN

529 Rev Ed. (12-72)

V 42 N 117 JUN 17 77 UM

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 10 of 14

Annual report of Year ended December 31, 19

GAS OPERATION AND MAINTENANCE EXPENSES (Continued)

SUMMARY

Line No.	Functional Classification (a)	Operation (b)	Maintenance (c)	Total (d)
238	Production:	$	$	$
239	Manufactured gas			
240	Natural gas:			
241	Production and gathering			
242	Products extraction			
243	Exploration and dev			
244	Total natural gas			
245	Other gas supply expenses			
246	Total production			
247	Underground storage			
248	Other Storage			
249	Transmission			
250	Distribution			
251	Customer accounts			
252	Customer service and informational			
253	Sales			
254	Administrative and general			
255	TOTAL			

Add:
LNG terminaling and processing

NUMBER OF GAS DEPARTMENT EMPLOYEES

Number of gas department employees, payroll period ended_____

1. Total regular full-time employees
2. Total part-time and temporary employees
3. Total employees

The data on number of employees should be reported for the payroll period ending nearest to October 31, or any payroll period ending 60 days before or after October 31.

If the respondent's payrolls for the reported period include any special construction forces include such employees as part-time and temporary employees and show the number of such special construction employees so included.

The number of employees assignable to the gas department from joint functions of combination utilities may be determined by estimate, on the basis of employee equivalents. Show the estimated number of equivalent employees attributed to the gas department from joint functions.

SPECIMEN

532

Rev (12-76)

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 11 of 14

Annual report of.....Year ended December 31, 19.....

GAS PURCHASES (Accounts 800, 801, 802, 803, 804 and 805)

1. Report particulars of gas purchases during the year in the manner prescribed below. (Code numbers to be used in reporting for Columns (d), (e), and (f) will be supplied by the Commission.)

2. Provide subheadings and totals for prescribed accounts as follows:

800 Natural Gas Well Head Purchases.
801 Natural Gas Field Line Purchases.
802 Natural Gas Gasoline Plant Outlet Purchases.
803 Natural Gas Transmission Line Purchases.
804 Natural Gas City Gate Purchases.
805 Other Gas Purchases.

Purchases are to be reported in account number sequence, e.g. all purchases charged to Account 800, followed by charges to Account 801, etc. Under each account number, purchases should be reported by states in alphabetical order. Totals are to be shown for each account in Columns (k) and (l) and should agree with the books of account, or any differences reconciled.

3. Purchases may be reported by gas purchase contract totals (at the option of the respondent) where one contract includes two or more FPC producer rate schedules or small producer certificates, provided that the same price is being paid for all gas purchased under the contract. If two or more prices are in effect under the same contract, separate details for each price shall be reported. The name, and FPC rate schedule or small producer certificate docket number of each seller included in the contract total shall be listed on separate sheets, clearly cross-referenced. Where two or more prices are in effect the sellers at each price are to be listed separately.

4. Purchases of less than 100,000 Mcf per year per contract from sellers not affiliated with the reporting company may (at the option of the respondent) be grouped by account number, except when the purchases were permanently discontinued during the reporting year. When grouped purchases are reported, the number of grouped purchases is to be reported in Column (a). Only Columns (a), (k), (l), and (m) are to be completed for grouped purchases; however, the Commission may request additional details when necessary. Grouped non-jurisdictional purchases should be shown on a separate line.

5. Column instructions are as follows:

Columns (a) and (d) - In reporting the names of sellers under FPC rate schedules, use the names as they appear on the filed rate schedule. Abbreviations may be used where necessary. The code number to be used is the Commission assigned number.

Column (b) - Give the name of the producing field only for purchases at the wellhead or from field lines. The plant name should be given for purchases from gasoline plant outlets. If purchases under a contract are from more than one field or plant, use the name of the one contributing the largest volume. Use a footnote to list the other fields or plants involved.

Column (c) - State the net rate in cents per Mcf as of December 31 for the reported year, applicable to the volume shown in Column (k). The net rate includes all additive charges and tax reimbursements and is net of all applicable deductions and downward adjustments. The rate is effective if filed pursuant to applicable statutes and regulations and (as to FPC rates schedules) permitted by the Commission to become effective.

Columns (e) and (f) - General Services Administration location code designations are to be used to designate the state and county where the gas is received. Where gas is received in more than one county, use the code designation for the county having the largest volume and by footnote list the other counties involved.

Column (g) - List the assigned Commission rate schedule number or small producer certificate docket number. Use the designation "NJ" in Column (g) to indicate non-jurisdictional purchases.

Column (h) - In some cases, two or more lines will be required to report a purchase, as when two or more rates are being paid under the same contract, or when purchases under the same rate schedule are charged to more than one account. If for such reasons the producer rate schedule or non-jurisdictional purchase contract appears on more than one line, enter a numerical code (selected by the respondent) in Column (h) to so indicate. Once established, the same numerical suffix is to be used for all subsequent-year reporting of the purchase. If the purchase was permanently discontinued during the reporting year, so indicate by an asterisk (*) in Column (h). Column (h) is to be used also, to enter any Commission assigned letter rate schedule suffix (e.g. R.S. No. 22A).

Column (i) - Show date of the gas purchase contract. If gas is purchased under a renegotiated contract, show the date of the original contract and the and the date of the renegotiated contract on the following line in brackets. If new acreage is dedicated by ratification of an existing contract show the date of the ratification, rather than the date of the original contract. If gas is being sold from a different reservoir than the original dedicated acreage pursuant to Section 2.56 (f) (2) of the Commission's Rules of Practice and Procedure, place the letter "A" after the contract date.

Column (j) - Show, for each purchase, the approximate Btu per cubic foot, determined in accordance with the definition in Item No. 7 of the General Instructions for FPC Form 2.

Column (k) - State the volume of purchased gas as finally measured for purpose of determining the amount payable for the gas. Include current year receipts of make-up gas that was paid for in prior years.

Column (l) - State the dollar amount (omit cents) paid and previously paid for the volumes of gas shown in Column (k).

Column (m) - State the average cost per Mcf to the nearest hundredth of a cent. (Column (l) divided by Column (k) multiplied by 100.)

Add:
804.1 Liquefied Natural Gas Purchases
804.2 Liquefied Natural Gas Held for Processing-Net

Add:
804.1 and 804.2

SPECIMEN

535

V 42 N 117 JUN 17 77 UM

Annual report of FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 12 of 14
Year ended December 31, 19....

GAS PURCHASES (Accounts 800, 801, 802, 803, 804 & 805) (Continued)

Line No.	Name of Seller (Designate Associated Companies) (a)	Name of Producing Field or Gasoline Plant (b)	Net Rate Effective December 31 (c)
1		Add: 804.1 and 804.2	
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			

SPECIMEN

536

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 13 of 14
Annual report of ..... Year ended December 31, 19.....

GAS PURCHASES (Accounts 800, 801, 802, 803, 804 & 805) (Continued)

Seller Code (d)	State Code (e)	County Code (f)	Rate Schedule No. (g)	Rate Schedule Suffix (h)	Date of Contract (i)	Approx. Btu Per Cu. ft. (j)	Gas Purchased-Mcf (14.73 psia 60° F) (k)	Cost of Gas (l)	Cost Per Mcf (cents) (m)	Line No.
							Add: 804.1 and 804.2			1
										2
										3
										4
										5
										6
										7
										8
										9
										10
										11
										12
										13
										14
										15
										16
										17
										18
										19
										20
										21
										22
										23
										24
										25
										26
										27
										28
										29
										30
										31
										32
										33
										34
										35
										36
										37
										38
										39
										40
										41
										42
										43
										44
										45
										46
										47
										48
										49
										50
										51
										52
										53
										54

SPECIMEN

536A

VOL 42 NO 117 JUN 17 77 UM

FPC Form No. 2 Docket No. RM77-21 Attachment A, Page 14 of 14
Annual report of ..... Year ended December 31, 19....

DEPRECIATION, DEPLETION, AND AMORTIZATION OF GAS PLANT (Accounts 403, 404.1, 404.2, 404.3, 405)
(Except Amortization of Acquisition Adjustments)

1. Report in Section A for the year the amounts of depreciation expense, depletion, and amortization for the accounts indicated, classified according to the plant functional groups shown.
2. Report in Section B the bases and rates used by the respondent to determine charges for depletion and amortization of gas plant for the year for accounts 404.1, 404.2, 404.3 and 405 and whether any changes have been made in the bases or rates from those used for the preceding year.
3. Complete reporting of all available information called for in columns (a) through (g) of Section C shall be made for report year 1971, thereafter report only annual changes to columns (c) through (g). Complete reporting is again required for report year 1974 and every fifth year thereafter with only annual changes to columns (c) through (g) to be shown in the intervals between complete reporting.
Unless composite depreciation accounting for total depreciable plant is followed, list numerically in column (a) each plant subaccount, account or functional class of cation, as appropriate, to which a rate is applied. Identify all the bottom of Section C the type of plant included in any subaccounts used. In column (a) report all depreciable plant balances to which rates are applied showing subtotals by functional classifications and showing a composite total. Indicate at the bottom of Section C the manner in which column (b) balances are obtained. If average balances, state the method of averaging used. For columns (c), (d) and (e) report available information for each plant subaccount, account or functional classification listed in column (a). Identify those accrual periods shown in column (c) which are based upon the life of associated gas reserves or gas supply contracts. If mortality studies are prepared to assist in estimating service l yes or to develop remaining life rates, show in column (f) the type mortality curve selected as most appropriate for the account and in column (g) the weighted average remaining life of surviving plant. If composite depreciation accounting is used, report available information called for in columns (b) through (g) on this basis. Where the unit-of-production method is used to determine depreciation charges, show at the bottom of Section C any revisions made to estimated gas reserves.
4. If provisions for depreciation were made during the year in addition to depreciation provided by application of reported rates, state at the bottom of Section C the amounts and nature of the provisions and the plant items to which related.

A. SUMMARY OF DEPRECIATION, DEPLETION, AND AMORTIZATION CHARGES

Line No.	Functional Classification (a)	Depreciation Expense (Account 403) (b)	Amortization of producing natural gas land and land rights (Acct. 404.1) (c)	Amortization of underground storage land and land rights (Acct 404.2) (d)	Amortization of other limited-term gas plant (Acct. 404.3) (e)	Amortization of other gas plant (Acct. 405) (f)	Total (g)
		$	$	$	$	$	$
1	Intangible plant						
2	Production plant, manufactured gas						
3	Production and gathering plant, natural gas						
4	Products extraction plant						
5	Underground gas storage plant						
6	Local gas storage plant	Add: Base load LNG terminaling and processing plant					
7	Transmission plant						
8	Distribution plant						
9	General plant						
10	Common plant-gas						
11							
12							
13							
14							
15							
16							
17							
18	TOTAL						

545 Rev (12-71)

[FR Doc.77-17264 Filed 6-16-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184, 186]

[Docket No. 77N-0042]

PROPYLENE GLYCOL AND PROPYLENE GLYCOL MONOSTEARATE

Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration (FDA).

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm as generally recognized as safe (GRAS) propylene glycol and propylene glycol monostearate as direct human food ingredients, and propylene glycol as an indirect human food ingredient. The safety of these ingredients has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list these ingredients as food substances affirmed as GRAS.

DATES: Written comments by August 16, 1977.

ADDRESSES: Written comments to Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-4750).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of propylene glycol and propylene glycol monostearate has been evaluated. In accordance with the provisions of § 170.35 (formerly § 121.40, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of these ingredients.

Propylene glycol (1,2-propanediol) does not occur naturally but is synthesized industrially by reacting propylene with chlorine water and by treating the resulting chlorohydrin with sodium carbonate solution, or by reacting glycerol with sodium hydroxide. Propylene glycol is listed in § 182.4666 (formerly § 121.101 (d)(3), prior to recodification published in the FEDERAL REGISTER of March 15, 1977(42 FR 14302)), as GRAS for use in food as an emulsifying agent, and in § 182.1666 (formerly § 121.101(d)(8), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as GRAS for use in foods as a miscellaneous and/or general purpose food additive, pursuant to regulations published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9369) and subsequently recodified, and in § 182.90 (formerly § 121.101(h)), as GRAS for use in paper and paperboard products used in food packaging, pursuant to regulations published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421), and subsequently recodified.

Propylene glycol monostearate is a mixture of propoylene glycol mono- and di-esters of stearic and palmitic acids, produced commercially by catalytic trans-esterification between propylene glycol and a hydrogenated vegetable oil such as soybean oil. Propylene glycol monostearate is among the mono- and di-esters of propylene glycol included in § 172.856 (formerly § 121.1113, prior to recodification, published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), for use in foods as emulsifying or surface active agents, pursuant to regulations published in the FEDERAL REGISTER of January 23, 1963 (28 FR 588), and subsequently recodified.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which propylene glycol and its esters were used and at what levels. Information from surveys of consumer consumption were obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to propylene glycol and propylene glycol monostearate. In 1970, propylene glycol use in foods in the United States was reported to exceed 9,500,000 lb, which is only a slight increase above the amount used in 1960. The use of propylene glycol monostearate approximated 11,500,000 lb in 1970, a three-fold increase over 1960. Propylene glycol was first used in foods in the United States in 1920 and propylene glycol monostearate was first used in 1958.

Propylene glycol and propylene glycol monostearate have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection and (13) processing. A total of 282 abstracts on propylene glycol and its esters was reviewed and 68 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Propylene glycol has been reported to be readily absorbed from the gastrointestinal tract. Propylene glycol esters are readily hydrolyzed and the fatty acid moieties enter well recognized metabolic pathways. Independent studies have indicated that absorption of propylene glycol was rapid and complete and that formation of glycogen was promoted. After administration of radioactive propylene glycol, substantial amounts were excreted as $^{14}CO_2$ during the first 24 hours. These findings indicated that in vivo propylene glycol enters the carbohydrate cycle as is also suggested by examining its in vitro metabolism in rat liver slices. Most authorities agree that propylene glycol can be utilized as an energy source.

After absorption, propylene glycol disappeared rapidly from the blood of fasted animals. Because propylene glycol enters normal carbohydrate metabolic pathways and promotes glycogen formation, its rapid disappearance from the blood in fasted animals is not surprising. However, it is unclear as to how rapidly propylene glycol would disappear from the blood of well-fed animals in which there is only limited glycogen formation.

Although most orally-administerd propylene glycol is metabolized, an appreciable fraction is excreted unchanged in the urine. In one human study, 20 to 25 percent of a 70 g dose (approximately 1 g per kg) was excreted within 10 hours; in experiments with dogs, 20 percent of a 150 g dose was excreted within 24 hours.

The available information indicates that propylene glycol and its fatty acid esters have a very low order of acute toxicity in a variety of animals. In all animal species tested, the acute LD_{50} of propylene glycol amounts to several grams per kg of body weight. In mice, estimates ranged from 8.0 g per kg intravenously to 31.8 g per kg orally. Intraperitoneal administration generally yielded values equivalent to those obtained intravenously. In other species, the LD_{50} values were essentially within the same limits, the lowest intravenous LD_{50} values reported being 6.5 g per kg for rabbits and 6.8 g per kg for rats.

In short-term chick feeding studies, a diet containing up to 10 percent propylene glycol was generally well tolerated. Mortality was apparently not affected by even the highest doses of propylene glycol in the food. However, diets of 5 percent or more appeared to have some adverse effects on chicks; some investigators reported growth retardation, while others reported hock and toe deformities, diarrhea, or changes in the ratio of protein and fat in the carcass. In rats, the levels of propylene glycol needed to elicit undesirable responses in feeding studies appeared to be about 30 percent. Dogs tolerated the equivalent of 8 percent in the diet, or 10 percent in drinking water, without any noteworthy evidence of toxicity.

A long-term study on rats, extending over two years, showed that up to 50,000 ppm (2,500 mg per kg per day) of propylene glycol in the diet failed to produce an increased or accelerated lethality. Propylene glycol, when administered to rats in high doses (up to 7.5 percent of the diet) for 20 weeks, did not produce tissue damage. However, rats fed 20 percent or more exhibited hepatic and renal pathology.

In reproduction studies, 30 percent propylene glycol was found to decrease reproduction in the third generation and the mothers were unable to feed the young satisfactorily. However, when rats were fed 7.5 percent propylene glycol, no deleterious effect on reproduction was observed through three generations. In chicks fed diets containing 5 percent or more propylene glycol, a deformity of the toe (outward curling of

the toes at each joint) was reported and the incidence of the defect seemed to be dose-dependent. These investigators observed that similar deformities occur in chicks fed diets high in lactose, and suggested that some common metabolite of lactose and propylene glycol may be responsible for this condition.

Reports of studies specifically designed to detect carcinogenesis or mutagenesis have not been found. However, in a two-year study on dogs maintained on diets containing up to 8 percent propylene glycol (about 2 g per kg per day), the investigators observed no evidence of induction of carcinogenic changes. Further, no carcinogenic potential was revealed in a two-year study in which rats were fed up to 2500 mg per kg per day.

A recently conducted evaluation has shown that propylene glycol is not teratogenic and has no adverse effect on maternal or fetal survival in mice, rats, hamsters, and rabbits at oral dosage levels of 1,600, 1,600, 1,550, and 1,230 mg per kg of body weight, respectively. In the chick embryo, 0.05 ml of propylene glycol was not teratogenic, but when 0.2 ml was introduced into the yolk on the fourth day of incubation, a large liquid-containing cyst was observed on the dorsal side of many embryos.

There are reports that indicate propylene glycol, at extremely high doses, causes kidney damage. Degeneration of the tubular epithelium, interstitial hemorrhage, and glomerular nephritis were found in rats fed 20 percent or more of propylene glycol. Karel et al. found that some of a series of several glycols tested by intraperitoneal injection of LD_{50} doses in mice, produced glomerular and tubular kidney damage; however, propylene glycol was among the least harmful in this respect. In rabbits, evidence of some hemolytic action of propylene glycol administered at a dose of 5 ml intravenously, was visible in the kidneys in the form of hemoglobin-containing casts. In mice, rats, and guinea pigs administered lethal or near lethal doses of propylene glycol by stomach tube, nuclear pyknosis and vacuolar degeneration of the cytoplasm in kidney tubule epithelial cells, as well as protein debris and casts in the lumina of the tubules, have been observed. Hematuria was observed following intravenous administration of sublethal (6 g per kg intravenously) doses of propylene glycol to rats. There is a consensus among these investigators that propylene glycol at lethal or near lethal doses can cause some kidney damage. It is also clear that in this regard, propylene glycol is the least toxic of the glycols tested.

On the other hand, Morris et al. and Seidenfeld and Hanzlik found no evidence of chronic kidney damage resulting from feeding propylene glycol to rats at levels as high as 4.9 percent for one year or at 13.3 g per kg per day for 140 days. A functional study, done by Van Winkler and Newman in 1941, showed that when kidney function was evaluated in dogs by measuring phenolsulfonphthalein excretion over a 2-hour period in dogs that had been given drinking water containing 5 to 10 percent propylene glycol for 5 to 9 months, no abnormal changes were observed. Gaunt et al. and Weil et al., in more recent studies, also failed to detect any indication of impaired kidney function in rats and dogs fed 2 to 20 g propylene glycol per kg per day for 2 years.

While propylene glycol, fed in extremely high amounts can produce kidney damage, the available evidence does not implicate it as a nephrotoxic agent even when it is fed at levels manyfold greater than those existing in man's daily diet. It is noteworthy in this regard that the reported studies indicating the very rapid absorption and metabolism of propylene glycol have been made in fasted animals, where absorption and metabolism are likely to be favored and blood concentration is likely to be low. No reports have been found that consider blood levels of propylene glycol under conditions where glycogenesis is not favored. Since the possibility exists that higher than the reported concentrations of propylene glycol in the blood could occur in well-fed animals to which the substance is fed in large amounts, and since there is evidence that very large doses can cause some kidney damage, it may be advisable in due course, to reexamine the absorption, excretion, and metabolism of propylene glycol taking into account the nutritional state of the experimental animals.

All of the available safety information on propylene glycol and propylene glycol monostearate has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Propylene glycol is metabolized by animals and can be used as a carbohydrate source. Propylene glycol can be ingested over long periods of time and in substantial quantities (up to 5 percent of the total food intake) without causing frank toxic effects. Propylene glycol monostearate is readily hydrolyzed in vivo and the propylene glycol and fatty acid moieties enter their respective metabolic pathways. At lethal or near lethal doses (6 g per kg or more), however, it has been reported to cause kidney damage in several species and toe deformities in chicks. These doses contrast with the few mg per kg per day estimated to be the human daily dietary intake of propylene glycol.

It is the conclusion of the Select Committee that there is no evidence in the available information on propylene glycol and propylene glycol monostearate that demonstrates, or suggests reason to suspect, a hazard to the public health when they are used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of the available information on propylene glycol and propylene glycol monostearate (including reports of mutagenic tests which were not available when the Select Committee formed its conclusion), the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of propylene glycol, as a direct food ingredient or as a substance migrating to foods from paper or paperboard products used in food packaging, is justified. He further concludes that the information generated for this safety review forms a sound scientific basis for affirming as GRAS the direct food use of propylene glycol monostearate, provided the substance is produced from edible fats and/or fatty acids that are in compliance with § 172.860 (formerly § 121.1070, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

Copies of the scientific literature review on propylene glycol and derivatives, reports of teratogenic and mutagenic tests for propylene glycol, a report of mutagenic tests for propylene glycol monostearate, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151, as follows:

Title	Order No.	Cost
Propylene glycol and derivatives (scientific literature review).	PB-221-233	$4.50
Propylene glycol (teratology test).	PB-223-822/AS	3.50
Propylene glycol (mutagenic test).	PB-245-450/AS	4.75
Propylene glycol monostearate (mutagenic test).	PB-245-499/AS	3.75
Propylene glycol and propylene glycol monostearate (select committee report).	PB-265-504/AS	3.50

This proposed action does not affect the present use of propylene glycol or propylene glycol monostearate for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348(d), 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

1a. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting "Propylene glycol" from the list of substances.

§ 182.1666 [Revoked]

§ 182.4666 [Revoked]

b. By deleting § 182.1666 *Propylene glycol* and § 182.4666 *Propylene glycol.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 184 by adding new §§ 184.1666 and 184.1667 to read as follows:

§ 184.1666 Propylene glycol.

(a) Propylene glycol ($C_3H_8O_2$, CAS Reg. No. 000057–55–6) is also referred to as 1,2-propanediol. It does not occur in nature. Propylene glycol is manufactured by treating propylene with chlorine water to form the chlorohydrin which is converted to the glycol by treatment with sodium carbonate solution. It is also prepared by heating glycerol with sodium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first supplement.[1]

(c) The ingredient is used as an anticaking agent as defined in § 170.3(o)(1) of this chapter, antioxidant as defined in § 170.3(o)(3) of this chapter, color and coloring adjunct as defined in § 170.3(o)(4) of this chapter, dough strenthener as defined in § 170.3(o)(6) of this chapter, emulsifier as defined in § 170.3(o)(8) of this chapter, flavor agent as defined in § 170.3(o)(12) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, humectant as defined in § 170.3(o)(16) of this chapter, solvent and vehicle as defined in § 170.3(o)(27) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface active agent as defined in § 170.3(o)(29) of this chapter, and a texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used foods at levels not to exceed good manufacturing practices. Current good manufacturing practice results in maximum levels, as served, of 1 percent for baked goods as defined in § 107.3(n)(1) of this chapter, 5 percent for beverages, alcoholic, as defined in § 170.3(n)(2) of this chapter, 24 percent for confections and frostings as defined in § 170.3(n)(1) of this chapter, 0.08 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, 0.8 percent for frozen dairy products as defined in § 170.3(n)(20) of this chapter, 16 percent for seasonings and flavorings as defined in § 170.3(n)(26) of this chapter, and 1 percent or less for all other food categories.

§ 184.1667 Propylene glycol monostearate.

(a) Propylene glycol monostearate (CAS Reg. No. MX8028–46–4) is a mixture of propylene glycol mono- and diesters of stearic and palmitic acids, produced commercially by catalytic transesterification between propylene glycol and a hydrogenated vegetable oil such as soy bean oil.

(b) The ingredient meets the specification of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an emulsifier or emulsifier salt, as defined in § 170.3(o)(8) of this chapter, or as a surface active agent as defined in § 170.3(o)(29) of this chapter.

(d) The ingredient is used in foods at levels not to exceed good manufacturing practices. Current good manufacturing practice in the use of propylene glycol monostearate results in maximum levels, as served, of 1.8 percent for baked goods and baking mixes as defined in § 170.3(n)(1) of this chapter, 1 percent for cheeses as defined in § 170.3(n)(5) of this chapter, 0.5 percent for dairy product analogs as defined in § 170.3(n)(10) of this chapter, 12 percent for fats and oils as defined in § 170.3(n)(12) of this chapter, 0.8 percent for gelatins and puddings as defined in § 170.3(n)(22) of this chapter, and 0.02 percent or less for all other food categories.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. In Part 186 by adding new § 186.1666 to read as follows:

§ 186.1666 Propylene glycol.

(a) Propylene glycol ($C_3H_8O_2$, CAS Reg. No. 000057–55–6) is also referred to as 1,2-propanediol. It does not occur in nature. Propylene glycol is manufactured by treating propylene with chlorine water to form the chlorohydrin which is converted to the glycol by treatment with sodium carbonate solution. It is also prepared by heating glycerol with sodium hydroxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first supplement.[1]

(c) The ingredient is used or intended for use as a constituent of paper and paperboard food packaging containers.

(d) The ingredient is used at levels not to exceed good manufacturing practices.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before August 16, 1977, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably in quadruplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 10, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–17094 Filed 6–16–77;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave., NW., Washington, D.C. 20037.

[21 CFR Part 201]

[Docket No. 77N–0102]

THYROID, DIGITALIS, AND RELATED DRUGS FOR HUMAN USE

Proposed Labeling Requirements

Correction

In FR Doc. 77–15090, appearing at page 27262 in the issue of Friday, May 27, 1977, the material in small type in paragraph (b) of §§ 201.316 and 201.317 on page 27263 should be boxed.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Operation and Maintenance

AGENCY: Bureau of Indian Affairs, Department of Interior.

ACTION: Proposed amendment.

SUMMARY: The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1978 season. This action is necessary to cover the increase in operation and maintenance costs of the Irrigation Project. Since this revision will change the basic rate of operation and maintenance charges of lands within an Irrigation District, public comment is deemed advisable.

DATES: Interested persons may submit written comments, suggestions, or arguments with respect to the proposed amendment on or before July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George L. Moon, Project Engineer, Flathead Irrigation Project, Box 198, St. Ignatius, Montana 59865, Telephone 406–745–2661.

SUPPLEMENTARY INFORMATION: The primary author of this document is Mr. George L. Moon. It is hereby certified that the economic and inflationary impacts of this proposed amendment have been carefully evaluated in accordance with Executive Order 11821. The three mentioned Irrigation District Boards of Commissioners have, by resolution, supported this amendment.

Accordingly, it is proposed that §§ 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1978 an assessment of $550,607.19 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 88,097.15 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on

March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1978 an assessment of $97,448.34 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,241.39 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1931, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1978 an assessment of $45,201.30 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,471.29 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[FR Doc.77-17064 Filed 6-16-77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the public inspection of written determinations, which are rulings, determination letters, and technical advice memoranda. Provisions for public inspection of written determinations were added by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to take advantage of the new provisions. The regulations would affect taxpayers who request a written determination and persons who want to inspect a written determination.

DATES: Written comments and requests for a public hearing must be delivered or mailed by August 1, 1977. The amendments are proposed to be effective with respect to written determinations issued in response to requests submitted after October 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-6456).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6110 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1201(a) of the Tax Reform Act of 1976 (90 Stat. 1660) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

WRITTEN DETERMINATIONS

The proposed regulations define rulings, determination letters, technical advice memoranda, and background file documents, and describe those to which section 6110 applies. Those written determinations for which the determination of whether disclosure should occur is made pursuant to section 6104 are not subject to section 6110. Written determinations relating to accounting or funding periods and methods and background file documents relating to any written determination are subject to inspection only upon written request. Technical advice memoranda and background file documents relating to civil fraud or criminal investigations and jeopardy or termination assessments are not open to public inspection until all proceedings relating to the assessment or investigation are completed, and then only if a written request for inspection thereof is made.

DELETIONS

Portions of the text of a written determination which contain identifying details about any person, personal privacy information, national defense material, confidential financial data, or geological information are not disclosed. The proposed regulations describe the criteria to be used in determining whether any portion of a written determination should be deleted.

THIRD PARTY CONTACTS

Section 6110 (d) provides that when a person (with limited exceptions) contacts the Internal Revenue Service concerning a pending request by another person for a written determination a record of the contact will be made. When the written determination is made open to public inspection a notation of the date and nature of the contact will be placed on the written determination. The proposed regulations provide that any person can ascertain the identity of the person who made the contact by requesting the Internal Revenue Service to disclose it. The identity of the person who requested the written determination (or about whose return technical advice was sought) can be disclosed only by a court order in a proceeding brought for that purpose. The court may order that the identity be disclosed if impropriety or undue influence has occurred.

NOTICE OF DISCLOSURE

Section 6110(f) requires the Internal Revenue Service to notify certain persons prior to making open or subject to inspection a written determination or background file document. The proposed regulations describe the contents of the notice of intention to disclose, and the time at which the notice must be sent.

TIME OF DISCLOSURE

The proposed regulations set forth the time at which a written determination or background file document is to be made open to public inspection. The person who requested a written determination may request two delays in the time at which the written determination is made open to public inspection if the transaction described therein is not yet completed. However, neither delay may postpone the opening of the written determination to public inspection beyond the day which is 15 days after the date of the actual completion of the transaction.

RESTRAINT OF DISCLOSURE

The proposed regulations, by cross-reference to the Statement of Procedural Rules, provide that prior to issuance of a written determination the Internal Revenue Service may discuss with the person requesting the written determination (or the taxpayer about whose return technical advice is requested) the deletions to be made from the text thereof. The Internal Revenue Service will attempt to reach an agreement on deletions with that person. If, after receiving the written determination, the person is dissatisfied with the extent of the deletions made, an action can be brought in the Tax Court to restrain disclosure of the disputed portions. Persons with a direct interest in maintaining the confidentiality of any portion of a written determination may also bring these actions. The commencement of an action delays the opening to public inspection of the disputed portions.

ADDITIONAL DISCLOSURE

The proposed regulations provide that any person who is of the opinion that material deleted from the text of any written determination or background file document open or subject to inspection should be disclosed may request the Internal Revenue Service to disclose it. The proposed regulations provide procedures that the Internal Revenue Service will follow before any additional disclosure may be made in response to this request.

If the additional disclosure is not made, the person seeking it may bring an action in the Tax Court or District Court for disclosure. The proposed regulations provide that whenever an action to restrain disclosure or to obtain disclosure is brought, the Internal Revenue Service will notify certain persons. Persons so notified are permitted to intervene in the action.

MISCELLANEOUS

The proposed regulations provide that no precedential status attaches to a written determination open to public inspection. Liability of the Internal Revenue Service for disclosure is limited to intentional failure to make deletions or to conform with the time requirements for disclosure. The records disposal procedures of the Internal Revenue Service are substantially unaffected. Written determinations which are designated as being of significant reference value or which are the bases for certain published revenue rulings cannot be disposed. The proposed regulations also provide procedures for requesting that written determinations or background file documents be made open or subject to inspection, for requesting copies, and for the imposition of fees by the Internal Revenue Service for these services.

PRIOR RULINGS

Section 301.6110-6 of the proposed regulations is "reserved" pending formulation of regulations with respect to written determinations requested prior to November 1, 1976.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Beforeadopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitter written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was James Edward Maule of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and styles.

Proposed amendments to the regulations. The proposed amendments to 26 CFR Part 301 are as follows:

§ 301.6111 [Redesignated]

Paragraph 1. Section 301.6110 is redesignated as § 301.6111.

Paragraph 2. There are added immediately after § 301.6109-1 the following new sections:

§ 301.6110-1 Public inspection of written determinations and background file documents.

(a) *General rule.* Except as provided in § 301.6110-3, relating to deletion of certain information, § 301.6110-5(b), relating to actions to restrain disclosure, paragraph (b)(2) of this section, relating to technical advice memoranda involving civil fraud and criminal investigations, and jeopardy and termination assessments, and paragraph (b)(3) of this section, relating to general written determinations relating to accounting or funding periods and methods, the text of any written determination (as defined in § 301.6110-2(a)) issued pursuant to a request postmarked or hand delivered after October 31, 1976, shall be open to public inspection in the places provided in paragraph (c)(1) of this section. The text of any written determination issued pursuant to a request postmarked or hand delivered before November 1, 1976, shall be open to public inspection pursuant to section 6110(h) and § 301.6110-6, when funds are appropriated by Congress for such purpose. The procedures and rules set forth in §§ 301.6110-1 through 301.6110-5 and 301.6110-7 do not apply to written determinations issued pursuant to requests postmarked or hand delivered before November 1, 1976, unless § 301.6110-6 states otherwise. There shall also be open to public inspection in each place of public inspection an index to the written determinations open or subject to inspection at such place. Each such index shall be arranged by section of the Internal Revenue Code, related statute, or tax treaty and by subject matter description within such section in such manner as the Commissioner may from time to time provide. The Commissioner shall not be required to make any written determination or background file document open to public inspection pursuant to section 6110 or refrain from disclosure of any such documents or any information therein, except as provided by section 6110 or with respect to a discovery order made in connection with a judicial proceeding. The provisions of section 6110 shall not apply to matters for which the determination of whether public inspection should occur is made pursuant to section 6104. Matters within the ambit of section 6104 include: any application filed with the Internal Revenue Service with respect to the qualification or exempt status of an organization, plan, or account described in section 6104(a)(1), whether the plan or account has more than 25 or less than 26 participants; any document issued by the Internal Revenue Service in which the qualification or exempt status of an organization, plan, or account described in section 6104(a)(1) is granted, denied or revoked or the portion of any document in which technical advice with respect thereto is given to a district director; any application filed, and any document issued by the Internal Revenue Service, with respect to the qualification or status of master, prototype, and pattern employee plans; the portion of any document issued by the Internal Revenue Service in which is discussed the effect on the qualification or exempt status of an organization, plan, or account described in section 6104(a)(1) of proposed transactions by such organization, plan, or account; and any document issued by the Internal Revenue Service in which is discussed the qualification or status of an organization described in section 509(a) or 4942(j)(3), but not including any document issued to non-exempt charitable trusts described in section 4947(a)(1).

(b) *Items that may be inspected only under certain circumstances*—(1) *Background file documents.* A background file document (as such term is defined in § 301.6110-2(g)) relating to a particular written determination issued pursuant to a request postmarked or hand delivered after October 31, 1976, shall not be subject to inspection until such written determination is open to public inspection or available for inspection pursuant to paragraph (b)(2) or (3) of this section, and then only if a written request pursuant to paragraph (c)(4) of this section is made for inspection of such background file document. Background file documents relating to written determinations issued pursuant to requests postmarked or hand delivered before November 1, 1976, shall be subject inspection pursuant to section 6110(h) and § 301.6110-6, when funds are appropriated by Congress for such purpose. The version of the background file document which is available for inspection shall be the version originally made available for inspection, as modified by any additional disclosure pursuant to section 6110(d)(3) and (f)(4).

(2) *Technical advice memoranda involving civil fraud and criminal investigations, jeopardy and termination assessments.* Any technical advice memorandum (as such term is defined in § 301.6110-2(f)) involving any matter that is the subject of a civil fraud or criminal investigation, a jeopardy assessment (as such term is defined in section 6861), or a termination assessment (as such term is defined in section 6851) shall not be subject to inspection until all actions relating to such investigation or assessment are completed and then only if a written request pursuant to paragraph (c)(4) of this section is made for inspection of such technical advice memorandum. A "civil fraud investigation" is any administrative step or judicial proceeding in which an issue for determination is whether the Commissioner should impose additional tax pursuant to section 6653(b). A "criminal investigation" is any administrative step or judicial proceeding in which an issue for determination is whether a taxpayer should be charged with or is guilty of criminal conduct. An action relating to a civil fraud or criminal investigation includes any such administrative step or judicial proceeding, the review of subsequent related activities and related returns of the taxpayer or related taxpayers, and any

JUN 17 1977 UM

other administrative step or judicial procedure or proceeding or appellate process that is initiated as a consequence of the facts and circumstances disclosed by such investigation. An action relating to a jeopardy or termination assessment includes any administrative step or judicial proceeding that is initiated to determine whether to make such assessment, that is brought pursuant to section 7429 to determine the appropriateness or reasonableness of such assessment, or that is brought to resolve the legal consequences of the tax status or liability issue underlying the making of such assessment. Any action relating to a civil fraud or criminal investigation, a jeopardy assessment, or a termination assessment is not completed until all available administrative steps and judicial proceedings and remedies, including appeals, have been completed.

(3) *Written determinations with respect to adoption of or change in certain accounting or funding periods and methods.* Any general written determination (as defined in § 301.6110–2 (c)) that relates solely to approval of any adoption of or change in:

(i) The funding method or plan year of a plan under section 412,

(ii) A taxpayer's annual accounting period under section 442,

(iii) A taxpayer's method of accounting under section 446 (e), or

(iv) A partnership's or partner's taxable year under section 706

shall not be subject to inspection until such written determination would, but for this (3), be open to public inspection pursuant to § 301.6110–5 (c) and then only if a written request pursuant to paragraph (c) (4) of this section is made for inspection of such written determination.

(c) *Procedure for public inspection.*— (1) *Place of public inspection.* The text of any ruling (as such term is defined in § 301.6110–2(d)) or technical advice memorandum that is open to public inspection pursuant to section 6110 shall be located in the National Office Reading Room. The text of any determination letter (as such term is defined in § 301.6110–2(e)) that is open to public inspection pursuant to section 6110 shall be located in the Reading Room of the Regional Office in which is located the district office that issued such determination letter. Inspection of any written determination subject to inspection only upon written request shall be requested from the National Office Reading Room. Inspection of any background file document shall be requested only from the reading room in which the related written determination is either open to public inspection or subject to inspection upon written request. The locations and mailing addresses of the reading rooms are set forth in § 601.702 (b) (3) (ii) of this chapter.

(2) *Time and manner of public inspection.* The inspection authorized by section 6110 will be allowed only in the place provided for such inspection in the presence of an internal revenue officer or employee and only during the regular hours of business of the Internal Revenue Service office in which the reading room is located. The public will not be allowed to remove any record from a reading room. A person who wishes to inspect reading room material without visiting a reading room may submit a written request pursuant to paragraph (c) (4) of this section for copies of any such material to the Internal Revenue Service reading room in which is located such material.

(3) *Copies.* Notes may be taken of any material open to public inspection under section 6110, and copies may be made manually. Copies of any material open to public inspection or subject to inspection upon written request will be furnished by the Internal Revenue Service to any person making requests therefor pursuant to paragraph (c) (4) of this section. If made at the time of inspection, the request for copies need not be in writing, unless the material is not immediately available for copying. The Commissioner may prescribe fees pursuant to section 6110(j) for furnishing copies of material open or subject to inspection.

(4) *Requests.* Any request for copies of written determinations, for inspection of general written determinations relating to accounting or funding periods and methods or technical advice memoranda involving civil fraud and criminal investigations, and jeopardy and termination assessments, for inspection or copies of background file documents, and for copies of the index shall be submitted to the reading room in which is located the requested material. If made in person, the request may be submitted to the internal revenue employee supervising the reading room. The request shall contain:

(i) Authorization for the Internal Revenue Service to charge the person making such request for making copies, searching for material, and making deletions therein;

(ii) The maximum amount of charges which the Internal Revenue Service may incur without further authorization from the person making such request;

(iii) With respect to requests for inspection and copies of background file documents, the file number of the written determination to which such background file document relates and a specific identification of the nature or type of the background file document requested;

(iv) With respect to requests for inspection of general written determinations relating to accounting or funding periods and methods, the day, week, or month of issuance of such written determination, and the applicable category as selected from a special summary listing of categories prepared by the Internal Revenue Service;

(v) With respect to requests for copies of written determinations, the file number of the written determination to be copied, which can be ascertained in the reading room or from the index;

(vi) With respect to requests for copies of portions of the index, the section of the Internal Revenue Code, related statute or tax treaty in which the person making such request is interested;

(vii) With respect to material which is to be mailed, the name, address, and telephone number of the person making such request and the address to which copies of the requested material should be sent; and

(viii) Such other information as the Internal Revenue Service may from time to time require in its operation of reading rooms.

§ 301.6110–2 Meaning of terms.

(a) *Written determination.* A "written determination" is a ruling, a determination letter, or a technical advice memorandum, as such terms are defined in paragraphs (d), (e), and (f) of this section, respectively. Notwithstanding paragraphs (d) through (f) of this section, a written determination does not include, for example, opinion letters (as defined in § 601.201(a)(4) of this chapter), information letters (as defined in § 601.201(a)(5) of this chapter), technical information responses, technical assistance memoranda, notices of deficiency, reports on claims for refund, Internal Revenue Service decisions to accept taxpayers' offers in compromise, earnings and profits determinations, or documents issued by the Internal Revenue Service in the course of tax administration that are not disclosed to the persons to whose tax returns or tax liability the documents relate.

(b) *Reference written determination.* A "reference written determination" is any written determination that the Commissioner determines to have significant reference value. Any written determination that the Commissioner determines to be the basis for a published Revenue Ruling is a reference written determination until such Revenue Ruling is obsoleted, revoked, superseded or otherwise held to have no effect.

(c) *General written determination.* A "general written determination" is any written determination that is not a reference written determination.

(d) *Ruling.* A "ruling" is a written statement issued by the National Office to a taxpayer or to the taxpayer's authorized representative (as such term is defined in § 601.201(e)(7) of this chapter) on behalf of the taxpayer, that interprets and applies tax laws to a specific set of facts. A ruling generally recites the relevant facts, sets forth the applicable provisions of law, and shows the application of the law to the facts.

(e) *Determination letter.* A "determination letter" is a written statement issued by a district director in response to a written inquiry by an individual or an organization that applies principles and precedents previously announced by the National Office to the particular facts involved.

(f) *Technical advice memorandum.* A "technical advice memorandum" is a written statement issued by the National Office to, and adopted by, a district director in connection with the examination of a taxpayer's return or consideration of a taxpayer's claim for refund or credit. A technical advice memorandum generally recites the relevant facts, sets forth the applicable law, and states a legal conclusion.

(g) *Background file document.*—(1) *General rule.* A "background file document" is: (i) The request for a written determination,

(ii) Any written material submitted in support of such request by the person by whom or on whose behalf the request for a written determination was made,

(iii) Any written communication, or memorandum of a meeting, telephone communication, or other contact, between employees of the Internal Revenue Service or Office of its Chief Counsel and persons outside the Internal Revenue Service in connection with such request or written determination which is received prior to the issuance (as such term is defined in paragraph (h) of this section) of the written determination, but not including communications described in paragraph (g)(2) of this section, and

(iv) Any subsequent communication between the National Office and a district director concerning the factual circumstances underlying the request for a technical advice memorandum, or concerning a request by the district director for reconsideration by the National Office of a proposed technical advice memorandum.

(2) *Limitations.* Notwithstanding paragraph (g)(1) of this section, a "background file document" shall not include any:

(i) Communication between the Department of Justice and the Internal Revenue Service or the Office of its Chief Counsel relating to any pending civil or criminal case or investigation,

(ii) Communication between Internal Revenue Service employees and employees of the Office of its Chief Counsel,

(iii) Internal memorandum or attorney work product prepared by the Internal Revenue Service or Office of its Chief Counsel which relates to the development of the conclusion of the Internal Revenue Service in a written determination, including, with respect to a technical advice memorandum, the Transmittal Memorandum, as defind in § 601.105 (b)(5)(vi)(c) of this chapter,

(iv) Correspondence or any portion of correspondence between the Internal Revenue Service and any person relating solely to the making of or extent of deletions pursuant to section 6110(c), or a request pursuant to sction 6110(g) (3) and (4) for postponement of the time at which a written determination is made open or subject to inspection,

(v) Material relating to (A) a request for a ruling or determination letter that is withdrawn prior to issuance thereof or that the Internal Revenue Service declines to answer, (B) a request for technical advice that the National Office declines to answer, or (C) the appeal of a taxpayer from the decision of a district director not to seek technical advice, or

(vi) Response to a request for technical advice which the district director declines to adopt, and the district director's request for reconsideration thereof.

(h) *Issuance.* "Issuance" of a written determination occurs, with respect to rulings and determination letters, upon the mailing of the ruling or determination letter to the person to whom it pertains. Issuance of a technical advice memorandum occurs upon the adoption of the technical advice memorandum by the district director.

(i) *Person to whom written determination pertains.* A "person to whom a written determination pertains" is the person by whom a ruling or determination letter is requested, but if requested by an authoried representative, the person on whose behalf the request is made. With respect to a technical advice memorandum, a "person to whom a written determination pertains" is the taxpayer whose return is being examined or whose claim for refund or credit is being considered.

(j) *Person to whom a background file document relates.* A "person to whom a background file document relates" is the person to whom the related written determination pertains, as such term is defined in paragraph (i) of this section.

(k) *Person who has a direct interest in maintaining confidentiality.* A "person who has a direct interest in maintaining the confidentiality of a written determination" is any person whose name and address is listed in the request for such written determination, as required by § 601.201(e)(2) of this chapter. A "person who has a direct interest in maintaining the confidentiality of a background file document" is any person whose name and address is in such background file document, or who has a direct interest in maintaining the confidentiality of the written determination to which such background file document relates.

(l) *Successor in interest.* A "successor in interest" to any person to whom a written determination pertains or background file document relates is any person who acquires the rights and assumes the liabilities of such person with respect to the transaction which was the subject matter of the written determination, provided that the successor in interest notifies the Commissioner with respect to the succession in interest.

§ 301.6110–3 Deletion of certain information in written determinations open to public inspection.

(a) *Information subject to deletion.* There shall be deleted from the text of any written determination open to public inspection or subject to inspection upon written request and background file document subject to inspection upon written request pursuant to section 6110 the following types of information:

(1) *Identifying details:* (i) The names, addresses, and identifying numbers (including telephone, license, social security, employer identification, credit card, and selective service numbers) of any person, other than the identifying details of a person who makes a third-party communication described in § 301.6110–4 (a), and

(ii) Any other information that would permit a person generally knowledgeable with respect to the appropriate community to identify any person. The determination of whether information would permit identification of a particular person will be made in view of information available to the public at the time the written determination or background file document is made open or subject to inspection and in view of information that will subsequently become available, provided the Internal Revenue Service is made aware of such information and the potential that such information may identify any person. The "appropriate community" is that group of persons who would be able to associate a particular person with a category of transactions one of which is described in the written determination or background file document. The appropriate community may vary according to the nature of the transaction which is the subject of the written determination. For example, if a steel company proposes to enter a transaction involving the purchase and installation of blast furnaces, the "appropriate community" may include all steel producers and blast furnace manufacturers, but if the installation process is a unique process of which everyone in national industry is aware, the "appropriate community" might also include the national industrial community. On the other hand, if the steel company proposes to enter a transaction involving the purchase of land on which to construct a building to house the blast furnaces, the "appropriate community" may also include those residing or doing business within the geographical locale of the land to be purchased.

(2) *Information concerning national defense and foreign policy.* Information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and which is in fact properly classified pursuant to such order.

(3) *Information exempted by other statutes and agency rules.* Information specifically exempted from disclosure by any statute other than the Internal Revenue Code of 1954 and 5 U.S.C. 552 which is applicable to the Internal Revenue Service, and any information obtained by the Internal Revenue Service solely and directly from another Federal agency subject to a nondisclosure rule of such agency. Deletion of information shall not be made solely because the same information was submitted to another Federal agency subject to a nondisclosure rule applicable only to such agency.

(4) *Trade secrets and privileged or confidential commercial or financial information.*—(i) *Deletions to be made.* Any—

(A) Trade secrets, and

(B) Commercial or financial information obtained from any person which, despite the fact that identifying details are deleted pursuant to paragraph (a)(1) of this section, nonetheless remains privileged or confidential.

(ii) *Trade secret.* For purposes of paragraph (a)(4)(i)(A) of this section, a trade secret may consist of any formula, pattern, device or compilation of information that is used in one's business, and that gives one an opportunity to obtain an advantage over competitors

who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. The subject of a trade secret must be secret, that is, it must not be of public knowledge or of a general knowledge in the trade or business. Novelty, in the patent law sense, is not required for a trade secret.

(iii) *Privileged or confidential.* For purposes of paragraph (a)(4)(i)(B) of this section, information is privileged or confidential if from examination of the request and supporting documents relating to a written determination, and in consideration of the fact that identifying details are deleted pursuant to paragraph (a)(1) of this section, it is determined that disclosure of such information would cause substantial harm to the competitive position of any person. For example, while determining whether disclosure of certain information would cause substantial harm to X's competitive position, the Internal Revenue Service becomes aware that this information has previously been disclosed to the public. In this situation, the Internal Revenue Service will not agree with X's argument that disclosure of the information would cause substantial harm to X's competitive position. An example of information previously disclosed to the public is financial information contained in the published annual reports of widely held public corporations.

(5) *Information within the ambit of personal privacy.* Information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, despite the fact that identifying details are deleted pursuant to paragraph (a)(1) of this section. Personal privacy information encompasses embarassing or sensitive information that a reasonable person would not reveal to the public under ordinary circumstances. Matters of personal privacy include, but are not limited to, details not yet public of a pending divorce, medical treatment for physical or mental disease or injury, adoption of a child, the amount of a gift, and political preferences. A clearly unwarranted invasion of personal privacy exists if from analysis of information submitted in support of the request for a written determination it is determined that the public interest purpose for requiring disclosure is outweighed by the potential harm attributable to such invasion of personal privacy.

(6). *Information concerning agency regulation of financial institutions.* Information contained in or related to reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions concerning examination, operation or condition of a financial institution, disclosure of which would damage the standing of such financial institution.

(7) *Information concerning wells.* Geological or geophysical information and data, including maps, concerning wells.

(b) *Manner of deletions.* Whenever information, which is not to be disclosed pursuant to section 6110(c), is deleted from the text of a written determination or background file document, substitutions therefore shall be made to the extent feasible if necessary for an understanding of the legal analysis developed in such written determination or to make the disclosed text of a background file document comprehensible. Wherever any material is deleted, an indication of such deletion, and of any substitution therefor, shall be made in such manner as the Commissioner deems appropriate.

(c) *Limitations on the making of deletions.* Any portion of a written determination or background file document that has been deleted will be restored to the text thereof—

(1) If pursuant to section 6110(d)(3) or (f)(4)(A) a court orders disclosure of such portion, or

(2) If pursuant to § 301.6110–5(d)(1) an agreement is reached to disclose information.

§ 301.6110–4 Communications from third parties.

(a) *General rule.* Except as provided in paragraph (b) of this section, a record will be made of any communication, whether written, by telephone, at a meeting, or otherwise, received by the Internal Revenue Service or Office of its Chief Counsel prior to the issuance of a written determination from any person other than a person to whom the written determination pertains or the authorized representative of such person. This rule applies to any communication concerning such written determination, any communication concerning the request for such written determination, or any communication concerning other matters involving such written determination. A notation that such communication has been made shall be placed on such written determination when it is made open to public inspection or available for inspection upon written request pursuant to § 301.6110–5. The notation to be placed on a written determination shall consist of the date on which the communication was received and the category of the person making such communication, for example, Congressional, Department of Commerce, Treasury, trade association, White House, educational institution. Any person may request the Internal Revenue Service to disclose the name of any person about whom a notation has been made pursuant to this paragraph.

(b) *Limitations.* The provisions of paragraph (a) of this section shall not apply to communications received by the Internal Revenue Service from employees of the Internal Revenue Service or Office of its Chief Counsel, from the Chief of Staff of the Joint Committee on Internal Revenue Taxation, from the Department of Justice with respect to any pending civil or criminal case or investigation, or from another government agency in response to a request made by the Internal Revenue Service to such agency for assistanee involving the expertise of such agency.

(c) *Action to obtain disclosure of identity of person to whom written determination pertains.*—(1) *Creation of remedy.* With respect to any written determination on which a notation has been placed pursuant to paragraph (a) of this section, any person may file a petition in the United States Tax Court or file a complaint in the United States District Court for the District of Columbia for an order requiring that the identity of any person to whom such written determination pertains be disclosed, but such petition or complaint must be filed within 36 months of the date such written determination is made open or subject to inspection.

(2) *Necessary disclosure.* Whenever an action is brought pursuant to section 6110(d)(3), the court may order that the identity of any person to whom the written determination pertains be disclosed. Such disclosure may be ordered if the court determines that there is evidence in the record from which it could reasonably be concluded that an impropriety occurred or undue influence was exercised with respect to such written determination by or on behalf of the person to whom the written determination pertains. The court may, pursuant to section 6110(d)(3), also order the disclosure of any material deleted pursuant to section 6110(c) if such disclosure is in the public interest. The written determination or background file document with respect to which the disclosure was sought shall be revised to disclose the information which the court orders to be disclosed.

(3) *Required notice.* If a proceeding is commenced pursuant to section 6110(d)(3) and paragraph (c)(1) of this section with respect to any written determination, the Secretary shall send notice of the commencement of such proceeding to any person whose identity is subject to being disclosed and to the person about whom a third-party communication notation has been made pursuant to section 6110(d)(1). Such notice shall be sent, by registered or certified mail, to the last known address of the persons described in this (3) within 15 days after notice of the petition or complaint filed pursuant to section 6110(d)(3) is served on the Secretary.

(4) *Intervention.* Any person who is entitled to receive notice pursuant to paragraph (c)(3) of this section shall have the right to intervene in any action brought pursuant to section 6110(d)(3). If appropriate such person shall be permitted to intervene anonymously.

§ 301.6110–5 Notice and time requirements; actions to restrain disclosure; actions to obtain additional disclosure.

(a) *Notice.*—(1) *General rule.* Before a written determination is made open to public inspection or subject to inspection upon written request, or before a background file document is subject to inspection upon written request, the person to

whom the written determination pertains or background file document relates shall be notified by the Commissioner of intention to disclose such written determination or background file document. The notice with respect to a written determination, other than a written determination described in § 301.6110–1(b)(2) or (3) shall be mailed when such written determination is issued. The notice with respect to any written determination relating to accounting or funding periods and methods, any technical advice memoranda involving civil fraud and criminal investigations, and jeopardy and termination assessments, and any background file document shall be mailed within a reasonable time after the receipt of the first written request for inspection thereof.

(2) *Contents of notice.* The notice required by paragraph (a)(1) of this section shall—

(i) Include a copy of the text of the written determination or background file document, which the Commissioner proposes to make open to public inspection or subject to inspection pursuant to a written request, on which is indicated (A) the material that the Commissioner proposes to delete pursuant to section 6110(c), (B) any substitutions proposed to be made therefor, and (C) any third-party communication notations required to be placed pursuant to § 301.6110–4(a) on the face of the written determination,

(ii) State that the written determination or background file document is to be open to public inspection or subject to inspection pursuant to a written request pursuant to section 6110,

(iii) State that the recipient of the notice has the right to seek administrative remedies pursuant to paragraph (b)(1) of this section and to commence judicial proceedings pursuant to section 6110(f)(3) within indicated time periods, and

(iv) Prominently indicate the date on which the notice is mailed.

(b) *Actions to restrain disclosure*—(1) *Administrative remedies.* Any person to whom a written determination pertains or background file document relates, and any successor in interest, executor or authorized representative of such person may pursue the administrative remedies described in § 601.105(b)(5)(iii)(*i*) and (vi)(*f*) and § 601.201(e)(11) and (16) of this chapter. Any person who has a direct interest in maintaining the confidentiality of any written determination or background file document or portion thereof may pursue the administrative remedies described in § 601.105(b)(5)(vi)(*f*) and § 601.201(e)(16) of this chapter. No person about whom a third-party communication notation has been made pursuant to § 301.6110–4(a) may pursue any administrative remedy for the purpose of restraining disclosure of the identity of such person where such identity appears with respect to the making of such third-party communication.

(2) *Judicial remedy.* Except as provided in paragraph (b)(3) of this section, any person permitted to resort to administrative remedies pursuant to paragraph (b)(1) of this section may, if such person proposes any deletion not made pursuant to § 301.6110–3 by the Commissioner, file a petition in the United States Tax Court pursuant to section 6110(f)(3) for a determination with respect to such proposed deletion. If appropriate, such petition may be filed anonymously. Any petition filed pursuant to section 6110(f)(3) must be filed within 60 days after the date on which the Commissioner mails the notice of intention to disclose required by section 6110(f)(1).

(3) *Limitations on right to bring judicial actions.* No petition shall be filed pursuant to section 6110(f)(3) unless the administrative remedies provided by paragraph (b)(1) of this section have been exhausted. However, if the petitioner has responded within the prescribed time period to the notice pursuant to section 6110(f)(1) of intention to disclose, but has not received the final administrative conclusion of the Internal Revenue Service within 50 days after the date on which the Commissioner mails the notice of intention to disclose required by section 6110(f)(1), the petitioner may file a petition pursuant to section 6110(f)(3). No judicial action with respect to any written determination or background file document shall be commenced pursuant to section 6110(f)(3) by any person who has received a notice with respect to such written determination or background file document pursuant to paragraph (b)(4) of this section.

(4) *Required notice.* If a proceeding is commenced pursuant to section 6110(f)(3) with respect to any written determination or background file document, the Secretary shall send notice of the commencement of such proceeding to any person to whom such written determination pertains or to whom such background file document relates. No notice is required to be sent to persons who have filed the petition that commenced the proceeding pursuant to section 6110(f)(3) with respect to such written determination or background file document. The notice shall be sent, by registered or certified mail, to the last known address of the persons described in this (4) within 15 days after notice of the petition filed pursuant to section 6110(f)(3) is served on the Secretary.

(5) *Intervention.* Any person who is entitled to receive notice pursuant to paragraph (b)(4) of this section shall have the right to intervene in any action brought pursuant to this section. If appropriate, such person shall be permitted to intervene anonymously.

(c) *Time at which open to public inspection*—(1) *General rule.* Except as otherwise provided in paragraph (c)(2) of this section, the text of any written determination or background file document open to public inspection or available for inspection upon written request pursuant to section 6110 shall be made open to or available for inspection no earlier than 75 days and no later than 90 days after the date on which the Commissioner mails the notice required by paragraph (a)(1) of this section. However, if an action is brought pursuant to section 6110(f)(3) to restrain disclosure of any portion of such written determination or background file document the disputed portion of such written determination or background file document shall be made open to or available for inspection pursuant to paragraph (c)(2)(i) of this section.

(2) *Limitations*—(i) *Court order.* The portion of the text of any written determination or background file document that was subject to an action pursuant to section 6110(f)(3) to restrain disclosure in which the court determined that such disclosure should not be restrained shall be made open to or available for inspection within 30 days of the date that the court order becomes final. However, in no event shall such portion of the text of such written determination or background file document be made open to or available for inspection earlier than 75 days after the date on which the Commissioner mails the notice of intention to disclose required by section 6110(f)(1) and paragraph (a)(1) of this section. Such 30-day period may be extended for such time as the court finds necessary to allow the Commissioner to comply with its decision. Any portion of a written determination or background file document which a court orders open to public inspection or subject to inspection upon written request pursuant to section 6110(f)(4) or disclosed pursuant to section 6110(d)(3) shall be made open or subject to inspection or disclosed within such time as the court provides.

(ii) *Postponement based on incomplete status of underlying transaction*—(A) *Initial period not to exceed 90 days.* The time period set forth in paragraph (c)(1) of this section within which a written determination shall be made open to public inspection or available for inspection upon written request shall be extended, upon the written request of the person to whom such written determination pertains or the authorized representative of such person, until 15 days after the date on which the transaction set forth in the written determination is scheduled to be completed, but such day shall be no later than 180 days after the date on which the Commissioner mails the notice of intention to disclose.

(B) *Additional period.* The time period determined pursuant to paragraph (c)(2)(ii)(A) of this section shall be further extended upon an additional written request, if the Commissioner determines from the information contained in such request that good cause exists to warrant such extension. This further extension shall be until 15 days after the date on which the transaction set forth in the written determination is expected to be completed, but such day shall be no later than 360 days after the date on which the Commissioner mails the notice of intention to disclose. The good cause required by this (B) exists if the person requesting the delay in in-

JUN 17 7 UM

spection demonstrates to the satisfaction of the Commissioner that it is likely that the lack of such extension will cause interference with consummation of the pending transaction.

(C) *Written request for extension.* The written request for extension of the time when a written determination is to be made open to public inspection or available for inspection upon written request shall set forth the date on which it is expected that the underlying transaction will be completed, and, with respect to the additional extension described in paragraph (c)(2)(ii)(B) of this section, set forth the reason for requesting such extension. A request for extension of time may not be submitted until the notice of intention to disclose is mailed and must be received by the Internal Revenue Service office which issued such written determination no later than—

(*1*) In the case of the initial extension, 60 days after the date on which the Commissioner mails the notice of intention to disclose, or

(2) In the case of the additional extension, 15 days before the day on which, for purposes of paragraph (c)(2)(ii)(A) of this section, the transaction set forth in the written determination was expected to have been completed.

(D) *Notice and determination of actual completion.* If an extension of time for inspection has been granted, and the transaction is completed prior to the day on which it was expected to have been completed, the Internal Revenue Service office which issued such written determination shall be so notified by the person who requested such extension. In such event, the written determination shall be made open to public inspection or available for inspection upon written request on the earlier of (*1*) 30 days after the day on which the Commissioner is notified that the transaction is completed, or (2) the day on which the written determination was scheduled to be made open to public inspection or available for inspection upon written request pursuant to paragraph (c)(2)(ii) of this section. Similarly, if the Commissioner determines that the transaction was completed prior to the day on which it was expected to have been completed, even if the person requesting such extension has not so notified the Internal Revenue Service, the written determination shall be made open to public inspection or available for inspection upon written request on the earlier of (*1*) the day which is 30 days after the Commissioner ascertains that the transaction is completed sooner than has been expected, or (2) the day on which the written determination was scheduled to be made open to public inspection or available for inspection upon written request pursuant to paragraph (c)(2)(ii) of this section.

(d) *Actions to obtain additional disclosure*—(1) *Administrative remedies.* Under section 6110(f)(4) any person may seek to obtain additional disclosure of information contained in any written determination or background file document that has been made open or subject to inspection. A request for such additional disclosure shall be submitted to the Internal Revenue Service office which issued such written determination, or to which the request for inspection of such background file document has been submitted pursuant to § 301.6110–1(c)(4), and must contain the file number of the written determination or a description of the background file document (including the file number of the related written determination), the deleted information which in the opinion of such person should be open or subject to inspection, and the basis for such opinion. If the Internal Revenue Service determines that the request constitutes a request for disclosure of the name, address, or the identifying numbers described in § 301.6110–3(a)(1)(i) of any person, it shall within a reasonable time notify the person requesting such disclosure that disclosure will not be made. If the Internal Revenue Service determines that the request or any portion thereof constitutes a request for disclosure of information other than the name, address, or the identifying numbers described in § 301.6110–3(a)(1)(i) of any person, it shall send a notice that such additional disclosure has been requested to any person to whom the written determination pertains or background file document relates, and to all persons who are identified by name and address in the written determination or background file document. Notice that such persons have been contacted shall be sent to the person requesting the additional disclosure. The notice that additional disclosure has been requested shall state that the Internal Revenue Service has determined that additional disclosure of information other than the name, address, or the identifying numbers described in § 301.6110–3(a)(1)(i) of any person has been requested, inform the recipient of the notice that the person seeking the additional disclosure has the right under section 6110(f)(4) to bring a judicial action to attempt to compel such disclosure, and request the recipient of the notice to reply within 20 days by submitting a statement of whether or not the recipient of the notice agrees to the requested disclosure or portion thereof. If all persons to whom a notice is sent pursuant to this (1) agree to disclose the requested information or any portion thereof, the person seeking such disclosure will be so informed; the written determination or background file document shall be accordingly revised to disclose the information with respect to which an agreement to disclose has been reached. If any of the persons to whom a notice is sent pursuant to this (1) do not agree to the additional disclosure or do not respond to such notice, the Internal Revenue Service shall within a reasonable time so notify the person requesting such disclosure, and deny the request for additional disclosure.

(2) *Judicial remedy.* Except as provided in paragraph (d)(3) of this section, any persons who seeks to obtain additional disclosure of information contained in any written determination or background file document may file a petition pursuant to section 6110(f)(4) in the United States Tax Court or a complaint in the United States District Court for the District of Columbia for an order requiring that such information be made open or subject to inspection. Nothing in this paragraph shall prevent the Commissioner from disposing of written determinations and related background file documents pursuant to § 301.6110–7(a).

(3) *Limitations on right to bring judicial action*—(i) *Exhaustion of administrative remedies.* No petition or complaint shall be filed pursuant to section 6110(f)(4) unless the administrative remedies provided by paragraph (d)(1) of this section have been exhausted.

(ii) *Actions to obtain identity.* No petition or complaint shall be filed pursuant to section 6110(f)(4) to obtain disclosure of the identity of any person to whom a written determination on which a third-party communication notation has been placed pursuant to § 301.6110–4(a) pertains. Such actions shall be brought pursuant to section 6110(d)(3).

(4) *Required notice.* If a proceeding is commenced pursuant to section 6110(f)(4) with respect to any written determination or background file document, the Secretary shall send notice of the commencement of such proceeding to any person to whom the written determination pertains or background file document relates, and to all persons who are identified by name and address in the written determination or background file document. The notice shall be sent, by registered or certified mail, to the last known address of the persons described in this (4) within 15 days after notice of the petition or complaint filed pursuant to section 6110(f)(4) is served on the Secretary.

(5) *Intervention.* Any person who is entitled to receive notice pursuant to paragraph (d)(4) of this section shall have the right to intervene in any action brought pursuant to this section. If appropriate, such person shall be permitted to intervene anonymously.

§ 301.6110–6 Written determinations issued in response to requests received before November 1, 1976. [Reserved]

§ 301.6110–7 Miscellaneous provisions.

(a) *Disposition of written determinations and background file documents*—(1) *Reference written determinations.* The Internal Revenue Service shall not dispose of any reference written determinations or related background file documents. The Commissioner may reclassify reference written determinations as general written determinations if the classification as reference was erroneous or if the Commissioner determines that such written determination no longer has any significant reference value. Notwithstanding the preceding sentence, the Commissioner shall not classify as a general written determination any written determination which is determined to be the basis for a published Revenue Ruling unless such Revenue Ruling is obsoleted, revoked, superseded or otherwise held to have no effect.

(2) *General written determinations.* The Internal Revenue Service may dispose of general written determinations and any background file document relating to such written determination pursuant to its established records disposition procedures. Disposition of a written determination shall not occur earlier than 3 years after the date on which such written determination is made open to public inspection or available for inspection upon written request. Disposition of a background file document shall not occur earlier than 3 years after the date on which the related written determination is made open to public inspection or available for inspection upon written request.

(b) *Precedential status of written determinations open to public inspection.* A written determination may not be used or cited as precedent, but the rule set forth in this paragraph shall not apply to change the precedential status, if any, of written determinations issued with respect to taxes imposed by subtitle D of the Internal Revenue Code of 1954.

(c) *Civil remedies*—(1) *Liability for failure to make deletions or to conform to time limitations*—(i) *Creation of remedy.* An exclusive remedy against the Commissioner shall exist in the Court of Claims for—

(A) The person to whom the written determination pertains whenever the Commissioner fails to act in accordance with the time requirements of section 6110(g), and

(B) The person to whom the written determination pertains and any person identified in such written determination whenever the Commissioner fails to make deletions required by section 6110(c) if as a consequence of such failure there is disclosed the identity of such person or other information with respect to such person that is required to be deleted pursuant to section 6110(c).

(ii) *Limitations.* The remedy provided in paragraph (c)(1)(i) of this section for failure to make deletions shall be available only if—

(A) The failure of the Commissioner to make the deletions required by section 6110(c) is intentional or willful.

(B) The Commissioner fails to make any deletion required by section 6110(c) which the Commissioner has agreed to make, or

(C) The Commissioner fails to make any deletion which a court has ordered to be made pursuant to section 6110(f)(3).

(iii) *Damages.* In any suit brought pursuant to paragraph (c)(1)(i) of this section in which the court determines that an employee of the Internal Revenue Service intentionally or willfully failed to make a deletion required by section 6110(c), or intentionally or willfully failed to act in accordance with the time requirements of section 6110(g), the United States shall be liable, to the person described in paragraph (c)(1)(i) of this section who brought the action, in an amount equal to the sum of—

(A) Actual damages sustained by such person but in no case shall such person be entitled to receive less than the sum of $1,000,

(B) The costs of the action, and

(C) Reasonable attorney's fees as determined by the court.

(2) *Liability for making additional disclosure of information.* The Commissioner shall not be liable for making any additional disclosure ordered pursuant to an action described in § 301.6110–5(d)(2) if the notice required by § 301.6110–5(d)(4) is sent.

(3) *Obligation to defend action for additional disclosure.* The Commissioner shall not be required to defend any action brought to obtain additional disclosure pursuant to section 6110(f)(4) if the notice required by § 301.6110–5(d)(4) is sent.

(4) *Obligation to make deletions.* The Commissioner shall be obligated to make only those deletions required by section 6110(c) which he has agreed to make, those which a court has ordered to be made pursuant to § 301.6110–5(b)(2) and those the omission of which would be intentional or willful.

(d) *Fees*—(1) *General rule*—(i) *Copies.* The Commissioner may prescribe fees pursuant to § 601.702(f)(4) of this chapter for the costs of furnishing copies of material open to public inspection or subject to inspection upon written request pursuant to section 6110.

(ii) *Preparation of information available upon request.* The Commissioner may prescribe fees pursuant to § 601.702(f) of this chapter for the costs of searching for and making deletions from any written determinations and background file documents that are subject to inspection only upon written request pursuant to § 301.6110–1(b).

(2) *Reduction or waiver of fees*—(i) *Public interest.* The Commissioner shall reduce or waive the fees described in paragraph (d)(1) of this section if the Commissioner determines that furnishing copies of, searching for, or making deletions to any written determination or background file document primarily benefits the general public, as described in § 601.702(f)(2)(ii)(B) of this chapter.

(ii) *Previous requests.* The Commissioner may waive the fees described in paragraph (d)(1) of this section for searching for any written determination or background file document if the search for such written determination or background file document was made pursuant to a previous request for inspection thereof. The Commissioner shall waive the fees described in paragraph (d)(1) of this section for making deletions from any written determination or background file document if the making of such deletions from such written determination or background file document was made pursuant to a previous request for inspection thereof. Nothing in this (d)(2)(ii) shall prevent the Commissioner from prescribing fees for making additional deletions from such written determination or background file document pursuant to § 301.6110–5(b).

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

[FR Doc.77–17410 Filed 6–16–77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 611]

FOREIGN FISHING VENTURES WITHIN U.S. FISHERY CONSERVATION ZONE

Advance Notice of Proposed Rulemaking

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: A series of public meetings will be conducted in the near future to consider the desirability of rulemaking and other possible courses of action under the Fishery Conservation and Management Act of 1976 ("the Act") for dealing with business arrangements involving the purchase of fish by foreign buyers from U.S. fishermen. These meetings will assist the Secretary of Commerce in establishing a national policy regarding such business arrangements, whose potential effects appear in some cases consistent and in other cases inconsistent with the purposes and policies of the Act.

DATES: Meeting dates will be published in the FEDERAL REGISTER.

LOCATIONS: The locations for the public meetings will be determined after consultation with the Regional Fishery Management Councils and will be published in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Richard Schaefer, Chief, Fisheries Management Division, National Marine Fisheries Service, Washington, D.C. 20235, 202–634–7454.

SUPPLEMENTARY INFORMATION: The Act, P.L. 94–265, 16 U.S.C. 1821 et. seq., establishes the procedures for foreign participation in fisheries under the exclusive fishery management authority of the United States. Consistent with those procedures, preliminary fishery management plans were prepared in response to foreign applications for specific fisheries.

The Act requires that each preliminary fishery management plan contain a preliminary determination of the optimum yield, which is defined as the maximum sustainable yield modified by any relevant economic, social, or ecological factors. A second requirement is a preliminary determination of the total allowable level of foreign fishing with respect to the fishery addressed by the preliminary plan. The total allowable level of foreign fishing is defined as that

V 42 PHH 7
JUN 17 7
UM

portion of the optimum yield of a fishery which will not be harvested by vessels of the Unted States.

Inquiries and a permit application have now been received by the Secretary of Commerce from various entities which wish to use foreign processing and transport vessels to purchase, process and ship fish caught by U.S. fishermen, usually by transfer at sea. Some of those foreign processing and transport vessels are owned by joint U.S./foreign interests. Others are wholly owned by foreign interests. Some of these vessels presently hold permits which entitle them to operate in the U.S. fishery conservation zone; some do not at present.

Since most of the inquiries concern proposals developed after the respective preliminary management plans were completed, including the estimate of U.S. catch and the allocation to foreign nations, such proposals might cause U.S. fishermen to catch certain species of fish in an amount which could result in the total domestic and foreign catch exceeding the optimum yields established by preliminary management plans for those species. This could occur if existing foreign allocations are taken, and if the anticipated U.S. catches of those same species are exceeded by domestic fishermen already engagd in those fisheries, or in combination with additional domestic fishing effort. Other inquiries contemplate U.S. fishermen catching certain species and selling this catch to foreign processors within the estimated U.S. catch contained in preliminary management plans. In some cases, these activities were contemplated in the development of the preliminary management plans.

The Act does not provide for allocations to be made to U.S. fishermen under preliminary management plans, or limitations to be placed on the U.S. catch. Such limitations may be imposed only under permanent fishery management plans prepared by the Councils and implemented by the Secretary, which plans are not presently complete and will not be in the immediate future. Allocations, if any, under preliminary management plans are to be made only to foreign nations after all U.S. needs are satisfied. Thus, U.S. fishermen have priority. The net effect of some of the proposed transactions, however, would be to increase indirectly the quantity of certain species which foreign processors might otherwise obtain, to the possible detriment of the resource involved.

There are potential benefits to the U.S. industry from such proposals, and some aspects are consistent with the intent of the Act. Sales to foreign processing vessels represent a market for U.S.-caught fish which does not presently exist and which would provide substantial additional income to U.S. fishermen. Such sales may serve to develop U.S. capacity to take species not otherwise fished by U.S. fishermen. However, one Regional Fishery Management Council has already recommended that specific applications for permits for such activities be denied at this time pending further study of the problem. Processing vessels which already hold permits, and are fishing in conformity with U.S. regulations, are not presently prohibited from receiving and processing fish obtained from U.S. fishing vessels operating in the same fishery.

This is a matter of national significance. The Act imposes upon the Secretary the primary responsibility of protecting the fishery resources under U.S. management authority. As a related duty, the Secretary must take appropriate steps to promote the domestic commercial and recreational fisheries. Only after these primary responsibilities are met, may surplus fish be made available to foreign nations. Our responsibility to the domestic fisheries includes the development of fisheries currently underutilized by U.S. fishermen, the encouragement of a stable domestic market for U.S.-caught fish, and the conservation of fishery resources by preventing their being overfished.

Because of the importance and long-range consequences of these decisions, the Regional Fishery Management Councils and the interested public should have an ample opportunity to express comments. By following this course of action, the resources involved, the interests of the United States, and the intent of the Act will all be given adequate consideration. We do not believe that giving the Councils and others an opportunity to comment on this problem will cause serious harm to the resource, the U.S. industry, or foreign interests.

As a consequence of these factors, it is planned to take the following steps:

1. Issue a Notice of Proposed Rule-Making which would amend Sec. 611.3 of the Foreign Fishing Regulations pertaining to "Permits for foreign fishing vesels" so that the Director, National Marine Fisheries Service, could modify those portions of the permit relating to conditions and restrictions as may be necessary.

2. Conduct a series of public meetings in cooperation with the Fishery Management Councils, as appropriate, for the purpose of reviewing certain aspects of foreign business arrangements involving the purchase of fish from U.S. fishermen.

3. Issue such other Notices of Proposed Rule-Making as may be desirable to implement policy decisions reached on the matters described in Paragraph 2 above.

During the meetings we will seek to evaluate transactions at sea between foreign support vessels and U.S. fishing vessels, particularly the foreign purchase of U.S. caught fish. Possible courses of action would include, among other things:

(a) Modifying existing preliminary management plans and regulations during 1977;
(b) Changing optimum yield statements with, or without, new biological, social, or economic data;
(c) Adjusting existing foreign allocations;
(d) Modifying existing permits and issuing new ones;
(e) Establishing a long-range policy for U.S. and foreign joint participation in fishing ventures under both preliminary and fishery management plans; and
(f) Taking such other related steps as may be appropriate.

Dated this 15th day of June, 1977, at Washington, D.C.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.77-17502 Filed 6-16-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON LICENSES AND AUTHORIZATIONS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 10 a.m. July 15, 1977 in the Conference's library, 2120 L Street, NW Suite 500, Washington, DC.

The Committee will meet to consider (1) Professor Kenneth Scott's report on the dual banking system and (2) a preliminary outline of a project on waivers from the requirements of rules of general applicability.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Philip J. Harter, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JUNE 13, 1977.

[FR Doc.77-17401 Filed 6-16-77;8:45 am]

ADMINISTRATOR EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-108]

NATURAL GAS PIPELINE CO. OF AMERICA

Supplemental Emergency Order Pursuant To Section 6 of Pub. L. 95-2

On May 18, 1977, Natural Gas Pipeline Company of America (Natural) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)) a petition for authorization to make twenty-nine emergency purchases of natural gas, On June 1, 1977, a supplemental petition was filed pursuant to Section 6 of the Act again requesting authorization to make twelve of these emergency purchases. An emergency order was issued in Docket No. E77-108 on June 3, 1977 authorizing those twelve emergency purchases. On June 7, 1977, Natural filed a second supplemental petition pursuant to Section 6 of the Act requesting authorization to make five additional emergency purchases. For the reasons set forth below, I authoriz e these emergency purchases.

Natural has executed the following contract for the purchase of gas at $1.75 per MMBtu under Section 6 of the Act:

1. The Anschutz Corporation (Anschutz) has agreed to sell up to 0.168 Bcf of natural gas from production in Jefferson Davis Parish, Louisiana, through July 31, 1977.

Natural has executed the following contracts for the purchase of gas at $2.25 per MMBtu under Section 6 of the Act:

1. Coronado Transmission Company (Coronado) has agreed to sell up to 0.224 Bcf of natural gas from production in Orange County, Texas through July 31, 1977.

2. Coronado Transmission Company (Coronado) has agreed to sell up to 0.560 Bcf of natural gas from production in Wheeler County, Texas through July 31, 1977.

3. Energy Gathering (Energy) has agreed to sell up to 0.224 Bcf of natural gas from production in Wheeler County, Texas through July 31, 1977.

4. W. Howell Cocke, Jr., Hugh R. Goodrich, Priscilla Goodrich Rea, Thomas E. Berry c/o Roy Durst (Sellers, c/o Roy Durst) have agreed to sell up to 0.336 Bcf of natural gas from production in Iberia Parish and St. Martin Parish, Louisiana through July 31, 1977.

Natural will purchase these supplies from Anschutz at a rate of $1.75 per MMBtu. Further, Natural will purchase these supplies from Coronado, Energy and Sellers c/o Roy Durst at a rate of $2.25 per MMBtu inclusive of all state and local taxes and other adjustments. To the extent these prices do not exceed $2.25 per MMBtu, I find the price to be fair and equitable in accordance with Order No. 2.

Natural advises that a series of arrangements have been made for transportation of subject gas:

1. Gas sold to Natural by Anschutz will be delivered into facilities of Columbia Gulf Transmission Company (Columbia Gulf) at the outlet of Amoco's South Thornwell Processing Plant, Jefferson Davis Parish, Louisiana. Columbia Gulf will deliver an equivalent quantity of gas to Tennessee Gas Pipeline, which will deliver an equivalent quantity of gas to Natural, all at mutually agreeable points. Columbia Gulf will charge $500 per month for administrative handling and Tennessee will charge 1.084 cents per Mcf, which it represents is the average cost of transporting gas through its system.

2. The gas sold to Natural by Coronado from production located in Orange County, Texas will be transported from the wellhead by Fuel Marketing, Inc. (Fuel Marketing) to a point of delivery in Orange County on the facilities of Union Texas Petroleum (Union Texas). Union Texas will deliver an equivalent quantity of gas to Natural at an mutually agreeable point. Fuel Marketing will charge 14 cents per Mcf which it states is necessary to reimburse for costs associated with the installation of approximately 3½ miles of 2-inch pipeline and measurement facilities. Union Texas will charge 10 cents per Mcf.

3. The gas sold to Natural by Coronado from production located in Wheeler County, Texas will be transported by Fuel Marketing. The subject gas will be delivered into Natural's 26-inch line Section 2. AB&M survey, Wheeler County, Texas. Fuel Marketing will charge 10 cents per Mcf, which it states is necessary to reimburse for costs associated with installation of 3 miles of 3-inch pipeline and measurement facilities.

4. Gas sold to Natural by Energy will be transported by Fuel Marketing and will be delivered into Natural's 26-inch pipeline in Section 22, H&GN survey, Block A-5, Wheeler County, Texas. Fuel Marketing will charge 15 cents per Mcf, which it states is necessary to reimburse for costs associated with installation of 300 horsepower of compresison and measurement facilities.

5. Gas sold to Natural by Sellers c/o Roy Durst will be delivered into the facilities of Southern Natural Gas Company (Southern Natural) which will deliver an equivalent quantity of gas to Untied Gas Ppe Line Company (United for further transportation and redelivery (less 1½ percent fuel consumption) to Natural at Erath, Vermillion Parish, Louisiana. Southern Natural will charge ½ cent per Mcf for administrative handling. United will charge 17.92 cents per Mcf, which it states is the transportation rate applicable to its Southern rate zone.

Since the parties have agreed upon the transportation charges, I find no basis for prescribing other charges.

Natural shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Anschutz, Coronado, Energy, Sellers c/o Roy Durst to sell said gas to Natural, on the terms and conditions set forth in Natural's filing in the proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Columbia Gulf, Tennessee Gas Pipeline, Fuel Marketing, Union Texas, Southern Natural and United, to transport gas for Natural.

JUN 17 77 UM

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Natural, Anschutz, Coronado, Energy, Sellers c/o Roy Durst, Columbia Gulf, Tennessee Gas Pipeline, Fuel Marketing, Union Texas, Southern Natural and United. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the Rules and Regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 10, 1977.

[FR Doc.77–17340 Filed 6–16–77;8:45 am]

[Docket No. E77–83]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Supplemental Emergency Order Pursuant to Section 6 of Pub. L. 95–2

By order issued April 4, 1977, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95–2 (91 Stat. 4 (1977)), Transcontinental Gas Pipe Line Corporation (Transco) was authorized to collect, subject to refund, proposed transportation rates for the transportation of (i) gas purchased under the Act by Transco as agent for its customers and (ii) gas transported for others. The rates to be charged for such service will be determined in Transco's pending Federal Power Commission (FPC) rate proceedings.

On April 5, 1977, Public Service Company of North Carolina, Inc. (Public Service), Piedmont Natural Gas Company. Inc. (Piedmont), and North Carolina Natural Gas Corporation (NCNGC) [collectively the "North Carolina Companies"] protested the filing. The North Carolina Companies stated that (i) the charges would make most emergency gas unsalable in North Carolina, (ii) the charges are not necessary to recoup any costs associated with this transportation, and (iii) the filing is inconsistent with orders issued in Docket No. E77–58 and other proceedings under the Act.[1] On April 6, 1977, the North Carolina Companies petitioned for rehearing of the April 4 order on the grounds that Section 6(b)(2) (91 Stat. 4, 8) prohibits the FPC from causing Transco to suffer undercollections. Also, on April 11, 1977, United Cities Gas Company (United Cities) protested Transco's filing on the grounds that it results in a price level which is unfair and inequitable and requested that such charges not be permitted to become effective. Transco answered the above filings on May 9, 1977.

By letter order issued April 27, 1977, the FPC rejected Transco's filing in Docket No. RP77–48, which was the basis for Transco's April 1, 1977 filing in this proceeding.[2] On May 23, 1977, the FPC denied Transco's petition for rehearing of the April 27, 1977 order.[3]

On June 1, 1977, Transco proposed new transportation rates, effective April 1, 1977, equivalent to the rates in effect, subject to refund in FPC Docket No. RP 77–26. These rates are 28.2 cents, 29.8 cents and 31.5 cents per MMBtu for Rate Zones 1, 2 and 3, respectively.

On June 3, 1977, the North Carolina Companies opposed Transco's June 1 request on the grounds that (i) the imposition of transportation charges in addition to the incremental cost of emergency gas results in an unfair burden on the high priority customers of the North Carolina Companies; (ii) the transportation rates would yield revenues greatly in excess of Transco's claimed costs; (iii) Transco is protected from undercollections by Section 6(b)(2); (iv) there is no incremental transportation costs other than fuel; and (v) the North Carolina Companies have submitted expert testimony in FPC Docket No. RP76–136 demonstrating that incrementally priced gas should not be burdened with transportation costs where such costs affect the marketability of such gas.

On April 4 order accepted Transco's original rates "subject to refund pending the resolution of Transco's FPC rate proceedings in Docket Nos. RP76–136, RP77–26, and RP77–48 * * *" The rejection of Transco's filing in FPC Docket No. RP77–48 automatically rejected Transco's April 1, 1977 filing in this proceeding. Thus, the only pending matter is Transco's June 1, 1977 filing and the North Carolina Companies' June 3 opposition to that filing.

The first, second, fourth and fifth points raised by the North Carolina Companies are matters to be decided in the FPC rate proceedings. The FPC must determine whether emergency gas volumes transported through Transco's system should bear a part of the costs of such pipeline. According to the North Carolina Companies' June 3 opposition, testimony and evidence regarding these matters have been submitted in Transco's FPC rate proceedings in Docket No. RP76–136, et al. Therefore, I find no basis for considering such points a second time in this proceeding.

The third point raised by the North Carolina Companies requires an interpretation of Section 6(b)(2) of the Act which reads as follows:

In exercising its authority under the Natural Gas Act, the Federal Power Commission shall not disallow, in whole or in part, recovery by any interstate pipeline, through the rates and charges made, demanded, or received by such pipeline, the amounts actually paid by it for natural gas purchased, transported, or other costs incurred pursuant to subsection (a).

The North Carolina Companies assert that this section protects Transco from undercollections if the FPC allocates costs to the transportation of emergency gas. The North Carolina Companies' interpretation is erroneous.

Section 6(b)(2) applies to amounts incurred pursuant to Section 6(a). Section 6(a) relates to the purchase, not the transportation, of emergency supplies of natural gas. Matters relating to the transportation of emergency gas supplies are covered by Section 6(c)(1). The Act does not state how an interstate pipeline's own transportation costs are to be allocated in a rate proceeding under the Natural Gas Act (15 U.S.C. § 717 et seq.). As Administrator, I exercise that authority vested in the President by Section 6 of the Act; however, that authority does not include the allocation of transportation costs under the Natural Gas Act. The allocation of transportation costs is a matter to be considered by FPC, and the pleadings in this proceeding demonstrates that the FPC is considering the allocation of Transco's transportation costs including the question whether any of such costs should be allocated to the Section 6 gas transported by Transco.

Pursuant to § 6(c)(1) of the Act (91 Stat. 4, 8), I authorize Transco to collect the transportation rates proposed in its June 1, 1977 filing for all volumes purchased for others pursuant to § 6(a) of the Act (91 Stat. at 7–8) and transported by Transco. Such rates shall be collected subject to refund pending the resolution of Transco's FPC rate proceedings in Docket Nos. RP76–136 and RP77–26 and any other FPC rate proceeding applicable to the period during which these transportation services are rendered.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon all parties in Docket Nos. E77–14, E77–18, E77–20, E77–34, E77–40, E77–41, E77–42, E77–58, E77–63 and E77–72. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95–2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 10, 1977.

[FR Doc.77–17341 Filed 6–16–77;8:45 am]

[1] The North Carolina Companies amended this filing on April 19, 1977, and attached an order of the North Carolina Utilities Commission which authorized Public Service to price gas purchased under the Act on a rolled-in rather than incremental basis.

[2] The North Carolina Companies and United Cities urged rejection of Transco's filing on the basis of this order in filings submitted May 2 and May 3, 1977, respectively.

[3] On May 24 and May 27, 1977, the North Carolina Companies and United Cities urged rejection of Transco's filing on the basis of this order.

Agricultural Marketing Service

[Marketing Agreement 146]

BUDGET OF EXPENSES OF ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR THE 1977 CROP YEAR

Pursuant to Marketing Agreement 146, regulating the quality of domestically produced peanuts (30 F.R. 9402), and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information, it is hereby found and determined that the expenses of said Committee and the rate of assessment applicable to peanuts produced in 1977 and for the crop year beginning July 1, 1977, shall be as follows:

(a) *Administrative expenses.* The budget of expenses for the Committee for the crop year beginning July 1, 1977, shall be in the total amount of $437,500, such amount being reasonable and likely to be incurred for the maintenance and functioning of the Committee, and for such purposes as the Secretary may, pursuant to the provisions of the marketing agreement, determine to be appropriate.

(b) *Indemnification expenses.* Expenses of the Committee for indemnification payments, pursuant to the Terms and Conditions of Indemnification Applicable to 1977 Crop Peanuts, effective July 1, 1977, are estimated at, but may exceed $3.5 million, such amount being reasonable and likely to be incurred.

(c) *Rate of assessment.* Each handler shall pay to the Peanut Administrative Committee, in accordance with § 48 of the marketing agreement, an assessment of the rate of $1.35 per net ton of farmers stock peanuts received or acquired other than those described in § 31 (c) and (d) ($0.35 for administrative expenses and $1.00 for indemnification expenses).

(d) *Indemnification reserve.* Monetary additions to the indemnification reserve, established in the 1965 crop year pursuant to § 48 of the marketing agreement, shall continue. That portion of the total assessment funds accrued from the $1.00 rate and not expended in providing indemnification on the 1977 crop peanuts shall be placed in such reserve and shall be available to pay indemnification expenses on subsequent crops.

The expenses and rate of assessment are, under the agreement, on a crop year basis and will automatically be applicable to all assessable peanuts from the beginning of such crop year. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing approval of expenses that may be incurred and the imposition of assessments, they are represented on the Committee which has submitted the recommendation with respect to such expenses and assessment for approval; and handlers have had knowledge of the foregoing in their recent industry-wide discussions and will be afforded maximum time to plan their operations accordingly.

Dated: June 14, 1977.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division.

[FR Doc.77–17416 Filed 6–16–77;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 8:30 a.m. on Friday, July 22, 1977 in the Broadway Arms Room of the Cosmopolitan Hotel, Denver, Colorado.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359–A, USDA, Washington, D.C., telephone 202–447–3854.

A record of the meeting will be available for public inspection at the above address 60 days after the meeting.

Dated: June 13, 1977.

JAMES NIELSON,
Deputy Assistant Secretary for Conservation, Research and Education.

[FR Doc.77–17415 Filed 6–16–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77–6–70]

AIR-SIAM AIR CO. LTD.

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of June, 1977.

In the matter of Air-Siam Air Co. Ltd., Cancellation of Foreign Air Carrier Permit; Docket 30986.

Application of Air-Siam Air Company Limited for amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958; Docket 29701.

Air-Siam holds a foreign air carrier permit issued pursuant to Order 75–1–26, approved by the President on January 4, 1975, authorizing the foreign air transportation of persons, property and mail between Thailand; the intermediate points Hong Kong; Fukuoka and Tokyo, Japan; and Honolulu, Hawaii; and the terminal point Los Angeles, California. Moreover, the carrier is authorized to operate charter trips pursuant to Part 212 of the Board's Economic Regulations. Except for Fukuoka authority which was granted by Order 75–1–26 for a period of two years, the authority contained in the carrier's permit is for an indefinite period.

By application dated August 24, 1976, Air-Siam sought to renew and extend its authority to serve Fukuoka, Japan, as an additional intermediate point between Thailand and Honolulu, Hawaii, and the terminal point Los Angeles, California.

By Diplomatic Note dated April 8, 1977, the Government of Thailand advised the United States that it had canceled Air-Siam's operating license effective February 3, 1977. The government of Thailand on May 31, 1977, announced that it has withdrawn the designation of Air-Siam. Moreover, the Board understands that Air-Siam is without assets and aircraft.

In view of the foregoing, the Board tentatively finds that dismissal of Air-Siam's pending application for amendment of its foreign air carrier permit, Docket 29701, and cancellation of Air-Siam's foreign air carrier permit, would be in the public interest.

Accordingly, *it is ordered, That:* 1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and which would:

(a) dismiss Air-Siam's pending application for amendment of its foreign air carrier permit; [1]

(b) cancel the foreign air carrier permit issued to Air-Siam pursuant to Order 75–1–26, subject to the approval of the President;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within twenty-one days of the date of adoption of this order. If an evidentiary hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing

[1] The Board has taken no procedural action on the carrier's application.

V 42 N 117 JUN 17 77 UM

which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [2]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Air-Siam Air Company Limited and the Ambassador of Thailand.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17356 Filed 6-16-77;8:45 am]

[Order 77-6-67]

IATA

Agreement on South Pacific Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of June 1977.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to South Pacific passenger fares and cargo rates; Dockets 27573, 29123; Agreement C.A.B. 26536 R-1 and R-2.

By Order 77-4-53, April 11, 1977, the Board established procedural dates for the receipt of carrier justification, comments and replies regarding a mail vote agreement among the carrier members of the International Air Transport Association (IATA). The agreement proposes to increase South Pacific passenger fares and cargo rates by various amounts to compensate for rising fuel prices. In general, all passenger fares will be increased by 1.5 percent of the currently applicable normal economy-class fare. With respect to Hawaii, the dollar amount of increase at Honolulu would apply to all other Hawaiian points. With respect to all other points within TC1 (North and South America, Greenland, Bermuda, and the Caribbean), the amount of increase at Los Angeles would apply. The overall increase would be approximately 1.8 percent.[1]

In support of the agreement, Pan American World Airways, Inc. (Pan American), the only U.S.-flag carrier serving the South Pacific route, has submitted a statement of financial results in international scheduled passenger service for a forecast year ending March 31, 1978. The carrier forecasts a return on investment (ROI) of 9.57 percent under present fares and 11.42 percent under proposed fares, annualizing the effect of the agreement.[2] Pan American states that forecast costs are based on historical levels experienced during the year ended June 30, 1976, increased in line with the Board's guidelines for contractual cost escalations. The carrier alleges that its forecast ROI is actually overstated, not only due to the fact that traffic elasticity has not been taken into account, but also due to the exclusion of future cost increases which can not be determined precisely at this time but which will nevertheless be experienced.[3]

Upon full consideration of the subject agreement and Pan American's justification, the Board has concluded to approve the agreement. As indicated, Pan American's forecast excludes the possible effect of demand elasticity and anticipatory cost escalation, and the result is an ROI of 11.42 percent under proposed fares, which is not inconsistent with the Board's guideline.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolution, incorporated in Agreement C.A.B. 26536 as indicated, is adverse to the public interest or in violation of the Act:

Agreement C.A.B. 26536:	*IATA resolution*
R-1	JT31 (Mail 94) 003f.

2. It is found that the following resolution, incorporated in Agreement C.A.B. 26536 as indicated, is adverse to the public interst and in violation of the Act:

Agreement C.A.B. 26536:	*IATA resolution*
R-2	JT31 (Mail 95) 003ff.

Accordingly, *it is ordered*, That:

1. Agreement C.A.B. 26536, R-1, be and hereby is approved;

2. Agreement C.A.B. 26536, R-2, be and hereby is disapproved; and

3. Tariffs implementing Agreement C.A.B. 26536, R-1, shall be marked to expire not later than March 31, 1978.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17355 Filed 6-16-77;8:45 am]

[Order 77-6-63; Docket No. 29123; Agreement C.A.B. 26434; R-1 through R-5; Agreement C.A.B. 26435; R-1 through R-3; Agreement C.A.B. 26436; Agreement C.A.B. 26489; R-1 and R-2; Agreement C.A.B. 26515]

IATA, WESTERN HEMISPHERE PASSENGER FARES

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June, 1977. Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to Western Hemisphere passenger fares.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 (TC1) of the International Air Transport Association (IATA). Agreements designated as C.A.B. 26434, C.A.B. 26435 and C.A.B. 26436 were adopted at the Reconvened TC1 Passenger Conference held in Mexico City from January 10 to 12, 1977. Agreements C.A.B. 26489 and C.A.B. 26515 were adopted by mail vote.

Agreement C.A.B. 26434 proposes adjustments in west-coast long-haul fares to bring them to levels similar to those previously proposed for other United States-South/Central America long-haul markets which were approved in Order 77-3-62, March 11, 1977.[1] Agreement C.A.B. 26489 proposes specified excursion and GIT fares between Miami and San Andres, Colombia. The proposed fares are set at a level between the current IATA and non-IATA excursion and GIT fares in this market. Agreements C.A.B. 26435 and C.A.B. 26436 would increase first-class, economy and excursion fares within South America and between Mexico and Venezuela by approximately five percent, and have indirect application in air transportation in that they can be combined with fares to/from the United States. Agreement C.A.B. 26515 would rescind the proposed $2 and $4 increases in one-way and round-trip fares to/from Brazil which had been proposed as a result of a Brazilian government plan to collect the passenger service charge, currently paid by the passenger, from the carriers. The Brazilian government has deferred action on its plan and consequently IATA proposes to withdraw these increases.

We will approve those resolutions adjusting long-haul fares to/from U.S. west-coast points with the exception of the proposed increases in normal economy fares upon which we will defer action pending further evaluation.[2] We will approve those resolutions dealing with excursion and GIT fares between the United States and Colombia as well as the reduction in fares to/from Brazil. We will also approve those resolutions establishing fares between foreign points which are combinable with fares to/from U.S. points and thus indirectly affect air transportation as defined by the Act.

The agreements at issue here cover long-haul fare matters which were not resolved at the Miami Conference and were therefore not covered in Order 77-3-62, March 11, 1977 which acted on the Miami resolutions. Both Braniff and Pan American were requested to supplement their previous justifications of the Miami agreements to account for the current proposal to increase west-coast fares. In response, Braniff indicates that its justification of the Miami agreements had assumed that west-coast points would take the same increase as other U.S. points and that, consequently, there would be no additional revenue impact from the instant agreement. Pan American forecasts that the adjustment of west-coast fares would add an additional $27,000 to the revenue estimate provided for the Miami agreement and would therefore have no measurable impact on its return on investment.

The Board, acting pursuant to sections 102, 204(a), and 412, of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, and which directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26434:			
R-2	075g	TC1 Group Excursion Fares from Brazil to the U.S.A. (Amending.)	1 (longhaul).
		IATA resolution	
26515		100 (Mail 109) 005f.	
26489:			
R-1		100 (Mail 108) 070cc.	
R-2		100 (Mail 108) 064m.	

2. It is not found that the following resolution, to the extent it would establish fares other than normal economy-class fares from/to U.S. west-coast points, and which is incorporated in Agreement C.A.B. 26434 as indicated, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26434:			
R-1	002s	Special Amending Resolution	1 (longhaul).

3. It is not found that the following resolutions, incorporated in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26435:			
R-1	051d	Expedited—TC1 First Class Fares (Amending)	1.
R-2	061d	Expedited—TC1 Economy Class Fares (Amending)	1.
R-3	070j	Expedited—TC1 Excursion Fares—Within South America (Amending)	1.
26436	002v	Special Amending Resolution	1.

Accordingly, *It is ordered*, That: 1. Those portions of Agreements C.A.B. 26434, C.A.B. 26515, C.A.B. 26489, C.A.B. 26435 and C.A.B. 26436 set forth in finding paragraphs 1, 2, and 3 above, be and hereby are approved; and 2. Action be and hereby is deferred on that portion of Agreement C.A.B. 26434, R-1 which would establish normal economy-class fares to/from U.S. west-coast points.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary

[FR Doc.77-17288 Filed 6-16-77;8:45 am]

[2] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

[1] Pan American has informally advised us that the cargo-rate increase will not become effective, in part because a new overall South Pacific cargo rate agreement is under discussion. Accordingly it has not submitted justification for this portion of the agreement. In these circumstances, and considering also Pan American's history of high earnings in South Pacific cargo operations, we will herein disapprove the cargo portion of the agreement.

[2] As requested in the procedural order, the forecast under the proposed fares does not reflect downward adjustment in traffic to account for elasticity of demand.

[3] Pan American cites fuel cost in particular, asserting that additional increases will occur in July due to further OPEC action, which will have an immediate impact on the carrier due to "buyer's risk" supply contracts. In Order 77-2-32, February 4, 1977, the Board disapproved a previous IATA agreement proposing larger fare increases after adjusting Pan American's forecast to exclude elasticity and apparently anticipatory cost escalations.

[1] The agreement would have also increased group excursion and group inclusive-tour (GIT) fares between the United States and Brazil, within South America, and between South America and the Caribbean. However, IATA has subsequently withdrawn these resolutions and therefore no action is required on them. (Resolutions R-3, R-4 and R-5 of Agreement C.A.B. 26434). Resolution R-2, which proposes that, for group excursion fares from Brazil to the United States, one half of a basic fare be combined with one-half of a peak fare for mixed-season trips, is approved herein.

[2] At the present time the Board is equally divided as to approval of the proposed increases in the aforesaid normal economy fares. Vice Chairman O'Melia and Member Johnson would approve the increases, whereas Acting Chairman West and Member Minetti, would not, in line with their dissent from Order 77-3-62.

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 3:30 p.m. on July 11, 1977, at 230 South Dearborn Street, Conference Room, Chicago, Illinois 60604.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss and adopt the Chicago School Desegregation Project Proposal, discuss with state officials the proposed rules and regulations for Special Education for Handicapped Children. Adopt the project proposal for a study of the implementations of the Special Education programs in selected cities.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-17318 Filed 6-16-77;8:45 am]

LOUISIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 2 p.m. on July 9, 1977, at the Sheraton Crest, I-10 and College Drive, Rouge, Louisiana.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Southwestern Regional Office of the Commission, New Moore Building, Room 231, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is that the SAC will discuss school desegregation, prison reform issues, and police community relations in New Orleans.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 13, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-17319 Filed 6-16-77;8:45 am]

MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations

of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 4 p.m. on July 14, 1977, at the Hilton Airport Plaza Inn, I-29 and 112th Street, N.W., Kansas City, Missouri 64195.

Persons wishing to attend this open meeting should contact the Committee Chairperson or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to receive reports on feasibility studies for a major SAC project and develop implementation plans.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 14, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-17320 Filed 6-16-77;8:45 am]

CIVIL SERVICE COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Scientific Assistant to the Administrator, Office of the Administrator, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17041 Filed 6-16-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director (Policy and Program Development), Office of Territorial Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17042 Filed 6-16-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Title Change in Noncareer Executive Assignment

By notice of January 10, 1975, FR Doc. 75-1031 the Civil Service Commission authorized the Department of the Interior to fill by noncareer executive assignment the position of Deputy Assistant Secretary-Energy and Minerals (Policy and Program Review), Office of the Assistant Secretary, Energy and Minerals. This is notice that the title of this position is now being changed to Deputy Assistant Secretary-Energy and Minerals (Policy).

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17043 Filed 6-16-77;8:45 am]

DEPARTMENT OF JUSTICE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner, Immigration and Naturalization Service.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17044 Filed 6-16-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17045 Filed 6-16-77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

SHAM-O-KIN SHOE CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Sham-O-Kin Shoe Corporation, 515 North Franklin Street, Shamokin, Pennsylvania 17872, a producer of footwear, was accepted for filing on June 9, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-17334 Filed 6-16-77;8:45 am]

COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to procurement list 1977 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 17, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703-557-1145).

SUPPLEMENTARY INFORMATION: On April 18, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 20170) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under 41 U.S.C. 46-48 (c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1977:

Class 7530

Tape, Paper, Computing Machine, 7530-00-9055, 7530-00-286-9052, 7530-00-222-3455, 7530-00-286-9053, 7530-00-286-9054, 7530-00-238-8352, 7530-00-222-3456 (GSA Regions 1, 4 (Savannah, Georgia supply distribution facility), 7, 8, 9 and 10 only).

E. R. ALLEY, JR.,
Acting Executive Director.

[FR Doc. 77-17333 Filed 6-16-77;8:45 am]

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to procurement list 1977 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS: Must be received on or before July 20, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher (703-557-1145).

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7105

Mirror, Glass, 7105-00-260-1390.

Class 7110

Cabinet, Telephone, 7110-00-264-4561.
Table, Occasional, 7110-00-993-5073, 7110-00-926-6702.

SIC 7349

Janitorial/Custodial Services. U.S. Army Reserve Centers for the following areas: Brockton, Massachusetts (Belmont and Manley St); Brockton, Massachusetts (Chestnut Street); Hingham, Massachusetts; Attleboro, Mass.; Roslindale, Mass.; Taunton, Mass.; New Haven, Connecticut; Bangor, Maine; Manchester, New Hampshire; Grenier Field Bldgs. P1, P2, and P3; Manchester, New Hampshire.

SIC 0782

Grounds Maintenance. U.S. Army Reserve Centers for the following areas: Attleboro, Massachusetts; Roslindale, Mass.; Taunton, Mass.; New Haven, Connecticut; Bangor, Maine; Manchester, New Hampshire; Grenier Field Bldgs. P1, P2, and P3; Manchester, New Hampshire.

E. R. ALLEY, JR.,
Acting Executive Director.

[FR Doc.77-17332 Filed 6-16-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental Quality from June 6 through June 10, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 1, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, (202-447-6827).

FARMERS HOME ADMINISTRATION

Final

Avon Water Project, Cape Hatteras, Dare County, N.C., June 6: Proposed is the extension of the existing water system of the Cape Hatteras Water Association from Buxton, N.C. to the community of Avon, N.C., in order to provide a safe, dependable source of treated, domestic water for the Village of Avon. Plans call for the construction of a water line extension, storage tank, and distribution system. This project is intended to relieve residents of their sole dependence upon individually owned shallow wells which are subject to septic tank contamination and salt water intrusion from flooding. No adverse effects are anticipated. Comments made by: EPA, DOC, USDA, DOI, State and local agencies, and interested parties. (ELR Order No. 70713.)

FOREST SERVICE

Draft

Row, South Umpqua, and North Umpqua Units, Umpqua National Forest, Douglas, Lane, and Jackson Counties, Oreg., June 6: Proposed is a land management plan for the Row, South Umpqua, and North Umpqua Planning Units, totalling approximately one million acres on the Umpqua National Forest. For each unit, five alternative land use allocations are displayed and analyzed. Each alternative offers a different combination of lands allocated for uses which yield wood, water, forage, wildlife habitat, and outdoor recreation experience opportunities. The range of environmental effects for each alternative is discussed. (ELR Order No. 70705.)

Ashley National Forest Timber Management Plan, Utah and Wyoming, June 6: Proposed is a timber management plan for the 1,377,000-acre Ashley National Forest located in Daggett, Duchesne, Summit, Uintah, and Wasatch Counties Utah, and Sweetwater County, Wyoming. While the proposed plan is based on the 1969-72 multiple use plans, it is consistent with management decisions in two land use plans being developed, and the Vernal Land Use Plan approved in 1974. By component, the potential yield is: Standard, 15.78 million board feet; Special, 2.00 million board feet; and Marginal, 8.08 million board feet for a total of 25.86 million board feet. (ELR Order No. 70699.)

SOIL CONSERVATION SERVICE

Draft

South Branch Little Nemaha Watershed, Johnson, Lancaster, and Otoe Counties, Neb., June 10: Proposed is the South Branch Little Nemaha Watershed Projet, designed to provide watershed protection and flood prevention. The planned works of improvement include land treatment measures (on-going and accelerated), 14 floodwater retarding structures, 46 grade stabilization structures, and associated on-farm terrace systems. All structural measures and beneficiaries are located in Johnson, Lancaster, and Otoe Counties, Nebraska. Adverse effects include the loss of 588 acres of agricultural land, 80 acres of forest land, and 30 acres of roads and channel area to structural measures. (ELR Order No. 70726.)

Deposit Watershed, New York, Broome, Chenango, and Delaware Counties, N.Y., June 6: Proposed is a project for watershed protection and flood prevention in Broome, Chenango, and Delaware Counties, New York. The planned works of improvement include conservation land treatment, supplemented by two floodwater retarding structures, channel work, and dikes in residential and agricultural areas. Installation of structures will result in the commitment of 4 acres of pasture, 18 acres of open land formerly cropped, 3 acres of forest land, 2 acres of urban land, and 900 feet of intermittent stream. Short term increases in sediment and turbidity will also result. (ELR Order No. 70702.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-2186.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Haddock, Cod, and Yellowtail Flounder M.P., June 9: Proposed is a management plan for the domestic harvesting of haddock (Melanogrammus aeglefinus), cod (Gadus Morhua), and yellowtail flounder (Limanda ferruginea) off the Northeastern United States. These fisheries were regulated under the terms of the 18-member International Commission for the Northwest Atlantic Fisheries (ICNAF), as amended until December 31, 1976, when the U.S. withdrew from the convention. This plan proposes regulatory measures, and restrictions regarding quotas, fishing areas, mesh size, and minimum size limits. Beneficial effects are anticipated. Comments made by: DOT, EPA, DOI, COE, DOC and interested parties. (ELR Order No. 70722.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310. 202-OX 4-4269.

NOTE.—At the request of the Department of Defense, Army, CEQ wishes to correct the abstract that appeared in the FEDERAL REGISTER of Friday, May 27, 1977 regarding Ground Squirrel Control at the Fort Ord Complex in California. The corrected version is as follows. (The filing date is the same and the comment period is not altered by this correction.)

Final

Ground Squirrel Control, Fort Ord, San Luis Obispo, Monterey Counties, Calif., June 20: Proposed is the significant reduction

of ground squirrel populations occupying large areas of grassland and woodland-grassland on Fort Ord, Fort Hunter Liggett and Camp Roberts, located in Monterey and San Luis Obispo Counties. This action would treat the open range ground squirrel habitat at Fort Hunter Liggett and Camp Roberts. The EIS recommends the use of pesticide 1080; the Department of the Army, however, prefers the alternative that would substitute the use of zinc phosphide. Adverse effects include the reduction of non-target populations such as other seed-eating rodents like meadow voles, kangaroo rats, field mice, and seed-eating birds due to secondary poisoning. Comments received by: DOI, DOT, USDA, DOD, HEW, EPA State and local agencies, interested groups and persons. (ELR Order No. 70617.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN–CWR–P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314. 202–693–6795.

Draft

Lakes Greeson, Quachita, and DeGray, O&M, several Counties, Ark., June 9: Proposed is the continuance of operation and maintenance activities at Lake Greeson, Lake Quachita, and DeGray Lake, Arkansas. The Lake Greeson and Lake Quachita Projects were authorized for the purposes of flood control and hydroelectric power generation. The DeGray Lake project was authorized for flood control, hydroelectric power generation, water supply, navigation, and recreation. Adverse effects resulting from continued O&M include cold water release from hydroelectric power generation at Lake Greeson and Lake Quachita, which has disrupted the once warmwater fishery downstream of each lake. (Vicksburg District) (ELR Order No. 70725.)

Final

Little River Inlet Navigation Project, N.C., S.C. (2), North and South Carolina, June 6: The proposed project pertains to the Little River Inlet Navigation Project, Brunswick County, North Carolina, and Horry County, South Carolina. The recommended plant of improvement calls for: dredging an entrance channel to the Atlantic Intracoastal Waterway, dredging upcoast and downcoast deposition basins, constructing north and south jetties, and constructing sand dunes on both sides of the inlet. Adverse effects include alteration of existing vegetation, and possible displacement of wildlife species. (Charleston District.) Comments made by: EPA, DOI, DOC, USDA, HEW, HUD, DOT, State and local agencies, concerned citizens. (ELR Order No. 70707.)

SUPPLEMENT

Aquatic Plant Control, Florida (S–1), Fla., June 10: This statement supplements a final EIS filed with CEQ in September, 1973 relating to the Aquatic Plant Control Program in Florida. It concerns the inclusion of hydrilla and water lettuce in the Corps' ongoing aquatic plant control program as authorized by Section 302 of Public Law 89–298. The proposed control program calls for the herbicidal maintenance of fishing trails and open water areas in water bodies seriously infested with hydrilla, and localized treatments of water lettuce only when it poses a serious threat to water resource activities. (Jacksonville District.) (ELR Order No. 70727.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Final

Westside Trunk Wastewater Facilities Plan, Jackson County, Oreg., June 8: Proposed is the construction of a wastewater collection system to serve the 2,000 residents of the Westside Trunk District, Jackson County, Oregon. Wastewater from the 5400-acre District, located southwest of Central Point, would be transported to Lower Bear Creek Interceptor and then be treated at the Medford Regional Sewage Treatment Plant on Rogue River. Negative effects include short term losses of vegetation, disruption of wildlife, and increased air and noise pollution. (Region X). Comments made by: USDA, HUD, DOI, COE, AHP, State and local agencies, concerned citizens. (ELR Order No. 70721.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–6308.

Draft

Nassau Woods Development, Somerset County, N.J., June 10: Proposed is the issuance of FHA Mortgage Insurance for the development of a 668 unit garden apartment development, located in Franklin Township, New Jersey. The project consists of 668 garden apartment units on 70 acres of land; a sewage treatment plant discharging to the Millstone River; and sewers and appurtenances connecting the apartment site to the treatment plant, and the treatment plant to its outfall. Parking will be provided for 1177 cars. (ELR Order No. 70729.)

Metropolis Development, Carolina, P.R., Puerto Rico, June 6: The proposed action involves the development of 365.14 cuerdas (1 cda.=0.97 acre), in the Martin Gonzalez Ward of Carolina, into a residential area, under plans already approved by all pertinent Commonwealth agencies. The project provides for the construction of approximately 2,970 residential units, of which 1,775 will be single family dwellings. Adverse effects include alteration of topography, elimination of existing flora, and increases in noise and fugitive dust levels. (ELR Order No. 70701.)

Atascocita Subdivision, Tex., Harris County, Tex., June 7: Proposed is the granting of HUD/FHA approval for the proposed Atascocita Subdivision for home mortgage insurance purposes. Johnson-Loggins, Inc. is developing the approximately 5,234 acre subdivision, and envisions the construction of approximately 16,255 dwelling units with additional acreage reserved for commercial, school, open space, and recreational use. Adverse effects include localized increases in air and noise pollution, and alternation of plant and animal communities in Atascocita. (ELR Order No. 70718.)

Final

Aliso Hills, Orange County, Calif., June 6: Proposed is the provision of mortgage insurance, if requested, on 791 acres of various residential sites including open sites in a south-central section of Orange County, California. Adverse effects include conversion of agricultural land to urban use, elimination of native wildlife and flora, modification of natural land forms through grading, increases in air and noise pollution, and increases in public service, energy, and facilities demand. Comments made by: GSA, DOC, DOT, USA, USDA, HEW, EPA, State and local agencies, concerned citizens. (ELR Order No. 70696.)

Estancias de Rio Hondo Development, San Juan, P.R., June 6: Proposed is the construction of approximately 1,825 housing units and a large shopping center in a tract of 300 acres. The project is located in the Hato Tejas Ward of Bayamon, Puerto Rico in the Metropolitan Area of San Juan. Adverse effects include the shifting of 300 acres of land from grazing to residential uses and increase in noise levels in areas close to the De Diego Expressway and Comerio Avenue. Comments made by: AHP, ERDA, EPA, DOI, HEW, USDA, interested parties. (ELR Order No. 70694.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

SECTION 104(H)

Draft

Jefferson, La., Marrero to Lafitte Waterline, Jefferson County, La. Proposed is the construction of a water line from Marrero to Lafitte in Jefferson Parish, Louisiana, to provide improved water service to the people of Ward Six of the parish and to provide for the area's domestic, recreational, commercial, and industrial needs. The water line would originate as a 36-inch diameter pipe in Marrero and would terminate approximately seventeen miles south near the end of State Highway 45 Lafitte, as an 18-inch diameter pipe. Its size would be reduced sequentially as it moves south from Marrero. Construction of the pipeline will remove approximately 20.4 acres of land from future development. (ELR Order No. 70710.)

Draft

E. Baton Rouge, La., Beaver Bayou Project, East Baton Rouge County, La., June 7: Proposed is the improvement of the Beaver Bayou in East Baton Rouge Parish, Louisiana. The project involves the construction of an open trapezoidal section earth channel generally following the existing alignment. This channel will be of varying depth and bottom width with side slopes ranging from 2:1 to 3:1 depending on both design criteria and existing subsoil conditions. The project drains approximately 8640 acres of the northeastern portion of East Baton Rouge Parish. (ELR Order No. 70714.)

Final

Willowbrook, Calif., Willowbrook Development Project, Los Angeles County, Calif., June 10: Proposed is the implementation of the Willowbrook Neighborhood Development Program in Los Angeles, California. The project goals include: improvement of the range and quality of housing, orderly growth and development around the Martin Luther King Memorial Hospital/Drew Medical School complex, and provision of recreational, community educational, and commercial facilities and services to meet community needs. Construction and demolition associated impacts will occur. Comments made by: DOT, State and county agencies. (ELR Order No. 70728.)

Mason City, Iowa, S. Federal Ave., Cerro Gordo County, Iowa, June 6: The proposed project calls for redevelopment measures on South Federal Avenue, Mason City, Iowa. Project plans consist of clearance and redevelopment of approximately 15 acres of downtown property, provision of up to 450,000 square feet of central business type commercial development, and the provision of public improvements, amenities and parking. The project area is bounded by Delaware Avenue on the east, Washington Avenue on the west, 4th Street S.W. on the south, and its north boundary is approximately one-half block north of 1st Street south. Adverse effects include impacts on air quality and noise levels. Comments made by: DOT, EPA

and local groups, concerned citizens. (ELR Order No. 70698.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF RECLAMATION

Final

S. Nevada Water Project, Second Stage, Clark County, Nev., June 7: Proposed is the second stage of the Southern Nevada Water Project, a water supply system for the Las Vegas area. (Stage One was completed in 1971). The second stage consists of five new pumping plants, modifications to four existing first stage pumping plants, a 2.5-mile long second barrel to the main aqueduct installed beside the first stage, and 30 miles of new aqueduct and pipelines with the capacity of 166,800 acre-feet per year. The State of Nevada plans a major expansion of the Alfred Merritt Smith Water Treatment Facility in conjunction with the second stage. A slight deterioration of the water quality is expected. Comments made by: DOI, AHP, USAF, HEW, DOT, COE, EPA, State and local agencies, concerned citizens. (ELR Order No. 70717.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Technical Studies Branch, 200 Constitution Avenue, Room N3669, Washington, D.C. 20210, 202–523–7076.

Draft

Benzene, Occupational Exposure Standard; June 10: Proposed is the regulation of employee exposure to benzene by setting a permissable exposure limit of 1 part benzene per million parts of air (1 ppm) as an 8-hour time-weighted average. The proposal also provides for employee exposure measurements, methods of compliance, protective clothing and equipment, medical surveillance, training, signs and label, employee observation of monitoring, and record-keeping. Beneficial impact on the workplace environment is anticipated. (ELR Order No. 70730.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P–722, NRC, Washington, D.C. 20555, 301–443–6965.

Final

Bear Creek Project, Rocky Mountain Energy Co., Converse County, Wyo., June 8: The proposed action is the issuance of approvals, permits, and licenses to the Rocky Mountain Energy Company for the implementation of the Bear Creek Project. This project consists of certain mining and milling operations involving uranium ore deposits located in Converse County, Wyoming. Mining of uranium from nine known ore bodies will take place over a period of ten years; a mill with a nominal capacity of 1,000 tons per day will be constructed and operated as long as ore is available. The waste material will be stored on site in an impoundment. Adverse effects include loss of 3,000 acres of grazig land and disturbance of 1,800 acres of vegetation. Comments made by: USA, USCG, NRC, HEW, USDA, AHP, EPA, DOT, DOI, and ERDA. (ELR Order No. 70719.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–291, Greater Hartford Area, Hartford County, Conn., June 6: Proposed is the construction of a multi-lane, limited access, suburban highway in the Greater Hartford area. The alignment of I–291 would extend from an interchange with Interstate Route 84 in Farmington, Connecticut, southeasterly through the towns of New Britain, Newington, Wethersfield, and Rocky Hill, Connecticut to an interchange with Interstate Route 91 in the Town of Rock Hill, Connecticut. The proposed construction would necessitate the displacement of 190 parcels of land, 93 households, and 35 businesses. A 4(f) statement is included for Churchill Park and Eagle Lantern Village Open Space. (ELR Order No. 70703.)

I–93 & U.S. 1 Interchange, Boston and Cambridge, Suffolk County, Mass., June 6: Proposed is the reconstruction of the expressway interchange of Interstate 93 (I–93) with the Mystic River Bridge (Route 1) in the city of Boston (Charlestown section) and Cambridge, by either replacement of existing viaduct roadway, or total construction of the interchange in a new configuration. One "No-Build" and two "Build" alternatives are under consideration. Of the two "Build" alternatives, Alternative 2, replaces viaduct roadways and produces surface street improvements; Alternative 3 would realign approaches from I–93 to the Mystic River Bridge on a new right-of-way, improve local surface streets, and remove the existing overhead structures. (Region 1.) (ELR Order No. 70706.)

Tenth Street South Upgrade, St. Cloud, Stearns and Sherburne Counties, Minn., June 6: The proposed improvement calls for upgrading the Tenth Street Corridor, which is located in the south-central portion of the St. Cloud Metropolitan Area. The Tenth Street Corridor begins at 39th Avenue and extends approximately four miles to U.S. 10/52; the corridor spans the Mississippi River. About two-thirds of the proposed arterial follows existing street and the remainder is in undeveloped areas of the city. Four distinct alternates are under consideration, two providing for a two-lane bridge and roadway, one providing for a four-lane bridge and roadway, and one providing for no action. A 4(f) statement is included concerning Riverside Park. (Region 5.) (ELR Order No. 70709.)

S.R. 90, Hilltop Interchange and Frontage Roads, Grant County, Wash., June 6: The proposed action consists of the construction of: (1) an interchange at location M.P. 143.86, near the point locally known as "Hilltop", and (2) approximately 8.02 miles of two lane, north and south frontage roads. The frontage roads will begin in the vicinity of "Hilltop" and extend along and adjacent to Interstate Route 90. The north frontage road will terminate near section corner 11, 12, 14 and 13 on County road S–SW. The south frontage road will terminate near the Beverly-Burke Road Undercrossing on County road R–SW. This construction area ends approximately one mile southwest of the town of George. Adverse effects include loss of wetland, and disruption to wildlife. (ELR Order No. 70711.)

Final

Clay-Herron St. Extension, Ala., Montgomery County, Ala., June 6: Proposed is the extension of Clay-Herron Street from I–65 west to U.S. 31 near Maxwell Air Force Base in West Montgomery, Alabama. The preferred alternative begins in the center of existing four-lane U.S. 31 near west Montgomery city limits and near where U.S. 31 transitions to two lanes; then proceeds easterly generally parallel to U.S. 31 to just east of Air Base Boulevard overpass entrance into Maxwell Air Force Base. The project ends just west of Oak Street. The most significant negative impact will be the disruption and relocation of 24 families, 2 individuals, and 9 businesses. A 4(f) statement is included for West End Park. (Region 4.) Comments made by: EPA, HUD, COE, DOC, USDA, DOI, HEW, DOT, and concerned citizens, (ELR Order No. 70704.)

Saticoy Street Extension, Los Angeles, Los Angeles County, Calif., June 7: The project consists of the construction of Saticoy Street from Woodman Avenue to Van Nuys Boulevard. A grade separation is also proposed where the Saticoy Street extension crosses the Southern Pacific Railroad tracks. The main impact will be the effect of right-of-way acquisition upon the Department of Water and Power's Valley General Service Headquarters. Right-of-way requirements will also necessitate the structural remodeling of five industrial buildings (with possible relocation of one tenant) and the removal of one single-family dwelling. Noise and air pollution for the area will increase. (Region 9.) Comments made by: DOI, HEW, State and local agencies, and concerned citizens, (ELR Order No. 70715.)

Connector Highway, Pensacola USN Sta. to I–10, Escambia County, Fla., June 9: Proposed is the completion of a four-lane highway approximately 11.3 miles in length, extending from the West Gate of the Pensacola Naval Air Station northward to Interstate 10. The termini of the preferred alternative are S.R. S–292 and Pine Forest Road. Adverse impacts include displacement of 14 households and 2 businesses, and creation of some additional runoff, noise, and air pollutants. (Region 4.) Comments made by: EPA, DOI, HEW, DOC, USN, State and local agencies, and concerned citizens. (ELR Order No. 70734.)

I–380, Cedar Rapids, Linn County, Iowa, June 6: The proposed project involves the construction of a 4 to 8 lane, divided-highway segment of I–380, beginning at I–80 and ending at Freeway Route 518. The total project length is 2.5 miles. Major adverse impacts would be the displacement of 37 homes and 110 people, increased noise and air pollution, and a temporary increase in sediment load in McCloud Run due to erosion during construction. (Region 7.) Comments made by: HUD, USDA, DOI, HEW, EPA, DOT, State and local agencies, and concerned citizens. (ELR Order No. 70708.)

Md. Route 51, Cumberland to N. Branch, Allegany County, Md., June 7: The proposed action consists of relocating Maryland Route 51 from the access road to the Pittsburgh Plate Glass Plant at North Branch to 0.32 miles south of Cumberland, a distance of approximately 2.89 miles. Project plans consist of two 24-foot roadways separated by a 16-foot median strip with partial control of access. Adverse effects include acquisition of 98 acres of varying land use types, displacement of 12 families, and increases in air and noise pollution. (Region 3.) Comments made by: DOI, USDA, EPA, COE, State and local agencies, and concerned citizens. (ELR Order No. 70716.)

U.S. 93, Polson to Kalispell, Montana, Lake County, Mont., June 6: The proposed action consists of the reconstruction of approximately 13.0 miles of U.S. 93 on the west side of Flathead Lake between Polson and Kalispell. The Elmo-Rollins project, which is the southernmost project, starts 2.5 miles north-

JUN 17 77 UM

east of Elmo and proceeds 5.5 miles to just northeast of Dayton. The Flathead-County Line-South project begins at the end of the Elmo-Rollins project and proceeds northerly for 7.5 miles to 1 miles south of the Flathead-Lake County Line. Construction-related impacts are anticipated. (Region 8.) Comments made by: EPA, DOT, COE, HEW, State and local agencies, and concerned citizens. (ELR Order No. 70700.)

U.S. 74, West of Hallsboro to East of Bolton, Columbus County, N.C., June 6: Proposed is the improvement of the existing U.S. 74 highway in Columbus County from west of Hallsboro to east of Bolton. The improvement will be a divided four-lane facility with five-lane urbanized sections, and will extend a distance of approximately 17.0 to 18.6 miles. The project will require the taking of land for right-of-way and will displace 32 families, 4 businesses, and 2 churches. The highway location will affect, to a certain extent, the desirability of areas of Bogue Swamp and Friar Swamp as wildlife habitat. (Region 4.) Comments made by: USDA, COE, DOC, DOI, EPA, FPC, GSA, State and local agencies, and concerned citizens. (ELR Order No. 70712.)

Whipple Avenue (State Route 297), Ohio, Stark County, Ohio, June 9: Proposed is the widening of Whipple Avenue from Fullton Drive to I–77 at Everhard Road in Canton, Ohio. The southern section of the original proposal requires further study, and will necessitate a separate environmental document. The construction of the northern section will widen Whipple Avenue to a four-lane arterial with a fifth turning lane, where necessary. Few adverse effects are anticipated. (Region 5.) Comments made by: DOT, EPA, HUD, State agencies, and interested parties. (ELR Order No. 70723.)

Supplement

I–40 and Mountain Road Interchange (S–2), Quay County, N. Mex., June 6: Proposed is the construction of a diamond interchange at the intersection of Mountain Road and Interstate 40 in Tucumcari, Quay County, New Mexico. The City of Tucumcari and Quay County will construct the Mountain Road connection from U.S. 66 to the Interchange. Approximately 155 acres of irrigated land and 5 acres of dry land will be acquired for the proposed interchange. (Region 6.) (ELR Order No. 70697.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77–17328 Filed 6–16–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

REQUIREMENT FOR FOREIGN CURRENCY BANKING ARRANGEMENT

Invitation for Bids

The U.S. Air Force has a requirement for a foreign currency banking arrangement to fulfill agreements for European coproduction of the F–16 aircraft. The agreement involves the countries of Belgium, Denmark, the Netherlands, and Norway. The currencies involved in the banking arrangement will be the respective currencies of these four countries and U.S. dollars. Central management and accounting will be in Brussels, Belgium; however, one account will be established for each foreign currency and maintained in the respective country. The foreign currency accounts will be used to accept deposits from the European governments and contractors and U.S. Government, to make disbursements to U.S. contractors for their payment of European subcontractors and vendors, and to make currency exchanges for European contractors. A qualified financial institution will have:

(a) Correspondent relationships to permit cable transactions among Belgium, Denmark, the Netherlands, Norway, and the U.S.;

(b) Capability for timely transfer of U.S. dollars from Europe to the designated Federal Reserve Bank or Branch in the U.S.;

(c) Capability to promptly record and confirm foreign currency deposits; and

(d) Capability of centrally accounting and providing magnetic tapes of all transactions.

Based on information presently available, it appears that deposits to the four accounts will total the equivalent of four billion U.S. dollars over the next 8–10 years. However, the amount and period could vary significantly from this estimate. Also, it is planned that bidding for maintaining the accounts will be reopened every two years.

Financial institutions, domestic or foreign, desiring a copy of the detail specification and requirement package on the banking arrangement may contact Mr. Charles M. Heflin, HQ USAF, Directorate of Accounting and Finance (AF/ACF), Washington, D.C. 20330, telephone 202–697–9223.

This invitation to bid has been extended to July 5, 1977. To be considered, all bids must be received at the above address by July 5, 1977. Financial institutions who have already submitted bids need not resubmit. However, changes, if any, will be accepted.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison, Directorate of Administration.

[FR Doc.77–17402 Filed 6–16–77;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP (HELRG)

Closed Meeting

Pursuant to the provisions of Section 10 of Appendix I, Title 5, United States Code, notice is hereby given that a closed meeting of the DDR&E High Energy Laser Review Group will be held at 0830 on Monday, July 18, 1977, in San Diego, California. The purpose is to review matters pertaining to the Department of Defense high energy laser program.

The entire meeting will be devoted to a discussion of classified information as defined in subparagraph (1) of Section 552b(c) of Title 5 of the U.S. Code, and therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 9, 1977.

[FR Doc.77–17404 Filed 6–16–77;8:45 am]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows: Tuesday, 12 July 1977, Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0830 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. The Panel will receive briefings and participate in discussions relative to the Defense Intelligence Agency's assessments of foreign military equipment, operations, and capabilities.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 9, 1977.

[FR Doc.77–17403 Filed 6–16–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATONAL SAFETY AND HEALTH

Applications for Certification of Certain Gas Detector Tube Units

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standards
Benzene (CAS registry No. 000071432)	Immediately and until further notice	1 p/m
Chloroprene (CAS registry No. 000126998)	Oct. 1 to Oct. 31, 1977	25 p/m

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Branch, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Dated: June 11, 1977.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77–17315 Filed 6–16–77;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) relating to adivsory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Ophthalmic device classification panel.	July 11 and 12, 1 p.m., room 503/507A, South Portal Bldg., 200 Independence Ave. SW., Washington, D.C.	Closed committee deliberations July 11, 9 a.m. to 1 p.m.; open public hearing July 11, 1 p.m. to 2 p.m.; open committee discussion July 11, 2 p.m. to 5 p.m.; open public hearing July 12, 9 a.m. to 10 a.m.; open committee discussion July 12, 10 a.m. to 5 p.m.; James G. Dillon, Ph. D. (HFK–470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to: (1) Rediscussion, based on new or additional information, of previously recommended classifications of ophthalmic devices; (2) extended wear contact lenses; and (3) Class I device exemptions (section 513(c)(2)(B) of the Medical Device Amendments of 1976) to the executive secretary. Those desiring to make formal presentations should notify the executive secretary by July 1, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The committee will review previous classifications in light of any new or additional information. The committee will also review extended wear contact lenses. Additionally a presentation relative to Class I device exemptions (section 513(c)(2)(B) of the Medical Device Amendments of 1976) will be made by a representative of the Division of Compliance, Bureau of Medical Devices. The panel will recommend Class I device exemptions for the appropriate devices.

Closed committee deliberations. The committee will review premarket approval applications for ophthalmic devices. This portion of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Committee name	Date, time, and place	Type of meeting and contact person
2. Cardiovascular device classification panel.	July 29, 9 a.m., room 1813 FB–8, 200 C St. SW., Washington, D.C.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; closed committee deliberations 4 p.m. to adjournment; Glenn Rahmoeller (HFK–450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present data relative to the tentative classification findings. Those desiring to make formal presentations should notify the executive secretary by July 8, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The purpose of this meeting is to review the cardiovascular device panel's classification report and to provide industry and other members of the public an opportunity to comment on the panel's classification recommendations.

Closed committee deliberations. Discussion of premarket approval application for a new device. This portion of the meeting will be closed to protect trade secret data (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC–18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14 (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves

V42 JUN 17 77 UM

a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably, deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Dated: June 10, 1977.

JOSEPH P. HILE,
Acting Commissioner of Food and Drugs.

[FR Doc.77-17092 Filed 6-16-77;8:45 am]

ADVISORY COMMITTEES

Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) relating to advisory committees. The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Miscellaneous Internal Drug Products Panel.	July 9, 10, and 11, 1 p.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 9, 1 p.m. to 2 p.m.; open committee discussion July 9, 2 p.m. to 4:30 p.m.; July 10, 9 a.m. to 4:30 p.m.; open public hearing July 11, 9 a.m. to 10:30 a.m.; open committee discussion July 11, 10:30 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before July 6, 1977 and submit a brief statement of the general nature of the data, information or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
2. Pathology Device Classification Panel.	July 11 and 12, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing July 11, 9 a.m. to 10 a.m.; open committee discussion July 11, 10 a.m. to 4:30 p.m.; July 12, 9 a.m. to 4:30 p.m.; Thomas M. Tadlock (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons are encouraged to present information pertinent to the classification of pathology diagnostic products to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by June 27, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. Presentations will be made as follows: (1) Linda Horton, Office of General Counsel, FDA, will discuss the background of the Federal Food, Drug, and Cosmetic Act, the addition of the Medical Device Amendments of 1976 and its important features, and the panel's responsibilities; (2) Dr. Carl W. Bruch, Acting Director, Division of Classification and Scientific Evaluation, Bureau of Medical Devices will discuss the needs and importance of classification; and (3) Larry Pilot, Director, Division of Compliance, Bureau of Medical Devises, will discuss the responsibilities of the Division of Compliance.

Immediately following the presentations, the panel will begin classification of assigned devices from the pathology device classification list. The following product groups will be considered for classification: Cells and body fluid collection devices; storage specimen collection containers; decalcifiers; fixatives, preservatives and adhesives; microscopes and accessories; reagents; stains, tissue biopsy instruments; tissue processing equipment.

Committee name	Date, time, and place	Type of meeting and contact person
3. Dentifrices and Dental Care Agents Panel.	July 13 and 14, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 13, 9 a.m. to 10 a.m.; open committee discussion July 13, 10 a.m. to 4:30 p.m.; July 14, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
4. Orthopedic Device Classification Panel.	July 15, 9 a.m., room 503/507A, South Portal Bldg., 200 Independence Ave. SW., Washington, D.C.	Open public hearing 9 a.m. to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; James G. Dillon, Ph. D. (HFK-470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to classification of orthopedic devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by July 1, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will rediscuss additional data concerning patellofemoral prostheses, total ankle prostheses, and total wrist prostheses; review of the available information and recommendations for classification of ultrasonic bone cutters, electronic bone growth stimulators, total shoulder prostheses and total hip prostheses with trunnion bearings; discuss exemptions for devices recommended for classification in Class I—General Controls (in accordance with section 513(c)(2)(B) of the Medical Device Amendments of 1976) as well as a general review of previous classification recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
5. General Hospital and Personal Use Device Classification Panel.	July 18 and 19, 9 a.m. room 1313, FB-5, 200 C St. SW., Washington, D.C.	Open public hearing July 18, 9 a.m. to 10 a.m.; open committee discussion July 18, 10 a.m. to 5 p.m.; July 19, 9 a.m. to 5 p.m.; William C. Dierksheide, Ph. D. (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

V 42 N 117 JUN 17 77 UM J

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of general hospital and personal use devices to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by July 11, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will classify the following devices: Adult identification bracelet; infant identification bracelet; general hospital sylet; fiber absorbent; absorbent tipped applicator; newborn urine collection bag; formaldehyde cabinet; A–C powered examination and treatment chair; adjustable examination and treatment chair; fiber filled dressing; gauze dressing; forceps; plastic heat shield; neonatal eye pad; custom support hose; noncustom support hose; gauze stockinett; tape measure; umbilical cord ties, tapes, and clips; emesis basin; bedpan; cardiopulmonary resuscitation board; vacuum bottle; ice cap; ring cutter; medicine glass; Kelley pad; cardiopulmonary resuscitation pulsar; ring stand; urinal; special lambs nipple; foot board; warming cabinet; geriatric chair; mattress cover; pediatric top bed covers; footrest, with bed attachment; examination light; skin pressure protector; protective restraint; body weight scale; bed cover support; overbed table; pediatric aerosol tent; inhalater; wheeled stretcher; hand carried stretcher; chemical hotpack; chemical coldpack; electrically powered water flotation bed; surgical glove; operating room gown; overhead boom patient lift; mercury blood pressure manometer; electric heating pad; prophylactic (condom); A–C powered patient rollers; electrically powered operating room table; surgical patient isolation unit; ultrasonic cleaner; and general tubing for fluid delivery system.

Committee name	Date, time, and place	Type of meeting and contact person
6. General and Plastic Surgery Device Classification Panel.	July 21, 8 a.m. room 1137, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open committee discussion 8 a.m. to 2:30 p.m.; open public hearing 2:30 p.m. to 4:30 p.m.; Mark F. Parish, Ph. D. (HFK–470), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of the devices listed below to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by July 14, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The following devices will be classified: Air-handling apparatus (bench, room-type, and enclosures); surgeons gloves; suture booster and retention bridge; burn and wound dressings; cardiac output monitor; continuous blood gas monitor. The panel will discuss and classify tissue adhesives and ultraviolet light cabinets. The panel will review electrosurgical device standards and the previous classification of surgical lasers. Criteria for long-term biocompatibility of implanted prosthetic devices will be discussed. Also, at the panel's February 24 meeting the following devices, which were not listed in the January 18, 1977 FEDERAL REGISTER notice (42 FR 3353) of that meeting, were reviewed. As the February meeting was adjourning ahead of schedule, the members agreed to review these remaining devices on their list: Measuring tapes, rulers, and calipers; mirrors; tongue blades; electrical safety apparatus—conductivity tester, explosion and nonexplosion proof connectors and outlets, conductive flooring, ground fault indicator, isolation transformer; jars; external prostheses—adhesive, aesthetic restoration material, brace (back, lower and upper extremity, and neck), cane, crutches, facial fracture appliance, inflatable and noninflatable extremity splints, nasal splint; skin marker. The panel will consider additional comments regarding the classification of these devices at the July 21 meeting.

Committee name	Date, time, and place	Type of meeting and contact person
7. Subcommittee on Hypersensitivity and Immunotoxicity of the NCTR Science Advisory Board.	July 22, 8 a.m., Camelot Inn Little Rock, Ark.	Open public hearing 8 a.m. to 9 a.m.; open committee discussion 9 a.m. to 4 p.m.; Ruth S. Magee, National Center for Toxicological Research, Jefferson, Ark. 72079, 501–541–4523.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the board.

Open committee discussion. Discussion of hypersensitivity, immunosuppression, and ongoing experiments and proposed models for determining the effects of drugs and toxic agents in immunocompetence.

Committee name	Date, time, and place	Type of meeting and contact person
8. Neurological Device Classification Panel.	July 22 and 23, 9 a.m. room 1813, FB–8, 200 C St. SW., Washington, D.C. on July 15; room 421, Crystal City Marriott Hotel, Arlington, Va. on July 16.	Open public hearing July 15, 9 a.m. to 10 a.m.; open committee discussion July 15, 10 a.m. to 4 p.m.; July 16, 9 a.m. to 4 p.m.; James R. Veale (HFK–450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301–427–7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to classification of devices listed in this notice to the executive secretary. Submission of data relative to tentative classification findings is also invited. Those desiring to make formal presentations should notify the executive secretary by July 1, 1977, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also an indication of the approximate time required to make their comments.

Open committee discussion. The panel will review available literature concerning the following devices in order that a final panel recommendation for classification can be made: CSF shunts and components; aneurysm clips; burr hole covers; cranioplasty and skull plate fasteners; cranioplasty preformed plates (alterable); cranioplasty preformed plates (nonalterable); craniosynostosis strips (preformed); dura substitutes; vertebral replacements; vertebral struts; tissue adhesives for aneurysmorrhaphy; methyl methacrylate for aneurysmorrhaphy; induction coagulation lesion generators and implanted seeds; arterial clamps; implanted neurostimulators (cerebellar, phrenic nerve, intracerebral/subcortical for pain, spinal cord for bladder evacuation, spinal cord for pain, neuromuscular, peripheral nerve for pain); cerebral electrotherapy stimulators; nerve cuffs.

Committee name	Date, time, and place	Type of meeting and contact person
9. Allergenic Extracts Panel.	July 22 and 23, 9 a.m., room 130, 6110 Executive Blvd., Rockville, Md.	Open public hearing July 22, 9 a.m. to 10 a.m.; open committee discussion July 22, 10 a.m. to 5:30 p.m.; July 23, 8:30 a.m. to adjournment; Clay Sisk (HFB–5), 8800 Rockville Pike, Bethesda, Md. 20014, 301–443–5455.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of manufacturing guidelines for epidermal and food extracts; indications for allergenic extracts in ophthalmic testing and inhalation challenge; review of 21 CFR 680.1, 680.2, and 680.3; microbial and endotoxin hazards in extracts; edit draft reviews on epidermal, insect, pollen, food and miscellaneous inhalant extracts; edit draft statements on testing recommendations, safety, standardization, and the introduction to the panel report.

Committee name	Date, time, and place	Type of meeting and contact person
10. Contraceptive and Other Vaginal Drug Products Panel.	July 27 and 28, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 27, 9 a.m. to 10 a.m.; open committee discussion July 27, 10 a.m. to 4:30 p.m.; July 28, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD–510), 5600 Fishers Lane, Rockville, Md. 20857, 301–443–4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before July 24, 1977 and submit a brief statement of the general nature of the

JUN 17 77 UM

data, information or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
11. Antimicrobial Panel	July 29 and 30, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 29, 9 a.m. to 10 a.m.; open committee discussion July 29, 10 a.m. to 4:30 p.m.; July 30, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person before July 26, 1977 and submit a brief statement of the general nature of the data, information or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon and modifying the content of summary minutes and categorization of ingredients and claims.

Committee name	Date, time, and place	Type of meeting and contact person
12. Obstetrics and Gynecology Advisory Committee.	July 28 and 29, 9 a.m., conference rooms G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 28, 9 a.m. to 10 a.m.; open committee discussion July 28, 10 a.m. to 5 p.m.; July 29, 9 a.m. to 5 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3510.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the review of estrogen product labeling; committee review of draft guidelines for the clinical study of systemic contraceptives; review of proposed study on intermittent estriol therapy in premenopausal women; oxytocic agents for induction of labor; and NDA 17,989 ((15s)-15 Methyl Prostin F, Alpha).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14 (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

The Commissioner approves the scheduling of meetings at locations outside of the Washington, DC, area on the basis of the criteria of 21 CFR 14.22 (formerly

21 CFR 2.307, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) of FDA's regulations relating to public advisory committees.

Dated: June 9, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-16956 Filed 6-16-77;8:45 am]

[Docket No. 77C-0153]

COLOR ADDITIVE PETITIONS

Amended Filing Notices

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This is a notice of amendment to petitions for color additives which proposed use of natural pearl essence, mica, chromium oxide green, chromium hydroxide green, graphite, and ferric ferrocyanide. The petitions are amended to include their use in externally applied drugs.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-5740).

SUPPLEMENTARY INFORMATION: Notice was given in the FEDERAL REGISTER of August 6, 1973 (38 FR 21200) that the following petitions had been filed by the Cosmetic, Toiletry and Fragrance Association, Inc. (CTFA), 1133 15th St. NW., Washington, DC 20005 (formerly the Toilet Goods Association, Inc.), c/o Hazleton Laboratories, Inc., P.O. Box 30, Falls Church, VA 22046, proposing the issuance of color additive regulations for the safe use and exemption from certification of various color additives:

	Color additive	Uses
CAP No.:		
8C0074	Natural pearl essence	In externally applied cosmetics, including lipsticks and those for use in the area of the eye.
8C0076	Mica	Do.
8C0083	Bronze powder	Do.
8C0079	Chromium oxide green and chromium hydroxide green.	In externally applied cosmetics, including those for use in the area of the eye.
8C0080	Graphite	Do.
8C0082	Ferric ferrocyanide	Do.

By notice published March 5, 1976 (41 FR 9584) the proposed uses of natural pearl essence, mica, and bronze powder were amended to include their additional use in all types of cosmetics subject to ingestion.

Notice is hereby given that these petitions have been further amended to include the use of the above-listed color additives in externally applied drugs.

Dated: June 13, 1977.

HOWARD R. ROBERTS,
Acting Director Bureau of Foods.

[FR Doc.77-17095 Filed 6-16-77; 8:45 am]

[Docket No. 76N-0311]

DRUG PRODUCTS CONTAINING DIPYRONE

Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug applications (NDA's) for drug products containing dipyrone. The drug products have been used to reduce fever, but they are not shown to be safe for use.

DATE: Effective June 27, 1977.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be directed to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-3650).

SUPPLEMENTARY INFORMATION: In a notice (FDA Docket No. 76N-0311) published in the FEDERAL REGISTER of September 3, 1976 (41 FR 37386), the Director of the Bureau of Drugs offered an opportunity for a hearing on a proposal to issue an order withdrawing approval of the NDA's for the drug products described below. The basis of the proposed action was that the drugs are not shown to be safe for use.

V 42 117 JUN 17 77 UM

NDA No.	Drug name	Firm name
16-134	Narone (dipyrone) tablets	Ulmer Pharmacal Co., 1400 Harmon Pl., Minneapolis, Minn. 55403.
16-142	Pyrilgin (dipyrone)	Savage Laboratories, Inc., P.O. Box 1000, Missouri City, Tex. 77459.
16-147	Pyrilgin (dipyrone) injection	H. E. Maurry Biological Co., Inc., 6100 South Western Ave., Los Angeles, Calif. 90047.
16-152	do	Savage Laboratories, Inc.
16-153	Pyrilgin (dipyrone) tablets	Do.
16-156	do	Do.
16-158	Dimethone (dipyrone) injection	Phillips Roxanne Laboratories, Inc., Division Phillips Roxanne, Inc., 330 Oak St., Columbus, Ohio 43216.
16-159	Dimethone (dipyrone) tablets	Do.
16-169	Protemp (dipyrone) tablets	Table Rock Laboratories, Inc., P.O. Box 1968, Greenville, S.C. 29602.
16-170	Protemp (dipyrone) pediatric	Do.
16-171	Protemp (dipyrone) oral liquid	Do.
16-179	Novaldin (dipyrone) tablets	Winthrop Laboratories, 90 Park Ave., New York, N.Y. 10016.
16-180	Novaldin (dipyrone) injection	Do.
16-184	do	Gotham Pharmaceutical Co., Inc., 1240 McDonald Ave., Brooklyn, N.Y. 11223.
16-187	do	Myers-Carter Laboratories, Inc., subsidiary of Chromalloy American Corp., 5160 West Bethany Home Rd., Glendale, Ariz. 85301.
16-189	do	USV Pharmaceuticals Corp., 1 Scarsdale Rd., Tuckahoe, N.Y. 10707.
16-263	Narone (dipyrone) injection	Ulmer Pharmacal Co.

All drug products that are identical, related, or similar to a drug product named above, not the subject of an approved new drug application, are covered by the NDA's reviewed and are subject to this notice (as specified in 21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, at the address given above.

In response to the September 3, 1976 notice, two firms submitted requests for hearing and requests for an extension of time to file supporting data. The Food and Drug Administration denied both requests for an extension of time. One of the firms later withdrew its request for hearing. The other, Savage Laboratories, elected not to submit the supporting data and analyses that are required by 21 CFR 314.200 and, therefore, its request for hearing is denied.

No other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

Winthrop Products, though not electing to request a hearing for its products, did request an extension of time to file a hearing request and submitted a published study to demonstrate the safety of dipyrone. The request for an extension of time was denied, and the study was reviewed and found not to be relevant to the safety issue on the basis of which the drug products containing dipyrone are being withdrawn.

On the basis of new evidence, not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available when the applications were approved, the Commissioner of Food and Drugs finds that such drugs have not been shown to be safe for use upon the basis of which the applications were approved. Furthermore, he has determined that Savage Laboratories has failed to meet the requirements of 21 CFR 314.200 by not submitting data and analyses in support of its hearing request showing there is a genuine and substantial issue of fact requiring a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended (21 U.S.C. 355(e)) and under authority delegated to the Commissioner (21 CFR 5.1), the request for a hearing is denied, and approval of the NDA's providing for the drug products named above, and all amendments and supplements applying thereto, is withdrawn effective June 27, 1977.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar product, not the subject of an approved NDA, will then be unlawful.

Dated: June 7, 1977.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.77-16779 Filed 6-16-77;8:45 am]

[Docket No. 77N-0130]

FOOD ADDITIVES

Survey and Availability of Questionnaire

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces the availability of a questionnaire and invites the participation of all interested parties relative to a comprehensive industry survey of the ingredients used in food. Included in this survey, which the Commissioner of Food and Drugs has contracted with the National Academy of Sciences to conduct, will be direct food additives, food colors, and certain selected items generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT:

Mary Lee Metscher, Bureau of Foods (HFF-330), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, (202-472-5676).

SUPPLEMENTAL INFORMATION: The Commissioner is conducting a comprehensive industry survey on the use of food ingredients so that an estimate of consumer exposure to these ingredients can be made. Items to be covered in the survey include the following: direct food additives, color additives used in food, certain flavors and spices not previously surveyed in the National Academy of Sciences 1971-1972 Phase II GRAS Survey, and miscellaneous ingredients comprised principally of GRAS and/or prior-sanctioned substances for which more specific information is needed. A complete listing of all ingredients to be surveyed is on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

The Commissioner has contracted with the National Academy of Sciences to administer the survey by providing a questionnaire to all known manufacturers and users of these ingredients. The names and addresses of these firms were located through various trade associations and other sources.

There is no intent to overlook anyone who can supply information on the use of these substances. This notice is published for the purpose of announcing this survey and informing the public that the questionnaires were sent out during the period of April 25-May 6, 1977. If anyone wishing to respond has not received a questionnaire within a reasonable time thereafter, that person should request a questionnaire from the Food and Nutrition Board, GRAS/Food Additives Survey Office (JH 224), National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20418, attention Mr. Durward F. Dodgen (202-389-6537) or Robert B. Bennett (202-389-6757).

The Academy will receive and process the information and provide the Commissioner with a summary of the total amounts of the specific ingredients used in food. Individual responses will be retained by the Academy and will not be provided to the FDA.

Dated: June 9, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-17093 Filed 6-16-77;8:45 am]

[Docket No. 75N-0304]

ORAL CONTRACEPTIVE DRUG PRODUCT

Revision of Physical and Patient Labeling

Correction

In FR Doc. 77-14967, appearing at page 27303 in the issue of Friday, May 27, 1977, the second line of the second full paragraph on page 27304 should read, "drug) (insert number of) patients com-".

[Docket No. 77N-0107; DESI 8278]

PHENTOLAMINE MESYLATE FOR INJECTABLE USE AND PHENTOLAMINE HYDROCHLORIDE FOR ORAL USE

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

Correction

In FR Doc. 77-14963, appearing at page 27301 in the issue of May 27, 1977, make the following changes:

1. On page 27301, column two, the word "and" should be inserted between the words "injection" and "phentolamine" on page 27301.

2. On page 27302, column one, the figure at the beginning of the ninth line in the second paragraph should read, "310.6".

Health Care Financing Administration

OKLAHOMA HOSPITALS MEDICARE UTILIZATION REVIEW OPTION NOTICE

Oklahoma Hospitals Participation in Medicare and in a Section 1115 Utilization Review Demonstration Project Under Medicaid

Correction

In FR Doc. 77-15428 appearing at page 28002 in the issue for Wednesday, June 1, 1977, the reference to "title XVII (Medicare)" in the 12th line of the first paragraph should have been "title XVIII (Medicare)".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

NAME: National Professional Standards Review Council.

DATE AND TIME: July 18, 1977 (10 a.m. to 5 p.m.), July 19, 1977 (9 a.m. to 1 p.m.).

PLACE: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

PURPOSE OF MEETING: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to William D. Coughlan, Staff Director, National Professional Standards Review Council, Office of Quality Standards, Room 16A-09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-4990.

Dated: June 10, 1977.

WILLIAM B. MUNIER,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.77-17405 Filed 6-16-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 748-4]

WESTSIDE TRUNK DISTRICT FACILITIES PLAN FOR BEAR CREEK VALLEY SANITATION AUTHORITY

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Westside Trunk District Facilities Plan for the Bear Creek Valley Sanitary Authority, Jackson County, Oregon.

The subject action is the awarding of grant funds to Jackson County for the construction of a wastewater collection system in the Westside Trunk District. The objective of this project is to provide wastewater collection to residents of the Westside Trunk District, which is located southwest of the City of Central Point.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on June 8, 1977. In accordance with CEQ's Guidelines (40 CFR 1500.11), no administrative action will be taken until thirty days after receipt of this FEIS by the Council. Copies of the FEIS are available for review and comment from: Environmental Impact Section, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, telephone 206-422-1595 or FTS 8-399-1595.

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region X, Library, 1200 Sixth Avenue, Seattle, Washington.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M. Street SW., Washington, D.C.

Information copies of the FEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036. Please reference ELR No. 70721.

Copies of the FEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in CEQ's Guidelines.

Dated: June 13, 1977.

REBECCA W. HANMER,
Director, Office of Federal Activities.

[FR Doc.77-17579 Filed 6-16-77;8:45 am]

FEDERAL COMMUNICATION COMMISSION

[FCC 77-362, Docket No. 21262, CSC-167 MO0121]

JACKSON CABLE TV

Order To Show Cause

Adopted: May 26, 1977.

Released: June 8, 1977.

In re: Jackson Cable TV, Jackson, Missouri, petition for order to show cause.

1. A petition (CSC-167) has been filed by three television broadcast stations requesting that the Commission issue an order to show cause requiring that Jackson Cable TV cease and desist unauthorized carriage of three distant St. Louis network-affiliated television signals on its cable television system at Jackson, Missouri. Petitioners are Paducah Newspapers Inc., licensee of Station WPSD-TV (NBC, Channel 6), Paducah, Kentucky; Hirsch Broadcasting Company, licensee of Station KFVS-TV (CBS, Channel 12), Cape Girardeau, Missouri; and Turner-Farrar Association, licensee of Station WSIL-TV (ABC, Channel 3), Harrisburg, Illinois. An opposition has been filed by Jackson Cable TV. Petitioners have replied.

2. Petitioners are local television stations in the Cape Girardeau, Missouri, Paducah, Kentucky, Harrisburg, Illinois, major television market (No. 69). Jackson, Missouri, is located in that market. Petitoners state that Jackson is ten miles from Cape Girardeau, within the Grade A contour of WPSD-TV, and just slightly beyond the Grade A contour of WSIL-TV. Petitioners allege that Jackson Cable TV carries, without authorization and otherwise unlawfully, the signals of three network television stations from St. Louis: Television Broadcast Station KTVI (ABC, Channel 2), Station KMOX-TV (CBS, Channel 4), and Station KSD-TV (NBC, Channel 5). Moreover, petitioners allege that the carriage commenced and continues in knowing and willful violation of the Rules. Petitioners urge that carriage in such gross disregard for the Rules not only be terminated but also be punished by a reduction in the number of independent signals authorized for carriage. In conclusion, petitioners urge immediate Commission action to terminate such carriage.

3. In a subsequently filed pleading, WPSD-TV and WSIL-TV state that the cable system had acknowledged carriage of the subject signals and had been requested to remove them. Moreover, it is stated that during the weeks preceding the filing of the instant request, the cable operator made assurances that consideration was being given to dropping the

JUN 17 77 UM

signals and asked petitioners to delay the filing of the instant request. Yet, since a petition for special relief (CSR–1093) was filed the day after the instant request was filed and such petition included a survey of subscriber preferences, it is argued that the cable system engaged in misrepresentation and deceit against petitioners to delay compliance with the Rules.

4. In its opposition, Jackson Cable TV urges that the public interest would not be served by issuance of an order to show cause. It notes that it has filed a petition for special relief (CSR–1093) and summarizes the arguments made therein. It states that, if ordered to show cause, the cable system will invoke its hearing rights.

5. In reply, WPSD–TV and WSIL–TV stress that Jackson Cable TV does not deny its unauthorized carriage of the signals. Its subsequent request for special relief is no defense. It is argued that the cable system's reasons for special relief are insufficient.

6. Hirsch Broadcasting Company, licensee of KFVS–TV, in its reply to the opposition, argues that Jackson Cable TV's petition for special relief, even if it had merit, provides no basis for past and present unlawful activity. Were the Commission to consider the pendency of a special relief proceeding to be a defense for such activity, it would, KFVS–TV urges, tacitly sanction violations of the Rules. KFVS–TV argues that the cable system is aware of the signal carriage rules, as evidenced by its application for a certificate of compliance to add a signal (CAC–4830). Disagreement with the substantive provisions of the Rules is no excuse for violation of the Rules, it argues.

7. Thereafter, KFVS–TV supplemented its reply to present a copy of a newspaper advertisement published subsequent to its reply. The newspaper advertisement is said to have appeared in the March 9, 1977, edition of "The Cash-Book Journal," a newspaper circulated in Jackson, Missouri. The advertisement urges the public to subscribe to the cable system and lists, among the signals carried, the three St. Louis network-affiliated television stations.

8. The Commission's signal carriage rules specify the television signals which may be carried by a cable television system and provide that a cable system receive a certificate of compliance prior to commencing operations or adding a television signal. Jackson Cable TV apparently commenced operations after receiving its first certificate of compliance on June 30, 1975. There appears to be reason to believe that Jackson Cable TV is carrying the signals of KTVI, KMOX–TV, and KSD–TV on its cable television at Jackson, Missouri. Moreover, it appears that Jackson Cable TV has not obtained authorization for carriage of those signals prior to commencing such carriage.[1] In view of the foregoing, a grant of the petition requesting issuance of an order to show cause would be consistent with the public interest.

[1] Indeed, in a decision recently adopted (FCC 77–340), we denied special relief to carry the signals (CSR–1093).

Accordingly, *it is ordered*, That the petition (CSC–167) filed by Stations WPSD–TV, KFVS–TV, and WSIL–TV is granted.

It is further ordered, That pursuant to Section 312(b) and (c) of the Communications Act of 1934, as amended, 47 U.S.C. § 312(b) and (c), Jackson Cable TV is directed to show cause why it should not be ordered to cease and desist from further violation of Part 76 of the Commission's Rules and Regulations on its cable television system at Jackson, Missouri.

It is further ordered, That Jackson Cable TV is directed to appear and give evidence at a hearing to be held before an Administrative Law Judge at a time and place to be specified by a subsequent order with regard to the matters described above and with regard to (1) whether it knowingly and/or willfully violated the Commission's Rules, and, if so, (2) what sanctions, if any, may be appropriate. If the hearing is waived, a written statement may be submitted.

It is further ordered, That Paducah Newspapers Inc., Hirsch Broadcasting Company, and Turner-Farrar Association are made parties to this proceeding.

It is further ordered, That the Secretary, Federal Communications Commission, shall send a copy of this Order by certified mail to Jackson Cable TV.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–17348 Filed 6–16–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

AMENDMENT OF TABLE A OF THE CANADA-U.S.A. TELEVISION AGREEMENT OF 1952 (TIAS–2594)

Supplement No. 4 (To the Table of Canadian Television Channel Assignments and Allocations Within 250 Miles of the Canada-U.S.A. Border, Dated June 3, 1977, as Revised to April 12, 1977)

JUNE 7, 1977.

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. Television Agreement has been amended as set forth in the attached list. It is to be noted that those representing assignments will indicate call signs plus parameters.

The allocation below has been deleted from Table A.

Location:	*Channel No.*
Pine Falls, Manitoba	11

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the basic Table of Allocations may be obtained from Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20036, telephone 202–452–1422.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

TV ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,CHAN JUN 08, 1977 PAGE 1
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
NOTICE UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION ***NOTICE***

CBUT19	CO LIC	PORT HARDY	BC	50-42-37.0	06 Z .085(KW) 343(FT)	770602
		ZONE 2 **USA BORDER**		127-26-25.0	DA	
CBUT13	CO LIC	WOSS CAMP	BC	50-19-19.0	12 Z .01(KW) 287(FT)	770602
		ZONE 2 **USA BORDER**		126-34-08.0	DA	
	CO	MANIGOTAGAN	MB	51-06-00.0	2 Z 2.5(KW)	770602
		ZONE 2 **USA BORDER**		96-18-00.0		
	CO	PINE FALLS	MB	50-36-58.0	11	770602
		ZONE 2 **USA BORDER**		96-22-48.0		

[FR Doc.77–17260 Filed 6–16–77;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1977–33, AOR 1977–24]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. section 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977–24 has been made public at the Commission. Copies of AOR 1977–24 were made available on June 13, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977–24: May a candidate's campaign committee from the 1976 campaign transfer surplus monies to a 1978 campaign committee for the same candidate, terminate the 1976 committee, and thereafter report only for the 1978 committee? How much may contributors who "used-up" their 1976 contribution limits contribute to the 1978 campaign committee during 1977?

Requested by Representative John J. Duncan, House of Representatives, Washington, D.C.

Dated: June 13, 1977.

THOMAS E. HARRIS,
Chairman for the
Federal Election Commission.

[FR Doc.77–17330 Filed 6–16–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ANTHRACITE COAL CONFERENCE

Conference

Notice is hereby given that an anthracite coal conference will be held Monday, June 20, 1977, at 10 a.m., Room 3000A, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C.

The objectives of the anthracite coal conference are to make recommendations to the FEA with respect to the increased utilization of anthracite coal as a readily-available energy source and the maintenance of fair and reasonable consumer prices for such supplies.

The urgency of convening the June 20 conference stems from a priority commitment made by the President to find ways of improving coal production and utilization. In support of this commitment, Dr. Schlesinger has charged the FEA with the responsibility for studying ways to improve the production of anthracite coal. This is an essential part of meeting the proposed National Energy Plan of increasing coal production by 2/3 (over one billion tons) by 1985. It is the first important step in identifying specific measures for increasing our reliance on coal and as a result of this prototype study similar efforts concerning other types of coal can commence.

The study of the utilization of anthracite coal must be completed and presented to Dr. Schlesinger by October 1, 1977, closely coinciding with the formation of the proposed Department of Energy. As a result and in order to adequately address all of the important issues facing anthracite improvement in such a short time period, it is essential to call the conference immediately and as a result the customary advance period of notice normally given in such instances has not been provided.

The agenda for the meeting is as follows:

1. Discussion of Significant Issues of Anthracite Production and the Component Objectives of the Conference.

V 42 N 117 JUN 17 77 UM

2. Enumeration of Proposed Working Group Alignment of Conference Participants.

3. Organizational and Operational Aspects of Conference Activities.

4. Comments from the Floor (10 minute rule).

The Conference will address itself to the policy options, but it will not be responsible for implementing programs which manifest those policies under consideration. Therefore, subsequent analysis will be required to determine the viability of programs which incorporate the concepts developed by it. If programs are eventually implemented which are designed to stimulate anthracite production the desired effect of these actions will be critically sensitive in terms of policy evaluation, program implementation, and in determining the lead time necessary to increase actual production in light of our national need to expand production of domestic energy resources.

The meeting will be open to the public. The Chairman of the conference is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference will be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Steven T. Minihan, Room 3524, FEA Headquarters, 12th and Pennsylvania Avenue N.W., Washington, D.C. 20461 (202) 566–7575.

Transcripts of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue N.W., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on June 15, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–17578 Filed 6–16–77;8:45 am]

GUAM OIL AND REFINING CO.

Amended Notice of Proposed Consent Order

On May 25, 1977 FEA published in the FEDERAL REGISTER at 42 FR 26693 a "Notice of Proposed Consent Order" with the Guam Oil and Refining Company. Inadvertently, FEA omitted a key date until which comments on the Notice would be accepted by FEA. Pursuant to CFR 205.197(c), FEA must accept comments on proposed Consent Orders for 30 days after publication in the FEDERAL REGISTER. The Notice that appeared on May 25, 1977 failed to state that FEA would accept comments on the Guam Consent Order for the 30 days period following publication in the FEDERAL REGISTER ending on 4:30 p.m. CDT, on June 24, 1977.

Because of that omission, FEA will now accept comments on the Guam Consent Order submitted on or before 4:30 p.m., CDT on the thirtieth calendar day following the publication of this Amended Notice of Consent Order.

Issued in Washington, D.C., June 11, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–17461 Filed 6–16–77;8:45 am]

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact Re the New Jersey Energy Conservation Plan (Correction)

With regard to the above titled FEDERAL REGISTER document numbered 77-16858, published on (date) at (page), issued by the Federal Energy Administration on Thursday, June 9, 1977, delete all text in the notice following the signature block.

The text following the signature block was erroneously appended to the notice and is unrelated to the negative determination of environmental impact regarding the New Jersey energy conservation plan.

Issued in Washington, D.C., June 14, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–17460 Filed 6–16–77;8:45 am]

WISCONSIN PUBLIC SERVICE CO.

Issuance of Notice of Effectiveness To Make Effective Previously Issued Prohibition Order

Pursuant to 10 CFR 303.37(d), the Federal Energy Administration (FEA) hereby gives notice that on June 13, 1977, it issued a Notice of Effectiveness making effective the Prohibition Order previously issued on June 30, 1975, (40 FR 28430, July 3, 1975) to the below listed powerplant. The Notice of Effectiveness was issued under the authorities granted to FEA by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, as amended, and pursuant to 10 CFR Parts 303 and 305.

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-048	Wisconsin Public Service Co	2	Weston	Rothschild, Wis.

The Prohibition Order issued by FEA on June 30, 1975, to the above listed powerplant prohibits the powerplant from burning natural gas or petroleum products as its primary energy source. In accordance with the requirements of 10 CFR Parts 303 and 305, however, the order provided it would not become effective until FEA had considered the environmental impact of the order and until FEA had served the affected powerplant with a Notice of Effectiveness.

Subsequent to issuance of the Prohibition Order, FEA performed an analysis pursuant to 10 CFR 305.9 and 208.3, of the environmental impact of the issuance of this Notice of Effectiveness including an assessment of the EPA Notification dated April 7, 1976, pursuant to Section 119(d)(1)(B) of the Clean Air Act, that January 27, 1976, was the earliest date that this powerplant could burn coal and comply with all applicable air pollution control requirements. That analysis resulted in a determination that it is clear that issuance of this Notice of Effectiveness making this Prohibition Order effective is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of Section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332(2)(C). Public notice of the negative determination and of the availability for inspection of this analysis was given in the FEDERAL REGISTER published May 5, 1977, in accordance with 10 CFR 208.4(c) and 208.15(a).

Upon completion of this environmental analysis, FEA issued this Notice of Effectiveness of the June 30, 1975, Prohibition Order to the above listed powerplant and served the Notice on the powerplant by registered mail on the same day. The Notice makes effective the Prohibition Order, prohibiting the powerplant from burning natural gas or petroleum products as its primary energy source.

Any person aggrieved by the now effective Prohibition Order may file an appeal with the FEA Office of Exceptions and Appeals in accordance with 10 CFR Part 303, Subpart H. The appeal shall be filed within 30 days after June 13, 1977. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 303, and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Application may be made for modification or rescission of the Prohibition Order in accordance with the provisions of 10 CFR Part 303, Subpart J. An application for modification or rescission of a Prohibition Order based on "significantly changed circumstances," which circumstances occurred during the interval between issuance of the order and service of the Notice of Effectiveness, shall be filed within 30 days of June 13, 1977. An application for modification or rescission of a Prohibition Order based on significantly changed circumstances occurring after that interval may be filed at any time after June 13, 1977.

All terms and conditions of the Prohibition Order and the Notice of Effectiveness may be the subject of either an appeal or an application for modification or rescission.

The order made effective by this Notice of Effectiveness is effective against any persons that, as of June 13, 1977, own, lease, operate, or control the above listed power-plant and against any successors-in-interest or assignees of such persons.

The above listed powerplant has been served this Notice of Effectiveness by registered mail. In addition, copies of this document will be available for inspection by any interested members of the public at the FEA public docket room located in Room B–120, 2000 M Street, N.W., Washington, D.C., from 1–5 p.m., Monday-Friday. Copies will also be available in the appropriate FEA regional office. The negative determination and environmental analyses are available upon request from the FEA National Energy Information Center, Room 1404, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461. Copies of the documents are also available for public review in the FEA Freedom of Information Reading Room, Room 2107, 12th and Pennsylvania Avenue, N.W., Washington, D.C.

Any questions regarding this notice should be directed to the Director, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202–566–7941).

Issued in Washington, D.C., June 13, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–17322 Filed 6–14–77; 11:27 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1424]

ATLANTIC EXPORT CO.

Reinstatement of License

By Federal Maritime Commission Order served May 31, 1977, Atlantic Export Company's Independent Ocean Freight Forwarder License No. 1424 was revoked, effective May 27,1977, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was published on June 3, 1977 in 42 FR 28624.

An appropriate surety bond has been received in favor of Atlantic Export Company and compliance pursuant to Section 44, Shipping Act, 1916 and § 510.9 of the General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised) Section 7.04(a), dated September 15, 1973, Independent Ocean Freight Forwarder License No. 1424 shall be reissued to Atlantic Export Company, effective May 27, 1977. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Atlantic Export Company.

FRANCIS C. HURNEY,
Acting Managing Director.

[FR Doc.77–17349 Filed 6–16–77;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01151	Overseas Tankship Corp.: *Chevron Venice.*
01189	A/S Haanes Rederi: *Gimlekollen.*
01196	Vaboens Rederi A/S: *Herborg.*
01318	Aug. Bolten, Wm. Miller's Nachfolger: *Christiane Bloten.*
01323	Manchester Liners Ltd.: *Cargo Zeal, Cargo Vigour.*
01422	Booth Steamship Co. Ltd.: *Cuthbert.*
01443	Denholm Line Steamers Ltd.: *Mountpark.*
01641	The Bank Line Ltd.: *Firbank.*
01761	Union Steam Ship Co. of New Zealand, Ltd.: *Union Sidney.*
01816	The Bowater Steamship Co. Ltd.: *Nina Bowater.*
01819	King Line Ltd.: *Clan Graham.*
01841	Chas. Kurz & Co., Inc.: *Birch Coulte.*
01874	A/S Sobral: *Nopal Tellus.*
01890	A/S Billabong: *Star Dover, Star Asahi.*
01910	Deutsche Dampfschiffahrts-Gesellschaft "Hansa": *Ockenfels*
01913	Compagnie Fabre/Societe Generale de Transports Maritimes: *Atlantica Marseille.*
01942	National Iranian Tanker Co. (Nederland) N.V.: *Mohamed Reza Shah.*
01951	Astromandato cia Naviera S.A. of Panama: *Leader Colocotronis.*
02302	First Steamship Co. Ltd.: *Ever Wealth.*
02353	F.A. Vinnen & Co.: *Magdalene Vinnen, Adolf Vinnen, Christel Vinnen.*
02492	Interstate and Ocean Transport Co.: *Offshore No. 2401.*
02766	Avondale Shipping Co. Panama S.A.: *Olympic Gulf.*
02863	Naviera Aznar S.A.: *Monte Almanzor.*
02876	Kabushiki Kaisha Hokkaido Gyogyo Kosha: *Kohoku Maru No. 11.*
03215	Rederiaktiebolaget Salenia: *Sea Spirit.*
03353	Cosmo Transports Ltd.: *Eastern Diamond.*
03358	St. Thomas Shipping Co., Inc.: *Amenity.*
03462	Mitsubishi Kiseki Yuso K.K.: *Santa Cruz Maru*
03468	Nihonkai Kisen Kabushiki Kaisha: *Shunkai Maru.*
03482	Ryutsu Kaiun K.K.: *Ryuko Maru.*
03508	Taiyo Gyogyo K.K.: *Shoyo Maru.*
03539	Herlofson Shipping Co. A/S: *Bulk Pioneer.*
03582	Crowley Launch & Tugboat Co.: *Barge C–44, Barge 7, Barge 21, Barge 10.*
03692	Marimac Corp.: *M–609, B–11.*
03712	Far Eastern Marine Transport Co., Ltd.: *Korea.*
03837	N.M. Paterson & Sons Ltd.: *Sarnidoc.*
03934	Avondale Navigation Co. Ltd.: *Eriboll.*
03968	Zim Israel Navigation Co. Ltd.: *Hadar.*
04004	Koninklijke Java-China-Jaketvaart Lijnen N.V.: *Straat Mozambique.*
04136	Thomas Marine Co.: *T–100 SL, T–150 SL, T–200 SL, T–250 SL.*
04254	Transoceanic Tankers Inc.: *Nepco Advance.*
04299	Erie Navigation Co.: *Atlas Traveler.*
04347	Maroceano Compania Naviera S.A.: *Pentelikon.*
04357	Koninklijke Nedlloyd B.V.: *Wonosari.*
04358	Holland Bulk Transport B.V.: *Doelwijk, Voorne, Walcheren, Putten, Hollands Burcht, Hollands Brink.*
04408	Compania De Navegacion Golfo Azul S.A. of Panama: *Vasilios R.*
04410	Tenneco Oil Co.: *CTCO–302–6.*
04422	Hai Shang Navigation Corp.: *Grand Corco.*
04463	Lloret Lopez Sociedad Anonima: *L. Lopez II, L. Lopez III.*
04466	Hiwasacho Gyogyo Kyodo Kumiai: *Kyoshin Maru No. 2, Kyoshin Maru No. 3.*
04471	Chiyo Maru Gyogyo Kabushiki Kaisha: *Chiyomaru No. 18.*
04482	Kabushiki Kaisha Teizomaru: *Eiko Maru No. 8.*
04494	Matsutomi Gyogyo Kaushiki Kaisha: *Choku Maru No. 3.*
04505	Kabushiki Kaisha Toyamaken Gyogyo Kousha: *Kurehamaru No. 2.*
04522	Nakamaru Gyogyo Kabushiki Kaisha: *Naka Maru No. 1.*
04530	Mr. Seitaro Futagawa: *Isemaru No. 18.*
04531	Mr. Eikichi Shirator: *Kyoei Maru No. 18.*
04558	Daiei Gyogyo K.K.: *No. 51 Daiei Maru, Takuyo Maru.*
04565	Consolidated Navigation Corp.: *New Trust.*
04621	Lunmar, S.A.: *Mt Spes.*
04794	Sea King Corp.: *Grand Unity, Grand Justice, Grand Navigator.*
05098	Esso Tankers Inc.: *Esso Geneva, Esso Nurnberg.*
05195	Pacific-Reederi Hans Beiklken KG: *Pacific.*
05401	Tractor Marine Inc.: *F. V. Hunt.*
05437	The Dow Chemical Co.: *NMS–1402, KS–101, KS–102, NMS–1200, NMS–1302.*
05834	Koyo Suisan Kabushiki Kaisha: *Seikomaru No. 8.*
05965	Marepica Neptunea S.A.: *Odysseis.*
06034	Sincere Industrial Corp.: *Tsen Hsing.*
06228	Nanyo Kaiun K.K.: *Nichiyu Maru.*
06311	Kanai Gyogyo Kabushiki Kaisha: *Tomi Maru No. 58.*
06483	Strathpark Shipping Co.: *Glenpark.*
06631	*Anglomar Chemicals Shipping,* Ltd.: *Stolt Lion.*
06773	Kaga Gyogyo: *Kaijin Maru No. 28.*
06829	Shinsei Suisan Kabushiki Kaisha: *Shinsei Maru No. 7, Shinsei Maru No. 5, Shinsei Maru No. 3, Shinsei Maru No. 2.*
07132	Rising Sun Shipping S.A.: *Tayabas Bay.*
07264	Reederei D. Oltmann KG: *Tendo, Lindo.*
07386	Majestic Carriers Inc.: *Eastern Saga.*

VOL 42 NO 117 JUN 17 77 UM

Certificate No.	Owner/Operator and Vessels
07416---	Marperfecta Armadora S.A.: *Lilly.*
07419---	Naviera Mercurio S.A.: *Crystal Cherry, Crystal Gardenia.*
07459---	Compania Maritima Lexaco Ltd.: *Spartan Lord.*
07490---	Lindinger Diamond K/S: *Lindinger Diamond.*
07574---	Georgian Shipping Co.: *Klaipeda, Poti.*
07766---	Transworld Shipping & Trading Co. Ltd.: *Sun Emerald, Trans Onyx.*
07821---	Everbright Line, S.A.: *Ever Bright.*
07904---	Kabushiki Kaisha Koyo Gyogyo: *Koyo Maru No. 23.*
08021---	Maekatsu Gyogyo Kabushiki Kaisha: *Katsu Maru No. 31.*
08174---	Sanyo Senpaku Shoji Kabushiki Kaisha: *Mitsufuji Maru.*
08288---	Sumande Shipping Corp. (Liberia): *Janill.*
08317---	South East Asia Shipping Co. Ltd.: *Mahabir.*
08319---	Captain Hans Beilken: *Nautic.*
08387---	Sure Hope Towing Co., Inc.; *MMS 106, MMS 103, MV 282, S-8502.*
08609---	Koraes Shipping Co., Inc.: *Koraes.*
08622---	Compania Naviera Impluvio S.A.: *Sophie B.*
08643---	Cape Navigation S.A.: *Cape Esau, Cape Soya.*
08690---	Compania de navigacion Resi S.A. Panama: *Confiance.*
08843---	Antilles Marine Co., Ltd.: *Ocean Chemist.*
08875---	Ogino Gyogyo Seisan Kumiai: *Koryo Maru No. 7.*
08984---	Western Gulf Shipping Establishment Vaduz: *Hagensee.*
09140---	Theriot Overseas Service Inc.: *Theriot Offshore II, Theriot Offshore III, Theriot Offshore VI, Theriot Offshore V, Theriot Offshore IV, Theriot Offshore I.*
09359---	Ikon Shipping Co. S.A.: *Ikon Dalio.*
09433---	Hinode Gyogyo Kabushiki Kaisha: *Hinode Maru No. 53.*
09515---	Ta Chi Navigation (Panama) Corp. S.A.: *Eurytion, Eurybates, Eurylochus, Eurymachus.*
09539---	Raymond-Kiewit-Tidewater, a Joint Venture: *JK-12, Mohawk, Placing Barge.*
09583---	Central Island Navigation Corp.: *Carina 1.*
09661---	Chieh Sheng Maritime S.A.: *Chieh Sheng, Euryshunli, Eurytehli.*
09685---	Koyu Gyogyo Seisan Kumiai: *Koyo Maru No. 18.*
09821---	Kohoku Gyogyo K.K.: *Kohoku Maru No. 31.*
09951---	Addax Tanker Corp.: *Arabian Addax.*
09992---	Amer-Sea Oy: *Finn-Amer.*
10095---	Escobal Naviera Co., S.A.: *Ohtori.*
10249---	Lindinger Agro Co. A/S: *Ano Lindinger.*
10272---	Kinori Uematsu: *Otori Maru.*
10482---	Princeton Shipping, Inc.: *Lord D'Orleans.*
10483---	Amherst Shipping Inc.: *Lord d'Epee.*
11045---	Euro Shipping Corp.: *Euro Priority, Euro Pride.*
11060---	Kumazawa Kaiun Kabushiki Kaisha: *Zao.*
11157---	Sea Place Inc.: *Seaking I.*
11194---	Septimaris Martime Corp.: *Elenma.*
11215---	High Pool S.A.: *Newham.*
11261---	Sexta Shipping Ltd.: *Sunny State.*
11403---	Morfou Shipping Co. S.A.: *Gianis Marios.*
11412---	Khalidia Marine Ltd.: *Mohamedia.*
11505---	Tokuei Kaiun Yugen Kaisha: *Tokuei Maru No. 27.*
11703---	Aichi Ken: *Aichi Maru.*
11801---	Galapagos Tourist Corp. S.A.: *Bucanneer.*
11830---	World Trade Shipping Corp.: *Don Quixote.*
11869---	Great Universe Navigation Co., S.A.: *Great Universe.*
11930---	Leitch Transport (a Division of Port Weller Dry Docks Ltd.): *Cape Breton Highlander, Canadian Transport, St. Lawrence Prospector, St. Lawrence Navigator.*
11958---	Taurus Shipping Co. N.V.: *Straat Amsterdam, Safocean Adelaide.*
12076---	Fair World Tanker Co. S.A.: *Permina Samudra XII.*
12209---	Seatrade Inc.: *Trado.*
12212---	Pontones Machos S.A.: *Bold Turtle.*
12221---	Kirkconnell Marine Shipping Inc.: *Reubens.*
12303---	Pontones Vigorosos S.A.: *Eager Turtle.*
12304---	Pontones Robustos S.A.: *Funny Turtle.*
12339---	Gulf Water Fueling, Inc.: *GDM-60.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17351 Filed 6-16-77;8:45 am]

[Docket No. 11-4; Agreements Nos. 9902-3, 9902-4, 9902-5 and 9902-6]

MODIFICATIONS OF EURO-PACIFIC JOINT SERVICE AGREEMENT

Intent To Make an Energy and Environmental Assessment

The above-referenced proceeding is an investigation to determine (1) the continued approvability of Agreement No. 9902-3, and (2) whether Agreements Nos. 9902-4, 9902-5 and 9902-6 should be approved, disapproved or modified pursuant to Section 15 of the Shipping Act, 1916.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment as well as energy efficiency and conservation. Consequently, the energy and environmental factors involved warrant consideration and evaluation before decision making is completed.

Therefore, Notice is hereby given that the Federal Maritime Commission intends to make an energy and environmental assessment to determine whether its final decision in this proceeding will constitute a major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975 or a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Written comments regarding possible environmental and energy effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted within thirty days of this Order to the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

Copies of discovery materials, all exhibits and all future correspondence and pleadings exchanged or filed in this proceeding shall be served on Chief, Office of Environmental Analysis, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17321 Filed 6-16-77;8:45 am]

[Docket No. 77-25]

AGREEMENT NO. 7540-28

Modification of the Leeward and Windward Islands and Guianas Conference Agreement; Investigation and Hearing

Agreement 7540-28 was filed for approval pursuant to Section 15, Shipping Act, 1916, on November 12, 1976. Notice of filing was published in the FEDERAL REGISTER on November 23, 1976.

The agreement modifies the basic agreement of the Leeward and Windward Islands and Guianas Conference which covers the trade between the United States Atlantic and Gulf ports and ports in Leeward and Windward Islands (excluding the Virgin Islands), Trinidad, Barbados, French Guiana, Surinam, and Guyana.

The conference, for ratemaking purposes, is divided into two sections: the Atlantic Section, covering the range of ports from Eastport, Maine, to and including Key West, Florida; and the Gulf Section, covering the range of ports west of Key West to and including Brownsville, Texas.

Agreement No. 7540-28 amends the basic conference agreement by providing for (1) the division of the present Atlantic Section into two separate sections, namely, the North Atlantic Section, covering the range of ports from Eastport, Maine, to and including Cape Hatteras, North Carolina, and the South Atlantic Section, covering the range of ports from Cape Hatteras southward to and including Key West, Florida; and (2) the establishment of an Executive Committee which shall consider matters affecting the entire trade of the conference.

The conference chairman states that the intent of the modification is to deal with serious differences in transportation conditions existing between the North and South Atlantic range ports, as well as to benefit shippers through rate structures which may more accurately reflect underlying conditions in the different port ranges.

In response to the notice of the filing of this agreement in the FEDERAL REGISTER, protests and requests for investigation and hearing were filed by the North Atlantic Ports Association, the Port Organizations in the Port of Philadelphia and the Virginia Port Authority.

The port interests allege that the division of the Atlantic Coast ports into two separate ranges, as contemplated under the proposed agreement, would contravene Section 205 of the Merchant Marine Act, 1936, and would also weaken their position in pursuing action under Sections 16 and 17 of the Shipping Act, 1916. They request that an investigation and hearing be instituted to determine whether the proposed agreement is violative of Section 205 of the Merchant Marine Act, and whether it is unjustly discriminatory or unfair as between ports, or as between shippers, exporters or importers in violation of Sections 16 and 17 of the Shipping Act.

The Commission is of the opinion that the issues raised by the protests should be made the subject of a formal investigation to determine whether Agreement No. 7540-28 should be approved, disapproved, or modified pursuant to Section 15, Shipping Act, 1916.

Therefore, it is ordered, That, pursuant to Sections 15 and 22, Shipping Act, 1916, an investigation and hearing is hereby commenced to determine whether Agreement No. 7540-28 between the members of the Leeward and Windward Islands and Guianas Conference is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers or ports, or between exporters from the United States and their foreign competitors, or detrimental to the commerce of the United States, or is contrary to the public interest, or is otherwise in violation of the Shipping Act, 1916, or is in violation of Section 205, Merchant Marine Act, 1936, and whether the agreement should be approved, modified, or disapproved pursuant to Section 15, Shipping Act, 1916.

It is further ordered, That the Proponents and Protestants listed in the appendix hereto are hereby made parties to this proceeding.

It is further ordered, That in accordance with the Rules of Practice and Procedure of this Commission (46 CFR 502.42), Hearing Counsel shall be a party to this proceeding.

It is further ordered, That this proceeding be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the Presiding Administrative Law Judge, but no later than December 9, 1977.

It is further ordered, That the hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That a notice of the Order be published in the FEDERAL REGISTER and that a copy thereof be served upon proponents and protestants as listed in the Appendix hereto.

It is further ordered, That persons other than those already parties to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72).

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING
Acting Secretary.

APPENDIX

PROPONENTS

The Leeward and Windward Islands and Guianas Conference, E. W. Norberg, Chairman, 11 Broadway, New York, New York 10004.
Atlantic Lines, Ltd., Chester, Blackburn & Roder, Inc., Agents, One World Trade Center, New York, New York 10048.
Booth Lamport (J/S), Barber Steamship Lines, Inc., Agents, 17 Battery Place, New York, New York 10004.
Pan American Mail Lines, Chester, Blackburn & Roder, Inc., Agents, 1175 Northwest 70th Avenue, Miami, Florida 33126.
Royal Netherlands Steamship Co., 5 World Trade Center, New York, New York 10048.
Sea-Land Service, Inc., P.O. Box 900, Edison, New Jersey 08817.

PROTESTANTS

North Atlantic Port Association, c/o George F. Mohr, Delaware River Port Authority, Camden, New Jersey 08101.
Port of Philadelphia Marine Terminal Association, Philadelphia Marine Trade Association, The District Council of the International Longshoremens Association, AFL-CIO, Philadelphia Port Corporation, Delaware River Port Authority, City of Philadelphia, Greater Philadelphia Chamber of Commerce, c/o Francis A. Scanlan, Esquire, Deasey, Scanlan & Bender, Ltd., Two Girard Plaza, Suite 2900, Philadelphia, Pennsylvania 19102.
The Virginia Port Authority, J. Robert Bray, Counsel, Norfolk, Virginia 23510.

[FR Doc.77-17291 Filed 6-16-77;8:45 am]

TULSA PORT OF CATOOSA AND TULOMA STEVEDORING, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 11, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harley W. Ladd, Port Director, Tulsa Port of Catoosa, 5301 West Channel Rord, Catoosa, Oklahoma 74015.

Agreement No. T-3478, between Tulsa Port of Catoosa (Port) and Tuloma Stevedoring, Inc., (Tuloma), grants Tuloma the nonexclusive right to provide loading, unloading, storage, transfer, and transportation services for cargo at Port's terminal facilities. Tuloma shall provide the above services in accordance with the Port's currently published tariff. In return, Port shall receive wharfage assessments and tollage fees. The wharfage portion of this compensation is subject to a minimum annual guarantee as further provided for in the agreement. Agreement No. T-3478 is to supersede Agreement No. T-3455, between the same parties, which was noted in the FEDERAL REGISTER on April 27, 1977. The term of Agreement No. T-3478 will be for a period of eight years inclusive of the time that the parties operated under Agreement No. T-3455. Tuloma may elect to renew Agreement No. T-3478 for three additional terms of five years each.

By Order of the Federal Maritime Commission.

Dated: June 14, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17350 Filed 6-16-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-413]

ALGONQUIN LNG, INC., ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 9, 1977.

Take notice that on May 25, 1977, Algonquin LNG, Inc. (Algonquin LNG) and Algonquin Gas Transmission Company (Algonquin Gas) 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP77-413 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the receipt, storage and redelivery of approximately 419,000 bbls. of liquefied nat-

JUN 17 77 UM

ural gas (LNG) at Algonquin LNG's Province, Rhode Island, intrastate storage facilities; all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Algonquin LNG states that it has a 600,000 bbl. capacity LNG storage tank at Providence, Rhode Island, which is currently being used, and would continue to be used, in part, for the benefit of Providence Gas Company (Providence Gas). It is further stated that the tank is in the intrastate phase, or Phase I of Algonquin LNG's terminal facilities, and an application to construct and operate the Phase II or interstate phase is pending in Docket No. CP73–139.

Algonquin LNG asserts that during the 1977–78 heating season, in would have approximately 419,000 bbls. (after allowance for tank heel) of available capacity in its LNG storage tank over and above the 174,000 bbls. of capacity which has been dedicated to Providence Gas. It is further asserted that there is liquefaction capacity and supplies of LNG in excess of LNG storage capacity during the 1977 summer season; and consequently, certain additional resale companies, including regular distributor customers of Algonquin Gas, would be able to use the available capacity in Algonquin LNG's tank to store gas for use during the 1977–78 winter. The application states that the additional storage service would permit participating resale customers to forego interruptible sales this summer and convert this gas into a supply for high priority requirements next winter.

It is stated that Algonquin LNG has entered into an agreement with The Connecticut Gas Company dated April 22, 1977, to store 90,000 bbls. of LNG, and has had discussions with several other companies which have expressed a desire to participate in the storage service but have not yet finalized the extent of their participation.

Algonquin LNG asserts that customers subscribing to the LNG storage service herein proposed would be charged a rate of $1.30 per million Btu's ($4.50 per barrel) to be paid in equal monthly installments over the period of service. It is further asserted that the term of such service would be through May 31, 1978, and that no new facilities are required to effectuate the proposal.

The application states that deliveries by a customer to the Algonquin LNG Providence storage facility would be made by truck, and redelivery would be made either in liquid form, by truck, or in gaseous phase, by pipeline.

It is further stated that redeliveries would also be accomplished in gaseous phase by displacement and Algonquin LNG would gasify the LNG and physically deliver it to Providence Gas, and Algonquin Gas, in turn, would deliver equivalent volumes on a basis which would not impair service to Algonquin Gas' other customers, to said customer by displacement. Algonquin Gas states that it proposes to charge 15.0 cents per million Btu's of gas so delivered to the customers. It is further stated that such deliveries are not expected to exceed an aggregate volume of approximately 50,000 million Btu's per day. Such redelivery of gasified LNG by Algonquin Gas, it is stated, has been agreed upon with The Connecticut Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17434 Filed 6–16–77;8:45 am]

[Docket No. ER77–403]

ARKANSAS-MISSOURI POWER CO.

Filing

JUNE 10, 1977.

Take notice that on May 27, 1977, Arkansas-Missouri Power Company (Ark-Mo) tendered for filing an unexecuted Letter of Agreement between the Arkansas-Electric Cooperative (Arkco) and Ark-Mo. Ark-Mo states that the agreement extends the term of its contract with Arkco dated February 15, 1963 (Ark-Mo Rate Schedule FPC No. 31) until May 31, 1978. In addition, Ark-Mo states that the Letter of Agreement provides for the sale by Ark-Mo of short-term firm power for the period between June 1, 1977 and May 31, 1978, and that revenues therefrom should be about $3,764,680. Ark-Mo requests waiver of the Commission's notice requirements so that the Letter of Agreement may be effective as of June 1, 1977.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 17, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17437 Filed 6–16–77;8:45 am]

[Docket No. CP77–404]

COLORADO INTERSTATE GAS CO.

Application

JUNE 9, 1977.

Take notice that on May 23, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77–404 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a revision in its annual volumetric obligations to its customers and to make revisions to service agreements with certain of its jurisdictional customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to:

1. Revise its total annual volumetric obligations to jurisdictional and nonjurisdictional transmission system and jurisdictional field system customers from the present level of 379,389,500 Mcf to 358,414,500 Mcf.

2. Provide seasonal service under Rate Schedule S–1 to Raton Natural Gas Company with an annual capacity volume of 44,000 Mcf and a maximum daily volume of 3,700 Mcf, and

3. Revise the maximum daily volume obligations for deliveries to Public Service Company of Colorado (Public Service) at the North Pueblo and South Pueblo delivery points.

Applicant states that since 1971 it has been working in cooperation with its customers to husband its peak day and annual supplies. Aplicant further states that with a stabilized or declining supply of gas available to it, Applicant determined that the most practical means of continuing to meet its customers' high priority residential and commercial needs is to reduce the natural gas service rendered directly or by its customers for lower priority requirements, which

are in large part capable of being satisfied with alternate fuels. It is stated that in the past Applicant has been able to increase its peak day commitments to its resale customers for high priority uses by negotiating reductions in the peak day commitments to its lower priority, nonjurisdictional customers.

Applicant indicates that it advised its customers early in 1977 that its projected peak day supply availability would not permit it to increase its firm peak day commitments to any of its customers in Fiscal Year 1978. However, four of Applicant's jurisdictional transmission system customers requested increases, aggregating 3,318,000 Mcf, in Applicant's annual volumetric obligations to them to enable them to meet their residential and commercial requirements in existing service areas, it is asserted. Consequently, Applicant proposes to increase it annual volumetric obligations to four jurisdictional transmission system customers by 3,318,000 Mcf as follows:

Present and proposed annual volumetric obligations

[Volumes in million cubic feet]

Customer	Fiscal years 1976 and 1977 obligation	Increase	Fiscal year 1978 obligation
Public Service Co. of Colorado (Public Service)	117,076	2,012	119,088
Cheyenne Light, Fuel & Power Co. (Cheyenne)	12,953	698	13,651
Western Slope Gas Co. (Western Slope)	59,278	20	59,298
Northern Natural Gas Co.—Peoples Division (Peoples)	6,237	588	6,825
Total	195,544	3,318	198,862

Applicant states that its ability to increase its annual commitments to the four jurisdictional customers at this time results from (1) voluntary and negotiated reductions in Applicant's commitments to its nonjurisdictional transmission system customers which have previously taken place and (2) the reductions in the nonjurisdictional customers' natural gas requirements which have resulted from the operation of normal market mechanisms. Applicant indicates that it also proposes to decrease its annual volumetric obligation to its nonjurisdictional transmission system customers by 24,293,000 Mcf, and that this reduction recognizes the lower contractual commitments to which both Applicant and those customers have agreed as a direct result to the decline in their annual requirements. The net effect of the proposed decrease is a reduction of 20,975,000 Mcf in Applicant's total annual volumetric obligations to jurisdictional and nonjurisdictional transmission system and jurisdictional field system customers.

Applicant states that Raton Natural Gas Company (Raton), another jurisdictional customer of Applicant, has requested seasonal service under Applicant Rate Schedule S–1 with a daily demand volume of 3,700 Mcf and an annual capacity volume of 44,000 Mcf. It is stated that no increased annual volume would be required, as the requested capacity of volume would be included as part of Raton's existing annual volumetric entitlement, and that because any seasonal service volumes delivered outside the seasonal period defined in Rate Schedule S–1 (May 1–September 30) are interruptible, no additional peak day volumes would be required as a result of this proposed change, it is said. Applicant indicates that Raton's peaking service capacity volume under Applicant's Rate Schedule PS–1 is insufficient to meet the heating season's requirements, and that during the last several years, Raton has overrun its peaking service capacity volume. Applicant states that Raton is eligible for seasonal service volumes under Rate Schedule P–1. The requested demand and capacity volumes would enable Raton to take seasonal service gas at certain times, especially during the periods of the heating season, when Applicant can make such gas available on an interruptible basis because Applicant's other customers' requirements are below their contract demand level, it is said. Applicant states that by taking seasonal service gas from time to time during the heating season when Applicant can make it available on an interruptible basis, Raton could defer taking peaking service gas at those times and, in essence, conserve some of its peaking service capacity volume for periods when peak demands are generally being experienced throughout Applicant's system.

It is stated that Public Service has requested small increases in the Maximum Daily Volume obligations for deliveries at two of the seven existing delivery points on its Pueblo, Colorado, system, and that gradual shifts in the load concentration in the Pueblo area have adversely affected Public Service's operations, and the requested changes would give them more flexibility. The requested increase at the North Pueblo delivery point is from 29,000 Mcf to 31,000 Mcf and, at the South Pueblo delivery point, from 50,000 to 52,500 Mcf, it is said. Applicant states that the increased maximum delivery obligations would not enable Public Service to take more gas on any day, as its total takes are limited by its contract demand, and that no facility changes would be required.

Applicant summarizes the end use data provided by the customers as follows:

End use of additional annual entitlements

[Volumes in million cubic feet]

Customer	FPC priority 1	FPC priority 2	Total
Public Service	1,738	284	2,012
Cheyenne	406	292	698
Western Slope	20	----	20
Peoples	----	588	588
Total	2,154	1,164	3,318

It is stated that Public Service has requested an additional 2,012,000 Mcf to meet the annual requirements of residential and commercial customers added within its existing service areas. Expansion of Public Service's Leyden storage facility would provide the necessary additional peak day volume to meet these customers' projected needs, it is said.

Cheyenne has experienced substantial growth in its franchised market area, which is centered in the city of Cheyenne, Wyoming, and an additional annual volumetric entitlement of 698,000 Mcf is required to continue to serve the residential and commercial needs of this area, it is indicated. It is stated that operational and design adjustments would enable Cheyenne to meet its peak day requirements with its existing contract demand volume.

Applicant states that Western Slope has requested a minor increase of 20,000 Mcf in its annual entitlement in order to meet the residential and small commercial needs of an existing distribution customer, and that the distribution company would provide the necessary additional peak day volumes to serve its customers with its own propane-air injection plant.

Applicant indicates that Peoples' major market in the Texas Panhandle and northeastern New Mexico is made up of irrigation customers, and that Peoples has not added any new irrigation customers on that system, which is supplied by Applicant, in the last four years. Applicant further states that the existing customers are now irrigating more acreage over a longer period of time, and that as a consequence, Peoples requires an increase of 598,000 Mcf in its annual entitlement in order to continue to serve its existing customers' needs. Peoples' existing contract demand volume, which is based upon a summer peak, is sufficient to continue to meet these customers' maximum daily requirements, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

V 42 N 117 JUN 17 77 UM

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17426 Filed 6-16-77;8:45 am]

[Docket No. CP77-406]

COLORADO INTERSTATE GAS CO.

Application

JUNE 9, 1977.

Take notice that on May 23, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-406 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon two 1,320-horsepower compressors currently located at its Fourway Compressor Station and for a certificate of public convenience and necessity authorizing the relocation and operation of these compressors for air injection service at its Watkins Junction Regulator Station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that its Fourway Compressor Station was constructed with eleven 1,320-horsepower compressors (14,520-horsepower) pursuant to the Commission's orders issued in Docket Nos. G-1326, G-1677, and G-2120 during the period 1950 through 1953, and that air injection facilities with a capability of 8,000 Mcf per day were installed at Watkins Junction under authority granted in an amending order dated August 6, 1973, in Docket No. CP-73-44. Applicant states that air injection is required to maintain input factor control and that air injection was authorized for thermal control of the high-Btu gas delivered by Panhandle Eastern Pipe Line Company under Applicant's Rate Schedule X-42.

It is stated that five of the eleven 1,320-horsepower compressor units at Fourway Compressor Station are dedicated to compressing field supplies connected directly to Fourway, five units are dedicated to compressing the gas stream from Applicant's Bivings Compressor Station, and one unit is used as a swing unit which can compress Fourway field supplies or the gas stream from Bivins. Applicant states that its supplies in the Fourway area of the Texas Panhandle are continually declining, and that current designs indicate that three engines can more than adequately handle the compression requirements of the field supplies connected directly to Fourway. Consequently, Applicant proposes to abandon two of the five 1,320-horsepower compressor units at the said location and relocate these units to Watkins Junction for utilization in air injection service. No abandonment or change in existing service to Applicant's customers would result because of the removal of the two compresor units, it is said.

It is stated that Applicant's gas supplies from producers in Wyoming and Northeast Colorado have a heat content of up to 1,064 Btu, with a specific gravity of about 0.64 at the inlet to Watkins Junction Regulator Station, and these parameters are not expected to change in the foreseeable future. Applicant indicates that its gas tariff requires that the input factor be maintained at plus or minus 6 percent from the specified input factor level of 1,200 in the Denver and Pueblo, Colorado, area. Applicant states that air injection capability at Watkins Junction must be increased to maintain the input factor within tariff limits and to ensure that Applicant is able to accept project supplies on its Wyoming Line. Applicant indicates that its maximum daily design overfire of 4.5 percent (1,254 input factor) is exceeded if the proposed air injection facilities are not installed, and that with the proposed air injection facilities, input factors are within design limits. Applicant states that without additional air injection it estimates that it would be necessary to reduce the relatively high-Btu Wyoming and Northeast Colorado gas delivered at Watkins Junction by approximately 3,700,000 Mcf in fiscal year 1978. To enable Applicant to control input factors, Applicant proposes to add approximately 2,640 horsepower of air compression capability at said location by relocating existing equipment.

The cost of modifying, relocating, and installing the two compressors at the Watkins Junction is $2,108,138 and modifications to existing dehydration facilities is $268,893 with the total estimated cost of facilities to be installed at said location being $2,377,031, it is said. Applicant states that the capital required for the abandonment and construction of facilities as proposed would be obtained from current funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17430 Filed 6-16-77;8:45 am]

[Docket No. RP77-101]

COLUMBIA GAS TRANSMISSION CORP.

Intention Filed by Columbia Gas Transmission Corporation To Initiate Transportation Service Utilizing Jurisdictional Facilities Without Prior Commission Approval

JUNE 10, 1977.

Take Notice that by letter dated June 1, 1977, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue SE., Charleston, West Virginia 25314, has advised that as a result of the decline in available gas supply commencing in 1972, it has not been able to supply the full requirements of the industrial and commercial customers of its wholesale customers. Curtailment of such consumers became particularly acute during the 1976-1977 winter heating season due to colder than normal weather.

Columbia further advises that as gas supply available to industrial and commercial consumers declined in recent years, Columbia has cooperated with various Ohio industrial and commercial consumers in so-called "self-help programs." Under the latter program, Ohio consumers that either develop or purchase Ohio produced gas are to utilize the jurisdictional facilities of Columbia for moving such gas within Ohio to the Ohio facilities of these consumers. As a result of the substantial curtailment imposed by Columbia's distributors this past winter, Columbia states that Governor James A. Rhodes has encouraged the expansion of the aforementioned "self-help programs." Such expansion would involve the movement within Ohio of Ohio produced gas to the Ohio facilities of the industrial or commercial consumers through the existing facilities of Columbia located in the State of Ohio and its distribution customers.

Columbia in its June 1, 1977, letter notified the Commission that it would commence transporting on June 2, 1977, in its jurisdictional facilities natural gas produced in the State of Ohio for an industrial customer (Marion Power Shovel Company, Inc.) located in the state without first obtaining authorization to commence and continue such service from this Commission. In adition, Columbia further expressed its intention to initiate other such transportation service of Ohio produced gas developed and/or purchased by industrial and commercial consumers in Ohio.

Columbia contends that the transactions contemplated in its June 1, 1977, letter falls within the purview of *Colorado Interstate Gas Company* in Docket Nos. CP75-323 and CP75-300 (Opinion No. 777), issued on September 30, 1976, and an order issued by the Commission in *Colmbia Gas Transmission Corporation*, in Docket No. RP73-65 (PGA 75-5), issued on April 18, 1977.

Columbia contends that any such transportation undertaken by it will only be undertaken within the constraint of the following parameters:

First, any self-help transportation commitment will be on a 'best efforts" basis and subject to all existing obligations to Columbia's jurisdictional wholesale customers.

Second, Columbia will only accept into its pipeline system in the State of Ohio molecules of gas which, in Columbia's judgment, cannot leave the State of Ohio.

Third, Columbia will charge a transportation rate based on its system-wide average transportation and storage costs as reflected in its filed cost-of-service underlying its current effective FPC tariff rates.

Fourth, Columbia will retain 3.1 percent of all self-help gas delivered into its facilities for company-use purposes.

The facts tendered by Columbia are scant even with respect to the specific transportation service it has initiated for Marion Shovel on June 2, 1977. Facts relating to prospective transportation services of the nature related to herein are non-existent and provide the Commission with insufficient basis upon which to make appropriate determinations of the propriety of Columbia's proposed operations under the Natural Gas Act. The Commission further is apprehensive about affording any blanket authorization of the scope that might be necessary to enable a pipeline to undertake the transportation and operation of jurisdictional facilities contemplated herein. The proposal tendered by Columbia in its June 1, 1977, letter undoubtedly presents other factors and problems that are worthy of comment and Commission consideration. The Commission will accordingly make provisions for the submittal of comments on this matter.

Any interested person may submit to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, not later than July 6, 1977, data, views, and comments or suggestions in writing concerning the aforementioned matters. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submissions to the Commission should indicate the name, title, and mailing address of the person to whom correspondence with regard to the proposal should be addressed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17443 Filed 6-16-77;8:45 am]

[Docket Nos. RP74-87, RP74-82]

COLUMBIA GULF TRANSMISSION CO., COLUMBIA GAS TRANSMISSION CORP.

Notice of Certification of Settlement Agreement on Cost Classification and Rate Design

JUNE 10, 1977.

Take notice that on May 31, 1977, the Presiding Administrative Law Judge certified to the Commission a supplemental stipulation and agreement which purports to settle the cost classification and rate design issues in the above-captioned proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 8, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17449 Filed 6-16-77;8:45 am]

[Docket No. CP77-325]

CONSOLIDATED GAS SUPPLY CORP.

Amendment to Application

JUNE 10, 1977.

Take notice that on May 27, 1977, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP77-325 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act so as to expand the request for certificate authorization to cover additional storage service to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant indicates that on March 31, 1977, it filed for a limited term certificate authorizing the rendition of a three-year (beginning in 1977 and ending in 1980) storage service to Texas Eastern, and that on April 21, 1977, the Commission issued a temporary certificate to render the storage service to Texas Eastern as proposed, beginning as of April 16, 1977, consisting of a storage capacity volume of 30,000,000 Mcf and a daily demand volume of 221,400 Mcf (volume in Mcf at 14.73 psia). On the same date, Texas Eastern was issued a temporary certificate in Docket No. CP77-313 to provide 14 of its customers with a limited-term storage service of up to the capacity volume obtained from Applicant, and Algonquin Gas Transmission Company (Algonquin) received a temporary certificate in Docket No. CP77-337 to provide 14 of its customers with a limited-term storage service of up to capacity volume to be made available by Texas Eastern from the storage space obtained from Applicant, it is said.

By this amendment, Applicant proposes to expand its request for certificate authorization to cover additional storage service to Texas Eastern whereby Applicant would provide, upon a best-effort basis, an additional storage capacity volume, of 2,000,000 Mcf (volumes in Mcf at 14.73 psia) for South Jersey Gas Company (South Jersey), a customer of Transcontinental Gas Pipe Line Corporation (Transco). Applicant states that this additional storage service proposed by this amendment to Texas Eastern for South Jersey is pursuant to an additional Texas Eastern-Consolidated agreement dated April 19, 1977. These combined services consist of a storage capacity volume of 32,000,000 Mcf and a daily demand volume of 234,600 Mcf, to be rendered by Applicant upon a best-efforts basis, beginning with the 1977 summer injection period and ending with the 1979-1980 withdrawal period, and to be charged for at rates contained in its GSS Rate Schedule, it is stated.

It is stated that under the storage program as expanded, the natural gas to be delivered to Applicant by Texas Eastern and the natural gas to be returned by Applicant to Texas Eastern would be de-

JUN 17 77 UM

livered at existing points of interconnection between the facilities of Texas Eastern and Applicant in the states of Ohio and Pennsylvania as operating conditions permit or require, and as mutually agreed to from time to time by their dispatchers. No new facilities are required to render the services proposed under the enlarged program, it is said. Applicant states that the gas to be injected into storage for South Jersey would first be delivered by Transco to Texas Eastern at an existing interconnection near Norristown, Pennsylvania, and the volumes withdrawn from storage for South Jersey would be returned to Transco by Texas Eastern at the Linden, New Jersey, interchange.

It is stated that during each of the 1977, 1978, 1979 injection periods, Texas Eastern would deliver to Applicant and Applicant would inject into storage such quantities of gas as are mutually agreed to and scheduled, on each day, by the dispatchers of Texas Eastern and Applicant, and that Applicant would use its best efforts to inject into storage the quantities of gas requested by Texas Eastern on behalf of its 14 customers involved and on behalf of South Jersey. Any carried-over inventory and the injections would not exceed at any time the combined contracted storage capacity, it is said.

It is further stated that during each of the 1977–1978, 1978–1979, and 1979–1980 withdrawal periods, Applicant would, on a best-efforts basis, deliver to Texas Eastern the contracted storage gas of the Texas Eastern customers and South Jersey, or any lessor portion desired by Texas Eastern at reasonably-constant daily rates not to exceed 234,600 Mcf; *Provided, however*, That such daily volumes may be adjusted as operating conditions permit and as mutually agreed to by the dispatcher of Applicant and Texas Eastern.

Applicant indicates that redeliveries from storage would occur ordinarily during the winter season next following the summer injection season. However, the customers may defer their withdrawals; and, in such event, the carried-over inventory and succeeding summer injection cannot exceed the contracted storage volume, it is stated.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 30, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17446 Filed 6-16-77;8:45 am]

[Docket No. ER76-45]

CONSUMER POWER CO.

Filing

JUNE 10, 1977.

Take notice that Consumers Power Company (Consumers) on May 31, 1977, tendered for filing Standard Service Agreements for wholesale for resale electric service between Consumers Power and the City of Harbor Springs, City of Marshall, City of Petoskey, Village of Chelsea, City of Portland, City of St. Louis, and the City of Coldwater, each service agreement effective on and after March 10, 1977, and with the Wolverine Electric Cooperative, Inc., effective on and after September 30, 1975. Consumers states that, on their effective dates, the above service agreements cancelled and superseded the following prior contracts: FPC Nos. 5, 7, 40, 9, 32, 17, 29, and 30 respectively and that the tariff applicable to each of the above service agreements incorporates the rates approved by the Commission in its Order Approving Settlement dated March 7, 1977, in Docket No. ER76-45.

Consumers states that the execution of each of the above Standard Service Agreements (with the exception of the agreement with Wolverine Electric Cooperative, Inc.) was performed pursuant to the terms of the Settlement Agreement approved by the Commission Order of March 7, 1977.

Consumers states that copies of the filing were served on the affected customers, their counsel and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said agreements should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 24, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the agreements are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17452 Filed 6-16-77;8:45 am]

[Docket No. CP75-96, et al.]

EL PASO ALASKA CO.

Availability of El Paso Computerized Financial Documentation

JUNE 9, 1977.

The Federal Power Commission, Bureau of Natural Gas, Systems Analysis Branch has made available in the FPC's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, the computerized financial documentation for El Paso under El Paso Alaska Company, Docket No. CP75-96, et al. This documentation is a systematic analysis of accounting data for cost-of-service determination and specific input to specified computer runs used as a basis for the financial data shown in the Federal Power Commission's Recommendation to the President.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17440 Filed 6-16-77;8:45 am]

[Docket No. CP75-96, et al.]

EL PASO ALASKA CO.

Availability of Arctic Computerized Financial Documentation

JUNE 9, 1977.

The Federal Power Commission, Bureau of Natural Gas, System Analysis Branch has made available in the FPC's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, the computerized financial documentation for Arctic Gas under El Paso Alaska Company, Docket No. CP75-96, et al. This documentation is a systematic analysis of accounting data for cost-of-service determination and specific input to specified computer runs used as a basis for the financial data shown in the Federal Power Commission's Recommendation to the President.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17441 Filed 6-16-77;8:45 am]

[Docket No. CP77-407]

EL PASO NATURAL GAS CO.

Application

JUNE 9, 1977.

Take notice that on May 23, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-407 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Pacific Interstate Transmission Company (Pacific), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver a daily quantity of natural gas

equivalent to 200,000 million BTU's for Pacific on a best efforts basis utilizing such idle capacity as may otherwise exist from time to time in Applicant's interstate pipeline system facilities pursuant to a gas transmission agreement dated May 3, 1977, between Applicant and Pacific.

Applicant indicates that the gas it proposes to transport for Pacific would be bought from Northwest Pipeline Corporation (Northwest) by Pacific. It is stated that Northwest's total gas supply available to its transmission system may be greater than its total system requirements at times during the months of May through October 1977, and that such potential surplus gas supply is attributable primarily to the fact that Westcoast Transmission Company, Limited, (Westcoast) expects to have quantities of gas available for export to the United States from the Province of British Columbia during the summer months equal to its daily export authorization, as established by the National Energy Board of Canada, i.e., 809,000 Mcf per day at the Sumas import point. Since Northwest is not able to utilize the full 809,000 Mcf per day due to the summertime load distribution on its transmission system, Northwest may have available at times during the 1977 summer months more gas from Westcoast at the Sumas import point than it requires under normal operating conditions, it is said. Applicant states that Northwest intends to maximize its purchases from Westcoast at the Sumas import point and would tender any excess gas not required for system requirements, up to 200,000 million Btu's per day, for sale and delivery on a best efforts basis to Pacific. It is stated that Northwest would deliver such volumes of gas sold to Pacific to Applicant, for Pacific's account, at the point of interconnection of Applicant's and Northwest's existing facilities in La Plata County, Colorado. Applicant indicates that to the extent Northwest has volumes of natural gas available for sale to Pacific, Applicant proposes to transport and deliver such volumes received from Northwest, for Pacific's account, to Southern California Gas Company (SoCal) for a term extending from the date of initial deliveries through October 31, 1977.

Applicant states that it would accept from Northwest a daily quantity of natural gas equivalent to 200,000 million Btu's for transportation for the account of Pacific, at the interconnection of Northwest's and Applicant's existing facilities located in La Plata County, Colorado, referred to as the Ignacio receipt point. Applicant further states that it would transport, on a best efforts basis, the gas so received for Northwest from the Ignacio receipt point by means of idle capacity in its system and deliver to SoCal, at Applicant's existing delivery points to SoCal on the Arizona-California boundary near Topock, Arizona and Blythe, California, referred to as El Paso delivery points, for Pacific's account, a quantity of gas equivalent to 95 percent of the heating value contained in the transportation quantities tendered by Northwest. The 5 percent reduction represents shrinkage as a result of compressor fuel usage and gas lost or unaccounted for in the mainline transportation of said natural gas by Applicant for Pacific's account, it is said.

It is stated that Pacific would pay Applicant an initial transportation charge equivalent to the rate then in effect and reflected during the term under Applicant's Rate Schedule G sales rate schedule (or rate for comparable service) of Applicant's FPC Gas Tariff, Original Volume No. 1, less the rate in effect and reflected during the term under Rate Schedule X-1 of Applicant's FPC Gas Tariff, Original Volume No. 1, for each Mcf of natural gas delivered by Applicant to SoCal for Pacific's account. Applicant states that based upon the rates proposed to be placed into effect on June 1, 1977, under Rate Schedules G (118.54 cents per Mcf) and X-1 (98.00 cents per Mcf), the initial transportation charge would be 20.54 cents per Mcf.

It is indicated that there are conditions precedent, set forth in Article VIII, Paragraph 8.2 of the subject transportation agreement, which provide for, inter alia, tariff changes necessary to exclude the quantities of SoCal's gas supply to be transported by Applicant for Pacific's account from the operation of Applicant's curtailment provisions in effect from time to time as a part of Applicant's FPC gas tariff. It is stated that Applicant's currently effective curtailment procedures, priorities and curtailment, of the general terms and conditions of Applicant's FPC gas tariff, Original Volume No. 1, do not specifically provide for the exclusion of any new supply sources acquired by a customer when determining the quantities of natural gas each customer is entitled to receive from Applicant each day. Applicant indicates that its revised curtailment plan submitted to the Commission on November 22, 1976, in compliance with Commission Opinion Nos. 697 and 697-A, as modified by orders issued December 24, 1975, and October 15, 1976, at Docket No. RP72-6, contains curtailment procedures, to its FPC gas tariff, Original Volume No. 1, which provide for the exclusion from the curtailment provisions of any new supply sources attached by a customer after October 31, 1974. It is further indicated that said order of October 15, 1976, inter alia, affirmed such Section 11.3(e)(1), provision thus satisfying the requirement. Applicant requests that the authorization requested in the instant proceeding when issued specifically exempt the subject gas supply from the operation of Applicant's curtailment procedures.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application of no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17432 Filed 6-16-77;8:45 am]

[Docket No. CP77-415]

EL PASO NATURAL GAS CO.

Application

JUNE 10, 1977.

Take notice that on May 27, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77-415 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the retention in place of certain tap and related facilities located in Roger Mills County, Oklahoma, installed as an emergency interconnection between the systems of Applicant and Michigan Wisconsin Pipe Line Company (Mich-Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Mich-Wis notified the Commission by letter dated April 25, 1977, of the commencement of a 60-day emergency exchange of up to 30,000 Mcf per day between Mich-Wis and Columbia Gas Transmission Corporation (Columbia) and the emergency transportation of such exchange gas volumes by Applicant for Mich-Wis. Applicant states that such emergency arrangements were initiated April 1, 1977, in accordance with the terms and conditions set forth in a letter agreement dated April 21, 1977, between Applicant, Mich-Wis and Columbia, and that Mich-Wis contracted for emergency natural gas supplies of up to

V42 N117 JUN 17 77 UM

30,000 Mcf per day in the western Oklahoma area. Applicant indicates that Mich-Wis advised it that due to insufficient capacity in its existing southwest gathering system facilities it was unable to receive deliveries of such emergency supplies for its system requirement, and that Mich-Wis requested that Columbia and Applicant assist it in effectuating Mich-Wis' receipt of such emergency natural gas supplies. Applicant states that it would assist Mich-Wis by accepting deliveries of emergency natural gas supplies, on a best efforts basis, of up to 30,000 Mcf per day at a point of interconnection to be installed between the facilities of Applicant and Mich-Wis in Roger Mills County, Oklahoma, and to deliver such gas for Mich-Wis' account. Such emergency gas volumes have been transported by Applicant through its interstate system pipeline facilities as payback gas to Columbia for gas received by Mich-Wis from Columbia under the provisions of the Emergency Natural Gas Act of 1977, it is said.

It is stated that Applicant and Mich-Wis mutually desire to retain in place the existing interconnection facilities so that in the event that an emergency condition should occur, the immediate operational availability of the existing interconnecting facilities could provide an expeditious means of preventing a loss of gas service and possible harm to Applicant's and Mich-Wis' interstate customers as well as provide a means by which deliveries may be made to accommodate the needs of other pipeline companies entering into arrangements with Mich-Wis or Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17447 Filed 6-16-77;8:45 am]

[Docket Nos. G-3113, et al.]

EXXON CORPORATION, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 9, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Filing Codes:
A - Initial Service
B - Abandonment
C - Amendment to add acreage
D - Amendment to delete acreage
E - Total Succession
F - Partial Succession

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
CI77-517 5-23-77 A	Exxon Corporation	Mid Louisiana Gas Company (East Cameron Block 335, Offshore Louisiana)	190.00 1/	15.025
CI77-518 5-23-77 A	Exxon Corporation	Northern Natural Gas Company (East Cameron Block 335, Offshore Louisiana)	190.00 1/	15.025
CI77-519 5-23-77 A	Exxon Corporation	Columbia Gas Transmission Corporation (East Cameron Block 335, Offshore Louisiana)	190.00 1/	15.025
CI77-520 5-25-77 E	Exxon Corporation	El Paso Natural Gas Company (Tapacito Field, Eddy County, New Mexico)	156.416 1/	14.73
CI77-521 (CI75-209) 5-25-77 B	Texas Gas Exploration Corporation P.O. Box 52310 Houston, Texas 77052	Transcontinental Gas Pipe Line Corporation (North Vinton Field Area, Calcasieu Parish, Louisiana)	Reserves Depleted.	
CI77-523 5-25-77 A	Transco Exploration Company	Transcontinental Gas Pipe Line Corporation (Southwest Gibson Field, Terrebonne Parish, Louisiana)	$1.63 1/ 2/	15.025
CI77-524 5-26-77 A	Monsanto Company 1300 Post Oak Tower 5051 Westheimer Houston, Texas 77056	El Paso Natural Gas Company (Lone Tree No. 1 Well (Wolfcamp Formation) Eddy County, New Mexico)	$1.5768 1/	14.73

FPC Form 573 Rev (6-70)

[1] Applicant proposes to collect the applicable national rate as prescribed in Opinion No. 770-A, subject to adjustments contained therein.
[2] Applicant and Purchaser are affiliated.

[FR Doc.77-17216 Filed 6-16-77;8:45 am]

Docket No. and Date Filed	Applicant	Purchaser and Location	Price Per Mcf	Pressure Base
G-3113 5-9-77 B	Exxon Corporation P.O. Box 2180 Houston, Texas 77001	El Paso Natural Gas Company (Cooper Jal Field, Lea County, New Mexico)	Well reclassified from gas well to oil well.	
CI61-780 5-23-77 C	Sohio Petroleum Company 50 Penn Place Suite 1100 Oklahoma City, Oklahoma 73118	Cities Service Gas Company (Hoode County, Oklahoma)		
CI65-121 5-23-77 C	Sohio Petroleum Company	Cities Service Gas Company (Hoode County, Oklahoma)		
CI72-809 5-25-77 C	Energy Reserves Group, Inc. P.O. Box 1201 Wichita, Kansas 67201	Northwest Pipeline Corporation (Rio Arriba County, New Mexico)	158.1322[4] 1/	15.025
CI73-164 4-22-77 C	Shell Oil Company Two Shell Plaza P.O. Box 2099 Houston, Texas 77001	Natural Gas Pipeline Company of America (West Cameron Block 565, Offshore Louisiana)	47.3859 1/	15.025
CI77-502 (G-7393) 5-20-77 B	Colorado Oil Company, Inc. P.O. Box 1087 Colorado Springs, Colorado 80944	Colorado Interstate Gas Company (Keyes Field, Cimarron County, Oklahoma)	Production ceased.	
CI77-508 5-20-77 A	The Offshore Company 3411 Richmond Avenue Houston, Texas 77046	Southern Natural Gas Company (East Cameron Area, Block 231, Offshore Louisiana)	$1.90 1/	14.73
CI77-509 5-20-77 A	SOHAT Exploration Company 3411 Richmond Avenue Houston, Texas 77046	Sea Robin Pipeline Company (East Cameron Area, Block 231, Offshore Louisiana)	$1.90 1/	14.73
CI77-511 5-20-77 A	Mapco Inc. 122 South Michigan Avenue Chicago, Illinois 60603	Natural Gas Pipeline Company of America (B.J. Luker No. 2 Well, Bi-Centennial Field, Goliad County, Texas)	$1.63 1/	14.73
CI77-512 5-23-77 A	Cities Service Oil Company P.O. Box 300 Tulsa, Oklahoma 74102	El Paso Natural Gas Company (Eddy County, New Mexico)	$1.63 1/	14.73
CI77-513 5-25-77 A	Petroleum, Inc.; Operator A.N. Garvey Building 300 West Douglas Wichita, Kansas 67202	Phillips Petroleum Company (Certain Acreage in Hemphill County, Texas)	$1.63 1/	14.73
CI77-514 5-25-77 A	Mapco Inc.	Natural Gas Pipeline Company of America (Mapco No. 1 Morris Moyer Well, Panola County, Texas)	$1.63 1/	14.73
CI77-515 5-23-77 A	Transco Exploration Company P.O. Box 1396 Houston, Texas 77001	Transcontinental Gas Pipe Line Corporation (North Vesheria Field, St. James Parish, Louisiana)	$1.63 1/ 2/	14.73
CI77-516 5-23-77 A	Anadarko Production Company P.O. Box 1330 Houston, Texas 77001	Panhandle Eastern Pipe Line Company (Certain acreage in Pawnee Council Grove Field, Stevens County, Kansas)	.946 1/ 2/	14.65

FPC Form 573 Rev (6-70)

[Docket No. ER77-409]

IDAHO POWER CO.

Rate Schedule Change

JUNE 10, 1977.

Take notice that Idaho Power Company (Idaho) on May 31, 1977, tendered for filing a proposed increase in rates in Idaho's contract for sales of electric power and energy to California-Pacific Utilities Company, as filed with the Commission and designated as Idaho's Surcharge A to Supplement No. 1 to FPC Rate Schedule No. 57. According to Idaho the proposed changes would increase revenues from sales and service by approximately $334,000, based on the 12-month test period ending December 31, 1976.

Idaho indicates that the proposed rate increase is requested on an emergency basis in order to pay for extremely high priced purchase power and to track the costs of extraordinary fuel expense to permit base loading of Idaho's gas turbine. Idaho further indicates that these emergency purchases of power and fuel are caused by an extreme drought in the Company's service territory which has depleted the dependable generating capacity of Applicant's hydro system to below critical water levels. It is requested that the surcharge be placed into effect on a temporary basis with all billings on and after June 1, 1977.

Idaho states that copies of the filing were served California-Pacific Utilities Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties in the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17435 Filed 6-16-77;8:45 am]

[Docket No. ER77-408]

IDAHO POWER CO.

Rate Schedule Change

JUNE 10, 1977.

Take notice that Idaho Power Company ("Idaho") on May 31, 1977, tendered for filing a proposed increase in rates in Idaho's contract for sales of electric power and energy to the City of Weiser, Idaho, as filed with the Commission and designated as Idaho's Surcharge A to Supplement No. 2 to FPC Rate Schedule No. 42. Idaho states that the proposed changes would increase revenues from sales and service by approximately $23,000 based on the 12-month test period ending December 31, 1976.

According to Idaho the proposed rate increase is requested on an emergency basis in order to pay for extremely high priced purchase power and to track the costs of extraordinary fuel expense to permit base loading of Applicant's gas turbine. Idaho indicates that these emergency purchases of power and fuel are caused by an extreme drought in the Company's service territory which has depleted the dependable generating capacity of Applicant's hydro system to below critical water levels. It is requested by Idaho that the surcharge be placed into effect on a temporary basis with all billings on and after June 1, 1977.

According to Idaho copies of the filing were served upon the City of Weiser.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17436 Filed 6-16-77;8:45 am]

[Docket No. ER77-410]

IDAHO POWER CO.

Rate Schedule Change

JUNE 10, 1977.

Take notice that Idaho Power Company (Idaho) on May 13, 1977, tendered for filing a proposed increase in rates in Idaho's contract for sales of electric power and energy to Nevada Power Company, as filed with the Commission and designated as Idaho's Surcharge A to Supplement No. 2 to FPC Rate Schedule No. 30. According to Idaho the proposed changes would increase revenues from sales and service by approximately $59,000, based on the 12-month test period ending December 31, 1976.

Idaho indicates that the proposed rate increase is requested on an emergency basis in order to pay for extremely high priced purchase power and to track the costs of extraordinary fuel expense to permit base loading of Applicant's gas turbine. Idaho further indicates that these emergency purchases of power and fuel are caused by an extreme drought in the Company's service territory which has depleted the dependable generating capacity of Applicant's hydro system to below critical water levels. It is requested by Idaho that the surcharge be placed into effect on a temporary basis with a billings on and after June 1, 1977.

Idaho states that copies of the filing were served upon Nevada Power Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties in the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17448 Filed 6-16-77;8:45 am]

[Docket No. ER77-420]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Tariff Change

JUNE 10, 1977.

Take notice that Iowa-Illinois Gas and Electric Company (Applicant) on June 1, 1977, tendered for filing pursuant to § 35.13 of the Regulations under the Federal Power Act, a proposed change in its Rate Schedule WES (applicable only to Sherrard Power System, Orion, Illinois), FPC Wholesale Electric Tariff, Original Volume No. 1. Applicant indicates that the change, proposed to be effective July 1, 1977, would increase revenues from jurisdictional sales and service by $448,091 based on the 1976 test period.

Applicant alleges that the reason for the proposed increased revenues is because its operating income has declined to a level which provides an inadequate return. It further alleges that it is essential in the interest of preserving its financial integrity that its revenues and operating income be restored to a level to adequately meet the operating expenses necessary to provide good electric service and to attract the additional capital required.

According to Applicant, copies of the filing were served upon Sherrard Power System, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17450 Filed 6-16-77;8:45 am]

[Docket No. RP73-91 (PGA77-2a)]

McCULLOCH INTERSTATE GAS CORP.

Order Accepting For Filing and Suspending Proposed PGA Rate Increase, Initiating Hearing, and Establishing Procedures

JUNE 8, 1977.

On May 9, 1977, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing a proposed PGA rate increase of 25.51 cents per Mcf to be effective April 1, 1977. The subject filing[1] is in substitution for a similar increase filed by McCulloch on February 15, 1977, and which was rejected by the Commission on March 31, 1977.

McCulloch's filing of February 15, 1977, included (1) an increase of 8.2 cents per MMBtu or $53,392 annually in its current cost of gas, and (2) a surcharge of 17.31 cents per MMBtu to recover $132,766 in deferred purchased gas costs. This filing included in the deferred account a purchase from Champlin Petroleum Company (Champlin), a large producer, at rates in excess of those on file with the Commission. The filing also included a purchase from Chinook Pipeline Company (Chinook), a small producer, at a rate in excess of the levels established in Opinion No. 770-A. As a result, the filing was rejected.

The filing of May 9, 1977, proposed the same increase, 25.51 cents per MMBtu, as that proposed in the filing of February 15th. The filing reflects both upward and downward adjustments to the rates from both Champlin and Chinook. In addition, McCulloch has made certain volume adjustments for the purchases from Chinook. Nevertheless, the overall volumes and deferred costs remain exactly the same as those claimed in the February 15th filing.

The Commission is unable to verify the adjustments proposed by McCulloch, and therefore finds that the proposed PGA rate increase has not been shown to be just and reasonable. The Commission shall suspend the increase for one day, until April 2, 1977, and shall order that a conference be held to resolve the discrepancies contained in McCulloch's filing. Further procedures as may be required following the conference shall be prescribed by the Presiding Law Judge.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof, and the Commission's rules and regulations, a hearing shall be held in this proceeding to determine the justness and reasonableness of the PGA rate increase proposed herein by McCulloch.

(B) Pending hearing and decision thereon, McCulloch's proposed PGA rate increase shall be suspended for one day, until April 2, 1977, when it shall be permitted to become effective, subject to refund.

(C) An informal conference shall be convened by the Commission staff within 30 days from the date of this order for the purpose of resolving the issues in this proceeding. Further procedures, if any, as may be required following conclusion of the conference shall be prescribed by the Presiding Law Judge upon motion by the parties to the proceeding, including the staff.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall be assigned to this proceeding for the purposes set forth in this order and to preside over any hearings which ultimately maye be required.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17439 Filed 6-16-77;8:45 am]

[Docket No. ER77-369]

MISSOURI EDISON CO.

Tariff and Rate Schedule Changes

JUNE 10, 1977.

Take notice that Missouri Edison Company (Company) on June 1, 1977, tendered for filing a new increased FPC Electric Service Tariff to increase revenues from its Wholesale Municipal Customer by $9,673 based on the twelve-month period ended January 31, 1977.

According to the Company the proposed increase in rates is due primarily to wholesale power costs increases incurred by the Company plus increased costs of construction, capital, wages, property and payroll taxes and other similar increases in costs. The Company further states that the primary purpose of this filing is to modify its existing fuel cost adjustment clause to conform with Section 35.14 of the Commission's Regulations.

It is requested by the Company that the increased rate schedule be placed into effect on July 3, 1977, or 60 days beyond the date that the cost of service study is filed.

The Company states that a copy of the filing was served upon the City of Clarksville and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17453 Filed 6-16-77;8:45 am]

[Docket No. ER77-421]

MONTANA POWER CO.

Filing

JUNE 10, 1977.

Take notice that on June 2, 1977, The Montana Power Company (Company) tendered for filing a revised Exhibit A (Points of Delivery) dated October 27, 1976, and Exhibits B (Maximum Demands) dated January 3, 1975, February 13, 1976, and October 27, 1976, to its Agreement for Electric Service with Central Montana Electric Generation & Transmission Cooperative Inc. dated January 30, 1974 (Rate Schedule FPC No. 39). The Company has requested waiver of the Commission's notice requirements so that revised Exhibit B dated February 13, 1976 be made effective as of September 1, 1975, and that each of the other revised exhibits be made effective as of the date on which it was revised.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street. N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-17451 Filed 6-16-77;8:45 am]

[Docket No. CP77-414]

MOUNTAIN FUEL SUPPLY CO.

Application

JUNE 10, 1977.

Take notice that on May 27, 1977, Mountain Fuel Supply Company (Appli-

[1] Tenth Revised Sheet No. 32 to FPC Gas Tariff, Original Volume No. 1. The substitute filing does not include a revised tariff sheet, but includes revised supporting data.

V 42 N 117 JUN 17 77 UM

cant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP77–414 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 15.5 miles of 10-inch pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities it proposes to be constructed, installed and operated are necessary to bring into Applicant's system new and additional supplies of natural gas needed to offset the continuing decline in deliveries from existing fields dedicated to Applicant's market area and curtailment of deliveries by Applicant's principal pipeline supplier, Northwest Pipeline Corporation. Applicant further states that at present there is one well completed in the Yellow Creek area, with the prospect of several additional productive wells being drilled in the area, and that initial deliverability from the one completed well is estimated to be in excess of 2,000 Mcf per day, with an estimated proven reserve attributable to said well of approximately 3 million Mcf. The proposed pipeline would be entering and traversing one of the most active wildcat areas in the Rocky Mountains, and pipeline routing by Applicant has been designed to give pipeline access to the substantial volume of discoverable reserves along the southern portion of the overthrust belt, while making maximum use of existing pipeline right-of-way, it is said.

Applicant proposes to construct and install approximately 15.5 miles of 10-inch diameter pipeline, together with the necessary valves, meters and ancillary facilities, extending from the Yellow Creek field area in Uinta County, Wyoming, to a tap to be constructed on Applicant's main transmission facilities in Summit County, Utah. Applicant states that for 13.7 miles of its length the proposed pipeline would parallel an existing oil pipeline and that only on the terminal ends of the pipeline route would there be minor deviations from the existing oil pipeline route in order to connect with the field and Applicant's transmission pipeline. It is stated that the estimated cost of the proposed facilities is $1,210,000, which would be financed by Applicant out of funds obtained from internal sources such as depreciation and retained earnings from treasury funds presently on hand and from short-term bank borrowings and may be required.

Applicant states that the one completed well in the Yellow Creek area is owned 75 percent by Gulf Oil Corporation (Gulf), and that Applicant has reached agreement with Gulf for the purchase of Gulf's share of the natural gas production, and is currently negotiating with Amoco and other further interest owners for the purchase of their respective shares of production on substantially the same terms. Pursuant to the gas purchase agreement dated April 30, 1977 between Applicant and Gulf rate of delivery for the take-or-pay provision of the agreement would be based on seven-day tests of deliverability to be made annually or more frequently if required by circumstances, and the price that Applicant would pay for the gas would be determined in accordance with the provisions of applicable Commission rate opinions and orders.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17444 Filed 6-16-77;8:45 am]

[Docket No. CP76–511]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Certification of Proposed Stipulation and Agreement

JUNE 10, 1977.

Take Notice that on June 1, 1977, the Presiding Administrative Law Judge Curtis L. Wagner, Jr., certified the record in Docket No. CP76–511 and a proposed stipulation and agreement to the Commission. The proposed Stipulation and Agreement, presented by the Natural Gas Pipeline Company of America (Natural), provides for transportation, by displacement, for one year, up to 50,000 Mcf per day of natural gas for United Pipe Line Company (United) with Natural receiving the gas for United's account in Dewey and Woodward Counties, Oklahoma, and delivery of the gas to United in Vermilion Parish, Louisiana. Natural will charge 15¢ per Mcf for such service. The proposed Stipulation and Agreement further provides that Natural will refund to its customers with interest all revenues it collects from United and is permitted to retain by final order.

Copies of the subject proposed Stipulation and Agreement are on file with the Commission and available for public inspection. Any person including the parties, desiring to comment on the matters contained therein should file and comment with the F.P.C., 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17445 Filed 6–16–77;8:45 am]

NATURAL GAS PIPELINE CO. OF AMERICA

[Docket Nos. R–380, et al.]

Petition

JUNE 10, 1977.

Take notice that on May 23, 1977, Natural Gas Pipeline Company of America, 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket Nos. R–380, RP72–132, RP73–110, RP74–96, RP75–108 and RP76–106 a Petition for Continued Rate Base Treatment of Advance, requesting that the unrecovered portion of an advance payment made, pursuant to Order No. 410, 44 FPC 1142 and 410–A, 45 FPC 135, to Chevron Oil Company under an agreement dated December 12, 1970 be retained in rate base until repayment is completed but no later than March 1, 1978.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 17, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17455 Filed 6–16–77;8:45 am]

[Docket No. CP77–412]

NATURAL GAS PIPELINE CO. OF AMERICA AND INTERSTATE POWER CO.

Application

JUNE 8, 1977.

Take notice that on May 25, 1977, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Interstate Power Company (Interstate), 1000 Main Street, Dubuque, Iowa 52003, filed in Docket No. CP77–412 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 3,000 Mcf of natural gas per day for Hawkeye Chemical Company (Hawkeye), for two years, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Hawkeye has purchased from Getty Oil Company (Getty) a quantity of natural gas estimated to be 3,000 Mcf a day to be produced from Getty's Murrell No. 1 well, Wheeler County, Texas. It is further stated that Natural would receive the subject gas for the account of Hawkeye at an existing tap connection on Natural's pipeline located in Wheeler County, Texas, and would transport and redeliver the gas on a best efforts basis to Interstate for Hawkeye's account at the existing point of interconnection between Natural and Interstate. Applicants state that no additional facilities are required to effectuate the proposed transportation service.

It is stated that Natural would retain 10 percent of the volumes received for transportation as make-up for compressor fuel and line loss and would receive from Hawkeye 36 cents per Mcf of gas delivered and transported. Interstate would bill Hawkeye an amount per Mcf delivered which would be the equivalent of its then current rate for retail sales to Hawkeye, less the amount included in said rate for what would have been the cost of such natural gas had it been purchased from Natural, it is said.

It is indicated that for the period commencing on April 1, 1977, Hawkeye would pay Getty $1.4421 per Mcf with an escalation of .9946 cents per Mcf commencing on the first day of each calendar quarter thereafter, for each Mcf of gas at 60 degrees Fahrenheit and 14.65 psia delivered hereunder, adjusted upward or downward as the heating value of the gas varies from 1,000 Btu's per cubic foot and adjusted upward for all state or federal production, severance, or similar taxes effective the date deliveries of gas are commenced hereunder.

Applicants indicate that the total end-use requirements for natural gas at the manufacturing facility at Clinton, Iowa, at which location Hawkeye would use the transported gas is as follows:

End use of natural gas consumed by Hawkeye Chemical Co.

[All volumes in thousand cubic feet at 14.73]

1977–78 period	Industrial feedstock use	Industrial process use [1]	Total	Projected curtailment [2]
April	282,873	206,501	489,374	74,663
May	296,758	195,812	492,565	82,162
June	268,976	180,700	444,676	76,825
July	274,167	198,869	473,036	86,895
August	301,939	222,881	524,820	93,318
September	229,833	180,584	410,417	68,523
October	199,310	152,825	352,135	85,986
November	288,793	240,003	528,796	[3]
December	273,287	237,661	510,948	
January	272,768	228,171	500,939	
February	255,640	204,691	460,331	
March	315,785	243,490	559,275	

[1] Process fuel, plant protection, air pollution control, and de minimus amounts for space heating.
[2] Process use remains essentially constant when curtailment forces the plant to operate at less than capacity. Therefore, substantially all curtailed volumes would have been utilized as feedstock, with a proportional reduction in process fuel as production declines.
[3] Projected curtailments past October 1977, cannot be reasonably estimated by Hawkeye's supplier at this time.

It is indicated that Interstate is curtailing deliveries to Hawkeye in response to its curtailment by its jurisdictional pileline supplier, Natural; that a gaseous fuel is required by Hawkeye in its production of fertilizer for which there exists no alternative fuel capability; and, that Hawkeye has no alternate source of natural gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17217 Filed 6–16–77;8:45 am]

[Docket No. ER77–417]

OHIO EDISON CO.

Tariff Change

JUNE 10, 1977.

Take notice that Ohio Edison Company (Ohio) on May 31, 1977, tendered for filing a proposed change in its FPC electric service tariff FPC No. 43; a new agreement between Ohio and Columbus and Southern Ohio Electric Company providing for emergency service, short term power, interchange power and limited term power. Ohio indicates that the new agreement supersedes a prior agreement and provides a rate for short term and limited term power approximating the cost of such service so as to make sale of such power feasible.

Ohio respectively requests waiver of the Commission's notice requirements to allow said agreement to become effective as of May 31, 1977.

Ohio states that a copy of the filing was served upon Columbus and Southern Ohio Electric Company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17454 Filed 6–16–77;8:45 am]

[Docket No. ER77–402]

PHILADELPHIA ELECTRIC CO.

Tariff Change

JUNE 10, 1977.

Take notice that Philadelphia Electric Company ("Philly") on May 27, 1977, tendered for filing proposed changes in its Electric Service Tariff, applicable for service to the Borough of Lansdale. Philly indicates that the proposed

JUN 17 77 UM

changes would increase revenues from jurisdictional sales and service by $2,133,792 based on the 12 month period ending June 30, 1978.

Philly states that the purposes of the proposed rate changes are (a) to cancel Supplement No. 2 to Rate Schedule FPC No. 41, and (b) to increase rates and provide a fuel adjustment clause for future service to Lansdale.

According to Philly copies of the filing were served upon the Borough of Lansdale and the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 17, 1977. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17438 Filed 6-16-77;8:45 am]

[Docket No. CP77-302]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JUNE 10, 1977.

Take notice that on May 31, 1977, Sea Robin Pipeline Company (Sea Robin) tendered for filing as a part of its FPC Gas Tariff, Original Volume No. 2, the following tariff sheets:

Original Sheet Nos. 120 through 127-D containing Rate Schedule X-7, and.
Original Sheet Nos. 128 through 135-C containing Rate Schedule X-8

Such tariff sheets cover the sale of natural gas to Southern Natural Gas Company and United Gas Pipe Line Company at Pecan Island, Louisiana. It is proposed that such sheets become effective May 6, 1977, the date on which the emergency certificate was issued and service commenced.

Copies of these tariff sheets are being mailed to Sea Robin's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 24, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17431 Filed 6-16-77;8:45 am]

[Docket No. CP77-302]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheets

JUNE 10, 1977.

Take notice that on May 31, 1977, Sea Robin Pipeline Company (Sea Robin) tendered for filing as a part of its FPC Gas Tariff, Original Volume No. 1, First Revised Sheet Nos. 127-D and 135-C to become effective July 1, 1977. These revised tariff sheets reflect Sea Robin's cost of gas delivered at Pecan Island, Louisiana, as of July 1, 1977 and are being filed 30 days prior to the effective date pursuant to Article IV of Rate Schedules X-7 and X-8.

Copies of the revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 24, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17433 Filed 6-16-77;8:45 am]

[Docket No. CP77-392]

TEXAS EASTERN TRANSMISSION CORP.; TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 9, 1977.

Take notice that on May 18, 1977, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 (Applicants), filed in Docket No. CP77-392, a joint application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and storage of natural gas for South Jersey Gas Company (South Jersey) for a three-year period beginning April 16, 1977 or as soon thereafter as possible and terminating on April 15, 1980, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on April 21, 1977, Texas Eastern received temporary certificate authorization to provide 14 of its customers with a limited term storage service of up to 30,000,000 Dth equivalent per year of storage space obtained from Consolidated Gas Supply Corporation (Consolidated), and that on April 21, 1977 Consolidated received temporary certificate authorization to provide the 30,000,000 Dth equivalent storage space to Texas Eastern. Applicants state that Consolidated has consented to provide an additional 2,000,000 Dth equivalent of storage space to Texas Eastern for use by South Jersey pursuant to the terms of an agreement dated April 19, 1977 for a three-year period beginning April 16, 1977 or as soon thereafter as possible and terminating on April 15, 1980.

It is stated that during each of the 1977, 1978 and 1979 injection periods Texas Eastern would deliver to Consolidated for injection into storage on a best efforts basis, such quantities of gas of South Jersey's as are mutually agreed upon, and that during each of the 1977–78 and 1978–79 and 1979–80 withdrawal periods, Consolidated would, on a best efforts basis, deliver to Texas Eastern the storage gas of South Jersey as requested at reasonably constant daily rates not to exceed 13,245 Dth. Natural gas not taken during the withdrawal period would be carried over to the next injection period and carried over inventory and the injections would not exceed at any time the allotted storage capacity of 2,000,000 Dth, it is said.

Applicants state that the gas to be injected into storage would be delivered by Transco to Texas Eastern at the existing Shippack interconnection near Norristown, Pennsylvania, and that Transco in turn would receive the gas volumes for South Jersey during the withdrawal period from Texas Eastern at the Linden, New Jersey interchange. Applicants further state that no new facilities are required to render the proposed service. It is stated that Transco would charge initially 9.55 cents per Dth for its transportation service; this charge is equivalent to the charge of 9.75 cents per Mcf (14.7 psia) which Transco utilized for all similar services prior to conversion of its rates to reflect a heat value unit of measurement.

It is stated that Texas Eastern would store and transport the storage quantities for South Jersey on the basis of its Interim Storage Service tariff sheets (ISS), and that the transportation and storage rate that Texas Eastern proposed to charge under the ISS Rate Schedule is a composite of Consolidated's GSS storage service charge, and a charge for transportation equal to the in-zone rates under Texas Eastern's TS rate schedule. The demand rate, space rate, injection rate, and withdrawal rate are all charged to Texas Eastern on the basis of Consolidated's GSS rate which, when adjusted for shrinkage, is passed directly on to South Jersey, it is said. Applicants state that under the term of the proposed ISS rate schedule, Texas Eastern would provide during the withdrawal period of each contract year, quantities of natural gas from South Jersey's storage inventory not to exceed the Maximum Daily Withdrawal Quantity (MDWQ) which is the maximum quantity of interim storage service gas that Texas Eastern is obligated to withdraw from storage for South Jersey on any day less 6 percent which is to be retained by Texas Eastern for fuel and other company use. The rate to be charged South Jersey is equal to the rate for excess withdrawal gas which is the in-zone transportation rate based on the DCQ 100 percent load factor rates less gas purchase and fuel cost, plus the GSS withdrawal charge of 1.0 cent adjusted for shrinkage, it is said.

Applicants assert that under the terms of the proposed service to be provided, South Jersey would be able to store natural gas supplies during the low demand summer months for use during the high demand winter season, eliminating some of the adverse effects of curtailments that have been so wide spread during this past heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17429 Filed 6-16-77;8:45 am]

[Docket No. ID-1598]

WILLIS S. WHITE, JR.

Application

JUNE 9, 1977.

Take notice that on April 28, 1977, Willis S. White, Jr., Chairman of the Board and Chief Executive Officer, American Electric Power Company, Inc., filed an application pursuant to Section 305 (b) of the Federal Power Act to hold the following positions:

President, Appalachian Power Co., Public Utility.
President, Indiana and Michigan Electric Co., Public Utility.
President, Indiana and Michigan Power Co., Public Utility.
President, Kanawha Valley Power Co., Public Utility.
President, Kentucky Power Co., Public Utility.
President, Kingsport Power Co., Public Utility.
President, Michigan Power Co., Public Utility.
President, Ohio Electric Co., Public Utility.
President, Ohio Power Co., Public Utility.
President, Wheeling Electric Co., Public Utility.
President, Beech Bottom Power Co., Public Utility.
President, Ohio Valley Electric Corp., Public Utility.
President, Indiana-Kentucky Electric Corp., Public Utility.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17442 Filed 6-16-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-458]

Office of Assistant Secretary for Housing—Federal Housing Commissioner

THERMAL INSULATION STANDARDS

Revision to HUD's Minimum Property Standards

AGENCY: Department of Housing and Urban Development.

ACTION: Revision to HUD Minimum Property Standards.

SUMMARY: This notice revises the thermal insulation criteria of the Minimum Property Standards for One- and Two-Family Dwellings. The MPS define the minimum level of quality acceptable for single family residences designed and constructed under HUD programs. In 1975 the American Society of Heating, Refrigerating and Air-Conditioning Engineers completed a thermal insulation standard for the National Conference of States on Building Codes and Standards. HUD initiated this revision to recognize the ASHRAE standard and to permit its optional use where the results are equivalent to those obtained by using MPS. Thus, the revision makes the MPS more flexible and permits the use of certain construction methods and materials.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

JUN 17 1977 UM

Mervin Dizenfeld, Mechanical Engineer, Standards Branch, Architecture and Engineering Division, Office of Technical Support, Department of Housing and Urban Development, Washington, D.C. 20410. (202–755–6590).

SUPPLEMENTARY INFORMATION: These thermal insulation requirements were revised last in 1973 when they were made more restrictive in response to the Department's commitment to energy conservation. The primary purpose of this revision is to make the standards more flexible. It also responds to previous criticism that the MPS place no limit on the use of glass by limiting glazing to an area of 15 percent of the exterior wall unless the ASHRAE formula is used. There is no significant difference between the final notice and the proposal.

Thirty-one comments were received in response to the propsed changes.

DISCUSSION OF MAJOR COMMENTS

Some asked the reason for not identifying the edition or year of federal specifications mentioned in the change. As stated in paragraph 500–1 of the MPS, the current edition of any referenced standard or specification is intended unless stated otherwise.

Other questioned our contention that ASHRAE Standard 90–75 has been adopted by several states. We agree the statement was exaggerated or at least premature.

Our limiting the glass area of a residence to 15 percent of the exterior walls enclosing heated space was criticized. However, the figure is liberal, based on the experience encountered with Federal Housing Administration mortgage insured properties. Also the standard permits trade offs to attain equal thermal values when larger glass areas are desired.

A few commenters asked the reason for increasing the maximum acceptable U value of glass from .65 to .69. The former figure was too restrictive; it did not permit use of single strength thermal windows.

The absence in paragraph 501–3.4a of the smoke development classification for foam plastic was noted. It was not given because it is covered in the federal specification referenced in the paragraph.

IMPACT STATEMENTS

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 was made in accordance with HUD procedures. In addition, a Finding of Inapplicability of inflation impact statement requirements was made in accordance with HUD procedures. These Findings of Inapplicability prepared in connection with the Proposed Rule are applicable to this final action, and copies of such Findings may be inspected in the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, the thermal insulation requirements for construction of single family residences are amended as shown by the following change to the Minimum Property Standards for One- and Two-Family Dwellings.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., May 9, 1977.

MORTON BARUCH,
Acting Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

507–3 Building insulation.

507–3.1 Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning heat losses, sound control or fire rating are attained. Insulation in contact with the ground shall not be adversely affected by soil, vermin, or water.

507–3.2 *Labeling.*—Labeling of insulation shall be as follows:

a. Batt or Blanket. Type, manufacturer, or distributor, R value of the fiber at the labeled thickness.

b. Reflective. Type, manufacturer, R value for direction of heat flow, type of facing.

c. Blowing or Pouring Type for Use in Open Horizontal Areas (Attics). Name, manufacturer, recommended installation density, R value, marking on bag of conformance with FS HH–I–1030 or HH–I–515.

d. Labeling and marking of all other insulation materials shall comply with the appropriate standard listed in Appendix C.

507–3.3 *Certification.*—A certification card giving the data of 507–3.2 a, b, c, or d plus date of installation, and the name of the installer shall be affixed to the structure in an accessible but inconspicuous location.

507–3.4 *Conditions of Use.*—a. Foam plastic insulation surfaces shall have a flame spread rating of 0–75 tested in accordance with ASTM E84. In habitable and nonhabitable areas such as utility rooms, garages and basements, foam plastic insulation shall be installed within the cavity of a masonry wall or shall be covered and protected by an interior finish material having a finish rating of at least 15 minutes as ½ in. gypsum wall board.

b. When blown or poured type of insulation is installed in attics, caution shall be exercised to assure complete and adequate application of insulation. When eave vents are installed, adequate baffling must be provided so as to deflect the incoming air above the surface of the insulation. Baffles shall be installed prior to insulation, shall be of durable material and shall be installed over the exterior wall at an angle to provide a 2 in. clearance under the roof deck for upward flow of ventilation air to the fixed vents in the upper portion of the attic.

607–3 Building insulation.

607–3.1 *General.*—Insulation of buildings shall be such as to assure conservation of energy, economy of operation and comfort to the occupants.

607–3.2 *Overall Coefficient of Heat Transmission.*—a. All buildings which are heated or cooled mechanically shall be constructed to comply with the maximum U values shown in Tables 6–7.1, 6–7.2 and 6–7.3. U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

b. Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the minimum figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total resulting from conformance to the stated U values.

607–3.3 *Roof Decks, Ceilings, Walls and Openings.*—a. For roof decks, ceilings, walls and door and window openings, U values shall not exceed those shown in Table 6–7.1.

b. As an alternative, dwellings which conform to paragraphs 4.1 through 4.3.–2.2.1 of ASHRAE Standard 90–75, Energy Conservation in New Building Design, shall be considered to be in conformance with Table 6–7.1. Attached and semi-detached or row-type dwellings shall be considered A–1 type dwellings when using this alternative.

TABLE 6–7.1.—*Maximum U values of ceilings, walls, and openings*

Building component	Winter degree days (65 F base)			
	2,500 or less	2,501 to 4,500	4,501 to 8,000	8,000 or more
Roof deck [1]	[2] 0.14	0.08	0.08	0.08
Ceiling	.05	.05	.05	.04
Masonry walls	.10	.10	.10	.10
Frame walls	.08	.08	.08	.08
Doors and windows [3]	1.13	.13	.69	.69

[1] Roof/ceiling assemblies, in which the finished ceiling surface is the underside of the roof deck.
[2] When mechanical cooling is proposed, use 0.08.
[3] Maximum glass area shall not exceed 15 pct of the gross area of all exterior walls enclosing heated spaces, except when demonstrated that the winter daily solar heat gain exceeds the 24 hr heat loss.

607–3.4 *Floor Sections.*—For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces the U value of floor section shall not exceed the value shown in Table 6–7.2.

TABLE 6–7.2—*Maximum U value of floor sections over unheated basements, unheated garages, or crawl spaces (1)*

Winter degree days (65° F base):	Maximum U value (2)
500 or less	0.36
1,000	.32
2,000	.26
3,000	.19
4,000	.12
4,501 or more	.08

Notes.—(1) A basement, crawl space, or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50° F. Positive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

(2) For increments between degree days shown, U values may be interpolated, or the values shown in fig. 5 of ASHRAE 90–75 may be substituted.

607–3.5 *Basement or Crawl Space Foundation Walls.*—Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. Foundation walls of heated areas below grade need not be insulated except where habitable rooms are provided or where 50 percent of the wall is exposed to outside air. The U value of foundation wall sections shall not exceed the value shown in Table 6–7.3 except where the alternative method, shown in 607–3.3b, is employed and foundation walls are included in the determination of the average thermal transmittance of the gross wall area.

TABLE 6–7.3—*Maximum U values of the foundation wall sections of heated basement or heated crawl space*

Winter degree days (65° F base):	Maximum U value
2,500 or less	[1]
2,501 to 4,500	0.24
4,501 or more	.17

[1] No requirement.

607–3.6 *Crawl Space Plenum Walls.*—When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a maximum heat loss of 35 Btuh per lineal ft of perimeter wall assuming a crawl space air temperature of 70 F for return plenums and 110 F for supply plenums.

607–3.7 *Slab-on-Grade Floors.*—For slab-on-grade floors of heated or mechanically cooled spaces, the thermal resistance of the insulation around the perimeter of the floor shall be not less than shown in Table 6–7.4. Insulation shall extend downward from the top of the slab for not less than 24 in. or downward to the bottom of the slab and horizontally beneath the slab for a minimum total distance of 24 in.

TABLE 6–7.4.—*Minimum R values of Perimeter insulation for slabs-on-grade*

Winter degree days (65 F base)	Minimum R values [1]	
	Heated slab	Unheated slab
500 or less	2.8	
1,000	3.5	
2,000	4.0	
2,500	4.4	2.5
3,000	4.8	2.8
4,000	5.5	3.5
5,000	6.3	4.2
6,000	7.0	4.8
7,000	7.8	5.5
8,000	8.5	6.2
9,000	9.2	6.8
10,000 or greater	10.0	7.5

[1] For increments between degree days shown, U values may be interpolated, or the values shown in fig. 2 of ASHRAE 90–75 may be substituted.

[FR Doc.77–17116 Filed 6–16–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 5508]

OREGON

Order Providing for Opening of Public Lands

Correction

In FR Doc. 77–14168 appearing at page 25537 in the issue of Wednesday, May 18, 1977 in the first column, under the heading "Willamette Meridian" the thirteenth line should be corrected to read as follows:

"T. 29 S., R. 16 E".

Geological Survey

STANDARDS FOR OCS PLATFORM DESIGN

Notice of Intent

Notice is hereby given that the U.S. Geological Survey intends to develop a document setting forth the various codes, specifications, standards, and recommended practices to be used as a basis for approval of the design of offshore oil and gas platforms. This document will be used in conjunction with the U.S. Geological Survey's program for the verification of oil and gas platforms to be installed on the Outer Continental Shelf (OCS).

Comments are solicited as to the content of the document and suggestions as to its development. Such comments should be submitted prior to July 15, 1977, to Acting Chief, Conservation Division, U.S. Geological Survey, Mail Stop 600, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

A report on this subject by the Marine Board, Assembly of Engineering, National Research Council, entitled Verification of Fixed Offshore Oil and Gas Platforms, was prepared at the request of the U.S. Geological Survey and is available from the above address.

V. E. MCKELVEY,
Director.

[FR Doc.77–17406 Filed 6–16–77;8:45 am]

UTAH

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as a known geothermal resources area, effective September 1, 1976:

(44) UTAH.—ADDITION TO COVE FORT-SULPHURDALE KNOWN GEOTHERMAL RESOURCES AREA

SALT LAKE MERIDIAN

T. 24 S., R. 7 W.,
Secs. 11, 13, 22, 26, and 27.

The area described aggregates 3,200 acres (1,295 ha) more or less.

Dated: May 23, 1977.

GEORGE H. HORN,
Conservation Manager, Central Region.

[FR Doc.77–17407 Filed 6–16–77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

BARHARDT FARMS; INC. ET AL.; EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enter-

JUN 17 77 UM

prises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 13th day of June 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending June 10, 1977

Name of applicant	Location of enterprise	Principal product or activity
Barnhardt Farms, Inc.	Urbanna, Va.	Duck processing.
Teddy Bears Campground, Inc.	Sigel, Pa.	A recreational vehicle park.
Evis Development Co.	York County, S.C.	Marine mammal and aquarium facility.
Eaton Corp. (tenant of city of Hendersonville).	Fletcher, N.C.	Manufacture of transmissions, drive axles, and electric drive units for industrial trucks.
North Eastern Design, Inc. (tenant of village of Gresham).	Gresham, Wis.	Engineering design and developmental.
Grain Investors Group	Hungerford, Tex.	Grain elevator-dryer-storage facility.
John L. McCloud, and Gene McCloud.	Grand Island, Nebr.	Motel.
B & B Chemical Co.	Eldridge, Wheatland, and Durant, Iowa.	Farm supply and service center.
The Navajo Tribe/Office of Program Development.	Window Rock, Ariz.	Commercial shopping center.

[FR Doc.77-17295 Filed 6-16-77;8:45 am]

Employment and Training Administration

ECONOMIC STIMULUS PACKAGE ALLOCATIONS UNDER TITLES II AND VI OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT ("CETA")

Allocations for FY 1977 and 1978

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice lists the proposed allocations of discretionary funds under Titles II and VI of the Comprehensive Employment and Training Act pursuant to the regulations of 29 CFR 99.2 and 29 CFR 96.2. The funds included in this notice are part of the Economic Stimulus Appropriation already announced to the public on May 10, 1977. This notice does not contain new funds. The purpose of this notice is to afford the public the opportunity to comment on the discretionary portion of that distribution before the discretionary distribution is finalized:

FOR FURTHER INFORMATION CONTACT:

Albert J. Angebrânndt, Administrator for Administration and Management, Room 4000, 601 D Street, N.W., Washington, D.C. 20213, telephone 202-376-7563.

DATES: Pursuant to Section 14 of Pub. L. 94-444, the proposed distribution which follows is published for the purpose of receiving public comment for 30 days from the date of this publication. You are asked to address your comments in writing to Albert J. Angebranndt, Administrator for Administration and Management, Room 4000, 601 D Street, N.W., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION: This notice has been prepared under the direction and control of Albert J. Angebranndt, Administrator for Administration and Management, Employment and Training Administration. This notice lists proposed allocations separately for Title II and Title VI discretionary funds under the Economic Stimulus Appropriation.

The Title II discretionary funds were distributed among eligible applicants in accordance with the number of unemployed residing in areas of substantial unemployment within the jurisdiction of the applicant compared to the number of unemployed residing in all such areas. The determination of eligible applicants was made pursuant to Section 204 of the Comprehensive Employment and Training Act of 1973 as amended (CETA). This method of distribution was chosen by the Secretary in order to take into account the severity of unemployment.

The Title VI discretionary funds were distributed among eligible applicants by the 3-part formula contained in Section 603(a) of CETA.

Specifically, the 3-part formula calls for distribution to be made according to the following:

(1) Fifty percent be distributed among eligible applicants in proportion to the relative number of unemployed persons who reside in areas within the jurisdiction of the applicant as compared to the number of unemployed persons nationwide.

(2) Twenty-five percent be distributed among eligible applicants in accordance with the number of unemployed residing in areas of substantial unemployment within the jurisdiction of the applicant compared to the number of unemployed in areas of substantial unemployment nationwide.

(3) Twenty-five percent be distributed among eligible applicants on the basis of the relative excess number of unemployed persons who reside within the jurisdiction of the applicant compared to the total excess number of unemployed person who reside within the jurisdiction of all eligible applicants.

The determination of eligible applicants for Title VI funds was made pursuant to Sec. 602(e) of the "Emergency Jobs and Unemployment Assistance Act of 1974" as amended. This method of distribution was chosen by the Secretary as appropriate in order to carry out the purposes of the economic stimulus appropriation.

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 2
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
ATLANTIC COUNTY	340,374	683,501
BERGEN COUNTY	1,210,672	2,232,193
BURLINGTON COUNTY	378,956	702,625
BAL OF CAMDEN COUNTY	423,867	761,430
CAMDEN CITY	214,802	427,939
CUMBERLAND COUNTY	230,286	456,322
ELIZABETH CITY	195,669	378,216
BAL OF ESSEX COUNTY	740,331	1,377,301
GLOUCESTER COUNTY	232,240	432,423
HUDSON CO CRST	1,121,527	2,227,721
BAL OF MERCER COUNTY	134,219	286,024
MIDDLESEX COUNTY	911,983	1,723,676
MONMOUTH COUNTY	621,683	1,173,117
MORRIS COUNTY	403,835	725,780
NEWARK CITY	914,367	1,673,039
OCEAN COUNTY	426,502	844,031
BAL OF PASSAIC COUNTY	463,705	884,280
PATERSON CITY	336,966	690,169
SOMERSET COUNTY	177,225	302,613
TRENTON CITY	172,744	330,883
BAL OF UNION COUNTY	527,109	963,575
BALANCE OF NEW JERSEY	608,210	1,182,016
NEW JERSEY	10,789,292	20,658,674
ALBANY CONSORTIUM	289,323	496,783
BROOME COUNTY	231,852	411,470
BUFFALO CITY	894,516	1,789,636
CHAUTAUQUA CONSORTIUM	386,712	732,561
CHEMUNG COUNTY	116,752	216,212
DUTCHESS COUNTY	202,420	343,975
ERIE CONSORTIUM	789,686	1,470,716
ROCHESTER CITY	441,843	850,390
MONROE COUNTY	270,650	487,382
NASSAU CONSORTIUM	1,823,995	3,337,524
NIAGARA COUNTY	410,069	810,640
ONEIDA COUNTY	365,597	700,365
BAL OF ONONDAGA COUNTY	282,815	496,378
ORANGE COUNTY	314,834	591,599
OSWEGO COUNTY	197,307	395,383
RENSSELAER COUNTY	169,325	303,957
ROCKLAND COUNTY	248,134	440,330
ST. LAWRENCE COUNTY	200,582	401,538
SARATOGA COUNTY	139,620	255,834
SCHENECTADY COUNTY	170,417	301,459

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 1
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
BRIDGEPORT CONSORTIUM	570,632	1,095,265
HARTFORD CONSORTIUM	825,336	1,502,453
NEW HAVEN CONSORTIUM	580,141	1,090,092
STAMFORD CONSORTIUM	227,500	400,918
WATERBURY CITY	207,362	406,597
BALANCE OF CONNECTICUT	2,031,756	3,835,067
CONNECTICUT	4,442,731	8,330,842
PENOBSCOT/HANCOCK CSRT	215,319	405,194
CUMBERLAND COUNTY	239,940	432,506
BALANCE OF MAINE	845,246	1,619,402
KENNEBECK CO	125,285	231,089
MAINE	1,425,790	2,686,191
BOSTON CITY	1,136,151	2,205,876
EMARDA CONSORTIUM	496,311	939,342
NEW BEDFORD CONSORTIUM	365,598	727,622
HAMPDEN COUNTY CONSORTIUM	725,852	1,385,540
WORCESTER CONSORTIUM	463,619	873,253
LOWELL CONSORTIUM	383,064	742,112
BROCKTON CONSORTIUM	326,154	626,515
BALANCE OF MASSACHUSETTS	5,161,879	9,716,986
MASSACHUSETTS	9,036,328	17,218,246
ROCKINGHAM/STRAFFORD CSRT	223,638	388,900
HILLSBOROUGH COUNTY	285,019	469,974
BALANCE OF NEW HAMPSHIRE	367,954	646,856
NEW HAMPSHIRE	876,611	1,505,330
PROVIDENCE CITY	271,282	518,545
BALANCE OF RHODE ISLAND	982,465	1,739,615
RHODE ISLAND	1,253,747	2,267,280
VERMONT STATEWIDE CSRT	632,085	1,157,192
VERMONT	632,085	1,157,192
REGION I	12,899,592	23,191,683

JUN 17 1977
UM

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 3
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
STEUBEN COUNTY	130,341	245,967
SUFFOLK CONSORTIUM	1,586,410	3,033,035
SYRACUSE CITY	275,994	514,967
ULSTER COUNTY	243,502	475,826
WESTCHESTER CONSORTIUM	903,335	1,638,721
YONKERS CITY	312,938	587,534
BALANCE OF NEW YORK	2,541,198	4,910,399
NEW YORK CITY	10,588,052	20,300,809
NEW YORK	24,523,619	46,520,450
RAYAMON MUNICIPIO	213,193	418,390
CAMUAS MUNICIPIO	223,651	464,226
CAROLINA MUNICIPIO	110,374	203,317
MAYAGUEZ MUNICIPIO	146,888	292,406
PONCE MUNICIPIO	279,326	571,574
SAN JUAN CONSORTIUM	815,600	1,609,756
BALANCE OF PUERTO RICO	3,771,837	7,896,844
PUERTO RICO	5,560,869	11,456,513
VIRGIN ISLANDS	222,017	385,106
VIRGIN ISLANDS	222,017	385,106
REGION II	51,095,797	79,020,743

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 4
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
DELAWARE MANPOWER CSRT	568,133	1,029,141
WILMINGTON CITY	157,891	309,951
DELAWARE	726,024	1,339,092
DISTRICT OF COLUMBIA	925,744	1,698,492
DIST OF COLUMBIA	925,744	1,698,492
BALANCE OF MARYLAND	514,526	968,169
BALTIMORE CONSORTIUM	2,364,404	4,240,736
MONTGOMERY COUNTY	0	285,750
PRINCE GEORGES COUNTY	117,827	492,906
WESTERN MARYLAND CSRT	457,328	883,841
MARYLAND	3,453,785	6,869,402
LEHIGH VALLEY CONSORTIUM	535,296	935,013
LANCASTER CONSORTIUM	437,333	748,271
BUCKS COUNTY	437,964	741,533
CHESTER COUNTY	158,007	329,317
DELAWARE COUNTY	567,587	961,702
MONTGOMERY COUNTY	564,197	934,917
PHILADELPHIA CITY/COUNTY	2,286,263	4,375,475
BERKS COUNTY	289,324	484,260
BAL OF LACKAWANNA COUNTY	173,836	327,953
SCRANTON CITY	135,713	254,536
LUZERNE COUNTY	461,952	869,703
SCHUYLKILL CONSORTIUM	253,787	465,794
ERIE CITY	188,688	355,749
BAL OF ERIE COUNTY	190,670	359,198
BAL OF ALLEGHENY COUNTY	936,977	1,619,582
PITTSBURGH CITY	693,676	1,316,140
BEAVER COUNTY	194,491	336,355
WASHINGTON COUNTY	231,350	418,111
WESTMORELAND COUNTY	470,973	876,044
TRI-COUNTY CONSORTIUM	331,727	608,485
FAYETTE COUNTY	177,369	335,711
LAWRENCE COUNTY	134,736	253,658
MERCER COUNTY CONSORTIUM	445,462	827,638
SOUTHERN ALLEGANY CSRT	542,392	991,685
SUSQUEHANNA CONSORTIUM	122,555	501,455
YORK COUNTY	276,022	478,623
LYCOMING CONSORTIUM	234,654	453,039
FRANKLIN COUNTY	106,525	186,632

NOTICES

FEDERAL REGISTER, VOL. 42, NO. 117—FRIDAY, JUNE 17, 1977

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 5
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
BALANCE OF PENNSYLVANIA	1,013,479	1,900,252
CENTRE COUNTY	21,805	96,927
NORTHUMBERLAND COUNTY	140,338	267,551
PENNSYLVANIA	12,755,148	23,608,309
PENINSULA CONSORTIUM	315,753	534,508
STAMA CONSORTIUM	666,155	1,137,826
RAMPS CONSORTIUM	158,839	390,553
HENRICO COUNTY CONSORTIUM	22,207	149,403
ROANOKE CONSORTIUM	262,462	454,323
ARLINGTON COUNTY	27,981	141,710
FAIRFAX COUNTY	0	255,810
PRINCE WILLIAM COUNTY	8,619	60,184
ALEXANDRIA CITY	0	67,478
BALANCE OF VIRGINIA	2,138,713	3,733,904
VIRGINIA	3,600,729	6,925,699
WEST VIRGINIA STATEWIDE	1,723,475	3,113,313
WEST VIRGINIA	1,723,475	3,113,313
REGION III	23,184,905	43,554,307

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 6
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
BALANCE OF ALABAMA	1,708,391	2,991,714
BIRMINGHAM CONSORTIUM	620,706	1,059,345
HUNTSVILLE CONSORTIUM	178,288	311,212
MOBILE CONSORTIUM	349,193	579,549
MONTGOMERY CONSORTIUM	84,749	226,636
TUSCALOOSA CONSORTIUM	0	105,943
ALABAMA	2,941,327	5,274,399
BALANCE OF FLORIDA	1,358,049	2,505,840
ALACHUA COUNTY	103,910	188,254
BREVARD COUNTY	362,782	711,388
BROWARD CONSORTIUM	1,397,004	2,742,998
MIAMI/DADE CONSORTIUM	2,198,526	4,143,534
ESCAMBIA COUNTY	90,006	226,075
HEARTLAND MANPOWERCSRT	464,222	880,232
LEE COUNTY	227,270	440,447
LEON/GADSDEN CONSORTIUM	82,461	167,914
NE FLORIDA MANPOWER CSRT	482,033	816,673
ORANGE COUNTY/ORLANDO CSR	597,091	1,124,469
MANATEE COUNTY	153,007	285,878
PALM BEACH COUNTY	673,451	1,287,655
PASCO COUNTY	176,450	347,598
SEMINOLE COUNTY	204,805	388,541
ST. PETERSBURG CONSORTIUM	683,218	1,281,008
SARASOTA COUNTY	180,587	341,715
TAMPA CONSORTIUM	835,164	1,567,061
VOLUSIA COUNTY	267,691	507,498
FLORIDA	10,497,727	19,954,818
BALANCE OF GEORGIA	2,622,730	4,718,997
CSRA CONSORTIUM	343,247	630,986
ATLANTA CITY	962,717	1,848,216
CLAYTON COUNTY	120,113	210,844
CORR COUNTY	294,495	540,077
COLUMBUS AREA CONSORTIUM	178,719	325,634
BAL OF DEKALB COUNTY	258,153	597,156
FULTON COUNTY	199,576	352,212
MID GEORGIA CONSORTIUM	351,004	659,701
SAVANNAH/CHATHAM CSRT	199,174	363,587
GWINNETT COUNTY	0	77,652
GEORGIA	5,529,928	10,325,062
BLUE GRASS MANPOWER CSRT	80,037	223,781

FEDERAL REGISTER, VOL. 42, NO. 117—FRIDAY, JUNE 17, 1977

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 7
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
LOUISVILLE/JEFFERSON CSRT	656,013	1,125,171
KENTON COUNTY	143,383	260,913
BALANCE OF KENTUCKY	1,463,999	2,476,683
EASTRN KENTUCKY RURAL CEP	393,924	709,832
KENTUCKY	2,737,356	4,796,380
BALANCE OF MISSISSIPPI	1,700,089	2,922,534
JACKSON CONSORTIUM	106,353	299,053
MISSISSIPPI	1,806,442	3,221,587
BALANCE OF NORTH CAROLINA	3,152,540	5,401,064
ALAMANCE COUNTY	143,671	266,746
BUNCOMBE COUNTY	150,796	259,206
CUMBERLAND COUNTY	138,557	237,248
CHARLOTTE CITY	276,166	468,267
DURHAM CONSORTIUM	58,951	193,949
GASTON COUNTY	0	208,206
GREENSBORO CONSORTIUM	129,795	360,455
ONSLOW COUNTY	52,889	91,382
RALEIGH CONSORTIUM	146,601	343,619
BAL OF WAKE COUNTY	0	76,018
WINSTON SALEM CONSORTIUM	152,663	319,458
DAVIDSON COUNTY	0	123,439
NORTH CAROLINA	4,402,629	8,349,887
SOUTH CAROLINA STATEWIDE	2,800,873	4,867,688
SOUTH CAROLINA	2,800,873	4,867,688
BALANCE OF TENNESSEE	2,197,877	3,874,474
CHATTANOOGA CITY	78,183	183,344
MEMPHIS CONSORTIUM	381,293	878,994
BAL OF HAMILTON COUNTY	0	83,101
KNOXVILLE CONSORTIUM	104,973	260,282
NASHVILLE/DAVIDSONCNTY	114,080	524,070
SULLIVAN COUNTY	70,959	146,619
TENNESSEE	2,908,035	5,920,884
REGION IV	33,620,317	62,709,875

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 8
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
CHICAGO CITY	3,768,907	7,046,243
BAL OF COOK COUNTY	965,475	2,554,988
DUPAGE COUNTY	35,250	363,096
KANE CO CSRT	238,101	490,804
LAKE COUNTY	321,528	584,004
MACON COUNTY	153,036	277,959
MCHENRY COUNTY	102,331	181,762
ROCK ISLAND COUNTY	118,591	234,303
TAZEWELL COUNTY	18,702	92,736
LA SALLE COUNTY	99,831	168,143
ROCKFORD CONSORTIUM	383,783	713,449
CHAMPAIGN CONSORTIUM	74,982	184,337
WILL COUNTY CONSORTIUM	269,180	500,438
SANGAMON COUNTY CSRT	152,367	279,335
MADISON COUNTY CONSORTIUM	309,060	556,752
ST. CLAIR CONSORTIUM	232,212	399,839
PEORIA CONSORTIUM	97,447	221,621
EAST ST. LOUIS CITY	115,143	229,826
SHAWNEE CONSORTIUM	82,479	156,123
BALANCE OF ILLINOIS	1,814,456	3,181,760
MCLEAN COUNTY	0	74,504
ILLINOIS	9,372,841	18,492,022
GARY CITY	234,395	438,346
HAMMOND CITY	105,060	180,230
BAL OF LAKE COUNTY	104,485	286,949
ELKHART COUNTY	21,661	137,811
SOUTH BEND CITY	118,907	198,896
BAL OF ST. JOSEPH COUNTY	38,237	130,077
TIPPECANOE COUNTY	86,796	131,131
MADISON COUNTY	125,170	213,871
VIGO COUNTY	29,446	115,862
INDIANAPOLIS CITY	971,278	1,730,256
LA PORTE COUNTY	115,890	209,922
FT. WAYNE CONSORTIUM	461,148	810,732
DELAWARE CONSORTIUM	152,490	272,682
SOUTHWESTERN CONSORTIUM	247,984	455,077
BALANCE OF INDIANA	2,223,258	3,924,510
INDIANA	5,006,205	9,236,152
BALANCE OF MICHIGAN	2,378,051	4,677,108
FLINT/GENESSEE CONSORTIUM	737,602	1,393,326
LANSING CONSORTIUM	330,929	980,299

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 9
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
JACKSON CONSORTIUM	419,188	802,746
KENT CONSORTIUM	807,125	1,507,264
MUSKEGON CONSORTIUM	255,137	489,583
DEARBORN CITY	108,105	181,675
DETROIT CITY	2,027,076	4,038,146
LIVONIA CITY	34,158	108,423
WARREN CITY	201,530	357,452
BAY COUNTY	162,402	307,783
BERRIEN COUNTY	271,368	527,505
CALHOUN COUNTY	217,646	414,770
KALAMAZOO COUNTY	234,568	414,682
BAL OF MACOMB COUNTY	564,082	1,032,624
MONROE COUNTY	122,239	218,024
OAKLAND COUNTY	1,269,308	2,350,504
OTTAWA COUNTY	149,531	267,265
SAGINAW COUNTY	269,415	496,889
ST. CLAIR COUNTY	214,687	420,256
BAL OF WAYNE COUNTY	1,148,735	2,071,146
ANN ARBOR CITY	65,529	142,551
BAL OF WASHTENAW COUNTY	241,548	461,788
MICHIGAN	12,429,919	23,661,809
DAKOTA COUNTY	122,785	202,422
BAL OF RAMSEY COUNTY	130,657	234,600
ST. PAUL CITY	379,301	670,882
QUAD COUNTIES CSRT	323,683	571,215
REGION III CONSORTIUM	204,718	362,451
DULUTH CITY	108,306	195,859
BALANCE OF MINNESOTA	817,581	1,653,793
MINNESOTA RURAL CEP	367,781	653,288
BAL OF HENNEPIN COUNTY	383,323	697,726
MINNEAPOLIS CITY	608,037	1,090,653
MINNESOTA	3,446,172	6,332,889
CINCINNATI CITY	679,858	1,302,446
BUTLER COUNTY	312,106	585,631
CLARK COUNTY	184,638	339,961
BAL OF HAMILTON COUNTY	406,507	692,797
LORAIN COUNTY	260,394	455,866
AKRON CONSORTIUM	717,780	1,308,943
CANTON CONSORTIUM	583,186	1,073,180
CLEVELAND CONSORTIUM	1,787,912	3,156,326
COLUMBUS CONSORTIUM	943,383	1,651,534

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 10
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
MIAMI VALLEY CONSORTIUM	653,169	1,161,251
CENTRAL OHIO RURALCSRT	233,103	434,875
TOLEDO CONSORTIUM	714,877	1,309,196
NORTH EAST OHIO MANPOWER	904,312	1,716,028
BALANCE OF OHIO	2,971,952	5,512,016
ALLEN COUNTY	150,422	281,044
GREENE COUNTY	103,853	178,146
CLERMONT COUNTY CSRT	203,742	374,895
LAKE/ASHTABULA CSRT	322,418	577,291
PORTAGE COUNTY	213,481	418,605
RICHLAND/MORROW CSRT	215,232	407,028
OHIO	12,562,325	22,937,049
OUTAGAMIE COUNTY	67,052	141,611
ROCK COUNTY	68,632	190,881
MILWAUKEE COUNTY	1,142,299	2,025,497
MADISON/DANE CONSORTIUM	0	199,714
WOW CONSORTIUM	0	284,848
WINNE/FOND CONSORTIUM	217,819	371,399
TRICO CETAC	351,147	692,627
BALANCE OF WISCONSIN	1,598,017	2,719,364
WISCONSIN NORTHWEST CEP	208,051	392,157
MARATHON COUNTY	77,883	141,012
WISCONSIN	3,730,900	7,158,980
REGION V	46,548,362	87,818,901

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 11
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
CENTRAL ARKANSAS CSRT	180,070	458,857
TEXARKANA	56,078	106,169
BALANCE OF ARKANSAS	1,672,281	3,043,957
ARKANSAS	1,908,429	3,608,983
RAPIDES PARISH	114,712	205,767
BATON ROUGE CITY	197,824	366,399
LAFAYETTE PARISH	0	63,952
CALCASIEU/JEFF CONSORTIUM	168,492	294,936
OUACHITA PARISH	114,598	202,636
NEW ORLEANS CITY	650,698	1,173,889
JEFFERSON PARISH	117,958	316,737
SHREVEPORT CITY	169,928	288,993
BALANCE OF LOUISIANA	1,355,088	2,315,926
LOUISIANA	2,869,298	5,229,235
ALBUQUERQUE CONSORTIUM	472,611	872,945
BALANCE OF NEW MEXICO	846,655	1,575,103
NEW MEXICO	1,319,266	2,448,048
COMANCHE COUNTY	65,932	115,176
OKLAHOMA COUNTY	47,689	180,490
OKLAHOMA CITY CONSORTIUM	393,723	661,195
BAL OF CLEVELAND COUNTY	38,697	84,057
TULSA CONSORTIUM	106,611	492,897
BALANCE OF OKLAHOMA	671,497	1,623,735
OKLAHOMA	1,324,149	3,157,550
TEXARKANA CONSORTIUM	101,095	194,764
TEX. PANHANDLE MANP. CSRT	5,286	136,955
CAP. AREA MANPOWERCSRT	168,780	423,781
S.E. TEXAS COMP. CSRT	365,656	639,217
PASADENA CITY	16,921	104,966
CAMERON COUNTY	240,342	458,281
COASTAL BEND MANP.CSRT	365,195	622,749
DALLAS CITY	341,524	874,266
BAL OF DALLAS COUNTY	0	297,709
LUBBOCK CITY	14,278	96,245
WEST CENTRAL TEXASCSRT	18,214	151,125
EL PASO CONSORTIUM	585,513	1,132,759
FT. WORTH CONSORTIUM	119,683	623,415

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 12
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
BAL OF TARRANT COUNTY	0	101,711
GALVESTON COUNTY	190,153	327,597
HOUSTON CITY	593,586	1,823,152
BAL OF HARRIS COUNTY	0	402,520
CEN. TEXAS MANPOWER CSRT	102,675	192,851
HIDALGO COUNTY CONSORTIUM	301,476	576,529
ALAMO CONSORTIUM	1,052,579	1,857,281
REGION XI CONSORTIUM	15,973	216,841
NORTH TEXAS STATE CSRT	22,609	136,269
WEBB COUNTY	139,189	283,651
GULF COAST CONSORTIUM	75,211	358,295
BALANCE OF TEXAS	808,905	2,464,580
TEXAS	5,644,843	14,497,509
REGION VI	13,085,985	28,941,325

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 13
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
BALANCE OF IOWA	153,036	1,236,027
BLACKHAWK COUNTY	112,845	185,135
CEN. IOWA REGIONALCSRT	43,954	352,537
LINN COUNTY MANPOWER CSRT	35,767	116,754
SCOTT COUNTY	30,768	100,755
WOODBURY COUNTY	0	79,295
IOWA	376,370	2,070,503
BALANCE OF KANSAS	77,854	706,428
KANSAS CITY CONSORTIUM	197,335	347,392
JOHNSON/LEAVENWORTH CSRT	0	200,424
WICHITA CITY	71,821	308,766
TOPEKA CONSORTIUM	59,468	162,818
KANSAS	406,478	1,725,828
BALANCE OF MISSOURI	1,043,932	2,356,300
SPRINGFIELD CITY	54,038	163,788
BAL OF JACKSON COUNTY	0	105,556
KANSAS CITY CONSORTIUM	721,514	1,269,584
JEFFERSON/FRANKLINCSRT	169,670	300,844
ST. LOUIS COUNTY	196,531	813,329
ST. LOUIS CITY	837,289	1,651,052
INDEPENDENCE CITY	47,431	118,602
ST. CHARLES COUNTY	97,849	171,584
MISSOURI	3,168,254	6,950,639
BALANCE OF NEBRASKA	0	374,343
LINCOLN CITY	0	84,616
OMAHA CONSORTIUM	342,385	583,545
NEBRASKA	342,385	1,042,504
REGION VII	4,293,487	11,789,474

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 14
PUBLIC SERVICE JOBS PROGRAM 0AM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
ADAMS COUNTY	218,910	372,486
ARAPAHOE COUNTY	90,034	222,931
BOULDER COUNTY	147,693	246,806
COLORADO SPRINGS CRST	222,415	384,324
DENVER CITY/COUNTY	545,840	942,625
JEFFERSON COUNTY	125,514	321,054
LARIMER COUNTY	51,711	107,677
PUEBLO COUNTY	120,860	212,171
WELD COUNTY	20,024	71,056
BALANCE OF COLORADO	420,756	697,852
COLORADO	1,963,757	3,578,982
BUTTE RURAL CEP	110,231	193,737
BALANCE OF MONTANA	600,309	1,036,728
MONTANA	710,540	1,230,465
N. DAKOTA STATEWIDE CSRT	112,788	379,128
NORTH DAKOTA	112,788	379,128
S. DAKOTA STATEWIDE CSRT	46,080	358,702
SOUTH DAKOTA	46,080	358,702
UTAH STATEWIDE CONSORTIUM	1,004,287	1,698,199
UTAH	1,004,287	1,698,199
WYOMING STATEWIDE CSRT	76,877	275,373
WYOMING	76,877	275,373
REGION VIII	3,914,329	7,520,849

VOL 42 NO 117 JUN 17 77 UM

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 15
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
BALANCE OF ARIZONA	765,065	1,478,551
PHOENIX CITY	1,204,381	2,306,805
MARICOPA COUNTY	717,721	1,382,730
TUCSON/PIMA CONSORTIUM	487,694	890,554
ARIZONA	3,174,861	6,058,640
BAL OF ALAMEDA COUNTY	786,124	1,466,426
BERKELEY CITY	282,400	564,109
BAL OF CONTRA COSTA CNTY	616,971	1,147,195
MARIN COUNTY	242,583	439,760
OAKLAND CITY	730,419	1,449,022
RICHMOND CITY	145,653	286,469
SAN FRANCISCO CITY/COUNTY	1,341,070	2,584,696
SAN MATEO COUNTY	631,277	1,106,738
SONOMA COUNTY	359,105	695,779
SANTA BARBARA COUNTY	283,463	499,837
GLENDALE CITY	138,615	235,419
LONG BEACH CITY	458,103	847,655
BAL OF LOS ANGELESCNTY	4,069,752	7,377,640
LOS ANGELES CITY	4,248,786	8,033,761
ORANGE CNTY MANPOWER CSRT	1,565,668	2,608,820
PASADENA CITY	121,176	211,306
TORRANCE CITY	144,130	247,645
VENTURA COUNTY	495,047	918,364
BALANCE OF CALIFORNIA	1,495,745	2,955,083
HUMBOLDT COUNTY	227,184	459,323
SANTA CLARA VALLEY	1,338,398	2,436,596
SOLANO COUNTY	171,106	305,860
SUNNYVALE CITY	129,623	231,024
BUTTE COUNTY	203,253	402,375
SACRAMENTO/YOLO CSRT	932,638	1,712,045
STOCKTON/SAN JOAQUIN CSRT	501,799	977,183
STANISLAUS COUNTY	552,533	1,116,798
MONTEREY COUNTY	318,885	600,958
SANTA CRUZ COUNTY	269,099	529,638
FRESNO CITY/COUNTY	646,389	1,213,989
IMPERIAL COUNTY	185,298	376,283
KERN COUNTY	394,556	722,238
MERCED COUNTY	191,532	376,219
INLAND MANPOWER ASSN	1,499,623	2,821,004
SAN LUIS OBISPO COUNTY	97,188	164,018
TULARE/KINGS COUNTY	291,593	525,427
SAN DIEGO RETC	2,387,330	4,637,275
CALIFORNIA	28,494,114	53,283,977
HAWAII BAL OF STATE	279,384	537,758

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 16
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
HONOLULU CITY/COUNTY	911,150	1,678,220
HAWAII	1,190,534	2,215,978
BALANCE OF NEVADA	180,271	347,105
LAS VEGAS CONSORTIUM	501,483	947,841
WASHOE COUNTY	200,036	359,782
NEVADA	881,790	1,654,728
SAMOA	54,263	98,102
AMERICAN SAMOA	54,263	98,102
GUAM	165,363	286,825
GUAM	165,363	286,825
PACIFIC ISLANDS	141,303	245,096
PACIFIC ISLANDS	141,303	245,096
REGION IX	34,102,228	63,839,346

U.S. DEPARTMENT OF LABOR - EMPLOYMENT AND TRAINING ADMINISTRATION PAGE 17
PUBLIC SERVICE JOBS PROGRAM OAM
ECONOMIC STIMULUS PACKAGE
PROPOSED DISCRETIONARY DISTRIBUTION

	TITLE II	TITLE VI
MUNICIPALITY OF ANCHORAGE	151,427	265,612
BALANCE OF ALASKA	259,073	490,697
ALASKA	410,500	756,309
IDAHO STATEWIDE CSRT	704,620	1,185,960
IDAHO	704,620	1,185,960
PORTLAND CITY	639,552	1,209,821
BAL OF CLACKAMAS COUNTY	234,625	436,373
LANE COUNTY	421,819	823,767
MULTNOMAH/WASHINGTON CSRT	452,300	825,756
MID WILLAMETTE VALLEY CSR	376,227	718,344
JACKSON COUNTY CONSORTIUM	281,624	556,412
BALANCE OF OREGON	1,127,647	2,190,882
OREGON	3,533,794	6,761,355
SPOKANE CONSORTIUM	315,581	567,732
CLARK COUNTY	147,061	264,291
KING/SNOHOMISH CONSORTIUM	1,946,635	3,607,974
KITSAP COUNTY	108,364	195,276
TACOMA CITY	226,667	434,740
BAL OF PIERCE COUNTY	256,315	478,355
YAKIMA COUNTY	205,782	392,078
BALANCE OF WASHINGTON	1,274,679	2,393,427
WASHINGTON	4,481,084	8,333,873
REGION X	9,129,998	17,037,497
SUB TOTAL	226,575,000	435,374,000
INDIAN ORGANIZATIONS	1,425,000	0
NATIONAL TOTAL	228,000,000	435,374,000

Signed in Washington, D.C., this 8th day of June 1977.

ALBERT J. ANGEBRANNDT,
Administrator, Administration and Management.

[FR Doc.77-17368 Filed 6-16-77;8:45 am]

Employment and Training Administration

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in Alabama

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Alabama effective June 11, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Alabama on January 9, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATER

The employment security agency of the State of Alabama has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 21, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Alabama for the week ending on May 21, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 11, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Alabama Department of Industrial Relations of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will cxontinue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Alabama should contact the nearest Unemployment Compensation Claims Office or Employment Service Division Office of the Alabama Department of Industrial Relations in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17061 Filed 6-16-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Delaware

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Delaware effective June 11, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Delaware on January 23, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 11, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Delaware Department of Labor of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Delaware should contact the nearest State Employment Office of the Delaware Department of Labor in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17369 Filed 6-16-77;8:45 am]

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Delaware has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 21, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Delaware for the week ending on May 21, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 11, 1977.

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Kentucky

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Kentucky effective June 4, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Kentucky on February 6, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Kentucky has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 14, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.-19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Kentucky for the week ending on May 14, 1977, and that the Federal Supplemental Benefit Period in that State terminated on June 4, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental

Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Kentucky Department for Human Resources of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Kentucky should contact the nearest State Employment Office of the Kentucky Department for Human Resources in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17370 Filed 6-16-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Maryland

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Maryland, effective June 4, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Maryland on February 20, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Maryland has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 14, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.-19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Maryland for the week ending on May 14, 1977, and that the Federal Supplemental Benefit Period in that State terminated on June 4, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same etxent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Maryland Employment Security Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Maryland should contact the nearest State Employment Office of the Maryland Employment Security Commission in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17371 Filed 6-16-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in Minnesota

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Minnesota effective May 28, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Minnesota on February 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen

consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

Determination of "Off" Indicator

The employment security agency of the State of Minnesota has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 7, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Minnesota for the week ending on May 7, 1977, and that the Federal Supplemental Benefit Period in that State terminated on May 28, 1977.

Information for Claimants

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Minnesota Department of Employment Services of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Minnesota should contact the nearest Local Office of the Minnesota Department of Employment Services in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77–17032 Filed 6–16–77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Mississippi

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Mississippi, effective June 25, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Mississippi on March 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Mississippi has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 4, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Mississippi for the week ending June 4, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 25, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Mississippi Employment Security Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Mississippi should contact the nearest State Employment Office of the Mississippi Employment Security Commission in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77–17372 Filed 6–16–77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in Missouri

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Missouri effective May 28, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Missouri on February 13, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Missouri has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 7, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Missouri for the week ending on May 7, 1977, and that the Federal Supplemental Benefit Period in that State terminated on May 28, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Missouri Department of Labor and Industrial Relations of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Missouri should contact the nearest State Employment Office of the Missouri Department of Labor and Industrial Relations in their locality.

Signed at Washington, D.C. on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77–17033 Filed 6–16–77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in New Mexico

This notice announces the ending of the Federal Supplemental Benefit Period in the State of New Mexico effective June 4, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of New Mexico on March 6, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of New Mexico has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 14, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of New Mexico for the week ending on May 14, 1977, and that the Federal Supplemental Benefit Period in that State terminated on June 4, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated

V 42 N 117 JUN 17 77 UM

sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the New Mexico Employment Security Commission of the end of the Federal Supplemental benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of New Mexico should contact the nearest Employment Office of the New Mexico Employment Security Commission in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17034 Filed 6-16-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in North Carolina

This notice announces the ending of the Federal Supplemental Benefit Period in the State of North Carolina, effective May 14, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of North Carolina on February 13, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of North Carolina has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157), that the average rate of insured unemployment in the State for the period consisting of the week ending on April 23, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of North Carolina for the week ending April 23, 1977, and that the Federal Supplemental Benefit Period in that State terminated on May 14, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the North Carolina Employment Security Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of North Carolina should contact the nearest State Office of the North Carolina Employment Security Commission in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN;
Assistant Secretary for Employment and Training.

[FR Doc.77-17373 Filed 6-16-7;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Tennessee

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Tennessee effective May 28, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Tennessee on January 30, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Tennessee has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 7, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Tennessee for the week ending May 7, 1977, and that the Federal Supplemental Benefit Period in that State terminated on May 28, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Tennessee Department of Employment Security of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Tennessee should contact the nearest State Employment Security Office of the Tennessee Department of Employment Security in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17374 Filed 6-16-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in Utah

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Utah, effective June 25, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Utah on March 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Utah has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 4, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Utah for the week ending June 4, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 25, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Utah Industrial Commission of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Utah should contact the nearest Employment Security Office of the Utah Industrial Commission in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-17375 Filed 6-16-77; 8:45 am]

V 421177 JUN 17 77 UMI

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Ending of Federal Supplemental Benefit Period in West Virginia

This notice announces the ending of the Federal Supplemental Benefit Period in the State of West Virginia, effective June 18, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of West Virginia on January 30, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of West Virginia has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 28, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19 (b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of West Virginia for the week ending May 28, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 18, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the begnning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the West Virginia Department of Employment Security of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of West Virginia should contact the nearest State Employment Office of the West Virginia Department of Employment Security in their locality.

Signed at Washington, D.C., on June 13, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77–17376 Filed 6–16–77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in Wisconsin

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Wisconsin effective May 28, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93–572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Wisconsin on February 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Wisconsin has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 7, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4–75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of Wisconsin for the week ending on May 7, 1977, and that the Federal Supplemental Benefit Period in that State terminated on May 28, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefit to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Wisconsin Job Service of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Wisconsin should contact the nearest District Office of the Wisconsin Job Service in their locality.

Signed at Washington, D.C., on June 10, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77–17035 Filed 6–16–77;8:45 am]

Occupational Safety and Health Administration

HAWAII STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 1010) of the approval of the Hawaii plan and the adoption of Subpart Y to Part 1952 containing the decision.

The Hawaii plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. State standards comparable to 29 CFR Part 1910 (37 FR 22102) and 29 CFR Part 1926 (37 FR 27503) were adopted by the State and approved by the Occupational Safety and Health Administration on December 27, 1974 (39 FR 44823). However, there have been many Federal changes to the standards since the initial approval of the State standards. Accordingly, Hawaii has revised these standards and promulgated them in accordance with applicable State procedures.

Section 1952.310(a) of Subpart Y sets forth the State's procedure for the adoption of at least as effective State standards. By letter dated March 22, 1977, from Joshua C. Agsalud, Director of the Hawaii Department of Labor and Industrial Relations, to Gabriel J. Gillotti, Regional Administrator, and incorporated as part of the plan, the State submitted proof documents concerning the adoption of Federal standard changes (except as noted below) to 29 CFR Parts 1910, 1926 and 1928 from February 28, 1973 through October 22, 1976. The standards Hawaii did not adopt from Federal changes were the Federal deletion of 4,4'-Methylenebis and the thirteen carcinogen laboratory standards (Hawaii retained these standards), the Coke Oven Emission standard with corrections and 29 CFR 1928.57(d), Cotton Gins. Hawaii has no Coke Ovens or Cotton Gins, therefore elected not to adopt these standards. These standards, which are contained in Hawaii Occupational Safety and Health Standards—Rules and Regulations, were promulgated by the State after public hearings.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The State standards are more specific in several areas particularly with respect to 29 CFR 1928.57 (b) and (c), Farm Field equipment and Farmstead equipment and the Carcinogen standards of Subpart Z or 29 CFR 1910.1003 through 1910.1016. The detailed standards comparisons are available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 450 Golden Gate Avenue, Room 9470, San Francisco, California 94102, the Office of the Department of Labor and Industrial Relations, Room 308, 825 Mililani Street, Honolulu, Hawaii 96313; and Office of the Directorate of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Hawaii plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

1. The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be repetitious.

This decision is effective June 17, 1977.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at San Francisco, California, this 26th day of April 1977.

GABRIEL J. GILLOTTI,
Regional Administrator.

[FR Doc.77–17377 Filed 6–16–77;8:45 am]

VIRGIN ISLANDS STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1974, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference without publishing such regulations in full, provided that such regulations shall be clearly identified in the adopting regulation, and that copies of the FEDERAL REGISTER containing such regulations shall be maintained in the Office of the Lieutenant Governor, available for inspection by the public. On November 5, 1974, notice was published in the FEDERAL REGISTER approving the adoption by reference on March 21, 1974 of Federal Standards 29 CFR Parts 1910, 1918 and 1926, as Virgin Islands rules and regulations, 24 V.I.R.R. 36(b) 1, 2, and 3.

The Virgin Islands approved plan excludes Subpart D of 29 CFR Part 1926 (Occupational Health and Environmental Control), Subpart G of 29 CFR Part 1910 (Occupational Health and Environmental Control) and §§ 1910.13 (Ship repairing), 1910.14 (Shipbuilding), 1915, 1916, 1917 and 1918 of 29 CFR, (Longshoring), which reference Parts 1915, 1916, 1917 and 1918 of 29 CFR In addition, § 1910.19 (Asbestos Dust) of Part 1910 and Part 1919 (Gear Certification) are excluded by the scope of the Virgin Islands 18(b) plan. Notwithstanding the exclusion of Longshoring, 29 CFR Part 1918 has been adopted by ref-

V 42 N 117 JUN 17 77 UMI

erence since § 1926.605 (Marine Operations and Equipment) references 29 CFR Part 1918.

Section 1953.20 of 29 CFR provides that where "any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by a letter dated March 15, 1977 from Mr. Jean D. Larsen, Assistant Commissioner of the Virgin Islands Department of Labor and Director of the Division of Occupational Safety and Health, to Mr. Alfred Barden, Regional Administrator, and incorporated as a part of the plan, State certification documenting promulgation of regulations (March 4, 1977) adopting all changes and additions to 29 CFR Parts 1910, 1918, 1926, 1928 as 24 V.I.R.R. 36(b) 1, 2, 3, 4 up to and including March 4, 1977. (On March 11, 1977, notice was published in the FEDERAL REGISTER of adoption by reference of 29 CFR Part 1928 as V.I.R.R. 36(b)4 on November 30, 1976.)

The authority to adopt such standards is contained in Title 3, Section 940, of the Virgin Islands Code. The adopting regulations were issued by the Commissioner of Labor of the Virgin Islands Department of Labor and were approved and promulgated by the Governor of the Virgin Islands.

2. *Decision.* Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference, it has been determined that Virgin Islands Regulations are identical to Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Regional Administrator, Region II, 1515 Broadway, Room 3445, New York, New York 10036; Office of the Director for Federal Compliance and State Programs, Room N-3605, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801, and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. *Public participation.* Under 29 CFR 1953.2(2), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

(1) The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

(2) The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective June 17, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at New York, New York, this 22nd day of March 1977.

ALFRED BARDEN,
Regional Administrator,
Occupational Safety and Health.

[FR Doc.77-17378 Filed 6-16-77;8:45 am]

BARBARA JUNE ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade
Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Barbara June (ILGWU)	Humacao, P.R.	May 23, 1977	May 12, 1977	TA-W-2,128	Women's lingerie.
Caribe Princess (ILGWU)	do.	do.	do.	TA-W-2,129	Do.
Chicago Bridge & Iron Co. (USWA)	New Castle, Del.	June 8, 1977	May 10, 1977	TA-W-2,130	Oil, gas and water tanks.
Geneco, Inc. (company)	Tullahoma, Tenn.	do.	June 6, 1977	TA-W-2,131	Men's footwear.
North & Judd (UAW)	Middletown, Conn.	do.	June 2, 1977	TA-W-2,132	Industrial hardware, horseback riding equipment and fashion line.
Owens Illinois, Inc. (Glass Bottle Blowers Association).	Columbus, Ohio	do.	May 29, 1977	TA-W-2,133	Glass picture tubes.
Speakman Co. (USWA)	Wilmington, Del.	do.	May 10, 1977	TA-W-2,134	Valves, fittings, plumbing and fixtures.
U.S. Steel Corp. Christy Park Works (USWA)	McKeesport, Pa.	do.	May 3, 1977	TA-W-2,135	Steel pressure vessels.
Wilcox Crittenden (UAW)	Middletown, Conn.	do.	June 2, 1977	TA-W-2,136	Marine hardware.

[FR Doc.77-17039 Filed 6-16-77;8:45 am]

BRUCE DIAMOND CORP ET AL.

Investigations Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade
Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bruce Diamond Corp. (workers)	Attleboro, Mass.	June 6, 1977	June 3, 1977	TA-W-2, 123	Phonograph needles.
Columbian Rope Co. (workers)	Maspeth, N.Y.	do.	June 1, 1977	TA-W-2, 124	Natural fibers and synthetic ropes.
Dell Knitwear, Inc. (company)	Bronx, N.Y.	June 7, 1977	do.	TA-W-2, 125	Children's sweaters.
S.P. Parson Co., Inc. (workers)	Woburn, Mass.	June 6, 1977	June 3, 1977	TA-W-2, 126	The selling of leather to shoe manufacturers.
Tram/Diamond Corp. (workers)	Winnisguam, N.H.	do.	June 1, 1977	TA-W-2, 127	C.B. radios.

[FR Doc.77-17038 Filed 6-16-77;8:45 am]

COLT TILE TARAYRZO AND MARBLE CO., INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 6th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade
Adjustment Assistance.

APPENDIX

Petitioner: union/workers of former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Colt Tile Tarazzo and Marble Co., Inc. (workers).	Totowa, N.J.	June 1, 1977	May 16, 1977	TA-W-2, 118	The setting of precast stone panels for the construction industry.
Dictaphone Corp. (DALO)	Bridgeport, Conn.	June 2, 1977	May 19, 1977	TA-W-2, 119	Recording machines.
Industrial Components Div., Inc. (workers)	Forestville, Conn.	do.	May 30, 1977	TA-W-2, 120	Springs and component parts.
Portec, Inc. (International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths Forgers and Helpers).	Canton, Ohio.	June 3, 1977	June 1, 1977	TA-W-2, 121	Rail anchors and forged forgings.
Titan Marble and Stone Co., Inc. (workers)	Totowa, N.J.	June 2, 1977	May 16, 1977	TA-W-2, 122	The setting of conventional stone for the construction industry.

[FR Doc.77-17037 Filed 6-16-77;8:45 am]

V 42 117 JUN 17 77 UMI

DE LAVAL TURBINES, INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or prdouction, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 1st day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
De Laval Turbines, Inc. (USWA)	Trenton, N.J.	May 31, 1977	May 5, 1977	TA-W-2,114	Rotor pumps, centrifugal pumps, and rotor motors.
Dury Clothing Co., Inc. (ACTWU)	West Pittston, Pa.	do	May 25, 1977	TA-W-2,115	Boys', men's, and some ladies' slacks.
Needle Craft Corp. of America (workers)	Fort Atkinson, Wis.	May 27, 1977	May 23, 1977	TA-W-2,116	Afghan kits and needle point kits.
Roman Ceramics Corp. (International Brotherhood of Potter & Allied Workers).	Mayfield, Ky.	May 31, 1977	May 26, 1977	TA-W-2,117	Custom pottery.

[FR Doc.77-17036 Filed 6-16-77;8:45 am]

EDINBURG MANUFACTURING CORP., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Edinburg Manufacturing Corp.	Edinburg, Va.	May 25, 1977	May 23, 1977	TA-W-2,102	Ladies' dresses and sportswear.
International Silver Co. (USWA)	Meriden, Conn.	May 20, 1977	May 4, 1977	TA-W-2,103	Stainless and silver hollowware.
M.R.N. Corp. (USWA)	do	do	Apr. 28, 1977	TA-W-2,104	Special metals such as copper, brass, cupro (alloy nickel) pewter coils and strips.
Miss Mayfair Original (workers)	New York, N.Y.	May 25, 1977	May 23, 1977	TA-W-2,105	Sewing of fur on cuffs and collars of coats.
Strasburg Textile Mills, Inc. (workers)	Strasburg, Va.	May 26, 1977	do	TA-W-2,106	Unbleached and undyed acetate materials.

[FR Doc.77-16931 Filed 6-16-77;8:45 am]

MICHAEL BERKOWITZ CO., INC.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 27, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 31st day of May 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Michael Berkowitz Co., Inc. (ACTWU) Plant No. 1.	Uniontown, Pa.	May 31, 1977	May 2, 1977	TA-W-2,107	Ladies' and men's sleepwear and lounge wear.
Michael Berkowitz Co., Inc. (ACTWU) Plant No. 2.	do	do	do	TA-W-2,108	O.R. gowns (surgical paper gowns).
Michael Berkowitz Co., Inc. (ACTWU) Plant No. 3.	do	do	do	TA-W-2,109	Press, pack, stock and ship O.R. gowns, ladies' ladies' and men's sleepwear and lounge wear.
Michael Berkowitz Co., Inc. (ACTWU)	Confluence, Pa.	do	do	TA-W-2,110	Ladies' breakfast coats.
Do.	Frostburg, Md.	do	do	TA-W-2,111	Men's and ladies' pajamas.
Colshire Manufacturing Co. (ACTWU)	Morgantown, West Va.	do	do	TA-W-2,112	Men's sleepwear and some ladies' pajamas.
Orwall Tool Co. (USWA)	Oxford, N.J.	do	May 27, 1977	TA-W-2,113	Hand tools, vise grips, screwdrivers, socket sets, box and open end wrenches, pistol grip ratchets.

[FR Doc.77-16932 Filed 6-16-77;8:45 am]

[TA-W-1455]

ARMCO STEEL CORP., MARION WORKS

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1455: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel bars, reinforcing bars, sign posts and fence posts at the Marion Works of Armco Steel Corporation in Marion, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1531). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that for the principal products produced at the Marion Works; reinforcing bar, sign posts and fence posts, criteria (2) and (4) have not been met. For the other product produced at the Marion Works, carbon steel bar-size light shapes, without regard to whether any of the other criteria have been met, criterion (3) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at the Marion Works of Armco Steel Corporation declined 27.1 percent in 1975 compared to 1974. Average employment increased 14.0 percent in 1976 compared to 1975. Employment decreased in the fourth quarter of 1975 and the first quarter of 1976 compared to the same quarters one year earlier. In the fourth quarter of 1976, average employment decreased 9.3 percent compared to the preceding quarter. Workers are not separately identifiable.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

A. Reinforcing Bars.—Sales of concrete reinforcing bars by the Marion Works in net tons increased 62.1 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

B. Fence and Sign Posts.—Sales of sign posts and fence posts in net tons increased 34.0 percent in the first 11 months of 1976 compared to the first 11 months of 1975.

C. Hot Rolled Shapes.—Sales of carbon steel bar-size light shapes in net tons declined 43.0 percent in the first 11

V 42 N 117 JUN 17 77 UMI

months of 1976 compared to the first 11 months of 1975.

INCREASED IMPORTS

A. Reinforcing Bars.—Imports of concrete reinforcing bars declined from 358.2 thousand net tons in 1972 to 286.4 thousand net tons in 1973. Imports increased to 477.5 thousand net tons in 1974, decreased to 141.9 thousand net tons in 1975 and increased to 192.2 thousand net tons in 1976. The ratio of imports to domestic shipments declined from 8.0 percent in 1972 to 5.6 percent in 1973. The ratio increased to 9.5 percent in 1974, declined to 3.9 percent in 1975 and increased to 5.0 percent in 1976.

B. Fence and Sign Posts.—Imports of Fence Gates, Posts and Fittings, which includes sign posts and fence posts, decreased from 6.7 thousand short tons in 1972 to 4.6 thousand short tons in 1973. Imports increased to 4.7 thousand short tons in 1974, declined to 0.8 thousand short tons in 1975 and increased to 3.0 thousand short tons in 1976. The ratio of imports to domestic production declined from 2.8 percent in 1972 to 1.8 percent in 1973, remained at 1.8 percent in 1974 and declined to 0.3 percent in 1975. The ratio increased to 1.2 percent in 1976.

C. Hot Rolled Bar Shapes.—Imports of carbon steel bar-size light shapes decreased from 562.7 thousand short tons in 1972 to 457.4 thousand short tons in 1973. Imports increased to 521.5 thousand short tons in 1974, declined to 167.2 thousand short tons in 1975 and further declined to 164.3 thousand short tons in 1976. The ratio of imports to domestic shipments declined from 75.1 percent in 1972 to 44.2 percent in 1973. The ratio increased to 53.1 percent in 1974, declined to 22.7 percent in 1975 and further declined to 19.5 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Marion Works did not switch purchases of reinforcing bars, sign posts and fence posts from the Marion Works to foreign suppliers. In cases where purchases from Armco declined, the decrease was attributed to declines in highway and commercial construction or because the customers switched purchases to other domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with concrete reinforcing bar, sign posts and fence posts produced at the Marion Works of the Armco Steel Corporation, Marion, Ohio have not contributed importantly to the total or partial separation of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

It is further concluded that increased imports of articles like or directly competitive with carbon steel bar-size light shapes have not increased, either absolutely or relative to domestic production, as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17380 Filed 6-16-77;8:45 am]

Office of the Secretary

[TA-W-1454]

ARMCO STEEL CORP., SAND SPRINGS WORKS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1454: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers producing fence posts and reinforcing bars at the Sand Springs, Oklahoma plant of Armco Steel Corporation, Middletown, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1531). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sand Springs Works, Oklahoma, Armco Steel Corporation, its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (1) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers increased 4 percent from November to December 1975 and increased 3.0 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of fence posts decreased 49.6 percent in terms of quantity in 1975 compared to 1974. Sales increased 51.8 percent in 1976 compared to 1975. Sales of reinforcing bars decreased 32.3 percent in 1975 compared to 1974 but increased 3.6 percent in 1976 compared to 1975.

Production of fence posts and reinforcing bars, in terms of quantity decreased 49.8 percent in 1975 compared to 1974 but increased 76.4 percent in 1976 compared to 1975.

INCREASED IMPORTS

U.S. imports of reinforcing bars decreased 20.0 percent from 1972 to 1973 and increased 66.7 percent from 1973 to 1974, and then declined 70.3 percent from 1974 to 1975. Imports increased 35.4 percent from 1975 to 1976. The ratio of imports to domestic shipments increased from 3.9 percent in 1975 to 5.0 in 1976.

There is no available import data for fence posts as a single product. Estimates are available grouping fence gates, fence posts and fittings together. Imports of this group of products increased 26.4 percent from 1971 to 1972 and declined 31.3 percent from 1972 to 1973. Imports increased 2.2 percent from 1973 to 1974 and declined 83.0 percent from 1974 to 1975. Imports increased 250.0 percent in the first nine months of 1976 compared to the similar period in 1975. The ratios of imports to domestic shipments increased from 0.3 percent in the first nine months of 1975 to 1.1 percent in the similar period in 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Sand Springs Works indicated they have not switched their purchases to imported fence posts or reinforcing bars. Customers cited the proximity of domestic sources and the superior quality of domestic posts and rebars as the reason for preferring domestic manufacturers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Sand Springs, Oklahoma plant of Armco Steel Corporation have not become totally or partially separated as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17379 Filed 6-6-77;8:45 am]

[TA-W-1499]

BETHLEHEM STEEL CORP., BURNS HARBOR PLANT

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1499: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel sheet, plate, and tin products at the Burns Harbor plant of Chesterton, Indiana, of Bethlehem Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3367). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corporation and the United Steelworkers of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) has not been met.

The Burns Harbor plant of Bethlehem Steel Corporation produces cold-rolled and hot-rolled steel sheet, steel plate, and tin products.

Pursuant to the requirements of 29 CFR 90.2 total separations must be the equivalent to a total unemployment of five percent or 50 workers, whichever is less. Evidence developed in the Department's investigation revealed that the total separations which occurred during the period of possible coverage amounted to less than five percent of the workforce employed at Burns Harbor plant. The total number of workers experiencing separations during the period November 15, 1975, one year prior to the signature date of the petition, to the present was less than 50 workers.

Pursuant to the requirements of 29 CFR 90.2, "partial separations" means, that the workers' hours of work have been reduced to 80 percent or less of the workers' average weekly hours at the firm or appropriate subdivision thereof. Evidence developed in the Department's investigation revealed that the workers' average weekly hours of work have not been reduced to less than 80 percent of their average weekly hours from November 15, 1975, one year prior to the signature date of the petition, to the present.

Plant sales increased 16 percent in quantity in 1976 compared to 1975. Plant production increased 17 percent in quantity in 1976 compared to 1975. Therefore, no threat of total or partial separation is evident.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Burns Harbor plant of Bethlehem Steel Corporation, Chesterton, Indiana have not become totally or partially separated, nor threatened to become separated, as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17381 Filed 6-16-77;8:45 am]

[TA-W-1587]

BROWN SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1587: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1977 in response to a worker petition received on January 24, 1977 which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing women's shoes at the Houston, Missouri plant of the Brown Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER on February 1, 1977 (42 FR 6017). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers at the Houston, Missouri plant declined 10.9 percent from 1974 to 1975 and increased 4.4 percent from 1975 to 1976. Employment declined 1.8 percent in the last six months of 1976 compared to the same period of 1975. Employment declined 10.6 percent in the fourth quarter of 1976 compared to the same quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of women's shoes at the Houston, Missouri plant declined 2.2 percent in quantity from 1974 to 1975 and increased 9.7 percent from 1975 to 1976. Production declined 7.7 percent in quantity in the last six months of 1976 compared to the same period of 1975.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear, except athletic, increased absolutely from 1972 to 1973, declined from 1973 to 1974, and then increased each year from 1974 to 1976. The ratio of imports to domestic production declined from 114.1 percent in 1975 to 106.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

Brown Shoe Company increased its imports of women's shoes from 1975 to 1976.

The sole customer to whom the shoes produced at the Houston, plant are sold, increased its import purchases of women's shoes from 1975 to 1976. This customer could not provide refined information concerning its purchases from the Houston plant in isolation from its total purchases of women's shoes from Brown Shoe. However, the recent finding of the International Trade Commission, based on the high level of import penetration, is that customers of domestic manufacturers have increasingly

V 42 N 117 JUN 17 77 UMI

shifted from domestically produced shoes to imported shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Houston, Missouri plant of the Brown Shoe Company contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Houston, Missouri plant of the Brown Shoe Company who became totally or partially separated on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17382 Filed 6-16-77;8:45 am]

[TA-W-1484]

BUFFALO (N.Y.) DISTRICT REPUBLIC STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1484: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Buffalo District plants, Republic Steel Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2361). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the U.S. Department of Commerce, the United Steelworkers of America, the American Iron and Steel Institute, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (3) has not been met regarding production of carbon steel bars and criterion (2) has not been met regarding production of carbon and alloy steel bars.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers in the Buffalo District declined 7.4 percent from 1974 to 1975 and then increased 6.9 percent from 1975 to 1976.

Workers are not separately identifiable by product line.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Raw Steel production at the Buffalo District plants declined 18.2 percent from 1974 to 1975 and then increased 14.9 percent from 1975 to 1976.

The two major products produced at the Buffalo District plants are carbon bars (77.2 percent of total shipments in 1976) and alloy bars (22.6 percent of total shipments in 1976). Insignificant amounts of hot rolled carbon and alloy strip are produced there.

Shipments of carbon bars declined 25.5 percent from 1974 to 1975 and then increased 3.8 percent from 1975 to 1976. Shipments declined in the first quarter of 1976 and then increased in each of the subsequent quarters of 1976 compared to the respective quarter in 1975.

Shipments of alloy bars declined 31.2 percent from 1974 to 1975 and then increased 50.4 percent from 1975 to 1976. Shipments increased in each quarter of 1976 compared to the respective quarter of 1975.

INCREASED IMPORTS

Imports of carbon hot and cold rolled steel bars declined absolutely and relative to domestic shipments and consumption in each year from 1972 through 1976. Imports declined 37.1 percent from 1974 to 1975 and declined 7.0 percent from 1975 to 1976. The ratios of imports to domestic shipments and consumption declined from 7.7 percent and 7.2 percent, respectively, in 1975 to 6.6 percent and 6.3 percent, respectively, in 1976.

Imports of alloy hot and cold rolled steel bars declined absolutely and relative to domestic shipments and consumption in each year from 1972 through 1974 and then increased from 1974 through 1976. Imports increased 67.8 percent from 1974 to 1975 and 9.0 percent from 1975 to 1976. The ratios of imports to domestic shipments and consumption increased from 3.1 percent and 3.0 percent, respectively, in 1975 to 3.3 percent and 3.3 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Shipments of carbon and alloy steel bars at Republic Steel's Buffalo District plants have followed the trend in the industry from 1974 through 1976. Industry wide demand for these steel products is dependent upon demand from the automobile industry, orders from steel service centers, and demand from the machinery industry. Demand for alloy bars is also dependent upon demand from the tool manufacturing industry. Markets served by Republics Steel are predominantly the automobile industry, distributors (steel service centers) and the machinery and equipment industry. These three markets accounted for over 50 percent of Republic's total shipments in 1972 through 1976.

Shipments fell in 1975 due to decreased demand from the automobile industry as well as reduced orders from steel service centers. Steel service centers reduced orders as they attempted to readjust high inventory levels. Shipments increased in 1976 due to the recovery of, and increased demand from, the automobile industry.

Customers who purchased alloy bars from Republic's Buffalo District either decreased purchases of imports from 1974 to 1976 or did not start importing until 1976. The Buffalo District experienced increasing shipments of alloy bars in 1976.

Customers who purchased carbon bars from Republic's Buffalo District either did not purchase imports or purchased minor amounts of imports in 1974 and 1975 (while increasing purchases from Republic) and then stopped purchasing imports in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of carbon steel bars have not increased and that sales or production of carbon and alloy steel bars at the Buffalo (New York) District plants of the Republic Steel Corporation, Cleveland, Ohio have not declined as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17383 Filed 6-16-77;8:45 am]

[TA-W-1589]

CHARLES DOBBS, LTD

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1589: Investigation regarding certification of eligibility to apply for worker

adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1977 in response to a worker petition received on January 4, 1977 which was filed on behalf of workers and former workers producing men's sport shirts at Charles Dobbs, LTD, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on February 1, 1977 (42 FR 6017). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Charles Dobbs, LTD, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed by Charles Dobbs decreased 37 percent in January–November 1976 compared to the like period in 1975. The average number of salaried workers decreased 13 percent in January–November 1976 compared to the same period in 1975. Charles Dobbs went out of business in December 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Net dollar sales of men's sport shirts by Charles Dobbs decreased 42 percent from 1975 to 1976. All production operations were terminated on December 3, 1976.

INCREASED IMPORTS

Imports of men's and boys' woven sport shirts decreased yearly from 63.3 million shirts in 1971 to 41.6 million shirts in 1973 and increased annually to 79.8 million shirts in 1976. The ratio of imports to domestic production declined yearly from 42.0 percent in 1971 to 27.5 percent in 1973 and rose yearly to 41.0 percent in 1975.

Imports of men's and boys' knit sport and dress shirts, excluding T-shirts, increased annually from 41.7 million shirts in 1971 to 78.8 million shirts in 1973, declined to 54.9 million shirts in 1974, and then increased annually to 74.0 million shirts in 1976. The ratio of imports to domestic production rose yearly from 21.8 percent in 1971 to 25.6 percent in 1973, decreased to 17.8 percent in 1974, and rose to 20.9 percent in 1975.

CONTRIBUTED IMPORTANTLY

Customers stated that their purchases of men's sport shirts from Charles Dobbs had declined from 1975 to 1976. Printed sport shirts worn with leisure suits was a popular fashion in 1975. In 1976, however, leisure suits and printed sport shirts went out of style and knit shirts and sweaters came into fashion. Customers indicated that they purchased imports of sport shirts and of knit shirts in 1975 and 1976. Charles Dobbs closed its production facilities and went out of business on December 3, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the men's sport shirts produced at Charles Dobbs, LTD, New York, New York contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Charles Dobbs, LTD, New York, New York who became totally or partially separated from employment on or after January 3, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17384 Filed 6-16-77;8:45 am]

[TA-W-1486]

CLEVELAND DISTRICT, REPUBLIC STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1486: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on that date which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Cleveland District plants, Republic Steel Corporation, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 11, 1977 (42 FR 2380). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corporation, its customers, the U.S. Department of Commerce, the United Steelworkers of America, the American Iron and Steel Institute, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more importantly than any other causes.

The investigation has revealed that without regard to whether any of the other criteria have been met, criterion (2) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers in the Cleveland District declined 13.8 percent from 1974 to 1975 and increased 10.1 percent from 1975 to 1976.

Workers are not separately identifiable by product line.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Raw steel production at the Cleveland District plants declined 13.3 percent from 1974 to 1975 and then increased 9.4 percent from 1975 to 1976.

Total shipments, in tons, declined 26.7 percent from 1974 to 1975 and then increased 13.1 percent from 1975 to 1976.

The three major products produced at the Cleveland District plants are carbon cold rolled sheet (41.1 percent of total shipments in 1976), carbon hot rolled sheet (27.6 percent of total shipments in 1976) and carbon bar (19.7 percent of total shipments in 1976). Eight other products are produced (electroplate, slabs, stainless, alloy hot rolled sheet, carbon plate, alloy bar, alloy plate and alloy cold rolled sheet), each of which constituted less than 5 percent of total shipments in 1975 and 1976.

V 42 N 117 JUN 17 77 UMI

Shipments of carbon cold rolled sheets declined 29.3 percent from 1974 to 1975 and then increased 39.9 percent from 1975 to 1976.

Shipments of carbon hot rolled sheet declined 19.4 percent from 1974 to 1975 and then increased 17.1 percent from 1975 to 1976.

Shipments of carbon bars declined 17.0 percent from 1974 to 1975 and then increased 7.5 percent from 1975 to 1976.

Total shipments of carbon cold and hot rolled sheet and carbon bar increased in each quarter of 1976 compared to the respective quarter of 1975.

INCREASED IMPORTS

Imports of carbon cold rolled sheet declined absolutely in each year from 1972 through 1975. Imports declined 18.9 percent from 1974 to 1975 and then increased 13.7 percent from 1975 to 1976. Imports declined relative to domestic shipments and consumption from 1972 to 1973 and increased from 1973 through 1975. The ratios of imports to domestic shipments and consumption declined from 16.5 percent and 14.2 percent, respectively, in 1975 to 13.2 percent and 11.7 percent, respectively, in 1976.

Imports of carbon hot rolled sheet declined absolutely in each year from 1972 through 1975. Imports declined 14.5 percent from 1974 to 1975 and then increased 8.4 percent from 1975 to 1976. Imports declined relative to domestic shipments and consumption from 1972 to 1973 and increased from 1973 through 1975. The ratios of imports to domestic shipments and consumption declined from 14.0 percent and 12.4 percent, respectively, in 1975 to 11.3 percent and 10.2 percent, respectively, in 1976.

Imports of carbon hot and cold rolled steel bars declined absolutely and relative to domestic shipments and consumption in each year from 1972 through 1976. Imports declined 37.1 percent from 1974 to 1975 and declined 7.0 percent from 1975 to 1976. The ratios of imports to domestic shipments and consumption declined from 7.7 percent and 7.2 percent, respectively, in 1975 to 6.6 percent and 6.3 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Shipments of carbon steel sheets and carbon steel bars at Republic Steel's Cleveland District plants have followed the trend in the industry from 1974 through 1976. Industry wide demand for these steel products is dependent upon demand from the automobile industry and orders from the steel service centers. Demand for carbon steel bars is also dependent upon demand from the machine industry. Markets served by Republic Steel are predominantly the automobile industry, distributors (steel service centers) and the machinery and equipment industry. These three markets accounted for over 50 percent of Republic's total shipments in 1972 through 1976.

Shipments fell in 1975 due to decreased demand from the automobile industry as well as reduced orders from steel service centers. Steel service centers reduced orders as they attempted to readjust high inventory levels. Shipments increased in 1976 due to the recovery of, and increased demand from, the automobile industry.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production have not declined at the Cleveland District plants of Republic Steel Corporation, Cleveland, Ohio as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17385 Filed 6-16-77;8:45 am]

[TA-W-1815]

COASTAL ICE AND FUEL, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1815: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 15, 1977 which was filed on behalf of workers and former workers of Coastal Ice and Fuel, Inc., Brownsville, Texas.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 15158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Coastal Ice and Fuel, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Coastal Ice and Fuel, Inc. unloads and services shrimp boats. Servicing operations consist primarily of unloading shrimp, supplying ice, fuel and other supplies and repairing the vessels as required. None of the employees of Coastal Ice and Fuel, Inc. are engaged in the catching of shrimp.

Coastal Ice and Fuel, Inc. does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program; see Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). Coastal Ice and Fuel, Inc. performed a service, the unloading and servicing of shrimp boats.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Coastal Ice and Fuel, Inc., Brownsville, Texas are not "articles" within the meaning of Section 222 (3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17386 Filed 6-16-77;8:45 am]

[TA-W-1427]

CONNORS STEEL CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1427: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel at the Huntington, West Virginia plant of the Connors Steel Company, a subsidiary of H. K. Porter Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 882). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of H. K. Porter Company, Inc., its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that criteria one, two and four have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Huntington plant of Connors Steel declined 12.8 percent in 1975 compared to 1974 and then increased 3.1 percent in 1976 compared to 1975. There have been no layoffs due to lack of work at the Huntington plant since November, 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production at the Huntington plant declined in quantity 41.2 percent in 1975 compared to 1974 and then increased 18.7 percent in 1976 compared to 1975. Sales of bar-size light shapes and heavy structural shapes, the major products manufactured at Huntington, increased in quantity 39.6 percent in 1976 compared to 1975 after declining in 1975 compared to 1974. Sales of bar-size light shapes and heavy structural shapes increased in six consecutive quarters from the third quarter of 1975 through the fourth quarter of 1976.

INCREASED IMPORTS

Imports of bar-size light shapes, one of the principal products manufactured at the Huntington plant, decreased from 562.7 thousand tons in 1972 to 167.2 thousand tons in 1975 and to 164.3 thousand tons in 1976. The ratio of imports to domestic shipments of bar-size light shapes declined from 75.1 percent in 1972 to 22.7 percent in 1975 and to 19.5 percent in 1976.

Imports of carbon steel structural shapes decreased from 1,614.0 thousand tons in 1972 to 804.9 thousand tons in 1975 and then rose to 1,351.4 thousand tons in 1976. The ratio of imports to domestic shipments of carbon structural shapes declined from 34.1 percent in 1972 to 19.5 percent in 1975 and then increased to 40.0 percent in 1976.

Imports of steel rails increased from 42.3 thousand tons in 1972 to 96.2 thousand tons in 1975 and then fell to 71.8 thousand tons in 1976. The ratio of imports to domestic shipments of steel rails was 4.4 percent in 1972 and 1973, increased to 5.4 percent in 1974, to 7.7 percent in 1975 and then declined to 5.4 percent in 1976.

Imports of mine roof bolts increased from 1,228 thousand pounds in 1972 to 4,952 thousand pounds in 1974, declined to 2,082 thousand pounds in 1975 and then increased to 2,092 thousand pounds in 1976. The ratio of imports to domestic production increased from 0.27 percent in 1972 to 0.92 percent in 1974 and then declined to 0.42 percent in 1975 and to 0.41 percent in 1976.

Imports of joint bars and tie plates increased from 7.1 thousand tons in 1972 to 8.8 thousand tons in 1973, declined to 5.0 thousand tons in 1974, to 3.2 thousand tons in 1975 and then increased to 9.7 thousand tons in 1976. The ratio of imports to domestic shipments increased from 3.3 percent in 1972 to 3.7 percent in 1973, declined to 1.7 percent in 1974, to 1.3 percent in 1975 and then increased to 3.6 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that most of the major customers contacted do not purchase imported steel products similar to those purchased from Connors and had increased purchases from Conners in 1976.

Two customers purchase small amounts of imported steel not readily available from domestic sources. One of these customers has increased purchases of structural shapes from Connors in recent years and only imports when Connors cannot supply all of its domestic requirements. The other customer proportionally reduced purchases from Connors and its foreign source in 1975 and 1976 due to decreased demand for structural shapes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the steel products manufactured at the Huntington, West Virginia plant of Connors Steel Company, a subsidiary of H. K. Porter Company, Inc., did not contribute importantly to the total or partial separations of the workers producing such articles at that plant.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17387 Filed 6-16-77;8:45 am]

[TA-W-1412]

EDGEWATER STEEL CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1412: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing forged railroad wheels and rings (or bearing races) at the Edgewater Steel Corporation, Oakmont, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 877). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Edgewater Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met for workers engaged in the production of wheels, and criterion (4) has not been met for workers engaged in the production of rings.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Plant employment decreased 9 percent in 1975 compared to 1974 and declined 10 percent in 1976 compared to 1975. All employees work interchangeably between the two major product lines at the Oakmont plant.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Railroad wheel sales, in quantity, declined 6 percent in 1975 compared to 1974 and declined 18 percent in 1976 compared to 1975.

Ring (or bearing race) sales, in quantity, decreased one percent in 1975 compared to 1974 and declined 6 percent in 1976 compared to 1975.

V 42 N 117 JUN 17 77 UMI

Production data were not made available.

INCREASED IMPORTS

Imports of wheels and axles for railway applications increased each year between 1972 and 1975, from 24,391 net tons in 1972 to 74,955 net tons in 1975. Imports decreased to 32,197 net tons in 1976 compared to 1975, a 57 percent decrease.

The ratio of imports to domestic production of steel wheels and axles for railway applications decreased from 7.1 percent in 1972 to 6.7 percent in 1973. The ratio increased to 14.2 percent in 1974 and to 19.9 percent in 1975. The import to production ratio dropped in 1976 to 10.6 percent.

Imports of rings (inner and outer races for anti-friction bearings) increased from 270.6 million in 1972 to 323.3 million in 1973 and then declined to 207.5 million in 1974 and 202.3 million in 1975. Imports increased to 233.6 million in 1976.

The ratio of imports of rings to domestic production increased from 13.7 percent in 1972 to 14.5 percent in 1973 and then decreased to 9.5 percent in 1974. The ratio increased to 10.9 percent in 1975 and remained at that same percentage for 1976. The import to production ratio was lower in 1976 than the 1972–1976 average ratio which was 11.7 percent.

CONTRIBUTED IMPORTANTLY

Edgewater's ring customers have not been switching to imports. Customers indicated that purchases of rings were primarily from domestic manufacturers. Edgewater officials stated that there were no imports of products competitive with the rings they produce.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with forged rings produced at Edgewater Steel Corporation, Oakmont, Pa. have not contributed importantly to the total or partial separations of workers at that plant.

It is further concluded that imports of articles like or directly competitive with the wheels produced at the Oakmont, Pa. plant of Edgewater Steel Corporation have not increased, either absolutely or relative to domestic production, as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17388 Filed 6-16-77;8:45 am]

[TA-W-1718]

FABIEN CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1718: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 22, 1977 which was filed by the Machine Printers and Engravers Union on behalf of workers and former workers producing printed textiles at Fabien Corporation, Lodi, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Fabien Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met.

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales, production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 7.2 percent in 1975 compared to 1974, 24.0 percent in 1976 compared to 1975, and 44.8 percent in the first quarter of 1977 compared to the same period in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production declined 11.7 percent in quantity in 1975 compared to 1974, 36.8 percent in 1976 compared to 1975, and 55.5 percent in the first two months of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of cotton broadwoven printcloth declined both absolutely and relative to domestic production and consumption in 1975 from 1974, and then increased from 85.5 million square yards in 1975 to 133.1 million square yards in 1976, an increase of 56 percent. The ratio of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric increased from 11.9 million square yards in 1975 to 14.7 million square yards in 1976, an increase of 24 percent. The import/production and import/consumption ratios increased from 0.55 percent and 0.56 percent, respectively, in 1975 to 0.69 percent and 0.70 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Fabien are primarily converters who buy greige goods and commission Fabien to finish the fabric, by printing it, in accordance with apparel manufacturers' specifications. During the course of the investigation, it was established that converters, in general, do not import printed or finished fabric. One of Fabien's customers, however, who is a converter, was found to purchase imported cotton printed fabric.

The Department's survey of apparel manufacturers who are customers of converters revealed that manufacturers are importing printed or finished fabric for use in the production of men's and women's wearing apparel. The converters reported a growing trend toward the bypassing of converters and the purchasing of finished fabric from foreign sources.

CONCLUSION

After a careful review of the facts obtained in the ivestigation, I conclude that increases of imports of articles like or directly competitive with printed textiles produced at Fabien Corporation contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Fabien Corporation, Lodi, New Jersey who became totally or partially separated from employment on or after May 23, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17389 Filed 6-16-77;8:45 am]

[TA-W-1638]

GENERAL ELECTRIC COMPANY, SYRACUSE, NEW YORK

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1638: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 8, 1977 in response to a worker petition received on January 21, 1977 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers producing vidicon tubes in the Imaging Devices Operation at the Electronics Park complex of the General Electric Company, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12495). No public hearing was requested and none was held.

The Notice of Investigation identified the product manufactured by the petitioning workers as special pickup tubes and light valve tubes and the plant as being located in Liverpool, New York. Subsequent investigation revealed that workers in the Imaging Devices Operation did not produce light valve tubes and produced a wide variety of pick-up tubes known as vidicon tubes. The plant is located in the Electronics Park complex of General Electric in Syracuse, New York.

The information upon which the determination was made was obtained principally from officials of the General Electric Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (3) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average hourly employment in the Imaging Devices Operation increased 4.7 percent from 1974 to 1975, declined 17.1 percent from 1975 to 1976, and declined 26.3 percent in the first quarter of 1977 compared to the same period in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

The value of total sales of vidicon tubes by the Imaging Devices Operation increased 20.0 percent from 1974 to 1975, declined 13.9 percent from 1975 to 1976 and declined 39.4 percent in the first quarter of 1977 compared to the same period in 1976.

Total sales of vidicon tubes by quantity increased 6.7 percent from 1974 to 1975, declined 31.7 percent from 1975 to 1976 and declined 19.9 percent in the first quarter of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of light sensing electronic devices, which include imports of vidicon tubes, declined absolutely from 335.6 thousand units in 1973 to 96.8 thousand units in 1974, increased to 267.7 thousand units in 1975 and then declined to 223.3 thousand units in 1976, a decline of 16.6 percent from 1975.

The ratio of imports to domestic production declined from 65.4 percent in 1973 to 19.0 percent in 1974, increased to 48.1 percent in 1975 and declined to 39.7 percent in 1976.

CONTRIBUTED IMPORTANTLY

General Electrics Imaging Devices Operation (IDO) sells vidicon tubes for three general markets, supplying U.S. Government contractors, GE's own in-house production operations, and other domestic users.

Since 1974, approximately 50 percent of all vidicon tubes produced in IDO were sold to one customer. That customer, which used the vidicon tube in a missile manufactured for the U.S. government, purchases all of the vidicon tubes used in that missile from IDO. The customer has reduced its purchases of vidicon tubes from IDO by approximately 70 percent since 1975 as the U.S. government has phased out production of the missile for which the tubes were produced.

The Imaging Devices Operation also produces vidicon tubes for a variety of commercial closed circuit television cameras sold by General Electric and by independent manufacturers.

Customers purchasing vidicon tubes for commercial closed circuit television cameras either did not purchase ported vidicon tubes or had decreased their purchases from the Imaging Devices Operation in order to purchase vidicon tubes from other domestic suppliers.

All of the commercial closed circuit television cameras sold by General Electric are manufactured in the Imaging Systems Operation (ISO) which is also located in the Electronics Park complex. Prior to the second half of 1975, the Imaging Devices Operation (IDO) supplied all of the vidicon tubes used in the commercial closed circuit television cameras manufactured by ISO. During the period under investigation, production of vidicon tubes for ISO constituted approximately 5 percent of total vidicon tube production in IDO. In the second half of 1975, the Imaging Systems Operation introduced a new commercial closed circuit television camera using an imported vidicon tube. A similar tube had never been manufactured by the Imaging Devices Operation and the introduction of the new camera did not affect IDO's production of vidicon tubes for the Imaging Systems Operation. Production of vidicon tubes for the Imaging Systems Operation increased 17.1 percent from 1975 to 1976 and was unchanged in the first quarter of 1977 compared to the same period in 1976.

CONCLUSION

After a careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with vidicon tubes manufactured in the Imaging Devices Operation at the Electronics Park complex of General Electric Company, Syracuse, New York did not contribute importantly to the total or partial separation of the workers at that operation.

Signed at Washington, D.C. this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17390 Filed 6-16-77;8:45 am]

[TA-W-1558]

GLASS DIMENSIONS, INCORPORATED MAGNOLIA, MASSACHUSETTS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1558: investigation regarding certification of eligibility to apply for adjustment assistance as perscribed in Section 222 of the Act.

The investigation was initiated on January 10, 1977, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing blown glass planters at Glass Dimensions, Inc., Magnolia, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER of January 28, 1977 (42 FR 5451). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Glass Dimensions, Inc., its customers, the U.S. Department of Commerce, the U.S. Inter-

V 42 117 JUN 17 77 UMI

national Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974, must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities; either actual or relative to domestic production; and

(4) That such increased imports has contributed importantly to the separations or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at Glass Dimensions declined 14 percent, 17 percent, 50 percent, and 40 percent in the four quarters of 1976, compared to employment in the previous quarter. Layoffs began occurring in the second half of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Glass Dimensions declined 29 percent, 76 percent, and 36 percent in the second, third, and fourth quarters of 1976, compared to sales in the prior quarter.

Production declined 15 percent and 60 percent in the second and third quarters of 1976 compared to production in the previous quarter. All production of blown glass plant rooters was terminated in September 1976.

INCREASED IMPORTS

Imports of ceramic, glass, and plastic flower pots and planters, including blown glass planters such as those produced by Glass Dimensions, increased in each year from 1973 to 1976. Imports increased from $41.5 million in 1972 to $51.6 million in 1973, $60.4 million in 1974, $66.4 million in 1975, and $67.9 million in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Glass Dimensions indicated that the blown glass planters produced and sold by Glass Dimensions were the first items of their kind on the market. After purchasing from Glass Dimensions during mid-1976 the customers discovered that they could purchase imported blown glass planters at prices below those of Glass Dimensions. Customers cancelled or reduced orders from Glass Dimensions and increased purchases of imports. Reduced orders resulted in increased inventories at Glass Dimensions and a termination of production in September 1976.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increases of imports of articles like or directly competitive with blown glass planters produced at Glass Dimensions, Inc. contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Glass Dimensions, Inc., Magnolia, Massachusetts, who became totally or partially separated from employment on or after June 30, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17391 Filed 6-16-77;8:45 am]

[TA-W-1674]

KENBAR INDUSTRIES SOMERVILLE, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1674: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 22, 1977 in response to a worker petition received on February 15, 1977 which was filed on behalf of workers and former workers producing electronic testing equipment at Kenbar Industries, Somerville, New Jersey.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13088). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kenbar Industries, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

All employees of Kenbar Industries were laid off during the third quarter of 1976. Since that time, there have been no employees on the active payroll.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales declined 14.6 percent in 1975 compared to 1974. Sales declined 20.5 percent from 1975 to 1976. Production was terminated in the third quarter of 1976.

INCREASED IMPORTS

Imports of electronic testing equipment increased in each year from 1972 through 1976. Imports increased from $88 million in 1972 to $179 million in 1976. Imports increased relative to domestic production from 10.6 percent in 1972 to 11.2 percent in 1975 and 12.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

A major customer of Kenbar, accounting for 65–70 percent of Kenbar's sales prior to mid-1975, reduced purchases and ultimately cancelled all orders with Kenbar in 1975 while substantially increasing purchases of imported electronic testing equipment. Purchases of imported test equipment by that firm relative to total purchases increased from 34 percent in 1973 to 39 percent in 1974 and 53 percent in 1975.

Following the loss of its major customer, Kenbar secured a production contract with another firm. That firm cancelled its contract after concluding that Kenbar's product could not compete successfully against a foreign product already on the market. Thus, Kenbar lost orders directly as a result of competition from imports, and indirectly in its inability to solicit new contracts in competition with imports.

CONCLUSION

After careful review of the facts obtained in the investifation, I conclude that increases of imports like or directly competitive with electronic testing equipment produced at Kenbar Industries, Somerville, New Jersey contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Kenbar Industries, Somerville, New Jersey who became totally or partially separated from employment on or after July 16, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of Trade Act of 1974.

Signed at Washington, D.C., this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17392 Filed 6-16-77;8:45 am]

[TA-W-1315]

KENOSHA METAL PRODUCTS, INCORPORATED KENOSHA, WISCONSIN

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1315: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in employment related to the production of capped bumper bolts and stampings for automobiles at Kenosha Metal Products, Inc., Kenosha, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54560). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kenosha Metal Products, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that criteria (2) and (4) have not been met with respect to capped bumper bolts; and criteria (3) and (4) have not been met with respect to stampings for automobiles.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at Kenosha Metal Products, Inc. remained constant from 1974 to 1975 and decreased 17 percent from 1975 to 1976.

Average weekly hours worked by production workers at Kenosha Metal Products, Inc. decreased 1 percent from 1974 to 1975 and remained constant from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of capped bumper bolts by Kenosha Metal Products, Inc. in terms of quantity decreased 31 percent in value from 1974 to 1975 and increased 26 percent from 1975 to 1976.

Sales of stampings by Kenosha Metal Products, Inc. increased 5 percent in terms of quantity from 1974 to 1975 and decreased 40 percent from 1975 to 1976.

Production of capped bumper bolts by Kenosha Metal Products, Inc. decreased 31 percent in quantity from 1974 to 1975 and increased 26 percent from 1975 to 1976. Production of stampings by Kenosha Metal Products, Inc. increased 5 percent in quantity from 1974 to 1975 and decreased 34 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of stampings are contained within a basket category (TSUSA number 629.2770 parts not otherwise specified of motor vehicles). This basket category includes hundreds of items and there is no reliable estimate of the portion of this category stampings represent. OTAA survey data indicated there are no imports of small stampings competitive with those produced by Kenosha Metal Products, Inc.

Imports of capped bumper bolts are contained within a basket category (TSUSA number 629.2770 parts not otherwise specified of motor vehicles). This basket category includes hundreds of items and there is no reliable estimate of the portion of this category capped bumper bolts represent. OTAA survey data indicated imports of capped bumper bolts decreased in quantity from 1974 to 1975, then increased 14 percent from 1975 to 1976. The ratio of imports to domestic production increased from 14.4 percent in 1975 to 15.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of stampings surveyed indicated that they had not switched their purchases from stampings produced at Kenosha Metal Products, Inc. to imported stampings.

Customers of capped bumper bolts indicated that they had not switched their purchases from capped bumper bolts produced at Kenosha Metal Products, Inc. to imported capped bumper bolts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with capped bumper bolts and stampings for automobiles produced at Kenosha Metal Products, Inc., Kenosha, Wisconsin did not contribute importantly to the total or partial separations of the workers at that plant. Therefore, workers at Kenosha Metal Products, Inc., Kenosha, Wisconsin are not eligible to apply for trade adjustment assistance.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17393 Filed 6-16-77;8:45 am]

[TA-W-1461]

LACLEDE STEEL COMPANY, ALTON, ILLINOIS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1461: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 20, 1976 in response to a worker petition received on that date which was filed on behalf of the workers and former workers producing hot rolled carbon steel sheet and strip, carbon steel pipe, and carbon steel wire at Laclede Steel Company's Alton, Illinois plant.

The notice of investigation was published in the FEDERAL REGISTER (42 FR 1536) on January 7, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Laclede Steel Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

V42 N117 JUN 17 77 UMI

The Department's investigation revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Alton, Illinois plant of the Laclede Steel Company decreased 8.0 percent from 1974 to 1975 and then increased 0.8 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales and production of hot rolled carbon steel sheet and strip at the Alton, Illinois plant decreased 17.3 percent in quantity from 1974 to 1975 and then increased 4.0 percent from 1975 to 1976.

Sales of carbon steel pipe decreased 11.2 percent in quantity from 1974 to 1975 and then increased 11.3 percent from 1975 to 1976. Carbon steel pipe production increased 2.1 percent in quantity from 1974 to 1975 and increased 12.0 percent from 1975 to 1976.

Sales of carbon steel wire decreased 18.5 percent in quantity from 1974 to 1975 and then increased 20.3 percent from 1975 to 1976. Carbon steel wire production fell 20.8 percent in quantity from 1974 to 1975 and then increased 21.7 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of hot rolled carbon steel sheet decreased in every year from 1972 to 1975, declining 32.4 pecent during the period. Imports subsequently increased 8.4 percent from 1975 to 1976. The imports to domestic shipments ratio for hot rolled sheet decreased from 16.3 percent in 1972 to 11.0 percent in 1973, rose to 11.7 percent in 1974 and 14.0 percent in 1975, and then fell to 11.3 percent in 1976.

Imports of hot rolled carbon steel strip decreased 21.0 percent from 1972 to 1973, increased 2.3 percent from 1973 to 1974, decreased 50.0 percent from 1974 to 1975, and then rose 32.0 percent from 1975 to 1976. The imports to domestic shipments ratio for hot rolled strip varied from 2.0 percent to 3.0 percent each year during 1972–1976.

Imports of carbon steel pipe and tubing decreased 10.9 percent from 1972 to 1973, increased 13.1 percent from 1973 to 1974, decreased 13.4 percent from 1974 to 1975, and then increased 18.0 percent from 1975 to 1976. The imports to domestic shipments ratio for carbon steel pipe and tubing decreased from 28.6 percent in 1972 to 20.3 percent in 1973 and then rose steadily to 35.8 percent in 1976.

Imports of carbon steel wire decreased 15.9 percent from 1972 to 1973, increased 27.8 percent from 1973 to 1974, fell 36.9 percent from 1974 to 1975, and then increased 6.4 percent from 1975 to 1976. The imports to domestic shipments ratio declined from 23.3 percent in 1972 to 17.5 percent in 1973, increased to 22.6 percent in 1974, and then fell to 22.0 percent in 1975 and to 19.9 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that the majority of the largest customers of Laclede Steel Company's Alton, Illinois plant do not purchase imported steel products. Those customers that do purchase imports have been increasing their purchases from Laclede. Customers who reduced purchases from Laclede did so because of changes in product specifications which could only be met by other domestic suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with hot rolled carbon steel sheet and strip, carbon steel pipe, and carbon steel wire produced at the Olton, Illinois plant of Laclede Steel Company did not contribute importantly to the total or partial separations of workers producing such articles at that plant.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17394 Filed 6-16-77;8:45 am]

[TA-W-1668]

LITTLE FALLS FOOTWEAR, INC. ST. JOHNSVILLE, NEW YORK

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1668: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 22, 1977 in response to a worker petition received on February 11, 1977 which was filed by three workers on behalf of workers and former workers producing slippers and women's casual summer shoes at the St. Johnsville, New York plant of Little Falls Footwear, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13088). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of Little Falls Footwear, Inc. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at Little Falls Footwear decreased 1.6 percent in 1975 compared with 1974, decreased 14.5 percent in 1976 compared with 1975 and decreased 21.2 percent in the first quarter of 1977 compared with the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of slippers and women's casual summer shoes in terms of quantity decreased 12.1 percent in 1975 compared with 1974, decreased 12.8 percent in 1976 compared with 1975 and decreased 31.1 percent in the first two months of 1977 compared with the first two months of 1976.

Production of slippers and women's casual summer shoes in terms of quantity decreased 14.3 percent in 1975 compared with 1974, decreased 14.5 percent in 1976 compared with 1975 and decreased 36.0 percent in the first two months of 1977 compared with the first two months of 1976.

INCREASED IMPORTS

Imports of house slippers, in terms of quantity increased 32.4 percent in 1973 compared with 1972, increased 8.2 percent in 1974 compared with 1973, decreased 5.2 percent in 1975 compared with 1974 and increased 17.2 percent in 1976 compared with 1975. The ratios of imports to domestic production and consumption increased from 33.9 percent and 25.3 percent, respectively, in 1975 to 39.3 percent and 28.2 percent, respectively, in 1976.

Imports of women's and misses' nonrubber footwear, except athletic, with nonleather uppers in terms of quantity increased 14.3 percent in 1973 compared with 1972, decreased 15.2 percent in 1974 compared with 1973, decreased 1.9 percent in 1975 compared with 1974 and increased 4.7 percent in 1976 compared with 1975. The ratios of imports to domestic production and consumption decreased from 161.4 percent and 61.7 percent, respectively, in 1975 to 153.7 percent and 60.6 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated that they increased purchases of imported slippers and shoes. Purchases of slippers and shoes from Little Falls Footwear declined during 1976 and the first two months of 1977. Although customers indicated that they preferred the quality of domestic slippers and shoes, those that do purchase imports did so because of the price differentials which exist between imported and domestic slippers and shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports like or directly competitive with slippers and women's casual summer shoes produced by the St. Johnsville, New York plant of Little Falls Footwear, Inc. contributed importantly to the total a partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of slippers and women's casual summer shoes at the St. Johnsville, New York plant of Little Falls Footwear, Inc. who became totally or partially separated from employment on or after September 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17395 Filed 6-16-77;8:45 am]

[TA-W-1415]

NORTHWEST STEEL ROLLING MILLS, INCORPORATED, SEATTLE, WASHINGTON

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1415: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing concrete reinforcing bar and bar-size light shapes at Northwest Steel Rolling Mills, Incorporated, Seattle, Washington.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 892). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Northwest Steel Rolling Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers declined 19.9 percent from 1975 to 1976.

Workers for reinforcing bar and bar-size light shapes are not separately identifiable. All workers are involved in the production of both product lines.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales at the Seattle plant of Northwest Steel Rolling Mills declined in value 37.3 percent from 1974 to 1975 and further declined 9.0 percent from 1975 to 1976. The principal product produced at the plant is concrete reinforcing bar.

INCREASED IMPORTS

Imports of concrete reinforcing bars declined from 358.2 thousand net tons in 1972 to 286.4 thousand net tons in 1973. Imports increased to 477.5 thousand net tons in 1974, declined to 141.9 thousand net tons in 1975 and increased to 192.2 thousand net tons in 1976. The ratio of imports to domestic shipments declined from 8.0 percent in 1972 to 5.6 percent in 1973. The ratio increased to 9.5 percent in 1974, declined to 3.9 percent in 1975 and increased to 5.0 percent in 1976.

In the seven western states steel market principally served by the Seattle plant the ratio of imports of concrete reinforcing bars to domestic shipments increased from 8.4 percent in 1975 to 14.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Northwest Steel Rolling Mills have reduced purchases from Northwest Steel and increased purchases of imported concrete reinforcing bar. The price differential between domestic and imported reinforcing bar was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with concrete reinforcing bar produced by Northwest Steel Rolling Mills, Incorporated contributed importantly to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Northwest Steel Rolling Mills, Incorporated in Seattle, Washington, including those at the electric furnace melt shop in Kent, Washington, who became totally or partially separated from employment on or after December 3, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17396 Filed 6-16-77;8:45 am]

[TA-W-1626]

ROHM AND HAAS NORTH CAROLINA, INCORPORATED, FAYETTEVILLE, NORTH CAROLINA

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1626: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977 in response to a worker petition received on January 28, 1977 which was filed on behalf of workers and former workers producing partially oriented polyester yarn and textured polyester yarn at Rohm and Haas North Carolina Inc., Fayetteville, North Carolina, a subsidiary of Rohm and Haas, Inc., Philadelphia, Pennsylvania.

The Notice of Investigation was published in the FEDERAL REGISTER (42 FR 12500) on March 4, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rohm and Haas North Carolina Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are

V42N117 JUN 17 77 UMI

threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of partially oriented polyester yarn and textured polyester yarn production workers at Rohm and Haas North Carolina, Inc. increased 12 percent from 1974 to 1975, and then decreased 35 percent from 1975 to 1976.

Average employment of salaried workers at Rohm and Haas North Carolina, Inc. increased 8 percent from 1974 to 1975, then decreased 13 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of partially oriented polyester yarn decreased in value 52 percent from 1974 to 1975, and 61 percent from 1975 to 1976.

Company sales of textured polyster yarn decreased in value 58 percent from 1974 and 1975, and 52 percent from 1975 to 1976.

Company production of partially oriented polyester yarn decreased in quantity 42 percent from 1974 to 1975, and 40 percent from 1975 to 1976.

Company production of textured polyester yarn increased in quantity 69 percent from 1974 to 1975, then decreased 42 percent from 1975 to 1976.

Production of partially oriented polyester yarn and polyester textured yarn at Rohm and Haas North Carolina, Inc. ceased in November 1976.

INCREASED IMPORTS

Imports of textured man-made yarn decreased both absolutely and relatively in every year compared to the previous year from 1972 through 1975. The ratio of imports to domestic production declined from 2.5 percent in 1974 to 2.0 percent in 1975. Imports decreased 2 percent absolutely from 1975 to 1976.

Imports of partially oriented yarn (POY) are infrequent and negligible representing no more than 1 percent of domestic shipments at any one time. In addition, imports of POY are not identifiable, being classified in different TSUSA basket categories depending upon the port of entry and date of classification.

Imports of spun non-cellulosic yarn increased from 10,126,000 pounds in 1972 to 14,089,000 pounds in 1973, decreased to 5,622,000 pounds in 1974 and 4,903,000 pounds in 1975 and then increased to 8,783,000 pounds in 1976.

Imports of spun cellulosic yarn decreased from 412,000 pounds in 1972 to 95,000 pounds in 1973, increased to 356,000 pounds in 1974, increased to 973,000 pounds in 1975 and then decreased to 490,000 pounds in 1976.

CONTRIBUTED IMPORTANTLY

The petition alleges that increased imports of cloth and articles of clothing have caused a decrease in the domestic production of fabric and yard, thus adversely affecting production and employment at Rohm and Haas North Carolina, Inc. Imported cloth and articles of clothing cannot be considered to be like or directly competitive with yarn. Imports of yarn must be considered in determining import injury to workers producing yarn.

Customers surveyed indicated that they had not switched their purchases from partially oriented polyester yarn and textured polyester yarn produced at Rohm and Haas North Carolina, Inc., Fayetteville, North Carolina to imported partially oriented polyester yarn and textured polyester yarn.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with partially oriented polyester yarn and textured polyester yarn produced at Rohm and Haas North Carolina Incorporated, Fayetteville, N.C. did not contribute importantly to the total or partial separation of the workers of that firm.

Signed at Washington, D.C., this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17397 Filed 6-16-77;8:45 am]

[TA-W-1830]

SEA LIFE ICE AND FUEL, INC. BROWNSVILLE, TEXAS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1830: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 15, 1977 which was filed on behalf of workers and former workers of Sea Life Ice and Fuel, Inc., Brownsville, Texas.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sea Life Ice and Fuel, Inc. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or portion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Sea Life Ice and Fuel, Inc. sells ice and fuel from its facility to shrimpboats. The facility consists of an ice plant, fuel storage tanks and one hundred feet of dockage. Sea Life Ice and Fuel, Inc. closed October 1, 1976 but is expected to reopen in June 1977 with the resumption of the shrimping season.

Sea Life Ice and Fuel, Inc. does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program; see Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). Sea Life Ice and Fuel, Inc. performed a service, the selling of ice and fuel.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Sea Life Ice and Fuel, Inc., Brownsville, Texas are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17396 Filed 6-16-77;8:45 am]

[TA-W-1429, 1451, 1452]

U.S. STEEL CORPORATION, FAIRFIELD WORKS, BIRMINGHAM, ALABAMA PLANT; BESSEMER, ALABAMA PLANT; FAIRFIELD, ALABAMA PLANT

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1429, TA-W-1451, and TA-W-1452: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on December 15, 1976 in response to worker petitions received on December 15, 1976 which were filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel plate, structural and wire products at the Bessemer, Birmingham, and Fairfield, Alabama plants of U.S. Steel Corporation.

Notices of Investigation were published in the FEDERAL REGISTER as follows: TA-W-1429 on January 4, 1977 (42 FR 903), TA-W-1451 on January 7, 1977 (42 FR 1542), and TA-W-1452 on January 7, 1977 (42 FR 1543). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of U.S. Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm have an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

TOTAL OR PARTIAL SEPARATIONS

Workers are not separately identifiable by individual plants. All workers are identifiable by product line for the entire Fairfield Works.

A. WIRE PRODUCTS

The average number of workers engaged in employment related to the production of wire products at the Fairfield Works decreased 58.4 percent in 1975 compared to 1974. Employment declined 3.0 percent in the first 11 months of 1976 compared to the like period in 1975. Employment decreased in the 4th quarter of 1975 and the 2nd quarter of 1976 compared to the same quarters one year earlier.

B. STRUCTURALS

The average number of workers engaged in employment related to the production of structurals at the Fairfield Works decreased 13.7 percent in 1975 compared to 1974. Employment decreased 46.7 percent in the first 11 months of 1976 compared to the like period in 1975. Employment declined in the 4th quarter of 1975 compared to the same quarter one year earlier.

C. PLATES

The average number of workers engaged in employment related to the production of plates decreased 3.0 percent in 1975 compared to 1974. Employment decreased 45.3 percent in the first 11 months of 1976 compared to the like period in 1975. Employment declined in the 4th quarter of 1975 compared to the same quarter one year earlier.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production data was not made available. Sales data is presented for the entire Fairfield Works by product line.

A. WIRE PRODUCTS

Sales of wire products by the Fairfield Works decreased 62.9 percent in quantity in 1975 compared to 1974. Sales increased 6.7 percent in quantity in the first 11 months of 1976 compared to the like period in 1975. Sales decreased 73.2 percent in quantity and 11.5 percent in quantity, respectively, in the 4th quarter of 1975 and the 1st quarter of 1976 compared to the same quarters one year earlier.

B. STRUCTURALS

Sales of structurals by the Fairfield Works decreased 22.8 percent in quantity in 1975 compared to 1974. Sales decreased 41.7 percent in quantity in the first 11 months of 1976 compared to the like period in 1975. Sales decreased in the 4th quarter of 1975 and in each of the first 3 quarters of 1976 when compared to the same quarters one year earlier.

C. PLATES

Sales of plates by the Fairfield Works decreased 13.7 percent in quantity in 1975 compared to 1974. Sales decreased 40.1 percent in the first 11 months of 1976 compared to the like period in 1975. Sales decreased in the 4th quarter of 1975 and in each of the first 3 quarters of 1976 when compared to the same quarters one year earlier.

INCREASED IMPORTS

A. WIRE PRODUCTS

Imports of carbon steel wire decreased from 515.3 thousand tons in 1972 to 433.2 thousand tons in 1973. In 1974, imports increased to 553.8 thousand tons, then declined to 349.6 thousand tons in 1975. In 1976, imports increased 6.3 percent to 371.8 thousand tons.

The ratio of imports to domestic shipments of carbon steel wire decreased from 23.3 percent in 1972 to 17.5 percent in 1973. In 1974, the ratio increased to 22.6 percent, then decreased to 22.0 percent in 1975. In 1976, the ratio decreased to 19.9 percent.

B. STRUCTURALS

Imports of carbon steel structural shapes decreased from 1.6 million tons in 1972 to 1.3 million tons in 1973. In 1974, imports decreased to 1.1 million tons and further decreased to .8 million tons in 1975. In 1976, imports increased 75 percent to 1.4 million tons.

The ratio of imports to domestic shipments of carbon steel structural shapes decreased from 34.1 percent in 1972 to 21.3 percent in 1973. The ratio declined to 19.7 percent in 1974 and further declined to 19.5 percent in 1975. In 1976, the ratio increased to 40.0 percent.

C. PLATE

Imports of carbon steel plate decreased from 1.7 million tons in 1972 to 1.3 million tons in 1973. Imports increased to 1.7 million tons in 1974, then decreased to 1.4 million tons in 1975. In 1976, imports increased 14.3 percent to 1.6 million tons.

The ratio of imports to domestic shipments of carbon steel plate decreased from 26.3 percent in 1972 to 16.4 percent in 1973. In 1974, the ratio increased to 18.8 percent and increased again in 1975 to 19.4 percent. The ratio continued to increase in 1976 to 27.7 percent.

CONTRIBUTED IMPORTANTLY

The Office of Trade Adjustment Assistance conducted a survey of customers of the Fairfield Works that purchased carbon steel structurals, plates and wire products. Customers for each of the three products indicated that they had reduced purchases from the Fairfield plant and switched to imports. The cheaper prices offered for the imported product were indicated as the reason for switching. Most of the customers responding to the survey questionnaire reported that there was import influence affecting the marketing of steel structurals, wire products and plate.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with carbon steel structurals, plates, and wire products produced at the Fairfield Works of U.S. Steel Corporation (Bessemer, Birmingham, and Fairfield, Alabama) contributed importantly to the total or partial separation of workers at the plants. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bessemer, Alabama; Birmingham, Alabama; and Fairfield, Alabama plants of the U.S. Steel Corporation engaged in employment related to the pro-

V 42 N 117 JUN 17 77 J
UMI

duction of one of the following products: carbon steel structural, plate, or wire products, who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17399 Filed 6-16-77;8:45 am]

[TA-W-1444]

UNITED STATES STEEL CORPORATION NATIONAL WORKS; MCKEESPORT, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1444: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel pipe and tubing at the McKeesport, Pennsylvania plant of United States Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1540). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of United States Steel Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issues a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 24.6 percent in the first eleven months of 1976 compared to the same period in 1975. The average number of production workers declined in the fourth quarter of 1975 and in each of the first three quarters of 1976 compared to the same quarters one year earlier.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of carbon steel pipe and tubing produced at the McKeesport plant declined 60.7 percent in quantity in the first nine months of 1976 compared to the same period in 1975.

Production of carbon steel pipe and tubing at the McKeesport plant declined 51.9 percent in quantity in the first nine months of 1976 compared to the same period in 1975. Production declined in the last quarter of 1975 and in each of the first three quarters of 1976 compared to the same quarters one year earlier.

INCREASED IMPORTS

U.S. imports of carbon steel pipe and tubing declined from 1.8 million short tons in 1972 to 1.6 million short tons in 1973. Imports increased to 1.8 million short tons in 1974, declined to 1.5 million short tons in 1975 and increased to 1.8 million short tons in 1976. The ratio of imports to domestic shipments of carbon steel pipe and tubing decreased from 28.6 percent in 1972 to 20.3 percent in 1973 before increasing to 21.5 percent in 1974, 22.8 percent in 1975, and 35.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

Some customers of tubular products made at the McKeesport plant indicated that they reduced purchases from U.S. Steel and increased their reliance on imported pipe and tubing. Other customers indicated that they lost business to competitors that sold cheap imported tubular products and this caused them to reduce their purchases from the McKeesport plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with carbon steel pipe and tubing produced at the National Works of United States Steel Corporation contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of carbon steel pipe and tubing at the McKeesport, Pennsylvania plant of the National Works of United States Steel Corporation who became totally or partially separated from employment on or after November 15, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 9th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17400 Filed 6-16-77;8:45 am]

Employment and Training Administration

SUBCOMMITTEE ON EQUAL APPRENTICESHIP OPPORTUNITY; FEDERAL COMMITTEE ON APPRENTICESHIP

Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Subcommittee on Equal Apprenticeship Opportunity to be held on June 27, 1977, at the Department of Labor Building, Room S-5215 (A-C), 200 Constitution Avenue NW., Washington, D.C. The meeting will be in session from 4 p.m. until 5 p.m. approximately.

The agenda for the meeting will include a discussion of civil rights issues, focusing on measures to improve opportunities for women in apprenticeship. Specifically, the Subcommittee will consider a regulatory approach, including the review of recommendations for goals and timetables and other avenues to expand opportunities for women.

Members of the public are invited to attend the proceedings. Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Executive Secretary at any time prior to the meeting. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

If time permits, members of the public may be permitted to address the Subcommittee on the above issues.

Any member of the public who wishes to speak at this meeting should so indicate in such a written statement; also the nature of intended presentation and the amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mrs. M. M. Winters, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 601 D St. NW. (Rm. 5434), Washington, D.C. 20213.

Signed at Washington, D.C., this 16th day of June 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training Administration.

[FR Doc.77-17587 Filed 6-16-77;10:47 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COUNCIL, TASK GROUP NO. 4

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Task Group No. 4 of the NSF Advisory Council.

PLACE: Room 421, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

DATE AND TIME: July 7, 1977, 9 a.m.

TYPE OF MEETING: Open.

CONTACT PERSON:
Ms. Margaret Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, Washington, D.C. 20550, telephone 202-632-4384.

PURPOSE OF TASK GROUP: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

AGENDA: To assess the need for and potentail benefits from increased scientific cooperation between the U.S. and Western Europe countries. Suggest scientific areas, modes, and institutional mechanism best suited for such cooperation.

M. REBECCA WINKLER,
Acting Committee Management Officer

JUNE 14, 1977.

[FR Doc.77-17353 Filed 6-16-77;8:45 am]

ADVISORY PANEL FOR OCEANOGRAPHY PROJECT SUPPORT

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Oceanography Project Support.

DATE AND TIME: July 7 and 8, 1977, 9 am to 6 pm each day.

PLACE: Conference Center, W. Alton Jones Campus, University of Rhode Island, West Greenwich, Rhode Island.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Robert E. Wall, Head, Oceanography Section, Room 611, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4227.

PURPOSE OF PANEL: To provide advice and recommendations concerning support for research in Oceanography.

AGENDA: Review and evaluation of research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JUNE 14, 1977.

[FR Doc.77-17352 Filed 6-16-77;8:45 am]

TASK GROUP 1 AND TASK GROUP 3

Correction to Notices of Meeting of the NSF Advisory Council

Please make the following changes in the notice of meeting for Task Group 1 and Task Group 3 scheduled for June 20 and 21, 1977. Task Group 1 will meet in Room 543 instead of Room 511. Task Group 3 will meet as follows: June 20, Room 338, 1:30 to 5 p.m., June 21, Room 520B, 9 a.m. to 5 p.m.

These notices appeared in the FEDERAL REGISTER on June 1, 1977, page 28012, FR Doc. 15471 and 15472. For further information please contact Ms. Margaret Windus, Executive Secretary, 632-4384.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JUNE 14, 1977.

[FR Doc.77-17354 Filed 6-16-77;8:45 am]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

NATION'S TRANSPORTATION NEEDS

Open Meeting

In accordance with Subsection 10(a) of the Federal Advisory Committee Act, Public Law 92-463, the National Transportation Policy Study Commission announces the following meeting:

Name: Meeting of the Commission.
Date: June 22, 23, and 24, 1977.
Time: 9 a.m. to 5 p.m.
Place: 2167 Rayburn House Office Bldg., Washington, D.C. 20515.
Type of meeting: Open.
Contact person: Beth Singley, National Transportation Policy Study Commission, 1750 K Street NW., Suite 800, Washington, D.C. 20006.

Purpose of the Commission: The National Transportation Policy Study Commission was established under Section 154 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280) to report findings and recommendations with respect to the Nation's transportation needs, both national and regional, through the year 2000.

Tentative agenda: Receipt of testimony from interested parties on identifying National transportation issues.

Dated: June 13, 1977.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc.77-17305 Filed 6-16-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 13, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service, Savanna, Illinois Port Feasability Study, single time, country elevators in 11 county areas, Gaylord Worden, 395-4730.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Industrial Energy Conservation Questionnaire, DIB-2009P, single time, trade assoc. in energy using industry, C. Louis Kincannon, 395-3211.

REVISIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, "Biweekly Report of Progress of Construction and Engineering Services," REA-178, weekly, engineers of REA electric borrowers, Tracey Cole, 395-5870.

REVISIONS

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration: Bathythermograph Log, NOAA 77-22, other (see SF-83), academic institutes, Lowry, R. L., 395-3772.

Yellowfin Tuna/Fisheries Certificate of Origin, on occasion, fish import firms, Warren Topelius, 395-5872.

V42 N117 JUN 17 77 UMI

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration, Architects and Engineers Qualifications, REA-179, on occasion, architects and engineers of REA Elec., Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Shipments of Primary Nickel, DIB-920, monthly, supplies of nickel for U.S. consumption, C. Louis Kincannon, 395-3211.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-17482 Filed 6-16-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY GROUP

EARTHQUAKE HAZARDS REDUCTION ADVISORY GROUP

Establishment

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), it is hereby determined that the establishment of the Earthquake Hazards Reduction Advisory Group is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, Office of Science and Technology Policy (OSTP) by the National Science and Technology Policy, Organization, and Priorities Act of 1976. This determination follows consultation with the Office of Management and Buget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

1. *Name of Group.* Earthquake Hazards Reduction Advisory Group.

2. *Purpose.* The Office of Science and Technology Policy, together with other units in the Executive Office of the President, is commencing a review of activities and plans appropriate to the Federal, state, local governmental units and the private sector for the implementation of actions deriving from a comprehensive program of research in earthquake disaster mitigation. The initiation of this review follows earlier action by the President which led to the development of an accelerated program of research into these topics, carried out through the U.S. Geological Survey and the National Science Foundaiton. In order to provide a wide range of advice in the consideration of these elements of the implementation plan, the Advisory Group will be established to draw together experts at the state and local level and from the private sector. The advisory group will make recommendations to the Director, Office of Science and Technology Policy for his consideration in the further analysis undertaken by the Executive Office of the President and the affected Federal agencies prior to policy and budgetary recommendations to the President and the Congress.

3. *Effective Date of Establishment and Duration.* The establishment of the Earthquake Hazards Reduction Advisory Group is effective upon filing of the charter with the Director, Office of Science and Technology Policy, and with the standing committees of Congress having legislative jurisdiction over the Office of Science and Technology Policy. The Earthquake Hazards Reduction Advisory Group will continue one calendar year from the effective date.

4. *Membership.* The Earthquake Hazards Reduction Advisory Group will be composed of approximately 15 individuals selected from state and local officials and the private sector and having qualifications for providing expert knowledge.

5. *Advisory Group Operation.* The Earthquake Hazards Reduction Advisory Group will operate in accordance with provisions of the Federal Advisory Committee Act (Public Law 92-463), OSTP policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

FRANK PRESS,
Director.

[FR Doc.77-17347 Filed 6-16-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5229]

ATLANTIC RICHFIELD CO. AND ARCO PIPE LINE CO.

Application and Opportunity for Hearing

JUNE 10, 1977.

In the matter of Atlantic Richfield Company and Arco Pipe Line Company, File Nos. 2-10609 (22-1468), 2-26457 (22-4460), 2-52162 (22-8095), 2-55309 (22-8705).

Notice is hereby given that Atlantic Richfield Company ("A.R.CO.") and ARCO Pipe Line Company ("Pipe Line"), a wholly owned subsidiary of A.R.CO., have filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeships of Morgan Guaranty Trust Company of New York (the "Bank") under certain indentures which are qualified under the Act and under a new indenture which is not qualified under the Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of such qualified indentures.

Section 310(b) of the Act provides inter alia, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting under any of such indentures.

A.R.CO. and Pipe Line allege that:

1. The Bank, as Trustee, has entered into the following indentures which were qualified under the Act ("Qualified Indentures"): (i) An indenture dated January 15, 1954, pursuant to which there were issued A.R.CO.'s 3¼ percent Debentures due 1979; (ii) an indenture dated May 15, 1967, pursuant to which there were issued A.R.CO.'s 5⅝ percent Debentures due 1997; (iii) an indenture dated November 1, 1974, pursuant to which there were issued Pipe Line's 8.70 percent Guaranteed Notes due 1981; and (iv) a first supplemental indenture thereto, dated February 1, 1976, pursuant to which there were issued Pipe Line's 8 percent Guaranteed Notes due 1984.

2. On April 7, 1977 Cavalier Trading Company ("Cavalier"), A.R.CO. and the Bank, as Trustee, entered into an Indenture dated as of April 7, 1977 (the "Cavalier Indenture") pursuant to which Cavalier may issue up to $70,000,000 principal amount of its Short-term Notes. Payment of Cavalier's Short-term Notes is unconditionally guaranteed by A.R.CO. pursuant to the terms of such Notes and the Cavalier Indenture. The Cavalier Short-term Notes are also guaranteed by Sequoia Marine Corporation ("Sequoia") and are secured by (i) ship mortgages from Sequoia to the Bank, as Trustee, on two vessels which are to be owned by Sequoia and chartered to Cavalier and (ii) the assignment to the Bank, as Trustee, or bareboat charter parties pursuant to which such vessels are to be chartered by Sequoia to Cavalier and sub-chartered by Cavalier to two wholly-owned subsidiaries of A.R.CO. Pursuant to the bareboat charter parties, upon the payment in full of the Cavalier Notes or under other specified circumstances, title to the vessels is to be transferred by Sequoia to such wholly-owned subsidiaries of A.R.CO. While Sequoia is the official, registered owner of record of the vessels, as a result of the bareboat charter parties A.R.CO. is deemed to be the owner of the vessels for A.R.CO.'s Federal income tax and financial reporting purposes. The Cavalier Short-term Notes will not be registered under the Securities Act of 1933 on the basis of, among other reasons, the exemption provided by Section 4(2) thereof, and the Cavalier Indenture has not been qualified under the 1939 Act on the basis of the provisions of Section 304(b) thereof.

3. All of the Qualified Indentures contain the provision permitted by the proviso in Section 310(b)(1) of the Act.

4. Legal title to the security under the Cavalier Indenture does not reside in A.R.CO. or Pipe Line; consequently, should the Bank have occasion to proceed against the security under the Cavalier Indenture, such action would not affect the rights of the holders of securities issued pursuant to the Qualified Indentures.

5. No default has existed at any time under the Qualified Indentures or the Cavalier Indenture. A.R.CO.'s obligations in respect of the Qualified Indentures and the Cavalier Indenture are unsecured and rank equally pari passu.

6. Such differences as exist among the Qualified Indentures and the Cavalier Indenture are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of the said indentures.

A.R.CO. and Pipe Line have waived (a) notice of hearing, (b) hearing on the issues raised by said application, and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 30, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17310 Filed 6-16-77;8:45 am]

[Rel. No. 34-13613; File No. SR-CBOE-1977-13]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rule Change By Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 2, 1977 the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE's STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

OBLIGATIONS OF TERMINATING MEMBERS

Rule 3.19. Every member who sells or transfers his membership pursuant to the provisions of this Chapter must be current in all filings and payments of dues, fees and charges relating to that membership, including filing fees and charges required by the Securities and Exchange Commission and the Securities Investor Protection Corporation. If a member fails to make all such filings, or to pay all such dues, fees and charges, or to turn in his trading badge and membership certificate, the Secretary may, notwithstanding the other applicable provisions of this Chapter, withhold distribution of the proceeds of sale of said membership, or delay the effectiveness of the membership of the transferee, until such time as such failures have been remedied.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to provide the CBOE with a more effective means of fulfilling its responsibility as a Securities Investor Protection Corporation collection agent, as well as to obtain completed Securities & Exchange Commission forms which the CBOE is obligated to file for those members who have either sold or transferred their memberships. Implementation of this new rule specifically is addressed to both types of problems as well as to ensure that the CBOE will have additional leverage over those persons who, although terminating their membership status, fail to hand in trading badges and membership certificates, thereby reducing the CBOE's administrative problems in this area.

Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, provides the statutory basis for the proposed rule change.

Comments were not solicited, nor have comments been received from members of the CBOE or otherwise concerning this amendment.

No burden would be imposed upon competition by virtue of the implementation of this proposed Rule 3.19.

On or before July 22, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 9, 1977.

[FR Doc.77-17307 Filed 6-16-77;8:45 am]

[Release No. 34-13609; File No. SR-DTC-76-8]

DEPOSITORY TRUST CO.

Proposed Rule Change by Self-Regulatory Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 26, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission Amendment No. 1 to a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change establishes a "third party" interface service between The Depository Trust Company (DTC) and the Midwest Securities Trust Company (MSTC). The proposed rule change is attached as Exhibit 2 to Amendment No. 1 to DTC's filing on Form 19b-4A, File No. SR-DTC-76-8.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to implement a "third party" interface service between DTC and MSTC. This delivery service permits any participant in one depository to deliver to, or receive from, any participant in the other depository, "free" (without settlement) or for payment. Previously, only a participant affiliated with both depositories could use the interface and then only to move positions between its accounts in DTC and MSTC.

The proposed rule change facilitates the prompt and accurate clearance and settlement of securities transactions for which DTC is responsible in that the proposed rule change eliminates the need for dual participants to initiate multiple book-entry deliver orders with attendant charges to effect inter-depository movements, and it enables sole participants of one depository to effect book-entry deliveries to sole participants of the other depository, which would otherwise necessitate physical deliveries by inter-city securities drafts.

Comments on the proposed rule change were solicited by DTC Important Notice B 2808. No comments were received.

DTC believes that the proposed rule change creates no burden on competition.

V 42 N 117 JUN 17 77 UMI

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rules change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 8, 1977.

[FR Doc.77-17308 Filed 6-16-77;8:45 am]

[Rel. No. 20069]

MIDDLE SOUTH UTILITIES, INC.

Louisiana Power and Light Co.

JUNE 9, 1977.

PROPOSAL BY SUBSIDIARY COMPANY TO ISSUE AND SELL COMMON STOCK TO ITS PARENT HOLDING COMPANY

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, and a wholly-owned subsidiary company, Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana 70174, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9(a), 10, and 12(f) and Rule 43 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana proposes to issue and sell to Middle South, and Middle South proposes to purchase 4,700,000 additional shares of its presently authorized but unissued common stock, no par value ("Common Stock") for an aggregate cash purchase price of $30,000,000. Louisiana proposes to apply the proceeds of such sale to the payment of short-term borrowings then outstanding for the partial financing of Louisiana's construction program having estimated expenditures of $198,000,000 in 1977, and for other corporate purposes.

Middle South proposes to borrow the funds required to acquire the Common Stock pursuant to a revolving credit agreement with a group of banks headed by Manufacturers Hanover Trust Company which provides for borrowings to be evidenced by Louisiana's unsecured short-term promissory notes. All interested persons are referred to Middle South's Declaration in File No. 70-6010 for a complete statement of the transaction.

No fees and expenses are anticipated in connection with the proposed transactions except for the filing fee paid to this Commission and for legal fees of Louisiana's counsel which are expected not to exceed $1,000. It is stated that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 3, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17310 Filed 6-16-77;8:45 am]

[File No. 500-1]

MINER INDUSTRIES, INC.

Suspension of Trading

JUNE 9, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Miner Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:40 p.m. (EDT) on June 9, 1977 through June 18, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17311 Filed 6-16-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Application No. 02/02-5332]

KING SMALL BUSINESS INVESTMENT CO.

Application for a License To Operate as a Small Business Investment Co.

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by King Small Business Investment Corporation (Applicant) with the Small Business Administration (SBA) pursuant to 13 C.F.R. 107.102 (1977).

The officers and directors are as follows:

Richard M. Mancuso, President, General Manager, Director and 47 percent Stockholder, 32 Longleat Parkway, Eggertsville, New York.

Dr. Lawrence M. Murphy, Vice President, Director and 16 percent Stockholder, 257 E. Ferry Street, Buffalo, New York 14208.

Neil Ritz, Vice President, Director, 22 percent Stockholder and Treasurer, 8407 Kimberly Drive, Williamsville, New York 14221.

Dr. Thomas V. Gullo, Secretary, Director and 10 percent Stockholder, 19 Middlesex Road, Buffalo, New York 14216.

F. Rene Alvarez, Assistant Treasurer and 5 percent Stockholder, Apartado 354, Valencia, Venezuela.

The applicant, a New York corporation, authorized to operate in the State of New York, will maintain an office at 110 Pearl Street, Buffalo, New York 14202, and will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of common stock to the above individuals.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owner and management and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Buffalo, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 10, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-17304 Filed 6-16-77;8:45 am]

DEPARTMENT OF STATE

[Public notice CM7/81]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

Notice is hereby given pursuant to the provisions of Public Law 92-463 that a meeting of the Ocean Affairs Advisory Committee will be convened on July 6 and 7, 1977, at the Kodiak Travel Lodge Hotel, Kodiak, Alaska.

The meeting on July 6 will be open to the public. That session will include a discussion of the status of organization and staffing in the Bureau for Oceans and International Environmental and Scientific Affairs and, in particular, the Office of Oceans and Fisheries Affairs. Also discussed will be the role, function and membership of the Advisory Committee and the question of joint venture fisheries arrangements between foreign fishing concerns and American fishing interests. There will be, in addition, unclassified discussion of the 1977 session of the Law of the Sea Conference, of the status of implementation of Pub. L. 94-265, of U.S.-Canadian fisheries relations, of problems relating to tuna, shrimp and other distant water fisheries and also of pending or forthcoming fisheries negotiations.

The meeting on July 7 will not be open to the public as the discussion will involve matters exempt from public disclosure under 5 USC 552b(c)(1) and the public interest requires that such discussions be withheld from public disclosure.

These discussions will include examination and/or discussions of classified materials relating to the Law of the Sea Conference session mentioned above and to ongoing or forthcoming international fisheries negotiations.

Dated: June 10, 1977.

ROZANNE L. RIDGWAY,
Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 77-17464 Filed 6-16-77;8:45 am]

TENNESSEE VALLEY AUTHORITY

IMPLEMENTATION OF OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-95

Final Coordination Procedures

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final procedures.

SUMMARY: The Tennessee Valley Authority has adopted the following final procedures to guide the intergovernmental coordination and review of direct TVA developmental activities and the approval of non-TVA activities having a significant impact on state, interstate, areawide, or local development plans or programs or on the environment. These procedures implement Part II of the revised Office of Management and Budget (OMB) Circular No. A-95 published January 13, 1976 (41 FR 2052), and Title IV of the Intergovernmental Cooperation Act of 1968 (Pub. L. No. 90-577, 82 Stat. 1098). Because these procedures are intended primarily for intra-agency use with copies to be made available directly to the affected state and local clearinghouses, they will not be codified for publication as a section of the Code of Federal Regulations.

EFFECTIVE DATE: These final procedures will become effective on June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

TVA, Director of Navigation Development and Regional Studies, 200A Liberty Building, Knoxville, Tennessee 37902.

SUPPLEMENTARY INFORMATION: The interim procedures upon which the final procedures are based were published for comment on June 28, 1976, and appear at 41 FR 26625. All of the comments received in response to the interim procedures were generally favorable. Several commenters, while of the opinion that the procedures would enhance future coordination, raised questions or made suggestions that indicated a need for clarification of the interim procedures.

DISCUSSION OF MAJOR COMMENTS

Two comments noted that while TVA's interim procedures give state and regional clearinghouses a period of 30 days for review and comment on TVA projects or land actions, OMB Circular No. A-95, Attachment A, Part I, section 4, gives two 30-day review periods. The portion of Attachment A applicable to TVA projects is Part II: Direct Federal Development. Section 5.a. of Part II provides that to the extent possible agencies will follow the general procedures of Part I. The final procedures provide that where project schedules permit, TVA will grant extensions of time for review. The final procedures also will allow sufficient flexibility so that "early informal consultation" prior to starting the formal A-95 review period may be made available.

One commenter noted that the procedures would be open to different interpretations as to significant impact if each responsible office or division within TVA was responsible for determining the need for A-95 coordination. Both the interim and final procedures provide for consultation with the Division of Navigation Development and Regional Studies as to the applicability of A-95 to a particular activity.

The remaining comments expressed the concern that the activities listed in the section Exclusions and Informal Review should not be eliminated from formal review and the comment process because particular actions had the potential to impact local economies and the environment. These comments indicate that our original statement on Exclusions and Informal Review was unclear. It has been the experience of TVA that the impacts associated with the types of activities listed under Exclusions and Informal Review are usually insignificant and therefore that the activities do not normally require A-95 coordination. However, the final procedures reaffirm and clarify that each particular action is reviewed within TVA and will undergo A-95 coordination if it is probable that it will have a significant impact on area or community development or the physical environment. Moreover, informal coordination will be available for some actions listed in the section on Exclusions and Informal Review, even though those actions will not significantly impact area or community development or the physical environment.

The final procedures are as follows:

OFFICE OF MANAGEMENT AND BUDGET

CIRCULAR A-95, COORDINATION PROCEDURES

Office of Management and Budget Circular A-95 establishes procedures for coordination with state, regional, and local agencies of those Federal planning and developmental activities having a significant impact on area and community development or the physical environment.

Coordination is accomplished through a system of state, regional, and metropolitan clearinghouses set up under the OMB circular as intergovernmental liaison to ensure that appropriate governmental agencies, departments, and offices are given an opportunity to review and comment on the Federal proposal.

All direct TVA development activities and approval of non-TVA activities which significantly affect area and community development or the physical environment are subject to A-95 coordi-

V 42 117 JUN 17 77 UMI

nation. As used in this instruction, "development activities" include TVA projects and the acquisition, use, transfer, or grant of an interest in real property under TVA's control. "Approvals of non-TVA activities" include the licensing, permitting, or approval of non-Federal developments or activities. State and local activities or projects in which TVA is participating will be coordinated by the state or local agency sponsoring the activity or project if coordination is required under A–95, unless the TVA office or division responsible for the project or activity determines that TVA should assume coordination responsibility.

Where the developmental activity or approval requires the preparation of an environmental impact statement by TVA, the impact statement review and the A–95 coordination will be combined to the extent possible and the impact statement will be circulated to state and regional clearinghouses for review and comment.

COORDINATION PROCEDURES

Early in the process of planning a TVA development activity or in the processing of a request for a TVA approval the responsible office or division makes a determination as to the significance of effects upon area or community development and the need for A–95 coordination. The office or division consults with the Division of Navigation Development and Regional Studies in the event of uncertainty as to the applicability of A–95 to a particular activity or approval.

An advance alert will be of assistance in the maintenance of interagency relationships. This preliminary notice should be given in advance of providing the necessary descriptive materials for formal transmittal to the clearinghouses. Therefore, the responsible office or division should notify the Division of Navigation Development and Regional Studies as soon as a determination is made that any proposed project or action will require A–95 coordination.

The Division of Navigation Development and Regional Studies will be the primary point of contact within TVA between the state, regional, and metropolitan clearinghouses and TVA offices and divisions, except as noted in "Scheduling Review" below.

INFORMATION REQUIRED

TVA projects. On all projects requiring A–95 coordination materials approximately the type and scope submitted to the Office of the General Manager for project authorization should be furnished to the Division of Navigation Development and Regional Studies for transmittal to the appropriate state and regional clearinghouses. In general, the material should provide a broad description of the project (without needless reference to technical details and specifications), include any maps, charts, or other supportive data that is helpful in understanding the nature or scope of the proposal and, where relevant, include a statement of general project policies relating to land acquisition and road and utility adjustments.

Land transactions. Whenever land actions (not a part of an overall project) are proposed which require A–95 coordination, appropriate descriptive material and maps should be furnished to the Division of Navigation Development and Regional Studies for transmittal to the proper clearinghouses for state and local review.

TVA permits, licenses, and approvals. Whenever proposed actions to be carried out by other parties require a TVA permit, license, or other official TVA approval (e.g., approval pursuant to Section 26a of the TVA Act), the responsible office or division determines whether the proposed action will have such a significant effect upon area or community development as to require A–95 coordination and, if so, furnishes appropriate information to the Division of Navigation Development and Regional Studies for transmittal to the proper clearinghouses for state and local review.

Environmental impact statements. If coordination with state and local agencies involves projects or land actions which have a significant impact on area or community development and significant environmental impact, these two aspects of the project or action are coordinated concurrently by means of the environmental impact statement and the procedures for its review. The analysis of environmental considerations and the coordination of state, regional, and local reviews are carried out pursuant to TVA's Procedures for Environmental Planning and Assessment (39 FR 5671 (1974)).

Cooperative projects. With regard to state and local projects in which TVA is participating to an extent requiring the approval of the General Manager or the Board and coordination is not being handled by TVA, the office or division responsible for TVA's participation will request the state or local agency sponsoring the project or land action to furnish information to TVA to determine whether A–95 coordination is necessary or has been properly carried out.

SCHEDULING REVIEW

Many state and regional clearinghouses do not have large staffs to handle A–95 coordination; instead, the clearinghouses rely upon staffs from operating agencies for comments on specific matters. Therefore, informal consultation between TVA offices and divisions and counterpart state and local agencies will be important in TVA project planning, as these are the agencies that will eventually be asked to comment on project or land-related proposals transmitted by TVA for formal A–95 coordination. Such informal consultation will take place early in the preliminary planning of a project. At the same time, the Division of Navigation Development and Regional Studies should be notified concerning such advance discussions with state and local agencies and will, in turn, advise the appropriate state and regional clearinghouses of such preliminary planning and TVA contacts with state and local agencies.

Upon completion of general plans for a proposed TVA development activity or of the initial review of a request for approval or, where appropriate, the completion of a draft environmental impact statement, the information required for coordination will be furnished with sufficient copies by the office or division responsible to the Division of Navigation Development and Regional Studies to initiate review by the clearinghouses having jurisdiction over the area or areas concerned. Normally such review will be limited to one state and one regional clearinghouse. In the case of projects or actions affecting more than one state or subregion, all clearinghouses concerned will be included in the circulation of materials for review and comment.

Review time. State and regional clearinghouses may have a period of 30 days after receipt of proposals for TVA projects or land actions for review and comment. Forty-five days will be allowed for review of and comment on draft environmental impact statements. In exceptional circumstances and for resaons stated at the time of transmittal by TVA, clearinghouses may be asked to expedite their review. iLmited extensions of time to comment may be granted by TVA where project schedules permit.

All comments received will be forwarded to appropriate TVA offices and divisions and will be considered in further planning or modification of plans for the proposal or in processing requests for approval. .Comments on draft environmental impact statements will be considered and treated in accordance with the requirements of the National Environmental Policy Act of 1969 and TVA's Procedures for Environmental Planning and Assessment (39 FR 5671 (1974)).

All steps of formal A–95 coordination should be completed prior to submission of a proposal or approval for final authorization. Generally, the entire proposal should be coordinated at one time. Separate parts of the proposal will not be resubmitted for coordination unless there are significant departures from the original or modified plans.

Notification of clearinghouses. Where no significant adverse comments or questions are raised by the reviewing clearinghouse, TVA will proceed to carry out the proposal or approval without further notice to the clearinghouses concerned unless notice is specifically requested. In the case of proposals or approvals where significant questions or objections were raised and not resolved or which are abandoned, postponed for a considerable length of time, or significantly modified before implementation, the clearinghouses concerned will be notified of the final action taken and the reasons therefor. Where the coordination and review was undertaken on the basis of a draft environmental impact statement, a copy of the final statement will be transmitted for information to each reviewing clearinghouse.

EXCLUSIONS AND INFORMAL REVIEW

All proposed activities which have a significant impact on area or community development of the physical environment will be submitted for formal A–95 coordination. The following actions normally do not have a significant impact on area or community development or the physical environment and therefore will usually not require A–95 coordination:

1. Agricultural land-use licenses and other agreements involving minor land uses.

2. Harvesting of timber and wood products from TVA lands.

3. Watershed research experiments and demonstrations or non-Federal lands, such as strip mine reclamation and hydrologic studies.

4. Minor plan approvals under Section 26a of the TVA Act.

Some actions may be coordinated on an informal basis even though TVA determines that they will not significantly impact area or community development or the physical environment. These actions include:

1. Routing of transmission lines.

2. Location of substations.

3. Changes in public access to TVA lakes and modification of reservoir shoreland facilities for recreation use.

In addition, whenever state, regional, or metropolitan clearinghouse review is desirable but not required under this instruction, the responsible office or division may request the assistance of the Division of Navigation Development and Regional Studies in carrying out such a review.

The Tennessee Valley Authority has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 10, 1977.

LYNN SEEBER,
General Manager.

[FR Doc.77–17327 Filed 6–16–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RFA 505–77–8]

PURCHASE OF REDEEMABLE PREFERENCE SHARES

Receipt of Application

Project. Notice is hereby given that the Peoria and Pekin Union Railway Company ("applicant"), 101 Wesley Road, Creve Coeur, Illinois 61611, has filed an application with the Federal Railroad Administration ("FRA") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of redeemable preference shares in the years 1977 through 1980 having an aggregate par value of $3,500,000. Applicant proposes to make 20 equal annual payments commencing in 1988 on each issuance of redeemable preference shares, with each payment to be applied first to dividends which accrue at the rate of 4.5 percent on the outstanding par value and thereafter to redemption of the par value of redeemable preference shares.

The proceeds of the sale of preference shares are to be used by the applicant (1) to replace 5.9 miles of 90-pound rail with 116-pound rail on its main line track between Peoria and Pekin, (2) to renew cross ties on 24 tracks in its A yard and 24 tracks on its B yard, and (3) to relay all ladder switches with 115-pound rail, in accordance with the following schedule:

Year	Project location	FRA funding
1977	Main line track	$320,000
	A & B yards	380,000
1978	do	800,000
1979	do	800,000
1980	do	1,200,000
	Total	3,500,000

Justification for project. The applicant states that the main line track project will increase productivity of equipment and capacity for movements of coal as well as decrease derailments and transit time of coal. In addition, applicant states that the A & B Yards project will increase yard productivity as well as decrease derailment and rehabilitation projects in additional yard facilities.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therfor. The application will be made available for inspection during normal busines hours in Room 5415 at the above address of the FRA.

The comments will be considered by the FRA in evaluating the application. However, formal acknowledgement of comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended.)

Dated: June 14, 1977.

Comment closing date: July 18, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77–17456 Filed 6–16–77;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

RIGHT TO CONTEST ADMINISTRATIVE DECISIONS

Individual Notification

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: General Notice.

SUMMARY: The Customs Service, under a new procedure, will now notify each party of its right to seek judicial review of certain administrative decisions. The procedure is being adopted by the Customs Service in order to ensure that each party entitled to seek judicial review of certain administrative decisions is aware of its right to do so.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard M. Belanger, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202–566–8237).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Under sections 514 and 515 of the Tariff Act of 1930, as amended (19 U.S.C. 1514, 1515), and Part 174 of the Customs Regulations (19 CFR Part 174), a party dissatisfied with any of certain decisions made by a district director or regional commissioner of Customs may obtain review of that decision by filing a protest in writing with that Customs officer. A party may also seek further review of a protest by a Customs officer on a level higher than that of the Customs officer who participated directly in the decision which is the subject of the protest. The appropriate Customs officer shall review the protest and shall allow or deny the protest in whole or in part. Notice of the denial of any protest will be mailed to the protesting party. The party may then contest the denial of the protest by bringing a civil action in the United States Customs Court in accordance with 28 U.S.C. 2632.

It has come to the attention of the Customs Service that occasionally a party may not be aware of its right to judicial review of a denial of a protest.

Accordingly, Customs will immediately begin to individually notify each party of its right to judicial review in writing at the time of notice of denial of the protest. Furthermore, Customs will prepare appropriate amendments to Part 174 of the Customs Regulations to reflect this new procedure.

HARVEY B. FOX,
Acting Assistant Commissioner of Customs (Regulations and Rulings).

[FR Doc.77–17408 Filed 6–16–77;8:45 am]

JUN 17 77 UM

Fiscal Service

[Dept. Circ. 570, 1976 Rev., Supp. No. 16]

AMERICAN LIBERTY INSURANCE CO.

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to American Liberty Insurance Company, Birmingham, Alabama, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1977.

The company was last listed as an acceptable surety on Federal bonds at 41 FR 28240 July 8, 1976.

With respect to any bonds currently in force with American Liberty Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: June 10, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc.77-17324 Filed 6-16-77;8:45 am]

[Dept. Circ. 570, 1976 Rev., Supp. No. 15]

PLANET INSURANCE CO.

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Planet Insurance Company, Philadelphia, Pennsylvania, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1977.

The company was last listed as an acceptable surety on Federal bonds at 41 FR 28249 July 8, 1976.

With respect to any bonds currently in force with Planet Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: June 10, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc.77-17325 Filed 6-16-77;8:45 am]

[Dept. Circ. 570, 1976 Rev., Supp. No. 17]

STATESMAN INSURANCE CO.

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Statesman Insurance Company, Indianapolis, Indiana, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective June 30, 1977.

The company was last listed as an acceptable surety on Federal bonds at 41 FR 28250 July 8, 1976.

With respect to any bonds currently in force with Statesman Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: June 10, 1977.

D. A. PAGLIAI,
Commissioner, Bureau of Government Financial Operations.

[FR Doc.77-17326 Filed 6-16-77;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held in Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420, on July 20 and 21, 1977, in the Administrator's Conference Room, 10th floor, at 9 a.m. The meeting will be open to the public.

Those wishing to attend should contact Miss Kathy Kightlinger in the Office of the Director, National Cemetery System (phone 202-389-5202), not later than July 19, 1977. Any interested person may attend, appear before, or file a statement with the committee. Individuals wishing to make oral statements should indicate this in a letter to Miss Kightlinger in which they fully identify themselves and state the organization or association they represent or are speaking for. Written statements should be filed with Miss Kightlinger at the Washington address prior to the meeting. Oral statements will be heard only between 3 p.m. and 4 p.m. on July 20, 1977.

Dated: June 13, 1977.

By the direction of the Administrator:

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-17335 Filed 6-16-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 415]

ASSIGNMENT OF HEARINGS

JUNE 14, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139112 Sub 11, Calex Express, Inc. now assigned June 16, 1977 at Washington, D.C. is being postponed until August 3, 1977 at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 124796 Sub 67, Continental Contract Carrier Corp. now assigned September 22, 1977 at Nashville, Tennessee is being cancelled.

MC 13028 Sub 16, Bonanza Bus Lines, Inc. now being assigned September 19, 1977 (1 week) at Providence, Rhode Island in a hearing room to be later designated.

MC 141804 Sub 44, Western Express now being assigned September 26, 1977 (1 week) at San Francisco, California in a hearing room to be later designated.

MC 121630 Sub 5, Lemore Transportation, Inc., dba Royal Trucking Co. now being assigned September 22, 1977 (2 days) at San Francisco, California in a hearing room to be later designated.

MC 136762 Sub 12, Osborne Highway Express now being asigned September 20, 1977 (2 day) at San Francisco, California in a hearing room to be later designated.

MC 134922 Sub 222, B. J. McAdams, Inc. now being assigned September 19, 1977 (1 day) at San Francisco, California in a hearing room to be later designated.

MC 125433 Sub 94, F-B Truck Line Company now being assigned September 16, 1977 (1 day) at San Francisco, California in a hearing room to be later designated.

AB 14 Sub 2, Northwestern Pacific Railroad Company Abandonment between Detour and San Rafael in Marin County, California now being assigned September 13, 1977 (3 days) at San Rafael, California in a hearing room to be later designated.

MC 140875 Sub 4, Hoke Bus Lines, Inc. now being assigned August 1, 1977 (1 week) at Lima, Ohio in a hearing room to be later designated.

MC 134922 Sub 220, B. J. McAdams, Inc. now being assigned July 29, 1977 (1 day) at Columbus, Ohio in a hearing room to be later designated.

MC 9726 Sub 8, T. F. Dunlap Trucking Co., Inc. now being assigned July 28, 1977 (1 day) at Columbus, Ohio in a hearing room to be later designated.

MC 113429 Sub 3, Mike Contris, dba Contris Trucking now being assigned July 27, 1977 (1 day) at Columbus, Ohio in a hearing room to be later designated.

MC 3854 (Sub-No. 32), Burton Lines, Inc., MC 93980 (Sub-No. 66), Vance Trucking Company, Inc., MC 107295 (Sub-No. 828), Pre-Fab Transit Co., MC 107478 (Sub-No. 27), Old Dominion Freight Line, MC 108341 (Sub-No. 53), Moss Trucking Company, Inc., MC 112588 (Sub-No. 22), Russell Trucking Line, Inc., MC 114522 (Sub-No. 123), Senn Trucking Company, MC 115311 Sub-No. 199), J & M Transportation Co., Inc. and MC 141424 (Sub-No. 2), P-Y Transport, Inc., now being assigned September 27, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106398 Sub 769, National Trailer Convoy, Inc., MC 115162 Sub 346, Poole Truck Line, Inc., and MC 129759 Sub 17, Triangle Trucking Co. now being assigned July 26, 1977 (1 day) at Columbus, Ohio in a hearing room to be later designated.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17343 Filed 6-16-77;8:45 am]

BURLINGTON NORTHERN INC. AND THE ATCHISON, TOPEKA AND SANTE FE RAILWAY CO.

Capital Incentive Rate on Certain Coal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Intention to File a Schedule Stating a Capital Incentive Rate on Coal from Cordero, Wyoming to Smithers Lake, Texas pursuant to Ex Parte No. 327.

SUMMARY: The filing of the notice of intention initiates the 180-day period during which the Commission must determine the lawfulness of a proposed capital incentive rate schedule, as provided by Ex Parte No. 327, decided May 23, 1977. Any interested person seeking a hearing on the proposed rate must notify the Commission on or before July 12, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION: Burlington Northern, Inc., and The Atchison, Topeka and Santa Fe Railway Company propose to establish a new rate for the transportation of coal in unit trains from Cordero, Wyoming, to Smithers Lake, Texas. The establishment of the new rate would require a total capital investment in excess of $36 million by the aforementioned carriers. The railroad facilities to be augmented by the capital investment would consist of equipment for the proposed unit trains and necessary improvements in track structure. The proposed duration of the capital incentive rate is a minimum of 5 years. The responsible carrier representatives to whom inquiries and requests for documents relating to the proposal should be addressed are: Curtis H. Berg, 176 East Fifth Street, St. Paul, Minnesota 55101. Milton E. Nelson, Jr., 80 East Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed tariffs are available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C. 20423.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17342 Filed 6-16-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 14, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 43381.—Alloys or Metals from Suspension Bridge, New York. Filed by Southwestern Freight Bureau, Agent, (No. B-677), for interested rail carriers.

Rates on alloys or metals, in carloads, as described in the application, from Suspension Bridge, New York, to Baytown, Beaumont, East Baytown, Houston and Korf, Texas.

Grounds for relief.—Truck-barge and market competition, also rate relationship.

Tariff.—Supplement 242 to Southwestern Freight Bureau, Agent, tariff 2-H, I.C.C. No. 5102.

Rates are published to become effective on July 13, 1977.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17345 Filed 6-16-77;8:45 am]

[Notice 75]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 13, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub.-No. 557TA), filed May 18, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Applicant's representative: Leonard L. Bennett, 522 S. Boston Ave., Enterprise Bldg., Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass support structures*, from the plantsite of Antennas For Communications, Inc., Ocala (Marion County), Fla., to all points within the United States (except Alaska and Hawaii), for 180 days. Supporting shipper(s): Antennas For Communications, Inc. 486 Cypress Road, Ocala, Fla. 32670. Send protests to: District Supervisor Joe Green, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 19201 (Sub-No. 127TA), filed May 23, 1977. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, P.O. Box 8116, Philadelphia, Pa. 19101. Applicant's representative: S. Berne Smith & Robert H. Griswold, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, classes A and B explosives, and commodities requiring special equipment), between the plantsite of General Electric Company, Mount Vernon, Ind., on the one hand, and, on the other, the facilities of Consolidated Rail Corporation at or near Avon, Hendricks County, Ind., restricted to shipments covering, in addition to movement by applicant, a prior or subsequent movement in the rail service of Consolidated Rail Corporation at Avon, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Electric Company, Lexan Lane, Mt. Vernon, Ind. 47620. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 51146 (Sub-No. 494TA), filed April 8, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broad-

V 42 N 117 JUN 17 77 UMI

way, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and waste paper*, from points in Missouri to Oskaloosa, Iowa, for 180 days. Supporting shipper(s): U.S. Fiber Corporation, P.O. Box 41, Oskaloosa, Iowa 52577. (Ralph W. Van Arkel, Plant Manager.) Send protests to: John E. Ryden District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 495TA), filed April 13, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and waste paper*, from Kansas City, Kans., and points in Missouri, Illinois, Indiana, Kentucky, and Michigan (except those points north of Michigan Highway 21) to the facilities of Bergstrom Paper Company at West Carrollton, Ohio for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bergstrom Paper Company, Neenah, Wis. 54956 (Dan E. Sauve). Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619 Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 496TA), filed April 22, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packaged potatoes and potato products* (except in bulk), from the facilities of Wiscold, Inc., at or near Beaver Dam, Wis., to points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wiscold, Inc., 11400 W. Burleigh Street, Wauwatosa, Wis. 53222 (James H. Kuehn). Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 497TA), filed May 18, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, aluminum, empty*, from Milwaukee, Wis., to Perry, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Can Company, 10050 Regency Circle, Omaha, Nebr. 68114 (R. A. Skalla). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 498TA), filed May 23, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and fittings and related equipment*, from Salem and Tiffin, Ohio to Coldwater, Mich., and Mazomanie and Wausau, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Standard Inc. P.O. Box 2003, New Brunswick, N.J. 08903. (Gregory J. Decker). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 95540 (Sub-No. 984TA), filed May 24, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33801. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents*, except in bulk, (1) from the facilities of the Oil-Dri Corporation of America, at or near Ripley, Miss., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois (except Chicago), Indiana, Iowa, Kansas, Louisiana, Maryland, Masschusetts, Minnesota, Missouri (except St. Louis), Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) from the Facilities of the Oil-Dri Corporation of America, at or near Ochlocknee, Georgia, to points in Arkansas, Colorodo, Delaware, Illinois, Iowa, Indiana (except Richmond, Gary, and Hammond and points in their respective commercial zones), Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Neraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Oil-Dri Corporation of America, 520 N. Michigan Avenue, Chicago, Ill. 60611. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 NW. 53rd Terrace, Miami, Fla. 33166.

No. MC 101186 (Sub-No. 15TA), filed May 25, 1977. Applicant: ARLEDGE TRANSFER, INC., P.O. Box 157, Burlington, Iowa 52601. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, (1) between Des Moines and Chillicothe, Iowa and points in their Commercial Zones from Des Moines, Iowa over Iowa Highway 163 to junction U.S. Highway 63, thence over U.S. Highway 63 to Ottumwa, thence from Ottumwa over Iowa Highway 23 to Chillicothe, and return over the same route, serving no intermediate points; and (2) between Ottumwa and Chillicothe, Iowa and points in their Commercial Zones. from Ottumwa over Iowa Highway 23 to Chillicothe, and return over the same route, serving no intermediate points. Parts (1) and (2) above are restricted against tacking together. Applicant will interline at Des Moines & Ottumwa, Iowa to handle interstate shipment to and from Chillicothe, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Martin K. Eby Construction Company, Inc., P.O. Box 578, Ottumwa, Iowa 52501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 107295 (Sub-No. 853TA), filed May 23, 1977. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, (except commodities in bulk), from the plantsite of Masonite Corporation, Roofing Division, located at or near Meridian, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George Long, Traffic Manager, Masonite Corporation, Roofing Division, P.O. Box 5777, Meridian, Miss. 39301. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107403 (Sub-No. 1018TA), filed May 23, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, fom Bainbridge, N.Y.; to Patten, Maine, Holliston, Mass.; Baldwinville, Mass.; Rutland, Vt.; Hancock, Vt.; Bradford, Vt.; and Mechanic Falls, Maine for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Borden Chemical, Division of Borden, Inc., 180 E. Board Street, Columbus, Ohio 43215. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1193TA), filed May 24, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chicken fat*, in bulk, in tank vehicles, from Linville and Winchester, Va., to Maspeth, N.Y., for 180 days. Supporting shipper(s): Pet Food, Inc., 57–18 48th Street, Maspeth, N.Y. 11378. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111310 (Sub-No. 23TA), filed May 23, 1977. Applicant: BEER TRANSIT, INC., P.O. Box 112, Black River Falls, Wis. 54615. Applicant's representative: Wayne W. Wilson, 329 W. Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rosemount, Minn., to Milwaukee, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brockway Glass Co., Inc., P.O. Box L, Rosemount, Minn. 55068. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 111401 (Sub-No. 490TA), filed May 23, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulkk, in tank vehicles, from Pascagoula, Miss., to Brownsville, Tex., in foreign commerce only for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): First Chemical Corporation, P.O. Box 1427, Pascagoula, Miss. 39567. Send protests to: District Supervisor Joe Green. Room 240, Old Post Office Bldg., 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 112588 (Sub-No. 25TA), filed May 19, 1977. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, of George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, and building materials* (except commodities in bulk), from the plantsite of United States Gypsum Company at River Rouge, Mich., to points in Illinois, Indiana, Kentucky, and Ohio for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): U.S. Gypsum Co., 101 S. Wacker Drive, Chicago, Ill. 60606. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113678 (Sub-No. 671TA), filed May 24, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products* (except in bulk), in vehicles equipped with mechanical refrigeration, from the storage facilities utilized by M&M/Mars, located at or near Hampden Township, Cumberland County, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and West Virginia, restricted to traffic moving for M&M/Mars originating at the above named origin and destined to the above named destinations for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): M&M/Mars, a division of Mars, Inc., High Street, Hackettstown, N.J. 07840. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 429 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 115821 (Sub-No. 26TA), filed May 23, 1977. Applicant: FRANK BEELMAN, d.b.a., BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, from the facilities of GAF Corporation at or near Annapolis, Mo., to the plantsite of GAF Corporation at Mt. Vernon, Ind., for 180 days. Supporting shipper(s): Norbit Baumstark, Sales-Traffic, GAF Corporation, 9215 Riverview Drive, St. Louis, Mo. 63137. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 115975 (Sub-No. 24TA), filed May 24, 1977. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum grease*, in bulk, in tank vehicles, from the plantsite of Exxon Company U.S.A. at Pittsburgh, Pa., to General Motors Corporation at Saginaw, Mich., under a continuing contract, or contracts with Exxon Company U.S.A., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): N. C. Dunn, Traffic Manager, Exxon Company U.S.A., P.O. Box 2180, Houston, Tex. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 119726 (Sub-No. 93TA), filed May 23, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1622 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, Suite 1000, 130 E. Washington Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefore and fiberboard boxes*, from the facilities of Owens-Illinois, Inc., at or near Streator, Ill., to Paragould, Jonesboro, Little Rock, Pine Bluff, Camden, and Mountain Valley, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666. Send protests to: William S. Ennis, District Supervisor.

No. MC 119726 (Sub-No. 94TA), filed May 23, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Gilman Paper Company, at or near St. Marys, Ga., to points in Tennessee, Virginia, Missouri, Illinois, Indiana, Michigan, Ohio, and Wisconsin for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gilman Paper Company, P.O. Box 520, St. Marys, Ga. 31558. Send protests to: William S. Ennis, District Supervisor.

No. MC 124027 (Sub-No. 17TA), filed May 23, 1977. Applicant: MIDWEST BULK, INC., 901 Lyndale Avenue, P.O. Box 726, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a

V 42 N 117 JUN 17 77 UMI

common carrier, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from Milwaukee, Wis., to Davenport, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pickands-Mather & Company, 1100 Superior Avenue, Cleveland, Ohio (George Wilkin). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 128564 (Sub-No. 6TA), filed May 25, 1977. Applicant: KENNETH G. WOODARD, Rural Route No. 2, 420 Irving Street, Storm Lake, Iowa 50588. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Sturgis, S. Dak., to Orchard, Nebr., and Carthage, Mo.; and (2) *cheese boxes*, from Fremont, Nebr., and Sioux City, Iowa, to Sturgis, S. Dak., restricted to a transportation service to be performed under a continuing contract, or contracts, with Orchard Dairy Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David L. Nielsen, President, Orchard Dairy Products, Inc., P.O. Box 249, Orchard, Nebr. 68764. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102

No. MC 128878 (Sub-No. 40TA), filed May 23, 1977. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shemwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of Farmland Industries, Inc., Farmland, La., located near Pollock, La., to points and places in Texas located east of U.S. Highway 281, for 180 days. Supporting shipper(s): Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. Send protests to: District Supervisor Ray C. Armstrong Jr., 701 Loyola Avenue, 9038 Federal Building, New Orleans, La. 70113.

No. MC 133566 (Sub-No. 83TA), filed May 3, 1977. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, One World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of LaChoy Food Products Co. at or near Archbold, Ohio, to points in the states of Massachusetts, Rhode Island, Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Vermont, Ohio, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, Texas, Oklahoma, Illinois, Indiana, Michigan, Wisconsin, Minnesota, Nebraska, Iowa, Kansas, Missouri, Colorado, Kentucky, Arkansas, Louisiana, Mississippi, and Washington, D.C. (restricted to traffic originating at above named origin and destined to points in names destination states), for 180 days. Supporting shippers: LaChoy Food Products, Archbold, Ohio 43502. Send protests to: P. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West, Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 134405 (Sub-No. 35TA), filed May 23, 1977. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *170 and 230 asphalt*, from the facilities of Mobil Oil Corporation at or near Augusta, Kans., to the facilities of Weyerhaueser Co., at or near Broken Bow, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaueser Company, Craig Box, Broken Bow, Okla. 73728. Send protests to: District Supervisor Joe Green, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 134592 (Sub-No. 11TA), filed May 24, 1977. Applicant: HERB AND HAZEL MOORE, d.b.a. H & H TRUCKING CO., 10360 N. Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Philip G. Skofstad, 1300 Northeast Linden, P.O. Box 594, Gresham, Oreg. 97030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty malt beverage containers*, from points in Oregon and Washington to Winters, Calif., for 180 days. Supporting shipper(s): Anheuser-Busch Company, 721 Pestalozzi Street, St. Louis, Mo. 63118. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 138762 (Sub-No. 11TA), filed May 23, 1977. Applicant: MUNICIPAL TANK LINES, LTD., P.O. Box 3500, Calgary, Alberta, Canada. Applicant's representative: R. Streeter, Southern Bldg., 15th and H Streets, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Choline chloride and trimethylamine*, in bulk, in tank vehicles, from ports of entry on the United States-Canada boundary line located in the State of Michigan to points in the States of North Carolina, South Carolina, Georgia, Alabama, Louisiana, and Texas., restricted to shipments originating at the plantsite of Chinook Chemicals located at or near Sombra, Ontario, Canada.; and (2) *Tall oil and synthetic alcohol*, in bulk, in tank vehicles, from Panama City, Fla.; Springhill, La.; and Westlake, La., to ports of entry on the United States-Canada boundary line located in the States of Michigan and New York, restricted to traffic destined to points in the Provinces of Quebec and Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. R. Campbell, Marketing Services Manager, Bate Chemical Company, Limited, 160 Lesmill Road, Don Mills, Ontario, Canada. A. J. Minty, Distribution Manager, Chinook Chemicals, Limited, P.O. Box 160, Sombra, Ontario, Canada. Send protests to: District Supervisor Paul J. Lebane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 141871 (Sub-No. 4TA), filed May 25, 1977. Applicant: WNI, INC., 8700 Southwest Elligsen Road, Wilsonville, Oreg. 97070. Applicant's representative: Robert Cross, 8700 Southwest Elligsen Road, Wilsonville, Oreg. 97070. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, floor covering, wallpaper, and materials, equipment, and supplies* used in the manufacture, distribution, installation, maintenance, removal, and sale of the above commodities (except in bulk), from Compton, Calif., to points in Arizona, Colorado, Idaho, New Mexico, Oregon, Utah, Washington, Nevada, and Montana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Color Tile Super-Mart, Inc., 3 Tandy Center, 1st and Throckmorton, Fort Worth, Tex. 76102. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Oreg. 97204.

No. MC 142287 (Sub-No. 4TA), filed May 24, 1977. Applicant: TOM YOUNKIN, INC., 821 Sandusky Street, Ashland, Ohio 44805. Applicant's representative: William A. Nearhood, Colonial Bldg., 124 Church Street, Ashland, Ohio 44805. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex and liquid plastic* (except in bulk, in tank vehicles), from Ashland, Ohio, to Birmingham, Ala.; Pine Bluff, Ark.; Felsmere, Jacksonville, and Orlando, Fla.; Macon, Ga.; Jackson and New Albany, Miss.; Earth City and Springfield, Mo.; Greensboro, Fayetteville, and Thomasville, N.C.; Charleston, Columbia, Greenville, and Kingstree, S.C.; and Bristol, Chattanooga, Johnson City, Knoxville, Memphis, and Nashville, Tenn., under a continuing contract, or contracts, with General Latex & Chemical Corp. of Ohio for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Latex & Chemical Corp. of Ohio, Cleveland Road, P.O. Box 498, Ashland, Ohio 44805. Send protests to: James Johnson District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 143241 (Sub-No. 1TA), filed May 11, 1977. Applicant: SURBURBAN TRUCKING, INC., 500 Hazle Street, Wilkes-Barre, Pa. 18702. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail department stores (except commodities in bulk), and (2) *advertising matter, premiums, catalogs, sales brochures, printed matter, and materials and supplies* used in the manufacture and distribution of the above commodities, between Exeter, Pa. and points in its commercial zone as defined by the Commission in MC 37, on the one hand, and on the other, Mobile, Ala.; Tulsa, Okla.; Indianapolis, Ind.; Chicago, Ill.; Toledo and Columbus, Ohio; Louisville, Ky.; Fort Worth, Dallas, Houston, and San Antonio, Tex.; Phoenix, Tempe, and Tuscon Ariz.; and points in Florida and California, restricted to traffic originating at or destined to the plantsites or facilities of Jewelcor, Inc. and Suburban Publishers, a subsidiary of Jewelcor, Inc. at or near Exter, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jewelcor, Inc., 1 Jewelcor Plaza, Exeter, Pa. 18643. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Scranton, Pa. 18503.

No. MC 143267 (Sub-No. 1TA), filed May 23, 1977. Applicant: CARLTON ENTERPRISES, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: Peter A. Greene, 900–17th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *plastic pipe and plastic pipe fittings*, and (2) *materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities named in (1) above (except commodities in bulk), between the facilities of Carlon Products Division of Indian Head Corporation located in Mantua township (Portage County), Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted in (2) above to traffic moving in mixed loads with the commodities named in (1) above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Carlon, An Indian Head Corporation, Three Commerce Park Square, Cleveland, Ohio 44122. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 143284 (Sub-No. 1TA), filed May 23, 1977. Applicant: IVAN WEHRLE, d.b.a. WEHRLE GRAIN COMPANY, Box 314, Mulberry Grove, Ill. 62262. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk and bags and in mixed loads, from the Ralston Purina Company plantsite at or near Montgomery City, Mo., to the Ralston Purina Company plantsite at or near Vandalia, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Daniel G. Eddy Regional Traffic Manager, Ralston Purina Company, 835 S. 8th Street, St. Louis, Mo. 63188. Send protests to: Harold C. Jolliff District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 143299TA, filed May 24, 1977. Applicant: FILASKY'S AG-SERVICES, Route No. 301, Middletown, Del. 19709. Applicant's representative: Gary F. Dalton, 30 The Green, Dover, Del. 19901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bulk, from Agway Feed Division plantsite in Bordentown, N.J., to Delaware and points in Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester and Somerset Counties, Md., under a continuing contract or contracts with Agway, Inc. for 180 days. Supporting shipper(s): Agway, Inc. Box 1333, Syracuse, N.Y. 13201. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

PASSENGER APPLICATION

No. MC 134243 (Sub-No. 4TA), filed May 24, 1977. Applicant: MOORE BROS. TRANSPORTATION CO., INC., P.O. Box 5236, Greensboro, N.C. 27410. Applicant's representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations, beginning and ending at Greensboro and Salisbury, N.C., and extending to points in Tennessee for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Moose Lodge (Clubb 44-Tourist Association) Hoyle S. Bostian, President, Route 2, Box 511½, Salisbury, N.C. 28144. Youth Soccer Association, Ray Weatley Member, 2011 Downing Street, Greensboro, N.C. 27410. Send protests to: Archie W. Andrews District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17344 Filed 6-16-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Equal Employment Opportunity Commission	1
Federal Communications Commission	2
Federal Power Commission	3
Federal Reserve Commission	4
Federal Trade Commission	5, 6, 7
Interstate Commerce Commission	8
National Transportation Safety Board	9
Renegotiation Board	10
United States Parole Commission	11

1

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, June 21, 1977.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

(1) *Litigation Authorization;* General Counsel *Recommendations.* Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations. (42 FR 13830, March 14, 1977)

(2) *Audit Report No. EEO–77–460–20–015 of EEOC Financial Services for FY 1975.*

Facts presented by the Internal Audit Staff and by the Office of Financial Management will be reviewed by the Commission. If differences are not resolved, the employment of an outside expert may be considered. This matter was originally scheduled for consideration at the Meeting of June 7, but was postponed. (42 FR 30023, June 10, 1977)

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202–634–6748. This Notice Issued June 14, 1977.

[S–678–77 Filed 6–14–77;4:38 pm]

2

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: Follows 9:30 a.m., Open Meeting, Wednesday, June 22, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Hearing—1—Renewal applications which were dismissed March 10, 1976 and resubmitted in substantially amended form April 12, 1976; further amendments to the applications tendered October 18, 1976; the renewal applicants' request for acceptance of the amended applications and for grant or for redesignation for hearing; opposition to acceptance of the applications by the competing FM applicant; and the transcript of oral argument on October 12, 1976, in the Burbank and Pasadena, California renewal proceeding (Docket Nos. 20629–31).

General—1—*Graphnet* v. *FCC* (Case No. 77–1206) Court Decision.

General—2—*Pacifica Foundation* v. *FCC* (Case No. 75–1391); *Pasadena Broadcasting Company* v. *FCC* (Case No. 74–1002); and *American Civil Liberties Union* v. *FCC* (Case No. 76–1695) Court Decisions.

Complaints and Compliance—1— Application for renewal of license of station KARD–TV, Wichita, Kansas, licensed to Kansas State Network, Inc. (BRCT–423).

Complaints and Compliance—2—Recommendation relating to conversion of the current payola/plugola inquiry in Docket No. 16648 from a public proceeding to a non-public proceeding.

Complaints and Compliance—3—Field investigation into the operation of Radio Station KRLA, Pasadena, California.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202–632–7260.

Issued June 10, 1977. June 13, 1977.

[S–674–77 Filed 6–14–77;3:19 pm]

3

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (Pub. 6–14–77 (42 FR 30467) Changes 6–15–77).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., June 16, 1977.

CHANGE IN THE MEETING: Addition of P–11, Project No. 2299–California Turlock Irrigation District. G–13, Docket No. CP77–216, Distrigas of Massachusetts. Docket Nos. CP77–217 and CP77–218, Distrigas Corporation. Docket No. CP77–100, et al., Tenneco Atlantic Pipeline Company, et al. G–14, Columbia Gulf Transmission Company, Natural Gas Pipeline Company of America, Tunkline Gas Company.

KENNETH F. PLUMB,
Secretary.

[S–679–77 Filed 6–15–77;9:09 am]

4

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Wednesday, June 22, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue, NW., Washington, D.C., to consider the following items of official Board business:

Items open to public observation: (1) Proposal to operate an automated clearing house facility at the Columbia, South Carolina, office of the Federal Reserve Bank of Richmond; (2) Any agenda items carried forward from a previously announced meeting.

Items closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. § 552b(c)): (1) Proposed redelegation to the Board of Governors of certain authority over Federal Reserve Bank building and renovation projects; specific application of this policy to the Miami and San Francisco building projects. This matter was originally scheduled for a meeting on June 15, 1977; (2) Any agenda items carried forward from a previously announced meeting.

The closed portion of the meeting will commence at the conclusion of the open discussion.

Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202–452–3204.

Board of Governors of the Federal Reserve System, June 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S–681–77 Filed 6–15–77;11:27 am]

5

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, June 21, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of June 14, 1977.

(2) Consideration of Disposition of Nonpublic Part II Matter.

(3) Consideration of Acceptance of Proposed Consent Agreement in Firestone Photographs, Inc., File No. 762 3032.

(4) Consideration of Issuance of Complaint in Nonpublic Part II Matter.

(5) Consideration of Issuance of Proposed Complaint in a Nonpublic Part II Matter.

Adjudicative Matter Under Part 3 of the Rules of Practice

(1) Consideration of certification of Joint Motion to Withdraw Matter from Adjudication in Vital-E, et al., Docket No. 9082.

(2) Consideration of Motion to Withdraw Complaint Counsel's Motion to Amend Complaint in Block Drug Company, Inc., et al., Docket No. 9050.

(3) Consideration of Certification of Joint Motion to Withdraw Matter from Adjudication as to certain respondents in Gold Bullion International, Ltd., et al., Docket No. 9094.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830; Recorded Message: 202–523–3806.

[S–671–77 Filed 6–14–77;11:58 am]

6

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, June 22, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, June 22, 1977, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830; Recorded Message: 202–523–3806.

[S–672–77 Filed 6–14–77;11:58 am]

7

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 2 p.m., Wednesday, June 15, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Briefing of Commissioners and certain agency personnel as to zero base budgeting techniques.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830; Recorded Message: 202–523–3806.

[S–680–77 Filed 6–15–77;9:18 am]

8

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

TIME AND DATE: 9:30 a.m., Tuesday, June 21, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: Open Regular Conference.

MATTERS TO BE CONSIDERED:

(1) Trans Alaska Pipeline—Status Update; and (2) Department of Energy Legislation.

CONTACT PERSON FOR MORE INFORMATION:

Public Information Officer, Douglas Baldwin, telephone 202–275–7252.

[S–675–77 Filed 6–14–77;3:37 pm]

9

AGENCY HOLDING THE MEETING: National Transportation Safety Board.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 29617, June 9, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 16, 1977, 9:30 a.m. [NM–77–15a].

CHANGE IN THE MEETING: The following agenda item has been added:

Letter to Congressman Robert N. C. Nix, Chairman, Committee on Post Office and Civil Service; comments on H.R. 2733 and H.R. 3928.

[S–677–77 Filed 6–14–77;4:23 pm]

10

AGENCY HOLDING THE MEETING: The Renegotiation Board.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30270, June 13, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Monday, June 20, 1977, 10 a.m.

CHANGES IN MEETING: Items 7 and 8 are added to the previously announced agenda.

MATTERS TO BE CONSIDERED:

7. Recision of Interpretation 80 concerning Foreign Sales. 8. Republic Corporation Fiscal year ended October 31, 1969.

STATUS: Item 7 is open to the public. Item 8 is closed to the public.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202–254–8277.

Dated: June 13, 1977.

GOODWIN CHASE,
Chairman.

[S–676–77 Filed 6–14–77;4:18 pm]

11

AGENCY HOLDING THE MEETING: United States Parole Commission.

TIME AND DATE: 9 a.m., Thursday, June 23, 1977.

PLACE: K.C.I. Bank Bldg., 8800 NW.. 112th St., Kansas City, Mo. (Kansas City, Mo., is the location of the North Central Regional Office of the Commission.)

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Budget Committee Report and consideration, deliberation, and vote on fiscal year 1979 budget.

2. Fiscal year 1978 supplemental budget.

3. Administrative function performance by other governmental units, including personnel rules and practices of the Commission and such units.

4. Approval of minutes of meeting of March 9, 1977 on subjects of personnel, reprimand, budget and consideration of an inmate's parole.

CONTACT PERSONS FOR MORE INFORMATION:

M. E. Malin Foehrkolb, Washington, D.C., 202–724–3117. Betty Freeman, Kansas City, Mo., 816–243–5690.

[S–685–77 Filed 6–15–77;2:40 pm]

V 42 N 117 JUN 17 7 UM

federal register

FRIDAY, JUNE 17, 1977

PART. II



FEDERAL COMMUNICATIONS COMMISSION

■

RADIOTELEGRAPHY IN MARITIME SERVICES

Changes in Frequencies, Operation Procedures, Technical Standards and Other Criteria

V42N117
JUN 17 77
UM

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20813; FCC 77-380]

RADIOTELEGRAPHY IN MARITIME SERVICES

Changes in Frequencies, Operation Procedures, Technical Standards and Other Criteria

AGENCY: Federal Communications Commission.

ACTION: Report and Order to amend Commission's Rules and Regulations as necessary to comply with treaty requirements.

SUMMARY: Amends Parts 2, 81 and 83 to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974.

EFFECTIVE DATE: July 18, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Aviation and Marine Division, Safety and Special Radio Services Bureau (202—632-7197).

SUPPLEMENTARY INFORMATION:

Adopted: June 2, 1977.

Released: June 10, 1977.

By the Commission: Commissioner Quello absent.

In the matter of amendment of Parts 2, 13, 81 and 83 to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974; *Report and Order* (Proceeding terminated). (41 FR 32434.)

1. The Commission released its Notice of Proposed Rule Making (FCC 76-455) in the instant proceeding on June 4, 1976, which was published in the FEDERAL REGISTER on June 15, 1976 (41 FR 24155). By its Order printed in the FEDERAL REGISTER on August 3, 1976 (41 FR 32434), the Commission granted an extension of time in which to file comments. The dates for filing comments and replies have passed.

2. Comments were filed by the American Commercal Barge Line Company (ACBL); American Institute of Merchant Shipping (AIMS); Collins Division of Rockwell International Corporation (Collins); Communications Associates, Inc. (CAI); ITT Mackay Marine (Mackay); ITT World Communications, Inc. (Worldcom); Mobile Marine Radio, Inc. (MMR); and Scientific Radio Systems, Inc. (SRS). No reply comments were filed.

3. CAI and Mackay in their comments provide an overview of the proposed rule amendments set forth in the Notice of Proposed Rule Making with which we heartily agree and believe should be brought to the attention of interested persons:

CAI: "• • • A review of marine communications over the last decade indicates a dramatic increase in usage. There are more users, there is more communication per user, there are completely restructured frequency assignments, and there is a marked change in the shipping industry's attitude toward their communication needs. Add to this the changes being brought about in the international political scene, past, present and future. Each of these factors continues to increase at an increasing rate making it highly probable the rise in marine communication, and the need for more change, over the next five years will substantially surpass the last five • • •."

4. CAI and Collins provide strong supportive comments in regard to the use of frequency synthesizers, as follows:

CAI: "• • • A marine communication philosophy predicated upon the use of synthesizers in the h.f. band is apparent, as well as reasonable. The technology is not new. Other services have been using synthesizers for twenty years. The popularity of synthesizers now dominant in marine v.h.f. transmitters is considerable, especially when it is considered that v.h.f. synthesizers were first proposed in 1968 and first introduced in 1971. Today the use of synthesizer technology for marine v.h.f. and h.f. communications is an accepted technique by most planners.

"The use of synthesizers does provide an additional degree of complexity and expense. This, however, is the inevitable price to be paid for accommodating more users and more communications in an inexpandable spectrum space.

"The obvious advantage, of course, is the availability of any of the authorized frequencies such that all of the services available to a voyager are truly available • • •. There are other justifying advantages as well. The ability to transmit immediately from a cold start in the event of an emergency is very important, when it is recognized that often frequencies other than those allocated to distress are used for this purpose. AMVER traffic being an example. And, of course, frequency stability is in itself almost all the justification that is needed. Many of the communication problems encountered in the marine service can be traced directly or indirectly to a lack of frequency stability."

Collins: "Technology, well within the state-of-the-art, is available to meet the technical performance requirements proposed by the Commission in this proceeding without presenting an unreasonable economic burden.

"Specifically, when considering equipment requirements to utilize the available 924 A1 and 338 F1 emission channels, the economics involved clearly indicate the use of frequency synthesizer systems, in lieu of individual crystal control on each of a number of channels. The use of such synthesizer systems is further indicated considering future changes in frequencies that are likely to occur • • • in connection with future ITU actions. A corollary benefit with synthesizer techniques is that greatly improved frequency precision and stability and, hence, tolerance can readily be achieved economically • • •."

5. In their comments ACBL notes that provision was not included in the Notice of Proposed Rule Making for operation of narrow-band direct-printing on the inland and intracoastal waterways, and requests that such provision be included in the rules. The license records for the public coast station at Jeffersonville, Ind. (WFN) show that radio-teletype-writer (narrow-band direct-printing) was initiated on a developmental basis during 1970 and has continued to the present time. We are sympathetic to the continuation of WFN use of narrow-band direct-printing, however, we feel that rule amendments to provide for this usage on a regular basis should be handled as a separate rule making proceeding. We are not, therefore, disposing of ACBL's request in this proceeding. We are making changes to the proposed § 81.204(c) to provide for requirements specified by the Government subsequent to release of the Notice of Proposed Rule Making. The changes to § 81.204(c) affect stations KFS, WAX, WLO, and WSL. Section 81.204(c), as amended, is set forth below.

6. AIMS comments that it is established procedure of many shipping companies to have a public coast telegraph station transmit a fleet call each day to have their vessels report positions, etc. Further, that there are cases when vessels of a single licensee may need to intercommunicate and therefore would need a common channel. AIMS expresses the view that under the proposed assignment of working frequencies there will no longer be a common working channel for all ships of a given licensee. We believe that proposed § 83.319(b) is fully self-explanatory in regard to which radiotelegraph working frequencies may be used by ship stations. Further, this section provides adequate flexibility to permit both of the types of operation referred to by AIMS. For communications other than the two types mentioned by AIMS, we expect the ship radiotelegraph station to comply with the basic intent of the International Telecommunication Union here involved. ITU's intent is to spread usage of the working frequencies evenly between the using ship stations. The objective of this is to avoid a bunching of ship stations on a relatively few frequencies, which would result in interference and disruption of communications. In order to do this, we have assigned two series numbers of working frequencies to each radiotelegraph station.

7. Mackay expresses the view that the action proposed in paragraph 25 of the Notice of Proposed Rule Making "discontinue consideration of transmitters such as the 2013, ET8065, and similar types" might be interpreted to mean any transmitter that uses frequency multipliers. Mackay requests that the intent be clarified for the benefit of transmitter designers. To provide the requested clarification, we refer interested persons to our intent as set forth in paragraph 25 of the Notice of Proposed Rule Making which, briefly summarized, was that transmitters using the harmonic relationship scheme of operation would not be acceptable on new ships or as new replacement transmitters on existing ships.

8. In this proceeding we are strongly recommending that ship stations, pursuant to 1974 WMARC Resolution Mar. 2-4, employ a frequency synthesis generator(s), in lieu of discrete crystals, as a means of providing capability to operate on all of the frequencies and to improve the frequency stability of the transmitter. We are not, however, requiring the use of a synthesizer or that a vessel be fitted with all frequencies. Ship operators will, however, be expected to fit those frequencies needed for whatever routes its vessels travel. This would include calling channel series Nos. 5 and 6 and the necessary group calling channels to establish communication over the areas traversed, as well as the necessary working channels, intership channels, channels as may be required for communication with Government stations, and other necessary frequencies to fulfill the objectives of Resolution A.283 of the Intergovernmental Maritime Consultative Organization (IMCO).

9. Frequency tolerance applicable to transmitters currently installed aboard ship. It is clear that the existing tolerance specified in Part 83 (.005 percent or 60 ppm) will not assure, for the bands 6, 8, 12, 16 and 25 MHz, that the A1 carrier will be maintained within the 500 Hz channel spacing adopted by the 1974 WMARC, as set forth in §§ 83.317 and 83.319. Thus, it is necessary that some other frequency tolerance be applied. In view of our action in reducing the number of mandatorily fitted channels, we recognize that ship stations may continue to use discrete crystals to maintain transmitter frequency stability. We recognize the difficulties associated with maintaining even reasonably tight tolerances where discrete crystals are employed, particularly in older types of shipboard transmitter. Further, this situation worsens where the normal operation calls for the removal of one and insertion of a replacement crystals. Since the transmitter must be maintained within the 500 Hz channel bandwidth, we are amending section 83.131 to change the applicable frequency tolerance from 50 parts per million to 200 Hz, as set forth in the attached Appendix 1. Further, where crystal changes are employed, we encourage the installation and use aboard ship of frequency measuring devices together with oscillator adjustment capability, so that the ship station radio operator can maintain the transmitter on the assigned frequency.

10. Frequency tolerance applicable to transmitters type accepted or type approved after November 30, 1977. Specification of frequency tolerance in terms of percent of a frequency is inadequate where a uniform channel bandwidth is applied at all megacycle orders. To avoid penalty at either the low end or at the high end, the frequency tolerance applied must be related to the channel bandwidth. Since the 1974 WMARC specified a uniform channel bandwidth independent of megacycle order, we are specifying frequency tolerance in cycles per second (Hertz).

11. In recent years it has been the general practice in the industry to install a shipboard transmitter which is capable of being used for multiple types of service, for example, for A1 Morse, radiotelephony, narrow-band direct-printing and for facsimile. Frequency tolerance is not adjusted in these transmitters depending on the type of service being used. The tolerance applied is that which is designed into the transmitter and this is independent of service usage.

12. In looking at frequency tolerance for radiotelegraphy (narrow-band direct-printing), we are basically concerned that in demodulation the transmitted tones (mark and space) fall within the limits of the (receiver) filter for each tone. While standards have not yet been adopted, these filters could have a bandwidth on the order of ±35 Hz. The 1974 WMARC adopted a tolerance for narrow-band direct-printing (NB-DP) of ±15 Hz for coast stations and ±40 Hz for ship stations. Where a tone modulated suppressed carrier SSB transmitter is used, the error would be 55 Hz; the tones (mark and space) would fall outside the receiver filter bandwidth; and, thus, the NB-DP system would not function properly.

13. Where a SSB transmitter is used aboard ship for multiple service purposes, we believe it is essential that the frequency tolerance applicable to that transmitter be such that it is capable of meeting the most stringent of the service requirements. Insofar as we know, the most stringent service requirement is that of NB-DP. With a coast station frequency tolerance of ±15 Hz, receiver filter bandwidth of ±35 Hz, the shipboard frequency tolerance must be ±20 Hz. We are, therefore, adopting a frequency tolerance of ±20 Hz for transmitters type accepted or type approved after November 30, 1977, for use in the maritime mobile service on frequencies below 27.5 MHz, except as applies to survival craft station transmitters operating on 8364 kHz. In the case of survival craft station transmitters operating on 8364 kHz and type accepted or type approved after November 30, 1977, we are adopting a frequency tolerance of ±50 Hz. Selection of the value of ±50 Hz for survival craft station transmitters, after November 30, 1977, is a compromise measure responsive to the strong comments filed by AIMS and Mackay.

14. AIMS expresses the view that vessels in the domestic trade (enrolled vessels) should not be required to fit more than seven crystals, thus providing seven series of harmonically related frequencies in the 4, 6, 8, 12, and 16 MHz bands. We know of no reason nor does AIMS advance any, why vessels in the domestic trade should be treated differently from other United States vessels. It is our view that vessels in the domestic trade, as with vessels in other trades, must fit with those frequencies which are required to satisfactorily operate in the concerned maritime mobile service. By this action it is our intention to place responsibility squarely on the shoulders of the vessel operators to assure that each vessel is fitted for the use of all frequencies needed for the service of that vessel, as well as for the use of those frequencies which are needed for communication with Government and non-Government coast stations and for intership communication.

15. Collins notes that the proposed rule amendments to Part 81 do not but should include changes in frequency tolerance applicable to coast stations employing narrow-band direct-printing, in the band 4–29.7 MHz, adopted and set forth in the revised ITU Radio Regulations (see Appendix 3, note 1) and Appendix 20B, paragraph (d). Collins is correct, the referenced sections of the revised ITU Radio Regulations for the indicated bands and type of service impose a tolerance applicable to coast station equipment: of 15 Hz, where installed after January 1, 1976; of 40 Hz, where installed prior to January 1, 1976; and of 15 Hz, to all equipment after January 1, 1985. No reply comments were filed in opposition to Collins comment, or to the inclusion in Part 81 of a frequency tolerance of 15 Hz applicable to public coast radiotelegraph stations operating narrow-band direct-printing in the maritime mobile service bands between 4 and 29.7 MHz. We agree that a tolerance of 15 Hz should be made applicable to public coast radiotelegraph coast stations operating narrow-band direct-printing.

16. With regard to the matter of frequency tolerance to be applied to coast stations employing narrow-band direct-printing, it is appropriate to note that this subject was considered at length and in depth by Special Committee 64 (SC 64) of the Radio Technical Commission for Marine Services (RTCM). The final report[1] of that group was completed prior to the 1974 World Maritime Administrative Radio Conference (WMARC) and includes the following text:

"RTCM recommends that HF radioteleprinter systems provide for the following technical characteristics and operational practices:

(1) System frequency stability of transmitters and receivers should be held to within 35 Hz, nominally (25 Hz for ship and 10 Hz for coast station equipment) and not exceed 70 Hz at any time. The system stability includes receiver frequency stability, as well as transmitter frequency stability, and does not exceed permissible FCC frequency tolerances for the latter.

17. We believe that the above referenced examination by SC 64 is adequate to establish the order of magnitude of frequency tolerance which should be applied to coast stations employing radioteleprinter (narrow-band direct-printing) in the high frequency maritime bands. The results rendered by SC 64 were available to and were used by the United States Delegation at the 1974 WMARC and contributed to the decision

[1] See Final Report of RTCM Special Committee No. 64, MF, HF and VHF Maritime Radioteleprinter and Data Systems and Operation, dated June 17, 1976.

V42N117 JUN 17 77 UMI

of the WMARC to apply the 15 Hz frequency tolerance in this instance. These things considered, we believe it is appropriate, therefore, to amend § 81.131 of Part 81 to apply a frequency tolerance of 15 Hz to public coast radiotelegraph stations employing narrow-band direct-printing on high frequencies in the maritime mobile service bands. Section 81.131 presently applies a frequency tolerance of 20 Hz, thus, the amendment will tighten that tolerance by 5 Hz. To provide a reasonable period for implementation, the effective date of the new tolerance (15 Hz) is delayed until January 1, 1978. The amended § 81.131 is set forth below.

18. SRS points out that when (for radioteleprinter) audio tones centered around 1,700 Hz are applied as modulation to a single sideband suppressed carrier transmitter, the residual carrier will fall outside of the authorized bandwidth and, thus, the rules require that the carrier be suppressed to the 50 microwatt level. SRS is correct in their reconstruction of the current provisions of the rules. MMR also comments on this matter. In view of the circumstances discussed in the following two paragraphs, we believe that to include the above provisions in the rules is correct, and that a change to lower the level (towards 50 milliwatts) of permitted spurious emissions would not be in the public interest.

19. The requirement for suppression to the 50 microwatt level was imposed to avoid disruption of other radioteleprinter uses of the frequencies outside the authorized bandwidth. Since the spacing between channels is uniform on a 500 Hz basis, a carrier at 1700 Hz below the assigned frequency would fall inside the channel limits of the frequency three channels lower, and if not adequately suppressed would disrupt the use of that lower channel. This situation was anticipated and considered by RTCM SC 64 during their study of HF maritime radioteleprinter and data systems. For example, some foreign administrations permit the carrier to be suppressed to the 50 milliwatt level and we have received complaints that this steady state signal (residual carrier) has and is causing disruption of radioteleprinter use of properly authorized frequencies. This situation should worsen as greater and greater use is made of the narrow-band direct-printing (NB–DP) channels. If the future usability of the NB–DP channels is to be maintained, it will be necessary at some point that other administrations increase (towards 50 microwatts) the required suppression of the residual carrier. (Further details regarding this subject are included in the Final Report of RTCM SC 64, as referred to above.)

20. We reject MMR's comment that "As an alternative to eliminate residual carrier emission interference, the 1700 hertz standard proposed on § 81.143(c)(2) is appropriate". The two requirements are not alternatives. The off-set (FSK audio tones) are permitted so that a single sideband (SSB) voice transmitter can be used, additionally, for A1 Morse and for radioteleprinter. This permits one transmitter to be used aboard ship for multiple purposes, or conversely, it nullifies the need to install two or more types of transmitters aboard ship. Technically, an A1 Morse or radioteleprinter transmitter is substantially simpler to design and produce than a SSB transmitter. Recognizing the practical and/or economic considerations involved, we accept the use of SSB transmitters for A1 Morse and radioteleprinter, however, we apply to such SSB transmitters the same technical requirements as are applicable to non-SSB A1 Morse and radioteleprinter transmitters. Neither of the two types are permitted to radiate an interfering signal on the third lower channel.

21. Further, we do not agree with MMR's statement that the two requirements are "redundant" since we have two signals, each of which must be treated. Lastly, MMR provides no factual information in support of their statement that the imposition of these two requirements "• • • would require the redesign of certain existing transmitters • • •". Insofar as we know, all of the SSB transmitters employed for radioteleprinter operations by MMR's station WLO have been type accepted by the manufacturer for 0.3 F1 emission and, thereby, meet the 50 microwatt spurious emission level requirement.

22. In paragraph 22 of the Notice of Proposed Rule Making information was requested in regard to the tuning range capability of the harmonic relationship type shipboard transmitters to cover the 25 MHz band without modification. We indicated that if extension of the tuning range was feasible, we would expect affected ship stations to have the capability to operate in the 25 MHz band. In their comments, Mackay indicates that the Radiomarine Corporation type CRM–T1A–1000M and the ITT Mackay Marine type 2013 telegraph transmitters could not be adjusted to operate in the 25 MHz band. Further, Mackay advises that the extent of modification required to extend frequency coverage to include the 25 MHz is unknown at this time. Informal information indicates that a similar situation exists with regard to the RCA Corporation ET–8065 type transmitter. CAI corrects our NPRM to wit, their type CA–35 equipment does not cover the 25 MHz band, and further advises that it is not economically feasible to retrofit the 25 MHz band in outstanding equipment.

23. On the basis of the foregoing, we believe that it would be impractical and unreasonable to require all shipboard transmitters, with particular reference to many of those now in service, to have a capability to operate in the 25 MHz band. On the other hand, we believe it is both practical and reasonable to require a capability to operate on all radiotelegraph frequencies in all bands, including the 25 MHz band, in new equipment type accepted in the future. Accordingly, this requirement is set forth in modified § 83.315(d) below.

24. Worldcom comments, in reference to paragraphs 29 through 36, of the Notice of Proposed Rule Making, that they should not be required to fit special calling receivers to guard the ship calling bands prescribed in proposed § 81.209 (a). Further, Worldcom estimates that to fit these special receivers would involve expenditures of $70,000 per station, or a total of $350,000 for all five of their public coast radiotelegraph stations.[2] The reference paragraphs do not, nor were they intended to require that Worldcom purchase new or special receivers to monitor the ship calling frequencies. We do intend that Worldcom and other licensees of public coast radiotelegraph stations shall fulfill the requirements of § 81.209 (a), (b), and (c) at each of their public coast radiotelegraph stations. It should be noted that the other public coast radiotelegraph coast station operators are faced with the same requirements as Worldcom and they have not viewed the changes imposed by the 1974 WMARC with the same apprehension expressed by Worldcom.

25. Worldcom believes that any requirement for special receivers as contemplated in section 81.209 "• • • should be deferred pending final disposition of Docket No. 19544 and the evolvement of the ultimate coast station configuration; also, that the need for such special receivers should be reviewed in the light of operational requirements under the ultimate coast station configuration when such is determined." We have disposed of the matter of "special receivers" in the foregoing paragraph. As to deferment pending final disposition of Docket No. 19544, the rules describing the technical performance capabilities of receivers used in public coast radiotelegraph stations are necessary for those stations to provide satisfactory service to ship stations on and after June 1, 1977, the date on which the new internationally agreed calling procedure will be initiated at coast stations licensed by this Commission. Where a particular difficulty is experienced in providing full service by June 1, 1977, paragraph 50, hereof, discusses a basis for obtaining short term relief.

26. In a similar vein, Worldcom's comment that the old calling procedure (whereby the calling bands are scanned) has been fully adequate to meet the service needs, can be noted as the only dissenting opinion, or as a minority opinion. It is not necessary to discuss the merits or faults of the old calling procedure, since it has been replaced by the new procedure adopted at the 1974 WMARC. That new calling procedure is now the world standard, it has been ratified by the United States and its use is mandatory.

[2] Worldcom provides no details in regard to how these figures were derived. Further, we believe that these figures far exceed the current cost for receivers of the type that will perform in consonance with the requirements of § 81.209.

27. With regard to Worldcom's understanding that the ITU Radio Regulations as adopted at the 1974 WMARC do not require receivers as described by § 81.209, we do not concur. If the United States is to fulfill the spirit and intent of the 1974 WMARC relative to the new calling procedure, and we believe this is the only means by which the advantages of the new calling procedure can be realized, it is necessary that public coast radiotelegraph stations employ receivers as described in § 81.209. Use of wideband (covering several 0.5 kHz channels) receivers, such as are now employed for the old calling procedure, will not provide the necessary technical capability to distinguish between desired and undesired signals. There was and is an urgent need to provide a calling procedure which will make it possible for a ship station to contact a coast station within a reasonable period of time. Under the old procedure, a ship station cannot determine which frequency if any, is being guarded by a coast station. The new procedure removes this major problem. Under the new procedure, a ship station knows which frequency(s) a coast station is required to guard. In the future, following reports from ship stations, if a coast station does not respond to ship station calls, we plan to ascertain the circumstances or reasons for that lack of response.

28. Collins comments that the operating procedure used on the digital selective calling frequencies, in § 81.203, should provide for the use of error control (protected) NB–DP when it is known that a ship station employs that type of terminal equipment. We are hopeful that the forthcoming 1977 meeting of CCIR will be successful in reaching semi-final agreement on the digital selective calling system to be used by the maritime mobile service and that the 1979 WARC, or more likely the maritime conference following the 1979 WARC will adopt that system into the international Radio Regulations. During the interim period, we believe it would be premature and probably would unnecessarily complicate use of the digital selective calling frequencies to provide for the use of error control ("protected") systems. That is, if we provide for the use of "protected" systems on the digital selective calling frequencies, the coast station would almost surely be forced to make its calls in both the "protected" and "unprotected" modes. Any unnecessary increase in occupancy time, by either coast or ship stations, of the digital selective calling frequencies must be avoided. We believe that the limited number of digital selective calling frequencies versus hundreds of coast stations plus over 22,000 vessels clearly demonstrates why such unnecessary use must be avoided. Ship or coast stations fitted with error control terminals are required by the international Radio Regulations and by §§ 81.143(e) and 83.143(e), hereof, to have a simple device to bypass the error control system. Accordingly, during the interim period we are not providing at United States coast stations for the use of error control ("protected") systems on the digital selective calling frequencies. Transmissions on those frequencies by ship and coast stations during the interim period shall, therefore, be in the "unprotected" mode. We will, of course, continue to monitor the international program to establish a world-wide digital selective calling system, and if circumstances so require, will revise the foregoing policy to be in accord with that program. Further, should it develop that one or more other administration(s) require that digital selective calls to its coast station(s) be made in the "protected" mode, United States vessels fitted with error control terminals should comply with that requirement.

29. Collins submits two comments in regard to proposed section 2.303, first, that the table following § 2.303(a) should include "Limited Coast (radiotelephone)"; and second, that § 2.303(b)(3) should apply to digital selective calling systems and not to sequential single-frequency code (SSFC) systems. We concur with both comments and have amended § 2,303 to be in accord therewith, as set forth in the attached Appendix.

30. Mackay suggests in regard to proposed § 83.317(h) that the endings of the tabulated frequencies (between 2089.5 and 2092.5 kHz) be in steps of not less than one hundred (100) Hz, for example, 2089.75 kHz would read 2089.7 kHz. This arrangement would permit the use of frequency synthesizers which provide incremental steps of 100 Hz. We concur with Mackay's suggestion and have amended the table of frequencies appearing in § 83.317(h), as set forth in the attached Appendix. In the revised table we have not used the 200 Hz spacing suggested by Mackay. Instead we have used a spacing of 300 Hz, except adjacent to 2,190 kHz, where a spacing of 400 Hz has been provided. The wider spacing (400 Hz) adjacent to 2,191 will provide a slightly greater protection to 2,191 kHz, which is used by some ITU Region 3 countries for safety and radionavigation purposes.

31. MMR suggests in regard to proposed § 81.143 (e) and (f), that in lieu of recognizing Automatic Repeat Request (ARQ) and Forward Error Correcting (FEC) systems we should require standardization upon the ARQ and ITU–FEC systems. MMR feels that "unprotected" radioteleprinter and other FEC systems, permitted by the proposed rules, are wasteful of both spectrum and coast station operating time and that expansion of their use should not be tolerated. Recognizing that such systems are presently in shipboard use, MMR suggests that the existing users of such systems be given "grandfather" rights. We are sympathetic to MMR's view that it is desirable to promote and enhance the growing requirement for NB–DP radiotelegraph service. Where MMR proposes that we take this opportunity to establish appropriate technical standards, we, on the other hand, feel it would be premature at this time to impose this type of standard on an infant service. In particular, we believe that to impose the mandatory fitting of error detection-correction equipment, with the sizable economic expenditure involved, could retard the growth of this service. We are, therefore, proceeding on the basis that persons desiring or requiring an improved service will fit the error detection-correction equipment as part of the initial installation; further, that if such equipment is not installed initially, it is likely that it will be installed later as the user develops a need for an improved service.

32. MMR expresses both a general and a specific dissatisfaction with proposed § 81.204(c). MMR states that § 81.204(c) "• • • is premature and inappropriate. The Commission has, in this subsection of the regulations, proposed codification of the frequency assignment plan in such fashion as will serve to permanently assign the frequencies without specific regard as to the public interest, convenience and necessity. It is incongruous, for example, that frequency allocations have been proposed for eight coast stations for which applications to close are presently pending before the Commission. Moreover with respect to those stations, MMR respectfully submits that if the applications to close are granted, the frequency assignments should be made available to other licensees. All too often in the past the Commission has allowed telegraphy licensees to cross-license frequencies, thus precluding, such as occurred with respect to station WAX, the opportunity for those licensees needing frequencies to obtain additional allocations, upon a showing of need and the public interest, convenience and necessity, when they become available due to closure of another station. MMR respectfully submits that the Commission must address this issue and must amend its procedures in order to provide for a more equitable distribution of the public coast station frequencies in accordance with the requirements of section 309 of the Communications Act, rather than at the private convenience of individual licensees."

33. Treating the comments of MMR in the order presented:

(a) The arrangement set forth in § 81.204(c) is neither premature or inappropriate. MMR makes no effort to substantiate or to give support to their claim. In June 1975 the staff had prepared a draft plan for the distribution of NB–DP paired frequencies between the concerned public coast radiotelegraph stations, which was then coordinated with the concerned government agencies. In July 1975 we coordinated that draft plan with the affected communication common carriers, the results of which were included in the first draft of the Notice of Proposed Rule Making (later to become Doc. No. 20813). The instant Notice of Proposed Rule Making was released June 4, 1976. In September 1976 we requested the communication common carriers to supply the basic characteristics of coast transmitting and receiving stations in order that the appropriate notices (Standard Form 128) could be supplied to the International Frequency Registration Board, pursuant to the 1974 WMARC Resolution Mar 2–7,

JUN 17 7 UM

showing the frequencies and areas proposed to be employed at United States public coast radiotelegraph stations. That information was supplied, included on Standard Form 128 and filed with the IFRB.

MMR has not (1) in June 1975, or (2) in response to the instant proceeding, or (3) in September 1976, indicated or stated that the NB–DP frequencies proposed for station WLO were inadequate or unsatisfactory. Further, MMR has given no basis or reason for dissatisfaction with the NB–DP frequencies proposed for ITT Worldcom, RCA Globcom, or TRT Telecommunications public coast radiotelegraph stations. In fact, MMR has not clearly stated they are opposed to the NB–DP frequencies proposed for the ITT, RCA, or TRT stations. MMR's implication in the phrase "permanently assign" is true only to the extent that the rules set forth in Part 81 are permanent. As all are aware, Part 81 is frequently amended to meet changing conditions and the public need.

(b) MMR refers to the Memorandum Opinion and Order, Docket No. 19544 (FCC 76–454) released May 27, 1976 (41 FR 22059), and to applications to close eight public coast radiotelegraph stations. MMR refers, further, to § 81.204 (c), which designates frequencies for those eight stations, and expresses the view that it is "incongruous" that the Commission has proposed "frequency allocations" for those eight stations. Noting the non-final status of the referenced Memorandum Opinion and Order, the Commission will act appropriately on this matter at such time as a decision is reached to close or not to close those stations.

(c) MMR addresses the matter of cross-licensing in the vein that it precludes other licensees from access to those frequencies and uses TRT's station WAX as an example. Cross licensing has been the standard, rather than the exception, for several decades. It was initiated on a near full scale basis for communication common carrier fixed public and aeronautical fixed stations following the 1951 Extraordinary Administrative Radio Conference. In more recent years it has been applied to various maritime mobile frequency usage. In 1952 it was agreed, in meetings convened by the Commission (at which the communication common carriers and aeronautical representatives were present) on the basis that it (cross-licensing) provided the best means for protecting international registrations of United States frequency assignments and, second, as providing maximum flexibility to FCC licensees in the use of those frequencies. In the following years we know of no reversal of or desire to reverse the 1952 decision. It is our view that the 1952 decision was then, and remains today, fully in the public interest.

We turn now to MMR's reference to TRT's station WAX as an example of procedure contrary to the public interest. We suggest that one or more of the problems associated with MMR's efforts to expand its radiotelephony operations are being applied, incorrectly, to MMR's radiotelegraphy operations. Aside from the usual crowding in the coast radiotelegraph bands, we are not aware that MMR has inadequate frequencies for its radiotelegraph operations.

(d) The last reference is to MMR's comment, quoted above, that the Commission must address this issue and must amend its procedures, etc. If we correctly construe the issue referred to, it would require that we examine in detail the frequency assignments to each of the common carriers providing public coast radiotelegraph service. In the absence of a documented need for additional coast radiotelegraph frequencies by one or more of the concerned common carriers, and we know of no such need, recognizing the substantial economic burden to each carrier which would result from reaffirmation of the current procedure or development of a new procedure (for example, formal documentation of the pertinent statistics for each station, public hearings to obtain needed facts, diversion of legal, engineering and operational personnel from normal duty assignments), it is our opinion that in the absence of a documented need such action would provide no practical benefit, would serve no useful purpose, and would not be in the public interest. In any event, we do not see that Section 309 of the Communications Act is involved.

34. MMR comments that they have learned that other administrations will use the same NB–DP frequencies as proposed for United States coast stations and suggests that prior to finalization of § 81.204(c) the Commission should coordinate that plan with foreign administrations. There are over 150 foreign administrations which potentially have access to Appendix 15A frequencies and, thus, it is clear that several administrations will employ each family of the NB–DP frequencies. The need for coordination of NB–DP frequency assignments between administrations is recognized in 1974 WMARC Resolution Mar 2–7. Recognizing that a specialized conference would be required, probably following the 1979 WARC, for the maritime mobile service, the IFRB states that entries in the Master Register are being made in a manner which will not prejudice the decisions of such conference. Considering the number of United States public coast radiotelegraph stations involved, we know of no means, other than by a worldwide conference attended by using administrations, which could be employed to effect the suggested coordination. While it is our view that a coordinated plan would reduce conflicts between user administrations in the use of NB–DP frequencies, it would (1) require a reduction in the number of frequencies to which United States stations have access, and (2) require an extended period of time in which to complete. Until a clearer picture develops as to which United States and foreign stations will provide NB–DP service, we believe that the public interest is best served by proceeding on an evolutionary basis, up to the time of convening of an international maritime conference. We do not, therefore, propose to undertake any large scale international coordination with other administrations in the use of NB–DP frequencies.

35. MMR comments in regard to proposed § 81.205 that paragraph (e) appears to be in conflict with paragraphs (a) through (d) and that the section should be rearranged to initially indicate that the format detailed therein is optional rather than mandatory. MMR appears to have misunderstood the text of paragraph (e) since under the conditions stated it is of no concern to MMR or to any other coast station what format or procedure is employed. Once the coast station has patched the ship station through to the addressee, or vice versa, the transmitting station can use any procedure that station desires to use. On the other hand, except under the conditions set forth in (e), the procedure/format in paragraphs (a) through (d) is mandatory. In view thereof, we see no need to rearrange § 81.205.

36. MMR comments that the Commission should allow coast stations having Al Morse capability to employ Al Morse, on a secondary basis in an operational mode, for telegraphy set up and control. Further, MMR refers to MMR comments in Doc. No. 20449, which MMR states address this requirement and requests that those comments be incorporated by reference. MMR referenced comments were submitted in Doc. No. 20449 notwithstanding the Commission's statement in the Notice of Proposed Rule Making in that proceeding that the Commission would not consider the matter of use of radiotelephone frequencies to set up and back up direct-printing (radio teleprinter). MMR referenced comments in Docket No. 20449 did not refer, in any way, to the use of Al Morse to set up a radioteleprinter circuit.

37. MMR comments that the Commission should allow, as some European administrations are doing, coast stations having A1 Morse capability to employ A1 Morse, on a secondary basis in an operational mode, for telegraphy set up and control. By "telegraphy set up" we construe MMR's reference to be to radioteleprinter set up. Proposed § 81.204(b) (6) treats this subject. In § 81.204(b) (6) we are requiring that radioteleprinter circuits be set up by radioteleprinter calls on the digital selective calling or on NB–DP frequencies. We are not authorizing the routine use of A1 Morse to set up radioteleprinter circuits, although we are providing for the interim contingency use of Al Morse in the case where the ship or coast station may not know which NB–DP frequency(s) is to be used. We fully expect that after accurate frequency and operational information appears in ITU's Lists of Ship Stations and Coast Stations, or that information is otherwise disseminated, and the non-standard radioteleprinter systems aboard ship have been brought into accord with these rules, that the interim contingency need for the use of A1 Morse set up will be discontinued altogether. At that time we plan to delete this interim contingency provision from proposed § 81.204(b) (6).

38. MMR requests, in regard to proposed § 81.152, that the requirements of this section be modified to permit radioteleprinter operation by a person holding a radiotelegraph third-class operator permit (T–3) or a radiotelephone third-class operator permit (P–3), when those (T–3 or P–3) operators are under the direct supervision and responsibility of an operator holding a radiotelegraph second-class operator license (T–2) or higher class of operator license. MMR states (1) that the staffing of each radioteleprinter operating postion with a T–2 technician is unnecessary; (2) creates an undue salary expense requirement; and (3) is infeasible inasmuch as a person with a T–2 operator license is overqualified merely to serve as a radioteleprinter operator. In support thereof, MMR expresses the view (4) that the requested amendment would be consistent with existing section 81.155 which allows for operation of telephony service by an unlicensed person where that person is subject to the direct supervision of a duly licensed operator; (5) corresponds to the Commission's proposed action in Docket No. 20862; and (6) is necessary to provide adequate staffing as prescribed by the Commission's Memorandum Opinion & Order (FCC 76–454) in Docket No. 19544, released May 27, 1976 (41 FR 22059, June 1, 1976). No opposing views were filed relative to MMR's request.

39. Part 13, § 13.21(f) (2) requires that an applicant (a) for a P–3 operator permit must complete tests of written examination elements 1 and 2; or (b) for a T–3 operator permit, must complete tests of written examination elements 1, 2, and 5. Element 1 covers basic law—provisions of laws, treaties, and regulations with which every operator should be familiar. Element 2 covers basic operating practice—radio operating procedures and practices generally followed or required in communicating by means of radiotelephone stations. Element 5 covers radiotelegraph operating practice—radio operating procedures and practices generally followed or required in communicating by means of radiotelegraph stations primarily other than in the maritime mobile services of public correspondence.

40. In viewing the above test elements together with the scope of authority permitted operators holding the various categories of licenses or permits, as set forth in § 13.61 (specifically § 13.61(g), in the case of class P–3, and 13.61(d) in the case of class T–3), it is not necessary to modify §§ 13.21 or 13.61 in order to effect the modifications requested by MMR. It is necessary, however, that, as requested, § 81.152 be amended. With regard to the merit of the arguments advanced by MMR in support of the requested amendment, we are persuaded that the requested amendment would facilitate the staffing and operation of public coast radiotelegraph stations. In addition, we believe that the requested amendment would not adversely affect the quality and/or capability of operating personnel at those stations. We are, therefore, amending § 81.152 to permit the operation of radioteleprinter operating positions at public coast radiotelegraph stations by personnel holding either a P–3 or a T–3 operator authorization, subject to the limitations set forth in the appropriate paragraphs of § 13.61. Section 81.152 as amended is set forth below.

41. In paragraph 28 of the Notice of Proposed Rule Making we set forth the policy which we proposed to apply to the older ship transmitters of the harmonic relationship type. That policy, modified to be in accord with the revision herein adopted, together with the applicable exceptions, is set forth below:

(a) Discontinue the availability of the type transmitters set forth below for use in ship stations after May 31, 1977; however,

(b) We will continue to license those transmitters aboard existing ship stations if the crystal oscillator section of these transmitters is modified [1] to comply with the 200 Hz frequency tolerance and to incorporate the capability to provide all A1 Morse calling and working frequencies, including those frequencies which are harmonically related and those which are not harmonically related, which are necessary to the vessels operation, provided these transmitters meet the other applicable provisions of the rules; but that

(c) We will preclude the installation of the ship transmitters set forth below (either unmodified or modified as set forth in (b), above) aboard new ships, or as replacement transmitter(s) aboard existing ships.

42. AIMS and CAI directed comments to the above policy and/or to the transmitters listed below. With regard to the matter of harmonic relationship type transmitter, AIMS expresses the view that if this type transmitter is fitted with a frequency synthesis generator (in lieu of crystals), this type transmitter should be approved for installation aboard new ships. Based on the comments filed, these transmitters will not operate in the 25 MHz band and no encouragement is given that they can be modified, practicably and on an economically feasible basis, to operate in that band. In our view, this deficiency alone provides a fully adequate basis from which to prohibit their installation on new ships. We are, therefore, rejecting AIMS request that these type transmitters be permitted to be installed on new ships. Accordingly, that portion of Appendix 2 which relates to harmonic relationship type transmitters is adopted without charge.

43. CAI's comments are directed to inclusion in Appendix 2 of their transmitter type CA–35. CAI (1) advises that they now have available a control/exciter unit that provides a capability to be set to each of the required frequencies and (2) provides with their comments a graph of power measurements for the CA–35 MKII/CL–36 showing power output variation vs. frequency and in their comments state that low power measurement may be attributable to other factors, including: malfunctioning transmitter (components or adjustments), faulty installation, an improper antenna, an improperly tuned antenna, or a lack of understanding of test parameters.

44. Based on these actions and statements by CAI, the transmitter type CA–35 has been removed from Appendix 2, which is modified in accordance therewith, and adopted as set forth in the attached Appendix. CAI is correct that it was not the Commission's intent to present the CA–35 in an unfair light to present and potential users.

45. CAI "• • • requests that there be a type acceptance requirement to measure the power output of all transmitters (affected by this proceeding) at all band-edge and mid-band frequencies. And further, that the FCC published rated power of the transmitter be determined by these measurements and shall be no more than 1 dB above the lowest recorded power in this test." We concur that CAI's request has merit since it would assure that the public was informed as to the lower output levels of the transmitter. The public would not, however, be informed as to the upper output levels. These points notwithstanding, the Commission's rules are written around the minimization of interference based on the concept of a maximum output power. Thus, there is no practical means by which CAI's suggested approach can be incorporated into the rules short of a change in concept and a major reworking of the rules. We feel that such a major undertaking is not now justified.

46. Comments were not submitted in regard to the following proposed sections and they are, accordingly, adopted without change as set forth below.

Sec.
2.106
81.184
81.203
81.206
81.207
81.209
83.133
83.134
83.143
83.155
83.156
83.318
83.319
83.320
83.321
83.324
83.328
83.329
83.330

47. In Appendix 3 to the Notice of Proposed Rule Making we provided a (27 page) listing of ship stations currently licensed for the use of radiotelegraphy. We requested licensees to inform the Commission of vessels which should be added to or deleted from that Appendix; of transmitter types in use aboard the respective vessels which differ from the

[1] These requirements could be fulfilled by the installation of a type accepted frequency synthesis generator.

JUN 17 77
UM

listed transmitters; or of changes which should be made in other particulars deemed appropriate. The requested information was supplied, on an informal basis, by American Telephone & Telegraph Co., ITT/Mackay Marine and RCA Frequency Bureau. The information supplied has been used to update our master copy. A new master copy will be released to the public, as a separate document, it will contain specific series numbers of working frequencies and identification numbers (selective calling) for ship stations currently licensed for telegraphy. Listed ships are now authorized the use of these assignments, in conjunction with their existing station authorization.

48. In keeping with the intent of the 1974 WMARC to improve the effectiveness of the A1 Morse calling procedure by evenly distributing calls throughout the calling bands. Series No. 4 on the East coast and Series No. 11 on the West coast will be guarded by the United States Coast Guard for AMVER purposes. This action is being taken to separate public correspondence calling channels from AMVER calling channels and to establish permanent dedicated A1 Morse calling channels for the United States Coast Guard AMVER program.

49. The Commission is fully aware of the small amount of time available to put into effect the new calling procedure.

Further, we are aware that the effectiveness of the Commission's Memorandum Opinion and Order on Docket No. 19544 is stayed for purposes of clarification. In view thereof, we recognize that some of the affected licensees may have difficulty in providing full service in accordance with the instant Report and Order, particularly where new, replacement, or additional equipment is involved. Accordingly, where such situation appertains, we will consider on a case by case basis, requests from affected licensees for an interim waiver of the rules in order to allow licensees to comply insofar as possible with the intent of these new rules.

50. In the Notice of Proposed Rule Making we had anticipated that changes (see paragraph 49) might be required to Part 13 to bring it into accord with consequential changes to §§ 81.152 and/or 83.159. As set forth in paragraph 41, above, no changes to Part 13 are required.

51. Any application for modification of license to comply with any rule amendments adopted herein may be submitted without a fee.

52. Accordingly, *it is ordered*, That, pursuant to the authority contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended, and in the Final Acts of the World Maritime Administrative Radio Conference, Geneva, 1974, Parts 2, 81 and 83 of the Commission's rules are amended effective July 18, 1977, as set forth in the attached Appendix.

53. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

FEDERAL COMMUNICATIONS COMMISSION

Band (kHz) (7)	Service (8)	Class of station (9)	Frequency (10)	Nature (of services, of stations) (11)
•	•	•	•	•
4063 to 4143.6	Maritime mobile.	Ship		Ship (telephony, duplex).
4143.6 to 4146.6	do	Ship		Ship.
(US82).		Coast	4145	Coast, (telephony, simplex).
4146.6 to 4162.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
4162.5 to 4166	do	Ship		Ship.
		Buoy		Buoy.
		Interrogating Coast.		Interrogating coast (oceanographic data transmission)
4166 to 4170	do	Ship	4168	Ship (wide-band telegraphy, facsimile and special transmission systems).
4170 to 4177.25	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
4177.25 to 4179.75	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
4179.75 to 4187.2	do	do		Ship (calling, A1 Morse telegraphy).
4187.2 to 4188	do	do	4187.6	Ship (digital selective calling).
4188 to 4219.4	do	do		Ship (working, A1 Morse telegraphy).
4219.4 to 4349.4	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
4349.4 to 4356.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speed not exceeding 100 bands).
4356.75 to 4357.1	do	do	4357	Coast (digital selective calling)
4357.1 to 4438	do	do		Coast (telephony, duplex).
•	•	•	•	•
6200 to 6218.6	do	Ship		Ship (telephony, duplex).
6218.6 to 6224.6	do	Ship		Ship.
(US82).		Coast		Coast, (telephony, simplex)
6224.6 to 6241.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
6241.5 to 6248	do	Ship		Ship
		Buoy		Buoy
		Interrogating Coast		Interrogating Coast (oceanographic data transmission)
6248 to 6256	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
6256 to 6267.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
6267.75 to 6280.75	do	do		Ship (nonpaired, narrow-band direct printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
6280.75 to 6280.8	do	do		Ship (calling, A1 Morse telegraphy).
6280.8 to 6282	do	do	6281.4	Ship (digital selective calling).
6282 to 6325.4	do	do		Ship (working, A1 Morse telegraphy)
6325.4 to 6493.9	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems). (NG27)
6493.9 to 6505.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands)
6505.75 to 6506.4	do	do	6506	Coast (digital selective calling).
6506.4 to 6525	do	do		Coast (telephony, duplex).
•	•	•	•	•
8195 to 8291.1	do	Ship		Ship (telephony, duplex).
8291.1 to 8297.3	do	Ship		Ship.
(US 82).		Coast		Coast (telephony, simplex).
8297.3 to 8300	do	Ship		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
8300 to 8328	do	do		Ship (wide-band telegraphy, facsimile and special transmission systems).
8328 to 8331.5	do	Ship		Ship.
		Buoy		Buoy
		Interrogating coast.		Interrogating coast (oceanographic data transmission).
8331.5 to 8343.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).

Parts 2, 81, and 83 of Chapter I, Title 47, Code of Federal Regulations, are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Section 2.106 is amended to read as follows:

§ 2.106 Table of frequency allocations.

FEDERAL COMMUNICATIONS COMMISSION—Continued

Band (kHz) (7)	Service (8)	Class of station (9)	Frequency (10)	Nature (of services, of stations) (11)
8343.5 to 8357.25	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
8357.25 to 8357.75	do	do	8357.5	Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
8357.75 to 8359.75	do	do		Ship (working, A1 Morse telegraphy).
8359.75 to 8374.4	do	do		Ship (calling, A1 Morse telegraphy).
8374.4 to 8376	do	do	8375.2	Ship (digital selective calling).
8376 to 8435.4	do	do		Ship (working, A1 Morse telegraphy)
8435.4 to 8704.4	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
8704.4 to 8718.25	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
8718.25 to 8718.9	do	do	8718.5	Coast (digital selective calling).
8718.9 to 8815	do	do		Coast (telephony, duplex).
•	•	•	•	•
12330 to 12429.2	do	Ship		Ship (telephony, duplex)
12429.2 to 12439.5	do	do		Ship.
(US82).		Coast		Coast (telephony, simplex)
12439.5 to 12479.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
12479.5 to 12483	do	do		Ship.
		Buoy		Buoy.
		Interrogating coast.		Interrogating coast (oceanographic data transmission)
12483 to 12491	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
12491 to 12519.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
12519.75 to 12526.75	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
12526.75 to 12539.6	do	do		Ship (working, A1 Morse telegraphy).
12539.6 to 12561.6	do	do		Ship (calling, A1 Morse telegraphy).
12561.6 to 12564	do	do	12562.3 12562.8	Ship (digital selective calling).
12564 to 12652.3	do	do		Ship (working, A1 Morse telegraphy).
12652.3 to 13070.8	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
13070.8 to 13099.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
13099.75 to 13100.8	do	do	13100 13100.5	Coast (digital selective calling)
13100.8 to 13200	do	do		Coast (telephony, duplex).
•	•	•	•	•
16460 to 16587.1	do	Ship		Ship (telephony, duplex)
16587.1 to 16596.4	do	do		Ship.
(US82).		Coast		Coast (telephony, simplex).
16596.4 to 16636.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
16636.5 to 16640	do	do		Ship.
		Buoy		Buoy
		Interrogating coast.		Interrogating Coast (oceanographic data transmission)
16640 to 16660	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
16660 to 16694.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
16694.75 to 16705.8	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
16705.8 to 16719.8	do	do		Ship (working, A1 Morse telegraphy).
16719.8 to 16748.8	do	do		Ship (calling, A1 Morse telegraphy).
16748.8 to 16752	do	do	16749.9 16750.4	Ship (digital selective calling).
16752 to 16859.4	do	do		Ship (working, A1 Morse telegraphy).
16859.4 to 17196.9	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct-printing telegraphy systems).
17196.9 to 17231.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).
17231.75 to 17232.9	do	do	17232 17232.5	Coast (digital selective calling).
17232.9 to 17360	do	do		Coast (telephony, duplex).
•	•	•	•	•
22000 to 22124	do	Ship		Ship (telephony, duplex).
22124 to 22139.5	do	do		Ship.
(US82).		Coast		Coast (telephony, simplex).
22139.5 to 22160.5	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
22160.5 to 22164	do	do		Ship.
		Buoy		Buoy.
		Interrogating coast.		Interrogating coast (oceanographic data transmission)
22164 to 22192	do	Ship		Ship (wide-band telegraphy, facsimile and special transmission systems).
22192 to 22225.75	do	do		Ship (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bands).

FEDERAL COMMUNICATIONS COMMISSION—Continued

Band (kHz) (7)	Service (8)	Class of station (9)	Frequency (10)	Nature (of services, of stations) (11)
22225.75 to 22227	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22227 to 22247	do	do		Ship (calling, A1 Morse telegraphy).
22247 to 22250	do	do	22248 22248.5	Ship (digital selective calling).
22250 to 22310.5	do	do		Ship (working, A1 Morse telegraphy).
22310.5 to 22561	do	Coast		Coast (wide-band and A1 Morse telegraphy, facsimile, special and data transmission systems and direct printing telegraphy systems).
22561 to 22594.75	do	do		Coast (paired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
22594.75 to 22596	do	do	22595 22595.5	Coast (digital selective calling).
22596 to 22720	do	do		Coast (telephony, duplex).
•	•	•	•	•
25.01 to 25.07	Land mobile.	Base. Land mobile.	25.02–25.06 (NG32)	Industrial.
25.07 to 25.76	Maritime mobile.	Ship		Ship (calling, A1 Morse telegraphy).
25.76 to 25.0901	do	do		Ship (nonpaired, narrow-band direct-printing telegraph and data transmission systems, at speeds not exceeding 100 bauds).
25.0901 to 25.11	do	do		Ship (working, A1 Morse telegraphy).
25.11 to 25.33	Land mobile.	Base. Land mobile.	25.12–25.32 (NG32)	Industrial.
•	•	•	•	•

In § 2.303, the existing paragraph is amended and designated as (a) and a new paragraph (b) is added, to read as follows:

§ 2.303 Other forms of identification of stations.

(a) The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating agency, official registration mark, flight identification number, selective call number or signal, selective call identification number or signal, characteristic signal, characteristic of emission or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete information on identification procedures for each service.

Class of Station	*Identification, other than assigned call sign*
• •	• •
Ship telegraph	When an official call sign is not yet assigned; Complete name of the ship and name of licensee. On 156.65 MHz: Name of ship. Digital selective call.
Ship telepgraph	Digital selective call.
Public coast (radiotelephone) and Limited Coast (Radiotelephone).	The approximate geographic location in a format approved by the Commission.
	Coast station identification number.
Public coast (radiotelegraph).	Coast station identification number.
• •	• •

(b) Digital selective calls will be authorized by the Commission and will be formed by groups of numbers (0 through 9), however, the first digit must be other than 0, as follows:

(1) Coast station identification number: 4 digits.

(2) Ship station selective call number: 5 digits.

(3) Predetermined group of ship stations: 5 digits.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

1. In § 81.131, a footnote is added to paragraph (b)(3)(ii), to read as follows:

§ 81.131 Authorized frequency tolerance.

• • • • •

(b) • • •

Frequency ranges	*Tolerance—parts in 10^6 unless shown as hertz (Hz)*
• •	• •
(3) From 4,000 to 27,500 kHz:	
(i) For A3A, A3B, A3H, and A3J emissions.	20 Hz.
(ii) For narrow-band direct-printing telegraph and data transmission system.	20 Hz[1].
(iii) For other than (i) and (ii) above.	15.
• •	• •

2. In § 81.143, paragraph (c) is amended and new paragraphs (d), (e) and (f) are added to read as follows:

§ 81.143 Narrow-band direct-printing radiotelegraph equipment.

• • • • •

(c)(1) Class F1 emission shall be used, with a total frequency shift of 170 Hertz.

(2) When frequency shift keying is effected by applying audio signals to the input of a single sideband transmitter, the suppressed (residual) carrier, when it falls outside the authorized bandwith, shall be suppressed to the level prescribed by § 81.140. Further, the center audio frequency between the ±85 Hz tones shall be 1,700 Hz, ±5 Hz, above the suppressed (residual) carrier.

(d) The higher of the emitted frequencies shall correspond to "space" (start), and the lower the emitted frequencies shall correspond to "mark" (stop).

(e) Where an error control system is employed the apparatus shall be provided with a simple device to bypass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with (a), above.

(f) When an error-detecting and correcting system is used for direct-printing telegraphy in the maritime mobile service, a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system, using the same code, shall be employed.

3. In § 81.152, paragraph (d) is amended to read as follows:

§ 81.152 Operator required.

• • • • •

(d) *Description of Station*	*Minimum operator authorization*
Public coast telegraph, all classes.	T–2.
Coast telephone, all classes, except in Alaska:	
Exceeds 250 watts carrier power or 1,500 watts peak envelope power.	T–2 or P–2.
250 watts or less carrier power; or 1,500 watts or less peak enevelope power operating on frequencies below 30 MHz.	T–3 or P–3.
250 watts or less carrier power, or 1,500 watts or less peak envelope power operating on frequencies above 30 MHz.	RP.
Coast telephone, in Alaska:	
Exceeds 250 watts carrier power; or 1,500 watts peak envelope power, Class I station.	T–2 or P–2.
Exceeds 250 watts carrier power, or 1,500 watts peak envelope power, Class II or Class III station.	T–3 or P–3.
250 watts or less carrier power, or 1,500 watts or less peak envelope power, all classes.	RP.
Marine fixed, except in Alaska.	T–3 or P–3.
Marine fixed in Alaska	RP.
Marine utility coast	RP.
Shipyard base	RP.
• •	• •

4. In § 81.184, paragraphs (a) and (b) are amended and note deleted, to read as follows:

§ 81.184 Transmission of traffic lists by coast stations.

(a) Public coast stations are authorized to transmit, on their normal working frequencies in the appropriate bands, lists of official call signs (or, alternatively in the use of radiotelephony, the names of the respective ships), in alphabetical order insofar as practicable, of all mobile stations for which they have traffic on hand. The use of calling frequencies for this purpose is prohibited; however, coast stations may announce on a calling frequency that they are about to transmit such call lists on a specified frequency. These traffic lists shall be transmitted at intervals of:

(1) In the case of radiotelephony, at least two hours and not more than four hours during the working hours of the coast station.

(2) In the case of radiotelegraphy, at least one hour and not more than four hours during the working hours of the coast station.

(b) An announcement on a calling frequency that a coast station is about to transmit a call list on a specified working frequency shall be as brief as practicable, but in any event shall not be repeated more than twice.

5. The present section heading and text of § 81.203 is redesignated § 81.223 and a new § 81.203 is adopted to read as follows:

§ 81.203 Digital selective calling frequencies.

(a) The carrier frequencies set forth in the table below are available for use by each coast station authorized to employ frequencies in the band 4—27.5 MHz for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

Coast station transmit to ships (kHz): [1]	*Coast station receive from ships (kHz)* [1]
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

[1] These frequencies are available for use effective June 1, 1977.

(b) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, coast station authorized to employ narrow-band direct-printing (NB–DP) for communication with ship stations may, effective June 1, 1977, use the frequencies designated in paragraph (a) of this section for calls to ship stations fitted for the use of narrow-band direct-printing equipment.

(c) In using the frequencies indicated for transmission, coast stations should make reasonable effort to avoid the creation of interference to other coast stations employing the same frequencies.

(d) In calling ship stations by narrow-band direct-printing, the coast station shall use the ship station selective call number (5 digits) and effect self-identification by the use of the coast station identification number (4 digits).

(e) Calls to a ship station shall employ the following format:

(1) Ship station selective call number, repeated twice;

(2) "DE", sent once; and

(3) Coast station identification number, repeated twice.

(f) When the ship station does not reply to a call sent three times at Intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes.

6. The present section heading and text of § 81.204 is redesignated § 81.224 and a new § 81.204 is adopted to read as follows:

§ 81.204 Assignable frequencies—Narrow-band direct-printing radiotelegraph and data transmission systems.

(a) Each of the specific frequencies set forth in the following table under the column headed "coast transmit" may be licensed as an assigned frequency for use by coast stations employing narrow-band direct-printing radiotelegraphy for communication with ship stations employing the same system, subject to and in accordance with the provisions of paragraph (b) of this section and Subpart E of this part, and upon the express condition that interference shall not be caused to any service or station which, in the discretion of the Commission, may have priority on the frequency or frequencies involved: *Provided*, That the use of each of these frequencies may be restricted by the Commission to specific areas or locations in order to avoid or minimize interference between stations.

Series No.	4 MHz band		6 MHz band		8 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
1	4350	4170.5	6494.5	6256.5	8705	8344
2	4350.5	4171	6495	6257	8705.5	8344.5
3	4351	4171.5	6495.5	6257.5	8706	8345
4	4351.5	4172	6496	6258	8706.5	8345.5
5	4352	4172.5	6496.5	6258.5	8707	8346
6	4352.5	4173	6497	6259	8707.5	8346.5
7	4353	4173.5	6497.5	6259.5	8708	8347
8	4353.5	4174	6498	6260	8708.5	8347.5
9	4354	4174.5	6498.5	6260.5	8709	8348
10	4354.5	4175	6499	6261	8709.5	8348.5
11	4355	4175.5	6499.5	6261.5	8710	8349
12	4355.5	4176	6500	6262	8710.5	8349.5
13	4356	4176.5	6500.5	6262.5	8711	8350
14	4356.5	4177	6501	6263	8711.5	8350.5
15			6501.5	6263.5	8712	8351
16			6502	6264	8712.5	8351.5
17			6502.5	6264.5	8713	8352
18			6503	6265	8713.5	8352.5
19			6503.5	6265.5	8714	8353
20			6504	6266	8714.5	8353.5
21			6504.5	6266.5	8715	8354
22			6505	6267	8715.5	8354.5
23			6505.5	6267.5	8716	8355
24					8716.5	8355.5
25					8717	8356
26					8717.5	8356.5
27					8718	8357

	12 MHz band		16 MHz band		22 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
1	13071.5	12491.5	17197.5	16960.5	22561.5	22192.5
2	13072	12492	17198	16661	22562	22193
3	13072.5	12492.5	17198.5	16661.5	22562.5	22193.5
4	13073	12493	17199	16662	22563	22194
5	13073.5	12493.5	17199.5	16662.5	22563.5	22194.5
6	13074	12494	17200	16663	22564	22195
7	13074.5	12494.5	17200.5	16663.5	22564.5	22195.5
8	13075	12495	17201	16664	22565	22196
9	13075.5	12495.5	17201.5	16664.5	22565.5	22196.5
10	13076	12496	17202	16665	22566	22197
11	13076.5	12496.5	17202.5	16665.5	22566.5	22197.5
12	13077	12497	17203	16666	22567	22198
13	13077.5	12497.5	17203.5	16666.5	22567.5	22198.5
14	13078	12498	17204	16667	22568	22199
15	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
16	13079	12499	17205	16668	22569	22200
17	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
18	13080	12500	17206	16669	22570	22201
19	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
20	13081	12501	17207	16670	22571	22202
21	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
22	13082	12502	17208	16671	22572	22203
23	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
24	13083	12503	17209	16672	22573	22204
25	13083.5	12503.5	17209.5	16672.5	22573.5	22204.5
26	13084	12504	17210	16673	22574	22205
27	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5
28	13085	12505	17211	16674	22575	22206
29	13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
30	13086	12506	17212	16675	22576	22207
31	13086.5	12506.5	17212.5	16675.5	22576.5	22207.5
32	13087	12507	17213	16676	22577	22208
33	13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
34	13088	12508	17214	16677	22578	22209
35	13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
36	13089	12509	17215	16678	22579	22210
37	13089.5	12509.5	17215.5	16678.5	22579.5	22210.5
38	13090	12510	17216	16679	22580	22211
39	13090.5	12510.5	17216.5	16679.5	22580.5	22211.5
40	13091	12511	17217	16680	22581	22212

[1] A frequency tolerance of 15 Hz is applicable effective January 1, 1978.

	12 MHz band		16 MHz band		22 MHz band	
	Coast transmit	Coast receive	Coast transmit	Coast receive	Coast transmit	Coast receive
41	13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
42	13092	12512	17218	16681	22582	22213
43	13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
44	13093	12513	17219	16682	22583	22214
45	13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
46	13094	12514	17220	16683	22584	22215
47	13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
48	13095	12515	17221	16684	22585	22216
49	13095.5	12515.5	17221.5	16684.5	22585.5	22216.5
50	13096	12516	17222	16685	22586	22217
51	13096.5	12516.5	17222.5	16685.5	22586.5	22217.5
52	13097	12517	17223	16686	22587	22218
53	13097.5	12517.5	17223.5	16686.5	22587.5	22218.5
54	13098	12518	17224	16687	22588	22219
55	13098.5	12518.5	17224.5	16687.5	22588.5	22219.5
56	13099	12519	17225	16688	22589	22220
57	13099.5	12519.5	17225.5	16688.5	22589.5	22220.5
58			17226	16689	22590	22221
59			17226.5	16689.5	22590.5	22221.5
60			17227	16690	22591	22222
61			17227.5	16690.5	22591.5	22222.5
62			17228	16691	22592	22223
63			17228.5	16691.5	22592.5	22223.5
64			17229	16692	22593	22224
65			17229.5	16692.5	22593.5	22224.5
66			17230	16693	22594	22225
67			17230.5	16693.5	22594.5	22225.5
68			17231	16694		
69			17231.5	16694.5		

(b) The procedures set forth in this paragraph shall be used, except in cases of distress, urgency or safety, when communicating by means of narrow-band direct-printing (NB–DP) radiotelegraphy with ship stations. In that regard:

(1) Traffic may be exchanged with or without the use of error-correcting equipment.

(2) For communication between two stations, the ARQ mode should be used when available.

(3) For transmissions to two or more ship stations, the forward-error-correcting mode should be used when available.

(4) When using (paired) frequencies set forth in paragraph (a) of this section, the coast station shall receive the ship station on the frequencies, indicated in the table under "coast receive", which are paired with the frequencies used by the coast station. Cross-band operation is prohibited between coast station transmissions on frequencies listed in another section of this part and ship station transmissions on frequencies listed in paragraph (a) of this section.

(5) When receiving ship station transmissions on (non-paired) NB–DP frequencies, the coast station shall transmit on one or another of the frequencies listed in § 81.206. Special arrangements may be made between a coast station and ship stations, or shipping companies, for the use of specific frequencies.

(6) Calls to ship stations by NB–DP shall normally be made by radioteleprinter on the frequencies of § 81.203 (a), or on the NB–DP frequencies assigned to the coast station. The routine use of A1 Morse radiotelegraphy frequencies for the setting up of a NB–DP circuit is not authorized. *Provided, however,* That coast stations may, when the above alternatives are unsuccessful, call ship stations by A1 Morse radiotelegraphy, shift to A1 Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB–DP circuit.

(c) Subject to and in accordance with the provisions of paragraph (a) and (b) of this section, coast radiotelegraph stations may, upon grant of a proper application, be authorized to employ the coast transmit frequencies specified in the indicated Series No., as set forth in paragraph (a) of this section, as follows:

Call letters of coast station:	*NB–DP series No. available June 1, 1977*
KFS	1, 3, 28, 47
KHK	10, 22, 42
KLB	8, 33, 50
KLC	8, 17, 48
KOK	6, 30, 49
KPH	13, 14, 21, 22, 38
WAX	10, 15, 36
WCC	13, 14, 21, 22, 38
WLO	5, 15, 25, 54
WNU	2, 19, 52, 57
WOE	6, 21, 26, 42
WPA	9, 22, 44
WSC	9, 18, 40
WSL	1, 3, 28, 47

7. The present section heading and text of § 81.205 is redesignated § 81.225 and a new § 81.205 is adopted to read as follows:

§ 81.205 Narrow-band direct-printing (NB–DP) operating procedure.

(a) When both terminals of the NB–DP circuit are satisfied that the circuit is in operable condition, the message preamble shall be transmitted in the following format:

(1) One carriage return and one line feed,

(2) Serial number or number of the message,

(3) The name of the office of origin,

(4) The number of words,

(5) The date of handing in of the message,

(6) The time of handing in of the message, and

(7) Any service instructions. (See CCITT, Geneva 1972, Section 6 of the General provisions applying to all methods of working.)

(b) Upon completion of transmission of the preamble, the address, the text and the signature shall be transmitted as received from the sender.

(c) Upon completion of transmission of the signature, the coast station shall, following the signal "COL", routinely repeat all service indications in the address and for figures or mixed groups of letters, figures or signs in the address, text or signature.

(d) In telegrams of more than 50 words, routine repetition shall be given at the end of each page.

(e) The provisions of paragraphs (a) through (d) of this section may or not, at the discretion of the user, be utilized when a direct connection between ship station and addressee, or vice versa, is employed.

8. In § 81.206, the table following paragraph (a) is amended by the deletion and, in lieu thereof, the addition of direct replacement frequencies, as follows:

§ 81.206 Assignable frequencies.

* * * * *

Area	90–160 (kHz)	415–525 (kHz)	2 MHz (kHz)	4 MHz (kHz)	6 MHz (kHz)	8 MHz (kHz)	12 MHz (kHz)	16 MHz (kHz)	22 MHz (kHz)
Central Pacific	126.15	420	2037.5	4247	6348	8558	12695.5	17016.8	22425
		436	2045	4274	6365.5	8618	12808.5	17026.0	22479
	147.85	460	2061.5	4298	6477.5	8642	12844.5	17088.8	22515
		476			6488	8445	13002.0	16847.3	22557
		500							
		512					13033.5		
South Pacific		418	2049.5	4238	6355	8590	12691	17064.8	22413
		464	2055.5	4285	6463.5	8606	12842	17088.8	22467
		482				8642	12993	16880.9	
		500					13033.5		
		512							
Gulf of Mexico	153.0	410	2042	4256	6369	8473	12704.5	16018.8	22431
		420	2048	4274	6435.5	8550	12826.5	17117.6	22467
		434	2049.5	4310	6446	8570	12840	17170.4	22318.5
		438	2052.5	4322	6495	8666	13038	17172.4	
		478	2055.5			8445	13051.5	16871.3	
		484	2063			8453	12660		
		500							
		512							
Great Lakes		482		4316	6474	8534			
		500							
		512							
Hawaii		484	2052.5	4295	6407.5	8542	13029	16978.4	22509
		500							
		512							
Puerto Rico	153.0	486	2052.5	4244		8457	12700		
		500							
		512							
North Atlantic	112.85	418	2036	4238	6351.5	8502	12745.5	16933.2	22407
	124.05	436	2040.5	4268	6376	8514	12925.5	16968.8	22485
	130.35	442	2046.5	4331	6414.5	8586	12948.0	16973.6	22503
	132.10	460	2051	4343	6418	8610	12961.5	16997.6	22521
	134.55	472	2054	4366	6533.5	8630	12997.5	17021.6	22348.5
	137.00	476	2060		6337	8658	13020.0	17003.6	22366.5
		482			6344	8686	13024.5	16904.9	
	146.80	500					13033.5		
	147.50	512					13060.5		
Central Atlantic		428	2053	4346	6484.5	8502	12885.0		
		500							
		512							
South Atlantic	137.70	434	2039	4250	6389.65	8486	12952.5	16918.8	22431
		464	2043.5	4292	6407.5	8525	12970.5	17093.6	22503
		472	2051	4295	6411	8686	13011.0	17160.8	22318.5
		488	2057			8453	12660	17170.4	
		500						16861.7	
		512							
North Pacific		482	2058.5	4349	6411	8582	12807.5	17007.2	22539
		488	2063			8658	12916.5		
		500							
		512							

9. In § 81.207, paragraph (e) is amended and a new paragraph (f) is added to read as follows:

§ 81.207 Frequencies for call and reply.

* * * * *

(e) Pending availability of an internationally agreed plan for establishing two-way communications by radioteleprinter, the interim procedure set forth in this section may be employed until June 1, 1977.

* * * * *

(f) The frequencies set forth in the table below are available for use effective June 1, 1977, by coast radiotelegraph stations for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

	Coast receive from ships (kHz)
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

§ 81.208 [Redesignated]

10. The present section heading and text of § 81.208 is redesignated § 81.218 and subparagraph (d)(3) thereof is deleted.

§§ 81.208—81.214 [Redesignated]

11. The numbering of the heading and text of §§ 81.209 through 81.214 is

V 42 117 JUN 17 77 J UM

changed and redesignated §§ 81.219 through 81.224, as follows:

Changed from sec.:	Changed to and redesignated sec.
81.209	81.219
81.210	81.220
81.211	81.221
81.212	81.222
81.213	81.223
81.214	81.224

Area	Channel series	Kilohertz						
		4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
WAX								
WCC								
WMH	C3	4181	6271.5	8362	12543	16724	22228	25071
WOE	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
WSC	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
WSL								
WSV								
KLC								
WLO	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
WNU	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
WPA	C9	4183.4	6275.1	8366.8	12550.2	16733.6	22236	25071
WPD								
KHK								
KFS	C5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
KLB	C6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
KOK	C13	4185	6277	8370	12555	16740	22240	25075
KPH								

(b) The receiving installation employed on each designated frequency shall fulfill the following requirements:

(1) The receiving antennas provided shall be capable of effective and efficient reception of calls from ship stations on each of the designated frequencies.

(2) The transmission lines connecting antennas and receivers shall provide a minimum of attenuation of incoming signals.

(3) When more than one receiver is operated from a single antenna, means shall be provided to minimize the attenuation of incoming signals and interaction between receivers.

(c) The receivers employed shall: (1) Be capable of being accurately set to and of being reset to any one of the designated calling frequencies in each band for which the receiver is intended to operate. The time required to set or to reset the receiver to frequency shall not exceed 5 seconds.

(2) Have a selectivity capability such that it will reject signals on adjacent channels 500 Hz removed.

(3) Have a long term frequency stability of not more than 50 Hz, and shall not require recalibration more often than once each 90 days.

(4) Have a minimum sensitivity of 2 microvolts across receiver input terminals of 50 Ohms, or equivalent.

(5) Provide a power output and audio frequency response adequate to drive headphones, loudspeakers, and/or recording equipment, as necessary to meet normal station operations. The harmonic audio distortion shall not exceed five percent (5 percent) at any rated output power.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.131, paragraph (b) is amended to read as follows:

12. A new § 81.209 is added, to read as follows:

§ 81.209 Watch on ship calling frequencies.

(a) Coast stations shall maintain a continuous listening watch, subject to normal variations in radio propagation, during their working hours for calls from ship stations on frequencies as set forth in the following table:

§ 83.131 Authorized frequency tolerance.

• • • • • •

(b) • • •

Frequency ranges	Tolerance, parts in 10^6 unless shown as Hz
(1) From 100 to 535 kHz:	
(i) For transmitter using A2H emission, type accepted or type approved before November 30, 1977.	50 Hz.
(ii) For transmitters using other than A2H emissions and classes of emission specified in (2) and (3), below, type accepted or type approved before November 30, 1977.	1,000.
(iii) For transmitters, type accepted or type approved after November 30, 1977.	20 Hz.
(2) From 100 to 535 kHz: Emergency transmitter only, the use of which is certified solely to safety communications or defined in § 83.6(a), type accepted or type approved:	
(i) Before November 30, 1977	3,000.
(ii) After November 30, 1977	20 Hz.
(3) Survival craft stations on 500 kHz: For transmitters, type accepted or type approved:	
(i) Before November 30, 1977	5,000.
(ii) After November 30, 1977	20 Hz.
(4) Ship stations from 1605–2070 and 2080 to 3500 kHz:	
(i) For transmitters using other than A3A, A3H, and A3J emissions, type accepted or type approved before November 30, 1977.	200.
(ii) For transmitters using A3A, A3H and A3J emissions, type accepted or type approved before November 30, 1977.	50 Hz.
(iii) For transmitters type accepted or type approved after November 30, 1977.	20 Hz.
(5) Ship stations from 2070 to 2080 kHz: For transmitters type accepted or type approved:	
(i) Before November 30, 1977	50.
(ii) After November 30, 1977	20 Hz.
(6) Survival craft stations on 2182 kHz: For transmitters type accepted or type approved:	
(i) Before November 30, 1977	200.
(ii) After November 30, 1977	20 Hz.
(7) Stations when using frequencies within the band 4000–27500 kHz:	
(i) Ship stations using emission A1 with transmitters type accepted or type approved:	
(a) Before November 30, 1977	200 Hz.
(b) After November 30, 1977	20 Hz.
(ii) Ship stations using frequencies allotted for narrow-band direct-printing telegraph and data transmission system with transmitters type accepted or type approved:	
(a) Before November 30, 1977	50 Hz.
(b) After November 30, 1977	20 Hz.
(iii) Ship stations using A3A, A3H, or A3J emissions with transmitters type accepted or type approved:	
(a) Before November 30, 1977	50 Hz.
(b) After November 30, 1977	20 Hz.
(iv) Ship stations using emissions other than (i), (ii), or (iii), above, with transmitters type accepted or type approved:	
(a) Before November 30, 1977	50
(b) After November 30, 1977	20 Hz.
(v) Survival craft stations on 8364 kHz with transmitters type accepted or type approved:	
(a) Before November 30, 1977	200
(b) After November 30, 1977	50 Hz.

• • • • • •

2. In § 83.133, the table following paragraph (a) is amended to read as follows:

§ 83.133 Authorized bandwidth.

(a) Unless otherwise specified in the station license, ship stations shall use bandwidths not exceeding those set forth in this paragraph for the respective classes of emission authorized in § 83.132.

Classes of emission	Emission designator	Authorized bandwidth (kilohertz)
A1	0.16A1	0.4
A2	2.66A2	2.8
A3	6A3	8.0
A9	3.2A9	25.0 [2]
F1	0.3F1 [1]	0.5 [1]
F3	16F3 [3]	20.0 [3]
F3	36F3 [4]	40.0 [4]
F9	2000F9	2000.
P0	Variable	Variable.
A3A	2.8A3A	3.0 [4]
A3H	2.8A3H	3.0 [4]
A3J	2.8A3J	3.0 [4]
A3B	5.0A3B	7.0 [4]

[1] • • •
[2] • • •
[3] • • •
[4] • • •
[5] • • •

• • • • • •

3. In § 83.134, paragraph (d) is amended to read as follows:

§ 83.134 Transmitter Power.

• • • • • •

(d) Other than for the frequencies specified in § 83.360 and as may be specified in the specific limitations in § 83.351, transmitter power for telephony on frequencies below 27.5 MHz shall not exceed the following values in watts:

Area	Frequency band (megahertz)	Class of emission	Transmitter power
Great Lakes area and Mississippi River north of Baton Rouge, La., and connecting inland waters.	2 to 27.5	Any	150
Other than the above	2 to 4	Ship to shore:	
		A3	[1] [2] 400
		A3H, A3A, A3J	[1] [2] 150
		Ship to ship:	
		A3	150
		A3H, A3A, A3J	150
	4 to 27.5	Any	[3] 1,500

[1] Except for distress, urgency and safety purposes the maximum power which may be used on 2170.5, 2182, and 2191 kHz is 150 W.
[2] Except for the limitation specified in footnote 1 to this table, for cargo vessels of 300 gross tons and over this value is 500 W.
[3] Except for the limitation specified in footnote 1 to this table, passenger vessels of 5,000 gross tons and over this value is 1,000 W.
[4] For passenger vessels of 5,000 gross tons and over this value is 3,000 W.

• • • • • • • • • •

4. In § 83.143, paragraph (c) is amended and new paragraphs (d), (e) and (f) are added to read as follows:

§ 83.143 Narrow-band direct-printing radiotelegraph equipment.

• • • • • •

(c) (1) Class F1 emission shall be used, with a total frequency shift of 170 Hertz.

(2) When frequency shift keying is effected by applying audio signals to the input of a single-sideband transmitter, the suppressed (residual) carrier, when it falls outside the authorized bandwidth, shall be suppressed to the level prescribed by § 83.136. Further, the center audio frequency between the ±85 Hz tones shall be 1700 Hz, ±5 Hz, above the suppressed (residual) carrier.

(d) The higher of the emitted frequencies shall correspond to "space" (start), and the lower of the emitted frequencies shall correspond to "mark" (stop).

(e) Where an error control system is employed the apparatus shall be provided with a simple device to by-pass the error control system to permit transmission and reception over the radio path of uncorrected signals conforming with (a), above.

(f) When an error-detecting and correcting system is used for direct-printing telegraphy in the maritime mobile service, a 7-unit ARQ system or a 7-unit forward acting error-correcting and indicating time diversity system, using the same code, shall be employed.

5. In § 83.155, paragraphs (d) and (e) are amended to read as follows:

§ 83.155 Operator(s) required by Title III of Communications Act of 1934.

• • • • • •

(d) Each cargo ship of the United States which in accordance with Part II of Title III of the Communications Act is equipped with a radiotelephone station shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone second-class operator license.

(e) Each vessel of the United States transporting more than six passengers for hire, which in accordance with Part III of Title III of the Communications Act is equipped with a radiotelephone installation, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power, such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power, such operator shall, as a minimum, hold a radiotelephone second-class operator license.

6. In § 83.156, paragraph (b) is amended to read as follows:

§ 83.156 Operator(s) required by the Safety Convention.

• • • • • •

(b) Each cargo ship of the United States which is not subject to Part II of Title III of the Communications Act but which in accordance with the radio provisions of the Safety Convention is equipped with a radiotelephone station, shall for safety purposes carry at least one qualified operator. Where the power of the station does not exceed 250 watts carrier power or 1,500 watts peak envelope power such operator shall hold a radiotelephone third-class operator permit or higher class of operator authorization. Where the power of the station exceeds 250 watts carrier power or 1,500 watts peak envelope power such operator shall, as a minimum, hold a radiotelephone second-class operator license.

V 42 N 117 JUN 17 77 UM

7. Section 83.159 is amended to read as follows:

§ 83.159 Operator requirements for non-compulsory stations.

Description of station	Minimum operator authorization
Public ship telegraph, except direct-printing, all categories	T–2
Public ship direct-printing telegraph	P–3
Public or limited ship telephone, more than 250 watts carrier power or 1,500 watts peak envelope power	P–2
Public or limited ship telephone, not more than 250 watts carrier power or 1,500 watts peak envelope power	P–3
Public or limited ship telephone, not more than 100 watts carrier power or 400 watts peak envelope power	RP
Marine utility ship	RP
Ship radiolocation-test, using radar only	[1] P–2
Ship earth station	RP

[1] With ship radar endorsement or T–2, with ship radar endorsement.

8. The present section heading and text of § 83.315 is redesignated § 83.332 and a new § 83.315 is adopted to read as follows:

§ 83.315 Authorized frequencies.

(a) The tables in §§ 83.316, 83.317, 83.318, 83.319, 83.320 and 83.321 set forth the carrier frequencies, which, when authorized by a station license may be used by ship stations employing A1 Morse or narrow-band direct-printing radiotelegraphy for communication with ship or coast stations.

(b) Frequencies available for assignment for manual Morse radiotelegraphy in the bands between 90 kHz and 27.5 MHz are designated in the respective sections, as follows:

(1) In § 83.316, ship calling and working frequencies, 90–160 and 405–535 kHz.

(2) In § 83.317, Calling frequencies, A1 Morse radiotelegraphy (C1–C18)

(3) In § 83.318, Digital selective calling frequencies.

(4) In § 83.319, Working frequencies, A1 Morse radiotelegraphy. (W1–W62)

(5) In § 83.320, Working frequencies, Narrow-band direct-printing telegraph and data transmission systems, paired. (R1–R69)

(6) In § 83.321, Working frequencies, Narrow-band direct-printing telegraph and data transmission systems, non-paired. (P1–P28)

(c) Frequencies in the bands between 2 and 27.5 MHz assigned in accordance with this section to a station or a particular vessel will be retained on the license of that station, should the station be relicensed at a later date to a different licensee.

(d) The ship station licensee shall assure that each radiotelegraph ship station authorized to employ frequencies set forth in §§ 83.317 and 83.319 shall be fitted for operation on each of those frequencies which are necessary to provide satisfactory communication over the sea routes traversed, including:

(1) Calling channel series No. 5;

(2) Calling channel series No. 6;

(3) Group calling channel(s) necessary for communication with each national and international public coast radiotelegraph station with which service is needed;

(4) The two A1 Morse working channels designated by the Commission for use by each vessel;

(5) Each group calling channel(s) necessary for communication with each Government coast station with which service is needed;

(6) Other A1 Morse working channels required for working with other ship stations and with public radiotelegraph stations with which service is needed;

(7) Other A1 Morse working channels required for working with Government coast and ship stations; and

(8) Frequencies as necessary to fulfill the safety objectives of Resolution A.283 of the Intergovernmental Maritime Consultative Organization (IMCO).

(e) The ship station licensee shall assure that each radiotelegraph ship station authorized to employ frequencies set forth in §§ 83.318, 83.320, and 83.321 shall be fitted for operation on each of those frequencies which are necessary to provide satisfactory communication over the sea routes traversed, including;

(1) Each of the narrow-band direct-printing (NB–DP) ship station frequencies which are paired with the NB–DP frequencies employed at national or international public coast radiotelegraph stations with which service is needed:

(2) Each of the NB–DP ship station frequencies which are paired with the NB–DP frequencies employed at Government coast stations with which service is needed;

(3) Each of the NB–DP ship station frequencies needed for communication with other ship stations, both Government and non-Government; and

(4) All of the digital selective calling ship station frequencies required to provide full participation with other stations of the maritime mobile service.

9. The present section heading and text of § 83.317 is redesignated § 83.333 and a new § 83.317 is adopted to read as follows:

§ 83.317 Calling frequencies—A1 Morse radiotelegraphy.

(a) Ship radiotelegraph calling frequencies in the bands between 2 and 27.5 MHz are set forth in the seven tables of this section. All of these frequencies are available to all properly authorized ship stations. In paragraphs (c) through (f) of this section the calling frequencies are arranged by Channel Series numbers. The Channel Series which is routinely guarded by coast radiotelegraph stations at United States locations is marked by appropriate footnote. The specific frequencies of the Channel Series which are guarded at a coast station will vary subject to normal propagation conditions. For vessels operating internationally, the calling frequencies which are routinely guarded at coast stations at other than United States locations can be determined by reference to the ITU publication entitled "List of Coast Stations". The world-wide plan for the distribution and use of calling frequencies appears in Appendix 15C and Resolution No. MAR 2–5 to the current edition of the ITU Radio Regulations.

(b) Each ship station licensee authorized to employ A1 More radiotelegraphy on frequencies in the maritime mobile service bands between 4 and 27.5 MHz shall provide capability to operate on the required calling frequencies from among the following:

Channel series	Band						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
1	4180.2	6270.3	8360.4	12540.6	16720.8	22230	25071
2	4180.6	6270.9	8361.2	12541.8	16722.4	22230	25071
3	4181	6271.5	8362	12543	16724	22228	25071
4	4181.4	6272.1	8362.8	12544.2	16725.6	22228	27071
5	4181.8	6272.7	8363.6	12545.4	16727.2	22232	25073
6	4182.2	6273.3	8364.4	12546.6	16728.8	22234	25073
7	4182.6	6273.9	8365.2	12547.8	16730.4	22238	25071
8	4183	6274.5	8366	12549	16732	22238	25071
9	4183.4	6275.1	8366.8	12550.2	16733.6	22236	25071
10	4183.8	6275.7	8367.6	12551.4	16735.2	22236	25071
11	4184.2	6276.3	8368.4	12552.6	16736.8	22242	25075
12	4184.6	6276.9	8369.2	12553.8	16738.4	22242	25075
13	4185	6277.5	8370	12555	16740	22240	25075
14	4185.4	6278.1	8370.8	12556.2	16741.6	22240	25075
15	4185.8	6278.7	8371.6	12557.4	16743.2	22246	25075
16	4186.2	6279.3	8372.4	12558.6	16744.8	22246	25075
17	4186.6	6279.9	8373.2	12559.8	16746.4	22244	25075
18	4187	6280.5	8374	12561	16748	22244	25075

(c) World-wide common channels:

Channel Series 5 (C5): 4181.8, 6272.7, 8363.6, 12545.4, 16727.2, 22232.0, 25073.0 kHz.[1]

Channel Series 6 (C6): 4182.2, 6273.3, 8364.4, 12546.6, 16728.8, 22234.0, 25073.0 kHz.[1]

[1] Routinely guarded by all coast radiotelegraph stations.

[2] Routinely guarded by all east coast radiotelegraph stations.

(d) East Coast:

C1 kHz	C2 kHz	C3 kHz [2]	C4 kHz
4180.2	4180.6	4181.0	4181.4
6270.3	6270.9	6271.5	6272.1
8360.4	8361.2	8362.0	8362.8
12540.6	12541.8	12543.0	12544.2
16720.8	16722.4	16724.0	16725.6
22228.0	22228.0	22228.0	22228.0
22230.0	22230.0	----------	22230.0
25071.0	25071.0	25071.0	25071.0

(e) Gulf Coast, Puerto Rico, and Virgin Islands:

C7	C8	C9 [3]	C10
4182.6	4183.0	4183.4	4183.8
6273.9	6274.5	6275.1	6275.7
8365.2	8366.0	8366.8	8367.6
12547.8	12549.0	12550.2	12551.4
16730.4	16732.0	16733.6	16735.2
22230.0	22226.0	22230.0	22236.0
22238.0	22238.0	----------	22238.0
25071.0	25071.0	25071.0	25071.0

[3] Routinely guarded by all gulf coast radiotelegraph stations.

(f) West Coast, Guam, and Hawaii:

C11	C12	C13 [4]	C11
4184.2	4184.6	4185.0	4185.4
6276.3	6276.9	6277.5	6278.1
8368.4	8369.2	8370.0	8370.8
12552.6	12553.8	12555.0	12556.2
16736.8	16738.4	16740.0	16741.6
22242.0	22240.0	22240.0	22250.0
22242.0	22242.0	----------	22242.0
25075.0	25075.0	25075.0	25075.0

[4] Routinely guarded by all west coast radiotelegraph stations.

(g) American Samoa:

C15	C16	C17	C18
4185.8	4186.2	4186.6	4187.0
6278.7	6279.3	[5] 6279.9	6280.5
8371.6	8372.4	[5] 8373.2	8374.0
12557.4	12558.6	12559.8	12561.0
16743.2	16744.8	16746.4	16748.0
22244.0	22244.0	22244.0	22244.0
22246.0	22246.0	----------	22246.0
25075.0	25075.0	25075.0	25075.0

[5] Routinely guarded.

(h) The frequencies set forth in this paragraph are available for use by any ship station authorized to employ A1 Morse radiotelegraphy. The conditions of use are set forth in Section 83.323 (b) and (c).

Kilohertz	Kilohertz	Kilohertz	Kilohertz
2089.75	----------	2090.50	2091.75
2090	2091.25	2090.75	2092
2090.25	2091.50	2091	2092.25

(i) Initial calls by ship stations shall be made on the appropriate frequencies of Channel Series 3, 9, 13, or 17. Routinely, calls shall not be made on Channel Series 5 or 6 until after calls on the appropriate frequencies of Channel Series 3, 9, 13, or 17 have been unsuccessful.

10. The present section heading and text of § 83.318 are deleted and a new § 83.318 is added to read as follows:

§ 83.318 Digital selective calling frequencies.

(a) The frequencies set forth in the table below are available for use effective June 1, 1977, by ship stations for calls to coast radiotelegraph stations by means of digital selective calling. The associated reply frequencies are also shown.

Ship station transmit to coast (kHz):	Ship station receive from coast (kHz)
4187.6	4357
6281.4	6506
8375.2	8718.5
12562.3	13100
12562.8	13100.5
16749.9	17232
16750.4	17232.5
22248	22595
22248.5	22595.5

(b) When the frequencies specified in paragraph (a) of this section are used for calling by narrow-band direct-printing, the procedures set forth in § 83.329 shall be applicable.

11. The present section heading and text of § 83.319 are deleted and a new § 83.319 is adopted to read as follows:

§ 83.319 Working frequencies—A1 Morse radiotelegraphy.

(a) Ship radiotelegraph working frequencies are set forth in Tables (d) (1) through (d) (6) of this section. The first line in each Series Nos. 1–53, inclusive, indicates the harmonically related assignable carrier frequencies in the 4, 6, 8, 12, and 16 MHz bands. The other frequencies listed: in Series Nos. W1–W53 opposite (a), (b) and (c); all 22 and 25 MHz frequencies; and the frequencies indicated in Series Nos. W54–W62, inclusive, are not necessarily harmonically related.

(b) Two Series Nos. of working frequencies, for example W1 and W31, are assigned to each radiotelegraph ship station. Frequencies from the two Series Nos. assigned to each radiotelegraph ship station should be used for normal working. Other Series Nos., and frequencies therefrom, may be used by a ship station when the frequencies of the two assigned Series Nos. are not adequate.

(c) The transition by ship stations from the A1 Morse radiotelegraph working frequencies set forth in § 83.333 (H1 through H11) and § 83.335 (L1 through L49) to the working frequences set forth in this section (W1 through W62) shall be effected in an orderly manner and shall be completed on or before May 31, 1977. During the interim period prior to June 1, 1977, both the old frequencies (§§ 83.333 and 83.335) and the new frequencies (§ 83.319) are available for use by ship stations. Effective June 1, 1977. §§ 83.333 and 83.335 are deleted.

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
	(d)(1)—KILOHERTZ						
W1	4188.5	6282.7	8377	12565.5	16754	22250.5	25091.5
(a)				12566	16754.5	22251	
(b)			8377.5		16755		
(c)				12566.5	16755.5		
W2	4189	6283.5	8378	12567	16756	22251.5	25092
(a)				12567.5	16756.5	22252	
(b)			8378.5		16757		
(c)				12568	16757.5		
W3	4189.5	6284.2	8379	12568.5	16758	22252.5	25092.5
(a)				12569	16758.5	22253	
(b)			8379.5		16759		
(c)				12569.5	16759.5		
W4	4190	6285	8380	12570	16760	22253.5	25093
(a)				12570.5	16760.5	22254	
(b)			8380.5		16761		
(c)				12571	16761.5		
W5	4190.5	6285.7	8381	12571.5	16762	22254.5	25093.5
(a)				12572	16762.5	22255	
(b)			8381.5		16763		
(c)				12572.5	16763.5		
W6	4191	6286.5	8382	12573	16764	22255.5	25094
(a)				12573.5	16764.5	22256	
(b)			8382.5		16765		
(c)				12574	16765.5		
W7	4191.5	6287.2	8383	12574.5	16766	22256.5	25094.5
(a)				12575	16766.5	22257	
(b)			8383.5		16767		
(c)				12575.5	16767.5		
W8	4192	6288	8384	12576	16768	22257.5	25095
(a)				12576.5	16768.5	22258	
(b)			8384.5		16769		
(c)				12577	16769.5		
W9	4192.5	6288.7	8385	12577.5	16770	22258.5	25095.5
(a)				12578	16770.5	22259	
(b)			8385.5		16771		
(c)				12578.5	16771.5		
W10	4193	6289.5	8386	12579	16772	22259.5	25096
(a)				12579.5	16772.5	22260	
(b)			8386.5		16773		
(c)				12580	16773.5		
	(d)(2)—KILOHERTZ						
W11	4193.5	6290.2	8387	12580.5	16774	22260.5	25096.5
(a)				12581	16774.5	22261	
(b)			8387.5		16775		
(c)				12581.5	16775.5		
W12	4194	6291	8388	12582	16776	22261.5	25097
(a)				12582.5	16776.5	22262	
(b)			8388.5		16777		
(c)				12583	16777.5		

JUN 17 1977 UM

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W13	4194.5	6291.7	8389	12583.5	16778	22262.5	25097.5
(a)				12584	16778.5	22263	
(b)			8389.5		16779		
(c)				12584.5	16779.5		
W14	4195	6292.5	8390	12585	16780	22263.5	25098
(a)				12585.5	16780.5	22264	
(b)			8390.5		16781		
(c)				12586	16781.5		
W15	4195.5	6293.2	8391	12586.5	16782	22264.5	25098.5
(a)				12587	16782.5	22265	
(b)			8391.5		16783		
(c)				12587.5	16783.5		
W16	4196	6294	8392	12588	16784	22265.5	25099
(a)				12588.5	16784.5	22266	
(b)			8392.5		16785		
(c)				12589	16785.5		
W17	4196.5	6294.7	8393	12589.5	16786	22266.5	25099.5
(a)				12590	16786.5	22267	
(b)			8393.5		16787		
(c)				12590.5	16787.5		
W18	4197	6295.5	8394	12591	16788	22267.5	25100
(a)				12591.5	16788.5	22268	
(b)			8394.5		16789		
(c)				12592	16789.5		
W19	4197.5	6296.2	8395	12592.5	16790	22268.5	25100.5
(a)				12593	16790.5	22269	
(b)			8395.5		16791		
(c)				12593.5	16791.5		
W20	4198	6297	8396	12594	16792	22269.5	25101
(a)				12594.5	16792.5	22270	
(b)			8396.5		16793		
(c)				12595	16793.5		

(d)(3)—KILOHERTZ

W21	4198.5	6297.7	8397	12595.5	16791	22270.5	25101.5
(a)				12596	16791.5	22271	
(b)			8397.5		16795		
(c)				12596.5	16795.5		
W22	4199	6298.5	8398	12597	16796	22271.5	25102
(a)				12597.5	16796.5	22272	
(b)			8398.5		16797		
(c)				12598	16797.5		
W23	4199.5	6299.2	8399	12598.5	16798	22272.5	25102.5
(a)				12599	16798.5	22273	
(b)			8399.5		16799		
(c)				12599.5	16799.5		
W24	4200	6300	8400	12600	16800	22273.5	25103
(a)				12600.5	16800.5	22274	
(b)			8400.5		16801		
(c)				12601	16801.5		
W25	4200.5	6300.7	8401	12601.5	16802	22274.5	25103.5
(a)				12602	16802.5	22275	
(b)			8401.5		16803		
(c)				12602.5	16803.5		
W26	4201	6301.5	8402	12603	16801	22275.5	25104
(a)				12603.5	16801.5	22276	
(b)			8402.5		16805		
(c)				12601	16805.5		
W27	4201.5	6302.2	8403	12601.5	16806	22276.5	25104.5
(a)				12605	16806.5	22277	
(b)			8403.5		16807		
(c)				12605.5	16807.5		
W28	4202	6303	8101	12606	16808	22277.5	25105
(a)				12606.5	16808.5	22278	
(b)			8404.5		16809		
(c)				12607	16809.5		
W29	4202.5	6303.7	8405	12607.5	16810	22278.5	25105.5
(a)				12608	16810.5	22279	
(b)			8405.5		16811		
(c)				12608.5	16811.5		
W30	4203	6304.5	8406	12609	16812	22279.5	25106
(a)				12609.5	16812.5	22280	
(b)			8406.5		16813		
(c)				12610	16813.5		

(d)(4)—KILOHERTZ

W31	4203.5	6305.2	8407	12610.5	16814	22280.5	25106.5
(a)				12611	16814.5	22281	
(b)			8407.5		16815		
(c)				12611.5	16815.5		
W32	4204	6306	8408	12612	16816	22281.5	25107
(a)				12612.5	16816.5	22282	
(b)			8408.5		16817		
(c)				12613	16817.5		
W33	4204.5	6306.7	8409	12613.5	16818	22282.5	25107.5
(a)				12614	16818.5	22283	
(b)			8409.5		16819		
(c)				12614.5	16819.5		
W34	4206	6307.5	8410	12615	16820	22283.5	25108
(a)				12615.5	16820.5	22284	
(b)			8410.5		16821		
(c)				12616	16821.5		
W35	4206.5	6308.2	8411	12616.5	16822	22284.5	25108.5
(a)				12617	16822.5	22285	
(b)			8411.5		16823		
(c)				12617.5	16823.5		

Series No.	Bands						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
W26	4206	6309	8412	12618	16824	22285.5	25091.5
(a)				12618.5	16824.5	22286	
(b)			8412.5		16825		
(c)				12619	16825.5		
W37	4206.5	6309.7	8413	12619.5	16826	22286.5	25092
(a)				12620	16826.5	22287	
(b)			8413.5		16827		
(c)				12620.5	16827.5		
W38	4207	6310.5	8414	12621	16828	22287.5	25092.5
(a)				12621.5	16828.5	22288	
(b)			8414.5		16829		
(c)				12622	16829.5		
W39	4207.5	6311.2	8415	12622.5	16830	22288.5	25093
(a)				12623	16830.5	22299	
(b)			8415.5		16831		
(c)				12623.5	16831.5		
W40	4208	6312	8416	12624	16832	22299.5	25093.5
(a)				12624.5	16832.5	22300	
(b)			8416.5		16833		
(c)				12625	16833.5		
W41	4208.5	6312.7	8417	12625.5	16834	22300.5	25094
(a)				12626	16834.5	22301	
(b)			8417.5		16835		
(c)				12626.5	16835.5		
W42	4209	6313.5	8418	12627	16836	22301.5	25094.5
(a)				12627.5	16836.5	22302	
(b)			8418.5		16837		
(c)				12628	16837.5		
W43	4209.5	6,314.2	8419	12628.5	16838	22302.5	25095
(a)				12629	16838.5	22303	
(b)			8419.5		16839		
(c)				12629.5	16839.5		
W44	4210	6315	8420	12630	16840	22303.5	25095.5
(a)				12630.5	16840.5	22304	
(b)			8420.5		16841		
(c)				12631	16841.5		
W45	4210.5	6315.7	8421	12631.5	16842	22304.5	25096
(a)				12632	16842.5	22305	
(b)			8421.5		16843		
(c)				12632.5	16843.5		
W46	4211	6316.5	8422	12633	16844	22305.5	25096.5
(a)				12633.5	16844.5	22306	
(b)			8422.5		16845		
(c)				12634	16, 45.5		
W47	4211.5	6317.2	8423	12634.5	16846	22306.5	25097
(a)				12635	16846.5	22307	
(b)			8423.5		16847		
(c)				12635.5	16847.5		
W48	4212	6318	8424	12636	16848	22307.5	25097.5
(a)				12636.5	16848.5	22308	
(b)			8424.5		16849		
(c)				12637	16849.5		
W49	4212.5	6318.7	8425	12637.5	16850	22308.5	25098
(a)				12638	16850.5	22309	
(b)			8425.5		16851		
(c)				12638.5	16851.5		
W50	4213	6319.5	8426	12639	16852	22250.5	25098.5
(a)				12639.5	16852.5	22251	
(b)			8426.5		16853		
(c)				12640	16853.5		

(d)(6)—KILOHERTZ

W51	4213.5	6320.2	8427	12640.5	16854	22251.5	25099
(a)				12641	16854.5	22252	
(b)			8427.5		16855		
(c)				12641.5	16855.5		
W52	4214	6321	8428	12642	16856	22252.5	25099.5
(a)				12642.5	16856.5	22253	
(b)			8428.5		16857		
(c)				12643	16857.5		
W53	4214.5	6321.7	8429	12643.5	*16858**	22253.5	25100
(a)				12644		22254	
(b)			8429.5		16719		
(c)				12644.5	16707	22254.5	25100.5
W54	4215	6322.5	8430	12645	16707.5	22255	
(a)				12645.5	16708		
(b)			8430.5	12530	16708.5		
(c)				12646	16709	22255.5	25101
W55	4215.5	6323.2	8431	12646.5	16709.5	22256	
(a)				12647	16710		
(b)			8431.5	12530.5	16710.5		
(c)				12647.5	16711	22256.5	25101.5
W56	4216	6324	8432	12648	16711.5	22257	
(a)				12648.5	16712		
(b)			8432.5	12531	16712.5		
(c)				12649	16713	22257.5	25102
W57	4216.5	*6324.7*	8433	12649.5	16713.5	22258	
(a)				12650	16714		
(b)			8433.5	12531.5	16714.5		
(c)				12650.5	16715	22258.5	25102.5
W58	4217		8434	*12651**	16715.5	22259	
(a)				12532	16716		
(b)			8434.5	12532.5	16716.5		
W59	4217.5		*8435**	12528	16717	22259.5	25103
W60	4218		8358.5	12528.5	16717.5	22260	25103.5
W61	4218.5		8359	12529	16718	22260.5	25104
W62	*4219**		8359.5	12529.5	16718.5	22261	25104.5

V 42 N 117 JUN 17 77 UM

12. The present section heading and text of § 83.320 are deleted and a new § 83.320 is adopted to read as follows:

§ 83.320 Working frequencies—narrow-band direct-printing telegraph and data transmission systems—paired.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems—paired with coast station frequencies, for use in the bands between 4 and 23 MHz are set forth in paragraph (d), below. The use of these frequencies is subject to the applicable provisions of Subpart E of this Part and to §§ 83.329 and 83.330.

(b) The transition by ship stations from the narrow-band direct-printing working frequencies set forth in § 83.336 (N1 through N10) to the NB–DP working frequencies set forth in this section (R1 through R69) shall be effected in an orderly manner and shall commence June 1, 1977 and be completed on or before June 30, 1977. During the interim period prior to July 1, 1977, the old frequencies set forth in § 83.336 will be available until July 1, 1977, and the new frequencies set forth in this section will be available commencing June 1, 1977. Effective July 1, 1977, § 83.336 is deleted.

(c) The frequencies set forth in paragraph (d), below, are available for use by radiotelegraph ship stations authorized to employ narrow-band direct-printing. The ship station shall transmit to a coast station on the frequencies which are paired with the Series No. used by the coast station for transmission.

(d) The frequencies set forth in the following table are available for communication by radioteleprinter with coast stations when used in accordance with the technical criteria set forth in § 83.143 and other sections of Subpart E of this part.

Series No.	4 MHz band		6 MHz band		8 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R1	4350	4170.5	6494.5	6256.5	8705	8344
R2	4350.5	4171	6495	6257	8705.5	8344.5
R3	4351	4171.5	6495.5	6257.5	8706	8345
R4	4351.5	4172	6496	6258	8706.5	8345.5
R5	4352	4172.5	6496.5	6258.5	8707	8346
R6	4352.5	4173	6497	6259	8707.5	8346.5
R7	4353	4173.5	6497.5	6259.5	8708	8347
R8	4353.5	4174	6498	6260	8708.5	8347.5
R9	4354	4174.5	6498.5	6260.5	8709	8348
R10	4354.5	4175	6499	6261	8709.5	8348.5
R11	4355	4175.5	6499.5	6261.5	8710	8349
R12	4355.5	4176	6500	6262	8710.5	8349.5
R13	4356	4176.5	6500.5	6262.5	8711	8350
R14	4356.5	4177	6501	6263	8711.5	8350.5
R15			6501.5	6263.5	8712	8351
R16			6502	6264	8712.5	8351.5
R17			6502.5	6264.5	8713	8352
R18			6503	6265	8713.5	8352.5
R19			6503.5	6265.5	8714	8353
R20			6504	6266	8714.5	8353.5
R21			6504.5	6266.5	8715	8354
R22			6505	6267	8715.5	8354.5
R23			6505.5	6267.5	8716	8355
R24					8716.5	8355.5
R25					8717	8356
R26					8717.5	8356.5
R27					8718	8357

	12 MHz band		16 MHz band		22 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R1	13071.5	12491.5	17197.5	16660.5	22561.5	22192.5
R2	13072	12492	17198	16661	22562	22193
R3	13072.5	12492.5	17198.5	16661.5	22562.5	22193.5
R4	13073	12493	17199	16662	22563	22194
R5	13073.5	12493.5	17199.5	16662.5	22563.5	22194.5
R6	13074	12494	17200	16663	22564	22195
R7	13074.5	12494.5	17200.5	16663.5	22564.5	22195.5
R8	13075	12495	17201	16664	22565	22196
R9	13075.5	12495.5	17201.5	16664.5	22565.5	22196.5
R10	13076	12496	17202	16665	22566	22197
R11	13076.5	12496.5	17202.5	16665.5	22566.5	22197.5
R12	13077	12497	17203	16666	22567	22198
R13	13077.5	12497.5	17203.5	16666.5	22567.5	22198.5
R14	13078	12498	17204	16667	22568	22199
R15	13078.5	12498.5	17204.5	16667.5	22568.5	22199.5
R16	13079	12499	17205	16668	22569	22200
R17	13079.5	12499.5	17205.5	16668.5	22569.5	22200.5
R18	13080	12500	17206	16669	22570	22201
R19	13080.5	12500.5	17206.5	16669.5	22570.5	22201.5
R20	13081	12501	17207	16670	22571	22202
R21	13081.5	12501.5	17207.5	16670.5	22571.5	22202.5
R22	13082	12502	17208	16671	22572	22203
R23	13082.5	12502.5	17208.5	16671.5	22572.5	22203.5
R24	13083	12503	17209	16672	22573	22204
R25	13083.5	12503.5	17209.5	16672.5	22573.5	22204.5
R26	13081	12504	17210	16673	22574	22205
R27	13084.5	12504.5	17210.5	16673.5	22574.5	22205.5

	12 MHz band		16 MHz band		22 MHz band	
	Ship receive	Ship transmit	Ship receive	Ship transmit	Ship receive	Ship transmit
R28	13085	12505	17211	16674	22575	22206
R29	13085.5	12505.5	17211.5	16674.5	22575.5	22206.5
R30	13086	12506	17212	16675	22576	22207
R31	13086.5	12506.5	17212.5	16675.5	22576.5	22207.5
R32	13087	12507	17213	16676	22577	22208
R33	13087.5	12507.5	17213.5	16676.5	22577.5	22208.5
R34	13088	12508	17214	16677	22578	22209
R35	13088.5	12508.5	17214.5	16677.5	22578.5	22209.5
R36	13089	12509	17215	16678	22579	22210
R37	13089.5	12509.5	17215.5	16678.5	22579.5	22210.5
R38	13090	12510	17216	16679	22580	22211
R39	13090.5	12510.5	17216.5	16679.5	22580.5	22211.5
R40	13091	11511	17217	16680	22581	22212
R41	13091.5	12511.5	17217.5	16680.5	22581.5	22212.5
R42	13092	12512	17218	16681	22582	22213
R43	13092.5	12512.5	17218.5	16681.5	22582.5	22213.5
R44	13093	12513	17219	16682	22583	22214
R45	13093.5	12513.5	17219.5	16682.5	22583.5	22214.5
R46	13094	12514	17220	16683	22584	22215
R47	13094.5	12514.5	17220.5	16683.5	22584.5	22215.5
R48	13095	12515	17221	16684	22585	22216
R49	13095.5	12515.5	17221.5	16684.5	22585.5	22216.5
R50	13096	12516	17222	16685	22586	22217
R51	13096.5	12516.5	17222.5	16685.5	22586.5	22217.5
R52	13097	12517	17223	16686	22587	22218
R53	13097.5	12517.5	17223.5	16686.5	22587.5	22218.5
R54	13098	12518	17224	16687	22588	22219
R55	13098.5	12518.5	17224.5	16687.5	22588.5	22219.5
R56	13099	12519	17225	16688	22589	22220
R57	13099.5	12519.5	17225.5	16688.5	22589.5	22220.5
R58			17226	16689	22590	22221
R59			17226.5	16689.5	22590.5	22221.5
R60			17227	16690	22591	22222
R61			17227.5	16690.5	22591.5	22222.5
R62			17228	16691	22592	22223
R63			17228.5	16691.5	22592.5	22223.5
R64			17229	16692	22593	22224
R65			17228.5	16692.5	22593.5	22224.5
R66			17230	16693	22594	22225
R67			17230.5	16693.5	22594.5	22225.5
R68			17231	16694		
R69			17231.5	16694.5		

13. The present Section heading and text of § 83.321 are deleted and a new § 83.321 is adopted to read as follows:

§ 83.321 Working frequencies—narrow-band direct-printing telegraph and data transmission systems—non-paired.

(a) Ship radiotelegraph working frequencies—narrow-band direct-printing telegraph and data transmission systems—non-paired with coast station frequencies, for use in the bands between 4 and 25.5 MHz are set forth in paragraph (b), below. The frequencies are available for use by radiotelegraph ship stations authorized to employ narrow-band direct-printing and are subject to the applicable provisions of Subpart E of this Part and to §§ 83.329 and 83.330.

(b)

	Narrow-band Direct-printing—Nonpaired						
	4 MHz	6 MHz	8 MHz	12 MHz	16 MHz	22 MHz	25 MHz
P1	4177.5	6268	8297.6	12520	16695	22226	25076.3
P2	4178	6268.5	8298.1	12520.5	16695.5	22226.5	25076.8
P3	4178.5	6269	8298.6	12521	16696		25077.3
P4	4179	6269.5	8299.1	12521.5	16696.6		25077.8
P5	4179.5		8299.6	12522	16697		25078.3
P6			8357.5	12522.5	16697.5		25078.8
P7				12523	16698		25079.3
P8				12523.5	16698.5		25079.8
P9				12524	16699		25080.3
P10				15244.5	16699.5		25080.8
P11				12525	16700		25081.3
P12				12525.5	16700.5		25081.8
P13				12526	16701		25082.3
P14				12526.5	16701.5		25082.8
P15					16702		25083.3
P16					16702.5		25083.8
P17					16703		25084.3
P18					16703.5		25084.8
P19					16704		25085.3
P20					16704.5		25085.8
P21					16705		25086.3
P22					16705.5		25086.8
P23							25087.3
P24							25087.8
P25							25088.3
P26							25088.8
P27							25089.3
P28							25089.8

(c) The frequencies set forth in paragraph (b) of this section are available for use by ship stations effective July 16, 1977.

14. In § 83.324, paragraph (d) is deleted and designated "reserved"; and paragraph (e) is amended to read as follows:

§ 83.324 Frequencies for working.

* * * * * *

(d) [Reserved]

(e) Working frequencies in the band 2 to 27.5 MHz are listed in § 83.319. Frequencies in the band 2065–2107 kHz are not available for assignment to aircraft.

* * * * * *

15. The present section heading and text of § 83.328 are deleted and a new § 83.328 is adopted to read as follows:

§ 83.328 A1 Morse radiotelegraph operating procedure.

(a) Except for the transmission of distress or urgency signals, all transmission from stations on board ship must cease within the band 485–515 kHz during each 500 kilohertz silence period, i.e., for three minutes twice an hour beginning at x h. 15 and x h. 45, Greenwich mean time.

(b) In order to facilitate radiotelegraph communication in the maritime mobile service, all ship stations transmitting by means of telegraphy shall, whenever practicable, use the service abbreviations ("Q" signals) listed in Appendix 13A to the ITU Radio Regulations.

(c) Before transmitting a ship station shall take precautions to ensure that its emissions will not interfere with transmissions already in progress; if such interference is likely, the station shall await an appropriate break in the communications in progress. This requirement does not apply to stations where unattended operation is possible through automatic means on frequencies dedicated to narrow-band direct-printing.

(d) In order to reduce interference, ship stations shall, within the means at their disposal, endeavour to select for calling the band with the most favorable propagational characteristics for effecting reliable communication. In the absence of more precise data, a ship station shall, before making a call, listen for the signals of the station with which it desires to communicate. The strength and intelligibility of such signals are useful as a guide to propagational conditions and indicate which is the preferable band for calling.

(e) Method of calling. The call consists of: (1) The call sign of the station called, not more than twice; the word "DE"; the call sign of the calling station, not more than twice; if useful, the frequency on which the called station should reply; and the letter "k".

(2) When the calling station has more than one radiotelegram to transmit to the station called, the service abbreviation followed by the figure giving the number of such telegrams (i.e., "QTC2"), should precede the letter "k".

VAN PELT JUN 17 77 UM

line feed; "DIRTLX"; telex destination

(3) For normal calling, the call may be transmitted twice at an interval of not less than one minute; thereafter it shall not be repeated until after an interval of three minutes.

(4) A ship station calling a coast station in any of the frequency bands allocated to the maritime mobile service between 4 and 27.5 MHz shall use one of the frequencies set forth in § 83.317.

(f) Method of reply. The reply to calls consists of: The call sign of the calling station, not more than twice; the word "DE"; and the call sign of the station called, once only.

(g) In addition to compliance with all applicable sections of this part, the operation of ship stations using radiotelegraphy shall comply with the applicable provisions of Article 39 of the ITU Radio Regulations.

16. The present section heading and text of § 83.329 are deleted and a new § 83.329 is adopted to read as follows:

§ 83.329 Calling by Narrow-band direct-printing.

(a) Until such time as a digital selective calling system and associated procedures have been agreed upon and adopted into the ITU Radio Regulations, ship stations employing narrow-band direct-printing (NB–DP) may, effective June 1, 1977, use the frequencies designated in § 83.318 to call United States coast radiotelegraph stations.

(b) Where it is known that the coast station maintains a watch on other frequencies for ship station calls by NB–DP, the ship station should make its initial NB–DP call on those frequencies.

(c) Calls to a coast station or other ship station shall employ the following format: Coast station identification number, repeated twice; "DE", sent once; and ship station selective call number, repeated twice.

(d) When the coast station does not reply to a call sent three times at intervals of two minutes, the calling shall cease and shall not be renewed until after an interval of fifteen minutes.

17. The present section heading and text of § 83.330 is redesignated § 83.340 and a new § 83.330 is adopted to read as follows:

§ 83.330 Narrow-band direct-printing operating procedure.

(a) The procedures set forth in this section shall be used, except in cases of distress, urgency or safety, when communicating by means of narrow-band direct-printing (NB–DP) radiotelegraphy with a coast radiotelegraph station or with other ship stations. In that regard:

(1) Traffic may be exchanged with or without the use of error-correcting equipment.

(2) For communication between two stations, the ARQ mode should be used when available.

(3) For transmissions from one coast station or ship station to two or more other stations, the forward-error-correcting mode should be used when available.

(4) Information regarding the services provided by each station open to public correspondence is indicated in the I.T.U. List of Coast Stations and in the List of Ship Stations, together with information on charging.

(b) Calls to coast stations shall normally be made by radioteleprinter on the NB–DP frequencies on which the coast station maintains a watch.

(1) The transmit frequencies and frequencies on which coast stations maintain a watch are indicated in the List of Coast Stations.

(2) When using (paired) frequencies set forth in § 83.320, the ship station shall employ the ship station frequencies paired with the frequencies in use by the coast station, that is, when the coast station employs, for example, Series No. 1, the ship station shall also employ Series No. 1. Cross-band operation between a coast station on, for example, Series No. 1 and a ship station on, for example, Series No. 14 is prohibited.

(3) When using (non-paired) frequencies set forth in § 83.321, the coast station will transmit on one of the frequencies set forth in § 81.206.

Special arrangements may be made between ship stations, or shipping companies, and coast stations for the use of specific frequencies.

(c) As an exception to the procedure specified in paragraph (b), above, under other than normal circumstances, ship stations may call coast stations on A1 Morse radiotelegraphy calling frequencies, shift to A1 Morse radiotelegraphy working frequencies, and complete arrangements for setting up a NB–DP circuit.

(1) The routine use of A1 Morse radiotelegraph frequencies for the setting up of a NB–DP circuit with United States coast stations is not authorized: *Provided, however,* That A1 Morse radiotelegraph frequencies may be used by a ship station to set up a NB–DP circuit when efforts to establish the circuit on NB–DP frequencies has proven unsuccessful.

(d) In calling the coast station by NB–DP, the ship station shall use the coast station indentification number (4 digits) and effect self-identification by the use of the ship station selective call number (5 digits).

(e) When both terminals of the NB–DP circuit are satisfied that the circuit is in operable condition, the ship station shall indicate by the following procedure, prior to transmission of the message preamble, which of two modes are to be used in the exchange of traffic:

(1) Conversational mode, where the stations concerned are connected directly either automatically or under manual control; or

(2) Store-and-forward mode, where traffic is stored at the coast station until the circuit to the called station can be set up, either automatically or under manual control.

(3) When the conversational mode is selected, this shall be supplied to the receiving station by transmission of the following: One carriage return and one code (2 or 3 numbers). (See CCITT, Geneva 1972, Annex to Recommendation F69); the land subscribers telex number; and "+", indicating end of sequence.

(4) When the store-and-forward mode is selected, this shall be supplied to the receiving station by transmission of the following: One carriage return and one line feed; "TLX"; telex destination code (2 or 3 numbers). (See CCITT, Geneva 1972, Annex to Resolution F69); the land subscribers telex number; and "+", indicating end of sequence.

(f) Following completion of the procedure set forth in subparagraphs (e) (3) or (e) (4), above, the message preamble shall be transmitted as follows: Serial number or number of the message; the name of the office of origin; the number of words; the date of handing in of the message; the time of handing in of the message; and any service instructions. (See CCITT, Geneva 1972, section 6 of the General provisions applying to all methods of working.)

(g) Upon completion of transmission of the preamble, the address, text, and signature shall be transmitted as received from the sender.

(h) Upon completion of transmission of the signature, the transmitting station shall, following the signal "COL," routinely repeat all service indications in the address and for figures or mixed groups of letters, figures, or signs in the address, text or signature.

(i) In telegrams of more than 50 words, routine repetition shall be given at the end of each page.

(j) The provisions of paragraphs (f) through (i) of this section may or not, at the discretion of the user, be utilized when a direct connection between ship station and addressee is employed.

APPENDIX 2

Effective July 18, 1977, the following type transmitters are not available for use for radiotelegraphy aboard a ship station:

(1) As a transmitter to be installed initially aboard a new ship; or

(2) As a transmitter to be installed to replace an existing transmitter.

Manufacturer	Basic type No.	Remarks
TT Mackay Marine Division, Mackay Radio & Telegraph Co.	156 167 2003 2006 2013	(1)
RCA Corp.	ET-8019 ET-8023 ET-8029 ET-8062 ET-8063 ET-8065	(1)
Radiomarine Corp.	ET-8095 CRM-T1A-1000 CRM-T1B-1000 CRM-T1C-1000	(1)

[1] A number of grants have been made for type acceptance of modifications of the basic transmitter. Each modification granted retained the basic identification number (for example 2013), but added suffix letters, or a combination of letters and numbers (for example, 2013AP 2013AP1, 2013BP, 2013BP1, etc.). Withdrawal of authority, under the conditions specified above, is applicable to all transmitters the identification of which includes the basic type number listed. Such transmitters which were licensed and in use aboard ship prior to July 18, 1977 may continue to be used when modified to meet the frequency tolerance specified in sec. 83.131 and operate on the frequencies below 22,720 kHz as set forth in secs. 83.317 and 83.319.

[FR Doc.77-16732 Filed 6-16-77;8:45 am]

federal register

FRIDAY, JUNE 17, 1977

PART III



DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

Definition of Terms and Regulations

V 42 N 117 JUN 17 77 UM

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—ANIMAL WELFARE

PART 1—DEFINITION OF TERMS

PART 2—REGULATIONS

Health Certification, C.O.D., Minimum Age, Recordkeeping, Annual Reports Required of Research Facilities, and Certain Other Governmental Instrumentalities, and Other Requirements for Certain Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) is amending the regulations under the Animal Welfare Act concerning health certification, minimum age, and C.O.D. shipments of certain animals transported in commerce. APHIS is also amending the regulations under the Animal Welfare Act concerning recordkeeping requirements, annual reports required of certain facilities, departments, agencies and instrumentalities which use animals in research, and the definitions contained in the regulations. Such amendments to the regulations are authorized by the Animal Welfare Act or required by the Animal Welfare Act Amendments of 1976, to assure the humane care, treatment and transportation of certain animals.

EFFECTIVE DATE: September 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. (301–436–8271).

SUPPLEMENTARY INFORMATION: On March 15, 1977, APHIS published proposed new and revised regulations under the Animal Welfare Act (42 FR 14126). This rule amends Parts 1 and 2 of Subchapter A, Chapter 1, Title 9, Code of Federal Regulations to (1) require persons required to be licensed or registered under the Act and Federal, State and local governmental agencies or instrumentalities to provide a health certificate by a licensed veterinarian for live dogs, cats, or nonhuman primates presented to any carrier or intermediate handler for transportation in commerce, (2) require a minimum age of eight (8) weeks be established for dogs and cats presented by any person to any carrier or intermediate handler for transportation, in commerce, except to registered research facilities, (3) require all C.O.D. type arrangements for shipping animals in commerce by any intermediate handler or carrier to be prohibited unless, the consignor guarantees in writing, payment of all transportation costs, including any return transportation and any other incidental or out-of-pocket expense for any animals shipped in commerce by any intermediate handler or carrier, (4) change recordkeeping requirements for dealers, exhibitors, research facilities, and operators of auction sales to allow the flexibility of using their systems of recordkeeping, (5) to change and clarify the annual reporting requirements for research facilities and certain governmental instrumentalities and the responsibilities of the institutional committee and attending veterinarian, (6) amend definitions in the regulations to conform with the Animal Welfare Act Amedments of 1976, (7) add certain new definitions, and (8) rearrange the definitions in an appropriate order of associated subjects.

A total of 59 comments were received within the comment period in response to the proposed changes. Many of the comments received raised questions or made suggestions which because of their validity, warranted a number of changes from the proposed regulations.

DISCUSSION OF COMMENTS

HEALTH CERTIFICATES

APHIS proposed health certification for certain live dogs, cats, and nonhuman primates which are delivered to an intermediate handler or carrier for transportation in commerce by any dealer, research facility, exhibitor, operator of an auction sale or any department, agency, or instrumentality of the United States or any State or local government. Several comments were received as to why all persons were not required to provide a health certificate for live dogs, cats, and nonhuman primates presented for transportation in commerce. Section 10 of the Animal Welfare Act Amendments of 1976 (Pub. L. 94–279) which added dealers, inter alia, a new subsection (b) to section 13 of the Act (7 U.S.C. 2143) only requires dealers, research facilities, exhibitors, operators of auction sales and departments, agencies or instrumentalities of the United States or of any State or local governments to provide health certificates issued by a licensed veterinarian. The certificate must be provided by such parties with the delivery of any live dog, cat, or additional kinds or classes of animals designated by the Secretary, to any intermediate handler or carrier for transportation in commerce. Such section gives the Secretary authority to name additional kinds and classes of animals which require health certification, but no authority to require such health certification from other than those persons named.

APHIS proposed a form for the required health certification and identified such form as the USDA Individual Health Certificate and Identification Form (VS Form 18–1). A majority of the comments received criticized the proposed VS Form 18–1 because it was limited to the health certification of only one animal at a time and would create additional costs for shipment of certain animals by carriers or intermediate handlers. This inflationary cost was attributed to the additional time required of a licensed veterinarian to complete and execute a health certification form for each animal presented to a carrier or intermediate handler for transportation in commerce. Carriers also complained that such an individual health certificate would increase the quantity of paperwork processed and filed and would create additional labor and overhead costs.

APHIS believes it important to offer forms which may be used at a minimal cost for health certification as well as for identification of animals and recordkeeping by persons subject to the Act. Therefore, APHIS will offer two new forms for the required health certification which may also be used for recordkeeping purposes. The forms are the USDA Individual Health Certificate and Identification Form (VS Form 18–1) and the USDA Multianimal Health Certificate and Identification Form (VS Form 18–2).

C.O.D.

APHIS proposed that no C.O.D. type arrangement be used in the transportation of animals by intermediate handlers or carriers in commerce unless the consignor guarantees, in writing, the payment of all transportation costs, including any return transportation and any other incidental or out-of-pocket expenses involved for the care, feeding and storage or housing of the animal if the consignee fails to accept delivery of the shipment within 48 hours of notification of the arrival of the animal. It was further proposed that the intermediate handler or carrier must return to the consignor, or to his designee, any C.O.D. animal shipment not claimed within 48 hours after notice to the consignee of the animal's arrival at destination.

Several comments were received which viewed the 48 hours claim period for C.O.D. shipments of animals as excessive. However, the provisions of the Animal Welfare Act Amendments of 1976 (Pub. L. 94–279) concerning C.O.D. shipments specifically provide for a period of 48 hours after notice to the consignee of the arrival of an animal, for the consignee to claim the animal. APHIS therefore, cannot provide for less than a 48 hour claim period.

A maximum period of 24 hours was proposed for consignee notification of C.O.D. animal shipments. It was also proposed that the intermediate handler or carrier at destination be required to attempt to notify the consignee of a C.O.D. animal shipment at least every 6 hours after their arrival at destination for a maximum period of 24 hours. Thereafter, if the consignee cannot be located, the animal or animals involved would be required to be returned to the consignor or such other person designated by the consignor.

Comments received have indicated some confusion as to the meaning of the term "at destination", used in connection with C.O.D. live animal shipments as it relates to the carrier or intermediate handler initiating the consignee notification procedure. To clarify this problem, the phrase "at the animal holding area of the terminal cargo facility" has been substituted for the phrase "at destination" in § 2.80(b) of the regulations. This change clarifies the point in time at which the 24-hour notification period of the consignee shall begin following the arrival of C.O.D. animal shipments.

One commenter also suggested that a record of attempted consignee notifications relative to C.O.D. live animal shipments be required. The language of the proposed regulations does not clearly reflect the intent of APHIS with respect to this matter. However, it is the intent that such records of notification and attempts to notify consignees be made and kept. Without such information, it would be virtually impossible to establish whether or not compliance with the provision has occurred. Therefore, the regulations are amended specifically to require records of attempted notifications of and the final notification to consignees of C.O.D. shipments of animals.

Furthermore, comments regarding § 280(b) of the proposed regulations, indicate a need to clarify the phrase, "form accompanying the C.O.D. shipment." Therefore, the words "shipping document" are being substituted for the word "form." The term "shipping document," which is the airbill, waybill, or other similar document, specifically designates the form on which the time, date, method, and identity of the person attempting notification and the final notification, if accomplished, to the consignee shall be recorded. Such information shall also appear on the copy of the shipping document retained by the carrier or intermediate handler at destination.

Several comments were received which expressed a desire for more immediate initiation of notification to the consignee of the arrival of C.O.D. live animal shipments so as to expedite pickup of the animal. They argued that such a procedure would minimize lengthy storage of such animals at destination. APHIS recognizes the validity of these comments; however, the regulations in indicating that the carrier or intermediate handler shall attempt to notify the consignee at least once every 6 hours does allow immediate notification to occur. Available information indicates that carriers and intermediate handlers, in a very competitive effort to provide the best service available to the customer, notify the consignee of live animal shipments as soon as possible, usually in far less than 6 hours. In the absence of information which would indicate that past notification practices of the carriers and intermediate handlers has been cause for animal suffering, the APHIS finds no basis to change the notification requirements for C.O.D. shipments.

RECORDKEEPING

The Amendments to the Act deleted the requirements that records be maintained on forms supplied by the Secretary, and the proposed regulations require that records for dealers, exhibitors, research facilities and operators of auction sales be kept by one of three alternative methods: The first would be to utilize records created and used by such dealer, exhibitor, research facility, or operator of an auction sale unless they do not contain the information required by the regulations; the second would allow any such person who handles dogs and cats to continue using current forms which are supplied by the Secretary; and the third would provide for the use of new forms which are also being developed for health certification.

It was proposed that specific information, similar to that required on VS Form 18–5 and 18–6, revised, for dogs and cats, and similar to that required on VS Forms 18–19 and 18–20 for animals other than dogs and cats, must be maintained by dealers, exhibitors, research facilities, and operators of auction sales. One comment was received indicating confusion about requisite information relative to birth dates of dogs and cats, as required in proposed §§ 2.75(a)(1)(ii) and 2.75(a)(1)(iv)(C), as opposed to the approximate age of such animals. It appears that the date of birth of some animals may not be known; in such instances a statement of the approximate age of the animal will be sufficient. Accordingly, reference to the dates of birth in § 2.75(a)(1)(ii) is deleted and the term "if known" is added in § 2.75(a)(1)(iv)(C) to follow the phrase "the date of birth."

An additional comment was received regarding the making, keeping and maintenance of records and information by dealers, exhibitors, and research facilities concerning each dog or cat purchased or otherwise acquired or sold or otherwise disposed of, as related specifically to identifying the method of transportation utilized to transport such dog or cat (reference §§ 2.75(a)(1)(v) and 2.76(b)(c)). Since the expeditious transportation of dogs and cats in commerce may require the use of several different carriers and intermediate handlers, unknown to the shipper at the time of consignment of such animals, commenters argued that the dealer, exhibitor, or research facility should only be required to identify the initial carrier or intermediate handler to whom the shipment was consigned. Comments received also indicate a need to clarify the requirements for identification of privately owned conveyances used by dealers, exhibitors, and research facilities to transport dogs and cats. APHIS recognizes these arguments as sound and will require in §§ 2.75(a)(1)(v) and 2.76(b)(3) that only the initial carrier or intermediate handler to whom a shipment of animals is consigned be named, and that if a privately owned conveyance is used to transport animals, that only the name of the owner of the vehicle need be indicated.

USDA licensees and registrants commented that the required disclosure of the name and address of the person from whom dogs or cats or other animals were purchased or otherwise acquired on the copy of the record which accompanies the shipment of such animal sold or otherwise disposed of by a dealer, exhibitor, or research facility is unlawful disclosure of proprietary information.

Such disclosure reveals the sources of animals to competitors and the purchaser; thus allowing the customer to circumvent the USDA licensee or registrant and deal directly with the source of such animals. The Department has access to a licensee's or registrant's records to obtain such information and agrees that disclosure of the source of dogs and cats or other animals to a purchaser is not necessary to effectuate the purposes of the Act. Sections 2.75(a)(4), 2.75(b)(3), 2.76(d) and 2.77(b) therefore, include a provision which does not require that the source and date of acquisition of dogs, cats, or other animals appear on the copy of a record accompanying shipments of animals.

DISPOSITION OF RECORDS

Comments from dealers and air carriers were critical of the proposed requirement in § 2.81(a) that dealers, research facilities, exhibitors, operators of auction sales, carriers and intermediate handlers be required to keep and maintain records in connection with the requirements of the regulations and standards for a period of 2 years. The criticism is based on the undue burden created by the quantity of records accumulated and the cost involved in maintaining such quantities of accumulated records, e.g. storage equipment and space.

APHIS recognizes the validity of these arguments and also now believes that the need for keeping records in excess of one year for purposes of documenting alleged violation cases has generally proven to be unnecessary. Therefore, the regulations require records, documents, or other papers to be maintained and kept for only one year unless the Deputy Administrator notifies in writing, the person subject to the Act that specified records be retained in excess of one year pending completion of an investigation or proceeding under the Act.

MINIMUM AGE REQUIREMENTS

Many comments were received concerning the proposal that any live dog or cat delivered by any person (including private owners) to any carrier or intermediate handler for transportation in commerce shall be at least eight weeks of age and have been weaned for a period of at least five days. There was no disagreement with the meaning requirement of the proposal.

Many commenters urged the Department to increase the minimum age requirement for puppies to ten weeks and in some instances, up to twelve weeks. Some people based such comments on data which purported to show that physical and psychological stress applied to a puppy around eight weeks of age may have long lasting effects on the temperament of the dog. However, scientific data also indicates that a puppy's familiari-

V 42 PH 7
JUN 17 77
UM

zation with the environment and association with man occurs between five and eight weeks of age and that this conditioning to the normal environment determines the animal's ability to function in its adult environment. No scientific information or data is currently available which shows that the normal stress resulting from the shipment of an eight week old puppy adversely affects its temperament, either as a puppy or an adult dog.

The other comments received urging a higher minimum age requirement for puppies were based upon the opinion of that the population explosion of dogs could be curbed if puppies were not allowed to be transported from the producer to pet shops during the "cute and desirable" age which generally is less than ten to twelve weeks of age. The fact that the problem of overpopulation of dogs may be curbed if puppies were not allowed to be transported to pet ships during their "cute and desirable age" is not within the Secretary's discretion under the Act, and, therefore, such comments cannot be considered in establishing the minimum age requirement.

Some commenters argued that minimum age requirements should be established on the basis of the individual breed of dog's maturity capability, e.g., larger breeds of dogs such as Saint Bernards and others could be transported at an earlier age (six weeks), while small breeds of dogs such as the Chihuahua and others should not be subjected to transportation in commerce before ten weeks of age. However, there is insufficient information and data available upon which to categorize all breeds of dogs in such a scheme and it would not take into consideration unrecognized breeds of dogs, cross breed, and dogs of varied and unknown heredity.

One commenter suggested that certain breeds of dogs can be shipped in commerce at six weeks of age if the expected adult weight will be twenty pounds or more; therefore, no puppies will be shipped under eight weeks of age unless they weigh two and one-half pounds, each. Minimum age requirements which would be based on breed identification, age, and weight would appear to create a very complicated situation requiring the receiving employee of the carrier or intermediate handler accepting dogs for transportation in commerce to be able to recognize breeds, ascertain ages, and compute individual animal weights. The administrative and enforcement problems of such a system, both to the Department and to carriers and intermediate handlers, militate against its adoption.

Available information also indicates that major producers of puppies already observe the eight week minimum age requirement within their industry and that many States have regulations which prohibit dogs and cats less than eight weeks of age from entering their States.

Although there was a divergence of opinions expressed regarding the minimum age requirement for dogs, there was a general consensus of opinion that eight weeks is an acceptable minimum age for transportation of cats by a carrier or intermediate handler.

While APHIS has decided to adopt an eight week minimum age requirement for dogs and cats delivered to any carrier or intermediate handler for transportation in commerce at this time, we will consider amending such minimum age requirements as additional information and data becomes available.

ANNUAL REPORT OF RESEARCH

The proposed regulations would require that each segment of a research facility or department, agency, or instrumentality of the United States using or intending to use live animals in research, testing, or experimentation under an attending veterinarian or institutional committee submit an annual report. One comment was received which indicated that consolidation of individual unit reports by a research facility or department, agency or instrumentality of the United States would provide a single point of contact at which data from widely separated units of the facility could be assembled and consolidated for submission of one annual report.

While this procedure may have its benefits, APHIS has learned from past experience that such benefits are far exceeded by its detriments. Such a consolidated annual report requires certification by an attending veterinarian or institutional committee. No one veterinarian or institutional committee is likely to have the requisite personal knowledge of all of the research, testing or experimentation conducted by each such individual unit of the facility and the care and treatment of the animals used, including whether or not appropriate anesthetics, analgesics, and tranquilizing drugs were used, to make such certification. Therefore, the certification of such a consolidated annual report would have to be done on the assumption that such procedures as required were followed or upon the assurances of others who may or may not have such knowledge or be qualified to make such determinations, that such required procedures were followed. In either case, there would be no way for APHIS to ascertain whether or not there was actual compliance with the Act, regulations, and standards at each individual unit of a facility, nor whether such report actually covered all such individual units of a facility.

Furthermore, requiring the actual attending veterinarian or institutional committee of each individual unit to sign the annual report covering such unit assures that their recommendations as to the appropriate care and treatment required for such animals at each such unit will be followed since the failure to do so will mean that such attending veterinarian or institutional committee cannot certify the annual report for such unit as required.

No other comments were received with respect to any other matter contained in the proposal.

Accordingly, Parts 1 and 2 of Subchapter A, Chapter 1, Title 9, of the Code of Federal Regulations are amended in the following respects:

1. § 1.1 is amended to read as follows:

§ 1.1 Definitions.

For the purpose of this subchapter, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Act of August 24, 1966 (Pub. L. 89–544), commonly known as the Laboratory Animal Welfare Act, as amended by the Act of December 24, 1970 (Pub. L. 91–579), the Animal Welfare Act of 1970, and the Act of April 22, 1976 (Pub. L. 94–279), the Animal Welfare Act Amendments of 1976.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States or his representative who shall be an employee of the Department.

(d) "Administrator" means Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other official of the Animal and Plant Health Inspection Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(e) "Veterinary Services" means the office of the Animal and Plant Health Inspection Service to which is assigned responsibility for the performance of functions under the Act.

(f) "Deputy Administrator" means the Deputy Administrator for Veterinary Services or any other official of Veterinary Services to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(g) "Veterinarian in Charge" means a veterinarian of Veterinary Services who is assigned by the Deputy Administrator to supervise and perform the official work of Veterinary Services in a given State or States. As used in Part 2 of this subchapter, the Veterinarian in Charge shall be deemed to be the one in charge of the official work of Veterinary Services in the State in which the dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale has his principal place of business.[2]

(h) "Veterinary Services representative" means any inspector or other person employed full time by the Department who is responsible for the performance of the function involved.

(i) "Licensed veterinarian" means a doctor of veterinary medicine who has a valid license to practice veterinary medicine in any State.

(j) "State" means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

(k) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(l) "Dog" means any live or dead dog (*Canis familiaris*).

(m) "Cat" means any live or dead cat (*Felis catus*).

(n) "Animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or any other warmblooded animal, which is domesticated or raised in captivity or which normally can be found in the wild state, and is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet. Such term excludes birds, aquatic animals, rats and mice, and horses and other farm animals, such as, but not limited to, livestock or poultry, used or intended for use as food or fiber, or livestock, or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs, including those used for hunting, security, or breeding purposes.

(o) "Farm animal" means any warmblooded animal (other than a dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, or rabbit) normally raised on farms in the United States and used or intended for use as food or fiber.

(p) "Wild state" means living in its original, natural condition; not domesticated.

(q) "Nonhuman primate" means any nonhuman member of the highest order of mammals, including prosimians, monkeys, and apes.

(r) "Commerce" means trade, traffic, transportation, or other commerce—(1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia; or (2) which affects trade, traffic, transportation, or other commerce described in (1).

(s) "Research facility" means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that: (1) purchases or transports live animals in commerce, or (2) receive funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments. *Provided, however,* That a "research facility" shall not include any such school, institution, organization, or person that does not use or intend to use live dogs or cats and which is exempted by the Administrator, upon application to him in specific cases and upon his determination that such exemption does not vitiate the purpose of the Act, except that the Administrator will not exempt any school, institution, organization, or person that uses substantial numbers of live animals the principal function of which school, institution, organization, or person is biomedical research or testing.[3]

(t) "Dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes, except that this term does not include—

(i) A retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer; or

(ii) Any person who does not sell or negotiate the purchase or sale of any wild animal, dog, or cat, and who derives no more than $500 gross income from the sale of other animals during any calendar year.

(u) "Retail pet store" means any retail outlet where animals are sold only as pets at retail. Those species from the wild state (e.g. primates, anteaters, and ocelots) and which as adults in captivity require special conditions to provide safety in handling to either humans or the subject animals shall not be considered as pet animals.

(v) "Operator of an auction sale" means any person who is engaged in operating an auction at which animals are purchased or sold, in commerce.

(w) "Exhibitor" means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary in specific instances, and such term includes carnivals, circuses, animal acts, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary in specific instances.

(x) "Licensee" means any person licensed pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(y) "Class 'A' dealer" means a dealer whose business involving animals includes only those animals that he breeds and raises as a closed or stable colony and those animals that he acquires for the sole purpose of maintaining or enhancing his breeding colony.

(z) "Class 'B' dealer" means any dealer who does not meet the definition of a Class "A" dealer.

(aa) "Class 'C' licensee" means any exhibitor subject to the licensing requirements.

(bb) "Intermediate handler" means any person, including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, or any person excluded from the definition of a dealer, research facility, exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce.

(cc) "Carrier" means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire.

(dd) "Registrant" means any research facility, carrier, intermediate handler, or exhibitor registered pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(ee) "Attending veterinarian" means a person who has graduated from a veterinary school accredited by the American Veterinary Medical Association's Council on Education or has a certificate issued by the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates and who is responsible for evaluating the type and amount of anesthetic, analgesics, and tranquilizing drugs used on animals during actual research, testing, or experimentation where appropriate to relieve all unnecessary pain and distress in the subject animals.

(ff) "Standards" means the requirements with respect to the humane handling, care, treatment, and transportation of animals by dealers, exhibitors, research facilities, carriers, intermediate handlers, and operators of auction sales as set forth in Part 3 of this subchapter.

(gg) "Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch.

(hh) "Housing facility" means any room, building, or area used to contain a primary enclosure or enclosures.

(ii) "Sanitize" means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

(jj) "Ambient temperature" means the temperature surrounding the animal.

(kk) "Euthanasia" means the humane destruction of an animal accomplished by a method which produces instantaneous unconsciousness and immediate death without visible evidence of pain or distress, or a method that utilizes anesthesia produced by an agent which cause painless loss of consciousness, and death following such loss of consciousness.

(ll) "Nonconditioned animals" means animals which have not been subjected to special care and treatment for sufficient time to stabilize and, where neces-

[2] The name and address of the Veterinarian in Charge in the State concerned can be obtained by writing to the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782.

[3] A list of such exempted schools institutions, organizations, or persons shall be published periodically by Veterinary Services in the FEDERAL REGISTER. Such lists may also be obtained upon request from the Veterinarian in Charge.

V 42 N 117 JUN 17 77 UM

sary, to improve their health to make them more suitable for research purposes.

(mm) "Weaned" means that an animal has become accustomed to take solid food, and has so done, without nursing, for a period of at least five (5) days.

(nn) "Dwarf hamster" means any species of hamster, such as the Chinese and Armenian species, whose adult body size is substantially less than that attained by the Syrian or Golden species of hamsters.

(oo) "Handling" means petting, feeding, manipulation, crating, shifting transferring, immobilizing, restraining, treating, training, working or performing any similar activity with respect to any animal.

(pp) "Business year" means a 12-month period during which business is conducted, either on a calendar or fiscal year basis.

2. The Table of Contents cited in Part 2—Regulations is amended to read as follows:

Sec.
2.1 Application.
2.2 Acknowledgement of standards.
2.3 Demonstration of compliance with standards.
2.4 Issuance of licenses.
2.5 Duration of license.
2.6 Annual fees; and termination of licenses.
2.7 Annual report by licensees.
2.8 Notification of change of name, address, control, or ownership of business.
2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.
2.10 Licensees whose licenses have been suspended or revoked.
2.11 Denial of license.

REGISTRATION

2.25 Requirements and procedures.
2.26 Acknowledgement of standards.
2.27 Notification of change of operation.
2.28 Annual report of research facilities.

IDENTIFICATION OF ANIMALS

2.50 Time and method of identification.
2.51 Form of official tag.
2.52 How to obtain tags.
2.53 Use of tags.
2.54 Lost tags.
2.55 Removal of tag.

RECORDS

2.75 Records, dealers (except operators of auction sales) and exhibitors.
2.76 Records, research facilities.
2.77 Records, operators of auction sales.
2.78 Records, carriers and intermediate handlers.
2.79 Health certification and identification.
2.80 C.O.D. shipments.
2.81 Records, disposition.

COMPLIANCE WITH STANDARDS AND HOLDING PERIOD

2.100 Compliance with standards.
2.101 Holding period.

MISCELLANEOUS

2.125 Information as to business: Furnishing of by dealers, exhibitors, operators of auction sales, and research facilities.
2.126 Access and inspection of records and property.
2.127 Publication of names of persons subject to the provisions of this part.
2.128 Inspection for missing animals.
2.129 Confiscation and destruction of animals.
2.130 Minimum age requirements.

AUTHORITY: The provisions of this Part 2 issued under secs. 3, 5, 6, 10, 11, 12, 13, 14, 16, 17, 21; 80 Stat. 351, 352, 353, 84 Stat. 1561, 1562, 1563, 1564; 90 Stat. 418, 419, 420, 423; 7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151.

3. Throughout Part 2 of the regulations (9 CFR, Part 2) wherever the term "affecting commerce" appears, the term "in commerce" is substituted in lieu thereof.

4. Section 2.25 (9 CFR 2.25) is amended to read as follows:

§ 2.25 Requirements and procedures.

Each research facility, carrier, and intermediate handler and each exhibitor, not required to be licensed under section 3 of the Act and the regulations of this subchapter, shall register with the Secretary by completing and filing a properly executed form which will be furnished, upon request, by the Veterinarian in Charge. Such registration form shall be filed with the Veterinarian in Charge for the State in which the registrant has his principal place of business. Where a school or department of a university or college uses or intends to use animals for research, tests, or experiments, the university or college rather than the school or department will generally be considered the research facility and be required to register with the Secretary. In any situation in which a school or department of a university or college is a separate legal entity and its operations and administration are independent of those of the university or college, upon a proper showing thereof to the Secretary, the school or department will be registered rather than the university or college. A subsidiary of a business corporation, rather than a parent corporation, will be registered as a research facility or exhibitor unless the subsidiary is under such direct control of the parent corporation that to effectuate the purposes of the Act, the Secretary determines that it is necessary that the parent corporation be registered.

5. Section 2.28 (9 CFR 2.28) is amended to read as follows:

§ 2.28 Annual report of research facilities.

(a) The reporting facility shall be that segment of the research facility, or that department, agency, or instrumentality of the United States, that uses or intends to use live animals in research, tests, or experiments and for which an attending veterinarian has responsibility. Each reporting facility shall submit on or before December 1 of each calendar year to the Veterinarian in Charge for the State where the reporting facility is located, an annual report signed by a legally responsible official covering the previous Federal fiscal year of October 1 through September 30. Such report shall show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during actual research, testing, or experimentation, were followed by the research facility, department, agency, or instrumentality of the United States. Such report shall include:

(1) The location of the facility or facilities where animals were used in actual research, testing, or experimentation;

(2) The common names and approximate numbers of animals upon which research, experiments, or tests were conducted involving no pain, distress, or use of pain relieving drugs: *Provided, however,* That routine procedures (e.g., injections, tattooing, and blood sampling) do not need to be reported;

(3) The common names and approximate numbers of animals upon which experiments or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used: *Provided, however,* That routine procedures (e.g., injections, tattooing, and blood sampling) do not need to be reported;

(4) The common names and approximate numbers of animals upon which experiments or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would adversely affect the procedures, results, or interpretation of the research, experiments, or tests and a brief statement explaining the reasons for the same: *Provided, however,* That routine procedures (e.g., injections, tattooing, and blood sampling) do not need to be reported; and

(5) Certification by the attending veterinarian of the research facility, or the department, agency, or instrumentality of the United States having laboratory animal facilities, or by an institutional committee of at least three members, one of whom is a Doctor of Veterinary Medicine, established for the purpose of evaluating the care, treatment, and use of all warmblooded animals held or used for research, testing, or experimentation, that the type and amount of anesthetic, analgesic, and tranquilizing drugs used on animals during actual research, testing, or experimentation was appropriate to relieve pain and distress for the subject animals.

6. In § 2.50(f) subparagraph (3) is amended by deleting the words "a form²" and substituting the phrase "or a record, as required by § 2.75," therefor, and deleting footnote 2.

7. In § 2.52 the reference to footnote 3 and footnote 3 is redesignated as footnote 2.

8. § 2.75 (9 CFR 2.75) is amended to read as follows:

§ 2.75 Records, dealers, and exhibitors.

(a) (1) Every dealer and exhibitor shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his possession or under his control, including any offspring born of such animal while in his possession or under his control, transported, or sold, or otherwise disposed of:

(i) The name and address of the person, whether or not required to be licensed or registered under the Act, from whom such dog or cat was purchased or otherwise acquired, and his license number, if licensed under the Act, and when sold or otherwise disposed of, the person to whom sold or otherwise disposed of, and his license number, if licensed under the Act;

(ii) The dates of acquisition and disposition of such dog or cat;

(iii) The official USDA tag number or tattoo assigned to such dog or cat pursuant to §§ 2.50 and 2.54;

(iv) A description of each dog or cat which shall include:

(A) The species;

(B) The sex;

(C) The date of birth (if known) or approximate age;

(D) The color and any distinctive markings; and

(E) The breed or type.

(v) The method of transportation including the name of the initial commercial carrier or intermediate handler or if a privately owned conveyance is used to transport the dog or cat, the name of the owner of such privately owned conveyance.

(vi) The date and method of disposition of such dog or cat, e.g., sale, death, euthanasia, or donation.

(2) Record of Dogs and Cats on Hand (VS Form 18–5) and Record of Disposition of Dogs and Cats (VS Form 18–6) are forms which may be used by dealers and exhibitors upon which to make, keep, and maintain the information required by paragraph (a)(1) hereof concerning dogs and cats except as provided in § 2.79.

(3) The USDA Individual Health Certificate and Identification Form (VS Form 18–1) and the USDA Multianimal Health Certificate and Identification Form (VS Form 18–2) are forms which may be used by dealers and exhibitors upon which to make, keep, and maintain the information required by paragraph (a)(1) of this section and § 2.79.

(4) One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (a)(1) of this section shall accompany each shipment of any dog or cat sold or otherwise disposed of by a dealer or exhibitor: *Provided, however,* That information which indicates the source and date of acquisition of such dog or cat is not required to appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraph (a)(1) of this section shall be retained by the dealer or exhibitor.

(b)(1) Every dealer and exhibitor shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, or otherwise in his possession or under his control, including any offspring born of such animals while in his possession or under his control, transported, or sold or otherwise disposed of:

(i) The name and address of the person, whether or not required to be licensed or registered under the Act, from whom such animals other than dogs or cats, were purchased or otherwise acquired, and his license number, if licensed under the Act, and when sold or otherwise disposed of, the person to whom sold or otherwise disposed of, and his license number, if licensed under the Act;

(ii) The species of such animals other than dogs and cats, and

(iii) The number of such animals other than dogs and cats.

(2) Record of Animals on Hand (Other Than Dogs and Cats) (VS Form 18–19) and Record of Acquisition, Disposition, or Transport of Animals (Other Than Dogs and Cats) (VS Form 18–20) are forms which may be used by dealers, and exhibitors upon which to keep and maintain the information required by paragraph (b)(1) hereof concerning animals other than dogs and cats except as provided in § 2.79.

(3) One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal other than a dog or cat purchased or otherwise acquired by a dealer or exhibitor. One copy of the record containing the information required by paragraph (b)(1) of this section shall accompany each shipment of any animal other than a dog or cat sold or otherwise disposed of by a dealer or exhibitor: *Provided, however,* That information which indicates the source and date of acquisition of any animal other than a dog or cat is not required to appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraph (b)(1) of this section shall be retained by the dealer or exhibitor.

9. § 2.76 (9 CFR 2.76) is amended to read as follows:

§ 2.76 Records, research facilities.

(a) Every research facility shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each live dog or cat purchased or otherwise acquired, owned, held, or otherwise in its possession or under its control, including any offspring born of such live dog or cat while in its possession or under its control:

(1) The name and address of the person, whether or not required to be licensed or registered under the Act, from whom such live dog or cat was purchased or otherwise acquired and his license number, if licensed under the Act;

(2) The date of acquisition of each live dog or cat;

(3) The official USDA tag number or tattoo assigned to each live dog or cat pursuant to §§ 2.50 and 2.54;

(4) A description of each live dog or cat which shall include:

(i) The species;

(ii) The sex;

(iii) Date of birth (if known) or approximate age;

(iv) The color and any distinctive markings; and

(v) The breed or type.

(5) Any identification number or mark assigned to each live dog or cat by such research facility.

(b) In addition to the information required to be kept and maintained by every research facility concerning each live dog or cat, pursuant to paragraph (a) of this section, every research facility transporting, selling, or otherwise disposing of any live dog or cat to another person, shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information:

(1) The name and address of the receiver to whom such live dog or cat is transported, sold or otherwise disposed of;

(2) The date of such transportation, sale or other disposition, and

(3) The method of transportation including the name of the initial commercial carrier or intermediate handler or if a privately owned conveyance is used to transport the dog or cat, the name of the owner of such privately owned conveyance.

(c) The USDA Individual Health Certificate and Identification Form (VS Form 18–1), the USDA Multianimal Health Certificate and Identification Form (VS 18–2), and Record of Dogs and Cats on Hand (VS Form 18–5) are forms which may be used by research facilities upon which to keep and maintain the information required by paragraph (a) of this section. The USDA Individual Health Certificate and Identification Form (VS Form 1), the USDA Multianimal Health Certificate and Identification Form (VS Form 18–2), and Record of Disposition of Dogs and Cats (VS Form 18–6) are forms which may be used by research facilities upon which to keep and maintain the information required by paragraph (b) of this section.

(d) One copy of the record containing the information required by paragraphs (a) and (b) of this section shall accompany each shipment of any live dog or cat sold, or otherwise disposed of by a research facility: *Provided, however,* That information which indicates the source and date of acquisition of any dog or cat is not required to appear on the copy of the record accompanying the shipment. One copy of the record containing the information required by paragraph (a) and (b) of this section shall be retained by the research facility.

10. Section 2.77 (9 CFR 2.77) is amended to read as follows:

§ 2.77 Records, operators of auction sales.

(a) Every operator of an auction sale shall make, keep, and maintain systems of records or forms which fully and correctly disclose the following information concerning each animal consigned for auction, whether or not a fee or commission is charged:

(1) The name and address of the person who owned or consigned the animal for sale and his USDA license number, if licensed under the Act;

(2) The date of the consignment;

(3) The official USDA tag number or tattoo assigned to the animal pursuant to sections 2.50 and 2.54;

(4) A description of the animal which shall include:

(i) The species of the animal;

(ii) The sex of the animal;

(iii) The color and any distinctive markings on the animal;

(iv) The breed or type of the animals, if a dog or cat.

(5) The auction sales number assigned to the animal;

(6) The name and address of the buyer of the animal and his license number, if licensed under the Act.

(b) One copy of the record containing the information required by paragraph (a) of this section shall be given to the consignor of each animal, one copy of the record shall be given to the purchaser of each animal: *Provided, however,* That information which indicates the source and date of consignment of any animal is not required to appear on the copy of the record given to the purchaser of any animal. One copy of the record containing the information required by paragraph (a) of this section shall be retained by the operator of such auction sale for each animal sold by the auction sale.

11. Section 2.78 is amended to read as follows:

§ 2.78 Records, carriers and intermediate handlers.

(a) In connection with all live animals accepted for shipment on a C.O.D. basis or other arrangement or practice under which the cost of such animal or the cost of the transportation of such animal is to be paid and collected upon delivery of the animal to the consignee, the accepting carrier or intermediate handler, if any, shall keep and maintain a copy of the guarantee in writing of the consignor of such shipment for the payment of transportation charged for any animal not claimed, as provided in § 2.80, including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for out-of-pocket expenses incurred for the care, feeding, and storage of such animal. The carrier or intermediate handler at destination shall also keep and maintain a copy of the shipping document containing the time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee, as provided in § 2.80.

(b) In connection with all live dogs, cats, or nonhuman primates delivered for transportation, in commerce, to any carrier or intermediate handler, by any dealer, research facility, exhibitor, operator of an auction sale, or department, agency, or instrumentality of the United States or of any State or local government, the accepting carrier or intermediate handler shall keep and maintain a copy of the health certification completed as required by § 2.79, tendered with each such live dog, cat, or nonhuman primate.

12. Section 2.79 (9 CFR 2.79) is amended to read as follows:

§ 2.79 Health certification and identification.

(a) No dealer, research facility, exhibitor, operator of an auction sale, or department, agency, or instrumentality of the United States or of any State or local government shall deliver to any intermediate handler or carrier for transportation, in commerce, any dog, cat, or nonhuman primate unless such dog, cat, or nonhuman primate shall be accompanied by a health certificate executed and issued by a licensed veterinarian. Such health certificate shall state that (1) the licensed veterinarian inspected such dog, cat, or nonhuman primate on a specified date which shall not be more than 10 days prior to the delivery of such dog, cat, or nonhuman primate for transportation, in commerce, and (2) when so inspected that such dog, cat, or nonhuman primate appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal or animals or other animals or endanger public health.

(b) No intermediate handler or carrier to whom any live dog, cat, or nonhuman primate is delivered for transportation, in commerce, by any dealer, research facility, exhibitor, operator of an auction sale, or department, agency, or instrumentality of the United States or any State or local government shall receive such live dog, cat, or nonhuman primate for transportation, in commerce, unless and until it is accompained by a health certificate issued by a licensed veterinarian pursuant to paragraph (a) of this section.

(c) The USDA Individual Health Certificate and Identification Form (VS Form 18–1) and the USDA Multianimal Health Certificate and Identification Form (VS Form 18–2) are forms which may be used for health certification by a licensed veterinarian as required by this section.

13. A new § 2.80 (9 CFR 2.80) is added to read as follows:

§ 2.80 C.O.D. shipments.

(a) No carrier or intermediate handler shall accept any animal for transportation, in commerce, upon any C.O.D. or other basis where the cost of the animal or the cost for any such transportation or any other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal to the consignee, unless the consignor guarantees in writing the payment of all transportation, including any return transportation, if such shipment is unclaimed or the consignee cannot be notified in accordance with paragraphs (b) and (c) of this section, including reimbursing the carrier or intermediate handler for all out-of-pocket expenses incurred for the care, feeding, and storage or housing of such animal.

(b) Any carrier or intermediate handler receiving any animal at destination on a C.O.D. or other basis where the cost of the animal or the cost for any transportation or other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal to the consignee shall attempt to notify such consignee for period of 24 hours after arrival of the animal at the animal holding area of the terminal cargo facility, at least once every 6 hours during that period. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded by the carrier or intermediate handler on the shipping document and a copy thereof, accompanying the C.O.D. shipment. If the consignee cannot be notified of the C.O.D. shipment within 24 hours after arrival of the shipment, the carrier or intermediate handler shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in paragraph (a) of this section and so notify the consignor.

Any carrier or intermediate handler which has notified a consignee of the arrival of a C.O.D. or other shipment of an animal, where the cost of the animal, or the cost for any transportation, or other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal to the consignee, which is not claimed by such consignee within 48 hours from the time of such notification, shall return the animal to the consignor, or to whomever the consignor has designated, on the next practical available transportation, in accordance with the written agreement required in paragraph (a) of this section and so notify the consignor.

(c) It shall be the responsibility of any carrier or intermediate handler to provide proper care, feeding, and storage or housing for any animal accepted for transportation, in commerce, under a C.O.D. or other arrangement where the cost of the animal or the cost for any transportation or other incidental or out-of-pocket expense is to be paid and collected upon delivery of such animal until the consignee accepts shipment at destination or until returned to the consignor or his designee should the consignee fail to accept delivery of the animal or the consignee could not be notified as prescribed in paragrah (b) of this section.

(d) Nothing in this section shall be construed as prohibiting any carrier or intermediate handler from requiring any additional guarantees than that required in paragraph (a) of this section for the payment of the cost of any transportation or out-of-pocket or other incidental expenses incurred in the transportation of any animal in commerce.

14. A new § 2.81 is added to read as follows:

§ 2.81 Records, disposition.

(a) No dealer, exhibitor, operator of an auction sale, research facility, carrier, or intermediate handler shall, within a period of one year from the making thereof, destroy or dispose of, without the consent in writing of the Deputy Administrator, any books, records, documents, or other papers required to be kept and maintained under this part.

(b) The records required to be kept and maintained under this part shall be held for such period in excess of the period specified in paragraph (a) of this section as necessary to comply with any other Federal, State, or local law. Whenever the Deputy Administrator notifies a dealer, exhibitor, operator of an auction sale, research facility, carrier, or intermediate handler in writing that specified records shall be retained pending completion of an investigation or proceeding under the Act, such dealer, exhibitor, operator of an auction sale, research facility, carrier, or intermediate handler shall hold such records until their disposition is authorized by the Deputy Administrator.

15. A new § 2.130 is added to read as follows:

§ 2.130 Minimum age requirements.

No dog or cat shall be delivered by any person to any carrier or intermediate handler for transportation, in commerce, except to a registered research facility, unless such dog or cat is at least eight (8) weeks of age and has been weaned.

* * * * *

(Secs. 3, 5, 6, 10, 11, 12, 13, 14, 16, 17, 21; 80 Stat. 351, 352, 353, 84 Stat. 1561, 1562, 1563, 1564, 90 Stat. 418, 419, 420, 423 (7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151); 37 FR 28464, 38 FR 19141.)

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to these amendments are impracticable and unnecessary.

The reporting and recordkeeping requirements of these regulations have been approved by the Office of Management and Budget as required by the Federal Reports Act of 1942.

Done at Washington, D.C., this 9th day of June 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77–17113 Filed 6–16–77;8:45 am]

V 42 117 JUN 17 77 UM

federal register

FRIDAY, JUNE 17, 1977
PART IV



DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

■

REAL ESTATE

Leasing of Military Real Estate

V42N117
JUN 17 77
UM

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[AR 405–80]

[32 CFR Part 643]

REAL ESTATE

Granting Use of Real Estate

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Proposed rules.

SUMMARY: We are proposing a complete revision to the above identified Army regulation which was originally published under date of August 9, 1965, including all changes. Change 4, April 18, 1974, is the latest change. This regulation relates principally to the leasing of Army military real estate. This regulation is needed to provide current policy and procedural guidance for the administration of military real estate under the control of the Department of the Army. Moreover, it defines the responsibilities of the Chief of Engineers in the discharge of these functions, in consonance with pertinent Department of Defense Directives and Instructions concerning use of military real estate. The effect of this action is to make the public aware of policies and procedures governing the management of Army military real estate. It is also desired to inform the public concerning the conditions under which Army military real estate may be made available for limited public use.

DATES: Comments must be received on or before July 15, 1977.

ADDRESSES: Send comments to: HQDA (DAEN–REM–C) Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

William P. Bannister, Chief, Military Branch, Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314 (202–693–6159).

NOTE.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 8, 1977.

ALFRED F. LAWRENCE, JR.
Colonel, Corps of Engineers, Executive.

Accordingly, we propose to establish regulations under 32 CFR 643 as follows:

PART 643—REAL ESTATE

Subpart A—General

Sec.
643.1 Purpose.
643.2 Applicability.
643.3 Authority to grant use of real estate.
643.4 Responsibilities of the Chief of Engineers (COE).
643.5 Responsibilities of major commands (MACOMS) and special staff agencies.
643.6 Responsibilities of overseas commanders.
643.7 Preparation of report of availability.
643.8 Approval of report of availability.
643.9 Approval of availability outside the United States.
643.10 Reports to DOD and the congressional committees on armed services.
643.11 Rights of entry.
643.12 Preparation and signing of instruments.
643.13 Military requirement for real estate under grant.
643.14 Inspection to assure compliance with terms of outgrants.
643.15 Unauthorized use.

Subpart B—Policy

643.21 Policy—Surveillance.
643.22 Policy—Public safety.
643.23 Policy—Preference.
643.24 Policy—Competition.
643.25 Policy—Grants which may embarrass the Department of the Army.
643.26 Policy—Commercial advertising and reservations.
643.27 Policy—Environmental considerations.
643.28 Policy—Historical and cultural environment.
643.29 Policy—Archaeological surveys.
643.30 Policy—Construction projects; protection of historical and archaeological data.
643.31 Policy—Flood hazards.
643.32 Policy—Endangered species.
643.33 Policy—Costal zone management.
643.34 Policy—Utilities on installations.
643.35 Policy—Restriction against leasing for mineral purposes.
643.36 Policy—Interim leasing of excess properties to facilitate economic readjustments.
643.37 Policy—Requests to search for treasure trove.
643.38 Policy—Utility rates.
643.39 Policy—American National Red Cross.
643.40 Policy—Young Men's Christian Association.
643.41 Policy-National Guard use.
643.42 Policy-Consents for crossing of rights of way and aimilar interests owned by the United States.

Subpart C—Leases

643.51 Additional items concerning leasing.
643.52 Term.
643.53 Consideration.
643.54 Receipts.
643.55 Mandatory revocation clause in lease.
643.56 Taxation of lessee's interest.
643.57 Subleasing.

Subpart D—License

643.71 Additional items concerning licenses.
643.72 License.
643.73 Term.
643.74 Consideration.

Subpart E—Easements

643.81 Additional items concerning easements.
643.82 Term
643.83 Consideration.
643.84 Easement grantees relocate or replace needed facilities.
643.85 Easement grantees—payments or removal or destruction of unneeded improvements.
643.86 Easements for various purposes with relinquishment of legislative jurisdiction.

Subpart F—Permits

643.101 Additional items concerning permits.
643.102 Permit.
643.103 Term.
643.104 Consideration.

Subpart G—Additional Authority of Commanders

643.111 Additional authority.
643.112 Army exchange activities.
643.113 Banks.
643.114 Civil disturbances.
643.115 Contractors—Permission to erect structures.
643.116 Credit unions.
643.117 Hunting, trapping, and fishing.
643.118 Nonappropriated funds—Authority to permit erection of structures.
643.119 Licenses incidental to post administration.
643.120 Post offices.
643.121 Private organizations on DA installations.
643.122 Reserve facilities—Air Force and Navy use.
643.123 Reserve facilities—Local civic organizations.
643.124 Trailer sites.
643.125 Transportation licenses.
643.126 Quarters.
643.127 Veterans' conventions.
643.128 Youth groups.
643.129 Joint carrier military traffic offices (JAMTO, JBMTO, JRMTO, SAMTO).

AUTHORITY: 10 U.S.C. 2667.

Subpart A—General

§ 643.1 Purpose.

(a) This regulation sets forth the authority, policy, responsibility, and procedure for making military real estate, under the control of the Department of the Army, available for use by other military departments, Federal agencies, State and local governmental agencies, private organizations or individuals.

(b) This regulation implements Department of Defense Directives and Instructions (4165 series), which include policies and procedures concerning use of military real estate.

§ 643.2 Applicability.

This regulation is applicable to Army military real estate, which includes land and improvements thereon and is also referred to as real property.

§ 643.3 Authority to grant use of real estate.

(a) The United States Constitution (Article IV, Section 3), provides that the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

(b) One of the principal authorities for the use of military real estate for commercial purposes is Title 10, United States Code, Section 2667, which authorizes the Secretary of the Army (SA), whenever it is considered to be advantageous to the United States, to lease such real or personal property under Army control, which is not for the time needed for public use, upon such terms and conditions as the SA considers will promote the national defense or be in the public interest.

(c) Grants under statutory authorities cited in this regulation of real property pertaining to river and harbor, water resource development and flood control projects, will be under the policies and general guidelines set forth in this regulation.

(d) The SA may, under the general administrative powers vested in the office, authorize the use of real estate in the absence of statutory authority, in unusual circumstances, provided the property is not for the time being required for public use, the grant conveys no interest in the real estate and the proposed use will be of a direct benefit to the United States. Under this authority, the right to use real estate may also be granted to other military departments or Federal agencies.

(e) Except as otherwise provided in this regulation, an interest in real estate will not be granted unless authorized by law.

(f) Other laws authorizing grants for non-Army use of real estate for various purposes and Table of Related Army Regulations are set forth in Appendixes A and B, respectively.

§ 643.4 Responsibilities of the Chief of Engineers (COE).

(a) After it is determined that real estate located in the United States, Puerto Rico, American Virgin Islands and the Panama Canal Zone, is available for nonArmy use, the COE, except as otherwise provided in this regulation, is charged with responsibility for arranging for the use of real estate within the scope of this regulation. In the performance of this function, the COE is authorized to obtain such technical assistance from the using service as may be deemed necessary.

(b) COE has staff responsibility over real estate matters in Guam, American Samoa, Trust Territory of the Pacific Islands (TTPI), and in foreign countries.

(c) Except as otherwise provided in this regulation, determinations that real estate is available for non-Army use must be approved by the COE.

(d) The authority of the COE to grant use of real estate will be delegated, to the extent feasible, to U.S. Army Division and District Engineers (DE).

(e) The COE is responsible for the granting of temporary use of real estate reported excess to the General Services Administration (GSA), to the extent authorized by regulations issued pursuant to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), and as provided in Title 10, United States Code, Section 2667 (f). The COE is also responsible for supervision and the issuance of instructions covering the granting of use of real estate within the scope of this regulation. Where Army or installation commanders are authorized to grant use of real estate, they are authorized to obtain technical assistance from the appropriate DE.

(f) In reviewing Army requirements for real estate (AR 405–10), the COE will consider the availability and adequacy of other military or federally-owned real estate to satisfy Army requirements before leasing privately-owned real estate, or renewing existing leases.

§ 643.5 Responsibilities of major commands (MACOMS) and special staff agencies.

Except as otherwise provided herein, determinations of availability will be approved by the COE or higher authority. MACOMS and special staff agencies are responsible for determining the real estate which can be made available for non-Army use, specifying the authorized uses of the property which will not be incompatible with military requirements for the property, the length of the term and any restrictions to be imposed on the grantee's use. Upon approval of the determination of availability, the real estate grant will be issued by the DE or as otherwise provided in this regulation.

§ 643.6 Responsibilities of overseas commanders.

Overseas commanders are charged with responsibility for the granting of use of real estate in overseas areas (Puerto Rico, Guam, the American Virgin Islands, American Samoa, TTPI, and the Canal Zone), and in foreign countries, for non-Army use under the policy and guidance expressed in this regulation, provided such use is consistent with the Status of Forces Agreements, Treaties, or the Agreements under which the Army controls such real estate.

§ 643.7 Preparation of report of availability.

A report of availability will be prepared by the installation commander or head of the special staff agency, when it is determined that for the time being the real estate is not required for Army use and can be made available, either concurrently with the Army, or exclusively, for use by another military department, by other Federal agencies, by State or local governmental agencies, private organizations or individuals. The installation commander's recommendation will be made as far in advance as possible so as to minimize the time lapse between the determination of availability and the date of use of the property by the grantee. Where real estate suitable for agricultural or grazing purposes is involved, the normal season for planting and grazing should be taken into consideration so that the property may be advertised in a timely manner. A copy of each report will be furnished to the appropriate DE for information. The report of availability will contain the information outlined in Appendix C.

§ 643.8 Approval of report of availability.

The recommendation that real estate is determined available for non-Army use will be submitted by the installation commander to the major commander for approval, through the echelon of command. The major commander will approve such recommendation and submit it to the appropriate DE for action, except recommendations involving the following actions will be forwarded to the COE:

(a) A lease or license, including licenses to States for National Guard purposes, if the estimated annual rental value exceeds $50,000.

(b) A permit, license, or other grant of real estate, regardless of value, which results in a significant reduction or redirection of installation mission objectives;

(c) A lease of land where the proposed lease term is in excess of 25 years for banks and Federal credit unions and/or the building to be constructed exceeds DOD space criteria;

(d) Any permit, license, agreement, or other grant to another military department or to a Federal agency of large or significant real estate holdings for a period in excess of five years (including renewal options);

(e) A grant of an easement which involves the replacement or relocation of Army facilities at an estimated cost in excess of $100,000;

(f) A grant of an easement where the estimated annual fair market value of the easement exceeds $50,000.

(g) A grant which is controversial or unusual in nature and may embarrass the DA;

(h) A grant involving search for treasure trove;

(i) A grant for vehicle speed contests;

(j) A grant at an active industrial installation, excluding unimproved land areas.

NOTE.—The Commander, U.S. Army Materiel Development & Readiness Command (DARCOM), is authorized to approve determinations of availability at standby industrial installations where the estimated annual rental value does not exceed $50,000.

§ 643.9 Approval of availability outside the United States.

Overseas commanders may authorize the use by another military department or a Federal agency of an installation or portion thereof located in designated overseas areas and in foreign countries when the real estate is not for the time needed for Army purposes or its concurrent use for other purposes will not interfere with the mission of the installation and such other use is not inconsistent with the agreement under which the property was acquired. Overseas commanders may also authorize any use of such property which is necessary in the accomplishment of the DA mission for which the property was acquired. All other proposed uses will be coordinated with the United States diplomatic mission in the country involved prior to submission to HQDA (DAEN–REM) WASH DC 20314, for approval. Where the overseas commander is authorized to approve such use, the commander or designee will prepare and execute the necessary grant.

§ 643.10 Reports to DOD and the congressional committees on Armed Services.

(a) The grants set forth in 1–8a. through f., with respect to real estate in the United States, Puerto Rico, American Virgin Islands, Guam, American Samoa, and the TTPI, require prior approval of the Assistant Secretary of Defense (I&L), and recommendations should contain information in justification thereof.

(b) The grants set forth in 1–8a., with respect to real estate in the United States and in designated overseas areas (excluding the Canal Zone), except leases for agricultural or grazing purposes, require a report to the Committees on Armed Services of the Senate and House of Repesentatives as provided in Title 10, United States Code, Section 2662.

§ 643.11 Rights of entry.

Pending the signing of the formal instrument, no right of entry will be granted unless authorized by the office wherein the instrument will be signed, except where contrary instructions have previously been issued by the DA. When authorized, rights of entry will be granted by the DE, or overseas commander, as appropriate.

§ 643.12 Preparation and Signing of Instruments.

Instruments granting temporary use of real estate will be prepared as provided in this temporary use of real estate will be prepared as provided in this regulation. Except where authority has been otherwise granted, the COE or designee will approve, execute, and distribute instruments to the extent authorized by the SA; otherwise, they will be prepared and submitted for execution by direction of the appropriate Assistant Secretary of the Army.

§ 643.13 Military requirement for real estate under grant.

When a military requirement arises for real estate which is being used under a grant for non-Army use, the withdrawal of availability will be approved at the same level of command as that required for determining the property available for non-Army use. The office responsible for effecting temporary use of the property should be promptly notified of the withdrawal of availability for non-Army use and the latest date the property will be required for military purposes. Termination of the use will be in accordance with the provisions of the grant unless military necessity requires other action. In order to avoid possible claims for damages and in the interest of good community relations and in furtherance of the Army's leasing program, the grantee will be allowed, when practicable, a reasonable time after notice of revocation, to vacate the premises, remove his property and, if required, restore the premises. In controversial cases, or where a claim for damages or litigation is anticipated, HQDA (DAEN–REM) WASH DC 20314, will be notified of the circumstances prior to sending notification of termination of the grant to the grantee.

§ 643.14 Inspection to assure compliance with terms of outgrants.

Commanders will provide general surveillance over areas made available for non-Army use and will advise the DE if and when there are any irregularities. Real estate which is being used for non-military purposes will be inspected at least once each year by the COE, or by his representative, to determine whether grantees or occupants are complying with the terms of the instruments authorizing use and occupancy, except with respect to easements and licenses for rights-of-way for roads, streets, powerlines, pipelines, underground communication lines and similar facilities. The COE will make compliance inspections for such easements and licenses at least once during each 5-year period. However, the DE will check with installation commanders annually to assure that there are no situations which might need correction prior to the inspection. The installation commander will make interim inspections of all real estate being used for non-military purposes as are necessary for timely observation of the extent of compliance with grant provisions designed to protect and preserve the real estate for military requirements, and will furnish the appropriate DE a copy of a written report of the inspection reflecting findings and recommendations. In order that the grantee's operations not be unreasonably disrupted, the annual compliance inspection made by the DE will be coordinated with the installation commander so that, if feasible, only one inspection will be made. Where necessary, corrective action in accordance with applicable regulations will be taken for the enforcement of the terms of the grant by the responsible officer who granted the use. Overseas commanders are responsible for inspection of real estate under their jurisdiction and necessary corrective action.

§ 643.15 Unauthorized use.

Whenever it is observed that real estate under the control of the DA is being used and/or occupied by private parties without proper authority, corrective action will be taken to cause such unauthorized use to be discontinued or to formalize such use and occupancy by an appropriate grant in accordance with this regulation. In either event, compensation will be obtained for the unauthorized use of such property.

Subpart B—Policy

§ 643.21 Policy—Surveillance.

Installation Commanders will maintain constant surveillance over real estate under their jurisdiction to determine whether any of it is excess to requirements, or may be made available for other Army use, or may be made available for use for other than Army purposes, and will process such determinations expeditiously in accordance with the provisions of this regulation. From time to time DOD, DA and GSA surveys will be made pursuant to Executive Order 11954, 7 January 1977, which enunciated a uniform policy for the Executive Branch of the Federal Government with respect to the identification of excess and under-utilized real estate (AR 405–70). Real estate for which is retained for future use will be quirement will be disposed of in accordance with AR 405–90. Real estate which the Army does not currently need but which is retained for future use will be made available to others for use either exclusively or concurrently with the Army. When an installation is in an inactive status, the presumption is that it is available for other military or Federal use or for leasing unless there are cogent reasons that such action should not be taken. The purpose of this rule is to put to beneficial use Federal property, which is not for the time required for its basic use, for the benefit of other Federal agencies, the local economy, or for the benefits accruing to the United States from the income and/or savings of maintenance, protection, repair, or restoration.

§ 643.22 Policy—Public safety: Requirement for early identification of lands containing dangerous materials.

(a) DA will not make available to others any real estate which is contaminated with explosives or with toxic materials or other innately or potentially harmful elements until such elements have been removed or have been rendered harmless, unless the proposed user of the area is aware of the condition of the area and is technically qualified and certified to make use of the area in its contaminated state.

(b) It is imperative that commanders keep records on and have a continuing awareness of the state of contamination of lands by explosives, military chemical or other dangerous materials.

(c) Procedures with respect to action to neutralize or decontaminate the area are set forth in AR 405–90.

§ 643.23 Policy—Preference.

Army real estate under the control of DA which is made available for use for other than Army purposes will be made available for use by other military departments or DOD activities and agencies, other Federal departments, activities or agencies, State or local governmental bodies and other private parties, in that order.

§ 643.24 Policy—Competition.

The use of real estate under the control of DA for private purposes will be granted only after reasonable efforts have been made to obtain competition for its use, through advertising. Advertising is any method of public announcement intended to aid directly or indirectly in obtaining offers on a competitive basis. Advertising may be accomplished by circulating and posting notices and by paid advertising in newspapers and trade journals. The purpose of seeking competition is to afford all qualified persons equal opportunity to bid for the use of the property, to secure for the Government the benefits which flow from competition, and to prevent criticism that favortism has been shown by officers or employees of the Government in making public property available for private use. Although the lease of Government real estate to civilians employed by the military departments or officers or enlisted personnel of the Armed Forces is not prohibited by law, it is essential that extreme care be exercised to avoid favoritism or the appearance of favoritism. Generally leases to Federal Government personnel will be granted only after competitive bid under the sealed bid method. The provisions of this paragraph do not affect the authority contained in AR 210–10 and 210–50 for furnishing quarters to civilian employees of DA. Also the provisions of this paragraph do not affect the use of Federal facilities by uniformed personnel as may be otherwise provided for. Other exceptions to the advertising policy are as follows:

(1) Granting easements, leases and licenses to public agencies and public utilities.

(2) Granting permits to other Federal agencies.

(3) Leasing cable pairs.

(4) Leases or licenses to utility companies having an exclusive franchise in the area, for space on Government-owned poles for attaching their electric transmission communication lines.

(5) COE is authorized to grant a waiver of competition upon a determination that it will promote the national defense or will be in the public interest or upon a determination that competition is impracticable.

§ 643.25 Policy—Grants which may embarrass the Department of the Army.

The use of property under DA control will not be authorized for any purpose when the proposed use or the revocation thereof might prove embarrassing to the DA.

§ 643.26 Policy—Commercial advertising on reservations.

DA will not authorize the posting of notices or erection of billboards or signs for commercial purposes on property under its control.

§ 643.27 Policy—Environmental considerations.

DA will not authorize the use of real estate, water and other natural resources when such use is not in harmony with the goals and intent of the following legislation and/or similar legislation which establishes a firm Federal policy and provides procedures to enhance the overall environmental quality.

(a) National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) (AR 200–1, Chapter 1 and 2).

(b) Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C. 1251) (AR 200–1, Chapter 3 and 9).

(c) Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) Coastal Zone Management Act of 1972 (16 U.S.C. 1451).

(e) Clean Air Act of 1970, as amended (42 U.S.C. 1857) (AR 200–1, Chapter 4).

(f) Marine Protection, Research and Sanctuaries Act of 1072 (16 U.S.C. 1431) (AR 200–1, Chapter 3).

(g) Solid Waste Disposal Act, as amended, (42 U.S.C. 3251) (AR 200–1, Chapter 5).

(h) Federal Insecticide, Fungicide and Rodenticide Act, as amended, by the Federal Environmental Pesticide Control Act of 1972 (7 U.S.C. 136) (AR 200–1, Chapter 6).

(i) Noise Control Act of 1972 (42 U.S.C. 4901) (AR 200–1, Chapter 7). As a minimum, each Determination of Availability Report will include an environmental assessment evaluating the environmental consequences of the proposed outgrant action. When an environmental assessment reveals that the proposed action may significantly affect the quality of the human environment, is highly controversial or is anticipated to evoke litigation based upon environmental issues, a detailed environmental impact statement will be prepared and processed in accordance with NEPA. (AR 200–1, Chapter 2) (See AR 405–90, App. A and B).

§ 643.28 Policy—Historic and cultural environment.

(a) Executive Order No. 11593, 36 FEDERAL REGISTER 8921 (Appendix D) provides in part that the Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation; that Federal agencies shall:

(1) Administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations:

(2) Initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspection and benefit of the people; and

(3) In consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i) institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance (AR 200–1, Chapter 8 and App. A).

(b) Outgrants will include conditions to assure protection of real estate as contemplated in a. above.

§ 643.29 Policy—Archeological surveys.

The SA under the authority of Title 16, U.S.C., Section 432, may allow the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity upon Army lands by institutions which are deemed properly qualified to conduct such examinations, excavations and gatherings (AR 200–1, Chapter 8).

§ 643.30 Policy—Construction projects and activities; protection of historical and archeological data.

The Archeological and Historical Preservation Act of 1974 (16 U.S.C. 469 et seq.) provides for the preservation of historical and archeological data on all Federal or Federally-assisted construction projects or in connection with any federally licensed activities or programs.

§ 643.31 Policy—Flood hazards.

Each Determination of Availability Report will include an evaluation of the flood hazards, if any, relative to the property involved in the proposed outgrant action, pursuant to the provisions of Executive Order 11296, 10 August 1966. DA will not authorize the use of lands in flood plains for habitation purposes or any other use which may be uneconomical, hazardous or unnecessary.

§ 643.32 Policy—Endangered species.

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), declares the intention of Congress to conserve threatened and endangered species of fish, wildlife and plants, and the ecosystems on which those species depend. The Act provides that Federal agencies must utilize their authorities in furtherance of its purposes by carrying out programs for the conservation of endangered or threatened species, and by taking such necessary action to insure that any action authorized by that agency will not jeopardize the continued existence of such endangered or threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretaries of the Departments of Commerce or Interior, as appropriate, to be critical.

§ 643.33 Policy—Coastal zone management.

(a) The Coastal Zone Management Act of 1972 (16 U.S.C. 1456), directs all Federal agencies conducting or supporting activities directly affecting the coastal zone of a state, to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs. The opinion of the Attorney General of the Unied States is that Federal lands are excluded from mandatory compliance with the state's coastal zone management program, regardless of the type of Federal jurisdiction exercised thereover. However, it is Army policy that its activities will comply, to the extent practicable, with a state's approved coastal zone management program.

(b) Applications for grants for use of real estate affecting land or water uses in the coastal zone of a state will include a certification that the proposed activity complies with the state's approved program and that applicant's activity will be conducted in a manner consistent with the law.

JUN 17 77

(c) An activity affecting land or water uses in the coastal zone of a state which will not be conducted in a manner consistent with an approved state program will be exempted from this certification requirement only if the Secretary of Commerce, on his own initiative or upon appeal of the applicant, determines that the activity is consistent with the objectives of the Coastal Zone Management Act or is otherwise necessary in the interest of national security.

§ 643.34 Policy—Public utilities on installations.

(a) Contracting officers, with the approval of Installation Commanders, are authorized to permit the extension of public utilities upon installations, as part of the contract for furnishing to the Government electricity, water and gas, where such extension is necessary solely to serve the installation and not in part to serve private consumers outside the installation. The above authorization is covered by the provisions of the contract for purchase of utilities services contained in Armed Services Procurement Regulations.

(b) Contracts or agreements for the sale of surplus utilities services as authorized by law or regulations will include similar authority for the purchaser to install and maintain such facilities on the installation as necessary in connection with the sale of such utilities services, in accordance with AR 420–41 and AR 105–23.

§ 643.35 Policy—Restriction against leasing for mineral purposes.

Title 10, U.S.C., section 2667, does not permit leasing for exploitation of oil, mineral, or phosphate lands but does not prohibit the lease of lands that may contain oil, mineral or phosphate provided the lease is granted for purposes not involving the use or taking of such substances. Title 30, U.S.C., Section 181, et seq., gives the Secretary of the Interior (SI) certain authority to lease oil, gas, and mineral deposits on public domain land provided it does not interfere with Federal use of the land. Title 30, U.S.C., Section 352, gives the SI certain authority to lease coal, phosphate, oil, oil shale, gas sodium, potassium and sulfur on acquired land, but such deposits on acquired lands which have been set aside for military or naval purposes are specifically excluded from leasing. Hence, there is no authority to lease minerals in acquired lands under the control of the DA. The only exception is where there is drainage of oil and gas deposits under such lands. In this event, the DE should be advised immediately in order that the Department of the Interior may be informed so that the interests of the United States will be protected.

§ 643.36 Policy—Interim leasing of excess properties to facilitate economic readjustment.

Interim outleasing of excess real property is authorized to lessen the economic impact on the local community, caused by an installation inactivation, closure or realignment. These outleases may be granted to State or local governmental bodies in consideration for care, custody, management and routine maintenance. Income derived from the use of the property in excess of the cost of care, custody, management and routine maintenance will be covered into the Treasury as miscellaneous receipts. The outleasing will generally conform to an economic recovery plan outlined by the Office of Economic Adjustment, OASD(I&L), will require coordination with the DASD-(I&H) and concurrence by the GSA. Leases are limited to one year and must be revocable by the Government on 30 days notice.

§ 643.37 Policy—Requests to search for treasure trove.

Subject to approval of the SA, the Administrator of General Services is authorized to make contracts with private parties to search for treasure trove on lands under the jurisdiction of the DA. Such searches will be subject to the regulation and control of the Installation Commander or officer having jurisdiction over the property.

§ 643.38 Policy—Utility rates.

(a) Rates for utilities furnished by the Army will be in accordance with AR 420–41.

(b) Payments for utilities or services furnished will be deposited to the Treasurer of the United States to the credit of the appropriation from which the costs of furnishing them was paid. Collection for utilities and services furnished by the Army is the responsibility of the officer having immediate jurisdiction over the property in accordance with AR 37–19 and AR 37–27.

§ 643.39 Policy—American National Red Cross.

(a) Title 10, U.S.C., Section 2670, authorizes the SA to grant revocable licenses permitting the erection and maintenance by the American National Red Cross on military reservations, of buildings suitable for the storage of supplies for the aid of the civilian population in case of serious national disaster, or the occupation for that purpose of buildings erected by the United States.

(b) Installation Commanders will furnish office space and quarters for Red Cross activities and personnel when assigned to duty with the Armed Forces in accordance with AR 930–5.

§ 643.40 Policy—Young Men's Christian Association (YMCA).

Title 10, U.S.C., Section 4778, authorizes the SA to grant revocable licenses permitting the erection and maintenance by the YMCA on military reservations, of such buildings as their work for the promotion of the social, physical, intellectual, and moral welfare of the garrisons may require.

§ 643.41 Policy—National Guard use.

Pursuant to the authority contained in Title 32, U.S.C., Section 503, the SA is authorized to grant revocable licenses to the States and territories for the use and occupancy of installations or portions thereof by the National Guard. A license may not be granted for the erection of a permanent National Guard Armory without specific congressional authority.

§ 643.42 Policy—Consents for crossing of rights of ways and similar interests owned by the United States.

Under the various easement authorities or under the administrative power in cases outside the purview of those authorities, the SA may consent to the granting of an easement by the owner of the servient estate, subject to such conditions as may be required to protect the Government's interest.

Subpart C—Leases

§ 643.51 Additional items concerning leasing.

In addition to the general and policy matters covered in Chapters 1 and 2, the following also apply with respect to the leasing of Army real estate.

§ 643.52 Term.

Each lease will be for a period not exceeding five years unless the SA determines that a longer period will promote the national defense or will be in the public interest.

§ 643.53 Consideration.

(a) Unless otherwise authorized by this regulation or directed by the SA, the consideration for a lease of real estate will be the appraised fair market rental value. However, the value of the maintenance, protection, repair or restoration by the lessee of the property leased, or of the entire unit or installation where a substantial part of it is leased, may be accepted as all or part of the consideration. The value of the maintenance, protection, repair or restoration, when added to the amount of the monetary payment to be made by the lessee, must equal the appraised fair market rental value of the property leased.

(b) Buildings and space may be leased to a State or political subdivision thereof for public school purposes, limited to use for classrooms and closely related academic instructions, through high school level, at no monetary consideration. Where bare land is leased for construction of a school through high school level, the acreage will not exceed criteria established by the appropriate state authority or the Department of Health, Education, and Welfare (HEW), the annual rental will be $25, and the lease term will not exceed 25 years unless otherwise approved by HQDA (DAEN-REM) WASH DC 20314. Real Estate may also be leased for educational purposes to public educational institutions at a reduced rental, after consultation with the HEW, and taking into account any benefits accruing to the United States through the use of such property. In any event, the lessee will be required to assume the cost of maintenance, protection,

repair or restoration of the property leased and the administrative costs incident thereto.

(c) Leases granted for agricultural, grazing or haying purposes will have attached thereto the land use regulations furnished by the installation commander specifying the items required to be performed by the lessee as part of the lease obligations. It is the policy of the DA that land leased for agricultural, grazing or haying purposes be returned to the Government in as good or better condition than when initially leased. The land use regulations will include those activities of maintenance, protection, repair or restoration of the property leased which the lessee will be required to perform as part or all of the consideration for the lease. Generally, an activity will qualify as an offset from rental if it is (1) performed on the leased premises, (2) of direct benefit to the installation in its authorized current or mobilization mission, as distinguished from desired programs, or in furtherance of the Army's leasing program, (3) directly related to the lessee's use of the leased property. Where all of the above criteria are met, the following activities may be authorized: Control of erosion, conservation of natural resources and maintenance of the viability of the land for continuing leasing, such as mowing, weed control, seeding, fertilizing, mulching, crop rotation, selected cutting, and soil conservation measures such as terraces, check dams, wells, springs, ponds, tile or open channels or culverts for drainage; firebreaks, inside fencing and cattle guards. Maintenance, protection, repair or restoration of buildings, roads, perimeter fencing, and similar improvements are not authorized as offsets from rental unless the property is leased to and beneficially used by the lessee, or as otherwise approved by HQDA (DAEN-REM) WASH DC 20314. Also, lessees will not be required to perform activities in support of recreation and welfare, fish and wildlife, beautification, and aesthetic programs, and the cost of establishing and maintaining recreation, swimming and fishing areas, wildlife habitats, food plots, and similar activities are not authorized as offsets from rental since these activities do not meet the criteria outlined above.

§ 643.54 Receipts.

Receipts will be deposited into the Treasury as miscellaneous receipts.

§ 643.55 Mandatory revocation clause in lease.

Each lease will contain a provision permitting the SA to revoke the lease at any time, unless it is determined that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event, the lease will be revocable by the SA during a national emergency.

§ 643.56 Taxation of lessee's interest.

The lessee's interest in leased property may be taxed by State or local governments as provided in Title 10, United States Code, Section 2667(e). Each lease will contain a provision that if and to the extent that the property owned by the Government and included in the lease, as opposed to the leasehold interest of the lessee therein, is later made taxable by state or local governments under an act of Congress, the lease will be renegotiated.

§ 643.57 Sublease or assignment.

A lease of real estate will not be subleased or assigned for direct or indirect use by another Federal agency. Except as specifically provided in the lease, a sublease or assignment of the lease will not be authorized without prior approval of HQDA (DAEN–REM) WASH DC 20314.

Subpart D—Licenses

§ 643.71 Additional items concerning licenses.

In addition to the general and policy matters covered in Subparts 1 and 2, the following also apply with respect to the granting of licenses.

§ 643.72 License.

A license is a bare authority to do a specified act upon the property of the licensor without acquiring any estate therein. The principal effect of a license is to authorize an act which in the absence of the licensee would constitute a trespass.

§ 643.73 Term.

The term of a license will be limited to a period reasonably necessary to accomplish the purpose for which the license is being granted, but in no event will the term exceed five years, without the approval of COE.

§ 643.74 Consideration.

When a license is granted under the authority of an easement or leasing statute, the same rules will apply in regard to consideration as is applicable to the granting of an easement or lease under the statute. Since the administrative power may be relied upon for the grant of a license only when such grant is of direct benefit to the Government, such grants may be made without consideration.

Subpart E—Easements

§ 643.81 Additional items concerning easements.

In addition to the general and policy matters covered in Subparts 1 and 2, the following also apply with respect to the granting of easements.

§ 643.82 Term.

The term for which an easement is granted will be guided by the type of easement, the period for which the land can be made available and the limitations of tht authorizing statute.

§ 643.83 Consideration.

Although the statutes authorizing grants of rights of way or easements do not make it mandatory that compensation be paid to the United States, such grants will reserve consideration in an amount equal to the fair market value as established by recognized appraisal practices. As an exception to this rule, grants to states, counties, municipalities, or political subdivisions thereof, will not require fair market value when the purpose of the easement is to serve the public interest or is to benefit the Federal Government.

§ 643.84 Easement—Grantees relocate or replace needed facilities.

In easement grants, grantees usually will be required to repair and restore damage done to Government land and improvements and to relocate or replace buildings and other needed facilities rendered useless or less useful by the exercise of the easement rights granted. DOD policy requires that in keeping the Army whole, the relocation or replacement of facilities will be limited to those for which there is a continuing requirement. By specific exclusion, establishment of a different category of facility is not authorized. (DODI 4165.12 III C)

§ 643.85 Easement grantees—Payment for removal or destruction of unneeded improvements.

Where a proposed right of way will require removal or destruction of improvements which are not required to be relocated or replaced to meet military needs, such improvements will be disposed of as excess property in accordance with AR 405–90, and a condition of the easement grant will be payment for such improvements as follows:

(a) Where the easement grant is to be made at fair market value to entities not entitled to grants of rights of way without charge, the charge for the grant will include the in-place fair market value of the improvements.

(b) Where the proposed grantee is a State or local Government agency normally granted a right of way without charge under Army policy and the grantee's project is subsidized wholly by an agency of the Federal Government, no charge will be made for the improvements thus lost, since any charge made would not reflect a net return to the Government.

(c) Where the proposed grantee is a State or local Government agency normally granted a right of way without charge under Army policy, and the grantee's project is not subsidized, or is subsidized only in part, the charge for such improvements removed or destroyed and not replaced will be the salvage value thereof.

§ 643.86 Easements for various purposes with relinquishment of legislative jurisdiction.

Title 40, U.S.C., Section 319, and delegation of authority thereunder from the Secretary of Defense authorizes the SA to grant easements and concurrently to relinquish to the State in which the affected land is located such legislative jurisdiction as is deemed necessary or desirable. Ordinarily, 40 U.S.C. 319 will not be used for easement grants which may be accomplished pursuant to authorities set forth in preceding paragraphs except where retrocession of legislative jurisdiction is intended.

V42 N117 JUN 17 77 UM

Subpart F—Permits

§ 643.101 Additional items concerning permits.

In addition to the general and policy matters covered in subparts 1 and 2, the following also apply with respect to the granting of permits.

§ 643.102 Permit.

A permit is the temporary authority conferred on a Government agency to use real property under the jurisdiction of another Government agency.

§ 643.103 Term.

A permit may be granted to another military department, a DOD component, or Federal agency for a mutually agreeable period. If the permit is on a permanent or irrevocable basis, it is considered tantamount to a transfer and must be granted under special statutory authority. Where the real property involved is estimated to exceed $50,000 in value, a report must be made to the Congressional Committees on Armed Services, pursuant to Title 10, United States Code, Section 2662.

§ 643.104 Consideration.

(a) Permits are usually granted on a rent-free basis.

(b) The Army is authorized, however, to charge for space and space-related services provided non-DOD Federal agencies. Charges will be at rates established by GSA for the particular location pursuant to Title 40, United States Code, Sections 490 (j) and (k). Exceptions to this policy will be real property and related services provided to an organization which is solely in the support of the installation's mission. (For example: space assigned to a FAA air controller on an Army airfield; GAO activity auditing installation programs). Proceeds which are in excess of the actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law. Reimbursement for utilities and services furnished to the permittee is the responsibility of the officer having immediate jurisdiction over the real estate. Where the use of real estate by a Federal agency under permit is authorized and the correspondence does not include information regarding charges to be made for the real estate, clarifying information will be obtained from HQDA (DAEN–REM) WASH DC 20314.

(c) Where real property is leased to or otherwise used by the Army and a rental or charge is paid therefor, any use of the real estate, for non-Army use, either under permit or other grant, will provide for reimbursement of a proportionate part of the rental or charge, unless otherwise approved by OCE. Reimbursement is the responsibility of the DE. Any other officer authorizing such use is responsible for notifying the DE of the non-Army use.

Subpart G—Additional Authority of Commanders

§ 643.111 Additional authority.

In addition to authorities and responsibilities set forth above, the following grants may be made by commanders as indicated.

§ 643.112 Army exchange activities.

Use of space and structures by the Army Exchange and its concessionaires is governed by AR 60–10.

§ 643.113 Banks.

(a) The establishment of banks, branch banks and banking facilities on Army installations is governed by AR 210–135.

(b) The Treasury Department determines whether a banking facility is self-sustaining and notifies the Commander, U.S. Army Finance and Accounting Center.

(c) Banking facilities which are not selfsustaining will be furnished space, utilities and custodial services without charge by the Installation Commander, provided space and services are available from existing resources.

(d) Banking facilities which are self-sustaining will be granted a lease by the DE, at fair market value, and reimbursement will be required for utilities and services furnished.

(e) A bank building may not be constructed on an Army installation without the prior approval of COE, SA and DOD.

§ 643.114 Civil disturbances.

Without reference to higher authority, and when it is found to be in the public interest, MACOM and heads of agencies having command responsibility may grant, without consideration, revocable licenses for joint use of active Army and USAR facilities during civil disturbance for not more than 30 days to the National Guard and to municipal, county, and state officials and law enforcement agencies. Licensees must agree that the privileges granted will be without expense to the DA, that the use will be subject to the control of the officer having jurisdiction over the property, that it will remove its property from the premises when the license is terminated, that it will pay the cost of any services furnished to it by the DA, and, if a non-Federal agency, that it will hold the Government harmless from any damages or claims arising out of the use. Where it is proposed to allow such use beyond 30 days, the proposal must be submitted to HQDA (DAEN–REZ) WASH DC 20314 for approval. Federal task force commanders, acting under instructions from the Chief of Staff, in a civil disturbance control operation may approve requests for the use of installations under their control (Ref AR 500–50).

§ 643.115 Contractors—Permission to erect structures.

Installation Commanders are authorized to permit the erection of temporary structures for use solely in connection with a Government contract for construction and related work for the period of the contract and with provision for removal and restoration of the premises upon expiration of the contract; provided that, in the interest of the United States, any structure suitable for military use may, in lieu of removal, be relinquished to and become the property of the United States. If the structure is to be used for any purpose other than the fulfillment of the contract, application will be made to the DE for such use in order that a proper real estate instrument may be processed.

§ 643.116 Credit Unions.

Installation Commanders are authorized under 12 U.S.C. 1770 to allot space in existing buildings, without charge for rent or services, to any credit union organized under State law or to any Federal Credit Union organized in accordance with the Federal Credit Union Act, provided that, in either case, the membership is composed exclusively of federal employees (including former federal employees who acquired membership while employed by the Federal Government and retained such membership) and members (husband, wife, child, parent, brother, sister, grandparent, or grandchild living with the employee) of their families. Construction and use of buildings by credit unions and reimbursement of the cost of maintenance, utilities and services provided to such buildings are governed by AR 210–24, AR 230–81 and AR 420–41.

§ 643.117 Hunting, trapping and fishing.

Applications to hunt, trap and fish on military reservations are governed by AR 420–74.

§ 643.118 Nonappropriated funds—authority to permit erection of structures.

The authority of Installation Commanders to permit structures to be erected on military installations with nonappropriated funds, as well as the title status of each, is defined in AR 60–10 and AR 210–55. Use of existing space and structures for activities of a civilian nonappropriated fund is governed by AR 230–81.

§ 643.119 Licenses incidental to post administration.

Installation commanders may authorize the use of property incidental to post administration which in the absence of such authority would amount to a trespass, such as licenses to merchants to enter the reservation to make deliveries. The authority noted herein may not be used to grant licenses in situations otherwise covered by this regulation.

§ 643.120 Post Office.

Title 10, United States Code, Section 4779b, provides that the SA shall assign suitable space for post office purposes at military posts where post offices have been established. Space assignment will be accomplished by arrangement between the Postmaster and installation commander.

§ 643.121 Private organizations on DA installations.

(a) AR 210–1 defines and classifies private organizations, such as thrift shops, and child care centers, located on Army installations and provides policy guidance for their authorization and operation. Installation commanders may authorize the use of available facilities or space to such private organizations, without monetary consideration, when the use is on a non-exclusive basis and subject to immediate termination when possession is required by the installation commander for another purpose.

(b) Where the private organization desires exclusive use of facilities or space, or for a specified period of time, the matter will be considered a leasing action, the lease will be granted by the DE and will provide for payment of a rental consideration. The installation commander will consult with the DE if there is a question whether a proposed use of facilities or space by a private organization should be authorized by the DE under lease or by the installation commander by the issuance of a license.

§ 643.122 Reserve facilities—Air Force and Navy use.

(a) MACOM may approve local agreements with appropriate Air Force or Navy commands, covering temporary use of existing Army Reserve facilities by the Air Force or Navy Reserve, provided, however, that the DA is reimbursed in proporationate share for the services furnished and that the cost of any alterations that may be desired will be borne by the military service concerned. Although no specific form is prescribed for those operational agreements, the agreements constitute Interservice Support Agreements subject to Joint AR 1–35/SECNAV INST 4000.20B/AFR 400.27. Nothing in such joint regulation disallows use of DE outgrants to supplement coverages of Interservice Support Agreements when requested and approved in accordance with this regulation. The terms used in the Interservice Agreements and/or DE outgrants will be those acceptable to the commands concerned. Agreements, however, which provide for the exclusive use of such property by the Air Force or Navy Reserve, or which involve a transfer of funds between services for other than minor utility services, or which involve an increase in personnel strength, or other complications, will be routed to the appropriate DE for execution of a formal permit.

§ 643.123 Reserve facilities—Local civic organizations.

In order to promote community relations in areas where Army Reserve Centers have been constructed, local civic and similar nonprofit organizations may be permitted to use the armory facilities during such periods that will not cause any interference with the primary use thereof for the administration and training of the Reserve Components of the Armed Services of the United States. Procedures and policy are outlined in AR 140–488.

§ 643.124 Trailer sites.

(a) Installation Commanders are authorized to grant revocable leases to military personnel and civilian personnel qualified to occupy public quarters for use and occupancy of individual trailer sites within approved trailer camp areas, and to revoke or renew such leases. (See AR 210–50.) Leases will be granted pursuant to Title 10, U.S.C., Section 2667. Necessary utilities will be provided on a reimbursable basis. In no event will the terms of the lease exceed a period of 2 years. DA Form 373 (Lease or Trailer Sites) will be used exclusively for this purpose.

(b) Leases may be revoked for nonpayment of rent, or breach of any condition of the lease or military necessity.

(c) Rents will be collected locally and turned over to the nearest Army Finance and Accounting Officer for deposit in accordance with procedure set forth in AR 37–103. A copy of the Cash Collection Voucher (DD Form 1131) will be forwarded to the appropriate DE.

§ 643.125 Transportation licenses.

Installation Commanders are authorized to grant revocable licenses and to revoke such licenses in the name of and by authority of the SA, for bus and taxicab service on installations. The following policy will be observed in granting such licenses; however, if real estate is required to be leased in accordance with e below, no commitment will be made to grant licenses until approval is received for the lease.

(a) One or more licenses (revocable at will and for a period not to exceed 5 years) may be granted, based upon the free competitive proposals of all available companies or individuals.

(b) DD Form 694 (Transportation License Military Reservation) will be used for this purpose.

(c) Only duly licensed operators will be permitted to operate on installations.

(d) No distinction will be drawn between taxicab and bus transportation.

(e) If use of Government property is desired for such purposes as at bus station, waiting rooms, storage space, offices in connection with the proposed transportation service, application for a lease will be forwarded to the appropriate DE for processing.

(f) Licenses may be revoked by the Installation Commander for breach of any condition of the license and for military necessity.

(g) The Installation Commander will furnish a copy of each such license, through channels, to the MACOM or to the head of the agency having command responsibility.

§ 643.126 Quarters.

The assignment and rental of quarters to civilian employees and other nonmilitary personnel will be accomplished in accordance with AR 210–50. Responsibility of the Corps of Engineers for the establishment of rental rates for quarters rented to civilian and military personnel is set forth in AR 210–12.

§ 643.127 Veterans' conventions.

Without reference to higher authority, MACOM may lend certain Army real property (including the use of unoccupied barracks) to national veterans' organizations for use at state or national conventions or for national youth, athletic or recreational tournaments sponsored by those organizations in accordance with AR 725–1.

§ 643.128 Youth groups.

(a) Installation Commanders may grant revocable-at-will licenses for one-time use, or for intermittent or continuing use of available meeting room facilities, without monetary consideration, to on-post youth groups such as the Boy Scouts, Girl Scouts and Little League.

(b) Installation Commanders may grant revocable-at-will licenses for one-time use, or for intermittent or continuing use, to off-post youth groups such as the Boy Scouts, Girl Scouts and the Little League for nonexclusive use of recreational areas or unimproved land areas within military reservations for recreational or camping purposes. Licenses will be granted for up to a period of one year without monetary consideration and will provide for a hold-harmless clause with respect to any and all claims against the Government and will require the repair of any damage or destruction resulting from such use.

§ 643.129 Joint Carrier Military Traffic Offices (JAMTO, JBMTO, JRMTO, SAMTO).

Installation Commanders will furnish office space without charge for JCMTO offices established in accordance with AR 55–365.

[FR Doc.77–17300 Filed 6–16–77;8:45 am]

JUN 17 77 UM

federal register

FRIDAY, JUNE 17, 1977

PART V



DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

V42N117
JUN 17 77
UM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AL77–1073
Mississippi	MS77–1078

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AR77–3082	Apr. 8, 1977.
AR77–4106	May 27, 1977.
AR77–4107	June 3, 1977.
Florida:	
FL77–1065	May 13, 1977.
Maryland:	
MD77–3021	Jan. 14, 1977.
Nevada:	
NV77–5012	Feb. 11, 1977.
NV77–5031	Mar. 18, 1977.
NV77–5146	Apr. 29, 1977.
New York:	
NY77–3013	May 13, 1977.
Ohio:	
OH77–2080	Do.
OH77–2087	May 20, 1977.
Pennsylvania:	
PA77–3026	Feb. 4, 1977.
PA77–3030	Feb. 18, 1977.
PA77–3032	Mar. 25, 1977.
PA77–3031; PA77–3039	Apr. 8, 1977.
PA77–3028; PA77–3034	Apr. 15, 1977.
PA77–3049	Apr. 22, 1977.
PA77–3053	May 13, 1977.
Texas:	
TX76–4197	Dec. 28, 1976.
TX77–4054	Mar. 4, 1977.
TX77–4102	May 13, 1977.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Arizona:	
AZ76–5109 (AZ77–5054); AZ76–5110 (AZ77–5059); AZ76–5111 (AZ77–5060).	Nov. 26, 1976.
Nevada:	
NV77–5022 (NV77–5061)	Mar. 18, 1977.
New Jersey:	
NJ77–3037 (NJ77–3079)	Apr. 22, 1977.
New Mexico:	
NM77–4074 (NM77–4116)	Apr. 8, 1977.
New York:	
NY76–3256 (NY77–3025)	Oct. 8, 1976.
NY77–3022 (NY77–3044)	Feb. 4, 1977.
South Dakota:	
SD77–5027 (SD77–5064); SD77–5028 (SD77–5065).	Mar. 4, 1977.
Washington:	
WA77–5032 (WA77–5055)	Apr. 1, 1977.

Signed at Washington, D.C., this 10th day of June 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

Page 2

AL77-1073 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Cont'd):					
Side rail setters	5.40	.25	.30		.05
Vibrator operator	5.40	.25	.30		.05
Wagon drill operator	5.65	.20	.30		.05
Oregon operator	6.75	.25	.30		.05
Tunnel work (free air)					
Chuck tender	5.80	.25	.30		.05
Head miner	6.25	.25	.30		.05
Pneumatic concrete gun operator & nozzleman	5.95	.25	.30		.05
Tunnel laborer	5.65	.25	.30		.05
Tunnel miner	6.05	.25	.30		.05
Plumbers and Pipefitters	9.45	.30	.45		
Truck drivers	5.75	.20			
Welders - Rate for craft					

NEW DECISION

STATE: Alabama COUNTIES: *See below

DECISION NO.: AL77-1073 DATE: Date of Publication

DESCRIPTION OF WORK: Heavy Construction

*Counties: Calhoun, Etowah, Green, Jefferson, Pickens, St. Clair, Shelby, Sumter, Talladega, Tuscaloosa, and Walker

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	9.50				
Carpenters:					
Green, Pickens, Sumter and Tuscaloosa Counties	7.50				.06
Jefferson, Shelby, Walker and that portion of St. Clair and Talladega County West of Highway 231 from the Blount County line South to Interstate 20. Also that portion of St. Clair and Talladega Counties South of Interstate 20 and West of U.S. Alternate 231 South, not including the City of Talladega and that portion of Talladega County South of the City of Talladega and West and South of the Talladega National Forest	7.35	.40	.25		.07
Calhoun, Etowah and Remainder of St. Clair and Talladega Counties	6.60	.40	.25	1½ of 4%	.06
Electricians	10.10	.30	1½-40		% of 1%
Ironworkers	8.50	.60	.015		.04
Laborers:					
Air tool operator	5.40	.25	.30		.05
Asphalt lute man	5.40	.25	.30		.05
Asphalt raker	5.40	.25	.30		.05
Batch truck dumper	5.25	.25	.30		.05
Caisson hole man (10' dia.)	6.00	.25	.30		.05
Chain saw operator	5.40	.25	.30		.05
Concrete saw operator	5.40	.25	.30		.05
Dry cement handlers (bulk or bag)	5.40	.25	.30		.05
Hand blade operator	5.25	.25	.30		.05
General laborer	5.25	.25	.30		.05
Mortar mixers	5.35	.25	.30		.05
Muckers	5.35	.25	.30		.05
Pipelayers	5.35	.25	.30		.05
Powdermen & blasters	6.00	.25			

JUN 17 1977 UM

AL77-1073 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	8.41	.40	.30		.10
CLASS B	7.97	.40	.30		.10
CLASS C	7.72	.40	.30		.10
CLASS D	7.16	.40	.30		.10

CLASS A: Asphalt plant, asphalt spreader, backhoe, boat operator (inboard), boom tractor, bulldoser, cableways, cherry picker, compressors-2, or more within 200 ft. radius, concrete plants-stationary, mixer operator, concrete pump, conveyor-2 or more up to 4, core driller-crane-derrick-dragline-deck hoist on construction barges, crane-hydro, dinky locomotive, distributors-bituminous surface, dredge operator, farm tractor with attachments (30 HP or more-which are an integral part of tractor), fork lift, front end loader, gradall, headhouse operator, heavy duty, mechanic, hoist-2 drums or more, ice plant in connection with concrete, mixers-5 bags or over, motor graders, pile driver, push tractor, quarry master and rock crusher, rollers-asphalt, scraper, scrapers in tandem (operator to receive 250 per hour for each additional scraper), shovels, trenching machines and all similer equipment.

CLASS B: Crawler tractor, hoist-1 drum, pumps-2 or more 4 inch & over, under 5 within 200 ft. radius, rollers (other than asphalt), winch truck, well points and other equipment used for dewatering.

CLASS C: Air compressor, blade graders-pull type, farm tractor with attachments, finishing machine-screed mounted self-propelled, mixers-under 5 bags.

CLASS D: Outboard boats, air compressor-125 and under, (oiler-helper), conveyor-one (1) tended by oiler, mechanic helper, pumps-under 4 inch-3 or under, welding machines-3 or under, oiler or helper-inboard boats, deck hand.

NEW DECISION

STATE: Mississippi COUNTIES: *See below
DECISION NO.: MS77-1078 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

*Counties: Lowndes County (excluding Columbia Lock & Dam and Tennessee-Tombigbee Project)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	4.50				
Bricklayers	6.20				
Carpenters	6.40				
Cement masons	6.40				
Electricians	8.90	.32	10	.12	.01
Laborers	2.30				
Lathers	4.80				
Painters, brush	4.00				
Plasterers	4.54				
Plumbers and steamfitters	8.80	.30	.30		.05
Roofers	3.47				
Sheet metal workers	3.66				
Soft floor layers	4.46				
Tile setters	4.87				
Truck drivers	3.25				
POWER EQUIPMENT OPERATORS:					
Bulldozers	4.50				
Tractor	3.25				

MODIFICATIONS P. 1

DECISION NO. AR77-3082 - Mod.#4
(42 FR 18798 - April 8, 1977)
Union and Ouachita Counties, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CEMENT MASONS	$ 8.67	.25			.03
IRONWORKERS	10.05	.45	.65		.04

DECISION NO. AR77-4106 - Mod. #2
(42 FR 27563 - May 27, 1977)
Conway, Faulkner, Van Buren, Cleburne and Perry Counties, Arkansas

CHANGE:					
CEMENT MASONS	$8.67	.25			.03
IRONWORKERS	9.50	.45	.40		.04

DECISION NO. AR77-4107 - Mod. #1
(42 FR 28757 - June 3, 1977)
Pulaski County, Arkansas

CHANGE:					
IRONWORKERS	$9.50	.45	.40		.04
CEMENT MASONS	8.67	.25			.03
TILE, MARBLE & TERRAZZO FINISHERS	5.80				

MODIFICATIONS P. 2

Decision # FL77-1065 - Mod. # 3
(42 FR 24575 - May 13, 1977)
Brevard & Volusia Counties (Cape Kennedy, Kennedy Space Flight Center, Patriok Air Force Base, and Melabar Radar Site only), Florida.

Change:

The modification published on June 3, 1977 in 42 FR 28739 should be Mod. # 2.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #MD77-3021 - Mod. #2 (42 FR-3153 - January 14, 1977) Allegany & Garrett Counties, Maryland					
Change:					
Bricklayers	$10.34		.40		
Carpenters	10.34	.45	.25		
Cement masons	10.35	.45			
Ironworkers:					
Structural & Rainforcing	10.24	.60	.90		
Laborers:					
Unskilled, landscape worker, tool checker, dumpmen, handy man, & spotter	7.59	.80	.90		
Power tool operator, mason & plasterers tenders, mortar mixer by hand, scaffold builder, hod carrier, concrete puddler, pipe layer, chainman-rodman, rammer, & grade checker	7.71	.80	.90		
Mortar mixer by machine	7.78	.80	.90		
Barko tamper	7.85	.80	.90		
Blaster/dynamite & Wagon drill operator (air track)	7.89	.80	.90		
Tunnel Workers:					
Caisson, driller, & mucker	8.41	.80	.90		
Laborer - Unskilled	8.05	.80	.90		
Gunnite workers:					
Nozzlemen & gun operators	7.89	.80	.90		
Piledrivermen	10.63	.45	.25		.02

DECISION #MD77-3021 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
HEAVY CONSTRUCTION:					
Group 1	9.70	.75	.85	a	.10
Hourly additional pay for long boom cranes (including jibs), piledriver machines with leads:					
130' to 169' plus	$ .40				
170' to 209' plus	.60				
210' to 249' plus	.80				
250' to 299' plus	1.00				
300' and over	1.25				
Group 2	9.28	.75	.85	a	.10
Group 3	8.94	.75	.85	a	.10
Group 4	8.70	.75	.85	a	.10
Group 5	8.62	.75	.85	a	.10
Group 6	8.23	.75	.85	a	.10
Group 7	10.10	.75	.85	a	.10
HIGHWAY CONSTRUCTION:					
Group 1	9.52	.75	.85		.10
Hourly additional pay for long boom cranes (including jibs), piledriver machines with leads:					
130' to 169' plus	$ .40				
170' to 209' plus	.60				
210' to 249' plus	.80				
250' to 299' plus	1.00				
300' and over	1.25				
Group 2	9.06	.75	.85		.10
Group 3	8.76	.75	.85		.10
Group 4	8.53	.75	.85		.10
Group 5	8.41	.75	.85		.10
Group 6	8.06	.75	.85		.10
Group 7	9.92	.75	.85		.10
TRUCK DRIVERS - Heavy & Highway Construction:					
Group 1	7.79	.60	.70		
Group 2	7.94	.60	.70		
Group 3	8.14	.60	.70		
Group 4	8.34	.60	.70		
Group 5	8.57	.60	.70		

DECISION #NV77-5012 - Mod. #4 (42 FR 8947 - February 11, 1977) Nevada Test Site including the Tonopah Test Range in Clark and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Power Equipment Operators: (Except Piledriving and Steel Erection):					
Group 1	$9.98	.95	$2.00	.30	.04
Group 2	10.22	.95	2.00	.30	.04
Group 3	10.46	.95	2.00	.30	.04
Group 4	10.57	.95	2.00	.30	.04
Group 5	10.76	.95	2.00	.30	.04
Group 6	10.86	.95	2.00	.30	.04
Group 7	9.76	.75	2.00	.30	
Group 7-A	9.47	.75	2.00	.30	
Group 7-B	9.36	.75	2.00	.30	
Group 7-C	9.12	.75	2.00	.30	

DECISION #NV77-5031 - Mod. #3 (42 FR 15278 - March 18, 1977) Washoe County, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Lake Tahoe Area:					
Cement masons	$10.10	.65	.90	$1.10	.03
Mastic, Magnesite and all Composition masons	10.35	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	10.60	.65	.90	1.10	.03
Remainder of Washoe County:					
Zone 1: Area within a 15-mile radius of the Main Post Office, Reno, Nevada, or within a 15-mile radius of the employee's permanent residence in the State of Neveda, or within a 15-mile radius of the center of the jobsite; also area within a 7-mile radius of the Main Post Office, Carson City, Nevada:					
Cement masons	8.65	.65	.90	1.10	.03
Mastic, Magnesite and all Composition masons	8.90	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.90	1.10	.03
Zone 2: Area outside of Zone 1:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement masons	9.40	.65	.90	1.10	.03
Mastic, Magnesite and all Composition masons	9.65	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.90	1.10	.03

MODIFICATIONS P. 7

DECISION NO. NV77-5031 (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Cement masons (Cont'd):					
Remainder of Washoe County (Cont'd):					
Zone 2 (Cont'd):					
2-B: Area over 50 miles to center of jobsite:					
Cement masons	$10.65	.65	.90	$1.10	.03
Mastic, Magnesite and all Composition masons	10.90	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.90	1.10	.03
Electricians:					
Lake Tahoe Area:					
Electricians; Technicians	13.98	.67	1%+ .77		.08
Cable splicers	15.28	.67	1%+ .77		.08
Washoe County (does not include Lake Tahoe Area:					
Electricians; Technicians	12.98	.67	1%+ .77		.08
Cable splicers	14.28	.67	1%+ .77		.08

MODIFICATIONS P. 8

DECISION #NV77-5146 - Mod. #3 (42 FR 22082 - April 29, 1977) Statewide (does not include the Nevada Test Site and Tonopah Test Range, and does not include highway construction in Douglas County), Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement masons:					
Lake Tahoe Area:					
Cement masons	$10.10	.65	.90	$1.10	.03
Mastic, Magnesite and all Composition masons	10.35	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	10.60	.65	.90	1.10	.03
Remaining Counties:					
Zone 1: Area within a 15-mile radius of the Main Post Office, Reno, Nevada, or within a 15-mile radius of the employee's permanent residence in the State of Nevada; also area within a 7-mile radius of the Main Post Office, Carson City, Nevada:					
Cement masons	8.65	.65	.90	1.10	.03
Mastic, Magnesite and all Composition masons	8.90	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	9.15	.65	.90	1.10	.03
Zone 2 - Highway construction:					
Area outside of Zone 1:					
Cement masons	9.90	.65	.90	1.10	.03
Mastic, Magnesite and all Composition masons	10.15	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	10.40	.65	.90	1.10	.03

MODIFICATIONS P. 9

DECISION NO. NV77-5146 (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change (Cont'd):					
Cement masons (Cont'd):					
Remaining Counties (Cont'd):					
Zone 2 - Nonhighway construction:					
2-A: Area over 15 but not over 50 miles to the center of the jobsite:					
Cement masons	$9.40	.65	.90	$1.10	.03
Mastic, Magnesite and all Composition masons	9.65	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	9.90	.65	.90	1.10	.03
2-B: Area over 50 miles to the center of the jobsite:					
Cement masons	10.65	.65	.90	1.10	.03
Mastic, Magnesite and all Composition masons	10.90	.65	.90	1.10	.03
Troweling Machine; Grinder Operator and Kelly Float	11.15	.65	.90	1.10	.03
Electricians:					
Clark, Lincoln, Nye County (south half):					
Electricians; Technicians	13.96	.73	1%+ 1.30		.08
Cable splicers	14.29	.73	1%+ 1.30		.08
Lake Tahoe Area:					
Electricians; Technicians	13.98	.67	1%+ .77		.08
Cable splicers	15.28	.67	1%+ .77		.08
Nye County (north of Mt. Diablo Base Line) and Remaining Counties excluding Lake Tahoe Area:					
Electricians; Technicians	12.98	.67	1%+ .77		.08
Cable splicers	14.28	.67	1%+ .77		.08
Glaziers:					
Clark, Esmeralda, Lincoln, Nye Counties	12.88	.35	.40		.05

MODIFICATIONS P. 10

Decision No. NY77-3013-Mod. #1 (42 FR 24631-May 13, 1977) Nassau and Suffolk Counties, New York	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS, BUILDING:					
Laborers, mason tenders, and mortar mixers	$8.45	.99	1.03	.84	

DECISION NO. OH77-2080 - Mod. #2
(42 FR 24655 - May 13, 1977)
Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Laborers (Ashtabula County): Sheeting & shoring men; Asphalt rakers & tampers; Dumpmen (Batch truck); Signalmen; Concrete workers; Building wreckers; Tool checkers; Carpenters' tenders; Construction laborers; All work not mentioned in classifications below to be paid at the rate of construction laborers	$9.95				
Spreader box men (asphalt); Stone masons' assistant; Plasterers or mortar mixers; & Squeegee man	10.10				
Air & machine driven tool op.; Industrial sewer cleaning; Sewer pipe layers; Bottom men (6' & over); Power driven wheelbarrows & sweepers; Brick batter & droppers; Burning & cutting torches; Mud jacking of floors	10.15				
Stackmen; Swinging scaffold men	10.25				
Tunnel laborers	10.35				
Gunnite ops.	10.45				
Power blasters	10.50				

DECISION NO. OH77-2087 - Mod. #1
(42 FR 26095 - May 20, 1977)
Knox & Morrow Counties, Ohio

Change:					
Electricians	5.69				
Laborers	5.06				
Roofers	4.84				

DECISION #PA77-3026 - Mod. # 5
(42 FR 7066 - February 4, 1977)
Lancaster County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$9.55	.45	.45		.01
Laborers:					
General Laborers	6.70	.40	.45		
Operators of jackhammer	6.90	.40	.45		
Wagon drill	7.00	.40	.45		
Handling of all materials	6.85	.40	.45		
Laborers assisting tile	6.75	.40	.45		
Handling & using dynamite	7.03	.40	.45		
Caisson work (top men)	6.95	.40	.45		
Caisson work (bottom men)	7.15	.40	.45		
Mixer man	7.10	.40	.45		
Line Construction					
Lineman & cable splicer	11.51	.40	1%		3/4%
Groundman	6.87	.40	1%		3/4%
Winch truck operators	8.03	.40	1%		3/4%
Painters:					
Remainder of County:					
Brush	8.95	.70	.55		
Steel & Spray	10.00	.70	.55		
Roller	8.95	.70	.55		
Piledrivermen	10.77	2.13	1.30	e	.12
Soft floor layers	8.88	.40	.50		.03

DECISION #PA77-3028 - Mod. # 2
(42 FR 20098 - April 15, 1977)
Adams & York Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$9.55	.45	.45		.01
Laborers:					
General Laborers	6.70	.40	.45		
Operators of jackhammer (etc.)	6.90	.40	.45		
Wagon drill (etc.)	7.00	.40	.45		
Handling of all materials (etc.)	6.85	.40	.45		
Laborers assisting tile (etc.)	6.75	.40	.45		
Handling & using dynamite	7.03	.40	.45		
Caisson Work (top men)	6.95	.40	.45		
Caisson work (bottom men)	7.15	.40	.45		
Mixer man	7.10	.40	.45		
Painters:					
Brush	7.35	.35	.15		
Steel & Spray	7.90	.35	.15		
Plasterers (Adams County)	9.25	.55	.40		.01
Piledrivermen	10.77	2.13	1.30	e	.12
Soft floor layers(Adams County)	8.88	.40	.50		.03
Modification #1, dated 5/6/77, in 42 FR 23284, to read (Adams & York Counties, Pennsylvania)					

DECISION #PA77-3030 - Mod. # 3
(42 FR 10266 - February 18, 1977)
Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$9.60	.60	.57		.01
Electricians	10.56	.45	3%+.31		1/4 of 1%
Glaziers	9.39	.40	.40		.01
Laborers:					
Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow-pipe and vacuum cleaners, pipelayers, power-buggy, precast slab placers and signal men	7.70	.30	.35		
Unskilled laborer	7.55	.30	.35		
Plaster and cement mason tenders, machine mixers, plaster pump and scaffold builders (excluding masonry scaffolding for cassion workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny	8.02	.30	.35		
Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment	8.12	.30	.35		
Nursery workers, window washers, floor scrubbers and watchmen	7.20	.30	.35		
Line Construction:					
Linemen	10.81	.40	1%		3/8%
Cable splicer	10.81	.40	1%		3/8%
Groundmen	6.45	.40	1%		3/8%
Winch truck operator	7.54	.40	1%		3/8%
Marble Setters	9.73	.60	.55		

DECISION #PA77-3030 - Mod. #3, Cont'd.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$9.25	.55	.40		.01
Terrazzo Workers & Tile Setters	8.48	.60			
Truck Drivers:					
Pick-ups, dump, service trucks, flat trucks, to and including 2 license plates	7.99	d	e		
Transit Mix, winch trucks, tractor all types euclid, ross lumber and over 2 plates	8.24	d.	e		

Footnotes:
d. $71.37 per month for employees who has worked sixty hours or more during the month.
e. $41.95 per month for employees who has worked sixty hours or more during the month.

DECISION #PA77-3031 - Mod. # 3 (42 FR 18839 - April 8, 1977) Lebanon County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$9.60	.60	.57		.01
Electricians:					
Lawn, East Hanover, and Indiantown Gap Military Reservation	10.56	.45	3%+.31		1/4 of 1%
Glaziers:					
Remainder of County	9.39	.40	.40		.01
Line Construction:					
Linemen & Cable Splicer	11.51	.40	1%		3/4 %
Groundmen	6.87	.40	1%		3/4 %
Winch truck operators	8.03	.40	1%		3/4%
Painters:					
(East of Route 72)					
Brush	8.95	.70	.55		
Structural Steel & Spray	10.00	.70	.55		
Highway bridge	10.40	.70	.55		
Plumbers & Steamfitters:					
East of Route # 501	11.76	.80	1.45		.11
Soft Floor Layers	8.88	.40	.50		.03
Truck Drivers:					
Pick-ups, dump, flat trucks to & including 2 highway license plates	7.99	d	e		
Transit-mix, winch trucks, tractor trailers, all types euclids, ross lumber carriers & trucks over 2 plates	8.24	d	e		

FOOTNOTES::
d. $71.37 per month for employees who have worked sixty hours or more during the month.
e. $41.95 per month for employees who have worked sixty hours or more during the month.

DECISION #PA77-3032 - Mod. # 2 (42 FR 16373 - March 25, 1977) Lycoming County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
LABORERS:					
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	$7.20	.40	.35		
Mason tenders, operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanicel tools comming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12"), non-metallic pips layers, plaster tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of building	7.35	.40	.35		
Sprinkler Fitters	11.86	.65	.95		.08
Soft floor layers	8.88	.40	.50		.03
Piledrivermen	10.77	2.13	1.30	d	.12

DECISION #PA77-3034 - Mod. # 3 (42 FR 20100 - April 15, 1977) Schuylkill County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$9.30	.60	.95		
Laborers:					
Unskilled laborers & window cleaners	6.70	.40	.25		
Operator of jackhammer, paving breaking & other pneumatic, electric & mechanical tools, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, wagon drill operators, cofferdams (below 10'), tunnel free air handling & using cutting or burning torches in the wrecking of buildings, blasters, plasterer tenders, mason tenders, scaffold builders and removal & power buggies	6.80	.40	.25		
Marble setters & tile setters	9.30	.60	.95		
Painters:					
Commercial & Industrial:					
Remainder of County					
Brush	8.95	.70	.55		
Steel	10.00	.70	.55		
Spray	10.00	.70	.55		
Piledrivermen	10.77	2.13	1.30	e	.12
Plasterers	9.30	.60	.95		
Soft floor layers	8.88	.40	.50		.03
Sprinklers Fitters	11.86	.65	.95		.08
Tile setters	8.30	.60	.95		
Cement masons	9.30	.60	.95		

DECISION #PA77-3034, Mod. # 3, Cont.d.'	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ADD:					
Painters:					
Townships of North Union, East Union, Union, Mahanoy, West Mahanoy, West Mahanoy, Butler, Kline, Delano, Ryan, Rush, Kahn, West Penn, and City of Tamaqua					
Brush	9.30	.50	.30		.05
Tapers	9.56	.50	.30		.05
Hazardous	10.56	.50	.30		.05
DECISION #PA77-3039 - Mod. # 4 (42 FR 18778 - April 8, 1977) Clinton, Centre, Huntingdon, Fulton & Mifflin Counties, Pennsylvania					
Change:					
Bricklayers & Stonemasons					
Zone 2	$9.50	.55	.65		
Electricians:					
Zone 2	10.56	.45	3%+.31		1/4 of 1%
Line Construction:					
Zone 3					
Lineman	10.81	.40	1%		3/8%
Winch truck operator	7.54	.40	1%		3/8%
Groundman	6.45	.40	1%		3/8%
Truck Drivers:					
Zone 2					
Pick-ups, dump, service trucks, flat trucks to and including 2 license plates	7.99	f	g		
Transit-mix, winch trucks, tractor, all types euclids, ross lumber & trucks over 2 plates	8.24	f	g		

FOOTNOTES:

f. $71.37 per month per employee who have worked sixty (60) hours during the month
g. $41.95 per month for employee who have worked sixty (60) hours or more during the month.

DECISION #PA77-3049 - Mod. # 2 (42 FR 21043 - April 22, 1977) Northumberland County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons	$9.50	.55	.65		
Laborers:					
North of Susquehanna River	7.20	.40	.35		
South of Susquehanna River	7.55	.30	.35		
Filedrivermen	10.77	2.13	1.30	g	.12
Sprinkler Fitters	11.86	.65	.95		.08
Soft floor layers	8.88	.40	.50		
ADD:					
Painters:					
Hazardous	10.56	.50	.30		.05

DECISION #PA77-3053 - Mod. # 1 (42 FR 24672 - May 13, 1977) Elk, Forest, McKean & Warren Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers					
Zone 3	$11.31	1.02	.55		.02
Bricklayers, cement masons & stonemasons:					
ZONE 1	11.00	.55	.50		
Ironworkers:					
ZONE 1	10.23	1.86	1.01		.10
ZONE 2	10.835	.70	1.151		.07
Laborers:					
(See Schedule Below)					
Millwrights					
ZONE 1	9.86	6%	6%	22%	1/2%
Painters					
ZONE 2					
Commercial					
Brush & Roller	10.10	.55	.80		
Spray	11.10	.55	.80		
Industrial					
Brush & Roller	10.60	.55	.80		
Spray	11.60	.55	.80		
Piledrivermen	11.15	5.5%	10%		50%
Plumbers & Steamfitters					
Zone 1	11.20	.78	1.03		.22
Roofers					
Zone 1	11.41	.77	1.50		.06

DECISION #PA77-3053 - Mod. # 1, Cont'd.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
Laborers:						
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (Loading and Unloading), concrete pitman, puddler, mason tender.	$8.48	8%	6.5%		3.5%	
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includee drill mounted truck, track or similar) sheetere and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumpe, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable toole	8.73	8%	6.5%		3.5%	
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and temper, walder, driller (cable tools)	9.28	8%	6.5%		3.5%	
Wrecking Laborers	8.48	8%	6.5%		3.5%	
Low Burner	8.73	8%	6.5%		3.5%	
Jackhammer Operator	8.73	8%	6.5%		3.5%	
High Burner	9.53	8%	6.5%		3.5%	
High Burner Helper	9.23	8%	6.5%		3.5%	

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX76-4197 - Mod. #6 (41 FR 56602 - December 28, 1976) Lubbock County, Texas					
Change:					
Cement masons	$ 7.10				
DECISION #TX77-4054 - Mod. #6 (42 FR 12671 - March 4, 1977) Brazos County, Texas					
Change:					
Cement masons	9.86	.52	.55		.08
DECISION #TX77-4102 - Mod. #3 (42 FR 24707 - May 13, 1977) Galveston & Harris Cos., Texas					
Change:					
Cement masons:					
Harris County	9.86	.52	.55		.08

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Statewide
DECISION NUMBER: AZ77-5058 DATE: Date of Publication
Supersedes Decision No. AZ76-5109 dated November 26, 1976, in 41 FR 52109.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.04	.50	$ 1.10		.02
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS: (Phoenix Area)					
Bricklayers; Manhole Builders; Stonemasons:					
Zone A (0-25 miles from the City Hall in Phoenix; Flagstaff and Yuma)	10.05	.65	.90		.06
Zone B (25-40 miles from the City Hall in Phoenix; and Williams AFB)	10.55	.65	.90		.06
Zone C (40-70 miles from the City Hall in Phoenix)	11.56	.65	.90		.06
Zone D (70-100 miles from City Hall in Phoenix)	12.06	.65	.90		.06
Zone E (100-200 miles from the City Hall in Phoenix)	12.56	.65	.90		.06
Zone F (200 miles and over from the City Hall in Phoenix)	13.07	.65	.90		.06
BRICKLAYERS: (Tucson Area)					
Bricklayers; Stonemasons:					
Zone A (0-15 miles from Tucson City limits)	10.42	.80	.80		.06
Zone B (Over 15 miles to 30 miles from Tucson City limits)	10.79	.80	.80		.06
Zone C (Over 30 miles to 40 miles from Tucson City limits)	11.17	.80	.80		.06
Zone D (Over 40 miles from Tucson City limits)	11.92	.80	.80		.06
Manhole Builders:					
Zone A (0-15 miles from Tucson City limits)	10.67	.80	.80		.06
Zone B (Over 15 miles to 30 miles from Tucson City limits)	11.04	.80	.80		.06
Zone C (Over 30 miles to 40 miles from Tucson City limits)	11.41	.80	.80		.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Tucson Area) (Cont'd)					
Manhole Builders: (Cont'd)					
Zone D (Over 40 miles from Tucson City limits)	$ 12.17	.80	.80		.06
CARPENTERS:					
(Central and Southern Areas):					
Carpenters; Drywall Applicators; Saw Filers; Shingler	9.785	.845	.955		.05
Floorlayers (finish); Pile-drivermen	10.07	.845	.955		.05
Millwrights	10.20	.845	.955		.05
(Northern Area)					
Carpenters; Drywall Applicator; Saw Filer; Shingler	11.66	.845	.955		.05
Floorlayers (finish); Pile-drivermen	11.945	.845	.955		.05
Millwrights	12.075	.845	.955		.05
CEMENT MASONS:					
(Apache, Coconino, Gila, Mohave, Navajo, Yavapai, Yuma and the Northern portions of Graham, Greenlee, Maricopa and Pinal Counties)					
(Central and Southern Areas)					
Cement Masons	9.51	.95	1.00		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	9.67	.95	1.00		.05
(Northern Area)					
Cement Masons	11.385	.95	1.00		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	11.545	.95	1.00		.05
(Cochise, Pima, Santa Cruz and the southern portions of Graham, Greenlee, Maricopa and Pinal Counties)					
(Central and Southern Areas)					
Cement Masons	10.22	.85	.85		.05
Concrete troweling machine; Sawing and scoring machine; Curb and gutter machine	10.385	.85	.85		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DRYWALL:					
(From Court House in Phoenix, Mesa, including Luke and Williams Air Force Bases)					
Tapers:					
Zone A (0-40 miles)	$ 9.71	.59	.50		.07
Zone B (41-60 miles)	10.71	.59	.50		.07
Zone C (61 miles and over)	11.96	.59	.50		.07
Texture Spraymen:					
Zone A (0-40 miles)	9.81	.59	.50		.07
Zone B (41-60 miles)	10.81	.59	.50		.07
Zone C (61 miles and over)	12.06	.59	.50		.07
ELECTRICIANS: (Flagstaff Area)					
Zone A (in the City of Flagstaff, that area lying in a square extending 20 miles North-South, East and West of the Post Office) (Williams, Winslow and Sedona covering a square extending 5 miles North-South, East and West of the Post Office in each town)					
Electricians	12.64	.96	18%+.70		1/2%
Cable Splicers	12.84	.96	18%+.70		1/2%
Zone B (All territoral jurisdiction allotted outside of Zone A)					
Electricians	14.94	.96	18%+.70		1/2%
Cable Splicers	15.14	.96	18%+.70		1/2%
ELECTRICIANS: (Gallup Area-Northern Apache County)					
Electricians	12.60	.60	18%+.70		1/2%
Cable Splicers	13.65	.60	18%+.70		1/2%
ELECTRICIANS: (Globe-Miami Area)					
Zone A (The area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing)					
Electricians	13.09	6%	9%		1/2%
Cable Splicers	13.34	6%	9%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Globe-Miami Area) (Cont'd)					
Zone B (16-28 miles)					
Electricians	$ 13.79	6%	9%		1/2%
Cable Splicers	14.04	6%	9%		1/2%
Zone C (28-46 miles)					
Electricians	14.39	6%	9%		1/2%
Cable Splicers	14.64	6%	9%		1/2%
Zone D (46 miles and over)					
Electricians	15.09	6%	9%		1/2%
Cable Splicers	15.34	6%	9%		1/2%
ELECTRICIANS: (Phoenix)					
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; Southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; South on Ellsworth Road to Hunt Highway; west on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then extending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road, west on Pecos Road to intersect with Cotton Lane, North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane, North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersect with Bush Highway including Luke and Williams Air Force Bases.)					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Electricians	$ 12.04	.96	1%+.70		1/2%
Cable Splicers	12.64	.96	1%+.70		1/2%
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries: Power Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north; One mile south Pinnacle Peak Road to Cotton Lane on the west; Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east)					
Electricians	14.15	.96	1%+.70		1/2%
Cable Splicers	14.85	.96	1%+.70		1/2%
Zone C (outside edge of Zone B and extended to the outside limits of the union's jurisdiction)					
Electricians	15.23	.96	1%+.70		1/2%
Cable Splicers	15.99	.96	1%+.70		1/2%
ELECTRICIANS: (Kingman)					
Zone A (The area within the 16th road mile from the City Hall)					
Electricians	12.04	.96	1%+.70		1/2%
Cable Splicers	12.64	.96	1%+.70		1/2%
Zone B (from the 16th road mile and extend up to and including the 32nd road mile)					
Electricians	14.15	.69	1%+.70		1/2%
Cable Splicers	14.85	.69	1%+.70		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Kingman) (Cont'd)					
Zone C (From the 32nd road mile and extend up to the outside limits of the union's jurisdiction)					
Electricians	$ 15.23	.96	1%+.70		1/2%
Cable Splicers	15.99	.96	1%+.70		1/2%
ELECTRICIANS: (Prescott)					
Zone A (The area within 20 road miles from the City Hall)					
Electricians	12.04	.96	1%+.70		1/2%
Cable Splicers	12.64	.96	1%+.70		1/2%
Zone B (From the 20th road mile and extend up to and including the 32nd road mile)					
Electricians	14.15	.96	1%+.70		1/2%
Cable Splicers	14.85	.96	1%+.70		1/2%
Zone C (From the 32nd road mile and extend to the outside limits of the union's jurisdiction)					
Electricians	15.23	.96	1%+.70		1/2%
Cable Splicers	15.99	.96	1%+.70		1/2%
ELECTRICIANS: (Tucson Area)					
Zone A (Area within 16 road miles from the City Hall in Tucson and Douglas. Nogales and Sierra Vista shall be limited to 16 road miles from the center of the respective towns)					
Electricians	13.09	6%	9%		1/2%
Cable Splicers	13.34	6%	9%		1/2%
Zone B (Area from the outer limits of the 16 mile radius and extend up to and including 12 road miles)					
Electricians	13.79	6%	9%		1/2%
Cable Splicers	14.04	6%	9%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Tucson Area) (Cont'd)					
Zone C (Area from 12 road miles up to and including 30 road miles)					
Electricians	$ 14.39	5%	8%		1/2%
Cable Splicers	14.64	5%	8%		1/2%
Zone D (Area from 30 road miles and extend to the outside limits of the union's jurisdiction)					
Electricians	15.09	5%	8%		1/2%
Cable Splicers	15.34	5%	8%		1/2%
ELECTRICIANS: (Yuma Area)					
Zone A (Yuma North of Colorado River, East of County Avenue 5E, South to County 16th Street, and West to County Avenue E; Cities of Somerton and Parker)					
Electricians	11.88	.45	7%		1%
Cable Splicers	12.13	.45	7%		1%
Zone B (1-16 miles from Zone A)					
Electricians	12.58	.45	7%		1%
Cable Splicers	12.83	.45	7%		1%
Zone C (16-42 miles from Zone A)					
Electricians	13.18	.45	7%		1%
Cable Splicers	13.43	.45	7%		1%
Zone D (42 miles from Zone A and out)					
Electricians	13.88	.45	7%		1%
Cable Splicers	14.13	.45	7%		1%
ELEVATOR CONSTRUCTORS	11.55	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.42	.70	.30		.01
IRONWORKERS:					
Central and Southern Areas	10.94	1.14	1.86		.08
Northern Area	12.94	1.14	1.86		.08
LATHERS: (Tucson Area)					
Zone A (0-30 miles from Tucson)	9.28	.35	.40		
Zone B (30-40 miles from Tucson)	9.78	.35	.40		
Zone C (40-50 miles from Tucson)	10.03	.35	.40		
Zone D (Area outside Zone C)	10.78	.35	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Flagstaff Area)					
Zone A (From Falgstaff Court House to 20 miles)					
Brush; Soft Floor Layers	$ 9.73	.70	.60	.50	.20
Brush, steel and bridge	10.23	.70	.60	.50	.20
Spray	10.18	.70	.60	.50	.20
Spray, steel and bridge	10.73	.70	.60	.50	.20
Zone B (20-35 miles from Court House in Flagstaff)					
Brush; Soft Floor Layers	10.48	.70	.60	.50	.20
Brush, steel and bridge	10.98	.70	.60	.50	.20
Spray	10.93	.70	.60	.50	.20
Spray, steel and bridge	11.48	.70	.60	.50	.20
Zone C (35-80 miles from Court House in Flagstaff)					
Brush; Soft Floor Layers	11.48	.70	.60	.50	.20
Brush, steel and bridge	11.98	.70	.60	.50	.20
Spray	11.93	.70	.60	.50	.20
Spray, steel and bridge	12.48	.70	.60	.50	.20
Zone D (80 miles and over from Court House in Flagstaff)					
Brush; Soft Floor Layers	11.73	.70	.60	.50	.20
Brush, steel and bridge	12.23	.70	.60	.50	.20
Spray	12.18	.70	.60	.50	.20
Spray, steel and bridge	12.73	.70	.60	.50	.20
PAINTERS: (Phoenix Area)					
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):					
Brush	9.69	.59	.38		.05
Spray	9.94	.59	.38		.05
Steel and bridge, brush	10.04	.59	.38		.05
Steel and bridge, spray	10.24	.59	.38		.05
Zone B (41-60 miles from Court House in Phoenix)					
Brush	10.69	.59	.38		.05
Spray	10.94	.59	.38		.05
Steel and bridge, brush	11.04	.59	.38		.05
Steel and bridge, spray	11.24	.59	.38		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Phoenix Area) (Cont'd)					
Zone C (60 miles and over from Court House in Phoenix)					
Brush	$ 11.69	.59	.38		.05
Spray	11.94	.59	.38		.05
Steel and bridge, brush	12.04	.59	.38		.05
Steel and bridge, spray	12.24	.59	.38		.05
PAINTERS: (Tucson and Yuma Areas)					
Zone A (0-30 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	8.70	.67	.35		.04
Spray	9.20	.67	.35		.04
Steel and bridge, brush	9.78	.67	.35		.04
Steel and bridge, spray	10.28	.67	.35		.04
Zone B (31-40 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	9.53	.67	.35		.04
Spray	10.03	.67	.35		.04
Steel and bridge, brush	10.53	.67	.35		.04
Steel and bridge, spray	11.03	.67	.35		.04
Zone C (41-50 miles from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	10.03	.67	.35		.04
Spray	10.53	.67	.35		.04
Steel and bridge, brush	11.03	.67	.35		.04
Steel and bridge, spray	11.53	.67	.35		.04
Zone D (51 miles and over from Stone and Congress in Tucson and from the County Courthouse in Yuma)					
Brush	10.78	.67	.35		.04
Spray	11.28	.67	.35		.04
Steel and bridge, brush	11.78	.67	.35		.04
Steel and bridge, spray	12.28	.67	.35		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS: (Phoenix Area)					
Zone A (0-35 miles from Phoenix)	$ 9.045	.60	.85		.035
Zone B (35-60 miles from Phoenix)	9.795	.60	.85		.035
Zone C (60 miles and over from Phoenix)	10.67	.60	.85		.035
PLASTERERS: (Tucson Area)					
Zone A (0-30 miles from Tucson)	8.57	.35	.60		
Zone B (30-40 miles from Tucson)	9.07	.35	.60		
Zone C (40-50 miles from Tucson)	9.32	.35	.60		
Zone D (50 miles and over from Tucson)	10.07	.35	.60		
PLASTERERS' TENDERS: Central and Southern Areas	9.16	.85	.85		.10
PLUMBERS; Steamfitters:					
FREE ZONE 0-15 miles					
The "Free Zone" (Zone I) shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the city limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points.					
Zone I (0-15 miles)	11.14	.75	1.35		.10
Zone II (15-30 miles)	11.49	.75	1.35		.10
Zone III (30-40 miles)	11.91	.75	1.35		.10
Zone IV (40 miles and over)	13.21	.75	1.35		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Tucson Area) Asbestos; Shinglers; Tile and Waterproofing:					
Zone A (0-44 miles from Tucson)	$ 8.97	.845	.20		.02
Zone B (Over 44 miles from Tucson)	10.72	.845	.20		.02
ROOFERS: (Phoenix Area) Roofers and Waterproofers	9.66	.845	.20		.02
SHEET METAL WORKERS:					
Zones Bases - from the Administration Building or City Hall in Flagstaff, Kingman, Phoenix, Prescott and Yuma):					
Zone I (0-25 miles)	10.43	3%+.70	1.10		.07
Zone II (25-50 miles)	11.08	3%+.70	1.10		.07
Zone III (50 miles and over)	12.93	3%+.70	1.10		.07
SHEET METAL WORKERS;					
Zone Bases - from the Administration Building or City Hall in Douglas and Tuscon:					
Zone A (0-22 miles)	9.99	3%+.94	1.91		.04
Zone B (22-45 miles)	10.94	3%+.94	1.91		.04
Zone C (Over 45 miles)	12.49	3%+.94	1.91		.04
SOFT FLOOR LAYERS: (Phoenix Area)					
Zone A (0-40 miles from Court House in Phoenix and Flagstaff including Luke and Williams Air Force Bases)	8.81	.49	.12		.12
Zone B (41-60 miles from Court House in Phoenix and Flagstaff)	9.81	.49	.12		.12
Zone C (61 miles and over from Court House in Phoenix and Flagstaff)	10.81	.49	.12		.12
SOFT FLOOR LAYERS: (Tucson Area)	9.25	.38	.65		.08
SPRINKLER FITTERS	12.29	.65	.95		.08
TERRAZZO WORKERS; Tile Setters; Marble Mason: (Tucson Area)	9.42	.70	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Zone I (Phoenix and Tucson 30 mile radius from center of town):					
Groundmen	8.79	8%	8%		1/2%
Equipment Operators; Powdermen; Mechanics	10.15	8%	8%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	11.45	8%	8%		1/2%
Cable Splicers	11.82	8%	8%		1/2%
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town):					
Groundmen	9.55	8%	8%		1/2%
Equipment Operators; Powdermen; Mechanics	10.85	8%	8%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	12.20	8%	8%		1/2%
Cable Splicers	12.64	8%	8%		1/2%
Zone II (Other Areas):					
Groundmen	10.26	8%	8%		1/2%
Equipment Operators; Powdermen; Mechanics	11.57	8%	8%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	12.93	8%	8%		1/2%
Cable Splicers	13.31	8%	8%		1/2%

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates C & S AREA	Basic Hourly Rates N AREA	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS						
Group 1:	$ 8.01	$ 9.635	.85	.85		.10
Group 2:	8.14	9.765	.85	.85		.10
Group 3:	8.28	9.905	.85	.85		.10
Group 4:	8.39	10.015	.85	.85		.10
Group 5:	8.56	10.185	.85	.85		.10
Group 6:	8.935	10.56	.85	.85		.10
Group 7:	9.565	11.19	.85	.85		.10
LABORERS (Tunnel and Shaft Work)						
Group 1:	8.255	9.88	.85	.85		.10
Group 2:	8.42	10.045	.85	.85		.10
Group 3:	8.55	10.175	.85	.85		.10
Group 4:	8.91	10.535	.85	.85		.10
Group 5:	9.085	10.71	.85	.85		.10
Group 5A:	9.335	10.96	.85	.85		.10
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)						
Group 1:	8.60	10.225	.95	.90		.06
Group 2:	8.97	10.595	.95	.90		.06
Group 3:	9.43	11.055	.95	.90		.06
Group 4:	9.96	11.585	.95	.90		.06
Group 5:	10.49	12.115	.95	.90		.06
Group 5A:	10.80	12.425	.95	.90		.06
Group 6:	11.13	12.755	.95	.90		.06
Group 7:	11.73	13.355	.95	.90		.06
TRUCK DRIVERS						
Group 1:	8.19	9.815	.85	.85		.06
Group 2:	8.32	9.945	.85	.85		.06
Group 3:	8.54	10.165	.85	.85		.06
Group 4:	8.89	10.515	.85	.85		.06
Group 5:	9.05	10.675	.85	.85		.06
Group 5A:	9.23	10.855	.85	.85		.06
Group 6:	9.37	10.995	.85	.85		.06
Group 7:	9.78	11.405	.85	.85		.06
Group 8:	10.295	11.92	.85	.85		.06
Group 8A:	10.95	12.575	.85	.85		.06
Group 8B:	10.64	11.265	.85	.85		.06
Group 8C:	8.75	10.375	.85	.85		.06

LABORERS

Group 1: All Helpers not herein separately classified; Cesspool Diggers and installers; Chat Box Man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer; Cleanup, Bull gang; Trackman-railroad

Group 2: Cement finisher tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spiker and wrenchers

Group 4: Cement dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders concrete; Hydraulic jacks, and similar mechanical tools not separately classified herein; Operators and tenders of penumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and water wash-out nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chairs or safety belt); Tampers (mechanical - all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller, (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping; Form setter and/or builder

LABORERS
(Tunnel and Shaft Workers)

Group 1: Bull Gang, muckers, trackman; Dumpmen; Concrete crew (includes rodders and spreeders); Grout crew; Swamper (brakeman and switchmen on tunnel work); Change house man

Group 2: Nipper; Chucktender, Cabletender, Vibratorman, Jackhammer, Pneumatic tools (except driller)

Group 3: Grout Gunman

Group 4: Timberman, Retimberman - wood or steel blaster, driller powderman; Cherry pickerman; Powderman - primer house; Steel form raiser and setter; Kemper and other pneumatic concrete placer operator; Miner - finisher; Miners - Tunnel (hand or machine)

Group 5: Diamond Drill

Group 5A: Shaft and Raise Miner Welder

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Teamsters; Pickups; Station Wagons; Manhaul driver

Group 2: Dump or flatrack (2 or 3 axle); Water truck (under 2500 gals.); Buggymobile (1 c. y. or less); Tireman; Bus drivers, ambulance driver, self-propelled street sweeper; Warehouseman

Group 3: Dump or flatrack (4 axle); Dumptor or dumpster (less than 7 c. y.); Water truck (2500 gals. but less than 4000 gals.)

Group 4: Dumptor or dumpster (7 c. y. but less than 16 c. y.); Dump or flatrack (5 axle); Water truck (4000 gals. and over); Slurry type equipment or leverman; Flaherty spreader or similar type equipment or leverman; Transit mix (8 c. y. or less)

Group 5: Dump or flatrack (6 axle); Transit mix (over 8 c. y. but less than 10.5 c. y.); Rock truck (i.e. Dart, Euclid and other similar type end dumps, single unit, less than 16 c. y.))

Group 5A: Oil tanker or spreader and/or bootman, retortman or leverman

Group 6: Transit mix (over 10.5 c. y. but less than 14 c. y.); Ross Carrier fork lift or lift truck; Hydro lift, Swedish Crane lows 300 and similar types; Concrete pump (when integral part of transit mix truck); Dump or flatrack (7 axle)

Group 7: Dump or Flatrack (8 axles)

Group 8: Off-Highway Equipment driver including but not limited to: 2 or 4 wheel power unit, i.e., Cat DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means including pulling water tanks, fuel tanks or other applications under Teamster Classifications; Rock trucks (Dart, Euclid, or other similar end dump types) 16 c. y. and over; Eject-alls; Dumptor or dumpster (16 c. y. and over); Dump or flatrack (9 axles)

Group 8A: Heavy duty mechanic/welder; Body and fender man

Group 8B: Field Equipment serviceman or fuel truck driver

Group 8C: Heavy duty mechanic/welder helper

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Maricopa
DECISION NUMBER: AZ77-5059 DATE : Date of Publication
Supersedes Decision No. AZ76-5110 dated November 26, 1976, in 41 FR 52198.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.04	.50	$ 1.10		.02
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone A (0-25 miles from City Hall of Phoenix; Flagstaff and Yuma)	10.05	.65	.90		.06
Zone B (25-40 miles from City Hall of Phoenix; and Williams AFB)	10.55	.65	.90		.06
Zone C (40-70 miles from City Hall of Phoenix)	11.56	.65	.90		.06
Zone D (70-100 miles from City Hall of Phoenix)	12.06	.65	.90		.06
Zone E (100-200 miles from City Hall of Phoenix)	12.56	.65	.90		.06
Zone F (200 miles and over from City Hall of Phoenix)	13.07	.65	.90		.06
CARPENTERS:					
Carpenters; Drywall Applicator	9.785	.845	.955		.05
Piledrivermen; Floorlayers (finish)	10.07	.845	.955		.05
Millwrights	10.20	.845	.955		.05
CEMENT MASONS:					
Northern portion	9.51	.95	1.00		.05
Southern portion	10.22	.85	.85		.05
DRYWALL:					
(From Courthouse in Phoenix, Mesa, including Williams AFB and Luke AFB):					
Zone A (0-40 miles)	9.71	.59	.50		.07
Zone B (41-60 miles)	10.71	.59	.50		.07
Zone C (61 miles and over)	11.96	.59	.50		.07
Texture Spraymen:					
Zone A (0-40 miles)	9.81	.59	.50		.07
Zone B (41-60 miles)	10.81	.59	.50		.07
Zone C (51 miles and over)	12.06	.59	.50		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Zone A (Beginning at the northeast corner, a line extending southward on Bush Highway to McKellips Road; a line extending east on McKellips Road to a point one mile east of the intersection of State Highway 88 and U. S. 60 and 70 near Apache Junction; southward to Baseline Road; west on Baseline Road to the intersection of Baseline Road and Ellsworth Road; South on Ellsworth Road to Hunt Highway; West on Hunt Highway to Powers Road; a line extending south on Powers Road five miles, then ecxending straight west to a point five miles west of Interstate 10, then northwest on a line parallel with Interstate 10 to intersect with Pecos Road; West on Pecos to intersect with Cotton Lane. North on Cotton Lane to Beloat Road. West on Beloat Road to Airport Road. North on Airport Road in a straight line to intersect Waddell Road. East on Waddell Road to intersect with Cotton Lane. North on Cotton Lane to Deer Valley Drive and east on Deer Valley Drive to intersection with Bush Highway and including Luke and Williams Air Force Bases.)					
Electricians	$ 12.04	.96	1%+.70		1/2%
Cable Splicers	12.64	.96	1%+.70		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Zone B (Area outside of Zone A and bounded by a line formed by measuring sixteen (16) road miles from the outer boundaries of an area enclosed by the following boundaries; Power Road on the east from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the north. One mile south of Pinnacle Peak Road to Cotton Lane on the west. Cotton Lane to Pecos Road on the south. Pecos Road to Price Road and from Price Road to Hunt Highway on the south. Hunt Highway to Powers Road on the east.)					
Electricians	$ 14.15	.96	1%+.70		1/2%
Cable Splicers	14.85	.96	1%+.70		1/2%
Zone C (Outside edge of Zone B and extend to the outside limits of the Union's jurisdiction)					
Electricians	15.23	.96	1%+.70		1/2%
Cable Splicers	15.99	.96	1%+.70		1/2%
ELEVATOR CONSTRUCTORS	11.55	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.42	.70	.30		.01
IRONWORKERS	10.94	1.14	1.86		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone A (0-40 miles from Court House in Phoenix, Mesa and including Luke and Williams Air Force Bases):					
Brush; Tapers	$ 9.69	.59	.38		.05
Spray; Paperhangers	9.94	.59	.38		.05
Zone B (41-60 miles from Court House in Phoenix)					
Brush; Tapers	10.69	.59	.38		.05
Spray; Paperhangers	10.94	.59	.38		.05
Zone C (61 miles and over from Court House in Phoenix)					
Brueh; Tapers	11.69	.59	.38		.05
Spray; Paperhangers	11.94	.59	.38		.05
PLASTERERS (Northern 3/4 of Co.):					
Zone A (0-35 miles from Phoenix)	9.045	.60	.85		.035
Zone B (35-60 miles from Phoenix)	9.795	.60	.85		.035
Zone C (60 miles and over from Phoenix)	10.67	.60	.85		.035
PLASTERERS (Southern 1/4 of Co.):					
Zone A (0-30 miles from Tucson)	8.57	.35	.60		
Zone B (30-40 miles from Tucson)	9.07	.35	.60		
Zone C (40-50 miles from Tucson)	9.32	.35	.60		
Zone D (50 miles and over from Tucson)	10.07	.35	.60		
PLASTERERS' Tenders	9.16	.85	.85		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters: FREE ZONE 0-15 miles					
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone" from Phoenix shall be 15 mile radius from the state base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones. Any work contracted for outside of these Zones will be determined from the Phoenix and Tucson basing points:					
Plumbers; Steamfitters	$ 11.14	.75	1.35		.10
Zone II (15-30 miles)	11.49	.75	1.35		.10
Zone III (30-40 miles)	11.91	.75	1.35		.10
Zone IV (40 miles and over)	13.21	.75	1.35		.10
ROOFERS	9.66	.845	.20		.02
SHEET METAL WORKERS:					
Zone I (0-25 miles excluding Luke and Williams AFB)	10.43	3%+.70	1.10		.07
Zone II (25-50 miles including Luke and Williams AFB)	11.08	3%+.70	1.10		.07
Zone III (50 miles and over)	12.93	3%+.70	1.10		.07
SOFT FLOOR LAYERS:					
Zone A (0-40 miles from Court House in Phoenix and including Luke and Williams AFB)	8.81	.49	.12		.12
Zone B (41-60 miles from Court House in Phoenix)	9.81	.49	.12		.12
Zone C (61 miles and over)	10.81	.49	.12		.12
SPRINKLER FITTERS	12.29	.65	.95		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1:	$ 8.01	.85	.85		.10
Group 2:	8.14	.85	.85		.10
Group 3:	8.28	.85	.85		.10
Group 4:	8.39	.85	.85		.10
Group 5:	8.56	.85	.85		.10
Group 6:	8.935	.85	.85		.10
Group 7:	9.565	.85	.85		.10
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	8.60	.95	.90		.06
Group 2:	8.97	.95	.90		.06
Group 3:	9.43	.95	.90		.06
Group 4:	9.96	.95	.90		.06
Group 5:	10.49	.95	.90		.06
Group 5A:	10.80	.95	.90		.06
Group 6:	11.13	.95	.90		.06
Group 7:	11.73	.95	.90		.06
TRUCK DRIVERS					
Group 1:	8.19	.85	.85		.06
Group 2:	8.32	.85	.85		.06
Group 3:	8.54	.85	.85		.06
Group 4:	8.89	.85	.85		.06
Group 5:	9.05	.85	.85		.06
Group 5A:	9.23	.85	.85		.06
Group 6:	9.37	.85	.85		.06
Group 7:	9.78	.85	.85		.06
Group 8:	10.295	.85	.85		.06
Group 8A:	10.95	.85	.85		.06
Group 8B:	10.64	.85	.85		.06
Group 8C:	8.75	.85	.85		.06

LABORERS

Group 1: All Helpers not herein separately classified; Cesspool Diggers and installers; Chat Box Man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer; Cleanup, Bull gang; Trackman-railroad

Group 2: Cement finisher tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spiker and wrenchers

Group 4: Cement dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders concrete; Hydraulic jacks, and similar mechanical tools not separately classified herein; Operators and tenders of penumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and water wash-out nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chairs or safety belt); Tampers (mechanical - all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller, (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping; Form setter and/or builder

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operator; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds, up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator with elevating grader attachment; Mucking machine operator; Overhead crane operator; Pile-driver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

TRUCK DRIVERS

Group 1: Teamsters; Pickups; Station Wagons; Nanhaul driver

Group 2: Dump or flatrack (2 or 3 axle); Water truck (under 2500 gals.); Buggymobile (1 c. y. or less); Fireman; Bus drivers, ambulance driver, self-propelled street sweeper; Warehouseman

Group 3: Dump or flatrack (4 axle); Dumptor or dumpster (less than 7 c. y.); Water truck (2500 gals. but less than 4000 gals.)

Group 4: Dumptor or dumpster (7 c. y. but less than 16 c. y.); Dump or flatrack (5 axle); Water truck (4000 gals. and over); Slurry type equipment or leverman; Flaherty spreader or similar type equipment or leverman; Transit mix (8 c. y. or less)

Group 5: Dump or flatrack (6 axle); Transit mix (over 8 c. y. but less than 10.5 c. y.); Rock truck (i.e. Dart, Euclid and other similar type end dumps, single unit) less than 16 c. y.))

Group 5A: Oil tanker or spreader and/or bootman, retortman or leverman

Group 6: Transit mix (over 10.5 c. y. but less than 14 c. y.); Ross Carrier fork lift or lift truck; Hydro lift, Swedish Crane Iowa 300 and similar types; Concrete pump (when integral part of transit mix truck); Dump or flatrack (7 axle)

Group 7: Dump or Flatrack (8 axles)

Group 8: Off-Highway Equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e., Cat DW Series, Euclid, International and similar type equipment, transporting material when top loaded or by external means including pulling water tanks, fuel tanks or other applications under Teamster Classifications; Rock trucks (Dart, Euclid, or other similar end dump types) 16 c. y. and over; Ejectalls; Dumptor or dumpster (16 c. y. and over); Dump or flatrack (9 axles)

Group 8A: Heavy duty mechanic/welder; Body and fender man

Group 8B: Field Equipment serviceman or fuel truck driver

Group 8C: Heavy duty mechanic/welder helper

SUPERSEDEAS DECISION

STATE: Arizona COUNTY: Pima
DECISION NUMBER: AZ77-5060 DATE : Date of Publication
Supersedes Decision No. AZ76-5111 dated November 26, 1976, in 41 FR 52204
DESCRIPTION OF WORK: Residential Construction (consisting of single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 11.04	.50	$ 1.10		.02
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Zone A (0-15 miles from Tucson)	10.42	.80	.80		.06
Zone B (15-30 miles from Tucson)	10.79	.80	.80		.06
Zone C (30-40 miles from Tucson)	11.17	.80	.80		.06
Zone D (40 miles and over from Tucson)	11.92	.80	.80		.06
CARPENTERS:					
Carpenters; Drywall Applicator Piledrivermen; Floor Layers (finish)	9.785	.845	.955		.025
Millwrights	10.07	.845	.955		.025
	10.20	.845	.955		.025
CEMENT MASONS	10.22	.85	.85		.05
ELECTRICIANS:					
Zone A (0-16 miles from City Hall in Tucson)	9.23	6.7%	1%		1/2%
Zone B (26-32 miles from City Hall in Tucson)	9.73	6.7%	1%		1/2%
Zone C (32-48 miles from City Hall in Tucson)	10.23	6.7%	1%		1/2%
Zone D (48 miles and over from City Hall in Tucson)	10.73	6/7%	1%		1/2%
ELEVATOR CONSTRUCTORS	11.55	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.42	.70	.30		.01
IRONWORKERS	10.94	1.14	1.86		.08
LATHERS:					
Zone A (0-30 miles from Tucson)	9.28	.35	.40		
Zone B (30-40 miles from Tucson)	9.78	.35	.40		
Zone C (40-50 miles from Tucson)	10.03	.35	.40		
Zone D (Area outside Zone C)	10.78	.35	.40		
MARBLE SETTERS; Terrazzo Workers; Tile Setters	9.42	.70	.75		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS, Brush:					
Zone A (0-30 miles from Tucson P.O.)	$ 8.78	.67	.35		.04
Zone B (31-40 miles from Tucson P. O.)	9.53	.67	.35		.04
Zone C (41-50 miles from Tucson P. O.)	10.03	.67	.35		.04
Zone D (51 miles and over from Tucson P. O.)	10.78	.67	.35		.04
Painters; Structural steel, Brush:					
Zone A (0-30 miles from Tucson P. O.)	9.78	.67	.35		.04
Zone B (31-40 miles from Tucson P. O.)	10.53	.67	.35		.04
Zone C (41-50 miles from Tucson P. O.)	11.03	.67	.35		.04
Zone D (51 miles and over from Tucson P. O.)	11.78	.67	.35		.04
PLASTERERS:					
Zone A (0-30 miles from Tucson P. O.)	8.57	.35	.60		
Zone B (30-40 miles from Tucson P. O.)	9.07	.35	.60		
Zone C (40-50 miles from Tucson P. O.)	9.32	.35	.60		
Zone D (50 miles and over from Tucson P. O.)	10.07	.35	.60		
PLASTERERS' TENDERS	9.16	.85	.85		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS; Steamfitters:					
FREE ZONE 0-15 miles					
The "Free Zone" (Zone I shall be 15 road miles from the stated base points in Flagstaff, Yuma, Tucson and Douglas. The "Free Zone " from Phoenix shall be 15 miles radius from the stated base point. In addition, all areas within the City limits of Phoenix, Chandler, Scottsdale, Tempe, Glendale, Mesa, Kingman, Havasu City, Prescott, Winslow and Holbrook will be included as Free Zones). Any work contracted from outside of these zones will be determined from the Phoenix and Tucson basing points.	$ 11.14	.75	$ 1.35		.10
Zone II (15-30 miles)	11.49	.75	1.35		.10
Zone III (30-40 miles)	11.91	.75	1.35		.10
Zone IV (40 miles and over)	13.21	.75	1.35		.10
ROOFERS:					
Zone A (0-44 miles from Tucson)	8.97	.845	.20		.20
Zone B (Over 44 miles from Tucson)	10.72	.845	.20		.02
SHEET METAL WORKERS:					
Zone A (0-22 miles from Tucson)	9.99	3%+.94	1.91		.01
Zone B (22-45 miles from Tucson)	10.94	3%+.94	1.91		.01
Zone C (over 45 miles from Tucson)	12.94	3%+.94	1.91		.01
SOFT FLOOR LAYERS	9.25	.38			
SPRINKLER FITTERS	12.29	.65	.95		.08

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Fund.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	$ 8.01	.85	.85		.10
Group 2:	8.14	.85	.85		.10
Group 3:	8.28	.85	.85		.10
Group 4:	8.39	.85	.85		.10
Group 5:	8.56	.85	.85		.10
Group 6:	8.935	.85	.85		.10
Group 7:	9.565	.85	.85		.10
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	8.60	.95	.90		.06
Group 2:	8.97	.95	.90		.06
Group 3:	9.43	.95	.90		.06
Group 4:	9.96	.95	.90		.06
Group 5:	10.49	.95	.90		.06
Group 5A:	10.80	.95	.90		.06
Group 6:	11.13	.95	.90		.06
Group 7:	11.73	.95	.90		.06
TRUCK DRIVERS					
Group 1:	8.19	.85	.85		.06
Group 2:	8.32	.85	.85		.06
Group 3:	8.54	.85	.85		.06
Group 4:	8.89	.85	.85		.06
Group 5:	9.05	.85	.85		.06
Group 5A:	9.23	.85	.85		.06
Group 6:	9.37	.85	.85		.06
Group 7:	9.78	.85	.85		.06
Group 8:	10.295	.85	.85		.06
Group 8A:	10.95	.85	.85		.06
Group 8B:	10.64	.85	.85		.06
Group 8C:	8.75	.85	.85		.06

LABORERS

Group 1: All Helpers not herein separately classified; Cesspool Diggers and installers; Chat Box Man; Checker, tool dispatcher; Concrete dump manbelt, pipe and/or hoseman; Dumpman and/or spotter; Fence builder, guard rail builder highway; Form strippers; Labor, general or construction; Landscape gardener and nurseryman; Packing rod steel and pans; Rip rap stoneman; Astro turf layer; Cleanup, Bull gang; Trackman-railroad

Group 2: Cement finisher tender; Concrete curer (impervious membrane); Cutting torch operator; Fine grader (highway, engineering and sewer work only); Kettleman - Tarman; Power type concrete buggy

Group 3: Bander; Chucktender (except tunnel); Creosote tieman; Guinea chaser; Powderman helper; Rip-rap stone paver; Sandblaster (pot tender); Spiker and wrenchers

Group 4: Cement dumpers (Skip-type mixer or handling bulk cement); Chain saw machines (on clearing and grubbing); Concrete vibrating machines; Cribber and shorer (except tunnel); Floor sanders concrete; Hydraulic jacks, and similar mechanical tools not separately classified herein; Operators and tenders of penumatic and electric tools; Pipe caulker and/or backup man (pipeline); Pipe wrapper; Pneumatic gopher; Rigger/Signalman (pipeline)

Group 5: Air and water wash-out nozzleman; Asphalt rakers and ironers; Driller; Grade setter (pipeline); Hand guided trencher and similar operated equipment; Jackhammer and/or pavement breakers; Pipelayers (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock slinger; Scaler (using Bos'ns chairs or safety belt); Tampers (mechanical - all types); Precast manhole erector

Group 6: Concrete Cutting Torch; Concrete saw (hand guided); Driller, (core, diamond, wagon or air track); Drill doctor and/or air tool repairman; Gunman and mixerman (gunite); Sandblaster (nozzleman)

Group 7: Concrete Road Form Setter; Gunite nozzleman or rodman; Drillers, Joy Mustang, PR 143, 220 Gardner-Denver, Hydrasonic; Powderman; Scaler (drillers); Welders and/or pipelayers installing process piping; Form setter and/or builder

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air compressor operator; Field equipment servicemen helper; Heavy duty repair helper; Heavy duty welder helper; Oiler; Pump operator

Group 2: Conveyor operator; Generator operator - portable; Power grizzly operator; Self-propelled chip spreading machine - conveyor operator; Watch fireman; Welding machine operator - gasoline and diesel power

Group 3: Concrete mixer operator - skip type; Dinky operator - (under 20 tons wt.); Driver-moto paver, Slurry seal machine, and similar type equipment; Motor crane driver; Power sweeper operator - self-propelled; Ross carrier or fork lift operator; Skip loader operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment

Group 4: A-Frame boom truck or winch truck operator; Asphalt plant firemen; Elevator hoist operator (including Tuskey hoist or similar types); Grade checker (excluding civil engineer); Multiple power concrete saw operator; Pavement breaker, mechanical compactor operator, power propelled; Roller operator - all types - except as otherwise classified; Screed operatur; Self-propelled chip spreading machine operator (including Slurry seal machine operator) Stationary pipewrapping and cleaning machine operator; Tugger operator

Group 5: Aggregate plant operator (including crushing, screening and sand plants, etc.); Asphalt plant mixer operator; Beltcrete machine; Boring machine operator; Concrete mechanical tamping, spreading or finishing machine (incl. Clary, Johnson, or similar types); Concrete pump operator; Concrete batch plant operator, all types and sizes; Conductor, brakeman, or handler; Drilling machine, including water wells; Elevating grader operator - all types and sizes (except as otherwise classified); Field equipment serviceman; Highline cableway signalman; Kolman belt loader operator or similar, w/belt width 48" or over; Locomotive engineer (incl. Dinky-20 tons wt. and over); Moto-paver and similar type equipment operator; Operating engineer rigger; Pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yds.; Power jumbo form setter operator; Pressure grout machine operator (as used in heavy engineering construction); Road Oil mixing machine operator; Roller operator-on all types asphalt pavement; Self-propelled compactor, with blade; Skip loader operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip form operator (power driven lifting device for concrete forms); Soil cement road mixing machine operator - single pass type; Stationary Central generating plant operator-rated 300 k.w. or more; Surface heater and planer operator; Traveling pipewrapping machine operator

Group 5-A: Heavy duty mechanic and/or welder; Pneumatic tired scraper, all sizes and types over 12 cu. yds. up to and incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment); Tractor operator (Pusher,

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Bulldozer, Scraper) up to 400 net horsepower rating; Trenching machine operator

Group 6: Auto-Grade Machine (CMI and similar equipment); Boring machine operator (including Mole, Badger and similar type); Concrete mixer operator-paving type, and mobile mixer; Concrete pump operator with boom attachment (Truck mounted); Crane operator-crawler and pneumatic type, under 100 ton capacity MRC; Crawler type tractor operator - with boom attachment; Derrick operator; Forklift operator for hoisting personnel; Grade-all operator; Helicopter hoist; Highline cableway operator (less than 20 tons rated capacity); Mass excavator operator (150 Bucyrus Erie and similar types); Mechanical hoist operator (two or more drums); Motor grade operator - any type power blade; Motor grade operator, with elevating grader attachment; Mucking machine operator; Overhead crane operator; Piledriver engineer (portable, stationary or skid rig); Pneumatic-tired scraper operator - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment over 45 cu. yds., MRC); Power driven ditch lining or ditch trimming machine operator; Skip loader operator - all types with rated capacity 4 cu. yds., but less than 8 cu. yds.; Slip form paving machine operator (including Gunnert, Zimmerman & similar types); Specialized power digger operator- attached to wheel-type tractor; Tower crane (or similar type) operator; Tractor operator (Pusher, Bulldozer, Scraper (400 net horsepower and over; Tugger operator (two or more); Universal equipment operator-Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.

Group 7: Crane operator - pneumatic or crawler (100 ton hoisting capacity and over MRC rating); Helicopter pilot - FAA qualified when used in construction work; Highline cableway operator, over 20 ton rated capacity and using traveling head and tail tower; Remote control earth moving equipment operator; Skip loader operator - all types with rate capacity of 8 cu. yds. or more; Universal equipment - Shovel, backhoe, dragline, clamshell, etc., 8 cu. yds. and over

31072 NOTICES 31073

TRUCK DRIVERS

Group 1: Teamsters; Pickups; Station Wagons; Manhaul driver

Group 2: Dump or flatrack (2 or 3 axle); Water truck (under 2500 gals.); Buggymobile (1 c. y. or less); Tireman; Bus drivers, ambulance driver, self-propelled street sweeper; Warehouseman

Group 3: Dump or flatrack (4 axle); Dumptor or dumpster (less than 7 c. y.); Water truck (2500 gals. but less than 4000 gals.)

Group 4: Dumptor or dumpster (7 c. y. but less than 16 c. y.); Dump or flatrack (5 axle); Water truck (4000 gals. and over); Slurry type equipment or leverman; Flaherty spreader or similar type equipment or leverman; Transit mix (8 c. y. or less)

Group 5: Dump or flatrack (6 axle); Transit mix (over 8 c. y. but less than 10.5 c. y.); Rock truck (i.e. Dart, Euclid and other similer type end dumps, single unit) less than 16 c. y.))

Group 5A: Oil tanker or spreader and/or bootman, retortman or leverman

Group 6: Transit mix (over 10.5 c. y. but less than 14 c. y.); Ross Carrier fork lift or lift truck; Hydro lift, Swedish Crane Iowa 300 and similar types; Concrete pump (when integral part of transit mix truck); Dump or flatrack (7 axle)

Group 7: Dump or Flatrack (8 axles)

Group 8: Off-Highway Equipment Driver including but not limited to: 2 or 4 wheel power unit, i.e., Cat DW Series, Euclid, International and similar type equipment, transporting material when top losded or by external means including pulling water tanks, fuel tanks or other applications under Teamster Classifications; Rock trucks (Dart, Euclid, or other similar end dump types) 16 c. y. and over; Ejectalls; Dumptor or dumpster (16 c. y. and over); Dump or flatrack (9 axles)

Group 8A: Heavy duty mechanic/welder; Body and fender man

Group 8B: Field Equipment serviceman or fuel truck driver

Group 8C: Heavy duty mechanic/welder helper

SUPERSEDEAS DECISION

STATE: NEVADA COUNTY: Clark County (does not include the Nevada Test Site)

DECISION NUMBER: NV77-5061 DATE: Date of Publication

Supersedes Decision No. NV77-5022 dated March 18, 1977, in 42 FR 15273.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.11	.85	$ 1.10		
BOILERMAKERS	13.175	.775	1.00	.50	.02
BRICKLAYERS; Stonemasons	11.37	.70	.60		.06
BRICK TENDERS	8.47	.51	1.25	1.00	
CARPENTERS:					
Zone 1: Area within the City limits of Henderson, Nevada, and Boulder City, Nevada; area within a 10 mile radius of Las Vegas, Nevada; In Clark County, the present fenced area of Nellis Air Force Base, as well as that area adjacent to Nellis Air Force Base boundad on the north by the Nellis spur track and on the west by the train line of the Union Pacific Railroad:					
Carpenters	10.36	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	10.51	.65	.90	1.00	.10
Piledrivermen	10.56	.65	.90	1.00	.10
Millwrights	10.96	.65	.90	1.00	.10
Zone 2: Area outside of Zone 1 and not more than 20 miles from the communities described above:					
Carpenters	10.86	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	11.01	.65	.90	1.00	.10
Piledrivermen	11.06	.65	.90	1.00	.10
Millwrights	11.46	.65	.90	1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
Zone 3: Area over 20 miles and not more than 40 miles from the communities described in Zone 1:					
Carpenters	$11.11	.65	.90	$1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	11.26	.65	.90	1.00	.10
Piledrivermen	11.31	.65	.90	1.00	.10
Millwrights	11.71	.65	.90	1.00	.10
Zone 4: Area over 40 miles from the communities described in Zone 1:					
Carpenters	12.36	.65	.90	1.00	.10
Floor Layers; Patent Scaffold Erectors;					
Power Saw Operators	12.51	.65	.90	1.00	.10
Piledrivermen	12.56	.65	.90	1.00	.10
Millwrights	12.96	.65	.90	1.00	.10
CEMENT MASONS:					
Cement Masons	8.90	1.00	.40	2.00	.08
Cement Floor Finishing Machine; Color Work	9.15	1.00	.40	2.00	.08
ELECTRICIANS:					
Electricians; Technicians	13.96	.73	1%+1.30		.08
Cable Splicers	14.29	.73	1%+1.30		.08
ELEVATOR CONSTRUCTORS	12.95	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	12.88	.35	.40		.05
IRONWORKERS:					
Fence Erectors	10.41	1.14	1.86	1.20	.04
Ornamental; Reinforcing; Structural	11.30	1.14	1.86	1.20	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	$10.00	.60	$ 1.00	$1.00	.06
MARBLE MASONS	11.37	.70	.60		.06
PAINTERS:					
Brush; Roller Paperhangers; Spray; Steel; Swing Stage; Sandblasters;	11.55	.75	.35		.06
Tapers	11.90	.75	.35		.06
PLASTERERS	9.98	1.00	.40	1.20	.08
PLUMBERS; Steamfitters	11.05	1.05	1.90	1.85	.08
ROOFERS	12.75	.65			
SHEET METAL WORKERS	11.43	.93	1.60	1.00	.07
SOFT FLOOR LAYERS	12.52	.40			.15
SPRINKLER FITTERS	15.05	.65	.95		.08
TERRAZZO WORKERS, TILE SETTERS	11.37	.70	.60		.06

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS					
Group 1	$ 8.00	.66	$ 1.53	$ 1.00	
Group 2	8.05	.66	1.53	1.00	
Group 3	8.08	.66	1.53	1.00	
Group 4	8.10	.66	1.53	1.00	
Group 5	8.12	.66	1.53	1.00	
Group 6	8.13	.66	1.53	1.00	
Group 7	8.15	.66	1.53	1.00	
Group 8	8.18	.66	1.53	1.00	
Group 9	8.19	.66	1.53	1.00	
Group 10	8.21	.66	1.53	1.00	
Group 11	8.26	.66	1.53	1.00	
Group 12	8.29	.66	1.53	1.00	
Group 13	8.31	.66	1.53	1.00	
Group 14	8.34	.66	1.53	1.00	
Group 15	8.36	.66	1.53	1.00	
Group 16	8.425	.66	1.53	1.00	
Group 17	8.45	.66	1.53	1.00	
Group 18	8.52	.66	1.53	1.00	

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or construction laborers; Spotter; Window cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Mortarman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding machine operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper, Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon); Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	$ 9.75	.95	$ 2.00	.50	.04
Group 2	10.03	.95	2.00	.50	.04
Group 3	10.32	.95	2.00	.50	.04
Group 4	10.46	.95	2.00	.50	.04
Group 5	10.68	.95	2.00	.50	.04
Group 6	10.79	.95	2.00	.50	.04
Group 7	10.91	.95	2.00	.50	.04
Group 8	11.08	.95	2.00	.50	.04
Group 9	11.21	.95	2.00	.50	.04

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor Operator (less than 600 C.F.M.); Engineer Oiler; Generator Operator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skip-loader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Power-driven Jumbo Form Setter; Ross Carrier (jobsite); Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer-Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Backhoe Operator (up to and including 3/4 yd.); Batch Plant Operator; Bit Sharpener; Concrete Joint Machine Operator (canal and similar type); Concrete Planer Operator; Deck Engine Operator; Derrickman (oil field type); Drilling Machine Operator (including water wells); Forklift Operator (under 5 ton capacity); Machine Tool Operator; Maginnis Internal Full Slab Vibrator; Mechanical Berm, Curb or Gutter (concrete or asphalt); Mechanical Finisher (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker (truck mounted); Road Oil Mixing Machine; Roller Operator (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven Hydraulic Lifting Device for Concrete Forms); Tugger Hoist (1 drum); Tunnel Locomotive Operator (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader (Crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., Flywheel and similar types up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or Concrete Spreading (tamping or finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge Crane; Pipe Laying Machine (cast-in-place); Combination Mixer and Compressor (gunite work); Concrete Pump (truck mounted); Concrete Mixer - paving; Crane (up to and including 25 ton capacity); Crushing Plant; Drill Doctor; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago boom and similar type); Kolman Belt Loader and similar; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader (Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine (¼ yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper (self-loading - Paddle Wheel type - John Deere, 1040 and similar single unit); Skiploader (Crawler and wheel type - over 1¼ yds., up to and including 6½ yds.); Surface Heaters and Planer; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yds. struck); Trenching Machine (over 6 ft. depth capacity, manufacturers' rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger than D-5 - 100 flywheel HP and over or similar)(Bulldozer, Tamper, Scraper and Push Tractor, single engine); Tractor (boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 ton); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yd. and up to 5 cu. yds. M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 7: Crane (over 25 ton up to and including 100 ton M.R.C.); Derrick Barge; Dual Drum Mixer; Hoist, stiff legs, Guy Derrick or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yds. struck); Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Operator (Crawler and Wheel type over 6½ yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cu. yds. M.R. C.); Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cu. yds.); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (multi-engine); Pipa Mobile Machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type, over 50 cu. yds. struck); Rubber-tired self-loading Scraper (Paddle wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper (pushing one another without Push Cat, Push-Pull) (50¢ per hour additional); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Mole Boring Machine

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment ($1.00 per hour additional); Wheel Excavator (over 750 cu. yds.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS					
Group 1	$ 9.35	.40	.65		
Group 2	9.46	.40	.65		
Group 3	9.51	.40	.65		
Group 4	9.67	.40	.65		
Group 5	9.85	.40	.65		
Group 6	10.35	.40	.65		

TRUCK DRIVERS

Group 1: Dump Trucks (less than 12 yds.); Trucks (legal payload capacity less than 15 tons); Water and Fuel Trucks (under 2500 gallons); Pickups; Service; Teamster Equipment (highest rate for dual craft operation); Repairman Helper; Drivers of busses (on jobsite used for transportation of up to 25 passengers)

Group 2: Dump Trucks (12 yds. but less than 16 yds.); Trucks (legal payload capacity between 15 and 20 tons); Truck Driver working on gas and oil pipeline (including Winch Truck and all sizes of trucks); Bootman; Water and Fuel Trucks (2500 to 4000 gallons); Truck Greaser; Drivers of busses (on jobsite used for transportation of more than 25 passengers)

Group 3: Transit-mix (less than 3 yds.); Dumpcrete (less than 6½ yds.); Warehouse Clerk; Tireman

Group 4: Dump Trucks (16 yds. up to and including 22 yds.); Trucks (legal payload capacity 20 tons but less than 30 tons); Euclid-type Spreader Trucks; Dumpster; Road Oil Spreader Truck, time spent spreading oil; Transit-mix (3 yds. but less than 6 yds.); Dumpcrete (6½ yds. and over); Fork Lift; Ross Carrier, highway; Water and Fuel Trucks (4000 gallons but less than 6000 gallons)

Group 5: Transit-mix (6 yds. and over); Truck Repairman; Dump Trucks (over 22 yds.); Trucks (legal payload capacity 30 tons and over); Water and Fuel Trucks (6000 gallons and over)

Group 6: D.W. and similar-type equipment, D.W. 10 and D.W. 20, Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of equipment, also PB and similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment, including power units pulling off-highway belly dumps in tandem

SUPERSEDEAS DECISION

STATE: NEW JERSEY

COUNTIES: ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM

DECISION NO.: NJ77-3079

DATE: DATE OF PUBLICATION

Supersedes Decision No. NJ77-3037 dated April 22, 1977 in 42 FR 21028

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & REFRIGERATION MECHANICS:					
Installation of refrigeration equipment for any type of building where the combined compressor tonnage does not exceed 5 tons; installation of water-cooled air-conditioning that does not exceed 10 tons (includes the piping of component system and the erection of the water tower); installation of air-cooled airconditioning that does not exceed 15 tons	$ 8.50	.045	.18	r	.04
ASBESTOS WORKERS:					
ZONE 1	11.62	.70	.75		
ZONE 2	11.10	.70	.75		.025
ZONE 3	10.25	.92	1.03	1.74	.04
ZONE 4	11.44	.55	1.00		.03
ZONE 5	11.72	.70	.75		.06

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Atlantic, Burlington (Bass River and Washington Twps.), Cape May, Cumberland and Ocean (Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union Twps.) Counties

ZONE 2 - Burlington (Bordentown, Burlington, Chesterfield, Easthampton, Florence, Mansfield, Mount Holly, New Hanover, North Hanover, Pemberton, Roebling, Springfield, Wrightstown and Woodlawn Twps.), Mercer, Monmouth (Allentown, Blansinburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Manasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake Heights, Upper Freehold, Wall and West Belmar Twps.) and Ocean (Remainder of County) Counties

ZONE 3 - Monmouth (remainder of County) County

ZONE 4 - Salem County

ZONE 5 - Burlington (remainder of County), Camden and Gloucester Counties

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BOILERMAKERS	$10.57	8%	20%+.25	10%	.01
BOILERMAKERS HELPERS	10.04	8%	20%+.25	10%	.01
BRICKLAYERS, STONEMASONS, MARBLE MASONS, CEMENT MASONS, PLASTERERS, TILE LAYERS AND TERRAZZO WORKERS:					
ZONE 1					
Bricklayers, Stonemasons, Marble Masons and Plasterers	10.52	.75	.80		.02
Cement Masons, Tile Layers and Terrazzo Workers	10.27	.75	.80		.02
ZONE 2					
Bricklayers, Stonemasons, Marble Masons, Tile Layers and Terrazzo Workers	10.50	1.05	1.15		
Cement Masons	10.15	.85	.80		
Plasterers	9.27				
ZONE 3	9.90	.50	.25		.02
ZONE 4	10.10	.60	1.00		.03
ZONE 5	11.02		.58		

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Atlantic and Cape May Counties

ZONE 2 - Camden, Gloucester and Salem Counties

ZONE 3 - Cumberland County

ZONE 4 - Burlington and Mercer Counties

ZONE 5 - Monmouth and Ocean Counties

CARPENTERS, MILLWRIGHTS AND INSULATORS:					
ZONE 1	11.26	8%	7%		1/5 of 1%
ZONE 2					
Carpenters and Insulators	11.26	8%	7%		1/5 of 1%
Millwrights	11.51	8%	7%		1/5 of 1%
ZONE 3	10.65	8%	7%		1/5 of 1%
ZONE 4	10.85	.60	1.00	.50	.02

DECISION NO. NJ77-3079

AREA COVERED BY CARPENTERS, MILLWRIGHTS AND INSULATORS

ZONE 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem Counties

ZONE 2 - Burlington (except the City of Bordentown), Monmouth and Ocean Counties

ZONE 3 - Mercer (beginning from the present Post Office in Lawrenceville to a point northward through the present "Radio Site" to the junction of Rosedale Road and Read's Mill Road to the junction of Pennington and Mount Rose Road to the Somerset County Line; again starting at the present Post Office in Lawrenceville and eastward to the junction of Brunswick Pike and Delaware and Raritan Canal Bridge taking the center of the road to Clarksville then south on Providence Line Road to the Pennsylvania Railroad then east to Dutch Neck North to Grover's Mills to the Middlesex County Line) County

ZONE 4 - Burlington (City of Bordentown only) and Mercer (remainder of County) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DOCKBUILDERS & PILEDRIVERMEN:					
ZONE 1	10.42	1.88	1.30	a	.12
ZONE 2	10.92	1.25	1.73	.71	.02

AREA COVERED BY DOCKBUILDERS & PILEDRIVERMEN ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer (Trenton Area), Ocean and Salem Counties

ZONE 2 - Mercer (Princeton Area) and Monmouth Counties

DRYWALL TAPERS & FINISHERS					
ZONE 1	10.60	1.10	.50		.10
ZONE 2	9.75	.94	.75	.85	.03

AREA COVERED BY DRYWALL TAPERS & FINISHERS ZONES

ZONE 1 - Atlantic, Burlington, Cape May, Cumberland, Mercer, Monmouth & Ocean Counties

ZONE 2 - Camden, Gloucester & Salem Counties

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS & CABLE SPLICERS:					
ZONE 1	11.70	6%	1%+1.35		.01
ZONE 2	13.20	6%	1%+.40		.13
ZONE 3	11.90	6%	1%+.45		.05
ZONE 4	11.80	6%	1%+.30		.04
ZONE 5	11.41	6%	1%+.35		.02

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS

ZONE 1 - Monmouth & Ocean Counties

ZONE 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasternly direction to the Burlington - Mt. Holly Road, south - southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon, and continuing along the Pennsylvania Railroad to the Ocean County Line) and Mercer Counties

ZONE 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Townships in Burlington County and that portion of Shamong, Tabernacle, Woodland Townships north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Townships in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad, along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Mantua, Harrison, South Harrison, Woolwich and Logan Twps. and Pitman Borough) and Salem (from Lower Penns Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. north of a line following State Hwy. #45 northeast from Penswick Creek to the Borough of Woodstown, around and including Woodtown to U.S. Hwy #40 and east on #40 to Upper Pittsgrove Twp. line) Counties

DECISION NO. NJ77-3079

AREA COVERED BY ELECTRICIANS & CABLE SPLICERS (CONT'D)

ZONE 4 - Atlantic (that portion south and west of a line following the White Horse Pile (U.S. Hwy #30) in a southeasterly direction from Camden County to the Mays Landing - DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Harding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of County), Cumberland, Gloucester (remainder of County) & Salem (remainder of county) Counties

ZONE 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Mechanics	12.09	.545	.35	4%+b+c	.02
Helpers	8.46	.545	.35	4%+b+c	.02
Probationary Helpers	6.045				
GLAZIERS:					
Monmouth and Ocean Counties	11.50	.91	.65		.02
Atlantic and Cape May Counties	7.80		.30		
Camden, Gloucester and Salem Cos.	10.53	.50	.30		.01
Burlington (that portion north of a line that begins at Florence-Roebling and that extends in a southeasterly direction that includes Fort Dix to the Ocean County Line) & Mercer Counties	9.41	.35	.50		.02
IRONWORKERS-STRUCTURAL, ORNAMENTAL AND REINFORCING:					
ZONE 1	10.82	7%	23%	10%	1%
ZONE 2	11.60	.64	1.21		
ZONE 3	11.75	.84	1.21		.03
ZONE 4	10.36	.79	1.11		.05

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Monmouth & Ocean (northern half of county) Counties

ZONE 2 - Atlantic, Cape May, Camberland (that portion east of a line drawn from the Delaware Bay through the Town of Cedarville and upwards to the point where the county lines of Gloucester, Cumberland & Atlantic meets) & Ocean (remainder of county) Counties

DECISION NO. NJ77-3079

AREA COVERED BY IRONWORKERS ZONES (CONT'D)

ZONE 3 - Burlington (southern portion of county up to but not including Lumberton & Chatsworth Twps.) Camden, Cumberland (remainder of county), Gloucester & Salem Counties

ZONE 4 - Burlington (remainder of county) & Mercer Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING CONSTRUCTION:					
ZONE 1					
Laborers, mason tenders and plasterers tenders	7.40	.55	.40		.02
Air, gas, electric tool operators	7.65	.55	.40		.02
Gunnite men	7.80	.55	.40		.02
ZONE 2					
Construction laborers	7.90	.50	.75		.02
Brick tenders, motor tenders, scaffold builders (brick), hod carriers (brick) & power tool operators	8.00	.50	.75		.02
Motorized buggy operators, burners, nozzlemen (gunnite work)	8.125	.50	.75		.02
Jackhammer operators, barko tamper operators & concrete vibrator operators (over 27 lbs)	8.25	.50	.75		.02
Plasterer & lather tenders	8.40	.50	.75		.02
ZONE 3					
Laborers	8.10	.40	.40		.02
Hod carriers, mason tenders, operators of jackhammers, tampers and electric hammers	8.35	.40	.40		.02
ZONE 4	8.45	.45			.02
ZONE 5					
Laborers	7.45	.80	.65		.02
Jackhammers	7.70	.80	.65		.02
ZONE 6					
Laborers	7.70	.40	.80		.02
Hod carriers and plasterers tenders	7.80	.40	.80		.02

DECISION NO. NJ77-3079

AREA COVERED BY LABORERS, BUILDING ZONES

ZONE 1 - Atlantic, Burlington (Twps of Washington and Bass River), Cape May, Cumberland (Twps of Fairfield, Millville, Maurice River, Lawrence Dawne and Commercial) and Ocean (that portion of the county up to and including Lacey Twp.) Counties

ZONE 2 - Burlington (Twps of Edgewater Park, Delance, Willingsboro, West Hampton, East Hampton, Pemberton, Delran, Cinnaminson, Morrestown, Mt. Laurel, Hainesport, Lumberton, South Hampton, Evesham, Medford, Shamong, Tabernacle and Woodland), Camden, Gloucester and Salem Counties

ZONE 3 - Mercer (Twps of Princetown, Lawrence and West Windsor and Boro of Princeton) County

ZONE 4 - Monmouth (Twps of Matawan, Union Beach, Raritan, Keansburg, Highlands, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro. and Marlboro) County

ZONE 5 - Mercer (Twps of Washington, Highstown and East Windsor) Monmouth (remainder of county) and Ocean (remainder of county) Counties

ZONE 6 - Burlington (remainder of county) and Mercer (remainder of county) Counties

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:					
ZONE 1					
GROUP 1	8.60	.70	1.00	d	.10
GROUP 2	8.30	.70	1.00	d	.10
GROUP 3	8.25	.70	1.00	d	.10
GROUP 4	8.10	.70	1.00	d	.10
GROUP 5	8.00	.70	1.00	d	.10
GROUP 6	7.75	.70	1.00	d	.10
GROUP 7	7.70	.70	1.00	d	.10
GROUP 8	7.60	.70	1.00	d	.10
ZONE 2					
GROUP 1	9.10	.70	1.00	d	.10
GROUP 2	8.95	.70	1.00	d	.10
GROUP 3	8.70	.70	1.00	d	.10
GROUP 4	8.65	.70	1.00	d	.10
GROUP 5	8.55	.70	1.00	d	.10
GROUP 6	8.45	.70	1.00	d	.10
GROUP 7	8.20	.70	1.00	d	.10
GROUP 8	8.05	.70	1.00	d	.10
GROUP 9	8.00	.70	1.00	d	.10
FREE AIR TUNNEL JOBS					
GROUP 1	9.47	.70	1.00	d	.10
GROUP 2	9.07	.70	1.00	d	.10
GROUP 3	8.91	.70	1.00	d	.10
GROUP 4	8.40	.70	1.00	d	.10

AREA COVERED BY LABORERS, HEAVY & HIGHWAY CONSTRUCTION ZONES

ZONE 1 - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean & Salem Counties

ZONE 2 - Monmouth County

DECISION NO. NJ77-3079

CLASSIFICATION DEFINITIONS
LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 1

Group 1 - Blasters

Group 2 - Finisher, Rammers, Pavers, Gunnite Nozzle Men, Stone Cutters & Form Setters

Group 3 - Timbermen

Group 4 - Wagon Drill Operator, Drill Master, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammer & Tree Cutter Operators, Sandblasting, Cutting, Burning & such other power tools usad to perform work usually done manually by Laborers

Group 5 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 6 - Wagon drill operator helpers, Drill Master Helpers, Power Carrier and Magazine Tenders

Group 7 - Wrapping and Coating of all pipes

Group 8 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Waterproofing, Rakers & Tampers on Cold Patch Work

LABORERS, HEAVY & HIGHWAY CONSTRUCTION - ZONE 2

Group 1 - Blasters

Group 2 - Finishers, Rammers, Pavers, Gunnite Nozzle Men And Stonecutters

Group 3 - Timbermen

Group 4 - Form Setters

Group 5 - Wagon Drill Operators, Drill Maters, Jack Hammers, Chipping Hammers, Pavement Breakers, Power Buggy, Concrete Cutters, Asphalt Cutters, Sheet Hammers and Tree Cutter Operators, Sandblasting, Cutting, Burning and Such other power tools usad to perform work usually done manually by laborers

Group 6 - Sewer Pipe, Laser Men, Conduit and Duct Line Layers

Group 7 - Wagon Drill Operator Helpers, Drill Master Helpers, Powder Carriers and Magazine Tenders

Group 8 - Wrapping and Coating of all Pipe

Group 9 - Common Laborers, Landscape Laborers, Railroad Track Laborers, Flagmen, Traffic Directors, Salamander Tenders, Pitmen and Dumpmen, Water-Proofing, Rakers and Tampers on Cold Patch Work

DECISION NO. NJ77-3079

LABORERS - FREE AIR TUNNEL JOBS

GROUP 1 - Blasters

GROUP 2 - Skilled Men (including Miners, Drill Runners, Iron Men, Maintenance Men, Conveyor Men, Safety Miners, Riggers, Block Layers, Cement Finishers, Rod Men, Caulkers, Powder Carriers, All other Skilled Men)

GROUP 3 - Semi-skilled men (including Miner's Helpers, Chuck Tenders, Track Men, Nippers, Brake Men, Derail Men, Cable Men, Hose Men, Grout Men, Gravel Men, Form Men, Bell or Signal Men (top or bottom), Form Workers and Movers, Concrete Workers, Shaft Men, Tunnel Laborers, Caulkers' Helpers, All other Semi-skilled Men)

GROUP 4 - All others (including Powder Watchmen, change house attendants, Top Laborers)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, ASPHALT CONSTRUCTION:					
STREET:					
Head Rakers	7.90	.60	1.00	d	.10
Rakers & Screed Men	7.75	.60	1.00	d	.10
Tampers, Smoothers, Kettlemen, Painters, Shovelers & Roller Boys	7.50	.60	1.00		.10
PLANT:					
Scale Mixer & Burner Men	7.75	.60	1.00	d	.10
Feeders & Dust Men	7.50	.60	1.00	d	.10
LATHERS:					
ZONE 1	10.00	.60	.25		.02
ZONE 2	7.85		.15		.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - Burlington, Camden, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties

ZONE 2 - Atlantic & Cape May Counties

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEADBURNERS	10.75	.40	.25	e	.01
LINE CONSTRUCTION:					
ZONE 1					
Linemen, Cable Splicers & Equipment Operators	11.70	6%	1%+1.35		1/2 of 1%
Groundmen	9.75	6%	1%+1.35		1/2 of 1%
ZONE 2					
Linemen, Cable Splicers & Equipment Operators	13.20	6%	1%+.40		1/2 of 1%
Groundmen & Winch Operators	10.55	6%	1%+.40		1/2 of 1%
ZONE 3					
Linemen	11.90	6%	1%+.45		1/2 of 1%
Groundmen & Winch Operators	9.50	6%	1%+.45		1/2 of 1%
ZONE 4					
Linemen	11.80	6%	1%+.30		1/2 of 1%
Line Digger Truck Drivers	7.33	6%	1%+.30		1/2 of 1%
Groundmen	8.48	6%	1%+.30		1/2 of 1%
ZONE 5					
Linemen, Equipment Operators, Technicians & Centified Linemen Welders	11.75	.25	1%+.60		1/2 of 1%
Truck Drivers	8.33	.25	1%+.60		1/2 of 1%
Groundmen	7.74	.25	1%+.60		1/2 of 1%

DECISION NO. NJ77-3079

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Monmouth & Ocean Counties

ZONE 2 - Burlington (that portion north of a line following the west and south limits of Burlington Borough from the Delaware River in a southeasterly direction to the Burlington - Mt. Holly Road, south -southeast along this road to and including the town of Mt. Holly, east along the Pennsylvania Railroad to and including New Lisbon and continuing along the Pennsylvania Railroad to the Ocean County Line) & Mercer Counties

ZONE 3 - Burlington (Edgewater Park, Delanco, Delran, Cinnaminson, Moorestown, Mount Laurel, Willingsboro, Hainesport, Lumberton, Medford, Evesham Twps. in the county and that portion of Shamong, Tabernacle, Woodland Twps north of the Central Railroad of New Jersey Line and that portion of Burlington, Westhampton, Easthampton, South Hampton and Pemberton Twps. in the county south of a line starting at the Delaware River and following the southern boundary of Burlington Borough to the Burlington, Mount Holly Road, along this road to Mount Holly around but excluding Mount Holly to the Pennsylvania Railroad along the Pennsylvania Line through, but excluding Pemberton, through but excluding New Lisbon to the Ocean County Line), Camden, Gloucester (Washington, Deptford, West Deptford, Greenwich, East Greenwich, Manuta, Harrison, South Harrison, Woolwich and Logan Twps. and Pitman Borough) and Salem (from Lower Penne Neck, Upper Penns Neck, Oldmans Twps. and that portion of Mannington and Pilesgrove Twps. North of a line following State Hwy. #45 northeast from Fenswick Creek to the Borough of Woodstown, around and including Woodstown to U. S. Hwy #40 and east on #40 to Upper Pittsgrove Twps. line) Counties

ZONE 4 - Atlantic (that portion south and west of a line following the White Horse Pike (U. S. Hwy. #30) in a southeasterly direction from Camden County to the Mays Landing-DaCosta Road, continuing south along that road to the Great Egg Harbor River near Weymouth along that river to the Berding Hwy. to the Mays Landing - Tuckahoe Road, south on that road to the north limits of Corbin City to the Tuckahoe River), Cumberland, Gloucester (remainder of county) and Salem (remainder of county) Counties

ZONE 5 - Atlantic (remainder of county), Burlington (remainder of county) and Cape May Counties

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Zone 1					
Base Rates:					
Paperhanding, Painting & Allied Work	$ 9.55		.50		
Spraying & Sandblasting	10.45		.50		
Middle Rates:					
Work performed 25' or more above the finished floor & from swinging scaffolds three stories or less in height	9.85		.50		
Spraying & Sandblasting under these conditions	10.75		.50		
Premium Rates:					
Work on Tanks, Stacks, Bridges, Radio & T.V. Towers, Water Towers, Open Structural Steel & all work above 3 stories on the exterior of all structures	10.45		.50		
Spraying & Sandblasting under these conditions	11.10		.50		
Zone 2					
Painters on New Construction and Major Alterations	9.40	.55	.50	.30	.05
Painters on Repaint Work	8.90	.55	.50	.30	.05
Spraying or application of hazardous or dangerous materials on Repaint Work	9.50	.55	.50	.30	.05
Exterior work exceeding 3 stories in height for painting of open structural steel and tanks under 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applicable to machinery or equipment located therein)	9.55	.55	.50	.30	.05

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Repaint Work as described above	9.05	.55	.50	.30	.05
On Bridges, Television and Radio Towers, Structural Steel and Tanks above 3 stories in height (30' or over), Smoke Stacks, Water Towers, Sandblasting, Steam-cleaning, Spraying or application of hazardous materials	10.00	.55	.50	.30	.05
ZONE 3					
Commercial brush & roller	10.25	.50	.50		.05
Commercial spray or dipping, or the use of any special material, brushing or rolling on steel or tanks, or working swing or chair	11.00	.50	.50		.05
Sandblasting or power tools, spraying or the use of any special material on steel or tanks	11.75	.50	.50		.05
ZONE 4					
New Construction:					
Brush or roller, paperhanging, & vinyl-wall covering	10.75	.55	.55		.05
Work on all structural steel & iron, steeples, stacks, tanks, flagpoles, all swing work & window jack-work above 2 stories, spray painting & sandblasting & line striping by machinery, all power tools, & hazardous materials (ie. creosote, epoxy, acid, pitchmastic & urethanes)	11.75	.55	.55		.05
Repaint Construction					
Brush or roller, paperhanging & vinyl-wall covering	8.00	.55	.55		.05
Work on all structural steel					

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
& iron, steeples, stacks, tanks, flagpoles, all swing work & window-jack work above 2 stories, spray painting & sandblasting & line striping by machinery all power tools & hazardous materials (ie. creosote, epoxy, acid, pitchmastic & urethanes)	9.00	.55	.55		.05
ZONE 5					
New Construction & Major Alteration Work:					
Brush & Roller Rates:					
Any surface except steel	8.75	.40	.25		
Any surface except steel (exotic materials)	9.75	.40	.25		
Steel & swing	9.00	.40	.25		
Steel & swing (exotic material)	10.00	.40	.25		
Steel above 70'	9.40	.40	.25		
Steel above 70' (exotic materials)	10.40	.40	.25		
Spray Rates:					
Any surface except steel	8.80	.40	.25		
Any surface except steel (exotic materials)	9.80	.40	.25		
Steel & Swing	9.05	.40	.25		
Steel (exotic materials)	10.05	.40	.25		
Steel above 70'	9.45	.40	.25		
Steel above 70' (exotic materials)	10.45	.40	.25		
Sandblasting Rates:					
Any surface except steel	8.80	.40	.25		
Steel & swing	9.05	.40	.25		
Steelabove 70"	9.45	.40	.25		
Vacuum Blasting Rates:					
Any surface except steel	9.10	.40	.25		
STeel & swing	9.35	.40	.25		
Steel above 70'	9.75	.40	.25		
Repaint Work (except bridges,) tank towers & all other open structural steel);					
Any surface	8.00	.40	.25		
Any surface (exotic materials)	8.50	.40	.25		

DECISION NO. NJ77-3079

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Monmouth & Ocean (northern half of county) Counties

ZONE 2 - Mercer County

ZONE 3 - Burlington, Camden, Gloucester & Salem (the northern portion of county north of Salem Bridge) Counties

ZONE 4 - Atlantic, Cape May & Ocean (remainder of county) Counties

ZONE 5 - Cumberland & Salem (remainder of county) Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	11.73	4%	.47		.025
ZONE 2	11.30	.62	1.10	1.00	.05
ZONE 3	10.25	1.04	.77	1.10	.09
ZONE 4	11.69	.67	.90		.05
ZONE 5	11.49	5%	.75		.05
ZONE 6	10.96	.41	.70	1.00	.20

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Atlantic, Burlington (that portion of the County including Atsion, Bass River Twp., Batsto, Chatsworth, Green Bank, Herman, Jenkins, New Gretne, Quaker Bridge, Wading River, Washington & Woodland Twp.), Cape May, Cumberland, Gloucester (Ashbury, Blue Bell, Malega & Newfield Twps. only), Ocean (southern half of the county to and including Whiting, Bamber, Waretown & Barnegat Light) & Salem (that portion of the county including Aldine, Alliance, Alloway, Brotmanville, Canton, Centerton, Friesburg, Hancock's Bridge, Lower Alloways Creek Twps., Moore's Corner, Norma, Oakwood Beach, Olivet,Penn (Beach), Pittsgrove Twp. Quinton & Shirley) Counties

ZONE 2 - Burlington (that portion of the county starting on the west by the Delaware River, on the north by a line following the center of High Street to the Pennsylvania Railroad running from Camden to Mount Holly, Birmingham, Seaside Park & Shore Points on the Jersey Coast. Along afore-said Railroad to the Town of Whitings; thense diagonally across Burlington County to the junction of Burlington, Camden & Atlantic Counties), Camden, Gloucester (remainder of county) & Salem (remainder of county) Counties

DECISION NO.: NJ77-3079

AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES (CONT'D)

ZONE 3 - Mercer (Bakersville, Berrien City, Clarksville, Dutch Neck, East Windsor Twp., Edinburg, Etra, Grover's Mills, Hightstown, Locust Corner, Mount Rose, North Princeton, Penns Neck, Port Mercer, Princeton & Rosedale) County

ZONE 4 - Burlington (remainder of county), Mercer (remainder of county) & Monmouth (Allentown only) Counties

ZONE 5 - Monmouth (the southern half of the county to and including Manalapan, Eton, Jerseyville, West Farms, Collingwood Park & Deal) & Ocean (remainder of Counties) Counties

ZONE 6 - Monmouth (remainder of county) County

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.39	7%	15%	f	3%
GROUP 2	12.68	7%	15%	f	3%
GROUP 3	11.85	7%	15%	f	3%
GROUP 4	11.75	7%	15%	f	3%
GROUP 5	11.53	7%	15%	f	3%
GROUP 6	11.07	7%	15%	f	3%
GROUP 7	10.80	7%	15%	f	3%
GROUP 8	10.64	7%	15%	f	3%
GROUP 9	10.59	7%	15%	f	3%
GROUP 10	10.48	7%	15%	f	3%
GROUP 11	10.43	7%	15%	f	3%
GROUP 12	10.21	7%	15%	f	3%
GROUP 13	9.83	7%	15%	f	3%
GROUP 14	9.67	7%	15%	f	3%
GROUP 15	9.35	7%	15%	f	3%

50¢ per hour on machines where "Cat Head" or "Sheave Point" is at least 100 feet above ground level and less than 140 feet; 75¢ per hour on machines where "Cat Head" or "Sheave Point" is 140 feet or over above ground level.

DECISION NO. NJ77-3079

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Autograde-combination subgrader base MTL spreader & base trimmer (CMI & similar type); autograde placer-trimmer-spreader-combination (CMI & similar types); autograde slip form paver (CMI & similar types); back hoes (all types, including all combination hoe loaders); central power plants (all types); concrete paving machines; cranes (all types, including overhead & straddle travelling type); cranes, gantry; derricks - land or floating (building & heavy construction rate only), drillmaster, quarry master (down the hole drill); draglines; elevator graders; engines, large diesel (1625 HP) and staging pump; front end loaders (5 yds & over); gradalls; grader, rago; helicopters co-pilot and communication engineer; jacks, screw air hydraulic power operated unit or console type (not hand jack or pile load test type); locomotive (large); mucking machines; pavers (21E and over); paver, resinous, Broyhill; pavement and concrete breaker (i.e. superhammer); pavement breaker truck mounted; piledriver; scooper (loader and shovel) Koehring; shovels; treechopper with boom; trench machines.

GROUP 3 - Pump, staging.

GROUP 4 - A-frame, boom attachment on loaders; boring & drilling machines; brush chopper, chipper & shredder; cableways; carryalls; cherry pickers - 6 tons & under (over 6 tons - crane rate applies); concrete pump; concrete pump system, pumpcrete, squeezecrete & similar types; conveyors, 125' & over; economobiles (hilo, lull, hyster similar type equipment); forklifts; front end loaders (2yds but less than 5yds); groove cutting machines (ride or type); heater planer; hoist (Chicago Boom); Pans, LeTourneau, DW's, Ukes, pumpcrete-unit type; pumpcrete machines, squeezecrete & concrete pumping; scrapers-LeTourneau, DW's Ukes; side booms; squeezecrete; "straddle" carrier, Ross and similar types; winch trucks (hoisting).

DECISION NO. NJ77-3079

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 5 - Aerial platform (used as hoist); hoists all types except Chicago Boom type (building & heavy construction rate only); elevator or house cars (building and heavy construction rate only); roof hoists.

GROUP 6 - Asphalt spreaders; bridge deck finisher; grader, finish only; rollers-blacktop.

GROUP 7 - Asphalt curbing machines; asphalt plant engineer; autograde tube finisher & texturing machine (CMI & similar types); autograde curecrete machine (CMI & similar types); autograde curb trimmer & sidewalk shoulder, slipform (CMI & similar types); barbending machines (power); batchers, batching plant & crusher on site; bet convey or systems; boilers and steam jennies (building & heavy construction rate only); boom type skimmer machines (building & heavy construction rate only); car dumpers (railroad); compressor and blower type units; concrete breaking machines; concrete finishing machines; concrete saws & cutters (ride on type); concrete spreaders-hetzel, recomatic & similar types; concrete vibrators (highway, road, street & sewer construction rate only); conveyors, under 125 ft.; crushing machines; ditching machine, small (ditch witch or similar); drill doctor (duties include dust collector); dope pots (mechanical with or without pump); dumpsters; fine grade machine (large type); front end loaders (1 yd & over but less than 2 yds) - highway, road, street & sewer construction rate only; front end loaders (under 2 yds) - building and heavy construction rates only; generators; giraffe grinders; graders and motor patrols; gunnite machines (excluding nozzle); hammer vibratory (in conjunction with generator); hoppers; hopper doors (power operated); ladders (motorized) - building & heavy construction rate only; laddervator; lights, portable generating light plants; locomotive (dinky type); mechanic; mixers (excepting paving mixers); motor patrols & graders; pavers (under 21E); pavement breakers - small, self-propelled ride on type (also maintains compressor or hydraulic unit); pipe banding machine (power); pitch pump; plaster pump (regardless of size) - building & heavy construction rate only; post hole digger; rod bending machines (power); scales, power; seaman pulverizing mixer; silos; skimmer machines (boom type) - highway, road, street & sewer construction rate only; steam jennies and boilers; steel cutting machines, services & maintains; vibrating plants (used in conjunction with unloading); welder and repair mechanic

DECISION NO. NJ77-3079

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 8 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - building & heavy construction rate only; welding machines, gas or electric converters of any type - (2 or 3 in battery) - building and heavy construction rates only; welding system, multiple (rectifier transformer type) - building & heavy construction rate only.

GROUP 9 - Brooms & sweepers; bulldozer, D5 and over; fireman; sprinkler and water pump trucks (used on job site or in conjunction with jobsite); stone spreaders; sweepers & brooms; tractors, D8 & over; water and sprinkler trucks (used on job site or in conjunction with job site).

GROUP 10 - Compressors (2 or 3 within a total distance of 100' constitutes a battery) - highway, road, street and sewer construction rate only.

GROUP 11 - Front end loaders (under 1 yd.) - highway, road, street & sewer construction rate only.

GROUP 12 - Bulldozer under D5; rollers - grade fill or stone base; tractors, under D8.

GROUP 13 - Compressor (single); heaters (Nelson or other type including propane, natural gas or flow type units); pumps (4 inch suction & over including submersible pumps); pumps (2 of less than 4 inch suction including submersible pumps); pumps, diesel engine & hydraulic (immaterial of power) - highway, road, street & sewer construction rate only; temporary heating plant (Nelson or other type, including propane, natural gas or flow type units); welding machines, gas or electric converters of any type - single (building & heavy construction rate only); welding machines, gas or electric converters of any type (2 or 3 in battery) - highway, road, street & sewer construction rate only; wellpoint systems (including installation and maintenance).

DECISION NO. NJ77-3079

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 14 - Concrete spreaders, (small type) convey or loaders (not including elevator graders) - highway, road, street & sewer construction rate only; farm tractors (highway, road, street & sewer construction rate only); fertilizing equipment; fine grade machine (small type) - highway, road, street and sewer construction rate only; form line graders (small type) highway, road, street & sewer construction rate only; grease, gas, fuel and oil supply trucks; mixers, concrete small (highway, road, street and sewer construction rate only); mulching equipment; road finishing machines (small type) - highway, road, street and sewer construction only; seeding equipment; tamping machines, vibrating self-propelled; welding machines, gas or electric converters of any type-single (highway, road, street and sewer construction rate only).

GROUP 15 - Assistant engineer/oiler; mechanics helper; tire repair and maintenance.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: STEEL ERECTION:					
GROUP 1	$16.09	7%	15%	f	3%
GROUP 2	14.39	7%	15%	f	3%
GROUP 3	13.53	7%	15%	f	3%
GROUP 4	12.84	7%	15%	f	3%
GROUP 5	11.17	7%	15%	f	3%
GROUP 6	10.80	7%	15%	f	3%
GROUP 7	10.66	7%	15%	f	3%
GROUP 8	10.31	7%	15%	f	3%
GROUP 9	9.78	7%	15%	f	3%

DECISION NO. NJ77-3079

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 1 - Helicopters pilot/engineer.

GROUP 2 - Cranes (all cranes - land or floating with booms - including jib, 140 feet and over above the ground); derricks (land or floating with booms including jib, 140 feet and over above the ground); helicopters co-pilot & communications engineer.

GROUP 3 - Cranes (all cranes - land or floating with booms - including jib, less than 140 feet above the ground); derricks (land or floating, with booms including jib, less than 140 feet above the ground).

GROUP 4 - Aerial platform used as hoist; A-frame; cherry pickers - 6 tons and under (over 6 tons - crane rate applies); fork lifts; hoists (all types except Chicago Boom type); jacks (screw air hydraulic power operated unit or console type, not hand jack or pile load test type); side booms.

GROUP 5 - Compressors (2 or 3 in battery); generators; welding machines (gas or electric convertors of any type 2 or 3 in battery multiple welders); welding system multiple (rectifier transformer type).

GROUP 6 - Maintenance engineer.

GROUP 7 - Fireman

GROUP 8 - Compressor (single); rod bending machines (power); welding machines (gas or electric converters of any type-single).

GROUP 9 - Assistant engineer/oiler; straddle carrier.

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
ZONE 1					
Composition, Rollerman and Kettlemen	10.25	.60	.77		
Slate, Tile, Damproofing & Mopmen	10.50	.60	.77		
Helpers	4.60	.60	.77		
ZONE 2					
Composition	11.36	1.30	.82	g	
Mechanic II (reroofing)	5.50	1.30	.82	g	
Slate & Tile	10.75	1.00	.50		
Asphalt Shingle:					
Commercial	8.91	1.00	.50		
Re-roofing	8.10	1.00	.50		
ZONE 3					
Composition, Damp and Waterproofing	11.75	1.00	.65		
Slate and Tile	11.875	1.00	.65		
Slate and Tile Helpers	10.75	1.00	.65		
ZONE 4					
Composition, Waterproofing, Slate and Asphalt Shingle	10.15	.50	.60		

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Atlantic, Cape May and Cumberland Counties

ZONE 2 - Burlington (Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion and areas inclusive to the Camden County Line), Camden, Gloucester and Salem Counties

ZONE 3 - Monmouth (the entire county except the southwest corner which includes Perrineville and the towns west there of) and Ocean (from the county line southward to Cassville, Lakehurst, Whitings, Wheatland and Cedar Bridge inclusive) Counties

ZONE 4 - Burlington (remainder of County), Mercer, Monmouth (remainder of county) and Ocean (remainder of County) Counties

DECISION NO. NJ77-3079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS:					
ZONE 1	10.80	.97	.77		.02
ZONE 2	10.94	6%+.38	5%+.11	8%	.07
ZONE 3	10.21	.84	.60		.02
ZONE 4	12.61	1.04	.65		.03

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Atlantic, Cape May & Cumberland Counties

ZONE 2 - Monmouth & Ocean Counties

ZONE 3 - Burlington & Mercer Counties

ZONE 4 - Camden, Gloucester & Salem Counties

SOFT FLOOR LAYERS					
ZONE 1	10.65	8%	7%		1/5 of 1%
ZONE 2	10.33	6%	5% + .50		

AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Atlantic, Camden, Cape May, Cumberland, Gloucester & Salem Counties

ZONE 2 - Burlington, Mercer, Monmouth & Ocean Counties

SPRINKLER FITTERS:					
ZONE 1	12.04	.60	.90		.10
ZONE 2	12.40	.65	.95		.08

AREA COVERED BY SPRINKLER FITTERS ZONES

ZONE 1 - Camden, Gloucester, Mercer (Town of Trenton) & Salem (Penns Grove excluding Penns Grove Airport) Counties

ZONE 2 - Atlantic, Burlington, Cape May, Cumberland, Mercer (remainder of county Monmouth, Ocean & Salem (remainder of county) Counties

DECISION NO. NJ77-3079	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS FINISHERS:					
Atlantic & Monmouth Counties	8.45	6%	7%		
TRUCK DRIVERS:					
ZONE 1					
GROUP 1	5.45	g&h	i	j&k	
GROUP 2	5.55	g&h	i	j&k	
GROUP 3	5.70	g&h	i	j&k	
GROUP 4	5.85	g&h	i	j&k	
ZONE 2					
GROUP 1	7.00	l	m	n+o	
GROUP 2	7.70	l	m	n+o	
GROUP 3	7.85	l	m	n+o	
GROUP 4	7.90	l	m	n+o	
GROUP 5	8.05	l	m	n+o	
GROUP 6	8.25	l	m	n+o	
GROUP 7	8.40	l	m	n+o	
ZONE 3					
GROUP 1	7.27	.68	.75	p+q	
GROUP 2	7.50	.68	.75	p+q	
GROUP 3	7.55	.68	.75	p+q	
GROUP 4	7.65	.68	.75	p+q	
GROUP 5	7.75	.68	.75	p+q	

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Atlantic & Cape May Counties

ZONE 2 - Burlington (that portion west of the Jersey Turnpike to the Delaware River), Camden, Cumberland, Gloucester & Salem Counties

ZONE 3 - Burlington (remainder of county), Mercer, Monmouth & Ocean Counties

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 1

GROUP 1 - Warehousemen and Helpers

GROUP 2 - Teamsters & Chauffeurs

GROUP 3 - Drivers on Tractors, Trailers, 10 wheel Flats and Dumps

GROUP 4 - Drivers on Euclids, 10 Wheel Tractors and Tractor Trailer Trucks, Low Beds and Pole Trailers

DECISION NO. NJ77-3079

TRUCK DRIVERS - ZONE 2

GROUP 1 - Ten wheel dump truck driver and trailer dump driver off site

GROUP 2 - Straight truck driver (helper)

GROUP 3 - Warehousemen, fork lift truck and part men

GROUP 4 - Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type of equipment and mechanics (helper), Pick-up trucks (only when transporting material), & flat bed trucks.

GROUP 5 - All truck towing

GROUP 6 -Winch straight tractor and trailer truck driver and Euclid trailer dump (not self-loading), fuel truck drivers and asphalt oil distributors on dump-crete trucks, transit - mixers, flat bed trucks, low bed trucks, tanks, water tanks, fuel tanks, euclid water sprinkler, asphalt distributor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar type equipment

GROUP 7 - Mechanics

TRUCK DRIVERS - ZONE 3

GROUP 1 - Mechanic Helper

GROUP 2 - Drivers on the following type vehicles: Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete, transit mixers, agitator mixer, half truck, winch truck, side-o-matic, dynamite, powder, X-Ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, truck with mechanical tailgate, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (intransit), parts chaser, escort, scissor, Hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader, Nipper, fuel trucks (drivers on fuel trucks including handling of unit), skid truck (debris container - entire unit), concrete mobile trucks (entire unit), Expediter (parts chaser), beltcrete trucks, pumpcrete trucks, line truck, reel truck, wreckers, utility trucks, tack trucks, warehousemen, warehouse parts-men, yardmen, lift truck in warehouse, helper when required on lift truck in warehouse, warehouse clerk, parts man, material checkers, receivers, shippers, binning men (materials cardex man; helper when required on Broyhill coal tar epoxy truck and asphalt and bituminous distributor truck; drivers on the following type vehicles: Broyhill Coal tar epoxy trucks, Little-Ford Bituminous distributor, Slurry seal truck or vehicle, Thiokol trackmaster pick-up (swamp cat pickup), bucket loader dump truck and any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, similar type vehicles; Off-site and on-site repair shop, team drivers, vacuum or vac-all trucks (entire unit)

DECISION NO. NJ77-3079

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - ZONE 3 (CONT'D)

GROUP 3 - Drivers on straight 3-axle materials: Truck & Floats

GROUP 4 - Drivers on all Euclid-Type Vehicle: Euclids, International Harvesters, Wabcos, Caterpillar, Koehring, Tractors, and wagons, Dumptors, Straight, Bottom, Rear and side dumps, Carryalls and scrapers (not self-loading - loading over the top), Water sprinkler, Trailers, Water pulls and similar types of vehicles; Drivers on tractors and trailer type vehicles: Flat, Floats, I-beam, Low beds, Water sprinkler, Bituminous transit mix, Road Oil, Fuel, Bottom, Dump Hopper, Rear Dump, Office Shanty, Epoxy, Asphalt, Agitator Mixer, Mulching, Stringer, Seeding, Fertilizing Pole Spread, Bituminous Distributor, Water Pulls, (entire unit) (Tractor Trailer), Reel Trailer and similar types of vehicles

GROUP 5 - Winch trailer drivers

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Paid Holidays: Washington's Birthday, Good Friday, Memorial Day; Independence Day; Presidential Election Day, Veterans Day or Thanksgiving Day.

b. Paid Holidays: A through F

c. Employer contributes 4% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Presidential Election Day providing the employee works on 3 days for the same employer within a period of 10 working days, consisting of 5 working days before and 5 working days after the day upon which the holiday falls or is observed as such.

DECISION NO. NJ77-3079

FOOTNOTES: (Cont'd)

e. Paid Holidays: A through F, plus Washington's Birthday, Good Friday, Christmas Eve, providing the employee has worked 30 full days for the employer during the 90 calendar days immediately prior to the holiday, and the employee works his regular scheduled work days immediately preceeding and following the holiday.

f. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day and Veterans Day provided the employee works any of the 3 days in the 5 work days preceeding the holiday and the first work day after the recognized holiday.

g. $1.00 per week employer contribution to Life Insurance Fund per employee.

h. Employer contributes $2.30 per day per employee to Health and Welfare Funds.

i. Employer contributes $1.60 per day per employee to the Pension Fund.

j. One week vacation after one year's work; two weeks vacation after 3 year's work.

k. Paid Holidays: A through F, plus Washington's Birthday, Veterans' Day and Presidential Election Day provided the employee works 3 days in the week in which the holiday falls.

l. Employer contributes $28.50 per week per employee to the Health Welfare Fund.

m. Employer contributes $17.00 per week per employee to the Pension Fund

n. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 years but less than 15 years he will receive 125 hours of straight time vacation pay; 15 years or more he will receive 165 hours of straight time vacation pay.

o. Paid Holidays: A through F, plus Washington's Birthday, Presidential Election Day, Armistice Day, 2 Personal Holidays, Good Friday, and Christmas Eve afternoon (provided the employee works that morning) on the condition that the employee works or is available for work on at least 2 days in the week in which the holiday occurs.

DECISION NO. NJ77-3079

FOOTNOTES: (Cont'd)

p. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hours); 125 days receive two weeks vacation (96 hours); 145 days receive 15 days (120 hours); 15 years seniority and 145 days receive 4 weeks vacation (160).

q. Paid Holidays: A through F,plus Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day and Veterans' Day provided the employee has been assigned to work or "shapes" one day of the calendar week during which the holiday falls.

r. Paid Holidays: A through F plus Armistice Day and Washington's Birthday.

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Statewide
DECISION NO. NM77-4116 DATE: Date of Publication
Supersedeas Decision No. NM77-4074 dated April 8, 1977 in 42 FR 18825

DESCRIPTION OF WORK: Building and Heavy Construction (Heavy construction consists of modifications, addition, alterations or repairs on railroad construction projects, drainage project, aqueducts, irrigation projects, flood control projects, reclamation projects, reservoirs, water supply projects (exclusive of distribution lines and appurtenances & filtration plants earth dams(over 1 million yds) concrete dams, dikes, levees, revetments, channels, channel cutoffs, intakes, dredging projects, jetties, breakwaters, docks, harbors, excavation and disposals by contract or overburden and the excavation and loading of all material from which the overburden has been removed, open-pit strip mining, viaducts, pedestrian tunnels, piers, abutments and clearing and grubbing, incidental to such heavy construction projects (exclusive of such work in connection with highway, building and light construction projects), subways, tunnels, shafts, missile silos and missil projects. (Except buildings underground), hydroelectric power plant projects and power plant facilities in their entirety (exclusive of steam plants), electric transmission lines, and including the operation, maintenance and repair of all land and floating plant, equipment, vehicles and other facilities used in connection with and serving the aforementioned work and serviced incidental to such projects) (also, including Residential construction in Santa Fe, McKinley, Bernalillo, Rio Arriba, Taos, Sandoval, Valencia and San Juan Counties, but not on the Navajo Indian Reservation).

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS (Statewide, except Union, Harding, Lea, Curry, Roosevelt and Quay Counties)	$10.66	.50	1.17a		.06
ASBESTOS WORKERS (Union, Harding, Lea, Roosevelt, Curry and Quay Counties)	9.85	.55	.45		.07
BOILERMAKERS	9.625	.775	1.00	.50	.02
BRICKLAYERS-Stonemasons:					
Zone I-A	9.56	.57	.50		.10
Zone I-B	10.56	.57	.50		.10
Zone I-C	11.06	.57	.50		.10
Zone II	9.61	.57	.30		.10
Zone III	10.36	.57	.30		.10
Zone IV	9.81	.57	.20		.10
Zone V	10.56	.57	.20		.10
Zone VI	9.01	.57	.30		.10
Zone VII	9.81	.57	.20		.10
Zone VIII	7.765	.48			
Zone IX	7.89	.48			
Zone X	8.015	.48			
Zone XI	7.64	.48			

BRICKLAYERS' ZONE DEFINITIONS

Zone I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Scorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties.

From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles

ZONE II - Curry, Roosevelt Counties

ZONE III - DeBaca, Guadalupe and Quay Counties

ZONE IV - Chaves County

ZONE V - Lincoln County

ZONE VI - Lee and Eddy Counties

ZONE VII - Otero County

ZONE VIII - Luna County

ZONE IX - Grant County Communities of Silver City, Bayard, Central, Hurley, and New town site of Tyrone; Hidalgo and Sierra Counties.

ZONE X - Grant County, except communities listed in Zone IX.

ZONE XI - Dona Ana County

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Dwelling houses & apartments not to exceed two stories in height					
Zone I-A	$ 7.50	.90	.90	.65	.20
Zone I-B	8.50	.90	.90	.65	.20
Zone I-C	9.25	.90	.90	.65	.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	9.20	.90	.90	.65	.20
Zone 2-B	10.45	.90	.90	.65	.20
Zone 2-C	10.75	.90	.90	.65	.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities of Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
ZONE I - Dwelling houses & apartments not to exceed two stories in height:
Zone I-A - 0 - 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
ZONE II - General Building & Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	$9.95	.90	.90	.65	.20
Zone 2	11.20	.90	.90	.65	.20
Zone 3	11.95	.90	.90	.65	.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

BASING POINT - From Albuquerque City Limits:
Zone 1 - 0 to 15 road miles from basing point
Zone 2 - 15 to 35 road miles from basing point
Zone 3 - Over 35 road miles from basing point

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
Area I	$ 8.37	.57	.50		
Area II					
Zone 1	8.42	.57	.50		
Zone 2	8.77	.57	.45		
Zone 3	9.02	.57	.45		
Cement masons (Residential)	8.35	.57	.50		
Cement masons (Heavy)	8.37	.57	.50		
CEMENT MASONS:					
Composition & Machine Operators					
Area I	8.62	.57	.50		
Area II					
Zone 1	8.67	.57	.50		
Zone 2	8.92	.57	.45		
Zone 3	9.27	.57	.45		

CEMENT MASONS AREA DEFINITIONS

AREA I - Statewide except Farmington, San Juan County
AREA II - Farmington, San Juan County
Zone I - 0-15 miles from Farmington City Hall
Zone II - 15-35 miles from Farmington City Hall
Zone III - 35 miles and over from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
ZONE I					
Area 1					
1-A	$10.50	.60	18%+.70		4%
1-B	11.24	.60	18%+.70		4%
1-C	11.87	.60	18%+.70		4%
1-D	12.60	.60	18%+.70		4%
Area 2					
2-A	9.91	.60	18%+.70		4%
2-B	10.60	.60	18%+.70		4%
2-C	11.20	.60	18%+.70		4%
2-D	11.89	.60	18%+.70		4%
ZONE II	11.87	.60	18%+.70		4%
ZONE III					
3-A	9.10	.30	18%		4%
3-B	10.55	.30	18%		4%
ZONE IV					
4-A	9.70	.60	18%		.01
4-B	10.05	.60	18%		.01
4-C	10.20	.60	18%		.01
4-D	10.45	.60	18%		.01
ZONE V	5.80	.30	18%		1/4%
CABLE SPLICERS:					
ZONE I					
AREA I					
1-A	11.55	.60	18%+.70		4%
1-B	12.29	.60	18%+.70		4%
1-C	12.92	.60	18%+.70		4%
1-D	13.65	.60	18%+.70		4%
AREA 2					
2-A	10.90	.60	18%+.70		4%
2-B	11.59	.60	18%+.70		4%
2-C	12.19	.60	18%+.70		4%
2-D	12.88	.60	18%+.70		4%
ZONE II	12.40	.60	18%+.70		4%
ZONE III					
3-A	9.35	.30	18%		4%
3-B	10.80	.30	18%		4%
ZONE IV					
4-A	10.05	.60	18%		.01
4-B	10.40	.60	18%		.01
4-C	10.55	.60	18%		.01
4-D	10.80	.60	18%		.01

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITIONS

ZONE I
AREA 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra and all of San Juan County excluding the Navajo Indian Reservation.
AREA 2 - Chaves, Curry, Lincoln and Roosevelt Counties

AREAS 1-A & 2-A
From nearest basing point cities, towns and mileage from main post office in the following towns:
Albuquerque - 15 miles from main post office
Santa Fe - 15 miles from main post office
Las Vegas - 8 miles from main post office
Farmington - 8 miles from main post office
Raton - 6 miles from main post office
Tucumari - 6 miles from main post office
Aztec - 6 miles from main post office
Roswell - 12 miles from main post office
Ruidoso - 12 miles from main post office
Portales - 12 miles from main post office
Carrizozo - 12 miles from main post office
Clovis - 12 miles from main post office
Gallup - 10 miles from main post office
*Pojoaqus - 2 miles from main post office
*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.

AREAS 1-B & 2-B
Area 1-B and 2-B extending up to 20 miles beyond Area 1-A & 2-A
AREAS 1-C & 2-C
Area 1-C & 2-C extending up to 30 miles from Area 1-A & 2-A
AREAS 1-D & 2-D
Area 1-D & 2-D anything beyond 30 miles from Area 1-A & 2-A
ZONE II - Los Alamos County
ZONE III - Dona Ana, Otero, Luna, Hidalgo Counties
Zone 3-A - Within 10 miles radius from the post office in Las Cruces and within a 5 mile radius from the Post Office in Alamogordo.
Zone 3-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 3-A)
ZONE IV - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:
Zone 4-A - 0 - 12 miles from main post office
Zone 4-B - 12 to 22 miles from main post office
Zone 4-C - 22 to 40 miles beyond main post office
Zone 4-D - 40 miles and beyond main post office

ZONE V - Single or mutiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe, Taos, Rio Arriba, Sandoval, Valencia and San Juan Counties, but not on the Navajo Indian Reservation

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:					
Elevator constructors	$ 10.42	.545	.35	4%+a+b	.02
Elevator constructors helpers	70%JR	.545	.35	4%+a+b	.02
Elevator constructors, prob.	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	8.17	.545	.35	4%+a+b	.02
Elevator constructors helper	70%JR	.545	.35	4%+a+b	.02
Elevator constructors prob.	50%JR				
GLAZIERS:					
Zone I	6.94	.30	.10		.02
Zone II	8.54	.35	.20		.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS
ZONE I - Dona Ana, Luna, Otero Counties.
ZONE II - Statewide, except Doan Ana, Luna and Otero Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
IRONWORKERS:					
ZONE I - Area I	$10.30	.55	1.00		.14
ZONE I - Area II					
Zone 1	10.30	.55	1.00		.14
Zone 2	11.05	.55	1.00		.14
Zone 3	11.80	.55	1.00		.14
Zone 4	12.05	.55	1.00		.14
ZONE II	9.75	.55	1.00		.10
ZONE III	10.75	.55	1.00		.10

IRONWORKERS ZONE DEFINITIONS

ZONE I
AREA I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos McKinley, Mora, Rio Arriba, Sandoval, Santa Fe, Socorro, Taos, Torrance and Valencia Counties

ZONE I
AREA II - Farmington, San Juan County
Zone 1 - Shall extend a distance of 6 road miles inclusive beyond the City Hall.
Zone 2 - Shall extend a distance of 8 road miles inclusive beyond the outer perimeter of zone 1.
Zone 3 - Shall extend a distance of 10 road miles inclusive beyond the outer limits of zone 2.
Zone 4 - Shall extend a distance of 27 road miles inclusive beyond the outer limits of zone 3.
All areas not within Zones 1, 2, 3, and 4 shall revert to the $15.00 per day subsistence rate.

ZONE II - Dona Ana, county with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except that Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

ZONE III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: BUILDING, HEAVY CONSTRUCTION					
Group I	$6.31	.53	.50		.05
Group II	6.61	.53	.50		.05
Group III	6.61	.53	.50		.05
Group IV	6.91	.53	.50		.05
Group V	7.06	.53	.50		.05

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, chainmen-stakedrivers, concrete buggy operators

GROUP II - SEMI-SKILLED: Air and power tool operator, asphalt rakers, demolition, gunits rebound men, fog machine operator, power buggy operators, rodmen, sand blasterers (pot men), nozzlemen, wagon core, rod & chairmen, cutting torch operators; and diamond drillers tender outside, grade setter.

GROUP III - Wagon core, diamond drillers

GROUP IV - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pumpcrete nozzlemen

GROUP V - Powdermen and blasterers

LABORERS (RESIDENTIAL CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	$5.02	.53	.50		.05
Group II	5.32	.53	.50		.05
Group III	5.42	.53	.50		.05
Group IV	5.62	.53	.50		.05

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: - Building and common laborers, carpenter tenders, concrete workers, chainmen-stakedrivers, concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, asphalt rakers, demolition, gunite rebound men, fog machine operator, power buggy operator, rodmen, sand blasterers (pot men), nozzlemen, wagon core, rod & chairmen, cutting torch operators; and diamond drillers tender outside.

GROUP III - Wagon core, diamond drillers

GROUP IV - Concrete burner, cement mason tenders, hod carriers, mortar mixers, plaster spreader operators, plaster tenders, gunite nozzlemen, pipe layer, pumpcrete nozzlemen

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Zone I	$ 7.895	.48		.50	.02
Zone II	10.00				.01

LATHERS' ZONE DEFINITIONS

LATHERS
Zone I - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties.
Zone II - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
BERNALILLO COUNTY ONLY					
Cable splicers	$ 9.65	.60	1%+.60		½%
Linemen - technicians	9.00	.60	1%+.60		½%
Equipment operators	8.58	.60	1%+.60		½%
Equipment mechanics	7.88	.60	1%+.60		½%
Powderman	7.88	.60	1%+.60		½%
Groundmen and jackhammer opers.					
1st 6 months	4.88	.60	1%+.60		½%
2nd 6 months	5.51	.60	1%+.60		½%
Experienced	6.36	.60	1%+.60		½%
LINE CONSTRUCTION:					
STATEWIDE (Except Bernalillo Co.		.60	1%+.60		
Cable splicers	10.51	.60	1%+.60		½%
Linemen - technicians	9.82	.60	1%+.60		½%
Equipment operators	9.35	.60	1%+.60		½%
Equipment mechanics	8.58	.60	1%+.60		½%
Powdermen	8.58	.60	1%+.60		½%
Groundmen and jackhammer Oprs.:					
1st 6 months	5.31	.60	1%+.60		½%
2nd 6 months	5.99	.60	1%+.60		½%
Experienced	6.96	.60	1%+.60		½%
MARBLE, TILE & TERRAZZO WORKERS	7.85	.67			
MARBLE, TILE & TERRAZZO FINISHERS	6.28	.67			
TERRAZZO MACHINE OPERATORS	6.53	.67			
PAINTER: ZONE I					
Zone 1-A	8.52	.35	.20		.05
Zone 1-B	9.02	.35	.20		.05
Zone 1-C	8.77	.35	.20		.05
Zone 1-D	9.10	.35	.20		.05
Zone 1-E	8.85	.35	.20		.05
PAINTERS (INDUSTRIAL WORK):					
Brush, roller, sandblast and grinder operators	9.32	.35	.20		.05
Spray	9.82	.35	.20		.05
Pot tender	8.32	.35	.20		.05

PAINTERS' ZONE II CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: ZONE II					
Zone 2-A	$ 7.95	.35	.20		.05
Zone 2-B	9.17	.35	.20		.05
Zone 2-C	8.60	.35	.20		.05
Zone 2-D	8.05	.35	.20		.05
Zone 2-E	8.70	.35	.20		.05
Zoen 2-F	7.95	.35	.20		.05
Zone 2-G	8.45	.35	.20		.05
PAINTERS: ZONE III					
Zone 3-A	7.66	.30			.02
Zone 3-B	8.08	.30			.02
Zone 3-C	7.805	.30			.02
Zone 3-D	8.08	.30			.02
Zone 3-E	8.51	.30			.02
Zone 3-F - 12½¢ above scale		.30			.02
Zone 3-G - 25¢ above scale		.30			.02
Zone 3-H - 50¢ above scale		.30			.02
Zone 3-I - 75¢ above scale		.30			.02
Zone 3-J - $1.00 above scale		.30			.02
PAINTERS: ZONE IV					
Zone 4-A	7.12	.35	.20		.05
Zone 4-B	7.62	.35	.20		.05
Zone 4-C	7.37	.35	.20		.05
Zone 4-D	7.22	.35	.20		.05
Zone 4-E	7.70	.35	.20		.05
Zone 4-F	7.45	.35	.20		.05

PAINTERS' ZONE AND CLASSIFICATION DEFINITIONS

PAINTERS:
ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo, Curry, Lea and Eddy Counties, New Mexico.
Zone 1-A - Painters, roller and hand textures
Zone 1-B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
Zone 1-C - Paperhanger
Zone 1-D - Drywall finisher; ames tool operator
Zone 1-E - Hand finisher machine texture

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties.
Zone 2-A - Painters and roller
Zone 2-B - Paperhangers
Zone 2-C - Spray, sandblast, steel, special coating applicator
Zone 2-D - Vinyl hangers
Zone 2-E - Drywall finisher tool and machine texture
Zone 2-F - Hand texture
Zone 2-G - Hand finisher

ZONE III - Luna, Otero and Dona Ana Counties
Zone 3-A - Brush, tapers and rollers
Zone 3-B - Spray, sandblasting
Zone 3-C - Ames tool and steel brush after erection
Zone 3-D - Stripping machine
Zone 3-E - Radio towers, water tanks, smoke stack
Zone 3-F - Radio towers, water tanks, smoke stacks 50 to 75 feet
Zone 3-G - Radio towers, water tanks, smoke stacks 75 to 100 feet
Zone 3-H - Radio towers, water tanks, smoke stacks 100 to 200 ft
Zone 3-I - Radio towers, water tanks, smoke stacks 200 to 300 ft
Zone 3-J - Radio towers, water tanks, smoke stacks 300 to 400 ft.

ZONE IV -Residential Construction in Santa Fe, Sandoval, Rio Arriba & Taos Cos.
Zone 4-A - Brush and roller
Zone 4-B - Spray, parking lot striping
Zone 4-C - Paperhangers
Zone 4-D - Vinyl hangers
Zone 4-E - Drywall finishers - ames tool op., machine texture
Zone 4-F - Drywall finishers - hand finisher

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Statewide, (except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	$ 8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	7.27	.48			.01
PLUMBERS-PIPEIFTTERS:					
Area I	10.95	.63	1.36		.12
Area II	11.45	.63	1.36		.12
Area III	12.70	.63	1.36		.12
Specific Area	11.58	.63	1.36		.12
Residential	6.50	.63	.25		.12

PLUMBERS - PIPEIFTTERS' ZONES DEFINITIONS

BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Rucumari, Truth of Consequence and Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the outer perimeter of area I.

Area III - Shall apply to all areas not within areas 1 or 2, or not within the specific area.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Range Camp and Dona Ana and Otero Counties.

POWER EQUIPMENT OPERATORS AREA DEFINITIONS:
AREA I - Farmington, San Juan County
Zone I - 0 - 15 miles from Farmington City Hall
Zone II - 15-35 miles from Farmington City Hall
Zone III - 35-50 miles from Farmington City Hall
AREA II - Statewide, except San Juan County

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I (RESIDENTIAL AND BUILDING CONSTRUCTION)					
ZONE I					
Group 1	$7.58	.60	.60		.11
Group 2	8.12	.60	.60		.11
Group 3	8.20	.60	.60		.11
Group 4	8.26	.60	.60		.11
Group 5	8.32	.60	.60		.11
Group 6	8.42	.60	.60		.11
Group 7	8.52	.60	.60		.11
Group 8	8.70	.60	.60		.11
Group 9	9.50	.60	.60		.11
ZONE II					
Group 1	8.83	.60	.60		.11
Group 2	9.37	.60	.60		.11
Group 3	9.45	.60	.60		.11
Group 4	9.51	.60	.60		.11
Group 5	9.57	.60	.60		.11
Group 6	9.67	.60	.60		.11
Group 7	9.77	.60	.60		.11
Group 8	9.95	.60	.60		.11
Group 9	10.75	.60	.60		.11
ZONE III					
Group 1	9.08	.60	.60		.11
Group 2	9.62	.60	.60		.11
Group 3	9.70	.60	.60		.11
Group 4	9.76	.60	.60		.11
Group 5	9.82	.60	.60		.11
Group 6	9.92	.60	.60		.11
Group 7	10.02	.60	.60		.11
Group 8	10.20	.60	.60		.11
Group 9	11.00	.60	.60		.11
AREA II (RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION)					
Group 1	7.58	.60	.60		.11
Group 2	8.12	.60	.60		.11
Group 3	8.20	.60	.60		.11
Group 4	8.26	.60	.60		.11
Group 5	8.32	.60	.60		.11
Group 6	8.42	.60	.60		.11
Group 7	8.52	.60	.60		.11
Group 8	8.70	.60	.60		.11
Group 9	9.50	.60	.60		.11

HEAVY CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS

AREA I - Statewide, except San Juan County
Basing points for zone pay shall be determined from the Center of the following cities - Albuquerque, Carlsbad, Gallup, Raton and Las Cruces.
Zone I - 0 to 50 miles
Zone II - Over 50 miles
AREA II - Farmington, San Juan County
Zone I - 0 to 15 miles from Farmington City Hall
Zone II - 15 to 35 miles from Farmington City Hall
Zone III - Over 35 miles from Farmington City Hall

HEAVY CONSTRUCTION (AREA I):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I					
Zone 1	$7.43	.60	.60		.11
Zone 2	8.43	.60	.60		.11
GROUP II					
Zone 1	7.97	.60	.60		.11
Zone 2	8.97	.60	.60		.11
GROUP III					
Zone 1	8.05	.60	.60		.11
Zone 2	9.05	.60	.60		.11
GROUP IV					
Zone 1	8.11	.60	.60		.11
Zone 2	9.11	.60	.60		.11
GROUP V					
Zone 1	8.17	.60	.60		.11
Zone 2	9.17	.60	.60		.11
GROUP VI					
Zone 1	8.27	.60	.60		.11
Zone 2	9.27	.60	.60		.11
GROUP VII					
Zone 1	8.37	.60	.60		.11
Zone 2	9.37	.60	.60		.11
GROUP VIII					
Zone 1	8.55	.60	.60		.11
Zone 2	9.55	.60	.60		.11
GROUP IX					
Zone 1	9.35	.60	.60		.11
Zone 2	10.35	.60	.60		.11

HEAVY CONSTRUCTION) POWER EQUIPMENT OPERATORS HEAVY CONSTRUCTION (AREA II)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP I					
Zone 1	$ 7.43	.60	.60		.11
Zone 2	8.18	.60	.60		.11
Zone 3	8.43	.60	.60		.11
GROUP II					
Zone 1	2.97	.60	.60		.11
Zone 2	8.72	.60	.60		.11
Zone 3	8.97	.60	.60		.11
GROUP III					
Zone 1	8.05	.60	.60		.11
Zone 2	8.80	.60	.60		.11
Zone 3	9.15	.60	.60		.11
GROUP IV					
Zone 1	8.11	.60	.60		.11
Zone 2	8.86	.60	.60		.11
Zone 3	9.11	.60	.60		.11
GROUP V					
Zone 1	8.17	.60	.60		.11
Zone 2	8.92	.60	.60		.11
Zone 3	9.17	.60	.60		.11
GROUP VI					
Zone 1	8.27	.60	.60		.11
Zone 2	9.02	.60	.60		.11
Zone 3	9.27	.60	.60		.11
GROUP VII					
Zone 1	8.37	.60	.60		.11
Zone 2	9.12	.60	.60		.11
Zone 3	9.37	.60	.60		.11
GROUP VIII					
Zone 1	8.55	.60	.60		.11
Zone 2	9.30	.60	.60		.11
Zone 3	9.55	.60	.60		.11
GROUP IX					
Zone 1	9.35	.60	.60		.11
Zone 2	10.10	.60	.60		.11
Zone 3	10.35	.60	.60		.11

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL)

GROUP I
Fireman, oiler, screedman, scale operator such as (Bin-A-Batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; mechanic, welder grease truck.

GROUP II
Roller, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoists, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachments), motorman and industrial locomotive operator, winch trucks, front end loader (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III
Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment; (refrigeration, slusher, jumbo form), trenching machines (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machines, crushing plants.

GROUP IV
Front end loader (2 thru 10 CY), rollers, steel wheeled-all types, bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self propelled rollers equipped with dozer. Twin bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate). Three bowl scrapers (60¢ over basic rate). Tractor (farm type w/hydraulic backhoes).

GROUP V
Hydraulic cranes with lesse than 50 feet of boom (20 tons and under). Concrete paver double drum. 2 drum hoist, auto fine grader, cat cranes, hysters, side and swingboom cats.

GROUP VI
Mucking machines, all types; motor grader, finish; mechanic, welder

GROUP VII
Steam engineers; loader (front end over 10 CY); concrete pump (snorkel type)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg; pipemobile (No. 2 op.), pile driver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." type), cranes & draglines, with booms and jib over 150 feet - 25¢ per hour additional.

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipemobile

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (HEAVY CONSTRUCTION)

GROUP I
Fireman, oiler, screedman, scale operator such as (bin-a-batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers; (mechanic, welder), grease truck

GROUP II
Rollers, sheepsfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps, (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachment), motorman and industrial locomotive operator, winch truck front end loader (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III
Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment, refrigeration, slusher, jumbo forms, trenching machines, (all types), pump crete and gunite machines, slipform paver, mechanical bullfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants

GROUP IV
Front end loader (2 thru 7 CY), rollers steel wheeled (all types), bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self-propelled rollers, equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate), three bowl scrapers (60¢ over basic rate).

GROUP V
Front end loader (over 7 CY thru 10 CY), hydraulic cranes, with less than 50 feet of boom (20 tons and under), concrete paver, double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader.

GROUP VI
Mucking machines, alltypes, motor grader (finish), mechanic, welder

GROUP VII
Steam engineers, loader (front end over 10 CY)

GROUP VIII
All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg, pipemobile (NO. 2 operator), piledriver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." Type)

GROUP IX
Shovel (wheel type), boring machine (tunnel or shaft mole), pipe mobile

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$7.55	.25			
SHEET METAL WORKERS:					
Zone 1	10.87	.53	1.00		.12
Zone 2	9.17	3%+.51	.385		.025
Zone 3	8.35	.20			.05
Zone 4	11.87	.53	1.00		.12

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base.
Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SPRINKLER FITTERS	11.26	.65	.95		.08
SOFT FLOOR LAYERS:					
Zone 1	7.23	.30	.10		.02
Zone 2	7.85	.35	.30		.02

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

SOUND INSTALLERS:					
SOUNDMAN					
Zone 1	9.30	.60	1%		1/2%
Zone 2	10.46	.60	1%		1/2%
Zone 3	12.79	.60	1%		1/2%
TECHNICIANS					
Zone 1	7.44	.60	1%		1/2%
Zone 2	8.60	.60	1%		1/2%
Zone 3	10.93	.60	1%		1/2%
SOUND INSTALLERS					
Zone 1	6.05	.60	1%		1/2%
Zone 2	7.21	.60	1%		1/2%
Zone 3	9.54	.60	1%		1/2%

SOUND INSTALLERS ZONE DEFINITIONS

ZONE I
Thirty mile radius of main post office of Albuquerque
ZONE II
Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased to twelve and one-half (12½) percent of journeyman rate of pay for Zone I.
ZONE III
Chaves, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca. Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Los Alamos, San Juan, McKinley Counties, the hourly rates of pay shall be increased by thirty-seven and one-half (37.5) percent of the journeyman rate of pay for Zone I.

GENERAL BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Group 1	$6.61	.57	.50		
Group 2	6.73	.57	.50		
Group 3	6.81	.57	.50		
Group 4	6.93	.57	.50		
Group 5	6.98	.57	.50		
Group 6	7.08	.57	.50		
Group 7	7.18	.57	.50		
Group 8	7.32	.57	.50		
Group 9	7.47	.57	.50		
TRUCK DRIVERS (RESIDENTIAL CONST.)					
Group 1	6.31	.57	.50		
Group 2	6.43	.57	.50		
Group 3	6.51	.57	.50		
Group 4	6.63	.57	.50		
Group 5	6.68	.57	.50		
Group 6	6.78	.57	.50		
Group 7	6.88	.57	.50		
Group 8	7.02	.57	.50		
Group 9	7.17	.57	.50		
TRUCK DRIVERS (HEAVY CONSTRUCTION					
Group 1	6.76	.57	.50		
Group 2	6.88	.57	.50		
Group 3	6.96	.57	.50		
Group 4	7.08	.57	.50		
Group 5	7.13	.57	.50		
Group 6	7.23	.57	.50		
Group 7	7.33	.57	.50		
Group 8	7.47	.57	.50		
Group 9	7.62	.57	.50		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, RESIDENTIAL AND HEAVY CONSTRUCTION.

GROUP I
Pickup 3/4 ton and under, service station, including lubrication, light tire repair and washer, swamper or riding helper, 2 or up

GROUP II
Bus or taxi driver, dump or batch truck under 8 C.W.L.C.; flat bed (bobtail) 2 ton and under; mechanic and welder helper; fork lift under 5 ton MRC.

GROUP III
Dump trucks (including all highway and off highway) 8 up to 16 C.Y.W.L.C.; water, fuel or oil trucks less than 3,000 gal., flat bed (bobtail) over 2 tons

GROUP IV
Distributor driver; heavy tire repairman; lumber carrier driver; young buggy or similar equipment, transit mix or agitator 2 or 3 axle bobtail equipment; scissor truck; bulk cement bobtail 2 or 3 axles; semi-trailer driver (flat-bed or van single axle); forklifts 5 ton and over MRC; field equipment servicemen.

GROUP V
Dumpster and dumpcrete driver; water, fuel or oil truck, 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.

GROUP VI
Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

GROUP VII
Transit mix or agitator semi or 4 axle equipment driver; flaherty truck type spreader box driver; slurry truck driver; bulk cement driver; semi-doubles; 4 axle bobtail; winch truck and "A" frame; dump trucks (including all highway and off-highway) 22 CY up to 35 C.Y.W.L.C.; head field equipment servicemen.

GROUP VIII
Euclid diesel power turnarocker; terra coba-DW10--DW20--LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a teamster--lowboy heavy equipment driver; water, fuel or oil trucks 6,000 gal. and over including tank wagon drivers, semi-trailer driver (flat-bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all

GROUP IX
Warehousemen including material checker; cardex man; lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)

TEAMSTERS classifications not listed shall be paid a rate comparable to classifications listed.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LEAD BURNERS					
AREA I	$11.35	.63	1.42		.16
AREA II	11.85	.63	1.42		.16
AREA III	13.20	.63	1.42		.16
AREA IV	11.98	.63	1.42		.16

LEAD BURNERS BASING POINT & AREA DEFINITIONS

BASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Portales, Raton, Scorro, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos. Tucumcari and Truth or Consequence.

AREA I
Shall include a distance of seven road miles inclusive beyond the city or town limits.

AREA II
Shall extend a distance of 4 road miles inclusive beyond the outer perimeter of area I.

AREA III
Shall apply to all areas not within areas 1 or 2, or not within the specific areas.

AREA IV (SPECIFIC AREA)
Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving Grounds.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a - Includes $0.07 contribution to the Occupational Health Fund.
b - 1st 6 months - none; 6 months to 5 years, 2%; over 5 years, 4% of basic hourly rate.
c - Paid Holidays; A through F

PAID HOLIDAYS:
A- New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTIES: BRONX, KINGS, QUEENS, NEW YORK AND RICHMOND

DECISION NO.: NY77-3025

DATE: DATE OF PUBLICATIO

Supersedes Decision No. NY76-3256 dated October 8, 1976 in 41 FR 44605

Description of Work: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$10.45	1.43	.94	1.25	
Boilermakers	12.33	5%	15%	7%	.02
Bricklayers	11.04	1.48	3.38	.30	.01
Bricklayers (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	8.62	1.13	1.33		
Carpenters, Building: Carpenters, Dock Builders, Millwrights, Piledrivermen, Soft Floor Layers	10.92	1.25	1.73	.65	.04
Carpenters, Heavy: Carpenters, Dock Builders, and Piledrivermen	10.92	1.25	1.73	.65	.04
Carpenters, Millwrights, Piledrivermen, Soft Floor Layers (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	9.16	1.25	.49		.02
Cement Masons	9.50	1.36	1.13	1.75	.01
Electricians and Linemen	12.25	7%	15%+e	5.7%+b	4%
Electricians and Linemen (Rehabilitation work on buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	9.50	7%	15%+e	5.365%	4%

DECISION NO. NY77-3025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator Constructors	10.12	.495	.32+e	c+d	.02
Elevator Constructors helpers	7.59	.495	.32+e	c+d	.02
Elevator Constructors helpers probation	5.06				
Elevator Constructors Modernization	9.35	.495	.32+e	c+d	.02
Elevator Constructors helpers Modernization	7.01	.495	.32+e	c+d	.02
Elevator Constructors Repair	8.50	.495	.32+e	c+d	.02
Elevator Constructors Repair helpers	6.38	.495	.32+e	c+d	.02
Glaziers	10.70	.66	1.66	.47	.01
Ironworkers:					
Ornamental Finisher	10.33	1.06	2.44	.78	.04
Reinforcing	10.10	.785	1.765	.75+g	.01
Structural	11.75	1.30	3.00	1.60+f	.07
Laborers:					
Asphalt Laborers	9.25	1.10	1.00	h	
Asphalt Rakers	9.49	1.10	1.00	h	
Asphalt Tampers	9.27	1.10	1.00	h	
Cement Concrete Workers	9.15	.8025	1.3525	i	
Mason Tenders	9.00	.687	1.3925		
Mason Tenders (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	7.52	.79			
Blasters (Heavy)	9.78	.985	1.725	1.50	
Concrete Breakers, Chippers, Jackhammers, Pneumatic tools; Spaders (Heavy)	8.39	.985	1.725	1.50	
Wagon Drills (Heavy)	8.61	.985	1.725	1.50	
Powder Carriers (Heavy)	7.54	.985	1.725	1.50	

PAGE 3

DECISION NO. NYTT-3025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Cont'd):					
Laborers (Building and Heavy)	8.15	1.30	1.41		
Curb Setters (Highway)	11.58	1.10	1.00	h	
Laborers, Puddlers, Concrete Rakers	9.32	1.10	1.00	h	
Pavers (Highway)	11.58	1.10	1.00	h	
Rammers (Highway)	11.16	1.10	1.00	h	
Demolition:					
Barman	9.58	8%	10%		
Barmen Helpers	9.28	8%	10%		
Plasterers helpers (Kings)	8.20	2.45	.80		
Plasterers helpers (Queens)	9.60	1.55	1.35	.01	
Plasterers helpers (Bronx-NY-Richmond)	8.30	.90	1.19		
Lathers, Mettalic	10.41	.945	1.985	.75+p	.03
Latbers, Nail-on (Kings-Queens)	8.40	.655	1.655	.70	.01
Lathers, Nail-on (Bronx-NY-Richmond)	8.60		.25		.01
Leadburners	10.75	.40	.25	f	.01
Marble Setters:					
Carvers	10.15	1.13	1.19	k	
Cutters and Setters	10.00	1.13	1.19	k	
Sawyers, Rubbers, and Polishers	9.77	1.13	1.19	k	
Crane operators and Derrickmen	8.28	1.13	1.19	k	
Painters:					
Brush	9.20	8½%	5%+q	3%	
Brush (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alterstion on any existing structure which is intended for predominantly residential use)	8.50	.90	.50		
Spray, Sprey Gun, Scaffold Work	11.17	8½%	5%+q	3%	
Structural Steel	7.50	8%	11%		
Structural Steel Spray	8.50	8%	11%		

PAGE 4

DECISION NO. NYTT-3025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
Kings	9.90	1.10		1.40	.01
Queens	8.70	1.00	.20	1.40	.01
Bronx-NY-Richmond	9.30	1.10	1.19	.90	.01
Bronx-NY-Kings-Queens-NY-Richmond (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	7.17	2.30			
Plumbers:					
NY-Bronx	9.25	1.07	1.86	.72	.06
NY-Bronx (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	7.58	3.49	r		
Kings-Queens	10.10	1.90	1.79	1.19	.22
Richmond	10.40	1.00+L	1.48	1.05	.30
Roofers:					
Composition, Damp, Waterproofers	9.15	1.79	2.45	.65	
Composition, Damp, Waterproofers (Rehabilitation work on residential buildings over 4 stories defined to include demolition, repair, and alteration on any existing structure which is intended for predominantly residential use)	6.86	1.34	1.84	.49	
Slate-Tile (Kings-Queens)	10.82	.55	1.20	1.75	
Slate-Tile helpers (Kings-Queens)	5.13	.50	1.40	1.40	

Page 5

DECISION NO. NYTT-3025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Slate-Tile (Bronx-NY-Richmond)	9.70	.50	1.40	1.60	
Slate-Tile helpers (Bronx-NY-Richmond)	7.90	.50	1.00	1.20	
Sheet Metal Workers	11.87	1.82	1.15	.41	.02
Sprinkler Fitters and Steamfitters	10.52	2.65	1.12	.86	.07
Stonemasons	10.25	.50	1.00		
Stone Derrickmen and Riggers	11.42	.98	1.01		
Terrazzo Workers	10.38	1.21	1.50		
Terrazzo Workers helpers	9.14	1.21	1.50		
Tile Setters	9.15	.85	2.10		
Tile Setters helpers	7.90	.50	1.27		
Timbermen (Heavy)	9.93	1.25	1.73	.65	.04
Tuckpointers:					
Sandblasters	9.72	.70	1.44	.50	.015
Steamcleaners	8.97	.70	1.44	.50	.015
Waterproofers	8.72	.70	1.44	.50	.015
Truckdrivers, Building:					
Ready Mix Concrete, Sand, Gravel and Asphalt	8.87	.9675	1.8525	m+p	
Euclids and Turnapulls	8.825	.9675	1.8525	m+p	
4-Wheel, Hi-Lo Lift operators	7.525	.9675	1.8525	m+p	
Euclids and Turnapulls (Heavy)	8.825	.9675	1.8525	m+p	

Welders-receive rate prescribed for craft performing the operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $7.00 per day to an Annuity and Security Benefit fund.

b. Holidays: A through F, Columbus Day, Day after Thanksgiving, Election Day, and Employees Birthday.

c. Holidays: A through F, Columbus Day, Election Day, Lincoln's Birthday, Washington's Birthday, Armistice Day.

Page 6

DECISION NO. NYTT-3025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES (CONT'D):

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 3 weeks vacation.

e. Employer contributes $7.00 per day to an Annuity Fund.

f. Holidays: New Year's Eve and Christmas Eve provided the employee works a full half day preceeding the holiday.

g. Work on Christmas Eve and New Year's Eve will terminate at Noon, but employee will receive a full days pay.

h. Holidays: B,C, D, E, Election Day, Columbus Day, providing the employee works at least 1 day in the week in which the holiday occurs.

i. If men work the last regular work day before Christmas Day or the last regular day before New Year's Day, the work day will end at Noon, but men will be paid for a full 7 hour day; However, if men are required to work after Noon they will be paid an additional time and a half for the hours worked.

j. Holidays: A through F, Washington's Birthday, Christmas Eve, Good Friday, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and regular scheduled work days immediately preceeding and following the holiday.

k. One half days pay for Labor Day.

l. Employer contributes $6.01 per day to an additional Security Benefit Fund.

m. Employees with 6 months or more but less than 5 years service recieve 2 weeks vacation, 5 or more years of service but less then 15 years service receive 3 weeks vacation, 15 or more years of service receive 4 weeks vacation.

n. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Election Day, Veteran's Day, provided the employee works 2 days in the calender week in which the holiday falls and each remaining work day during such calender week.

PAGE 7

DECISION NO. NYTT-3025

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.

FOOTNOTES (CONT'D):

p. For each 15 days worked within the contract year an employee will receive one day's vacation with pay with a maximum vacation of 3 weeks per year.

q. Employer contributes $5.00 per day to an Annuity Fund.

r. Employer contributes $4.50 per day to an Annuity Fund.

Page 8

DECISION NO. NYTT-3025

POWER EQUIPMENT OPERATORS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Double Drum Hoist	$11.66	.93	1.95	.70+a	.02
Stone Derrick, Cranes, Cherry Pickers	11.44	.93	1.95	.70+a	.02
Hoists, Fork Lifts, House Cars, Plaster (platform machine), Plaster Bucket, Plaster Pump, Compressors-Welding Machines (cutting concrete-tank work), Paint Spraying, Sandblasting, and All Equipment Used For Hoisting Material	11.01	.93	1.95	.70+a	.02
Cranes: All types-crawler or truck					
100' to 149' Boom	11.94	.93	1.95	.70+a	.02
150' to 249' Boom	12.19	.93	1.95	.70+a	.02
250' to 349' Boom	12.44	.93	1.95	.70+a	.02
350' to 450' Boom	12.94	.93	1.95	.70+a	.02
Steel Erection: Three Drum Derricks	12.25	.93	1.95	.70+a	.02
Cranes, 2 Drum Derricks, Cherry Pickers	11.74	.93	1.95	.70+a	.02
Compressors, Welding Machines	10.51	.93	1.95	.70+a	.02
Tower Cranes	12.19	.93	1.95	.70+a	.02

FOOTNOTES:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday (Iron League Only), Decoration Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day, and Christmas Day providing the employee is employed during the payroll week in which the holiday occurs.

Page 9

DECISION NO. NYTT-3025

POWER EQUIPMENT OPERATORS: HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class 1	$11.66	.93	1.95	.70+a	.02
Class 2	11.58	.93	1.95	.70+a	.02
Class 3	11.33	.93	1.95	.70+a	.02
Class 4	11.11	.93	1.95	.70+a	.02
Class 5	10.88	.93	1.95	.70+a	.02
Class 6	10.87	.93	1.95	.70+a	.02
Class 7	10.59	.93	1.95	.70+a	.02
Class 8	10.36	.93	1.95	.70+a	.02
Class 9	9.89	.93	1.95	.70+a	.02
Class 10					
a	12.08	.93	1.95	.70+a	.02
b	12.33	.93	1.95	.70+a	.02
c	12.58	.93	1.95	.70+a	.02
d	13.08	.93	1.95	.70+a	.02
Class 11	12.07	.93	1.95	.70+a	.02
Class 12	11.78	.93	1.95	.70+a	.02
Class 13	11.58	.93	1.95	.70+a	.02
Class 14	11.13	.93	1.95	.70+a	.02

FOOTNOTES:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Veteran's Day, Thanksgiving Day, Christmas Day, providing the employee works one day in the payroll week in which the holiday occurs.

Page 10

DECISION NO. NYTT-3025

POWER EQUIPMENT OPERATORS
HEAVY AND HIGHWAY CONSTRUCTION

Class 1: Backhoes, Power shovels.

Class 2: Mine hoist, Cranes, etc, used as mine hoists.

Class 3: Gradalls, Yardstones, Cranes (with digging buckets including sand dock cranes, bridge cranes), Trenching machines.

Class 4: Rigs (under direction of a dockbuilder foreman), Derrick boats, Tunnel shovels, Piledrivers.

Class 5: Raise Bore Drill.

Class 6: Mucking machines, Backfilling machines, Cranes, Paver dual drums.

Class 7: Elevator (manuallly operated), Concrete pavers, Cableways, Land Derricks, Mixers, Power Houses (which contain low pressure units).

Class 8: Power Houses (other than above), Compressors (3 or more in battery), Stone Crusher, Double Drum Hoist, Concrete pumps, Well point pumps, Tugger machines (caissons), Drilled in caissons, Soil solidification equipment, Welding machines (used for steel erection), Concrete plant, Conveyor attachment, Well Drilling machine.

Class 9: River coffer dam pumps, Welding machines, Boilers, High pressure, Compressors (portable, single or two in a battery), not over 100' apart, Concrete breaking machines, Hoists, Single drum, Load Masters, Locomotives and Dinkies over 10 tons, Mixers (concrete with loading attachment), Push button machines.

Class 10: Long Boom Land Cranes:
a---100' to 149'
b---150' to 249'
c---250' to 349'
d---350' to 450'

Class 11: Junior engineers when operating loaders rubber-tired and/or tractor type with a manufacturer's minimum rated bucket capacity of 6 cubic yards and over.

DECISION NO. NY77-3025

POWER EQUIPMENT OPERATORS (CONT'D)
HEAVY AND HIGHWAY CONSTRUCTION

Class 12: Junior engineers when operating the following equipment and attachments: Scrapers, Turnapulls, Tugger hoists used exclusively for handling excavated material, Tractors (rubber tired and/or track type), Hysters and roustabout cranes, Back scratchers, Cherrypickers under 20 tons, Austin Western and machines of a similar nature, Bulldozers, Loaders rubber tired and/ or tractor type with a manufacturer's minimun rated bucket capacity or less than 6 cubic yards, Conveyors, Motor Graders, Curb and Gutter Pavers and machines of a similar nature.

Class 13: Junior engineers when operating the flowing pieces of minor equipment: Tractors, Locomotives 10 tons and under, Post hole diggers, Motor Generators, Road Finishing machines, Mixers 16S and under with or without loading devices, Rollers 5 tons and under, Tugger hoists, Dual purpose trucks, Fork lifts, Dumpster Dumpsters, Firemen tending to: Steam operated shovels, power boilers, steam operated piledrivers, steam operated derrick boats, steam operated water rigs.

Class 14: Apprentice engineers and oilers (all gasoline, electric, diesel, or air operated), Shovels, Cranes, Dreglines, Backhoes, Keystones, Cradslls, Pavers, Trenching machines, Concrete pumps, Gunite machines, Compressors (3 or more in a battery), Power Houses, there duties shall be to assist the engineer in oiling, greasing and repairing of all machines, giving signals when necessary, chaining buckets and scale boxes, driving truck cranes, driving and operating fuel and grease truck.

SUPERSEDEAS DECISION

STATE : NEW YORK

COUNTIES: BRONX, KINGS, NEW YORK, QUEENS, RICHMOND

DECISION NO.: NY77-3044

DATE: DATE OF PUBLICATION

Supersedes Decision No. NY77-3022 dated February 4, 1977 in 42 FR 7063

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

RESIDENTIAL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$10.45	1.43	.94	1.25	
Boilermakers	12.33	5%	15%	7%	.02
Bricklayers	11.04	1.48	3.38	.30	.01
Bricklayers (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	8.62	1.13	1.33		
Carpenters, Millwrights, Piledrivers and Soft Floor Layers	10.92	1.25	1.73	.65	.04
Carpenters, Millwrights, Piledrivers and Soft Floor Layers (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	9.16	1.25	.49		.02
Cement Masons	9.50	1.36	1.13	1.75	.01
Electricians and Linemen	12.25	7%	1%+a	5.7%+b	4%
Electricians and Linemen (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	9.50	7%	1%+a	5.365%	4%
Elevator Constructors	10.12	.495	.32+j	c+d	.02
Elevator Constructors helpers	7.59	.495	.32+j	c+d	.02
Elevator Constructors helpers probationary	5.06				
Elevator Constructors Modernization	9.35	.495	.32+j	c+d	.02
Elevator Constructors Modernization helpers	7.01	.495	.32+j	c+d	.02
Elevator Constructors Repair	8.50	.495	.32+j	c+e	.02
Elevator Constructors Repair helpers	6.38	.495	.32+j	c+e	.02
Glaziers	10.70	.66	1.66	.47	.01

DECISION NO. NY77-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Ironworkers:					
Structural	11.75	1.30	3.00	1.60+i	.07
Ornamental Finisher	10.33	1.06	2.44	.78	.04
Reinforcing	10.10	.785	1.765	.75+n	.01
Laborers:					
Asphalt Rakers	9.49	1.10	1.00	m	
Asphalt Tampers	9.27	1:10	1.00	m	
Asphalt Laborers	9.25	1.10	1.00	m	
Cement Concrete Workers	9.15	.8025	1.3525	q	
Mason Tenders	9.00	.687	1.3925		
Mason Tenders (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	7.52	.79			
Laborers	8.185	1.30	1.41		
Plasterer Tenders (King)	8.20	2.45		.80	
Plasterer Tenders (Queens)	9.60	1.55		1.35	
Plasterer Tenders (NY-Bronx-Richmond)	8.25	.90	1.00	.35	.01
Lathers, Metallic	10.41	.945	1.985	.75+n	.03
Lead Burners	10.75	.40	.25	g	.01
Marble Setters:					
Carvers	10.15	1.13	1.19	f	
Cutters and Setters	10.00	1.13	1.19	f	
Sawyers, Rubbers, and Polishers	9.77	1.13	1.19	f	
Crane operators and Derrickmen	8.28	1.13	1.19	f	
Painters:					
Brush	9.20	84%	5%+h	3%	
Brush (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	8.50	.90	.50		
Spray, Spray Gun, and Scaffold	11.17	84%	5%+h	3%	

DECISION NO. NY77-3044

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers:					
Kings	9.90	1.10		1.40	.01
Queens	8.70	1.00	.20	1.40	.01
Bronx-NY	9.30	1.10	1.19	.90	.01
Plasterers: All Counties (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	7.17	2.30			
Plumbers:					
Bronx and NY	9.25	1.07	1.86	.72	.06
Bronx and NY (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	7.58	3.49	r		
Kings-Queens	10.10	1.90	1.79	1.19	.22
Richmond	10.40	1.06+p	1.48	1.05	.30
Roofers:					
Composition, Damp, Waterproofers	9.15	1.79	2.45	.65	
Composition, Damp, and Waterproofers (Rehabilitation work on residential structures defined to include demolition, repair, and alteration on existing structures which are intended for predominantly residential use)	6.86	1.34	1.84	.49	
Sheet Metal Workers	11.87	1.82	1.15	.41	.02
Sprinkler Fitters & Steamfitters	10.52	2.65	1.12	.86	.07
Stonemasons	10.25	.50	1.00		
Terrazzo Workers	10.38	1.21	1.50		
Terrazzo Workers helpers	9.14	1.21	1.50		
Tile Setters	9.15	.85	2.10		
Tile Setters helpers	7.90	.50	1.27		
Truck Drivers:					
Ready-mix concrete, sand, gravel and asphalt	8.87	.9675	1.8525	k+l	
Euclids and Turnapulls	8.825	.9675	1.8525	k+l	

Welders-receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Columbus Day; H-Day after Thanksgiving

FOOTNOTES:

a. Employer contributes $7.00 per day to an Annuity and Security Benefit Fund.

b. Paid Holidays: A through F.

c. Paid Holidays: A through G; Lincoln's Birthday, Washington's Birthday; Election Day; Armistice Day.

d. Employees with 6 months or more but less than 5 years service receive 2 weeks vacation, 5 or more years of service receive 4 weeks vacation.

e. Employees with 6 months or more but less than 5 years service receive 2 weeks vacatio 5 or more years but less than 15 years receive 3 weeks vacation, 15 or more years of service receive 4 weeks vacation.

f. Paid Holidays: ½ day's pay for Labor Day.

g. Paid Holidays: A through F; Washington's Birthday, Christmas Eve, Good Friday, providing the employee has worked 30 full days during the 90 calendar days prior to the holiday, and the regular scheduled worked days immediately preceeding and following the holiday.

h. Employer contributes $5.00 per day to an Annuity Fund.

i. Paid Holidays: New Year's Eve and Christmas Eve, providing the employee works a full half day preceeding the holiday.

j. Employer contributes $7.00 per day to an Annuity Fund.

k. Paid Holidays: A through G; Lincoln's Birthday, Washington's Birthday, Election Day, Veteran's Day, providing the employee works 2 days in the calendar week in which the holiday falls and each remaining work day during such calendar week.

l. For each 15 days within the contract year an employee will receive 1 days vacation with pay, with a maximum vacation of 3 weeks per year.

m. Paid Holidays: B,C,D,E,G,Election Day, providing the employee works at least 1 day i the week in which the holiday occurs.

n. Work on Christmas Eve and New Year's Eve will terminate at noon, but the employee will receive a full day's pay.

p. Employer contributes $6.01 per day to an additional Security Benefit Fund.

q. If men work the last regular work day before Christmas Day, or the last regular work day before New Year's Day, the work day will end at Noon but men will be paid for a full 7 hour day; however, if men are required to work after 12 Noon they will be paid additional time and one-half for the hours worked.

FOOTNOTES (CONT'D):

r. Employer contributes $4.50 per day to an Annuity Fund.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Double Drum Hoist Stone Derrick, Cranes, Cherry Pickers	$11.66	.93	1.95	.70+a	.02
Hoists, Fork Lifts, Hauno Cars, Plaster (platform machine), Plaster Buckets, Plaster Pump, Compressors-Welding Machines (cutting concrete-tank work), Paint Spraying, Sandblasting, and All Equipment Used For Hoisting Material	11.44	.93	1.95	.70+a	.02
Cranes: All types-crawler or truck	11.01	.93	1.95	.70+a	.02
100' to 149' Boom	11.94	.93	1.95	.70+a	.02
150' to 249' Boom	12.19	.93	1.95	.70+a	.02
250' to 349' Boom	12.44	.93	1.95	.70+a	.02
350' to 450' Boom	12.94	.93	1.95	.70+a	.02
Steel Erection: Three Drum Derricks	12.25	.93	1.95	.70+a	.02
Cranes, 2 Drum Derricks, Cherry Pickers	11.74	.93	1.95	.70+a	.02
Compressors, Welding Machines	10.51	.93	1.95	.70+a	.02

FOOTNOTES:

a. Paid Holidays: New Year's Day, Lincoln's Birthday, Washington's Birthday, Good Friday (Iron League Only), Decoration Day, Independence Day, Labor Day Columbus Day, Election Day, Armistice Day, Thanksgiving Day, and Christmas Day providing the employee is employed during the payroll week in which the holiday occurs.

SUPERSEDEAS DECISION

STATE: South Dakota COUNTY: Minnehaha
DECISION NUMBER: SD77-5064 DATE: Date of Publication
Supersedeas Decision No. SD77-5027 date March 4, 1977, 42 FR 12665.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.48	.60	.65		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	10.55	.45	.40		.05
CARPENTERS:					
Carpenters; Piledivermen	8.83		.20		.05
Millwrights	9.79		.20		.05
CEMENT MASONS	9.54				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	10.12	.40	1%	6%	1%
Cable Splicers	11.13	.40	1%	6%	1%
Over 30 miles from Sioux Falls Post Office					
Electricians	11.12	.40	1%	6%	1%
Cable Splicers	12.13	.40	1%	6%	1%
GLAZIERS	7.59				
LABORERS:					
Laborers	4.35				
Mortar Mixers, paving breakers, jack hammer operator	4.45				
Nozzleman (gunnite, sandblast and shotcrete)	4.60				
LATHERS	9.36				.01
PAINTERS:					
Brush	7.79				
Spray	8.29				
Tapers	8.04				
PLASTERERS	9.36				.01
PLUMBERS; Steamfitters	9.79	.55	.30	.27	.03
SHEET METAL WORKERS	9.22		.15	.50	
SPRINKLER FITTERS	9.90	.65	.95		.08
WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: South Dakota COUNTIES: Meade and Pennington
DECISION NUMBER: SD77-5065 DATE : Date of Publication
Supersedes Decision No. SD77-5028 dated March 4, 1977, in 42 FR 12666.
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 10.48	.60	.65		
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	9.65		.30		
CARPENTERS:					
Carpenters, Acoustical and Drywall Applicators	9.21		.30		.05
Piledrivermen	9.46		.30		.05
Millwrights	9.71		.30		.05
CEMENT MASONS	7.85	.35	.40		
ELECTRICIANS:					
Within 15 mile radius of Rapid City Post Office					
Electricians	9.20	.40	1%	6%	1½%
Cable Splicers	9.75	.40	1%	6%	1½%
Within 15 to 35 miles radius of Rapid City Post Office					
Electricians	9.60	.40	1%	6%	1½%
Cable Splicers	10.15	.40	1%	6%	1½%
Outside a 35 mile radius of Rapid City Post Office					
Electricians	10.45	.40	1%	6%	1½%
Cable Splicers	11.00	.40	1%	6%	1½%
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Sheeter; Structural	9.90	.55	1.00		.25
LABORERS:					
Laborers; Power Tool Operator or all Mechanical Air, gas, electric tools, including self-propelled Buggies, Wagon and Air Track Drills; Pipe Layer (non-metallic); Sandblasting; Mortar Mixer; Mason Tender; Plaster Tender	5.80	.50	.15		
Gunnite Nozzlemen; Powdermen; Miner; Timbermen	6.30	.50	.15		

DECISION NO. SD77-5065 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush	$ 7.79				
Spray	8.29				
Tapers	8.04				
PLASTERERS	8.50				
PLUMBERS; Steamfitters	9.13	.40	.35		.03
SHEET METAL WORKERS	9.25				.005
SPRINKLER FITTERS	9.90	.65	.95		.08
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

SUPERSEDEAS DECISION

STATE: Washington COUNTIES: Statewide
DECISION NUMBER: WA77-5055 DATE: Date of Publication
Supersedes Decision No. WA77-5032 dated April 1, 1977, in 42 FR 17789.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King Kitsap, Kitttias, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$.11.76	.51	$ 1.10		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	11.91	.56	.95		.12
Remaining Counties	11.75	.51	.95		
BOILERMAKERS	11.60	.75	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pand Oreille, Spokane, Grand Coulee Dam area in Okanogan County	11.01	.65	.70		.04
Benton, Franklin and Walla Walla Counties	10.68	.55	.50		
Chelan, Douglas and Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.42	.65	.65		.08

DECISION NO. WA77-5055 Page 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS: (Cont'd)					
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	$11.03	.65	.75		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Kittitas, Yakima and Klickitat (except a ten mile strip bordering the Columbia River) Counties	10.10	.65	.75		
Grays Harbor, Lewis, Mason, Thurston and northern portion of Pacific County	9.20	.55	.30		
Pierce County	10.23	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	10.35	.55	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima east of the 120th Meridian) Carpenters	9.74	.60	.55		.055
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	9.89	.60	.55		.055
Shingler (wood or composition)	9.94	.60	.55		.055
Boom Men; Carpenters (Creosoted material)	9.99	.60	.55		.055
Piledriver (creosoted material)	10.14	.60	.55		.055
Millwright and Machine Erector	10.24	.60	.55		.055

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS: (Cont'd)					
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters and Drywall Applicators	$ 9.75	.50	.70		.02
Carpenters on Creosoted material	9.85	.50	.70		.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	9.88	.50	.70		.02
Millwrights and Machine Erectors	10.25	.50	.70		.02
Piledrivers; Bridge, dock and wharf builders	9.90	.50	.70		.02
Acoustical Workers	9.91	.50	.70		.02
Boommen	9.95	.50	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Strippers; Manhole Builders; Acoustical Applicators, Drywall Applicators	10.65	.55	.85	.50	.03
Piledrivermen, bridge, dock and wharf builders	10.75	.55	.85	.50	.03
Floor Layers; Floor Finishers; Stationary Power Saw Operator	10.80	.55	.85	.50	.03
Boomman/	10.85	.55	.85	.50	.03
Millwrights; Machine Erectors	10.90	.55	.85	.50	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	$ 9.64	.50	.75		.04
Clallam, Grays Harbor, Island, Jefferson, King, (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	9.97	.55	.90		.01
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Cement Masons	10.37	.75	.70	.60	.10
Composition materials and power machinery	10.52	.75	.70	.60	.10
Lewis, Pierce, Thurston and the City of Auburn in King County	9.80	.55	1.00		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	12.13	.57	1%+.40		.02
Cable Splicers	12.53	.57	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	12.13	.57	1%+.40		.02
Cable Splicers	13.34	.57	1%+.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTICIANS: (Cont'd)					
Chelan, Douglas, Grant and Okanogan Counties.					
Electricians	$12.13	.57	1%+.40		.02
Cable Splicers	13.34	.57	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	13.20	.70	1%+.65		.03
Cable Splicers	14.52	.70	1%+.65		.03
Clark, Klickitat and Skamania Counties					
Electricians	12.80	.65	1%+1.00		.05
Cable Splicers	13.55	.65	1%+1.00		.05
Cowlitz and Wahkiakum Counties					
Electricians	11.91	.65	1%	5%	.02
Cable Splicers	13.10	.65	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	11.51	.45	1%+.55	.92	.04
Cable Splicers	12.66	.45	1%+.55	.92	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	12.52	.65	1%+.40		.01
Cable Splicers	13.77	.65	1%+.40		.01
ELECTRONIC TECHNICIANS: (Installation and repair of low-voltage communication and alarm systems, excluding any work under the jurisdiction of a journeyman wireman);					
Adams, Ferry, Lincoln, Pend Oriells, Spokane, Stevens, and Whitman Cos.					
Journeyman Installer	7.30	.43			.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	$11.95	.545	.35	4%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	4%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason Pacific, (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	12.445	.545	.35	3%+a	.02
Elevator Constructors' Helpers	70%JR	.545	.35	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	11.13	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS:					
Adams (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties	$ 9.73	.35	.10	b+.43	
Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.96	.40	.45	.58	
Adams (southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties	7.92	.40	.70	.57	.02
Asotin, Garfield and Whitman Counties	8.03	.31	.25	b+.28	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, (Northern portion), Pierce, San Juan, Snohomish and Thurston Counties	9.59	.30	.65	b	
Yakima and Kittitas Counties	8.76	.35	.40		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.75	.41	.65	6.8%	.01
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	11.00	.73	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Reinforcing; Structrual; Fence Erectors; Ornamental; Riggers; Signalmen	11.00	.73	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$10.35	.50			
Clallam, Island, Jefferson, King, Kitsap, Lewis, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish and Whatcom Counties	10.90	.55	1.00		.04
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.30	.50	.80		.01
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	11.01	.65	.70		.04
Benton, Franklin and Walla Walla Counties	10.68	.55	.50		
Chelan, Douglas and Okanogan Counties (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.42	.65	.65		.08
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkaikum Counties and a ten mile strip bordering the Columbia River in Klickitat County	11.03	.65	.75		.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS: (Cont'd)					
Grant County and that portion of Adams County including the City of Othello	$10.50	.40			
Grays Harbor, Lewis, Mason, Thurston and northern half of Pacific Counties	9.20	.55	.30		
Pierce County	10.23	.65	.75		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Wolley, Concrete and north thereof) and Whatcom Counties	10.35	.55	.45		
MARBLE, TILE and TERRAZZO WORKERS HELEPRS:					
All Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.52	.65	.30		
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	8.77	.85	.95		.10
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kititas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties					
Brush	9.77	.40	.70		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS: (Cont'd)					
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	$10.02	.40	.70		.02
Swing Stage work or high rate (over 30')	10.12	.40	.70		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	10.17	.40	.70		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.					
Brush	9.24	.55	.60	.50	.10
Spray	9.64	.55	.60	.50	.10
Bridges, High work over 50' (brush)	9.99	.55	.60	.50	.10
Bridges, High work over 50' (spray)	10.39	.55	.60	.50	.10
Drywall Finishers	10.24	.55	.40	.50	.06
Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (northern portion) and Whatcom Counties					
Brush; Drywall Tapers Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	9.98	.44	.76		.02
	10.23	.44	.76		.02
Statewide except Wahkiakum, Cowlitz and Skamania Counties					
Striper	10.43	.44	.31		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$10.53	.50			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	9.98	.50	.65		
Clallam, Island, Jefferson, King (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	10.90	.55	1.00		.06
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	10.50	.55	.80		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.80	.55	1.00		
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	8.60	.65	.70		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of the 119°30' W. Long.), Jefferson and Okanogan (except the area lying east of 119°30' W. Long., North to 48°30' N. Lat. Township lines) Counties	$12.11	.72	1.35	1.10	.07
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County northward to the Canadian Border), Kittitas (south of 47°15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County County Line), and Okanogan (east of 119°30' west Long. and south of 48°30' N. Lat.) Counties	12.25	.65	1.15	1.20	.11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS: (Cont'd)					
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line) Counties	$11.60	.65	$ 1.10	$1.00	.11
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line	13.12	1.21	1.60		.13
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	8.94	.66	.50		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS: (Cont'd)					
Benton, Franklin, Kittitas, Klickitat and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	$ 9.65	.47	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish Thurston and Wahkiakum Cos.					
Roofers; Waterproofers	9.45	.60	.40		
Slate and Tile Roofers	9.70	.60	.40		
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	8.55	.50	.40		
Slate and Tile Roofers	9.05	.50	.40		
Clark and Skamania Counties					
Roofers	10.45	.65	.80		
Handling of irritating material (coal, tar or epoxy) in unconfined area	10.95	.65	.80		
Handling of irritating material (coal, tar or epoxy) in confined area	11.20	.65	.80		
Roofers Helpers:					
Under 800 hours experience	70%JR				
800 - 1600 hours experience	75%JR				
Over 1600 hours experience	80%JR				
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	12.10	3%+.57	.825		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SHEET METAL WORKERS: (Cont'd)					
Clallam, Jefferson, Kitsap and Mason Counties	$10.99	3%+.37	.82	$1.50	.03
Clark and Skamania Counties	11.13	3%+.81	.93	1.00	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	12.23	3%+.56	.90		.02
King County	12.15	3%+.56	.99		.05
Island and Snohomish Counties	12.15	3%+.96	.99		.03
Whatcom, Skagit and San Juan Counties	11.18	.61	.83		.04
SOFT FLOOR LAYERS:					
Adams (N.E. portion), Ferry, Lincoln (E.½), Pend Orielle, Spokane and Stevens Counties	9.05	.40	.60		
Adams (S.E. portion), Benton, Columbia, Franklin and Walla Walla Counties	9.09	.40	.70	1.21	
Adams (S.W. portion), Chelan, Douglas, Grant, Lincoln (Western ½), and Okanogan Cos.	9.25	.40	.70	.35	
Asotin, Garfield, and Whitman Counties	8.67	.40	.25	.33	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	9.86	.46	.75		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Cos.	9.435	.50	.90	c	.08
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	10.16	.56	.75		.05
Yakima and Kittitas Counties	8.94	.40	.35		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Counties	$13.81	.60	.90		.09
Remaining Counties	11.65	.65	.95		.08
TERRAZZO WORKERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.20	.55	.40		
Benton, Franklin and Walla Walla Counties	10.01	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	11.46	.65	.75		.05
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	11.47	.65	.80		.05
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	10.35	.55	.45		
TILE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	10.20	.55	.40		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE SETTERS: (Cont'd)					
Benton, Franklin and Walla Walla Counties	$10.01	.55	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	9.50	.55	.50		
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	11.46	.65	.75		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	9.69	.50	.55		.10
Grant County and that portion of Adams County including the City of Othello	10.50	.40			
Grays Harbor, Lewis, Mason and Thurston Counties	9.20	.55	.30		
Pierce County	11.47	.65	.80		.05
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Cos.	10.35	.55	.45		

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

*Where Pacific County is stated as "Northern Portion" or "Southern Portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due west to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.

c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicers, Leadman Pole Sprayer	$12.78	.45	1%	.10	1/2%
Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	11.54	.45	1%	.10	1/2%
Tree Trimmer	10.42	.45	1%	.10	1/2%
Line Equipment Man	9.95	.45	1%	.10	1/2%
Head Groundman (chipper), Head Groundman, Powderman, Jackhammer Man	8.69	.45	1%	.10	1/2%
Groundman, Tree Trimmer Helper	8.18	.45	1%	.10	1/2%

ZONE PAY

Each classification will receive the base rate plus Zone A - $1.25, Zone B - $2.00, Zone C - $2.75, Zone D - $4.00

BASE ZONE - 0 to 3 miles from geographical center of towns listed below

ZONE A - 3 to 20 miles radius from geographical center of towns listed below.

ZONE B - 20 to 35 miles radius from geographical center of towns listed below.

ZONE C - 35 to 50 miles radius from geographical center of towns listed below

ZONE D - in excess of 50 miles.

Base hourly rate will be paid to all men working out of employers' permanent shop.

Spokane	Ellensburg	Asotoria	Portland	Couer D' Alene
Tacoma	Ephrata	Baker	Pendleton	Kellog
Walla Walla	Everett	Burns	Salem	Lewiston
Wenatchee	Kennewick	Bend	Roseburg	Orofino
Yakima	Longview	Eugene	The Dalles	San Point
Wilbur	Olympia	Klamath Falls	Umatilla	
Bellingham	Seattle	Lakeview	Corvallis	
		Medford		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$ 8.10	.65	.70		.02
Group 2	8.25	.65	.70		.02
Group 3	8.35	.65	.70		.02
Group 4	8.40	.65	.70		.02
Group 5	8.45	.65	.70		.02
Group 6	8.50	.65	.70		.02
Group 7	8.55	.65	.70		.02
Group 8	8.75	.65	.70		.02
Group 9:					
Class A	8.15	.65	.70		.02
Class B	8.20	.65	.70		.02
Class C	8.60	.65	.70		.02
Class D	8.65	.65	.70		.02

LABORERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to including clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector to (include guard rails, guide and reference posts, sign posts, and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flowcrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shanwee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Bhorer and Lagger but not including laying corrugated metal culvert pipe)

LABORERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

Group 7: Brush Machine (to include hoirzontal construction joint clean-up Bruch Machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or largor and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with dual masts and Drills; Powderman

Group 9: Tunnel and Shaft, free air
- Class A: Bull Gang, Pump Crete Crewman including distribution Pipe, Assembling and dismantle and nipper
- Class B: Brakeman, Dumpman
- Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
- Class D: Raise and Shaft Miner and Laser Beam Operator on Raises and Shafts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	$ 8.36	.85	.95		.06
Group 2	8.46	.85	.95		.06
Group 3	8.51	.85	.95		.06
Group 4	8.56	.85	.95		.06
Group 5	8.61	.85	.95		.06
Group 6	8.66	.85	.95		.06
Group 7	8.71	.85	.95		.06
Group 8	8.41	.85	.95		.06
Group 9	8.46	.85	.95		.06
Group 10	8.56	.85	.95		.06
Group 11	8.66	.85	.95		.06
Group 12	8.71	.85	.95		.06
Group 13	8.81	.85	.95		.06

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker, hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer; Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad Spike Puller; Rakers-Asphalt

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

Tunnel Work

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including Monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$7.87	$8.27	$8.62	$8.87	$9.12	$9.37
2	8.22	8.62	8.97	9.22	9.47	9.72
3	8.52	8.92	9.27	9.52	9.77	10.02
4	8.77	9.17	9.52	9.77	10.02	10.27

FRINGE BENEFITS:	
Health and Welfare	$ .85
Pension	.95
Vacation	.65
Apprenticeship Tr.	.10

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including pot tender for same); Applying protective Material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types: Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head) hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	$ 8.36	.85	.95		.06
Group 2	8.46	.85	.95		.06
Group 3	8.51	.85	.95		.06
Group 4	8.56	.85	.95		.06
Group 5	8.61	.85	.95		.06
Group 6	8.66	.85	.95		.06
Group 7	8.71	.85	.95		.06
Group 8	8.41	.85	.95		.06
Group 9	8.46	.85	.95		.06
Group 10	8.56	.85	.95		.06
Group 11	8.66	.85	.95		.06
Group 12	8.71	.85	.95		.06
Group 13	8.81	.85	.95		.06

LABORERS (Area 2)
All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker, hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer; Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad Spike Puller; Rakers-Asphalt

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

Tunnel Work

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including Monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$7.87	$8.27	$8.62	$8.87	$9.12	$9.37
2	8.22	8.62	8.97	9.22	9.47	9.72
3	8.52	8.92	9.27	9.52	9.77	10.02
4	8.77	9.17	9.52	9.77	10.02	10.27

FRINGE BENEFITS:

Health and Welfare	$ .85
Pension	.95
Vacation	.65
Apprenticeship Tr.	.10

LABORERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert, hand labor; Curing, concrete; Demolition, wrecking and moving Laborers; Drillers Helpers; Dumpers, road oiling crew; Dumpman (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

Group 2: Applicator (including pot tender for same); Applying protective Material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary, Power Spreader and similar types: Clean-up Nozzleman-Greencutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite and Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head) hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Bean; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sandblasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners; Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)					
Group 1	$ 8.11	.85	.95		.06
Group 2	8.21	.85	.95		.06
Group 3	8.26	.85	.95		.06
Group 4	8.31	.85	.95		.06
Group 5	8.36	.85	.95		.06
Group 6	8.41	.85	.95		.06
Group 7	8.46	.85	.95		.06
Group 8:					
Class A	8.16	.85	.95		.06
Class B	8.21	.85	.95		.06
Class C	8.31	.85	.95		.06
Class D	8.41	.85	.95		.06
Class E	8.46	.85	.95		.06
Class F	8.56	.85	.95		.06

LABORERS (Area 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and bucker, hand

Group 3: Driller Chipper; Grinder, Tampers and similar light power tools; Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler; Cask or Bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

Group 5: Form Setter, Steel Forms; Grademan; Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator: High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-timberman; Maintenance Man; Spader; Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)
(All Counties and portions of Counties East of the 120th Meridian)

Group No.	Zone 1	Zone 2	Zone 3
1	$8.70	$9.20	$9.65
2	9.00	9.50	9.95
3	9.55	10.05	10.50
4	9.70	10.20	10.65
5	9.85	10.35	10.80
6	10.10	10.60	11.05
7	10.35	10.85	11.30

FRINGE BENEFITS:

Health & Welfare	$.80
Pension	.90
Apprenticeship Training	.03

*ZONE 1: Within a 15 mile radius from the center of the following Cities; Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho

*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities, except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only

*ZONE 3: Over a 45 mile radius from the center of the above named Cities except Coeur d' Alene and Walla Walla which are limited to a 15 mile zone only.

POWER EQUIPMENT OPERATORS (Area 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Driller's Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Begley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hot; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Posts (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Beltcrete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumor, Adams or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (Overhead and Front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator, Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one Scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

POWER EQUIPMENT OPERATORS (AREA 1) Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 5: Automatic subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Pile-driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 gons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader 360 degrees revolving Koehring Scooper or similar); Loaders (overhead and Front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (Overhead and Front-end - over 12 yards)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)					
Group 1	$ 10.12	.75	.90		.11
Group 2	10.22	.75	.90		.11
Group 3	10.33	.75	.90		.11
Group 4	10.38	.75	.90		.11
Group 5	10.40	.75	.90		.11
Group 6	10.45	.75	.90		.11
Group 7	10.46	.75	.90		.11
Group 8	10.50	.75	.90		.11
Group 9	10.52	.75	.90		.11
Group 10	10.65	.75	.90		.11
Group 11	10.68	.75	.90		.11
Group 12	10.71	.75	.90		.11
Group 13	10.76	.75	.90		.11
Group 14	10.78	.75	.90		.11
Group 15	10.80	.75	.90		.11
Group 16	10.83	.75	.90		.11
Group 17	10.86	.75	.90		.11
Group 18	10.90	.75	.90		.11
Group 19	10.97	.75	.90		.11
Group 20	10.98	.75	.90		.11
Group 21	11.03	.75	.90		.11
Group 22	11.08	.75	.90		.11
Group 23	11.30	.75	.90		.11
Group 24	11.34	.75	.90		.11
Group 25	11.39	.75	.90		.11
Group 26	11.47	.75	.90		.11
Group 27	11.69	.75	.90		.11
Group 28	11.89	.75	.90		.11
Group 29	12.00	.75	.90		.11
Group 30	12.02	.75	.90		.11
Group 31	12.30	.75	.90		.11

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotive (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bull-dozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drott Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and Overhead and Front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed Man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

Group 22: Bulldozer engaged in Yo Yo Operating (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame Trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (Core, Cable Rotary and Exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (Mole, Tunnel Drill, and/or Shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as Backhoes, Rubber-tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type(over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkaikum, and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.79	$10.19	$10.54	$10.79	$11.04	$11.29
2	9.93	10.33	10.68	10.93	11.18	11.43
3	10.03	10.43	10.78	11.03	11.28	11.53
4	10.19	10.59	10.94	11.19	11.44	11.69
5	10.21	10.61	10.96	11.21	11.46	11.71
6	10.29	10.69	11.04	11.29	11.54	11.79
7	10.35	10.75	11.10	11.35	11.60	11.85
8	10.45	10.85	11.20	11.45	11.70	11.95
9	10.51	10.91	11.26	11.51	11.76	12.01
10	10.57	10.97	11.32	11.57	11.82	12.07
11	10.59	10.99	11.34	11.59	11.84	12.09
12	10.65	11.05	11.40	11.65	11.90	12.15
13	10.73	11.13	11.48	11.73	11.98	12.23
14	10.89	11.29	11.64	11.89	12.14	12.39
15	11.05	11.45	11.80	12.05	12.30	12.55
16	11.23	11.63	11.98	12.23	12.48	12.73
17	11.37	11.77	12.12	12.37	12.62	12.87
18	11.55	11.95	12.30	12.55	12.80	13.05
19	11.69	12.09	12.44	12.69	12.94	13.19

FRINGE BENFITS:

Health and Welfare	$ 1.00
Pension	1.00
Vacation	.50
Apprenticeship Training	.05

POWER EQUIPMENT OPERATORS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pullad type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drillar Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Scread; Compressor Operator (any power), under 2,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hygrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulvamixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled.

Group 7: Roller(any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2½ cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with Push-pull attachments, self-loader, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-enginea; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (DREDGING) (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$10.04	.75	.90		.11
Group 2	10.14	.75	.90		.11
Group 3	10.48	.75	.90		.11
Group 4	10.53	.75	.90		.11
Group 5	10.58	.75	.90		.11
Group 6	10.90	.75	.90		.11
Group 7:					
(a)	11.29	.75	.90		.11
(b)	11.84	.75	.90		.11
DREDGING (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	10.04	.75	.90		.11
Group 2	10.14	.75	.90		.11
Group 3	10.48	.75	.90		.11
Group 4	10.53	.75	.90		.11
Group 5	10.58	.75	.90		.11
Group 6	10.90	.75	.90		.11
Group 7:					
(a)	11.29	.75	.90		.11
(b)	11.84	.75	.90		.11
DREDGING (Area 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	10.15	1.00	1.00	.50	.05
Group 1A	10.81	1.00	1.00	.50	.05
Group 2	9.79	1.00	1.00	.50	.05
Group 3	9.55	1.00	1.00	.50	.05
Group 4	9.29	1.00	1.00	.50	.05

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS (Area 3)
(DREDGING)

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand), Oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$ 9.28	$ 1.02	.75		
Group 2	9.32	1.02	.75		
Group 3	7.38	1.02	.75		
Group 4	9.47	1.02	.75		
Group 5	9.68	1.02	.75		
Group 6	9.72	1.02	.75		
Group 7	9.78	1.02	.75		
Group 8	9.82	1.02	.75		
Group 9	9.93	1.02	.75		
Group 10	9.97	1.02	.75		
Group 11	10.28	1.02	.75		
Group 12	10.42	1.02	.75		
Group 13	10.58	1.02	.75		
Group 14	10.72	1.02	.75		

TRUCK DRIVERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (56 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yards to 6 yards); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swediah Crane, Iowa 3,000, Hydrolift); Water Tank Truck (6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

TRUCK DRIVERS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

UMI

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	10.34	.80	.65		.09
Group 2	10.39	.80	.65		.09
Group 3	10.44	.80	.65		.09
Group 4	10.56	.80	.65		.09
Group 5	10.61	.80	.65		.09
Group 6	10.65	.80	.65		.09
Group 7	10.66	.80	.65		.09
Group 8	10.72	.80	.65		.09
Group 9	10.77	.80	.65		.09
Group 10	10.79	.80	.65		.09
Group 11	10.82	.80	.65		.09
Group 12	10.92	.80	.65		.09
Group 13	10.94	.80	.65		.09
Group 14	10.98	.80	.65		.09
Group 15	11.10	.80	.65		.09
Group 16	11.14	.80	.65		.09
Group 17	11.26	.80	.65		.09
Group 18	11.31	.80	.65		.09
Group 19	11.47	.80	.65		.09
Group 20	11.63	.80	.65		.09
Group 21	11.79	.80	.65		.09

TRUCK DRIVERS (Area 2)

All Counties and portins of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turna-trailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Rose, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 41 yards

Group 7: Dumpsters and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

TRUCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group No.	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
1	$9.81	$10.21	$10.56	$10.81	$11.06	$11.31
2	9.86	10.26	10.61	10.86	11.11	11.36
3	9.91	10.31	10.66	10.91	11.16	11.41
4	9.96	10.36	10.71	10.96	11.21	11.46
5	10.01	10.41	10.76	11.01	11.26	11.51
6	10.11	10.51	10.86	11.11	11.36	11.61
7	10.21	10.61	10.96	11.21	11.46	11.71
8	10.31	10.71	11.06	11.31	11.56	11.81
9	10.41	10.81	11.16	11.41	11.66	11.91
10	10.58	10.98	11.33	11.58	11.83	12.08
11	10.68	11.08	11.43	11.68	11.93	12.18
12	10.78	11.18	11.53	11.78	12.03	12.28
13	10.88	11.28	11.63	11.88	12.13	12.38
14	10.98	11.38	11.73	11.98	12.23	12.48

FRINGE BENEFITS:

Health & Welfare	$ .68
Pension	.70
Vacation	.60
Apprenticeship Training	.05

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under, Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and inoluding 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks; 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters of similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and wet or dry mix truck, over7 cu. yds. and including 9 cu. yds.; Truck Mechanic-Welder - Body Repairman; Water Wagons (rated capacity 5000 to 7000 gallons

TRUCK DRIVERS (Area 3) (Cont'd)
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinatins thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and wet or dry mix trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagons (rated capacity), over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit Mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof; over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement - add $.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

ZONE WAGE SCALE (AREA 3) ONLY

LABORERS
Goldendale, Lonview and Vancouver

POWER EQUIPMENT OPERATORS
Astoria, Goldendale, Hood River, Longview
The Dalles and Vancouver

TRUCK DRIVERS
Astoria, Goldendale, Longview, the Dalles and Vancouver

ZONE A: All jobs or projects located within 10 miles of the respective City Hall

ZONE B: More than 10 miles but less than 25 miles from the City Hall

ZONE C: More than 25 miles but less than 35 miles from the respective City Hall

ZONE D: More than 35 miles but less than 45 miles from the City Hall

ZONE E: More than 45 miles but less than 75 miles from the respective City Hall

ZONE F: More than 75 miles from the respective City Hall

[FR Doc.77-17027 Filed 6-16-77;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 3—The President, 1976 Compilation and Parts 100 and 101	$3.00	$_____

[*A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1*]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:
Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons) or charge to my Deposit Account No. ..... Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name _____
Street address _____
City and State _____ ZIP Code _____

FOR USE OF SUPT. DOCS.
____Enclosed
____To be mailed later
____Subscription
Refund
Coupon refund
Postage
Foreign Handling

FOR PROMPT SHIPMENT, PLEASE **PRINT OR TYPE** ADDRESS ON LABEL BELOW, INCLUDING **YOUR ZIP CODE**

U.S. GOVERNMENT PRINTING OFFICE
ASSISTANT PUBLIC PRINTER
(SUPERINTENDENT OF DOCUMENTS)
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name _____
Street address _____
City and State _____ ZIP Code _____

Vol.42—No.118
6–20–77
PAGES
31143–31426

federal register

MONDAY, JUNE 20, 1977

highlights

SUNSHINE ACT MEETINGS 31221

SUNSHINE ACT MEETINGS
GSA/OFR continues special formatting and handling of announcements of Sunshine Act Meetings 31205

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS
CSA/ACTION revises income eligibility levels for individuals and families; effective 6–20–77 31178

EQUAL EMPLOYMENT OPPORTUNITY
EEOC authorizes several agencies to process employment discrimination charges filed with the commission; comments by 7–5–77 31174

PRIVACY ACT
OMB publishes new or revised systems of records of several agencies 31205

MOTOR VEHICLE SAFETY STANDARDS
DOT/NHTSA permits compliance with bumper requirements of either Standard No. 215 or Part 581; effective 6–20–77 31162

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA suspends sale of flood insurance to noncompliant communities and lists communities where sale is authorized (44 documents) (Part II of this issue) 31254–31280

PESTICIDE PROGRAMS
EPA determines registration and claims procedures for pesticides (Part III of this issue); comments by 8–19–77 .. 31283

FARM CREDIT SYSTEM
FCA amends charters of associations, loan policies of banks for cooperatives, and certain funding aspects of banks of the system; comments by 7–15–77 31167

MARITIME CARRIERS
FMC amends regulations determining unit costs for the carriage of military cargo with respect to carrier bids 31161

GREAT LAKES PILOTAGE REGULATIONS
DOT/CG revises appeal procedures by licensed officers or holders of service certificates to National Transportation Safety Board; effective 6–20–77 31160

CONTINUED INSIDE

JUN 20 1977
UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HUD/FHC—Mortgage and loan insurance programs; fire safety equipment in health care facilities.... 26552; 5–24–77
INTERIOR/NPS—National park system regulations; Colorado River whitewater boat trips..... 25857; 5–20–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 4390..... Pub. L. 95–46
To authorize appropriations for continuation of construction of distribution systems and drains on the San Luis Unit, Central Valley project, California, to mandate the extension and review of the project by the Secretary, and for other purposes. (June 15, 1977; 91 Stat. 225.) Price: $.35

H.R. 2992..... Pub. L. 95–44
"Comprehensive Employment and Training Act Amendments of 1977". (June 15, 1977; 91 Stat. 220.) Price: $.35

H.R. 5040..... Pub. L. 95–45
To authorize additional appropriations for the Department of State for fiscal year 1977. (June 15, 1977; 91 Stat. 221.) Price: $.35

H.R. 6774..... Pub. L. 95–43
To make certain technical and miscellaneous amendments to provisions relating to higher education contained in the Education Amendments of 1976. (June 15, 1977; 91 Stat. 213.) Price: $.35

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO).....	202–783–3238
Subscription problems (GPO).....	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk.....	523–5215
Finding Aids.....	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)..	523–5266
Finding Aids.....	523–5227
PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents....	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers.....	523–5237
Slip Laws.....	523–5237
U.S. Statutes at Large.....	523–5237
Index	523–5237
U.S. Government Manual.....	523–5230
Automation	523–5240
Special Projects.....	523–5240

HIGHLIGHTS—Continued

RAILROADS
ICC publishes railway system diagram maps (Part V of this issue)..... 31305

UNIFORM SETTLEMENT RATES ON PARALLEL INTERNATIONAL COMMUNICATIONS ROUTES
FCC proposes to authorize departures from uniform settlement rates; comments by 8–11–77..... 31175

HEARING—
ICC: Procedures in motor carrier application proceedings, 8–3–77..... 31214

MEETINGS—
NFAH/NEA: Federal Graphics Evaluation Advisory Panel, 7–7 and 7–8–77..... 31200
Visual Arts Policy Panel, 7–6 thru 7–8–77..... 31200
NRC: Advisory Committee on Reactor Safeguards (2 documents), 7–6, 7–7 and 7–8–77..... 31203, 31204
NSF: Subpanel for Science for Citizens Program of the Advisory Panel on Science Education Projects; 7–8 and 7–9–77..... 31179
SBA: San Francisco District Advisory Council, 7–22–77 31211
VA: Veterans Administration Wage Committee, 7–14 8–11, 8–25, and 9–8–77..... 31214

SEPARATE PARTS OF THIS ISSUE
Part II, HUD/FIA..... 31253
Part III, EPA..... 31283
Part IV, FEC..... 31301
Part V, ICC..... 31305

VOL 42 NO 118 JUN 20 77 UM

contents

ACTION

Notices

Foster Grandparent and Senior Companion Programs; income eligibility levels 31178

AGRICULTURE DEPARTMENT

See Federal Grain Inspection Service.

ARMY DEPARTMENT

See Engineers Corps.

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
- Federal Graphics Evaluation Advisory Panel 31200
- Visual Arts Policy Panel 31200

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Arizona service investigation et al.; correction 31179
- International Air Transport Association (3 documents) 31179, 31180

COAST GUARD

Rules

Officers, certificate holders, and Great Lakes pilots; appeals to NTSB; revocations or suspensions, etc 31160

Records, merchant mariner's, copies; fees 31159

Notices

Regulations development, public input; inquiry 31211

COMMERCE DEPARTMENT

See Patent and Trademark Office.

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Architectural glazing materials; safety standards 31164

DEFENSE DEPARTMENT

See Engineers Corps.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Procurement:
- Prison-made and blind-made products; deleted; correction 31160

ENGINEERS CORPS

Rules

Project deauthorization review program; planning 31159

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution control, new motor vehicles and engines:
- Emissions standards; selective enforcement auditing procedures; correction 31159

Proposed Rules

Air quality implementation plans; various States, etc.:
- New Mexico 31174

Pesticide programs:
- Claims determinations practice rules; test data submission in support of registration application 31283

Notices

Food additive petitions:
- Elanco Products Co 31181
- Shell Chemical Co 31181

Pesticide applicator certification and interim certification; State plans:
- Arizona 31181

Pesticide chemicals; tolerances, exemptions, etc.; petitions:
- Diamond Shamrock Chemical Co.; withdrawn 31182

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Proposed Rules

Procedural regulations:
- Charges, deferral designation, certain State and local agencies designated as 706 agencies 31174

FARM CREDIT ADMINISTRATION

Proposed Rules

Charters, Farm Credit System associations; bank loan policies; and bank fundings, etc 31167

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
- Boeing 31155
- Cessna 31156
- Champion 31151
- Grumman American 31154
- Hartzell 31152
- Hawker Siddeley 31154

Standard instrument approach procedures 31158

Transition areas (2 documents) 31157

Proposed Rules

Airworthiness directives:
- Bell 31171
- Martin 31171
- Rockwell International 31172

Control areas 31173

Control areas; correction 31174

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

Telecommunications, parallel international communications routes; uniform settlement rates 31175

Notices

Canada-U.S. FM agreement (1947); Table A amendment 31183

Television, commercial; network practices; inquiry; extension of time 31182

Hearings, etc.:
- Lewel Broadcasting, Inc 31182

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Disaster and emergency areas:
- Arizona 31191
- California 31191
- Washington 31192

FEDERAL ELECTION COMMISSION

Notices

Advisory opinion requests 31301

FEDERAL ENERGY ADMINISTRATION

Rules

Petroleum allocation and price rules:
- Interpretations; appendix 31143

Notices

Environmental statements; availability, etc.:
- North Carolina energy conservation plan et al 31184

FEDERAL GRAIN INSPECTION SERVICE

Notices

Grain standards; inspection points:
- Tennessee 31178

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood Insurance Program, National:
- Communities eligible for sale of insurance (2 documents) 31254–31257
- Flood elevation determinations, etc. (26 documents) 31259–31271

Proposed Rules

Flood Insurance Program, National:
- Flood elevation determinations, etc. (16 documents) 31272–31280

FEDERAL MARITIME COMMISSION

Rules

Military rates level; elimination of uniform capacity utilization factor in cargo unit, costs 31161

Proposed Rules

Oil pollution cleanup financial responsibility:
- Trans-Alaska pipeline, terminal facilities; correction 31175

Notices

Freight forwarder licenses:
- Martin & Merrell et al 31185

Oil pollution; certificates of financial responsibility 31184

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Alabama-Tennessee Natural Gas Co. et al 31186
- Aminoil Development, Inc., et al 31186
- Columbia Gulf Transmission Co. et al 31187
- Connecticut Light & Power Co. 31188
- Los Angeles, City of, Calif., et al 31191
- Louisiana Power & Light Co 31190
- Natural Gas Pipeline Co. of America 31189
- Public Service Co. of New Hampshire 31190
- Public Service Co. of Oklahoma 31188
- Sun Oil Co. et al 31186
- Tennessee Gas Pipeline Co 31189
- Transcontinental Gas Pipe Line Corp. (3 documents) 31187, 31190

FEDERAL RAILROAD ADMINISTRATION

Notices

Trustee's certificates sale applications:
- Chicago, Rock Island & Pacific Railroad Co. (2 documents) 31212

FEDERAL REGISTER OFFICE

Notices

Sunshine Act meetings; trial publication program made permanent 31205

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
- Caprice Corp 31186
- First Texas Bancorp, Inc 31186

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
- American Consumer Service, Inc., et al 31164

FISH AND WILDLIFE SERVICE

Notices

Endangered species permits; applications (4 documents) 31193–31197

Marine mammal applications, etc.:
- Siniff, Dr. Donald B 31198
- University of Montana 31198

GENERAL SERVICES ADMINISTRATION

See Federal Register Office.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Disaster Assistance Administration; Federal Insurance Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules

Excise taxes:
- Retirement income plans; pre-1975 prohibited transactions; correction 31159

INTERSTATE COMMERCE COMMISSION

Rules

Motor carriers:
- Household goods broker licensing procedures; fees, forms, surety bonds and insurance policies; extension of time 31163

Railroad car service orders; various companies:
- Missouri Pacific Railroad Co 31163
- Seaboard Coast Line et al 31163

Notices

Abandonment of railroad services, etc.; various companies 31305

Hearing assignments 31216

Motor carriers:
- Temporary authority applications 31216

Petitions filing:
- Herman Bros., Inc 31214

LAND MANAGEMENT BUREAU

Notices

Wildlife habitats, protection; closure of public lands:
- Colorado 31192

Withdrawal and reservation of lands, proposed, etc.:
- California (3 documents) 31192, 31193

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 31205

Privacy Act; systems of records 31205

Procurement policy, Federal:
- Private sector, Government reliance on (Circular A-76); correction 31206

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Federal and federally assisted programs and projects; evaluation, review, and coordination 31198

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
- Bumper requirements; soft exterior surfaces manufacture 31162

Motor vehicles; certification and manufacture in two or more stages; combined axle weight ratings 31161

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
- Science Education Projects Advisory Panel, Science for Citizens Program Subpanel 31179

NUCLEAR REGULATORY COMMISSION

Proposed Rules

Practice rules:
- Facility license applications review and hearing process, coordination with States, counties, etc.; extension of time 31167

Notices

Environmental statements; availability, etc.:
- Cincinnati Gas & Electric Co. et al 31200

Meetings:
- Reactor Safeguards Advisory Committee (2 documents) 31203, 31204

Television system, closed circuit; assembly considerations; report availability 31202

Applications, etc.:
- Georgia Power Co. et al 31200
- Northern States Power Co 31201
- Rochester Gas & Electric Corp. (2 documents) 31201
- Tennessee Valley Authority 31202
- Virginia Electric & Power Co 31202
- Yankee Atomic Electric Co 31203

PATENT AND TRADEMARK OFFICE

Rules

Patent cases:
- Forms; correction 31159

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes:
- Boston Stock Exchange 31206
- Midwest Securities Trust Co 31206
- Municipal Securities Rulemaking Board 31207
- New York Stock Exchange, Inc 31208
- Pacific Stock Exchange Inc 31209

Hearings, etc.:
- Liquifund, Inc 31209
- Standard Shares, Inc 31210
- U.S. Water Co., Inc 31211

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
- Financial Investments, Inc 31211

Disaster areas:
- Wisconsin 31211

Meetings, advisory councils:
- San Francisco District 31211

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Notices

Notes, Treasury:
- R–1979 series 31213

VETERANS ADMINISTRATION

Notices

Meetings:
- Wage Committee 31214

VAN118 JUN 20 77 UM

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

10 CFR

Ch. II 31143

PROPOSED RULES:

2 31167

12 CFR

PROPOSED RULES:

611 31167
614 31167
615 31167

14 CFR

39 (6 documents) 31151–31156
71 (2 documents) 31157
97 31158

PROPOSED RULES:

39 (3 documents) 31171, 31172
72 (2 documents) 31173, 31174

16 CFR

13 31164
1201 31164

24 CFR

1914 (2 documents) 31254–31257
1917 (28 documents) 31259–31271

PROPOSED RULES:

1917 (16 documents) 31272–31280

26 CFR

54 31159

29 CFR

PROPOSED RULES:

1601 31174

33 CFR

1 31159
266 31159

37 CFR

3 31159

40 CFR

86 31159

PROPOSED RULES:

52 31174
162 31284
173 31284

41 CFR

9–5 31160

46 CFR

1 31160
5 31160
401 31160
549 31161

PROPOSED RULES:

543 31175

47 CFR

PROPOSED RULES:

43 31175

49 CFR

567 31161
568 31161
571 31162
1002 31163
1003 31163
1033 (2 documents) 31163
1043 31163
1045A 31163

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:

11861 (Amended by EO 11995) 29841
11905 (Amended by EO 11994) 28869
11985 (See EO 11994) 28869
11994 28869
11995 29841
11996 30489

PROCLAMATIONS:

4445 (Revoked in part by Proc. 4509) 30829
4477 (See Proc. 4509) 30829
4505 29471
4506 30143
4507 30351
4508 30353
4509 30829

MEMORANDUMS:

June 2, 1977 29843

5 CFR

213 ..... 28515, 28989, 29845, 29846, 29879, 30355 30831
752 28516
754 28516
771 28516
831 29846

PROPOSED RULES:

831 29880

7 CFR

26 30145
68 30599
908 30600
210 30355
271 ..... 28516, 30831
401 ..... 28871–28873, 28989
411 28873
413 28141
724 29847
730 30355
905 27875
908 ..... 28144, 29487
910 ..... 28516, 29848, 30831
911 30147
916 30491
918 29487
922 30492
1004 29848
1207 29295
1427 29849
1446 ..... 28989, 30832
1472 29854
1474 30832
1488 30833

PROPOSED RULES:

51 30626
53 29313
271 28546
905 30198
911 30513
915 30513
916 ..... 27911, 30206
917 ..... 28146, 30513, 30514, 30626
921 29489
922 30514
923 27912
989 27913
1006 30627

7 CFR—Continued

PROPOSED RULES—Continued

1012 30627
1013 30627
1030 27921
1040 29881
1065 28897
1094 30627
1096 30627
1205 29313
1435 30409
1701 29012
1822 29885
1933 29885

8 CFR

223 28113
238 ..... 28990, 29871

PROPOSED RULES:

100 28547
244 30845

9 CFR

1 31022
2 31022
78 28517
112 ..... 28519, 29854

PROPOSED RULES:

94 30844
95 30844
113 ..... 28548, 28549

10 CFR

2 28893
21 28893
31 28896
34 28896
35 28896
40 28896
70 28896
Ch. II 31143
211 27908
212 27908
214 29295
430 ..... 27896, 30401
440 27899
745 30492

PROPOSED RULES:

2 31167
70 28147
73 28147
202 28147
211 27936
212 ..... 27936, 29490
430 ..... 27941, 27951, 30206, 30210, 30401, 30627
450 29906

12 CFR

207 29299
226 ..... 28520, 30148
264 27876
265 ..... 28521, 30601
268 28522
545 29473
561 29473
748 30493

PROPOSED RULES:

340 27955
543 29511
545 29512

12 CFR—Continued

PROPOSED RULES—Continued

584 29512
611 31167
614 31167
615 31167

13 CFR

112 28530
121 29300

PROPOSED RULES:

113 29317

14 CFR

23 30601
39 ..... 28873, 29474, 30603–30605, 31151–31156
71 ..... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157
73 29475
75 ..... 30149, 30611
91 30601
95 28115
97 ..... 28120, 29477, 31158
221 28874–28876
372a 28121
378a 28122

PROPOSED RULES:

1 28148
23 29688
25 29688
27 29688
29 29688
33 29688
39 ..... 28897, 29513, 31171, 31172
71 ..... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174
73 30642
77 30642
107 30766
Ch. II 28898
298 28150
378 30376

15 CFR

379 28998

16 CFR

4 30150
13 ..... 27877, 28531, 29012, 29478, 30493, 31164
1201 31164
1301 30296
1500 28060

PROPOSED RULES:

13 ..... 28550, 29516, 29915, 30515, 30516
23 29916
441 28551
456 29917

17 CFR

200 ..... 30833, 30834
210 27879
211 28999
240 ..... 27879, 27880
271 28999
275 29300

VOL 42 NO 118 JUN 20 7 UM

17 CFR—Continued

PROPOSED RULES:

9 30472
200 30378
230 ..... 30378, 30379
239 ..... 29012, 29716
240 ..... 29918, 30845
241 30066
249 ..... 29918, 30845
270 ..... 29716, 29228, 30215
274 29716

18 CFR

1 30356
2 30612
33 30613
34 30613
35 ..... 30155, 30613
101 ..... 30156, 30613
104 30614
125 30614
131 30615
141 ..... 30157, 30615
154 ..... 30157, 30615
157 29001
201 30159
204 30616
260 ..... 30160, 30617

PROPOSED RULES:

201 30846
260 30846

19 CFR

159 ..... 28531, 28532

20 CFR

260 29302
320 29302
337 29486
404 30357
416 30357
656 29855

21 CFR

5 ..... 28533, 29855
155 ..... 30358, 30359
173 29856
177 28533
193 29857
436 29857
452 29858
510 29858
520 ..... 28534, 29003
522 28535
539 29003
555 29859
558 28535
561 29857
610 29859
620 29859
630 29859
640 29859
650 29859
860 29859
701 30361
1306 ..... 28877, 30495
1308 30495

PROPOSED RULES:

15 30383
25 30383
131 29919
137 30389
155 29014
166 30389
172 ..... 30389, 30390

21 CFR—Continued

PROPOSED RULES—Continued

173 30389
175 30389
176 30389
177 30389
178 30389
180 30389
181 30389
182 ..... 29925, 30389, 30390, 30865
184 ..... 29925, 30390, 30865
186 ..... 30390, 30865
201 30867
510 29928
558 29928
808 30383
1309 28560

22 CFR

PROPOSED RULES:

123 ..... 28551, 29929, 30391
124 ..... 28551, 29929, 30391
127 29929
128 29929

23 CFR

635 30835
645 30835
646 30835
650 30835
720 30835
740 30835
750 30835
771 30835
922 28535

24 CFR

16 ..... 29479, 30617
25 30361
203 ..... 28538, 29303
204 29303
209 29303
211 29303
213 ..... 28538, 29303
220 29304
221 29304
222 29304
226 29304
227 29304
228 29304
233 29305
234 ..... 25838, 29305
235 29306
237 29306
240 29307
1914 ..... 29428–29431, 30304, 31254–31257
1915 ..... 29433, 30305
1916 ..... 29307, 30344
1917 31259–31271
1920 ..... 28878–28882, 29859–29870, 30160–30174
1930 29479
1931 29479

PROPOSED RULES:

1908 29692
1911 29692
1912 29692
1913 29692
1914 29692
1917 31272–31280
1921 29692
1922 29692
1923 29692

25 CFR

191 30367
192 30367

25 CFR—Continued

193 30367
194 30367
195 30367
196 30367
197 30367
198 30367
199 30367
200 30367
201 30367
221 ..... 28538, 30367

PROPOSED RULES:

54 30647
221 30867
258 28552
260 30216

26 CFR

1 30496
11 27881
54 ..... 27882, 31159

PROPOSED RULES:

1 29517
301 30868

27 CFR

250 30835

PROPOSED RULES:

4 30517

28 CFR

0 29003
17 29307

PROPOSED RULES:

2 29934

29 CFR

29 30836
97 30367
1952 30368

PROPOSED RULES:

1601 31174
1910 29021
1952 29024
2610 29318

30 CFR

55 29418
56 29420
57 29422
211 30175

PROPOSED RULES:

55 30772
56 30772
57 30772
70 28151

31 CFR

51 27883

32 CFR

PROPOSED RULES:

276 27963
286b 29935
643 31032

33 CFR

1 31159
110 30618
114 28882
115 28882
117 ..... 30178, 30179

33 CFR—Continued

127 30179
161 29480
205 30368
266 31159
401 29308

PROPOSED RULES:

117 30216–30218
209 29025

36 CFR

2 30501
221 28252
222 30836
223 28252
231 30836
261 30503

37 CFR

3 ..... 27883, 31159

PROPOSED RULES:

1 30522

38 CFR

36 28883

PROPOSED RULES:

8a 30392

39 CFR

10 29488
111 ..... 27892, 29308, 29488
224 29308
601 29488
952 30504
954 30504
958 30504

PROPOSED RULES:

111 28153

40 CFR

35 29481
52 ..... 27892, 28122, 28539, 28883, 29004, 30369, 30504
61 29005
85 28123
86 ..... 28130, 31159
180 28540
416 29871

PROPOSED RULES:

52 ..... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174
61 28154
86 28970
162 31284
173 31284
600 28970

41 CFR

3-3 29871
3-30 30190
4-2 28871
7-7 28540
7-30 30619
8-1 28541
9-5 ..... 29873, 31160
9-51 29308
9-55 29308
Ch. 14 30196
15-19 30509
114-1 30196

PROPOSED RULES:

3-4 ..... 29872, 29937
5B-2 27966

41 CFR—Continued

PROPOSED RULES—Continued

105-65 29319
110-26 28556

42 CFR

51e 28692
66 29482
110 29400

PROPOSED RULES:

67 29518

43 CFR

2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5618 30370
5619 30180

45 CFR

177 29009
201 28884
249 28700
304 28885
1067 29873

PROPOSED RULES:

12 27966
122a 28706
136 28899
163 28159
163a 28159
197 30290
1067 29523

46 CFR

1 31160
2 28886
5 31160
31 28886
151 28886
187 29483
401 ..... 30619, 31160
549 31161

PROPOSED RULES:

30 30220
32 30220
34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 30649
167 30649
193 30649
507 29524
536 30399
543 ..... 30584, 31175

47 CFR

0 30370
1 ..... 27894, 28887, 30180
2 31046
21 27894
23 27894
68 29010

47 CFR—Continued

73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008
83 ..... 29309, 31012
87 ..... 27895, 29483
89 27895
89 ..... 27895, 30511
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

43 31175
64 27971
67 ..... 30220, 30221
68 28559
73 ..... 27971, 27973, 29027, 30400
76 ..... 30222, 30401
83 28164
87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
567 31161
568 31161
571 ..... 28135, 30188, 30620, 31162
1002 31163
1003 31163
1033 ..... 28542, 28543, 28888, 30840, 30841, 31163
1043 31163
1045A 31163
1063 29309
1100 29311
1307 ..... 28889, 30190

PROPOSED RULES:

571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

17 ..... 28052, 28136, 28543
26 29312
32 ..... 28545, 30373, 30621
33 ..... 29312, 30621
217 28137
222 28137
258 30621
285 30373
371 30841
651 29876
661 29485

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
611 30875

V42N118 JUN 20 77 UM

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date	Pages	Date
27875–28112	June 1	29295–29470	8	30351–30487	14
28113–28513	2	29471–29840	9	30489–30598	15
28515–28868	3			30599–30827	16
28869–28987	6	29841–30142	10	30829–31141	17
28989–29293	7	30143–30350	13	31143–31426	20

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

1977 PRICE AND ALLOCATION INTERPRETATIONS

AGENCY: Federal Energy Administration.

ACTION: Notice of Interpretations.

SUMMARY: Attached are ten Interpretations issued recently by the General Counsel of the Federal Energy Administration (FEA).

FOR FURTHER INFORMATION CONTACT:

Laura Holtz, Office of General Counsel, Federal Building, 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461 (202–566–2085).

SUPPLEMENTARY INFORMATION: FEA Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the FEDERAL REGISTER from time to time in accordance with the editorial and classification criteria set forth in 42 FR 7923, February 8, 1977.

FEA Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). In addition, Interpretations are subject to appeal. The Interpretations appended hereto are published today only for general guidance in accordance with the reasons set forth in the FEA Notice cited above.

Issued in Washington, D.C., June 11, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

APPENDIX

No.	To	Date	Category
1977–7	State of Alaska	Apr. 27	Allocation.
1977–8	R. C. Fresh, *et al*	May 11	Allocation/price.
1977–9	Hicks Oil Co	May 12	Price.
1977–10	Exxon Corp	May 28	Do.
1977–11	National Airlines, Inc	May 28	Do.
1977–12	Phillips Petroleum Co	May 28	Do.
1977–13	Atlantic Richfield Co	May 28	Allocation.
1977–14	State of California	May 28	Allocation/price.
1977–15	Husky Oil Co. of Delaware	May 28	Allocation.
1977–16	Mobil Oil Corp	May 28	Allocation/price.

INTERPRETATION 1977—7

To: State of Alaska.

Date: April 27, 1977.

Rules Interpreted: § 211.63, Ruling 1974–22.

Code: GCW—AI—December 1 Rule.

This is in response to your request dated March 23, 1977, on behalf of the State of Alaska for an interpretation of 10 CFR 211.63 of the Mandatory Petroleum Allocation Regulations (10 CFR Part 211) of the Federal Energy Administration ("FEA").

FACTS

In 1963, the State of Alaska (the "State") entered into lease agreements with several parties granting them rights to explore for, develop, produce, process and market oil and gas from lands owned by the State in the vicinity of Prudhoe Bay, located in the northernmost area of Alaska. These leases provide that the State may take royalty payments on production in either value or in kind, and that the State may, on six months' notice, elect to change from one form of royalty payment to the other.

Although Alaska plans initially to elect to receive its royalties in value, the State is desirous of maintaining the options contained in the Prudhoe Bay leases to take its royalty oil in kind at a time of its choosing. It has thus asked the lessees of the Prudhoe Bay field to enter into supplemental written agreements in which the producers assent, in light of the provisions of 10 CFR 211.63, to Alaska's exercise of its option to receive its royalty payment in kind, provided the State does so in compliance with the time and notice provisions of the original leases. The proposed agreements further provide that the lessees will obtain similar consents to such an election by Alaska from any party with whom they enter into agreements for the sale, exchange or other disposition of the Prudhoe Bay crude oil.

ISSUE

The issue presented for interpretation is whether 10 CFR 211.63 would prevent the operation of certain provisions of agreements proposed to be entered into by the State of Alaska, its lessees for the Alaska North Slope crude oil, and the further purchasers, exchange partners, or recipients of crude oil from these lessees, which provisions will have the effect of waiving the provisions of 10 CFR 211.63 so as to permit termination of deliveries of crude oil in the event that the State of Alaska elects to take the crude oil in kind, as its royalty payment.

INTERPRETATION

The crude oil supplier/purchaser rule (the "rule") was first set forth in 10 CFR 211.64 (39 FR 1924; January 15, 1974). The rule was adopted to further the general objectives of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), in particular the objectives set forth in Section 4(b)(1) of the EPAA:

(T)o preserve the competitive viability of independent refiners, small refiners • • • (to provide for) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity; (and the) equitable distribution of crude oil (and) residual fuel oil • • • among all • • • sectors of the petroleum industry.

The rule as originally adopted provided basically that all contracts for sales, purchases and exchanges of domestic crude oil that were in effect on December 1, 1973, had to be maintained for the duration of the allocation program. The purpose of the rule was to maintain intact the national distribution system for domestic crude oil as it existed on December 1, 1973, thus assuring small and independent refiners continued access to crude oil supplies in the face of the Arab oil embargo in the fall of 1973. The rule was particularly important to this sector of the petroleum industry, since, although in December 1973 the major integrated refiners were still selling substantial amounts of their domestic crude oil production to small and independent refiners, the integrated companies were in the process of terminating these arrangements in light of the crude oil shortages in the world markets.

The rule was amended in 1974 and renumbered as 10 CFR 211.63. On February 12, 1976 (41 FR 7386, February 18, 1976), the rule was further amended to incorporate changes mandated by the Energy Policy and Conservation Act ("EPCA"), Pub. L. 94–163. In the notice of proposed rulemaking (41 FR 2830, January 20, 1977) preceding the February 1976 amendment, FEA stated that, "the rationale for the original adoption of the (supplier/purchaser) rule is still valid in most respects, and requires that the rule be continued in effect with certain modifications" (41 FR at 2831). These modifications generally conformed the rule to the new pricing provisions of the EPCA, and changed the December 1, 1973 reference date to January 1, 1976. The more current reference date still served to maintain in effect those relationships which were frozen as of December 1, 1973, so that small and independent refiners could continue to be certain of an adequate crude supply.

Therefore, the primary reason that the rule has been maintained to date is to assure that small and independent refiners continue to receive an adequate crude supply. The principal supply relationships upon which small and independent refiners are dependent are those which have been "frozen" since December 1, 1973, and it is these

V42N118 JUN 20 77 UM

relationships to which the crude oil supplier/purchaser rule is primarily directed.

With reference to the supplemental agreements proposed by the State of Alaska for execution by its lessees, the FEA, in applying its regulations, has consistently held that the relationship which exists between a lessor and a lessee as a result of the lessor's election to take royalty payments in value rather than kind is a relationship which is subject to § 211.63. See Ruling 1974–22, California State Lands Commission, 2 FEA ¶ 80,507 (1975). The Alaska North Slope production would be subject to the provisions of the rule under 10 CFR 211.63 (b) (2) thereof, which provides that once the first sale of domestic crude oil is made from a property from which domestic crude oil was not produced and sold prior to January 1, 1976, a supplier/purchaser relationship between the seller and purchaser is established as though it had been in effect on January 1, 1976.

The agreements which Alaska is asking its lessees to enter into contain the consent of the lessees to Alaska's exercise of its option to take its royalty payments in kind, an action which would terminate the supply of crude flowing to the lessees, and their purchasers or exchange partners. The rule sets forth in 10 CFR 211.63(d) the ways in which a supplier/purchaser relationship may be terminated, including by the consent of the purchaser as provided in 10 CFR 211.63 (d) (1) (i). That section provides, in part, that:

Any supplier/purchaser relationship established under paragraph (b) of this section may be terminated as follows:

(1) At the option of the purchaser, as evidenced by its written consent thereto together with notice of the termination date given to the producer, provided all subsequent purchasers of the crude oil involved have consented to such termination in writing * * *.

If the provisions of 10 CFR 211.63(d) are not complied with, the purchaser has the right to insist that its supply of crude oil be continued without interruption. By entering into the proposed agreements, the Prudhoe Bay lessees will be consenting in advance to a termination at the option of the State of Alaska and waiving in advance the rights that they could otherwise assert under 10 CFR 211.63.

As discussed above, the main purpose for the promulgation and continuation of the rule has been to preserve in effect the domestic distribution pattern as it existed on December 1, 1973, at which time small and independent refiners were receiving a substantial amount of domestic crude oil from other companies. In the situation presented here, the crude oil subject to the proposed supplemental agreements will begin flowing for the first time in the summer of this year. The FEA believes that it would in no way serve the policy behind the rule to hold that parties having full knowledge of the terms of 10 CFR 211.63 and the rights arising thereunder may not waive those rights prior to the initial purchase of new domestic crude oil production. A "freezing" of the relationships which will initially come into being as to Alaska's royalty oil from the Prudhoe Bay field would in no way relate to preserving the December 1, 1973, national distribution system, nor would such a result, in our view, serve the statutory objectives that the rule was designed to further.

Rather than viewing the proposed waivers as contrary to the policies behind its regulatory programs, the FEA believes these waivers will be beneficial for a number of reasons. First, they will provide flexibility to a portion of the domestic crude market and offer the possibility for sales being made to a greater number of companies.

In addition, the proposed waivers will further the policy of Section 4(b)(F) of the EPAA in a way that might not otherwise be possible. Alaska has stated that it is interested in maintaining its lease option so that, among other reasons, Alaska's royalty crude oil could be kept for sale and processing within the State. Such use would further the purpose of "equitable distribution of crude oil * * * at equitable prices * * * among all * * * areas of the United States." The Prudhoe Bay oil may prove to be the most feasible means in the future of fulfilling Alaska's needs for petroleum products.

With respect to the legal validity of waivers of statutory rights, the United States Supreme Court has held since the 1873 case of *Shutte* v. *Thompson*, 15 Wall. 151, that, "A party may waive any provision, either of a contract or of a statute, intended for his benefit" (p. 159). Although the waiver provisions of the proposed supplemental agreements are waivers of rights which arise pursuant to regulation rather than statute, the Supreme Court has also held that a regulation, especially one mandated by statute (as is the case with 10 CFR 211.63), is one and the same with the statute:

Here the statute is not complete by itself, since it merely declares the range of its operation and leaves to its progeny the means to be utilized in the effectuation of its command. * * * Once promulgated, these regulations, called for by the statute itself, have the force of law * * * just as if all the details had been incorporated into the congressional language. *United States* v. *Mersky*, 361 U.S. 431, 437–38 (1960).

Since it has long been held that a right conferred by statute may be waived, it follows from the Mersky case that a right conferred by a regulation promulgated to implement a statute may also be waived.

Further support is offered by *Brooklyn Savings Bank* v. *O'Neil*, 324 U.S. 697 (1945). In Brooklyn the Court held that:

Where a private right is granted in the public interest to effectuate a legislative policy, waiver of a right so charged or colored with the public interest will not be allowed where it would thwart the legislative policy which it was designed to effectuate. (p. 704)

The converse of the above holding is evident, i.e., that waiver of a right charged with the public interest will be allowed where it would not thwart legislative policy. 10 CFR 211.63 confers a right upon private parties, in this case crude oil purchasers, to insist upon the continuation of their supplies. The policy behind the rule, assurance to small and independent refiners of an adequate supply of crude oil, is supported by the freezing of the December 1, 1973 domestic crude oil relationships, and is not frustrated by the waivers in the proposed supplemental agreements for Alaska's royalty share of the Prudhoe Bay production.

Based on the foregoing, it is our opinion that the provisions of 10 CFR 211.63 do not prevent the operation of the provisions of agreements proposed to be entered into by the State of Alaska, its lessees for the Alaska North Slope crude oil and the further purchasers, exchange partners or recipients of crude oil from these lessees, which provisions will have the effect of waiving the provisions of 10 CFR 211.63 so as to permit termination of deliveries of crude oil in the event that the State of Alaska elects to take the crude oil in kind as its royalty payment.

INTERPRETATION 1977—8

To: R.C. Fresh, et al.

Date: May 11, 1977.

Rules Interpreted: §§ 210.62, 211.1(a), 211.9 (a), 211.31, and 212.31, Subpart F.

Code: GCR(IV)—AI, PI—Commission Agents or Consignees, Definition of Reseller, Normal Business Practices.

This is in response to your request for an interpretation, dated August 13, 1976, filed on behalf of R. C. Fresh, M. L. Strong, G. P. Summers and J. C. Vain, who are distributors of Texaco products, including gasoline.

FACTS

The above-named distributors ("petitioners") as individuals, executed agreements on Texaco Form S–82 for the distribution of gasoline with Texaco, Inc. ("Texaco"). Each distributor at some separate point in time also executed Texaco Forms S–368B, which amended the original consignment agreement. Petitioners indicate that all agreements were finalized on Texaco Standard Forms S–82 and S–368B, identical to those attached as Exhibit 1 to this request for interpretation. Pursuant to the agreements executed on Forms S–368, petitioners have historically received "by-pass" or "standby" commissions on deliveries made directly by Texaco to certain named service stations, with the stipulation that petitioners be prepared to make such deliveries should Texaco be unable to deliver. Texaco designates this arrangement as one for a "supervisory commission." Copies of the amendments providing for "by-pass," "standby" or "supervisory" commissions are found in Exhibits 3 through 7 of petitioners' request for interpretation. All of the "by-pass" or "standby" amending agreements are dated prior to or during 1972 except for one S–368B form which was executed between Texaco and Mr. M. L. Strong on April 1, 1973, covering a customer located at 303 West Gordon Avenue, Valdosta, Georgia.

Texaco notified petitioner, Mr. R. G. Fresh, of termination of "by-pass" or "standby" commissions to be effective April 30, 1976, for one location and June 30, 1976, for all other affected locations. Texaco notified all other petitioners that all Forms S–368B arrangements would be terminated effective August 31, 1976.

ISSUE

The issue presented for interpretation is whether Texaco is violating 10 CFR §§ 210.62 and 211.9 by unilaterally terminating these "by-pass," "standby" or "supervisory" commission agreements with petitioners.

INTERPRETATION

In delivering product to customers of Texaco in accordance with their respective agreements, each petitioner acts as Texaco's consignee-agent. Petitioners at no time take title to the product, have no say in the selling price afforded to the purchasers and collect payment on behalf of Texaco. Commissions for their services are paid directly to petitioners by Texaco subsequent to payment to Texaco for the products.

In interpretations issued by FEA, as noted by Exhibits 1 and 2 to petitioners' request for interpretation, consignee-agents have been held to be subject to FEA allocation regulations. An interpretation issued on April 24, 1975, (Exhibit 1) to Mr. Fred B. Causey defined the relationship created by a base period Form S–82 agreement. That interpretation indicated that petitioners herein are protected under FEA allocation regulations. Ten CFR § 211.51 expressly contemplates consignee-agents:

"Supplier" means any firm or any part or subsidiary of any firm other than the Department of Defense which presently, during the base period, or during any period between the base period and the present supplies, sells, transfers or otherwise furnished (*as by consignment*) any allocated product or crude oil to wholesale purchasers or end-users including, but not limited to, refiners, natural gas processing plants or fractionating plants, importers, resellers, jobbers and retailers. (Emphasis supplied.)

Therefore, any attempt of Texaco to reduce the actual adjusted base period volume to petitioners would be in violation of 10 CFR § 211.9. However, the petitioners' receipt of "standby" commissions in the base period would not give rise to an allocation entitlement for the volumes of motor gasoline giving rise to those commissions, since the petitioners performed no distribution functions with respect thereto.

Further, Part 212 has no recognition of consignee-agents as being subject to refiner or reseller price rules. Ten CFR § 211.1(a) indicates that Part 212 rules are for:

"* * * firms engaged in the *production and sale* of covered products * * *" (Emphasis added.)

Ten CFR § 212.2 indicates that Part 212 applies to each sale or purchase of a covered product in the United States. Methods for computation of lawful prices are provided for refiners (10 CFR § 212.83) and resellers (10 CFR § 212.93). Since it is clear that petitioners are not refiners, we must turn to the definition of "reseller" for pricing purposes found in 10 CFR § 212.31 to determine whether they fall into this category:

"Reseller" means a firm (other than a refiner or retailer) or that part of such a firm which carries on the trade or business of purchasing covered products, and reselling them without substantially changing their form to purchasers other than ultimate consumers.

Indeed, in the preamble to the amendment to the regulation which added this definition of Part 212, it was made clear that commissions of consignee-agents were unaffected by the reseller price rule of § 212.93:

Consignee-agents perform much the same function in the distribution of covered products as do jobbers, who buy covered products and resell them. Jobbers and consignee agents have experienced increases in nonproduct costs. The FEO has amended its price rules with respect to resellers, and this has permitted jobbers to make specified price increases with respect to certain covered products in order to recover increased nonproduct costs. In the case of consignee agents, however, the sale price of the products they distribute and the commission they receive with respect to sales made through them are determined by the refiner. *Accordingly, the FEO's reseller price rules have no applicability to the consignee agent's commission* (39 F.R. 12012, April 2, 1974). (Emphasis supplied.)

It is conclusive that petitioners are not "purchasing covered products and reselling them." Petitioners simply deliver Texaco's product to customers and collect payment for Texaco. Thus, petitioners fit the definition of "consignee-agent" found in 10 CFR § 211.-31:

"Consignee-agent" means a firm which distributes covered products to purchasers pursuant to a contractual arrangement with a refiner under which the refiner retains title to the covered product and specified the prices to be paid by the purchaser and under which the refiner pays the consignee-agent a commission based on the volume of covered products distributed by the consignee-agent.

Since FEA price regulations pertain to prices charged in sales of gasoline, the absence of gasoline ownership by petitioners and the retention of ownership and control of the pricing of the product by suppliers means that FEA price regulations apply to the prices charged by suppliers in sales of gasoline, even where such sales are made through commission agents. FEA price regulations do not directly control commissions paid to petitioners for distributing those products.

Petitioners are compensated by Texaco pursuant to the terms of contracts between the parties, as amended. There is no "sale" of product and, thus, no product price is established between Texaco and the petitioners which could be subject to FEA price regulations. The price regulations only govern the maximum lawful prices the seller may charge in sales made through commission agents.

Ten CFR § 210.62 is a general regulation concerning "purchasers of an allocated product" and does not govern the consignee-agent relationships which are the subject of this interpretation; therefore, 10 CFR § 210.62 does not operate to prevent termination of the "by-pass" or "standby" commission historically paid to petitioners by Texaco.

Again, should Texaco fail to continue to provide petitioners with the same historical base period volume, as adjusted, such failure would be a violation of 10 CFR 211.9(a).

INTERPRETATION 1977–9

To: Hicks Oil Co.

Date: May 12, 1977.

Rule Interpreted: § 212.31.

Code: GCR(V)—PI—Definition of Covered Products.

Your request for an Interpretation on behalf of Hicks Oil Company regarding the definition of "Covered products" contained in 10 CFR 212.31 has been reviewed by this Office. Based upon all the information available, the Interpretation follows:

FACTS

Hicks Oil Company ("Hicks") sells gasoline, distillates, and "blended oils." In its sales of "blended oils," which are the subject of this request, Hicks blends residual fuel oil with "waste oils" (waste crank case oil (motor oil), waste used transformer oils, and waste used solvents). This blended product is sold in various proportions as No. 5 oil for use by Hicks' customers in fuel burning installations.

ISSUE

The issue presented is whether the No. 5 oil which results from Hicks' blending of residual fuel oil and "waste oils" is a covered product for purposes of the Mandatory Petroleum Price Regulations.

INTERPRETATION

It is the opinion of this Office that the No. 5 oil which results from blending residual fuel oil and "waste oils" as done by Hicks is either residual fuel oil or an other covered product for purposes of the Mandatory Petroleum Price Regulations, depending on the covered product that constitutes the major proportion of the particular blend.

The definition of "covered product" originated in the Phase IV Subpart L Petroleum Price Regulations promulgated by the Cost of Living Council in August 1973:

"Covered product" means a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, or 2911. (6 CFR 150.352, 38 FR 22536 at 22538, August 22, 1973.)

This definition was adopted by FEO on January 15, 1974, and the regulatory definition of "covered product" retained its reference to the Standard Industrial Classification Manual, 1972 edition, (SIC Manual), until April 3, 1974 when it was changed to read:

"Covered products" means crude oil, residual fuel oil and refined petroleum products (10 CFR 212.31, 39 FR 12353, April 5, 1974.)

On January 10, 1975, the definition was amended to set forth a more comprehensive listing of covered products:

"Covered products" means aviation fuels, benzene, butane, crude oil, gas oil, gasoline, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, natural gas liquids, natural gasoline, No. 1 heating oil and No. 1–D diesel fuel, No. 2 heating oil and No. 2–D diesel fuel, No. 4 fuel oil and No. 4–D diesel fuel, propane, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend.

The definition of covered products was subsequently amended to delete "residual fuel oil" (effective June 1, 1976, 41 FR 13896, April 1, 1976) and other covered products (effective September 1, 1976, 41 FR 30096, July 22, 1976) as these covered products were exempted from the FEA Mandatory Petroleum Price Regulations. Subsequent references in this interpretation to specific "covered products" should be understood to refer to the period of time before which the specific covered product was exempted from FEA price regulations.

Hicks has presented basically two arguments in support of its interpretation that its "blended oils" have not at any time constituted covered products for purposes of the price regulations. First, Hicks maintains that the "waste oils" that it blends with residual fuel oil—Hicks does not maintain that residual fuel oil was not a covered product—have never been covered products under CLC, FEO, and FEA regulations. Accordingly, Hicks argues, the blend which results from a covered and an exempt product is also exempt. We do not reach the question of blending exempt and covered products, because each of the "waste oils" used for blending by Hicks was a covered product under CLC, FEO, and FEA regulations. In fact, Hicks does not dispute the fact that in its "clean" state, each of the three waste oils was a covered product. (Hicks does appear to argue that transformer oil is not a lubricant, and therefore not a covered product. Without additional information, we are unable to determine the proper characterization of transformer oil as a particular covered product. However, to the extent that it was refined from crude oil, it would likely be characterized as an "other finished product.") Rather, Hicks argues that by virtue of these products having been used—and the possibility that they would have been discarded if not further used by Hicks—the once-covered products become exempt.

However, the fact that these covered products have been used does not, in itself, render them exempt. There is no dispute that each of these particular oils has been refined from crude oil and as such each is a refined petroleum product for purposes of FEA price rules: crankcase oil is a "lubricant," solvents are "special naphthas," and transformer oil is likely an "other finished product." Their having been previously used before purchased by Hicks does not change this significant characteristic. To the contrary, these waste oils were originally refined from crude oil and should have been sold as covered products, and they remain covered products even though having been used before they are purchased by Hicks. To the extent that Hicks blends any or all of these covered products with other products, viz., residual fuel oil, the resulting covered product is properly characterized as the particular covered product which constitutes the major proportion of the blend.

Hicks second argument relates to the use, by CLC and FEO of SIC Manual Classifications in early definitions of covered products. In the SIC Manual, Classifications 1311 and 1321 referred to Crude Petroleum and Natural Gas and Natural Gas Liquids respectively and therefore are not at issue

V 42 N 118
JUN 20 77
UM

herein. SIC Manual, Classification 2911 in its general description states in part:

Establishments primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants and other products from crude petroleum and its fractionation products, through straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes. • • • Those manufacturing lubricating oils and greases by blending and compounding purchased materials are included in Industry 2992. Establishments primarily re-refining used lubricating oils are classified in Industry 2992.

Hicks argues that since its operation involves blending, compounding, and filtering (as described in SIC Manual, Classification 2992), the product which it sells is therefore not a covered product under the price regulations. This reasoning is not persuasive. The reference in the CLC and FEO definitions of covered products to SIC Manual Classifications was intended only to describe the products which were subject to price regulation rather than to describe the types of establishments subject to those regulations. Accordingly, the price regulations were specifically applicable to "sales of products described in the 1972 Industrial Classification Manual, Industry Code 1311 (except Natural Gas), 1321, or 2911," without regard to the type of establishment making the sale. Types of establishments, on the other hand, have generally been subject to different regulatory schemes (e.g., Subpart D to Producers of Crude Oil, Subpart E to Refiners, etc.) without regard to the types of products sold.

Hicks by its own admission blends and sells No. 5 oil for use by "• • • road contractors who burn it as a source of heat • • • and operators of small boilers who find that this blend is atomized more readily and burns more easily than ordinary residual fuel • • •" (Request for Interpretation, page 2). Hicks cuts "• • • the residual fuel not only to save the customers money but to make the heavy residual fuel thin enough to burn properly in the customer's burners." (Hicks submission, page 1.) Hicks has consistently and historically sold the product, which is normally comprised predominantly of residual fuel oil, as No. 5 oil for use as residual fuel oil. It is clear that Hicks blends and sells residual fuel oil. (In those few instances in which the blended product is comprised predominantly of one of the waste oils, the blended product is properly characterized as that particular oil.)

Prior to the time that residual fuel oil was exempted from price regulations it was at all times a covered product for purposes of CLC, FEO and FEA price regulation. Similarly, the other oils which Hicks uses for blending have always been covered products before their exemption. Accordingly, the "blended oils" sold by Hicks should have been treated by Hicks as a covered product under CLC, FEO, and FEA price regulations.

INTERPRETATION 1977—10

To: Exxon Corp.

Date: May 28, 1977.

Rules Interpreted: § 212.31.

Code: GCW–PI–Class of Purchaser.

This is in response to your letter of November 11, 1976, in which you requested an interpretation on behalf of Exxon Co., U.S.A., in connection with FEA's class of purchaser regulations as they apply to refiners.

FACTS

1. Exxon Co., U.S.A., is a division of Exxon Corp. ("Exxon"). Exxon is a refiner subject to the price rules applicable to refiners in 10 CFR Part 212, Subpart E (§ 212.82, et seq.).

2. During the period January 1, 1972, until on or about December 5, 1972, Exxon supplied gasoline to Merry Twins, Inc. ("Merry Twins"), an independent branded retail dealer.

3. Effective December 5, 1972, Merry Twins severed its gasoline supply arrangement with Exxon and entered into a new supply arrangement with a distributor of Texaco products. The Texaco supply contract provided for the payment to Merry Twins by the distributor of a dealer "commission" of xxx cents on every gallon of regular gasoline and xxx cents on every gallon of premium gasoline purchased by Merry Twins.

4. On or about March 1, 1974, Exxon resumed supplying gasoline to Merry Twins as a base period supplier pursuant to 10 CFR 211.9. Exxon placed Merry Twins in its retail dealer class of purchaser—i.e., began charging Merry Twins the same prices which Exxon charges to the members of the class of purchaser consisting of retail dealers.

5. On June 29, 1976, Merry Twins filed suit against Exxon for alleged price violations. Merry Twins takes the position that it should be treated by Exxon as belonging to a separate class of purchaser of which it is the sole member, based on the existence of the *x* and *x* cent per gallon discounts or rebates which it received from the Texaco distributor on the base date of May 15, 1973. In other words, Merry Twins contends that Exxon is obligated under FEA regulations to charge Merry Twins its dealer tankwagon price less the *x* and *x* cent per gallon "commission" Merry Twins received from the Texaco distributor on May 15, 1973.

ISSUE

Are class of purchaser determinations based on the seller's customary pricing differentials or upon the prices available to the buyer from other sellers on the base date?

INTERPREPTATION

Class of purchaser determinations are generally based on the seller's own customary price differentials. The only exception to this rule concerns acquisition of an entity or component of an entity under § 212.111(c), a situation not present in this case.

The general price rule applicable to refiners is stated in § 212.83(a)(1) as follows:

A refiner may not charge to any class of purchaser a price for a covered product in excess of the maximum allowable price • • •.

The "maximum allowable price" applicable to the product and class of purchaser concerned is defined in § 212.82 as:

• • • the weighted average price at which the covered product was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, • • • plus increased product costs and increased nonproduct costs incurred between the month of measurement and the month of May, 1973.

"Class of purchaser" is defined in § 212.31 to mean:

• • • purchasers to whom a person has charged a comparable price for comparable property or service pursuant to customary price differentials between those purchasers and other purchasers.

Finally, "customary price differential" is defined in § 212.31 as including:

• • • a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

FEA and its predecessor agencies have always interpreted the foregoing provisions (or their equivalent antecedents) as requiring the seller concerned to make class of purchaser determinations based on his own customary pricing patterns. For example, in Interpretation 1976–6, issued May 28, 1976 (42 FR 7923, February 8, 1977; affirmed on appeal, 4 FEA ¶ 80,544, October 1, 1976) FEA stated as follows (emphasis added):

"Customary" price differentials are those pricing patterns *of the seller concerned* which were well established on or before May 15, 1973, which reflect the fact that the same product is sold by that seller at different price levels to different groups of customers • • • *[A] seller is not required to reform its classes of purchaser to take into account discretionary pricing practices which it did not customarily follow in its own pricing behavior* • • • The validity of a seller's class of purchaser determinations is measured *not with reference to industry practices generally but with reference to that seller's own customary pricing patterns* • • •.

That class of purchaser determinations are made by a seller based on his own customary pricing differences is shown by FEA's definition of "maximum allowable price," quoted above. The "maximum allowable price" consists, essentially, of what the Cost of Living Council generally referred to under the Economic Stabilization Program as the seller's "base price," plus increased costs which the seller has incurred and are allowable. The equivalent of the "base price" under current regulations is that part of the definition of "maximum allowable price" which refers to "the weighted average price at which the covered product was lawfully priced *in transactions with the class of purchaser concerned* on May 15, 1973 • • •." (Emphasis added.)

The "transactions" referred to are obviously transactions between the seller concerned and individual members of a particular class of purchaser (or a single purchaser, if the class of purchaser consists of only one member). If the "transactions" referred to included industry transactions generally, or transactions of other sellers with their purchasers, it would be extremely difficult, if not impossible, for individual sellers to determine their own "base prices," and hence their maximum allowable prices, with any certainty. In order to assure clarity and consistency of ceiling price determinations by sellers and availability of adequate price and cost records for FEA audit purposes, FEA price regulations are based on the seller's own price experience in the base period.

In the present case, the applicable "base price," and resulting maximum allowable price, is determined with reference to the appropriate class of purchaser of Exxon's into which Merry Twins, as a later-acquired customer, falls. (It may also be noted in this connection that FEA regulations required Exxon, as the base period supplier, to make supplies available to Merry Twins, but did not require Merry Twins to purchase from Exxon if Merry Twins wished to arrange to acquire gasoline from another supplier.) The applicable rule is that new purchasers (purchasers with whom Exxon did not have FEA-regulated sales until after the base period) must be placed in the appropriate pre-existing class of purchaser of the seller's (see Interpretation 1975–31, issued August 20, 1975; Interpretation 1976–7, issued July 6, 1976). New classes of purchaser may not be formed to accommodate new purchasers except to the extent that the seller enters a "new market" pursuant to § 212.111 (see Interpretation 1976–7).

This Interpretation should not be construed as confirming that Exxon's retail dealer class of purchaser reflects a "customary price differential" or otherwise constitutes a proper class of purchaser determination under FEA regulations. This Interpretation only confirms that FEA regulations do not require a seller to form classes of purchaser based on price distinctions in

transactions during the base period between purchasers and other sellers.

INTERPRETATION 1977—11

To: National Airlines, Inc.

Date: May 28, 1977.

Rules Interpreted: § 210.62(c), Rulings 1975–4 and 1975–11.

Code: GCW–PI—Normal Business Practices, Class of Purchaser.

This is in response to your letter of September 7, 1976, in which you requested an interpretation of certain FEA price regulations as they apply to retail sales of aviation fuel by Texaco, Inc. ("Texaco") to National Airlines, Inc. ("National") at Norfolk Municipal Airport, Norfolk, Virginia ("Norfolk").

FACTS

1. Texaco is a refiner-marketer of various petroleum products, including aviation fuels, and as such is subject to FEA price rules in 10 CFR Part 212, Subpart E.

2. National is a large domestic air carrier which purchases aviation fuels as an ultimate consumer at Norfolk and at various other airports in the United States. National is not subject to FEA price regulations except to the extent that 10 CFR 212.10 prohibits purchasers from paying a price which exceeds the maximum price at which the product concerned may be sold to the class of purchaser concerned.

3. Texaco furnishes aviation fuels to National at Norfolk and has done so since at least July 1, 1966. Texaco determines its classes of purchaser for retail sales of aviation fuels on a locational (airport-by-airport) basis and according to the size characteristics of the customer (e.g., national "trunk" lines, regional carriers, and supplemental airlines).

4. Texaco's "Aviation Fuel Agreement of Sale" with National at Norfolk has provided since at least July 1, 1966, for "into-storage" delivery of aviation fuels (title passes on delivery into designated storage facilities and the air carrier assumes responsibility for transfer of fuel from storage to its aircraft) rather than delivery on an "into-plane" basis. However, linked to this supply contract is an agreement designated "Automotive Equipment Lease," dated August 17, 1966, under which two Texaco-owned fueling trucks are leased to National at a monthly rental fee. The trucks may be used only for the storage, handling, transportation, dispensing and distribution of petroleum products purchased from Texaco. The lease is subject to automatic termination upon the termination of the Aviation Fuel Agreement of Sale between Texaco and National.

5. The Automotive Equipment Lease terminated concurrently with the expiration of the Aviation Fuel Agreement of Sale on June 30, 1976. Texaco continued to supply aviation fuel to National at Norfolk under FEA price and allocation regulations subsequent to that date, but offered to continue the truck lease arrangement only under certain modified terms, including rental fees increased from approximately $0.0013 per gallon under the 1966 lease to approximately $0.0029 per gallon, using the same base period volumes.

6. National contests Texaco's authority to increase these fees, contending that the rental arrangement merely reflects a term or condition of sale or delivery and that the rental fees constitute an integral "part of the overall aviation fuel bargain." Under National's view, Texaco's increased costs relating to the lease of its equipment at Norfolk cannot be passed through in the form of equipment rent increases but should be included among Texaco's general non-product cost increases to be passed through under the equal application rules of § 212.83 (c) and (h) to all of Texaco's purchasers of aviation fuels nationwide, in much the same manner as though Texaco's sales to National had been on an "into-plane" basis.

ISSUE

This issue in this case is whether FEA regulations prohibit Texaco from increasing rental charges for trucks leased to National for "into-plane" services at Norfolk.

INTERPRETATION

Under the facts in this case, it is our interpretation that FEA regulations do not prohibit Texaco from increasing the rental charges under the Automotive Equipment Lease to reflect increased costs associated with the lease of fuel trucks to National at Norfolk.

In its reply of October 6, 1976, to the interpretation request, Texaco cited the decision of the Temporary Emergency Court of Appeals in *Shell Oil Co.* v. *FEA*, 527 F. 2d 430 (November 11, 1975), in which the court enjoined FEA from enforcing its gasoline service station rent regulations upon Shell Oil Co. on the ground that those regulations, as applied to rentals charged by Shell, were beyond the scope of FEA's statutory authority (FEA subsequently revoked its rent regulations effective November 11, 1975). Texaco takes the position that the Emergency Petroleum Allocation Act of 1973 ("EPAA")—does not provide FEA with the statutory authority to regulate automotive equipment lease rents any more than it provided FEA with the authority to regulate service station rents.

In our view, the decision in the *Shell* case does not necessarily preclude a degree of control by FEA over rental charges for equipment used in connection with delivery of products the sale of which is regulated by FEA, charges separately stated for services in connection with delivery of such products, or other delivery terms, if necessary to achieve the goals of the EPAA. The extent to which it may be necessary to exercise control over delivery terms, prices charged for ancillary services or delivery-related equipment rentals, in order to assure that price controls on the sale of petroleum products are not circumvented, depends upon the extent to which such items are inseparably related to delivery of petroleum products and the extent to which circumvention of regulations concerning price or allocation of petroleum products appears to be involved.

FEA regulations have long provided general rules which prohibit sellers from modifying normal business practices in order to circumvent price or allocation regulations. Generally, the same credit or delivery terms extended to purchasers during the base period are required to be maintained by sellers under § 210.62(a). Under § 210.62(c), it is unlawful to impose terms or conditions not customarily imposed upon the sale of a covered product, to fail to provide the same services in connection with such sales, or to engage in other practices which constitute a means to obtain a price higher than is permitted by FEA price or allocation controls. These provisions make it clear that there is a "penumbral" area in which activities closely related to the sale or allocation of petroleum products may be controlled or supervised by FEA, including, but not limited to, prices charged for ancillary services or equipment rentals.

The validity of FEA authority in this respect was recently affirmed by the Temporary Emergency Court of Appeals in the case of *Marathon Oil Co.* v. *FEA* (TECA No. 6–11, December 6, 1976; cert. den., 45 U.S.L.W. 3704 (1977)), in which the court reversed and remanded a decision by the U.S. district court, which held § 210.62(a), to the extent that it regulates the credit terms which the supplier of petroleum products may apply to the purchaser, to be invalid as beyond the scope of FEA's authority. The Temporary Emergency Court of Appeals said that the district court had not sufficiently recognized the distinction between power to regulate credit terms per se (which FEA has never claimed) and power to regulate such items as necessary and proper means of more effectively regulating the pricing and allocation of petroleum products to achieve the objectives for which price and allocation authority was expressly granted by the EPAA.

Even in the case of gasoline service station rentals, where the rent control regulations were revoked by FEA following the *Shell* decision, FEA retains authority to challenge service station rent increases which appear to circumvent FEA's gasoline price regulations. It was the view of the appeals court in the *Shell* case itself that § 210.62(c) provides a valid regulatory basis for challenging what appear to be gasoline price increases "hidden" in rent increases. For further discussion of this matter, see 42 FR 22374, May 3, 1977.

Section 210.62(c) has been interpreted and applied in various ways, depending upon the nature of the particular industry practice at issue. FEA may issue specific regulations or rulings governing a widely-used practice related to the sale of petroleum products or it may make a determination in individual cases by interpretation or through its compliance procedures. For example, in Ruling 1975–4, 40 FR 19635, May 6, 1975, FEA considered whether propane marketers could increase above the level of May 15, 1973, the rental rate on propane storage tanks leased to propane customers on condition that they could be filled only by the marketer or upon the marketer's authorization. Under the facts presented in that Ruling, the May 15, 1973, rental for the storage tanks was stated separately from the price of propane but FEA found that a "tie-in arrangement" within the meaning of § 210.62 (c) nevertheless resulted because the lessee-purchaser was required to fill the tank only in accordance with the lessor-marketer's instructions.

Section 210.62(c) provides, in relevant part, as follows:

Any practice which constitutes a means to obtain a price higher than is permitted by the regulations • • • or to impose terms or conditions not customarily imposed upon the sale of an allocated product is a violation of these regulations. Such practices include • • • tie-in agreements • • • or failure to provide the same services and equipment previously sold.

In construing § 210.62(c), FEA took the position in Ruling 1975–4 that tie-in agreements are not necessarily prohibited under FEA regulations, and may, in fact, be permitted to continue where the supplier customarily imposed a tie-in requirement as a condition of the purchase of the product concerned. However, FEA pointed out that alteration of the terms of a tie-in arrangement may constitute "a means to obtain a price higher than that permitted by the regulations" in violation of § 210.62(c).

In order to insure that the price regulations applicable to the sale of propane were not circumvented, FEA ruled that marketers could not, as a general rule, increase above the May 15, 1973, level the rental charged to lessees-purchasers for propane storage tanks. FEA also ruled that increased costs incurred in connection with rental of storage tanks could be passed through as nonproduct cost increases in the form of propane price increases, subject to the limita-

V 42 118 JUN 20 77 UM

tions applicable to the pass-through of such cost increases.

In Ruling 1975–11, 40 FR 40827, September 4, 1975, FEA modified Ruling 1975–4 to a certain extent. Under Ruling 1975–11, the rental for new storage tanks, where the cost of new storage tanks had increased substantially, could be increased as long as the increase was applied only to customers receiving new tanks and as long as the increased rental charge fairly reflected the increased cost of the new tanks spread over their reasonable life. In addition, increased cost of new storage tanks recouped in this manner could not be included as non-product cost incerases for purposes of justifying higher prices for propane or other petroleum products.

FEA's explanation in Rulings 1975–4 and 1975–11 of how FEA would apply § 210.62(c) is limited to cases of "tie-in" propane storage tank rental agreements between resellers/retailers and their customers. These rulings are, therefore, not directly applicable to the present case. However, certain principles set forth in these rulings may be applied to the situation presented by the interpretation request.

Under Rulings 1975–4 and 1975–11, the fact that the storage tank rentals were "separately stated" on May 15, 1973—i.e., were the subject of a separate written or oral agreement and not included as part of the propane sales price—was not considered conclusive with respect to whether a "tie-in agreement" was present. On the other hand, Ruling 1975–4 appears to take the position that a "tie-in agreement" within the meaning of § 210.62(c) is not present unless it is "imposed" as a "requirement" or "condition of the purchase of product." Under that ruling the marketer supplied storage tanks upon the condition that the tanks be filled only by the marketer or upon the marketer's authorization.

In the present case, the interpretation request makes it clear that aviation fuel is normally supplied "to civil air carriers like National by refiner-suppliers like Texaco" either under "into-storage" terms (where title passes on delivery into the carrier's storage facilities and the carrier assumes responsibility for transferring the fuel from storage into its aircraft) or under "into-plane" terms (where title passes when fuel is transferred into the carrier's aircraft either by the refiner-seller or by a service organization, such as a fixed base operator, under contract with the refiner-seller). Thus, the special or "modified" terms in this case, whereunder Texaco delivers fuel to National on an "into-storage" basis and leases Texaco-owned trucks to be used by National to perform its own "into-plane" services, represents an unsual rather than typical industry practice.

This deviation from what appears to be typical industry practice suggests that the truck-leasing arrangement in this case was not "imposed" by Texaco as a customary precondition to the sale of aviation fuel on an "into-storage" basis. The documents attached to the interpretation request indicate that Texaco does not seek to insist upon continuation of the truck leasing agreement as a requirement to continuation of aviation fuel sales to National at Norfolk Airport. On the contrary, Texaco's letter to National dated August 2, 1976, states as follows:

In [the] event you should elect to provide your own refuelers [i.e., trucks], or to take service from an outside third party such as A.S.I., there would not be an adjustment of your Fuel Contract Price. The decision to lease equipment from Texaco at Norfolk is made by National, and in [the] event you should elect at some future date to provide you own equipment, or have an interest in purchasing two (2) units [trucks] from Texaco, we would be very happy to endeavor to work out a program to your satisfaction.

While the Automotive Equipment Lease effective July 1, 1966, provided for automatic termination of the lease simultaneously with termination of the sales agreement and restricted the use of lease equipment to handling of Texaco products, the lease did not by its terms require National to continue to lease equipment from Texaco for as long as Texaco remained National's supplier or otherwise limit National's right to cancel "the equipment lease and make other arrangements for into-plane transfer of Texaco-supplied products. The restrictive covenants therefore appear to be normal lease provisions concerning proper use of leased equipment under a lease of indefinite duration.

Moreover, the situation with respect to the lease of propane storage tanks is distinguishable on the ground that storage tanks are a necessary feature of propane use and large numbers of residential end-users of propane normally have little alternative but to use storage tanks rented or sold by the propane distributor. Because National is a large national air carrier, it cannot be assumed that National has ever been under any economic disadvantage that would, as a practical matter, require it to perform its "into-plane" refueling operations at Norfolk Airport only through means of trucks leased from Texaco. National could purchase two fueling trucks for this purpose or hire third-party "into-plane" services (we understand such third party services are available at Norfolk).

We also note in passing that National has not disputed Texaco's allegation that its rental increases are cost-justified based on the use of 1975-model vehicles compared with 1959 and 1960-model vehicles under the 1966 lease.

Based on all the foregoing considerations, it appears in this case that the truck leasing agreement does not represent a "tie-in agreement" within the meaning of § 210.62(c) and does not otherwise constitute per se a means to obtain a price for aviation fuel in excess of that permitted under FEA regulations in violation of § 210.62(c). The truck leasing agreement appears to be an independent and non-obligatory contract for ancillary services rather than a term or condition of sale or delivery of aviation fuels. Thus, we are unable to conclude, as a matter of legal interpretation, that FEA regulations prohibit Texaco from increasing charges for the rental of trucks to National at Norfolk, in the circumstances set forth above.

The interpretation request also asks that FEA determine, as a matter of legal interpretation, that National is a member of a separate class of purchaser based on the price differential represented by the total "economic" price of aviation fuel plus the equipment rental fees at Norfolk. In view of the foregoing Interpretation that the truck rental lease represents a separate and optional contract concerning post-delivery services and that increases in rental fees are not prohibited per se under § 210.62(c), we are unable to accede in this request. The class of purchaser determination affecting National must in this case be based on Texaco's customary price differentials without regard to post-delivery services.

This Interpretation should not be construed, however, as confirming the validity of Texaco's class of purchaser determinations in any other respect. As we pointed out in Interpretation 1976–6, dated May 28, 1976 (42 FR 7923, February 8, 1977), a firm ordinarily makes its own class of purchaser determinations based on the record of its historic pricing practices. Questions raised concerning the validity of a firm's class of purchaser determinations are usually factual questions which can only be resolved by audit of the firm's pricing records and other accounting data through FEA's complaint and compliance procedures. Thus, if National seeks to raise factual questions concerning the validity of Texaco's class of purchaser determinations, nothing in this Interpretation bars pursuit by National of complaint procedures and remedies under 10 CFR Part 205, Subpart N

INTERPRETATION 1977—12

To: Phillips Petroleum Co.

Date: May 28, 1977.

Rules Interpreted: § 212.72.

Code: GCW—PI—BPCL.

This is in response to your letter of March 16, 1976, on behalf of Phillips Petroleum Company, requesting an Interpretation of 10 CFR 212.72 (Definition of "base production control level") for purposes of the Mandatory Petroleum Price Regulations applicable to domestic crude oil. After consideration of all the information contained in your request, and all relevant authorities, we have concluded that the appropriate Interpretation is the one that follows.

FACTS

As we understand the facts, Phillips Petroleum Company ("Phillips") is the owner and/or operator of several crude oil producing properties. With respect to one such property, the Smackover Nacatoch Sand Unit ("the property"), Phillips makes use of a steam injection production technique. From the period May 1971 to January 1975, crude oil produced from the property was consumed on the property as "lease fuel" for the equipment required to generate steam for injection into the crude oil reservoir.

In determining the property's base production control level ("BPCL") Phillips has included as volumes of crude oil "produced and sold" from the property, the volumes produced and consumed on the property each month as lease fuel. Phillips now requests the interpretation that such crude oil volumes produced and consumed as lease fuel should have been excluded in determining the property's BPCL.

ISSUE

Based upon the facts contained in Phillips' request, the issue for our consideration is whether volumes of crude oil produced from a property and consumed on the property are considered "produced and sold" from the property so that such volumes should be included in determining the property's BPCL.

INTERPRETATION

The definition of base production control level is contained in 10 CFR 212.72, and provides:

"Base production control level" means: (1) with respect to months ending prior to February 1, 1976:

(A) if crude oil was *produced and sold* from the property concerned in every month of 1972, the total number of barrels of domestic crude oil *produced and sold* from that property in the same month of 1972;

(B) if crude oil was not *produced and sold* from the property concerned in every month of 1972, the total number of barrels of crude oil *produced and sold* from that property in 1972, divided by 12;

(2) with respect to months commencing after January 31, 1976, except as provided in § 212.76, either:

(A) the total number of barrels of old crude oil *produced and sold* from the property concerned during calendar year 1975, divided by 365, multiplied by the number of days in the month in 1975 which corresponds to the month concerned; or

(B) if the producer elects to certify crude oil sales for 1972 in accordance with § 212.131 (a) (1), the total number of barrels of crude oil *produced and sold* from the property concerned during the calendar year 1972, divided by 366, multiplied by the number of days during the month in 1972 which corresponds to the month concerned. (Emphasis added.)

In connection with the first stage rulemaking proceeding to implement the crude oil pricing policy of the Energy Policy and Conservation Act (Pub. L. 94–163), FEA made it clear that crude oil produced from and subsequently consumed on a property is to be considered "produced and sold" for purposes of Subpart D:

FEA believes that in crude oil production, as in crude oil refining (*see, e.g.*, Ruling 1974–27, 39 FR 44415, December 24, 1974), *the internal* or affiliated transfer or *transformation of a product has economic value.* As such, a "sale" for purposes of FEA price rules may be considered to have occurred, even though money and goods were not actually exchanged. Additionally, FEA believes that both the transfer of crude oil by a producer to a refiner pursuant to processing agreements whereby the producer receives value for the crude oil (*i.e.*, refined product[]), and the *consumption of crude oil by the producer as lease fuel*[] constitute transfers for value and, therefore, "sales" for the purpose of application of Subpart D. This conforms with typical accounting practices, which require valuation of all production from the lease without regard to its intended disposition. *Crude oil that is produced from and subsequently consumed on a lease,* or refined product returned to the lease for consumption or resale, *is similarly accounted for and assigned an appropriate value.* This historic method of production accounting further supports the treatment of these transfers as "sales" for purposes of Subpart D. (Emphasis added, 41 FR 4934, February 3, 1976.)

In fact, Phillips' own accounting method was consistent with this result, inasmuch as volumes of crude oil produced from and consumed on the property were originally included by Phillips in determining the property's BPCL.

Accordingly, it is our conclusion that Phillips' original inclusion of volumes consumed as lease fuel in the property's BPCL was correct and may not be modified. This result is consistent with that reached by FEA in Tenneco Oil Company, FEA–0904, a copy of which is enclosed, in which FEA concluded that volumes of crude oil produced from and consumed as fuel on the Tenneco property should have been considered as volumes that were "produced and sold" and therefore included in determining the property's BPCL.

INTERPRETATION 1977–13

To: Atlantic Richfield Co.

Date: May 28, 1977.

Rules Interpreted: § 211.63.

Code: GCW—AI—December 1 Rule.

By letter dated August 6, 1976, you requested an interpretation on behalf of Atlantic Richfield Company ("ARCO") of the Mandatory Petroleum Allocation Regulations of the Federal Energy Administration ("FEA") concerning the termination by ARCO of a crude oil supplier/purchaser relationship in effect pursuant to 10 CFR 211.63 with Shell Oil Company ("Shell"). By letter dated August 18, 1976, Shell provided FEA with its comments on ARCO's request.

FACTS

On January 1, 1976, ARCO was supplying certain volumes of stripper well crude oil to Shell. In July 1976, ARCO notified Shell that it had elected to terminate that supply relationship effective August 1, 1976, and to sell that crude oil to a small refiner. In its request ARCO states that the crude oil previously supplied to Shell would not be processed by that small refiner, but would be processed by a third party that would obtain the crude oil pursuant to an exchange agreement with the small refiner. The small refiner would process crude oil received in exchange for the volumes previously sold to Shell.

ISSUE

The issue presented for interpretation is whether a supplier/purchaser relationship involving stripper well crude oil in effect under contract on January 1, 1976 may be terminated pursuant to 10 CFR 211.63(d) (1) (ii) by the seller (ARCO) where the crude oil is sold to a small refiner, which thereafter exchanges the crude oil for other crude oil that is processed in its refinery.

INTERPRETATION

FEA's crude oil supplier/purchaser rule (the "rule"), set forth at 10 CFR 211.63, generally provides that supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on January 1, 1976 are required to remain in effect for the duration of FEA's Mandatory Petroleum Allocation Program. The rule permits terminations of crude oil relationships in certain enumerated circumstances. Specifically, 10 CFR 211.63(d) (1) (ii) provides that such relationships may be terminated:

By a producer with respect to any crude oil produced from a stripper well lease (as defined in § 212.74 of Part 212 of this chapter), provided that the production from a stripper well lease is upon termination immediately sold or sold for resale to any small refiner and continuously thereafter supplied to that small refiner purchaser for processing by that small refiner * * *

This particular termination provision first became effective on June 11, 1976 (41 FR 24338, June 16, 1976), based on a previous notice of proposed rulemaking (41 FR 16662, April 21, 1976). Among the changes to the rule proposed in the April 1976 proposal was a provision that would have permitted termination of supplier/purchaser relationships by a seller, provided the crude oil involved was immediately upon termination supplied to a small refiner with a refinery capacity not in excess of 50,000 barrels per day. A public hearing on the proposal was held on May 6, 1976, and FEA received many comments opposing the provision as excessively broad and detailing the possible widespread supply disruptions within domestic crude oil markets that could result therefrom.

Based on these comments and further consideration of the potential impact that an excessively broad termination provision could have upon the domestic crude oil markets in general, and upon small refiners in particular, FEA limited the provision as adopted on June 11, 1976, to stripper well production and added the express requirement that the crude oil be sold to a small refiner "for processing by that small refiner", to prevent terminations involving a small refiner for volumes of crude oil in excess of the small refiner's processing capacity. Thus, § 211.63(d) (1) (ii) expressly requires that the crude oil which is the subject of the termination must be "continuously thereafter supplied to that small refiner purchaser for processing by that small refiner." This express requirement and the fact that no reference is made to exchanges in this provision reinforces FEA's conclusion that the termination contemplated by ARCO would not comport with the provisions of § 211.63(d) (1) (ii).

Based on the foregoing, it is our opinion that 10 CFR 211.63(d) (1) (ii) only permits termination by a producer of crude oil from a stripper well lease where the crude oil is continuously thereafter supplied to a small refiner which actually processes that crude oil in its own refinery.

INTERPRETATION 1977–14

To: State of California.

Date: May 28, 1977.

Rules Interpreted: §§ 211.63, 212.74(c).

Code: GCW—AI, PI—December 1 Rule; Crude Oil Ceiling Price Rules, Retroactive Increase.

This is in response to your request for interpretation on behalf of the State of California dated October 7, 1975 concerning the application of FEA allocation and price rules to the State of California's sales of certain royalty crude oil, taken in kind from two offshore oil and gas leases, to two independent marketers. This interpretation is given after review of submissions by the State of California and those materials filed by all interested parties with the U.S. District Court for the Central District of California in the case of *California* v. *Zarb*, No. CV75–854WPG. It is our understanding that action in that case has been stayed pending your receipt of this interpretation. On October 31, 1975, USA Petroleum Corporation ("USA") submitted its comments with respect to the State's request which have been taken into consideration in the interpretation rendered by this office.

FACTS

The State of California (the State) owns royalty interests in certain crude oil produced from offshore oil and gas leases. Under the terms of the leases, this royalty crude oil may be taken in kind or the operator may pay cash to the State in lieu of the royalty share of crude oil due the State. Signal Oil and Gas Company (Signal), a subsidiary of Burmah Oil, Ltd. is the lessee of two such offshore oil and gas leases (PRC 425.1 and E 392.1). On December 1, 1973, Signal was receiving the royalty crude oil produced on the leaseholds since the State had elected to take its royalty share in cash.

In November of 1973, the State had offered the royalty crude oil produced by these two leaseholds and seven others for sale to any interested parties. Pursuant to that offering, the State accepted bids by two firms other than Signal (an unsuccessful bidder)—USA (formerly U-Save Automatic Corporation) and World Oil Company (World). Under the terms of the acceptance, the State was to deliver to these firms for a five year period royalty shares of crude oil from these leases commencing on May 1, 1974. The price paid for the royalty crude oil by the two firms was specified as the lesser of the posted price for oil exempt from FEA price restrictions plus a specified bonus, or the maximum price permitted by price controls so long as they were in effect. Further, the bidders retained the option to terminate their purchase contracts if the posted price for exempt crude oil exceeded the September 26, 1973 posted price for such oil.

On May 1, 1974, the State began delivering crude oil to World and USA pursuant to its contracts. (The State submitted monthly invoices to USA and World, pricing "new" and "released" oil at the then-current prices for exempt oil plus the bonus called for by the contract. USA has refused to pay the bonuses on such exempt oil.) The two companies have continued to receive royalty crude oil produced from these leases to date.

On May 17, 1974, the Office of the General Counsel of FEA rendered an interpretation in which it determined that the provisions

JUN 20 77 UM

of 10 CFR 211.63 required the State to continue to supply crude oil produced from PRC 425.1 and E 392.1 to Signal. On January 17, 1975, FEA's Office of Exceptions and Appeals affirmed the interpretation in all respects. See *California State Lands Commission* No. FEA-0135, 2 FEA ¶80,507. (The Interpretation and appeals decision are enclosed.)

On March 7, 1975, the State filed a complaint in the U.S. District Court for the Central District of California, seeking judicial review of the FEA decision.

According to information submitted by the State in its October 7, 1975 request for interpretation, the State and Burmah, Ltd. (Signal's parent) entered into a formal agreement on April 21, 1975 whereby they "mutually agreed to retroactively terminate their supplier/purchaser relationship with respect to the royalty crude oil from PRC 425.1 and E 392.1 effective May 1, 1974."

ISSUE

The issues presented for consideration by the State's October 7, 1975 request are:

1. Did the State-Burmah agreement of April 21, 1975, terminate the crude oil supplier/purchaser relationship between them effective May 1, 1974 and thus remove FEA's objection to the sale of the involved crude oil production to USA and World?

2. Assuming a lawful termination of the 10 CFR 211.63 supplier/purchaser relationship between the State and Burmah, may the State charge and collect the bonus on all uncontrolled oil taken by USA prior to February 1, 1976 under the sales contract?

INTERPRETATION

A. *Termination of the Supplier/Purchaser Relationship*

On May 1, 1974, 10 CFR 211.64(a)[1] provided for the termination of crude oil supplier/purchaser relationships in the following manner:

(a) All supplier/purchaser relationships in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973 shall remain in effect for the duration of this program except purchases and sales made to comply with this program: *Provided, however,* That (1) *any contract or agreement for the sale, purchase, or exchange of domestic crude oil may be terminated by the mutual consent of both parties;* (2) the provisions of this paragraph do not apply to the first sale of crude oil pursuant to § 210.32 of this chapter; and (3) the provisions of this paragraph shall not apply to the seller of any crude oil if the present purchaser of such crude oil refuses, after notice by the seller, to meet any bona fide offer made by another purchaser to buy such crude oil at a lawful price above the price paid by the present purchaser. (Emphasis added.)

Although the provisions of 10 CFR 211.63 have been modified as the allocation regulations have been amended, the termination of a supplier/purchaser relationship by the mutual consent of both parties has been permitted throughout the program. As we understand the facts of this case, such a mutual termination of the supplier/purchaser relationship with respect to leases PRC 425.1 and E 392.1 effective May 1, 1974 has occurred by written agreement between Burmah and the State. The State urges this office to affirm the effectiveness of such a termination. However, in its written submission, USA seeks to have this office interpret 10 CFR 211.63 to also permit the State to treat its supplier/purchaser relationship between the State and Standard Oil of California (Socal) as to crude oil production from another lease (PRC 3095.1) as terminated effective May 1, 1974. Although both the State and USA request that this interpretation reconcile their respective positions with the January 17, 1975 FEA appeals decision, the lack of any documented basis for an express or implied termination of the State's supplier/purchaser relationship with Socal prevents reconciliation of USA's position with FEA regulations or the aforementioned appeal decision.

It is our conclusion that the entry into a written agreement on April 21, 1975 to terminate, effective May 1, 1974, the supplier/purchaser relationship between Burmah and the State as to production from PRC 425.1 and E 392.1 constitutes a lawful termination of that relationship, albeit retroactive, and eliminates FEA's objection to the sales of such crude oil to USA and World. We further conclude that the apparent absence of any similar lawful termination of the supplier/purchaser relationship between the State and Socal results in the continued preservation of that relationship under the terms of 10 CFR 211.63.

While USA argues in its written submission that such a conclusion produces an unwanted and inconsistent result with respect to USA's contracts with the State, FEA concludes that the allocation regulations require the observance of the freeze on such crude oil supplier/purchaser relationships in the absence of a lawful termination of that relationship.

B. *Operation of the State-USA Contract*

Having concluded that the Burmah-State supplier/purchaser relationship was retroactively terminated on May 1, 1974, we further conclude that sales of production from PRC 425.1 and E 392.1 leases made to USA and World pursuant to those contracts entered into on November 29, 1973 were permitted to the extent that prices charged in such sales were in conformance to applicable FEA price regulations.

Since May 1, 1974 (the date of the beginning of sale of crude oil from PRC 425.1 and E 392.1) and until February 1, 1976, FEA price regulations governing the first sale of domestic crude oil provided a ceiling price for "old" oil, i.e., crude oil produced and sold from a property in amounts that did not exceed that property's 1972 production and sale. (10 CFR 212.73, 39 FR 1921, January 15, 1975.)

"New" crude oil, representing a property's crude oil production and sale in excess of 1972 levels, was permitted to be sold without regard to the ceiling price. An equivalent amount of such a property's base production control level was also permitted to be sold at exempt prices. (10 CFR 212.74, 39 FR 1924, January 15, 1974.) To the extent that crude oil produced and sold from PRC 425.1 and E 392.1 prior to February 1, 1976 qualified as new or released crude oil, prices charged for such oil were not subject to the ceiling price limitations imposed on old oil. As a result, the contract provisions calling for the State to receive a price for such oil which consisted of the then-current average posted price plus a bonus was not in conflict with then-existing FEA price regulations. Accordingly, it is the conclusion of this office that USA's refusal to pay such a bonus from May 1, 1974 can not be justified by application of FEA price regulations.

Nor is the State's present attempt to collect bonus payments from USA which were charged on each invoice a retroactive increase in price so as to come within the proscription of 10 CFR 212.74(c) which provides in relevant part:

"• • • No producer may charge or accept a retroactive increase in price for crude oil. • • • Retroactive increase in price means any price charged or offered after the close of the calendar month in excess of the highest price prevailing for that grade of crude oil, in first sales between the producer and the purchaser of the domestic crude oil, during the calendar month in which it was produced and sold."

Since the State consistently and on a current basis billed USA for the full amount called for by the contract, the State's claim for those monies due to it because of USA's failure to pay the entire amount cannot be considered either a retroactive action or an increase in its prices. Therefore, it is the conclusion of this office that USA may not rely on FEA price rules prior to February 1, 1976 in order to refuse payment of the full contract prices to the State.

INTERPRETATION 1977—15

To: Husky Oil Co. of Delaware.

Date: May 28, 1977.

Rules Interpreted: § 211.63.

Code: GCW-AI—December 1 Rule.

This is in response to your December 15, 1975, request for an interpretation of the crude oil supplier/purchaser rule set forth at 10 CFR 211.63 as it relates to the termination of the supply of a particular crude oil to Husky Oil Company. In connection with your request, comments were submitted on behalf of Adolph Coors Company, Kenneth Luff, Inc. and Tesoro Crude Oil Company.

FACTS

Husky Oil Company ("Husky") and Adolph Coors Company ("Coors") were parties to an exchange agreement dated July 25, 1973 (the "Husky-Coors Exchange Agreement"), which provided that Coors agreed to sell to Husky, for each barrel of crude oil purchased from Husky under an agreement known as the Burton-Hawks Agreement, a barrel of crude oil from the Denver-Julesburg Basin. On December 11, 1973, the Husky-Coors Exchange Agreement was amended, effective retroactively to July 26, 1973, whereby Husky agreed to accept crude oil from the Luff-Patrick Draw, Sweetwater County, Wyoming from Coors under the Husky-Coors Exchange Agreement. The December 11, 1973 amendment arose as a result of a Purchase Agreement, dated November 1, 1973 (the "Luff-Coors Purchase Agreement"), between Coors and Kenneth Luff, Inc. ("Luff"), whereby Luff agreed to sell Patrick Draw crude to Coors. The term of this agreement was from November 1, 1973, through December 31, 1974, and continuing thereafter until written termination notice by either party. The Husky-Coors Exchange Agreement was supplemented on January 11, 1974, effective retroactively to November 1, 1973, and Husky thereby received the option to purchase Luff-Patrick Draw crude oil from Coors in excess of the volumes called for under the Husky-Coors Exchange Agreement.

In conversations with counsel for Coors and Husky concerning their written submissions, it was confirmed that Husky began purchasing Luff-Patrick Draw crude oil from Coors in November 1973. On April 21, 1975, Coors terminated the Luff-Coors Purchase Agreement, and Coors notified Husky of the termination on April 22, 1975. Luff then commenced to sell the Luff-Patrick Draw crude oil to Tesoro Crude Oil Company of San Antonio, Texas ("Tesoro").

ISSUE FOR INTERPRETATION

The issue presented for interpretation is whether the voluntary termination by Coors of its supplier/purchaser relationship with Luff under the Luff-Coors Purchase Agreement without the consent of Husky was permissible under 10 CFR 211.63.

INTERPRETATION

On April 22, 1975, the date of the termination of the Luff-Coors Purchase Agreement, FEA's crude oil supplier/purchaser rule, set forth at 10 CFR 211.63 (the "rule"), generally provided that supplier/purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973 were required to remain in effect for the duration of FEA's Mandatory Petroleum Allocation Program. FEA has consistently held that the principal purpose of the rule is to protect the supply sources of small and independent refiners. See *Basin, Inc.* v. *Federal Energy Administration*, Docket No. 5-21 (Em. App., March 7, 1977) (2 Fed. Energy Guidelines ¶26,071).

At the time of the termination of the Luff-Coors Purchase Agreement, 10 CFR 211.63(a)(1) provided that any supplier/purchaser relationship under the rule "• • • may be terminated by the mutual consent of both parties; • • • " In light of the underlying purpose of the rule, it is clear that, under the rule as then in effect, such an agreement for termination could not adversely affect the rights of further purchasers of the crude oil involved. Refiners such as Husky in many cases purchase crude oil from resellers or marketers such as Coors, which in turn purchase the crude oil from a producer. In some cases, there is more than one reseller or marketer in the supply chain. If the rule as in effect at the time of the termination of the Luff-Coors Purchase Agreement were interpreted to permit a reseller to consent to a termination of a supplier/purchaser relationship with a producer, without obtaining the consent of the next marketer in the chain or the downstream refiner, the principal purpose underlying adoption of the rule clearly would be frustrated.

Supplier/purchaser relationships existed on December 1, 1973 between Luff and Coors and Coors and Husky as to the Luff-Patrick Draw production by virtue of the Luff-Coors Purchase Agreement and the Husky-Coors Exchange Agreement, as amended. The supplier/purchaser relationship between Coors and Husky as to the Luff-Patrick Draw production necessarily was dependent on the supplier/purchaser relationship between Coors and Luff as to this crude oil. If for reasons beyond the control of Coors, the Luff-Patrick Draw production was no longer being supplied to Coors, the supplier/purchaser relationship with Husky as to this production would have necessarily been terminated. However, Coors' voluntary termination of its supplier/purchaser relationship with Luff had the indirect effect of terminating Coors' corresponding relationship with Husky, without the latter's consent. It is this very result which 10 CFR 211.63 was designed to prevent.

This interpretation was expressly confirmed by the adoption of the present § 211.63(d)(1)(1) (41 FR 24338, June 16, 1976), which requires that, prior to the purchaser consenting to any termination, all subsequent purchasers of the crude oil involved shall have consented to such termination in writing.

Based on the foregoing, it is our conclusion that under 10 CFR 211.63 the supplier/purchaser relationship in effect between Coors and Husky as to the Luff-Patrick Draw production precluded Coors from voluntarily relinquishing by consent given to Luff its source of such production without the consent of Husky.

INTERPRETATION 1977—16

To: Mobil Oil Corp.

Date: May 28, 1977.

Rules Interpreted: §§ 211.67(d)(2), 212.53(a).

Code: GCW-AI, PI—Definition of Export Sales, Export Sales Deduction.

This is in response to your request for interpretation dated December 16, 1976 regarding the applicability of the export sales deduction requirement under FEA's domestic crude oil allocation program (the "entitlements program"), set forth at 10 CFR 211.67(d)(2), to sales of cargoes of aviation fuel to the Department of Defense ("DOD") for shipment to and use at United States military bases in foreign countries.

FACTS

Mobil Oil Corporation ("Mobil") has sold and intends to continue selling to DOD at Mobil's United States refineries cargoes of aviation fuel for shipment to and use at United States military bases in foreign countries.

ISSUE FOR INTERPRETATION

Are cargo volumes of aviation fuel sold by Mobil to DOD for shipment to and use at United States military bases in foreign countries export sales under 10 CFR 212.53(a) and as such required to be deducted from Mobil's crude oil runs to stills under 10 CFR 211.67(d)(2)?

INTERPRETATION

It is our opinion that Mobil's sales of aviation fuel to DOD in the circumstances indicated do not constitute export sales under 10 CFR 212.53(a), and therefore the volumes sold are not required to be deducted from Mobil's crude oil runs to stills under 10 CFR 211.67(d)(2).

10 CFR 211.67(d)(2) provides that the volume of a refiner's crude oil runs to stills in a particular month for purposes of the calculations for the national domestic crude oil supply ratio "shall be reduced by that refiner's volume of export sales under § 212.53 of Part 212 of this chapter in that month of refined petroleum products (including aviation fuels as defined in § 211.142 of this part • • •) • • •." 10 CFR 212.53(a) exempts "export sales" from FEA's price regulations but does not define the term "export sales".

A purpose of the export sales exemption in 10 CFR 212.53(a) is to allow exports, which will produce revenues from foreign sources, to be sold at the highest possible prices. Since Mobil's sale of cargoes of aviation fuel to DOD will not produce such revenues, such sales would not be considered export sales for the purpose of 10 CFR 212.53(a). This interpretation is consistent with a ruling of the Cost of Living Council ("CLC") under an analogous regulatory provision.[2] In CLC Phase IV Price Ruling 1974-3, issued March 14, 1974 (39 FR 10152, March 18, 1974), the CLC held that sales of products to United States military commissaries and base exchanges located outside the United States did not qualify as exempted exports for purposes of the CLC's price freeze rules because the sales were primarily to United States citizens and thus did not produce revenues from foreign sources.

Further, treatment of Mobil's sales of aviation fuel to DOD as not constituting export sales is in accord with the policies underlying the provisions for entitlement loss for export sales as set forth in 10 CFR 211.67(d)(2). As expressed in the preamble to the amendment to 10 CFR 211.67(d)(2) issued on March 29, 1976 (41 FR 13899, April 1, 1976), the purpose of the deduction provision is to ensure that cost equalization benefits under the entitlements program are not granted to a refiner for sale of products made into the world market at uncontrolled prices and that the benefits of the entitlements program and domestic crude oil price controls are retained within the domestic economy. Since the cargoes of aviation fuel in question are not sold into the world market, but rather are sold to DOD at Mobil's United States refineries and are consumed by DOD in connection with its maintenance of United States military bases in foreign countries, any entitlement benefits associated with the production of the fuel would be retained within the domestic economy.

[FR Doc.77-17473 Filed 6-17-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-GL-13; Amdt. 39-2923]

PART 39—AIRWORTHINESS DIRECTIVES

Champion Spark Plug Company Part Numbers CH48108 and CH48109 Oil Filters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) requires that Champion Part Numbers (P/N's) CH48108 and CH48109 oil filters identified by a specific manufacturing date code be removed from service. These oil filters may contain defects that could lead to internal failure of the filter and possible interruption of the engine lubricating oil flow.

DATE: Effective date—June 24, 1977. Compliance schedule—Compliance required before further flight, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the removal can be performed.

FOR FURTHER INFORMATION CONTACT:

William Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been three instances of internal bypass valve failure on certain Part Number CH48108 and CH48109 oil filters. All three failures were detected before being installed on aircraft, however, it has been determined that this

---

[1] Renumbered as 10 CFR 211.63 on May 14, 1974 (39 FR 17287).

[2] 6 CFR 150.54(d)(1) of the Phase IV price regulations provided as follows:

"§ 150.54 Certain price adjustments.

• • • • •

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* (1) The prices charged for export sales including the sale of products to a domestic purchaser who certifies that the product is for export are exempt."

V42 N118 JUN 20 77 UM

type of failure could lead to complete blockage of the oil flow, resulting in oil starvation and subsequent engine failure.

Investigations revealed that, in each instance, the most probable cause of these failures was a manufacturing defect which caused the bypass valve to become separated from the internal structure of the filter and fall into the oil outlet flow path.

Since this condition is likely to exist or develop in other oil filters of this type design and manufacturing date an airworthiness directive is being issued to remove these filters from service.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final rule is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Standards Division, Great Lakes Region, and J. Hacker, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

CHAMPION SPARK PLUG COMPANY. Applies to Part Numbers CH48108 and CH48109 oil filters as installed in aircraft certificated in all categories, identified by the following manufacturing date code, 1A7E and 2A7C for the Part Number CH48108 filter and 1A7G and 1A7I for the Part Number CH48109 filter. The manufacturing date code is located on the outside of the filter housing adjacent to the filter installation instructions.

Compliance required before further flight, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the removal can be performed.

To preclude possible oil filter malfunction resulting from internal bypass valve failure, remove all applicable filters from service.

This amendment becomes effective June 24, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois on June 10, 1977.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.77-17419 Filed 6-17-77;8:45 am]

[Docket No. 76-GL-21, Amdt. 39-2922]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Compact Series Propellers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which replaces AD 70-16-3, AD 73-10-3, AD 74-15-02, and AD 75-07-05, and which requires periodic inspection and rework of all "Y" shank blades, including pressure rolling of the retention radius, and change of the operating limitations on some models, to detect and prevent cracks which might result in complete blade separation. In addition, the AD accelerates compliance time for modification of the pitch change mechanism on those compact propellers remaining in service which have not incorporated this change, in order to prevent failure of the mechanism and loss of propeller control. This action is considered necessary due to blade shank cracks and propeller malfunctions which have continued to occur in service.

DATE: Effective date: June 24, 1977. Compliance schedule.—As prescribed in the body of the AD.

ADDRESSES: Copies of Hartzell Bulletins No. 101D and 118A and Service Letters 61B and 69 may be obtained from Hartzell Propeller, Inc., 350 Washington Avenue, Piqua, Ohio 45356.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 E. Devon Avenue, Des Plaines, Illinois 60018; and Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

M. J. Walker, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-4500, extension 309.

SUPPLEMENTARY INFORMATION: In order to minimize operation in regions of high propeller vibratory stress and reduce the occurrence of blade shank cracks, a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring extension of the propeller operating limitations for certain Hartzell compact series propellers having Hartzell manufactured "Y" shank blades was published in 41 FR 49829, November 11, 1976. After publishing this notice and receiving comments, the FAA determined that additional measures were necessary to prevent blade failures of other propellers of "Y" shank design due to the initiation of fatigue cracks following shot peening in the radius of the bearing retention area. Accordingly the notice was supplemented to propose an airworthiness directive that would incorporate those measures described uner "Summary" above. The supplementary notice was published in 42 FR 11249, February 28, 1977.

Numerous comments were received objecting to the wording of the proposed propeller operating placards, marking of the engine tachometer, the use of red arcs as proposed, and to the operating restrictions themselves. The wording has been changed to avoid ambiguity and a provision for marking the tachometer bezel was added as an alternative to marking the face, which requires disassembly. The suggested use of yellow tachometer marking instead of red to indicate precautionary regions is not consistent with either CAR 3.759 or FAR 23.1549(d) which require that each engine speed range that is restricted because of excessive vibration be marked with a red arc.

Two comments were received suggesting that the propeller r.p.m. operating restrictions be noted in the flight manual as an alternative to instrument panel placards. Experience has shown that some pilots do not consult the airplane flight manual adequately; also the flight manual is not required for all aircraft. In view of the inherent hazard involved, it is considered that both the tachometer markings and placards are necessary to bring the operating restrictions to the pilot's attention in the most direct manner.

It was pointed out that propeller blades which were modified and properly metal stamped on the blade butt would not be identifiable without propeller disassembly. It was established that such blades also would carry externally visible inkstamped identification and the AD was changed accordingly. A note indicating equivalent compliance by incorporation of serialized or otherwise identified blades was placed at the beginning of for AD for clarification.

One commenter requested that F7666-2R blades be noted as meeting the AD modification requirements, since this blade was recently approved for installation on an aircraft. These blades are being supplied only with the new processes and are so designated by serialization. Therefore, all F7666-2R blades are effectively identified as having met the AD requirements.

One manufacturer submitted three additional aircraft series which were affected by the AD and recommended identification of Bulletin 118A as Hartzell Bulletin 118A throughout. Both comments were incorporated. Issuance of the AD was coordinated with the availability of parts and equipment as recommended by one commenter.

Continuing investigation has disclosed that most probable causes of propeller blade shank cracking are discontinuities in the shot peened surface of the bearing seating surface which may initiate metal fatigue, and continued operation in regions which produce high propeller stresses in some installations. Failure of the blade shank could result in loss of a propeller blade, while loss of pitch control could result from failure of the mechanism.

Since these conditions are likely to exist or develop in other propellers of similar design, an airworthiness directive is being issued which requires rework of the shank bearing seat of all "Y" shank blades in service, extension of the restricted operating range of certain installations, and modification to strengthen the pitch change mechanism of those propellers not previously modified.

In accordance with Departmental Regulatory Reform dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are M. J. Walker, Flight Standards Division, Great Lakes Region, and J. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

HARTZELL PROPELLERS. Applies to the Model HC-()()Y() and ()HC()()Y() compact series constant speed or feathering propellers with Hartzell manufactured "Y" shank blades, used on but not limited to Aero Commander 200B and 200D, Aerostar 600, Beech 24, 35, 36, 45, 55, 56TC, 58, 60, and 95, Bellanca 14 and 17 series, Britten Norman BN-2, BN-2A, and BN-2A-6, Cessna 182 and 188, Embraer EMB-200A, Maule M5, Mooney M20 and M22, Piper PA-23, PA-24, PA-28, PA-30, PA-31, PA-32, PA-34, PA-36, and PA-39, Pitts S-1T and S-2A, Sial Marchetti S-208, and Rockwell 112, 114, 200, 500, and 685 series aircraft.

Compliance required as indicated for both initial and repetitive procedures unless already accomplished. To detect blade shank cracks and prevent possible blade failure, accomplish the following:

GENERAL

Propellers with all blades serial D47534 or above, or with all blades identified with the letters "PR" or "R" ink-stamped on the camber side and "SP" and "RD" metal stamped on the blade butt, or with all blades model F7666A-()P are considered to be in compliance with the initial inspection and rework requirements only of this AD where specified by reference to Hartzell Bulletin 118A dated February 15, 1977.

(a) Models HC-()()Y() and ()HC()()Y() Compact Series "Y" Shank Propellers.

(1) All propellers not specified in paragraphs (b), (c), or (d) of this AD with 1000 or more hours time in service, or whose time in service is unknown; remove, inspect and rework, or replace if necessary in accordance with Hartzell Bulletin 118A dated February 15, 1977 within the next 300 hours or one year in service after the effective date of this AD, whichever occurs first. Reinspect and, if necessary, rework in accordance with Hartzell Bulletin 118A at intervals specified in Hartzell Service Letter 61B (Overhaul Periods for Hartzell Propellers) dated September 10, 1976, or later FAA approved revision(s).

(2) Propellers subjected to momentary overspeed greater than 10 percent above rated r.p.m. or continuous overspeed totaling one hour or more at greater than 5 percent above rated r.p.m.; remove, inspect and rework, or replace if necessary in accordance with Hartzell Bulletin 118A before further flight.

(3) Propellers subjected to ground or object strike; remove, inspect and rework, or replace if necessary in accordance with Hartzell Bulletin 118A before further flight.

(b) Propeller Models HC-E2YR-2()()/()C8475-().

Propeller Models HC-E2YR-2()()/()C8475-() installed on Piper PA-31 series aircraft; remove, inspect and rework, or replace if necessary in accordance with Hartzell Bulletin 118A within the next 50 hours in service after the effective date of this AD. Reinspect and, if necessary, rework in accordance with Hartzell Bulletin 118A at intervals specified in Hartzell Service Letter 61B, or later FAA approved revision(s).

(c) Propeller Models ()HC-C2YK-()()()/()()7666A-() and HC-C2YK-()()/()()7666A-().

(1) Propeller Models ()HC-C2YK-()()()/()()7666A-() which have not been inspected and reworked as specified by AD 75-07-05, installed on, but not limited to Pitts S-2A, Piper PA28-180 (STC SA2213WE), PA28R-180, PA28R-200, PA34-200, and Mooney M20() series aircraft; remove, inspect and rework or replace if necessary in accordance with Hartzell Bulletin 118A within the next 100 hours or one year in service after the effective date of this AD, whichever occurs first. Reinspect and, if necessary, rework in accordance with Hartzell Bulletin 118A at intervals specified in Hartzell Service Letter 61B, or later FAA approved revision(s).

(2) Propeller Models ()HC-C2YK-()()()/()()7666A-() which have been inspected and reworked as specified by AD 75-07-05; remove, inspect and rework, or replace if necessary in accordance with Hartzell Bulletin 118A within 500 hours from the date of compliance with AD 75-07-05. Reinspect and, if necessary, rework in accordance with Hartzell Bulletin 118A at intervals specified in Hartzell Service Letter 61B, or later FAA approved revision(s).

(3) Propeller Model HC-C2YK-()()/()()7666A-() installed on aircraft with undampered 200 h.p. Lycoming IO-360 series engines, including but not limited to Mooney M20E and F and Piper PA28R-200 type normal category aircraft and Pitts S-1T and S-2A acrobatic aircraft; within the next 100 hours time in service after the effective date of this AD accomplish the following:

(i) Remove the present propeller vibration placard, if installed, and on the instrument panel near the engine tachometer affix a new placard and revise the tachometer markings as follows:

(A) Placard for normal category aircraft: "Avoid continuous operation: Between 2000 and 2350 r.p.m. Above 2600 r.p.m. in full throttle level flight."

(B) Placard for utility and acrobatic aircraft: "Avoid continuous operation: Between 2000 and 2350 r.p.m. Above 2600 r.p.m. in acrobatic and full throttle level flight."

(C) Remark the engine tachometer face or bezel with a red arc for each restricted engine speed range, i.e., between 2000 and 2350 r.p.m. and between 2600 and 2700 r.p.m. (red line).

(ii) Upon compliance with paragraph (c)(1) or (c)(2) above, the restrictions against operation above 2600 r.p.m. in full throttle level flight only may be removed and the placards and tachometer markings revised as follows:

(A) Placard for normal category aircraft: "Avoid continuous operation: Between 2000 and 2350 r.p.m."

(B) Placard for utility and acrobatic aircraft: "Avoid continuous operation: Between 2000 and 2350 r.p.m. Above 2600 r.p.m. in acrobatic flight."

(C) Tachometer marking for normal category aircraft: Red arc between 2000 and 2350 r.p.m.

(D) Tachometer marking for utility and acrobatic aircraft: No change; same as (i) (C) above.

(d) Propeller Models HC-C2YK-()()/8475()-() or 8477()-(), and ()HC-C2YK-()()()/()()8475()-() or ()()8477()-().

(1) Propeller Models HC-C2YK-()()/8475()-() or 8477()-() installed on, but not limited to Piper PA-32-260, PA-32-300, and Sial Marchetti 208, which have not been inspected and reworked as specified in AD 74-15-02, accomplish the following within the next 50 hours in service after the effective date of this AD:

(i) Remove propeller from aircraft, modify pitch change mechanism and replace blades with equivalent model blades prefixed with letter "F" in accordance with Hartzell Service Letter 69 revised November 30, 1971 and Bulletin 101D dated December 19, 1974, or later FAA approved revision(s).

(ii) Inspect and repair or replace if necessary, in accordance with Hartzell Bulletin 118A. Reinspect and, if necessary, rework in accordance with Hartzell Bulletin 118A at intervals specified in Service Letter 61B, or later FAA approved revision(s).

(2) Propeller Models ()HC-C2YK-()()()/F()8475()-() or F()8477()-() used on but not limited to Aero Commander 200B and 200D, Aerostar, Mooney M22, Britten Norman BN-2, BN-2A, and BN-2A-6, Bellanca 17-31, Embraer EMB-200A, Piper PA32-260 and PA32-300, and Sial Marchetti S-208 series aircraft with 1000 or more hours time in service, or whose time in service is unknown; remove, inspect and repair, or replace if necessary in accordance with Hartzell Bulletin 118A within the next 300 hours or one year in service after the effective date of this AD, whichever occurs first. Reinspect and, if necessary, rework in accordance with Hartzell Bulletin 118A at intervals specified in Service Letter 61B, or later FAA approved revision(s).

Upon request of the operator, a FAA Maintenance Inspector, subject to approval of the Chief, Engineering and Manufacturing Branch, Great Lakes Region, may adjust the repetitive inspection intervals specified in this AD if the request contains satisfactory substantiating data to justify the adjustment for that operator.

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Hartzell Propeller, Inc., 350 Washington Avenue, Piqua, Ohio 45356. These documents also may be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des

JUN 20 1977 UM

Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Great Lakes Region.

This supersedes Amendment 39–1049 (35 FR 12325), AD 70–16–3, as amended by Amendment 39–1341; Amendment 39–1637 (38 FR 12325), AD 73–10–3; Amendment 39–1896 (39 FR 25644), AD 74–15–02; and Amendment 39–2136 (49 FR 12772), AD 75–07–05, as amended by Amendment 39–2216.

This amendment becomes effective June 24, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Des Plaines, Illinois, on June 10, 1977.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77–17418 Filed 6–17–77;8:45 am]

[Docket No. 15854; Amdt. 39–2926]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. Model DH/BH–125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires the installation of new knife edges in the brake control valve or of valves incorporating such edges, and the repetitive replacement of knife edges or valves, on Hawker Siddeley Model DH/BH–125 airplanes. This action is necessary to prevent a failure of the brake control valve which could result in complete loss of braking on one side of the airplane with no advance warning to the flight crew.

DATES: Effective—July 20, 1977. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield, Hertfordshire, England, AL109TL, Attention: Technical Manuals Distribution Center.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Ave. SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the installation of new knife edges in the brake control valve or of valves incorporating such edges. and the repetitive replacement of knife edges or valves, on Hawker Siddeley Model DH/BH–125 airplanes was published in the FEDERAL REGISTER at 41 FR 26578. As a result of a failure of a brake control valve of a design similar to that used on the Model DH/BH–125 airplanes, Hawker Siddeley Aviation, Ltd. conducted fatigue tests on the Model DH/BH–125 brake control valve. Based on these tests, the FAA has determined that the Model DH/BH–125 brake control valve is susceptible to a failure of a knife edge. A failure of this type could result in complete loss of braking on one side of the airplane with no advance warning to the flight crew.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region; Mr. F. H. Kelley, Flight Standards Service; and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH/BH–125 airplanes, all series, certificated in all categories.

Compliance is required as indicated.

To prevent the failure of the knife edges of the brake control valve, P/N AC. 61520, and the possible complete loss of braking on one side of the airplane with no advance warning to the flight crew, accomplish the following.

(a) Comply with paragraph (b) or (c) of this AD as follows, and, thereafter, continue to comply with paragraph (b) or (c) of this AD at intervals not to exceed 4,500 landings since last compliance:

(1) For airplanes having brake control valve knife edges that have accumulated less than 4,300 landings on the effective date of this AD, compliance is required prior to the accumulation of 4,500 landings.

(2) For airplanes having brake control valve knife edges that have accumulated 4,300 or more landings, but less than 5,900 landings, on the effective date of this AD, compliance is required prior to the accumulation of an additional 200 landings.

(3) For airplanes having brake control valve knife edges that have accumulated 5,900 or more landings on the effective date of this AD, compliance is required prior to the accumulation of 6,100 landings or an additional 100 landings whichever occurs later.

(4) For airplanes for which no records exist that indicate the number of landings the brake control valve knife edges have accumulated, compliance is required prior to the accumulation of 100 landings after the effective date of this AD.

(b) Replace the knife edges with new parts, P/Ns ACO. 34629, ACO. 34630, and ACO. 36133, in accordance with Paragraph A, of Section 2, titled "Accomplishment Instructions," of Hawker Siddeley Aviation, Ltd. Service Bulletin 32–166, dated January 27, 1976, or an FAA-approved equivalent.

(c) Replace the brake control valve, P/N AC. 61520, with a valve of the same part number that incorporates knife edges having part numbers specified in paragraph (b) of this AD in accordance with Paragraph B, of Section 2, titled "Accomplishment Instructions," of Hawker Siddeley Aviation, Ltd. Service Bulletin 32–166, dated January 27, 1976, or an FAA-approved equivalent.

This amendment becomes effective July 20, 1977.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 10, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77–17420 Filed 6–17–77;8:45 am]

[Docket No. 76–SO–25; Amdt. 39–2919]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Aviation Corp., Models G–159 and G–1159

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (A.D.) applicable to Grumman Model G–159 and G–1159 airplanes which requires installation of a placard prohibiting occupancy of the jumpseat during taxi, takeoff, or landing; or modifications which can be accomplished to eliminate the need for the placard. This action is necessary to preclude injury of a jumpseat occupant in the event of nose landing gear failure.

EFFECTIVE DATE: June 21, 1977. Compliance required within 10 hours time in service after the effective date of this A.D.

ADDRESSES: Grumman American Aviation Corporation Aircraft Service Change No. 226 may be obtained from Grumman American Aviation Corporation, P.O. Box 2206, Savannah, Georgia 31402, telephone 912–964–3000. A copy of the Service Change is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Goodblood, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone 404–763–7407.

SUPPLEMENTARY INFORMATION: Over the years there have been nine cases of drag strut penetration of the cockpit floor (five on the Model G–159 and four on the Model G–1159). The last two G–1159 drag strut penetrations struck the jumpseat, one of which was occupied. No injuries resulted.

Since a hazardous condition exists, the following actions were taken: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the nose landing gear structure on Grumman Model G–159 and G–1159 airplanes was published in 41 FR 14895.

In connection with its investigation of a Grumman G–1159 accident involving nose landing gear drag strut penetration of the cockpit floor in the vicinity of the jumpseat, the National Transportation Safety Board recommended (A–76–89) that jumpseat occupancy be prohibited during taxi, takeoff, and landing by placarding until appropriate nose landing gear modifications are made.

Interested persons were afforded an opportunity to participate in the making of the amendment, nineteen of whom responded.

All commentators endorsed the need for corrective action; however, they recommended that operators be allowed the option of placarding the jumpseat against occupancy during taxi, takeoff, and landing, or modifying their aircraft. They also requested that the airworthiness directive compliance time be delayed at least until modification kits would be available. The FAA concurs that corrective action is needed and considers a permanent placard installation acceptable.

The principal authors of this document are Gerald E. Goodblood, Engineering and Manufacturing Branch, Flight Standards Division, and Ronald R. Hagadone, Office of the Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended effective June 21, 1977, by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION (GAAC): Applies to Grumman American Aviation Corporation, Model G–159, all serial numbers, and Model G–1159, serial numbers 1 through 208 and 775, airplanes certificated in all categories.

Compliance required within 10 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent injury to an occupant of any jumpseat located between fuselage stations 119 and 169 on Grumman American Aviation Corporation Models G–159 and G–1159 airplanes, accomplish one of the following:

(a) Install a placard either on the bulkhead adjacent to the jumpseat or at any equivalent location approved by the Federal Aviation Administration utilizing a minimum of 3/16 inch high letters with the wording: "Jumpseat Occupancy During Taxi, Takeoff, or Landing Prohibited," or

(b) Modify in the following manner:

1. The Model G–159 nose landing gear drag strut fused or bulkhead modification in accordance with GAAC Aircraft Service Change No. 226, Part I or II, or later FAA approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

2. The Model G–1159 nose landing gear wheel well bulkhead is modified to eliminate drag strut penetration in accordance with GAAC Aircraft Service Change No. 226, Part II, or later FAA approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

When either of the modifications described in paragraph (b)1 or (b)2 are accomplished, the required placard of paragraph (a) may be removed.

This amendment becomes effective June 21, 1977.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c), 14 CFR 11.89).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in East Point, Georgia, on June 7, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77–17475 Filed 6–17–77;8:45 am]

[Docket No. 77–NW–14–AD; Amdt. 39–2924]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires removal of ITT General Controls fuel valve actuator assemblies installed on Boeing Model 747 airplanes, and replacement with reworked or new actuator assemblies incorporating properly heat-treated motor armature shafts. The shafts to be removed were not heat treated to the proper hardness prior to assembly by the actuator manufacturer. There have been failures of fuel shutoff valves caused by excessive wear of the armature shaft gear teeth.

DATES: Effective date: June 20, 1977. Compliance schedule: As prescribed in the body of the A.D.

ADDRESSES: Federal Aviation Administration, Engineering and Manufacturing Branch, Northwest Region, FAA Building, Boeing Field, 9010 East Marginal Way South, Seattle, Washington 98108. ITT General Controls Service Bulletins, specified in this directive, may be obtained upon request to ITT General Controls, Aerospace Products, 1200 South Flower Street, Burbank, California 91502. These documents may also be examined at the Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Thomas F. Curran, Propulsion Section, ANW–214, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108 (206–767–2520).

SUPPLEMENTARY INFORMATION: An unknown quantity of ITT General Controls D.C. motor assemblies, P/N 107728A101, were manufactured with improperly heat treated armature shafts and installed on Model 747 airplane fuel valve actuators, Boeing P/N 60B92406–27 and P/N 60B92406–28, during years 1975, 1976, and 1977. Shafts with low hardness are subject to excessive wear which will cause early failure of the valve actuators. It is estimated that the earliest in-service failure occurred at 1,000 cycles which equates to airplane time-in-service of approximately 2,300 hours. Laboratory testing of an annealed shaft has confirmed that premature failure can occur at less than 1,000 cycles and is accounted for in the compliance schedule. A failed tank-to-engine fuel shutoff valve actuator assembly in the open position will prevent isolation of fuel flow to the engine fire zone in the event of a fire caused by ignition of fuel from a ruptured fuel line between the fuel tank and the engine fuel control. Also, a failed tank shutoff or cross feed actuator assembly in the open or closed position would prevent proper fuel system management and distribution of the fuel load within approved operating limits.

This rule was coordinated with The Boeing Company and the operators through the Air Transport Association (ATA) prior to issuance.

DRAFTING INFORMATION

The principal authors of the document are Thomas F. Curren, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

To prescribe the compliance intervals required by this A.D. under the usual notice and public procedures followed by the agency within the time period the agency has determined is required in the interest of safety, would necessarily result in a reduction of the time available to the operator for compliance. This could possibly leave operators with insufficient time to schedule airplanes for A.D. compliance.

Therefore, the FAA has determined that a situation exists in which notice and public procedure are impracticable and that good cause exists for making this amendment effective in less than 30 days.

JUN 20 77 UM

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, 39.13 of the Federal Aviation Regulation (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

BOEING: Applies to Model 747 airplanes certificated in all categories and equipped with fuel valve actuator assemblies, Boeing P/N 60B92406-27 (ITT General Controls P/N MA11A1173, serial numbers H78442 through H98252 and J00047 through J34689) or Boeing P/N 60B92406-28 (ITT General Controls P/N MA11A1174, serial numbers H95059 through H95074 and J04218 through J37314) installed or maufactured between April 30, 1975, and April 1, 1977. Compliance required as indicated.

To prevent loss of control of fuel shutoff, crossfeed and required fuel management capability, accomplish the following:

A. Within 145 days or 1,300 hours time in service after the effective date of this Airworthiness Directive, whichever occurs first, remove fuel valve actuator assembly, Boeing P/N 60B92406-27 (ITT General Controls P/N MA11A1173) or Boeing P/N 60B92406-28 (ITT General Controls P/N MA11A1174) from the No. 1, 2, 3, and 4 engine fuel shutoff valves, and

(1) Replace with actuator assembly Boeing P/N 60B92406-32 (ITT General Controls P/N MA11A1173-1) or Boeing P/N 60B92406-33 (ITT General Controls P/N MA11A1174-1); or

(2) Replace with an actuator assembly which has been inspected and reworked to incorporate a properly heat treated armature shaft in accordance with ITT General Controls Service Bulletins MA11A1173-24-01 or MA11A1174-24-01, both dated March 30, 1977, and 107728A101-24-01, dated June 10, 1977, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Within 1 year or 3,200 hours time in service after the effective date of this Airworthiness Directive, whichever occurs first, replace or rework the actuator assemblies Boeing P/N 60B92406-27 (ITT General Controls P/N MA11A1173) or Boeing P/N 60B92406-28 (ITT General Controls P/N MA11A1174) which are installed on the No. 1, 2, 3, and 4 crossfeed valves, the No. 1 and 4 reserve tank gravity transfer valves, the center wing tank fuel jettison valves and, if installed, the No. 2 and 3 reserve tank gravity transfer valves in accordance with A.(1) or A.(2) above.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to ITT General Controls, Aerospace Products, 1200 South Flower Street, Burbank, California 91502. These documents may also be examined at the Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective June 20, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Washington, on June 9, 1977.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.77-17421 Filed 6-17-77;8:45 am]

[Docket No. 77-CE-11-AD; Amdt. 39-2918]

PART 39—AIRWORTHINESS DIRECTIVES

Certain 1976 and 1977 Cessna Model Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to certain 1976 and 1977 Cessna model airplanes which requires testing, and if necessary correction, of the optionally installed external electrical ground power receptacle wiring. Unwanted starter operation that will result in propeller rotation may be experienced when ground power is applied though a miswired circuit to the optional ground power receptacle. This condition could result in injury to ground personnel.

EFFECTIVE DATE: June 27, 1977.

Compliance required at next use of the external electrical ground power receptacle, but not later than September 15, 1977.

ADDRESSES: Cessna Service Letters SE76-11, dated May 10, 1976, SE77-1, dated January 17, 1977, and SE77-1, (Supplement No. 1), dated May 2, 1977, applicable to this AD, may be obtained from Cessna Aircraft Company, Marketing Division, Attention: Customer Service Department, Wichita, Kansas 67201; telephone (316) 685-9111. A copy of the service bulletin cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Earsa L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446

SUPPLEMENTARY INFORMATION: There have been reports of unwanted starter operation on certain 1976 and 1977 Cessna model airplanes when external power was applied through the electrical ground power receptacle. This condition occurs because two wires may be improperly installed on the split bus relay diode printed circuit board connected to the external ground power receptacle. Since this condition is likely to exist in other airplanes of the same type design an AD is being issued requiring testing, and if necessary correction, of the external electrical ground power receptacle wiring. This AD was coordinated with the aircraft manufacturer prior to its issuance. The FAA has determined that there is an immediate need for a regulation to provide for the safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are Earsa L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

CESSNA. Applies to the following models and serial numbers of airplanes equipped with external electrical ground power receptacles:

Models	*Serial numbers*
172M	17265685 through 17267584.
172N	17267585 through 17268080.
R172K	R1722000 through R1722-109.
177B	17702314 through 17702374, 17702376 through 17702-395, 17702397, 17702398, 17702400, 17702401, 177-02403, 17702404, 177024-05, and 17702407 through 17702409.
177RG	177RG0788 through 177-RG0822, 177RG0824 and 177RG0826.
180J	18052621 through 18052770.
180K	18052771 through 18052777.
182F	18264296 through 18265175.
182Q	18265176 through 18265220.
A185F	18502839 through 18503165.
U206F/TU206F	U20603021 through U2060-3521.
U206G/TU206G	U20603522 through U2060-3547.
207/T207	20700315 through 20700362.
207A/T207A	20700363 through 20700365.
210L/T210L	21061040 through 21061573.
337G	33701672 through 33701748.
T337G	P3370226 through P3370-257.

Compliance: Required as indicated, unless already accomplished.

To prevent unwanted propeller rotation, at the next use of the external ground power receptable, but not later than September 15, 1977, accomplish the following:

(A) Test the aircraft's electrical starter system by applying power to the external electrical ground power receptacle. If the propeller does not rotate, make a maintenance record entry indicating that this AD has been accomplished.

If the propeller rotates, modify the electrical system in accordance with Cessna Service Letters SE76-11, dated May 10, 1976, SE77-1, dated January 17, 1977, and SE77-1 (Supplement No. 1), dated May 2, 1977, or later approved revisions, as applicable.

NOTE.—When performing this test take adequate precautions to assure that no person or object will be struck by the propeller if rotation occurs.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 27, 1977.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 1189 of the Federal Aviation Regulations (14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on June 9, 1977.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.77-17422 Filed 6-17-77;8:45 am]

[Airspace Docket No. 76-EA-88]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: Chesterfield, Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Chesterfield, Va., Transition Area, by changing the direction of the northwest extension by one degree and widening the extension by approximately ½ mile on each side of the radial. It also increases the length by 2½ miles. These changes result from a revision of the instrument approach procedure for Chesterfield County Airport.

EFFECTIVE DATE: 0901 GMT August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Chesterfield, Va., Transition Area. The NPRM was published in the FEDERAL REGISTER on January 6, 1977 (42 FR 1270). The proposal resulted from a change to the instrument approach procedure.

The NPRM received objections from the Board of Supervisors of Powhatan County, Virginia, as to the proposed size of the altered transition area. A review of their objections and the proposal permitted a reduction in the size of the area so that it is by total measurement slightly larger than its former size.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT August 11, 1977, as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the description of the Chesterfield, Va., Transition Area and by inserting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 37°24'25" N., 77°31'18" W., of Chesterfield County Airport, Chesterfield, Va.; within 3 miles each side of the Flat Rock, Va., VORTAC 116° radial, extending from the 5.5-mile radius area to 10 miles southeast of the VORTAC; within 1.5 miles each side of a 322° bearing from the Happy Hill, Va., RBN (37°20'00" N., 77°27'15" W.) extending from the 5.5-mile radius area to 0.5 mile northwest of the RBN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 3, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-17423 Filed 6-17-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Yuma, Arizona

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes controlled airspace (Transition Area) to provide protection to aircraft executing the new instrument approaches to the Yuma Marine Corps Air Station/Yuma International Airport, Yuma, Arizona.

EFFECTIVE DATE: August 11, 1977.

ADDRESSES: Copies of this final rule may be obtained from: Federal Aviation Administration, Air Traffic Division Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate additional controlled airspace for the Yuma, Arizona 1200 foot Transition Area. A Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER on April 28, 1977. (42 FR 21620.)

Interested parties were given 30 days in which to submit comments on the proposal. There were no objections to the NPRM.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and Richard G. Wittry, Esquire, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, August 11, 1977, as follows:

§ 71.181 [Amended]

1. By amending § 71.181 (42 FR 440) of Part 71 of the Federal Aviation Regulations by designating additional 1200 foot Transition Area Airspace as follows:

YUMA, ARIZONA

Following "• • • to the United States/Mexico border;" Add: "within six miles each side of the Yuma VORTAC 211° radial, extending from the VORTAC to the United States/Mexico border, • • •."

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of sec: 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Issued in Los Angeles, California, on June 7, 1977.

M. C. BEARD,
Acting Deputy Director, Western Region.

[FR Doc.77-17417 Filed 6-17-77;8:45 am]

V 42 118 JUN 20 77 UMI

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16948; Amdt. No. 1077]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), (DOT).

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For purchase—Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription—Copies of all SIAPs, mailed weekly, may be ordered from Superintendant of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

Effective August 11, 1977.

Lawrence, MA—Lawrence Muni., VOR Rwy 23, Amdt. 5

Cheyenne, WY—Cheyenne Municipal, VOR-A, Amdt. 5

Effective July 28, 1977.

Muscatine, IA—Muscatine Muni., VOR/DME-A, Amdt. 2

Sanford, ME—Sanford Muni., VOR Rwy 25, Amdt. 8

Humboldt, NE—Humboldt Muni., VOR/DME-A, Original

Scottsbluff, NE—Scotts Bluff County, VOR Rwy 23, Amdt. 8

Mt. Vernon, OH—Mt. Vernon, VOR-A, Amdt. 4

Corry, PA—Lawrence, VOR Rwy 32, Original

Kenedy, TX—Karnes County, VOR/DME-A, Amdt. 2

Wichita Falls, TX—Wichita Valley Airport, VOR/DME-C, Original

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

Effective August 11, 1977.

Lawrence, MA—Lawrence Muni., LOC Rwy 5, Amdt. 2

Effective July 28, 1977.

Scottsbluff, NE—Scotts Bluff County, LOC BC Rwy 12, Amdt. 3

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

Effective August 11, 1977.

Lawrence, MA—Lawrence Muni., NDB Rwy 5, Original

Great Barrington, MA—Great Barrington, NDB-A, Amdt. 3

Plymouth, MA—Plymouth Muni., NDB Rwy 6, Amdt. 2

Cheyenne, WY—Cheyenne Municipal, NDB Rwy 26, Amdt. 9

Effective July 28, 1977.

Muscatine, IA—Muscatine Muni., NDB Rwy 5, Amdt. 4

Cozad, NE—Cozad Muni., NDB Rwy 13, Amdt. 1

Lexington, NE—Lexington Muni., NDB Rwy 14, Amdt. 1

Scottsbluff, NE—Scotts Bluff County, NDB Rwy 12, Amdt. 3

June 23, 1977.

Oxford, CT—Waterbury-Oxford, NDB Rwy 18, Original

The FAA published an amendment in Docket No. 16773, Amdt. No. 1073 to Part 97 of the Federal Aviation Regulations (42 FR 26204; May 23, 1977) under section 97.27 effective June 16, 1977, which is hereby amended as follows: Miami, FL—Dade-Collier training and transition, NDB Rwy. 9, Amdt. 9. Change effective date to August 11, 1977.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

Effective August 11, 1977.

Cheyenne, WY—Cheyenne Municipal, ILS Rwy 26, Amdt. 29

Effective July 28, 1977.

Scottsbluff, NE—Scotts Bluff County, ILS Rwy 30, Amdt. 5

Effective June 23, 1977.

Chicago (Wheeling), IL—Pal-Waukee, ILS Rwy 16, Amdt. 1

Effective June 3, 1977.

Gainesville, FL—Gainesville Muni., ILS Rwy 28, Amdt. 4

The FAA published an amendment in Docket No. 16773 Amdt. No. 1073 to part 97 of the Federal Aviation regulations (42 FR 26204; May 23, 1977) under section 97.29 effective June 16, 1977, which is hereby amended as follows: Miami FL—Dade-Collier training and transition ILS Rwy 9 Amdt. 9. Change effective date to August 11, 1977.

5. By amending § 97.33 RNAV SIAPs identified as follows:

Effective July 28, 1977.

Scottsbluff, NE—Scotts Bluff County, RNAV Rwy 30, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. § 1348, 1354 (a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1; as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 10, 1977.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.77-17459 Filed 6-17-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7489]

PART 54—PENSION EXCISE TAXES

Election To Pay an Excise Tax for Certain Pre-1975 Prohibited Transactions

Correction

In FR Doc. 77-15527, appearing at page 27882 in the issue of Wednesday, June 1, 1977, the second line of the paragraph preceding § 54.4975-14 should read, "lations. Accordingly, 26 CFR 141.4975-14".

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-065]

PART 1—GENERAL PROVISIONS

Fees for Merchant Mariner's Documents

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment updates the table of fees for Coast Guard records to include a price for documents reproduced from microfiche and to increase the price for an original Certificate of Seaman's Service.

EFFECTIVE DATE: This amendment is effective on June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1477).

The principal persons involved in drafting this rule are: Commander L. C. Burger, Project Manager, and Lieutenant Edward J. Gill, Jr., Project Attorney.

SUPPLEMENTARY INFORMATION: Since this amendment relates to agency procedure, it is exempted from notice of proposed rulemaking and public procedure thereon by 5 U.S.C. 553(b), and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER, because 5 U.S.C. 553(d) does not apply.

Accordingly, Part 1 of Title 33 of the Code of Federal Regulations is amended as follows:

By revising Table 1.25-40(b) to read as follows:

§ 1.25-40 Fees for services for the public.

* * * * *

(b) * * *

TABLE 1.25-40(b)—FEES FOR COAST GUARD RECORDS

Item:	Fee
(1) Certificate of seaman's service—(a) Compiled on Form CG 723:	
(i) First page	$10.00
(ii) Each additional page	5.00
(b) Hard copy of all certificates of service contained in file	10.00
(2) Duplicate merchant mariner's document	10.00
(3) Duplicate continuous discharge book	10.00
(4) Duplicate certificate of registry as staff officer	10.00
(5) Certificate of service issued in accordance with sec. 701 of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1190, as amended; 50 U.S.C. App., 581)	2.50

NOTE.—Hard copy of certificates of service will be provided unless form CG 723 is specifically requested.

* * * * *

(Title V, 65 Stat. 268, 290, sec. 6(b)(1), 80 Stat. 937, 31 U.S.C. 483a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Dated June 13, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77-17489 Filed 6-17-77;8:45 am]

CHAPTER II—CORPS OF ENGINEERS

[ER 1105-2-82]

PART 266—PROJECT DEAUTHORIZATION REVIEW PROGRAM

Planning

AGENCY: Corps of Engineers, DOD.

ACTION: Amendment.

SUMMARY: This amendment to 33 Part 266 implements section 157, Pub. L. 94-587, which changes the Congressional review period for projects recommended for deauthorization from 180 to 90 days, and extends the submission of deauthorization recommendations from field operating agencies from September 1 to October 1.

EFFECTIVE DATE: January 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert D. Wolff, HQDA (DAEN-CWP-A), Washington, D.C. 20314, telephone 202-693-7187.

SUPPLEMENTARY INFORMATION:

NOTE.—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 27, 1977.

RUSSELL J. LAMP,
Colonel, Corps of Engineers, Executive.

Part 266 of Title 33 is amended as follows:

§ 266.12 [Amended]

1. Section 266.12(a) is revised to indicate amendment to referenced section 12, Pub. L., to read as follows: "Section 12, Pub. L. 93-251, 'Water Resources Development Act of 1974' (88 Statute 16), dated March 7, 1974 (Appendix A), as amended by section 157, Pub. L. 94-587 (90 Stat 2933), dated October 22, 1976."

§ 266.16 [Amended]

2. Section 266.16(c) is amended to change the submission date from "September" to "October."

3. Section 266.16(e) is amended to change the Congressional review period for projects recommended for deauthorization from "180" to "90" days.

[FR Doc.77-16958 Filed 6-17-77;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT AND TRADEMARK OFFICE, DEPARTMENT OF COMMERCE

PART 3—FORMS FOR PATENT CASES

Correction

In FR Doc. 77-15348, appearing at page 27883 in the issue of Wednesday, June 1, 1977, the following should be inserted between lines six and seven of the paragraph beginning, "SUPPLEMENTARY INFORMATION:" "voked on July 2, 1971, by revising § 3.11,"

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 587-2]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Selective Enforcement Auditing Procedures

Correction

In FR Doc. 76-21433, appearing at page 31472, in the issue for Wednesday, July

JUN 20 77 UM

28. 1976 make the following corrections:

1. On page 31473, in the second column, change the first sentence of the last paragraph to read as follows: "After the sample has been drawn, the next step is to choose the type of statistical analysis to be performed on it to predict the characteristics of the parent population."

2. On page 31475, in the second column, at the bottom of the page, change the designation "Table ID" appearing at the end of the next to last sentence, to read: "(Table II)."

3. Also on page 31475, in the first paragraph of the third column, change the word "quality", appearing in the 3rd line, to read: "equality".

4. On page 31480, third column, change the third sentence of the second full paragraph to read: "It requires instead that notice of "either the terms or substance of the proposed rule or a description of the subjects and issues involved" shall be given.".

5. On page 31481, in the last paragraph of the second column, change the code citation "16 CFR 3.4" to read "16 CFR 3.14".

6. On page 31483, paragraphs (a) (13) through (16) of § 86.602 were inadvertently omitted, they read as follows:

§ 86.602 Definitions.

(9) * * *

(13) "Vehicle" means any new production light duty motor vehicle or any new production light duty truck as defined in Subpart A of this part.

(14) "Test Vehicle" means a vehicle in a test sample.

(15) "Low-Mileage Emissions Target" for a particular pollutant is the value in grams per mile resulting from the division of the emission standard by the applicable engine family deterioration factor derived from the certification process performed under Subparts A or B of this part for the applicable model year.

(16) "In the Hands of the Manufacturer" means that vehicles are still in the possession of the manufacturer and have not had their bills of lading transferred to another person for the purpose of transporting.

Title 41—Public Contracts and Property Management

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA–PR Temporary Regulation No. 34]

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Prison-Made and Blind-Made Products

Correction

In FR Doc. 77–16493, appearing on page 29873 in the issue for Friday, June 10, 1977, William A. Parker's title, now reading "Acting Director of Procurement," should be "Deputy Director of Procurement."

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76–189]

ORGANIZATION, GENERAL COURSE, AND METHODS GOVERNING MARINE SAFETY FUNCTIONS, SUSPENSION AND REVOCATION PROCEEDINGS, AND GREAT LAKES PILOTAGE REGULATIONS

National Transportation Safety Board Appeal Authority Description

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the description of procedures for appeals to the National Transportation Safety Board (NTSB) by licensed officers or holders of certificates of service who are appealing the suspension or revocation of licenses, certificates, documents, or registers; and the description of appeals to the NTSB by registered pilots of the Great Lakes who are appealing revocation or suspension of Certificates of Registration. These revisions are necessary because the Transportation Safety Act removed the authority of the NTSB to delegate its appeal authority to the Commandant in suspension cases.

EFFECTIVE DATE: This amendment is effective on June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590 (202–426–1477).

SUPPLEMENTARY INFORMATION: Since these amendments revise a description of Coast Guard procedure and make an editorial change, the notice of proposed rule making and public procedure requirements in 5 U.S.C. 553(b) do not apply. Since they impose no substantive burden upon any person, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d)(3).

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant Commander Robert O'Pezio, Project Manager, Office of Merchant Marine Safety, and Lieutenant Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF CHANGES

Sections 5.30–30(a) and 401.650 (d) and (e) are revised and § 5.30–30(d) is deleted to reflect the changes in the law and NTSB procedures. Section 1.23 is deleted because it only repeats the contents of paragraphs 5.30–30 (a) and (d) and is therefore unnecessary.

Section 5.30–30(a) is further revised to change the citation to the NTSB's procedures. These procedures were in 14 CFR Part 425, but are now in 49 CFR Part 825.

Subpart F of Part 401 is revised throughout to insert the term "administrative law judge" in lieu of the term "Examiner."

In consideraion of the foregoing, Parts 1, 5, and 401 of Title 46, Code of Federal Regulations, are revised as follows:

PART 1—ORGANIZATION, GENERAL COURSE, AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

§ 1.23 [Removed]

1. Section 1.23 is deleted.

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

§ 5.30–30 [Amended]

2. The first sentence of paragraph (a) of § 5.30–30 is revised by inserting the words "suspension or" after the words "sustaining orders of" and by deleting the words "14 CFR Part 425" and substituting the words "49 CFR Part 825" in their place.

3. Paragraph (d) of § 5.30–30 is deleted.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Subpart F—[Amended]

4. Subpart F of Part 401 is amended by striking the word "Examiner" wherever it appears and inserting in its place the words "administrative law judge."

5. Section 401.650 is amended by adding a sentence at the end of paragraph (d) and revising paragraph (e) to read as follows:

§ 401.650 Review of examiner's initial decision.

* * * * *

(d) * * * There is no other administrative remedy within the Department of Transportation.

(e) When the Commandant has sustained an order of suspension or revocation of a registration, the respondent may appeal to the National Transportation Safety Board under 49 CFR 825.5 within ten (10) days after service of the Commandant's decision.

(5 U.S.C. 552, 14 U.S.C. 633, 46 U.S.C. 216b, 239, and 239b, 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (a) and (b).)

Dated: April 21, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.77–17488 Filed 6–17–77;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 29, Amdt. 2, Docket No. 72–43]

PART 549—REGULATIONS GOVERNING LEVEL OF MILITARY RATES

Miscellaneous Amendments

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of proceeding/revocation of certain rules.

SUMMARY: The Federal Maritime Commission is revoking certain regulations on the use of a Uniform Capacity Utilization Factor in determining cargo unit costs in connection with carrier bids for the carriage of military cargo. Deletion of these provisions is necessary in light of evidence that Uniform Capacity Utilization Factor has rarely affected bidding and the burden of Uniform Capacity Utilization Factor reporting is extreme in comparison to its utility. This action relieves carriers from Uniform Capacity Utilization Factor reporting requirement. The proceeding relating to these rules is discontinued.

EFFECTIVE DATE: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573 (202–523–5725).

SUPPLEMENTARY INFORMATION: Upon remand from the United States Court of Appeals for the District of Columbia, the Commission referred this proceeding to an Administrative Law Judge to determine whether the Uniform Capacity Utilization Factor "specified in Section 549.5(b) of the Commission's Rules should be amended or revoked as an arbitrary, unreasonable and discriminatory device for allocating per unit costs for military cargo bidding purposes;

* * *"

Hearing Counsel have now filed a Motion to Dismiss this proceeding, seeking the elimination of UCUF on the grounds that UCUF has affected rate bidding only in the rarest instances and that the burden of carrier compliance with the UCUF reporting requirements is extreme by comparison to UCUF's utility. By Order served April 20, 1977, Administrative Law Judge Stanley M. Levy granted Hearing Counsel's motion and recommended "that the Commission issue an appropriate order revoking Section 549.5(b) of its rules," and dismiss the proceeding. We determined to review the Presiding Officer's ruling.

Upon consideration of Hearing Counsel's motion; the replies filed by American President Lines, Ltd., the Military Sealift Command, and Sea-Land Service, Inc., in support thereof; and the Presiding Officer's ruling; it is our opinion that there exists a sufficient and proper basis for discontinuing the proceeding and revoking the UCUF provisions.

We are not, however, revoking paragraph 549.5(b) in its entirety, as the Presiding Officer has recommended, albeit apparently unintentionally, but only those provisions relating directly to UCUF. Thus, subparagraphs (1), (3), and everything following the first sentence in subparagraph (2) relates to the implementation of UCUF and will be revoked. However, the first sentence in subparagraph (2), with the exception of the limitation to RFP "700, Second Cycle, only", and subparagraph (4) remain applicable and operative notwithstanding the the elimination of the UCUF provisions and will accordingly be retained.[1]

Therefore, it is ordered, That, except as indicated above, the Presiding Officer's April 20, 1977, order issued in this proceeding is hereby adopted.

Further, it is ordered, That pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 503) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), Part 549 of Title 46, Code of Federal Regulations, is amended as set forth below:

1. Subparagraphs 549.5(b) (1) and (3) are hereby revoked.

2. Subparagraph 549.5(b)(2) is amended by deleting the words "700 Second Cycle, only" in the first sentence and revoking everything following the first sentence in subparagraph 549.5(b)(2). Paragraph (b)(2) is also redesignated as (b)(1) and (b)(4) is redesignated as (b)(2).

As amended and redesignated, paragraph 549.5(b) will read as follows:

§ 549.5 General principles.

* * * * *

(b) *Utilization factor.* (1) For the purposes of tendering bids in response to RFPs each carrier's cargo unit costs will be determined on the basis of the actual number of cargo units carried.

(2) Where no data on the actual number of cargo units carried is available, i.e., when a carrier is entering a bid for a route not presently served by it, cargo carryings shall be based upon 75-percent utilization.

* * * * *

Finally, it is ordered, That this proceeding be, and hereby is, discontinued.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–17478 Filed 6–17–77;8:45 am]

[1] The first sentence in subparagraph (2) established that for purposes of tendering bids in response to RFPs a carrier's cargo unit costs will be determined on the basis of the actual number of cargo units carried. Subparagraph (4) applies to a carrier entering a bid for a route not presently served by it, and the 75 percent utilization factor provides a basis for the calculation of cargo unit costs for that initial bid.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–31; Notice 02]

PART 567—CERTIFICATION

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

Combined Axle Weight Ratings

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: The National Highway Traffic Safety Administration's Certification regulations for motor vehicles are amended to allow gross axle weight ratings to be combined on the certification label in the case of consecutive axles that have identical weight ratings. The amendment results from a suggestion from the Trailmobile Company and reflects the view that a separate listing for each GAWR can cause unnecessarily long certification labels that are more difficult to understand than labels containing combined axle weight ratings.

EFFECTIVE DATE: June 20, 1977.

ADDRESSES: Requests for reconsideration should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. David Fay, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–426–2817).

SUPPLEMENTARY INFORMATION: Part 567 of NHTSA regulations (49 CFR Part 567, Certification) requires, among other things, a listing of the gross axle weight rating (GAWR) for each axle of the certified vehicle (§§ 567.4(g)(4), 567.5(a)(6)).

A manufacturer of trailers urged that a separate listing for each GAWR can, on many-axled vehicles, cause unnecessarily lengthy certification labels that are more difficult to understand than labels containing combined axle weight ratings. The NHTSA agreed and subsequently proposed an amendment of Part 567 to allow GAWR's to be combined on the certification label for consecutive axles that have identical weight ratings (38 FR 33775, December 7, 1973). Each of the eight comments on the proposal supported the concept of combined GAWR ratings, and the NHTSA makes final the amendment essentially in the form proposed.

In response to a Ford question, the option of combining axle ratings as long as the tire designation is listed does not require that axle-by-axle listings also be accompanied by the tire designation.

V42 H18 JUN 20 77 UM

For clarification, the illustration of combined ratings is titled "Examples of Combined Ratings."

International Harvester pointed out that the incomplete vehicle document provided to assist final-stage manufacturers should also be amended to permit the optional listing of combined GAWR listings. The agency agrees that such parallelism is logically justified and accordingly adds the option to the requirements of § 568.4 of Part 568.

International Harvester's understanding that the new language would permit a set of tandem axles to be listed together as the total value of the two separate GAWR's is incorrect. The agency only proposed a new method for statement of the GAWR, which is a concept applicable only to separate axle systems, not combinations of axle systems. It is noted that neither example appended to the proposed language would have suggested the incorrect understanding advanced by International Harvester.

The agency has also clarified that the new means of stating values is optional, by adding the phrase "at the option of the manufacturer" to the second sentence following the word "may."

In consideration of the foregoing, the following amendments are made in Chapter V of Title 49, Code of Federal Regulations:

I. Part 567, Certification, is amended as follows:

1. Section 567.4(g)(4) is amended to read:

§ 567.4 Requirements for manufacturers of motor vehicles.

* * * * *

(g) * * *

(4) "Gross Axle Weight Rating" or "GAWR," followed by the appropriate value in pounds, for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may, at the option of the manufacturer, be stated as a single value, with the label indicating to which axles the ratings apply.

EXAMPLES OF COMBINED RATINGS

GAWR: (a) All axles—4080 with 7.00 x 15 LT(D) tires.
(b) Front—12,000 with 10.00 x 20(G) tires.
First intermediate to rear—15,000 with 12.00 x 20(H) tires.

2. Section 567.5(a)(6) is amended to read:

§ 567.5 Requirements for manufacturers of vehicles manufactured in two or more stages.

(a) * * *

(6) "Gross Axle Weight Rating" or "GAWR", followed by the appropriate value in pounds for each axle, identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may, at the option of the manufacturer, be stated as a single value, with the label indicating to which axles the ratings apply.

EXAMPLES OF COMBINED RATINGS

GAWR: (a) All axles—4080 with 7.00 x 15 LT(D) tires.
(b) Front—12,000 with 10.00 x 20(G) tires.
First intermediate to rear—15,000 with 12.00 x 20(H) tires.

II. Section 568.4(a)(5) of Part 568, Vehicles Manufactured in Two or More Stages, is amended to read:

§ 568.4 Requirements for incomplete vehicle manufacturers.

(a) * * *

(5) Gross axle weight rating for each axle of the completed vehicle, listed and identified in order from front to rear (e.g., front, first intermediate, second intermediate, rear). The ratings for any consecutive axles having identical gross axle weight ratings when equipped with tires having the same tire size designation may, at the option of the incomplete vehicle manufacturer, be stated as a single value, with the label indicating to which axles the ratings apply.

EXAMPLE OF COMBINED RATINGS

GAWR: (a) All axles—4080 with 7.00 x 15 LT(D) tires.
(b) Front—12,000 with 10.00 x 20(G) tires.
First intermediate to rear—15,000 with 12.00 x 20(H) tires.

NOTE.—The economic and inflationary impacts of this rulemaking have been evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

Because the amendment provides an option and does not create additional obligations for any person, the agency finds that the amendment may become effective immediately.

The program official and lawyer principally responsible for this amendment are David Fay and Tad Herlihy, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 13, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-17323 Filed 6-14-77;11:30 am]

[Docket No. 74-11, Notice 19; Docket No. 73-19, Notice 16]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Bumper Requirements

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 215, Exterior Protection, to permit compliance with the requirements of either Standard No. 215, the currently effective bumper standard, or Part 581, the bumper standard that becomes effective September 1, 1978. This amendment would permit manufacturers to begin without delay production of vehicles with soft exterior surfaces.

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Guy Hunter, Motor Vehicle Programs, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-9511).

SUPPLEMENTARY INFORMATION: On March 4, 1976, the National Highway Traffic Safety Administration (NHTSA) published a notice (41 FR 9374) proposing that vehicle manufacturers be given the option of continuing to comply with the currently effective requirements of Standard 215 (49 CFR 571.215) or of complying with the requirements of Part 581, which does not become effective until September 1, 1978. The proposal was based upon the agency's conclusion that the prohibition in Standard 215 against contact with planes A and B of the pendulum test device was unduly restrictive of development of new types of bumper systems—specifically those using soft materials. Since Part 581 allows contact with planes A and B of the test device, adoption of the proposal would enable manufacturers to begin without delay to produce vehicles with soft exterior surfaces.

Comments to the proposal were submitted by General Motors, Chrysler, and American Motors, all of whom were in favor of permitting contact with the test device planes at the earliest possible date. The National Motor Vehicle Safety Advisory Council did not take a position on the proposal. American Motors and Chrysler, however, urged that Standard 215 be amended to permit contact with planes A and B. The NHTSA has already considered such an amendment and rejected it for reasons described in the March 4, 1976, proposal. To briefly reiterate those reasons, Standard 215 only prohibits damage to vehicle safety components. If contact with the pendulum planes were allowed, even with a specified force limitation, the agency has concluded that the vehicle would be susceptible to extensive damage. In contrast, the comprehensive damage criteria of Part 581 assure that the vehicle will not sustain damage to its exterior surfaces when planes A and B are contacted at the prescribed force level. On this basis, Chrysler and American Motors' requests are denied.

General Motors, whose petition for rulemaking served as the basis for the decision to permit contact with planes A and B of the test device, supported immediate adoption of the proposal to permit compliance with Part 581 in lieu of Standard 215.

The NHTSA has concluded, based upon the comments, that manufacturers want the design flexibility to explore the technology of soft-face bumper systems. In order not to impede unreasonably the ability of manufacturers to develop systems that are composed of soft materials, the agency hereby adopts the March 4, 1976, proposal to allow manufacturers the choice of continuing to comply with Standard 215 until September 1, 1978, or of complying with the requirements of Part 581. Although the proposal would have amended both Standard 215 and Part 581, it has been determined that the same end can be accomplished in a clearer and more concise fashion by amending only Standard 215. The effect of this amendment is identical to that proposed on March 4, 1976.

In accordance with recently enunciated Department of Transportation policy encouraging adequate analysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA has evaluated the economic and other consequences of this amendment on the public and private sectors and has concluded that it will provide passenger car manufacturers with the opportunity to produce bumper systems that are lighter in weight and less costly than currently manufactured bumper systems. This should result in cost and fuel savings.

The principal authors of this notice were Guy Hunter, Motor Vehicle Programs, and Karen Dyson, Office of Chief Counsel. Because this amendment imposes no additional burden on any person and provides flexibility that some manufacturers consider highly desirable, it is found for good cause shown that an immediate effective date is in the public interest.

In consideration of the foregoing, Standard No. 215, Exterior Protection (49 CFR 571.215), is amended by revising S5.2 and adding an S5.2.3 to read as follows:

§ 571.215 Standard No. 215, exterior protection.

* * * * *

S5.2 *Vehicles manufactured on or after September 1, 1973.*

Except as provided in S5.2.1, S.5.2.2, and S5.2.3, each vehicle manufactured on or after September 1, 1973, shall meet the protective criteria of S5.3.1 through S5.3.7 during and after impacts by a pendulum-type test device in accordance with the procedures of S7.1 and S7.2 followed by impacts into a fixed collision barrier that is perpendicular to the line of travel of the vehicle, while traveling longitudinally forward at 5 mph and while traveling longitudinally rearward at 5 mph under the conditions of S6.

* * * * *

S5.2.3 Each vehicle manufactured in conformity with the requirements of 49 CFR Part 581 need not comply with the provisions of Standard No. 215.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 13, 1977.

JOAN B. CLAYBROOK,
Administrator.

[FR Doc.77-17336 Filed 6-14-77;3:41 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC 98]

BROKERS' SPECIAL LICENSING PROCEDURES, FEES, LIST OF FORMS, AND SURETY BONDS AND POLICIES OF INSURANCE

Extension of Time

AGENCY: Interstate Commerce Commission.

ACTION: Filing date for petitions for reconsideration, and effective date of regulations extended (49 CFR Parts 1045A, 1002, 1003, and 1043).

SUMMARY: Pursuant to a request from the National Tour Brokers Association, the time for filing petitions for reconsideration in this proceeding has been extended to July 8, 1977. In order to allow the Commission sufficient time properly to evaluate the evidence expected to be submitted by parties on reconsideration, the effective date of these regulations has been delayed from August 29, 1977, to September 29, 1977.

EFFECTIVE DATE: Petitions for reconsideration now due July 8, 1977. Effective date of regulations is now September 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423 (202-275-7292).

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17553 Filed 6-17-77;8:45 am]

[Amdt. 6 to S.O. No. 1200]

PART 1033—CAR SERVICE

Missouri Pacific Railroad Co. and Union Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 6 to Service Order No. 1200).

SUMMARY: This amendment extends Service Order No. 1200 for six months. Service Order No. 1200 authorizes the Missouri Pacific to operate over 4.8 miles of Union Pacific tracks between South Omaha and Omaha, Nebraska. Rerouting of Missouri Pacific trains over these Union Pacific trains eliminates numerous daily train movements over street crossings at grade in downtown Omaha, thus contributing to public safety and reducing interference with vehicular and pedestrian traffic on these streets.

DATES: Effective 11:59 p.m., June 15, 1977. Expires 11:59 p.m., December 15, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202-275-7840, TLX 89-2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

MISSOURI PACIFIC RAILROAD CO. AUTHORIZED TO OPERATE OVER TRACKS OF UNION PACIFIC RAILROAD CO.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of June 1977.

Upon further consideration of Service Order No. 1200 (39 FR 38103, 40 FR 2990, 30268, 41 FR 2644, 29387, and 42 FR 3309) and good cause appearing therefore:

It is ordered, That:

Service Order No. 1200 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1200 Service Order No. 1200.

* * * * * *

(d) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 15, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

* * * * * *

Effective date: This amendment shall become effective at 11:59 p.m., June 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17470 Filed 6-17-77;8:45 am]

[Amdt. 1 to S.O. No. 1268]

PART 1033—CAR SERVICE

Regulations for Return of Trailers

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Amendment No. 1 to Service Order No. 1268).

V42N118 JUN 20 77 UM J

SUMMARY: This Amendment extends Service Order No. 1268 until June 30, 1977. Service Order No. 1268 directs the return to Seaboard Coast Line (SCL), Louisville and Nashville (L&N), and Richmond Fredericksburg and Potomac (RFP) of insulated trailer-on-flat car (TOFC) trailers owned or leased by Seaboard Coast Line and affiliated lines. Named railroads are prohibited from furnishing insulated TOFC trailers except for transportation of freight requiring protection from heat. L&N and RFP are directed to deliver surplus insulated trailers to SCL. There is a shortage of insulated TOFC trailers on SCL in Florida for transporting shipments of watermelons, potatoes, and other perishable commodities.

DATES: Effective 12:01 a.m., June 15, 1977. Expires 11:59 p.m., June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone 202–275–7840, TLX 89–2742.

SUPPLEMENTARY INFORMATION: The order is reprinted in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of June 1977.

Upon further consideration of Service Order No. 1268 (42 FR 26657 and 27247) and good cause appearing therefor:

It is ordered, That:

Service Order No. 1268 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1268 Regulations for return of trailers.

• • • • •

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified, changed, or suspended by order of this Commission.

• • • • •

Effective date: This amendment shall become effective at 11:59 p.m., June 15, 1977.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. GORDON HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17471 Filed 6–17–77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2887]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Consumer Service, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: This consent order, among other things, requires a Carmel, Indiana, buying club to cease misrepresenting and/or failing to disclose relevant information regarding benefits, shopping assistance, and savings experienced by club members; misrepresenting, in sales personnel recruitment, the size and true nature of their business, types of jobs offered, and potential earnings of sales personnel. The order further requires the firm to maintain specific files and to furnish prospective customers a 120-day cancellation period in membership agreements.

DATES: Complaint and order issued May 23, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Stephanie W. Kanwit, Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe St., Suite 1437, Chicago, Ill. 60603. (312) 353–4423.

SUPPLEMENTARY INFORMATION: On Wednesday, March 16, 1977, there was published in the FEDERAL REGISTER 42 FR 14784, a proposed consent agreement with analysis In the Matter of American Consumer Service, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; 13.15–195 Nature; 13.15–245 Prospects; 13.15–280 Unique or special status or advantage; § 13.50 Dealer or seller assistance; § 13.60 Earnings and profits; § 13.75 Free goods or services; § 13.135 Nature of product or service; § 13.143 Opportunities; § 13.155 Prices; 13.155–35 Discount savings; 13.–155–95 Terms and conditions; § 13.205 Scientific tests; § 13.260 Terms and conditions; § 13.280 Unique nature or advantages. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.–533–20 Disclosures; 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1405 Direct dealing advantages; § 13.1490 Nature; § 13.1533 Purchasing methods; § 13.1553 Services; § 13.1570 Unique status or advantages.—Goods: § 13.1608 Dealer or seller assistance; § 13.1625 Free goods or services; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; §13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts; § 13.1747 Special or limited offers; § 13.1760 Terms and conditions; 13.1760–50 Sales contract.—Promotional Sales Plans: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1870 Nature; §13.1892 Sales contract, right-to-cancel provision; § 13.–1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.1935 Earnings and profits; § 13.1955 Free goods; § 13.2015 Opportunities in product or service; § 13.2045 Sales assistance; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–17474 Filed 6–17–77;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1201—ARCHITECTURAL GLAZING MATERIALS

Amendment to Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Final amendment to rule.

SUMMARY: The Commission amends the Safety Standard for Architectural Glazing Materials to extend the effective date as it applies to persons who incorporate architectural glazing materials into the architectural products subject to the standard (fabricators) and to retailers and distributors of architectural products subject to the standard. The amendment allows the fabrication and sale of noncomplying glazing that conforms to a voluntary standard through July 5, 1978. The amendment does not apply to manufacturers of glazing materials. The Commission believes the amendment is necessary because there will be insufficient supplies of complying glazing available to fabricators and sellers on the effective date and thus consumers may be unable to obtain architectural products incorporating glazing materials. In addition fabricators and sellers may suffer undue economic loss in disposing of the noncomplying glazing they have in inventory.

DATES: The standard remains generally effective on July 6, 1977. The amendment is effective the same day.

FOR FURTHER INFORMATION CONTACT:

Alan H. Schoem, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 202–634–7770.

SUPPLEMENTARY INFORMATION: On May 12, 1977, the Commission Product Safety Commission published in the FEDERAL REGISTER (42 FR 24067) a proposed amendment to the effective date of its Safety Standard for Architectural Glazing Materials (42 FR 1428 (16 CFR Part 1201)). The proposed amendment would extend the effective date of the standard one year for persons who assemble or fabricate architectural products subject to the standard that incorporate glazing materials (or who incorporate glazing materials into architectural products subject to the standard). The proposed amendment would allow fabricators to use in architectural products subject to the standard, glazing materials permanently labeled or certified to indicate that they conform to ANSI Z97.1–1972 or 1975, "American National Standard. Safety Performance Specifications and Methods of Test for Safety Glazing Material Used in Buildings," through July 5, 1978. Such glazing materials, however, must have been manufactured prior to July 6, 1977, the general effective date of the Architectural Glazing Materials Standard.

The reasons for the proposed extension are explained in the proposal document (42 FR 24067). Basically, the Commission recognized that since manufacturers of glazing materials are not required under the Architectural Glazing Materials Standard to begin producing conforming glazing materials until July 6, 1977, persons who incorporate glazing materials into architectural products subject to the standard (fabricators) might not have glazing material in stock on July 6 that is certified to conform to the Commission's standard. Thus, without a change in the effective date of the standard as it applies to fabricators, fabricators might not have available complying glazing materials to incorporate into the architectural products subject to the standard. This could lead to shortages of these architectural products at the consumer level. In addition, fabricators would likely be left with inventories of noncomplying glazing materials that were manufactured before the effective date of the standard but that could not be incorporated into architectural products subject to the standard after the effective date. Thus, the Commission noted that fabricators might suffer adverse economic effects in disposing of the noncomplying glazing.

The Commission, in proposing the amendment, also recognized that glazing materials that conform to ANSI Z97.1–1972 or 1975 would meet a minimal level of safety and would be generally safer than ordinary annealed glass in the same sizes. Therefore, the Commission included the requirement that the glazing materials incorporated into architectural products during the extension must conform to the ANSI voluntary standard.

DISCUSSION OF COMMENTS

The Commission received four comments on the proposed amendment to the standard.

Three commentors request a clarification of the proposed amendment affirming the right to sell as well as to fabricate architectural products incorporating technically non-complying glazing materials during the one year "grace period." The comments point out that there is no economic or safety-related justification for permitting fabricators to use non-complying safety glazing while not affording others in the chain of distribution the privilege of depleting their inventories of fabricated products with non-complying glazing during the "grace period."

The Commission agrees that clarification regarding the amendment is necessary. While the Commission intended that all parties in the distribution process would be afforded the same rights with respect to architectural products incorporating technically noncomplying glazing, this may not be entirely clear from the language of the proposal. Therefore, the Commission stresses that the amendment applies to retailers and distributors as well as to fabricators. Distributors and retailers, thus, may distribute and sell, without any time restriction, architectural products manufactured between July 6, 1977 and July 5, 1978 that incorporate glazing that conforms to ANSI Z97.1–1972 or 1975. Since fabricators are allowed to manufacture architectural products with glazing that conforms to ANSI Z97.1–1972 or 1975 between July 6, 1977 and July 5, 1978, it follows that retailers and distributors must be allowed to distribute and sell those products in order to accomplish the purpose of the amendment. This clarification is reflected in the amendment to the effective date of the standard below, at section 1201.7.

The amendment does not affect glazing materials or architectural products incorporating glazing materials manufactured prior to July 6, 1977. As indicated in the standard at § 1201.1(b), the standard applies only to glazing materials and architectural products incorporating glazing materials manufactured after the effective date, July 6, 1977. Thus, distributors and retailers may distribute and sell, without restriction, architectural glazing materials and architectural products incorporating glazing materials manufactured prior to July 6, 1977.

One commentor, the Glass Tempering Association, urged that the period within which tempered glass complying with ANSI Z97.1 may be fabricated and distributed be expanded to two years. The Glass Division of the Ford Motor Company suggested a 3 year period would be appropriate. In support of their requests, the commentors pointed to the fact that customers generally purchase tempered glass in large quantities and that therefore, depletion of existing inventories could not be accomplished within a one year period. In addition, the commentors stated that tempered glass cannot be cut or further fabricated after it is manufactured, thereby limiting the uses to which inventories may be applied.

The Commission declines to grant this request at this time. Fabricators who have ordered large quantities of tempered glass can conduct their own "reasonable testing programs" on the glazing that would allow them to certify the glazing as conforming to the Commission's standard. (Section 14(a) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2063) requires manufacturers of products subject to a consumer product safety standard to certify that products comply with the standard). Moreover, the manufacturers of the tempered glazing may also be able to certify the glazing as conforming to the Commission's standard based upon their own reasonable testing program. If they are able to do so, they could send written notice to their customers certifying particular glazing as conforming to the standard. The Commission also notes that it is difficult to predict just how large the inventories of tempered glass will be after July 5, 1978. If, however, the inventories are not substantially depleted by that date, the tempered glass industry may submit another request for a modification, and the Commission will consider it at that time.

The final amendment set forth below is issued under the authority of section 9(e) of the CPSA, 15 U.S.C. 2058(e) and 5 U.S.C. 553 (the Administrative Procedure Act). The Commission points out that the change in the effective date does not affect persons who manufacture glazing materials (including persons who laminate or temper or otherwise process materials to produce glazing) for use in the architectural products subject to the standard. They must, effective July 6, 1977, manufacture such glazing materials to conform to the Commission's standard and such glazing must be certified in accordance with section 14(a) of the CPSA to conform to the Commission's standard. In regard to this certification, manufacturers of the glazing materials must develop and use their own reasonable testing program to certify that glazing materials conform to the Commission's standard until the Commission prescribes, by rule, under section 14(b) of the CPSA, the testing program that must be used by all manufacturers.

After consideration of the effect of the current effective date of the Standard for Architectural Glazing Materials, the Commission concludes that the standard should be amended as set forth below. Therefore, pursuant to provisions

[1] Copies of the Complaint and the Decision and Order filed with the original document.

V 42 N 118 JUN 20 77 UM

of Pub. L. 92-573, 86 Stat. 1215; U.S.C. 2058(e), the Commission amends the standard for architectural glazing materials by adding a new § 1201.2(d) and by revising § 1201.7 to read as follows:

§ 1201.2 Definitions.

* * * * *

(d) Test methods and recommended practices published by the American National Standards Institute (ANSI) and referred to in this Part 1201, are hereby incorporated by reference into this Part 1201.

* * * * *

§ 1201.7 Effective date.

The effective date of this Part 1201 shall be July 6, 1977 except:

(a) For glazing materials used in doors or other assemblies subject to this Part 1201 and intended to retard the passage of fire, when such doors or other assemblies are required by a federal, state, or local or municipal fire ordinance, the effective date shall be January 6, 1980.

(b) Architectural glazing materials manufactured before July 6, 1977 may be incorporated into architectural products listed in § 1201.1(a) through July 5, 1978, if

(1) The architectural glazing material conforms to ANSI Z97.1-1972 or 1975. and

(2) The architectural glazing material is permanently labeled to indicate it conforms to ANSI Z97.1-1972 or 1975 or is accompanied by a certificate certifying conformance to ANSI Z97.1-1972 or 1975.

(c) Architectural products manufactured between July 6, 1977 and July 5, 1978 incorporating glazing material in accordance with § 1201.7(b), may be distributed and sold without restriction.

Because the amendment to the standard for architectural glazing materials grants an exemption from the standard, and because it is essential that the amendment take effect at the same time as the standard in order to avoid disruption of the marketplace, publication of the amendment in the FEDERAL REGISTER 30 days before its effective date is not required. 5 U.S.C. 553(d) (1) and (3).

Dated: June 16, 1977.

RICHARD RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-17606 Filed 6-17-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 2]

MISCELLANEOUS AMENDMENTS

Extension of Public Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of period for public comment on proposed rule.

SUMMARY: The Nuclear Regulatory Commission extends until July 5, 1977 the period for public comment on the proposed amendments of certain sections of its "Rules of Practice" to facilitate public participation in its facility license application review and hearing process, to improve coordination with States, counties and municipalities, and to make certain other improvements, that appeared in the FEDERAL REGISTER on May 2, 1977 (42 FR 22168).

DATE: Extended comment period expires on July 5, 1977.

ADDRESS: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. Marc R. Staenberg, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-492-7437.

SUPPLEMENTARY INFORMATION: On May 2, 1977 the Nuclear Regulatory Commission published proposed amendments to certain sections of its regulation "Rules of Practice," 10 CFR Part 2, to facilitate public participation in its facility license application review and hearing process to improve coordination with States, counties, and municipalities, and to make certain other improvements. Interested persons were invited to submit to the Secretary of the Commission by June 16, 1977, written comments for consideration in connection with the proposed amendments.

The Commission has received requests that the comment period be extended. It has been decided to extend the comment period to provide additional time for submitting comments. Accordingly, pursuant to 10 CFR 2.808(b) the period for public comment is hereby extended to July 5, 1977.

Dated at Washington, D.C. this 15th day of June, 1977.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-17620 Filed 6-17-77;8:45 am]

FARM CREDIT ADMINISTRATION

[12 CFR Parts 611, 614, 615]

ORGANIZATION; LOAN POLICIES AND OPERATIONS; FUNDING AND FISCAL AFFAIRS

Miscellaneous Amendments

SUMMARY: The Farm Credit Adminis-

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA), by its Federal Farm Credit Board, has under consideration proposed amendments to its regulations pertaining to amendments to charters of the associations of the Farm Credit System, loan policies of the banks for cooperatives, and certain funding aspects of the banks of the Farm Credit System. The changes in the regulations covering amendments to association charters are being made to clarify certain existing rules. In view of a study by the Capital and Credit Committee of the Banks for Cooperatives, the regulations covering loan policies are being made more responsive to the changing financial posture of the banks. The regulations on funding are redefined to more accurately reflect the ratio requirements of the banks of the Farm Credit System. In addition, the funding regulations are being amended to provide for the issuance of a Farm Credit Systemwide consolidated bond in book entry form only and to parrallel regulations issued by the Treasury Department.

DATES: Written comments must be received on or before July 15, 1977.

ADDRESSES: Submit any comments or suggestions in writing (10 copies) to Donald E. Wilkinson, Governor, Farm Credit Administration, Washington, D.C. 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578, 202-755-2181.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, has under consideration proposed amendments to its regulations which would: (1) In a transfer of territory from one association to another, require prompt notification to all stockholders and borrowers whose operations are located in the adjusted territories; (2) provide for adjusting the lending limits of the banks for cooperatives semiannually instead of annually; (3) redefine the debt to capital ratio requirements of the banks of the Farm Credit System; (4) prescribe the form and denominations of consolidated bonds, consolidated Systemwide notes, and consolidated Systemwide bonds issued by Farm Credit banks; (5) reflect the liability of each bank of the Farm Credit System in connection with the issuance of consolidated or Systemwide obligations made on its behalf; (6) define the terms used in the subpart on issuance of book entry and definitive Farm Credit securities; (7) set forth the authority of Reserve Banks to issue and otherwise handle book entry Farm Credit securities; (8) describe the scope and effect of the book entry procedure; (9) describe the transfer or pledge of book entry Farm Credit securities; (10) describe the procedure for withdrawal of Farm Credit securities from a Reserve Bank; (11) clarify the liability of the Federal Reserve Banks in connection with book entries of Farm Credit securities; (12) specify the authority of the Federal Reserve Banks to maintain book entry Farm Credit securities for member banks; (13) set forth the requirements for identification of book entry accounts; (14) clarify the procedures for servicing book entry Farm Credit securities; (15) make the regulations of the Treasury Department and the U.S. statutes governing lost, stolen, destroyed, mutilated or defaced U.S. Securities applicable to Farm Credit Systemwide obligations; (16) provide for restrictive endorsement of Farm Credit Systemwide obligations; (17) provide for loss from payment of spurious consolidated obligations to be shared by the 12 Federal Intermediate Credit Banks; and (18) clarify the requirements under which Farm Credit securities may be illustrated in informational and educational materials.

Chapter VI of Title 12 of the Code of Federal Regulations is proposed to be amended by revising §§ 611.1120 (b)(1) and 614.4354; renumbering §§ 615.5106, 615.5107, 615.5108, and 615.5109 to be §§ 615.5495, 615.5496, 615.5497, 615.5498 respectively; revising § 615.5220; deleting § 615.5230; renumbering §§ 615.5450, 615.5455, 615.5460, 615.5465, 615.5470, 615.5475, 615.5480 to be §§ 615.5460, 615.5465, 615.5470, 615.5475, 615.5480, 615.5485, 615.5494 respectively; adding

V 42 N 118 JUN 20 77 UM

new §§ 615.5450, 615.5451, 615.5452, 615.-5453; revising §§ 615.5460, 615.5465, 615.-5470, 615.5475, 615.5480, 615.5485; adding new §§ 615.5490, 615.5492; and revising §§ 615.5494, 615.5495, 615.5496, 615.5497, 615.5498 as follows:

PART 611—ORGANIZATION

1. Section 611.1120(b)(1) is revised as follows:

§ 611.1120 Amendments of association charters.

* * * * *

(b) Other charter amendments. (1) Territorial adjustments may be made among like associations subject to the approval of the bank board and the Farm Credit Administration, provided, however, that the Governor shall have the power to direct at any time such changes in a charter as he finds necessary for the accomplishment of the purposes of the Farm Credit Act of 1971. All stockholders and all borrowers whose operations are located in the adjusted territories shall be informed in writing of the change and notified that their loans are being transferred to and related equities exchanged for equities of like kinds and amounts in the transferee association. At that time, each stockholder shall also be informed that the latest association financial and related information will be made available for review upon the stockholder's written request. The Agreement of Transfer of Territory and the notice to stockholders shall provide for a 60-day period from date of stockholder notification during which they may, by written notice to either association, decline to accept the equities of the transferee association and elect to remain with the transferor association for normal servicing until the current loan is paid. Any application by the borrower for renewal or additional credit shall be made to the transferee association, except for those applications permitted under § 614.4070.

* * * * *

PART 614—LOAN POLICIES AND OPERATIONS

2. Section 614.4354(a)(3) and (4) and (d)(1) is revised as follows:

§ 614.4354 Banks for cooperatives.

(a) District banks, Loans outstanding at any one time to any one borrower, exclusive of participations sold to others shall be limited to the following percentages of the net worth of a district bank as of the preceding June 30 or December 31, whichever is more recent or at an interim date determined by the Farm Credit Administration as a result of material changes in a bank's net worth.

* * * * *

(3) Net worth for the calculation of lending limits at December 31 shall exclude 20 percent of the bank's undistributed earnings and shall not include any portion of Central Bank for Cooperative's undistributed earnings.

(4) Loans made within the established lending limits that become excessive because of a subsequent decrease in the bank's net worth shall be reduced to the lending limits in an orderly manner over a reasonable period.

* * * * *

(d) * * *

(1) Determine its balance sheet net worth total as of the preceding June 30 or December 31, whichever is more recent, or at any interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

3. Part 615 is amended as follows:

(a) Sections 615.5106, 615.5107, 615.-5108 and 615.5109 are renumbered §§ 615.5495, 615.5496, 615.5497 and 615.-5498 respectively;

(b) Sections 615.5450, 615.5455, 615.-5460, 615.5465, 615.5470, 615.5475, and 615.5480 are renumbered §§ 615.5460, 615.5465, 615.5470, 615.5475, 615.5480, 615.5485, and 615.5494 respectively;

(c) Section 615.5220 is revised as follows:

§ 615.5220 Ratio requirements.

(a) A bank shall not incur aggregate liabilities exceeding 20 times its capital and surplus, except with the specific written approval of the Farm Credit Administration. Such approval shall not be granted if the consolidated ratio for all like banks will exceed 20 to 1. When such an exception occurs, all other like banks shall be notified by the Farm Credit Administration. A bank shall notify the Farm Credit Administration whenever its aggregate liabilities exceed 18 times its capital and surplus.

(b) An issue of notes, bonds, debentures, or other siimlar obligations by a bank or banks shall not be approved by the Farm Credit Administration if such issue together with the aggregate of all other liabilities exceeds 20 times the capital and surplus of the bank or banks which will be primarily liable on the proposed issue. If more than one bank will be primarily liable on the proposed issue, and capital and surplus of the banks involved shall be calculated on a consolidated basis.

(c) The term "capital and surplus," as used in this section, represents total net worth including undistributed earnings or losses but excluding valuation reserves and libability reserves. The term "aggregate liabilities," as used in this section, represents all amounts owed to others.

§ 615.5230 [Deleted]

d. Section 615.5230 is deleted.

e. New sections 615.5450, 615.5451, 615.5452 and 615.5453 are added as follows:

Subpart O—Issuance of Book Entry and Definitive Farm Credit Securities

§ 615.5450 Consolidated bonds.

(a) The 12 Federal Land Banks issue consolidated bonds in definitive or book entry form in denominations of $1,000, $5,000, $10,000, $50,000, $100,000 and $500,000.

(b) The 12 Federal Intermediate Credit Banks issue consolidated bonds in definitive or book entry form in denominations of $5,000, $10,000, $50,000, $100,000, and $500,000.

(c) The 13 Banks for Cooperatives issue consolidated bonds in definitive or book entry form in denominations of $5.000, $10,000, $50,000, $100,000, and $500,000.

§ 615.5451 Consolidated Systemwide notes.

The 12 Federal Land Banks, the 12 Federal Intermediate Credit Banks, and the 13 Banks for Cooperatives issue consolidated Systemwide notes only in bearer definitive form in denominations of $50,000, $100,000, and $1,000,000.

§ 615.5452 Consolidated Systemwide bonds.

The 12 Federal Land Banks, the 12 Federal Intermediate Credit Banks, and the 13 Banks for Cooperatives issue consolidated Systemwide bonds only in book entry form in denominations of $1,000 for issues with an original maturity over 1 year and 1 month and $5,000 for issues with an original maturity of under 1 year and 1 month.

§ 615.5453 Liability.

Each bank of the Farm Credit System is primarily liable for the portion of any issue of consolidated or Systemwide obligations made on its behalf and is jointly and severally liable for the payment of any additional sums as called upon by the Farm Credit Administration in order to make payments of interest or principal which any bank primarily liable therefore shall be unable to make. Such calls shall be made first upon the other banks operating under the same title of the Farm Credit Act of 1971 as the defaulting bank, and second upon banks operating under other titles of the Act, taking into consideration the capital, surplus, bonds, debentures, or other obligations which each may have outstanding at the time of such assessment.

f. Sections 615.5460, 615.5465, 615.-5470, 615.5475, 615.5480, and 615.5485 are revised as follows:

§ 615.5460 Definition of terms for book entry issuance of Farm Credit Securities.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as agent for the banks of the Farm Credit System and, where indicated, acting in its individual capacity.

(b) "Banks of the Farm Credit System" means the 12 Federal Land Banks, the 12 Federal Intermediate Credit Banks, the 13 Banks for Cooperatives, or all of them.

(c) "Farm Credit securities" means consolidated notes, bonds, debentures, or other similar obligations of the 12 Federal Land Banks, the 12 Federal Intermediate Credit Banks, or the 13 Banks for Cooperatives, and Systemwide notes, bonds, debentures, or similar obligations of the 37 banks of the Farm Credit System, issued under the Farm Credit Act of 1971, the completion and delivery of which is undertaken by a Reserve Bank as agent of the banks of the Farm Credit System.

(d) "Definitive Farm Credit security" means a Farm Credit security issued in engraved or printed form by the Federal Reserve Bank of New York as agent of the banks of the Farm Credit System.

(e) "Book entry Farm Credit security" means a Farm Credit security issued in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(f) "Convertible" means a definitive Farm Credit security convertible into a book entry Farm Credit security or vice versa.

(g) "Pledge" includes a pledge of, or any other security interest in, Farm Credit securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(h) "Member bank" means any national bank, or State bank, or other bank or trust company which is a member of a Reserve Bank.

§ 615.5465 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized in accordance with the provisions of this subpart to:

(a) Issue book-entry Farm Credit securities by means of entries on its records, which shall include the name of the bank's depositor, the latter's employer identification number, where appropriate, and the amount, maturity date and CUSIP number of each loan.

(b) Effect conversions between book-entry Farm Credit securities and definitive Farm Credit securities, if convertible.

(c) Otherwise service and maintain book-entry Farm Credit securities.

(d) Issue a confirmation of transaction in the form of an advice (serially numbered or otherwise), which specifies the amount, maturity date, and CUSIP number of the loan as well as the date of the transaction.

§ 615.5470 Scope and effect of book-entry procedure.

(a) A Reserve Bank as agent for the banks of the Farm Credit System may apply the book-entry procedure provided for in this subpart to any Farm Credit securities which may be issued either in book-entry or definitive form, which have been or are hereafter deposited for any purpose, or maintain Farm Credit securities which may only be issued in book-entry form, in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity notwithstanding application of the book-entry procedure to such securities. This paragraph shall be applicable but not limited to Farm Credit securities deposited or maintained:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it.

(2) For a member bank for its sole account.

(3) For a member bank held for the account of its customers.

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions.

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure or the maintenance of book-entry Farm Credit securities under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and the entities for which accounts are maintained. Whenever the book-entry procedure is applied to such Farm Credit securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depository with respect to such Farm Credit securities.

(b) A Reserve Bank as agent of the banks of the Farm Credit System shall apply the book-entry procedure to Farm Credit securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176; both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Farm Credit securities deposited with a Reserve Bank as Fiscal Agent of the United States.

(c) Any person having an interest in Farm Credit securities which are deposited with a Reserve Bank (in either its individual capacity or as agent of the banks of the Farm Credit System) for any purpose shall be deemed to have consented to their conversion to book-entry Farm Credit securities pursuant to the provisions of this subpart and in the manner and under procedures prescribed by the Reserve Bank.

(d) No deposit shall be accepted under this section on or after the date of maturity or call of the Farm Credit securities.

§ 615.5475 Transfer or pledge.

(a) Reserve Bank records. A transfer or a pledge of book-entry Farm Credit securities to a Reserve Bank, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the Farm Credit securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall:

(1) Have the same effect as the delivery of Farm Credit securities in bearer definitive form;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder;

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Farm Credit securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) Member banks and others. A transfer or a pledge of book-entry Farm Credit securities, or any interest therein, maintained by a Reserve Bank (in its individual capacity or as agent of the Farm Credit banks) in a book-entry account under this subpart, including Farm Credit securities in book-entry form under § 615.5470(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of Farm Credit securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Farm Credit securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Farm Credit securities, either in its individual capacity or as agent of the Farm Credit banks, is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where Farm Credit securities are recorded on the books of an entity for account of the pledgor or transferor thereof and such securities are on deposit or are maintained with a Reserve Bank in a book-entry account hereunder, such entity shall, for purposes of perfecting a pledge of such securities or effecting their delivery to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositors in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) Filing and recording unnecessary. No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer

V42 H18 JUN 20 77 UM

or pledge of book-entry Farm Credit securities or any interest therein.

(d) Conversion. A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Farm Credit securities into definitive Farm Credit securities, if convertible, and deliver them in accordance with such instructions. No such conversion shall affect existing interests in such Farm Credit securities.

(e) Transfer by Reserve Banks. A transfer of book-entry Farm Credit securities within a Federal Reserve Bank shall be made in accordance with the procedure established by the Bank not inconsistent with this subpart. The transfer of book-entry Farm Credit securities by a Federal Reserve Bank may be made through a telegraphic transfer procedure.

(f) Timeliness of requests. All requests for transfer, withdrawal or any authorized transaction, must be received prior to the maturity or date of call of the security.

§ 615.5480 Withdrawal of farm credit securities.

(a) A depositor of book-entry Farm Credit securities may withdraw them, if convertible, from a Reserve Bank by requesting delivery of like definitive Farm Credit securities to itself or on its order to a transferee.

(b) Farm Credit securities which can be delivered upon withdrawal will be issued in bearer form only.

§ 615.5485 Delivery of farm credit securities.

A Reserve Bank which has received Farm Credit securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take over action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this subpart by the transfer or delivery of Farm Credit securities in book-entry or definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other entity (other than a Reserve Bank) may obtain Farm Credit securities in definitive form if convertible only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

g. New sections 615.5490 and 615.5492 are added as follows:

§ 615.5490 Classes of accounts.

Reserve Banks are authorized to maintain book-entry Farm Credit securities for member banks for securities the member banks hold for their own account, or hold for the account of their customers, and as otherwise specified in § 615.5470. Purchasers of book-entry Farm Credit securities, on original issue or otherwise, may have such securities maintained at member banks, or in accounts maintained at entities providing securities safekeeping services for customers (e.g., nonmember banks or thrift institutions, or securities dealers) which have related accounts at member banks.

§ 615.5492 Identification of accounts.

Book-entry accounts may be established in such form or forms as customarily permitted by the entity e.g., member bank, or other banking or thrift institution, or a securities dealer) maintaining them, except that each account should include data to permit both customer identification by name, address and taxpayer identifying number, as well as a determination of the Farm Credit securities being held in such account by amount, maturity date and CUSIP number, and of transactions relating thereto.

h. Sections 615.5494, 615.5495, 615.5496, 615.5497 and 615.5498 are revised as follows:

§ 615.5494 Servicing book-entry Farm Credit securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Farm Credit securities shall be charged to the appropriate Farm Credit bank account at the Federal Reserve Bank of New York on the interest-due date and remitted or credited in accordance with the instructions from the member bank or other Reserve Bank depositor for whose account the securities shall have been maintained.

Book-entry Farm Credit securities shall be redeemed and charged to the appropriate Farm Credit bank account at the Federal Reserve Bank of New York and the redemption proceeds, principal, and interest shall be disposed of in accordance with the instructions from the member bank or other Reserve Bank depositor for whose account the securities shall have been maintained.

§ 615.5495 Lost, stolen, destroyed, mutilated or defaced Farm Credit securities, including coupons.

(a) Basis of relief. The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation or defacement of U.S. securities, and the regulation of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of U.S. securities, insofar as such statutes and regulations may be applicable, and as modified to relate to the consolidated or Systemwide obligations of the Farm Credit banks and coupons of such obligations shall govern the granting of relief on account of lost, stolen, destroyed, mutilated or defaced consolidated or Systemwide obligations of the Farm Credit banks and mutilated or defaced coupons of such obligations.

(b) Claims and proof of loss. Claims shall be presented to the Claims Branch of the Division of Securities Operations, Bureau of the Public Debt, Washington, D.C. 20226, and proof shall be made to the Bureau of Public Debt, by applicants for relief on account of the loss, theft, destruction, mutilation or defacement of consolidated or Systemwide obligations of the Farm Credit banks and the mutilation or defacement of coupons of such obligations, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 615.5496 Restrictive endorsement of bearer securities.

When consolidated and Systemwide obligations of the Farm Credit banks are being presented to Federal Reserve banks or branches, for redemption, exchange, or conversion to book entry, such obligations may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in United States Treasury Department regulations, now or hereafter in force, governing like transactions in United States bonds; and consolidated or Systemwide obligations of the Farm credit banks so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328–6.)

§ 615.5497 Loss from payment of spurious debentures.

Each of the 12 Federal intermediate credit banks agreed, by resolution adopted by its board of directors, to share in any loss resulting from the payment of counterfeit, forged, or unauthorized consolidated obligations. The agreement provides that such loss shall be shared by the 12 Federal intermediate credit banks in the same ratio as their respective participations in such obligations issued during the 12 months preceding the date of payment of such counterfeit, forged, or unauthorized obligations.

§ 615.5498 Farm Credit securities as illustrations.

Illustrations of Farm Credit securities may appear in information and educational materials if printed in black and white, but not in color, and must be less than ¾ actual size or more than 1½ times the actual size of the original security. Motion picture and microfilms and slides of such securities are permitted in black and white or color for projection on a screen or for use in telecasting.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc.77-17339 Filed 6-17-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 77-SW-24]

AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1, and 206B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to add an Airworthiness Directive that would require a one-time magnetic particle inspection of the main rotor hub trunnion, P/N 206-011-113-1, within 100 hours on all Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters to preclude possible fatigue failure of the trunnion that could result in loss of the helicopter.

DATES: Comments must be received by July 22, 1977. Proposed effective date of the AD will be September 12, 1977.

ADDRESSES: Send comments on this proposal in triplicate to: Regional Counsel, ASW-7, Attn. Docket 77-SW-24, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

Tom A. Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Extension 517.

SUPPLEMENTARY INFORMATION: There has been one reported failure of a main rotor hub trunnion on a Bell Model 206B that resulted in loss of the main rotor blades. The failure was reportedly due to a fatigue crack and fracture which had originated in the radius of the trunnion bearing journal as a result of machine grinding burns. Both bearing journals reportedly had grinding burns. The inspection of this trunnion conducted 380 hours prior to the failure failed to disclose evidence of a crack even though traces of Proseal were found in the crack. The National Transportation Safety Board has recommended that the agency issue an Airworthiness Directive to require an immediate one-time magnetic particle inspection of all Bell main rotor hub trunnions, P/N 206-011-113-1, in accordance with the Bell Helicopter published maintenance and overhaul procedures, to detect machining deficiencies, surface irregularities, and cracks.

The agency has received only the one report of a trunnion crack or failure for approximately 2,000 Bell Model 206 series helicopters. Since other Model 206 series main rotor trunnions may have cracks in the bearing journals, the proposed Airworthiness Directive would require a one-time inspection of the main rotor hub trunnion to detect machining deficiencies, surface irregularities, and cracks, and replacement, as necessary, on Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters.

Bell Helicopter Textron Operations Safety Notice OSN 206-77-2 dated March 2, 1977, pertains to the reported trunnion failure.

Interested persons are invited to participate in the development of the final rule by submitting written and oral comments as they desire. All comments will be recorded and considered by the Director before taking final action, and the proposal may be changed as a result of the comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

DRAFTING INFORMATION

The principal authors of this document are Tom A. Dragset, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BELL: Applies to Model 206A, 206B, 206A-1, and 206B-1 helicopters certificated in all categories.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To prevent possible failure of the main rotor hub trunnion, P/N 206-011-113-1, as a result of a crack, accomplish the following:

(a) Remove the main rotor hub trunnion, P/N 206-011-113-1, in accordance with the procedures in Section II of the Bell Model 206A/206B Helicopter Maintenance and Overhaul Manual.

(b) Inspect for cracks in the relief radius of each bearing seat journal using magnetic particle inspection methods or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA.

(c) If cracks are found, replace the trunnion before further flight.

(d) If no cracks are found, install the trunnion in accordance with the procedures in Section II of the Bell Model 206A/206B Helicopter Maintenance and Overhaul Instructions.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Section 6(c)), Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11).)

The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas, on June 6, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17462 Filed 6-17-77;8:45 am]

[14 CFR Part 39]

[Docket No. 77-EA-3]

AIRWORTHINESS DIRECTIVES

Martin Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an Airworthiness Directive that will update and replace AD 75-26-08 applicable to Martin 404 type airplanes. It will relate some of the calendar time to hours in service and require an initial inspection within a 5-year period or 10,000 hours of the effective date of the amendment. Inspections under AD 75-26-08 disclosed the presence of cracks and the deficiencies were a product of a combination of calendar time and service time.

DATES: Comments must be received on or before July 21, 1977.

FOR FURTHER INFORMATION CONTACT:

L. Lipsius, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Federal Building, J. F. K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: AD 75-26-08 was published in 1975 to require an inspection for corrosion at station 187 of the wings of the Martin 404 type airplane. The inspection was premised in some instances on calendar time only. The proposal will relate the calendar time to service time and also require an inspection for cracks as well as corrosion.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430. All communications received on or before July 21, 1977, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

V 42 FH 8 JUN 20 77 UM

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Engineering and Manufacturing Branch, AEA-210, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling 212-995-2875.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

DRAFTING INFORMATION

The principal authors of this document are L. Lipsius, Airframe Section Flight Standards Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by redesignating and amending AD 75-26-08 as follows:

MARTIN: Applies to all Martin 404 Aircraft Certificated in all categories.

Compliance required as indicated.

(a) For airplanes without wing spar chord splice joint fittings at wing station 187, accomplish the following:

(1) Within the next three months or 500 hours in service, whichever occurs first, after the effective date of this AD, unless accomplished within five years or 10,000 hours in service preceding the effective date, remove the left and right outer wing panels and visually inspect the wing spar chord splice joints for corrosion at wing station 187.

(2) Repeat the inspection specified in (a) (1) at intervals not to exceed 10,000 hours in service or five years, whichever occurs first, for left wings, and 12,000 hours in service or six years, whichever occurs first, for right wings.

(b) For airplanes with wing splice fittings installed in accordance with STC SA328SO, accomplish the following without wing removal:

(1) Visually inspect the left and right wing panels at wing station 187 for corrosion within the next 12 months or 2000 hours in service, whichever occurs first, after the effective date of this AD, unless accomplished within 48 months or 8000 hours in service preceding the effective date by

(i) Stripping all sealant from the spar splice joints.

(ii) Removing any two vertical large attachment bolts and the two end horizontal tension bolts from each "Hayes" fitting.

(2) Perform a dye penetrant inspection or an FAA approved equivalent inspection for cracks at the same time as the corrosion inspection specified in (b) (1).

(i) At the accessible areas of the spars and

(ii) In the four bolt holes of each "Hayes" fitting as noted in (b) (1) (ii)

(3) Perform the inspection in (b) (1) (ii) which requires removal of the horizontal bolts even though any two vertical large attachment bolts have been removed for bolt hole inspection within the past 48 months or 8000 hours in service.

(4) Repeat the inspection specified in (b) (1) at intervals not to exceed 10,000 hours in service or five years, whichever occurs first.

(5) Remove both wing outer panels; conduct a corrosion inspection of the wing structure and fittings, and a dye penetrant inspection for cracks on all affected parts at intervals not to exceed 20,000 hours in service or ten years, whichever occurs first, beyond the inspection in (b) (1).

(c) Repair corroded parts before further flight in accordance with an FAA approved repair or replace cracked parts before further flight with serviceable or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection interval specified in this AD.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 313(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

NOTE.—The Federal Aviation Administration has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 and certifies that an Economic Impact Statement has been prepared.

Issued in Jamaica, N.Y., on June 7, 1977.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.77-17463 Filed 6-17-77;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 77-SW-23]

AIRWORTHINESS DIRECTIVES

Rockwell International Models 112, 112TC, and 114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: An airworthiness Directive (AD) is being proposed to increase the strength of the front seats and seat belt attachments on Rockwell Models 112, 112TC, and 114 airplanes due to the failure of the seats or seat belt attachments during emergency situations on two occasions.

DATES: Comments must be received on or before: July 21, 1977. Proposed effective date of this AD will be: September 5, 1977.

ADDRESSES: Send comments in triplicate to: Regional Counsel (ASW-7), Attention Docket SW-77-23, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

James L. Patras, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas, telephone number (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: On two occasions, seats and/or seat belt attachments have failed during emergency landing situations occurring after loss of engine power. In both cases, occupants were severely injured during sudden stoppage of the aircraft.

While actual seat loads met the requirements of the regulations at the time of certification, subsequent evaluation indicated that the standards applied to seat manufacturers would have resulted in greater strength. This modification and subsequent retesting assures a greater margain of occupant safety during an emergency landing situation.

Therefore, the proposed AD would require the increased strength modification specified in Rockwell Service Bulletins No. 112-45 and 114-5.

Interested persons are invited to participate in the development of the final rule by submitting written and oral comments as they desire. All comments will be recorded and considered by the Director before taking final action, and the proposal may be changed as a result of comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

The principal author of this document is James L. Patras, Flight Standards Division with assistance by James O. Price, Office of the Regional Counsel.

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

ROCKWELL: Applies to Rockwell Model 112, S/N 3 through 499; Model 112TC, S/N 13000 through 13149; and Model 114, S/N 14000 through 14149 certified in all categories.

Compliance required as indicated.

Within 100 hours' time in service after the effective date of this AD or at the next annual inspection whichever occurs first, modify the front seats and belt attachments in accordance with Rockwell Service Bulletins No. 112-45 dated January 28, 1977, and No. 114-5 dated January 28, 1977, or later approved revisions or in accordance with an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration, Fort Worth Texas.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354 (a), 1421, and 1423); Section 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Forth Worth, Texas, on June 3, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77-17425 Filed 6-17-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-WA-11]

ALTERATION OF TERMINAL CONTROL AREA

Atlanta, Ga.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The FAA proposes to alter the Atlanta, Ga., Terminal Control Area (TCA) by adding additional TCA airspace where required, and by revoking TCA airspace which is no longer required; and to retain as a permanent addition to the Atlanta TCA the temporary expansion ring made two years ago of that airspace with a 35 mile radius of Atlanta from 8,000 feet MSL to 12,500 feet MSL. The proposal is made as a result of close observation of the current operational requirements for handling traffic in the Atlanta terminal area. If adopted, the proposal would provide the appropriate configuration of the Atlanta TCA to handle current and anticipated operational requirements.

DATES: Comments must be received on or before August 4, 1977. The proposed effective date is October 6, 1977.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 77-WA-11, FAA, P.O. Box 20636, Atlanta, Ga. 30320.

The official docket may be examined at the following location:

FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8530.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 4, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart K of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the lateral and vertical dimensions of the Atlanta TCA. The original Atlanta TCA became operational on June 25, 1970. Since that time, the addition of a new runway and revision to instrument approach procedures has required past changes to the TCA configuration. Profile descent procedures have been instituted this year at Atlanta. These procedures were designed to minimize the amount of time high performance aircraft (turbojet and turboprop aircraft weighing more than 12,500 pounds) operate in and around terminal areas. Profile descent procedures have as goals increased safety by reducing exposure time between controlled and uncontrolled aircraft at lower altitudes around airports, reduction of aircraft noise in the proximity of airports, conservation of aviation fuel, and standardization of air traffic control arrival procedures. Alteration of the Atlanta TCA is required to assure that the flight paths of large turbine engine powered airplanes on profile descent procedures operate at or above the designated floors while within the lateral limits of the terminal control area. For the sake of simplicity, it is proposed to base the center of the TCA on the Atlanta VORTAC rather than the center of the airport. This will cause slight shifts of area boundaries. In addition, the floors of the TCA airspace would be raised where not required, so that visual flight rule (VFR) aircraft may have additional operating airspace underneath/outside TCA airspace. A sincere attempt is being made to only add TCA airspace where required and to revoke it where not required. The proposal is to keep essentially the same lateral dimensions of the TCA, but to increase the vertical extent of approximately 460 square miles of TCA airspace, while decreasing the vertical extent of approximately 1,700 square miles of TCA airspace. The net overall effect of the proposal would be a substantial reduction in the extent of Atlanta TCA airspace.

The second portion of the proposal pertains to the temporary expansion above 8,000 feet MSL. On April 24, 1975, the well publicized test expansion of the Atlanta TCA became effective which added a ring within a 35 mile radius from 8,000 feet MSL to 12,500 feet MSL. Since all aircraft operating in controlled airspace above 12,500 feet MSL are now required to have a transponder with a Mode 3/A 4096 code capability and Mode C automatic altitude reporting capability, the TCA expansion from 8,000 feet MSL to 12,500 feet MSL would permit containment of jet aircraft within protected airspace during the transition into and out of Atlanta. This expansion has provided additional safety for terminal jet aircraft operations without unacceptable hindrance to aircraft wishing to bypass Atlanta between 8,000 feet MSL and 12,500 feet MSL. It is therefore proposed to make this expansion permanent.

An Atlanta Terminal Area Airspace Study Group was formed to evaluate mutual air traffic control problems in the Atlanta terminal area, and to make recommendations to the Chief, Air Traffic Division of the Southern Region. This Study Group was comprised of representatives from all segments of aviation as well as concerned air traffic control facilities. The Study Group has completed its evaluation and has recommended to the Southern Air Traffic Division the Atlanta TCA configuration that is proposed herein. This includes the proposed alterations at and below 8,000 feet MSL and the permanent expansion of the ring above 8,000 feet MSL.

Subpart K of Part 71 was republished in the Federal Register on January 3, 1977 (42 FR 642), and the Atlanta TCA was amended (41 FR 56789, 42 FR 14861).

DRAFTING INFORMATION

The principal authors of this document are Wray McClung, Air Traffic Service, and Jack P. Zimmerman Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 642) and amended (41 FR 56789, 42 FR 14861), to redescribe the Atlanta, Ga., Terminal Control Area as follows:

PRIMARY AIRPORT

Atlanta Airport (Lat. 33°38'31" N., Long. 84°25'34" W.)

Area A. That airspace extending upward from the surface to an including 12,500 feet MSL, bounded on the east and west by a seven-mile radius of the Atlanta VORTAC, on the south by a line four miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses; excluding the Charlie Brown County Control Zone.

Area B. That airspace extending upward from 2,500 feet MSL to and including 12,500 feet MSL, bounded on the east and west by

V 42 N 118 JUN 20 77 UM

a 12-mile radius of the Atlanta VORTAC, on the south by a line four miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line four miles north of and parallel to the Runway 08/26 localizer courses; excluding the Charlie Brown County Control Zone and that airspace contained in Area A.

Area C. That airspace extending upward from 3,500 feet MSL to and including 12,500 feet MSL, bounded on the east and west by a 20-mile radius of the Atlanta VORTAC, on the south by a line eight miles south of and parallel to the Runway 09R/27L localizer courses, and on the north by a line eight miles north of and parallel to the Runway 08/26 localizer courses; excluding that airspace contained in Areas A and B.

Area D. That airspace extending upward from 6,000 feet MSL to and including 12,500 feet MSL within a 25-mile radius of the Atlanta VORTAC; excluding that airspace clockwise between the Atlanta VORTAC 138 and 218 radials south of a line 12 miles south of and parallel to the Runway 09R/27L lo-calizer courses, that airspace clockwise between the Atlanta VORTAC 323 and 031 radials north of a line 12 miles north of and parallel to the Runway 0826 localizer courses, and that airspace contained in Areas A, B, and C.

Area E. That airspace extending upward from 8,000 feet MSL to and including 12,500 feet MSL within a 29-mile radius of the Atlanta VORTAC; excluding that airspace contained within Areas A, B, C, and D.

Area F. That airspace extending upward from 10,000 feet MSL to and including 12,500 feet MSL within a 35-mile radius of the Atlanta VORTAC; excluding that airspace contained in Areas A, B, C, D, and E.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 10, 1977.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-17424 Filed 6-17-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-WA-9]

TERMINAL CONTROL AREA

Proposed Alteration

Correction

In FR Doc. 77-16474 appearing at page 30212 in the issue of Monday, June 13, 1977 on page 30213, first column the eighth line down should be corrected to read as follows:

"to Lat. 33°08'44" N., Long. 97°01'47" W.;"

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed Designation.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed are three local agencies that requested deferral designation as provided under the authority of the Civil Rights Act of 1964, as amended. The proposal would authorize the agencies listed to process charges deferred to them by the Commission.

DATES: Comments must be received on or before July 5, 1977. Proposed effective date July 6, 1977.

ADDRESS: Comments should be sent to: Equal Employment Opportunity Commission, Office of Compliance Programs, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Paul Lindsay, 202-634-6040, Desk Officer, Equal Employment Opportunity Commission, State and Local Division, Office of Compliance Programs, 2401 E Street NW., Room 4050, Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.12(i), Title 29, Chapter 14 of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210M, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agencies listed below be designated as "706 Agencies" (§ 1601.12(c)). There are three (3) purposes for such designation: First, that the agencies receive charges deferred by the Commission pursuant to Section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of those agencies pursuant to § 1601.19b(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i)(1). At the expiration of the 15-day period, the Commission may effect designation of each of the agencies by publishing them as amendment to § 1601.12(m).

The proposed "706 Agencies" are as follows:

[1] Howard County (Maryland) Human Rights Commission
Orlando (Florida) Human Relations Department
Prince George's County (Maryland) Human Relations Commission

[1] The Howard County (Maryland) Human Rights Commission qualifies for 706 designation for all charges except those against agencies of Howard County, in which case it shall be deemed a Notice Agency. Written filed with the Commission on or before July 5, 1977.

Signed at Washington, D.C., this 7th day of June 1977.

ELEANOR HOLMES NORTON,
Chair, Equal Employment Opportunity Commission.

[FR Doc.77-17469 Filed 6-17-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 747-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Mexico

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: This action proposes approval of New Mexico Regulations 100, 705, and 706. The changes to Regulations 100 and 705 are considered minor revisions which serve to update the State Implementation Plan (SIP), and the new Regulation 706 designates Air Quality Maintenance Areas (AQMAs) in the State.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270 (214-749-3837).

SUPPLEMENTARY INFORMATION: On November 6, 1975, after adequate notice and public hearing, the Governor of New Mexico submitted revisions to Regulations 100 and 705, and a new Regulation 706. In the revision to Regulation 100, entitled "Definitions", definitions are added for new and existing petroleum processing facilities, petroleum refineries, natural gas processing plants, and gasification plants. "Schedules of Compliance", Regulation 705, was changed by replacing the date of adoption with the effective date as the key date for compliance. Regulation 706, entitled "Air Quality Maintenance Areas", is a new regulation which designates AQMAs for the State identical to the designations promulgated by EPA on June 2, 1975 (40 FR 23755).

NON-CRITERIA POLLUTANTS

A revision to Regulation 201 and new Regulations 623, 626, 628, 673, 674, 675, and 677 were also included with the Governor's submittal. All of these regulations pertain to non-criteria pollutants such as ammonia, hydrogen sulfide, and hydrogen chloride. EPA does not have authority to require or approve regulations designed to control pollutants other than those identified under Section 109 of the Clean Air Act. Therefore, no action is being taken on these regulations.

Interested persons may participate in this proposed rulemaking by submitting written comments to the Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270. Copies of the

State's submittal are available for inspection at this address and at the Environmental Protection Agency, Public Information Reference Unit, Room 2922, EPA Library, 401 M Street, SW., Washington, D.C. 20460. All comments received on or before July 21, 1977.

This notice of proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: May 25, 1977.

JOHN C. WHITE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) is amended by adding paragraph (9) as follows:

§ 51.1620 Identification of Plan.

* * * * *

(e) * * *

(9) Revisions to Regulation 100, Definitions, Regulation 705, Schedules of Compliance, and a new Regulation 706, Air Quality Maintenance Areas, were submitted by the Governor on November 6, 1975.

§ 52.1633 [Revoked]

2. Section 52.1633 is revoked.

[FR Doc.77-17472 Filed 6-17-77;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 543]

[Docket No. 77-24]

ALASKA PIPELINE

Financial Responsibility for Oil Pollution

Correction

In FR Doc. 77-16953 appearing at page 30584 in the issue for Wednesday, June 15, 1977 the deadline for the receipt of comments now given as "June 30, 1977" should have been "July 5, 1977".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 43]

[Docket No. 21265; FCC 77-369]

UNIFORM SETTLEMENT RATES ON PARALLEL INTERNATIONAL COMMUNICATIONS ROUTES

Memorandum Opinion and Proposed Rule

AGENCY: Federal Communication Commission.

ACTION: Notice of rulemaking.

SUMMARY: A settlement rate is the total amount of money which corresponding foreign administrations and/or carriers divide among themselves for a specified measure of international communciations service. The Commission has long had a policy of requiring uniform settlement rates. However, thirty years have past since the wisdom of that policy has been examined. It may no longer serve the public interest. Accordingly, the proposed rulemaking looks toward authorizing departures from uniform settlement rate agreements on parallel routes when in the public interest.

DATES: Comments must be received on or before August 11, 1977, and reply comments on or before September 12, 1977.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James S. Blaszak, Common Carrier Bureau, 632-6910.

SUPPLEMENTARY INFORMATION:

Adopted: May 26, 1977.

Released: June 13, 1977.

BACKGROUND

1. On January 2, 1976, TRT Telecommunications Corporation (TRT) filed tariff revisions which reduced its rates for telex calls from the United States to the United Kingdom from $2.55 per minute to $2.00 per minute. TRT stated that the rate reduction was made possible by a reduced settlement rate which it negotiated with the British Post Office (BPO). TRT and the BPO agreed to lower the settlement rate for telex traffic between the U.S. and the U.K. from $2.25 per minute to $1.70 per minute.

2. A settlement rate is the total amount of money which corresponding international communications administrations and/or carriers divide among themselves for a specified measure of international communications service. Settlement rates may and do vary from the tariff rates which carriers collect from their customers. For instance, the tariff rate, also known as the collection rate, for telex calls to the United Kingdom from the United States was $2.55 per minute prior to the TRT filing and the settlement rate was $2.25 per minute. Inasmuch as the settlement rate is divided evenly in this instance, the sending IRC and the BPO each retain $1.125 of the $2.25. The IRC, however, retained a total of $1.425 per minute for each eastbound call because of the $.30 disparity between the $2.55 collection rate and the $2.25 settlement rate. TRT and the BPO reportedly had agreed to an evenly divided (50%-50%) $1.70 settlement rate. Thus, the pay-outs between TRT and the BPO would have decreased from $1.125 (50% of $2.25) to $.85 (50% of $1.70). TRT accordingly proposed a reduced rate of $2.00 per minute for telex service to the United Kingdom. This rate would have enabled it to retain more than 50 percent of its collections because the $.30 disparity between the revised collection rate of $2.00 and the proposed settlement rate of $1.70 would have allowed TRT to keep $1.15 per minute. The $.275 per minute savings ($1.125 less $.85) resulting from the renegotiated settlement rate constituted one-half of TRT's proposed rate reduction.

3. ITT World Communications Inc. (ITT), RCA Global Communications, Inc. (RCA), and Western Union International, Inc. (WUI) requested rejection or suspension of TRT's telex rate reduction. They argued that TRT's renegotiated settlement rate with the BPO violated a long standing Commission policy which requiries IRCs to maintain uniform settlement agreements for the division of tolls with foreign administrations on parallel routes.

4. On January 30, 1976, the Chief, Common Carrier Bureau, acting pursuant to delegated authority, found that there is a Commission policy which requires uniform settlement agreements between IRCs and foreign correspondents on parallel routes. He noted that this policy was of long duration and existed because:

> The Commission realized that competing carriers on parallel routes may be at an undue competitive disadvantage when dealing with foreign correspondents.[1]

The disadvantage arises because:

> Foreign correspondents can utilize their monopoly status to play one carrier against the other carriers, and thus possibly gain significant concessions and benefits from the U.S. international carriers to the detriment of the American ratepayer.[2]

5. As a consequence of concluding that a Commission policy exists which requires uniform settlement rates on parallel routes, the Chief, Common Carrier Bureau ordered TRT not to implement the renegotiated settlement agreement with the BPO. However, he permitted TRT's telex rate reduction to go into effect. ITT, RCA, and WUI subsequently matched TRT's reduced rates for telex service to the United Kingdom. The Bureau Chief also noted that a considerable period of time had elapsed since the Commission last considered within a general proceeding the wisdom of its policy requiring uniformity with respect to settlement rate agreements. Accordingly, all interested persons were afforded the opportunity to submit briefs and reply briefs discussing the wisdom of and jurisdictional basis for the Commission's uniformity policy with respect to settlement rate agreements. Those briefs are now before us for consideration.

6. This proceeding raises two basic issues:

(a) Is it in the public interest for the Commission to adhere to a policy which requires uniform settlement agreements between U.S. international record carriers (IRCs) and foreign telecommunications administrations on routes served by more than one IRC (parallel routes)?

[1] *Memorandum Opinion and Order* (TRT Telecommunications Corporation) adopted by Chief, Common Carrier Bureau on January 30, 1976, para. 9.

[2] *Id.* Within the context of foreign telecommunications, this phenomenon is known as whipsawing.

JUN 20 1977 UM

(b) If the Commission concludes that a policy requiring uniform settlement agreements between U.S. international record carriers and foreign telecommunications administrations on parallel routes is in the public interest, does the Commission have jurisdictional authority to impose that policy on U.S. communications common carriers?

CONTENTIONS OF PARTIES

7. ITT, RCA, and WUI (hereinafter referred to as Proponents) argue that the Commission's policy of requiring uniform settlement rate agreements on parallel routes serves the public interest and that the Commission should affirm its commitment to the policy. They assert that without the policy foreign telecommunication administrations could use their monopoly status to play one IRC against the other IRCs and thus whipsaw the IRCs into accepting settlement agreements which would disserve United States ratepayers.

8. The Proponents point to TRT's negotiations with the BPO regarding telex settlement rates as an example of the dangers inherent in permitting an IRC to negotiate separately with foreign telecommunications administrations. TRT and the BPO purportedly gladly agreed to a lower telex settlement rate. Currently TRT only sends telex traffic to the United Kingdom; it does not receive telex traffic from the U.K. to the U.S. Consequently, a reduced settlement rate simply means that TRT's costs for providing telex service to the U.K. decrease as its pay-out to the BPO decreases. Since TRT receives no traffic from the U.K. it is not hurt by a decreased payout from the BPO. Any IRC seeking to penetrate a foreign market for the first time would be in the same position as TRT. Also, an IRC attempting to increase a small market share may be similarly motivated even though the IRC receives messages from the foreign administration because, while the foreign administration's payout per unit of traffic may decrease, the total payouts to the IRC may increase as a result of the IRC obtaining a larger share of the U.S. bound traffic. The increase in total payouts may more than compensate for the reduced payout per unit of traffic.

9. An industry wide reduction of telex setlement rates currently is in the BPO's best interest. To the extent that the BPO's U.S. bound telex traffic exceeds the Proponents' U.K. bound telex traffic, the BPO makes a pay-out to the Proponents. If the telex settlement rate is lowered, the BPO's pay-out to the Proponents decreases, and thus its retained revenues increase. If TRT had been allowed to implement the renegotiated settlement agreement, the BPO would have been in a position to whipsaw the remaining IRC's into also accepting lower telex settlement rates currently is in the BPO's If the telex settlement rate is lowered, settlement rates. Whipsawing was possible according to the Proponents because the BPO could have routed a significant share of the U.S. bound telex traffic to TRT. The Proponents suggest that the BPO had agreed to do just that in return for TRT agreeing to lower settlement rates. In order to avoid losing an even larger share of this market, the Proponents may have been compelled also to agree to a lower telex settlement rate.

10. Conversely, lower telex settlement rates are not to the advantage of the Proponents because they currently receive more telex traffic from the U.K. than they send to the U.K. Under present circumstances, lowering the telex settlement rate results in a corresponding loss in the Proponents' retained revenues. The Proponents maintain that such a reduction in their retained revenues may deprive United States telex users of rate reductions or may cause rate increases, and thus is not in the United States public interest. They conclude that the Commission's policy of requiring uniform settlement agreements on parallel routes prevents such alleged undesireable results.

11. ITT and WUI urge the Commission to retain the uniformity policy and not to modify it in any way. RCA, however, recommends that the Commission rearticulate the policy to provide that a United States carrier may not change the settlement rate on a parallel route if the change affects the revenue retentions of other United States carriers providing a similar service on the same route, and thus affects the rates for that service, without first securing Commission approval of the settlement rate change.

12. The Proponents and TRT do not disagree that the Commission clearly has jurisdiction to impose the uniformity policy on United States communications common carriers.

13. Although TRT does not question the Commission's jurisdiction to impose the uniformity policy on United States carriers, it argues that, to the extent settlement rates comprise part of the cost of providing international communications services and thus affect the collection rates, rigid application of the uniformity policy impedes competitive rate reductions. Moreover, it asserts that the Bureau Chief's order prohibiting TRT from implementing the renegotiated settlement rate with the BPO effectively imposes a $137,500 penalty on TRT in 1976 because TRT anticipated reducing its costs for telex service to the United Kingdom by that amount in 1976. As previously noted, TRT maintains that its reduced tariff rate for telex service to the U.K. was directly related to the lower settlement rate. Since telex service to the U.K. is competitively offered by the IRCs, the Proponents matched TRT's lower tariff rate. The combined rate reductions reportedly will produce savings for United States telex users of between $5,000,000 to $7,000,000 in 1976. TRT believes that similar rate reductions are not likely in the future because a rigid application of the uniformity policy prevents individual IRCs from reducing their costs by agreeing to lower settlement rates; and thus, in TRT's opinion, the policy disserves the public interest.

14. Additionally, TRT contends that a uniformity policy which stifles competitive rate reductions is inconsistent with the antitrust component of the public interest, as well as the Commission's responsibility to make communications services available at reasonable charges.[2] TRT notes that the courts have recognized an antitrust component in the statutory standard of public convenience, interest, and necessity. *NARUC* v. *F.C.C.*, 525 F.2d 630 (D.C. Cir. 1976). The courts, according to TRT, consistently have directed administrative agencies to consider positively the benefits that competition can bring to regulated industries.[4] A rigid application of the uniformity policy supposedly forecloses such consideration.

15. TRT also maintains that prior Commission orders do not articulate a rigid policy of uniformity with respect to settlement rates. Instead, TRT reads previous Commission decisions as reflecting a flexible- case-by-case approach to settlement rate agreement negotiations. Pursuant to TRT's interpretation of Commission precedent, the Commission should be concerned with settlement rate agreements only in cases involving serious prejudice or serious detriment to individual carriers or to the industry as a whole.

16. TRT concedes that whipsawing can occur, and that the Commission should maintain careful scrutiny of settlement rate agreements, but argues that the Commission should not adopt a rigid policy of requiring uniform settlement rate agreements on parallel routes. TRT believes that the Commission should articulate a policy which will permit nonuniform settlement rate agreements on parallel routes when: (a) The renegotiated agreement results in a reduction of the collection rate which is at least equal to the reduction in the settlement rate, and (b) the renegotiated agreement does not result in the foreign correspondent receiving more than 50 percent of the tolls. In TRT's opinion, such a policy will permit competitive rate initiatives by the IRCs; protect the U.S. users from the adverse affects of possible whipsawing; and thus serve the public interest.

[2] Section 1 of the Communications Act of 1934, as amended, 47 U.S.C. 151, charges the Commission with making,

[a]vailable, so far as possible, to all the people of the United States a rapid, efficient, Nationwide and worldwide wire and radio communications service with adequate facilities at reasonable charges * * *.

[4] TRT cites the following cases to support the foregoing proposition: *Bowman Transportation, Inc.* v. *Arkansas-Best Freight System*, 419 U.S. 281, 298 (1974); *Gulf States Utilities Co.* v. *FPC*, 411 U.S. 747 (1973); *FMC* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 239 (1968); *Silver* v. *New York Stock Exchange*, 358 U.S. 344 (1959); *Chesapeake O.R. Co.* v. *United States*, 283 U.S. 35 (1931).

DISCUSSION

17. This Commission has long had a policy of preventing whipsawing of U.S. carriers by foreign telecommunications administrations, because of its possible adverse effects upon U.S. rate-payers. The Bureau Chief's decision with respect to TRT's attempt to implement a renegotiated settlement agreement with the BPO properly relied upon those cases in which the Commission prohibited U.S. carriers from effectuating settlement agreements which carried the potential for harmful whipsawing. And, we note that in *TRT Telecommunications Corp.*, 46 FCC 2d 1042 (1974), in authorizing TRT to provide direct message telegram service to the U.K., we imposed on the authorization a condition precedent requiring TRT to submit to the Commission "an operating agreement with the BPO which is consistent with similar agreements in effect between the BPO and other carriers." 46 FCC 2d 1042, 1056 (1974). Thus, essentially uniform settlement agreements on parallel routes have been utilized to maintain a proper United States posture for dealing with monopoly (usually governmental) telecommunications entities in other nations. TRT has failed to point to any instance where the Commission chose not to apply the uniformity policy.

18. The possibility of whipsawing which is harmful to U.S. ratepayers is as real today as it was when the Commission first articulated its concern. Competition has increased on international routes, and the number of routes on which whipsawing is possible also has increased. Moreover, we have no reason to believe that the basic interests of foreign telecommunications administrations have changed since we made the following observation in *Mackay Radio and Telegraph Company, Inc.*, 2 FCC 592 (1936), aff'd *Mackay Radio and Telegraph Co.* v. *FCC*, 97 F. 2d 641 (1938):

Inasmuch as the telegraph administration controls every word of outgoing radiotelegraph traffic, the competing American radio companies would be dependent upon it for their traffic . . . . Each would be interested in increasing its share of the total traffic. To expect the telegraph administration to play the competing companies against each other is simply to expect that the administration will be headed by good business men, loyal to their national interests. To rely upon companies which are bitter competitors not to make concessions to the administration which controls all outgoing radiotelegraph traffic is to provide an exceedingly tenuous basis upon which to rest public interest.

19. Therefore, we see no reason to depart from the basic policy of protecting the American ratepayer by restricting the contractual freedom of U.S. international carriers to the extent necessary. A settlement by a U.S. carrier for any particular division of international communications tolls may be of no concern so long as no more is involved. The same may be true of a consecuent acceptance by other carriers on the same route of a like division of tolls. Nevertheless, as we have often recognized, manipulation of the settlement rate by a carrier in an effort to secure for itself a larger share of the traffic, particularly if followed by similar agreements by its competitors trying to maintain their positions, may substantially disserve the interests of United States ratepayers where the settlement rate is too low to fully compensate the U.S. carriers for the costs incurred in handling the traffic. Resulting higher tariff rates for U.S. ratepayers, attempted cross-subsidizations by the U.S. carriers, or a gradual financial weakening of the U.S. carriers, would clearly be consequences of substantial concern.

20. In this situation, uniform settlement rate agreements may also be fully consistent with the antitrust component of the public interest, convenience, and necessity standard which guides the Commission. Of course, this agency is obligated to consider the fundamental national economic policy which is expressed in the antitrust laws in its regulation of interstate and foreign communication by wire and radio.[5] Indeed, the Commission has recognized the importance of competition in the setting of rates,[6] and in the provision of specialized private line services [7] and terminal equipment.[8] However, we may not automatically assume that competition in all circumstances necessarily promotes the public interest.[9] The test is essentially a pragmatic one of public benefit in terms of efficient service at low rates.

21. In addition to the considerations set forth above concerning the possible harmful effects of non-uniform settlement agreements, and in light of the basic public interest entrusted to our care, we must, however, recognize that not all non-uniform settlements are necessarily disadvantageous to the ratepayer. We agree with TRT that a rigid application of a uniformity policy may not always be in the public interest. Capital costs, operating costs, and settlement rates affect the tariff rate for international services. Thus, renegotiation of a settlement rate may result in a lower tariff rate, and although some IRCs may experience a diversion or loss of revenues as a result of a lower settlement rate, the savings to the public may well outweigh this possible diversion or loss. For example, without rehearing the particular TRT settlement agreement which led to this proceeding we note TRT's claim that although the lower telex settlement rate might have caused about a $1,000,000 diversion of revenues to the BPO, the U.S. ratepayer would save between $5,000,000 to $7,000,000 because of the concomitant lowering of the tariff rate. Competitively motivated rate reductions may well be in the public interest.

22. Our objective is to promote that freedom in arriving at international settlements which may facilitate international service rate reductions related to lower settlement rates, while also protecting the American ratepayer from the potentially harmful consequences of whipsawing. We propose, to that end, to consider on a case-by-case basis objections which may be made to proposed individual departures from uniform settlement agreements on parallel routes. We propose to amend our rules to require for the submission of objections to such proposed agreements. [Moreover, we propose to amend our rules to provide that, where a prima facie case is presented that the U.S. ratepayer will realize savings accompanying any proposed settlement rate reduction, due to the concomitant lowering to the tariff rate, those opposing such settlement rate reductions must carry the burden of proving that such reductions are not in the public interest.] We request comment on the most effective and expeditious method of determining whether a proposed nonuniform settlement agreement will have adverse public consequences which outweigh ostensible public benefits, and on such questions as whether we should require particular information to accompany the submissions and objections, whether any material should be accepted on a confidential basis, and what time limits should be prescribed.

23. The proposed amendments to the rules are issued pursuant to the authority contained in Sections 4(i), 201 (a) and (b), 205(a), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and 201 (a) and (b), 205 (a), and 303(r).

24. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments on or before August 11, 1977, and reply comments on or before September 12, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take account of other relevant information before it, in addition to the specific comments invited by this Notice.

25. In accordance with § 1.419 of the rules, 47 CFR 1.419, an original and 5 copies of all pleadings shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-17528 Filed 6-17-77;8:45 am]

[5] *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86, 94 (1953).

[6] Telpak, 38 FCC 370 (1964), 37 FCC 1111 (1964), 38 FCC 761 (1965), aff'd sub nom., *American Trucking Ass'ns.* v. *FCC*, 377 F. 2d 131 (D.C. Cir. 1966), cert. denied, 386 U.S. 943.

[7] Specialized Common Carrier Decision, 29 FCC 2d 870 (1971); aff'd sub nom., *Washington Utilities and Transportation Commission* v. *FCC*, 513 F. 2d 1142 (9th Cir. 1975), cert. denied, 423 U.S. 836 (1975); and Second Report and Order in Docket No. 16495 (Domsat) 35 FCC 2d 844 (1972).

[8] First Report and Order in Docket No. 19528, 56 FCC 2d 626 (1975); Second Report and Order in Docket 19528, FCC 76-242, 58 FCC 2d 736 (1976).

[9] *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86, 94-95 (1953); and *Hawaiian Telephone Co.* v. *FCC*, 498 F. 2d 771, 777 (D.C. Cir. 1974).

JUN 20 77 UM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

Income Eligibility Level

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER of January 24, 1977 (42 FR 4159). The revised schedule is based on poverty figures effective May 25, 1977, obtained from the Community Services Administration Income Poverty Guidelines. The amounts include state supplements to the Federal Supplemental Security Income (SSI) Program, effective August 9, 1976.

These ACTION programs are authorized pursuant to Section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 402. Pursuant to Section 421(4) of Pub. L. 93–113, 87 Stat. 414, the income eligibility levels are determined by the currently applicable guideline published by the Community Services Administration (CSA) pursuant to Section 625 of the Economic Opportunity Act of 1974, as amended (42 U.S.C. 2971(a)), and increased by the amounts individual states supplement the Federal Supplement Security Income (SSI) Program, permitting ACTION, in accordance with Sec. 421(4)) of Pub. L. 93–113, to take into consideration existing poverty guidelines as appropriate to local situations. Section 625 permits the CSA poverty guideline to be adjusted for cost-of-living changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Pursuant to Section 420 of Pub. L. 93–113, this policy will become effective on June 20, 1977.

Action schedule of income eligibility levels for foster grandparents or senior companions

State	Individuals	Family of 2	Family of 3
Alabama	$2,970	$3,935	$4,855
Alaska	5,715	7,760	8,935
Arizona	2,970	3,930	4,855
Arkansas	2,970	3,930	4,855
California	4,270	7,170	8,095
Colorado	3,370	5,730	6,655
Connecticut	4,030	4,650	5,575
Delaware	2,970	3,930	4,855
District of Columbia	2,970	3,930	4,855
Florida	2,970	3,930	4,855
Georgia	2,970	3,930	4,855
Hawaii	3,610	4,820	5,880
Idaho	3,730	4,530	5,455
Illinois	3,095	3,930	4,855
Indiana	2,970	3,930	4,855
Iowa	2,970	3,930	3,855
Kansas	2,970	3,930	4,855
Kentucky	2,970	3,930	4,855
Louisiana	2,970	3,930	4,855
Maine	3,095	4,110	5,035
Maryland	2,970	3,930	4,855
Massachusetts	4,345	6,070	6,995
Michigan	3,260	4,365	5,290
Minnesota	3,310	4,375	5,300
Mississippi	2,970	3,930	4,855
Missouri	2,970	3,930	4,855
Montana	2,970	3,930	4,855
Nebraska	3,750	4,820	5,745
Nevada	3,545	5,095	5,995
New Hampshire	3,034	3,930	4,855
New Jersey	3,235	4,050	4,975
New Mexico	2,970	3,930	4,855
New York	3,700	4,840	5,765
North Carolina	2,970	3,930	4,855
North Dakota	2,970	3,930	4,855
Ohio	2,970	3,930	4,855
Oklahoma	3,235	4,515	5,440
Oregon	3,115	4,050	4,975
Pennsylvania	3,360	4,515	5,440
Rhode Island	3,345	4,640	5,565
South Carolina	2,970	3,930	4,855
South Dakota	2,970	3,930	4,855
Tennessee	2,970	3,930	4,855
Texas	2,970	3,930	4,855
Utah	2,970	3,930	4,855
Vermont:			
Area 1	3,360	4,450	5,375
Area 2	3,360	4,690	5,615
Virginia	2,970	3,930	4,855
Washington:			
Area 1	3,380	4,360	5,285
Area 2	3,185	4,005	4,930
West Virginia	2,970	3,930	4,855
Wisconsin	3,920	5,435	6,335
Wyoming	2,970	3,930	4,855
Puerto Rico	2,970	3,930	4,855
Virgin Islands	2,970	3,930	4,855

For families of more than three persons in the household, add the appropriate supplement for each member over three as follows:

	Per person
In the 48 contiguous States	$960
Alaska	1,200
Hawaii	1,100

Revision based on Community Services Administration Income Poverty Guidelines effective May 25, 1977, DHEW Supplemental Security Income Summary dated August 9, 1976.

JAMES DUKE,
Executive Officer.

[FR Doc.77–17337 Filed 6–17–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Tennessee Grain Inspection Point

Statement of considerations. The Chattanooga Grain Inspection Department, Chattanooga, Tennessee, has requested that its designation under section 7(f) of the U.S. Grain Standards Act as amended (7 U.S.C. 79(f)) to operate as an official agency at Chattanooga, Tennessee, be canceled. Accordingly, the Federal Grain Inspection Service proposes to cancel the designation of the Chattanooga Grain Inspection Department to operate as an official agency at Chattanooga.

Mr. Richard G. Lyons has applied for designation pursuant to section 7(f)(1)(A) of the amended Act (7 U.S.C. 79(f)(1)(A)), and section 26.96 of the regulations (7 CFR 26.96) to operate the official agency at Chattanooga, Tennessee. This application does not preclude other interested persons from making similar application.

As a point of clarification, it should be noted that the United States Grain Standards Act (7 U.S.C. 71 et seq.), hereinafter referred to as the "Act," has been amended by Pub. L. 94–582, effective November 20, 1976, to extensively modify the official inspection system. The amended Act provides that the Administrator of the newly-created Federal Grain Inspection Service (FGIS), after conducting investigations and other studies, will designate official agencies at the various interior points. In implementing these provisions, FGIS is currently in the process of reviewing the designations of all agencies or persons presently designated to provide official inspection services. The amended Act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for their termination, not to exceed two years from the effective date of the amended Act, provided such agencies pay any required fees to FGIS.

Accordingly, this new designation would, if approved by the U.S. Department of Agriculture, be on an interim basis and continue until the Administrator of FGIS either grants or denies an official designation under the amended Act to the applicant or sets a period of time for its termination.

Other interested persons are hereby given opportunity to make application for designation to operate as an official agency at Chattanooga, Tennessee, pursuant to the requirements set forth in section 7(f)(1)(A) of the amended Act (7 U.S.C. 79(f)(1)(A)), and section 26.96 of the regulations (7 CFR 26.96).

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official agency at Chattanooga, Tennessee.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than July 20, 1977. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on June 14, 1977.

WILLIAM T. MANLEY,
Interim Administrator.

[FR Doc.77–17501 Filed 6–17–77;8:45 am]

NATIONAL SCIENCE FOUNDATION

SUBPANEL FOR SCIENCE FOR CITIZENS PROGRAM

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

NAME: Subpanel for Science for Citizens Program of the Advisory Panel on Science Education Projects.

DATE: July 8 and 9, 1977.

PLACE: Rooms 628 and 611, 1800 G Street NW., Washington, D.C. 20550.

CONTACT PERSON: Ms. Rachelle Hollander, Acting Program Manager, Science for Citizens Program, Office of Science and Society, Room W–664, National Science Foundation, Washington, D.C. 20550, Telephone 202–282–7770.

TYPE OF MEETING: Closed.

PURPOSE OF SUBPANEL: To provide advice and recommendations concerning support for research in the Science for Citizens Program.

AGENDA: Review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee Management Officer.

JUNE 15, 1977.

[FR Doc.77–17491 Filed 6–17–77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77–6–24,[1] Dockets 30635, 28966]

COCHISE AIRLINES, INC.

Certificate of Public Convenience and Necessity; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of June, 1977.

Ordering paragraph 1(e.) on page 7 of Order 77–6–24, June 7, 1977, inadvertently omitted the cities of Kingman, Prescott and Winslow, and should read:

e. Do the public convenience and necessity require the deletion or suspension, with or without conditions, of the authority of Hughes Air Corp. d/b/a Hughes Airwest and/or Frontier Airlines, Inc., at Yuma, Grand Canyon, Flagstaff, Page, Kingman, Prescott, Winslow, Arizona, Blythe and El centro, California?

By the Civil Aeronautics Board:

Dated: June 13, 1977.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–17543 Filed 6–17–77; 8:45 am]

[1] Published at 42FR(30225) 6–13–77.

[Order 77–6–55, Docket 27573, Agreement C.A.B. 26653 R–1 through R–3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority June 10, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the Resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names two additional specific commodity rates under existing commodity descriptions and adds one new rate with a new specific commodity description as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in IATA letters.

Agreement CAB	Specific commodity item No.	Description and rate[1]
26653:		
R–1	9512	Handicraft, excluding wearing apparel, diamonds and precious stones, 289 c per kg,[2] minimum weight 500 kg., Johannesburg to New York.
R–2	2195	Yarn, thread and/or fibres, 262c per kg, minimum weight 200 kg. Bankok to New York.
R–3	6807	Plastic Foils and/or sheets[3] 106c kg,[4] minimum weight 1,000 kg, Auckland to Los Angeles.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires Dec. 31, 1977.
[3] New description.
[4] Expires June 30, 1978.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, that: Agreement C.A.B. 26653 be and hereby is approved. provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

V 42 FR 1978 JUN 20 77 UM

This order shall be effective and become the action of the Civil Aeronautics Board unless within such a period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17544 Filed 6-17-77;8:45 a.m.]

[Docket 77-6-57, Docket 29123, Agreement C.A.B. 26649, R-1 through R-29]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Issued under delegated authority June 10, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement was adopted at the Reconvened Meeting of Traffic Conference 2 held in Geneva during January 1977 and has been assigned the above C.A.B. agreement number.

Proposing a new fare structure to apply in the Europe-Africa market through March 1978, the submission is a limited agreement as set forth in the Provisions for the Regulation and Conduct of IATA Traffic Conferences and therefore is not binding upon certain conference members until they so declare. Inasmuch as Trans World Airlines, Inc. has declared itself bound by the agreement, it has been submitted for Board action. We will approve those resolutions which involve fares that are combinable with fares to/from the United States and thus have indirect application in air transportation as defined by the Act. Jurisdiction will be disclaimed on those resolutions involving fares not similarly combinable.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

1. It is not found that the following resolutions, which are incorporated in Agreement C.A.B. 26649 as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
26649:			
R-1	LA3 TC2	Limited Agreement Europe-Africa (New)	2
R-2	001b TC2	Special Effectiveness Resolution (Tie-in)	2
R-3	001mm	Special Escape for TC2 Supersonic Fares (New)	2
R-4	001w	Special Escape for TC2 Agreements	2
R-5	001ww	Special Emergency Escape for Europe/Middle East-Africa Agreement	2
R-6	002	Special Adoption Resolution	2
R-7	052 TC2	First Class Fares	2
R-8	052a TC2	Supersonic Fares (Adopting and Amending)	2
R-9	062 TC2	Economy Class Fares	2

2. It is not found that the following resolutions, incorporated in Agreement C.A.B. 26649 as indicated, affect air transportation as defined by the Act:

Agreement CAB	IATA No.	Title	Application
26649:			
R-10	070L TC2	75 Day Excursion Fares between Europe/Middle East and Africa, (Adopting and Amending).	2
R-11	070LL TC2	30, 45 and 75 Day Excursion Fares between Europe/Middle East and Africa, (Adopting and Amending).	2
R-12	071g TC2	30 Day Excursion Fares, Madrid-Malabo/Bata, (Adopting and Amending).	2
R-13	071h TC2	75 Day Excursion Fares East Africa/Mauritus and Seychelles to Europe, (Adopting and Amending).	2
R-14	071s TC2	25 and 35 Day Excursion Fares West and West Central Africa-Europe, (Adopting and Amending).	2
R-15	071v	South Africa-United Kingdom/Ireland Advance Purchase Excursion Fares, (Adopting and Amending).	2
R-16	072b TC2	Creative Fares Except Europe, (Adopting and Amending)	2
R-17	075j TC2	120 Day Group Excursion Fares, Mauritius-London, (Adopting and Amending).	2
R-18	075kk TC2	120 Day Group Excursion Fares, Seychelles to London, (New)	2
R-19	076t	Affinity Group Fares—Johannesburg-Europe, (Adopting and Amending).	2
R-20	076ww	Incentive Group Fares from Europe to Africa, (Adopting and Amending).	2
R-21	080 TC2	45 Day Individual Inclusive Tour Fares—Europe/Middle East to Africa, (Adopting and Amending).	2
R-22	080dd	Delayed Effectiveness Inclusive Tours from Federal Republic of Germany and West Berlin to Points in Africa (New).	2
R-23	081rr TC2	7/14 Day Group Inclusive Tour Fares—Southern Africa to Greece (New).	2
R-24	081s TC2	One Month Group Inclusive Tour Fares—Southern and Central Africa to Europe/Middle East (Adopting and Amending).	2
R-25	081ww TC2	One Month Group Inclusive Tour Fares—Southern Africa to Europe (Adopting and Amending).	2
R-26	084ss TC2	One Month Group Inclusive Tour Fares—Europe/Middle East to Africa, (Adopting and Amending).	2
R-27	084ss TC2	One Month Group Inclusive Tour Fares—Europe/Middle East to Africa (Amending).	2
R-28	084tt	One Month Group Inclusive Tour Fares—Europe to Eastern Africa, Somalia and Djibouti (Adopting and Amending).	2
R-29	084tt	One Month Group Inclusive Tour Fares—Europe to Eastern Africa, Somalia and Djibouti and from London to Seychelles (Amending).	2

Accordingly, it is ordered that:

1. Those portions of Agreement C.A.B. 26649 set forth in finding paragraph one above be and hereby are approved; and

2. Jurisdiction is disclaimed with respect to those portions of Agreement C.A.B. 26649 set forth in finding paragraph two above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50 may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17545 Filed 6-17-77;8:45 am]

[Order 77-6-59, Docket 27573; Agreement C.A.B. 26657, R-1 and R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority June 10, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Composite Cargo Traffic Conference held in Vancouver on May 26, 1977 and has been assigned the above C.A.B. agreement number.

The agreement names two additional specific commodity rates under existing commodity descriptions as set forth below, reflecting reductions from general cargo rates.

Agreement CAB	Specific commodity item No.	Description and rate [1]
26657:		
R-1	2199	Yarn, thread, fibres, textiles, textile manufactures, wearing apparel 85 c/kg,[2] minimum weight 100 kg, Rarotonga to Honolulu
R-2	9512	Handicraft, excluding wearing apparel diamonds and precious stones, 85 c/kg,[2] minimum weight 100 kg, Rarotonga to Honolulu.

[1] Subject to applicable currency conversion factors as shown in tariffs.
[2] Expires Sept. 30, 1977.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered*, That:

Agreement C.A.B. 26657, R-1 and R-2, be and hereby is approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such a period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17546 Filed 6-17-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PF123; FRL 748-2]

FOOD ADDITIVE PETITION

Filing

Elanco Products Co., a division of Eli Lilly and Co., P.O. Box 1750, Indianapolis, IN 46206, has submitted a petition (FAP 7H5165) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 561 by establishing a food additive regulation permitting the use of the fungicide tricyclazole [5-methyl-1,2,4-triazole (3,4-b)-benzothiazole in a proposed experimental program involving application of the fungicide to growing rice with a tolerance limitation of 7 parts per million in rice hulls, bran, polishings, and straw for residues of the fungicide tricyclazole and its metabolite 1,2,4-triazole (3,4-b)-benzothioazole-5-methanol.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 7H5165." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section for 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: June 9, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-17467 Filed 6-17-77;8:45 am]

[PF124; (FRL 748-1)]

FOOD ADDITIVE PETITION

Filing

Shell Chemical Co., Suite 200, 1025 Connecticut Ave., Washington, D.C. 20036, has submitted a petition (FAP 7H5164) to the Environmental Protection Agency (EPA) which proposes to amend 21 CFR 561 and 193 by establishing food additive regulations permitting the use of the insecticide hexakis [2-methyl-2-phenylpropyl]distannoxane in a proposed experimental program involving application of the insecticide to growing grapes and almonds with a tolerance limitation of 30 parts per million (ppm) in almond hulls and dried grape pomace and 20 ppm in raisins for residues of the insecticides.

Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. Interested persons are invited to submit written comments on the petition referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number "FAP 7H5164." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: June 9, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-17468 Filed 6-17-77;8:45 am]

[OPP-42045; (FRL 747-8)]

STATE OF ARIZONA

Submission of Plan for Certification of Pesticide Applicators

In accordance with the provisions of Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.) and 40 CFR Part 171 (39 FR 36446 (October 9, 1974) and 40 FR 11698 (March 2, 1975)), the Honorable Raul H. Castro, Governor of the State of Arizona, has submitted a State Plan for the Certification of Commercial and Private Applicators of Restricted Use Pesticides to the Environmental Protection Agency (EPA) for approval on a contingency basis. Contingency approval is being proposed pending promulgation of regulations implementing existing legislation. An amendatory letter to the Arizona State Plan was submitted on January 21, 1977, to clarify some additional points on the proposed regulations and the State plan. Copies of the amendatory letter, legislation, and proposed regulations are attached to the plan.

Notice is hereby given of the intention of the Regional Administrator, EPA, Region IX, to approve the plan on a contingency basis.

A summary of the plan follows. The entire plan, together with all attached appendices (except sample examinations) may be examined during normal business hours at the following locations:

Board of Pesticide Control, 2538 E. University Drive, Suite 135, Phoenix, AZ 95034 (602)-275-3578).

Room 360, 100 California Street, San Francisco, CA 94111 (Pesticides Branch, Air and Hazardous Materials Division, EPA, Region IX (415)-556-3352).

Room 401, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460 (Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA (202)-755-4854).

SUMMARY OF ARIZONA STATE PLAN

The Board of Pesticide Control has been designated as the State lead agency for the administration, coordination, and enforcement of the pesticide applicator certification program.

The cooperating agencies in the certification program include the Structural Pest Control Board and the University of Arizona-Tucson, Cooperative Extension Service, Council for Environmental Studies. The Board of Pesticide Control and the Structural Pest Control Board will assist the Cooperative Extension Service in the development of a training program for Arizona applicators and will coordinate the subject matter to be presented to ensure that training and competency examinations are properly oriented.

The Structural Pest Control Board is responsible for certifying structural pest control applicators. The certificates are issued by the Structural Pest Control Board to qualified operators who successfully pass the Board's written examination.

Legal authority for the program is contained in the following statutes and regulations: Arizona Revised Statutes, Article 6.1, Sections 3-391 through 3-399; Article 4, Sections 32-2331 through 32-2339; and Arizona Compilation of Rules and Regulations, proposed regulations R3-10-50, R3-10-82, R4-29-26.

The Plan indicates that the State lead agency and the cooperating agencies expect to have sufficient qualified personnel

V42 N118 JUN 20 77 UM

and funds necessary to carry out the programs.

Arizona estimates that 2,800 commercial and 1,000 private applicators will need to be certified. The certificates to be issued to the applicators will include the type of certification and certification numbers.

The Board of Pesticide Control will submit an annual report to EPA by April 1 of each year and other reports as required by the Administrator.

The commercial applicator categories and standards of competence proposed are those which are described in 40 CFR 171.3. No new categories were added, and categories 9 and 10 were deleted.

The State of Arizona plans to certify commercial applicators by means of written examinations which will cover both the Federal general standards or "core" material and the specific standards as described in 40 CFR 171.4 and 171.6. Commercial applicators will be recertified every odd calendar year by written examinations.

Private applicators will be certified by a written examination, oral examination, or completion of a training course approved by EPA and the Board of Pesticide Control which includes an examination. The examinations will cover the standards of competency as specified in 40 CFR 171.5 and 171.6.

Oral examinations will be used for private applicators who are unable to read the label. Certification of such private applicators will be related and limited to the use and handling of each individual pesticide for which such person desires certification at the time; and the applicator will be authorized to use only the pesticides for which he had demonstrated competence. The oral examination will be designed to assure that such person has knowledge of the following:

(a) Understanding of the label and labeling information, and

(b) Sources of advice and guidance necessary for the safe and proper use of each pesticide related to his certification.

The State indicates that a determination on the subjects of reciprocity, the Government Agency Plan, and certification on Indian lands will be made at a later date and they will notify the Regional Administrator, Region IX at that time. A final decision on continued demonstration of competency after initial certification for private and commercial applicators will be made at a later date once the program becomes operational. The state indicates that training will be available to individuals who need it.

Other regulatory activities listed in the Arizona State Plan which will supplement the certification program are the licensing of custom applicators and structural pest control applicators, special grower and seller permits, equipment licenses, pest control advisor licenses, and regulation of pesticide use, storage, and application.

Maintenance of the State plan including monitoring and spot checking of certified applicators and pesticide use will be done by the Board of Pesticide Control and the Structural Pest Control Board. They will investigate suspected violations, and perform other regulatory functions as necessary to carry out the State's certification program.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the proposed State Plan for the State of Arizona to the Chief, Pesticides Branch, Air and Hazardous Materials Division, Region IX, Environmental Protection Agency, Room 360, 100 California Street, San Francisco, California 94111. The comments must be received within thirty days after publication of this notice and should bear the identifying notation (OPP-42045). All written comments filed pursuant to this notice will be available for public inspection at the above-mentioned locations from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 2, 1977.

SHEILA M. PRINDIVILLA,
Acting Regional Administrator,
Region IX.

[FR Doc.77-17465 Filed 6-17-77;8:45 am]

[FRL 748-3; PW10]

PESTICIDE PETITIONS

Withdrawal

On January 31, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 4676) that Diamond Shamrock Chemical Co., N100 Superior Ave., Cleveland, OH 44114, had filed a petition (PP5F1572). This petition proposed the establishment of tolerances (40 CFR 180) for the combined residues of the herbicide cisanilide (*cis*-2,5-dimethyl-*N*-phenyl-1-*pyrrolidinecarboxamide*) and its phenyl urea containing metabolites (calculated as cisanilide) in or on the raw agricultural commodities field corn fodder and forage at 1 part per million (ppm), field corn grain at 0.1 ppm (negligible residue), and in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm (negligible residue).

Diamond Shamrock Chemical Co. has withdrawn this petition without prejudice in accordance with the regulations (40 CFR 180.8 pertaining to Section 408 of the Federal Food, Drug and Cosmetic Act 346a(d)).

Dated: June 9, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-17466 Filed 6-17-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21049, (RM-2749)]

COMMERCIAL TELEVISION NETWORK PRACTICES

Order Extending Time for Comments and Reply Comments on "Petition for Declaratory Ruling"

Adopted: June 13, 1977.

Released: June 15, 1977.

1. The Commission has before it a "Petition for Declaratory Ruling", filed June 1, 1977, by the Motion Picture Association of America, Inc. and seven major producers of television programming (filing jointly). The Petition seeks Commission interpretation of § 73.658 (j)(1)(ii) of the Commission's Rules so as to prohibit certain alleged network practices in the acquisition of television programming.

2. On June 2, 1977, the Commission announced in a press release (Report No. 13019) that the deadline for comments on the "Petition" would be June 13 and for replies, June 20, 1977.

3. The American Broadcasting Companies, Inc. (ABC) asked the Commission on June 10 to set the same deadline for comments on the "Petition" as for the reply comments in the overall proceeding, noting that the two matters are closely related and urging the Commission to avoid bifurcation of the inquiry. In the alternative, ABC requested a four-day extension until June 17, 1977. The National Broadcasting Company, Inc. (NBC) also filed a request on June 10, 1977, seeking an extension until June 20 for comments and July 1 for replies. The Petitioner has agreed to the extension requested by NBC. An extension as requested in the first instance by ABC would be excessive, but a shorter extension will not introduce substantial delay in the expeditious conduct of the overall inquiry.

4. In view of the foregoing, *It is ordered,* That the deadline for comments on the above-referenced "Petition for Declaratory Ruling" IS EXTENDED, to and including June 20, 1977, and July 1 for reply comments.

This action is taken pursuant to authority contained in § 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

WALLACE E. JOHSON,
Chief, Broadcast Bureau.

[FR Doc.77-17524 Filed 6-17-77;8:45 am]

LEWELL BROADCASTING, INC.

[FCC 77-372, Docket No. 21267, File No. BRH-1362]

Order and Notice of Apparent Liability

Adopted: May 26, 1977.

Released: June 15, 1977.

1. The Commission has before it for consideration the captioned application and its inquiries into the operation by Lewel Broadcasting Inc., of Station WDRK(FM), Greenville, Ohio.

2. Information before the Commission raises serious questions concerning whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing. A competing application of Korvin Broadcasting, Inc., (BPH-10244) has been accepted for filing by the Commission. Once processing has been completed, it will be consolidated into the present proceeding.

3. Accordingly, *It is ordered,* That the captioned application is designated for hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the applicant has failed to satisfy operator requirements in the operation of Station WDRK(FM), in violation of Section 73.265(a) of the Rules;

(b) To determine whether the licensee has failed to maintain adequate program and/or operating logs for Station WDRK(FM) in violation of Sections 73.281(a) and 73.282(a)(2) of the Rules;

(c) To determine whether the employees of Radio Station WDRK(FM) were instructed by management or principals of the licensee to falsify and/or to fabricate entries in the station's program and/or operating logs;

(d) To determine whether, and if so the extent to which, entries in the WDRK(FM) program and/or operating logs were falsified and/or fabricated;

(e) To determine whether, in light of the evidence adduced under issues (a) through (d) above, the licensee made misrepresentations to the Commission or was lacking in candor regarding preparation and/or maintenance of adequate program and operating logs and/or compliance with the operator requirements of Section 73.265(a) of the Rules;

(f) To determine whether, in light of the information adduced under the preceding issues, the licensee possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a), (b), (c) and (d).

5. *It is further ordered,* That, if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station WDRK(FM) it shall also be determined whether the applicant has willfully or repeatedly violated Sections 73.265(a), 73.281(a) and 73.282(a)(2) of the Commission's Rules.[1] If so, it shall also be determined whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount, should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. *It is further ordered,* That, this document constitutes a Notice of Apparent Liability for forfeiture for violation of Sections 73.265(a), 73.281(a) and 73.282(a)(2) of the Commission's Rules. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forefeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; the judgment is, of course, to be made on the facts of each case.

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to Issues (a) through (f) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant herein, pursuant to Section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered,* That the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner perscribed in such Rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

10. *It is further ordered,* That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Lewel Broadcasting, Inc., licensee of WDRK(FM), Greenville, Ohio.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-17525 Filed 6-17-77;8:45 am]

[Supp. No. 34]

CANADA-U.S.A. FM BROADCASTING AGREEMENT OF 1947

Amendment of Table A

MAY 19, 1977.

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canada-U.S.A. FM Broadcasting Agreement has been amended as set forth in the attached list. It is to be noted that those representing assignments will indicate call signs plus parameters.

Further additions, changes, and deletions will be issued as reported to the Commission by the Canadian Department of Communications.

Copies of the basic Table of Assignments and Allocations may be obtained from Downtown Copy Center, 1730 K Street NW., Washington, D.C. 20036, telephone 202-452-1422.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[1] To the Table of Canadian FM Broadcasting Channel Assignments and Allocations within 250 miles of the Canada-U.S.A. border, dated May 13, 1977, as revised to April 12, 1977.

[1] See Bill of Particulars for specific dates of each alleged violation.

FM ENGINEERING DATA BASE LISTING - INDEX KEY STATE,CITY,FREQ MAY 13, 1977 PAGE 1
FEDERAL COMMUNICATIONS COMMISSION - BROADCAST BUREAU
•••NOTICE••• UNOFFICIAL SECONDARY SOURCE. USE PRIMARY SOURCES FOR OFFICIAL INFORMATION •••NOTICE•••

HALIFAX	NS	213 C 90.5	44-38-53.0 63-35-31.0	USA	770512

[FR Doc.77-17527 Filed 6-17-77;8:45 am]

JUN 20 1977 UM

FEDERAL ENERGY ADMINISTRATION

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact; North Carolina, North Dakota and Colorado Conservation Plans

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the States of North Carolina, North Dakota and Colorado, of their State Energy Conservation Plans. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321, et seq.

Based upon assessment of environmental impacts that are expected to result from implementation of these plans, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for any of these plans.

Single copies of the environmental assessments of the State Plans for North Carolina, North Dakota and Colorado are available upon request from the FEA Office of Communications and Public Affairs, Room 3138, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the environmental assessments will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plans are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessments to Executive Communications, Box NH, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment (Name of State) Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by June 27, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 14, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-17494 Filed 6-17-77;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01074---	Sigval Bergesen: *Langfonn.*
01150---	Chevron Transport Corp.: *David Packard.*
01269---	S. Ugelstads Rederi A/S: *Active Guy, Active Rey.*
01323---	Manchester Liners Ltd.: *Manchester Vigour, Manchester Zeal.*
01330---	Shell Tankers (U.K.) Ltd.: *Lima.*
01360---	Midland Enterprises Inc.: *Pat Chotin, Chotin 1214, Chotin 1217, Chotin 1218, Chotin 1219, Chotin 1280 X, Chotin 1316, Chotin 1380 X, Chotin 1382 X, Chotin 1383 X, Chotin 1410, Chotin 1411, Chotin 1412, Chotin 1533, Chotin 1535, Chotin 1565, Chotin 1601, Chotin 1607, Chotin 1608, Chotin 1659, Chotin 1665, Chotin 1718, Chotin 1790 X, Chotin 1791 X, Chotin 2090 X, Chotin 2690, Chotin 2886, Chotin 3290, Chotin 4470, Chotin 4890, J. N. Philips, A. P. Bozley, Robert A. Taft, John D. Geary, Robert N. Stout.*
01462---	Ropner Shipping Co. Ltd.: *Lackenby.*
01530---	Herm. Dauelsberg, Bremen: *Flavia, Clivia.*
01641---	The Bank Line Ltd.: *Riverbank.*
01890---	A/S Billabong: *Star Dieppe.*
01988---	Brostroms Rederi AB: *Thuleland.*
02198---	Peninsular & Oriental Steam Navigation Co.: *Garinda.*
02453---	The Turnbull Scott Shipping Co. Ltd.: *Flowergate.*
02975---	Venture Shipping (Managers) Ltd.: *Best Venture.*
03460---	Mibae Shosen Kabushiki Kaisha: *Tokelau.*
03507---	Taiseimaru Kaiun K. K.: *Taisei Maru No. 98.*
03692---	Marmac Corp.: *GBL-2, GBL-3, GBL-5.*
03712---	Far Eastern Marine Transport Co. Ltd.: *Glory River.*
03836---	Splosna Plovba: *Kamnik.*
03879---	Zapata Haynie Corp.: *Great Wicomico.*
03918---	Mobil Shipping and Transport Co.: *Mobil Arrow.*
03923---	Shinwa Kaiun Kaisha, Ltd.: *Sumaura Maru, Shinwa Maru, Fuei Maru, Riyadh Maru, Tsubame Maru No. 2.*
04218---	Zidell Inc., Zidell Dismantling Inc. and Zidell Explorations Inc.: *ZB-205.*
04226---	National Marine Service Inc.: *N.M.S. No. 1468, N.M.S. No. 1469.*
04437---	Lebeouf Bros. Towing Co., Inc.: *LBT 4, LBT 5, LBT 6, LBT 7, LBT 8, LBT 10, LBT 11, LBT 12, LBT 13, LBT 14, LBT 15, LBT 16, LBT 17, LBT 18, LBT 22, LBT 76.*
04504---	Sumiyoshi Gyogyo Kabushiki Kaisha: *Kohoku Maru No. 12.*
04565---	Consolidated Navigation Corp. *New Concord.*
04642---	South African Marine Corp. Ltd.: *S A John Ross.*
05274---	Fluor Drilling Services Inc.: *Western Offshore No. 1X.*
05520---	Union Carbide Corp.: *LCT 104, NMS 1310.*
05578---	Baltic Shipping Co.: *Mekhanik Tarasov.*
05736---	Flota Cubana De Pesca: *Rio Salado.*
05838---	Kabushiki Kaisha Ichimaru: *Shoyu Maru No. 25, Shoyu Maru No. 35.*
06234---	Kokusai Gyogyo Kabushiki Kaisha: *Anyo Maru No. 11.*
06248---	Commercial Corp. "Sovrybflot": *Mys Dalnyi.*
06510---	Compagnie Nationale Algerienne de Navigation. *Haoud el Hamra, Ben Boulaid, Nezla, Tindouf, Babor, Biban, Ksar Ettir, Ksar Chellala.*
06511---	Associated Shipping Corp. Ltd.: *Continental Highway.*
07141---	Miyagi Ken: *Shinmiyagi Maru.*
07208---	Iraqi General Enterprise for Maritime Transport: *14 July, Baghdad, Basrah, Sinbad.*
07216---	Kabushiki Kaisha Nagasaki Ken Gyogyo Kosha: *Ozuru Maru No. 18.*
07453---	Transportes Navieros Ecuatorianos: *Isla Santay.*
07640---	Exxon Co. U.S.A.: *Exxon Mobile, Exxon Nashville.*
07943---	Skips A/S Solhav and Co.: *Sol Michel.*
08336---	A. Bottacchi Sociedad Anonima de Navigacion Comercial, Financiera, Industrial Inmobiliaria: *Punta Delfin.*
08488---	Multinational Gas and Petrochemical Co.: *Reliance Gas.*
08530---	Prompt Shipping Corp. Ltd.: *Beaufort Career.*
08584---	The Mogul Line Ltd.: *Lok Vihar.*
08599---	Kalamos Compania Naviera S. A. Panama: *Eptanissos.*
08765---	Landmo Shipping Services Ltd.: *Rosedale.*
08777---	Jebsens (UK) Ltd.: *Borgnes.*
08787---	Smit Internationale Zeesleep-en Bergingsbedrijfbv: *Smit Houston, Smit New York.*
08818---	Venus Carriers Corp., S. A.: *Daisy.*
08979---	Diakan Truth S. A.: *Alithia.*
09430---	United Oriental Steamship Co.: *Kaderbaksh, Iqbalbaksh.*
09566---	Houshin Kaiun K.K.: *Seiyei Maru.*
10320---	Star Shipping Corp.: *El Zanjon.*
10365---	Parley Augustsson A/S: *Balder Borg, Balder Alvar.*
10523---	Totem Ocean Trailer Express Inc.: *Westward Venture.*
10970---	Symphonic Navigation Co. S.A.: *Attikos.*
11492---	Wakamatsu Kaiun Kabushiki Kaisha: *Tetsuzan Maru.*

Certificate No.	Owner/Operator and Vessels
11518---	Sabah Pacific Shipping Co. S.A.: *Sie Kim.*
11523---	Irano-British Ship Service Co. Ltd.: *Marun, Sivand, British Dart, British Test, British Wye, British Explorer.*
11541---	Hancock Shipping Co. Ltd.: *Garyville.*
11641---	Dee Navigation Ltd.; *Riverina.*
11887---	Dolphin Shipping Co. Ltd.: *Dolphin Elena.*
12023---	Kokusai Shipipng K.K.: *Sanho Maru.*
12115---	Nippon Kyodo Hogei K.K.: *Toshi Maru No. 18, Kyo Maru No. 27, Toshi Maru No. 25, Kyo Maru No. 1, Kyo Maru No. 11, Toshi Maru No. 16.*
12210---	Midstream Fuel Service Inc.: *HJL-62.*
12259---	Dannebrog Rederi A/S: *Naesborg.*
12302---	Monongahela and Ohio Dredging Co.: *Ferry Flat No. 3.*
12362---	Konpiramaru Gyogyo Kabushiki Kaisha: *Konpiramaru No. 2.*
12374---	Bayard Line (Maldives) Ltd.: *Yukize Maru.*
12398---	Naviera Najman S.A.: *Xemax.*
12404---	Carrick Marine Enterprises Corp.: *Aktian.*
12417---	Alstertal Shipping Co. Ltd.: *Alstertal.*
12463---	Oyang Fisheries Co. Ltd.: *Oyang No. 88.*
12504---	Shipping Co. Katendrecht N.V.: *Katendrecht.*
12506---	Seas Carriers Corp.: *Don Manuel.*
12510---	Delta Shipping Ltd.: *Caribbean Carrier.*
12511---	N.J. Mortensen A/S: *Rasmus Effersoe.*
12524---	Smirna Shipping Co. S.A.: *Azalea.*
12525---	Gulf-Intercoastal Marine Services Inc.: *Gulf-Intercoastal 101, Gulf-Intercoastal 102.*
12526---	Arundel Maritime Inc.: *Hallaren.*
12532---	O. Bjorn-Jensen & Co.: *Lifton.*
12543---	Endurance Bay Shipping Co. Ltd.: *Holland.*
12548---	Glyfsky Compania de Navegacion S.A.: *Chiyoda.*
12549---	Don Alejo International Transport Line Inc.: *Don Alejo.*
12568---	Tartan Seafoods Ltd.: *Kpeshie, Pawnpawn.*
12570---	Paducah Towing Co. Inc.: *Endeavour.*
12571---	Ionian Happiness Marine Inc.: *Aghios Nectarios.*
12579---	Taisei Gyogyo K.K.: *Heian Maru No. 8. Heian Maru No. 18.*
12582---	Kaiyo Gyogyo Kabushiki Kaisha: *Kaiyo Maru No. 53.*
12583---	Unitra Kaiun K.K.: *Kinko Maru.*
12584---	Hongkong Shipping Agencies Ltd.: *Prima.*
12585---	Bomi Hills Navigation Ltd.: *Hellespont Conquest.*
12586---	Amer-Yhtyma Oy: *Finn-Amer.*
12588---	Hongkong Guam Carriers S.A.: *Guam Carrier.*
12589---	General Shipping Enterprises Corp.: *Robin.*
12590---	Algol Shipping Co. Ltd.: *Algol.*
12591---	Breslau Shipping Inc.: *Aliki.*
12593---	Core Maritime Inc.: *Shining Star.*
12594---	Liberian Aries Transports Inc.: *World Petrobras.*
12595---	Mutual Maritime Corp., Inc.: *Ocean Lily.*
12596---	Golden Luck Steamship Inc.: *Golden Luck.*
12597---	Foundation Sea Transports Ltd. of Liberia: *Messiniaki Fisis.*
02598---	V I A Antilles: *Bochica, Oyapok.*
12600---	Goshi Kaisha Kishimoto Suisan: *Kinei Maru No. 18.*
12603---	Sea Containers Atlantic Ltd.: *Aqaba Crown.*
12604---	Panatlantic Carriers Corp.: *Rio Sun.*
12606---	Reliance Shipping Corp.: *Reliant.*
12607---	Sam In Fisheries Co. Ltd.: *Sam In No. 5.*
12610---	Venado Shipping Co. S.A.: *American Highway.*
12611---	Miaoulis Shipping Co. S.A.: *Kronos.*
12612---	Rederiet for M.S. Pearl Crown: *Pearl Crown.*
12613---	Pegasus Steamship Co. S.A.: *Cape Soya, Cape Esan.*
12614---	Partrederiet for M/S Cinderella: *Cinderella.*
12615---	Ogawa Lines Kabushiki Kaisha: *Yotoku Maru, Ryutoku Maru.*
12618---	Sea Trades Corp.: *Ocean Coracle.*
12619---	Sea Gull Marine Transport Corp.: *Industrial Prosperity, Diana Prosperity, Judith Prosperity, Nicola Prosperity.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17558 Filed 6-17-77;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Martin & Merrell (Richard P. Martin, d.b.a.), 501 SE 24th Street, Fort Lauderdale, FL 33316.

La Rosa Del Monte Express Inc., 1133-35 Tiffany Street, Bronx, NY 10459. Officer: Hiram Rodriguez, President.

Panalpina Air Freight, Inc., 175-11 148th Road, Jamaica, NY 11430. Officers: Emil E Zurcher, Director/President; Walter Schneider, Director; Alfred Rohner, Director; James J. Jacoby, Director; Peter Michaelsen, Executive Vice President; Edward Blattner, Vice President; Robert Schumann, Vice President.

Fracht Fwo Inc., 26 Broadway, Room 1537, New York, NY 10004. Officers: Rudolf Reisdorf, Chairman; Wolfram Uckert, Vice President/Treasurer; Paul Moskowitz, Vice President.

Cargoship International Corporation, 1800 K Street, NW., Washington, D.C. 20006. Officers: Richard H. Babayan, Chairman of the Board; Lawrence B. Rohde, President; Donald B. Tyson, Vice President-Traffic; Michael Patrick George, Secretary; David R. Melincoff, Director.

Luciano S. Soto, 10,000 John Saunders Rd., San Antonio, TX 78216.

Superior Service Freight Forwarding, Inc., 516 NW 57th Avenue, Miami, FL 33144. Officers: Roberto A. Vinas, President; Daisy Garcia, Vice President; Rita Cabrera, Secretary.

Trans-World Impex Fwdg. Ltd. (Robert Stettner), 8510 34th Avenue, Jackson Heights, NY 11372.

I.N.A. Freight Forwarding Service (Ernst A. Fransz, d.b.a.), 1540 West 9th Street, Long Beach, CA 90813.

Hansen Shipping Agency, Inc., 21 Ross Avenue, Spring Valley, NY 10977. Officers: Anna Hansen, President; Axel F.W. Hansen, Vice President; Irwin Lehrman, Secretary.

Universal Freight Forwarders, Ltd., 9 South Mass Street, Seattle, WA 98134. Officers: Phillip Lew, President/Director; Warren Razore, Secretary/Treasurer; Paul R. Cressman Director.

Atlas International Shippers, Inc., 854 Eagle Drive, Bensenville, IL 60106. Officers: Connie Kottis, President; Dimitrios Koulakis, Secretary; Nick Drakakis, Treasurer.

Freight-Base, Inc., 2720 Desplaines Avenue, Suite 132, Des Plaines, IL 60018. Officers: Peter R. Allen, President; Charles W. Davis, Vice President; Stephen M. Lewis, Secretary.

International Associated Cargo Carrier (George E. Toomey, d.b.a.), 2250 North Loop West, Suite 108, Houston, TX 77092.

Mover's International, Inc., 18800 Highway 99, Suite 110, Lynwood, WA 98036. Officers: Robert H. Johnson, President/Director; Betty A. Johnson, Secretary; Richard Cabrera, Director; Harold J. Johnson, Director.

General Freight Forward Inc., 618 S. Miami Avenue, Miami, FL 33130. Officers: Iris Remotti, Vice President; Luis Crespo, President.

Pittsburgh Warehouse and Van Company, Inc., 4439 Howley Street, Pittsburgh, PA. 15224. Officers: Margaret Guttilla, President; Charles J. Guttilla, Vice President; Charles J. Guttilla II, Executive Vice President; Clifford Lange, Director; Paul Rosechenthaler, Secretary/Treasurer.

Caribbean Worldwide, Inc., 852 E. Luzerne Street, Philadelphia, PA 19124. Officers: Sidney M. Stern, President/Director; William W. Stern, Vice President/Director; Martin Enlavn, Vice President/Director; Nathan Wexler, Treasurer/Director; William D. Wilder, Secretary/Director.

Hall Marine Corporation, P.O. Box 35, Burnside, LA 70738. Officers: Harlan O. Hall, President; Barbara R. Hall, Vice President; George Mathews, Secretary.

Cargo Express, Inc., 10415 So. La Cienega Blvd., Los Angeles, CA 90045. Officers: Regis F. Kramer, President/Treasurer; Ferdinand M. Dreifus, Vice President/Secretary.

International Port Services (John Carlton Smith, d.b.a.), 1321 Campbell Road, Houston TX 77055.

Eastern Forwarding International, Inc., 60 Jacobus Avenue, S. Kearny, NJ 07032. Officers: Jay L. Goldberg, Vice President; S. David Goldberg, President; Anna M. Goldberg, Secretary/Treasurer.

Lee's International (Karl Heinz Schneider, d.b.a.), 16100 SW 88th Avenue, Miami, FL 33157.

Trans-World International, Inc., 7813 NW 72nd Avenue, Miami, FL 33166. Officers: Luis F. Reyes, President/Director; Alberto Hernandez, Vice President/Director; John Esperon, Treasurer/Director/Secretary.

International Transportation Services (Kenneth Roy Sekula, d.b.a), 527 Rosewood, Conroe, TX 77302.

By the Federal Maritime Commission.

Dated: June 15, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17557 Filed 6-17-77;8:45 am]

JUN 20 77 UM

FEDERAL RESERVE SYSTEM

CAPRICE CORP.

Acquisition of Bank

Caprice Corporation, Red Lake Falls, Minnesota, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 93.33 percent of the voting shares of Plummer State Bank, Plummer, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 12, 1977.

Board of Governors of the Federal Reserve System, June 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17490 Filed 6-17-77;8:45 am]

FIRST TEXAS BANCORP, INC.

Acquisition of Bank

First Texas Bancorp, Inc., Georgetown, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First National Bank, Copperas Cove, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 13, 1977.

Board of Governors of the Federal Reserve System, June 13, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17551 Filed 6-17-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. G-2570, et al.]

AMINOIL DEVELOPMENT, INC. (SUCCESSOR TO BURMAH OIL DEVELOPMENT, INC.) AND AMINOIL USA, INC. (SUCCESSOR TO BURMAH OIL AND GAS CO.

Corporate Name Change

JUNE 1, 1977.

On August 26, 1976, Burmah Oil Development, Inc., filed with the Commission a change in its corporate name to Aminoil Development, Inc. On the same date, Burmah Oil And Gas Company filed a change in its corporate name to Aminoil USA, Inc. Each applicant has also filed certificates from the Secretary of the State of Delaware certifying the changes in corporate names.

Aminoil USA, Inc. has requested that certain certificates (Docket Nos. G-3058, CI67-1243, CI69-720, CI64-1028, CI66-979, CI73-700, and CI74-166) and the related rate schedules (Burmah rate schedule numbers 12, 13, 18, 22, 23, 36, and 37, respectively) be amended. In each instance such request is moot because either the certificate and rate schedule have been redesignated the name of a successor-in-interest or the sales have been abandoned or the authorization was a limited-term certificate with pregranted abandonment which has expired.

All other certificates and the rate schedules as listed in the attached appendices are redesignated to reflect the appropriate corporate name change from Burmah Oil Development, Inc. to Aminoil Development, Inc. and from Burmah Oil and Gas Company to Aminoil USA, Inc.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Certificate Docket No.	Rate schedule designation	
	New Aminoil Development Inc.	Former Burmah Oil Development, Inc.
CI76-209	1	4
CI76-379	2	5
CI76-327	3	6
CS72-107		

APPENDIX B

Certificate Docket No.	FPC Gas Rate Schedule No.
G-2570 [1]	[1] 1
G-9228	[1] 3
G-11627	[2] 4
CI61-1271	8
CI64-612	[1] 10
CI64-1386	[2] 11
G-3978	[1] 14
CI62-98	[1] 15
CI63-394	[1] 16
CI68-639	[2] 17
CI69-999	19
CI69-949	[2] 20
CI69-1097	[2] 21
CI66-20	[1] 24
CI66-853	[1] 25
CI70-374	[2] 26
CI70-375	[1] 27
CI67-820	[1] 28
G-6668	[1] 29
CI62-739	[1] 30
CI63-577	[1] 31
G-6668	[1] 32
G-6668	[1] 33
CI71-226	[1] 34
CI71-910	[1] 35
CI74-590	38
CI74-735	39
CI75-225	40
CI75-484	41

[1a] Applicant erroneously requested Docket No. G-2569 be amended.
[1] (Operator).
[2] (Operator), et al.

[FR Doc.77-17428 Filed 6-17-77;8:45 am]

[Docket No. G-9483, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

JUNE 9, 1977.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-9483 5-27-77 D	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., (Nelsonville Field, Austin County, Tex.).	[1] $1.45	14.73
G-19534 CI63-708 CI66-1106 5-25-77 C	CRA, Inc., 730 15th St. NW., Washington, D.C. 20005.	Northern Natural Gas Co., (CRA's Mertzon Plant, Irion County, Tex.).	[1] $1.45	14.73
CI62-1498 5-31-77 B	Aylward Drilling Co. (operator), 909 First National Bank Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., (Stumph-Smith Gas Field, Barkley No. 2 Well, Barber County, Kans).	(2)	(2)
CI77-525 5-25-77 B	Chevron U.S.A. Inc., (formerly The California Company, a division of Chevron Oil Co.), 1111 Tulane Ave., New Orleans, La. 70112.	Trunkline Gas Co., (Shell Island Pass Field Area, St. Mary Parish, La.).	(3)	(3)
CI77-527 5-27-77 A	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission (Lirette Field, Terrebonne Parish, La.).	[1] 185.0¢	15.025
CI77-528 5-27-77 E	Exxon Corp	El Paso Natural Gas Co., (White City Field, Eddy County, N. Mex.).	[1] 102.89¢	14.73
CI77-529 5-27-77 A	Napeco Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America (Napeco No. 1 Nettie Metcalf Well, Beckville North Field, Panola County, Tex.).	[1] $1.45	14.73
CI77-530 5-26-77 B	Horizon Oil and Gas Co., a partnership (inactive since approximately 1963), 1620 Republic Bank Bldg., Dallas, Tex.	Coastal States Gas Producing Co. (Piedre Lumbre (Wilcox) Field, Duval County, Tex.).	(2)	(2)
CI77-531 5-31-77 A	Exxon Corp	Columbia Gas Transmission Corp. (Pecan Island Field, Vermilion Parish, La.).	[1] 185.0¢	15.025
CI77-532 5-31-77 A	do	Northwest Pipeline Corp. (Fogarty Creek Field, Sublette County, Wyo.).	[1] 150.05¢	14.73
CI77-533 6-1-77 A	Dover Exploration Co., P.O. Box 615, N. Dupont Highway, Dover, Del. 19901.	Eastern Shore Natural Gas Co., (South Tomball Field, Harris County, Tex.).	[1] $1.45	14.73
CI77-534 6-2-77 A	Union Oil Co. of Calif., P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Eastern Transmission Corp. (Block 64 Field, Vermilion Area, Offshore La.).	[1] 190.00¢	15.025
CI77-535 (CI72-580) 6-3-77 B	J. M. Huber Corp., 2000 West Loope, South, Houston, Tex. 77027.	Cities Service Gas Co., (Tepe No. 1 Well, Roberts County, Tex.).	(2)	(2)
CI77-536 5-31-77 A	Supron Energy Corp., 8350 North Central Expressway, Suite 1700, Dallas, Tex. 75026.	Southern Union Gathering Co., (Pictured Cliffs Formation, San Juan County, N. Mex.).	[1] $1.45	14.73
CI77-538 6-3-77 A	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America (Crawford (Morrow) Field, Eddy County, N. Mex.).	[1] 100.7436¢	14.73
CI77-539 6-6-77 A	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., (Southeast Avery Island Field, Iberia Parish, La.).	[1] [4] $1.47903939	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Applicant proposes to collect the applicable national rate as prescribed in Opinion No. 770-A, subject to adjustments contained therein.
[2] Well plugged and abandoned.
[3] Well no longer productive.
[4] Applicant and purchaser are affiliated.

[FR Doc.77-17427 Filed 6-17-77; 8:45 am]

[Docket No. CP77-437, R-386]

COLUMBIA GULF TRANSMISSION CO., ET AL

Request for Waiver and Extension

JUNE 15, 1977.

On May 31, 1977, Columbia Gulf Transmission Company, (Columbia Gulf), Natural Gas Pipeline Company of America (Natural) and Trunkline Gas Company (Trunkline), jointly referred to as petitioners, filed for waiver and extension pursuant to Section 157.22 (18 CFR 157.22) of certain temporary acts and operations undertaken under the latter section.

On March 8, 1977, petitioners, after having commenced transporting certain volumes of off-shore Louisiana gas, filed a statement pursuant to § 157.22 of the Commission's Regulations under the Natural Gas Act.[1] The latter statement related to an agreement for the transportation of gas by Columbia Gulf for Natural and Trunkline from Block 616 West Cameron, offshore Louisiana, and contemplated the continuance of that transportation for the 60-day period provided for in § 157.22. The aforementioned statement provided that this transportation would in no event continue beyond the date that Stingray Pipeline Company (Stingray), a partnership composed of Natural and Trunkline would complete construction of a pipeline to said Block 616 or September 1, 1977, whichever is earlier. Construction of the Stingray pipeline to Block 616, West Cameron Area, offshore Louisiana, has not yet been completed. The only way that Block 616 gas belonging to Trunkline and Natural can be brought onshore is through the facilities of Columbia Gulf.

Petitioners discontinued this transportation on May 21, 1977.[2] Presently all of the gas being purchased from Block 616 by Trunkline and Natural from Exxon U.S.A., Inc., is being retained by Columbia Transmission. However, Columbia Transmission is unable to continue on this basis and the parties have been unsuccessful in their attempts to make other exchange or banking arrangements for the movement of this gas while awaiting the completion of the Stingray facilities. Petitioners express concern over their capability of protecting their customers and of maintaining existing levels of curtailment during the forthcoming 1977-1978 winter heating season without acquiring all the natural gas available to them.

Petitioners herein, therefore, request that the Commission extend and waive its provisions under Section 157.22 in order to permit them to transport volumes of gas currently available to them from Block 616 until September 1, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17492 Filed 6-17-77;8:45 am]

[1] Such transportation commenced on February 23, 1977.

[Docket No. CP77-422]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 10, 1977.

Take notice that on June 6, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas, 77001, filed in Docket No. CP77-422, an application pursuant to Section 7 of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Power Commission, for a certificate of public convenience and necessity authorizing Applicant to install and operate compression facilities in the South Marsh Island Block 48 field, offshore Louisiana, all as more fully set

[2] Petitioners indicate that due to an oversight that this transportation was continued beyond the sixty-day period. Evidently such transportation convened on February 23, 1977.

JUN 20 77 UM

forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to install and operate, or cause to be installed and operated, 6660 H.P. of compressor facilities to increase deliverability and recovery of reserves from presently dedicated sources being produced from the "B", "C" and "E" platforms in South Marsh Island Block 48.

The total estimated cost of the proposed facilities is $3,675,000, to be financed initially through short-term loans and available cash.

Applicant states that the compressor units have been ordered and that installation is scheduled to commence in October, 1977.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 1, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.0). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17507 Filed 6-17-77;8:45 am]

[Docket Nos. RP77-65 et al.]

ALABAMA-TENNESSEE NATURAL GAS CO., ET AL.

Extension of Time

JUNE 10, 1977.

On June 7, 1977, El Paso Natural Gas Company filed a motion to extend the time in which to file the data required by Commission Order, issued May 11, 1977, in the above indicated dockets. The May 11, 1977, "omnibus order" instituted proceedings, established procedures and provided for hearings to evaluate the impact of natural gas shortages of interstate pipeline companies.

Upon consideration, notice is hereby given that the time for filing the data required by the May 11, 1977, Order is extended to and including July 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17508 Filed 6-17-77;8:45 am]

[Docket No. ER77-422]

PUBLIC SERVICE CO. OF OKLAHOMA

Cancellations

JUNE 10, 1977.

Take notice that Public Service Company of Oklahoma (PSCO) on June 3, 1977, tendered for filing notice of cancellations of agreements between the United States of America, PSCO, and Oklahoma Gas & Electric Company (OGE).

PSCO gives notice that effective July 1, 1977, FPC Rate Schedules No. 119-A and No. 119-B, effective dates of July 13, 1950, and October 9, 1950, respectively, and filed with the Commission by PSCO, will expire on their own terms at midnight, June 30, 1977, and should be considered as canceled. According to PSCO notice of said proposed cancellation has been served upon the Southwestern Power Administration and OGE. PSCO requests waiver of the Commission's notice requirement that notice of cancellation be submitted at least thirty days prior to the date such cancellation is proposed to take effect, so that cancellation of said rate schedules may become effective as of June 30, 1977.

PSCO also gives notice, on behalf of OGE, that effective July 1, 1977, FPC Rate Schedules No. 17-A, as supplemented, and No. 17-B, as supplemented, effective dates of July 13, 1950, and October 9, 1950, respectively, and filed with the Commission by OGE, will expire on their own terms at midnight, June 30, 1977, and should be considered as cancelled. According to OGE, notice of said proposed cancellation has been served upon the Southwestern Power Administration. PSCO requests waiver of the Commission's notice requirement that notice of cancellation be submitted at least thirty days prior to the date such cancellation is proposed to take effect, so that cancellation of said rate schedules may become effective as of June 30, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17509 Filed 6-17-77;8:45 am]

[Docket No. ER77-419]

CONNECTICUT LIGHT & POWER CO.

Proposed Amendment to Transmission Agreement

JUNE 10, 1977.

Take notice that on May 31, 1977, the Connecticut Light & Power Company (CL&P) tendered for filing a proposed Amendment to Transmission Agreement (Amendment) dated March 21, 1977, between (1) CL&P, the Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO), and (2) Middleborough Gas and Electric Department (MGED).

CL&P states that the Amendment provides for an extension of the termination of the Transmission Agreement from October 31, 1977, to October 31, 1982, and increases the amount to be transmitted for the periods from April 1, 1977, to April 30, 1977, from 2,450 kilowatts to 3,450 kilowatts and from May 1, 1977, to October 31, 1977, from 700 kilowatts to 1,700 kilowatts and adds an additional entitlement for the period from November 1, 1977, to October 31, 1982, in the amount of 2,000 kilowatts.

CL&P requests that the Commission, in order to permit MGED to receive transmission service to wheel the MGED purchase, and allow CL&P, HELCO and WMECO to receive payment for such transmission service, waive the 30 day notice period, permitting the Amendment filed to become effective on April 1, 1977.

CL&P states that the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee multiplied by the number of kilowatts of winter capability which MGED is entitled to receive, reduced to give due recognition of the payments made by MGED for transmission service on Montaup Electric Company's system.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts, and MGED, Middleborough, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17510 Filed 6-17-77;8:45 am]

[Docket No. RP77-98]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed Changes in Rates and Charges

JUNE 10, 1977.

Take notice that on May 31, 1977, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes to the following tariff sheets to its FPC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2; to be effective July 1, 1977.

THIRD REVISED VOLUME NO. 1

Thirty-second Revised Sheet No. 5
Eighth Revised Sheet No. 5A
Fifth Revised Sheet No. 9
Fifth Revised Sheet No. 14
First Revised Sheet No. 108
Eighth Revised Sheet No. 119
Sixth Revised Sheet No. 120-A

SECOND REVISED VOLUME NO. 2

Tenth Revised Sheet No. 220
Fifth Revised Sheet No. 270
First Revised Sheet No. 390
Second Revised Sheet No. 407
Second Revised Sheet No. 433
First Revised Sheet No. 457
First Revised Sheet No. 653
First Revised Sheet No. 654
First Revised Sheet No. 668
First Revised Sheet No. 695
First Revised Sheet No. 710
First Revised Sheet No. 744
First Revised Sheet No. 1000

The proposed tariff sheet changes would produce increased jurisdictional revenues of $50.8 million above the revenue collected under rates presently in effect subject to refund at Docket No. RP76-106. The proposed rates represent a $112.6 million increase when compared with the proposed Docket No. RP76-106 settlement rates filed with the Commission under Company Motion of April 28, 1977. Both the subject to refund rates and the settlement rates used in the calculation of the indicated revenue increases were adjusted to reflect the cumulative PGA unit adjustment (excluding the surcharge for recovery of the Deferred Purchased Gas Cost Balance) effective March 1, 1977.

Natural states that the jurisdictional rates as filed were designed to enable Natural to recover its increased jurisdictional cost of service for the test period which is based on the twelve months ended February 28, 1977, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by November 30, 1977. Natural states that the principal increased costs result from a proposed increase in overall rate of return to 10.69 percent, which would permit a rate of return to equity of 15.50 percent, an increase in depreciation rate to 5.75 percent for production, gathering, storage and onshore transmission property, and 8 percent for all offshore property, and significant additional charges and increased costs for the transportation of gas by others from offshore and onshore gas supply sources.

Copies of this filing have been served on the customers of Natural, and interested public bodies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17511 Filed 6-17-77;8:45 am]

[Docket Nos. CP67-381; CP68-166; CP69-71]

TENNESSEE GAS PIPELINE CO.

Petition To Amend

JUNE 10, 1977.

Take notice that on May 19, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP67-381, CP68-166, and CP69-71 a petition to amend the Commission's orders of October 30, 1967 (38 FPC 867), May 1, 1968 (39 FPC 607), and November 1, 1968 (40 FPC 1206), issued in the instant dockets pursuant to Section 7 of the Natural Gas Act so as to authorize the sale of natural gas in interstate commerce to National Fuel Gas Supply Corporation (National Fuel) as successor in interest of Iroquois Gas Corporation (Iroquois), Pennsylvania Gas Company (Penn Gas) and United Natural Gas Company (United Natural) under the terms of a single gas sales contract, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Applicant states that it is presently authorized in Docket No. CP67-381 to render natural gas service to United Natural under its Rate Schedule CD-4 and associated gas sales contract between the parties dated October 30, 1967, which contract provides for the sale and delivery by Applicant and the purchase and receipt by United Natural of a contracted demand of 107,100 Mcf of natural gas per day. Applicant states that it is also authorized in Docket Nos. CP68-188 and CP69-71 to render natural gas service to Penn Gas under Applicant's Rate Schedule CD-4 and associated gas sales contract between the parties dated November 1, 1978, which contract provides for the sale and delivery by Applicant and the purchase and receipt by Penn Gas of a contract demand of 68,340 Mcf of natural gas per day. Applicant indicates that it is presently authorized to render natural gas service to Iroquois under its Rate Schedule CD-5 and associated gas sales contract between the parties dated November 1, 1968, which contract provides for the sale and delivery by Applicant and the purchase and receipt by Iroquois of a contracted demand of 114,240 Mcf of natural gas per day.

Applicant states that by the Commission's order issued on May 10, 1974, in Docket No. CP73-294, the Commission approved the acquisition by National Fuel of the natural gas transmission, storage and production properties of Iroquois, Penn Gas, and United Natural, effective on July 1, 1974. Applicant further states that National Fuel has requested that it substitute one gas sales contract in order to reflect accurately National Fuel's corporate realignment. Consequently, Applicant has entered into a precedent agreement dated October 25, 1976, with National Fuel which provides, among other things, for the execution of a new gas sales contract.

Applicant proposes to render natural gas service to National Fuel under a new gas sales contract which would supersede and cancel Applicant's existing gas sales contracts with Iroquois, Penn Gas, and United Natural. Applicant states that under such new gas sales contract National Fuel would be entitled to receive a contracted demand of 175,000 Mcf per day in Applicant's Northern Rate Zone Rate Schedule CD-4 and a contracted demand of 114,240 Mcf per day in Applicant's New York Rate Zone (Rate Schedule CD-5) for a total of 289,680 Mcf per day. Applicant further states that under the instant proposal National Fuel would not be entitled to take on any day a total volume at all delivery points in either the Northern or New York Rate Zones greater than the total of their existing contracted demands, and that the proposed change would not increase or decrease the annual volumetric limitation (AVL) imposed on Applicant's system in Opinion Nos. 712 and 712-A for sales to Iroquois, Penn Gas, and United Natural in either Applicant's Northern or New York Rate Zones. Applicant states that the change in the form of gas sales contracts pro-

JUN 20 77 UM

posed herein can be accomplished through the utilization of Applicant's existing facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17512 Filed 6-17-77;8:45 am]

[Docket Nos. RP76-136 and RP77-26]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

JUNE 10, 1977.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 31, 1977, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1, and Original Volume No. 2 to become effective February 1, 1977, March 1, 1977, and May 1, 1977.

Transco states that the revised tariff sheets reflect reductions in rates (1) for sales under the CD, G, OG, E, ACQ, and S-2 rate schedules by 3.1 cents per dekatherm (dt) from those made effective February 1, March 1, and May 1, 1977; (2) for firm transportation service under rate schedules X-11 by 3.1 cents per dt and under rate schedules X-42, X-52, and X-56 by 3.2 cents per Mcf from those made effective February 1, 1977; and, (3) for interruptible transportation service under rate schedule X-47 by 1.6 cents per Mcf from the rate made effective February 1, 1977. Also, Transco states that these rate reductions are based on (1) a reduction in the amount of advance payments included in rate base from that reflected in its rate increase filing in Docket No. RP76-136 to the actual balance of advance payments as of January 31, 1977, the end of the test period in that filing and (2) the elimination from rate base of the unamortized portion of unrecoverable advance payments included in the same filing.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17513 Filed 6-17-77;8:45 am]

[Docket No. ER77-423]

PUBLIC SERVICE CO.

Filing of Agreement

JUNE 10, 1977.

Take notice that Public Service Company of New Hampshire (PSNH) on June 3, 1977, tendered for filing as an initial rate schedule a Transmission Contract with Long Island Lighting Company (the Buyer).

PSNH indicates that under the Contract, they will transmit through its system entitlements of power which the Buyer will be purchasing from Vermont Electric Power Company, Inc.

PSNH requests that the Commission waive the normal 30-day notice requirement and permit the rate schedule to be effective as of April 1, 1977.

According to PSNH, a copy of the filing was served upon the Buyer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17514 Filed 6-17-77;8:45 am]

[Docket No. ER77-405]

LOUISIANA POWER & LIGHT CO.

Proposed Electric System Interconnection Agreement

JUNE 10, 1977.

Take notice that on May 31, 1977, the Louisiana Power & Light Company (LP&L) tendered for filing an Electric System Interconnection Agreement dated April 12, 1977, with the Town of Jonesboro, Louisiana (Town), which provides in addition to Emergency Service, when elected by the Town, service schedules for Reserve Capacity, Supplemental Power, Surplus Power, Economy Power, and Transmission Service. LP&L further states that the proposed agreement and schedules, A, B, C, D, E, F, and F-1, are the same as accepted for filing in FPC Docket No. ER76-162 with the City of Ruston (Rate Schedule FPC No. 54); in Docket No. ER76-868 with the Town of Rayville (Rate Schedule FPC No. 58), and in Docket No. ER76-867 with the Town of Homer (Rate Schedule FPC No. 57).

Pursuant to Section 35.3(b) of the Commission's Regulations, LP&L respectfully requests that the Commission waive its notice requirements and allow this Agreement to be tendered for filing more than ninety days before it is to become effective and to accept for filing the Agreement with the Town to become effective on the date upon which the interconnection is first made available, or May 10, 1978, whichever is earlier.

LP&L states that a copy of this filing was mailed to the Town of Jonesboro, Louisiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17515 Filed 6-17-77;8:45 am]

[Docket No. CP77-417]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 10, 1977.

Take notice that on May 31, 1977, Transcontinental Gas Pipe Line Corporation (Applicant); Post Office Box 1396; Houston, Texas 77001, filed in Docket No. CP77-417 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Texas Eastern will purchase natural gas produced in the High Island Block 111 Field, offshore Texas and deliver a daily contract demand quantity of up to 40,000 Mcf into Applicant's North High Island System in High Island Block 110 for transportation and delivery of a thermally equivalent quantity, less .6% for gas lost and unaccounted for and fuel, to Texas Eastern at an authorized interconnection on the west bank of the Sabine River, Jefferson County, Texas.

Applicant avers that no additional facilities will be required to render this transportation service, for which Texas Eastern will pay Transco initially a monthly charge of $153,200.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17516 Filed 6-17-77;8:45 am]

[Project No. 2426]

DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA AND CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER

Initiating Review of Initial Decision

JUNE 10, 1977.

On April 29, 1977, Presiding Administrative Law Judge Samuel Kanell issued an initial decision in the above-designated matter. Briefs on exceptions were due to be filed May 31, 1977, but none have been filed.

Inasmuch as no exceptions to the initial decision were timely filed, absent this order the initial decision would become final on June 10, 1977, i.e., within ten days from the time of filing exceptions. Accordingly, pursuant to Section 1.30(d)(2) of the Commission's Rules of Practice and Procedure, the Commission herein initiates review of the initial decision of April 29, 1977, and further orders that the initial decision is stayed pending a final decision by the Commission in this proceeding.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17517 Filed 6-17-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-498; FDAA-3038-EM]

ARIZONA

Amendment to Notice of Emergency Declaration

AGENCY Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Arizona (FDAA-3038-EM), dated April 15, 1977.

DATED: June 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7825).

NOTICE: The Notice of emergency for the State of Arizona dated April 15, 1977, and amended on April 20, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 15, 1977:

The counties of:

Graham
Pinal
and the San Carlos Indian Reservation.

The purpose of this designation is to continue to provide emergency livestock feed assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistant No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-17504 Filed 6-17-77;8:45 am]

[Docket No. NFD-496; FDAA-3023-EM]

CALIFORNIA

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of California (FDAA-3023-EM), dated January 20, 1977.

DATED: June 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7825).

NOTICE: The Notice of emergency for the State of California dated January 20, 1977, and amended on February 2, 1977, February 15, 1977, March 10, 1977, and April 20, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 20, 1977:

The counties of:

Alameda	Placer
Amador	Plumas
Butte	Sacramento
Calaveras	San Benito
Colusa	San Joaquin
Contra Costa	San Luis Obispo
El Dorado	San Mateo
Fresno	Santa Barbara
Glenn	Santa Clara
Inyo	Santa Cruz
Kern	Shasta
Kings	Sierra
Lake	Solano
Lassen	Sonoma
Madera	Stanislaus
Marin	Sutter
Mariposa	Tehama
Mendocino	Trinity
Merced	Tulare
Modoc	Tuolumne
Monterey	Yolo
Napa	Yuba
Nevada	

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-17506 Filed 6-17-77;8:45 am]

V 42 H 118 JUN 20 77 UM

[Docket No. NFD–497; FDAA–3037–EM]

WASHINGTON

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Adminstration.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of emergency declaration for the State of Washington (FDAA–3037–EM), dated March 31, 1977.

DATED: June 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenhaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202–634–7825).

NOTICE: The Notice of emergency for the State of Washington dated March 31, 1977, and amended on April 4, 1977, May 6, 1977, May 10, 1977, and May 18, 1977, is hereby further amended to extend the termination date for the following counties determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 31, 1977:

The counties of:

Adams	Kittitas
Asotin	Klickitat
Benton	Lincoln
Chelan	Pend Oreille
Douglas	Stevens
Ferry	Whitman
Franklin	Yakima
Grant	

The purpose of this designation is to continue to provide emergency livestock feed assistance and cattle transportation assistance only in the aforementioned affected areas effective June 16, 1977.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77–17506 Filed 6–17–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Seasonal Closing

The Bureau of Land Management, Colorado, is closing 240 acres of Public Lands in Section 20, T7S, R70W, Jefferson County, Colorado, to all public use and entry, except for authorized personnel, from March 1 to August 1 of each year. The purpose of this closure is to protect critical wildlife habitat under authority of Title 43 CFR 6010.4(c) and (f).

(43 U.S.C. 1712, 1733.)

DALE R. ANDRUS,
State Director, Colorado.

[FR Doc.77–17540 Filed 6–17–77;8:45 am]

[CA 3346]

HOPPER MOUNTAIN NATIONAL WILDLIFE REFUGE

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Fish and Wildlife Service, U.S. Department of the Interior, filed application Serial No. CA 3346 on October 31, 1975, for a withdrawal in relation to the following described lands:

HOPPER MOUNTAIN NATIONAL WILDLIFE REFUGE

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 4 N., R. 19 W.,
Sec. 2, Lot 2, E½ Lot 7, and SE¼.

The area described aggregates 231.24 acres in Ventura County, California.

The applicant desires that the land be reserved as a part of the Hopper Mountain Wildlife Refuge system for the protection of the endangered California Condor, which now numbers between 50 and 60 birds, with the majority of their nesting occurring within the sanctuary.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on April 20, 1976, page 16585, FR Doc. 76–11302.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The reserved mineral estate in the acquired lands described above are temporarily segregated from all forms of appropriation under the mineral leasing laws to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal aplication will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17537 Filed 6–17–77;8:45 am]

[R 4558]

SAN BERNARDINO MERIDIAN, CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Bureau of Reclamation, U.S. Department of the Interior, filed application Serial No. R 4558 on November 22, 1971, for a withdrawal in relation to the following described land:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 23 E.,
Sec. 10, Lot 6.

Containing 17.55 acres in San Bernardino County, California.

The applicant desires the land for control of the Colorado River and for recreational uses in connection with the Colorado River Front Work and Levee System.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 4, 1971, page 23166, FR Doc. 71–17719.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17538 Filed 6–17–77;8:45 am]

[S 5149]

YOSEMITE NATIONAL PARK

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The National Park Service, U.S. Department of the Interior, filed application Serial No. S 5149 on May 3, 1972, for a withdrawal in relation to the following described lands:

YOSEMITE NATIONAL PARK

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 3 S., R. 20 E.,
Sec. 18, a parcel of land situated in the S½SW¼ bounded by a line particularly described as follows:
Beginning at Corner No. 1, from which the quarter corner between Sections 17 and 18 of said Township and Range bears N. 60°35'11" E., 4,101.2 feet distant; thence N. 0°55'15" W., 393.6 feet to Corner No. 2; thence N. 32°37'30" W., 640.0 feet to Corner No. 3; thence N. 48°28' W., 174.9 feet to Corner No. 4; thence S. 12°09'15" W., 921.7 feet to Corner No. 5; thence S. 77°41'45" E., 692.3 feet to Corner No. 1, the point of beginning.
The area described aggregates approximately 9.78 acres.

The applicant desires the land for a sewage treatment facility, which is necessary for the proper protection, development, and administration of Yosemite National Park.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 24, 1972, page 17068, FR Doc. No. 72–14389.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from all forms of location and entry under the general mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17539 Filed 6–17–77;8:45 am]

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 4(d), 16 USC 1533(d), of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: J. W. Steinbeck, 2830 Camino Tassajara, Danville, California 94526.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR: ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH APPLIED LICENSE OR PERMIT IS NEEDED: Authorization to ship 2 prir Palrwen leacock Pheasants for breeding from New York to California.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
J. W. Steinbeck
2830 Camino Tassajara
Danville, Calif. 94526

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 9" WEIGHT: 185
DATE OF BIRTH: 9-19-97 COLOR HAIR: Grey COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 415-837-6608 SOCIAL SECURITY NUMBER: 566-52-1553
OCCUPATION: Farmer
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: None

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION: N. A.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC: N.A.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N. A.

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: 2830 Camino Tassajara Danville, Calif. 94526

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
If yes, list license or permit number(s):

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
If yes, list jurisdictions and type of document(s): None required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 7-1-77

11. DURATION NEEDED: 2 years

12. ATTACHMENTS: THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE PROVIDED AND IS MADE AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: (In ink) J. W. Steinbeck DATE: March 21, 1977

3-200 10/74 GPO 895-062

FEDERAL REGISTER, VOL. 42, NO. 118—MONDAY, JUNE 20, 1977

V 42 N 118 JUN 20 77 UM

DANVILLE, CALIF.,
March 21, 1977.

Re: FWS/WPO ADM 7–02m.

DIRECTOR,
United States Department of the Interior, Fish and Wildlife Service, Washington, D.C.

DEAR SIR: 1. A "Captive Self-sustaining Population" permit is requested for the following species of pheasant: Palawan Peacock Pheasant (*Polypectron emphanum*).

Applicant seeks a permit to move two pair of subject pheasants from Long Island, New York, to Danville, California for breeding purposes. Procurement will be made from Mr. Charles Sivelle who currently holds a permit for this species.

2. The applicant possesses 45 aviaries varying from 20' by 30' x 7' high to 6' x 13' x 7' high suitably landscaped and with shed shelter in the rear suitable for all weather protection in this climate. Pens are predator-proof for the area and employ heavy wire netting and aluminum siding and roof in their construction.

3. Applicant has been propagating pheasants and doves for 60 years in the state of California, and has raised dozens of the species covered in this request. A year ago the pheasant portion of the collection was disposed of due to ill health and an inability to provide, at that time, complete care of the birds. This problem has since been completely remedied and applicant is trying to re-establish the pheasant portion of his collection.

Applicant has propagated some fifty species of dove and eleven species of pheasant during his 60 years involvment, including first breeding in the United States of White Bellied Plumed Dove (*Lophophaps plumifera*) and Scheepmaker Crown pigeon (*Goura Scheepmakeri*). He also holds the "Master Breeder" award for 1952 from the American Pheasant Society. He has successfully raised four varieties of Peacock Pheasant such as Palawan Grey, Germain and South Sumatra Bronze-tail (*Polyplectron Chalcurum Chalcurum*) and was the first to successfully breed and raise the Blue-eared Manchurian Pheasant some fifty five years ago.

Yours very truly,

J. W. STEINBECK.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–786–25; please refer to this number when submitting comments. All relevant comments received on or before July 20, 1977 will be considered.

Dated: June 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77–17499 Filed 6–17–77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: New York Zoological Society, 185th Street and Southern Blvd., Bronx, New York 10460.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED
The New York Zoological Society seeks to import on breeding loan an endangered species -- a female Chinese alligator (Alligator sinensis) from the Wilhelmina Zoologischer-botanischer Garten, Stuttgart to the New York Zoological Park.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
New York Zoological Society
185th Street & Southern Blvd.
Bronx, New York 10460
212-220-5100

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Zoological Park
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 212-220-5101
William G. Conway, General Dir.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
New York

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
New York Zoological Park
185th Street & Southern Blvd.
Bronx, New York 10460

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT 2-577 NY

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
N.Y. State Harris Act -- application being made concurrently

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: 1 May 1977

11. DURATION NEEDED: six months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22 and 23.15

CERTIFICATION
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.
SIGNATURE (Applicant) William G. Conway
DATE: 4 April 1977

3-200
16-741

NEW YORK ZOOLOGICAL SOCIETY

ATTACHMENTS AS REQUIRED TO NEW YORK ZOOLOGICAL SOCIETY PERMIT APPLICATION

50 CFR 17.22

(1) The common and scientific names of the species sought to be covered by the permit as well as the number, age, and sex of such species, and the activity sought to be authorized (such as taking, exporting, selling in interstate commerce, etc.):

The New York Zoological Society hereby requests permission to obtain on breeding loan and import 0.1 Chinese alligator (*Alligator sinensis*). The age of the specimen is unknown but is of adult status.

(2) A statement as to whether, at the time of application, the wildlife sought to be covered by the permit (i) is still in the wild, (ii) has already been removed from the wild, or (iii) was born in captivity:

The 0.1 chinese alligator has been in captivity at the Stuttgart Wilhelmina Zoologischer-botanischer Garten since 1975.

(3) A resume of the applicant's attempts to obtain the wildlife sought to be covered by the permit in a manner which would not cause the death or removal from the wild of such wildlife:

The 0.1 Chinese alligator is in captivity and represents no removal of wild atock of the species.

(4) If the wildlife sought to be covered by the permit has already been removed from the wild, the country and place where such removal occurred; if the wildlife sought to be covered by the permit was raised in captivity, the country and place where such wildlife was born:

The 0.1 *Alligator sinensis* was collected in the wild from the Yangtze River, in the vicinity of Wuhu and Taihu, China. Date unknown, collector unknown.

(5) A complete description and address of the institution or other facility where the wildlife sought to be covered by the permit will be used, displayed or maintained:

The 0.1 Chinese alligator will initially be maintained at the New York Zoological Park, 185th Street and Southern Boulevard, Bronx, New York 10460, and later transferred to propagation quarters at the Rockefeller Wildlife Refuge, owned and operated by the Louisiana Wild Life and Fisheries Commission and located at Grand Cheniere, Louisiana.

(6i) A complete description, including photographs or diagrams, of the area and facilities where such wildlife will be housed and cared for:

Prior to transportation to Rockefeller Refuge the 0.1 Chinese alligator will be quarantined in the Reptile House facility of the New York Zoological Park. It will be quartered in a 12'×14' enclosure which includes a pool approximately 12'×8' in size and a water depth of 2', tempered to 86° F. Diet will include rats, chicks, fish, liver, and horsemeat with multivitamin and mineral additives.

At the Rockefeller Wildlife Refuge, the 0.1 *Alligator sinensis* will be quartered in one of two, escape-proof, double-fenced, one-half acre enclosures. Each enclosure supports natural vegetation and includes two freshwater 400 sq. ft. (20'×20') ponds and one 1,875 sq. ft. (25'×75') pond (see attached sketch of enclosure). All ponds are sloped to a maximum depth of 5'. Six-foot high perimeter fences are buried 1.5' in crushed and packed shell. Fence corners are rounded and have a 1.5' overhang to prevent animals from climbing over the top. Maintenance of the animal will parallel that developed by Louisiana Wild Life and Fisheries Commission personnel for American alligators currently being propagated at the Refuge. Diet will consist of rough fish, nutria remains, and freshly obtained road kills.

(6ii) A brief resume of the technical expertise of the persons who will care for such wildlife including any experience the applicant or his personnel have had in raising, caring for, and propagating similar wildlife, or any closely related wildlife:

Although the Department of Herpetology of the New York Zoological Park has been unsuccessful in its attempts to propagate crocodilians within the confines of its Reptile House facility, members of the staff have contributed many scientific publications on crocodilians as well as other reptilian subjects (see attached *curricula vitae*). It has assisted other zoological parks and research facilities, which enjoy more favorable climate, to establish crocodilian propagation programs. Reptilian propagation efforts during the past five years at the New York Zoological Park have resulted in the birth or hatching of radiated tortoises, bog turtles, Burmese pythons, reticulated pythons, Egyptian cobras, king cobras, Pope's pit vipers, boa constrictors, shore pit vipers, pigmy rattlesnakes, water moccasins, rainbow boas, Travancore pond turtles, and Cook's tree boas.

Curricula vitae of Zoological and Conservation Director F. Wayne King, Curator of Herpetology John L. Behler, and Veterinarian Emil P. Dolensek are attached. A list of consultants in animal management and medicine is also attached.

The Chinese alligator's health will be monitored as needed by the staff of the Society's Animal Medical Department, under Dr. E. P. Dolensek, resident veterinarian.

When transferred to Rockefeller Refuge (within 60 days of arrival at the New York Zoological Park) the management of the 0.1 Chinese alligator will be directly supervised by Ted Joanen, Research Leader, Refuge Division. Ted Joanen is well known for his propagation, growth and ecological studies of the American alligator and has authored many significant articles on the subject.

(6iii) A statement of the applicant's willingness to participate in a cooperative breeding program and to maintain or contribute data to a studbook:

The New York Zoological Society has tried unsuccessfully to breed its pair of Chinese alligators within the confines of its Reptile House for many years. Recognizing its limited potential for propagating this species under existing conditions, the Society sought the cooperation of other zoological parks for additional genetic material and looked for a quasi-natural site to develop a propagation effort.

The Rockefeller Wildlife Refuge, owned and operated by the Louisiana Wild Life and Fisheries Commission, and located in the coastal marshes of southwestern Louisiana, appeared to offer suitable ecological parameters. The wild population of Chinese alligators in the Yangtze River Valley lies at about the same latitude as the Rockefeller Wildlife Refuge in Louisiana. Comparison of meteorological data from the two localities indicates roughly similar temperature, precipitation, and seasonal changes. Additionally, the staff of the Refuge is among the most knowledgeable and experienced in studying the ecology, behavior and reproductive biology of the American alligator (*Alligator mississippiensis*), including captive propagation of that species. The knowledge and experience would be a valuable asset to the propagation effort.

The New York Zoological Society submitted a proposal for a joint propagation program to the Louisiana Wild Life and Fisheries Commission. It was approved in late November of 1975 and construction of facilities at the Refuge began immediately under the direction of Ted Joanen, Research Leader, Refuge Division. The U.S. National Zoological Park joined the project by contributing the only other pair available in the United States.

On March 22, 1976, the four Chinese alligators were transferred from the New York Zoological Park to their quarters at the Rockefeller Wildlife Refuge.

Additionally, the New York Zoological Park participated in many cooperative programs with other institutions and individuals. With respect to crocodilians, nine Nile crocodiles are on breeding loan to the Greater Miami Zoo (Florida); three American crocodiles on breeding loan to Rio Grande Zoological Park, Albuquerque (New Mexico); and two alender-snouted crocodiles and four dwarf crocodiles to Natal Parks Board, St. Lucia Crocodile Station, South Africa.

Studbooks are not maintained on crocodilians. However, a survey of crocodilians in captivity was undertaken by New York Zoological Society and Atlanta Zoological Park staff and was published in the International Zoo Yearbook, Vol. 15, 1975. In addition, crocodilians shortly will be censused by the International Species Inventory System (ISIS), Minnesota State Zoological Garden, Apple Valley, Minnesota, of which the New York Zoological Society is a participating member.

(6iv) A detailed description of the type, size, and construction of all containers into which such wildlife will be placed during transportation or temporary storage, if any, and of the arrangements for feeding, watering, and otherwise caring for such wildlife during that period:

Shipment will be made directly from Stuttgart, Germany, to the New York Zoological Park, Bronx, New York, by commercial airline carrier. The shipping enclosure will be constructed of ½" and ¾" plywood with sufficient ventilation ports. The enclosure will allow for size and postural adjustment of the animal. After the acclimatization period of the Chinese alligator at the New York Zoological Park, it will be transported by a Zoo vehicle directly to Rockefeller Refuge. An enclosure similar to the above will be provided. Food and water will not need to be provided as transportation periods will not exceed 72 hours.

(6v) For the 5 years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities:

The New York Zoological Park has not experienced any losses of *Alligator sinensis* in the last ten years. One of the two (the male) Chinese alligators on breeding loan from the U.S. National Zoo, however, perished in June 1976, three months after its arrival at Rockefeller Refuge. Necropsy was not performed as the specimen displayed advanced post-mortem autolysis. The specimen was known to be at least 40 years of age and was not in excellent health.

(7) Copies of the contracts and agreements pursuant to which the activities sought to be authorized by the permit will be carried out; such copies must identify all persons who will engage in the activities sought to be authorized, and must also give the dates for such activities: Attached.

(8) A full statement of the reasons why the applicant is justified in obtaining the permit:

The New York Zoological Society has a long-term commitment to wildlife conservation. The financial support of the New York Zoological Society is sufficient to assure the continuity of its conservation and propagation activities (see attached annual report).

The New York Zoological Society guarantees that the propagation of the Chinese alligator is a long-term commitment of its staff. Our husbandry and facilities will be updated as our knowledge of Chinese alligators improves. Even so, if for some reason it became necessary to terminate our efforts, we would immediately make our Chinese alligators available to a zoological institution which would continue this program.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–724–C07; please refer to this number when sub-

V 42 N 118 JUN 20 77 UM

mitting comments. All relevant comments received on or before July 20, 1977, will be considered.

Dated: June 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-17497 Filed 6-17-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: The University of Michigan, Division of Biological Sciences, Ann Arbor, Michigan 48109.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only on.)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Import not more than 10 Varanus from Switzerland to the U.S. to permit biomechanical research on the animals.
Appendix II Endangered Sp. Treaty Washington Convention. Not endangered species.

3. APPLICANT (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Carl Gans, Professor of Zoology
Division of Biological Sciences
The University of Michigan
Ann Arbor, MI 48109 Phone (313) 763-4253

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'9"	WEIGHT 175 lbs.
DATE OF BIRTH 7 Sept. 1923	COLOR HAIR Gray	COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED (313) 763-4253	SOCIAL SECURITY NUMBER 058-22-8250	
OCCUPATION Professor of Zoology		

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Principal Investigator under ~~under~~ grant issued to me from the National Science Foundation at the University of Michigan.

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Research (mastication and locomotion) of specimens imported from Switzerland to Ann Arbor, Michigan, as well as possibly to ansillary laboratories at Princeton and Harvard Universities (for specific experiments).

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT 2-146,

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO
(If yes, list jurisdictions and type of document(s))
Swiss government, permit issued by Dr. Dollinger of the Eidgenössisches Veterinaramt Bern.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE 1 July, 1977

11. DURATION NEEDED Single importation within 90 days but retention of animal

ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) [signature] DATE 24 June 1977

GPO 835-842

THE UNIVERSITY OF MICHIGAN,
DIVISION OF BIOLOGICAL SCIENCES,

APRIL 19, 1977.

U.S. DEPARTMENT OF THE INTERIOR,
Fish and Wildlife Service,
Federal Wildlife Permit Office,
Washington, D.C.

GENTLEMEN: This letter serves in supplement to permit application File No. PRT2-729-C00 dated 4/7/77. At that time, I requested specimens of *Varanus* of uncertain provenance, identification, and number.

As indicated on the enclosed Swiss export permit 071, the specimens in question are presumably *Varanus bengalensis* and number 4 subadults. Please treat this information and the attached photocopy as supplements to my original permit application.

Sincerely yours,

CARL GANS,
Professor of Zoology.

U.S. Department of Interior, Federal Fish and Wildlife license/permit application. 12. Attachment. Information requested under 50CFR17 Para. 1723.A.1. The animals to be imported are several specimens (not more than 12) of monitor lizards *Varanus salvator* of unknown sex and unknown provenance.

2. Subject specimens were confiscated by the Swiss government from illegal importation and turned over by their Dr. Dolinger of the Eidgenössische Veterinäramt, Bern to the University of Basel for work by Mr. Oliver Rieppel. A formal statement to this effect issued by the Swiss authority will accompany the animals, and will be transmitted to you by me as soon as it is received.

3. The animals are to be imported in order to permit Mr. Rieppel to carry out experiments on their mastication and/or locomotion and/or ventilation utilizing electromyographical techniques in my laboratory. The work is funded by NSF and the Swiss government. It is possible that some of these specimens will have to be transported temporarily to other institutions, such as the Auditory Research Laboratories of Princeton University and/or The Museum of Comparative Zoology at Harvard University in order there to use specialized equipment as part of the work.

After maximum possible number of experiments have been carried out, these specimens will presumably have to be sacrificed for dissection. (This will obviously be delayed as long as possible.) The bodies will then be retained as reference material here or deposited in a nonprofit research museum.

4. The animals will be kept in our holding facility located in the Department of Biological Sciences, The University of Michigan, Ann Arbor, Michigan 48109. The rooms there have temperature control and light cycles available and due security is maintained to avoid possible escape. Standard cages are available as are veterinary services through the University's animal facilities.

5. At this time of application, the animals are being housed at the University of Basel. Consequently, the issuance of this permit will have on effect on the status of species in the wild. It would be possible for me either to collect or to have this species collected. However, this would hardly be appropriate as it would contravene the intention of the act, which I gather is to protect stocks of the species in the wild. I add also that it is difficult to identify the species of this family (in spite of the existence of at least three monographs purporting to assist this), as the different forms change from a juvenile to an adult color and these changes have been thus far poorly characterized. I gather that the identification is that of the Swiss government and am uncertain whether it has been confirmed by a competent taxonomist.

6-i. My research facility at The University of Michigan contains a series of lockable rooms in which we have both animals and equipment. There are quarantine and long-term holding areas, all arranged to keep the animals secluded and permit their survival under near-natural conditions (which are required for the success of our experiments). Temperature and light controls are available. Individual specimens are housed in doubly screened, glassfronted wooden cages with "dead man" bolts and facilities for individual locks. We have not lost any animals in the six years since the facility was built to specification.

ii. The applicant is Professor of Zoology at The University of Michigan and has, since 1959, been funded continuously by the U.S. National Science Foundation for studies dealing on such animals. I have published some 200 papers, books, paper and abstracts on reptilian biology and am organizer-managing editor of the Biology of the Reptilia now in five volumes (three more are in press). I am a Fellow of the Herpetologists League, The Academy of Zoology, as well as Honorary Scientific Fellow of The Zoological Society of London and the New York Zoological Society, Research Associate of the American Museum of Natural History, and the Carnegie Museum in Pittsburgh, a Field Associate of the Smithsonian Institution and a Research Scientist of The Museum of Zoology of The University of Michigan, all in association with studies dealing with the kinds of animals here proposed for importation.

iii. While I have no objection to assisting on studies pertaining to the reproduction of these animals, reproduction is not the aim of this importation. Rather, the aim is an improvement of our understanding of the mechanics of their feeding and locomotion, ventilation, and defensive behavior. Such information would be critical to anyone who attempted to set up breeding programs. My interest in such matters and competence on them can be attested to, for instance by the Zoological Society of Antwerp which has retained me as a consultant on problems of reptile house exhibit design.

iv. In transit to the United States the animals will be transported in person by Mr. Olivier Rieppel upon occasion of his passage to the United States. Mr. Rieppel has informed me that Mr. Rene Honegger of the Zoological Gardens of Zurich will provide packing material and other assistance in handling appropriate shipment. Upon arrival, the plane will be met by me and the animals transferred immediately to our holding area.

Please advise if additional information is necessary.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-729-CO7; please refer to this number when submitting comments. All relevant comment received on or before July 20, 1977 will be considered.

Dated: June 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc.77-17500 Filed 6-17-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Request For Amendment

A permit authorizing certain work of the Patuxent Center's Endangered Wildlife Research Program was not included in the Endangered Species Permit and/or Amendment Nos. 1, 2, 3, and 4 when issued. This proposed Amendment No. 5 would update and correct our permit.

A notice containing the application for the permit was published in the FEDERAL REGISTER on August 4, 1975 (40 FR 32766- 68- 69- 70- 71), soliciting public comments for a period of 30 days.

A notice of the issuance of the permit was published on March 9, 1976 (41 FR 10103-04).

Under date of March 28, 1977, the Patuxent Wildlife Research Center submitted a request for changes in the conditions of this permit. Published herewith is a copy of the request for changes which will be considered as an amendment to this permit. This request is being considered pursuant to Section 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
AMENDMENT #5
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Amendment no. 5 to PRT 8-86-B-C to allow taking of 0.5cc blood samples from adult and young Florida Everglade kites (Rostrhamus sociabilis plumbeus) for blood parasite and chemistry analysis as well as other work not covered by original permit or subsequent amendments.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Patuxent Wildlife Research Center
U. S. Fish and Wildlife Service
Laurel, Maryland 20811

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

5. IF "APPLICANT" IS A BUSINESS CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Wildlife research to enhance the status of endangered and threatened wildlife species.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lucille F. Stickel, Director, 301-776-4880

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Peninsular Florida

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT 8-86-B-C, PRT 8-85-C, PRT 8-169-C, PRT 2-913-BA, PRT 2-197

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document(s))
Our biologist was informed that Florida Game & Freshwater Fish Comm. does not require a federal biologist to obtain a state permit if he is operating under a valid federal permit.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE May 1, 1977

11. DURATION NEEDED December 31, 1979

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) [signature] DATE March 25, 1977

GPO 835-842

The following activities are necessary to achieve the research goals of providing information essential to the effective management of the Florida everglade kite. Research is to be conducted on the Florida everglade kite (*Rostrhamus sociabilis plumbeus*) in peninsular Florida. Age categories include eggs and nestlings, immatures and adults of boh sexes. No living specimens will be aacrificed nor will any be brought into captivity unless found injured or otherwise handicapped and needing treatment; any such specimens would then be returned to the wild. Any dead specimens will be frozen and sent to the Patuxent Wildlife Research Center, Laurel, Maryland, for autospy and for further transfer to the National Fish and Wildlife Laboratory, Smithsonian Institution, Washington, D.C., for preservation as scientific specimens.

No research-related mortalities are anticipated in the study of this species, and the risk of injury will be held to an absolute minimum. Only those types of traps which have already been used to capture raptorial birds safely at the Patuxent Wildlife Research Center will be employed in capturing kites of flight age. Each trap will be under close and continuous observation during its operation to prevent drowning of or injury to individually-trapped wild birds. Great handling care will be taken in measuring eggs and kites, collecting ectoparasites, banding, color-banding, obtaining blood (not more than 0.6 cc per bird), fecal, and feather samples utilizing safe procedures. Each trap will be under close and continuous observation during its operation to prevent drowning or injury of trapped birds. Kites will be released immediately at the capture site

JUN 20 1977 UM

as soon as scientific data have been recorded. The indicated activities are essential to obtain information which cannot be secured in the field without handling the living specimens. Effective management of kites is impossible without a complete knowledge of their biology and means of determining age and sex in the field so that production potential and actual production can be compared. Parasites and diseases of kites must be known if all reasons for failure of this species to increase and maintain greater numbers are to be determined. The blood samples will also be used for the determination of physiological norms for the kite, a valuable technique in evaluating their physical condition. Banding is necessary to permanently identify individual birds in order to determine mobility and longevity, pair fidelity, and to allow the study of kite population dynamics, intraspecific strife or territoriality, sexual disparity (if any), maturation rate, and annual productivity of given nesting pairs. This information, and recommendations which will result from ecological studies now in progress, will form the basis for effective management of this endangered species.

Paul W. Sykes, Jr., Biologist-in-Charge of the Delray Beach Field Station, Patuxent Wildlife Research Center, USFWS, who is the principal investigator for this work, holds the M.S. degree in zoology of the North Carolina State University and is a member of the Florida Everglade Kite Recovery Team. He has had 9½ years of field research upon this species as a USFWS research biologist. He is a life member of the American Ornithologists' Union, and a member of the Wilson Ornithological Society, Cooper Ornithological Society, Eastern Bird Banding Association, Northeastern Bird Banding Association, Florida Ornithological Society, and The Wildlife Society. Mr. Sykes is author of several scientific articles, and has served as a consultant on the effects of water development programs upon wildlife in Florida. This research is not in conflict with any other programs designed to enhance the survival of the Florida everglade kite. Results of this research are presented in progress reports submitted annually to the Patuxent Center. The findings are also published in scientific journals, USFWS technical reports and other publications, in popular articles appearing in conservational and natural history magazines, and in talks given to professional and lay organizations.

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendment. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 8–86–B–C; please refer to this number when submitting comments. All relevant comments on or before July 20, 1977 will be considered.

Dated: June 5, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77–17498 Filed 6–17–77;8:45 am]

UNIVERSITY OF MINNESOTA

Issuance of Permit for Threatened Marine Mammals

Although the Endangered Species Act does not require the publication of a Notice of Issuance of Threatened Species permits, due to the interest in the southern sea otter this notice of issuance is being published.

Notice is hereby given that on June 2, 1977, as authorized by the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)), the U.S. Fish and Wildlife Service issued a permit to Dr. Donald B. Siniff, University of Minnesota, Minneapolis, Minnesota to conduct scientific research on southern sea otters, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 512, 1717 H Street, NW., Washington, D.C.

Dated: June 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77–17495 Filed 6–17–77;8:45 am]

UNIVERSITY OF MONTANA

Issuance of Permit for Marine Mammals

On July 27, 1976, a notice was published in the FEDERAL REGISTER (Vol. 41, No. 145) that an application had been filed with the Fish and Wildlife Service by University of Montana, Dr. Charles J. Jonkel, Missoula, Montana for a permit to capture, mark, take blood samples and keep in captivity at Manitoba Laboratory, the polar bears for observational behavior studies.

Notice is hereby given that on January 27, 1977, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 USC 1361–1407), the Fish and Wildlife Service issued a permit to University of Montana, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Dated: June 15, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77–17496 Filed 6–17–77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

PROPOSED AMENDMENTS TO PROJECT REVIEW AND NOTIFICATION SYSTEM PROCEDURES

The National Capital Planning Commission, at its meeting on June 9, 1977, authorized the publication, for review and comment, in the FEDERAL REGISTER of proposed amendments to its procedures, adopted November 11, 1976, and amended March 3, 1977 (41 FR 53375; 42 FR 17189), implementing the requirement in Section 2.a. of Part I of Attachment A to Office of Management and Budget Circular No. A–95 (Revised) on Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, dated January 2, 1976, respecting notification to the Commission.

Pursuant to Part I of Attachment A to OMB Circular A–95 (Revised), the Commission is to be notified by local jurisdictions of their intent to apply for Federal assistance for projects involving land or water use and development or construction in the National Capital Region. On November 11, 1976, the Commission adopted procedures for its project review and notification system which require applicants to furnish notification on Standard Form 424 of: 1. Identity of the applicant;

2. A map depicting the project's geographic boundaries;

3. A brief description of the proposed project, including estimated cost and beneficiaries. Where appropriate, drawings or other graphics shall be submitted;

4. A list of Federal installations affected, if any, and other project characteristics which will enable the Commission to identify agencies of the Federal government in the National Capital Region having plans, programs, or projects which may be affected by the project;

5. A statement as to whether the applicant has been advised by the funding agency from which assistance is being sought that it will be required to submit environmental impact information in connection with the proposed project;

6. The Federal program title and number and agency under which assistance will be sought as indicated in the latest "Catalog of Federal Domestic Assistance". In the case of programs not listed therein, programs shall be identified by Public Law number or U.S. Code citation; and

7. The estimated date the applicant expects to formally file an application.

With the exception of item (4) above, the procedures are identical to the requirements of OMB for all applicants seeking Federal funds. As a result of concerns expressed through the Metropolitan Washington Council of Governments, the Commission proposes to modify its requirements in order to clarify and simplify compliance by applicants in the following respects:

1. Eliminate the requirement for a list of Federal installations affected, if any.

2. Clarify the notification procedures statement that applications "involving land or water use and development or construction in the National Capital Region" will be forwarded to NCPC, by adding a list of "covered programs", by which the Commission requires notification. **This list is a refinement of Attachment D to OMB Circular A–95 (Revised) and is intended to include only those programs which involve construction of new or additions to existing facilities. This will reduce the number of programs covered to approximately 20 percent of all Federal programs.**

3. **Consider as compliance with the requirement in Part I of Attachment A to OMB Circular A–95 (Revised) receipt of a copy of the completed Form 424 through COG rather than from the applicant directly.**

The Commission will consider the adoption, at its July 7, 1977 meeting, of the proposed amendments. Interested organizations, agencies, and citizens are requested to submit their views thereon in writing to the Commission on or before July 1, addressed to:

Daniel H. Shear, Secretary, National Capital Planning Commission, Washington, D.C. 20576.

The proposed amendments are as follows:

1. Amend Section B. by:

(a) Numbering the first two sentences of the first paragraph thereof as paragraph "1." and deleting the last sentence;

(b) Deleting in the first sentence of Paragraph 1 the words "covered by Part I of OMB Circular A–95 (Revised)" and inserting in lieu thereof the words "listed in Paragraph 3 below";

(c) Adding the following new paragraphs:

2. If the Commission receives notification from or through the Metropolitan Washington Council of Governments at least thirty (30) days prior to the submission of the application and in the form set forth in Section C., the applicant will be deemed to have satisfied these procedures.

3. The following programs set forth in Paragraph 3 of Attachment D to OMB Circular A–95 (Revised) are covered by these procedures:

DEPARTMENT OF AGRICULTURE

10.405 Farm Labor Housing Loans and Grants.
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans (Exception: Loans to grazing associations to develop additional pasturage and loans for purchase of equipment).
10.410 Low to Moderate Income Housing Loans.
10.411 Rural Housing Site Loans.
10.414 Resource Conservation and Development Loans.
10.415 Rural Rental Housing Loans.
10.418 Water and Waste Disposal Systems for Rural Communities.
10.419 Watershed Protection and Flood Prevention Loans.
10.422 Business and Industrial Development Loans (Exception: Loans to rural small businesses having no significant impact outside community in which located).
10.423 Community Facilities Loans.
10.424 Industrial Development Grants.
10.901 Resources Conservation and Development (Exception: Small projects costing under $7,500 for erosion and sediment control and land stabilization and for rehabilitation and consolidation of existing irrigation systems).
10.904 Watershed Protection and Flood Prevention.

DEPARTMENT OF COMMERCE

11.300 Economic Development, Grants and Loans for Public Works and Development Facilities.
11.304 Economic Development, Public Works Impact Projects (Procedural variation).
11.305 Economic Development, State and Local Economic Development Planning.
11.307 Economic Development, Special Economic Development and Adjustment Assistance Program.
11.405 Anadromous and Great Lakes Fisheries Development.
11.407 Commercial Fisheries Research and Development.
11.418 Coastal Zone Management Program Development.
11.420 Coastal Zone Management, Estuarine Sanctuaries.

DEPARTMENT OF DEFENSE

12.101 Beach Erosion Control Projects.
12.106 Flood Control Projects.
12.107 Navigation Projects.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

13.237 Mental Health, Hospital Improvement Grants.
13.240 Mental Health, Community Mental Health Centers.
13.261 Family Health Centers.
13.340 Health Professions Teaching Facilities, Construction Grants.
13.369 Nursing School Construction, Loan Guarantees and Interest Subsidies.
13.378 Health Professions Teaching Facilities, Loan Guarantees and Interest Subsidies.
13.392 Cancer, Construction.
13.408 Construction of Public Libraries.
13.427 Educationally Deprived Children, Handicapped.
13.477 School Assistance in Federally Affected Areas, Construction.
13.502 Vocational Education, Innovation.
13.570 Libraries and Learning Resources.
13.630 Developmental Disabilities, Basic Support.
P.L. 92–318 (Section 161) Construction of Academic Facilities.
P.L. 93–641 (Section 1516) Planning Grants Health Systems Agencies: (Section 1601 et seq., Title XVI Public Health Service Act) Assistance for modernization, construction or conversion of medical facilities.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

14.001 Flood Insurance (Applications for community eligibility).
14.103 Interest Reduction Payments, Rental and Cooperative Housing for Lower Income Families.
14.105 Interest Subsidy, Homes for Lower Income Families.
14.112 Mortgage Insurance, Construction or Rehabilitation of Condominium Projects.
14.115 Mortgage Insurance, Development of Sales-Type Cooperative Projects.
14.116 Mortgage Insurance, Group Practice Facilities.
14.117 Mortgage Insurance, Homes.
14.119 Mortgage Insurance, Homes for Disaster Victims.
14.120 Mortgage Insurance, Homes for Low and Moderate Income Families.
14.121 Mortgage Insurance, Homes in Outlying Areas.
14.124 Mortgage Insurance, Investor Sponsored Cooperative Housing.
14.125 Mortgage Insurance, Land Development and New Communities.
14.126 Mortgage Insurance, Management-Type Cooperative Projects.
14.127 Mortgage Insurance, Mobile Home Parks.
14.128 Mortgage Insurance, Hospitals.
14.129 Mortgage Insurance, Nursing Homes and Related Care Facilities.
14.134 Mortgage Insurance, Rental Housing.
14.135 Mortgage Insurance, Rental Housing for Moderate Income Families.
14.137 Mortgage Insurance, Rental Housing for Low and Moderate Income Families, Market Interest Rate.
14.138 Mortgage Insurance, Rental Housing for the Elderly.
14.139 Mortgage Insurance, Rental Housing in Urban Renewal Areas.
14.141 Nonprofit Housing Sponsor Loans, Planning Projects for Low and Moderate Income Families.
14.146 Public Housing, Acquisition (Turnkey and Conventional Production Methods), new construction only.
14.154 Mortgage Insurance, Experimental Rental Housing.
14.156 Lower Income Housing Assistance Program.
14.203 Comprehensive Planning Assistance.
14.207 New Communities, Loan Guarantees.
14.218 Community Development Block Grants, Entitlement Grants.
14.219 Community Development Block Grants, Discretionary Grants.

DEPARTMENT OF THE INTERIOR

15.400 Outdoor Recreation, Acquisition, Development and Planning.
15.501 Irrigation Distribution System Loans.
15.503 Small Reclamation Projects.
15.605 Fish Restoration.
15.611 Wildlife Restoration.
15.904 Historic Preservation.

DEPARTMENT OF JUSTICE

16.515 Criminal Justice Systems Development.

DEPARTMENT OF TRANSPORTATION

20.102 Airport Development Aid Program.
20.103 Airport Planning Grant Program.
20.205 Highway Research, Planning, and Construction.
20.214 Highway Beautification, Control of Outdoor Advertising, Control of Junkyards, Landscaping and Scenic Enhancement.
20.500 Urban Mass Transportation Capital Improvement Grants (Planning and construction only).
20.501 Urban Mass Transportation Capital Improvement Loans (Planning and construction only).
20.505 Urban Mass Transportation Technical Studies Grants (Planning and construction only).

V 42 N 118 JUN 20 77 UM

20.506 Urban Mass Transportation Demonstration Grants.
20.507 Urban Mass Transportation Capital and Operating Assistance Formula Grants.

VETERANS ADMINISTRATION

64.005 Grants to States for Construction of State Nursing Home Care Facilities.
64.020 Assistance in the Establishment of New State Medical Schools.
64.021 Grants to Affiliated Medical Schools, Assistance to Health Manpower Training Institutes.
64.114 Veterans Housing Guaranteed and Insured Loans (GI Home Loans).

ENVIRONMENTAL PROTECTION AGENCY

66.028 Solid Waste Demonstration Grants.
66.418 Construction Grants for Wastewater Treatment Works.
66.426 Water Pollution Control, Areawide Waste Treatment Management Planning Grants.
66.432 Grants for State Public Water System Subdivision Programs.

4. These notification requirements apply to all types of applications, except augmentation applications, as defined in the instructions to Standard Form 424 prescribed by GSA Federal Management Circular 74–7, involving:

(1) acquisition or leasing of land;

(2) construction of a new building, structure, facility, or transportation improvement;

(3) modification or alteration of a building, structure, facility, or transportation improvement where there is a change in its character or extent; or

(4) installation of new utilities or modification of existing utilities which provide increased capacity.

2. Amend Section C. by deleting subparagraph numbered "(4)" and renumbering subparagraphs "(5)", "(6)", and "(7)" as subparagraphs "(4)", "(5)", and "(6)", respectively.

DANIEL H. SHEAR,
Secretary.

JUNE 14, 1977.

[FR Doc.77-17536 Filed 6-17-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held on July 7–8, 1977, from 9:30 a.m. to 4:30 p.m., in Room 1125, Columbia Plaza Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. Accommodations are limited. Interested persons may submit written statements to the panel.

The agenda for this meeting will include the graphics portfolio of HEW and related material.

Further information with reference to this meeting can be obtained from Mr. Jerome Perlmutter, Coordinator of Federal Graphics, Mail Stop 503, National Endowment for the Arts, Washington, D.C. 20506, or call 202–634–4276.

HERBERT R. KUBLI,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-17520 Filed 6-17-77;8:45 am]

VISUAL ARTS POLICY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Visual Arts Policy Panel to the National Council on the Arts will be held on July 6–8, 1977, from 9:30 a.m. to 5:30 p.m. in Room 1115, Columbia Plaza Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting will be open to the public on a space available basis. Accommodations are limited. Interested persons may submit written statements to the panel.

The agenda for this meeting will include budget allocations and priorities within the program and policies.

Further information with reference to this meeting can be obtained from Mr. David Bancroft, Coordinator for Visual Arts, Mail Stop 501, National Endowment for the Arts, Washington, D.C. 20506, or call 202–634–1566.

HERBERT R. KUBLI,
Acting Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.77-17521 Filed 6-17-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO., ET AL.

Availability of Final Environmental Statement for William H. Zimmer Nuclear Power Station

Pursuant to the National Environmental Policy Act of 1969 and the United State Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of William H. Zimmer Nuclear Power Station located in Clermont County Ohio, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Clermont County Library, Third and Broadway Streets, Batavia, Ohio. The Final Environmental Statement is also being made available at the Office of the Governor, State Clearinghouse, State Office Tower, 30 East Broad Street, Columbus, Ohio and the Ohio-Kentucky-Indiana Regional Council of Governments, 426 East Fourth Street, Cincinnati, Ohio.

The notice of availability of the Draft Environmental Statement for the William H. Zimmer Nuclear Power Station and requests for comments from interested persons was published in the FEDERAL REGISTER on October 21, 1976 (41 FR 46525). The comments received from Federal, state and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–0265) may be purchased from the National Information Service, Springfield, Virginia 22161 at a cost of $9 for printed copies and $3 for microfiche.

Dated at Rockville, Maryland, this 7th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Division of Site Safety and Environmental Analysis.

[FR Doc.77-17359 Filed 6-17-77;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO., ET AL.

Corrective Order

In the matter of Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia, City of Dalton, Georgia, Edwin I. Hatch Nuclear Plant Unit No. 1.

On March 11, 1977, the Nuclear Regulatory Commission issued an Exemption in the captioned matter. Said Exemption contained a typographical error in Sections II and III. This Corrective Order will rectify such error.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *it is ordered*, that Facility Operating License No. DPR–57 is hereby amended by:

(1) Change "15,500 MWD/ton" to "15,000 MWD/ton" in the second paragraph under "(3) Partially Drilled Core Credit" of Section II of said Exemption, and; (2) Revising the last paragraph of Section III of the Exemption to read as follows:

(1) If the core is to be reloaded prior to completion of the calculations required by paragraph (1); the licensees shall reduce the MAPLHGR for the reloaded core by 2% for 7 x 7 fuel at burnups less than 15,000 megawatt days per ton until further authorization by the Commission.

The March 11, 1977 Exemption incorrectly stated: "* * * for 7 x 7 fuel at burnups greater than 15,000 megawatt days * * *".

Dated in Bethesda, Maryland, this 13th day of June, 1977.

For the nuclear regulatory commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.77-17360 Filed 6-17-77;8:45 a.m.]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 21 and 15 to Facility Operating License Nos. DPR–42 and DPR–60, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

The amendments revised the Technical Specifications for the facilities to add a provision which permits maintenance on a cooling water supply header of the Containment Cooling Systems. The amendments also corrected minor administrative errors and clarified the intent of some areas of previously approved specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license admendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendments dated August 27, 1976, (2) Amendment Nos. 21 and 15 to License Nos. DPR–42 and DPR–60, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at The Environmental Conservation Library of the Minneapolis, Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 6th day of June, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-17361 Filed 6-17-77;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Provisional Operating License No. DPR–18, issued to Rochester Gas and Electric Corporation, which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to clarify the surveillance specification for diesel-generator starting and breaker closing times under test conditions, to establish specifications for equipment designed to mitigate the consequences of flooding of safety-related equipment due to the failure of nonseismic piping and to establish specifications for safety-related shock suppressors (snubbers).

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 10, 1975 and February 1, 1977, (2) Amendment No. 14 to Provisional License No. DPR–18 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Issuance of Amendment to Provisional Operating License, Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements and Temporary Exemption From 10 CFR 50.55a (g) Testing Requirements for Pumps and Valves

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Provisional Operating License No. DPR–18, issued to Rochester Gas and Electric Corporation (the licensee) for the R. E. Ginna Nuclear Power Plant (the facility) located in Wayne County, New York, which revised the Technical Specifications by replacing the existing inservice inspection requirements in § 4.2 with requirements in conformance with 10 CFR 50 50.55a (g). The amendment is effective as of the day of its issuance.

The Commission has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection program for the facility. The relief consists of the substitution of visual or surface examination for certain reactor coolant system components, the allowance of repair requirements of Section III of the ASME B&PV Code, a change in the reference level used as the evaluation criterion in Section V of the ASME B&PV Code and the substitution of the Ginna Station QA Program for the Section XI administrative control requirements. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50.

The Commission has granted an exemption to the licensee deferring the date for commencement of the testing program conforming to the requirements of the ASME Code, Section XI for certain pumps and valves until September 1, 1977.

The application for the amendment, request for relief, and the exemption comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Com-

JUN 20 1977 UM

mission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment and the letter granting the relief and exemption. Prior public notice of these actions was not required since the actions do not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment granting of certain relief and temporary exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with these actions.

For further details with respect to these actions, see (1) the application for amendment and relief dated February 27, 1976, as supplemented September 23, 1976, February 8, 1977, and April 13, 1977 (2) Amendment No. 13 to License No. DPR–18, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated May 17, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489, and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of May 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–17363 Filed 6–17—77;8:45 am]

[Docket Nos. 50–259, 50–260 and 50–296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 30 to Facility Operating License No. DPR–33, Amendment No. 27 to Facility Operating License No. DPR–52, and Amendment No. 6 to Facility Operating License No. DPR–68 issued to Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3, (the facility) located in Limestone County, Alabama. The amendments are effective as of the date of issuance.

These amendments revise the Environmental Technical Specification 2.1 contained in Appendix B to the licenses. The change would temporarily increase the allowable maximum temperature rise between the 5 foot depth downstream and upstream control points from 5° F to 10° F and temporarily increase the maximum temperature measured at the 5 foot depth of the downstream control point from 86° F to 90° F, for the performance of a diffuser study that is anticipated to be completed in June 1977.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 23, 1977, (2) Amendment No. 30 to License No. DPR–33, Amendment No. 27 to License No. DPR–52, and Amendment No. 6 to License No. DPR–68, and (3) the Commission's letter to the licensee dated June 7, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35661. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 7th day of June 1977.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–17364 Filed 6–17–77;8:45 am]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NUREG–0178, "Basic Considerations for Assembling a Closed Circuit Television System."

As part of the licensee's overall system for safeguarding special nuclear material against theft and protecting facilities against sabotage, closed circuit television systems are often used for surveillance and monitoring of activities in sensitive areas. NUREG–0178 presents information that would be of help to the user or designer in selecting components for the optimum closed circuit television system for a specific application with emphasis on the use of such systems for security applications. The report will help to assist system designers by providing a discussion of the major components of the system and the factors that influence the system's performance, maintenance, and cost.

The report is available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Virginia 22161. (Paper copy: $4.00, Microfiche: $3.00)

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 8th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOQUE,
Director, Office of Standards Development.

[FR Doc.77–17367 Filed 6–17–77;8:45 am]

[Dockets Nos. 50–280 and 50–281]

VIRGINIA ELECTRIC & POWER COMPANY

Proposed Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR–32 and DPR–37 issued to Virginia Electric and Power Company (the licensee, for operation of the Surry Power Station Units Nos. 1 and 2, located in Surry County, Virginia.

In accordance with the licensee's application for amendment dated May 27, 1977, the amendments would revise the provisions in the Technical Specifications relating to the spent fuel pool. As amended, the Technical Specifications would permit the licensee to replace the storage racks in the present spent fuel storage pool, increasing its capacity from 464 fuel assemblies to 1044 fuel assemblies.

Prior to issuance of the proposed license amendments, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 20, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendments to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioners contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with

the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Michael W. Maupin, Esq., Hunton, Williams, Gay & Gibson, P.O. Box 1535, Richmond, Virginia 23213, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 27, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia.

Dated at Bethesda, Maryland, this 9th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–17365 Filed 6–17–77;8:45 am]

[Docket No. 50–29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR–3, issued to Yankee Atomic Electric Company (the licensee), which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications authorized by Amendment No. 33 dated December 29, 1976, relating to expanding the storage capacity of the Yankee-Rowe spent fuel storage pool. The modification permits moving additional pieces of equipment over or into the spent fuel pool and clarifies the intent of the criticality criteria imposed by Amendment No. 33.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 2 and May 20, 1977, (2) Amendment No. 39 to License No. DPR–3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 3rd day of June 1977.

For the Nuclear Regulatory Commission.

THOMAS V. WAMBACH,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc.77–17366 Filed 6–17–77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE NORTH ANNA POWER STATION UNITS 1 AND 2

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Subcommittee on the North Anna Power Station, Units 1 and 2, will hold an open meeting on July 6, 1977 in Room 1046, 1717 H Street, N.W., Washington, D.C. 20555. The purpose of this meeting is to discuss settlement, soil conditions, ground water drainage, and other associated topics.

The agenda for subject meeting shall be as follows:

Wednesday, July 6, 1977

8:30 a.m. until conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Virginia Electric and Power Company, and their consultants, pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Practical considerations may dictate alterations in the above agenda. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's Licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 29, 1977, to Dr. Richard Savio, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

Background information concerning items to be considered at this meeting can be found in documents on file and avail-

JUN 20 77
UM

able for public inspection at the NRC Public Document Room, 1717 H St. N.W., Washington, DC 20555; at the Office of the County Administrator, Board of Supervisors, Louisa County Courthouse, Louisa, VA 23093; and at the Manuscripts Department, Alderman Library, University of Virginia, Charlottesville, VA 22901.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 5, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1919, Attn: Dr. Richard Savio) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being made.

(f) A copy of the transcript of the portion(s) of the meeting where factual information is presented will be available for inspection on or after July 13, 1977 at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555; at the Office of the County Administrator, Board of Supervisors, Louisa County Courthouse, Louisa, VA 23093; and at the Manuscripts Department, Alderman Library, University of Virginia, Charlottesville, VA 22901.

Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St., N.W., Washington, DC 20555 after October 6, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 15, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77–17619 Filed 6–17–77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP NO. 1 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), Working Group No. 1 of the Reactor Safety Research Subcommittee will hold a meeting on July 7 and 8, 1977 in San Jose, CA. The exact location of the meeting room will be announced later. The purpose of this meeting is to discuss safety research regarding thermal hydraulic aspects of boiling water reactors.

The agenda for subject meeting shall be as follows:

Thursday, July 7, and Friday, July 8, 1977

8:30 a.m. until conclusion of business each day.

The Working Group may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will hear presentations by and hold discussions with representatives of the NRC Staff, the General Electric Company, and their consultants, and with representatives of other organizations participating in safety research regarding thermal hydraulic aspects of boiling water reactors.

At the conclusion of these sessions, the Working Group may caucus to determine whether the matters identified in the Executive Sessions have been adequately cover and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b (c) (4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than June 30, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 6, 1977 to the Office of the Executive Director of the Committee (telephone 202/634–1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5:00 p.m., EDT.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 15, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 10, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 16, 1977.

JOHN C. HOYLE,
Advisory Commitee Management Officer.

[FR Doc.77–17678 Filed 6–17–77;10:12 am]

OFFICE OF THE FEDERAL REGISTER

"SUNSHINE ACT" MEETING NOTICES

Trial Program Made Permanent

AGENCY: Office of the Federal Register, GSA.

ACTION: Notice.

SUMMARY: This notice announces the continuation of a program of special formatting and handling of announcements of meetings under the "Government in the Sunshine Act." This program began as a 90 day experiment. Because it has provided clear and efficient notice of Agency meetings, it is being continued on a permanent basis.

FOR FURTHER INFORMATION CONTACT:

Samuel Jacobs, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202–523–5240.

SUPPLEMENTARY INFORMATION: On March 22, 1977, the Office of the Federal Register (OFR) published in the FEDERAL REGISTER (42 FR 15482) an announcement of a 90 day experimental program for special handling and formatting for "Government in the Sunshine Act" meeting notices. The program had three parts: (1) Agencies prepare notices in a standard format; (2) Agencies may use facsimile equipment to transmit the notices to the OFR; and (3) The OFR publishes the notices on the second work day after receipt. As part of the program a new "Sunshine Act meeting section" of the FEDERAL REGISTER was created to contain all meeting announcements under that Act.

Most agencies covered by the Sunshine Act are participating in the experimental program and there appears to be general satisfaction with it. Therefore, the Office of the Federal Register has concluded that the program accomplishes its purpose of providing the public with notice of "Sunshine Act" meetings in a clear form at the earliest possbile time. Accordingly, the program as previously announced will be continued on a permanent basis.

Agencies already participating in the program may continue to do so without any additional initiative on their part. Agencies that decided not to participate in the program, while it was experimental, are strongly encouraged to reexamine their decision.

FRED J. EMERY,
Director of the Federal Register.

JUNE 14, 1977.

[FR Doc.77–17677 Filed 6–17–77;10:12 am]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period May 30, 1977 through June 10, 1977 the Office of Management and Budget received the following reports on new (or revised) systems of records.

GENERAL SERVICES ADMINISTRATION

System Names.—Employee Related Files.

Report Date.—May 26, 1977.

Point-of-Contact.—Phillip Schmidt, Director of Management Services, General Services Administration, 18th and F Street NW., Washington, D.C. 20405.

Summary.—The report proposes to add additional categories of records to the system and allow disclosure of military service data to officials of the U.S. Army Reserve Components Personnel and Administration Center.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

System Name.—Day Care Center Study Records.

Report Date.—May 26, 1977.

Point-of-Contact.—Mr. Garland Pinkston, Jr., Office of General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506.

Summary.—The report proposes a new system to establish and operate a day-care center study program.

OVERSEAS PRIVATE INVESTMENT CORPORATION

System Name.—Travel Advances.

Report Date.—June 8, 1977.

Point-of-Contact.—Mr. Henry Ritter, Overseas Private Investment Corporation, 1129 20th Street NW., Washington, D.C. 20527.

Summary.—The report proposes to computerize this system of records.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.77–17541 Filed 6–17–77;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 14, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202–395–4529, or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Management Development Plan, SBA 933, on occasion, selected small businesses receiving management assistance from SBA, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Application for the Emergency Adult Education Program for Indochina Refugees, OE 575, single time, State and local educational agencies, Lowry, R. L., 395–3772.

V 42 N 118 JUN 20 77 UM

Application Under Indochina Refugee Children Assistance Program (P.L. 94-405), OE-443-2, single time, State education agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration, Pretest Questionnaires for Delayed/Never/Immediate Filers for Unemployment Insurance Benefits, ETA 4, single time, delayed/never/immediate filers for unemployment insurance benefits, housing, Veterans and Labor Division, 395-3532.

REVISIONS

SMALL BUSINESS ADMINISTRATION

Minority Vendor Profile, SBA 1023, on occasion, businesses minority-owned, C. Louis Kincannon, Kathy Wallman, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Federal Assistance (nonconstruction programs) for Emergency School Aid Act, title VII, PL 92-318, as amended, instructions and supplementary, OE-116-1, annually, LEA's and other eligible applicants, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- Annual Coffee Acreage Survey—Hawaii, annually, growers, Marsha Traynham, 395-4529.
- Annual Banana Acreage Survey—Hawaii, annually, banana growers, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration:
- Request for and notice of amendment action, DIB-685P, on occasion, commercial exporters, Marsha Traynham, 395-4529.
- Acknowledgement Card-Export License Application, DIB-623P, on occasion, commercial exporters, Marsha Traynham, 395-4529.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Administration (Office of Assistant Secretary):
- Title I, Refinancing Report (property improvement), FH-5, on occasion, Banks, Savings and Loans, Credit Unions, etc., Housing, Veterans and Labor Divsion, 395-3532.
- Fiscal Data to Support Claim for Insurance Benefits (conveyance of home property), FHA-2767, on occasion, mortgagees, Housing, Veterans and Labor Division, 395-3532.
- Title I, Transfer of Note Report (property improvement), FH-6, on occasion, Banks, Savings and Loans, Credit Unions, etc., Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Application for Change of Nonimmigrant Status, I-506, on occasion, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Notice to Student or Exchange Visitor and Request for Report, OR DSP-66, I-515, on occasion, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Beryllium Mineral Concentrates and Beryllium Ore Production, 6-1097-A, annually, producers of beryllium ore and concentrate, Marsha Traynham, 395-4529.
- Alumina, 6-1013-A, annually, producers of alumina and aluminum, Marsha Traynham, 395-4529.
- Scrap and Secondary Copper, Brass, and Nickel—brass ingot makers and miscellaneous remelters—Plant Report, 6-1115-MA, monthly, producers of brass ingot and miscellaneous remelters, C. Louis Kincannon, 395-3211.
- Lode-Mine Production of Gold, Silver, Copper, Lead, and Zinc, 6-1178-AM, monthly, mine producers of nonfarm metals, Warren Topellus, 395-5872.
- Bauxite (consumption), 6-1009-A, annually, consumers of bauxite, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-17603 Filed 6-17-77;8:45 am]

[OMB Circular A-76; Rev. Transmittal Memorandum 3]

OFFICE OF FEDERAL PROCUREMENT POLICY

Government Reliance on the Private Sector

Correction

In FR Doc. 77-17316 appearing on page 30556 in the issue for Wednesday, June 15, 1977, in the fourth line of subparagraph a of paragraph 4, Interim Guidance, third column, page 30556, "tion change in the" should read "tion. The change in the".

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13615; File No. SR-BSE-77-1]

BOSTON STOCK EXCHANGE

Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-20, 16 (June 4, 1975), notice is hereby given that on May 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

1. Chapter VII, Section 4 of the BSE rules is amended to delete the prohibition against members paying giveups in excess of 50 percent of the commission.

2. Chapter XI, Section 1 is amended to delete the presumption of a unitary odd-lot specialist system.

3. Chapter XII is amended to delete references to transactions on the primary market and to substitute references to consolidated tape transactions; and to delete the requirement of an odd lot differential.

4. Chapter XV is amended to require specialists to retain records of orders for 3 years, instead of the present 12 months.

5. Chapter XX, pertaining to the hiring of employees for the solicitation of business, is amended to bring it into conformity with the requirements of the Act.

BSE's STATEMENT OF BASIS AND PURPOSE

Purpose of the Proposed Rule Changes. To comply with the provisions of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975. Rules were reviewed by the Securities and Exchange Commission, which ordered a review of all the Rules.

Basis of the Proposed Rule Changes. To bring certain of the Exchange Rules into compliance with the following provisions of the Exchange Act:

Sections 6(b)(5), 6(b)(8), 6(c)(3), 6(e), 11(a)(1)(c), 17(a).

Comments Received From Members, Participants or Others on Proposed Rule Changes. No comments were solicited.

Burden on Competition. No burden on competition is perceived by adoption of the proposed rule changes.

By July 25, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date, if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or (B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by July 11, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 9, 1977.

[FR Doc.77-17530 Filed 6-17-77;8:45 am]

[Release No. 34-13621; File No. SR-MSTC-77-7]

MIDWEST SECURITIES TRUST CO.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 18, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Interpretation, Subject 312, Certificate Appointments and Good Delivery Requirements, MST System Operations Handbook.

The Midwest Securities Trust Company will accept as good delivery certificates which bear the following registrations:

(a) Domestic individual executor/s or administrator/s.

(b) Domestic individual trustee/s under inter vivos or testamentary trusts.

(c) Domestic guardian/s, including committees, conservators and curators.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to clarify the Midwest Securities Trust Company's good delivery policy to include certain legal items. Transfer agents do not require documentation to transfer securities of the type listed above. This interpretation extends only to securities of a domestic issuer which bear the registrations set forth above, and certificates bearing such registrations must be properly assigned. Also, the signatures to the assignment must be guaranteed. These are both current requirements of good deliverable form.

The proposed interpretation of good deliverable form promotes the prompt and accurate settlement of securities transactions by expressly broadening good delivery to include more types of registrations—i.e., certain legal items.

Comments were neither solicited nor received. The Midwest Securities Trust Company does not believe any burden has been placed on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 110 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by July 11, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 13,1977.

[FR Doc.77-17531 Filed 6-17-77;8:45 am]

[Release No. 34-13619; File No. SR-MSRB-77-6]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 9, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission (the "Commission") the proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PAOPOSED RULE CHANGES

The proposed rule changes filed by the Board amend rule G-3(d) to require that, subject to certain exceptions,[1] every financial and operations principal associated with a muncipal securities broker or municipal securities dealer must take and pass the Municipal Securities Rulemaking Board Financial and Operations Principal Qualification Examination (the "Qualification Examination") prior to being qualified as a financial and operations principal. Under the terms of the proposed rule changes, this requirement would become effective six months following the date of approval by the Commission of the proposed rule changes.

A person presently acting as a financial and operations principal would have six months within which to take and pass the Qualification Examination after approval of the proposed rule changes by the Commission in order to continue functioning as a financial and operations principal. A person who intends to become a financial and operations principal following the six-months grace period would not be able to function as a financial and operations principal without first having taken and passed the Qualification Examination.

The Qualification Examination includes a series of questions and an answer key. In order to preserve the validity of the Qualification Examination as a means of determining the professional qualifications of financial and operations principals associated with municipal securities firms, the Board has requested that the Commission grant confidential treatment to the Qualification Examination pursuant to Commission rule 24b-2. The Board contemplates filing with the Commission in the future additional questions for the Qualification Examination, so that a bank of questions will be available from which to draw questions for alternative versions of the Qualification Examination.

The proposed rule changes provide that the passing grade on the Qualification Examination will be determined by the Board. The Board has determined that the passing grade on the Qualification Examination will be 70 percent, weighted in accordance with a schedule, filed with the proposed rule changes, which indicates the areas covered by the Qualification Examination. The text of the proposed rule changes appears below.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

PURPOSE OF PROPOSED RULE CHANGES

The proposed rule changes amend rule G-3(d) to designate the Qualification Examination as the examination required for purposes of qualification as a financial and operations principal. The Qualification Examination is designed to test the knowledge of a financial and operations principal associated with a municipal securities firm concerning recordkeeping requirements, financial responsibility rules, and related matters.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The Board has adopted the proposed rule changes pursuant to section 15B(b)(2)(A) of the Securities Exchange Act of 1934, as amended (the "Act"). Section 15B(b)(2)(A) of the Act authorizes the Board to adopt rules establishing standards of professional qualification for associated persons of municipal securities brokers and municipal securities dealers.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGES

The Board has not solicited or received comments on the proposed rule changes. However, the Qualification Examination has been reviewed and approved by an advisory committee to the Board composed of five members of the securities industry expert in matters relating to financial responsibility and reporting requirements for securities firms.

BURDEN ON COMPETITION

As indicated in its filing of proposed rules G-2 through G-6 with the Commission (see File No. SR-MSRB-76-3), the Board concluded that any burden on competition imposed by those rules, including the requirement that every financial and operations principal (subject to certain exceptions) take and pass an appropriate qualification examination, was necessary and appropriate in furtherance of the purposes of the Act. Similarly, the Board has determined that the designation of the Qualification Examination, with its particular emphasis on knowledge of the Commission's

[1] The exceptions are set forth in subparagraphs (d)(ii) and (d)(iv) of Board rule G-3.

JUN 20 1977 UM

financial responsibility and reporting requirements, as well as applicable recordkeeping rules, as the appropriate qualification examination for financial and operations principals, is essential to the protection of investors and the public interest, and will not impose any burden on competition not necessary and appropriate in furtherance of the purposes of the Act.

By July 25, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons of so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by July 11, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 10, 1977.

Rule G-3. Classification of Principals and Representatives; Numerical Requirements; Testing.[2]

(a) No change.

(b) No change.

(c) No change.

(d) Qualification Requirements for Financial and Operations Principals.

(i) Except as otherwise provided in this section (d), every financial and operations principal shall take and pass *the Municipal Securities Rulemaking Board Financial and Operations Principal Qualification Examination* [an appropriate qualification examination for financial and operations principals prescribed by the Board by rule] prior to being qualified as a financial and operations principal. *The passing grade shall be determined by the Board.* [Such examination shall test such matters as the Board may deem pertinent.]

(ii) No change.

(iii) No change.

(iv) No change.

(v) The requirements of paragraph (d)(i) *shall become effective on ---------, 1977, (six months following the date of approval by the Commission of the proposed rule changes)*[1] [shall not become effective until six months following the effective date of a rule of the Board first establishing a qualification examination for financial and operations principals].

(e) No change.

[FR Doc.77-17532 Filed 6-17-77;8:45 am]

[1] Italics indicate additions; brackets indicate deletions.

[2] Parentheses indicate explanatory material. Such material will be deleted when the specific date described is determined.

[Release No. 34-13614; File No. SR-NYSE-77-16]

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 25, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NYSE's STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following constitutes the text of Exchange Rule 46, as proposed.

FLOOR OFFICIALS—APPOINTMENT

Rule 46. Each Director who is active on the Floor shall be appointed as a Floor Official. The Chairman, in consultation with the Floor Directors and with the approval of the Board, shall, at the annual meeting of the Board of Directors or, at such time as may be deemed necessary, designate as Floor Officials such other members as he may determine, who shall perform such duties as are prescribed by the Rules of the Board or as may be designated by the Board to serve at the pleasure of the Board of Directors or until the next annual election of the Exchange and their successors are appointed and take office. By the same manner, the Chairman shall designate fourteen such other members as Floor Governors, who shall be empowered to perform any duty, make any decision or take any action assigned to or required of a Floor Director as are prescribed by the Rules of the Board or as may be designated by the Board of Directors or until the next annual election of the Exchange and their successors are appointed and take office. For purposes of this rule, a Floor Governor, by virtue of his appointment as such, shall also be deemed to be a Floor Official and, therefore, empowered to perform such duties as are specifically prescribed by the Rules of the Board or as may be designated by the Board regarding Floor Officials.

NYSE'S STATEMENT OF BASIS AND PURPSOSE

The basis and purpose of the foregoing proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

Exchange Rule 46 provides for the designation of twelve Floor Governors.

A Floor Governor, by virtue of his appointment as such, is empowered to perform certain duties of both Floor Directors and Floor Officials prescribed by the rules of the Exchange relating to supervision and regulation of Floor matters. Each Floor Governor is assigned to either one or two trading Posts on the Floor and is responsible for the supervision and regulation of transactions at such Posts.

A need has been demonstrated for two additional Floor Governors—one in the Bond Room and one in the 20 Broad Street Trading Area (the "Blue Room").

At the present time, only one Floor Governor is regularly stationed in the Blue Room where four Posts are located. Since this sole Floor Governor can adequately cover only two Posts, two other Governors from separate Floor areas must share responsibility for the other two Posts which can lead to delays in the resolution of Floor matters and places additional burdens on the Governors involved. No Floor Governor is regularly stationed in the Bond Room. Therefore, when differences in opinion arise among Floor Officials in the Bond Crowd in adjudicating a matter involving bond trading, a Floor Governor must be called in from the equity Floor.

Therefore, in order to improve the efficiency in the supervision and regulation of Floor matters, the number of Floor Governors should be increased by two, from 12 to 14.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed rule change relates to Section 6(b)(1) of the Act and Item 4(a)(i) of Form 19b-4A. The rule change will permit the Exchange, through its Floor Governors, to more efficiently perform those duties prescribed in the rules relating to supervision and regulation of Floor matters. It does not relate to the remaining items set forth in Section 4(a) of Form 19b-4A.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED CHANGE

The Exchange has not solicited comments regarding the proposed change to Rule 46 and has received none.

BURDEN ON COMPETITION

The proposed rule change will not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by July 11, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 9, 1977.

[FR Doc.77-17533 Filed 6-17-77;8:45 am]

[Release No. 34-13618; File No. SR-PSE-77-14]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on June 6, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Rule XIII, its rule imposing restrictions on off-board trading, to add exemptions for transactions in securities not listed and registered on any national securities exchange and that are traded on PSE pursuant to unlisted trading privileges,[1] and for securities listed solely on PSE if the issuer of such securities applies for delisting and PSE applies for unlisted trading privileges with respect to such security.

PSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is being made to facilitate the development of competitive markets involving PSE and over-the-counter market makers in situations where an issuer has applied for delisting and PSE is attempting to obtain unlisted trading privileges with respect to the securities of the issuer. The proposed rule change would allow such competition to develop during the period pending Securities and Exchange Commission review of and action on the applications for delisting and for unlisted trading privileges.

The proposed rule change contributes to the removal of impediments to and the perfection of the mechanism of a free and open market and a national market system.

Comments regarding the proposed rule change were neither solicited nor received.

The proposed rule change does not impose any burden on competition. Rather the proposed rule change would promote competition between over-the-counter market makers and market makers on the floor of the PSE.

By July 25, 1977, or within such longer period (i) as the Commisison may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by July 11, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 10, 1977.

[FR Doc.77-17534 Filed 6-17-77;8:45 am]

[1] This portion of the proposal was previously filed as part of SR-PSE-76-17, which is pending before the Commission, and was published for comment in Securities Exchange Act Release No. 12539 (June 11, 1976), 41 FR 24787 (June 18, 1976).

[Release No. 9814]

LIQUIFUND, INC.

Filing of Application for Order Declaring

JUNE 13, 1977.

Notice is hereby given that Liquifund, Inc. ("Fund"), 75 West 190th Street, Bronx, New York 10468 (811-2519), a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as a non-diversified, open-end management investment company, filed an application on December 24, 1976, and amendments thereto on May 21, 1977, and June 10, 1977, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that the Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Fund was incorporated in Maryland on April 8, 1974, and registered as an investment company under the Act on November 7, 1974; Liquifund Management Corporation serves as investment adviser to the Fund. The Fund represents that its shares were not registered under the Securities Act of 1933 and that the Fund never made, nor now intends to make, a public offering of its shares. The Fund represents further that four shareholders have held all of the capital stock issued by the Fund consisting of 10,200 shares, and that no other sales took place nor were any shares of the Fund redeemed. According to the Fund, the four shareholders of the Fund consist of three individuals and a closed corporation owned by two persons. The application states that the Fund has invested only in certificates of deposit and that, as of December 24, 1976, the assets of the Fund consisted of a $100,000 certificate of deposit, accrued interest thereon, and a nominal amount of cash.

According to the application, because of the inactivity of the Fund and the expense of maintaining it, the Board of Directors of the Fund recommended, and the shareholders, on November 15, 1976, unanimously voted, to cease operations, to dissolve and to liquidate the Fund. The Fund represents that on December 13, 1976, a distribution of $102,000 in cash was made to the shareholders, on a pro rata basis, for all shares of the Fund, and that no shares of the Fund remain outstanding. The Fund represents further that it is in the process of filing for voluntary dissolution under the laws of the state of Maryland, and that it has detained $355.51 in cash as a reserve for estimated general liquidation expenses.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 7, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an

order disposing of the application will be issued as of course, following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17522 Filed 6-17-77;8:45 am]

[Release No. 9813]

STANDARD SHARES, INC.

Filing of Application for Order Exempting Certain Transactions

JUNE 13, 1977.

Notice is hereby given that Standard Shares, Inc. ("Applicant") 230 Park Avenue, New York, New York, 10017, (812-4128), a closed-end, non-diversified management company, registered under the Investment Company Act of 1940 ("Act"), filed an application on April 25, 1977, pursuant to Sections 6(c) and 17 (b) of the Act for an order permitting Applicant to exchange a 6% unsecured promissory note (the "Note") of Brand Insulations, Inc. ("Brand"), in principal amount of $1,000,000, payable on May 1, 1977, for a new promissory note (the "New Note") of Brand, in principal amount of $1,000,000, payment upon which will not be due until 1979, when semi-annual payments of $250,000 each will commence. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant asserts that Brand, which is engaged primarily in the mechanical insulation contracting business, has approximately 820 common stockholders, including Applicant, which holds nearly 51% of the outstanding voting shares. Applicant further states that if it were to exercise certain conversion rights, it would hold approximately 90% of Brand's outstanding common shares and 91% of its outstanding voting shares. By reason of its ownership of Brand voting securities, Applicant is an affiliated person of Brand as defined in Section 2(a) (3) of the Act to include as an affiliated person of another person any person owning 5% or more of the outstanding voting securities of such other person and any person controlling such other person.

Applicant states that at January 31, 1977, it had total assets of approximately $122,700,000, of which approximately $2,270,000, or less than 2%, were invested in Brand in the form of common and preferred stock and several notes.

The application states that, in April, 1976, when Applicant initially made its investment in Brand, it was assumed by the parties that Brand would be able to meet its then restructured debt obligations, including its obligation to repay $1,000,000 on May 1, 1977, pursuant to the terms of the Note. Applicant states, however, that it is presently the opinion of Brand's Board of Directors and Applicant's management, that payment of the Note at its May 1, 1977, maturity date would have strained Brand's resources and put Brand into a precarious financial condition.

Applicant further asserts that Brand's particular problem in repaying the Note is the effect which such repayment would have upon its working capital. It is asserted that Brand must maintain a significantly better than marginal level of working capital in order to convince builders and prime contractors that it is now a reliable bidder with respect to work scheduled to begin a year to two years in the future. The application further represents that although Brand's new management has achieved considerable success in managing the difficult cash flow problems, it has been able to obtain only a $1,000,000 line of bank credit, which is approximately half the amount it has sought and which is insufficient to finance Brand's cyclical cash flow problems and pay in full the $1,000,000 that was due on the Note at May 1, 1977.

Accordingly, Applicant and Brand have agreed in an Extension Agreement to defer payment of the $1,000,000 obligation until April 1, 1979, at which time Brand will make the first of four semi-annual installments of $250,000 of the New Note. These arrangements take into account, and assume, that Brand will pay, at maturity, an existing $300,000 note held by Applicant, which matures on January 2, 1978. The New Note provides that Applicant can demand payment in full either upon default of certain other obligations of Brand or on or after January 2, 1980.

The proposed exchange of the New Note for the Note might be deemed to constitute a sale of the New Note to Applicant, in violation of Section 17(a) of the Act, which, in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from selling any security to such registered company. Consequently, Applicant seeks an exemption from Section 17(a) pursuant to Section 17(b) of the Act, which provides that the Commission upon application shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant asserts that the exchange of the New Note for the Note will be fair and reasonable to Brand in that deferral of payment will alleviate Brand's continuing shortage of working capital, strengthen Brand's interim financial resources and assist it in obtaining jobs from potential builders and prime contractors and enable Brand to repay the $1,000,000 on the new maturity dates without undue strain on its cash flow and working capital position. In general, Applicant asserts that to the extent that Brand is re-established as a viable entity, all of Brand's shareholders will benefit.

The application further states that, in the opinion of Applicant, the proposed exchange would be fair to, and benefit, Applicant in that it is preferable to forego the short-term benefits of receiving $1,000,000 on May 1, 1977, given the possible adverse consequences such a payment might have upon the potential value of Applicant's investment in Brand; deferral could materially increase the long-term profitability potential of Applicant's investment in Brand; and a $1,000,000 debt investment in Brand yielding 6% is not unreasonable given Brand's regular interest payment record, the insertion of protective default provisions in the New Note and the probability that if Standard had received payment on the Note on May 1, 1977, Brand would be unable to pay the $300,000 note due Applicant on January 2, 1978. Applicant further states that, by reason of an agreement with the holders of Brand Series A Preferred Shares, Applicant would, if it had received repayment of the $1,000,000, have been required to apply approximately $510,000 of such amount to the purchase of such shares. To the extent of that amount, therefore, receipt of repayment would, in effect, constitute for Applicant an exchange of a Brand Note for Brand Series A Preferred Shares.

The application also states that the proposed exchange would be consistent with Aplicant's policies with respect to securities investments, would not involve overreaching on the part of any person concerned, and would be consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The application pertains to a transaction which might be deemed to have been consummated as of May 1, 1977, the maturity date of the Note, at which time Applicant elected not to demand payment on the Note. While the application was filed before such date, it also requests relief pursuant to Section 6(c) of the Act, which provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 8, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement

as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17523 Filed 6-17-77;8:45 am]

[File No. 500-1]

U.S. WATER CO., INC.

Suspension of Trading

JUNE 10, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of U.S. Water Co., Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:10 p.m. (EDT) on June 10, 1977 through June 19, 1977.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.77-17529 Filed 6-17-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1340]

WISCONSIN

Declaration of Disaster Loan Area

Wood County and adjacent counties within the State of Wisconsin constitute a disaster area because of physical damage to wells resulting from drought which occurred from June 17, 1976, through May 12, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage as a result of drought until the close of business on August 11, 1977, and for economic injury until the close of business on March 10, 1978, at:

Small Business Administration, District Office, 122 West Washington Avenue, Room 700, Madison, Wisconsin 53703.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: June 10, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-17480 Filed 6-17-77;8:45 am]

[Application No. 06/06-5192]

FINANCIAL INVESTMENTS, INC.

Application for a License to Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Financial Investments, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1977).

The officers and directors are as follows:

Donald J. Locke, President, Treasurer, Director and 100 percent Stockholder, 6205 Northwest Grand Blvd., 6-E, Oklahoma City, Oklahoma 73118.

Ethel M. Locke, Vice President and Director, 215 W. Tonkawa Street, Norman, Oklahoma 73069.

Wanda M. Locke, Secretary and Director, 6205 Northwest Grand Blvd., Oklahoma City, Oklahoma 73118.

The applicant, an Oklahoma Corportion, will maintain an office at 1300 Southeast 82nd, Oklahoma City, Oklahoma 73149, and will begin operations with $300,000 of paid-in capital and paid-in surplus derived from the sale of 300,000 shares of common stock at $1 per share to Mr. Donald J. Locke. Mr. Locke operates Locke Plumbing Supply Co. in Oklahoma City and owns various real estate interests in Oklahoma.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general busines reputation and character of the proposed owner and management and the probability of successful operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, on or before July 5, 1977, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Oklahoma City, Oklahoma.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 14, 1977.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc.77-17481 Filed 6-17-77;8:45 am]

SAN FRANCISCO DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration District Advisory Council will hold a public meeting at 10 a.m., Friday, July 22, 1977, in the Executive Conference Room, Lockheed Missiles and Space Company, Building 101, Sunnyvale, California, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Charles R. Hertzberg, Acting District Director, U.S. Small Business Administration, 211 Main Street, 4th Floor, San Francisco, California 94105 (415-556-7490).

Dated: June 14, 1977.

ANTHONY S. STASIO,
Acting Assistant Administrator for Advocacy and Public Communications.

[FR Doc.77-17479 Filed 6-17-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 077-112]

PUBLIC INPUT TO COAST GUARD REGULATIONS DEVELOPMENT

Solicitation of Comments

The Marine Safety Council of the Coast Guard is presently examining methods whereby the "notice and comment" method of developing regulations under the Administrative Procedures Act can be reinforced to provide for increased public input.

Most of the Coast Guard's regulatory proposals solicit written comments within a 45 day comment period. When it is expected that rulemaking proposals will result in significant interest warranting a public hearing, one or more hearings are scheduled. Normally hearings are scheduled in Washington, D.C., unless a geographical concentration of the regulated public mandates a location other than or in addition to Wash-

JUN 20 1977
UM

ington, D.C. If more than one hearing for a particular rulemaking is deemed necessary the additional hearing is usually held at a major West Coast port.

The Coast Guard is soliciting views, opinions, and ideas to provide an opportunity for increased input during rulemaking development from all sectors of the public. These ideas need not be modifications of traditional procedures but may be totally new concepts with the caveat that the Administrative Procedures Act must be adhered to.

Anyone interested in commenting on this matter should submit their comments, in writing and referring to this Notice (CGD 077-112), to the Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments should be received by August 15, 1977 to be considered.

Dated: June 6, 1977.

G. H. PATRICK DURSLEY,
Chairman, Marine Safety Council.

[FR Doc.77-17582 Filed 6-17-77;8:45 am]

Federal Railroad Administration

[Docket No. RFA 511-77-2]

PURCHASE OF TRUSTEE'S CERTIFICATES

Receipt of Application

Project: Notice is hereby given that on May 26, 1977, William M. Gibbons ("Trustee"), Trustee of the Chicago, Rock Island and Pacific Railroad Company, Debtor ("Rock Island"), 332 South Michigan Avenue, Chicago, Illinois 60605, submitted to the Federal Railroad Administration ("FRA") an application under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831, to secure a commitment by the United States to guarantee trustee's certificates or other evidence of indebtedness to be issued by the Trustee in the principal amount of $81,000,000. Loan arrangements have not been completed at this time.

The proceeds of the loan are to be used by the applicant to (1) add additional capacity to the car shops at Little Rock, Arkansas, and El Reno, Oklahoma, (2) rehabilitate a total of approximately 4,000 freight cars, (3) repair locomotives, (4) acquire eight new locomotives, (5) acquire 300 ballast cars, and (6) acquire 1,587 new revenue freight cars of various types.

Justification for Project: The Trustee states that the car repair and acquisition program described above will reduce dependence on borrowed cars, alleviate car shortages, and reduce loss of business. The Trustee further states that the acquisition of ballast cars is required by the Rock Island to meet its needs for track rehabilitation projects planned or currently under way on the Rock Island and will free up open top hopper cars for revenue service. The Trustee states that the acquisition of eight new locomotives and the repair of units currently in need of repair will enable the Trustee to meet the increased traffic demands which are expected in the immediate future.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street S.W., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. To the extent permitted by law or regulation, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgment of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: June 15, 1977.

Comment closing date: July 20, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-17547 Filed 6-17-77;8:45 am]

[Docket No. RFA 505-77-7]

PURCHASE OF TRUSTEE'S CERTIFICATES

Receipt of Application

Project: Notice is hereby given that on May 26, 1977, William M. Gibbons ("Trustee"), Trustee of the Chicago, Rock Island and Pacific Railroad Company, Debtor ("Rock Island"), 332 South Michigan Avenue, Chicago, Illinois 60605, submitted to the Federal Railroad Administration ("FRA") an application under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 ("Act"), 45 U.S.C. 825, seeking financial assistance through the sale to the United States of trustee's certificates in the principal amount of $55,000,000. The Trustee proposes to pay the interest on the certificates "* * * in 20 equal annual payments, beginning with the 11th anniversary of the original date such issuance, with interest to accrue commencing with the 11th anniversary at the rate of 2.03 percent". The Trustee proposes to pay the entire principal on the 30th anniversary of the original date of issuance.

The proceeds of the sale of trustee's certificates are to be used by the applicant to finance the rehabilitation and improvement of the Rock Island's main line between West Davenport, Iowa, and Moseby Junction, Missouri, a distance of approximately 286.2 main line route miles, and two branch line segments in Iowa (Ainsworth to Washington and Eldon to Ottumwa).

Major items contained in the work program include subgrade soil stabilization, replacement of cross and switch ties, rehabilitation of roadway crossings, renewal of ballast, surfacing, installation of new and secondhand continuous welded rail, extension of sidings, and rehabilitation of intermediate yards.

Justification for Project: The Trustee states that the work program described above is necessary to assure the successful coordination and consolidation of the facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad ("Milwaukee Road") between Culver, Iowa and Polo, Missouri. The Trustee states that the rehabilitation of this line segment and the continued tenancy of the Milwaukee Road will provide essential freight service by enabling the average density of the Trustee's line to exceed 20 million gross tons (the highest traffic density level used by the Administrator in determining the public benefits of proposed projects), decrease costs of service due to economies of scale and sharing of maintenance and rehabilitation costs, and improve economic efficiency and productivity by decreasing transit time by more than six hours, improving reliability, and reducing excess capacity in a Corridor of Consolidation Potential, as identified in the final report under section 503 of the Act.

Required Determinations and Findings: Before the Federal Railroad Administrator ("Administrator") may approve the application, he must determine that the requested financial assistance is in the public interest. In addition, section 505(d)(2)(B) of the Act provides that no trustee's certificate shall be purchased under the section unless and until the Administrator makes a written finding that—

(i) such certificates cannot otherwise be sold at a reasonable rate of interest;

(ii) the project to be financed can reasonably be expected to be maintained as part of a financially self-sustaining railroad system; and

(iii) the probable value of the assets of the railroad in the event of liquidation provides reasonable protection to the United States.

Comments: Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submittal shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor, including whether the required determinations and findings can be made. To the extent permitted by law or regulation, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA.

The comments will be taken into consideration by the FRA in evaluating the application. However, formal acknowledgement of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: June 15, 1977.

Comment closing date: July 20, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-17548 Filed 6-17-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series No. 14-77]

TREASURY NOTES OF JUNE 30, 1979

Series R-1979

JUNE 15, 1977.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,500,000,000 of United States securities, designated Treasury Notes of June 30, 1979, Series R-1979 (CUSIP No. 912827 GU 0). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated June 30, 1977, and will bear interest from that date, payable on a semiannual basis on December 31, 1977, and each subsequent 6 months on June 30 and December 31 until the principal becomes payable. They will mature June 30, 1979, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, June 21, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, June 20, 1977.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Thursday, June 30, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by

check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, June 27, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, June 24, 1977, if the check is drawn on a bank in another Federal Reserve District. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-17624 Filed 6-16-77;4:16 pm]

VETERANS ADMINISTRATION

WAGE COMMITTEE

Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, July 14, 1977.
Thursday, August 11, 1977.
Thursday, August 25, 1977.
Thursday, September 8, 1977.

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, as amended by Public Law 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C 552(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meeting may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC.

Dated: June 14, 1977.

MAX CLELAND,
Administrator.

[FR Doc.77-17550 Filed 6-17-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-103]

PROCEDURES IN MOTOR CARRIER APPLICATION PROCEEDINGS WHERE FOR-HIRE CARRIAGE IS SUBSTITUTED FOR PROPRIETARY OPERATIONS

Oral Argument

The Interstate Commerce Commission will hold oral argument in the above-entitled proceeding in order to afford the parties a further opportunity to make their views known to the Commission. Oral argument is scheduled to commence at the office of the Commission in Washington, D.C. at 9:30 a.m. on August 3, 1977.

The August 3rd date has been selected to afford the parties an advance opportunity to consider the views expressed by other parties to this proceeding, and, on the basis of said consideration, to determine whether there is a possibility of consolidating their presentations at oral argument with other parties expressing the same or similar views. Our review of the representations filed in this proceeding reveals that there is substantial repetition of arguments by both the parties supporting and opposing the involved proposal. In these premises, we would strongly advise, in the interest of expediency and to avoid unnecessary repetition, that the related parties in interest explore the possibility of consolidating their presentations.

In response to the notice of filing of petition seeking institution of rulemaking in this proceeding, published in the FEDERAL REGISTER on July 22, 1976, 138 total parties submitted 73 individual or joint written statements of verified facts, views, and arguments regarding the proposed procedures. Attached hereto as an appendix is a service list of the parties or their representatives who have submitted statements. Within 25 days after the publication of this notice the persons desiring to participate in the oral argument shall by letter to Assistant Deputy Director, Office of Proceedings, Section of Operating Rights, Room 5316, Interstate Commerce Commission, Washington, D.C. 20423, advise the Commission (1) that they have served the other persons on the list with copies of their statements previously filed with the Commission in this proceeding or a summary thereof, (2) of the name of the representative who will appear at oral argument on their behalf or on behalf of the party in interest represented, (3) of the names of other parties having similar positions who will have the same representative and (4) of the approximate amount of time needed to present their position at oral argument. If, after examining the statements of other parties planning to present oral argument, parties decide to consolidate their arguments, the Commission should be informed of such decision by letter to the above-noted address no later than 15 days before the date of the argument. Prior to the concerned oral argument a schedule will appear, in the form of a notice in the FEDERAL REGISTER, listing those parties who will participate.

Although the Commission has made no determination on the merits of petitioner's proposal, or whether or not to adopt the proposal with or without modification, it would be helpful to the Commission if the parties at oral argument would address the following issues, which are not to be construed as all inclusive, but rather as focal points for informed discussion:

1. Would adoption of the proposed regulations be consistent with the statutorily imposed requirements of public convenience and necessity set forth in section 207 of the Interstate Commerce Act, as interpreted by Pan American Bus Lines Operation, 1 M.C.C. 190 (1936)?

(a) Would implementation of the involved procedures, and the institution of motor carrier services thereunder, serve a useful purpose, responsive to a public demand or need?

(b) Could this purpose be served as well by existing authorized carriers?

(c) Could the proposal be instituted without endangering or impairing the operations of existing motor carriers contrary to the public interest?

2. Would promulgation of the proposed regulations be consistent with the public interest and the national transportation policy? More specifically, can petitioners proposal concerning issuance of contract carrier authority be reconciled with the definition of contract carriage contained in section 203(a)(15) of the act, and with the criteria to be considered in applications for permits set forth in section 209(b) of the act?

3. Does the Commission hold appropriate authority under its general rulemaking powers to grant relief of the nature sought in the instant proceeding?

4. Are existing procedures, including those contained in section 210 of the act providing for issuance of temporary authority, sufficiently flexible and adequate to effectuate substitution of for-hire for private carriage? If not, how are they deficient?

5. Would implementation of the instant proposal have the beneficial effect of reducing the Commission's workload?

6. Should the proposed regulations, if promulgated, be limited to the transportation of bulk commodities?

7. Is private carriage inherently less efficient and economical than is regulated for-hire carriage? If so, is such inefficiency attributable to existing regulatory policies and practices?

8. Why should existing carriers be prohibited from opposing the issuance of authority under the proposed regulations, where such opposition is predicated solely upon their conflicting authorities? Should they be permitted to oppose an application for such authority if they have solicited the involved traffic, in addition to holding the requisite authority? What weight should such opposition have if, at some time, existing carriers had participated in the involved traffic?

9. What, if any, would be the potential abuses which might arise as a result of the Commission's adoption of the proposed regulations? Is it possible to modify the involved proposal to lessen the potential for abuse? Would it be possible to effectively police any regulations promulgated pursuant to petitioners proposal to eliminate any potential for abuse of the new procedures?

10. To what extent, if any, would existing carriers be adversely affected by adoption of the proposed regulations? How might the proposal be modified to eliminate any potential for the injury of existing certificated carriers?

11. If operating authority under the proposed regulations is issued, how could the Commission[1] effectively insure that the newly authorized carrier does not acquire a portion of the shipper's traffic in excess of that share previously transported in private carriage? Notice of oral argument shall be given to the general public by depositing a copy of this notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy of the notice to the Director, Office of the Federal Register for publication therein as notice to interested persons.

H. GORDON HOMME, JR.,
Acting Secretary.

APPENDIX

EX PARTE MC 103

*Lewis P. Ames, 10th Flr. 111 W. Monroe, Phoenix, AZ 85003.
*J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701.
*T. J. Ashe, Quaker Oats Co., Merchandise Mart Plaza, Chicago, IL 60654.
Pansy Beroth, P.O. Box 615, Winston Salem, NC 27102.
*Jerome Biniasz, 101 Continental Blvd., El Segundo, CA 90245.
James R. Boyd, P.O. Box 488, Austin, TX 78767.
Mark K. Boyle, 345 S. St. Street, Salt Lake City, UT 84111.
Robert R. Brinker, 1660 L St., NW., Ste. 1100, Washington, D.C. 20036.
W. H. Broderick, 150 East 42 Street, New York, N.Y. 10017.
*Herbert M. Canter, 305 Montgomery St., Syracuse, N.Y. 13202.
Barry Chasnoff, 400 7th Street, S.W., Washington, D.C. 20590.
*Chas. R. Christensen, P.O. Box 854, Downtown Station, Omaha, NE 68101.
*Wesley S. Chused, 15 Court Sq., Boston, MA 02108.
*David P. Christianson, 606 South Olive, St. 825, Los Angeles, CA 90014.
W. H. Cole, P.O. Box 270, Fort Worth, TX 76101.
*Arthur L. Comeau, 200 East Randolph Drive, Chicago, IL 60601.
Nelson J. Cooney, 1616 P St. NW., Washington, DC 20036.
*F. P. Daleiden, 1955 West North Avenue, Melrose Park, IL 60160.
*Barry D. Davidson, P.O. Box 388, Yazoo City, MS 39194.
*Ben F. Day, 1015 18th St. N.W., Washington, D.C. 20036.
G. J. Decker, P.O. Box 2003, New Brunswick, NJ 08903.
*R. A. Dombrowski, P.O. Box 1059, St. Joseph, MO 64502.
Thomas D. Donis, 1600 Oregon, Muscatine, IA 52761.
*James J. Emigh, 185 West McLemore Avenue, Memphis, TN 38101.
James V. Fleming, 819 Union Ave., Pennsauken, NJ 08110.
*J. F. Fricks, Jr., P.O. Box 691, Burlington, NC 27215.
*G. G. Gale, P.O. Box 24305, Oakland, CA 94623.
Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703.
Richard W. Gillis, 20 No. Wacker Dr Chicago, IL 60606.
*Warren N. Groesman, 825 City Natl. Bk. Bldg., 606 South Olive St., Los Angeles, CA 90014.
William C. Harris, 2109 Olmstead Rd., Kalamazoo, MI 49003.
Austin L. Hatchell, Suite 1102 Perry-Brooks Bldg., Austin, TX 78701.
*Carroll B. Jackson, 1810 Vincennes Road, Richmond, VA 23229.
A N. Jacobs, P.O. Box 113, Joplin, MO 64801.
*Terrence D. Jones, Ste. 300, 2033 K St. N.W., Washington, D.C. 20006.
*John P. Kane, 1830 S. Platte St., Kokomo, IN 46901.
Robert H. Kinker, P.O. Box 464, Frankfort, KY 40601.
Marshall Kragen, 666 11th St. N.W., Washington, D.C. 20001.
Eugene T. Liipfert, 1660 L St. N.W., Suite 1100, Washington, D.C. 20036.
C. R. Looney, One Gateway Center, Pittsburgh, PA 15222.
*Ralph B. Matthews, 248 Chester Ave. S.E., Atlanta, GA 30316.
Thomas F. McGrath, P.O. Box 860, Valley Forge, PA 19482.
A. L. Moon, Sonoco Products Company, Hartsville, SC 29550.
*George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306.
*Stanley C. Olsen, Jr., 7325 Mitchell Rd., Eden Prairie, MN 55343.
*Donald J. Osbjornson, 1111 Touhy Avenue, Des Plaines IL 60018.

[1] Vice Chairman Clapp and Commissioners Hardin and Christian not participating.

*Not a party of record.

V 42 N 118 JUN 20 77 UM

William M. Pappas, McCormick & Company, Inc., 11100 McCormick Rd., Hunt Valley, MD 21031.
John R. Patterson, P.O. Box 2298, Green Bay, WI 54306.
*William A. Quinlan, 3045 Riva Road, Annapolis, MD 21401.
Harold J. Reitz, International Paper Co., 220 East 42nd Street, New York, N.Y. 10017.
*Ed Shineberger, 920 First St. S.W., Cedar Rapids, IA 52406.
Richard R. Sigmon, Ste. 501 Perpetual Bldg., 1111 E. St. N.W., Washington, D.C. 20004.
*Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210.
John E. Smith II, 2565 St. Mary's Avenue, Omaha, NE 68101.
*M.B. Smith, 685 Third Avenue, New York, 10017.
Carl Steiner, 39 South La Salle Street, Chicago, IL 60603.
Donald L. Stern, Suite 530, Univac Bldg., 7100 W. Center Rd., Omaha, NE 68106.
*Truman A. Stockton, Jr., 1650 Grant St. Bldg., Denver, CO 80203.
Albert W. Stout, 3600 N.W. 82 Ave., Miami, FL 33162.
William P. Sullivan, Ste. 1030 Fed Bar Bldg. West, 1819 H St. N.W., Washington, DC 20006.
Charles A. Washer, American Retail Federation, 1616 H Street, N.W., Washington, D.C. 20006.
*Harvey E. Webb, 600 South Cherry Street, Denver, CO 80222.
*Frank J. Weiner, 15 Court Square, Boston, MA 02108.
*Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076.
*J. R. Woolery, 4550 W. 109th St., Ste. 100, Shawnee Mission, KS 66207.
*A. A. Wright, P.O. Box 3495, San Francisco, CA 94119.
Edward R. Zebrowski, Rohm & Haas Company, Philadelphia, PA 19105.

[FR Doc. 77-17552 Filed 6-17-77;8:45 am]

[Notice No. 416]

ASSIGNMENT OF HEARINGS

JUNE 15, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139967 Sub 1, SPS Transport Co. now assigned July 14, 1977 at Los Angeles, California is cancelled, application dismissed.
MC 6319 (Sub-8), California Cartage Co., Inc., now being assigned July 14, 1977 (2 days) at Los Angeles, California, in a hearing room to be later designated.
MC 118989 (Sub-145), Container Transit, Inc., now being assigned July 19, 1977 (2 days) in Room 3855, 230 South Dearborn Street, Chicago, Illinois.
MC 117940 Sub 202, Nationwide Carriers, Inc. now assigned June 27, 1977 at New York, New York will be held in Room 1434, Federal Building, 26 Federal Plaza instead of Room 2839 of the same address.
MC 140134 (Sub-7), Caldarulo Trading Co., now assigned July 19, 1977 at Chicago, Illinois, has been postponed indefinitely.
MC 140829 Sub-29, Cargo Contract Carrier Corp., now being assigned July 19, 1977 (1 day) at Chicago, Illinois and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.
MC 123389 Sub 32, Crouse Cartage Company now being assigned July 22, 1977 (1 day) at Chicago, Illinois and will be held in Room 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street.
MC 136849 Sub 1, E & H Distributing Co., Contract Carrier Application now assigned July 6, 1977 at Carson City, Nevada is being postponed indefinitely.
MC 139193 (Sub-Nos. 47 and 49), Roberts & Oake, Inc., now assigned July 22, 1977 at Chicago, Illinois has been postponed indefinitely.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17554 Filed 6-17-77;8:45 am]

[Notice No. 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 14, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1328 (Sub-No. 27TA), filed June 2, 1977. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Charles Garrett, P.O. Box 270, Alexandria, Ind. 46001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from the plantsite of Amoco Plastic Products Company, Seymour, Ind., to points in Michigan, Ohio, Illinois, Kentucky and Wisconsin; and *return loads* from those points of *materials and supplies* used in manufacturing plastic products, (except in bulk), under a continuing contract, or contracts, with Amoco Plastic Products Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. SUPPORTING SHIPPER(S): Amoco Plastic Products Company, P.O. Box 1000, Seymour, Ind. 47274. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 82079 (Sub-No. 48TA) (Correction), filed April 21, 1977, published in the FEDERAL REGISTER issue of May 31, 1977, and republished as corrected this issue. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, fresh and frozen products* which require protection from heat or cold in mechanically refrigerated vehicles (except commodities in bulk), from Chicago, Ill., and its commercial zone to points in Michigan on, north and west of a line beginning at the intersection of U.S. 23 and the Michigan/Ohio border north to the intersection of U.S. 23 and M-21 and east on M-21 and M-115 and north on M-15 to Bay City, Mich., such traffic to be restricted to that originating at the origin point and destined to the destination points. Further restricted to traffic originating at the storage and warehouse facilities of U.S. Cold Storage in Chicago, Ill., for 180 days. Supporting shipper(s): U.S. Cold Storage, 8424 W. 47th Street, P.O. Box 312, Lyons, Ill. 60534. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933. The purpose of this republication is to add the territorial description.

No. MC 96992 (Sub-No. 3TA), filed May 27, 1977. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, Tex. 78539. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Bldg., Suite 3300, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen vegetables, frozen fruits, frozen berries, and frozen citrus concentrate*, (except in bulk), and (B) *Commodities* which are otherwise exempt from regulation under Section 203(b) (6) of the Interstate Commerce Act, when moving in the same vehicle at the same time

with commodities in paragraph A above, from points in Cameron, Hidalgo, Webb and El Paso Counties, Tex., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, Pennsylvania, Tennessee, South Carolina, North Carolina, Virginia, West Virginia, Rhode Island, New Hampshire and District of Columbia, restricted in (a) and (b) above to the use of vehicles equipped with mechanical refrigeration for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bluebonnet Foods, Inc. Monte Alto, Tex. 78538. International Frozen Foods, Inc. P.O. Box 607, McAllen, Tex. 78501. Sun Valley Sales Company, P.O. Box 3292, McAllen, Tex. 78501. Rio Sales Inc. P.O. Box 1496, McAllen, Tex. 78501. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango Blvd. San Antonio, Tex. 78206.

No. MC 103993 (Sub-No. 895TA), filed June 3, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements, from Giles County, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper(s): American Pride Homes, P.O. Box 173, Ardmore, Tenn. 38449. Send protests to: J. H. Gray District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 896TA), filed June 3, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and semi-trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, from Minneapolis-St. Paul, Minn., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper(s): Butler Manufacturing Company, 900 Sixth Avenue, S.E. Minneapolis, Minn. 55414. Send protests to: J. H. Gray District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 109708 (Sub-No. 70TA) (Correction), filed May 12, 1977. Applicant: INDIAN RIVER TRANSPORT CO., doing business as INDIAN RIVER TRANSPORT, INC., P.O. Box 966, 908 North N.W. Park St., Dundee, Fla. 33462. Applicant's representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, Fla. 32801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in Massachusetts to points in South Carolina, for 180 days. Supporting shipper(s): Piggie Park Enterprises, P.O. Box 847, West Columbia, S.C. 29169. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, Fla. 33166. The purpose of this republication is to add in tank vehicles, and correct the zip code under supporting shipper, which was published as 29269, and corrected as 29169.

No. MC 113828 (Sub-No. 245TA) filed May 31, 1977. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Sullivan, Dubin & Kingsley, Federal Bar Bldg., West, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Michael A. Grimm, O'Boyle Tank Lines, Inc., P.O. Box 30006, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide*, in bulk, from Norfolk, Va., to Colorado, Iowa, New Hampshire, Vermont and Wisconsin for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Virginia Chemicals, Inc., 3340 W. Norfolk Road, Portsmouth, Va. 23703. Send protests to: W. C. Hersman District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Room 1413, Washington, D.C. 20423.

No. MC 135797 (Sub-No. 72TA) filed May 2, 1977. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Hwy. 71, Lowell, Ark. 72745. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unbleached white flour*, from Clovis, N. Mex., to the plantsite and warehouse facilities of Arrowhead Mills, Inc. at or near Hereford, Tex.; and points in Florida and Pennsylvania, (1) diet and nutritional foods; (2) drugs, vitamins and toilet preparations; (3) food grinders, water purifiers, can openers, container lids, cookbooks, seed sprouting kits, safety matches, candles and seeds, from the facilities of Arrowhead Mills, Inc. at or near Hereford, Tex., to points in Arizona, California, Colorado, Illinois, Missouri and Oklahoma, restricted in (1), (2), and (3) are applicable when moving in mixed shipments on traffic originating at the plantsite and warehouse facilities of Arrowhead Mills, Inc. at or near Hereford, Tex. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arrowhead Mills, Inc. P.O. Box 866, Hereford, Tex. 79045. Send protests to: William H. Land, Jr. District Supervisor, 3108 Federal?

No. MC 116280 (Sub-No. 17TA) (correction), filed May 9, 1977, published in the FEDERAL REGISTER issue of May 25, 1977, and republished as corrected this issue. Applicant: W. C. McQUAIDE, INC., 153 Macridge Avenue, Johnstown, Pa. 15904. Applicant's representative: Robert E. McFarland, 999 West Big Beaver Road, Suite 1002, Troy, Mich. 48084. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* limited to individual articles, not exceeding 100 pounds in weight, moving in shipments not exceeding 500 pounds in weight, from one consignor to one consignee in a single day, on bills of lading of surface, interstate freight forwarders, between points in Pennsylvania; Jefferson, Ashtabula, Trumbull, Mahoning, and Cuyahoga Counties, Ohio; Chautauqua, Chemung, Broome, and Orange Counties, N.Y.; Warren, Mercer, and Camden Counties, N.J.; New Castle County, Del.; Baltimore and Washington Counties, Md.; and Hancock, Brooke, Ohio and Monongalia Counties, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Delivery Systems, Inc., 300 East Seven Mile Road, Detroit, Mich. 48203. Send protests to: Richard C. Gobbell, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 100 Liberty Avenue, Pittsburgh, Pa. 15222. The purpose of this republication is to add moving in shipments not exceeding 500 pounds in weight, that was previously omitted.

No. MC 117370 (Sub-No. 30TA), filed May 24, 1977. Applicant: STAFFORD TRUCKING, INC., 2155 Hollyhock Lane, Box 403, Elm Grove, Wis. 53122. Applicant's representative: Nancy J. Johnson, 4506 Regent St., Suite 100, Madison, Wis. 53705. Authority sought to operate as as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica products*, from Norwick, South Windsor and Franklin, Conn., to points in Delaware, Indiana, Maine, Maryland, Michigan, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia for 180 days. Supporting shipper(s): Ottawa Silica Company, P.O. Box 577, Ottawa, Ill. 61350 (William Penfield) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue. Room 619, Milwaukee, Wis. 53202.

No. MC 119789 (Sub-No. 353TA), filed June 1, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, from Fort Bragg, Calif., to Georgia, Virginia,

VOL 42 NO 118 JUN 20 77 UMI

Maryland, North Carolina, Illinois, Indiana, Massachusetts, Pennsylvania, New Jersey, New York, Texas, Louisiana, and Oklahoma, for 180 days. Supporting shipper(s): Northwest Sanitation Products, Inc. P.O. Box 1227, Fort Bragg, Calif. 95437. Send protests to: Opal M. Jones Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 119875 (Sub-No. 9TA), filed May 10, 1977. Applicant: WAR-HUNT TRUCKING CO., Inc., Box 92A, R.D. No. 3, Allentown, Pa. 18104. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars, a division of Mars, Incorporated, at Hampden Township, Cumberland County, Pa., to Providence, R.I., Corning, N.Y., points in that part of New York within 150 miles of Newark, N.J., points in that part of Massachusetts on and east of U.S. Highway 5, points in that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the New York-Connecticut State Line and New Haven, Conn., points in Maryland, and between Hampden Township, Cumberland County, Pa., on the one hand, and, on the other, Hackettstown, N.J. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M&M/Mars, a division of Mars, Incorporated, High Street, Hackettstown, N.J. 07840. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 120910 (Sub-No. 12TA), filed June 3, 1977. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, 5410 21st Street, Tuscaloosa, Ala. 35401. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, 3426 North Washington Boulevard, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from Tuscaloosa, Ala., to points in Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Logan-Long Roofing Products, Inc., P.O. Box 2450, Tuscaloosa, Ala. 35401. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 123407 (Sub-No. 385TA), filed June 3, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured building products*, from the plantsite of C–E Morgan Building Products, a division of Combustion Engineering, Inc., at Oshkosh, Wis., to points in the states of Texas, Louisiana, South Carolina, Georgia, Florida, New York, North Carolina, Oklahoma, Tennessee, Missouri Pennsylvania, Illinois, Virginia, New Hampshire, nad Maryland, for 180 days. Supporting shipper(s): Combustion Engineering, Inc., P.O. Box 828, Valley Forge, Pa. 19482. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 123407 (Sub-No. 386TA), filed June 3, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Montmorillonite clay*, in bags, from the facilities of Industrial Mineral Ventures, Inc., at Imvite, Nye County, Nev., to points in the state of New Jersey, and all points in and west of Mississippi, Arkansas, Missouri, Illinois, Wisconsin, and Minnesota, for 180 days. Supporting shipper(s): Industrial Mineral Ventures, Inc., 5920 McIntyre Street, Golden, Colo. 80401. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 126736 (Sub-No. 96TA), filed June 3, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic waste gypsum and ferrous sulfate*, in bulk, in dump vehicles, from Savannah, Ga., to points in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mimex, Inc., 734 Northwest 9th Avenue, P.O. Box 14003, Fort Lauderdale, Fla. 33302. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 126736 (Sub-No. 97TA), filed June 2, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Para-diethyl-benzene*, in bulk, in shipper or water carrier tank vehicles, from Winnie, Tex., to Jacksonville, Fla., for subsequent export movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): UOP Process Division, UOP, Inc., 20 UOP Plaza, Des Plaines, Ill. 60016. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 126736 (Sub-No. 98TA), filed June 1, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous sulfate*, in bulk, in dump vehicles, from Savannah, Ga., to Sarasota, Tampa, and Punta Gorda, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Davis Water & Waste Industries, Inc., Davis Meter & Supply Division, 652B North Del Prado Blvd., Cape Coral, Fla. 33904. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128639 (Sub-No. 13TA), filed May 23, 1977. Applicant: CURRIER TRUCKING CORP., 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residue, wood waste, bark, wood shavings, wood bolts, wood slabs, and sawdust*, in bulk, (1) from points in Maine and New Hampshire to Gilman, Vt.; and (2) from ports of entry on the International Boundary line between the United States and Canada at or near Beecher Falls, Canaan, Norton, and Derby Line, Vt., to Gilman, Vt., for 180 days. Supporting shipper(s): Robert Ricker, Manager of Transportation, Georgia-Pacific Corp., 800 Summer Street, Stamford, Conn. 06901. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 425 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 134404 (Sub-No. 36TA), filed May 25, 1977. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08835. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used, damaged, and defective automobile batteries and parts thereof*, (1) from points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, and Maryland to Richmond, Va., and (2) from Richmond, Va., to Douglasville, Ga., restricted against transportation to or from the premises of any person who has entered into a contract with American Trans-Freight, Inc., and/or any person who is served by it pursuant to any permit issued by this Commission for 180 days. Supporting shipper(s): C & R Battery Co., P.O. Box 3715, Richmond, Va. 23234. Send protests to: Robert S. H. Vance, District Supervisor, Interestate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 140578 (Sub–No. 3TA), filed May 18, 1977. Applicant: ROBERT E. L. SMITH and SHIRLEY A. SMITH, d.b.a. Smith Trucking Co., 918 Ednor Road, Silver Spring, Md. 20904. Applicant's representative: Edward N. Button, P.O. Box 1417, 1329 Pennsylvania Avenue, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between Washington, D.C., and its commercial zone, on the one hand, and, on the other, points in Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Joseph Smith & Sons, Inc., 2001 Kenilworth Avenue, Washington, D.C. 20019. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, D.C. 20423.

No. MC 140665 (Sub–No. 10TA), filed May 16, 1977. Applicant: PRIME, INC., Route 1, Box 115–B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio. 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Frit glazing compound; crude clay; sand; plastic, liquid and powder; titanium oxide; bentonite; dry earth paint; and chemicals or chemical additives*, from Cuyahoga Heights, Ohio; (b) *paint driers and modified soybean oil*, from Walton Hills, Ohio; (c) *clay heater radiants; clay stone lining or shapes; fire brick; saggers; clay fireplace logs; and insulating material*, from Sebring, Ohio; (d) *fireplace shapes; pottery insulators; foundry strainer cores; porcelain linings; grinding balls; foundry or furnace cement; acid proof coatings or cement; water filters; vitrified clay and gravel*, from East Liverpool, Ohio; (e) *frit glazing compounds; clay, sand; plastic, liquid or powder; titanium dioxide; bentonite, dry earth paint; feldspar; borax; rubbing stones; porcelain grinding balls; and calcium carbonate*, from Nashville, Tenn., to points in the states of Arizona, California, Colorado, New Mexico, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington for 180 days. Supporting Shipper(s). Ferro Corp. One Erieview Plaza; Cleveland, Ohio 44114. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140678 (Sub-No. 1TA), filed June 1, 1977. Applicant: ROBERT PATRICK McCARTHY, d.b.a., P.O. Box 1319, Tulare, Calif. 93274. Applicant's representative: Randall M. Faccinto, Handler, Baker & Greene, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizer*, dry, in bulk, in hopper type vehicles or self-unloading vehicles, from Lathrop, Calif., to points in the states of Washington and Indiana, under a continuing contract, or contracts, with Occidental Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Occidental Chemical Co., P.O. Box 198, Lathrop, Calif. 95330; North Pacific Trading Co., P.O. Box 3915, Portland, Oreg. 97208. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 141362 (Sub-No. 6TA), filed May 31, 1977. Applicant: GEORGE A. SPARKS, d.b.a., Escondido Truck & Equipment, 1020 Linda Vista Drive, San Marcos, Calif. 92069. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed supplements*, dry, in bulk, or in bags when moving in mixed shipments with feed supplements, dry, in bulk, in the same vehicle at the same time, from points in Orange County, Calif., to points in Maricopa, Pinal, and Yuma Counties, Ariz.; (2) *feed supplements*, dry, in bulk, from points in Santa Barbara, San Joaquin, and Ventura Counties, Calif., to points in Maricopa, Pima, Pinal, and Yuma Counties, Ariz.; (3) *feed or feed supplements*, dry, in bulk, from points in Maricopa and Pinal Counties, Ariz., to points in Ventura County, Calif.; (4) *feed supplements*, in bags, from San Marcos, Calif., to points in Yuma County, Ariz., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Seley & Co., 1515 Hope Street, South Pasadena, Calif. 91030; Loper Systems, 6040 Riverside Drive, Chino, Calif. 91710; Superene Feed Supplements, Inc., P.O. Box 400, Cypress, Calif. 90630; Protein Resources, Inc., 380 South Twin Oaks Valley Road, San Marcos, Calif. 92069; Pioneer Mills, 1329 W. Mission, San Marcos, Calif. 92069. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143263TA (correction), filed May 12, 1977. Applicant: GILLETTE DAIRY, INC., 700 E. Omaha Avenue, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from the facilities of Holly Sugar Co., at or near Torrington, Wyo., to points in Nebraska under a continuing contract or contracts with Nash Finch Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Al Flaten, General Branch Manager, Nash Finch Co., 1125 West O Street, Lincoln, Nebr. 68501. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102. The purpose of this republication is to correct the No. MC 143263, that was previously published as No. MC 143262.

No. MC 143270 (Sub-No. 1TA), filed May 26, 1977. Applicant: SPEEDY MESSENGER & DELIVERY SERVICE, Vernon L. Nazelrod and Paul C. Sponaugle, Route 4, Box 39, Oldtown Road, Cumberland, Md. 21502. Applicant's representative: John Green Jr., Carscade, Gilchrist & Getty, 110 Washington Street, Cumberland, Md. 21502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Courier service handling, envelopes, computer prints, manuals, books, samples and replacement parts*, of any one consignee or consignor on any one day having a combined weight of not more than 50 lbs. and the total length, width, and depth of which should not exceed 100 inches, from, to, and between Cumberland, Md.; Creighton, Harmaryille, Philadelphia, Pittsburgh, Meadville, and Carlisle, Pa., under a continuing contract or contracts, with PPG Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: J .A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 143277TA, filed May 19, 1977. Applicant: PRINTERS EXPRESS, INC., 6 Vista Lane, Edgewater, N.J. 07020. Applicant's representative: Mr. Charles E. Creager, 1329 Pennsylvania Avenue, P. O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, advertising materials business forms, envelopes*, and (2) *materials and supplies* used in the manufacture, sale, and distribution of the commodities in (1) above, between East Rutherford, N.J., on the one hand, and, on the other, New York City, N.Y.; Nassau and Suffolk Counties, N.Y.; Philadelphia, Pa.; and Concord, N.H. (2) *printed matter, advertising materials, business forms, envelopes*, and (a) *commodities*, the transportation of which is partially exempt from the economic regulation of the Commission under Section 203(b)(7) of the Interstate Com-

merce Act when shipped in mixed loads or shipments with the commodities named in (1) above, from East Rutherford, Clifton, Kearny, Fairview, Fairfield, Pennsauken, Hillside, Jersey City, Carlstadt, Fairlawn, N.J., including their respective commercial zones, Philadelphia, Pa., and Concord, N.H., including points in their respective commercial zones, New York City, N.Y., and its commercial zone, and points in Nassau and Suffolk Counties, N.Y., to points in California, Colorado, Georgia, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, North Carolina, Ohio, Washington, Pennsylvania, Texas, Utah, Florida, Indiana, Massachusetts, New York, Kentucky, West Virginia, South Carolina, Tennessee, Maryland, Louisiana, Arizona, Wisconsin, and Washington, D.C., and its commercial zone, under a continuing contract, or contracts, with Meehan-Tooker (division of John Blair & Co.), for 180 days. Supporting shipper(s): Meehan-Tooker (division of John Blair & Co.), 55 Madison Circle Drive, East Rutherford, N.J. 07073. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143306TA, filed May 23, 1977. Applicant: ANGELA J. PEOPLES, d.b.a. PEOPLES COURIER SERVICE, 17 Boston Post Road, Amherst, N.H. 03031. Applicant's representative: J. Colin Lizotte, 6 Elm Street, Milford, N.H. 03055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), restricted to the transportation of shipments weighing not more than 200 pounds in the aggregate from one consignor at one location during a single day, between points in Manchester, Bedford, Merrimack, Amherst, Milford, Wilton, Nashua, and Hudson, N.H., on the one hand, and, on the other, points in that part of Massachusetts defined as follows: on the west by U.S. Route 3 to its intersection with Interstate 495, and thence by Interstate 495 to its intersection with Massachusetts Route 109, on the south by Massachusetts Route 109 to its intersection with Route 128, and thence by Route 128 to and including Quincy, Mass., on the east by the Atlantic Ocean, from Quincy, Mass., to Beverly, Mass., and on the north from Beverly, Mass., along by Route 128 to its intersection with Massachusetts Route 114, and thence by Massachusetts Route 114 to Interstate 92 to the New Hampshire border for 180 days. Supporting shipper(s): Elsa B. Brown, Chairman, Memorial Hospital Gift Shop, 8 Prospect Street, Nashua, N.H. 03060; J. E. Kline, Accountant, Pro-Cut, Inc., Route 101, Wilton, N.H. 03086; Richard D'Amato, Executive Vice President, Milford Cooperative, South Street, Milford, N.H. 03055; Margaret H. Drobat, Co-owner, Amherst Printers & Publishers, Dream Drive, P.O. Box 252, Amherst, N.H. 03031; Ronald C. Howard, Purchasing Manager, Itek Graphic Products, Columbia Road, Amherst, N.H. 03031; Roger T. Williams, Operations Manager, The O.K. Tool Company, Inc., Elm Street, Milford, N.H. 03055; Roy J. Klumpp, President, Newshire Forms, Inc., Simon Street, Nashua, N.H. 03061; Peter P. Boucher, Office Manager, Highland Tool Co., Inc., Simon Street, Nashua, N.H. 03061; Francis X. Fawcett, Material Control Supervisor, F.S.O., Sanders Associates, 95 Canal Street, Nashua, N.H. 03061; Raymond A. Labombarde, President, International Paper Box Machine Co., 90 Northeast Boulevard, Nashua, N.H. 03061. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 425 Federal Building, 55 Pleasant Street, Concord, N.H. 03301.

No. MC 143311TA, filed May 24, 1977. Applicant: FAMCO TRANSPORT, INC., P.O. Box 80007, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and minerals in bags, boxes, drums, and packages*, from points in Los Angeles, Alameda, and Stanislaus Counties and Lompoc, Calif., to the port of entry on the United States-Canada international boundary line at or near Lynden, Wash., under a continuing contract, or contracts, with Harrisons & Crosfield, Vancouver, B.C., Canada, for 180 days. Supporting shipper(s): Harrisons & Crosfield (Canada), Ltd., 3070 Kingsway, Vancouver, B.C., Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 43317 (Sub-No. 1TA), filed May 26, 1977. Applicant: GEORGE CLARK TRANSIT CO., 2902 Calumet Avenue, Manitowoc, Wis. 54220. Applicant's representative: John L. Bruemmer, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, from points in Green Lake County, Wis., to Minneapolis and St. Paul, Minn., under a continuing contract, or contracts, with C. A. Chier Sand Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Clifford Chier, Russell Chier, and George Hess, d.b.a. C. A. Chier Sand Co., P.O. Box 97, Fairwater, Wis. 53931 (David Jezwinski, Sr.). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 143344TA, filed June 3, 1977. Applicant: T & T CORP., 6169 Verona and McKee Roads, Madison, Wis. 63711. Applicant's representative: Michel S. Jacobs, 222 S. Hamilton Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages and related commercial, advertising, and packaging materials*, between Oshkosh, Wis., on the one hand, and, St. Paul, Minn., on the other, under a continuing contract, or contracts, with General Beverage Sales Co. for 180 days. Supporting shipper(s): General Beverage Sales Co., 2855 Oregon Street, Oshkosh, Wis. 54901. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 143346TA, filed June 2, 1977. Applicant: BILLY JACK HOLLINGSWORTH, d.b.a. Hollingsworth Grain & Trucking, Box 384, Sanger, Tex. 76266. Applicant's representative: William D. Lynch, P.O. Box 912, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal*, for use as compost in bulk, from Sweetwater, Nolan County, Tex., to Fennville, Allegan County, Mich., for 180 days. Supporting shipper(s): Cereal By-products Co., 2152 Board of Trade Bldg., Chicago, Ill. 60604. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 143349TA, filed May 27, 1977. Applicant: JUAN GUILLEN BALTAZA, doing business as TRANSPORTERS CALIFORNIANOS, S.A. de C. V. Calle Puebla 220, Fraccionamiento Guillen, La Mesa de Tijuana, Baja California, Norte, Mex. 2139437285. Applicant's representative: Mr. Bill Monheim, 15942 Whittier Blvd., Whittier, Calif. 2139437285. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the State of California, restricted to traffic moving from and to Mexico and through the ports of entry at San Ysidro, Tecate and Calexico, Calif. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper:(s) Agencia Aduanal Gutierrez, Linea Internacional No. 1, Tijuana, B.C., Mex., Metales y Derivados de Tijuana, S.A., Calle Cruz del Sur No. 8, Tijuana, B.C., Francclonamiento La Joya. Send protests to: Irene Carlos, Trans. Assist., Interstate Commerce Commission, Rm. 3121 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17556 Filed 6-17-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Commodity Futures Trading Commission	1
Federal Communications Commission	2
Federal Deposit Insurance Corporation	3
Federal Maritime Commission	4
Federal Power Commission	5
Federal Trade Commission	6
National Science Board	7
Nuclear Regulatory Commission	8
Securities and Exchange Commission	9, 10
U.S. International Trade Commission	11, 12

1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 a.m., June 21, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Discussion of Commission Calendar.
2. Inquiry into Operations of Spot Price Committee.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-686-77 Filed 6-16-77;9:11 am]

2

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 22, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Response to GAO Report Titled "Establishing a Proper Fee Schedule Under the Independent Offices Appropriation Act of 1952".

Common Carrier—1—Section 214 application (File No. W-P-C-900) of ITT Corporate Communication Services, Inc. for certificate to establish and operate a "resale" common carrier switched service private line network in the contiguous United States and the District of Columbia.

Common Carrier—2—Remand from the U.S. Court of Appeals for D.C. Circuit of a Commission order denying a petition for reconsideration of the Commission's decision finding American Telephone and Telegraph Company to be in violation of Sections 201(a), 202(a), 214(a), and 203(c) of the Communications Act of 1934, as amended, in the case of: In the Matter of Referral of Chastain et al. v. A.T.&T. from the U.S. District Court for the District of Columbia, Docket No. 19763.

Cable Television—1—Petition for partial reconsideration of the Commission's decision in Television Wisconsin, Inc., FCC 77-97, 62 FCC 2d 1161, released February 16, 1977, filed on behalf of Television Wisconsin, Inc., licensee of Station WISC-TV, Madison, Wisconsin, and Evening Telegram Company.

Cable Television—2—Petition for special relief filed by Total Television of Amarillo, operator of a cable television system at Amarillo, Texas.

Cable Television—3—Applications for certification (CAC-06951-6952) to add Stations KVOF-TV (Spec., Channel 38) and KDTV, (Spec., Channel 60), San Francisco, California, filed by Big Valley Cablevision, Inc., operator of existing cable television systems serving the unincorporated areas of San Joaquin County, and Stockton, California; and opposition filed by KLOC Broadcasting, Inc., licensee of Station KLOC-TV, Modesto, California to Big Valley's carriage of Station KDTV.

Assignment of License and Transfer of Control—1—Applications for voluntary assignment of licenses of UHF television stations: KBHK-TV, San Francisco, California (BALCT-632); WFLD-TV, Chicago, Illinois (BALCT-633); WKBD-TV, Detroit, Michigan (BALCT-331); WLVI-TV, Cambridge, Massachusetts (BALCT-630); and WKBS-TV, Burlington, New Jersey (BALCT-634); from Kaiser Broadcasting Company to Field Communications Corporation; and requests for waivers of Commission's Top-50 Policy and Section 73.636(a) of the rules.

Renewal—1—Results of the Bureau's initial analysis of the informal objection alleging discriminatory employment practices against 36 Colorado broadcast stations filed by the Colorado Chapters of the National Organization for Women.

Renewal—2—Indianapolis Black Media Coalition's petition to deny renewal applications of five Indianapolis-area radio stations.

Television—1—Application (File No. BSTV-2) of WXON-TV, Inc., for authorization of subscription television operations on Channel 20, Detroit, Michigan.

Broadcast—1—Notice of proposed rule making proposing the deletion of Section 73.643(a) of the Commission's Rules regarding movie restrictions on subscription television, on remand from U.S. Court of Appeals.

Complaints and Compliance—1—Application for review filed March 7, 1977 by Dr. John Irvan Moritzky Choate of the Broadcast Bureau's ruling that it is outside the scope of the Commission's jurisdiction to investigate the use of television access by the National Collegiate Athletic Association (NCAA) to assure compliance with its rules.

Complaints and Compliance—2—Response filed by television station WNET, Newark, New Jersey, to the Commission's Notice of Apparent Liability for forfeiture for apparent violation of the personal attack rule.

Complaints and Compliance—3—Application for review of the Broadcast Bureau's March 22, 1977, ruling denying the fairness doctrine complaint of Karl E. Smith against ABC, CBS, and NBC.

Complaints and Compliance—4—Application for review filed by NBC of the Broadcast Bureau's ruling of September 24, 1976, that NBC apparently violated the "equal opportunities" provision of Section 315(a) of the Communications Act.

Complaints and Compliance—5—Request of American Broadcasting School: International for review of a staff ruling that no action would be taken concerning the use of a station's call sign and facilities in connection with another broadcasting school.

Complaints and Compliance—6—Application for review, filed on April 13, 1977, by Eugene S. Bivins, III of the Broadcast Bureau's ruling of April 5, 1977, denying his complaint against WJAC-TV, Johnston, Pennsylvania.

Complaints and Compliance—7—Application for review filed on May 14, 1976 by Council on Children, Media and Merchandising of the Broadcast Bureau's ruling concerning complaint against American Broadcasting Companies, Inc. and CBS, Inc.

Special—1—Discussion of proposed testimony on S. 1547, a bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures, and to authorize the FCC to regulate pole attachments, and for other purposes.

JUN 20 1977 UM

Special—2—Stereophonic broadcasting by AM stations.
Special—3—Adoption of standards for FM quadraphonic sound transmission.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202–632–7260.

Issued: June 15, 1977.

[S–684–77 Filed 6–15–77;2:40 pm]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 1:50 p.m. on Wednesday, June 15, 1977, by telephone conference call, to consider a request for an extension of time in which to file exceptions and for oral argument by a bank cited by Section 8 of the Federal Deposit Insurance Act.

In scheduling the meeting, the Board determined by recorded vote that Corporation business required consideration of this matter on less than seven days' notice to the public and that no earlier announcement of the meeting was possible.

The Board voted to close the meeting to public observation pursuant to subsections (c)(8) and (c)(9)(A) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)).

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at 202–289–4446.

Dated: June 15, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S–692 Filed 6–16–77;11:31 am]

4

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: June 20, 1977, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED:

1. Agreement No. 9981–5—Application for extension of term of approval of the Far East Discussion Agreement to June 20, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary, 202–523–5727.

[S–687 Filed 6–16–77;9:11 am]

5

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 14, 1977 (42 FR 30467).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 16, 1977, 2 p.m.

CHANGES IN THE MEETING:

Addition of G–7B, Docket No. CP77–21, Tennessee Gas Pipeline Company, Columbia Gulf Transmission Company and Southern Natural Gas Company; Docket No. CI76–730, Mobil Oil Corporation; Docket No. CI77–120, Texaco Inc.; M–O, National Peoples Action Group.

KENNETH F. PLUMB,
Secretary.

[S–691 Filed 6–16–77;10:40 am]

6

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10:30 a.m., Friday, June 17, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative Matters: (1) Consideration of Nonpublic Part II Matter.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: 202–523–3830. Recorded Message: 202–523–3805.

[S–690 Filed 6–16–77;10:16 am]

7

AGENCY HOLDING THE MEETING: National Science Board.

TIME AND DATE: June 23–24, 1977.

PLACE: New Mexico Institute of Mining and Technology, Room 26, Workman Hall, Socoro, New Mexico.

STATUS: As previously announce, parts of this meeting will be open to the public. One item has been added to the portion of the meeting closed to the public. Because this matter arose since the last meeting, no earlier announcement was possible.

MATTERS TO BE CONSIDERED:

Portion closed to the public:

Discussion of previously declined grant proposal.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson 202–632–5840.

[S–694 Filed 6–16–77;11:55 am]

8

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Tuesday, June 21 and Wednesday, June 22, 1977.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Some of these meetings will be open to public attendance, some will be closed to public attendance.

OPEN MATTERS TO BE CONSIDERED: Wednesday, June 22, 1:30 p.m.

(1) Amendments to 10 CFR Part 73 to Provide Upgraded Security Personnel and Qualification Requirements; and Amendments to 10 CFR Part 73 to Provide Strengthened Physical Protection Against Radiological Sabotage and Theft of Strategic Special Nuclear Material. (Approx. 1 hour.)

(2) Reconsideration of the Question of Classification for Light Water Nuclear Power Plant Physical Security Plans and Related Sensitive Information. (Approx. 1 hour.)

(3) Staff Presentation of Export-Import Licensing Regulations. (Approx. 1 hour.)

(4) Affirmation of NRDC Petition for Rulemaking on Waste Management; and Proposed Cost-Sharing Contract with the Electric Power Research Institute and the Westinghouse Electric Corporation. (The Affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than 5 minutes.)

CLOSED MATTERS TO BE CONSIDERED: Tuesday, June 21, 2:30 p.m.

(1) Discussion of Draft Opinion on W. Germany (Burgeraktion) Intervention Petition. (Approx. 1 hour.) (Exemptions 9, 10.)

(2) Discussion of Executive Branch Views of Tarapur Export License. (Approx. 1 hour.) (Exemptions 1, 10.)

(3) Draft Order—Florida Power & Light. (Approx. 30 minutes.) (Exemption 10.)

Wednesday, June 22, 10 a.m.

(1) Discussion of Sufficiency of Safeguards. (Approx. 1 hour.) (Exemptions 1, 4, 6.)

(2) Staff Presentation of Safeguards Risks Associated with Non-Power Reactors. (Approx. 1 hour.) (Exemptions 1, 4.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

Dated: June 15, 1977.

WALTER MAGEE,
Office of the Secretary.

[S–685 Filed 6–16–77;2:04 pm]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: 11 a.m., June 15, 1977.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT: Personnel matters.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 15, 1977.

[S–682 Filed 6–15–77;11:45 am]

10

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 20, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 21, 1977, at 10 a.m. and immediately following the 10 a.m. open meeting on Wednesday. Open meetings will be held on Wednesday, June 22, 1977, at 10 a.m. and at 3 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Pollack, and Evans voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 21, 1977, will be:

Formal Orders of Investigation.
Institution of Injunctive Actions.
Settlement of Administrative Proceedings.
Other litigation matters.
Referral of investigative files to Federal, State or Self Regulatory authorities.
Regulatory matters arising from or bearing enforcement implications.
Matters relating to issuer registration statements, proxies, tender offers, etc.
Authorization of staff member of testify in private litigation.
Requests for investigative transcripts.

The subject matter of the closed meeting scheduled for Wednesday, June 22, 1977, will be:

Institution of administrative proceedings.
Regulatory matters arising from or bearing enforcement implications.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, June 22, 1977, at 10 a.m. will be:

1. Consideration of application of Everad M. C. Stamm to remove bar from association with a broker-dealer in a managerial or supervisory capacity, while associated with present employer.

2. Consideration of an application by Salomon Brothers for an order which would exempt interests in its Profit Sharing Plan from the registration requirement of Section 5 of the Securities Act.

3. Consideration by the Commission of request to extend the comment period to July 1, 1977, regarding proposed reporting requirements for institutional investment managers.

4. Consideration by the Commission of issuance of a release requesting the submission of comments with respect to the offer and sale of guaranteed interest contracts and similar products and the availability of the exemption provided by Section 3(a)(8) of the Securities Act, which relates to insurance policies and annuity contracts.

5. Consideration of the Commission's report to the Office of Management and Budget on the Commission's implementation, during 1976, of the Privacy Act of 1974 and affirmation of the action of the duty officer on June 9, 1977, authorizing the Office of General Counsel to transmit a draft of the Privacy Act report to the staff of the Office of Management and Budget.

6. Consideration by the Commission regarding the transmittal of comments to the House Committees on Government Operations and Rules and the Senate Committee of Government Operations concerning H.R. 1885, H.R. 3100, and S. 600, all entitled, "The Regulatory Reform Act of 1977".

7. Consideration by the Commission of Freedom of Information Act appeal of William G. Scarborough, Esq.

8. Consideration of publication for comment certain amendments to Securities Exchange Act Rule 10b–10. Rule 10b–10 prescribes confirmation delivery and disclosure requirements for securities transactions.

9. Consideration by the Commission of the institution of proceedings with respect to New England Securities Depository Trust Company ("NESDTC") to determine whether registration of NESDTC as a clearing agency should be granted or denied at the expiration of its existing registration.

10. Consideration by the Commission of an exposure draft of the Municipal Securities Rule Making Board's Fair Practice rules.

11. Consideration of an appeal of staff denial in the matter of Westates-Italo Company's application pursuant to Rule 12b–25 under the Securities Exchange Act of 1934 requesting an extension of time to file its Form 10–K Annual Report for the fiscal year ended December 31, 1976.

12. Consideration of various requests that the Commission extend for a period of two or more months the due date for written comments concerning the Commission's re-examination of rules relating to shareholder communications, shareholder participation in the electoral process and corporate governance generally.

13. Consideration by the Commission regarding the transmittal of an interpretive letter to Merrill Lynch concerning Rule 145(c) relating to underwriter status.

14. Consideration of a recommendation to allow interested persons an opportunity to request a hearing on an application by Local Finance Corporation for an order which would exempt the applicant from certain reporting requirements, commencing with the annual report on Form 10–K for the period ended December 31, 1976.

15. Consideration of the adoption of amendments to Rule 16b–e under the Securities Exchange Act of 1934 relating to stock appreciation rights. The amendments clarify exemptions provided by the rule for cash settlements.

The subject matter of the open meeting scheduled for Wednesday, June 22, 1977, at 3 p.m. will be:

1. Consideration will be given to the institution of a proceeding to consider the amendment of existing exchange off-board trading rules and certain collateral proposals.

JUNE 15, 1977.

[S–683 Filed 6–15–77;11:45 am]

11

AGENCY HOLDING THE MEETING: United States International Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30574 (June 15, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., June 16, 1977.

CHANGES IN THE MEETING: The following items, previously noticed for the meeting of June 16, 1977, will be discussed at the meeting of June 23, 1977 (if necessary):

11. Reorganization.
12. Agenda.
13. Minutes of May 20, 24, and [illegible], 1977.
14. Ratification List 77–5.
15. Paving equipment (Inv. AA1921–166)—briefing (see report distributed June 10, 1977, and a memorandum from the Deputy Director of Operations of June 23, 1977.
16. Petitions and complaints (if necessary): (a) Golf balls; (b) Specialty steel—see action jacket ID–77–37 (being circulated); also a memorandum from the General Counsel of June 10, 1977; (c) Fishing industry—see action jacket ID–77–20.
17. Financial disclosure regulations—see draft from the General Counsel, dated May 19, 1977, and a memorandum from Mr. J. Cook, dated May 31, 1977.
18. Response to letter dated April 22, 1977, from the Administrative Conference of the United States (if necessary).
19. Any items left over from previous agenda.

JUN 20 1977 UM

20. Certain Steel Toy Vehicles (Inv. 337–TA–31)—if action jacket 001–77–100 is approved.

PERSON TO CONTACT FOR MORE INFORMATION:

Kenneth R. Mason, 202–523–0161.

[S–689 Filed 6–16–77;9:11 am]

12

AGENCY HOLDING THE MEETING: United States International Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 59140 (June 7, 1977).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., June 16, 1977.

CHANGES IN THE MEETING: TIME: 10:30 a.m.

MATTERS TO BE CONSIDERED:

1. Consideration of Investigation 332–83 (Customs Oversight)—see staff report distributed June 8, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202–523–0161.

[S–688 Filed 6–16–77;9:11 am]

federal register

MONDAY, JUNE 20, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

V 42 N 118 JUN 20 77 UM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 2973]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list communities where the sale of flood insurance as authorized under the National Flood Insurance Program will be suspended because of noncompliance with the program regulations.

DATES: The last date that appears in the fourth column is the effective date of the suspension of the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and insurance is purchased. Accordingly, for communities listed under this Part such restriction exists as of the effective date of suspension because insurance, which is required, cannot be purchased.

Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities suspended in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1909 et seq.). Accordingly, the communities are suspended on the effective date in the list below.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community.

The entry reads as follows:

§ 1914.6 List of eligible communities.

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
California.	Santa Barbara.	Carpinteria, City of.	March 31, 1971. March 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	6-24-74 & 9-26-75	060332B
Florida.	Bay.	Panama City, City of.	September 6, 1974. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	9-6-74 & 7-16-76	120012A
Massachusetts.	Middlesex.	Tewksbury, Town of.	December 10, 1977. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	8-2-74	250219
Minnesota.	Hennepin.	Champlin, City of.	March 30, 1973. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	11-2-73	270153A
New Jersey.	Essex.	South Orange, Village of.	January 7, 1972. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	11-30-73	340194
New York.	Cayuga.	Cayuga, Village of.	July 23, 1973. July 5, 1977. July 18, 1977.	Emerg. Reg. Susp.	1-9-74	360107A
Do.	Erie.	Cheektowaga, Town of.	February 4, 1972. July 5, 1977. July 18, 1977.	Emerg. Reg. Susp.	9-7-73 & 5-28-76	360234A

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
New York.	Tioga.	Orego, Town of	December 29, 1972. June 6, 1977. July 15, 1977.	Emerg. Reg. Susp.	11-1-74 & 8-6-76	360539A
North Carolina.	Bertie.	Windsor, Town of.	March 14, 1974. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	9-20-74 & 8-20-76	370019A
Pennsylvania.	Schuylkill.	Blythe, Township of.	March 30, 1973. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	8-30-74	420767A
Do.	Delaware.	Clifton Heights, Borough of.	August 18, 1972. May 16, 1977. July 18, 1977.	Emerg. Reg. Susp.	10-12-73	420407A
Do.	Montour.	Danville, Borough of.	September 5, 1971. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	9-1-74	420714
Do.	Carbon.	East Penn, Township of.	October 19, 1973. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	1-16-74	421013
Do.	Allegheny.	Elizabeth, Township of.	May 19, 1972. March 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	9-9-74 & 6-18-76	420033B
Do.	Schuylkill.	Gilberton, Borough of.	August 18, 1972. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	12-28-73 & 9-24-76	421607A
Do.	Montgomery.	Hatboro, Borough of.	February 16, 1973. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	8-9-74 & 5-28-76	420697A
Do.	Dauphin.	Hummelstown, Borough of.	March 30, 1973. March 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	11-23-73	420362A

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Do.	Berks.	Kutztown, Borough of.	June 30, 1972. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	1-9-74	420136
Do.	Do.	Leesport, Borough of.	December 26, 1973. May 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	5-24-74 & 5-14-76	420138A
Do.	Lycoming.	Loyalsock, Township of.	February 5, 1974. May 16, 1977. July 18, 1977.	Emerg. Reg. Susp.	6-28-74 & 6-11-76	421040A
Do.	Perry.	Marysville, Borough of.	February 9, 1973. May 16, 1977. July 18, 1977.	Emerg. Reg. Susp.	6-22-73 & 5-14-76	42751A
Do.	Crawford.	Meadville, City of.	June 16, 1972. June 1, 1977. July 18, 1977.	Emerg. Reg. Susp.	10-12-73 & 4-23-76	420351A
Do.	York.	North York, Borough of.	March 16, 1973. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	3-1-74 & 3-5-76	420933A
Do.	Berks.	Ontelaunee, Township of.	September 5, 1973. June 1, 1977. July 18, 1977.	Emerg. Reg. Susp.	6-28-74 & 6-11-76	420966A
Do.	Luzerne.	Plains, Township of.	December 1, 1972. May 16, 1977. July 18, 1977.	Emerg. Reg. Susp.	7-20-73 & 9-24-76	420621A
Do.	Dauphin.	South Hanover, Township of.	March 30, 1973. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	10-12-73	420395
Do.	York.	Spring Garden, Township of.	August 27, 1973. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	3-10-74 & 3-5-76	420937A

V42 N118 JUN 20 77 UM

(24 CFR § 1914.C)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Do.	Delaware.	Swarthmore, Borough of.	March 9, 1973. May 16, 1977. July 18, 1977.	Emerg. Reg. Susp.	5-16-77	420435
Do.	Do.	Swoyersville, Borough of.	January 26, 1973. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	6-15-77	420627
Do.	Northumberland.	Upper Augusta, Township of.	January 19, 1973. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	1-16-74 & 6-11-76	420745A
Do.	Delaware.	Upper Providence, Township of.	December 3, 1971. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	2-20-73 & 4-13-73	420441
Do.	Lebanon.	West Lebanon, Township of.	April 26, 1974. April 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	4-15-77	421166
Do.	Chester.	West Whiteland, Township of.	November 5, 1971. May 2, 1977. July 18, 1977.	Emerg. Reg. Susp.	7-26-74 & 6-18-76	420295A
Do.	Crawford.	West Mead, Township of.	April 14, 1972. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	8-31-73 & 3-29-74	420356B
Do.	York.	York, City of.	October 6, 1972. June 15, 1977. July 18, 1977.	Emerg. Reg. Susp.	2-1-74 & 3-26-76	420945A
Tennessee.	Anderson.	Clinton, Town of.	July 28, 1972. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	11-2-73 & 4-23-76	470001A

(24 CFR § 1914.C)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Texas.	Tarrant.	Bedford, City of.	January 19, 1973. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	12-28-73	480585
Washington.	Okanogan.	Twisp, Town of.	June 9, 1972. July 18, 1977. July 18, 1977.	Emerg. Reg. Susp.	6-28-74 & 12-26-75	530124A

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: June 3, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17114 Filed 6-17-77;8:45 am]

[Docket No. FI-2972]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATE: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of eligible communities.

(24 CFR § 1914.C)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Alabama.	St. Claire.	Riverside, Town of.	June 6, 1977.	Emerg.	4-4-75	010288
Massachusetts.	Worcester.	Clinton, Town of.	May 26, 1977.	Emerg.	8-9-74 & 8-6-76	250300A
Montana.	Phillips.	Dodson, Town of.	June 6, 1977.	Emerg.	12-27-74	300053
New York.	Cortland.	Cuyler, Town of.	Do.	Emerg.	2-28-75	361386
Texas.	Caudalupe.	Marion, City of.	Do.	Emerg.	1-9-74	480268
Utah.	Iron.	Kanarraville, Town of.	Do.	Emerg.	12-17-76	490077

(24 CFR § 1914.C)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Pennsylvania.	Clarion.	Licking, Township of.	June 8, 1977.	Emerg.	1-24-75	422368

(24 CFR § 1914.C)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Iowa.	Jones.	Wyoming, City of.	June 10, 1977.	Emerg.	11-12-76	190434
Kansas.	Reno.	Pretty Prairie, City of.	Do.	Emerg.	8-13-76	200549
Maryland.	Washington.	Williamsport, Town of.	July 7, 1975. June 10, 1977.	Emerg. Reg.	2-15-74	240077B
New York.	Broome.	Kirkwood, Town of.	April 6, 1973. June 1, 1977.	Emerg. Reg.	10-5-73	360048A
South Carolina.	Lexington.	Batesburg, Town of.	August 4, 1975. June 10, 1977.	Emerg. Reg.	6-28-74 & 9-19-75	4501308
Do.	Do.	Swansea, Town of.	June 24, 1975. June 10, 1977.	Emerg. Reg.	6-7-74 & 6-11-76	4501398
Texas.	Hill.	Itasca, City of.	June 10, 1977.	Emerg.	11-5-76	480860

V 42 118 JUN 20 77 UMI

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area	Hazard area Identified	Community Number
California.	Marin.	Belvedere, City of.	June 1, 1977. Suspension Withdrawn.	6-7-74 & 4-23-76	060029-A
Do.	Do.	Tiburon, City of.	Do.	6-7-74	060030
Connecticut.	New London.	New London, City of.	Do.	6-28-74	090100
Delaware.	Kent.	Clayton, Town of.	Do.	5-17-74 & 10-24-75	100000
[illegible]	Kent & Sussex.	Milford, City of.	Do.	5-24-74	100042
[illegible]	Kent.	Smyrna, Town of.	Do.	5-10-74 & 9-26-75	100017
Florida.	Santa Rosa.	Milton, City of.	Do.	5-24-74	120276
[illegible]	Volusia.	Port Orange, City of.	Do.	7-19-74	120313-A

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area	Hazard area Identified	Community Number
Michigan.					
Do.	Do.	North Muskegon, City of.	Do.	5-31-74	260164
Do.	Ieelanau.	Suttons Bay, Village of.	Do.	6-28-74 & 6-11-76	260164 A
Do.	Tuscola.	Vassar, City of.	Do.	6-14-74	260209-A
Missouri.	St. Louis.	Brentwood, City of.	Do.	12-28-73	290338
Do.	Do.	Cool Valley, Village of.	Do.	5-3-74 & 12-19-75	290342-A
Do.	Marion.	Unincorporated Areas.	Do.	5-16-77	290222

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area	Hazard area Identified	Community Number
South Dakota.	Butte.	Belle Fourche, City of.	Do.	11-2-73 & 10-3-75	460012-A
Do.	Meade.	Sturgis, City of.	Do.	11-16-73 & 10-18-74	460055-B
Wisconsin.	Eau Claire & Chippewa.	Eau Claire, City of.	Do.	9-20-74 & 9-24-76	550128-A

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969 as amended (39 FR 2787, Jan. 24, 1974).)

Issued: June 3, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17115 Filed 6-17-77;8:45 am]

[Docket No. FI-2577]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Alamosa, Colorado

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Alamosa, Colorado, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, P.O. Box 419, Alamosa, Colorado 81101.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION:

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rio Grande	D&RGW Railroad Bridge.	7,537
	State Street Bridge	7,541
Rio Grande Left Overbank.	North River Rd. Bridge.	7,541
Rio Grande Right Overbank.	State Ave.	7,537
	Main St.	7,540
	Murphy Dr.	7,542

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17117 Filed 6-17-77;8:45 am]

[Docket No. FI-2563]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Pensacola, Florida

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Pensacola, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information show-

V 42 118 JUN 20 77 UM

ing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Pensacola, Florida 32521.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gulf of Mexico	Langley Ave	10
	Mantalvo	10
	Hyde Park Rd. Extended.	9
	9th Avenue	9
	Coyle St.	9
	"P" Street (Bayou Chico).	8
	"Q" Street (Bayou Chico).	8
	Cervantes St. (Bayou Texa downstream side).	9
	Cervantes St. (Bayou Texa upstream side).	8
	Mallory St. (Bayou Texa).	8
	Hyde Park Rd. (Bayou Texa).	8
	34th St. (Bayou Texa).	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17118 Filed 6–17–77;8:45 am]

[Docket No. FI–2705]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for County of Walton, Florida

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the County of Walton, Florida.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for Walton County, Florida.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Walton, Florida.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Walton, Florida are available for review at the Walton County Courthouse, DeFuniak Springs, Florida.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gulf of Mexico	Miramar Beach	9
	Gulf of Mexico shore, South of Morris Lake.	9
	Morris Lake	8
	Fuller Lake	7
	Stalworth Lake	9
	South of State Rd, Oyster Lake.	9
	North of State Rd, Oyster Lake.	8
	Draper Lake	9
	Blue Mountain Beach	9
	Big Redfish and Little Redfish Lakes.	9
	Alligator Lake	9
	Grayton Beach	9
	Western Lake (North of Route 30A).	7
	Seagrove Beach	9
	Deer Lake	9
	Camp Creek Lake	9
	Camp Creek Lake (North of Route 30A).	8
	Inlet Beach	9
Octawhatchee Bay	Tucker Bayou	7
	Black Creek	7
	Fluffy Landing	7
	Wheever Point	7
	Malet Bayou and Lagrange Bayou (to confluence with Lafayette Creek).	6
	Bear Creek	6
	Alaque Creek to Route 20.	6
	North of Route 20 on Alaque Creek.	5
	Basin Bayou (South of Route 20).	7
	Basin Bayou (North of Route 20).	6
	Trout Creek (South of Route 20).	7
	Mullet Creek (South of Route 20).	7
	Mullet Creek (North of Route 20).	5
	Ghoctaw Beach	7
	West of Satsuma Road (North of Route 20).	5
	Eagle Creek (North of Route 20).	5
	Villa Tasso	7
	Tucker Bayou	7
Four Mile and Lafayette Creeks.	Up until Route 20	5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17119 Filed 6–17–77;8:45 am]

[Docket No. FI–2702]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Sparks, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Sparks, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Sparks, Georgia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Sparks, Georgia.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Sparks, Georgia are available for review at Town Hall, P.O. Box 186, Sparks, Georgia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Patterson Ave	231
	Gay Ave	232
	McCranie Rd	234

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17120 Filed 6–17–77;8:45 am]

[Docket No. FI–2594]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Cedar Rapids, Iowa

AGENCY: Federal Insurance Administration, HUD

ACTION: Correction to final rule.

SUMMARY: The Federal Insurance Administrator hereby rescinds the notice of the Final Determinations of Base Flood Elevations (100-year flood) for the City of Cedar Rapids, Iowa, which was published at 42 FR 17278 on March 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 7th Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Changes in the physical features in the Flood Plain Area of Cedar Rapids, Iowa have made it necessary to restudy the Flood Hazard Area in this community. Proposed Base Flood Elevations (100-year flood) will be published when the restudy is completed.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 USC 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: May 23, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17121 Filed 6–17–77;8:45 am]

[Docket No. FI–2372]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Walpole, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Town of Walpole, Massachusetts, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Main Street, Walpole, Massachusetts 02081.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mine Brook	Robbins Rd [1]	143
	Penn Central Railroad.[1]	143
	Mill Pond Rd	147
	Penn Central Railroad.	151
Diamond Brook	do	136
	East St	142
	Main St	143
	School St	143
	New Diamond Rd	155
	Old Diamond Rd	155
	New York Central Railroad.	156
	Stone St	178
	Washington St	178
Stop River	Winter St	149
Cobbs Brook	Main St.[1]	143
	Gould St	149
Bubbling Brook	Brook St	145
	North St	208

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Neponset River	Washington St.[1]	99
	Plimpton St.[1]	121
	Main St	125
	East St	139
	Elm St	140
	West St	145
	Lewis Ave	150
	South St.[1]	160
	Penn Central Railroad.[1]	165
	South St.[1]	184
	Neponset St	195
	Summer St	223
	Washington St	227

[1] Upstream side.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Traphole Brook	Union St	105
	Coney St.[1]	117
	Park Lane	130
	Route 1	141
Pickerel Brook	Union St	107
	Pleasant St	119
	Wolcott St	121
School Meadow Brook	Washington St.[1]	187
	Route 1.[1]	188

[1] Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17122 Filed 6-17-77;8:45 am]

[Docket No. FI-2330]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Crookston, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Crookston, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Crookston, Minnesota 56716.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Red Lake River	Robert St	866
	Main St	864
	Sargent St	860

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17123 Filed 6-17-77;8:45 am]

[Docket No. FI-2333]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Glenaire, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Village of Glenaire, Missouri, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Glenaire Village Offices, Liberty, Missouri 64068.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Shoal Creek Trident No. 3	Shirley Lane	772
Little Shoal Creek Trident No. 4	Johnson Rd	765

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17124 Filed 6-17-77;8:45 am]

[Docket No. FI-2374]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Sunset Hills, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Sunset Hills, Missouri, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 10875 Sunset Hills Plaza, St. Louis, Missouri 63127.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Meramec River	Crayois Rd	422
	State Highway 30 [1]	424
	I-44 [2]	426
Tributary A	State Highway 30 [1]	429
Tributary B	State Highway 30	424

[1] Downstream side of road.
[2] Flood boundary outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17125 Filed 6-17-77;8:45 am]

[Docket No. FI-1029]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Great Falls, Mont.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Great Falls, Montana, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Great Falls, Montana 59403.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Missouri River	U.S. Highway 87 and 15th Street	3,309
	10th Street, North	3,310
	1st Avenue and U.S. Highway 80.	3,316
Sun River	6th Street	3,320
	14th Street	3,322
	Interstate Highway 15.	3,326

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17126 Filed 6-17-77;8:45 am]

[Docket No. FI-2544]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Borough of East Newark, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Borough of East Newark, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Borough Hall, 34 Sherman Avenue, East Newark, New Jersey 07029.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the

JUN 20 77 UM

Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary, has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River (tidal).	I-280 (downstream side of road).	10
	Central Ave.	10
Passaic River (tidal).	North 370 ft along Passaic Ave. from intersection of Central and Passaic Ave.	---

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17127 Filed 6-17-77;8:45 am]

[Docket No. FI-2334]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Manalapan, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administration hereby gives notice of his final determinations of flood elevations for the Township of Manalapan, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, Manalapan, New Jersey 07763.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Manalapan Brook	Route 527	132
	Mill Rd.	123
	Millhurst Rd.	115
	Woodward Rd.	95
	Iron Ore Rd.	82
	Dry Grove Rd.	78
Tributary A	Route 33.	117
	Millhurst Rd.	109
	Woodward Rd.	97
Still House Brook	Woodward Rd.	107
Gander Brook	Route 33.	107
Matchaponix Brook.	Old Bridge Rd.	57
Pine Brook	Covered Bridge Blvd.	101
	Pine Brook Rd.	95
	Pease Rd.	83
	Winthrop Dr.	78
	Pension Rd.	63
Tributary C	Pease Rd.	88
	Pine Brook Bridge.	85
McGellairds Brook	Craig Rd.	84
	Tennent Rd.	83
	Taylors Mill Rd.	72
Milford Brook	Route 9.	98
	Tennent Rd.	88
	Pease Rd.	86
	Conmack Lane.	76
Tepehemus Brook	Route 9.	94
	Tennent Rd.	83
South Branch Tepehemus Brook.	Ryan Rd.	98
Weamaconk Creek	Route 522.	103
	Penn Central Railroad.	103
	Woodward Rd.	87
	Penn Central Railroad.	79

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17128 Filed 6-17-77;8:45 am]

[Docket No. FI-2553]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Edenton, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Town of Edenton, North Carolina, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at Town Hall, P.O. Box 300, Edenton, North Carolina 27932.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the

base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Queen Anne Creek	Norfolk and Southern Railroad.	7
	N.C. Highway No. 32.	7
	Paxton Lane.	8
	U.S. Highway No. 17.	14
	Norfolk and Southern Railroad.	20
Northwest Tributary of Queen Anne Creek.	Old Hartford Rd.	13
	North Broad St.	14
Filberts Creek	U.S. Highway No. 17.	7
	West Albemarle St.	7
Pembroke Creek	U.S. Highway No. 17.	7
Northeast Tributary to Pembroke Creek.	Upstream 3,000 ft.	7
	Upstream 6,000 ft.	9
	Upstream 8,000 ft.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17129 Filed 6-17-77;8:45 am]

[Docket No. FI-2481]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of John Day, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of John Day, Oregon, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Ppb L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 240 South Canyon Boulevard, John Day, Oregon 97845.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Canyon Circle	Main St. Highway 26 Bridge	3,077
	Delore St.	3,079
	Canton St.	3,081
	Southwest 2nd Avenue.	3,091
	Southwest 41st Avenue.	3,116
	Southwest 6th Avenue.	3,126

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17130 Filed 6-17-77;8:45 am]

[Docket No. FI-2423]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Union, Berks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Township of Union, Berks County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title–III of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final Base Flood Elevation (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Township building, R. D. 1, Douglassville, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

V 42 N 118 JUN 20 77 UM

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Schuylkill River	Unionville Rd. (extended)	152	(1)	340
	Douglassville Bridge	153	(1)	0
	Con Rail Bridge	161	(1)	0
	Monocacy Rd. Bridge	165	(1)	0
Sixpenny Creek	School St	160	100	80
	Main St	160	50	70
	Con Rail Bridge	185	30	70
Hay Creek	Private Rd	352	160	150
Cold Run	Route 82 Bridge	356	200	260

[1] Corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17131 Filed 6-17-77;8:45]

[Docket No. FI-2396]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Lower Makefield, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Township of Lower Makefield, Bucks County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Administration office, 100 Edgewood Road, Yardley, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninty (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Delaware River	Upstream corporate limits	48	(1)	1,100
	Delaware Expressway	45	(1)	1,050
	Reading RR	38	(1)	1,650
	Manor Lane extended	35	(1)	240
	Michael Ave. extended	32	(1)	120
	Wilson Ave. extended	30	(1)	200
	Downstream corporate limits	28	(1)	900
Buck Creek	Houston Rd	90	100	60
	Bel Air Rd. extended	80	15	300
	Downstream corporate limits	60	200	140

[1] Corporate limit.

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Brock Creek	Stony Hill Rd	112	20	5
	Reading RR	93	30	40
	Edgewood Rd	90	20	10
	Reading Ave. extended	77	60	150
	Sandy Run Rd	68	80	140
	Downstream corporate limits	62	40	40
Silver Creek	Ramsey Rd	102	30	20
	South Dr	93	15	240
	Edgewood Rd	86	15	5
	Gainsway Rd extended	82	110	140
	Downstream corporate limits (Oxford Rd).	68	20	120
Rock Run	David Ter	132	140	300
	Esther Lane	130	40	320
	Derbyshire Rd	127	20	150
	Hunters Lane	125	440	180
	Makefield Rd	115	30	50
	Big Oak Rd	106	40	30
	Valley Dr	82	60	(1)
	Downstream corporate limits (Rock Run Tributary).	82	(1)	
Rock Run Tributary	Pevsner Rd. extended	93	40	20
	Big Oak Rd	86	30	10
	Gordon Dr	84	40	15
	Downstream corporate limits	82	80	(1)

[1] Corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17132 Filed 6-17-77;8:45 am]

[Docket No. FI-2393]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Troutville, Botetourt County, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Town of Troutville, Botetourt County, Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Office, P.O. Box 157, Troutville, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

JUN 20 77 UM

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Buffalo Creek	Route 651	1,404	160	50
	Boone Dr.	1,383	15	460
	U.S. Route 11	1,344	200	50
	Route 652 (extended)	1,339	70	15
	U.S. Route 11	1,327	195	60
	Route 779 (extended)	1,308	12	190
	U.S. Route 11	1,302	25	100
	Downstream corporate limits	1,293	65	65

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17133 Filed 6-17-77;8:45 am]

[Docket No. FI-2605]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Winthrop, Okanogan County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Town of Winthrop, Okanogan County, Washington, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Town Hall on the bulletin board, P.O. Box 247, Winthrop, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Methow River	Perry St.	1,736
	Center St.	1,738
	Route 20, roadside table.	1,754
Chewack River	Downstream corporate limits.	1,761
	Upstream corporate limits.	1,776

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1794).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17569 Filed 6-17-77;8:45 am]

[Docket No. FI-2517]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wenatchee, Chelan County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Wenatchee, Chelan County, Washington, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall in the main lobby, 129 South Chelan Avenue, Wenatchee, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Areas flooded: Flooding in Wenatchee is mainly caused by drainage from Canyons No. 1 and 2, and Dry Gulch. For the 100-year flood, shallow sheet flooding occurs in the western part of the City to an estimated depth of one foot. The flood insurance Zone A0 is located north of Cherry Street. The eastern boundary is formed by the following streets: Pearl Street, Charles Street, Princeton Street, Pear Lane, Elliott Avenue and Berg Avenue. The rest of the City, except for a small section in the southwest, is subject to shallow flooding with depth less than one foot.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17570 Filed 6-17-77;8:45 am]

[Docket No. FI-2659]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Normandy Park, King County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Normandy Park, King County, Washington, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Council Chambers on the bulletin board. 240 Southwest, 200 Normandy Park.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Puget Sound	All along the coast	7
Miller Creek	Confluence with Walker Creek.	10
	12th Ave. SW. (downstream).	16
	Upstream limit of detailed study (Station: 4,540 ft above mouth).	47
Walker Creek	12th Ave. SW.	17
	Upstream limit of detailed study (Station: 1,720 ft above mouth).	24

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17571 Filed 6-17-77;8:45 am]

[Docket No. FI-2585]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Buchanan, Botetourt County, Virginia

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Town of Buchanan, Botetourt County, Virginia, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968. Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Municipal Building, Buchanan, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
James River	East corporate limits	832
	1 mi upstream of Route 11.	837
Purgatory Creek	Downstream of diversion dam	832
	Just upstream of diversion dam	850
	North corporate limit	851

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17572 Filed 6-17-77;8:45 am]

[Docket No. FI-1141]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Wyoming, Luzerne County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Borough of Wyoming, Luzerne County, Pennsylvania, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968. Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the office of the Borough Secretary, 681 Wyoming Avenue.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas.

JUN 20 77 UM

In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Susquehanna River	West end of Monocanock Island	554	20	(1)
	East end of Monocanock Island	555	45	(1)
	8th Street Bridge	555	0	(1)
Abrahams Creek of Wyoming	U.S. Route 11 Bridge	554	0	0
	Pettibone St. extended	548	40	275
	Institution St. extended	551	40	255
	8th Street Bridge	554	20	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17573 Filed 6-17-77;8:45 am]

[Docket No. FI-2644]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Ambler, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Borough of Ambler, Montgomery County, Pennsylvania, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968. Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the Borough Hall, 31 East Butler Avenue, Ambler.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Wissahickon Creek	Stuart Farm Creek	167
	Tannery Run	179

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17574 Filed 6-17-77;8:45 am]

[Docket No. FI-2622]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Avon Lake, Lorain County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Avon Lake, Lorain County, Ohio, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the bulletin board in the City Hall, 150 Center Road, Avon Lake, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Powdermaker ditch	Electric Blvd. extended	594
	Walker Rd	610
	Moore Rd	619
Hill ditch	Redwood Blvd	608
	Durrell Ave	611
	Walker Rd	621
Heider ditch	Lake Rd	582
	Avon Belden Center Rd.	598
	Carriage Lane	606
	Concord Dr	617
	Walker Rd	626
Gable ditch	Lake Rd	585
	Point Ave. extended	610
	Jaycox Rd	621
	Walker Rd	627

Source of flooding	Location	Tidal flooding
Lake Erie	Western corporate limit	590
	Moore Rd	590
	Avon Belden Center Rd.	590
	Jaycox Rd. extended	590
	Eastern corporate limit	590

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17575 Filed 6-17-77;8:45 am]

[Docket No. FI-2513]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Wayne, Steuben County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the Town of Wayne, Steuben County, New York, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the Wayne Town Hall, Wayne, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Keuka Lake	Hyatt Hill Rd	721
	Hines Rd	721
Waneta Lake	Bubbling Spring Rd (extended).	1,105
	Plaisted Rd. (extended).	1,105

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17576 Filed 6-17-77;8:45 am]

[Docket No. FI-2639]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Evansdale, Blackhawk County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Evansdale, Blackhawk County, Iowa, in accordance with the Flood Disaster Protection Act of 1973, which added to the National Flood Insurance Act of 1968.

Final Base Flood Elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at the lobby of the City Hall on the bulletin board.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cedar River	South end of McCoy Rd.	838
	Intersection of Jule St. and Michigan Dr.	839
	Waterloo RR crossing of Cedar River.	840
	Intersection of Brookside Ave. and Grand Blvd.	841
	Intersection of Brookside Ave. and South Evana Rd.	842
	Intersection of River Forest Rd. and Central Ave.	844
	Intersection of Lafayette Dr. and Randall Ave.	845
Elk Run Creek	500 ft. downstream of Lafayette Rd.	840
	Lafayette Rd	841
	U.S. 20	844

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1969), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17577 Filed 6-17-77;8:45 am]

JUN 20 1977 UM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2933]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR CITY OF LEE'S SUMMIT, MO.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Lee's Summit, Missouri. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Lee's Summit, Missouri in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 220 South Main Street, Lee's Summit, Missouri.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor W. R. McKee, City Hall, 220 South Main Street, Lee's Summit, Missouri.

The proposed 10-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Little Blue River	Highview Dr.	821
	Lee's Summit Rd.	769
	Downstream corporate limit.	775
May Brook	May Brook Rd.	787
	Velie Rd.	782
East Fork Little Blue River above Prairie Lee Lake.	Langsford Rd.	959
	Scruggs Rd.	859
East Fork Little Blue River	U.S. Highway 40.	777
Unnamed tributary 1 above Lakewood Westlake.	Lakewood Westlake.	853
Unnamed tributary 2 above Lakewood Westlake.	do.	863
Unnamed tributary above Lake Jocmo.	Purchase line for future park and lake development.	864
Unnamed tributary 1 above Prairie Lee Lake.	Independence Ave.	954
	Prairie Lee Lake.	889
Unnamed tributary 2 above Prairie Lee Lake.	Independence Ave.	971
	71 bypass.	959
	Tudor Rd.	887
Unnamed tributary 3 above Prairie Lee Lake.	Langsford Rd.	960
Unnamed tributary 4 above Prairie Lee Lake.	71 bypass.	957
Unnamed tributary 5 above Prairie Lee Lake.	Black Twig Rd.	903
	Scruggs Rd.	890
	Langsford Rd.	940
East Fork Little Blue River above Prairie Lee Lake Tributary 1.	Confluence with East Fork Little Blue River above Prairie Lee Lake.	901
East Fork Little Blue River above Prairie Lee Lake Tributary 2.	Langsford.	950
	Confluence with East Fork Little Blue River above Prairie Lee Lake Tributary 1.	920
Little Cedar Creek	North Main St.	954
	Missouri Pacific RR.	930
Little Cedar Creek Tributary.	Confluence with Little Cedar Creek.	944
Cedar Creek	Lakeview Blvd.	976
	Ward Rd.	945
	Chicago, Rock Island and Pacific RR.	925
	Sunset Dr.	897
	Confluence with Cedar Creek Tributary No. 1.	833
	Chipman Rd.	821
Cedar Creek Tributary 1	Bowman Rd.	969
Cedar Creek Tributary 2.	Walnut St.	951
	Ward Rd.	964
	3d St.	935
	Chicago, Rock Island and Pacific RR.	911
Cedar Creek Tributary 3.	Purcell Rd.	957
	Confluence with Cedar Creek.	931
Cedar Creek Tributary 4.	Lakeview Blvd.	987
	Confluence with Cedar Creek.	968
Mouse Creek.	Pryor Rd.	959
	Sampson Rd.	912
	Sherer Rd.	891
Mouse Creek Tributary 1.	Corporate limits.	948
	Confluence with Mouse Creek.	914
Mouse Creek Tributary 2.	Corporate limits.	959
Mouse Creek Tributary 3.	Confluence Mouse Creek.	918
Mouse Creek Tributary 4.	do.	931
Mouse Creek Tributary 5.	do.	940
	do.	969
Big Creek	Jefferson Rd.	988
	County Rd.	945
	Hook Rd.	931
Big Creek Tributary 1.	Jefferson Rd.	989
	U.S. 71 bypass.	975
Big Creek Tributary 2.	do.	974
	Corporate limits.	952
Middle Big Creek Tributary 1.	U.S. 71 bypass.	973
	Corporate limits.	921
M-B-C Tributary 2.	Raintree Lake.	961

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17150 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2931]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR BOROUGH OF MILLSTONE, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Millstone, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Millstone, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Borough Hall, Main Street, Millstone, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Mary Patrick, Borough Hall, Main Street, Millstone, New Jersey 08849.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Millstone River	Amwell Rd.	44

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17151 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2932]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR BOROUGH OF NORTH ARLINGTON, NEW JERSEY

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of North Arlington, New Jersey.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of North Arlington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Borough Hall, 214 Ridge Road, North Arlington, New Jersey.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Ernest Cerone, Borough Hall, 214 Ridge Road, North Arlington, New Jersey 07032.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Passaic River	Upstream side of Belleville Turnpike.	10
	Intersection of River Rd. and Jauncey Ave.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17152 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2953]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR CITY OF GALLUP, NEW MEXICO

AGENCY: Federal Insurance Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Gallup, New Mexico, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Edward Junker, City Hall, P.O. Box 1270, Gallup, New Mexico 81301.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

JUN 20 1977 UM

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plian management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirments. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Gallup, New Mexico 87301.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Puerco River (South of RR).	Atchison, Topeka and Santa Fe RR.	6,463
	Marguierite St.	6,473
Puerco River (North of RR).	Allison Rd.	6,472
Puerco River.	U.S. Highway 66.	6,439
	3d Street.	6,500
	2d Street.	6,504
Bread Springs Wash.	U.S. Highway 66.	6,466
Little Puerco Wash.	Green Ave.	6,540
	Apache Circle Dr.	6,589

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17153 Filed 6–17–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2958]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR VILLAGE OF ENDICOTT, BROOME COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Endicott, Broome County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Joseph A. Caldwell, Mayor of Endicott, 1009 East Main Street, Endicott, New York 13760.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall on the Bulletin Board, 1009 East Main Street, Endicott, New York 13760.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum 1929
Susquehanna River.	Southwest corporate limits.	827
	Exchange Ave. (extended).	830
	Madison Ave. (extended).	831
	Northeast corporate limits.	832
Nanticoke Creek.	Disposal Plant Rd.	829
	Duane Ave.	829

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17154 Filed 6–17–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2930]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR CITY OF BATAVIA, GENESEE COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Batavia, Genesee County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Batavia, Genesee County, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby of Batavia City Hall, 10 West Main Street, Batavia, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Ira M. Gates, City Administrator of Batavia, Batavia City Hall, 10 West Main Street, Batavia, New York 14020.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Tonawanda Creek.	River St.	885.5
	South Lyon St.	888.2
	Oak St.	889.5
	Walnut St.	890.4
	Law St.	894.1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17155 Filed 6–17–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2954]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR TOWN OF ORLEANS, JEFFERSON COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Adminstrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Orleans, Jefferson County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Anthony Vaadi, Councilman of Orleans, RD No. 2, La Fargeville, New York 13656.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricted requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood, are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Orleans Post Office, RT 180. La Fargeville, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chaumont River.	Ford St.	355
	State Route 180.	370
Mullet Creek.	State Route 180.	249
	State Route 12.	250
	State Route 180.	259
	The Ledges Rd.	262
	Tanners Corners Rd.	281
	Eastern corporate limits.	291
St. Lawrence River.	Interstate Route 81	249
	Reed Point Rd. (extended).	249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17156 Filed 6–17–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2959]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR TOWN OF LIVONIA, LIVINGSTON COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Livonia, Livingston County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Paul DeMartini, Town Manager of Livonia, 35 Commerical Street, Livonia, New York 14487.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

JUN 20 1977 UM

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showin g the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Hall, 35 Commerical Street, Livonia, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hemlock Outlet	Corporate limits (downstream).	877
	Big Tree Rd.	883
	Hemlock Rd. (NYS 15A, U.S. 20A).	889
	Confluence with Kinney Creek.	894
	Confluence with Canadice Outlet.	899
	Rix Hill Rd.	901
	Dam	901
Conesus Creek	West Lake Rd. (downstream corporate limits).	815
	Stone Hill Rd. (U.S. 20A).	822
	Private road	822
	Conesus Lake	823
Conesus Lake shoreline.	Elevation varies along shoreline from:	823 to 826
Hemlock Lake shoreline.	Elevation varies along Shoreline from.	909 to 913

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17157 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2945]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR VILLAGE OF HEWLETT HARBOR, NASSAU COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Hewlett Harbor, Nassau County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Hewlett Harbor, Nassau County, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall, 449 Pepperidge Road, Hewlett Harbor, New York.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Honorable Beryl P. Shapiro, Mayor of Hewlett Harbor, 449 Pepperidge Road, Hewlett Harbor, New York 11557.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Hewlett Bay	Thixton Dr. extended to shoreline of Thixton Creek.	8.3
	Intersection Channel Dr. and Channel Rd.	8.3
	Intersection Birch Dr. and Lake Rd.	8.3
	Intersection Seawane Dr. and Seawane Pl.	8.3
	Intersection Seawane Dr. and Albon Rd.	8.3
	Intersection Albon Rd. and Everit Ave.	8.3
	Intersection Albon Rd. and Willow Pond Lane.	8.3
	Intersection of Pepperidge Rd. and Hewlett Lake.	8.3
	Intersection of Pepperidge Rd. and Auerbach Ave.	8.3
	Intersection of Pepperidge Rd. and Azure Pl.	8.3
	Intersection of Pepperidge Rd. and Everit Ave.	8.3
	Intersection of Heather Lane and Everit Pl.	8.3
	Intersection of Heather Lane and Auerbach Ave.	8.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17158 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2955]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR VILLAGE OF WHITESBORO, ONEIDA COUNTY, NEW YORK

AGENCY: Federal Insurance Administartion, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of WhitesBoro, Oneida County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing the Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Ambrose Carey, Mayor of WhitesBoro, 8 Park Avenue, Town Hall, WhitesBoro, New York.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's office, 1335 Balltown Road, Schenectady Mailing, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sauquoit Creek	Oriskany Blvd.	420
	Main St.	416
	Sauquoit St. (extended).	418
Mohawk River	Ellis St. (extended)	415
	Mohawk St. (extended).	415
	Linwood Pl. (extended).	415
	New York State Thruway.	416
	Glendale Ave. (extended).	416

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17159 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2956]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWN OF NISKAYUNA, SCHNECTADY COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Niskayuna, Schenectady County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Edwin D. Reilly, Town Supervisor of Niskayuna, Town Office Building, 1335 Balltown Road, Schenectady Mailing, New York 12309.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Clerk's office, 1335 Balltown Road, Schenectady Mailing, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mohawk River	Southwest corporate limits.	200
	Vischer Ferry Dam Rd. (extended).	201
	Downstream Vischer Ferry Dam.	202
	Upstream Vischer Ferry Dam.	218
	Middle St. (extended)	221
	Balltown Rd.	222

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17160 Filed 6-17-77;8:45 am]

JUN 20 77 UM

[24 CFR Part 1917]

[Docket No. FI-2929]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF HAMMONDSPORT, STEUBEN COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Hammondsport, Steuben County, New York.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Hammondsport, Steuben County, New York in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Glenn H. Curtiss Museum Building, Village Clerk's Office, 41 Lake Street, Hammondsport, New York 14840.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Carol G. Jenkins, Village Clerk of Hammondsport, 41 Lake Street, Hammondsport, New York 14840.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Keuka Inlet	Keuka Lake	724
	State Route 54A	721
	Curtiss Ave. (extended).	722

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17161 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2957]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE VILLAGE OF SOUTH CORNING, STEUBEN COUNTY, NEW YORK

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the village of South Corning, Steuben County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Robert S. Smoogen, Mayor of South Corning, 1 Clark Street, Corning, New York 14830.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Hall on the bulletin board, 1 Clark Street, Corning, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Chemung River	South corporate limit	922
	New York Route 225 (extended).	923
	Tuxill Ave. (extended).	924
	North corporate limits.	925

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17162 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2948]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR CITY OF RALEIGH, N.C.

AGENCY: Federal Insurance Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his proposed determinations of flood elevations for the City of Raleigh, North Carolina, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)).

Due to recent engineering analysis, this notice revises the proposed determinations of base flood elevations published in 41 FR 50286 on November 15, 1976, and in the Raleigh Times-Observer published on February 1, 1977, and February 2, 1977, and hence supersedes those notices. Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Raleigh, North Carolina 27602.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. L. P. Zachary, City Manager, P.O. Box 590, Raleigh, North Carolina 27602.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Crabtree Creek	U.S. 64 [1]	200
	Lassiter Mill Rd	220
	U.S. 70	235
	Duraleigh Rd [1]	248
Marsh Creek	Sunnybrook Rd [1]	208
	Ingram Dr	230
	Millbrook Rd	255
	Old Wake Forest Rd	284
New Hope Tributary to Marsh Creek	New Hope Church Rd	252
	Waterbury Dr	277
Millbrook Tributary to Marsh Creek	Marsh Dr	252
	Millbrook Rd	271
Pigeon House Branch	Wake Forest Rd	214
	Downtown Blvd and U.S. 1 and 401 [1]	248
	Peace St	274
Big Branch	Hardimont Rd	233
	Compton Dr	254
	Purdue St	282
	Millbrook Rd [1]	288
Lakemont Tributary to Big Branch	Latimer Rd	290
Beaverdam Creek	Lassiter Mill Rd	229
	Scotland St	220
SE. Prong of Beaverdam Creek	Fairview Rd	270
	Churchill Rd	296
	Wade Ave	321
	Cambridge Rd	269
SW. Prong of Beaverdam Creek	Lewis Farm Rd	304
	Churchill Rd	316
	Wade Ave	347
Mine Creek	North Hills Dr	252
	Lynn Rd	275
Lynn Rd Tributary to Mine Creek	Lead Mine Rd	310
East Fork Mine	Long St	307
	Six Fork Rd [1]	313
	SR 2016 [1]	329
House Creek	Blue Ridge Rd [1]	236
	U.S. 1, 64 [1]	248
Hare Snipe Creek	Rembert Dr. [2]	267
	Pleasant Grove Church Rd	283
	Leesville Rd. [1]	301
Richland Creek	SR 1649 [1]	269
	SR 1650	299
	I-40 [1]	348
	Trinity Rd	371
Medfield Tributary Richland Creek	I-40 [1]	335
	Trinity Rd	365
Walnut Creek	SR 2551	182
	Sunnybrook Rd	199
	Rose Lane	209
	State St	228
	Old Fayetteville St	236
	N&S RR	255
	Franklin Rd [1]	353
	Buck Jones Rd	383
Rocky Branch	U.S. 70 and 401, N.C. 50	235
	Fayetteville St	243
	Boyland Dr. [1]	265
	Western Blvd	303
	Pullen Park RR [2]	317

JUN 20 77 UM

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Neuse River	N&S RR	185
	U.S. 64 [2]	187
Perry Creek	U.S. 1 [2]	233
	SCL RR [2]	253
	Kitchford Rd [2]	266
	Hunting Ridge Rd	281

[1] Downstream side of road.
[2] Upstream side of road.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17163 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2928]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR CITY OF SHELBY, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Shelby, North Carolina. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Shelby, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Shelby, North Carolina.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Lester D. Roark, City Hall, P.O. Box 669, Shelby, North Carolina 28150.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Hickory Creek	Gidney St	740
	Kings Rd	749
	Montrose Dr	751
	Forest Hill Dr	762
	U.S. Highway 74-A	778
	Wyke Rd	803
Tributary H-2	East Warren St	703
Tributary H-3	Winsor Dr	749
	Pinecone Lane	750
Tributary H-4	Seaboard R R	829
	Wyke Rd	835
Tributary B-2	Kingsberry St	751

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17164 Filed 6-17-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2927]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR VILLAGE OF CRAIG BEACH, MAHONING COUNTY, OHIO

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Craig Beach, Mahoning County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Craig Beach, Mahoning County, Ohio, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Craig Beach Mayor's office, 2154 Grandview Road, Village of Craig Beach, Ohio.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable L. J. Clark, Mayor of Craig Beach, Village of Craig Beach, 2154 Grandview Road, Lake Milton, Ohio 44429.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Lake Milton	Glendale Rd. extended.	953
	Edgewater Rd	953
	Jersey St	953
	Grandview Rd	953

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17165 Filed 6-17-77;8:45 am]

V 42 N 118
JUN 20 77
UM

federal register

MONDAY, JUNE 20, 1977

PART III



ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAMS

Submission of Test Data in Support of Application for Registrations, Compensation Claim for Use of Data, Rules of Practice

JUN 20 77
UM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162 and 173]

[OPP-30011; FRL 739-8]

PESTICIDE PROGRAMS

Submission of Test Data in Support of Application for Registration, Compensation Claim for Use of Data; Rules of Practice for Claims Determinations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: These proposed regulations would prescribe how applicants for registration and reregistration of a pesticide should submit data in support of the application; describe how persons may file claims for compensation for use by other persons of their data; and establish rules of practice for use in the claims determination hearings under section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: Comments must be received on or before August 19, 1977.

ADDRESS: Comments should be addressed to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421, East Tower, 401 M Street SW., Washington, D.C. 20460. Comments should be filed in triplicate and bear the identifying notation OPP-30011. All written comments filed pursuant to this notice will be available for public inspection at that office from 8:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Jesse Mayes, Assistant to the Associate Director for Registration, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-426-4110).

SUPPLEMENTARY INFORMATION: These regulations are proposed under the authority of section 3(c)(1)(D) and section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat 973; Pub. L. 94-140, 89 Stat 755; 7 U.S.C. 136 et. seq. hereinafter referred to as "FIFRA").

Pursuant to the requirements of section 25(a)(2)(A) of FIFRA, a draft of these proposed regulations was forwarded to the Secretary of Agriculture for his review and comment. The comments of the Secretary and the Agency's response thereto are published as Appendix II to these proposed rules.

Pursuant to FIFRA section 25(a)(3), a draft of these proposed regulations was distributed to the appropriate Congressional Committees. In addition, pursuant to FIFRA section 25(d), these proposed regulations were submitted to the Scientific Advisory Panel. No comments were received from either of these bodies. The Scientific Advisory Panel voted unanimously to waive their right to review these proposed regulations. Their statement to this effect is published as Appendix III to these proposed rules.

Congressional hearings on the amended FIFRA are pending. Among the matters which are being considered is substantive amendment to section 3(c)(1)(D) of the Act. Any legislative amendment will, of course, be reflected in the regulations before they are published in final form. If a major legislative amendment requires it, these regulations will be reproposed for public comment.

STATUTORY PROVISIONS

FIFRA section 3(c)(1)(D), 7 U.S.C. 136a(c)(1)(D), provides that each applicant for registration of a pesticide shall file with the Administrator a statement which includes—

If requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, except that data submitted on or after January 1, 1970, in support of an application, shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied upon and such data is not protected from disclosure by section 10(b). This provision with regard to compensation for producing the test data to be relied upon shall apply with respect to all applications for registration or reregistration submitted on or after October 21, 1972. If the parties cannot agree on the amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If either party does not agree with said determination, he may, within thirty days, take an appeal to the Federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both. Registration shall not be delayed pending the determination of reasonable compensation between the applicants, by the Administrator or by the court.

Section 10 FIFRA, 7 U.S.C. 136h, provides:

PROTECTION OF TRADE SECRETS AND OTHER INFORMATION

(a) In General.—In submitting data required by this Act, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under this Act.

(b) Disclosure.—Notwithstanding any other provision of this Act, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.

(c) Disputes.—If the Administrator proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (b), he shall notify the applicant or registrant, in writing, by certified mail. The Administrator shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate district court for a declatory judgment as to whether such information is subject to protection under subsection (b).

Finally FIFRA section 3(c)(2), 7 U.S.C. 136a(c)(2), provides, in pertinent part:

• • • Except as provided by subsection (c)(1)(D) of this section and section 10, within 30 days after the Administrator registers a pesticide under this Act he shall make available to the public the data called for in the registration statement together with such other scientific information as he deems relevant to his decision.

BACKGROUND

The data compensation provision of FIFRA first became part of the pesticide regulatory process by the enactment of section 3(c)(1)(D) of the 1972 FIFRA (86 Stat. 973). On November 19, 1973, EPA partially implemented section 3(c)(1)(D) by publication in the FEDERAL REGISTER of a general notice entitled "Consideration of Data by the Administrator in Support of Applications: Interim Policy," 38 FR 31862. On June 11, 1974 the Agency conducted a public meeting to exchange views with interested parties and facilitate the development of regulations. On July 3, 1975, the Agency promulgated final regulations on the registration, reregistration and classification of pesticides, 40 CFR Part 162, 40 FR 28242. On November 28, 1975, the President signed into law Pub. L. 94-140 a bill which substantively amended section 3(c)(1)(D) of FIFRA. Accordingly, on January 22, 1976, the Agency published an Implementation Plan (41 FR 3339) to explain the changes to the procedures for submitting data accomplished by the enactment of Pub. L. 94-140 and the promulgation of 40 CFR Part 162. The Implementation Plan also announced the availability of the then current draft of the section 3(c)(1)(D) regulations and invited public comment. Comments were received from eight (8) parties; these have been considered in the development of these proposed rules.

Section 162.9 as proposed would set forth the manner in which all applicants for registration would be required to submit or cite the data required to support the registration action. In addition, these regulations would establish procedures for assertion of a claim for compensation for the use by another party of one person's data. The procedures would apply both to applications for new or amended registration and to applications for reregistration. The new Part

173, as proposed, prescribes Rules of Practice for the adjudicatory claims determination hearings.

DETERMINATION OF REASONABLE COMPENSATION

Under the proposal, the Administrator would award reasonable compensation for the cost of producing test data in accordance with the rules of § 162.9 and the Rules of Practice governing hearings under section 3(c)(1)(D).

Section 162.9(h): *Prerequisites to determination of amount of entitlement.* Section 162.9(h), as proposed, provides that as a prerequisite to determining the amount of entitlement, the Administrator or the Administrative Law Judge must first find:

(1) That the procedures of § 162.9 and the Rules of Practice governing hearings under section 3(c)(1)(D) have been satisfied, § 162.9(h)(1),(2);

(2) That the item of data had been produced at the expense of the claimant, § 162.9(h)(3);

(3) That the item of data was considered in support of the application without the permission of the claimant, § 162.9(h)(4); and

(4) That the applicant's use of the item of data in the subject application otherwise is subject to the reasonable compensation requirement. § 162.9(h)(5).

Each of these elements is discussed briefly below.

(1) Section 162.9(h)(1),(2): *That the procedures of § 162.9 and the rules of practice governing hearings under section 3(c)(1)(D) have been satisfied.* These regulations and the Rules of Practice governing hearings under section 3(c)(1)(D) would set forth procedures designed to encourage negotiated settlements between the parties on the amounts and terms of reasonable compensation. If the claimant's failure to follow any of the pertinent procedures results in actual prejudice to the applicant/respondent, the claim for compensation would be dismissed.

These regulations would require an applicant to state which one of four data categories describes each item of data submitted or cited, § 162.9(b)(3). Pursuant to the procedures of these regulations, claims for compensation would be entertained only with respect to items of data in Data Category IV. All other data is either beyond the scope of section 3(c)(1)(D) (data category I), is accompanied by a certificate of ownership (data category II) or is accompanied by a consent statement (data category III). Any person wishing to assert a claim for compensation against an applicant for use of category II or III data would be disputing the accuracy of the signed certification of ownership or consent statement. The Agency will not adjudicate such disputes; a person seeking to make such an assertion would be free to pursue the matter in the appropriate court. Intentional falsification of any part of an application for registration would be a violation of FIFRA section 12(a)(2)(M). This would include falsification of the certification or consent statement.

(2) Section 162.9(h)(3): *That the item of data has been produced at the expense of the claimant.* Section 3(c)(1)(D) provides that compensation is to be paid "for producing the test data" and a right of appeal is given to the "owner of the test data." Therefore, in order to receive reasonable compensation, claimant must establish that the item of data was developed at his expense (or at the expense of his legal predecessor(s) in interest.)

(3) Section 162.9(h)(4): *That the item of data was considered in support of the application without the permission of the claimant.* The term "data considered in support of an application" is defined at § 162.9(a)(7).

Data is not considered in support of an application until the Administrator (or his delegate) approves an application for registration. In order for data to be considered in support of an application, the applicant would be required to cite it on a Supporting Data Citation form. If an item of data were withdrawn from the Administrator's consideration prior to approval of the application, in accordance with § 162.9(b)(1)(i), it would not be "considered in support of the application."

The Agency would not, however, return data to the submitter when it is withdrawn from the Administrator's consideration. For the purpose of section 3(c)(1)(D), such data are "data previously submitted in support of an application for registration."

A draft copy of the proposed supporting Data Citation form is published as Appendix I to this notice for public comment.

(4) Section 162.9(h)(5): That the applicant's use of the item of data in the subject application is otherwise subject to the reasonable compensation requirement: (Hereinafter, data otherwise eligible for compensation.)

In order for an item of data to be otherwise eligible for compensation, it must have been previously submitted in support of an application for registration. The term "data submitted in support of an application for registration" is defined at § 162.9(a)(6).

The first requirement is that the item of data must have been submitted to the Agency, or its predecessor Agencies. It is not necessary, however, that the application with respect to which the data was submitted have been approved. Data submitted with respect to an application or an existing or former registration is "submitted in support" whether or not such submission was requested or required by the Agency. Moreover, data first submitted, (1) as part of an application for an experimental use permit or with respect to an existing or former permit or (2) in support of a petition for a tolerance is "data submitted in support of an application for registration" if the item of data is referred to or included in an application for registration. In addition, data submitted for the purpose of determining that the product complies with FIFRA under the terms of the Interagency Agreement with the Department of Health, Eduation, and Welfare, Food and Drug Administration (36 FR 24234, as amended by 38 FR 24233) is considered "submitted in support of an application."

The determination of exactly what data is otherwise eligible for compensation would turn on when the applicant filed his application for registration with the Agency and when it was approved.

Date application filed	Date application approved	Date eligible for compensation
Before Oct. 21, 1972	Anytime	None.
Before Nov. 19, 1973	Before Nov. 28, 1975	None.
After Nov. 19, 1973	Before Nov. 28, 1975	Data submitted after Oct. 21, 1972.
After Oct. 21, 1972	After Nov. 28, 1975	Data submitted after Jan. 1, 1970.

This reflects past practice and Congressional intent.

The November 19, 1973, Interim Policy Statement (38 FR 31862), which partially implemented section 3(c)(1)(D), provided that all data first submitted to the Agency in support of an application for registration on or after October 21, 1972 and subsequently considered in support of another application for registration submitted on or after November 19, 1973, would be eligible for compensation. As a result of much controversy regarding this interpretation of the scope of section 3(c)(1)(D), Congress by Pub. L. 94-140 amended section 3(c)(1)(D) of FIFRA. This Act became effective on November 28, 1975 and provides that with respect to all applications for registration submitted to the Agency on or after October 21, 1972 and then still pending before the Agency, all data first submitted to the Agency on or after January 1, 1970 is eligible for compensation. The amendment changed both the effective date of section 3(c)(1)(D) and the data within its scope, as to applications previously received and still pending before the Agency. See S. Rep. No. 94-452, 94th Cong., 1st Sess., at 11 (1975).

Section 162.9(i): *Amount of entitlement, terms and conditions of compensation.* Section 162.9(i), as proposed, provides that the Administrative Law Judge might make such determination concerning the amount, terms and conditions of compensation as he found reasonable under the circumstances, equitable to the parties and permitted by the law, and might consider any factors which he considers relevant to this determination.

Various parties have argued that the Agency should set forth in these regulations substantive rules governing the amount and method of compensation, including a formula to compute "reasonable compensation." The Agency has evaluated the feasibility of this approach. In 1974, in fact, the Office of

V 42 N 118 JUN 20 77 UM

Pesticide Programs contracted with Science, Engineering and Analysis, Inc., Springfield, Virginia for this particular purpose. Their contract report entitled "Economic methodology for the determination of reasonable compensation under section 3(c)(1)(D) of FIFRA" and subsequent investigation has led to the present Agency position that a precise formula for reasonable compensation is not practicable. The Agency nonetheless specifically solicits the submission of a precise formula for determining the amount and method of reasonable compensation and comment regarding the factors appropriate to this determination. We expect that widely divergent theories of data valuation and compensation may be proposed, and that widely divergent factual situations will be involved in the various claims. It seems desirable, therefore, that the initial determinations of the Administrative Law Judge be governed solely by the statutory standard of "reasonable compensation for producing the test data," as applied to the particular circumstances of each case. These proposed regulations adopt this approach. After some disputed claims for compensation have been decided by the Agency (and, perhaps, reviewed by the Federal Courts), the Agency may be in a position to state substantive rules governing the determination of reasonable compensation.

Various factors, some of which are set forth below, have been suggested as appropriate for consideration in determining the amount, method, and terms of reasonable compensation. The Agency at this time makes no determination as to whether these factors are appropriate for consideration by the Administrative Law Judge or the Administrator in reaching a decision as to the amount, method and terms of reasonable compensation in any particular case. It is not here suggested that evidence on these factors should be received by the Administrative Law Judge or the Administrator. These factors (1 through 11) are enumerated to show the broad scope of diversity of views on the question of reasonable compensation.

(1) The actual (historical) cost of the test data;

(2) The current cost of duplicating the data;

(3) The fair market value of the data;

(4) The availability of alternative data of comparable reliability;

(5) When the test was performed;

(6) When the data was submitted to the Agency;

(7) The foreseeable nature, extent and profitability from marketing of the pesticide by the applicant;

(8) The extent to which the claimant has recovered, and/or may recover his investment in the data by sale of the pesticide, both to the general public and, in particular, to the applicant. (In many cases, the claimant may already have recovered a portion of his investment in the data by means of a pricing structure which includes recovery of that investment. If the applicant formulator has been purchasing the pesticide from the claimant, he may already have paid at least partial compensation for the claimant's investment in the supporting data. Likewise, if the applicant will be purchasing the pesticide from the claimant in the future, he may pay a portion of the cost of producing the test data each time he purchases the pesticide.)

(9) Whether the claimant's decision to produce the test data was made with the expectation of receiving compensation under section 3(c)(1)(D) of the Act. (Commenters have argued that Section 3(c)(1)(D) was not intended to give a "windfall" to a person who made an investment decision without any expectation of compensation under FIFRA.)

(10) The ability of the applicant to pay compensation. (If it can be shown that compensation above a certain level will adversely affect the applicant's ability to remain in business, it is argued that the effects not only on the applicant but also on the marketplace and the economy in general may be relevant.)

(11) The estimated effect of the amount and method of compensation on research and development of pesticides. (It is urged that one of the purposes of section 3(c)(1)(D) is to encourage investment in research and development. Accordingly, it has been suggested that this factor should be considered in determining whether the terms of compensation will foster this purpose.)

IMPLEMENTATION

Section 162.9(e) would provide that § 162.9 will become effective 30 days after publication in the FEDERAL REGISTER of the final rule. Under proposed § 162.9(m), no application pending before the Agency on the effective date of these rules would be approved until the applicant had modified the application to comply with § 162.9(b). If the modified application contained any supporting data stated to fall within Data Category IV, the Agency would publish notice of receipt of the modified application in accordance with § 162.9(c). Accordingly, there would be no reason for the Agency to decide the compensation due on any claim filed with the Agency prior to the effective date which was based on an "old," unmodified application. Pursuant to § 162.9(n)(2), the claimant could file a new preliminary claim for compensation based on the modified application. (These procedures for handling applications and claims pending on the effective date are necessary in order to satisfy FIFRA §§ 3(c)(2) and 3(c)(1)(D) and to facilitate efficient processing of applications and claims.)

Proposed section 162.9(n)(1) concerns pending claims pertaining to applications approved before the effective date of these regulations. Where the application has been approved the claim for compensation has already matured and the rules in effect at the time of approval of the application must govern. Therefore, these rules would provide that the Administrator would notify each person who has submitted a claim that the application in question has been approved. For the purposes of § 162.9(g)(3), this notice would be regarded as the notice required by § 162.9(f). Thereafter, the rules of this section and the Rules of Practice would apply except that (1) in making the determination required by § 162.9(h)(1), the comparable provisions of the November 19, 1973 Interim Policy Statement would apply instead of § 162.9(d) and (2) in making the determination required by paragraph (h)(5), the Administrative Law Judge or the Administrator would determine on a case-by-case basis whether or not the item of data was considered in support of the application without the claimant's consent.

RULES OF PRACTICE

Section 3(c)(1)(D) provides that the Administrator's determination of reasonable compensation for producing the test data must be made "on the record." The Rules of Practice of proposed Part 173 would govern the commencement and conduct of these hearings.

By FEDERAL REGISTER notice on October 19, 1976 (41 FR 64021) the Administrator announced that he had made effective the determination of claims provision of section 3(c)(1)(D) in the absence of these formal procedural regulations. The Chief Administrative Law Judge or his designee has been instructed to adopt procedural rules on a case-by-case basis for the conduct of the hearings and matters related thereto. Both § 162.9 and Part 173 will become effective 30 days after publication in the FEDERAL REGISTER of the final rules. Once these regulations have been adopted, all claims for compensation will be adjudicated in accordance with these rules. However, the Administrative Law Judge may, in his discretion, continue to conduct a claims determination hearing pending on the effective date of these rules of practice, in accordance with the procedural rules adopted by the Administrative Law Judge on a case-by-case basis.

ECONOMIC IMPACT ANALYSIS STATEMENT

Executive Order 11821 (as extended) and OMB circular A-107 requires every Federal agency to evaluate the economic impacts of every major legislation proposal and regulation. EPA's guidelines on Economic Impact analysis Statements (formerly Inflation Impact Statements) provide that regulations shall be considered a "major" action and shall require an Economic Impact Analysis under the following conditions: (1) If the incremental annualized costs of compliance, including capital charges, exceed $100 million in any year, (2) the incremental cost of production of any major product exceeds five percent of the selling prices of the product, (3) net national energy consumption would be increased by the equivalent of 25,000 barrels of oil a day, or (4) the supply or demand of certain specified materials would be affected by more than three percent.

The EPA has determined that these regulations do not constitute a major proposal requiring preparation of an Economic Impact Analysis. However, since the data compensation provision impacts directly on the economic impact of the registration guidelines, the incremental costs of complying with these regulations as compared to the costs of complying with the requirements of FIFRA standing alone, will be factored into the economic analysis being prepared on the guidelines.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 8, 1977.

DOUGLAS M. COSTLE,
Administrator.

(Secs. 3(c)(1)(D) and 25 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended.)

1. It is proposed to revise 40 CFR 162.9 to read as follows:

§ 162.9 Submission of test data in support of applications for registration; compensation claims for use of data.

(a) *Definitions.* For the purposes of this section:

(1) "Application for Registration" means any request for action with respect to registration, including an application for new registration, amended registration, or reregistration of a pesticide product under the Act.

(2) "Applicant" means a person who has submitted an application for registration to the Agency, or that person's legal successor in interest.

(3) "Claim" means a claim for compensation under section 3(c)(1)(D) of the Act.

(4) "Claimant" means a person who files a claim with the Agency, and where the context so requires, the term includes any prior holder of rights in the data from whom claimant acquired legal interest.

(5) "Test data" includes information concerning the objectives, methodology, results, and significance of any test or experiment performed on or with a pesticide, information concerning observations about the effect of a pesticide on any organism, and information concerning the behavior of a pesticide in the environment.

(6) "Data submitted in support of an application for registration" means those data submitted to the Agency (or its predecessor Agencies):

(i) As part of an application for registration, or with respect to an existing or former registration, whether or not such submission was required or requested by the Agency;

(ii) As part of an application for an experimental use permit, or with respect to an existing or former experimental use permit, whether or not such submission was required or requested by the Agency, if such data were also referred to or included in an application for registration, either explicitly or implicitly;

(iii) In support of a petition for a tolerance pursuant to section 406, 408 or 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, 348), if such data were also referred to or included in an application for registration, either explicitly or implicitly;

(iv) For the purposes of obtaining a determination by the Agency that a product complies with the requirements of the Act, under the Agreement between the Agency and the Department of Health, Education, and Welfare (36 FR 24234, as amended by 38 FR 24233), which pertains to matters of mutual responsibility under the Federal Food, Drug, and Cosmetic Act and Federal Insecticide, Fungicide, and Rodenticide Act.

(7) "Data considered in support of an application" means data cited on a Supporting Data Citation form in an application for registration which has been approved under section 3 of the Act. (An item of data which is withdrawn from the Administrator's consideration prior to approval of the application shall not be regarded as data considered in support of an application.)

(8) "EPA Data Catalog" means the Agency catalogue which identifies and assigns a unique number to each item of data previously submitted to the Agency in support of an application for registration.

(b) *Identification of data supporting an Application*—(1) *General requirements.* (i) An item of data will be considered by the Administrator in support of an application only if it is specifically identified by the applicant on a Supporting Data Citation form [EPA Form No. ____]. At any time before approval or denial of an application, an applicant may submit additional items of data for the Administrator's consideration or may withdraw any item of data from the Administrator's consideration by submitting a written amendment to the application.

(ii) An item of data never previously submitted to the Agency must be physically submitted with the application, and must be identified on a Supporting Data Citation form.

(iii) An item of data previously submitted to the Agency need not be physically resubmitted, but must be identified on a Supporting Data Citation form.

(2) *Supporting data citation requirements.* (i) An applicant must complete the following entries in the Supporting Data Citation form for any cited item of data never previously submitted to the Agency, and for any cited item of data not described in the EPA Data Catalog:

(A) Identification of the application supported;

(B) Identification of the person(s) who performed the test, and the date(s) of testing;

(C) Identification of the substance tested;

(D) Identification of the specific test performed;

(E) If the item of data is known to have been previously submitted to the Agency, identification of the submitter, the registration number in support of which it was submitted, and the date of previous submission; and

(F) Designation of the category of data, as set forth in paragraph (b)(3) of this section, and the required statement, set forth in paragraph (b)(4) of this section appropriate to that category of data.

(ii) In the case of an item of data described in the EPA Data Catalog, an applicant need complete only the following entries on the Supporting Data Citation form:

(A) Identification of the application supported;

(B) Identification of the specific test performed, including the EPA Data Catalog number assigned to the item of data; and

(C) Designation of the category of data, as set forth in paragraph (b)(3) of this section, and the required statement, as set forth in paragraph (b)(4) of this section, appropriate to that category of data.

(3) *Data catagories.* The applicant shall designate each item of data cited in support of an application as being in one of the four following categories:

(i) *Data Category I*, which includes all data first submitted to the Agency in support of an application for registration before January 1, 1970.

(ii) *Data Category II*, which includes all data not within Data Category I which were produced at the expense of the applicant alone;

(iii) *Data Category III*, which includes all data not within Data Category I or II which is accompanied by a Consent Statement as set forth in paragraph (b)(4) of this section; or

(iv) *Data Category IV*, which includes all data not within Data Categories I, II, or III.

(4) *Required statements to accompany data citations.* Each item of data cited in support of an application must be accompanied by one of the following three statements, as appropriate to the Data Category designated. The statements must be signed as indicated by the applicant or consenting party or, if such person is a corporation or other juridical person, an individual with authority to act on behalf of the applicant. Signature of any of these statements constitutes certification by the signing party of his understanding that, if any of the statements which he signs are known by him to be false, he may be subject to criminal penalty under 18 U.S.C. 1001, criminal or civil penalty under 7 U.S.C. 136j (a)(2)(M), or both.

(i) *Certification statement.* The following statement signed by the applicant must accompany each citation of supporting data designated as falling with Data Categories I or II:

The undersigned hereby certifies that, to the best of his knowledge and belief, for the purposes of Section 3(c)(1)(D) of FIFRA, as amended, the applicant has the unqualified right to rely on the data described above to support this application, without either compensation to, or consent of, any other person.

JUN 20 1977 UM

(ii) *Consent statement.* The following statement, signed by the person(s) at whose expense the data were produced, must accompany each citation of supporting data designated as falling within Data Category III:

The undersigned hereby irrevocably consents to the Administrator's consideration of the data described above in support of the identified application. The undersigned hereby certifies that, to the best of his knowledge and belief, for the purposes of section 3(c)(1)(D) of FIFRA, as amended, there is no other person whose consent to the use of this data is required.

(iii) *Offer to pay reasonable compensation.* The following statement, signed by the applicant, must accompany each citation of supporting data designated as falling within Data Category IV:

The undersigned hereby offers to pay, to the extent provided in section 3(c)(1)(D) of FIFRA, as amended, and the regulations thereunder, compensation in the amount and on the terms determined by the Administrator or the appropriate federal court to be reasonable under the circumstances for use of the data described above to support this application. The undersigned further certifies that this offer has been made directly to each person known by the undersigned to be the person(s) from whom EPA received this data for the first time in support of an application on or after January 1, 1970, thereby providing them notice of his intent to rely on the data.

(c) *Public notice of receipt of application.* When the Agency receives an application for registration which includes any citation of supporting data stated to fall within Data Category IV, the Agency shall publish in the FEDERAL REGISTER a notice of the receipt of such an application. The notice shall state:

(1) The name and address of the applicant;

(2) The identifying number of the application;

(3) A specific identification of each item of test data falling within Data Category IV cited by the applicant; and

(4) The address of the EPA office to which a preliminary claim should be sent under paragraph (d) of this section.

(d) *Procedure for filing preliminary claim for compensation.* Any person may file a preliminary claim for compensation in accordance with this paragraph. A preliminary claim shall be personally delivered, or mailed by certified mail, return receipt requested, within 60 calendar days from the date of publication in the FEDERAL REGISTER of the notice prescribed by paragraph (c) of this section, to the applicant and to the EPA office designated in the FEDERAL REGISTER notice. A preliminary claim shall be in writing, and shall state:

(1) The name and address of the claimant;

(2) The name and address of the applicant against whom the claim is filed;

(3) The EPA file symbol or EPA registration number pertaining to the application in support of which the item of data has been cited without permission of the claimant;

(4) The following information, with respect to each item of data to which the preliminary claim applies:

(i) The EPA file symbol, EPA registration number, experimental use permit number, or tolerance petition number associated with the original submission of the item of data to the Agency by the claimant;

(ii) The date of submission of the item of data; and

(iii) The EPA Data Catalog Number assigned to the item of data, or, if no such number is known to have been assigned, the name and affiliation of the person who performed the test, the date(s) the test was performed, the identity of the substance tested, and a description which was performed; and

(5) A certification that the preliminary claim has been delivered to the applicant and to EPA.

(e) *Request to delay approval of application.* An applicant may request the Agency to withhold approval of his application, in order to allow time for him to become aware of any claims which may be filed and conduct negotiations with other persons concerning payment of reasonable compensation. Such a request shall be granted unless the Agency finds that granting the request would impair efficient administration of the Act.

(f) *Notice to claimants of approval of applications.* When the Administrator approves an application, he shall furnish written notice of the approval to each person who has filed a preliminary claim pertaining to the application.

(g) *Rules of practice governing Agency hearings on claims; when and where final claim must be filed.* (1) The Rules of Practice governing Agency hearings on claims under Section 3(c)(1)(D) of the Act for compensation for consideration of data in support of applications appear at Part 173 of this chapter.

(2) Any person who wishes the Administrator to determine the amount of compensation to which he is entitled under Section 3(c)(1)(D) of the Act shall file a final claim with the Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. A copy shall be sent to the applicant who has cited the item of data in support of an application.

(3) A final claim under this paragraph must be received by the Hearing Clerk not later than the 90th calendar day following the claimant's receipt of the notice of approval of an application prescribed by paragraph (f) of this section, except as otherwise provided in the Rules of Practice.

(4) The Rules of Practice should be consulted concerning all matters pertinent to the final claim and the procedures for determination, including the contents of the claim and the persons on whom it should be served.

(h) *Prerequisites to determination of amount of entitlement.* In accordance with the Rules of Practice at Part 173 of this chapter, the Administrator or the Administrative Law Judge shall determine the amount of reasonable compensation due a claimant if he first finds:

(1) That the claimant has satisfied the requirements of paragraph (d) of this section, or has shown good cause for his failure to do so;

(2) That there has been compliance with the applicable provisions of the Rules of Practice at Part 173 of this chapter;

(3) That the item of data in question was produced at the expense of the claimant;

(4) That the item of data in question was considered in support of the application without the permission of the claimant; and

(5) That the item of data was either—

(i) (A) Submitted to EPA by the claimant for the first time on or after January 1, 1970, in support of his application, and (B) subsequently considered in support of another person's application which was submitted to EPA after October 21, 1972, and which was approved on or after November 28, 1975; or

(ii) (A) Submitted to EPA by the claimant for the first time on or after October 21, 1972, in support of his application, and (B) subsequently considered in support of another person's application which was submitted to EPA on or after November 19, 1973, and which was approved before November 28, 1975.

(6) In the case of a claim received prior to the effective date of this section, which pertains to an application required by paragraphs (h) (1) and (5) of this section shall be made in accordance with paragraph (n) (1) of this section.

(i) *Amount of entitlement; terms and conditions of compensation.* The Administrator or the Administrative Law Judge may make such determination concerning the amount, terms, and conditions of compensation as he finds reasonable under the circumstances, equitable to the parties, and permitted by the law, and may consider any factors which he considers relevant to this determination.

(j) *Transfer of registration.* If a final claim for compensation is filed with respect to a registration, no sale, assignment, or other transfer of the registration shall be recorded by the Agency on its registration records before all claims with respect to such application have been determined by the Agency and any opportunity for appeal therefrom has expired or been exhausted, unless:

(1) The claimant consents in writing to such recording of the sale, assignment or transfer; or

(2) The party to whom such sale, assignment or transfer is made executes an assumption of liability with respect to such claim.

(k) *Data which may be entitled to confidential treatment under section 10 of the Act.*—(1) No data first submitted in support of an application for registration on or after January 1, 1970, shall be considered by the Administrator in support of another application without the written consent of the original submitter, unless and until it is found to be available to the public under Part 2 of this chapter.

(2) Whenever EPA receives a Supporting Data Citation form, the Office of Pesticide Programs shall initiate the procedure under Subpart B of Part 2 of this chapter, for determining whether the cited data is available to the public or is entitled to confidential treatment.

(l) *Effective date of this section.* This § 162.9 shall be effective on and after [30 days after publication in the FEDERAL REGISTER of the final rule], notwithstanding § 162.23.

(m) *Pending applications.* Notwithstanding § 162.23, no application submitted to, but not approved by the Agency before [effective date] will be approved by EPA until the applicant has modified the application to comply with paragraph (b) of this section. The provisions of this section will apply with respect to any such modified application received by the Agency.

(n) *Pending claims.*—(1) *Pending claims pertaining to applications approved before the effective date.* Any claim received by the Agency before the effective date of this section which pertains to an application approved before that date shall be regarded as a preliminary claim for compensation under this section. The Administrator shall notify each person who has submitted such a claim that the application in question has been approved; for the purposes of paragraph (g) (3) of this section, such notice shall be regarded as the notice required by paragraph (f) of this section. The further processing of such claims shall comply with this section and with Part 173 of this chapter, except that:

(i) In making the determination required by paragraph (h) (1) of this section, paragraph (d) of this section shall not apply and the comparable provisions of the "Interim Policy Statement Concerning Consideration of Data by the Administrator in Support of an Application for Registration" (38 FR 31862, November 19, 1973) shall apply in lieu thereof; and

(ii) In making the determination required by paragraph (h) (5) of this section, paragraph (a) (7) of this section shall not apply and the Administrative Law Judge or the Administrator shall determine, on a case-by-case basis, whether or not the item of data was considered in support of the application without the claimant's consent.

(2) *Other pending claims.* The Agency will make no determinations of the amount, if any, due to claimants based on claims filed with the Agency prior to (the effective date of this section), except as provided in paragraph (n) (1) of this section. Paragraph (m) of this section states that before the Agency approves any application pending before the Agency on the effective date of this section, the applicant must modify his application to conform with paragraph (b) of this section. The Agency will then publish notice of the receipt of such a modified application under paragraph (c) of this section. At that time any person may file a preliminary claim with respect to the modified application, in accordance with the provisions of paragraph (d) of this section.

2. It is proposed to establish a new 40 CFR Part 173 to read as follows:

PART 173—RULES OF PRACTICE GOVERNING HEARINGS UNDER SECTION 3(c)(1)(D) OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT, AS AMENDED, FOR COMPENSATION FOR USE OF DATA PREVIOUSLY SUBMITTED IN SUPPORT OF AN APPLICATION FOR REGISTRATION

GENERAL

Sec.
173.1 Scope.
173.2 Use of number and gender.
173.3 Definitions.
173.4 Filing and Service.
173.5 Time.
173.6 Ex parte discussion.

COMMENCEMENT OF PROCEEDINGS

173.7 Commencement of Proceedings.
173.8 Answer to the Final Claim.

ADMINISTRATIVE LAW JUDGE

173.9 Qualifications and duties of Administrative Law Judge.

JUDICIAL OFFICER

173.10 Qualifications and functions of Judicial Officer.

APPEARANCES, INTERVENTION AND CONSOLIDATION

173.11 Appearances.
173.12 Intervention.
173.13 Consolidation and severance.

MOTIONS

173.14 Motions.

PREHEARING PROCEDURES

173.15 Prehearing Conference.
173.16 Prehearing Correspondence.

HEARING PROCEDURES

173.17 Scheduling of Hearing
173.18 Evidence.
173.19 Objections and offers of proof.
173.20 Burden of presentation; Burden of persuasion.
173.21 Filing of transcripts.
173.22 Filing of briefs, proposed findings of fact and conclusions of law and proposed order.

ACCELERATED OR INITIATED DECISION

173.23 Accelerated Decision.
173.24 Initial Decision.

APPEALS AND ADMINISTRATIVE REVIEW

173.25 Appeal from or review of interlocutory orders or rulings.
173.26 Appeal from or review of initial decisions.
173.27 Final order.

MOTION TO RECONSIDER

173.28 Motion to reopen hearings; to rehear or reargue proceedings; or to reconsider a final order.
173.29 Procedure for disposition of motions.

AUTHORITY: Sec. 3 (c)(1)(D) and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended 86 Stat. 973, 89 Stat. 755, 7 U.S.C. 136 et seq.

GENERAL

§ 173.1 Scope.

(a) These rules of practice shall govern all proceedings conducted under section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136(a)(c)(1)(D), for compensation for use of data previously submitted in support of an application for registration of a pesticide.

(b) In the absence of specific provisions in these rules, and where appropriate, questions arising at any stage of the proceeding shall be resolved at the discretion of the Administrative Law Judge or of the Administrator as appropriate pursuant to the provisions of § 173.14(c).

§ 173.2 Use of number and gender.

As used in this part, a word in the singular number shall be deemed to import the plural and words in the masculine gender shall be deemed to import the feminine and vice versa, as the case may require.

§ 173.3 Definitions.

For the purposes of this part:

(a) "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 755, 7 U.S.C. 136 et seq.).

(b) "Administrative Law Judge" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930, as amended), and such term is synonymous with the term "Hearing Examiner" as used in the Act or in the United States Code.

(c) "Administrator" means the Administrator of the Agency, or any officer or employee thereof to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead. Where the Administrator has delegated authority to the Judicial Officer the term "Administrator" shall be interchangeable with the term "Judicial Officer."

(d) "Agency", unless otherwise specified, means the United States Environmental Protection Agency.

(e) "Claimant" means a person asserting a claim for compensation under these rules.

(f) "Director" means Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, or any officer or employee of the Agency to whom authority has been or may hereafter be lawfully delegated to act in his stead.

(g) "Hearing Clerk" means the Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

(h) The term "Initial Decision" means the decision of the Administrative Law Judge supported by findings of fact and conclusions regarding all material issues of law, fact, or discretion, as well as reasons therefor.

(i) "Intervenor" means a person granted leave to intervene pursuant to § 173.12.

VANH
JUN 20 7
UM

(j) "Judicial Officer" means an officer or employee of the Agency designated to act for the Administrator.

(k) "Party" means claimant, respondent, or intervenor.

(l) "Person" includes any individual, partnership, association, corporation, state or political subdivision thereof, and any organized group of persons, whether incorporated or not.

(m) "Preliminary Claim for Compensation" means the notice of intent to file a claim for compensation which was filed with the Director, pursuant to § 162.9(d) of this chapter.

(n) "Respondent" means the person against whom a claim for compensation is made under section 3(c)(1)(D) of the Act.

Terms defined in the Act and not explicitly defined herein shall have the meanings given in the Act.

§ 173.4 Filing and service.

(a) All documents or papers required or authorized to be filed, shall be filed with the Hearing Clerk, and except as otherwise herein provided, shall bear the caption of the case and the docket number. An original and two copies of all documents shall be filed with the Hearing Clerk. At the same time that a party files documents or papers with the Hearing Clerk, the party shall serve upon all other parties copies thereof, with a certificate of service on or attached to each document or paper, including those filed with the Hearing Clerk. If a party is represented by counsel or other representative, service shall be made on such representative. Service may be made personally or by regular mail, and if made by mail shall be deemed complete on mailing. If filing is accomplished by mail addressed to the Hearing Clerk, filing shall be deemed timely if the papers are postmarked on the due date.

(b) All orders, decisions, or other documents made or signed by the Administrative Law Judge, the Judicial Officer, or the Administrator shall be filed with the Hearing Clerk. The Hearing Clerk shall immediately serve all parties with a copy of such order, decision, or other document.

(c) All papers and documents on file in a proceeding shall be available for public inspection at the Office of the Hearing Clerk except as otherwise directed by the Administrative Law Judge, the Judicial Officer, or Administrator, as may be appropriate.

§ 173.5 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by these rules, except as otherwise provided, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and legal holidays shall be included in computing the time allowed for the filing of any document or paper, except that when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) *Enlargement.* When by these rules or by order of the Administrative Law Judge, the Judicial Officer or the Administrator, an act is required or allowed to be done at or within a specified time, the Administrative Law Judge (before his initial decision is filed), or the Judicial Officer, or the Administrator (after the Administrative Law Judge's initial decision) for good cause shown may at any time in his discretion (1) with or without motion or notice, order the period enlarged if request therefor, which may be made ex parte, is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or other good cause.

(c) *Additional time after service by mail.* A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service, except that when the service is made by mail, three (3) days shall be added to the prescribed period.

§ 173.6 Ex parte discussion.

At no stage of a proceeding shall the Administrator, the Judicial Officer, or the Administrative Law Judge discuss ex parte the merits of the proceeding with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate, or in an investigative or expert capacity, or with any representative of such person: *Provided, however,* That the Administrator, the Judicial Officer, or the Administrative Law Judge may discuss the merits of the case with any such person if all parties to the proceeding, or their representatives have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Administrator, the Judicial Officer, or the Administrative Law Judge during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding. The Administrator, the Judicial Officer, or the Administrative Law Judge shall cause any such communication to be filed with the Hearing Clerk and served upon all other parties to the proceeding who will be given the opportunity to file an answer thereto.

Commencement of Proceeding

§ 173.7 Commencement of proceeding.

(a) *Filing a claim for compensation.* A claim for compensation must be filed with the Hearing Clerk and served upon the respondent, in accordance with § 173.04. The Hearing Clerk shall assign a FIFRA COMP. docket number. The Chief Administrative Law Judge shall assign himself or another Administrative Law Judge to conduct the proceeding and the Chief Administrative Law Judge or his designee shall notify the parties that such assignment has been made.

(b) *Time for filing.* A final claim under this section must be received by the Hearing Clerk not later than the 90th calendar day following the claimant's receipt of the notice of approval of an application prescribed by § 162.9(b) of this chapter.

(c) *Contents of claim.* A claim for compensation shall contain the following information:

(1) A copy of the preliminary claim for compensation, filed pursuant to § 162.9(d) of this chapter;

(2) Any other relevant and material correspondence with the Agency relating to the claims;

(3) The amount of compensation claimed and the method of computing said amount, with detailed justification of the amount claimed and method of compensation.

(4) A certification as to the following:

(i) Whether the Administrator or any court has made determinations for payment by any other persons to claimant for use of the same test data and, if so, the identity of the persons against whom the for determinations were issued and the applications registration for which the test data had been used;

(ii) Whether any other claims against any persons are pending before the Agency or in any court for use of the same test data and, if so, the identity of the persons against whom the claims are pending and the applications for registration on which the claims are being made;

(iii) Whether the claimant has granted permission to persons other than respondent to use the test data in support of an application for registration and, if so, the identity of the persons to whom, and the application for which, the permission was granted and the amount of compensation, if any, agreed upon for the use of the data. If such permission was given under written agreements or documents the claimant shall furnish copies thereof.

(d) *Transmittal from the Director.* The Administrative Law Judge may at his discretion direct the Director to transmit any information the Administrative Law Judge deems relevant, including:

(1) A copy of the application, including the confidential formula, other supporting data and/or the approved labeling;

(2) A copy of any preliminary claim for compensation;

(3) A copy of all correspondence in the Director's possession which relates to the claim;

(4) Information as to the data considered in support of the registration.

The Administrative Law Judge shall order protective measures to safeguard and restrict access to information entitled to confidential treatment under section 10 of the Act. This shall include, as may be necessary, withholding such

information from the public record in the case and other protective measures, as set forth in § 173.18(a).

§ 173.8 Answer to the final claim.

If respondent (a) contests any material fact alleged by claimant, or (b) contends that the amount of compensation claimed or method of computation is inappropriate, or (c) contends that he is entitled to judgment as a matter of law, he shall file a written answer to the claim with the Hearing Clerk. Any such answer must be filed within thirty (30) days after service of the claim computed in accordance with § 173.05. If the respondent takes issue with the statement of claimant as to the amount of compensation claimed or method of computation, the respondent shall file a statement as to his position as to the amount of reasonable compensation and detailed justification as to method of computation.

Administrative Law Judge

§ 173.9 Qualifications and duties of Administrative Law Judge.

(a) *Qualifications.* The Administrative Law Judge shall have the qualifications required by statute. He shall not decide any matter in connection with a proceeding where he has a financial interest in the subject matter of the proceeding or in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(b) *Disqualification of the Administrative Law Judge.* (1) Any party, may, by motion made to the Administrative Law Judge, as soon as practicable, request that he disqualify himself and withdraw from the proceeding. The Administrative Law Judge shall then rule upon the motion and shall upon request of the movant, certify an adverse ruling to the Administrator for review.

(c) *Withdrawal sua sponte.* The Administrative Law Judge may at any time withdraw from any proceeding in which he deems himself disqualified for any reason.

(d) *Power.* Subject to review, as provided elsewhere in this part, the Administrative Law Judge shall have power to take actions and render decisions in conformity with statute or in the interests of justice.

(e) *Absence or change of the Administrative Law Judge.* In the case of the absence or unavailability of the Administrative Law Judge, or his inability to act, or his removal by disqualification or withdrawal, the powers and duties to be performed by him under this part in connection with a proceeding assigned to him may, unless otherwise directed by the Administrator, be assigned to another Administrative Law Judge so designated to act by the Chief Administrative Law Judge, the Administrator, or the Judicial Officer.

Judicial Officer

§ 173.10 Qualifications and functions of Judicial Officer.

(a) *Qualifications.* A Judicial Officer shall be a permanent or temporary employee or officer of the Agency who may perform other duties for the Agency. Such Judicial Officer shall not be employed by the Office of Pesticide Programs or have had any connection with the registration of the pesticides that are the subject of the proceeding.

(b) *Functions.* The Administrator may delegate any or part of his authority to act in a given case to a Judicial Officer. The Administrator can separately delegate his authority to rule on interlocutory orders and motions, and may also delegate his authority to make findings of fact and draw conclusions of law in a particular proceeding, providing that this delegation shall not preclude the Judicial Officer from referring any motion or case to the Administrator when the Judicial Officer determines such referral to be appropriate. The Administrator, in deciding a case himself, may consult with and assign the preliminary drafting of conclusions of law and findings of fact to any Judicial Officer.

Appearances, Intervention, and Consolidation

§ 173.11 Appearances.

(a) *Representatives.* Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(b) *Failure to appear or respond.* Any party to the proceeding, who after being duly notified and without good cause being shown, fails to appear at any prehearing conference under § 173.15 or fails to respond to correspondence under § 173.16 shall be subject to whatever orders or determinations the Administrative Law Judge may make in his discretion. The failure of a party to appear at a hearing shall constitute a waiver of the right to present evidence at such hearing. Where respondent fails to appear at a hearing, the Administrative Law Judge shall require the presentation by claimant of such evidence as the Administrative Law Judge deems necessary to prepare an initial decision in conformity to the requirements of section 3(c)(1)(D) of the Act. Upon conclusion of the hearing, the Administrative Law Judge shall cause a copy of the initial decision to be served upon respondent as well as upon the other parties.

§ 173.12 Intervention.

(a) *Motion.* Any person may file a motion for leave to intervene in any proceeding conducted under these rules of practice. Such motion must set forth the grounds for the proposed intervention, the position and interest of movant in the proceedings, and the likely impact that such intervention will have on the expeditious progress of the proceeding.

(b) *When filed.* A motion for leave to intervene in a proceeding must ordinarily be filed prior to the first prehearing conference or, in the absence of a prehearing conference, prior to the initiation of correspondence pursuant to § 173.16, or if there is no such correspondence, prior to the setting of a time and place for a hearing. Any motion filed after that time must include in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file in a timely manner. Such motion for leave to intervene shall be granted only upon a finding that (1) extraordinary circumstances justify the granting of the motion; and (2) the intervenor shall be bound by any agreements, arrangements, and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene may be granted only insofar as movant demonstrates that (1) there exist common questions of fact or law; (2) he may be adversely affected by a final order of the Administrator; and (3) his participation in the case would not unreasonably broaden the issue regarding reasonable compensation to claimant for producing the test data in question, or unduly prolong or otherwise prejudice the adjudication of the rights of the original parties. If leave is granted, the movant shall thereby become a party to the proceeding. Any party, or the movant if leave is denied, may request that the ruling on any motion for leave to intervene in a proceeding conducted under these rules of practice be certified on interlocutory appeal to the Administrator as provided in § 173.25(a).

(d) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs therein may upon good cause shown, so move the Administrative Law Judge or the Administrator as appropriate pursuant to § 173.14(c). Such motion for leave to file briefs shall identify the interest of the movant and shall state the reasons why the proposed amicus brief is desirable. In the event such motion is granted, the Administrative Law Judge or Administrator shall issue an order setting the time for filing such brief. An amicus curiae shall be eligible to participate in any briefing following the granting of his motion, and shall be served with all briefs, reply briefs, motions and orders relating to issues to be briefed.

§ 173.13 Consolidation and severance.

(a) *Consolidation.* The Chief Administrative Law Judge may by motion or sua sponte, consolidate any or all matters at issue in two or more proceedings docketed under these rules of practice where there exist common parties, common questions of fact and law, and where such consolidation would expedite or simplify consideration of the issues. Consolidation may also be effected where separate claims for use of the same test data are made against different respondents. Consolidation shall not prejudice any rights granted parties to proceedings conducted under these rules of practice and shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(b) *Severance.* The Administrative Law Judge may, by motion or sua sponte, for good cause shown order any proceeding severed with respect to some or all parties or issues.

JUN 20 77
UM

§ 173.14 Motions.

(a) *General.* All motions, except those made orally on the record during a hearing, shall (1) be in writing; (2) state with particularity the grounds therefor; (3) set forth the relief of order sought; and (4) be accompanied by any affidavit, certificate or other evidence relied upon. Such motions shall be served in accordance with the provisions of § 173.04(a).

(b) *Response to motions.* Except as otherwise provided by the Administrative Law Judge or the Administrator as appropriate pursuant to § 173.14(c), any party may file a response in support of or in opposition to any written motion within ten (10) days after service of such motion. This response shall be accompanied by any affidavit, certificate, or other evidence relied upon. If no response is filed within the designated period, the parties shall be deemed to have waived any objection to the granting of the motion. The Administrative Law Judge or the Administrator, as appropriate may set a different time for response, or make such other orders concerning the disposition of motions as he deems appropriate.

(c) *Ruling.* The Administrative Law Judge shall rule upon all motions until the Administrative Law Judge has filed an initial decision. The Administrator shall rule on all motions filed after the issuance of the initial decision.

PREHEARING PROCEDURES

§ 173.15 Prehearing conference.

(a) *Purpose of prehearing conference.* When it appears that such procedure will expedite the proceeding, the Administrative Law Judge, at any time prior to the commencement of the hearing, may request the parties and their counsel or other representative to appear at a conference before him to consider:

(1) The possibility of settlement of the case;

(2) The simplification of issues and stipulation of facts not in dispute;

(3) The necessity or desirability of amending or supplementing documents in the record;

(4) The possibility of obtaining admissions or stipulations of fact and of documents which will avoid unnecessary proof;

(5) The limitation of the number of expert or other witnesses;

(6) The setting of a time and place for the public hearing, given consideration to the convenience of all parties and to the public interest; and

(7) Any other matters as may expedite the disposition of the proceeding.

(b) *Exchange of witness lists and documents.* Unless otherwise ordered by the Administrative Law Judge each party at the prehearing conference shall make available to each other party the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony and copies of all documents and exhibits which the party intends to introduce into evidence, which documents shall be marked for identification as ordered by the Administrative Law Judge. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended only upon motion by a party for good cause shown.

(c) *Record of the prehearing conference:* No transcript of any prehearing conference shall be made unless ordered upon motion of a party or sua sponte by the Administrative Law Judge. In the absence of a transcript, the Administrative Law Judge shall prepare and file a report of the action taken at such conference. Such report shall incorporate any writen stipulations or agreements made by the parties, all rulings upon matters considered at such conference, and appropriate orders containing directions to the parties. Such report shall, as appropriate, direct the subsequent course of the proceeding, unless modified by the Administrative Law Judge, on motion or sua sponte.

§ 173.16 Prehearing correspondence.

Where circumstances render a prehearing conference unnecessary or impracticable, or when the Administrative Law Judge decides that correspondence with the parties may accomplish any of the objectives of a prehearing conference he may, on motion or sua sponte, request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in § 173.15. The Administrative Law Judge shall include such correspondence as part of the proceeding and a written summary of any stipulation or agreements reached by means of such correspondence as provided in § 173.15(c). Following such correspondence the Administrative Law Judge may if he considers it desirable or necessary order a prehearing conference with the parties.

HEARING PROCEDURES

§ 173.17 Scheduling of hearing.

(a) *Notice of hearing.* The Administrative Law Judge shall after consideration of the convenience of the parties, serve upon the parties a notice of hearing setting a time and place for such hearing.

(b) *Postponement of hearing.* Except for good cause shown, no request for postponement of a hearing will be granted. Such request must be received in writing at least five (5) days in advance of the time set for the hearing. In case of postponement, the hearing shall be rescheduled for a date as early as circumstances will permit.

§ 173.18 Evidence.

(a) *General.* The Administrative Law Judge shall admit all evidence which is relevant, competent and material, and is not unduly repetitious. Relevant, competent, and material evidence may be received at the hearing although such evidence may be inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given all evidence shall be determined by its reliability and probative value. In the presentation, admission, disposition, and use of evidence, the Administrative Law Judge shall preserve the confidentiality of trade secrets and other privileged commercial and financial information, pursuant to section 10 of the Act. The confidential or trade secret status of any evidence shall not, however, preclude its being introduced into evidence. The Administrative Law Judge may make such orders as may be necessary to consider such evidence in camera, including the preparation of a supplemental initial decision to consider questions of fact and conclusions regarding material issues of law, fact, or discretion which arise out of that portion of the evidence which is confidential or which includes trade secrets.

(b) *Order to produce.* For good cause, motion or sua sponte, the Administrative Law Judge may order a party, or an officer or agent thereof, to produce testimony, documents, or other non-privileged evidence and failing the production thereof without good cause being shown, adverse inferences may be drawn against such party.

(c) *Examination of witnesses.* Except as otherwise provided in these rules of practice or by the Administrative Law Judge, witnesses shall be examined orally, under oath or affirmation. Parties shall have the right to cross-examine a witness who appears at the hearing provided that such cross-examination is not unduly repetitious.

(d) *Verified statements.* The Administrative Law Judge may admit and insert into the record as direct evidence in lieu of oral testimony, statements of fact or opinion prepared by a witness. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced under oral examination. The witness shall swear to or affirm the statement and shall be subject to oral cross-examination on the contents thereof. Before any such statement is read or admitted into evidence, the witness shall deliver a copy of the statement to the Administrative Law Judge, the reporter, and other parties to the proceeding. Such statements shall not be admitted when it appears to the Administrative Law Judge that the memory or the demeanor of the witness is of importance.

(e) *Admissibility.* Evidence shall be admissible to show that claimant has agreed to accept payment from another person for use of the test data in question which was used in support of another application for registration. Evidence shall also be admissible to show that a determination for compensation has been made by the Administrator or a court in favor of claimant against another person for use of the test data in question in support of another application for registration.

(f) *Exhibits.* Except where the Administrative Law Judge finds it impracticable, an original and two copies of each exhibit shall be filed at the time the exhibit is offered into evidence and a copy shall be furnished to each party. A true copy of an exhibit may be substituted for the original.

(g) *Official notice.* Official notice may be taken of any matter judicially noticed in the Federal courts, and of other facts within the specialized knowledge and experience of the Agency. The parties shall be given adequate opportunity to show that such facts are erroneously noticed.

§ 173.19 Objections and offers of proof.

(a) *Objections.* Any objection concerning the conduct of the hearing, the admission or rejection of evidence, the limitation of the slope of any examination or cross-examination, or a ruling by the Administrative Law Judge, may be stated orally if on the record, or in writing. The party raising the objection must supply a short statement of the grounds for the objection. The ruling and the reasons given therefore by the Administrative Law Judge on any objection shall be a part of the transcript. An automatic exception is not waived by further participation in the hearing.

(b) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. The offer of proof for excluded documents or exhibits shall consist of the insertion in the record of the document(s) or exhibit(s) excluded. Where the Administrator decides the ruling of the Administrative Law Judge in excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Administrator may evaluate such improperly excluded evidence in preparing his final order. In the event that the Administrator in the preparation of his final order relies upon any evidence excluded at the hearing by the Administrative Law Judge, he shall explicitly identify in the final order any such excluded evidence relied upon and his reasons therefore.

§ 173.20 Burden of presentation; burden of persuasion.

The claimant shall have the burden of going forward and the burden of proof to establish his entitlement to a reasonable amount of compensation that respondent should pay for use of the test data relied upon. Each matter of controversy shall be decided by the Administrative Law Judge upon a preponderance of the evidence.

§ 173.21 Filing of transcripts.

The hearing shall be transcribed verbatim. Promptly following the taking of the last evidence, the reporter shall transmit to the Hearing Clerk as many copies of the transcript of testimony as are called for in the reporter's contract with the Agency, and shall transmit to the Administrative Law Judge the original transcript. A party to the proceeding may purchase a copy of the transcript from the Hearing Clerk upon payment of the costs of reproduction of such transcript.

§ 173.22 Filing of briefs, proposed findings of fact and conclusions of law, and proposed order.

Unless otherwise ordered by the Administrative Law Judge, each party may within thirty (30) days after delivery of the transcript of a hearing to the Hearing Clerk as provided in § 173.21, file with the Hearing Clerk and serve upon all other parties, proposed findings of fact, conclusions regarding material issues of law, fact, or discretion, a proposed order based solely upon the record, and a brief in support thereof, together with references to relevant exhibits. Within fifteen (15) days thereafter each party may file a reply brief concerning matters contained in opposing briefs and containing alternative findings of fact, conclusions regarding material issues of law, fact, or discretion and proposed orders. Oral argument may be had at the discretion of the Administrative Law Judge in motion of any party or sua sponte.

ACCELERATED OR INITIAL DECISION

§ 173.23 Accelerated decision.

(a) *General.* The Administrative Law Judge upon motion or sua sponte, may at any time render an accelerated decision in favor of claimant or respondent as to all or any portion of the proceeding, without further proceedings or upon such limited additional evidence such as affidavits as he may require, under any of the following conditions:

(1) Failure to state a claim upon which relief can be granted, or direct or collateral estoppel;

(2) There is no genuine issue of any material fact and a party is entitled to judgment as a matter of law; or

(3) Such other and further reasons as are just.

(b) *Effect.* (1) In the event an accelerated decision is issued by the Administrative Law Judge, the decision shall be treated for the purpose of these rules of practice in the same manner as an initial decision of the Administrative Law Judge rendered after completion of a hearing under § 173.24.

§ 173.24 Initial decision.

(a) *Contents of initial decision.* The Administrative Law Judge shall as soon as practicable after the filing of briefs evaluate the record before him, and prepare and file his initial decision with the Hearing Clerk. The initial decision shall contain his findings of fact, and conclusions regarding all material issues of law, fact or discretion including the matters set forth in § 162.9(h) of this chapter, as well as reasons therefore. In accordance with § 162.9(i) of this chapter, the initial decision shall make a determination as to the reasonable compensation respondent must pay to claimant for producing the test data relied upon including the amount and method of payment, and such other terms and conditions as may be reasonable under the circumstances and equitable to the parties. In so doing, the Administrative Law Judge may require the furnishing of a bond or other guarantee of payment by the respondent to the claimant.

(b) *Effect of initial decision.* The initial decision of the Administrative Law Judge shall become the final order of the Administrator within forty-five (45) days after transmission thereof by the Hearing Clerk to the Administrator and without further proceedings unless (1) an appeal to the Administrator is taken from it by a party to the proceedings, or (2) the Administrator elects, sua sponte, to review the initial decision.

APPEALS AND ADMINISTRATIVE REVIEW

§ 173.25 Appeal from or review of interlocutory orders or rulings.

(a) *Request for interlocutory appeal.* Except as provided in this section, appeals to the Administrator shall obtain as a matter of right only from an initial decision of the Administrative Law Judge. Appeals from other orders or rulings shall lie only if the Administrative Law Judge, upon motion of a party, certifies such orders or rulings to the Administrator on appeal. Requests to the Administrative Law Judge for such certification shall be filed in writing within five (5) days of notice of the ruling or service of the order and shall state briefly the grounds to be relied upon on appeal.

(b) *Availability of interlocutory appeal.* The Administrative Law Judge may certify a ruling for appeal to the Administrator when (1) the order or ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinions; and (2) either (i) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding, or (ii) review after the initial or accelerated decision is issued will be inadequate or ineffective.

(c) *Decision.* If the Administrator determines that certification was improvidently granted, or if he takes no action within twenty (20) days of the certification, the appeal shall be deemed dismissed. When the Administrative Law Judge declines to certify an order or ruling to the Administrator on interlocutory appeal, it may be reviewed by the Administrator only upon appeal from the initial decision, except when the Administrator determines, upon motion of a party and in exceptional circumstances, that to delay review would be deleterious to the public interest. Such motion shall be made within five (5) days of service of an order or notice of ruling of the Administrative Law Judge refusing to certify a ruling for interlocutory appeal to the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submissions made to the Administrative Law Judge. The Administrator may, however, allow further briefs and oral argument.

(d) *Stay of proceedings.* The Administrative Law Judge may stay the proceedings pending a decision by the Administrator upon an order of ruling certified by the Administrative Law Judge for an interlocutory appeal, or upon the denial of such a certification by the Administrative Law Judge. Except in extraordinary circumstances proceedings will not be stayed.

§ 173.26 Appeal from or review of initial decisions.

(a) *Exceptions and request for oral argument.* (1) Within twenty (20) days

JUN 20 1977 UM

after service of the Administrative Law Judge's initial decision, any party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Administrator. Appeal may be made by filing exceptions in writing with the Hearing Clerk. Such exceptions shall contain alternative findings of fact, conclusions regarding material issues of law, fact or discretion and a proposed order together with references to the relevant pages of the record and initial decision. A copy of each such document taking exception to the initial decision shall be served upon each other party and amicus curial. Within the same period of time each party filing exceptions and amicus curiae shall file with the Hearing Clerk and shall serve upon all parties a brief concerning each of the exceptions being appealed. The party shall include in its brief, page references to the relevant portions of the record and to the Administrative Law Judge's initial decision.

(2) Within ten (10) days of the service of exceptions and briefs under paragraph (a)(1) of this section, any other party or amicus curiae may file and serve a reply brief responding to exceptions or arguments raised by any party, together with references to the relevant portions of the record, initial decision, or opposing brief. Reply briefs shall not, however, raise additional exceptions.

(b) *Sua sponte review by Administrator.* Whenever the Administrator determines sua sponte to review an initial decision, notice of such intention shall be served upon the parties by the Hearing Clerk within forty-five (45) days after the date of service of the initial decision. Such notice shall include a statement of issues to be briefed by the parties and a time schedule for the service and filing of briefs.

(c) *Scope of appeal or review.* Except when the Administrator determines that additional issues should be argued, the appeal of the initial decision shall be limited to the issues raised by appellant. Where it is determined that additional issues should be argued, counsel for the parties shall be given reasonable written notice of such determination to permit preparation of adequate argument.

(d) *Argument before the Administrator.* A party who has filed exceptions may therein request oral argument which the Administrator, in his discretion, may grant or deny. Failure of a party to request oral argument on the exceptions filed shall constitute a waiver of oral argument. The Administrator may, nonetheless, sua sponte, set a matter for oral argument. The time and place for such oral argument, if granted, shall be assigned after giving consideration to the convenience of the parties.

§ 173.27 Final order.

If a party to the proceeding takes an appeal to the Administrator from the initial decision of the Administrative Law Judge, or the Administrator sua sponte, reviews such decision the Administrator as soon as practicable after service upon him of the initial decision, shall issue his final order. Such final order may accept or reject all or part of the initial decision. The final order shall include findings of fact and conclusions regarding material issues of law, fact, or discretion as well as reasons therefor and shall make a determination as to the reasonable compensation, if any, that respondent must pay to the claimant for producing the test data relied upon, the method of payment, and, may fix such other terms and conditions as may be reasonable under the circumstances and equitable to the parties, including the furnishing of a bond or other guarantee of payment by the respondent to the claimant.

MOTION TO RECONSIDER

§ 173.28 Motion to reopen hearings; to rehear or reargue proceedings; or to reconsider.

(a) *Filing and service.* A motion to reopen a hearing to take further evidence, to rehear or reargue any matter related to such proceeding, or to reconsider any final order, must be made by motion to the Administrator or the Administrative Law Judge, in accordance with § 173.14, and filed with the Hearing Clerk. Every such motion must state the specific grounds upon which relief is sought.

(b) *Motion to reopen hearing.* A motion to reopen a hearing for the purpose of taking further evidence may be filed at any time prior to the issuance of the Administrator's final order. Such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Motion to rehear, reargue, or reconsider.* Motions to rehear or reargue any matter related to a hearing or to reconsider the final order shall be filed within ten (10) days after the date of service of the final order. Such motion must state specifically the matters claimed to have been erroneously decided. The nature of any alleged error must be briefly stated.

§ 173.29 Procedure for disposition of motions.

Within ten (10) days following the service of any motion provided for in § 173.27 any other party to the proceeding may file with the Hearing Clerk and serve on all other parties an answer thereto. As soon as practicable thereafter, the Administrator or the Administrative Law Judge, as appropriate shall announce his intent to grant or to deny such motion. Unless the Administrator determines otherwise, implementation of the final order shall not be stayed pending the decision to grant or to deny the motion. The conduct of any proceeding which may be required as a result of the granting of any motion allowed in this section shall be governed by the provisions of the applicable section of these rules.

APPENDIX I—DRAFT SUPPORTING DATA CITATION FORM

DRAFT

U.S. ENVIRONMENTAL PROTECTION AGENCY OFFICE OF PESTICIDE PROGRAMS REGISTRATION DIVISION (TS-767) WASHINGTON, D.C. 20460	SUPPORTING DATA CITATION (see reverse for directions)	1. PAGE____OF____PAGES 2. EPA USE ONLY

SECTION A: IDENTIFICATION OF THE APPLICATION SUPPORTED

3. PRODUCT NAME	4. DATE SUBMITTED	5. COMPANY/REGISTRATION #

SECTION B. IDENTIFICATION OF THE SPECIFIC TEST PERFORMED

6. TEST INDEX NUMBER	7. TEST NAME	8. EPA CATALOG NUMBER
9. TESTED ON	10. TO CONTROL	11. OTHER DESCRIPTOR

SECTION C. IDENTIFICATION OF THE PERSON WHO PERFORMED THE TEST

12. TEST CONDUCTED BY (NAME AND ADDRESS)	13. COMPANY NUMBER	14. DATE OF TEST
	15. APPLICANT TEST IDENTIFIER	

SECTION D: IDENTIFICATION OF THE SUBSTANCE TESTED

16. CHEMICAL	CHEMICAL	%	EPA USE ONLY
A			
B			
C			
D			
E			
F			
G			
H			
I			
J			
K			

17. NATURE OF THE MATERIAL TESTED ☐ TECHNICAL ☐ METABOLITE ☐ FORMULATED PRODUCT (specify in 18) ☐ OTHER(specify)____	18. FORMULATION	19. REGISTRATION NUMBER (if previously registered)

SECTION E: REFERENCE CITATION FOR PREVIOUSLY SUBMITTED DATA

20. IDENTIFICATION OF ORIGINAL SUMMITTER (NAME & ADDRESS)	21. DATE OF ORIGINAL SUBMISSION	22. REGISTRATION NUMBER
	23. EXPERIMENTAL PERMIT NUMBER	24. PETITION NUMBER

SECTION F: CERTIFICATION OF STATUS

25. CATEGORY OF DATA (CHECK ONE ONLY) ☐ CATEGORY I ☐ CATEGORY II ☐ CATEGORY III ☐ CATEGORY IV	26. TRADE SECRET STATUS (FOR INITIAL DATA SUBMISSIONS ONLY) IS CONFIDENTIAL TRADE SECRET STATUS CLAIMED FOR ANY PORTION OF THIS TEST DATA ☐ YES ☐ NO

27. CATEGORY I OR II CERTIFICATION	28. CATEGORY III CERTIFICATION	29. CATEGORY IV CERTIFICATION
The undersigned hereby certifies that to the best of his knowledge and belief for the purposes of Section 3(c)(1)(D) of FIFRA, as amended, he has the unqualified right to rely on the data described above to support this application, without either compensation to or consent of any other party.	The undersigned hereby irrevocably consents to the Administrator's consideration of the data described above in support of the identified application. The undersigned hereby certifies that, to the best of his knowledge and belief, for the purposes of Section 3(c)(1)(D) of FIFRA, as amended, there is no other person whose consent to the use of this data is required.	The undersigned hereby offers to pay, to the extent provided in Section 3(c)(1)(D) of FIFRA, as amended, and the regulations thereunder, compensation in the amount and on the terms determined by the Administrator or the appropriate federal court to be reasonable under the circumstances for use of the data described above to support this application. The undersigned further certifies that this offer has been made directly to each person known by the undersigned to be the person(s) from whom EPA received this data for the first time in support of an application on or after January 1, 1970, thereby providing him notice of his intent to rely on the data.
27A. SIGNATURE	28A. SIGNATURE	29A SIGNATURE
27B TYPED NAME, TITLE, AND DATE	28B. TYPED NAME, TITLE, AND DATE	29B. TYPED NAME, TITLE, AND DATE

EPA FORM 6570-

V42N118 JUN 20 77 UM

DIRECTIONS

Prior to the preparation of the supporting data portion of a pesticide application, you should become familiar with the data requirements. The general requirements are stated in the Federal Insecticide, Fungicide, and Rodenticid Act, as amended; and in the implementing regulations. The specific data requirements are explained in the Registratio Guidelines. Additional assistance is available in the EPA Regional Offices or from the EPA Registration Division (WH-567) Washington, D.C. 20460.

A list of the tests cited should be prepared as an index to the Supporting Data Citation forms. The list should specify each test and the page number of the corresponding form.

Supporting Data Citation forms must be submitted wheter the actual data is submitted or cited.

One form must be completed for each test submitted.

Forms submitted must contain original signatures in the certification box.

DRAFT

SPECIFIC DIRECTIONS

Box 1. Consecutively number all citation sheets being submitted with the application.

THE APPLICATION

Box 2. For EPA use only.

SECTION A: IDENTIFICATION OF THE APPLICATION SUPPORTED.

Box 3. Specify the name of the product in support of which the data is submitted.
Box 4. Specify the date the supported application is being submitted.
Box 5. Specify the product registration number, file symbol, or company number of the product in support of which the data is submitted.

SECTION B: IDENTIFICATION OF THE SPECIFIC TEST PERFORMED.

Box 6. Specify the test index number used in the Registration Guidelines and the EPA Data Catalog for the specific data requirement.
Box 7. Specify the test name used in the Registration Guidelines and the EPA Data Catalog for the specific data requirement.
Box 8. For data being cited from the EPA Data Catalog specify the catalog test number for the specific test cited.
Box 9. Specify the test organism or application site as appropriate.
Box 10. When appropriate, specify the pest against which the test is being conducted.
Box 11. Identify the method of application or other descriptor necessary to identify the test.

SECTION C: IDENTIFICATION OF THE PERSON WHO PERFORMED THE TEST.

Box 12. Specify the individual or organization that performed the test. If the test was conducted by a university, experiment station, or independent laboratory, state the name and address. If the test was performed by the applicant or a previous applicant, state the company name and address.
Box 13. If the individual/organization that conducted the test has been assigned a company number, insert the number in Box 13.
Box 14. Specify when the test was conducted. If the test took longer than one day specify the first day of the test.
Box 15. If you have a code number or other identifier for the test, place it in Box 15.

SECTION D: IDENTIFICATION OF THE SUBSTANCE TESTED.

Box 16. List the active ingredients in the material tested. List one ingredient per line and specify the percentage of that ingredient in the material tested. Do not specify any inerts or other confidential information.
Box 17. Specify the nature of the material tested.
Box 18. If the material tested was a formulated material, specify the formulation type in Box 18.
Box 19. If the material tested has previously been registered specify the registration number.

SECTION E: REFERENCE CITATION FOR PREVIOUSLY SUBMITTED DATA.

Box 20. When citing data previously submitted to the Agency specify the name and address of the original submitter.
Box 21. Specify the date the cited data was originally submitted to the Agency or its predecessors.
Box 22-24. Specify, as appropriate, the registration number, petition number, or experimental permit number under which the data was originally submitted.

SECTION F: CERTIFICATION OF STATUS.

Box 25. Select the appropriate catagory of data from the following list and mark the appropriate box.
Catagory I includes all data first submitted to the Agency in support of an Application for Registration before January 1, 1970.
Catagory II includes all data not within Data Catagory I which were produced at the expense of the applicant alone.
Catagory III includes all data not within Data Catagory I or II which is accompanied by a Consent Statement as set forth in Box 28.
Catagory IV includes all data not within Data Catagories I, II, or III.
Box 26. For data beiog submitted to the Agency for the first time with this application, specify whether trade secrec status is claimed for the data.
Box 27. For data submitted under Catagory I or II the applicant must sign the certification in Box 27A. (See Notice Bel:
Box 28. For data submitted under Catagory III the owner of the data must sign the certification in Box 28A. (See Notice Below)
Box 29. For data submitted under Catagory IV the applicant must sign in Box 29A. (See Notice Below)
NOTICE: The statements must be signed as indicated by the applicant or consenting party or if, such person is a corporation or other juridicial person, an individual with authority to act on behalf of the applicant. Signature of any of these statements constitutes certification by the signing party of his understanding that if any of the statements which he signs are known by him to be false, he may be subject to criminal penalty under 18 U.S.C. § 1001, criminal or civil penalty under 7 U.S.C. §136j (a)(2)(M), or both.

Supporting Data Citation (reverse)

APPENDIX II

FIFRA section 25(a)(2)(A) requires the Administrator to provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. The comments of the Secretary and the Administrator's response thereto are published below.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, December 21, 1976.

Hon. RUSSELL E. TRAIN,
Administrator, U.S. Environmental Protection Agency, Waterside Mall, Room W1200 A 100, Washington, D.C.

DEAR MR. TRAIN: Enclosed are comments on the proposed draft of regulations to implement Section 3(c)(1)(D) of FIFRA, as amended. This response is pursuant to the Congressional provision for review and comment by the Secretary of Agriculture. We believe these suggestions will be helpful to your Agency in developing the final proposal. Our major concern is that this implementation of the data compensation provision may increase the already complex burden of registering and reregistering pesticides.

Please be assured that this Department wants to assist EPA in every way possible in its important role of implementing the FIFRA, as amended.

Sincerely,

JOHN A. KNEBEL,
Secretary.

Enclosure.

USDA COMMENTS ON THE EPA DRAFT OF SECTION 3(c)(1)(D) REGULATIONS

The U.S. Department of Agriculture has made major commitments for assisting EPA in the implementation of FIFRA, as amended, in the areas where USDA has primary interests and expertise. These commitments include providing scientific information regarding the need for pest control, the best techniques for such control, research in many areas relating to the use of pesticides and their fate in the environment, and the education of applicators and users of pesticides. In compliance with the provisions of Section 25(a)(2)(A) of FIFRA, as amended, we are submitting these comments in response to your proposed regulations to implement the provisions of Section 3(c)(1)(D).

The provisions of Section 3(c)(1)(D) and the regulations promulgated thereunder are primarily a concern of firms engaged in the business of producing and formulating pesticides and pesticide products. While the Department is sensitive to these concerns, it shares an interest with EPA in the expeditious registration and reregistration of pesticides that should be registered under the provisions of FIFRA, as amended, (*e.g.* pesticides that are efficacious and do not cause unreasonable adverse effects on the environment).

Any regulation that causes an undue impediment to the registration of pesticides would be counterproductive. Accordingly, we are concerned that regulations on compensation fully effectuate both the spirit and the intent of the statutory mandate that "(r)egistration shall not be delayed pending the determination of reasonable compensation between the applicants, by the Administrator, or by the court." We firmly believe that regulations which dissuade prospective applicants from using reliable data generated by another person to support an application for registration would constitute a great disservice to the public interest, and contravene the Congressional purpose underlying the enactment of Section 3(c)(1)(D).

The effect of the proposed regulations on American agriculture cannot be discerned with sufficient accuracy to enable this Department to make detailed comments at this time. Issues such as the identification of trade secrets and the applicability of dates which determine the rights of parties regarding compensation for use of data are in litigation. In addition the regulations require additional and extensive paperwork both by applicants for registration and claimants for compensation. This requirement is likely to deter applicants from registering products and may result in significantly increased costs.

USDA is concerned about the implementation of any regulation which would unnecessarily impinge on the availability of pesticide products, interfere with continued efficient agricultural production, or work to the detriment of the American farmer.

While we recognize the possibility that the American farmer may have to pay more money for pesticides as a result of the provisions of Section 3(c)(1)(D), we realize that manufacturers whose registration data are used by others should be compensated in an equitable manner. All benefactors of the development of data essential to registration should bear a fair share of the financial burden of generating that data. The primary goal should be to encourage continued research by the private sector to develop new and improved pesticides for pest control.

While the proposed regulations indicate some awareness of a need for criteria, they do not specify the criteria that will be applied to define reasonable compensation nor do they establish simple methodolgy for determining such compensation. Persons may desire to use compensable data but be unable to identify the owner(s) or, having ascertained the owner(s) be unable to negotiate an agreement on compensation. Such prospective applicants are left in a serious quandary regarding whether or not to rely on another's data with a binding commitment to pay. They are unable to be certain of the basis on which your agency will decide the matter of compensation after the registration is granted, and thus the actual cost of using the data. Fundamental guidelines establishing the basis for adjudging compensation would greatly minimize the dilemma that now exists, and we believe that the promulgation of such guidelines by your agency under Section 3(c)(1)(D) would greatly facilitate the using of data generated by others to support new registrations.

The identification of information to be considered as trade secrets or confidential, under Section 10 of FIFRA, as amended, should be resolved before the issuance of regulations under Section 3(c)(1)(D) because such a definition is inextricable from considerations applicable to ascertaining the scope of those data that are compensable. In September 1976 in a talk given to the Pesticide Formulators Association, an EPA official indicated that 10 cases involving the question of trade secrets were in the courts. The statement was made that these pending court actions involve thousands of products on which no registration or reregistration action can be taken and that "(t)rade secret questions may prove to be the most difficult problem we have in the long run and may require legislative changes."

While it is recognized that the matter of trade secrets, as they are involved in the court actions, is not specifically an item under Section 3(c)(1)(D), nevertheless they are related to the requirements of the Section. The Department has a deep concern that the initiation of court actions has prevented EPA from carrying out its mandate to register pesticides and is preventing American agriculture from utilizing these materials.

The requirement that a form be filed for each item of data submitted may prove unduly burdensome on applicants and on EPA. Consideration should be given to methods of reducing the paperwork required, especially in the case where numerous items are being cited, all are derived from one registrant, and particularly when consent has been given for all the data relied on by the applicant.

A proposal and policy which will require the applicant for registration to specifically identify each piece of data that is to be considered in the evaluation of the proposed product registration, the requirement that each claimant also identify each specific item of data, plus the requirement to file written reports regarding this data irrespective of the date of production of the data, appears to be extremely time-consuming and may go beyond the intent and purpose of Section 3(c)(1)(D). In the case of the older pesticides, it may not be possible to adequately identify the source of the data by either the applicant or the claimant. In Senate Report No. 94-452, the Committee expressed the view that "old data" should not be compensable.

"In view of its purpose, it would seem sound not to require cost sharing with respect to "old data". To make the provision applicable to "old data" could create a windfall for producers of this data since such data was prepared without any reasonable expectation that the law would require sharing of the costs of production." (94th Cong., 1st Sess., Sen. Rpt. No. 94-452, at p. 10)

The financial burden for the applicant may be greater in identifying the data, item by item, prior to completion of "EPA Data Catalog" than the initial registrant's claim for compensation. There does not appear to be any provision for an agreement covering "data packages" rather than individual items.

The definitions in the regulations, Sections 162.9(a)(5) and 162.9(a)(6) (ii) and (iii) are unnecessarily broad and may lead to disputes over the use of data. Section 162.9(a)(5) could be amended by adding the phrase "pertinent to the proposed registration" at the end of the first line. It is unlikely that EPA would rely on data which are not cited with some specificity. Sections 162.9(a)(6) (ii) and (iii) could be amended to delete the words "or implicitly" at the end of the last line of each section. Since it was the intent that the required cost sharing should be for the cost of data required to obtain or continue a registration, Section 162.9(a) (6) and (7) could be modified to identify the data required, requested, and used by EPA in consideration of a registration.

The proposed rules of practice under Section 3(c)(1)(D) include references to the legal concepts of "material issues of law or fact" and include an additional "material issue of discretion." The meaning of the latter term will be a source of confusion and controversy. It should be omitted as superfluous or it should be defined for purposes of Section 3(c)(1)(D) administrative proceedings.

In the development of information on the efficacy, phytotoxicity, residues, and similar data, it has been a normal practice to utilize the cooperative programs of the State and Federal governments. While this information may eventually be published, and therefore become public knowledge, not all of it is published prior to use in the registration process. Because of the public support of the development of this information, one could question how to go about determining the amount of compensation and to

V42NH8 JUN 20 77 UM

whom the compensation should be paid. Consideration should be given to providing an exemption from the requirement of compensation for information developed with public monies.

As the regulations for the registration of pesticides have been promulgated, under FIFRA, as amended, it has become apparent that registrations of pesticides for "minor uses" have become more difficult to obtain both from the standpoint of the additional data requirements and registrant's interests. The problem appears to be primarily one of economics. For the potential supplier of the minor use pesticide, it is obvious that any additional economic requirements will further reduce the interest and participation in the "minor use" program.

Specifically, controversies on the required payment for data, could seriously delay or stop registration of minor use pesticides due to the regulations under Section 3(c)(1)(D). When the applicant for the minor use registration is the supplier of the data on a major use on a particular active ingredient, he can use his original data to support the minor use registration. However, in many cases, because only small quantities of registered products are required, the minor use applicant will be a different party, usually a smaller company, and Section 3(c)(1)(D) could enter the picture. Besides the time-consuming delays in proceeding to registration we also have the question of the size of payment. Unless the volume of anticipated use of the pesticide is a factor in determining compensation, the minor use applicant probably cannot affort the cost of data to support his low volume registration and he will not move forward with his application.

The joint commitment of EPA and this Department with respect to the registration of the minor uses of pesticides can be seriously handicapped if the proposed regulations do not accommodate this important use of pesticides.

RESPONSE OF THE ADMINISTRATOR

1. The Secretary requests that the Agency specify the criteria that will be used to determine reasonable compensation and establish a simple methodology for determining such compensation. He recommends that the Agency publish guidelines in this regard.

Response: As is explained in the Preamble, the Agency has evaluated the feasibility of establishing in these regulations substantive standards governing the amount and method of compensation and has concluded, on the basis of available information, that a precise formula for determining reasonable compensation is not practicable at this time. We expect that widely divergent theories of data valuation and compensation will be proposed and that widely divergent factual situations will be involved in the various claims. Therefore it seems more desirable that the initial determinations of the Administrative Law Judge and the Administrator be governed solely by the statutory standard of "reasonable compensation for producing the test data," as applied to the particular circumstances of each case. After some disputed claims for compensation have been decided, the Agency may be in a position to state substantive rules governing the determination of reasonable compensation. At the present time we have set forth in the Preamble various factors which have been suggested as appropriate for consideration in determining the amount, method and terms of reasonable compensation. These various factors are intended to serve as "guidelines" of the types of factors which the Administrator may consider in setting reasonable compensation.

In response to this comment, the Agency has modified the Preamble to explicitly solicit the submission of a precise formula for determining the amount and method of reasonable compensation and comment regarding the factors appropriate to this determination.

2. The Secretary recommends that the identification of information which is entitled to confidential treatment under section 10 of FIFRA should be resolved before the issuance of these regulations.

Response: The Agency has by memorandum[1] outlined the types of data which in its opinion are entitled to confidential treatment under FIFRA, section 10. As the Secretary points out, various lawsuits have been brought regarding this memorandum. The Environmental Protection Agency and the Department of Justice are pursuing this litigation with all possible speed. To delay issuance of these regulations pending resolution of these lawsuits (which may eventually be decided by the Supreme Court) would serve no useful purpose since the matter of what information is entitled to confidential treatment is not addressed in these regulations.

3. The Secretary suggests that it should not be necessary to complete a separate form for each item of data if all the data referenced by an applicant is derived from one registrant, particularly when consent has been given for use of the data.

Response: The Agency agrees that the paperwork required to support an application should be minimized whenever possible. We have determined, however, that requiring a separate form for each item of data will result in the most efficient registration process and will avoid questions which would, in fact, lead to greater amounts of paperwork.

4. The Secretary suggests that an applicant should not be required to identify the data he intends to use to support his application and that a claimant should not be required to identify the data for which he intends to file a claim for compensation. The Secretary states that it may be particularly difficult to identify the source of the data in the case of older pesticides.

Response: The statutory provisions of the 1972 FIFRA, as amended in 1975, mandate that the applicant identify the data he intends to use to support his application so that (1) the Administraion will know what data to review and to determine whether the pesticide product meets the requirements of section 3 of the Act; (2) the rights of the owner of the data to confidential treatment and reasonable compensation under sections 3(c)(1)(D) and 10 may be preserved; and (3) the Administrator will be able to notify the public of what data was relied upon to support the registration action, as required by section 3(c)(2).

The claimant must identify the data for which he intends to assert a claim for compensation so that (1) a claimant previously unknown to the applicant may be identified; and (2) the applicant will be able to estimate his maximum financial exposure if he continues to rely on the data he has cited.

The Agency expects the complete EDA Data Catalog to be available within the next several months. Each piece of data previously submitted to the Agency has already been assigned a unique number. Therefore identification of available "relatively old" data will be feasible. Moreover, no claims for compensation are likely to be filed with the Agency for data first submitted in support of an application prior to January 1, 1970, because such data is not eligible for compensation.

5. The Secretary suggests that the definition of the term "test data" at section 162.9(a)(5) be amended by adding the phrase "pertinent to the propose(d) registration" to avoid disputes over the use of data.

Response: The definition of the term "test data" is an issue separate and apart from the use of data. In accordance with the present statutory framework the Administrator will only consider in support of an application that data which has been cited by the applicant on a Supporting Data Citation form. An applicant would not be expected to cite (and perhaps offer to pay reasonable compensation for) data which are not pertinent to the registration.

6. The Secretary suggests that the definition of the term "data submitted in support of an application for registration" at section 162.9(a)(6) should be amended to delete the words "or implicitly" at the end of the last line of §§ 162.9(a)(6)(i) and 162.9(a)(6)(ii). He argues thereby that only data explicitly included in an application for registration should be considered "data submitted in support of an application."

Response: The effect of this suggestion would be to require the physical resubmission of data already in the Agency's files which was first submitted on or after January 1, 1970 in support of an experimental use permit or tolerance petition which was not explicitly included in an application for registration merely for the purpose that it might be eligible for compensation. This would clearly be a needless exercise. Moreover, such a definition, would encourage owners of data first submitted to the Agency prior to January 1, 1970 in support of an experimental use permit or tolerance petition and not explicitly included in an application for registration to resubmit the data and thereby make it eligible for compensation. That clearly would be contrary to the legislative intent that data first submitted prior to January 1, 1970 is not eligible for compensation.

7. The Secretary suggests that the terms "data submitted in support of an application," § 162.9(a)(6), and "data considered in support of an application," § 162.9(a)(7), should be modified to identify the data required, requested and used by EPA in consideration of a registration.

Response: The registration guidelines will detail the data required to support the registration of a pesticide. Presumably an applicant will identify the data requirements for his particular product and either reference or submit an item of data to satisfy each requirement. There is nothing to stop an applicant from submitting additional data. Nor should there be. An applicant may possess additional information which is relevant to the registration action which should be submitted to the Agency. Moreover, pursuant to § 162.8(a)(4) of the registration regulations an applicant is required to submit any factual information regarding adverse effects of the pesticide on the environment or man which have been obtained by him or come to his attention.

An item of data does not become eligible for compensation until a subsequent applicant references it in support of an application for registration. The subsequent applicant need only reference the data required to support his application. The subsequent applicant is not required to reference data previously submitted by another applicant which though relevant to this registration is not "required to" support the application.

The Agency will consider in support of an application all data cited on a Supporting Data Citation form to determine if the requirements of the Act have been satisfied. To define the terms "data submitted in support of an application for registration" and "data considered in support of an application" in terms of the data that is required, requested and used by EPA would be to merge several processes and confuse the structure of these regulations.

8. The Secretary suggests that the terms "material issues of law or fact" and "material issue of discretion" which are used in the Rules of Practice should either be omitted as superfluous or defined.

Response: These terms are generally understood within the legal community, have been defined by case law and are within the competence of the Administrative Law Judges and the Administrator to employ in a reasonable fashion.

9. The Secretary suggests that these regulations should include an exemption from "the requirement of compensation for information developed with public monies."

Response: Data developed by state and federal agencies which was first submitted to the Agency on or after January 1, 1970, would for the purposes of these regulations fall within data category IV if the data was prepared at the expense of someone other than the applicant and submitted without a "consent statement." The company that previously submitted the data in support of an application would not be eligible for compensation because the item of data would not have been produced at its expense, § 162.9(h)(3). Moreover, in most cases the state or federal agency at whose expense the data was produced will not be able to claim compensation because their agency would not have previously submitted the data in support of an application for registration, § 162.9(h)(5). If the state or federal agency at whose expense the item of data was produced did previously submit the data in support of an application, they would be eligible to claim reasonable compensation. Nothing, however, compels a state or federal agency to file a claim for compensation.

10. The Secretary is concerned that unless the volume of anticipated use of the pesticide is a factor in determining compensation, the applicant for a "minor use" registration will be put at a serious disadvantage and perhaps choose not to pursue registration.

Response: EPA shares USDA's concerns regarding minor use registrations. Item 7 in the Preamble list of factors suggested as appropriate for consideration in determining the amount, method and terms of reasonable compensation provides as follows: the foreseeable nature, extent and profitability from marketing of the pesticide by the applicant. This factor has been suggested in part with the interest of the minor use registrant in mind, and specifically addresses the concern raised by the Secretary.

APPENDIX III

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JANUARY 4, 1977.

Subject: Review of FIFRA Section 3(c)(1)(D) Proposed Regulations.
From: Executive Secretary, FIFRA Scientific Advisory Panel.
To: Deputy Assistant Administrator for Pesticide Programs (WH-566).

Proposed Section 3(c)(1)(D) regulations of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) were presented for consideration by the FIFRA Scientific Advisory Panel on December 10, 1976.

The FIFRA Scientific Advisory Panel waives scientific review and comment on proposed Section 3(c)(1)(D) regulations. This action was deemed appropriate in consideration of the certification by the U.S. Environmental Protection Agency that there were no questions of scientific nature involved in the regulations; and a determination made by the Panel following discussions in open session with representatives of both the Agency and the Pesticide Industry that the proposed regulations would not affect the availability or interpretation of scientific data.

H. WADE FOWLER, JR., PHD.

[FR Doc.77-17278 Filed 6-17-77;8:45 am]

[1] See, Memorandum of March 5, 1976 from Robert V. Zener, General Counsel, to Edwin L. Johnson, Deputy Assistant Administrator for Pesticide Programs entitled "Extent to which FIFRA § 10(b) requires EPA to afford confidential treatment to test data."

JUN 20 77 77 UM

federal register

MONDAY, JUNE 20, 1977

PART IV



FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

JUN 20 77

FEDERAL ELECTION COMMISSION

[Notice 1977–34, AOR 1977–25 and AOR 1977–26]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. § 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Requests 1977–25 and 1977–26 have been made public at the Commission. Copies of AOR 1977–25 and 1977–26 were made available on June 15, 1977. These copies of the advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street, NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A descriptive listing of each of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR: 1977–25: Is it necessary for a principal campaign committee, which plans for a fundraising concert to pay outstanding campaign debts, to include in radio advertisements publicizing the concert a statement that a copy of the committee's report is available for purchase from the Federal Election Commission?

Requested by Gilbert E. Matthews, Controller, Lowenstein '76 Committee, New York, New York.

AOR 1977–26: May a Senate candidate's principal campaign committee accept payment from a voter registration political committee of a State political party for services performed by the candidate who, while a candidate, actively encouraged voter registration in that State? Would payment for these services be subject to limitation under the Federal Election Campaign Act?

Requested by Timothy J. Michals, M.D., Treasurer for the Green for Senate Committee, Philadelphia, Pennsylvania.

Dated: June 14, 1977.

THOMAS E. HARRIS,
Chairman for the Federal Election Commission.

[FR Doc.77–17519 Filed 6–17–77;8:45 am]

V42 N118 JUN 20 77 UM

federal register

MONDAY, JUNE 20, 1977

PART V



INTERSTATE COMMERCE COMMISSION

■

RAILROAD COMPANIES

System Diagram Maps

V 42 N 118 JUN 20 77 UM

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 167 (SDM)

CONSOLIDATED RAIL CORPORATION

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Consolidated Rail Corporation, has filed with the Commission its color-coded system diagram map in docket No. AB 167 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 167 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.

V42N118 JUN 20 77 UM

4
New York
LONG ISLAND
Long Branch
ASBURY PARK
Elberon
Atlantic Highlands
Red Bank
Keyport
Matawan
Perth Amboy
Sayreville
Jamesburg
Monmouth Jct.
Trenton
Lambertville
Phillipsburg
Easton
Bethlehem
Allentown
Reading
Pottsville
Harrisburg
Lancaster
Philadelphia
Wilmington
Baltimore
Washington
Cape May
Atlantic City

3
VERMONT
NEW HAMPSHIRE
MASSACHUSETTS
NEW YORK
CONN.
R. I.
Albany
Troy
HUDSON RIVER
Pittsfield
Springfield
Worcester
Hartford
New Haven
Bridgeport
Stamford
Waterbury
Meriden
Middletown
Willimantic
Norwich
New London
Plainfield
Dutchess Co.
Orange Co.
Sullivan Co.
Ulster Co.
Litchfield Co.
Fairfield Co.
Hampden Co.
Hampshire Co.
Franklin Co.
Berkshire Co.
Worcester Co.
Windham Co.
Tolland Co.
New London Co.
Middlesex Co.
New Haven Co.
Litchfield Co.
Fairfield Co.

6
ULSTER CO.
Kingston
Rosendale
New Paltz
Gardiner
Walkill
Pine Bush
Cochecton
Narrowsburg
Long Eddy
Hancock
Binghamton
Chenango Forks
Norwich
Oxford
Sidney
Cortland
Homer
Cortland
Marathon
Whitney Pt.
Johnson City
Endicott
Vestal
Owego
Waverly
Elmira
Corning
Hornell
Olean
Salamanca
Jamestown
Dunkirk
Buffalo
Rochester
Syracuse
Auburn
Oswego
Utica
Rome
Oneida
Canastota
Chittenango
Fayetteville
Manlius
Tully
Cortland Co.
Chenango Co.
Broome Co.
Tioga Co.
Delaware Co.
Otsego Co.
Chemung Co.
Schuyler Co.
Steuben Co.
Allegany Co.
Cattaraugus Co.
Chautauqua Co.
Erie Co.
Niagara Co.
Orleans Co.
Genesee Co.
Wyoming Co.
Monroe Co.
Ontario Co.
Yates Co.
Seneca Co.
Wayne Co.
Cayuga Co.
Onondaga Co.
Oneida Co.
Madison Co.
Herkimer Co.
Lewis Co.
Jefferson Co.
Oswego Co.
Montgomery Co.
Fulton Co.
Schoharie Co.
Schenectady
Saratoga Springs
Glens Falls
Fort Edward
Whitehall
Poughkeepsie
Newburgh
Middletown
Port Jervis
Monticello
Liberty
Hudson
Catskill
Albany
Troy
Rensselaer
Greenport
Coxsackie
Athens
Cairo
Durham
Windham
Prattsville
Gilboa
Schoharie
Sharon Springs
Cooperstown
Richfield Springs
Morris
Unadilla
Sidney
Oxford
Norwich
Greene
Afton
Guilford
Sherburne
Hamilton
Earlville
Cazenovia
Canaseraga
Dansville
Mt. Morris
Avon
Geneseo
Caledonia
Batavia
Le Roy
Pavilion
Warsaw
Attica
Arcade
Springville
Gowanda
Salamanca
Olean
Bradford
Wellsville
Canisteo
Hornell
Addison
Corning
Painted Post
Watkins Glen
Penn Yan
Geneva
Clyde
Lyons
Newark
Palmyra
Macedon
Fairport
Pittsford
Honeoye Falls
Mt. Morris
Dansville
Nunda
Portageville
Belmont
Andover
Wellsville
Canisteo
Hornell
Addison
Corning
Painted Post
Watkins Glen
Penn Yan
Geneva
Clyde
Lyons
Newark
Palmyra
Macedon
Fairport
Pittsford
Honeoye Falls

5
St. Lucie Co.
Okeechobee
Indian River
Martin
Palm Beach
Broward
Dade
Monroe
Collier
Lee
Hendry
Glades
Highlands
Hardee
Polk
Osceola
Orange
Seminole
Volusia
Flagler
Brevard
Okeechobee
Indian River
Martin
Palm Beach
Broward
Dade
Monroe
Collier
Lee
Hendry
Glades
Highlands
Hardee
Polk
Osceola
Orange
Seminole
Volusia
Flagler
Brevard

JUN 20 77
UM

10
Gettysburg
Littlestown
Hanover
Emmitsburg
Frederick
Westminster
Taneytown
Union Bridge
Thurmont
Middleburg
Wolfsburg
Mt. Ephraim
Lock Haven
Mill Hall
Howard
Curtin
Milesburg
Bellefonte
Pleasant Gap
Lemont
Boalsburg
Oak Hall
Pine Grove Mills
Centre Hall
Penn Hall
Spring Mills
Oak Grove
Rockview
Penn State
Port Royal
Thompsontown
Mifflintown
Lewistown
Reedsville
Belleville
Kishacoquillas
Milroy
Mifflin
Burnham
Lewistown Jct.
Mapleton
Mapleton Depot
Huntingdon
Mt. Union
Shirleysburg
Orbisonia
Three Springs
Saxton
Broad Top City
Hopewell
Everett
Bedford
Schellsburg
Fishertown
Osterburg
Imler
Martinsburg
Roaring Spring
Williamsburg
Tyrone
Birmingham
Fairmount City
Clearfield
Curwensville
Irvona
Coalport
Glen Hope
Karthaus
Frenchville
Sunnyside
Westover
Ridgway
Penfield
Brockport
Brockway
Falls Creek
Sykesville
Punxsutawney
Big Run
Reynoldsville
Du Bois
Sandy Lake
Grove City
Mercer
Sharpsville
Sharon
Greenville
Transfer
Jamestown
Hadley
Clarks Mills
Fredonia
Wheatland
Sharpsburg
Shenango
New Castle
Ellwood City
Volant
Wampum
Edinburg
Portersville
Slippery Rock
Harrisville
Zelienople
Evans City
Butler
Saxonburg
Parker
Kittanning
Ford City
Templeton
Leechburg
Vandergrift
Apollo
Saltsburg
Blairsville
Derry
Latrobe
Greensburg
Irwin
Manor
Trafford
Wilmerding
Turtle Creek
Braddock
Rankin
Homestead
Duquesne
Munhall
Glassport
McKeesport
Port Vue
Elizabeth
Monongahela
Charleroi
Donora
Webster
Belle Vernon
Fayette City
Perryopolis
Uniontown
Connellsville
Dawson
Normalville
Mt. Pleasant
Scottdale
Jeannette

(12)
(11)
Buffalo
Washington
Baltimore
Pittsburgh
Erie
Hagerstown
Williamsport
Martinsburg
Tabers
Inwood
Cleaborne
WINCHESTER
Cumberland
Frostburg
Oakland
Grantsville
Meyersdale
Somerset
Johnstown
Altoona
Bedford
Everett
Chambersburg
Gettysburg
Carlisle
Harrisburg
Lancaster
Reading
Allentown
Bethlehem
Easton
Scranton
Wilkes-Barre
Hazleton
Pottsville
Williamsport
Lock Haven
Bradford
Olean
Jamestown
Dunkirk
Fredonia
Westfield
Hornell
Corning
Elmira
Binghamton
Oneonta
Cooperstown
Utica
Rome
Syracuse
Auburn
Geneva
Canandaigua
Rochester
Batavia
Niagara Falls
Lockport
Tonawanda
Suspension Bridge
NIAGARA FALLS
Victoria Park
Montrose
Welland
Port Erie
Stevensville
Fort Erie
Crystal Beach
Port Colborne
Dunnville
Hamilton
Toronto
Oshawa
Cobourg
Belleville
Kingston
Brockville
Ogdensburg
Massena
Watertown
Oswego
Fulton
Cortland
Ithaca
Elmira
Corning
Hornell
Salamanca
Olean
Bradford
Kane
Ridgway
DuBois
Clearfield
Curwensville
Tyler
Penfield
Kersey
Brockport
Batavia
Attica
Arcade
Springville
East Aurora
Hamburg
Orchard Park
Lancaster
Akron
Alden
Corfu
Darien Center
Pembroke
Alexander
Linden
Attica
Warsaw
Perry
Castile
Silver Creek
Dayton
Collins
Gowanda
Otto
Holland
Ebenezer
Colden
Glenwood
Boston
Springville
Concord
Franklinville
Ellicottville
Machias
Cattaraugus
Randolph
Conewango
Irving
Limestone
Bradford
Lewis Run
Kane
Mt. Jewett
Smethport
Eldred
Duke Center
Port Allegany
Coudersport
Galeton
Wellsville
Andover
Almond
Alfred
Hornell
Canisteo
Arkport
Hammondsport
Bath
Avoca
Prattsburg
Penn Yan
Dundee
Watkins Glen
Montour Falls
Odessa
Waterloo
Seneca Falls
Auburn
Weedsport
Jordan
Fulton
Phoenix
Oswego
Pulaski
Sandy Creek
Adams
Watertown
Carthage
Lowville
Boonville
Rome
Oneida
Canastota
Manlius
Fayetteville
Syracuse
Baldwinsville
Cicero
North Syracuse
Liverpool
Solvay
Camillus
Skaneateles
Auburn
Moravia
Locke
Cayuga
Aurora
Union Springs
Cayuga
Ithaca
Trumansburg
Interlaken
Lodi
Seneca Falls
Waterloo
Geneva
Phelps
Clifton Springs
Canandaigua
Victor
Fairport
Pittsford
Brighton
Rochester
Webster
Ontario
Sodus
Wolcott
Red Creek
Wayne
Williamson
Macedon
Newark
Lyons
Clyde
Savannah
Port Byron
Weedsport
Auburn
Skaneateles
Marcellus
Onondaga
Tully
Homer
Cortland
Preble
Cincinnatus
McGraw
Cortland
Dryden
Freeville
Groton
Virgil
Dryden
Newfield

16
Albany
Glenville
Schenectady
Amsterdam
Gloversville
Johnstown
Mohawk
Utica
Rome
Oneida
Syracuse
Auburn
Cortland
Binghamton
Elmira
Corning
Hornell
Olean
Jamestown
Dunkirk
Buffalo
Niagara Falls
Lockport
Rochester
Batavia
Geneva
Canandaigua
Penn Yan
Watkins Glen
Ithaca
Owego
Oneonta
Cooperstown
Hudson
Kingston
Poughkeepsie
Newburgh
Middletown
Port Jervis
Monticello
Liberty
Ellenville
Catskill
Albany
Troy
Saratoga Springs
Glens Falls
Plattsburgh
Ogdensburg
Massena
Watertown
Carthage
Lowville
Boonville
Rome
Utica
Oneida
Syracuse
Auburn
Cortland
Binghamton
Elmira
Corning
Hornell
Olean
Jamestown
Dunkirk
Buffalo
Niagara Falls
Lockport
Rochester
Batavia
Geneva
Canandaigua
Penn Yan
Watkins Glen
Ithaca
Owego
Oneonta
Cooperstown
Hudson
Kingston
Poughkeepsie
Newburgh
Middletown
Port Jervis
Monticello
Liberty
Ellenville
Catskill
Albany
Troy
Saratoga Springs
Glens Falls
Plattsburgh
Ogdensburg
Massena
Watertown
Carthage
Lowville
Boonville
OHIO
W. VA.
PA.
N.Y.
Vt.
N.H.
Mass.
Conn.
R.I.
N.J.

15
Cleveland
Akron
Canton
Youngstown
Warren
Sharon
Ashtabula
Conneaut
Geneva
Madison
Painesville
Willoughby
Wickliffe
Euclid
Mentor
Chardon
Middlefield
Burton
Garrettsville
Ravenna
Kent
Hudson
Cuyahoga Falls
Barberton
Alliance
Salem
Leetonia
Lisbon
Leavittsburg
Berlin Ctr.
Orrville
Wooster
Mansfield
Shelby
Norwalk
Sandusky
Fremont
Bellevue
Tiffin
Fostoria
Findlay
Bowling Green
Toledo
Defiance
Napoleon
Bryan
Archbold
Wauseon
Delta
Swanton
Sylvania
Maumee
Perrysburg
Oregon
Port Clinton
Lakeside
Marblehead
Huron
Vermilion
Lorain
Elyria
Amherst
Oberlin
Wellington
Medina
Orrville
Wooster
Mansfield
Shelby
Norwalk
Sandusky
Fremont
Bellevue
Tiffin
Fostoria
Findlay
Bowling Green
Toledo
Defiance
Napoleon
Bryan
Archbold
Wauseon
Delta
Swanton
Sylvania
Maumee
Perrysburg
Oregon
Port Clinton
Lakeside
Marblehead
Huron
Vermilion
Lorain
Elyria
Amherst
Oberlin
Wellington
Medina
OHIO
PA.
W. VA.
KY.

18
Detroit
Dearborn
Monroe
Toledo
Fremont
Tiffin
Findlay
Bowling Green
Sandusky
Port Clinton
Lakeside
Marblehead
Huron
Vermilion
Lorain
Elyria
Amherst
Oberlin
Wellington
Medina
Orrville
Wooster
Mansfield
Shelby
Norwalk
Sandusky
Fremont
Bellevue
Tiffin
Fostoria
Findlay
Bowling Green
Toledo
Defiance
Napoleon
Bryan
Archbold
Wauseon
Delta
Swanton
Sylvania
Maumee
Perrysburg
Oregon
Port Clinton
Lakeside
Marblehead
Huron
Vermilion
Lorain
Elyria
Amherst
Oberlin
Wellington
Medina
OHIO
MICH.
IND.

17
Bay City
Saginaw
Midland
Mt. Pleasant
Alma
Ithaca
Ashley
Owosso
Chesaning
St. Charles
Swan Creek
Vassar
Caro
Cass City
Sandusky
Port Sanilac
Marlette
Lapeer
Imlay City
Almont
Romeo
Utica
Mt. Clemens
Warren
Center Line
Roseville
St. Clair Shores
Grosse Pointe
Harper Woods
Detroit
Dearborn
Monroe
Toledo
Fremont
Tiffin
Findlay
Bowling Green
Sandusky
Port Clinton
Lakeside
Marblehead
Huron
Vermilion
Lorain
Elyria
Amherst
Oberlin
Wellington
Medina
Orrville
Wooster
Mansfield
Shelby
Norwalk
Sandusky
Fremont
Bellevue
Tiffin
Fostoria
Findlay
Bowling Green
Toledo
Defiance
Napoleon
Bryan
Archbold
Wauseon
Delta
Swanton
Sylvania
Maumee
Perrysburg
Oregon
Port Clinton
Lakeside
Marblehead
Huron
Vermilion
Lorain
Elyria
Amherst
Oberlin
Wellington
Medina
OHIO
MICH.
IND.

JUN 20 77

V42H118 JN20 77 UM

24
Chicago
COOK Co.
WILL Co.
KANKAKEE Co.
IROQUOIS Co.
ILL
IND
Franklin Park
McCook
Blue Island
Joliet
Kankakee
Momence
Watseka
Donovan
Iroquois
Sheldon
Onarga
Gilman
Thawville
Crescent City
Loda
Chrisman
Paris
Terre Haute
Effingham
Mattoon
Charleston
Lafayette
Attica
Crawfordsville
Danville
Champaign
Urbana
Rantoul
Monticello
Decatur
Springfield
Peoria
Bloomington
Pontiac
Streator
Ottawa
Joliet
Gary
Hammond
East Chicago
Whiting
Michigan City
Valparaiso
Kouts
Wheatfield
Kentland
Lake Village
Kersey
Demotte
Enos
Morocco
Ade
Rensselaer
Brook
Goodland
Medaryville
Wolcott
Monticello
Reynolds
Idaville
Francesville
Winamac
Monterey
Culver
Plymouth
Knox
Hamlet
North Judson
Wanatah
La Porte
Kingsbury
Michigan City
Westville
Hesston
Kouts
Valparaiso
Chesterton
Porter
Kingsford Heights
Hanna
Wanatah
Otis
Rolling Prairie
Union Mills
Wellsboro
Michigan City
Laporte
Kingsbury
Pine Village
Earl Park
Remington
Otterbein
Templeton
Dunn
Honey Tab
Stewart
Sloan
Wayneland
Crawfordsville
Waynetown
Ladoga
Linden
New Ross
Darlington
Alamo
Crawfordsville
Wingate
Rockville
Montezuma
Clinton
Universal
Brazil
Staunton
Clay City
Farmersburg
Sullivan
Hymera
Shelburn
Patricksburg
Merom
Sullivan
Dugger
Jasonville
Linton
Switz City
Worthington
Bloomfield
Newberry
Elnora
Plainville
Loogootee
Washington
Thomas
Petersburg
Ashby
Oakland City
Hockett
Lynnville
Elberfeld
Boonville
Evansville
Ohio
Mt. Carmel
Gibson
Princeton
Fritchton
Owensville
Haubstadt
Francisco
Oakland City
Patoka
Mackey
Griffin
Poseyville
Mt. Vernon
New Harmony
Wadesville
Solitude
Cynthiana
Mt. Vernon
Grayville
Crossville
Carmi
Norris City
Eldorado
Harrisburg
Leeford
Junction
Illinois
Indiana
Kentucky
Wabash
Ohio
River
Vincennes
Princeton
Freelandville
Edwardsport
Bicknell
Vincennes
Sandborn
Bruceville
Decker
Oaktown
Fort Branch
Haubstadt



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 193 (SDM)

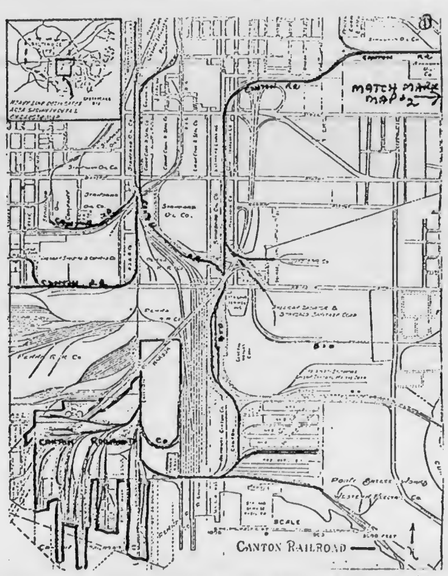
CANTON RAILROAD COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Canton Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 193 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 193 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



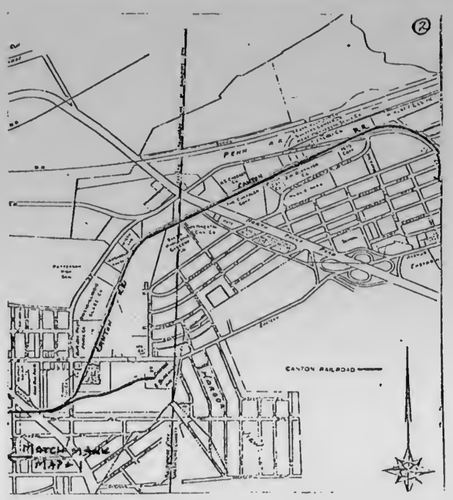
Canton Railroad Company, P.O. Box 447, Baltimore, Maryland 21203

Entire facility is located within Baltimore City with the exception of approximately 9/10 of a mile shown on Map #2 which is located in Baltimore County. All lines are in Category 5.

Certified to be a true copy of the original document. 4/25/77

Charles W. Battenfeld, Jr., General Manager - Sales & Operations

AB 193 (SDM)



AB 193 (SDM)

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 178 (SDM)

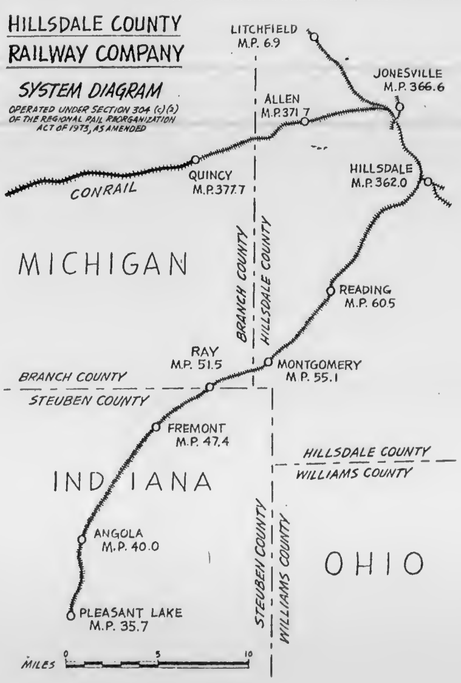
HILLSDALE COUNTY RAILWAY COMPANY, INC.

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Hillsdale County Railway Company, Inc., has filed with the Commission its color-coded system diagram map in docket No. AB 178 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 178 (SDM).

ROBERT L. OSWALD,
Secretary.



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 173 (SDM)

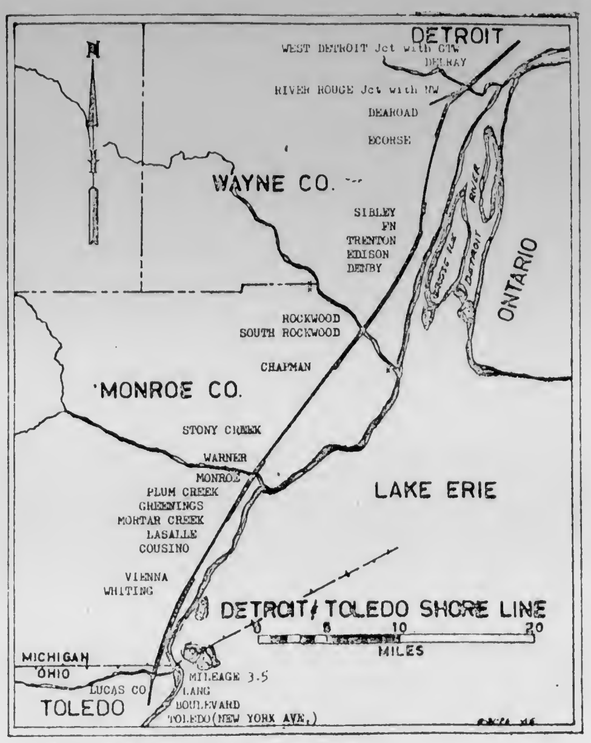
THE DETROIT AND TOLEDO SHORE LINE RAILROAD COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Detroit and Toledo Shore Line Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. 173 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 173 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



* Monroe-Wayne County Line along river channel
S.M.S.A. - Lucas County, Ohio 500-999
Monroe County, Mich 500-999
Wayne County, Mich 2,500

AB 173 (SDM)

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 79 (SDM)

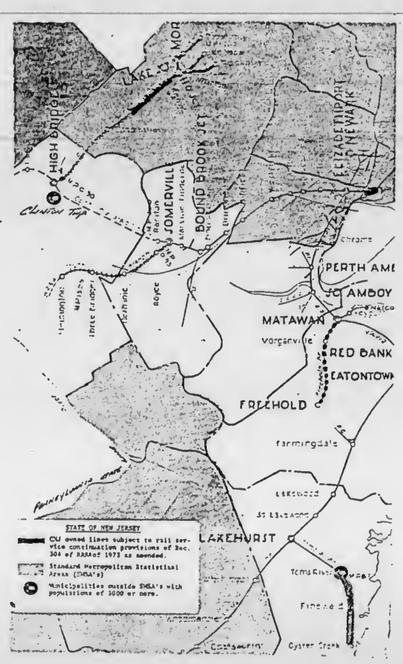
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Central Railroad Company of New Jersey, has filed with the Commission its color-coded system diagram map in docket No. AB 79 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps may also be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 79 (SDM).

Robert L.
ROBERT L. OSWALD,
Secretary.



AB 79 (SDM)

LINE DESCRIPTIONS

(to accompany System Diagram Map)

The Central Railroad Company of New Jersey neither owns nor operates, directly or indirectly, any lines in categories 1, 2, 3 or 5 as defined in 49CFR 1121.20.

Lines owned by The Central Railroad Company of New Jersey which fall within category 4 as defined in 49CFR 1121.20 are described as follows:

IDENTIFICATION	SURVEY STATIONING FROM	TO
Barnegat Branch	24+75	563+81
High Bridge Branch	16+50	19+50
High Bridge Branch	795+00	1162+80
Newark Bay Bridge	370+40	450+20
Bayonne Station and Associated Trackage	348+50	370+40

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 191 (SDM)

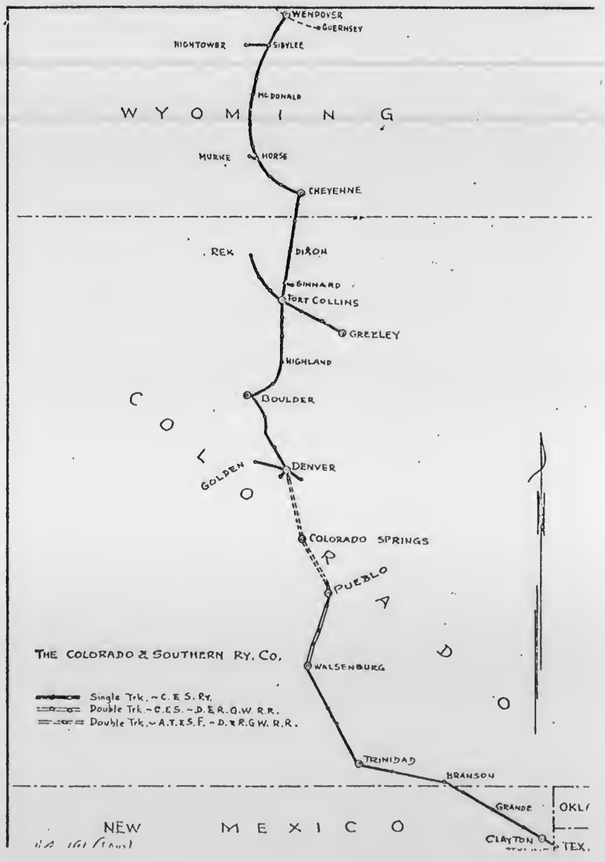
THE COLORADO AND SOUTHERN RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that The Colorado and Southern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 191 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 191 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 151 (SDM)

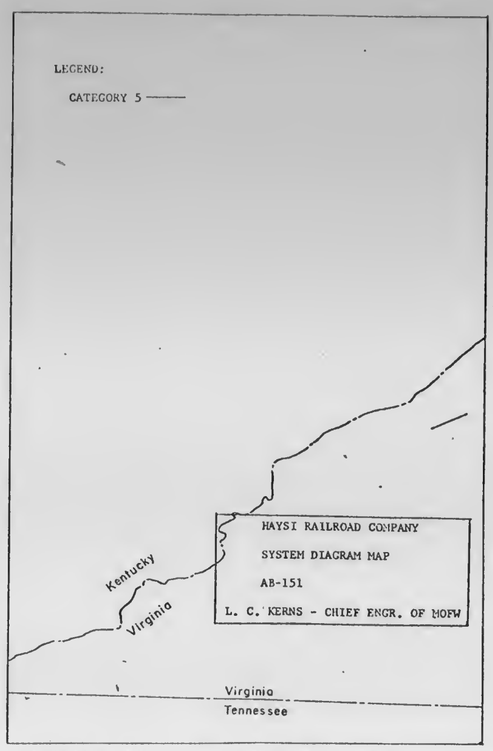
HAYSI RAILROAD COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Haysi Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 151 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 151 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



Certified to be a true copy of the original document

Lckerns

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 161 (SDM)

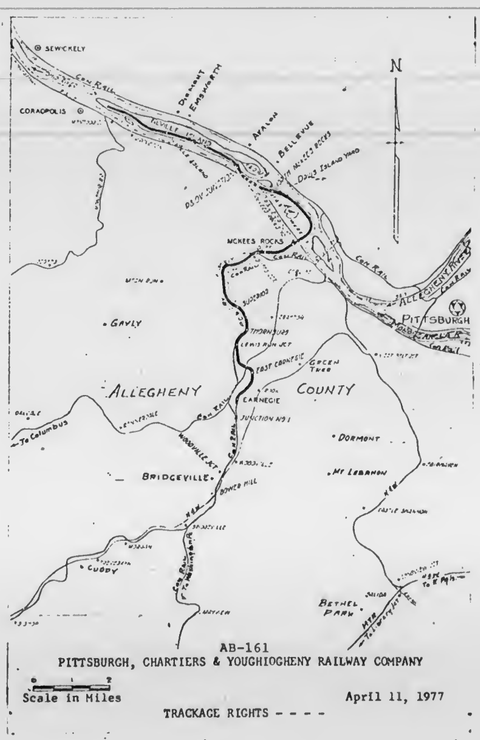
PITTSBURGH, CHARTIERS & YOUGHIOGHENY RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Pittsburgh, Chartiers & Youghiogheny Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 161 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 161 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

Revised

AB 172 (SDM)

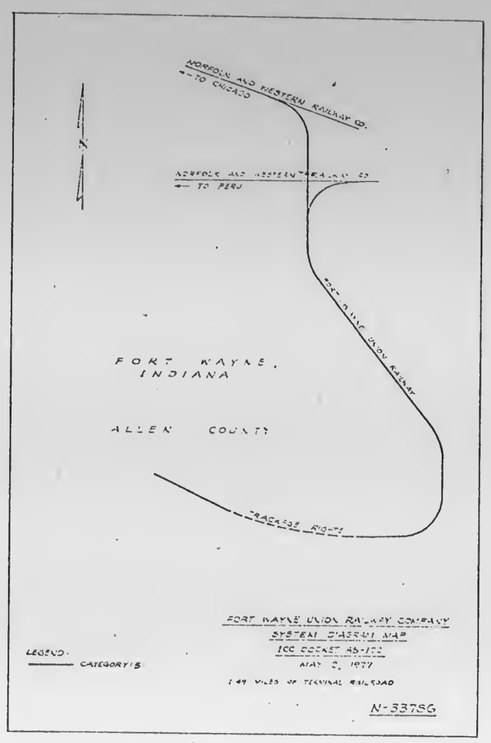
FORT WAYNE UNION RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Fort Wayne Union Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 172 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 172 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

ORIGINAL

AB 54 (SDM)*

THE GEORGIA RAILROADS

SYSTEM DIAGRAM MAP

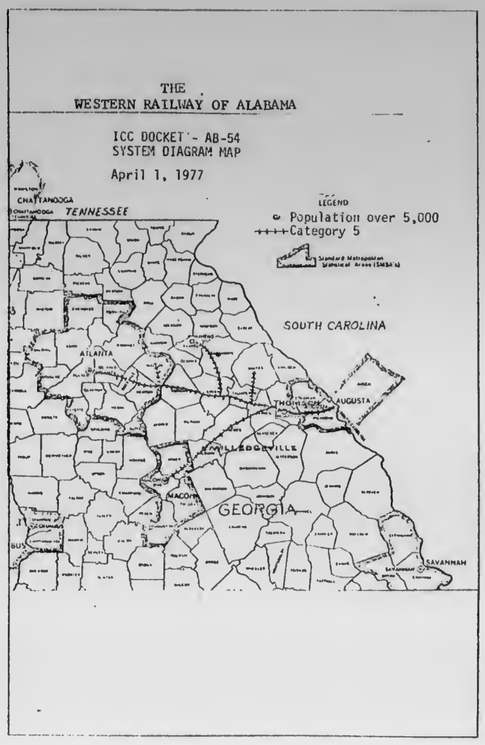
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Georgia Railroads, has filed with the Commission its color-coded system diagram map in docket No. AB 54 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

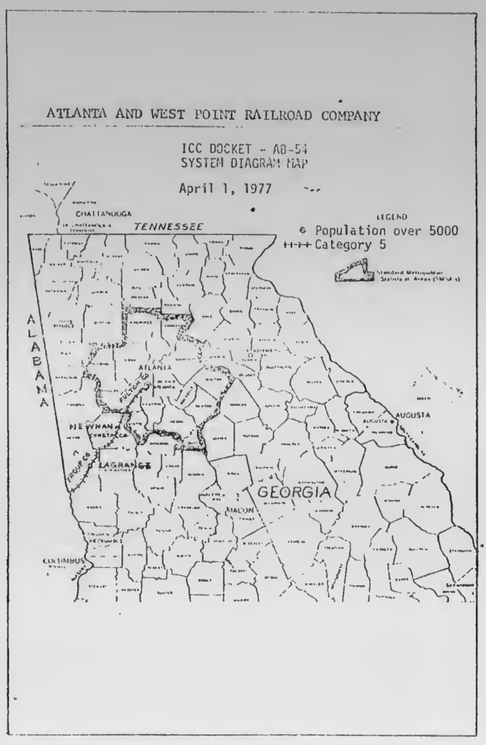
Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 54 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.

*AB 54 (SDM) includes The Western Railway of Alabama, Atlanta and West Point Railroad Company, Georgia Railroad and Banking Company and Milledgeville Railway Company.







INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 175 (SDM)

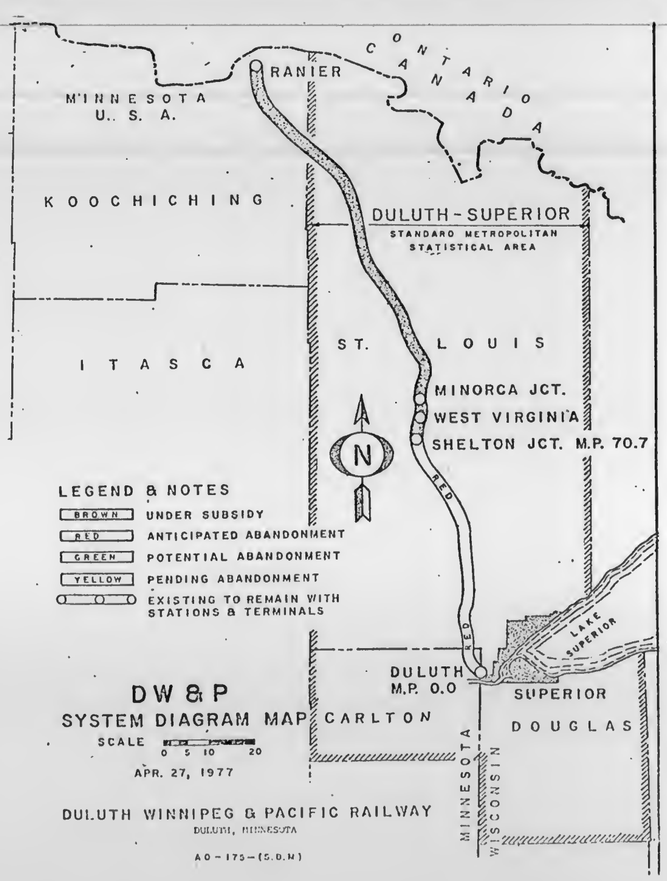
DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Duluth, Winnipeg & Pacific Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 175 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 20, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 175 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



SECTION 1121.21 DESCRIPTION OF LINE

SDM CATEGORY (1)

(a) CARRIER'S DESIGNATION

(*) Rainy Subdivision

(b) STATE OR STATES IN WHICH LINE IS LOCATED

(*) Minnesota

(c) COUNTY OR COUNTIES IN WHICH THE LINE IS LOCATED

(*) St. Louis and Carlton

(d) MILEPOSTS DELINEATING THE LINE

(*) From MP - 00.0 to 70.7

(e) AGENCY OR TERMINAL STATIONS LOCATED ON THE LINE WITH MILEPOST DESIGNATION

(*) West Duluth MP 1.8

NOTE: THIS POTENTIAL ABANDONMENT IS PREDICATED ON SUCCESSFUL NEGOTIATIONS TO SECURE OPERATING RIGHTS ON THE DULUTH, MISSABE, AND IRON RANGE RAILROAD INTO DULUTH, MINNESOTA.

AB-175-(SDM)

May 1, 1977

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 176 (SDM)

VALLEY & SILETZ RAILROAD COMPANY

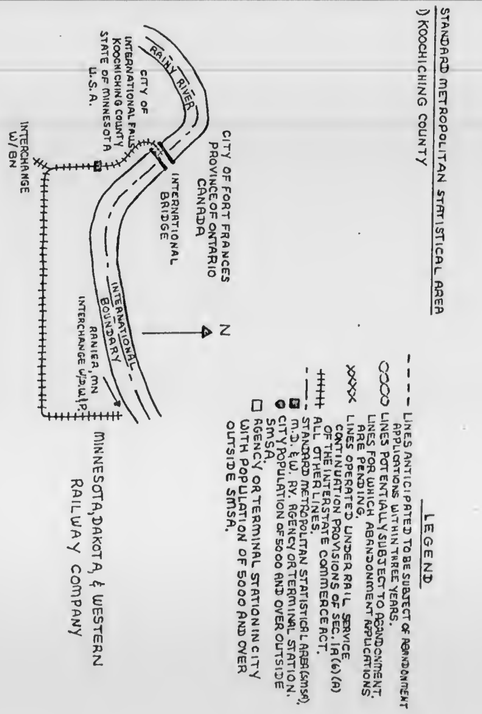
SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Valley & Siletz Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB-176 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-176 (SDM).

Robert L. Oswald

ROBERT L. OSWALD,
Secretary.



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 55 (SDM)

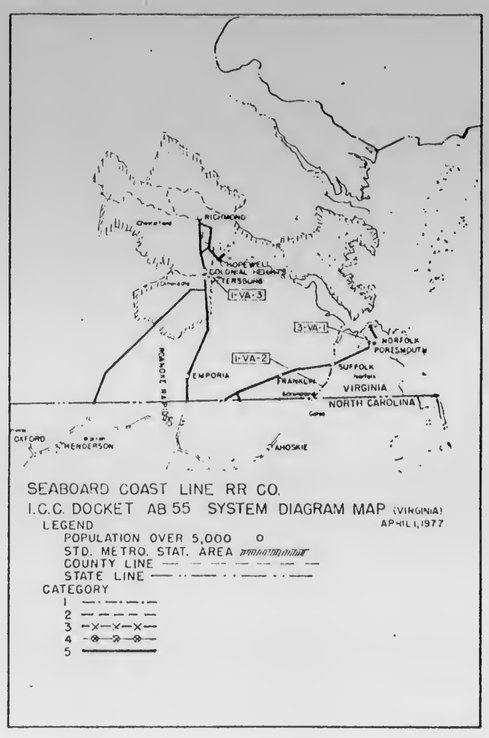
SEABOARD COAST LINE RAILROAD COMPANY

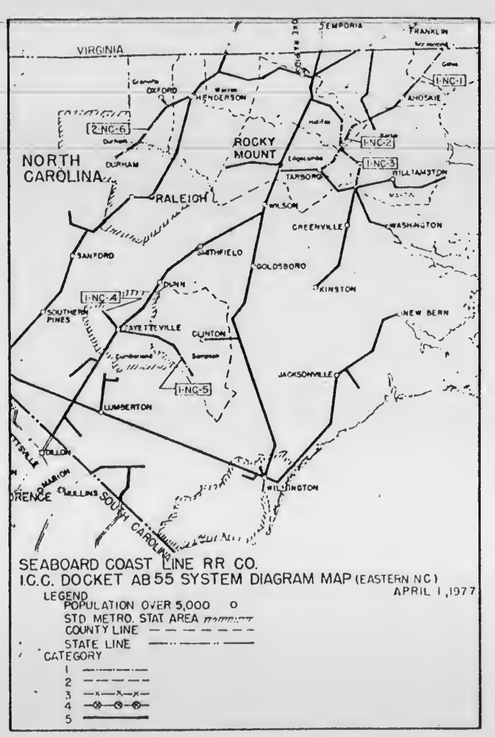
SYSTEM DIAGRAM MAP

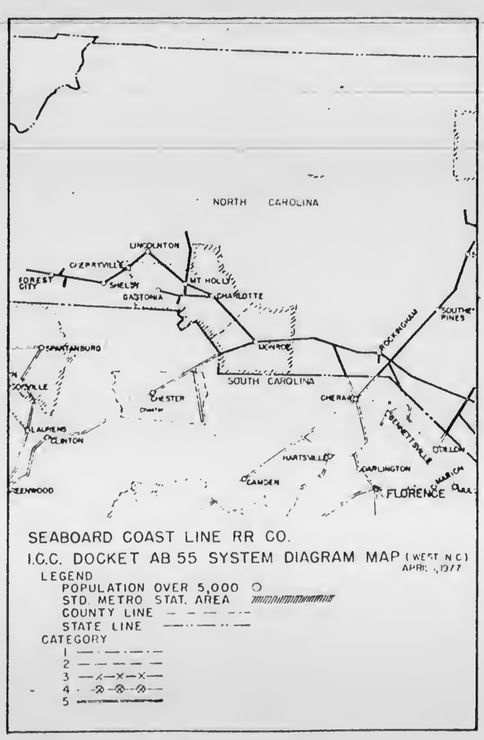
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Seaboard Coast Line Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB-55 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on April 29, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB-55 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.





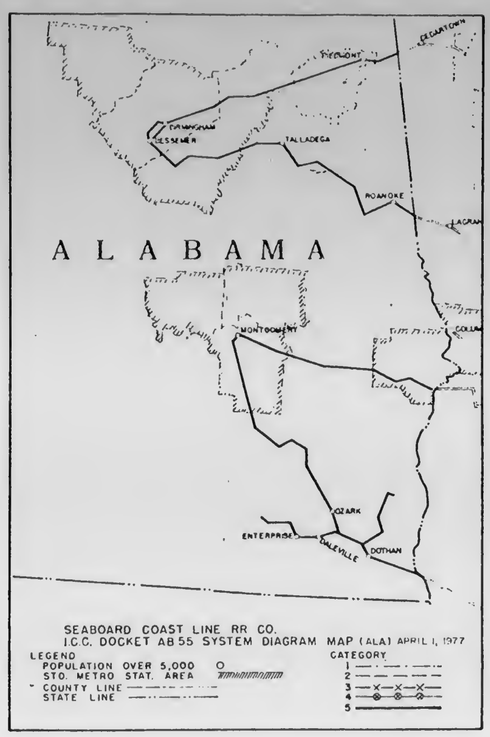


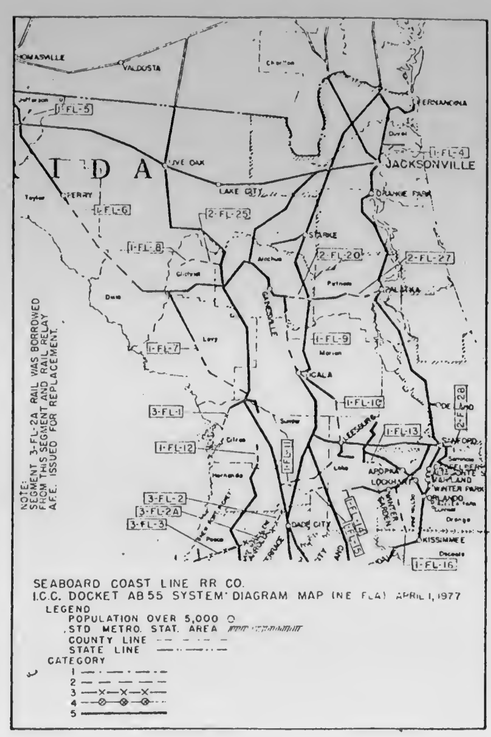
SEABOARD COAST LINE RR CO. -
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP
(WESTERN S.C.) APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
NORTH CAROLINA
GEORGIA
SOUTH CAROLINA
1-SC-3
2-SC-4
2-SC-6
3-SC-5

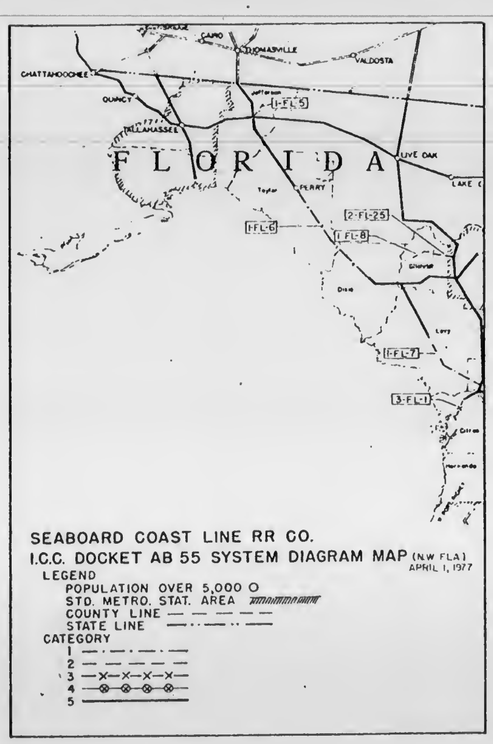
SEABOARD COAST LINE RR CO. (EASTERN S.C)
I.C.C. DOCKET AB55 SYSTEM DIAGRAM MAP
APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
CAROLINA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
1-SC-3
2-SC-2
3-SC-1

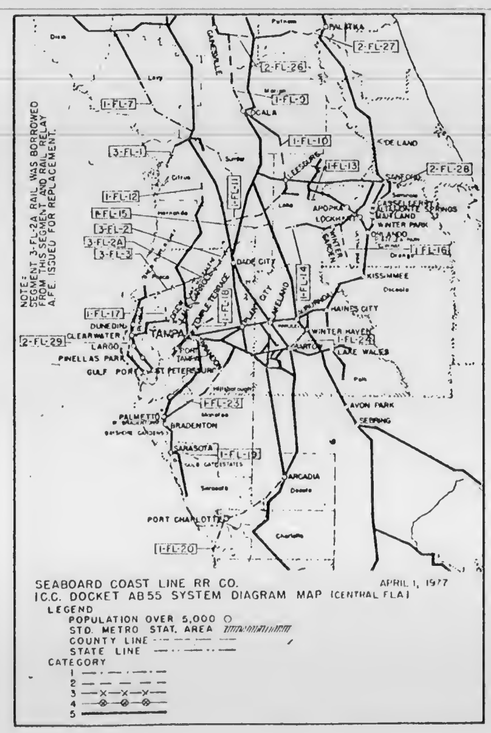
GEORGIA
ATLANTA
1-GA-1
S.C.L.R.R.
I.C.C. DOCKET AB55
SYSTEM DIAGRAM MAP
LEGEND (W.GA)
POPULATION OVER
5,000
STD. METRO STAT.
AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
APRIL 1, 1977

SEABOARD COAST LINE RR CO
I.C.C. DOCKET AB55 SYSTEM DIAGRAM MAP (EAST GEORGIA)
APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5
SAVANNAH
WAYCROSS
2-GA-2
GEORGIA
FLORIDA


ALABAMA
ANNISTON
TALLADEGA
ROANOKE
MONTGOMERY
OZARK
ENTERPRISE
DOTHAN
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (ALA) APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5


VALDOSTA
LIVE OAK
LAKE CITY
JACKSONVILLE
PERRY
GAINESVILLE
OCALA
DADE CITY
KISSIMMEE
NOTE: SEGMENT 3-FL-2A RAIL WAS BORROWED FROM THIS SEGMENT AND RAIL RELAY A.F.E. ISSUED FOR REPLACEMENT.
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (NE FLA) APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5


FLORIDA
CHATTAHOOCHEE
QUINCY
TALLAHASSEE
VALDOSTA
LIVE OAK
PERRY
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB 55 SYSTEM DIAGRAM MAP (N.W FLA)
APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO. STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5


OCALA
DADE CITY
KISSIMMEE
TAMPA
WINTER HAVEN
LAKE WALES
BRADENTON
SARASOTA
ARCADIA
PORT CHARLOTTE
NOTE: SEGMENT 3-FL-2A RAIL WAS BORROWED FROM THIS SEGMENT AND RAIL RELAY A.F.E. ISSUED FOR REPLACEMENT.
SEABOARD COAST LINE RR CO.
I.C.C. DOCKET AB55 SYSTEM DIAGRAM MAP (CENTHAL FLA)
APRIL 1, 1977
LEGEND
POPULATION OVER 5,000
STD. METRO STAT. AREA
COUNTY LINE
STATE LINE
CATEGORY
1
2
3
4
5



SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Virginia Segment: 2

1121.21 (a) (Designation) Portion of East End Subdivision - Rocky Mount Division

1121.21 (b) (State) Virginia

1121.21 (c) (Counties) Nansemond, Va.

1121.21 (d) (Mile Posts) AB-201.66 to AB-210.00 - 8.34 miles

1121.21 (e) (Agencies)

Terminal Points: N. C. State Line to Nurney, Va.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Virginia Segment: 3

1121.21 (a) (Designation) State College Spur - Rocky Mount Division

1121.21 (b) (State) Virginia

1121.21 (c) (Counties) Chesterfield-Dinwiddie

1121.21 (d) (Mile Posts) S-21.98 to S-22.96 - 0.98 miles

1121.21 (e) (Agencies)

Terminal Points: Spur

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: North Carolina Segment: 1

1121.21 (a) (Designation) Portion of East End Subdivision - Rocky Mount Division

1121.21 (b) (State) North Carolina

1121.21 (c) (Counties) Gates, N. C.

1121.21 (d) (Mile Posts) AB-185.70 to AB-201.66 - 15.96 miles

1121.21 (e) (Agencies)

Terminal Points: Tunis, N. C. to N. C. State Line

Agency Stations: Eure (AB-190); Roduco (AB-194); Gates (AB-197) (Served by Mobile Agency with base station at Conway, N. C.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State:	North Carolina Segment: 2
1121.21 (a) (Designation)	Portion of East End Subdivision - Rocky Mount Division
1121.21 (b) (State)	North Carolina
1121.21 (c) (Counties)	Edgecombe-Halifax-Bertie
1121.21 (d) (Mile Posts)	AB-137.30 to AE-161.73 - 24.43 miles
1121.21 (e) (Agencies)	
Terminal Points:	Tarboro, N.C. to Kelford, N.C.
Agency Stations:	Speed (AB-143); Palmyra (AB-152) (Served by Mobile Agency with base station at Tarboro, N. C.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State:	North Carolina Segment: 3
1121.21 (a) (Designation)	Portion of Kinston Subdivision - Rocky Mount Division
1121.21 (b) (State)	North Carolina
1121.21 (c) (Counties)	Halifax - Marine
1121.21 (d) (Mile Posts)	AA-110.50 to AA-134.77 - 24.27 miles
1121.21 (e) (Agencies)	
Terminal Points:	Scotland Neck, N.C. to Parmele, N. C.
Agency Stations:	Hobgood (AA-117); Oak City (AA-124) Hassell (AA-128) (Served by Mobile Agency with base station at Tarboro, N. C.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State:	North Carolina Segment: 4
1121.21 (a) (Designation)	Portion of Fayetteville Subdivision - Rocky Mount Division
1121.21 (b) (State)	North Carolina
1121.21 (c) (Counties)	Cumberland
1121.21 (d) (Mile Posts)	AE-201.05 to AE-197.53 - 3.52 miles
1121.21 (e) (Agencies)	
Terminal Points:	Fort Junction, N.C. to Manchester, N.C.
Agency Stations:	None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State:	North Carolina Segment: 5
1121.21 (a) (Designation)	Portion of Fayetteville Subdivision - Rocky Mount Division
1121.21 (b) (State)	North Carolina
1121.21 (c) (Counties)	Sampson
1121.21 (d) (Mile Posts)	AF-232.64 to AF-246.00 - 13.36 miles
1121.21 (e) (Agencies)	
Terminal Points:	Roseboro, N.C. to Garland, N.C.
Agency Stations:	Mintz (AF-236); Garland (AF-245) (Served by Mobile Agency with base station at Fayetteville, N.C.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: South Carolina Segment: 3

1121.21 (a) (Designation) Portion of Catawba Subdivision - Atlanta Division

1121.21 (b) (State) South Carolina

1121.21 (c) (Counties) Chester

1121.21 (d) (Mile Posts) SGA-347.89 to SGA-351.68 - 3.79 miles

1121.21 (e) (Agencies)

Terminal Points: Flick, S.C. to Great Falls, S.C.

Agency Stations: Great Falls (SGA-352) (Served by Mobile Agency with base station at Chester, S. C.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: South Carolina Segment: 4

1121.21 (a) (Designation) Belton Subdivision of Florence Division

1121.21 (b) (State) South Carolina

1121.21 (c) (Counties) Anderson

1121.21 (d) (Mile Posts) AKM-2.0 to AKM-10.0 - 8.0 miles

1121.21 (e) (Agencies)

Terminal Points: Anderson, S.C. to Belton, S.C.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: South Carolina Segment: 5

1121.21 (a) (Designation) Portion of Anderson Subdivision - Florence Division

1121.21 (b) (State) South Carolina

1121.21 (c) (Counties) McCormick - Abbeville

1121.21 (d) (Mile Posts) AKH-503.63 to AKH-527.86 - 24.65 miles

1121.21 (e) (Agencies)

Terminal Points: McCormick, S.C. to Calhoun Falls, S.C.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Georgia Segment: 1

1121.21 (a) (Designation) Portion of Kimbrough Subdivision - Savannah Division

1121.21 (b) (State) Georgia

1121.21 (c) (Counties) Webster - Terrell

1121.21 (d) (Mile Posts) SLB-45.35 to SLB-56.10 - 10.75 miles

1121.21 (e) (Agencies)

Terminal Points: Kimbrough, Ga. to Parrott, Ga.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Georgia Segment: 5

1121.21 (a) (Designation) 2 segments of Inman Park Branch - Atlanta Division

1121.21 (b) (State) Georgia

1121.21 (c) (Counties) DeKalb

1121.21 (d) (Mile Posts) SGB-569.8 to SGB-570.3 - 0.5 mile
SGB-571.8 to SGB-572.5 - 0.7 mile

1121.21 (e) (Agencies) 1.2 miles

Terminal Points: Hulsey Yard

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 4

1121.21 (a) (Designation) Portions of Quinlan Lead - Savannah & Jacksonville Divisions

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Duvall

1121.21 (d) (Mile Posts) ASJ-645.48 to ASJ-646.22 - 0.74 mile
ASJ-646.77 to ASJ-647.10 - 0.33 "

1121.21 (e) (Agencies) ASJ-648.77 to ASJ-649.13 - 0.36 "
1.43 miles

Terminal Points: F&J Junction to Quinlan

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 5

1121.21 (a) (Designation) Monticello Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Jefferson

1121.21 (d) (Mile Posts) SPB-772.15 to SPB-776.69 - 4.54 miles

1121.21 (e) (Agencies)

Terminal Points: Drifton to Monticello

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 6

1121.21 (a) (Designation) Portion of Perry Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Taylor - Dixie

1121.21 (d) (Mile Posts) AND-754.83 to AND-793.00 - 38.17 miles

1121.21 (e) (Agencies)

Terminal Points: Bucell Junction to Shamrock

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 7

1121.21 (a) (Designation) Portion of Perry Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Levy - Marion

1121.21 (d) (Mile Posts) AND-837.00 to AND-855.00 - 18.00 miles

1121.21 (e) (Agencies)

Terminal Points: Lebanon Junction to Dunellon

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 8

1121.21 (a) (Designation) Portion of Bell Spur - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Gilchrist

1121.21 (d) (Mile Posts) SN-722.20 to SN-730.30 - 8.10 miles

1121.21 (e) (Agencies)

Terminal Points: Craggs Track to Bell

Agency Stations: Bell (SN-730) (Served by Mobile Agency with base station at Gainesville, Fla.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 9

1121.21 (a) (Designation) Portion of Ocala Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Alachua - Marion

1121.21 (d) (Mile Posts) AS-742.59 to AS-756.00 - 13.41 miles

1121.21 (e) (Agencies)

Terminal Points: Micanopy Jct. to Lowell

Agency Stations: Reddick, Fla. (AS-754) (Agent); Evinston (AS-745); McIntosh (AS-748) (Served by Mobile Agency with base station at Gainesville, Fla.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 10

1121.21 (a) (Designation) Portion of Ocala Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Marion - Lake

1121.21 (d) (Mile Posts) AS-781.19 to AS-800.79 - 19.60 miles

1121.21 (e) (Agencies)

Terminal Points: Candler to Leesburg

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 11

1121.21 (a) (Designation) Portion of Ocala Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Lake-Sumter-Hernando

1121.21 (d) (Mile Posts) AS-808.62 to AS-833.06 - 24.44 miles

1121.21 (e) (Agencies)

Terminal Points: Okahumpka to Croom

Agency Stations: Webster (AS-822) (Served by Mobile Agency with base station at Dade City, Fla.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 12

1121.21 (a) (Designation) Portion of Brooksville Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Citrus

1121.21 (d) (Mile Posts) SR-783.00 to SR-791.71 - 8.72 miles

1121.21 (e) (Agencies)

Terminal Points: Landrum to Lake Stafford

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 13

1121.21 (a) (Designation) Portion of Astatula Spur - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Lake

1121.21 (d) (Mile Posts) STA-7.00 to STA-8.09 - 1.09 miles

1121.21 (e) (Agencies)

Terminal Points: Astatula to Frank Farm

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 14

1121.21 (a) (Designation) Portion of Groveland Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Lake

1121.21 (d) (Mile Posts) AT-818.76 to AT-820.21 - 1.45 miles

1121.21 (e) (Agencies)

Terminal Points: Groveland to Mascotte

Agency Stations: None

UMI

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 15

1121.21 (a) (Designation) Tarrytown Spur - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Sumter

1121.21 (d) (Mile Posts) AT-826.52 to AT-832.00 - 5.48 miles

1121.21 (e) (Agencies)

Terminal Points: Mabel to Tarrytown

Agency Stations: Tarrytown (AT-831) (Served by Mobile Agency with base station at Dade City, Fla.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 16

1121.21 (a) (Designation) Dr. Phillips Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Orange

1121.21 (d) (Mile Posts) AVB-832.07 to AVB-821.74 - 10.33 miles

1121.21 (e) (Agencies)

Terminal Points: Ocoee to Dr. Phillips

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 17

1121.21 (a) (Designation) Cosme Spur - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Hillsborough

1121.21 (d) (Mile Posts) SYA-856.32 to SYA-860.53 - 4.21 miles

1121.21 (e) (Agencies)

Terminal Points: Tarpon Jct. to Cosme

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 18

1121.21 (a) (Designation) Portion of Thonotosassa Spur - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Hillsborough

1121.21 (d) (Mile Posts) ARF-860.71 to ARF-854.32 - 6.39 miles

1121.21 (e) (Agencies)

Terminal Points: Harney Road to Thonotosassa

Agency Stations: None

UMI

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 19

1121.21 (a) (Designation) Belspur Branch-Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Sarasota

1121.21 (d) (Mile Posts) AZA-930.30 to AZA-933.44 - 3.14 miles

1121.21 (e) (Agencies)

Terminal Points: Sarasota to Belspur

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 20

1121.21 (a) (Designation) Portion of Boca Grande Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Desoto-Sarasota-Charlotte-Lee

1121.21 (d) (Mile Posts) SVC-885.47 to SVC-932.34

1121.21 (e) (Agencies)

Terminal Points: Arcadia to Port Boca Grande

Agency Stations: Port Boca Grande, Fla. (SVC-932) (Agent); Port Charlotte (SVC-909) (Served by Mobile Agency with base station at Fort Myers, Fla.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 21

1121.21 (a) (Designation) Portion of Okeelanta Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Palm Beach

1121.21 (d) (Mile Posts) AVF-972.21 to AVF-978.11 - 5.90 miles

1121.21 (e) (Agencies)

Terminal Points: Cane to Duda

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 22

1121.21 (a) (Designation) Portion of Immokalee Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Collier

1121.21 (d) (Mile Posts) AVC-955.00 to AVC-967.90 - 12.90 miles

1121.21 (e) (Agencies)

Terminal Points: Immokalee to Sunniland

Agency Stations: None

UMI

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 23

1121.21 (a) (Designation) Portion of Parrish Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Hillsborough - Manatee

1121.21 (d) (Mile Posts) SW-840.00 to SW-854.30 - 14.30 miles

1121.21 (e) (Agencies)

Terminal Points: Boyette to Willow

Agency Stations: Balm (SW-845); Wimauma (SW-848) (Served by Mobile Agency with base station at Bradenton, Fla.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 1 State: Florida Segment: 24

1121.21 (a) (Designation) Portion of Bartow Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Polk

1121.21 (d) (Mile Posts) AW-848.00 to AW-851.05 - 3.05 miles

1121.21 (e) (Agencies)

Terminal Points: Gordonville to Bartow

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 2 State: North Carolina Segment: 6

1121.21 (a) (Designation) Portion of Durham Subdivision - Raleigh Division

1121.21 (b) (State) North Carolina

1121.21 (c) (Counties) Granville - Durham

1121.21 (d) (Mile Posts) SB-139.00 to SB-150.00 - 11.00 miles

1121.21 (e) (Agencies)

Terminal Points: Creedmore, N.C. to Joyland, N.C.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 2 State: South Carolina Segment: 6

1121.21 (a) (Designation) Portion of Anderson Subdivision - Florence Division

1121.21 (b) (State) South Carolina

1121.21 (c) (Counties) Abbeville - Anderson

1121.21 (d) (Mile Posts) AKH-527.90 to AKH-543.25 - 15.35 miles

1121.21 (e) (Agencies)

Terminal Points: Calhoun Falls, S.C. to Iva, S.C.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 2 State: Georgia Segment: 2

1121.21 (a) (Designation) Portion of Nahunta Subdivision - Waycross Division

1121.21 (b) (State) Georgia

1121.21 (c) (Counties) Wayne-Brantley-Charlton

1121.21 (d) (Mile Posts) A-548.59 to A-602.19 - 53.60 miles.

1121.21 (e) (Agencies)

Terminal Points: Jesup, Ga. to Folkston, Ga.

Agency Stations: Shepherd (A-552), Hortense (A-567)

(Served by Mobile Agency with base station at Jesup, Ga.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 2 State: Florida Segment: 25

1121.21 (a) (Designation) Portion of Bell Spur - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Alachua - Gilchrist

1121.21 (d) (Mile Posts) SN-714.90 to SN-722.20 - 7.30 miles

1121.21 (e) (Agencies)

Terminal Points: Buda to Craggs Track

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 2 State: Florida Segment: 26

1121.21 (a) (Designation) Portion of Palatka Subdivision - Jacksonville Division

1121.21 (b) (State), Florida

1121.21 (c) (Counties) Alachua

1121.21 (d) (Mile Posts) AS-728.6 to AS-737.4 - 8.80 miles

1121.21 (e) (Agencies)

Terminal Points: Rochelle to Hawthorne

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 2 State: Florida Segment: 27

1121.21 (a) (Designation) Portion of Palatka Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Putnam

1121.21 (d) (Mile Posts) AS-701.00 to AS-716.00 - 15.00 miles

1121.21 (e) (Agencies)

Terminal Points: Palatka to Interlachen

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 2 State: Florida Segment: 28

1121.21 (a) (Designation) Beck Hammock Spur - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Seminole

1121.21 (d) (Mile Posts) AUA-770.00 to AUA-773.93 - 3.93 miles

1121.21 (e) (Agencies)

Terminal Points: S&E Junction to Beck Hammock

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 2 State: Florida Segment: 29

1121.21 (a) (Designation) Portion of Bay Pines Subdivision - Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Pinellas

1121.21 (d) (Mile Posts) SY-876.00 to SY-879.31 - 3.31 miles

1121.21 (e) (Agencies)

Terminal Points: Clearwater to Largo

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 3 State: Virginia Segment: 1

1121.21 (a) (Designation) Portion of East End Subdivision - Rocky Mount Division

1121.21 (b) (State) Virginia

1121.21 (c) (Counties) Norfolk, Va.

1121.21 (d) (Mile Posts) AB-230.85 to AB-234.73 - 3.80 miles

1121.21 (e) (Agencies)

Terminal Points: Portsmouth, Va. to Bruce, Va.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 3 State: South Carolina Segment: 1

1121.21 (a) (Designation) Portion of Coosaw Branch - Savannah Division

1121.21 (b) (State) South Carolina

1121.21 (c) (Counties) Beaufort - Jasper

1121.21 (d) (Mile Posts) SH-472.77 to SH-495.96 - 23.19 miles

1121.21 (e) (Agencies)

Terminal Points: Coosaw, S.C. to Pritchard, S.C.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 3 State: South Carolina Segment: 2

1121.21 (a) (Designation) Portion of Hartsville Subdivision - Florence Division

1121.21 (b) (State) South Carolina

1121.21 (c) (Counties) Sumter

1121.21 (d) (Mile Posts) SJA-337.35 to SJA-349.16 - 11.81 miles

1121.21 (e) (Agencies)

Terminal Points: Ashwood, S.C. to Sumter, S.C.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 3 State: Florida Segment: 1

1121.21 (a) (Designation) Portion of Crystal River Subdivision - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Citrus

1121.21 (d) (Mile Posts) ARD-785.71 to ARD-790.90 - 5.19 miles

1121.21 (e) (Agencies)

Terminal Points: Red Level Jct. to Crystal River

Agency Stations: Crystal River (Application has been filed with Fla. PSC to close this agency.)

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 3 State: Florida Segment: 2

1121.21 (a) (Designation) San Antonio Spur - Jacksonville Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Pasco

1121.21 (d) (Mile Posts) ARE-823.65 to ARE-834.68 - 11.03 miles

1121.21 (e) (Agencies)

Terminal Points: Trilby, Fla. to San Antonio, Fla.

Agency Stations: None

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map
In Categories 1, 2, or 3

Category: 3 State: Florida Segment: 2A

1121.21 (a) (Designation) Portion of Dunedin Subdivision Tampa Division

1121.21 (b) (State) Florida

1121.21 (c) (Counties) Pasco

1121.21 (d) (Mile Posts) ARE-834.68 to ARE-849.75 - 15.07 miles

1121.21 (e) (Agencies)

Terminal Points: San Antonio, Fla. to Drexel, Fla.

Agency Stations: San Antonio (ARE-835) (Served by Mobile Agency from Dade City, Fla.)

Note: Rail was borrowed from this segment and rail relay AFE issued for replacement.

UMI

SEABOARD COAST LINE RAILROAD COMPANY

ICC DOCKET AB - 55

Description of Lines shown on System Diagram Map

In Categories 1, 2, or 3

Category: 3	State: Florida	Segment: 3
1121.21 (a) (Designation)	Portion of Dunedin Subdivision - Tampa Division	
1121.21 (b) (State)	Florida	
1121.21 (c) (Counties)	Pasco - Pinellas	
1121.21 (d) (Mile Posts)	ARE-849.75 to ARE-866.00 - 16.25 miles	
1121.21 (e) (Agencies)		
Terminal Points:	Drexel, Fla. to Chemical, Fla.	
Agency Stations:	None	

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 7 (SDM)

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 7 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on June 3, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 7 (SDM).

Jun 14 3 46 PM '77

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.

LEGEND

- CATEGORY 1 ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b) (1)
- CATEGORY 2 POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC. 1121.20 (b) (2)
- CATEGORY 3 APPLICATION PRESENTLY PENDING BEFORE COMMISSION 49 CFR SEC. 1121.20 (b) (3)
- CATEGORY 4 OPERATED UNDER SUBSIDY 49 USC SEC. 1a (6) (a) 49 CFR SEC. 1121.20 (b) (4)
- CATEGORY 5 OTHER LINES OWNED AND OPERATED, DIRECTLY OR INDIRECTLY. 49 CFR SEC. 1121.20 (b) (5)
- STATE BOUNDARY LINES
- COUNTY BOUNDARY LINES
- SMSA BOUNDARY LINES
- INTERNATIONAL BOUNDARY LINES
- REFERS TO LINE DESCRIPTION
- ANY CITY WITH A POPULATION OF 5,000 OR MORE WITHIN 5 MILES OF A RAIL LINE.

0 25 50 75 100
SCALE IN MILES

STANDARD METROPOLITAN STATISTICAL AREAS

(A) SEATTLE-EVERETT	(R) DUBUQUE
(B) TACOMA	(S) CEDAR RAPIDS
(C) YAKIMA	(T) DES MOINES
(D) RICHLAND-KENNEWICK	(U) DAVENPORT-ROCK ISLAND
(E) SPOKANE	(V) GREEN BAY
(F) PORTLAND	(W) APPLETON
(G) GREAT FALLS	(X) MADISON
(H) BILLINGS	(Y) MILWAUKEE
(I) FARGO	(Z) RACINE
(J) SIOUX FALLS	(AA) KENOSHA
(K) SIOUX CITY	(BB) ROCKFORD
(L) OMAHA	(CC) CHICAGO
(M) KANSAS CITY	(DD) KANKAKEE
(N) DULUTH-SUPERIOR	(EE) GARY-HAMMOND
(O) MINNEAPOLIS-ST PAUL	(FF) TERRE HAUTE
(P) EAU CLAIRE	(GG) BLOOMINGTON
(Q) LA CROSSE	(HH) LOUISVILLE

V42 I118 JUN 20 77 UMI

V42H118 JUN 20 77 UM

PLATE 10

PLATE 9

PLATE 12

PLATE 11

V42N118 JUN 20 77 UM

CHICAGO, MILWAUKEE, St.PAUL and PACIFIC RAILROAD COMPANY

Description of Lines to Accompany the System Diagram Map

CATEGORY 1

Lines or portions of lines which the Carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three (3) years.

Map Code INDIANA

[1] (a) Bedford to Seymour — Category 1
(37.5 mile segment of the ILLINOIS Division, Eighth Subdivision and related trackage)
(b) Located wholly in the State of Indiana
(c) Located in Lawrence and Jackson Counties
(d) Milepost 262.5 to 300.0
(e) Agency station Bedford (Milepost 262.4) not included.
No other agency stations on this segment

Map Code ILLINOIS

[2] (a) Momence to Joliet — Category 1
(35.0 mile segment of the ILLINOIS Division, Ninth Subdivision plus related trackage)
(b) Located wholly in the State of Illinois
(c) Located in Will and Kankakee Counties
(d) Milepost 56.0 to 91.0
(e) No agency stations on this segment

[3] (a) Kirkland to DeKalb — Category 1
(14.5 mile segment of the ILLINOIS Division, Eleventh Subdivision and related trackage)
(b) Located wholly in the State of Illinois
(c) Located in DeKalb County
(d) Milepost 20.5 to 35.0
(e) Agency station DeKalb (Milepost 34.3) included - dualized with Kirkland (Mainline Milepost 67.4) not included

Map Code ILLINOIS

[4] (a) Moronts to McNabb — Category 1
(11.0 mile segment of trackage rights of the ILLINOIS Division, Fourteenth Subdivision and related trackage)
(b) Located wholly in the State of Illinois
(c) Located in Putnam County
(d) Milepost 91.7 (Moronts) to Milepost 95.6 (Granville); and Milepost 0.0 (Granville) to Milepost 7.1 (McNabb)
(e) No agency stations on this segment
(f) Operation authorized by trackage rights over ConRail

[5] (a) Ladd to Seatonville — Category 1
(2.3 mile segment of the ILLINOIS Division, Fourteenth Subdivision and related trackage)
(b) Located wholly in the State of Illinois
(c) Located in Bureau County
(d) Milepost 81.9 to 84.2
(e) No agency stations on this segment
(f) Contemplates coordination with Chicago North Western Transportation Co. (CNWT) and Burlington Northern (BN)

Map Code IOWA

[6] (a) Spencer to Milford — Category 1
(13.1 mile segment of the MINNESOTA Division, Twenty-Third Subdivision and related trackage)
(b) Located wholly in the State of Iowa
(c) Located in Dickinson and Clay Counties
(d) Milepost 158.0 to 171.9
(e) No agency stations on this segment.
Agency station Spencer (Mainline Milepost 217.1) not included

[7] (a) Rockwell City to Storm Lake — Category 1
(38.8 mile segment of the IOWA Division, Fourteenth Subdivision and related trackage)
(b) Located wholly in the State of Iowa
(c) Located in Sac, Buena Vista and Calhoun Counties
(d) Milepost 0.0 to 38.8
(e) Agency station Rockwell City (Milepost 0.0) not included
Agency station Storm Lake (Milepost 38.5) included

UMI

Map Code	IOWA	
8	(a) Delmar to Maquoketa	Category 1
	(6.6 mile segment of the IOWA Division, Eighth Subdivision and related trackage)	
	(b) Located wholly in the State of Iowa	
	(c) Located in Clinton and Jackson Counties	
	(d) Milepost 26.7 to 33.2	
	(e) Agency station Maquoketa (Milepost 33.0) included; dualized with Delmar (Mainline Milepost 173.0) not included	
9	(a) Clive to Woodward Jct.	Category 1
	(22.0 mile segment of the IOWA Division, Twelfth Subdivision and related trackage)	
	(b) Located wholly in the State of Iowa	
	(c) Located in Dallas and Polk Counties	
	(d) Milepost 0.0 to 22.0	
	(e) Agency station Clive (Milepost 7.5) not included	
	Agency station Grimes (Milepost 6.5) included - dualized with Adel (Milepost 22.4) not included	

Map Code	IOWA	
10	(a) Paralta to Hopkinton	Category 1
	(33.5 mile segment of the IOWA Division, Ninth Subdivision and related trackage)	
	(b) Located wholly in the State of Iowa	
	(c) Located in Linn, Jones and Delaware Counties	
	(d) Milepost 0.0 to 33.5	
	(e) Agency station Monticello (Milepost 24.2) included	
11	(a) Conover to Decorah	Category 1
	(10.0 mile segment of the MINNESOTA Division, Fifteenth Subdivision and related trackage)	
	(b) Located wholly in the State of Iowa	
	(c) Located in Winneshiek County	
	(d) Milepost 0.0 to 10.0	
	(e) Agency station Decorah (Milepost 10.0) not included - dualized with Cresco (Mainline Milepost 19.4)	

Map Code	IOWA	
12	(a) Amana to Rutledge	Category 1
	(65.2 mile segment of the IOWA Division, Sixth Subdivision and related trackage)	
	(b) Located wholly in the State of Iowa	
	(c) Located in Iowa, Keokuk and Wapello Counties	
	(d) Milepost 65.2 to 0.0	
	(e) Agency station Sigourney (Milepost 24.3) included	
	Agency station Amana (Milepost 67.0) not included	
13	(a) Muscatine to Rutledge	Category 1
	(75.7 mile segment of the IOWA Division, Fourth Subdivision and related trackage)	
	(b) Located wholly in the State of Iowa	
	(c) Located in Muscatine, Louisa, Washington, Keokuk, Jefferson and Wapello Counties	
	(d) Milepost 28.6 to 104.3	
	(e) Agency station Washington (Milepost 62.9) included	

Map Code	IOWA MISSOURI	
14	(a) Ottumwa Jct., Iowa to Polo, MO	Category 1
	(151.5 mile segment of the IOWA Division, Fifth Subdivision and related trackage) 59.0 miles in Iowa, and 92.5 miles in Missouri	
	(b) Located in the States of Iowa and Missouri	
	(c) Located in Wapello, Monroe, Appanoose and Wayne Counties of Iowa; and in Putnam, Sullivan, Grundy, Livingston and Caldwell Counties of Missouri	
	(d) Milepost 111.0 to 262.5	
	(e) Agency stations Seymour (Milepost 156.4) in Iowa; and Laredo (Milepost 211.2) in Missouri, dualized with Galt, Missouri (Milepost 203.5); and Chillicothe, MO (Milepost 228.6) dualized with Chula, MO (Milepost 219.0) are all included	

Map Code	WISCONSIN	
15	(a) Tomahawk to Heafford Jct.	Category 1
	(5.7 mile segment of the WISCONSIN Division, Nineteenth Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Lincoln County	
	(d) Milepost 133.4 to 139.1	
	(e) Agency station Heafford Jct. (Milepost 138.6) included	
16	(a) South Appleton to Appleton	Category 1
	(1.7 mile segment of the WISCONSIN Division, Eighth Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Winnebago and Outagamie Counties	
	(d) Milepost 188.5 to 190.2	
	(e) Agency at Menasha (Milepost 185.5) serves this segment, and is not included	

Map Code	WISCONSIN	
17	(a) Ripon Jct. to Berlin	Category 1
	(11.8 mile segment of the WISCONSIN Division, Thirteenth Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Fond du Lac, Winnebago and Green Lake Counties	
	(d) Milepost 169.8 to 181.6	
	(e) Agency station Berlin (Milepost 181.5) included - dualized with Oshkosh (Milepost 188.1) not included	
18	(a) Iron Ridge to Fond du Lac	Category 1
	(28.8 mile segment of the WISCONSIN Division, Fourteenth Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Dodge and Fond du Lac Counties	
	(d) Milepost 133.0 to 161.8	
	(e) Agency stations Mayville (Milepost 140.0) and Fond du Lac (Milepost 161.0) included	

Map Code	WISCONSIN	
19	(a) Sparta to Viroqua	Category 1
	(34.7 mile segment of the WISCONSIN Division, Eleventh Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Monroe and Vernon Counties	
	(d) Milepost 0.0 to 34.7	
	(e) Agency station Viroqua (Milepost 34.7) is included	
	Agency station Sparta (Milepost 0.0) is not included	

Map Code	WISCONSIN MINNESOTA	
20	(a) Winona, MN to Durand, WI	Category 1
	(51.1 miles of trackage rights and line segment of the MINNESOTA Division, Fifth Subdivision and related trackage)	
	(b) Located in the States of Minnesota and Wisconsin (1.0 mile in Minnesota, and 50.1 miles in Wisconsin)	
	(c) Located in Pepin and Buffalo Counties of Wisconsin; and in Winona County of Minnesota	
	(d) Milepost 325.0 to Milepost 362.0 (Burlington Northern Trackage Rights) and Milepost 3.9 to Milepost 18.0 - MILWAUKEE ROAD	
	(e) Agency stations Winona (Mainline Milepost 308.4) and Durand (Milepost 19.1) are not included	
	(f) Contemplates coordination with Chicago North Western Transportation Co. (CNWT) for operation St.Paul to Eau Claire	

Map Code	WISCONSIN	
21	(a) Monroe to Mineral Point	Category 1
	(46.7 mile segment of the WISCONSIN Division, Twenty-Fifth Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Greene, LaFayette and Iowa Counties	
	(d) Milepost 44.0 to 90.7	
	(e) Agency station Monroe (Milepost 43.2) not included	

Map Code	WISCONSIN	
22	(a) Milton Jct. to Waukesha	Category 1
	(41.0 mile segment of the WISCONSIN Division, Twenty-Sixth Subdivision and related trackage)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Waukesha, Rock, Jefferson and Walworth Counties	
	(d) Milepost 20.5 to 61.5	
	(e) Agency station Waukesha (Milepost 23.0) not included	
	(f) Line between Milepost 23.0 (near Waukesha) and Milepost 48.86 (near Whitewater) subject to pending Application for Abandonment - AB-7, (Sub. No. 20)	

Map Code	MINNESOTA	
23	(a) St.Croix Jct. to Bayport	Category 1
	(22.5 mile segment of the MINNESOTA Division, Sixth Subdivision and related trackage)	
	(b) Located wholly in the State of Minnesota	
	(c) Located in Washington County	
	(d) Milepost 0.0 to 22.5	
	(e) Agency at Bayport (Milepost 21.7) not included	
	(f) Contemplates coordinstion with Chicago North Western Transportation Co. (CNWT) for operation St.Paul to Bayport, MN	
24	(a) Faribault to Zumbrota	Category 1
	(35.0 mile segment of the MINNESOTA Division, Tenth Subdivision and related trackage)	
	(b) Located wholly in the State of Minnesota	
	(c) Located in Rice and Goodhue Counties	
	(d) Milepost 88.7 to 53.7	
	(e) No agencies on this segment. Agency station Faribault (Milepost 89.1) not included	

Map Code	MINNESOTA	
25	(a) LaCrescent to Ramsey	Category 1
	(100.0 mile segment of the MINNESOTA Division, Fourteenth Subdivision and related trackage)	
	(b) Located wholly in the State of Minnesota	
	(c) Located in Houston, Fillmore and Mower Counties	
	(d) Milepost 2.9 to 102.9	
	(e) Agency station Spring Valley (Milepost 73.5) included; Agency station Grand Meadow (Milepost 83.0) dualized with Spring Valley is included	

Map Code MINNESOTA

20 (a) Farmington to Cologne Category 1
(36.0 mile segment of the MINNESOTA Division, Eleventh Subdivision and related trackage)
(b) Located wholly in the State of Minnesota
(c) Located in Carver, Scott and Dakota Counties
(d) Mileposts 0.5 to 24.0, and 25.5 to 38.0
(e) Agency stations Shakopee (Milepost 24.7) and Farmington (Milepost 0.0) are not included
Agency stations at Prior Lake (Milepost 16.1) and Lakeville (Milepost 5.1) are dualized with Farmington, and are included
(f) Contemplates coordination with Chicago North Western Transportation Co. (CNWT) for operation St.Paul to Shakopee

Map Code MINNESOTA

27 (a) Farmington to Benning Category 1
(54.9 mile segment of the MINNESOTA Division, Ninth Subdivision and related trackage)
(b) Located wholly in the State of Minnesota
(c) Located in Dakota, Scott, Rice, LeSueur and Blue Earth Counties
(d) Milepost 1.2 to 56.1
(e) Agency station LeCenter (Milepost 36.0) dualized with Montgomery (Milepost 27.6) included
Agency station Farmington (Milepost 0.0) not included
(f) Contemplates coordination with Chicago North Western Transportation Co. (CNWT) for operation St.Paul to Mankato

Map Code MINNESOTA

28 (a) Mankato to Minnesota Lake Category 1
(29.5 mile segment of the MINNESOTA Division, Eighteenth Subdivision and related trackage)
(b) Located wholly in the State of Minnesota
(c) Located in Blue Earth and Faribault Counties
(d) Milepost 8.5 to 38.0
(e) Agency station Mankato (Milepost 37.7) not included
Agency station Good Thunder (Milepost 24.5) incl.; on-call from Wells (Milepost 144.4) and not included

29 (a) St.Clair Jct. to Pemberton Category 1
(32.6 mile segment of the MINNESOTA Division, Twentieth Subdivision and related trackage)
(b) Located wholly in the State of Minnesota
(c) Located in Freeborn, Waseca and Blue Earth Counties
(d) Milepost 1.3 to 33.9
(e) No agency stations on this segment

Map Code MINNESOTA
SOUTH DAKOTA

30 (a) Jackson, MN to Egan, SD Category 1
(98.0 mile segment of the MINNESOTA Division, Nineteenth Subdivision and related trackage)
(b) Located in the States of Minnesota and South Dakota
86.0 miles in Minnesota and 12.0 miles in South Dakota
(c) Located in Jackson, Nobles, Murray and Pipestone Counties, Minnesota; and in Moody County, South Dakota
(d) Milepost 210.0 to 308.0
(e) Agency stations Jackson (Milepost 209.4) and Egan (Milepost 309.3) are not included
Agency station Pipestone (Milepost 288.6) is on-call from Egan, and included

Map Code	SOUTH DAKOTA	
31	(a) Madison to Bryant	Category 1
	(47.3 mile segment of the MINNESOTA Division, Twenty-First Subdivision and related trackage)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Lake, Kingsbury and Hamlin Counties	
	(d) Milepost 0.6 to 47.9	
	(e) Agency station Madison (Milepost 0.0) is not included	
32	(a) Garden City to Bristol	Category 1
	(28.8 mile segment of the DAKOTA Division, Fourth Subdivision and related trackage)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Clark and Day Counties	
	(d) Milepost 73.9 to 102.7	
	(e) Agency station Bristol (Mainline Milepost 668.5) not included	

Map Code	SOUTH DAKOTA	
33	(a) Woonsocket to Wessington Springs	Category 1
	(15.2 mile segment of the DAKOTA Division, Sixteenth Subdivision and related trackage)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Sanborn and Jerould Counties	
	(d) Milepost 393.8 to 409.0	
	(e) Agency station Woonsocket (Milepost 393.5) not included	
34	(a) Marion Jct. to Menno	Category 1
	(21.5 mile segment of the DAKOTA Division, Twenty-First Subdivision and related trackage)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Turner and Hutchinson Counties	
	(d) Milepost 0.3 to 21.8	
	(e) No agency stations on this segment	

Map Code	SOUTH DAKOTA	
35	(a) Napa to Platte	Category 1
	(82.9 mile segment of the DAKOTA Division Eighteenth Subdivision and related trackage)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Yankton, Bon Homme and Charles Mix Counties	
	(d) Milepost 0.0 to 82.9	
	(e) Agency station Wagner (Milepost 46.0) included	
36	(a) Trail City to Faith	Category 1
	(106.5 mile segment of the DAKOTA Division, Twelfth Subdivision and related trackage)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Dewey, Corson, Ziebach and Meade Counties	
	(d) Milepost 0.0 to 106.5	
	(e) No agency stations on this segment	

Map Code	MONTANA	
37	(a) Three Forks to Bozeman	Category 1
	(40.3 mile segment of the MONTANA Division, Seventh Subdivision and related trackage)	
	(b) Located wholly in the State of Montana	
	(c) Located in Gallatin County	
	(d) Milepost 0.0 to 40.3	
	(e) Agency station Bozeman (Milepost 38.2) included	
	Agency station Three Forks (Mainline Milepost 1449.8) not included	
38	(a) Bozeman Hot Springs to Gallatin Gateway	Category 1
	(4.9 mile segment of the MONTANA Division, Eighth Subdivision and related trackage)	
	(b) Located wholly in the State of Montana	
	(c) Located in Gallatin County	
	(d) Milepost 0.0 to 4.9	
	(e) No agency stations on this segment	

Map Code	MONTANA
39	(a) Bonner to Bear Creek Category 1 (34.0 mile segment of the MONTANA Division, Sixth Subdivision and related trackage) (b) Located wholly in the State of Montana (c) Located in Missoula County (d) Milepost 2.4 to 36.4 (e) No agency stations on this segment

Map Code	WASHINGTON
40	(a) Naytown to Helsing Jct. Category 1 (11.2 mile segment of the WASHINGTON Division, Sixteenth Subdivision and related trackage) (b) Located wholly in the State of Washington (c) Located in Thurston and Grays Harbor Counties (d) Milepost 37.0 to 48.2 (e) No agency stations on this segment (f) Contemplates coordinstion with the Union Pacific for operation Centralia to Helsing Jct.

Map Code	WASHINGTON
41	(a) Park Jct. to National Category 1 (3.8 mile segment of the WASHINGTON Division, Thirteenth Subdivision and related trackage) (b) Located wholly in the State of Washington (c) Located in Pierce County (d) Milepost 0.0 to 3.8 (e) No agency stations on this segment
42	(a) Bagley Jct. to Enumclaw Category 1 (16.0 mile segment of the WASHINGTON Division, Fifteenth Subdivision and related trackage) (b) Located wholly in the State of Washington (c) Located in King County (d) MILW Milepost 0.0 to MILW Milepost 7.8 (Burlington Northern Milepost 1.0) and B.N. Milepost 1.0 to B.N. Milepost 9.2 (All operated jointly) (e) No agency stations on this segment

Map Code	WASHINGTON
43	(a) East Spokane to Metaline Falls Category 1 (108.6 mile segment (47.5 miles of trackage rights and 61.1 miles of MILW trackage) of the WASHINGTON Division, Twenty-Second Subdivision and related trackage) (b) Located wholly in the State of Washington (c) Located in Spokane and Pend O'Reille Counties (d) Burlington Northern's East Spokane (Milepost 1479.5 to Newport (Milepost 1432.0) (47.5 miles of trackage rights) Milwaukee Road's Newport (Milepost 43.6 to Metaline Falls (Milepost 104.7) (61.1 miles of trackage rights) (e) No agency stations on this segment

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY

CATEGORY 2

Lines or portions of lines potentially subject to abandonment.

Map Code WASHINGTON

44 (a) Port Angeles to Port Townsend — Category 2
(50.8 mile segment and related trackage of the WASHINGTON Division, Fourteenth Subdivision)
(b) Located wholly in the State of Washington
(c) Located in Clallam and Jefferson Counties
(d) Milepost 0.0 to 50.8
(e) Agency at Port Angeles (Milepost 50.8) included

45 (a) Melsing Jct. to Hoquiam — Category 2
(47.3 mile segment and related trackage of the WASHINGTON Division, Sixteenth Subdivision)
(b) Located wholly in the State of Washington
(c) Located in Grays Harbor and Thurston Counties
(d) Milepost 48.0 to 90.7 (Joint ownership Milwaukee Road - Union Pacific - Milepost 90.7 to Milepost 95.3 -- Trackage rights over Burlington Northern, Inc.)
(e) Agency station at Aberdeen (Milepost 90.2) included

Map Code WASHINGTON

46 (a) Chehalis Jct. to Raymond — Category 2
(53.0 mile segment and related trackage of the WASHINGTON Division, Seventeenth Subdivision)
(b) Located wholly in the State of Washington
(c) Located in Lewis and Pacific Counties
(d) Burlington Northern, Inc. Milepost 0.0 to Milepost 53.0 - Trackage rights over the BN, Inc.
(e) Agency station at Chehalis (Mainline Milepost 19.0) not included

47 (a) Beverly Jct. to Hanford — Category 2
(20.8 mile segment and related trackage of the WASHINGTON Division, Eighteenth Subdivision)
(b) Located wholly in the State of Washington
(c) Located in Kittitas, Yakima and Benton Counties
(d) Milepost 0.0 to 20.8
(e) No agency stations on this segment

Map Code WASHINGTON

48 (a) Tiflis to Marcellus — Category 2
(39.0 mile segment and related trackage of the WASHINGTON Division, Twenty-First Subdivision)
(b) Located wholly in the State of Washington
(c) Located in Grant and Adams Counties
(d) Milepost 8.2 to 47.2
(e) No agency stations on this segment

Map Code MONTANA

49 (a) Fairfield to Agawam — Category 2
(31.1 mile segment and related trackage of the MONTANA Division, Fourteenth Subdivision)
(b) Located wholly in the State of Montana
(c) Located in Teton County
(d) MILW Milepost 234.5 to Milepost 244.4, Joint MILW-Burlington Northern Milepost 244.4 to Milepost 251.2, and MILW Milepost 251.2 to Milepost 265.6
(e) Agency station Fairfield (Milepost 234.0) not included
Agency station Choteau (Milepost 252.0) included

50 (a) Roy Jct. to Winifred — Category 2
(23.1 mile segment and related trackage of the MONTANA Division, Twelfth Subdivision)
(b) Located wholly in the State of Montana
(c) Located in Fergus County
(d) Milepost 0.0 to 23.1
(e) No agency stations on this segment

Map Code	SOUTH DAKOTA
51	(a) Canton to Rapid City Category 2
	(365.8 mile segment and related trackage, of the DAKOTA Division, Twentieth, Twenty-Second and Twenty-Third Subdivisions)
	(b) Located wholly in the State of South Dakota
	(c) Located in Lincoln, Turner, Hutchinson, McCook, Hanson, Davison, Aurora, Brule, Lyman, Jones, Jackson and Pennington Counties
	(d) Milepost 294.7 to 660.5
	(e) Agency station at Mitchell (Milepost 373.9) and Canton (Milepost 294.7) not included Agency stations at Parker (Milepost 323.2) Chamberlain (Milepost 440.5) Kennebeck (Milepost 471.1) Murdo (Milepost 516.3) Kadoka (Milepost 561.7) Rapid City (Milepost 660.2) Presho (Milepost 481.0) now dualized with Kennebeck, are all included

Map Code	SOUTH DAKOTA
52	(a) Moreau Jct. to Isabel Category 2
	(56.5 mile segment and related trackage of the DAKOTA Division, Eleventh Subdivision)
	(b) Located wholly in the State of South Dakota
	(c) Located in Corson and Dewey Counties
	(d) Milepost 0.0 to 56.5
	(e) No agency stations on this segment

Map Code	NORTH DAKOTA SOUTH DAKOTA
53	(a) Roscoe, So. Dakota to Linton, No. Dakota Category 2
	(75.6) mile segment and related trackage of the DAKOTA Division, Eighth Subdivision)
	(b) Located in the State of North and South Dakota (34.9 miles in North Dakota; 40.17 miles in South Dakota)
	(c) Located in Edmunds, McPherson and Campbell Counties, South Dakota Located in McIntosh and Emmons Counties of North Dakota
	(d) Milepost 0.0 to 75.6
	(e) Agency station at Roscoe (Milepost 0.0) not included
54	(a) Aberdeen, So. Dakota to Edgeley, No. Dakota Category 2
	(63.3 mile segment and related trackage of the DAKOTA Division, Sixth Subdivision)
	(b) Located in the States of North and South Dakota (31.8 miles South Dakota; 31.5 miles North Dakota)
	(c) Located in Brown County, South Dakota and Dickey and LaMoure Counties, North Dakota
	(d) Milepost 0.0 to 63.3
	(e) Agency station Aberdeen (Milepost 0.0) not included

Map Code	NORTH DAKOTA SOUTH DAKOTA
55	(a) Andover, So. Dakota to Brampton, No. Dakota Category 2
	(42.8 mile segment and related trackage of the DAKOTA Divison, Fifth Subdivision)
	(b) Located in the States of North and South Dakota (38.6 miles in South Dakota, 4.2 miles in North Dakota)
	(c) Located in Day and Marshall Counties, S. Dakota and in Sargent County, N. Dakota
	(d) Milepost 0.0 to 42.8
	(e) Agency station Britton (Milepost 28.2) included

Map Code	SOUTH DAKOTA	
56	(a) Milbank to Sisseton	Category 2
	(38.0 mile segment and related trackage of the DAKOTA Division, Third Subdivision)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Grant and Roberts Counties	
	(d) Milepost 0.0 to 38.0	
	(e) Agency station Milbank (Milepost 0.0) not included	
57	(a) Sioux Falls to Sioux Falls Jct.	Category 2
	(32.3 mile segment and related trackage of the DAKOTA Division, Nineteenth Subdivision)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Minnehaha and Moody Counties	
	(d) Milepost 70.7 to 103.0	
	(e) Agency station at Sioux Falls (Milepost 70.0) not included	
	Agency station at Dell Rapids (Milepost 90.2) included	

Map Code	SOUTH DAKOTA	
58	(a) Egan to Madison	Category 2
	(26.0 mile segment and related trackage of the MINNESOTA Division, Nineteenth Subdivision)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Moody and Lake Counties	
	(d) Milepost 308.0 to 334.0	
	(e) Agency stations at Egan (Milepost 308.3) and Madison (Milepost 333.4) are included	
59	(a) Elk Point to Mitchell	Category 2
	(116.7 mile segment and related trackage of the DAKOTA Division, Seventeenth Subdivision)	
	(b) Located wholly in the State of South Dakota	
	(c) Located in Union, Clay, Yankton, Bon Homme, Hutchinson and Davison Counties	
	(d) Milepost 533.3 to 650.0	
	(e) Agency stations at Vermillion (Milepost 548.3), Yankton (Milepost 575.1), Parkston (Milepost 627.9), included	
	Agency station at Mitchell (Mainline Milepost 373.9) not included	

Map Code	MINNESOTA NORTH DAKOTA	
60	(a) Ortonville, Minnesota to Fargo, No. Dakota	Category 2
	(117.0 mile segment and related trackage of the DAKOTA Division, Second Subdivision)	
	(b) Located in the States of Minnesota, South and North Dakota (46.2 miles in Minnesota; 1.3 miles in South Dakota and 69.5 miles in North Dakota)	
	(c) Located in Big Stone and Traverse Counties in Minnesota; Richland and Cass Counties in North Dakota; and Roberts County in South Dakota	
	(d) Milepost 0.0 to 117.0	
	(e) Agency station Ortonville (Mainline Milepost 600.0) not included	
	Agency station Wahpeton (Milepost 70.9) included	
	Agency station Fargo (Milepost 116.1) included	

Map Code	SOUTH DAKOTA IOWA	
61	(a) Elk Point to Canton	Category 2
	(49.9 mile segment and related trackage of the DAKOTA Division, Nineteenth Subdivision)	
	(b) Located in Iowa (34.9 miles) and in South Dakota (14.8 miles)	
	(c) Located in Union and Lincoln Counties of South Dakota; and Lyon, Plymouth and Sioux Counties of Iowa	
	(d) Milepost 0.0 to 49.9	
	(e) Agency station Canton (Milepost 49.8) not included	

Map Code	IOWA	
62	(a) Manilla to Council Bluffs (60.6 mile segment and related trackage of the IOWA Division, Third Subdivision)	Category 2
	(b) Located wholly in the State of Iowa	
	(c) Located in Crawford, Shelby, Harrison and Pottawatamie Counties	
	(d) Milepost 422.8 to 484.4	
	(e) Agency station at Manilla (Milepost 422.7) and Council Bluffs (Milepost 482.2) are not included Agency station at Portsmouth (Milepost 447.4) and Earling (Milepost 435.9) dualized with Portsmouth, included	
63	(a) Herndon to Clive (46.6 mile segment and related trackage of the IOWA Division, Tenth Subdivision)	Category 2
	(b) Located wholly in the State of Iowa	
	(c) Located in Polk, Dallas and Guthrie Counties	
	(d) Milepost 7.5 to 54.1	
	(e) Agency station at Clive (Milepost 7.6) is not included Agency stations at Adel (Milepost 22.4) and Redfield (Milepost 32.0) included	

Map Code	IOWA	
64	(a) Tama to Louisa (50.1 mile segment and related trackage of the IOWA Division, First and Second Subdivisions)	Category 2
	(b) Located wholly in the State of Iowa	
	(c) Located in Linn, Benton and Tama Counties	
	(d) Milepost 230.7 to 280.8	
	(e) Agency station Tama (Milepost 280.5) not included	
65	(a) Green Island to Dove (73.2 mile segment and related trackage of the IOWA Division, First Subdivision)	Category 2
	(b) Located wholly in the State of Iowa	
	(c) Located in Jackson, Clinton, Jones and Linn Counties	
	(d) Milepost 152.5 to 225.7	
	(e) Agency stations Delmar (Milepost 173.0) and Olin (Milepost 202.4) are included	

Map Code	WISCONSIN	
66	(a) Durand to Eau Claire (32.5 mile segment and related trackage of the MINNESOTA Division, Fifth Subdivision)	Category 2
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Pepin, Dunn and Eau Claire Counties	
	(d) Milepost 18.0 to 50.5	
	(e) Agency station Durand (Milepost 8.0) and Agency station Eau Claire (Milepost 50.5) included	
67	(a) Lone Rock to Prairie du Chien (54.0 mile segment and related trackage of the WISCONSIN Division, Twenty-Second Subdivision)	Category 2
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Richland, Iowa, Grant and Crawford Counties	
	(d) Milepost 182.3 to 236.3	
	(e) Agency station Muscoda (Milepost 194.7), Prairie du Chien (Milepost 255.9), and Boscobel (Milepost 208.9), dualized with Muscoda, included	

Map Code	WISCONSIN	
68	(a) Janesville to Monroe (34.0 mile segment and related trackage of the WISCONSIN Division, Twenty-Fifth Subdivision)	Category 2
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Rock, Greene and LaFayette Counties	
	(d) Milepost 10.0 to 44.0	
	(e) Agency station Janesville (Mainline Milepost 99.0) not included Agency station at Monroe (Milepost 43.4) included	

Map Code	MICHIGAN	
69	(a) Ontonagon to Channing (93.0 mile segment and related trackage of the WISCONSIN Division, Seventh Subdivision)	Category 2
	(b) Located wholly in the State of Michigan	
	(c) Located in Dickinson, Iron, Baraga, Houghton and Ontonagon Counties	
	(d) Milepost 315.0 to 408.0	
	(e) Agency station Ontonagon (Milepost 407.7) included	
70	(a) Randville to Republic (32.6 mile segment and related trackage of the WISCONSIN Division, Sixth and Tenth Subdivision)	Category 2
	(b) Located wholly in the State of Michigan	
	(c) Located in Dickinson and Marquette Counties	
	(d) Milepost 304.5 to 337.1	
	(e) Agency station Channing (Milepost 315.9) included	

Map Code	WISCONSIN	
71	(a) North Beloit to Janesville (8.5 mile segment and related trackage of the ILLINOIS Division, Fourteenth Subdivision)	Category 2
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Rock County	
	(d) Milepost 0.0 to 8.5	
	(e) Agency station Janesville (Milepost 0.0) not included	

Map Code	WISCONSIN	
72	(a) North Milwaukee to Horicon Granville to Menominee Falls and Horicon to Oshkosh (98.4) mile segment and related trackage of the WISCONSIN Division, Twelfth Subdivision and Seventeenth Subdivision)	Category 2
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Milwaukee, Waukesha, Washington, Dodge, Fond du Lac and Winnebago Counties	
	(d) Milepost 93.7 (North Milwaukee) to Milepost 139.0 (Horicon), Milepost 188.3 (Oshkosh), Milepost 100.5 (Granville), Milepost 104.3 (Menominee Falls)	
	(e) Agency stations Granville (Milepost 100.2), Slinger (Milepost 117.2), Horicon (Milepost 139.1), Waupun (Milepost 153.7), Brandon (Milepost 161.0), dualized with Markesan, Oshkosh (Milepost 188.2), Ripon (Milepost 168.9) included	

Map Code	WISCONSIN	
73	(a) Horicon to Portage and Beaver Dam Jct. to Beaver Dam (43.3 mile segment and 2.0 mile segment and related trackage of the WISCONSIN Division, Fifteenth Subdivision)	Category 2
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Dodge and Columbia Counties	
	(d) Milepost 139.0 to 182.3 and Milepost 148.5 to Milepost 150.5	
	(e) Agency stations Horicon (Milepost 139.1), Fox Lake (Milepost 156.5), dualized with Beaver Dam (Milepost 148.7), Cambria (Milepost 165.3), Pardeville (Milespost 174.8), dualized with Randolph (Milepost 159.7) are all included Agency station Portage (Mainline Milepost (178.2) not included	

Map Code	WISCONSIN	
74	(a) Brandon to Ma kesan	Category 2
	(11.6 mile segment and related trackage of the WISCONSIN Division, Sixteenth Subdivision)	
	(b) Located wholly in the State of Wisconsin	
	(c) Located in Fond du Lac and Green Lake Counties	
	(d) Milepost 161.0 to 172.6	
	(e) Agency station Markesan (Milepost 172.6) included Agency station Fairwater (Milepost 165.5) dualized with Markesan, is included	

Map Code	ILLINOIS	
75	(a) Savanna to East Moline	Category 2
	(50.3 mile segment (42.8 miles MILW-owned, 7.5 miles trackage rights and related trackage of the ILLINOIS Division, Twelfth Subdivision)	
	(b) Located wholly in the State of Illinois	
	(c) Located in Carroll, Whiteside and Rock Island Counties	
	(d) Milepost 0.2 to 3.5 - Trackage rights on the Burlington Northern Milepost 50.5 to Milepost 43.0; MILW Milepost 10.5 to Milepost 50.0 (East Moline)	
	(e) Agency station Savanna (Mainline Milepost 138.0) and Agency station East Moline (Milepost 51.0) not included	

Map Code	ILLINOIS	
76	(a) Rockton to Kittredge	Category 2
	(48.3 mile segment of the ILLINOIS Division, Thirteenth Subdivision and related trackage)	
	(b) Located wholly in the State of Illinois	
	(c) Located in Carroll, Stephenson and Winnebago Counties	
	(d) Milepost 71.8 to 120.1	
	(e) Agency ststion Freeport (Milepost 103.8) included	

Map Code	ILLINOIS	
77	(a) Rockton to Rockford	Category 2
	(15.2 mile segment and related trackage of the ILLINOIS Division, Fourteenth Subdivision)	
	(b) Located wholly in the State of Illinois	
	(c) Located in Winnebago County	
	(d) Milepost 71.8 to 15.0	
	(e) Agency station Rockford (Milepost 15.0) not included	
78	(a) Delmar to Momence	Category 2
	(3.1 mile segment and related trackage of the ILLINOIS Division, Ninth Subdivision)	
	(b) Located wholly in the State of Illinois	
	(c) Located in Kankakee County	
	(d) Milepost 52.9 to 56.0	
	(e) Agency station Delmar (Milepost 52.9) not included	

CHICAGO, MILWAUKEE, ST. PAUL and PACIFIC RAILROAD COMPANY

CATEGORY 3

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

Map Code WISCONSIN

79 (a) Waukesha to Whitewater — CATEGORY 3
(27.46 mile segment of the Wisconsin Division, Twenty-sixth Subdivision). AB-7 (Sub-No. 20).
(b) Located wholly within the State of Wisconsin.
(c) Located in Waukesha, Jefferson and Walworth Counties.
(d) Milepost 23.0 to 48.86
(e) Agency station at Waukesha (milepost 19.5) not included in abandonment. See Category 1 - No. 22.

Map Code WISCONSIN (cont'd)

80 (a) City of Fond du Lac — CATEGORY 3
(About 2.77 mile segment of the Wisconsin Division, Fourteenth Subdivision and acquisition of trackage rights over about 2.40 miles Chicago and North Western Transportation Company tracks). AB-7 (Sub-No. 27) and F.D. No. 28218.
(b) Located wholly within the State of Wisconsin.
(c) Located in Fond du Lac County.
(d) Engineers Stations 0+69 to 71+60 and 82+39 to 113+21.
(e) No agency station on segment.

Map Code WISCONSIN (cont'd)

81 (a) City of Berlin — CATEGORY 3
(About 6,000 feet of track in the Wisconsin Division, Thirteenth Subdivision. AB-7 (Sub-No. 29).
(b) Located wholly within the State of Wisconsin.
(c) Located in Green Lake County.
(d) Milepost 181.08 to 181.45
(e) No agency station on segment.

Map Code MINNESOTA

82 (a) Red Wing to Cannon Falls — CATEGORY 3
(21.6 mile segment of the Minnesota Division, Eighth Subdivision). AB-7 (Sub-No. 16).
(b) Located wholly within the State of Minnesota.
(c) Located in Goodhue County.
(d) Milepost 72.68 to 94.48.
(e) Agency station at Red Wing (milepost 95.0) not included in abandonment.

Map Code	MINNESOTA (cont'd)	
83	(a) Pemberton to St. Clair (6.56 mile segment of the Minnesota Division, Twentieth Subdivision). AB-7 (Sub-No. 8).	CATEGORY 3
	(b) Located wholly within the State of Minnesota.	
	(c) Located in Waseca and Blue Earth Counties.	
	(d) Milepost 33.9 to 40.46.	
	(e) No agency station on segment.	

Map Code	IDAHO	
84	(a) Bovill to Elk River (21.38 mile segment of the Washington Division, Twenty-fourth Subdivision). AB-7 (Sub-No. 26).	CATEGORY 3
	(b) Located wholly within the State of Idaho.	
	(c) Located in Latah and Clearwater Counties.	
	(d) Milepost 51.80 to 72.46.	
	(e) Agency station at Bovill (milepost 51.8) is not included in abandonment.	

Map Code	WASHINGTON	
85	(a) South Montesano to Montesano (1.6 mile segment of the Washington Division, being trackage jointly owned and operated with Union Pacific). AB-7 (Sub-No. 30).	CATEGORY 3
	(b) Located wholly within the State of Washington.	
	(c) Located in Grays Harbor County.	
	(d) Milepost 0.0 to 1.6	
	(e) No agency station on segment.	

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 109 (SDM)

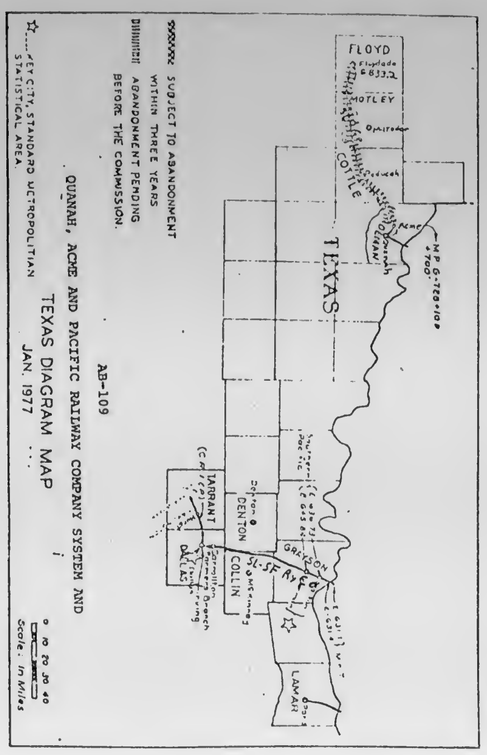
QUANAH, ACME AND PACIFIC RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Quanah, Acme and Pacific Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 109 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 12, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 109 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



AB-109
LINE DESCRIPTION FOR THE
QUANAH, ACME AND PACIFIC RAILWAY COMPANY

Line for which abandonment application is pending before the Interstate Commerce Commission:

Texas:

(a) Acme to Floydada, Texas, AB-109
(b) Located wholly within the State of Texas
(c) Located in the Texas counties of Cottle, Motley, Floyd and Hardeman
(d) Railroad mileposts G-728 to G-833.2
(e) Agency stations at Paducah, Texas (G-768) and Floydada, Texas (milepost G-833.2)

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 156 (SDM)

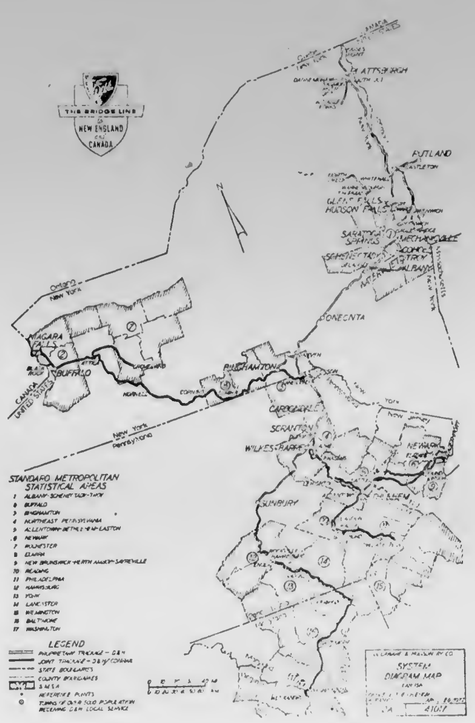
DELAWARE AND HUDSON RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Delaware and Hudson Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 156 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 156 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 9 (SDM)

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the St. Louis-San Francisco Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 9 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 12, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 9 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.

AB-9
LINE DESCRIPTIONS FOR THE
ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY

Lines for which abandonment applications are pending before the Interstate Commerce Commission:

Alabama:

(a) Aliceville to Reform, Alabama, AB-9 (Sub 7)
(b) Located wholly within the State of Alabama
(c) Located in the Alabama County of Pickens
(d) Railroad mileposts RB-680.50 to RB-701.01
(e) Agency stations at Carrollton, Alabama (milepost RB-691) and Reform, Alabama (milepost RB-701)

Arkansas:

(a) Blytheville to Monette, Arkansas, AB-9 (Sub 8)
(b) Located wholly within the State of Arkansas
(c) Located within the Arkansas counties of Mississippi and Craighead
(d) Railroad mileposts TD-239.77 to TD-268.0
(e) Agency station at Manilla, Arkansas (milepost TD-255)

(a) Tyronza Junction to Lepanto, Arkansas, AB-9 (Sub 6)
(b) Located wholly within the State of Arkansas
(c) Located in the Arkansas County of Poinsett
(d) Railroad mileposts C-449.6 to SA-458.8
(e) Agency station at Marked Tree, Arkansas (milepost C-447) serves trackage

Kansas:

(a) Beaumont to Winfield, Kansas, AB-9 (Sub 2)
(b) Located wholly within the State of Kansas
(c) Located in the Kansas Counties of Butler and Cowley
(d) Railroad mileposts K-458.28 to K-500.25
(e) No agency stations. All agencies closed and track has been embargoed

AB-9
Line Description for the
St. Louis-San Francisco Railway Company

Lines which this carrier anticipates will be the subject of an abandonment application to be filed within three years:

Alabama:

(a) Cochrane to York, Alabama
(b) Located wholly within the State of Alabama
(c) Located within the Alabama counties of Pickens and Sumpter
(d) Railroad mileposts RA-686.46 to RA-728
(e) Agency stations at Aliceville, Alabama (milespost R-680) and York, Alahama (milepost RA-732)

Missouri:

(a) East Lynne to Bolivar, Missouri (Highline)
(b) Located wholly within the State of Missouri
(c) Located within the Missouri counties of Cass, Johnson, Henry, St. Clair, Hickory and Polk
(d) Railroad mileposts D-52.0 to D-153.0
(e) Agency stations at Clinton, Missouri (milepost D-087) and Weaubleau, Missouri (milepost D-132)

(a) Willow Springs to Winona, Missouri
(b) Located wholly within the State of Missouri
(c) Located in the Missouri counties of Howell and Shannon
(d) Railroad mileposts S-294.3 to S-322.6
(e) Agency station at Willow Springs, Missouri (milepost S-294)

(a) Kissick to Ozark, Missouri
(b) Located wholly within the State of Missouri
(c) Located in the Missouri county of Christian
(d) Railroad mileposts A-250.1 to A-257.6
(e) Agency station at Springfield, Missouri (milepost MP-239) serves trackage

AB-9
Lins Description for the
St. Louis-San Francisco Railway Company

(a) Brooks Junction to Vanduser, Missouri
(b) Located wholly within the State of Missouri
(c) Located in the Missouri county of Scott
(d) Railroad mileposts TA-155.0 to TA-158.8
(e) Agency station at Sikeston, Missouri (milepost T-166) serves trackage

(a) Kennett to Holcomb, Missouri
(b) Located wholly within the State of Missouri
(c) Located in the Missouri county of Dunklin
(d) Railroad mileposts TB-231.5 to TB-242.5
(e) Agency station at Hayti, Missouri (milepost T-213) serves trackage

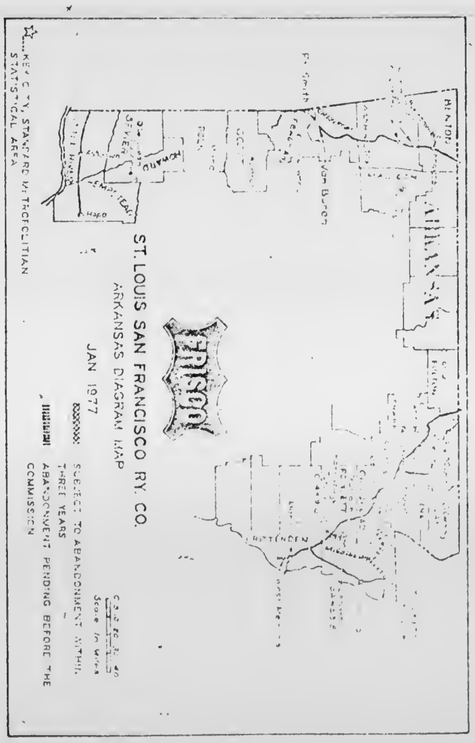
Oklahoma:

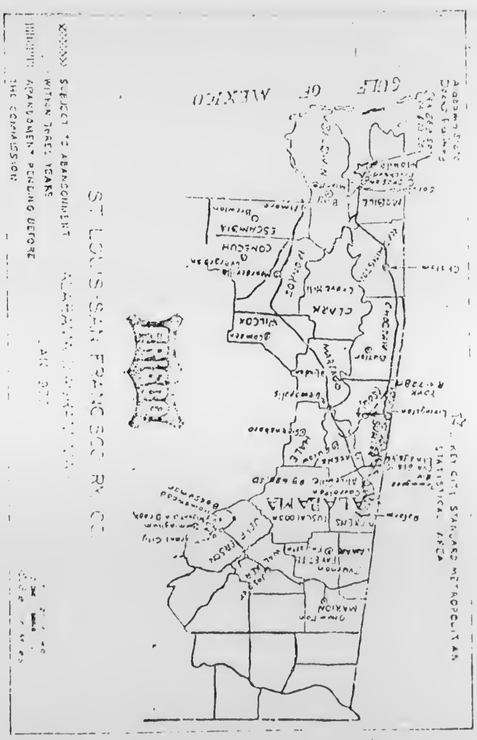
(a) Poteau to Hugo, Oklahoma
(b) Located wholly within the State of Oklahoma
(c) Located in the Oklahoma counties of Leflore
(d) Railroad mileposts MP 445.0 to MP 558.5
(e) Agency station at Antlers, Oklahoma (milepost M.P. 542)

Lines which are controlled by St. Louis-San Francisco Railway Company and for which an abandonment application is pending before the Interatate Commerce Commission:

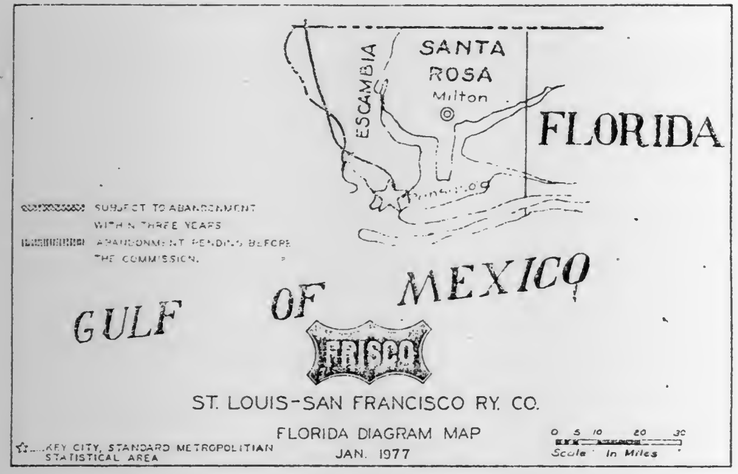
Texas:
(Quanah, Acme and Pacific Railway Company)

(a) Acme to Floydada, Texas (AB-109)
(b) Located wholly within the State of Texas
(c) Located in the Texas counties of Hardeman, Cottle, Motley and Floyd
(d) Railroad mileposts M.P.G. 728 to 833.2
(e) Agency stations at Paducah and Floydada, Texas

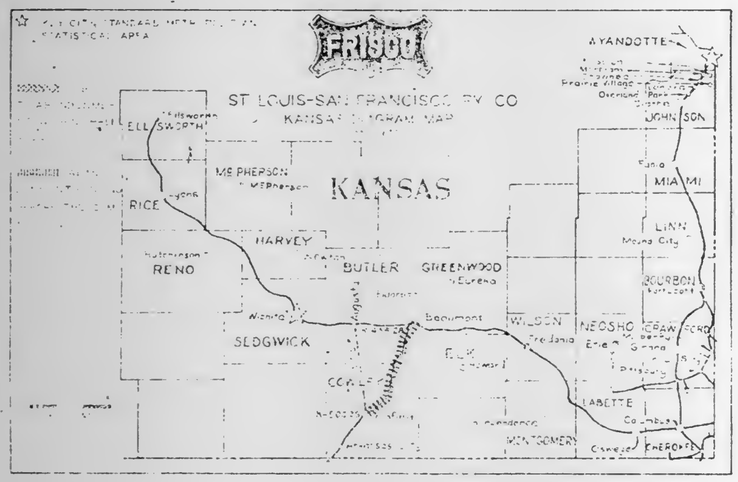




AB-9



AB-9



AB-9



AB-9

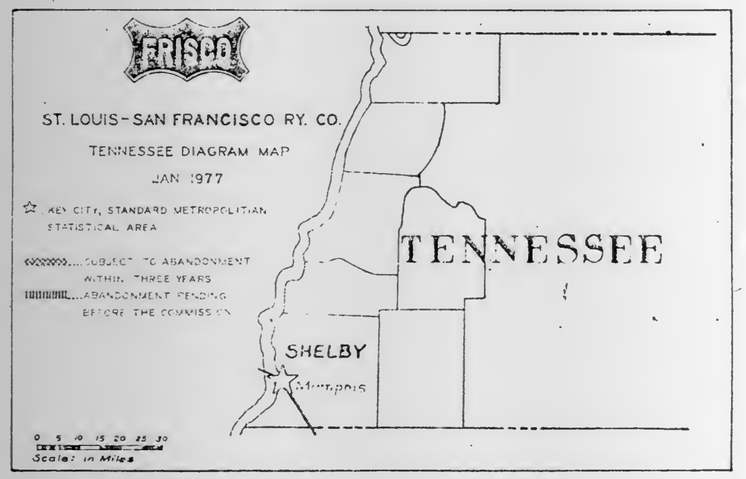


VOL 42 NO 118 JUN 20 77 UM

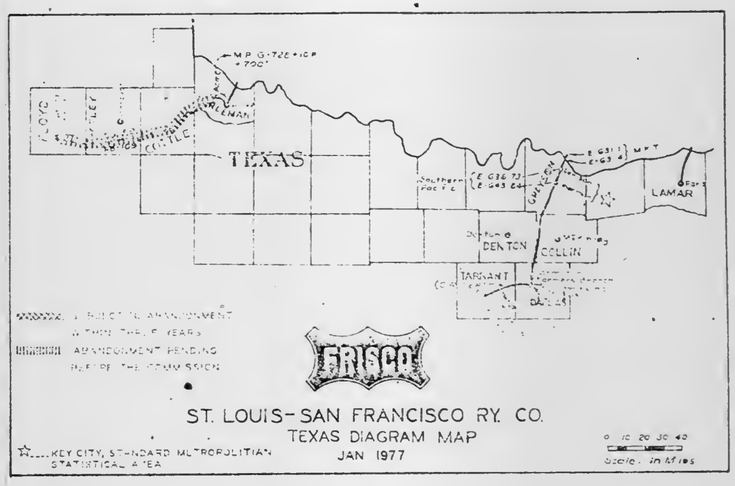
AB-9



AB-9



AB-9



VOL 42 NO 118 JUN 20 77 UM

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 2 (SDM)

LOUISVILLE & NASHVILLE RAILROAD COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Louisville & Nashville Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 2 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on May 6, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 2 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.

1



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
ILLINOIS

LEGEND

CATEGORY 5 ——————

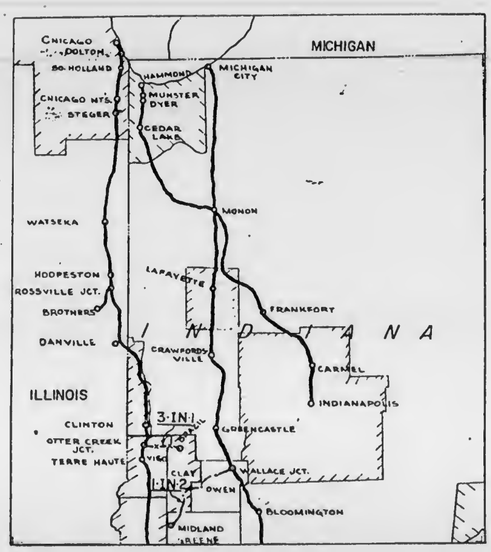
Certified to be a true copy of the original document.

J. L. Adams

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

April 1,1977

2



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
NORTHERN INDIANA

LEGEND

CATEGORY 1 ——·——·——
CATEGORY 3 —x—x—x—
CATEGORY 5 ——————

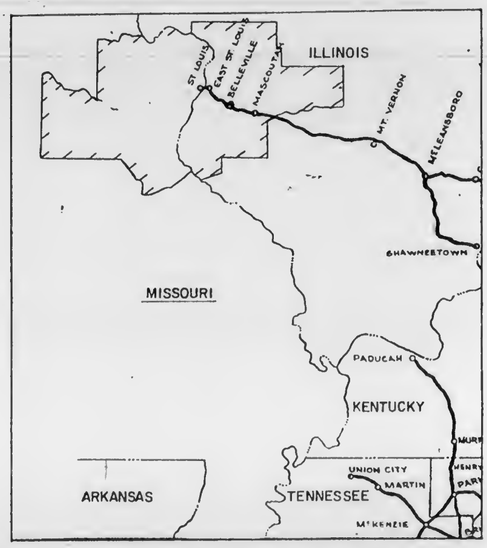
Certified to be a true copy of the original document.

J. L. Adams

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

April 1,1977

3



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
MISSOURI

LEGEND

CATEGORY 5 ——————

Certified to be a true copy of the original document.

J. L. Adams

Population over 5,000
Std. Metrop Stat. Areas
County Lines
State Lines

April 1,1977

LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
OHIO

LEGEND

CATEGORY 3 —x—x—x—
CATEGORY 5 ———

Population over 5,000 ⊙
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1, 1977

LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
SOUTHERN INDIANA

LEGEND

CATEGORY 1 —·—·—·—
CATEGORY 2 — — — —
CATEGORY 3 —x—x—x—
CATEGORY 5 ———

Population over 5,000 ⊙
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1, 1977

LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
WESTERN KENTUCKY

LEGEND

CATEGORY 1 —·—·—·—
CATEGORY 2 — — — —
CATEGORY 5 ———

Population over 5,000 ⊙
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1, 1977

LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
WESTERN TENNESSEE

LEGEND

CATEGORY 1 —·—·—·—
CATEGORY 5 ———

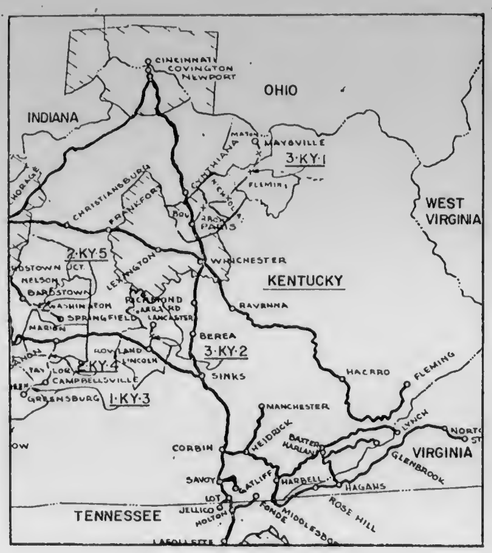
Population over 5,000 ⊙
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1, 1977

V42 N118 JUN 20 77 UMI



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
EASTERN KENTUCKY

LEGEND

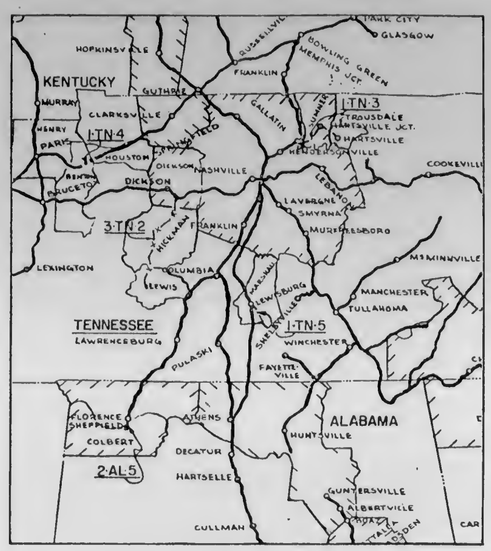
CATEGORY 1
CATEGORY 2
CATEGORY 3
CATEGORY 5

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1,1977



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
CENTRAL TENNESSEE

LEGEND

CATEGORY 1
CATEGORY 2
CATEGORY 3
CATEGORY 5

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1,1977



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
EASTERN TENNESSEE

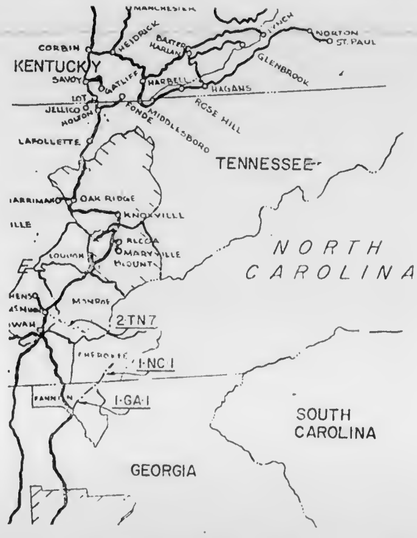
LEGEND

CATEGORY 1
CATEGORY 2
CATEGORY 5

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
NORTH CAROLINA

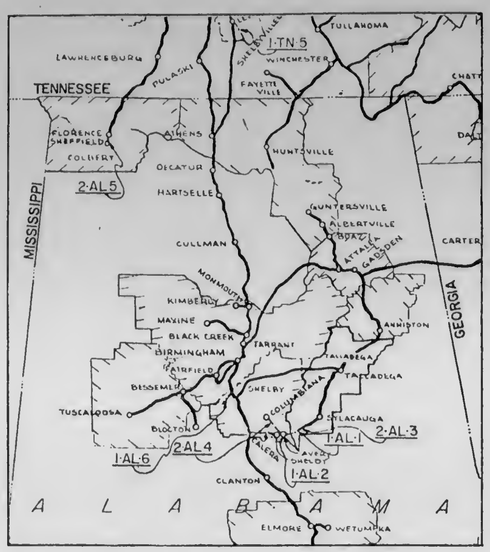
LEGEND

CATEGORY 1
CATEGORY 5

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
NORTHERN ALABAMA

LEGEND

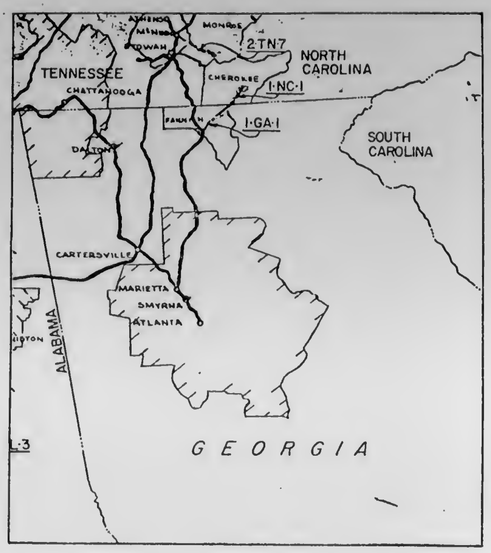
CATEGORY 1 ——·——·——
CATEGORY 2 — — — —
CATEGORY 5 ———

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams

April 1.1977



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
GEORGIA

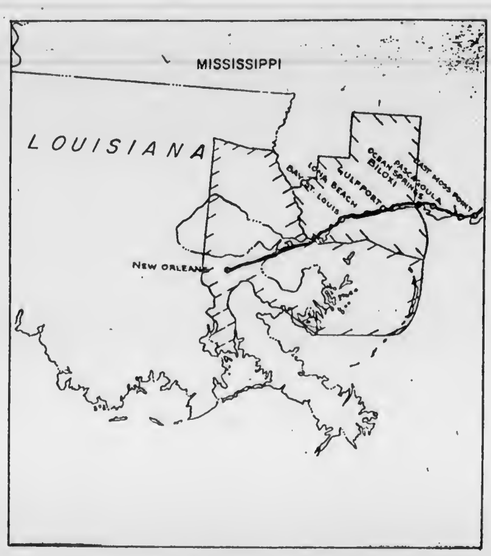
LEGEND

CATEGORY 1 ——·——·——
CATEGORY 2 — — — —
CATEGORY 5 ———

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
LOUISIANA

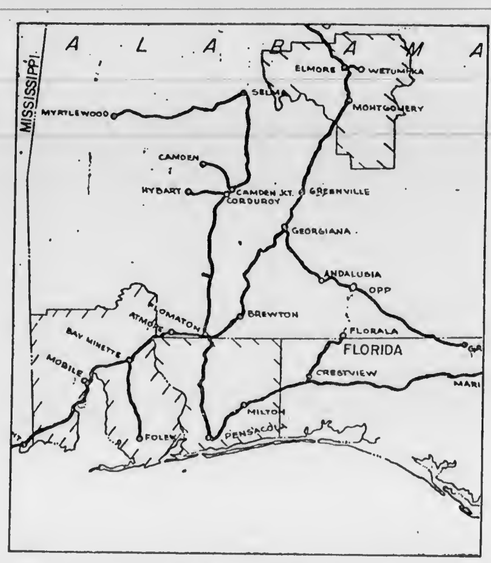
LEGEND

CATEGORY 5 ———

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. I. Adams



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
SOUTHERN ALABAMA

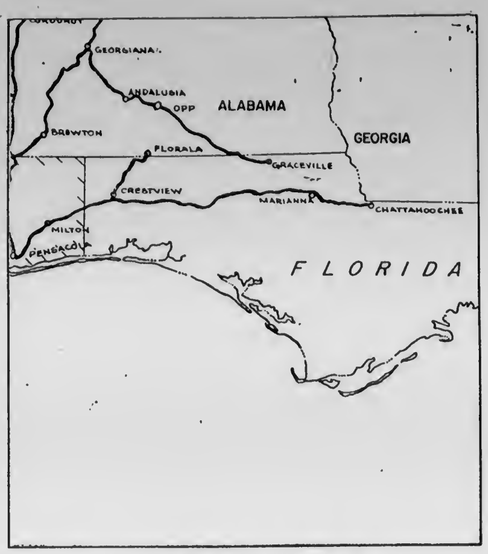
LEGEND

CATEGORY 5 ———

Certified to be a true copy of the original document.

J. I. Adams

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
FLORIDA

L·E·G·E·N·D

CATEGORY 5 ————

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Certified to be a true copy of the original document.

J. A. Adams

L&N KK
System Diagram Map
Line Segment Description

Map Reference Number	Line Description
	CATEGORY 1
1-AL-1	Portion of Huntsville Branch No. 2--A part of L&N's Birmingham Division which extends from Mile Post LE-448.0 to Mile Post LE-444.9 in Talladega County, a distance of 3.1 miles. There are no open agency stations located on the line.
1-AL-2	Portion of Alabama Mineral Branch--A part of L&N's Birmingham Division which extends from Mile Post AM-436.0 to Mile Post AM-441.8 in Shelby County, a distance of 5.8 miles. There are no open agency stations located on the line.
1-AL-6	Portion of Helena and Blocton Branch--A part of L&N's Birmingham Division which extends from Mile Post LM-408.23 to Mile Post LM-418.18 in Shelby County, a distance of 9.95 miles. There are no open agency stations located on the line.
1-GA-1	The Murphy Branch--A part of L&N's Atlanta Division which extends from Mile Post KG-416.8 in Fannin County, Georgia to Mile Post KG-403.85 at the Georgia State line, a distance of 10.35 miles. There are no open agency stations located on the line.
1-IN-2	I&L Branch--A part of L&N's Louisville Division which extends from Mile Post F-0.0 in Owen County, Indiana through Clay County, to Mile Post F-42.2 in Greene County, all in Indiana, a distance of 42.2 miles. There is one open agency station located at Midland, Indiana (Mile Post No. F-42.2).
1-KY-3	Portion of Greensburg Branch--A part of L&N's Louisville Division which extends from Mile Post I-88.00 in Taylor County to Mile Post I-98.55 in Green County, a distance of 10.55 miles. There are no open agency stations located on the line.
1-NC-1	The Murphy Branch--A part of the L&N's Atlanta Division which extends from Mile Post KG-403.85 in Cherokee County, North Carolina to Mile Post KG-416.80, a distance of 12.95 miles. There is one open agency station located at Murphy, North Carolina (Mile Post KG-416.8) which is within the service area of a mobile agency based at Tate, Georgia.
1-TN-3	The Hartsville Branch--A part of L&N's Louisville Division which extends from Mile Post GN-159.0 in Sumner County, Tennessee to Mile Post HB-179.6 in Trousdale County, Tennessee, a distance of 20.6 miles. There are no open agency stations on the line.

1-TN-4	Portion of Memphis Branch--A part of L&N's Nashville Division which extends from Mile Post F-218.3 in Houston County, Tennessee to Mile Post F-229.8 in Benton County, Tennessee, a distance of 11.5 miles. There are no open agency stations located on the line.
1-TN-5	Belfast Branch--A part of L&N's Birmingham Division which extends through Marshall County from Mile Post MP-61.0 to Mile Post MP-67.5, a distance of 6.5 miles. There are no open stations located on the line.
1-TN-6	ICG connection track at Memphis, Tennessee--A part of L&N's Evansville Division which extends from Mile Post F-372.2 to Mile Post F-376.3 all in Shelby County, Tennessee, a distance of 4.1 miles. There are no open agency stations located on the line.
	CATEGORY 2
2-AL-3	Portion of Huntsville Branch No. 2--A part of L&N's Birmingham Division which extends from Mile Post LE-448.0 to Mile Post LE-453.5 in Talladega County, a distance of 5.5 miles. There are no open agency stations located on the line.
2-AL-4	Portion of Alabama Mineral Branch--A part of L&N's Birmingham Division which extends from Mile Post AM-425.0 to Mile Post AS-440.8 in Shelby County, a distance of 16.3 miles. There is an open station located at Columbiana (Mile Post AS-440.8) which is within the service area of a mobile agency based at Calera (Mile Post AM-425.0).
2-AL-5	Portion of NF&S Branch--A part of L&N's Birmingham Division which extends from Mile Post A-316.0 to A-316.64 all in Colbert County, a distance of .64 miles. There are no open agency stations located on the line.
2-IN-4	The French Lick Branch--A part of L&N's Louisville Division which extends through Orange County, Indiana from Mile Post D-0.0 to Mile Post D-8.88, a distance of 8.88 miles. There are open agency stations located at Orleans, Indiana (Mile Post D-0.0) and at Paoli, Indiana (Mile Post D-8.88) which are within the service area of a mobile agency based at Bloomington, Indiana.
2-KY-4	Portion of Greensburg Branch--A part of L&N's Louisville Division which extends from Mile Post I-68.04 in Marion County to I-88.00 in Taylor County, a distance of 19.96 miles. There are no open agency stations located on the line.

2-KY-5 Portion of Bardstown Branch--A part of L&N's Louisville Division which extends from Mile Post B-43.6 in Nelson County to Mile Post B-59.4 in Washington County, a distance of 16.4 miles. There is one open agency station located on the line at Springfield (Mile Post B-59.0).

2-TN-7 Portion of Athens and Tellico Branch--A part of L&N's Corbin Division which extends from Mile Post KB-326.3 in McMinn County to Mile Post KB-341.5 in Monroe County, a distance of 15.2 miles. There are no open agency stations located on the line.

CATEGORY 3

3-IN-1 The Brazil Branch--A part of L&N's Evansville Division which extends from Mile Post ZH-171.44 in Vigo County to Mile Post ZH-185.10 in Clay County, a distance of 12.66 miles. There are no open agency stations located on the line.

3-KY-1 The Paris and Maysville Branch--A part of L&N's Corbin Division which extends from Mile Post PM-115.21 in Bourbon County through Nicholas and Fleming Counties to Mile Post PM-164.41 in Mason County, a distance of 49.20 miles. There is one open station located at Maysville (Mile Post PM-164.41) which is within the service area of a mobile agency based at Winchester, Kentucky.

3-KY-2 The Lancaster Branch--A part of L&N's Louisville Division which extends from Mile Post KB-104.82 in Lincoln County, Kentucky to Mile Post KB-113.15 in Garrard County, Kentucky, a distance of 8.33 miles. There are no open agency stations located on the line.

3-TN-2 The Centerville Branch--A part of L&N's Nashville Division which extends from Mile Post NA-2.0 in Dickson County, through Hickman County, to Mile Post NA-52.5 in Lewis County, all in Tennessee, a distance of 50.5 miles. There are no open agency stations on the line.

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 194 (SDM)

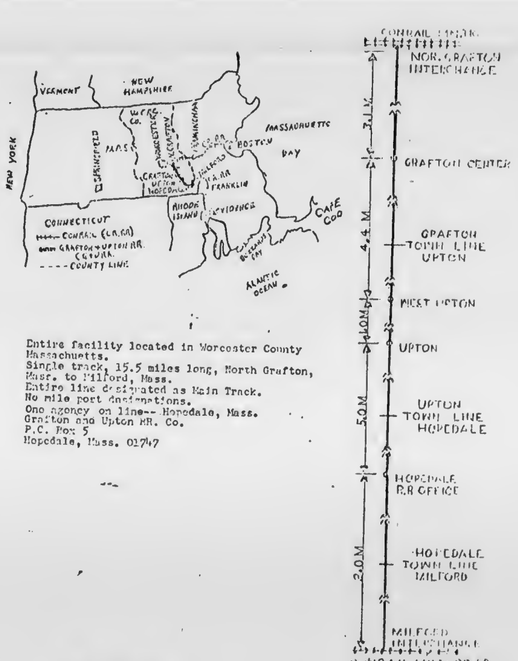
GRAFTON AND UPTON RAILROAD COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Grafton and Upton Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 194 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 194 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



Entire facility located in Worcester County Massachusetts.
Single track, 15.5 miles long, North Grafton, Mass. to Milford, Mass.
Entire line designated as Main Track.
No mile post designations.
One agency on line-- Hopedale, Mass.
Grafton and Upton RR. Co.
P.O. Box 5
Hopedale, Mass. 01747

AB 194 (SDM)

INTERSTATE COMMERCE COMMISSION
Washington, D. C.

AB 171 (SDM)

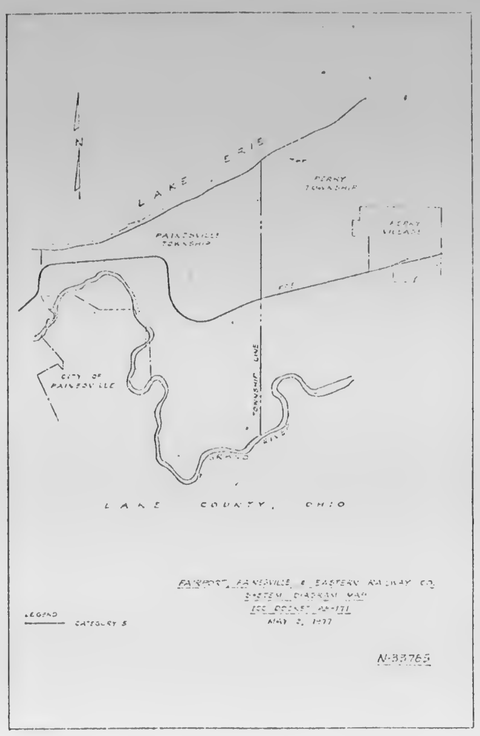
FAIRPORT, PAINESVILLE & EASTERN RAILWAY COMPANY

SYSTEM DIAGRAM MAP

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Fairport, Painesville & Eastern Railway Company, has filed with the Commission its color-coded system diagram map in docket No. AB 171 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 171 (SDM).

Robert L. Oswald
ROBERT L. OSWALD,
Secretary.



[FR Doc.77-16739 Filed 6-14-77;8:45 am]

V 42118
JUN 20
7
UM

V 42118
JUN 20
7
UM

Advance Orders are now being Accepted
for delivery in about 6 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 17—Commodity and Securities Exchange	$6.75	$_____
_____	Title 18—Conservation of Power and Water Resources (Parts 1–149)	4.25	_____
_____	Title 21—Food and Drugs (Parts 300–499)	5.00	_____
_____	Title 21—Food and Drugs (Parts 500–599)	4.00	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:
Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons) or charge to my
Deposit Account No. ..... Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name _____
Street address _____
City and State _____ ZIP Code _____

FOR USE OF SUPT. DOCS.
___ Enclosed
___ To be mailed later
___ Subscription
Refund
Coupon refund
Postage
Foreign Handling

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

U.S. GOVERNMENT PRINTING OFFICE
ASSISTANT PUBLIC PRINTER
(SUPERINTENDENT OF DOCUMENTS)
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name _____
Street address _____
City and State _____ ZIP Code _____

Vol.42—No.119
6–21–77
PAGES
31427–31590

Federal Register

TUESDAY, JUNE 21, 1977

highlights

SUNSHINE ACT MEETINGS 31518

POSTAL RATES
PS announces changes in classification and rates for transient rate matter and certain increases in phased postage rates; effective 7–6–77 31506

TRUTH IN LENDING
FRS issues staff interpretations on development of consumer loan form, and on rules implementing the "Consumer Leasing Act"; effective 6–17–77 31430

DRUG STUDIES
Justice/DEA proposes changes in provisions for protection of researchers and research subjects; comments by 7–18–77 31460

ANIMAL WELFARE
USDA/APHIS amends standards for humane handling of certain animals transported in commerce; effective 9–19–77 (Part III of this issue) 31555

EMPLOYEE BENEFIT PLANS
Labor/P&WBP and Treasury/IRS issue notice of class exemption involving transfer of individual life insurance contracts and annuities (2 documents) (Part IV of this issue) 31574, 31575

RULES OF PRACTICE
CPSC adopts interim rules for expedited proceedings under the Consumer Product Safety Act and the Flammable Fabrics Act (2 documents); comments by 7–21–77 ..... 31431, 31458

FRASER RIVER CONVENTION SOCKEYE AND PINK SALMON FISHERY
Interior/BIA adopts emergency regulations in accordance with fishing rights of certain northwest Washington Indian tribes and U.S. obligations to Canada; effective 6–26–77 31450

CONTROLLED SUBSTANCES IN SCHEDULE II
Justice/DEA proposes increased aggregate production quota for Thebaine in 1977; comments by 7–18–77 31504

NEW ANIMAL DRUGS
HEW/FDA approves pentazocine lactate injection as safe and effective for treating horses; effective 6–21–77 31450
HEW/FDA withdraws approval of application for use of certain anti-infective sprays in treating skin disorders of dogs, cats, and horses; effective 6–21–77 31496

CONTINUED INSIDE

JUN 21 1977
UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	**202**–783–3238
Subscription problems (GPO)	**202**–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

NEW DRUGS
HEW/FDA reclassifies indocyanine green injection as effective ... 31495

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976
State publishes application from Republic of Korea for permit to fish off U.S. coasts (Part V of this issue) ... 31579

RAISIN CROP INSURANCE
Agriculture/FCIC revises provisions for 1976 and succeeding crop years; effective 6–15–77 ... 31427

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA issues proposed flood elevation determinations for certain areas in Pennsylvania and Oregon (16 documents) (Part II of this issue) ... 31546–31553

FEDERAL AUDIOVISUAL ACTIVITIES
OMB publishes proposed policy management circular (Part VI of this issue) ... 31583

INDUSTRY TRADE PRACTICE RULES
FTC invites comments by 8–22–77 on proposed rescissions or revisions involving 41 industries ... 31457

USE OF COPYRIGHTED WORKS IN CONJUNCTION WITH COMPUTERS AND PHOTOCOPYING MACHINES
National Commission on New Technological Uses of Copyrighted Works announces preparation of report to the President and Congress on recommended changes in copyright law and procedure ... 31506

PRIVACY ACT
The following agencies issue notices changing, adopting, proposing or relocating certain systems of records:
Agency for International Development; effective 3–28–77, and 7–21–77 ... 31511
General Services Administration; comments by 7–5–77 ... 31494
Tennessee Valley Authority; effective 6–21–77 ... 31512

MEETINGS—
Architectural and Transportation Barriers Compliance Board, 7–8 and 7–9–77 ... 31473
DOD: Defense Science Board Task Force on Nuclear Proliferation, 8–23–77 ... 31481
AF: Scientific Advisory Board Ad Hoc Committee on Simulation Technology, 7–21 and 7–22–77 ... 31480
Army: Armed Forces Epidemiological Board, 7–7 and 7–8–77 ... 31480
Federal Council on the Aging, 7–12–77 ... 31495
Task Force on the Frail Elderly, 7–11 and 7–13–77 ... 31495
State/AID: Research Advisory Committee, 7–14 and 7–15–77 ... 31511

CHANGED MEETING—
Commerce/DIBA: East-West Trade Advisory Committee, 6–29–77 ... 31475

SEPARATE PARTS OF THIS ISSUE
Part II, HUD/FIA ... 31545
Part III, USDA/APHIS ... 31555
Part IV, Labor/P&WBP and Treasury/IRS ... 31573
PART V, State ... 31579
Part VI, OMB ... 31583

V42N119 JUN 21 77 UM

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Authority delegations:
Latin America, Assistant Administrator, et al.; project grant agreements, etc. 31511
Meetings:
Research Advisory Committee 31511
Privacy Act; systems of records (2 documents) 31511

AGING, FEDERAL COUNCIL

Notices

Meetings:
Council on Aging 31495
Frail Elderly Task Force 31495

AGRICULTURE DEPARTMENT

See also Animal and Plant Health Inspection Service; Federal Crop Insurance Corporation; Packers and Stockyards Administration; Rural Electrification Administration; Soil Conservation Service.

Rules

Procurement; disputes and appeals, editorial amendments 31454

AIR FORCE DEPARTMENT

Notices

Meetings:
Scientific Advisory Board 31480

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Animal welfare:
Transportation, handling, care, and treatment of animals; standards 31555
Viruses, serums, toxins, etc.:
Biologics licenses or permits; suspension 31430

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Notices

Meetings:
Accessible Environment National Advisory Committee 31473

ARMY DEPARTMENT

Notices

Discharge Review Boards, Army, Navy and Air Force; single index 31480
Meetings:
Armed Forces Epidemiological Board 31480
Military Records Correction Boards, Army, Navy and Air Force; single index, non-discharge cases 31481

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Pan American World Airways, Inc 31474
Pevsner, Donald L 31473

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Equal Employment Opportunity Commission 31455
Handicapped sons and daughters, hiring 31456
Health, Education, and Welfare Department 31456
Justice Department 31456
Labor Department (2 documents) 31456

COMMERCE DEPARTMENT

See Domestic and International Business Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

CONSUMER PRODUCT SAFETY COMMISSION

Rules

Adjudicative proceedings, practice rules 31431
Expedited proceedings, practice rules 31446

Proposed Rules

Adjudicative proceedings, practice rules; cross reference 31458
Expedited proceedings, practice rules; cross reference 31458

COPYRIGHTED WORKS, NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES

Notices

Software and Data Base Committees, report availability 31506

CUSTOMS SERVICE

Rules

Liquidation of duties; countervailing duties:
Scissors and shears from Brazil 31449
Yarn (cotton) from Brazil 31449

Notices

Countervailing duty petitions and preliminary determinations:
Leather handbags from Colombia 31514
Leather handbags from Uruguay 31514

DEFENSE DEPARTMENT

See also Air Force Department; Army Department.

Notices

Meetings:
Science Board Task Force on Nuclear Proliferation 31481

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices

Export privileges, actions affecting:
Goldman, Elisha, et al 31477
Meetings:
East-West Trade Advisory Committee, correction 31475
Scientific articles; duty free entry:
College of Medicine and Dentistry of New Jersey, et al 31475
Columbia University, et al 31476
Stanford University 31477
University of California, et al 31478

DRUG ENFORCEMENT ADMINISTRATION

Proposed Rules

Administrative functions, practices and procedures:
Researchers and research subjects; confidentiality and prosecution exemption 31460

Notices

Schedules of controlled substances:
Thebaine; 1977 aggregate production quota 31504

EDUCATION OFFICE

Notices

Committees; establishment, renewals, etc.:
Black Higher Education and Black Colleges and Universities National Advisory Committee 31496

EMERGENCY NATURAL GAS ACT OF 1977, ADMINISTRATOR

Notices

Emergency orders, etc.:
Natural Gas Pipeline Co. of America 31472

ENVIRONMENTAL PROTECTION AGENCY

Notices

Pesticides; specific exemptions and experimental use permits:
Agriculture Department et al.; correction 31481

FEDERAL COMMUNICATIONS COMMISSION

Notices

Canadian standard broadcast stations; notification list 31481
Hearings, etc.:
McClatchy Newspapers et al 31482
Radio Cicero, Inc., et al 31486
Tidewater Radio Show, Inc 31489

FEDERAL CROP INSURANCE CORPORATION

Rules

Crop insurance, various commodities:
Raisins 31427

FEDERAL INSURANCE ADMINISTRATION

Proposed Rules

Flood Insurance Program, National:
Flood elevation determinations, etc. (16 documents) 31546–31553

FEDERAL MARITIME COMMISSION

Notices

Agreements filed, etc.:
Euro-Pacific Joint Service; correction 31490

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Bonneville Power Administration 31492
Brazos River Authority 31490
Getty Oil Co. et al 31490
Natural Gas Pipeline Co. of America 31493
Sea Robin Pipeline Co 31493

FEDERAL RESERVE SYSTEM

Rules

Truth-in-lending:
Official staff interpretations 31430

FEDERAL TRADE COMMISSION

Proposed Rules

Trade practice rules, various industry guides:
Rescissions or revisions; inquiry 31457

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
Pentazocine lactate injection 31450
Biological products:
Blood and blood product standards; cryoprecipitated antihemophilic factor (human); correction 31450
Chlorofluorocarbon propellants in self-pressurized containers; label warning statements for human and animal drugs, cosmetics, medical devices, etc.; correction 31449
Human drugs:
pH test method; correction 31449
Sponsor name change; Abbott Laboratories 31450
Mushrooms, canned; identity standards; correction 31449

Notices

Animal drugs:
Hexederm, derma-hex, and funjex sprays; approval withdrawn 31496
Human drugs:
Indocyanine green injection; efficacy study implementation 31495

FOREIGN ASSETS CONTROL OFFICE

Rules

Rhodesian sanctions:
Import prohibitions; strategic and critical materials; ferrochromium and chromium steel products from any country 31453

GENERAL SERVICES ADMINISTRATION

Rules

Property management:
Federal; motor vehicle maintenance 31454
Federal; personal property sale, abandonment, destruction; mistakes in bids 31455
Federal; real property utilization and disposal; negotiated sales of surplus real property 31455

Notices

Privacy Act; systems of records 31494

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration.

Notices

National Professional Standards Review Council, request for nomination of members 31496

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INDIAN AFFAIRS BUREAU

Rules

Off-reservation treaty fishing:
Fraser River sockeye and pink salmon 31450

INTERIOR DEPARTMENT

See Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Proposed Rules

Income taxes:
Bonds, arbitrage; correction 31462

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (2 documents) 31574, 31575

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Plugs, round head steel drum from Japan 31502

INTERSTATE COMMERCE COMMISSION

Notices

Agreements under sections 5a and b, applications for approval, etc.:
Bulk Carrier Conference, Inc 31515
Fourth section applications for relief 31516
Hearing assignments 31515
Motor carriers:
Transfer proceedings 31516
Railroad freight rates and charges; various States, etc.:
Oklahoma 31516

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

LABOR DEPARTMENT

See also Pension and Welfare Programs Office.

Proposed Rules

Procurement 31462

Notices

Adjustment assistance:
Aetna Pipe Products Co 31504
De Laval Turbines, Inc 31505
Faith Shoe Co 31505

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico 31498
Wyoming (2 documents) 31499
Authority delegations:
District Managers, Idaho 31497
Outer Continental Shelf:
Oil and gas lease sales; Louisiana and Texas; tracts withdrawn 31498
Oil and gas lease sales; restricted joint bidders, list 31498
Withdrawal and reservation of lands, proposed, etc.:
California (4 documents) 31496–31499

MANAGEMENT AND BUDGET OFFICE

Notices

Audiovisual activities management, Federal; proposed circular 31583

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Aeron Marine Shipping Co. et al 31479

MATERIALS TRANSPORTATION BUREAU

Notices

Applications; exemptions, renewals, etc.:
Warren Petroleum Co. et al.; correction 31512
Petitions for waiver; pipelines:
Alyeska Pipeline Service Co 31512

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Endangered species permits; applications 31480

NATIONAL PARK SERVICE

Rules

Caves; visitor activities, behavior, etc.:
Mammoth Cave National Park, Ky 31453

Notices

Authority delegations:
Great Smoky Mountains National Park, Tenn.–N.C., Assistant Superintendent, et al. 31500
Mammoth Cave National Park, Ky., Administrative Officer, et al 31500
National Register, Keeper 31500
Boundary establishment, descriptions, etc.:
National Historic Landmarks Program 31501
Environmental statements; availability, etc.:
Green Springs Historic District, Va 31500
Klondike Gold Rush National Historical Park, Wash 31501
Mining claims, plans of operation; availability:
Bighorn Canyon National Recreation Area, Mont 31500

VAN HH9 J
JUN 21 7
7
UM

Visiting hours establishment:
Minute Man National Historical Park ---- 31501

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Posting and deposting of stockyards:
Hot Springs County Livestock Commission Co., Inc., Ark., et al ---- 31472
Rawhide Livestock Auction, Inc., Ariz., et al ---- 31472

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (2 documents) ---- 31574, 31575

POSTAL SERVICE

Notices

Postal rates and fees:
Transient rate, second class category, and phased postage rate increases ---- 31506

Privacy Act; systems of records; correction ---- 31506

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Power supply cooperatives; board of directors, composition; bulletin 101–1 revision ---- 31457

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Securities Act:
Reports or memoranda concerning registrants; guide for preparation and filing; inquiry ---- 31458

Notices

Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc. 31507
Chicago Board Options Exchange, Inc ---- 31508
New York Stock Exchange, Inc. 31508
Options Clearing Corp ---- 31508
Pacific Stock Exchange Inc ---- 31509

Hearings, etc.:
Connecticut Light & Power Co. 31510

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects; availability, etc.:
Lower Salt Creek, Kans ---- 31472

STATE DEPARTMENT

See also Agency for International Development.

Notices

Fishing permits, applications:
Korea, Republic of ---- 31579

TENNESSEE VALLEY AUTHORITY

Notices

Privacy Act; systems of records 31512

TRANSPORTATION DEPARTMENT

See also Coast Guard; Materials Transportation Bureau;

TREASURY DEPARTMENT

See Customs Service, Foreign Assets Control Office; Internal Revenue Service.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR
213 (5 documents) ---- 31455, 31456

7 CFR
402 ---- 31427

PROPOSED RULES:
1701 ---- 31457

9 CFR
1 ---- 31561
2 ---- 31561
3 ---- 31561
105 ---- 31430

12 CFR
226 ---- 31430

16 CFR
1025 ---- 31431
1026 ---- 31446

PROPOSED RULES:
23 ---- 31457
26 ---- 31457
34 ---- 31457
36 ---- 31457
40 ---- 31457
41 ---- 31457
46 ---- 31457
54 ---- 31457
56 ---- 31457
57 ---- 31457
60 ---- 31457
61 ---- 31457
62 ---- 31457
67 ---- 31457
74 ---- 31457
103 ---- 31457
114 ---- 31457
117 ---- 31457
118 ---- 31457
131 ---- 31457
142 ---- 31457
146 ---- 31457
150 ---- 31457
152 ---- 31457
154 ---- 31457
157 ---- 31457
160 ---- 31457
162 ---- 31457
165 ---- 31457
175 ---- 31457
192 ---- 31457
197 ---- 31457
205 ---- 31457
209 ---- 31457
210 ---- 31457
214 ---- 31457
215 ---- 31457
216 ---- 31457
221 ---- 31457
223 ---- 31457
224 ---- 31457
1026 ---- 31458

17 CFR

PROPOSED RULES:
231 ---- 31458

19 CFR
159 (2 documents) ---- 31449

21 CFR
Ch. I ---- 31449
101 ---- 31449
155 ---- 31449
369 ---- 31449
436 ---- 31449
501 ---- 31449
505 ---- 31449
510 ---- 31450
522 ---- 31450
640 ---- 31450
740 ---- 31449
801 ---- 31449

PROPOSED RULES:
1316 ---- 31460

24 CFR

PROPOSED RULES:
1917 (16 documents ---- 31546–31553

25 CFR
256 ---- 31450

26 CFR

PROPOSED RULES:
1 ---- 31462

31 CFR
530 ---- 31453

36 CFR
7 ---- 31453

41 CFR
4–50 ---- 31454
101–38 ---- 31454
101–45 ---- 31455
101–47 ---- 31455

PROPOSED RULES:
29–1 ---- 31462
29–2 ---- 31462
29–3 ---- 31462
29–12 ---- 31462
29–61 ---- 31462

V42N119 JUN 21 77 UM

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11995) ... 29841
11905 (Amended by EO 11994) ... 28869
11985 (See EO 11994) ... 28869
11994 ... 28869
11995 ... 29841
11996 ... 30489

PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) ... 30829
4477 (See Proc. 4509) ... 30829
4505 ... 29471
4506 ... 30143
4507 ... 30351
4508 ... 30353
4509 ... 30829

MEMORANDUMS:
June 2, 1977 ... 29843

5 CFR

213 ... 28515, 28989, 29845, 29846, 29879, 30355 30831, 31455, 31456
752 ... 28516
754 ... 28516
771 ... 28516
831 ... 29846

PROPOSED RULES:
831 ... 29880

7 CFR

26 ... 30145
68 ... 30599
908 ... 30600
210 ... 30355
271 ... 28516, 30831
401 ... 28871–28873, 28989
402 ... 31427
411 ... 28873
413 ... 28141
724 ... 29847
730 ... 30355
905 ... 27875
908 ... 28144, 29487
910 ... 28516, 29848, 30831
911 ... 30147
916 ... 30491
918 ... 29487
922 ... 30492
1004 ... 29848
1207 ... 29295
1427 ... 29849
1446 ... 28989, 30832
1472 ... 29854
1474 ... 30832
1488 ... 30833

PROPOSED RULES:
51 ... 30626
53 ... 29313
271 ... 28546
905 ... 30198
911 ... 30513
915 ... 30513
916 ... 27911, 30206
917 ... 28146, 30513, 30514, 30626
921 ... 29489
922 ... 30514

7 CFR—Continued

PROPOSED RULES—Continued
923 ... 27912
989 ... 27913
1006 ... 30627
1012 ... 30627
1013 ... 30627
1030 ... 27921
1040 ... 29881
1065 ... 28897
1094 ... 30627
1096 ... 30627
1205 ... 29313
1435 ... 30409
1701 ... 29012, 31457
1822 ... 29885
1933 ... 29885

8 CFR

223 ... 28113
238 ... 28990, 29871

PROPOSED RULES:
100 ... 28547
244 ... 30845

9 CFR

1 ... 31022, 31561
2 ... 31022, 31561
3 ... 31561
78 ... 28517
105 ... 31430
112 ... 28519, 29854

PROPOSED RULES:
94 ... 30844
95 ... 30844
113 ... 28548, 28549

10 CFR

2 ... 28893
21 ... 28893
31 ... 28896
34 ... 28896
35 ... 28896
40 ... 28896
70 ... 28896
Ch. II ... 31143
211 ... 27908
212 ... 27908
214 ... 29295
430 ... 27896, 30401
440 ... 27899
745 ... 30492

PROPOSED RULES:
2 ... 31167
70 ... 28147
73 ... 28147
202 ... 28147
211 ... 27936
212 ... 27936, 29490
430 ... 27941, 27951, 30206, 30210, 30401, 30627
450 ... 29906

12 CFR

207 ... 29299
226 ... 28520, 30148, 31430
264 ... 27876
265 ... 28521, 30601
268 ... 28522
545 ... 29473

12 CFR—Continued

561 ... 29473
748 ... 30493

PROPOSED RULES:
340 ... 27955
543 ... 29511
545 ... 29512
584 ... 29512
611 ... 31167
614 ... 31167
615 ... 31167

13 CFR

112 ... 28530
121 ... 29300

PROPOSED RULES:
113 ... 29317

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603–30605, 31151–31156
71 ... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157
73 ... 29475
75 ... 30149, 30611
91 ... 30601
95 ... 28115
97 ... 28120, 29477, 31158
221 ... 28874–28876
372a ... 28121
378a ... 28122

PROPOSED RULES:
1 ... 28148
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513, 31171, 31172
71 ... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376

15 CFR

379 ... 28998

16 CFR

4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493, 31164
1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060

PROPOSED RULES:
13 ... 28550, 29516, 29915, 30515, 30516
23 ... 29916, 31457
26 ... 31457
34 ... 31457
36 ... 31457

16 CFR—Continued

PROPOSED RULES—Continued
40 ... 31457
41 ... 31457
46 ... 31457
54 ... 31457
56 ... 31457
57 ... 31457
60 ... 31457
61 ... 31457
62 ... 31457
67 ... 31457
74 ... 31457
103 ... 31457
114 ... 31457
117 ... 31457
118 ... 31457
131 ... 31457
142 ... 31457
146 ... 31457
150 ... 31457
152 ... 31457
154 ... 31457
157 ... 31457
160 ... 31457
162 ... 31457
165 ... 31457
175 ... 31457
192 ... 31457
197 ... 31457
205 ... 31457
209 ... 31457
210 ... 31457
214 ... 31457
215 ... 31457
216 ... 31457
221 ... 31457
223 ... 31457
224 ... 31457
441 ... 28551
456 ... 29917
1026 ... 31458

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880
271 ... 28999
275 ... 29300

PROPOSED RULES:
9 ... 30472
200 ... 30378
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716
240 ... 29918, 30845
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159

18 CFR—Continued

204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:
201 ... 30846
260 ... 30846

19 CFR

159 ... 28531, 28532, 31449

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855
101 ... 31449
155 ... 30358, 30359, 31449
173 ... 29856
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450
539 ... 29003
555 ... 29859
558 ... 28535
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450
650 ... 29859
660 ... 29859
701 ... 30361
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:
15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
201 ... 30867
510 ... 29928
558 ... 29928
808 ... 30383
1309 ... 28560
1316 ... 31460

22 CFR

PROPOSED RULES:
123 ... 28551, 29929, 30391
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304
221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
1914 ... 29428–29431, 30304, 31254–31257
1915 ... 29433, 30305
1916 ... 29307, 30344
1917 ... 31259–31271
1920 ... 28878–28882, 29859–29870, 30160–30174
1930 ... 29479
1931 ... 29479

PROPOSED RULES:
1908 ... 29692
1911 ... 29692
1912 ... 29692
1913 ... 29692
1914 ... 29692
1917 ... 31272–31280, 31546–31553
1921 ... 29692
1922 ... 29692
1923 ... 29692

25 CFR

191 ... 30367
192 ... 30367
193 ... 30367
194 ... 30367
195 ... 30367
196 ... 30367
197 ... 30367
198 ... 30367
199 ... 30367
200 ... 30367
201 ... 30367
221 ... 28538, 30367
256 ... 31450

PROPOSED RULES:
54 ... 30647
221 ... 30867
258 ... 28552
260 ... 30216

26 CFR

1 ... 30496
11 ... 27881
54 ... 27882, 31159

VOL 42 NO 119 JUN 21 1977 UM

26 CFR—Continued

PROPOSED RULES:

1 ..... 29517, 31462
301 30868

27 CFR

250 30835

PROPOSED RULES:

4 30517

28 CFR

0 29003
17 29307

PROPOSED RULES:

2 29934

29 CFR

29 30836
97 30367
1952 30368

PROPOSED RULES:

1601 31174
1910 29021
1952 29024
2610 29318

30 CFR

55 29418
56 29420
57 29422
211 30175

PROPOSED RULES:

55 30772
56 30772
57 30772
70 28151

31 CFR

51 27883
530 31453

32 CFR

PROPOSED RULES:

276 27963
286b 29935
643 31032

33 CFR

1 31159
110 30618
114 28882
115 28882
117 ..... 30178, 30179
127 30179
161 29480
205 30368
266 31159
401 29308

PROPOSED RULES:

117 30216–30218
209 29025

36 CFR

2 30501
7 31453
221 28252
222 30836
223 28252
231 30836
261 30503

37 CFR

3 ..... 27883, 31159

PROPOSED RULES:

1 30522

38 CFR

36 28883

PROPOSED RULES:

8a 30392

39 CFR

10 29488
111 ..... 27892, 29308, 29488
224 29308
601 29488
952 30504
954 30504
958 30504

PROPOSED RULES:

111 28153

40 CFR

35 29481
52 ..... 27892, 28122, 28539, 28883, 29004, 30369, 30504
61 29005
85 28123
86 ..... 28130, 31159
180 28540
416 29871

PROPOSED RULES:

52 ..... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174
61 28154
86 28970
162 31284
173 31284
600 28970

41 CFR

3–3 29871
3–30 30190
4–2 28871
4–50 31454
7–7 28540
7–30 30619
8–1 28541
9–5 ..... 29873, 31160
9–51 29308
9–55 29308
Ch. 14 30196
15–19 30509
101–38 31454
101–45 31455
101–47 31455
114–1 30196

PROPOSED RULES:

3–4 ..... 29872, 29937
5B–2 27966
29–1 31462
29–2 31462
29–3 31462
29–12 31462
29–61 31462
105–65 29319
110–26 28556

42 CFR

51e 28692
66 29482
110 29400

PROPOSED RULES:

67 29518

43 CFR

2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5618 30370
5619 30180

45 CFR

177 29009
201 28884
249 28700
304 28885
1067 29873

PROPOSED RULES:

12 27966
122a 28706
136 28899
163 28159
163a 28159
197 30290
1067 29523

46 CFR

1 31160
2 28886
5 31160
31 28886
151 28886
187 29483
401 ..... 30619, 31160
549 31161

PROPOSED RULES:

30 30220
32 30220
34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 30649
167 30649
193 30649
507 29524
536 30399
543 ..... 30584, 31175

47 CFR

0 30370
1 ..... 27894, 28887, 30180
2 31006
21 27894
23 27894
68 29010

47 CFR—Continued

73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008
83 ..... 29309, 31012
87 ..... 27895, 29483
89 27895
89 ..... 27895, 30511
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

43 31175
64 27971
67 ..... 30220, 30221
68 28559
73 ..... 27971, 27973, 29027, 30400
76 ..... 30222, 30401
83 28164
87 30222
89 27974

47 CFR—Continued

PROPOSED RULES—Continued

91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
567 31161
568 31161
571 ..... 28135, 30188, 30620, 31162
1002 31163
1003 31163
1033 ..... 28542, 28543, 28888, 30840, 30841, 31163
1043 31163
1045A 31163
1063 29309
1100 29311
1307 ..... 28889, 30190

49 CFR—Continued

PROPOSED RULES:

571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

17 ..... 28052, 28136, 28543
26 29312
32 ..... 28545, 30373, 30621
33 ..... 29312, 30621
217 28137
222 28137
258 30621
285 30373
371 30841
651 29876
661 29485

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
611 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
27875–28112	June 1	29295–29470	8	30489–30598	15
28113–28513	2	29471–29840	9	30599–30827	16
28515–28868	3	29841–30142	10	30829–31141	17
28869–28987	6	30143–30350	13	31143–31426	20
28989–29293	7	30351–30487	14	31427–31590	20

VOL 42 NO 119 JUN 21 1977 UM

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 402—RAISIN CROP INSURANCE

RAISIN CROP INSURANCE

Revision of Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule wil revise the Raisin Crop Insurance Regulations for the 1976 and Succeeding Crop Years by restructuring the format of the regulations; by increasing reconditioning allowance for wet and dry processed raisins; by increasing the coverage for those raisins removed from the field; by clarifying the intent of the Corporation with respect to other insurance; by eliminating the provision whereby the Corporation and the insured agree to establish units; by placing the "Meaning of terms" section at the beginning of the regulations; and, by eliminating the "Application" portion of the regulations in order to utilize the Standard Application Form as is currently being used with other crops. The revised regulations are needed to correct the present regulations. The revisions will make the regulations more equitable and administratively effective.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3325).

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation is revising the Raisin Crop Insurance Regulations effective with the 1977 crop year. These regulations, which were published in the FEDERAL REGISTER on June 2, 1976 (41 FR 22252–22255), contain some elements which are being corrected in order to make them more equitable and more administratively effective. The specific revisions, as contained in the Raisin Crop Insurance Regulations for the 1977 and Succeeding Crop Years, as set forth below, are as follows:

(1) Increase the wash and dry reconditioning allowance from $45.00 to $55.00 to reflect more nearly the reconditioning costs in the market place, (2) Increase coverage $25.00 per ton for raisins removed from the field. This corrects an inequity which allows no differential between raisins removed from the field, and raisins remaining in the field, thus making no provision for this additional production expense, (3) Provides that if the insured purchases any other insurance before the raisins are placed on trays for drying, the Federal Crop Insurance contract will be voided for the current crop year for the unit(s) on which the private insurance was secured. Otherwise, such FCIC contract will continue, (4) The elimination of the provision whereby the insured and the Corporation agree to the establishing of units. Inasmuch as insurance is provided on the basis of separate units by variety, it is felt that the current provisions which permitted the establishment of units by prior agreement between the insured and the Corporation serves no useful purpose in the operation of the program and therefore has been eliminated. (5) The application portion of § 402.6 has been eliminated in favor of using the Standard Application Form as is currently being used with other crops. Such application form will be processed in the same manner and by the same method as standard applications, and (6) The "Meaning of Terms" section of the regulations will be placed at the beginning of the document to assist the reader in following the language.

The above revisions are not considered by the Corporation to be substantive, and do not adversely affect the policyholder. Notice of any changes must be given to the insured not later than June 15, 1977, in order to be effective for the 1977 crop year. It is, therefore, impossible to follow both the procedure for notice and public participation and the contractual obligations relative to giving notice of changes to current insureds by June 15, 1977. In view of this, the Corporation has found and determined that compliance with the procedure for notice and public participation would be impracticable and contrary to the public interest. Therefore, these revisions are being issued without compliance with such procedure.

RULE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as amended, 7 CFR Part 402, Raisin Crop Insurance Regulations, is amended to read as set forth below effective with the 1977 crop year and succeeding crop years until amended or superseded. The provisions of the Raisin Crop Insurance Regulations for the 1976 and Succeeding Crop Years shall remain in effect for the 1976 crop year.

Sec.

402.1 Availability of raisin crop insurance.
402.2 Premium rates and amounts of insurance.
402.3 Application for insurance.
402.4 Public notice of indemnities paid.
402.5 Creditors.
402.6 The policy.

AUTHORITY: Sections 506, 516, 52 Stat. 73 as amended, 77, as amended; (7 U.S.C. 1506, 1516).

§ 402.1 Availability of raisin crop insurance.

Raisin Crop Insurance shall be offered for the 1977 and Succeeding Crop Years under the provisions of §§ 402.1 through 402.6 in counties in California within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for raisin crop insurance. The counties designated by the Manager shall be published by appendix to this section.

§ 402.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance per ton which shall be shown on the actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 8 of the Policy set forth in § 402.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in the continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 402.3 Application for insurance.

The application for insurance, on a form prescribed by the Corporation, shall be submitted at the office for the county for the Corporation on or before the July 31, of the first crop year for which insur-

V 42 N 119
JUN 21 77
UM

ance is to be in effect, or such earlier day as may be established by the Corporation for any county in any year upon its determination that the insurance risk involved is excessive. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by publishing a notice in the FEDERAL REGISTER, upon his determination that no adverse selectivity exists: *Provided, however,* That if adverse conditions should develop during such period the Corporation will immediately discontinue the acceptance of applications.

§ 402.4 Public notice of indemnities paid.

The Corporation shall provide for the posting annually in each county at the county courthouse of a listing of the indemnities paid in the county.

§ 402.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Policy set forth in § 402.6.

§ 402.6 The policy.

The provisions of the Policy for Raisin Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

RAISIN POLICY

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person's raisin crop against unavoidable loss of production due to rainfall. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on raisins the terms:

(a) "Actuarial table" means the forms and related materials approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information regarding raisin crop insurance in the county.

(b) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right of way shall be considered contiguous.

(c) "Contract" means the application, this policy, and the actuarial table.

(d) "County" means the county shown on the application.

(e) "Crop year" means the calendar year in which the raisins are placed on trays for drying..

(f) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(g) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Raisin tonnage report" means the form prescribed by the Corporation for initially reporting and revising (if necessary) all of the insured's acreage, share and tonnage of raisins in the county.

(i) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured raisins as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the raisin crop shall be deemed to be insurable.

(j) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(k) "Ton" means 2,000 pounds of raisins on the trays. When deemed appropriate, the Corporation may determine raisin tonnage computed on the basis of one ton of raisins insured for every four tons of fresh grapes when first placed on trays for drying.

(l) "Unit" as to each insured variety of raisins means all acreage in the county of that variety located on contiguous land, on the date insurance attaches for the crop year, (1) in which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land only shall be considered as owned by the lessee. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the raisin tonnage report, and has the right to consider any acreage, tonnage, and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Cause of loss.* (a) The insurance provided is against unavoidable loss resulting from rainfall on the raisins while in the vineyards, on trays or in rolls, for drying.

(b) The contract shall not cover any loss or damage due to (1) neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (2) failure to follow recognized good raisin management practices; or (3) any cause not specified as an insured cause in this policy.

3. *Raisins insured.* The raisins insured are all of the varieties (a) Thompson seedless, (b) Muscats, (c) Monukkas, and (d) Sultanas produced by the insured on the unit: *Provided,* That insurance shall not attach in any crop year to raisins which are first placed on trays after September 20 for those raisins drying in east/west rows, or an earlier date if specified on the actuarial table for those raisins drying in north/south rows, as determined by the Corporation.

4. *Life of contract and contract changes.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel insurance for any crop year by giving written notice to the other by the June 30 immediately preceding such crop year. In the absence of such notice to cancel, and subject to the provisions of subsection (b), (c), and (d) of this section, the contract shall continue in force for each succeeding crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(c) If the premium for any crop year is not paid by the July 31 following the calendar year in which the insurance period begins, the contract shall terminate for the succeeding crop year: *Provided,* That the date of payment for a premium (1) deducted from a loss claim shall be the date the insured signs such claim, or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at the office for the county by the June 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in subsection (a) of this section.

(f) For any crop year, the insured may with the consent of the Corporation change the amount of insurance per ton which was previously elected by notifying the Corporation in writing not later than the closing date for filing applications for such crop year.

5. *Responsibility of insured to report tonnage, acreage, and share data.* The insured at the time of filing the application shall also file on a form prescribed by the Corporation, a report showing by variety (1) the name of the variety, (2) the location of the vineyard(s), (3) acreage, (4) estimated tonnage of insurable raisins to be produced, and (5) the insured's share. Such information may be revised by the insured by giving notice in writing to the office for the county not later than August 25 of any crop year. *Provided, however,* That downward revisions of estimated tonnage after August 25 of any crop year for premium adjustment purposes for any unit may be allowed if requested by the March 31 immediately following the crop year involved and substantiated by records satisfactory to the Corporation. When an annual premium is recomputed on the basis of a downward revision made after August 25 of any crop year, such recomputed premium shall be increased $10. The latest acceptable revision for any crop year shall be considered as the basis for continuation of insurance from year to year.

6. *Insurance period.* For each crop year, insurance attaches at the time the raisins are placed on trays for drying, as provided in section 3 above, and ceases upon the earlier of October 25, or the date the raisins are boxed or removed from the vineyard.

7. *Amount of insurance.* The amount of insurance for any unit for the crop year shall be determined by multiplying the insured tonnage of raisins times the applicable amount of insurance per ton times the insured's share. The insured tonnage and share for each crop year shall be that reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

8. *Annual premium.* (a) The annual premium for each unit is earned and payable at the time insurance attaches and shall be determined by multiplying the insured tonnage times the applicable premium rate times the insured's share at the time insurance attaches and, where applicable, applying the premium reduction or adjustment

herein provided and adding thereto any increase provided in section 5 above.

(b) In counties where the actuarial table does not provide for adjustments in premium, the total annual premium on all insurance units shall be reduced as follows after consecutive years of insurance without a loss for which an indemnity was paid on any unit hereunder (eliminating any year in which a premium was not earned): 5 percent after five years; 7 percent after six years; 9 percent after seven years; 11 percent after eight years; 13 percent after nine years; 15 percent after ten years; 17 percent after eleven years; 19 percent after twelve years; 21 percent after thirteen years; 23 percent after fourteen years; and 25 percent after fifteen or more years. However, if the insured has a loss for which an indemnity is paid hereunder the number of such consecutive years of insurance without a loss shall be reduced by five years, except that where the insured has fifteen or more such years, a reduction to ten shall be made and where the insured has five or less such years, a reduction to zero shall be made. *Provided,* That, if at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the premium reductions in this subsection shall not thereafter apply until such cumulative premiums equal or exceed such cumulative indemnities.

(c) In counties where the actuarial table provides for adjustments in premium, the provisions of subsection (b) of this section shall not apply.

(d) If there is no break in the continuity of participation, any premium reduction or adjustment applicable under subsection (b) or (c) of this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same vineyard or vineyards, if the Corporation finds that such transferee had previously actively participated in the vineyard operation involved; or (3) the contract of the same insured who stops operating a vineyard in one county and starts operating a vineyard in another county.

(e) If there is a break in the continuity of participation, subsection (b) of this section, or any reduction in premium earned under subsection (c) of this section shall not thereafter apply.

9. *Notice of damage.* The insured shall give notice to the office for the county immediately after each damage to the raisins from rainfall becomes apparent giving the date(s) of such damage. If not so reported within seven days, the Corporation reserves the right to reject any claim resulting from such damage on the unit if it determines that it has been prejudiced by such failure to report.

10. *Claim for loss.* (a) Any claim for loss for any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 30 days after the total destruction of the raisins in the vineyards or after required records are available to the insured; but, in no event later than the March 31 immediately following the normal harvesting period for the crop year. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by multiplying the insured tonnage of raisins times the applicable amount of insurance per ton times the insured share in the raisins and deducting from such product the insured share in the value, as determined by the Corporation, of the damaged and undamaged raisins produced on the unit: *Provided,* That the share insured shall be the share of the insured at the time damage becomes apparent as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect.

(c) Undamaged raisins or raisins damaged solely by uninsured causes shall be valued at the market value or the amount of insurance, whichever is higher.

(d) Raisins damaged partially by rainfall and partially by uninsured causes shall be valued at the highest prices obtainable, subject to an adjustment for any reduction in value due to uninsured causes.

(e) Raisins damaged by rainfall, but which are reconditioned and can be marketed as undamaged raisins, shall be valued at the market price or the amount of insurance, whichever is higher, except that the cost of reconditioning shall be deducted from such value. The maximum allowance for any one reconditioning as a result of rainfall shall be $35 per ton for a dry reconditioning and $55 per ton for a wash and dry reconditioning; but, such reconditioning allowance, or the aggregate thereof, shall not exceed the value of the raisins after reconditioning as determined by the Corporation.

(f) The Corporation shall have the right to require the insured to recondition representative samples of raisins damaged by rainfall to determine whether or not they may be marketed as undamaged raisins. On the basis of determinations made by the Corporation from representative samples, the Corporation shall have the right to require the insured to recondition all such raisins or to recondition no more than the representative samples. If the reconditioned raisins of the representative samples cannot be marketed as undamaged raisins, the cost of reconditioning such samples shall be deducted from the total value of the raisins for the unit.

(g) In determining the value of raisins produced on the unit, a minimum value of $25.00 per ton shall be counted for any raisins not removed from the vineyard as determined by the Corporation.

(h) Notwithstanding any other provision hereof, the Corporation shall have the right to acquire all of the right, title, and share of the insured in any raisins damaged by rainfall. In such event, the raisins shall be valued at zero in determining the amount of loss. The Corporation's representatives and employees shall have the right to ingress and egress on the insured's farm to the extent necessary to take possession of, care for, and remove such raisins from the farm.

(i) If the insured fails to report all of the tonnage or all of the insurable share of raisins for the unit, the Corporation may elect to determine the amount of loss with respect to all of the insurable tonnage and share on either a tonnage or premium ratio basis, and reduce the amount of loss proportionately.

(j) If the tonnage of raisins reported by the insured is greater than the tonnage determined by the Corporation, or if the Corporation determines that the share of the insured is less than reported, the indemnity shall be computed on the basis of the tonnage and share determined by the Corporation, and the resulting decrease in premium refunded to the insured without charge for revision.

(k) It shall be a condition precedent to payment of any claim that the insured furnish any information required by the Corporation regarding the production, weight and handling of the insured raisins and the manner and extent of loss, including authorizing the Corporation to examine and obtain any records pertaining to the production and/or marketing of the insured raisins under this contract from the raisin packer, raisin reconditioner, and /or the Raisin Administrative Committee established under orders issued by the U.S. Department of Agriculture. If the production from a unit is commingled with the production from any other acreage and the insured fails to keep separate records satisfactory to the Corporation, the Corporation may (1) allocate the commingled production as it deems appropriate, or (2) reject the claim for the unit without affecting the insured's liability for the premium.

(l) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

11. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

12. *Other insurance.* If the insured in any crop year obtains any other insurance on any unit(s) against rainfall damage or loss while the raisins are on the trays for drying, this contract shall be voided for the current crop year on such unit(s) if such other insurance is obtained before insurance attaches under this contract.

13. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at anytime, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

14. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity for any crop year and the assignee shall have the right to submit the loss notices and forms as required by the contract.

15. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy to the transferee for such crop year with respect to the transferred share and the transferee shall have the same rights

JUN 21 1977 UM

and responsibilities under the contract as the transferor for the current crop year.

16. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

17. *Records and access to farm.* The insured shall keep or cause to be kept for two years after the time of loss, separate records of the production, storage, shipments, sale or other disposition of all insured raisins produced on each unit. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

18. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE.—The Federal Crop Insurance Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

JAMES D. DEAL,
Manager, Federal Crop Insurance Corporation.

[FR Doc.77-17605 Filed 6-20-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 105—SUSPENSION OF BIOLOGICS LICENSES OR PERMITS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment will delete a reference to "special license" in Part 105. Special licenses are no longer issued, and when they were discontinued, an effort was made to eliminate all references to them. This amendment will correct an oversight made at that time.

EFFECTIVE DATE: This amendment becomes effective June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price (301-436-8245).

SUPPLEMENTARY INFORMATION: On October 8, 1976, there was published in the FEDERAL REGISTER (41 FR 44358) a promulgation of final regulations relating to licenses for biological products. Issuance of special licenses was discontinued at that time and known references to special licenses were deleted from the regulations.

A reference to special license appearing in § 105.2 of the current regulations was overlooked at that time. This amendment correct that oversight.

Part 105 is amended by revising § 105.2 to read:

§ 105.2 Notification of infractions.

If an infraction of a requirement of a product license is brought to the attention of the licensee by written notification thereof by Veterinary Services, a subsequent violation of similar nature occurring with the same licensed biological product within 6 months of the said written notification shall be primafacie evidence of willful violation and the license for the product shall be subject to suspension or revocation under the provisions of § 105.1(b).

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

This amendment makes administrative changes to correct an oversight without making other substantive changes in the regulations. In order for them to be of maximum benefit, they must be made effective immediately.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and unnecessary, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 13th day of June, 1977.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-17503 Filed 6-20-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0081, FC-0082]

PART 226—TRUTH IN LENDING

Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official staff interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: June 17, 1977.

FOR FURTHER INFORMATION CONTACT:

D. Edwin Schmelzer, Chief, Fair Credit Practices Section, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index provding identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR Part 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

12 CFR Part 226, FC-0081

§ 226.6(a) Disclosure format which lists various options with regard to repayment and security interests and which has blanks preceding each option which are to be checked prior to execution of note is permissible under Regulation Z.

JUNE 3, 1977.

This is in response to your letter of * * *, requesting an official staff interpretation with regard to the development of a consumer loan form. It is staff's opinion that an official staff interpretation is appropriate in response to only one of the questions you posed. Your remaining questions will be dealt with in an unofficial staff interpretation which will be sent to you separately.

Your client is attempting to design a form to accommodate most consumer loans. Therefore, it contains various optional disclosures of certain of the terms. Prior to execution of the consumer note, the provisions applicable to the specific transaction involved would be indicated by a checkmark.

This letter will respond to your first question which deals with the required repayment schedule and the security interest disclosures. You state that various options for repayment are listed with blanks preceding each alternative payment schedule option. The note also details possible options (with blanks preceding each option) with regard to the security interest disclosure requirement of § 226.8(a)(5), such as whether the note is secured or unsecured. Blanks are also provided preceding the options available to indicate the nature of the security interest, if the particular transaction is secured. The applicable repayment schedule and security interest blanks are to be checked prior to execution of the note. You ask whether it is permissible, consistent with the requirements of §§ 226.6(a), 226.8(b)(3), and 226.8(a)(5), to make disclosures using such a method.

Staff believes that such a format is permissible under Regulation Z. This statement is not intended as an approval or disapproval of the content of the repayment schedule or security interest disclosures contained in the form attached to your letter, nor is it an indication of whether or not such disclosures are clear, conspicuous, and in meaningful sequence. Such a determination is dependent upon the manner in which such disclosures are integrated into the disclosure statement as a whole.

This is an official staff interpretation of Regulation Z issued pursuant to § 226.1(d)(3) of the regulation and limited in its application to the facts outlined above. I trust that it is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

12 CFR Part 226, FC-0082

§ 226.15(b) Disclosure of formula for determining amount owed by lessee at early termination is permissible, so long as amount resulting from application of formula is not labelled "estimated value" of vehicle.

Itemized "total lease obligation" consists of nonrefundable cash payments made at consummation, portion of scheduled periodic payments attributable to rent (excluding maintenance and insurance charges), and estimated value of property at end of term.

§ 226.15(b)(15) Rebuttable presumption and limitations on lessee's liability concerning value of property do not apply to value of property and lessee's liability at early termination.

JUNE 3, 1977.

This is in response to your letter of * * *, in which you raised several questions concerning the Consumer Leasing Act and the amendments to Regulation Z which implement it.

Your client engages in vehicle leasing, usually with lease terms of 36 or 48 months. After the first six months of the lease term, your client would like to give the lessee the right to terminate the lease on prior written notice. Your client further wants the right to terminate the lease upon failure by the lessee to pay the monthly rental charge or upon other breach of the terms or conditions of the lease. If either the lessee or the lessor exercises its right to terminate the lease prior to the end of the full term, it is your client's desire that the lessee be responsible for paying the difference between the "estimated value" of the vehicle at the time of termination and the realized value of the vehicle upon its subsequent sale. You state that while it is possible for your client to estimate the value of the vehicle at the end of the lease term, it is impossible to estimate its value for any period prior to this point since it is unknown when a breach will occur or when a lessee will exercise its right to early termination.

You propose the use of a formula to determine the "estimated value" of the vehicle at early termination by the lessee or by the lessor. The use of this formula will determine a "monthly depreciation reserve" by subtracting the estimated value of the vehicle at the end of the lease term from the value of the vehicle at consummation and dividing the remainder by the number of months in the lease term. For example, if the value of the vehicle at consummation is $5,600, and it is estimated that the value of the vehicle at the end of a 36-month lease term will be $2,000, the estimated depreciation of the vehicle over the lease term is $3,600. The monthly depreciation reserve would be $100, calculated by dividing $3,600 by 36 months. Thus, if one assumes that the lease is terminated after 12 months by either the lessor or lessee, the "estimated value" of the vehicle on that date would be calculated by multiplying the monthly depreciation reserve ($100) times the number of months of the term which have expired (12) and subtracting that figure ($1,200) from the value of the vehicle at consummation ($5,600). The lessee will then be responsible for paying the difference between that amount ($4,400) and the realized value of the vehicle. The lessee will also be responsible for any delinquent lease payments to that date.

On the basis of the facts set forth above, you ask the following questions:

1. Does disclosure of the above formula for determining the amount owing by the lessee upon early termination of the lease by either the lessee or the lessor comply with § 226.15(b)(12) of Regulation Z, which requires disclosure of, inter alia, "the amount or method of determining the amount of any penalty or other charge for early termination?"

It is the staff's opinion that disclosure of the formula described above as the method of determining the amount owing by the lessee at early termination by either party is permissible under § 226.15(b)(12). The monthly depreciation reserve figure merely reflects what straight line depreciation would be on a monthly basis over the lease term. It is staff's understanding that motor vehicles do not depreciate on a straight line basis; typically, a vehicle will have depreciated at the end of three months in excess of $300 (using the example set forth in this letter) since vehicles depreciate at an accelerated rate at the beginning of their useful life. Thus, the use of a straight line monthly depreciation reserve in calculations which arrive at an "estimated value" of the vehicle over the term will not actually approximate the value of the vehicle, particularly during the first portion of the lease term. Therefore, the staff wishes to add a caution that labelling the amount resulting from the application of the proposed formula as the "estimated value" of the vehicle may not comply with § 226.6(f) of Regulation Z, which permits estimates of required information when that information is unknown or unavailable to the lessor, but only when the estimate is reasonable and based upon the best information available to the lessor.

2. What is the precise meaning of the term "itemized total lease obligation" as it is required to be disclosed under § 226.15(b)(15)(i)? Are the actual amounts which are to be disclosed to the lessee as the total lease obligation equal to the amounts disclosed under § 226.15(b)(2) through § 226.15(b)(5)?

It is the staff's opinion that the definition of "total lease obligation" in § 226.2(rr) of the regulation is the itemized total lease obligation which should be disclosed under § 226.15(b)(15)(i). Section 226.2(rr) defines "total lease obligation" as "the total of (1) the scheduled periodic payments under the lease, (2) any nonrefundable cash payment required of the lessee or agreed upon by the lessor and the lessee or any trade-in allowance made at consummation, and (3) the estimated value of the leased property at the end of the lease term."

The disclosure would include those portions of the § 226.15(b)(2) disclosure which are nonrefundable cash payments required of or agreed upon by the lessee (including any trade-in allowance), the total amount of periodic payments disclosed under § 226.15(b)(3), and the estimated value of the leased property at the end of the lease term. The Board has stated that, for purposes of the definition of "total lease obligation" and the calculations of which it is an element, the "term 'scheduled periodic payments under the lease' includes that portion of the payments attributable to depreciation, cost of money, lessor's profit and taxes, but excludes, in leases where such charges are included in the periodic payments, charges for maintenance and insurance." 41 FR 45537, Friday, October 15, 1976. The itemized total lease obligation should not include any items disclosed under § 226.15(b)(4) and (5) or any refundable security deposit disclosed under § 226.15(b)(2).

3. Does § 226.15(b)(15)(ii), which establishes a rebuttable presumption that the estimated value of the leased property at the end of the term is unreasonable and not in good faith to the extent that it exceeds the realized value by more than three times the average monthly payment, and precludes the lessor from collecting the amount of excess liability from the lessee without court action in which the lessor pays the lessee's attorney's fees, apply to early termination of the lease by the lessor or lessee?

It is the staff's opinion that § 226.15(b)(15)(ii) applies only to the calculations based on the estimated value of the leased property at the end of the lease term and is inapplicable to early termination of the lease. The subparagraph applies only to the "estimated value of the leased property at the end of the lease term" and does not mention the value of the property at early termination.

This is an official staff interpretation of Regulation Z, issued in accordance with § 226.1(d)(3) of the regulation and limited to the facts outlined herein. I trust this is responsive to your inquiry.

Sincerely,

JERAULD C. KLUCKMAN,
Associate Director.

Board of Governors of the Federal Reserve System, June 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17580 Filed 6-20-77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1025—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Interim Rules of Practice for Adjudicative Proceedings Under Consumer Product Safety Act and Flammable Fabrics Act

AGENCY: Consumer Product Safety Commission.

ACTION: Interim rules on which comment is solicited.

SUMMARY: This document contains Rules of Practice for Adjudicative Proceedings under the Consumer Product Safety Act and the Flammable Fabrics Act. These rules are a revision of the adjudicative rules of practice the Commission first proposed on July 23, 1974 (39 FR 26848). These revisions were made in light of the comments on the July 23, 1974 proposal and experience gained by the Commission Staff in using the July 23, 1974 proposal. These rules are being issued as interim rules with an opportunity for public comment before adoption of final rules.

DATE: These rules will be effective, on an interim basis, on June 21, 1977. Comments concerning the rules should be received by July 21, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Winston M. Haythe, Bureau of Compliance, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207, (301) 492-6632.

SUPPLEMENTARY INFORMATION: In this notice, the Consumer Product Safety Commission issues as interim

rules, and solicits comments on, rules of practice for adjudicative proceedings under the Consumer Product Safety Act and the Flammable Fabrics Act. Until final rules of practice are issued, these interim rules will serve as rules of practice for adjudicative proceedings before the Commission and supersede the rules of practice that were proposed by the Commission on July 23, 1974 (39 FR 26848), and which served as interim rules.

Although notice and comment are not required for rules of agency procedure or practice (5 U.S.C. 553(b)), the Commission has decided to solicit public comment on these rules. Comments will be received on or before July 21, 1977.

These rules apply to adjudicative proceedings under sections 15, 17 and 20 of the Consumer Product Safety Act (15 U.S.C. 2064, 2066, 2069) and sections 3 and 8(b) of the Flammable Fabrics Act (15 U.S.C. 1092, 1097(b)). The Federal Trade Commission rules of practice (16 CFR Parts 2 through 4) will continue to apply to adjudicative proceedings which were instituted prior to July 23, 1974 and consent agreements which were negotiated under the Flammable Fabrics Act prior to July 23, 1974. As to any adjudicative proceedings or negotiations or consent agreements under the Flammable Fabrics Act or the Consumer Product Safety Act instituted by the Commission on or after July 23, 1974 but before June 21, 1977, the rules of practice for adjudicative proceedings, published by the Commission on July 23, 1974 (39 FR 26848) as proposed and interim rules will continue to apply. However, as to any adjudicative proceedings or negotiations of consent agreements under the Flammable Fabrics Act or the Consumer Product Safety Act instituted by the Commission hereafter, these interim rules will apply. These rules will also be applicable to certain cases commenced within the last 60 days and in which the Commission has given the parties actual notice of the applicability of such rules together with copies thereof.

Published elsewhere in this issue of the FEDERAL REGISTER, are interim Commission Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act (16 CFR Part 1026). The Commission is also soliciting comment on those rules. Those rules will be applicable to civil penalty proceedings arising under section 20 of the Consumer Product Safety Act, (15 U.S.C. 2069). The Commission will also apply those rules to other cases on an individual basis after public notice. Those rules specifically incorporate various provisions of these rules of practice. It should be noted, however, that certain proceedings brought under section 20 of the Consumer Product Safety Act, when joined with adjudicative proceedings commenced under other provisions of the Consumer Product Safety Act or the Flammable Fabrics Act, will be governed solely by these rules.

All existing rules and regulations issued by the Federal Trade Commission applicable to adjudicative proceedings under the Flammable Fabrics Act pursuant to section 30(e)(2) of the Consumer Product Safety Act (15 U.S.C. 2079 (e)(2)) are superseded by these interim rules. Also superseded are the existing Proposed and Interim Rules of Practice for Adjudicative Proceedings published by the Consumer Product Safety Commission on July 23, 1974, except as made applicable herein to pending matters.

The Commission received comments to the proposed and interim rules published on July 23, 1974 from a total of eleven commenters. Seven of the commenters addressed themselves to the originally proposed rules on intervention (§ 1025.33 (39 FR 26851)). Industry representatives generally stated that the proposed rule on intervention, which was drafted to reflect the policy of the Commission to allow intervention in adjudicative proceedings to the greatest extent possible, was too broadly worded, while consumer advocates generally argued that the proposed rule on intervention was too restrictive. The interim rule on intervention has been redrafted so as to continue the Commission's broad policy of allowing various competing interests, including industry and consumer representatives, to intervene with full litigating rights. The new rule sets out specific criteria for the presiding officer to consider when ruling on intervention requests. In addition to allowing for intervention, the new rule allows a status of participation short of intervention. This provision is designed for those who may wish to present views through briefs and/or oral argument but who do not desire to undertake the involvement of a full intervenor.

Another major area of concern raised by the comments was the discovery rules. It was suggested that the Commission attempt to conform its discovery procedures to the Federal Rules of Civil Procedure because of the familiarity of practitioners with the Federal Rules and the availability of settled interpretations. The Commission believes this to be a prudent course and has endeavored to draft the new discovery procedures using the Federal Rules as a model. Similarly, in an effort to achieve uniformity the new rules incorporate the Federal Rules of Evidence with a caveat to allow the presiding officer to relax such rules if the ends of justice would be better served in so doing.

Industry commenters were in many instances concerned that the rules did not provide adequate protection for trade secrets which might be discoverable and/or placed in evidence during some proceedings. The Commission has sought to cure any potential uncertainty in this area by including a new provision for protective orders and strengthening the rule for in camera materials. Finally, the Commission has considered and where appropriate has adopted various technical and language changes suggested by the commenters.

These interim rules constitute a complete overhaul of the originally proposed rules with numerous changes and revisions throughout. Some of the more important changes include the incorporation of a definition section; modified provisions for the commencement of a proceeding and the service of documents; and the rule governing issuance of subpoenas. Some entirely new provisions relating to class actions (§ 1025.18), related proceedings (§ 1025.59); expert witnesses (§ 1025.44), and specific provisions governing prohibited communications (§ 1025.68).

The above discussion of changes and additions in these rules from the rules proposed by the Commission on July 23, 1974 is not intended to be, and should not be, construed as exhaustive. Very few provisions, if any, are being reissued verbatim as originally proposed on July 23, 1974.

The Commission concludes that the public should be invited to comment on the rules and that these interim rules should serve as interim rules of practice for applicable adjudicative proceedings. Because these are rules of agency procedure a delayed effective date is not required by the Administrative Procedure Act, 5 U.S.C. 553(d). However, even if that provision were applicable the Commission finds that it is necessary to have these rules effective upon publication in the FEDERAL REGISTER for the orderly conduct of Commission business.

Accordingly, under the provisions of the Consumer Product Safety Act (sections 15, 17 and 20, Pub. L. 92-573, 86 Stat. 1221, 1223 and 1226; 15 U.S.C. 2064, 2066, 2069) and the Flammable Fabrics Act (sec. 5, Pub. L. 90-189, 81 Stat. 570; 15 U.S.C. 1194), the Consumer Product Safety Commission issues on an interim basis 16 CFR Part 1025 as follows:

Subpart A—Scope of Rules—Nature of Adjudicative Proceedings—Definitions.

Sec.

1025.1 Scope of the Rules.
1025.2 Nature of Adjudicative Proceedings.
1025.3 Definitions.

Subpart B—Pleadings, Form, Execution, Service of Documents

1025.11 Commencement of Proceedings.
1025.12 Answer.
1025.13 Amendments and Supplemental Pleadings.
1025.14 Form and Filing of Documents.
1025.15 Time.
1025.16 Service.
1025.17 Intervention.
1025.18 Class Actions.
1025.19 Joinder of Proceedings.

Subpart C—Prehearing Procedures; Motions; Interlocutory Appeals, Summary Judgment; Settlement

1025.21 Prehearing Conferences.
1025.22 Prehearing Briefs.
1025.23 Motions.
1025.24 Interlocutory Appeals.
1025.25 Summary Decision and Order.
1025.26 Settlements.

Subpart D—Discovery; Compulsory Process

1025.31 General Provisions Governing Discovery.
1025.32 Written Interrogatories to Parties.
1025.33 Production of Documents and Things.
1025.34 Requests for Admission.
1025.35 Depositions Upon Oral Examination.
1025.36 Motions to Compel Discovery.
1025.37 Consequences of Failure to Comply with Discovery Orders.
1025.38 Subpoenas.
1025.39 Orders Requiring Witnesses to Testify or Provide Other Information and Granting Immunity.

Subpart E—Hearings

Sec.
1025.41 General Rules.
1025.42 Powers and Duties of Presiding Officer.
1025.43 Evidence.
1025.44 Expert Witnesses.
1025.45 In Camera Materials.
1025.46 Proposed Findings; Conclusions and Order.
1025.47 Record.
1025.48 Official Docket.
1025.49 Fees.

Subpart F—Decision

1025.51 Initial Decision.
1025.52 Adoption of Initial Decision.
1025.53 Appeal from Initial Decision.
1025.54 Review of Initial Devision in Absence of Appeal.
1025.55 Decision on Appeal or Review.
1025.56 Reconsideration.
1025.57 Effective Date of Order.
1025.58 Reopening of Proceedings.
1025.59 Related Proceedings.

Subpart G—Appearances; Standards of Conduct

1025.61 Who May Make Appearances.
1025.62 Authority for Representation.
1025.63 Written Appearances.
1025.64 Attorneys.
1025.65 Persons Not Attorneys.
1025.66 Qualifications and Standards of Conduct.
1025.67 Restrictions as to Former Members and Employees.
1025.68 Prohibited Communications.

AUTHORITY: Sec. 15, 17, and 20, Pub. L. 92-573, 86 Stat. 1221, 1223 and 1226; 15 U.S.C. 2064, 2066, 2069; Sec. 5, Pub. L. 90-189, 81 Stat. 570; 15 U.S.C. 1194.

Subpart A—Scope of Rules—Nature of Adjudicative Proceedings—Definitions

§ 1025.1 Scope of the rules.

The rules in this part govern procedure in adjudicative proceedings relating to the provisions of sections 15 (c), (d) and (f) and 17(b) of the Consumer Product Safety Act (15 U.S.C. 2064 (c), (d) and (f); 2066(b)), and sections 3 and 8(b) of the Flammable Fabrics Act (15 U.S.C. 1192, 1197(b)), which are required by statute to be determined on the record after opportunitiy for a public hearing.

§ 1025.2 Nature of adjudicative proceedings.

Adjudicative proceedings shall be conducted in accordance with Title 5, United States Code, sections 551 through 559 and these Rules. It is the policy of the Commission that adjudicative proceedings shall be conducted expeditiously and with due regard to the rights and interests of all persons affected and in locations chosen with due regard to the convenience of all parties. Therefore, the Presiding Officer and all parties shall make every effort at each stage of a proceeding to avoid unnecessary delay.

§ 1025.3 Definitions.

As used in this part:

(a) The term "application" means an ex parte request by a party for an order that may be granted or denied without opportunity for response by any other party.

(b) The term "Commission" means the Consumer Product Safety Commission or a quorum thereof.

(c) The term "Commissioner" means a Commissioner of the Consumer Product Safety Commission.

(d) The term "Complaint Counsel" means counsel for the Commission staff.

(e) The term "motion" means a request by a party for a ruling or order that may be granted or denied only after opportunity for response by each party.

(f) The term "party" means any person named or any intervenor in a proceeding governed by the Rules in this Part.

(g) The term "person" means any individual, partnership, corporation, association, public or private organization, a federal, state or municipal governmental entity.

(h) The term "petition" means a written request, made by a person or a party and addressed to the Commission or the Presiding Officer, that the addressee take some affirmative action.

(i) The term "Presiding Officer" means the person who conducts an adjudicative hearing under this Part, and may include a duly designated member or members of the Commission, or an administrative law judge qualified under Title 5, United States Code, Section 3105 and assigned by the Chief Administrative Law Judge of the Commission.

(j) The term "Respondent" means any person against whom a complaint has been issued.

(k) The term "Secretary" means the Secretary of the Consumer Product Safety Commission.

(l) The term "staff" means the staff of the Consumer Product Safety Commission.

Subpart B—Pleadings; Form; Execution; Service of Documents

§ 1025.11 Commencement of proceedings.

(a) *Notice of Institution of an enforcement proceeding.* An adjudicative proceeding under this Part is commenced by the issuance of a complaint by the Commission.

(b) *Form and content of complaint.* The complaint shall be signed by the Secretary under seal of the Commission, and shall contain the following:

(1) Recital of the legal authority for instituting the proceeding, with specific designation of the statutory provisions involved in each allegation.

(2) Identification of each respondent or class of respondents.

(3) A clear and concise statement of the charges, sufficient to inform each respondent with reasonable definiteness of the factual basis of the allegations of violation and/or hazard. A list and summary of documentary evidence supporting the charges shall be attached.

(4) A statement of the relief which the staff believes is in the public interest.

(c) *Accompaniment to complaint.* Documents and/or portions of documents which accompanied the staff's recommendation as to whether a complaint should issue and which are obtainable under the Freedom of Information Act, 5 U.S.C. 552.

(d) *Notice to the public.* Once issued, the complaint shall be immediately submitted to the FEDERAL REGISTER for publication.

§ 1025.12 Answer.

(a) *Time for filing.* A respondent shall have twenty (20 days after service of a complaint within which to file an answer.

(b) *Content of answer.* An answer shall conform to the following:

(1) *Contested allegations.* An answer in which the allegations of a complaint are contested shall contain:

(i) Specific admission or denial of each allegation in the complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, respondent shall so state. Such a statement shall have the effect of a denial. Denials shall fairly meet the substance of the allegations denied. Allegations not thus answered shall be deemed to have been admitted.

(ii) A concise statement of the factual and/or legal defenses to each allegation of the complaint.

(2) *Admitted allegations.* If the respondent admits or fails to deny any factual allegations, he or she shall be deemed to have waived a hearing as to such allegation.

(c) *Default.* Failure of the respondent to file an answer within the time provided, unless extended, shall be deemed to constitute a waiver of the right to appear and contest the allegations set forth in the complaint and to authorize the Presiding Officer to make such findings of fact, conclusions of law, and Initial Decision which are just and reasonable under the circumstances.

§ 1025.13 Amendments and supplemental pleadings.

Whenever determination of a controversy on the merits will be facilitated thereby, the Presiding Officer may allow appropriate amendments and supplemental pleadings which do not unduly broaden the issues in the proceeding or cause undue delay.

§ 1025.14 Form and filing of documents.

(a) *Filing.* Except as otherwise provided, all documents submitted to the Commission or a Presiding Officer shall be addressed to and filed with the Secretary. Documents may be filed in person or by mail and shall be deemed filed on the day of filing or mailing.

(b) *Caption.* Every document shall contain a caption setting forth the name of the action in connection with which it is filed, the docket number, and the title of the document.

(c) *Copies.* An original and nine (9) copies of all documents shall be filed. Documents may be reproduced by printing or any other process, provided that all copies filed are clear and legible.

(d) *Signature.* (1) The original of each document filed shall be signed by a representative of record for the party; or in the case of parties not represented by the party; or by a partner, officer or regular employee of any corporation.

JUN 21 1977 UM

partnership, or association, who files an appearance on behalf of the party.

(2) The act of signing a document constitutes a representation by the signer that the signer has read it; that to the best of the signer's knowledge, information and belief, the statements made in it are true; and that it is not filed for delay.

(e) *Form.* (1) All documents shall be dated and shall contain the address and telephone number of the signatory.

(2) If printed, documents shall be on opaque, unglazed paper not more than seven (7) inches by ten (10) inches, nor less than six and one-eight (6⅛) inches by nine and one-quarter (9¼) inches.

(3) If typewritten, the impression shall be on only one side of the paper and shall be double spaced, except that quotations of more than three lines shall be single spaced and indented. The documents shall be on paper not less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches.

(4) The type size for both printed and typewritten documents shall not be less than standard elite or twelve (12) point type. The type shall be clear and adequately leaded.

(5) All documents shall be fastened at the top left corner. The left margin of each page shall be at least one and one-half (1½) inches and the right margin at least one (1) inch.

§ 1025.15 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by these Rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this Rule, "legal holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States.

(b) *Additional time after service by mail.* Whenever a party is required or permitted to do an act within a prescribed period after service of a document and the document is served by mail, three (3) days shall be added to the prescribed period.

(c) *Extensions.* For good cause shown, the Presiding Officer may extend any time limit prescribed or allowed by these Rules or by order of the Commission or the Presiding Officer, except those governing the filing of interlocuatory appeals and appeals from Initial Decisions and those expressly requiring Commission action. Except as otherwise provided by law, the Commission, for good cause shown, may extend any time limit prescribed by these Rules or by order of the Commission or the Presiding Officer.

§ 1025.16 Service.

(a) *Mandatory service.* Every document filed with the Secretary shall be served upon all parties to a proceeding, i.e., Complaint Counsel, respondent(s), and party intervenors, and upon the Presiding Officer.

(b) *Service of complaint, ruling, order, decision, or subpoena.* Service of a complaint, ruling, order, decision, or subpoena may be effected as follows:

(1) By registered or certified mail. A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his, her or its residence or principal office or place of business; registered or certified; and mailed; or

(2) By delivery to an individual. A copy of the document may be delivered to the person to be served; or to a member of the partnership to be served; or to the president, secretary, or other executive officer, or a director of the corporation or unincorporated association to be served; or to an agent authorized by appointment or by law to receive service; or

(3) By delivery to an address. A copy of the document may be left at the principal office or place of business of the person, partnership, corporation, unincorporated association, or authorized agent with an officer, a managing or general agent; or it may be left with a person of suitable age and discretion residing therein, at the residence of the person or of a member of the partnership or of an executive officer, director, or agent of the corporation or unincorporated association to be served.

(4) By publication in the FEDERAL REGISTER. A respondent not otherwise served pursuant to these rules may be served by publication in the FEDERAL REGISTER and such other notice as may be directed by the Presiding Officer, where a complaint has issued in a class action, pursuant to § 1025.18, or in a related proceeding, pursuant to § 1025.59.

(c) *Service of documents with prescribed response periods.* When service of a document starts the running of a prescribed period of time for the submission of a responsive document or the occurrence of an event, the document shall be served as provided in paragraph (b) of this section.

(d) *Service of other documents.* All other documents may be served as provided in paragraph (b) of this section, or by ordinary first-class mail, properly addressed, postage prepaid.

(e) *Service on a representative.* When a party has appeared by an attorney or other representative, service upon that attorney or other representative shall constitute service on the party.

(f) *Certificate of service.* The original of every document filed with the Commission and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

> I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by mailing, postage prepaid (or by delivering in person) a copy to each such party.
>
> Dated at ---------- this ---- day of ----------, 19-----.
>
> (Signature) ----------
>
> For ----------

(g) *Date of service.* The date of service of a document shall be the date on which the document is deposited in the United States mail or is delivered in person.

§ 1025.17 Intervention.

(a) *Participation as a intervenor.* Any interested person who desires to participate in a proceeding commenced pursuant to § 1025.11 as a party shall file a written petition for leave to intervene with the Secretary and shall serve a copy of such petition on each party to the proceeding. A petition shall be filed not later than the opening of the prehearing conference. Nontimely filings will not be entertained absent a determination by the Presiding Officer that the petitioner has made a substantial showing of good cause for failure to file on time. A petition shall (1) Identiy the specific aspect or aspects of the proceeding as to which the petitioner wishes to intervene, (2) set forth the interest of the petitioner in the proceeding, (3) state how the petitioner's interest may be affected by the results of the proceeding, and (4) state any other contentions of the petitioner, including the facts and reasons why the petitioner should be permitted to intervene as a party, with particular reference to the factors set forth in paragraph (d) of this section. Any petition relating only to matters outside the jurisdiction of the Commission shall be denied. Any person who files a petition for leave to intervene pursuant to this subsection and whose petition is granted by the Presiding Officer shall be known as an "intervenor" and as such shall have the full range of litigating rights afforded to any other party.

(b) *Participation by a person not an intervenor.* Any person interested in a proceeding commenced pursuant to § 1025.11 who does not elect to petition for leave to intervene in the proceeding as an intervenor pursuant to paragraph (a) of this section, but who desires to participate in the proceeding as a nonparty shall file with the Secretary a request to participate in the proceeding and shall serve a copy of such request on each party to the proceeding.

(1) A request shall be filed not later than the commencement of the hearing. Untimely filings will not be entertained absent a determination by the Presiding Officer that the person making the request has made a substantial showing of good cause for failure to file on time.

(2) A request shall set forth the nature and extent of the person's alleged interest in the proceeding. Any request relating only to matters outside the jurisdiction of the Commission shall not be granted.

(3) Any person who files a request to participate in the proceeding as a nonparty and whose request is granted by the Presiding Officer shall be known as a "participant" and shall have the right to participate in the proceeding to the extent of making a written or oral statement of position, filing proposed findings of fact, conclusions of law and a post hearing brief with the Presiding Officer, and filing an appellate brief if an appeal is taken or review is ordered in accordance with §§ 1025.53–1025.54.

(c) *Response to petition to intervene.* Any party to a proceeding may file a response to a petition for leave to intervene after the petition is filed with the Secretary, with particular reference to the factors set forth in paragraph (d) of this section.

(d) *Ruling by presiding officer on petition.* In ruling on a petition for leave to intervene as an intervenor, the Presiding Officer shall consider the following factors, among other things:

(1) The nature of the petitioner's right under the applicable statute governing the proceeding to be made a party to the proceeding;

(2) The nature and extent of the petitioner's interest in protecting himself/herself and/or the public against unreasonable risks of injury associated with consumer products;

(3) The nature and extent of the petitioner's property, financial or other substantial interest in the proceeding;

(4) Whether the petitioner would be aggrieved by any order which may be entered in the proceeding;

(5) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record;

(6) The extent to which the petitioner's interest will be represented by existing parties;

(7) The extent to which the petitioner's participation may broaden the issues or delay the proceeding; and

(8) The extent to which the petitioner's interest can be protected by other available means.

If the Presiding Officer determines that a petitioner does not meet the requirements to be an intervenor, the Presiding Officer shall view such petition to intervene as if it had been timely filed as a request to participate in the proceeding as a participant pursuant to paragraph (b) of this section.

(e) *Ruling by presiding officer on request.* In ruling on a request to participate as a participant, the Presiding Officer, in the exercise of his/her discretion, shall be mindful of the Commission's mandate under its enabling legislation (see 15 U.S.C. 2051 et seq.) and its affirmative desire to afford interested persons, including consumers and consumer organizations as well as governmental entities, an opportunity to participate in the agency's regulatory processes, to include adjudicative proceedings. The Presiding Officer shall consider the following factors, among other things:

(1) The nature and extent of the person's alleged interest in the proceeding;

(2) The possible effect of any order which may be entered in the proceeding on the person's interest; and

(3) The extent to which the person's participation can be expected to assist the Presiding Officer and the Commission in rendering a fair and equitable resolution of all matters in controversy in the proceeding. The Presiding Officer may deny a request to participate if he/she determines that the person's participation cannot reasonably be expected to assist the Presiding Officer and/or the Commission in rendering a fair and equitable resolution of matters in controversy in the proceeding or if he/she determines that the person's participation would unduly broaden the issues in controversy or unduly delay the proceeding.

(f) *Designation of Single Representative.* If the Presiding Officer, in the course of a hearing held under these Rules, determines that a petitioner pursuant to paragraph (a) of this section or a person requesting to participate pursuant to paragraph (b) of this section is a member of a class of prospective intervenors or participants, as applicable, who share an identity of interest, the Presiding Officer may limit such intervention or participation, as applicable, through designation of a single representative.

§ 1025.18 Class actions.

(a) *Prerequisites to a class action.* One or more members of a class of respondents may be proceeded against as representative parties on behalf of all respondents if (1) the class is so numerous or geographically dispersed that joinder of all members is impracticable; (2) there are questions of law or fact common to the class; (3) the defenses of the representative parties are typical of the defenses of the class; and (4) the representative parties will fairly and adequately protect the interests of the class.

(b) *Composition of class.* A class may be composed of (1) manufacturers, distributors, or retailers, or a combination thereof, of products which allegedly share the same defect, or (2) manufacturers, distributors or retailers, or a combination thereof, of products which allegedly fail to conform to an applicable consumer product safety rule, standard, or regulation, or (3) manufacturers, distributors or retailers, or a combination thereof, who have themselves allegedly failed to conform to an applicable consumer product safety rule, standard or regulation. When appropriate, a class may be divided into subclasses and each subclass shall be treated as a class.

(c) *Notice of commencement.* A complaint issued by the Commission under this Rule shall identify the class, the named respondents deemed to be representative of such class, and the defect or non-conformity common to the products manufactured, imported, distributed or sold by each member of the designated class. A complaint issued under this Rule may be validly served upon the parties in accordance with § 1025.16.

(d) As soon as practicable after the commencement of a proceeding brought as a class action, the Presiding Officer shall determine by order whether it is to be so maintained. A class action shall be maintained if the Presiding Officer finds that the issues of fact and/or questions of law common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. In reaching his/her decision, the Presiding Officer shall consider the interests of members of the class in individually controlling the defense of separate actions, and the difficulties likely to be encountered in the management of a class action, as well as the benefits expected to result from the maintenance of a class action.

(e) Upon motion of any party or any member of the class, or upon the Presiding Officer's own initiative, the Presiding Officer may revise the membership of the class.

(f) *Orders in conduct of class actions.* In proceedings to which this Rule applies, the Presiding Officer may make appropriate orders: (1) Determining the course of the proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument; (2) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the Presiding Officer may direct either to some or to all the members of any step in the action, or of the extent of the proposed order, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present defenses, or otherwise to come into the action; (3) imposing conditions on the representative parties or on party intervenors; (4) requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly; or (5) dealing with similar procedural matters. The orders may be combined with a prehearing order under § 1025.21, and may be altered or amended as may be desirable from time to time.

(g) *Scope of final order.* In a proceeding maintained as a class action, any Decision and Order of the Commission or the Presiding Officer under §§ 1025.51 and 1025.55, whether or not favorable to the class, shall include and describe those respondents whom the Commission or the Presiding Officer finds to be members of the class.

(h) *Notice of results.* Upon the termination of a proceeding that has been maintained as a class action, the best notice practicable of the results of the proceeding shall be given to all members of the class in such manner as the Commission or the Presiding Officer directs.

VANH9 JUN 21 77 UM

§ 1025.19 Joinder of proceedings.

Two or more matters which have been scheduled for adjudicative proceedings, and which involve similar issues, may be consolidated for the purpose of hearing or Commission review. A motion for consolidation may be filed by any party to such proceedings not later than thirty (30) days prior to the hearing and served upon all parties to all proceedings whose joinder is contemplated. The motion may include a request that the consolidated proceeding be maintained as a class action in accordance with § 1025.19. The proceedings may be consolidated to such extent and upon such terms as may be deemed proper. Such consolidation may also be ordered upon the initiative of the Presiding Officer or the Commission. Single representatives may be designated to represent parties, intervenors, and participants with an identity of interests.

Subpart C—Prehearing Procedures, Motions, Interlocutory Appeals, Summary Judgment; Settlement

§ 1025.21 Prehearing conferences.

(a) *When held.* (1) A prehearing conference shall be held in person or by conference telephone call, except in unusual circumstances, approximately fifty (50) days after publication in the FEDERAL REGISTER of the complaint, upon ten (10) days' notice to all parties and participants, to consider any or all the following:

(i) Petitions for leave to intervene;

(ii) Motions for consolidation of proceedings;

(iii) Identification, simplification and clarification of the issues;

(iv) Necessity or desirability of amending the pleadings;

(v) Stipulations and admissions of fact and of the content and authenticity of documents;

(vi) Oppositions to notices of depositions;

(vii) Motions for protective orders to limit or modify discovery;

(viii) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;

(ix) Limitation of the number of witnesses, particularly the avoidance of duplicate expert witnesses;

(x) Matters of which official notice will be taken and matters which may be resolved by reliance upon the Commission's substantive standards, regulations, and consumer product safety rules;

(xi) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;

(xii) Consideration of offers of settlement;

(xiii) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties.

(xiv) Such other matters as may aid in the disposition of the proceeding.

(b) *Public notice.* The Presiding Officer shall cause the notice of the first prehearing conference, including a statement of the issues, to be duly published in the FEDERAL REGISTER at least ten (10) days prior to the date scheduled for the conference.

(c) *Additional conferences.* Additional prehearing conferences may be convened at the discretion of the Presiding Officer, upon due notice to the parties and to the public.

(d) *Reporting.* Prehearing conferences may be stenographically reported as provided in § 1025.47, and shall be open to the public.

(e) *Prehearing orders.* The Presiding Officer may enter an order in substantially the form set forth in Appendix I which recites the rulings made and agreements reached at each prehearing conference. The prehearing conference order shall control the subsequent course of the proceeding, unless modified to prevent manifest injustice.

§ 1025.22 Prehearing briefs.

Not later than ten (10) days prior to the hearing, the parties shall, except when ordered by the Presiding Officer in unusual circumstances, simultaneously serve and file prehearing briefs, which shall set forth (a) A statement of the facts expected to be proved, and of the anticipated order of proof; (b) a statement of the issues and the legal arguments in support of the party's contentions with respect to each issue; and (c) a table of authorities with a designation by asterisk of the principal authorities relied upon.

§ 1025.23 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before a Presiding Officer, all motions, whether oral or written, except those filed under § 1025.42(e), shall be addressed to the Presiding Officer, who shall rule upon them promptly after affording an opportunity for response.

(b) *Written motions.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor. If a motion is supported by memoranda, affidavits or other documents, they shall be served and filed with the motion. All motions shall contain a proposed order setting forth the relief sought. All written motions shall be filed with the Secretary and served on all parties, and all motions addressed to the Commission shall be in writing.

(c) *Answers.* Within ten (10) days after service of any written motion or petition or within such longer or shorter time as may be designated by these Rules or by the Presiding Officer or the Commission, the opposing party shall file a written response to such motion. Failure to respond to a written motion may, in the discretion of the Presiding Officer be deemed as consent to the granting of the relief sought in the motion. The moving party shall have no right to reply, except as permitted by the Presiding Officer or the Commission.

(d) *Rulings on motions for dismissal.* When a motion to dismiss a complaint or motion for other relief is granted, with the result that the proceeding before the Presiding Officer is terminated, the Presiding Officer shall issue an Initial Decision and Order thereon in accordance with the provisions of § 1025.51. If such a motion is granted as to all issues alleged in the complaint in regard to some, but not all, the respondents, or is granted as to any part of the allegations in regard to any or all the respondents, the Presiding Officer shall enter an order on the record and consider the remaining issues in the Initial Decision. The Presiding Officer may elect to defer ruling on a motion to dismiss until the close of the case.

§ 1025.24 Interlocutory appeals.

(a) *General.* Rulings of the Presiding Officer may not be appealed to the Commission prior to the Initial Decision, except as provided herein.

(b) *Exceptions.* (1) Interlocutory appeals to Commission. The Commission may, in its discretion, entertain interlocutory appeals where a ruling of the Presiding Officer:

(i) Requires the production of records claimed to be confidential;

(ii) Requires the testimony of a supervisory official of the Commission other than one especially cognizant of the facts of the matter in adjudication.

(iii) Excludes an attorney from participation in a proceeding pursuant to § 1025.42(b);

(iv) Denies or unduly limits a petition for intervention pursuant to the provisions of § 1025.17.

(2) Procedure for interlocutory appeals. Within ten (10) days of issuance of a ruling, any party may petition the Commission to entertain an interlocutory appeal on a ruling in the categories enumerated above. The petition shall not exceed fifteen (15) pages. Any other party may file a response to the petition within ten (10) days of its service. The response shall not exceed fifteen (15) pages. The Commission shall thereupon act upon the petition, or the Commission shall request such further briefing or oral presentation as it may deem necessary.

(3) Interlocutory appeals from all other rulings. (i) Grounds. Interlocutory appeals from all other rulings by the Presiding Officer may proceed only upon motion to the Presiding Officer and a determination by the Presiding Officer in writing, with justification in support thereof, that the ruling involves a controlling question of law or policy as to which there is substantial ground for differences of opinion and that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation, or that subsequent review will be an inadequate remedy.

(ii) Form. If the Presiding Officer so determines, a petition for interoluctory appeal may be filed with and acted upon by the Commission in accordance with paragraph (b)(2) of this section.

(c) *Proceedings not stayed.* A petition for interlocutory appeal under this Rule shall not stay the proceedings before the Presiding Officer unless the Presiding Officer or the Commission shall so order.

§ 1025.25 Summary decision and order.

(a) *Motion.* Any party may move, with a supporting memorandum, for a Summary Decision and Order in its favor upon all or any of the issues in controversy. Complaint Counsel may so move at any time after thirty (30) days following issuance of a complaint, and any other party may so move at any time after issuance of a complaint. Any such motion by any party shall be filed at least twenty (20) days before the date fixed for the adjudicatory hearing.

(b) *Response to motion.* Any other party may, within ten (10) days after service of the motion, file a response thereto with a supporting memorandum.

(c) *Grounds.* A Summary Decision and Order shall be granted if the pleadings and any depositions, answers to interrogatories, admissions, and/or affidavits show that there is no genuine issue as to any material fact and that the moving party is entitled to a Summary Decision and Order as a matter of law.

(d) *Legal effect.* A Summary Decision and Order upon all the issues being adjudicated shall constitute the Initial Decision of the Presiding Officer, and may be appealed to the Commission in accordance with § 1025.53. A Summary Decision, interlocutory in character, may be rendered on fewer than all issues and may not be appealed prior to issuance of the Initial Decision.

(e) *Case not fully adjudicated on motion.* A Summary Decision and Order that does not dispose of the whole case shall include a statement of those material facts as to which there is no substantial controversy, and of those material facts that are actually and in good faith controverted. The Summary Order shall direct such further proceedings as are just.

§ 1025.26 Settlements.

(a) *Availability.* Any party shall have the opportunity to submit an offer of settlement to the Presiding Officer.

(b) *Form.* Offers of settlement shall be in the form of a consent agreement and order, shall be signed by respondent or respondent's representative, and may be signed by any other party. Each offer of settlement shall be endorsed by its proponents, accompanied by a motion to transmit the proposed agreement and order outlining the substantive provisions of the agreement and the reasons why it should be accepted by the Commission.

(c) *Contents.* The proposed consent agreement and order which constitute the offer of settlement shall contain the following:

(1) An admission of all jurisdictional facts;

(2) An express waiver of further procedural steps, and of all rights to seek judicial review or otherwise to contest the validity of the Commission order;

(3) Provisions that the allegations of the complaint are resolved by the consent agreement and order;

(4) A description of the alleged hazard, non-compliance, or violation.

(5) A listing of the acts or practices from which the respondent shall refrain;

(6) A detailed statement of the corrective action(s) which the respondent shall execute. In proceedings arising under section 15 of the Consumer Product Safety Act (15 U.S.C. 2064), this statement shall contain all the elements of a "Corrective Action Plan," as outlined in the Commission's Policy and Procedures Regarding Substantial Product Hazards, 16 CFR 1116.

(d) *Transmittal.* The Presiding Officer may transmit all offers of settlement and accompanying memoranda that meet the requirements enumerated in paragraph (c) of this section to the Commission for decision. The Presiding Officer may, but need not, recommend acceptance of such offers. Any party may object to the transmittal to the Commission of a proposed consent agreement by filing an answer to the motion.

(e) *Stay of proceedings.* When an offer of settlement has been agreed to by the parties and has been transmitted to the Commission, the proceedings shall be stayed until the Commission has ruled on the offer. When an offer of settlement has been made and transmitted to the Commission but has not been agreed to by all parties, the proceedings shall not be stayed pending Commission decision on the offer.

(f) *Commission ruling.* The Commission will rule upon all transmitted offers of settlement. If the Commission accepts the offer, the Commission shall issue an appropriate order. The order shall become effective upon issuance.

(g) *Commission rejection.* If the Commission rejects an offer of settlement, the Secretary, in writing, shall give notice of the Commission's decision to the parties and the Presiding Officer. Promptly thereafter, the Presiding Officer shall issue an order notifying the parties of the resumption of the proceedings, including any modifications to the schedule resulting from the stay of the proceedings.

(h) *Effect of rejected offer.* Rejected offers of settlement shall not be admissible in evidence over the objection of any signatory, nor shall the fact of the proposal of the offer be admissible in evidence.

Subpart D—Discovery; Compulsory Process

§ 1025.31 General provisions governing discovery.

(a) *Applicability.* The discovery Rules established in this Subpart are applicable to the discovery of information among the parties to a proceeding. Parties seeking information from persons not parties may do so by subpoena in accordance with § 1025.38.

(b) *Discovery methods.* Parties may obtain discovery by one or more of the following methods: (1) Written interrogatories; (2) requests for production of documents or things; (3) requests for admission; or (4) depositions upon oral examination. Unless the Presiding Officer otherwise orders under subsection (d) of this Rule, the frequency of use of these methods is not limited.

(c) *Scope of discovery.* The scope of discovery is as follows:

(1) In general. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party. It is not ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(2) Exception. Parties may not obtain discovery of documents which accompanied the staff's recommendation as to whether a complaint should issue. Section 1025.11(c) already provides for release to the respondent at the time of the issuance of a complaint of all of the documents and/or portions thereof accompanying the staff's recommendation that would be releasable under the Freedom of Information Act, 5 U.S.C. 522.

(3) Hearing Preparation: Experts. A party may obtain discovery of facts known and opinions held by experts, regardless of whether they are acquired or developed in anticipation of or for litigation. Such discovery may be had by any of the methods provided in paragraph (b) of this section.

(d) *Protective orders.* Upon motion by a party, and for good cause shown, the Presiding Officer may make any order which justice requires to protect a party or person from annoyance, embarrassment, competitive disadvantage, oppression, or undue burden or expense, including one or more of the following: (1) That the discovery shall not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time and/or place; (3) that the discovery shall be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters shall not be inquired into, or that the scope of the discovery shall be limited to certain matters; (5) that discovery shall be conducted with no one present except persons designated by the Presiding Officer; (6) that a trade secret or other confidential research, development, or commercial information shall not be disclosed or shall be disclosed only in a designated way or only to designated parties; and (7) that responses to discovery shall be placed in camera in accordance with § 1025.45. If a motion for a protective order is denied in whole or in part, the Presiding Officer may, on such terms or conditions as are just, order that any party provide or permit discovery.

(e) *Sequence and timing of discovery.* Discovery may commence at any time after filing of the answer. Unless otherwise provided in these Rules or by order of the Presiding Officer, methods of discovery, whether by deposition or otherthe fact that a party is conducting discovery, whether by deposition or other-

V42N119 JN21 77 UM

wise, shall not operate to delay any other party's discovery.

(f) *Supplementation of responses.* A party who has responded to a request for discovery with a response that was complete when made is under a duty to supplement the response to include information thereafter acquired.

(g) *Completion of discovery.* All discovery shall be completed as soon as practical but in no case longer than one hundred fifty (150) days after issuance of a complaint unless otherwise ordered by the Presiding Officer in exceptional circumstances and for good cause shown. All discovery shall be served by a date which affords the party from whom discovery is sought the full response period provided by these Rules.

(h) *Service and filing of discovery.* All discovery requests and written responses, and all notices of depositions, shall be filed with the Secretary and served on all parties and the Presiding Officer.

(i) *Control of discovery.* The use of these discovery procedures is subject to the control of the Presiding Officer, who may issue any just and appropriate order for the purpose of ensuring their timely completion.

§ 1025.32 Written interrogatories to parties.

(a) *Availability; procedures for use.* Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Interrogatories may, without leave of the Presiding Officer, be served upon any party after filing of the answer.

(b) *Procedures for response.* Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the representative making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after service of the interrogatories. The Presiding Officer may allow a shorter or longer time for response. The party submitting the interrogatories may move for an order under § 1025.36 with respect to any objection to or other failure to answer an interrogatory.

(c) *Scope of interrogatories.* Interrogatories may relate to any matters which can be inquired into under § 1025.31(c)(1), and the answers may be used to the extent permitted under these Rules. An interrogatory otherwise proper is not objectionable merely because an answer to the interrogatory would involve an opinion or contention that relates to fact or to the application of law to fact, but the Presiding Officer may order that such an interrogatory need not be answered until a later time.

(d) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served, or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to the interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts, or summaries.

§ 1025.33 Production of documents and things.

(a) *Scope.* Any party may serve upon any other party a request (1) to produce and permit the party making the request, or someone acting on behalf of that party, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, phone-records, and any other data-compilation from which information can be obtained, translated, if necessary, by the party in possession into reasonably usable form), or (2) to inspect and copy, test or sample tangible things which constitute or contain matters within the scope of § 1025.31(c)(1) and which are in the possession, custody or control of the party upon whom the request is served.

(b) *Procedure for request.* The request may be served at any time after the filing of the answer without leave of the Presiding Officer. The request shall set forth the items to be inspected either by individual item or by category, and shall describe each item or category with reasonable particularity. The request shall specify a reasonable time, place and manner for making the inspection and performing the related acts.

(c) *Procedure for response.* The party upon whom the request is served shall serve a written response within twenty (20) days after service of the request. The Presiding Officer may allow a shorter or longer time for response. The response shall state, with respect to each item or category requested, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to only part of an item or category, that part shall be so specified. The party submitting the request may move for an order under § 1025.36 with respect to any objection to or other failure to respond to the request or any part thereof, or to any failure to permit inspection as requested.

§ 1025.34 Requests for admission.

(a) *Procedure for request.* A party may serve upon any other party a written request for the admission, for the purposes of the pending proceeding only, of the truth of any matters within the scope of § 1025.31(c)(1) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been, or are otherwise, furnished or made available for inspection and copying. The request may, without leave of the Presiding Officer, be served upon any party after filing of the answer. Each matter as to which an admission is requested shall be separately set forth.

(b) *Procedure for response.* The matter as to which an admission is requested is deemed admitted unless within thirty (30) days after service of the request, or within such shorter or longer time as the Presiding Officer may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or the party's representatives. If objection is made, the reasons therefore shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission. When good faith requires that a party qualify an answer or deny only a part of the matter as to which an admission is requested, the party shall specify the portion that is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny, unless the party states that he/she has made reasonable inquiry and that the information known or readily available to him/her is insufficient to enable him/her to admit or deny. A party who considers that a matter as to which an admission has been requested presents a genuine issue for hearing may not, on that ground alone, object to the request but may deny the matter or set forth reasons why the party cannot admit or deny it. The party who has requested an admission may move to determine the sufficiency of the answer or objection thereto in accordance with § 1025.36. If the Presiding Officer determines that an answer does not comply with the requirements of this Rule, he/she may order that the matter be deemed admitted or that an amended answer be served.

(c) *Effect of admission.* Any matter admitted under this Rule is conclusively established unless the Presiding Officer on motion permits withdrawal or amendment of such admission. The Presiding Officer may permit withdrawal or amendment when the presentation of the merits of the action will be served thereby and the party who obtained the admission fails to satsify the Presiding Officer that withdrawal or amendment will prejudice that party in maintaining an action or defense on the merits. Any admission made by a party under this Rule is for the purpose of the pending action only and is not an admission by that party for any other purpose, nor may it be used against that party in any other proceeding.

§ 1025.35 Depositions upon oral examination.

(a) *When depositions may be taken.* At any time after the first prehearing conference, upon leave of the Presiding Officer and under such terms and conditions as the Presiding Officer may prescribe, any party may take the deposition of any other party, including the agents, employees, consultants or prospective witnesses of that party at a place convenient to the deponent. The attendance of witnesses and the production of documents and things at the deposition may be compelled by subpoena as provided in § 1025.38.

(b) *Notice of deposition.*—(1) *Deposition of a party.* A party desiring to take a deposition of another party to the proceeding shall, after obtaining leave from the Presiding Officer, serve written notice of the deposition on all other parties and the Presiding Officer at least ten (10) days before the date noticed in the deposition. The notice shall state (i) the time and place for taking the deposition; (ii) the name and address of each person to be deposed, if known, or if the name is not known, a general description sufficient to identify him/her; and (iii) the subject matter of the expected testimony. If a subpoena duces tecum is to be served on the person to be deposed, the designation of the materials to be produced, as set forth in the subpoena, shall be attached to or included in the notice of deposition.

(2) *Deposition of a non-party.* A party desiring to take a deposition of a person who is not a party to the proceeding shall make application for a subpoena, in accordance with § 1025.38, to compel the attendance, testimony and/or production of documents by such person who is not a party. The party desiring such deposition shall serve written notice of the deposition on all other parties to the proceeding, after issuance of the subpoena by the Presiding Officer or a designated alternate. The date specified in the subpoena for the deposition shall be at least twenty (20) days after the date on which the application for the subpoena is made to the Presiding Officer.

(3) *Opposition to notice.* A person served with a notice of deposition may oppose, in writing, the taking of the deposition within five (5) days of service of notice. The Presiding Officer shall rule on the notice and any opposition and may order the taking of all noticed depositions, upon a showing of good cause therefor. The Presiding Officer may, for good cause shown, enlarge or shorten the time for the taking of a deposition.

(c) *Persons before whom depositions may be taken.* Depositions may be taken before any person authorized to administer oaths by the laws of the United States or of the place where the examination is held. No deposition shall be taken before a person who is a relative or employee or attorney or representative of any party, or who is a relative or employee of such attorney or representative, or who is financially interested in the action.

(d) *Taking of deposition*—(1) *Examination.* Each deponent shall be duly sworn, and all testimony shall be duly recorded. All parties or their representatives may be present and participate in the examination. Examination and cross-examination of deponents may proceed as permitted at the hearing. Evidence objected to shall be taken subject to the objections. Objections shall be in short form, and shall state the grounds relied upon. The questions propounded and the answers thereto, together with all objections made, shall be recorded by the official reporter before whom the deposition is taken. The original or a verified copy of all documents and things produced for inspection during the examination of the deponent shall, upon a request of any party present, be marked for identification and annexed to the record of the deposition.

(2) *Motion to terminate or limit examination.* At any time during the taking of the deposition, upon motion of any party or of the deponent, and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass or oppress the deponent or party, the Presiding Officer may, upon motion, order the party conducting the examination to cease taking the deposition, or may limit the scope and manner of taking the deposition as provided in §1025.31(d) of these Rules.

(3) *Participation by parties not present.* In lieu of attending a deposition, any party may serve written questions in a sealed envelope on the party conducting the deposition. That party shall transmit the envelope to the official reporter, who shall unseal it and propound the questions contained therein to the deponent.

(e) *Transcription and filing of depositions*—(1) *Transcription.* Upon request by any party, the testimony recorded at a deposition shall be transcribed. When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signing, and shall be read to or by the deponent, unless such examination and signature are waived by the deponent. Any change in form or substance which the deponent desires to make shall be entered upon the deposition by the official reporter with a statement of the reasons given by the deponent for making them. The deposition shall then be signed by the deponent, unless the parties by stipulation waive the signing, or the deponent is ill or cannot be found or refuses to sign. If the deposition is not signed by the deponent within thirty (30) days of its submission to him/her, the official reporter shall sign it and state on the record the fact of the waiver of signature or of the illness or absence of the deponent or the fact of the refusal to sign, together with a statement of the reasons therefor. The deposition may then be used as fully as though signed, in accordance with paragraph (i) of this section.

(2) *Certification and filing.* The official reporter shall certify on the deposition that the deponent was duly sworn and that the deposition is a true record of the testimony given and corrections made by the deponent. The official reporter shall then seal the deposition in an envelope endorsed with the title and docket number of the action and marked "Deposition of [name of deponent]" and shall promptly file the deposition with the Secretary. The Secretary shall notify all parties of the filing of the deposition and shall furnish a copy of the deposition to any party or to the deponent upon payment of reasonable charges therefor.

(f) *Costs of deposition.* The party who notices the deposition shall pay for the deposition. The party who requests transcription of the deposition shall pay for the transcription.

(g) *Failure to attend or to serve subpoena; expenses.* If a party who notices a deposition fails to attend and proceed therewith and another party attends in person or by a representative pursuant to the notice, the Presiding Officer may order the party who gave the notice to pay the attending party the reasonable expenses incurred. If a party who notices a deposition fails to serve a subpoena upon the deponent and as a result the deponent does not attend, and if another party attends in person or by a representative because that party expects the deposition to be taken, the Presiding Officer may order the party who gave notice to pay the attending party the reasonable expenses incurred.

(h) *Deposition to preserve testimony.* (1) *When available.* By leave of the Presiding Officer, a party may take the deposition of his/her own witness for the purpose of perpetuating the testimony of that witness. A party who wishes to conduct such a deposition shall obtain prior leave of the Presiding Officer by filing a motion. The motion shall include a showing of substantial reason to believe that the testimony could not be presented at the hearing. If the Presiding Officer is satisfied that the perpetuation of the testimony may prevent a failure of justice or is otherwise reasonably necessary, he/she shall order that the deposition be taken.

(2) Procedure. Notice of a deposition to preserve testimony shall be served at least fifteen (15) days prior to the deposition. The deposition shall be taken in accordance with the provisions of paragraph (d) of this section. Any deposition taken to preserve testimony shall be fully transcribed and filed in accordance with paragraph (e) of this section.

(i) *Use of depositions.* At the hearing or upon a motion or interlocutory proceeding, any part or all of a deposition may be used against any party or participant who was present or represented at the deposition or who had reasonable notice thereof, in accordance with any of the following:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of anyone who at the time of the taking of the deposition was an officer, director, managing agent,

JUN 21 77
UM

or person otherwise designated to testify on behalf of a public or private corporation, partnership or association or governmental agency which is a party to the proceeding may be used by any adverse party for any purpose.

(3) The deposition of a witness may be used by any party for any purpose if the Presiding Officer finds: (i) That the witness is dead; or (ii) that the witness is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) that such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard for the importance of presenting the testimony of witnesses orally during the hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, any other party may move to introduce any other part of the deposition.

§ 1025.36 Motions to compel discovery.

If a party fails to respond to discovery, in whole or in part, the party seeking discovery may move within twenty (20) days for an order compelling an answer, or compelling inspection or production of documents, or otherwise compelling discovery. For purposes of this subsection, an evasive or incomplete response is to be treated as a failure to respond. When taking depositions, the discovering party shall continue the examination to the extent possible with respect to other areas of inquiry before moving to compel discovery.

§ 1025.37 Sanctions for failure to comply with order.

If a party fails to obey an order to provide or permit discovery, the Presiding Officer may take such action as is just, including but not limited to the following:

(a) Infer that the admission, testimony, document or other evidence would have been adverse to the party;

(b) Order that for the purposes of the proceeding, the matters regarding which the order was made or any other designated facts shall be taken to be established in accordance with the claim of the party obtaining the order;

(c) Order that the party withholding discovery not introduce into evidence or otherwise rely, in support of any claim or defense, upon the documents or other evidence withheld;

(d) Order that the party withholding discovery not introduce into evidence, or otherwise use at the hearing, information obtained in discovery;

(e) Order that the party withholding discovery not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown;

(f) Order that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which the order was issued, be stricken, or that decision on the pleadings be rendered against the party, or both; and

(g) Exclude the party or representative from proceedings, in accordance with § 1025.42(b).

Any such action may be taken by order at any point in the proceedings.

§ 1025.38 Subpoenas.

(a) *Availability.* A subpoena shall be addressed to any person not a party for the purpose of compelling attendance, testimony and production of documents at a hearing or deposition, and may be addressed to any party for the same purposes.

(b) *Form.* A subpoena shall identify the action with which it is connected; shall specify the person to whom it is addressed and the date, time and place for compliance with its provisions; and shall be issued by order of the Commission and signed by the Secretary or by the Presiding Officer. A subpoena *duces tecum* shall specify the books, papers, documents, or other materials on data-compilations to be produced.

(c) *How obtained*—(1) *Content of application.* An application for the issuance of a subpoena stating reasons shall be submitted in triplicate to the Presiding Officer. The Presiding Officer shall cause such application to come to the attention of the Commission by forwarding the document or a copy thereof or by communicating the contents of the application by any other means, e.g., by telephone.

(2) *Procedure for application.* The original and two copies of the subpoena, marked "original," "duplicate" and "triplicate," shall accompany the application. The Commission shall rule upon an application for a subpoena *ex parte*, by issuing the subpoena or by issuing an order denying the application.

(d) *Issuance of a subpoena.* The Commission shall issue a subpoena by ordering the Secretary or the Presiding Officer to sign and date each copy in the lower right-hand corner of the document. The "duplicate" and "triplicate" copies of the subpoena shall be transmitted to the applicant for service in accordance with these Rules; the "original" copy shall be retained by or be forwarded to the Secretary for retention in the docket of the proceeding.

(e) *Service of a subpoena.* A subpoena may be served in person or by certified mail, return receipt requested, as provided in § 1025.16(b). Service shall be made by delivery of the signed "duplicate" copy to the person named therein.

(f) *Return of service.* A person serving a subpoena shall promptly execute a return of service, stating the date, time, and manner of service. If service is effected by mail, the signed return receipt shall accompany the return of service. In case of failure to make service, a statement of the reasons for the failure shall be made. The "triplicate" of the subpoena, bearing or accompanied by the return of service, shall be returned forthwith to the Secretary after service has been completed.

(g) *Motion to quash or limit subpoena.* Within five (5) days of receipt of a subpoena, the person against whom it is directed may file a motion to quash or limit the subpoena, setting forth the reasons why the subpoena should be withdrawn or why it should be limited in scope. Any such motion shall be answered within five (5) days of service, and shall be ruled on immediately thereafter. The order shall specify the date, if any, for compliance with the specifications of the subpoena.

(h) *Consequences of failure to comply.* In the event of failure to comply with a subpoena, the Presiding Officer may take any of the actions enumerated in § 1025.37, or may order any other appropriate relief to compensate for the withheld testimony, documents, or other materials. If in the opinion of the Presiding Officer such relief is insufficient, the Presiding Officer shall certify to the Commission a request for judicial enforcement of the subpoena.

§ 1025.39 Orders requiring witnesses to testify or provide other information and granting immunity.

(a) This Rule applies only to proceedings arising under the Flammable Fabrics Act.

(b) A party who desires the issuance of an order requiring a witness or deponent to testify or provide other information upon being granted immunity from prosecution under Title 18, United States Code, section 6002, may make a motion to that effect. The motion shall be made and ruled on in accordance with § 1025.22, and shall include a showing:

(1) That the testimony or other information sought from a witness or deponent, or prospective witness or deponent, may be necessary to the public interest; and

(2) That such individual has refused or is likely to refuse to testify or provide such information on the basis of that individual's privilege against self-incrimination.

(c) If the Presiding Officer determines that the witness' testimony appears necessary and that the privilege against self-incrimination may be invoked, he/she may certify to the Commission a request that it obtain the approval of the Attorney General of the United States for the issuance of an order granting immunity.

(d) Upon application to and approval of the Attorney General of the United States, and after the witness has invoked the privilege against self-incrimination, the Presiding Officer shall issue the order granting immunity unless he/she determines that the privilege was improperly invoked.

(e) Failure of a witness to testify after a grant of immunity or after a denial of the issuance of an order granting immunity shall result in the imposition of appropriate sanctions as provided in § 1025.37.

Subpart E—Hearings

§ 1025.41 General rules.

(a) *Public hearings.* All hearings pursuant to these Rules shall be public unless otherwise ordered by the Commission or the Presiding Officer.

(b) *Expedition.* Hearings shall proceed with all reasonable speed, and insofar as practicable and with due regard to the convenience of the parties and shall continue without suspension until concluded, except in unusual circumstances.

(c) *Rights of parties.* Every party shall have the right of timely notice and all other rights essential to a fair hearing, including, but not limited to, the rights to present evidence, to conduct such cross-examination as may be necessary for a full and complete disclosure of the facts, and to be heard by objection, motion, brief and argument.

(d) *Rights of participants.* Every participant shall have the right to make a written or oral statement of position, file proposed findings of fact, conclusions of law and a post hearing brief, in accordance with § 1025.17(b).

(e) *Rights of witnesses.* Any person compelled to testify in a proceeding in response to a subpoena may be accompanied, represented, and advised by counsel or other representative, and may purchase a transcript of his/her testimony.

§ 1025.42 Powers and duties of Presiding Officer.

(a) *General.* A Presiding Officer shall have the duty to conduct full, fair and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of proceedings, and to maintain order. He/she shall have all powers necessary to that end, including the following powers:

(1) To administer oaths and affirmations;

(2) To compel discovery and to impose appropriate sanctions for failure to make discovery;

(3) To rule upon offers of proof and receive relevant, competent, and probative evidence;

(4) To regulate the course of the hearings and the conduct of the parties and their representatives therein;

(5) To hold conferences for simplification of the issues, settlement of the proceedings, or any other proper purposes;

(6) To consider and rule, orally or in writing, upon all procedural and other motions appropriate in an adjudicative proceeding;

(7) To issue Initial Decisions, rulings and orders, as appropriate;

(8) To certify questions to the Commission for its determination; and

(9) To take any action authorized by the Rules in this Part or in conformance with the provisions of Title 5, United States Code, sections 551 through 559.

(b) *Exclusion of parties by presiding officer.* A Presiding Officer shall have the authority, for good cause stated on the record, to exclude from participation in a proceeding any party, participant, and/or representative who shall violate the requirements of § 1025.66. Any party, participant and/or representative so excluded may appeal to the Commission in accordance with the provisions of § 1025.23. If the representative of a party or participant is excluded, the hearing shall be suspended for a reasonable time so that the party or participant may obtain another representative.

(c) *Substitution of presiding officer.* In the event of the substitution of a new Presiding Officer for the one originally designated, any motion predicated upon such substitution shall be made within five (5) days.

(d) *Interference.* In the performance of adjudicative functions, a Presiding Officer shall not be responsible to or subject to the supervision or direction of any Commissioner or of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission. All directions by the Commission to a Presiding Officer concerning any adjudicative proceeding shall appear on and be made a part of the record.

(e) *Disqualification of presiding officer.* (1) When a Presiding Officer deems himself/herself disqualified to preside in a particular proceeding, he/she shall withdraw by notice on the record and shall notify the Chief Administrative Law Judge and the Office of the Secretary of the Commission of the withdrawal.

(2) Whenever, for any reason, any party shall deem the Presiding Officer to be disqualified to preside, or to continue to preside, in a particular proceeding, that party may file with the Secretary a motion to disqualify and remove, supported by affidavit(s) setting forth the alleged grounds for disqualification. A copy of the motion and supporting affidavit(s) shall be served by the Secretary on the Presiding Officer whose removal is sought. The Presiding Officer shall have ten (10) days from service to reply in writing. Such motion shall not stay the proceeding unless otherwise ordered by the Presiding Officer or the Commission. If the Presiding Officer does not disqualify himself/herself, the Commission will determine the validity of the grounds alleged, either directly or on the report of another Presiding Officer appointed to conduct a hearing for that purpose, and shall in the event of disqualification take appropriate action, by assigning another Presiding Officer or requesting loan of another Administrative Law Judge through the U.S. Civil Service Commission.

§ 1025.43 Evidence.

(a) *Applicability of Federal rules of evidence.* Unless otherwise provided by statute or these rules, the Federal Rules of Evidence shall apply to all proceedings held pursuant to these rules. However, the Federal Rules of Evidence may be relaxed by the Presiding Officer if the ends of justice will be better served by so doing.

(b) *Burden of proof.* (1) Complaint counsel shall have the burden of sustaining the allegation of any complaint.

(2) Any party who is the proponent of a legal and/or factual proposition shall have the burden of sustaining the proposition.

(c) *Presumptions.* A presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the hearing upon the party on whom it was originally cast.

(d) *Admissibility.* All relevant and reliable evidence is admissible, but may be excluded if its probative value is substantially outweighed by unfair prejudice or confusion of the issues, or by considerations of undue delay, waste of time, immateriality, or needless presentation of cumulative evidence.

(e) *Official notice*—(1) *Definition.* Official notice means use by the Presiding Officer and/or the Commission of extra-record facts and legal conclusions drawn from those facts. An officially noticed fact or legal conclusion must be one not subject to reasonable dispute in that it is either (i) generally known within the jurisdiction of the Commission; or (ii) known by the Commission in areas of its expertise; or (iii) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.

(2) Method of taking official notice. The Presiding Officer and/or the Commission may at any time take official notice upon motion of any party or upon its own initiative. The record shall reflect the facts and conclusions which have been officially noticed.

(3) Opportunity to challenge. Any party may upon application in writing rebut officially noticed facts and conclusions by supplementing the record. The Presiding Officer or the Commission shall determine the permissible extent of this challenge; that is, whether to limit the party to presentation of written materials, whether to allow presentation of testimony, whether to allow cross-examination, or whether to allow oral argument. The Presiding Officer or the Commission shall grant or deny the application on the record.

(f) *Objections and exceptions.* Objections to evidence shall be timely interposed, shall appear on the record, and shall contain the grounds upon which they are based. Rulings on all objections, and the bases therefor, shall appear on the record. Formal exception to an adverse ruling is not required to preserve the question for appeal.

(g) *Offer of proof.* When an objection to proffered testimony or documentary evidence is sustained, the sponsoring party may make a specific offer, either in writing or orally, of what the party expects to prove by the testimony or the document. When an offer of proof is made, any other party may make a specific offer, either in writing or orally, of what the party expects to present to rebut or contradict the offer of proof. Written offers of proof or of rebuttal, adequately marked for identification, shall accompany the record and be avail-

able for consideration by any reviewing authority.

§ 1025.44 Expert witnesses.

(a) *Definition.* An expert witness is one who, by reason of education, training, experience, or profession, has peculiar knowledge concerning the matter of science or skill to which his/her testimony relates and from which he/she may draw inferences based upon hypothetically stated facts or from facts involving scientific or technical knowledge.

(b) *Method of presenting testimony of expert witness.* Except as may otherwise be ordered by the Presiding Officer, the direct testimony of an expert witness shall be in writing and shall be filed on the record and exchanged between the parties no later than ten (10) days preceding the commencement of the hearing. The written testimony of the expert witness shall be incorporated into the record and shall constitute the testimony of the witness. Upon a showing of good cause, the party sponsoring the expert witness may be permitted to amplify the written testimony during the hearing.

(c) *Cross-examination and redirect examination of expert witness.* Cross-examination, redirect examination, and re-cross-examination of an expert witness will proceed in due course based upon the written testimony and any amplifying oral testimony.

(d) *Failure to file and/or to exchange written testimony.* Failure to file and/or to exchange written testimony of an expert witness as provided in this Rule shall deprive the sponsoring party of the use of the expert witness and of the conclusions which that witness would have presented.

§ 1025.45 In camera materials.

(a) *Definition.* In camera materials are documents, testimony, or other data which by order of the Presiding Officer or the Commission are kept confidential and excluded from the public record. The right of the Presiding Officer, the Commission, and reviewing courts to order disclosure of in camera materials is specifically reserved.

(b) *In camera treatment of documents and testimony.* The Presiding Officer or the Commission shall have authority, when good cause is found on the record, to order documents or testimony offered in evidence, whether admitted or rejected, to be received and preserved in camera. The order shall specify the length of time for in camera treatment and shall include:

(1) A description of the documents and/or testimony;

(2) The reasons for granting in camera treatment for the specified length of time.

(c) *Access and disclosure to parties.* (1) Commissioners and their staffs, Presiding Officers and their staffs, and Commission staff concerned with enforcement and judicial review shall have complete access to in camera materials. All other parties may seek access only in accordance with paragraph (c)(2) of this section.

(2) Any party desiring access to and/or disclosure of in camera materials for the preparation and presentation of that party's case shall make a motion which sets forth the justification therefor. The Presiding Officer or the Commission may grant such motion only for substantial good cause shown and shall enter a protective order prohibiting unnecessary disclosure and requiring other necessary safeguards. The Presiding Officer or the Commission may examine the in camera materials and excise portions thereof prior to disclosure of the materials to the moving party.

(d) *Segregation of in camera materials.* In camera materials shall be segregated from the public record and protected from public view.

(e) *Public release of in camera materials.* In camera materials constitute a part of the confidential records of the Commission and shall not be released to the public until the expiration of in camera treatment.

(f) *Reference to in camera materials.* In the submission of proposed findings, conclusions, briefs, or other documents, all parties shall refrain from disclosing specific details of in camera materials. Such refraining shall not preclude general references to such materials. To the extent that parties consider it necessary to include specific details of in camera materials, the references shall be incorporated into seperate proposed findings, briefs, or other documents marked "Confidential, Contains In Camera Material," which shall be placed in camera and become part of the in camera record. These documents shall be served only on parties accorded access to the in camera materials by these Rules or by the Presiding Officer or by the Commission.

§ 1025.46 Proposed findings, conclusions, and order.

Within a reasonable time after the closing of the record and receipt of the transcript, all parties and participants may, simultaneously, file post-hearing briefs, including proposed findings of fact, conclusions of law and order, together with reasons therefor. The Presiding Officer shall establish a date certain for the filing of the briefs, which shall not exceed 45 days after the close of the record except in unusual circumstances. The briefs shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. Replies shall be filed within fifteen (15) days of the date for the filing of briefs unless otherwise established by the Presiding Officer. The parties and participants may waive either or both submissions.

§ 1025.47 Record.

(a) *Reporting and transcription.* Hearings shall be recorded and transcribed by the official reporter of the Commission under the supervision of the Presiding Officer. The original transcript shall be a part of the record and the official transcript. Copies of transcripts are available from the reporter at a cost not to exceed the maximum rates fixed by contract between the Commission and the reporter. In accordance with section 11 of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C.A. Appendix I) copies of transcripts may be made by members of the public or by Commission personnel, when available, at the Office of the Secretary at reproduction costs set forth in the Commission's procedures under the Freedom of Information Act.

(b) *Corrections.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. The Presiding Officer may order corrections, either on his/her own motion or on motion of any party. The Presiding Officer shall determine the corrections to be made and so order. Corrections shall be interlineated or otherwise inserted in the official transcript so as not to obliterate the original text.

§ 1025.48 Official docket.

(a) The official docket is adjudicatory proceedings will be maintained in the Office of the Secretary and will be available for public inspection during normal working hours (8:30 a.m. to 5 p.m.) Monday through Friday.

(b) Fees for production or disclosure of records contained in the official docket shall be levied by the Secretary or by the delegate of the Secretary, as prescribed in the Commission's Procedures for Disclosure or Production of Information under the Freedom of Information Act.

§ 1025.49 Fees.

(a) *Deponents and witnesses.* Any person compelled to appear in person in response to a subpoena or notice of deposition shall be paid at least the same attendance and mileage fees as are paid witnesses in the courts of the United States, in accordance with Title 28, United States Code, Section 1821. The fees for expert witnesses shall be set in the discretion of the Presiding Officer.

(b) *Responsibility.* The fees and mileage referred to in this section shall be paid by the party at whose instance deponents or witnesses appear.

Subpart F—Decision

§ 1025.51 Initial decision.

(a) *When filed.* The Presiding Officer shall endeavor to file an Initial Decision with the Commission within sixty (60) days of the close of the record, the filing of post-hearing briefs, or the filing of replies thereto, whichever is latest.

(b) *Content.* The Initial Decision shall be based upon a consideration of the entire record and it shall be supported by reliable, probative, and substantial evidence. It shall include:

(1) Findings and conclusions, as well as the reasons or bases therefor, upon the material questions of fact, material issues of law, or discretion presented on the record, and should, where practicable, be accompanied by specific page citations to the record and to legal and other materials relied upon.

(2) An appropriate order.

(c) *By whom made.* The Initial Decision shall be made and filed by the Presiding Officer who presided over the hearing, unless otherwise ordered by the Commission.

(d) *Reopening of proceeding by Presiding Officer; termination of jurisdiction.* (1) At any time prior to or concomitant with the filing of the Initial Decision, the Presiding Officer may reopen the proceedings for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the Presiding Officer is terminated upon the filing of the Initial Decision, unless and until the proceeding is remanded to the Presiding Officer by the Commission.

§ 1025.52 Adoption of initial decision.

The initial decision and order shall become the final decision and order of the Commission forty (40) days after issuance unless an appeal is noted and perfected or unless review is ordered by the Commission. Upon the expiration of the fortieth day, the Secretary shall prepare, sign and enter an order adopting the Initial Decision and Order.

§ 1025.53 Appeal from initial decision.

(a) *Who may file notice of intention.* Any party may appeal an Initial Decision to the Commission provided that within ten (10) days after issuance of the Initial Decision such party files and serves a notice of intention to appeal.

(b) *Appeal brief.* The appeal shall be in the form of a brief, filed within forty (40) days after service of the Initial Decision, duly served upon all parties. The appeal brief shall contain, in the order indicated, the following:

(1) A subject index of the matters in the brief, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto:

(2) A concise statement of the case;

(3) A specification of the position urged;

(4) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the record and the legal or other material relied upon; and

(5) A proposed form of rule or order for the Commission's consideration in lieu of the rule or order contained in the Initial Decision.

(c) *Answering brief.* Within thirty (30) days after service of the appeal brief upon all parties, any party may file an answering brief which shall also contain a subject index, with page references, and a table of cases (alphabetically arranged), textbooks, statutes, and other material cited, with page references thereto. Such brief shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the record and legal or other material relied upon.

(d) *Participant's brief.* Within thirty (30) days after service of the appeal brief upon all parties, any participant may file an appellate brief which should contain a subject index, with page references, and a table of authorities being relied upon. Such brief shall present clearly the position taken by the participant on each question raised by the appellant(s).

(e) *Cross appeal.* If a timely notice of appeal is filed by a party, any other party may file a notice of cross-appeal within ten (10) days of the date on which the first notice of appeal was filed. Cross-appeals shall be included in the answering brief and shall conform to the requirements for form, content and filing specified in paragraph (c) of this section. If an appeal is noticed but not perfected, no cross-appeal shall be permitted and the notice of cross-appeal shall be deemed void.

(f) *Reply brief.* A reply brief shall be limited to rebuttal of matters in answering briefs, including matters raised in cross-appeals. A reply brief shall be filed and served within fourteen (14) days after service of an answering brief, or on the day preceding the oral argument, whichever comes first.

(g) *Oral argument.* The purpose of an oral argument is to emphasize and clarify the issues. Any party may request oral argument. The Commission may order oral argument upon request or upon its own initiative. All oral arguments shall be reported and transcribed. A Commissioner absent from an oral argument may participate in the consideration of and decision on the appeal.

§ 1025.54 Review of initial decision in absence of appeal.

The Commission may, by order, place a case on its own docket for review. Thereupon the parties shall and participants may file briefs in accordance with § 1025.53 (b), (c), (d), (e), and (f) except that the Commission may, in its discretion, establish a different briefing schedule in its order. Any such order shall issue within forty (40) days of issuance of the Initial Decision. The order shall set forth the scope of review and may make provision for the filing of briefs.

§ 1025.55 Final decision on appeal or review.

(a) Upon appeal from or review of an Initial Decision, the Commission shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and, in addition, shall, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the Initial Decision.

(b) In rendering its decision, the Commission shall adopt, modify, or set aside the findings, conclusions, and rule or order contained in the Initial Decision, and shall include in its Final Decision a statement of the reasons or bases for its action and any concurring or dissenting opinions. The Commission shall issue an order reflecting its Final Decision.

§ 1025.56 Reconsideration.

Within twenty (20) days after issuance of a Commission final decision and order, any party may file with the Commission a petition for reconsideration of such decision or order, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the decision or order upon which the petitioner had no previous opportunity to argue. Any party desiring to oppose such a petition shall file an answer thereto within ten (10) days after service of the petition. The filing of a petition for reconsideration shall not stay the effective date of the Decision and Order or toll the running of any statutory time period affecting the decision or order unless specifically so ordered by the Commission.

§ 1025.57 Effective date of order.

(a) *Orders in proceedings arising under the Consumer Product Safety Act.* An order of the Commission in a proceeding arising under the Consumer Product Safety Act becomes effective upon issuance.

(b) *Orders in proceedings arising under the Flammable Fabrics Act*—(1) *Consent orders.* An order in a proceeding arising under the Flammable Fabrics Act which has been issued following Commission acceptance of an offer of settlement in accordance with § 1025.26 of these Rules, becomes effective upon issuance.

(2) *Litigated orders.* All other orders in proceedings arising under the Flammable Fabrics Act becomes effective upon the expiration of the statutory period for court review specified in section 5(c) of the Federal Trade Commission Act, Title 15, United States Code section 45(c), or, if a petition for review has been filed, upon court affirmance of the Commission's order.

(c) *Consequences of failure to comply with effective order.* A respondent against whom an order has been issued who is not in compliance with such order on or after the date the order becomes effective is in violation of the order, and is subject to an immediate action for the civil or criminal penalties provided for in the applicable statute.

§ 1025.58 Reopening of proceedings.

(a) *General.* A proceeding may be reopened by the Commission at any time, either on its own initiative or upon petition of any party to the proceeding.

(b) *Exception.* Proceedings arising under the Flammable Fabrics Act shall not be reopened while pending in a United States court of appeals on a petition for review after the transcript of the record has been filed, or while pending in the United States Supreme Court.

(c) *Commission-originated reopening.* (1) Before effective date of order. At any time before the effective date of a Commission order, the Commission may, upon its own initiative and without prior notice to the parties, reopen a proceeding and enter a new decision or order modifying or setting aside in whole, or any part of the decision or order previously issued.

(2) After effective date of order. Whenever the Commission is of the opinion that changed conditions of fact or law or the public interest may require that a Commission decision or order be al-

JUN 21 1977 UM

tered, modified, or set aside in whole or in part, the Commission shall serve upon all parties to the original proceeding an order to show cause, stating the changes the Commission proposes to make in the decision or order and the reasons such changes are deemed necessary. Within thirty (30) days of service of an order to show cause, any party to the original proceeding may file an answer thereto. Any party not responding to the order to show cause within the time allowed shall be deemed to have consented to the proposed changes.

(d) *Petition for reopening.* Whenever any person subject to an effective order is of the opinion that changed conditions of fact or law require that the rule or order be altered, modified, or set aside, or that the public interest so requires, that person may petition the Commission to reopen the proceeding. The petition shall state the changes desired and the grounds therefor, and shall include such supporting evidence and argument as will in the absence of a contest provide the basis for a Commission decision on the petition. The petition shall be served upon all parties to the original proceeding. Within thirty (30) days of service of the petition, Complaint Counsel shall file a response thereto. Any other party to the original proceeding also may file a response within that period.

(e) *Hearings.* (1) *Unopposed.* Where an order to show cause or petition to reopen is not opposed, or is opposed but the pleadings do not raise issues of fact to be resolved, the Commission, in its discretion, may decide the matter on the order to show cause or petition and responses thereto, or it may serve upon the parties a notice of hearing, setting forth the date when the case will be heard. The hearing normally will be limited to the filing of briefs but may include oral argument when deemed necessary by the Commission.

(2) *Factual issues.* When the pleadings raise substantial factual issues, the Commission shall direct such hearings as it deems appropriate. Unless otherwise ordered and insofar as practicable, such hearings will be conducted in accordance with the Commission's Rules of Practice for Expedited Proceedings, 16 CFR Part 1026, 42 FR 31446 (June 21, 1977). Upon conclusion of the hearings, and after opportunity for the filing by the parties of post-hearing briefs containing proposed findings of fact, conclusions of law, and order, the Presiding Officer shall issue a Recommended Decision, including proposed findings and conclusions, and the reasons or bases therefor, and a proposed order. If the Presiding Officer recommends that the order be reopened, the proposed order shall include appropriate provisions for the alteration, modification or setting aside of the original order. The record and the Presiding Officer's Recommended Decision shall be certified to the Commission for final disposition of the matter.

(f) *Commission disposition.* Upon receipt of the Presiding Officer's recommendation, the Commission shall make a decision and issue an order based on the hearing record as a whole. If the Commission determines that changed conditions of fact or law or the public interest so requires, it shall reopen the order previously issued; alter, modify, or set aside its provisions in whole or in part; and issue an amended order reflecting the alterations, modifications, or deletions. If the Commission determines that the original order should not be reopened, it shall issue an order affirming the original order. A decision stating the reasons and bases for the Commission's order shall accompany the order.

§ 1025.59 Related proceedings.

(a) *Definition.* A related proceeding means (1) a proceeding which shares questions of fact and/or issues of law with a matter previously adjudicated by the Commission, and/or (2) a proceeding in which the Commission takes official notice of the facts and law decided in a matter previously adjudicated.

(b) *Procedure.* A hearing in a related proceeding shall be commenced by issuance of a complaint and shall otherwise be conducted in accordance with the Commission's Proposed Rules for Expedited Procedures, 42 FR 31446 (June 21, 1977), 16 CFR Part 1026. A complaint in a related proceeding shall include a statement that the Commission takes official notice of the contents of the Decision and Order in a matter previously adjudicated and a citation of the title, the docket number, and the date of the Decision and Order. The Decision and Order shall be attached to the complaint.

Subpart G—Appearance; Standards of Conduct

§ 1025.61 Who may make appearances.

A party or participant may appear in person, or by a duly authorized officer, partner, regular employee, or other agent of the party or participant, or by or with counsel or other duly qualified representative, in any proceeding under the regulations in this Part.

§ 1025.62 Authority for representation.

Any individual acting in a representative capacity in any adjudicative proceeding may be required by the Presiding Officer or the Commission to show his/her authority to act in such capacity. A regular employee of a party who appears on behalf of the party shall be required by the Presiding Officer or the Commission to show his/her authority to so appear.

§ 1025.63 Written appearances.

(a) Any person who appears in a proceeding shall file a written notice of appearance with the Secretary or deliver a written notice of appearance to the reporter at the hearing, stating for whom the appearance is made and the name, address, and telephone number (including area code) of the person making the appearance and the date of the commencement of the appearance. The written appearance shall be made a part of the record.

(b) Any person who has previously appeared in a proceeding may withdraw his/her appearance by filing a written notice of withdrawal of appearance with the Secretary. The notice of withdrawal of appearance shall state the name, address, and telephone number (including area code) of the person withdrawing the appearance, for whom the appearance was made, and the effective date of the withdrawal of the appearance, and such notice of withdrawal shall be filed within five (5) days of the effective date of the withdrawal of the appearance.

§ 1025.64 Attorneys.

An attorney at law who is admitted to practice before the Federal courts or before the highest court of any State, the District of Columbia, or any territory or commonwealth of the United States, may practice before the Commission. An attorney's own representation that he/she is in good standing before any of such courts shall be sufficient proof thereof, unless otherwise ordered by the Presiding Officer or the Commission.

§ 1025.65 Persons not attorneys.

(a) Any person who is not an attorney at law may be admitted to appear in an adjudicative proceeding if that person is a citizen of the United States and files proof to the satisfaction of the Presiding Officer that he/she possesses the necessary legal, technical, and/or other qualifications to render valuable service in the proceeding and is otherwise competent to advise and assist in the presentation of matters in the proceedings. An application by a person not an attorney at law for admission to appear in a proceeding shall be submitted in writing to the Secretary, not later than thirty (30) days prior to the hearing in the proceedings. The application shall set forth in detail the applicant's qualifications to appear in the proceedings.

(b) No person who is not an attorney at law and whose application has not been approved shall be permitted to appear in Commission proceedings. However, this provision shall not apply to any person who appears before the Commission on his/her own behalf or on behalf of any corporation, partnership, or association of which the person is a partner, officer, or regular employee.

§ 1025.66 Qualifications and standards of conduct.

(a) The Commission expects all persons appearing in proceedings before the Commission or a Presiding Officer to act with integrity, with respect, and in an ethical manner. Business transacted before and with the Commission shall be in good faith.

(b) To maintain orderly proceedings, the Commission or the Presiding Officer may exclude parties, participants, and their representatives for refusal to comply with directions, continued use of dilatory tactics, refusal to adhere to reasonable standards of orderly and ethical conduct, failure to act in good faith, or violation of the prohibition against certain *ex parte* communications.

(c) The Commission or a Presiding Officer may disregard and order the exclusion from the record of any written or oral submissions or representations which are not made in good faith, or which are unfair, incomplete or inaccurate.

(d) An excluded party, participant, or representative thereof may petition the Commission to entertain an interlocutory appeal in accordance with § 1025.24. If, after such appeal, the representative of a party or participant is excluded, the hearing shall, at the request of the party or participant, be suspended for a reasonable time so that the party or participant may obtain another representative.

§ 1025.67 Restrictions as to former members and employees.

(a) Except as otherwise provided in paragraph (b) of this section, the past employee restrictions applicable to former Commission members and employees, as set forth in the Commission's "Employee Standards of Conduct," 16 CFR Part 1030, Subpart L (41 FR 8023 (February 23, 1976)), shall govern the activities of former Commission members and employees in matters connected with their former duties and responsibilities.

(b) A former member or employee of the Commission may participate in a proceeding as a witness in response to a subpoena and may testify with respect to the facts of his/her past participation in a Commission proceeding or investigation. Commission authorization for such participation shall not be required.

(c) In cases to which paragraph (a) of this section is applicable, a former member or employee of the Commission may request authorization to appear or participate in a proceeding or investigation by filing with the Secretary of the Commission a written application therefor, disclosing the following information:

(1) The nature and extent of the former member's or employee's participation in, knowledge of, and connection with the proceeding or investigation during his/her service with the Commission;

(2) Whether the files of the proceedings or investigation came to his/her attention;

(3) Whether he/she was employed in the bureau, division, or administrative unit in which the proceeding or investigation is or has been pending;

(4) Whether he/she worked directly or in close association with Commission personnel assigned to the proceeding or investigation and, if so, with whom and in what capacity; and

(5) Whether during service with the Commission, he/she was engaged in any matter concerning the individual or company involved in the proceeding or investigation.

(d) The requested authorization shall not be given in any case:

(1) Where it appears that the former member or employee during service with the Commission participated personally and substantially in the proceeding or investigation; or

(2) Where the Commission is not satisfied that the appearance or participation will not involve any actual or apparent impropriety; or

(3) In any case which would result in a violation of 18 U.S.C. 207.

§ 1025.68 Prohibited communications.

(a) *Applicability.* This rule is applicable during the period commencing with the date of issuance of a complaint and ending upon final Commission action in the matter.

(b) *Definitions.* (1) Decision-maker. Those Commission personnel who render decisions in adjudicative proceedings under this Part, or who advise officials who render such decisions, including:

(i) The Commissioners and their staffs;

(ii) The Administrative Law Judges and their staffs;

(iii) The General Counsel and his/her staff, unless otherwise designated by the General Counsel.

(2) Ex parte communication:

(i) Any written communication made to a decision-maker by any person other than a decision-maker which is not served on all parties;

(ii) Any oral communication made to a decision-maker by any person other than a decision-maker without advance notice to the parties to the proceeding and opportunity for them to be present.

(c) *Prohibited ex parte communications.* Any oral or written ex parte communication relative to the merits of a proceeding under this Part is a prohibited ex parte communication, except as provided in paragraph (d) of this section.

(d) *Permissible ex parte communications.* The following communications shall not be prohibited under this Rule:

(1) Ex parte communications authorized by statute or by these Rules. (See, for example, the Rule governing applications for the issuance of subpoenas, § 1025.38.)

(2) Any staff communication concerning judicial review or judicial enforcement in any matter pending before or decided by the Commission.

(e) *Procedures for handling prohibited ex parte communication.* (1) Prohibited written ex parte communication. To the extent possible, a prohibited written ex parte communication received by any Commission employee shall be forwarded to the Secretary rather than to a decision-maker. A prohibited written ex parte communication which reaches a decision-maker shall be forwarded by the decision-maker to the Secretary. If the circumstances in which a prohibited ex parte written communication was made are not apparent from the communication itself, a statement describing those circumstances shall be forwarded with the communication.

(2) Prohibited oral ex parte communication:

(i) If a prohibited oral ex parte communication is made to a decision-maker, he/she shall advise the person making the communication that the communication is prohibited and shall terminate the discussion.

(ii) In the event of a prohibited oral ex parte communication, the decision-maker shall forward to the Secretary a dated statement containing such of the following information as is known to him/her:

(a) The title and docket number of the proceeding;

(b) The name and address of the person making the communication and his/her relationship (if any) to the parties to the proceeding;

(c) The date and time of the communication, its duration, and the circumstances (telephone call, personal interview, etc.) under which it was made;

(d) A brief statement of the substance of the matters discussed;

(e) Whether the person making the communication persisted in doing so after being advised that the communication was prohibited.

(3) Filing. All communications and statements forwarded to the Secretary under this Rule shall be placed in a public file which shall be associated with, but not made a part of, the record of the proceedings, to which the communication or statement pertains.

(4) Service on parties. The Secretary shall serve a copy of each communication and statement forwarded under this Rule on all parties to the proceedings. However, if the parties are numerous, or if other circumstances satisfy the Secretary that service of the communication or statement would be unduly burdensome, he/she may, in lieu of service, notify all parties in writing that the communication or statement has been made and filed and that it is available for inspection and copying.

(5) Service on maker. The Secretary shall forward to the person who made the prohibited ex parte communication a copy of each communication and/or statement filed under this Rule.

(f) *Effect of ex parte communications.* No prohibited ex parte communication shall be considered as part of the record for decision unless introduced into evidence by a party to the proceedings.

(g) *Sanctions.* A party or participant who makes a prohibited ex parte communication, or who encourages or solicits another to make any such communication, may be subject to any appropriate sanction or sanctions, including but not limited to, exclusion from the proceedings and adverse ruling on the issue which is the subject of the prohibited communication.

APPENDIX I—CASE CAPTION

FINAL PREHEARING ORDER

A prehearing conference was held in this matter pursuant to Rule 21 of the Commission's Rules of Practice for Adjudicative Proceedings, on the _____ day of _____, 19____, at ____ o'clock, __m.

Counsel appeared as follows:

For the Commission staff: _____

For the Respondent(s): _____

Others: _____

1. Nature of action and jurisdiction.

This is an action for _____ and the jurisdiction of the Commission is involved under Section ____ of Title _____, U.S.C. The jurisdiction of the Commission is (not) disputed. The question of jurisdiction was decided as follows:

JUN 21 77 UM

2. Stipulations and statements.

The following stipulations and statements were submitted, attached to, and made a part of this order:

(a) A comprehensive written stipulation or statement of all uncontested facts;

(b) A concise summary of the ultimate facts as claimed by each party. (Complaint Counsel must set forth the claimed facts, specifically; for example, if violation is claimed, Complaint Counsel must assert specificially the acts of violation complained of; each respondent must reply with equal clarity and detail.)

(c) Written stipulations or statements setting forth the qualifications of the expert witnesses to be called by each party;

(d) A written list or lists of the witnesses whom each party will call, a written list or lists of the additional witnesses whom each party may call, and a statement of the subject on which each witness will testify;

(e) An agreed statement of the contested issues of fact and of law, and/or separate statements by each party of any contested issues of fact and law not agreed to;

(f) A list of all depositions to be read into evidence and statements of any objections thereto;

(g) A list and brief description of any charts, graphs, models, schematic diagrams, and similar objects that will be used in opening statements or closing arguments, but will not be offered in evidence. If any other such objects are to be used by any party, they will be submitted to opposing counsel at least three days prior to hearing. If there is then any objection to their use, the disoute will be submitted to the Presiding Officer at least one day prior to hearing;

(h) Written waivers of claims or defenses which have been abondoned by the parties.

The foregoing were modified at the pretrial conference as follows:

(To be completed at the conference itself. If none, recite "none".)

3. Complaint counsel's evidence.

3.1 The following exhibits were offered by Comolaint Counsel, received in evidence, and marked as follows:

(Identification number and brief description of each exhibit.)

The authenticity of these exhibits has been stipulated.

3.2 The following exhibits were offered by the Complaint Counsel and marked for identification. There was reserved to the respondent(s) and party intervenors, if any, the right to object to their receipt in evidence on the grounds stated:

(Identification number and brief description of each exhibit. State briefly ground of objection, e.g., competency, relevancy, materiality.)

4. Respondent's evidence.

4.1 The following exhibits were offered by the respondent(s), received in evidence, and marked as herein indicated:

(Identification number and brief description of each exhibit.)

The authenticity of these exhibits has been stipulated.

4.2 The following exhibits were offered by the respondent(s) and marked for identification. There was reserved to Complaint Counsel and party intervenors, if any, the right to object to their receipt in evidence on the grounds stated:

(Identification number and brief description of each exhibit. State briefly ground of objection, e.g., competency, relevancy materiality.)

5. Party intervenor's evidence.

5.1 The following exhibits were offered by the party intervenor(s), received in evidence, and marked as herein indicated:

(Identification number and brief description of each exhibit.)

The authenticity of these exhibits has been stipulated.

5.2 The following exhibits were offered by the party intervenor(s) and marked for identification. There was reserved to Complaint Counsel and respondent(s) the right to object to their receipt in evidence on the grounds stated:

(Identification number and brief description of each exhibit. State briefly ground of objection, e.g., competency, relevancy, materiality.)

NOTE.—If any other exhibits are to be offered by any party, they will be submitted to opposing counsel at least ten (10) days prior to hearing, and a supplemental note of evidence filed into this record.

6. Additional actions.

The following additional action was taken: (Amendments to pleadings, agreements of the parties, disposition of motions, separation of issues of liability and remedy, etc., if necessary.)

7. Limitations and Reservations.

7.1 Each of the parties has the right to further supplement the list of witnesses not later than ten (10) days prior to trial by furnishing opposing counsel with the name and address of the witness and general subject matter of his/her testimony and filing a supplement to this pretrial order. Thereafter additional witnesses may be added only after application to the Presiding Officer, for good cause shown.

7.2 Rebuttal witnesses not listed in the exhibits to this order may be called only if the necessity of their testimony could not reasonably be foreseen ten (10) days prior to trial. If it appears to counsel at any time before trial that such rebuttal witnesses will be called, notice will immediately be given to opposing counsel and the Presiding Officer.

7.3 The probable length of hearing is____ days. The hearing will be commenced on the ____ day of _____, 19 ____, at ____ o'clock __m. at _____

7.4 Prehearing briefs will be filed not later than 5:00 p.m. on _____ (location)

(Insert date no later than ten (10) days prior to hearing.) All anticipated legal questions, including those relating to the admissibility of evidence, must be covered by prehearing briefs.

This prehearing order has been formulated after a conference at which counsel for the respective parties appeared. Reasonable opportunity has been afforded counsel for corrections or additions prior to signing. It will control the course of the hearings, and it may not be amended except by consent of the parties and the Presiding Officer, or by order of the Presiding Officer to prevent manifest injustice.

_____
(Presiding officer's name)

_____
(Presiding officer's title)

Approved as to form and substance.

Date: _____

_____
Complaint Counsel

_____
Attorney for respondent(s)

NOTE.—Where intervenors appear pursuant to § 1025.17 of these Rules, the prehearing order may be suitably modified; the initial page may be modified to reflect the intervention.

Interested persons are invited to submit, on or before July 21, 1977, written comments regarding these interim rules. Comments received after this date will be considered if practicable. Comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street NW., Third floor, Washington, D.C. 20207.

Dated: June 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-17690 Filed 6-20-77;8:45 am]

PART 1026—RULES OF PRACTICE FOR EXPEDITED PROCEEDINGS

Proposed and Interim Rules of Practice for Expedited Proceedings Under the Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

ACTION: Interim rule on which comment is solicited.

SUMMARY: The Commission issues as an interim rule and requests public comment on Rules of Practice for Expedited Proceedings under the Consumer Product Safety Act. These rules establish expedited proceedings for the assessment of civil penalties under section 20 of the Consumer Product Safety Act. The purpose of these rules of practice is to insure that expedited proceedings are conducted impartially, thoroughly, and speedily, with due regard to the rights and interests of all persons affected. The Commission shall also apply these rules to other adjudicative matters after public notice. These rules should result in the orderly administration of Commission business.

DATE: These rules will be effective, on an interim basis, on June 21, 1977. Comments concerning the rules should be received by July 21, 1977.

ADDRESS: Comments should be sent to: Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Third Floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Gwendolyn Crockett, Bureau of Compliance, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C., 301-492-6629.

SUPPLEMENTARY INFORMATION: In this notice, the Consumer Product Safety Commission proposes Rules of Practice for Expedited Adjudicative Proceedings under the Consumer Product Safety Act. Until final rules of practice for these expedited proceedings are issued, these proposed rules will serve as the interim rules of practice before the Commission. These rules will also be applicable to certain cases commenced within the last 60 days and in which the Commission has given the parties actual notice of the applicability of such rules together with copies thereof.

Although notice and comment are not required for rules of agency procedure or practice (5 U.S.C. 553(b)), the Commission has decided to solicit public comment on these rules. Comments will be received on or before July 21, 1977.

The rules apply to certain expedited administrative proceedings for the assessment of civil penalties under section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and to such other adjudicative matters as the Commission, in its discretion and upon public notice, shall direct.

The proposed rules provide (§ 1026.10) that the assessment process commences with the issuance of a Notice of Violation and Assessment of Civil Penalty. There follows a thirty (30) day period which provides an opportunity for payment of the penalty and/or negotiations. In the event no settlement is reached, a show cause order issues (§ 1026.10), commencing adjudicative proceedings and the matter is set for hearing. Notice to the public of the issues to be heard and the time and place selected for a hearing will be published in the FEDERAL REGISTER shortly after service of the show cause order. Pertinent provisions of the Rules of Practice for Adjudicated Proceedings, proposed and published this date (see 16 CFR Part 1025) are incorporated by reference into these rules.

The Commission concludes that the public should be invited to comment on the rules and that these rules should serve as interim rules of practice for applicable expedited proceedings. Because these are rules of agency procedure a delayed effective date is not required by the Administrative Procedure Act, 5 U.S.C. 553(d). However, even if that provision were applicable the Commission finds that it is necessary to have these rules effective upon publication in the FEDERAL REGISTER for the orderly conduct of Commission business.

Accordingly, under the provisions of the Consumer Product Safety Act (Sec. 20 Pub. L. 92-573, 86 Stat. 1226; 15 U.S.C. 2069) the Consumer Product Safety Commission adds, on an interim basis, a new Part 1026 to Title 16 as follows:

Subpart A—Scope of Rules; Nature of Expedited Proceedings; Definitions

Sec.
1026.1 Scope of rules.
1026.2 Nature of expedited proceedings.
1026.3 Definitions.

Subpart B—Commencement of Proceedings; Answer; Default

1026.10 Commencement of proceedings.
1026.12 Default.

Subpart C—Subpoenas

1026.20 Subpoenas.

Subpart D—Discovery

1026.21 Discovery.

Subpart E—Burden of Proof; Interlocutory Appeals; Proposed Findings, Conclusions and Recommended Orders

1026.30 Evidence.
1026.31 Interlocutory appeals.
1026.32 Proposed findings, conclusions and recommended order.

Subpart F—Initial Decision

Sec.
1026.40 Initial decision.
1026.41 Commission decision and order.
1026.42 Payment of penalty.
1026.50 General rules.

AUTHORITY: Sec. 20, Pub. L. 92-573, 86 Stat. 1221, 1223 (15 U.S.C. 2069).

Subpart A—Scope of Rules; Nature of Expedited Proceedings; Definitions

§ 1026.1 Scope of rules.

The Rules in this Part govern the procedure in adjudicative proceedings for the assessment of civil penalties pursuant to section 20 of the Consumer Product Safety Act (15 U.S.C. 2069) and for any other adjudicative matter under the Consumer Product Safety Act and the other acts administered by the Commission which, in the discretion of the Commission and upon public notice, can be handled by expedited proceedings. These rules do not apply to any proceeding in which the assessment of civil penalties is heard in conjunction with consideration of other remedies, unless the Commission orders to the contrary.

§ 1026.2 Nature of expedited proceedings.

Expedited proceedings shall be conducted in accordance with these rules and in accordance with 5 U.S.C. 551-559. It is the policy of the Commission that expedited proceedings shall be conducted impartially, thoroughly, and speedily, with due regard to the rights and interests of all persons affected and in locations chosen with due regard to the convenience of all parties. The Commission believes that administrative adjudicative proceedings should be conducted in an expeditious manner. Delay does not benefit the public or any party. Therefore, in the conduct of such proceedings, the Presiding Officer and all parties and their representatives shall make every effort at each stage of the proceeding to avoid unnecessary delay.

§ 1026.3 Definitions.

As used in this Part:

(a) The term "application" means the staff's application for a show cause order and for a notice of violation. A proposed respondent may, but need not, submit a position document along with the staff's application.

(b) The term "Commission" means the Consumer Product Safety Commission or a quorum thereof.

(c) The term "complaint counsel" means counsel for the Commission staff.

(d) The term "Notice" means the notice of violation and assessment of civil penalty.

(e) The term "Presiding Officer" means the person who conducts an expedited adjudicatory hearing under this Part, and may include a duly designated member or members of the Commission, or an administrative law judge qualified under 5 U.S.C. 3105 and assigned by the Chief Administrative Law Judge of the Commission.

(f) The term "respondent" means any individual, partnership, corporation, association, or public or private organization against whom a notice of violation and assessment of civil penalty has issued.

(g) The term "staff" means the staff of the Consumer Product Safety Commission.

Subpart B—Commencement of Proceedings; Answer; Default

§ 1026.10 Commencement of proceedings.

(a) *Settlement Procedure.* The civil penalty assessment procedure is commenced by the issuance of a notice of violation and assessment of civil penalty. The notice shall issue upon a preliminary determination by the Commission that reasonable cause exists to support a finding that a violation has occurred, and that based on the material submitted a civil penalty in the amount proposed is appropriate. The notice shall be accompanied by the application and by documents and/or portions of documents which accompanied the staff's application to the Commission and which are obtainable under the Freedom of Information Act, 5 U.S.C. 552. The notice shall contain information concerning settlement negotiations and information explaining the alleged violation and the proposed penalty. The penalty proposed in the notice may be compromised, remitted, or mitigated by the Commission based on information submitted and considered during the negotiation process. There is a thirty (30) day period, commencing upon receipt of the notice by the respondent, for the purpose of payment and/or settlement of the proposed assessment. In the absence of a settlement agreement signed by respondent and complaint counsel the adjudicative proceedings shall commence thirty (30) days from the date respondent receives the notice. The proceeding may commence before the expiration of the thirty (30) days if the respondent so requests in writing.

(b) *Commencement of Expedited Proceedings.* The expedited adjudicative proceeding is initiated by the service upon respondent of a show cause order issued by the Office of the Secretary.

(c) *Form of Show Cause Order.* The show cause order shall contain the following:

(1) Allegations that a violation has occurred and that a civil penalty should be assessed if the facts are found to be as alleged in the staff's application; and,

(2) A specified date, time and place for respondent to show cause why a final order should not issue in the amount of the proposed civil penalty.

(d) *Notice to the Public.* Notice of issues to be heard and the time and place for a hearing, the time to be at least fifteen (15) days after the date for service of respondent's answer, shall be published in the FEDERAL REGISTER within a short time subsequent to the service of the show cause order. The notice to the public shall also state the legal authority

VANPH9 JUN 21 77 UM

and justification for instituting the proceeding.

§ 1026.11 Answer.

(a) *Time for Filing.* A respondent shall have fifteen (15) days from service of the show cause order within which to file an answer thereto.

(b) *Content of Answer.* An answer shall contain the following:

(1) Specific admission, denial or explanation of each fact alleged in the application or, if the respondent is without knowledge thereof, a statement to that effect. Allegations in the application not thus answered shall be deemed to have been admitted;

(2) A concise statement of the factual and/or legal defenses to each of the allegations contained in the application.

§ 1026.12 Default.

Failure of the respondent to appear at the time and place stated in the show cause order, unless otherwise ordered by the Presiding Officer, shall be deemed to constitute a waiver of the right to appear and to contest the allegations of the application. In the event respondent fails to appear, complaint counsel shall present to the Presiding Officer, on the record, all items of evidence necessary to prove the allegations of the application. The Presiding Officer, without further notice to the respondent, is authorized to find facts and to enter a recommendation to the Commission containing findings of fact, conclusions of law, and an initial decision and order.

Subpart C—Subpoenas

§ 1026.20 Subpoenas.

Section 1025.38 of the Rules of Practice for Adjudicative Proceedings, is incorporated herein by reference and made part hereof.

Subpart D—Discovery

§ 1026.21 Discovery.

Discovery under these expedited procedures will be the exception rather than the rule. Discovery on an expedited basis may be permitted under these expedited procedures at the discretion of the Presiding Officer and in accordance with Subpart D of Part 1025 of the Rules of Practice for Adjudicative Proceedings.

Subpart E—Burden of Proof; Interlocutory Appeals; Proposed Findings, Conclusions and Recommended Orders

§ 1026.30 Evidence.

(a) *Burden of Proof.* Complaint Counsel shall have the burden of proving the allegations contained in the application by a preponderance of the evidence. Respondent has the burden of proving: (1) Any fact or circumstance alleged to remit or mitigate the amount of the proposed civil penalty, (2) Any fact alleged to refute the alleged violation, and/or (3) Any other factual proposition which it advances.

(b) The provisions of §§ 1025.43, 1025.44, and 1025.45 of the Rules of Practice for Adjudicative Proceedings, are incorporated herein by reference and made part hereof.

§ 1026.31 Interlocutory Appeals.

Rulings of the Presiding Officer prior to the initial decision shall not be appealed to the Commission.

§ 1026.32 Proposed findings, conclusions and recommended order.

Within ten (10) days after the close of the record, unless otherwise ordered by the Presiding Officer in unusual circumstances, the parties may simultaneously file proposed findings of fact and conclusions of law and a proposed recommended order, together with memoranda in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon. Replies to the proposed findings shall be served within ten (10) days thereafter unless otherwise ordered by the Presiding Officer. The parties may waive either or both submissions.

Subpart F—Initial Decision

§ 1026.40 Initial decision.

(a) *When Filed and When Effective.* The Presiding Officer shall endeavor to file an initial decision with findings of fact, conclusions of law, and an order within thirty (30) days after the close of the record.

(b) *Content.* The initial decision and order shall be based upon a consideration of the entire record and it shall be supported by reliable, probative, and substantial evidence. It shall include a statement of:

(1) Findings and conclusions, as well as the reasons or bases therefor, founded upon the material issues of fact, law or discretion presented on the record, and

(2) An appropriate order.

(c) *By Whom Made.* The initial decision shall be made and filed by the Presiding Officer who presided over the hearings, except when the Presiding Officer shall become unavailable to the Commission.

§ 1026.41 Commission decision and order.

(a) Within ten (10) days after service of the initial decision and order, either party may file with the Commission exceptions to the initial decision and order not to exceed fifteen (15) pages. If exceptions are filed, then the Commission shall endeavor to render a decision at the earliest possible date. The exception shall point out with particularity the specific errors in the decision. If an exception is filed, all other parties have ten (10) days to file written responses not to exceed fifteen (15) pages.

(b) In the event that no exceptions are filed, the initial decision and order will become the decision and order of the Commission thirty (30) days after service of the initial decision and order, unless the Commission on its own motion decides to undertake review of the matter.

(c) In the event exceptions are filed or the Commission decides on its own motion to review the matter, the Commission may adopt, modify, or set aside the findings, conclusions, and order contained in the initial decision and order of the Presiding Officer. The Commission decision shall include a statement of the reasons or bases for the action and any concurring and dissenting opinions. In civil penalty matters, the Commission shall consider the size of the party's business and the gravity of the violation in determining the amount of the pehalty or whether it should be mitigated or remitted.

§ 1026.42 Payment of penalty.

The civil penalty imposed by the Commission's order shall become due and payable on the day specified in the order. Enforcement of the order by the Commission will be in accordance with the provisions of section 27(b)(7) of the Consumer Product Safety Act, as amended (15 U.S.C. 2076(b)(7)).

Subpart G—General Rules

§ 1026.50 General rules.

The provisions of the following sections of the Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, are incorporated herein by reference and are to be read as references to applications and show cause orders as used in these rules.

Sec.
1025.13 Amendments and Supplemental Pleadings.
1025.14 Form and Filing of Documents.
1025.15 Time.
1025.16 Service.
1025.17 Intervention.
1025.20 Joinder of Proceedings.
1025.41 General Rules.
1025.42 Powers and Duties of Presiding Officer.
1025.47 Record.
1025.48 Official Docket.
1025.49 Fees.
1025.58 Reopening of Proceedings.
1025.59 Related Proceedings.
1025.61 Who May Make Appearances.
1025.62 Authority for Representation.
1025.63 Written Appearances.
1025.64 Attorneys.
1025.65 Persons Not Attorneys.
1025.66 Qualifications and Standards of Conduct.
1025.67 Restrictions as to Former Members and Employees.
1025.68 Prohibited Communications.

Interested persons are invited to submit, on or before July 21, 1977 written comments regarding these interim rules. Comments received after this date will be considered if practicable. Comments and any accompanying data or material should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and accompanying data may be seen in the Office of the Secretary, 1111 18th Street, N.W., Third floor, Washington, D.C. 20207.

Dated: June 7, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-16758 Filed 6-20-77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 77-162]

PART 159—LIQUIDATION OF DUTIES

Scissors and Shears From Brazil

AGENCY: Customs Service, Treasury Department.

ACTION: Liquidation of Duties.

SUMMARY: This notice is to inform the public of the amount of countervailing duty which will be assessed on certain scissors and shears exported from Brazil. This action results from new information supplied by the Brazilian government leading to the reduction in the export subsidy previously determined.

EFFECTIVE DATE: February 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Vincent P. Kane, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 11, 1977 (42 FR 8634), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of certain scissors and shears from Brazil are subject to bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

The scissors and shears are provided for in the Tariff Schedules of the United States as scissors and shears valued at more than $1.75 per dozen under item number 650.91.

At the time, notice was given that such dutiable scissors and shears from Brazil, if entered for consumption or withdrawn from warehouse for consumption on or after February 11, 1977, would be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed. A deposit of estimated countervailing duties in the amount of 17 percent of the f.o.b. or ex-works price was required at the time of entry of the subject merchandise for consumption or upon withdrawal from warehouse for consumption on or after Feburary 11, 1977.

From information received since the issuance of the notice, it has been finally ascertained, determined or estimated that the net amount of the bounty or grant paid or bestowed upon the subject merchandise is 15.8 percent of the f.o.b. or ex-works price, and countervailing duties in this amount will be collected upon the liquidation of all entries of the subject merchandise for consumption or withdrawals thereof from warehouse for consumption on or after February 11, 1977.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect of the commodity "Certain scissors and shears from Brazil," the number of this Treasury Decision in the column headed "Treasury Decision" and the words "Final rate declared" in the column headed "Action."

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050 (19 U.S.C. 66, 1303), as amended, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 13, May 17, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKELL, JR.,
Acting General Counsel of the Treasury.

JUNE 14, 1977.

[FR Doc.77-17752 Filed 6-20-77;8:45 am]

[T.D. 77-161]

PART 159—LIQUIDATION OF DUTIES

Cotton Yarn From Brazil

AGENCY: Customs Service, United States Treasury.

ACTION: New Countervailing Duty Rate Declared.

SUMMARY: This notice is to inform the public the countervailing duty rate of 21.4 percent on imports of cotton yarn from Brazil is changed to 19.6 percent of the f.o.b. or ex-works price for export to the United States. This action results from new information supplied by the Brazilian government leading to the reduction in the export subsidy previously determined.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Vincent P. Kane, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone (202-566-5492).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 15, 1977 (42 FR 14089), there appeared a notice of countervailing duties to be imposed under section 303, Tariff Act of 1930, as amended, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production, or exportation of cotton yarn from Brazil. Paragraph 9, column 2, states that the amount of such bounties or grants has been estimated and declared to be 21.4 percent of the f.o.b. or ex-works price for export to the United States of cotton yarn from Brazil.

Subsequent to this determination, the Government of Brazil provided information to show that the benefits derived from preferential financing would be less than had originally been established.

Accordingly, the amount of such bounties or grants has been estimated and declared to be 19.6 percent of the f.o.b. or ex-works price for export to the United States of cotton yarn from Brazil.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Brazil the words "Cotton yarn" in the column headed "Commodity", the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared-Rate" in the column headed "Action".

(R.S. 251, secs. 303 as amended, 624; 46 Stat. 687, as amended, 759, 88 Stat. 2050; 19 U.S.C. 66, 1303, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 13, May 17, 1977, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

HENRY C. STOCKWELL, JR.,
Acting General Counsel of the Treasury.

JUNE 14, 1977.

[FR Doc.77-17751 Filed 6-20-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket No. 76N-0459]

CERTAIN FLUOROCARBON (CHLOROFLUOROCARBON) PROPELLANTS IN SELF-PRESSURIZED CONTAINERS

Warning Statement Requirement

Correction

In FR Doc. 77-12210, appearing at page 22018 in the issue for Friday, April 29, 1977, on page 22024 in the paragraph numbered 18, the seventh line of third column should read: "melanoma skin cancer is not certain, but."

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0092]

PART 155—CANNED VEGETABLES

Standard of Identity for Canned Mushrooms

Correction

In FR Doc. 77-16656, appearing on page 30358 in the issue of Tuesday, June 14, 1977, make the following changes:

1. In the first line of the paragraph beginning "DATES" in column one, the date should read, "August 15, 1977".

2. In the second line of the paragraph beginning "Effective date" in column three, the date should read, "August 15, 1977".

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Docket No. 76N-0174]

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Revised pH Test Method

Correction

In FR Doc.77-16183, appearing at page 29857 in the issue of Friday, June 10, 1977, the fourth line of the first column

JUN 21 1977 UM

on page 29858 should read, "tion differs by more than 0.05 pH unit of its".

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 510—NEW ANIMAL DRUGS

Sponsors of Approved Applications; Abbott Laboratories; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations to reflect a change in corporate name of a sponsor of an approved new animal drug application. Agricultural and Veterinary Products Division, Abbott Laboratories is changed to Abbott Laboratories.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-4317).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has been advised of a sponsor name change—Agriculture and Veterinary Products Division, Abbott Laboratories to Abbott Laboratories.

The Commissioner of FDA is amending Part 510 (21 CFR Part 510) to reflect this change.

Therefore, under the Federal, Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), § 510.600 is amended in paragraph (c)(1) to delete the entry for "Agricultural and Veterinary Products Division, Abbott Laboratories," and to add a new entry alphabetically; and in paragraph (c)(2) to delete the firm name and address for "043731" and to insert in its place a new firm name and address to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address:	*Drug listing No.*
* * * * *	
Abbott Laboratories, North Chicago, IL 60064	043731
* * * * *	

(2) * * *

Drug listing No.:	*Firm name and address*
* * * * *	
043731	Abbott Laboratories, North Chicago, IL 60064.
* * * * *	

Effective date: June 21, 1977.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)).)

Dated: June 13, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-17602 Filed 6-20-77;8:45 am]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Pentazocine Lactate Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule amends regulations to reflect approval of an injectable animal drug for horses. The application was filed by Winthrop Laboratories, Division of Sterling Drug, Inc., which proposed using the drug in horses for safe and effective control of pain due to colic.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857 (301-443-3420).

SUPPLEMENTARY INFORMATION: The agency is approving a new animal drug application (044-611V) filed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Ave., New York, NY 10016, proposing safe and effective use of pentazocine lactate injection for controlling pain due to colic in horses.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1), Part 522 is amended by adding new § 522.1698 to read as follows:

§ 522.1698 Pentazocine lactate injection.

(a) *Specifications.* Each milliliter of sterile aqueous solution contains pentazocine lactate equivalent to 30 milligrams of pentazocine base.

(b) *Sponsor.* See No. 000024 in § 510.600(c) of this chapter.

(c) *Conditions of use.*—(1) *Amount.* 0.15 milligrams of pentazocine base per pound of body weight per day.

(2) *Indications.* The drug is used for the symptomatic control of pain due to colic in horses.

(3) *Limitations.* It is administered intravenously and intramuscularly, intravenous injections being made slowly in the jugular vein. In cases of severe pain, a second dose is recommended 10 to 15 minutes after the initial dose, intramuscularly, at the same level. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: This regulation becomes effective on June 21, 1977.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)).)

Dated: June 14, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-17585 Filed 6-20-77;8:45 am]

SUBCHAPTER F—BIOLOGICS

[Docket No. 75N-0129]

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

Cryoprecipitated Antihemophilic Factor (Human)

Correction

In FR Doc. 77-12297, appearing at page 21772 in the issue for Friday, April 29, 1977, in the second line of the Supplementary Information paragraph numbered 5, "650.54" should read "640.54."

On page 21774, in the paragraph numbered 24, at the top of the third column, between the second and third lines, insert: "recommended that the Source Plasma."

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 256—OFF-RESERVATION TREATY FISHING

Subpart B—Fraser River Convention Sockeye and Pink Salmon Fishery

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Emergency Regulations.

SUMMARY: These regulations implement a treaty Indian fishery for sockeye and pink salmon in off-reservation nonexclusive treaty fishing areas located in waters coming under the United States Convention with Canada for the protection, preservation, and extension of the sockeye and pink salmon fishery of the Fraser River System. These rules implement domestic law of the United States in a manner consistent with the United States obligation to Canada under the Convention. Nontreaty fisheries in these waters are governed by the rules promulgated by the International Pacific Salmon Fisheries Commission. These rules are promulgated by the Bureau of Indian Affairs to apply only to treaty Indians exercising fishing rights secured to them by treaties of the United States.

EFFECTIVE DATE: 0001 a.m. on June 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George M. Crossland, Acting Director, Office of Trust Responsibilities, Bureau of Indian Affairs, Washington, D.C. 20245. (202-343-5831.)

SUPPLEMENTARY INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. 1457, 25 U.S.C. 2 and 9, and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of off-reservation fishing rights secured by the Treaty of Point Elliot, 12 Stat. 927 (1859); Treaty with the Makah, 12 Stat. 939 (1859); and Treaty of Point No Point, 12 Stat. 933 (1859) as affirmed in *U.S. v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), aff'd 520 F. 2d 676 (C.A. 9, 1975), cert. den. 423 U.S. 1086 (1976). Such treaty Indian fisheries include a sockeye and pink salmon fishery at off-reservation nonexclusive treaty fishing locations located in waters coming under the United States Convention with Canada respecting the sockeye and pink salmon fisheries of the Fraser River System.

On June 1, 1977, the International Pacific Salmon Fisheries Commission forwarded to the Governments of Canada and the United States, for the approval required by the Convention, the regulations applicable in Convention waters during the 1977 fishing season. The United States, acting through the Department of State, has approved the regulations except as to treaty Indians fishing in accordance with regulations promulgated by this Department providing for the exercise of fishing rights secured by United States treaties. The fishing season in Convention waters begins on June 26, 1977. These regulations are necessary to implement the off-reservation nonexclusive fishing rights of certain Northwest Washington Indian tribes and to meet the United States obligations to Canada under the Fraser River Convention. For these reasons the Secretary of the Interior hereby and for good cause finds that the formal advance notice, public comment procedures, and delayed effectiveness procedures of 5 U.S.C. 553 are impracticable and contrary to the public interest. These regulations are therefore effective at 0001 a.m. on June 26, 1977.

NOTE.—An environmental assessment has been completed and it has been concluded that the implementation of a treaty Indian fishery by these regulations is not a major Federal action which would significantly affect the environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an environmental impact statement is not required. The Department of the Interior has also determined that these regulations do not contain a major federal proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Comments from treaty Indian tribes and other persons are invited at the address indicated above and will be considered in respect to amendments to this subpart.

The primary author of this document is Susan Hvalsoe, Office of Rights Protection, Bureau of Indian Affairs, Department of the Interior. (202-343-5473.)

Dated: June 17, 1977.

JAMES A. JOSEPH,
Acting Secretary.

Sections 256.1 to 256.10 of Chapter 1 of Title 25 CFR are designated as Subpart A and such chapter is amended by adding the following Subpart B to Part 256.

Subpart B—Fraser River Convention Sockeye and Pink Salmon Fishery

Sec.

256.11 Purpose of this subpart: compliance.
256.12 Definition of terms.
256.13 Other laws and regulations.
256.14 Identification.
256.15 Fishing assistance.
256.16 Reporting requirements.
256.17 Fishing seasons.
256.18 Emergency orders.
256.19 Treaty tribe fishing regulations.
256.20 Unlawful possession.
256.21 Forcible assault on enforcement officer.

AUTHORITY: The provisions of subpart B are issued under the authority of 25 U.S.C. 2, 9; 5 U.S.C. 301; 43 U.S.C. 1451 et. sec.; 25 CFR 256.

§ 256.11 Purpose of this subpart: compliance.

(a) This subpart governs fishing for sockeye salmon or pink salmon by any treaty Indian who is fishing at his tribe's treaty fishing places in U.S. Convention waters during the time the Commission exercises control over the Fraser River Convention sockeye and pink salmon fishery.

(b) Any treaty Indian shall comply with this subpart when fishing for sockeye or pink salmon at his tribe's treaty fishing places in U.S. Convention waters during the time the Commission exercises control over the Fraser River Convention sockeye and pink salmon fishery. Fishing by any person which is not in accordance with these regulations is governed by 50 CFR Part 371 and violations thereof are subject to the penalties of the Act.

§ 256.12 Definition of terms.

(a) Act means: the Sockeye Salmon or Pink Salmon Fishing Act of 1947, 16 U.S.C. 776-776f.

(b) Commission means: The International Pacific Salmon Fisheries Commission provided for by Article II of the Convention.

(c) Convention means: the convention between the United States and Canada for the protection, preservation, and extension of the sockeye salmon fisheries of the Fraser River system, signed at Washington on the 26th day of May 1930, as amended by the protocol to include pink salmon, signed at Ottawa on the 28th day of December 1956.

(d) Convention waters means: those waters described in article I of the convention.

(e) Enforcement Officer means:

(1) Any enforcement agent of the National Marine Fisheries Service;

(2) Any commissioned, warrant, or petty officer of the Coast Guard;

(3) Any Coast Guard personnel accompanying and acting under the direction of any persons described in (2) of paragraph (e) of this section;

(4) Any tribal enforcement officer authorized to enforce treaty tribal regulations described under § 256.19 of this part;

(5) Any other person authorized by the Regional Director, Northwest Region, National Marine Fisheries Service, to enforce the provisions of the Convention, the Commission's regulations, the Act, or 50 CFR 371;

(6) Any other person authorized by the Secretary of the Interior to enforce the provisions of 25 CFR 256 subpart A or B.

(f) Fish, fishing means: the fishing for, catching, or taking, or the attempted fishing for, catching, or taking, of any sockeye salmon or pink salmon in convention waters.

(g) Fishing gear means: any net, trap, hook, or other device, appurtenance or equipment, of whatever kind or description, used or capable of being used for the capturing of fish or as an aid in capturing fish.

(h) Lawful gear means: any gill net, purse seine, reef net troll line, beach seine, or stake net, as defined under tribal law or in Washington Administrative Code Chapter 220-16 and 220-47-301 through 304.

(i) Person includes: individuals, partnerships, associations, and corporations.

(j) Pink salmon means: that species of salmon known by the scientific name *Oncorhynchus gorbuscha*.

(k) Sockeye salmon means: that species of salmon known by the scientific name *Oncorhynchus nerka*.

(l) State area means: fishing areas defined as Puget Sound Salmon Management and Catch Reporting Areas in Washington Administrative Code Chapter 220-22.

(m) Treaty Indian means: any member of a treaty Indian tribe which has treaty fishing places in U.S. convention waters.

(n) Treaty Indian identification means: identification issued by the Bureau of Indian Affairs or a treaty Indian tribe identifying the holder as a member of the issuing tribe. The identification card shall include the name and address of the tribal member, the member's enrollment number (if any), date of birth, and the member's photograph.

(o) Treaty Indian tribe means: any tribe which has been found by the United States District Court for the Western District of Washington to be entitled to exercise treaty-secured fishing rights in U.S. Convention waters.

Currently these tribes are the Makah Tribe, Lower Elwha Band Clallam Tribe, Port Gamble Band Clallam Tribe, Suquamish Tribe, Lummi Tribe, Nooksack Tribe, the Swinomish Indian Tribal Community, and Tulalip Tribe.

JUN 21 1977 UM

(p) Treaty fishing places (of an Indian tribe) means: any location which shall have been previously determined by the United States District Court for the Western District of Washington in *U.S.* v. *Washington* to be a place at which that treaty tribe may take fish under rights secured by a treaty of the United States with such tribe or its predecessor in interest.

(q) Washington Administrative Code means: only those chapters and sections of the Washington Administrative Code that were in effect as of June 1, 1977.

(r) Vessel means: every type or description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

§ 256.13 Other laws and regulations.

Nothing in this subpart shall be construed to relieve a treaty Indian or his authorized assistant from any applicable requirement lawfully imposed by a tribe, the United States, or the State of Washington. Nor shall anything herein authorize any treaty Indian or his authorized assistant to act contrary to any restriction or requirement of applicable tribal laws.

§ 256.14 Identification.

(a) Any treaty Indian fishing under the authority of this subpart shall have in his possession at all such times treaty Indian identification required by 25 CFR 256.3 and by applicable tribal law.

(b) Any person assisting a treaty Indian under the authority of § 256.15 of this part shall have in his possession at all such times an identification card issued by the Bureau of Indian Affairs or by a treaty Indian tribe, identifying the holder as qualified to assist a treaty Indian. The identification shall include the name of the issuing tribe, the name, address, date of birth, and photograph of the assistant, and the name and enrollment number (if any) of the treaty Indian the assistant is qualified to assist.

(c) Identification described in paragraphs (a) or (b) of this section shall be shown on demand to an enforcement officer by the treaty Indian or authorized assistant.

(d) Any treaty Indian fishing under this subpart shall comply with the treaty Indian vessel and gear identification requirements of Decision No. 1 and subsequent Orders of the U.S. District Court for the Western District of Washington in *U.S.* v. *Washington*, as implemented in Washington Administrative Code 220–47–121.

§ 256.15 Fishing assistance.

Notwithstanding 25 CFR 256.5, any treaty Indian fishing under this subpart may be assisted, if authorized by the treaty Indian's tribe, by the treaty Indian's spouse, forebears, children, grandchildren, and siblings authorized by the United States District Court for the Western District of Washington in *U.S.* v. *Washington*. Persons so authorized shall be considered treaty Indians for the purposes of this subpart.

§ 256.16 Reporting requirements.

(a) Any person receiving or purchasing fish caught by any treaty Indian fishing under this subpart shall comply with Decision No. 1 and subsequent Orders of the U.S. District Court for the Western District of Washington in *U.S.* v. *Washington* as implemented in Washington Administrative Code Chapter 220–69.

(b) Any treaty Indian who sells fish caught under the authority of this subpart directly to a consumer, restaurant, boathouse, or any other retail outlet shall comply with Washington Administrative Code Chapter 220–69.

§ 256.17 Fishing seasons.

(a) No treaty Indian shall fish for sockeye or pink salmon in U.S. Convention waters in State Areas 4B, 5, or 6C:

(1) From June 26, 1977 to July 2, 1977, both dates inclusive, except with lawful gear from 5 a.m. on Monday to 9:30 a.m. on Friday; and

(2) From July 3, 1977 to August 13, 1977, both dates inclusive, except with lawful gear from 10:30 a.m. on Sunday to 9:30 a.m. on Wednesday of each week, and except with lawful gillnets in Area 4B from 7 p.m. on Wednesday to 9:30 a.m. on Thursday of each week and from 7 p.m. on July 30 to 9:30 a.m. on July 31.

(3) From August 14, 1977 to September 17, 1977, both dates inclusive, except with lawful gear from 10:30 a.m. on Sunday to 9 a.m. on Wednesday of each week, and except with lawful gillnets in Area 4B from 6 p.m. on Wednesday to 9 a.m. on Thursday of each week.

(b) No treaty Indian shall fish for sockeye or pink salmon in U.S. Convention waters in State Areas 6, 6A, 7 or 7A:

(1) From June 26, 1977 to July 2, 1977, both dates inclusive, except with lawful gear from 5 a.m. on Monday to 9:30 a.m. on Friday; and

(2) From July 3, 1977 to August 13, 1977, both dates inclusive, except with lawful gear from 10:30 a.m. on Sunday to 9:30 a.m. on Wednesday of each week; and

(3) From August 14, 1977 to September 24, 1977, both dates inclusive, except with lawful gear from 10:30 a.m. on Sunday to 9 a.m. on Wednesday of each week; and

(4) Notwithstanding the foregoing provisions of paragraph (b) of this section, no treaty Indian shall fish for sockeye or pink salmon in U.S. Convention waters with nets:

(i) From August 14, 1977 to September 10, 1977, both dates inclusive, in State Area 6A and that portion of State Area 6 lying southerly and easterly of a line projected from Dungeness Light to Smith Island Light to Lawson Reef Lighted Buoy to Northwest Island, thence due east to Pidalgo Island, except with nets having a mesh of not less than 8 inches extension measure, at the times when fishing with any lawful net gear is permitted in State Area 7.

(ii) From August 28, 1977 to September 3, 1977, both dates inclusive, in U.S. Convention waters lying northerly and westerly of a straight line drawn from Iwerson's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.

(iii) From September 4, 1977 to September 24, 1977, both dates inclusive, in U.S. Convention waters lying westerly of a line drawn true south from the southeast tip of Point Roberts (otherwise known as Lily Point), to the intersection with the International Boundary between the U.S. and Canada.

(iv) From September 25, 1977 to October 8, 1977, both dates inclusive, in U.S. Convention waters lying northerly and westerly of a straight line drawn from Iwerson's Dock on Point Roberts in the State of Washington to Georgina Point Light at the entrance to Active Pass in the Province of British Columbia.

(c) The foregoing recommended regulations shall not apply to the following United States Convention waters:

(1) State Area 7B including Hale Passage and Bellingham Bay and all Convention waters of State Area 7B lying easterly and inside of a line projected from Carter Point on Lummi Island to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March Point on Fidalgo Island, and

(2) State Areas 6B and 7C, and

(3) Preserves previously established by the Director of Fisheries of the State of Washington for the protection of other species of food fish.

(d) All times hereinbefore mentioned shall be Pacific Daylight Saving Time.

§ 256.18 Emergency orders.

(a) These regulations are subject to frequent change by emergency order, particularly with respect to permissible fishing times. When the necessity for an emergency order is known 24 hours or more before the time it is to become effective, notice of the basis of the emergency and anticipated change will be transmitted immediately to the Northwest Indian Fisheries Commission for the treaty tribes, in order that the treaty tribes may amend tribal fishing regulations in response to the emergency.

(b) Notice of a change in these regulations will be provided to the Northwest Indian Fisheries Commission and is available by calling the Northwest Indian Fisheries Hot-line (800–562–6142 or 800–562–6143).

(c) Emergency orders are effective at the time notice is provided to the Northwest Indian Fisheries Commission or as otherwise stated in the order, whichever time is later.

§ 256.19 Treaty tribe fishing regulations.

To the extent that they are consistent with this subpart, treaty tribe fishing regulations governing treaty Indian sockeye and pink salmon fishing in U.S. Convention waters during the time the Commission exercises control, which are approved under 25 CFR 256.2(b), and emergency orders under such treaty tribe fishing regulations, are incorporated herein and effective for all purposes as part of this subpart.

§ 256.20 Unlawful possession.

No person shall possess sockeye or pink salmon on board a fishing vessel which is engaged in a fishery for other species in U.S. Convention waters during times these waters are closed by the regulations in this subpart.

§ 256.21 Forcible assault on enforcement officer.

No person fishing under this subpart shall assault, resist, oppose, impede, intimidate, or interfere with an enforcement officer engaged in enforcing this subpart.

[FR Doc.77-17995 Filed 6-20-77;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 530—RHODESIAN SANCTIONS REGULATIONS

Extension of Interim Producers for In-Transit Shipments and Certification of Chromium Materials

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is extending the interim procedures governing imports of ferrochromium and specialty steel products into the United States due to progress made to date in negotiations between representatives of the exporting countries and the Treasury Department. The purpose is to provide additional time for the completion of the administrative and legislative arrangements necessary for the conclusion of certification agreements.

EFFECTIVE DATE: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

George F. Hazard, Chief of Licensing, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 (202–376–0428).

SUPPLEMENTARY INFORMATION: Section 530.520 of the Rhodesian Sanctions Regulations was amended on May 10, 1977, to provide for the case-by-case issuance of licenses for importation of ferrochromium and steel mill products subject to the prohibitions of § 530.202 which were in-transit to the United States. Importation would be licensed in such cases when supported by a certificate from the individual producer stating that the materials were in shipment to the United States on March 18, 1977, or were in its inventory for that purpose on that date.

At the same time, § 530.523 was added to provide for an interim certification procedure effective until June 18, 1977, governing imports of ferrochrome and specialty steel products into the United States. That interim procedure applied uniformly to all shipments of ferrochrome and specialty steel to the United States pending the negotiation of permanent certification procedures for each country exporting ferrochrome or specialty steel to the United States. The interim procedure enabled administrative and legislative procedures necessary for permanent arrangements in exporting countries to go forward and prevented unnecessary disruption of trade pending conclusion of permanent certification arrangements.

The present extension until July 18, 1977, of the June 18, 1977, expiration date of the interim licensing policy for in-transit shipments and the interim certification procedure is being authorized in view of the substantial progress made to date in negotiations between representatives of countries that export ferrochrome and specialty steel products to the U.S. It is anticipated that certification agreements will be concluded before July 18, 1977, under which special certificates of origin will be issued with respect to imports into the United States of ferrochrome and specialty steel products. These interim procedures do not apply in the case of imports from Canada in view of special certification arrangements which have been worked out with that country. In addition, while Italy is eligible for certification of chromium materials, importation of Italian nickel-bearing steel products in their basic shapes and forms is prohibited under the Cuban Assets Control Regulations (31 CFR Part 515).

Since this amendment involves a foreign affairs function, the provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rule making, the opportunity for public participation, and a delay in effective date are inapplicable. The primary author of this amendment is Dennis M. O'Connell.

31 CFR Part 530 is amended as follows:

1. Section 530.520 is amended to read as follows:

§ 530.520 In-transit steel mill products.

(a) All transactions incidental to the importation into the United States of ferrochromium and steel mill products subject to the prohibitions of § 530.202 are authorized, provided the pertinent ocean bill of lading was issued before March 18, 1977.

(b) Such materials may also be licensed to be imported on or before July 18, 1977, if the Office of Foreign Assets Control is satisfied that the materials were in transit to the United States on March 18, 1977. Applications must be supported by a certificate from the producer stating that the materials were in shipment to the United States on March 18, 1977, or were in its inventory for that purpose on that date.

2. Section 530.523 is amended to read as follows:

§ 530.523 Interim certification of chromium materials from third countries.

Importation on or before July 18, 1977, of chromium materials subject to the prohibitions of § 530.202(a) (2) or (3) will be authorized on a case-by-case basis upon presentation to the Office of Foreign Assets Control of a certificate or certificates issued by an appropriate agency of the government of the producing country stating in substance that pursuant to the country's implementation of the United Nations sanctions the material does not contain chromium of Rhodesian origin.

(22 U.S.C. 287(c); Pub. L. 95–12, March 18, 1977, 91 Stat. 22; Executive Order 11322; Executive Order 11419; Executive Order 11978.)

STANLEY L. SOMMERFIELD,
Acting Director.

[FR Doc.77-17759 Filed 6-17-77;3:15 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Mammoth Cave National Park, Kentucky

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to establish additional restrictions on visitor activities within the caves of Mammoth Cave National Park. This has been found to be necessary in order to provide for visitor safety and protect cave resources.

EFFECTIVE DATE: July 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Albert A. Hawkins, Superintendent, Mammoth Cave National Park, Mammoth Cave, Kentucky 42259, telephone 502–758–2251.

SUPPLEMENTARY INFORMATION: *Originator:* Joseph Kulesza, former Superintendent, Mammoth Cave National Park. *Previous publications:* This amendment was published as a Notice of Proposed Rulemaking on May 27, 1975 (40 FR 22841).

Many thousands of people each year participate in tours within those portions of Mammoth Cave which have been developed for safe visitor use. These tours may be fully guided or may have a lesser degree of guidance, depending upon the area covered and the nature of the tour. It is important that persons in the caves under these circumstances confine their activities to areas which have been established for such uses. Straying into other areas of the cave or leaving a tour group subjects the visitor to danger and presents a potential for intentional or accidental damage to delicate formations in the cave.

No comments on the proposed regulations were received during or after the public comment period which followed its publication in 1975.

In consideration of the foregoing, paragraph (b) of § 7.36, Title 36, Code of Federal Regulations, is amended by redesignating the existing text of this

V 42 N 119
JUN 21 77
UM

paragraph as paragraph (b)(1) and adding subparagraphs (2) and (3) as follows:

§ 7.6 Mammoth Cave National Park.

* * * * *

(b) *Cave entry.* (1) * * *

(2) Persons on guided cave tours must stay on the established designated trails and remain with the guides and tour group at all times. Exploration of side passages, going ahead of the lead guide and tour group or dropping behind the following guide or tour group is prohibited.

(3) Persons on "self-guided" or "semi-guided" cave tours must stay on the established, designated trails at all times. Exploration of side passages or taking alternate routes is prohibited.

ALBERT A. HAWKINS,
Superintendent.

[FR Doc.77-16740 Filed 6-20-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4-50—DISPUTES AND APPEALS

Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations to conform to coverage in the Code of Federal Regulations and to make various editorial changes and organizational name changes.

DATE: This rule is effective June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement, Grants and Agreements Management Staff, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 USC 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents of Subpart 4-50.2 is revised to read as follows:

Subpart 4-50.2—Contract Appeals

4-50.201 General.
4-50.202 Board of Contract Appeals.
4-50.203 Request by contracting officer for hearing.
4-50.204 Releases to contractors.

* * * * *

§ 4-50.104-1 [Amended]

2. In section 4-50.104-1, paragraph (b), the "Office of Plant and Operations" is changed to read "Office of Operations."

3. Section 4-50.201(b) is revised to read as follows:

§ 4-50.201 General.

* * * * *

(b) Such appeals shall be taken by mailing or otherwise furnishing to the contracting officer a written notice of appeal addressed to the Secretary of Agriculture. All necessary information concerning appeals, including contents of notice of appeal, filing requirements, and receipt and transmittal requirements for the contracting officer, is set forth in Title 7, Code of Federal Regulations, Part 24. (See § 4-52.506 of this chapter.)

§ 4-50.202 [Deleted]

§ 4-50.203 [Deleted]

4. Sections 4-50.202 and 4-50.203 are deleted.

§ 4-50.204 thru 4-50.206 [Redesignated]

5. Section numbering of sections 4-50.204, 4-50.205, and 4-50.206 is changed to read 4-50.202, 4-50.203, and 4-50.204 respectively.

§ 4-50.204 [Amended]

6. In § 4-50.204, Releases to contractors, the note "See 43 Comp. Gen. 231 in connection with this requirement.)" is deleted.

(5 USC 301, 40 USC 486(c).)

Done at Washington, D.C., this 16th day of June 1977.

E. ALVAREZ,
Director, Office of Operations.

[FR Doc.77-17659 Filed 6-20-77;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amendment G-41]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Maintenance of Government-Owned Motor Vehicles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides updated policy and procedures concerning the maintenance of Government-owned motor vehicles. Because of emission control and other environmental devices, agencies are encouraged to comply with the manufacturers' recommended scheduled maintenance program for motor vehicles model year 1976 and later. This amendment takes the necessary action to amend the FPMR accordingly.

EFFECTIVE DATE: This regulation is effective on June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

1. The table of contents for Part 101-38 is amended to include the following revised entries:

Subpart 101-38.10—Scheduled Maintenance of Motor Vehicles

Sec.

* * * * *

101-38-1004 [Reserved]

2. Subpart 101-38.10 is retitled and revised to read as follows:

Subpart 101-38.10—Scheduled Maintenance of Motor Vehicles

§ 101-38.1000 Scope of subpart.

This subpart prescribes agency requirements and guidelines covering a maintenance program for Government-owned motor vehicles.

§ 101-38.1001 Applicability.

This subpart is applicable to all Government-owned motor vehicles of a holding agency located in the United States or its territories or possessions, except for motor vehicles exempted by law or regulation. Other Federal agencies are encouraged to conform to the requirements of this subpart so that maximum benefits may be realized in the operation of all Government-owned motor vehicles.

§ 101-38.1002 Agency requirements.

All holding agencies shall establish a scheduled maintenance program wherever Government-owned motor vehicles are operated.

§ 101-38.1003 Guidelines.

(a) The guiding principles for a scheduled maintenance program shall encompass a recorded, systematic procedure for the servicing and inspection of motor vehicles to: (1) Ensure their safe and economical operating condition throughout the period of use; (2) meet established emission standards; and (3) meet warranty requirements. Servicing and inspection work may be performed by Government personnel, by commercial shops, or by a combination of both.

(b) Agencies shall take positive action to ensure that all Government-owned commercially designed motor vehicles, model year 1976 and later, have inspection and service performed in accordance with the manufacturers' recommended schedules and specifications. Agencies may continue to perform inspection and service of model year 1975 and earlier Government-owned commercially designed motor vehicles in accordance with their established maintenance schedules and specifications.

(c) Proper maintenance will ensure that Government-owned vehicles will operate in the most energy efficient manner and will meet Federal and State emission standards, including safe and proper operation of the catalytic converter, during its warranted life.

§ 101-38.1004 [Reserved]

§ 101-38.1005 Assistance to agencies.

The General Services Administration will make available motor equipment management technicians, at no cost, to assist agencies in establishing or revising their scheduled maintenance programs. Requests for motor equipment management assistance shall be submitted by holding agencies to the General Services Administration (FZM), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 13, 1977.

JOEL W. SOLOMON,
Administrator, General Services Administration.

[FR Doc.77-17590 Filed 6-20-77;8:45 am]

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amendment H-101]

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 101-45.8—Mistakes in Bids

GRANTING PERMISSION TO WITHDRAW BIDS ON GOVERNMENT PERSONAL PROPERTY

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains changed provisions relating to the granting of permission to withdraw bids on Government personal property. Mistakes made by bidders on advertised sales of Government personal property result in delays in awarding contracts. This regulation will reduce those delays by expanding the potential number of activities to which heads of executive agencies may delegate authority to permit bidders to withdraw bids on which there are mistakes.

EFFECTIVE DATE: This regulation is effective on June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Procedures Management Division, Office of Customer Service and Support, Federal Supply Service, General Services Administration, Washington, DC 20406, 703-557-1914.

1. Section 101-45.803 is amended as follows:

§ 101-45.803 Other mistakes disclosed before award.

(a) * * *

(1) A determination may be made permitting the bidder to withdraw his bid where the bidder requests permission to do so and clear and convincing evidence establishes the existence of a mistake.

(2) However, if the evidence is clear and convincing both as to the existence of a mistake and as to the bid actually intended, and if the bid as submitted and as corrected is the highest received, a determination may be made to correct the bid and not permit its withdrawal.

(3) A determination may be made permitting the bidder to correct his bid where the bidder requests permission to do so and clear and convincing evidence establishes both the existence of a mistake and the bid actually intended. However, if the correction would result in displacing one or more higher acceptable bids, the determination shall not be made unless the existence of the mistake and the bid actually intended are ascertainable substantially from the invitation and bid itself. If the evidence is clear and convincing only as to the mistake, but not as to the intended bid, a determination permitting the bidder to withdraw his bid may be made.

(4) If the evidence does not warrant a determination under paragraph (a)(1), (2), or (3) of this section, a determination may be made that a bidder may neither withdraw nor correct his bid.

(b) Heads of executive agencies may delegate to one central authority in their agencies, without power of redelegation, authority to make the determinations under paragraph (a)(2), (3), and (4) of bids as provided in paragraph (a)(1) and (3) of this section may be delegated, without power of redelegation, to any sales activity having legal counsel available.

(c) Each proposed determination shall be approved by the agency's General Counsel, Deputy or Associate General Counsel, an Assistant General Counsel, or other comparable legal officer. However, authority to approve determinations to permit withdrawal of bids pursuant to paragraph (a)(1) and (3) of this section may be delegated to the legal counsel of sales activities.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 31, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-17588 Filed 6-20-77;8:45 am]

[FPMR Amendment H-100]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Explanatory Statements for Negotiated Sales of Surplus Real Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revises the outline for explanatory statements for proposed negotiated sales of surplus real property under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended. The change was suggested by the House Committee on Government Operations.

EFFECTIVE DATE: This rule is effective June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

James R. Bergdahl, Office of Real Property, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1339.

Subpart 101-47.9—Illustrations

Section 101-47.4911 is revised as follows:

§ 101-47.4911 Outline for explanatory statements for negotiated sales.

NOTE.—The illustration listed in section 101-47.4911 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: June 13, 1977.

JOEL W. SOLOMON,
Administrator.

[FR Doc.77-17589 Filed 6-20-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show a change in title from one Secretary to the Chairman to one Private Secretary and Confidential Assistant to the Chairman. This change reflects more appropriately the duties of the position.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3377(c) is amended to read as follows:

§ 213.3377 Equal Employment Opportunity Commission.

* * * * *

(c) One Secretary to the Chairman and one Private Secretary and Confidential Assistant to the Chairman.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17483 Filed 6-20-77;8:45 am]

JUN 21 77
UM

PART 213—EXCEPTED SERVICE

Health, Education, and Welfare Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Director, Office of Native American Programs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly 5 CFR 213.3316(n)(17) is added as follows:

§213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Human Development.* * * *

(17) Director, Office of Native American Programs.

(6 U.S.C. 3301, 3302, E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17484 Filed 6–20–77;8:45 am]

PART 213—EXCEPTED SERVICE

Justice Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Confidential Assistant to the Associate Attorney General is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3310(a)(12) is added to read as follows:

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* * * *

(12) One Confidential Assistant to the Associate Attorney General.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17485 Filed 6–20–77;8:45 am]

PART 213—EXCEPTED SERVICE

Labor Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to change the title of an existing Schedule C position from Confidential Staff Assistant to the Assistant Secretary for Employment and Training to Executive Assistant to the Assistant Secretary for Employment and Training because the latter title more accurately reflects the duties of the position.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3315(a)(54) is amended to read as follows:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(54) One Executive Assistant to the Assistant Secretary for Employment and Training.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17486 Filed 6–20–77;8:45 am]

PART 213—EXCEPTED SERVICE

Labor Department

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary for Employment and Training because of the confidential nature of the position.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3315(a)(56) is added as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(56) One Special Assistant to the Assistant Secretary for Employment and Training.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17487 Filed 6–20–77;8:45 am]

PART 213—EXCEPTED SERVICE

Hiring of Handicapped Sons and Daughters

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment provides for a variation of the prohibition against appointing sons and daughters to Schedule A positions. This permits appointments for students or summer employment in those cases where severely physically handicapped and mentally retarded persons have traumatic difficulties related to worksite adjustments and transportation to and from duty stations and where such handicaps make it unlikely that they will be able to obtain suitable employment.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Hedwig Oswald, Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, 202–632–4437.

Accordingly, 5 CFR 213.3101(b) is amended to read as follows:

§ 213.3101 Positions other than those of a confidential or policy-determining character for which it is not practicable to examine.

* * * * *

(b) An agency (including a military department) may not appoint the son or daughter of a civilian employee of that agency, or the son or daughter of a member of its uniformed service, to a position listed in Schedule A for summer or student employment within the United States. This prohibition does not apply to the appointment of persons (1) who are eligible for placement assistance under the Commission's Displaced Employee (DE) Program, (2) who are employed to meet urgent needs resulting from an emergency posing an immediate threat to life or property, (3) who are members of families which are eligible to receive financial assistance under a public welfare program or the total income of which in relation to family size does not exceed limits established by the Commission and published in the Federal Personnel Manual, or (4) who are severly physically handicapped or mentally retarded when such appointments are approved in advance by the Civil Service Commission.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

NOTE.—The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17849 Filed 6–20–77;10:11 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

BOARD OF DIRECTORS OF A POWER SUPPLY COOPERATIVE

Proposed Revision of REA Bulletin 101–1

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend its bulletin containing policy recommendations on the composition of the board of directors of an REA-financed power supply cooperative. The proposed bulletin amendments recommended reduction on restrictions covering the composition of the boards of directors of these cooperatives. The recommendations are intended to improve the mutual understanding and support between power supply cooperatives and the members of these cooperatives.

DATE: Public comments must be received by REA on or before July 11, 1977.

ADDRESS: Interested persons may submit written data, views or comments to the Director, Electric Borrowers' Management Division, Room 3346, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director, Electric Borrowers' Management Division, during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles R. Weaver, Director, Electric Borrowers' Management Division, Rural Electrification Administration, Room 3346, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–5900.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 101–1 issued September 14, 1955. The text of the proposed revision to REA Bulletin 101–1 is as follows:

REA BULLETIN 101–1

Subject: Constitution and Operations of the Board of Directors of a Power Supply Cooperative Borrower.

I. *Purpose:* To set forth policy recommendations of the Rural Electrification Administration for the constitution of the board of directors of a power supply cooperative borrower and practices to assure continuity of informed leadership and member system involvement.

II. *Policy:* Based on operating experience, the Rural Electrification Administration recommends that, insofar as permitted by law, the bylaws and policies of a power supply borrower should make provision for the following:

A. The board of directors should contain a workable number of members, each corporate member being equitably represented.

B. The directors should be elected by members, provided that any director should be a member, director or manager of a corporate member and provided further that no less than one-half of the borrower's board members should be directors or trustees of a corporate member.

C. Because of the increasing complexity of power supply affairs, there should be the maximum practicable technical advice and counsel to the borrower's board and management from management personnel of member systems. Subject to limitations of section II.B above, this advice and counsel often can be best achieved by member system management membership on the borrower's board of directors. Alternative or additional methods include regular manager attendance at board meetings and a regularly constituted technical advisory committee or managers' committee.

D. Provisions should be made to accomplish a continuing flow of fresh viewpoints balanced with the need for experience and continuity. Among the methods to accomplish this desirable balance, the following should be considered: staggered terms of office and plans for orderly transition such as planned rotation after a given number of years' service or maximum age.

E. Corporate officers should be elected by the board of directors from its own membership.

III. *General:* A. There should be a continuing effort to develop methods to provide maximum effectiveness by the board in its planning, review of results and development of member understanding and support. Among the methods to be considered are: maximum practicable information for study by each director in advance of board meetings; reduction of full board meeting time spent on details by such methods as referral of contract review to regular or special committees of the board; director orientation and training; and creative methods of providing information on which decisions must be based.

B. A continuing flow of information to member systems concerning major decisions, major problems and plans is essential. This should be accomplished by a combination of methods: written information such as regular publications and summaries of board minutes and discussion meetings with member boards of directors or groups of such boards.

Dated: June 10, 1977.

JOSEPH VELLONE,
Acting Administrator.

[FR Doc.77–17870 Filed 6–20–77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Parts 23, 26, 34, 36, 40, 41, 46, 54, 56, 57, 60, 61, 62, 67, 74, 103, 114, 117, 118, 131, 142, 146, 150, 152, 154, 157, 160, 162, 165, 175, 192, 197, 205, 209, 210, 214, 215, 216, 221, 223, and 224]

INDUSTRY GUIDES

Proposed Recissions or Revisions of Trade Practice Rules

AGENCY: Federal Trade Commission.

ACTION: Proposed trade practice rule changes.

SUMMARY: The Commission invites comments on the public record on proposed total or partial rescissions or revisions of trade practice rules for 41 industries. The Commission is reviewing trade practice rules and other industry guides to retain only those determined useful in the public interest today.

DATE: Written comments should be submitted by August 22, 1977.

ADDRESS COMMENTS TO: William D. Dixon, Assistant Director for Rulemaking, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION WRITE OR CALL:

Charles H. Slayman, Jr., Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, telephone 202–724–1193.

SUPPLEMENTARY INFORMATION: These trade practice rules appear in Title 16 of the Code of Federal Regulations but are not subjects of Commission action announced in FEDERAL REGISTER documents 40 FR 21047; 41 FR 2382, 2398, 2399; 42 FR 12171, 19859. Those documents deal with proposed rescissions, study and final rescissions of trade practice rules for other industries.

Trade practice rules grew out of trade practice conferences convened by the Commission on its own initiative or in

V 42 N 119 JUN 21 77 UM

response to requests from trade associations and other members of different industries. Regardless of the industry, trade practice rules often appear in identical or nearly identical language restating statutory provisions and general principles of law concerning deceptive, unfair and anticompetitive acts and practices. The Commission is conducting a thorough review of its trade practice rules to determine which may be in the public interest to keep.

A footnote to 16 CFR 1.6 identifies trade practice rules as early industry guides. Both are administrative interpretations of Commission administered laws. They have provided the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry. Noncompliance with guides may require corrective action under applicable statutes. Trade practice rules and other industry guides should not be confused with newer, specific, directly enforceable trade regulation rules.

Rescission of trade practice rules and other industry guides does not relieve anyone of duties to comply with Commission administered laws. Thus rescission is not a green light to engage in unfair or deceptive or anticompetitive acts or practices in violation of law.

The Commission intends to rescind the following provisions in trade practice rules:

(i) Group II rules because they are merely "expressions of the trade" and are not Commission interpretations of law;

(ii) Industry committee references because authority to establish such committees was rescinded in 1971; and

(iii) Stereotype sections (commercial bribery, sales below cost, prohibited discrimination, etc.) because acts and practices covered are not limited to particular industries.

Even particularized sections may be rescinded if a showing is not made that they are being used in the public interest today. The Commission does not intend to rescind sections, for example, on particular product definitions, particularized misrepresentations, misuse of specific names, etc.) where there is a showing of use in the public interest.

The Commission may eliminate the category "trade practice rules" and simply call any retained "guides".

The Commission advises interested persons that comments requesting retention or revision of any particular rules (sections) should include reasons and state the public interest in such suggestions. Comments received during the sixty day period will be placed on the public record for examination during regular business hours in Public Reference Room 130, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C., telephone 202-523-3600. The Commission will consider all such comments before final action is taken.

Accordingly the Commission invites interested persons including consumers to submit written comments on the public record for Commission consideration on proposed total or partial rescissions or revisions of trade practice rules published in the following Parts of Title 16 of the Code of Federal Regulations:

1. Part 23—Jewelry Industry, promulgated June 28, 1957.
2. Part 26—Refrigeration and/or Air-conditioning Contracting Industries, promulgated May 8, 1956.
3. Part 34—Nursery Industry, promulgated June 28, 1958.
4. Part 36—Poultry Hatching and Breeding Industry, promulgated February 22, 1961.
5. Part 40—Environmental Testing Equipment Manufacturing Industry, promulgated June 25, 1957.
6. Part 41—Metal Awning Industry, promulgated June 29, 1957.
7. Part 46—Work Glove Industry, promulgated May 22, 1959.
8. Part 54—Walnut Wood Industry, promulgated September 12, 1931.
9. Part 56—Pleasure Boat Industry, promulgated August 4, 1961.
10. Part 57—Residential Aluminum Siding Industry, promulgated April 6, 1962.
11. Part 60—Metallic Watch Band Industry, promulgated June 30, 1962.
12. Part 61—Stationers Industry, promulgated June 15, 1962.
13. Part 62—Rebuilt, Reconditioned and Other Used Automotive Parts Industry, promulgated June 30, 1962.
14. Part 67—Phonograph Record Industry, promulgated October 9, 1964.
15. Part 74—Fresh Fruit and Vegetable Industry, promulgated April 15, 1965.
16. Part 103—Rabbit Industry, promulgated June 27, 1958.
17. Part 114—Preserve Manufacturing Industry, promulgated September 12, 1936.
18. Part 117—School Supply and Equipment Industry, promulgated April 26, 1957.
19. Part 118—Mirror Industry, promulgated June 30, 1962.
20. Part 131—Shrinkage of Woven Cotton Yard Goods, promulgated June 30, 1938.
21. Part 142—Radio and Television Industry, promulgated June 28, 1955.
22. Part 145—Tuna Industry, promulgated June 23, 1945.
23. Part 150—Subscription and Mail Order Book Publishing Industry, promulgated September 4, 1940.
24. Part 152—Hosiery Industry, promulgated August 30, 1960.
25. Part 154—Luggage and Related Products Industry, promulgated June 30, 1962.
26. Part 157—Catalog Jewelry and Giftware Industry, promulgated December 23, 1943.
27. Part 160—Water Heater Industry, promulgated January 11, 1945.
28. Part 162—Wood Cased Lead Pencil Industry, promulgated June 29, 1945.
29. Part 165—Artificial Limb Industry, promulgated April 16, 1946.
30. Part 175—Office Machine Marketing Industry, promulgated February 26, 1948.
31. Part 192—Optical Products Industry, promulgated June 30, 1962.
32. Part 197—Relating to the Sale and Financing of Motor Vehicles, promulgated February 6, 1951.
33. Part 205—Upholstery and Drapery Fabrics Industry, promulgated January 15, 1952.
34. Part 209—Grocery Industry, promulgated March 19, 1952.
35. Part 210—Commercial and Industrial Floor and Vacuum Machinery Industry, promulgated June 21, 1958.
36. Part 214—Hearing Aid Industry, promulgated July 20, 1965.
37. Part 215—Portrait Photographic Industry, promulgated September 15, 1953.
38. Part 216—Millinery Industry, promulgated September 15, 1953.
39. Part 221—Cosmetic and Toilet Preparations Industry, promulgated July 1, 1966.
40. Part 223—Orthopedic Appliance Industry, promulgated November 13, 1954.
41. Part 224—Fire Extinguishing Appliance Industry, promulgated December 17, 1954.

(Secs. 5, 6, 18(a)(1)(A), amended FTC Act, 38 Stat. 719, 721, 88 Stat. 2193 (15 U.S.C. 45, 46, 57a); 16 CFR 1.5, 1.6, 17.1.)

Issued: July 21, 1977.

By the Commission.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-17607 Filed 6-20-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1025]

ADJUDICATIVE PROCEEDINGS

Proposed and Interim Rules of Practice for Adjudicative Proceedings

CROSS REFERENCE: For an interim rule regarding Rules of Practice for Adjudicative Proceedings Under the Consumer Product Safety Act and Flammable Fabrics Act see FR Doc. 77-17690 appearing in the Rules and Regulations section of this issue.

[16 CFR Part 1026]

EXPEDITED PROCEEDINGS

Proposed and Interim Rules of Practice for Expedited Proceedings Under the Consumer Product Safety Act

CROSS REFERENCE: For an interim rule regarding Rules of Practice for Expedited Proceedings Under the Consumer Product Safety Act see FR Doc. 77-16758 appearing in the Rules and Regulations section of this issue.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 231]

[Release No. 33-5834; File No. S7-706]

REPORTS OR MEMORANDA CONCERNING REGISTRANTS

Guide

AGENCY: Securities and Exchange Commission.

ACTION: Advance Notice of Proposed Amendment.

SUMMARY: The Commission has authorized the Division of Corporation Finance to seek comments on the guide for preparation and filing of registration statements which requires reports or memoranda concerning the registrant to be furnished to the staff as supplemental information in connection with submission of a registration statement. The Commission and the Division are concerned by the apparent confusion on the part of some members of the securities industry and their attorneys as to the requirements of this guide and are interested in determining whether clarification or substantive amendment of the guide is necessary and appropriate.

DATES: Comments must be received on or before August 20, 1977.

ADDRESSES: All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-706 and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

William C. Wood, Associate Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 202-755-1214.

SUPPLEMENTARY INFORMATION: The Commission today announced that its Division of Corporation Finance is soliciting comments on the operation of Guide 42, "Reports or Memoranda Concerning the Registrant," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Guide 42, like all existing guidelines for preparing Securities Act registration statements, is not a Commission rule nor does it bear the Commission's official approval. Rather, it represents policies and practices followed by the Division in administering the disclosure requirements of the Securities Act of 1933.

BACKGROUND

Guide 42 as it now exists was published in Securities Act Release No. 4936 (December 9, 1968) (33 FR 18617), after having been first published as Item 25 in Securities Act Release No. 4666 (February 7, 1964) (29 FR 2490), and subsequently published for comment in slightly revised form in Securities Act Release No. 4890 (December 20, 1967) (33 FR 507). Further, the staff had followed substantially the same policies and practices reflected in the guide for a considerable period of time before the guide was first published.

Dual purposes were designed to be served by the requirements of Guide 42: (1) Furnishing to the staff of materials necessary and helpful for its examination of registration statements filed under the 1933 Act; and (2) "gun-jumping" considerations. It is primarily in the first area that problems of interpretation appear to have arisen.

The first clause of Guide 42 requires submission of "any engineering, management or similar report or memorandum relating to broad aspects of the business, operations or products of the registrant" which was prepared in the previous twelve months "for or by the registrant * * * or any principal underwriter." It has recently come to the Division's attention that some members of the securities industry have interpreted this requirement in a number of ways inconsistent with longstanding staff interpretation and in some cases have confused the elements of the first clause with those of the second clause of the guide, which requires submission of any report prepared "for external use by the registrant or a principal underwriter in connection with the proposed offering." The second clause has as its focus the gun-jumping problem rather than the examination assistance which is the focus of the first clause.

SPECIFIC INTERPRETATIVE PROBLEMS

The Division's interpretative position on the first clause of Guide 42 has been to require that it be provided with all reports of the nature described in the guide which have been prepared in the past 12 months. No exceptions to this requirement are set forth in the guide and none have been read into the guide by the staff. However, there appears to have been an interpretation followed by some law firms which reads into the requirements of the first clause of Guide 42 an exception for reports prepared by an underwriter in the ordinary course of business prior to knowledge of the offering or of participation therein and not distributed after such knowledge. Suggested examples of such materials prepared in the ordinary course of business by an underwriter include such items as "research reports," "investment research reports," and "market letters." The Division does not believe such an exception is permitted by the existing guide.

The Division specifically requests comments on the advisability of such an exception to the requirements of the first clause of Guide 42. In particular, the Division is interested in comments: (1) As to whether the guide's requirements are unduly burdensome absent the suggested "exception" discussed above, (2) as to a definition of the terms "research report" and "investment research report," (3) as to specific criteria for determining which reports "relating to the broad aspects of the business" would fall within this suggested exception, and (4) as to any detrimental effect on adequate disclosure to investors which might result from such an exception.

In a similar vein, it has been suggested that Guide 42 be amended by creating a specific exception for materials meeting the requirements of Rules 138 (17 CFR 230.138) and 139 (17 CFR 230.139). Rule 138 permits a broker-dealer who participates in an offering of non-convertible senior securities registered on Forms S-7 (17 CFR 239.26) or S-9 (17 CFR 239.22) to publish opinions or recommendations concerning the registrant's common stock and conversely permits publishing opinions or recommendations concerning the registrant's non-convertible senior securities where a registrant has filed or intends to file an S-7 or S-9 registration statement relating to its common stock. Rule 139 permits a dealer who participates in an offering to publish, as part of a comprehensive list of securities, opinions or recommendations concerning the securities being registered if certain conditions are met, including that the issuer be subject to reporting requirements under Sections 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and that the recommendation not be given special prominence or more favorable treatment than in previous such lists. Comments are requested as to the feasibility and desirability of an amendment which would specifically except these Rule 139 and 139 materials from the requirements of Guide 42.

The requirements of the first clause of Guide 42 apply to reports "prepared by or for the registrant, any security holder named in answer to Item 19(a) of Form S-1 (17 CFR 239.11), or any principal underwriter."[1] It appears that some confusion exists as to whether the guide's requirements should extend to all members of the underwriting syndicate or instead be confined to managing underwriters only. It has been suggested that the "ordinary course of business" exception may be more appropriate for relieving the other underwriters who are members of the syndicate but not the managing underwriters from the requirements. The Division is interested in comments on the benefits, practicality and possible detrimental effect on disclosure to investors which might result from making such a distinction between managing underwriters and members of the selling group.

The materials called for by the first clause of Guide 42 include any reports or memoranda of the nature described which have been prepared in the twelve months prior to filing of a registration statement. In connection with its broad consideration of the guide, the Division is interested in receiving comments on whether this twelve month period is reasonable or whether it might be shortened without interfering with the purpose of assuring submission of materials necessary for the staff's review of the registration statement.

The Division is also interested in comments addressed to the issue of responsibility for submission of Guide 42 materials in order to determine whether there is a clear understanding that all parties mentioned in the guide, registrant, selling security holders and principal underwriters, bear responsibility for compliance and in order to determine whether this placement of responsibility is reasonable and not unduly burdensome.

Finally, the Division understands that because certain materials are not distributed after the underwriter learns of the proposed offering, in certain instances this has been treated as a basis for removing those materials from the ambit of both the first and second clauses of Guide 42. This suggests that possible confusion exists as to the differing requirements and focuses of the two clauses. It also appears to read an additional exception into the first clause of the guide, even though no basis for such

[1] A principal underwriter is defined as "an underwriter in privity of contract with the issuer of the securities as to which he is underwriter, the term 'issuer' having the meaning given in sections 2(4) and 2(11) of the Act." (17 CFR 230.405(p).)

JUN 21 1977 UM

an exception exists in either the language of the guide or the staff's interpretation thereof. Commentators are invited to address this area so that the Division will be able to determine if clarification is necessary and to assess this additional approach to the concept of an exception to the guide's requirements.

All interested persons are invited to submit their written views and comments on the foregoing areas and on any other aspects of Guide 42 which may be of assistance to the Division in its consideration of the guide.

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 13, 1977.

[FR Doc.77-17609 Filed 6-20-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1316]

CONFIDENTIALITY OF RESEARCH SUBJECTS AND EXEMPTION FROM PROSECUTION FOR RESEARCHERS

Notice of Proposed Rulemaking

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed amendments to § 1316.21 of Title 21 of the Code of Federal Regulations limits the authority of the Drug Enforcement Administration, in granting confidentiality of identity of research subjects, to those areas specified in 21 U.S.C. 872(a). The proposed amendment to § 1316.22 of Title 21 of the Code of Federal Regulations provides for discretionary authority in granting exemption from prosecution for researchers as provided in 21 U.S.C. 872(d). Both sections are further amended to require more detailed information from petitioners to better enable the Drug Enforcement Administration to evaluate requests received pursuant to these sections.

DATES: Comments and objections must be received by July 18, 1977.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT:

Craig E. Richardson, Attorney, Office of Chief Counsel, Drug Enforcement Administration, telephone 202-382-6175.

SUPPLEMENTARY INFORMATION: Section 502(c) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 872(c)) authorizes the Attorney General to authorize persons who are engaged in research with controlled substances to withhold the names and other identifying characteristics of persons who are the subjects of such research.

In furtherance of section 502(c) of the Act, § 1316.21 of Title 21 of the Code of Federal Regulations sets forth the procedures whereby researchers may apply for confidentiality of the subjects of their research projects. This regulation speaks in general terms of persons registered to conduct research in controlled substances under the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801).

However, section 502(c) of the Act should be read in the context of section 502 of the Act in its entirety.

Section 502(a) of the Act authorizes the Attorney General to carry out educational and research programs directly related to the enforcement of laws under his jurisdiction concerning drugs or other substances which are or may be subject to control under the Act. These programs may include:

(1) Educational and training programs on drug abuse and controlled substances law enforcement for local, State, and Federal personnel;

(2) Studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

(3) Studies or special projects designed to assess and detect accurately the presence in the human body of drugs or other substances which are or may be subject to control under this title, including the development of rapid field identification methods which would enable agents to detect microquantities of such drugs or other substances;

(4) Studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

(5) Studies or special projects to develop more effective methods to prevent diversion of controlled substances into illegal channels;

(6) Studies or special projects to develop information necessary to carry out his functions under section 201 of this title.

Section 502(c) of the Act speaks of persons authorized to engage in research by the Attorney General. This refers to those categories of research enumerated in section 502(a) (2-6) (supra).

Title I, Section 3(a) of the Act provides that the Secretary of Health, Education, and Welfare may authorize persons engaged in research on the use and effect of drugs to protect the privacy of individuals who are the subject of such research. This authority is not limited to enumerated categories of research, as is the authority granted to the Attorney General set forth in Section 502(a) of the Act (supra).

The Secretary of Health, Education, and Welfare has proposed regulations implementing his authority to grant protection of the identity of research subjects. (40 FR 234 (December 4, 1975)). These regulations will provide a vehicle whereby researchers conducting research on the use and effect of drugs can protect the privacy of the subjects of their research. Since this type of scientific research is more properly within the province of the Secretary, the Drug Enforcement Administration will, in the future, strictly limit its authority to grant protection to the subjects of research to those categories of research enumerated in Section 502(a) of the Act (supra).

The proposed regulation also sets forth the form in which a petition for a grant of confidentiality shall be submitted. The information required in the petition will better enable the Drug Enforcement Administration to evaluate the requests and determine if they fall within the purview of Section 502 of the Act.

Section 502(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 872(d)) authorizes the Attorney General to authorize the possession, distribution and dispensing of controlled substances by persons engaged in research and to exempt such persons from State or Federal prosecution for possession, distribution and dispensing of controlled substances to the extent authorized by the Attorney General.

In furtherance of Section 502(d) of the Act, § 1316.22 of Title 21 of the Code of Federal Regulations sets forth the procedures whereby researchers may apply for exemption from prosecution for possession, distribution or dispensing of controlled substances within the scope of their research.

The proposed regulation amends subsection (a) of 21 CFR 1316.22 by deleting the word "shall" and inserting the word "may". This change is instituted to confer upon the Drug Enforcement Administration the discretionary authority provided in Section 502(d) of the Act.

A new subsection (b) is added setting forth the form required for a petition for exemption from prosecution. The information requested will better enable the Drug Enforcement Administration to evaluate the petition and determine the necessity for an exemption from prosecution.

A new subsection (c) is added to permit individuals to apply for both exemption from prosecution and confidentiality of research subjects using a single petition.

Subsection (d) sets forth the form for the grant of exemption from prosecution and subsection (e) incorporates the notification requirements in the existing 21 CFR 1316.22(c).

If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state with particularity and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issue to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object or comment on the proposals relating to any one or more of the above-mentioned substances without filing comments or objections regarding the others.

By virtue thereof and under the authority vested in the Attorney General by Sections 301 and 501(b) of the Act 21 U.S.C. 821 and 871(b)) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulation, the Administrator hereby proposes that Part 1316 of Title 21 of the Code of Federal Regulations be amended to read as follows:

§ 1316.21 Confidentiality of identity of research subjects.

(a) Any person conducting a bona fide research project directly related to the enforcement of the laws under the jurisdiction of the Attorney General concerning drugs or other substances which are or may be subject to control under the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) who intends to maintain the confidentiality of the identity of those persons who are the subjects of such research may petition the Administrator of the Drug Enforcement Administration for a grant of confidentiality, *Providing*, That:

(1) The Attorney General is authorized to carry out such research under the provisions of Section 502(a)(2-6) of the Controlled Substances Act of 1970 (21 U.S.C. 872(a)(2-6)); and the research is being conducted with funds provided in whole or part by the Department of Justice; or

(2) The research is of a nature that the Attorney General would be authorized to carry out under the provisions of Section 502(a)(2-6) of the Controlled Substances Act (21 U.S.C. 872(a)(2-6)), and is being conducted with funds provided from sources outside the Department of Justice.

(b) All petitions for Grants of Confidentiality shall be addressed to the Administrator, Drug Enforcement Administration, 1405 "Eye" Street, N.W., Washington, D.C. 20537 and shall contain the following:

(1) A statement as to whether the research protocol requires the manufacture, production, import, export, distribution, dispensing, administration or possession of controlled substances, and if so the researcher's registration number or a statement that an application for such registration has been submitted to DEA;

(2) The location of the research project;

(3) The qualifications of the principal investigator;

(4) A general description of the research or a copy of the research protocol;

(5) The source of funding for the research project;

(6) A statement as to the risks posed to the research subjects by the research procedures and what protection will be afforded to the research subjects;

(7) A statement as to the risks posed to society in general by the research procedures and what measures will be taken to protect the interests of society;

(8) A specific request to withhold the names and/or any other identifying characteristics of the research subjects; and

(9) Statements establishing that a grant of confidentiality is necessary to the successful completion of the research project.

(c) The grant of confidentiality of identity of research subjects shall consist of a letter issued by the Administrator, which shall include:

(1) The researcher's name and address.

(2) The researcher's registration number, if applicable.

(3) The title and purpose of the research.

(4) The location of the research project.

(5) An authorization for all persons engaged in the research to withhold the names and identifying characteristics of persons who are the subject of such research, stating that persons who obtain this authorization may not be compelled in any Federal, State or local civil, criminal, administrative, legislative or other proceeding to identify the subjects of such research for which this authorization was obtained.

(6) The limits of this authorization, if any.

(7) A statement to the effect that the grant of confidentiality of identity of research subjects shall be perpetual but shall pertain only to the subjects of the research described who participated in the research during the period described in the research protocol, the description of the research submitted to DEA, or as otherwise established by DEA.

(d) Within 30 days of the date of completion of the research project, the researcher shall so notify the Administrator. The Administrator shall issue another letter including the information required in paragraph (c) of this section and stating the starting and finishing dates of the research for which the confidentiality of identity of research subjects was granted; upon receipt of this letter, the researcher shall return the original letter of exemption.

§ 1316.22 Exemption from prosecution for researcher.

(a) Upon registration of an individual to engage in research in controlled substances under the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801), the Administrator of the Drug Enforcement Administration, on his own motion or upon request in writing from the Secretary or from the researcher or reseaching practitioner, may exempt the registrant when acting within the scope of his registration, from prosecution under Federal, State, or local laws for offenses relating to possession, distribution or dispensing of those controlled substances within the scope of his exemption. However, this exemption does not diminish any requirement of compliance with the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301).

(b) All petitions for Grants of Exemption from Prosecution for the Researcher shall be addressed to the Administrator, Drug Enforcement Administration, 1405 "Eye" Street, N.W., Washington, D.C. 20537 and shall contain the following:

(1) The researcher's name and address;

(2) The researcher's registration number for the research project;

(3) The location of the research project;

(4) A concise statement of the scope of the researcher's registration;

(5) Any limits of the exemption; and

(6) A statement that the exemption shall apply to all acts done in the scope of the exemption while the exemption is in effect. The exemption shall remain in effect until completion of the research project or until the registration of the researcher is either revoked or suspended or his renewal of registration is denied. However, the protection afforded by the grant of exemption from prosecution during the research period shall be perpetual.

(c) Within 30 days of the date of completion of the research project, the researcher shall so notify the Administrator. The Administrator shall issue another letter including the information required in paragraph (d) of this section and stating the date of which the period of exemption concluded; upon receipt of this letter the researcher shall return the original letter of exemption.

Dated: June 14, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-17618 Filed 6-20-77;8:45 am]

JUN 21 1977 UM

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Arbitrage Bonds

Correction

In FR Doc. 77-15415, appearing at page 27610 in the issue of Tuesday, May 31, 1977, the figure in the fifth to last line of column one on page 27612 should read, "$100,000."

DEPARTMENT OF LABOR

Office of the Secretary

[41 CFR Parts 29–1, 29–2, 29–3, 29–12, 29–61]

PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Proposed Miscellaneous Changes to Procurement Regulations

AGENCY: Department of Labor.

ACTION: Proposed rule.

SUMMARY: It is proposed to amend extensively the Department of Labor Procurement Regulations. These changes are made to conform the Department of Labor Procurement Regulations to Governmentwide regulations (the Federal Procurement Regulations) and to update departmental regulations to reflect current departmental policies and responsibilities. This will result in the Department's conforming more closely to the current Federal Procurement Regulations issued by the General Services Administration and to current Department of Labor procurement standards.

DATES: Comments must be received on or before July 21, 1977.

ADDRESS: Comments shall be submitted to the Assistant Secretary for Administration and Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, Attention: Walter C. Terry, Director, Office of Grants, Procurement and ADP Management Policy.

FOR FURTHER INFORMATION CONTACT:

Theodore Goldberg, Assistant Director, Office of Grants, Procurement and ADP Management Policy, Room S-1325, 200 Constitution Avenue, N.W., Washington, D.C. 20210, telephone 202-523-9174.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of the Secretary of Labor, contained in the Act of March 4, 1913 (37 Stat. 736, 29 U.S.C. 551), it is proposed that 41 CFR Chapter 29 be amended. This amendment of Chapter 29, the Department of Labor Procurement Regulations (DOLPR), provides for the following changes: It adds procurement requirements needed to implement and supplement the current Federal Procurement Regulations (FPR), deletes entries no longer applicable, provides for changes in titles and responsibilities due to departmental reorganization, modifies language involving personal pronouns denoting gender to reflect departmental policy, modifies DOLPR numbering and text to conform the DOLPR with the current FPR, updates references, and corrects typographical errors.

Significant changes include: Section 29–1.401 changes delegations of contracting officer authority and procurement responsibilities; § 29–3.205 limits use of authority for procurement from or grants to educational institutions; § 29–3.210 (formerly § 29–1.352) prescribes specific actions to be taken by program officials and contracting officers where noncompetitive procurements are contemplated; §§ 29–3.203 and 29–3.603–1, covering small purchase procedures, are changed to conform to the current FPR requirements and the change from $2,500 to $10,000 limitation on small purchases; § 29–3.604–4 provides for the use of imprest funds for common carriers; § 29–3.604–5 encourages the use of imprest fund procedures for small purchases of $150 or less; § 29–3.802 makes limitations on divulging Government cost estimates for proposed procurements more specific and specifies requirements for DOL requests for proposals; §§ 29–3.805–50, 29–3 805–51, 29–3.805–52, 29–3.805–53, and 29–3.805–54 provide DOL requirements in evaluating proposals, negotiating with prospective contractors, and selecting contractors. Part 29–61 is deleted in its entirety.

This document was prepared under the direction and control of: Walter C. Terry, Director, Office of Grants, Procurement and ADP Management Policy, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor.

It is proposed to amend 41 CFR Chapter 29 as follows:

PART 29–1—GENERAL

1. The table of contents of Subpart 29–1.0 is amended to revise a caption which reads:

* * * * *

29–1.008–50 Department of Labor (DOL) Agency implementation.

* * * * *

§ 29–1.006–4 [Amended]

2. Section 29–1.006–4 is amended by substituting the word "Agencies" for the words "administrations and offices" in the second sentence, and by substituting the words "the Assistant Secretary's" for the word "his" in the third sentence.

3. Section 29–1.008–50 is revised to read as follows:

§ 29–1.008–50 Department of Labor (DOL) Agency implementation.

DOL Agencies may implement or supplement the FPR or the DOLPR with internal instructions whose applicability is not DOL-wide, but nevertheless necessary to implement or supplement the FPR or the DOLPR. DOL Agencies may request publication in the DOLPR of procurement instructions and other procurement material considered of interest to the general public. Such instructions shall not extensively repeat, paraphrase, or otherwise restate the FPR or the DOLPR and shall be numbered in accordance with § 1–1.007–2 of this title, except that the numbers prescribed there and in § 29–1.007–2 shall be suffixed by the alphabetic abbreviation or other symbol of the respective Agency issuing the instructions. Whether the instructions are to be published as part of the DOLPR or not, such proposed instructions and material that implement or supplement the DOLPR or the FPR must be submitted, prior to their publication, for the review and concurrence of the Assistant Secretary for Administration and Management and of the Solicitor. In the case of internal procurement instructions, the purpose of such review is to ascertain that such instructions are consistent with the FPR and the DOLPR and that they do not contain material which should be issued as the DOLPR. In the case of instructions or other material submitted for inclusion in the DOLPR, after concurrence by interested DOL Agencies, the necessary arrangements will be made for publication of such instructions or other material in the FEDERAL REGISTER.

§ 29–1.009–2 [Amended]

4. Section 29–1.009–2 is amended by substituting the word "Agency" for the words "administration or office" in the third sentence of paragraph (a), and by substituting the words "this official" for the word "he" in the fourth sentence of paragraph (c).

5. To conform the DOLPR's numbering system with that of the FPR, the table of contents for Subpart 29–1.3 is revised to delete §§ 29–1.310, 29–1.310–4, and 29–1.352, since these sections are being redesignated and transferred to other parts of the DOLPR. The revised table of contents reads as follows:

Subpart 29–1.3—General Policies

Sec.

29–1.302	Procurement sources.
29–1.302–3	Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
29–1.302–50	Contracts between the Government and former Government employees.
29–1.303	Approval signatures.
29–1.305	Specifications.
29–1.305–3	Deviations from Federal Specifications.
29–1.310	[Reserved].
29–1.310–4	[Reserved].
29–1.315	Use of liquidated damages provisions in procurement contracts.
29–1.315–2	Policy.
29–1.318	Disputes clause.
29–1.318–1	Contracting officer's decision under a Disputes clause.
29–1.350	Buying in.
29–1.351	Refunds from contractors.
29–1.352	[Reserved].
29–1.353	Standards of conduct.
29–1.354	Violations of law.

6. Section 29–1.302–50 is revised to read:

§ 29–1.302–50 Contracts between the Government and former Government employees.

Negotiated contracts or grants or amendments to existing contracts or grants which constitute new procurement (including those for the rental of real or personal property) may be entered into with former employees of DOL or with firms in which former employees are known to have a substantial interest, within a period of 1 year subsequent to the termination of the individual's employment by DOL, only with the prior written approval of the Assistant Secretary for Administration and Management.

§ 29–1.310 and 29–1.310–4 [Deleted]

7. Section 29–1.310 entitled "Responsible prospective contractor." and § 29–1.310–4 entitled "General policy." are deleted from Subpart 29–1.3 and are transferred to a new Subpart 29–1.12.

§ 29–1.315–2 [Amended]

8. Section 29–1.315–2 is amended by substituting the words "the contracting officer" for the word "he" in the second sentence of paragraph (a), and by substituting "(under $10,000)" for "(under $2,500)" in paragraph (a) (3) (iv).

§ 29–1.350 [Amended]

9. Section 29–1.350 is amended by substituting the words "the contractor's" for "his" in the sixth sentence.

§ 29–1.352 [Deleted]

10. Section 29–1.352 entitled "Sole source procurement." is deleted from Subpart 29–1.3 and is redesignated and transferred to Subpart 29–3.2.

11. The table of contents for Subpart 29–1.4 is revised to delete § 29–1.451 entitled "Regional administrative officer purchasing authority." and to redesignate § 29–1.454 as § 29–1.453, and reads as follows:

Subpart 29–1.4—Procurement Responsibility and Authority

Sec.

29–1.400	Scope of subpart.
29–1.401	Responsibility of the head of the procuring activity.
29–1.402	Authority of contracting officers.
29–1.404	Selection, designation, and termination of designation of contracting officers.
29–1.404–1	Selection.
29–1.404–2	Designation.
29–1.404–50	Modification of authority.
29–1.404–51	Continuity of responsibility.
29–1.405	Ratification of unauthorized contract awards.
29–1.450	Contracting officer's representative.
29–1.451	[Reserved]
29–1.452	Responsibility of procurement officials to question requirements and reaffirm their validity.
29–1.453	Independence of procurement officials to carry out responsibilities.
29–1.454	[Reserved]

12. Section 29–1.401 is revised to read as follows:

§ 29–1.401 Responsibility of the head of the procuring activity.

(a) *First tier delegation.* In the DOL, contracting officer and grant officer authority and procurement responsibility have been delegated from the Secretary of Labor through the Assistant Secretary for Administration and Management to the following officials, or officers acting in their behalf:

(1) The Assistant Secretary for Employment and Training.

(2) The Assistant Secretary for Occupational Safety and Health.

(3) The Assistant Secretary for Employment Standards.

(4) The Deputy Under Secretary for International Affairs.

(5) The Commissioner of Labor Statistics.

(6) The Regional Administrators—Office of the Assistant Secretary for Administration and Management (OASAM).

(7) The Director, Administrative Programs and Services, OASAM.

(b) *Delegations and limitations.* The delegations noted in paragraph (a) above may be further redelegated within limitations by these officers within their respective areas of assigned responsibility. However, prior to such redelegations, contracting officers should consider the following factors to determine the extent to which authority should be redelegated: Volume of procurement programs; presence of, or capability of obtaining adequately trained personnel; consolidation of smaller procurement programs and offices on a geographical basis; and the overall strengthening of the procurement process by the selection of qualified personnel. In accordance with § 29–1.404–2, copies of every further redelegation must be furnished to the Assistant Secretary for Administration and Management, Attention: ABA.

(c) *Responsibilities.* The responsibilities of the delegations above are described as follows:

(1) *The Assistant Secretary for Employment and Training*, or an officer acting in that capacity, is assigned the responsibility for procurement and the issuance of grants for program property and services, except as otherwise delegated under paragraph (c)(7) of this section, required to fulfill the statutory and regulatory responsibilities imposed on the Assistant Secretary for Employment and Training.

(2) *The Assistant Secretary for Occupational Safety and Health*, or an officer acting in that capacity, is assigned the following responsibilities:

(i) Issuance of grant agreements with States required to fulfill the statutory and regulatory responsibilities imposed on the Assistant Secretary for Occupational Safety and Health.

(ii) Reimbursement to States, pursuant to Section 7(c)(1) of the Occupational Safety and Health Act of 1970, as amended (Pub. L. 91–596, 84 Stat. 1590), for services, facilities, and personnel of the States used to carry out the statutory and regulatory responsibilities imposed on the Assistant Secretary for Occupational Safety and Health.

(iii) Issuance of grants, pursuant to Section 21(b) of the Act, for the conduct of short-term training of personnel.

(3) *The Assistant Secretary for Employment Standards*, or an officer acting in that capacity, is assigned the responsibility for medical supplies and services required under the Federal Coal Mine Health and Safety Act of 1969, as amended (Pub. L. 91–173, 84 Stat. 742).

(4) *The Deputy Under Secretary for International Affairs*, or an officer acting in that capacity, is assigned the responsibility for procurement of supplies and services, except as otherwise delegated under paragraph (c)(7) of this section, required for economic research services in support of foreign economic and trade policy formulation; training and orientation of foreign nationals; and overseas exhibitions required to fulfill the statutory and regulatory responsibilities imposed on the Deputy Under Secretary for International Affairs.

(5) *The Commissioner of Labor Statistics*, or an officer acting in that capacity, is assigned the following responsibilities:

(i) Procurement of statistical and economic research services, including grants, except for those delegated under paragraph (c)(7) of this section, required to fulfill the statutory and regulatory responsibilities imposed on the Commissioner of Labor Statistics.

(ii) Procurement needed for operation of the National Office of the Bureau of Labor Statistics: (A) Using FEDSTRIP for General Services Administration (GSA) common cataloged and supplied office furnishings, equipment, and supplies; (B) using GSA Federal Supply Schedule contracts for all items except automatic data processing (ADP) hardware and software, office copiers, and ADP communication devices; and (C) using the imprest fund for small purchase items in accordance with § 29–3.604.

(iii) Sale of special statistics developed by the Bureau of Labor Statistics in accordance with the Act of April 13, 1934 (29 U.S.C., Sec. 9 (1970)).

(6) *The Regional Administrators—OASAM*, or officers acting in that capacity, are assigned the following responsibilities within their respective regions:

(i) Procurement of property and services required for the regional offices, including all imprest fund purchases and GSA Federal Supply Schedule purchases. Purchases of office machines, e.g., typewriters, adding machines, and calculators, must be written against blanket purchase orders maintained for such equipment by the Director, Administrative Programs and Services, OASAM.

(ii) Procurement of all automatic data processing (ADP) hardware and software for the regional offices, with prior approval from the Director, Office of Grants, Procurement and ADP Management Policy.

(7) *The Director, Administrative Programs and Services, OASAM*, or an of-

V 42 N 119 JUN 21 77 UM

ficer acting in that capacity, is assigned the following responsibilities:

(i) Procurement of all property and services required for the operation of the DOL, and program-related property and services not specifically delegated to other officials in paragraphs (c) (1), (2), (3), (4), (5), and (6) of this section.

(ii) Procurement of all supplies and services, including program-related, through the imprest fund and from GSA Federal Supply Schedules required for the DOL National Office, except for authority delegated in § 29–1.401(c)(5); and the purchases of advertising required for the DOL National Office.

(iii) Procurement of all automatic data processing (ADP) hardware and software for the DOL National Office, only with prior approval from the Director, Office of Grants, Procurement and ADP Management Policy, OASAM.

(8) *The Director, Office of Grants, Procurement and ADP Management Policy, OASAM*, or an officer acting in that capacity, is assigned the following responsibilities:

(i) Developing and publishing departmentwide procurement and grant regulations, guidelines, and policies.

(ii) Reviewing and evaluating administrative adequacy of the Department's procurement and grant operations.

(iii) Providing technical advice and assistance to those DOL officials and officers delegated procurement and grant responsibilities. This includes interpreting the Federal Procurement Regulations as they apply to the Department's procurement operations, and obtaining the advice of the Solicitor as required.

§ 29–1.402 [Amended]

13. In line four of the first paragraph of § 29–1.402, the word "authorty" should be spelled "authority."

14. Section 29–1.404–50 is amended to read:

§ 29–1.404–50 Modification of authority.

To effect modification of a contracting officer's authority, a new designation (appointment) shall be issued revoking the present appointment.

15. Section 29–1.450 is amended to read:

§ 29–1.450 Contracting officer's representative.

(a) * * * The designation of the contracting officer's representative and the responsibilities delegated to that official * * *

(b) A person assigned to a procurement office and performing primary duties in a position within a procurement office, and under the supervision of a contracting officer, does not require written designation as a representative of the contracting officer nor designation in a contractual document to perform assigned duties. Such a person is considered to be an employee of the contracting officer, acting in the latter's behalf and, as such, has the authority and responsibility to perform under the terms and conditions of employment, and to act as assigned by the contracting officer. The contracting officer, however, shall not authorize such an employee, acting as a representative of the contracting officer, to sign any contractual document or letter in those instances where the signature of a contracting officer is required.

* * * * *

§ 29–1.451 [Deleted]

16. Section 29–1.451 entitled "Regional administrative officer purchasing authority." is deleted in its entirety.

§ 29–1.452 [Amended]

17. In line seven of paragraph (o) of § 29–1.452, the word "makes" should be substituted for the word "make."

18. Section 29–1.508–2 is revised to read:

§ 29–1.508–2 Failure or refusal to furnish Standard Form 119.

The contracting officer may take any of the actions authorized in § 1–1.508–2 of this title provided that the contract file is documented to justify the action taken.

19. Section 29–1.601–1 is revised to read:

§ 29–1.601–1 Definitions.

"Debarring Officer" means the Assistant Secretary for Administration and Management, who is the DOL official authorized to invoke debarment or suspension measures as authorized by § 1–1.602–1 (d), (f), and (g) of this title; and to include on the "DOL Debarred, Suspended, and Ineligible Bidders' List," defined below, those concerns and individuals determined to be subject to such measures in accordance with § 1–1.602–1 (a), (b), (c), and (e) of this title.

20. Section 29–1.602 is amended to correct organizational titles and make editorial changes and reads as follows:

§ 29–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended, or declared ineligible.

The Debarring Officer shall establish and maintain a list of concerns and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited for contracts with the DOL. The list shall be designated as the "DOL Debarred, Suspended, and Ineligible Bidders' List," and compliance with its use throughout DOL is mandatory. The Debarring Officer shall keep the list current and publish and distribute it bi-monthly to heads of DOL procuring activities who shall be responsible for its redistribution. The list shall be marked "For Official Use Only" to reduce inspection of its contents by other than DOL personnel required to have access thereto. The head of an Agency may request, in writing, that a concern or individual be placed on the "DOL Debarred, Suspended, or Ineligible Bidders' List" in accordance with procedures of this subpart. This official may initiate the request personally, or may do so by endorsing the recommendation of the responsible Agency contracting officer. If all necessary information is not readily available, a preliminary report concerning actions that may warrant debarment may be submitted, to be followed as soon thereafter as practicable by a completely documented report. The Debarring Officer, based on the preliminary report, may determine that a suspension is warranted. The Debarring Officer will also be responsible for making for DOL the determinations, administrative and otherwise, which are permitted under § 1–1.602–1 (d), (f), and (g), and § 1–1.604 of this title and for maintaining liaison with the General Services Administration and otherwise complying with § 1–1.606 of this title. Upon a showing by the head of an Agency that it would be in the public's best interest to make an exception for a particular procurement action and allow an award to a debarred concern or individual, the Debarring Officer may determine that an exception is warranted.

21. In § 29–1.604–1, paragraph (a) is revised to read as follows:

§ 29–1.604–1 Procedural requirements relating to the imposition of debarment.

(a) *Initiation of debarment action.* The Debarring Officer shall determine whether the request for debarment has sufficient merit to warrant further processing. This official shall communicate the decision to the head of the Agency recommending debarment.

(1) *Notice to contractors.* If the Debarring Officer decides further action in the matter is warranted, this official shall send a letter by registered mail, return receipt requested, to notify the concern or individual that debarment is being proposed stating, as a minimum, in addition to the items required in § 1–1.604–1 of this title, the following:

* * * * *

22. The table of contents for Subpart 29–1.7 is revised to delete §§ 29–1.708 and 29–1.708–3, entitled respectively "Certificate of competency program." and "Conclusiveness of certificate of competency.," and to redesignate § 29–1.706–53 as § 29–1.706–3 to conform to FPR numbering. The table of contents reads as follows:

Subpart 29–1.7—Small Business Concerns

Sec.

29–1.702	Small business policies.
29–1.704	Agency program direction and operation.
29–1.704–1	Small business advisor.
29–1.704–2	Small business specialists.
29–1.704–3	Responsibilities of the procurement office.
29–1.705	Procurement set-asides for small business.
29–1.706–3	Withdrawal or modification of set-asides.
29–1.706–50	Procurement set-asides for small business when an SBA representative is not available.
29–1.706–51	General.
29–1.706–52	Review of set-aside recommendations initiated by small business specialist.
29–1.706–53	[Reserved]
29–1.706–54	Small business set-asides for proposed procurement.
29–1.708	[Reserved]
29–1.708–3	[Reserved]
29–1.709	Records and reports.

Sec.

29–1.713	Contracts with the Small Business Administration.
29–1.713–2	Policy.

23. Section 29–1.704–1 is revised to read as follows:

§ 29–1.704–1 Small business advisor.

The Director, Office of Grants, Procurement and ADP Management Policy, OASAM, or designee, under the policy direction of the Assistant Secretary for Administration and Management, is designated as DOL's small business advisor. The small business advisor shall have the responsibility, as a collateral duty, for establishing and implementing the small business program, including the minority business program, and for guiding the small business specialists in executing the program. The advisor will be the central point of contact for inquiries concerning the small business program from industry, the Small Business Administration (SBA), the Congress, and others. Duties shall include developing a plan of operation to increase the share of contracts awarded to small business by DOL.

§ 29–1.704–2 [Amended]

24. In line four of paragraph (b) of § 29–1.704–2, the word "the" should be substituted for the word "his."

25. Paragraph (b) of § 29–1.704–3 is revised to read as follows:

§ 29–1.704–3 Responsibilities of the procurement office.

* * * * *

(b) The procurement office shall insure that bidders' mailing lists identify small business and minority business concerns and that all solicitations state the applicable small business size standard and product classification.

* * * * *

§ 29–1.706–52 [Amended]

26. Section 29–1.706–52 is amended to substitute the word "the" for the word "his" on line eight.

§ 29–1.706–53 [Redesignated and amended]

27. Section 29–1.706–53 is redesignated § 29–1.706–3 to conform with FPR numbering and is amended to substitute the word "Withdrawal" for the word "Withdrawals" in the first line, and to add the words "or she" after the word "he" on the eleventh line.

28. Section 29–1.706–54 is revised to read as follows:

§ 29–1.706–54 Small business set-asides for proposed procurement.

(a) Each proposed procurement for construction estimated to cost between $10,000 and $750,000 shall be set aside for exclusive small business participation. Such set-asides shall be considered to be unilateral small business set-asides, and shall be withdrawn, in accordance with the procedures of § 1–1.706–3 of this title, and § 29–1.706–3 only if found not to serve the best interest of the Government.

(b) Small business set-aside preferences for construction procurements in excess of $750,000 shall be considered on a case-by-case basis.

§§ 29–1.708 and 29–1.708–3 [Deleted]

29. Sections 29–1.708 and 29–1.708–3 are deleted in their entirety.

30. Paragraph (a) of § 29–1.709 is revised to read as follows:

§ 29–1.709 Records and reports.

(a) A semiannual small business report shall be prepared by each procuring activity in accordance with § 1–16.804–3 of this title and shall be forwarded to the Director, Office of Grants, Procurement and ADP Management Policy, OASAM, Attention: ABA, not later than the 30th day following the end of the 6-month and 12-month periods covered respectively by the report.

* * * * *

§ 29–1.709 [Amended]

31. The penultimate line in paragraph (b) of § 29–1.709 is amended to add the word "on" after the word "Report."

32. The introductory paragraph in § 29–1.1002 is amended to read:

§ 29–1.1002 Availability of invitations for bids and requests for proposals.

A contracting officer may limit the availability of publicized unclassified invitations for bids and requests for proposals provided that they are made available for perusal at the issuing office and *Provided, further,* That the contracting officer:

* * * * *

33. The table of contents for Part 29–1 is corrected by deleting the caption "Subpart 29–1.59 [Reserved]."

34. Part 29–1 is corrected by deleting the entry of the part entitled "Subpart 29–1.50 [Reserved]."

35. This new Subpart 29–1.12 entitled "Responsible Prospective Contractors." is added to the DOLPR in lieu of § 29–1.310, to conform the numbering system to that of the FPR. The table of contents for this subpart reads:

Subpart 29–1.12—Responsible Prospective Contractors

Sec.

29–1.1202	General policy.

36. The new subpart reads as follows:

Subpart 29–1.12—Responsible Prospective Contractors

§ 29–1.1202 General policy.

(a) A contracting officer's duty to contract only with a responsible contractor does not preclude that official's disclosing to the contractor those actions the contractor might take to become "responsible" within the meaning of §§ 1–1.1203–1 and 1–1.1203–2 of this title. The contracting officer should consider the use of DOL staff in order to qualify a contractor as responsible only when such assistance is within the spirit of the Small Business Administration's program objectives; or is the only way a marginal organization, for which there is no substitute in a given geographic area, can be made eligible, such as in a program for the disadvantaged.

(b) Such DOL staff assistance can take many forms. In cases of borderline financial responsibility, the contracting officer should encourage the contractor's use of available financing techniques. These include, but are not limited to, performance guarantees, advance payments, or Small Business Administration loans. In cases where either the inadequancy of a contractor's accounting system or the contractor's inability to conform to the requirements of the Equal Opportunity Clause is a barrier to the award of a contract, the contracting officer should consider, on a case-by-case basis, the practicality of arranging for assistance to the contractor. Such assistance may take the form of either staff assistance from the Department or, in instances of an equal opportunity problem, the assistance of the applicable compliance agency. In this manner, the services of specialists could be made available to the contractor, when appropriate, to overcome the obstacle to award.

(c) Nothing herein, however, shall be construed, directly or indirectly, as placing on the contracting officer the burden of always finding a contractor "responsible" or, alternatively, initiating and pursuing a course of action which, with the help of the Department's staff, will lead to a finding of responsibility. Rather, only where the situation warrants it, is it the policy of DOL to encourage positive involvement of a contracting officer in assisting a contractor to become responsible. Where the circumstances clearly warrant a finding of nonresponsibility and also indicate the impracticality of the DOL's attempting to take steps to cure the contractor's deficiencies, it is the policy of the DOL that the contracting officer make a finding of nonresponsibility.

PART 29–2—PROCUREMENT BY FORMAL ADVERTISING

37. The table of contents for Subpart 29–2.1 is revised to delete § 29–2.102–50 entitled "Limitation on procurement by formal advertising." and reads as follows:

Subpart 29–2.1—Use of Formal Advertising

Sec.

29–2.101	Meaning of formal advertising.
29–2.102	Policy.
29–2.102–50	[Reserved].
29–2.102–51	Specification requirement.
29–2.105	Solicitation for informational or planning purposes.

§ 29–2.102–50 [Deleted]

38. Section 29–2.102–50 entitled "Limitation on procurement by formal advertising." is deleted in its entirety.

Subpart 29–2.2 [Amended]

39. The table of contents of Subpart 29–2.2 is amended to correct the caption number "29–2.205–50" to read "29–2.205–5."

JUN 21 1977 UM

§ 29–2.202–1 [Amended]

40. Line 14 of § 29–2.202–1 is amended to substitute "20 or 30 calendar days" for "15 or 30 days."

§ 29–2.202–2 [Amended]

41. Line nine of the provision required in § 29–2.202–2 is amended to substitute the word "the" for the word "he."

42. Section 29–2.202–3 is revised to read:

§ 29–2.02–3 Place and method of delivery of supplies.

To the maximum extent practical, invitations for bids issued by DOL shall stipulate "f.o.b. destination." Only where it is determined to be in the Government's best interest, may the contracting officer deviate from this policy.

§ 29–2.202–52 [Amended]

43. Line 11 of paragraph (a) of § 29–2.202–52 is amended by substituting the words "the contracting officer" for the word "he."

44. Section 29–2.202–53(a) is amended to read:

§ 29–2.202–53 Prebid conference.

(a) *General.* A prebid conference is a procedure, generally reserved for complex procurements, whereby prospective suppliers (and their subcontractors, if known) are invited to a metting, presided over by the contracting officer, where there is discussed any unusual aspect of a particular procurement for which an invitation for bids (IFB) or a request for proposals (RFP) has been issued. Whenever the contracting officer deems it in the DOL's best interest (but only, in the case of IFB's, after approval of the Director, Administrative Programs and Services, Office of the Assistant Secretary for Administration and Management) a prebid conference is authorized.

* * * * *

§ 29–2.205–50 [Amended]

45. The heading for § 29–2.205–50 entitled "Release of bidders mailing lists" is corrected to read, "29–2.205–5 Release of bidders mailing lists."

§ 29–2.301 [Amended]

46. Line two of § 29–2.301 is amended to substitute the words "or the bidder's" for the word "his."

47. Section 29–2.303–1 is amended to read as follows:

§ 29–2.303–1 General.

The contracting officer may not alter the late bid regulations and procedures of § 1–2.303 of this title or in this § 29–2.303 in response to a bidder's argument either that the bid is only slightly late (e.g., several minutes) or that none of the other bidders has been prejudiced by the late bid.

§ 29–2.402 [Amended]

48. Section 29–2.402 is amended to substitute the word "representatives" for "representative" on line 11 and to delete the word, "his" on line 21.

49. Section 29–2.402–50 is amended to correct pronouns limiting gender and reads:

§ 29–2.402–50 Firm-bid rule.

Under the "firm-bid rule," a bidder is bound after the bid opening by the bid submitted and may not, in the absence of the exceptions provided in the mistakes in bids procedures of § 1–2.406 of this title, withdraw the bid prior to the time of award or until after the expiration of the period provided in the bid for bid acceptance. It is the Department's policy, on the other hand, that it will not be bound by its invitation for bids, except that if it does make an award based on bids submitted in response to its invitation, it must award to that responsible supplier submitting the lowest responsive bid. Aside from that, however, the Department will not be bound by any bid it receives. The Department's preferred position is justified judicially on the basis that laws concerning the advertising and award of public contracts may be construed as primarily for the Government's own benefit and protection. Therefore, no bidder acquires any enforceable rights from the Department until the valid acceptance of the bid by an official authorized to do so. The mere submission of a bid does not, in and of itself, bestow a right or grant an interest in any prospective procurement.

§ 29–2.402–52 [Amended]

50. Section 29–2.402–52 is amended to substitute the word "a" for the word "his" in line two of paragraph (a); to substitute the word "conducive" for the word "conductive" in line seven of paragraph (b); and to substitute the word "that official" for the word "he" in line three of paragraph (c).

§ 29–2.404–1 [Amended]

51. Section 29–2.404–1 is amended to delete the word, "he" on line five.

§ 29–2.407–3 [Amended]

52. Section 29–2.407–3 is amended to delete the words, "or requests for proposals" on lines one and two.

53. Section 29–2.407–8 is amended to delete pronouns limiting gender and reads:

§ 29–2.407–8 Protests against award.

(a) *Protests before award.* If, after bid opening but prior to award, a protest against award has been lodged and it is necessary to make an award before the matter is resolved, the contracting officer shall obtain and place in the file the written approval of the head of the agency. Prior to making an award, the head of the agency will inform the Comptroller General of the Department's intent to award and obtain advice from the Comptroller General concerning the status of the protest in accordance with § 1–2.407–8(b) of this title.

(b) *Protests after award.* In the event of a protest after award, consideration of its merit and a determination regarding its resolution, including any required reports to the Comptroller General, shall be made by the head of the agency and, where required, that official shall obtain assistance from the Solicitor.

PART 29–3—PROCUREMENT BY NEGOTIATION

54. The table of contents for Subpart 29–3.1 is revised to delete § 29–3.101–50 entitled "Late proposals" and reads as follows:

Subpart 29–3.1—Use of Negotiation

Sec.

29–3.100 Scope of subpart.
29–3.100–50 Other procedures applicable to negotiated procurements.
29–3.101 General requirements for negotiation.
29–3.101–50 [Reserved]
29–3.101–51 Limitations on use of requests for quotations.
29–3.103 Dissemination of procurement information.

§ 29–3.100–50 [Amended]

55. Section 29–3.100–50 is amended to correct the entry in the list of applicable sections to read "1–2.407–2—Responsible bidder—reasonableness of price."

§ 29–3.101–50 [Deleted]

56. Section 29–3.101–50 entitled "Late proposals." is deleted in its entirety.

57. Section 29–3.103(a) is amended to read as follows:

§ 29–3.103 Dissemination of procurement information.

(a) During the interval between the initiation of the request for proposals and the making of an award, the limitations on communication between DOL representatives, procurement and otherwise, and prospective suppliers shall be the same as those provided in § 29–2.202–52 of this chapter for formally advertised solicitations. Moreover, no prospective supplier shall be given an advantage over competitors of advance knowledge that proposals are to be requested.

* * * * *

58. The table of contents for Subpart 29–3.2 is revised to amend § 29–3.203 and to add new §§ 29–3.205 and 29–3.205–50, and §§ 29–3.210 and 29–3.210–50 which are redesignated and transferred from § 29–1.3. The revised table of contents reads as follows:

Subpart 29–3.2—Circumstances Permitting Negotiation

Sec.

29–3.202 Public exigency.
29–3.203 Purchases not in excess of $10,000.
29–3.204 Personal or professional services.
29–3.204–50 Criteria for determining whether services are personal.
29–3.205 Services of educational institutions.
29–3.205–50 Limitations.
29–3.210 Impracticable to secure competition by formal advertising.
29–3.210–50 Noncompetitive procurements.
29–3.211 Experimental development, or research work.

59. Section 29–3.202 is revised to read as follows:

§ 29–3.203 Purchases not in excess of $10,000.

When determining whether or not the amount involved in any one transaction exceeds $10,000, the full or gross purchase price is controlling. Any prompt payment discount or the trade-in value of any article (to be offered to the vendor in exchange) is not to be deducted to qualify a procurement for the exception of § 1–3.203 of this title.

§ 29–3.204—50 [Amended]

60. Section 29–3.204–50 entitled "Criteria for determining whether services are personal." is amended by deleting the word "his" on line three, and by substituting the words "the contracting officer" for the word "he" on line five.

61. Section 29–3.205 is added and reads as follows:

§ 29–3.205 Services of educational institutions.

§ 29–3.205–50 Limitations.

(a) This authority shall be used only for the procurement of or the issuance of grants for specialized noncommercial services which are customarily performed by educational institutions. Use of this authority for any services other than those listed in § 1–3.205(a) of this title shall require a written determination with supporting facts by the head of the procuring activity that the particular type of service is available only from educational institutions.

(b) Proposals shall be solicited from as many educational institutions as are known to possess the required capability. This shall be consistent with § 1–3.101(c) of this title. Solicitation of a single educational institution shall require a written justification for sole source procurement in accordance with the requirements of § 29–3.210 of this chapter.

(c) Where the circumstances of both paragraphs (a) and (b) of this section pertain in the same case, the required determinations shall be combined and made by the head of the procuring activity.

62. Section 29–3.210 is added and reads as follows:

§ 29–3.210 Impracticable to secure competition by formal advertising.

§ 29–3.210–50 Noncompetitive procurements.

(a) It is a basic Department of Labor procurement policy that the selection of contractors shall be based on competition among responsible suppliers. This requirement for maximum competition exists regardless of whether the procurement is formally advertised or negotiated. However, there are circumstances where one organization or individual has exclusive or predominant capability by reason of experience, specialized facilities, or technical competence to perform the work within the time required and at a reasonable price. To insure that DOL procurements conform fully with the basic policy prescribing competitive procurement, any proposed noncompetitive procurement in excess of $10,000 must be fully justified and approved by the Assistant Secretary for Administration and Management or, in the case of research contracts of $25,000 or more, by the Assistant Secretary for Policy, Evaluation and Research. The contracting officer is responsible for assuring that proposed noncompetitive procurements below these dollar levels are in compliance with FPR requirements regarding maximum competition.

(b) The DOL recognizes that noncompetitive awards may be made where the items or services are unique; where time is of the essence and only one known source can meet the Government's needs within the required time frame; where it is impossible to draft for an invitation for bids adequate specificatons or any other adequately detailed description of the required property or services; or where it is necessary that the desired items manufactured by one source be compatible and interchangeable with existing equipment. In the event that a nonprofit, tax-exempt, or volunteer citizens' group falls within one of the preceding examples, a noncompetitive procurement may be justified. However, there is no authority justifying a sole source procurement when the factors are based solely on a firm's status as either a nonprofit organization, a tax-exempt entity, or a volunteer citizens' group. In addition, there is no authority justifying a sole source procurement on the basis that a firm can perform the services with greater ease than any other firm.

(c) Where follow-on contracts are anticipated, sufficient data should be obtained to permit competition of later contracts. In study or research contracts, where practical, the contractor's work papers shall be stipulated as a deliverable end product along with the final report. Work papers may supply sufficient background so that competition may be possible for future procurements of research effort based on a previously delivered final report of a study or research contract.

63. Section 29–3.211 is amended to delete pronouns limiting gender and reads:

§ 29–3.211 Experimental, developmental, or research work.

The determination referred to in § 1–3.211 of this title shall be made by the head of the procuring activity for requirements of $25,000 or less. Otherwise the head of the procuring activity shall forward the matter together with recommendations to the head of the agency for that official's determination.

§ 29–3.305 [Amended]

64. Section 29–3.305 is amended to correct the FPR reference on line six by substituting "§ 1–3.305" for "§ 1–2.305."

§ 29–3.404–4 [Amended]

65. Section 29–3.404–4 is amended to correct a typographical error. On line 10, the word "provide" should be substituted for the word "provides."

§ 29–3.404–7 [Amended]

66. Section 29–3.404–7 is amended to substitute the words "the individual" for the word "he" on line 19 of the section, and to substitute a semicolon for the comma on line 22.

67. Section 29–3.405–5 is revised to reorganize content, correct the title of an official, and correct typographical errors, and reads as follows:

§ 29–3.405–5 Cost-plus-a-fixed-fee contract.

(a) *Limitations.* There is no departmentwide fixed-fee ceiling schedule other than the limitations imposed in § 1–3.405–5(c)(2) of this title. Within those limitations, the head of each procuring activity may establish a fee ceiling for the activity.

(b) *Administrative limitations.* In addition to the statutory limitations described in § 1–3.405–5(c)(2) of this title, fees under cost-plus-a-fixed-fee type contracts are subject to the administrative limitations set forth below:

(1) Nine percent of the estimated cost, exclusive of the fee, for any cost-plus-a-fixed-fee contract for experimental, evaluation, developmental, or research work; or

(2) Six percent of the estimated cost, exclusive of the fee, for any other cost-plus-a-fixed-fee contract. Fixed fees within the limitations imposed by § 1–3.405–5(c)(2) of this title and in excess of those cited herein shall be submitted to the Director, Office of Grants, Procurement and ADP Management Policy, OASAM, Washington, D.C., 20210, Attn: ABA, for approval. The request for approval shall include a detailed justification setting forth the rationale supporting the proposed fee in terms of the factors prescribed in § 1–3.808–2 of this title.

(c) *Contractor's investment in work-in-process.* The head of each procuring activity has been delegated the authority to make the determination described in § 1–3.405–5(d)(1)(ix) of this title.

68. Section 29–3.405–50 is amended to correct grammatical and typographical errors, and reads:

§ 29–3.405–50 Cost-plus-award-fee contract.

(a) *Description.* The use of this type of cost-reimbursement contract is relatively new and stems from the desire on the part of the Government to introduce incentives into cost-reimbursement contracting situations where finite measures of performance necessary for cost-plus-incentive-fee contracts are absent. The use of this type of contract requires a willingness on the part of the contractor to accept a unilateral Government determination of a suitable level of fee for the performance of the contract. By terms of the contract, this determination by the Government of the fee is excluded from the scope of the Disputes clause. The contractor's performance itself is measured against criteria included in the contract. The contractor's performance relative to these criteria is a subject for discussion between the parties at various

JUN 21 1977 UM

intervals during the period of contract. The mechanics of the fee determination are unusual in that two fee elements are involved. First, there is a fee in a fixed amount or "base" fee. Second, there is a fee that is variable, the "award" fee. Maximizing the second part of the fee is the basis of the contractor's motivation to be responsive to the results of progress discussions at the periodic reviews of the contractor's performance.

(b) *Application.* The cost-plus-award-fee contract shall not be used where it is clear that a cost-plus-a-fixed-fee or cost-plus-incentive-fee contract is more appropriate.

(c) *Limitations.* The base fee shall not exceed 3 percent of the estimated cost of the contract exclusive of fee. The maximum fee (base fee plus award fee) shall not exceed the limits in §§ 1-3.405-5(c)(2) of this title, and 29-3.405-5(b).

§ 29-3.406-1 [Amended]

69. In § 29-3.406-1, line six is amended to substitute the word "are" for the word "is."

§ 29-3.409 [Amended]

70. Section 29-3.409 entitled "Indefinite delivery type contracts." is amended to correct typographical errors as follows:

(a) In line five of paragraph (a)(1), the word "exist" is substituted for the word "exists."

(b) Paragraphs (b) and (c) are amended to delete subparagraph headings and read:

(b) *Requirements contract.* This is another form of term contract wherein, for the full duration of the specific contract period, all the needs for a particular item or service are placed with a contractor by a simple order. Each order incorporates the terms and conditions of the basic requirements contract under which the order is placed. Procuring activities using this contract form shall stipulate a maximum quantity beyond which the contractor is not obligated to deliver the items that may be ordered under the contract. In addition, where possible, such contracts shall obligate the Department, by guarantee or otherwise, to order some stated minimum amount of the item in question, thus converting it to an indefinite quantity contract as defined in § 1-3.409(c) of this title. This will thereby protect the Department in the event of drastic changes in the demand or supply of the item or in the event of a technological breakthrough. In the absence of an obligation on the Department to procure a minimum quantity, funds are only obligated when a particular order is placed. The order, therefore, becomes the obligating document and must contain appropriation symbols and dollar amounts.

(c) *Indefinite quality contract.* When used, this contract can only obligate funds covering the low (i.e., the minimum or guaranteed) end of the range of quantities the Department can purchase. Where there is no obligation on the Department to procure a minimum quantity and where payment is to be made from a central revolving fund (e.g., "Working Capital Fund"), the basic contract award shall state that the appropriation data cited is not for the purpose of indicating the obligation, but rather that the money reserved for the purpose of paying invoices under the contract is being identified.

71. The table of contents for Subpart 29-3.6 is amended to add a new § 29-3.604-5 entitled "Limitations" and reads as follows:

Subpart 29-3.6—Small Purchases

29-3.602	Policy.
29-3.602-50	Purchasing authority.
29-3.603	Competition.
29-3.603-1	Solicitation.
29-3.603-2	Data to support small purchases.
29-3.604	Imprest funds (petty cash) method.
29-3.604-3	Agency responsibilities.
29-3.604-4	Use of imprest funds.
29-3.604-5	Limitations.
29-3.604-6	Procurement and payment.
29-3.604-50	Designation of cashiers.
29-3.604-51	Instructions for cashiers.
29-3.604-52	Accountability of imprest funds.
29-3.605	Purchase order forms.
29-3.605-3	Agency order forms.
29-3.605-50	Cancellation of purchase orders.
29-3.605-51	Duplicate purchase orders.
29-3.606	Blanket purchase arrangements.
29-3.606-1	General.
29-3.606-3	Establishment of account.
29-3.606-4	Documentation.

72. Paragraph (b) of § 29-3.602-50 is amended to update references and reads:

§ 29-3.602-50 Purchasing authority.

* * * * *

(b) *Delegations.* See § 29-1.401(c) of this chapter.

73. Paragraphs (a) and (c) of § 29-3.603-1 are revised to read as follows:

§ 29-3.603-1 Solicitation.

(a) Quotations or offers for purchases estimated not to exceed $5,000 may be solicited by use of written request, telegrams, telephone, or "in-person" contact, whichever is considered by the purchasing officer to be the most appropriate for the particular transaction. Quotations or offers for purchases estimated to exceed $5,000 must be in writing and in accordance with § 1-3.603-1(d) of this title and § 1-16.201 entitled "Request for Quotations."

* * * * *

(c) In the absence of urgency, and where the estimated dollar amount of the purchase is between $1,000 and $10,000, quotations shall be obtained from at least three sources of supply.

74. Section 29-3.604-4 is revised to incorporate the GSA authorization to use the imprest fund to make payments to common carriers and reads:

§ 29-3.604-4 Use of imprest funds.

Purchases made from imprest funds shall follow the policy of purchasing satisfactory merchandise at fair prices without favoritism to any vendor. The item to be purchased, its price, and the quantity involved generally govern the action to be taken. If a special item costing only a few dollars is required, a minimum amount of time and expense should be devoted to consummating the transaction. However, where feasible, purchases should be made from firms offering prices most advantageous to the Department. A vendor may be reimbursed by a payment from imprest funds for the cost of the supplies and the parcel post or other delivery charges which the vendor has already prepaid. Payments to common carriers for line haul transportation are allowable up to $100.00.

75. Section 29-3.604-5 is added and reads as follows:

§ 29-3.604-5 Limitations.

Officials responsible for small purchases should consider the use of imprest fund procedures for purchases amounting to $150 or less.

76. Section 29-3.604-6 is amended to change organization terms and correct typographical errors in paragraphs (a) through (e) which read as follows:

§ 29-3.604-6 Procurement and payment.

Purchases through use of imprest funds shall be accomplished as follows:

(a) Requisitioning offices shall submit a requisition, DOL Form D/L 1-1, to the Department's imprest fund cashier showing necessary information such as estimated cost, unit of issue, quantity, description, delivery requirements, and appropriation chargeable.

(b) The imprest fund cashier shall prepare D/L Form 1-110 showing appropriate information.

(c) If the method of purchase is cash upon delivery of merchandise, the vendor's representative will sign D/L Form 1-110 indicating receipt of cash and will be furnished a copy of the form. One copy shall be forwarded to the requisitioning office and the original and two copies shall be retained by the imprest fund cashier.

(d) If the method of purchase requires pickup of the merchandise, Form D/L 1-110 is to be signed by the DOL representative authorized to make the actual purchase upon receipt of the cash by this individual. One copy shall be retained by the imprest fund cashier. The original and three copies shall be submitted to the vendor who shall sign the four copies upon supplying the merchandise and receiving the cash. The vendor may retain one copy. The DOL representative shall return the original and two copies to the imprest fund cashier as well as cash register receipt, sales slip, or invoice, whichever shall be furnished by the vendor. Any excess funds are returned to the cashier at this time. One copy of Form D/L 1-110 shall be forwarded to the requisitioning office, and the imprest fund cashier shall retain the original and two copies.

(e) A purchase for which cash is advanced must be confirmed and the receipt returned not later than the fifth working day following the date of the advance; otherwise, the cashier shall take immediate action to recover the cash advanced.

* * * * *

77. Section 29-3.604-51 is amended to delete the pronoun limiting gender and to correct typographical errors and reads:

§ 29-3.604-51 Instructions for cashiers.

Prescribed procedures for operating an imprest fund are contained in the Treasury Department "Manual of Procedures and Instructions for Cashiers Operating under Executive Order No. 6166." This manual is furnished by the Treasury Department for use by each person who is designated as a cashier.

§ 29-3.605-50 [Amended]

78. Line eight of § 29-3.605-50 is amended by substituting the words "the vendor's" for the word "his."

§ 29-3.605-51 [Amended]

79. Line five of § 29-3.605-51 is amended by substituting the words "the vendor's" for the word "his."

§ 29-3.606-4 [Amended]

80. Line four of § 29-3.606-4 is amended by substituting the words "the vendor" for the word "him."

§ 29-3.705 [Amended]

81. In § 29-3.705, line three of paragraph (a) is amended by substituting the words "the contracting officer" for the word "he."

§ 29-3.707-50 [Amended]

82. In § 29-3.707-50, paragraph (b) is amended by deleting the word "his" from the next to the last line of that paragraph.

83. The table of contents for Subpart 29-3.8 is revised to add new entries and reads as follows:

Subpart 29-3.8—Price Negotiation Policies and Techniques

Sec.	
29-3.802	Preparation for negotiation.
29-3.805-50	Criteria for award.
29-3.805-51	Evaluation of technical proposals.
29-3.805-52	Competitive range.
29-3.805-53	Conduct of discussions.
29-3.805-54	Selection of contractor.
29-3.809	Contract audit as a pricing aid.
29-3.809-50	Procedures.

84. Section 29-3.802 is revised and reads as follows:

§ 29-3.802 Preparation for negotiation.

(a) *General.* At no time shall a prospective offeror be advised in the Request for Proposals (RFP) or otherwise furnished the Department's cost estimate or the amount of funds it has available to effect a particular procurement. In addition, RFP's shall avoid any statement which, while not indicating a specific sum, indicates a range within which that sum may be determined. Exceptions to the above policy shall be limited to the extremely unusual circumstance wherein the parameters of a study proposal are necessarily vague. In such case, the Director, Office of Grants, Procurement and ADP Management Policy, OASAM, may authorize the publication in the RFP, or otherwise, an indication of what the Department considers an estimate of either the range in costs or professional labor time (e.g., 2 to 3 work-years) which the contractor will be required to expend to perform the work contemplated. Such range will never be narrowed to the point where the maximum is less than 50 percent more than the minimum. This exception, when authorized, shall be accompanied by suitable language in the form of a disclaimer as to any guarantee of the accuracy of the Department's estimate and inviting proposals, even if they contradict the Department's estimate, with the concomitant assurance that proposals outside the estimated range of the Government's estimate will not be rejected solely for that reason.

(b) *Request for Proposals.* (1) the RFP shall require that the proposal be in two parts: a "Technical Proposal" and a "Business Proposal." Each proposal shall be separate and complete in itself so that evaluation of one may be accomplished independently of and concurrently with the other. The RFP shall provide that the "Technical Proposal" not contain any reference to cost. However, it shall provide that resource information such as data concerning labor hours and categories, materials, subcontracts, travel, and computer time shall be included in the "Technical Proposal" so that the offeror's understanding of the scope of work may be evaluated.

(2) The instructions to the offerors concerning the "Business Proposal" shall require submission of cost information in sufficient detail to allow a complete cost analysis. (See § 1-3.807-3 of this title for requirements for cost or pricing data.) Categories and amounts of labor, materials, travel, and computer time, as well as information with regard to contractor past performance (including contracts or subcontracts for like services or supplies), financial capacity, certifications and representations, and other pertinent administrative and business information should also be requested.

(3) Evaluation criteria must be developed by technical personnel at the time of initiation of the procurement request for inclusion by the contracting officer in the RFP. These criteria and their relative importance or weight require the exercise of judgment on a case-by-case basis, since the criteria must be tailored to the requirements of each particular procurement. These criteria must be submitted to the contracting officer in sufficient time to allow for this review before the issuance of the request for proposals. Since these criteria will serve as the standards against which all proposals will be evaluated, it is imperative that they be chosen carefully to emphasize those factors considered to be critical to the selection of a contractor.

85. Section 29-3.805-50 is revised to read as follows:

§ 29-3.805-50 Criteria for award.

(a) The RFP must set forth all significant matters which affect the opportunities of suppliers to compete on an equal basis, including any special evaluation factors. Evaluation factors are defined as (1) any minimum standards which will be required with respect to any particular element of the procurement, as well as (2) reasonably definite information as to the degree of importance to be given particular factors in relation to one another. Although a mathematical formula need not be used in the evaluation process, when the numerical rating is used, the RFP must inform the offerors of the major factors to be considered and the broad scheme of scoring to be used.

(b) An example of a mathematical evaluation process is set forth herein. The evaluation factors are examples only and should be changed to meet the particular needs of the individual request for proposals.

CRITERIA FOR AWARD

Prospective suppliers are advised that the selection of an offeror for contract award is to be made after a careful evaluation of the proposals received by a panel of specialists within the Department. Each panelist will evaluate the proposals for acceptability with emphasis on the various factors enumerated below, assigning to that factor a numerical weighting within the range shown for each of these factors. The scores will then be averaged to select an offeror or develop a list of offerors.

Negotiations will be initiated, if necessary, with one or more of the offerors within the competitive range, as the situation warrants, beginning with the head of the list, i.e., the offeror with the highest score, determined by the factors shown below:

	Points
A. Supplier's collective experience as it relates to the work required by the proposed contract	1-20
B. Educaton and experience of supplier's key personnel as they relate to the work required by the proposed contract	1-20
C. Supplier's resources and facilities	1-20
D. Planned approach in accomplishing the proposed work and its indication of the supplier's understanding of the work required	1-40

NOTE.—While proposed cost will usually not be point-scored in evaluation of proposals in response to an RFP, the overall cost proposal will be analyzed and examined relative to the decision regarding the award of the procurement. The RFP should inform offerors of the cost factor's relative importance—whether the procurement is intended to achieve a minimum standard of technical excellence at the lowest cost, or whether cost is considered secondary to technical excellence.

(c) Whenever the contract is to have a fixed price, price may not be disregarded in selecting a contractor. This is particularly true where more than one acceptable offer from technically qualified sources remains for consideration after conduct of negotiations. If a lower priced, lower scored offer meets the Government's needs, acceptance of a higher priced, higher scored offer shall be supported by a specific determination by the contracting officer that the technical superiority of the higher priced offer warrants the additional cost involved in the award of a contract to that offeror.

(d) For award of cost-reimbursement contracts, the estimated costs and proposed fees shall not be the controlling factors where offerors are not substantially equal on a technical basis. How-

JUN 21 1977 UM

ever, where offerors are substantially equal as to technical ability and resources, the price becomes the controlling factor, and the contract should be awarded to the lowest offeror. The award of cost-reimbursement contracts requires procurement personnel to exercise informed judgments as to whether submitted proposals are realistic with regard to proposed costs and technical approaches.

(e) The RFP evaluation criteria shall not be modified except by a formal amendment to the RFP.

86. Section 29–3.805–51 is added and reads as follows:

§ 29–3.805–51 Evaluation of technical proposals.

(a) The technical proposals received by the contracting officer shall be forwarded to the technical evaluators for evaluation; the business portion of the proposals shall be retained by the contracting officer for evaluation.

(b) The technical evaluators shall evaluate each proposal in strict conformity with the evaluation criteria of the RFP and shall assign each proposal a score. A technical ranking shall then be compiled. The technical evaluators shall then identify each proposal as either acceptable or unacceptable. Predetermined cutoff scores shall not be employed.

(c) The technical evaluators shall then determine whether any proposal which has been rated as unacceptable might be considered acceptable upon the furnishing of clarifying data by the offeror, and the contracting officer will be so informed. The contracting officer will arrange for the submission of clarifying data in writing or by consultation, and furnish it to the technical evaluators for their consideration.

(d) It is essential to the competitive procurement process that all information contained in offerors' proposals be maintained in strict confidence. In no event, during the evaluation period, shall any offeror be told the number of proposals received, prices, cost ranges, or the Government cost estimate. Discussions with offerors relative to any aspect of the procurement shall be held only with the contracting officer or his authorized representative.

(e) A technical evaluation report shall be prepared and signed by the technical evaluators, furnished to the contracting officer, and maintained as a permanent record in the contract file. The report shall reflect the scoring of each proposal and the ranking of the proposals, and shall identify each proposal as acceptable or unacceptable. The report shall also include a narrative evaluation specifying the strengths and weaknesses of each proposal, and any reservations or qualifications that might bear upon the selection of sources for negotiation and award. Concrete technical reasons supporting a determination of unacceptability with regard to any proposal shall be included.

87. Section 29–3.805–52 is added and reads as follows:

§ 29–3.805–52 Competitive range.

The competitive range consists of the proposals of those offerors which, based either on an evaluation by a mathematical formula or by other means, are grouped more or less at the same level and are competitive with one another. In all cases it is important that the criteria used in establishing a competitive range be meaningful and realistic and in no way arbitrary. Determining firms which are and firms which are not within a competitive range is a matter of administrative discretion which must be exercised in a reasonable manner. A determination of the limits of the competitive range requires the comparison of each proposal against the other proposals. Therefore, there is no way to predetermine the number of or percentage of proposals that will be competitive with one another. The limits of what constitutes competitive range in a particular case is a judgment matter for determination by the contracting officer. Such discretion will be reasonable and justified and shall not be exercised in an arbitrary or capricious manner.

88. Section 29–3.805–53 is added and reads as follows:

§ 29–3.805–53 Conduct of discussions.

(a) In accordance with § 1–3.805–1(a) of this title, where discussions or other negotiations are to be conducted, the contracting officer must negotiate regarding the work to be performed, the cost or price of the work, and other relevant topics with all those offerors within the competitive range.

(b) The contracting officer shall point out to each such offeror the ambiguities, uncertainties, and deficiencies, if any, in its proposal. This official shall give each offeror a reasonable opportunity (with a common cutoff date for all) to support, clarify, correct, improve, or revise its proposal. Discussions with one offeror will not identify areas in which another has apparently achieved a higher evaluation or provided more detail. Nor will information be transmitted by the Government which could give one offeror a competitive advantage over another. Cost estimates made by the Government will not be disclosed.

(c) Careful judgment will be exercised in determining the extent of discussions. In some cases, good business practice may require more than one round of discussions with all of the offerors within the competitive range. The time available, the expense and administrative limitations, and the size and significance of the procurement should all be considered in deciding on the type, duration, and depth of the discussions.

(d) In order to terminate negotiations properly, the contracting officer shall advise each offeror within the competitive range that (1) negotiations are being conducted, (2) offerors are being asked for "best and final offer," not merely to confirm or reconfirm prior offers, and (3) any revision or modification of proposals must be submitted by the cutoff date.

89. Section 29–3.805–54 is added and reads as follows.

§ 29–3.805–54 Selection of Contractor.

After the close of discussions and the receipt of any addenda to proposals, the contracting officer shall determine whether another technical evaluation is required prior to award. The contracting officer shall then select for award the offeror or offerors whose proposal(s) offers the greatest advantage to the Government, cost or price, technical and other factors considered.

90. Section 29–3.809–50 is revised to read as follows:

§ 29–3.809–50 Procedures.

The Assistant Secretary for Administration and Management shall perform or obtain reviews of indirect cost data in the establishment of provisional and fixed overhead rates and the performance of audits as a pricing aid upon request of a head of a procuring activity. All such requests shall be in writing and shall be directed to the Director of Audit and Investigations in Washington, D.C. or to the Regional Administrator for Audit in the regions. Requests shall (a) describe the problem, (b) specify the purpose to be served by the audit, and (c) indicate the audit scope and depth desired.

91. Part 29–12 is revised to correct errors in assigned subpart and paragraph numbers, to delete pronouns limiting gender, and to update organizational information, and reads as follows:

PART 29–12—LABOR

Subpart 29–12.12—Williams-Steiger Occupational Safety and Health Act of 1970

Sec.
29–12.1250 Scope of subpart.
29–12.1251 Basic protection.
29–12.1252 Applicability.
29–12.1253 Contract clause.
29–12.1254 Notice of award.

AUTHORITY: 80 Stat. 379, 5 U.S.C. 301; sec. 207, 76 Stat. 29, 42 U.S.C. 2587; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; and sec. 204(a), 81 Stat. 888, 42 U.S.C. 639.

Subpart 29–12.12—Williams-Steiger Occupational Safety and Health Act of 1970

§ 29–12.1250 Scope of subpart.

This subpart extends the standards and policies of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) to persons who are receiving occupation or job training under Department of Labor contracts but who are not employees of the contractor.

§ 29–12.1251 Basic protection.

This Occupational Safety and Health Act of 1970 provides the following basic protection for employees:

(a) It requires the employer to furnish to each employee employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employees.

(b) It requires the employer to comply with occupational safety and health standards promulgated under the Act which are published in Chapter XVII of Title 29, Code of Federal Regulations.

§ 29–12.1252 Applicability.

The Department of Labor shall require its contractors providing occupational and job preparation training to persons who are not employees to protect such persons as though they were employees with respect to the provisions of Federal or State occupational safety and health standards, as applicable.

§ 29–12.1253 Contract clause.

The following clause shall be included in all contracts with the Department of Labor which provide for occupational or job preparation training (including basic education, counseling, personal and cultural development, recreational activities, and work-experience training) when the trainees are not employees of the contractor:

OCCUPATIONAL SAFETY AND HEALTH ACT

(a) In the performance of this contract, the contractor agrees to provide all trainees, who are not employees, with safety and health protection which shall be at least as effective as that which would be required under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) if the trainees were employees of the contractor thereunder.

(b) All records pertaining to injuries and illnesses of trainees who are not employees shall be maintained in accordance with the provisions of Part 1904 of Title 29 of the Code of Federal Regulations.

(c) Contractor agrees to include the substance of this clause in all subcontracts which provide for the training of persons who are not employees of the subcontractor.

(d) Failure of the contractor to comply with the provisions of this clause shall be grounds for the termination of this contract or the invocation of the "Debarred, Suspended, and Ineligible Bidders" procedures of the Federal Procurement Regulations and the Department of Labor Procurement Regulations.

§ 29–12.1254 Notice of award.

Contracting officers of the Department of Labor shall submit a notice of award of a contract containing the clause in § 29–12.1253 to the Occupational Safety and Health Administration (OSHA) Regional Administrator within the region where the contract is to be performed at the following addresses:

REGION I

Regional Administrator, OSHA, U.S. Department of Labor, John F. Kennedy Federal Building, Government Center, Room 1804, Boston, Mass. 02203.

REGION II

Regional Administrator, OSHA, U.S. Department of Labor, 1515 Broadway (1 Astor Plaza), Room 3455, New York, NY 10036.

REGION III

Regional Administrator, OSHA, U.S. Department of Labor, Suite 2100, 3535 Market Street, Philadelphia, PA 19104.

REGION IV

Regional Administrator, OSHA, U.S. Department of Labor, 1375 Peachtree Street, N.E., Suite 587, Atlanta, GA 30309.

REGION V

Regional Administrator, OSHA, U.S. Department of Labor, 230 S. Dearborn Street, Room 3263, Chicago, IL 60604.

REGION VI

Regional Administrator, OSHA, U.S. Department of Labor Room 602, 555 Griffin Square Building, Dallas, TX 75202.

REGION VII

Regional Administrator, OSHA, U.S. Department of Labor, 911 Walnut Street, Room 3000, Kansas City, MO 64106.

REGION VIII

Regional Administrator, OSHA, U.S. Department of Labor, Room 15010, 1961 Stout Street, Denver, CO 80202.

REGION IX

Regional Administrator, OSHA, U.S. Department of Labor, Room 9470, Federal Building, 450 Golden Gate Avenue, Seattle, WA 94102.

REGION X

Regional Administrator, OSHA, U.S. Department of Labor, Room 6048, 909 First Avenue, Seattle, WA 98174.

92. Section 29–26.400 is amended to correct an FPR reference and to provide for changes in organizational terms, and reads as follows:

§ 29–26.400 Scope of subpart.

This subpart prescribes the policy and procedures for execution of novation agreements and change of name agreements by a single Agency and novation or change of name agreements affecting more than one Agency. (See also § 1–30.710 of this title on assignment of claims in case of transfers of business or corporate mergers.)

93. Section 29–26.404–50 is amended to provide for changes in organizational titles and terms and reads as follows:

§ 29–26.404–50 Processing novation and change of name agreements.

(a) The Agency(ies) processing a proposed novation agreement shall promptly provide notice of the proposed agreement, including lists of affected contracts which are required by § 1–26.402(c)(2) of this title, to the Agencies having contracts with the contractor or contractors concerned. Such notice shall be transmitted to the addresses listed herein as appropriate:

Directorate of Administrative Programs and Services, OASAM, Attn: ACBB.
Office of Policy, Evaluation and Research, Employment and Training Administration, Attn: TP.
Office of National Programs, Employment and Training Administration, Attn: TDX.
Office of Field Operations, Employment and Training Administration, Attn: TG.
Regional Coordination Staff, OASAM, Attn: AH.
Bureau of International Labor Affairs, Attn: IA.
Bureau of Labor Statistics, Attn: BA.

(b) All novation agreements and change of name agreements, prior to execution by the Department, shall be reviewed by the Solicitor's Office for legal sufficiency.

(c) If the Agency(ies) does not object to the proposed novation agreement within 30 days after receipt of notice, the initiating Agency shall assume acceptance of the proposed agreement.

(d) When more than one Agency has outstanding contracts with the contractor or contractors, a single agreement covering all such contracts shall be executed by the Agency having the largest unsettled dollar balance with the contractor or contractors.

(e) A signed copy of the executed novation agreement or change of name agreement shall be forwarded to the contractor; a signed copy shall be retained in the Agency executing the agreement; and, where more than one Agency is involved, two conformed copies of the agreement shall be prepared for each affected Agency. In addition, there shall be attached to each of the conformed copies of the agreement for each affected Agency a summary of the agreement and a complete list of the contracts affected.

PART 29–51—PROVISIONS REGARDING AWARDS TO CONTRACTORS AND GRANTEES EMPLOYING FORMER DEPARTMENT OF LABOR EMPLOYEES

94. Part 29–61 is deleted in its entirety.

Signed at Washington, D.C., this 15th day of June 1977.

ALFRED M. ZUCK,
Assistant Secretary for Administration and Management.

[FR Doc.77–17639 Filed 6–20–77;8:45 am]

JUN 21 77
UM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-108]

NATURAL GAS PIPELINE CO. OF AMERICA

Supplemental Emergency Order

By order issued June 3, 1977, Natural Gas Pipeline Company of America (Natural) was authorized, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)) to make, inter alia, an emergency purchase of 4.050 Bcf of natural gas from Oklahoma Natural Gas (Oklahoma).

By oral request, dated June 7, 1977, Natural requested the order be amended by adding language which would protect Oklahoma in accordance with Section 9 of the Act.[1] Upon further review of this request, I have determined to grant this request and to amend the June 3, 1977 order by adding the following language:

Natural advises and I find that the gas made available by Oklahoma will result in a commingling of interstate natural gas with Oklahoma's normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Oklahoma and its producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and, the commingling of their intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale, transportation and delivery of gas for which Natural seeks approval may result in some commingling of interstate natural gas with Oklahoma's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas.

Under the provisions of § 9(b), (c) of Pub. L. 95-2 (91 Stat. 4,9,), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Oklahoma or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of section 9 of Public Law 95-2 since Oklahoma is selling, delivering and transporting gas for Natural pursuant to Section 6(a) of that Act. Oklahoma and any third person whose gas is commingled with Natural's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

To the extent not inconsistent with this order, the provisions of the June 3, 1977 order remain in full force and effect.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served on Natural, Oklahoma, Paul De Cleva, Inexco, Mitchell (SPM A-4), Mesa Petroleum Company, Curtis Pryor, Taylor Operating Company, Phillips Petroleum Company, Jack Russell, Inexco, Mitchell (SPM E-1). This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 13, 1977.

[FR Doc.77-17628 Filed 6-20-77;8:45 am]

[1] Although Oklahoma Natural Gas is affiliated with Oklahoma Natural Gas Gathering Corporation, this affiliation alone does not subject it to the purisdiction of the Natural Gas Act.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

HOT SPRINGS COUNTY LIVESTOCK COMMISSION CO., INC., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act. 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-157—Hot Springs County Livestock Commission Company, Incorporated, Malvern, Arkansas.
GA-184—Telfair-Wheeler Livestock Market, Inc., McRae, Georgia.
KY-163—New Farmers Livestock Market, Somerset, Kentucky.
MN-170—Speldrich Feeder Pig Market, Belgrade, Minnesota.
SC-128—Rock Hill Auction Barn, Rock Hill, South Carolina.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in Section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by July 21, 1977.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 14th day of June 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-17641 Filed 6-20-77;8:45 am]

RAWHIDE LIVESTOCK AUCTION, INC. ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., Name, Location of Stockyard, and Date of Posting

ARIZONA

AZ-109—Rawhide Livestock Auction, Inc., Chandler, May 11, 1977.

FLORIDA

FL-124—301 Livestock Company, Thonotosassa, May 13, 1977.

MONTANA

MT-119—Billings Livestock Comm. Co., Inc., Billings, May 6, 1977.

NEW MEXICO

NM-117—Artesia Livestock Auction, Inc., Artesia, May 24, 1977.

PENNSYLVANIA

PA-151—Bell's Sales Company, York Springs, May 20, 1977.

Done at Washington, D.C., this 14th day of June, 1977.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-17642 Filed 6-20-77;8:45 am]

Soil Conservation Service

LOWER SALT CREEK WATERSHED PROJECT, KANSAS

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservaiton Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Salt Creek Watershed Project, Lincoln, Mitchell, and Ottawa Counties, Kansas.

The environmental assessment of this Federal action indicates that this project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by five floodwater retarding structures.

The negative declaration is being filed with the Council on Environmental Quality and copies are being sent to various Federal, State, and local agencies. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 760 S. Broadway, Salina, Kansas 67401. A limited number of copies of the negative declaration is available from the same address to fill single copy requests.

No administrative action on implementation on the proposal will be taken until July 6, 1977.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Preevntion Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: June 14, 1977.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, Department of Agriculture.

[FR Doc.77-17643 Filed 6-20-77;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) that a meeting of the National Advisory Committee on an Accessible Environment will be held on July 8-9, 1977 at 9 a.m. The July 8 meeting will be held at the Claremont Hotel, Claremont at Ashby Avenue, Oakland, California. The May 9 meeting will be held at the University of California, Berkeley Campus, Alumni House, Alumni Lounge, Barcroft and Telegraph Avenues, Berkeley, California.

The National Advisory Committee on an Accessible Environment is established under the 1974 amendments to the Rehabilitation Act, Pub. L. 93-516, 29 U.S.C. 792, et. seq. The Committee is established to provide advice, guidance, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

The meeting of the committee shall be open to the public. On the first day the Committee Chairman will discuss activities since the previous meeting and call for government spokespersons to report on program activities and plans of the Architectural and Transportation Barriers Compliance Board. The full Committee will then break into subcommittee meetings to discuss specific area concerns and reconvene as a full Committee to receive subcommittee recommendations at the end of the first day. On the second day, the Committee will meet to discuss the National Advisory Committee Public Awareness Session to be held that afternoon. During the second afternoon, the Committee will host a Public Awareness Session for the consumers in Region IX.

Persons interested in attending the meetings should contact Ms. Laurinda Steele, Coordinator, Architectural and Transportation Barriers Compliance Board, Mary E. Switzer Building, 330 C Street SW., Room 1010, Washington, D.C. 20201, telephone 202-245-1801.

ROBERT JOHNSON,
Acting Executive Director, Architectural and Transportation Barriers Compliance Board.

[FR Doc.77-17604 Filed 6-20-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 77-6-83; Docket 29476]

IATA

Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June, 1977.

Complaint of Donald L. Pevsner against International Air Transport Association mileage rules used in passenger fares construction.

By Order 77-2-42, dated February 8, 1977, the Board dismissed a complaint of Donald L. Pevsner, Esq. against the fare-construction rule which requires inclusion of intermediate mileages traveled by a surface mode in the computation of the total mileage of a passenger's itinerary under the mileage-based fare system established by the member carriers of the International Air Transport Association (IATA).[1]

By petition filed March 1, 1977, Mr. Pevsner requests that the Board reconsider the matter and, upon reconsideration, find the rule unlawful. The petitioner contends that disapproval of the rule will not have the dilutionary effect on carrier revenues ascribed in the Board's order but, rather, will result only in charging passengers for the mileage actually flown; and that to the extent so-called dilution might occur, such dilution would occur only in cases where an added charge is required by application of the rule. Mr. Pevsner further contends that, regardless of the shortcomings of the present mileage system, the Board cannot achieve equity by permitting continued application of the rule; that although a multi-stop passenger may receive greater value for his travel dollar than does the direct-route passenger, the multi-stop passenger does not receive these benefits free since international fares are set at high enough levels to meet fully allocated costs of such multi-stop itineraries; and that if the Board is dissatisfied with the present mileage system it should not "reform" the system by permitting the present inequity to continue but rather should reduce direct-route fares and initiate appropriate stopover charges. The petitioner further alleges that the present rule discriminates between two classes of multi-stop passenger: While both classes may travel the same itinerary and pay the surcharge for excess mileage, the multi-stop passenger using surface transport over any given sector must in addition pay the normal costs of the surface transport. Finally, petitioner states that it is unlikely that the carriers would charge the combination of local sector fares if the subject rule were eliminated because the result would be a drastic decrease in international pleasure travel.

In its reply, filed March 8, 1977, Trans World Airlines, Inc. (TWA) requests denial of the petition, contending that the Board has already found that the rule does not pose an issue of discrimination sufficient to require the relief sought by Mr. Pevsner; and that were such relief in fact granted, a situation worse than that which presently exists may be created. TWA maintains that the petition presents no new facts requiring the Board to alter its earlier disposition.

Upon consideration of the petition, the reply, and all other relevant matters, the Board has determined to deny the petition.

Mr. Pevsner's principal argument for reconsideration hinges upon inequities which are alleged to constitute unjust discrimination to the multi-stop traveler

[1] In contrast to the strictly mileage-based fare system in general use in domestic air transportation, the IATA mileage system permits routings up to 20 percent in excess of the published direct-route mileage at the direct-route fare. For each five percent increment of mileage in excess of the initial 20 percent, the system requires surcharging of the direct-route fare by five percent. When the deviation exceeds 50 percent of the direct-route mileage, the applicable fare becomes the lowest combination of the individual sector fares. The rule objected to by Mr. Pevsner requires inclusion of mileages for sectors traveled by a surface mode in the computation of the total itinerary mileage which if exceeding the above 20-percent circuitry allowance would be surcharged accordingly. Thus, were the nonflown sector mileage excluded from the mileage computation, there would be instances when circuitry would not exceed 20 percent and no surcharge levied.

JUN 21 1977 UM

who travels by surface over a segment of his total itinerary as compared with another multi-stop traveler who travels by air over the identical itinerary, the itinerary in both cases involving circuity calling for a surcharge. Although differing somewhat in emphasis, Mr. Pevsner's arguments are essentially those advanced in the original complaint and they present no new or different material not previously considered. As stated in Order 77-2-42, the multi-stop passenger who uses surface travel on a particular segment is actually well-favored by the instant rule. Rather than paying the higher combination of sector fares which would otherwise govern, the rule affords the passenger the benefits of the usually lower through fare. Moreover, as we noted in Order 77-2-42, the liberalization of the IATA circuity-mileage rule sought by Mr. Pevsner would further dilute carrier yields and increase pressure to raise fares charged single-destination, direct-routing travelers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particuraly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: The petition filed by Donald L. Pevsner, Esq. for reconsideration of Order 77-2-42 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17657 Filed 6-20-77;8:45 am]

[Order 77-6-84; Docket 29952]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June, 1977.

Application of Pan American World Airways, Inc. for "fill-up" authority between domestic coterminals on flights operated in foreign or overseas air transportation.

As discussed in Order 77-4-153, April 29, 1977, Pan American World Airways has applied for authority to transport persons, property, and mail in interstate air transportation on flights operated in foreign or overseas air tansportation. The pleadings in this matter are discussed in Order 77-4-153 and, as stated therein, the portion of Pan American's application requesting New York-Dallas/Ft. Worth "fill-up" rights on its Route 130 was reserved for separate disposition. In this order to show cause, we are proposing to grant "fill-up" rights to Pan American over the New York-Dallas/Ft. Worth flight sector.

When American Airlines received its South Pacific authority, the fact that it already had New York-Dallas/Ft. Worth local traffic rights was a material consideration behind the Board's decision to award the South Pacific route to that carrier.[1] The assumption was that the domestic traffic would provide a substantial back up for the international route. When American's route was later transferred to Pan American,[2] however, the Board observed that American's domestic authority had never proved to be as important a source of support as had originally been anticipated. The fact remains that in laying out the South Pacific Route, the Board had hoped that domestic traffic between coterminals would aid the U.S. carrier economically by affording greater operating flexibility; the opportunity to solicit "fill-up" traffic would obviously be beneficial to the company as well; and of course filling up what would otherwise be empty aircraft space would be economically efficient.

Moreover, awarding this authority to Pan American would not have a significantly adverse effect on the carriers now serving that market. Because Pan American's New York-Dallas/Ft. Worth flights are tied to South Pacific services (and are thus subject to an effective long-haul restriction of at least 6,000 miles), the carrier is now able to schedule only one weekly New York-Dallas/Ft. Worth round trip, and, even with domestic "fill-up" rights, its potential for adding frequencies to the market is limited. By contrast, American and Braniff, the unrestricted New York-Dallas/Ft. Worth incumbents, operate 19 daily round trips.[3] Under the circumstances, a grant of "fill-up" authority to Pan American will have a minimal effect on the competitive environment in the New York-Dallas/Ft. Worth market. Accordingly, we believe that it is in the public interest to grant this "fill-up" authority.

Consequently, we tentatively find and conclude that the public convenience and necessity require that Pan American be authorized to transport persons, property, and mail in interstate air transportation between New York and Dallas/Ft. Worth on flights operated to overseas or foreign points pursuant to its certificate for Route 130.[4]

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Pan American to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. These data are necessary for the purpose of computing the license fee pursuant to section 389.24 (a) (2) of the Board's regulations. Also within this time period, Pan American shall file an environmental evaluation with regard to its New York-Dallas/Ft. Worth service.

Accordingly, *it is ordered*, That: 1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and authorizing Pan American World Airways, Inc., to transport persons, property, and mail in interstate air transportation in the New York-Dallas/Ft. Worth market on flights operated in foreign and/or overseas air transportation pursuant to its certificate for Route 130;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 30 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix A attached to Order 77-4-153, a statement of objections together with a summary of testimony, asduaanttt,tsasdil7cmcmcm statistical data, and such evidence as is expected to be relied upon to support the state objections; answers may be filed 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [5]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. Pan American World Airways, Inc., be and it hereby is directed to file an environmental evaluation and an estimate of gross transport revenue increase in accordance with this order within 30 days of the date of service of this order; and

6. A copy of this order shall be served upon all persons served with Order 77-4-153.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17658 Filed 6-20-77;8:45 am]

---

[1] Transpacific Route Investigation (South Pacific Deferred Phase), Order 69-7-104, served July 22, 1969, at pages 5 and 6.

[2] American-Pan American Route Exchange Agreement, Orders 75-6-152, 153 and 154, served July 1, 1975.

[3] There is also one-, two-, and three-stop service in the market.

[4] We further find that Pan American is a citizen of the United States within the meaning of the Act, and is fit, willing and able to properly perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Revised Notice of Open Meeting

FR Doc. 77-16727 appearing in the June 13 issue of the FEDERAL REGISTER, (Vol. 42, No. 113) announced the plans of the Advisory Committee on East-West Trade to hold a meeting on Wednesday, June 29, 1977, from 9:30 a.m. to 12:00 Noon and 1:00 p.m. to 3:30 p.m. in Room 4833, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Revised notice is hereby given that the aforementioned meeting will be held instead in Room 6802.

EDWARD P. KEMP,
Assistant to the Director, Bureau of East West Trade.

[FR Doc.77-17780 Filed 6-20-77;8:45 am]

COLLEGE OF MEDICINE AND DENTISTRY OF NEW JERSEY

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00110. Applicant: College of Medicine and Dentistry of New Jersey—New Jersey Dental School, 100 Bergen Street, Newark, New Jersey 07111. Applicant: Electron Microscope, Model H-500-L. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for an investigation of the mineralization of dentin and the role played by odeontoblasts in the process. In addition, the article will be used to instruct graduate dental students in electron miscroscopic applications to dental research. The instruction covers electron optics, image formation, electron-specimen interaction, specimen preparation, image interpretation and dental application. Application received by Commissioner of Customs: February 7, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: December 17, 1976.

Docket Number: 77-00112. Applicant: University of Texas Medical Branch, Galveston, Texas 77550. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the crystalline lens of the eye from a number of different animal species. The lenses will be studied under conditions where experimental cataracts have been produced and when tracer substances have been added either to the interior of the cells or to the bathing medium around the cells. Application received by the Commissioner of Customs: January 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: January 10, 1977.

Docket Number: 77-00117. Applicant: University of North Carolina at Chapel Hill, Department of Pathology, Preclinical Education Building 228-H, Chapel Hill, N.C. 27514. Article: Electron Microscope, Model EM 10A and Goniometer. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for ultrastructural study on normal and pathological tissues obtained from both experimental animals and human subjects with the objective of providing further understanding of pathogenesis of various disease in both animals and human subjects. In addition, the article will be used for advanced courses of special techniques in Pathology (Pathology 223) and postgraduate courses in pathology. These courses are provided graduated and post-graduated students in pathology including residency training in pathology and other bio-medical sciences. Application received by Commissioner of Customs: January 31, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 23, 1977. Article ordered: January 17, 1977.

Docket Number: 77-00127. Applicant: Wayne State University School of Medicine, Department of Pathology, 540 E. Canfield, Detroit, Michigan 48201. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study the fine structural physiology and pathology of the following human hematopoietic diseases: (1) The malignant lymphomas (the non-Hodgkins or lymphocytic lymphomas and Hodgkins diseases), (2) myeloid and lymphoid leukemia, (3) leukemias of rare and unknown histogenesis such as hairy cell leukemia (leukemic reticuloendotheliosis) (4) lymphocyte and plasma cell disorders, such as, Waldenstrom's macroglobulinemia and multiple myeloma, (5) anemias, and (6) red blood cell membrane disorders associated with alcoholism, hereditary abnormalities, and leukemia. The article will also be used for educational purposes as follows: (1) to train senior medical students, residents and faculty in the use of the electron microscope and (2) to demonstrate how the article is used as a research and diagnostic tool in clinical pathology. The courses is which the article will be used are: Hematopathology and The Electron Microscopy of Normal and Leukemic Blood Cells. Application received by Commissioner of Customs: February 11, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977. Article ordered: January 7, 1977.

Docket Number: 77-00135. Applicant: University of Texas Health Science Center at Houston, P.O. Box 20036, Houston, Texas 77025. Article: Electron Microscope, Model JEM 100B and accessories. Manufacturer: JOEL Inc., Japan. Intended use of article: The article is intended to be used for standard, high resolution transmission electron microscopy of sensory and organ cells, e.g., retinal photo receptors, cochlear hair cells, synaptic connections, details of specialized synapses involving photo receptors and secondary neurons, synaptic vesicles, bilayer membranes. Investigations will include histochemical studies involving sensory stimulation, incubation of tissue in vital reagents to tag and trace responding receptor cells and secondary neurons, and then histological examination at the ultrastructure level. In addition, the article will be used by graduate students working on master's and doctorate degrees in biomedical sciences in part of their thesis and dissertation research. The article will also be used in laboratory course on Techniques of Electron Microscopy in Visual and Auditory Research. Application received by Commissioner of Customs: February 25, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977. Article ordered: March 1, 1977.

Docket Number: 77-00144. Applicant: University of Colorado, Department of Buying and Contracting, Willard Administrative Center 160, Boulder, Colorado 80309. Article: Electron Microscope, Model JEM 100C with side entry goniometer and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article will be used to study the structure and biological cells and tissues. Included among these will be nerve tissues and phenomena associated with neurolcgical diseases; tumors and comparable normal tissues; and various forms of plant cells especially valuable in displaying fundamental features of cell division. The experiments and materials studied which will vary greatly will include observing changes with macromolecular composition of the plasma membrane of nerves following the cross innervation of different muscles, comparing the membranes of nerves from dystrophic animals with those of normals, morphology of the cytoplasmic ground substance and the differences apparent between normal and malignant cells. The article will also be used in courses entitled "MCDB 490/590: Workshop in Electron Microscopy" which introduces students to standard preparative techniques for both scanning and transmission electron miscroscopy. In addition, numerous students (undergraduate and graduate), staff, postdoctoral students and faculty members will be taught to use the machine for various research projects, particularly those requiring highest resolution. Application received by Commissioner of Customs:

JUN 21 77 UM

March 3, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977. Article ordered: February 11, 1977.

Docket Number 77-00146. Applicant: University of Texas System Cancer Center, M.D. Anderson Hospital, Department of Clinical Chemistry and Laboratory, Medicine, 6723 Bertner, Houston, Texas 77030. Article: Electron Microscope, Model Elmiskop 102 and RO-75 Haskris Water Condenser and Recrculation unit. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to study human hematopoietic samples; this includes bone marrow and peripheral blood specimens. Investigations will include ultrastructural examination on normal and pathological hematopoietic tissues for: (a) diagnostic purposes and (b) the study of disease and therapy related morphological alterations in cells. The investigations will be widely varied from gross organelle organization to the molecular rearrangement of mitochondrial elementary particles. The objections of these investigations will be to precisely identify and more accurately diagnose pathological hematopoietic specimens as well as recognize disease and drug related subcellular alteration in these tissues and to detect and evaluate pathological changes which will assist in the earlier, accurate diagnosis of patients. Application received by Commissioner of Customs: March 3, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977. Article ordered: January 19, 1977.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Aplications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article has a specified resolving capability of equal to or better than 3.5 Angstroms. The Department of Health, Education, and Welfare advises in the respectively cited memoranda, that the additional resolving capability of the foreign aritcles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. HEW advises that it knows of no domestic instrument which could provide the pertinent feature at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

RICHARD M. SEPPA,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.77-17632 Filed 6-20-77;8:45 am]

COLUMBIA UNIVERSITY AND THOMAS JEFFERSON UNIVERSITY

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Departent of Commerce, Washington, D.C. 20230.

Docket Number: 77-00100. Applicant: Columbia University College of Physicians and Surgeons, 630 West 168 Street, New York, New York 10032. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research studies on the following:

Morphology of blood cells in relationship to their molecular organization and functional behavior—experiments will be conducted on red blood cells and white blood cells obtained from normal humans and patients with blood diseases.

(2) Ultrastructural basis of transport of macromolecular across the arterial wall—experiments will be conducted on canine common carotid arteries both under resting conditions and when subjected to periodic mechanical disturbances.

The results of these studies will elucidate the basic mechanism of arterial wall transport and help to explain the pathophysiology of arteriosclerosis. The article will also be used for the training of predoctoral students and postdoctoral fellows in the basic techniques in research on cell physiology, including electron microscopy in the courses Research in Physiology, Advanced Topics in Physiology and Biophysics. Application received by Commissioner of Customs: January 19, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 3, 1977. Article ordered: November 30, 1976.

Docket Number: 77-00120. Applicant: Thomas Jefferson University, 1025 Walnut Street, Philadelphia, Pa. 19107. Article: Electron Microscope, Model EM 9S-2 including Spare Parts. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in research work related to cardiovascular, respiratory, muscle and metabolic experiments associated with basic physiologic and pathophysiologic mechanisms of disease states. Thus, the heart and coronary vessels will be studied in normal, ischemic and infarcted states. Also, the heart and peripheral vasculature will be studied in a variety of types of circulatory shock, particularly in hemorrhagic and cardiogenic shock. Furthermore, the lung will be studied during normal hypoxic and other stress states including pulmonary edema. Also, a variety of smooth and skeletal muscles wil be studied in the presence of a variety of metabolic substrates and hormones in order to investigate the mechanisms of action of these agents. Finally, splanchnic visceral organs (e.g., liver, pancreas) will be studied in normal and shock states to investigate lysosomal and mitochondrial ultrastructure. The major objectives of these investigations will be to determine early pathophysiologic changes in cardiovascular, respiratory and muscle tissues. An additional objective will be to determine the effects of drugs and hormones on normal tissue. A third objective is to identify the interrelationships between cellular organelles in acute cardiovascular disease processes. In addition, the article will be used in the course: "Introduction to Physiological Ultrastructure" a survey course for graduate students in physiology and will attempt to instruct the student in the basic techniques for preparation and viewing of samples by eletron microscopy. Application received by Commissioner of Customs: February 7, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 3, 1977. Article ordered: January 5, 1977.

Comments. No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, was being manufactured in the United States at the time each foreign article was ordered.

Reasons: Each foreign article is a relatively simple, easy to operate, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. Each article provides 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications from 140-60,000X (Magnifications of 140 to 1000X are within the normal, light microscopic range). Thus, each article covers the range of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises

in the respectively cited memoranda that the low distortion low magnification capabilities available specifically in the optical range at 140K are pertinent to the purposes for which each foreign article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus which provided the pertinent features of the article at the time each foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States at the time each foreign article was ordered.

RICHARD M. SEPPA,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.77-17629 Filed 6-20-77;8:45 am]

[File No. 26(76)-2]

ELISHA GOLDMAN, ET AL.

Order Denying Export Privileges for an Indefinite Period

In the Matter of Elisha Goldman, Megason Electronics Ltd., and B.C.R. Electronicia Ltd., 10 Shapira Street, P.O. Box 4011, Ramat Gan, Israel, respondents.

Pursuant to the provisions of the Export Administration Regulations, 15 CFR 388.15, the Director, Compliance Division, Office of Export Administration, petitioned for an Order to deny the above named parties all export privileges for an indefinite period because of failure of the parties to respond to interrogatories duly served upon them in the course of an investigation concerning the whereabouts and/or disposition of certain CoCom controlled strategic electronic commodities of U.S. origin. Goldman is shown to be the managing agent and/or owned subsidiary of Megason. The parties will be collectively referred to as Goldman.

The Hearing Commissioner considered the petition for a denial order. His report is supported by the evidence of record and engenders the conclusion that an indefinite denial order should issue.

During the period October to December 1974, certain automatic electronic test equipment valued at approximately $377,000 was exported from the United States to Goldman. They are CoCom controlled and transfer thereto without the express permission of the U.S. is prohibited. The Compliance Division initiated an investigation after receipt of information indicating the equipment may no longer be at the address to which delivered but may have been diverted elsewhere without U.S. consent. It being impracticable to subpoena the respondents, it directed relevant and material interrogatories to Goldman which were duly served by an agency of the U.S. Government. Interrogatories were directed to the respondents concerning the present whereabouts of the commodities, i.e., whether they had been sold or otherwise transferred. Goldman failed to respond or to show cause for his failure to reply.

I find that an order denying export privileges to the respondents for an indefinite period, but not exceeding 5 years, may properly be entered in accordance with the afore cited regulation. Such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Regulations. Therefore, it is

ORDERED

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respodents are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a part to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents but also to their agents, employees, representatives, and partners and to any other person, firm, corporation, or business organization with which the respondents now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for said respondents or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. This order shall remain in effect until the respondents provide responsive answers, written information and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, or for a period of 5 years, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

VI. In accordance with the provisions of Section 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner at the earliest convenvient date.

This order shall become effective immediately.

Dated: June 9, 1977.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77-17600 Filed 6-20-77;8:45 am]

STANFORD UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00089. Applicant: Stanford University, 851 Welch Road, Palo Alto, CA 94304. Article: Electron Microscope, Model EM 400 with High Tilt Goniometer and accessories. Manufacturer: Philips Electronics Instru-

ments, NVD, The Netherlands. Intended use of article: The article is intended to be used for experimental studies which will focus on the ultrastructural appearance of neurons and synapses in the developing visual system of chicks and developing rodents. In particular, the intracellular organelles of young neurons will be examined, and the developing synaptic junctions and intercellular attachments will be examined.

A variety of approaches will be used, including thin-sectioned electron microscopy, freeze fracture, goniometer specimen tilt for stereoscopy and close examination of the membrane modifications. In addition, the article will be used in the course, Histology (Structural) Biology (204, 205) to familiarize students with cytology and histology of human tissues in preparation for pathology, physiology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a high tilt goniometer stage with ±60° tilt, and a guaranteed resolution of 7 Angstroms (point to point) as well as scanning transmission attachment. The Department of Health, Education, and Welfare (HEW) in its memorandum dated May 3, 1977 that the characteristics of the article described above are pertinent to the applicant's intended purposes. HEW further advised that it knows of no domestic instrument which provided an equivalent high tilt goniometer or scanning transmission capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17631 Filed 6-20-77 8:45 am]

UNIVERSITY OF CALIFORNIA, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free duty entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00134. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, CA 94804. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues from nervous systems of chicks, mice, and rats. These studies involve identifying the presence of histochemical or fluorescent-labeled macromolecules by light and electron microscopy and studying their migration within neurons from the axon terminals back to the cell bodies of the neurons located in the retina or brain of chicks, mice and rats. Graduate students and post-doctoral fellows will use the microtome for their own research projects. Furthermore, medical students, in the course of a summer elective of research may also use the microtome in the course of their introduction to the practical aspects of neuroanatomical research. Application received by Commissioner of Customs: February 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977.

Docket Number: 77-00126. Applicant: The Johns Hopkins University School of Medicine, 720 Rutland Avenue, Baltimore, Maryland 21205. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB-Produkter AB, Sweden. Intended use of article: The article is intended to be used for neuropathological studies in which a wide variety of tissues ranging from human autopsy and biopsy tissues, cell cultures, and nerve tissue derived from various experimental animals are sectioned. The article will be used by numerous investigators who are researching the role of axoplasmic transport in transporting toxic materials from the axon terminal to the neuron cell body, the types of proliferating localization of enzymes used for the synthesis of myelin, the distribution of catecholomines in the spinal cord. The objective of all these studies is to understand the role of different organelles in the normal functioning and repair of the nervous system and the role different cell types play in the normal nervous system. In addition, the article will be used for the training of Neuropathology residents and postdoctoral fellows in the Department of Neurology. Application received by Commissioner of Customs: February 10, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977.

Docket Number: 77-00132. Applicant: University of South Carolina, School of Medicine a/c Veterans Administration Hospital, Columbia, South Carolina 29201. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of renal and central nervous system tissues. Experiments to be conducted on the central nervous system will involve a baseline electron microscopic study of the development and maturation of various nuclear groups within the central nervous system. Once accomplished, a subsequent experimental study will reexamine the development and maturation of these respective nuclear groups, after their primary source of afferents has been surgically interrupted. Experiments to be conducted on the renal tissue will involve an ultrastructural study of the normal primate kidney. These findings will then be compared to sequential biopsies of renal tissue in which lesions have been induced by the passive transfer of human sera obtained following transplant nephrectomy for rejection. Application received by Commissioner of Customs: February 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977.

Docket Number 77-00133. Applicant: Baylor College of Medicine, 1200 Moursund, Houston, Texas 77030. Article: Model LKB 2128-010 LKB UM IV Ultrotome Ultrastable Vibration Damping Table. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to explore morphological aspects of normal and diseased ocular tissue. Specifically, the following are studies: (a) the molecular cause of retinitis pigmentosa; (b) structural variations associated with abnormal corneal functions; (c) vascular changes induced by diabetes. The research objective is to determine by thin-section, high resolution electron microscopy the normal molecular structures and causative pathological molecular deviations in various ocular tissues. Application received by Commissioner of Customs: February 23, 1977. Advice submitted by the Department of Health, Education, and Welfare on: May 24, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provide a range of cutting speeds (equal to or greater than) 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17630 Filed 6-20-77;8:45 am]

Maritime Administration

[Docket No. S-559]

AERON MARINE SHIPPING CO., ET AL.

Multiple Applications

Notice is hereby given that the following applicants, parties to long-term operating-differential subsidy agreements, have filed applications requesting certain written permissions pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, for certain domestic operations by related companies.

1. Name of Applicants:

Aeron Marine Shipping Company
American Shipping, Inc.
Aquarius Marine Shipping Company
Aries Marine Shipping Company
Atlas Marine Shipping Company
Pacific Shipping, Inc.
Worth Oil Transportation Company
Athena Marine Shipping Company
Ajax Marine Shipping Company
Achilles Marine Company

A Management Agreement has been concluded between Aquila Shipping Co., Inc. (Aquila), and Ecological Shipping Corp. (Ecological) for the management of Ecological's tanker, *St. Aquila*, formerly the *Notre Dame Victory*, an 80,000 DWT tanker built in 1973. Aquila is affiliated with the above companies which are principally owned by Mr. Leo V. Berger and Mr. Peter Constas and are known collectively as the Berger Group. Each of the above-named companies comprising the Berger Group has been granted written permission pursuant to section 805(a) for an affiliated company, Judge Oil Transport, Inc. to operate an oil barge in the coastwise trade. As a result of the relationship established between the Berger Group and Ecological through the Management Agreement, it is now necessary for the Berger Group and Ecological to obtain certain additional written permissions as described in the following paragraphs:

A. The *St. Aquila* has been time chartered to Alaska Bulk Carriers, Inc. for operation in domestic trade and may begin operation on or after July 1, 1977. The Berger Group has requested written permission under section 805(a) for operation of the *St. Aquila* in the coastwise or intercoastal trade of the United States.

B. Sun Shipbuilding and Dry Dock Company (Sun Shipbuilding) has a small minority stock interest in Ecological. Ecological, which holds an operating-differential subsidy contract which will terminate before the *St. Aquila* enters domestic service, has previously been granted written permission for certain affiliates of Sun Shipbuilding (Sun Group) to engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between United States Pacific Coast ports and ports in the State of Hawaii. The domestic activities of the Sun related vessels are as follows:

The following vessels which are operated by Sun Transport, Inc., may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between United States Pacific Coast ports and ports of the State of Hawaii:

American Sun	Western Sun
Pennsylvania Sun	New Jersey Sun
Texas Sun	Delaware Sun
New England Sun	Toledo Sun
Hartford Sun	Corpus Cristi Sun
Albany Sun	Seminole Sun
Chesapeake Sun	Providence Sun
Newark Sun	Revere Sun
Eastern Sun	

The following vessels are owned or operated by a related party of Sun Transport, Inc. and may engage in the domestic intercoastal and coastwise trades of the United States, excepting trade between United States Pacific Coast ports and ports in the State of Hawaii:

Joseph D. Potts	Kee Leasing Co.
Ponce de Leon	Sun Leasing Co.
Great Land	Totem Ocean Trailer Express, Inc.
Eric Holzer	650 Leasing Co.
Sohio Intrepid	652 Leasing Co.
Sohio Resolute	653 Leasing Co.
Notre Dame Victory	660 Leasing Co.
Fortalez	668 Leasing Co.
El Taino	666 Leasing Co.
Puerto Rico	670 Leasing Co.
Caribe Sun	Puerto Rico Sun
Island Sun	Puerto Rico Sun
Puerto Rico Sun	Puerto Rico Sun
Prince William Sound	Sound Shipping, Inc.

In addition, Sun Shipbuilding & Dry Dock Company holds a 100 percent stock interest in GTS Venture Corporation which is a 50 percent participant with Export Venture Corporation in Sunexport Company, a joint venture which is bareboat charterer of the vessel, *Admiral William M. Callaghan*, subchartered to the Military Sealift Command. Sun Shipbuilding & Dry Dock Company also holds a 95 percent stock interest in TTT, Inc., which bareboat charters-in the vessel *El Taino* and bareboat subcharters the vessel *Fortaleza*, and a small minority stock interest in Ecological Shipping Corporation, which bareboat subcharters the vessel, *St. Aquila*.

Because of the Management Agreement between the Berger Group and Ecological, section 805(a)—written permission will be required on behalf of the Berger Group for the domestic operations of the Sun Group as enumerated above.

2. During such time as Ecological holds an operating-differential subsidy contract, it will be necessary for Ecological, in addition to the written permissions previously granted for the Sun Group, to be extended the same written permission previously granted to the Berger Group for Judge Oil Transport, Inc. to operate an oil barge in the coastwise trade.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in any application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on June 27, 1977, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclu-

sively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Assistant Secretary for Maritime Affairs.

Date: June 17, 1977.

JAMES S. DAWSON,
Secretary.

[FR Doc.77-17697 Filed 6-20-77;8:45 am]

National Oceanic and Atmospheric Administration

OCEAN RESEARCH AND EDUCATION SOCIETY, INC.

Receipt of Application for Scientific Research and Scientific Purposes

Notice is hereby given that the following Applicant has applied for permits to take marine mammals for the purpose of scientific research under the marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–1543).

The Ocean Research and Education Society, Inc., 51 Commercial Wharf 6, Boston, Massachusetts 02110, to take, cetaceans, four species of which are listed as endangered, and to take and import materials for marine mammals found dead.

The applicant proposes to tag 15C cetaceans, as follows:

1. 50 humpback whales—(*Magaptera novaeangliae*).
2. 25 blue whales—(*Balaenoptera musculus*).
3. 25 fin whales—(*Balaenoptera physalus*).
4. 25 sperm whales—(*Physeter catodon*).
5. 25 Baird's beaked whales—(*Berardius bairdii*).

The cetaceans will be tagged by the Applicant, by means of implantable radio transmitters. The radio tagged whales will be tracked, and individually identifiable whales in the vicinity of each tagged whale will be photographed to gather information concerning group cohesivenes and migration of the stocks. The purpose of this study is to make biological, oceanographic, and environmental observations in the presence and absence of whales to collect and study information concerning the ecosystem of which the whales are part.

The radio transmitter to be used, is similar, but electronically different, from the OAR projectal tag, and is approximately ½ diameter and 8'' long, with a protruding antenna. The radio tags will be implanted by means of a modified shotgun or similar suitable launching device from a vessel, into the dorsal blubber of the whale.

The proposed project is divided into two phases—phase one beginning on January 1977, in the tropical North Atlantic Ocean and Carribean Sea, and phase two anticipated to commence in January or February 1978, in the eastern tropical Pacific Ocean, and will be of two to three years duration.

The Application for the Marine Mammal Protection Act Permits will be considered under the Regulations Governing the Taking and Importing of Marine Mammals. The application for the Endangered Species Act Permit will be considered under the Regulations Governing Endangered Fish and Wildlife Permits. Of the species requested, the Baird's beaked whale is not listed as endangered.

Documents submitted in connection with these applications are available in the following offices:

Director, National Marine Fisheries Service, Department of Commerce, 3300 Whitehaven Street NW., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Massachusetts 01930;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702;
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109; and
Regional Director, National Marine Fisheries Serice, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application for the Marine Mammal Protection Act permit to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such a hearing is at the discretion of the Director.

All statements and opinions contained in this notice in support of this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT J. AYERS,
Acting Assistant Director for Fisheries Management, National Marine Fisheries Service.

JUNE 14, 1977.

[FR Doc.77-17633 Filed 6-20-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 10, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Simulation Technology will hold meetings at the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio on July 21 and 22, 1977 from 8:30 a.m. to 5 p.m. each day.

The Committee will receive briefings and hold discussions on visual image generation and display techniques and equipments for use in flight simulators.

The meetings will be open to the public. For further information contact the SAB Secretariat at 202–697–8404.

FRANKIE S. ESTEP,
Air oFrce Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77-17598 Filed 6-20-77;8:45 am]

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD

Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

NAME OF COMMITTEE: Armed Forces Epidemiological Board.

DATE OF MEETING: 7–8 July 1977.

PLACE: Conference Room 3092, Walter Reed Army Institute of Research, Washington, D.C.

PROPOSED AGENDA: The proposed agenda will include discussion of the organization of the USA Materiel Development and Readiness Command and functions of the DARCOM surgeon; the range of human-environmental hazards encountered in development of new equipment; studies on effects of microwave and other radiation exposure on health; vaccine stockpiles for civil emergencies; reorganization of the USA Medical Research and Development Command; reports of subcommittees, and Board membership.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG–AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: June 10, 1977.

DUANE G. ERICKSON,
LTC, MSC, USA, Executive Secretary.

[FR Doc.77-17644 Filed 6-20-77;8:45 am]

ARMY, NAVY AND AIR FORCE DISCHARGE REVIEW BOARDS INDEX-DISCHARGE CASES

Amendment to Initial Index

Pages 10028 through 10030 of the FEDERAL REGISTER, Vol. 42, No. 34 of February 18, 1977, announced the establishment of a single index for all cases considered by the Discharge Review Boards of the Department of Army, Navy, and Air Force involving characterization of discharge. This index will also be used by the Boards for Correction of Military or Naval Records to index discharge cases considered by those Boards, and in assigning index numbers to issues not appropriately covered under subject categories of the Correction Boards' Index of Non-Discharge Cases. The following are additions to the Index of Discharge Cases:

ACTIVATION FROM RESERVIST STATUS (SUFFICIENCY)

CIVIL CONVICTION

Current standards

COURTS-MARTIAL

Conviction/Special
Conviction/Summary
Due process error
Inadequate/improper counsel

HOMOSEXUALITY

Current standards

NON-JUDICIAL PUNISHMENTS

Article 15

PROMISES/THREATS/INTIMIDATION

Defense counsel

SPECIAL DISCHAGRE REVIEW PROGRAM

Tour in Southeast Asia or Western Pacific
Wounded in combat
Decorated for valor/merit
Previous Honorable Discharge
Satisfactorily served 24 months prior to discharge
Completed alternate service or excused (Pres Proc 4313)
Age, aptitude, length of service at time of discharge
Education level
Deprived background
Personal distress
Waiver to enlist
Conscience
Drugs or alcohol
Good citizenship
Other factors
Discharged for act(s) of violence
Discharged for act(s) of dishonor
Discharged for desertion in or from combat theater
Discharged for offense(s) subject to civil criminal prosecution
President Ford Memo, 19 Jan 77

COLONEL WILLIAM E. WEBER,
President, Army Discharge Review Board.

[FR Doc.77-17645 Filed 6-20-77;8:45 am]

BOARDS FOR CORRECTION OF MILITARY RECORDS

Army, Navy, and Air Force Correction Boards Index-Non-Discharge Cases; Amendment to Initial Index

Pages 9699 and 9700 of the FEDERAL REGISTER, Vol. 42, No. 33 of February 17, 1977, announced the establishment of a single index for all cases considered by the Correction Boards of the Departments of Army, Navy, and Air Force, other than those involving character of discharge. As an exception to the above, there will be some Correction Board cases in which some of the issues addressed will be more appropriately indexed using categories contained in the Index of Discharge Cases (published in the FEDERAL REGISTER, Vol. 42, No. 34 of February 18, 1977). Therefore, to adequately research a particular "Non-discharge" matter, both indexes should be consulted. The following are additions to the Index of Non-Discharge Cases:

PHYSICAL DISABILITY

Incurred while on authorized absence
Existed prior to entry/aggravated
Existed prior to entry/aggravated
Incurred while not in receipt of basic pay
Disciplinary action pending, handling of
Administrative discharge proceedings pending, handling of

RAYMOND J. WILLIAMS,
Executive Secretary, Board for Correction of Military Records.

[FR Doc.77-17646 Filed 6-20-77;8:45 am]

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON NUCLEAR PROLIFERATION

Meeting

The Defense Science Board Task Force on Nuclear Proliferation will meet in closed session on 23 August 1977 at The Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will examine trends in nuclear proliferation that bear on our national security interests. They will examine estimates of technical capabilities, military/political intentions, and resource availability for countries that may acquire nuclear devices in the next decade.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 14, 1977.

[FR Doc.77-17599 Filed 6-20-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 727-6; OPP-50297]

AGRICULTURE DEPARTMENT, ET AL.

Issuance of Experimental Use Permits

Correction

In FR Doc. 77-13627, appearing on page 24304 in the issue of Friday, May 13, 1977, make the following changes:

1. In the second line of the second paragraph, delete the words "Department of".

2. Delete lines 8, 9, and 10 of the third paragraph, and insert instead: "ized only in the State of Illinois. The experimental use permit is effective from April 14, 1977 to April 14, 1978."

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignment of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Canadian list No. 363, May 10, 1977

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Ground system: Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CJET (P.O. 10 kW, DA-2) (change of antenna radiation patterns).	Smiths Falls, Ont., N. 44°50'31", W. 75°56'44".	630 kHz 10	DA-2	U	III				E.I.O. 5.10.78.
CFNS (increase in RMS of day-time pattern).	Saskatoon, Saskatchewan, N. 52°15'00", W. 106°39'39".	860 kHz 10	DA-2	U	II				
CFYN (change in call letters from CJIC).	Sault Ste. Marie, Ont., N. 46°32'36", W. 84°17'26".	1060 kHz 10D/2.5N	DA-N	U	II				

Call letters	Location	Power (in kilowatts)	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
CKXL (P.O. 10 kW, DA-N, ND-D-188, N. 50°52'36", W. 114°02'30").	Calgary, Alberta, N. 50°53'25", W. 113°49'58".	1140 kHz 50	DA-2	U	II				Do.
CKOC (P.O. 10 kW, DA-2, N. 43°10'40", W. 79°47'00").	Hamilton, Ontario, N. 43°03'04", W. 79°48'42".	1150 kHz 50	DA-2	U	III				Do.
CIRB (assignment of call letters)	Lac Etchemin, Quebec, N. 46°23'04", W. 70°27'07".	1240 kHz 1D/0.26N	ND-185	U	IV	160	120	317	E.I.O. 1.19.78.
CIHI (previous notification, 1400 kHz, 10D/1N, DA-2, N. 45°56'32", W. 66°42'42").	Fredericton, N.B., N.46°01'14",	1250 kHz 10 ND-D-190	DA-N	U	III				5.10.78.
CKDK (change in call letters from CKOX).	Woodstock, Ontario, N. 43°09'18", W. 80°45'50".	1340 kHz 1D/0.25N ND-N-185	DA-D	U	IV	130	120	294	
CFVD (assignment of call letters)	Ville Degelis, Quebec, N. 47°31'51", W. 68°36'30".	1370 kHz 1	DA-1	U	III				E.I.O. 8.20.77.
CHOO (change of day-time antenna radiation pattern).	Ajax, Ontario, N. 43°50'09", W. 78°58'30".	1390 kHz 10	DA-2	U	III				E.I.O. *5.10.78.*
CBG	Gander, Newfoundland, N. 48°57'57" W. 54°39'22".	1450 kHz 1D/0.5N	ND-190	U	*IV*	170	120	271	N.I.O.
CJVB (P.O. 10 kW, DA-2)	Vancouver, B.C., N. 49°11'36", W. 123°01'17".	1470 kHz 50	DA-2	U	III				E.I.O. 5.10.78.
CFPS (assignment of call letters)	Port Elgin, Ontario, N. 44°24'58", W. 81°23'31".	1490 kHz 1D/0.25N	ND-170	U	*IV*	[1]75	[1]120	[1]264	*E.I.O. 12.31.77.*

[1] Top loaded to 60'.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.77-17526 Filed 6-20-77;8:45 am]

[FCC 77-381; Docket No. 21274, File No. BRCT-166; Docket No. 21275, File No. BPCT-4804; Docket No. 21276, File No. BPCT-4879]

McCLATCHY NEWSPAPERS

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: June 2, 1977.

Released: June 17, 1977.

By the Commission: Commissioner Quello absent.

In re Applications of McClatchy Newspapers, Fresno, California (KMJ-TV) For Renewal of License San Joaquin Communications Corporation Fresno, California. For Construction Permit for a New Television Station McClatchy Newspapers, Fresno, California (KMJ-TV) For Modification of the Facilities of an Existing Station.

1. This concerns the mutually exclusive applications of McClatchy Newspapers, for renewal of license for KMJ-TV, Channel 24, Fresno, California (BRCT-166), and San Joaquin Communications Corporation, for a construction permit for a new commercial television station on Channel 24, Fresno (BPCT-4804), which must be set for comparative hearing to determine which application, if granted, would better serve the public interest, convenience, and necessity.[1] Also before the Commission is the application of McClatchy for changes in the authorized facilities of KMJ-TV (BPCT-4879), and numerous associated pleadings.[2]

2. *The San Joaquin Communications Corporation Application.* San Joaquin Communications Corporation is legally, financially,[3] technically, and otherwise qualified to construct, own and operate the proposed television station.

3. *The McClatchy Renewal Application.* Two matters were raised earlier by SJCC in an informal objection to McClatchy's proposed pro forma assignment of all its broadcast licenses to a wholly-owned subsidiary corporation, and were deferred for later consideration by our order dismissing that objection. *McClatchy Nespapers,* FCC 77-80, released February 16, 1977, 39 RR 2d 1170. In that proceeding, SJCC raised complaints then pending before the Equal Employment Opportunity Commission and pending antitrust litigation, and contended they raised substantial and material questions requiring further exploration in hearing. The antitrust litigation referenced by SJCC concerns the distribution operations of McClatchy's Sacramento newspaper, but SJCC has failed to allege any facts which establish a matrix between the practices under scrutiny in those proceedings and the operation of the broadcast stations.[4] The collateral exploration of the matters under consideration in the antitrust litigation would, therefore, be inappropriate in this proceeding. *Compare RKO General, Inc. (WNAC-TV),* 20 FCC 2d 846 (1969). However, we expect this applicant to keep the Commission and the parties herein apprised of these matters as required by Section 1.65 of our rules.

4. The EEO complaints referenced by SJCC involved the operation of the Sacramento Bee in such manner that the San Francisco District Director of the EEOC found reasonable cause to believe the Civil Rights Act had been violated by McClatchy Newspapers in several particulars. A conciliation agreement resolving two EEO complaints (EEO File Nos. TSF 1-0354 and TSF 1-0891) alleging various instances of sex and race discrimination at the Bee was filed with the Commission March 16, 1976.[5] It includes a number of specific undertakings, including the use of goals and timetables, relating to the employment of minorities and women in McClatchy's workforce at the Bee. We have previously noted that EEOC "reasonable cause" findings do not, standing alone, raise a prima facie case against grant of a license application under the definitions of the Communications Act. *National Broadcasting Co., Inc.* (WRC-TV), 58 FCC 2d 319, 422 (1976), *aff'd sub nom. National Organization for Women, et al. v. F.C.C.,* D.C. Cir. Nos. 74-1853 and 75-1777 (April 11, 1977). Furthermore, our regulatory responsibilities are limited to the review of EEO policies and practices insofar as they affect the underlying goals of the Communications Act. As is the case with the pending antitrust matters discussed supra, SJCC alleges no connection between EEOC matters involving McClatchy's newspaper operations in Sacramento and the Fresno broadcast facilities' implementation of Commission EEO policies and rules. Where, as here, our sister agency's disposition of such issues does not involve the operation of a broadcast station; where the matter has been resolved by conciliation in the spirit of the Civil Rights Act; and where our own review of the applicant's broadcast employment practices yields no indication of discrimination such as would warrant a hearing, we believe that evidentiary inquiry into McClatchy's character qualifications—asurged by SJCC—is inappropriate. *NAACP* v. *Federal Power Commission,* 425 U.S. 662 (1976).

5. Apart from the asserted impact of the EEOC conciliation agreement on McClatchy's qualifications, however, SJCC further alleges that there is a "substantial discrepancy" between McClatchy's 1975 Annual Employment Report (Form 395) and the Fresno SMSA labor force.[6] SJCC's "Motion to Consolidate Short Form Applications," filed October 23, 1975 as part of the record in the assignment proceeding, also contends there are no minority group members in either the "officials/managers" or "sales workers" categories on that form. SJCC concedes that overall minority group employment improved from 9.7 to 12.5 percent between submission of the 1972 and 1975 reports, but complains that the male minority component of KMJ-TV in this period is "static."[7] SJCC concludes that the statistical disparity between KMJ-TV's workforce and the Fresno labor force requires a hearing, particularly as it comprises the elimination of Mexican-American women from the KMJ-TV rolls.[8] (Later 396 forms show one such full-time employee at KMJ-TV in 1976, two in 1977.)

6. Our own staff analysis of KMJ-TV's more recent Form 395 reports—including the 1977 reports filed early with the Commission—indicates the TV station employed 76 full-time workers in 1976, including 20 females (26.3%) and 10 minorities (13.2%); upper-four employees numbered 62, of whom eight (12.9%) were female and five (8.1%) were minority group members. The station now employs 77 full-time staffers, including 19 females (24.7%) and 12 minorities (15.6%). Of 65 full-time employees in the upper four job categories, nine (13.8%) are female and seven (10.8%) are minorities. Overall employment of minorities and women is hence reasonable in light of their representation in the labor force, as is their proportion of upper level jobs. The dominant minority group, Spanish-Americans (19.7% of the Fresno labor force), in 1976 constituted 5.3 per cent (four employees) of KMJ-TV's overall employment and 1.6 per cent of upper-four positions (one employee). According to the 1977 Form 395, full-time Spanish-Americans presently compose 9.1 per cent of overall employment (seven employees) and 4.6 per cent of employment in the upper four categories (three employees); these figures are reasonable when compared to the Spanish-American labor force in Fresno.[9]

7. The statistics to date indicate clearly that both radio and television facilities have long employed both minorities and women in significant numbers (both groups are also presently represented on part-time rolls). There is no allegation of overt discrimination before us, nor do the current data indicate any pattern of exclusion from more responsible positions. Accordingly, entirely apart from EEOC matters discussed supra, we find no basic qualification or comparative issue raised by the record before us. Rather, the profiles at the KMJ stations show generally acceptable EEO results, and the disparities present in 1975 and earlier years raise no issue in light of the record now before us.

8. *The McClatchy Modification Application.* McClatchy has on file with the Commission an application (BPCT-4879) to increase coverage of KMJ-TV increasing transmitter output power. SJCC has filed a "Motion to Consolidate Applications" requesting that this modification application be designated for hearing in the same proceeding with the renewal application and SJCC's application

---

[1] *Ashbacker Radio Corp. v. FCC,* 326 U.S. 327, 66 St. Ct. 148, 90 L. Ed. 108 (1946).

[2] These include SJCC's "Motion to Consolidate Applications," filed September 8, 1975; McClatchy's "Motion for Ruling Regarding Processing of Applications," filed November 6, 1975; and SJCC's "Request for Expeditious Designation for Hearing," filed April 23, 1976, and oppositions, replies and errata thereto. The foregoing pleadings are specifically directed to the three applications which are the subject of this Memoradum Opinion and Order. In our earlier decision regarding the applications of McClatchy Newspapers, for consent to the assignment of licenses for its broadcast stations to a wholly-owned subsidiary corporation, FCC 77-80, released February 16, 1977, we listed (paragraph 1) a number of pleadings, by SJCC requesting consolidation of the assignment applications with the KMJ-TV renewal and the SJCC application. To the extent the issues raised in those pleadings were not disposed of in that decision, or that issues in those pleadings are relevant to these applications, those pleadings are also being considered by the Commission at this time.

[3] Because SJCC seeks to supplant the licensee of an existing television station, it is required to demonstrate the availability of sufficient funds to construct the proposed station plus operating expenses for three months. *Orange Nine, Inc.,* 7 FCC 2d 788, 9 RR 2d 1157 (1967). We make this requirement applicable to SJCC after examination of the Form 324 Annual Financial Reports for the Fresno network-affiliated stations, which reveal average annual revenues significantly in excess of the annual operating expenses estimated by SJCC. Based on information in SJCC's application, we conclude that it will require $1,649,331. This amount may be itemized as follows: Down payment on equipment, $525,000; three monthly payments on deferred equipment balance at $43,969, $131,907; land, building, etc., $20,750; other items (including legal, engineering and installation cost, other miscellaneous items), $503,800; estimated operating expenses for three months, $467,874. To meet this requirement, SJCC relies on a combination of existing capital ($187,327 in liquid current assets in excess of current liabilities); stock subscriptions receivable ($118,884, representing the commitments of Messrs. Cardenas, Hendricks and Garcia, who have available bank loans to meet the subscription price, but not including the subscription of Mr. Peard, who has not shown sufficient liquidity to meet his commitment); and a bank loan of $1,500,000 providing for a moratorium on payments of interest and principal in the first year, for a total of $1,806,211. We note that the applicant has provided alternative financial arrangements should studio and transmitter space prove not to be available as anticipated. While these are only atternative plans, the necessary financial support, consisting of loans from principals backed by loans to those principals from lending institutions has been adequately demonstrated, as required by paragraph 4(a), Section III, FCC Form 301.

[4] A subsequent, unrelated federal antitrust action (brought to the Commission's attention by McClatchy's amendment of January 17, 1977) alleges that McClatchy's structural media "dominance" in the central valley area of California (and in communities where it has broadcast licenses and publishes newspapers) has allowed it to, inter alia, monopolize various products and geographic markets, including Fresno and Sacramento. The effect of McClatchy's media interests under our cross-ownership rules is considered at Footnote 19.

[5] A separate individual complaint by a woman alleging sex discrimination (YSF 5-230) was administratively closed by the EEOC after the complainant received a promotion and asked that her complaint be withdrawn. The Commission was advised of this resolution by an amendment filed February 26, 1976.

[6] 1973 annual average estimates of the Fresno SMSA labor force, furnished by the California Employment Development Department, characterize the labor force as 35.9 per cent female and 26.5 per cent minority, including 19.7 per cent Spanish-American and 3.6 per cent black workers. (We have not attempted any distinction between the term "Spanish-American," which is defined by the California report as persons of either Spanish language or surname, and "Mexican-American.")

[7] While SJCC argues that by continuing its present overall rate of improvement McClatchy may reach parity for minority groups by 1994, we do not consider the pattern before us here to indicate a passive affirmative program. Shifts in the representation of various minority groups within a station's workforce are often a normal result of routine turnover and raise no issue where, as here, there is no indication of a diminished commitment to the employment of protected group members generally.

[8] SJCC asserts without specification that "approximately 10 per cent" of the Fresno labor force falls into this category, but its own statistics—based on the same California State estimates supplied to the Commission—indicate the figure is some 7.1 per cent (assuming that, as is true of the overall labor force, 35.9 per cent of its Mexican-American segment is female).

[9] While the history of protected group employment at KMJ-AM-FM is not directly at issue in this proceeding, we note that the 1976 Form 395 for those stations shows that, of 25 full-time employees, three (12.0%) were female and three (12.0%) minorities; the 23 upper-four positions included one female employee (4.3%) and two minority employees (8.7%). Presently, the 1977 Form 395 reflects that, of 25 full-time employees, four (16.0%) are female and four (16.0%) are minorities. Of 23 full-time staffers in the upper-four job categories, two (8.7%) are female and three (13.0%) are minorities. The affirmative action program at the radio facilities is clearly producing steady progress in the employment of minorities and females, has attained a reasonable profile of protected group employment, and there is no reason to believe the reasonable levels of protected group employment evidenced here will not be continued.

for a construction permit for Channel 24. Asserting status as an informal objector under Section 1.587 of the Rules, SJCC claims to show, by the statement of its consulting engineer, that predicted Grade B contour overlap already exists between KMJ–TV and commonly-owned KOVR(TV), Stockton, California which would be aggravated by a grant of the modification application.[10]

9. In its motion to consolidate the modification application in the same hearing proceeding, SJCC expressly concedes McClatchy's right to amend its renewal application prior to designation of the application for hearing [11] but, in a pleading before the Court of Appeals, complains that grant of the application would be "prejudicial to SJCC's Ashbacker rights." SJCC refers to a "comparative coverage" advantage it believes would accrue to SJCC in the comparative hearing on the basis of KMJ–TV's facilities as presently authorized and SJCC's proposed facilities.[12] SJCC states before the Court of Appeals that "McClatchy proposed to alleviate this disadvantage as to SJCC" by filing the modification application.[13]

10. "The Commission is not required • • • to maintain the status quo with respect to all facts which may be relevant to a determination of a pending application, and an applicant is not denied his *Ashbacker* rights whenever, during the pendency of his application the Commission takes action otherwise within its authority, even is one of the consequences may be to lessen the probabilities in favor of a grant of the pending application." (Citations omitted.) *Western Communications, Inc.*, 38 FCC 2d 970, 972 (1972). Therefore, to the extent SJCC's objection to and request for consolidation of the McClatchy modification application in the hearing is based on possible prejudice to SJCC's comparative position, the objection and request are denied. SJCC would create a distinction not stated or implied in Section 1.522(a) of the Rules between new applicants who might amend their applications as a matter of right and renewal applicants who could not. Since there has been no showing of bad faith, we believe the McClatchy application is one which may be considered a timely "amendment" to its renewal application, and may be granted without reference to the general Commission policy against upgrading of comparative factors after designation for hearing.[14]

11. Turning to the alleged violation of § 73.636(a)(1), we note that there is pending an application (BALCT–635) for consent to the assignment of the license for KOVR(TV) to Multimedia, Inc., which, if approved and consummated, would moot these allegations for this proceeding. As, however, the assignment has not yet been reduced to a certainty, we believe it necessary to proceed as if the assignment were not before us.

12. It is correct that the Commission has in the past made special mention of unusually favorable terrain conditions for the propagation of UHF signals in the San Joaquin Valley wherein Fresno is located. Without unnecessary elaboration, shall only refer to the so-called Fresno and Bakersfield De-Intermixture Proceedings, 15 RR 1581 (1960) and 41 FCC 926, 938 (1961), respectively. In 1975, in a rulemaking proceeding which did not directly consider the question, the Commission acknowledged, implicitly, the special character of the Valley, which is at the heart of SJCC's claim:

> Ring [a firm of consulting engineers which submitted comments] recognized that a typically high fields exist in mid-California at ultra high frequencies because of unusual terrain conditions, but apparently failed to take into account that the conditions responsible for the abnormal signal levels at UHF are operative in the high VHF band.[15]

13. We have previously described our Grade A and B contours as "convenient measures of TV station service for a variety of purposes • • • in the absence of any more realistic or usable standard • • •."[16] Thus, the selection of a standard based on Grade B contours is a decision with pragmatic as well as policy dimensions:

> If the Grade B contour were a wall within which all service • • • were confined, the determination of its location by the most precise means available could well be worth whatever complication might be involved. However, since this and other contours are primarily administrative tools, it seems clear they should be located by means which promote the most efficient administration—by a relatively simple procedure which produces a speedy and unequivocal result.[17]

Section 73.636(a)(1), the "duopoly rule," is an excellent example of the use of predicted contours as administrative tools. The prior formulation of the rule prohibited licensing of commonly-owned television stations serving "substantially the same area." In adopting the present rule, the Commission noted that,

> The results achieved through case by case adjudication do not, in public interest terms, justify the effort expended. We agree • • • that no fixed rule can be justified on the basis of administrative convenience, but we also believe that a fixed rule is entirely justified if it is a more efficient way to reach a result no less in the public interest than that achieved through case by case adjudication • • •. [W]e do not believe that there is, today, any great need for retention of the time-consuming processes involved in the *ad hoc* method. Report and Order *In the matter of Amendment of the Multiple Ownership Rules* (Docket 14711), 45A FCC 1476, 1480 (1964).

14. A related justification is expressed in the Notice of Proposed Rulemaking which initiated the proceeding cited above:

> It has been our experience that this type of regulation has worked well. It has provided the public and the industry with a firm base upon which they can cogently plan • • • present or future operations • • • and has facilitated the Commission's application of the rule. We think that there would be comparable benefits if the • • • rules dealing with overlap were cast in similar terms of specific limitation. FCC 62–747, 27 F.R. 6846, 6847.

15. The case for administrative convenience has most recently been made in the *Report and Order on Field Strength Curves, supra*, at 869:

> • • • [R]esolution [of a duopoly question] can be reached much more simply, expeditiously and finally if the pertinent contours are determined only by prediction. The nature of the determination involved does not, in the consistent successful application of the pertinent rules, require such greater degree of exactitude which field strength measurements may provide.
>
> Therefore, we are not amending Section 73.636(a) in any way which would allow, as a matter of right, the determination of contour locations by means of field strength measurements.

While rejecting the presentation of measurements *as a matter of right* to establish more accurate contour locations, we have also noted that [o]ccasionally there may be instances when the location of TV contours, as determined by prediction, are obviously in gross error, and measurements will produce a result which, by any standard, is more realistic." *Id.* The rules, therefore, provide for such a showing in individual cases "on request of the Commission." Section 73.636(a).

16. We are reluctant to state that our prediction methods in the KMJ–TV instance are characterized by "gross error." We note that, for the time being, we are

[10] Section 73.636(a)(1) prohibits issuance of licenses to commonly-owned television stations with overlapping Grade B contours.

[11] See Section 1.522(a) of the Rules concerning pre-designation amendments.

[12] See *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393.

[13] SJCC's allegations concern in part the use of field strength curves adopted in Docket 16004, 53 FCC 2d 955 (1975). While, as pointed out below, there is some question whether these curves are appropriate for this case, there should be no question as to their applicability, as they were adopted three months before, and became effective one month before, the filing of the McClatchy application. SJCC claims that there is "actual overlap" of the Grade B contours of KMJ–TV and KOVR(TV) without the proposed modification application. For reasons described below, we (a) do not accept SJCC's method for locating the "actual" Grade B contours, and (b) reject an ad hoc approach of special engineering showings for that purpose. For these reasons we take notice only that no predicted overlap exists either under the Docket 16004 curves or the old curves.

[14] SJCC suggests the failure of McClatchy to report the pendency of the modification application in its renewal application constitutes a violation of Section 1.65 of the Rules. There is no requirement on the renewal of license application form, Form 303, that such applications be reported. As to matters outside the application form, Rule 1.65 requires the reporting of "substantial changes as to any other matter which may be of decisional significance • • •." Were we to find a violation of the rule, it would be extremely technical in nature; there is no concealment, no prejudice to SJCC, and the purpose of the rules, i.e., to inform the Commission and other interested parties, has not been compromised hence, no issue will be specified. *WPIX, Inc.*, 33 FCC 2d 782 (Rev. Bd. 1972).

[15] *In the matter of Amendment of Field Strength Curves for FM and TV Broadcast Stations, etc. (Docket 16004, et al)*, 53 FCC 2d 855, 862 (1975).

[16] Id., at 860.

[17] Id., at 869.

without any sanctioned alternative prediction technique which recognizes special terrain characteristics. The "terrain roughness factor" adopted in the 1975 Field Strength Curve proceeding has been suspended and remains suspended, and further rulemaking is being considered. *In the matter of Temporary Suspension of Certain Portions of the Commission's Regulations*, FCC 77–304, released May 9, 1977.

17. Although the "terrain roughness" factor is suspended, "parties are free to file supplemental showings under Section 73.684(f) of the rules," where the accuracy of predicted contours is in doubt. *Id.* That section of rules recites that "[i]n cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 2 to 10 mile sector, the prediction method may indicate contour distances that are different from what may be expected in practice." This statement fairly describes the predominant terrain feature in the San Joaquin Valley, a nearly uniformly level valley floor extending for substantial distances from an elevated antenna location. (KMJ–TV's authorized antenna height is 3,677 feet above sea level, and, in the direction of Merced, California, the direction of the alleged overlap, the average elevation is 1090 feet above sea level over 2–10 miles and 420 feet over 10–85 miles from the transmitter/antenna location.)

18. Thus, while the administrative framework permits comparison of the practical consequences of the average terrain conditions, as assumed by our regular prediction methods, and the special conditions known to exist in the San Joaquin Valley, we are faced with a situation where the question has been raised in a manner not sanctioned by the Rules. SJCC's showing is based on purported field meaurements—only some of which were made by SJCC—with no demonstration that the measurements were made in the manner described in detail in the Rules. (This ignores for the purpose of discussion that the measurements were made without "request of the Commission.") Moreover, the SJCC pleading hardly amounts to a "supplemental showing" of the location of the contour, which must necessarily be extrapolated from a mere two points and gives no assurance that the line thereby described actually represents a median field strength value.

19. While we could, therefore, reject SJCC's allegations, based on the deficiencies of its engineering showing, we need not, necessarily, reject the basic question raised. We have, in the past, as noted above, made note of unique conditions in the area which, incidentally, McClatchy makes no effort to deny. Recognizing, therefore, the importance of the question raised by SJCC, a staff engineering study has been performed using a method [18] which indicates that there are areas in which KOVR (TV) and KMJ–TV, as modified, would both provide signals in excess of that defined by the Rules as "Grade B" field intensity.[19] This study does not purport to draw new "contours" for the stations, but has been made only for the purpose of determining whether arguable support exists for SJCC's allegations beyond the general statements in previous proceedings. Having concluded that such support for the proposition exists, i.e., there is a substantial and material question whether KMJ–TV, as modified, and KOVR(TV) would provide common areas with signals of at least Grade B intensity, we further conclude that the KMJ–TV modification application must be designated for hearing.

20. Espousal of "simple, expeditious, and final" resolution of problems should not obscure the importance of the duopoly rule. The Commission's "policy against duopoly" has been described as of "over-riding decisional significance." *In the Matter of Amendment of the Multiple Ownership Rules, supra*, at 1480. We have stated that the Rules "embody considerations of fundamental importance," e.g., competition and diversity of viewpoints. Id., at 1479. It should also be noted that the duopoly rule is a "particularized" statement of our general concern with undue concentration of control of the communications media. E.g., *Notice of Proposed Rulemaking in the Matter of Amendment of the Multiple Ownership Rules, supra*, at paragraph 3. Thus, the absence of a "clear-cut" violation of the duopoly standard should not preclude further inquiry.

21. In our Order denying a petition by the Justice Department to deny the renewals of the KMJ stations, we found Fresno "not egregiously concentrated" and, hence, • • • [without] basis under our rules for designating these applications for hearing solely on a showing of ownership structure." *McClatchy Newspapers*, 61 FCC 2d 279, 38 RR 2d 980 (1976). This standard is that set forth in the *Second Report and Order In the Matter of Amendment of the Multiple Ownership Rules* (Docket No. 18110), the broadcast-newspaper cross-ownership proceeding, 50 FCC 2d 1046, 1088 (1975), and is consistent with "grandfathering" of existing market combinations in that order and its predecessor, the *First Report and Order* in Docket 18110, 22 FCC 2d 306, 18 RR 2d 1735 (1970), wherein we adopted the "one-to-a-market" portion of our broadcast Multiple Ownership Rules. However, finding that the Fresno market was not so "egregiously concentrated" as to require divestiture or non-renewal of the McClatchy licenses is not the same as finding that the public interest would be served by an extension of the facilities of KMJ–TV into areas allegedly already receiving a McClatchy broadcast service.[20]

22. We, therefore, have determined, in view of our concern for diversity and competition, to designate the McClatchy modification application for hearing. The purpose of the hearing will not be to determine whether operation of KMJ–TV as proposed would violate the duopoly rule, but to determine the impact of the proposed operation on competition and diversity of viewpoints in the areas allegedly served by the two McClatchy television stations. We reject the duopoly standard because of the difficulty (some would say, the impossibility) of constructing an actual Grade B signal intensity contour and the absence of a generally accepted or administratively prescribed method of predicting alternative contours under atypical terrain conditions. To attempt to enforce a fixed standard without acceptable tools violates the principle of predictability which the standard embodies. The burden will be on SJCC to establish by competent evidence the areas served in common by KOVR(TV) and KMJ–TV operating as proposed in the modification application and to come forward with evidence demonstrating any inimical effects on competition and diversity resulting from such common service areas, i.e., an undue concentration of control of the communcations media.

[18] This study is based on a method published as National Bureau of Standards Technical Note 101, rev. May 1, 1966. A summary of the study, including the assumptions on which it is based, and the findings, will be made a part of the docketed file in this proceeding, for the examination of interested parties. We note that there is some belief in the engineering community that this method "may be less than satisfactory in yielding realistic estimates of UHF fields occurring at distances of less than 50 to 60 miles from the transmitter." See Report and Order *In the Matter of Amendment of Field Strength Curves, supra*, at 865. That objection should not apply to this instance, where the distances considered are more than 60 miles from the transmitter.

[19] For Channels 2–6, 47 dBu; for Channels 7–13; for UHF channels, 64 dBu.

[20] McClatchy is the licensee of AM stations in Sacramento, Modesto, and Fresno, and FM stations in Modesto and Fresno, as well as the television stations discussed in this Order. In addition, it publishes daily newspapers in Sacramento, Modesto, and Fresno. It is conceivable that, by the alternative method described above, common areas of service would be found between KMJ–TV, as modified, and the McClatchy aural services in Modesto. There is no need to inquire whether this would violate the spirit of the new rule on regional concentration of control, which prohibits, generally, "common ownership of three broadcast stations where any two are within 100 miles of the third if there • • • will be primary service contour overlap of any of these related stations." *In the matter of Amendment of the Multiple-Ownership Rules* (Docket 20548), ——— FCC 2 ———, 40 RR 2d 23, 28 (1977), because Fresno and Modesto are more than 100 miles apart. Evidence of other McClatchy services, both broadcast and print, may be relevant, however, on the designated issue.

23. If, during the course of this hearing, the assignment of KOVR(TV) is approved and consummated, the Administrative Law Judge may give summary decision as to this issue, as the most that will result is the replacement of one McClatchy service with another.

24. Accordingly, *It is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of McClatchy Newspapers for renewal of license, and San Joaquin Communications Corporation for construction permit, and the application of McClatchy Newspapers for modification of the facilities of KMJ-TV, are designated for hearing in a consolidated proceeding, at a time and place to be fixed in a subsequent Order, upon the following issues:

(1) To determine, with respect to the application of McClatchy Newspapers for modification of facilities of KMJ-TV,

(a) The areas and populations which would receive service from KOVR(TV) and KMJ-TV, operating as proposed.

(b) In the light of the evidence on the above issue, whether operation of KMJ-TV in the manner proposed would result in undue concentration of control of the communications media inconsistent with the public interest.

(c) In the light of the evidence on the above issue, whether a grant of the application would serve the public interest, convenience and necessity.

(2) To determine, with respect to the applications of McClatchy Newspapers and for renewal of license, and San Joaquin Communications Corporation for construction permit, which application, on a comparative basis, if granted, would better serve the public interest, convenience and necessity.

(3) To determine, in the light of the evidence on the above issue (2), which of the applications should be granted.

25. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issue (1) shall be on San Joaquin Communications Corporation and the burden of proof on said issue shall be on McClatchy Newspapers.

26. *It is further ordered*, That "Motion to Consolidate Applications" filed by San Joaquin Communications Corporation is granted to the extent indicated above, and is denied in all other respects.

27. *It is further ordered*, That the "Motion for Ruling Regarding Processing of Applications or Other Relief" filed by McClatchy Newspapers *is granted* to the extent indicated above, and is denied in all other respects.

28. *It is further ordered*, That, in the event of a grant of the license renewal of McClatchy Newspapers for KMJ-TV, such grant shall be without prejudice to any subsequent Commission action resulting from resolution of the following pending antitrust actions:

(a) *Sacramento Union Corporation, et al.* v. *McClatchy Newspapers, Inc., et al.* (No. C-77-0050 SC), filed January 7, 1977, in the U.S. District Court for the Northern District of California.

(b) *Naify, et al.* v. *McClatchy Newspapers, et al.* (No. C-76117 SW), filed in the U.S. District Court for the Northern District of California.

(c) *Noble et al.* v. *McClatchy Newspapers, et al.* (No. C-51624 SC), filed in the U.S. District Court for the Northern District of California and reversed and remanded by the Ninth Circuit (Nos. 72-2021, *et al.*, 1975).

29. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

30. *It is further ordered*, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-17625 Filed 6-20-77;8:45 am]

RADIO CICERO, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: June 9, 1977.

Released: June 20, 1977.

In re applications of Radio Cicero, Inc., Cicero, Illinois; Docket No. 21247, File No. BP-20,041; Req: 1450 kHz, 250 W, 1 kW-LS, U. Migala Enterprises, Inc., Cicero, Illinois; Docket No. 21248, File No. BP-20,127; Req: 1450 kHz, 250 W, 1 kW-LS, U. Cicero Radio Corporation, Cicero, Illinois; Docket No. 21249, File No. BP-20,129; Req: 1450 kHz, 250 W, 1 kW-LS, U. The Board of Trustees of the University of Illinois, Cicero, Illinois; Docket No. 21250, File No. BP-20,131; Req: 1450 kHz, 250 W, 1 kW-LS, U. Metropolitan Broadcasting, Company, Inc., Cicero, Illinois; Docket No. 21251, File No. BP-20,134; Req: 1450 kHz, 250 W, 1 kW-LS, U. Nationwide Broadcasting Company, Cicero, Illinois; Docket No. 21252, File No. BP-20,135; Req: 1450 kHz, 250 W, 1 kW-LS, U. Midway Broadcasting Corporation, Cicero, Illinois; Docket No. 21253, File No. BP-20,137; Req: 1450 kHz, 250 W, 1kW-LS, U, for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration, the above-captioned applications for construction permits for standard broadcast stations at Cicero, Illinois. These mutually exclusive applications are for the deleted facilities of Station WVON, formerly licensed to Globe Communications, Inc. On October 25, 1974, the Commission approved the transfer of station WNUS, Chicago, Illinois, from the McLendon Broadcasting Corporation to Globe Communications, Inc. (BAPL-438). As a result of Globe's commencement of operations with its new facilities, it abandoned its Cicero, station, and these facilities became available to be applied for by other interested parties. The Commission also has for consideration a petition for assignment of new file number, filed May 26, 1977, by Midway Broadcasting Corporation (Midway), directed against the application of Migala Enterprises, Inc., (Migala).

2. In its petition, Midway alleges that changes in ownership of Migala stock after expiration of the November 7, 1975 cut-off date for the lead application resulted in Joseph Migala acquiring positive control of the applicant. The following table summarizes the percentage of stock ownership in Migala as filed and as amended:

Name	Original percentages	Amended percentages [1]
Joseph Migala	29	80
Estelle Migala	29	5
George Migala	14	5
Diana Maria Migala	14	5
Barbara Holtzinger	14	5

[1] On May 31, 1977, Migala tendered a further amendment to reflect that Joseph Migala and Estelle Migala's percentages of ownership are now 78 pct and 7 pct, respectively. Subsequently, Migala filed an opposition to Midway's petition.

(Joseph Migala and Estelle Migala are husband and wife and the remaining stockholders are their children). Midway maintains that Joseph Migala's acquisition of positive control of the applicant requires the assignment of a new file number and the return of the application to the processing line under § 1.571(j)(2). This rule provides for the assignment of a new file number when an application for a new station is amended so as to result in an assignment or transfer of control for which an existing station would have to file a "long form" application (FCC Forms 314, 315, or 345). While § 1.571(j)(2) is subject to the exceptions contained in § 1.540 of the Rules which permits the filing of an application for voluntary assignment or transfer of control on the so-called "short form" (FCC Form 316), Midway asserts that the Migala transaction does not fail within any of the noted exceptions. The Commission concludes that in these circumstances, the assignment of a new file number is not required. In *Gaffney Broadcasting Corporation*, 35 RR 2d 1607 (1976), the Commission had before it a petition for reconsideration of its grant of an application for transfer of control. There, petitioner alleged that the applicant had improperly filed its application on FCC Form 316. In that case, a husband and wife owning fifty percent of the transferee stock acquired the remaining fifty percent from the other stockholders. Before the transaction, the husband owned forty-nine percent of the stock and the wife owned one percent; subsequently, their interests were increased to ninety-eight percent and two percent respectively. The Commission, citing *Barnes Enterprises, Inc.*, 55 FCC 2d 721, 35 RR 2d 174 (1975), held that the transfer was filed properly on FCC Form 316 since the husband and wife as a "family group" held negative (50 percent) control and were merely acquiring positive control. In the present case, Joseph Migala and Estelle Migala, as a "family group" already held positive (58 percent) control of Migala Enterprises, Inc., and the amendments in question reflect only an increase in their pre-existing positive control. Accordingly, the assignment of a new file number to Migala's application is not required.

3. Radio Cicero, Inc. (Radio Cicero) has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1501 (1971) (*Primer*) in several significant respects. Question and Answer 11(a) of the *Primer* requires that consultations with community leaders be conducted by principals, management-level employees, or, in the case of newly formed applicants, by prospective management-level employees. Radio Cicero states only that its community leader consultations were conducted by "the president of the corporation or other officer or key employees of the corporation." Because of its failure to identify by name or position, other than the president of the applicant corporation, those persons who conducted its community leader survey, the Commission is unable to determine whether or not the survey was completed in compliance with Question and Answer 11(a). *Maranatha, Inc.*, 56 FCC 2d 194, 34 RR 2d 423 (Rev. Bd. 1975), *Mel-Lin, Inc.*, 48 FCC 2d 1207, 31 RR 2d 819 (Rev. Bd. 1974). Also, it does not appear that Radio Cicero has consulted with leaders of all significant groups that reflect the composition of Cicero, as required by Question and Answer 13(a) of the *Primer*. *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1124 (1974). For example, Radio Cicero's list of community leaders consulted includes no student or youth leaders, no public law enforcement or safety leaders, and no leaders of certain ethnic groups. With respect to the latter, Cicero is described by Radio Cicero as "generally a melting pot of foreign population." It indicates that the largest ethnic groupings are Italian, Czechoslovak, Polish, German, Lithuanian, and Latino. Of these, Radio Cicero has failed to consult with leaders of Cicero's Czechoslovak-American, German-American, Lithuanian-American, Polish-American, and Latino-American communities.

4. Question and Answer 29 of the *Primer* requires that an applicant list the broadcast matter which is proposes in response to ascertained problems and needs. For each proposed program, an applicant must state the anticipated time segment, duration, and frequency of broadcast, and the problem or problems to which each will be responsive. Radio Cicero has not complied fully with these requirements in that it has not indicated the time segments and/or frequency of broadcast for several of its proposed programs, i.e., "The Forum," "The Reply," "Cicero Dialogue," and "We Challenge." For the foregoing reasons, a general ascertainment issue will be specified against Radio Cicero.

5. Metropolitan Broadcasting Company, Inc. (Metropolitan) has not shown that it is financially qualified to construct and operate as proposed. Analysis of Metropolitan's financial documentation, as amended, indicates that it will require $314,647 to construct its proposed facility and operate for one year without reliance upon anticipated revenues, itemized as follows:

Equipment	$114,790
Building	10,000
Miscellaneous	18,500
Bank loan—repayment of principal	42,857
Bank loan—repayment of interest	28,500
Working capital (first year)	100,000
Total	$314,647

To meet this requirement, Metropolitan relies upon a bank loan and existing capital. Metropolitan has submitted a letter from the First National Bank of Chicago expressing that institution's willingness to lend $300,000 for purposes of construction and operation of the proposed broadcast station. The loan commitment is contingent, in part, upon the receipt of personal guarantees from the applicants' stockholders and contemplates the assignment of certain assets of the corporate applicant and its stockholders individually. While the stockholders have submitted their personal guarantees, there is no indication of stockholder agreement to the collateralization requirement. Therefore, the Commission is unable to find that the proposed loan is available. Moreover, even if the proposed loan was available, the Commission notes that Metropolitan would be able to demonstrate the availability of only $304,900, consisting of the $300,000 loan and $4,900 in net current and liquid corporate assets, to meet a requirement of $314,647. Accordingly, a financial issue will be specified against Metropolitan.

6. Also, Metropolitan has failed to comply with the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants, supra*. Question and Answer 9 of the *Primer* requires that applicants show that they have determined the composition of their communities by submitting "such data as is necessary to indicate the minority, racial, or ethnic breakdown of the community, its economic activities, governmental activities, public service organizations, and any other factors or activities that make the particular community distinctive." Although Metropolitan has provided some demographic data, we are provided with insufficient information relative to the "minority, racial, and ethnic" breakdown of Cicero. Thus, while Metropolitan states that 35.8 percent of Cicero's residents are of foreign stock, and that Italy is the leading country of origin, followed by Czechoslovakia, Poland, Germany, Lithuania, and Spanish-speaking countries, it has not indicated the percentages of the overall population that each minority, racial, or ethnic group comprises. In addition, it has not indicated whether or not there are any members of racial (as distinguished from nationality) minorities, residing in Cicero. Inasmuch as Metropolitan has failed to submit sufficiently detailed information about Cicero's composition, it is impossible to determine whether Metropolitan's list of community leaders interviewed includes representatives of all significant groups, as required by the *Primer*.

7. Evaluation of Metropolitan's list of community leaders in light of the demographic information submitted shows that not all significant groups have been consulted. *Voice of Dixie, Inc., supra*. For example, Metropolitan has consulted with no leaders of Italian, German, Latino, or Lithuanian organizations even though it has indicated the presence of large numbers of these ethnic groups in Cicero. In this regard, it is noted that Metropolitan has shown some of its community leaders to be members of racial or ethnic groups, but not leaders. However, for purposes of community ascertainment, we have distinguished between those persons who are racial or ethnic group leaders and those persons (who may be community leaders in their own right) who are merely members of a particular racial or ethnic group. *A. V. Bamford*, 48 FCC 2d 1155, 31 RR 2d 790 (Rev. Bd., 1974), affirmed *Bamford* v. *FCC*, 175 U.S. App. D.C. 250, 535 F. 2d 78 (1976). See also, *Dale A. Owens*, 56 FCC 2d 482, 35 RR 2d 508 (Rev. Bd. 1975). In light of the foregoing, an ascertainment issue will be specified against Metropolitan.

8. Nationwide Broadcasting Company (Nationwide) has failed to show that it possesses the necessary financial qualifications to be a Commission licensee.[2] Analysis of Nationwide's financial documentation indicates that it will require $688,231 to construct its proposed facility and operate for one year, without reliance upon anticipated revenues, itemized as follows:

Equipment	[1] $44,683
Miscellaneous	36,000
Estimated repayment of principal	70,000
Estimated repayment of interest	37,625
Working capital (first year)	499,923
Total	688,231

[1] Nationwide proposes to purchase certain new equipment from RCA totalling $44,683. We note, however, that the RCA equipment proposal expired in December 1975 and that there is no indication whether the proposal has been extended.

[2] Prior to preparation of this hearing order, each application was reviewed by the Commission's staff. Each applicant was sent a letter noting any financial or legal deficiencies discovered, and each was given an opportunity to amend. Of the seven applicants, only Nationwide failed to submit any amendatory material in response to the Commission's letter. Thus, issues specified against Nationwide are based on its application as filed originally.

To meet this requirement, it plans to rely upon $15,000 in existing capital, $285,000 in stock subscriptions[3] and a $350,000 bank loan.

9. With regard to Nationwide's stock subscriptions, the Commission finds that only $28,500 of the $285,000 total has been shown to be available in accordance with its standards. The subscriptions of Messrs. Lewis, Johnson, Collins and Lafontant are not acceptable because their balance sheets do not indicate existence of current and liquid assets in excess of current liabilities by amounts sufficient to support each of their respective commitments. The balance sheets for Messers. Lewis, Johnson, and Lafontant include among their assets "stocks listed on national exchanges," and "other negotiable securities and bonds." However, since none of these securities, nor the markets on which they are traded are identified, we cannot determine whether they qualify as current and liquid assets as contemplated by Section III, page 3, paragraph 4(b) of the application. An applicant wishing to rely upon marketable securities must identify the securities by name as well as the number of shares held and the exchange where listed, so that an independent and current determination can be made as to their market values. *Southern Minnesota Supply Company*, 12 FCC 2d 66 (1968), *Vista Broadcasting Company, Inc.*, 18 FCC 2d 636, 16 RR 2d 838 (Rev. Bd. 1969).

10. Nationwide has submitted a letter from the Bank of Commerce and Industry stating that while the bank cannot make a firm commitment, its loan committee would "look with favor" upon Nationwide's request for a line of credit not to exceed $350,000 to help finance its proposed broadcast station. Further, the letter states that if the bank did lend funds to Nationwide, it would do so only in compliance with certain conditions including the execution of personal guarantees by the stockholders and their spouses. None of these conditions have been accepted or met. In addition, the letter fails to specify the loan's repayment schedule. Therefore, the Commission is unable to conclude that Nationwide has reasonable assurances of the availability of the proposed loan. Accordingly, an issue will be specified to determine whether it is financially qualified.

11. At Section V–A of its application, Nationwide states that it proposes to locate its main studio in Chicago, Illinois at a site to be determined. Nationwide has proopsed to locate its studio in Chicago despite the fact that its proposed community of license is Cicero. This is inconsistent with Section 73.30(a) of the Commission's Rules which requires that a standard broadcast station's main studio be located in its community of license unless it is located at the transmitter site. Since no waiver of Section 73.30(a) has been requested by Nationwide, an issue will be included to determine whether a waiver is warranted.

12. Furthermore, at Exhibit IV–A–1, page 1 of its application Nationwide states as follows:

> This application is for the former WVON facilities. WVON, while licensed to Cicero, served the Chicago area Black community. Applicant will seek to provide service to its entire service area. The focus of its service, however, will be the substantial Black population within its service area.

Nationwide's application includes detailed and extensive exhibits of its efforts to ascertain the problems and needs of Chicago. However, its community ascertainment virtually ignores Cicero, its porposed community of license. Hence, it does not appear that Nationwide has complied with the requirement of the *Primer* to ascertain the problems and needs of its proposed community of license, Cicero. See Questions and Answers 3 and 6. Therefore, an ascertainment issue will be specified.

13. Circero Radio Corporation (CRC) has failed to show the availability of sufficient funds to construct and operate as proposed. Analysis of CRC's financial material indicates that it will require $431,275 to construct its proposed facility and operate for one year, itemized as follows:

Payment for equipment option	$ 1,000
Payment for equipment	100,000
Down payment on new studio equipment	2,322
Monthly payments on new studio equipment	6,703
Building	17,000
Miscellaneous	33,000
Working capital (first year)	175,000
Principal paymetns on bank loan	70,000
Interest payments on bank loan	26,250
Total	431,275

To meet this requirement, CRC plans to rely on $5,500 in existing capital, $375,000 in stock subscriptions and a $350,000 bank loan. With regard to the Stock subscriptions, the Commission is able to find that only four of the stockholders (Messrs. Gitles, Falk, Heiman and Mayfield) have submitted balance sheets that support their ability to meet their subscription agreements. Furthermore, the Commission is unable to find that the loan commitment from the American National Bank and Trust Company of Chicago is available to CRC. This commitment was issued to Cicero Radio Partnership or its ten named general partners. Subsequently, the partnership amended its application to reflect a modification of its legal status from a general partnership to a corporation. However, CRC failed to submit an amended commitment letter indicating the bank's willingness to lend the funds to CRC. Similarly, the letter of dererred credit from CRC's equipment supplier, Systems Marketing Corporation, is addressed to the partnership and cannot be considered to be available at this time. Therefore, CRC has shown the availability of only $155,000 to meet a requirement of $431,275, and an issue will be specified regarding the availability of the bank loan and deferred credit on its equipment.

14. There appear to be substantial differences between the proposed programming formats of these applicants. Radio Cicero, Migala Enterprises, Inc., Cicero Radio Corporation, and Metropolitan all propose programming directed toward the particular ethnic groups residing in Cicero, while Nationwide Broadcasting Company proposes programming service to Chicago's Black community. Midway Broadcasting Corporation states that its programming will be directed towards Cicero as well as to Chicago's Black population. In addition, the Board of Trustees of the University of Illinois has applied for a noncommercial educational station and thus proposes a format of educational programming. Therefore, the relative need for these different types of programming will be considered under the standard comparative issue. *Ward L. Jones*, FCC 67–82 (1967).

15. Except as indicated by the issues specified below, each of the applicants is legally, financially, technically, and otherwise qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

16. Accordingly, *It is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above applications, are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order upon the following issues:

1. To determine the efforts made by Radio Cicero, Inc. to ascertain the community problems and needs of the area to be served and the means by which it proposes to meet those problems.

2. To determine with respect to the application of Metropolitan Broadcasting Company:

(a) Whether the stockholders of the applicant can meet the terms of their bank loan commitment;

(b) Assuming the aforementioned bank loan is available, whether the applicant has additional funds in excess of $304,900 to meet its $314,647 requirement; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified to construct and operate as proposed.

3. To determine the efforts made by Metropolitan Broadcasting, Inc. to ascertain the community problems and needs of the area to be served and the means by which it proposes to meet those problems.

4. To determine whether the proposal of Nationwide Broadcasting Company is in compliance with Section 73.30(a) of the Commission's Rules with respect to the location of the main studio, and if not, whether circumstances exist which warrant a waiver of said section.

5. To determine whether Nationwide Broadcasting Company is financially qualified to construct and operate its proposed station.

6. To determine the efforts made by Nationwide Broadcasting Co. to ascertain the community problems and needs of the area to be served and the means by which it proposes to meet those problems.

7. To determine, with respect to the application of Cicero Radio Corporation:

(a) Whether its purported bank loan is available;

(b) Whether it has available deferred credit from its equipment supplier; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified to construct and operate as proposed.

8. To determine which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

17. *It is further ordered*, That, the petition for assignment of new file number, filed by Midway Broadcasting Corporation, is denied.

18. *It is further ordered*, That, to avail themselves of the opportunity to be heard the applicants herein, pursuant to Section 1.221(c) of the Commission's Rules, in person, or by attorney, shall, within twenty days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

19. *It is further ordered*, That, the applicants herein shall, pursuant to § 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION,
PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.77-17626 Filed 6-20-77;8:45 am]

[FCC 77-387; Docket No. 21278, File No. BR-1465; Docket No. 21279; File No. BRH-643]

TIDEWATER RADIO SHOW, INC.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: June 2, 1977.

Released: June 16, 1977.

By the Commission: Commissioner Lee absent.

In re applications of Tidewater Radio Show, Inc. for renewal of license of WPCE, Portsmouth, Virginia, and Willis Broadcasting Corporation for renewal of license of WOWI–FM, Norfolk, Virginia.

1. The Commission has before it for consideration the above-captioned license renewal applications and its inquiries into the operation of Stations WPCE and WOWI–FM, Portsmouth and Norfolk, Virginia, respectively.

2. Information before the Commission raises serious questions as to whether the applicants possess the qualifications to remain licensees of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, *It is ordered*, That the captioned applications are designated for consolidated hearing pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine all the facts and circumstances surrounding the sales-related conduct of one James Dulaney while employed as sales manager for the subject stations with specific regard to:

(1) Whether James Dulaney used coercion, threats of physical violence, and other improper tactics as part of his sales activities;

(2) Whether and to what extent the principals of the licensees were aware of these sale practices of James Dulaney;

(3) Whether the principals of the licensees exercised the required degree of supervision and control over the sales activities of James Dulaney;

(4) In light of the foregoing information, to determine the effect such evidence has on the subject licensees' character qualifications to remain licensees of the Commission.

(b) To determine whether Stations WPCE and WOWI–FM have broadcast information concerning lotteries in violation of Section 1304 of Title 18 of the United States Code and of Section 73.1211 of the Commission's Rules.

(c) To determine whether the broadcast by Stations WPCE and WOWI–FM of programs or announcements which advertised articles such as a "Prosperity Package" and a "prayer cloth" or the services of a Madame Gray or Reverend Sister Bishop or which offered to give three-digit numbers to be used for "financial blessings" constituted false, misleading, or deceptive advertising.

(d) To determine all the facts and circumstances surrounding Willis Broadcasting Corporation's failure to timely notify the Commission of its corporate name change or of a dissolution of its corporate charter by the Commonwealth of Virginia in June 1975.

(e) To determine all the facts and circumstances surrounding Rev. Levi E. Willis, Sr.'s, participation in the operation of Radio Station WBLU, Salem, Virginia, and to determine whether Rev. Willis, Sr., assumed control of radio Station WBLU in violation of Section 310(d) of the Communications Act of 1934, as amended.

(f) To determine whether, in light of all the evidence adduced under the preceding issues, the licensees of WPCE and WOWI–FM possess the requisite qualifications to remain licensees of the Commission and whether a grant of the captioned applications would serve the public interest, convenience, and necessity.

4. *It is further ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned applications for renewal of license of Stations WPCE and WOWI–FM, it shall also be determined whether the applicants have repeatedly or willfully violated Section 73.1211 of the Commission's Rules. If so, it shall also be determined whether an Order of Forfeiture pursuant to Section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or less should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in the matter.

5. *It is further ordered*, That this document constitutes a Notice of Apparent Liability to Tidewater Radio Show, Inc., and Willis Broadcasting Corporation for forfeiture for violations of the Commission's Rules set out in paragraph 4 above. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since this procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (e) inclusive.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (e) and the applicants then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to remain a licensee and that a grant of the application would serve the public interest, convenience, and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicants, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the

[3] Nationwide has submitted stock subscriptions totalling $285,000 from its five stockholders, itemized as follows:

Thomas P. Lewis	$114,000
John E. Johnson	57,000
Ernest T. Collins	28,500
H. Ernest Lafontant	57,000
Harold J. Green	28,500
Total	285,000

manner prescribed in such Rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

10. *It is further ordered,* That the Chief Administrative Law Judge assign the same Administrative Law Judge to conduct this hearing who is assigned to conduct the revocation hearing ordered this day to determine whether the licensee of Station WBLU possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Administrative Law Judge shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee in that proceeding with particular regard to issue (e) of this Hearing Order.

11. *It is further ordered,* That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Tidewater Radio Show, Inc., licensee of Radio Station WPCE, Portsmouth, Virginia, and to Willis Broadcasting Corporation, licensee of Radio Station WOWI-FM, Norfolk, Virginia.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-17623 Filed 6-20-77;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 77-4; Agreements Nos. 9902-3, 9902-4, 9902-5 and 9902-6]

MODIFICATIONS OF EURO-PACIFIC JOINT SERVCE AGREEMENT

Intent to Make an Energy and Environmental Assessment

Correction

In FR Doc. 77-17321, appearing at page 30899 in the issue of Friday, June 17, 1977, the docket number should read as set forth in the headings above.

FEDERAL POWER COMMISSION

[Project No. 1490]

BRAZOS RIVER AUTHORITY

Application for Amendment of License Changing Project Boundary

JUNE 13, 1977.

Public notice is hereby given that an application for Commission approval of an amendment of license changing project boundary was filed on April 26, 1977, under the Federal Power Act (16 U.S.C. 791a–825r) by the Brazos River Authority (Correspondence to: Mr. Thomas P. Brown, III, 5530 Wisconsin Avenue, Washington, D.C. 20015) for the Morris Sheppard Project, FPC No. 1490, located on the Brazos River in Palo Pinto, Young, and Stephens Counties, Texas.

Applicant requests Commission approval to alter the existing project boundary to exclude from the project certain lands currently leased as cottage sites, and which are now considered unnecessary for project purposes. In order to ensure adequate control of the project shoreline, Applicant proposes a buffer zone that would be fixed as the lesser in width of (1) those lands at or below elevation 1007 feet m.s.l., and (2) those lands lying 25 horizontal feet inland from the high water elevation contour of 1000 feet m.s.l. The width of the buffer zone would be further reduced, in some instances, to exclude those lands upon which existing non-project improvements are located.

Applicant requests the use of the shortened procedures pursuant to § 1.32 (b) of the Commission's Rules and Regulations.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All such petitions or protests should be filed on or before July 25, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act (16 U.S.C. 825g, 825h) and the Commission's Rules of Practice and Procedure, specifically § 1.32(b) (18 CFR 1.32(b)), (1976), a hearing may be held without further notice before the Commission on its application if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17636 Filed 6-20-77;8:45 am]

[Docket Nos. G-2801, CI72-50; G-10020, CI71-722]

GETTY OIL CO., AND PHILLIPS PETROLEUM CO., (OPERATORS), ET AL.

Order on Rehearing

JUNE 10, 1977.

On April 13, 1977, the Commission issue an Order Rejecting Settlement in the instant docket. The proposed settlement with regard to Phillips would have divided the total interest of Phillips Petroleum in the Erath Field one-third to Columbia, one-third to Trunkline, and one-third to Trunkline for redelivery to Phillips. With respect to the Getty proceeding, the settlement would have divided Getty's interest 50 percent to Columbia and 50 percent to Transcontinental Gas Pipeline Corporation. In the April 13 order, the Commission determined that both settlement agreements would have to meet the requirements of the so-called "La Gloria Field" case.[1] The Commission further determined that the record before it was insufficient to allow "La Gloria Field" determination to be made.

On May 13, 1977, applications for rehearing of the April 13 order were filed by Phillips Petroleum Company and Transcontinental Gas Pipeline Corporation. On the same date a motion for reconsideration of the April 13 order was filed by Getty Oil Company.

In its pleading Transco argues that the Commission erred in rejecting a unanimous settlement agreement that would resolve all the issues in the Getty proceedings and further that the Commission erred in concluding that the record evidence was insufficient to satisfy the dictates of the La Gloria Field decision. Transco cites our January 19, 1977, Order on Remand in *Hilda B. Weinert and Jane W. Blumberg, et al.*, Docket No. G–2730, *et al.* with respect to the legal test to be utilized in evaluation of settlement offers. Transco quotes from *Placid Oil Company* v. *FPC*, 483 F.2d 880 at 893 that:

> If a proposal enjoys the unanimous support from all of the immediate parties, it could certainly be adopted as a settlement agreement if approved in the general interest of the public. But even if there is a lack of unanimity, it may be adopted as a resolution *on the merits* if FPC makes an independent finding supported by "substantial evidence on the record as a whole" that the proposal will establish "just and reasonable rates for the area.[2]

Transco further argues that the Commission need not engage in the complete and detailed analysis requested by the court in the "La Gloria Field" case where, as here, there is a "unanimously supported settlement proposal". In support of this position, Transco again cites *Hilda W. Weinert and Jane Blumberg, et al.* (*supra*).

In its pleading, Getty Oil Company argues that the Commission's rejection of the settlement and remand of the matter to the Presiding Judge would likely result in a long and drawn out hearing which Getty had hope to prevent by a settlement. The Company also suggests that the settlement "strikes a balance between the two pipelines as to their respective rights to Getty's share of the Erath production with each pipeline getting 50 percent.[3] Getty contends interest and discourages future settlement which is supported by all of the parties involved is contrary to the public interest and discourages further settlements. It is also suggested that approval of the settlement by the Commission would dispose of the proceeding in a manner which is satisfactory to all

[1] *Transcontinental Gas Pipeline Corporation* v. *FPC*, 488 F.2d, 1325 (D.C. Cir. 1973).
[2] Application of Transco at 5 (emphasis in original).
[3] Application of Getty at 2.

parties and "which is in the public interest".[4]

Phillips Petroleum Company suggests that the Commission erred in finding the Phillips-Columbia-Trunkline settlement not to be in the public interest. It notes that the current settlement was supported by all interested parties and was opposed by no customer of either Trunkline or Columbia but only by the Commission Staff. Phillips maintains that the settlement proposal is supported by uncontroverted evidence which was fully subjected to cross-examination and "is more than adequate to support a finding that the public convenience and necessity permits partial abandonment of Phillips' sale to Columbia in order to effectuate the proposed settlement on its merits".[5] Phillips further suggests that it too has high priority need for the natural gas at its Texas Gulf Cost facilities far in excess of that involved in the instant proceeding. Phillips contends that it is being discriminated against in favor of other producers by the Commission's action which will deny "Phillips the right to receive any of its own working interest production in the Erath Field pursuant to a valid reservation which has previously been certificated and found to be in the public interest".[6] The Company cites Opinions 789, 727, and 743 wherein it contends the Commission has authorized deliveries of preserved gas volumes to producers in question. "There can be no meaningful distinction between the uses of gas to be made by producers under Opinion No. 789 and the high priority requirements of Phillips which are far in excess of the volumes involved in this proceeding. Such discriminatory treatment is in violation of the anti-discrimination provisions of sections 4 and 5 of the Natural Gas Act".[7]

Phillips cites § 1.18 of the Commission's Rules of Practice and Procedure which expressly encourage the use of settlement proceedings. Yet, according to Phillips, the April 13 order effectively destroys the usefulness of settlement procedures in abandonment cases. The Commission's apparent evidentiary requirements are simply unrealistic, according to Phillips in the context of a settlement unanimously supported by all *interested* parties. In support of this position, Phillips cites *Hilda B. Weinert and Jane W. Blumberg, et al.* (*supra*). The final point advanced by Phillips is that in the April 13 order the Commission misconstrued the 1971 Phillips Trunkline contract and our December 31, 1971 certificate order based upon that contract. According to Phillips, "the contract provided for the sale to Trunkline, subject to ordinary field production reservations and subject to the reservation of volumes contractually committed to Columbia under the contract which expired on November 1, 1974. The 1971 contract clearly was not restricted to only those volumes attributable to Phillips' interest in Erath Field production in excess of 100,000 Mcf/d".[8]

[4] *Id.* at 3.
[5] Application of Phillips at 1–2.
[6] *Id.* at 3.
[7] Ibid.
[8] Ibid. at 4.

DISCUSSION

We turn first to the question of the authority of the Commission to reject a settlement agreement proffered by all of the interested parties. This Commission is not required to accept a settlement which meets with the approval of all interested parties if such a settlement in the Commission's opinion, is not in the public interest. The Commission's opinions and court decisions which are cited by the parties do not require a different result. Even the *Placid*[9] case by its very language does not require the Commission to adopt unanimous settlements. The Commission could, in the court's langauge approve such agreements if they are in the general public interest.[10]

Indeed in two other Federal circuits this result has been reached. In *Amoco Production Company* v. *FPC*[11] the Tenth Circuit Court of Appeals stated:

> Indeed, the Federal Power Commission, as the guardian of the public interest, has been held to be charged, in every proceeding, and without regard to the absence, protest, or applications for intervention in opposition, to determine whether the matter before it upon application is in the public interest or calls for some other disposition.[12]

Even more clearly put is the statement of the District of Columbia Circuit that,

> The whole purpose of the informal settlement provision is to eliminate the need for often costly and lengthy formal hearings in those cases where the parties are able to reach a result of their own *which the appropriate agency finds compatible with the public interest.*[13]

Where as in the instant proceedings the proffered settlement appears not to be in the public interest, and is not unanimous—here, objected to by the Commisson Staff—this Commission has the right, responsibility, and even the duty to reject the agreement.

The determination that the Commission can reject a settlement agreement supported by all interested parties and opposed by the Commisison Staff leads to the next consideration of whether the instant settlement was correctly rejected. In the "La Gloria Field" case, the D.C. Circuit set out at some length the Commission's duties in a proceeding such as this. Here, one interstate pipeline will in effect be abandoned to the benefit of another interstate pipeline. In such circumstances, the court requires, "a searching and comprehensive inquiry by the Commission into all factors relevant to determining the overall public interest in this abandonment proceeding".[14] Specifically the court suggested that,

> Primary importance must be given to a broadly conceived comparison of the needs of the two natural gas systems and the public markets they served. Additionally, the Commission should consider the environmental effects of its decision; the economic effect on the pipelines and their consumers, the presumption in favor of continued service and the relative diligence of the respective pipelines in providing for adequate natural gas supplies.[15]

No party contests the applicability of the *Transcontinental* (La Gloria Field) decision. Transco is the only party which seeks to challenge our earlier determination that this test had not been met. In doing so, however, Transco relies exclusively on the *Hilda B. Weinert, et al.* language which we have addressed *supra*. To the extent that it has not been made clear before, we will state that *Hilda B. Weinert, et al.* is distinguishable from the instant proceeding since in that proceeding Staff took no position on the proffered settlement. In addition, that decision does not, nor could it, stand for the proposition that this Commission is unable to reject a settlement where, as here there is virtually no evidence to meet the *Transcontinental* (La Gloria Field) requirements.

Notwithstanding the arguments of Phillips, there is insufficient evidence in the record now before us to allow the Commission to make the findings required by "La Gloria Field". There is, certainly, evidence that Phillips has a need for the subject gas. This is, however, but one of many facts the Commission must find. Absent a more complete record dealing with the issues of concern to the court in "La Gloria Field" we cannot properly find the settlement in the public interest.

For the foregoing reasons we are disinclined to modify our April 13 Order Rejecting Settlement. The parties have not shown it to be erroneous, or ill-conceived. With respect, however, to Phillips' contention that the Commission has misconstrued its 1971 contract with Trunkline, we do confess error. At page four of the April 13 order, we stated, "a more appropriate construction of that certificate for the sale to Trunkline is that it allowed the *excess* of Phillips' interest not committed to Columbia to be sold to Trunkline". Phillips is correct in stating that the 1971 contract "clearly was not restricted to those volumes *attributable to Phillips' interest* in Erath Field production in excess of 100,000 Mcf/d". (Emphasis added) That contract was for Phillips' *production* in excess of its Columbia commitments. This confession of error, however, does not in any way change the result of our April 13 order. On rehearing, we conclude that our Order Rejecting Settlement in the instant dockets

[9] 483 F.2d 880 (5th Cir. 1973).
[10] *Id.* at 893.
[11] 465 F.2d 1350 (10th Cir. 1972).
[12] Id. at 1355.
[13] *Pennsylvania Gas and Water Co* v. *FPC*, 463 F.2d 1242 (D.C. Cir. 1972). (Emphasis added).
[14] *Transcontinental Gas Pipe Line Corporation* v. *FPC*, 488 F.2d 1325, 1329 (D.C. Cir. 1973).
[15] *Id.* at 1330.

JUN 21 1977 UM

issued April 13, 1977, should not be modified.

The Commission orders: The order rejecting settlement in the instant dockets, issued April 13, 1977, is hereby affirmed and adopted on rehearing.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17637 Filed 6-20-77;8:45 am]

[Docket No. E-9563]

INTERIOR DEPARTMENT, BONNEVILLE POWER ADMINISTRATION

Order Conditionally Confirming and Approving Rate Schedules, Providing for Hearing, and Establishing Other Procedures

JUNE 10, 1977.

Federal rates: Conditional Confirmation and Approval of Rates. Before commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On July 30, 1976, pursuant to the Federal Columbia River Transmission System Act (93 Stat. 454), the Secretary of the Interior (Interior) on behalf of the Bonneville Power Administration (BPA), filed with the Commission, a request for the confirmation and approval of the following rate schedules which apply to the transmission of non-Federal electric power and energy over BPA's transmission facilities:

Schedule FPT-1. Available for the firm transmission of electric power and energy for another entity over Federal electric transmission system facilities. The rate is designed for transmitting power from non-Federal hydro and existing thermal plants to load centers over Federal facilities where specific facilities used may not be readily determined.

Schedule UFT-1. Available for the transmission of electric power and energy for another entity over specified Federal transmission system facilities. The basic monthly charge shall be one-twelfth of the sum of the products of the annual cost of each element of the specific facilities per kilowatt of capacity rating and the transmission demand.

Schedule ET-1. Available for the incidental transmission of electric energy for another entity using excess capacity of the Federal transmission system.

Public notice of Interior's filing was issued August 11, 1976, with protests or petitions to intervene due on or before Docket No. E-9563.

September 10, 1976. Petitions to intervene were filed by the Idaho Power Company, Montana Power Company, Pacific Power & Light Company, Public Utility Commissioner of Oregon, Portland General Electric Company, Puget Sound Power & Light Company, Public Power Council, City of Seattle, Washington, and Washington Water Power Company. By order issued October 5, 1976, the Commission granted intervention to the above-listed parties.

Interior's filing of July 30, 1976, is the first made pursuant to the Federal Columbia River Transmission Act (ACT). Section 10 of the Act states that "the recovery of the cost of the Federal transmission system shall be equitably allocated between Federal and non-Federal Power utilizing such system."

The proposed rates would result in an overall increase in revenue of some $5.6 million or 25 percent based on an estimated 1978 test year. The following table summarizes the categories of transmission revenues under the current and proposed transmission rates as contained in the filing.

Expected revenues for operating year 1978 [1]

[Amounts in thousands]

Category	Current rates	Proposed rates	Dollar increase	Percentage change
Formula transmission	$11,400	$15,300	$3,900	34
Secondary to Pacific Southwest	1,100	1,800	700	64
New thermal	2,400	3,400	1,000	42
Subtotal	14,900	20,500	5,600	38
Columbia storage power exchange and supplemental	2,700	2,700	0	0
Use of facilities and miscellaneous	5,000	5,000	0	0
Subtotal	7,700	7,700	0	0
Total transmission and miscellaneous	22,600	28,200	5,600	25

[1] July 1, 1977, to June 30, 1978.

To demonstrate that the transmission costs are equitably allocated between Federal and non-Federal users, BPA submitted five methods of determining the non-Federal portion of system costs as a test of the reasonableness of the method used in the filing. The allocated costs generated by the five tests for equity are compared to the amount of revenue forecasts under BPA's proposed Formula Power Transmission rate schedule in the following table:

Summary of BPA equity studies

[Dollars in millions]

Methods	Allocated costs [1]
I. Dollars per kilowatt, forecasted demands, total system.	26.4
II. Dollars per kilowatt, power flows, main and secondary systems.	26.4
III. Mills per kilowatt hour, forecasted energy, total system.	21.1
IV. Power flow allocation Federal/non-Federal system (with staff adjustments).	26.9 24.6
V. Contract flow allocation, Federal system only.	24.8
VI. Revenue forecast [2]	22.4

[1] For main and secondary systems only.

Based on data provided by BPA in response to Staff requests regarding the actual 12 month coincidental demand for 1976, Staff's preliminary estimate of the portion of cost of the main and secondary systems attributable to non-Federal customers is approximately 40 percent. When this allocation factor is applied to BPA's estimated test year cost of such facilities ($76.1 million), the non-Federal revenue requirement amounts to considerably more than the $22.4 million revenue forecast under the proposed rates.

The intervenors in this proceeding have adopted the position that BPA has failed to demonstrate that it equitably allocated costs between Federal and non-Federal users of the system. One group of intervenors, known as the Intercompany Pool,[1] and the City of Seattle, have retained consultants to review BPA's filing. Requests have been made to BPA by the Commission Staff and the intervenors' consultants for data to support BPA's filing. To date, BPA has not responded to all of the requests.

Review of the BPA filing shows that it does not provide documentation in sufficient detail to permit a comprehensive analysis of the proposed rates. As a result, the intervenors and Staff have requested that BPA provide additional information needed to perform the required analysis. By way of example, Staff has not yet ascertained if the allocation factor (40%) derived from the data provided by BPA accurately reflects the non-Federal use of the transmission system. Similarly, BPA's estimated test year transmission system costs have not been confirmed as reasonable. These facts coupled with numerous questions regarding rate design, treatment of transmission losses and system reserves, functionalization of expenses between transmission and generation, and use of contract demands rather than actual demands of non-Federal customers, make it clear that a substantial amount of additional analysis is required before the Commission can fully review BPA's proposed transmission rates.

In an effort to clarify administrative procedures and to provide a forum for the resolution of issues presented by BPA's filing, conferences were held on October 21, October 27, and November 23, 1976, in this docket. It was anticipated that the utilization of such procedures would obviate the need for the conduct of an administrative hearing. However, since the informal procedures have not resulted in a resolution of the issues the Commission finds it necessary to order a hearing before an administrative law judge. Such action will assist the Commission in meeting its responsibilities under Section 9 of the Act. Section 9 provides that BPA's transmission rates shall become effective upon Commission approval and shall be established (1) to encourage the widest possible diversified use of electric power at the lowest possible rates to consumers consistent with solid business principles, (2) to recover the costs of producing and transmitting such electric power, including the amortization of the capital investment allocated to power over a reasonable period of years (3) at levels to produce such additional revenues as required, to assist payment of principal, premiums, discounts, and expenses in connection with the issuance of and interest on all bonds issued and outstanding pursuant to the Act.

[1] Idaho Power Company, Montana Power Company, Pacific Power & Light Company, Portland General Electric Company, Puget Sound Power & Light Company, Washington Water Power Company.

On January 19, 1977, Interior submitted an amendment to the filing requesting confirmation and approval of the proposed rates to be effective immediately on an intermediate basis, subject to retroactive confirmation, or subject to retroactive adjustment higher or lower with interest in accordance with such amended or modified rates hereafter submitted by Interior and approved by the Commission. Interior maintains that each day of delay in adoption of the new rates causes a loss of approximately $15,000 in revenue to the United States.

Public notice of Interior's amendment to filing was issued February 8, 1977, with comments due on or before February 23, 1977. On February 23, 1977, intervenor City of Seattle filed comments opposing BPA's request for conditional approval of rates. It stated that "BPA's delays in responding to our data requests, together with its own tardiness in undertaking cost of service analysis" should not justify interim rate relief.

On February 24, 1977, the Intercompany Pool filed comments stating that:

(1) If the Commission put the proposed rates into effect subject to refund, it would be acting contrary to its earlier position that Bonneville support its rate filings with complete cost studies.

(2) There is a question as to whether the Act permits interim relief.

The Intercompany Pool, as a result, objected to BPA's request for interim relief.

On February 25, 1977, the Public Power Council filed comments supporting BPA's request for interim relief based on the fact that a considerable portion of any losses must be borne by BPA's existing preference customers.

It appears to the Commission that there is sufficient justification to permit the proposed rates to go into effect subject to adjustment. The revenue forecast is less than the preliminary estimate of the non-Federal revenue requirement or BPA's equity tests. It should be noted that this is the initial filing under the Act, which does not attempt to delineate detailed filing requirements. Codified filing requirements and historical precedent, important factors in facilitating proper documentation of rate increases, were not available to assist BPA in the preparation of its transmission rate filing.

The Commission finds: (1) Review of BPA's proposed transmission rate filing indicates that it does not provide documentation in sufficient detail to demonstrate that the rates are in conformity with the requirements of the Federal Columbia River Transmission System Act.

(2) Good cause exists for the Commission to conditionally confirm and approve BPA's proposed transmission rates through June 30, 1978. The rates should be subject to retroactive adjustment with interest in accordance with such amended or modified rates as are hereafter submitted and approved by the Commission.

(3) The Commission requires a hearing record to discharge its duties under the Federal Columbia River Transmission System Act. It is therefore necessary and appropriate to order a hearing as hereinafter provided.

The Commission orders: (A) The Commission conditionally confirms and approves BPA's proposed transmission rates submitted herein through June 30, 1978. The rates shall be subject to retroactive adjustment with interest in accordance with such amended or modified rates as are hereafter submitted and approved by the Commission.

(B) A public hearing shall be convened in this proceeding to determine if BPA's proposed transmission rates are consistent with the Federal Columbia River Transmission Act.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for in this order, and shall otherwise conduct the hearing in accordance with the Commission's Rules of Practice and Procedure.

(D) The Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall conduct a prehearing conference within 30 days of the issuance of this order at 825 North Capitol Street, NE., Washington, D.C. 20426, to establish appropriate procedural dates for the conduct of this hearing.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17688 Filed 6-20-77;8:45 am]

[Docket No. CP76-517]

NATURAL GAS PIPELINE CO. OF AMERICA

Certification of Proposed Settlement

JUNE 14, 1977.

Take notice that on June 6, 1977, Presiding Administrative Law Judge Allen C. Lande certified to the Commission a proposed Stipulation and Agreement together with the record herein. The agreement proposed by Natural Gas Pipeline Company of America (Natural) would dispose of all issues in the proceeding and permit the expansion of Natural's storage fields in Iowa and Illinois, as more fully described in record on file with the Commission and available for public inspection.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before July 1, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17634 Filed 6-20-77;8:45 am]

[Docket No. CP77-410]

SEA ROBIN PIPELINE CO.

Application

JUNE 9, 1977.

Take notice that on May 25, 1977, Sea Robin Pipeline Company (Sea Robin) filed in Docket No. CP77-410, an application for a certificate of public convenience and necessity, pursuant to Section 7(c) of the Natural Gas Act, as amended, authorizing the transportation of natural gas for Texas Eastern Transmission Corporation (Texas Eastern). Sea Robin states, that pursuant to a gas transportation agreement, it proposes to transport volumes of natural gas from Block 333, Eugene Island Area, offshore Louisiana to a delivery point onshore located at the terminus of Sea Robin's pipeline near Erath, Vermilion Parish, Louisiana. Sea Robin further states that the gas purchased by Texas Eastern in the Block 333 Field will be transported through facilities Sea Robin has been authorized to construct as a result of its certificate of public convenience and necessity issued in Docket No. CP76-428 and that it, upon completion of such facilities, will have capacity to transport such gas for Texas Eastern, all as more fully described in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 27, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commimssion by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a

grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing..

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17635 Filed 6-20-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Proposed Changes to a System of Records

On September 8, 1976, there was published in the FEDERAL REGISTER (41 FR 38088 through 38145) annual notices of systems of records pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a. This notice proposes changes to the system of records identified as "Employee related files GSA/NARS-10," system identification number 23-00-0055, 41 FR 38113. The changes will (1) add records containing military service data on National Personnel Records Center (St. Louis) employees and their relatives, (2) allow the disclosure of the military service data to officials of the U.S. Army Reserve Components Personnel and Administration Center, and (3) add personnel type records on volunteers and uncompensated workers performing services in the National Archives and Records Service (NARS) facilities.

A report on the altered system was filed with the Speaker of the House, the President of the Senate, the Office of Management and Budget, and the Privacy Protection Study Commission on May 26, 1977.

Any person interested in commenting on the revised routine use portions of the system of records contained in this notice may do so by submitting comments in writing to General Services Administration (BR), Washington, D.C. 20405. Comments must be submitted on or before July 21, 1977.

The full text of the amended notice of the system of records "Employee related files" is as follows:

23-00-0055 (GSA/NARS-10)

System name:

Employee related files, GSA/NARS.

System location:

The system is located in the National Archives Building, Presidential libraries, Washington National Records Center, National Personnel Records Center, Federal records centers, Federal archives and records centers, and NARS regional headquarters' offices. The addresses are listed in 41 FR 38114.

Categories of individuals covered by the system:

Employees, former employees, and volunteer and uncompensated workers of the National Archives and Records Service and relatives of employees of the National Personnel Records Center.

Categories of records in the system:

Documents accumulated by operating officials in administering personnel matters for or about employees, including but not limited to, name, home address, telephone number, work location and telephone number, social security number, date of birth, date of entry on duty, salary, grade, promotions, within grade increases, age, education, experience, biographical data, military service data, attendance, tardiness, issuance of passes and keys, work assignments, performance, work measurement, counseling, disciplinary actions, adverse actions, conduct, promotion evaluations, equal employment opportunity, labor relations, grievances, alcoholism, security clearances, letters of reference, and pictures. Documents accumulated by operating officials in administering personnel matters for or about volunteer and uncompensated workers, including but not limited to, name, home address, telephone number, work location and telephone number, social security number, date of birth, dates of service, age, education, experience, biographical data, attendance, tardiness, issuance of passes and keys, work assignments, performance, conduct, security clearances, letters of reference, and pictures. Documents which include military service data on employees of the National Personnel Records Center and their relatives accumulated by operating officials in administering the records security program at the Center. Records are primarily used by officers and employees of GSA who have a need for the records in the performance of their duties to monitor and document personnel actions; determine qualifications for promotion, related positions, and specific work assignments; for the convenience of the NARS Personnel Branch and supervisors in overseeing employee activities; to evaluate and rate performance of employees; to document disciplinary actions; to monitor grievance proceedings and EEO complaints; to prepare for adverse actions; to prepare statistical reports to measure overall performance and productivity of all employees; to conduct counseling sessions; to prepare EEO reports; to prepare staffing patterns and determine manpower requirements; to administer the use of voluntary and uncompensated personal services in NARS facilities; to administer the records security program at the National Personnel Records Center; and for use as a general management tool to oversee personnel administration of the organization.

Authority for maintenance of the system:

5 U.S.C., Part III.

Routine use of records maintained in the system, including categories of users and the purposes of such use:

The routine uses of records as defined in 5 U.S.C. 552a(a)(7) and provided for in 5 U.S.C. 552a(b)(3) include disclosing information to other agencies about employees seeking new employment and releasing biographical sketches about employees to other agencies when an employee activity is being publicized as well as the routine uses described in 41 FR 38114. Additionally, U.S. Army military service data relating to National Personnel Records Center (St. Louis) employees and their relatives may be disclosed to United States Army Reserve Components Personnel and Administration Center officials when required for the operation of their record security program.

Policies and practices for storing, retrieving, accessioning, retaining, and disposing of records in the system:

Storage:

Paper records in card files and file folders, magnetic tape, and disks.

Retrievability:

Filed alphabetically at each location by name of individual.

Safeguards:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of NARS.

Retention and disposal:

Records are reviewed annually, documents are updated, and irrelevant documents destroyed. Records are retained until employees are separated, then destroyed. These procedures are in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address:

The agency official with overall responsibility for the system of records is the Archivist of the United States, National Archives Building, Eighth and Pennsylvania Avenue NW., Washington, D.C. 20408. Officials responsible for the geographically dispersed system of records are the Chief, NARS Personnel Branch, at the National Archives Building or supervisors of the employees, former employees, or volunteers at all locations. The addresses were published in 41 FR 38114.

Notification procedure:

Individuals included in this system of records may obtain information from their current supervisor or from the Chief, NARS Personnel Branch, at the appropriate address listed in 41 FR 38114.

Records access procedure:

Requests from individuals included in this system of records should be directed to their current supervisor or to the Chief, NARS Personnel Branch, at the appropriate address listed in 41 FR 38114. Individuals making written requests should provide full name, address, and telephone number, and approximate dates and places of employment or service. For personal visits individuals should provide some acceptable form of identification such as a driver's license. Only general inquiries may be made by telephone.

Contesting record procedures:

GSA rules for access to records and for contesting the contents and appealing initial determinations are found in 41 CFR 105-64.

Records source categories:

Employees, volunteers, and supervisors.

Dated at Washington, D.C. on June 14, 1977.

PAUL S. CARTER,
Acting Director of Administration.

[FR Doc.77-17597 Filed 6-20-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Federal Council on The Aging

COUNCIL MEETING

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Federal Council on the Aging will meet on July 12, 1977 from 9:30 a.m. to 5 p.m. in Room 5051, HEW-North Building, 330 Independence Ave., S.W., Washington, D.C. 20201. The agenda will consist of: Evaluation of the Federal Council on the Aging.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

JUNE 14, 1977.

[FR Doc.77-17617 Filed 6-20-77;8:45 am]

TASK FORCE ON THE FRAIL ELDERLY

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to Pub. L. 92-463 that the Council's Task Force on the Frail Elderly will meet on July 11 and July 13, 1977 from 9:00 a.m. to 5:00 p.m. in Room 303-305A, HEW-South Portal Building, 200 Independence Ave., S.W., Washington, D.C. 20201.

The agenda will consist of: Status report on frail elderly sessions at the annual meeting of the Gerontological Society; Administrative location of services to the frail elderly; Comments from national provider organizations on FCA frail elderly proposals; Status report on FCA minority research project; and Work plan for 1977.

This meeting will be open for public observation.

Further information on the Council may be obtained from: Cleonice Tavani, Executive Director, Federal Council on the Aging, Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

JUNE 13, 1977.

[FR Doc.77-17616 Filed 6-20-77;8:45 am]

Food and Drug Administration

[Docket No. 76N-0338; DESI 11525]

INDOCYANINE GREEN INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice sets forth the conditions for marketing indocyanine green injection for the indications for which it is regarded as effective. The drug is used as a diagnostic agent.

DATES: Supplements to approved NDA's due on or before August 22, 1977.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 11525, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Supplements (identify with NDA number): Division of Cardio-Renal Drug Products (HFD-110), Rm. 16B-30, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC-18), Rm. 4-62.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-501), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Herbert Gerstenzang, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-3650).

SUPPLEMENTARY INFORMATION: In a notice (DESI 11525) published in the FEDERAL REGISTER of July 30, 1970 (35 FR 12231), the Food and Drug Administration announced its conclusions that the drug product described below is (1) effective for measurement of hepatic blood flow and for measurement of cardiac output; and (2) probably effective for use in determining hepatic function. On March 8, 1974, Hynson, Wescott & Dunning Inc., holder of the new drug application for the product, submitted data concerning the drug. While the data did not provide substantial evidence of effectiveness of the drug in determining hepatic function, other data available to the Bureau of Drugs do support that use. On May 2, 1974, the firm supplemented its new drug application to provide for the indication ophthalmic angiography. The data submitted were evaluated and determined to provide substantial evidence of effectiveness for that indication. This notice announces those conclusions and the conditions under which the drug may be marketed for the indications for which it is now regarded as effective.

Accordingly, the July 30, 1970 notice is amended as follows:

NDA 11-525; Cardio-Green Sterile Powder for Injection containing indocyanine green; Hynson, Westcott & Dunning, Inc., Charles and Chase Sts., Baltimore, MD 21201.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Division of Drug Labeling Compliance (HFD-310).

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug is effective for the indications listed in the labeling conditions below.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile powder form suitable, after reconstitution, for parenteral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

For determining cardiac output, hepatic function, and liver blood flow, and for ophthalmic angiography.

3. *Marketing status.* a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued *provided*, That, on or before August 22, 1977, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.70) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 6, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77–17584 Filed 6–20–77;8:45 am]

PHILIPS ROXANE, INC.

Hexederm, Derma-Hex, and Fun-Jex Sprays; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document withdraws approval of a new animal drug application (NADA) providing for use of certain anti-infective sprays as an aid in treating certain skin disorders of dogs, cats, and horses.

EFFECTIVE DATE: June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Walter L. Sessions, Bureau of Veterinary Medicine (HFV–216), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857 (301–443–4093).

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.84, formerly 21 CFR 5.29 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), the following notice is issued:

NADA 12–915V held by Philips Roxane, Inc., St. Joseph, MO 64502, provides for the use of Hexederm, Derma-Hex, and Fun-Jex Sprays on dogs, cats, and horses as an aid in the treatment of ringworm, otitis externa, primary and secondary skin infections caused by or complicated by susceptible bacteria and fungii, as well as nonspecific skin infections.

Philips Roxane, Inc., has requested, by letter dated March 7, 1977, that approval of the NADA be withdrawn and has waived an opportunity for a hearing because the product is no longer being marketed.

Therefore, in accordance with § 514.115 (21 CFR 514.115), notice is given that approval of NADA 12–915V and all supplements and amendments thereto are hereby withdrawn, effective June 21, 1977.

Dated: June 13, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77–17583 Filed 6–20–77;8:45 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

Establishment

The Secretary of Health, Education, and Welfare has determined the establishment of the National Advisory Committee on Black Higher Education and Black Colleges and Universities, as identified hereinafter, to be in the public interest, and necessary and appropriate to provide advice to the Secretary and Commissioner of Education. The Committee is established in accordance with and will be governed by the provisions of the Federal Advisory Committee Act, Pub. L. 92–463.

1. *Designation*—National Advisory Committee on Black Higher Education and Black Colleges and Universities.

2. *Establishment date and date of termination.*—The Committee was established December 22, 1976, and will terminate two years from that date unless renewed by appropriate action prior to its expiration.

3. *Purpose.*—To examine all approaches to higher education of black Americans as well as the needs of historically black colleges and universities.

4. *Membership.*—The Committee will be composed of 15 members knowledgeable about higher education of blacks, the historically black colleges and universities, and/or the economics, educational, societal, and political realities in which public policy is made. At least five shall be presidents of black colleges and at least one shall be from the businesss sector.

5. *Meetings.*—Notice of all meetings, to be held not less than four times each year, will be given to the public in accordance with the Federal Advisory Committee Act.

ANN V. BAILEY,
Committee Management Officer, Office of Education.

[FR Doc.77–16759 Filed 6–20–77;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Request for Nomination of Members

As a result of the June 10, 1977, decision of the Secretary to stagger membership of the National Professional Standards Review Council, there are now four vacancies existing on the Council and request is hereby made for nomination of members to fill those vacancies.

The National Professional Standards Review Council was established in 1973 pursuant to Section 1163 of Pub. L. 92–603 (5 U.S.C. 101 *et seq.*). Section 1163 (a) and (b) of the Law require that the Council be composed of the following: eleven physicians of recognized standing and distinction in the appraisal of medical practice, not otherwise in the employ of the United States; a majority of which shall have been recommended by national organizations recognized by the Secretary as representing practicing physicians; including physicians recommended by consumer groups and other health care interests. Members are appointed for three years and are eligible for reappointment.

Any interested organization or individual may, therefore, nominate one or more qualified persons for membership to the Council. A complete curriculum vitae on the nominee must be included. Nominations shall state that the nominee is aware of the nomination and is willing to serve as a member of the Council.

Nominations should be submitted to Mr. William D. Coughlan, Staff Director, National Professional Standards Review Council, Room 16A–09, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–4990, no later than June 30, 1977.

Dated: June 17, 1977.

JAMES F. DICKSON III,
Acting Assistant Secretary for Health.

[FR Doc.77–17760 Filed 6–20–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 978]

CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE, SAN BERNARDINO MERIDIAN, CALIF.

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 13, 1977.

The U.S. Navy, Department of Defense filed application Serial No. CA 978 on January 21, 1974, for a withdrawal in relation to the following described lands:

CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 9 S., R. 16 E.,
Sec. 20, S½NW¼SW¼, SW¼SW¼, W½
Secs. 22, 24, and 26, All;
Sec. 28, E½ and E½W½;
Sec. 34, All.
T. 9 S., R. 17 E.,
Sec. 20 S½NW¼SW¼, SW¼SW¼, W½ SE¼SW¼, and SE¼SE¼SW¼;
Sec. 26, All;
Sec. 28, NE¼NE¼, S½NE¼, and S½;
Secs. 30, 32, and 34, All.
T. 10 S., R. 15 E.,
Sec. 22, SE¼;
Secs. 24 and 26, All;
Sec. 28, E½ and SW¼;
Sec. 28 E½ and SW¼;
Sec. 34, All.
T. 10 S., R. 16 E.,
Sec. 8, NE¼, E½NW¼, SW¼NW¼, and S½;
Secs. 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 10 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 10 S., R. 18 E.,
Secs. 6, 8, 18, 20, 22, 26, 28, 30, 32, and 34, All.
T. 10 S., R. 19 E.,
Sec. 32, All.
T. 11 S., R 15 E.,
Secs. 2 and 12, All.
T. 11 S., R. 16 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, and 34, All.
T. 11 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T. 11 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 14, 18, 20, 22, 24, 26, 28, 30, 32, and 34, All.
T 11 S., R. 19 E.,
Secs. 4, 6, 8, 10, 14, 18, 20, 22, 26, 28, 30, 32, and 34, All.
T. 12 S., R. 16 E.,
Secs. 2 and 12, All.
T. 12 S., R. 17 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, and 14, All;
Sec. 15, S½;
Sec. 17, S½;
Secs. 18, 20 21, 22, 23, 24, 25, 26, 27, 28, and 35, All.
T. 12 S., R. 18 E.,
Secs. 2, 4, 6, 8, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, All.
T. 12 S., R. 19 E.,
Secs. 2, 4, 6, 8, and 10, All;
Sec. 15, N½SW¼, SE¼SW¼, and SE¼;
Sec. 17, S½;
Secs. 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, All.
T. 13 S., R. 18 E.,
Secs. 1, 2, 3, 4, 5, and 6, All;
Sec. 8, E½;
Secs. 9, 10, and 11, All.
T. 13 S., R. 19 E.,
Sec. 5, N½;
Sec. 6, N½.

The above described area contains approximately 133,148 acres of national resource land. The lands are located in the Chocolate Mountains, Imperial County, California.

Within this withdrawal there is 117,763.00 private acreage, making a total of approximately 250,911.00 lands.

The applicant desires the continued use of the land to provide for aerial gunnery range facilities for the training of fleet air craft units.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on July 15, 1975, pages 29737 and 29738, FR Doc. 75–18248.

Pursuant to sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 25, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 25, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, and disposal of material under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17649 Filed 6–20–77;8:45 am]

IDAHO

Redelegation of Authority

Pursuant to the authority contained in section 1.1(a) of BLM Order 701, dated July 23, 1964, as amended, I hereby redelegate to the District Managers, State of Idho, certain functions of section 1.2(j) of the above cited order.

District Managers may take necessary action for the protection from fire (prevention, presuppression, and suppression) on the public lands within their area of jurisdiction. This authority includes entering into supplemental agreements within the framework of the master agreements between the State Director, the State of Idaho, and Region 1 and 4, U.S. Forest Service.

The District Managers may provide emergency fire protection within their respective district boundaries under the regulations in 43 CFR, Part 28.

This authority may be redelegated and must be published in the FEDETAL REGISTER.

WILLIAM L. MATHEWS
State Director.

Approved: June 13, 1977.
GEORGE L. TURCOTT,
Associate Director.

[FR Doc.77–17652 Filed 6–20–77;8:45 am]

MOUNT DIABLO MERIDIAN, CALIF.

[CA 977]

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 977 on January 28, 1974, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 20 N., R. 11 W.,
Beginning at a point on the East line of Sec. 1, T. 20 N., R. 11 W., M.D.M., which point lies approximately 3,500 feet North of the Southeast corner of Sec. 1, thence westerly through Lot 7 of said Sec. 1 to a point on the West line of Lot 7, which point lies approximately N. 38°30' E., 4,040 feet from the Southwest corner of Sec. 1. (Parcel 1)
Beginning at a point on the South line of Lot 5 of Sec. 1, T. 20 N., R. 11 W., M.D.M., which point lies approximately N. 23°00' E., 4,050 feet from the Southwest corner of Sec. 1, thence northerly through Lot 5 of said section to a point on the South line of Lot 3, which point lies approximately S. 77°30' E., 2,000 feet from the Northwest corner of Sec. 1, thence northwesterly through said Lot 3 to a point on the North line, which point lies approximately East, 1,750 feet from the Northwest corner of said section, (Parcel 2)

The area described aggregates 6 acres in Mendocino County, California.

The applicant desires the land for a road right-of-way to provide safe vehicle access to approximately 8,500 acres of public lands. About 4,700 acres of the total are timber producing lands and logs from these lands will be hauled to milling points over this road. The road also provides access to recreationists.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on November 29, 1974, page 41557, FR Doc. 74–27885.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a

written request for a hearing to the State Director, Bureau of Land Managament, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, for the purpose of granting easements for road rights-of-way as authorized by Section 2 of the Act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532, 533), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17650 Filed 6–20–77;8:45 am]

MOUNT DIABLO MERIDIAN, CALIF.

[R 4583]

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Sacramento District, Corps of Engineers, U.S. Department of the Army, Sacramento, California, filed application Serial No. R 4583 on December 28, 1971, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

A parcel of land situated in the SE¼SE¼ of Sec. 7, T. 26 S., R. 33 E., M.D.M., California, described as follows:

Beginning at the section corner common to Secs. 7, 8, 17, and 18, said township and range, marked by a found 3-inch x 3-inch Redwood Hub in a rock mound; Thence, westerly along section line common to Secs. 7 and 18, 749.32 feet to the easterly right-of-way line of State Highway No. 155 as recorded with the Bureau of Land Management as Parcel 63628 to Department of Public Works, State of California; Thence, along said easterly right-of-way line N. 10°18' E., 465.99 feet; Thence, N. 13°52'35" E., 400.78 feet; Thence, N. 07°17'53" E., 477.39 feet to the intersection of said easterly line and the northerly line of the SE¼SE¼ of said Sec. 7; Thence, leaving said easterly right-of-way, east along said northerly line of said SE¼SE¼ 508.43 feet to the northeast corner of said SE¼SE¼; Thence, S. 00°02'07" E., along the section line common to said Secs. 7 and 8, 1321.08 feet to the point of beginning, containing 18.82 acres, more or less, in Kern County.

The applicant desires the land for its use in connection with the Boulder Gulch Recreation Area at Isabella Lake in Kern County, California.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 20, 1972, page 887, FR Doc. No. 72–829.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77–17648 Filed 6–20–77;8:45 am]

[NM 30634]

NEW MEXICO

Application

JUNE 13, 1977.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.
Sec. 20, NW¼NE¼.

This pipeline will convey natural gas across 0.045 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box, Albuquerque, New Mexico 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17653 Filed 6–20–77;8:45 am]

[Oil and aGs Lease Sale No. 47]

OUTER CONTINENTAL SHELF OFF LOUISIANA AND TEXAS

Withdrawal of Tracts

JUNE 23, 1977.

On May 23, 1977, at 42 FR 26250, announcement was published for Oil and Gas Lease Sale No. 47 on Outer Continental Shelf lands off Louisiana and Texas. The sale is to take place June 23, 1977, in New Orleans. A correction notice was published May 25, 1977, at 42 FR 26705, dealing with certain printing errors made in the May 23, 1977, publication.

Both those notices are hereby amended to delete the following two tracts:

1. Tract 47–197.
2. Tract 47–230.

Bids on these two tracts will not be considered.

ARNOLD E. PETTY,
Acting Associate Director, Bureau of Land Management.

Approved: June 16, 1977.

HEATHER ROSS,
Acting Deputy Assistant, Secretary of the Interior.

[FR Doc.77–17668 Filed 6–17–77;9:40 am]

QUALIFIED JOINT BIDDERS AT OCS SALES

Supplemental List

On May 5, 1977, the Director, Bureau of Land Management (BLM), published

in the FEDERAL REGISTER at 42 FR 22939 a list of all the persons who had timely filed appropriate Statements of Production in accordance with 43 CFR 3302.3–2 (a) which had qualified them to bid jointly at OCS oil and gas lease sales held during the bidding period May 1, 1977, through October 31, 1977.

Subsequently, on May 17, 1977, an announcement appeared in the FEDERAL REGISTER at 42 FR 25385 to the effect that the Director (BLM) would accept as timely any appropriate Statement of Production for the applicable production period which was filed before the close of business on June 14, 1977. It was stated that such Statement would qualify the person filing to bid jointly at all OCS oil and gas lease sales held between May 1, 1977, and October 31, 1977. The following companies and individuals have filed acceptable Statements during that extension of time and are now qualified to be added to the list published on May 5, 1977:

Aminoil Development, Inc.
Aminoil U.S.A., Inc.
Anadarko Production Co.
Aztec Oil and Gas Company
Belco Petroleum Corporation
Clark Oil Producing Co.
Colorado Oil Company, Inc.
Cypher Energy Corporation
Eason Oil Company
Elizabethtown Gas Company
Energy Ventures, Inc.
Equity Oil Company
Freeport Petroleum Company
Gas Producing Enterprises, Inc.
Halbouty Alaska Oil Company
Hudbay Exploration, Inc.
Juniper Petroleum Corporation
Kewanee Oil Company
Offshore Company, The
OKC Corporation
Pan Eastern Exploration Company
Rio Bravo Oil Co., Inc.
Robert F. Walker
Ronald C. Eddington
Rutherford Oil Corporation
Southland Royalty Company

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

JUNE 16, 1977.

[FR Doc.77–17669 Filed 6–17–77;9:40 am]

[CA 3653]

SHASTA-TRINITY NATIONAL FOREST, SHASTA MUDFLOW NATURAL AREA, MOUNT DIABLO MERIDIAN, CALIF.

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 10, 1977.

The Forest Service, U.S. Department of Agriculture, filed application Serial No. CA 3653 on April 22, 1976, for a withdrawal in relation to the following described lands:

SHASTA-TRINITY NATIONAL FOREST

SHASTA MUDFLOW NATIONAL AREA, MOUNT DIABLO MERIDIAN, CALIF.

T. 40 N., R. 2 W., M.D.M.,
Sec. 8, W½W½NE¼, W½, and W½SE¼;
Sec. 16, SW¼NW¼, W½SW¼, SE¼SW¼, and S½SW¼SE¼;
Sec. 17, E½SE¼;
Sec. 20, E½E½;
Sec. 21, NW¼NE¼NE¼, S½NE¼NE¼, W½E½, W½, and SE¼SE¼;
Sec. 22, SW¼NW¼, SW¼SE¼NW¼, SW¼, S½SW¼SE¼, NW¼SW¼SE¼, and SW¼NW¼SE¼;
Sec. 27, W½NE¼NE¼, NW¼NE¼, SW¼NE¼, NW¼SE¼NE¼, NW¼, NE¼SW¼, NW¼SW¼, N½SW¼SW¼, SW¼SW¼SW¼, and NW¼NW¼SE¼;
Sec. 28, All;
Sec. 29, E½;
Sec. 32, NE¼;
Sec. 33, N½;
Sec. 34, W½W½NW¼.

The area aggregates 3,530 acres of land in Siskiyou County, California.

The applicant desires the land to protect the Shasta Mudflow Research Natural Area within the Shasta-Trinity National Forest.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on May 27, 1976, page 21655, FR Doc. No. 76–15398.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written resuest for a hearing to the State Director, Bureau of Land Management, E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before July 20, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before July 20, 1977.

The above described lands are temporarily segregated from all forms of location and entry under the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with Section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Minerals Operations.

[FR Doc.77–17651 Filed 6–20–77;8:45 am]

[Wyoming 59406]

WYOMING

Application

JUNE 13, 1977.

Notice is hereby given that pursuant to the Act of May 24, 1928, 49 U.S.C. 211–214, Robert B. Yates has applied for an airport lease for the following national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 94 W.,
Tracts 48–A, –B, –C, –D, and 50–A.
T. 52 N., R. 95 W.,
Tracts 50–B and –C.
The lands described contain 235.03 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described lands from all other forms of use or disposal under the public laws.

Interested persons desiring to express their views should promptly send their comments together with their name and address to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

DELMAR D. VAIL,
Acting State Director.

[FR Doc.77–17593 Filed 6–20–77;8:45 am]

[Wyoming 59423]

WYOMING

Application

JUNE 13, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct an 8" O.D. pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

Sec. 6, lot 11, S½N¼, NE¼SE¼.
T. 18 N., R. 97 W.,

The pipeline will transport natural gas from an existing well located in the SW¼ of Section 5, T. 18 N., R. 97 W. to the point of connection with an existing natural gas line in Section 1, T. 18 N., R. 98 W., all in Sweetwater County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the appliction should be approved and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–17594 Filed 6–20–77;8:45 am]

National Park Service

[Order No. 8]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY SPECIALIST, MAMMOTH CAVE NATIONAL PARK, KY.

Delegation of Authority Regarding Execution of Contracts for Construction, Supplies, Equipment, and Services

1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts and issue purchase orders not in excess of $100,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount.

2. *General Supply Specialist.* The General Supply Specialist may execute, approve, and administer contracts and issue purchase orders not in excess of $100,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. Orders to GSA Centers and sources under established Federal Supply Schedules of Contracts or to other Federal agencies may exceed this amount.

3. *Redelegation.* The authority delegated in this Order No. 8 may not be redelegated.

4. *Revocation.* This order supersedes Order No. 7, dated July 23, 1975 (40 FR 55372) and published November 28, 1975. (National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 5 (37 FR 7721) as amended.)

Dated: March 1, 1977.

ALBERT A. HAWKINS,
Superintendent,
Mammoth Cave National Park.

[FR Doc.77-16748 Filed 6-20-77;8:45 am]

[Order 7]

ASSISTANT SUPERINTENDENT, ET AL., GREAT SMOKY MOUNTAINS NATIONAL PARK, TENNESSEE-NORTH CAROLINA

Delegation of Authority

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute, approve, and administer contracts not in excess of $500,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Assistant Superintendent in behalf of any office or area administered by the Great Smoky Mountains National Park.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $500,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by the Great Smoky Mountains National Park.

SEC. 3. *General Supply Officer.* The General Supply Officer may execute, approve and administer contracts not in excess of $500,000 for construction, supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the General Supply Office in behalf of any office or area administered by the Great Smoky Mountains National Park.

SEC. 4. *General Supply Assistant.* The General Supply Assistant may issue purchase orders not in excess of $10,000 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 5. *Supply Clerk.* The Supply Clerk may issue purchase orders not in excess of $2,000 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 6. *Revocation.* This order supersedes Order No. 6 issued July 18, 1975 and published in 40 FR 30295. (National Park Service Order No. 77 (38 FR 7478), published March 22, 1973, as amended, and Order No. 5, Superintendents, et al., Southeast Region (37 FR 7721) as amended.)

BOYD EVISON,
Superintendent, Great Smoky
Mountains National Park.

JANUARY 20, 1977.

[FR Doc.77-16749 Filed 6-20-77;8:45 am]

[Order 91]

CHIEF, OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION

Redelegation of Authority

SECTION 1. *Redelegation.* The Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C., hereby redelegates to the Keeper of the National Register the authority to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, known as the National Register, with authority to make determinations as to the eligibility of districts, sites, buildings, structures, and objects for inclusion in such register.

SEC. 2. The authority redelegated by this order is retroactive to April 13, 1977, the date of National Park Service Order 90, which was published April 21, 1977 (42 FR 20682).

Dated: May 31, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology
and Historic Preservation.

[FR Doc.77-16745 Filed 6-20-77;8:45 am]

GREEN SPRINGS HISTORIC DISTRICT, LOUISA COUNTY, VIRGINIA

Negative Declaration for Acceptance of Preservation Easements

By publication in the FEDERAL REGISTER on May 18, 1977, notice was given of the policies and procedures of the Department of the Interior for consideration of acceptance of a donation of preservation easements connected with certain lands located within the Green Springs Historic District, Louisa County, Virginia. Among other matters, such policies and procedures call for an environmental assessment of such action and subsequent promulgation of either an environmental impact statement or notice of negative declaration as appropriate. The Office of Archeology and Historic Preservation, National Park Service, has completed the environmental assessment and upon review thereof has determined that an environmental impact statement on the proposed action is not required.

Basically, the environmental assessment states that the proposed action is to accept a donation of existing preservation easements applicable to some 6,100 of the district's 14,000 acres. The easements generally call for continuation of existing land uses and preservation of existing structures. Upon acceptance, the Department would administer and enforce the easements pursuant to their terms. Alternatives considered in the assessment are (1) not to accept the easements and (2) to encourage the easements to be donated to a State or private agency rather than the Federal government. The assessment and review consider the nature of the resource, alternatives, mitigating factors and adverse effects.

The environmental assessment and review are on file and available upon request from the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C. 20240. Anyone desiring to comment upon the proposed action, the environmental assessment or environmental review, should put their comments in writing and send them to the Chief, Office of Archeology and Historic Preservation at the above address prior to or at a public meeting, notice of which is hereby given and which is scheduled to be held on July 27, 1977, at an hour and place to be announced. The intent of the meeting is to receive oral comments on the assessment and to discuss with interested persons the issues involved. The decision of the Secretary on the acceptance of the donation of easements will not be made until after the public meeting and the review of oral and written comments received.

Dated: June 16, 1977.

REX C. WILSON,
Chief, Office of Archeology
and Historic Preservation.

[FR Doc.77-16741 Filed 6-20-77;8:45 am]

BIGHORN CANYON NATIONAL RECREATION AREA, MINING PLAN OF OPERATION

Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, American Colloid Company has filed a plan of operation in support of proposed mining activities on lands embraced by mining claim locations within the Bighorn Canyon National Recration Area. This plan is available for public inspection during normal business hours at the Bighorn Canyon National Recreation Area Headquarters, 5 Avenue B, Fort Smith, Montana.

Dated: May 17, 1977.

HOMER L. ROUSE,
Superintendent, Bighorn Canyon
National Recreation Area.

[FR Doc.77-16744 Filed 6-20-77;8:45 am]

KLONDIKE GOLD RUSH NATIONAL HISTORIC PARK

Site Selection

Notice is hereby given that, pursuant to provisions of Public Law 94-323(a), 94th Congress S. 98, June 30, 1976, the site for the Seattle Unit of Klondike Gold Rush National Historical Park is at 117 South Main Street, Seattle, Washington, within the Pioneer Square Historic District in Seattle as depicted on a drawing entitled "Pioneer Square Historic District," numbered 20,010-B and dated May 19, 1973, on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The site is the location of the Union Trust Annex building, in which structure the Seattle Unit of Klondike Gold Rush National Historical Park occupies by lease agreement approximately 3,500 square feet of the first, or ground level floor.

Information about the Seattle Unit of Klondike Gold Rush National Historical Park may be obtained by writing to Seattle Unit, Klondike Gold Rush National Historical Park, % Pacific Northwest Regional Office, National Park Service, 601 Fourth and Pike Building, Seattle, Washington 98101. The environmental impacts of this action were considered and are described in a Final Environmental Statement filed with the Council on Environmental Quality on December 14, 1974.

EDWARD J. KURTZ,
Acting Regional Director,
Pacific Northwest Region.

[FR Doc.77-16743 Filed 6-20-77;8:45 am]

MINUTE MAN NATIONAL HISTORICAL PARK

Establishment of Visiting Hours

It has been determined that the establishment of visiting hours is necessary for the protection of the area and the safety and welfare of visitors and property.

Therefore, in accordance with the authority delegated to me by § 2.6(a), Title 36 Code of Federal Regulations, visiting hours have been established for Minute Man National Historical Park, as follows: All areas within the Park are open to the public between the hours of 5 a.m. and 10 p.m. Appropriate signs advising visitors have been posted.

Dated: April 13, 1977.

ROBERT NASH,
Superintendent, Minute Man
National Historical Park.

[FR Doc.77-16747 Filed 6-20-77;8:45 am]

NATIONAL HISTORIC LANDMARKS PROGRAM

Boundary Establishment

In the May 5, 1977, issue of the FEDERAL REGISTER (42 FR 22941), the National Park Service published a notice advising interested persons that specific boundaries are being established for national historic landmarks designated prior to 1970. Interested persons were given until June 4, 1977, to submit written comments. All comments submitted with respect to the establishment of national historic landmark boundaries were given due consideration.

The purpose of this notice is to advise interested persons that specific boundaries have now been established for the following national historic landmarks. Any individual wishing to obtain information concerning the specific boundaries may write to the Chief, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C. 20240.

National historic landmarks for which specific boundaries have been established are:

CONNECTICUT

Barnard, Henry, House, 118 Main Street, Hartford, Hartford County.
"Charles W. Morgan," Mystic Seaport, Mystic, New London County.
Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, New Haven County.
Connecticut Hall, Yale University, Bounded by High, Chapel, Elm, and College Streets, New Haven, New Haven County.
Dana, James Dwight, House, 24 Hillhouse Avenue, New Haven, New Haven County.
Marsh, Othniel C., House, 360 Prospect Street, New Haven, New Haven County.
Old Statehouse, Main Street at Central Row, Hartford, Hartford County.
Remington, Frederick, House, Ridgefield, Fairfield County.
Rogers, John, Studio, 10 Cherry Street, New Canaan, Fairfield County.
Trumbull, John, Birthplace (Governor Jonathan Trumbull House), The Common, Lebanon, New London County.
Twain Mark, Home, 351 Farmington Avenue, Hartford, Hartford County.
Webb, Joseph, House, 211 Main Street, Wethersfield, Hartford County.
Webster, Noah, Birthplace, 227 S. Main Street, West Hartford, Hartford County.

DELAWARE

Aspendale, 1 mile west of Kenton on Del. 300, Kent County.
Corbit-Sharp House, southwest corner of Main and 2nd Streets, Odessa, New Castle County.
New Castle Historic District, bordered by Harmony Street, The Strand, Third and Delaware Streets, New Castle, New Castle County.

ILLINOIS

Old Kaskaskia Village, 4 miles west of Ottawa on U.S. 6, La Salle County.

IOWA

Phipps Site, 3 miles north of Cherokee, Cherokee County.
Toolesboro Mound Group, north of Tollesboro, Louisa County.

MARYLAND

Accokeek Creek Site, opposite Mount Vernon on the Potomac River, west of Piscataway Park, Accokeek vicinity, Prince Georges County.
Brice House, 42 East Street, Annapolis, Anne Arundel County.
Chase-Lloyd House, 22 Maryland Avenue, Annapolis, Anne Arundel County.
Colonial Annapolis Historic District, district boundaries approximate the city boundaries surveyed in 1695, Annapolis, Anne Arundel County.
Ellicott City Station, just south of the Patapsco River Bridge, Ellicott City, Howard County.
Hammond-Harwood House, Maryland Avenue and King George Street, Annapolis, Anne Arundel County.
His Lordship's Kindness, 3.5 miles west of Rosaryville, Prince Georges County.
London Town Publik House, northeast of Woodland Beach at the end of Londontown Road, Anne Arundel County.
Maryland Statehouse, State Circle, Annapolis, Anne Arundel County.
Peale's Baltimore Museum, 225 N. Holliday Street, Baltimore City.
Poe, Edgar Allan, House, 203 Amity Street, Baltimore City.
St. Marys City Historic District, bounded by St. Marys River, St. Inigoes Creek, Broome Creek, and Chancellor's Creek, St. Marys County.
Star Spangled Banner Flag House, 844 E. Pratt Street, Baltimore City.
Thomas Viaduct, Baltimore and Ohio Railroad, over the Patapsco River between Relay and Elkridge, Baltimore and Howard Counties.
Tulip Hill, 2.5 miles west of Galesville on Owensville Road, Anne Arundel County.
U.S.S. Constellation, Pier 1, Pratt Street, Baltimore City.
Whitehall, off St. Margaret's Road, Annapolis, Anne Arundel County.

MASSACHUSETTS

American Antiquarian Society, 185 Salisbury Street, Worcester, Worcester County.
Bowditch, Nathaniel, Home, North Street, Salem, Essex County.
Buckman Tavern, Hancock Street, on the east side of Lexington Green, Lexington, Middlesex County.
Coffin, Jethro, House, Sunset Hill, Nantucket, Nantucket County.
Elmwood (James Russell Lowell Home), Elmwood Avenue, Cambridge, Middlesex County.
Emerson, Ralph Waldo, Home, Lexington Road and Cambridge Turnpike, Concord, Middlesex County.

French, Daniel Chester, Home and Studio (Chesterwood), 2 miles west of Stockbridge, Berkshire County.
Gray, Asa, House, 88 Garden Street, Cambridge, Middlesex County.
Lexington Green, Massachusetts and Hancock Streets, Lexington, Middlesex County.
Massachusetts Statehouse, Beacon Hill, Boston, Suffolk County.
Mission House, Main Street, Stockbridge, Berkshire County.
Nantucket Historic District, Nantucket Island, Nantucket County.
Orchard House, Lexington Road, Concord, Middlesex County.
Walden Pond, 1.5 miles south of Concord, Middlesex County.
Whittier, John Greenleaf, Home, 86 Friend Street, Amesbury, Essex County.
Wright's Tavern, Lexington Road, opposite the Burying Ground, Concord, Middlesex County.

MICHIGAN

Fair Lane (Henry Ford Estate), 4901 Evergreen Road, Dearborn, Wayne County.
Fort Michilimackinac, near Mackinac Bridge, at the terminus of U.S. 31, Mackinaw City, Cheboygan County.
Norton Mound Group, 2 miles south of Grand Rapids on Indian Mound Drive, Kent County.

NEW YORK

Boughton Hill, 1.25 miles south of Victor, Ontario County.
Lamoka, 2 miles west of Tyrone at northern edge of Lamoka Lake, Schuyler County.

OHIO

Beginning Point of the U.S. Public Land Survey, on the Ohio-Pennsylvania boundary, East Liverpool, Columbiana County.
Fort Ancient, 7 miles southeast of Lebanon on Ohio 350, Fort Ancient State Memorial, Warren County.
Hopeton Earthworks, near Mound City Group National Monument on U.S. 23, Hopeton vicinity, Ross County.
Miami and Erie Canal (Deep Cut), 2 miles south of Spencerville on Ohio 66, Allen County.
Newark Earthworks, Mound Builders State Memorial, Newark, Licking County.
Serpent Mound, 5 miles northwest of Locust Grove on Ohio 73, Adams County.

PENNSYLVANIA

American Philosophical Society Hall, Independence Square, Philadelphia, Philadelphia County.
Augustus Lutheran Church, 7th Avenue East and Main Street, Trappe, Montgomery County.
Bartram, John, House, 54th Street and Eastwick Avenue, Philadelphia, Philadelphia County.
Carpenters' Hall, 320 Chestnut Street, Philadelphia, Philadelphia County.
Chew House (Cliveden), Germantown Avenue, between Johnson and Cliveden Streets, Philadelphia, Philadelphia County.
Christ Church, 2nd Street, between Market and Filbert Streets, Philadelphia, Philadelphia County.
Colonial Germantown Historic District, Germantown Avenue, between Windrim Avenue and Upsal Street, Philadelphia, Philadelphia County.
Eakins, Thomas, House, 1729 Mount Vernon Place, Philadelphia, Philadelphia County.
Eastern State Penitentiary, 21st Street and Fairmount Avenue, Philadelphia, Philadelphia County.
Graeme Park, Keith Valley Road, Horsham vicinity, Montgomery County.
Institute of the Pennsylvania Hospital, 111 N. 49th Street, Philadelphia, Philadelphia County.
Mount Pleasant, Fairmount Park, Philadelphia, Philadelphia County.
Old West, Dickinson College, Dickinson College campus, Carlisle, Cumberland County.
Peale, Charles Wilson, House (Belfield), 2100 Clarkson Avenue Philadelphia, Philadelphia County.
Pennsylvania Hospital, The, 8th and Spruce Streets, Philadelphia, Philadelphia County.
Printzhof, The, Taylor Avenue and 2nd Street, Essington, Delaware County.
Reynolds-Morris House, 225 South 8th Street, Philadelphia, Philadelphia County.
Stiegel-Coleman House, Pa. 501 and U.S. 322, Brickerville, Lancaster County.
Sully, Thomas, Residence, 530 Spruce Street, Philadelphia, Philadelphia County.
U.S.S. Olympia, Pier 40, at the foot of Chestnut Street, Philadelphia, Philadelphia County.
Walnut Street Theatre, 9th and Walnut Streets, Philadelphia, Philadelphia County.
West, Benjamin, Birthplace, Swarthmore College campus, Swarthmore, Delaware County.
Woodford, East Fairmount Park, Philadelphia, Philadelphia County.
Woodlands, The, 40th Street and Woodland Avenue, Philadelphia, Philadelphia County.

RHODE ISLAND

Arnold, Eleazer, House, Great Road, Lincoln, Providence County.
Brick Market, Thames Street and Washington Square, Newport, Newport County.
Brown, John, House, 52 Power Street, Providence, Providence County.
First Baptist Meetinghouse, N. Main Street, between Thomas and Waterman Streets, Providence, Providence County.
Hunter House, 54 Washington Street, Newport, Newport County.
Redwood Library, 50 Bellevue Avenue, Newport, Newport County.
Stuart, Gilbert, Birthplace, Gilbert Stuart Road, Saunderstown, Washington County.
Trinity Church, 141 Spring Street, Newport, Newport County.
University Hall, Brown University campus, Providence, Providence County.
Vernon House, 46 Clarke Street, Newport, Newport County.
Wanton-Lyman-Hazard House, 17 Broadway, Newport, Newport County.

VERMONT

Marsh, Geroge Perkins, Boyhood Home, 54 Elm Street, Woodstock, Windsor County.
Robbins and Lawrence Armory and Machine Shop, South Main Street, Windsor, Windsor County.
Ticonderoga, The, Shelburne Museum, Chittenden County.
Willard, Emma, House, Middlebury College campus, Middlebury, Addison County.

VIRGINIA

Brandon, west bank of James River at the end of Route 611, Brandon vicinity, Prince George County.
Bruton Parish Church, Duke of Gloucester Street, Williamsburg City.
Cape Henry Lighthouse, Atlantic Avenue at U.S. 60, Virginia Beach City.
Carter's Grove, 0.2 mile southeast of intersection of Routes 60 and 667, Williamsburg vicinity, James City County.
Cedar Creek Battlefield and Belle Grove, on Int. 81 between Middletown and Strasburg, Frederick and Warren Counties.
Confederate Capitol (Virginia State Capitol), Capitol Square, Richmond City.
Five Forks Battlefield, 12 miles west of Petersburg on County Route 627 at Church Road, Dinwiddie County.
Gadsby's Tavern, 128 N. Royal Street, Alexandria City.
Jackson's, Stonewall, Headquarters, 415 N. Braddock Street, Winchester City.
Kenmore, 1201 Washington Avenue, Fredericksburg City.
Lee Chapel, Washington and Lee University, Washington and Lee University campus, Lexington City.
Marlbourne (Edmund Ruffin Plantation), 11 miles northeast of Richmond on U.S. 360, Hanover County.
Marshall, John, House, 9th and Marshall Streets, Richmond City.
McCormick, Cyrus, Farm and Workshop, 18 miles south of Staunton on U.S. 11 and County Route 606 at Walnut Grove, Rockbridge County.
Melchers, Gari, Home (Belmont), Falmouth, County.
Monroe, James, Law Office, 908 Charles Street, Fredericksburg City.
Montpelier (James Madison House), 4 miles west of Orange on Va. 20, Orange County.
Mount Airy, 1 mile west of Warsaw on U.S. 360, Richmond County.
Randolph, Peyton, House, intersection of Nicholson and north England Streets, Williamsburg City.
Rising Sun Tavern, 1306 Caroline Street, Fredericksburg City.
St. John's Episcopal Church, East Broad Street between 24th and 25th Streets, Richmond City.
St. Luke's Church, Benn's Church, Isle of Wight County.
Scotchtown (Patrick Henry House), 10 miles northwest of Ashland on Va. 685, Hanover County.
Semple, James, House, south side of Francis Street between Blair and Walker Streets, Williamsburg City.
Thoroughgood, Adam, House, 4 miles east of Norfolk on Lynnhaven River, Virginia Beach City.
Tuckahoe, on the James River southeast of Manakin via secondary roads, Goochland County.
Westover, 7 miles west of Charles City on Va. 5, Charles City County.
White House of the Confederacy, Clay and 12th Streets, Richmond City.
Wilson, Woodrow, Birthplace, North Coalter Street, between Beverly and Frederick Streets, Staunton City.
Wren Building, College of William and Mary campus, Williamsburg City.
Wythe House, west side of the Palace Green, Williamsburg City.

WEST VIRGINIA

GRAVE CREEK MOUND, Tomlinson and 9th Streets, Moundsville, Marshall County.

WISCONSIN

Oconto Site, Copper Culture State Park, Oconto, Oconto County.

Dated: June 8, 1977.

WILLIAM J. MURTAGH,
Acting Chief, Office of Archeology and Historic Preservation.

[FR Doc.77-16742 Filed 6-20-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-164]

ROUND HEAD STEEL DRUM PLUGS FROM JAPAN

Determination of No Injury or Likelihood Thereof

On March 14, 1977, the United States International Trade Commission received advice from the Department of the Treasury that round head steel drum plugs from Japan are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). Accordingly, on March 23, 1977, the Commission instituted investigation No. AA1921-164 under section 201(a) of said act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of such round head steel drum plugs into the United States.

Notice of the institution of the investigation and of a public hearing to be held in connection therewith was duly given by posting copies thereof in the Office of the Secretary, United States International Trade Commission, Washington, D.C., and at the Commission's New York Office, and by publishing the notice in the FEDERAL REGISTER of March 30, 1977 (42 FR 16875). On May 3, 1977, a hearing was held in accordance with the notice, and all persons who requested the opportunity were permitted to appear by counsel or in person.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of round head steel drum plugs from Japan that are being, or are likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Issued: June 14, 1977.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION

On March 23, 1977, the U.S. International Trade Commission instituted investigation No. AA1921-164 under section 201(a) of the Antidumping Act, 1921, as amended. This investigation was made to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of round head steel drum plugs from Japan which the Department of the Treasury has determined are being, or are likely to be, sold at less than fair value (LTFV) within the meaning of the act. In order to find affirmatively, the Commission must find two conditions satisfied in this investigation. First, it must find that an industry in the United States is being or is likely to be injured or is prevented from being established.[1] Second, any injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which the Treasury has determined is being, or is likely to be, sold at LTFV.

LTFV SALES

The Department of the Treasury investigated U.S. imports of round head steel drum plugs from Japan during the period January 1-June 30, 1976. Fair-value comparisons were made on 100 percent of the subject merchandise sold in the United States during the period of investigation. Margins ranging from 86 percent to 119 percent were found on 100 percent of the sales compared. The weighted average margin on all sales was 94 percent.

THE ARTICLE AND THE DOMESTIC INDUSTRY

Drum plugs are threaded closures on drums that are typically used as containers for the transportation, marketing, or storage of a diverse array of products. The plugs are made of several different types of materials, including plastic, zinc alloys, and steel, and are of two principal types: round head and hexagon head. Round head steel drum plugs, the subject of the LTFV determination by the Department of the Treasury, accounted for over one-half of total domestic production of drum plugs in 1976. Round head steel drum plugs are sold principally to two different users, original-equipment manufacturers (OEM's) and drum reconditioners.

Although there are three manufacturers of drum plugs in the United States, only two of these firms manufacture round head steel drum plugs. One of the firms producing round head steel drum plugs sells almost exclusively to OEM's, while the other sells almost exclusively to reconditioners of drums. Whether the domestic industry is defined to include all three producers of drum plugs or, more narrowly, to include only the two producers of round head steel drum plugs, the record of this investigation does not demonstrate recognizable injury by reason of LTFV imports no matters how the domestic industry is defined.[2]

NO INJURY OR LIKELIHOOD OF INJURY BY REASON OF LTFV SALES

In 1974, production of drum plugs in the United States was exceptionally high, approximately 94 million units, reflecting the peak of a 10-year cycle within the industry, when an unusually high number of drums were sold. Domestic production of round head steel drum plugs was also exceptionally high in 1974. In 1975, domestic production of drum plugs declined to approximately 60 million units, and that of round head steel drum plugs also declined. A number of reasons were cited for the decline, including the recession, the release of 3 million to 4 million drum plugs held in inventory by the U.S. Government, and the relocation of the facilities of one of the two domestic producers of such drum plugs.

In 1976, domestic consumption of drum plugs increased to approximately 70 million units; that of round head steel drum plugs also increased. In 1975 and 1976 there were only • • • shipments of drum plugs from Japan. In 1975, • • • units, valued at • • •, were imported; in 1976, • • • units, valued at • • •, were imported. During the period examined by the Department of the Treasury, imports of round head steel drum plugs from Japan were valued at $18,844.

Thus, the ratio of imports of round head steel drum plugs from Japan to U.S. consumption of drum plugs was 0.55 percent in 1976. The ration of such imports to consumption of round head steel drum plugs was less than 1 percent in 1976. Although the ratio of imports to consumption was somewhat higher during the period examined by the Department of the Treasury, since all three of the shipments in 1976 occurred during that period, it was still only 1.08 percent of consumption of all drum plugs and less than 2 percent of consumption of round head steel drum plugs.

With the increase in domestic consumption of drum plugs in 1976, domestic production of such articles increased to approximately 72 million units. Domestic production of round head steel drum plugs in that year increased by about 15 percent over the 1975 level. Moreover, during the first 6 months of 1976, which was the period of LTFV sales examined by Treasury, round head steel drum plug production was about 15 percent higher than it was in the corresponding period of 1975. The number of production and related workers engaged in the production of round head steel drum plugs increased between 1975 and 1976 and was greater during the first 6 months of 1976 than it was in the corresponding period of 1975. Man-hours worked by these employees increased in a similar fashion.

The prices of domestically produced round head steel drum plugs remained relatively steady during 1975 and the first three quarters of 1976, but were relatively higher than in 1974, the year of greatest demand. In general, prices for such drum plugs rose in the last quarter of 1976 and again in the first quarter of 1977.

Although there are only two domestic producers of round head steel drum plugs, their net operating profits on their round head steel drum plug operations in 1976 were quite different. The producer which sells almost exclusively to OEM's, a market not served by imports, had less favorable operating results than did the petitioner, which sells almost exclusively to the reconditioner market, where most imported plugs are sold. The petitioner greatly increased its net profit between 1975 and 1976 and achieved a very favorable return on sales during the later year. The petitioner's performance, in terms of profit and return on sales, was comparatively better during the first 6 months of 1976 than for the entire year.

[1] Prevention of the establishment of an industry is not an issue in the instant case and will not be discussed further.

[2] Chairman Minchew and Commissioner Moore are of the opinion that the relevant U.S. industry consists of the production facilities in the United States devoted to the manufacture of drum plugs.

During the Commission's investigation, the petitioner alleged that it lost eight sales of round head steel drum plugs, valued at less than $50,000. In six of these alleged instances it was determined that round head steel drum plugs imported from Japan were purchased. The record indicated that several of these purchases were made by users who were attempting to diversify their sources of supply. However, even if there had been no imports and the domestic industry had sold this additional volume, the loss would have amounted to less than one-half of 1 percent of net sales of round head steel drum plugs by the domestic industry in 1976. If the petitioner's allegations are accepted and all the alleged lost sales had been made instead by the round head steel plug producers, and they were operating at the same ratios of net operating profit to net sales as they did in 1976, the total profit before taxes of such producers would have increased by less than $3,000 in that year. Such alleged loss of profits, even if they could be demonstrated to have occurred, is not of a magnitude which would warrant a finding of injury.

There have been no imports of round head steel drum plugs from Japan since the second quarter of 1976. There is no evidence in the record of this proceeding which demonstrates additional or unused capacity for producing this product in Japan, which would be likely to induce significant quantities of LTFV imports. The expansion of the Japanese economy would be likely to increase demand for drum plugs in that country and limit the quantity for export. The outlook for U.S. producers of round head steel drum plugs has further improved; e.g., prices increased in the last quarter of 1976 and again in the first quarter of 1977.

CONCLUSION

On the basis of the factors set forth above, we have determined that an industry in the United States is not being or is not likely to be injured by reason of the importation of round head steel drum plugs from Japan which the Department of the Treasury has determined are being, or are likely to be, sold at LTFV.

By order of the Commission.

Issued: June 16, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-17656 Filed 6-20-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULE II

Proposed 1977 Revised Aggregate Production Quota, Thebaine

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On November 11, 1976, a notice of the final aggregate production quota for thebaine was published in the FEDERAL REGISTER (41 FR 49873-74). This quota was based upon consideration of 1975 production, usage, and year end inventory data for this substance.

Pursuant to Title 21 Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement is required to adjust individual manufacturing quotas allocated for each year based upon updated end of year inventory figures, disposition data, and other information which becomes available after the finalization of the initial quota for each substance each year.

Based upon consideration of the end of year inventory figures and actual production and disposition data submitted by quota applicants for 1976, as well as estimates of domestic and export needs for thebaine for 1977 and in conformity with the Drug Enforcement Administration's statement of policy regarding the production of thebaine in the United States, as published in the FEDERAL REGISTER June 25, 1976 (41 FR 26235-36), DEA has determined that an increase of the preivously finalized quota for thebaine for 1977 is required. This quota will reflect the amount of thebaine required to meet domestic as well as export requirements for 1977.

Quantities of thebaine occur naturally during the processing of opium, poppy straw, and concentrate of poppy straw. The opium processing firms can do little to avoid building up inventories of this substance in excess of production quota limitations other than destroying the thebaine which is produced. Thebaine is considered to be a valuable commodity, as it is used to derive Schedule II controlled substances with a medical use in the United States. The possible development of new medicinal substances in the United States will require greater quantities of thebaine to be utilized than are currently being utilized. To provide for these future needs, it has been and continues to be the policy of the Drug Enforcement Administration not to require the destruction of quantities of this substance which are derived in excess of established quotas for a given year.

The Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations does hereby propose the following change to the aggregate production quota for thebaine for 1977 expressed in grams in terms of anhyrdous base:

Basic class	Previously finalized 1977 aggregate production quota	Proposed revised 1977 aggregate production quota
Thebaine (for sale)	2,380,000	3,824,500

All interested persons are invited to submit their comments and objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by July 18, 1977. If a person believes that one or more issues raised by him warrants a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments of objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

Dated: June 10, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-17586 Filed 6-20-77;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-1326]

AETNA PIPE PRODUCTS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1326: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976 in response to a worker petition received November 30, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel tubing and steel pipe nipples at the Chicago, Illinois plants of Aetna Pipe Products Company. Aetna has two plants in Chicago, Illinois.

The Notice of Investigation was published in the FEDERAL REGISTER on December 14, 1976 (41 FR 54552). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Aetna Pipe Products Company, its customers, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met the investigation has revealed that criterion (2) and criterion (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment at Aetna Pipe Products Company declined 26.8 percent in 1975 from 1974. Average employment increased 22.0 percent in 1976 from 1975. Pursuant to the requirements of 29 CFR 90.2 total separations must be the equivalent to a total unemployment of five percent or 50 workers, whichever is less.

Evidence developed in the Department's investigation revealed that total separations which occurred during the period of possible coverage, November 1, 1975 to the present, amounted to more than five percent of the workforce employed at the Aetna plants.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales by Aetna Pipe Products adjusted to 1974 dollars declined 23.0 percent in 1975 from 1974. Sales increased 23.1 percent in 1976 from 1975. Sales increased in every quarter of 1976 compared to the like periods in 1975.

Production approximates sales as Aetna Pipe Products produces on customers' orders.

INCREASED IMPORTS

A. *Carbon Steel Tubing.* The carbon steel tubing produced by Aetna Pipe Products is included in the TSUSA Schedule category "Carbon Steel Pipe and Tubing". Imports of carbon steel pipe and tubing fluctuated in the 1972-1976 period. In 1972, imports were 1,768.1 thousand short tons. Imports declined to 1,574.6 thousand short tons in 1973, then increased to 1,781.5 thousand short tons in 1974. Imports declined to 1,542.5 thousand short tons in 1975. In 1976 imports increased by 18.0 percent to 1,820.7 thousand short tons. The ratio of imports to domestic shipments declined from 28.6 percent in 1972 to 20.3 percent in 1973. The ratio increased in every year thereafter, and was 35.8 percent in 1976.

B. *Steel Pipe Fittings.* Pipe nipples manufactured at Aetna Pipe Products are included in the TSUSA Schedule category "Steel Pipe Fittings". Imports of steel pipe fittings increased from 75.0 million pounds in 1971 to 79.9 million pounds in 1972. Imports declined to 64.8 million pounds in 1973. In 1974, imports increased to 114.1 million pounds, and in 1975, to 185.9 million pounds.

In the first nine months of 1976, imports were 88.9 million pounds, a 39.7 percent decline from the January-September period in 1975. The ratio of imports to domestic production increased from 21.4 percent in 1971 to 24.0 percent in 1972, then declined to 20.3 percent in 1973. The ratio increased to 29.2 percent in 1974 and to 45.3 percent in 1975. In the first nine months of 1976, the imports to production ratio was 48.2 percent, an increase over the ratio of 45.3 percent in the like period of 1975.

CONTRIBUTED IMPORTANTLY

A survey was conducted among Aetna's largest customers of steel tubing and pipe nipples. All customers stated they purchased no imports of either product. Most customers reported that Aetna was their sole or largest supplier of steel tubing or pipe nipples.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with carbon steel tubing and steel pipe nipples produced at the Chicago, Illinois plants of Aetna Pipe Products Company did not contribute importantly to the total or partial separation of workers at the plants.

Signed at Washington, D.C., this 10th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17595 Filed 6-20-77;8:45 am]

[TA-W-1,356T]

DE LAVAL TURBINES, INC.

Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance

Following a Department of Labor investigation under Section 222 of the Trade Act of 1974 ("the Act") and in accordance with Section 223 of the Act, on March 31, 1977 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Trenton, New Jersey plant of De Laval Turbines, Incorporated, Delroyd Worm Gear Division engaged in employment related to the production of worm gears and speed reducers. The notice of certification was published in the FEDERAL REGISTER on April 12, 1977 (52 FR 19180); Notice of Correction published May 20, 1977 (42 FR 25938).

Pursuant to Section 223(d) of the Act and 29 CFR 90.17(a), the Director of the Office of Trade Adjustment Assistance has instituted an investigation to determine whether the total or partial separations of the certified workers of De Laval Turbines, Inc., continue to be attributable to the conditions specified in Section 222 of the Act and 29 CFR 90.16(b).

Pursuant to 29 CFR 90.17(b) the group of workers or any other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated, provided, that such request or submission is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, no later than July 5, 1977.

The record of the certification (TA-W-1,356), containing non-confidential information is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd Street and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc.77-17596 Filed 6-20-77;8:45 am]

[TA-W-1695]

FAITH SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1695: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 2, 1977, in response to a worker petition received on February 22, 1977, which was filed on behalf of workers and former workers producing women's and children's shoes at the Wilkes-Barre, Pennsylvania, plant of the Faith Shoe Company. The petition was expanded to include the Brooklyn, Pennsylvania, stitching facility.

The notice of investigation was published in the FEDERAL REGISTER on March 11, 1976 (42 FR 13627). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Faith Shoe Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974, must be met:

(1) That a significant number or proportion of the workers in that workers' firm,

or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Faith Shoe Company decreased 9.1 percent in 1975 compared to 1974 and decreased 1.7 percent in 1976 compared to 1975. Employment decreased 6.2 percent during the fourth quarter of 1976 compared to the same quarter of 1975 and decreased 19.5 percent during the first quarter of 1977 compared to the same quarter in 1976. Average weekly hours worked decreased 5.8 percent in 1976 compared to 1975 and decreased 9.4 percent in the first quarter of 1977 compared to the same quarter in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales increased in value 8.5 percent in 1975 compared to 1974 and decreased 7.3 percent in 1976 compared to 1975.

Production decreased in quantity 5.2 percent in 1975 compared to 1974 and decreased 11.2 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of women's nonrubber footwear increased from 192.9 million pairs in 1972 to 206.2 million pairs in 1973 then declined to 179.8 million pairs in 1974 before increasing to 183.5 million pairs in 1975. Imports were recorded at 183.8 million pairs in 1976, an increase of 0.2 percent compared to 1975. The percentages of imports to domestic production increased from 107.6 percent in 1974 to 119.1 percent in 1975 then declined to 108.8 percent in 1976.

Imports of children's nonrubber footwear, except athletic shoes, have decreased steadily each year from 17.0 million pairs in 1972 to 11.1 million pairs in 1975. Imports increased to 15.8 million pairs in 1976, an increase of 42.3 percent compared to 1975. The percentages of imports to domestic production have been increasing from 59.2 percent in 1974 to 60.0 percent in 1975 to 72.1 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of the Faith Shoe Company indicated that they had increased imports of both women's and children's shoes while decreasing their purchases from the subject firm. Price and style were the factors that influenced these customers to import.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and children's shoes produced at the Wilkes-Barre and Brooklyn, Pennsylvania, plants of the Faith Shoe Company contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers producing women's and children's shoes at the Wilkes-Barre, Pennsylvania, and Brooklyn, Pennsylvania, plants of the Faith Shoe Company who became totally or partially separated from employment on or after February 17, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17640 Filed 6-20-77;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

COPYRIGHT LAW AND PROCEDURE

Report to President Concerning Recommended Changes

The National Commission on New Technological Uses of Copyrighted Works (CONTU) is in the process of preparing its report to the President and Congress concerning recommended changes in copyright law and procedure with respect to the use of copyrighted works in conjunction with computers and photocopying machines. In compliance with Pub. L. 93-573 such recommendations are designed "to assure • • • access to copyrighted works, and to provide recognition of the rights of copyright owners." Chairman Stanley H. Fuld designated four Committees of the Commission to prepare preliminary reports in the following areas: Computer software, automated data bases, works created with computer assistance, and photocopying. The reports of the Software and Data Base Committees are now available for public comment.

These reports reflect the views of the subcommittees only and have not been adopted by the entire Commission. They are accompanied by the comments of individual commissioners with differing views at this time.

The Report of the Software Committee recommends that the Copyright Act of 1976 (Pub. L. 94-553) be amended by deleting the present section 117—which exempts computer uses of copyrighted works from the coverage of the Act of 1976 after that law takes effect on January 1, 1978—and replacing it with a section designed to make explicit the rights and obligations, under copyright, of proprietors and users of computer programs. The proposed new section, if adopted, would provide that rightful possessors of computer programs could use those programs and, to the extent such use required the preparation of a copy of the program, such copying would not infringe the copyright in that program. No other copies could be made, unless authorized by agreement between the parties, without infringing that copyright.

The Report of the Data Base Committee recommends that the new copyright Act with section 117 deleted would deal effectively with most of the questions involving the storage, processing, retrieval, and transmission of copyrighted data bases and other works which might be input to computer systems. If this recommendation were adopted the Committee believes that the placing of such works into a computer system would constitute "copying." Because computer data bases are similar to other works such as compilations, long protected by copyright, the existing body of copyright law can serve as a basis for determining the extent of both users' and proprietors' rights in such works.

The Commission's final recommendations will be based upon public response to these and other preliminary reports, the reports of several organizations which are examining economic and public interest questions for the Commission, and future hearings. Copies of both reports and accompanying comments are available from Carol Risher, Information Officer, National Commission on New Technological Uses of Copyrighted Works, Washington, D.C. 20558.

ARTHUR J. LEVINE,
Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc.77-17592 Filed 6-20-77;8:45 am]

POSTAL SERVICE

PRIVACY ACT OF 1974

Routine Use of Systems of Records

Correction

In FR Doc.77-16699 appearing at page 30259 in the issue for Monday, June 13, 1977, under SUPPLEMENTARY INFORMATION, in the list of USPS systems of records, insert the system number "010.-040" in its appropriate numerical order.

TRANSIENT RATE MATTER AND PHASED POSTAGE RATES

Effective Dates of Certain Changes in Classification and Rates

Notice is hereby given that, effective 12:01 a.m. on July 6, 1977, a change in the classification, and rates, for the present transient rate second class category will be implemented, pursuant to Resolution No. 77-5 of the Board of Governors of the Postal Service following approval by the Governors of the Postal Service of a recommended change in the

classification schedule issued by the Postal Rate Commission in its Docket No. MC 76-2. That change establishes a new rate element for publisher's commingled sample copies mailed in excess of the 10 percent allowance for sample copies, when such copies are sorted and commingled with subscriber copies. The new rate for this category is 4.5 cents per piece plus 13.6 cents per pound. New rates for other transient rate matter are 10 cents for the first two ounces and 6 cents for each succeeding ounce, or fraction thereof, or the appropriate fourth-class rate, whichever is lower.

Notice is also given that, effective 12:01 a.m. on July 6, 1977, the sixth step of phased postage rate increases will be placed in effect for the following classes of mail: second-class; controlled circulation; third-class bulk mail for qualified nonprofit organizations; special fourth-class and library-rate fourth-class. This action represents the next step of scheduled rate increases for the designated classifications of mail to be phased in over a period of 8 or 16 years, depending on the particular mail classification involved. The phasing period was extended to 8 and 16 years by Act of Congress effective June 30, 1974 (Pub. L. 93-328).

The rates of postage to be established, effective 12:01 a.m. on July 6, 1977, are set forth in column (3) of the schedule published below.

(39 U.S.C. 101(d), 401, 403, 404, 3623-3626.)

ROGER P. CRAIG,
Deputy General Counsel.

Schedule of phased postage rates, July 6, 1977

Mail class	Postage rate unit	Postage rate (cents)
(1)	(2)	(3)
SECOND CLASS		
In county:		
Pound rate matter:		
Per-pound charge	Pound	2.1.
Per-piece charge [1]	Piece	0.7.
Per-copy rate matter	Copy	1.8 or 2.9.
Outside county:		
Nonprofit:		
Nonadvertising	Pound	4.2.
Advertising: [2]		
Zones:		
1 and 2	do	6.7.
3	do	7.4.
4	do	8.9.
5	do	10.5.
6	do	11.7.
7	do	12.6.
8	do	13.6.
Per-piece charge [1]	Piece	1.1.
Classroom:		
Nonadvertising	Pound	3.3.
Advertising:		
Zones:		
1 and 2	do	4.2.
3	do	4.9.
4	do	6.1.
5	do	7.8.
6	do	9.8.
7	do	11.1.
8	do	12.9.
Per-piece charge [1]	Piece	0.8.
Regular rate:		
Nonadvertising	Pound	8 0.
Advertising:		
Zones:		
1 and 2 (science of agriculture).	do	6.7.
1 and 2	do	10.7
3	do	11.5.
4	do	13.0.
5	do	14.9.
6	do	16.9.
7	do	18.7.
8	do	20.9.
Per-piece charge [1 3]	Piece	2.8.
Per piece [1 4]	do	0.9.
CONTROLLED CIRCULATION		
Per pound	Pound	11.7.
Per piece	Piece [4]	3.6.
2D CLASS		
Nonprofit bulk rate:		
Circulars:		
Per pound	Pound	14.8.
Minimum per piece	Piece	3.1.
Book, catalogs, etc.:		
Per pound	Pound	11.8.
Minimum per piece	Piece	2.1.
4TH CLASS		
Special rate:		
1st pound:		
Single piece	Pound	30.0.
5-digit presort	do	27.8.
3-digit presort	do	28.4.
Each additional pound through 7 lb.	do	11.0.
Each additional pound	do	8.0.
Library rate:		
1st pound	do	11.0.
Each additional pound	do	4.0.

[1] The per-piece charge is in addition to the pound rate.
[2] Not applicable to publications containing 10 pct or less advertising content.
[3] Publications mailing 5,000 or more copies per issue outside county of publication.
[4] Publications mailing fewer than 5,000 copies per issue outside county of publication.
[4] Or the appropriate 4th-class rate, whichever is lower.

[FR Doc.77-17542 Filed 6-20-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13624; File No. SR-Amex-77-12]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 23, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Rule 922 relating to the supervision of option accounts. (Brackets indicate words to be deleted; italics indicate words to be added.)

SUPERVISION OF ACCOUNTS

Rule 922. In addition to the requirements of Rule 411, every member organization shall provide for the diligent supervision [by a general partner or officer of the member organization who is a Registered Options Principal] of all of its customer accounts, and all orders in such accounts, to the extent such accounts and orders relate to options contracts, *by a general partner (in the case of a partnership) or officer (in the case of a corporation) of the member organization who is a Registered Options Principal and who has been specifically identified to the Exchange as the member organization's Senior Registered Options Principal.*

COMMENTARY

.01 [A] *The Senior* Registered Options Principal in meeting his responsibility for supervision of customer accounts and orders, may delegate to qualified employees *including other Registered Options Principals,* responsibility and authority for supervision and control of each branch office handling transactions in option contracts, provided that [the] *such Senior* Registered Options Principal shall have overall authority and responsibility for establishing appropriate procedures of supervision and control over such employees.

.02 In meeting their supervisory responsibilities, every member organization shall establish, maintain, and enforce written procedures governing the conduct of options accounts.

Rule 922 expands the requirements for diligent supervision of all customer accounts under Amex Rule 411 by requiring supervision of a member organization's option activity by a Registered Options Principal ("ROP") who is a general partner or officer of the member organization.

Although Rule 922 does not explicitly mandate that member organizations designate one such ROP to be in charge of overall supervision of customer option accounts, the Amex has long interpreted this rule to include such a requirement. In its 1974 publication entitled "Regulatory Guidelines for Conducting a Public Business in Amex Listed Options" ("Guidelines") the Amex stated: "A member organization employing more than one ROP must assign responsibility for the overall supervision of its public options business to a "senior" ROP who is a general partner or officer. As interest in options trading has grown, many member firms which conduct a public business have had more than one individual qualify as an ROP. While such multiple registration has had the positive effect of qualifying a large number of people who are capable of functioning in a supervisory capacity, the Amex believes that the designation of one Senior ROP is necessary to eliminate the blurring of supervisory authority within a member firm. Such a requirement would be not only consistent with the Amex's policy since the inception of its options program but would permit the recording of this policy in Exchange rules.

Likewise, the Exchange has also interpreted Rule 922 to require that member organizations establish written supervisory procedures concerning its options business with the public. As noted in the Guidelines, "In meeting their supervisory responsibilities, member organizations should establish written supervisory procedures governing the conduct of their options activities."

JUN 21 1977
UM

Accordingly, the Amex proposes to amend Rule 922 to require member firms conducting a public options business to designate a Senior ROP and to establish written supervisory procedures detailing the methods used to supervise customer options accounts.

The basis for the proposed rule change is found in Section 6(b)(5) of the Securities Exchange Act of 1934 ("the 1934 Act"), as amended, which provides, in pertinent part, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest.

The proposed amendment to Rule 922 was considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations.

The Amex has determined that the proposed amendment will not impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 21, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 14, 1977.

[FR Doc.77-17613 Filed 6-20-77;8:45 am]

[Release No. 34-13628; File No. SR-CBOE-1977-12]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 2, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

FEE REVISIONS

Pursuant to Rule 2.22 of the Rules and Regulations of the Chicago Board Options Exchange, Incorporated ("CBOE"), the CBOE has determined to establish an application fee of $250.00 for each limited partner processed as part of a partnership which applies to become a Member Organization of the Chicago Board Options Exchange, Incorporated.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The new fee will permit the CBOE to establish equitable charges for the administrative services involved in the processing of applications if limited partners of prospective Member Firm Organizations.

The CBOE believes that it is consistent with Section 6(b)(4) for the CBOE to implement the new application fee as set forth above. The costs incurred in processing limited partnership applications has been equitably allocated among those who benefit therefrom.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

No burden on competition will be imposed through the implementation of the fee schedule proposed above.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 14, 1977.

[FR Doc.77-17614 Filed 6-20-77;8:45 am]

[Release No. 13629; File No. SR-NYSE-77-15]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Rule Change Submitted by New York Stock Exchange, Inc. Relating to Stock Certificates

JUNE 14, 1977.

On May 1, 1977, the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") a proposed change to the *NYSE Company Manual*, pp. A-227, 228, which would permit the share denomination on a single denomination stock certificate to be inscribed by maceration.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 23897, May 11, 1977), and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-13499, May 2, 1977. One letter of comment was received.

The Commission finds that the proposed change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered securities exchanges.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed change contained in File No. SR-NYSE-77-15 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.77-17611 Filed 6-20-77;8:45 am]

[Release No. 34-13631; File No. SR-OCC-77-5]

OPTIONS CLEARING CORP.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 15, 1977, the above-mentioned self-regulatory organization withdrew a proposed rule change (File No. SR-OCC-77-3) which was announced in Securities Exchange Act No. 34-13506 (May 4, 1977), and has filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would change the commencement time for option contracts to three hours after the settlement time for the transactions in which they were purchased and would modify OCCs procedures for accepting or rejecting Exchange transactions in the event of non-payment of the applicable premiums.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to improve OCC's procedures for dealing with a Clearing Member's pending purchase transactions when the Clearing Member fails to make timely payment of the applicable premiums.

The proposed amendment to Article I, Section 1(cc) of the By-Laws would change the "commencement time" for an Exchange transaction (i.e. the point at which the transaction is accepted by OCC) from one hour after settlement time to three hours after settlement time. Its purpose is to give OCC additional time in which to determine whether to accept pending transactions of a defaulting Clearing Member. Such a determination is difficult to make within a period of one hour because it requires a preliminary determination that the Clearing Member will not meet its settlement obligations (which OCC may not be able to make for some period after the settlement time, because solvent Clearing Members are sometimes late in effecting settlements for mechanical reasons), followed by a review of the Clearing Member's account records (to determine whether the status of any account is such that it would be in the best interest of OCC to reject some or all of the unaccepted purchase transactions in that account). The proposed amendment to the definition of "commencement time" would give OCC two additional hours in which to make the necessary determinations.

The proposed amendment to Article VI, Section 8 of the By-Laws would make it clear that OCC may reject a Clearing Member's pending transactions at any time after the Clearing Member misses settlement. The present language of that provision may be construed as requiring OCC to wait until the commencement time before rejecting pending transactions. OCC will not reject pending transactions until it has concluded to its satisfaction that the purchasing Clearing Member will not effect settlement. However, once it has reached that conclusion, OCC should be in a position to take prompt action in rejecting pending transactions, so as to permit the writers to close out the rejected transactions as promptly as possible.

The proposed amendment to OCC's stated policy on the acceptance of Exchange transactions would revise that policy to provide that OCC will accept all pending purchase transactions (whether opening or closing) in accounts of defaulting Clearing Members except to the extent that OCC's President determines that it would be in the best interest of OCC to reject particular transactions.

The primary change effected by the proposed amendment is in the treatment of opening purchase transactions. OCC's present policy is to reject such transactions. However, OCC's President has the authority to accept an opening purchase transaction if he determines that (i) OCC holds sufficient excess liquid assets of the defaulting Clearing Member to cover the applicable premiums, or (ii) the other party to the transaction was engaging in an opening writing transaction to which an exercise notice has been assigned.

In many instances, however, an account in which an opening purchase transaction is executed will include uncovered short positions (i.e., short positions for which cash margin, rather than the underlying stock has been deposited) in the same series of options. In that situation, it would ordinarily be in the best interest of OCC to accept the opening purchase transaction, notwithstanding the unavailability of excess funds in the account. The margin on deposit in respect of the uncovered short positions would ordinarily give OCC sufficient cash to cover the applicable premiums, and the long positions resulting from the acceptance of the opening purchase transactions (on which positions OCC would have a lien pursuant to Article VI, Section 8 of its By-Laws) would eliminate OCC's exposure with respect to the uncovered short positions in the event of an increase in the price of the underlying security, thus permitting OCC to effect a more orderly liquidation of open positions.

If the situation described in the preceding paragraph were to be added to the existing exceptions to OCC's policy of rejecting opening purchase transactions, OCC believes that as a practical matter, it would in most instances be accepting opening purchase transactions rather than rejecting them. The proposed rule change would revise the wording of OCC's stated policy accordingly, so as to indicate that rejection will be the exception rather than the rule.

In addition's OCC's stated policy, as currently in effect, specifically enumerates those circumstances in which OCC's President is authorized to make exceptions to the general policy. While OCC does not currently envision any other circumstances under which exceptions would be appropriate, such circumstances may arise, and OCC believes that its stated policy should be flexible enough to permit its officers to take appropriate action. Accordingly, the proposed rule change would permit OCC's President to make exceptions to OCC's general policy of accepting all pending purchase transactions whenever he deemed it in the best interest of OCC to do so.

The proposed rule change contributes to the protection of investors and the public interest by providing safer and more efficient procedures for the disposition of pending transactions of defaulting Clearing Members.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room at 1100 L Street NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 12, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 15, 1977.

[FR Doc.77-17615 Filed 6-20-77;8:45 am]

[Release No. 13625; SR-PSE-77-8]

PACIFIC STOCK EXCHANGE INC.

Order Approving Proposed Rule Change

JUNE 14, 1977.

On April 1, 1977, the Pacific Stock Exchange Incorporated, 618 South Spring Street, Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The rule change clarifies the floor broker's due diligence responsibilities in executing market orders and establishes new procedures to be followed in effecting a single price opening during opening rotations.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13484, April 28, 1977), and by publication in the FEDERAL REGISTER (42 FR 23900, May 11, 1977).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the

JUN 21 1977 UM

proposed rule change filed with the Commission on April 1, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.77-17612 Filed 6-20-77;8:45 am]

[Rel. No. 20070; 70-6019]

CONNECTICUT LIGHT & POWER CO.

Proposed Acquisition of Utility Assets by Operating Subsidiary

JUNE 13, 1977.

Notice is hereby given that Connecticut Light and Power Company ("CL&P"), an electric and gas utility subsidiary of Northeast Utilities ("Northeast"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9 (a) and 10 of the Act as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

It is stated that CL&P and Southern Connecticut Gas Company ("Southern") have entered into an agreement, subject to the approval of this Commission and the State of Connecticut Public Utilities Control Authority, dated as of March 1, 1977 ("Storage Agreement") with respect to, among other matters, the storage by Southern in its storage tank of a quantity of CL&P's liquefied natural gas ("LNG"). Pursuant to the provisions of the Storage Agreement CL&P has agreed to purchase, a 12'' natural gas pipeline ("Interconnection") constructed and owned by Southern and extending approximately 1.2 miles from Southern's gas distribution system in the Town of Stratford, Connecticut to connect with CL&P's gas distribution system in the Town of Shelton, Connecticut, and acting as a pipeline interchange between the two systems. The Interconnection was constructed by Southern in 1973 and 1974 pursuant to a letter agreement between Southern and Northeast Utilities Service Company ("NUSCO"), an associate company of CL&P. Under the terms of this agreement, which was signed by Southern on April 9, 1973, and by NUSCO on May 9, 1973, NUSCO agreed to lease a quantity of space in the LNG Tank, Southern agreed to construct the Interconnection, and both parties agreed to execute, at a later date, a contract delineating the specific terms and conditions of the storage arrangement. Negotiations leading to this agreement had been in progress since 1971, and it was understood that NUSCO would reimburse Southern for its construction of the Interconnection, either directly or by means of storage and delivery charges set at sufficiently high levels to enable Southern to recover its Interconnection costs over the life of the storage contract. It is stated that implementation of the Storage Agreement is important to CL&P to insure the provision of economical service to its customers during periods of peak use. It is contemplated that LNG stored in the LNG Tank, or its vaporized equivalent delivered by Southern through the Interconnection, will supplement CL&P's pipeline supplies during such periods, and will make it unnecessary for CL&P to purchase equivalent quantities of propane, a more expensive supplement.

Pursuant to the Storage Agreement, Southern will provide CL&P with storage capacity for a substantial quantity of CL&P's LNG for an initial term of three years from August 1, 1977, through July 31, 1980, and for an additional period extending, upon CL&P's continued compliance with certain specified requirements, up to July 31, 1987. LNG stored by CL&P pursuant to the Storage Agreement will be stored in Southern's LNG storage tank ("LNG Tank") located in the Town of Milford, Connecticut. CL&P will deliver its LNG to the LNG Tank by truck. At CL&P's request, Southern will either deliver CL&P's LNG directly out of storage in the LNG Tank to CL&P's trucks, or will provide CL&P with an equivalent quantity of gas in vaporized form through the Interconnection. It is anticipated that most of the gas delivered by Southern to CL&P and charged to CL&P's account in the LNG Tank will be delivered through the Interconnection. Although not covered by the terms of the Storage Agreement, it is also contemplated that, from time to time, and under a separate agreement, CL&P may deliver a portion of its pipeline gas to Southern through the Interconnection, which gas would be liquified by Southern and stored in the LNG Tank for CL&P's account.

The Storage Agreement further provides that CL&P is obligated to reimburse Southern directly for Southern's construction of the Interconnection. The principal amount of the cost of the Interconnection to be reimbursed by Southern is $311,273.21, which consists of (1) construction expenses actually incurred by Southern during 1973 and 1974 and (2) interest on such expenses accrued through January 31, 1977. CL&P is to reimburse Southern in twenty semi-annual payments, the first of which was made on February 1, 1977. The unpaid balance of the principal amount of the cost of the Interconnection will bear interest at the prime rate charged by Citibank of New York, New York, or any successors thereto, as such rate may change from time to time. It is contemplated that title to the Interconnection will be transferred by Southern to CL&P on or before August 1, 1977. At the time title is transferred, Southern will convey to CL&P such rights, to the extent legally permissible, as may be necessary to allow CL&P to own, operate and maintain the Interconnection. It is stated that acquisition of title by CL&P to the Interconnection is desirable for the following reasons: (1) the Interconnection is an integral and essential part of the storage and delivery arrangement provided for in the Storage Agreement and use of the Interconnection will enable CL&P to deliver into its distribution system gas charged to its account in the LNG Tank more quickly and economically, in most instances, than would be possible if it were compelled to remove LNG directly from the LNG Tank and to vaporize such LNG at its own vaporization facilities, and (2) such acquisition of title will insure that CL&P will have the use, control and enjoyment of the Interconnection throughout its useful life, both during and after the term of the Storage Agreement and, as owner of the Interconnection, will be able to use and/or dispose of the Interconnection, following the termination of the Storage Agreement, as the interests of its customers may require.

It is contemplated that Southern will operate and maintain the Interconnection until such time as title thereto is conveyed to CL&P, and CL&P will reimburse Southern for all expenses incurred in such operation and maintenance. Upon conveyance of title to CL&P, CL&P will have the option either itself to operate and maintain the Interconnection or to request Southern to continue such operation and maintenance at CL&P's expense.

It is stated that Southern will apply to the Connecticut Public Utilities Control Authority ("PUCA") for approval of the sale of the Interconnection to CL&P, and Southern and CL&P will apply to the PUCA for such approval of the Storage Agreement as may be necessary. It is further stated that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees, commissions and expenses to be paid or incurred, directly or indirectly, in connection with the acquisition by CL&P of title to the Interconnection are presently estimated at approximately $2,500 in legal fees, plus an estimated payment of $1,000 to Northeast Utilities Service Company ("NUSCO") for expenses incurred by NUSCO in connection with the acquisition.

Notice is further given that any interested person may, not later than July 7, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact of law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and

Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17610 Filed 6-20-77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 38 (Revised)]

ASSISTANT ADMINISTRATORS

Delegation of Authority Relating to Project Agreements, Trust Fund Agreements, and Grant Agreements

Pursuant to the Authority delegated to me by Declaration of Authority No. 104, as amended, from the Secretary of State dated November 3, 1961 (26 FR 10608), I hereby delegate authority as follows:

1. To Assistant Administrator for Latin America, the Asistant Administrator for Near East, the Assistant Administrator for Asia, the Assistant Administrator for Africa, I delegate the authority to negotiate, execute, and implement: (a) All project grant agreements; (b) all project implementation orders-technical services (PI/PA); (c) all trust fund agreements; (d) all grant agreements; with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments for projects, programs, and activities primarily for the benefit of countries within the responsibility of the Assistant Administrator. The authorities enumerated in this section may be redelegated as appropriate.

2. To such Assistant Administrators I delegate authority to negotiate, execute, and implement all amendments of, and ancillary agreements to, the agreements enumerated in Section 1 above as the Assistant Administrator my deem necessary or desirable, provided that the foregoing authority may not be utilized to approve amendments which would exceed the maximum total amount authorized for an agreement. The authority to negotiate, execute and implement those agreements and amendments referred to in this section may be redelegated as appropriate.

3. Section 1.A(1)b. and Section 1.B. of Delegation of Authority No. 99, August 23, 1976 (41 FR 39355), are hereby revoked.

4. Any official actions taken prior to the effective date hereof by officers duly authorized pursuant to delegations revoked hereunder are hereby continued in effect, according to their terms until modified, revoked, or superseded by action of the officer to whom I have delegated relevant authority in this delegation.

5. This Delegation of Authority amends and supersedes Delegation of Authority No. 38, as amended through October 12, 1975.

6. This Delegation of Authority is effective immediately.

Dated: June 3, 1977.

JOHN J. GILLIGAN,
Administrator.

[FR Doc.77-17654 Filed 6-20-77;8:45 am]

PRIVACY ACT OF 1974

Additional Routine Use

AGENCY: Agency for International Development.

ACTION: Additional routine use of systems of records.

SUMMARY: To include state employment security agencies and the U.S. Department of Labor as routine users to our systems of records AID-1 and AID-2. Information was received from the U.S. Department of Labor that disclosure was required from these systems under 5 U.S.C. 8506. Disclosure of employment, wage and separation data is necessary for unemployment compensation purposes.

EFFECTIVE DATE: Thirty (30) days after publication in FEDERAL REGISTER (July 21, 1977) if no comments are received. Comments should be addressed to Department of State, Agency for International Development, 320 21st Street NW., Washington, D.C. 20523, Attn: Privacy Liaison Office on or before July 21, 1977.

FOR FURTHER INFORMATION CONTACT:

James L. Harper, Department of State, Agency for International Development, Office of Personnel and Manpower, Washington, D.C. 20523.

SUPPLEMENTARY INFORMATION: On September 13, 1976, our annual publication of systems of records appeared in the FEDERAL REGISTER (41 FR 38900). At this time, additional amendments were proposed and interested persons were invited to submit written comments. No comments were received within the thirty (30) days time limit and the amendments were adopted and republished at 42 FR 10816 (February 23, 1977). Subsequent comments were received from the U.S. Department of Labor relative to additional routine uses of our systems of records AID-1, "Foreign Service Employee Personnel Records Systems", and AID-2, "Civil Service Employee Office Personnel Records Systems". It was suggested that state employment security agencies and the Secretary of Labor be included as routine users for these systems for employment, wage and separation data for unemployment compensation purposes as required under 5 U.S.C. 8506. We agree.

Therefore, pursuant to 5 U.S.C. 552 a(e)(11) we propose to add the following routine use to our systems of records AID-1 and AID-2:

To state employment security agencies and to the U.S. Department of Labor, upon request, employment, wage and separation data of former AID employees, to determine eligibility for unemployment compensation.

JOHN J. GILLIGAN,
Administrator.

[FR Doc.77-17621 Filed 6-20-77;8:45 am]

PRIVACY ACT OF 1974

Relocation of Systems of Records

AGENCY: Agency for International Development.

ACTION: Notice of relocation of systems of records.

SUMMARY: To give notice of the relocation of the Office of Personnel and Manpower and the systems of records maintained by that office. Also to change the addresses of systems managers, notification procedure, and record access procedures.

EFFECTIVE DATE: March 28, 1977.

FOR FURTHER INFORMATION CONTACT:

James L. Harper, Department of State, Agency for International Development, Office of Personnel and Manpower, Washington, D.C. 20523.

SUPPLEMENTARY INFORMATION: At the completion of the relocation of the Office of Personnel and Manpower on March 28, 1977, the address of the records, managers, notification procedures and access procedures was changed from 1601 N. Kent Street, Arlington, Virginia to 515 22nd Street, N.W., Washington, D.C. The systems affected by this move are as follows: AID-1, "Foreign Service Employee Personnel Records"; AID-2, "Civil Service Employee Office Personnel Records; AID-4, "Position Classification Records"; AID-7, "Foreign Service Personnel Evaluation Records"; AID-10, "Employees Relations Records"; AID-11a, "Employee Conduct and Discipline Records" (for active records). (The location of the records maintained by the Office of the General Counsel remains the same); AID-14, "Awards and Incentives Records"; AID-15c, "Employee Payroll Records" (Alimony and child support garnishment files); AID-20, "Claims Records" (central records for allowance and health benefits claims); and AID-25, "Privacy Act Implementation Records".

JOHN J. GILLIGAN,
Administrator.

[FR Doc.77-17622 Filed 6-20-77;8:45 am]

RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee

Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on July 14 and 15, 1977, at the Pan American Health Organization Building, 23d Street and Virginia Avenue NW., Conference Room "C", to review, appraise, and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for A.I.D. central research funding in the fields of food and nutrition and health and population. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 1601 N. Kent Street, Arlington, Va., 22209, or call area code 202–235–9001.

ERVEN J. LONG,
Agency for International Development, Research Advisory Committee.

JUNE 9, 1977.

[FR Doc.77–17655 Filed 6–20–77;8:45 am]

TENNESSEE VALLEY AUTHORITY

PRIVACY ACT OF 1974

Systems of Records

On Wednesday, November 10, 1976, the Tennessee Valley Authority published in the FEDERAL REGISTER (41 FR 49688) two proposed revisions to the routine uses in TVA's annual Notice of Systems of Records. An opportunity for the public to comment on the proposed routine uses was given. No comment was received. The routine uses are adopted by TVA as proposed.

The third routine use described in system TVA–11 (Payroll Records) is intended and has been interpreted by TVA to cover releases of payroll deduction information to charitable institutions and agencies in connection with the Combined Federal Campaign. The revision made by this document clarifies this intent and interpretation. TVA is also adding a routine use to system TVA–2 (Personnel Files) to enable TVA to transfer limited information from these records to local school districts to aid them in qualifying for assistance under Pub. L. 81–874 and other laws.

TVA is also revising by this document the "Categories of Records" paragraph for system TVA–9 (Medical Records) to show that TVA will begin to keep medical records of a few employees of TVA contractors who work on TVA property and may need emergency medical services from TVA doctors. This revision is effective immediately.

Effective date: This notice shall be effective June 21, 1977.

Dated: June 13, 1977.

LYNN SEEBER,
General Manager.

In FR Doc. No. 76–26199 appearing at pages 49064–49078 in the FEDERAL REGISTER of Friday, November 5, 1976, the following revisions are made:

1. On page 49065, the following additional routine use is included for system TVA–2 (Personnel Files) and is listed at the end of the routine use paragraph for this system. The routine use reads as follows: "To provide pertinent information to local school districts and other government agenices in order to study TVA project impacts and to aid school districts in qualifying for assistance under Pub. L. 81–874 and other laws."

2. On page 49070, the third routine use in system TVA–11 (Payroll Records) which presently reads "To transmit payroll deduction information to financial institutions and employee organizations" is revised to read "To transmit payroll deduction information to financial institutions, employee organizations, and charitable institutions and agencies in connection with the Combined Federal Campaign."

3. On page 49069, the last category of individuals in the categories of individuals paragraph of system TVA–9 (Medical Records) which presently reads "employees of other Federal agencies examined under contract" is revised to read "employees of TVA contractors and other Federal agencies who are examined under contract."

[FR Doc.77–17591 Filed 6–20–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

EXEMPTION APPLICATION

Correction

In FR Doc. 77–16238 appearing on page 30260 in the issue of Monday, June 13, 1977, the following entries in the table should read as follows:

Application No	Applicant	Renewal of special permit or exemption
•	•	•
6939–X	Warren Petroleum Co., Tulsa, Okla.	6939
•	•	•
6909–P	Edwin Cooper, Inc., St. Louis, Mo.	6909
6949–P	Stauffer Chemical Co., Westport, Conn.	6949
•	•	•

[Docket No. 77–7W]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver of Girth Weld Defects

On May 24, 1977, the Alyeska Pipeline Service Company (Alyeska) delivered to the Department of Transportation (DOT) a request for a waiver of the DOT regulations governing the acceptability of liquid pipeline girth welds (49 CFR 195.226 and 49 CFR 195.228). More specifically, Alyeska seeks the waiver for all trans-Alaska crude oil pipeline girth welds containing irregularities interpreted as not complying with the DOT's requirements but which are within the parameters of the fracture mechanics decision curves contained in the DOT's November 26, 1976, decision on a similar but more limited request (41 FR 52933, December 2, 1976). Alyeska would have this new requested waiver apply to girth welds currently known to contain such irregularities as well as those that may be revealed by any current or future review or audit.

In the November 26 decision cited by Alyeska in support of its current request, the DOT, after careful consideration of the issues and the technical advice provided by its experts and consultants, determined that—

> Fracture mechanics analysis is acceptable as a basis for granting exemptions from existing standards in appropriate circumstances, if such analysis produces a convincing and conservative estimate of structural integrity.

The specific criteria for applying this determination to the task of accepting or rejecting individual girth welds were set forth in the form of four decision curves in an appendix to the decision.

Originally Alyeska had requested a waiver for 612 of the approximately 30,000 field girth welds performed during the 1975 construction season. That number was reduced to 34 as repairs to the 1975 welds were completed during the construction season of 1976. In all, there are aproximately 100,000 main line girth welds in the pipeline—30,000 field welds performed during each of the 1975 and 1976 construction seasons and 40,000 "double joint" shop welds performed at the pipe storage facilities in Fairbanks and Valdez joining two sections of pipe before transporting them to construction sites. Concerns about the quality of girth welds and the adequacy of the quality control system had prompted Alyeska to audit the radiographic records of the 1975 field girth welds during the winter of 1975–76. It was that audit which led to Alyeska's first girth weld waiver request.

With respect to the 34 unrepaired girth weld defects then known to exist, the DOT further determined that those having dimensions which fell below the decision curve for the type of defect concerned "do not constitute a risk of failure at those connecting points during the expected lifetime of the pipeline." The DOT found that 24 of the 34 welds were acceptable on the basis of fracture mechanics analysis. A waiver was granted for only three welds located under the Middle Fork of the Koyukuk River inasmuch as repair efforts on the other 21 were then well on their way to completion.

Shortly after the DOT's November 26, 1976, decision on that request, a new series of questions arose concerning the quality of girth welds that had been performed in the shops at Valdez and Fairbanks. These questions were the subject of hearings before the Subcommittee on Energy and Power of the House of Representatives' Committee on Interstate and Foreign Commerce on December 14, 1976.

DOT GIRTH QUALITY SAMPLING PROGRAM

Because of concerns about the total girth weld population and because of the energy and environmental significance of the trans-Alaska crude oil pipeline, the DOT, as indicated during the hearings on December 14, 1976, undertook a statistical sample of the 1975 and 1976 field welds and double joint welds made in the Fairbanks and Valdez shops. A sample consisting of the radiographs for 500 randomly selected welds was chosen from each of the above three categories for a total sample size of 1500. Beginning in March 1977, the radiographs were interpreted by three DOT radiographic specialists. In order to minimize any dependent bias in the interpretation, each of the three radiographic specialists independently reviewed each of the radiographs from a listing of the approximately 100,000 girth welds against the DOT regulatory standard of acceptability as specified in 49 CFR 195.226 and .228. In each case where at least two specialists interpreted a radiograph as indicating an arc burn or a defect, related narrative records and documentation were examined and, two indepenednt radiographic experts reviewed the specialists' findings. The two radiographic experts,[1] are employees of Rockwell International Corporation under contract to the Energy Research and Development Administration (ERDA).

The ERDA experts, employing a technology used in dealing with the earlier waiver request, determined the depth and length of each defect they confirmed.

[1] Wayne D. Stump, manager of nondestructive testing, at the Rocky Flats Plant of Rockwell International (Prime U.S. ERDA contractor), where he has been employed for 25 years, holds a BS in Physics from the University of Denver and is a registered professional engineer in Colorado. Mr. Stump is a 25 year member and fellow of the American Society for Non-destructive Testing and has held several section offices in the Society. He is a certified ASNDT Level III in several test methods including radiography, and serves on the National Certification Panel for Level III personnel. He also holds membership in the American Society of Metals and the National Management Association.

John L. Summers, nondestructive testing area manager, at the Rocky Flats Plant, Rockwell International (Prime U.S. ERDA contractor), where he has been employed for the past 25 years, holds an associate degree of Science from Mascatine Junior College and has completed additional studies at the University of Colorado. Mr. Summers is a 22 year member and fellow of the American Society for Nondestructive Testing, having held several section offices in the Society. He is a certified ASNDT Level III in several test methods including radiography, and has served on the select Ad Hoc committee for Level III certification and is currently on the National Certification Panel for Level III personnel. He has been nominated as a National Director for ASNDT. Mr. Summers also holds membership in the American Society of Metals and the National Management Association and is a registered professional engineer in the State of California.

A detailed report of the three DOT radiographic specialists' and the ERDA experts' findings and measurements has been made a part of this docket. In summary, the results were as shown in Tables I and II.

TABLE I.—*Welds containing defects identified by DOT specialists*[1]

Type of defects	1975 welds	1976 welds	Shop welds	Total welds
Arc burns	78	28	21	127
Planar	15	6	5	26
Nonplanar	35	9	0	44
Total welds[2]	88	37	24	149

[1] This does not include indications of external undercuts. The depth of external undercuts which are often detectable by radiography cannot be evaluated by that technique. For this reason Alyeska, as is the standard practice in pipeline construction, employed visual external inspection to gage the depth of external undercuts and require repair when their dimensions exceeded DOT limits.

[2] The sums of the addends are less than the totals because some welds contain more than 1 class of defect.

TABLE II.—*Welds containing defects identified by DOT specialists: Confirmed and measured by ERDA experts*

Type of defects	1975 welds	1976 welds	Shop welds	Total welds
Arc burns	70	23	18	111
Planar	13	5	1	19
Nonplanar	31	9	0	40
Total welds	72	28	18	118

[1] The sums of the addends are less than the totals because some welds contain more than 1 class of defect

FRACTURE MECHANICS ANALYSIS

As indicated in the DOT's November 26, 1976, decision on Alyeska's earlier waiver request, fracture mechanics is the study of the effects of defect size and orientation on the ability of a structure containing cracks to resist fracture. It permits quantitative estimation of the growth of cracks during the lifetime of the structure and is currently used in the design of aircraft and space vehicles, electrical power generating equipment including nuclear pressure vessels and ship cargo tanks used to carry liquefied natural gas. More recently it has been recognized by Lloyd's Register of Shipping (London, England) and Det Norshe Veratas (Oslo, Norway) to resolve critical questions relative to pipeline safety.

It was after a comprehensive review of all relevant material assembled during consideration of that earlier waiver request and following extensive consultation with its experts and consultants including a panel of distinguished public experts that the DOT concluded in November 1976, that fracture mechanics could serve as a basis for granting waivers from existing DOT standards without compromising pipeline integrity.

Using the measurements (length and depth) of each confirmed defect as determined by the ERDA experts and applying them to the fracture mechanics decision curves contained in the DOT's November 26, 1976, decision, the results are as shown in Table III.

TABLE III.—*Analysis of confirmed defects in 1,500 randomly selected girth welds based on November 26, 1977 decision curves*

Type of defects	Welds analyzed	Welds not acceptable			Welds found acceptable
		1975	1976	Shop	
Arc burns	111	3	0	0	108
Planar	19	0	0	0	19
Nonplanar	40	5	0	0	35
Total welds[1]	118	8	0	0	110

[1] The sums of the addends are less than the totals because some welds contain more than 1 class of defect

Although the question before the DOT on Alyeska's earlier waiver request concerned only a portion of the total main line girth welds, the conclusions reached and the accompanying decision curves developed for worst possible case situations are no less valid and applicable for the total pipeline. For this reason, I have decided to extend the applicability of that earlier decision to cover the entire 800-mile main line of the trans-Alaska crude oil pipeline and thereby grant the requested exemption from compliance with DOT welding standards (49 CFR 195.226 and 195.228).

WELDS NOT ACCEPTABLE UNDER NOVEMBER 26, 1976 FRACTURE MECHANICS DECISION CURVES

Being convinced of the adequacy and structural integrity of all girth welds meeting fracture mechanics criteria as represented by the November 26, 1976, decision curves, there remains, however, a question as to those welds containing defects which pass neither the DOT standards nor the decision curve criteria. The weld quality sampling program results list eight such welds all performed during the 1975 construction season.

The true value of any sample lies in its utility as evidence of the quality or character of the whole or entire lot. Thus, using the results of the girth weld sampling program, it is possible to make certain estimations regarding the total number of girth welds containing defects which fall beyond the limits of the November 26, 1976, decision curves. Applying statistical sampling formulae calculated to provide a 99 percent level of confidence, leads to an estimate that 0.1 to 0.9 percent (0.5%±0.4%) of all girth welds fall into this category.

Moreover, the individual sample defect length and depth measurements made by the ERDA experts, when displayed on the decision curves, provide an indication of the probable range of deviation and the maximum likely deviation of all such defects above the acceptable fracture mechanics determined sizes.

As noted in the November 26, 1976, decision, Figures 5 and 6, several sets of decision curves were proposed for evaluating the acceptability of planar and non-planar flaws. The curves selected for use as part of that decision were the most conservative choices although the panel of five national experts convened by the DOT in October 1976 recom-

JUN 21 77
UM

mended otherwise. The panel in its November 8, 1976, report noted that the least conservative curves (i.e., the Irwin curves) "will most closely predict actual failures of non-crack defects." Moreover, in the decision itself, it was pointed out that while all DOT and outside experts agreed that fracture mechanics can serve as a basis for granting waivers, there are differences among those experts as to the degree of conservatism required, specifically as regards the choice of analytical models and factors of safety. Notwithstanding the technical merits of any particular model, it was the most conservative model that was chosen to carry out the November 26 decision.

To assist the DOT in evaluating this information and determining its significance to the structural integrity of the pipeline, on June 6, 1977, the DOT reconvened the panel of five experts first convened in October 1976, in connection with the initial consideration of fracture mechanics technology. The panel of experts and their areas of expertise were: Dr. Herbert T. Corten, Professor of Theoritical and Applied Mechanics, University of Illinois (expert in fracture mechanics analysis); Dr. Matthew Creager, President of Del West Associates (expert in fracture mechanics analysis and testing); Dr. Robert C. McMaster, Regents Professor of Welding and Electrical Engineering, Ohio State University (expert in metallurgy, welding, nondestructive testing and radiography); Dr. Warren F. Savage, Professor of Metallurgy and Director of Welding Research, Rensselaer Polytechnic Institute (expert in metallurgy and welding); and Edward Criscuolo, Naval Surface Weapons Center (expert in welding and radiography).

That panel of experts concluded that:

1. The successfully concluded hydrostatic test, while useful in testing longitudinal welds and serviceability is not a significant test of the girth welds;

2. The sampling program met the objective of determining with a high level of confidence whether or not the quality of welds meets DOT standards;

3. The November 26, 1977, decision curves, as they had previously noted, contain more than adequate safety factors;

4. None of the eight welds containing defects, which are only marginally outside the acceptable range of the November 26 decision curves, pose any threat to the structural integrity of the pipeline through its anticipated life;

5. Girth weld failures, which are generally an unlikely source of potential problems, will be even less so in the case of the trans-Alaska pipeline considering the superior materials and weld systems employed;

6. In view of the strong evidence that the 1973 field welds and the shop welds do not contain any defects which exceed the limits of the November 26 fracture mechanics decision curves, further review of these welds is not warranted; and

7. Since the defect indications of the 1975 field welds are of neither sufficient size or number to be of concern with regard to structural integrity, further review of the radiographs of these welds will not furnish any additional useful information or increase the structural reliability of the pipeline.

A complete report of the panel's evaluation and recommendations has been placed in the public docket.

On the basis of the results of the sampling program, the technical analysis of those results by the panel and DOT experts, and the application of fracture mechanics analysis to these results, I have concluded that there is no more than an extremely remote risk of loss of pipeline integrity.

Accordingly, I have determined that further DOT review of the girth weld radiographs and related documentation will not serve any useful purpose and that any program to seek out and repair any girth welds would certainly prove costly and quite possibly environmentally disruptive with no perceptible likelihood of enhancing the structural integrity of the pipeline.

(18 U.S.C. 831–835, Section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)) and Section 203 of the Trans-Alaska Pipeline Authorization Act (Pub. L. 93–153).)

Issued in Washington, D.C. on June 17, 1977.

ALAN A. BUTCHMAN,
Certifying Officer, OPSO.

MARGARET E. HAMMOND,
Deputy Secretary of Transportation.

[FR Doc.77–17685 Filed 6–17–77;11:16 am]

DEPARTMENT OF THE TREASURY

Customs Service

LEATHER HANDBAGS FROM COLOMBIA

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: Customs Service, U.S. Treasury.

ACTION: Initiation of investigation.

SUMMARY: This notice is to advise the public that a petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits are granted by the Government of Colombia to manufacturers or exporters which constitute a bounty or grant.

A preliminary determination will be made not later than October 22, 1977, and a final determination not later than April 22, 1978.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone (202) 566–5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on April 22, 1977, alleging that payments or bestowals, conferred by the Government of Colombia upon the exportation of leather handbags from Colombia constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Imports covered by this investigation are classifiable under item 706.0820, Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant and a final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than October 22, 1977, as to whether or not alleged payments or bestowals conferred by the Government of Colombia upon the manufacture, production, or exportation of the above described merchandise constitute a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than April 22, 1978.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 23, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77–17476 Filed 6–20–77;8:45 am]

LEATHER HANDBAGS FROM URUGUAY

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: Customs Service, U.S. Treasury.

ACTION: Initiation of investigation.

SUMMARY: This notice is to advise the public that a petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits are granted by the Government of Uruguay to manufacturers or exporters which constitute a bounty or grant.

A preliminary determination will be made not later than October 22, 1977, and a final determination not later than April 22, 1978.

EFFECTIVE DATE: April 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Vincent Kane, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202–566–5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on April 22, 1977, alleging that payments or bestowals, conferred by the Government of Uruguay upon the exportation of leather handbags from Uruguay constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303).

Imports covered by this investigation are classifiable under item 706.0820, Tariff Schedules of the United States (TSUS).

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of the statute within 6 months of the receipt, in satisfactory form, or a petition alleging the payment or bestowal of a bounty or grant and a final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made no later than October 22, 1977, as to whether or not alleged payments or bestowals conferred by the Government of Uruguay upon the manufacture, production, or exportation of the above described merchandise constitutes a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than April 22, 1978.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)), and section 159.47(c), Customs Regulations (19 CFR 159.47(c)).

JOHN A. HENLEY,
Acting Commissioner of Customs.

Approved: May 23, 1977.

HENRY C. STOCKELL, Jr.,
Acting General Counsel.

[FR Doc.77–17477 Filed 6–20–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 417]

ASSIGNMENT OF HEARINGS

JUNE 16, 1977.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 114211 (Sub-No. 296), Warren Transport, Inc., now being assigned pre-hearing conference July 6, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 31533 (Sub-No. 14), South Bend Freight Lines, Inc., now assigned July 19, 1975, at Chicago, Ill., hearing canceled, and the application is dismissed.

MC 139495 (Sub-No. 187), National Carriers, Inc., now being assigned July 26, 1977 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 106674 (Sub-No. 220), SchilliMotor Lines, Inc., now being assigned July 27, 1977, at Atlanta, Ga. (1 day), in a hearing room to be later designated.

MC 2900 (Sub-No. 293), Ryder Truck Lines, Inc., now being assigned for continued hearing on the 15th day of August 1977 (1 week), at Savannah, Ga., and will be held at the De Soto Hilton, Buss and Liberty Streets.

MC 109397 (Sub-No. 347), Tri-State Motor Transit Co., now being assigned July 28, 1977 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 138157 (Sub-No. 33), Southwest Equipment Rental, Inc., d.b.a. Southwest Motor Freight, now being assigned July 29, 1977 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 140010 (Sub-No. 7), Joseph Moving & Storage Co., d.b.a. Joseph Motor Lines, now being assigned August 1, 1977 (1 day), at Atlanta, Ga., in a hearing room to be later designated.

MC 128273 (Sub-No. 243), Midwestern Distribution, Inc., now being assigned August 2, 1977 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 139468 (Sub-No. 4), International Contract Carrier, Inc., now being assigned August 4, 1977 (2 days), at Atlanta, Ga., in a hearing room to be later designated.

MC 2860 (Sub-No. 151), National Freight, Inc., now being assigned July 27, 1977, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 29613 (Sub-No. 8), Jayne's Motor Freight, Inc., now assigned June 29, 1977, at New York, N.Y., will be held at the Court of Claims, Room No. 238, Court Room A, 26 Fereral Plaza, instead of Room 2839.

MC 141084 (Sub-No. 6), National Freight Lines, Inc., now assigned July 6, 1977, at Washington, D.C., is postponed to September 28, 1977, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 52979 (Sub-No. 17), Hunt Truck Lines, Inc., now assigned July 18, 1977, at Des Moines, Iowa, is postponed to October 11, 1977 (9 days), at Des Moines, Iowa, Room 113, Federal Building, 210 Walnut Street.

MC 2860 (Sub-No. 152), National Freight, Inc., now assigned July 13, 1977, at Washington, D.C., is advanced to July 8, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 121470 (Sub-No. 9), Tanksley Transfer Co., now being assigned September 22, 1977 (2 days), at Nashville, Tenn., in a hearing room to be later designated.

MC 125808 (Sub-No. 1), AAACon Auto Transport, Inc.—Petition Seeking Modification of Permit (Certificate), now assigned July 11, 1977, at New York, N.Y., has been postponed to September 26, 1977 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 134772 (Sub-No. 3), George Lange Trucking, Inc., now assigned September 7, 1977, At San Francisco, Calif., is canceled, application dismissed.

MC 52979 (Sub-No. 17), Hunt Truck Lines, Inc., now assigned July 18, 1977, at Des Moines, Iowa, is postponed to October 11, 1977 (9 days), in Room 113, Federal Building, 210 Walnut Street, Des Moines, Iowa.

MC 110410 (Sub-No. 19), Benton Bros. Film Express, Inc., now assigned July 19, 1977, at Atlanta, Ga., is canceled and application dismissed.

MC 142239 (Sub-No. 3), Washington Transportation Co., now assigned July 7, 1977, at Omaha, Nebr., is canceled and application dismissed.

MC 123048 (Sub-No. 349), Diamond Transportation System, Inc., now being assigned August 8, 1977 (1 day), at Lexington, Ky., in a hearing room to be later designated.

MC 140484 (Sub-No. 20), Lester Coggins Trucking, Inc., now being assigned August 9, 1977 (1 day), at Lexington, Ky., in a hearing room to be later designated.

MC 109533 (Sub-No. 78), Overnite Transportation Co., now being assigned continued hearing August 10, 1977 (3 days), in the Campbell House Inn, 135 Harrodsburg Road, Lexington, Ky.

AB 18 (Sub-No. 18), Chesapeake and Ohio Railway Co. Abandonment Portion Greenbrier Branch Between North Caldwell and Durbin, in Greenbrier and Pocahontas Counties, W. Va., and FD 28108, Western Maryland Railway Co.—Lease and Operate—Chesapeake, and Ohio Railway Co. Between Durbin and Bartow in Pocahontas County, W. Va., now assigned July 25, 1977, at Marlinton, W. Va., is postponed to August 15, 1977 (1 week), at Marlinton, W. Va., in a hearing room to be later designated.

MC 2232 (Sub-No. 11), Creger Freight Lines, Inc., now being assigned for continued hearing on the 6th day of July 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17662 Filed 6–20–77;8:45 am]

[Section 5a Application 63 (Supplemental Amendment 2)]

BULK CARRIER CONFERENCE, INC. AND GROVE, JASKIEWICZ, GILLIAM, AND COBERT

Bulk Carriers, Agreement

JUNE 7, 1977.

The Commission is in receipt of a supplemental application in the above-entitled proceeding for approval of an amendment to the agreement therein approved.

Filed May 27, 1977 by:

Joseph M. Harrison, General Manager, Bulk Carrier Conference, Inc., 2341 Jefferson Davis Highway, Arlington, Virginia 22202.

Leonard A. Jaskiewicz, Edward J. Kiley, Grove, Jaskiewicz, Gilliam, and Cobert, 1730 M St. NW., Suite 501, Washington, D.C. 20036. Attorneys for Applicants.

The Amendment involves: Changes in the definition of motor common carriers eligible for membership in Bulk Carrier Conference, Inc., so as not to prohibit or limit the membership of any carrier which specializes in the transportation of commodities in bulk, which otherwise qualifies, for the reason that such carrier is also authorized to transport identical commodities in bags or packages.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before July 21, 1977. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its

JUN 21 77
UM

discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-17663 Filed 6-20-77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 6, 1977.

FSA No. 43382—*Joint Water-Rail Container Rates—Pacific Far East Line, Inc.* Filed by Pacific Far East Line, Inc. (No. 14), for itself and interested rail carriers.

Rates on general commodities, from rail stations on the U.S. Pacific and Gulf Seaboard, to Egyptian, Mediterranean, Middle Eastern, Greek, and Turkish ports.

Grounds for relief—Water competition.

FSA No. 43383—*Malt Liquors from Fort Worth, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-678), for interested rail carriers.

Rates on liquors, malt: ale, beer, beer tonic, cereal beverages, porter or stout, in straight or mixed carloads, as described in the application, from Fort Worth, Texas, to specified points in eastern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 137 to Southwestern Freight Bureau, Agent, tariff 35-B, I.C.C. No. 4906. Rates are published to become effective on July 13, 1977.

FSA No. 43384—*Rubber to Johnson City, Tennessee.* Filed by Southwestern Freight Bureau, Agent (No. B-687), for interested rail carriers.

Rates on rubber, artificial, neoprene, or synthetic, crude, rubber compounds, NOIBN, loose or in packages, in carloads, as described in the application, from Addis and Port Allen, Louisiana, to Johnson City, Tennessee.

Grounds for relief—Rate relationship.

Tariff—Supplement 62 to Southwestern Freight Bureau, Agent tariff 13-F, I.C.C. No. 5209.

Rates are published to become effective on July 13, 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17661 Filed 6-20-77;8:45 am]

[Notice 180]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 21, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77036, filed March 16, 1977. Transferee: EAST ENTERPRISES, INC., doing business as ACE-LINES INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Transferor: Ace Lines, Inc., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicants' representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought for purchase by transferee of all of the operating rights held by transferor as set forth in Certificate No. MC 61231 and subs thereunder, issued on various dates between December 7, 1955 and May 4, 1977, as follows: General commodities and other specified commodities over specified regular routes and irregular routes from, to, and between points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. Transferee presently holds no authority from this Commission; application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77148, filed May 23, 1977. Transferee: BARNEY'S MOVING & HAULING SERVICE, INC., 2117 South Clinton Avenue, Trenton, New Jersey 08611. Transferor: Julius Frank Barany, doing business as Barney's Moving & Hauling Service, 2117 South Clinton Avenue, Trenton, New Jersey 08611. Applicant's representative: Edward Hunter, Attorney-at-Law, 1510 Pennington Road, Trenton, New Jersey 08618. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-7547, issued November 1, 1967, as follows: Household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and Maryland and a specified portion of New York State. Transferee presently holds no authority from this Commission; application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77157, filed June 2, 1977. Transferee: HILLMAN BULK SERVICE OF NEW JERSEY, INC., 67 Esther St., Newark, N.J. 07105. Transferor: Hillman Bulk Service, Inc., 67 Esther St., Newark, N.J. 07105. Applicants' representative: John R. Simms, Jr., Attorney-at-Law, 915 Pennsylvania Building, 423 13th St. NW., Washington, D.C. 20004. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 119725, issued September 6, 1962, as follows: castor beans, salt, fuller's earth, pumice, linseed cake, bags, vegetable oils, and damaged, defective, or returned shipments of vegetable oils, from and to specified points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Delaware, Maryland, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a (b) of the Act.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc 77-17660 Filed 6-20-77;8:45 am]

[No. 36583]

OKLAHOMA INTRASTATE FREIGHT RATES AND CHARGES, 1977

Petition for Investigation

Petitioners, 14 common carriers by railroad[1] subject to Part I of the Interstate Commerce Act and also operating in intrastate commerce in the State of Oklahoma, filed a joint petition under section 13(3) of the Interstate Commerce Act on May 13, 1977, requesting that this Commission institute an investigation of Oklahoma intrastate freight rates and charges under sections 13 and 15a(2) of the Interstate Commerce Act in which petitioner seek an order authorizing them to increase such rates and charges by the same amounts approved for interstate application by this Commission in Ex Parte No. 330, Increased Freight Rates, West and Interterritorial, 1976, and Ex Parte No. 336, Increased Freight Rates and Charges, 1977.

Petitioners sought to make the increases granted in Ex Parte Nos. 330 and 336, supra, applicable to Oklahoma intrastate commerce by tariffs filed with the Corporation Commission of the State of Oklahoma on October 14, 1976 and January 10, 1977, respectively. The increases were suspended insofar as they applied on certain commodities but no hearing has ever been held with respect to the suspended rates.

Petitioners contend that present interstate freight rates from, to, and within Oklahoma are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Oklahoma are not more favorable than for interstate traffic; that traffic moving under present Oklahoma interstate rail freight rates and charges fails to provide its fair share of earnings; and that the present Oklahoma intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Oklahoma and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13 and 15a(2) of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte Nos. 330 and 336, supra.

Under section 13(5) of the Interstate Commerce Act, where the petitioning railroads have first filed a change in intrastate rates with the appropriate state regulatory body and that regulatory body has not acted finally on the change within 120 days of filing, this Commission has exclusive jurisdiction to institute an investigation into the lawfulness of intrastate rail freight rates and charges for the purpose of adjusting such rates and charges to those charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation under section 13 and 15a of the Interstate Commerce Act be, and it is hereby, instituted to determine whether the Oklahoma intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte Nos. 330 and 336, supra; and to determine if any rates or charges or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Oklahoma subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before July 6, 1977. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners and respondents herein; that the state of Oklahoma be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Oklahoma and the Corporation Commission of the State of Oklahoma; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 9th day of June, 1977.

By the Commission, Commissioner Hardin.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17581 Filed 6-20-77;8:45 am]

[1] The Arkansas Western Railway Company; the Atchison, Topeka and Santa Fe Railway Company; Beaver, Meade and Englewood Railroad Company; Chicago, Rock Island and Pacific Railroad Company; Fort Smith and Van Buren Railway Company; Hollis & Eastern Railroad Company; the Kansas City Southern Railway Company; Missouri-Kansas-Texas Railroad Company; Missouri Pacific Railroad Company; St. Louis-San Francisco Railway Company; Sand Springs Railway Company; Texas, Oklahoma & Eastern Railroad Company; The Texas and Pacific Railway Company; Tulsa-Sapulpa Union Railway Company.

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Service Commission	12
Federal Deposit Insurance Corporation	1, 2, 3
Federal Election Commission	4, 5
Federal Home Mortgage Corporation	6
Federal Maritime Commission	7
Federal Power Commission	8, 9
Postal Rate Commission	10
Securities and Exchange Commission	11

1

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AID DATE: 10:30 a.m., June 27, 1977.

PLACE: Room 6135, FDIC Building, 550 17th Street, NW., Washington, D.C.

MATTERS TO BE CONSIDERED:

Applications or requests pursuant to section 19 of the Federal Deposit Insurance Act for the Corporation's consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks: Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,089–L—First State Bank of Northern California San Leandro, California
Case No. 43,092–SR—Sharpstown State Bank Houston, Texas
Case No. 43,094–L—Franklin National Bank New York, New York
Case No. 43,095–L—Northeast Bank of Houston Houston, Texas
Case No. 43,099–NR—United States National Bank San Diego, California
Case No. 43,100–L—American City Bank & Trust Company, National Association Milwaukee, Wisconsin
Case No. 43,102–L—The Hamilton National Bank of Chattanooga Chattanooga, Tennessee

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.: Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–702–77 Filed 6–17–77;12:18 pm]

2

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10:45 a.m., June 27, 1977.

PLACE: Room 6135, FDIC Building, 550, 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance: The People's Bank of Holly Pond, to be located in Holly Pond, Cullman County, Alabama.

Pine River Valley Bank, to be located at One Colorado Drive, Bayfield, La Plata County, Colorado.

Nisswa State Bank, to be located at the intersection of County Road 18 and Cullen Lake Road, Nisswa, Crow Wing County, Minnesota.

City Bank and Trust, to be located at Tremont Square, Claremont, Sullivan County, New Hampshire.

American Bank and Trust, to be located at 19 South Jefferson Avenue, Cookeville, Putnam County, Tennessee.

Applications for consent to establish branches: Totalbank, Miami, Florida, at 1730 Biscayne Boulevard, Miami, Dade County, Florida.

Dry Dock Savings Bank, New York (Manhattan), New York, at 1340 Third Avenue (a/k/a 176 East 77th Street), New York (Manhattan), New York County, New York.

Application for consent to establish a remote service facility: St. Joseph Valley Bank, Elkhart, Indiana, at 317 West Lusher Avenue, Elkhart, Elkhart County, Indiana.

Application for consent to the issuance of a convertible subordinated capital debenture as an addition to capital structure and for advance consent to its conversion to common stock as provided in the debenture: Case State Bank, Stonewall, Pontotoc County, Oklahoma.

Application for consent to merge: Hawkeye Bank and Trust, Burlington, Iowa, a State nonmember insured bank, for consent to merge with Burlington Bank Realty Company, Burlington, Iowa, its wholly-owned bank premises subsidiary, under the charter and title of Hawkeye Bank and Trust.

Applications for consent to merge and establish branches: Southwest Bank, Vista, California, a State nonmember insured bank, for consent to merge with Mission Bank, El Toro, California, also a State nonmember insured bank, under the charter and title of Southwest Bank, and to establish the three offices of Mission Bank as branches of the resultant bank.

Northfield Savings Bank, New York (P.O. Port Richmond), New York, an insured mutual savings bank, for consent to merge with Mutual Savings and Loan Association of Richmond County, New York (P.O. Port Richmond), New York, under the charter and title of Northfield Savings Bank, and to establish the two offices of Mutual Savings and Loan Association of Richmond County as branches of the resultant bank.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,088–L—International City Bank and Trust Company, New Orleans, Louisiana
Case No. 43,090–SR—Sharpstown State Bank, Houston, Texas
Case No. 43,091–5R—American Bank & Trust Company, New York, New York
Case No. 43,096–NR—United States National Bank, San Diego, California
Case No. 43,098–L—State Bank of Clearing, Chicago, Illinois
Case No. 43,101–5R—American Bank & Trust Company, New York, New York
Case No. 43,103–L—The Hamilton Bank and Trust Company, Atlanta, Georgia
Memorandum re: Birmingham Bloomfield Bank, Birmingham, Michigan

Recommendations with respect to the initiation of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(10)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–703–77 Filed 6–17–77;12:19 pm]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 11 a.m., June 27, 1977.

PLACE: Board Room, Sixth Floor, FDIC Building, 550, 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed purchase and assumption transaction: First National Bank of Moline, Illinois, and Uptown National Bank of Moline, Moline, Illinois.

Request by the Board of Governors of the Federal Reserve System for report on the competitive factors involved in a proposed consolidation: Shepherd State Bank, Shepherd, Michigan, with Isabella Bank and Trust, Mount Pleasant, Michigan.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities: Cooley, Shrair, Alpert & Labovitz, Springfield, Massachusetts, in connection with the liquidation of Chicopee Bank and Trust Company, Chicopee, Massachusetts.

Kaye, Scholar, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of The Bank of Bloomfield, Bloomfield, New Jersey.

Casey, Lane & Mittendorf, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Taback & Hyams, Jericho, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Meredith, Donnell & Edmonds, Corpus Christi, Texas, in connection with the liquidation of First State Bank & Trust Company, Rio Grande City, Texas.

Recommendations with respect to the amendment of regulations and general notices: Memorandum and resolution proposing amendments to Part 310 of the Corporation's rules and regulations, entitled "Safeguarding Personal Information," and the adoption of a "Notice of new Systems and Changes to Existing System of Records."

Memorandum and resolution with reference to Part 309 of the Corporation's rules and regulations that provides the procedures for public disclosure of FDIC records and information and delegates the authority for the release of certain confidential information. The revision is intended to accomplish two things: (1) to simplify and update the procedures followed by the FDIC in disclosing records it maintains; and (2) to clarify and provide greater authority at the divisional level of the FDIC for disclosure which presently require the authorization of the Chairman of the FDIC's Board of Directors.

Recommendation with respect to the appointment of an agent for Service of Process in the State of New Jersey.

Recommendations with respect to the execution or amendment of leases: Acquisition of additional space for the Rosalyn Training Center facility. Acquisition of additional space for the San Francisco Regional Office.

Reports of committees and officers: Minutes of the actions approved by the Committee on Liquidations, loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports with respect to security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202–389–4446.

[S–704–77 Filed 6–17–77;12:20 pm]

4

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, June 23, 1977 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.
II. Correction and approval of minutes.
III. Advisory opinions AO 1977–16, AO 1977–24.
IV. Waiver of reporting requirements.
V. Pending legislation.
VI. Appropriations and budget OMB budget estimate outlays.
VII. Agency Job classifications.
VIII. Liaison with other Federal agencies.
IX. Routine Administrative Matters.

PORTIONS CLOSED TO THE PUBLIC

X. Executive session. A. Compliance and audit referral No. 19. B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, Phone 202–523–4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S–698–77 Filed 6–17–77;8:45 am]

5

AGENCY: HOLDING THE MEETING: Federal Election Commission.

FEDERAL REGISTER: S–698–77, June 16, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, June 23, 1977, 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

CHANGE IN THE MEETING: Please remove from the open meeting: AO 1977–16.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202–523–4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S–700–77 Filed 6–17–77;10:13 am]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Mortgage Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 114, page 30467, Tuesday, June 14, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., June 16, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Closed Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202–624–7107.

CHANGES IN THE MEETING: The following item will be discussed at a closed meeting following the open meeting previously announced: Appointment of Corporate Officer.

No. 35, June 15, 1977.

RONALD A. SNIDER,
Assistant Secretary.

[S–699–77 Filed 6–17–77;8:45 am]

7

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30743, June 16, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: June 22, 1977—10 a.m.

CHANGES IN THE MEETING: Addition of the following item to the closed session:

3. Civil Penalty Compromise Guidelines.

[S–701–77 Filed 6–17–77;11:39 am]

8

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30467.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 16, 1977, 2 p.m.

CHANGES IN THE MEETING: Addition of Item G–16, Docket Nos. CP77–29

and CP74–286, Natural Gas Pipeline Company of America.

KENNETH F. PLUMB,
Secretary.

[S–696–77 Filed 6–16–77;2:21 pm]

9

AGENCY HOLDING MEETING: Federal Power Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30467.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 16, 1977, 2 p.m.

CHANGES IN THE MEETING: Addition of Item G–15, Docket No. CP77–439, Tennessee Gas Pipeline Company.

KENNETH F. PLUMB,
Secretary.

[S–697–77 Filed 6–16–77;2:21 am]

10

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 22, 1977.

PLACE: Conference Room, Room 500, 2000 L St., NW., Washington, D.C.

STATUS: Items 1 and 2 open; Items 3 and 4 closed.

MATTERS TO BE CONSIDERED:

OPEN SESSION

1. Draft Notice Changing Commission Rules of Practice, 39 C.F.R. Section 3001.102; PRC Forms 102 and 103.
2. Report on Postal Service A/P8.

CLOSED SESSION

3. Tentative Decision Concerning MOAA Proposals to Create a Rate Bridge Between Third-Class Catalogs and Fourth-Class Bound Printed Matter, Docket Nos. MC76–3 and MC76–4.
4. Tentative Decision Concerning Proposals for Local and Nationwide Subclasses Within First-Class Mail, Docket No. MC76–1.

Authority to conduct closed meeting: 5 U.S.C. 552 b(c)(10).

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone 202–254–5614.

[S–708–77 Filed 6–17–77;4:01 pm]

11

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

FEDERAL REGISTER CITATION OF THE PREVIOUS ANNOUNCEMENT: June 16, 1977 (42 FR 30742).

PREVIOUS ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 16, 1977.

STATUS: Open meeting.

CHANGES IN THE MEETING: Deletion of item on the open meeting agenda.

The Commission's consideration of the publication for comment of a proposed amendment to Rule 3–07 of Regulation S–X to substantially eliminate the practice of accounting for certain transactions as adjustments of prior period earnings has been postponed until further notice.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that commission business required additional consideration of this matter and that no earlier notice thereof was possible.

JUNE 15, 1977.

[S–693–77 Filed 6–16–77;11:44 am]

12

AGENCY HOLDING THE MEETING: Civil Service Commission.

TIME AND DATE OF MEETING: 9 a.m., June 28, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) Continuation of discussion of Recommendations of the Task Force on Merit Staffing Review Recommendations. (2) Qualification requirements in filling higher level positions within the Civil Service Commission.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners, 202–632–5556.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S–714–77 Filed 6–20–77;10:11 am]

federal register

TUESDAY, JUNE 21, 1977

PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

BASE FLOOD ELEVATIONS

Proposed Determinations

V 42 N 119 JUN 21 1977 UM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2960]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Clackamas County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Clackamas, Oregon, in accordance with Section 11 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. George D. Poppen, County Clerk, Clackamas County Courthouse, 8th and Main Streets, Oregon City, Oregon 97045.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Clackamas County Courthouse, 8th and Main Streets, Oregon City, Oregon 97045.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clackamas River	Bakers Bridge [1]	102
	Barton Bridge	164
	Confluence of Eagle Creek.	206
Molalla River	Southern Pacific Railroad Bridge.	172
	Highway No. 213 Bridge.	237
	Highway No. 211 Bridge.	323
	Confluence with Cedar Creek.	460
Kim Creek	Molalla Forest Road Bridge.	135
	Highway No. 213 Bridge.	204
Sandy River	Sleepy Hollow Bridge [1].	982
	Confluence of Zig Zag River.	1,379
	Trunian Road Bridge [1].	1,455
Zig Zag River	do [1]	1,368
	Road 20 Bridge	1,640
Salmon River	New Highway 26 Bridge.	1,053
	Bridge at Welches	1,202
Still River	Road 10 Bridge	1,584
	Road 20 Bridge	1,722

[1] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17166 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2926]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Hampton, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Hampton, Allegheny County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Hampton, Allegheny County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby, Hampton Township Municipal Building, 3101 McCully Road, Allison Park, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations, should immediately notify the Honorable Joseph M. Wink, Mayor of Hampton Township, Hampton Township Municipal Building, 3101 McCully Road, Allison Park, Pennsylvania 15101.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pine Creek	Downstream corporate limit.	838
	Pennsylvania Route 8.	844
	Duncan Ave.	851
	Royal Blvd.	855
	B. & O. RR.	860
	Royal View Dr. (extended).	887
	Sample Rd.	888
Gourdhead Run	Naylor Ave.	847
	Duncan Ave.	852
	Old Route 8.	861
	Pennsylvania Route 8.	867
	Clearview Rd.	873
	Confluence with McCaslin Run.	890
	1,200 ft. downstream from Lee Dr.	900
	Lee Dr.	920
Harts Run	Confluence with Gourdhead Run.	920
	950 ft upstream from mouth.	935
	1,500 ft upstream from mouth.	944
Crouse Run	Royal View Dr.	891
	Sample Rd.	892
	Pioneer Rd.	1,011
	Florence Dr. (extended).	1,017
	West Barkoner Rd. (extended).	1,020
	Pioneer Rd.	1,039
Crouse Run Tributary	Confluence with Crouse Run.	1,013
	Pennsylvania Route 8.	1,025
	Hickory Dr.	1,027

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17167 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2922]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Sylvania, Bradford County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Sylvania, Bradford County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872; Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Sylvania, Bradford County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Sylvania Borough Hall, Route 6, Sylvania, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Frank W. Webster, Mayor of Sylvania, R.D. No. 1, Troy, Pennsylvania 16947.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sugar Creek	Eastern corporate limits.	1,234
	Roosevelt Highway and Porter Rd.	1,246
	Mill St.	1,268
	Austinville Rd.	1,277
	Confluence with Morgan Creek.	1,288
Morgan Creek	Cottage Ave. (extended).	1,206
Spring Creek	Austinville Rd.	1,288

[24 CFR Part 1917]

[Docket No. FI-2919]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Wysox, Bradford County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Wysox, Bradford County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Wysox, Bradford County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more strin-

gent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the office of Mr. James W. Ward, Township Secretary of Wysox, Ward Building, Wysox, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. James W. Ward, Township Secretary of Wysox, Ward Building, Wysox, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Susquehanna River	Downstream corporate limits.	706
	Confluence with Wysox Creek.	710
	Azilum St.	711
	U.S. Route 6.	721
Laning Creek	Confluence with Susquehanna River.	712
	Masonite Rd.	723

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17169 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2962]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Lower Yoder, Cambria County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Lower Yoder, Cambria County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Sladki, Chairman of the Board of Lower Yoder, 119 Norton Road, Johnstown, Pennsylvania 15906.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the office in the Municipal Building, 119 Norton Road, Johnstown, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Clair Run	Northeast corporate limits.	1,229
	City Line St.	1,259
	Private road at tributary near St. Theresa's Cemetery.	1,299
	St. Clair Rd.	1,377
	Falcon Dr.	1,403
Elk Run	Township line at D St.	1,193
	D St. crossing	1,241
	Norton St.	1,296

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17170 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2965]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Emporium, Cameron County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Emporium, Cameron County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Augustus A. Zito, Borough Manager of Emporium, Municipal Building, Emporium, Pennsylvania 15834.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Municipal Building, Emporium, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Driftwood branch, Sinnemahoning Creek	Downstream corporate limits.	1,013
	Broad St.	1,025
	Con Rail	1,032
	State Route 120	1,031
	Upstream corporate limits.	1,044
Sinnemahoning Portage Creek	Downstream corporate limits.	1,013
	Con Rail	1,016
	State Route 120	1,022
West Creek	Confluence with Driftwood Branch, Sinnemahoning Creek.	1,029
	Upstream corporate limits.	1,035

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17171 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2964]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Shippen, Cameron County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Shippen, Cameron County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Fred E. Brown, Chairman of Shippen, R.D. 1, Clear Creek, Emporium, Pennsylvania.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Township Office, R.D. 1, Emporium, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Driftwood branch	Sinnemahoning Creek, eastern corporate limits.	1,000
	Broad St. (downstream).	1,025
	Emporium corporate limits (downstream).	1,029
	Con Rail tracks	1,032
	Route 120 (upstream)	1,034
	Route 120 at Route 46 (upstream).	1,078
	Route 120 Bridge at John's Run.	1,115
	Farm Bridge near Bobby Run.	1,177
Sinnemahoning Portage Creek	Con Rail tracks	1,016
	Route 120 (upstream)	1,023
	Route 155 (upstream)	1,099
	Corporate limits	1,123
West Creek	Emporium corporate limits.	1,066
	Big Run Confluence (Truman).	1,216

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17172 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2924]

PROPOSED FLOOD ELEVATION DETERMINATIONS

City of Uniontown, Fayette County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Uniontown, Fayette County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Uniontown, Fayette County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies estab-

lished by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Uniontown Municipal Building, 75 West South Street, Uniontown, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Robert E. Jones, Jr., Mayor of Uniontown, Uniontown Municipal Building, Uniontown, Pennsylvania 15401.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Redstone Creek	Confluence with Coal Lick Run.	966
	North Beeson Ave.	969
	East Main St.	976
	East Fayette St.	980
	Grant St.	990
Coal Lick Run	Pittsburgh St.	967
	West Main St.	975
	Berkley Ave.	979
	U.S. corporate limits.	989

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17173 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2961]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Reynoldsville, Jefferson County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Reynoldsville, Jefferson County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable John C. Millerin, Mayor of Reynoldsville, 332 North 5th Street, Reynoldsville, Pennsylvania 15851.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Reynoldsville Municipal Building, Main Street, Reynoldsville, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sandy Lick Creek	Upstream corporate limits.	1,371
	5th St.	1,368
	ConRail Bridge.	1,366
Soldier Run	14th St.	1,378
	10th St.	1,368
	Confluence of Sandy Lick Creek.	1,368

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17174 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2966]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Fermanagh, Juniata County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Fermanagh, Juniata County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. J. Allen Vendt, Township Secretary of Fermanagh, Township Building, Star Route, Mifflintown, Pennsylvania 17059.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the floodprone areas and the proposed base flood elevations are available for review at the Township Building, Township Secretary, Township building, Star Route, Mifflintown, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Juniata River	Downstream corporate limit.	442
	Confluence with Schweyer Run.	444
	Confluence with Lost Creek.	446
	Confluence with Horning Run.	447
Schweyer Run	Confluence with Juniata River.	444
	Cross St.	459
	Route 22 Culvert	478
	Farmers Rd.	491
Lost Creek	Confluence with Juniata River.	446
	Oakland Mill Rd.	447
	Township Road/LR 34074.	467
	Jericho Rd.	536
	Corporate limits.	549
Horning Creek	Confluence with Horning Creek.	447
	T 525	477
	Slim Valley Rd. (downstream).	486
	Miner Town Rd.	514
	Slim Valley Rd. (upstream).	572

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 8, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17175 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2963]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Mifflin, Juniata County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Mifflin, Juniata County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Blair D. Drimmel, Mayor of Mifflin, Licking Street, Mifflin, Pennsylvania 17058.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Council Meeting Room, Borough Building, 106 Tuscarora Street, Mifflin, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Juniata River	South corporate limits.	443
	Main St.	444
	North corporate limits.	444
Tributary to Juniata River.	Mower St.	444
	Summit St.	450
	North corporate limits.	450

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17176 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2925]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Elizabethtown, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Elizabethtown, Lancaster County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Elizabethtown, Lancaster County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management

requirements. The Community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Elizabethtown Borough Office, 59 North Market Street, Elizabethtown.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Kenneth Reighard, Elizabethtown Borough Office, 59 North Market Street, Elizabethtown, Pennsylvania 17022.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Conoy Creek	Con Rail	414
	Bainbridge St.	417
	Poplar St. (downstream).	419
	West High St.	421
	Poplar St. (upstream).	423
	Market St.	425
	Cherry Alley	427
	Spruce St.	428
	Mount Joy St.	433
	East Willow St.	435
	Hickory Lane	443
	Beechwood Dr.	448
	Upstream corporate limits.	449

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17177 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2923]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Keating, McKean County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Keating, McKean County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202 755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Keating, McKean County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the meeting room, Keating Township Municipal Building, Rt. 446, East Smethport, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Albert Prosser, Chairman of the Keating Board of Supervisors, P.O. Box 103, East Smethport, Pennsylvania 16730.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Potato Creek	Intersection of northern corporate limit of Smethport and Potato Creek.	1,467
	U.S. Route 6 bridge	1,469.5
	Intersection of southern corporate limit of Smethport and Potato Creek.	1,474.5
Miller Brook	Confluence with Potato Creek.	1,471
	Abandoned Railroad bridge.	1,473
	Upstream of Route 46 culvert.	1,505

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17178 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2921]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Borough of Smethport, McKean County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Borough of Smethport, McKean County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Smethport, McKean County, Pennsylvania in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Smethport Borough Building, 412 West Water Street, Smethport, Pennsylvania 16749.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mrs. Carolyn G. Dougherty, Secretary-Treasurer of Smethport Borough, 412 West Water Street, Smethport, Pennsylvania 16749.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Potato Creek	Upstream corporate limits.	1,474
	Confluence of Marvin Creek.	1,471
	Route 6	1,470
	Downstream corporate limits.	1,467
Marvin Creek	Upstream corporate limits.	1,486
	Marvin St.	1,481
	Mechanic St.	1,474
	Confluence of Potato Creek.	1,471

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17179 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2920]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Juniata, Perry County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Juniata, Perry County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Juniata, Perry County, Pennsylvania in accordance Act of 1968 (Title XIII of the Housaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirments on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Juniata Township Election House, Route 849, Newport, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Lester E. Flasher, Chairman of the Juniata Board of Supervisors, R.D. No. 3, Newport, Pennsylvania 17074.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Buffalo Creek	Downstream corporate limits.	421
	Route 849 (downstream crossing).	441
	Old Mill Dam	442
	Route 849 (downstream of Walnut Grove).	512
	Route 849 (at Walnut Grove).	524
	Route 849 (upstream of Walnut Grove).	531
	Upstream corporate limits	534

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17180 Filed 6-20-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2918]

PROPOSED FLOOD ELEVATION DETERMINATIONS

Township of Gaines, Tioga County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Township of Gaines, Tioga County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comments will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Township of Gaines, Tioga County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change and existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Gaines Post Office, Main Street, Gaines, Pennsylvania.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. John L. Leinbach, Chairman of the Board of Supervisors, Box 69, R.D. No. 1, Gaines, Pennsylvania 16921.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Creek	Downstream corporate limits.	1,188
	Pine Creek Rd.	1,196
	Township 328	1,221
	Confluence with Long Run.	1,224
	Legislative Route 478 (extended).	1,235
	Confluence with Elk Run.	1,258
	W. A. & G. R.R.	1,260
	Confluence with Phoenix Run.	1,273
	Upstream corporate limits.	1,278
Phoenix Run	Confluence with Pine Creek.	1,273
	Legislative Route 102	1,275
	Confluence with unnamed tributary (approximately 5,000 ft above mouth of Phoenix Run).	1,319

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17181 Filed 6-20-77;8:45 am]

federal register

TUESDAY, JUNE 21, 1977

PART III



DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE: DEFINITION OF TERMS

Standards and Regulations for Transportation, Handling, Care and Treatment in Connection therewith, of Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates and Certain Other Warmblooded Animals

V 42 N 119
JUN 21 1977
UM

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—ANIMAL WELFARE

DEFINITION OF TERMS, REGULATIONS AND STANDARDS

Standards and Regulations for Transportation, Handling, Care and Treatment in Connection Therewith, of Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates and Certain Other Warmblooded Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations and standards under the Animal Welfare Act concerning the transportation in commerce and the handling, care, and treatment in connection therewith, of certain warmblooded animals. This action is required by the Animal Welfare Act Amendments of 1976 and is intended to assure the humane handling, care, and treatment of certain animals transported in commerce.

EFFECTIVE DATE: September 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782 (301–436–8271).

SUPPLEMENTARY INFORMATION: On March 18, 1977, the Animal and Plant Health Inspection Service (APHIS) published proposed changes and additions to Parts 1, 2, and 3 of Subchapter A, Chapter 1, Title 9 of the Code of Federal Regulations (42 FR 15210) to (1) amend the regulations under the Act (9 CFR 1.1) to add new definitions for "primary conveyance" and "transporting device"; (2) provide new and revised standards (9 CFR 3.1 et seq.) regarding transportation, and handling, care, and treatment in connection therewith, of certain warmblooded animals, in commerce, and (3) to amend the regulations (9 CFR 2.100) to require carriers and intermediate handlers to comply with the standards governing transportation of certain warmblooded animals, in commerce, and in their handling, care, and treatment in connection therewith.

A total of 172 comments were received within the comment period. Most comments received were from three major interest groups, i.e., pet animal breeders, carriers and intermediate handlers, and humane groups. Many of the comments raised questions or made suggestions which, because of their validity, warranted a number of changes from the proposed regulations and standards. Certain other editorial changes were also made for accuracy and clarification.

DISCUSSION OF COMMENTS

CONSIGNMENTS TO CARRIERS AND INTERMEDIATE HANDLERS

APHIS proposed that dogs, cats, rabbits, guinea pigs, hamsters, nonhuman primates, and certain other warmblooded animals not be accepted for transportation in commerce by intermediate handlers and carriers more than 4 hours before the scheduled departure of their primary conveyance in order to minimize the total time an animal is confined in its shipping container or primary enclosure used for transportation.

A great number of comments received viewed the 4-hour limit on the time of tender for such animals as too restrictive. Many argued that consignors of animals would be required to make several trips instead of one trip to the terminal facilities of carriers and intermediate handlers to deliver animal shipments, in order to meet the 4-hour time of tender proposal, according to the scheduled departure of their primary conveyances. These complaints were based on situations where the consignor is located great distances from the terminal facilities and additional delivery trips would result in added costs for fuel and labor. Several comments received pointed out that although present Civil Aeronautics Board (C.A.B.) rules and regulations require the shipper to tender animal shipments to the carrier not more than 4 hours prior to the scheduled departure of a flight, an exception of up to 6 hours, by mutual agreement of the carrier and the consignor, to accommodate specific shipment delivery schedules is allowed.

On the other hand, two comments received argued that 2 hours would be ample time for an animal to be held in the unfamiliar surroundings of a terminal with its loud noises that cause stress to the animal.

APHIS believes that any measures which will assure efficient and timely transportation of such animals to their destinations is paramount. The primary purpose of a restricted time of tender rule is to prevent terminal facilities from becoming a long term storage area for animals awaiting commercial transportation. It is recognized that a rigid time of tender rule imposes certain hardships and additional operating expenses. Therefore, APHIS is providing for a 6-hour time of tender rule, if mutually agreeable to both parties and if specific prior scheduling of the animal shipment to destination has been made. APHIS believes that this flexibility allows the consignor to deliver several animal shipments consigned to different destinations at one time, and, by prearranged scheduling, to choose the fastest and most direct route to a destination with a minimum number of transfers or layovers for each shipment. Such specific prearranged scheduling of animal shipments would effectively reduce the time an animal is in transit with an accompanying decrease in the stress to which it is subjected.

APHIS proposed extensive standards for primary enclosures used to transport animals in commerce. However, one comment received indicated that there was no method or responsible person indicated for preventing the use of substandard shipping containers for transporting animals. To clarify this matter, APHIS is adding a new subsection to the transportation standards concerning consignments to carriers and intermediate handlers which prohibits any carrier or intermediate handler from accepting for transportation or transporting, in commerce, any live animal in a primary enclosure which does not conform to the standards for primary enclosures used to transport such live animal. APHIS is also changing the wording regarding the standards for primary enclosures used to transport live animals to prohibit dealers, research facilities, exhibitors, and operators of auction sales from transporting or offering for transportation, in commerce, any live animal in a primary enclosure that does not conform to the standards for primary enclosures used to transport such live animals.

APHIS proposed that carriers and intermediate handlers transporting an animal on a C.O.D. type basis, attempt to notify the consignee at least once in every 6-hour period following the arrival of a live animal at destination. Several comments received questioned the lack of a maximum period for consignee notification and claim pickup for live animals transported in commerce on other than a C.O.D. basis.

There is nothing in the legislative history of the Animal Welfare Act Amendments of 1976 to indicate that there is any problem concerning the notification of consignees and claims of prepaid live animal shipments consigned to carriers and intermediate handlers. Congress was aware of the problems concerning C.O.D. shipments of animals and specifically provided in section 13(d) of the Animal Welfare Act that there would be a 48-hour maximum claim period for live animals shipped in commerce by any carrier or intermediate handler on any C.O.D. basis. APHIS is not aware of any problem concerning the notification of consignees and the claims of prepaid live animal shipments transported in commerce by carriers and intermediate handlers. Since no claim period for such prepaid live animal shipments was proposed, it cannot be promulgated at this time. However, if APHIS finds that problems do exist concerning the notification of consignees and the claims of such live animal shipments, APHIS will consider an appropriate amendment of the standards.

One comment was received which asked that notification to the consignee of the arrival of live animal shipments be initiated within 90 minutes of the arrival of the primary conveyance transporting the animal.

Although most primary conveyances, such as planes and trains, have scheduled arrivals at specific terminals, the actual arrival time of such primary conveyances would, in most cases, probably be unknown to the person responsible for notification and delivery of live animal shipments to consignees. It is unreasonable to expect such persons to know in all instances the exact arrival time of the primary conveyance carrying each live animal shipment, especially at a busy terminal facility, such as a large metropolitan airport. Employees of carriers and intermediate handlers responsible for notifying consignee must be allowed a reasonable time to initiate consignee notification once animal shipments are brought to the animal holding area of the terminal facility. Available information indicates that carriers and intermediate handlers notify consignees of live animal shipments as soon as possible; therefore, APHIS finds no basis to change the consignee notification requirement of at least once every 6 hours. However, APHIS is clarifying this matter by revising the standards to provide that the time for notification of consignees of live animal shipments begins when such shipment arrives at the animal holding area of the terminal facility, and requiring that the time, date, and method of each attempted notification and the final notification and the name of the person making such notification or attempted notification be recorded on the copy of the shipping document retained by the carrier or intermediate handler, and on a copy of the shipping document accompanying the animal shipment.

Comments from air carriers indicated that attempts to notify consignees of animal shipments between the hours of 12 a.m. and 6 a.m. would not be within the normal working hours maintained by most businesses and suggested that the hours between 12 a.m. and 6 a.m. be exempted from the 6-hour consignee notification requirement. Available information indicates that a number of consignees, particularly research facilities, employ personnel on a 24-hour basis, who are available to pickup animal shipments at any time once notification is received. Additionally, many consignees whose business hours range from 9 a.m. to 9 p.m. indicated a desire for notification upon arrival of animal shipments, regardless of business hours, and will provide an alternate means for such notification to occur, e.g., residence telephone numbers. APHIS therefore finds no basis for exempting the hours of 12 a.m. to 6 a.m. from the 6-hour consignee notification requirement.

PRIMARY ENCLOSURES

Two comments received indicated that the language used to describe requirements for the structural strength of a primary enclosure to be vague and inadequate in its scope. These comments were specifically critical of the phrase "withstand the normal rigors of transportation" and suggested that primary enclosures be constructed and certified to meet tests whereby the container will withstand a top load of 250 pounds and withstand being dropped from a specified height onto concrete. To meet such tests would require specific construction standards mandating precise government specifications to be met by all live animal container manufacturers. Such live animal containers would have to be identified as meeting specific construction standards. In view of the projected resulting increase in the cost of warmblooded animal containers and lack of any evidence that such construction standards would result in any significant benefits to the live animals transported therein over the presently available containers, APHIS finds no basis for changing the standard for the structural strength of primary enclosures used to transport live animals.

The proposed standards provide that ventilation openings of primary enclosures be located on both ends and such ventilation openings be at least 8 percent of the total surface area of such end. Several comments were received which complained that requirements for the ventilation openings on primary enclosures were insufficient in total ventilation opening area and inappropriately placed to provide adequate airflow or ventilation to all levels inside the primary enclosure. Information was presented indicating that ventilation openings located only on the ends of the primary enclosure, which are the smaller of the four walls of a primary enclosure, and comprising 8 percent of the total surface area of each such end would not provide sufficient ventilation. APHIS agrees that the proposed ventilation openings would not provide sufficient ventilation and has concluded that the ventilation openings must be at least 16 percent of the total surface area of each of two opposite walls, except where ventilation is provided on all four walls of the primary enclosure. Almost all commercial primary enclosures used for transporting dogs and cats have ventilation openings which comprise at least 8 percent of each wall, if they are located on all four walls. APHIS meant to propose that ventilation openings comprise at least 16 percent of each of two opposite walls if there were not ventilation openings on all four walls of the primary enclosure used for transporting dogs or cats. Therefore, the standards have been changed to require that ventilation openings must be at least 8 percent of the total surface area of each of four walls or 16 percent of each of two opposite walls.

Several comments were critical of APHIS for failing to indicate requirements for the location of ventilation on the walls of the primary enclosure used to transport live animals. These comments pointed out that without provision for some ventilation openings on both the upper and lower halves of the shipping container, inadequate ventilation would be provided to the animals contained therein. APHIS is, therefore, requiring that at least one-third of the total area providing ventilation for the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing ventilation for the primary enclosure shall be located on the upper one-half of the primary enclosure.

APHIS proposed requirements regarding food and water for animals shipped in commerce. However, several commenters pointed out that there were no provisions requiring a method of administering food and water or receptacles to receive and contain such necessary food and water. APHIS agrees that such a requirement would seem to be beneficial so that carriers and intermediate handlers would have a means of administering any food or water required for an animal while being transported in commerce without having to open such an animal's primary enclosure. However, APHIS does not have sufficient information at this time concerning the impact of such a requirement on the industry upon which to base such a standard.

Adequate space in the primary enclosure used to transport warmblooded animals is based on the size of the animal relative to the size of the enclosure. Because of individual, as well as species differences, animals vary diversely in size and stature. The proposed space requirements for primary enclosures used to transport dogs and cats specify that each dog or cat shall have sufficient space to turn about freely in a standing position, to stand and sit erect and to lie in a natural position. Comments received indicate that the space requirements for dogs and cats were vague and lacking in sufficient explanation, particularly, regarding the phrase "sufficient space to turn about freely in a standing position" as it relates to width requirements for the primary enclosure.

Some people believe that if an animal can turn around in its enclosure, regardless of the body contortions which may be required, there would be compliance with the proposed space requirements for dogs and cats cited in Section 3.12 of the standards. To further clarify space requirements for dogs and cats, the standards are being changed by adding the phrase "using normal body movements" to the phrase "to turn about freely in a standing position" in Section 3.12(c).

The proposed standards allow an exception to the space requirements for coursing hounds transported in commerce and which are subject to injury to their vertebral column in the course of transportation if allowed sufficient space to turn about. Two commenters provided information from published scientific data indicating that only coursing hounds with a spinal arch, which are greyhounds, whippets, borzois, and Italian greyhounds, were subject to spinal injury from turning around within a confined space. Based upon this information, the standards are being amended to allow an exception to the space requirements for primary enclosures used for transporting coursing hounds only if they have a spinal arch, and to require that such primary enclosure be narrow enough to prevent such dogs from turning around in their pri-

JUN 21 1977 UM

mary enclosures during transportation in commerce.

The proposed standards provide that the interior height of primary enclosures used to transport live guinea pigs be at least 20.3 centimeters (8 inches). Producers of guinea pigs and the biomedical community provided information which indicates that guinea pigs up to 500 grams in weight can be transported in a container with an interior height of not more than 6 inches and that breeder guinea pigs weighing over 500 grams can be transported in a container with an interior height of not more than 7 inches without affecting the health and safety of the animals. APHIS believes that the information and data presented are reasonable and, therefore, the standards are being amended to require that the interior height of primary enclosures used to transport guinea pigs shall be at least 15.2 centimeters (6 inches) for guinea pigs weighing up to 500 grams and at least 17.8 centimeters (7 inches) for guinea pigs weighing over 500 grams.

The proposed standards provide that space requirements for primary enclosures used to transport nonhuman primates be large enough to ensure that each nonhuman primate contained therein has sufficient space to turn about freely in a stance whereby both feet and hands are on the floor and can sit in an upright position and lie in a natural position. Two comments received indicated that healthy nonhuman primates do not normally lie down when resting or sleeping. APHIS acknowledges the validity of these comments, and section 3.86(c) of the standards are changed to remove the phrase "and lie in a natural position."

APHIS proposed limitations in the standards on the number of dogs and cats which may be transported in one primary enclosure based on the age and size of the dogs and cats. Specific limitations include a maximum of one live dog or cat over 6 months of age to be transported in a primary enclosure and a maximum of two puppies or kittens, 8 weeks to 6 months of age, but not weighing over 20 pounds and of comparable size, to be transported in one primary enclosure. However, as one comment pointed out, there is no provision for transporting a puppy, 8 weeks to 6 months of age and weighing over 20 pounds. However, in view of the size of such animal, it was the intent of APHIS to require the same limitation as provided for dogs over six months of age. Therefore, APHIS is clarifying this point by providing in the standards that only one puppy, 8 weeks to 6 months of age and weighing over 20 pounds, may be transported in a primary enclosure or shipping container.

A provision was proposed which would allow puppies or kittens that are less than 8 weeks of age and littermates accompanied by their dam to be transported in one shipping container to research laboratories only. Several commenters sharply criticized the requirement for the dam to accompany the puppies or kittens less than 8 weeks of age shipped to research laboratories, in order to provide the young frequent nourishment. It was pointed out that many puppies and kittens less than 8 weeks of age are weaned and subsequently do not need their mother as a source of nourishment during transportation. Information was also provided which shows that weaned puppies and kittens less than 8 weeks of age do need social contact to reduce the stress of transportation, but that such animals need not be littermates as long as the group of puppies or kittens are of comparable size to foster compatibility within the confines of the shipping container. APHIS has reconsidered this matter and agrees that weaned live puppies or kittens of less than 8 weeks of age and of comparable size, need not be accompanied by their dam when shipped in the same primary enclosure to research laboratories. The standards are revised to reflect this change.

One commenter requested that provisions within the standards be made for primary enclosures which are affixed within a primary conveyance, such as are found in many trucks or other motor vehicles used to transport live animals in commerce by dealers, research facilities, exhibitors and operators of auction sales. APHIS acknowledges that certain standards for primary enclosures which are pertinent to (1) the location, quantity, and area of ventilation openings, (2) requirements for projecting rims or other devices to prevent the blocking of ventilation openings, (3) requirements for handholds or other devices for lifting the primary enclosure, and (4) identification of the primary enclosure's contents and markings indicating the primary enclosure's correct upright position are inappropriate when they are permanently affixed in the animal cargo space of the primary conveyance. Obviously, such a permanently affixed primary enclosure in the animal cargo space of a primary conveyance is not going to be handled by carriers and intermediate handlers with other general cargo so that it needs to be identified as containing a live animal or need handholds or other devices for lifting. Since such a primary enclosure is permanently affixed within the animal cargo space it would also not be subject to possible turning so that its correct upright position need be identified. Likewise, since such a permanently affixed primary enclosure is not subject to being loaded in various positions with other cargo so that its ventilation openings may be blocked by other cargo or a conveyance wall, it would not need rims or other devices to prevent such blockage. However, if the front of such a permanently affixed primary enclosure is the only means of ventilation for such primary enclosure it should be as large as possible to provide maximum ventilation and still be structurally sound and open directly to the outside or to an unobstructed aisle or passageway within the animal cargo space to ensure such maximum possible ventilation. APHIS believes that if the front of a permanently affixed primary enclosure is the only means of ventilating such a primary enclosure in the animal cargo space of a primary conveyance, that it must be at least 90 percent of the front wall of such a primary enclosure in order to assure adequate ventilation to any animal contained therein. APHIS, therefore, provides that when a primary enclosure is permanently affixed to the animal cargo space of a primary conveyance so that the front opening of the primary enclosure is the only source of ventilation, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. APHIS is also requiring that the front ventilation opening of such primary enclosures shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh, or smooth expanded metal. APHIS is also excepting such permanently affixed primary enclosures used for transportation of animals from the requirements for projecting rims, handholds, or other devices for lifting and markings indicating that it contains a live or wild animal and the primary enclosure's correct upright position.

PRIMARY CONVEYANCES

The proposed standards provide that the animal cargo space in a primary conveyance be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases. Comments received from carriers indicated that during unloading or loading of primary conveyances, particularly aircraft, some engine exhaust fumes could enter the passenger compartments as well as the cargo compartments of the primary conveyance. It was pointed out that exposure to such minimal amounts of engine exhaust fumes and gases would not be detrimental to either humans or animals. APHIS acknowledges that the animal cargo space cannot be constructed to entirely prevent the entry of some amounts of engine exhaust gases, especially during loading and unloading procedures and normal engine exhaust fumes and gases from sources other than the primary conveyance, such as occur along major highways, at large airports and other terminal facilities. Therefore, the standards are revised to require that the animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

A great number of comments were received regarding the proposal that primary enclosures be positioned in the primary conveyance in such a manner that in an emergency the animals can be removed from the primary conveyance within a five minute time period. Comments received criticized the proposal as lacking a definition for "emergency" since, in the event of a fire, as opposed to a mechanical malfunction of the primary conveyance, there is a sharp difference in the urgency to remove animals as well as human passengers from the primary conveyance. From a practical point of view, all primary enclosures containing live animals would have to be positioned adjacent to cargo doors in order to exit animals within a five minute time period. Comments received also pointed out that requiring the unloading of animals within five minutes may have to be accomplished in an inhumane fashion, such as by tossing the shipping containers free of the primary conveyance. APHIS recognizes the validity of such comments in some situations and, therefore, will require that primary enclosures be positioned in the primary conveyance in such a manner that animals can be removed from the primary conveyance as soon as possible.

The proposed standards include a requirement that live animals shall not be transported with any material, substance, or device which may be injurious to the health and well-being of the animals unless proper precaution is taken to prevent such injury. Comments indicated that the terms "material", "substances", and "device" were vague and that specific materials and substances which may be injurious to the animals being transported should be identified. One of the most common materials or substances used in shipping perishable commodities, which is extremely dangerous to animals enclosed in a small space with it, is dry ice. As dry ice evaporates, it releases carbon dioxide which builds up to such a point that it suffocates any animals in a small area with it in a relatively short period of time. Therefore, APHIS is including dry ice as an example of such a potentially injurious material or substance.

One comment received labeled the term "device" as potentially all cargo within proximity of the animal shipping containers and even the primary conveyance or parts thereof, should an accident occur causing structural damage or destruction of the animal cargo area. While APHIS acknowledges the fact that the term "device" is potentially all cargo within the proximity of any primary enclosure containing an animal, APHIS believes such animals should not be needlessly exposed to dangers that may be avoided through the exercise of reasonable care by taking proper precautions to prevent such injuries. If an accident did occur which caused damage to the animal cargo area of a primary conveyance and such damage may be injurious to the animals contained therein, such damage should be repaired or other precaution taken to prevent any such injury to the animals contained therein.

Another comment received requested that the term "knowingly" be added so that the provision would read that live animals "• • • shall not knowingly be transported with any material, substance or device which may be injurious • • •" because carriers would have to meticulously examine all other cargo placed with any live animal if such a strict liability standard were adopted. While APHIS believes that the applicability of this section as proposed may be strict as to carriers, APHIS believes that the suggested standard of "knowingly" is not strict enough. Therefore, APHIS has decided to add the phrase "reasonably be expected to" immediately after "may" and before "be injurious" in such provision of the standards.

FOOD AND WATER REQUIREMENTS

The proposed standards provide that dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals be offered potable water within 4 hours prior to being transported or offered for transportation to any carrier or intermediate handler and every 12 hours thereafter. One comment indicated that no person was indicated as responsible for offering potable water to animals within 4 hours prior to being offered for transportation in commerce. APHIS is clarifying this matter by requiring in the standards that any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government offering live animals for transportation in commerce is responsible for offering potable water to such animals within 4 hours prior to being so offered for transportation.

One comment pointed out that the proposed standards require the feeding of adult animals once in each 24-hour period and young animals once in every 12-hour period during transportation. The comment further indicated that such time periods for feeding shall apply to carriers and intermediate handlers after acceptance of such animals for transportation, but that the proposed standards do not indicate when such time periods for feeding are applied to USDA licensees and registrants which transport animals in their own primary conveyances. APHIS acknowledges the ambiguity present in such standard as to persons subject to the Act other than carriers and intermediate handlers, especially when it is read in conjunction with the general requirements as to feeding and watering. APHIS is aware that is a common, accepted practice to fast many animals, such as dogs, prior to being transported to minimize motion sickness, nausea, and vomiting and to provide a cleaner environment for such animals during the course of their transportation. Such short fasts are not detrimental to the health and well-being of such animals. Therefore, APHIS has rewritten the feeding standard for live dogs, cats, and nonhuman primates during transportation to require dealers, research facilities, exhibitors, and operators of auction sales to feed adult animals once in every 24-hour period after transportation is initiated and young animals once in every 12-hour period after transportation is initiated in their own primary conveyances.

Carriers and intermediate handlers commented that the wording of the proposed standards for feeding and watering live animals in transit would require the carrier or intermediate handler to provide both potable water and food to such animals at the end of specified time periods following acceptance of the animals for transportation in commerce. These comments indicated that the carriers and intermediate handlers can provide potable water, but are not in a position to provide appropriate food for animals of different species, breeds, and ages. APHIS believes it is important that when animals in transit are required to be fed, that they be fed an appropriate quantity and quality of food. Carriers and intermediate handlers are not, and should not be required to be, animal nutrition experts. Therefore, APHIS is requiring that dealers, exhibitors, research facilities and operators of auction sales offering any live animal, except a guinea pig, hamster or rabbit, for shipment in commerce to any carrier or intermediate handler shall affix to the outside of the primary enclosure used to transport such animal written instructions concerning the food and water requirements of such animal while being so transported. APHIS is also requiring that carriers and intermediate handlers not accept any live animal, except a guinea pig, hamster or rabbit, for shipment in commerce unless such written instructions concerning its food and water requirements is affixed to the outside of its primary enclosure.

Producers of guinea pigs, hamsters and rabbits and representatives of the biomedical community commented that the proposed standards relative to food and water requirements for guinea pigs, hamsters, and rabbits transported in commerce would restrict the foodstuffs which satisfy food and water needs to only fruits and vegetables. Information and data was provided which showed that other shipping diets and newly developed leakproof water container-dispensers are available to fulfill the required food and water needs of such animal in transit. APHIS has reconsidered the standards for food and water requirements for guinea pigs, hamsters, and rabbits and will require that when such animals are to be fed or watered during transportation that the shipper of such animals shall provide food and water or a type of food which provides the requirements for food and water in quantity and quality sufficient to satisfy their food and water needs during such transportation.

CARE IN TRANSIT

A great number of comments were received regarding the proposed standard that live animals be inspected in transit at least every 2 hours for the purpose of determining whether veterinary care is needed. Comments received argued that the 2-hour inspection would require stopping surface transportation vehicles at inconvenient and often dangerous points in route and require the driver or employee to inspect each animal to determine the need for veterinary care. Such procedures were indicated as costly, ineffective, and inhumane in that such delays would slow the transportation of animals to their destination. Comments

from carriers and intermediate handlers indicated that compliance with the proposed 2-hour inspection of animals transported by air, wherein the cargo area is accessible during flight, would increase the flight crew's workload and require periodic absences from the cockpit with possible resulting adverse effect on the aircraft's safety. Carriers and intermediate handlers argued further that the determination for need of veterinary care would place the responsibility for judgements in the area of veterinary medicine on employees which are not trained or otherwise qualified to make such decisions. After considering the comments received, APHIS has concluded that personnel employed by carriers and intermediate handlers are not generally qualified to inspect an animal and determine its need for veterinary care. APHIS does believe that animals should be visually inspected as frequently as circumstances may dictate, but at least every 4 hours. Circumstances may dictate that more frequent inspections are warranted, such as if an air conditioning unit breaks down during transportation on a hot day or if a leak in the exhaust system develops which may cause a build up of engine exhaust fumes in the animal cargo area of the primary conveyance. APHIS also believes that employees of carriers can tell if an animal is in obvious physical distress which would require prompt veterinary attention such as a failure to respond to external stimuli, labored breathing, bloody diarrhea or unconsciousness. While APHIS believes that animals should be visually observed during transportation at least every 2 hours during extremes of temperatures and other adverse conditions, APHIS recognizes the validity of the comments received if there are no such adverse conditions. APHIS does not believe, however, that even under optimum conditions that animals being transported in commerce should be visually observed any less than at least every 4 hours. APHIS, therefore, is requiring in the standards that during surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live animals as frequently as circumstances may dictate, but not less than every 4 hours, to assure that such animals are receiving sufficient air for normal breathing, their ambient temperature is within the prescribed limits, all other applicable standards are being complied with and to determine if any of the animals are in obvious physical distress and provide any needed veterinary care as soon as possible. In the course of air transportation, live animals shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than every 4 hours, if the animal cargo space is accessible during flight and whenever the animals are loaded and unloaded and whenever the animal cargo space is otherwise accessible if it is not accessible during flight. Any needed veterinary care shall be provided as soon as possible in order to maintain the animals in a healthy condition. APHIS recognizes the validity of some of the comments received, but believes this requirement to be the minimum amount of inspection necessary to insure the humane treatment of animals being transported in commerce.

TERMINAL FACILITIES

The proposed standards provided that a specific area be designated as an indoor animal holding area in terminal facilities for which fresh air and ventilation is provided, and ambient temperatures are controlled to prevent excessive changes in temperature. Comments received from carriers indicated that they did not believe that their terminal facilities should have to meet the same temperature requirements as a dealer, exhibitor, or research facility does for housing animals over a long period of time. APHIS recognizes that a terminal facility is part of the transportation process, and as such, it cannot regulate temperatures as effectively as a housing facility built specifically for housing a certain type of animal. General cargo is constantly being loaded and unloaded from various types of conveyances for which large doors must be opened for access to and from the terminal facility. At the same time, however, APHIS believes that a terminal facility should not be allowed the same latitude in extremes of temperatures as some primary conveyances, such as an airplane where there is a problem with heat build up on hot days in the cargo hold with little or no air exchange between loading and take off. Therefore, APHIS is requiring that the animal holding area of the terminal facilities of carriers and intermediate handlers not allow the temperatures to fall below a minimum of 7.2° C. (45° F.) nor exceed 29.5° C. (85° F.) for more than 4 hours and never exceed a maximum of 35° C. (95° F.), except in the case of guinea pigs, hamsters, and rabbits which cannot tolerate such warm temperatures, as was required by the standards for animals being transported by dealers, exhibitors and research facilities.

The proposed standards also prescribed requirements for the cleanliness and sanitation of the animal holding area to prevent a disease hazard, accumulation of trash, debris, or excreta, or vermin infestation. Comments indicated that the required animal holding area in terminal facilities would be responsible for increasing the cost of transporting animals in the major construction is required in some terminal facilities, and modification of present facilities in other terminals and the cost of such investments by the carriers and intermediate handlers will be passed on to the general public. Comments received also argued that since compliance with the standards is required, effective 90 days after publication of such standards, there is the possibility that carriers and intermediate handlers will not be able to complete necessary modifications to present terminal facilities to provide an acceptable animal holding area.

APHIS is not requiring major construction at any terminal facility. Simple modifications of existing structures in most terminal facilities would meet the standards for an animal holding area. Some terminal facilities may require the construction of simple rooms such as with 2 x 4's and painted plywood or paneling to control the temperature within the prescribed limits. However, in most cases the designation of an area which can be kept clean and where all animal shipments shall be kept will suffice. APHIS believes it important to provide for a designated animal holding area within terminal facilities and that minimum modifications in terminal facilities, where it is required, can be completed in 90 days.

HANDLING

To minimize physical and emotional trauma to warmblooded animals transported in commerce, APHIS proposed that care be exercised in handling the primary enclosures to avoid tossing, dropping, or needlessly tilting the primary enclosures or stacking the primary enclosures in a manner which may result in their falling. One commenter criticized the phrase "shall not be stacked in a manner which may result in their falling", in connection with the handling of primary enclosures, as vague in that any container on top of another "may fall". Therefore, the phrase "shall not be stacked in a manner which may reasonably be expected to result in their falling" is substituted in the standards required for handling primary enclosures used to transport live animals in commerce.

AMBIENT TEMPERATURES

Standards were proposed for the range of ambient temperatures which would be allowed within primary enclosures used to transport live animals in commerce. The proposed ambient temperatures within a primary enclosure used to transport guinea pigs and hamsters was not to exceed 20.5° C. (85° F.) for a period of more than 45 minutes nor fall below 15.5° C. (60° F.) for a period of more than 45 minutes. Information provided by guinea pig and hamster producers and research facilities with guinea pig and hamster colonies indicates that both guinea pigs and hamsters are capable of tolerating an ambient temperature down to 7.2° C. or 45° F. without endangering the health of these animals. Information also indicated that the maximum ambient temperature which guinea pigs and hamsters could tolerate was 20.5° C. (85° F.) for short periods of time such as 45 minutes. Such information appears accurate and reasonable and APHIS, therefore, provides that the ambient temperature within primary enclosures used to transport live guinea pigs and hamsters shall not exceed 20.5° C. (85° F.) for a period of more than 45 minutes nor fall below 7.2° C. (45° F.) for a period of more than 45 minutes.

Based on the information provided by producers and research facilities raising

quinea pigs and hamsters regarding temperature extremes tolerated by these animals, APHIS will require in section 3.40 (b)(iii) that transporting devices shall be covered to provide protection from cold weather for live guinea pigs and hamsters when the atmospheric temperature falls below 10° C. (50° F.).

OTHER COMMENTS

A number of comments were received which were beyond the scope of the proposed rulemaking. Many other comments received provided no supporting evidence for the criticism indicated or the suggested changes to the standards. Without the basis for such comments being enunciated, they could not be evaluated as to their ability to provide more humane care, treatment, and handling of the animals during their transportation in commerce. Therefore, they were not able to be considered in this rulemaking proceeding.

Accordingly, the regulations and standards under the Animal Welfare Act (9 CFR 1.1 et seq.) are amended in the following respects:

PART 1—DEFINITION OF TERMS

1. Section 1.1 of the regulations (9 CFR 1.1) is amended by adding new paragraphs (qq) and (rr) to the end thereof as follows:

§ 1.1 Definition.

* * * * *

(qq) "Primary conveyance" means the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train.

(rr) "Transporting device" means an interim vehicle or device, other than man, used to transport an animal between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler.

PART 2—REGULATIONS

2. Section 2.100 of the regulations (9 CFR 2.100) is amended by designating the present regulation as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 2.100 Compliance with standards.

* * * * *

(b) Each carrier and intermediate handler shall comply in all respects with the standards set forth in Part 3 of the subchapter setting the standards for the humane transportation of animals, in commerce, and their handling, care, and treatment in connection therewith.

PART 3—STANDARDS

3. The Table of Contents cited in Part 3—Standards is amended to read as follows:

Subpart A—Specifications for the Humane Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

Sec.
3.1 Facilities, general.
3.2 Facilities, indoor.
3.3 Facilities, outdoor.
3.4 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.5 Feeding.
3.6 Watering.
3.7 Sanitation.
3.8 Employees.
3.9 Classification and separation.
3.10 Veterinary care.

TRANSPORTATION STANDARDS

3.11 Consignments to carriers and intermediate handlers.
3.12 Primary enclosures used to transport live dogs and cats.
3.13 Primary conveyances (motor vehicle, rail, air, and marine).
3.14 Food and water requirements.
3.15 Care in transit.
3.16 Terminal facilities.
3.17 Handling.
3.18 Ambient temperature.

Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

3.25 Facilities, general.
3.26 Facilities, indoor.
3.27 Facilities, outdoor.
3.28 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.29 Feeding.
3.30 Watering.
3.31 Sanitation.
3.32 Employees.
3.33 Classification and separation.
3.34 Veterinary care.

TRANSPORTATION STANDARDS

3.35 Consignments to carriers and intermediate handlers.
3.36 Primary enclosures used to transport live guinea pigs and hamsters.
3.37 Primary conveyances (motor vehicle, rail, air, and marine).
3.38 Food and water requirements.
3.39 Care in transit.
3.40 Terminal facilities.
3.41 Handling.
3.42 Ambient temperature.

Subpart C—Specifications for the Humane Handling, Care, Treatment, and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

3.50 Facilities, general.
3.51 Facilities, indoor.
3.52 Facilities, outdoor.
3.53 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.54 Feeding.
3.55 Watering.
3.56 Sanitation.
3.57 Employees.
3.58 Classification and separation.
3.59 Veterinary care.

TRANSPORTATION STANDARDS

3.60 Consignments to carriers and intermediate handlers.
3.61 Primary enclosures used to transport live rabbits.
3.62 Primary conveyances (motor vehicle, rail, air, and marine).
3.63 Food and water requirements.
3.64 Care in transit.
3.65 Terminal facilities.
3.66 Handling.
3.67 Ambient temperature.

Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates

FACILITIES AND OPERATING STANDARDS

3.75 Facilities, general.
3.76 Facilities, indoor.
3.77 Facilities, outdoor.
3.78 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.79 Feeding.
3.80 Watering.
3.81 Sanitation.
3.82 Employees.
3.83 Classification and separation.
3.84 Veterinary care.

TRANSPORTATION STANDARDS

3.85 Consignments to carriers and intermediate handlers.
3.86 Primary enclosures used to transport live nonhuman primates.
3.87 Primary conveyances (motor vehicle, rail, air, and marine).
3.88 Food and water requirements.
3.89 Care in transit.
3.90 Terminal facilities.
3.91 Handling.
3.92 Ambient temperature.

Subpart E—Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, and Nonhuman Primates

FACILITIES AND OPERATING STANDARDS

3.100 Facilities, general.
3.101 Facilities, indoor.
3.102 Facilities, outdoor.
3.103 Space requirements.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

3.104 Feeding.
3.105 Watering.
3.106 Sanitation.
3.107 Employees.
3.108 Separation.
3.109 Veterinary care.
3.110 Handling.

TRANSPORTATION STANDARDS

3.111 Consignments to carriers and intermediate handlers
3.112 Primary enclosures used to transport live animals.
3.113 Primary conveyances (motor vehicle, rail, air, and marine).
3.114 Food and water requirements.
3.115 Care in transit.
3.116 Terminal facilities.
3.117 Handling.
3.118 Ambient temperature.

AUTHORITY: Secs. 12 and 13, 80 Stat. 351 and 352, as amended: 7 U.S.C. 2142 and 2143.

3. Section 3.11 of the standards (9 CFR 3.11) is amended to read as follows:

§ 3.11 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live dog or cat

JUN 21 1977 UM

presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) No carrier or intermediate handler shall accept for transportation or transport, in commerce, any live dog or cat in a primary enclosure which does not conform to the requirements set forth in § 3.12 of the standards.

(c) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live dog or cat at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

4. § 3.12 of the standards (9 CFR 3.12) is amended to read as follows:

§ 3.12 Primary enclosures used to transport live dogs and cats.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live dog or cat in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live dogs and cats shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live dogs and cats and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live dogs or cats contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live dogs or cats; (4) except as provided in paragraph (h) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total area providing ventilation for the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing the ventilation for the primary enclosure shall be located on the upper one-half of the primary enclosure; (5) except as provided in paragraph (h) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) except as provided in paragraph (h) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the dog or cat.

(b) Live dogs or cats transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Puppies or kittens shall not be transported in the same primary enclosure with adult dogs or cats, other than their dams.

(c) Primary enclosures used to transport live dogs and cats shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a standing position using normal body movements, to stand and sit erect, and to lie in a natural position: *Provided, however,* That the primary enclosure for a coursing hound with a spinal arch (greyhound, whippet, borzoi, and Italian greyhound) must be narrow enough to prevent the animal from turning around in its enclosure.

(d) A maximum of one live dog or cat, 6 months or more of age, or a maximum of one live puppy, 8 weeks to 6 months of age and weighing over 9 kilograms (20 pounds), shall be transported in a primary enclosure. Two live puppies and kittens, 8 weeks to 6 months of age, but not weighing over 9 kilograms (20 pounds) each and of comparable size, may be carried in the same primary enclosure. Weaned live puppies or kittens less than 8 weeks of age and of comparable size, or puppies or kittens which are less than 8 weeks of age and littermates accompanied by their dam, may be shipped in the same primary enclosure to research laboratories.

(e) Primary enclosures used to transport live dogs and cats as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.7 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the dogs and cats, in sufficient quantity to absorb and cover excreta, unless the dogs or cats are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live dogs and cats, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animals" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(h) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

(5) § 3.13 of the standards (9 CFR 3.13) is amended to read as follows:

§ 3.13 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live dogs and cats shall be designed and constructed to protect the health, and ensure the safety and comfort of the dogs and cats contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

(c) No live dog or cat shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each dog or cat has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live dogs and cats can be removed from the primary conveyance as soon as possible.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live dogs and cats shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the dogs and cats unless proper precaution is taken to prevent such injury.

(6) § 3.14 of the standards (9 CFR 3.14) is amended to read as follows:

§ 3.14 Food and water requirements.

(a) All live dogs or cats shall be offered potable water within 4 hours prior to being transported in commerce. Any live dogs or cats less than 16 weeks of age being offered to any carrier for transportation in commerce shall be offered at least 60 cubic centimeters (ccs.) (approximately 2 ounces) of potable water within 4 hours prior to being so offered for transportation in commerce. Dealers, exhibitors, research facilities and operators of auction sales shall provide potable water to all live dogs and cats transported in their own primary conveyance at least every 12 hours after such transportation is initiated, and carriers and intermediate handlers shall provide potable water to all live dogs and cats at least every 12 hours after acceptance for transportation in commerce.

(b) Each live dog and cat over 16 weeks of age shall be fed at least once in each 24 hour period. Live puppies and kittens less than 16 weeks of age shall have food made available to them at least every 12 hours. The time periods provided for in this paragraph shall apply to carriers and intermediate handlers after acceptance of any live dog or cat for transportation, in commerce, and shall apply to dealers, exhibitors, research facilities, and operators of auction sales who transport live dogs and cats in their own primary conveyance after such transportation is initiated.

(c) Any dealer, research facility, exhibitor or operator of an auction sale offering any live dog or cat to any carrier or intermediate handler for transportation in commerce, shall affix to the outside of the primary enclosure used for transporting such dog or cat, written instructions concerning the food and water requirements of such dog or cat while being transported.

(d) No carrier or intermediate handler shall accept any live dog or cat for transportation in commerce unless written instructions concerning the food and water requirements of such dog or cat while being so transported is affixed to the outside of its primary enclosure.

7. A new § 3.15 (9 CFR 3.15) is added to the standards as follows:

§ 3.15 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live dogs or cats as frequently as circumstances may dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live dogs or cats are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live dogs and cats shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live dogs or cats whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live dogs or cats are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No dog or cat in obvious physical distress shall be transported in commerce.

(b) During the course of transportation, in commerce, live dogs or cats shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

8. A new § 3.16 (9 CFR 3.16) is added to the standards as follows:

§ 3.16 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) for more than 4 hours and shall not exceed 35° C. (95° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in a manner prescribed in § 3.7 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting any live dog or cat from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live dogs and cats from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live dogs and cats shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live dogs and cats when the atmospheric temperature falls below 10° C. (50° F.).

9. A new § 3.17 (9 CFR 3.17) is added to the standards as follows:

§ 3.17 Handling.

(a) Carriers and intermediate handlers shall move live dogs and cats from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facilities as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live dog or cat contained therein.

(c) Primary enclosures used to transport any live dog or cat shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

10. A new § 3.18 (9 CFR 3.18) is added to the standards as follows:

§ 3.18 Ambient temperature.

The ambient temperature within primary enclosures used to transport live dogs or cats shall not exceed 35° C. (95° F.) for a period of more than 45 minutes and shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless the person transporting such live dog or cat knows that such live dog or cat is acclimated to lower temperatures.

11. § 3.35 of the standards (9 CFR 3.35) is amended to read as follows:

§ 3.35 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live guinea pig or hamster presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) No carrier or intermediate handler shall accept for transportation or transport, in commerce, any live guinea pig or hamster in a primary enclosure which does not conform to the requirements set forth in § 3.36 of the standards.

(c) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live guinea pig or hamster at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

12. Section 3.36 of the standards (9 CFR 3.36) is amended to read as follows:

§ 3.36 Primary enclosures used to transport live guinea pigs and hamsters.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live guinea pig or hamster in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live guinea pigs or hamsters shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live guinea pigs or hamsters and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live guinea pigs or hamsters contained therein; (3) the inner surfaces of corrugated fiberboard, cardboard, or plastic containers shall be covered or laminated with wire mesh or screen where necessary to prevent escape of the animals; (4) the openings of such enclosures are easily accessible at all times for emergency removal of the live guinea pigs or hamsters; (5) except as provided in paragraph (i) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total area providing ventilation for the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing the ventilation for the primary enclosure shall be located on the upper one-half of the primary enclosure; (6) except as provided in paragraph (i) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (7) except as provided in paragraph (i) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the guinea pigs or hamsters.

(b) Live guinea pigs or hamsters tranported in the same primary enclosure shall be of the same species and maintained in compatible groups.

(c) Primary enclosures used to transport live guinea pigs or hamsters shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.

(d) Not more than 15 live guinea pigs shall be transported in the same primary enclosure. No more than 50 live hamsters shall be transported in the same primary enclosure.

(e) In addition to the other provisions of this section, the following requirements shall also apply to primary enclosures used to transport live guinea pigs or hamsters:

(1) *Guinea pigs.* (i) The interior height of primary enclosures used to transport live guinea pigs weighing up to 500 grams shall be at least 15.2 centimeters (6 inches) and the interior height of primary enclosures used to transport live guinea pigs weighing over 500 grams shall be at least 17.8 centimeters (7 inches).

(ii) Each live guinea pig transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Minimum space per live guinea pig

Weight (grams)	Square centimeters	Square inches
Up to 350	193.6	30
350 to 600	290.3	45
Over 600	354.8	55

(2) *Hamsters.* (i) The interior height of primary enclosures used to transport live hamsters shall be at least 15.2 centimeters (6 inches) except that in the case of dwarf hamsters such interior height shall be at least 12.7 centimeters (5 inches).

(ii) Each live hamster transported in a primary enclosure shall be provided a minimum amount of floor space in accordance with the following table:

Minimum space per live hamster

Age	Dwarf		Other	
	Square centimeters	Square inches	Square centimeters	Square inches
Weaning to 5 weeks	32.2	5.0	45.2	7
5 to 10 weeks	48.3	7.5	71.0	11
Over 10 weeks	58.1	9.0	96.8	15

(f) Primary enclosures used to transport live guinea pigs or hamsters as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.31 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the guinea pigs or hamsters, in sufficient quantity to absorb and cover excreta, unless the guinea pigs or hamsters are on wire or other nonsolid floors.

(g) Primary enclosures used to transport live guinea pigs or hamsters, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animals" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(h) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(i) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

13. Section 3.37 of the standards (9 CFR 3.37) is amended to read as follows

§ 3.37 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live guinea pigs and hamsters shall be designed and constructed to protect the health, and ensure the safety and comfort of the live guinea pigs and hamsters at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

(c) No live guinea pig or hamster shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each live guinea pig or hamster has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live guinea pigs or hamsters can be removed from the primary conveyance as soon as possible.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live guinea pigs and hamsters shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the guinea pigs and hamsters unless proper precaution is taken to prevent such injury.

14. § 3.38 of the standards (9 CFR 3.38) is amended to read as follows:

§ 3.38 Food and water requirements.

(a) If live guinea pigs or hamsters are to be transported for a period of more than 6 hours, the animals shall have access to food and water or a type of food, which provides the requirements for food and water in quantity and quality sufficient to satisfy their food and water needs, during transit.

(b) Any dealer, research facility, exhibitor or operator of an auction sale offering any live guinea pig or hamster to any carrier or intermediate handler for transportation, in commerce, shall provide an adequate supply of food or type of food, which provides the requirements for food and water, within the primary enclosure to meet the requirements of this section.

(c) No carrier or intermediate handler shall accept for transportation, in commerce, any live guinea pig or hamster without an adequate supply of food or type of food, which provides the requirements for food and water, within the primary enclosure to meet the requirements of this section.

15. A new § 3.39 (9 CFR 3.39) is added to the standards as follows:

§ 3.39 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live guinea pigs or hamsters as frequently as circumstances may dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live guinea pigs or hamsters are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live guinea pigs and hamsters shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live guinea pigs or hamsters whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live guinea pigs or hamsters are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No guinea pig or hamster in obvious physical distress shall be transported in commerce.

(d) During the course of transportation, in commerce, live guinea pigs or hamsters shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

16. A new § 3.40 (9 CFR 3.40) is added to the standards as follows:

§ 3.40 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in a manner prescribed in § 3.31 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting any live guinea pig or hamster from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live guinea pigs and hamsters from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live guinea pigs and hamsters shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live guinea pigs and hamsters when the atmospheric temperature falls below 10° C. (50° F.).

17. A new § 3.41 (9 CFR 3.41) is added to the standards as follows:

§ 3.41 Handling.

(a) Carriers and intermediate handlers shall move live guinea pigs and hampsters from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live guinea pigs or hamsters contained therein.

(c) Primary enclosures used to transport any live guinea pig or hamster shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

18. A new § 3.42 (9 CFR 3.42) is added to the standards as follows:

§ 3.42 Ambient temperature.

The ambient temperature within primary enclosures used to transport live guinea pigs or hamsters shall not exceed 20.5° C. (85° F.) for a period of more than 45 minutes nor fall below 7.2° C. (45° F.) for a period of more than 45 minutes.

19. § 3.60 of the standards (9 CFR 3.60) is amended to read as follows:

§ 3.60 Consignments to carrier and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live rabbit presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) No carrier or intermediate handler shall accept for transportation or transport, in commerce, any live rabbit in a primary enclosure which does not conform to the requirements set forth in § 3.61 of the standards.

(c) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live rabbit at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

20. § 3.61 of the standards (9 CFR 3.61) is amended to read as follows:

§ 3.61 Primary enclosures used to transport live rabbits.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live rabbit in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live rabbits shall be constructed in such a manner that: (1) The structural strength of the enclosure shall be sufficient to contain the live rabbits and to withstand the

JUN 21 77
UM

normal rigors of transportation; (2) The interior of the enclosure shall be free from any protrusions that could be injurious to the live rabbits contained therein; (3) The openings of such enclosures are easily accessible at all times for emergency removal of the live rabbits; (4) Except as provided in paragraph (h) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total area providing ventilation for the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing the ventilation for the primary enclosure shall be located on the upper one-half of the primary enclosure; (5) Except as provided in paragraph (h) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) Except as provided in paragraph (h) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the rabbit.

(b) Live rabbits transported in the same primary enclosure shall be maintained in compatible groups and shall not be transported in the same primary enclosure with other species of animals.

(c) Primary enclosures used to transport live rabbits shall be large enough to ensure that each rabbit contained therein has sufficient space to turn about freely and to make normal postural adjustments.

(d) Not more than 15 live rabbits shall be transported in the same primary enclosure.

(e) Primary enclosures used to transport live rabbits as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.56 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material which is safe and nontoxic to the rabbits, in sufficient quantity to absorb and cover excreta, unless the rabbits are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live rabbits, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animal" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(h) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

21. Section 3.62 of the standards (9 CFR 3.62) is amended to read as follows:

§ 3.62 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live rabbits shall be designed and constructed to protect the health, and ensure the safety and comfort of the rabbits contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

(c) No live rabbit shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each rabbit has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live rabbits can be removed from the primary conveyance as soon as possible.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live rabbits shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the rabbits unless proper precaution is taken to prevent such injury.

22. Section 3.63 of the standards (9 CFR 3.63) is amended to read as follows:

§ 3.63 Food and water requirements.

(a) If live rabbits are to be transported for a period of more than 6 hours, they shall have access to food and water or a type of food, which provides the requirements for food and water in quantity and quality sufficient to satisfy their food and water needs, during transit.

(b) Any dealer, research facility, exhibitor or operator of an auction sale offering any live rabbit to any carrier or intermediate handler for transportation, in commerce, shall provide an adequate supply of food or type of food, which provides the requirements for food and water, within the primary enclosure to meet the requirements of this section.

(c) No carrier or intermediate handler shall accept for transportation, in commerce, any live rabbit without an adequate supply of food or type of food, which provides the requirements for food and water, within the primary enclosure to meet the requirements of this section.

23. A new § 3.64 (9 CFR 3.64) is added to the standards as follows:

§ 3.64 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live rabbits as frequently as circumstances may dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live rabbits are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live rabbits shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live rabbits whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live rabbits are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No rabbit in obvious physical distress shall be transported in commerce.

(b) During the course of transportation, in commerce, live rabbits shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

24. A new § 3.65 (9 CFR 3.65) is added to the standards as follows:

§ 3.65 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in a manner prescribed in § 3.56 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting any live rabbit from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live rabbits from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live rabbits shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live rabbits when the atmospheric temperature falls below 10° C. (50° F.).

25. A new § 3.66 (9 CFR 3.66) is added to the standards as follows:

§ 3.66 Handling.

(a) Carriers and intermediate handlers shall move live rabbits from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live rabbits contained therein.

(c) Primary enclosures used to transport any live rabbit shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

26. A new § 3.67 (9 CFR 3.67) is added to the standards as follows:

§ 3.67 Ambient temperature.

The ambient temperature within primary enclosures used to transport live rabbits shall not exceed 20.5° C. (85° F.) for a period of more than 45 minutes nor fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless the person transporting such live rabbits knows that such live rabbits are acclimated to lower temperatures.

27. Section 3.85 of the standards (9 CFR 3.85) is amended to read as follows:

§ 3.85 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live nonhuman primate presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) No carrier or intermediate handler shall accept for transportation or transport, in commerce, any live nonhuman primate in a primary enclosure which does not conform to the requirements set forth in § 3.86 of this part.

(c) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live nonhuman primate at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

28. Section 3.86 of the standards (9 CFR 3.86) is amended to read as follows:

§ 3.86 Primary enclosures used to transport live nonhuman primates.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live nonhuman primate in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live nonhuman primates shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live nonhuman primate and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live nonhuman primate contained therein; (3) no part of the live nonhuman primate will be exposed outside of the primary enclosure which may cause injury to the animal or to persons who are nearby or who handle the primary enclosure; (4) the openings of such enclosures are easily accessible at all times for emergency removal of the live nonhuman primates; (5) the openings which provide access into the primary enclosure shall be secured with locking devices capable of preventing accidental openings; (6) except as provided in paragraph (h) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total area providing ventilation for the primary enclosure shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing the ventilation of the primary enclosure shall be located on the upper one-half of the primary enclosure; (7) except as provided in paragraph (h) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (8) except as provided in paragraph (h) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the nonhuman primate.

(b) Live nonhuman primates transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Nonhuman primates which have not reached puberty shall not be transported in the same primary enclosures with adult nonhuman primates other than their dams. Any female nonhuman primate in season (estrus) shall not be transported in the same primary enclosure with any male nonhuman primate.

(c) Primary enclosures used to transport live nonhuman primates shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a stance whereby both feet and hands are on the floor and can sit in an upright position: *Provided, however,* That certain larger species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the live nonhuman primates, their handlers, or other persons.

(d) No more than ten live nonhuman primates shall be transported in a primary enclosure.

(e) Primary enclosures used to transport live nonhuman primates as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.81 of this part, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to nonhuman primates, in sufficient quantity to absorb and cover excreta, unless the nonhuman primates are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live nonhuman primates, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Wild Animals" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(h) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

29. § 3.87 of the standards (9 CFR 3.87) is amended to read as follows:

§ 3.87 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live nonhuman primates shall be designed and constructed to protect the health, and ensure the safety and comfort of the nonhuman primates contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

(c) No live nonhuman primate shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each nonhuman primate has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live nonhuman primates can be removed from the primary conveyance as soon as possible.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live nonhuman primates shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the nonhuman primates unless proper precaution is taken to prevent such injury.

30. § 3.88 of the standards (9 CFR 3.88) is amended to read as follows:

§ 3.88 Food and water requirements.

(a) All live nonhuman primates shall be offered potable water within 4 hours prior to being transported in commerce. Dealers, exhibitors, research facilities and operators of auction sales shall provide potable water to all live nonhuman primates transported in their own primary conveyance at least every 12 hours after such transportation is initiated, and carriers and intermediate handlers shall provide potable water to all live nonhuman primates at least every 12 hours after acceptance for transportation in commerce.

(b) Each live adult nonhuman primate over 1 year of age shall be fed at least once in each 24 hour period. Live nonhuman primates less than 1 year of age shall have food made available to them every 12 hours. The time periods provided for in this paragraph shall apply to carriers and intermediate handlers after acceptance of any live nonhuman primates for transportation, in commerce, and shall apply to dealers, exhibitors, research facilities, and operators of auction sales who transport live nonhuman primates in their own primary conveyance after such transportation is initiated.

(c) Any dealer, research facility, exhibitor or operator of an auction sale offering any live nonhuman primate to any carrier or intermediate handler for transportation in commerce shall affix to the outside of the primary enclosure used for transporting such nonhuman primate, written instructions concerning the food and water requirements of such nonhuman primate while being so transported.

(d) No carrier or intermediate handler shall accept any live nonhuman primate for transportation in commerce unless written instructions concerning the food and water requirements of such nonhuman primate while being so transported is affixed to the outside of its primary enclosure.

31. A new § 3.89 (9 CFR 3.89) is added to the standards as follows:

§ 3.89 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live nonhuman primates as frequently as circumstances may dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live nonhuman primates are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live nonhuman primates shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live nonhuman primates whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live nonhuman primates are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No nonhuman primate in obvious physical distress shall be transported in commerce.

(b) During the course of transportation, in commerce, live nonhuman primates shall not be removed from their primary enclosures unless placed in other primary enclosures of facilities conforming to the requirements provided in this subpart.

32. A new § 3.90 (9 CFR 3.90) is added to the standards as follows:

§ 3.90 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) for more than 4 hours and shall not exceed 35° C. (95° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in a manner prescribed in § 3.81 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting any live nonhuman primate from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facilities as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live nonhuman primate contained therein.

(c) Primary enclosures used to transport any live nonhuman primates shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

34. A new § 3.67 (9 CFR 3.67) is added to the standards as follows:

§ 3.67 Ambient temperature.

The ambient temperature within such primary enclosures used to transport live nonhuman primates shall not exceed 35° C. (95° F.) for a period of more than 45 minutes, and shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless the person transporting such live nonhuman primates knows that such live nonhuman primate is acclimated to lower temperatures.

35. Section 3.111 of the standards (9 CFR 3.111) is amended to read as follows:

§ 3.111 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live animals presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported: *Provided, however,* That the carrier or intermediate handler and any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or any State or local government may mutually agree to extend the time of acceptance to not more than 6 hours if specific prior scheduling of the animal shipment to destination has been made.

(b) No carrier or intermediate handler shall accept for transportation or transport, in commerce, any live animals in a primary enclosure which does not conform to the requirements set forth in § 3.112 of this part.

(c) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live animals at the animal holding area of the terminal cargo facility. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee shall be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the animal shipment.

36. § 3.112 of the standards (9 CFR 3.112) is amended to read as follows:

§ 3.112 Primary enclosures used to transport live animals.

No dealer, research facility, exhibitor, or operator of an auction sale shall offer for transportation or transport, in commerce, any live animal in a primary enclosure which does not conform to the following requirements:

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live animals shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the live animals and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live animals contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live animals; (4) except as provided in paragraph (g) of this section, there are ventilation openings located on two opposite walls of the primary enclosure and the ventilation openings on each such wall shall be at least 16 percent of the total surface area of each such wall, or there are ventilation openings located on all four walls of the primary enclosure and the ventilation openings on each such wall shall be at least 8 percent of the total surface area of each such wall: *Provided, however,* That at least one-third of the total area providing ventilation for the primary enclosures shall be located on the lower one-half of the primary enclosure and at least one-third of the total area providing the ventilation for the primary enclosure shall be located on the upper one-half of the primary enclosure; (5) except as provided in paragraph (g) of this section, projecting rims or other devices shall be on the exterior of the outside walls with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 centimeters (.75 inch) between the primary enclosure and any adjacent cargo or conveyance wall; and (6) except as provided in paragraph (g) of this section, adequate handholds or other devices for lifting shall be provided on the exterior of the primary enclosure to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the animal.

(b) Live animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Live animals that have not reached puberty shall not be transported in the same primary enclosure with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same primary enclosure with any male animal.

(c) Primary enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments: *Provided, however,* That certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Primary enclosures used to transport live animals as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in a manner prescribed in § 3.106 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to the live animals contained therein, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(e) Primary enclosures used to transport live animals, except where such primary enclosures are permanently affixed in the animal cargo space of the primary conveyance, shall be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal", whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(f) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

(g) When a primary enclosure is permanently affixed within the animal cargo space of the primary conveyance so that the front opening is the only source of ventilation for such primary enclosure, the front opening shall open directly to the outside or to an unobstructed aisle or passageway within the primary conveyance. Such front ventilation opening shall be at least 90 percent of the total surface area of the front wall of the primary enclosure and covered with bars, wire mesh or smooth expanded metal.

37. Section 3.113 of the standards (9 CFR 3.113) is amended to read as follows:

§ 3.113 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live animals contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases from the primary conveyance during transportation in commerce.

(c) No live animal shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein, and the primary enclosures shall be positioned in the animal cargo space in such a manner that each live animal has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live animals can be removed from the primary conveyance as soon as possible.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live animals shall not be transported with any material, substance (e.g., dry ice) or device which may reasonably be expected to be injurious to the health and well-being of the animals unless proper precaution is taken to prevent such injury.

38. Section 3.114 of the standards (9 CFR 3.114) is amended to read as follows:

§ 3.114 Food and water requirements.

(a) All live animals shall be offered potable water within 4 hours prior to being transported in commerce. Dealers, exhibitors, research facilities and operators of auction sales shall provide potable water to all live animals transported in their own primary conveyance at least every 12 hours after such transportation is initiated, and carriers and intermediate handlers shall provide potable water to all live animals at least every 12 hours after acceptance for transportation in commerce: *Provided, however,* That except as directed by hibernation, veterinary treatment or other professionally accepted practices, those live animals which, by common accepted practices, require watering more frequently shall be so watered.

(b) Each live animal shall be fed at least once in each 24 hour period, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. Those live aimals which, by common accepted practice, require feeding more frequently shall be so fed.

(c) A sufficient quantity of food and water shall accompany the live animal to provide food and water for such animals for a period of at least 24 hours, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(d) Any dealer, research facility, exhibitor or operator of an auction sale offering any live animal to any carrier or intermediate handler for transportation in commerce shall affix to the outside of the primary enclosure used for transporting such live animal, written instructions concerning the food and water requirements of such animal while being so transported.

(e) No carrier or intermediate handler shall accept any live animals for transportation in commerce unless written instructions concerning the food and water requirements of such animal while being so transported is affixed to the outside of its primary enclosure.

39. A new § 3.115 (9 CFR 3.115) is added to the standards as follows:

§ 3.115 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to visually observe the live animals as frequently as circumstances may dictate, but not less than once every 4 hours, to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any of the live animals are in obvious physical distress and to provide any needed veterinary care as soon as possible. When transported by air, live animals shall be visually observed by the carrier as frequently as circumstances may dictate, but not less than once every 4 hours, if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall visually observe the live animals whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to assure that they are receiving sufficient air for normal breathing, their ambient temperatures are within the prescribed limits, all other applicable standards are being complied with and to determine whether any such live animals are in obvious physical distress. The carrier shall provide any needed veterinary care as soon as possible. No animal in obvious physical distress shall be transported in commerce.

(b) Wild or otherwise dangerous animals shall not be taken from their primary enclosure except under extreme emergency conditions: *Provided, however,* That a temporary primary enclosure may be used, if available, and such temporary primary enclosure is structurally strong enough to prevent the escape of the animal. During the course of transportation, in commerce, live animals shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

40. A new § 3.116 (9 CFR 3.116) is added to the standards as follows:

§ 3.116 Terminal facilities.

(a) *Indoor facilities.* Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) for more than 4 hours and shall not exceed 35° C. (95° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in a manner prescribed in § 3.106 of the standards often enough to prevent an accumulation of debris or excreta, minimize vermin infestation and to prevent a disease hazard.

(b) *Outdoor facilities.* Carriers and intermediate handlers in transporting any live animal from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live animals from the direct rays of the sun.

(ii) *Shelter from rain or snow.* Live animals shall be provided protection to allow them to remain dry during rain or snow.

(iii) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live animals when the atmospheric temperature falls below 10° C. (50° F.).

41. A new § 3.117 (9 CFR 3.117) is added to the standards as follows:

§ 3.117 Handling.

(a) Carriers and intermediate handlers shall move live animals from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live animal contained therein.

(c) Primary enclosures used to transport any live animal shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may reasonably be expected to result in their falling.

42. A new § 3.118 (9 CFR 3.118) is added to the standards as follows:

§ 3.118 Ambient temperature.

The ambient temperature within primary enclosures used to transport live animals shall not exceed 35° C. (95° F.) for a period of more than 45 minutes and shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless the person transporting such live animals knows that such live animals are acclimated to lower or higher temperatures.

(Secs. 3, 5, 6, 10, 11, 12, 13, 14, 16, 17, 21; 80 Stat. 351, 352, 353; 84 Stat. 1561, 1562, 1563, 1564; 90 Stat. 418, 419, 420, 423; (7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151); 37 FR 28464, 28477, 38 FR 19141.)

It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to these amendments are impracticable and unnecessary.

Done at Washington, D.C., this 16th day of June 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

DALE F. SCHWINDAMAN,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-17665 Filed 6-20-77;8:45 am]

JUN 21 77

federal register

TUESDAY, JUNE 21, 1977

PART IV



DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

EMPLOYEE BENEFIT PLANS

Class Exemption for Transfer of Individual Life Insurance Contracts

JUN 21 1977

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 77-8; Application No. D-281]

EMPLOYEE BENEFIT PLANS

Class Exemption Involving Transfer of Individual Life Insurance Contracts and Annuities From Employee Benefit Plans to Plan Participants, Certain Beneficiaries of Plan Participants, Employers and Other Employee Benefit Plans

AGENCIES: Department of Labor, Department of Treasury/Internal Revenue Service.

ACTION: Grant of Class Exemption.

SUMMARY: This exemption enables an employee benefit plan to sell individual life insurance contracts and annuities to (1) a plan participant insured under such policies, (2) a relative of such insured participant who is the beneficiary under the contract, (3) an employer any of whose employees are covered by the plan, or (4) another employee benefit plan, for the cash surrender value of the contracts, provided certain conditions are satisfied. In the absence of this exemption, these sales would be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code).

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Rhea S. Schwartz, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-6855.

William M. Tartikoff, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT, 202-566-3089.

(These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On January 21, 1977, notice was published in the FEDERAL REGISTER (42 FR 4036) that the Department of Labor and the Internal Revenue Service (the Agencies) had under consideration a proposed class exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c) (1) (A) through (E) of the Code. The proposed class exemption, which was requested in an application (No. D-281) filed by the American Council of Life Insurance, would have exempted the sale of individual life insurance contracts and annuities by employee benefit plans to plan participants insured under such policies for the cash surrender value of the policy.

The exemption was proposed in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 772. All interested persons were invited to submit comments on the proposed exemption. As indicated in the notice, no exemption was proposed for the sale of life insurance contracts and annuities by plans to employers. However, the Agencies specifically requested comments as to the unavailability of the proposed class exemption with respect to the sale of insurance contracts or annuities by plans to employers and as to whether there was a need for an exemption for such transactions and, if so, the conditions and safeguards under which an exemption for such transactions would be appropriate.

COMMENTS RECEIVED

Thirty-two comments were received with regard to the proposed exemption, all supporting the grant of the exemption. Several comments, while supporting the exemption, contained suggestions for changes.

SALES TO EMPLOYERS

Three comments recommended expansion of the proposed class exemption to include an exemption for the sale of insurance contracts or annuities by plans to employers where appropriate safeguards are provided. The comments indicated that the purchase of such contracts or annuities from the plan by the employer would protect participants who need continued insurance protection and who are unable to secure the funds to purchase the insurance for its cash surrender value from the plan or to maintain the premium payments. It was noted in one of the comments that in the various situations described in the notice of pendency where a plan may not continue individual life insurance contracts in effect until participants' normal retirement, participants entered the plan with the reasonable expectation that insurance protection would be afforded by the employer. The broadening of the proposed class exemption to permit the sale of insurance contracts or annuities by a plan to the employer would thus enable employees to benefit, at little or no cost, from the insurance protection available when the contract or annuity was maintained by the plan, in accordance with their expectations when the contract was originally purchased. The suggestion was accepted and incorporated in the exemption.

SALE TO A RELATIVE OF THE INSURED

Two commentators suggested that plans should be permitted to sell an individual life insurance contract or annuity directly to a relative of the insured participant where such relative is the beneficiary under the contract and where the sale is authorized in writing by the participant. Such a direct transfer would avoid the necessity of a two-step transfer, first from the plan to the participant, and then from the participant to the beneficiary. The position of the plan would not be affected in any manner whether the policy were sold to the participant or to a beneficiary. The comment has been accepted because the Agencies see no potential for abuse in this situation and it would permit direct transfers of insurance contracts or annuities which could be made indirectly under the proposed exemption. The term "relative", for purposes of this exemption, includes those persons defined as relatives in section 3(15) of the Act, a "member of a family" as defined in section 4975(e)(6) of the Code, and brothers and sisters of the insured and their spouses.

TRANSFER TO ANOTHER PLAN

Another comment suggested expanding the exemption to permit the transfer of insurance contracts or annuities between employee benefit plans. The transfer of insurance contracts or annuities from one plan to another is a prohibited transaction only where the plans are parties in interest or disqualified persons with respect to each other. Generally, however, two or more plans are not parties in interest or disqualified persons with respect to each other merely because they are maintained by the same plan sponsor, although one plan may be a party in interest or disqualified person with respect to another plan by virtue of being, among other things, a service provider to the other.

Because the Agencies see no potential for abuse in the transfer of insurance contracts or annuities between plans which may be parties in interest or disqualified persons with respect to one another, the suggestion to allow a direct transfer from one plan to another has been incorporated in the class exemption.

GENERAL CONDITION WITH RESPECT TO SALES AND TRANSFERS TO PERSONS OTHER THAN PLAN PARTICIPANTS

With respect to the broadening of the right of plans to sell insurance policies so as to include sales to employers, relatives, and other plans, an additional condition was added requiring that the participant first be afforded an opportunity to purchase any individual life insurance contract or annuity under which the participant is the insured and that the participant consent in writing to such sale. If the participant elects not to purchase the contract or annuity, the employer, relative or other plan may, upon receipt by the plan of the written consent of the participant, purchase the contract or annuity from the plan for an amount at least equal to the amount necessary to put the plan in the same cash position as it would have been in if it had retained the contract, surrendered it and made any distribution owing to the participant of his vested interest under the contract.

SALES OF OTHER POLICIES

A suggestion that the exemption be extended to individual insurance policies not containing life insurance benefits, and a suggestion that the exemption be extended to cover transfers of individual life insurance contracts and annuities from the plan to participants at all times were rejected because insufficient information was provided to determine whether such an extension would be justified.

SALES UPON PLAN TERMINATION

One comment suggested that plan administrators be alerted to the potential applicability of Title IV of the Act in certain situations covered by the exemption. Where a contract is being sold in connection with the termination of a pension plan covered under Title IV, a participant's credit for vested benefits, which would serve to reduce the amount such participant would pay for the contract, may be limited to the participant's entitlement under the allocation rules of section 4044 of the Act. This comment was not incorporated because it is beyond the scope of the exemption.

MISCELLANEOUS

Finally, the agencies wish to note the following points, which were included in the Notice of Pendency of this class exemption:

(1) The exemption does not provide any relief from or relaxation of the requirement set forth in section 401(a)(4) of the Code. In order for a plan to qualify under section 401(a) of the Code, section 401(a)(4) of the Code provides that the contributions or benefits provided under such plan must not discriminate either in form or in operation in favor of employees who are officers, shareholders, or highly compensated. A condition has been included in the exemption imposing a similar non-discrimination requirement for employee welfare benefit plans which desire to make sales of life insurance contracts or annuities pursuant to the exemption.

(2) Under section 408(d) of the Act no exemption may be granted under section 408(a) of the Act for a transaction of the type described herein between a plan and certain persons, such as an owner-employee as defined in section 401(c)(3) of the Code, or a shareholder employee, as defined in section 1379 of the Code. This class exemption is, however, applicable to such persons for purposes of section 4975 of the Code.

(3) For Federal income tax purposes, the value of an insurance policy is not the same as, and may exceed, its cash surrender value. See Rev. Rul. 59-195, 1959-1 C.B. 18. Therefore, for Federal income tax purposes, a purchase of an insurance policy at its cash surrender value may be a purchase of property for less than its fair market value. The Federal income tax consequences of such a bargain purchase must be determined in accordance with generally applicable Federal income tax rules. Any income realized by a participant or relative of such participant upon such a purchase under the conditions of this class exemption, however, will not be deemed a distribution of benefits from the plan to such participant for purposes of subchapter D of Chapter I of the Code relating to qualified pension, profit sharing, and stock bonus plans.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of January 21, 1977, the Department and the Service make the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of plans.

EXEMPTION

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 22:

Effective January 1, 1975, the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and the taxes imposed under section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale of an individual life insurance or annuity contract by an employee benefit plan to (1) a participant under such plan; (2) a relative of a participant under such plan; (3) an employer, any of whose employees are covered by the plan; or (4) another employee benefit plan, if—

(1) Such participant is the insured under the contract;

(2) Such relative is a "relative" as defined in section 3(15) of the Act (or is a "member of the family" as defined in section 4975(e)(6) of the Code), or is a brother or sister of the insured (or a spouse of such brother or sister), and is the beneficiary under the contract;

(3) The contract would, but for the sale, be surrendered by the plan;

(4) With respect to sales of the policy to the employer, a relative of the insured or another plan, the participant insured under the policy is first informed of the proposed sale and is given the opportunity to purchase such contract from the plan, and delivers a written document to the plan stating that he or she elects not to purchase the policy and consents to the sale by the plan of such policy to such employer, relative or other plan;

(5) The amount received by the plan as consideration for the sale is at least equal to the amount necessary to put the plan in the same cash position as it would have been in had it retained the contract, surrendered it, and made any distribution owing to the participant of his vested interest under the plan; and

(6) With regard to any plan which is an employee welfare benefit plan, such plan must not, with respect to such sale, discriminate in form or in operation in favor of plan participants who are officers, shareholders, or highly compensated employees.

Signed at Washington, D.C., this 15th day of June, 1977.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

JEROME KURTZ,
Commissioner, Internal Revenue Service.

[FR Doc.77-17668 Filed 6-20-77;8:45 am]

[Prohibited Transactions Exemption 77-7]

EMPLOYEE BENEFIT PLANS

Class Exemption Involving Transfer of Individual Life Insurance and Annuity Contracts to Employee Benefit Plans

JUNE 21, 1977.

AGENCIES: Department of Treasury/Internal Revenue Service, Department of Labor.

ACTION: Grant of Class Exemption.

SUMMARY: The Internal Revenue Service and the Department of Labor hereby grant a class exemption for the transfer of certain individual insurance contracts to employee benefit plans by plan participants or by employers, any of whose employees participate in the plan.

In the absence of this exemption, these transfers would be prohibited by the Employee Retirement Income Security Act of 1974 (the Act), and the Internal Revenue Code of 1954 (the Code).

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

William M. Tartikoff, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attn: E:EP:PT, Phone 202-566-3089.
Rhea S. Schwartz, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, Phone 202-523-6855.

(These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: On January 21, 1977, notice was published in the FEDERAL REGISTER (42 FR 4034) that the Internal Revenue Service and the Department of Labor (the Agencies) had under consideration a proposed class exemption from the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption involved the sale, transfer, or exchange of individual life insurance contracts to a defined contribution plan as defined in section 414(i) of the Code or to an employee welfare benefit plan as defined in section 3(1) of the Act by plan participants or by an employer any of whose employees participate in the plan (the employer). The exemption was proposed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

COMMENTS RECEIVED

A total of 28 comments were received by the Agencies. Three of the comments supported the grant of the exemption exactly as proposed. Two comments completely opposed the exemption. While urging the exemption be granted, each of the remaining comments suggested certain changes which are discussed below.

DEFINED BENEFIT PLANS

Seventeen comments suggested that the exemption be expanded to allow participants and employers to transfer individual insurance contracts to defined benefit plans as well as to defined contribution plans. The comments pointed out that the reasons given and representations made in the proposed exemption to allow the transfer to defined contribution plans and employee welfare plans were also applicable to defined benefit plans.

Several comments disputed the statement in the proposed exemption that it was not common practice for participants and employers to sell or otherwise transfer individual life insurance contracts to defined benefit plans. A national organization representing persons in the pension consulting business commented that most small defined benefit plans (less than 50 participants) to provide pre-retirement death benefits through individual life insurance contracts, and that it was a common practice before the enactment of the Act for a defined benefit plan providing life insurance to buy an individual life insurance contract from a participant or the employer. In view of these comments the exemption has been modified to remove the restriction against defined benefit plans.

ANNUITY CONTRACTS

Several comments suggested expanding the exemption to allow the sale or other transfer of individual annuity contracts to plans from participants or employers. The commentators stated that the reasons given for granting the exemption for individual life insurance contracts are applicable to annuity contracts. The recommendations contained in these comments are accepted and the exemption has been expanded to include individual annuity contracts.

VALUATION

Two comments were received which argued that the value of the insurance policy should be the replacement cost plus the prepaid premiums as required under § 25.2512 of the Gift Tax Regulations. This suggestion was not accepted. The use of the cash surrender value in this exemption will ensure that the participant or employer who is selling or otherwise transferring an insurance contract will receive the amount such participant or employer would have received if the contract had been surrendered to the issuing insurance company. Further, by paying no more than the cash surrender value, the plan can buy or otherwise obtain individual insurance contracts at a lower cost than if it had to purchase new contracts. This combination of plan benefit and participant protection justifies the use of the cash surrender value.

Attention is directed, however, to the fact that for Federal income tax purposes, the value of an insurance policy is not the same as, and may exceed, its cash surrender value. See Rev. Rul. 59-195, 1959-1 C.B.18. The Federal income tax consequences of such a transfer must be determined in accordance with generally applicable Federal income tax rules.

One commentator suggested that the purchase price of an insurance contract to be paid by a plan be limited to the cash surrender value or the participant's accrued benefit, whichever is lower. This condition was suggested in order to protect the other plan participants in the event an existing contract is purchased by a plan and the participant covered by the insurance contract dies before the participant's accrued benefit (in the case of a defined benefit plan) or account balance (in the case of a defined contribution plan) equals or exceeds the cash surrender value of the contract. In such a situation the entire contract would be payable to the insured's estate, the plan would lose the cash value of the contract, and the forfeiture to the plan of the participant's accrued benefit would be less than the cash value paid by the plan. This suggestion was adopted and the exemption is limited to those transactions where the plan pays the lesser of the cash surrender value of the contract or the value of the participant's accrued benefit at the time of the transaction as determined under any reasonable actuarial method.

COMMENTS OPPOSING THE EXEMPTION

Two comments were received advising that the exemption not be granted. Both of the commentators felt that the exemption favored highly paid employees and one of the comments suggested that the exemption would allow abusive situations. Neither of these comments was followed. The exemption, as set forth in the proposal, does not provide any relief from or relaxation of the non-discrimination requirements set forth in section 401(a)(4) of the Code. Further, a condition has been included in the exemption imposing a similar non-discrimination requirement for employee welfare plans.

MISCELLANEOUS

It should be noted that under Section 408(d) of the Act no exemption may be granted under section 408(a) of the Act for transactions of the type described herein between a plan and certain persons such as an owner-employee as defined in section 401(c)(3) of the Code, or a shareholder employee as defined in section 1379 of the Code. This exemption is intended, however, to be applicable to such persons for purposes of section 4975 of the Code.

GENERAL INFORMATION

The attention of interested persons is directed by the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(5) In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of January 21, 1977, the Department and the Service make the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of plans.

EXEMPTION

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

Effective January 1, 1975, the restrictions of sections 406(a) and 406(b)(1) and (2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale, transfer, or exchange of an individual life insurance or annuity contract to an employee benefit plan from a plan participant on whose life the contract was issued, or from an employer, any of whose employees are covered by the plan, if:

1. The plan pays, transfers, or otherwise exchanges no more than the lesser of—

(a) The cash surrender value of the contract;

(b) If the plan is a defined benefit plan, the value of the participant's accrued benefit at the time of the transaction (determined under any reasonable method); or

(c) If the plan is a defined contribution plan, the value of the participant's account balance.

2. Such sale, transfer, or exchange does not involve any contract which is subject to a mortgage or similar lien which the plan assumes.

3. Such sale, transfer, or exchange does not contravene any provision of the plan or trust document.

4. With regard to any plan which is an employee welfare benefit plan, such plan must not, with respect to such sale, transfer, or exchange, discriminate in form or in operation in favor of plan participants who are officers, shareholders, or highly compensated employees.

Signed at Washington, D.C., this 15th day of June, 1977.

JEROME KURTZ,
Commissioner,
Internal Revenue Service.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs,
U.S. Department of Labor.

[FR Doc.77-17667 Filed 6-20-77;8:45 am]

JUN 21 77

federal register

TUESDAY, JUNE 21, 1977

PART V



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coast of U.S.

V42N119
JUN 21 77
UM

DEPARTMENT OF STATE

[Public Notice 550]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off Coasts of United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

An application for additional authorization to allow the No. 70 Oyang Ho to conduct the transportation of herring on behalf of a Japanese corporation during 1977 has been received from the Republic of Korea, and is published herewith.

Dated: June 14, 1977.

ALBERT L. ZUCCA,
Director, Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

Permit Period Applied For: 1977

Application No. For Use of Issuing Office: KS-77-0048

State: Republic of Korea

1. Name of Vessel: No. 70 Oyang Ho
2. Vessel No.: Hull No. _____ Registration No. BF 35942
3. Name and Address of Owner / Name and Address of Charterer

   Name: Sung Soo Kim

   Address: 62-5, 1-Ka, Taepyung-Ro

   Choong-Ku, Seoul, Korea

   Cable Address: Oyangfish, Seoul

   TLX: Oyfish K28522
4. Homeport and State of Registry: Busan, Republic of Korea
5. Type of Vessel: Transportation (Freezing)
6. Tonnage (Gross) 1,598.67 G/T (Net) 653.21 G/T
7. Length 74.45 M. 8. Breadth 12.60 M. 9. Draft 8 M.
10. Horsepower 3,800 shp. 11. Maximum Speed 16 kt.
11. Propulsion: Diesel (X), Steam ( ), Diesel/Electric ( ),

    Other _____
13. Date Built 1972.9.8.
14. Number and Nationality of Personnel 55 Men, Korean

    Officers 10 Crew 45 Other (Specify) _____
15. Communications: VHF-FM (X), AM/SSB, Voice (X), Telegraphy ( ),

    Other _____

    International Radio Call Sign 6 M.L.Q.

    Radio Frequencies Monitored _____

    Other Working Frequencies _____

    Schedule _____

JUN 21 1977

KS-77-0048:

16. Navigation Equipment: Loran C (X), Loran A (X), Omega ( ), Decca ( ), Navsat ( ), Radar (X), Fathometer (X), Other Gyro Auto-Pilot

17. Cargo Capacity (MT)

Salted Fish	
Fresh Fish	
Frozen Fish	1,240 M/T
Fish Meal	
Other	

18. Cargo Space

Number		Name
Freezer	8 Sets	Contact Freezer
Dry Hold	1,460.66M3	#1,2 fish hold
Tanks		
Other		

19. Processing Equipment (Indicate daily capacity,MT)

Head Cutter	2 Sets	50 M/T/Day
Contact Freezer	2.34M/T/Set/Round	93.6 M/T/Day

20. Fisheries for which Permit is Requested:

Ocean Area	Period (From-To)	Species	Contenplated Catch (MT)	Gear to be Used
Bering Sea and Aleutian Area	1977	Herring	Transportation (Freezing)	None

21. Name and Address of Agent appointed to receive any legal process issued in the United States:

Mr. Han Mo Kim
Fisheries Attache
~~Embassy of the Republic of Korea~~
Washington, D.C. 20008

[FR Doc.77-17535 Filed 6-20-77;8:45 am]

federal register

TUESDAY, JUNE 21, 1977
PART VI

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

OFFICE OF MANAGEMENT AND BUDGET

■

FEDERAL AUDIOVISUAL ACTIVITIES

Proposed Management Policies Circular

V 42 N 119
JUN 21 1977
UM

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL AUDIOVISUAL ACTIVITIES

Proposed Management Policies Circular

The Office of Management and Budget (OMB) is committed to insure that all interested parties in the private sector as well as Federal agencies have adequate opportunity to participate in the development of Federal management policies. Accordingly comments and suggestions are solicited on the following proposed OMB circular.

The proposed circular contains policies for improving the management of Federal audiovisual activities. Federal audiovisual management practices have been the subject of much recent attention and criticism. Many articles and reports have been written and the President recently initiated a review of the Government's audiovisual practices. Common problems noted during the review and in the articles and reports include:

The proliferation of audiovisual use within the Government.

Duplication of production efforts among agencies.

Poor utilization of Government facilities.

Lack of information on the volume and cost of Federal audiovisual productions.

The President expressed specific concern about the need to improve Federal audiovisual management practices at the April 25 Cabinet meeting. The proposed circular is intended as a first step in bringing about the improvements sought by the President. Additional attachments will be added to the circular as other policies are developed. The circular, as presently proposed, consolidates existing audiovisual policies into a single document and offers several new policies. The new policies contained in the circular will require all agencies and departments to:

Consider other communication modes prior to contracting for audiovisual productions.

Coordinate new productions and thereby avoid duplication of production efforts.

Test the effectiveness of audiovisuals.

Improve the utilization of facilities.

Report annually on the volume of audiovisual activities.

Any comments you have on the proposed circular should be submitted by July 15, 1977. Comments should be addressed to the Administrator for Federal Procurement Policy, Office of Management and Budget, Room 9001, NEOB, Washington, D.C. 20503. For further information regarding the circular contact Mr. Charles W. Clark, area code 202–395–6194.

Dated: June 10, 1977.

BERT LANCE,
Director.

MAY 20, 1977.

[CIRCULAR NO. A-____]

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

1. *Purpose:* This circular prescribes policies for improving the management of Federal audiovisual activities.

3. *Background:* Federal audiovisual management has been the subject of much recent attention and criticism. Many articles have been written about Federal audiovisual activities, and common problems have been identified in several management reports. Problems frequently noted in the articles and reports include:

The proliferation of audiovisal use within the Government.

Duplication of production efforts among agencies.

Poor utilization of Government facilities.

Lack of information on the volume and cost of Federal audiovisual productions.

The President expressed his concern about the need to improve audiovisual management practices at the April 25, 1977 Cabinet meeting. This circular is intended as a first step in bringing about the improvements sought by the President. New policies contained in the circular will require all agencies and departments to:

Consider other communication modes prior to contracting for audiovisual productions.

Coordinate new productions and thereby avoid duplication of production efforts.

Test the effectiveness of audiovisuals.

Improve the utilization of facilities.

Report annually on the volume of audiovisual activities.

3. *Supersession.* This circular replaces Federal Management Notice 75–1, Use of Government Personnel in Audiovisual Productions and Federal Management Notice 75–2, Motion Picture Processing. These notices were published by the General Services Administration in the FEDERAL REGISTER on August 22, 1975 (40 FR 36842).

4. *Definitions.*

a. Audiovisual Activities: Resources used to provide an audiovisual service or produce an audiovisual product. This includes equipment, products, facilities, personnel, and procurement as they pertain to: (1) Still and motion picture photography and processing; (2) television and audio recording; (3) still, motion picture, television and audio production and reproduction; (4) depositories, distribution, training aids and devices of an audiovisual nature, and (5) audiovisual training and education related to these functions.

b. Audiovisual Services: Those functions performed in the production, utilization, distribution, and storage of audiovisual materials, such as tape or film editing, scripting, film processing, sound recording, audiovisual media depository and records center operations; reproduction and distribution of products; broadcast and closed circuit transmission of media via electronic means; loan, maintenance and repair of audiovisual products and equipment; presentation of television, audio, still and motion visual products and design or consulting support for audiovisual users.

c. Audiovisual Products: Material containing sound or imagery for conveying a message; refers to still photography, still projectuals (overhead transparencies, slides, filmstrips, etc.), motion pictures, television (film, video tape and disc), audio recording (tape and disc), and combination media.

d. Audiovisual Equipment: Equipment used for the recording, production, processing and exhibiting of audiovisual products.

e. Audiovisual Facilities: Physical plants which produce an audiovisual product or provide an audiovisual service.

5. *Applicability and Scope.* This circular applies to all agencies of the executive branch of the Federal Government except the United States Postal Service. It does not apply to the Government of the District of Columbia.

6. *Policies and Procedures.*

a. Heads of agencies shall be guided by the policies and procedures set forth in the following attachments to this circular:

Attachment A—Management of Audiovisual Facilities.

Attachment B—Use of Government Personnel as Performers in Audiovisual Productions.

Attachment C—Motion Picture Film Processing.

Attachment D—Agency Reporting Requirements and Use of Centralized Audiovisual Management Services.

Attachment E—Use of Grants and Cooperative Agreements.

b. An interagency committee composed of audiovisual experts representing agencies which are the major Federal users of audiovisual products has been established. It is chartered by the Administrator for Federal Procurement Policy, Office of Management and Budget. This committee is assigned an active, regular role in advising on, and assisting in, the formulation and coordination of Government policy for Federal audiovisual activities.

7. *Responsibilities.* The head of each Federal agency is responsible for promulgating such regulations, controls and review actions as necessary to implement the provisions of this circular.

8. *Inquiries.* Further information concerning this circular may be obtained by contacting:

Office of Federal Procurement Policy (OFPP), Office of Management and Budget, Washington, D.C. 20503. Telephone: IDS 103–6194. FTS: 202–395–6194.

Director.

ATTACHMENT A.—MANAGEMENT OF AUDIOVISUAL ACTIVITIES

1. *Policy Intent.* The intent of this attachment is to provide specific guidance relative to improving the utilization of audiovisual facilities. Many agencies have multiple facilities in the same geographic area and many facilities are underutilized. This attachment proposes that agencies improve the utilization of their audiovisual facilities by developing work measurement systems and consolidating work into a lesser number of facilities.

2. *Policies and Procedures.*

a. Agencies shall establish work measurement systems to determine the extent that existing audiovisual facilities, personnel and equipment are utilized. In this regard agencies should:

(1) Determine the capacity of equipment and facilities in terms of units of production and measure the utilization of specific facilities by comparing actual production to capacity of production.

(2) Establish staff time requirements related to units of audiovisual production. Such standards may be expressed in finite units such as staff minutes per print or in gross units such as average staff weeks or months for less consistent elements of work. Measurements of personnel utilization should be made by comparing the standards to production output.

b. Agencies shall survey existing audiovisual facilities with a view toward consolidating the activities into as few locations as practicable. As a general rule, each agency should attempt to have no more than one major audiovisual facility in a single metropolitan area. Underutilized facilities shall be phased down or phased out until total capacity matches existing workloads. Facilities operating at less than 30 percent of capacity shall be phased out or merged with other facilities.

c. The following guidelines are provided in order to achieve better utilization of existing equipment and facilities:

(1) Utilize excess capacity of existing agency facilities prior to expanding or establishing new audiovisual activities.

(2) Utilize excess capacity of facilities of other agencies prior to expanding or establishing new audiovisual activities.

(3) Establish second and third shifts, as appropriate, to avoid expanding existing or establishing new audiovisual facilities.

(4) Close inefficient and out-dated facilities and transfer work to more efficient and up-to-date facilities.

ATTACHMENT B.—USE OF GOVERNMENT PERSONNEL IN AUDIOVISUAL PRODUCTIONS

1. *Policy intent.* The intent of this attachment is to restrict the use of Government personnel as performers in audiovisual productions.

2. *Definitions.*

a. The term "Government personnel" refers to all Federal employees, including active duty military personnel.

b. The term "performers" as used in this attachment means those persons who are required to play roles, narrate, or act in audiovisual productions.

3. *Policy and procedures.*

a. Government personnel shall not appear as performers in Government audiovisual productions except:

(1) When they are performing their own jobs.

(2) Where successful completion of the production depends on availability of specialized skills or technical knowledge which are not readily available from professional acting sources and cannot be adequately provided for by use of a prepared script.

b. Government personnel shall not be used as performers in roles which subject them to health or safety hazards which exceed those normally encountered in the performance of their own jobs.

ATTACHMENT C.—IN-HOUSE PROCESSING OF MOTION PICTURE FILM

1. *Policy intent.* The intent of this attachment is to phase out all in-house motion picture processing facilities with only certain exceptions.

2. *Definitions.*

a. The term "motion picture processing" refers to the laboratory processing of all original exposed motion picture film intended for documentation, surveillance, instrumentation, training, communications, or other uses. It also includes the exposure and laboratory processing of subsequent negatives and prints.

b. The term "time-critical" as used in this attachment means that delays of normal time duration required by commercial companies to process exposed motion picture film would seriously impact on the mission of the agency.

c. The term "military combat contingency requirements" as used in this attachment refers to the need to maintain a combat readiness capability to react to national or international emergencies.

3. *Policy and procedures.*

a. Executive departments and establishments shall phase out in-house motion picture processing operations and facilities except those authorized in paragraph 3d below.

b. Motion picture processing activities are considered Government commercial or industrial activities. Any determination to retain in-house processing facilities must be submitted with appropriate documentation to the Office of Federal Procurement Policy, Office of Management and Budget.

c. Multiple-award contracts have been issued by General Services Administration for motion picture laboratory processing under Federal Supply Schedule Industrial Group 781, Part I. Agencies shall obtain pertinent ordering data from the General Services Administration regional office servicing their areas and use such contracts to the extent possible, so that the economies available under the Federal Supply Schedule program may be maximized. Agencies not using Federal Supply Schedules may continue to negotiate separate contracts for motion picture processing when this can be shown to be more economical.

d. Agencies are authorized to maintain a minimal in-house motion picture processing capability in support of the following:

(1) Time-critical audiovisual documentation in remote locations such as weapon test sites, and at locations where follow-on tests are dependent on photographic results of film data recording (such as engineering sequential, wind tunnel, or optical instrumentation).

(2) Military combat contingency requirements.

(3) Intelligence operations.

ATTACHMENT D.—AGENCY REPORTING REQUIREMENTS AND USE OF CENTRALIZED AUDIOVISUAL SERVICES

1. *Policy intent.* This attachment is intended to improve the management of Government-owned audiovisual products, and provides for the centralization of specific audiovisual management services in the National Audiovisual Center (NAC), National Archives and Records Service, General Services Administration.

2. *Definition.* Audiovisual Products: Material containing sound or imagery for conveying a message; refers to still photography, still projectuals (overhead transparencies, slides, filmstrips, etc.), motion pictures (film video tape and disc), television (video tape and disc), audio recordings (tape and disc), and combination media.

3. *Services Provided by NAC.* NAC will serve as a central information source to the general public and Federal agencies concerning the availability of federally produced audiovisual productions. In addition, NAC will rent and sell productions to the public and Federal agencies; compile and publish Government-wide catalogs on audiovisual materials available for rent and sale; develop criteria, establish appropriate terminology, and recommend Government-wide practices for the cataloging and indexing of audiovisual materials; and maintain a data bank containing common information on Federal audiovisual productions.

4. *Policy.* Executive agencies shall cooperate in providing NAC all information and materials necessary for the performance of the above functions. Agencies shall cooperate in the use of NAC services as a means of expanding and improving access to and use of Federal audiovisual productions by all agencies and the public. Agencies will be expected to review internal programs and discontinue any unnecessary duplicate services.

a. *Mandatory Title Check.*

(1) Prior to the production of any type of audiovisual product all agencies, except as noted in paragraph 5 below, will contact NAC and request information as to the availability of similar products; planned, in process, and completed; in an attempt to reduce duplication of effort. NAC will provide title information for those products presently in production as well as those completed, which the agencies will review to ascertain whether any existing products can satisfy their program needs. If the existing products do not satisfy agency needs, agencies may produce, within existing budget allocations, additional products necessary to support their program responsibilities.

(2) Agencies shall, prior to producing audiovisual products, consider alternative communication modes. Audiovisual products should be produced only where the agency has determined that the product is the most effective means of communicating the required message to the intended audience. In making this determination agencies shall consider all relevant factors including but not limited to: communication objective; production costs; target audience; user costs; life span of the information to be conveyed; frequency of use; immediacy of requirement necessity for periodic updating, method and level of distribution, and compatibility with other existing communication programs.

(3) When it has been determined that existing products do not satisfy agency needs, under a (1) and (2) above, a separate page shall accompany the Federal Audiovisual Information Report, explaining why such existing products do not satisfy agency needs. This page shall be signed by the agency official responsible for audiovisual clearance and authorization.

b. *Federal Audiovisual Information Report.* The Federal Audiovisual Information Report (FAVIR), Standard Form _____, (Appendix 1) will be prepared by each agency when actual production of audiovisual materials is authorized or budget approval obtained, except as noted in paragraph 5. Section I of the FAVIR is designed to assist Federal agencies in learning about similar materials being produced in other agencies, and thereby assist in reducing any duplication of production effort. Preproduction sections of the report will be completed and sent to the National Audiovisual Center and will consist of information about materials planned or in process. Upon completion of an audiovisual production, the postproduction sections of the FAVIR will be completed and forwarded to NAC. This information will become part of the Center's master data bank. Information from the data bank will be provided upon request to other Federal agencies and the public.

c. *Distribution.* Executive departments and establishments will upon request by NAC, provide duplication materials and/or camera ready copy for accompanying printed materials necessary for the Center to make copies available to the public and other Federal agencies.

(1) Agencies may elect to loan duplication materials to NAC when required or provide it for the Center's permanent use. Under either condition NAC retains the right to place duplication material in a laboratory selected by the Center to ensure the best price to the public. Duplication material on loan to NAC will be promptly returned (usually within 30 days) to the agency but may through special arrangement with the producing agency be retained in the Center's laboratory until specifically requested by the agency.

(2) When acceptable duplication material is no longer available from an agency, the agency will loan NAC the original materials and/or printing masters necessary for the Center to duplicate at its expense the duplication material needed for reproduction. The original material may be maintained at the agency's laboratory for the production of duplication materials or, if mutually agreeable, be moved to a laboratory designated by NAC. The materials will be returned immediately after production of the duplication materials.

(3) Arrangements for the transfer of materials to NAC will normally be initiated by

the Center. Agencies, however, desiring to deposit duplication materials with NAC may arrange for automatic transfer upon completion of productions by executing an interagency agreement with the Center.

(4) NAC shall determine the prices of items for sale and rent through the Center under the authority of 44 U.S.C. 2112(c).

(5) Agencies desiring to make their productions available for sale to the public through commercial, internal or other distribution channels may continue to do so provided the agency head determines that such actions are necessary for the efficient operation of the agency. Duplication materials of productions distributed by agencies will be made available to NAC upon request.

5. *Exclusions.* Executive departments and establishments will ensure that information and duplication materials for audiovisual productions produced by or for Federal agencies are made available to the National Audiovisual Center for sale or rent to the public and other Federal agencies except for:

a. Those items which have a security classification.

b. Those items made for internal use which have specifically been denied public release by the producing agency.

c. Those items which the agencies deem to have a useful life of short duration (usually six months or less) or cost (usually $500 or less) that release of these materials would not be of benefit to the public.

d. Those mixed media packages in which the accompanying printed material clearly predominates over the audiovisual material and are normally handled by the Superintendent of Documents. In some instances, audiovisual materials from mixed media packages may be available through the Center with printed materials available through the Superintendent of Documents.

e. Agencies prohibited by statute from distributing audiovisual products within the United States are not required to deposit audiovisual products with NAC. Such agencies, are, however, required to comply with paragraphs 4a and 6 of this attachment.

6. *Free loan libraries.* Agencies which make their productions available to the public through their own free loan libraries shall survey existing similar free loan libraries within their organizations and in their geographical areas with a view toward consolidating into as few locations as possible. As a general rule, each department should have no more than one free loan library. After a title has been in distribution through an agency's free loan library for three years, consideration shall be given to making the title available to NAC for further possible access, in accordance with provisions 4C (1), (2), (3), and (4).

7. *Evaluation*

a. Agencies should obtain independent evaluations of 25 percent of their annual audiovisual productions to determine the effectiveness of the products in communicating their intended messages. Where possible, particularly with educational and training materials, the effectiveness should be tested at the front end prior to the completion of costly production steps. Agencies producing four or fewer films per year should obtain evaluations of one film.

b. Agencies maintaining internal distribution channels for the distribution of their audiovisual products, shall evaluate the effectiveness of their distribution systems on an annual basis.

8. *Annual Audiovisual Activities Reports.* This report, Standard Form _____ (Appendix 2) will be submitted to NAC by each agency on a Fiscal Year basis. The first report for the fiscal year ending September 30, 1977 is due to NAC by January 1, 1978. The purpose of the report is to acquire data on Federal audiovisual activities. Such information, once compiled, will be made available upon request to all executive departments and agencies, and to the public. Copies of Standard Form _____ may be obtained from General Services Administration through forms distribution systems.

9. *Implementing Instructions.* The Administrator of General Services will issue such additional instructions as he deems appropriate to implement the Federal Audiovisual Information Report and the Annual Activities Report.

ATTACHMENT E.—USE OF GRANTS AND COOPERATIVE AGREEMENTS

1. *Policy intent.* The intent of this attachment is to restrict the procurement of audiovisual products through grants and cooperative agreements.

2. *Definitions.* For purposes of this attachment the following terms shall have the meanings set forth below:

a. Grants and cooperative agreements are legal instruments reflecting a relationship between the Federal Government and a State or local government or other recipient. Grants and cooperative agreements are appropriate for use when the principal purpose of the instrument is the transfer of money, property, services, or anything of value to the State or local government or other recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government.

b. Procurement contracts are legal instruments reflecting a relationship between the Federal Government and a State or local government or other recipient. Procurement contracts are appropriate for use whenever the principal purpose of the instrument is the acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the Federal Government.

3. *Policies and procedures.*

a. Agencies should use procurement contracts to procure audiovisual products. Grants and cooperative agreements should not be used except in special instances where the agency determines that the Government's best interest would be served by using a grant or cooperative agreement in lieu of a procurement contract.

b. Where grants or cooperative agreements result in audiovisual products that are intended for the direct benefit or use of the Federal Government, agencies shall reserve a royalty free, non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the product for Government purposes.

c. Appropriate copies of audiovisual products resulting from grants and cooperative agreements shall be provided to the National Audiovisual Center in accordance with paragraph 4, Attachment D.

Appendix 1

FEDERAL AUDIOVISUAL INFORMATION REPORT

1. NAC Report Control No.	2. Report Date / /	3. NAC ID No.		
4. Report Status ___ 5. Production Status ___	6. Title:			
7. Working Title:				
8. Series Title:				
9. Version	10. Language			
11. Size	12. Stock	13. Sound Mode	14. Medium	15. Track
16. Playback Format	17. Advance Signal Frequency: Aud. Hz. Inaud. Hz.			
18. Playback Speed	19. Running Time	20. No. of Units		
21. Titles in Series	22. Dimensions of Container cm.	23. Diameter of Reel in.		
24. Beginning Production / /	25. Estimated Completion / /	26. Completion / /		
27. Cancellation / /	28. Release Year	29. Production Source Type		
30. Production Source: Address/Zip: Phone:				
31. Reporting Agency: Contact Name & Position: Address/Zip: Phone:				
32. Sales Source: Address/Zip: Phone:				
33. Rental Source: Address/Zip: Phone:				
34. Loan Source: Address/Zip: Phone:				
35. Preprint Location: Address/Zip: Phone:				
36. Summary:				
37. Subject Areas:				
38. Credits:				
39. Accompanying Printed Materials:				
40. P.A.C. No.	41. T.A.C. No.	42. Content Status	43. Educ. Level	
44. Estimated Obsolete Year	45. Audience Type:			
46. Contents of Multimedia Kit:				
47. TV Clearance:				
48. Reproduction Rights:				
49. Limitations:				
50. Remarks:				

FEDERAL AUDIOVISUAL INFORMATION REPORT
Instructions

If an item does not apply or if there is no information to be given, please type in "N. A." for NOT APPLICABLE.

1. NAC Report Control No. - FOR NAC USE ONLY.
2. Report Date - The date the report form is submitted.
3. NAC ID No. - FOR NAC USE ONLY.
4. Report Status -
   A = Initial report to NAC
   B = Changing or Deleting data from previous report.
   C = Adding new data to a previous report.
   D = Reporting cancellation of production.
5. Production Status -
   A = Postproduction
   B = Preproduction. For preproduction report fill in segments #2,4,5,7,11, 12,24,25,27,29,31,36,41, and 50 only.
6. Title: The name given to an audiovisual, including the subtitle, transcribed exactly as on the completed audiovisual.
7. Working Title: Used to identify an audiovisual while it is in production.
8. Series title: If the audiovisual is part of a series, enter the series title.
9. Version: Word or phrase identifying an audiovisual which varies in content from another production but retains the same title, such as "Revised Version", "Short Version," "Technical Edition," etc.
10. Language: The language of the captions, sound, or accompanying material of an audiovisual.
11. Size:
    A = R8mm D = 35mm G = 1/2 in. K = 2 in. N = 2 in. x 2 in.
    B = S8mm E = 1/8 in. H = 3/4 in. L = 10 in. P = 8 1/2 in. x 10 in.
    C = 16mm F = 1/4 in. J = 1 in. M = 12 in. Z = Other (Specify)
12. Stock: A = Black & White, B = Color
13. Sound Mode: A = Mono B = Stereo C = Quad D = Silent
14. Medium:
    A = Audiodisc D = Motion Picture G = Transparency
    B = Audiotape E = Multimedia Kit H = Videodisc
    C = Filmstrip F = Slide J = Videotape
15. Track:
    Motion Pictures Only: A = Magnetic B = Optical.
    Other Media: C = Whole Track D = 2-Track E = 4-Track
16. Playback Format:
    A = Audible Advance Signal C = Captioned E = Cassette G = Mounted
    B = Inaudible Advance Signal D = Dartridge F = Reel-to-Reel H = Other (Specify)
17. Advance Signal Frequency: Indicate in Hertz.
18. Playback Speed:
    A = 33 1/3 RPM C = 1 15/16 IPS E = 7 1/2 IPS
    B = 45 RPM D = 3 7/8 IPS F = Other (Specify)
19. Running Time - The length of time it takes to listen to or view an audiovisual which runs at a fixed speed, such as a sound filmstrip. Round off to the nearest whole minute unless it is less than one minute, in which case give seconds.
20. Number of Units - The number of slides, frames, reels, cassettes, etc.
21. Number of Titles in Series - If the audiovisual is part of a series, indicate the current number of titles in the series.
22. Dimensions of Container - Required for Multimedia Kit only, in centimenters.
23. Diameter of Reel - Required for reel-to-reel audiotape only, in inches.
24. Beginning Production - The date actual physical production begins, such as filming, taping, etc.
25. Estimated Completion - The date release copies of an audiovisual will become available, as estimated by the agency.
26. Completion - The date actual physical production is completed, such as filming, taping, etc.
27. Cancellation - The date production of an audiovisual is permanently discontinued.
28. Release Year - The year release copies of an audiovisual actually become available for public distribution.
29. Production Source Type -
    A = Produced under contract. B = Produced under grant. C = In-house production.
30. Production Source - List contractor, grantee, or production unit.
31. Reporting Agency - The government unit submitting the report form and an individual who may be contacted for further information.
32. Sales Source - Indicate the sales distributor, if any.
33. Rental Source - Indicate the rental distributor, if any.
34. Loan Source - Indicate the loan distributor, if any.

FEDERAL AUDIOVISUAL INFORMATION REPORT
Instructions
(Cont'd)

35. Preprint Location:- Indicate the storage place for preprint material.
36. Summary - A narrative description of the content of an audiovisual.
37. Subject Areas:- Assign categories identifying the subject matter of an audiovisual.
38. Credits - List individuals or organizations which have made a noteworthy contribution to the production of an audiovisual. Specify the contribution made by each.
39. Accompanying Printed Materials - Give the following data: title; author; number of pages; illustrations; type of material, e.g. teacher's guide; source where copies are obtained, e.g. GPO or agency; Superintendent of Documents number; Library of Congress card number; and agency control or publication number.
40. P.A.C. No. (Permanent Agency Control No.) - The identification number used by an agency for a completed audiovisual.
41. T.A.C. No. (Temporary Agency Control No.)- Temporary Agency Control Number, the working number assigned by an agency to an audiovisual which has not been completed.
42. Content Status - A = Historical Value - Does not necessarily reflect current policy or plans of the reporting agency.
    B = Obsolete - The content is merely outdated for use within the reporting agency.
43. Education Level -
    A = Pre-school to Kindergarten E = High School (grades 10-12)
    B = Primary (grades 1-3) F = College
    C = Intermediate (grades 4-6) G = Adult Education
    D = Junior High School (grades 7-9) H = General Use
44. Estimated Obsolete Year - The year the subject content is expected to become outdated.
45. Audience Type - Indicate the occupation, profession, ethnic background, or other characteristics of the audience for which the audiovisual was designed.
46. Contents of Multimedia Kit: Describe the contents in detail, including the physical description of each audiovisual or print component. This could include medium designator, size, stock, playback format, track, sound mode, playback speed, running time, footage, and number of units. Specify the titles of individual components, if any. Attach additional sheets if more space is needed.
47. TV Clearance: Restraints placed on the presentation of an audiovisual via television.
48. Reproduction Rights: Privileges granted or not granted to a purchaser or borrower for the reproduction of an audiovisual.
49. Limitations: Limitations which are placed on the use, sale, rental, or loan of an audiovisual.
50. Remarks: Awards received, etc.

JUN 21 1977

Appendix 2

ANNUAL AUDIOVISUAL ACTIVITY REPORT

AGENCY IDENTIFICATION	1. Report for FY19__	2. Date mo. / day / yr.
3a. Reporting Agency		
3b. Agency Contact (Name and Title)		
3c. Address/Zip		
3d. Phone (include area code): Commercial	Autovon	FTS

AUDIOVISUAL FACILITIES	No.	Sq.Ft.
4a. Govt owned & operated		
4b. Govt leased & operated		
4c. Contractor operated		
4d. Totals		

OFF-THE-SHELF PURCHASES	Motion Picture	Video-Tape/Disc	Audio-Tape/Disc	Other Media
5a. Titles				
5b. Copies				
5c. Cost				

	Motion Picture		Videotape/disc		Audiotape/disc		Other Media	
PRODUCTION	In-House	Contractor	In-House	Contractor	In-House	Contractor	In-House	Contractor
6a. Titles								
6b. Min.								
6c. Cost								
DUPLICATION								
7a. Min.								
7b. Cost								
A.V. LIBRARY								
8a. Copies								
8b. Loans								
8c. Cost								

INSTRUCTIONS

GENERAL INSTRUCTIONS Submit original and one copy to National Audiovisual Center (NAC), General Services Administration, ATTN: Cataloging Section, Washington, DC 20409. Report must be made within ninety days after the end of each fiscal year.

DEFINITIONS

Audiovisual Activity: The production, reproduction, storage, distribution, or management of motion pictures, videotapes and discs, audiotapes and discs, and other media.

Audiovisual Facilities: A building or space within a building housing an audiovisual activity (includes administrative offices).

Contractor: A commercial source providing audiovisual products and services to an agency through contract or purchase order. If over 50% of the product or service is contractual, the entire product or service is considered contract-supplied for the purpose of this report.

Cost: Include all direct and indirect costs associated with in-house and contract operations. Contract costs should include amount paid directly to suppliers, and expenses of preparing solicitations, evaluating offers and negotiating, awarding and managing contracts. In-house costs should include all amounts paid for personnel services and benefits; space rental including maintenance, repair and utility services; supplies, materials and equipment purchases; travel and transportation expenses; consultant and service fees, and indirect costs such as management and supervision.

[FR Doc.77-17549 Filed 6-20-77;8:45 am]

Vol.42—No.120
6–22–77

PAGES
31591–31758

Federal Register

WEDNESDAY, JUNE 22, 1977

highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for August are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, 202–523–5282.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED
Atlanta, Ga., 7–13, 7–14.
(Details: 42 FR 30015, 6–10–77.)

For reservations call: Dave Conner at (404) 881–4661.

SUNSHINE ACT MEETINGS 31686

FUEL EFFICIENCY INCENTIVE TAX PROPOSAL
ITC institutes investigation of impact on future of U.S. passenger automobile industry; hearing 7–6–77 31661

FUTURES COMMISSION MERCHANTS
CFTC proposes to establish early warning system against financial deterioration; comments by 11–1–77 (Part V of this issue) 31739

HEARING PROTECTIVE DEVICES
EPA proposes noise labeling requirements; comments by 9–20–77 (Part IV of this issue) 31729

NOISE LABELING STANDARDS
EPA proposes general provision for a product labeling regulatory program; comments by 9–20–77 (Part III of this issue) 31721

TRAVELERS INFORMATION STATION
FCC establishes new class of radio station on frequencies 530 and 1610kHz for transmission to motorists; effective 7–29–77 31594

COLLEGE HOUSING
HUD adopts requirements to reactivate the College Housing Direct Loan Program on a limited basis for FY 1977; effective 6–22–77 (Part VII of this issue) 31751

CONTINUED INSIDE

VOL 42 NO 120 JUN 22 77
UMI

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

SECOND CLASS MAIL PRIVILEGES
PS simplifies filing of applications for privileges and clarifies pocedures for appeals of rulings on mailability of certain items; effective 6–22–77 31592

RAILROAD REVITALIZATION
ICC adopts new standards and procedures regarding rate incentives for capital investment; effective 6–8–77 31602

CONTRACT APPEALS
NASA proposes general procedures to promote greater uniformity in government procurement, practices and procedures; comments by 7–22–77 31605

NATIONAL FLOOD INSURANCE
HUD/FIA proposes elevation determinations for various areas (24 documents) (Part II of this issue) 31708–31719

DOMESTIC CRUDE OIL ALLOCATION
FEA publishes entitlement notice for April 1977 (Part VI of this issue) 31743

ORGANIZATIONAL PROCESSES IN EDUCATION, PROGRAM OF RESEARCH GRANTS
HEW/OE announces 7–15 and 7–22–77 as closing dates for grant applications 31645

MEETINGS—
CAB: Port of Portland, presentation regarding operations, 7–14–77 31613
Commerce/NOAA: Mid-Atlantic Fishery Management Council and its Scientific and Statistical Committee, 7–11 and 7–12–77 31616
DOD/Navy: Chief of Naval Operations Executive Panel Advisory Committee, 7–12 and 7–13–77 31616
International Women's Year Observance, National Commission: Various State Committees, 6–22 thru 6–26–77 31663
NASA: Research and Technology Advisory Council, 7–13 and 7–14–77 31662
NSF: Science Education Advisory Committee, 7–7 and 7–8–77 31664
State/AID: International Food and Agricultural Development Board, 7–11–77 31664

SEPARATE PARTS OF THIS ISSUE
Part II, HUD/FIA 31707
Part III, EPA 31721
Part IV, EPA 31729
Part V, CFTC 31739
Part VI, FEA 31743
Part VII, HUD 31751

V 42 120
JUN 22 77
UMI

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Meetings:
International Food and Agricultural Development Board_ 31664

AGRICULTURE DEPARTMENT
See Forest Service.

ALCOHOL, TOBACCO AND FIREARMS BUREAU
Notices
Firearms, granting of relief_____ 31665

ANTITRUST DIVISION, JUSTICE DEPARTMENT
Notices
Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
Union Carbide Corp_____ 31661

CIVIL AERONAUTICS BOARD
Notices
Meetings:
Portland, Port of_____ 31613

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Environmental Protection Agency _____ 31604

COMMERCE DEPARTMENT
See Domestic and International Business Administration; Economic Development Administration; National Oceanic and Atmospheric Administration.

COMMODITY FUTURES TRADING COMMISSION
Proposed Rules
Commodity Exchange Act regulations:
Futures commission merchants; minimum financial requirements _____ 31739

DEFENSE DEPARTMENT
See Navy Department.

DELAWARE RIVER BASIN COMMISSION
Notices
Comprehensive plan, sewage treatment plant projects; hearings _____ 31616

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Motor vehicle manufacturers, bona fide; list of names and addresses as of May 1, 1977____ 31613

ECONOMIC DEVELOPMENT ADMINISTRATION
Notices
Import determination petitions:
Reis, Robert, & Co_____ 31616

EMERGENCY NATURAL GAS ACT OF 1977, ADMINISTRATOR
Notices
Emergency orders, etc.:
McCormick 1976 Oil and Gas Program et al_____ 31611
TUCO Inc. et al_____ 31611
United Gas Pipeline Co. (2 documents) _____ 31611, 31612

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air quality implementation plans; various States, etc.:
California _____ 31609
Noise abatement programs:
Hearing protectors; labeling requirements _____ 31721
Product labeling standards____ 31729
Notices
Air pollution control, new motor vehicles and engines:
California; waivers (2 documents) _____ 31637, 31639
Pesticide chemicals; tolerances, exemptions, etc.; petitions:
Abbott Laboratories_____ 31642
Monsanto Co_____ 31643
Rohm & Haas Co_____ 31643
Sandoz, Inc_____ 31643
U.S. Borax Corp_____ 31644
Pesticide registration:
Applications _____ 31641

FEDERAL COMMUNICATIONS COMMISSION
Rules
Frequency allocations and radio treaty matters and public safety radio services:
Travelers Information Station; operation in frequency range 530 and 1610 kHz_____ 31594
Notices
Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies_____ 31618
Hearings, etc.:
Peninsula Broadcasting Corp. et al. (2 documents)_____ 31617

FEDERAL ENERGY ADMINISTRATION
Notices
Crude oil, domestic, allocation program; 1977; entitlement notices:
April _____ 31743
Environmental statements; availability, etc.:
Arizona, New Mexico, and Utah energy conservation plans____ 31618

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING
Rules
College housing; loans; construction or acquisition of dormitories, FY 1977 program_____ 31751

FEDERAL INSURANCE ADMINISTRATION
Proposed Rules
Flood Insurance Program, National:
Flood elevation determinations, etc. (24 documents) ___ 31708–31719

FEDERAL MARITIME COMMISSION
Notices
Agreements filed, etc.:
Lakes & Rivers Transfer Corp. et al_____ 31618
Lykes Bros. Steamship Co., Inc., et al_____ 31619

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Alabama-Tennessee Natural Gas Co. et al. (2 documents)_ 31619
Alaska Power & Telephone Co__ 31624
Arkansas Power & Light Co___ 31619
Central Maine Power Co_____ 31620
Cities Service Gas Co_____ 31620
Connecticut Light & Power Co__ 31621
Distrigas Corp. et al. (2 documents)_____ 31626, 31627
El Paso Natural Gas Co_____ 31629
Florida Gas Transmission Co__ 31621
Granite State Gas Transmission, Inc _____ 31629
Gulf States Utilities Co_____ 31630
Gulf Power Co_____ 31622
Iowa Electric Light & Power Co_ 31622
Michigan Wisconsin Pipe Line Co _____ 31630
Minnesota Power & Light Co. (2 documents)_____ 31622, 31631
Mississippi River Transmission Corp _____ 31631
Montana-Dakota Utilities Co___ 31631
National Fuel Gas Supply Corp_ 31632
Northwest Pipeline Corp_____ 31632
Oklahoma Natural Gas Gathering Corp_____ 31622
Panhandle Eastern Pipe Line Co _____ 31625
Public Utility District No. 1 of Chelan County, Wash_____ 31633
Southern Natural Gas Co_____ 31633
Tennessee Gas Pipeline Co. (2 documents)_____ 31625, 31634
Tennessee Natural Gas Lines, Inc. (2 documents)_____ 31623
Transcontinental Gas Pipe Line Corp _____ 31623
TransOcean Oil, Inc_____ 31623
Valley Gas Transmission, Inc__ 31626
Washington Natural Gas Co____ 31626
West Penn Power Co_____ 31624

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
Baldwin, D. H., Co_____ 31634
Bankstock One, Inc_____ 31634
First International Bancshares, Inc _____ 31635
First Missouri Banks, Inc_____ 31636
Republic New York Corp. et al__ 31636

FEDERAL TRADE COMMISSION
Rules
Procedures and practice rules:
Adjudicative procedures; interlocutory appeals_____ 31591
Trade practice rules, various industry guides:
Obsolete CFR Parts rescinded__ 31591

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Carson National Forest, Red River Ski Area, N. Mex_____ 31613

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also National Institute of Education.
Notices
Information collection and data acquisition activity, description; inquiry_____ 31645
Organization, functions, and authority delegations:
Civil Rights Office; reorganization _____ 31647

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT
Notices
Applications, etc.:
B.B. & N. Coal Co., Inc_____ 31655
Buffalo Coal Co_____ 31655
Deskins Branch Coal Co_____ 31655
Devonia Coal Corp_____ 31655
Island Creek Coal Co_____ 31656
J.H. & L. Coal Co_____ 31656
Oakwood Fuel, Inc. (2 documents)_____ 31656, 31657
Pontiki Coal Corp_____ 31657
Red Ash Sales Co., Inc_____ 31657
Republic Steel Corp_____ 31657
United States Steel Corp. (2 documents)_____ 31658, 31659
Wellmore Coal Co_____ 31660

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Housing Commissioner—Office of Assistant Secretary for Housing; Federal Insurance Administration; Interstate Land Sales Registration Office.

INTERIOR DEPARTMENT
See also Hearings and Appeals Office; Land Management Bureau; National Park Service.
Notices
Authority delegations:
Secretary et al.; existing authority, clarification_____ 31661
Environmental statements; availability, etc.:
Planet Townsite Land Exchange, Ariz_____ 31660

INTERNATIONAL TRADE COMMISSION
Notices
Fuel efficiency incentive tax proposal; investigation and hearing _____ 31661
Import investigations:
Cattle, live and edible meat products; hearing location changed _____ 31661

INTERNATIONAL WOMEN'S YEAR OBSERVANCE, NATIONAL COMMISSION
Notices
Meetings; Women's Coordinating Committees:
Massachusetts, Nebraska, Pennsylvania, et al_____ 31663

INTERSTATE COMMERCE COMMISSION
Rules
Practice rules:
Railroad Revitalization and Regulatory Reform Act procedures; rate incentives for capital investment_____ 31602
Notices
Agreements under sections 5 a and b, applications for approval, etc.:
Alaska Carriers Association, Inc _____ 31667
Hearing assignments_____ 31666
Motor carriers:
Irregular route property carriers; gateway elimination___ 31667
Section 5(2) applications_____ 31665
Temporary authority applications (3 documents)_____ 31675, 31679, 31682
Transfer proceedings_____ 31667

INTERSTATE LAND SALES REGISTRATION OFFICE
Notices
Land developers; investigatory hearings, orders of suspension, etc.:
Caliente Casa de Sol_____ 31652
Roland Land Co. et al_____ 31652

JUSTICE DEPARTMENT
See also Antitrust Division.
Notices
Pollution control; consent judgments; U.S. versus listed companies:
N. L. Industries, Inc_____ 31662

LAND MANAGEMENT BUREAU
Notices
Applications, etc.:
New Mexico_____ 31654
Wyoming _____ 31654
Withdrawal and reservation of lands, proposed, etc.:
Idaho (2 documents)_____ 31653

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
Proposed Rules
Contract appeals; procedures____ 31605
Notices
Meetings:
Research and Technology Advisory Council_____ 31662

NATIONAL INSTITUTE OF EDUCATION
Notices
Grants programs:
State education agency applications; closing date for receipt_ 31645
Meetings:
National Council on Educational Research _____ 31644

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Notices
Meetings:
Mid-Atlantic Fishery Management Council, Scientific and Statistical Committee_____ 31616

NATIONAL PARK SERVICE
Notices
Historic Places National Register; pending nominations_____ 31654

NATIONAL SCIENCE FOUNDATION
Notices
Meetings:
Science Education Advisory Committee _____ 31664

NAVY DEPARTMENT
Notices
Meetings:
CNO Executive Panel Advisory Committee _____ 31616

POSTAL SERVICE
Rules
Postal Service Manual:
Second-class controlled circulation, and third-class mailings; mailability and eligibility appeal procedures_____ 31592

STATE DEPARTMENT
See Agency for International Development.

TREASURY DEPARTMENT
See Alcohol, Tobacco and Firearms Bureau.

V42N120 JUN 22 77 UMI

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

213 31604

14 CFR

PROPOSED RULES:

1241 31605

16 CFR

3 31591
25 31591
42 31591
132 31591
158 31592
176 31592
182 31592
186 31592
194 31592
201 31592
207 31592

17 CFR

PROPOSED RULES:

1 31740

24 CFR

279 31752

PROPOSED RULES:

1917 (24 documents) 31708–31720

39 CFR

111 31592

40 CFR

PROPOSED RULES:

52 31609
211 (2 documents) 31722, 31730

47 CFR

2 31594
89 31594

49 CFR

1109 31602

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:

11861 (Amended by EO 11995) 29841
11905 (Amended by EO 11994) 28869
11985 (See EO 11994) 28869
11994 28869
11995 29841
11996 30489

PROCLAMATIONS:

4445 (Revoked in part by Proc. 4509) 30829
4477 (See Proc. 4509) 30829
4505 29471
4506 30143
4507 30351
4508 30353
4509 30829

MEMORANDUMS:

June 2, 1977 29843

5 CFR

213 ..... 28515, 28989, 29845, 29846, 29879, 30355, 30831, 31455, 31456, 31604
752 28516
754 28516
771 28516
831 29846

PROPOSED RULES:

831 29880

7 CFR

26 30145
68 30599
908 30600
210 30355
271 ..... 28516, 30831
401 ..... 28871–28873, 28989
402 31427
411 28873
413 28141
724 29847
730 30355
905 27875
908 ..... 28144, 29487
910 ..... 28516, 29848, 30831
911 30147
916 30491
918 29487
922 30492
1004 29848
1207 29295
1427 29849
1446 ..... 28989, 30832
1472 29854
1474 30832
1488 30833

PROPOSED RULES:

51 30626
53 29313
271 28546
905 30198
911 30513
915 30513
916 ..... 27911, 30206
917 ..... 28146, 30513, 30514, 30626
921 29489
922 30514

7 CFR—Continued

PROPOSED RULES—Continued

923 27912
989 27913
1006 30627
1012 30627
1013 30627
1030 27921
1040 29881
1065 28897
1094 30627
1096 30627
1205 29313
1435 30409
1701 ..... 29012, 31457
1822 29885
1933 29885

8 CFR

223 28113
238 ..... 28990, 29871

PROPOSED RULES:

100 28547
244 30845

9 CFR

1 ..... 31022, 31561
2 ..... 31022, 31561
3 31561
78 28517
105 31430
112 ..... 28519, 29854

PROPOSED RULES:

94 30844
95 30844
113 ..... 28548, 28549

10 CFR

2 28893
21 28893
31 28896
34 28896
35 28896
40 28896
70 28896
Ch. II 31143
211 27908
212 27908
214 29295
430 ..... 27896, 30401
440 27899
745 30492

PROPOSED RULES:

2 31167
70 28147
73 28147
202 28147
211 27936
212 ..... 27936, 29490
430 ..... 27941, 27951, 30206, 30210, 30401, 30627
450 29906

12 CFR

207 29299
226 ..... 28520, 30148, 31430
264 27876
265 ..... 28521, 30601
268 28522
545 29473

12 CFR—Continued

561 29473
748 30493

PROPOSED RULES:

340 27955
543 29511
545 29512
584 29512
611 31167
614 31167
615 31167

13 CFR

112 28530
121 29300

PROPOSED RULES:

113 29317

14 CFR

23 30601
39 ..... 28873, 29474, 30603–30605, 31151–31156
71 ..... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157
73 29475
75 ..... 30149, 30611
91 30601
95 28115
97 ..... 28120, 29477, 31158
221 28874–28876
372a 28121
378a 28122

PROPOSED RULES:

1 28148
23 29688
25 29688
27 29688
29 29688
33 29688
39 ..... 28897, 29513, 31171, 31172
71 ..... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174
73 30642
77 30642
107 30766
Ch. II 28898
298 28150
378 30376
1241 31605

15 CFR

379 28998

16 CFR

3 31591
4 30150
13 ..... 27877, 28531, 29012, 29478, 30493, 31164
25 31591
42 31591
132 31591
158 31592
176 31592
182 31592
186 31592
194 31592
201 31592
207 31592

V.42 No.120 JUN 22 77 UMI

16 CFR—Continued

1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060

PROPOSED RULES:

13 ... 28550, 29516, 29915, 30515, 30516
23 ... 29916, 31457
26 ... 31457
34 ... 31457
36 ... 31457
40 ... 31457
41 ... 31457
46 ... 31457
54 ... 31457
56 ... 31457
57 ... 31457
60 ... 31457
61 ... 31457
62 ... 31457
67 ... 31457
74 ... 31457
103 ... 31457
114 ... 31457
117 ... 31457
118 ... 31457
131 ... 31457
142 ... 31457
146 ... 31457
150 ... 31457
152 ... 31457
154 ... 31457
157 ... 31457
160 ... 31457
162 ... 31457
165 ... 31457
175 ... 31457
192 ... 31457
197 ... 31457
205 ... 31457
209 ... 31457
210 ... 31457
214 ... 31457
215 ... 31457
216 ... 31457
221 ... 31457
223 ... 31457
224 ... 31457
441 ... 28551
456 ... 29917
1026 ... 31458

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880
271 ... 28999
275 ... 29300

PROPOSED RULES:

1 ... 31740
9 ... 30472
200 ... 30378
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716
240 ... 29918, 30845
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:

201 ... 30846
260 ... 30846

19 CFR

159 ... 28531, 28532, 31449

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855
101 ... 31449
155 ... 30358, 30359, 31449
173 ... 29856
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450
539 ... 29003
555 ... 29859
558 ... 28535
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450
650 ... 29859
660 ... 29859
701 ... 30361
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:

15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389

21 CFR—Continued

PROPOSED RULES—Continued

180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
201 ... 30867
510 ... 29928
558 ... 29928
808 ... 30383
1309 ... 28560
1316 ... 31460

22 CFR

PROPOSED RULES:

123 ... 28551, 29929, 30391
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304
221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
279 ... 31752
1914 ... 29428–29431, 30304, 31254–31257
1915 ... 29433, 30305
1916 ... 29307, 30344
1917 ... 31259–31271
1920 ... 28878–28882, 29859–29870, 30160–30174
1930 ... 29479
1931 ... 29479

PROPOSED RULES:

1908 ... 29692
1911 ... 29692
1912 ... 29692
1913 ... 29692
1914 ... 29692
1917 ... 31272–31280, 31546–31553, 31708–31720
1921 ... 29692
1922 ... 29692
1923 ... 29692

25 CFR

191 ... 30367
192 ... 30367

25 CFR—Continued

193 ... 30367
194 ... 30367
195 ... 30367
196 ... 30367
197 ... 30367
198 ... 30367
199 ... 30367
200 ... 30367
201 ... 30367
221 ... 28538, 30367
256 ... 31450

PROPOSED RULES:

54 ... 30647
221 ... 30867
258 ... 28552
260 ... 30216

26 CFR

1 ... 30496
11 ... 27881
54 ... 27882, 31159

PROPOSED RULES:

1 ... 29517, 31462
301 ... 30868

27 CFR

250 ... 30835

PROPOSED RULES:

4 ... 30517

28 CFR

0 ... 29003
17 ... 29307

PROPOSED RULES:

2 ... 29934

29 CFR

29 ... 30836
97 ... 30367
1952 ... 30368

PROPOSED RULES:

1601 ... 31174
1910 ... 29021
1952 ... 29024
2610 ... 29318

30 CFR

55 ... 29418
56 ... 29420
57 ... 29422
211 ... 30175

PROPOSED RULES:

55 ... 30772
56 ... 30772
57 ... 30772
70 ... 28151

31 CFR

51 ... 27883
530 ... 31453

32 CFR

PROPOSED RULES:

276 ... 27963
286b ... 29935
643 ... 31032

33 CFR

1 ... 31159
110 ... 30618

33 CFR—Continued

114 ... 28882
115 ... 28882
117 ... 30178, 30179
127 ... 30179
161 ... 29480
205 ... 30368
266 ... 31159
401 ... 29308

PROPOSED RULES:

117 ... 30216–30218
209 ... 29025

36 CFR

2 ... 30501
7 ... 31453
221 ... 28252
222 ... 30836
223 ... 28252
231 ... 30836
261 ... 30503

37 CFR

3 ... 27883, 31159

PROPOSED RULES:

1 ... 30522

38 CFR

36 ... 28883

PROPOSED RULES:

8a ... 30392

39 CFR

10 ... 29488
111 ... 27892, 29308, 29488, 31592
224 ... 29308
601 ... 29488
952 ... 30504
954 ... 30504
958 ... 30504

PROPOSED RULES:

111 ... 28153

40 CFR

35 ... 29481
52 ... 27892, 28122, 28539, 28883, 29004, 30369, 30504
61 ... 29005
85 ... 28123
86 ... 28130, 31159
180 ... 28540
416 ... 29871

PROPOSED RULES:

52 ... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609
61 ... 28154
86 ... 28970
162 ... 31284
173 ... 31284
211 ... 31722, 31730
600 ... 28970

41 CFR

3-3 ... 29871
3-30 ... 30190
4-2 ... 28871
4-50 ... 31454
7-7 ... 28540
7-30 ... 30619
8-1 ... 28541

41 CFR—Continued

9-5 ... 29873, 31160
9-51 ... 29308
9-55 ... 29308
Ch. 14 ... 30196
15-19 ... 30509
101-38 ... 31454
101-45 ... 31455
101-47 ... 31455
114-1 ... 30196

PROPOSED RULES:

3-4 ... 29872, 29937
5B-2 ... 27966
29-1 ... 31462
29-2 ... 31462
29-3 ... 31462
29-12 ... 31462
29-61 ... 31462
105-65 ... 29319
110-26 ... 28556

42 CFR

51e ... 28692
66 ... 29482
110 ... 29400

PROPOSED RULES:

67 ... 29518

43 CFR

2360 ... 28720

PROPOSED RULES:

422 ... 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) ... 30180
5618 ... 30370
5619 ... 30180

45 CFR

177 ... 29009
201 ... 28884
249 ... 28700
304 ... 28885
1067 ... 29873

PROPOSED RULES:

12 ... 27966
122a ... 28706
136 ... 28899
163 ... 28159
163a ... 28159
197 ... 30290
1067 ... 29523

46 CFR

1 ... 31160
2 ... 28886
5 ... 31160
31 ... 28886
151 ... 28886
187 ... 29483
401 ... 30619, 31160
549 ... 31161

PROPOSED RULES:

30 ... 30220
32 ... 30220
34 ... 30649
50 ... 29026, 30220
54 ... 29026, 30220
56 ... 29026, 30220
58 ... 29026, 30220
61 ... 29026, 30220
76 ... 30649

V 42 N 120
JUN 22 77
UMI

46 CFR—Continued

PROPOSED RULES—Continued

95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 30649
167 30649
193 30649
507 29524
536 30399
543 ..... 30584, 31175

47 CFR

0 30370
1 ..... 27894, 28887, 30180
2 ..... 31006, 31594
21 27894
23 27894
68 29010
73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008
83 ..... 29309, 31012
87 ..... 27895, 29483
89 27895
89 ..... 27895, 30511, 31594
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

43 31175
64 27971
67 ..... 30220, 30221
68 28559
73 ..... 27971, 27973, 29027, 30400
76 ..... 30222, 30401
83 28164
87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
567 31161
568 31161
571 ..... 28135, 30188, 30620, 31162
1002 31163
1003 31163
1033 ..... 28542, 28543, 28888, 30840, 30841, 31163
1043 31163
1045A 31163
1063 29309
1100 29311
1109 31602
1307 ..... 28889, 30190

PROPOSED RULES:

571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

17 ..... 28052, 28136, 28543
26 29312
32 ..... 28545, 30373, 30621
33 ..... 29312, 30621
217 28137
222 28137
258 30621
285 30373
371 30841
651 29876
661 29485

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
611 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
27875–28112	June 1	29471–29840	9	30599–30827	16
28113–28513	2	29841–30142	10	30829–31141	17
28515–28868	3	30143–30350	13	31143–31426	20
28869–28987	6	30351–30487	14	31427–31590	21
28989–29293	7	30489–30598	15	31591–31758	22
29295–29470	8				

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FCC—Table of Assignments; FM Broadcast Stations in Ky. (Fleminsburg, Lawrenceburg, Lebanon, Versailles). 25505; 5–18–77

EPA—Air pollution; standards of performance for new stationary sources; opacity standards and maintenance requirements, compliance..... 26205; 5–23–77

DOT/FAA—Airworthiness directives; Pratt & Whitney JT8D–1, –1A, –1B, –7, –7A, –9, –9A, and –11 aircraft engines. 26201; 5–23–77

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Apricots; Washington; expenses and rate of assessment: comments by 6–30–77..... 30514; 6–15–77

Fresh pears, plums, and peaches; California; expenses and rate of assessment; comments by 6–30–77. 30513; 6–15–77

Milk; Southern Michigan marketing area; comments by 6–27–77. 29881; 6–10–77

Nectarines grown in California; shipment grade and size requirements; comments by 6–27–77. 27911; 6–1–77

Nectarines grown in California; handling; proposed rate of assessment for the 1977–78 year; comments by 6–28–77..... 30206; 6–13–77

Plums; California; grade and size requirements; comments by 6–30–77..... 30514; 6–15–77

Farmers Home Administration—

Borrowers and grants recipients supervision; labor and rural renting housing projects; monthly rental rates; comments by 6–30–77..... 27602; 5–31–77

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Procurement list: 1977; additions: comments by 6–30–77.. 27278; 5–27–77

CIVIL AERONAUTICS BOARD

Commuter air carriers; certification and inquiry; comments by 6–30–77. 26558; 5–24–77

COMMERCE DEPARTMENT

Census Bureau—

Boundary changes for 1980 census, cutoff dates for recognition: comments by 6–27–77.. 27255; 5–27–77

Economic Development Administration—

Community emergency drought relief program; procedures and requirements; comments by 6–27–77. 27446; 5–27–77

Local public works capital development and investment program; Round II; comments by 6–27–77. 27432; 5–27–77

COMMUNITY SERVICES ADMINISTRATION

Community action programs; food and nutrition; comments by 6–30–77. 27593; 5–31–77

DEFENSE DEPARTMENT

Office of the Secretary—

DOD installations; insurance, solicitation, and sale; comments by 7–1–77..... 27963; 6–1–77

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; various states; California; (9 documents); comments by 6–27–77. 26997–27002; 5–26–77

California; various counties (2 documents); comments by 6–27–77. 27267; 5–27–77

California, various counties (4 documents); comments by 6–30–77. 27616–8; 5–31–77

Hazardous waste guidelines; comments by 7–1–77..... 22332; 5–2–77

Noise abatement programs; construction equipment; portable air compressors; comments by 6–30–77. 27618; 5–31–77

Noise abatement programs; transportation equipment; trucks; comments by 6–30–77..... 27620; 5–31–77

Redesignation of Northern Cheyenne Indian reservation for prevention of significant deterioration; comments extended to 6–30–77. 29937; 6–10–77

[First published at 42 FR 21819, Apr. 29, 1977]

Toxic substances control; procedures for rulemaking under section 6, Toxic Substances Control Act: comments by 7–1–77..... 20640; 4–21–77

FEDERAL COMMUNICATIONS COMMISSION

Class D Transmitters operating in citizens radio service; harmonic emissions for Class D transmitters; order extending time for filing reply comments to 6–30–77.... 11252; 2–28–77

[First published at 41 FR 52709; Nov. 30, 1976]

Computer inquiry; listing parties in proceeding; reply comments by 6–30–77. 21626; 4–28–77

Educational Broadcast Stations; noncommercial nature; extension of comment period to 6–30–77. 25742; 5–19–77

[First published at 42 FR 15927, Mar. 24, 1977]

FM broadcast stations; table of assignments:

Bonita Springs, Jensen Beach, Jupiter, Miami, Delray Beach, Pompano Beach, Fla.; comments by 6–27–77. 26232; 5–23–77

Heidelberg, Miss.; comments by 6–27–77..... 27268; 5–27–77

FM broadcast stations; certain areas of Tennessee; reply comments by 6–27–77..... 21822; 4–29–77

Radio broadcast services, clear channel broadcasting in standard broadcast band; reply comments by 6–27–77. 21301; 4–26–77

Radio broadcast services; clear channel broadcasting in standard band; reply comments extended to 6–27–77. 21629; 4–28–77

[First published at 42 FR 6854, Feb. 4, 1977]

Radio frequency devices; remote control and security devices; comments extended to 6–28–77. 15442; 3–22–77

[First published at 41 FR 56677, Dec. 28, 1977]

Ship radio stations operating on frequencies in 1605–3500 kHz band; channel operation requirements; comments by 6–27–77.... 25880; 5–20–77

Tariffs, International Telex Service with the Domestic Telex and TWX Services; reply comments by 6–27–77. 23615; 5–10–77

Telephone equipment registration; reply comments extended to 6–30–77. 28559; 6–3–77

[First published at 42 FR 20315, Apr. 19, 1977]

FEDERAL DEPOSIT INSURANCE CORPORATION

Offering circular requirements for public issuance; disclosure standards; comments by 6–30–77. 27955; 6–1–77

FEDERAL ELECTION COMMISSION

Corporate and labor organization activity; solicitation methods; comments by 6–27–77..... 26990; 5–26–77

FEDERAL ENERGY ADMINISTRATION

Alaska natural gas; transportation systems; comments by 7–1–77. 30536; 6–15–77

Energy conservation measures list; comments by 6–30–77. 29906; 6–10–77

Unvented home heating equipment test procedures; comments by 6–29–77. 23860; 5–11–77

FEDERAL MARITIME COMMISSION

Alaska pipeline; financial responsibility for oil pollution; comments by 6–30–77..... 30584; 6–15–77

GENERAL ACCOUNTING OFFICE

Regulatory reports review (2 documents); comments by 6–28 and 7–1–77..... 29975; 6–10–77, 30251; 6–13–77

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register—

Fire safety standards; comments by 6–27–77..... 25767; 5–19–77

VOL 42 NO JUN 22 1977 UM

Public Building Service—
Solicitation of bids; listing of subcontractors requirement; procurement; comments by 7–1–77.
27966; 6–1–77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Food and Drug Administration—
Medical devices, good manufacturing practice regulations for manufacture, packing, storage, and installation; comments by 6–29–77.
11998; 3–1–77
Over-the-counter drugs; monograph for antibiotic products; comments by 6–30–77..... 17642; 4–1–77

INTERIOR DEPARTMENT
Land Management Bureau—
Outer Continental Shelf; Eastern Gulf of Mexico; oil and gas leasing; comments by 6–30–77.
27307; 5–27–77

LABOR DEPARTMENT
Occupational Safety and Health Administration—
California state plan; enforcement of standards; comments by 6–27–77.
27266; 5–27–77
Machinery and machine guarding; revision of standards; comments by 6–27–77..... 10018; 2–18–77
[First published at 42 FR 1742, Jan. 7, 1977]
Occupational exposure to benzene, standards; comments by 6–27–77.
27452; 5–27–77

NATIONAL CREDIT UNION ADMINISTRATION
Federal credit unions; organization and operations, loans and lines of credit; comments by 7–1–77.
27251; 5–27–77

NUCLEAR REGULATORY COMMISSION
License fee schedules; revision; comments extended to 7–1–77.
26990; 5–26–77
[First published at 42 FR 22149, May 2, 1977]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
Complaint and answer; elimination; comments by 6–28–77.... 24816; 4–29–77

SECURITIES AND EXCHANGE COMMISSION
Bank holding companies and banks; form and content of financial statements; comments by 7–1–77.
21809; 4–29–77
Marketable securities and other security investments; comments by 6–30–77.
23853; 5–11–77
Private placement exemptive rule; amendments and adoption of related form; comments by 6–30–77.
21815; 4–29–77

SMALL BUSINESS ADMINISTRATION
Equal Credit Opportunity Act; nondiscrimination in Federal financial assistance programs; comments by 6–30–77..... 29317; 6–8–77

TRANSPORTATION DEPARTMENT
Coast Guard—
Requirements for mobile offshore drilling units; comments by 6–29–77..... 22296; 5–2–77
Federal Aviation Administration—
Airworthiness directives:
Bell model 212 helicopters; comments by 7–2–77.
28897; 6–6–77
Transition areas:
Clarion, Iowa; comments by 7–2–77..... 27603; 5–31–77
Mountain View, Mo.; comments by 7–2–77..... 27603; 5–31–77
Federal Highway Administration—
Use of multi-day log by commercial motor carriers in interstaté or foreign commerce; comments by 7–1–77..... 17891; 4–4–77
Materials Transportation Bureau—
Radioactive materials imported into U.S.; comments by 6–27–77.
27002; 5–26–77

TREASURY DEPARTMENT
Customs Service—
Drawback claims; records retention; comments by 6–27–77.
26993; 5–26–77
Internal Revenue Service—
Oil and gas wells, limitations on percentage depletion; comments by 6–27–77..... 24279; 5–13–77

Next Week's Meetings

AGRICULTURE DEPARTMENT
Food Safety and Quality Service—
Nitrates and Nitrosamines Expert Panel, Washington, D.C. (open), 6–27–77..... 29938; 6–10–77

ARTS AND HUMANITIES, NATIONAL FOUNDATION
Public Programs Panel, Washington, D.C. (closed), 6–30 and 7–1–77.
30014; 6–10–77

CIVIL RIGHTS COMMISSION
Advisory Committees—
Connecticut, Meriden, Conn. (open), 6–30–77..... 24763; 5–16–77
Massachusetts, Boston, Mass. (open), 6–28–77.....24764; 5–16–77
New Hampshire, Concord, N.H. (open), 6–27–77.... 28909; 6–6–77
Pennsylvania, Philadelphia, Pa. (open), 6–30–77.... 28909; 6–6–77
Rhode Island, Providence, R.I. (open), 6–28–77..... 24764; 5–16–77

CIVIL SERVICE COMMISSION
Administrative Law Judges Advisory Committee, Washington, D.C. (open), 6–27–77..... 29033; 6–7–77
Federal Employees Pay Council, Washington, D.C. (open), 6–29–77.
29033; 6–7–77
Federal Prevailing Rate Advisory Committee, Washington, D.C. (closed), 6–30–77..... 26244; 5–23–77

CIRCUIT JUDGE NOMINATING COMMISSION, EASTERN FIFTH CIRCUIT PANEL
New Orleans, La. (closed), 6–27 and 6–28–77..... 28632; 6–3–77

COMMERCE DEPARTMENT
Domestic and International Business Administration—
East-West Trade Advisory Committee, Washington, D.C. (open with restrictions), 6–29–77.
30230; 6–13–77
Management-Labor Textile Advisory Committee, Washington, D.C. (open with restrictions), 6–30–77.
30529; 6–15–77
Microprocessor Instrumentation Subcommittee of the Electrical Instrumentation Technical Advisory Committee, Washington, D.C. (open-closed), 6–28–77.. 30230: 6–13–77
Numerically Controlled Machine Tool Technical Advisory Committee, Washington, D.C. (open-closed), 6–29–77..... 29323; 6–8–77
Telecommunications Equipment Technical Advisory Committee, Washington, D.C. (open-closed), 6–30–77.
26682; 5–25–77
National Bureau of Standards—
Computer Networking Standards for Library and Information Science Community, Washington, D.C. (open), 6–27 and 6–29–77.
29325; 6–8–77
Visiting Committee, Washington, D.C. (open), 6–27 and 6–28–77.
23673; 5–10–77
National Oceanic and Atmospheric Administration—
Fishery Management Councils:
Western Pacific, Honolulu, Hawaii (open with restrictions), 6–28 and 6–29–77..... 29326; 6–8–77
Marine Fisheries Advisory Committee, Washington, D.C. (open with restrictions), 6–30–77.
30530; 6–15–77
Office of the Secretary—
Product Liability Advisory Committee, Washington, D.C. (open), 6–27–77.
29946; 6–10–77

DEFENSE DEPARTMENT
Air Force Department—
Scientific Advisory Board, Wright-Patterson Air Force Base, Ohio (closed), 6–28 and 6–29–77.
22922; 5–5–77
USAF Scientific Advisory Board Aerospace Vehicles Panel Committee on B–1 Structures, Los Angeles, Calif. (closed), 6–30 and 7–1–77.
26692; 5–26–77
USAF Scientific Advisory Board, Langley AFB, Va. (closed), 6–28 through 6–30–77.... 29328; 6–8–77
Army Department—
Coastal Engineering Research Board, New York, N.Y. (open with restrictions) 6–28 through 6–30–77.
29037; 6–7–77

Office of the Secretary—
DOD Electron Devices Advisory Group, New York, N.Y. (closed), 6–28 and 6–29–77..... 30234; 6–13–77
DOD Electron Devices Advisory Group, Syracuse, N.Y. (closed), 6–30–77.
30234; 6–13–77
Wage Committee, Washington, D.C. (closed), 6–28–77 18633; 4–8–77

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION
Redbank, N.J. (open with restrictions), 6–28 through 6–30–77.
28637; 6–3–77

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Fossil Energy Research, Washington, D.C. (open), 6–28 and 6–29–77.
30234; 6–13–77
High Energy Physics Advisory Panel, Washington, D.C. (open-closed), 6–27 and 6–28–77..... 29952: 6–10–77

ENVIRONMENTAL PROTECTION AGENCY
Science Advisory Board Executive Committee's Scientific Criteria for Environmental Lead Subcommittee, Arlington, Va. (open), 6–29–77.. 28913; 6–6–77
Solid waste, Washington, D.C. (open), 6–30 and 7–1–77.... 30423: 6–14–77
State-Federal FIFRA Implementation Advisory Committee, Washington, D.C. (open), 6–28 and 6–29–77.
30240; 6–13–77

FEDERAL COMMUNICATIONS COMMISSION
Broadcast Service Working Groups, 1979 World Administrative Radio Conference, Washington, D.C. (open), 6–28 and 6–29–77..... 29539: 6–9–77
Marine Services Radio Technical Commission, Special Committee No. 70, New York, N.Y. (open), 6–29–77.
30240; 6–13–77
Marine Services Radio Technical Commission, Technical Specs Working Group, New York, N.Y. (open), 6–28–77..... 30240: 6–13–77

FEDERAL ENERGY ADMINISTRATION
LP-Gas Industry Advisory Committee, Washington, D.C. (open), 6–28–77.
29542; 6–9–77

FINE ARTS COMMISSION
Projects affecting Washington, D.C., Washington, D.C. (open), 6–28–77.
29326; 6–8–77

GENERAL SERVICES ADMINISTRATION
Architectural and Engineering Services Regional Public Advisory Panel, Washington, D.C. (open), 6–28 through 6–30–77..... 29561; 6–9–77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Alcohol, Drug Abuse, and Mental Health Administration—
Alcohol Research Review Committee, Bethesda, Md. (partially open), 6–29 thru 7–1–77.
24099: 5–12–77
Advisory Committees, Bethesda, Md. and Arlington, Va. (open and closed), 6–26 thru 6–29–77.
23879; 5–11–77
Drug Abuse Demonstration Review Committee, Rockville, Md. (partially open), 6–27 thru 6–29–77.
24099; 5–12–77
Minority Advisory Committee, Rockville, Md. (open), 6–28 through 6–30–77..... 29998; 6–10–77

Education Office—
Teacher centers program grants; Chicago, Ill. (open), 6–29–77.
30290; 6–13–77

Food and Drug Administration—
Advisory Committee, Rockville, Md. (open), 6–27 and 6–28–77.
29103; 6–7–77
Antimicrobial Panel, Chevy Chase, Md. (open), 6–26–77.
24320; 5–13–77
Neurologic Drugs Advisory Committee; Rockville, Md. (open), 6–27 thru 6–28–77..... 24320; 5–13–77
Pediatric Subcommittee of Psychopharmacological Agents Advisory Committee, St. Louis, Mo. (open), 6–27–77..... 29998; 6–10–77
Shellfish Sanitation Workshop, 10th National, Hunt Valley, Md. (open), 6–29 and 6–30–77.
28623; 6–3–77

Health Resources Administration—
Graduate Medical Evaluation National Advisory Committee, Rockville, Md. (open), 6–27 and 6–28–77.
22204; 5–2–77

National Institutes of Health—
Biomedical Library Review Committee, Bethesda, Md. (partially open), 6–28 and 6–29–77.
24100; 5–12–77
Cancer Clinical Investigation Review Committee, Bethesda, Md. (open and closed), 6–27 through 6–29–77..... 23175: 5–6–77
Cancer Immunodiagnosis Committee, Bethesda, Md. (open and closed), 6–28–77..... 23176; 5–6–77
Dental Research National Advisory Council, Bethesda, Md. (open with restrictions), 6–27–77.
20506: 4–20–77
Research Grants Division Study Sections, Bethesda, Md. (open), 6–26–77..... 23176; 5–6–77

Office of the Secretary—
Mental Retardation, President's Committee, Atlanta, Ga. (open), 6–27 and 6–28–77..... 29107: 6–7–77

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Office of the Secretary—
Future of FHA Task Force. Washington, D.C. (open), 6–30–77.
28937; 6–6–77

INTERIOR DEPARTMENT
National Park Service—
Canaveral National Seashore Advisory Commission, New Smyrna Beach, Fla. (open with restrictions), 7–1–77..... 30695: 6–17–77
Glacier National Park, Kalispell, Mont. (open), 6–27–77.. 24119; 5–12–77
Golden Gate National Recreation Area, Berkeley, Calif. (open), 6–29–77.
24119; 5–12–77

Office of the Secretary—
Outer Continental Shelf Advisory Board, Washington, D.C. (open), 6–28 and 6–29–77.
28009; 6–1–77

LABOR DEPARTMENT
Employment and Training Administration—
Federal Committee on Apprenticeship, Washington, D.C. (open), 6–28 and 6–29–77..... 30013; 6–10–77
Pension and Welfare Benefits Programs—
Employee Welfare and Pension Benefit Plans Advisory Council, Washington, D.C. (open), 6–28–77.
28632; 6–3–77

MARINE MAMMAL COMMISSION
Marine Mammal Commission and Marine Mammals Scientific Advisors Committee, Seattle, Wash. (open), 6–28 through 6–30–77.... 27068; 5–26–77

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion, Hampton, Va. (open with restrictions), 6–27 through 6–29–77.
29569: 6–9–77

NATIONAL SCIENCE FOUNDATION
Advisory Panels:
Ad Hoc, for the Very Large Array, Washington, D.C. (open), 6–27–77.
29570; 6–9–77
International Decade of Ocean Exploration Proposal Review Panel, Palisades, N.Y. (closed), 6–27 and 6–28–77..... 29570: 6–9–77

NUCLEAR REGULATORY COMMISSION
ACRS Subcommittee, Black Fox Station, units 1 and 2, Tulsa, Okla. (open), 6–30–77..... 25780; 5–19–77
ACRS Subcommittee, Decommissioning of nuclear plants, Washington, D.C. (open), 6–29–77..... 25780; 5–19–77
ACRS Subcommittee, Electrical systems, control, and instrumentation, Washington, D.C. (open), 6–30–77.
25780; 5–19–77
ACRS Subcommittee, Fluor-Pioneer balance of plant standard safety analysis report, Washington, D.C. (open), 6–28–77..... 25780; 5–19–77
Reactor Safeguards Advisory Committee's Subcommittee on the Black Fox Station, Tulsa, Okla. (open), 6–30–77.
30257; 6–13–77
Reactor Safeguards Advisory Committee's Subcommittee on Decommissioning Nuclear Plants, Washington, D.C. (open), 6–29–77.
29574; 6–9–77
Reactor Safeguards Advisory Committee's Subcommittee on Electrical Systems, Control and Instrumentation, Washington, D.C. (open), 6–30–77.
30257; 6–13–77
Reactor Safeguards Advisory Committee's Subcommittee on Fluor-Pioneer Balance of Plant Standard Safety Analysis Report, Washington, D.C. (open), 6–27–77..... 29575; 6–9–77
Siting Evaluation Subcommittee and Reactor Safety Study Working Group, Washington, D.C. (open), 6–27–77.
25780; 5–19–77

V42N120 JUN 22 77 UMI

SCIENCE AND TECHNOLOGY POLICY OFFICE
Intergovernmental Science Engineering and Technology Advisory Panel, Atlanta, Ga. (open), 6–29 and 6–30–77. 28635; 6–3–77

STATE DEPARTMENT
Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open) (3 documents) 6–28 through 6–30–77. 29581; 6–9–77

TRANSPORTATION DEPARTMENT
Federal Aviation Administration—
Radio Technical Commission for Aeronautics Special Committee 133 on Airborne Weather and Ground Mapping Pulsed Radars, Hampton, Va., 6–28 through 6–30–77. 28951; 6–6–77

VETERANS ADMINISTRATION
Wage Committee, Washington, D.C. (closed), 6–30–77.... 20211; 4–18–77

Next Week's Public Hearings

CIVIL RIGHTS COMMISSION
Age discrimination in Federal programs; San Francisco, Calif. (open), 6–27 and 6–28–77..... 26236; 5–23–77

FEDERAL ENERGY ADMINISTRATION
Energy conservation measures, Washington, D.C. (open), 6–29–77. 29910; 6–10–77

INTERNATIONAL TRADE COMMISSION
Live cattle and certain edible meat products of cattle:
Dallas, Tex. (open), 6–28–77. 30262; 6–13–77
Dallas, Tex. (open), 6–28–77. 29346; 6–8–77
Rapid City, S. Dak. (open), 6–28–77. 19389; 4–13–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

S. 955..... Pub. L. 95–47
To amend the Federal Crop Insurance Act. (June 16, 1977; 91 Stat. 288). Price: $.35.

S. 1240..... Pub. L. 95–48
To extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning June 1, 1978. (June 17, 1977; 91 Stat. 229). Price: $.35.

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Interlocutory Appeals

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule amendment concerns the Commission's procedures for the filing of interlocutory appeals. To facilitate review and the interests of administrative efficiency, the amended rule requires rather than merely suggests, that ruling(s) being appealed must be attached to the moving papers by the moving party. Such attachments will, furthermore, not be counted toward the 15-page limit included in the rule.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Oliver J. Trytell, Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202–523–3796).

Accordingly, 16 CFR 3.23 (a) and (b) are amended to read as follows:

§ 3.23 Interlocutory appeals.

* * * * *

(a) *Appeals without a determination by the Administrative Law Judge.*—The Commission may, in its discretion, entertain interlocutory appeals where a ruling of the Administrative Law Judge: (1) Requires the disclosure of the Commission records or the appearance of an official or employee of the Commission pursuant to § 3.36; (2) requires the appearance of other government officials pursuant to § 3.37; (3) suspends an attorney from participation in a particular proceeding pursuant to § 3.42(d); or (4) grants or denies an application for intervention pursuant to the provisions of § 3.14. Appeal from such rulings may be sought by filing with the Commission an application for review, not to exceed fifteen (15) pages exclusive of those attachments required below, within five (5) days after notice of the Administrative Law Judge's ruling. Answer thereto may be filed within five (5) days after service of the application for review. The application for review should specify the person or party taking the appeal; should attach the ruling or part thereof from which appeal is being taken and any other portions of the record on which the moving party relies and should specify under which provisions hereof review is being sought. The Commission upon its own motion may enter an order staying the return date of an order issued by the Administrative Law Judge pursuant to § 3.36 or § 3.37 or placing the matter on the Commission's docket for review. Any order placing the matter on the Commission's docket for review will set forth the scope of the review and the issues which will be considered and will make provision for the filing of briefs if deemed appropriate by the Commission.

(b) *Appeals upon a determination by the Administrative Law Judge.*—Except as hereinbefore provided in subsection (a) applications for review of a ruling by the Administrative Law Judge may be allowed only upon request made to the Administrative Law Judge and a determination by the Administrative Law Judge in writing, with justification in support thereof, that the ruling involves a controlling question of law or policy as to which there is substantial ground for difference of opinion and that an immediate appeal from the ruling may materially advance the ultimate termination of the litigation or subsequent review will be an inadequate remedy. Applications for review in writing may be filed, not to exceed fifteen (15) pages exclusive of those attachments required below, within five (5) days after notice of the Administrative Law Judge's determination. Additionally, the moving party is required to attach the ruling or part thereof from which appeal is being taken and any other porties of the record on which the moving party is relying. Answer thereto may be filed within (5) days after service of the application for review. The Commission may thereupon, in its discretion, permit an appeal. Commission review, if permitted, will be confined to the application for review and answer thereto, without oral argument or further briefs, unless otherwise ordered by the Commission.

* * * * * *

(Authority: 15 U.S.C. 36(g).)

By direction of the Commission.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–17671 Filed 6–21–77;8:45 am]

SUBCHAPTER B—GUIDES AND TRADE PRACTICE RULES

Rescission of Obsolete Parts

AGENCY: Federal Trade Commission.

ACTION: Final Rescission of Certain Trade Practice Rules.

SUMMARY: Action taken is rescission of obsolete trade practice rules for ten industries:

1. Combination storm window and door industry.
2. Building wire and cable manufacturing industry.
3. Macaroni and noodle products industry.
4. Musical insrtument and accessories industry.
5. Wholesale confectionery industry.
6. Yeast industry.
7. Candy manufacturing industry.
8. Cocoa and chocolate industry.
9. Seam binding industry.
10. Narrow fabrics industry.

The Commission proposed rescission, invited public comments, considered trade association written statements agreeing or not objecting to rescission and concludes that further retention of these old trade practice rules is not in the public interest.

The Commission notes that rescission of trade practice rules does not relieve anyone of duties to comply with laws it administers. The effect of rescission is legal termination of obsolete provisions.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION WRITE OR CALL:

Charles H. Slayman, Jr., Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. 202–724–1193.

SUPPLEMENTARY INFORMATION: In its continuing evaluation of trade practice rules, the Commission proposed rescission for 50 industries and provided opportunity for interested persons to comment (January 16, 1976: 41 FR 2398). No comments were received about trade practice rules for 27 industries and consequently the Commission rescinded them (March 3, 1977: 42 FR 12171). Requests were received to retain trade practice rules for 13 industries; those requests are under consideration. This document deals with trade practice rules for 10 industries where statements received agree or do not object to rescission.

Accordingly the Commission hereby announces its final rescission of obsolete trade practice rules published in the following 16 CFR Parts. Therefore the following parts are removed from Title 16 of the Code of Federal Regulations:

1 Part 25—Combination Storm Window and Door Industry.
2 Part 42—Building Wire and Cable Manufacturing Industry.
3 Part 132—Macaroni and Noodle Products Industry.

V 42 N 120 JUN 22 77 UMI

4 Part 158—Musical Instrument and Accessories Industry.
5 Part 176—Wholesale Confectionery Industry.
6 Part 182—Yeast Industry.
7 Part 186—Candy Manufacturing Industry.
8 Part 194—Cocoa and Chocolate Industry.
9 Part 201—Seam Binding Industry.
10 Part 207—Narrow Fabrics Industry.

(Secs. 5, 6, 18 (a)(1)(A), amended FTC Act. 38 Stat. 719, 721, 88 Stat. 2193 (15 U.S.C. 45. 46, 57a); 16 CFR 1.5, 1.6, 17.1.)

Issued: June 22, 1977.

By the Commission.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77-17675 Filed 6-21-77;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Procedures for the Appeal of Mailability and Eligibility Rulings

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This notice announces the amendment of Postal Service regulations which will, among other things, simplify the filing of applications for second-class mail privileges and will clarify and prescribe the appeal procedures for rulings on mailability of mailable matter.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Arthur Cahn, 202-245-4604.

SUPPLEMENTARY INFORMATION: On March 2, 1977, the Postal Service published for comment in the FEDERAL REGISTER (42 FR 12069-1271) a proposal to change, under the provisions of 39 CFR, 111.3, Parts 123, 132, 133, 134, 135 and 146 of the Postal Service Manual to clarify and prescribe the ruling authorities and appeal procedures for adverse rulings on mailability of matter, and on the eligibility of mailable matter for second-class, controlled circulation, and special third-class postage rates.

The Postal Service also proposed to delete its regulations concerning action organizations in section 134.53(a)-(c) of the Postal Service Manual and to amend section 132.3 of the Postal Service Manual to allow publishers to simultaneously file applications for all additional second-class mail privileges with their application for a second-class original entry permit.

The Postal Service received one comment which suggested that the proposed revision should be amended to require an organization applying for the special third-class rate to have an equivalent Federal income tax exemption, and that the Postal Service grant and maintain the special third-class rate in effect so long as the permit holder is exempt from Federal income tax. To a certain extent the Postal Service now does what the comment suggests. Section 134.541 of the Postal Service Manual provides as follows:

Application on Form 3624, Application to Mail at Special Bulk Third-Class Rates for Qualified Nonprofit Organizations or Associations, must be filed by the organization or association at the post office where mailings will be deposited. The application must include evidence that the organization is nonprofit, and, if available, a certificate of exemption from Federal income tax should accompany the application. An exemption from the payment of Federal income tax is not required in order to qualify for the special third-class bulk rates. Such exemption will be considered as evidence of qualification for preferred Postal rates but will not be controlling in the matter. When an organization submits proof that it has been granted income tax exemption under Title 26, United States Code, section 501(c)(3), as a religious, educational, scientific, or charitable (philanthropic) organization; under section 501(c)(5) as an agricultural or labor organization; under section 501(c)(8) as a fraternal organization; or under section 501(c)(19) as a veterans' organization, it will be considered as qualifying for the special third-class rates unless the available evidence discloses some disqualification.

There are thousands of small qualifying organizations which apply for nonprofit second- and third-class rates which do not have IRS exemptions and have no need for such. The Postal Service feels that it would be improper in these instances to require an organization to go to the expense of obtaining an IRS exemption it does not need in order to obtain nonprofit mailing status. For those organizations that do seek IRS exemptions, however, the regulation quoted above means that the Postal Service generally acts in a parallel fashion to IRS, though the regulation retains the possibility of an independent administrative choice, in line with the authority implied by statute.

There being no other comments concerning the proposed regulation, the Postal Service adopts the following amendments to the Postal Service Manual, effective June 22, 1977.

PART 123—NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

1. In 123.3 revise the first sentence of .31; and revise .33 and .37 to read as follows:

123.3 *Advice to Mailers—Mailability Decisions.*

.31 *General Advice.* When a mailer seeks advice from the postmaster as to whether particular matter may be mailed, or where the postmaster otherwise learns that matter of questionable mailability is to be mailed, it is the postmaster's responsibility to call to the mailer's attention the relevant provisions of Part 123 and 124 and any relevant guidelines issued by the Postal Service.

* * * * *

.33 *Mailability decision authorized.* Postmasters may decide whether articles and substances (Part 124) are nonmailable and shall, where appropriate, refuse to accept for mailing such matter determined to be nonmailable. Where necessary, it is recommended that the postmaster consult the postal services center for guidance in determining mailability. If the mailer desires review of the postmaster's decision, the postmaster shall refer a sample of the item offered for mailing or a complete statement of the facts, whichever may be appropriate, to the Director, Office of Mail Classification, Rates and Classification Department. Further appeal may be made in accordance with 123.37.

* * * * *

.37 *Administrative Appeals.* A mailer may appeal any unfavorable mailability decision under Part 123 or Part 124 by filing a written Notice of Appeal with the Docket Clerk U.S. Postal Service, Washington, D.C. 20260, together with a copy or description of the determination or ruling in question. Such appeals shall be governed by 39 CFR Part 953, Rules of Practice in Proceedings Relative to Mailability.

PART 132—SECOND CLASS

2. In 132.3 delete the heading of .31 and insert the following in lieu thereof; add new .311 heading, and new .312, .313, .314, and .315 as follows; delete .33 and .34; redesignate .35 as .33; redesignate .36 as .34 and revise to read as follows; add new .35 and .36 as follows:

132.3 *Applications for second-class privileges.*

.31 The following applications should be filed by the publisher at the post office where the publication maintains its known office of publication. (See 132.222.)

.311 *Original entry applications for publications and news agents.*

* * * * *

.312 *Additional entry application.* A publisher may apply for permission to mail at additional entry post offices. A written request for an additional entry must be filed by the publisher at the post office where the publication has original second-class entry. A form is not provided for an additional entry application. The request may accompany the application for original entry. See 132.33 for fees required. The request must include the following information:

(a) Name of publication.
(b) Frequency of issue.
(c) Name of place where publication is printed.
(d) Name of the additional entry post office.
(e) Approximate number and weight of copies to be mailed at the additional entry post office.
(f) Specific geographical area to be served from the additional entry office. (The geographical area served by the additional entry office must include the entire local delivery area of the additional entry office).

An additional entry will be authorized at a post office located in the same county in which the office of original entry is located only when the publication is entirely or partly produced or prepared for mailing at the additional entry office (see 132.315 for available exceptional dispatch privileges). An additional entry will be authorized only at a post office served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

.313 *Application for special rates.* A publisher may apply for permission to mail at special rates. A written request for special rates must be filed by the publisher at the post office where the publication has original second-class entry. The request may be filed jointly with the application for original entry or filed separately at the post office of original entry after a publication has been granted second-class mailing privileges.

(a) *Special rate.* Non-profit organizations and associations listed in 132.122 may apply to the postmaster for the special second-class rates. They must submit evidence to establish their nonprofit status and to show that they come within one of the categories stated.

(b) *Classroom rate.* Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may apply to the postmaster for the classroom rate listed in 132.123. They must submit evidence showing that their publications are of this character and for the uses stated.

(c) *Science of agriculture rate.* Publishers of publications designed to promote the science of agriculture may apply to the postmaster for the special zones 1 and 2 advertising rate listed in 132.124. They must submit evidence that their publications are of the character and for the use stated and that more than 70 percent of the copies distributed by any means for any purpose during any twelve-month period are to subscribers residing in rural areas.

.314 *Application for reentry.* When the name or frequency of issuance of a publication is changed, an application for reentry must be filed on Form 3510 at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location of the known office of publication is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters. An application for reentry is not required when only the ownership is changed unless the change disqualifies the publication for an entry which was authorized under 132.23.

.315 *Application for exceptional dispatch.* An application to deliver copies of a second-class publication at the publisher's expense and risk from the post office of original entry or an additional entry post office to other post offices or elsewhere may be filed by the publisher at the office of original or additional entry where the postage is paid on the copies which will be transported. Applications for exceptional dispatch may be filed jointly with applications for original entry, reentry, or special rates. A form is not provided for applications for exceptional dispatch. The postmasters at the office of original or additional second-class entry will approve or disapprove applications on the basis of whether the exceptional dispatch will improve service. They will notify other post offices concerned and the sectional center manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies. Only after notification by the postmaster at the entry office where the postage is paid shall copies be accepted at another office directly from the publisher. At least once each 6 months the accepting postmaster shall verify the number of copies received directly from the publisher. Any significant increase noted at the time of verification or at any other time shall be reported to the entry office where the postage is paid. Denial of an application for exceptional dispatch may be appealed to the Director, Office of Mail Classification, who will issue the final agency ruling.

* * * * *

.34 *Granting or denial of application.* The Director, Office of Mail Classification, Rates and Classification Department, Headquarters, rules on all applications for second-class mail privileges, special rates, additional entry, and reentry.

.341 *Granting of application.* If the Director grants the application, he notifies the postmaster at the office where the application for original entry was filed, who shall notify the applicant. Before taking action, on an application, the Director may call on the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish the information requested may be cause for denial of the application as incomplete or, on its face, not fulfilling the requirements.

.342 *Denial of application for original entry.* If the Director denies the application, he will notify the publisher specifying the reasons for the denial. A denial of second-class mail entry is effective 15 days from receipt of the notice by the publisher unless an appeal is filed with the Docket Clerk, U.S. Postal Service, Washington, D.C. 20260, in accordance with the provisions of 39 CFR § 954, Rules of Practice in Proceedings Relative to the Denial, Suspension, or Revocation of Second Class Mail Privileges. A copy of the Rules will be included with any notice of denial of an application.

.343 *Denial of applications for additional entries, special rates, and reentry.* If the Director denies an application for additional entry, special rates, or reentry made in accordance with sections 132.312-.314, he will notify the publisher specifying the reasons for the denial. The denial becomes effective 15 days from receipt of the notice by the publisher unless the publisher files an appeal with the Assistant Postmaster General, Rates and Classification Department, who will issue the final agency decision.

.35 *Revocation or suspension of second-class privileges.*

.351 The Postmaster General may revoke the entry of a publication as second-class mail whenever he finds, after a hearing, that the publication is no longer entitled to be entered as second-class mail.

.352 The Director, Office of Mail Classification, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Director determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons for his action. The ruling becomes effective 15 days from receipt of the notice by the publisher unless an appeal is filed with the Docket Clerk, U.S. Postal Service, in accordance with the provisions of 39 CFR Part 954, Rules of Practice in Proceedings Relative to the Denial, Suspension, or Revocation of Second Class Mail Privileges. A copy of the Rules will be included with any notice of revocation or suspension.

.36 *Revocation for additional entries, special rates, reentry, and exceptional dispatch.* The Director shall revoke authorizations for additional entry, special rates, reentry and exceptional dispatch whenever he finds that a publication or organization is no longer entitled to such authorization. Whenever the Director revokes any such authorization, he shall notify the publisher or organization specifying the reasons for the revocation. The revocation is effective 15 days from receipt of the notice by the publisher or organization unless an appeal is filed with the Assistant Postmaster General, Rates and Classification Department, who will issue the final agency decision.

132.8 [Deleted]

3. Delete 132.8.

PART 133—CONTROLLED CIRCULATION PUBLICATIONS

4. Revise the last sentence of 133.22 to read as follows: "The postmaster will submit the application and one copy of the publication to the Office of Mail Classification, Rates and Classification Department, Washington, D.C. 20260. Notice of authorization or denial will be furnished by the General Manager, Domestic Mail Classification Division."

5. Redesignate 133.23 as 133.24; add new 133.23 and 133.25 reading as follows:

133.23 *Appeal of denial.* If the application is denied and the mailer wishes to appeal, he may submit an appeal in writing within 15 days of receipt of the notice of denial to the postmaster who will

JUN 22 1977

forward the appeal to the Director, Office of Mail Classification for a final ruling.

* * * * *

133.25 *Revocation of controlled circulation privileges.*

.251 If a publication is discontinued, or fails to meet the requirements described in Part 133, the postmaster should report all the facts, including the publisher's current mailing address, to the General Manager, Domestic Mail Classification Division, so that a determination may be made as to whether action should be taken to revoke the controlled circulation mail privileges.

.252 If it is determined that a publication authorized to be mailed at the controlled circulation rates is no longer qualified, the General Manager, Domestic Mail Classification Division shall notify the publisher and the postmaster at the office of entry. Controlled circulation privileges will be revoked 15 days from receipt of the notice by the publisher unless an appeal is filed with the postmaster who will forward it to the Director, Office of Mail Classification for a final agency ruling.

PART 134—THIRD CLASS

6. Add new 134.23 reading as follows:

134.23 *Contested classification.* See 146.141.

7. Revise 134.53 to read as follows:

134.53 *Examples of organizations or associations that may not qualify.* The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; associations of rural electric cooperatives; and trade associations. In general, state, county, or municipal governments are not eligible for the special rates. However, a separate and distinct state, county, or municipal governmental organization that meets the criteria for any one of the specific categories in 134.522 is eligible, notwithstanding its governmental status. For example, school districts and public libraries may be eligible under 134.522b. Nevertheless, governmental organizations will generally not be eligible under 134.522d (philanthropic) since their income is generally not derived primarily from voluntary contributions or donations.

8. Amend 134.542 by adding the following sentence at the end thereof: "Before taking action on an application or appeal, additional information or evidence may be requested to support or clarify the application. Failure of an organization to furnish the information is sufficient reason to deny an application or revoke existing authorization.

9. Revise the last sentence of 134.543 to read as follows: "The papers will be returned to the postmaster at the postal services center with the final decision on the appeal by the General Manager, Domestic Mail Classification Division."

10. Revise 134.56 to read as follows:

134.56 *Revocation.*

.561 The approval may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified. The postmaster will notify the organization of the pending cancellation of the authorization and of the reasons for the cancellation. The organization will be allowed 15 days within which to file a written statement appealing the pending cancellation. If no appeal is filed, the postmaster will revoke the authorization. If an appeal is filed, a decision on the continuance of the authorization will be made by the General Manager, Domestic Mail Classification Division. Notice of the decision will be given to the organization through the postmaster.

.562 A review of any organization authorized to mail at the special third-class rates may be initiated or undertaken at any time by the General Manager, Domestic Mail Classification Division. If the General Manager, after a review, determines that an organization is no longer qualified, he will notify the organization, through the postmaster, of the proposed revocation of the authorization and the reasons for the revocation. The revocation becomes effective 15 days from receipt of the notice unless the organization files a written appeal, with the Director, Office of Mail Classification, who will issue the final agency decision.

PART 135—FOURTH CLASS

11. Add new 135.27 reading as follows:

135.27 *Contested Classification.* See 146.141.

PART 146—PREPAYMENT AND POSTAGE DUE

12. Revise the last sentence of 146.141 to read as follows: * * * The postmaster will forward the appeal to the General Manager, Domestic Mail Classification Division, U.S. Postal Service, Washington, D.C. 20260, who will issue the final agency decision.

13. Redesignate 146.142 as 146.143 and add new 146.142 reading as follows:

146.142 Any mail classification decision made initially by the General Manager, Domestic Mail Classification Division, or General Manager, Special Services Division, or General Manager, International Mail Division, for which there is no specified appeal procedures may be appealed within 15 days to the Director, Office of Mail Classification, who will issue the final agency decision. If, however, the Director participated in any such decision, the appeal will be decided by the Assistant Postmaster General, Rates and Classification Department.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER through an appropriate amendment to 39 CFR 111.3.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.77-17819 Filed 6-21-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20509; RM-2704; FCC 77-414]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 89—PUBLIC SAFETY RADIO SERVICES

Providing for the Use of Frequencies 530, 1606, 1612 kHz by Stations in the Local Government Radio Services for the Transmission of Certain Kinds of Information to the Traveling Public

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The FCC, by amendment of Parts 2 and 89 of its Rules, establishes a new class of radio station called "Travelers Information Station," operating on frequencies 530 and 1610 kHz, to be used for the transmission of information to motorists and other travelers.

In response to recommendations made to the FCC from various Federal Government agencies, a Notice of Proposed Rule Making was adopted June 4, 1975, by the FCC to permit local government agencies (Federal agencies would be authorized under OTP authority) to be licensees of these non-commercial low-powered radio stations. The report and order incorporates revisions responsive to comments received in this proceeding.

Because most AM broadcast receivers can tune slightly above and below the AM broadcast band to 530 and 1610 kHz, a large segment of the traveling public will be able to immediately receive the benefits of these informational stations. Travelers Information Stations are restricted to transmitting non-commercial voice information pertaining to traffic and road conditions, traffic hazard and travelers advisories, directions, availability of lodging, rest stops, and service stations, and descriptions of local points of interest.

EFFECTIVE DATE: July 29, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mel Murray, Spectrum Allocation Staff, Office of Chief Engineer (202-632-6350); James McNally, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau (202-632-6497).

SUPPLEMENTARY INFORMATION:

Adopted: June 10, 1977.

Released: June 20, 1977.

In the matter of amendment of Parts 2 and 89 of the Rules to provide for the use of frequencies 530, 1606, and 1612 kHz by stations in the Local Government Radio Services for the transmission of certain kinds of information to the traveling public, Docket No. 20509; amendment of parts 2 and 73 of the rules to provide for use of frequencies 530, 1606, 1612 kHz by community access non-commercial stations for locally produced public affairs, musical, dramatic, and cultural programming, RM 2704.

By the Commission: Commissioner Hooks dissenting; Commissioner Quello dissenting and issuing a statement; Commissioners Washburn, Fogarty, and White concurring in the result.

1. A Notice of Proposed Rule Making in Docket No. 20509 was adopted by the Commission June 4, 1975.[1] In that Notice, the Commission proposed regulations which would establish a new category of station to be called a "Travelers Information Station" (TIS) to operate on 530 kHz, 1606 kHz, and 1612 kHz. For reasons given herein, the two frequencies 1606 kHz and 1612 kHz are being deleted and replaced with a single frequency 1610 kHz. Accordingly, the frequencies 530 and 1610 kHz are being allocated in this proceeding for the proposed use. The rules adopted herein will establish an efficient means of communicating certain kinds of information to travelers over low power radio transmitters licensed to Local Government entities. No commercial operation of these stations is intended or permitted.

2. Interested persons were invited to file comments by August 18, 1975, and reply comments by September 5, 1975. Pursuant to motions filed by Halstead Communications, the National Association of Broadcasters, and the United States Department of Transportation, the period for filing comments was subsequently extended to October 17, 1975, and for filing reply comments to November 18, 1975. In response to a motion by Halstead Communications, Inc., the periods for filing comments and replies were further extended to October 31, 1975, and December 1, 1975, respectively. Parties filing comments in this proceedings are listed in Appendix A. For convenience, they are arranged into the following six groups: (1) broadcasting industry, (2) local/state government agencies, (3) business associations, (4) equipment manufacturers, (5) travel/recreation industry, and (6) individuals.

3. Of approximately 140 comments received, about 50 percent oppose and 50 percent support the proposed rules. Supporting the proposal were local/state governments, various business associations, equipment manufacturers, travel/recreation industry, and various private individuals. Opposition was primarily from the broadcasting industry.

[1] 40 FR 25601, June 17, 1975.

BROADCAST INDUSTRY COMMENTS

4. Strong opposition to the proposal was expressed through comments received from individual radio stations and associations representing broadcast interests. Their principal arguments are that the proposed radio service (a) would duplicate information carried over existing broadcast stations, (b) would have an adverse economic impact upon broadcasters, (c) would be a waste of tax revenues, (d) has no established need, and (e) is legally questionable.

DUPLICATION OF BROADCASTING SERVICE

5. It is asserted by broadcasters that Travelers Information Stations will only duplicate information now carried on all broadcast radio stations; that comprehensive weather reports, reports of traffic conditions, names of gasoline stations, restaurants, and lodging conveyed through advertising, and other pertinent traveler's information are presently being broadcast to the public by commercial radio stations; that, in exchange for the placement of their call signs on state highway signs, certain radio stations broadcast all pertinent information to travelers on a periodic schedule; that information in the form of road maps, road signs, billboards, yellow pages, directories for lodging, service stations, etc., is available to any traveler; and that there is no need for the proposed service which would be duplicative of presently available sources of traveler's information.

6. It is noted that commercial AM broadcast stations are intended to serve the communities to which they are assigned and, depending on the class of station, outlying areas as well. For example,

Class I stations operating with powers not less than 10 kW and not greater than 50 kW on clear channels are designed to render primary and secondary service over extended areas and at relatively long distances. Programming on commercial stations for the most part consists of music, news, weather forecasts, traffic bulletins generally during peak commuting time periods, and other announcements of interest to listeners anywhere within the station's coverage area. In contrast, intended programming on Travelers Information Stations would normally consist of a continuously repetitive voice message of short duration containing specific information pertinent only to travelers within a very limited reception area. Experimental stations such as presently operating at the Los Angeles International Airport, exemplify the service a TIS station would provide. Tape-recorded advisories, interspersed with "live" bulletins, concerning specific airline terminal locations and their nearest parking lots; alerts when traffic is congested; estimated time of delay, etc., are transmitted continuously from 7 a.m. to 11 p.m. on 530 kHz to motorists. The station utilizes a terminated "leaky" cable antenna positioned in the center median of the approach road and along major roads within the terminal area. Due to the cable's non-propagating characteristic, the signal is confined to a distance of approximately 40 meters radial to the cable.

7. Consequently, because commercial broadcast stations serve not only travelers, but the public in general over a large geographical area, it is not realistically expected or even feasible that broadcast stations provide continuous local information of interest only to travelers at specific locations (e.g., a highway intersection, an airport entrance and parking facility, a county park, etc.) within their general area of coverage. As the broadcasters allege, it is conceivable that a TIS might duplicate some information commercially broadcast. Likewise, a broadcast station might duplicate some information a TIS might transmit. This point is illustrated in separate comments submitted by the California Public-Safety Radio Association; Inc., RTV management, and Locrad, Inc. In a traffic alert system, they contend, both services, broadcast and TIS should complement each other for greater effectiveness. Using the Los Angeles airport experimental station again as an example of this proposed radio service, information regarding unusual traffic jams leading to the airport is broadcast periodically by commercial broadcasters over the entire Los Angeles area and specific directions to expedite the movement of traffic in the immediate vicinity of the airport is transmitted by the airport's experimental station.

8. It therefore would appear to be beneficial to the traveling public if, at times, related information, even though occasionally duplicative, were to be transmitted locally via TIS and area-wide by commercial broadcasters. However, it should be clearly understood that it is not the intent that TIS facilities duplicate information now available on area-wide, commercial broadcast stations. In fact, we feel the amount of duplication will be insignificant.

ECONOMIC INJURY TO BROADCASTING

9. In comments representing broadcast interests it is alleged that the proposed Travelers Information Stations would adversely impact the economic standing of all broadcast stations. It is contended that a loss of listenership from broadcast to TIS would compel every broadcaster to reduce his advertising rate structure. Further to this point, certain advertisers now using commercial radio (i.e. motel/hotel owners, gasoline stations, restaurants, and others) will switch to TIS further contributing to a decline in revenue for each broadcast station. This loss of revenue, they claim, will lead to irreparable financial injury. As a consequence, each broadcaster would, of necessity, have to curtail unprofitable public service programming (i.e. announcements, traffic conditions, weather reports, etc.), thus impairing his ability to serve the public. Since economic injury is probable, any broadcast licensee, it is claimed, may invoke Section 309(d) and have standing based on economic injury and file petitions to deny applications.

VAULT JUN 22 77 UM

10. Due to the distinct nature and limited coverage of TIS transmissions, several parties filing reply comments believe the broadcasters' principal concern that TIS would have an adverse economic impact upon their operations is misplaced. Because proposed programming is non-entertainment, extended listening under normal circumstances would not occur. Further, for motorists, listening time is restricted to the time in which the vehicle remains within the limited coverage area provided by low-powered TIS transmitters.

11. The carriage of names of commercial establishments as permitted under proposed Section 89.102(c)(2) is construed by broadcasters to be a form of advertising. It is alleged that particular gasoline stations, motels, restaurants, etc., might drop their present purchase of time on commercial stations in favor of "free" carriage on a highway Travelers Information Station. Consequently, the recommendation, suggested by the Booth American Company, to not specifically identify by name a commercial business offering food, lodging, gasoline, etc., is being adopted in response to the allegation that TIS would be competitive to commercial broadcast stations. However, a message specifying the location of such establishments will be permitted. An example of such a message might be—"At exit 10 you will find lodging, gasoline, and food services available."

Waste of Tax Revenues

12. Several parties allege the proposal would necessitate the expenditure of scarce tax revenues contributing to increasing deficit spending. Frank McLavrin, Vice-President and General Manager of KSRO, Santa Rosa, California, claims it would cost about 300 million dollars to provide TIS service in the Los Angeles county along 550 miles of freeway. The Maryland-District of Columbia-Delaware Broadcasters Association additionally argues that the cost of TIS would be prohibitive. It claims a cost of $60 million to equip the 30,000 miles of interstate highway.

13. Responding to the argument that the implementation of TIS will consume many tax revenues, Locard, Inc., claims the "cost of any TIS system would be subject to budget review based on the need. Unless there is a need in the public interest it is safe to assume that a TIS system will not be installed." In reply comments submitted by the Associated Public Safety Communications Officers, Inc. (APCO), it is pointed out that the rules governing the Public Safety Radio Services provide for many communications techniques which are not generally cost effective. The controlling factor is whether the technique in question can be a useful tool in improving public safety. Further to this point, APCO states that the Commission has previously authorized various communications technologies (e.g., automatic vehicle location systems) realizing that they may not be widely used. However, such communications devices were authorized because the Commission recognized that they could make a significant public safety contribution in certain cases. Therefore, we are not swayed by the comments that TIS will take too large a slice out of governmental budgets. Such judgments are best left to local jurisdictions.

Need for TIS

14. Various parties representing broadcast interests contend there has been no demonstrated need for the proposed stations. Several broadcasters indicate that no request to expand present broadcasts for information pertinent to travelers has been made through their ascertainment surveys and interviews. The California Broadcasters Association contends that the FCC must establish that a need exists for the radio service because of the economic impact it would have on the present broadcast system. Continuing this argument, it states, "absent findings and evidence to sustain a need for the new service, the Commission is precluded as a matter of law from alleging that this new service is in the public interest." The Indiana Broadcasters Association echoes this sentiment, stating "the Commission has not cited any unfulfilled public need for the proposed service nor any need which outweighs the serious and detrimental effect which the Commission's proposal would have on the nation."

15. The allegation by broadcasting interests is not compelling. The Commission is of the opinion that an established need for this service has been demonstrated through the submitted comments in this proceeding and by experience with existing experimental stations. In operation since 1972 for control of automobile traffic, the experimental station at the Los Angeles International Airport has successfully expanded arterial capacity by reducing the traffic congestion through the transmission of traffic advisories, according to the airport's General Manager. Constantly updated, these radio transmissions provide immediate information to incoming automobile traffic. Several users of the airport's TIS confirmed the station's utility. Another experimental TIS, licensed to the Delaware Valley Regional Planning Commission in Philadelphia, Pa., is being used on a bridge leading to an expressway to convey traffic advisory and emergency information concerning conditions on the expressway to approaching motorists on the west bound lanes of the bridge. As this system just recently became operational, no information regarding its performance is available. In Wyoming, the state highway department is presently installing in the vicinity of an interstate exchange a radio advisory system to be operated under Part 15 of the FCC's rules. This system will transmit road conditions, travel restrictions, and weather forecasts to motorists. From the many potential applications of travelers information stations discussed in other comments, it is apparent that a definite desire and need exist for this service.

16. In supporting the proposed rules, various parties indicated that stations of this nature will serve the public interest and convenience. Individual local police and transportation departments stated that TIS will provide a more viable alternative for controlling traffic, as road signs are necessarily restrictive in message length and usually not visible during inclement weather. About fifty comments submitted from various local government civil defense, disaster planning and control, highway, conservation, and park agencies indicate a definite desire and need for a traveler's information radio service to augment their present means of conveying information to the traveling public. It is apparent that many of those commenting would use this service to transmit travel related emergency messages concerning natural disasters (e.g., forest fires, floods, etc.), traffic accidents and hazards, and related bulletins affecting the immediate welfare of citizens. Therefore, we believe that a definite need and public interest for TIS has been documented in this proceeding.

17. Several parties stated that the rules applicable to TIS contain no provision for giving notice of the filing of applications and that therefore they are violative of Section 309 of the Communications Act.[2] That section, however, requires public notice and a thirty-day waiting period only in the case of applications in certain services, listed in § 309(b). TIS's do not fall into any of those categories. Although § 309(b)(2)(g) permits the Commission to impose these requirements on other, nonlisted services, we see no need for doing so in this case since TIS's will be licensed only on a secondary, non-interference basis and they will be permitted to provide only a very limited and specialized range of services.

Permitted Message Content

18. Many comments emphasize that the proposal is unclear regarding what message content would be permitted for transmission over TIS facilities. Comments representing broadcasting interests fear that the content of "official notices and related communications" might conceivably be used as a platform by civil officials and/or politicians. NBC predicts that news would eventually be transmitted under this clause, providing further competition to commercial broadcasting.

19. The Maryland-District of Columbia-Delaware Broadcasters Association states that the "proposal to permit the transmission of 'official notices and related communications' is the most disturbing of all suggested functions", and say "the proposal is fraught with the danger of abuse by local incumbent politicians, who would be attracted by the potential of using such a medium for unrestrained propaganda." NAB asks "what will limit this service to not being an outlet for political interests and disguised commercials," and argues that "stricter guidelines are needed on the programing services." Further to this point, Mid America Media raises the following questions:

> Is such information to be limited to the name, address, and type of facility, or may the message include information such as the number of beds, recreational facilities, and prices of motels and hotels? Also, it is apparent that local authorities will be required to pick and choose among potential services to be mentioned. Will disgruntled businesses not included in the station's message have some right to raise the question of fairness and discrimination before the Commission? What is to prevent this proposed service from being used to reward political and economic friends of local administrations and to punish their adversaries? These questions strongly suggest that the Commission is creating for itself the same regulatory quagmire it found itself in when confronted with the "public access" theory of the Fairness Doctrine.

20. From the majority of submitted comments it is apparent that there is a lack of understanding regarding what information may or may not be transmitted over TIS's. Consequently we have revised the definition of a *Travelers Information Station* in Section 89.3(a) by deleting the phrase "official notices and related communication" to preclude the possible transmission of an unwarranted message. Moreover, in Section 89.102(c)(2), a restriction prohibiting the identification of the commercial name of any business establishment is included in response to broadcasters' comments to insure that Travelers Information Stations not be competitive to commercial broadcast operations. However, we are permitting the trade name identification of carriers at air, train, and bus terminals to facilitate announcements concerning particular departures and/or arrivals and parking areas. For other locations, general announcements of the availability and location of services for the traveling public will be permitted.

Eligibility Requirements

21. As proposed, § 89.251 of the Commission's rules would restrict the eligibility of applicants for Travelers Information Stations to territories, possessions, states, other governmental subdivisions including counties, cities, towns and similar governmental entities including districts and authorities. This rule specifically excludes park authorities from obtaining a license. Consequently, several park authorities commented that it would be more expedient and logical if they, who would be responsible for the TIS, were to apply for and hold the license. Others who view the proposal as a means by which to establish a new business would have the eligibility rule expanded to include private entrepreneurs, chambers of commerce, non-tax supported institutions and agencies, and non-profit regional or area tourist promotion and development agencies. E. F. Johnson Company argues that "this broadening of eligibility would give manufacturers more of an incentive to commit the necessary large amounts of capital required for the research, development and production of equipment."

22. The Commission is of the opinion that this radio service, as proposed, should be non-commercial and restricted to local governments so that it does not evolve into a "quasi broadcasting" service. As intended, TIS is to be a source of localized information pertinent only to the traveler in the immediate proximity of the station. An expansion of § 89.251 to include local and state government park authorities as licensees seems appropriate. However, further expansion of eligibility is being denied.

Permissible Locations

23. As discussed in the Notice of Proposed Rule Making, in providing for the establishment of these stations, it is the Commission's purpose to provide for the communication of certain kinds of information that will principally serve the traveling public. Moreover, as previously discussed, these stations are intended to serve the traveler in the immediate vicinity of the station. To accomplish these objectives, we are restricting the transmitting sites of each station to a location within an area that would be mainly frequented by travelers. These areas, as specified in § 89.102(c)(1)(iv), shall be air, train, and bus terminals, public parks and historical sites, interstate highway interchanges, bridges, and tunnels. Furthermore, in instituting this rule we are specifically precluding an applicant from setting up a "network", or "ribbon" of transmitting stations along a highway for the purpose of continuously attracting a motorist with what could be superfluous information.

Electromagnetic Interference

24. Several parties state that TIS's would cause electromagnetic interference to broadcast stations within their service areas and that permitting such interference would be a modification of the licenses of the broadcast stations. They further state that Section 316 of the Communications Act requires a hearing before any such modification can be made. The new rules provide, however, that TIS's will be licensed only on a secondary basis, that is, they can operate only so long as they do not cause harmful interference to primary stations (which include AM broadcast stations). *See* § 2.106(g)(3) of the Rules. The new subsection 89.102(1)(iii) emphasizes the secondary status that TIS's will have and the fact that the station authorizations can be suspended, modified, or withdrawn at any time to resolve interference conflicts. To prevent interference conflicts from arising, the proposed 1606 kHz allocation has been deleted because of the harmful sideband interference that may have resulted from such stations to broadcast stations operating on 1600 kHz. Also, a number of restrictions are being imposed (in § 89.102(c)(3)) on TIS applicants. The applicant must certify that the transmitting site will be at least 15 kilometers from the daytime protected contour of any broadcast station operating on an adjacent channel (i.e., 540 kHz or 1600 kHz). Since the range of TIS is expected to be considerably less than 15 kilometers, no harmful interference should result to the broadcast station within its protected contour. With regard to the second and third adjacent frequencies (i.e., 550 kHz, 560 kHz, 1580 kHz, and 1590 kHz.) no specific separations are being required since any harmful interference is *de minimis*. However, § 89.102(c)(3) does require that an applicant for a TIS license certify that he has considered possible interference effects on broadcast stations operating on these frequencies and that, to the best of his knowledge, he does not foresee any harmful interference.

25. To further limit the potential to cause interference, each Travelers Information Station will be limited to a coverage zone, as further discussed in paragraphs 30–32, not to exceed 3 km (i.e., for cable, maximum length: 3 km; for vertical monopole: 1.5 km radius, or 3 km diameter) by restricting the field strength. We are of the opinion that, considering the likelihood of interference to broadcast stations, these steps should prevent interference situations from developing without unduly burdening TIS applicants. If interference does nevertheless arise, the secondary status of the TIS means that it will be required to go off the air at once. Therefore, no broadcast licensee will be required to suffer harmful interference, and no modification of a broadcast license will occur. Consequently that application for a TIS license will not give rise to a right of a hearing under Section 316, before it can be granted.

Frequency Assignment

26. Recommendations to use frequencies other than those proposed were submitted by several parties. These are—

Use of SCA subcarrier on commercial FM broadcast stations

Allocation of one or two receive-only channels in the Citizens Radio Service

Shared use of 162.40 and 162.55 MHz, channels now used by the National Oceanic and Atmospheric Administration (N.O.A.A.) to transmit weather advisories.

In addition, Motorola urges a reconsideration of proposed assignments 1606 and 1612 kHz. It states that "future automobile radio designs will incorporate frequency synthesizers. Because the AM table of frequency assignments is predicated on 10 kHz spacing, the proposed frequencies 1606 and 1612 kHz will be incompatible with the emerging frequency synthesizer technology." Consequently, Motorola recommends the adoption of 530, 1610, and 1620 kHz.

27. As previously stated, this proposed radio service is intended to serve a 3 km

[2] NAB and the Iowa Broadcasters Association apparently assume that the notice provisions of Section 1.962 of the Rules, which implements § 309 with respect to applications in the Safety and Special Radio Services, will apply, but feel that they are inadequate.

JUN 22 1977 UM

zone with generally repetitive information pertinent to travelers. Consequently, the use of the SCA subcarrier [3] would not be practical alternative as the coverage area served by most FM stations normally exceeds 3 km. Because FM stations provide wide area coverage, it would not be feasible to transmit simultaneous travelers information repetitively for several local areas. The proposal to use frequencies allocated to the Citizens Radio Service cannot be considered since the basis and purpose of that service, pursuant to Section 95.1 of the Commission's rules, makes no provision for the type of proposed communications to be carried on TIS. To take a frequency away from the Citizens' Band (CB) would go against our finding that CB needs more channels. To share frequencies 162.40 and 162.55 MHz would again not be practical as these stations provide wide area coverage. Furthermore, such a frequency usage would necessitate the traveler to acquire a special receiver for reception of such transmissions; also, disruption to N.O.A.A. weather advisories would result from such sharing. Consequently, these suggestions are dismissed.

28. The proposed frequency 1612 kHz is being shifted to 1610 kHz principally for two reasons:

First, it is intended that this service be received primarily by motorists using automobile AM broadcast receivers. Based on a study [4] of Highway Advisory Information Radio prepared for the Federal Highway Administration, it was found that using a representative sample of existing receivers approximately 10% more could tune the 1610 kHz frequency compared to 1612 kHz. Since a greater number of travelers with existing AM automobile receivers would be able to receive such transmissions at the lower frequency, 1610 kHz is chosen for TIS allocation.

Second, the 1610 kHz frequency is aligned with the 10 kHz spacing maintained between stations in the broadcast band permitting the usage of synthesizer technology in future receiver designs as recommended in comments submitted from Motorola, Inc.

29. The 1620 kHz frequency suggested by Motorola cannot be considered, as transmissions on this frequency would cause harmful interference to survey operations conducted by the National Ocean Survey (NOS) on frequencies 1618.5 and 1619.64 kHz.

TIS' Coverage Zone

30. Under § 89.102(c)(4) of the proposed rules, a limit on TIS's transmitter output power was set at ten watts. There was no restriction placed on antenna type or height. It was stated that an effective coverage radius of 1.5 km could be expected. However, further analysis reveals that larger radii of coverage may be achieved. The radius served by a transmitting facility at these frequencies is dependent not only on transmitter output power, but also antenna geometry and ground conductivity. For an omnidirectional monopole antenna, higher gains are obtainable by extending the physical length of the radiating element. This means that a higher value of field would be measured at a certain location from an antenna, for example, of length $3/2\,\lambda$ compared to one of a length of $\lambda/2$, all other factors being equal. Then, under the proposed rules, taking into account variations in antenna length and ground conductivity, a radius of coverage up to 40 km could be expected from a station operating with a ten watt transmitter on 530 kHz located in an area of high ground conductivity with a ¼ wavelength radiator.

31. Because a radius of coverage not greatly exceeding 1.5 km is desired, it is apparent in view of the foregoing, that a restriction to limit the value of field strength measured at 1.5 km is necessary. Accordingly, the adopted rules set limits on the measured field strength at 1.5 km from the transmitting site and also the maximum antenna height, in addition to the proposed transmitter output power limit of 10 watts, for a conventional radiating antenna system.

"Leaky" Cable Antenna

32. Although not specifically mentioned in the proposed rules, a "leaky" cable antenna system constitutes another means of radiating a particular area with a usable radio signal. Compared to a conventional antenna system whose radiated field is primarily space propagated, the generated field surrounding a "leaky" terminated cable antenna, being inductive in nature, is not propagated, but restricted to the proximity of the cable. Within the distance of one wavelength, its cylindrically shaped field attenuates inversely proportional to higher orders of distance resulting in a much more rapid rate of field strength decline than is found in conventional antenna systems. However, at a given distance from the cable, variations in field strength traversing the length of the cable are relatively minor in magnitude. Consequently, based on recommendations in received comments, a field strength limit is also being adopted for this type of radiator. Furthermore, to ensure against the possible use of an oversized transmitter with a cable antenna, an output power limit is herein adopted. Moreover, since it is our intention that each TIS provide a coverage zone of not more than 3 km, a limit of 3 km is adopted as the maximum length for a "leaky" cable antenna.

Systems

33. For the majority of applications that are anticipated, we expect that a single Travelers Information Station, employing either a "leaky" cable or a conventional vertical monopole antenna, will adequately cover the intended area of service. However, in certain instances, we envision that an applicant may seek authorization for a system of stations for a specified area to meet a particular requirement. As an example, the experimental station at the Los Angeles International Airport, which operates under a single authorization, is presently using two individual "leaky" cable antennas in tandem, each being supplied R.F. power from a separate transmitter. The first station (i.e. transmitter plus "leaky" cable antenna) of this two station system is located along an approach road to the airport and transmits flight arrival and departure information, as well as information to orient the motorist regard traffic conditions within the complex. The second station in tandem, using a separate "leaky" cable antenna and transmitter, is located along several major roads within the terminal area and transmits information concerning availability of parking. Accordingly then, we may issue a single authorization under this service that would include the licensing of a system of stations (i.e. each station in the system would be limited to using one transmitter) for a specified area if the applicant can demonstrate a sufficient justification for such a need. This statement is set out in § 89.102(c)(1)(v) of the rules.

34. To further qualify this concept, another example follows. If an applicant desires to install two stations, one to be located within the area of highway interchange "A" and the second within the area of highway interchange "B", then we would not consider this as an application for the licensing of a system of stations under a single authorization, since *two* distinct and separate *areas* are specified. In this case, we would issue a separate authorization for each station.

Emission Designator

35. Several comments were received regarding the proposed emission designation 6A3 (§ 89.102(c)(5)). Halstead recommends the inclusion of AO emission in the rules to allow for the transmission of an unmodulated carrier on a separate "leaky" cable system in the gap between two separate "leaky" cable systems providing different messages. Halstead argues that "from the standpoint of receiver operation, maintenance of the same signal level would, in effect, mute the automobile receiver while it is between the two highway cable antenna systems." Mr. Robertson of Jansky and Bailey requests that 2.2A2 be permitted "to provide for the use of tone-coded pulsing to automatically unsquelch specially designed receivers that could eventually be developed for use with TIS stations." He claims that the "implementation of such an automatic system would enhance the effectiveness of some stations and would further help to promote public interest in the use of TIS." Another party, Richard N. Burden Associates, recommends that "no restriction in bandwidth be required, in the interest of higher intelligibility and lower costs."

36. For a TIS system employing a cable system, the Commission concurs with Halstead that the carriage of an unmodulated carrier on a third, relatively short piece of cable, interspaced between two message-carrying cables providing continuity of signal level for purposes of muting the receiver would serve a useful function. Accordingly, the emission designator, AO, shall be permitted, but only for receiver muting purposes in tandem "leaky" cable TIS installations. At this time, other emission designators shall not be considered pending further development and implementation of receivers specially designed to receive TIS frequencies. Because only voice messages are to be carried over TIS facilities, the proposed emission designator 6A3 is maintained in the attached rules.

Co-ordination of Co-channel TIS's

37. In highly populated urban areas we recognize that the demand for TIS assignments may well exceed the number permissible due to the constraints imposed by these rules. Additionally, we acknowledge that there will probably be cases in which several jurisdictions, each with a specific need for TIS, are confined within a relatively small geographic area. In these instances, to more effectively share the limited radio frequency spectrum allocated for this service with all jurisdictions having such requirements, we strongly urge that the coverage area to be served by each TIS be confined to the licensee's area of jurisdiction and that stations utilizing "leaky" coaxial cable antenna systems be given primary consideration. Co-channel stations utilizing cable antennas may be located much closer due to cable's unique technical characteristic in which the radiation is confined within a distance of generaly 30 to 90 meters of the cable.

38. We envision, in some cases, that it may be desirous for several area jurisdictions to time share a single TIS using a monopole antenna system operating with maximum allowable field strength which provides coverage in a manner agreed upon by those jurisdictions. Nonetheless, among neighboring jurisdictions, coordination (See § 89.102(c)(4)(v)) for co-channel assignment shall be used when physical separation requirements cannot be met so that the public may derive maximum benefit from this service. Furthermore, since TIS's will be secondary to Federal Government as well as non-Government services on these frequencies, as set out in the Table of Frequency Allocations, all TIS applications will be further coordinated with the Interdepartment Radio Advisory Committee.

Alternative Recommendations

39. Rather than establish TIS's to transmit travelers information, various parties suggest that alternative mechanisms be employed to disseminate such information. KLAD–AM/FM of Klamath Falls, Oregon, suggests that funding be used instead to upgrade existing government facilities to provide better information to commercial radio stations for broadcast use. It urges that a bettter alternative to TIS would be the development and use of the present commercial broadcasting system. The National Radio Broadcasters Association also proposes, in place of TIS, further development and expansion of commercial broadcast services. Specifically, it suggests that governmental information gathering agencies (ex. Police Dept., Highway Dept., Fire Dept.) provide special receivers to broadcast stations that would receive motorist related messages originated from each participating agency. Depending on the urgency of the message, it could either be "aired" live or taped for delayed broadcast. Participating broadcast stations would have to agree to broadcast all messages within a given time period. It was pointed out that such a system now is used in the Los Angeles area (known as Sigalert). Two other parties submitted a description of a traffic information and warning system developed for the West Germany highway system by Blaupunkt, a German electronics firm. Under this system, designated broadcast stations agree to transmit motorist related information at specific times. To aid in tuning in such stations a tone transmitted on a subcarrier of the particular "traffic" station will be captured by a special decoder built into the auto receiver to activate an indicating lamp for alerting the driver as to the presence of a traffic information signal. This feature simplifies identifying stations transmitting traffic information.

40. While each of these approaches may have some beneficial application where broad area coverage is appropriate, none represents a viable alternative to the proposed use of low power systems to provide highly localized information of immediate interest to motorists, which is the use contemplated of TIS systems. Consequently, these suggestions are not being adopted in this proceeding.

41. Two parties suggest significantly different uses for these frequencies. One the National Black Media Coalition (NBMC) appears to have interpreted the TIS proposal to be a plan to create three additional broadcast frequencies. In its statement of opposition, it contends that the proposal "envisions the allocation, albeit on a secondary basis, of the first new AM spectrum space for the broadcast of material to the public at large which the Commission has made since the 1920's . . ." (NBMC's comments, p. 4) It states that the Commission has failed to consider the needs of the Black minority by opting to assign these frequencies to local governments. Accordingly NBMC requests the Commission to issue a further notice of proposed rule making that would result in the most widespread minority ownership of broadcast stations on 530, 1606, and 1612 kHz.

42. In a separate petition for rule making, (RM–2704), V. Tobi Kanter, a student at the University of Denver, suggests a similar type of broadcasting operation on these frequencies.[5] She requests the Commission to initiate rule making proceedings to provide for the use of 530, 1606, and 1612 kHz by a Communitly Access Non-commercial Service. Kanter believes the public interest would be better served if 250 watt broadcast stations licensed to non-profit community organizations (with special attention to minority representation) utilized these frequencies. Programming would "emphasize the public affairs, music, drama, and culture of the community being serviced." A limited amount of time during the broadcast day would be set aside for individual community members on a first-come-first-serve basis to air their views on any particular subject.

43. Three parties filed comments on this petition: Offshore Navigation, Inc. and Decca Survey Systems, Inc., both of which furnish commercial radiolocation services; and the National Association of Broadcasters. All three objected on the basis of the potential for interference the proposal presented. NAB feels that there is a significant potential for interference to AM broadcast stations and that therefore, until interference questions have been resolved, any action along the lines Kanter proposes would be premature. Offshore Navigation and Decca were both concerned about possible interference to radio-location facilities which they operate in the 1605 to 1800 kHz band. Offshore Navigation also claims that the Kanter petition is deficient in that it fails to demonstrate a need for the service proposed or that, even if there were a need, the proposed service would meet it. Decca states that while the low power (10 watts), and consequent limited range, proposed for TIS would produce a minimal possibility of interference to radio-location operations, the 250 watt stations proposed by Kanter were an entirely different matter.

44. The feasibility of the TIS proposal hinges on the use of low-power, limited range transmitters which would minimize potential interference to established services on the proposed frequencies. The power levels proposed for TIS use are not suitable for the broadcast-type operations which both NBMC and Kanter envision, and the use of stations powerful enough for such purposes [6] would pose serious interference problems to other services on these frequencies. Internationally, these frequencies are allocated for services other than broadcasting. The International Telecommunications Union (ITU) regulations permit operations in derogation of the international alloca-

[3] Because of constraints imposed on the reception of SCA subcarrier transmissions by Section 605 of the Communications Act, the use of such transmission for Travelers Information Station presents legal as well as practical problems. *See KMLA Broadcasting Corporation* v. *20th Century Cigarette Vendors et al.*, 264 F Supp 35. (C.D. Cal. 1967).

[4] Study and Development of Highway Advisory Information Radio, Report No. FHWA–RD–74–73, December 1974, Federal Highway Administration, Washington, D.C. 20590.

[5] Kanter's proposal is incompatible with that put forward in the Notice of Proposed Rule Making. We are therefore considering the two proposals together, a possibility mentioned in the Kanter petition.

[6] Kanter suggests stations with 250 watt daytime power and 100 watts at night NBMC proposes no specific power but does state that "the public might be better off with 20 more 1,000 w stations than it would be with 2,000 10 w stations . . ." (comments, p. 6, n. 8)

tion table, but only on condition that no interference is caused to stations operating in accordance with the table. Also, there are already a number of domestic assignments on these frequencies to both Government and non-Government entities. Because of these considerations, TIS's are very limited in power and will be secondary to other services. As already mentioned, higher power broadcast-type stations would have a considerably higher interference potential than the proposed TIS's. It is highly questionable that broadcast-type stations could operate in a secondary status, where they could be forced off the air at any time by an assignment (either foreign or domestic) to a station in a primary service to which they caused interference. Consequently, the types of operations proposed by NBMC and Kanter are not practicable on these frequencies.

45. NBMC also asserts that the Commission violated the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. Appendix 1, section 1 *et. seq.*) by relying on proposals derived by an *ad hoc* group for which there was insufficient public notice of its meetings of membership, and insufficient participation (and opportunity therefore) by interested public parties. NBMC seems clearly to have misread the Act. The Notice of Proposed Rule Making stated that the group was composed of representatives of the Commission and other federal agencies, and NBMC notes the fact (indeed, it is one of its bases of objection.) Subsection 3(2) of the Act, which defines "advisory committee" for purposes of the Act, specifically excludes "any committee which is composed wholly of full-time officers or employees of the Federal Government." The *ad hoc* group was clearly not within the scope of the Federal Advisory Committee Act, and there consequently could have been no violation of that statute.

46. In summary, the Commission finds it in the public interest to adopt the rules contained in the attached Appendix which are essentially as proposed in the Notice. The adopted rules contain certain modifications to provide interference protection to AM broadcast stations operating on adjacent frequencies, to clarify the non-commercial aspect of permitted operations, and, to set a maximum coverage range for each TIS based on certain technical limitations, and to adopt separate TIS standards for cable type systems.

47. Accordingly, pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, *it is ordered* that effective July 29, 1977, Parts 2 and 89 of the Commission's Rules are amended as set forth below.

48. *It is further ordered*, That the petition for rule making filed by V. Tobi Kanter (RM-2704) is denied.

49. *It is further ordered*, That this proceeding is *terminated*.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,[7]
VINCENT J. MULLINS,
Secretary.

APPENDIX A

The following parties, arranged into 6 groups for convenience, filed comments in response to Docket No. 20509:

I. BROADCASTING INDUSTRY

Alabama Broadcasters Association.
Buckley Broadcasting Corporation.
California Broadcasting Association.
Connecticut Broadcaster Association.
Golden West Broadcasters.
Hercules Broadcasting Company.
Indiana Broadcasters Association.
Iowa Broadcasters Association.
KAHL, AM radio station, North Platte, Nebraska.
KANG, FM radio station, Angwin, California.
KCOK, AM radio station, Tulare California.
KDOL, AM radio station, Mojave, California.
KEZY, AM radio station, Anaheim, California.
KFDF, AM radio station, Van Buren, Arkansas.
KFMB, AM radio station, San Diego, California.
KIKZ, AM radio station, Seminole, Texas.
KIST, AM radio station, Santa Barbara, California.
KKZZ–AM, KOTE–FM, radio stations, Lancaster, California.
KMAM–AM and KMOE–FM, radio stations, Butler, Missouri.
KMMT, FM radio station, Mammouth Lakes, California.
KNDE, AM radio station, Sacramento, California.
KNET, AM radio station, Palestine, Texas.
KOWL, AM radio station, South Lake Tahoe, California.
KPLS, AM radio station, Santa Rosa, California.
KPSI, AM radio station, Palm Springs, California.
KRE, AM radio station, Berkeley, California.
KSOM, AM radio station, Ontario, California.
KSRO, AM radio station, Santa Rosa, California.
KSWM, AM radio station, Aurora, Missouri.
KSYC, AM radio station, Yreka, California.
KTLQ, AM radio station, Tahlequah, Oklahoma.
KUHL, AM radio station, Ukiah, California.
KWHN–AM, KMAG–FM, radio stations, Ft. Smithe, Arkansas.
KWNT, AM radio station, Davenport, Iowa.
Mid America Media.
Mississippi Broadcasting Association.
Missouri Broadcasters Association.
National Association of Broadcasters.
National Broadcasting Company.
National Radio Broadcasters (NAFMB).
Nebraska Broadcasters Association.
North Carolina Association of Broadcasters.
Northern California Broadcasters Association.
Ohio Association of Broadcasters, Inc.
Pacific FM, Inc.
Pacini, Rod, employee of AM radio station KUKI.
Pennsylvania Association of Broadcasters.
Radio 950, Inc., (AM radio station KLAD), Klamath Falls, Idaho.
Scholfield Broadcasting Co., Inc.
Valley Broadcasters Association.
WAAX, AM radio station, Gadsden, Alabama.
WIOF, FM radio station, Waterbury, Connecticut.
WKRM, AM radio station, Columbia, Tennessee.
WKVT, AM radio station, Brattleboro, Vermont.
Wisconsin Broadcasters Association.

II. LOCAL GOVERNMENT AGENCIES

Allegany State Park and Recreation Commission.
Borough of Middlesex, New Jersey; Office of Civil Defense and Disaster Control.
Burlington County, Moorestown, New Jersey, Civil Defense and Disaster Control.
California State Communications Division.
City of Albuquerque, New Mexico, Office of Emergency Preparation.
City of Augusta, Georgia, Civil Defense Office.
City of Elizabeth, New Jersey, Office of Civil Defense and Disaster Control.
City of Homewood, Alabama, Civil Defense Department.
City of Los Angeles, Department of Airports.
City of Los Angeles, Mayor Tom Bradley.
Cobb-Marietta, Georgia, Office of Civil Defense.
Department of Army, Corps of Engineers, North Pacific Division.
East Bay Regional Park District of Oakland, California.
Habersham County, Georgia, Office of Civil Defense.
Mercer County, New Jersey, Office of Civil Defense and Disaster Control.
New York State Parks and Recreation Commission.
Police Department of Ft. Lauderdale, Florida.
State of Georgia, Department of Transportation.
State of Georgia, Statesboro-Bulloch County Civil Defense Office.
State of Montana, Governor Tom Judge.
State of Missouri, Civil Defense Office.
State of Rhode Island, Department of Transportation.
Sylvester-North County Civil Defense Office.
Township of Chatham, New Jersey, Office of Civil Defense and Disaster Control.
Township of Pennsuken, New Jersey, Department of Municipal Disaster Control.
United States Department of Transportation.
Washington State Patrol.

III. BUSINESS ASSOCIATIONS

American Traffic Services Association.
Association for Broadcast Engineering Standards, Inc.
Association of Public Safety Communications Officers, Inc.
California Public Safety Radio Association, Inc.
Institute of Broadcasting Financial Management, Inc.
International Association of Firechiefs.
International Municipal Signal Association.
National Black Media Coalition.
Oroville, California Chamber of Commerce.

IV. EQUIPMENT MANUFACTURERS

Earle S. Thall Associates.
E. F. Johnson.
General Motors Corporation.
Halstead Communications, Inc.
Loc Rad, Inc.
LPB, Inc.
Motorola, Inc.
Richard W. Burden Associates.
Robert A. Jones.
RTV Management.
Snider Corporation.
Telesis Corporation.

[7] See attached dissenting statement of Commissioner Quello.

V. TRAVEL/RECREATION INDUSTRY

Adirondack Attractions Association, Inc.
White Mountains Attractions Association.

VI. INDIVIDUALS

Crull, John B.
Burgess, Larry
Dahl, Nelson E.
Daughrity, Nancy B.
Ellerman, Harold J.
Fierd, Doug
Halshort, Edwina
Hathaway, Arthur
Hieth, Ruth L.
Jones, Dr. and Mrs. Kenneth
Knepper, L. R.
Meng, Douglas
Peterson, Alta May
Prowell, Wallace
Quinn, Clark E.
Robertson, Richard G.
Roe, Patricia
Shiflet, Vida Faye
Stuhr, Mrs. C. G.
Taylor, Paula
Uzsarinis, Joseph P.
Wade, Ms. Linda L.

Reply comments in the proceeding were filed by:

Associated Public-Safety Communications Officers, Inc.
Association for Broadcast Engineering Standards, Inc.
Booth American Company.
KFAC, Inc.
Loc Rad, Inc.
Nationwide Communications, Inc.
RKO General, Inc.
RTV Management.

APPENDIX B

The following parties filed comments in response to RM–2704:
Decca Survey Systems, Inc.
National Association of Broadcasters.
Offshore Navigation, Inc.

Parts 2 and 89 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 2 is amended as follows:

§ 2.1 [Amended]

(1) In § 2.1, a definition is added in alphabetical sequence to read as follows:

* * * * *

Travelers information station. A base station in the Local Government Radio Service used to transmit noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travelers advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest.

§ 2.106 [Amended]

(2) In § 2.106, the Table of Frequency Allocations is amended in columns 7 through 11 for the bands 510–535 kHz and 1605–1715 kHz; footnote US14 is amended and a new footnote US221 is added, as follows:

Band (kilohertz) 7	Service 8	Class of station 9	Frequency (kilohertz) 10	Nature (of service, and station) 11
* * *	* * *	* * *	* * *	* * *
510 to 535 (US14) (US221)			530	Travelers information.
* * *	* * *	* * *	* * *	* * *
1605 to 1715 (US97) (US221)			1610	Travelers information
* * *	* * *	* * *	* * *	* * *

NOTE.—US14 The frequency band 510 to 535 kHz is not available to non-Government stations except that the frequency 512 kHz is available for use by non-Government ship telegraph stations as a working frequency, and except as provided by footnote US221. When 500 kHz is being used for distress purposes, ship and coast stations may use 512 kHz for calling.

* * * * *

NOTE.—US221 Government and non-Government travelers information stations may be authorized on 530 kHz and 1610 kHz on a secondary basis to all authorized stations operating on a primary basis in the band 510 to 535 kHz and 1605 to 1715 kHz, respectively.

* * * * *

B. Part 89 is amended as follows:

(1) Section 89.3(b) is amended to include a new definition, to be inserted alphabetically as follows:

§ 89.3 Definitions.

* * * * *

(b) Definitions of stations:

* * * * *

Travelers Information Station. A base station in the Local Government Radio Service used to transmit noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travelers advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest.

* * * * *

(2) Section 89.102 headnote is amended and paragraph (c) added to read as follows:

§ 89.102 Radio Call Box and Travelers Information Station operation.

* * * * *

(c) *Travelers Information Stations* (1) The frequencies indicated by footnote 14 in § 89.259(f) may be assigned in the Local Government Radio Service for the operation of Travelers Information Stations subject to the following conditions and limitations:

(i) For Travelers Information Station applications only, eligibility requirements as set forth in § 89.251 are extended to include park authorities.

(ii) Travelers Information Stations will be authorized on a secondary, non-interference basis to authorized services operating on a primary basis and must tolerate such interference from those stations as may be necessary.

(iii) A Travelers Information Station authorization may be suspended, modified, or withdrawn by the Commission without prior notice of right to hearing if necessary to resolve interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

(iv) The transmitting site of each Travelers Information Station shall be restricted to the immediate vicinity of the following specified areas: air, train, and bus transportation terminals, public parks and historical sites, interstate highway interchanges, bridges, and tunnels.

(v) A Travelers Information Station shall normally be authorized to use a single transmitter. However, a system of stations, with each station in the system employing a separate transmitter, may be authorized for a specified area provided sufficient need is demonstrated by the applicant.

(2) Travelers Information Stations shall transmit only noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travel advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest. It is not permissible to identify the commercial name of any business establishment whose service may be available within or outside the coverage area of a Travelers Information Station. However, to facilitate announcements concerning departures/arrivals and parking areas at air, train, and bus terminals, the trade name identification of carriers is permitted.

(3) Each application for a station or system shall be accompanied by:

(i) A statement certifying that the transmitting site of the Travelers Information Station will be located at least 15.0 km, (9.3 miles) measured orthogonally, outside the measured 0.5 mV/meter daytime contour of any AM broadcast station operating on a first adjacent channel (540 kHz or 1600 kHz). If the measured contour is not available, then the calculated 0.5 mV/m field strength contour shall be acceptable. These contours are available for inspection at the concerned AM broadcast station and FCC offices in Washington, D.C.

(ii) The applicant is advised that cross-modulation and inter-modulation interference effects may result from the operation of a Travelers Information Station in the vicinity of an AM broadcast station on the second or third adjacent frequency. Accordingly, the applicant shall certify that he has considered these possible interference effects and, to the best of his knowledge, does not foresee harmful interference occurring to broadcast stations operating on 550 kHz, 560 kHz, 1580 kHz, or 1590 kHz. The Commission reserves the right to reconsider the status of any Travelers Information Station if such interference effects are caused to broadcast stations.

(4) Technical Standards: (i) The use of 6A3 emission will be authorized, however AO emission may be used for purposes of receiver quieting, but only for a system of stations employing "leaky" cable antennas.

(ii) A frequency tolerance of 100 Hz shall be maintained.

(iii) For a station employing a cable antenna, the following restrictions apply:

(*a*) The length of the cable antenna shall not exceed 3.0 km (1.9 miles).

(*b*) Transmitter RF output power shall not exceed 50 watts and shall be adjustable downward to enable the user to comply with the specified field strength limit.

(c) The field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 60 meters (197 feet) from any part of the station.

(iv) For a station employing a conventional radiating antenna(s) (ex. vertical monopole, directional array) the following restrictions apply:

(*a*) The antenna height above ground level shall not exceed 15.0 meters (49.2 feet).

(*b*) Only vertical polarization of antennas shall be permitted.

(c) Transmitter RF output power shall not exceed 10 watts to enable the user to comply with the specified field strength limit.

(*d*) The field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 1.50 km (0.93 miles) from the transmitting antenna system.

(v) Separation requirements.—(*a*) For co-channel stations operating under different licensees, the following minimum separation distances shall apply:

(*1*) 0.50 km (0.31 miles) for the case when both stations are using cable antennas.

(2) 7.50 km (4.66 miles) for the case when one station is using a conventional antenna and the other is using a cable antenna.

(3) 15.0 km (9.3 miles) for the case when both stations are using conventional antennas.

(*b*) For a system of co-channel transmitters operating under a single authorization utilizing either cable or conventional antennas, or both, no minimum separation distance is required.

(c) An applicant desiring to locate a station that does not comply with the separation requirements of this section shall coordinate with the affected station.

(5) Each application for a station or system of stations for a specified area shall be accompanied by a supplementary statement showing compliance with the technical standards contained in this section and additionally:

(i) A map showing the geographical location of each transmitter site and an estimate of the signal strength of the contour of the desired coverage area. For a cable system, the contour to be shown is the estimated field strength at 60 meters (197 feet) from any point on the cable. For a conventional radiating antenna, the estimated field strength contour at 1.5 km (0.93 mile) shall be shown. A contour map comprised of actual on-the-air measurements shall be submitted to the Commission within 60 days after station authorization or completion of station construction, whichever occurs later. A sufficient number of points shall be chosen at the specified distances (extrapolated measurements are acceptable) to adequately show compliance with the field strength limits.

(ii) For each transmitter site, the transmitter's output power, the type of antenna utilized, its length (for a cable system), its height above ground, distance from transmitter to the antenna, and the elevation above sea level at the transmitting site.

(6) In § 89.109, a new paragraph (j) is added to read as follows:

§ 89.109 Modulation requirements.

* * * * *

(j) Each transmitter in a Travelers Information Station shall be equipped with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz this filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

$60 \log_{10} (f/3)$ decibels

where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

(*7*) In § 89.124, paragraph (k) is amended as follows:

§ 89.124 Single sideband radiotelephone technical specifications.

* * * * *

(k) Except for Travelers Information Stations in the Local Government Radio Service, A3J emission for radiotelephone is mandatory in all new radio-telephone systems operating on frequencies below 25 MHz on or after September 8, 1972, and in all other non-exempted systems 5 years after that date.

(8) In § 89.255, a new paragraph (d) is added to read as follows:

§ 89.255 Points of communication.

* * * * *

(d) Travelers Information Stations are authorized to transmit certain information (see § 89.102(c)(2)) to members of the traveling public.

(9) Section 89.259(f) table is amended to read as follows:

§ 89.259 Frequencies available to the local Government radio service.

* * * * *

(f) * * *

Frequency or band (megahertz)	Class of station(s)	Limitations
0.530	Base	13
1.610	do	13

* * * * *

(g) * * *

(13) This frequency is available for use only by Travelers Information Stations.

DISSENTING STATEMENT OF COMMISSIONER JAMES H. QUELLO

IN RE: TRAVELERS INFORMATION STATION FACILITIES

I cannot agree with the Commission majority that there is any demonstrable need to establish a new class of radio service to transmit travelers aid information. I find a substantial difference between "demonstrable need" and demonstrable desire or interest.

The majority is of the opinion that an "established need" for this service has been demonstrated through experience with existing experimental stations. I simply do not view this proposed service as performing any needed function that cannot be better performed by (1) existing broadcasting stations or (2) by alternative means. Conversely, the proposed services tend to discriminate in favor of those vehicles equipped with functioning AM receivers capable of receiving a signal at the extreme edges of the broadcast band. Thus, such discrimination would seem to mitigate against the sole use of the proposed services in instances in which safety might be considered a factor.

I am fully aware of the practical aspects of providing informational reports to the public by radio stations, particularly during heavy drive time periods. Radio stations in the larger and more urban areas particularly scramble to provide the most comprehensive weather reports, traffic condition reports, emergency traffic situations, etc. Such reports cover a substantial area geographically and the listener is able to receive the information in sufficient advance time to make use thereof. In contrast, travelers information stations would be of very limited range. In fact, the range would appear to be so limited as to be of little value in aiding the motorist in anticipating hazardous situations. As for non-safety-related services, I am not convinced as to their public interest value over more traditional alternatives.

In closing, I again emphasize the lack of showing that there exists an actual "need" for the travelers information stations service and that such broadcast service would so uniquely respond to these needs as to be in the public interest. Absent such showing, I must dissent.

[FR Doc.77-17627 Filed 6-21-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICES AND PROCEDURES

[Ex Parte No. 327]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Rate Incentives for Capital Investment

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission adopts new standards and procedures to promote the filing of railroad incentive rates associated with a capital investment of one million dollars or more. This action implements a part of the Railroad Revitalization and Regulatory Reform Act of 1976.

EFFECTIVE DATE: June 8, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. 202-275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In order to encourage capital investment and assist in the rehabilitation and revitalization of the railway system, Congress enacted section 206 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), which amended the Interstate Commerce Act by adding a new and innovative provision, section 15(19). This new section governs the publication of railroad rates based upon a capital investment of $1 million or more, individually or collectively, by a carrier, shipper, receiver, agent thereof, or an interested third party.

Section 15(19) provides that the actual filing of a capital incentive rate must be preceded by the filing of a notice of intention to file a schedule containing a capital incentive rate and must be accompanied by (1) a copy of the proposal tariff, (2) a sworn, detailed affidavit setting forth the anticipated capital investment, and (3) a summary suitable for publication in the FEDERAL REGISTER.

Upon timely protest by an interested party, the Commission will be limited to a statutory 180-day period to investigate and determine lawfulness. If the Commission does not determine the proposal unlawful, the carrier has a 180-day statutory period in which to file the schedule, which will become effective upon 30 days notice. Section 15(19) provides that the schedule may not be suspended or declared unlawful under sections 1, 2, 3 or 4 of the Interstate Commerce Act for 5 years following its effective date, except that the Commission may at any time order it revised to a level equalling variable cost, if the rate is found to reduce the going concern value of the carrier.

By Notice of Proposed Rulemaking entered July 27, 1976, and published in the FEDERAL REGISTER on August 3, 1976 (49 FR 32434), this proceeding was initiated for the purpose of developing standards and workable regulations to govern the publication of railroad rates pursuant to section 15(19). The NPRO was intended to elicit comments for the development of workable regulations implementing this innovative section. Although the proposed regulations have been modified as warranted to comply with the constructive comments of the parties, the final regulations are based on the original version in form, scope, and goals. In the report and order adopting the final regulations, decided May 23, 1977, the Commission concluded that the proceeding would be held open in order that refinements and modifications may be made in light of actual experience.

Issued at Washington, D.C., June 8, 1977.

ROBERT L. OSWALD,
Secretary.

Part 1109 of Chapter X of Title 49 of the Code of Federal Regulations is supplemented by adding a new § 1109.20 as set forth below:

§ 1109.20 Requirements and special procedures relating to rate incentives for capital investment.

(a) *Applicability.* The provisions of this part apply only to railroad proposals for a new rate, fare, charge, classification, regulation, or practice that requires a total capital investment of $1,000,000 or more, individually or collectively, by such carrier, or by a shipper, receiver, or agent thereof, or an interested third party. These proposed rates are hereinafter referred to as capital incentive rates.

(b) *Notice of intention.* A notice of intention to file a schedule containing a capital incentive rate must be filed in advance of the filing of the actual tariff by the carrier (or its agent) electing to use the special procedures adopted pursuant to section 15(19). This notification, an original and 7 copies, shall make reference to Ex Parte No. 327, and shall be accompanied by the following documents:

(1) Two copies of the proposed tariff, one copy of which will be received and remain available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission. Washington, D.C.

(2) An original and 7 copies of a sworn affidavit by the carrier proposing the schedule. The affidavit shall include a description of the new investment, the name and contribution of each entity proposing to make the investment, the names of all shippers and/or receivers eligible to tender freight under the capital incentive item, estimates of the variable costs per unit of service under the proposed schedule, a statement indicating whether or not an expiration date for the proposed schedule has been predetermined, a statement indicating whether or not a restraint on cancellation of the proposed schedule has been predetermined and the nature of any such restraint; a statement indicating whether or not the proposed schedule is to be exempted from ex parte general increases, and a statement indicating whether or not a formula for adjustment of the proposed schedule has been predetermined and the nature of any such formula. A copy of the affidavit shall be sent to each entity joining in the capital investment.

(3) *A summary suitable for publication in the Federal Register.* The summary shall include the name of each entity proposing to make the capital investment, the anticipated amount of the capital investment, the nature of the equipment or facility to be augmented, improved or constructed, the commodity or commodities to be transported, the proposed duration of the capital incentive rate, the name and address of the responsible carrier official or representative to whom inquiries and requests for documents relating to the proposal should be addressed, and a statement that a copy of the proposed tariff is available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.

(c) *Federal Register and Trade Journal publication.* As soon as practicable, a summary of the proposal shall be published in the FEDERAL REGISTER by the Commission, and in one transportation trade publication of general distribution by the filing carrier (or its agent).

(d) *Protest.* Within 25 days from date of publication in the FEDERAL REGISTER, any interested person, herein referred to as protestant, seeking a hearing on the proposed capital incentive rate must so inform the Commission and the carrier official or representative identified in the FEDERAL REGISTER. An original and 7 copies of this notification, hereinafter referred to as a protest, must be filed with the Commission and shall make reference to Ex Parte No. 327, the date of publication of the summary in the FEDERAL REGISTER, if known, and the grounds for the requested investigation.

(e) *Hearing.* Upon the receipt of a protest, the Commission by order will immediately schedule a hearing to commence 30 days from service of the order.

(1) *Burden of proof.* In any hearing pertaining to a capital incentive rate the burden of proof shall be upon the protestant.

(2) *Procedural dates.* Protestant's initial presentation, in written form under modified procedure (unless oral hearing is directed), shall be due 30 days from service of the Commission order instituting the proceeding. The reply statement of the carrier (respondent) or any interested party shall be due 20 days thereafter. Protestant's rebuttal statement shall be due 20 days after the filing of the reply statement.

(3) *Postponement of procedural dates.* In view of the statutory requirement that hearings be concluded and a determination of lawfulness made within a 180-day period following the date of filing of the notice of intention to file a capital incentive rate, postponement of the procedural dates established by these regulations is not contemplated. Request for postponement, if received later than 10 days before the due date, will not be accepted for filing.

(f) *Orders authorizing or prohibiting the publication of capital incentive rates.* With respect to every capital incentive rate proposal, the Commission shall enter an order either authorizing the publication of the actual tariff on

30 days' notice or prohibiting the publication of such rate.

(1) *Non-investigated proposals.* An order shall be entered 35 days after publication of the summary in the FEDERAL REGISTER authorizing the tariff publication on 30 days' notice of the non-investigated capital incentive rate. This authorization order shall be valid for a 180-day period and, if not exercised within that period, the order shall be of no further force or effect.

(2) *Investigated proposals.* (i) If, after hearing, the Commission finds that the capital incentive rate proposal is lawful, it will enter an order or report and order giving reasons for its conclusion and authorizing the filing on 30 days' notice of a tariff incorporating the proposal. This authorization, if not exercised, shall expire 180 days after service of the order.

(ii) If, after hearing, the Commission finds that the capital incentive rate proposal is unlawful, it will enter an order or report and order giving reasons for its conclusions prohibiting the publication of a tariff implementing the proposal.

(g) *Notations in tariffs or schedules.* Tariff provisions implementing capital incentive rates shall contain the following notations:

Provisions named herein authorized by Commission order served June 8, 1977, Docket No. Ex Parte No. 327, in conformity with 49 CFR 1109.20.

Tariff provisions shall further state if applicable, the name(s) of shippers and/or receivers eligible to tender freight under the capital incentive item.

(h) *Reopening.* (1) The Commission shall retain jurisdiction to order that the capital incentive rate be increased to a variable cost level in the event the capital incentive rate is found to reduce the going concern value of the carrier.

(2) For a period of 5 years following the date a capital incentive rate becomes effective, the proceeding shall not be reopened for consideration of alleged violations of sections 1, 2, 3, or 4 of the Act. Similarly, the schedules may not be set aside in a complaint proceeding as unlawful under sections 1, 2, 3, or 4 within 5 years after the effective date of the incentive rate publication.

[FR Doc.77-17676 Filed 6-21-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that the following two positions are excepted under Schedule C because they are confidential in nature: one Special Assistant (Political Coordination) and one Special Assistant to the Administrator.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3318(a)(1) is amended to read as follows:

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.*

(1) Eleven Special Assistants and one Special Assistant (Political Coordination) to the Administrator.

* * * * * *

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18014 Filed 6-21-77;11:15 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1241]

CONTRACT APPEALS

Proposed General Procedures

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rules.

SUMMARY: NASA proposes to revise its rules of procedure for the adjudication of contract appeals before the NASA Board of Contract Appeals. This revision is necessary to adopt in major part the Uniform Rules of Practice for Boards of Contract Appeals, as proposed by the National Conference of Boards of Contract Appeals Members. The purpose of the uniform rules is to promote greater uniformity in Government procurement policies, practices and procedures.

DATE: Comments or suggestions respecting the proposed revision should be submitted on or before July 22, 1977.

ADDRESS: Send comments and suggestions to: Chairman, Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT:

Ferderick J. Lees, Chairman, Board of Contract Appeals. Telephone 202-755-8405, National Aeronautics and Space Administration, Washington, D.C. 20546.

SUPPLEMENTARY INFORMATION:

This proposed revision to the NASA rules of procedure adopts in major part the uniform rules developed by the National Conference of Boards of Contract Appeals Members. The drafting of uniform rules was prompted by the Commission on Government Procurement's recommendation for greater uniformity in Government procurement policies, practices and procedures, and was participated in by most federal agencies having Boards of Contract Appeals. The rules are believed to reflect the most advanced concepts for providing expeditious and economical resolution of contract appeals with administrative due process.

It should be noted that the uniform rule concerning the use of optional accelerated procedures, § 1241.112, has been modified in this proposed revision to conform to NASA's current practice, which has proven successful in expediting the appeal process. Appeals subject to such accelerated procedures will continue to be decided by a panel of the Board rather than a single Administrative Judge, and there is no provision for the rendering of "bench decisions."

The mediation provision of NASA's present rules, §1241.135, is not included in the uniform rules and has been eliminated from this revision. Mediation proceedings have been invoked by parties before the Board only twice in the past six years, in each instance unsuccessfully.

1. Subpart 1241.1 in revised in its entirety as follows:

Subpart 1241.1—General Procedures

Sec.
1241.10 Scope.

PREFACE TO THE RULES

1241.11 Authority and jurisdiction of the Board.
1241.12 Location and organization of the Board.
1241.13 Decisions on questions of law.
1241.14 Board of contract appeals procedure.

PRELIMINARY PROCEDURES

1241.101 Appeals, how taken.
1241.102 Notice of appeal, contents of.
1241.103 Forwarding of appeals.
1241.104 Preparation, contents, organization, forwarding and status of appeal file.
1241.105 Dismissal for lack of jurisdiction.
1241.106 Pleadings.
1241.107 Amendments of pleadings or record.
1241.108 Hearing election.
1241.109 Prehearing briefs.
1241.110 Prehearing or presubmission conference.
1241.111 Submission without a hearing.
1241.112 Optional accelerated procedure.
1241.113 Settling the record.
1241.114 Discovery—depositions.
1241.115 Interrogatories to parties, admission of facts, and production and inspection of documents.
1241.116 Service of papers.

HEARINGS

1241.117 Where and when held.
1241.118 Notice of hearings.
1241.119 Unexcused absence of a party.
1241.120 Nature of hearings.
1241.121 Examination of witnesses.
1241.122 Copies of papers.
1241.123 Posthearing briefs.
1241.124 Transcript of proceedings.
1241.125 Withdrawal of exhibits.

REPRESENTATION

1241.126 The appellant.
1241.127 The respondent.

DECISIONS

1241.128 Decisions.

MOTION FOR RECONSIDERATION

1241.129 Motion for reconsideration.

DISMISSALS

1241.130 Dismissal without prejudice.
1241.131 Dismissal for failure to prosecute.

EX PARTE COMMUNICATIONS

1241.132 Ex parte communications.

SANCTIONS

Sec.
1241.133 Sanctions.

AUTHORITY: 42 U.S.C. 2473(b)(1).

Subpart 1241.1—General Procedures

§ 1241.10 Scope.

This Subpart 1241.1 prescribes the procedures for the adjudication of appeals before the NASA Board of Contract Appeals (hereinafter referred to as "the Board") arising from NASA contracts.

PREFACE TO THE RULES

§ 1241.11 Authority and jurisdiction of the Board.

(a) The Board, constituted under the provisions of Subpart 1209.1 of this chapter, is authorized to hear, consider and determine appeals from decisions of contracting officers arising under contracts which contain provisions requiring the determination of appeals by the Administrator or his duly authorized representative or board. In addition, the Board may perform other quasi-judicial duties as assigned by the Administrator. The Board has authority to determine appeals falling within the scope of its jurisdiction as fully and finally as might the Administrator.

(b) Under § 1209.102(b) of this chapter, the Board is granted the authority to issue its rules of procedure.

§ 1241.12 Location and organization of the Board.

(a) The Board is located in Washington, D.C., and its mailing address is The Board of Contract Appeals, National Aeronautics and Space Administration, Washington, D.C. 20546.

(b) The Board consists of a Chairman and two other members, all of whom shall be attorneys at law duly licensed by any state or the District of Columbia, and who have significant experience in Government procurement law. In general, the appeals are assigned to a panel of at least two members of the Board. If a panel of two members is unable to agree upon a decision, the Chairman may assign a third member to consider the appeal. The Chairman is designated as Chief Administrative Judge and the other Board members are designated as Administrative Judges.

§ 1241.13 Decisions on questions of law.

When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may, in its discretion, hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal should it appear that a claim is involved which is not

JUN 22 1977 UM

cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

§ 1241.14 Board of contract appeals procedure.

(a) *Rules.* Appeals referred to the Board are handled in accordance with the rules of the Board.

(b) *Administration and interpretation of rules.* Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination of appeals without unnecessary delay.

(c) *Preliminary procedures.* Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(d) *Time, computation, and extensions.* (1) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(2) Except as otherwise provided by law, in computing any period of time prescribed by these rules or by any order of the Board, the day of the event from which the designated period of time begins to run shall not be included, but the last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall run to the end of the next business day.

(3) Requests for extensions of time from either party shall be made in writing and stating good cause therefor.

PRELIMINARY PROCEDURES

§ 1241.101 Appeals, how taken.

Notice of an appeal must be in writing and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

§ 1241.102 Notice of appeal, contents of.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), and the final decision of the contracting officer from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 1241.106 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 1241.103 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt and the contractor will be furnished a copy of these rules.

§ 1241.104 Preparation, contents, organization, forwarding and status of appeal file.

(a) *Duties of Contracting Officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which appeal is taken;

(2) The contract including specifications and pertinent amendments, plans and drawings;

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board; and

(5) Any additional information considered pertinent.

Within the same time specified above, the contracting officer shall furnish the appellant a copy of each document he transmits to the Board, except those stated in § 1241.104(a)(2), as to which a list furnished appellant indicating specific contractual documents transmitted will suffice, and those stated in § 1241.104(d).

(b) *Duties of the appellant.* Within 30 days after receipt of a copy of the appeal file assembled by the contracting officer, the appellant shall supplement the same by transmitting to the Board any documents not contained therein which he considers pertinent to the appeal, and furnishing two copies of such documents to the Government trial attorney.

(c) *Organization of the appeal file.* Documents in the appeal file may be originals or legible fascimile or authenticated copies thereof, and shall be arranged in chronological order where practicable, numbered sequentially, tabbed, and indexed to identify the contents of the file.

(d) *Lengthy documents.* The Board may waive the requirement of furnishing to the other party copies of bulky, lengthy, or out-of-size documents in the appeal file when a party has shown that doing so would impose an undue burden. At the time a party files with the Board a document as to which such a waiver has been granted, he shall notify the other party that the same or a copy is available for inspection at the offices of the Board or of the party filing same.

(e) *Status of documents in appeal file.* Documents contained in the appeal file are considered, without further action by the parties, as part of the record upon which the Board will render its decision, unless a party objects to the consideration of a particular document in advance of hearing or of settling the record in the event there is no hearing on the appeal. If objection to a document is made, the Board will rule upon it admissibility into the record as evidence in accordance with §§ 1241.113 and 1241.120.

§ 1241.105 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 1241.106 Pleadings.

(a) *Appellant.* Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) *Respondent.* Within 30 days from receipt of said complaint, or the aforesaid notice from the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counter-claims as appropriate. Upon receipt thereof, the Board shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

§ 1241.107 Amendments of pleadings or record.

The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 1241.104, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 1241.104 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 1241.108 Hearing election.

Upon receipt of respondent's answer or the notice referred to in the last sentence of § 1241.106(b), appellant shall advise whether he desires a hearing as prescribed in § 1241.117 through § 1241.125, or whether, in the alternative, he elects to submit his case on the record without a hearing, as prescribed in § 1241.111. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in § 1241.112.

§ 1241.109 Prehearing briefs.

Based on an examination of the documentation described in § 1241.104, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may, in its discretion, require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 1241.108. In the absence of a Board requirement therefor, either party may, in its discretion and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 1241.110 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 1241.111, or heard pursuant to § 1241.117 through § 1241.125, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before an Administrative Judge for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute; and

(5) Such other matters as may aid in the disposition of the appeal.

(b) *Conference record.* The results of the conference shall be reduced to writing by the Board member within 5 calendar days after the close of the conference. Copies shall be duly served on the parties who may, within 10 calendar days from receipt of the written record, file objection, comment, request for correction, or other motion pertaining to that record of prehearing conference. The record of prehearing conference, together with any objection, comment, request for correction, or other motion made by the parties shall become a part of the Board record.

§ 1241.111 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the record before the Board, as settled pursuant to § 1241.113. Submission of a case without hearing does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses. Affidavits, depositions, admissions, answers to interrogatories, and stipulations may be employed to supplement other documentary evidence in the Board record. The Board may permit such submission to be supplemented by oral argument (transcribed, if requested), and by briefs arranged in accordance with § 1241.123.

§ 1241.112 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decision by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision.

(c) Except as herein modified, these rules otherwise apply in all respects.

§ 1241.113 Settling the record.

(a) The record upon which the Board's decision will be rendered consists of the appeal file described in § 1241.104 and, to the extent the following items have been filed, pleadings, prehearing conference memoranda or orders, prehearing briefs, depositions or interrogatories received in evidence, admissions, stipulations, transcripts of conferences and hearings, hearing exhibits, posthearing briefs, and documents which the Board has specifically designated be made a part of the record. The record will at all reasonable times be available for inspection by the parties at the office of the Board.

(b) Except as the Board may otherwise order in its discretion, no proof shall be received in evidence after completion of an oral hearing or, in cases submitted on the record, after notification by the Board that the case is ready for decision.

(c) The weight to be attached to any evidence of record will rest within the sound discretion of the Board. The Board may in any case require either party, with appropriate notice to the other party, to submit additional evidence on any matter relevant to the appeal.

§ 1241.114 Discovery—depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions

shall be as mutually agreed by the parties, or failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may, in its discretion, receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 1241.115 Interrogatories to parties, admission of facts, and production and inspection of documents.

(a) *Interrogatories to parties.* After an appeal has been filed with the Board, a party may serve on the other party written interrogatories to be answered separately in writing, signed under oath and returned within 30 days. Upon timely objection by the party, the Board will determine the extent to which the interrogatories will be permitted.

(b) *Admission of facts.* After an appeal has been filed with the Board, a party may serve upon the other party a request for the admission of specified facts. Within 30 days after service, the party served shall answer each requested fact or file objections thereto. The factual propositions set out in the request shall be deemed admitted upon the failure of a party to respond to the request for admission.

(c) *Production and inspection of documents.* Upon motion of any party showing good cause therefor, and upon notice, the Board may order the other party to produce and permit the inspection and copying or photographing of any designated documents or objects, not privileged, specifically identified, and their relevance and materiality to the cause or causes in issue explained, which are reasonably calculated to lead to the discovery of admissible evidence. If the parties cannot themselves agree thereon, the Board shall specify just terms and conditions in making the inspection and taking the copies and photographs.

§ 1241.116 Service of papers.

Papers shall be served personally or by mailing the same, addressed to the party upon whom service is to be made. Copies of complaints, answers, and simultaneous briefs shall be filed directly with the Board. The party filing any other paper with the Board shall send a copy thereof to the opposing party, noting on the paper filed with the Board, or on the letter transmitting the same, that a copy has been so furnished.

HEARINGS

§ 1241.117 Where and when held.

Hearings will ordinarily be held in the Washington, D.C., area, except that upon request seasonably made and upon good cause shown, the Board may set the hearing at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may, in its discretion, advance a hearing.

§ 1241.118 Notice of hearings.

The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties.

§ 1241.119 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 1241.111.

§ 1241.120 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 1241.121 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member shall otherwise order. If the testimony of a witness is not given under oath or affirmation, the Board shall warn the witness that his statements may be subject to the provisions of Title 18, United States Code, Sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 1241.122 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 1241.123 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member at the conclusion of the hearing. Ordinarily, they will be simultaneous briefs, exchanged within 30 days after receipt of transcript.

§ 1241.124 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts or copies of the proceedings shall be supplied to the parties at such rates as may be fixed by contract with the reporter.

§ 1241.125 Withdrawal of exhibits.

After a decision has become final the Board may, upon request, and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board on its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

§ 1241.126 The appellant.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, commonwealth, territory, or in the District of Columbia. An attorney representing an appellant shall file a written notice of apperance with the Board.

§ 1241.127 The respondent.

Government counsel may, in accordance with their authority, represent the interest of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and the Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

DECISIONS

§ 1241.128 Decisions.

Decisions of the Board will be made in writing and copies thereof will be forwarded simultaneously to both parties. Decisions of the Board will be made solely upon the record, as described in § 1241.113. The rules of the Board, all final orders and decisions, and other records of, or before, the Board shall be available for inspection at its offices to the extent permitted by, and subject to the exemptions of, 5 U.S.C. 552.

MOTION FOR RECONSIDERATION

§ 1241.129 Motion for reconsideration.

A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of the receipt of a copy of the decision of the Board by the party filing the motion.

DISMISSALS

§ 1241.130 Dismissal without prejudice.

In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may, in its discretion, dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed. Unless either party or the Board acts within three years to reinstate any appeal dismissed without prejudice, the dismissal shall be deemed with prejudice.

§ 1241.131 Dismissal for failure to prosecute.

Whenever a record discloses the failure of either party to file documents required by these rules, respond to notices or correspondence from the Board, comply with orders of the Board, or otherwise indicates an intention not to continue the prosecution or defense of an appeal, the Board may issue an order requiring the offending party to show cause why the appeal should not be either dismissed or granted, as appropriate. If the offending party shall fail to show such cause, the Board may take such action as it deems reasonable and proper under the circumstances.

EX PARTE COMMUNICATIONS

§ 1241.132 Ex parte communications.

No member of the Board or of the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff, off the record, any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communications concerning the Board's administrative functions or procedures.

SANCTIONS

§ 1241.133 Sanctions.

If any party fails or refuses to obey an order issued by the Board, the Board may make such order in regard to the failure as it considers necessary to the just and expeditious conduct of the appeal.

FREDERICK J. LEES,
Chairman,
Board of Contract Appeals.

[FR Doc.77-17682 Filed 6-21-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 748-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the San Luis Obispo County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to acknowledge receipt of and invite public comments on revisions to the San Luis Obispo County Air Pollution Control District's Rules and Regulations which were submited to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions were submitted on July 25, 1973, January 10, 1975, November 10, 1976; and February 10, 1977. Since the November 10, 1976, submittal represents the most recent set of rules and regulations for this District, that submittal and the February 10, 1977, submittal will be addressed in this notice. Regulations concerning New Source Review and Nuisance are not being considered in this notice, and will be the topic of separate FEDERAL REGISTER notices. The EPA solicits comments regarding the desirability of approving or disapproving the rules and regulations being considered, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted on or before July 22, 1977.

ADDRESSES: Send comments to:

Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section, EPA, Region IX, 100 California Street, San Francisco CA 94111.

Availability of documents: Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations:

San Luis Obispo County Air Pollution Control District, County Airport, Edna Road, San Luis Obispo CA 93401.

California Air Resources Board, 1709 11th Street, Sacramento CA 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section (415-556-7288).

SUPPLEMENTARY INFORMATION: The November 10, 1976, submittal contained revisions to the following rules:

REGULATION I—GENERAL

Rule
101 Title.
102 Compliance by existing installations.
103 Conflicts between district, State, and Federal rules.
104 Action in areas of high concentrations.
105 Definitions.
106 Standard conditions.
107 Breakdown or upset conditions and emergency variances.
108 Severability.
109 Particular controls not required.
110 Enforcement.
111 Arrests and notices to appear.

REGULATION IV—SOURCE EMISSION STANDARDS, LIMITATIONS, AND PROHIBITIONS

401 Visible emissions.
402 Nuisance.
403 Particulate matter emission standards.
405 Nitrogen oxides emission standards, limitations, and prohibitions.
407 Organic material emission standards, limitations and prohibitions.
408 Gasoline specifications.
409 Orchard or citrus grove heaters.
410 Reduction of animal matter.

REGULATION V—BURNING PROVISIONS, LIMITATIONS, AND PROHIBITIONS

501 General burning provisions.
502 Agricultural burning.

REGULATION VI—RESERVED FOR NEW SOURCE PERFORMANCE STANDARDS

REGULATION VII—RESERVED FOR EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

REGULATION VIII—PROCEDURE BEFORE THE HEARING BOARD

801 General.
802 Filing petitions.
803 Contents and format of petitions.
804 Petitions for variances.
805 Appeal from denial.
806 Failure to comply with rules.
807 Notice of hearing.
808 Place of hearing.
809 Pleadings.
810 Dismissal of petition.
811 Preliminary matters.
812 Evidence.
813 Official notice.
814 Continuances.
815 Decision.
816 Effective date of decision.
817 Increments of progress.

The February 10, 1977, submittal contained revisions to the following rules:

REGULATION I—GENERAL

Rule
112 Public availability of information.

REGULATION IV—SOURCE EMISSION STANDARDS, limitations, and prohibitions

404 Sulfur compounds emission standards, limitations, and prohibitions.

Under Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administartor is required to approve or disapprove the regulations as an SIP revision. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX office. Relevant comments received on or before July 22, 1977, will be considered. Comments received will be available for public inspection at the Region IX office and the EPA Public Information Reference Unit.

Authority: Sections 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: May 25, 1977.

PAUL DE FALCO, JR.,
Regional Administrator.

[FR Doc.77-17674 Filed 6-21-77;8 45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-124]

McCORMICK, ET AL.

Emergency Order

On June 10, 1977, McCormick 1976 Oil and Gas Program, the Dow Chemical Company and on Coast Petroleum Company (McCormick, et al.) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a petition to make an emergency sale to United Gas Pipeline Company (United). For the reasons set forth below, I authorize the requested sale of emergency natural gas.

By contract dated May 27, 1977, United agreed to purchase gas from McCormick, *et al.* in Brooks County, Texas. The contract between the parties is to remain in effect until July 31, 1977.

United will purchase these supplies at a price of $2.05 per MMBtu inclusive of all state and local taxes and other adjustments. I find this price to be fair and equitable in accordance with Order No. 2.

According to the official files of the Federal Power Commission, McCormick, *et al.* are not classified as natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *" 91 Stat. at 8.

United shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize McCormick, *et al.* to sell emergency natural gas to United, in accordance with the terms and conditions set forth in McCormick, *et al's* filing in this proceeding.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon McCormick, *et al.* and United. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 16, 1977.

[FR Doc.77-17785 Filed 6-21-77;8:45 am]

[Docket No. E77-121]

TUCO INC. AND LLANO, INC.

Emergency Order

On June 14, 1977, TUCO Inc. (TUCO) and Llano, Inc. (Llano) filed, pursuant to Section 6 and 9 of the Emergency Natural Gas Act of 1977 (Act.), Pub. L. 95-2 (91 Stat. 4 (1977)), an application for an order authorizing Llano to transport emergency natural gas for TUCO to the account of Natural Gas Pipeline Company of America (Natural). On March 10, 1977, in Docket No. E77-48, I authorized TUCO's sale of natural gas to Natural. For the reasons set forth below, I authorize the requested transportation.

TUCO and Llano advise the the following arrangements have been made for the transportation of the subject gas. Llano will transport up to 10,000 Mcfd of the subject gas from TUCO's storage in Eddy County, New Mexico to the TUCO-Natural delivery point. Further, the parties advise that all the facilities required to transport the gas are in existence. Llano advises that there will be no transportation charge to TUCO for this transaction. This arrangement will terminate on July 31, 1977.

Llano advises and I find that the gas made available by TUCO for Natural's account and transported by Llano will result in a commingling of interstate natural gas with Llano's normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Llano and its producers, transporters and other suppliers of gas prohibit the transportation of natural gas in interstate commerce, the sale of natural gas in interstate commerce, and the commingling of its intrastate pipeline system gas supplies with gas moving in interstate commerce. The transportation and delivery of gas for which TUCO seeks approval may result in some commingling of interstate natural gas with Llano's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas.

Under the provisions of § 9 (b), (c) of Pub. L. 95-2 (91 Stat. 4, 9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Llano or other such parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of Section 9 of Public Law 95-2 since Llano is transporting and delivering gas for TUCO pursuant to Section 6(a) of that Act. Llano and any third person whose gas is commingled with TUCO's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Llano is not classified as a natural gas company within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of a subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *" 91 Stat. at 8. In addition § 6(c)(2) provides:

> Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Llano to transport gas for TUCO to Natural's account. I find no basis for prescribing other charges since the parties have agreed upon the lack of transportation charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon Llano, TUCO, and Natural. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the Rules and Regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 15, 1977.

[FR Doc.77-17786 Filed 6-21-77;8:45 am]

[Docket No. E77-118]

UNITED GAS PIPELINE CO.

Emergency Order

On June 10, 1977, United Gas Pipeline Company (United) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a petition to make certain emergency purchases of natural gas from Houston Pipeline Company (Houston). United also requests permission to have this gas transported. For the reasons set

forth below, I authorize the purchase and transportation requested.

By contract dated June 2, 1977, United agreed to purchase up to 7 Bcf of natural gas from Houston. The sale is to be made on a best-efforts basis. The contract between the parties is to begin on the date of first delivery of the gas and remain in effect until July 31, 1977.

United will purchase these supplies at a price of $2.20 per MMBtu inclusive of all state and local taxes and other adjustments. I find this price to be fair and equitable in accordance with Order No. 2.

United advises that a series of arrangements have been made for the transportation of the subject gas from Houston to the following points of delivery: (1) at a mutually agreeable point on the existing pipeline facilities of Florida Gas Transmission Company, (Florida Gas) located in the Pledger Field, Brazoria County, Texas; (2) at the Katy Plant, Waller County, Texas to United Texas Transmission Company, (UTTCO); and (3) at an existing interconnection between Houston and Transcontinental Gas Pipeline Corporation, (Transco) in the Fulshear Field, Fort Bend County, Texas.

Specifically, Florida Gas will take delivery from Houston in the Pledger Field, Brazoria County, Texas and redeliver a portion thereof directly to United at an existing interconnection in St. Helena Parish, Louisiana. The remaining volume will be delivered to Transco, for the account of United, in Vermilion Parish, Louisiana. Transco in turn will transport such gas to an existing interconection in Vermilion Parish where Tennessee Gas Pipeline Company, (Tennessee) will accept such gas. Tennessee will thereafter transport this gas to a point near Bayou Sales, St. Mary Parish, Louisiana for redelivery to United. United has agreed to pay Florida Gas 14.02 cents per MMBtu for all gas redelivered in either St. Helena or Vermilion Parishes, Louisiana. Florida Gas will also retain 2 percent of the volumes accepted at the Pledger Field receipt point, for use as company fuel. United will pay Transco 3.5 cents per MMBtu for all gas transported for United. Transco will not retain any volumes for use as company fuel. United has agreed to pay Tennessee 2.43 cents per Mcf for all gas redelivered to United at Bayou Sale, and Tennessee will retain 0.416 percent of such volumes accepted at Vermilion Parish for use as company fuel.

With respect to the gas delivered from the Katy Plant, UTTCO will accept deliveries at such plant and transport same to a point in Waller County, Texas where it will deliver same into an isolated line owned by United, who in turn will deliver same to Tennessee at an existing interconnection in Waller County. Tennessee will thereafter transport such gas for delivery to United at West Monroe, Ouachita Parish, Louisiana. United will pay UTTCO one cent per Mcf for all gas accepted by UTTCO at the Katy Plant. UTTCO will not retain any volume of such gas for company use. United will pay Tennessee 10.15 cents per Mcf for all gas redelivered to United at West Monroe. Tennessee will retain 1.7 percent of the volume accepted by Tennessee in Waller County for use as company fuel.

At the third delivery point, Houston will make deliveries, for the account of United, at an existing interconnection between Houston and Transco in the Fulshear Field, Fort Bend County, Texas. Transco will transport such gas to a point near Crowley in Vermilion Parish, Louisiana where such gas will be delivered to Tennessee. From there, Tennessee will transport such gas for redelivery to United at Bayou Sale, St. Mary Parish, Louisiana. For transporting this gas United has agreed to pay Transco 8.75 cents per MMBtu. United will also pay Transco an additional 2 cents per Mcf for all gas handled, which is designed to help reimburse Transco for its costs in installing the present facilities interconnecting its system with Houston in the Fulshear Field. Transco will retain 1.8 percent of the volumes received from Houston for use as company fuel. United will pay Tennessee 2.43 cents per Mcf for its transportation of this gas. Tennessee will retain 0.416 percent of the volumes for use as company fuel.

I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

United advises and I find that the gas made available by Houston will result in a commingling of interstate natural gas with Houston's and UTTCO's normal intrastate system gas supply and with volumes of gas owned by other parties. The contractual provisions between Houston and UTTO and its producers, transporters and other suppliers of gas prohibit the sale of natural gas in interstate commerce and the commingling of their intrastate pipeline system gas supplies with gas moving in interstate commerce. The sale, transportation and delivery of gas for which United seeks approval may result in some commingling of interstate natural gas with Houston's and UTTCO's normal intrastate gas supplies and with gas owned by other third parties. This order shall be considered as applying to all such commingled gas.

Under the provisions of Section 9 (b), (c) of Pub. L. 95-2 (91 Stat. 4,9), the suppliers of such gas, which is so commingled, may not terminate existing contracts with Houston or such other parties or require a redetermination of the prices provided in such contracts by reason of this transaction. Contractual termination, prohibition or redetermination provisions in any such contracts referred to above are not enforceable by reason of Section 9 of Pub. L. 95-2 since Houston is seling and UTTCO is delivering and transporting gas for United pursuant to Section 6(a) of that Act. Houston and UTTCO and any third person whose gas is commingled with United's gas shall refer all relevant information concerning any attempt to terminate existing contracts or require a redetermination of prices to the Administrator for appropriate action.

According to the official files of the Federal Power Commission, Houston and UTTCO are not classified as natural gas companies within the meaning of the Natural Gas Act. Section 6(b)(1)(A) of the Act provides in part that "[t]he provisions of the Natural Gas Act shall not apply * * * to any sale to an interstate pipeline * * * under the authority of subsection (a) or to any transportation by an intrastate pipeline in connection with such sale * * *" 91 Stat. at 8. In addition § 6(c)(2) provides:

> Compliance by any pipeline with any order under this subsection shall not subject such pipeline to regulation under the Natural Gas Act or to regulation as a common carrier under any provision of state law.

United shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act, I hereby authorize Houston to sell to United up to 7 Bcf of natural gas on a best-effort basis, in accordance with the terms and conditions set forth in United's filing in this proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order UTTCO, Florida Gas, Transco and Tennessee to transport gas for United.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon United, Houston, UTTCO, Florida Gas, Transco, and Tennessee. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

JUNE 16, 1977.

RICHARD L. DUNHAM,
Administrator.

[FR Doc.77-17782 Filed 6-21-77;8:45 am]

[Docket No. E77-119]

UNITED GAS PIPELINE CO.

Emergency Order

On June 10, 1977, United Gas Pipeline Company (United) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)), a petition requesting transportation of the emergency natural gas which it purchases from Delhi Gas Pipeline Corporation (Delhi). On June 7, 1977 in Docket No. E77-116, I authorized Delhi's sale of 9.1 Bcf of natural gas on an "if, as and when available" basis to United at $2.05 per MMBtu of gas delivered in the state of Oklahoma and at $2.245 per MMBtu of gas delivered in the state of Texas, both inclusive of all state and local taxes and other adjustments. For the reasons set forth below, I authorize the purchase of the subject gas and the transportation requested.

United advises that a series of arrangements have been made for the transportation of the subject gas by Panhandle Eastern Pipe Line Company (Panhandle), Trunkline Gas Company (Trunkline), Kansas Nebraska Gas Company (Kansas-Nebraska), Northern Natural Gas Company (Northern Natural) and Natural Gas Pipeline Company of America (Natural) as follows:

1. At separate points in Dewey, Major and Woodward Counties, Oklahoma, Delhi will deliver gas to Panhandle, for the account of United; and through arrangements with Trunkline, such gas will be redelivered to United at an existing interconnection between United and Trunkline at Olla, LaSalle Parish, Louisiana, or at the Exxon Garden City Plant in St. Mary Parish, Louisiana.

United has agreed to pay Panhandle/Trunkline the following rates for gas redelivered to United:

(a) For gas delivered by Delhi in Dewey County, Oklahoma, 16.51 cents per Mcf. Panhandle will retain 5 percent of such volumes for use as company fuel.

(b) For gas delivered by Delhi in Major County, Oklahoma, 15.79 cents per Mcf. Panhandle will retain 5 percent of such volumes for use as company fuel.

(c) For gas delivered by Delhi in Woodward County, Oklahoma, 17.86 cents per Mcf. Panhandle will retain 5 percent of such volumes for use as company fuel.

2. At a point in Roger Mills County, Oklahoma, Delhi will deliver gas to Kansas-Nebraska, for the account of United, who in turn will deliver such gas to Panhandle in Dewey County, Oklahoma. Panhandle and Trunkline will redeliver such gas to United at either the Olla or Garden City points described above.

For gas delivered by Delhi to Kansas-Nebraska in Roger Mills County, Oklahoma, United will pay Kansas-Nebraska a gathering charge of 1.07 cents per Mcf, plus a transportation charge purchase to the terms of Kansas-Nebraska's Rate Schedule T-1 as contained in its FPC Gas Tariff, Second Revised Volume No. 2. It is estimated this transportation rate will be 3.5 cents per Mcf. Kansas-Nebraska will not retain any volumes for use as company fuel. For the gas delivered by Kansas-Nebraska to Panhandle, United will pay Panhandle/Trunkline 16.89 cents per Mcf for all gas redelivered to United. Panhandle will retain 5 percent of the volumes received from Kansas-Nebraska for use as company fuel.

3. With respect to the sales of gas by Delhi in Pecos County, Texas, United has made the following arrangements. Delhi will deliver such gas to Northern Natural, for the account of United, who will transport same to a point in Mills County, Iowa, where such gas will be delivered to Natural. Natural will in turn redeliver such volumes to United at either Erath, Vermilion Parish, Louisiana or at United's Goodrich Station in Polk County, Texas.

United has agreed to pay Northern Natural 27.88 cents per Mcf for all gas redelivered in Mills County, Iowa and 12 cents per Mcf to Natural for such gas redelivered to United at either Erath or Goodrich. Northern Natural will retain 4 percent of the volumes received from Delhi at the Pecos County delivery point, for use as company fuel. Natural will not retain any volumes for use as company fuel.

Pursuant to section 6(a) of the Act, I hereby authorize United to purchase up to 9.1 Bcf of natural gas on an "if, as and when available" basis from Delhi at $2.05 per MMBtu of gas delivered in the state of Oklahoma and at $2.245 per MMBtu of gas delivered in the state of Texas both inclusive of state and local taxes and other adjustments, in accordance with the terms and conditions set forth in Delhi's filing which was authorized on June 7, 1977 in Docket No. E77-116.

Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Panhandle, Trunkline, Kansas-Nebraska, Northern Natural and Natural to transport gas for United. I find no basis for prescribing other charges since the parties have agreed upon the transportation charges.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon United, Delhi, Panhandle, Trunkline, Kansas-Nebraska, Northern Natural and Natural. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

JUNE 16, 1977.

[FR Doc.77-17784 Filed 6-21-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

RED RIVER SKI AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepaed a final environmental statement for the Red River Ski Area—an expansion proposal, USDA-FS-R3 FES Adm. 77-04.

The environmental statement concerns a proposed expansion of lift facilities, ski trails, snowmaking and enlargement of a day lodge and granting of a new special-use permit by the Carson National Forest to the Red River Ski Area, covering approximately 500 acres.

The final environmental statement was transmitted to CEQ on June 14, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. and Independence Ave., SW, Washington, D.C. 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue, SW., Albuquerque, New Mexico 87102.
Carson National Forest, Cruz Alta Road, Taos, New Mexico 87571.

A limited number of single copies are available upon request to John S. Crellin, Forest Supervisor, P.O. Box 558, Taos, New Mexico 87571.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

GARY E. CARGILL,
Acting Regional Forester, Region 3.

JUNE 14, 1977.

[FR Doc.77-17684 Filed 6-21-77;8:45 am]

CIVIL AERONAUTICS BOARD

PORT OF PORTLAND

Meeting

Notice is hereby given that a presentation will be made by Port of Portland on Thursday, July 14, 1977, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., regarding their operations.

Dated at Washington, D.C., June 16, 1977.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17818 Filed 6-21-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BONA-FIDE MOTOR-VEHICLE MANUFACTURERS

List of Names and Addresses

AGENCY: Domestic and International Business Administration, Commerce.

ACTION: List of Names and Addresses of Bona Fide Motor-Vehicle Manufacturers.

SUMMARY: In accordance with headnote 2 to Subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 U.S.C. 1202) and 15 CFR Part 315 (39 FR 2080; January 18, 1974), the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Deputy Assistant Secretary for Domestic Commerce of the Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

EFFECTIVE DATE: May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Weaver, Program Manager, Transportation Equipment Program, 377-3296.

UNITED STATES BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST MAY 1, 1977 WITH DATE OF CERTIFICATION

Adams International Truck Co. Inc., 116 Carroll Street, P.O. Box 1556, Thomasville, Georgia 31792, January 18, 1977.

JUN 22 77
UM

Allentown Brake & Wheel Service, Inc., R.D. 3—P.O. Box 2088, Allentown, Pennsylvania 18001, October 19, 1976.
AM General Corporation, 32500 Van Born Road, Wayne, Michigan 48184, April 1, 1977.
American La France, Div. of A–T–O, Inc., 100 East La France Street, Elmira, New York 14902, July 8, 1976.
American Motors Corporation, 27777 Franklin Road, Southfield, Michigan 48034, January 1, 1977.
American Trailers, Inc., 1500 Exchange Avenue, Oklahoma City, Oklahoma 73126, January 1, 1977.
American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, Minnesota 55113, January 18, 1977.
Amthor Welding Service, Inc., 307 State Route 52 East, Walden, New York 12586, July 9, 1976.
Harold G. Anderson Equipment Corp., One Anderson Drive, Albany, New York 12205, October 4, 1976.
Antietam Equipment Corporation, P.O. Box 91, Hagerstown, Maryland 21740, January 1, 1977.
ARBE Products Inc., 225 South Street, Rochester, Michigan 48063, September 15, 1976.
Arctic Enterprises, Inc., P.O. Box 635, Thief River Falls, Minnesota 56701, August 1, 1976.
Arrow Trailer & Equipment Co., 140 North Dirksen Parkway, Springfield, Illinois 62702, April 1, 1977.
Ateco Equipment, Inc., 1241 Rodi Road, Pittsburgh, Pennsylvania 15145, April 1, 1977.
ATTEX, Inc., 55th Street and A.V.R.R., Pittsburgh, Pennsylvania 15201, August 1, 1976.
Automated Waste Equipment Co., Inc., Box 708, Trenton, New Jersey 08604, September 1, 1976.
Automotive Service Company, 111–113 North Waterloo, Jackson, Michigan 49204, January 18, 1977.
Avanti Motor Corporation, 765 South Lafayette Blvd., P.O. Box 1916, South Bend, Indiana 46634, January 10, 1977.
Bethlehem Fabricators, Inc., 1700 Riverside Drive, P.O. Box 70, Bethlehem, Pennsylvania 18016, January 20, 1977.
Allen U. Bevier, Inc., 1201 Ridgely Street, Baltimore, Maryland 21230, April 1, 1977.
Binghamton Equipment Corp., 3209 Vestal Parkway East (N.Y. Route 434), Vestal, New York 13850, March 5, 1977.
Blue Bird Body Company, P.O. Box 937, Fort Valley, Georgia 31030, January 18, 1977.
Bock Products, Inc., 1901 W. Hively Avenue, Elkhart, Indiana 46514, January 1, 1977.
Boyertown Auto Body Works, Inc., Boyertown, Pennsylvania 19512, September 1, 1976.
Brake & Equipment Co., Inc., 1801 North Mayfair Road, Milwaukee, Wisconsin, 53226, January 1, 1977.
Brake Service & Parts, Inc., 170 Washington Street, Bangor, Maine 04401, January 18, 1977.
Bristol-Donald Company, Inc., Bristol-Donald Manufacturing Corp., 50 Roanoke Avenue, Newark, New Jersey 07105, January 1, 1977.
Brockway-St. Louis, Inc., 104 Elam Drive, Valley Park, Missouri 63088, December 15, 1976.
Bus Andrews Equipment, Sales & Service, Inc., 2828 E. Kearney Street, Springfield, Missouri 65803, January 1, 1977.
The Carnegie Body Company, 9500 Brookpark Road, Cleveland, Ohio 44129, January 1, 1977.
Carpenter Body Works, Inc., West Main Street, Mitchell, Indiana 47446, January 1, 1977.
Champion Carriers, Inc., 2321 E. Pioneer Drive, Irving, Texas 75061, October 20, 1976.
Checker Motors Corporation, 2016 N. Pitcher Street, Ka'amazoo, Michigan 49007, January 1, 1977.
Cherry Valley Tank Div., Inc., 75 Cantiague Road, Westbury, New York 11590, April 1, 1977.
Chrysler Corporation, CIMS 416–16–06, Chrysler Center, 12000 Oakland Avenue, Highland Park, Michigan 48231, January 18, 1977.
B. M. Clark Company, Inc., Route 17, P.O. Box 185, Union, Maine 04862, January 14, 1977.
D. W. Clark Road Equipment, Inc., 434 E. Brighton Avenue, Syracuse, New York 13205, May 1, 1977.
Clark Truck Equipment Company, 2371 Aztec Road, N.E., P.O. Box 826, Albuquerque, New Mexico 87103, January 1, 1977.
Fred Clemett & Company, Inc., 2020 Lemoyne Street, Syracuse, New York 13211, July 1, 1976.
Clement Industries, Inc., P.O. Box 914, Sibley Road, Minden, Louisiana 71055, January 1, 1977.
Collins Industries, Inc., P.O. Box 58, Hutchinson, Kansas 67501, December 1, 1976.
Comet Corporation, N. 3808 Sullivan Road, Spokane, Washington 99216, January 18, 1977.
Cook Body Company, 3701 Harlee Avenue, Charlotte, North Carolina 28208, October 22, 1976.
Correct Manufacturing Corp., London Road Extension, Delaware, Ohio 43015, July 1, 1976.
Cortez Enterprises, Inc., 777 Stow Street, Kent, Ohio 44240, February 1, 1977.
Crane Carrier Company, 1925 N. Sheridan, P.O. Box 51191, Tulsa, Oklahoma 74151, September 19, 1976.
Crershaw Corporation, 1700 Commerce Road, Richmond, Virginia 23224, July 1, 1976.
Cross Truck Equipment Co., Inc., 1801 Perry Drive, S.W., Canton, Ohio 44703, August 23, 1976.
Crown Coach Corporation, 2428 East 12th Street, Los Angeles, California 90021, March 20, 1977.
Daleiden Auto Body & Mfg. Corp., 425 E. Vine Street, Kalamazoo, Michigan 49001, January 12, 1977.
Dealers Truck Equipment Co., Inc., 2460 Midway Street, Shreveport, Louisiana 71130, January 1, 1977.
Dealers Truckstell Sales, Inc., 653 Beale Street, P.O. Box 502, Memphis, Tennessee 38101, January 1, 1977.
Decker Tank Co., Div. of Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, New Jersey 07506, November 3, 1976.
John Deere Horicon Works of Deere & Company, 220 E. Lake Street, Horicon, Wisconsin 53032, June 1, 1977.
Delevan Industries, 1560 Harlem Road, Buffalo, New York 14206, January 1, 1977.
Dufrane Motor Distributors, Inc., 417 E. Main Street, Malone, New York 12953, January 1, 1977.
Dunham Manufacturing Company, Inc., P.O. Box 430, Minden, Louisiana 71055, January 1, 1977.
Eastern Tank Corporation, 290 Pennsylvania Avenue, Paterson, New Jersey 07503, January 1, 1977.
Eight Point Trailer Corporation, 6100 E. Washington Blvd., Los Angeles, California 90040, January 18, 1977.
Elder International, Inc., 5875 North Loop, P.O. Box 2061, Houston, Texas 77001, December 1, 1976.
Equipment Service, Inc., 40 Airport Road, Hartford, Connecticut 06114, April 1, 1977.
E. D. Etnyre and Company, 200 Jefferson Street, Oregon, Illinois 61061, October 1, 1976.
E. & R. Trailer Sales, Inc., RFD No. 1, Middle Point, Ohio 45863, January 1, 1977.
Ewell Equipment Company, Inc., 307 N. Timberland Drive, Lufkin, Texas 75901, February 1, 1977.
Excalibur Automobile Corporation, 1735 South 106th Street, Milwaukee, Wisconsin 53214, May 22, 1977.
Fifth Wheel, Inc., Box 15706, Tulsa, Oklahoma 74115, January 1, 1977.
Fleet Equipment Company, 10605 Harry Hines, P.O. Box 20578, Dallas, Texas 75220, December 31, 1976.
The Fixible Company, A Subsidiary of Rohr Industries, 970 Pittsburgh Avenue, Delaware, Ohio 43015, January 1, 1977.
Ford Motor Company, The American Road, Dearborn, Michigan 48121, January 18, 1977.
Fox Corporation, 1111 W. Racine Street, Janesville, Wisconsin 53545, January 18, 1977.
F & P Truck & Trailer Equip. Div., 254–266 Central Avenue, Newark, New Jersey 07103, October 12, 1976.
Freightliner Corporation, 4747 N. Channel Avenue, Portland, Oregon 97217, December 14, 1976.
Frost Trailer Company, Inc., Well Road, P.O. Box 847, West Monroe, Louisiana 71291, January 1, 1977.
Fruehauf Corporation, 10900 Harper Avenue, Detroit, Michigan 48213, December 1, 1976.
FWD Corporation, 105 East 12th Street, Clintonville, Wisconsin 54929, January 1, 1977.
Peter Garafano & Son, Inc., 264 Wabash Avenue, Paterson, New Jersey 07503, June 4, 1977.
General Motors Corporation, 3044 West Grand Blvd., Detroit, Michigan 48202, January 19, 1977.
General Trailer Company, Inc., 546 W. Wilkins Street, Indianapolis, Indiana 46225, January 27, 1977.
Gidley-Eshenheimer Corporation, P.O. Box 567, 858 Providence Highway, Dedham, Massachusetts 02026, January 15, 1977.
Gillig Brothers, 25800 Clawiter Road, Hayward, California 94545, January 1, 1977.
Gilson Brothers Company, P.O. Box 152, Plymouth, Wisconsin 53073, September 26, 1976.
Gooch Brake and Equipment Company, 506 Grand Avenue, Kansas City, Missouri, January 1, 1977.
Granning Service Corporation, 2471 Wyoming Avenue, Dearborn, Michigan 48121, January 1, 1977.
The Greyhound Corporation, Greyhound Tower, Phoenix, Arizona 85077 (doing business as) Motor Coach Industries, Inc., Pembina, North Dakota 58271, & Transportation Manufacturing Corp., Roswell, New Mexico 88201, August 1, 1976.
Hackney and Sons, 400 Hackney Avenue, Washington, North Carolina 27889, January 1, 1977.
Harley-Davidson Motor Co., Inc., 3700 West Juneau Avenue, Milwaukee, Wisconsin 53201, April 1, 1977.
Harris Truck and Trailer Sales Inc., 2145 Independence, Cape Girardeau, Missouri 63701, January 1, 1977.
Harval Truck Equipment, Inc., 1000 E. 8th Street, Los Angeles, California 90021, January 1, 1977.
Haygood Incorporated, 999 Channel Avenue, Memphis, Tennessee 38113, January 1, 1977.
H–C–L Equipment Inc., 105 N. 13th Street, Billings, Montana 59103, January 1, 1977.
Heil Equipment Company of Philadelphia, Inc., 1223 Ridge Pike, Conshohocken, Pennsylvania 19428, January 1, 1977.
Herter's, Inc., Route 1, Waseca, Minnesota 56093, May 16, 1977.
The Hess & Eisenhardt Company, 8959 Blue Ash Road, Cincinnati, Ohio 45242, January 9, 1977.
Hews Body Company, 190 Rumery Street, South Portland, Maine 04106, January 18, 1977.

Hobbs Equipment Company, Inc., Keeler Avenue, P.O. Box 59, Norwalk, Connecticut 06854, August 9, 1976.
H. M. Howe Co. of New England, Inc., 93 Bucklin Street, Providence, Rhode Island 02907, December 12, 1976.
O. G. Hughes & Sons, Inc., 4816 Rutledge Pike, P.O. Box 6277, Knoxville, Tennessee 37914, January 1, 1977.
Hustler Corporation, P.O. Box 1283, Jonesboro, Arkansas 72401, November 1, 1976.
Illinois Auto Central, Inc., 4750 South Central Avenue, Chicago, Illinois 60638, January 1, 1977.
International Harvester Company, 401 North Michigan Avenue, Chicago, Illinois 60611, January 18, 1977.
Iroquois Manufacturing Co., Inc., Richmond Road, Hinesburg, Vermont 05461, July 1, 1976.
Jaymore Corporation, Jacksonville, Vermont 05432, or Jamie E. Jacobs, Route 2–A, Main Street, Colchester, Vermont 05446, January 8, 1977.
Jeep Corporation, 27777 Franklin Road, Southfield, Michigan 48034, January 1, 1977.
Kaffenbarger Welding Co., 10100 Ballentine Pike, New Carlisle, Ohio 45344, January 1, 1977.
Kawasaki Motors Corporation, 2009 E. Edinger Avenue, Santa Ana, California 92711, January 1, 1977.
Kay Wheel Sales Company, Van Kirk Street at State Road, Philadelphia, Pennsylvania 19135, January 1, 1977.
L. W. Ledwell & Son, Inc., P.O. Box 1106, Texarkana, Texas 75501, January 18, 1977.
Leland Equipment Company, 7777 E. 42nd Place South, P.O. Box 45128, Tulsa, Oklahoma 74145, January 18, 1977.
Long Trailer Service, Inc., P.O. Box 5105, Greenville, South Carolina 29606, January 1, 1977.
Mack Trucks, Inc., P.O. Box M, Allentown, Pennsylvania 18105, January 18, 1977.
Maday Body & Equipment Corp., 575 Howard Street, Buffalo, New York 14206, January 1, 1977.
Madison Truck Equipment, Inc., 2410 S. Stoughton Road, Madison, Wisconsin 53716, October 22, 1976.
Manning Equipment, Inc., 12000 Westport Road, P.O. Box 22266, Louisville, Kentucky 40222, April 16, 1977.
Maxon Industries, Inc., 1960 E. Slauson Avenue, Huntington Park, California 90255, August 16, 1976.
Memphis Brake Service, Inc., 600 Hernando Street, P.O. Box 86, Memphis, Tennessee 38101, January 1, 1977.
Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, California 94710, January 18, 1977.
Mickey Truck Bodies, Inc., 1305 Trinity Avenue, High Point, North Carolina 27261, June 30, 1976.
Middlehauff, Inc., 1615 Ketcham Avenue, Toledo, Ohio 43608, January 18, 1977.
Mid West Truck Equipment Sales Corporation, 640 East Pershing Road, Decatur, Illinois 62526, February 22, 1977.
Moline Body Company, 222—52nd Street, Moline, Illinois 61265, January 6, 1977.
Monon Trail, (a Div. of Evans Products Co.), P.O. Box 655, Monon, Indiana 47959, April 8, 1977.
Moore and Sons, Inc., P.O. Box 30091, 2900 Airways Blvd., Memphis, Tennessee 38130, January 1, 1977.
Motor Truck Equipment Corporation, 2950 Irving Blvd., P.O. Box 47385, Brookhollow Station, Dallas, Texas 75247, January 1, 1977.
Mutual Wheel Company, 2345, 4th Avenue, Moline, Illinois 61265, February 20, 1977.
Nabors Trailers, Inc., P.O. Box 979, Mansfield, Louisiana 71052, January 1, 1977.
Neil's Automotive Service, Inc., 167 E. Kalamazoo Avenue, Kalamazoo, Michigan 49006, January 1, 1977.
Nelson Manufacturing Company, Route 1, Box 90, Ottawa, Ohio 45875, January 1, 1977.
Newark Truck Parts, Inc., 560 Market Street, Newark, New Jersey 07105, January 1, 1977.
Novi Manufacturing Company, P.O. Box 324, Novi, Michigan 48050, November 1, 1976.
Ohio Body Manufacturing Company, North Main Street, New London, Ohio 44851, January 1, 1977.
Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, Ohio 45232, January 1, 1977.
Olson Bodies, Inc., 600 Old Country Road, Garden City, New York 11530, November 1, 1976.
Olson Trailer & Body Builders Co., 2740 South Ashland Avenue, P.O. Box 2445, Green Bay, Wisconsin 54306, January 1, 1977.
Omaha Standard, Inc., 2401 W. Broadway, Council Bluffs, Iowa 51501, January 1, 1977.
Oshkosh Truck Corporation, 2307 Oregon Street, Oshkosh, Wisconsin 54901, January 18, 1977.
Ottawa Truck Division, Gulf & Western Manufacturing Co., 415 East Dundee Street, Ottawa, Kansas 66067, January 1, 1977.
Outboard Marine Corporation, 100 Sea Horse Drive, Waukegan, Illinois 60085, January 18, 1977.
PACCAR, Inc., d/b/a Kenworth Truck Company, Peterbilt Motors Company, P.O. Box 1518, Bellevue, Washington 98009, January 18, 1977.
Palmer Spring Company, 355 Forest Avenue, Portland, Maine 04101, January 18, 1977.
Palmer Trailer Sales Co., Inc., 162 Park Street, Palmer, Massachusetts 01069, January 18, 1977.
Peabody Gallon Corporation, 500 Sherman Street, Gallon, Ohio 44833, November 1, 1976.
Peerless Division Royal Industries, Inc., 18205 S.W. Boones Ferry Road, Tualatin, Oregon 97062, January 8, 1977.
Perfection Equipment Company, 5100 West Reno, Box 75540, Oklahoma City, Oklahoma 73107, January 12, 1977.
Petroleum Equipment & Supply Co., Inc., 321 Forbes Avenue, New Haven, Connecticut 06512, September 27, 1976.
Phoenix Manufacturing, Inc., 375 West Union Street, Nanticoke, Pennsylvania 18634, February 20, 1977.
Pointer Truck Trailer Co., Inc., 801 Houser Way North, Renton, Washington 98055, January 1, 1977.
Polaris E-Z-Go Div. of Textron, Inc., 1225 N. County Road 18, Minneapolis, Minnesota 55427, August 3, 1976.
C. E. Pollard Company, 13575 Auburn Avenue, Detroit, Michigan, July 27, 1976.
Progress Industries, Inc., 400 East Progress Street, Arthur, Illinois 61911, October 1, 1976.
Quality Truck Equipment Company, Route 66 By-Pass and Mercer Avenue, P.O. Box 102, Bloomington, Illinois 61701, November 15, 1976.
Recreatives Industries, Inc., 60 Depot Street, Buffalo, New York 14206, July 13, 1976.
Reliable Spring Company, Inc., 10557 S. Michigan Avenue, Chicago, Illinois 60628, January 20, 1977.
Roanoke Welding Company, P.O. Box 4373, Roanoke, Virginia 24015, January 1, 1977.
Rowland Truck Equipment, Inc., 2900 N.W. 73rd Street, Miami, Florida 33147, November 19, 1976.
R S Truck Body Company, P.O. Box 420, Allen, Kentucky 41601, January 1, 1977.
Schien Body and Equipment Co., Inc., North on University, Carlinville, Illinois 62626, January 18, 1977.
Scientific Brake & Equipment Co., 314 W. Genesee Avenue, Saginaw, Michigan 48602, January 19, 1977.
Scorpion, Inc., Box 300, Crosby, Minnesota 56441, April 29, 1977.
Sharpsville Steel Equipment Co., 6th and Main Streets, Sharpsville, Pennsylvania 16150, January 2, 1977.
Smith-Moore Body Company, Inc., P.O. Box 27287, Richmond, Virginia 23261, January 18, 1977.
Somerset Welding & Steel, Inc., P.O. Box 628, 733 South Center Avenue, Somerset, Pennsylvania 15501, January 1, 1977.
South Florida Engineers, Inc., 5911 E. Buffalo Avenue, P.O. Box 11927, Tampa Florida 33610, July 2, 1976.
Southwest Truck Body Company, 200 Sidney Street, St. Louis, Missouri 63104, February 11, 1977.
Spring Valley Dodge, Inc., 19 South Main Street, Spring Valley, New York 10977, April 1, 1977.
Spurgeon Design, Route 1, Box 204, Dassel, Minnesota 55325, April 18, 1977.
Steffen, Inc., 623 West 7th Street, Sioux City, Iowa 51102, October 19, 1976.
Superior Lima Division, Sheller-Globe Corporation, 1200 East Kibby Street, Lima, Ohio 45802, March 20, 1977.
Thickol Corporation, Logan Division, 2503 North Main Street, Logan, Utah 84321, January 15, 1977.
Thomas Built Buses, Inc., 1408 Courtesy Road, P.O. Box 2450, High Point, North Carolina 27261, August 1, 1976.
Traffic Transport Engineering, Inc., 28900 Goddard Road, Romulus, Michigan 48174, January 1, 1977.
Transport Equipment Company, 3400 6th Avenue, South, P.O. Box 3817, Seattle, Washington 98124, January 18, 1977.
Truck Equipment Company, Inc., 1911 SW. Washington Street, Peoria, Illinois 61602, January 18, 1977.
Truck Equipment, Inc., 680 Potts Avenue, Green Bay, Wisconsin 54304, January 18, 1977.
Truck Equipment Service Company, 800 Oak Street, Lincoln, Nebraska 68521, January 1, 1977.
Truck Parts & Equipment, Inc., 4501 West Esthner, Wichita, Kansas 67209, November 11, 1976.
Truck and Trailer Equipment Co., 4214 W. Mt. Hope Road, Lansing, Michigan 48917, January 1, 1977.
Truck & Transportation Equipment Co., Inc., 260 Industrial Avenue, P.O. Box 10455, Jefferson, Louisiana 70181, January 1, 1977.
Union City Body Company, Inc., 1015 West Pearl Street, Union City, Indiana 47390, August 15, 1976.
Unit Rig & Equipment Company, P.O. Box 3197, Tulsa, Oklahoma 74101, January 1, 1977.
Vulcan Trailer Manufacturing Co., 1321 3rd Street, Ensley, Birmingham, Alabama 35214, December 1, 1976.
Walter Motor Truck Company, School Road, Voorheesville, New York 12186, April 29, 1977.
Ward School Bus Manufacturing, Inc., Highway 65, South, Conway, Arkansas 72032, April 19, 1977.
Wayne Corporation, An Indian Head Company, P.O. Box 1447, Industries Road, Richmond, Indiana 47374, October 31, 1976.
Westinghouse Air Brake Company Construction & Mining Equip. Group, 2300 N.E., Adams Street, Peoria, Illinois 61639, February 1, 1977.
Weston Equipment Company, Inc., 130 Railroad Hill Street, Waterbury, Connecticut 06708, January 3, 1977.

White Motor Corporation, 35129 Curtis Boulevard, Eastlake, Ohio 44094, January 18, 1977.
White Trucks & Equipment Sales, Inc., 2401 Dinneen Avenue, Orlando, Florida 32804, December 1, 1976.
Winnebago Industries, Inc., P.O. Box 152, Jct. Highways 9 & 69, Forest City, Iowa 50436, March 19, 1977.
Wollard Aircraft Equipment, Inc., 6950 N.W. 77th Court, Miami, Florida 33166, December 1, 1976.
Wyman's Inc., Northfield Road, Box 541, Montpelier, Vermont 05602, July 1, 1976.

Dated: June 16, 1977.

CHARLEY M. DENTON,
Director, Office of Business Research and Analysis.

[FR Doc.77-17699 Filed 6-21-77;8:45 am]

Economic Development Administration

ROBERT REIS & COMPANY

Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Robert Reis & Company, 350 Fifth Avenue, New York, New York 10001, a producer of men's underwear and knit sport shirts was accepted for filing on June 15, 1977, pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-17683 Filed 6-21-77;8:45 am]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFC AND STATISTICAL COMMITTEE

Public Meetings

Notice is hereby given of meetings of the Mid-Atlantic Fishery Management Council established under Section 302, and the Council's Scientific and Statistical Committee established under Section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Mid-Atlantic Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to the States of New York, New Jersey, Delaware, Pennsylvania, Maryland and Virginia. The Council will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on foreign fishing application and conduct public hearings.

The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social and other scientific information as is relevant to the Council's development and amendment of any fishery management plan.

The meeting of the Scientific and Statistical Committee will be held on July 11-12, 1977, from 10 a.m. to 5 p.m. and 9 a.m. to 3 p.m. respectively, at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Mackerel plan.
2. Squid plan.
3. Other management business.

This meeting is open to the public and there will be seating for approximately 20 public members available on a first-come, first-served basis.

The meeting of the Council will be held on July 13-14, 1977, from 9 a.m. to 4 p.m. and 8:30 a.m. to 4 p.m. respectively, at the Omni International Hotel, 777 Waterfront Drive, Norfolk, Virginia. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

1. Surf clam plan.
2. Mackerel plan.
3. Squid plan.
4. Other business.

The meeting is open to the public and there will be seating for approximately 30 public members available on a first-come, first-serve basis.

Members of the public having an interest in specific items for discussion on the agendas are advised that changes are at times made prior to the meetings. To receive information on changes, if any, made to the agendas, interested members of the public should contact on or before July 1, 1977:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, North and New Streets, Dover, Delaware 19901.

At the discretion of the Council, interested members of the public may be permitted to speak at times which will allow the orderly conduct of business. Interested members of the public who wish to submit written comments should do so by addressing Mr. John C. Bryson at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting, typewritten statements should be received within 10 days after the close of the Council meeting.

Dated: June 16, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77-17672 Filed 6-21-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO Executive Panel Advisory Committee will meet on July 12-13, 1977, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including discussions of specific aspects of the United States Navy's commitments, forces and operations. Additionally, the Panel will review foreign naval shipbuilding, command and control, recent Soviet naval operations and related intelligence items. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Blvd., Room 405, Arlington, VA 22209, telephone number (202) 694-3191.

Dated: June 17, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate; General (Administrative Law).

[FR Doc.77-17835 Filed 6-21-77;8:45 am]

DELAWARE RIVER BASIN COMMISSION

APPLICATIONS FOR APPROVAL OF PROJECTS

Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Friday, July 1, 1977, commencing at 2 p.m. The hearing will be held in Room 603 of the City Hall

Annex, Juniper and Filbert Streets in Philadelphia, Pa. The subject of the hearing will be applications for approval of the following projects as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to section 3.8 of the Compact:

1. *Bucks County Department of Parks and Recreation (D-75-71 CP).* A project to dredge Silver and Magnolia Lakes located on Otter Creek in Bristol Township, Bucks County, Pa. Dredging will be to improve recreation and fisheries habitat.

2. *Elizabethtown Water Co. (D-76-77 CP).* A well water supply project to augment public water supplies in West Windsor Township, Mercer County, N.J. Existing Well No. 1 and new well No. 2 will produce a combined yield of about 300,000 gallons per day.

3. *Hampton Lakes Water Co. (D-76-110 CP).* A well water supply propect to serve the Hampton Lakes Development and Leisure Towne Planned Retirement Community in Southampton Township, Burlington County, N.J. Designated as Well No. 3, the new facility is expected to yield 720,000 gallons per day.

4. *Village of Hancock (D-77-8 CP).* A wastewater facilities plan to serve the Village and Town of Hancock, Delaware County, N.Y., and the Township of Buckingham, Wayne County, Pa. The plan provides for the collection and treatment of approximately 400,000 gallons of sewage per day by the year 2000, and for the removal of 85 percent of BOD_5 and 90 percent of suspended solids. Treated effluent would be discharged to the Delaware River just below the confluece of the East and West Branches.

5. *Lynn Township Sewer Authority (D-77-41 CP).* A sewage treatment plant to serve the Village of New Tripoli, Lynn Township, Lehigh County, Pa. About 90 percent of BOD_5 and suspended solids will be removed from a sewage flow of 80,000 gallons per day. Treated effluent will discharge to Ontelaunee Creek, a tributary of the Schuylkill River.

6. *Bayshore Foods, Inc. (D-75-39).* A well water supply project to provide new water supplies at the company's Shorgood Division plant in Milford, Sussex County, Del. The new facility is expected to yield 240,000 gallons per day.

7. *Paul Earnest (D-76-121).* A well water supply project on the subject farm in Hopewell Township, Cumberland County, N.J. The well is expected to yield approximately 720,000 gallons per day which will be used for various farming purposes.

8. *Clamco Corp. (D-76-109).* A well water supply project to be used by the company at its seafood processing facilities in Port Norris, Cumberland County, N.J. The new well is expected to yield about 140,000 gallons per day.

9. *Asphalt Paving & Supply Co. (D-76-32).* An industrial wastewater discharge at the company's plant in Plymouth Township, Montgomery County, Pa. About 288,000 gallons per day of water is obtained from an abandoned quarry and used for scrubber water. After treatment, the water is returned to the quarry.

10. *Inmont Corp. (D-77-42).* A surface water withdrawal, waste treatment plant and industrial waste discharge serving the Inmont and XCel Corporations in Belvidere, Warren County, N.J. About 3 million gallons per day of surface and ground water will be utilized and discharged to the Delaware River.

11. *American Dredging Co. (D-74-66-Rev.).* The Commission approved (4/27/77) a project to utilize a temporary rehandling basin in the Klondike Ditch area of Logan Township, Gloucester County, N.J. The applicant now requests amendment to the terms and conditions of the Commission's approval so as to permit disposal of dredged spoil material in all of area 1 and part of area 3 of the project site.

Documents relating to the above-listed projects may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing. (609) 883-9500.

W. BRINTON WHITALL,
Secretary.

JUNE 15, 1977.

[FR Doc.77-17796 Filed 6-21-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 21287, 21288; File No. 50043-CM-P-74, 50157-CM-P-74]

PENINSULA BROADCASTING CORP., AND RCC OF VIRGINIA, INC.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: May 2, 1977.

Released: June 17, 1977.

By the Chief, Common Carrier Bureau:

1. The Commission has before it the above-referenced applications of Peninsula Broadcasting Corporation (PBC), filed on March 1, 1974 and RCC of Virginia, Inc. (RCC) filed on May 22, 1974. Both applications propose Channel 1 operation in the Roanoke, Virginia area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. PBC has an MDS construction permit application pending for Charlottesville, Virginia and is the licensee of WVEC-TV, WVEC and WVHR in Hampton, Virginia. RCC, which is a DPLMRS licensee in Virginia, also has MDS permit applications pending for Lynchburg, Virginia; Norfolk, Virginia; and Charlottesville, Virginia.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1937, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Roanoke, Virginia area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That Peninsula Broadcasting Corporation, RCC of Virginia, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-17755 Filed 6-21-77;8:45 am]

[Docket No. 21289; File No. 50042-CM-P-74; Docket No. 21290; File No. 50156-CM-P-74]

PENINSULA BROADCASTING CORP. AND RCC OF VIRGINIA, INC.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: May 2, 1977.

Released: June 17, 1977.

By the Chief, Common Carrier Bureau:

For Construction Permits in the Multipoint Distribution Service for a new station at Charlottesville, Virginia.

1. The Commission has before it the above-referenced applications of Peninsula Broadcasting Corporation (PBC), filed on March 14, 1974 and RCC of Virginia, Inc. (RCC), filed on May 22, 1974. Both applications propose Channel 1 operation in the Charlottesville, Virginia area, and thus are mutually exclusive and require comparative consideration. Both applications have been amended as a result of informal requests of the Commission staff for additional information, and no petitions to deny or other objections to any of the applications have been received.

2. PBC has an MDS construction permit apulication pending for Roanoke, Virginia and is the licensee of WVEC-TV, WVEC, and WVHR in Hampton,

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service, et al*, 55 F.C.C. 2d 626 (1975).

Virginia. RCC, which is a DPLMRS licensee in Virginia, also has MDS permit applications pending for Lynchburg, Norfolk and Roanoke, Virginia.

3. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

4. Accordingly, *it is hereby ordered*, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, and § 0.291 of the Commission's Rules, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine, on a comparative basis, which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the[1] following factors shall be considered:[1]

(a) The relative merits of each proposal with respect to service area and efficient frequency use;

(b) The nature of the services and facilities proposed, and whether they will satisfy service requirements known to exist or likely to exist in the Charlottesville, Virginia area;

(c) The anticipated quality and reliability of the service proposed, including selection of equipment, installation, subscriber security and maintenance;

(d) The charges, regulations and conditions of the service to be rendered, and their relation to the nature, quality and costs of service; and

(e) The managerial and entrepreneurial qualifications of the applicants.

5. *It is further ordered*, That Peninsula Broadcasting Corporation, RCC of Virginia, Inc., and the Chief, Common Carrier Bureau, are made parties to this proceeding.

6. *It is further ordered*, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.77-17754 Filed 6-21-77;8:45 am]

[1] Consideration of these factors shall be made in light of the Commission's discussion in *Peabody Telephone Answering Service, et al.*, 55 F.C.C. 2d 626 (1975).

[Report No. 1054]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULE MAKING PROCEEDINGS FILED

JUNE 17, 1977.

Docket or RM No.	Rule No.	Subject	Date received
20561	Part 76...	Amendment of pt. 76 of the Commission's rules and regulations with respect to the Definition of a Cable Television System and the Creation of Classes of Cable Systems.	
		Filed by Grover C. Cooper and Clifford M. Harrington, attorneys for Hughes Aircraft Co.	May 16, 1977
		Filed by Lois Brown, Member, Steering Committee, Citizens for Cable Awareness in Pennsylvania, chairperson, legislative committee, Philadelphia Community Cable Coalition.	June 2, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 d after publication of this public notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-17753 Filed 6-21-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact Re The Arizona, New Mexico and Utah Energy Conservation Plans

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the States of Arizona, New Mexico and Utah, of their State Energy Conservation Plans. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321 *et seq.*

Based upon assessment of environmental impacts that are expected to result from implementation of these plans, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 C.F.R. 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for any of these plans.

Single copies of the environmental assessments of the State Plans for Arizona, New Mexico and Utah are available upon request from the FEA National Energy Information Center, Room 1416, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the environmental assessments will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plans are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views and arguments with respect to the environmental assessments to Executive Communications, Box NJ, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—(Name of State) Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by July 5, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 17, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-17820 Filed 6-20-77;8:51 am]

FEDERAL MARITIME COMMISSION

LAKES AND RIVERS TRANSFER CORP. AND INDIANA PORT COMMISSION

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1977. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. William E. Daily, Assistant Attorney General, State of Indiana, 219 State House, Indianapolis, Indiana 46204.

Agreement No. T-3476 provides for the Port's five-year lease (with renewal options) to LRTC of certain premises in the middle of the south portion of Burns Waterway Harbor, Indiana, together with the free and unimpeded right of ingress and egress over other portions of the premises owned by the Port. The premises are to be used by LRTC only for the installation and operation of a storage, transferring, and processing facility for bulk cargo and the transportation of the material necessary and incidental to such activity. As compensation, the Port is to receive: (1) an annual ground rental equal to the number of acres times $3,154.00; (2) an annual administrative and maintenance fee equal to $3,500.00; and (3) all wharfage, dockage and harbor service charges, assessed according to the Port's tariff, subject to yearly minimums as defined in the agreement. LRTC shall receive as a credit against the minimum annual charge, the amount which it may have paid as wharfage and dockage charges to any other party to which the Port may have leased wharf and dock facilities.

Agreement No. T-3477 is a stevedoring license which grants LRTC the nonexclusive right and privilege to use certain facilities at Burns Waterway Harbor, Indiana, for the sole purpose of the stevedoring, handling and transportation of any fungible homogeneous commodity, liquid or dry, capable of being handled via pipelines, conveyor belts, buckets or grabs.

Although these agreements may not fall within the scope of section 15, interested parties are given an opportunity to comment on them if they so desire.

By Order of the Federal Maritime Commission.

Dated: June 16, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17692 Filed 6-21-77;8:45 am]

LYKES BROS. STEAMSHIP CO., INC. AND PANAMERICANA INSURGENTES (BERMUDA) LTD.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Pricing, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10298, a cooperative working arrangement entered into between Lykes Bros. Steamship Co., Inc. and Panamericana Insurgentes (Bermuda) Ltd. would permit the parties to interchange containers, trailers and related equipment between points in the United States and Central America, in accordance with the terms and conditions set forth in the agreement.

Dated: June 16, 1977.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17691 Filed 6-21-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP-73-77; PGA77-6a; DCA77-2a]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 16, 1977.

Take notice that on May 19, 1977, as revised May 31, 1977, Alabama-Tennessee Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Second Substitute Twenty-Second Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of July 1, 1977.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provisions of Sections 20 and 22 of the General Terms and Conditions of its tariff to reflect increased rates to become effective on July 1, 1977, to be charged by its sole supplier, Tennessee Gas Pipeline Company.

The revised tariff sheet provides for the following rates:

Rate schedule:	Substitute twenty-second Revised sheet No. 3-A
G-1 demand	$1.78
Commodity (cents)	112.75
SG-1 commodity (cents)	125.75
I-1 commodity (cents)	118.60

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17717 Filed 6-21-77;8:45 am]

[Docket Nos. RP77-65, et al.]

ALABAMA-TENNESSEE NATURAL GAS COMPANY, ET AL.

Clarification of Notice of Extension of Time

JUNE 15, 1977.

By notice issued June 10, 1977, El Paso Natural Gas Company was granted an extension of time to July 1, 1977, within which to file the data required by the Commission's order of May 11, 1977, establishing omnibus curtailment proceedings for 29 pipelines.

This extension was intended to apply only to El Paso because of the independent nature of each pipeline's proceeding. Any pipeline requiring additional time for filing the required data is required to file for an extension of time, stating good cause for such request.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17720 Filed 6-21-77;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Application for Approval of Change in Land Rights

JUNE 15, 1977.

Public notice is hereby given that an application was filed on April 15, 1977.

under the Federal Power Act, 16 U.S.C. §§ 791a et seq., by Arkansas Power & Light Company (correspondence to: Edward B. Dillon, Jr., Esq., House, Holmes & Jewell, 1550 Tower Building, Little Rock, Arkansas 72201; and Peyton G. Bowman III, Esq., Reid and Priest, 1701 K Street NW., Washington, D.C. 20006) for Commission approval of a proposed change in land rights that would allow the City of Hot Springs, Arkansas, to use lands and waters of the Carpenter and Remmel Project, FPC No. 271, to construct and operate a boat ramp and dock. Project No. 271 is located on the Ouachita River near Hot Springs, Arkansas.

The City of Hot Springs plans to developed a park at Lake Hamilton, one of the reservoirs of Project No. 271, to be called Lake Hamilton Park. The proposed boat ramp and dock would be developed as part of the park. The boat ramp would be 40 feet wide and 50 feet long; the dock would be six feet wide and 44 feet long. The ramp would extend between elevations 393.5 feet and 401 feet. The project boundary of Project No. 271 at this site is the 400-foot contour.

According to the application, project operation would not be hindered by granting the proposed change in land rights, and the City would be required to take all necessary steps to preserve the natural, historic, and scenic qualities of the project area.

The application is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 1977, file with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing in the proceeding must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically section 1.32 (b), 18 CFR § 1.32(b), a hearing on this application may be held before this Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17693 Filed 6-21-77;8:45 am]

[Docket No. ER77-217]

CENTRAL MAINE POWER CO.

Order Accepting Late Petition To Intervene

JUNE 14, 1977.

Electric rates: Accepting late petition to intervene. Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On February 28, 1977, Central Maine Power Company (Company) submitted to the Commission two separate filings. The first filing (Docket No. ER77-216) consisted of a contract to provide new wholesale service to Fox Island Electric Cooperative under the Company's Tariff Schedule W-1 previously filed with this Commission. The second filing (Docket No. ER77-217) provided for a proposed rate increase of $363,333 for the 12 month period succeeding the proposed effective date of April 1, 1977.

On March 30, 1977, the Commission issued an order[1] that, inter alia, accepted the Company's proposed rate increase for filing, suspended that increase for one day, established procedures for determining the lawfulness of that increase, and granted the Maine Public Utilities permission to intervene in this proceeding.

On April 26, 1977, the Commission issued a second order which, inter alia, granted intervenor status to Kennebunk Light and Power District, Madison Electric Works, Fox Islands Electric, and denied intervenor status[2] to the Town of Kennebunk Board of Selectmen (Selectmen) with the understanding that the Selectmen's request to intervene will be reconsidered when it conforms to the requirements of the Commission's Rules (18 CFR § 1.8).[3]

On May 23, 1977, the Selectmen filed an untimely petition to intervene in the above captioned proceedings. In support of its petition to intervene, the Selectmen state that they have a direct interest in this proceeding since the proposed rate increase will ultimately be passed on to the Kennebunk's retail customers (some of whom are citizens of Kennebunk) for whom the Selectmen are elected to represent. Secondly, the Selectmen state that it is appropriate for the Selectmen to intervene on behalf of the Town of Kennebunk as a separate party in this proceeding, since the Town of Kennebunk is a separate entity from the Kennebunk Light and Power District. Our review indicates that the Selectmen's petition to intervene should be granted because the Selectmen have an interest which may be directly affected by any decision issued in this proceeding and their interest may not be adequately represented by the existing parties.

The Commission finds: (1) Since participation by the Town of Kennebunk Board of Selectmen will not delay the instant proceeding upon the conditions attached herein, good cause exists for accepting its late petition to intervene.

(2) Participation by the Town of Kennebunk Board of Selectmen may be in the public interest.

The Commission orders: (A) The Town of Kennebunk Board of Selectmen is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17696 Filed 6-21-77;8:45 am]

[Docket No. RP72-142 PGA 77-6]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 15, 1977.

Take notice that Cities Service Gas Company (Cities Service) on June 7, 1977, tendered for filing Twentieth Revised Sheet PGA-1 to its FPC Gas Tariff, Second Revised Volume No. 1. Cities Service states that pursuant to the Purchased Gas Cost Rate Adjustment in Article 21 of the FPC Gas Tariff, it proposes to decrease its rates effective July 23, 1977:

(1) To reflect changes in its supplier rates which will be effective as of the date of its filing.

(2) To reflect the cost of ENGA gas being purchased by Transwestern Pipeline Company and resold to Cities Service.

(3) To reflect the cost of an emergency exchange arranged with Pacific Lighting Service Company in order to protect service to Cities Service's customers in FPC Curtailment Priorities 1 and 2 during periods of severe weather this past winter.

(4) To reflect the balance in Cities Service's Deferred Purchase Gas Cost Account at April 22, 1977.

(5) To reflect the elimination of the Opinion No. 770-A Special Surcharge of 3.46¢ per Mcf.

Twentieth Revised Sheet PGA-1 reflects a current adjustment of (0.12¢) per Mcf.

Cities Service states that copies of its filing were served on all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket Nos. RP72-142 and RP76-135.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17726 Filed 6-21-77;8:45 am]

[Docket No. ER77-425]

CONNECTICUT LIGHT AND POWER CO.

Transmission Agreement

JUNE 16, 1977.

Take notice that on June 6, 1977, The Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated March 15, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Long Island Lighting Company (LILCO).

CL&P states that the Transmission Agreement provides for a transmission service to LILCO during the period from April 1, 1977 to October 31, 1977.

CL&P states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NE POOL Executive Committee, multiplied by the number of kilowatts which LILCO is entitled to receive.

CL&P requests waiver of the Commission's notice requirements to allow said Transmission Agreement to become effective as of April 1, 1977.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and LILCO, Hicksville, New York.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17724 Filed 6-21-77;8:45 am]

[Docket Nos. CP70-196; CP74-227; CP73-135; CP74-137]

DISTRIGAS CORP.; DISTRIGAS OF MASSACHUSETTS CORP.

Granting Stay of Effective Date

JUNE 15, 1977.

Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (DOMAC) on June 15, 1977, filed with the Commission a request that the effective date of the Commission's order issued June 14, 1977, in this proceeding be extended pending Commission resolution of a motion for clarification of such order which the companies state will be filed in the immediate future. Distrigas and DOMAC state that this request is necessary because of the scheduled arrival of a shipment of LNG on June 15, 1977, with scheduled discharge of cargo at the Everett terminal on June 15, 1977.

Upon consideration, notice is hereby given that the effective date of the Commission's June 14, 1977, order in this proceeding is stayed pending commission resolution of Distrigas and DOMAC's motion for clarification.

By Direction of the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc.77-17728 Filed 6-21-77;8:45 am]

[Docket No. RP72-136; PGA77-3)]

FLORIDA GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges Under Purchased Gas Adjustment Provision

JUNE 15, 1977.

Take notice that on June 1, 1977, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, tendered for filing Fourteenth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, containing changes in rates in its resale rates in Rates Schedules G and I for effectiveness on July 1, 1977.

According to Florida Gas, the changes in rates contained on Fourteenth Revised Sheet No. 3-A are derived in accordance with the purchased gas cost adjustment provision in its Tariff (Section 15, General Terms and Conditions). Florida Gas states that the rates contained on Fourteenth Revised Sheet No. 3-A are proposed to supersede those on Thirteenth Revised Sheet No. 3-A which were filed on January 1, 1976, for effectiveness on January 1, 1977. Florida Gas further states that the following shows a comparison between the rates in effect pursuant to Thirteenth Revised Sheet No. 3-A and those to be made effective on July 1, 1977 under this filing.

	Effective (in cents/therm)	
	Jan. 1, 1977 through June 30, 1977	July 1, 1977
Rate schedule G	10.896	11.157
Rate schedule I	9.636	9.897

According to Florida Gas, the annual effect of its proposed rate changes is an increase of $1,966,354 based on sales for the twelve months ended March 31, 1977.

Florida Gas states that a copy of its filing has been served on all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1 and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17716 Filed 6-21-77;8:45 am]

[1] That order also encompassed Docket No. ER77-216 which accepted for filing the contract providing for new service to Fox Island Electric Cooperative and waived the notice requirements to establish an effective date of January 11, 1977.

[2] The Selection requested intervenor status by letter addressed to the Secretary dated March 24, 1977. That letter was not treated as a petition to intervene as it was patently deficient in meeting the requirements of Section 1.8 of the Commission's Rules of Practice and Procedure in that there were no allegations of facts from which the nature of the Selectmen's alleged right or ground for the proposed intervention could be determined.

[3] See ordering paragraph (D) of the April 26th order.

[Docket No. ER77-373]

GULF POWER CO.

Supplements

JUNE 16, 1977.

Take notice that on May 26, 1977, Gulf Power Company (Gulf), filed herein Supplements to its FPC Electric Tariffs providing for existing delivery points for service by Gulf to West Florida Electric Cooperative, Inc., at Graceville (Holmes County), Westville (Walton County), Altha (Calhoun County), Grand Ridge (Jackson County), Pittman (Holmes County), and new delivery points at Chipley (Washington County), and Bonifay (Holmes County), all located in Florida. These tariff supplements are proposed to be effective for service commencing on June 1, 1976 on all existing delivery points and June 1, 1977 for the two new delivery points, and Gulf therefore requests waiver of the Commission's notice requirements to allow such effective dates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17722 Filed 6-21-77;8:45 am]

[Docket No. ES77-41]

IOWA ELECTRIC LIGHT AND POWER CO.

Application

JUNE 16, 1977.

Take notice that on June 8, 1977, the Iowa Electric Light and Power Company (Applicant) filed an application pursuant to § 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell 330,000 shares of Common Stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission and sale at retail of electric energy in 55 counties in the State of Iowa.

The Common Stock is to be issued commencing on approximately October 1, 1977 pursuant to the Company's Dividend Reinvestment and Stock Purchase Plan and pursuant to the Company's Employee Stock Purchase Plan. The Common Stock is subject to the prior rights and preferences of the existing outstanding classes of Cumulative Preferred Stock. The price to the Company for the Common Stock will be determined in accordance with terms of the respective Plans.

According to the Applicant, the purpose for which the Common Stock is to be issued is the Company's continuing construction program and for other corporate purposes.

Any person desiring to be heard or to make protest with reference to this Application should on or before June 30, 1977 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17718 Filed 6-21-77;8:45 am]

[Docket No. ER77-427]

MINNESOTA POWER & LIGHT CO.

Proposed Changes in Rates and Charges

JUNE 16, 1977.

Take notice that on June 8, 1977, Minnesota Power & Light Company (MP&L) tendered for filing proposed changes in its rates and charges for sales-for-resale service to seventeen municipal customers (Rate Schedule No. 85), one privately-owned electric system customer (Rate Schedule No. 94) and two rural electric cooperatives (Rate Schedule No. 86). In addition, MP&L has filed for an increase in the transmission service rate applicable to the City of Wadena, Minnesota. The proposed changes, according to MP&L, would increase revenues from jurisdictional sales and service by $2,250,373 based on the twelve month period ending July 31, 1977.

MP&L states that the proposed increases in sales-for-resale rates are intended primarily to offset increased capacity and energy costs associated with commencement of commercial operation of the Square Butte mine-mouth generation plant which is to provide MP&L with over 400 megawatts of power through 1985. MP&L indicates that the proposed rates are also designed to enable MP&L to improve the rate of return earned from its service to sales-for-resale customers, which the Company believes is necessary if it is to attract the amounts of capital necessary to provide adequate service to these customers, and requests an effective date for the proposed changes of July 8, 1977.

MP&L states that copies of the applicable portions of the filing have been served upon MP&L's jurisdictional customers and that copies have also been mailed to the Minnesota Public Service Commission and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party should file a petition to intervene. Copies of this application are on file with the Commission and are available.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17723 Filed 6-21-77;8:45 am]

[Docket No. RP72-115;PGA 77-2]

OKLAHOMA NATURAL GAS GATHERING CORP.

Filing of Revised Tariff Sheets

JUNE 15, 1977.

Take notice that on May 31, 1977, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing Twelfth Revised Sheet PGA-1. Gathering Corporation states that Twelfth Revised Sheet PGA-1 is intended to replace Eleventh Revised Sheet PGA-1 (Second Amended).

Gathering Corporation states that Twelfth Revised Sheet PGA-1 will become effective on July 1, 1977, and revise its Base Tariff Rate to flow through the increase in the system cost of purchased gas and recover the balance accumulated in its unrecovered purchased gas cost account. The company further states that a special surcharge, which commenced January 1, 1977, and to continue through December 31, 1977, is included to recover the estimated increases incurred prior to January 1, 1977, which were attributable to Opinion Nos. 770-A and 742-A.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person

wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17715 Filed 6-21-77;8:45 am]

[Docket No. RP71-11; PGA No. 77-4]

TENNESSEE NATURAL GAS LINES, INC.

Proposed PGA Tariff Filing.

JUNE 16, 1977.

Take notice that, on June 1, 1977, Tennessee Natural Gas Lines, Inc. ("TNGL") tendered for filing the following sheets to its FPC Gas Tariff, First Revised Volume No. 1:

Twenty-First Revised Sheet No. PGA-1 and Sixteenth Revised Sheet No. PGA-2; and
Alternate Twenty-First Revised Sheet No. PGA-1 and Alternate Sixteenth Revised Sheet No. PGA-2.

TNGL states that the above-listed "Alternate" tariff sheets reflect and track only the PGA rate filing of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., filed on or about May 16, 1977 to be effective July 1, 1977. TNGL states that the other set of tariff sheets above listed reflect such filing by its sole supplier and also a surcharge of 1.64¢ per Mcf to recoup, over the 12-month period ending June 30, 1978, the costs of two arrangements for emergency supplies of natural gas during the 1976-77 winter, one of which was an emergency purchase specifically approved by the Commission and the other a delayed exchange of natural gas.

TNGL requests that the tendered tariff sheets be effective July 1, 1977. It requests waiver of the PGA provisions of its tariff, as well as any rule or regulation of the Commission necessary therefor, so as to permit the tariff sheets reflecting the above-described surcharge to be accepted and effective.

Copies of the filing were served upon TNGL's jurisdictional customer and the interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17719 Filed 6-21-77;8:45 am]

[Docket No. RP71-11; PGA 77-4a]

TENNESSEE NATURAL GAS LINES, INC.

Proposed Substitution of PGA Tariff Sheets

JUNE 16, 1977.

Take notice that, on June 9, 1977, Tennessee Natural Gas Lines, Inc. ("Tennessee Natural") tendered for filing Substitute Twenty-First Revised Sheet No. PGA-1 and Substitute Sixteenth Revised Sheet No. PGA-2 to its FPC Gas Tariff, First Revised Volume No. 1. Tennessee Natural requests that such tariff sheets be substituted for Twenty-First Revised Sheet No. PGA-1 and Sixteenth Revised Sheet No. PGA-2 filed by it on June 1, 1977 to be effective July 1, 1977.

Tennessee Natural states that the purpose of its June 1, 1977 filing was: (a) to "track" a rate change of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., to be effective July 1, 1977, pursuant to the purchased gas cost adjustment provisions of Tennessee Natural's FPC Gas Tariff; and, (b) to recoup, by a surcharge over the 12-month period ending June 30, 1978, the increased costs resulting from emergency supply arrangements during the 1976-77 winter. Tennessee Natural renews its request that the Commission grant all waivers necessary to permit the instant tariff sheets to become effective July 1, 1977.

Tennessee Natural states that, subsequent to its June 1, 1977 filing, the sellers under one of the 1976-77 winter emergency supply arrangements discovered that Tennessee Natural had been overbilled as to volumes and corrected the same. Tennessee Natural further states that the proposed substitution of tariff sheets is made solely in order to correct such error and that the effect thereof is to reduce the proposed surcharge from 1.64¢/Mcf to 1.51¢/Mcf.

Copies of the filing were served upon Tennessee Natural's jurisdictional customer and the interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17721 Filed 6-21-77;8:45 am]

[Docket No. RP72-99; DCA77-2]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

JUNE 15, 1977.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on May 31, 1977, tendered for filing revised tariff sheets to its FPC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 to become effective July 1, 1977. Pursuant to the provision contained in its Tariff providing for "tracking" of curtailment credits, Transco proposes to increase its rates effective July 1, 1977 to reflect the balance of credits in the Deferred Account as of April 30, 1977.

Third Revised Sheet No. 12 and Second Revised Sheet No. 15 to Second Revised Volume No. 1, and Twelfth Revised Sheet No. 121 to Original Volume No. 2 included in the filing reflect an increase of 1.3¢ in the commodity rate or delivery charge of the Company's CD, G, OG, E, PS, S-2 and X-20 rate schedules.

The Company states that copies of filing have been mailed to each of the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17725 Filed 6-21-77;8:45 am]

[Docket No. RI77-55]

TRANSOCEAN OIL, INC.

Order Granting Petition for Special Relief

JUNE 15, 1977.

Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On April 4, 1977, TransOcean Oil Inc. (TransOcean) filed a petition for special relief pursuant to Order No. 551 and Section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) for the sale of gas to Texas Gas Transmission Corporation (Texas Gas) from the D. M. Robinson No. 1 Well located in Maxie Field, Acadia Parish, Louisiana.

TransOcean seeks an increase of 10 cents per Mcf at 14.73 psia in the rate

it currently charges for the sale of natural gas to Texas Gas. This sale will be made pursuant to a March 30, 1977 letter agreement to an April 2, 1953 base contract, as amended, on file as TransOcean's FPC Gas Rate Schedule No. 1 in Docket No. G-7110. TransOcean proposes to reperforate the currently producing zone in the D. M. Robinson No. 1 Well at a total cost of $5,000 to increase the production rate and depletion of the zone. According to TransOcean the additional perforation will allow it to produce an additional 199,000 Mcf net working interest volume of gas over the next two years.

Notice of the petition was issued May 2, 1977, and appeared in the FEDERAL REGISTER on May 9, 1977 at 42 FR 23542. No protests or interventions have been filed to date, the period for filing protests or interventions having ended on May 23, 1977.

TransOcean's proposed total rate of 47E.1975 cents per Mcf, at 14.73 psia is within the criteria set out in Order No. 551.[1] Specifically, the proposed additional investment will result in less than $50,000 additional revenue ($19,900), the additional investment to be made is in excess of 25 percent of the estimated additional revenue (25.13%), and the total rate requested is less than 50 cent per Mcf, exclusive of production or severance taxes, at 14.73 psia.

Section 2.76 of the Commission's General Policy and Interpretations was promulgated by the Commission in order to promote the optimum recovery of gas reserves. Based on the Commission Staff's evaluation of data submitted by TransOcean in conformance with the criteria set out in Order No. 551, the proposed total rate is cost justified and in the public interest. Accordingly, we find that the instant petition is consistent with the purposes of Section 2.76 and that such petition sets forth an adequate economic justification for the relief sought.

The Commission finds: The relief TransOcean seeks in its petition is justified and in the public interest.

The Commission orders: (A) TransOcean's petition is hereby granted. TransOcean is allowed to charge a total rate of 47.1975 cents per Mcf at 14.73 psia for gas sold to Texas Gas from the currently producing zone in the D. M. Robinson No. 1 Well located in Maxie Field, Acadia Parish, Louisiana.

(B) The rate granted in Ordering Paragraph (A) is to be effective on the date of issuance of this order or the date of completion of the proposed work, whichever is later, subject to TransOcean filing a statement signed by Texas Gas within 30 days of the effective date that the proposed work has been completed to its satisfaction.

(C) TransOcean's contract amendment dated March 30, 1977, together with the related rate change filing are hereby accepted as Supplement Nos. 13 and 14 respectively, to TransOcean FPC Rate Schedule No. 1 with an effective date as provided in Ordering Paragraph (B).

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17727 Filed 6-21-77;8:45 am]

[1] On May 17, 1977 TransOcean Oil Inc., filed a corrected Scheduled 0507 showing a total rate of 47.1975 cents per Mcf at 14.73 psia inclusive of all adjustments.

[Docket No. ER76-689]

WEST PENN POWER CO.

Order Approving Settlement

JUNE 15, 1977.

Electric rates: Settlement Before Commissioners: Richard L. Dunham, Chairman; Don S. Smith, John H. Holloman III, and James G. Watt.

On February 25, 1977, West Penn Power Company (West Penn) and Allegheny Electric Cooperative (Allegheny) filed a joint motion for certification to the Commission for its approval of a proposed Settlement Agreement in the above proceeding. A Reference of Settlement Agreement was issued by the Presiding Administrative Law Judge on March 1, 1977. The Commission finds that the Settlement Agreement is in the public interest and accept and approves it as hereinafter ordered and conditioned.

Proceedings in this docket were initiated on May 18, 1976, when West Penn tendered for filing a proposed rate increase which would increase its annual revenues from Allegheny, its only wholesale customer, by approximately $441,726 based on a calendar year 1975 test year. By order issued June 17, 1976, the Commission accepted the proposed increase for filing, suspended it for one month to become effective subject to refund on July 18, 1976, and set the matter for July 18, 1976, and set the matter for hearing under Sections 205 and 206 of the Federal Power Act.

On January 13, 1977, the parties met for a formal settlement conference pursuant to the Commission's suspension order as amended by the Presiding Administrative Law Judge by order issued December 28, 1976. The proposed Settlement Agreement herein resulted from that meeting. The Commission Staff filed comments in support of the settlement on March 28, 1977, pursuant to notice issued March 16, 1977. No other comments were received.

The agreement provides for a test period increase of $347,519 effective July 18, 1976, which is supported by the Staff top sheet based on an allowable rate of return of 8.47% including 12.5% return on common equity.

Based on our review of the record in these proceedings, including the settlement agreement itself, we conclude that the settlement agreement represents a reasonable resolution of the issues in the proceeding in the public interest, and that accordingly, the settlement should be approved.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered and conditioned.

The Commission orders: (A) The settlement agreement certified to the Commission by the Presiding Administrative Law Judge in these proceedings is hereby accepted, incorporated herein by reference and approved subject to the following conditions.

(B) West Penn shall file within 30 days of the issuance of this order revised tariff sheets in conformance with the settlement agreement.

(C) Within 30 days after the settlement tariff sheets are accepted for filing, West Penn shall refund amounts collected in excess of the settlement rates with interest computed at 9% per annum.

(D) Within 15 days after refunds have been made, West Penn shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly rate refund; and the monthly interest computation together with a summary of such information for the total refund period. A copy of such report shall also be furnished to each State Commission within whose jurisdiction Allegheny Electric Cooperative distributes and sells electric energy at retail.

(E) This order is without prejudice to any finding or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against West Penn or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17698 Filed 6-21-77;8:45 am]

[Project No. 1051]

ALASKA POWER & TELEPHONE CO.

Application for New Minor License for Constructed Hydroelectric Project

JUNE 16, 1977.

Public notice is hereby given that an application for a new minor license has been filed under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), by Alaska Power & Telephone Company (correspondence to: Mr. Vernon J. Neitzer, Vice President, Alaska Power & Telephone Company, Box 222, Port Townsend, Washington 98368, and to: Faulkner, Banfield, Doogan & Holmes, Suite 201, 311 Franklin Street, Juneau, Alaska 99801) for its constructed Skagway Project, F.P.C. Project No. 1051. The project is located on Reid Falls Creek, Dewey Creek, Icy Creek and Snyder Creek in the Skagway-Yakutat Census Division near the Town of Skagway, Alaska, and affects lands within the Tongass National Forest and public lands of the United States.

According to the application the existing project would be maintained and new facilities would be added to increase the project's capacity. All power produced by the project is used by the applicant to meet its load requirements.

The existing project consists of: (1) a 26-foot long, 8-foot high concrete diversion dam on Reid Falls Creek; (2) a 12 to 8-inch wood stave pipe extending 1,985 feet from the Reid Falls diversion to (3) Icy Lake, a lake with a surface area of 3.4 acres formed by (4) a 105-foot long, 5-foot high earth and rock dam; (5) 800 feet of 8-inch wood stave pipe conveying water from Icy Lake into Icy Creek which flows into Dewey Creek; (6) an earth and rock dam 276 feet long and 18 feet high with a 12-inch pipe through the base which regulates flows into Dewey Creek forming (7) Upper Dewey Lake, a lake with a surface area of 34.44 acres; (8) a rock diversion dam on Snyder Creek diverting water into a channel discharging into (9) Lower Dewey Lake, a lake with a surface area of 32.84 acres formed by (10) an earth and rock dam 602 feet long and 28 feet high on Dewey Creek: (11) a 300-foot long canal leading from Lower Dewey Lake into (12) the project forebay having a surface area of 2.71 acres formed by (13) a masonry and rock dam 132 feet long and 30 feet high; (14) two 12-inch diameter penstocks, 810 feet and 911 feet long, extending from the forebay dam to a 952-foot long, 16-inch diameter penstock leading to (15) the powerhouse, a wood frame building containing two generating units with a total capacity of 340 kW; and (16) appurtenant facilities.

The proposed project additions would consist of: (1) a 12-inch diameter, 1,726-foot long penstock from the forebay to the powerhouse and (2) a 180 kW generating unit in the present powerhouse.

Any person desiring to be heard or to make protest with reference to said application should on or before September 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

The application is on file with the Commission and available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. § 825g and § 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raisod, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17831 Filed 6-21-77;8:45 am]

[Docket No. RP75-102]

PANHANDLE EASTERN PIPE LINE CO.

Tariff Filing

JUNE 16, 1977.

Take notice that on May 31, 1977 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following tariff sheets:

	Proposed effective date
F.P.C. gas tariff, original vol. No. 1: First substitute 19th revised sheet No. 3-A.	Apr. 1, 1977
F.P.C. gas tariff, original vol. No. 2: First substitute first revised sheet No. 135.	Dec. 1, 1975

Panhandle submits that such sheets are being filed in substitution for tariff sheets filed on May 9, 1977. First Substitute Nineteenth Revised Sheet No. 3-A reflects rate levels to be effective April 1, 1977, excluding an advance payment adjustment included in the May 9 filing which did not meet the necessary tracking criteria. First Substitute First Revised Sheet No. 135 is being filed on a completed basis, to replace substitute First Revised Sheet No. 135 filed on May 9, 1977.

Panhandle states that copies of its filing have been served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishingto become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17832 Filed 6-21-77;8:45 am]

[Docket No. CP77-419]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO, INC.

Application

JUNE 15, 1977.

Take notice that on June 1, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-419 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of natural gas for a three-year period for nine of its New England customers, and to render service on a permanent basis to one of said New England customers, Valley Gas Company (Valley) under Rate Schedule CD-6 in lieu of Rate Schedule G-6, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to render a limited-term natural gas storage service for nine of its New England Customers during each of three consecutive twelve-month periods in 1977-78, 1978-79, and 1979-80. Applicant proposes to receive during each summer of such three-year period daily volumes from the nine New England Customers to permit them to store up to their combined total storage volumes of 3,440,000 Mcf and to deliver such stored volumes to those customers during each winter of such three-year period, it is said. Applicant states that this service would be rendered only when in its sole opinion its operating conditions so permit. Applicant further states that each customer's portion of the combined total storage volume of 3,440,000 Mcf under this limited-term storage service would be made available to Applicant from each customer's purchases from Applicant.

It is stated that Consolidated Gas Supply Corporation (Consolidated) would provide Applicant during each of the three aforementioned periods, a storage service with a total storage capacity of 3,440,000 Mcf and a daily volume of 22,800 Mcf which storage service would enable Applicant to resell a similar service to its nine New England Customers pursuant to a letter agreement dated April 20, 1977, between Consolidated and Applicant. Applicant states that in order to render the proposed service, it would utilize the storage service which Consolidated has recently agreed to sell to Applicant together with the available capacity of its existing pipeline and storage facilities which is not required by Applicant to render previously authorized firm services.

Applicant indicates that on days when the total volume requested for delivery by the New England Customers is less than the daily volume available to Applicant from Consolidated, Applicant would inject into its own storage facilities the volume of gas received from Consolidated but not delivered to the New England Customers, and that on

days when the total daily volume requested for delivery by the New England customers exceeds the daily volume available to Applicant from Consolidated, Applicant would whenever, in its sole opinion, its operating conditions permit, withdraw natural gas from its own storage facilities to enable it to deliver the requested daily volume to the New England Customers.

Applicant indicates that the nine New England customers for whom this service would be rendered and their respective daily and total storage volumes are as follows:

(In 1,000 ft³)

Customer	Daily storage volume	Total storage volume
Bay State Gas Co.	14,364	1,580,000
Berkshire Gas Co. (the)	1,273	140,000
Boston Gas Co.	909	100,000
Commonwealth Gas Co.	8,227	905,000
Connecticut Natural Gas Corp.	591	65,000
Fitchburg Gas and Electric Light Co.	455	50,000
Haverhill Gas Co.	3,182	350,000
Manchester Gas Co.	909	100,000
Valley Gas Co.	1,364	150,000
Total	31,274	3,440,000

Applicant states that the LTSS–6 storage service proposed herein is substantially identical to Applicant's former OPS–6 storage service certificated by the Commission's order issued July 24, 1975, in Docket No. CP75–376. Applicant's OPS–6 storage service commenced on July 24, 1975, and under the terms of the certificate and of Applicant's off peak storage service contracts with its New England Customers, such service would terminate on July 24 of this year, it is said. Applicant states that substantial volumes of gas are being, and would be held in storage under the OPS–6 storage service for the account of Applicant's New England Customers, which volumes of gas are needed by the customers to serve their firm markets during the 1977 summer but would urgently be needed by them during the 1977–78 winter. Applicant further states that in order to avoid the requirement that the New England Customers physically remove all gas remaining in storage for their respective accounts under the OPS–6 storage service prior to the termination of such service on July 24, Applicant requests authorization to carry over such remaining OPS–6 storage volumes to the proposed new LTSS–6 storage service and to include such volumes among the total storage volume to be made available to each New England Customer under the LTSS–6 Rate Schedule. Applicant indicates that in order to enable Valley Gas Company, which is presently served under Applicant's Rate Schedule G–6, to be eligible to receive the proposed storage service, it is necessary that Valley be served under Applicant's Rate Schedule CD–6 in lieu of under its Rate Schedule G–6.

Applicant requests authorization to render natural gas service to Valley under its Rate Schedule CD–6, on a permanent basis, in lieu of its Rate Schedule G–6, subject to authorization of the proposed limited-term storage service for Valley. Valley would not receive any increase in maximum daily contract quantity presently authorized and Valley's purchases from Applicant under the Rate Schedule CD–6 would be substantially the same as under the G–6 Rate Schedule.

Applicant states that the proposed three-year limited-term storage service would greatly assist each of the participating New England Customers in meeting their respective requirements of their high priority customers during each of the next three successive winter periods. Applicant asserts that it can perform the storage service proposed herein by utilizing the storage service to be acquired from Consolidated, along with the available capacity of Applicant's existing pipeline and storage facilities which is not required by Applicant to render previously authorized firm services, without the need for any additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17829 Filed 6–27–77;8:45 am]

[Docket Nos. RP73–94; PGA77–3]

VALLEY GAS TRANSMSSION, INC.

Purchased Gas Cost Adjustment Filing

JUNE 16, 1977.

Valley Gas Transmission, Inc. ("Valley"), on May 31, 1977, submitted for filing as part of its FPC Gas Tariff, Original Volume No. 1, its proposed Eleventh Revised Sheet No. 2A. The proposed effective date is July 1, 1977.

Valley states that this tariff sheet is filed pursuant to its Purchased Gas Cost Adjustment Provision. The proposed changes involved Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." Both such adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17830 Filed 6–21–77;8:45 am]

[Docket No. CP75–110]

WASHINGTON NATURAL GAS CO. AS PROJECTED OPERATOR

Petition To Amend

JUNE 15, 1977.

Take notice that on June 2, 1977, Washington Natural Gas Company, as Project Operation (Petitioner), 815 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP75–110 a petition to amend the Commission's order of September 26, 1975, as amended (54 FPC ———), issued in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to operate the Jackson Prairie Storage Project (storage project) in Lewis County, Washington, in such a manner as to increase deliveries of seasonal working gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the storage project is adjacent to the system of Northwest Pipeline Corporation (Northwest), and is owned in joint and equal undivided interests by Petitioner, Northwest, and the Washington Water Power Company (Water Power), the storage project participants. Activities of Petitioner, as project operator, are conducted pursuant to the gas storage project agreement dated June 25, 1970, between the storage project participants, it is said. Petitioner states that the storage project provides an underground natural gas storage facility to support the rendition by Northwest of winder service under Northwest's Rate Schedule SGS–1 contained in its FPC Gas Tariff, Original Volume No. 1.

It is indicated that pursuant to the Commission's order of September 16, 1975, in Docket Nos. CP75–110 and CP75–289 Northwest was granted a certificate to render expanded winter service under its Rate Schedule SGS–1 beginning with the 1975–76 heating season and Petitioner, as project operator, was granted a certificate to construct the necessary facilities to operate the storage project in the manner necessary to deliver to Northwest the seasonal working gas volume of 9,300,000 Mcf, with daily deliverability of not more than 300,000 Mcf during the period October 16 through the following April 15, to support the expanded winter service.

It is further indicated that by order issued January 16, 1976, amending the order issued September 26, 1975, in the above-named dockets, Petitioner was authorized to increase the maximum daily deliverability of the project by 71,800 Mcf on a best effort basis and Northwest was authorized to sell and deliver that additional quantity on a best efforts basis to certain of its existing customers under Rate Schedule SGS–1.

It is indicated that by order issued September 1, 1976, as amended November 4, 1976, Petitioner was granted a temporary certificate authorizing operation of the storage project in such a manner as necessary to:

1. Increase deliveries to Northwest of seasonal working gas quantities to 10,100,000 Mcf.

2. Extend the withdrawal season to the period commencing on October 1 of each year and continuing through the succeeding April 30.

3. Inject gas during the withdrawal season.

By this petition, petitioner requests authorization to operate the storage project in such a manner as necessary to increase deliveries to Northwest of seasonal working gas quantities to 10,800,000 Mcf from the present authorized level. No change in the authorized maximum daily delivery rate of 300,000 Mcf with an additional best efforts increment of 71,800 Mcf is proposed, it is said.

Petitioner states that continued evaluation of the storage project has indicated that consistent with orderly development and expansion, the seasonal withdrawal capabilities should be increased on October 1, 1977, from its present authorized level (temporary) of 10,100,000 Mcf to 10,800,000 Mcf, and that the storage project participants propose that the cushion gas inventory be increased from a level of not less than 15,200,000 Mcf to a level of not less than 16,000,000 Mcf, and that the total gas storage inventory (both cushion and working gas) be increased from a level of not less than 25,300,000 Mcf to a level of not less than 26,900,000 Mcf. Petitioner asserts that injections are presently planned to be made into the storage project to attain these levels by October 1, 1977, and that working gas would be provided by Northwest and cushion gas would be provided one third each by Northwest, Water Power and Petitioner in accordance with the terms of the storage agreement. No construction work is required in order to attain this level of storage gas service, it is said.

Any person desiring to be heard or to make any protest with reference to said petition to amend should, on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the processing. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17828 Filed 6–21–77;8:45 am]

[Docket Nos. CP70–196, CP74–227, CP73–135, CP74–137]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Importation Jurisdiction; Findings and Order Approving Settlement Agreement and Issuing Certificates of Public Convenience and Necessity

JUNE 14, 1977.

Pursuant to motions dated March 8, 1977, and September 27, 1976, and filed in Docket Nos. CP70–196, et al., Distrigas Corporation (Distrigas) and Distrigas of Massachusetts Corporation (DOMAC) have requested that the Commission approve a proposed amended settlement agreement, which attempts inter alia to resolve issues in the subject proceedings involving the Commission's jurisdiction over DOMAC's Everett, Massachusetts, liquefied natural gas (LNG) terminal and sales of gas therefrom, the feasibility of the design, construction and operation of such terminal, and the appropriateness of the proposed sales of natural gas to the proposed customers, all as more fully set forth in the settlement agreement as amended in this proceeding.

The Commission in Opinion No. 613, issued March 9, 1972 (47 FPC 752), granted Distrigas authorization to import annually from Algeria up to 15.4 million MMBtu of LNG for a period of twenty years. As a result of a subsequent court decision and other Commission orders,[1] Distrigas and DOMAC filed various applications with this Commission to construct and operate the Everett, Massachusetts, terminal and to make sales of gas therefrom. In Docket No. CP74–227 Distrigas seeks a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to sell its imported LNG to its affiliate, DOMAC. In Docket No. CP74–137 DOMAC seeks a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate LNG facilities at its Everett, Massachusetts, site for the purpose of receiving, terminaling, storing and selling LNG both in vapor and liquid form. In Docket No. CP73–15 DOMAC seeks a certificate of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act to resell a portion of the imported LNG to certain interstate customers for resale and in Docket No. CP70–196 DOMAC requests authorization to resell the remaining portion of the imported LNG to certain Massachusetts customers pursuant to Section 3 of the Natural Gas Act.[2] This entire program, termed the "Descartes Program" has been designed to import and sell quantities of LNG to distribution customers in New England, New York and New Jersey.

The amended settlement agreement stipulates that the design, construction, and operation of the Everett terminal are adequate and feasible; that the major portion of the imported LNG will be used to serve high priority markets; that the initial rates for both sales of gas and storage service at the Everett terminal are in the public interest; that no party contests Commission jurisdiction over the construction and operation of the Everett terminal nor over the proposed sales of gas therefrom; and that it is in the public interest to grant conditioned certificates of public convenience and necessity to implement this project. The initial rates proposed by the settlement agreement would be effective until changed by the Commission in Docket No. RP76–73 or any subsequent proceeding.

The Commission on March 1, 1977, requested comments from interested parties on the original settlement agreement and on March 16, 1977, requested comments on the amended settlement agreement. Comments were received from the Commission Staff, the Bay State Gas Company, et al., Brooklyn Union Gas Company, and Distrigas. All support the proposed settlement.[3]

[1] *Distrigas Corporation* v. *FPC*, 495 F. 2d 1057 (D.C. Cir), cert denied, 419 U.S. 834 (1974); Commission orders issued May 25 and June 20, 1973 in Docket No. CP73–78 et al., *Distrigas Corporation* (49 FPC 1145 and 1400).

[2] DOMAC is currently selling the Descartes gas under temporary authorization granted on June 24, 1976, in Docket No. CP73–135, *et al.*

[3] The Commission Staff originally objected to the settlement; however, its objection became moot when the Massachusetts Department of Public Utilities approved the proposed settlement prior to any Commission action in this proceeding on such settlement.

[4] Two Commissioners dissenting.

Since the inception of this proceeding until the submittal of this settlement agreement, the issue of whether the Commission has jurisdiction over the subject facilities and sales has been a matter in serious controversy. Originally the Commission in Opinion No. 613 concluded that LNG import facilities and sales of gas made therefrom within the state of importation were outside of Commission jurisdiction and did not require certification.[4] Subsequently, with the filing of a new application by Distrigas, the Commission by orders issued May 25 and June 20, 1973, in effect, reversed its original jurisdiction determination. This new decision was challenged in the United States Court of Appeals for the District of Columbia, which remanded the record to the Commission for supplementation (see footnote 1). The present proceedings and settlement agreement are an outgrowth of this court remand.

We believe, as pointed out by Staff in its comments, that DOMAC's facilities and sales are within the jurisdiction of the Commission under two separate theories, either one of which would be enough to warrant jurisdiction over such sales and facilities. First, under Section 3 of the Natural Gas Act the Commission may authorize imports, subject to such conditions as are reasonable and supported by record evidence. The use of the Everett terminal is for the benefit of both distribution customers in Massachusetts and in other states. There is a dramatic need for uniformity in terminal operations, services and charges both for the benefit of its owner and its customers. Should two or three different agencies regulate the same subject matters for different customers, the possibility is left open for conflicting decisions and to discriminatory treatment between customers. As a practical matter, this Commission seems to be the most appropriate forum on any level, local, state, or Federal, to insure that the public interest is protected and a uniform set of conditions and regulations are applied to such project. As aptly put by the Court of Appeals:

> • • • In short, we find it fully within the Commission's power, so long as that power is responsibly exercised to impose on imports of natural gas the equivalent of Section 7 certification requirements both as to facilities and—what we suspect is of more vital concern to the Commission and to petitioners—as to sales within and without the state of importation (495 F. 2d 1057, 1062).

Secondly, we believe that the operation and construction of the DOMAC facility involves the transportation and sale of natural gas in interstate commerce, pursuant to Section 7(c) of the Natural Gas Act. The Commission considers LNG as falling within the definition of natural gas in Section 2(5) of the Natural Gas Act *Distrigas Corporation, et al.* (47 FPC 752). At some point between the time an LNG ship touches U.S. coastal waters and the time when LNG is released from the flange of such ship in a stationary position, foreign commerce ends. Since the subject LNG facilities provides gas to both interstate and intrastate customers[5] from a commingled vapor gas and LNG stream, such facilities are interstate in nature and jurisdictional under Section 7 of the Natural Gas Act.[6] *California* v. *Lo-Vaca Gathering Company*, 379 U.S. 366 (1965); *Continental Oil Company*, 15 FPC 627 (1955); *Marathon Oil Company, et al.*, Commission Opinion Nos. 735 and 735A, issued June 23, 1975 (53 FPC ____) and August 19, 1975 (54 FPC ____). Once interstate commerce begins, the Commission's jurisdiction attaches. The record in this case indicates that the docking facilities, cryogenic lines, storage tanks, vaporization facilities, and truck loading facilities at the terminal, all serve both interstate and Massachusetts customers. No set of facilities is set aside for any one customer or group of customers but are designed to serve all (Tr. 331, 332). The interstate nature of this project has clearly been established.

Distrigas in the settlement agreement proposes to sell the imported gas to DOMAC in Docket No. CP74–227 at the same rate it is allowed to import the gas in Docket CP70–196.[7] DOMAC in accordance with its individual contracts would resell the LNG to its customers at a demand charge of 70.6 cents per MMBtu or $1.046 per MMBtu, depending upon the season of delivery for the year ending March 31, 1973, plus a designed commodity charge of 34.0 cents per MMBtu, subject to annual escalations of 0.6 cents per MMBtu each year and thereafter. In addition, storage service in DOMAC's peak shaving service contracts is priced at 90 cents per MMBtu. DOMAC will resell the imported LNG in the following quantities:

VOLUMES IN MMBTU FOR CONTRACT YEARS (BEGINNING APRIL 1)

	1976–77 and thereafter
Out-of-State customer:	
Brooklyn Union Gas Co	4,700,000
The Connecticut Gas Co	500,000
Providence Gas Co	900,000
New Jersey Natural Gas Co	100,000
South Jersey Gas Co	600,000
Valley Gas Co	120,000
Total	6,920,000
In-State customer:	
Bay State Co	900,000
Boston Gas Co	4,740,000
Fall River Gas Co	150,000
Haverhill Gas Co	100,000
Total	5,890,000

From our review of the record in this proceeding, we believe that the settlement agreement is in the public interest and should be approved.[8] The use of this gas in New England, New York, and New Jersey should help alleviate curtailments of service to high priority customers. The rates proposed herein are not unduely high. However, since this settlement agreement does not deal substantively with the environmental and safety issues associated with the Everett, terminal, an appropriate condition shall be attached to the authorization granted herein in Docket No. CP74–137 to insure that these aspects are fully reviewed. *Aberdeen and Rockfish Railroad Company* v. *Students Challenging Regulatory Procedures, et al.*, 422 U.S. 289 (1975); *Kleppe* v. *Sierra Club* ____, U.S. ____; 49 L.Ed. 576 (1976).

The Commission finds: (1) Applicants, Distrigas Corporation, and Distrigas of Massachusetts Corporation, Delaware corporations, having their principal place of business in Boston, Massachusetts, are each a "natural-gas company" within the meaning of the Natural Gas Act.

(2) Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(3) It is in the public interest to approve the subject settlement agreement as hereinafter ordered and conditioned.

The Commission orders: (A) Upon the terms and conditions of this order, certificates of public convenience and necessity are issued to Distrigas and DOMAC in Docket Nos. CP73–135 and CP74–227 authorizing sales of imported LNG at the initial rates and volumes as hereinbefore described and as more fully described in the settlement agreement and applications in this proceeding.

(B) Upon the terms and conditions of this order, a certificate of public convenience and necessity is issued to DOMAC in Docket No. CP74–137 authorizing the construction and operation of LNG facilities at its Everett, Massachusetts, site for the receipt, terminalling storage, and redelivery of LNG, all as more fully set forth in the application and settlement agreement in this proceeding.

(C) The authorization granted in Docket No. CP70–196 to Distrigas is conditioned upon the resale of such gas to Massachusetts customers in the volumes and on the terms and conditions as hereinbefore described and as more fully described in the settlement agreement and applications in this proceeding.

(D) The authorizations granted in paragraph (A), (B), and (C) above are conditioned upon Applicants' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (e), (f), and (g) of Section 157.20 and Part 154 of such Regulations.

[5] Over 50 percent of the volumes sold by Distrigas to DOMAC are contracted for by customers outside the state of Massachusetts.

[6] The Court in Distrigas left this option open to the Commission. "As we observed above, the Commission originally grounded its order on a 'commingling theory' • • • At the same time nothing in this opinion precludes the Commission, on remand from reverting to the commingling theory" (*Distrigas* v. *FPC* 495 F. 2d 1047, 1066).

[7] The exact rate at which Distrigas has been authorized to import LNG from Algeria by Commission Opinion No. 613 is an issue currently in controversy before the Administrative Law Judge in Docket No. CP73–135, et al. and is not addressed herein.

[8] The authorizations granted herein will be given in the manner requested by the Applicants, thus forestalling the need for any ministerial filings.

(E) The authorization granted in paragraph (B) above is further conditioned upon favorable resolution of the pending environmental and safety issues in this proceeding before becoming effective.

(F) Any change or modification in the facilities associated with the Everett, Massachusetts, terminal or sales of gas therefrom to either interestate or Massachusetts customers will in the future require prior Commission approval through Sections 7 and 4 of the Natural Gas Act.

(G) The authorization granted herein is without prejudice to any action the Commission may take involving a pending or future Distrigas or DOMAC proposal.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17702 Filed 6–21–77;8:45 am]

[Docket No. CP76–410]

EL PASO NATURAL GAS CO.

Amendment to Application

JUNE 14, 1977.

Take notice that on June 2, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76–410 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain tap and valve facilities, with appurtenances necessary to provide the implementation of the three-well settlement proposal, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant indicates that in its original application filed on June 28, 1976, in the instant docket it requested authorization to transport natural gas in interstate commerce for Southern Union Supply Company (SUSCO) on a best efforts basis utilizing such idle capacity as may otherwise exist from time to time in its interstate pipeline system.

Applicant states that by Commission order issued January 26, 1977, SUSCO's petition for special relief at Docket No. RI76–138 and independent producer certificate applications filed May 28, 1976, in Docket Nos. CI76–578 and CI76–579 were consolidated with El Paso's application in Docket No. CP76–410 for hearing and disposition.

Applicant further states that on March 2, 1977, SUSCO submitted a settlement proposal to the Commission during the hearings in the consolidated proceedings wherein SUSCO and Western Gas Interstate Company (WGI) proposed an alternative to the project the subject of SUSCO's and Applicant's original applications at Docket Nos. CI76–578 and CP76–410, respectively, involving gas production from one-well only. It is stated that under SUSCO's and WGI's alternative proposal, gas would be obtained by SUSCO from three wells and delivered by WGI to Applicant, for SUSCO's account, through a 4½-inch O.D. pipeline, approximately 10.1 miles in length, to be constructed and operated by WIG, extending from the gathering system of the 3 wells to a point of delivery at Applicant's 20-inch O.D. Lusk to Caprock pipeline located in Lea County, New Mexico. SUSCO's and WGI's three-well proposal would replace the original one-well proposal, whereby SUSCO was to produce, gather, and deliver production from the Gallagher 8 State No. 2 well into the gathering pipeline of Phillips Petroleum Company (Phillips) for processing at its Lusk Plant in Lea County, New Mexico, where such gas would then be tendered for SUSCO's account to Applicant by Phillips at the existing interconnection with Applicant's system at the outlet of the Phillips' Lusk Plant, it is said. It is indicated that the purchase rate which SUSCO would charge Southern Union and Applicant, respectively, under the three-well proposal would be significantly lower than the one-well proposal due to the elimination of the comparatively high costs incurred by SUSCO for Phillips' gathering and processing service. It is further indicated that on April 20, 1977, at Docket Nos. RI76–138 et al., the Commission issued its order approving and accepting the three-well settlement proposal submitted by SUSCO and WGI.

By this amendment, Applicant seeks authorization to construct and operate certain tap and valve facilities, with appurtenances, necessary to receive gas volumes transported and delivered by WGI, for SUSCO's account, at a point on El Paso's 20-inch O.D. Lusk to Caprock pipeline in Lea County, New Mexico, for further transportation and delivery to Southern Union for SUSCO's account at existing Southern Union delivery points along Applicant's system. Specifically, the facilities which Applicant proposes to construct and operate to implement SUSCO's and WGI's three-well settlement proposal are:

> A 4½-inch O.D. tap and valve assembly, with appurtenances, located at milepost 32.6 on Applicant's 20-inch O.D. Lusk to Caprock pipeline in Lea County, New Mexico.

The estimated total cost of the proposed facilities is said to be $2,750.

It is stated that to the extent the quantity of transportation gas available to Southern Union on any day from SUSCO under the three-well proposal exceeds Southern Union's need for gas on that day to serve its customers' Priority 1, 2, and 3 end-use requirements, the transportation agreement provides that SUSCO woud sell such excess gas to Applicant, and that Applicant would continue to treat such gas as a part of its total system supply available on that day for sale and delivery to its customers in accordance with the curtailment rules governing the operation of Applicant's system. Applicant states that it has entered into a new excess gas purchase agreement dated May 4, 1977, to cover the sale by SUSCO and the purchase by Applicant of excess gas attributable to the Gallagher 8 State No. 2 well, the Gallagher 8 State No. 3 well and the Supco State No. 1 well.

It is stated that Applicant would pay SUSCO for all gas purchased in accordance with the following base rates and adjustments:

(a) *Base rate.* (i) For the period commencing on the date of first delivery of gas hereunder, to and including June 30, 1977, one dollar and forty-five cents ($1.45) per one thousand (1,000) cubic feet.

(ii) For the quarter year (three month) period commencing July 1, 1977, and for each succeeding quarter year (three month) period thereafter, the base rate shall increase one cent (1¢) per one thousand (1,000) cubic feet over the rate herein provided to be paid during the preceding quarter year (three month) period.

Applicant indicates that the base price is adjusted for taxes, Btu content and gathering (where applicable). It is stated that in addition Applicant would also pay SUSCO its allocable share of the transportation rate SUSCO paid WGI for excess gas deliveries at the receiving point of such gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17712 Filed 6–21–77;8:45 am]

[Docket No. RP73–17; PGA 77–5]

GRANITE STATE GAS TRANSMISSION, INC.

Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JUNE 15, 1977.

Take notice that Granite State Gas Transmission, Inc. (Granite State), 66 Market Street (P.O. Box 508), Portsmouth, New Hampshire 03801, on May 27, 1977, tendered for filing Nineteenth Revised Sheet No. 3A in its FPC Gas Tariff, Original Volume No. 1, containing a proposed change in rates for effectiveness on July 1, 1977.

According to Granite State, the instant filing tracks revised changes in its cost of gas purchased from Tennessee Gas

ORIGINAL
JUN 22 77
UM

Pipeline Company, a Division of Tenneco, Inc. (Tennessee) which Tennessee has proposed to make effective July 1, 1977, in Docket Nos. RP73–114, RP74–24 and RP74–73. Granite State further avers that its filing is made pursuant to the purchased gas cost adjustment provision in its Tariff, previously approved by the Commission on December 14, 1972, in Docket No. RP73–17.

Granite State further states that its revised purchased gas cost change is applicable to its sales to Northern Utilities, Inc. (Northern), which is Granite State's sole jurisdictional customer. According to Granite State, the annual effect on Northern of the proposed rate contained on Nineteenth Revised Sheet No. 3A is an increase of $214,433.92. The estimate is based on purchases from Tennessee and sales to Northern for the twelve months ended April 30, 1977.

According to Granite State, copies of the filing were served upon Northern and the regulatory commissions of the States of Maine and New Hampshire.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17704 Filed 6–21–77;8:45 am]

[Docket No. ES77–40]

GULF STATES UTILITIES CO.

Request for Permission To Negotiate With Underwriters for the Issue and Sale of Securities

JUNE 15, 1977.

Take notice that on June 2, 1977, Gulf States Utilities Company (the Company) filed a request with the Federal Power Commission seeking permission to negotiate with underwriters for the issue and sale of securities. The Company is considering the guarantee of approximately $50 million of Convertible Subordinated Debentures before September 15, 1977. The Subordinated Debentures are to be issued on a subsidiary of the Company and convertible into common stock of the Company. They will be sold in Europe. The guarantee of these securities and issuance of stock upon conversion will be subject to authorization by the Federal Power Commission under Section 204 of the Federal Power Act, and the Company anticipates filing application for such authorizations in time to effect such issuance and sale.

The Company states that at this time it applies for permission to negotiate with the underwriters with respect to terms on which the securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of Section 34.1a of Federal Power Commission Regulations should be made. The Company states that it has not engaged in any negotiations for the sale or underwriting of the Securities, and will not do so prior to the Commission's granting of this request for permission to negotiate.

Any person desiring to be heard or to make any protest with reference to the request should on or before July 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant a party to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17703 Filed 6–21–77;8:45 am]

[Docket No. CP77–416]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

JUNE 14, 1977.

Take notice that on May 31, 1977, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP77–416 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with El Paso Natural Gas Company (El Paso) on an emergency basis and the operation and the retention in place of facilities constructed for emergency operations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that in order to minimize the depth of curtailment on its system, and to fill storage while maintaining deliveries to its customers at their presently authorized level of service, Applicant determined that it was in need of additional gas supplies. Applicant states that Continental Oil Company (Conoco) and Texaco Inc. (Texaco) would make available for a 60-day period such gas as may be available from their interests in the Green Estate No. 1 Well, Wheeler County, Oklahoma in order to assist Applicant in acquiring supplement supplies. In order to effectuate receipt of such gas from Conoco and Texaco, Applicant constructed for emergency operations a 6-inch meter run and approximately 2.0 miles of 10-inch pipeline connecting the wellhead or wellhead separator of the aforementioned well to its existing 10-inch Trunk 465 pipeline, it is said. Applicant states that these facilities were placed in service on April 1, 1977, and on April 6, 1977, the Commission issued a temporary certificate to American Natural Gas Production Company (Production Company) at Docket No. CI77–346 authorizing the sale of gas to Applicant under a long-term contract from Production Company's interest in the same well. Applicant requests authorization to operate and retain in place its facilities constructed for emergency operations for the purpose of maintaining deliveries of the supplies of gas which Production Company is authorized to sell to Applicant.

It is stated that as a result of the emergency sale of gas by Conoco and Texaco, other emergency purchases made by Applicant, and capacity limitations due to prior service commitments on its southwest gathering system, Applicant determined that it would be unable to take deliveries of all or a portion of the gas which may be available under its emergency purchases absent some alternate transportation arrangement.

Applicant states that El Paso has agreed to assist it by providing an emergency transportation and exchange service for Applicant's account. Incident to effectuating deliveries of gas to El Paso under the proposed service, Applicant constructed for emergency operations an interconnection between its southwest gathering system in Roger Mills County, Oklahoma and the pipeline system of El Paso, it is said. It is stated that this facility was also placed in service for emergency operation on April 1, 1977, and is comprised of approximately 40 feet of 6-inch meter run. Applicant also requests authorization to retain the interconnection in place for the purpose of providing additional operation flexibility for both itself and El Paso. Applicant further requests authorization to exchange natural gas with El Paso in accordance with the terms and conditions set forth in a letter agreement dated May 18, 1977, when to do so would assist either pipeline company in alleviating interruption or curtailment of service, it is said.

Applicant states that the cost of the facilities installed for emergency operation are estimated to be $210,190, and that while the facilities have previously been constructed and are presently in service, the estimated costs reflected herein are subject to change after all invoices have been submitted to Applicant for payment.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17708 Filed 6–21–77;8:45 am]

[Docket No. ER76–827]

MINNESOTA POWER AND LIGHT CO.

Electric Rates: Discrimination; Procedure; Order Granting Petition for Amendment of Intervention and Denying Request for Waiver

JUNE 15, 1977.

On March 25, 1977, the Village of Aitkin, the City of Biwabik, the City of Brainerd, the Village of Buhl, the City of Ely, the City of Gilbert, the Village of Grand Rapids, the Village of Hibbing, the Village of Keewatin, the Village of McKinley, the Village of Mountain Iron, the Village of Nashwauk, the Village of Pierz, the City of Staples, the City of Two Harbors, the City of Virginia, the City of Wadena, and the Stuntz Cooperative Light and Power Association (Intervenors) filed an Amended Petition to Intervene of Named Wholesale Customers and Request For Waiver of 18 CFR 2.16 (b), (c), and (d) in the above docketed proceeding. These Intervenors by previous Commission orders dated August 27, 1976, and September 28, 1976, were permitted to intervene initially in this formal proceeding.

In its motion, Intervenors request the Commission to amend their original petition of intervention to include the price squeeze issue, and to waive the scheduling requirements of Section 2.16 (b), (c), and (d) in order to accommodate the advanced date of the proceedings. A Pre-Hearing Conference was held on March 10, 1977, at which time the parties discussed the Intervenors data requests related to the price squeeze issue. The Intervenors stated that they anticipate the Company's response to the data request to be completed in April, 1977.

Answers to the motion by Intervenors were received from the Minnesota Power & Light Company and from the Staff. Minnesota Power & Light contends that nothing in FPC Order No. 563 was intended to impede settlement discussions already underway or to license intervening parties to raise price squeeze allegations in cases where the appropriate time for raising issues had past. Accordingly, Minnesota Power & Light opposes the Intervenors request to amend the petition and to waive the requirements of Section 2.16 (b), (c), and (d). Staff's response to the motion agreed to the request for waiver, but only to the extent that it would accommodate the proceedings whereby the provisions of Section 2.16 could be immediately reinstituted once it was determined that there no longer existed the possibility of a negotiated settlement in this case.

In the circumstances, it is appropriate and in the public interest to grant Intervenors request for enlargement of the issues in this proceeding to include the price squeeze issue now raised in the instant pleadings. However, we will not grant Intervenors request to waive Section 2.16 of our Regulations, since grant of that request would create the delay we sought to remedy in our enactment of that provision.

Section 2.16 is a Statement of General Policy which adopts procedures for raising price squeeze issues in wholesale electric rate proceedings which are to be followed unless they are demonstrated in an individual case to be inadequate. As the Amended Petition to Intervene states, in the instant proceeding data requests with respect to price squeeze issues and the Company's anticipated responses thereto were discussed at the prehearing conference on March 10, 1977. The Company has responded to those requests and the Intervenors now have the information available to come forward with their evidentiary presentation. Therefore, no useful purpose would be served to order the Presiding Administrative Law Judge to convene a prehearing conference as established in 18 CFR 2.16 (b). However, we note that the Amended Petition to Intervene does not contain anything beyond bare allegations of price squeeze. It is the stated policy of the Commission not to consider the issue of price discrimination in rate proceedings unless supported by a *prima facie* case as set out in 18 CFR 2.16(a). We, therefore, advise Intervenors to file their case-in-chief on price squeeze issues—including their *prima facie* case as established in 18 CFR 2.16 within 30 days after the issuance of this order.

The Commission finds: (1) It is in the public interest to permit the inclusion of the price squeeze in this formal proceeding.

(2) Intervenors request for waiver of Section 2.16 should be denied and Intervenors should be required to file their *prima facie* case as hereinafter ordered.

The Commission orders: (A) The Motion by the Intervenors in this formal proceeding to amend their original Petition of Intervention in order to consider the additional issue relating to a price squeeze is hereby granted.

(B) The request by the Intervenors in this formal proceeding to waive the provisions of Section 2.16 (b), (c), and (d) (18 CFR 2.16) is hereby denied.

(C) Intervenors shall file their *prima facie* case on the price squeeze issue within 30 days from the date of this order.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17714 Filed 6–21–77;8:45 am]

[Docket No. RP72–149; PGA77–7]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

JUNE 15, 1977.

Take notice that Mississippi River Transmission Corporation ("Mississippi") on May 31, 1977 submitted for filing Fifty-Sixth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1, to become effective July 1, 1977.

The instant filing is being made pursuant to the provisions of Mississippi's purchased gas cost adjustment clause to track a rate change filing of United Gas Pipe Line Company made pursuant to the terms of the PGA provision of its tariff, to become effective July 1, 1977.

Mississippi submited schedules containing computations supporting the rate changes to be effective July 1, 1977. Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–17705 Filed 6–21–77;8:45 am]

[Docket No. RP74–97; PGA 77–3]

MONTANA-DAKOTA UTILITIES CO.

Purchased Gas Cost Adjustment Filing

JUNE 15, 1977.

Montana-Dakota Utilities Co. ("MDU"), on May 31, 1977, submitted

for filing as part of its FPC Gas Tariff, Original Volume No. 4, its proposed "Substitute Seventh Revised Sheet No. 3A." The proposed effective date is July 1, 1977.

MDU states that this tariff sheet is filed pursuant to its Purchased Gas Cost Adjustment Provision. The proposed change provides for a Current Surcharge of 5.73 cents per Mcf which is supported by computations attached to the filing. MDU proposes no change in Cost of Gas Adjustment.

This substitute tariff sheet reflects the general rate increase as filed by MDU in Docket No. RP77-63 as well as the surcharge as proposed by this filing. The surcharge is calculated pursuant to the provisions of MDU's Purchased Gas Adjustment Provision including the changes as proposed in Docket No. RP77-63.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17706 Filed 6-21-77;8:45 am]

[Docket No. RP77-57]

NATIONAL FUEL GAS SUPPLY CORP.

Revision to Proposed Changes in FPC Gas Tariff

JUNE 14, 1977.

Take notice that National Fuel Gas Supply Corporation (National) on June 6, 1977, tendered for filing a proposed revision to its original filing of April 29, 1977 in Docket No. RP77-57 which would increase the stated increase from approximately $5,449,000 to approximately $7,268,000.

National states that the sole purpose of the proposed revision is to incorporate increased transportation charges by Tennessee Gas Pipeline Company under their rate schedules T-1 and T-28 which were filed in Docket No. RP77-62 and will become effective, after suspension, on November 1, 1977.

It is stated that copies of this filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 30, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17709 Filed 6-21-77;8:45 am]

[Docket No. CP76-389]

NORTHWEST PIPELINE CORP.

Amendment to Application

JUNE 14, 1977.

Take notice that on June 2, 1977, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-389 an amendment to its application filed in said docket pursuant to Section 7 of the Natural Gas Act so as to authorize the injection of additional volumes of natural gas into the Clay Basin Storage Field (Clay Basin) during the summer of 1978, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant indicates that in its original application filed on June 10, 1976, it requested authorization to utilize the Dakota Formation of the Clay Basin Field (Dakota Formation) for the storage of natural gas during off peak periods for redelivery as a base load gas supply during the period November 1 of each year through the next succeeding March 31, and that Mountain Fuel Resources, Inc. (Resources) filed on March 3, 1976, its application in Docket No. CP76-285 as amended on June 10, 1976, and November 8, 1976 requesting the authorizations necessary to construct and operate certain natural gas facilities in order to provide Applicant natural gas storage service utilizing the Dakota Formation. Applicant further indicates that by letter order dated July 9, 1976, the Commission issued temporary authorization to Applicant and Resources to construct and operate facilities and to utilize the Dakota Formation as a storage reservoir on a best efforts basis through April 30, 1977; and, by letter order dated February 10, 1977, issued temporary authorization to Northwest and Resources to construct and operate facilities and to utilize the Dakota Formation during the period May 1, 1977 through April 30, 1978.

Applicant states that pursuant to such temporary authorizations, Resources proposes to have available for storage service in the Clay Basin Field 15 injection-with-drawal wells, including appurtenant gathering and dehydration facilities, and five compressor units totaling 13,000 compressor horsepower. This facility configuration would permit the injection of approximately 27,000,000 Mcf of natural gas by Resources, for Applicant's account, it is said. It is stated that working gas would be 9,400,000 Mcf and the remaining 17,600,000 Mcf would be cushion gas stored for Applicant's account.

It is indicated that Resources in its original application reflected in Exhibit K the facilities which it then contemplated would be required to provide Applicant with a 20,000,000 Mcf working gas inventory by October 31, 1978 and an average withdrawal capability 150,000 Mcf per day during the 1978-79 withdrawal period. These facilities consisted of 15 injection and withdrawal wells, including appurtenant gathering and dehydration facilities, and two 2,600 horsepower compressors, and the total facility configuration for 1978 would have consisted of 30 injection-withdrawal wells and 7 compressor units total 18,200 compressor horsepower, it is said.

Applicant indicates that its requested authorizations in its original application filed in the instant docket included the injection of additional volumes of cushion gas during the summer of 1978 in order that the total cushion gas stored in the Dakota Formation for Applicant's account as of October 31, 1978 would be no less than 22,144,000 Mcf. The 22,144,000 Mcf of cushion gas together with Resources' facility configuration would have permitted the injection of 20,000,000 Mcf of working gas during the summer of 1978 and the withdrawal of a similar volume during the 1978-79 heating season at up to a maximum of 150,000 Mcf per day, it is said.

Applicant states that it and Resources have agreed to change the cushion gas requirement and facilities required during 1978 in order to provide Applicant with a 20,000,000 Mcf working gas inventory by October 31, 1978. Applicant requests that the authorization requested in its original application, as amended in the intant docket be further amended as follows:

(a) To authorize a total cushion gas inventory stored for the account of Northwest in the Dakota Formation of not less than 25,300,000 Mcf as of October 31, 1978.

(b) To authorize a total working gas inventory stored for the account of Northwest in the Dakota Formation of not less than 20,000,000 Mcf as of October 31, 1978.

(c) To authorize Northwest to deliver, on a best efforts basis, to Resources for storage up to 12,125,757 Mcf of natural gas to be utilized ultimately to displace an equivalent volume of remaining recoverable gas reserves currently remaining in the Dakota Formation and due Mountain Fuel Supply Company.

Applicant indicates that to effectuate the change in the facility configuration proposed by Resources, in order for Resources to provide Applicant the level of service contemplated for the 1978-79 heating season and to further amend certain provisions of the agreement dated June 8, 1976, Resources and Applicant have entered into a second contract amendment dated April 6, 1977. Applicant states that the major changes or additions in the second amendment are as follows:

(a) Reduce the number of injection and withdrawal wells (and appurtenant facilities) required in 1978 from 15 wells to 11 wells and to eliminate two 2,600 horsepower compressor units. The resulting facility configuration for 1978 will be 26 wells and 5 compressor units totaling 13,000 compressor horsepower.

(b) Amend the agreement to provide for the level fo service contemplated for 1978, i.e., 25,300,000 Mcf of cushion gas, 20,000,000 Mcf of working gas, an injection rate of up to 225,000 Mcf per day and a withdrawal rate of up to 150,000 Mcf per day.

(c) Reduce the annual depreciation rate includable in Resources monthly cost of service from 8 percent to 6.67 percent.

(d) Increase the annual rate of return includable in Resources monthly cost of service from 11.63 percent to 12 percent.

The estimated annual charges payable by Applicant to Resources have been reduced as a result of the presently proposed facility configuration, it is said. Applicant states that a comparison of the estimated charges attributable to the proposed underground storage service based on the April 6, 1977 amendment with that for the December 1, 1976 amendment is as follows:

Withdrawal season	Operating expense, amendment of—		Cost reduction
	Apr. 6, 1977	Dec. 1, 1976	
(1)	(2)	(3)	(4)
1978 to 79	$8,683,000	$10,290,900	($1,607,900)
1979 to 80	8,366,400	11,416,700	(3,050,300)
1980 to 81	7,930,400	11,416,700	(3,486,300)

Applicant asserts that the above tabulation demonstrates that the revised facility configuration has substantially reduced the operating expenses associated with the utilization of the Dakota Formation for storage service, and that the facilities now contemplated by Resources would provide Applicant and its customer, with 20,000,000 Mcf of storage withdrawal capacity at a cost considerably less than originally proposed.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.19). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17711 Filed 6-21-77;8:45 am]

[Project No. 637]

PUBLIC UTILITY DISTRICT NO. 1

Application for New Major License for Constructed Project

JUNE 15, 1977.

Public notice is hereby given that an application for a new major license was filed on October 30, 1975, under the Federal Power Act, 16 U.S.C. §§ 791a et seq., by Public Utility District No. 1 of Chelan County, Washington (Applicant) (correspondence to: Mr. Howard C. Elmore, Manager, Public Utility District No. 1 of Chelan County, P.O. Box 1231, Wenatchee, Washington 98801; Harvey F. Davis, Esq., Davis, Arneil, Dorsey, and Kight, 605 Doneen Building, Wenatchee, Washington 98801; and John C. Mason, Esq. Morgan, Lewis, and Bockius, 1140 Connecticut Avenue, N.W., Washington, D.C. 20036) for a new major license for the constructed Lake Chelan Project, FPC No. 637, located on the Chelan River in Chelan County, Washington, in the vicinity of the City of Chelan and the Towns of Chelan Falls and Manson. The project affects lands of the United States within Wenatchee National Forest and the Lake Chelan National Recreation Area, and affects navigable waters of the United States. The application for new major license was supplemented on October 15, 1976, and January 26, 1977.

The original license for Project No. 637 was issued by the Commission on May 8, 1926, for a period ending May 7, 1976. The project is currently being maintained and operated under an annual license.

Construction of the Lake Chelan Project was completed in 1928. Principal project works include: (1) a concrete dam approximately 40 feet high and 490 feet long, with a gated spillway approximately 200 feet wide; (2) the reservoir, Lake Chelan, about 55 miles long with a surface area of about 676,100 acre-feet between elevations 1,079 feet and 1,100 feet (USGS Datum); (3) an intake structure in the west abutment of the dam; (4) a 14-foot diameter concrete-lined tunnel 10,578 feet long; joining (5) a steel-lined tunnel that narrows to a 12-foot diameter penstock and then divides into two 8.83-foot diameter penstocks, a total length of about 1,000 feet; (6) an indoor-type powerhouse with two vertical axis 34,000 hp Francis-type turbines, each connected to a generator rated at 24,000 kW under a net head of 377 feet; (7) a switchyard, adjacent to the powerhouse; (8) two transmission lines rated at 115 kV, one, approximately 12.5 miles long, leading to the Manson substation, and the other, approximately 11.0 miles long, leading to the Wapato Substation; and (9) appurtenant facilities. Power generated by the project is used by Applicant in its electric system; power not used by Applicant is sold to the Washington Water Power System.

Existing recreational facilities at Lake Chelan are located at 30 different sites, and comprise a total of approximately 340 acres. Existing facilities include campsites, picnic areas, boat docks, boat ramps, swimming areas, and day-use areas. Applicant proposes to develop four sites, varying in size from one to 21 acres, for recreational purposes. Two of the sites have existing facilities that would be upgraded and expanded. The estimated cost for recreational development is $2,604,200 over a four-year period, and would provide 25 picnic sites, six boat ramps, four boat docks, 35 moorage spaces, a swimming area, 1.6 miles of trail, and about 18.5 acres for general day-use.

The application is on file with the Commission and is available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10. All such petitions or protests should be filed on or before August 26, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. §§ 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically Section 1.32 (b), 18 C.F.R. § 1.32(b), a hearing before the Commission may be held on this application without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. Applicant has requested that the shortened procedure of Section 1.32(b) be used. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing before the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17713 Filed 6-21-77;8:45 am]

[Docket No. RP77-99]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 15, 1977.

Take notice that Southern Natural Gas Company (Southern), on June 1, 1977, tendered for filing proposed changes in its FPC Gas Tariff, Original

JUN 22 1977 UM

Volume No. 3. The proposed changes would increase revenues from a field sale to Sea Robin Pipeline Company under Southern's Rate Schedule F-9.

Southern states that this filing reflects rate increases in accordance with Article 7 of the subject rate schedule up to the level allowed effective July 1, 1977 by Section 2.56(a)(2) of the Commission's Statements of General Policy and Interpretations. The increased rates reflected in the filing will increase annual revenues by $21.218. The proposed effective date is July 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Any such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17707 Filed 6-21-77;8:45 am]

[Docket No. CP72-64]

TENNESSEE GAS PIPELINE CO.

Application

JUNE 14, 1977.

Take notice that on June 7, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Post Office Box 2511, Houston, Texas, 77001, filed in Docket No. CP72-64 an application to amend the order issued in said docket on March 23, 1972 (47 FPC 937), by requesting temporary and permanent authorization to add two additional delivery points and one additional receipt point to the transportation service authorized herein for Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). The two proposed delivery points are at the outlet side of the Skelly and Mobil Plants, both located in Cameron Parish, Louisiana; the proposed receipt point is a point on the "G" Platform located in the Eugene Island Area Block 208, offshore Louisiana (EI208).

Gas produced from EI208 will be sold by Tenneco Exploration, Ltd. to Michigan Wisconsin pursuant to temporary authorization granted in Docket No. CI77-69. The proposed receipt point will allow Michigan Wisconsin to receive such gas for its customers, who are experiencing a curtailment in deliveries; the proposed delivery points will provide operational flexibility for Tennessee.

No new facilities are called for at any proposed delivery or receipt point.

Tennessee states that it has entered into an amendment with Michigan Wisconsin, dated April 14, 1977, to an existing Gas Transportation Agreement, dated June 18, 1971. Tennessee states that the proposed service will not affect Tennessee's ability to serve its existing customers.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 5, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17710 Filed 6-21-77;8:45 am]

FEDERAL RESERVE SYSTEM

BANKSTOCK ONE, INC.

Formation of Bank Holding Company

Bankstock One, Inc., Ozark, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent of the voting shares of Bank of Ozark, Ozark, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 12, 1977.

Board of Governors of the Federal Reserve System, June 14, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17822 Filed 6-21-77;8:45 am]

D. H. BALDWIN CO.

Order Denying Acquisition of Bank

D. H. Baldwin Company, Cincinnati, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to directly acquire all of the voting shares of Rifle Bank Agency, Inc., Rifle, Colorado ("Agency"), and to indirectly acquire 89.6 percent or more of Agency's sole banking subsidiary, The First National Bank in Rifle, Rifle, Colorado ("Bank").[1]

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including the denial recommendation of the United States Department of Justice, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest commercial banking organization in Colorado, controls 12 banks with aggregate deposits of $651.4 million, representing approximately 7.9 percent of the total deposits held by commercial banks in that State.[2] Acquisition of Bank (deposits of $12.9 million would increase Applicant's share of Statewide deposits by approximately 0.1 percent. Although consummation of this proposal would not result in a significant increase in the concentration of banking resources in Colorado, it would have significant adverse effects upon both concentration and existing competition within the relevant banking market.

Bank, the only bank in Rifle and the largest of two independent banks in Garfield County (the relevant banking market), is the third largest of four banks operating in the market and controls approximately 17.0 percent of market deposits. Applicant's sole banking subsidiary in the market is the largest bank therein and controls approximately 57.4 percent of market deposits. Therefore, consummation of this proposal would further entrench Applicant as the market's largest banking organization and would significantly increase Applicant's share of market deposits to approximately 74.4 percent. Furthermore, the two-bank concentration ratio in the market would become 94.1 percent, a significant increase in the concentration of banking resources in the market.

In addition to the significant adverse effects upon market concentration noted above, it appears that the proposal also would have substantially adverse effects upon existing competition within the Garfield County market. Applicant already operates in the relevant market and the record indicates that substantial competition between Applicant and Bank would be eliminated by this proposal. Furthermore, consummation of this proposal would reduce the number of banking alternatives operating in the market from four to three. Moreover, approval of the proposed transaction would remove Bank as a viable entry vehicle for a Colorado bank holding company not currently represented in the market. This factor is even more significant when considered in the light of the fact that the market is not particularly attractive for de novo entry by banking organizations seeking to gain access to the Garfield County market. On the basis of the facts of record, including the views of the Department of Justice and Applicant's response thereto, the Board concludes that approval of the application would have substantially adverse effects upon existing competition.

On the basis of the foregoing and other facts of record, the Board concludes that the competitive considerations relating to this application weigh sufficiently against approval so that it should not be approved unless the anticompetitive effects are clearly outweighed by benefits to the public in meeting the convenience and needs of the communities to be served.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, Agency, and Bank are regarded as generally satisfactory; however, these banking factors lend only slight weight for approval of the application. Acquisition of Bank by Applicant would enable Bank to improve its physical plant and its internal operations, while also providing trust, leasing, and real estate loan packaging services to Bank's customers. It appears, however, that the current convenience and needs of the community are already being served by Bank and that Applicant only offers the community marginal benefits for which there is no demonstrable need at this time. Therefore, considerations relating to convenience and needs lend only slight weight for approval of the application. The Board concludes that neither the considerations relating to banking factors not those relating to convenience and needs are sufficient to outweigh the substantially adverse competitive effects of Applicant's proposal.

On the basis of the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that approval of the proposal would not be in the public interest. Therefore, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective June 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17823 Filed 6-21-77;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Peoples State Bank of Baytown, Baytown, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Texas, controls 24 banking subsidiaries with aggregate deposits of approximately $3.59 billion, representing 7.5 percent of total commercial bank deposits in Texas.[1] Acquisition of Bank (approximately $28.3 million in deposits) would increase Applicant's share of Statewide commercial bank deposits by less than 0.1 percent and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the 54th largest of 125 banking organizations in the Houston banking market, which is the relevant banking market,[2] and controls approximately 0.2 per cent of the total deposits in commercial banks in the market. Applicant is the sixth largest banking organization in the Houston market, controlling 5 banking subsidiaries therein with aggregate deposits of approximately $450.5 million, which represents 3.9 per cent of market deposits. Applicant's nearest subsidiary bank in the market is approximately 18 miles south of Bank. While there is some existing competition between Applicant's subsidiary banks and Bank, the amount of such competition that would be eliminated as the result of the proposed acquisition does not appear to be significant. Moreover, it appears that acquisition of Bank would not have any significant adverse effects upon potential competition, for the anticipated increase in Applicant's share of market deposits would be minimal, the banking market would remain attractive to *de novo* entry, and numerous banks would remain in the market as potential entry vehicles for outside-based holding companies wishing to enter the Houston banking market. Accordingly, on the basis of the above and other facts of record, it is concluded that consummation of the proposed transaction would not have any significant adverse effects on existing or potential competition on a Statewide basis and only a slightly adverse effect on competition in the Houston banking market.

Considerations relating to the financial and managerial resources and future prospects of Bank, Applicant, and its subsidiaries are regarded as generally satisfactory and consistent with approval, particularly in light of Bank's retention of $100,000 of interim capital. Applicant will provide Bank with necessary expertise and capability to offer banking services not presently made available by Bank in the areas of factoring, equipment leasing, corporate cash management, industrial development and international business. Affiliation of Bank with Applicant will enable Bank to expand its services relating to mortgage lending and trusts. Also, Applicant has indicated that it intends to offer reduced credit insurance rates to Bank's loan customers through its two credit-related insurance underwriting subsidiaries. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application and outweigh any slightly adverse competitive effects that might result from consummation of the proposal. Accordingly, it has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas acting pursuant to delegated authority.

By order of the Acting Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective June 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17825 Filed 6-21-77;8:45 am]

[1] Agency, which became a bank holding company with respect to Bank as a result of the 1970 Amendments to the Bank Holding Company Act of 1956, currently engages in a general insurance business on Bank's premises. Upon acquisition by Applicant, Agency would cease all activities except holding shares of Bank.

[2] All banking data are as of December 31, 1976, unless otherwise indicated, and reflect bank holding company formations and acquisitions approved as of May 31, 1977.

[3] Voting for this action: Vice Chairman Gardner and Governors Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns and Governor Wallich.

[1] All banking data are as of June 30, 1976, and reflect bank holding company formations and acquisitions approved as of April 30, 1977.

[2] The Houston banking market is approximated by the Houston RMA, which includes Harris County and portions of five adjacent counties.

[Docket No. TCR 76-106]

FIRST MISSOURI BANKS, INC.

Prior Certification Pursuant to the Bank Holding Company Tax Act of 1976

First Missouri Banks, Inc., Creve Coeur, Missouri ("First Missouri"), has requested a prior certification pursuant to section 6158(a) of the Internal Revenue Code (the "Code"), as amended by section 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the sale on November 22, 1976, by First Properties, Inc. ("Properties"), a subsidiary of First Missouri, of 7.3 acres of real property to Gilbert Buick, Inc. ("Gilbert"), was necessary or appropriate to effectuate section 4 of the Bank Holding Company Act (12 U.S.C. section 1843) ("BHC Act").[1]

In connection with this request, the following is deemed relevant for purposes of issuing the requested certification:[2]

1. First Missouri is a corporation organized under the laws of the State of Missouri on November 24, 1969. Properties is a corporation organized under the laws of the State of Missouri on May 7, 1970. On May 8, 1970, First Missouri acquired ownership and control of 500 shares, representing 100 per cent of the outstanding voting shares, of Properties.

2. On May 7, 1970, First Missouri acquired ownership and control of 13,178 shares, representing 87.1 percent of the outstanding voting shares, of Creve Coeur Bank & Trust Company, Creve Coeur, Missouri ("Bank"), and thereby, on the same date, acquired indirect ownership and control of Olive Boulevard Corporation, Creve Coeur, Missouri ("Olive"), a subsidiary of Bank. On May 8, 1970, Olive was merged into Properties.

3. First Missouri became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its ownership and control at that time of more than 25 percent of the outstanding voting shares of Bank, and its registered as such with the Board on August 24, 1971. First Missouri would have been a bank holding company on July 7, 1970, if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its ownership and control on that date, of more than 25 percent of the outstanding voting shares of Bank. First Missouri presently owns and controls 87.1 percent of the outstanding voting shares of Bank.

4. On November 22, 1976, Properties sold 7.3 acres of real property (the "Divested Property") to Gilbert, which property is located on Lot 28 of Captain B. F. Hutchinson's subdivision of the Ellisville Farm, in Section 32, Township 45 North, Range 4 East, and Section 5, Township 45 North, Range 4 East, City of Ellisville, St. Louis County, Missouri. The Divested Property had been acquired by Olive in April 1969, and indirect ownership and control of the Divested Property was acquired by First Missouri on May 7, 1970, as a result of First Missouri's acquisition of Bank. The disposition of the Divested Property was necessary or appropriate to effectuate § 4 of the BHC Act if First Missouri were to continue to be a bank holding company beyond December 31, 1980.

5. Neither First Missouri nor any subsidiary of First Missouri holds any interest in the Divested Property, Gilbert, or any subsidiary of Gilbert.

6. Neither Gilbert nor any subsidiary of Gilbert holds any interest in First Missouri or any subsidiary of First Missouri.

7. No officer, director (including honorary or advisory director) or employee with policy-making functions of First Missouri or any subsidiary of First Missouri also holds any such position with Gilbert or any subsidiary of Gilbert.

8. First Missouri does not control in any manner the election of a majority of directors, or exercise a controlling influence over the management or policies, of Gilbert or any subsidiary of Gilbert.

On the basis of the foregoing information, it is hereby certified that: (A) at the time of the sale of the Divested Property by Properties to Gilbert, First Missouri was a qualified bank holding corporation, within the meaning of § 6158(f)(1) and subsection (b) of section 1103 of the Code, and satisfied the requirements of that subsection, and Properties was a subsidiary of First Missouri, within the meaning of sections 6158(f)(1) and 1103(a)(1)(B) of the Code and section 2(d) of the BHC Act;

(B) the Divested Property was "prohibited property" within the meaning of sections 6158(f)(2) and 1103(c) of the Code; and

(C) the sale of the Divested Property was necessary or appropriate to effectuate § 4 of the BHC Act.

This certification is based upon the representations made to the Board by First Missouri and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by First Missouri, or that First Missouri has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its Acting General Counsel, pursuant to delegated authority (12 CFR 265.2(b)(3)), effective June 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17826 Filed 6-21-77;8:45 am]

REPUBLIC NEW YORK CORP., ET AL.

Proposed Retention of Republic Clearing Corporation

Republic New York Corporation, New York, New York; Trade Development Bank, Geneva, Switzerland; Trade Development Bank Holding S.A., Luxembourg, Luxembourg; and Saban S.A., Panama, Panama, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. section 1843(c)(8)) and section 225.4 (a) and (b)(2) of the Board's Regulation Y (12 CFR section 225.4 (a) and (b)(2)), for permission to reain voting shares of Republic Clearing Corporation, New York, New York, a servicing company presently held under authority of section 4(c)(1)(C) of the Act (12 U.S.C. 1843 (c)(1)(C)), after that company expands the activities in which it engages. Notice of the applications was published on December 16, 1976, in the *New York Post* and the *Chicago Tribune*, newspapers circulated in New York, New York, and Chicago, Illinois, respectively, and in *The Wall Street Journal*, a newspaper circulated in both cities; and on December 20, 1976, in *The New York Times*, a newspaper circulated in New York, New York.

Applicants state that Republic Clearing Corporation would engage in the following activity: acting as a futures commission merchant for the execution, for the account of persons whose business is entirely or substantially devoted to trading and dealing in gold and silver bullion and coins, of future contracts covering gold and silver bullion and coins on contract markets of which Republic Clearing Corporation is a member. This activity has not been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies. Applicants believe, however, that the activity is closely related to banking and a proper incident thereto, and this opinion is based in part on a Board Order of September 27, 1973, approving an acquisition of voting shares of Mocatta Metals, Inc., New York, New York, by Standard and Chartered Banking Group, Limited, London, England (38 FR 27552).

Interested persons may express their views on whether the proposed activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto." Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 13, 1977.

Board of Governors of the Federal Reserve System, June 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17824 Filed 6-21-77;8:45 am]

[1] Pursuant to Section 3(e)(2) of the Tax Act, in the case of any sale that takes place on or before December 31, 1976 (the 90th day after the date of the enactment of the Tax Act), the certification described in section 6158(a) shall be treated as made before the sale if application for such certification was made before the close of December 31, 1976. First Missouri's application for such certification was received by the Board on December 6, 1976.

[2] This information derives from First Missouri's correspondence with the Board concerning its request for certification, First Missouri's Registration Statement filed with the Board pursuant to the BHC Act, and other records of the Board.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 737-4]

CALIFORNIA STATE MOTOR VEHICLES POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION AND BACKGROUND

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"),[1] I am granting the State of California a waiver of Federal preemption to enforce the California 1980–1982, and 1983 and subsequent model year exhaust emission standards and certification procedures applicable to heavy-duty motor vehicles and engines. Under section 209(b) of the Act, the Administrator is required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent. For the reasons given below, I have concluded that I cannot make the findings required for the denial of the waiver under section 209(b) of the Act in the case of these heavy-duty standards and certification procedures, and that, therefore, this waiver decision should be issued. However, if amendments to the current Federal heavy-duty exhaust emission standards and certification procedures are subsequently adopted for 1980 or any later model year, I may then have to reconsider whether this California waiver will remain in effect.

The background behind the California waiver request with respect to these heavy-duty emission standards and certification procedures is briefly traced in the accompanying decision concerning those emissions standards and certification procedures applicable to 1979 model year heavy-duty motor vehicles and engines. In that decision, I granted California a waiver of Federal preemption for its 1979 heavy-duty exhaust emission standards and certification procedures only on the condition that it adopt an alternate set of standards and certification procedures for the 1979 model year that are identical to those applicable in California for the 1978 model year.

II. DISCUSSION

Stringency. Under one of the criteria of section 209(b) of the Act, I am authorized to withhold a waiver from California if I find that California "does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions."[2] Based on the stringency findings of previous waiver decisions,[3] I believe that one set of 1980–1982 California standards is clearly more stringent than the currently applicable 1977 and subsequent model year Federal standards[4] of 16 grams per brake horsepower hour (gms/BHP-hr.) hydrocarbons (HC) plus oxides of nitrogen (NO_X), and 40 gms/BHP-hr. carbon monoxide (CO), as measured under the engine dynamometer procedure.[5] I also believe that the manufacturers have not discharged their burden of demonstrating that the condition of stringency has not been met in the case of the other optional set of 1980–1982 California standards,[6] and the 1983 and subsequent model year California standards,[7] since no information was presented to indicate that these standards were not more stringent than the applicable Federal standards.[8]

Consistency. Under section 209(b), I may also deny a California waiver request if I find that the California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. The various manufacturers all stressed that California should adopt heavy-duty exhaust emission test procedures that were identical to the applicable Federal procedures for each corresponding model year,[9] and that any waiver granted to California should be conditioned on such action by California.[10] The CARB stated in response that every effort would be made to assure consistency along these lines.[11] In light of these statements by the CARB, I am reasonably assured that the California certification procedures for any particular model year will remain consistent with the applicable Federal procedures. In any event, I have decided that for the 1980 and subsequent model years, EPA will accept the data used to successfully certify any heavy-duty engine under the California test procedures as demonstrating that such engine complies with the applicable Federal standards, and a Federal heavy-duty engine certificate for this engine will be issued on this basis.

[1] 42 U.S.C. 1857f–6a(b).

[2] The California heavy-duty vehicle and engine exhaust emission standards under consideration in this decision are as follows (expressed in grams per brake horsepower hour):

Model year	Hydrocarbons	Carbon monoxide	Oxides of nitrogen	Hydrocarbons plus oxides of nitrogen
1980 to 1982		25 or		5
	1.0	25		6.0
1983 and subsequent	.5	25		4.5

Under the 1980–1982 California standards, the manufacturers have the option of certifying each engine family to either set of standards applicable in a given model year.

[3] See 36 FR 8172 (April 30, 1971); 40 FR 23102, 23105 (May 28, 1975); Letter from Stanley W. Legro, Assistant Administrator for Enforcement, Environmental Protection Agency (EPA), to William H. Lewis, Jr., Executive Officer of the California Air Resources Board (CARB), October 15, 1975.

[4] See 40 CFR § 86.077–10 (1976) (gasoline-fueled heavy-duty engines); 40 CFR § 86.077–11 (1976) (diesel-fueled heavy-duty engines).

[5] The manufacturers must show compliance with a 5 gms/BHP-hr. HC plus NOx standard, and a 25 gms/BHP-hr. CO standard if they elect to certify an engine family to this set of California exhaust emissions standards applicable to 1980–1982 model year heavy-duty vehicles and engines.

[6] The other optional set of California exhaust emission standards for 1980–1982 model year heavy-duty vehicles and engines is 1 gms/BHP-hr. HC, 25 gms/BHP-hr. CO, and 6 gms/BHP-hr. HC plus NO_x.

[7] The 1983 California heavy-duty exhaust emission standards are 0.5 gms/BHP-hr. HC, 25 gms/BHP-hr. CO, and 4.5 gms/BHP-hr. HC plus NO_x.

[8] In any event, based on General Motors' statements with respect to the HC and NOx instrumentation requirements under the 1980 and subsequent model year California cetrification procedures, see Tr. at 86–87; Letter from George P. Hanley, General Motors Technical Center, General Motors Corporation, to Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, February 18, 1977, and the stringency findings of previous waiver decisions, see 36 FR 8172 (April 30, 1971); 40 FR 23102, 23105 (May 28, 1975); Letter from Stanley W. Legro to William H. Lewis, Jr., supra note 3, at 1, I have determined that this set of 1980–1982 California standards, and the 1983 and subsequent model year California standards are more stringent than the applicable Federal standards.

[9] See Transcript of Public Hearing to Consider California's request for waiver of Federal preemption with respect to exhaust emission standards and test procedures for 1979 and subsequent model year heavy duty motor vehicles, and application of SHED Evaporative Test Procedures for 1978 and subsequent Model year motor vehicles, January 27, 1977, at 86, 113–115, 118–119, 203, 206 (hereinafter "Tr.").

[10] See Tr., supra note 9, at 160–161, 168 to 170, 185–186.

[11] See Tr., supra note 9, at 14, 32–33, 191.

Lead Time and Technology. This issue has traditionally been the key issue in waiver decisions and is the key issue again here. This issue arises from the fact that section 209(b) of the Act requires the California standards and accompanying enforcement procedures to be "consistent with section 202(a)." Section 202(a) states that standards promulgated under its authority "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." In order for California standards to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appear to be sufficient to permit the development and application of that technology. In considering questions of lead time and technology, I must be guided by the interpretation of section 209(b) of the Act as has been stated in previous waiver decisions.[12]

With regard to the 1980–1982 California heavy-duty standards and certification procedures, the lead time issues focus on the availability of technology to meet the standards.[13] Ford, Chrysler, and General Motors indicated, with qualifications, that these standards were technologically feasible.[14] General Motors also stated that its diesel-powered heavy-duty engines and vehicles could meet these standards (including the Federal smoke standard) with a four percent increase in fuel consumption and an increase in exhaust smoke.[15] International Harvester indicated that it might be able to certify its diesel and gasoline-powered heavy-duty engines to emission levels comparable to the 1980–1982 California standards, but it was not confident that it could achieve this goal by 1980.[16] In this regard International Harvester stated that the requisite technology (catalytic converter emission control systems) was not presently available to enable its gasoline-powered heavy-duty engines to meet the 1980–1982 California standards, nor was there sufficient lead time to design, test and apply such technology to its entire gasoline-powered product line on a timely basis for the 1980 model year.[17] On the other hand, International Harvester also stated that these standards could be met without a converter emission control system but with a significant fuel penalty (34%), and that it would not rule out the possibility of marketing an engine with such a system for the 1980 model year.[18] Due to these problems, International Harvester proposed that I only grant California a waiver for its 1980–1982 standards applicable to those heavy-duty vehicles which are under 14,000 pounds gross vehicle weight rating (GVWR) or are extensions of a manufacturer's light-duty product line.[19] However, if the waiver request for these standards were granted, International Harvester indicated that it would concentrate its research and development efforts on some presently undetermined, but restricted product line and could probably perfect a catalyst system for use in that line by 1980.[20]

Therefore, I have concluded that the appropriate technology can be developed and applied within the available lead time to permit heavy-duty motor vehicles to meet the California standards for 1980–1982 model year heavy-duty vehicles and engines.

Finally, with regard to the technological feasibility of the 1983 California standards, Ford, Chrysler and General Motors all stated their belief that the necessary technology could be developed and applied in a timely basis to meet these standards.[21] International Harvester contended, though, that these standards do not appear to be technologically feasible at the present time.[22] On the other hand, the CARB testified that seven gasoline-powered and 12 diesel powered heavy-duty engines, manufactured by eight heavy-duty engine manufacturers, were certified to levels at or below California's 1983 HC standard in model year 1977.[23] The CARB also stated that two of these engines had, in fact, been certified at or below California's 1983 model year emission standards.[24] However, the CARB stressed the fact that the 1979 and subsequent model year California certification procedure requirements might affect the certification levels of some of the gasoline models which had been previously certified under the relatively less stringent 197[7] certification procedures.[25]

I, therefore, believe that it is reasonable to conclude that given approximately six years of lead time, the requisite technology can be developed and applied which will allow certification for the 1983 model year at the present 1983 California standards of most heavy-duty vehicle and engine models satisfying the basic market demand.

Several manufacturers provided information concerning the cost of the emission control hardware required to comply with the 1980–1982 California standards. Ford anticipated that the 1980–1982 California standards could result in fuel economy penalties of about five to ten percent over the 1977 California levels, but that an undetermined amount of this loss could be recovered with the use of catalyst emission control systems.[26] International Harvester estimated that the exhaust emission control system hardware would result in a retail price increase of 395 to 490 dollars per vehicle in order to meet these standards.[27] Chrysler stated that the hardware costs would increase the retail price of a 1980 model year vehicle by approximately 150 dollars, or by approximately 200 dollars if three-way catalysts were installed on these vehicles.[28] General Motors estimated that the costs associated with the development of a catalytic converter emission control system to meet the 1980–1982 California standards would not exceed 500 dollars per vehicle.[29] In addition, the CARB staff estimated that these standards would result in a retail price increase over 1977 model year costs of less than 50 dollars for gasoline-powered heavy-duty vehicles and engines, and approximately 300 dollars per vehicle for diesel-powered heavy-duty vehicles and engines.[30]

With respect to the 1983 and subsequent model year California emission standards, Ford estimated that the catalyst emission control system required in order to meet these standards would result in a retail price increase of from 130 to 300 dollars per vehicle.[31] Chrysler indicated that a retail price increase of 200 dollars above 1980 model year vehicle costs would result if electronic timing and fuel controls with three-way catalysts were required to meet these standards.[32] General Motors stated that its heavy-duty vehicles would suffer a 15 to 20 percent fuel economy penalty in order to meet the 1983 California standards.[33] Finally, the CARB estimated cost increases for 1983 model year gasoline-powered and diesel-powered heavy-duty vehicles of approximately 150 and 300 dollars per vehicle, respectively, above 1980 model year costs.[34]

[12] See 41 FR 44209, 44210 (October 7, 1976).

[13] The information generally available to me indicates that the 1980 and subsequent model year California certification procedures can be implemented by the 1980 model year. See memorandum from Robert Maxwell, Emission Control Technology Division, EPA, to Daniel Steinway, Mobile Source Enforcement Division, EPA, March 17, 1977, at 8.

[14] See Tr. supra note 9, at 93, 96, 101–102, 106–108, 135, 166, 195–196, 205–208.

[15] See Tr. supra note 9, at 125, 132, 135.

[16] See Tr. supra note 9, at 44–49, 54–56, 64–78; Letter from W. J. Martin, International Harvester Company, to Benjamin Jackson, Director, Mobile Source Enforcement Division, EPA, February 14, 1977.

[17] See Tr., supra note 9, at 44–41, 54–56, 64–78.

[18] See Tr., supra note 9, at 55, 65.

[19] See Letter from W. J. Martin to Benjamin Jackson, supra note 16, at 4.

[20] See Tr., supra note 9, at 70–75. However, International Harvester stated that it could not remain in the California market under circumstances where it could certify only one heavy-duty vehicle or engine for sale in California during the 1980–1982 model years. See Letter from W. J. Martin to Benjamin R. Jackson, supra note 16, at 4.

[21] See Tr., supra note 9, at 99, 147–148, 150–151, 166, 197, 208–209.

[22] See Tr., supra note 9, at 49.

[23] See Tr., supra note 9, at 18–19.

[24] See Tr., supra note 9, at 19.

[25] See id.

[26] See Tr., supra note 9, at 166.

[27] See Tr., supra note 9, at 48.

[28] See Tr., supra note 9, at 205–206.

[29] See Tr., supra note 9, at 133–134. Specifically, General Motors stated that these costs would approximate 150 dollars in addition to the current costs of 90 dollars for emission control hardware in the case of those heavy-duty vehicles which were an extension of its light-duty product line. As for those heavy-duty vehicles above 10,000 pounds GVWR, these costs would probably be more substantial. See Letter from George P. Hanley to Benjamin R. Jackson, supra note 6, at 2.

[30] See State of California, Air Resources Board, Staff Report 76–20–2, October 5, 1976, at 8 (hereinafter "State of California Staff Report").

[31] See Tr., supra note 9, at 165–166, 197–198.

[32] See Tr., supra note 9, at 205–206.

[33] See Tr., supra note 9, at 98, 138.

[34] See State of California Staff Report, at 9.

III. Findings and Decision

Having given due consideration to the record of the public hearing, all material submitted for the record, and other relevant information, I find that I cannot make the determinations required for a denial of a waiver under section 209(b) of the Act, and therefore, I hereby waive application of section 209(a) of the Act to the State of California with respect to the following section of Title 13 of the California Administrative Code:

Section 1956.5, adopted October 5, 1976, and "California Exhaust Emission Standards and Test Procedures for 1979 and Subsequent Model-Year Heavy-Duty Engines and Vehicles," adopted October 5, 1976, with respect to the 1980–1982 model year, and 1983 and subsequent model years California standards and certification procedures.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95812.

Dated: June 10, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-17838 Filed 6-21-77;8:45 am]

[FRL 737-3]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. Introduction

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"),[1] I am granting the State of California a waiver of Federal preemption to enforce the 1979 California heavy-duty motor vehicle and engine exhaust emission standards and certification procedures. It is a condition of this waiver that California also adopt an alternate set of standards and certification procedures for the 1979 model year that are identical to those applicable under the California heavy-duty regulations for the 1978 model year.

Under section 209(b) of the Act, the Administrator is required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California test procedures are inconsistent. For the reasons given below, I have determined that I cannot make the findings required for the denial of a waiver if California satisfies the condition of this waiver. However, if amendments to the current Federal heavy-duty exhaust emission standards and certification procedures are subsequently adopted for the 1979 model year, I may then have to reconsider whether this California waiver will remain in effect.

II. Background

On October 5, 1976, the California Air Resources Board (CARB) adopted exhaust emission standards and certification procedures for 1979 and subsequent model year heavy-duty motor vehicles and engines. These California standards are (expressed in grams per brake horsepower hour):

Model year	Hydrocarbons	Carbon monoxide	Oxides of nitrogen	Hydrocarbons plus oxides of nitrogen
1979		25 or [1] 25		5
1980 to 1982	1.5	25	7.5	
		25 or		5
1983 and subsequent	1.0	25		6.0
	.5	25		4.5

[1] Under the 1979 and 1980 to 1982 standards, the manufacturers have the option of certifying each engine family to either set of standards applicable in a given model year.

On November 12, 1976, California requested a waiver of Federal preemption for these standards and accompanying certification procedures. A public hearing was held on January 27, 1977, purusant to notice published by the EPA in the FEDERAL REGISTER in order to consider this waiver request and others.[2] This decision will deal solely with the waiver request for the 1979 model year. The 1980 and subsequent model year standards and certification procedures will be the subject of a waiver decision which will be published separately in the FEDERAL REGISTER.

III. Discussion

Stringency and Compelling Conditions. Under one of the criteria of section 209 (b) of the Act, I am authorized to withhold a waiver from California if I find that California "does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions." Based on the findings of previous waiver decisions and other information generally available,[3] I believe that both sets of 1979 California standards are clearly more stringent than the currently applicable 1977 and subsequent model year Federal standards of 16 grams per brake horsepower hour (gms/BHP-hr.) hydrocarbons (HC) plus oxides of nitrogen (NOx), and 40 gms/BHP-hr. carbon monoxide (CO), as measured under the engine dynamometer procedure.[4]

Consistency. Under section 209(b), I may also deny a California waiver request if I find that the California "standards and accompanying enforcement procedures are not consistent with section 202(a)" of the Act. The various manufacturers all stressed that California should adopt heavy-duty exhaust emission test procedures that were identical to the applicable Federal procedures for each corresponding model year, and that any waiver granted to California should be conditioned on such action by California.[5] In response to the question of consistency, the CARB stated

[1] See 42 FR 1065 (January 5, 1977).

[2] See 36 FR 8172 (April 30, 1971); 40 FR 23102, 23105 (May 28, 1975); State of California, Air Resources Board Staff Report 76–20–2, October 5, 1976, at 10; Letter from Stanley W. Legro, Assistant Administrator for Enforcement, EPA, to William H. Lewis, Jr., Executive Officer of the CARB, October 15, 1975; Letter from William H. Lewis, Jr., Executive Officer of the CARB, to Russell Train, former Administrator of the EPA, November 12, 1976; Transcript of Public Hearing to Consider California's Request for Waiver of Federal Preemption With Respect to Exhaust Emisison Standards and Test Procedures for 1979 and Subsequent Model Year Heavy Duty Motor Vehicles, and Application of SHED Evaporative Test Procedures for 1978 and Subsequent Model Year Motor Vehicles, January 27, 1977, at 14, 86–87, 111–112 (hereinafter "Tr."); Letter from George P. Hanley, General Motors Technical Center, General Motors Corporation, to Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, February 18, 1977.

Although it is arguable that one set of California standards (i.e., 1.5 gms/BHP-hr. HC, 25 gms/BHP-hr. CO, 7.5 gms/BHP-hr. NOx), as applicable to diesel-powered heavy-duty vehicles and engines, may be less stringent than the corresponding set of 1978 California standards (i.e., 1.0 gms/BHP-hr. HC, 25 gms/BHP-hr. CO, 7.5 gms/BHP-hr. NOx), see Letter from George P. Hanley to Benjamin R. Jackson, supra at 2, in any event, this set of California standards is clearly more stringent than the applicable Federal standards. See State of California, Air Resources Board, Staff Report 76–20–2, supra at 10; Letter from William H. Lewis, Jr., to Russell Train, supra at 1, 2.

[3] See 40 C.F.R. § 86.077–10 (1976) (gasoline-fueled heavy-duty engines); 40 C.F.R. § 86.077–11 (1916) (diesel-fueled heavy-duty engines).

[4] See Tr. at 160–161, 168–170, 185–186.

[5] 42 U.S.C. § 1857f–6a(b).

that it had adopted amendments to its heavy-duty engine exhaust emission test procedures specifically in anticipation of a similar action by the EPA and would defer implementation of its amended heavy-duty test procedures until such time as they become effective at the Federal level.[6] The CARB also stated that it would amend its 1979 model year test procedures, except in those areas where there have been historical differences, to conform to those finally adopted by the EPA for 1979.[7] In light of the above discusison, I am reasonably assured that the California certification procedures for any particular model year will remain consistent with the applicable Federal procedures, and that, therefore, the test of consistency will have been met.[8] In any event, if California satisfies the condition of this waiver, I have decided that for the 1979 model year, EPA will accept the data used to successfully certify any heavy-duty engine under the California test procedures as demonstrating that such engine complies with the applicable Federal standards, and a Federal heavy-duty engine certificate for this engine will be issued on this basis.

Lead Time and Technology. Various manufacturers indicated[9] that the question of adequate lead time was dependent on the promulgation of the proposed amendments to the Federal heavy-duty vehicle regulations.[10] General Motors, International Harvester and Chrysler stated that they would have lead time problems in meeting the 1979 California certification requirements associated with instrumentation acquisition, set-up and check-out in the event that identical 1979 Federal heavy-duty vehicle certification requirements were not promulgated in the near future.[11] General Motors further stated that it would be unable to meet the California requirements for its 1979 model year diesel-powered heavy-duty vehicles and engines regardless of when the proposed Federal amendments were promulgated, since these amendments would require extensive revisions to its existing diesel test facilities in addition to the procurement of new instrumentation.[12] On the other hand, Ford stated that there would be insufficient lead time prior to the 1979 model year in which to meet either the Federal or California 1979 certification requirements if the proposed Federal standards and certification procedures were promulgated in the near future.[13] However, Ford also stated that while the California certification procedures must be further clarified before they can be implemented,[14] it would only require 12 months of lead time to comply with the 1979 California regulations under circumstances where the 1978 Federal regulations continued in effect for the 1979 model year.[15]

As a solution to these lead time problems, some manufacturers suggested that the Administrator condition any waiver granted to California on the adoption by the CARB of certification procedures identical to those Federal procedures in effect for the 1979 model year,[16] or on the adoption by the CARB of optional certification procedures for any model year that are identical to the applicable Federal procedures.[17] In adopting the 1979 California certification procedures, the CARB stated that it had relied somewhat on EPA's preliminary judgment with respect to the requisite amount of lead time needed to meet the requirements prescribed under these procedures, and as noted above, would amend its 1979 procedures to be consistent with the 1979 Federal procedures in the event that EPA concluded that it could not promulgate the identical regulations for 1979 on account of lead time problems.[18]

Although the record indicates that the requisite emission control technology is available to meet the requirements of the 1979 California heavy-duty standards and certification procedures,[19] I am required to deny California a waiver under section 209(b) of the Act if I find that there is insufficient lead time to apply this technology to meet these standards and certification procedures. In the case of the 1979 California heavy-duty regulations, the lead time involved must be spent in tooling and setting up the facilities in order to actually test and produce the vehicles in accordance with these regulations. Both the record and the conclusions of my staff with respect to lead time in the case of the proposed Federal heavy-duty test procedures[20] indicate that there is insufficient lead time to require all of the manufacturers to comply with the California heavy-duty test procedures as a mandatory requirement for the 1979 model year.[21] Since General Motors and Ford have already initiated efforts to comply with the 1979 California regulations,[22] the possibility does exist that the manufacturers' estimates of lead time may have been pessimistic. However, plausible reasons for these estimates were given by the various manufacturers,[23] and no concrete reasons for not accepting them were advanced by the CARB or any other witness.

Accordingly, I conclude that the industry has met its burden of proof that there is insufficient lead time to comply with the requirements set forth in the 1979 California heavy-duty vehicle and engine regulations within the time frame specified. However, I have decided to waive the application of section 209(a) of the Act to California for the 1979 California heavy-duty standards and certification procedures if California subsequently adopts an optional set of standards and certification procedures for 1979 that are identical to those applicable under the California heavy-duty regulations for the 1978 model year.[24] This limitation is placed on the waiver for the 1979 California heavy-duty regulations in direct response to the recommendations of the vehicle manufacturers and is in accordance with the intent of California to maintain consistency with the 1979 Federal certification procedures.

With regard to the cost of compliance with the 1979 California heavy-duty vehicle regulations, very little specific information was provided by the manufacturers at the hearing concerning the cost of purchasing the instrumentation required under these regulations.

Objections to Granting the Waiver. Certain manufacturers objected to the 1979 California heavy-duty vehicle and engine exhaust emission standards and certification procedures on the grounds that these requirements would not result in significant improvements in the air quality in the State of California.[25] However, such arguments all fall within the EPA practice of leaving the decision on controversial matters of public policy to California's judgment.[26]

IV. Finding and Decision

Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I find that I cannot make the determinations required for a denial of the waiver under section 209(b) of the Act provided that California also adopts an optional set of heavy-duty standards and certification procedures for the 1979 model year that are identical to those in effect in California for the 1978 model year. Based upon the above discussion and finding, I hereby waive application of section 209(a) of the Act to the State of California with respect to the following section of Title 13 of the California Administrative Code if California satisfies the condition of this waiver:

Section 1956.5, adopted October 5, 1976, and "California Exhaust Emission Standards and Test Procedures for 1979 and Subsequent Model-Year Heavy-Duty Engines and Vehicles," adopted October 5, 1976, as applicable to the 1979 model year standards and ceritfication procedures. If amendments to the current Federal heavy-duty exhaust emissions standards and accompanying enforcement procedures are subsequently adopted for the 1979 model year, I may then have to reconsider the question of whether this California waiver will remain in effect.

A copy of the above standards and procedures, as well as the record of the hearing and those documents used in arriving at this decision, is available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, California 95812.

Dated: June 10, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-17839 Filed 6-21-77;8:45 am]

[6] See Tr. at 14, 32-33, 191.

[7] See Tr. at 14.

[8] See S. Rep. No. 403, 90th Cong., 1st Sess. 33 (1967).

[9] See Tr. at 30-32, 38, 44, 67-68, 89-90, 99-100, 115, 119-120, 161, 177-184, 205.

[10] See 41 FR 21292 (May 24, 1976).

[11] See Tr. at 44, 67-68, 89-90, 99-100, 115, 119-120, 205. Under the California 1979 certification procedures, HC emissions must be measured during certification by a heated flame ionization detector (HFID) instead of the non-dispersive infrared (NDIR) analyzer that had been used in testing gasoline-fueled engines in prior model years. In addition, these procedures also require that NOx emissions be measured by a chemiluminescence (CL) analyzer in order to certify both gasoline and diesel-powered engines in California for the 1979 model year.

[12] See Tr. at 89-90.

[13] See Tr. at 161-162.

[14] Ford contended that the 1979 California certification procedures must be clarified since it believed that they were infeasible, impractical, and ambiguous. See Memorandum from Helen O. Petrauskas, Ford Motor Company, to Benjamin R. Jackson, Director, Mobile Source Enforcement Division, EPA, February 21, 1977, at 14; see also Tr. at 163-164, 170-177. However, the CARB has indicated that it would be possible to conduct testing in exact compliance with the requirements of the California regulations on a timely basis for the 1979 model year. See Tr. at 34-40. Furthermore, the EPA's Motor Vehicle Emission Laboratory in Ann Arbor, Michigan, has satisfactorily run tests under these certification procedures. Nevertheless, the EPA may promulgate Federal heavy-duty engine regulations for 1979 and subsequent model years in the future that incorporate the industry's comments on the proposed Federal regulations, see 41 FR 21292 (May 24, 1976), in order to accommodate the various test facilities utilized by the industry. See Letter from John P. DeKany, Director, Emission Control Technology Division, EPA, to T. M. Fisher, General Motors Technical Center, General Motors Corporation, March 1, 1977.

[15] See Tr. at 163-165, 170-178.

[16] See Tr. at 91, 160, 186, 206.

[17] See Tr. at 163, 168, 186, 191, 206.

[18] See Tr. at 14, 22, 31-33.

[19] See Tr. at 165, 205. See also memorandum from Robert Maxwell, Emission Control Technology Division, EPA, to Daniel Steinway, Mobile Source Enforcement Division, EPA, March 17, 1977, at 6.

[20] See 41 FR 21292 (May 24, 1976).

[21] See Memorandum from Robert Maxwell to Daniel Steinway, supra note 20, at 6.

[22] See Tr. at 142; see also Memorandum from Helen O. Petruskas to Benjamin R. Jackson, supra note 15, at 15.

[23] See Tr. at 44, 67-68, 89-90, 119-120, 161-164, 183-185.

[24] It has always been California's intent to adopt 1979 standards that were of the same stringency as the 1978 standards, when viewed in the context of the applicable certification procedures. See Tr. at 14; State of California, Air Resources Board, Staff Report 76-20-2, supra note 4, at 10. The stringency of a particular set of emission standards is determined by the combined effect of the numerical value of the standards and the certification procedures used to demonstrate compliance with these standards. 42 FR 3192, 3194 (January 17, 1977). Therefore, in order to retain the same degree of stringency in a particular set of standards, any change to the certification procedures must be accompanied by a corresponding adjustment to the standards themselves. As a result, although the manufacturers' concerns were addressed primarily to the 1979 California certification procedures, the condition being imposed by this decision requiring California to adopt the 1978 certification procedures for 1979 includes the adoption of the 1978 standards as well. (California has been previously granted a waiver for the 1978 standards and certification procedures. See Letter from Stanley W. Legro to William H. Lewis, Jr., supra note 4.) This condition will permit manufacturers to certify California heavy-duty vehicles and engines in 1979 (the manufacturers have the option of certifying to either the 1978 standards and procedures or those originally adopted for 1979) and will also allow California's intent with respect to stringency to be realized.

[25] See Tr. at 167-168, 193, 203-204.

[26] See 41 FR 44209, 44210 (October 7, 1976); 42 FR 3192, 3194 (January 17, 1977).

DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application for Pesticide Registration

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the new regulations governing the registration and re-registeration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington D.C. 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/755-2632
PM 32—202/426-9486
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before August 22, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims

[OPP-33000/510 FRL 750-2]

for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before July 22, 1977.

Dated: June 14, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/510)

EPA File Symbol 239–EULI. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, CA 94804. ORTHOCIDE VITAVAX 20–20 SEED PROTECTANT. Active ingredients: Captain 20%; Carboxin 20%. Method of support: Application proceeds under 2(b) of interim policy. PM21.

EPA File Symbol 303–RNU. Huntington Laboratories, Inc., P.O. Box 710, Huntington, IN 46750. SENZA GERMICIDAL DETERGENT. Active ingredients: n-alkyl (60% C14, 30% C16, 5% C18, 5% C12) dimethyl benzyl ammonium chlorides 3.38%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.38%; Tetrasodium ethylene diamine tetraacetate 3%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 1416–19. Churchill Chemical Co., Box 312, Galesburg, IL 61401. WINTER AIRE. Active ingredients: Coconut oil soap 7.05%; Isopropyl alcohol 5.30%; O-benzyl-p-chlorophenol 3.38%; Tetrasodium ethylene diamine tetraacetate 0.95%; Essential oils 0.22%. Method of support: Application proceeds under 2(b) of interim policy. PM32.

EPA File Symbol 2617–GT. Michel & Pelton Co., 5743 Landregan St., Emeryville, CA 94608. SANI–KLEEN. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 2617–GT. Michel & Pelton Co., 5743 Landregan St., Emeryville, CA 94608. SUPER SANOL. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA Reg. No. 5870–EE. Texo Corp., 2801 Highland Ave., Cincinnati, OH 45212. INSTITUTIONAL DISINFECTANT CLEANER. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3%; Terrasodium ethyenediamine tetraacetate 1%. Method of support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 5870–EG. Texo Corp., 2801 Highland Ave., Cincinnati, OH 45212. HOSPITAL DISINFECTANT CLEANER CONCENTRATED DETERGENT, SANITIZER, FUNGICIDE, DISINFECTANT, DEODORIZER. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyi benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethybenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 6922RI. Armak Chemicals Div., 300 S. Wacker Dr., Chicago, IL 60606. ARQUAD DMCB. Active ingredients: n-Alkyl (Alkyl groups C12, 57%, C14, 18%, C16, 8%, C10, 6%, C18, 6%, C8, 5%) dimethylbenzyl ammonium chloride 80%; Isopropanol 20%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 7368UN. Georgia-Pacific Corp., 900 Southwest Fifth Ave., Portland, OR 97204. FORMALDEHYDE SOLUTION FOR FORMULATION OR REPACKAGING OF ANTIMICROBIAL AGENTS AND FUNGIDICES ONLY. Active ingredients: Formaldehyde 37%; Methanol 1113%. Method of support: Application proceeds under 2(a) of interim policy. PM33.

EPA File Symbol 7368UR. Georgia-Pacific Corp., 900 Southwest Fifth Ave., Portland, OR 97204. FORMALDEHYDE SOLUTION FOR FORMULATION OR REPACKAGING OF ANTIMICROBIAL AGENTS AND FUNGICIDES ONLY. Active ingredients: Formaldehyde 37%; Methanol 68%. Method of support: Application proceeds under 2(a) of interim policy. PM33.

EPA Reg. No. 10466, Thomson Research Associates, Ltd., 53 Shaw St., Toronto 140, Ontario, Canada M6J 2W3. STERISEPTIC U CATIONIC GERMISTAT. Active ingredient: bis (tri-n-butyitin) oxide 0.84%; diakyl (alkyi group derived from coconut oil fatty acid) dimethyi ammonium chloride 1.25%. Method of support: Application proceeds under 2(a) of interim policy. PM33.

EPA Reg. No. 10466–15. Thomson Research Associates, Ltd., 53 Shaw St., Toronto 140, Ontario, Canada M6J 2W3. STERI-SEPTIC U NONIONIC GERMISTAT. Active ingredient: bis (tributyitin) oxide 0.84%. Method of support: Application proceeds under 2(a) of interim policy. PM33.

EPA Reg. No. 35947–1. APS Aqua Purification Systems, Inc., 1001 Northwest 62nd St., Fort Lauderdale, FL 33309. MARINER WATER RENATURALIZER. Active ingredient: Silver (as metallic silver) 0.75%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM33.

EPA File Symbol 38419–R. One Stop Pool & Garden Supplies, Inc., 9411 Southwest 56 St., Miami, FL 33165. QUICK KILL SANITIZER. Active ingredients: Sodium Hypochlorite 9%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 38606–R. Aquarius Swim Pools, Inc., 18761 West Dixie Highway, North Miami Beach, FL 33180. AQUA GUARD. Active ingredients: Sodium Hypochlorite 9%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 38550–R. Local Chemical Co., Inc., 94–28 Merrick Blvd., Jamaica, NY 11433. LOCAL CD 4.5. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 38550–E. Local Chemical Co., Inc., 94–28 Merrick Blvd., Jamaica, NY 11433. LOCAL SANITIZER 100. Active ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzi ammonium chlorides 5%. Method of support: Application proceeds under 2(b) of interim policy. PM31.

EPA File Symbol 39446–E. Filtercold Corp., 2810 S. 24th Street, Phoenix, AZ 85034. MICROLENE PC–1 WATER FILTER. Active ingredients: Metallic Silver 1.05%. Method of support: Application proceeds under 2(b) of interim policy. PM33.

EPA File Symbol 39743–G. Keystone Laboratories, Inc., 520 14th Street, Southeast, P.O. Box 1367, Decatur, AL 35602. KEYCIDE–15. Active ingredients: Poly(oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride) 15%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 39743–U. Keystone Laboratories, Inc., 520 14th Street, Southeast, P.O. Box 1367, Decatur, AL 35602. KEYCIDE–30. Active ingredients: Poly(oxyethylene (dimethyliminio) ethylene (dimethyliminio)ethylene dichloride) 30%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 39961–R. Active Chemicals, Inc., 7622 Hamilton Street, Omaho, NB 68114. ACTIVE CONFINEMENT PEN CLEANER. Active ingredients: Phosphoric Acid 11.5%; Sulfuric Acid 6%; Hydrochloric Acid 6%; Hydrofluoric Acid 3%. Method of support: Application proceeds under 2(a) of interim policy. PM32.

EPA File Symbol 40290–R. The Enerco Corp., 320 South Seven Mile Rd., Midland, MI 48640. ENERCO A–111. Active ingredients: Poly (oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride) 15%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 40290–E. The Enerco Corp., 320 South Seven Mile Rd., Midland, MI 48640. ENERCO A–112. Active ingredients: Poly (oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride) 5%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

EPA File Symbol 40536–R. North American Research Corp., 2913 Anode Lane, Dallas, TX 75220. NAR–CIDE. Active ingredients: Poly (oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride) 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34.

[FR Doc.77–17846 Filed 6–21–77;8:45 am]

[PP 5G1579/T111 FRL 749–8]

PESTICIDE PROGRAMS

Renewal of a Temporary Tolerance; 5-Chloro-3-Methyl-4-Nitro-1H-Pyrazole

On May 6, 1976, the Environmental Protection Agency (EPA) announced (41 FR 18709) a renewal of a temporary tolerance for residues of the plant regulator 5-chloro-3-methyl-4-nitro-1*H*-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million (ppm). This tolerance was established (40 FR 17314) in response to a pesticide petition (PP 5G1579) submitted by Abbott Laboratories, Agricultural and Veterinary Products Div., North Chicago, IL 60064. This renewal expired April 30, 1977.

Abbott Laboratories has requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that was renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 (a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized be the experimental use permit.

2. Abbott Laboratories must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 30, 1978. Residues not in excess of 0.1 ppm remaining in or on oranges after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Donald Stubbs, Registration Division (WH–567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460 (202–755–4851).

AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).

Dated: June 14, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77–17843 Filed 6–21–77;8:45 am]

[PP 5G1581/T109; FRL 749–5]

PESTICIDE PROGRAMS

Reextension of Temporary Tolerances; 2-Chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene

On April 23, 1976, the Environmental Protection Agency (EPA) announced (41 FR 17017) an extension of the temporary tolerances for combined negligible residues of the herbicide 2-chloro-1-(3-ethoxy-4-nitrophenoxy-4(trifluoromethyl) benezene and its metabolities containing the dipheyl ether linkage in or on the raw agricultural commodities corn and soybeans at 0.05 part per million (ppm). These tolerances were established (40 FR 24553) in response to a pesticide petition (PP 5G1581) submitted by Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105. This extension will expire June 4, 1977.

Rohm and Haas Co. has requested a one-year reextension of these temporary tolerances both the permit continued testing to obtain addition data and to permit the marketing of the above raw agricutural commodities when treated in accordance with the provisions of an experimental use permit that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 (a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that a reextension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are reextented on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 4, 1978. Residues not in excess of 0.05 ppm remaining in or on corn and soybeans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Donald Stubbs, Registration Division (WH–567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW, Washington, DC 20460 (202/755–4851).

Dated: June 14, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77–17842 Filed 6–21–77;8:45 am]

[PP 6G1751/T114 FRL 749–7]

PESTICIDE PROGRAMS

Extension of a Temporary Tolerance; 0-(6-Ethoxy-2-ethyl-4-pyrimidinyl) 0,0-dimethyl phosphorothioate

September 3, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 37396) that in response to a pesticide petition (PP 6G1751) submitted to to the Agency by Sandoz, Inc., PO Box 1489, Homestead, FL 33030, a temporary tolerance was established for residues of the insecticide *0*–(6-ethoxy–2–ethyl–4–pyrimidinyl) *0,0*–dimethyl phosphorothioate, its P–O analog (6–ethoxy–2–ethyl–4–pyrimidinyl phosphate), and its phenolic metabolite (6–ethoxy–2–ethyl–4–pyrimidinol) in or on the raw agricultural commodity corn grain, including cob and husk, at 0.2 part per million (ppm). This temporary tolerance expires June 3, 1977.

Sandoz, Inc., has requested a one-year extension of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of an experimental use permit that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerance will protect the public health. Therefore, the temporary tolerance is extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Sandoz, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires May 13, 1978. Residues not in excess of 0.2 ppm remaining in or on corn grain, including cob and husk, after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Libby Zink, Registration Division (WH–567), Office of Pesticide Programs, Room 315, East Tower, 401 M St. SW., Washington, D.C. 20460 (202/755–4851).

Dated: June 14, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

STATUTORY AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

[FR Doc.77–17844 Filed 6–21–77;8:45 am]

[PP 6G1679/T113; FRL 749–6]

PESTICIDE PROGRAMS

Amendment of Temporary Tolerances Glyphosate

On August 6, 1976, the Environmental Protection Agency (EPA) announced (41 FR 32949) the establishment of temporary tolerances for residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite amino-

methylphosphonic acid in or on a variety of raw agricultural commodity groups and individual raw agricultural commodities, which residues may result from application of the herbicide to the banks of small water impoundments, irrigation ditch banks, and drainage ditch banks. These tolerances were established in response to a pesticide petition (PP 6G1679) submitted by Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63116. These tolerances will expire July 28, 1977.

Monsanto Co. submitted a request to amend the petition by adding temporary tolerances for residues of glyphosate and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities sugarcane at 0.1 part per million (ppm) and fish at 0.15 ppm.

Establishment of these temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Food and Drug Administration.

These temporary tolerances expire July 28, 1977. Residues not in excess of 0.1 ppm remaining in or on sugarcane and 0.15 ppm in fish after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Libby Zink, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St. SW., Washington, D.C. 20460 (202/755-4851).

Dated: June 14, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77-17841 Filed 6-21-77;8:45 am]

[PP 6G1659 and PP 6G1660/T110; FRL 749-4]

PESTICIDE PROGRAMS

Renewal of Temporary Tolerances; N^3, N^3-Di-n-propyl-2,4-dinitro-6-trifluoromethyl-m-phenylenediamine

On December 30, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 59775) that in response to two pesticide petitions (PP 6G1659 & PP 6G1660) submitted to the Agency by U.S. Borax Corp., 412 Crescent Way, Anaheim CA 92801, temporary tolerances of 0.1 part per million (ppm) were established for residues of the herbicide N^3, N^3 - di - *n* - propyl - 2, 4 - dinitro - 6 - trifluoro - methyl - *m* - phenylenediamine in or on the raw agricultural commodities almond hulls, grapes, nuts, and stone fruit (PP 6G1659) and soybeans, soybean hay, soybean forage, cottonseed, and cotton forage (PP 6G1660). These temporary tolerances expired December 22, 1976.

U.S. Borax Corp. has requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material have been evaluated, and it has been determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. U.S. Borax Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire April 21, 1978. Residues not in excess of 0.1 ppm remaining in or on almond hulls, cotton forage, cottonseed, grapes, nuts, soybeans, soybean hay, soybean forage, and stone fruit after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Donald Stubbs, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW, Washington DC 20460 (202/755-4851).

Dated: June 14, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

STATUTORY AUTHORITY: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

[FR Doc.77-17845 Filed 6-21-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

NATIONAL COUNCIL ON EDUCATION RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on July 7–8, 1977, at the National Institute of Education, 1200 19th Street, N.W., Washington, D.C., in Room 823. The meeting will convene on July 7th at 9:30 a.m., and adjourn at 5:00 p.m., and on July 8th reconvene at 9:00 a.m., and adjourn at 3:30 p.m.

The National Council on Educational Research is established under Section 405(b) of the General Educational Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The entire meeting will be open to the public. The tentative agenda is as follows:

JULY 7, 1977

9:30—Convene.
9:30–10:30—Director's Report.
10:30–11:45—Executive Committee Report: Approve Policy Framework; Approve Bylaws and Procedure on Public Participation and Information; Adjust Council Calendar of Events; Amend Procedure for Preparation of Resolutions; Amend Procedure for Reports of External Review Panels.
11:45–1:00—Lunch.
1:30–3:00—NCER Liaisons Meet With NIE Associate Directors.
3:00–5:00—Program Committee Report: Discussions of Policy Options and Fundamental Research.
5:00—Recess.

JULY 8, 1977

9:00—Reconvene.
9:00–10:00—Presentation and Discussion: Dr. Bernice Sandler, Chair, Advisory Council on Women's Educational Programs.
10:00–10:30—Follow-up Discussion About Resolution No. 16.

10:30–12:00—FY 1979 Budget Planning and Policy Issues.
12:00–1:00—Lunch.
1:00–1:30—Complete FY 1979 Discussion.
1:30–2:30—Demonstration of Research Information Systems.
2:30–3:30—Committee Discussions.
3:30—Adjourn.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and Mrs. Ella L. Jones, Administrative Coordinator of the Council, at the address shown below.

In accordance with Council Policy (NCER Resolution No. 013074–8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Administrative Coordinator. Resolutions are available shortly after adoption. Minutes require approval by the Council, at a subsequent meeting and are available to the public one week following their approval.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Administrative Coordinator, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, telephone 202–254–7900.

PETER H. GERBER,
Chief, Policy and Administrative Coordination, National Council on Educational Research.

[FR Doc.77-17908 Filed 6-21-77;8:45 am]

PROGRAM OF RESEARCH GRANTS ON ORGANIZATIONAL PROCESSES IN EDUCATION

Closing Dates for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, as amended (20 U.S.C. 1221e), applications are being accepted for grants under the Program of Research Grants on Organizational Processes in Education.

A. *Types of awards.* The program funds two types of grants. Small grants may be made for projects of up to twelve months' duration in amounts not to exceed $7,500 in direct costs. Grants (other than small grants) may be made in any amount for projects of up to three years' duration.

B. *Application procedures.* The application process for a grant (other than a small grant) requires a preliminary proposal, which will be reviewed by the National Institute of Education (NIE). NIE will return to the applicant an indication of the relative standing of the preliminary proposals among those received in the same cycle, and information on any major strengths or weaknesses found in the review. A full proposal for a grant (other than a small grant) may be submitted only after the applicant has received the review of the preliminary proposal.

The application process for a small grant requires only a full proposal, not a preliminary proposal.

C. *Review cycles.* NIE will consider applications received at any time between the date of this notice and September 30, 1977. (NIE intends to continue this program in future fiscal years, depending upon availability of funds and other factors. NIE will publish later in 1977 a schedule of closing dates for Fiscal Year 1978.)

Applications will be reviewed by a peer review panel. The last review cycle in Fiscal Year 1977 begins in July. As previously announced in 42 FR 13358, March 10, 1977, preliminary and small grant proposals will be due July 15, and will be reviewed in August. Full proposals based on preliminary proposals reviewed earlier by NIE will be due July 22, instead of the previously announced deadline of July 15, and will also be reviewed in August. An application not received by the deadline date will be held for review in the subsequent cycle.

D. *Program information.* A program announcement may be obtained from the Research Staff, Group on School Capacity for Problem Solving, National Institute of Education, 1200 19th Street NW (Mail Stop 4), Washington, D.C. 20208. Telephone 202–254–6090. The announcement includes copies of all rules governing the program, as well as information on availability of funds, expected number of awards, eligibility and review criteria, and instructions on how to apply. Anyone interested in applying for research support under this program is strongly urged to obtain the program announcement.

E. *Estimated distribution of program funds.* Current estimates are that a total of approximately $1.1 million will be available in Fiscal Year 1977 for all the projects selected for funding in this program. Initial projections called for awarding 25–35 grants in Fiscal Year 1977, of which about 15 would be small grants. Approximately $100,000 of the $1.1 million was reserved for small grants.

Only projects of the highest quality will be supported, whether or not the resources of the program are exhausted. Further, nothing in this announcement should be construed as committing NIE to award any specific amount. The actual total of funds awarded may change because of a need to reserve funds for continuation of projects begun in earlier years, for contract or in-house research, or because of budget or staffing restrictions.

F. *Applications sent by mail.* An application sent by mail should be addressed as follows: National Institute of Education, Proposal Clearinghouse, Washington, D.C. 20208, Attention: Organization Research. The outside of the package should also be marked to show whether it contains a preliminary, small grant, or full proposal. To be considered in the August review cycle small grant applications and preliminary proposals must be received at the Clearinghouse by 4:30 p.m. only July 15, 1977. Full proposals based on preliminary proposals which were reviewed in the first cycle must be received at the Clearinghouse by 4:30 p.m. on July 22. Materials must be received by the closing date; a pre-deadline postmark date will not be a criterion for acceptance.

G. *Hand delivered application.* An application to be hand delivered must be brought to the Proposal Clearinghouse, Room 708, 1832 M Street, NW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:30 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. The Clearinghouse will close promptly on deadline dates (July 15, 1977, and July 22, 1977).

H. *Applicable regulations.* The regulations applicable to this program include the NIE General Provisions Regulations (45 CFR Chapter 14, Subchapter A) published in the FEDERAL REGISTER on November 4, 1974, at 39 FR 38992, and regulations for the Program of Research Grants on Organizational Processes in Education published in proposed form in the FEDERAL REGISTER on January 5, 1977, at 42 FR 1045.

(Catalog of Federal Domestic Assistance Number 13.950, Educational Research and Development.)

Dated: June 16, 1977.

EMERSON ELLIOT,
Acting Director,
National Institute of Education.

[FR Doc.77-17680 Filed 6-21-77;8:45 am]

Office of the Secretary

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before July 22, 1977, and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated June 17, 1977.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity.—Surveys of Postsecondary Communication Network.

2. Agency/Bureau/Office.—National Center for Education Statistics.

3. Agency form number.—NCES 2405.

4. Legislative authority for this activity.—Sec 406(b)(1) "• • • The (National) Center (for Education Statistics) shall—• • • collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States • • •" (Public Law 93-380, 20 U.S.C. 1221e-1).

5. Voluntary/obligatory nature of response.—Voluntary.

6. How information to be collected will be used.—Survey results will be used by NCES to evaluate: (1) need for continuing surveys; (2) optimal frequency of surveys; (3) how best to coordinate Federal and State data collection; (4) agencies that NCES should consider approaching in order to consolidate multiple survey instruments into single instruments: (5) optimal forms for data dissemination.

7. Data acquisition plan.—a. method of collection: Mail; b. time of collection: July 1977/June 1978; c. frequency: 6-8 times per year.

8. Respondents.—a. Type: State Education Agencies; b. number: 57; c. estimated average manhours per respondents: 1.0.

9. Information to be collected.—State petitions on: priority ranking of NCES surveys; uses of survey data; data to be collected at the State level regardless of NCES data collection; impact or revised taxonomies; impact of new definitions in various areas developed by NCES.

1. Title of proposed activity.—Request for Payment of BEOG Award 1977-78 Academic Year.

2. Agency/Bureau/Office.—U.S. Office of Education/Bureau of Student Financial Assistance/Division of Basic and State Grants.

3. Agency form number.—OE 304.

4. Legislative authority for this activity.—Sec. 132. Section 497 of the Act is amended by adding at the end thereof the following new subsection: "(e) Any student assistance received by a student under this title shall entitle the student receiving it to payments only if—"(1) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practises of the institution at which the student is in attendance, and "(2) that student does not owe a refund on grants previously received at such institution under this title, or is not in default on any loan from a student loan fund at such institution provided for in part E, or a loan made, insured, or guaranteed by the Commissioner under this title for attendance at such institution." (Pub. L. 94-482, 20 U.S.C. 1088f).

5. Voluntary/obligatory nature of response.—Required to obtain benefit.

6. How information to be collected will be used.—Program Management: The "Request" form is the means by which a student will submit information to OE in order to receive payment of an award. This information is required for purposes of correspondence as well as to identify the applicant for subsequent requests for payments.

7. Data acquisition plan.—a. Method of collection: Mail; b. Time of collection: Summer; c. Frequency: One time only. Disbursement System institution.

8. Respondents.—

a. Type: BEOG recipients; b. Number: 10,000; c. Estimated average manhours per respondent: 10 minutes.

a. Type: financial aid officers; b. Number: 400; c. Estimated average manhours per respondent: 25 minutes.

9. Information to be collected.—a. Data to be collected from the student: (a) applicant's social security number, name, present mailing address, permanent mailing address, notary public's signature and seal, applicant's signature regarding his/her funds and student affidavit.

b. Data to be collected from the institution: (b) name and address of institution, BEOG ID No., institution's academic calendar, dates (beginning and ending) of program, applicant's status, student cost information, institutional official's title, phone number, date and certification of an applicant's eligibility to receive Basic Grant assistance.

1. Title of proposed activity.—Alternate Disbursement System Student Report for Academic Year 1977-78.

2. Agency/Bureau/Office.—U.S. Office of Education/Bureau of Student Financial Assistance/Division of Basic and State Student Grants.

3. Agency form number.—OE 304-1.

4. Legislative authority for this activity.—Sec. 132. Section 497 of the Act is amended by adding at the end thereof the following new subsection: "(e) Any student assistance received by a student under this title shall entitle the student receiving it to payments only if—(1) that student is maintaining satisfactory progress in the course of study he is pursuing, according to the standards and practices of the institution at which the student is in attendance, and (2) that student does not owe a refund on grants previously received at such institution under this title, or is not in default on any loan from a student loan fund at such institution provided for in part E, or a loan made, insured, or guaranteed by the Commissioner under this title for attendance at such institution." (Pub. L. 94-482, 20 U.S.C. 1088f).

5. Voluntary/obligatory nature of response.—Required to receive benefits.

6. How information to be collected will be used.—Program Management: The form will be used to collect data from BEOG recipients to request subsequent payments of their awards in postsecondary institutions that have elected not to act as a disbursing agent, thereby students receive their payments directly from the U.S. Treasury Department. This form will ask for a minimum of information to supplement that information submitted on the application, "Request for Payment of BEOG Form OE 304". This information will be used to confirm the fact that the student continues to meet the eligibility requirement of the program. This form also acts as a notification of award document.

7. Data acquisition plan.—a. Method of collection: Mail; b. time of collection: Fall or Winter; c. frequency: Annually.

8. Respondents.—a. Type: Student;" b. number: 10,000; c. estimated average manhours per respondent: 5 minutes; a. type: Institution; b. number: 400; c. estimated average manhours per respondent: 15 minutes.

9. Information to be collected.—Data to be collected by applicant: (a) applicant's signature to certify that his name, address, and social security number are accurate; (b) institution verifies information contained in Section I of information regarding request for payment and (c) title, telephone number, and signature of institutional official, and certification on request for additional payment of award.

1. Title of proposed activity.—Application for Grants to Strengthen Guidance & Counseling Programs under Public Law 94-482, Sec. 342 (b)(1).

2. Agency/Bureau/Office.—U.S. Office of Education/Office of the Commissioner/Guidance Counseling Task Force.

3. Agency Form Number.—OE 578-1.

4. Legislative authority for this activity.—Sec. 342(b)(1), "There are authorized to be appropriated $3,000,000 for fiscal year 1977, for purposes of grants to States made by the Commissioner for programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools." • • • (Public Law 94-482, 20 USC 2532) Sec. 408. (a) Each administrative head of an education agency, in order to carry out functions otherwise vested in him by law, is, subject to limitations as may be authorized—(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the agency of which he is head • • • (4) • • • enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary for the conduct of such agency • • • (Public Law 93-380, 20 USC 1221e-3).

5. Voluntary/obligatory nature of response.—Required to obtain benefits.

6. How information collected will be used.—To determine grantee eligibility and the amount of the award.

7. Data acquisition plan.—a. method of collection: Mail; b. Time of collection: Fall 1977; c. frequency: Annually.

8. Respondents.—a. type: State Education Agencies; b. number: 57; c. estimated average man-hours per respondent: 15.

9. Information to be collected.—Information to be collected is the standard information contained on the fact page of Standard Form 424 and narrative information as required under Part III, Short Form Standard Application.

1. Title of proposed activity.—Application for Commissioner's Discretionary Programs of Vocational Education.

2. Agency/Bureau/Office.—U.S. Office of Education, Bureau of Occupational and Adult Education;

3. Agency form number; OE Form 3176.

4. Legislative authority for this activity.—"Section 103(a)(1)(B)(iii) The Commissioner is directed, upon the request of any Indian tribe which has contracted with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of

April 16, 1934, to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the purposes of this Act. • • •" (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2303). "Section 171(a) Funds reserved to the Commissioner under section 103 for programs under this part shall be used • • • for grants, for—(1) activities authorized by sections 131 (Research), 132 (Exemplary and Innovative Programs), 133 (Curriculum Development), 134 (Vocational Guidance and Counseling), 135 (Vocational Educational Personnel Training), and 136 (Grants to Assist in Overcoming Sex Bias • • •." (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2401).

"Section 172(b)(3) The Commissioner shall (award a grant for) the vocational education leadership development program of an institution of higher education • • •" (Pub. L. 94-482, Title II, Section 202; 2 U.S.C. 2402).

"Section 172(c)(3) The Commissioner shall (award a grant for) the program at an institution of higher education which has as its purpose assisting certified teachers or assisting persons from industry in becoming vocation education teachers • • •" (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2402).

"Section 184(a) From the sums made available for grants under this section pursuant to section 183, the Commissioner is authorized to make grants • • • to assist • • • in conducting bilingual vocational training programs • • •" (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2414).

"Section 186(a) From the sums made available for grants • • • under this section pursuant to section 183, the Commissioner is authorized to make grants • • • to assist • • • in conducting training for instructors of bilingual training programs • • •" (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2416).

"Section 188(a) From the sums made available for grants • • • under this section pursuant to section 183, the Commissioner is authorized to make grants • • • to assist • • • in developing instructional material, methods, or techniques for bilingual vocational training." (Pub. L. 94-482, Title II, Section 202; 20 U.S.C. 2418).

5. Voluntary/obligatory nature of response.—Required to obtain or maintain benefits.

6. How information to be collected will be used.—The information will be used to award grants and enter into assistance contracts under the Commissioner's Discretionary Programs of Vocational Education.

7. Data acquisition plan.—a. Method of collection: Mail; b. time of collection: Fall and Winter; c. frequency: Annually.

8. Respondents.—a. Type: Colleges and Universities; b. number: 450; c. estimated average manhours per respondent: 40; a. type: Local Education Agencies; b. number: 350; c. estimated average manhours per respondent: 40; a. type: Nonprofit Organizations; b. number: 150; c. estimated average manhours per respondent: 40; a. type: State Education Agencies; b. number: 150; c. estimated average manhours per respondent: 40.

a. Type: Other (Indian Tribes and Indian Organizations); b. number: 100; c. estimated average manhours per respondent: 40; a. type: Other (Profit-making Organizations); b. number: 50; c. estimated average manhours per respondent: 40.

9. INFORMATION TO BE COLLECTED.—All respondents will be required to provide information requested on the standard nonconstruction application for Federal Assistance. Supplementation to the program narrative will include legal requirements.

1. Title of proposed activity.—List of Nominees/Alternates for Foreign Language and Area Studies Fellowships.

2. Agency/Bureau/Office.—U.S. Office of Education/Bureau of Postsecondary Education/Division of International Education.

3. Agency form number.—OE 7632.

4. Legislative authority for this activity.—Sec. 601, "(b) The Secretary is also authorized to pay stipends to individuals undergoing advanced training in any center or under any program receiving Federal financial assistance under this title, including allowances for dependents and for travel for research and study here and abroad, but only upon reasonable assurance that the recipients of such stipends will, on completion of their training, be available for teaching service in an institution of higher education or elementary or secondary school, or such other service of a public nature as may be permitted in the regulations of the Secretary." (Pub. L. 85-864, as amended, 20 USC 511).

5. Voluntary/obligatory nature of response.—Required to obtain or maintain benefits.

6. How information collected will be used.—Determine funding for Foreign Language and Area Studies Fellowships.

7. Data acquisition plan.—a. Method: Mail; b. time of collection: April each year; c. frequency: Once a year.

8. Respondents.—a. Type: Institutions of Higher Education; b. number: 50; c. estimated average manhours per respondent: ¼ man-hours.

9. Information to be collected.—Nominees or alternates, their Language and Disciplines, and tuitions and fees.

[FR Doc.77-17797 Filed 6-21-77;8:45 am]

Office of the Secretary

OFFICE FOR CIVIL RIGHTS

Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, is amended to delete Chapter AT, Office for Civil Rights, 39 FR 11325 (March 27, 1974) as amended by 39 FR 43866 (12/19/74) and to substitute a new Chapter AT, which reflects a reorganization of the Headquarters and Regional organization of the Office for Civil Rights.

The Office for Civil Rights enforces several laws and authorities which prohibit discrimination. In general, these provisions protect individuals against discrimination on the basis of race, color, national origin, sex, age, and physical and mental handicap in federally assisted programs.

The beneficiaries protected by the nondiscrimination provisions number in the millions. For example, they include approximately 44 million children in the public schools; 11 million students in colleges and universities; and more than 30 million needy, aged, sick and disabled individuals who benefit from the Department's programs of assistance and services.

The universe of institutions subject to the provisions also is far-reaching and includes approximately 16,000 school systems, 2,600 institutions of higher education, 7,000 hospitals, 6,700 nursing homes and home health agencies, hundreds of libraries, day care centers, educational broadcasting facilities, medical laboratories and various State and local governmental agencies. In addition, the Office enforces Executive Order 11246, as amended, with respect to institutions of higher education, medical and social service facilities and other nonconstruction contractors, who are obligated not to discriminate in their employment practices and must take affirmative action to ensure against such discrimination.

In light of these far-reaching authorities, organizational arrangements are critical to the Office's compliance program. These authorities have increased in recent years. Also there have been significant changes in program requirements associated with the older civil rights authorities. This reorganization establishes a structure and a definition of authority and functions that will permit the Office to meet its current enforcement responsibilities more efficiently and effectively.

The new statement reads as follows:

SECTION AT.00 *Mission*. Many individuals continue to be subject to discrimination in violation of statutory provisions. The primary mission of the Office for Civil Rights is to eliminate unlawful discrimination and to ensure equal opportunities for the beneficiaries or potential beneficiaries of Federal financial assistance. This shall be accomplished as quickly and as effectively as possible, but with careful review and meaningful efforts at voluntary compliance.

SEC. AT.10 *Organization*. The Office for Civil Rights is under the supervision of the Director, who reports to the Secretary. The Director also serves as the Secretary's Special Assistant for Civil Rights, responsible for overall coordination of the Department's civil rights activities. The Office is comprised of the following Headquarters and Regional components:

A. HEADQUARTERS ORGANIZATION

OFFICE OF THE DIRECTOR

Executive Secretariat.
Office of Public Affairs.
Office of Intergovernmental Affairs.

OFFICE OF THE DEPUTY DIRECTOR, COMPLIANCE AND ENFORCEMENT

Division of Training.
Division of Operational Planning and Support.
Division of Technical Review and Assistance:
- Post-Secondary Education Branch;
- Elementary and Secondary Education Branch;
- Health Branch;
- Human Development Branch;
- Compliance Program Branch.

OFFICE OF THE DEPUTY DIRECTOR, PROGRAM REVIEW AND ASSISTANCE

Division of Program Planning and Appraisal.
Division of Intra-Departmental Technical Assistance:
- Education Branch;
- Health Branch;
- Human Development Branch;
- Cash Payments Branch.

OFFICE OF THE ASSOCIATE DIRECTOR, POLICY, PLANNING AND RESEARCH

Division of Policy and Procedures:
- Handicap Discrimination Branch;
- Age Discrimination Branch;
- Sex Discrimination Branch;
- Racial and National Origin Discrimination Branch;
- Employment Discrimination Branch;
- Policy Dissemination Branch;
- Legislative Analysis and Development Branch.

Division of Planning and Research:
- Planning Branch;
- Research and Evaluation Branch;
- Survey Design and Analysis Branch.

OFFICE OF ADMINISTRATION AND MANAGEMENT

Division of Administration.
Division of Management and Budget:
- Budget Branch;
- Management and Information Systems Branch.

B. REGIONAL ORGANIZATION

OFFICE OF REGIONAL DIRECTOR

Education Division.
Health and Human Development Division.
Program Review and Management Support Division.

SEC. AT.20 *Functions*—A. *Office of the Director.* As the Department's chief officer for the enforcement of the nondiscrimination provisions of law and advisor to the Secretary on civil rights, the Director is responsible for the overall operations of the Office for Civil Rights (The Office); establishes policy and serves as advisor to the Secretary on civil rights matters, including intra-departmental activities aimed at incorporating civil rights compliance in the programs which the Department administers; sets overall direction and priorities of the Office by formulating budget requests and long-range and annual operating plans; determines policies and standards for the civil rights compliance program in coordination with the Secretary and other Federal agencies; determines cases for enforcement action; in consultation with the Office of General Counsel (OGC) identifies the cases for referral to the Department of Justice for legal action and of cases for the institution of administrative enforcement proceedings; consults and advises the Assistant General Counsel for Civil Rights with respect to the workload and priorities of the Office of General Counsel—Civil Rights Division; represents the Secretary in Congressional and Executive Office of the President matters relating to civil rights; and solicits the participation of clients and recipients in the conduct of the Department's civil rights compliance program.

B. *Executive Secretariat.* Reviews all documents forwarded to the Director for approval; establishes and monitors procedures for ensuring the Office furnishes complete and timely responses to informational requests from the Secretary, Under Secretary, Department components, Congress, governmental agencies, and public; in conjunction with the Director, assigns responsibility for the preparation of documents and completion dates; determines internal clearance processes for policy documents and correspondence, ensuring legal clearances and necessary coordination with other Departmental components; in conjunction with the Director ensures Office priorities are met with respect to matters referred to OGC for action; follow-ups on work assignments made by the Director; ensures the communication in Headquarters of the Director's policy decisions; serves as point of contact with the Secretary's Executive Secretariat; and maintains official Office files.

C. *Office of Public Affairs.* The Office of Public Affairs, in coordination with the Assistant Secretary for Public Affairs, plans and directs a comprehensive civil rights public information program; performs variety of editorial services and disseminates informational materials for print and audiovisual media in connection with Office activities.

Serves as the primary channel for dissemination of civil rights news and information to the general public, clients, recipients, and the news media; helps interested groups and citizens to participate in Office planning, policy and operational activities; develops short and long range public information programs; plans and carries out the Office's publication program; maintains liaison with the media to facilitate coverage of the civil rights compliance program; prepares news releases, articles, and other informational material to interpret the Office's civil rights compliance program; conducts speaker's bureau; designs and maintains an exhibits program; provides technical assistance to Office personnel pertaining to public affairs; and clears all informational materials intended for public dissemination.

D. *Office of Intergovernmental Affairs.* Responsible for the Office's liaison with Congress, Federal departments and agencies, and State and local governments (including organizations representing such units of government).

In coordination with the Assistant Secretary for Legislation, establishes process to facilitate exchange of information between the Office and the Congress; in cooperation with the Associate Director, Office of Policy, Planning and Research establishes procedures for preparing and managing written communications to Members of Congress; coordinates preparation of responses to Congressional inquiries; monitors the status of pending civil rights legislation and Congressional (including appropriations) hearings related to civil rights matters and arranges for Office input as necessary; attends and provides summaries of Congressional hearings; coordinates the preparation of testimony and briefing materials in connection with Congressional hearings pertaining to civil rights; arranges and participates in briefing sessions for Congresional Members or their staffs on civil rights matters; notifies appropriate Congressional committees of significant civil rights developments; informs Members of compliance developments affecting Federal recipients in their Congressional districts; reviews the *Congressional Record* and FEDERAL REGISTER and prepares summaries for Office use.

Facilitates communication of civil rights-related matters with Federal departments and agencies, and State and local governments (including organizations representing such units of governments); coordinates activities related to inter-agency delegations of authority; ensures major Office communications with groups represeting government organizations are coordinated within the Office before release; facilitates participation of organizations on Office planning, policy, and operational activities; and coordinates Office review of documents submitted by such organizations.

E. *Office of Deputy Director for Compliance and Enforcement.* Responsible for overseeing the day-to-day conduct of compliance reivews, complaint investigations and other enforcement activities assigned by the Director. Supervises activities of the Directors, Regional Civil Rights Offices (Regional Offices). Ensures that regulations, guidelines, standards, and general operating procedures developed by the Office of Policy, Planning and Research and approved by the Directors are implemented in a uniform, effective, and timely manner. Responsible for training staff in policies, skills and techniques necessary to accomplish the Office mission. In conjunction with the Regional Offices, develops the part of the Office annual operating plan pertaining to the conduct of complaint investigations, compliance reviews and staff training. Establishes and implements management and quality control systems to ensure enforcement activities are carried out consistent with Office goals, objectives and annual operating plans. Assures Regional Offices of necessary Headquarters assistance. Serves as focal point for directing, coordinatng and interacting with Regional Offices. Reviews cases recommended for enforcement and makes final enforcement recommendations to Director; and provides liaison with Office of the General Counsel regarding cases under enforcement action.

(1) *Division of Operational Planning and Support.* Directs development of Regional Office enforcement plans to ensure balanced compliance programs, optimal distribution of resources, and effective utilization of Regional Office staff. Develops guidelines for preparation of Regional enforcement plans.

Prepares annual operating plan and in conjunction with the Regional Offices establishes annual operating plan requirements; evaluates draft plans submitted by Regional Offices to determine their conformity with Office goals, objectives and priorities and the appropriateness of resource allocation; consolidates Headquarters and Regional draft annual operating plans into single document; determines the measures for evaluating Regional Office performance in carrying out operating plans; monitors Regional performance in meeting time and procedural requirements contained in operating plans and provides evaluation reports to Deputy Director, Office of Compliance and Enforcement; conducts evaluations concerning efficiency, management performance, and capabilities of Regional Offices; provides assistance to Regional Offices in resolving management problems; and coordinates Regional reporting requirements relating to operating plans.

Serves as focal point for administrative interactions with Regional Offices; coordinates and expedites the flow of correspondence and scheduling of meetings and conferences between Headquarters and Regional Offices; and works with other Headquarters components to provide general administrative and supportive services to Regional Offices.

(2) *Division of Technical Review and Assistance.* Directs program of technical assistance and quality control for the Office's compliance programs. Ensures that determinations related to a recipient's compliance status are reached in an appropriate and timely manner and that policies and procedures are applied consistently.

Develops and directs a program of technical assistance for Regional Offices and Headquarters units; identifies required resources and obtains such resources either in-house or externally; maintains a register of in-house and external experts and secures their services as necessary; provides expert staff for consultation during investigations and in the development and implementation of programs and operating procedures; advises Regional personnel during all stages of case development, including appropriate remedies when discrimination is documented; responds to field inquiries on operational matters, referring policy issues to the Office of Policy, Planning and Research, as appropriate; ensures Regional Office participation in Headquarters policy and program development; and resolves operational problems and priorities affecting more than one Region.

Develops and directs ongoing quality control program, including review and analysis of selected cases to ensure consistent application of Office policies and procedures; prepares reports and recommendations for improving Regional operations; informs the Division of Training of staff training needs as identified from review of Regional Office performance; identifies areas in which new or modified compliance policies are necessary to respond to problems encountered by Regional Offices and makes appropriate recommendations to the Deputy Director, Office of Compliance and Enforcement.

Develops and directs a pre-enforcement case review program which examines cases recommended by Regional Offices for enforcement action; conducts negotiations with recipients, in conjunction with Regional Offices, to secure voluntary compliance in such cases; recommends manner of enforcement (i.e., referral to the Department of Justice for court action or initiation of administrative enforcement proceedings); provides necessary liaison with Office of General Counsel regarding initiation of enforcement actions and cases already in enforcement action; and secures resource persons for preparation of expert testimony in cases involved in enforcement.

Develops and directs program development and special compliance reviews.

(a) *Post Secondary Education Branch.* Develops and implements technical assistance, quality control and pre-enforcement case review programs regarding post-secondary education institutions which receive federal funds.

(b) *Elementary and Secondary Education Branch.* Develops and implements technical assistance, quality control and pre-enforcement case review programs regarding pre-school and elementary and secondary education agencies and institutions which receive federal funds.

(c) *Health Branch.* Develops and implements technical assistance, quality control and pre-enforcement case review programs regarding health agencies and institutions which receive federal funds.

(d) *Human Development Branch.* Develops and implements technical assistance, quality control and pre-enforcement case review programs regarding social service agencies and institutions which receive federal funds.

(e) *Compliance Program Branch.* In conjunction with Director, Office of Policy, Planning and Research, and with other branches of the Division of Technical Review and Assistance, develops and implements program development and special compliance reviews for testing new and/or existing investigatory procedures.

(3) *Division of Training.* Develops and directs, in conjunction with the Assistant Secretary for Personnel Administration and the Employee Development and Training Branch, Office of the Secretary, civil rights training programs for Headquarters, Regional Offices, and other Department and non-Departmental personnel; develops criteria for office orientation training; conducts annual training needs assessment; develops training goals and objectives; develops and implements Office annual training plan; provides assistance to Office management concerning employee training and development; maintains employee skill and training files to direct skill and career development; develops training policies, standards, procedures, curricula, aids and techniques; delivers training; conducts research in the field of training; maintains a register of trainers; identifies training needs resulting from new compliance programs and changes in Office mission and goals; and evaluates effectiveness of training programs.

F. *Office of Deputy Director for Program Review and Assistance.* Plans, coordinates, and monitors Department-wide initiative to incorporate civil rights compliance into the activities of Principal Operating Components (POC's) and program agencies. Serves as focal point for Office interactions with Departmental POC's and program agencies in civil rights matters. As such, develops and promotes civil rights policies for implementation by POC's and program agencies; provides technical assistance and support services to POC's and program agencies for civil rights policy implementation; and develops a program for monitoring civil rights activities undertaken by POC's and program agencies.

(1) *Division of Program Planning and Appraisal.* Develops, in coordination with POC's and program agencies, priorities, short and long range plans, and civil rights program requirements. Develops, in coordination with the Associate Director for Policy, Planning, and Research, policies, standards, and procedures defining the civil rights responsibilities of POC's and program agencies. Clarifies and resolves differences concerning policy interpretations. Coordinates, in cooperation with the Associate Director for Policy, Planning, and Research, the planing of civil rights goals, objectives, and long-range and annual operating plans for POC's and program agencies.

Develops program to review the civil rights activities undertaken by POC's and program agencies. Oversees establishment and implementation of a coordinated Department civil rights system and development of appropriate procedures for (1) advising the Director and Secretary regarding civil rights performance of POC's and program agencies and (2) referring information on possible noncompliance with civil rights provisions to the Deputy Director, Office of Compliance and Enforcement. Conducts special program evalutions of civil rights performance of POC's and program agencies.

(2) *Division of Intra-Departmental Technical Assistance.* Coordinates and assists the POC's and program agencies in meeting their civil rights responsibilities in all phases of the funding cycle (pre and post-award). Provides general guidance, assistance and required expertise to POC's and program agencies in support of civil rights activities including development and dissemination of informational materials; conducts programs to increase civil rights awareness; and disseminates civil rights enforcement policies, guidelines, standards, and procedures for such activities as pre-award audits, routine and special program reviews and other program management activities. Coordinates with the Division of Training (under the Deputy Director, Office of Compliance and Enforcement) in providing training and technical assistance to POC's and program agencies.

(a) *Education Branch.* Assists the Assistant Secretary for Education, Office of Education, and National Institute of Education and their respective program agencies in accomplishing civil rights responsibilities.

(b) *Health Branch.* Assists the Public Health Service and its respective program agencies in accomplishing civil rights responsibilities.

(c) *Human Development Branch.* Assists the Office of Human Development and its respective program agencies in accomplishing civil rights responsibilities.

JUN 22 77
UM

(d) *Cash Payments Branch.* Assists the Social Security Administration and Health Care Financing Administration and their respective program agencies in accomplishing civil rights responsibilities.

G. *Office of Associate Director for Policy, Planning and Research.* Serves as the Director's chief advisor on civil rights policy; directs the development and dissemination of compliance policies and procedures, including regulations, guidelines, statements, and standards; responsible for long-range (2–5 year) planning, legislative planning, research, and evaluation processes; and provides policy interpretations to other units of the Office. Deveolps for Director's approval, initial policy guidance for the Office's planning and budgeting processes; and reviews for policy implications planning and budget documents submitted to the Director for approval. Approves, with concurrence of the Director, all civil rights surveys and forms directed at recipients and other institutions and procedures for conducting surveys and forms.

(1) *Division of Planning and Research.* Develops national priorities and supporting goals and objectives; responsible for long-range planning, research, evaluation, and data collection activities; provides initial policy guidance for and participates in annual planning and budgeting processes; reviews planning and budget submissions; coordinates all research activities; and supervises monitoring of Departmental research activities which have civil rights implications.

(a) *Planning Branch.* Responsible for initial development with Regional Offices, of national civil rights priorities and long-range goals related to these priorities; establishes planning process to define objectives for achievement of national priorities and long-range goals; develops broad policy guidelines for annual planning and budget formulation processes; provides analytical support to the Associate Director in reviewing annual planning and budget documents for policy implications. As a result of directing long-range planning, identifies research and data requirements of other Divisions.

(b) *Research and Evaluation Branch.* Develops and implements a research program, using internal and external resources, for developing information on discrimination and remedies for discrimination which can be applied to the Office compliance program. Designs research program on the basis of needs identified from the long-range planning process and participation of other units. Monitors Departmental research activities which have civil rights implications.

Develops and implements a program to assess the impact, effectiveness and cost/benefit of the Office's enforcement programs and disseminates findings. Recommends alternative enforcement programs to Division of Policy and Procedures.

(c) *Survey Design and Analysis Branch.* Reviews all data collection instruments intended for recipients, prior to their review by the Associate Director and Director. Coordinates the Office's data collection, analysis, and dissemination activities, with special attention to minimizing paperwork burdens on recipients consistent with effective enforcement of the civil rights provisions; determines, with other Headquarters units, their data requirements; coordinates with Deputy Director, Office of Program Review and Assistance, to determine data collection activities of Departmental components and related to civil rights; identifies other external data sources related to civil rights; designs surveys and other data collection instruments; develops techniques for data analysis; prepares specifications and participates in negotiation of contracts for data collection or analysis.

(2) *Division of Policy and Procedures.* Supervises development of policies, standards, and procedures for determining civil rights compliance of recipients and for requiring remedial action; directs preparation of regulations, guidelines, and interpretations and ensures civil rights authorities are implemented consistently; directs preparation of procedures for the conduct of complaint investigations and compliance reviews; assures clients and recipients participate in developing policies, standards and procedures; coordinates, with Deputy Director, Office of Compliance and Enforcement, testing of investigatory procedures through program development and special compliance reviews; ensures the dissemination of regulations, guidelines, standards, and general operating procedures to other Office units; supervises legislative analysis and developmental activities; and provides information for development of Office training programs.

(a) *Handicap Discrimination Branch.* Develops regulations, guidelines, standards, policy statements, other interpretative materials, and general operating policies to enforce Section 504 of the Rehabilitation Act of 1973, Executive Order 11914, Section 407 of the Drug Abuse Office and Treatment Act of 1972, Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 and related statutes; establishes standards to determine compliance of recipients; develops procedures for conducting complaint investigations and compliance reviews; identifies areas in which program development and special compliance reviews are needed to test policies and procedures; provides support to the Office of Compliance and Enforcement in conducting such reviews; reviews and makes necessary revisions of existing policies; assures clients and recipients participate in developing policies; assists Office of Program Review and Assistance in developing policies, procedures and standards which define the civil rights responsibilities of POCs and program agencies; assesses policy implications, concerning the handicap compliance program, of regulations issued by other Departmental components; and provides information for development of Office training programs.

(b) *Sex Discrimination Branch.* Conducts the same general functions as the Handicap Discriminaiton Branch, except that functions are related to enforcement of Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act and related statutes.

(c) *Age Discrimination Branch.* Conducts the same general functions as the Handicap Discrimination Branch, except that functions are related to the Age Discrimination Act of 1975, and related statutes.

(d) *Racial and National Origin Discrimination Branch.* Conducts the same general functions as the Handicap Discrimination Branch, except that functions are related to Title VI of the Civil Rights Act of 1964 and related statutes.

(e) *Employment Discrimination Branch.* Conducts the same general functions as the Handicap Discrimination Branch, except that functions are related to employment discrimination under all authorities, including Executive Order 11246, as amended; coordinates with the Handicap, Sex, Age, and Racial and National Origin Discrimination Branches on issues related to employment discrimination.

(f) *Policy Dissemination Branch.* Communicates new and revised regulations, guidelines, policy statements, compliance standards, and procedures to Headquarters and Regional Offices. Coordinates with branches of the Division of Policy and Procedures to ensure consistency of policy statements; prepares documents containing important policy issues for publication; serves as policy information clearinghouse and supervises preparation of general operating manuals for all Office organizational units.

(g) *Legislative Analysis and Development Branch.* Develops civil rights related legislative proposals. Reviews pending legislation for civil rights implications and develops Office position statements where appropriate; coordinates, with the Assistant Secretary for Planning and Evaluation, the Office's participation in the Department's legislative planning process.

H. *Office of Administration and Management.* Serves as principal advisor to the Director concerning administrative, management and information systems matters; supervises budget development and control, personnel, general support and contract functions; conducts and coordinates management analysis services; coordinates Office's annual planning process; develops and operates management planning system for monitoring short-term, priority objectives; develops procedures for annual planning and budget formulation; and ensures information systems support (i.e., data processing and data analysis services) for all Office components.

(1) *Division of Management and Budget.* Coordinates annual short-term planning process; administers short-term management planning and control systems focused on priority objectives; prepares reports on the execution of plans; provides management analysis expertise related to organizational structure, function and responsibilities; directs all information support system activities, including ADP planning and operations; coordinates the formulation of Office budget request, in concert with the Assistant Secretary, Management and Budget (ASMB), and the Executive Office of Management and Budget; establishes and implements budgetary and accounting control for appropriated funds; and oversees development and implementation of work measurement and staff resource analysis activities.

(a) *Management and Information Systems Branch.* Coordinates development of the annual operating plan; administers management planning and control system which focuses on the Office's short-term priority objectives; serves as a resource concerning management problems; reviews and evaluates organizational design, procedures, efficiency, and other management issues; and approves Office organization and functional statements.

Implements federal and Departmental policies and standards for information systems planning, development, and operations; develops and implements policies and standards which ensure effective management of information systems; plans, develops and operates information systems to provide the Office with required information; secures guidance of the Office of Policy, Planning and Research in the planning, development, and operation of information systems designed to support external data collection requirements; develops, acquires, and utilizes necessary analytical and statistical methods and techniques; provides administrative support for survey and forms clearance; manages information systems contracts; applies federal and Departmental policies and standards for ADP planning, and operations and ensures effective use of ADP equipment; applies federal and Departmental policies and standards regarding security of records and equipment; oversees Office activities under the Freedom of Information Act and the Privacy Act.

(b) *Budget Branch.* Develops and implements Office budgeting system consistent with policy guidance of the Associate Director, Office of Policy, Planning and Research; maintains liaison with ASMB on all budget matters; provides assistance to operating divisions and Regional Offices regarding development of budget estimates, justifications, and resource requirements; develops cost data relative to the administration of the Office; coordinates formulation of budget request prior to submission to Director; prepares final budget submission to the ASMB; coordinates Office budget submission to Congress; develops work measurement and staff resource utilization systems to support development of budget request; maintains appropriation and obligation records and accounts; develops and manages a system for allocating funds within the Office; maintains accounting records and controls; and develops policies regarding travel and authorizes Headquarters staff travel.

(2) *Division of Administration.* Interacts with appropriate Office of the Secretary staff offices concerning administrative matters; coordinates provision of personnel support. and ensures adherence to Departmental policies; serves as a central clearance for personnel actions; plans and executes appropriate policies and regulations in areas of position management, recruitment, staffing, and performance evaluation; administers employee-management relations, labor relations, and equal employment opportunity programs; establishes and maintains personnel information systems; maintains official employment ceilings; consolidates time and attendance records for transmittal to central payroll; and distributes paychecks and savings bonds.

Develops and directs programs for record management, space utilization, emergency preparedness, and telephone services. Supervises procurement and management of property and supplies. Establishes and implements property inventory and accounting systems.

Implements Office contracts program as approved by Division of Contract and Grants Operations, Office of the Secretary. Establishes policies, procedures, and standards for award of Office contracts, including contract development and review; coordinates contract process with Office budgeting and planning processes; reviews and makes recommendations on all contract proposals; reviews all awarded contracts to assure compliance with programmatic requirements; and acts as policy and procedural liaison with General Services Administration, Government Printing Office, Small Business Administration, and other Executive agencies, contractors, and vendors of administrative services.

I. *Office of the Director, Office for Civil Rights, Regions I–X.* Develops, implements, and evaluates the Regional civil rights compliance program. In this connection, develops regional operating plan in accordance with guidelines established by the Deputy Director, Office of Compliance and Enforcement, and prepares Regional budget proposal and supportive resource and work measurement justifications.

Targets, schedules, and conducts complaint investigations; targets, schedules, and conducts compliance reviews, except in areas in which Associate Director for Policy, Planning, and Research has determined regulations and policies are lacking or incomplete or in which policy would be precedent-setting or have extraordinary impact; determines compliance status of federal recipients and contractors; negotiates for voluntary compliance; monitors implementation of corrective plans and provides technical assistance for achieving compliance; makes initial recommendations for enforcement action to Deputy Director, Office of Compliance and Enforcement when voluntary compliance cannot be secured and provides consultation as to the manner of enforcement (i.e., administrative proceedings or referral to the Department of Justice).

Cooperates with the HEW Regional Director, who is the Secretary's principal representative in the Region and the principal Departmental coordinator of relationships with Governors, the state umbrella agencies and other local general purpose government; receives administrative support services from the Regional Director; works with the Regional Director to seek to resolve matters requiring coordination among component agencies in the Region; establishes and maintains effective relationships with state agencies, health, education, and welfare organizations, and the media to promote understanding of Office legal responsibilities and compliance programs; disseminates information to clients and recipients and encourages their participation; responds to Congressional and public inquiries; implements the Office Affirmative Action Plan and the Regional Affirmative Action Plan,[1] and undertakes personnel actions consistent with Headquarters guidelines.

(1) *Education Division.*[2] Conducts complaint investigations and compliance reviews of pre-school, elementary, secondary, and post-secondary institutions pursuant to the authorities the Office enforces; determines compliance of recipients; negotiates for voluntary compliance; advises Regional Civil Rights Director on critical compliance matters, and recommends cases for enforcement action; provides technical assistance to recipients; monitors implementation of corrective plans; interfaces with the Regional Counsel, heads of POC's, State, local, and other federal agencies, and, as appropriate, headquarters offices and divisions; represents the Regional Office to promote understanding of Office's legal responsibilities and compliance program.

(2) *Health and Human Development Division.*[2] Conducts complaint investigations and compliance reviews of health and social service institutions pursuant to the authorities the Office enforces; determines compliance of recipients; negotiates for voluntary compliance; advises Regional Civil Rights Directors on critical compliance matters, and recommends cases for enforcement action; provides technical assistance to recipients; monitors implementation of corrective plans; interfaces with the Regional Counsel, heads of POC's, State, local, and other federal agencies, and, as appropriate, Headquarters offices and divisions; represents the Regional Office to promote understanding of the Office's

[1] In larger Regions, Division's responsibilities are divided between the Division of Elementary and Secondary Education and the Division of Post-Secondary Education.

[2] In larger Regions, Division's responsibilities are divided between the Division of Human Development and the Division of Health.

legal responsibilities and compliance program.

(3) *Division of Program Review and Management Support.* Evaluates effectiveness of Regional civil rights operations in conjunction with Deputy Director, Office of Compliance and Enforcement; evaluates compliance activities, including conduct of complaint investigations and compliance reviews in accordance with Headquarters and Regional annual operating plan requirements and submits performance reports to Deputy Director, Office of Compliance and Enforcement; prepares Regional annual operating plan; supervises Regional resource planning; directs Regional data collection and support services; assesses and assists in meeting Regional training requirements; provides administrative support services related to personnel, reproduction, space and supply acquisition and utilization, property control, equipment maintenance, correspondence control, safety, and travel.

SEC. AT.30 *Delegations of authority.* The following authorities have been delegated by the Secretary to the Director, Office for Civil Rights:

1. Executive Order 11246, as amended.
2. Title VI of the Civil Rights Act of 1964, Pub. L. 88–352.
3. Section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112.
4. Title IX of the Education Amendments of 1972, Pub. L. 92–318.
5. Sections 799A and 845 of the Public Health Service Act, Pub. L. 92–157 and 92–158.
6. Section 407 of the Drug Abuse Office and Treatment Act of 1972, Pub. L. 92–255.
7. Section 321 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, Pub. L. 91–616 and 93–282.
8. Section 606 of the Education of the Handicapped Act, Pub. L. 91–230, as amended by Public Law 94–142.

This delegation includes all powers necessary to effectuate the above listed provisions including, but not limited to, (1) the conduct of investigations, (2) the conduct of negotiations to secure voluntary compliance, (3) the determination that such voluntary compliance cannot be secured, (4) the evaluation and acceptance or rejection of corrective action plans, and (5) the conduct of enforcement activities. With respect to the Executive Order, the delegation also includes the authority to evaluate and accept or reject affirmative action programs. The Director of the Office for Civil Rights is authorized to redelegate the authority delegated to him subject to the review and concurrence of the Secretary.

Dated: June 10, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77–17821 Filed 6–21–77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–77–760, OILSR No. 0–3616–02–700, 77–62–IS]

CALIENTE CASA DE SOL

Hearing

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Caliente Casa De Sol, Western American Land and Cattle Company, Norman Conkle, President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued May 13, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Caliente Casa de Sol located in Pinal County, Arizona, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received June 1, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C., on July 20, 1977, at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before June 29, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the respondent forthwith pursuant to 24 CFR 1720.440.

Dated: June 8, 1977.

By the Secretary.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77–17701 Filed 6–21–77;8:45 am]

[Docket No. N–77–761; OILSR No. 0–3538–04–622, 77–56–IS]

ROLAND LAND CO. AND ANTON G. ROLAND

Hearing

Pursuant to 15 U.S.C. 1705(e) and 24 CFR 1720.165(b), Notice is hereby given that:

1. Tract No. 3274, Roland Land Company and Anton G. Roland, President and Director, authorized agents and officers, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90–448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 29, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Tract 3274, located in Kern County, California, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 13, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Note of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered,* That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C., on August 2, 1977, at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before July 5, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 26, 1976.

By the Secretary.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77–17700 Filed 6–21–77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I–9536]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 14, 1977.

The Bureau of Reclamation, Department of the Interior, filed application Serial No. I–9536, on June 9, 1975, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN, IDAHO

TETON DAM WILDLIFE MITIGATION PROJECT

T. 1 N., R. 40 E.,
Sec. 1, W½SE¼;
Sec. 2, Lots 1, 2, 3, S½SW¼NW¼, NW¼SW¼;
Sec. 3, S½SE¼NE¼, SW¼SW¼, E½SE¼;
Sec. 4, S½SE¼;
Sec. 10, NW¼NE¼, SE¼NE¼, NW¼;
Sec. 11, NE¼NW¼;
Sec. 12, E½NE¼.
T. 2 N., R. 40 E.,
Sec. 23, SE¼NE¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 24, S½SW¼, NE¼SW¼, SE¼SE¼;
Sec. 25, E½SW¼, W½SE¼;
Sec. 26, SW¼NE¼, SE¼NW¼;
Sec. 35, E½NE¼, NW¼NW¼, E½SW¼SW¼, E½SW¼, SE¼.
T. 1 N., R. 41 E.,
Sec. 7, Lots 2, 3, SE¼SW¼, SW¼SE¼;
Sec. 14, NE¼NW¼, S½NW¼, SW¼, SW¼SE¼;
Sec. 15, NW¼NE¼, SE¼NE¼, N½SW¼, SE¼;
Sec. 17, NW¼NW¼;
Sec. 21, NE¼;
Sec. 23, NW¼NE¼, S½NE¼, W½;
Sec. 26, SW¼NW¼, N½SW¼;
Sec. 27, S½NE¼, SE¼NW¼, N½SW¼;
Sec. 34, SW¼SW¼.

The area described aggregates 3,629.86 acres in Bonneville County.

The applicant desires that the land be reserved for the mitigation of fish and wildlife losses caused by the Teton Reclamation Project in southeastern Idaho.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on July 15, 1975, page 29738, Volume No. 136, Document No. 75–18292.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724, by July 22, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management by July 22, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when affected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.77–17798 Filed 6–21–77;8:45 am]

[Serial No. I–7297]

IDAHO

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 14, 1977.

The Forest Service, Department of Agriculture filed application Serial No. 7297, on September 17, 1973, for a withdrawal in relation to the following described lands:

BOISE MERIDIAN, IDAHO

SALMON NATIONAL FOREST GUNBARREL RESEARCH NATURAL AREA

T. 24 N., R. 14 E. (Protraction Diagram No. 40),
Sec. 23, S½;
Secs. 24, 25 and 26, All;
Sec. 27, NE¼;
Sec. 35, N½N½.
T. 24 N. R. 15 E. (Protraction Diagram No. 40),
Sec. 24, SW¼;
Sec. 25, NW¼.

Metes and bounds description as follows:

Beginning at the confluence of Gunbarrel Creek and the Salmon River in approximate latitude 45°24′ N., longitude 114°41′ W.;

Thence southeasterly up Salmon River to the toe of the ridge between the south watershed divide of Gunbarrel Creek; easterly and northeasterly along said watershed divide to a prominent point at the head of Gunbarrel Creek in SW¼, Sec. 24, T. 24 N., R. 15 E.; northwesterly and southwesterly along the divide between Horse Creek on the north and Gunbarrel Creek and unnamed drainage on the south immediately west of Gun triangulation station; southwesterly along the west ridge of said unnamed drainage to the Salmon River; southeasterly along the Salmon River approximately 50 chains to the mouth of Gunbarrel Creek, the place of beginning.

The area described aggregates 1,600 acres in Lemhi County, Idaho.

The applicant desires that the land be reserved for a research natural area in the Salmon National Forest. The area will provide researchers an opportunity to study the various topographic, edaphic and climatic factors that favorably or adversely affect plant communities.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on December 4, 1973, page 33423, Volume No. 38, Document No. 73–25589.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724, by July 22, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management by July 22, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current

administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Mineral Operations, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Post Office Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and Mineral Operations.

[FR Doc.77-17799 Filed 6-21-77;8:45 am]

[NM 30814, 30815, and 30820]

NEW MEXICO

Applications

JUNE 13, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a cathodic protection station site and three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 22 E.,
Sec. 5, SE¼SW¼;
Sec. 7, SE¼NE¼ and N½SE¼;
Sec. 8, E½NW¼ and SW¼NW¼.
T. 18 S., R. 27 E.,
Sec. 6, S½SE¼;
Sec. 7, N½NE¼.
T. 19 S., R. 32 E.,
Sec. 12, N½SE¼.
T. 19 S., R. 32 E.,
Sec. 7, lot 3, S½NE¼, NE¼SW¼, and NW¼SE¼.

The cathodic protection site and the pipelines will be used in connection with natural gas operations across 2.638 miles of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Rosewell, New Mexico 88201.

STELLA V. GONZALEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17800 Filed 6-21-77;8:45 am]

[Wyoming 50446]

WYOMING

Application

JUNE 10, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) the Colorado Interstate Gas Company of Colorado Springs, Colorado, filed an application for a right-of-way to construct an 8" O.D. pipeline for the purpose of transporting natural gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 18 N., R. 97 W.
Sec. 18, W½SW¼ and SE¼SW¼.
T. 18 N., R. 98 W.
Sec. 2, E½SW¼ and SW¼SE¼;
Sec. 12, W½SW¼ and SW¼SE¼.

The pipeline will transport natural gas produced from an existing well in Section 18, T. 18 N., R. 97 W., and from another existing well in Section 13, T. 18 N., R. 98 W., into existing natural gas pipeline facilities at a location in Section 2, T. 18 N., R. 98 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17686 Filed 6-21-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 10, 1977. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before July 5, 1977.

WILLIAM J. MURTAGH,
Keeper of the National Register

CALIFORNIA

El Dorado County

Placerville, *Lombardo Ranch (Fossati's Winery)*, 1709 Carson Rd.

Los Angeles County

Pasadena, *Bentz, Louise C., House*, 657 Prospect Blvd.
Sierra Madre, *Episcopal Church of the Ascension*, 25 E. Laurel Ave.

Monterey County

Carmel Valley vicinity, *Berwick Manor and Orchard*, NW of Carmel Valley.

Orange County

Seal Beach vicinity, *Anderson Street Water Tower*, 101 Anderson St.

Ventura County

Ventura, *Olivas Adobe*, 4200 Olivas Park Dr.

FLORIDA

Broward County

Fort Lauderdale, *Ferdinand Magellan*, 3398 S.W. 9th Ave.

Escambia County

Pensacola, *Jones, Charles William, House*, 302 N. Barcelona St.

Jefferson County

Monticello, *Monticello Historic District*, irregular pattern along Madison, Jefferson, and Washington Sts.

Osceola County

Kissimmee, *Osceola County Courthouse*, bounded by Rose Ave., Emmett, Bryan, and Vernon Sts.

Pinellas County

St. Petersburg vicinity, *Fort DeSoto Batteries*, 8 mi. S of St. Petersburg on Mullet Key.

LOUISIANA

Orleans Parish

New Orleans, *Greenville Hall*, 7214 St. Charles Ave.

MASSACHUSETTS

Hampden County

Springfield, *Memorial Square District*, Main and Plainfield Sts.

Norfolk County

Brookline, *Pill Hill Historic District* between Boyleston St. and Pond Ave.

MINNESOTA

Wright County

Fairhaven, *Fair Haven Flour Mill*, off MN 55 on Clearwater River.

NEW JERSEY

Atlantic County

Atlantic City, *Morton Hotel*, 150 S. Virginia Ave.

NEW YORK

Kings County

Brooklyn, *Emmanuel Baptist Church*, 279 LaFayette Ave.

PENNSYLVANIA

Lancaster County

Marietta, *Marietta Historic District*, Market, Front, Biddle, and Waterford Sts.

TEXAS

Dallas County

Dallas, *Majestic Theatre*, 1925 Elm St.

Denton County

Denton, *Denton County Courthouse*, Public Sq.

Llano County

Llano, *Llano County Courthouse and Jail*, Public Sq., Oatman and Haynie Sts.

McCulloch County

Brady, *McCulloch County Courthouse*, Public Sq.

Presidio County

Marfa, *Presidio County Courthouse*, Public Sq.

UTAH

Davis County

Farmington, *Richards House*, 386 N. 100 East.

Salt Lake County

Salt Lake City, *Beer, William F., Estate*, 181 B St., 222 4th Ave.

UTAH (contd.)

Utah County

Provo, *Knight Block*, 1–13 E. Center St., 20–24 N. University Ave.

Weber County

North Ogden, *Stevens, Sidney, House*, 2593 N. 400 East.
Ogden, *Warner, Andrew J., House*, 726 25th St.

[FR Doc.77-17608 Filed 6-20-77;9:56 am]

Office of Hearings and Appeals

[Docket No. M77-169]

B. B. & N. COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), B. B. & N. Coal Company, Inc., Box 40, Myra, Kentucky 41549 has filed a petition to modify the application of 30 CFR 75.1710, cabs and canopies, to its No. 1 Mine, located in Letcher County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner's equipment consists of the following:
One (1) Acme roof bolting machine—height 30¼ inches, width 54 inches, length 10 feet.
2. Petitioner feels that since the equipment operator's vision is limited and because of the position required in order to be seated in the equipment, the installation of canopies could be a contributing factor to accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17801 Filed 6-21-77;8:45 am]

[Docket No. M77-191]

BUFFALO COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Buffalo Coal Company, c/o Kenneth R. Krushenski, Atty., P.O. Box 3447, Oak Ridge, Tennessee 37830, has filed a petition to modify the application of 30 CFR 77.1605(k), loading and haulage equipment; installation, to its No. 2 Mine, located in Anderson County, Tennessee.

The substance of Petitioner's statement is as follows:

1. The grounds for this petition for modification are as follows:
(A) Providing berms or guardrails as required by § 77.1605(k) for this mine will create more safety hazards than previously existed at the mine.
(B) Petitioner will, upon investigation by the Department of Interior, show that an alternative method of achieving the specific result of 30 CFR 77.1605(k) does exist, which will at all times guarantee no less than the same measure of protection to the miners at Mine No. 2 as is provided by the safety standard which is sought to be modified.
(C) Present safety rules in effect at the mine have prevented accidents from occurring, and the measures already taken will be of more benefit than the implementation of 30 CFR 77.1605(k).
(D) A copy of this Petition has been mailed to the Office of the Solicitor, Division of Coal Mine Health and Safety, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. A copy has been mailed to Stephen B. Jacobson, Esquire, U.M.W.A., 900 15th Street, Washington, D.C. 20005. A copy of this Petition has been given to the representative of the miners at the mine and a copy of this petition has been posted at the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17802 Filed 6-21-77;8:45 am]

[Docket No. M77-148]

DESKINS BRANCH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions or section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Deskins Branch Coal Co., Box 2074, Pikeville, Kentucky 41501, has filed a petition to modify the application of 30 CFR 75.1710, cabs or canopies, to its Mine No. 5, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. This mine is in the Pond Creek Seam and the thickness of the seam is not consistent due to rolls in the bottom and small hills inside the mine. The seam thickness is from 35 to 50 inches.
2. With canopies attached, it would be impossible to remove equipment to the outside of the mine without removing the canopies. It would further be impossible to place canopies on equipment at the lowest height in the mine. With canopies attached, the mine tract or operators would be placed in danger due to the different heights of the coal. This is because the canopies would hang up on roof bolts and headers due to any number of reasons, especially spilled coal lost in haulage.
3. Any piece of equipment with a canopy in low coal will reduce the vision of equipment operators to the point where those operators would be in danger. Further, other workmen in the mine would be subject to injury from moving equipment if canopies are installed.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17803 Filed 6-21-77;8:45 am]

[Docket No. M77-192]

DEVONIA COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Devonia Coal Corporation, c/o Kenneth R. Krushenski, Atty., P.O. Box 3447, Oak Ridge, Tennessee 37730, has filed a petition to modify the application of 30 CFR 77.1605(k), loading and haulage equipment; installation, to its No. 2 Mine, located in Anderson County, Tennessee.

V 42 120 JUN 22 77 UMI

The substance of Petitioner's statement is as follows:

1: The grounds for this petition for modification are as follows:

(A) Providing berms or guardrails as required by § 77.1605(k) for this mine will create more safety hazards than previously existed at the mine.

(B) Petitioner will, upon investigation by the Department of Interior, show that an alternative method of achieving the specific result of 30 CFR 77.1605(k) does exist. This method will at all times guarantee no less than the same measure of protection as is afforded the miners at Mine No. 2 by the safety standard which is sought to be modified.

(C) The present safety rules in effect at the mine have prevented accidents from occurring, and the measures already taken will be of more benefit than would be the implementation of 30 CFR 77.1605(k).

(D) A copy of this Petition has been mailed to the Office of the Solicitor, Division of Coal Mine Health and Safety, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Further, a copy has been mailed to Stephen B. Jacobson, Esquire, U.M.W.A., 900 15th Street, Washington, D.C. 20005. A copy of this Petition has been given to the representative of the miners at the mine and a copy of this Petition has been posted at the mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17804 Filed 6-21-77;8:45 a.m.]

[Docket No. M77-197]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company, P.O. Box 11430, Lexington, Kentucky 40511, has filed a petition to modify the application of 30 CFR 75.1105, housing of underground transformer stations, battery charging stations, substantive compressor stations, shops and permanent pumps, to its Birch 24 Mine, located in Knox County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner's mine has one permanent pump station located on the Summersville Mains between the belt conveyor and track. Said pump is housed in a fire-proof structure, as required by § 75.1105, and will be protected by automatic heat sensors which will activate a 20-pound dry-type chemical fire suppression device located in the fire-proof housing structure. This automatic fire suppression device satisfies the requirements of § 75.1107 of the regulations.

2. Additionally, as provided in the Administrative Law Judge's Decision in Docket No. M74-167 granting Petitioner's request for modifictaion of the application of section 75.1105 wtih respect to seven (7) other pump stations in the subject mine, Petitioner agrees to meet the following conditions:

a. The fire-proof enclosure shall be equipped with automatically closing fire doors activated by a thermal device with an activation temperature no greater than 200 degrees F. Such doors shall be designed to enclose all associated electric components in a reasonably air-tight enclosure in case of fire or excessive temperature.

b. The electric equipment shall be protected with a termal device, rated at no greater than 200 degrees F, designated to remove incoming power.

c. No combustible materials shall be stored or allowed to accumulate in the fire-proof enclosure.

d. The electrical equipment shall be examamined weekly, tested, and properly maintained by a qualified electrician.

e. The fire suppression devices shall be examined weekly and a functional test of the complete system shall be conducted at least once each year.

f. The fire-proof structure or area enclosing the electric installation shall be examined for hazardous conditions daily.

g. A record of the examinations required under sections 75.1105(c)(10), 75.1105(c)(11) and 75.1105(c)(12), shall be kept on the surface and made available to an authorized representative of the Secretary and to the miners in such mine.

3. The area of the mine in which the pump station is located is not an active working area and only one belt operator per shift is required to work in this area.

4. The pump is to be ventilated directly by a neutral split of air (air from the belt and track entries), which would then be coursed directly on a return path to the ventilation fan. The ventilation air would not enter any other portion of the mine after providing ventilation for the subject pump, and would not pass any working area.

5. Petitioner proposes to ventilate said pump in the manner aforesaid rather than strictly complying with the provisions of § 75.1105. Petitioner states that the proposed method of ventilating said pump together with the additional fire protection installed thereon would at all times guarantee no less than the same measure of protection afforded mine personnel in the affected mine as would be provided by application of the mandatory standard. The addition of the extraordinary fire suppression system in the pump station would in fact improve the safety measures provided in Petitioner's mine beyond that required by the mandatory standard.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17805 Filed 6-21-77;8:45 am]

[Docket No. M77-183]

J. H. & L. COAL CO.

Petiton for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), J. H. & L. Coal Co., Box 177, Rockhouse, Kentucky 41561, has filed a petition to modify the application of 30 CFR 75.1710 cabs or canopies; electrical face equipment, to its No. 129 Mine, located in Pike County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner feels that by having canopies installed on its equipment, it is creating a hazard to its operators.

2. Petitioner's equipment consists of the following: (2) Paul's roof bolting machines—Height 28 inches; (1) Joy loader—Height 32 inches; (4) Porter in dump shuttle cars—Height 30 inches; and (1) Epling Spinner loader—Height 22 inches.

3. The No. 129 Mine is in the Elkhorn No. 2 Seam which ranges from 36 to 40 inches in height. In this seam Petitioner daily runs into rolling top. Petitioner also has rolls in the floor which contribute to the difficulty of using canopies. By installing canopies on the equipment Petitioner is limiting the vision of the operators of the equipment.

4. Petitioner feels that since the equipment operator's vision is limited and because of the position required in order to be seated in the equipment, the installation of canopies could be a contributing factor to accidents that may arise.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17806 Filed 6-21-77;8:05 am]

[Docket No. M77-188]

OAKWOOD FUEL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Oakwood Fuel Incorporated, P.O. Box 308, Oakwood, Virginia 24631, has filed a petition to modify the application of 30 CFR 75.1100-2(b), quantity and location of firefighting equipment; belt conveyors, to its No. 17°BCC-11 Mine, located in McDowell County, West Virginia.

The substance of Petitioner's statement is as follows:

1. The reason for this request is the fact that the elevation of the mine is 2,390 feet (U.S.G.S.) and at this point, there is no water. The closest water is approximately 2 miles away.

2. Petitioner offers the following program to be used in lieu of the mandatory standard:

(A) Petitioner will have a man patrol the belt daily. A permanent stopping will be at the mouth of the drift with a door in the stopping. The belt is on a separate split of air, directed to the return, and will not interfere with the working face.

(B) The life of the mine will be about 24 months. Full extension of the belt will be about 2,000 feet. At present, the belt line extends only 400 feet in the mine.

(C) The belt drive underground will be examined regularly. Sufficient firefighting material will be provided at the drive location. Petitioner has a rock dusting machine available.

(D) Ten pound fire extinguishers, along with 250 pounds of rock dust, are located every 250 feet along the belt.

(E) Petitioner has installed a Pyott-Boone fire sensing unit, Model No. 204, along the entire length of the belt. It is in proper working order.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17807 Filed 6-21-77;8:15 am]

[Docket No. M77-189]

OAKWOOD FUEL, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Oakwood Fuel Incorporated, P.O. Box 308, Oakwood, Virginia 24631, has filed a petition to modify the application of 30 CFR 75.1100, deluge-type water sprays, foam generators; main and secondary belt conveyor drives, to its No. 17°BCC-11 Mine, located in McDowell County, West Virginia.

The substance of Petitioner's statement is as follows:

1. The reason for this request is the fact that the elevation of the mine is 2,390 feet (U.S.G.S.) and at this point, there is no water. The closest water is approximately 2 miles away.

2. Petitioner offers the following program to be used in lieu of the mandatory standard:

(A) Petitioner will have a man patrol the belt daily. A permanent stopping will be at the mouth of the drift with a door in the stopping. The belt is on a separate split of air, directed to the return, and will not interfere with the working face.

(B) The life of the mine will be about 24 months. Full extension of the belt will be about 2,000 feet. At present, the belt line extends only 400 feet in the mine.

(C) The belt drive underground will be examined regularly. Sufficient firefighting material will be provided at the drive location. Petitioner has a rock dusting machine available.

(D) Ten pound fire extinguishers, along with 250 pounds of rock dust, are located every 250 feet along the belt.

(E) Petitioner has installed a Pyott-Boone fire sensing unit, Model No. 204, along the entire length of the belt. It is in proper working order.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17808 Filed 6-21-77;8:45 am]

[Docket No. M77-184]

PONTIKI COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pontiki Coal Corporation, Box 57, Lovely, Kentucky 41231, has filed a petition to modify the application of 30 CFR 75.1710 cabs or canopies; electrical face equipment, to its No. 1 Mine, located in Martin County, Kentucky.

The substance of Petitioner's statement is as follows:

1. Petitioner's equipment is as follows: 1 Lee Norse roof bolter, Top Dog.

2. Petitioner's present minimum coal bed height is 42 inches. The height of the mine from the floor to the top of the canopy is 37½ inches.

3. Canopies have been reduced to the height listed above. At this time, Petitioner feels it is creating a greater safety hazard than existed before. Petitioner has had an accident investigated by three Federal inspectors from the Prestonsburg, Kentucky office. The accident was due to the man not having room to tram the roof bolter from the rear. Petitioner asks to remove only the canopy from the rear of the bolter, so it may be trammed from that position.

4. Petitioner feels that the canopy on the rear of the Lee Norse roof bolter at the present mine height is creating a hazard, since it is impossible to tram the roof bolter from the rear position.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17809 Filed 6-21-77;8:45 am]

[Docket No. M77-163]

REPUBLIC STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Republic Steel Corporation, 605 Fayette Bank Building, Uniontown, Pennsylvania 15401, has filed a petition to modify the application of 30 CFR 75.1403-9, criteria—shelter holes, to its Clyde Mine, located in Washington County, Pennsylvania.

The substance of Petitioner's statement was published in the FEDERAL REGISTER on April 27, 1977.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17810 Filed 6-21-77;8:45 am]

[Docket No. M 77-186]

RED ASH SALES CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Red Ash Sales Company, Inc., Box 507, Iaeger, West Virginia 24844, has filed a petition to modify the application of 30 CFR 75.1710, canopies or cabs; electric face equipment, to the following mines:

Delaware Fuel Corp., No. 1
Delaware Fuel Corp., No. 2
Indian Ridge Coal Co., No. 4
Indian Ridge Coal Co., No. 5
Red Ash Sales & Processing Co., No. 1
Lower Muzzle Creek Coal Co., No. 1
C & D Coal Co., No. 1
Arizona Fuel Co., No. 2
Lowe Coal Co., No. 3
G & F Coal Co., No. 1
Huff Energy Inc., No. 1
Sparks Coal Co., No. 10

The substance of Petitioner's statement is as follows:

1. The reasons for this request are:

(a) A large portion of Petitioner's equipment is old.

(b) No equipment design has been made for most of the equipment.

(c) Escape from equipment in low coal presents a hazard to the health and safety of the men operating the equipment.

V 4 2 1 20 JUN 22 77 UMI

(d) A large portion of the men refuse to work the equipment when canopies are installed.

(e) Variation in the coal seams will not allow installation of the canopies.

(f) Several mines have only a short life (1 yr. approx.).

(g) Time is needed to design equipment or items to use in lieu of canopies.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments by July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13,1977.

[FR Doc.77-17811 Filed 6-21-77;8:45 am]

[Docket No. M77-178]

UNITED STATES STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), U.S. Steel Corp., o/o The Robbins Co., 650 Orcas Street, Seattle, Washington 98108, has filed a petition to modify the application of 30 CFR 77.1914, electrical equipment, to its Oak Grove No. 4 Mine located in Jefferson County Alabama.

The substance of Petitioner's statement is as follows:

1. As part of the national effort to achieve energy self-sufficiency, the Bureau of Mines, Spokane Mining Research Center, has responsibility for the administration of the Department of the Interior's Rapid Mine Development Program. As the name implies, the object of the program is to develop means and methods of coal mine development which permit production earlier than would be possible through current technology. This is to be accomplished by mechanized systems which enhance miner safety and improve his work environment.

2. Shaft sinking, using present methods and equipment, is probably the most time consuming, costly, and hazardous operation associated with the opening of a new mine or in providing additional access to an expanding mine. The basic "drill, blast, and muck" cyclic approach has improved only marginally over the last hundred years with the development of delay detonators, drill jumbos, and mechanical mucking machines. This shaft sinking method, however, is still extremely labor-sensitive and further, provides such a poor working environment that miners willing to work in the shafts are hard to find.

3. The petitioner is a participant in the USBM Blind Shaft Borer Contact HO 252073. This program, with The Robbins Company of Seattle, Washington, functioning as prime contractor, calls for the development, manufacture, and demonstration of a machine capable of vertical penetration through rock. The machine will excavate the full shaft cross section using the already demonstrated hard rock cutting technology of the standard horizontal tunnel borer. Sinking rates are expected well in excess of those achieved by conventional cyclic methods. In cooperation with other program contractors and with the participation of U.S. Steel, Cementation Company of America, Inc., has agreed to construct the Oak Grove No. 4 intake shaft, using the first Blind Shaft Boring (BSB) machine.

4. Attachment 1[1] illustrates the BSB and its major elements. Attachment 2[1] shows the relationship of the BSB and the stationary work platform, used primarily for services extension and for casting the concrete lining. This exhibit shows the proposed method of supplying power through the shaft to the BSB.

5. The machine is electrically powered, utilizing six 125 HP drive motors and seven auxiliary power motors with an additional 380 HP. Entirely permissible or approved intrinsically safe equipment and controls shall be used.

6. The power supplied to the machine will be brought into and through the shaft at 7,200 volts and transformed in a standard, heavy-duty-type, 1,250 KVA capacity transformer designed specifically for coal mine service. This transformer is not permissible but will be ventilated by fresh air, as herein described. As conceived, the power center located on the stationary work platform and in a fresh air split, simulates the use of similar power centers supplying an underground operating section. No permissible transformer of this voltage and capacity is currently available.

7. The petitioner, therefore, requests relief from the mandatory safety standard, as expressed in Section 30 CFR 77.1914 of the Interior Department Regulations.

8. The petitioner submits herewith a description of the electrical power distribution system that is proposed for use with the mechanical shaft boring machine, together with a pictorial sketch and single-line wiring diagram, Attachment 2.[1]

9. All electrical equipment and materials used in the distribution system and on the boring machine will be permissible, or approved intrinsically safe with the exception of the 1,250 KVA power center (Item 1 of Attachment 2) located on the stationary work platform.

A. *Power Supply and Breakers.* 1. The main power supply will be 7200V resistance grounded wye from a surface substation provided by U.S. Steel. A lightning arrestor and fused disconnect are provided. A skid mounted breaker is also located on surface adjacent to the mine shaft collar. The breaker will be a heavy duty type designed specifically for above ground coal mine service.

2. The surfact breaker will have the following protection: Minimum interrupting capacity will be 100 MVA; overcurrent set at 125 amps; instantaneous trip set at 1000 amps; a ground fault system consisting of a current transformer and a ground fault relay. A 25 amp maximum grounding resistor and potential transformers will be provided on each phase. Three lightning arrestors will be provided on primary power. The breaker will have an electrically operated shunt trip and a three pole disconnect switch electrically interlocked with the incoming pilot circuit. The disconnect switch will be visible from the outside and will be mechanically interlocked with the breaker to prevent opening underload. A ground continuity check circuit will be provided and interlocked with the breaker shunt trip.

3. The ground check circuit will have a built in time delay to allow for orderly pickup of the 950V ground check circuit and provision for wiring a remote emergency shutdown station. The unit will have a strain relief clamp for both incoming and outgoing conduits.

4. The outgoing cable will have a minimum rating of 125 amps and be properly supported through the shaft to the 1250 KVA power center (Item 1 of Attachment 2) on the fixed galloway stage.

5. The power center will be a heavy duty type designed specifically for underground coal mine service. The unit will have a skid base with provisions for lifting and towing on all four corners. The unit will be a self ventilated type with a rating of 1250 KVA, 3 phase, 60 Hz, Class H insulated, 150 degrees C. rise over a 40 degrees C. ambient.

6. Primary will be 7200V delta wound and will have two, 2½ percent full capacity taps above and below normal voltage. Secondary will be 950V, wye wound with a 15 amp continuous duty grounding resistor. A cable coupler will be provided on the primary. The transformer will feed a pemissible breaker section mounted on the transformer. The permissible box will contain a 1000 amp breaker, and a 100 amp breaker and motor starter for a 200 HP motor. Both breakers will be thermo-magnetic. Trip setting for the 1000 amp breaker will be set at less than 2500 amps. Both circuits will have ground fault, undervoltage and loss of ground protection. The loss of ground system for the 100 amp circuit will monitor the ground in each one of the three trailing cables leaving the breaker. The ground check system will also be designed to open the ground check circuit on the 7200V incoming cable. Thus, a faulty ground check in any of the three machine supply cables will open the 1000 amp breaker and open the surface breaker.

7. The cables will be 2000V rated No. 4/0 type SHD–GC with a rating of 90 degrees C. at 40 degrees C. ambient. Each cable will be free hanging in a loop with kellem grips holding it at each end. Cable length between kellem grips will be approximately 20 feet and the bend radius in the loop will be approximately 2 feet. The maximum weight that the upper kellem grips hold will be approximately 80 pounds. The cables will be routed down the boring machine with clamping as required, and terminated in a cable coupler at the machined mounted permissible motor control center.

8. All of the branch circuit breakers will be thermomagnetic. Ground fault relays will be provided in all of the motor circuits and will be interlocked with the breaker shunt trips. The control circuit will have an undervoltage relay that deenergizes the motor control circuits during momentary loss of power. Auxiliary contacts in the motor starters will be used as holding or seal-in contacts in the motor switch circuits.

9. Wiring between the motor control center and the permissible motors will be 2000V rated cables type SHD–GC and will be sized to carry at least 125 percent of motor rated current.

10. Two continuous methane monitors will be located at strategic positions (where methane is most likely to be detected). These permissible units will provide a flashing warning light at a 1 percent methane reading and will actuate a shutdown relay at a 2 percent reading.

11. Methane monitor automatic shutdown circuits interrupt the 950 VAC ground check circuit, which in turn interrupts the 7200 VAC ground check circuit causing the surface breaker to trip. Similarly, emergency stop stations at the muck handling console, main console and galloway interrupt the ground circuits and cause the surface breaker to trip.

B. *Location of the Power Center.* 1. The nonpermissible transformer will be located as shown in Attachment 2[1] on the stationary work platform (galloway). The transformer being stationary while energized and ventilated on a separate split, will cause the transformer to be used in similar service conditions to an underground power center when used with a face unit of mining equipment in a coal mine.

2. The entire galloway stage will be stationary while the boring machine advances. The boring machine will be stationary during extension of the shaft services and the advance (lowering) of the shaft concreting forms. Most of this work will be carried out from the galloway stage. When extending the ventilation pipes or moving the work platform, the electric power supply to the transformer will be disconnected on the surface at the 7200 volt circuit breaker.

3. When the boring machine is in operation, ventilating air will be blown from the surface through a 36-inch rigid duct attached to the shaft wall. The end of this pipe will terminate approximately 10 feet below the platform to which the transformer is attached. The volume of air introduced through this pipe will exceed the volume required to reduce the methane content at the face and/or to reduce the dust concentrations to allowable limits in the working area. A second ventilation duct (30 inches in diameter), attached to the machine and extending to the surface where it connects with a permissible mine fan, will exhaust all of the air passing across the face and from all points of muck transfer. The excess fresh air from the intake fan system will return across the transformer and through the shaft to the surface and, in effect, will constitute a separate ventilating split of air.

4. No permissible mine transformers of this capacity or voltage are currently available. This petition for modification is specifically requested for use of the nonpermissible transformer during the construction of the Oak Grove No. 4 shaft only.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17813 Filed 6-21-77;8:45 am]

[Docket No. M77-180]

UNITED STATES STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), United States Steel Corp., 600 Grant St., Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.305, weekly examinations for hazardous conditions, to its Nos. 2, 4, 9, 10, 14–3, 14–4, 20 and 50 Mines, located in Gary, West Virginia.

The substance of Petitioner's statement is as follows:

1. Nos. 2, 9, 10, 14–3 and 14–4 are old mines with many worked-out areas. No. 4 Mine is operating in the Pocahontas No. 4 Seam, approximately 70 feet above the previously mined No. 3 Seam.

2. Progressive roof deterioration in the return air courses listed below has taken place over the years. This has resulted in numerous massive roof falls which occur, in some cases, over extensive areas of these air courses.

3. The subject air courses are as follows:

a. At No. 2 Mine: the return air entry on the right side of 12 Left Riley beginning at the mouth and extending 1,300 feet into the section; also the right return entry on 13 Left Riley beginning 900 feet from the mouth of the section and extending to the active pillar line approximately 3,000 feet inby. These entries were driven approximately 60 years ago and were utilized as a return to permit larger barriers being left while developing new 12 and 13 Left to minimize "Mountain Bumps." See Exhibit No. 1.[1]

b. At No. 2 Mine: beginning 400 feet outby the mouth of North Mains on Victory Heading and extending 200 feet inby the inby end of the rock tunnels driven in Victory Heading. These entries were driven approximately 35 years ago, long before the advent of roof bolting. See Exhibit No. 2.[1]

c. At No. 4 Mine: the left return of 1 Haulage Left-North Mains beginning at the mouth and extending 500 feet inby; also, the right return of North Mains near the mouth of 1 Haulage Left beginning at station plus 14+94 in No. 4 Entry and extending for 700 feet inby. These entries were roof bolted with conventionally anchored shells which resulted in numerous falls prior to fully grouted resin and point anchored resin bolting. See Exhibit No. 3.[1]

d. At No. 9 Mine: the left returns of Deskins Mains beginning at the seventh cross cut inby the surface fan and extending inby approixmately 600 feet. See Exhibit No. 4.[1] Also, the left return on Watson Heading beginning at the first overcast approximately 700 feet inby the portal and extending to within 400 feet inby the No. 2 Fan on Long Branch. See Exhibit No. 5.[1]

e. At No. 10 Mine: the left return of Adkins Mains beginning where Adkins Mains cut into Haulage Right and extending for approximately 500 feet inby on 1 Haulage Right. See Exhibit No. 6.[1]

f. At No. 14 Mine operating in the No. 3 Pocahontas Seam: the return entries on both sides of North Mains beginning where North Mains intersects South Mains, and extending 2,800 feet inby on North Mains. See Exhibit No. 7.[1] Also the Two Right Return entries from the intersection of 1 Right Haulway to the Low Gap Exhaust Shaft and the return entries from the Low Gap Exhaust Shaft to the mouth of 5 Left-4 Haulage Right. See Exhibit No. 8.[1]

g. At No. 14 Mine operating in the No. 4 Pocahontas Seam: the left returns of South Mains from the overcasts at the mouth of 4 Seam Mains extending approximately 800 feet inby on South Mains. See Exhibit No. 9.[1] Also, the left return of 4 Seam Mains beginning at the overcasts at the mouth of 2 Right Intakes and extending approximately 1,600 feet inby on 4 Seam Mains. See Exhibit No. 10.[1]

h. At No. 20 Mine: the right return on "B" Mains at the mouth of 1 Left beginning at a station plus 9+80 to 11+90. See Exhibit No. 11.[1] The left return of Grapevine Mains beginning 400 feet outby the butt-off of the Mains and extending 500 feet inby on 3 Right

[1] The enclosed attachments are available for inspection at the address listed in the last paragraph of this notice.

See footnote at end of document.

V 42 120 JUN 22 77 UMI

Grapevine Mains. See Exhibit No. 12.[1] The left return at the mouth of 3 Left Extension and 3 Left off "B" Mains. See Exhibit No. 13.[1]

i. At No. 50 Mine: the right return on 2 Right off House Mains beginning at station plus 10+80 and extending inby to station 36+90. See Exhibit No. 14.[1]

4. Due to the conditions described above, it is virtually impossible to conduct the examination of said return air courses required under section 75.307. In any event, such examination can be conducted only at great personal risk to the certified examiner.

5. Attempts at restoring said return air courses to a travelable condition have been unsatisfactory and demonstrate that such restoration is not feasible and would subject workmen unnecessarily to unsafe conditions.

6. Petitioner proposes the following alternative method for achieving the result of the standard set forth at § 75.305, insofar as it requires that a weekly examination be made by a certified person in at least one entry of each return air course in its entirety. This alternative method will at all times guarantee no less than the same measure of protection as would be afforded in 30 CFR 75.307.

a. A certified person shall examine the subject return air courses weekly by taking air and methane readings at the inby and outby ends of that portion of the return entries that is not travelable.

b. The aforesaid air and methane readings shall be recorded in an approved book and maintained on the surface with other record books.

c. A date board shall be maintained at these measuring stations inby and outby the untravelable portion of the return entry. The certified person taking the air and methane readings shall place his initials and the date and time of said readings on the date board.

d. A diagram indicating the direction of air flow in the vicinity of each measuring station shall be posted at that measuring station.

e. The vicinity of each measuring station and access thereto shall be maintained in a safe and travelable condition.

f. Methane shall not be allowed to accumulate in the subject return air courses in excess of legal limits, as determined by readings taken at each measuring station.

g. Each person working in the affected area shall be required to wear or carry a self-rescurer at all times. Each person working in the affected area shall be able to reach a separate split of air within a reasonable period of time.

h. These return entries are not utilized as escapeways so that no miners or materials pass through them to create a hazard to any miner.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director,
Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17814 Filed 6-21-77;8:45 am]

[1] The enclosed exhibits are available for inspection at the address listed in the last paragraph of this notice.

[Docket No. M 77-185]

WELLMORE COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 816(c) (1970), Wellmore Coal Company, c/o Michael T. Heenan, Atty., 1800 M Street, Washington, D.C. 20036, has filed a petition to modify the application of 30 CFR 75.1710–1, canopies or cabs; self-propelled electric face equipment; installation requirements, to its Mine No. 29, located in Buchanan County, Virginia.

The substance of Petitioner's statement is as follows: 1. Petitioner's mine is located in the Gia-Morgan Seam.

2. The mine operates one production shift per day utilizing conventional mining methods; if conditions permit, the mine will convert to a continuous miner and belt system. Approximately 250 tons of coal are produced each day at the mine.

3. The average heights of the coal seam in Petitioner's mine is 40 inches and the coal seam has a minimum height of 39 inches.

4. For purposes of 30 CFR 75.1710–1, the present mining height in this mine (as measured in accordance with official instructions set forth in Appendix B[1]) is 27 inches.

5. Under existing regulations, as amended June 9, 1976, the canopies or cabs requirement, unless modified, will not become applicable to this mine until July 1, 1977.

6. On the basis of present projections of available coal, it is estimated that this mine will be able to continue operating for 5 years.

7. The electric face equipment, subject to the regulation in this mine, consists of 1 model 12RB Joy cutter, 1 model 14 BU 10 Joy loader, 1 Galis roof bolter, and 2 S & S battery operated pushout cars.

8. The equipment operates in entries which are 20 feet wide. Roof bolts, collars, and timbers are being used to support the roof at this mine.

9. There are normally 10 employees working underground at this mine.

10. Petitoner has investigated various methods of installing canopies or cabs without encountering a single method which would be safe in its mines.

11. Petitioner has investigated the possibility of utilizing alternate devices but, has been unable to develop or discover any alternate device which would be safe and otherwise suitable for use in its mine.

12. Thus, the Petitioner does not have an alternative method for achieving the safety results intended by 30 CFR 75.-1710–1, but Petitioner maintains that the application of 30 CFR 75.1710–1 to Petitioner's mine at its present mining height will result in a serious diminution of safety to the miners.

13. Petitioner will, however, train and continuously retrain the miners in maintenance of strict roof control in accordance with roof control procedures approved by MESA and the State Department of Mines.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 22, 1977. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

DAVID TORBETT,
Acting Director, Office of Hearings and Appeals.

JUNE 13, 1977.

[FR Doc.77-17812 Filed 6-21-77;8:45 am]

[1] Appendix B is available for inspection at the address listed in the last paragraph of this petition.

Office of the Secretary

[INT FES 77-21]

ARIZONA

Availability of Final Environmental Statement

Proposed Planet Townsite Land Exchange in Arizona Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, U.S. Department of the Interior, has prepared a final environmental statement for a proposed transfer of 1,080 acres of public lands by exchange for other lands for the purpose of assembly of a tract for development of a townsite of 500 homesites. The lands are located in Mohave and Yuma Counties, Arizona.

The final statement reflects various review comments and new information pertinent to the townsite which were transmitted by interested parties during the 45 days following release of the draft environmental statement on March 29, 1973. All review comments by Federal, State, and local agencies and interested groups and individuals are included in the final statement.

The environmental statement considers the impacts of transfer of the lands out of Federal ownership and their subsequent development.

Copies of available for inspection at the following locations:

Kingman Resource Area, Bureau of Land Management, 2475 Beverly Avenue, Kingman, Arizona 86401.
Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.
Havasu Resource Area, Bureau of Land Management, 2035 Swanson Avenue, Lake Havasu City, Arizona 86403.
Arizona State Office, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.
Yuma District Office, Bureau of Land Management, 2450 Fourth Avenue, Yuma, Arizona 85364.
Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

NOTE.—A limited number of single copies may be obtained by writing the Arizona State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Dated: June 16, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-17761 Filed 6-21-77;8:45 am]

DEPARTMENTAL MANUAL PART 200

Delegations and Redelegations of Authority

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Clarification of existing authority.

SUMMARY: The purpose of this announcement is to clarify the existing authority of the Secretary of the Interior, and other officers of the Department of the Interior, to exercise directly, themselves, whatever authority they have delegated or redelegated to others to be exercised on their behalf.

COMMENTS: Comments are not requested on this announcement, as no new proposal is being made. Rather, this announcement is merely a clarification of the existing decisionmaking process within the Department. It is made necessary by the decision of the District Court for the Eastern District of Louisiana in *Chevron U.S.A. Inc. v. Cecil Andrus*, Nos. 75-2178 and 2179-H (E.D. La. May 27, 1977). The Court there held that the Secretary had no authority to make a decision once he had delegated his authority to make it to someone else, without publishing a change in that delegation in the FEDERAL REGISTER. The Department believes this decision to be incorrect and is recommending an appeal thereof. So that actions taken pending appeal will not be adversely affected, however, the Department deems it advisable to clarify its existing policy by notice to the public in the FEDERAL REGISTER.

SUPPLEMENTARY INFORMATION: Pursuant to Reorganization Plan No. 3 of 1950 (64 Stat. 1262) and 5 U.S.C. 302, the Secretary of the Interior is authorized to empower subordinate Department of the Interior officials to perform functions of the Secretary, under such provisions as he deems appropriate. The Delegation Series (200) of the Departmental Manual contains delegations of authority made by the Secretary. Part 200.1.9 of the Manual provides:

Effect of delegation. An officer who delegates authority does not divest himself of the power to exercise that authority nor does the delegation or redelegation relieve him of the responsibility for action taken pursuant to the delegation.

In accordance with that unambiguous statment, delegations or redelegations of authority by the Secretry, or by other officials of the Department of the Interior, do not and are not to be construed as divesting either the Secretary or such other officials of the power to exercise the authority delegated or redelegated; nor does the delegation or redelegation relieve the Secretary or such other officer of the responsibility for action taken pursuant to a delegation or redelegation of authority.

Consistent with this meaning, the term "authorized officer," as used in a regulation, order, guideline, instructional memorandum, or other official Departmental document, means in every case the Secretary of the Interior, and any other official or officials of the Department empowered by delegated or redelegated authority to act in a given context on behalf of the Department or agency.

Dated: June 16, 1977.

LEO M. KRULITZ,
Acting Secretary.

[FR Doc.77-17681 Filed 6-21-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[332-86]

FUEL EFFICIENCY INCENTIVE TAX PROPOSAL

Investigation and Hearing

Investigation instituted. In response to a request dated May 20, 1977, by the Committee on Finance of the United States Senate, the United States International Trade Commission, pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), has instituted an investigation to analyze the impact of the fuel inefficiency tax and fuel efficiency rebate (subpart 1, part B, title II, of the President's proposed National Energy Act) on the future of the U.S. passenger automobile industry and its competitiveness in the United States with foreign passenger automobile industries. Particular emphasis will be given to the impact of this proposal on consumption and sales of U.S.- and foreign-made automobiles, on employment in the U.S. automobile industry, and on U.S. consumers of passenger automobiles.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.t., on Wednesday, July 6, 1977, in Room 119, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington not later than noon on Thursday, June 30, 1977.

Interested persons are urged to submit written statements relative to the investigation on or before June 24, 1977.

All statements and correspondence relating to this investigation should be addressed to the Secretary, U.S. International Trade Commission, Washington, D.C. 20436.

By order of the Commission.

Issued: June 16, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-17836 Filed 6-21-77;8:45 am]

[TA-201-25; 332-85]

LIVE CATTLE AND CERTAIN EDIBLE MEAT PRODUCTS OF CATTLE

Conditions of Competition in U.S. Markets Between Domestic and Foreign Live Cattle and Cattle Meat Fit for Human Consumption; Change in Location of Dallas, Texas, Hearing

The location of the public hearing scheduled for Dallas, Texas, on June 28, 1977, at 10 a.m., c.d.t., has been changed to Fort Worth, Texas. The hearing will be held in the Grand Ballroom, Mezzanine Level, Sheraton Fort Worth, 815 Main Street, Fort Worth, Texas 76102, rather than in the Dallas location which was announced in the Commission's notices of June 3, 1977, and June 8, 1977, that were published in the FEDERAL REGISTER of June 13, 1977 (42 FR 30262).

By order of the Commission.

Issued: June 21, 1977.

KENNETH R. MASON,
Secretary.

[FR Doc.77-17996 Filed 6-21-77;10:55 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. UNION CARBIDE CORP.

Proposed Consent Judgment

Pursuant to the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) and (d), set out below are the comments of Van Diest Supply Company and the response thereto of the United States with respect to the proposed consent judgment in *United States v. Union Carbide Corporation*, Civil No. C-76-854-SAW, Northern District of California.

Dated: June 16, 1977.

BERNARD M. HOLLANDER,
Chief, Judgments and Judgment Enforcement Section, Antitrust Division.

DICKINSON, THROCKMORTON, PARKER, MANNHEIMER & RAIFE
Attorneys at Law, 1600 Financial Center, Des Moines, Iowa, May 27, 1977.

V 42 120 JUN 22 77 UMI

RICHARD H. STERN, *Chief, Patent Section, Antitrust Division, Department of Justice, Room 910, McLachlen Building, Washington, D.C.*

Comments on Proposed Consent Decree, *United States of America* v. *Union Carbide Corporation*, Civil No. C-76-854 (ND California)

DEAR SIR: Van Diest Supply Company, an Iowa corporation engaged in the business of distributing agricultural chemicals, objects to the consent decree proposed for the above-referenced case as set out in the FEDERAL REGISTER, Volume 42, No. 43 at Page 12485 et seq. Specifically, Van Diest objects that the relief to be afforded under the decree will be insufficient to deal with certain anti-competitive and unlawful practices of Union Carbide which, although not alleged in the government complaint, are directly related to the matters specified therein.

The fundamental defect of the proposed consent decree is that it deals only with distribution of "Technical Carbaryl" as therein defined. No relief is afforded with respect to carbaryl products, including products sold under the trademark of "Sevin", which are as a practical matter under the exclusive control of Union Carbide. This exclusive control, arises out of the patent misuse and unlawful resale restrictions which are the basis for the complaint of the United States in this case.

As a consequence of Union Carbide's unlawfully extended and abused patent monopoly over carbaryl and carbaryl products, Union Carbide has been in a position to commit, and has committed, unlawful activities with respect to "Sevin" products. In particular, Van Diest has experienced the effects of Union Carbide's unlawful refusal to deal with it, and also the effect of Union Carbide's unlawful restrictions upon resale by others. Van Diest also has good reason to suspect that Union Carbide has created or attempted to create an unlawful system of resale price maintenance with respect to "Sevin" products.

All of the foregoing unlawful activities of Union Carbide have as their foundation the matters alleged in the complaint. They are, in fact, part of a single scheme in restraint of trade. If the government's case is to be settled, the settlement should encompass the entire scheme.

Sincerely,

JOHN R. MACKAMAN.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., June 8, 1977.

Certified Mail
Return Receipt Requested

JOHN R. MACKAMAN, *Esq., Dickinson, Throckmorton, Parker, Manheimer & Raife, 1600 Financial Center, Des Moines, Iowa.*

Re: *United States* v. *Union Carbide Corp.*, Civil No. C-76-854 SAW (N.D. Calif.)

DEAR MR. MACKAMAN: This is in response to your letter of May 27, 1977 submitting comments on the proposed consent judgment in the above-referenced case. The proposed consent judgment was published in the FEDERAL REGISTER of March 4, 1977.

In your letter, you state that Union Carbide has:

(1) refused to sell formulated carbaryl products to your client, Van Diest Supply Co., an agricultural chemicals distributor;

(2) restricted authorized distributors of Union Carbide products from reselling these products to your client; and

(3) engaged or attempted to engage in vertical price-fixing (so-called "resale price maintenance") in these products.

You recommend that the judgment settling this litigation should deal with these matters in addition to those it covers.

The proposed consent judgment (¶ IV(A)(2)(a)) would prohibit defendant Union Carbide from:

(a) Entering into, adhering to, maintaining, or claiming any rights under any contract, combination, conspiracy, agreement, or understanding * * * with any person in the United States, prohibiting, limiting, or restraining such person from:

(a) reselling any carbaryl product purchased in the United States from defendant * * *.

The proposed consent judgment (¶ II(E)) defines carbaryl products to include products containing carbaryl as an active ingredient, such as those you discuss. The Department of Justice interprets these provisions of the proposed consent judgment to prohibit any type of restraint on alienation and thus to prohibit the conduct described in items (2) and (3), above.

The proposed consent judgment would not prohibit Union Carbide from unilaterally refusing to sell formulated carbaryl products to others. Articles VI and VII of the proposed consent judgment would require Union Carbide, however:

(1) To sell technical grade carbaryl to others; and

(2) To permit others to use, in support of their applications for carbaryl product registrations with the Environmental Protection Agency, carbaryl product data that Union Carbide has submitted to the Environmental Protection Agency.

Much of the data referred to in (2) would be available for such use without charge; none of it could be withheld from such use by reason of a trade secret claim by Union Carbide.

The Department of Justice anticipates that the compulsory sales and the data provisions of the judgment will result in increased competition in the production of formulated carbaryl products; and that as a result new formulators of carbaryl products will be likely to make many carbaryl products (including those competing with Union Carbide's proprietary carbaryl products) and thus be able to supply pesticide distributors (such as your client) with all the formulated carbaryl products they need.

For these reasons, the Department of Justice still believes that entry of the proposed consent judgment would be in the public interest.

Sincerely yours,

RICHARD H. STERN,
Chief, Patent Section, Antitrust Division.

[FR Doc.77-17827 Filed 6-21-77;8:45 am]

Attorney General

UNITED STATES OF AMERICA v. N. L. INDUSTRIES, INC.

Proposed Consent Judgment in Action to Enjoin Discharges of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19020, notice is hereby given that on or about June 9, 1977, a proposed consent decree and stipulation in *United States of America* v. *N. L. Industries, Inc.*, D. Mo., E. Div., No. 77-0022C(2), were lodged with the United States District Court in St. Louis, Missouri at the request of the Environmental Protection Agency. The proposed consent decree and stipulation would settle the pending civil action by requiring N. L. Industries to construct a new titanium dioxide chloride process plant at its Carondolet facility and to achieve compliance with certain effluent limitations by April 1, 1980. The company also agreed to pay penalties for discharges of water pollutants in excess of the effluent limitations in its present wastewater discharge (NPDES) permit.

The Department of Justice will receive written comments relating to the proposed consent decree and stipulation on or before July 22, 1977. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States of America* v. *N. L. Industries, Inc.*, D. J. Ref. 90-5-1-1-663.

The proposed consent decree and stipulation may be examined at the office of the United States Attorney, 1114 Market Street, St. Louis, Missouri; at the office of the Clerk of the District Court, District of Missouri, Eastern Division, St. Louis, Missouri; at the offices of the Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri; and at the offices of the Pollution Control Section, Land and Natural Resources Division, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree and stipulation may be obtained in person or by mail from the Pollution Control Section. In requesting a copy by mail, please enclose a check in the amount of $1.70 (ten cents per page reproduction charge) payable to the Treasurer of the United States.

JAMES W. MOORMAN,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.77-17815 Filed 6-21-77;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. 77-44]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL

Meeting

The NASA Research and Technology Advisory Council will meet on July 13-14, 1977, in Room 625 of Federal Office Building 10B at NASA Headquarters, 600 Independence Avenue SW., Washington, D.C. 20546. The meeting will be open to the public on a first-come, first-served basis up to the seating capacity of the room, which is about 40 persons.

The NASA Research and Technology Advisory Council was established to advise NASA's senior management in the area of aeronautics and space research and technology. The Council studies issues, pinpoints critical problems, determines gaps n needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation. The Chairman is Dr. Ronald Smelt. There are 17 members on the Council itself and additional members on the five committees and four panels which report to the Council.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact the Executive Secretary, Mr. C. Robert Nysmith (Code R-3), NASA Headquarters, Washington, D.C. 20546, Area Code 202—755-8550.

JULY 13, 1977

Time and Topic

8:30 a.m.—Opening remarks. (Purpose: To summarize the topics to be discussed at the meeting and note any changes in the NASA organization and personnel.)

8:45 a.m.—New initiatives summary briefing. (Purpose: To brief the Council on potential new initiatives in aeronautics and space technology and obtain Council comments and recommendations.)

10:45 a.m.—Active controls technology program. (Purpose: To summarize the NASA actions in response to the RTAC recommendation that NASA establish a technology focal point in Active Controls Technology.)

11:15 a.m.—Report on informal committee on rotorcraft technology. (Purpose: To report to the Council the results from the informal Committee on Rotorcraft Technology held June 21-22, 1977, at the Ames Research Center.)

1 p.m.—Status of issues and recommendations. (Purpose: To discuss NASA actions in response to RTAC issues and recommendation.)

Committee and panel reports. (Purpose: To permit the Chairman of each committee and panel to identify issues and recommendations from the last meeting of his committee/panel, for Council discussion.)

1:30 p.m.—Committee on Space Propulsion and Power.

2:15 p.m.—Committee on Materials and Structures.

3:15 p.m.—Panel on General Aviation Technology.

4:00 p.m.—Panel on Research.

4:45 p.m.—Committee on Aeronautical Propulsion.

5:30 p.m.—Adjournment.

JULY 14, 1977

Continue Committee and Panel Reports

8:00 a.m.—Committee on Guidance, Control, and Information Systems.

8:45 a.m.—Panel on Aeronautical Safety and Operating Systems.

9:30 a.m.—Panel on Space Vehicles.

10:30 a.m.—Committee on Aerodynamics and Configurations.

11:15 a.m.—RTAC future directions. (Purpose: To discuss future activities of RTAC and potential reorganization of RTAC.)

12:45 p.m.—Council deliberation. (Purpose: To allow time for the Council to categorize and document recommendations and observations to be reported to NASA.)

2:30 p.m.—Informal council report to NASA. (Purpose: The Council will report recommendations to senior NASA officials, and other highlights of the meeting will be discussed.)

3:30 p.m.—Adjournment.

KENNETH R. CHAPMAN,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

JUNE 15, 1977.

[FR Doc. 77-17687 Filed 6-21-77; 8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

MASSACHUSETTS, ET AL.

State Women's Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. 1), announcement is made of the State Women's Meetings in Massachusetts, Nebraska, Pennsylvania, Tennessee, Texas, Utah, Virgin Islands, and West Virginia.

The purposes of the meetings are to:

(1) Recognize the contributions of women to the development of our country;

(2) Assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) Assess the role of women in economic, social, cultural, and political development;

(4) Assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) Identify the barriers that prevent women from participating fully and equally in all aspects of national life and develop recommendations for means by which such barriers can be removed;

(6) Make nominations for and elect representatives to the National Women's Conference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year and consistent with the requirement that the National Women's Conference shall be composed of:

(a) Representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(b) Members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

Recommendations will be developed in workshops and other discussion groups and voted on by the State Meeting. Topics to be discussed during the periods scheduled below include a variety of issues concerning women including health, education, employment, and the legal and economic status of women.

These meetings are open to the public. All persons 16 years old or older who are residents of the State or enrollees at educational institutions in the State may register to participate in any activities. Participation in some activities may be limited by the available space. Registration is premised upon a satisfactory showing of residency or educational institution enrollment and the payment of a nominal fee.

MASSACHUSETTS WOMEN'S MEETING

The Massachusetts Women's Meeting will be held in five localities on June 25, 1977.

Place: Boston, English High School; Methuen, Methuen High School; North Dartmouth, Southeastern Massachusetts University; Springfield, Springfield Symphony Hall; Worcester, Worcester State College.

Time: The meeting will begin at 8:30 a.m. in all localities, except in Boston where the meeting will begin at 8 a.m. The meeting will end at approximately 5 p.m. in all localities.

In each locality except Boston, 6 delegates will be elected to attend the National Women's Conference. In Boston, 10 delegates will be elected.

Nominations for delegates will be made at the following times in the localities shown:

Boston, 9:30 a.m.
Methuen, 9:30 a.m.
North Dartmouth, 12 noon
Springfield, 9:30 a.m.
Worcester, 10 a.m.

The election of delegates will take place at the following times:

Boston, 10:45 a.m. to 1 p.m.
Methuen, 11 a.m. to 2 p.m.
North Dartmouth, 12:30 p.m. to 2:30 p.m.
Springfield, 11 a.m. to 3:30 p.m.
Worcester, 11:15 a.m. to 1:30 p.m.

Workshops will be held at the following times:

Boston, 10:45 a.m. to 12 noon and 1 p.m. to 2 p.m.
Methuen, 11:15 a.m. to 12:15 p.m.; 1:15 p.m. to 2:15 p.m. and 2:15 p.m. to 4 p.m.
North Dartmouth, 10 a.m. to 12 noon.
Springfield, 10:45 a.m. to 12 noon and 1:30 p.m. to 2:45 p.m.
Worcester, 11:15 a.m. to 12:30 p.m. and 1:30 p.m. to 3 p.m.

Voting on Recommendations will take place at the following times:

Boston, 2 p.m. to 5 p.m.
Methuen, 4 p.m. to 5 p.m.
North Dartmouth, 3:30 p.m. to 5 p.m.
Springfield, 3:30 p.m. to 5 p.m.
Worcester, 3 p.m. to 5 p.m.

For further information, contact Anne Barron, Chair, IWY Coordinating Committee, c/o Chris Kirsch, 17 Kingswood Road, Newton, Massachusetts 02166, or call 617-969-0011.

NEBRASKA WOMEN'S MEETING

Place: Center for Continuing Education, Lincoln, Nebraska.

Time: 4 p.m., June 24, to 1 p.m., June 26.

V42120 JUN 22 77 UMI

Number of Delegates to National Women's Conference: 16.

Time of Nominations for Delegates: 10 a.m. to 10:45 a.m., June 25.

Time of Election of Delegates: June 26, 7 to 10 a.m.

Times of Workshops: June 25, 11 a.m. to 12:30 p.m.; 1:30 p.m. to 3:00 p.m.

Time of Voting on Recommendations: June 26, 9 a.m. to 1 p.m.

For further information contact Donna Polk, Chair, IWY Coordinating Committee, 124 North 11th, Lincoln, Nebraska 68508.

PENNSYLVANIA WOMEN'S MEETING

Place: Hilton Hotel and Duquesne University, Pittsburgh, Penn.

Time: 3 p.m., June 24, to 5 p.m., June 26.

Number of Delegates to National Women's Conference: 60.

Time of Nominations for Delegates: June 25, 10:45 a.m. to 11:30 a.m.

Time of Election of Delegates: June 25, 5:30 p.m. to 11:30 p.m.

Times of Workshops: June 25, 1:15 p.m. to 5:30 p.m.; June 26, 9:15 a.m. to 11:15 a.m.

Time of Voting on Recommendations: June 26, 1 p.m.

For further information, contact Carolyn Clark, P.O. Box 380, Harrisburg, Pennsylvania, or call 717–787–4457.

TENNESSEE WOMEN'S MEETING

Place: Austin Peay State, Clarksville, Tennessee.

Time: 3:30 p.m., June 24, to 12 noon, June 26.

Number of Delegates to National Women's Conference: 26.

Time of Nominations for Delegates: 9:30 p.m. to 10 p.m., June 24.

Time of Election of Delegates: June 25, 7 p.m. to 9:30 p.m.

Times of Workshops: June 25, 9 a.m. to 10 a.m., 10:45 a.m. to 12:15 p.m., 2:30 p.m. to 4 p.m.

Time of Voting on Recommendations: 9 a.m. to 12 noon, June 26.

For further information, contact Fran Byrne, Chair, IWY Coordinating Committee, 550 East Parkway South, Memphis, Tennessee 38104, or call 901–323–9434.

p.m. to 4 p.m.

TEXAS WOMEN'S MEETING

Place: LBJ Auditorium, University of Texas at Austin.

Time: 8:30 a.m., June 25, to 1 p.m., June 26.

Number of Delegates to National Women's Conference: 58.

Time of Nominations for Delegates: June 25, 1:30 p.m.

Time of Election of Delegates: June 26, 8 a.m. to 9:30 a.m.

Times of Workshops: June 25, 10:30 a.m. to 12 noon, 5 p.m. to 7 p.m.

Time of Voting on Recommendations: June 26, 9:30 a.m.

For further information, contact Owanah Anderson, Chair, IWY Coordinating Committee, c/o Barbara Langham, Federal Building G–161, 300 East 8th Street, Austin, Texas 78701, or call 512–476–9098.

UTAH WOMEN'S MEETING

Place: Salt Palace, Salt Lake City, Utah.

Time: 7 a.m., June 24, to 5:45 p.m., June 25.

Number of Delegates to National Women's Conference: 14.

Time of Nominations for Delegates: June 24, 9:45 a.m. to 10:15 a.m.

Time of Election of Delegates: June 25, 9 a.m. to 3 p.m.

Times of Workshops: June 24, 1 p.m. to 3 p.m., 3:30 p.m. to 5:30 p.m.; June 25, 10 a.m. to 12 noon.

Times of Voting on Recommendations: June 24, 7:30 to 10 p.m.; June 25, 2 to 4:30 p.m.

For further information, contact Jan Tyler, Chair, IWY Coordinating Committee, Capitol Building 318, Salt Lake City, Utah 84114, or call 801–533–4354.

VIRGIN ISLANDS WOMEN'S MEETING

Place: Frenchmen's Reef, St. Thomas, Virgin Islands.

Time: 9:30 a.m., June 24, to 4:30 p.m., June 25.

Number of Delegates to National Women's Conference: 12.

Time of Nominations for Delegates: 1:30 p.m. to 3 p.m., June 24.

Time of Election of Delegates: June 24, 4 p.m. to 5 p.m.; June 25, 9:30 a.m. to 1 p.m.

Times of Workshops: June 24, 10:30 a.m. to 12 noon, 3 p.m. to 4:30 p.m., 8:30 p.m. to 10 p.m.; June 25, 10 a.m. to 12 noon.

Time of Voting on Recommendations: June 25, 1:30 p.m.

For further information, contact Edith Bornn, Chair, IWY Coordinating Committee, P.O. Box 1542, St. Thomas, Virgin Islands 00801, or call 809–774–1400.

WEST VIRGINIA WOMEN'S MEETING

Place: Marshall University, Huntington, West Virginia.

Time: 2 p.m., June 22, to 10 p.m., June 23.

Number of Delegates to National Women's Conference: 18.

Time of Nominations for Delegates: June 22, 2 p.m. to 3 p.m.

Time of Election of Delegates: June 22, 5 p.m. to 10 p.m.; June 23, 7 a.m. to 12 noon.

Times of Workshops: June 22, 3:15 p.m. to 5:15 p.m.; June 23, 10:15 a.m. to 12:15 p.m.

Time for Voting on Recommendations: June 23, 2 p.m.

For further information, contact Lois Kauffelt, Chair, IWY Coordinating Committee, c/o Charlotte Fleshman, 2604 Virginia Avenue SE., Charleston, West Virginia, or call 304–348–8816.

General notice of these meetings has been publicized in the media and the time available for organizing the details of the program schedule have made it necessary on an emergency basis to postpone publication of this notice until this time.

Dated: June 17, 1977.

LINDA COLVARD DORIAN,
General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77–17837 Filed 6–21–77;8:45 a.m.]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

NAME: Advisory Committee for Science Education.

DATE: July 7 and 8, 1977.

TIME: 9 a.m. each day.

PLACE: Room 651, 5225 Wisconsin Avenue NW., Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON:
Mrs. Frances Watts, Staff Assistant, Science Education Directorate, National Science Foundation, Room W–600, Washington, D.C. 20550, telephone 202–282–7930.

SUMMARY MINUTES: May be obtained from the Committee Management Coordination Staff, Division of Personnel and Management, National Science Foundation, Room 248, Washington, D.C. 20550.

PURPOSE OF ADVISORY COMMITTEE: To provide advice and recommendations concerning the impact of all Foundation activities (including research, scientific information, and international programs, as well as, specifically, "education" programs) relating to education in the sciences in U.S. schools, colleges, and universities.

AGENDA:

Thursday, July 7, 1977: Update of Congressional Action on FY 1978 Budget Request; Status of Development in Science Education (DISE) and Research in Science Education (RISE) Programs; Science Literacy: Background and Identification of Dimensions.

Friday, July 8, 1977: Science Literacy (continued): (a) Issues; (b) Options; Annual Report Topic.

M. REBECCA WINKLER,
Acting Committee Management Officer.

[FR Doc.77–17750 Filed 6–21–77;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the tenth meeting of the Board of International Food and Agricultural Development on July 11, 1977. The purpose of the meeting is to: Review a report on Title XII aspects of the proposed A.I.D. budget for FY 1979; further discuss strengthening of U.S. universities for development activities; consider proposed revisions in foreign assistance legislation; review proposed United States Department of Agriculture and United States Department of Commerce guidelines for Title XII collaboration and review revised guidelines for collaborative research program from the Joint Research Committee. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. and will be held in Room 150 of the National Academy of Sciences Building, 2101 Constitution Avenue, Washington, D.C. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator is designated as the Federal Officer at the meeting. It is suggested that those desiring further information write him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703–235–9001.

Dated: June 16, 1977.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.77–17783 Filed 6–21–77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Ambelang, Terry A., Route 1, Box 424, Grantsburg, Wisconsin, convicted on April 18, 1963, in the Valley County District Court, Glasgow, Montana.

Back, Robert T., 424 West Ninth Street, Tempe, Arizona, convicted on March 14, 1975, in the United States District Court, Northern District of Indiana, South Bend, Indiana.

Bush, Gabriel E., 221 North Catherine Street, Montour Falls, New York, convicted on February 6, 1973, in the Schuyler County Court, Penn Yan, New York.

Caddell, Leonard, 802 South Milwaukee Street, Jackson, Mississippi, convicted on March 21, 1957, in the Circuit Court of Washtenaw County, Ann Arbor, Michigan.

Callahan, Bobby L., Route 1, Minor Hill, Tennessee, convicted on November 3, 1975, in the United States District Court for the Northern District of Alabama.

Coe, Robert B., Route 4, Box 504–A, Mount Airy, North Carolina, convicted on March 20, 1972, in the Circuit Court, Carroll County, Virginia.

Cooke, Arthur J., Sr., Route 1, Wilkesboro, North Carolina, convicted on August 6, 1957, and on December 9, 1958, in the Criminal Court, Hillsborough County, Florida.

DiDomenicis, John P., 113 E. Girard Avenue, Philadelphia, Pennsylvania, convicted on April 19, 1972, in the Municipal Court, Philadelphia, Pennsylvania.

Glanzer, Kenneth W., 202 South 124th, Seattle, Washington, convicted on January 3, 1975, in the United States District Court for the Western District of Washington, Seattle.

Glass, Jack P., Jr., Route 4, Grayston, Kentucky, convicted on May 6, 1975, in the United States District Court, Eastern District of Kentucky, Catlettsburg, Kentucky.

Harris, James C., 208 Ridge Road, Collinsville, Virginia, convicted on February 12, 1962, in the Circuit Court, Martinsville, Virginia.

Hill, Dallas W., Route 6, Jonesboro, Tennessee, convicted on May 29, 1975, in the Washington County Criminal Court, Jonesboro, Tennessee.

Holmes, Otto S., 1706 Bellefontaine Avenue, Indianapolis, Indiana, convicted on or about June 30, 1933, in the Criminal Court, Marion County, Indiana.

Leggins, Sam, 3120 North 29th Street, Milwaukee, Wisconsin, convicted on May 14, 1952, in the Municipal Court of Milwaukee County, Wisconsin.

Marshall, Glyndon, 925 Euclid Avenue NE., Atlanta, Georgia, convicted on or about September 11, 1953, in the United States Army, Camp Rucker, Alabama.

Menser, Floyd W., Box 35, Prosper, Texas, convicted on June 4, 1975, in the Criminal District Court No. 3, Dallas, County, Texas.

Nelson, Robert L., Route 1, Box 7–A, Alsea, Oregon, convicted on December 10, 1969, in the Circuit Court of Oregon, County of Benton.

Nowicki, Gary Lee, 2320 Risdale, Lansing, Michigan, convicted on July 5, 1963, in the Circuit Court, Ingham County, Michigan; and on March 24, 1969, in the United States District Court for the Western District of Michigan, Southern Division.

Pantori, Joseph M., 19 Greenville Road, Scarsdale, New York, convicted on June 27, 1955, in the United States District Court, Southern District, New York.

Pasley, Harold H., II, 5925 15th Way North, St. Petersburg, Florida, convicted on January 7, 1963, in the Criminal Court of Record, Tampa, Hillsborough County, Florida.

Patterson, Frank A., 2229 MacNaughton Lane, Lake Stevens, Washington, convicted on April 30, 1976, in the Superior Court of the State of Washington, County of Snohomish.

Pittman, Ralph J., 617 Maidson Street, Port St. Joe, Florida, convicted on September 18, 1953, in the United States District Court for the Northern District of Florida.

Plowman, Robert E., Route 2, Box 164, Gordo, Alabama, convicted on August 14, 1972, in the United States District Court, Western Division, Northern District of Alabama.

Prudence, Michael R., 3401 North Columbus, Tucson, Arizona, convicted on November 14, 1973, in the Superior Court of Arizona, Prince County, Tucson, Arizona.

Rhodes, Ernest E., 62 Murray Street, Pontiac, Michigan, convicted on or about February 9, 1953, in the Superior Court, City of Grand Rapids, Michigan; and on June 6, 1954, in the Superior Court, City of Grand Rapids, Michigan.

Rich, Roy Vernon, Jr., Rural Route 1, Valmeyer, Illinois, convicted on November 28, 1951, in the Circuit Court of St. Clair County, Illinois.

Russell, John E., 8501 Northwest 24th Street, Ft. Lauderdale, Florida, convicted on April 8, 1971, in the Court of Record, Broward County, Florida.

Stinson, Robert W., 36 Eleanor Drive, Latrobe, Pennsylvania, convicted on October 24, 1975, in the United States District Court, Western Judicial District of Pennsylvania, Pittsburgh, Pennsylvania.

Trumbly, John E., 1028 Bullard Street, Oregon City, Oregon, convicted on March 7, 1967, in the Circuit Court of the State of Oregon, for the County of Marion.

Twitchell, John R., 221 Lora Street, Neptune Beach, Florida, convicted on September 20, 1968, in the Circuit Court, Leon County, Florida.

VanVliet, William G., 6537 Madison Street, Hammond, Indiana, convicted on March 3, 1967, in the Uinted States District Court, Northern District of Indiana, Hammond, Indiana.

Vosahlo, Linda J., Route No. 1, Box 93, Elk, Washington, convicted on July 19, 1974, in the Superior Court of the State of Washington, County of Spokane.

Weaver, James L., 212 South 15th Avenue, Yakima, Washington, convicted on February 12, 1962, in the Superior Court of the State of Washington, Yakima County.

Willis, John G., Route 1, Elkton, Kentucky, convicted on October 21, 1971, in the United States District Court for the Western Judicial District of Kentucky.

Winchell, Charles D., 2612 Wallace Cut, Bay Port, Michigan, convicted on March 4, 1963, in the Iosco County Circuit Court, Tawas City, Michigan.

Signed at Washington, D.C., this 13th day of June 1977.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

[FR Doc.77–17816 Filed 6–21–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

INSTRUCTIONS FOR PREPARING SUMMARIES OF APPLICATIONS FILED UNDER SECTION 5(2) OF THE INTERSTATE COMMERCE ACT

JUNE 13, 1977.

AGENCY: Interstate Commerce Commission.

ACTION: Instructions for preparing summaries of applications filed under section 5(2) of the Interstate Commerce Act.

SUMMARY: The purpose of this document is to inform the public as to the format and information which should be contained in the summaries submitted with applications filed under section 5(2) of the Act.

FOR FURTHER INFORMATION CONTACT:

V42120 JUN 22 77 UMI

G. M. Bober, Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423 (202–275–7564).

Revised Rule 240(b) of the Commission's Rules and Practice, 49 CFR 240(b), which becomes effective July 1, 1977, requires an applicant in a motor carrier finance case filed pursuant to section 5(2) of the Interstate Commerce Act, 49 U.S.C. 5(2), to prepare a draft summary of the proposed transaction suitable for publication in the FEDERAL REGISTER as notice to the public of the filing of the application. The preparation of the notices by applicant will be of benefit to the Commission and to the public as it will help speed up the processing of these applications.

Draft notices should be in the same general form as those which are published by the Commission on a regular basis in the FEDERAL REGISTER. A notice should be double spaced and should contain the information described in either Appendix A or B hereto, as appropriate. Sample notices for four frequently filed types of motor carrier finance applications—control, merger, control and merger, and purchase (portion)—will be found in Appendixes C, D, E, and F, respectively, of this notice.

By the Commission, Division 3, Commissioners Brown, MacFarland and Clapp.

H. G. HOMME, Jr.,
Acting Secretary.

APPENDIX A

INSTRUCTIONS FOR PREPARING A PROPOSED NOTICE FOR FILING WITH APPLICATIONS UNDER SECTION 5(2) TO CONSOLIDATE, MERGE, PURCHASE, OR LEASE OPERATING RIGHTS AND PROPERTIES, OR ANY PART THEREOF, OF A MOTOR CARRIER

A proposed notice of filing should contain a brief summary of the proposed transaction, including as applicable: (1) the name and address of (a) transferee, its affiliates, if any, and the person or persons controlling transferee, (b) transferor, and (c) applicant(s) representatives; (2) the nature of the proposed transaction, whether a consolidation, merger, purchase, lease, contract to operate properties, or any part thereor, of a motor carrier subject to the Act; a brief description (including, as applicable, commodity, route, and territorial descriptions) of (a) the operating authority sought to be acquired, including certificate and/or permit numbers, (b) the operating authority of the transferee and any affiliates, (c) the operations sought to be performed including tacking points and gateways to be eliminated, if applicable; (3) the extent to which approval of the proposed transaction will result in (a) dual operations, (b) the splitting of operating authority, or (c) duplicating authority; (4) whether an application for temporary authority under section 210a(b) was filed; and (5) whether the section 5(2) application is related to any pending or simultaneously filed application(s).

APPENDIX B

INSTRUCTIONS FOR PREPARING A PROPOSED NOTICE FOR FILING WITH APPLICATIONS UNDER SECTION 5(2) TO ACQUIRE CONTROL OF A MOTOR CARRIER

A proposed notice of filing should contain a brief summary of the proposed transaction, including as applicable: (1) the name and address of (a) applicant, its affiliates, if any, and the person or persons controlling applicant, (b) the carrier to be controlled, and its affiliates, if any, engaged in activity related to transportation, and (c) applicant(s) representatives; (2) the nature of the proposed transaction; a brief description (including, as applicable, commodity, route, and territorial descriptions) of (a) the operating authority to be acquired including, certificate and/or permit numbers, and (b) the operating authority of the applicant and any affiliates; (3) the extent to which approval of the proposed transaction will result in (a) dual operations, or (b) duplicating authority; (4) whether an application for temporary authority under section 210a(b) was filed; and (5) whether the section 5(2) application is related to any pending or simultaneously filed application(s).

APPENDIX C

SAMPLE NOTICE: CONTROL APPLICATION

No. MC–F–------. Authority sought for control by SWIRL PRETZELS EXPRESS, 4 Fifth Avenue, Beer, Minn. 60011, of Hot Mustard Motor Freight, 10 Niagara Street, Lite, Minn. 48602, and for acquisition by STICK PRETZLES INDUSTRIES, INC., also of Beer, Minn. 60011, of control of Hot Mustard Motor Freight, through the acquisition. Applicants' attorney: Hudson Bay, 6666 Beaver St., Green River, Utah 70006. Operating rights sought to be controlled *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the Commonwealth of Pennsylvania as more specifically described in certificate of registration No. MC 0001. Vendee is authorized to operate as a contract carrier of beer in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, as more fully described in permit No. MC 0002. Approval of the transaction will result in the applicant being in control of both common and contract motor carrier operations in the Commonwealth of Pennsylvania. Stick Pretzels Industries, Inc., also controls two other motor common carriers which are subject to the Interstate Commerce Act. They are La Nor Cassette Express and Bud Cassette Motor Freight. La Nor Cassette operates pursuant to authority granted in certificate No. MC 0003. Bud Cassette operates pursuant to authority granted in certificate No. MC 0004. Neither of these common carriers are authorized to serve origin or destination points in common with those authorized to be served by Hot Mustard Motor Freight.

APPENDIX D

SAMPLE NOTICE: MERGER APPLICATIONS

No. MC–F–------. Authority sought for merger into STRIDE-RITE, INC., 10 North Heel, Calif. 72666, of the operating rights and properties of the Toe Corp., doing business as Loafer Fast Freight, Inc., 15 Moccasin Blvd., Shoe Town, Md. 66666, and for acquisition by Buster Brown, also of North Heel, Calif., of control of the rights and property through the merger. Applicants' attorney: Jack Pursell, 39 Shoe String Rd., North Heel, Calif. 72666. The Toe Corp., doing business as Loafer Fast Freight, Inc., operates as a *common carrier of general commodities* primarily over irregular routes, between St. Johnsbury, Vt., Philadelphia, Pa., and Boston, Mass., on the northeast, and Atlanta and Macon, Ga., on the southwest, as more fully described in certificate No. MC 0005. Vendee is authorized to operate as a common carrier of general commodities over irregular routes in Illinois, Pennsylvania, New York, Massachusetts, and the District of Columbia, as more fully described in certificate No. MC 0006. Applicant intends to tack at Boston, Mass., and eliminate the gateway at Philadelphia, Pa., in order to provide direct service between Boston, Mass., and Macon, Ga. Approval of the transaction will not result in (a) dual operations; (2) splitting of operating authority; or (c) duplicating authority. Application has not been filed for temporary authority under section 210a(b). A directly related gateway application is being simultaneously filed.

APPENDIX E

SAMPLE NOTICE: CONTROL AND MERGER APPLICATIONS

No. MC–F–------. Authority sought for control and merger by GREAT WHITE TRUCKING CO., 617 Shade Road, Oyster Point, N.C. 27102, with Blue Marlin Express, 1875 Marlin Street, Floundersville, Mass. 99999. Applicants' attorney: Jack Frost, 1000 16th Street, Washington, D.C. 20006. Operating rights sought to be controlled and merged: *General commodities*, with exceptions, as a *common carrier*, throughout the State of Michigan, as more fully described in certificate of registration No. MC 3000. Vendee is authorized over regular routes to operate pursuant to certificate No. MC 0007 as a common carrier in Alabama, Arkansas, Connecticut, and Wisconsin. Application has not been filed for temporary authority under section 210a(b). A directly related application seeking conversion of the certificate of registration to a certificate of public convenience and necessity is being simultaneously filed.

APPENDIX F

SAMPLE NOTICE: PURCHASE (PORTION) APPLICATIONS

No. MC–F–------. Authority sought for purchase by BUCK BOARD MOTOR EXPRESS, 1375 Saddle Avenue, 201 Cattle Heights, Tex. 44444, a portion of the operating rights of Chuck Wagon, Inc., 1150 Long Horn Drive, Bull Run, Tex. 48602, and for acquisition by Man-Or International, also of Cattle Heights, Tex., of control of the rights through the purchase. Applicants attorney: Sonny Weather, 16 Sunshine Blvd., Happiness, Tex. 77799. Operating rights sought to be purchased: General commodities, with exceptions, as a *common carrier*, over regular routes between Baltimore, Md., and Philadelphia, Pa., as more fully described in certificate No. MC 0009. Vendee is authorized to operate pursuant to certificate No. MC 0008 as a common carrier in the states of West Virginia and Pennsylvania. Approval of the proposed transaction will result in vendee acquiring duplicating authority as vendee and vendor to operate over the same regular routes between Baltimore, Md., and Chester, Pa. Approval of the proposed transaction will result in a split of vendor's authority. Vendor is authorized to operate between Baltimore, Md., and Boston, Mass. Vendor proposes to split its authority at Philadelphia, Pa., with the south portion to be purchased by applicant herein and the northern portion, Philadelphia, Pa. to Boston, Mass., to be purchased by Barb Wire Freight Lines, Inc. Barb Wire will be filing its section 5 application in the near future.

[FR Doc.77–17834 Filed 6–21–77;8:45 am]

[Notice No. 418]

ASSIGNMENT OF HEARINGS

JUNE 17, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation of postponements of hearings in which they are interested.

MC 140553 (Sub-2), Rogers Truck Line, Inc., now being assigned September 13, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC 107515 (Sub-1040), Refrigerated Transport Co., Inc., now being assigned September 14, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC 139495 (Sub-181), National Carriers, Inc., now being assigned September 15, 1977 (1 day) at Chicago, in a hearing room to be later designated.

MC 110563 (Sub-193), Coldway Food Express, Inc.; MC 119765 (Sub-42), Eight Way Xpress, Inc. and MC 135684 (Subs-27 & 28), Bass Transportation Co., Inc., now being assigned September 16, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC–F–12974, Takin Bros, Freight Line, Inc.—Purpose (Portion)—Chi-Fli, Inc., now being assigned September 19, 1977 (1 week) at Chicago, Illinois, in a hearing room to be later designated.

MS 106074 (Sub-25) | B. & P Motor Lines, Inc., now being assigned July 25, 1977 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113678 Sub 640, Curtis, Inc. now assigned June 20, 1977 at Omaha, Nebraska is cancelled, application dismissed.

MC 36255 Sub 1, K & R Delivery, Inc. now being assigned September 13, 1977 (9 days) at Chicago, Illinois in a hearing room to be later designated.

MC 140054 (Sub-1), Z & S Construction Co., Inc., now being assigned September 12, 1977 (1 week) at Denver, Colorado, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17790 Filed 6–21–77;8:45 am]

[Section 5a Application No. 83; Amendment No. 4]

ALASKA CARRIERS ASSOCIATION, INC.

Agreement

JUNE 13, 1977.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed June 7, 1977, by: W. E. Lucere, Executive Director, Alaska Carriers Association, Inc., 3443 Minnesota Drive, Anchorage, Alaska 99503.

The Amendments involve: Substantial revisions in organization and procedures for the purpose of clarification in conformity with current Section 5a standards, and to comply with the requirements of Ex Parte No. 297, Rate Bureau Investigation, 349 I.C.C. 811 and 351 I.C.C. 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 30 days from the date of publication of this notice in the Federal Register. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application, without further or formal hearing.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17792 Filed 6–21–77;8:45 am]

[Notice No. 181]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 22, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC 77168. By application filed June 7, 1977, SERV U, INC., 6640 Quad Avenue, Baltimore, MD 21237, seeks temporary authority to transfer a portion of the operating rights of RED LINE, INC., 2310 Orange Avenue, P.O. Box 151, Roanoke, VA 24002, under section 210a(b). The transfer to SERV U, INC. of a portion of the operating rights of RED LINE, INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17793 Filed 6–21–77;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 17, 1977.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission by July 5, 1977. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E103), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating materials* (except those of unusual value, Class A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, New Jersey, except the facilities of Philip Carey Roofing Co., and Witco Chemical Co., at or near Perth Amboy, New Jersey, to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E104), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating materials* (except those of unusual value, Class A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment) from points in Morris County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gate way of Carteret, N.J.

No. MC 8973 (Sub-No. E105), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating materials* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special

V 42 120
JUN 22 77
UMI

equipment), from points in Morris County, N.J., to points in that portion of Ohio on and west of a line beginning on Lake Erie and extending along Ohio Highway 11 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 164, thence along Ohio Highway 164 to the Carroll-Jefferson County line, thence along the Carroll-Jefferson County line to the Harrison-Jefferson County line, thence along the Harrison-Jefferson County line to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 519, thence along Ohio Highway 519 to Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio-West Virginia state line. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E106), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating materials*, (except those of unusual value, Class A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that portion of West Virginia on and south of a line beginning on the Ohio-West Virginia state line and extending along U.S. Alternate Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction unnumbered highway through Benson to U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to unnumbered highway to Helvetia, thence along unumbered highway to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia state line. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E107), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating materials*, (except those of unusual value, Class A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Morris County, N.J., to points in that portion of West Virginia on and south of a line beginning on the Ohio-West Virginia state line and extending along U.S. Alternate Highway 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction unnumbered highway through Benson to U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to unnumbered highway to Helvetia, thence along unumbered highway to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia state line. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E108), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating materials* (except those of unusual value, Class A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Somerset County, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisana, Michigan, Mississippi, Ohio, and Tennessee. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E109), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum* and *gypsum products, asphalt* and *composition roofing products, composition boards, urethane* and *urethane products*, and *insulating material* (except those of unusual value, Class A and B explosives, household goods as described by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part of which is within 5 miles of New York, N.Y., restricted against service from the facilities of the Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Ohio, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

No. MC 8973 (Sub-No. E110), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to points in Maine, Ohio, Delaware, Maryland, Virginia, and District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E111), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to points in that portion of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania state line at Riegelsville, and extending along an unnumbered highway to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to the Union-Middlesex County line, thence along the Union-Middlesex County line to the New Jersey-New York state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E112), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to points in that portion of New York on and west of a line beginning at Lake Ontario and extending along New York Highway 14 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 17, thence

along New York Highway 17 to U.S. Highway 15, thence along U. S. Highway 15, to the New York-Pennsylvania state line. The purpose of this filing is to eliminate the gateway to the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E113), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, Hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to that portion of New Hampshire on and north of a line beginning at New Castle, N.H. and extending along New Hampshire Highway 1B to junction U.S. Highway 4, thence along U.S. Highway 4 to junction unnumbered highway through Lyme, thence along unnumbered highway to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to the New Hampshire-Vermont state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E114), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to that portion of Vermont on and north of a line beginning at the Connecticut River and extending along Vermont Highway 18 to junction U.S. Highway 5, thence along U.S. Highway 5 to Lake Memphremagog, thence along the east bank of Lake Memphremagog to the United States-Canada International Boundary Line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E115), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to that portion of Pennsylvania on and east of a line beginning on the Delaware River at Upper Black Eddy, thence along unnumbered highway to junction Pennsylvania Highway 611, thence along Pennsylvania Highway 611 to junction Pennsylvania Highway 563, thence along Pennsylvania Highway 563 to junction Pennsylvania Highway 313, thence along Pennsylvania Highway 313 to junction Pennsylvania Highway 212, thence along Pennsylvania Highway 212 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction unnumbered highway, thence along unnumbered highway to Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the Pennsylvania-New York state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E116), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Bergen County, N.J., to points in Maine, New Hampshire, Vermont, Rhode Island, Ohio, Delaware, Maryland, Virginia, and District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E117), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Essex County, N.J., to points in that portion of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania state line and extending along New Jersey Highway 546 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction New Jersey Highway 27, thence along New Jersey Highway 27 to junction New Jersey Highway 522, thence along New Jersey Highway 522 to junction New Jersey Highway 535, thence along New Jersey Highway 535 to junction New Jersey Highway 35, thence along New Jersey Highway 35 to Interstate Highway 95, thence along Interstate Highway 95 to the New Jersey-New York state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E118), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware*, and *building materials, equipment*, and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Essex County, N.Y., to points in that portion of New York on and north of a line beginning at the New York-Vermont state line and extending along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to unnumbered highway through Hadley, thence along unnumbered highway to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 30A, thence along New York Highway 30A to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 51, thence along New York Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 26, thence along New York Highway 26 to junction unnumbered highway, thence along unnumbered highway to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 34, thence along New York Highway 34 to the New York-Pennsylvania state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E119), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th

V 42 N 120
JUN 22 77
UMI

Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware,* and *building materials, equipment,* and *supplies,* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Essex County, N.J., to that portion of Massachusetts on, north, and east of a line beginning at the Massachusetts-New York state line and extending along Massachusetts Highway 43 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 7, thence along U.S. Highway 7 to junction unnumbered highway, thence along unnumbered highway to junction Massachusetts Highway 116, thence along Massachusetts Highway 116 to junction Massachusetts Highway 8A, thence along Massachusetts Highway 8A, to junction Massachusetts Highway 9, thence along Massachusetts Highway 9 to junction Massachusetts Highway 112, thence along Massachusetts Highway 112 to junction Massachusetts Highway 66, thence along Massachusetts Highway 66 to junction unnumbered highway thence along unnumbered highway to junction Massachusetts Highway 141, thence along Massachusetts Highway 141 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 131, thence along Massachusetts Highway 131 to the Massachusetts-Connecticut state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E120), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware,* and *building materials, equipment,* and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Essex County, N.J., to that portion of Connecticut on and east of a line beginning at the Connecticut-Massachusetts state line and extending along Connecticut Highway 169 to junction Connecticut Highway 171, thence along Connecticut Highway 171 to junction Connecticut Highway 12, thence along Connecticut Highway 12 to junction Connecticut Highway 14A, thence along Connecticut Highway 14A to junction Connecticut Highway 49, thence along Connecticut Highway 49 to junction Connecticut Highway 216, thence along Connecticut Highway 216 to the Connecticut-Rhode Island state line. The purpose of this filing is to eliminate the gateway of the warehouse and facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E121), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware,* and *building materials, equipment,* and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Essex County, N.J., to that part of Pennsylvania on and west of a line beginning at the New York-Pennsylvania state line, and extending along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction unnumbered Highway, thence along unnumbered highway to junction Pennsylvania Highway 239, thence along Pennsylvania Highway 239 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction Pennsylvania Highway 443, thence along Pennsylvania Highway 443, to junction Pennsylvania Highway 895, thence along Pennsylvania Highway 895 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction Pennsylvania Highway 113, thence along Pennsylvania Highway 113 to junction Pennsylvania Highway 152, thence along Pennsylvania Highway 152 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E122), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's' representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware,* and *building materials, equipment,* and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from points in Hudson County, N.J., to points in Maine, New Hampshire, Ohio, Delaware, Maryland, Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E168), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware,* and *building materials, equipment,* and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part of which is within 5 miles of New York, N.Y., restricted against service from the facilities of the Celotex Corporation and Witco Chemical Co., at or near Perth Amboy, N.J., to points in that part of Vermont on and north of a line beginning at the New York-Vermont state line and extending along unnumbered highway to junction U.S. Highway 2, thence along U.S. Highway 2 to junction unnumbered Highway at S. Cabot, thence east along unnumbered highway through S. Peachman and Barnet Center to the Vermont-New Hampshire state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of the Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E169), filed December 17, 1976. Applicant METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, hardware,* and *building materials, equipment,* and *supplies* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from that portion of New York, N.Y., commercial zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (b) (8) of the Interstate Commerce Act (the "exempt" zone), those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey, any part of which is within 5 miles of New York, N.Y., restricted against service from the facilities of the Celotex Corporation, and Witco Chemical Co., at or near Perth Amboy, N.J., to points in that part of Pennsylvania on and west of a line beginning at the Delaware-Pennsylvania state line and extending along Pennsylvania Highway 261 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction unnumbered Highway at Shimerville, thence east along unnumbered highway to junction Pennsylvania Highway 378, thence along Pennsylvania Highway 378 to junction Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction Pennsylvania 611, thence along Pennsylvania Highway 611 to junction Interstate Highway 380, thence along Interstate Highway 380 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 92, thence along Pennsylvania Highway 92 to the Pennsylvania-New York state line. The purpose of this filing is to eliminate the gateway of the warehouse and plant facilities of the Alcon Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E170), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment* and *supplies used in the manufacture and sale of plastic articles,* (except commodities in bulk, and commodities requiring special equipment), between points in Bergen County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia. The purpose of this filing is to eliminate the gateway of the facilities of Colorite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. E171), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh, St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment,* and *supplies used in the manufacture and sale of plastic articles* (except commodities in bulk, and those requiring special equipment), between points in Bergen County, N.J., on the one hand, and, on the other, (1) points in that part of New York on and west and north of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 282 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 38, thence along New York Highway 38 to junction New York Highway 79 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 12, thence along New York Highway 12 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 51, thence along New York Highway 51 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 29A, thence along New York Highway 29A to junction New York Highway 10, thence south on New York Highway 10 to junction unnumbered highway at Caroga Lake, thence east along unnumbered highway to junction New York Highway 30, thence south along New York Highway 30 to junction unnumbered Highway at Sacondaga, thence east along unnumbered highway through Corinth to Glen Falls to junction New York Highway 32, thence along New York Highway 32 to junction New York Highway 196, thence along New York Highway 196 to junction New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line; (2) points in that part of Long Island, N.Y., beginning at E. Rockaway Inlet and extending north along Rock Hill Road to junction Peninsula Boulevard, thence north on Peninsula Boulevard to junction Clinton Road, thence north along Clinton Road to junction Guinea Wood Road, thence along Guinea Wood Road to junction New York Highway 25A, thence along New York Highway 25A to Hempstead Harbor. The purpose of this filing is to eliminate the gateway of the facilities of Colorite Plastics Co., Division of Dart Industries, Inc., at Ridgefield, N.J.

No. MC 8973 (Sub-No. E173), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment,* and *supplies used in the manufacture* and *sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Bergen County, N.J., on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania state line and extending along Pennsylvania Highway 187, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 487, thence along Pennsylvania Highway 487 to junction Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction Pennsylvania Highway to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to junction Pennsylvania Highway 352, thence along Pennsylvania Highway 352 to junction Interstate Highway 95, thence along Interstate Highway 95 to the toll bridge south of Chester to the New Jersey state line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E174), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor carrier, over irregular routes, transporting: *Materials, equipment* and *supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Essex County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

V42I120 JUN 22 77 UMI

No. MC 8973 (Sub-No. E175), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment*, and *supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Essex County, N.J., on the one hand, and, on the other, points in Delaware on and south of a line beginning at the Maryland-Delaware state line and extending along Delaware Highway 44 to junction Delaware Highway 8, thence to Delaware Bay. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E176), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Essex County, N.J., on the one hand, and, on the other, points in Maryland on, west and south of a line beginning at the Pennsylvania-Maryland state line and extending along Maryland Highway 45 to junction Maryland Highway 145, thence along Maryland Highway 145 to junction Maryland Highway 165, thence along Maryland Highway 165 to junction Maryland Highway 7, thence along Maryland Highway 7 to junction Maryland Highway 152, thence along Maryland 152 to Chesapeake Bay, thence along the bay's west bank to the Annapolis-Queenstown Bridge, thence east across the bridge to the east bank of the Bay, thence north along the east bank of the Chesapeake Bay to Tolchester Beach, thence along Maryland Highway 21 to junction Maryland Highway 20, thence along Maryland Highway 20 to junction Maryland Highway 291, to the Delaware state line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E177), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Essex County, N.J., on the one hand, and, on the other, points in New York on, north and east of a line beginning at the Pennsylvania-New York state line and extending along New York Highway 79 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 55, thence along New York Highway 55 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the Hudson River, thence south along the New York-New Jersey line to Interstate Route 95, thence east to New York Highway 9A, thence south to 125th Street, thence east along 125th Street to the Bronx County-Queens County line, thence east along the line to the north shore of Long Island, thence along the northern shore to the Nassau County-Suffolk County line, thence south along the line to the Atlantic Ocean.

The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E179), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Hudson County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E188), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment* and *supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Morris County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E189), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment* and *supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Morris County, N.J., on the one hand, and, on the other, points in New York on, north and east of a line beginning at Lake Ontario at Henderson Harbor, extending along New York Highway 178 to junction New York Highway 177, thence along New York Highway 177 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 294, thence along New York Highway 294 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 30, thence along New York Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 22, thence along New York Highway 22 to junction Interstate Highway 287, thence along Interstate Highway 287 to the east bank of the Hudson River, thence south to the Bronx-New York County Line, thence east along that line to Interstate Highway 678, thence along Interstate Highway 678 to the Cross Island Parkway, thence south to the Northern State Parkway, thence east to the Wantagh State Parkway, thence south to junction New York Highway 24, thence along New York Highway 24 to junction New York Highway 109, thence along New York Highway 109 to junction New York Highway 110, thence along New York Highway 110 to junction New York Highway 27A, thence along New York Highway 27A to Robert Moses Causeway, thence south to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E190), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Orris County, N.J., on the one hand, and, on the other, points in Ohio on and west of a line beginning at Huron on Lake Erie and extending along Ohio

Highway 13 to junction Ohio Highway 79, thence along Ohio Highway 79 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 681, to the West Virginia state line at Reedsville. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E191), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment* and *supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Morris County, N.J., on the one hand, and, on the other, points in Virginia on and south of a line beginning at the Virginia-West Virginia state line and extending along U.S. Highway 460 to the Roanoke-Montgomery County line, thence south along this line to the Roanoke-Franklin County line thence east along this line to Virginia Highway 24, thence along Virginia Highway 24 to junction Virginia Highway 122, thence along Virginia Highway 122 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Virginia Highway 603, thence along Virginia Highway 603 to junction Virginia Highway 655, thence along Virginia Highway 655 to junction Virginia Highway 604, thence along Virginia Highway 604 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 5, thence along Virginia Highway 5 to junction Colonial National Parkway to the York River, thence east along the York River and the Chesapeake Bay to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E192), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies used in the manufacture and sale of plastic articles* (except in bulk, and commodities requiring special equipment), between points in Morris County, N.J., on the one hand, and, on the other, points in West Virginia on and west of a line beginning at the Ohio-West Virginia state line at Velleville and extending along unmarked road to Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 460, to the Virginia state line.

The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 60014 (Sub-No. E203), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, (except commodities requiring special equipment), between points in New York on and south of a line beginning at Lake Erie extending along New York Highway 438 to the junction of U.S. Highway 62, thence along U.S. Highway 62 to the junction of New York Highway 39, thence along New York Highway 39 to the junction of New York Highway 19–A, thence along New York Highway 19–A to the junction of New York Highway 245 thence along New York Highway 245 to to the junction of New York Highway 245, the junction of New York Highway 63, thence along New York Highway 63 to the junction of New Jersey Highway 15, thence along New Jersey Highway 15 to the junction of New York Highway 352, thence along New York Highway 352 to the junction of New York Highway 17, thence along New York Highway 17 to the junction of National Interstate Highway 81, thence along National Interstate Highway 81 to the New York-Pennsylvania State line; and points in New York on and south of a line beginning at the New Jersey-New York State line extending along New York Highway 17 to the junction Interstate Highway 87/287, thence along Interstate Highway 87/287 to the junction of Interstate Highway 287, thence along Interstate Highway 287 to the New York-Connecticut State line, on the one hand, and, on the other, points in Rhode Island east of a line beginning at the Rhode Island-Massachusetts State line extending along Rhode Island Highway 146 to the junction of Rhode Island Highway 117, thence along Rhode Island Highway 117 to the Naragansett Bay. The purpose of this filing is to eliminate the gateways of (1) Greenwich, Conn.; (2) points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12, (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.)

No. 61825 (Sub.-No. E939), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in New York, New Jersey and those points in Pennsylvania on, north and west of a line beginning at the New York-New Jersey state line, and extending southwest along U.S. Highway 202 to junction Pennsylvania Highway 32, to junction Pennsylvania Highway 611, to junction Pennsylvania Highway 663, to junction Pennsylvania Highway 313, to junction U.S. Highway 322, to junction Interstate Highway 83, to junction Interstate Highway 76, to junction Pennsylvania Highway 160, to junction U.S. Highway 219 to the Pennsylvania-Maryland state line, to points in North Carolina on and west of a line beginning at the Virginia-North Carolina state line, and extending south along North Carolina Highway 8, to junction U.S. Highway 311, to junction U.S. Highway 29, to junction U.S. Highway 21, to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. 61825 (Sub-No. E940), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in West Virgina on and north of a line beginning at the Kentucky-West Virginia state line, and extending along U.S. Highway 60 to junction U.S. Highway 119, to junction West Virginia Highway 4, to junction U.S. Highway 33, to junction U.S. Highway 219 to the West Virginia-Maryland state line, to points in North Carolina on and south of a line beginning at the South Carolina-North Carolina state line, and extending northeast along U.S. Highway 21, to junction U.S. Highway 29, to junction U.S. Highway 52, to junction North Carolina Highway 8, to the North Carolina-Virginia state line, thence to the junction North Carolina Highway 87, to junction U.S. Highway 70, to the Neuse River, thence to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. 61825 (Sub-No. E941), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New fur-*

JUN 22 1977
UMI

niture, from points in Ohio on and north of a line beginning at the West Virginia-Ohio state line, and extending west along U.S. Highway 50 Alternate to junction U.S. Highway 50 to junction Ohio Highway 346, to junction Ohio Highway 124, to junction Ohio Highway 139, to junction U.S. Highway 52, to junction Ohio Highway 125, to junction Ohio Highway 136, to junction Ohio Highway 32, to junction Ohio Highway 276, to junction U.S. Highway 50, to junction Interstate Highway 275, to junction Ohio Highway 4, to junction Ohio Highway 177, to the Ohio-Indiana state line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line, and extending south along North Carolina Highway 8, to junction Interstate Highway 40, to junction U.S. Highway 21, to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E942), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Ohio on and south of a line beginning at the West Virginia-Ohio state line, and extending west along U.S. Highway 50 Alternate to junction U.S. Highway 50, to junction Ohio Highway 346, to junction Ohio Highway 124, to junction Ohio Highway 139, to junction U.S. Highway 52, to junction Ohio Highway 125, to junction Ohio Highway 136, to junction Ohio Highway 32, to junction Ohio Highway 276, to junction U.S. Highway 50, to junction Interstate Highway 275, to junction Ohio Highway 4, to junction Ohio Highway 177, to the Ohio-Indiana state line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line, and extending south along North Carolina Highway 8 to junction U.S. Highway 158 to junction U.S. Highway 601 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E943), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Swanton, Ohio to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line, and extending south along North Carolina Highway 104 to junction U.S. Highway 601, to junction North Carolina Highway 268, to junction North Carolina Highway 18, to junction U.S. Highway 64, to junction U.S. Highway 221 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E944), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Michigan to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line, and extending south along North Carolina Highway 104 to junction U.S. Highway 601, to junction North Carolina Highway 268, to junction North Carolina Highway 18, to junction U.S. Highway 64, to junction U.S. Highway 221 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E945), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Illinois and Indiana on and north of a line beginning at the Ohio-Indiana state line and extending west along Indiana Highway 252, to junction U.S. Highway 52, to junction Indiana Highway 244, to junction Interstate Highway 74, to junction Indiana Highway 44, to junction Indiana Highway 144, to junction Indiana Highway 42, to junction U.S. Highway 231, to junction Interstate Highway 70, to the Illinois-Missouri state line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line and extending south along North Carolina Highway 104 to junction U.S. Highway 601, to junction North Carolina Highway 268, to junction North Carolina Highway 18, to junction U.S. Highway 64, to junction U.S. Highway 221 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Pulaski and Martinsville, Va.

No. MC 61825 (Sub-No. E946), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Illinois and Indiana on and south of a line beginning at the Ohio-Indiana state line, and extending west along Indiana Highway 252 to junction U.S. Highway 52, to junction Indiana Highway 244, to junction Interstate Highway 74, to junction Indiana Highway 44, to junction Indiana Highway 144, to junction Indiana Highway 42, to junction U.S. Highway 231, to junction Interstate Highway 70, to the Illinois-Missouri state line to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line and extending south along North Carolina Highway 8 to junction U.S. Highway 52, to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E947), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Iowa, Wisconsin and points in Missouri on and northwest of a line beginning at the Missouri-Illinois state line, and extending west along U.S. Highway 61 to junction Missouri Highway 16, to junction Missouri Highway 6, to junction Missouri Highway 156, to junction Missouri Highway 151, to junction U.S. Highway 24, to junction Missouri Highway 3, to junction Missouri Highway 5, to junction U.S. Highway 40, to junction Missouri Highway 135, to junction U.S. Highway 50, to junction Missouri Highway 52 to the Missouri-Kansas state line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line and extending south along North Carolina Highway 104, to junction U.S. Highway 601, to junction North Carolina Highway 268, to junction North Carolina Highway 18, to junction North Carolina Highway 16, to junction North Carolina Highway 90, to junction North Carolina Highway 127, to junction North Carolina Highway 10, to junction North Carolina Highway 18, to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

No. MC 61825 (Sub-No. E948), filed May 13, 1974. Applicant: ROY STONE TRANSFER CORPORATION, P.O. Box 385, Collinsville, Va. 24078. Applicant's representative: Harry I. Jordan, 1000 Sixteenth St. N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Missouri on and south of a line beginning at the Missouri-Illinois state line, and extending west along U.S. Highway 61 to junction Missouri Highway 16, to junction Missouri Highway 6, to junction Missouri Highway 156, to junction Missouri Highway 151, to junction U.S. Highway 24, to junction Missouri Highway 3, to junction Missouri Highway 5, to junction U.S. Highway 40, to junction Missouri Highway 135, to junction U.S. Highway 50, to junction U.S. Highway 65, to junction Missouri Highway 52 to the Missouri-Kansas state line, to points in North Carolina on and east of a line beginning at the Virginia-North Carolina state line, and extending south

along North Carolina Highway 104 to junction U.S. Highway 601, to junction U.S. Highway 52 to the North Carolina-South Carolina state line. The purpose of this filing is to eliminate the gateway of Smyth County, Va., and Martinsville, Va.

No. MC 105045 (Sub-No. E180). (Correction), filed March 24, 1976, published in the FEDERAL REGISTER issue of April 21, 1977, and republished, as corrected, this issue. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: George H. Veech (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products* (except commodities in bulk) which, because of their size or weight, require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; Machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipelines, from points in Georgia, to points in Idaho, North Dakota, South Dakota, Montana, Washington, Oregon, Wyoming, and Utah. The purpose of this filing is to eliminate the gateway from the plant site and storage facilities of Consolidated Aluminum Corporation at Carrollton, Ky.

NOTE.—The purpose of this republication is to add the destination state of Idaho, previously omitted. The remainder of this letter-notice remains as previously published.

No. MC125777 (Sub-No. E16), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in dump vehicles, (a) between points in Iowa and Missouri, on the one hand, and, on the other, points in Wisconsin on and east of Interstate Highway 90 and 94, Michigan, Indiana, Ohio, Pennsylvania (except Mifflin County), West Virginia and points in Kentucky on and east of Interstate Highway 75 and (b) between points in Wisconsin, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC12577 (Sub-No. E94), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commercial fertilizer*, in bulk, in dump vehicles, from Terre Haute, Ind., to points in Iowa, North Dakota, South Dakota, Michigan, Minnesota, and Wisconsin. The purpose of this filing is to eliminate the gateways of Plymouth, Ind., Cordova, Ill., Chicago Heights, Ill., and the plant cities and storage facilities of International Minerals & Chemical Corporation at or near Clinton, Iowa.

No. MC 125777 (Sub-No. E105), filed June 4, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Robert A. Tatge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in dump vehicles, from Melvindale, Mich., to points in Illinois, Iowa, Minnesota, Missouri, Wisconsin, Nebraska, South Dakota, and North Dakota. The purpose of this filing is to eliminate the gateways of Cordova, Ill., Gary, Ind., Lafayette, Ind., Terre Haute, and, Evansville, Ind., Marseilles, Ill., and the plant sites and storage facilities of International Minerals & Chemical Corporation at or near Clinton, Iowa.

No. MC 112070 (Sub-No. E129), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, tranporting: *Household goods*, as defined by the Commission, between points in New York on the one hand, and, on the other, points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateways of Easton, Pa., and points in Pennsylvania within 15 miles thereof, and points in Illinois.

No. MC 112070 (Sub-No. E130), filed June 4, 1974. Applicant: GRAY MOVING STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York, on the one hand, and, on the other, points in South Dakota, Nebraska, Kansas, Colorado, and Wyoming. The purpose of this filing is to eliminate the gateways of Easton, Pa., and points within 15 miles thereof, and points in Missouri.

No. MC 112070 (Sub-No. E131), filed June 4, 1974. Applicant: GRAY MOVING STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways of Easton, Pa., and points in Pennsylvania within 15 miles, and points in Illinois.

No. MC 112070 (Sub-No. E132), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl, Denver, Colo. 80210. Applicant's representative: D. R. Gray (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) Between points in Massachusetts, on the one hand, and, on the other, points in South Dakota, Wyoming; (B) between points in Massachusetts on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of: (A) Easton, Pa., and points in Pennsylvania within 15 miles, and points in Missouri; (B) Easton, Pa., and points in Pennsylvania within 15 miles, and points in Illinois.

By the Commission.

H. GORDON HOMME,
Acting Secretary.

[FR Doc.77-17791 Filed 6-21-77;8:45 am]

[Notice No. 77]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 15, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14200 (Sub-No. 2TA), filed June 1, 1977. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, Miss. 39465. Applicant's representative:

V 42 120 JUN 22 77 UMI

William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins and compounds and products thereof*, and such other commodities as are manufactured and distributed by chemical manufacturers (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Hercules, Inc., at or near Hattiesburg, Miss., to points in Arizona, California, Colorado, Oregon, and Washington, under a continuing contract with Hercules, Inc., for 180 days. Supporting shipper: Hercules, Inc., One Maritime Plaza, San Francisco, Calif. 94111. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 43683 (Sub-No. 30TA), filed May 27, 1977. Applicant: BAKER DRIVEWAY COMPANY, INC., 3999 East South Boulevard, P.O. Box 86, Bloomfield Hills, Mich. 48013. Applicant's representative: John W. Bridge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New cars and trucks, limited to imported Toyotas* for South-East distribution at Jacksonville, Fla. (Southeast Toyota District), from Jacksonville, Fla. (Port of entry), to Georgia, South Carolina, and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: South East Distributors for Toyota, Inc., 1755 Talleyrand Ave., P.O. Box 3341, Jacksonville, Fla. 32206. Georgia Herbert, Vice Pres. Send protests to: James A. Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Whitereil Ave., Detroit, Mich. 48226.

No. MC 76032 (Sub-No. 328TA), filed June 3, 1977. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classified materials*, over regular routes, from Amarillo, Tex., to Paducah, Ky.; from Amarillo, Tex., over Navajo's authorized route via U.S. Highways 287/54 and the Kansas turnpike (Interstate Highway 35) to Kansas City, thence over Interstate Highway 70 to St. Louis, Mo., thence over Interstate Highway 64 to junction Interstate Highway 57, thence over Interstate 57 to junction Interstate Highway 24 at or near Goreville, Ill., thence over Interstate Highway 24 to junction U.S. Highway 45, thence over U.S. Highway 45 to Paducah, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Energy Research and Development Administration, Kirkland Air Force Base East, Albuquerque, N. Mex. 87115. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, Colo. 80202.

No. MC 94430 (Sub-No. 42TA), filed May 31, 1977. Applicant: WEISS TRUCKING CO., INC., Box 7, Mongo, Ind. 46771. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada located at or near Ft. Erie, Queenston, and Niagara Falls, Canada, to points in New York on and west of State Route 14. *Refused, damaged, and rejected shipments* on return for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Canada Cement LaFarge, Ltd., 240 Duncan Mill Road, Don Mills, Ontario, Canada. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 108587 (Sub-No. 22TA), filed June 2, 1977. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Ave., Colchester, Conn. 06415. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Connecticut, Massachusetts, points in Rhode Island on U.S. Highway 1 (portions formerly alternate U.S. Highway 1), from the Massachusetts-Rhode Island State Line to the Rhode Island-Connecticut State Line and points in Rhode Island on U.S. Highway 6 and 44, and Rhode Island Highway 3, on the one hand, and on the other, points in New York on and south of a line beginning at Youngstown, N.Y., and extending along the shore line of Lake Ontario to Oswego, N.Y.; thence along New York Highway 57 to Syracuse, N.Y.; thence along New York Highway 5 through Utica, N.Y., to Schenectady, N.Y.; thence along New York Highway 7 to Troy, N.Y.; thence along New York, Highway 66 to Junction New York Highway 43, and thence along New York Highway 43 to the New York-Massachusetts State Line; for 180 days. Supporting shipper: There are 300 statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. D. Perry, Jr., Interstate Commerce Commission, Bureau of Operations, 135 High St., Rm. 324, Hartford, Conn. 06101.

No. MC 110393 (Sub-No. 34TA), filed May 27, 1977. Applicant: GEM TRANSPORT, INC., 930 Wall St., Jeffersonville, Ind. 47130. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including dairy products*, in vehicles equipped with mechanical refrigeration, from Plymouth, Wis., to points in the states of Virginia, Maryland, New Jersey, Delaware, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and the District of Columbia, under a continuing contract, or contracts, with Borden Foods Division of Borden, Inc., for 180 days. Supporting shipper(s): Borden Foods, Division of Borden, Inc., 180 E. Broad Street, Columbus, Ohio. 43215. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 113678 (Sub-No. 672TA), filed May 26, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, household pet cages, aquarium accessories, supplies and equipment, and materials and supplies* used in the manufacture of aquariums and household pet cages, from Canton, Ga., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming for 180 days. Supporting shipper(s): O'Dell Manufacturing, Inc., P.O. Box 1169, Canton, Ga. 30114. Send protests to: Herbert C. Ruoff, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 114457 (Sub-No. 312TA), filed June 2, 1977. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive Cement, tackless strips, carpet accessories, and advertising materials*, from the facilities of Taylor Industries at or near Conyers, Ga., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Taylor Manufacturing, Inc., 900 Rockdale Industrial Blvd., Conyers, Ga. 30207. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 313TA), filed June 2, 1977. Applicant: DART TRANSIT CO., 2102 University Ave., St. Paul, Minn. 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from the plantsite and storage facilities of Tote Systems, Division of Hoover Ball & Bearing Co., at or near Beatrice, Nebr., to points in the United States (except Alaska, Hawaii, Maine, and New Hampshire), for 180 days. Supporting shipper: Tote Systems, Division Hoover Ball & Bearing Co., 700 South 7th St. (Box 456), Beatrice, Nebr. 68310. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115215 (Sub-No. 25TA), filed June 2, 1977. Applicant: NEW TRUCK LINES, INC., P.O. Box 639, Perry, Fla. 3247. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Lumber*, from Jacksonville, Fla., to point in Georgia and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: MacMillan Bloedel Building Materials, 6540 Powers Ferry Road, Suite 200, Atlanta, Ga. 30339. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 118089 (Sub-No. 23TA), filed May 31, 1977. Applicant: ROBERT HEAT TRUCKING, INC., 2909 Ave. C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except frozen foods, hides, and commodities in bulk), from the plantsite and storage facilities utilized by Columbia Foods, Inc., at or near Wallula, Wash., to points in Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. Send protests to: Haskell E. Ballard, Dist. Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 123407 (Sub-No. 380TA), filed May 27, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* and (2) *return and refused shipments*, (1) from facilities of Boise Cascade Corp., located at or near International Falls, Minn., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) from the destination points in (1) above to the facilities of Boise Cascade Corp., located at or near International Falls, Minn., for 180 days. Supporting shipper(s): Boise Cascade Corp., P.O. Box 2885, Portland, Oreg. 97208. Send portests to: J. H. Gray District, Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 135539 (Sub-No. 7TA), filed March 30, 1977. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 4505 Pollack Ave., Evansville, Ind. 47715. Applicant's representative: Margie Market, 305 Van Buren, P.O. Box 154, Marengo, Ill. 60152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, between the plantsite of Armco Steel Corp. in Ashland, Ky., and the plantsite of Chicago Eastern Corp. in Marengo, Ill., under a continuing contract with Chicago Eastern Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chicago Eastern Corp., 200 North Prospect St., Marengo, Ill. 60152. Send Protests to: Connie A. Lepak T/C/S, Interstate Commerce Commision Federal Bldg. and U.S. Courthouse, 46 East Ohio St., Rm. 429, Indianapolis, Ind. 46204.

No. MC 135797 (Sub-No. 75TA), June 1, 1977. Applicant: J.B. HUNT TRANSPORT, INC., P.O. Box 200, US Highway 71, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Clay and clay products* (except in bulk, in tank vehicles); and (b) *animal and/or fish feed* (except in bulk, in tank vehicles), from the plantsite of The Anschutz Corp. and warehouse facilities utilized by Sunshine Mills, Inc., at or near Ochlocknee, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) (a) *clay and clay products* (except in bulk, in tank vehicles); and (b) *fish food* (except in bulk, in tank vehicles); from Red Bay, Ala., and Tupelo, Miss., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Sunshine Feed Mills, Inc., P.O. Drawer S, Red Bay, Ala. 35582. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136285 (Sub-No. 22TA), filed May 23, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, 413 Gordon Ave., Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from points in Mississippi, Georgia, Alabama, and Tennessee, to Charleston, S.C., and Savannah Ga., restricted to the transportation of shipments having a subsequent movement by water, in marine cargo containers, (2) *marine cargo containers, and chassis therefor*, from Charleston, S.C., and Savannah, Ga., to points if Missouri, Alabama, and Georgia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: AJC International, Inc., 6065 Roswell Road, Atlanta, Ga. 30328. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 3500, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 138514 (Sub-No. 11TA), filed May 24, 1977. Applicant: ARCTICARE TRANSPORT, INC., 47 East St., P.O. Box 356, Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, from Baltimore, Md., and points in its Commercial Zone to points in New York, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Pennsylvania, and New Jersey, for 180 days. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, Md. 21229. Send protests to: J. D. Perry, Jr., Interstate Commerce Bureau of Operations, 135 High St., Rm. 324, Hartford, Conn. 06101.

No. MC 138635 (Sub-41TA), filed May 18, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gas-

V 42 N 120 JUN 22 77 UMI

tonia, N.C. 28052. Applicants's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from the plantsites and warehouse facilities used by Stokely-Van Camp, Inc., located at or near Kent, Mr. Vernon, Zillah, Burlington, Grand View, Sunny Side and Walla Walla, Washington, and Albany, Salem, and Eugene, Oreg., to points in Connecticut, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Stokely-Van Camp, Inc., 941 North Meridian St., Indianapolis, Ind. 46206. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 141377 (Sub-No. 5TA), filed June 3, 1977. Applicant THEA O. ELLIOTT, 5612 Heywood Road, Richmond, Va. 23224. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicle parts; generators; machinery parts; road construction machinery and equipment* and (2) *materials, equipment and supplies* (except commodities in bulk in tank vehicles), used in the distribution and sales in (1) above between York, Pa., on the one hand, and, on the other, points in Greensville and Sussex Counties, Va., under a continuing contract with Virginia Tractor Company, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Virginia Tractor Company, Inc., Charles T. Gordon, Parts Manager, 1901 Westwood Ave., Richmond, Va. 23261. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Rm. 10–502 Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

No. MC 142279 (Sub-No. 2TA), filed June 3, 1977. Applicant: RAY A. REICH doing business as RAY REICH TRUCKING CO., INDIVIDUAL, Route 1, Box 133F, Forest Hill, La. 71430. Applicant's representative: Wallace H. Nations, 1806 Rio Grande, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber products and wood products*, between points in Red River Parish, La., on the one hand, and, on the other, points in Arizona, Louisiana, Mississippi, and Texas under a continuing contract with Pineville Kraft Corporation, for 180 days. Supporting shipper: Pineville Kraft Corporation, P.O. Box 870, Pineville, La. 71360. Send protests to: District Supervisor Ray C. Armstrong, Jr., 701 Loyola Ave. 9038 Federal Building, New Orleans, La. 70113.

No. MC 143265 (Sub-No. 1TA), filed May 5, 1977. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, N.H. 03060. Applicant's representative: Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Merrimack, N.H., to Holliston and Taunton, Mass., under a continuing contract with James F. Mooney, Jr. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James F. Monney, Jr. Pres., Mooney & Co., Inc., 74 Lowland St., Holliston, Mass. 01746. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 425 Federal Building, 55 Pleasant St., Concord, N.H. 03301.

No. MC 143300 (Sub-No. 1TA), filed May 24, 1977. Applicant: J. C. WOOLRIDGE, INC., Highway 220 South, Martinsville, Va. 24112. Applicant's representative: Carroll B. Jackson, 1810 Vincennes Road, Richmond, Va. 23229. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Martinsville, Va., and points in the Commercial Zone thereof, to points in Virginia for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bassett Furniture Industries, Inc., P.O. Box 625, Bassett, Va. 24055. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 143312TA, filed May 27, 1977. Applicant: PIONEER TRANSPORT, INC., Route 2, Box 450, Portland, Oreg. 97231. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fairfield, Calif., to Portland and Beaverton, Oreg., and empty beverage containers, from Portland and Beaverton, Oreg., to Fairfield and Winters, Calif., under a continuing contract, or contracts, with Columbia Distributing Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Columbia Distributing Co., 2448 NW. 28th Avenue, Portland, Oreg. 97210. Maletis, Inc., 11040 SW. Allen, Beaverton, Oreg. 97005. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, Oreg. 97204.

No. MC 1433323TA, filed May 31, 1977. Applicant: C. P. YARBROUGH, d/b/a Y & Z TRUCKING, Route 2, Westville, Fla. 32464. Applicant's representative: Kevin V. Canipelli, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Bay County, Fla., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee under a continuing contract, or contracts, with H. C. Hodges Lumber Co. of West Bay, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. C. Hodges Lumber Co. of West Bay, Inc. P.O. Box 160 West Bay Station, Panama City, Fla. 32407. Send protests to: G. H. Fauss, Jr. District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 143324TA, filed May 31, 1977. Applicant: RENN F. LAMASTER, 10405 Bunsen Way, Louisville, Ky. 40299. Applicant's representative: J. G. Dail, Jr., or Joel E. Cooperrider, P.O. Box 567, McLean, Va. 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household dishwashing machines, waste compactors, and parts* for household dishwashing machines and waste compactors, from the plantsite of Hobart Corporation at or near Mount Sterling, Ky., to Jeffersonville, Ind., Danville, Lexington, Louisville, Ky.; and Cincinnati, Ohio, restricted to traffic having a susgsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. James W. Gibson Manager, Transportation Administration, Hobart Corporation, World Headquarters, Troy, Ohio. 45374. Send protests to: Mrs. Lynda H. Sypher District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 143325TA, filed May 31, 1977. Applicant: THOMAS L. ROLLANS, P.O. Box 365, Bryant, Ark. 72022. Applicant's representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete building blocks*, from the plant sites and storage facilities of Arkhola Sand & Gravel Company at or near Little Rock, Ark., to Longview, Tex., under a continuing contract, or contracts, with Arkhola Sand & Gravel Company for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Arkhola Sand & Gravel Company, P.O. Box 1627, Fort Smith, Ark. 72902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 143345TA, filed June 2, 1977. Applicant: CLINTON M. THOMPSON, 520 Main, Osage City, Kans. 66523. Applicant's representative: Clinton M. Thompson, Box 111, Osage City, Kans. 66523. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors machinery, industrial tractors, forklifts, backhoes, engines, agricultural tractors, implements*, from Illinois, points of Aurora, Joliet, Peoria, Pekin, Mossville, and Decatur to all points and places in Kansas, for 180 days. Supporting shipper: Martin Tractor Co., Inc., 1737 SW. 42d St., P.O. Box 1698, Topeka, Kans. 66601. Send protests to: District Supervisor Thomas P. O'Hara, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building & U.S. Courthouse, 444 SE. Quincy, Topeka, Kansas 66683.

PASSENGER APPLICATION

No. MC 143153 (Sub-No. 1TA), filed June 3, 1977. Applicant: LIMOUSINE, INC., 1200 Orleans, Topeka, Kans. 66604. Applicant's representative: James E. Wells, 1505 First National Bank Tower, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, their baggage or hand carried articles*, limousine service only, between Topeka, Kans., and Kansas City, Mo., and Kansas City, Kans., Commercial Zone, and between Topeka, Kans., and the Kansas City International Airport and return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Larry L. Luttjohann, Chartered, 1505 First National Bank Tower, Topeka, Kans. 66603, Topeka Inn Management, 2209 West 29th, Topeka, Kans. 66614. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. & U.S. Courthouse, 444 SE. Quincy, Topeka, Kans. 66683.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17787 Filed 6-21-77;8:45 am]

[Notice No. 78]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 16, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application. A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commision, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20916 (Sub-No. 24TA) filed June 8, 1977. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Culpeper Wood Preservers at Culpeper, Va., to points in Ohio for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Culpeper Wood Preservers, Culpeper, Va. Send protests to: W. C. Hersman District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue NW. Room 1413, Washington, D.C. 20423.

No. MC 25798 (Sub-No. 294TA, filed June 1, 1977. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, 502 E. Bridgers Ave., Auburndale, Fla. 33823. Aplicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, and vermicelli*, with or without other ingredients, soybean products and dried soup mix, from Minneapolis, Minn., to points in Florida, Georgia, North Carolina, South Carolina, California, and Arizona, for 180 days. Supporting shipper(s): The Creamette Company, 428 North First Street, Minneapolis, Minn. 55401. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 NW. 53d Terrace, Miami, Fla. 33166.

No. MC 27817 (Sub-No. 134TA), filed June 3, 1977. Applicant: H. C. GABLER, INC., R.D. 3, P.O. Box 220, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefore, and fibreboard boxes*, from the plantsite and shipping facilities of Glass Containers Corporation in the Borough of Knox and the Townships of Paint and Elk, Clarion County, Pa., the Borough of Marienville, Forest County, Pa.; and the Borough of Parker, Armstrong County, Pa., to points in New Hampshire, Rhode Island, Connecticut, Massachusetts and that part of New York, on and east of U.S. Highway 11 and New York Highway 12, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Glass Containers Corporation, Knox, Pa. 16232. Send protests to: Charles F. Myers District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108

No. MC 41915 (Sub-No. 39TA), filed May 27, 1977. Applicant: MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Rd., York, Pa. 17405. Applicant's representative: Jeremy Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer, and sound deadening compounds* (except in bulk), from New Kensington, Pa., to points in Delaware, Maryland, New Jersey, New York, North Carolina, South Carolina, and Virginia for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker State Oil Refining Corporation, P.O. Box 989, Oil City, Pa. 16301. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, 278 Federal Building, 228 Walnut Street, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 51146 (Sub-No. 500TA), filed June 1, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products, plastic product, metal foil products, products composed of combination of paper, plastics or metal foil, toothpicks, wire goods, scouring pads, holders, and/or dispensors* for above named commodities, and *materials and supplies* used in the manufacture, distribution and sale of above named commodities (except commodities in bulk), from the plant site of American Can Company in Lexington, Ky., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Can Company, American Lane, Greenwich, Conn. 06830 (Richard Begler, Coordinator-Operations). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 61403 (Sub-No. 243TA), filed May 26, 1977. Applicant: MASON & DIXON TANK LINES, INC., P.O. Box 969, Hwy 11W, Kingsport, Tenn. 37662. Applicant's representative: James P. Ray, P.O. Box 969, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk,

V 42 N 120
JUN 22 77
UMI

in tank vehicles, from Apple Grove (Mason County), W. Va., to points in the states of North Carolina, South Carolina, Georgia and Tennessee for 180 days. Supporting shipper(s): The Goodyear Tire & Rubber Company, 1144 E. Market Street, Akron, Ohio. 44316. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 1010219 (Sub-No. 58TA), filed June 2, 1977. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. 10018. Applicant's representative: Norman Weiss and Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, on hangers, in boxes, and in cartons and accessories* used and sold in connection therewith and materials, supplies and equipment used in the manufacture of wearing apparel when moving in the same vehicle and at the same time with shipments of wearing apparel on hangers, between Atlanta, Ga., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone and points in Massachusetts, Maine, New Hampshire, Connecticut and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Personal, a Division of Leslie Fay, Inc., 666 Summber Street Sec "C", Boston, Mass. 02210. Send protests to: Maria B. Jejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111862 (Sub-No. 24TA), filed June 6, 1977. Applicant: HENNES TRUCKING COMPANY, 338 S. 17th Street, Milwaukee, Wis. 53233. Applicant's representative: John Bruemmer, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement and/or mortar*, in bulk and/or packages, from the plant and storage facilities of Marquette Cement Manufacturing Company at Superior, Ohio, to points in West Virginia, under a continuing contract, or contracts, with Columbia Cement Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Columbia Cement Corporation, 3059 East Mound Street, Columbus, Ohio 43209 (Darrell L. Miller) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 115496 (Sub-No. 53TA), filed June 2, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Hwy 23 South, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the facilities of Continental Can Company at or near Hazelhurst and Statesboro, Ga., to points in North Carolina, South Carolina, Virginia and Alabama, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Can Company, Inc., Woodland Division, P.O. Box 8969, Savannah, Ga. 31402. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 115821 (Sub-No. 27TA), filed June 1, 1977. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed rock*, in bulk, in dump vehicles, from Perry County, Mo., to the plantsite of Southern Illinois Asphalt Co., Inc., near Pinckneyville (in Perry County), Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shipper(s): William M. Regenhardt, President, Southern Illinois Asphalt Co., Inc., P.O. Drawer N, Mt. Vernon, Ill. 62864. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 116175 (Sub-No. 7TA), filed June 7, 1977. Applicant: WILLIAM E. (BILLY) ONEY, doing business as, WILLIAM E. ONEY, Route 7, Box 37, Kingsport, Tenn. 37660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, in bags and containers, from Winchester, Ky., to points in Russell and Dickenson Counties, Va., for 180 days. Supporting shipper(s): Russell County Cooperative, Inc., Lebanon, Va. 24266. Clintwood Farm Supply, Clintwood, Va. 24228. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 117119 (Sub-No. 634TA), filed June 1, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail discount, variety, and department stores and super markets (except in bulk), from points in Connecticut, Massachusetts, New Jersey, Rhode Island, New Hampshire, points in New York on and east of U.S. Highway 15, points in Pennsylvania on and east of U.S. Highway 15, and Wilmington, Del., to Monroe, La., Little Rock, Ark., and Harrison, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mass Merchandisers, Inc., P.O. Box 790, Harrison, Ark. 72601. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol. Little Rock, Ark. 72201.

No. MC 123522 (Sub-No. 1 TA), filed May 24, 1977. Applicant: SEYLLER TRANSPORT, INC., 262 Mill Street. Hampshire, Ill. 60140. Applicant's representative: R. D. Higgins, 7222 Cunningham Road, Rockford, Ill. 61102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, from points in Illinois and Indiana, to points in Illinois, Wisconsin, Ohio, Iowa, Michigan and Ind., under a continuing contract, or contracts, with BTU Contracts, Inc. for 180 days. Supporting shipper(s): BTU Contracts, Inc. Ronald M. Pikus Vice President, P.O. Box 1637, Evanston, Ill. 60204. Send protests to: Patricia A. Roscoe Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 123805 (Sub-No. 12TA), filed June 1, 1977. Applicant: LOMAX TRUCKING SERVICE, INC., R.R. No. 1, Hannibal, Mo. 63401. Applicant's representative: Thomas P. Rose, P.O. Box 205, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed Gypsum Rock*, in bulk, in dump vehicles, from the U. S. Gypsum Company facility at or near Mediapolis, Iowa, to Clarksville, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dundee Cement Company, P.O. 67, Clarksville, Mo. 63336. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128951 (Sub-No. 17TA), filed May 23, 1977. Applicant: ROBERT H. DITTRICH, d/b/a BOB DITTRICH TRUCKING, 1000 North Front Street, P.O. Box 432, New Ulm, Minn. 56073. Applicant's representative: Bruce A. Rasmussen, 1110 Northwestsern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from New Ulm, Minn., to points in Iowa and South Dakota for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nutra-Flo Chemical Company, 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 134388 (Sub-No. 16TA), filed May 20, 1977. Applicant: HOME RUN, INC., Three East Washington St., Jamestown, Ohio 45335. Applicant's representative: Boyd B. Ferris, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and component parts, materials, supplies, and fixtures* used in the erection or assembly of buildings, except commodities in bulk, between the plantsite and facilities of Mayhill Homes Corporation at or near Gainesville, Ga., on the one hand, and, on the other, points in Florida, Alabama, Mississippi, Kentucky, Tennessee, South Carolina, North Carolina, Virginia, and West Virginia, under a continuing contract with W. T. Mays, President, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. T. Mays, President, Mayhill Homes Corporation, Gainesville, Ga. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main St., Cincinnati, Ohio 45202.

No. MC 135539TA, filed March 30, 1977. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 4505 Pollack Avenue, Evansville, Ind. 47715. Applicant's representative: Margie Market, 305 Van Buren, P.O. Box 154, Marengo, Ill. 60152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, between the plantsite of Armco Steel Corporation in Ashland, Ky., and the plantsite of Chicago Eastern Corporation in Marengo, Ill., under a continuing contract or contracts with Chicago Eastern Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chicago Eastern Corporation, 200 North Prospect St., Marengo, Ill. 60152. Send protests to: Connie A. Lepak, T/C/S, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 425, Indianapolis, Ind. 46204.

No. MC 135950 (Sub-No. 4TA), filed May 26, 1977. Applicant: KERN TRUCKING, INC., R.R. 1, Box 162, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Morgan and Menifee Counties, Ky., to Fairborn, Ohio, under a continuing contract or contracts with Southwestern Portland Cement, Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southwestern Portland Cement Co., Eastern Division, Fairborn, Ohio. Send protests to: William S. Ennis, District Supervisor, Interstate Commerce Commission, Federal Bldg. and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 136343 (Sub-No. 109TA), filed June 3, 1977. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood and plastic mouldings*, from Middlebury, Ind., to New Ulm, Minn.; Prairie du Chien, Wis.; Spencer, Wis.; Wichita, Kans.; Waxahachie, Tex.; Waco, Tex.; Shreveport, La.; Decatur, Ala.; Ocala, Fla.; Charlotte, N.C.; and Lancaster, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Abitibi Corporation, Building Products Division, P.O. Box 509, Middlebury, Ind. 46540. Send protests to: Charles F. Myers District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 136711 (Sub-No. 30TA), filed TRUCK LINE, INC., P.O. Box 95181, 2840 South High St., Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, 6161 North May Avenue, Oklahoma City, Okla. 73112 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried fish oil residuum* (in bulk in dump vehicles), from the plantsite of Vy Lactose Laboratories Co., at Old Rock, Kans., to Springdale and Ft. Smith, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vy Lactose Laboratories Co., P.O. Box 848, Joplin, Mo. 64801. Send protests to: District Supervisor Joe Green, Room 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 138003 (Sub-No. 15TA), filed June 6, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces, and air conditioners and parts and supplies* used in the manufacture of the above, from Fort Smith, Ark., to points in Washington, Oregon, California, Arizona, Nevada, Idaho, and Utah, under a continuing contract or contracts with Rheem Manufacturing Company, for 180 days. Supporting shipper(s): Rheem Manufacturing Company, 5600 Old Greenwood Road, Fort Smith, Ark. 72906. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 138762 (Sub-No. 12TA), filed June 1, 1977. Applicant: MUNICIPAL TANKLINES LIMITED, P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: R. Streeter, Southern Building, 15th and H Streets, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Port of Entry on the United States-Canada Boundary line located at or near Port Huron, Mich., to points in Michigan, restricted to shipments originating at Sarnia and Courtright, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): J. J. Stefanec, Director, Transportation Legislation & Research, Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 139336 (Sub-No. 13TA), filed June 6, 1977. Applicant: TRANSTATES, INC., 3216 East Westminster, Santa Ana, Calif. 92703. Applicant's representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet adhesive, tackless strip, tape, nail, flammable contact cement, flammable pad cement, cove-base adhesive, cut-back adhesive, carpet laying tools, and floor covering supplies* (except carpet), from the manufacturing facilities of American Adhesive Products, Inc., in Los Angeles County, Calif., to points in the United States; *materials, supplies, and equipment* utilized in the manufacture of the above-identified commodities, from points in the United States to the manufacturing facilities of American Adhesive Products, Inc., in Los Angeles County, Calif., under a continuing contract, or contracts, with American Adhesive Products, Inc., for 180 days. Supporting shipper(s): American Adhesive Products, Inc., 1855 East 63rd Street. Los Angeles, Calif. 90001. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles. Calif. 90012.

No. MC 139600 (Sub-No. 10TA), filed May 27, 1977. Applicant: LA CRESTA, INC., d.b.a. CALIFORNIA BULK EXPRESS, 414 North Hale Street, Escondido, Calif. 92025. Applicant's representative: Lois A. Caldwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing compounds, and accessories*, from Los Angeles and Kern Counties, Calif.; to points in Arizona, for 180 days. Supporting shipper(s): Stewart Building & Roofing Supply, Inc., 2110 E. 19th Street (P.O. Box 4430), Tucson, Ariz. 85717. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143213 (Sub-No. 1TA), filed May 19, 1977. Applicant: F.A.S.T.

V421120
JUN 22 77
UMI

TRANSPORTATION SERVICE, INC., 3726 Ford St., Cincinnati, Ohio 45223. Applicant's representative: Carl L. Frye (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal scrap, shredded*, in bulk, other than tank vehicles, from Newport, Ky., to Coshocton, Ohio, under a continuing contract or contracts with D. Kirschner & Sons, Inc., for 180 days. Applicant ahs also filed an underlying ETA seeking up to 90 days of Operating authority. Supporting shipper: D. Kirschner & Sons, Inc., 1220 Licking Pike, Newport, Ky. 41071. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514 B Federal Building, 550 Main St., Cincinnati, Ohio 45202.

No. MC 143250 (Sub-No. 1TA), filed June 6, 1977. Applicant: WILDCAT CONSTRUCTION CORPORATION, St. Albans, Vt. 05478. Applicant's representative: David M. Yarnell, 99 North Main Street, St. Albans, Vt. 05478. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Swanton, Vt., to points in Florida, under a continuing contract, or contracts, with Lucille Farm Products, Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lucille Farm Products, Inc., Box 125, Swanton, Vt. 05488. Send protests to: David A. Demers, District Supervisor, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

PASSENGERS APPLICATIONS

No. MC 138707 (Sub-No. 2TA), filed May 26, 1977. Applicant: W. L. WILCOXON d.b.a. YELLOW CAB CO. OF JUNCTION, 529 Pitkin Avenue, Box 2065, Gand Junction, Colo. 81501. Applicant's representative: Wade Conwell, 205 Hale Avenue, Grand Junction, Colo. 81501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Grand Junction, Colo., and points within a radius of 150 miles, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Colorado West Travel, 119 North 6th, Grand Junction, Colo. 81501. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143335 (Sub-No. 1TA), filed June 6, 1977. Applicant: CONCORD COACH LINES, LTD., 4706 50th Street, Lloydminster, Saskatchewan, Canada. Applicant's representative: Ronald C. Harris, 5406 48th Street, Lloydminster, Alberta, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage* of same passengers in the same vehicle on charter operations only, from ports of entry on the U.S.-Canada International Boundary line to any point in the United States (except Hawaii), and return with the same passengers and baggage on irregular routes, for 180 days. Supporting shipper(s): Russ Robertson Mayor, City of Lloydminster, 5011-49 Avenue, Lloydminster, Saskatchewan, Canada, Eric Salt President, Lloydminster Senior Citizens Society, 4723 49th Street, Llyodminster, Saskatchewan, Canada. Betty Helm Secretary-Manager, Chamber of Commerce, 4919 50th Avenue, Lloydminster, Saskatchewan, Canada. Send protests to: Paul J. Labane District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17788 Filed 6-21-77;8:45 am]

(Notice No. 79)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 17, 1977.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certifiy that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 89021 (Sub-No. 1TA) filed June 1, 1977. Applicant: JOHN WEIGERT, doing business as LEVINE'S EXPRESS & TRUCKING COMPANY, P.O. Drawer C, Cliffwood, N.J. 07721. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising display materials* (except in bulk), Between New York, N.Y., on the one hand, and, on the other, points in Colorado, Kentucky, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Thomson-Leeds Company, Inc., 711 Third Avenue, New York, N.Y. 10017. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 94350 (Sub-No. 394TA), filed June 1, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Rd. at Transit Drive, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Double-wide mobile homes*, in initial movements, from Lexington, Miss., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fleetwood Homes, Inc., 100 Fleetwood Circle, Lexington, Miss. 39095. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 107403 (Sub-No. 1020TA), filed June 3, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acid*, in bulk, in tank vehicles, from DeRidder, La., to Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crosby Chemicals, Inc., 600 Whitney Bldg., New Orleans, La. 70130. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 1022TA), filed June 2, 1977. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank vehicles, from Glass Rock, Ohio to Flora, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Central Silica Company, 806 Market St., Zanesville, Ohio 43701. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Rm. 3238, Philadelphia, Pa. 19106.

No. MC 110525 (Sub-No. 1195TA), filed June 2, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum -chloride*, in bulk, in hopper vehicles, (1) from LaPorte, Tex., to Baton Rouge, La., and Philadelphia, Pa., and (2) from Brainards, N.J., to LaPorte, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearsall Chemical Corporation, 2519 Fairway Park Drive, Suite 320, Houston, Tex. 77092. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 115353 (Sub-No. 26TA), filed June 1, 1977. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, 342 Schuyler Ave., Kearny, N.J. 07032. Applicant's representative: Mr. Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and building materials*, from the facilities of United States Gypsum Company at Jacksonville, Fla., to points in the States of Alabama, Georgia, North Carolina, South Carolina and Virginia, under a continuing contract or contracts with the United States Gypsum Company, Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: United States Gypsum Company, 53 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 118989 (Sub-No. 159TA), filed June 3, 1977. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Rolland Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, with or without ends, with mechanical conveyor equipment, from the plant site of Owens-Illinois at Chicago, Ill., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc. P.O. Box 1035, Toledo, Ohio 43666 (D. R. Espen Assistant Director). Send protests to: John E. Ryden District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 119741 (Sub-No. 72TA), filed June 1, 1977. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, FRD No. 2, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Omaha, Nebr., and St. Paul, Minn., to Fort Dodge, Iowa, (2) *empty malt beverage containers*, from Fort Dodge, Iowa to Omaha, Nebr., and St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fort Dodge Preferred Beer Co., Inc., 204 Central Avenue, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 119974 (Sub-No. 69TA), filed June 1, 1977. Applicant: L.C.L. TRANSIT COMPANY, 949 Advance Street, Green Bay, Wis. 54305. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wis. 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and blends thereof*, from the facilities of Amstar Corporation and SuCrest Corporation at Chicago, Ill., to Columbia, Flat River, Osceola, Oskaloosa, and Pella, Iowa, for 180 days. Supporting shipper(s): (1) Amstar Corporation, 2905 South Western Ave., Chicago, Ill. (E. J. Zglobicki, District Traffic Manager), (2) SuCrest Corporation, 330 East North Water St., Chicago, Ill. 60611 (Richard L. Dorsch, Traffic Manager). Send protests to: Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 123054 (Sub-No. 15TA), filed June 2, 1977. Applicant: R & H CORPORATION, P.O. Box 469, 295 Grand Avenue, Clarion, Pa. 16214. Applicant's representative: William J. Lavelle, 2310 Grand Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor, and fibreboard boxes*, from the plantsites and shipping facilities of Glass Containers Corporation in the Borough of Knox, Clarion County, the Borough of Marienville, Forest County, and the Borough of Parker, Armstrong County, Pa., to points in New Hampshire, Rhode Island, Connecticut, Massachusetts and that part of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction with New York Highway 12, and thence along New York Highway 12 to Clayton, N.Y. Restriction: Restricted to traffic originating at and destined to the above origins and destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Glass Containers Corporation, Penn Avenue, Knox, Pa. 16232. Send protests to: District Supervisor, Richard C. Gobbell, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 123255 (Sub-No. 104TA), filed May 31, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 E. Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products*, from Channahon, Ill., to points in the states of Indiana, Iowa, Minnesota, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Eastern/Central Divisions, Dow Chemical U.S.A., Post Office Box 36000, Strongsville, Ohio 44136. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 123255 (Sub-No. 105TA), filed May 31, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans and closures therefor*, from Greenville, N.C., to Taunton, Mass.; Dundee, New York; and Philadelphia, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Container Corporation of America, Post Office Box 957, Atlanta, Ga. 30301. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 123255 (Sub-No. 106TA), filed May 31, 1977. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of National Can Corporation located at Piscataway, N.J., to Columbus, Ohio, and St. Louis, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Can Corporation, Route No. 287 at So. Randolphville Road, Piscataway, N.J. 08854. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124679 (Sub-No. 79TA), filed June 2, 1977. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's repersentative: Daniel Eng-

JUN 22 1977 UMI

land, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the plant site and storage facilities of L. D. Schreiber Cheese Company to Logan, Utah, to points in New York, New Jersey, Massachusetts, Connecticut, Maryland, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. D. Schreiber Cheese Company, Inc., 1407 Main Street, Green Bay, Wis. 54305, (Robert Buchberger, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 129808 (Sub-No. 26TA), filed June 6, 1977. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, Nebr. 68801. Applicant's representative: Steven K. Kuhlmann, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irrregular routes, transporting: *Home decorating trimmings and accessories*, from Traverse City, Mich., to Grand Island, Nebr. and Dallas, Tex., under a continuing contract or contracts with Burwood Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Richard F. Ehrenberger II, Burwood Industries, Inc., 807 Airport Access, Traverse City, Mich. 49684. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 134783 (Sub-No. 29TA), filed June 2, 1977. Applicant: DIRECT SERVICE, INC., 940 East Street 66th, P.O. Box 2491, Lubbock, Tex. 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (liquid brown sugar) in containers, from the facilities utilized by Amstar Corporation at or near Timberville, Va. to Chicago, Ill., and New Orleans, La., and points in the commercial zones of each respective city, for 180 days. Supporting shipper(s): Amstar Corporation, 1251 Avenue of the Americas, New York, N.Y. 10020. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 135170 (Sub-No. 20TA), filed June 6, 1977. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Franklin, Va., to Baltimore, Cockeysville, Glen Gurnie, Finksburg and Federick, Md., and Philadelphia and Allentown, Pa., under a continuing contract or contracts with Apollo Plastics, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. O. D. Griffin, Vice Pres./Plant Manager, Apollo Plastics, Inc., P.O. Box 621, Franklin, Va. 23851. Send protests to: Mr. William L. Huges, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 136285 (Sub-No. 23TA), filed June 6, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, 413 Gordon Avenue, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, 3426 North Washington Blvd., Arlington, Va. 2210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring the use of special equipment), in containers and trailers having a prior or subsequent movement by water, between the facilities of the Army and Air Force Exchange Service located at or near Forest Park, Ga., on the one hand, and, on the other, Charleston, S.C., and Jacksonville, Fla., for 180 days. Supporting shipper(s): Army and Air Force Exchange Service, 3911 Wlaton Walker Blvd., Irving, Tex. 75222. Send protests to: G. H. Fauss, Jr. District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 136904 (Sub-No. 21TA), filed May 31, 1977. Applicant: WORSTER-MICHIGAN, INC., R.D. No. 1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. Mackrell, Knox, Graham, McLaughlin, Gornall and Sennett, Inc., 23 West Tenth Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Traverse City, Mich., to the states of Missouri and Kansas for 180 days. Supporting shipper(s): Chef Pierre, Inc., P.O. Box 1009, Traverse City, Mich. 49684. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 138144 (Sub-No. 21TA), filed June 2, 1977. Applicant: FRED OLSON CO., INC., 6022 West State St., Milwaukee, Wis. 53213. Applicant's representative: Anthony E. Young, 10 South LaSalle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from New Lennox Township, Will County, Ill., to points in Callaway County, Mo., and Coffey County, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting shipper(s): United States Steel Corporation, 600 Grant Street, Room 1569, Pittsburgh, Pa. 15230 (Royce D. Northcutt, General Manager). Send protests to: Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138420 (Sub-No. 17TA), filed June 6, 1977. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, Wis. 53015. Applicant's representative: Wayne W. Wilson, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising premiums, materials and supplies and malt beverage dispensing equipment*, from Columbus, Ohio to Addison, Montgomery and Rockford, Ill.; (2) *rejected shipments and used, empty malt beverage containers and dispensing equipment*, from Addison, Montgomery and Rockford, Ill., to Columbus, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Western Beverage Service, Inc. 1530 W. LaWrightwood Ct., Addison, Ill. 60101. (2) Bell Beverage Co., Inc. 4982 27th Avenue, Rockford, Ill. 61109. (3) Superior Beverage, Inc. 101 Krell, Montgomery, Ill. 60538. Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138627 (Sub-No. 20TA), filed June 2, 1977. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Route 4, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the facilities of Temple Gypsum, Division of Temple Eastex Incorporated, at West Memphis, Ark., to points in Illinois, Indiana, Missouri, Kentucky and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Temple Gypsum, Division of Temple Eastex Incorporated, West Memphis, Ark. 38101. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 140092 (Sub-No. 5TA), filed May 31, 1977. Applicant: KEYSTONE TRUCKING CORP., 35 Brunswick Avenue, (P.O. Box 514), Edison, N.J. 08817. Applicant's representative: Thomas F. X. Foley, 167 Fairfield Road, (P.O. Box 1409), Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, between Baltimore, Md., and points in New

Castle County, Del.; Restriction: The authority is limited to a transportation service to be performed under a continuing contract or contracts with The Great Atlantic & Pacific Tea Company, Inc., of Montvale, N.J., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Great Atlantic & Pacific Tea Company, Inc., Two Paragon Drive, Montvale, N.J. 07645. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141363 (Sub-No. 6TA); filed June 6, 1977. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik Street, Piermont, N.Y. 10968. Applicant's representative: Burce J. Robbins, Robbins & Newman, 118-21 Queens Boulevard, Forest Hills, N.Y. 11375. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment and supplies* used in the manufacture and distribution of paper and paper products (except in bulk), between Piermont, N.Y., and Vineland, Newark, Garfield and Cranberry, N.J., on the one hand, and, on the other, points in the States of Connecticut, Delaware, Maryland, Massachusetts, New York and Rhode Island, and points in Pennsylvania on and east of U.S. Highway 15, under a continuing contract, or contracts, with Clevepak Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Clevepak Corp. 925 Westchester Avenue, White Plains, N.Y. 10604. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 141527 (Sub-No. 3TA), filed June 3, 1977. Applicant: D & D LUMBER COMPANY, INC., 2146 Amity Hill Road, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsites and shipping facilities of Lewittes Furniture Enterprises, Inc. at or near Taylorsville, N.C.; to points in Michigan and Ohio, under a continuing contract with Lewittes Furniture Enterprises, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lewittes Furniture Enterprises, Inc., P.O. Box 1027, Taylorsville, N.C. Send protests to: District Supervisor Terrell Price, 800 Brair Creek Rd., Rm. CC 516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 142205 (Sub-No. 5TA), filed June 6, 1977. Applicant: LOUDOUN TRANSFER, INC., P.O. Box 703, Leesburg, Va., 22075. Applicant's representative: Thomas G. Jewell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom upholstered furniture*, between Sterling, Va.; Greenbelt, and Columbia, Md.; Philadelphia, Pa.; Hackensack, N.J.; Hartford, Conn.; Boston, Mass.; Newport, R. I.; and Cleveland, Ohio and their respective commercial zones, under a continuing contract with Metro Mfg. Co., Route 1, Box 104-A, Sterling, Va. 22170, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Metro Mfg. Co. Route 1, Box 104-A, Sterling, Va. 22170. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Rm. 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 143349TA, filed June 1, 1977. Applicant: JUAN GUILLEN BALTAZAR, d/b/a, TRANSPORTES CALIFORNIANOS, Calle Puebla 220, Fraccionamiento Guillen, La Mesa de Tijuana, Baja Cali, N.M. Applicant's representative: Bill Monheim, 15942 Whittier Blvd., Whittier, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the State of Calif., restricted to traffic moving from and to Mexico and through the ports of entry at San Ysidro, Tecate and Calexico, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Agencia Aduanal Gutierrez, Linea International No. 1, Tijuana, B. C. Mexico Metales Y Derivados, de Tijuana, S.A. Calle Cruz Del Sur No. 8, Tijuana, B. C., Fraccionamiento, La Joya. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143351TA, filed June 6, 1977. Applicant: DANTRAC, INC., P.O. Box 92, Fair Play, S.C. 29643. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewing thread*, from the facilities of Textiles-Incorporated, and its wholly-owned subsidiary Threads-Incorporated, located at or near Gastonia, N.C., to Los Angeles, Calif., and Dallas and El Paso, Tex., and points in their Commercial Zones; and (2) *Knit fabric*, from the facilities of Textiles-Incorporated, and its wholly-owned subsidiary, Caro-Knit Incorporated located at or near Jefferson, S.C. to Los Angeles, Calif. and points in its Commercial Zone, under a continuing contract, or contracts, with Textiles-Incorporated, and its wholly-owned subsidiaries, Threads-Incorporated and Caro-Knit Incorporated, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Textiles-Incorporated, and its wholly-owned subsidiaries, Threads-Incorporated and Caro-Knit Incorporated, P.O. Box 759, Gastonia, N.C. 28052. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

By the Commission.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-17780 Filed 6-21-77;8:45 am]

JUN 22 77 UM

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board	1
Federal Power Commission	2
Federal Reserve System	3
International Trade Commission	4
National Railroad Passenger Corporation	5
Postal Rate Commission	6
Railroad Retirement Board	7
Renegotiation Board	8

1

[M-23]

JUNE 16, 1977.

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 10 a.m., June 23, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: (1) Ratification of Items Adopted by Notation.[1] (2) Docket 28052, Application of Mitchell Overseas Movers, Inc., d/b/a Mitchell Air Freight et al., for exemption or approval without hearing pursuant to Section 408 and 409 of the Federal Aviation Act to authorize the joint control of Advanced Transport Services, GMbW.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

[S-709-77 Filed 6-17-77;4:01 pm]

2

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT, 42 FR 30743, June 16, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 21, 1977.

CHANGE IN THE MEETING: Addition of P-5, Docket No. ER76-739, Kentucky-Indiana Power Pool Agreement, P-6, Docket No. E-9583, Conservation of Natural Resources Electric Energy Utilization in the State of Texas Reducing Natural Gas Consumption for Boiler Fuel. M-5(A), Docket No. RM76-15, Regulation of Small Producer. M-5(B), Phillips Petroleum Company, FPC Gas Rate Schedule Nos. 553, 555, 557, 559 and 560; Sun Oil Company, FPC Gas Rate Schedule Nos. 538, 539, 561, 562, 567, 569, 572, 576, and 577; G-12, Docket Nos. CP74-316, et al., Michigan Wisconsin Pipe Line Company, et al.; G-13, Exxon Corporation, FPC Gas Rate Schedule Nos. 477 and 504. The Louisiana Land and Exploration Company, FPC Gas Rate Schedule Nos. 7 and 10. G-14, Docket No. CI77-306, Transco Exploration Company.

KENNETH F. PLUMB,
Secretary.

[S-710-77 Filed 6-17-77;4:17 pm]

3

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Monday, June 27, 1977, at 10 a.m. a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following item(s) of official Board business:

1. Issues related to simplification of the Truth in Lending Act.
2. Request for the Board of Governors to determine whether Nevada Rev. Stat. 38 § 101 and Alabama Code §§ 76 and 76(1), which establish a younger age of majority for married persons, are inconsistent with the Equal Credit Opportunity Act.
3. Proposal to amend the descriptive billing provisions of Regulation Z (Truth in Lending) as they relate to cash advance checks.
4. Any agenda items carried forward from a previously announced meeting.

This meeting will be open to public observation. Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System. June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-713-77 Filed 6-20-77;10:11 am]

4

[USITC SE-77-40]

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., June 30, 1977.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the Public:

1. Reorganization.
2. Agenda.
3. Petitions and complaints (if necessary): a. Golf balls.
4. Cast-Iron Stoves (Inv. TA-201-24)—vote.
5. Paving Equipment (Inv., AA1921-166)—vote.
6. Progress report on Equal Employment Opportunity (EEO) by the EEO staff.
7. Any items left over from previous agenda.

PORTIONS CLOSED TO THE PUBLIC:

1. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-01601.

[S-711-77 Filed 6-17-77;44:17 pm]

5

AGENCY HOLDING THE MEETING: National Railroad Passenger Corporation.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on June 29, 1977.

A. The meeting will be held on Wednesday, June 29, 1977, in the Monet Room of the L'Enfant Plaza Hotel, 480 L'Enfant Plaza East SW., Washington, D.C. beginning at 9:30 a.m. The portion of the meeting beginning at 9:30 will be closed to the public, during which time the Board will consider agenda items Nos. 1 and 2, as identified below.

B. The meeting will be open to the public beginning at 10:15 a.m. starting with agenda item No. 3, as identified below.

C. The agenda items to be discussed at the meeting follow:

AGENDA, NATIONAL RAILROAD PASSENGER CORPORATION, MEETING OF THE BOARD OF DIRECTORS, JUNE 29, 1977

9:30—CLOSED SESSION

1. Internal Personnel Matters.
2. Matters in Litigation.

10:15—OPEN SESSION

3. Report on Meeting of Stockholders.
4. Approval of Minutes of Regular Meeting of May 26, 1977.
5. Commitment Approval Requests.

77-147 Acquire Automotive Equipment for Track Maintenance.
77-154 Track Upgrading—Kalamazoo to Michigan City.
77-160 Improve Wheel and Bearing Facility to Meet AAR Standards—Wilmington.
77-163 Upgrade Electric Power—Distribution Office—New York.
77-166 Upgrade Detroit Station.
77-172 Upgrade/Modernize Chicago Commissary.
77-176 Fund Bi-level Escalation/Inflation Cost.
77-177 Purchase Four Used Switcher Locomotives.
77-178 ARTS Data Processing Equipment.

6. Board Committee Reports.

A. Planning/Equipment: (1) Planning Strategies FY 78-82; (2) Bi-level Diner; Stairway Measurement; (3) Task III—Route Criteria; (4) Data Processing Requirements.

B. Northeast Corridor Improvement Project: (1) Status Report on 1977 Program; (2) Status Report on Material and Equipment; (3) Discussion on Stations; (4) Status of Contracts.

7. President's Reports.

A. Operations: (1) National Operations; (2) Operations Support; (3) Northeast Corridor Operations.

B. Marketing.

C. Government Affairs.

8. Financial Reports.
9. Presentation on Superliner Service.
10. New Business.
11. Adjournment.

D. Inquiries regarding the information required to be made available to the public pursuant to Appendix A of the Corporation's By-laws should be directed to the Corporate Secretary at 202-484-7679.

Dated: June 17, 1977.

ELYSE G. WANDER,
Corporate Secretary.

[S-706-77 Filed 6-17-77;3:29 pm]

6

AGENCY HOLDING THE MEETING: Postal Rate Commission.
TIME AND DATE: 2:00 p.m., Thursday, June 2, 1977.

PLACE: Conference Room, Room 500, 2000 L St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. MC76-3.
2. Docket No. MC77-1. The following subject is added to the agenda of the closed meeting and so qualifies pursuant to 5 U.S.C. 552b(c)(10).
3. Draft Letter to Postmaster General Concerning Submission of Amendments to DMCS Reflecting New Phased Rates to Become Effective July 6, 1977.

(Authority to conduct closed meeting: 5 U.S.C. 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, telephone 202-254-5614.

[S-712-77 Filed 6-20-77;9:57 am]

7

AGENCY HOLDING THE MEETING: U.S. Railroad Retirement Board.

TIME AND DATE: 9 a.m., June 24, 1977.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Illinois 60611.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

(1) Recovery of annuity overpayments.
(2) Possible change in the period covered by the contracts with members of the Actuarial Advisory Committee.

Portions closed to the public:

(3) Appeal to the Board of denial of waiver of recovery of overpayment. Nellie R. Olson.
(4) Appeal to the Board of denial of annuity application, Curtis L. Witt.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, telephone 312-387-4290.

[S-705-77 Filed 6-17-77;12:24 pm]

8

AGENCY HOLDING THE MEETING: The Renegotiation Board.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 29383, June 8, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Friday, June 17, 1977, 10 a.m.

CHANGES IN MEETING: Date of meeting changed to June 29, 1977, 10 a.m.

CONTACT PERSON FOR MORE INFORMATION:

Kevin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446 (202-254-8277).

Dated: June 17, 1977.

GOODWIN CHASE,
Chairman.

[S-707-77 Filed 6-17-77;3:29 pm]

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

VOL 42 NO 120 JUN 22 77 UM

federal register

WEDNESDAY, JUNE 22, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

FLOOD ELEVATION DETERMINATIONS FOR VARIOUS BOROUGHS, CITIES, COUNTIES, AND TOWNS

V 42 N 120 JUN 22 77 UM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2906]

ASHLAND COUNTY, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of Ashland, Wisconsin, in accordance with the Flood Disaster Protection Act of 1973, which added to the National Flood Insurance Act of 1968.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Horace M. Haener, Ashland County Courthouse, Ashland, Wisconsin 54806.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP.)

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Ashland County Courthouse, Ashland, Wisconsin 54806.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
White River	STH 112	680
	STH 13	636
Bad River-Mellen	STH 169	1,222
Bad River-Morse	T43N R2W	1,498
Marengo River	T45N R4W	806
	CTH "C"	792
	T46N R4W	779
	T46N R4W	768
	T46N R4W	765
	STH 13	757
Marengo tributary No. 1.	STH 112	809
	T46N R4W	794
	T46N R4W	781
Marengo tributary No. 2.	CTH "E"	792
	T46N R4W	786
	T46N R4W	786
East Fork	T42N R2W	1,519
Chippewa River	Soo Line RR	1,518
	CTH "N"	1,517
	STH 13	1,516
	T42N R2W	1,516
	T42N R2W	1,515
Butternut Creek	CTH F	1,507
	CTH F	1,505
	CTH B	1,496

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17559 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2903]

BOROUGH OF BLOOMFIELD, PERRY COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Bloomfield, Perry County, Pennsylvania, in accordance with the Flood Disaster Protection Act of 1973, which added to the National Flood Insurance Act of 1968.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable D. Ray Womer, Mayor of Bloomfield, 15 North Carlisle Street, New Bloomfield, Pennsylvania 17068.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Post Office, New Bloomfield Square, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Juniata Creek.	Corporate limits (downstream).	643
	South Carlisle St.	646
	Eckerd Dam, above Dam.	651
	Eckerd Dam, below Dam.	648
	Corporate limits (upstream).	654

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 17, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-17563 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2904]

BOROUGH OF KENHORST, BERKS COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Kenhorst, Berks County, Pennsylvania, in accordance with the Flood Disaster Protection Act of 1973, which added to the National Flood Insurance Act of 1968.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Bernard Blanski, Mayor of Kenhorst, 1717 New Holland Road, Kenhorst, Reading, Pennsylvania 19607.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Borough Hall, 339 South Kenhorst Boulevard, Kenhorst, Reading, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Angelica Creek	N.E. corporate limits.	236
	Wesleyan Dr. (extended).	239
	Grill Ave. (extended).	248
	High Blvd.	270
	Philadelphia Ave.	285
	S. E. corporate limits.	285
Tributary of Angelica Creek	S. E. corporate limits.	273
	New Holland Rd.	280
	S. W. corporate limits.	288

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17562 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2905]

BOROUGH OF WHEATLAND, MERCER COUNTY, PENNSYLVANIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Borough of Wheatland, Mercer County, Pennsylvania, in accordance with the Flood Disaster Protection Act of 1973, which added to the National Flood Insurance Act of 1968.

DATES: The period for comment will be ninety days following the second publicaton of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable John G. Goda, Mayor of Wheatland, P.O. Box 366 Wheatland, Pennsylvania 16161.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Wheatland Municipal Building, 71 Broadway, Wheatland, Pennsylvania.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Shenango River	East corporate limit (extended).	834
	Council Ave.	834
	Church St. (extended).	835
	Upstream corporate limit, stream centerline intersection.	837
	Ohio St.	838

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17561 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2899]

CITY OF AUGUSTA, GEORGIA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Augusta, Georgia, in accordance with the Flood Disaster Protection Act of 1973 the National Flood Insurance Act of 1968.

JUN 22 1977 UM

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Louis Newman, City and County Municipal Building, 530 Green Street, Augusta, Georgia 30902.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City and County Municipal Building, 530 Green Street, Augusta, Georgia 30902.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Savannah River	U.S. Highway 1	142
	5th Street	144
	Southern R.R.	145
	13th Street	147
	I-20	150
Rae's Creek	Atlantic Coastline R.R.	150
	Washington St.	160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17567 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2897]

CITY OF HELENA, PHILLIPS COUNTY, ARKANSAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Helena, Phillips County, Arkansas, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Thad R. Kelly, Jr., Mayor of Helena, Helena Municipal Building, 226 Perry Street, Helena, Arkansas 72342.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administer, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

The elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the hallway in the Helena Municipal Building, 226 Perry Street, Helena, Arkansas.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mississippi River	Downstream corporate limits, Highway 49 Bridge.	197
	Walker Ditch Floodgate.	198
	Upstream corporate limits.	198
	Park Ditch Pump Station.	199
	Mouth, St. Francis River.	202
Main outlet ditch	Highway 49	182
	Missouri-Pacific RR	185
	Hanksia St.	187
	Missouri-Pacific RR (2nd crossing).	188
	Arkansas St.	189
	Missouri St.	189
	Porter St.	196
	College St.	197
	Highway 49B	205
Walkers ditch	Upstream end of culvert.	207
	Springdale Rd.	213
Freedonia Branch	Highway 49	211
	Downstream corporate limits.	230
	Harcourt St.	250
	Highway 185	260
Caney Creek	Highway 49B	251
	Springdale Rd.	260
	0.5 miles upstream of Springdale Rd.	272
Caney Creek Lateral "A".	Confluence w/ Caney Creek.	232
	Highway 242	234
	Grand Ave.	259
	Highway 49B	267
	Valley Dr.	273
	Springdale Rd.	309

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17580 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2902]

CITY OF HURON, ERIE COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Huron, Erie County, Ohio, in accordance with the Flood Disaster Protection

Act of 1973, which added to the National Flood Insurance Act of 1968.

DATES: The period for comment will be ninety days following the second publication of this notice in a newpaper of local circulation in the above-named community.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable George Sheard, Mayor of Huron, City Hall 417 Main Street, Huron, Ohio 44839.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elecations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Food Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to means the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 417 Main Street, Huron, Ohio.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chaska Beach Cove.	Confluence w/Lake Erie.	577
	U.S. 6	577
Winkler Creek	Enclosed culvert system.	579
	Cleveland Rd.	580
	Con Rail (downstream).	582
	Berlin Rd.	595
	Sprowl Rd.	597
Huron River	U.S. 6	577
	Upstream corporate limits.	578
Mud Brook	Confluence w/Huron River.	577
	Mud Brook Rd.	577
Hahn Creek	South St.	577
	U.S. 6	579
	Adams Ave.	581
	Wilbor Ave.	584
	Con Rail	588
	Bogart Rd.	589
	Upstream corporate limits.	590
Sawmill Creek	Confluence w/Lake Erie.	577
	Upstream corporate limits.	577
Lake Erie	Western corporate limits.	587
	Beach Rd. extended	587
	Hickory St. extended	592
	Swanson St. extended	592
	Sandusky Ave. extended.	592
	Fremont Ave. extended.	592
	Cleveland Ave. extended.	592
	First St. extended	592
	Mouth of Hahn Creek	577
	Main St.	577
	Miami Pl.	592
	Wyandot Pl.	592
	Seneca Ave.	592
	Eastern corporate limits.	592

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-17564 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2898]

TOWN OF LAKE CLARKE SHORES, FLORIDA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Lake Clarke Shores, Florida, in accordance with the Flood Disaster Protection Act of 1973 which added the National Flood Insurance Act of 1968.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Schroder, Town Hall, 1701 Barbados Road, Lake Clarke Shores, Florida 33406.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 1701 Barbados Road, Lake Clarke Shores, Florida 33406.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Shallow flooding (rainfall runoff).	Areas surrounding Lake Clarke and all canals.	12 (depth 1 ft to 3 ft);

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17568 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2901]

VILLAGE OF CHERRY CREEK, CHAUTAUQUA COUNTY, NEW YORK

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby given notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Cherry Creek, Chautauqua County, New York, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Honorable Edmund Sarno, Mayor of Cherry Creek, P.O. Box 24, Cherry Creek, New York 14723.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202 755–5581 or Toll Free Line, 800–424–8872, Room 5270; 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Village Clerk's office, Community Building, Main Street, Cherry Creek, New York.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cherry Creek	Downstream corporate limits.	1,290
	Southside Ave	1,291
	Con Rail	1,295
	Depot St	1,295
	Railroad Ave	1,300
	Main St	1,308
	Confluence with unnamed tributary.	1,313
Conewango Creek	Downstream corporate limits.	1,284
	Con Rail	1,286
	Southside Ave	1,294
	East Center St. (downstream crossing).	1,295
	East Center St. (upstream crossing).	1,299
	Main St	1,304
	Southside Ave. (downstream crossing).	1,307
	Southside Ave. (upstream crossing).	1,313
	Union Ave	1,315
	Upstream corporate limits.	1,348

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77–17565 Filed 6–21–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2900]

VILLAGE OF GROSSE TETE, LOUISIANA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Grosse Tete, Louisiana, in accordance with the Flood Disaster Protection Act of 1973 which added to the National Flood Insurance Act of 1968.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESS: Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Phillip Sarullo, Village Hall, P.O. Box 98, Grosse Tete, Louisiana 70740.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, Grosse Tete, Louisiana 70740.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Bayou Grosse Tete	Texas and Pacific R.R.	13
	Bridge at Salarie Lane East.	13
	Interstate 10	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–17566 Filed 6–21–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2946]

WACCAMAW NECK FLOOD DISTRICT, HORRY COUNTY, SOUTH CAROLINA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notices of the proposed determinations of base flood elevations (100-year flood) for the Waccamaw Neck Flood District, Horry County, South Carolina, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448, 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. C. T. Kelly, District Secretary of Waccamaw Neck Flood District, P.O. Box 12, Georgetown, South Carolina 29440.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Georgetown County Development Commission, Georgetown County Court House, Prince and Screven Streets, Georgetown, South Carolina.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean	At South end of Cedar Island.	14
	At North Santee Bay Inlet.	14
	At Winyah Bay Inlet	14
	At North Inlet	14
	At Pawleys Island end of Waverly Rd.	14
	At east end of Penwick Dr.	14
	At Murrells Inlet	14
	Where Waccamaw Drive crosses northern county boundary.	14
	At north end of Cedar Island.	12
	At confluence of Deck Creek and Big Duck Creek.	12
	In Winyah Bay North of Marsh Islands.	12
	North of Brass Hole Bay.	12
	In Winyah Bay at Hare and Rabbit Islands.	12
	At mouth of Waccamaw River.	11
	At Tysons Trail Rd. extended.	10
	At West end of Waverly Rd. extended.	9
	At Springfield Island	8
	Where Waccamaw River crosses northern county boundary.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–17182 Filed 6–21–77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI–2917]

CITY OF SILSBEE, HARDIN COUNTY, TEXAS

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Silsbee, Hardin County, Texas.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Silsbee, Hardin County, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Silsbee City Hall, 250 Ernest Avenue, Silsbee, Texas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable James L. Hays, Mayor of Silsbee, Silsbee City Hall, Silsbee, Texas 77656.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Silsbee Creek	USH 96 Bypass	46
	Knupple Rd	49
	SH 327	58
	GC&SF RR	70
Village Creek tributary.	Norvell St.	41
	SH 327	57
Mill Creek tributary.	Lee Miller Rd	57
	McPherson Dr	65
	Old Kountze Rd	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42

U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17183 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2967]

VILLAGE OF BARTON, VERMONT

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Barton, Vermont, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Ken Swift, Village Manager, Barton Municipal Office, Barton, Vermont 05822.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Barton Municipal Office, Barton, Vermont 05822.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Barton River	Roaring Brook Rd. Bridge.	861
	Elm Street Birdge	859
Outlet to Crystal Lake.	Canadian Pacific R.R.	952
	U.S. Route 5 Bridge	951
	West Street Bridge	936
	Private Drive Bridge	903
	Vermont Route 16	859

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17184 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2968]

VILLAGE OF ORLEANS, VERMONT

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Orleans, Vermont, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Raymond Boulanger, Chairman, Village Trustees, Orleans Village Office, Orleans, Vermont 05860.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Orleans Village Offices, Orleans, Vermont 05860.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Barton River	Canadian Pacific R.R. Bridge.	745
	Railroad Avenue Bridge.	744
	Canadian Pacific R.R. Bridge.	744
	Private Drive Bridge.	741
	Private Foolbridge	740
	Vermont Route 98 (Main St.) Bridge.	732
	Maple Street Bridge	703
Willoughby River	East Street Bridge	711

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17185 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2916]

CITY OF RUTLAND, VT.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Rutland, Vermont. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW. Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Rutland, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Washington Street, Rutland, Vermont.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Gilbert G. Godnick, City Hall, Washington Street, Rutland, Vermont 05701.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Mussey Brook	South Main St culvert.	542
	Fairground Bridge	542
	do	542
	do	542
	do	542
	do	542
	Bennington Division Rutland RR. culvert.	542
	Service Rd. Bridge	534
	Park St. Bridge	534
Moon Brook	Sharon Rd. Culvert	656
	Stratton Rd. Bridge	606
	Piedmont Pond Dam	603
	Footbridge	596
	Ronaldo Court culvert.	587
	Killington Ave. culvert.	583
	Jackson Ave. culvert	576
	Perry St. culvert	576
	South Main St. culvert.	551
	Strongs Ave. culvert	551
	Rutland and Delaware and Hudson RR. culvert.	551
	Foundry Access Rd. culvert.	543
	Burlington Division Rutland RR. culvert.	537
	Footbridge	536
	Granger St. Bridge	536
	Forest St. Bridge	534
East Creek	Patch Pond Dam	604
	Grove St. Bridge	577
	Cart Rd.	574
	do	562
	do	560
	do	556
	Crescent St. Bridge	545
	State St. Bridge	537
	Rutland and Delaware and Hudson RR. Bridge.	534
	West St. Bridge	533
Otter Creek	River St. Bridge	533
	Ripley Dam	530
	Ripley St. Bridge	522

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17186 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2915]

INDEPENDENT CITY OF BEDFORD, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration. HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Independent City of Bedford, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Independent City of Bedford, Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Bedford Municipal Building in the Front Hall, 215 East Main Street, Bedford, Virginia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor B. W. Saunders, P.O. Drawer 807, Bedford, Virginia 24523.

The proposed 100-year flood elevations for selected locations are:

V 42 120 JUN 22 77 UMI

Source of flooding	Location	Elevation in feet above mean sea level
Johns Creek	Downstream corporate limits.	818
	At first tributary	823
	At 2nd tributary	845
	At Town Branch	862
	At Va. Route 297	862
Unnamed tributary to Little Otter River.	Elks Private Rd.	861
	Downstream of Norfolk & Western RR.	862
	Macon Rd.	862
	Va. Route 297	898

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17187 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2914]

TOWN OF FINCASTLE, BOTETOURT COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Fincastle, Botetourt County, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Fincastle, Botetourt County, Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1969 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Town Office, Fincastle, Virginia.

Any person having knowledge information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Harry W. Kessler, Mayor of Fincastle, P.O. Box 62, Town of Fincastle, Virginia 24090.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Town Branch	Main St.	1,199
	Murray St. (extended).	1,202
	South corporate limits.	1,203

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17188 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2911]

TOWN OF NARROWS, GILES COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Narrows, Giles County, Virginia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Narrows, Giles County, Virginia, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby of the Narrows Municipal Building, 131 Center Street, Narrows, Virginia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Harry C. Ragsdale, Mayor of Narrows, Drawer S, Narrows, Virginia 24124.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mill Creek	Monroe St.	1,552
	Center St.	1,559
	Memorial Blvd.	1,593
	Wolf St.	1,609
	View St.	1,623
	College St.	1,642
New River	Corporate limit (4,000 ft) downstream of U.S. 61.	1,548
	State Route 61	1,552
	Corporate limits 5,300 ft upstream of U.S. 61.	1,557
Wolf Creek	State Route 649	1,552
	Diversion Dam	1,552
	State Route 61	1,552
	Upstream corporate limit.	1,559

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 35 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 77-17189 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2912]

CITY OF FOND DU LAC, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Fond Du Lac, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Fond Du Lac, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 76 East Second Street, Fond Du Lac, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Myron G. Medin, Jr., City Manager, City Hall, 76 East Second Street, P.O. Box 150, Fond Du Lac, Wisconsin 54935.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
De Neven Creek	Fourth St.	768
	Division St.	759
	Johnson St.	756
	Winnebago Dr. (U.S. Highway 151).	750
Fond Du Lac River, East Branch.	Pioneer Rd.	771
	Ninth Street	758
	Second Street	756
	Soo Line RR.	752
Fond Du Lac River, Main Stem West Branch	Seymour St.	757
	Western Ave.	753
	West Division St.	752
	Arndt St.	751
	Scott St.	750

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17190 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2913]

TOWN OF COLTON, WHITMAN COUNTY, WASHINGTON

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Colton, Whitman County, Washington. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Colton, Whitman County, Washington, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4218, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood ele-

JUN 22 1977 UM

vations are available for review at the Colton Post Office, 507 Steptoe Street, Colton, Washington.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Thomas Druffel, Mayor of Colton, P.O. Box 152, Colton, Washington 99113.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Union Flat Creek	Downstream corporate limit.	2,533
	Steptoe St.	2,538
	Depot St.	2,540
	Upstream corporate limit.	2,541

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17191 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2947]

LA CROSSE COUNTY, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration.

ACTION: Proposed Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the County of La Crosse, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. William Bush, Chairman, Board of Commissioners, La Crosse County Courthouse, La Crosse, Wisconsin 54601.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at La Crosse County Courthouse, La Crosse, Wisconsin 54601.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Mississippi River	Vernon Co. Line	640
	La Crosse (city) upstream corporate limits.	642
	La Crosse (city) downstream corporate limits.	643
	Lock and Dam No. 7	646
	Trempealeau Co. Line.	651
Black River	C&NW RR.	657
	State Trunk Hwy. 93.	661
	McGilvory Rd.	664
	U.S. Highway 53	674
Fleming Creek	Baker Rd.	699
	Bridge Sec. 11 T18N R7W.	705
	County Trunk Highway T.	715
	County Trunk Highway M (upstream).	744
	State Trunk Highway 108.	773
	County Trunk Highway D.	799
	County Trunk Highway C.	808
	County Trunk Highway T.	830
	Bridge Sec. 20 T18N R5W.	838
	Bridge Sec. 22 T18N R5W.	862
La Crosse River	CB&Q RR.	647
	County Trunk Highway B.	648
	C&NW RR.	648
	U.S. Highway 16	655
	Interstate 90	671
	U.S. Highway 16 (river mile 14).	682
	County Trunk Highway M.	687
	State Trunk Highway 108.	693
Bostwick Creek	C&NW RR.	674
	County Trunk Highway B.	681
	County Trunk Highway O.	702
	County Trunk Highway YY.	716
	County Trunk Highway M.	740
	Drogseth Rd.	757
	County Trunk Highway H.	779
State Road Coulee	Farm Bridge (near La Crosse city line downstream).	645
	Upstream City Line	648
	Broadview Pl.	649
	Ward Ave.	666
	Hagen Rd.	691
	State Trunk Highway 33.	755
Ebner Coulee	Ward Ave.	656
	29th St.	672
	Gunderson Bridge	726
Mormon Creek	CB&Q RR.	654
	State Trunk Highway 35.	656
	Old Townhall Rd.	659
	County Trunk Highway MM.	667
	Bridge Sec. 24 T15N R7W.	700
	U.S. Highway 14	716
	Breidel Coulee Rd.	720
	County Trunk Highway.	727

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17192 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2970]

MARATHON COUNTY, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Marathon County, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Marathon County, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at County Courthouse, Wausau, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Raymond H. Ott, County Clerk, County Courthouse, Wausau, Wisconsin 54401.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Wisconsin River	U.S. Highway 51 Bridge.	1,157
	City of Wausau corporate limits (East bank).	1,198
Bull Junior Creek	Maple Rd.	1,160
	Town Rd. Bridge	1,195
Johnson Creek	County Trunk Highway C Bridge.	1,128
	Upstream of 16th Rd. Bridge.	1,191
Eau Claire River	Camp Phillips St.	1,179
	Club House Rd.	1,236

in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Marathon County, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at County Courthouse, Wausau, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Raymond H. Ott, County Clerk, County Courthouse, Wausau, Wisconsin 54401.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Wisconsin River	U.S. Highway 51 Bridge.	1,157
	City of Wausau corporate limits (East bank).	1,198
Bull Junior Creek	Maple Rd.	1,160
	Town Rd. Bridge	1,195
Johnson Creek	County Trunk Highway C Bridge.	1,128
	Upstream of 16th Rd. Bridge.	1,191
Eau Claire River	Camp Phillips St.	1,179
	Club House Rd.	1,236

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17193 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2971]

VILLAGE OF NIAGARA, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Village of Niagara, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Village of Niagara, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Village Hall, 881 Main Street Niagara, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. George Bousley, Village President, Village Hall, 881 Main Street, Niagara, Wisconsin 54151.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Menominee River	Little Quinnesec Dam Bridge.	952
	C&NW RR.	953
	U.S. Highway 141	955

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17194 Filed 6-21-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2969]

WOOD COUNTY, WISCONSIN

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in Wood County, Wisconsin. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for Wood County, Wisconsin, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.33 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed based flood elevations are available for review at Wood County Courthouse, Wisconsin Rapids, Wisconsin.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Adrian Elvod, County Clerk, Wood County Courthouse, Wisconsin Rapids, Wisconsin 54494.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Two Mile Creek	16th Street Bridge [1]	1,018
	32nd Street Bridge [1]	1,029
Four Mile Creek	48th Street Bridge	994
	Lake Wazeecha Dam. [1]	1,016
Moccasin Creek	State Highway 54 Bridge. [1]	963
	Green Bay and Western Ry. Bridge.	1,012
Wisconsin River	Nekoosa corporate limits.	937
	Chicago and Northwest RR. Bridge.	990
	Biron Dam	1,035

[1] Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–17195 Filed 6–21–77;8:45 am]

federal register

WEDNESDAY, JUNE 22, 1977

PART III



ENVIRONMENTAL PROTECTION AGENCY

NOISE LABELING STANDARDS

General Provisions

V42N120
JUN 22 77
UM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 211]

[FRL 722-8]

NOISE LABELING STANDARDS

General Provisions

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: By this notice the Environmental Protection Agency proposes to establish the general provisions of a product noise labeling regulatory program. The general provisions being proposed concern those aspects of the program which the Agency intends, to the extent practicable, to implement in a uniform manner with respect to the majority of products that will be considered for possible noise labeling action. Product-specific labeling requirements for individual products or product classes will be added to these provisions by future rulemaking actions. The major purpose of the regulatory action being proposed is to provide accurate and understandable information to product purchasers and users concerning the noise generating or noise reducing properties of products so that meaningful comparisons can be made by the public concerning such properties as part of purchase or use decisions.

DATES: Written comments on or before September 20, 1977.

ADDRESSES: Written comments should be sent to the following address: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW-471), Attn: Product Noise Labeling, Docket Number ONAC 77-8, U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Ellen Robinson, Public Information Specialist, U.S. Environmental Protection Agency, Office of Public Affairs (A-107), 401 M Street, SW., Washington, D.C. 20460, 202-755-0704.

SUPPLEMENTARY INFORMATION: See following text

By this notice the Environmental Protection Agency proposes to establish the general provisions of a noise labeling regulatory program under the authority of and as required by Section 8 of the Noise Control Act of 1972, 42 U.S.C. 4907. This proposed rulemaking is to establish a new Part 211 of Title 40 of the Code of Federal Regulations, to be composed of the general labeling provisions being proposed herein as Subpart A and individual product-specific labeling provisions to be added as further subparts by separate rulemaking actions.

Section 8 of the Noise Control Act states that the Administrator of the Environmental Protection Agency shall promulgate regulations designating and labeling products or classes or products which emit noise capable of adversely affecting the public health or welfare, or which are sold wholly or in part on the basis of their effectiveness in reducing noise.

Section 8 further stipulates that the labeling regulations developed by the EPA specify as a minmum 1) the manner and location in which notice is to be provided, 2) the form of the notice, and 3) the methods and units of measurement to be used.

It is clear from Section 8 that Congress' intention in requiring the promulgation of noise labeling regulations was to provide notice to prospective purchasers or users of either a product's noise level or its effectiveness in reducing noise.

Agency action toward implementing Section 8 of the Act has already taken place through the issuance of an Advance Notice of Proposed Rulemaking concerning the designation and labeling of hearing protectors which appeared in the FEDERAL REGISTER on December 5, 1974, 39 FR 42380. Further regulatory action specifying the detailed labeling requirements for hearing protectors will be conducted through a separate rulemaking action proposing such requirements as a separate subpart to the general provisions being proposed herein.

Both the development and the implementation of a Federal noise labeling program under Section 8 of the Noise Control Act are to a large extent influenced by the overall purposes and goals to which such a program is committed. In formulating the objectives of its noise labeling program the EPA has considered the statutory language of Section 8 as well as the overall need for, and the positive nad negativea spects attendant to, Federal regulatory efforts in controlling environmental noise. As such the Agency will be patterning the further development and implementation of its noise labeling program consistent with the following objectives:

1. To provide accurate and understandable information to product purchasers and users regarding the acoustic properties of designated products so that meaningful comparisons can be made concerning the acoustic properties of the products as part of purchase or use decisions.

2. To accomplish the providing of accurate and understandable information to consumers with minimal Federal involvement. Minimal Federal involvement is to be achieved by ensuring that the federally imposed labeling requirements are carefully structured so as to reduce as much as possible the administrative, economic and technical impacts of the Federal program.

3. To promote public awareness and understanding of environmental noise and the associated terms and concepts.

4. To promote effective voluntary noise reduction and noise labeling efforts on the part of product manufacturers and suppliers.

It is intended that complete Agency labeling action with respect to any product will consist of the requirements contained in the proposed general provisions along with those contained in the product-specific subparts to be added on a product-by-product basis. The Agency will provide notice that it is planning to develop labeling requirements for particular products or product classes by the publication of an Advance Notice of Proposed Rulemaking in the Federal Register. A public comment period will be provided concerning the notification. The designation of products under section 8(a) of the Act will be accomplished within the Notice of Proposed Rulemaking for those products.

The Agency's policy in the development and implementation of a noise labeling regulatory program is to initiate such a program in as simplified a form as is possible. The program and its effects will then be continually evaluated as to the need for revisions to the various elements of the regulatory approach being taken. For example, such revisions may be in response to the need for the more detailed specification of labeling requirements such as those concerning the information to be provided or the form in which the information is presented.

Although the EPA will view each product or product type on an individual basis in determining the need for and the nature of any federally required noise labeling, the general provisions being proposed by this notice are considered to be those aspects of the Agency's noise labeling program which it intends, to the extent practicable, to implement in a uniform manner with respect to the majority of products that will be considered for noise labeling action. These include provisions concerning general applicability, general definitions, label format, label content, graphical requirements, inspection and monitoring, exemptions, and testing by the Agency.

The product-specific labeling requirements to be developed and proposed on a product-by-product basis will include provisions concerning product-specific applicability and definitions, product-specific label specifications such as size, location and manner of affixation, additional label content requirements, acoustic descriptor and rating scheme specifications, test methodologies, and specific enforcement and compliance procedures.

Where specific aspects of the general provisions are found by the Agency to be inapplicable to a certain product or product type, or where the need for additional or modified provisions is apparent, such exceptions, additions or modifications will be incorporated within the product-specific provisions.

PRODUCT SELECTION AUTHORITY AND CRITERIA

The Agency's authority for the selection of products to be designated for Federal noise labeling action is derived from the language of Section 8 of the Act. In that section a distinction is drawn between products which produce noise and products which reduce noise. As to products which produce noise, the Agency is required to promulgate regulations designating and labeling "* * * any product (or class thereof) which emits noise capable of adversely affecting the public health or welfare". As to products which reduce noise, the Agency is required to promulgate regulations designating and labeling "* * * any product (or class thereof) which is sold wholly or in part on the basis of its effectiveness in reducing noise".

Although the statutory authority with respect to noise reducing products is fairly clear from the language of Section 8, the statutory authority for noise producing products requires the Agency to make a decision as to the capability of a product's noise to adversely affect public health or welfare. In making this determination reliance will be placed primarily on the following documents published by the Agency: "Public Health and Welfare Criteria for Noise", July 27, 1973; and "Information on Levels of Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", March, 1974.

Notwithstanding the broad product selection authority granted the Agency by Section 8, the Agency must obviously utilize further product selection criteria in choosing which particular products or product classes should be considered first for noise labeling action. In making such determinations the Agency will consider factors such as the following: product noise level or noise reduction capability; product population; characteristics of product usage (time, frequency, location); number of people impacted; effects on public health or welfare; public attitudes toward a product's acoustic performance; existence of adequate voluntary noise reduction or noise labeling programs on the part of product manufacturers and suppliers; existence of noise labeling requirements of State or local governments; usefulness of labeled information to purchasers and users; potential for product misuse; future trends of product population, design, or usage; existence of product noise emission standards; feasibility of product noise reduction; existing overall availability of acoustic information; effects of product usage on "third parties" (non-users or bystanders); and characteristics of product sales (frequency of purchase, types of purchasers).

As an example of how one of the factors listed above could influence the product selection process it can be seen that the existence of a significant noise impact on third parties from the use of a particular product would tend to indicate that a noise-reduction regulation should be given priority for that product rather than labeling. The EPA solicits any comments and suggestions concerning the manner in which the product prioritizing process should be conducted and how criteria such as those presented above should be weighed and utilized in such decision making.

LABEL FORMAT AND CONTENT

The need for specifications concerning label format and label content within a product noise labeling program such as is being proposed is clearly evident. It is derived not only from the mandate within Section 8 that the Agency's labeling regulations specify the form of the notice to be given, but also flows from the overall objectives of such a program. That is, where the intent is to provide product purchasers and users on a national basis with information that enables them to adequately assess and compare the acoustic properties of various products or product types, the information provided must be presented in a manner that is as uniform recognizable and usable as is possible.

Consequently the Agency has selected and is proposing within the general provisions, label format and label content requirements that will apply to all products, except where modified in the individual product-specific provisions to be proposed.

Under the label format requirements being proposed, label color specifications will not be made by the Agency. However, a provision is included specifying the degree of contrast required. Compliance with this requirement will be monitored by the Agency as to the future need for color specifications of a more detailed nature.

The proposed label format specifies label shape, and the graphical design and layout of its various faces, including lettering. Other aspects of label format such as label size, location, type (hangon, printed, stick-on, etc.), or whether an additional satellite label is required, will be determined on a product-by-product basis and be specified in future product-specific subparts.

Information to be provided within the label, as required in the general provisions, includes: (1) the acoustic descriptor (noise rating or noise reduction rating); (2) product identification such as model number or type designation; (3) manufacturer identification; (4) EPA identification; and (5) comparative acoustic data or information. In addition, the location of the required information within the established label format is also specified. Further label content requirements pertaining to prohibitions, special claims, or additional required information or data will be specified within the product-specific subparts.

As previously stated, exceptions, modifications or additions to the general provisions as a whole and to those just discussed concerning label format and content, will be considered and incorporated as required on a product-by-product basis.

RATING SCHEMES AND TEST METHODOLOGIES

One of the most important aspects of a product labeling program, especially one concerning noise, is that aspect dealing with rating schemes and test methodologies. This subject has been a major focus of the studies conducted thus far in the development of the EPA's noise labeling program.

From an analysis of the subject, four areas of necessary consideration have been identified: (1) selection of the characteristic acoustic parameter or parameters (e.g., sound pressure level in dB(A)); (2) establishment of a suitable measurement methodology or test procedure to generate data in terms of the selected parameter or parameters (e.g., an ANSI-recommended procedure); (3) selection of a suitable acoustic descriptor to appear on the label and convey the determined acoustic information (e.g., a single number representing multiple characteristics); and (4) establishment of a technique of rating the determined information in terms of the selected acoustic descriptor or descriptors (e.g., a rating facilitating comparison with other products).

The selection of the appropriate acoustic parameter or parameters to be used in describing a product's noise producing or noise reducing capability is somewhat complex within a broad product noise labeling program such as is being proposed. The diversity of products to which noise labeling under Section 8 is applicable, combined with the numerous technical means of describing acoustic phenomena, require that the selection of characteristic acoustic parameters be accompanied by careful analysis undertaken on a product-by-product basis.

Among the possible acoustic parameters which the Agency will consider that are applicable to describing the noise levels of noise producing products are: sound pressure level, sound power level (both of which can be expressed in terms of peak level, average level, single event level, etc.), loudness, and noisiness. Among those parameters related to a description of the noise control capability of noise reducing products are: absorption, transmission loss, insertion loss, transmissibility, or noise reduction (a net quantity).

In choosing which parameters to use on a product-by-product basis the EPA will strive for uniformity to the extent possible considering the overall program goals of providing product purchasers and users with easily understandable and usable information in a manner which minimizes the burdens on manufacturers and suppliers in generating and presenting the information.

A closely related matter in this regard is the establishment of the measurement methodology to be utilized in developing the necessary acoustic data and in compliance testing. As with the selection of appropriate acoustic parameters this process must also be approached on a product-by-product basis. In most cases the methodologies utilized will be objective; however, where necessary, as in the case of hearing protectors, subjective methodologies (i.e. those utilizing human reactions or perceptions) will be considered.

In general the Agency will strive for the utmost simplification of such methodologies and the reduction of necessary resources in terms of facilities, people, and equipment, while maintaining a degree of reliability, repeatability, and accuracy of measured data that is sufficient for the purpose of providing use-

JUN 22 77
UM

ful data to the public permitting valid product comparisons.

In developing methodologies the simulation of the use-environment of a product will not be a primary objective. However, where this can be easily achieved, or where certain characteristics of the product's use-environment greatly affect the acoustic properties to be determined, the nature of the use-environment will of course be considered.

The availability of existing noise measurement methodologies or test procedures is of great interest to the Agency. Where such methodologies exist, either as utilized by manufacturers, industry associations or testing or standard setting institutes, the Agency requests that they be provided for its consideration, both now and as individual products are designated for Federal labeling action.

The selection of suitable acoustic descriptors and rating techniques will also be performed on a product-by-product basis. The acoustic descriptor, which appears on the label and is to convey the determined information concerning the product's acoustic properties, will most often be numeric, and usually will be that quantity determined from the prescribed measurement methodology in terms of the specified acoustic parameter. Other descriptors will also be considered such as narrative, symbolic, color coded, or combinations of such; the choice for any given product to be made considering the effectiveness of the particular descriptor in relating the necessary information as well as the complexity of its determination.

The technique of rating the acoustic information to be provided will most often be on an absolute scale rather than relative to some floating base, such as the quietest product within a product type. In addition, it is anticipated that a single descriptor will be utilized for most products to be labeled. Some products, however, may require other treatment such as the use of multiple or composite descriptors. Where this is the case, an appropriate rating technique will be specified.

The specification by the Agency of the acoustic parameters, measurement methodologies, acoustic descriptors, and rating techniques to be utilized for individual product labeling actions will appear in the product-specific provisions to be proposed as individual subparts to Part 211, and, therefore, do not appear in the general provisions being proposed by this notice.

Enforcement

The enforcement provisions proposed in these regulations are intended to establish those basic components of the enforcement strategy which the Agency expects will be applicable to all future Section 8 labeling regulations. They deal with basic definitions, and include EPA's inspection, monitoring and right of entry authority, product exemptions and exemption procedures, and product testing by the Agency. At this time, the Agency is not in a position to propose a complete enforcement strategy that is applicable to all future Section 8 regulations. Other important issues of an enforcement program will need to be addressed on a product-by-product basis. These issues include, for example, the amount of product testing, if any, the Administrator will require a manufacturer to conduct to demonstrate compliance with the labeling requirements, what records need to be retained, and the extent of Agency oversight testing. Prior to final rulemaking for particular products the Agency will gather the necessary information regarding the industry and the regulated product, and develop the complete enforcement scheme for that product. Each scheme will be designed, to the fullest extent possible, to assure that the regulated products are distributed into commerce in compliance with the labeling requirements, while imposing a minimum burden on the regulated party.

The right of entry provisions proposed herein, set out the authority for EPA personnel to enter specified facilities and sites, and conduct specific enforcement activities, such as inspection of records and monitoring the production process. These provisions are drawn narrowly to specify the time, place, and type of inspection and monitoring performed so that it is a reasonable exercise of statutory authority and so that it does not disrupt a manufacturer's operations.

Manufacturers covered by Section 8 regulations have a duty to admit EPA personnel to these facilities and sites during normal working hours, and to give them reasonable assistance. A manufacturer will normally be given 24 hours notification prior to the visit, and the inspector will show his credentials and a written authorization signed by the Director of the Noise Enforcement Division. Inspection and monitoring without 24-hour notice is allowed only with the express written authorization of the Assistant Administrator for Enforcement.

The inspectors are authorized only to enter facilities where products are manufactured, assembled or stored, where any testing required by the regulations takes place, where test products are present, or where any required records are kept. EPA officers may, for example, be present to observe testing otherwise required by these regulations. If an EPA Enforcement Officer is denied access after proper demand and presentation or credentials, or is denied reasonable assistance, then the Administrator may issue an appropriate remedial order such as an order to cease distribution of the manufacturer's products. This order will be issued only after notice and an opportunity for a hearing, and only in cases where the infraction is substantial.

An inspection and monitoring scheme will provide a means to detect and correct problems as early as possible. A successful inspection program will help insure the regulations are being fully complied with and in many cases alleviate the need to initiate a compliance audit test or other test programs to insure compliance. Inadvertent errors can be discovered and remedied early, and intentional non-compliance can be detected and deterred.

Exemptions are provided to manufacturers to allow them to introduce certain products into commerce which are otherwise not in compliance with the labeling regulations. An exemption can be obtained for purposes of research, investigation, studies, demonstration, training or for the purpose of product development, production assessment and market promotion. Testing exemptions must be justified by a sufficient demonstration of necessity, appropriateness, reasonableness and control. The regulations prescribe the way to request exemptions, the information to be supplied, the records to be kept and the conditions upon which exemptions will be granted. EPA may withdraw an exemption at any time based upon information that the public health and welfare is endangered. National security exemptions and export exemptions are also provided. Export exemptions are provided for products for which the requirements of the regulations have not been met and which are intended for export only. Where a manufacturer satisfies all regulatory requirements applicable to a particular product, no export exemption would be required.

Testing by the Administrator reserves EPA the right to test products as part of its enforcement strategy. Upon request, a manufacturer would submit products to EPA, and EPA would conduct the tests. The Administrator may test at any facility including the EPA facility or the facility where a manufacturer conducted testing required under the product-specific regulations. In such a case the Administrator may use either his own equipment or the equipment at the test facility. The scheme will allow EPA to assure that required testing was conducted properly. The cost of such testing shall be borne by the Agency.

Based on tests or other relevant information, the Administrator may determine that the test facility used by a manufacturer does not meet the applicable requirements of the product-specific labeling regulations. In such a case, the Administrator will notify the manufacturer that the test facility is not acceptable for further testing. The manufacturer can request EPA to reconsider this decision, and present evidence to show that the facility is in fact in compliance, or that modifications have been made which bring the facility into compliance. The Administrator will respond within ten (10) working days.

Economic and Technical Impact

The economic and technical impacts of the Agency's Section 8 noise labeling program will be addressed in detail within the product-specific labeling actions to be proposed as individual subparts to Part 211.

The economic analyses to be conducted will not address potential market effects that may be produced as a result of the information provided on the federally required label, but rather will be concerned with the cost and economic impact to manufacturers and suppliers in complying with the federally prescribed labeling requirements. This approach has been taken because the federal Noise Labeling Program, rather than itself requiring any market changes, simply acts as a mechanism which facilities more informed voluntary market choices on the part of product purchasers and users.

Public Participation

It is reemphasized that the general provisions being proposed herein will be augmented by product-specific provisions to be proposed at later dates, and that complete Agency regulatory action with respect to any product will take place only when such product-specific provisions are proposed and finalized. The general provisions being proposed at this time can and hopefully will, however, provide guidance to the general public as well as to all affected parties as to the general nature and intent of the Agency's proposed labeling regulatory program. In addition it is hoped that these provisions will serve as further guidance to product manufacturers and suppliers in their understanding of and in preparing for possible Federal noise labeling action, and as to their possible initiation of compatible voluntary industry noise labeling programs.

The EPA therefore solicits any questions and comments concerning all aspects of the Agency's proposed noise labeling program or the general provisions being proposed by this notice.

Public hearings concerning this proposed rulemaking may be scheduled by the Agency as part of the public participation process should the interest in and need for such be indicated from the comments received during the public comment period. Therefore, public comment on this matter also, is solicited. Should public hearings be held, the dates and locations of the hearings and information concerning participation will be published in the Federal Register.

All comments submitted will be available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

These general provisions when finalized will become effective, as part of further product-specific subparts to be proposed, on the respective effective dates of those subparts.

A background document representing the findings of study efforts instituted by the EPA in its development of the proposed general provisions has been prepared. Copies of the document, entitled "Background Document for Product Noise Labeling General Provisions, April, 1977", are available at:

U.S. Environmental Protection Agency, Public Information Center (PM215), Room 2104D, 401 M Street SW., Washington, D.C. 20406.

Dated: June 16, 1977.

Douglas M. Costle,
Administrator.

It is proposed to add to 40 CFR a new Part 211 Subpart A to read as follows:

Subpart A—General Provisions

Sec.

211.1.1 Applicability.
211.1.2 Definitions.
211.1.3 Number and Gender.
211.1.4 Label Content.
211.1.5 Label Format.
211.1.6 Graphical Requirements.
211.1.7 Label Type and Location.
211.1.8 Sample Label.
211.1.9 Inspection and Monitoring.
211.1.10 Exemptions.
211.1.11 Testing by the Administrator.

Authority: Sec. 8, Pub. L. 92-574, 86 Stat. 1241 (42 U.S.C. 4907), unless otherwise noted.

Subpart A—General Provisions

§ 211.1.1 Applicability.

Except where specifically made inapplicable by regulations published under this part, the provisions of this subpart apply to all products for which regulations are published under this part and which are manufactured after the effective date of such regulations.

§ 211.1.2 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act.

(b) "Act" means the Noise Control Act of 1972 (P.L. 92-574, 86 Stat. 1234).

(c) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(d) "Agency" means the United States Environmental Protection Agency.

(e) "Product" means any noise producing or noise reducing product for which regulations have been promulgated under this part and includes "test product".

(f) "Acoustic rating descriptor" means the numeric, symbolic, or narrative information describing a product's acoustic properties determined according to the test methodology prescribed by the Agency.

(g) "Regulations published under this part" means all subparts to Part 211.

(h) "Export exemption" means an exemption from the prohibitions of Section 10(a) (3) and (4) of the Act, granted by statute under Section 10(b) (2) of the Act for the purpose of exporting regulated products.

(i) "National security exemption" means an exemption from the prohibitions of Section 10(a) (3) and (5) of the Act, which may be granted under Section 10(b) (1) of the Act for the purpose of national security.

(j) "Test product" means any product that is required to be tested pursuant to this part.

§ 211.1.3 Number and gender.

As used in this part, words in the singular shall be deemed to import the plural, and words in the masculine gender shall be deemed to import the feminine and vice versa, as the case may require.

§ 211.1.4 Label content.

Except as otherwise provided in regulations published under this part, all products for which regulations have been published under this part shall be labeled with the following data and information:

(a) The term "Noise Rating" if the product is noise producing, or, the term "Noise Reduction Rating" if the product is noise reducing.

(b) The acoustic rating descriptor determined according to procedures specified in regulations to be published under this part.

(c) Comparative acoustic rating information to be specified in regulations published under this part.

(d) Product manufacturer identification consisting of:

(1) Company name.

(2) City and State of principal office.

(e) Product model number or type identification.

(f) The phrase "Federal law prohibits removal of this label prior to purchase".

(g) U.S. Environmental Protection Agency logo as shown in Figure 1.

(h) The term "Environmental Protection Agency".



Figure 1

§ 211.1.5 Label format.

(a) Except as otherwise provided in regulations published under this part, all data and information required under § 211.1.4 shall be presented within a label that conforms to the format shown in Figure 2.

VANDERBILT UNIVERSITY JUN 22 77 UM

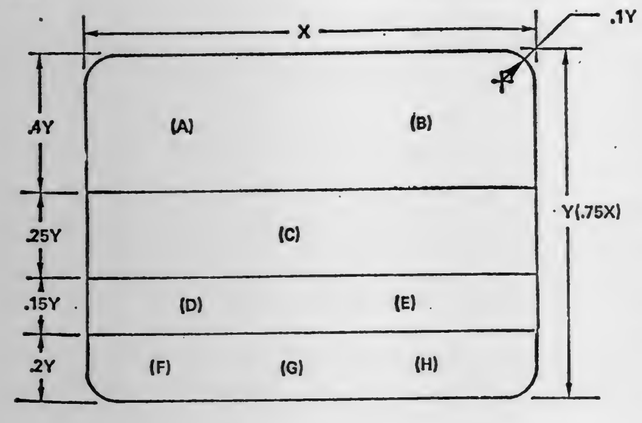


Figure 2

(b) Except as otherwise provided in regulations published under this part, the required data and information specified in Section 211.1.4(a–h) shall be located in the following areas of the prescribed label, as referenced in Figure 2: (1) Section 211.1.4(a)—Area A, (2) Section 211.1.4(b)—Area B, (3) Section 211.1.4(c)—Area C, (4) Section 211.1.4(d)—Area D, (5) Section 211.1.4(e)—Area E, (6) Section 211.1.4(f)—Area F, (7) Section 211.1.4(g)—Area G, (8) Section 211.1.4(h)—Area H.

§ 211.1.6 Graphical requirements.

(a) *Color.* Except as otherwise provided in regulations published under this part, the colors used for the label background, borders, and all included letters, numerals, and figures shall be determined by the product manufacturer or supplier, but must be of sufficient contrast both to each other and to any information or material surrounding the label that the label and the information provided within it are clearly visible and legible.

(b) *Label size.* The prescribed label shall be of a size to be specified in regulations published under this part.

(c) *Character style.* Except as otherwise provided in regulations published under this part, all letters and numerals appearing on the prescribed label shall be HELVETICA MEDIUM.

(d) *Character size.* All letters and numerals appearing on the prescribed label shall be of a type size to be specified in regulations published under this part.

§ 211.1.7 Label type and location.

The prescribed label shall be of a type and be located as to be specified in regulations published under this part.

§ 211.1.8 Sample label.

An example of a label conforming to the requirements of §§ 211.1.4, 211.1.5, and 211.1.6 is presented in Figure 3.

Noise Rating 64

THE RANGE IN NOISE RATINGS OF OTHER PRODUCTS OF THIS TYPE IS FROM: 40 TO 70

(Manufacturer) (Model No.)

Federal law prohibits removal of this label prior to purchase.

Environmental Protection Agency.

Figure 3

§ 211.1.9 Inspection and monitoring.

(a) Any inspecting or monitoring activities conducted under this Part with respect to requirements set out in regulations published under this Part, shall be for the purpose of determining: (1) Whether records required by such regulations are being properly maintained, (2) whether test products are being selected and prepared for testing in accordance with the provisions of such regulations, (3) whether test product testing is being conducted in accordance with the provisions of such regulations, and (4) whether products being produced and distributed into commerce are in compliance with the provisions of such regulations.

(b) Any manufacturer subject to regulation under this part shall admit or cause to be admitted any Environmental Protection Agency (hereafter, EPA) Enforcement Officer during operating hours upon demand after having received 24-hour prior written or oral notification except as provided for by paragraph (e) of this section, and upon presentation of credentials and authorization in writing signed by the Director, Noise Enforcement Division, or his designee, to any of the following:

(1) Any faculty or site where any product to be distributed into commerce is manufactured, assembled, or stored;

(2) Any facility or site where any tests conducted pursuant to this part or any procedures or activities connected with such tests are or were performed;

(3) Any facility or site where any test product is present; and

(4) Any facility or site where records, reports, other documents or information required to be maintained or provided to the Administrator are located.

(c) (1) Upon admission to any facility or site referred to in paragraph (b) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor test product manufacture and assembly, selection, storage, preconditioning, noise testing, and maintenance, and to verify correlation or calibration of test equipment;

(ii) To inspect products prior to their distribution in commerce;

(iii) To inspect and make copies of any records, reports, documents, or information required to be maintained or provided to the Administrator under the Act or any provision of this Part;

(iv) To inspect and photograph any part or aspect of any such product and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(2) Any EPA Enforcement Officer shall be furnished by those in charge of a facility or site being inspected with such reasonable assistance as he may request to help him discharge any function listed in this section. A manufacturer is required to cause those in charge of a facility or site operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not it controls the facility.

(3) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether the facility or site is owned or controlled by the manufacturer or by one who acts for the manufacturer and applies both to domestic and foreign manufacturer facilities and sites. EPA will not attempt to make any inspections which it has been informed that foreign law forbids. However, if foreign law makes it impossible to do what is necessary to ensure the accuracy of data generated at a facility, no informed judgment that a product has been properly tested in accordance with these regulations can properly be based on that data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities and sites in jurisdictions where this situation will not arise.

(d) For purposes of this section: (1) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(2) Where test product storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(3) Where facilities or areas other than those covered by paragraph (d) (2) of this section are concerned "operating hours" shall mean all times during which product manufacture or assembly is in operation or all times during which product testing or maintenance, production, or compilation of records is taking place or any other procedure or activity related to labeling verification testing, enforcement testing, or product manufacture or assembly is being carried out.

(4) "Reasonable assistance" means providing timely and unobstructed access to test products or products and records required by this part and opportunity for copying such records or testing such test products.

(e) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement.

(f) (1) Pursuant to Section 11(d) (1) of the Act, the Administrator may issue an order to the manufacturer to cease the distribution in commerce of particular products being manufactured at a particular facility if:

(i) Any EPA Enforcement Officer is denied the access required in paragraphs (b) and (c) of this section.

(ii) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in subparagraph d(4) of this section).

(2) The sanction of issuing an order to cease distribution of products into commerce may be imposed for the reasons in paragraph (f) (1) (i) and (ii) of this section only when the infraction is substantial.

(3) Any such order shall be issued only after notice and opportunity for hearing.

(Secs. 11 and 13, Pub. L. 92–574, 86 Stat. 1242, 1244 (42 U.S.C. 4910, 4912).)

§ 211.1.10 Exemptions.

§ 211.1.10–1 Testing exemption.

(a) Any person may request an exemption from the requirements of this Part by submitting an application th the Administrator. Except, as provided in paragraph (f) of this section, such application must demonstrate that the proposed test program:

(1) Has a purpose which constitutes an appropriate basis for an exemption in accordance with paragraph (b) of this section;

(2) Necessitates the granting of an exemption; as set forth in paragraph (c) of this section;

(3) Exhibits reasonableness in scope as provided in paragraph (d) of this section;

(4) Exhibits a degree of control consonant with the purpose of the program and the EPA's monitoring requirements.

(b) An appropriate purpose for an exemption is one which is consistent with one or more of the bases for exemption set forth under Section 10(b)(1) of the Act, namely research, investigations, studies, demonstrations, or training, but not including national security (see § 211.1.10–2).

(c) Necessity arises from an inability to achieve the stated purpose in a practicable manner without performing a prohibited act under Sections 10(a)(3), or (5) of the Act. In appropriate circumstances time constraints may be sufficient basis for necessity.

(d) A test program must exhibit a duration of reasonable length and affect a reasonable number of products. In this regard, required items of information include:

(1) An estimate of the program's duration;

(2) The absolute number of products involved.

(3) The duration of the test;

(4) The ownership arrangement with regard to the products involved in the test;

(5) The intended fruit disposition of the products;

(6) The means or procedure whereby test results will be recorded.

(e) Paragraph (a) of this section applies irrespective of the product's place of manufacture.

(f) In the case of products used by the manufacturer in the ordinary course of business for product development, production method assessment and market promotion purposes, in a manner not involving lease or sale, the application need only state the nature of the product's use number of products involved and a demonstration that adequate record-keeping procedures for control purposes will be employed.

(Sec. 10(b)(1), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)).)

§ 211.1.10–2 National security exemptions.

A manufacturer may request a national security exemption by submitting an application to the Administrator which states the purpose for which the

JUN 22 77 UM

exemption is required. The request must be endorsed by an agency of the Federal Government charged with responsibility for national defense.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)).)

§ 211.1.10-3 Export exemptions.

(a) A new product intended solely for export, and for which the requirements of other applicable regulations of this Part are satisfied, shall be exempt from the prohibitions of Section 10(a) (3) and (4) of the Act.

(b) No request for an export exemption is required.

(c) It is a condition of an export exemption under § 10(b)(2) of the Act that such exemption shall be void ab initio with respect to each new product intended solely for export which is distributed in commerce for use in any State.

(d) In deciding whether to institute proceedings against a manufacturer pursuant to § 11(d)(1) of the Act with respect to any product originally intended solely for export but distributed in commerce for use in any State, the Administrator will consider:

(1) Whether the manufacturer had knowledge that such product would be distributed in commerce for use in any State; and

(2) Whether the manufacturer made reasonable efforts to ensure that such product would not be distributed in commerce for use in any State. Such reasonable efforts would include consideration of prior dealings with any person which resulted in introduction into commerce of a product manufactured for export only, investigation of prior instances known to the manufacturer of introduction into commerce of a product manufactured for export only, and contract provisions which minimize the probability of introduction into commerce of a product manufactured for export only.

(Sec. 10(b)(2), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(2)).)

§ 211.1.10-4 Granting of exemptions.

(a) If upon completion of the review of an exemption request, the granting of an exemption is deemed appropriate, a memorandum of exemption will be prepared and submitted to the manufacturer requesting the exemption. The memorandum will set forth the basis for the exemption, its scope, and such terms and conditions as deemed necessary to protect the public health and welfare. Such terms and conditions will generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt products setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met and advise EPA of the termination of the activity and the ultimate disposition of the products. EPA may limit the scope of any exemption by placing restrictions on time, location and duration.

(b) Any exemption granted pursuant to paragraph (a) of this section shall be deemed to cover any subject product only to the extent that the specified terms and conditions are complied with. A breach of any term or condition shall cause the exemption to be void ab initio for purposes of § 11(d) of the Act and may give rise to an order by the Administrator with respect to any product subject to such exemption whether distributed before or after such breach. The Administrator may also, upon notice and opportunity for a hearing, withdraw the exemption at any time if he determines that the public health or welfare is being endangered.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)).)

§ 211.1.10-5 Submission of exemption request.

Requests for exemptions, or further information concerning exemptions and/or the exemption request review procedure should be addressed to:

Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(Sec. 10(b)(1), Pub. L. 92-574, 86 Stat. 1242 (42 U.S.C. 4909(b)(1)).)

§ 211.1.11 Testing by the Administrator.

(a)(1) The Administrator may require that any product to be tested pursuant to applicable regulations under this part or other products regulated under this part be submitted to him, at such place and time as he may designate for the purpose of conducting tests in accordance with test procedures described in such regulations, to determine whether such products conform to applicable regulations under this part.

(2) The Administrator may specify that he will conduct such testing at the facility where a manufacturer conducted required testing, in which case instrumentation and equipment of the type required by these regulations shall be made available for test operation. The Administrator may conduct such tests with his own equipment.

(b)(1) If based on tests conducted by the Administrator, or other relevant information, the Administrator determines that the test facility used by a manufacturer(s) does not meet the requirements of the regulations of this Part for conducting the test required by this Part, he will notify the manufacturer(s) in writing of his determination and the reasons therefor.

(2) After the notification of paragraph (b)(1) of this section, no data derived from the subject test facility will be acceptable for purposes of this Part and the Administrator may issue an order to manufacturers with respect to the product categories in question, to cease to distribute in commerce products of such category: Except, that any such order shall be issued only after an opportunity for a hearing. Such notification may be included in any notification under paragraph (b)(1) of this section. A manufacturer may request that the Administrator grant a hearing. Request shall be made not later than fifteen (15) days or other such period as may be allowed by the Administrator, subsequent to notification of the Administrator's intent to issue an order to cease to distribute.

(3) A manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section based on data or information which indicates that changes have been made to the test facility and such changes have resolved the reason for disqualification.

(4) The Administrator will notify a manufacturer of his determination with regard to the requalification of the test facility within 10 days of a manufacturer's request for reconsideration under paragraph (b)(3) of this section.

(Sec. 13, Pub. L. 92-574, 86 Stat. 1244 (42 U.S.C. 4912).)

[FR Doc.77-17695 Filed 6-21-77;8:45 am]

federal register

WEDNESDAY, JUNE 22, 1977

PART IV



ENVIRONMENTAL PROTECTION AGENCY

HEARING PROTECTORS

Noise Labeling Requirements

V 42 120
JUN 22 77
UMI

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 211]

[FRL 722–7]

HEARING PROTECTORS

Noise Labeling Requirements

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: By this notice the Environmental Protection Agency proposes to establish noise labeling requirements for hearing protective devices. The proposed labeling standards would require hearing protector manufacturers to label, in a uniform manner, all hearing protectors sold in the United States as to their effectiveness (as determined by a uniform procedure) in reducing noise entering the ear. The principal intent of this labeling requirement is to ensure that information is available to potential purchasers and users of hearing protectors that will assist them in the selection of a device which can adequately protect their hearing in a given noise environment.

DATES: Written comments must be received on or before September 20, 1977. Proposed effective date of the final rule—6 months from date of promulgation.

ADDRESS: Written comment should be sent to the following address: Director, Standards and Regulations Division, Office of Noise Abatement and Control (AW–471), Attention: Hearing Protector, Docket Number 77–5, U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Ellen Robinson, Public Information Specialist, U.S. Environmental Protection Agency, Office of Public Affairs (A–107), 401 M Street SW., Washington, D.C. 20460 (202–755–0704).

SUPPLEMENTARY INFORMATION: See following text.

INTRODUCTION

The Environmental Protection Agency (EPA or the Agency), by this Notice, is proposing to require the labeling of hearing protective devices. This proposed rule has been developed under the statutory authority of sections 8, 10, 11, and 13 of the Noise Control Act of 1972 (the Act). Section 8 directs the Administrator of EPA to prepare labeling requirements for: (1) Products which emit noise capable of adversely affecting the public health or welfare; and (2) products which are sold wholly or in part on the basis of their effectiveness in reducing noise.

These requirements are being proposed as Subpart B to 40 CFR Part 211. Subpart A of that part specifies the general provisions for product noise labeling under section 8. The general provisions of Subpart A are being proposed concurrently by the Agency in a separate rulemaking action.

On December 5, 1974, EPA published an Advance Notice of Proposed Rulemaking (39 FR 42380) which identified hearing protective devices as the first product to be considered for noise labeling requirements.

Hearing protective devices, frequently referred to as "hearing protectors", are principally sold to reduce the harmful effects of noise on the human ear. However, there is a range of devices that can be purchased to reduce unwanted environmental sounds to levels that permit sleep, study, or simply allow relaxation. While many of these devices afford a significant measure of sound reduction, their effectiveness in high noise environments (e.g. metal working plants, airports, textile mills) may be marginal at best. Thus, users of such devices, i.e. devices that are insufficient for their noise environments, can sustain permanent hearing loss from prolonged exposure to harmful noise levels from which they believe themselves protected.

The labeling requirements being proposed will require all manufacturers of hearing protectors to label each device as to its effectiveness in reducing noise entering the ear. The effectiveness will be expressed in terms of a single number Noise Reduction Rating (NRR) that is to be derived from a series of noise attenuation measurements taken over a broad frequency spectrum.

The principal intent of this labeling requirement is to ensure that information is available to potential users which will assist them in selecting a device that can adequately protect their hearing in a given noise environment.

BACKGROUND

In developing this proposed rule, the EPA (1) defined a broad conceptual approach to labeling and identified potential problem areas (this approach was presented to a Federal Interagency Seminar/Workshop on Labeling for review and recommendation); (2) conducted an extensive investigation of hearing protective devices to identify an appropriate technique for rating their effectiveness and to determine the type of information most useful to prospective users; (3) held meetings with key industry and governmental organizations including the U.S. Air Force, the National Institute for Occupational Safety and Health, and independent testing laboratories; (4) analyzed responses to the Advance Notice of Proposed Rulemaking; and (5) conducted a study of the hearing protector industry to assess the effects of possible Federal labeling requirements and the attendant enforcement measures.

Rating schemes for hearing protector effectiveness were found to be available and a procedure for calculating the "Noise Reduction Rating" was adopted. This empirically derived rating is contained in the National Institute for Occupational Safety and Health publication, HEW (NIOSH) 76–120, entitled, "List of Personal Hearing Protectors and Attenuation Data," dated September 1975, and is utilized in § 211.2.7 of the proposed rule. The Agency believes that this technique provides the most meaningful rating method.

The proposed EPA hearing protector labeling program will be compatible with a voluntary hearing protector certification program planned by the National Institute for Occupational Safety and Health.

PURPOSE OF THE LABEL

Section 8 of the Act, in part, explicitly directs EPA's labeling program to require the providing of information concerning the effectiveness of products which are sold on the basis of their ability to reduce noise. Such Federal action is not intended to approve, disapprove, or pass judgment on the effectiveness of a product. Rather, the purpose is to require disclosure to the potential user, in an accurate, easy to understand fashion, of information concerning the noise reducing characteristics of the product. In the case of hearing protectors, this characteristic is a measure of the overall noise attenuation capability.

AUDIENCE

Section 2 of the Noise Control Act states that one of the express purposes of the Act is to provide information to the public concerning the noise characteristics of products. Section 8 goes on to require that such notice be given to the prospective users of certain products that emit or reduce noise. Therefore, the information provided on a label must be directed primarily toward those segments of the public which will most likely purchase or use the labeled product, and must be sufficient to permit a selection with respect to specific needs.

INFORMATION REQUIREMENTS

The primary information required by section 8, with respect to hearing protectors, is an indication of their effectiveness in reducing noise. However, additional information is necessary to support the effectiveness rating, as well as to facilitate the enforcement of the labeling requirements. These information requirements are discussed in more detail below.

EFFECTIVENESS RATING

Characterizing the effectiveness of hearing protective devices is a somewhat complex task. Since they do not reduce all frequency components to the same degree, the amount of overall sound attenuation will vary with different noises. That is to say, the effectiveness of a single device can vary depending upon the character of the noise environment.

There is a variety of techniques available to measure the attenuation characteristics of hearing protectors as described in the background document accompanying this proposed rule.[1] EPA investigations have determined that the Acoustical Society of America Standard, ASA STD 1–1975, "Method for the Measurement of Real-Ear Protection of Hearing Protectors and Physical Attenuation of Earmuffs" provides the most appropriate method for assessing the attenuation effectiveness of a hearing protective device. This procedure determines the attenuation capability of a device by measuring the threshold of hearing with and without the device in place. This test is performed for nine different frequency bands with 10 test subjects and is repeated 3 times, yielding 30 attenuation measurements for each frequency band. The mean attenuation and standard deviation for each band are subsequently reported.

Realizing the difficulty in utilizing such measurements for labeling purposes, the Agency has adopted a method, specified in the National Institute for Occupational Safety and Health publication, HEW (NIOSH) 76–120, which reduces this data to a single number Noise Reduction Rating (NRR).

The method of calculating the Noise Reduction Rating incorporates an adjustment factor to account for the variation in attenuation due to different noise spectra. It also accounts for variability in attenuation due to the way the device fits by subtracting two standard deviations from each of the mean attenuation values. This assures applicability of the attenuation estimates to 98 percent of the population.

An "A" scale noise level is one which is weighted to approximate the human threshold of hearing curve. A "C" scale level is that which approximates a relatively unweighted sound pressure level. The NRR reflects the number of decibels actually screened by the protective device, that is, the higher the Noise Reduction Rating the better the attenuation performance that can be expected. Experiments indicate that when the NRR number is subtracted from the C-weighted level of the noise enviroment, the result represents a conservative estimate of the A-weighted noise level that will reach the ear drum with the device in place. For example; in a environment with an 80 dBC noise level, a person wearing a hearing protector with an NRR of 20 would experience a noise level of approximately 60 dBA.

Consequently, the Agency proposes to adopt this single number factor derived from the measurements of ASA STD–1975 as the Noise Reduction Rating (NRR) for hearing protective devices. The procedure for calculating the NRR is set forth in section 211.2.7 of the proposed regulation.

In order to enhance the meaning of the NRR for a specific device, the proposed regulation requires that the overall range of NRR values for known hearing protectors be indicated. This range was determined to be from 0 to 31 for existing devices.

B. ADDITIONAL INFORMATION

In order to facilitate enforcement of the proposed regulation, it is necessary to require that certain additional information appear with the devices, specifically, an identification of the manufacturer and the location where product information can be obtained, a precise identification of the product with respect to type and model, and the month and year of production.

There is, in addition, other information pertinent to the effectiveness of hearing protectors which can not be readily incorporated into the single number Noise Reduction Rating, but which, nonetheless, should accompany the product, and which is, therefore, also required by the proposed regulation. First, are the octave band attenuation values and the associated standard deviations used to derive the Noise Reduction Rating. This data will facilitate selection of appropriate hearing protectors for varying noise environments. Second in a statement regarding the importance of fit, which is essential for devices manufactured in various sizes. Fit is so critical to performance that the purchaser must be aware of it as an important factor. Closely related to this is the requirement that instructions be given on the proper wearing of the device.

A qualifying statement concerning impulsive noise is also deemed necessary because the NRR is based on the attenuation of continuous noise and may not provide an accurate description of the reduction of impulsive noise. It is believed, however, as a general rule, that the more effective a device is in the reduction of continuous noise, the better it will attenuate impulsive noise. However, any claims concerning the specific effectiveness of a device in reducing impulsive noise must be substantiated by manufacturers with scientific test results which are acceptable to the Agency. This substantiation must take place prior to making such public claim.

PRESENTATION OF INFORMATION

It is very important that the information being conveyed be presented in a manner conducive to its use. For the most part, the requirements for hearing protective devices conform to the general labeling requirements set forth in 40 CFR Part 211 subpart A. However, certain changes have been incorporated to deal specifically with hearing protective devices.

The general format of subpart A will remain the same. The minimum label size has been designated as 1½" by 2" with corresponding type size for each piece of information.

It is intended that the label be visible prior to purchase. The proposed rule requires that the label appear on the device or its carrying case. If, as a result of this requirement, the label is not visible prior to purchase, then an additional label must appear on the packaging, in a manner to be selected by the manufacturer. Where, however, the manufacturer determines that this additional label is to be adhered to or printed on the surface of the packaging, as opposed to being a hang tag, then it must appear on the principal surface of the packaging.

In addition to the requirements for the primary label, it is required that the supporting information discussed earlier accompany the device in a manner that would ensure its availability to the purchaser. The method of presenting the supporting information may be selected by the manufacturer. It is envisioned that this would be in the form of an enclosure to the product.

ALTERNATIVES CONSIDERED

In the analysis of alternatives, extensive consideration was given to the effectiveness rating. The principal alternative to the proposed rating was to designate three or four classes of hearing protective devices, depending upon their attenuation capability.

The advantage of class designation is in its simplicity. A user could tell at a glance whether a device would provide high, medium or low attenuation. There are two significant disadvantages to this approach, however. First, there is really no firm basis for selecting the boundaries of these classes. Thus marginal devices may be improperly penalized. Second, the class designation would offer little technical assistance to the individual exposed to hazardous noise. Therefore, the informed user would have considerable difficulty in assessing his exposure while using hearing protectors.

The second alternative was to provide a combination of numerical rating and class designation. This was rejected on the basis of redundancy. Instead, the typical range of the numerical rating for all devices will be indicated. This will permit the ranking of a given hearing protector with other available devices and thereby serve the purpose of a class designation.

IMPACT ON PUBLIC HEALTH AND WELFARE

There is no doubt that providing uniform information as to the effectiveness of hearing protectors will be beneficial. It is very difficult, however, to quantify these benefits. Unlike product noise regulations, labeling requirements do not dictate performance standards. Rather, they only require manufacturers to provide specified information about their product's performance. Few hearing protective devices are currently labeled in a manner easily interpreted by the buying public or conducive to the comparison of products. It is anticipated that the proposed regulation will assist purchasers in selecting the most appropriate device for their needs.

ECONOMIC IMPACT

The principal cost of the proposed labeling regulation is the cost of product testing and the administration of compliance requirements. In the case of hearing protectors, cost estimates of performance testing range from $1,000–$2,000 for each test. This is due to the subjective test method[2] that requires ten human subjects and lengthy test periods. Sections have been reserved in the

[1] "Background Document for the Labeling of Hearing Protectors." Prepared by the Environmental Protection Agency, April 1977. Copies may be obtained from the U.S. Environmental Protection Agency, Public Information Center, PM 215, Room 2104D, 401 M Street SW., Washington, D.C. 20460.

[2] "Objective" test methods for insert type hearing protectors are not currently available.

V 42 120 JUN 22 77 UMI

projected regulation to incorporate reliable objective measurement methods as they become available. Objective tests should result in significant cost reductions. It has been estimated that the cost to the industry of this regulation would initially be $400,000 to $500,000 with subsequent annual costs of $200,000 to $300,000.[3]

ENFORCEMENT

A. GENERAL

The EPA enforcement strategy is designed to provide EPA with adequate assurance that regulated hearing protectors distributed into commerce are labeled correctly and that cases of improper labeling are detected and remedied. The proposed enforcement strategy incorporates two basic components to accomplish this: Label Verification, and Compliance Audit Testing.

The Label Verification provisions require that each manufacturer test production protectors of each category of protector in accordance with the specified Federal procedure. He must then label each category with the associated noise reduction rating (NRR), and provide as additional information, attenuation values at each of the nine octave bands at levels no greater than the results of the test. In this way, protectors on the market are labeled relative to their performance as determined by a specified test procedure, and purchasers are better able to compare the performance of various protectors and select the product best suited to their needs.

Compliance Audit Testing is testing of production products initiated at the request of the Agency, to determine whether production products perform as they are labeled. This portion of the enforcement strategy is designed to require a minimum of testing and thereby minimize the cost impact on the manufacturer. The Agency has reserved the right to require such testing in order to provide a mechanism by which to check production line products to determine whether they comply with their labeled values. As distinguished from label verification testing, this compliance testing need only be initiated upon request by the Agency; it is not an automatic requirement of the regulations.

B. LABELING VERIFICATION

Label verification testing is a minimum requirement the manufacturer must meet in order to distribute his products into commerce. The manufacturer is responsible, however, to assure that each protector distributed in commerce performs at least as well as its labeled values. He may therefore desire to label the protectors at values representing somewhat less performance than actually determined pursuant to section 211.2.7 to assure that he is in compliance. He may also institute other internal test and/or evaluation programs to assure that all products distributed into commerce meet their labeled values. Categories of protectors basically follow model lines and are defined on the basis of the type of protector (ear-muff, cap, insert) and physical parameters that affect attenuation (shape, material composition, physical dimensions, etc.). A manufacturer can add further parameters if he wishes, creating additional categories which must then be verified and can be labeled differently.

EPA requires that a manufacturer file a labeling verification report containing a description of all hearing protector categories, a single page data sheet of test results for each category, and a copy of the label. This testing must be accomplished prior to distribution of products into commerce. However, upon application by the manufacturer, the Administrator may grant the manufacturer up to 20 days time to comply with the labeling verification requirements, beyond the first date of distribution into commerce. This grace period is designed to provide for situations where conditions outside the manufacturer's control make it impossible for the manufacturer to complete labeling verification prior to distribution into commerce. In the application the manufacturer must give EPA a basis of reasonable assurance that (1) the hearing protectors conform to their labeled values and (2) the labeling verification requirements will be met before the end of the 20-day period. If the labeling verification requirements are not met by the end of this period, the manufacturer must cease further distribution into commerce of that particular category of protectors prior to completing verification testing.

The manufacturer must verify each category of protector once each calendar year unless he requests the Administrator to accept the use of data from previous labeling verification reports. The Administrator will consider all relevant facts in determining whether to accept such data, such as the results of any compliance testing during previous years, the manufacturer's quality control procedures, and any other test data that could indicate that production products continue to comply with their labeled values.

The manufacturer need not verify categories at any particular point in a year. The requirement is simply that protectors be verified prior to distribution into commerce, unless granted a grace period of up to 20 days. This leaves a certain flexibility in the scheme to meet a manufacturer's needs. For example, a category could be verified early in the year when it is convenient, even though it will not be distributed until later, or it can be verified just prior to distribution into commerce.

The proposed procedures require a manufacturer to test standard production protectors rather than prototypes. The Agency believes that the performance of production protectors rather than prototypes is a better indicator of the performance of future production products. EPA requests comments on this particular issue. Responses should address additional manufacturer cost, if any, associated with testing of production products, lead time to procure adequate labels, and data, if any, which would indicate that prototype testing is an adequate alternative to production product testing.

Several manufacturers have indicated to the Agency that they use test procedures for product development testing which are less expensive to conduct than those specified in this regulation. These procedures do not involve testing human subjects but rather use an apparatus upon which the hearing protective devices can be mounted and product attenuation values determined. The manufacturers have indicated that these objective procedures do not correlate well with the Federal procedure proposed herein.

The Agency solicits comments however, on the potential use of such objective tests to satisfy any of the testing requirements of these regulations. Comments should address the correlation between such objective tests and the Federal procedure, cost savings associated with such objective testing, and the ability of short test results to indicate that a particular model of protector does or does not perform in accordance with its labeled values.

C. COMPLIANCE AUDIT TESTING

Compliance audit testing will be initiated by the issuance of a test request to a manufacturer and will specify what hearing protector category to test, what plant or storage facility to select from, the number of protectors to be tested, the test facility at which testing shall be conducted, and other specifics. The test request will provide for situations in which the selected category is unavailable for testing. Compliance audit testing is not an automatic requirement of the regulations but rather must be initiated only upon request by the Agency.

Upon receipt of the test request, the manufacturer selects protectors from the batch of hearing protectors next scheduled for production. Sufficient protectors will be selected to conduct two Federal tests. EPA reserves the right to be present and specify which hearing protectors to test. The selected hearing protectors must be ones that were assembled using the manufacturer's normal assembly and production process. They cannot be tested, modified, or adjusted in any manner that is not a part of the manufacturer's normal production process.

The manufacturer then conducts two Federal tests, using up to ten hearing protectors in each test and submits a test report to the Agency. A single page reporting sheet is provided as Appendix B to the regulations. Compliance is determined by comparing octave band attenuation results from each test with the labeled attenuation values for that category, and comparing the NRR calculated from each test with the labeled NRR. If the performance of the protectors, as determined by the tests, meets or exceeds the labeled value, the category is considered in compliance and no further action is required.

[3] "Background Document for the Labeling of Hearing Protectors, April, 1977."

If the performance of the protectors, as determined by the tests, does not meet or exceed the labeled values, the category is considered not in compliance and the manufacturer must continue testing hearing protectors in sets of two Federal tests. At the conclusion of each set of tests, the results at each octave band from each test are compared to the lowest values received in prior compliance tests in the audit being conducted. If the latest test results at any octave band are lower than previous lowest results, then testing must continue. When the results of both Federal tests, at each octave band, are no worse than the lowest values received in the prior compliance tests, testing may be discontinued. When relabeling, the manufacturer shall label each octave band attenuation at a value no greater than the lowest test result value received from the compliance tests.

There are two situations where the manufacturer need not satisfy the continued testing requirement discussed above. The first is where the manufacturer can demonstrate to EPA that the non-compliance was caused by a failure of quality control, that this failure has been remedied, and that steps have been taken to assure that this situation does not reoccur. Upon approval by the Administrator, the manufacturer need not conduct continued testing, but rather shall conduct only two Federal tests and re-label the category of protectors at attenuation levels no greater than the test results received from these two Federal tests.

The second situation where the manufacturer can avoid continued testing is where he can demonstrate to EPA that his new labeled values adequately take into account results of the two initial compliance tests and his product-to-product variability.

A compliance audit test request can be issued by the Administrator whether or not there is cause to believe the protectors in a category are not in conformance. However, an important factor that will influence the Administrator in issuing such orders is the evidence a manufacturer can provide, such as test results and quality control procedures, to show that his protectors are in conformance. Additionally, information received in the course of an inspection would be considered by the Agency in determining whether a compliance audit needs to be initiated. The costs of such testing shall be borne by the manufacturer.

D. INSPECTION AND MONITORING

Because a significant part of the compliance testing is left to the manufacturer, it is essential that EPA exercise its right under the Noise Control Act to gain limited access to specific areas under the control of the manufacturer to determine whether requirements of the regulations are being followed and to confirm that properly labeled hearing protectors are being distributed into commerce. The inspection and monitoring provisions are discussed more fully in the preamble to the Product Noise labeling General Provisions of Subpart A, Part 211, which are being proposed in this same issue of the FEDERAL REGISTER. Comments are invited on that proposal as well.

E. RECORD KEEPING

These provisions describe the records which must be maintained and their retention period. Basically, a manufacturer must maintain a description of his product line, a record of testing, calibration of instrumentation, and individual test records for test protectors. For the most part updated labeling verification reports may be used to satisfy these requirements.

F. REMEDIAL ORDERS

Section 11(d)(1) of the Act provides that:

[W]henever any person is in violation of section 10(a) of this Act, the Administrator may issue an order specifying such relief as he determines is necessary to protect the public health and welfare.

This provision grants the Administrator discretionary authority to issue civil sanctions to supplement the criminal penalties of § 11(a). Violations could include such acts as, failure to satisfy label verification requirements, distribution of protectors which do not meet their labeled values, or failure to comply with a test request.

Where a violation occurs, the Administrator may issue a remedial order. Any order would be issued after notice and opportunity for a hearing in accordance with § 554 of Title 5 U.S.C. These orders would be formulated on a case by case basis and designed to protect the public health and welfare. A remedial order could require a manufacturer to cease further distribution of a category of protectors which is mislabeled, or, for example, require that mislabeled products in the chain of distribution be re-labeled to their actual values. Other orders, in certain situations, could include a requirement that the manufacturer offer to buy back mislabeled protectors from purchasers. In any case, the manufacturers would have the opportunity to challenge the appropriateness of the remedy in a proceeding in accordance with § 554 of Title 5 U.S.C.

PUBLIC PARTICIPATION

EPA welcomes comments on this proposed rule from all interested parties. Specific areas of concern include the following:

(1) The value of the NRR in comparing and selecting appropriate devices.

(2) Suggestions for a simpler rating scheme.

(3) The availability and adequacy of purely objective attentuation measurements.

(4) More specific information regarding the cost and economic impact of the proposed requirements.

(5) Comments regarding the appropriateness of the proposed provisions and suggestions for additional necessary requirements.

(6) Comments regarding the appropriateness of the requirements that a manufacturer test production hearing protectors rather than prototypes.

(7) Comments regarding the proposed six-month effective date for the final rule.

Public hearings are not planned in conjunction with this proposed rulemaking.

All comments submitted will be available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

Dated: June 16, 1977.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend 40 CFR Part 211 by adding a new Subpart B to read as follows:

Subpart B—Hearing Protective Devices

211.2.1 Applicability.
211.2.2 Effective date.
211.2.3 Definitions.
211.2.4 Hearing protector labeling requirements.
211.2.5 Special claims and exceptions.
211.2.6 Methods for measurement of sound attenuation.
211.2.7 Computation of the noise reduction rating (NRR).
211.2.8 Export provisions.
211.2.9 Maintenance of records: submittal of information.
211.2.10 Labeling verification.
211.2.11 Compliance with labeling requirements.
211.2.12 Compliance audit testing.
211.2.13 Remedial orders for violations of the regulations.
211.2.14 Removal of Label.

Authority: Sec. 8, Pub. L. 92-574, 85 Stat. 1241 (42 U.S.C. 4907), unless otherwise noted

Subpart B—Hearing Protective Devices

§ 211.2.1 Applicability.

Except as otherwise provided in this regulation, the provisions of this subpart apply to all hearing protective devices manufactured after the effective date of this regulation.

§ 211.2.2 Effective date.

Manufacturers shall comply with all applicable labeling requirements set forth in this part with respect to all hearing protective devices manufactured on or after (six months from the date of promulgation of the final regulation).

§ 211.2.3 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in subpart A of this regulation.

(b) *ANSI Z22.54–1957.* A measurement procedure for obtaining hearing protector attenuation values at nine one-third octave band center frequencies utilizing pure tone stimuli presented under anechoic conditions to ten different test subjects.

(c) *ASA STD 1–1975/ANSI S3.19–1974.* A revision of the ANSI Z22.540–1957 measurement procedure utilizing one-third octave band stimuli presented un-

der diffuse (reverberant) acoustic field conditions.

(d) *Carrying case.* The container used to store reusable insert type hearing protectors.

(e) *Claim.* An assertion made on the part of a manufacturer to prospective purchasers regarding the effectiveness of his product.

(f) *Custom-molded device.* A hearing protective device that is made to conform to a specific ear canal. This is usually accomplished by using a malleable compound to obtain an impression of the ear, which is subsequently permanently hardened to retain the shape.

(g) *Disposable Device.* A hearing protective device that is intended to be discarded after one day of usage.

(h) *Ear Insert Device.* A hearing protective device that is designed to be inserted into the ear canal and held in place principally by virtue of its fit inside the ear canal.

(i) *Ear Muff Device.* A hearing protective device that consists of two acoustic enclosures which fit over the ears and which are held in place by a spring-like headband to which the enclosures are attached.

(j) *Headband.* The component of a hearing protective device which applies force to, and holds in place, that component which is intended to acoustically seal the ear canal.

(k) *Hearing Protective Device.* Any device, capable of being worn on the head or in the ear canal, that is sold wholly or in part on the basis of its ability to reduce the level of sound entering the ear. This includes combination devices of which hearing protection may not be the primary function, but which are nonetheless sold partially to provide hearing protection to the user. This term is used interchangeably with the terms, "hearing protector" and "device."

(l) *Impulsive Noise.* An acoustic event characterized by very short rise time and duration. Generally, the duration is less than 500 milliseconds with a change in sound pressure level of at least 40 decibels (dB) within that time.

(m) *Noise Reduction Rating (NRR).* A single number noise reduction factor determined by an empirically derived technique which accounts for performance variation due to differing noise spectra and fit variability in addition to mean attenuation. (Reference HEW Publication No. (NIOSH) 76–120.)

(n) *Octave Band Attenuation.* The amount of sound reduction as determined in accordance with the measurement procedure of § 211.2.6 for one-third octave bands of noise.

(o) *Over-the-Head Position.* The mode of use of a device with a headband, in which the headband is worn such that it passes over the user's head. This is in contrast to the behind-the-head and under-the-chin position.

(p) *Package.* The container in which a hearing protective device is presented for purchase. The package in some cases may be the same as the carrying case.

(q) *Primary Panel.* The surface that is considered to be the front surface or that surface which intended for initial viewing by a prospective purchaser.

(r) *Category.* A group of hearing protectors which are identical in all aspects with respect to the parameters listed in § 211.2.10–2(c).

(s) *Test Facility.* For purposes of this subpart, means a laboratory that has been set up and calibrated to conduct ASA STD 1–1975/ANSI S3.19–1974 tests on hearing protective devices. The facility may be owned or operated by the manufacturer of such hearing protective devices or may be a private laboratory under contractual agreement with a manufacturer to conduct testing and to meet the applicable requirements of these regulations.

(t) *Test Hearing Protector.* Means a hearing protector that has been selected to undergo label verification testing, or which has been designated to undergo compliance audit testing.

(u) *Test Request.* Means a request submitted to the manufacturer by the Administrator that will specify the hearing protector category, and test sample size to be tested pursuant to § 211.2.12–1.

(v) *Random Incident Field.* A sound field in which the angle of arrival of sound at a given point in space is random in time.

(w) *Real-Ear Protection at Treshold.* The mean value in decibels of the occluded threshold (hearing protector in place) of audibility minus the open threshold of audibility (ears open and uncovered) for all listeners on all trials under otherwise identical test conditions.

(x) *Reverberation Time.* The time that would be required for the mean-square sound pressure level, originally in a steady state, to fall 60 dB after the source is stopped.

§ 211.2.4 Hearing protector labeling requirements.

All provisions of subpart A apply to this subpart except as otherwise stated in this subpart.

§ 211.2.4–1 Information content of primary label.

The information to appear on the primary label shall be in accordance with § 211.1.4 of subpart A except as stated in this section:

(a) Area A shall state the words "Noise Reduction Rating."

(b) Area B shall state the Noise Reduction Rating (NRR) for the subject model hearing protector. The stated value shall be no greater than the NRR value as determined from § 211.2.7 of this subpart.

(c) Area C shall contain the statement, "The range of the Noise Reduction Rating for existing hearing protective devices to 0 to 31 (higher numbers denote greater effectiveness)."

(d) For devices with headbands that are intended for use with the headband in different positions, the NRR shall be specified for that position with the lowest NRR rating. The NRR rating for the other headband positions may be included with the supporting information specified in § 211.2.5–4.

§ 211.2.4–2 Primary label size, print and color.

The primary label characteristics shall be those set forth in §§ 211.1.5 and 211.1.6 of subpart A except as stated otherwise in this subpart.

(a) The label shall have minimum dimensions of 1½"X2".

(b) The minimum type size for each area shall be as follows: (1) Area A—14 point, (2) Area B—42 point, (3) Area C—10 point, (4) Area D—10 point, (5) Area E—10 point, (6) Area F—10 point, (7) Area H—10 point.

(c) The color of the label shall be as specified in subpart A.

§ 211.2.4–3 Label location and type.

The label shall be of a type to be selected by the manufacturer and be located as follows:

(a) Affixed to the device or its carrying case, and

(b) Affixed to the product packaging if the label is not visible at time of sale as a result of compliance with § 211.2.4–3 (a) (1). For any additional label required under this subsection that is to be adhered to or printed on the packaging, placement of such label shall be on the principal surface of the packaging.

§ 211.2.4–4 Supporting information.

Supporting information shall include the following as a minimum. It is not required that this information be affixed to the device or its package, but it must accompany the device in such a manner as to insure availability to the purchaser:

(a) A table or graphic presentation of the sound attenuation values and corresponding standard deviations obtained in accordance with section 211.2.6.

(b) The month and year of production.

(c) The following statement: "Improper fit of this device will reduce its effectiveness in attenuating noise. Consult the enclosed instructions for proper fit."

(d) Instructions as to the proper insertion or placement of a device.

(e) The following statement: "Although hearing protectors are recommended for protection against the harmful effects of impulsive noise, the Noise Reduction Rating (NRR) is based on the attenuation of continuous noise and may not be an accurate indicator for protection from impulsive noises such as gunfire."

§ 211.2.5 Special claims and exceptions.

(a) Any manufacturer wishing to make claims regarding the acoustic effectiveness of a device other than the NRR must demonstrate the validity of such claims through the submission of scientific data to the Agency. Agency approval must be obtained prior to the presentation of such claims to the public.

(b) Should a manufacturer believe that the NRR is inapplicable to a given device, a request for an exception to certain provisions of this subpart may be submitted to the Agency for consideration. Such request must support the manufacturer's contention and offer a suitable alternative effectiveness rating for the device.

(c) Any request concerning a special claim or exception must be supported by conclusive scientific test data and be submitted for consideration and approval to:

Director, Standards and Regulations Division, U.S. Environmental Protection Agency, Office of Noise Abatement and Control (AW–471), Washington, D.C. 20460.

§ 211.2.6 Methods for measurement of sound attenuation.

§ 211.2.6–1 Real ear method.

(a) The value of sound attenuation to be used in the calculation of the NRR shall be determined in accordance with Acoustical Society of America standard (ASA STD 1–1975) "Method for the Measurement of Real-Ear Protection of Hearing Protectors and Physical Attenuation of Earmuffs", the provisions of which, with the modifications indicated below, are included by reference in this section. Copies of this standard may be obtained on request from:

Back Numbers Department, Dept. STD, American Institute of Physics, 335 East 45th Street, New York, New York 10017.

(b) For the purpose of this subpart, only sections 1, 2, 3 and Appendix A of ASA STD 1–1975, as modified below, shall be applicable. These sections describe the "Real Ear Method." Other portions of ASA STD 1–1975 are not applicable in this section.

(1) The sound field characteristics described in paragraph 3.1.1.3 shall be "required."

(2) In section 3.3.2.1 the term "excessive noise" shall be defined as a level of 80 dB(A) or greater.

(3) Section 3.3.3.1(2) shall not apply. Only "Subject fit" shall be permitted.

(4) Section 3.3.3.3 shall apply to all devices except custom-molded devices. When testing custom-molded devices, each test subject shall receive his own device molded to fit his ear canal.

§ 211.2.6–2 thru § 211.2.6–10—Alternative test methods [Reserved].

§ 211.2.7 Computation of the NRR.

The NRR for hearing protective devices shall be calculated using the following mathematical relationship, based on a method (Method 2) contained in HEW Publication No. (NOISH) 76–120, with decimal values to be rounded to the nearest whole numbers; values ending in .5 shall be rounded to the next lower whole number:

$$NRR = 5.5 - 10 \log T$$

where

$$T = \text{antilog}(-0.1\,Q_1) + \text{antilog}(-0.1\,Q_2) + \ldots + \text{antilog}(-0.1\,Q_7)$$

$$Q_1 = N_{125} + 16.2\,\text{dB} - 2\sigma_{125}$$

$$Q_2 = N_{250} + 8.7\,\text{dB} - 2\sigma_{250}$$

$$Q_3 = N_{500} + 3.3\,\text{dB} - 2\sigma_{500}$$

$$Q_4 = N_{1,000} + 0\,\text{dB} - 2\sigma_{1,000}$$

$$Q_5 = N_{2,000} - 1.2\,\text{dB} - 2\sigma_{2,000}$$

$$Q_6 = \frac{N_{3,150} + N_{4,000}}{2} - 1.0\,\text{dB} - \sigma_{3,150} - \sigma_{4,000}$$

$$Q_7 = \frac{N_{6,300} + N_{8,000}}{2} + 1.1\,\text{dB} - \sigma_{6,300} - \sigma_{8,000}$$

N = mean attenuation measured at the center frequency of each third octave band specified in section 3.1.1.2 of ASA STD 1–1975.

σ = standard deviation of attenuation measurements (N) of each third octave band specified in section 3.1.1.2 of ASA STD 1–1975.

The numbers +16.2, +8.7, +3.3, 0, −1.2, −1.0, and +1.1 represent the A-weighting relative response at the indicated third octave band center frequencies.

§ 211.2.8 Export provisions.

(a) A hearing protective device intended solely for export must be so labeled or marked on the outside of each package or container in which it is placed. This will include all packages or containers that are used for shipping, transporting, or dispersing the hearing protective device along with any individual packaging.

(b) In addition, the manufacturer of a hearing protective device intended solely for export must satisfy the export exemption requirements of section 211.1.10 of subpart A.

(Sec. 10(b)(2), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(b)(2)).)

§ 211.2.9 Maintenance of records: Submittal of information.

(a) The manufacturer of any new hearing protective device subject to this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) *General records.* (i) Identification and description by category parameters of all protectors comprising the manufacturer's product line.

(ii) A description of any procedures other than those contained in these regulations used to perform noise tests on any test protector and results of such tests.

(iii) A record of any calibration that was performed during testing by the test laboratory and signed by an authorized representative of the laboratory.

(2) *Individual records for test protectors.* (i) A complete record of all noise attenuation tests performed (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test which is required by the Federal test procedure, or exact copies thereof.

(ii) The reason for replacement where a replacement hearing protector was necessary.

(3) *A labeling verification report.* A copy of the labeling verification report, that has been properly submitted to EPA following the format prescribed by the Administrator, shall be retained by the manufacturer and will fulfill this requirement.

(4) All records required under this part shall be retained by the manufacturer for a period of three (3) years from the labeling verification date. Records may be retained as hard copy or, alternatively, reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer; however, if an alternative method is used, all of the information contained in the hard copy shall be retained.

(b) The manufacturer shall, pursuant to a request by the Administrator, submit to the Administrator the information with regard to the number of protectors, by category, produced or scheduled for production during the time period designated in the request.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10 Labeling verification.

§ 211.2.10–1 General requirements.

(a) Every new hearing protector manufactured for distribution in commerce in the United States which is subject to this subpart:

(1) Shall be verified in accordance with the Labeling Verification procedures described in this subjart; and

(2) Shall be represented in a Labeling Verification Report as required by § 211.2.10–3 of this subpart; and

(3) Shall be labeled in accordance with the requirements of this subpart; and

(4) Shall meet or exceed their attenuation values.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.0–2 Labeling verification requirements.

(a)(1) A manufacturer shall satisfy the label verification requirements of this subpart for a category of hearing protectors prior to distribution in commerce of hearing protectors of that category: *Except*, as provided in paragraph (a)(2) of this section.

(2) Upon application by a manufacturer prior to distribution in commerce, the Administrator may grant the manufacturer an extended period of time, up to 20 days from date of distribution, to comply with labeling verification requirements for a category of protectors, if the manufacturer provides reasonable assurance that the protectors conform to their labeled values and that labeling verification requirements will be satisfied prior to the expiration of this period.

(b) Labeling verification requirements with regard to each hearing protector category in a manufacturer's product line consist of:

(1) Testing in accordance with § 211.2.6 of hearing protectors selected in accordance with § 211.2.10–4, and

(2) Submission of a labeling verification report pursuant to § 211.2.10–3.

(c) A category of a hearing protector is determined by a separate combination of at least the following parameters. A manufacturer may use additional parameters to identify a category of hearing protectors, thereby creating additional categories.

(1) *Ear muffs.* (i) Head band tension (spring constant).

(ii) Ear cup volume or shape.

(iii) Mounting of ear cup on head band.
(iv) Ear cushion.
(v) Material composition.
(2) Ear inserts. (i) Shape.
(ii) Physical dimensions.
(iii) Material composition.
(3) *Ear caps.* (i) Head band tension (spring constant).
(ii) Mouting of plug on head band.
(iii) Shape of plug.
(iv) Physical dimensions.
(v) Material composition.

If an ear insert or ear cap is manufactured in more than one size (small, medium, large, etc.) each size does not constitute a separate category and is not required to be separately label-verified. However, each size must be used in conducting the required test to determine the labeled values for the specified category.

(d) Upon oral or written request by the Director, Noise Enforcement Division, the manufacturer shall notify such Director of any labeling verification testing scheduled by the manufacturer pursuant to this section so that EPA enforcement officers may be present and observe such testing, or conduct testing in lieu of the manufacturer.

(Secs. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10–3 Labeling verification report: required data.

(a) The manufacturer shall submit a labeling verification report to the Director, Noise Enforcement Division, U.S. Environmental Protection Agency, Washington, D.C. 20460. A manufacturer may choose to submit separate labeling verification reports for different categories of protectors. A suggested label vertification report form is included as Appendix A.

(b) The report shall be signed by an authorized representative of the manufacturer and shall include the following:

(1) The name and location of the test facility that has been utilized to conduct testing pursuant to subpart B.

(2) A description of all hearing protector categories as determined in accordance with § 211.2.10–2(e), which the manufacturer intends to distribute in commerce. The manufacturer may satisfy the hearing protector category description requirements of this paragraph by submitting as part of the production vertification report a copy of his sales data literature that describes his product line.

(3) For each test conducted:

(i) A data sheet in the form specified showing the mean attenuation values with standard deviation at each of the one-third octave band center frequencies along with the NRR for all official tests conducted in accordance with subpart B, including each invalid test and the reason for such invalidation.

(ii) A copy of the label that will be used for labeling that specified category.

(iii) The reason for replacement where a replacement hearing protector was necessary.

(4) The following statement and endorsement:

This report is submitted pursuant to section 8 and section 13 of the Noise Control Act of 1972. All testing for which data are reported herein is conducted in strict conformance with applicable regulations under 40 CFR Part 211 et seq. All the data reported herein are a true and accurate representation of such testing. All other information reported herein is, to the best of (*company name*) and (*test laboratory name*) knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

(*authorized representative*).

If the testing is conducted by an outside laboratory the manufacturer shall require an authorized representative of the laboratory to cosign the statement and endorsement.

(c) Where a manufacturer elects to submit separate labeling verification reports for portions of his product line as provided for in paragraph (a) of this section, information provided in previous reports need not be resubmitted: Except, that information necessary to update or make current previously submitted information must be submitted.

(d) Any change with respect to any information reported pursuant to this subpart shall be reported as soon as the information becomes available.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10–4 Test hearing protector selection.

A test hearing protector of a category for which labeling verification testing is required shall be a hearing protector of the subject category which has been assembled by the manufacturer for distribution in commerce using the manufacturer's normal production process.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10–5 Test hearing protector preparation.

(a) Prior to the official test, a test hearing protector selected in accordance with § 211.2.10–4 shall not be tested, modified, or adjusted in any manner unless such adjustments, modifications and/or tests are part of the manufacturer's prescribed manufacturing and inspection procedures.

(b) No quality control, testing, assembly or selection procedures shall be used on the completed protector or any portion thereof, including parts, that will not normally be used during the production and assembly of all other protectors of that category which will be distributed in commerce.

(Sec. 13, Pub L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10–6 Testing.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in Subpart B for the hearing protectors selected for verification testing.

(b) No repair or adjustments shall be performed on the test hearing protectors once testing has been initiated. In the event a unit is unable to complete the test, the manufacturer or test laboratory may replace the protector; testing may be continued or reinitiated. Any replacement hearing protector will be a protector of the same category and will be subject to all the provisions of these regulations. Any replacement shall be reported in the labeling verification report including the reason for the replacement.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10–7 Modifications to product line during the calendar year.

(a) Any modifications to a hearing protector such that one or more of the category parameters listed in § 211.2.10–2(c) are modified shall constitute addition of a new and separate category to the manufacturer's product line.

(b) When a manufacturer introduces a new category to his model line he shall proceed in accordance with § 211.2.10–2.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.10–8 Labeling verification on data from previous year.

(a) Labeling vertification of each category is required at the beginning of each calendar year except that the Administrator, upon request by the manufacturer, may permit the use of labeling verification data for specific categories from previous labeling verification reports. Considerations relevant to his decision are:

(1) Data from previous labeling verification reports;

(2) Performance data obtained from compliance audit testing during previous years; and

(3) Quality control procedures being utilized by the manufacturer.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.11 Compliance with labeling requirement.

(a) All hearing protective devices which are manufactured after the effective date of this regulation and which meet the applicability requirements of § 211.2.1 shall be labeled in accordance with this subpart, and shall comply with their labeled attenuation values.

(b) A manufacturer is required to take into account both product variability and test to test variability when labeling his devices in order to meet the requirements of paragraph (a) of this section. A manufacturer's product line of a specific category will be considered in compliance with the requirements of § 211.2.10–1 only if the attenuation values as determined in accordance with test procedures of § 211.2.6 at each of the one-third octave band center frequencies is greater than or equal to the labeled mean attenuation value at those frequencies (attenuation values may always exceed the labeled value) and the noise reduction rating has been calculated correctly from the labeled octave band data.

§ 211.2.12 Compliance audit testing.

§ 211.2.12–1 Test request.

(a) The Administrator will request all testing under this subpart by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA enforcement officer or sent by certified mail to the plant manager or other responsible official as designated by the manufacturer.

(c) The test request will require that two Federal tests be conducted and will specify the following:

(1) The hearing protector category selected for testing,

(2) The manufacturer's plant or storage facility from which the protectors must be selected,

(3) The selection procedure the manufacturer will use,

(4) Where the manufacturer is required to have the protectors tested which could be the facility where they underwent labeling verification testing,

(5) The number of test hearing protectors (up to 20) to be tested,

(6) The time period allowed the manufacturer to initiate testing,

(7) The format of the test report, and

(8) Any other information that will be necessary to conduct testing under this section.

(d) The test request will provide for situations in which the selected category is unavailable for testing. It may include an alternative category to be selected for testing in the event that protectors of the first specified category are not available for testing because the protectors are not being manufactured at the specified plant or the specific time and are not being stored at the specified plant or storage facility.

(e)(1) Any testing conducted by the manufacturer pursuant to a test request shall commence within such period as is specified within the test request: *Except*, that such period may be extended by the Administrator upon request by the manufacturer if a test facility is not available to conduct such testing.

(2) The manufacturer shall complete the required testing within one week following commencement of the testing.

(3) The manufacturer will be allowed 24 hours to send test hearing protectors from the assembly plant to the testing facility: *Except*, that the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) Failure to comply with any of the requirements of this section shall not be considered a violation of these regulations if such failure is caused by conditions and circumstances outside the control of the manufacturer rendering it impossible to comply. Such conditions and circumstances include, but are not limited to, uncontrollable factors resulting in the temporary unavailability of equipment and personnel needed to conduct the required tests. The manufacturer bears the burden of establishing the presence of such conditions and circumstances.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–2 Test hearing protector selection.

(a) The test request will specify that thirty (30) protectors be selected from which up to twenty (20) test protectors will be drawn for testing. The remainder may be used as replacement protectors if replacement is needed. The request will specify that the 30 protectors be the next 30 produced after receipt of the request or that the 30 be randomly drawn from a group of up to 100, next scheduled for production.

(b) If random selection is specified it shall be achieved by sequentially numbering all the protectors in the group and then using a table of random numbers to select the test hearing protectors. An alternative random selection plan may be used by a manufacturer: Provided, that such a plan is approved by the Administrator.

(c) Each test protector of the category selected for testing shall have been assembled by the manufacturer for distribution in commerce using the manufacturer's normal production process.

(d) At their discretion, EPA enforcement officers, rather than the manufacturer, may select the protectors designated in the test request.

(e) The manufacturer will keep on hand the thirty (30) protectors designated for testing pursuant to this test request until such time as the category is determined to be in compliance: *Except*, that hearing protectors actually tested and found to be in conformance with these regulations need not be kept.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–3 Test hearing protector preparation.

Prior to the official test, the manufacturer shall select the test hearing protector in accordance with § 211.2.12–2, and shall comply with the test protector preparation requirements of § 211.2.10–5.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–4 Testing procedures.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in this subpart for each hearing protector selected for testing in accordance with § 211.2.12–2.

(b) No repair or adjustments shall be performed on test hearing protectors once compliance testing has been initiated. In the event a hearing protector is unable to complete the test, the manufacturer may replace the protector. Any replacement protector will be a protector of the same category as the replaced protector. It will be selected from the remaining designated test protectors and will be subject to all the provisions of these regulations. Any replacement shall be reported in the compliance audit test report including the reason for replacement.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–5 Reporting of test results.

(a)(1) The manufacturer shall submit to the Administrator a copy of the Compliance Audit Test report for all testing conducted pursuant to § 211.2.12 within 5 days after completion of testing of each set of required Federal tests in the format stipulated in the test request.

(2) For each test conducted the manufacturer will provide the following information:

(i) Category identification.

(ii) Production date, and model of hearing protector.

(iii) The name and location of the test facility utilized to conduct testing reported pursuant to this section.

(iv) The completed data sheet in the form specified for all tests including: for each invalid test, the reason for invalidation.

(v) The reason for the replacement where a replacement protector was necessary.

(3) The following statement and endorsement:

This report is submitted pursuant to section 8 and section 13 of the Noise Control Act of 1972. All testing for which data is reported herein was conducted in strict conformance with applicable regulations under 40 CFR 211 et seq. All the data reported herein is a true and accurate representation of such testing. All other information reported herein is to the best of (company name) and (test laboratory name) knowledge, true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder (authorized representative)

If the testing is conducted by an outside laboratory the manufacturer shall require an authorized representative of the laboratory to cosign the statement and endorsement.

(b) In the case where an EPA enforcement officer is present during testing required by this subpart, the written reports in requested paragraph (a) of this section may be given directly to the enforcement officer.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–6 Determination of compliance.

(a) A category will be deemed in compliance if the results of both Federal tests, conducted pursuant to the test request, in each frequency band show attenuation values which meet or exceed the labeled values for the category and the NRR when calculated from these values meets or exceeds the labeled Noise Reduction Rating.

(b) If a category is not in compliance, as determined in (a) of this section, the manufacturer must satisfy the continued testing requirements of § 211.2.12–7 and the relabeling requirements of § 211.2.12–8 prior to any further distribution of hearing protectors of that category in commerce.

(Sec. 13, Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–7 Continued compliance testing.

If a category is not in compliance as determined under § 211.2.12–6, the manufacturer shall satisfy the requirements of paragraph (a), or (b), or (c) of this section.

(a) All testing shall consist of a set of two (2) Federal tests. Comparison is to be done within one-third octave bands of each test. Testing shall continue until the mean attenuation values from each of the last set of the tests at each one-third octave band meet or exceed the lowest attenuation values received from all previous compliance tests.

(b) Upon approval by the Administrator, at any time the manufacturer may conduct only two additional tests and re-label at least as low as the lowest mean attenuation values received from these two tests: *Provided*, the manufacturer can show that the non-compliance under § 211.2.12–6 was caused by a failure of quality control and that such situation causing the failure has been remedied.

(c) Upon approval by the Administrator the manufacturer may re-label at a lower level in compliance with § 211.2.12–8 in lieu of testing pursuant to paragraph (a) of this section: *Provided*, the manufacturer can show that the re-labeled values adequately take into account results achieved from the Compliance Audit Testing and product variability. The Administrator is to exercise his discretion in light of factors including prior compliance record of the manufacturer, adequacy of proposed new labeling value, the amount of deviation of test results from the labeled values, and any other relevant information.

(Sec. 13. Pub. L. 92–574, 86 Stat. 1244 (42 U.S.C. 4912).)

§ 211.2.12–8 Re-labeling requirements.

(a) Any manufacturer who is found to be in nonconformance in accordance with § 211.2.12–6 and who has met the requirements of § 211.2.12–7 shall re-label in accordance with § 211.2.11, all protectors of the specified category already in his possession before distributing them in commerce. The manufacturer shall re-label at values no greater than any mean attenuation values received from compliance audit testing. Any manufacturer who proceeds with § 211.2.12–7 (a) or (b) shall re-label his product line with the lowest mean attenuation value at each one-third octave band received from testing, or may take into account product variability pursuant to § 211.2.11(b) and label with a lower mean attenuation value than the worst case values received.

(Sec. 10(a)(3), Pub. L. 92–574, 86 Stat 1242 (42 U.S.C. 4909(a)(3)).)

§ 211.2.13 Remedial orders for violations of these regulations.

(a) The Administrator may issue an order pursuant to § 11(d)(1) of the Act when any person is in violation of regulations promulgated under this Part.

(b) Any such order shall be issued only after notice and opportunity for a hearing in accordance with section 554 of title 5 of the United States Code.

(c) All costs associated with such remedial orders shall be borne by the violator.

(Sec. 11(d) Pub. L. 92 574, 86 Stat. 1243 (42 U.S.C. 4910(d).)

§ 211.2.14 Removal of label.

It is prohibited under section 10(a)(4) of the Act for any person to remove any label required by this subsection, by either physical removal or defacing or any other physical act making the label and its contents not accessible to the ultimate purchaser, prior to sale.

(Sec. 10(a)(4), Pub. L. 92–574, 86 Stat. 1242 (42 U.S.C. 4909(a)(4)).)

APPENDIX A.—*Labeling verification report data sheet*

Company name ..
Address ..
Test laboratory
Address ..
Model number of hearing protector
Category designation

Tests result

Frequency	Mean attenuation	Standard deviation
125		
250		
500		
1000		
2000		
3150		
4000		
6300		
8000		
Noise reduction rating		

Labeled values

Frequency	Mean attenuation	Standard deviation
125		
250		
500		
1000		
2000		
3150		
4000		
6300		
8000		
Noise reduction rating		

If replacement hearing protector was necessary to conduct test, reason for replacement:

This report is submitted pursuant to section 8 and section 13 of the Noise Control Act of 1972. All testing for which data are reported herein is conducted in strict conformance with applicable regulations under 40 CFR Part 211 et. seq. All the data reported herein are a true and accurate representation of such testing. All other information reported herein is to the best of (company name) and (test laboratory name) knowledge true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations thereunder.

(Authorized representative of company.)

(Authorized representative of test laboratory.)

APPENDIX B.—*Compliance audit testing report data sheet*

Company name
Address
Test laboratory
Address
Model number of hearing protector
Category designation
Production date

Test results

Frequency	Mean attenuation	Standard deviation
125		
250		
500		
1000		
2000		
3150		
4000		
6300		
8000		
Noise reduction rating		

If replacement hearing protector was necessary to conduct test, reason for replacement:

This report is submitted pursuant to section 8 and section 13 of the Noise Control Act of 1972. All testing for which data are reported herein is conducted in strict conformance with applicable regulations under 40 CFR Part 211 et. seq. All the data reported herein are a true and accurate representation of such testing. All other information reported herein is to the best of (company name) and (test laboratory name) knowledge true and accurate. I am aware of the penalties associated with violation of the Noise Control Act of 1972 and the regulations thereunder.

(Authorized representative of Company.)

(Authorized representative of test Laboratory.)

[FR Doc.77–17694 Filed 6–21–77;8:45 am]

federal register

WEDNESDAY, JUNE 22, 1977

PART V



COMMODITY FUTURES TRADING COMMISSION

FUTURES COMMISSION MERCHANTS

Maintenance of Minimum Financial Requirements

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

FUTURES COMMISSION MERCHANTS

Proposed Rulemaking; Maintenance of Minimum Financial Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The proposed rule would establish an early warning system designed principally to give notice of a futures commission merchant's financial deterioration. The development of an effective early warning system is necessitated by increased demands placed upon the limited resources of the Commodity Futures Trading Commission by industry expansion and by an increase in the types of activities subject to Commission regulation. The intended effects of the proposed rule are to insure adequate customer protection, to insure the integrity of the futures market system, to increase regulatory efficiency, and to facilitate the development of a registered futures association.

DATES: Comments on the proposed rule should be submitted by November 1, 1977.

ADDRESSES: Send comments to: Commodity Futures Trading Commission, 2033 K Street, NW., Washington D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Chief Accountant, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, 202-254-5218.

SUPPLEMENTARY INFORMATION: On October 6, 1976, the Commodity Futures Trading Commission ("Commission") proposed extensive revisions in the financial reporting requirements imposed upon futures commission merchants ("FCM's") under Commission regulations. 41 FR 45706 (October 15, 1976). On May 17, 1977, the Commission subsequently proposed substantial amendments in the minimum financial standards to which FCM's are subject under regulation 1.17. 42 FR 27166 (May 26, 1977). These proposals represent the first two stages in a four-part series of revisions which the Commission is in the process of proposing in the minimum financial and related reporting requirements imposed upon FCM's. The Commission is at this time proposing the third stage of this four-part series, an improved early warning system based upon the proposed amendments to regulation 1.17. Within the next few weeks, the Commission will propose the fourth stage of this series, which would: (1) require each contract market to adopt minimum financial requirements with respect to its member FCM's, and (2) permit the responsibility for monitoring an FCM's financial status to be delegated to a single contract market or other self-regulatory organization.

The development of an improved early warning system is necessitated by recent and anticipated changes in the size and nature of the commodity futures industry and by the increase in the number and types of activities subject to Commission regulation under the Commodity Exchange Act, as amended ("Act") (7 U.S.C. 1-22 (Supp. V. 1975)).[1] The increased demands placed upon the limited resources of the Commission by such developments have, combined with (among other things) the self-regulatory structure envisioned by the Act, made it appropriate for the Commission to shift its regulatory approach to one which places significantly greater emphasis on industry self-regulation under the oversight surveillance of the Commission. An improved early warning system is essential to the development of such a regulatory posture.

The Commission's current early warning system is contained in regulation 1.18(c). Regulation 1.18(c) requires each FCM to prepare a written computation each month of the total of its subordinated borrowings, long-term liabilities and net worth. If the sum of these three items has declined 20 percent or more from the sum of these items on the FCM's most recent financial report, the FCM must immediately notify the Commission. Regulation 1.18(c) also requires an FCM to notify the Commission immediately whenever it "knows or has reason to believe" it is not in compliance with the requirements of regulation 1.17.

The Commission's newly proposed early warning system incorporates two significant improvements over the system established by regulation 1.18(c). First, the newly proposed system is triggered before the FCM becomes in violation of regulation 1.17 and is much more closely related to the minimum capital requirements with which FCM's must comply than the present system. For example, under the early warning provision of regulation 1.18(c), no allowance is made for the size of the market positions carried by an FCM, whether for its own account or for those of its customers. As a result, an FCM could assume a substantial market position, either for itself or on behalf of its customers, which seriously jeopardizes the FCM's basic financial stability and which could cause the FCM to become undercapitalized as the result of relatively minor market movements, and still fail to trigger the provisions of regulation 1.18(c). Under the newly proposed early warning system, the capital level at which an FCM would be required to "early warn" of possible financial difficulties increases in the same manner that the FCM's minimum adjusted net capital requirements increase under proposed regulation 1.17. The second major improvement incorporated in the newly proposed early warning system is the requirement that an FCM notify the Commission and the appropriate industry self-regulatory organizations not only of potential financial difficulties, but also of certain other occurrences which may jeopardize the FCM's customers (such as the firm's failure to maintain its books and records in a current status).

[1] See the Commission's May 26, 1977 FEDERAL REGISTER release for an explanation of the factors which necessitate the development of an improved early warning system and increased reliance by the Commission on the minimum financial requirements of regulation 1.17 in general.

CLARIFICATION OF CERTAIN PROVISIONS

The early warning system set forth in proposed regulation 1.12 (which would replace regulation 1.18(c)) is straightforward and does not, in general, require elaborate explanation. However, a brief clarification of certain aspects of the proposed rule may prove helpful.

Initially, and perhaps most importantly, it must be pointed out that there would be no independent penalty for triggering the proposed early warning system. In fact, in many instances, the occurrences which would trigger the provisions of proposed regulation 1.12 would not constitute violations of the Act or any regulation thereunder. For example, under proposed regulation 1.12(b), an FCM whose adjusted net capital drops below $30,000 or 8⅓ percent of its aggregate indebtedness, but remains above $25,000 and 6⅔ percent of its aggregate indebtedness (the minimum requirements of proposed regulation 1.17), would be required to file notice to that effect with the Commission within five business days. However, the FCM would not be in violation of regulation 1.17, or any other Commission regulation, and no administrative sanction by the Commission would be possible. In those instances where the proposed early warning system would be triggered by a violation of the Act or the regulations, as, for example, where the FCM fails to maintain its books and records in a current status, prompt (i.e., telegraphic) notification of the Commission to that effect by the FCM in accordance with the proposed regulation would tend to mitigate heavily against the imposition of any sanction by the Commission in response to such violations.[2]

The fact that no independent penalty is provided for triggering the proposed early warning system is due to the basic nature and purpose of the system itself. In short, the system is designed to afford the Commission and the appropriate industry self-regulatory organizations sufficient advance notice of an FCM's problems to allow the necessary protective, as opposed to enforcement, action to be taken to insure the safety of the FCM's customers' funds and the integrity of the marketplace. If, however, an FCM fails to give the notice required by the proposed early warning system, effective protective action by the Commission and industry self-regulatory organizations may be precluded, thereby amplifying the risks to which the FCM's customers and the futures market system are subjected. If the required notice is not given, therefore, enforcement, as well as protective, action would be appropriate. Accordingly, it is the Commission's intent to prosecute violations of the proposed early warning system vigorously. The proposed early warning system will be effective only if it is utilized. The absence of any sanction for simply triggering the system and the mitigating effect of compliance with its requirements should encourage its use, as should the likelihood of severe sanctions for failure to comply with such requirements, particularly at the outset of the system.

[2] However, the mere fact that an FCM notifies the Commission immediately upon the occurrence of such violations would not preclude the Commission from taking appropriate enforcement action against the FCM, especially in the face of repeated or intentional violations.

Some clarification of certain other aspects of the proposed early warning system would also appear appropriate. In several places in the proposed rule, references are made to portions of §§ 1.10, 1.16 and 1.17 of the Commission's regulations. These references are to the regulations proposed by the Commission in its FEDERAL REGISTER releases of October 15, 1976, 41 FR 45706, and May 26, 1977, 42 FR 27166.

Under proposed regulations 1.12(a) and 1.12(b), an FCM is required to file a Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17, or a Form 1-FR containing such a statement, whenever its adjusted net capital drops below certain levels. In the event that the early warning system is triggered by a drop in the FCM's adjusted net capital below a capital level based upon a minimum net capital rule other than that of the Commission (such as that of a contract market), the FCM's Minimum Capital Requirements should be computed in accordance with such other rule.[3]

Proposed regulation 1.12(f) provides that all notices and reports required by the new early warning system must be filed with the Commission, with all contract markets of which the FCM is a member and which have minimum financial and related reporting requirements which have been approved by the Commission as adequate to effectuate the purposes of section 4f(2) of the Act, and, if the FCM is also a securities broker and/or dealer, with the Securities and Exchange Commission.[4] As previously discussed, the fourth stage of the Commission's proposed revisions in the minimum financial and related reporting requirements imposed upon FCM's would permit the responsibility for monitoring the financial status of an FCM to be delegated to a single contract market or other self-regulatory organization. If that stage of the Commission's proposals is adopted, proposed regulation 1.12(f) would be revised to provide that the appropriate filings need be made only with the Commission, the contract market or other self-regulatory organization delegated the responsibility of monitoring the financial status of the FCM, and, if applicable, the Securities and Exchange Commission.

In consideration of the foregoing, the Commission hereby proposes to amend 17 CFR Part 1 as follows:

1. By adopting a new § 1.12 to read as follows:

§ 1.12 Maintenance of Minimum Financial Requirements by Futures Commission Merchants.

(a) Each person registered as a futures commission merchant, or who files an application for registration as a futures commission merchant, whose adjusted net capital at any time is less than the minimum required by § 1.17 or by the capital rule of any contract market, clearing organization or registered futures association to which such person is subject, must:

(1) Give telegraphic notice as set forth in paragraph (f) of this section that such applicant's or registrant's adjusted net capital is less than is required by section 1.17 or by such other capital rule, identifying the applicable capital rule or rules. This notice must be given within 24 hours after such applicant's or registrant's adjusted net capital becomes less than required by any of the aforesaid rules to which such applicant or registrant is subject; and

(2) Within 24 hours after giving such notice file a Statement of Financial Condition, a Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17 (computed in accordance with the applicable capital rule or rules), and a Schedule of Segregation Requirements and Funds on Deposit in Segregation, all as of the date such violation occurs.

(b) If the adjusted net capital of any applicant or registrant at any time is less than

(1) The greater of $30,000 or 8⅓ percent of aggregate indebtedness; or

(2) If the applicant or registrant is subject to § 1.17(a)(3) (commodity options), the greater of $60,000 or 8⅓ percent of aggregate indebtedness; or

(3) If the applicant or registrant is operating pursuant to § 1.17(g), the greater of $120,000 or 6 percent of the funds required to be segregated pursuant to section 4d(2) of the Act and these regulations, plus, for securities brokers or dealers, 6 percent of aggregate debit items computed in accordance with the Formula for Determination of Reserve Requirements (§ 240.15c3-3a of this title); or

(4) 120 percent of the minimum required by the capital rule of any contract market, clearing organization or registered futures association to which such applicant or registrant is subject: such applicant or registrant must filed written notice to that effect as set forth in paragraph (f) of this section witihn five (5) business days of such event. Such applicant or registrant must also file a Form 1-FR as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adjusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each Form 1-FR required by this paragraph (b) must be filed within 15 calendar days after the end of the month for which such report is being made.

(c) If an applicant or registrant at any time fails to make or keep current the books and records required by these regulations, such applicant or registrant must, on the same day such event occurs, give telegraphic notice of such fact, specifying the books and records which have not been made or which are not current, and within 5 business days after giving such notice filed a written report stating what steps have been and are being taken to correct the situation.

(d) Whenever any applicant or registrant discovers or is notified by an independent public accountant, pursuant to § 1.16(e)(2) of these regulations, of the existence of any material inadequacy, as specified in § 1.16(d)(2) of these regulations, such applicant or registrant must give telegraphic notice of such material inadequacy within 24 hours, and within five business days after giving such notice file a written report stating what steps have been and are being taken to correct the material inadequacy.

(e) Whenever any contract market learns that a member registrant has failed to file a notice or written report as required by this § 1.12, such contract market must immediately report such

[3] In its May 26, 1977 FEDERAL REGISTER release, the Commission stated that one of the intended effects of its proposed revisions in the minimum financial requirements imposed upon FCM's would be to enable those FCM's which are also securities broker-dealers to file the same financial reports with both the Commission and the Securities and Exchange Commission ("SEC"). 42 FR 27168. Specifically, it is the Commission's goal that sufficient uniformity be attained between the Commission's minimum financial rule and that of the SEC to enable FCM/broker-dealers to comply with the Commission's financial reporting requirements by simply filing with the Commission copies of the SEC's FOCUS Report (Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934). If the requisite uniformity is achieved and the FOCUS Report becomes acceptable for Commission purposes, proposed regulation 1.12 will be revised to permit FCM/broker-dealers to comply with the requirements of the proposed rule by filing appropriate portions of the FOCUS Report.

[4] SEC Rule 17a-11, 17 CFR 240.17a-11, requires that broker-dealers who trigger that agency's early warning system must give notice and file the appropriate reports with the Commodity Futures Trading Commission if they are registered as FCM's with the Commodity Futures Trading Commission.

failure as provided in paragraph (f) of this section.

(f) Every notice and written report required to be given or filed by this section must be filed with the regional office of the Commission for the region in which the applicant or registrant has its principal place of business, with all contract markets of which the applicant or registrant is a member and which have minimum financial requirements and related reporting requirements which have been approved by the Commission as adequate to effectuate the purposes of section 4f(2) of the Act, and with the Securities and Exchange Commission, if such applicant or registrant is a securities broker or dealer. In addition, every notice required to be given by this section must also be filed with the principal office of the Commisison in Washington, D.C. Each Statement of Financial Condition, each Statement of the Computation of the Minimum Capital Requirements Pursuant to § 1.17, and each Schedule of Segregation Requirements and Funds on Deposit in Segregation required by this section must be filed in accordance with the provisions of § 1.10(d) of these regulations, unless otherwise indicated.

§ 1.18 [Revoked]

2. By revoking § 1.18(c).

(7 U.S.C. 6c, 6f, 6g and 12a.)

Issued in Washington, D.C., on June 16, 1977, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.77-17689 Filed 6-21-77;8:45 am]

federal register

WEDNESDAY, JUNE 22, 1977

PART VI



FEDERAL ENERGY ADMINISTRATION

■

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for April 1977

JUN 22 77
UM

FEDERAL ENERGY ADMINISTRATION

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for April 1977

In accordance with the provisions of 10 CFR § 211.67 relating to FEA's domestic crude oil allocation program the monthly notice specified in § 211.67(l) is hereby published.

Based on reports for April 1977 submitted to FEA by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Pureto Rico, application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4), and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for April 1977 is calculated to be .284910.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of April 1977, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .329173 of a barrel of deemed old oil.

The issuance of entitlements for the month of April 1977 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(l)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of April 1977 at $8.69, which is the exact differential as reported for the month of April between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of April 1977 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of April 1977 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of April 1977 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through March 1977 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by FEA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column additional entitlements issued to refiners pursuant to relief granted by FEA's Office of Exceptions and Appeals. Also set forth in this column are the adjustments for relief granted by the Office of Exceptions and Appeals for 1975, which adjustments are being reflected in monthly installments commencing with the September 1976 entitlement notice. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al.*, 4 FEA par. 87,024 (November 5, 1976).

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 12,033,793 barrels for April 1977. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 24,582,441 barrels.

The total number of entitlements required to be purchased and sold under this notice is 24,286,797.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for April 1977 must be made by June 30, 1977.

On or prior to July 10, 1977, each firm which is required to purchase or sell entitlements for the month of April 1977 shall file with FEA the monthly transaction report specified in 10 CFR 211.66(l) certifying its purchases and sales of entitlements for the month of April. FEA has mailed the monthly transaction report forms for the month of April to reporting firms. FEA requests that firms which have been unable to locate other firms for required entitlement transactions by June 30, 1977, contact FEA at 202–254–6296 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to June 30, 1977, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before July 22, 1977.

Issued in Washington, D.C., on June 17, 1977.

ERIC J. FYGI,
Acting General Counsel.

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ENTITLEMENTS ISSUED	EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	REQUIRED TO SELL
A-JOHNSON	0	135,871	0	0	0	0	135,871
ALLIED	82,289	152,185	0	0	0	0	69,896
AMER-PETROFINA	1,823,893	1,447,249	0	86,997	0	376,644	0
AMERADA-HESS	2,278,104	4,202,803	0	0	0	0	1,924,699
AMOCO	11,999,054	7,382,537	0	0	0	4,616,517	0
APCO	374,050	474,870	0	0	0	0	100,820
ARCO	6,396,257	6,172,038	16,272	0	0	224,219	0
ARIZONA	62,580	53,828	0	0	0	8,752	0
ASAMERA	157,778	212,305	0	1,401	0	0	54,527
ASHLAND	1,647,213	3,100,657	0	0	0	0	1,453,444
ASIATIC	0	1,401	0	0	0	0	1,401
BASIN	55,546	128,105	0	0	0	0	72,559
BAYOU	42,037	152,338	0	0	0	0	110,301
BEACON	234,117	208,757	35,410	0	0	25,360	0
BELCHER	0	11,357	0	11,357	0	0	11,357
BI-PETRO	8,836	154,113	0	0	0	0	145,277
C&H	0	150,053	0	0	0	827	150,053
CALUMET	153,877	153,050	0	0	0	2,379	0
CANAL	72,897	70,518	0	15,705	0	0	11,708
CARIBOU	91,201	102,909	0	6,774	0	0	15,705
CASTLE	0	15,705	0	0	0	0	6,774
CENTRAL	0	6,774	0	0	0	810,230	0
CHAMPLIN	2,179,516	1,369,286	108,929	0	0	0	19,513
CHARTER	596,525	616,038	0	13,773	0	0	1,891,960
CHEVRON	8,315,469	10,207,429	0	23,571	0	0	23,571
CIRILLO	0	23,571	0	0	0	1,320,310	0
CITGO	3,775,782	2,455,472	0	0	0	3,379	0
CLAIBORNE	56,039	52,660	0	0	0	0	685,363
CLARK	299,421	984,784	0	0	0	0	1,399,778
COASTAL	274,558	1,674,336	0	160,147	0	471,397	0
CONOCO	3,674,108	3,202,711	235,670	144,970	0	0	1,235,885
CORCO	0	1,235,885	0	0	0	0	266,894
CRA-FARMLAND	398,685	665,579	0	0	0	0	108,263
CROSS	45,770	154,033	0	0	0	0	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
CROWN	402,236	884,066	0	0	0	481,830
CRYSTAL-OIL	190,725	198,906	0	0	0	8,181
CRYSTAL-REF	563	53,437	0	0	0	52,874
DELTA	351,801	335,262	-26,463*	0	16,539	0
DEMENNO	3,434	92,400	0	0	0	88,966
DIAMOND	591,035	491,710	0	0	99,325	0
DILLMAN	0	165	0	0	0	165
DORCHESTER	11,369	14,947	0	0	0	3,578
DOW	60,164	189,419	0	0	0	129,255
E-SEABOARD	0	84,551	84,551	0	0	84,551
ECO	5,455	28,738	0	0	0	23,283
EDDY	42,984	151,426	0	0	0	108,444
EDGINGTON-OIL	0	-9,871	-9,871	0	9,871	0
ELM	0	20,506	20,506	0	0	165
ENERGY-COOP	30,660	1,037,079	0	0	0	20,506
EVANGELINE	59,411	112,507	0	0	0	1,006,419
EXXON	11,138,027	9,344,360	0	0	1,793,667	53,096
EZ-SERVE	93,146	161,207	0	0	0	0
FAMARISS	266,680	360,530	0	0	0	68,061
FARMERS-UN	227,677	216,424	0	0	11,253	93,850
FLETCHER	13,386	174,433	0	0	0	0
FLINT	10,424	10,625	0	0	0	161,047
GARY	56,359	92,371	0	0	0	201
GETTY	1,678,283	1,341,797	0	0	336,486	36,012
GIANT	27,479	153,194	0	0	0	0
GIBSON	719	146,580	0	0	0	125,715
GLACIER-PARK	104,703	62,170	0	0	42,533	145,861
GLADIEUX	96,179	158,991	0	0	0	0
GLENROCK	1,727	152,766	0	0	0	62,812
GOLDEN-EAGLE	-1,178**	163,951	0	0	0	151,039
GOLDKING	85,199	165,533	0	0	0	165,129
GOOD-HOPE	75,091	356,817	0	0	0	80,334
GUAM	0	303,127	0	0	0	281,726
GULF	10,468,562	7,168,425	32,991	0	3,300,137	303,127
						0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
GULF-STS	97,687	151,374	0	0	0	53,687
HIRI	0	521,987	0	0	0	521,987
HOWARD	0	37,773	37,773	0	0	37,773
HOWELL	410,956	271,350	0	0	139,606	0
HUDSON-OIL	36,850	241,531	0	0	0	204,681
HUNT	277,805	328,731	0	0	0	50,926
HUSKY	653,418	653,418	272,317	0	0	0
INDEPENDENT-REF	162,877	175,032	0	0	0	12,155
INDIANA-FARM	67,175	240,469	0	0	0	173,294
INGER-OIL	1,682	150,158	0	0	0	148,476
IRVING	0	43,744	43,744	0	0	43,744
J&W	252,277	252,277	103,820	0	0	0
KENCO	23,070	145,523	0	0	0	122,453
KENTUCKY	2,872	4,406	0	0	0	1,534
KERN	411,526	660,163	454,906	0	0	248,637
KERR-MCGEE	1,379,669	1,419,997	0	0	0	40,328
KOCH	313,446	810,418	0	0	0	496,972
LAGLORIA	448,110	386,025	0	0	62,085	0
LAKESIDE	19,632	40,857	0	0	0	21,225
LAKETON	103,450	132,719	0	0	0	29,269
LITTLE-AMER	1,277,098	1,170,419	591,600	0	106,679	0
LOUISIANA-LAND	350,961	385,181	0	0	0	34,220
MACMILLAN	36,527	172,238	0	0	0	135,711
MARATHON	4,103,887	4,445,946	0	0	0	342,059
MARION	230,733	254,927	0	0	0	24,194
MID-AMER	68,567	153,965	0	0	0	85,398
MID-TEX	13,854	145,971	0	0	0	132,117
MIDLAND	0	-10,144	-10,144	0	0	0
MOBIL	8,059,565	6,874,098	0	0	1,185,467	0
MOHAWK	427,018	413,148	0	0	13,870	0
MONOCO	0	11,364	11,364	0	0	0
MONSANTO	394,451	355,018	0	0	39,433	0
MORRISON	14,161	150,016	0	0	0	135,855
MOUNTAINEER	8,815	8,676	0	0	139	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
MURPHY	933,055	838,239	0	0	0	94,816	0
N-AMER-PETRO	109,508	169,680	0	0	0	0	60,172
NATL-COOP	380,927	534,565	0	0	0	0	153,638
NAVAJO	359,208	359,208	133,291	0	0	0	0
NEW-EDGINGTON	557,584	538,049	273,429	0	0	19,535	0
NEW-ENGL-PETRO	0	365,036	0	365,036	0	0	365,036
NEWHALL	169,749	148,081	-6,030	0	0	21,668	0
NORTHEAST-PETRO	0	38,434	0	38,434	0	0	38,434
NORTHLAND	33,508	152,619	0	0	0	0	119,111
OKC	233,916	267,291	0	0	0	0	33,375
OXNARD	15,403	120,633	0	0	0	0	105,230
PASCO	0	-64,591	-64,591	0	0	64,591	0
PENNZOIL	558,934	474,608	0	0	0	84,326	0
PESTER	107,785	209,940	0	0	0	0	102,155
PHILLIPS	2,642,412	2,660,370	0	0	0	0	17,958
PHILLIPS-PR	0	168,170	0	168,170	0	0	168,170
PIONEER	18,547	151,452	0	0	0	0	132,905
PITTSTON	0	59,460	0	59,460	0	0	59,460
PLACID	249,245	380,105	0	0	0	0	130,860
PLATEAU	160,278	134,240	0	0	0	26,038	0
POWERINE	21,713	357,115	0	0	0	0	335,402
PRIDE	160,561	334,864	0	0	0	0	174,303
PRINCETON	0	144,574	0	0	0	0	144,574
QUAKER-ST	57,183	248,640	0	0	0	0	191,457
RICHARDS	268	142,949	0	0	0	0	142,681
ROAD-OIL	0	43,522	0	0	0	0	43,522
ROCK-ISLAND	328,369	350,769	-1,193	0	0	0	22,400
SABER-TEX	22,814	165,911	0	0	0	0	143,097
SABRE-CAL	205,379	201,207	75,675	0	0	4,172	0
SAGE-CREEK	3,355	4,445	0	0	0	0	1,090
SAN-JOAQUIN	171,842	172,405	0	0	0	0	563
SEMINOLE	15,135	142,961	0	0	0	0	127,826
SHELL	12,000,282	8,241,813	0	3,607	0	3,758,469	0
SIGMOR	4,341	153,165	0	0	0	0	148,824

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
SO-HAMPTON	60,029	195,508	0	0	0	0	135,479
SOHIO	1,912,220	3,618,416	0	0	0	0	1,706,196
SOMERSET	35,987	63,429	0	0	0	0	27,442
SOUND	77,125	153,937	0	0	0	0	76,812
SOUTHLAND	385,671	283,171	73,161	0	0	102,500	0
SOUTHWESTERN	8,325	77,793	-4,153	0	0	0	69,468
SPRAGUE	0	41,157	0	41,157	0	0	41,157
STEUART	0	62,876	0	62,876	0	0	62,876
SUNLAND	2,874	153,126	0	0	0	0	150,252
SUNOCO	5,354,913	4,381,998	0	63,280	0	972,915	0
TENNECO	636,379	335,937	0	0	0	300,442	0
TESORO	1,058,009	611,264	0	0	0	446,745	0
TEXACO	10,337,608	9,233,650	0	228,796	0	1,103,958	0
TEXAS-AMERICAN	25,202	95,067	0	0	0	0	69,865
TEXAS-ASPH	11,339	167,003	0	0	0	0	155,664***
TEXAS-CITY	547,307	643,752	0	0	0	0	96,445
THAGARD	656,527	656,527	391,168	0	0	0	0
THRIFTWAY	30,663	31,344	0	0	0	0	681
THUNDERBIRD	76,392	98,676	0	0	0	0	22,284
TOLEDO-EDISON	0	7,245	7,245****	0	0	0	7,245
TONKAWA	27,121	39,469	0	0	0	0	12,348
TOSCO	2,031,737	1,648,859	228,803	0	0	382,878	0
TOTAL-PETROLEUM	232,271	346,622	0	0	0	0	114,351
TRANS-OCEAN	0	135,210	0	0	0	0	135,210
UCC-CARIBE	0	84,833	0	84,833	0	0	84,833
UNION-OIL	5,824,370	3,947,874	0	8,547	0	1,876,496	0
UNION-PETRO	0	258,994	0	258,994	0	0	258,994
UNTD-IND	15,200	51,227	0	0	0	0	36,027
UNTD-REF	232,669	439,902	0	0	0	0	207,233
US-OIL	19,284	206,343	0	0	0	0	187,059
USA-PETROCHEM	90,077	193,302	0	0	0	0	103,225
VICKERS	298,053	572,638	0	0	0	0	274,585
VULCAN	44,859	340,882	0	0	0	0	296,023
WALLER	0	7,204	0	7,204	0	0	7,204

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	REQUIRED TO BUY	********** REQUIRED TO SELL
WARRIOR	37,947	42,492	15,347	0	0	0	4,545
WEST-COAST	41,690	56,130	0	0	0	0	14,440
WESTERN	102,359	132,769	0	0	0	0	30,410
WINSTON	147,127	203,962	0	0	0	0	56,835
WIREBACK	0	720	0	0	0	0	720
WITCO	81,730	204,483	0	0	0	0	122,753
WYATT	0	15,274	0	15,274	0	0	15,274
YETTER	0	879	0	0	0	0	879
YOUNG	111,379	111,379	30,425	0	0	0	0
TOTAL	140,911,785	140,911,785	3,020,611	2,499,107	0	24,286,797	24,286,797

* Reflects adjustments for 1975 exceptions relief as provisionally modified by FEA pending agency review consistent with court order. For discussion, see December entitlement notice, 42 F.R. 12133 (March 2, 1977)

** Reflects an invoice adjustment to a prior month.

*** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

**** Reflects late submission of No. 2 heating oil entitlements report.

[FR Doc.77-17757 Filed 6-17-77;2:58 pm]

federal register

WEDNESDAY, JUNE 22, 1977
PART VII



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

COLLEGE HOUSING

Program for FY 1977

Title 24—Housing and Urban Development

CHAPTER II—ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER

[Docket No. R–77–423]

PART 279—COLLEGE HOUSING

Program for Fiscal Year 1977

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule sets forth substantive provisions and procedural requirements for reactivating the College Housing Direct Loan Program on a limited basis for Fiscal Year 1977. Student centers and infirmaries, for which loans could be sought in previous years, will not be eligible during Fiscal Year 1977. Also, no new applications for debt service grants will be accepted, since all unused grant contract authority was rescinded by law. This rule is promulgated to carry out the intent expressed in the House and Senate Committee reports on the Fiscal 1977 appropriations legislation.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. George O. Hipps, Jr., Acting Director, Office of Loan Origination, Housing Department of Housing and Urban Development, Washington, D.C. 20410 (202–755–5720).

SUPPLEMENTARY INFORMATION: The Department gave notice on January 14, 1977, at 42 FR 3112, that it was proposing to amend Title 24, Part 279, of the Code of Federal Regulations by adding a new Subpart B, in connection with the reactivation of the College Housing Program for Fiscal Year 1977.

The period for the receipt of comments on the proposed rule closed on February 14, 1977. The Department received 44 responses from sources outside the Department and 3 from its own field offices. All comments were carefully considered. The most recurrent and significant comments and the changes in the proposed rule are discussed below. That discussion is followed by a summary of comments suggesting changes which were not made for the reasons indicated.

1. A number of student cooperative organizations pointed out that cooperatives were not specifically mentioned in the proposed regulations even though student cooperatives are eligible under Title IV of the Housing Act of 1950, as amended. Many of the cooperatives noted that the requirement for a loan guarantee by the educational institution itself could not be met by public institutions in many states because of the prohibition against such guarantees contained in the laws of those states. In the past, the loan guarantee requirement has been waived for student cooperatives in such circumstances under the College Housing Program.

Therefore, § 279.11 has been revised to specify that student cooperatives are eligible and to indicate that the loan guarantee requirement may be waived with respect to loans to student cooperatives when such guarantees are prohibited by state laws. In such cases, the cooperative and the proposed project must be approved by the educational institution which the project is intended to serve.

2. Numerous comments suggested that the definition of eligible projects in § 279.12 be clarified to indicate that apartment style living accommodations, including kitchens, are eligible. Many educational institutions have expressed a preference for apartments over dormitories for both single and married students, since apartments provide greater flexibility in handling changing patterns of demand for housing. The Department considers this flexibility beneficial in terms of loan security.

Therefore, a "housing" definition has been inserted in Section 279.11 which includes both dormitories and apartment style living accommodations. Also, the description of eligible projects in § 279.12 has been revised by deleting "dormitories" and substituting "housing."

3. Several comments suggested that construction completion be defined as the date of acceptance of the project by the owner from the contractor, with respect to § 279.12, Eligible projects. Other comments suggested either that "construction completion" be deleted as an eligibility criterion or that it be defined as the date that permanent financing is obtained. Several related comments suggested that a priority be given to projects which were completed in recent years when no assistance was available under the College Housing Program.

We are convinced that "construction completion" should be defined in terms of construction rather than financing in view of the interpretation which "construction completion" has been given throughout the history of the College Housing Program. In addition, project acceptance by an owner is a formal action which signals that construction of the facilities has been acceptably completed and the date is easily identifiable. The date that permanent financing is obtained varies widely from project to project; in some cases, permanent financing is obtained before construction contracts are awarded; and in other cases, temporary financing is utilized for quite some time after the physical completion of the construction work. Therefore, we have defined the completion of construction in § 279.12 as the date on which the completed project is accepted from the contractor by the owner.

The construction completion criterion cannot be eliminated since the Housing Act of 1950, as amended, prohibits loans for projects, the construction of which was completed prior to the filing of an application.

4. Numerous comments were received suggesting that central kitchen and dining facilities be included in the definition of eligible projects. Also, several comments argued that rehabilitation of dining facilities should be eligible, since such facilities are energy intensive because of food preparation and delivery activities, and significant operating cost savings could be realized. It is expected that many housing projects likely to be financed under the College Housing Program will generate a need for additional dining facilities. Title IV of the Housing Act of 1950, as amended, permits loans for dining facilities.

Therefore, the definition of eligible projects in § 279.12 has been revised to include the related dining facilities necessary to serve the occupants of housing for which a loan application is submitted. A loan limit of $65 per gross square foot for related dining facilities other than individual apartment kitchen and dining facilities has been inserted in § 279.14(a). Applications will not be accepted to finance dining facilities exclusively.

5. Several comments suggested that restrictions be placed on the making of loans to educational institutions which are or have recently been in default on other borrowings. Such factors as debt history are carefully considered by HUD Field Offices as part of the loan application review to ascertain whether or not an applicant is a good credit risk.

We agree that funds should not be reserved for institutions which are in financial default on an outstanding HUD College Housing Loan at the time of initial application. It would not be equitable to tie up funds which, given the anticipated demand and the limited amount available, could almost certainly be used by institutions with no record of default and, which would have, therefore, a much better likelihood of obtaining loan approval.

Section 279.13 has been revised to exclude from consideration requests for fund reservations from applicants in financial delinquency on outstanding College Housing Loans.

6. Several comments suggested that the loan and cost limits specified in § 279.14 be clarified to indicate that the limitations are applicable to the individual campuses of a multi-campus college or university, or college or university system. The Department recognizes the need for such clarification and has revised § 279.14 accordingly.

7. The greatest number of comments concerned the priority criteria stated in § 279.15. The comments contained a wide range of suggestions, from relying entirely on a first come, first served procedure, through various rearrangements of the stated priorities, to leaving the priorities as stated in the proposed regulations. The most frequently stated reasons for suggested changes in the priority criteria appeared to reflect a concern that one or more categories would utilize all available funds, to the exclusion of other categories.

The priority for projects under construction but not permanently financed in whole or in part has been retained, since projects in that category were specifically identified for funding in the

House and Senate Committee Reports on the Department's Appropriation Bill for Fiscal Year 1977.

However, in order to assure that funds will be available both for the category which includes rehabilitation to reduce fuel consumption and/or other direct operating costs and for the category which includes new construction, acquisition and/or other types of rehabilitation, we have revised § 279.15 to allocate a percentage of the funds remaining on July 1 and September 1 to each category.

8. Several comments suggested that we clarify the definition of construction to include major structural alterations and the conversion of facilities from one type of usage to another. We have clarified the definition of construction to include the conversion of facilities to eligible uses. The word "construction" is broadly defined and is used in various contexts throughout the regulations. The definition includes rehabilitation which, in turn, includes major structural alterations. Therefore, no change has been made in that regard. However, we have clarified the distinction in § 279.15 between rehabilitation reduce fuel consumption and/or other direct operating costs, and rehabilitation for other purposes.

A related comment suggested that we provide eligibility and/or a priority for converting non-housing facilities to housing uses. Such conversions are eligible under § 279.12, and come under the priority criteria specified in § 279.15 (a)(2)(ii). We do not believe that there is sufficient justification to treat conversions differently from the other types of projects specified in § 279.15(a)(2)(ii), since all types in that category are intended to alleviate a current severe housing shortage.

9. Several comments suggested that the date on or before which construction contracts must have been executed for purposes of establishing priority under § 279.15(a)(1) be changed to the date of publication of the proposed rule. We have determined that the suggested change should be made, since the publication of the proposed rule constituted the formal notice that the Department was planning to reactivate the program.

10. One comment concerning the priority for projects under construction but not permanently financed in whole or in part, suggested that a condition be included that the institution not have been housing more than 50 percent of its full time enrollment prior to construction of the project. The Department does not believe that such a condition would take into account the wide variations in the types and locations of eligible institutions, the nature of local housing conditions or the preferences of college administrators, with respect to a desirable percentage of residential students. However, as a result of this comment, we have added to the above mentioned priority category in § 279.15(a)(1) the condition that the institution must demonstrate a current severe housing shortage at least equal to the number of accommodations being provided.

11. The Department has made certain changes to the proposed rule, other than those resulting from public comments.

a. Editorial changes have been made to improve clarity, readability, and organization.

b. Changes of a substantive nature are as follows:

(1) Under § 279.11(f), the words "Educational institution" have been deleted and the words "Eligible applicant" inserted. This change more accurately reflects the fact that certain applicants, other than educational institutions per se, are eligible.

(2) The priority criteria which was specified in § 279.15(a)(3) of the proposed rule for new construction, acquisition, and rehabilitation (other than for savings in fuel consumption or other direct operating costs) did not clearly distinguish between student housing and faculty housing. The priority criteria has been revised to provide in § 279.15 (b)(3) that loans for faculty housing projects will only be made available if funds remain after all eligible applications for student housing are funded.

12. Following is a summary of changes suggested in the comments on the proposed rule, which were not made for the reasons indicated:

a. Require information on the availability of existing dining facilities before funding a new dormitory, if dining facilities are excluded from assistance. Dining facilities necessary to serve a new housing project are eligible for assistance.

b. Consider the availability of existing housing for students in the community. One comment stated that a review should be made of off-campus vacancies before funding new construction. Several others suggested that off-campus shortages of low-income housing and the number of students commuting unreasonable distances be considered in determining the need for additional student housing. The application forms will elicit the information necessary to quantify the availability of both on and off campus housing.

c. Provide eligibility and/or a priority for rehabilitation to generally upgrade existing facilities, to meet fire and safety standards, and to meet the requirements of the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Architectural Barriers Act of 1968.

To the extent that the lack of such rehabilitation would prevent the use of existing facilities for student housing, projects proposing such rehabilitation would be eligible under § 279.12 and come under the priority criteria specified in § 279.15(a)(2)(ii). In addition, the cost of such improvements would be eligible as a part of the cost of any eligible project in any other priority category.

d. Eliminate the requirement for competitive bidding of prime construction contracts. This requirement assures that all responsible contractors have an opportunity to complete for construction work which is financed with Federal assistance, and therefore has been retained.

e. Allocate additional funds to the program for Fiscal Year 1977, continue the program beyond Fiscal Year 1977, and/or use debt service grant assistance to subsidize the cost of private market borrowing. Such actions are beyond the scope of these regulations and beyond the Department's current authority.

f. Permit new and developing institutions to participate. There is no restriction on program participation by new and developing institutions per se, or by institutions which have no existing housing facilities, provided that such institutions are actually in operation and can demonstrate a current severe housing shortage. In those cases where institutions have no existing housing, the shortage may be quantified in terms of the availability and condition of housing within the commuting area of the institution.

g. Permit loans for student centers, infirmaries, parking facilities, and built-in or movable furnishings and equipment. Although a need may exist at some institutions for the financing of student centers, infirmaries and parking facilities, we have concluded that the eligibility criteria set forth in these regulations will provide a program as close as reasonably possible, with the available funds, to that which the House and Senate Committee Reports directed the Department to establish.

With respect to built-in or movable furnishings and equipment, such as beds, dressers, chests, desks, tables and chairs, we considered it appropriate to channel the limited amount of available funds into the improvement and development of structures rather than such furnishings and equipment. Since loans may cover up to 100% of project development costs, we do not consider it unreasonable to require institutions to use other funds for such furnishings and equipment.

However, the costs of built-in or installed kitchen equipment, such as ranges and refrigerators in apartments or food service equipment in central dining facilities, may be included in project development cost, as defined in § 279.11 (d), and are eligible for loan assistance.

h. Clarify the applicability of Federal requirements concerning construction bidding, wage rates, etc., to projects under construction prior to the filing of an application. Under the College Housing Program, construction activities including contracting, wage rates paid, etc., occurring prior to the execution of the loan agreement are not subject to the provisions of the loan agreement. Activities occurring on or after the date of execution of the loan agreement are subject to the requirements of the loan agreement and all construction contracts not in compliance therewith must be modified to achieve compliance.

i. Clarify the definition of current severe housing shortage to indicate that a living unit need not be deficient in all of the characteristics specified in § 279.11(c) to be considered as a part of the housing shortage. It was intended that a unit lacking any of the specified

characteristics would be considered a part of the shortage.

j. Allow institutions to proceed with construction while the Regulations are being developed and prior to their making application for assistance under the College Housing Program without losing their eligibility. There is no prohibition against the commencement of construction prior to submitting a loan application. The matter of the applicability of Federal requirements concerning construction activities is discussed in paragraph 12.h above.

k. Eliminate the requirement for a first mortgage with respect to rehabilitation projects. Section 279.18(e) provides that the security for loans to private educational institutions normally will include a first mortgage on the project. The use of the word "normally" is intended to allow the flexibility to provide for alternate security in cases where a first mortgage is not available, such as a rehabilitation project where the existing facility is already encumbered by a first mortgage, and refinancing or parity financing is not feasible.

l. Give a priority to projects in areas with high levels of unemployment. It is beyond the scope of the program's enabling legislation to use the program as a vehicle for improving local employment conditions.

m. Clarify the applicability of the National Environmental Policy Act of 1969. The preamble to the proposed regulations stated that a Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made. That statement pertained to the environmental impact of the program as a whole and was a prerequisite to publishing the regulations. The statement was based, in part, on the provision in § 279.24 that individual projects assisted under the program must comply with the HUD requirements implementing the National Environmental Policy Act of 1969.

n. Eliminate the loan limit of $7,500,000. In view of the anticipated large demand for program funds, we believe that the loan limit will serve as a useful device to permit assistance to a greater number of projects.

o. Clarify the reference in § 279.10 to the inability of an institution to obtain the necessary financing elsewhere on equally favorable terms and conditions. Under current market conditions, this matter is not likely to be a problem. In addition, the procedures for determining that an institution is unable to obtain the necessary financing elsewhere on equally favorable terms are specified in the program handbooks.

p. Require the submission of legal data with initial applications for fund reservations rather than with applications for loan approval. The primary purpose of the suggested change was to screen out institutions lacking the legal ability to participate in the program. We believe it is unlikely that institutions lacking the legal ability to participate will pass the screening for institutional eligibility, which is determined primarily on the basis of information not contained in the legal supplement to the application. Therefore, we do not feel that the added time and expense associated with the preparation, submission and review of detailed legal information prior to fund reservation is sufficiently justified to warrant a change in § 279.13(b)(1).

q. Limit loans to 60% of eligible cost with the Government holding the longest maturities. While such a provision might permit assistance for a greater number of projects, we would have to give further study to the proposal before including such a provision. In particular, we are uncertain as to the effect on student charges and the extent to which applicants might be unable to raise their 40% share from non-Federal sources.

The Department has determined that this final rule will not have a significant impact upon the quality of the environment. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the Finding of Inapplicability is available for public inspection, during regular business hours, in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, Title 24, Part 279—College Housing is amended by inserting a centered heading, "Subpart A—College Housing Program—Pre-October 1976" immediately after the centered heading Part 279—College Housing and by adding a new Subpart B reading as follows:

Subpart B—College Housing Program for Fiscal Year 1977

Sec.

279.10 General policy.
279.11 Definitions.
279.12 Eligible projects.
279.13 Applications for reservation of funds.
279.14 Limitations on loan amounts.
279.15 Priority categories and funding criteria.
279.16 Approval of applications for reservation of funds.
279.17 Application for loan approval.
279.18 Loan terms.
279.19 Loan agreements.
279.20 Fee for Government field expense.
279.21 Construction financing and loan advances.
279.22 Loan disbursement procedures.
279.23 Determination of final approved development cost.
279.24 Other requirements.

AUTHORITY: Sec. 402, Housing Act of 1950, 12 U.S.C. 1749a; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Subpart B—College Housing Program for Fiscal Year 1977

§ 279.10 General policy.

The purpose of this program is to assist educational institutions in providing housing and related dining facilities for students and faculty members at the lowest possible charge by means of direct loans for the rehabilitation, erection or purchase of such facilities. Loans under the College Housing Program may be made in accordance with these regulations only to the extent that applicants are unable to obtain the necessary financing elsewhere on equally favorable terms and conditions.

§ 279.11 Definitions.

As used in this Part:

(a) "Act" means Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.).

(b) "Construction" means the erection of new housing and related dining facilities, or the rehabilitation of existing housing and related dining facilities, or the conversion of non-housing structures to such facilities.

(c) "Current severe housing shortage" means an existing shortage in the supply of decent, safe and sanitary housing available for currently enrolled full-time students at reasonable rents within the commuting area of the educational institution, which shortage must at least equal accommodations for the greater of 50 students or 2 percent of the institution's full-time enrollment.

(d) "Development cost" means the cost of land and site improvements, architectural and engineering services, construction, legal and administrative services, interest during construction, the cost of acquiring existing housing and related dining facilities, and the cost of built-in or installed kitchen equipment, such as ranges and refrigerators in apartments or food service equipment in central dining facilities, all as approved by the Secretary. (The cost of all furnishings such as beds, dressers, chests, desks, tables and chairs is not included in the definition of development cost, regardless of whether such furnishings are built-in or movable.)

(e) "Housing" means structures or portions of structures which consist of living accommodations, including apartment units, for students and faculty members.

(f) "Eligible applicant" means: (1) Any public or nonprofit private college, university, or other institution which offers, or will offer within a reasonable time after completion of the proposed project, at least a 2-year program acceptable for full credit toward a bachelor's degree; (2) any public or nonprofit private hospital operating a school of nursing beyond the level of high school approved by State authority, or operating an internship program approved by recognized authority; (3) any public educational institution which is administered by an accredited college or university and offers technical or vocational instruction; (4) any nonprofit corporation, or public body, eligible under Section 404(b) of the Act, and established for the purpose of providing and/or financing housing and related dining facilities for students and faculty members at any educational institution defined in Section 404(b) (1) and (2) of the Act; and (5) any nonprofit student housing cooperative corporation established for the purpose of providing housing for students at any educational institution defined in Section 404(b) (1) and (2) of the Act. In the case of a nonprofit corporation under (f)(4) above, either the corporation must have been established by the educational institution, or the payment of principal and interest on any loan to such corporation must be guaranteed by the educational institution which the project is intended to serve; and, in the case of a nonprofit student housing cooperative corporation under paragraph (f)(5) of this section, the loan to such corporation must be guaranteed by the educational institution which the project is intended to serve or, where the law of a State in effect on September 2, 1964, prevents the educational institution from guaranteeing the loan, the corporation and the proposed project must be approved by the educational institution.

(g) "Field office" means any HUD Area or Regional Office which is delegated authority to process and approve applications under the College Housing Program.

(h) "Full-time enrollment" means the number of full-time students reported to the Office of Education for the Fall Semester of 1976.

(i) "Related dining facilities" means kitchen and dining facilities serving the residents of the housing proposed for assistance.

(j) "Secretary" means the Secretary of Housing and Urban Development or other official authorized to perform the functions of the Secretary.

(k) "State" means the several States, the District of Columbia, and the Territories and possessions of the United States, including the Commonwealth of Puerto Rico.

§ 279.12 Eligible projects.

Loans may be provided to eligible applicants for the rehabilitation, construction or acquisition of housing and related dining facilities at educational institutions, under the following conditions:

(a) Construction must not be of elaborate or extravagant design or materials and must be undertaken in an economical manner.

(b) Construction must not have been completed at the time the application for assistance is made. The date of completion of construction is the date on which the completed project is accepted from the contractor by the owner.

(c) Loans cannot be made primarily for the purposes of refunding or redeeming long-term loans obtained prior to the filing of an application.

(d) Site acquisition is limited to the amount of land necessary for the proposed facilities.

(e) Parking facilities are not eligible.

(f) Facilities for religious purposes or for theological seminaries or other schools providing training primarily for religious vocations are not eligible for assistance.

§ 279.13 Applications for reservation of funds.

(a) Information and application forms may be obtained from and applications submitted to the Field Office which serves the area in which the educational institution is located. Applications may be submitted at any time after the effective date of this Subpart, and will be accepted until close of business on August 15, 1977.

(b) Applications for assistance will consist of two parts:

(1) Part one must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type and accreditation of educational institution;

(ii) Description and estimated cost of proposed project including engineering data, appraisals (if available) and/or other documentation on which estimated costs are based;

(iii) With respect to applications proposing rehabilitation, an estimate of operating cost savings, if any, based on the average of routine project operating expenses for the previous three years.

(iv) Evidence of need for proposed project;

(v) Preliminary plans and specifications (if applicable); and

(vi) Proposed method of financing.

(2) Part two must be submitted to receive consideration for loan approval and must include the information specified in § 279.17.

(c) Applications for reservations of funds shall be submitted to and reviewed by HUD Field Offices. Field Offices will recommend reservations for projects in accordance with the priority categories and funding criteria described in § 279.15. No application shall be recommended for fund reservation after September 1, 1977, and no projects will be recommended for fund reservation where the applicant is in financial delinquency with respect to any outstanding College Housing Loan.

(d) Because of the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocations of funds to the Field Offices will be made. Funds will be reserved, subject to availability, for specific projects by HUD Headquarters on the basis of Field Office recommendations.

(e) Funds will be reserved, subject to availability, promptly for eligible applications which meet the priority criteria specified in § 279.15(a)(1), when HUD Headquarters receives the Field Office recommendations.

(f) The priority categories and funding criteria specified in § 279.15(a)(2) will be used by all Field Offices. Therefore, the ranking numbers assigned to individual applications in accordance with that Section will permit a comparison by HUD Headquarters between applications recommended for funding by different Field Offices.

(g) In the event HUD Headquarters receives more recommendations for fund reservations than can be funded, HUD Headquarters will prepare a nationwide priority list for each of the categories specified in § 279.15(a)(2) by using the ranking numbers assigned by the Field Offices on the basis of the criteria described in that Section. Fund reservations will then be made on the basis of the nationwide lists.

(h) Field Office recommendations and rankings for the categories specified in § 279.15(a)(2) (i) and (ii) will be due in HUD Headquarters on July 1 and September 1, 1977. Funds will be reserved, subject to availability, not later than July 31 and September 30, 1977.

(i) Recommendations and rankings for the category specified in §279.15(a)(2)(iii) will be due in HUD Headquarters on September 1, 1977. Funds will be reserved, subject to availability, not later than September 30, 1977.

(j) HUD Headquarters will promptly advise all Field Offices when funds are no longer available. Applications for which funds are not reserved by the close of business on September 30, 1977, will be returned to the applicant by the Field Office.

§ 279.14 Limitations on loan amount.

(a) The maximum loan which any eligible applicant may request is the least of the following: $7,500,000; or $2,500 per full-time student; or $12,200 per occupant based on design capacity of the proposed housing, plus $65 per gross square foot of any related dining facilities other than individual apartment kitchen and dining facilities. The number of full-time students stated in the application must be the same as reported to the Office of Education for the Fall Semester of 1976. These limitations are applicable to the individual campuses of a multi-campus college or university, or college or university system.

(b) The minimum loan which may be requested is $25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, applications proposing a Development Cost (exclusive of land or extraordinary project costs as determined by the Secretary) in excess of $14,000 per occupant based on the design capacity of the proposed housing are not eligible.

(d) The limitations specified in paragraph (a), (b) and (c) above of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD Headquarters.

§ 279.15 Priority categories and funding criteria.

(a) In recommending and making reservations of funds, the following order of priority categories and funding criteria will be observed by Field Offices and HUD Headquarters:

(1) Eligible applications for student housing and related dining facilities for which the prime construction contract was executed on or before January 14, 1977, which have not been permanently financed in whole or in part, and which will alleviate a current severe housing shortage at least equal to the number of accommodations being provided. Subject to the time limitation in § 279.13(c) of this Subpart, projects in this category determined to be eligible upon completion of Field Office review shall be immediately recommended for fund reservations.

(2) All other eligible applications. Such applications shall be placed in one of the following categories:

(i) Rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities. Applications in this category shall be ranked on the basis of the estimated number of months or fractions thereof before the operating cost savings will equal the Development cost as defined in § 279.11 (d) of this Subpart; *Provided, however,* That in the case of a tie in ranking numbers, applications proposing the rehabilitation of housing and related dining facilities originally financed under the College Housing Program shall be ranked above other applications in this category.

(ii) New Construction or acquisition of student housing and related dining facilities, conversion of non-dwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a) (2) (i) of this section) of existing eligible housing and related dining facilities, to alleviate a current severe student housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to eliminate the shortage, at the educational institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time enrollment, at the educational institution to be served by the proposed project.

(iii) New construction or acquisition of faculty housing and related dining facilities, conversion of non-dwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a) (2) (i) of this section) of existing eligible housing and related dining facilities to alleviate a current faculty housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to eliminate the shortage, at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time faculty, at the institution to be served by the proposed project.

(b) Fund reservations for applications in category paragraph (a) (2) of this section will be made in the following order:

(1) For applications in categories paragraph (a) (2) (i) and (ii) of this section, recommended to HUD Headquarters on July 1, 1977, reservations will be made in each category in aggregate amounts up to 25 percent of the funds available after applications for projects described in paragraph (a) (1) of this section have received reservations. No fund reservations will be made at this time for applications in category paragraph (a) (2) (iii) of this section. Applications in categories paragraph (a) (2) (i) and (ii) of this section included in the July 1 rankings but which do not receive fund reservations will be included in the rankings due in HUD Headquarters on September 1, 1977.

(2) For applications in categories paragraph (a) (2) (i) and (ii) of this section, recommended to HUD Headquarters on September 1, 1977, including applications which did not receive reservations in the first ranking, reservations will be made in each category in aggregate amounts up to 50 percent of the funds available after projects described in paragraph (a) (1) of this section have received reservations; *provided however,* That if the aggregate reservations made in either category are less than the available funds for that category the unused funds shall be used to make reservations for applications in the other category.

(3) Subject to availability, funds will be reserved for applications in category paragraph (a) (2) (iii) of this section after all applications in categories paragraph (a) (1) and (a) (2) (i) and (ii) of this section have received reservations.

(4) Following is a hypothetical example of manner in which funds (in millions of dollars) will be allocated to the specified priority categories:

Total funds (approximately)	$155.8
Category (a) (1) estimated through July 1, 1977	−15.8
Balance available	140.0
Category (a) (2) (i) July 1, 1977 rankings	−35.0
Category (a) (2) (ii)	−35.0
Balance available	70.0
Category (a) (1) estimated through September 1, 1977	−10.0
Balance available	$60.0
Category (a) (2) (i) September 1, 1977 rankings	−30.0
Category (a) (2) (ii) September 1, 1977 rankings	−30.0
Balance available for category (a) (2) (iii)	0

§ 279.16 Approval of applications for reservation of funds.

(a) To be eligible for selection, a request must be received by HUD within the period specified herein and must be complete and responsive to the requirements specified herein. Requests for fund reservations will be approved by the Secretary based on an evaluation procedure that takes into account the information provided pursuant to § 279.13.

(b) Eligible applicants whose requests for fund reservations are approved shall be notified by letter, which shall:

(1) Specify the amount of the fund reservation;

(2) State that use of the fund reservation is conditioned on approval by the Field Office of a part two loan application;

(3) Instruct the applicant to submit a part two application for loan approval to the Field Office; and

(4) State that the amount of loan funds reserved or any portion thereof unused by the applicant may not be transferred by the applicant.

(c) The Secretary shall cancel any reservation of loan funds for a project the construction, rehabilitation, or conversion of which has not commenced or the acquisition of which has not been completed within the eighteen-month period following issuance of the written notification to the applicant that funds have been reserved, unless an extension of time, not to exceed six additional months, is requested of and granted by the Secretary.

§ 279.17 Applications for loan approval.

(a) Following approval of a reservation of funds, the applicant shall submit to the Field Office an application for loan approval in a format prescribed by HUD.

(b) Requests for loan approval shall be accompanied by or include evidence satisfactory to the Field Office Director that:

(1) The applicant:

(i) Has the necessary legal authority to finance the proposed project, receive the proposed loan, undertake the development of the project, and maintain and operate the project.

(ii) Meets all requirements as to corporate organization and has authority to enter into such contract obligation and execute such security instruments as may be required by HUD;

(iii) Has met the HUD requirements (set forth in HUD 1390.1) implementing the National Environmental Policy Act of 1969 (83 Stat. 852);

(iv) Has the ability to comply with the terms and condition governing receipt of assistance and operation of the project;

(v) Has or will have such interest in or title to the project site, including access thereto, as will assure undisturbed use, possession and operation of the facilities during the period of assistance; and

(vi) Will retain title to and all of its right, title, and interest in and to the project during the period of assistance, except as otherwise expressely approved by the Secretary.

(2) The financial condition of the applicant and the proposed security for the loan are adequate to provide a reasonable assurance of repayment of the loan.

(c) The HUD Field Office shall review the loan application and shall notify the applicant of any deficiencies. The applicant will be given a reasonable time, as determined by the Field Office, to correct any deficiencies.

(d) The field Office shall notify the applicant of its approval or disapproval.

§ 279.18 Loan terms.

(a) The loan amount shall not exceed the total eligible Development Cost of a project, as determined by the Secretary.

(b) Loans shall be for such periods not to exceed 40 years, bear interest at such rate not to exceed 3 percent per annum, be so secured, and be subject to such terms and conditions, as shall be determined by the Secretary.

(c) Loans will be evidenced by either notes or bonds issued by the applicant.

(d) The interest rate shall be determined by the Secretary on the basis of the formula prescribed in the Act, as follows:

(1) Section 401(c)(1) of the Act provides that the loans shall bear an interest rate of not more than the lower of:

(i) Three (3) per centum per annum, or

(ii) The total of one-quarter of one (1) per centum per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury as provided in Section 401(e) of the Act.

(2) Section 401(e) of the Act provides that notes or other obligations issued by the Secretary to obtain funds for these loans shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the lower of:

(i) Two and three fourths (2¾) per centum per annum, or

(ii) The average annual interest rate on all interest bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Secretary and adjusted to the nearest one-eighth of one per centum.

(e) In the case of loans to private applicants, the security normally will be a general obligation secured by a first mortgage on the project and a pledge of project revenues.

(f) In the case of loans to public applicants, the security normally will be, in order of preference:

(1) A general obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available;

(2) A special obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available; or

(3 A special obligation secured by a pledge of project revenues.

(g) If the Field Office Director determines that additional security is needed to reasonably assure loan repayment, a pledge of income from endowment funds, securities or other revenue sources, a mortgage on other facilities, and/or a guarantee of the payment of principal and interest by a third party may be required as deemed necessary to reasonably assure repayment.

(h) Loans will be amortized by approximately equal periodic payments of combined principal and interest over the life of the loan. Said payments shall be made not less often than annually and not more often than semiannually; *Provided, however,* That the payment of interest only may be permitted for a reasonable period of time, normally not exceeding two (2) years following the date of the loan.

(i) Financing on a parity with other lenders will be permitted provided that all other provisions of this Subpart are met.

§ 279.19 Loan agreements.

Upon approval of a direct loan together with reservation of funds, the Field Office will prepare and forward a loan agreement for execution by the applicant. The agreement will set forth the terms and conditions of the loan and will also specify conditions which must be fulfilled precedent to making of the loan. The fully executed agreement will constitute a contract between the applicant and the Secretary during the life of the loan.

§ 279.20 Fee for Government field expense.

For each approved loan, the applicant is required to pay a fixed fee, which in the aggregate will be sufficient to cover the cost of the Government's field expense. The fixed fee shall be an amount equal to one-eighth of one percent (.00125) of the loan amount with a minimum charge of $500 and a maximum charge of $1,500.

(a) The fixed fee shall be computed on the loan amount at the time of the original loan agreement. After execution of the loan agreement, no adjustment shall be made in the specified fixed fee, except when the loan amount is changed by 20 percent or more. In such cases, the fixed fee shall be redetermined by the formula above and specified in the related amendment to the loan agreement.

(b) The fixed fee must be paid to the Government out of the first funds deposited into the Construction Account, regardless of source.

§ 279.21 Construction financing and Loan advances.

The Secretary may advance loan funds to the applicant during the construction of the project, provided that all prerequisites to loan disbursement as specified in the loan agreement, have been met.

(a) Total HUD advances to the applicant will normally not exceed 75 percent of the approved loan, and shall be made only in amounts necessary to meet the actual current disbursement needs of the applicant. Where circumstances warrant, the Field Office may approve additional advances so long as the total does not exceed 90 percent of the approved loan.

(b) Interest on advances will be charged by HUD at the same rate as on the permanent loan.

(c) If the applicant is participating in the project financing, it must deposit to the Construction Account and substantially expend its own funds prior to obtaining any advances from HUD.

(d) Advances of loan proceeds shall be made directly by HUD to the depository designated by the applicant for deposit into the Construction Account.

(e) Advances shall be made on a periodic basis in an amount not to exceed the HUD-approved cost of portions of construction or rehabilitation work completed and in place, minus the appropriate holdback or retainage, as determined by the Field Office.

§ 279.22 Loan disbursement procedures.

(a) Loan disbursements, including advances, may only be made upon the receipt by the Field Office of a duly executed note and a mortgage on the project and its site (or other real property satisfactory to the Field Office) whenever a note and mortgage are legally available as evidence of the debt of the applicant to be created by the loan disbursement; provided, however, that in the event a note and mortgage are not legally available, loan disbursements may be made only upon the receipt by the Field Office of bond anticipation notes or such other evidence of the debt to be created by the loan disbursement as shall be satisfactory to the Field Office. Advances will not be made in the absence of a debt instrument satisfactory to the Field Office.

(b) Requisitions for loan disbursements shall be submitted by the applicant on forms to be prescribed by HUD and shall be accompanied by such additional information as the Field Office may require in order to approve loan disbursements under this part, including, but not limited to, evidence of compliance with the Davis-Bacon Act, Department of Labor regulations, all applicable zoning, building and other governmental requirements, and, where applicable, such evidence of continued priority of the mortgage, if any, as the Secretary may prescribe.

§ 279.23 Determination of final approved development cost.

(a) A certificate of project development cost prepared on forms prescribed by HUD and executed by the applicant may be used at the discretion of HUD, in lieu of an audit by the Government, for the purpose of determining the final approved Development Cost.

(b) The applicant shall submit to the Field Office such documentation as may be prescribed by HUD. The documentation hereunder shall include such information and forms as HUD may require in order to approve the applicant's certificate of project development cost, and to determine the final approved development cost, including, but not limited to, a certificate of actual cost, in a form prescribed by HUD, showing the actual cost to the educational institution for construction, architectural, legal, organizational, offsite costs and other items of expense approved by the Field Office. The Certificate shall not include as actual cost any kickbacks, rebates, trade discounts, or other similar payments to the applicant. Any such payments shall be deducted from the costs determined to

be eligible for inclusion in the total loan amount approved by the Field Office.

§ 279.24 Other requirements.

(a) Construction plans and specifications are subject to review and approval by the Field Office.

(b) Unless otherwise agreed to in writing by the Secretary, all prime construction contracts must be awarded to the responsible bidder submitting the lowest bid on the basis of open competitive bidding, and all construction work must be undertaken pursuant to contracts approved by the Secretary.

(c) All laborers and mechanics employed by contractors and subcontractors in the construction of housing and related dining facilities assisted under the Act shall be paid wages at rates not less than those prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–332).

(d) All contracts for construction work paid for in whole or in part from loan funds provided under the Act shall provide that the contractor shall comply with the Copeland ("Anti-Kickback") Act (40 U.S.C. 276c) and the regulations of the Secretary of Labor thereunder (29 CFR Part 3).

(e) The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination are applicable to applicants receiving assistance under the Act.

(f) All contracts for construction work paid for in whole or in part from loan funds provided under the Act are subject to Executive Order 11246 (30 FR 12319, Sept. 28, 1965), as amended by Executive Order 11375 (32 FR 14303, Oct. 17, 1967), providing for equal opportunity in employment, and the rules and regulations of the Department of Labor with respect thereto.

(g) The provisions of Title VIII (Fair Housing) of the Civil Rights Act of 1968 (Public Law 90–284, 42 U.S.C. 3601–3619), prohibiting refusal to rent to or discrimination against any person in terms or conditions of rental or provision of services on account of race, color, religion, sex, or national origin, are applicable to projects assisted under the Act.

(h) All projects for which loans are made pursuant to this Subpart are subject to the following requirements:

(1) Equal Opportunity requirements, which include Executive Order 11063 and Section 3 of the Housing and Urban Development Act of 1968 and regulations and guidelines pursuant thereto;

(2) HUD requirements implementing the National Environmental Policy Act of 1969 (83 Stat. 852);

(3) Governmental requirements implementing the Clean Air Act (77 Stat. 392, as amended) and the Federal Water Pollution Control Act (66 Stat. 755, as amended); and

(4) HUD requirements implementing the Flood Disaster Protection Act of 1973 (87 Stat. 975).

(i) Projects for which loans are made to public educational institutions or eligible public bodies pursuant to this Subpart are also subject to the following requirements:

(1) HUD relocation requirements established pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894); and

(2) Any special requirements for the handicapped pursuant to the standards established by HUD under the Architectural Barriers Act of 1968 (82 Stat. 718).

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77–17764 Filed 6–21–77;8:45 am]

Vol.42—No.121
6–23–77

BOOK 1:
PAGES
31759–31960

BOOK 2:
PAGES
31961–32221

federal register

BOOK 1 OF 2 BOOKS

THURSDAY, JUNE 23, 1977

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

highlights

SUNSHINE ACT MEETINGS..... 31897

DISTRICT OF COLUMBIA, STATE, CITY, AND COUNTY INCOME OR EMPLOYMENT TAXES
Executive order relating to withholding of taxes by Federal agencies..... 31759

ANTIFREEZE
CPSC revokes statement of policy setting forth example of acceptable first aid instruction on containers..... 31773

FIRST AID
CPSC proposes policy on directions for labels of hazardous substances for which treatment includes inducing vomiting; comments by 7–25–77..... 31808

ALASKA PIPELINE LIABILITY FUND
Interior establishes non-profit corporation; effective 6–23–77..... 31789

RAIL SERVICE
ICC revises track standards for intercity passenger lines; effective 5–9–77..... 31795

MOTOR VEHICLE IMPORTS
EPA considers amendments for vehicles and engines not conforming to Federal emission standards; comments by 7–25–77..... 31813

GUN CONTROL
Treasury/BATF publishes annual list of firearms laws of States and political subdivisions (Part III of this issue)..... 31961

FEDERAL PRISONERS
PC amends rules regarding the parole, release, supervision, and recommitment of prisoners; effective 8–1–77.. 31784

REAL ESTATE SECURITY
USDA/FmHA allows employees making property appraisals to approve certain servicing transactions; effective 6–23–77..... 31762

REAL ESTATE LOANS
USDA/FmHA allows approval by employees making property appraisals; effective 6–23–77..... 31762

SAVINGS AND LOAN INSTITUTIONS
FHLBB proposes procedures and standards for suspensions and prohibitions where felony is charged; comments by 7–22–77..... 31803

CONTINUED INSIDE

JUN 23 77
UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/FAA—Standard instrument approach procedures; miscellaneous amendments. 24725; 5–16–77

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the law may be obtained from the U.S. Government Printing Office.

H.R. 6692.....Pub. L. 95–49
Education of the Handicapped Amendments of 1977 (June 17, 1977; 91 Stat. 230). Price: $.35

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register
Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

SMALL BUSINESS
SBA modifies requirement for approval of individual salary increases for persons receiving more than $10,000 per year; effective 6–23–77 31767

REPORTS TO SHAREHOLDERS
SEC sets forth guidelines for preparation of integrated reports; effective 6–24–77 31780

SECURITIES BROKERS AND DEALERS
SEC amends uniform net capital rule; effective 7–1–77 .. 31774

COMMERCIAL TELEVISION
FCC extends comment date to 7–22–77 for proposed regulations on network practices and ability of station licensees to serve public interest 31827

WIRE TRANSFERS OF FUNDS
FRS sets forth duties and liabilities of parties using FRS Communications System; effectve 9–1–77 31763

COMMUNITY BLOCK DEVELOPMENT GRANTS
HUD/CPD amends timing requirements for submission of applications; effective 1–1–77 31783

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA issues proposed flood elevation determinations for various communities (16 documents) (Part II of this issue) 31952–31960

TRANSPORTATION OF HAZARDOUS MATERIALS
DOT/MTB proposes to authorize general use of shipping alternatives previously available to exempted individuals; comments by 7–27–77 31815

MEDICAL USE OF RADIOISOTOPES
NRC extends comment period on regulation of medical uses to 7–15–77 31848

FREIGHT RATE TARIFFS AND SCHEDULES
ICC adopts rules affecting rates, charges, and notification on pickup and shipment deliveries to residential locations; effective 7–25–77 31795

UNFAIR IMPORT PRACTICES
ITC amends discovery sanctions rule to provide for termination of investigations; comments by 7–25–77 31811

GOVERNMENT IN THE SUNSHINE
NTSB amends regulations; effective 6–23–77 31794

PRIVACY ACT OF 1974
DOD/DCPA amends systems of records 31826
SBA establishes new system of records 31856

PATENT COOPERATION TREATY
Commerce/PTO extends comment period on proposals relating to implementation of treaty to 8–31–77 31812

BASIC GRANT PROGRAM
HEW/OE determines expected family contribution of eligible Indian or Native American students by institutions of postsecondary education 31793

UNIFORM NET CAPITAL
SEC proposes specific net capital treatment of trading strategies known as "straddles;" comments by 8–1–77 .. 31810
SEC amends financial responsibility standards for non-clearing specialists or market makers in listed options; effective 8–1–77 31774

INVESTMENT COMPANY ACT
SEC provides optional method for calculation of registration fees by open-end companies and unit investment trusts; effective 6–27–77 31781

VOL 42 NO 121 JUN 23 77 UM

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM ROMÁNIA
CITA establishes import restraint levels 31825

MEETINGS—
Commerce/DIBA: Computer Systems Technical Advisory Committee:
Hardware Subcommittee, 7–13–77 31821
Technology Transfer Subcommittee, 7–13–77 31822
NOAA: Plan to convert public weather reporting to metric units, 6–30–77 31825
DOT/NHTSA: Truck and Bus Safety Subcommittees, 7–13 and 7–14–77 31862
FEA: Anthracite Coal Conference, 6–28–77 31827
HEW: National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 7–8 and 7–9–77 31839
ADAMHA: Rape Prevention and Control Advisory Committee, 7–11 and 7–12–77 31839
NIH: Commission for the Control of Huntington's Disease and Its Consequences, 7–8 thru 7–10–77 31840
High Blood Pressure Working Group, 7–11–77 .. 31840
National Capital Planning Commission, 7–7 and 7–14–77 31841
National Commission on New Technological Uses of Copyrighted Works, 7–11 and 7–12–77 31843
NRC: Reactor Safeguards Advisory Committee, 7–11–77 31850

CHANGED MEETING—
NRC: Reactor Safeguards Advisory Committee, 6–28–77 31843

SEPARATE PARTS OF THIS ISSUE
Part II, HUD/FIA 31951
Part III, Treasury/BATF 31961

contents

THE PRESIDENT

Executive Orders
Income and employment taxes for District of Columbia, States, cities, and counties; withholding by Federal agencies 31759

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Olives grown in Calif 31761
Oranges (Valencia) grown in Ariz. and Calif 31761
Proposed Rules
Cherries (sweet) grown in Wash 31797
Milk marketing orders:
Tennessee Valley 31797
Peaches grown in Wash 31797

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION
Notices
Meetings:
Advisory committees; July 31839

ALCOHOL, TOBACCO AND FIREARMS BUREAU
Notices
Gun control; published firearms laws of political subdivisions and States 31961

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Air Chariot Ltd. et al 31818
International Air Transport Association 31818
North/Central Pacific cargo rates 31818
Pacific group fares investigation 31818

COMMERCE DEPARTMENT
See Domestic and International Business Administration; National Oceanic and Atmospheric Administration; Patent and Trademark Office.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Rules
Community development block grant:
Entitlement grants, applications; timing requirements; waiver provision 31783

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Hazardous substances and articles; administration and enforcement:
Radiator antifreeze, methyl alcohol-base; recommended first aid labeling; revoked 31773
Proposed Rules
Hazardous substances and articles; administration and enforcement:
Vomiting, first aid directions for inducing 31808

COPYRIGHTED WORKS, NEW TECHNOLOGICAL USES, NATIONAL COMMISSION
Notices
Meetings 31843

DEFENSE CIVIL PREPAREDNESS AGENCY
Notices
Privacy Act; systems of records 31826

DEFENSE DEPARTMENT
See Defense Civil Preparedness Agency.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION
Notices
Meetings:
Computer Systems Technical Advisory Committee; Hardware Subcommittee 31821
Computer Systems Technical Advisory Committee; Technology Transfer Subcommittee 31822
Scientific articles; duty free entry:
Lehman, Herbert H., College of CUNY 31821
Texas Tech University et al 31822
University of California 31824

EDUCATION OFFICE
Rules
National direct student loan program, etc.; Indian and Native American students, financial assistance eligibility 31793

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rules
Air pollution control, new motor vehicles and engines:
Importation; inquiry 31813
Air quality implementation plans; various States, etc.:
Nevada 31812
Pesticide programs:
Pesticides and new human drugs; notification to Secretary of Agriculture; cross reference 31813
Notices
Pesticide chemicals; tolerances, exemptions, etc.; petitions:
Chevron Chemical Co 31826
Pesticide programs:
Pesticides and new human drugs; notification to Secretary of Agriculture 31827

FARMERS HOME ADMINISTRATION
Rules
Appraisals:
Farms and leasehold interests; real estate loan approvals on property 31762
Emergency loans:
Production purposes; memorandum of understanding with SBA; removed 31762
Security servicing and liquidations:
Real estate security; individual loans and note-only cases; employee making appraisal to approve certain servicing transactions 31762

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Hawker Siddeley (3 documents) 31767, 31768
McDonnell Douglas 31770
Pilatus et al 31769
Teledyne 31770
Control zones (2 documents) 31771, 31772
Transition areas (2 documents) 31771, 31772
Proposed Rules
Control zone and transition area 31805
Transition areas (3 documents) 31805, 31807, 31808
VOR Federal airways (2 documents) 31806
Notices
Organization and functions:
New York international field office, Valley Stream, N.Y.; relocation and transfer of function 31856

FEDERAL COMMUNICATIONS COMMISSION
Rules
Radio broadcast services:
Program loop; correction 31794
Proposed Rules
Television broadcast stations; table of assignments:
Wisconsin 31813
Notices
Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies 31827
Television, commercial; network practices; inquiry; extension of time 31827

FEDERAL ENERGY ADMINISTRATION
Notices
Energy conservation program, appliances; California efficiency regulations; supersession petitions denied 31828
Meetings:
Anthracite Coal Conference; rescheduled 31827

FEDERAL HOME LOAN BANK BOARD
Proposed Rules
Federal savings and loan system; Federal Savings and Loan Insurance Corporation:
Felony, persons participating in; suspension and prohibition procedures 31803

FEDERAL INSURANCE ADMINISTRATION
Proposed Rules
Flood Insurance Program, National:
Flood elevation determinations, etc. (16 documents) 31952–31959

FEDERAL MARITIME COMMISSION
Notices
Agreements filed, etc.:
New York Freight Bureau 31830
Trans-Pacific Freight Conference (Hong Kong) 31830

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Appalachian Power Co 31830
Colorado Interstate Gas Co 31831
Distrigas of Massachusetts Corp 31832
Dixie Well Service, Inc 31832
El Paso Natural Gas Co 31832
Florida Power & Light Co 31832
Independent Oil & Gas Association of West Virginia 31833
J & J Enterprises, Inc., et al 31833
Michigan Wisconsin Pipe Line Co. et al 31833
Mississippi Power & Light Co 31834
Osborn, W. B., Jr 31834
Samson Resources Co 31835
Sun Gas Co 31835
Texas Eastern Transmission Corp. et al 31835
Texas Oil & Gas Corp 31836

FEDERAL RESERVE SYSTEM
Rules
Banks, Federal Reserve; collection of checks and other items; wire transfers of funds 31763
Notices
Applications, etc.:
American State Bancshares, Inc 31837
First Bankers Corp. of Florida 31837
First City Bancorporation of Texas, Inc 31837
First Guthrie Bancshares, Inc 31838
Hawkeye Bancorporation 31838
Ottawa Bancshares, Inc 31839

FOOD AND DRUG ADMINISTRATION
Proposed Rules
Peas, canned; identity, quality, and fill of container standards; correction 31812
Notices
GRAS status or prior sanction determinations; hearings; correction 31840
Human drugs:
Elixir daldrin et al.; approval withdrawn; correction 31840

FOREST SERVICE
Rules
Prohibitions:
Middle Fork Feather Wild River Zones, Calif.; motors and motorized equipment 31788

GENERAL SERVICES ADMINISTRATION
Notices
Property management regulations, temporary:
Authority delegation to Defense Department Secretary 31839

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Food and Drug Administration; National Institutes of Health.
Notices
Meetings:
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission 31839

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Community Planning and Development, Office of Assistant Secretary; Federal Insurance Administration.

INTERIOR DEPARTMENT
See also Land Management Bureau.
Rules
Trans-Alaska Pipeline Liability Fund; non-profit organization establishment 31789

INTERNAL REVENUE SERVICE
Notices
Committees; establishment, renewals, etc.:
Art Advisory Panel 31862

INTERNATIONAL TRADE COMMISSION
Rules
Practice rules:
Complaints properly filed, requirements amendment; additional copy of patent and file wrapper 31783
Proposed Rules
Unfair import trade practices; discovery sanctions rule 31811

INTERSTATE COMMERCE COMMISSION
Rules
Motor carriers:
Commercial zones; Syracuse, N.Y. 31795
Freight and passenger tariffs and schedules; terminal and special services 31795
Railroad car service orders:
Track standards; intercity rail 31795

VOL 42 NO 121 JUN 23 77 UM

CONTENTS

Notices

Fourth section applications for relief ---- 31863
Hearing assignments ---- 31863
Motor carriers:
Temporary authority applications ---- 31864
Transfer proceedings ---- 31863
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications ---- 31868
Railroad freight rates and charges; various States, etc.:
New Mexico/Arizona ---- 31896

JUSTICE DEPARTMENT

See Parole Commission.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico (3 documents) ---- 31841
Wyoming ---- 31841
Withdrawal and reservation of lands, proposed, etc.:
Alaska ---- 31840

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ---- 31853

MATERIALS TRANSPORTATION BUREAU

Proposed Rules

Shippers, carriage by rail, specifications, etc.:
Exemptions, individual; conversion to regulations of general applicability ---- 31815

Notices

Applications; exemption, renewals, etc.:
Defense Department et al ---- 31856
Petitions for waiver; pipelines:
Alyeska Pipeline Service Co ---- 31859

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Citizen participation and intergovernmental liaison:
Meeting, agenda items ---- 31841

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Meetings:
National Highway Safety Advisory Committee and National Motor Vehicle Safety Advisory Council, Truck and Bus Safety Subcommittees ---- 31862
Motor vehicle safety standards; exemption petition, etc.:
Albany Motor Carriage Co. Ltd.; vintage car type A, passenger ---- 31861

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
High Blood Pressure Working Group ---- 31840
Huntington's Disease and Its Consequences, Control Commission ---- 31840

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Tuna, Atlantic fisheries; bluefin tuna purse seine season closure ---- 31824
Weather reporting, public; metric unit conversion; meeting ---- 31825

NATIONAL TRANSPORTATION SAFETY BOARD

Rules

Sunshine Act; implementation ---- 31794

Notices

Safety recommendations and accident reports; availability, responses, etc ---- 31851

NUCLEAR REGULATORY COMMISSION

Notices

Environmental statements; availability, etc.:
United Nuclear Corp ---- 31848
Utah International Inc ---- 31846
Meetings:
Medical Uses of Isotopes Advisory Committee et al.; extension of time ---- 31848
Reactor Safeguards Advisory Committee (2 documents) ---- 31843, 31850
Meetings, proposed:
Reactor Safeguards Advisory Committee ---- 31848
Nuclear facility sites; study to improve efficiency of Federal-State review:
Report availability ---- 31846
Applications, etc.:
Arkansas Power & Light Co ---- 31846
Baltimore Gas & Electric Co ---- 31844
Carolina Power & Light Co ---- 31844
Commonwealth Edison Co ---- 31845
Florida Power & Light Co. et al ---- 31848
Pacific Gas & Electric Co ---- 31847
Pennsylvania Power & Light Co ---- 31845
Power Authority of State of New York ---- 31847

PAROLE COMMISSION

Rules

Prisoners, youth offenders, and juvenile delinquents; parole, release, etc ---- 31784

PATENT AND TRADEMARK OFFICE

Proposed Rules

Patent cases:
Patent Cooperation Treaty; implementation; extension of time ---- 31812

SECURITIES AND EXCHANGE COMMISSION

Rules

Investment Company Act:
Open-end investment companies; calculation of registration fees ---- 31781
Securities Exchange Act:
Brokers and dealers; uniform net capital rule ---- 31774
Shareholders, preparation of integrated reports to; guideline ---- 31780
Subordination agreements, satisfactory; uniform net capital rule ---- 31778

Proposed Rules

Securities Exchange Act:
Net capital, uniform rule; "straddles" ---- 31810

Notices

Self-regulatory organizations; proposed rule changes:
Midwest Stock Exchange, Inc ---- 31854
Options Clearing Corp ---- 31855
Hearings, etc.:
Louisiana Power & Light Co ---- 31853
Midwest Stock Exchange, Inc ---- 31854

SMALL BUSINESS ADMINISTRATION

Rules

Small business investment companies:
Salaries, aggregate, or other compensation of officers, directors, or employees ---- 31767

Notices

Disaster areas:
Kentucky ---- 31855
Maine ---- 31855
New Hampshire ---- 31855
West Virginia ---- 31856
Privacy Act; systems of records ---- 31856

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Wool and man-made textiles:
Romania ---- 31825

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

EXECUTIVE ORDERS:
11968 (Revoked by 11997) ---- 31759
11997 ---- 31759

7 CFR

908 ---- 31761
932 ---- 31761
1809 ---- 31762
1832 ---- 31762
1872 ---- 31762
PROPOSED RULES:
921 ---- 31797
923 ---- 31797
1011 ---- 31797

12 CFR

210 ---- 31763
PROPOSED RULES:
550 ---- 31803
566 ---- 31803

13 CFR

107 ---- 31767

14 CFR

39 (6 documents) ---- 31767–31770
71 (4 documents) ---- 31771, 31772
PROPOSED RULES:
71 (6 documents) ---- 31805–31808

16 CFR

1500 ---- 31773
PROPOSED RULES:
1500 ---- 31808

17 CFR

240 (2 documents) ---- 31774, 31778
241 ---- 31780
270 ---- 31781
PROPOSED RULES:
240 ---- 31810

19 CFR

210 ---- 31783
PROPOSED RULES:
210 ---- 31811

21 CFR

PROPOSED RULES:
155 ---- 31812

24 CFR

570 ---- 31783
PROPOSED RULES:
1917 (16 documents) ---- 31952–31959

28 CFR

2 ---- 31784

36 CFR

261 ---- 31788

37 CFR

PROPOSED RULES:
1 ---- 31812
3 ---- 31812
5 ---- 31812

40 CFR

PROPOSED RULES:
52 ---- 31812
85 ---- 31813
162 ---- 31813

43 CFR

29 ---- 31789

45 CFR

144 ---- 31794
175 ---- 31794
176 ---- 31794

47 CFR

1 ---- 31794
PROPOSED RULES:
73 ---- 31818

49 CFR

804 ---- 31794
1048 ---- 31795
1124 ---- 31795
1307 ---- 31795
PROPOSED RULES:
173 ---- 31819
174 ---- 31819
179 ---- 31819

VOL 42 NO 121 JUN 23 77 UM

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11995) ... 29841
11905 (Amended by EO 11994) ... 28869
11968 (Revoked by 11997) ... 31759
11985 (See EO 11994) ... 28869
11994 ... 28869
11995 ... 29841
11996 ... 30489
11997 ... 31759

PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) ... 30829
4477 (See Proc. 4509) ... 30829
4505 ... 29471
4506 ... 30143
4507 ... 30351
4508 ... 30353
4509 ... 30829

MEMORANDUMS:
June 2, 1977 ... 29843

5 CFR

213 ... 28515, 28989, 29845, 29846, 29879, 30355 30831, 31455, 31456, 31604
752 ... 28516
754 ... 28516
771 ... 28516
831 ... 29846

PROPOSED RULES:
831 ... 29880

7 CFR

26 ... 30145
68 ... 30599
908 ... 30600
210 ... 30355
271 ... 28516, 30831
401 ... 28871–28873, 28989
402 ... 31427
411 ... 28873
413 ... 28141
724 ... 29847
730 ... 30355
905 ... 27875
908 ... 28144, 29487, 31761
910 ... 28516, 29848, 30831
911 ... 30147
916 ... 30491
918 ... 29487
922 ... 30492
932 ... 31761
1004 ... 29848
1207 ... 29295
1427 ... 29849
1446 ... 28989, 30832
1472 ... 29854
1474 ... 30832
1488 ... 30833
1809 ... 31762
1832 ... 31762
1872 ... 31762

PROPOSED RULES:
51 ... 30626
53 ... 29313
271 ... 28546
905 ... 30198
911 ... 30513

7 CFR—Continued

PROPOSED RULES—Continued
915 ... 30513
916 ... 27911, 30206
917 ... 28146, 30513, 30514, 30626
921 ... 29489, 31797
922 ... 30514
923 ... 27912, 31797
989 ... 27913
1006 ... 30627
1011 ... 31797
1012 ... 30627
1013 ... 30627
1030 ... 27921
1040 ... 29881
1065 ... 28897
1094 ... 30627
1096 ... 30627
1205 ... 29313
1435 ... 30409
1701 ... 29012, 31457
1822 ... 29885
1933 ... 29885

8 CFR

223 ... 28113
238 ... 28990, 29871

PROPOSED RULES:
100 ... 28547
244 ... 30845

9 CFR

1 ... 31022, 31561
2 ... 31022, 31561
3 ... 31561
78 ... 28517
105 ... 31430
112 ... 28519, 29854

PROPOSED RULES:
94 ... 30844
95 ... 30844
113 ... 28548, 28549

10 CFR

2 ... 28893
21 ... 28893
31 ... 28896
34 ... 28896
35 ... 28896
40 ... 28896
70 ... 28896
Ch. II ... 31143
211 ... 27908
212 ... 27908
214 ... 29295
430 ... 27896, 30401
440 ... 27899
745 ... 30492

PROPOSED RULES:
2 ... 31167
70 ... 28147
73 ... 28147
202 ... 28147
211 ... 27936
212 ... 27936, 29490
430 ... 27941, 27951, 30206, 30210, 30401, 30627
450 ... 29906

12 CFR

207 ... 29299
210 ... 31763
226 ... 28520, 30148, 31430
264 ... 27876
265 ... 28521, 30601
268 ... 28522
545 ... 29473
561 ... 29473
748 ... 30493

PROPOSED RULES:
340 ... 27955
543 ... 29511
545 ... 29512
550 ... 31803
566 ... 31803
584 ... 29512
611 ... 31167
614 ... 31167
615 ... 31167

13 CFR

107 ... 31767
112 ... 28530
121 ... 29300

PROPOSED RULES:
113 ... 29317

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603–30605, 31151–31156, 31767–31770
71 ... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157, 31771, 31772
73 ... 29475
75 ... 30149, 30611
91 ... 30601
95 ... 28115
97 ... 28120, 29477, 31158
221 ... 28874–28876
372a ... 28121
378a ... 28122

PROPOSED RULES:
1 ... 28148
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513, 31171, 31172
71 ... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174, 31805–31808
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376
1241 ... 31605

15 CFR

379 ... 28998

16 CFR

3 ... 31591
4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493, 31164
25 ... 31591
42 ... 31591
132 ... 31591
158 ... 31592
176 ... 31592
182 ... 31592
186 ... 31592
194 ... 31592
201 ... 31592
207 ... 31592
1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060, 31773

PROPOSED RULES:
13 ... 28550, 29516, 29915, 30515, 30516
23 ... 29916, 31457
26 ... 31457
34 ... 31457
36 ... 31457
40 ... 31457
41 ... 31457
46 ... 31457
54 ... 31457
56 ... 31457
57 ... 31457
60 ... 31457
61 ... 31457
62 ... 31457
67 ... 31457
74 ... 31457
103 ... 31457
114 ... 31457
117 ... 31457
118 ... 31457
131 ... 31457
142 ... 31457
146 ... 31457
150 ... 31457
152 ... 31457
154 ... 31457
157 ... 31457
160 ... 31457
162 ... 31457
165 ... 31457
175 ... 31457
192 ... 31457
197 ... 31457
205 ... 31457
209 ... 31457
210 ... 31457
214 ... 31457
215 ... 31457
216 ... 31457
221 ... 31457
223 ... 31457
224 ... 31457
441 ... 28551
456 ... 29917
1026 ... 31458
1500 ... 31808

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880, 31774, 31778
241 ... 31780
270 ... 31781

17 CFR—Continued

271 ... 28999
275 ... 29300

PROPOSED RULES:
1 ... 31740
9 ... 30472
200 ... 30378
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716
240 ... 29918, 30845, 31810
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:
201 ... 30846
260 ... 30846

19 CFR

159 ... 28531, 28532, 31449
210 ... 31783

PROPOSED RULES:
210 ... 31811

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855
101 ... 31449
155 ... 30358, 30359, 31449, 31812
173 ... 29856
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450
539 ... 29003
555 ... 29859
558 ... 28535
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450

21 CFR—Continued

650 ... 29859
660 ... 29859
701 ... 30361
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:
15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
201 ... 30867
510 ... 29928
558 ... 29928
808 ... 30383
1309 ... 28560
1316 ... 31460

22 CFR

PROPOSED RULES:
123 ... 28551, 29929, 30391
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304
221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
279 ... 31752
570 ... 31783
1914 ... 29428–29431, 30304, 31254–31257
1915 ... 29433, 30305
1916 ... 29307, 30344
1917 ... 31259–31271

24 CFR—Continued

1920 ..... 28878–28882, 29859–29870, 30160–30174
1930 29479
1931 29479

PROPOSED RULES:

1908 29692
1911 29692
1912 29692
1913 29692
1914 29692
1917 ..... 31272–31280, 31546–31553, 31708–31720, 31952–31959
1921 29692
1922 29692
1923 29692

25 CFR

191 30367
192 30367
193 30367
194 30367
195 30367
196 30367
197 30367
198 30367
199 30367
200 30367
201 30367
221 ..... 28538, 30367
256 31450

PROPOSED RULES:

54 30647
221 30867
258 28552
260 30216

26 CFR

1 30496
11 27881
54 ..... 27882, 31159

PROPOSED RULES:

1 ..... 29517, 31462
301 30868

27 CFR

250 30835

PROPOSED RULES:

4 30517

28 CFR

0 29003
2 31784
17 29307

PROPOSED RULES:

2 29934

29 CFR

29 30836
97 30367
1952 30368

PROPOSED RULES:

1601 31174
1910 29021
1952 29024
2610 29318

30 CFR

55 29418
56 29420

30 CFR—Continued

57 29422
211 30175

PROPOSED RULES:

55 30772
56 30772
57 30772
70 28151

31 CFR

51 27883
530 31453

32 CFR

PROPOSED RULES:

276 27963
286b 29935
643 31032

33 CFR

1 31159
110 30618
114 28882
115 28882
117 ..... 30178, 30179
127 30179
161 29480
205 30368
266 31159
401 29308

PROPOSED RULES:

117 30216–30218
209 29025

36 CFR

2 30501
7 31453
221 28252
222 30836
223 28252
231 30836
261 ..... 30503, 31788

37 CFR

3 ..... 27883, 31159

PROPOSED RULES:

1 ..... 30522, 31812
3 31812
5 31812

38 CFR

36 28883

PROPOSED RULES:

8a 30392

39 CFR

10 29488
111 ..... 27892, 29308, 29488, 31592
224 29308
601 29488
952 30504
954 30504
958 30504

PROPOSED RULES:

111 28153

40 CFR

35 29481
52 ..... 27892, 28122, 28539, 28883, 29004, 30369, 30504, 31812

40 CFR—Continued

61 29005
85 28123
86 ..... 28130, 31159
180 28540
416 29871

PROPOSED RULES:

52 ..... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609
61 28154
85 31813
86 28970
162 ..... 31284, 31813
173 31284
211 ..... 31722, 31730
600 28970

41 CFR

3–3 29871
3–30 30190
4–2 28871
4–50 31454
7–7 28540
7–30 30619
8–1 28541
9–5 ..... 29873, 31160
9–51 29308
9–55 29308
Ch. 14 30196
15–19 30509
101–38 31454
101–45 31455
101–47 31455
114–1 30196

PROPOSED RULES:

3–4 ..... 29872, 29937
5B–2 27966
29–1 31462
29–2 31462
29–3 31462
29–12 31462
29–61 31462
105–65 29319
110–26 28556

42 CFR

51e 28692
66 29482
110 29400

PROPOSED RULES:

67 29518

43 CFR

29 31789
2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5618 30370
5619 30180

45 CFR

144 31794
175 31794
176 31794
177 29009
201 28884
249 28700

45 CFR—Continued

304 28885
1067 29873

PROPOSED RULES:

12 27966
122a 28706
136 28899
163 28159
163a 28159
197 30290
1067 29523

46 CFR

1 31160
2 28886
5 31160
31 28886
151 28886
187 29483
401 ..... 30619, 31160
549 31161

PROPOSED RULES:

30 30220
32 30220
34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 30649
167 30649
193 30649
507 29524
536 30399
543 ..... 30584, 31175

47 CFR

0 30370
1 ..... 27894, 28887, 30180, 31794

47 CFR—Continued

2 ..... 31006, 31594
21 27894
23 27894
68 29010
73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008
83 ..... 29309, 31012
87 ..... 27895, 29483
89 27895
89 ..... 27895, 30511, 31594
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

43 31175
64 27971
67 ..... 30220, 30221
68 28559
73 ..... 27971, 27973, 29027, 30400, 31818
76 ..... 30222, 30401
83 28164
87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
567 31161
568 31161

49 CFR—Continued

571 ..... 28135, 30188, 30620, 31162
804 31794
1002 31163
1003 31163
1033 ..... 28542, 28543, 28888, 30840, 30841, 31163
1043 31163
1045A 31163
1048 31795
1063 29309
1100 29311
1109 31602
1124 31795
1307 ..... 28889 30190, 31795

PROPOSED RULES:

173 31819
174 31819
179 31819
571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

17 ..... 28052, 28136, 28543
26 29312
32 ..... 28545, 30373, 30621
33 ..... 29312, 30621
217 28137
222 28137
258 30621
285 30373
371 30841
651 29876
661 29485

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
611 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
27875–28112	June 1	29471–29840	9	30829–31141	17
28113–28513	2	29841–30142	10	31143–31426	20
28515–28868	3	30143–30350	13	31427–31590	21
28869–28987	6	30351–30487	14	31591–31758	22
28989–29293	7	30489–30598	15	31759–32221	23
29295–29470	8	30599–30827	16		

JUN 23 1977 UM

presidential documents

Title 3—The President

Executive Order 11997 • June 22, 1977

Withholding of District of Columbia, State, City and County Income or Employment Taxes

By virtue of the authority vested in me by Sections 5516, 5517 and 5520 of Title 5 of the United States Code, and Section 301 of Title 3 of the United States Code, and as President of the United States of America, in order to authorize the Secretary of the Treasury to provide for the withholding of county income or employment taxes as authorized by Section 5520 of Title 5 of the United States Code as amended by Section 408 of Public Law 95–30, as well as to provide for the withholding of District of Columbia, State and city income or employment taxes, it is hereby ordered as follows:

SECTION 1. Whenever the Secretary of the Treasury enters into an agreement pursuant to Sections 5516, 5517 or 5520 of Title 5 of the United States Code, with the District of Columbia, a State, a city or a county, as the case may be, with regard to the withholding, by an agency of the United States, hereinafter referred to as an agency, of income or employment taxes from the pay of Federal employees or members of the Armed Forces, the Secretary of the Treasury shall ensure that each agreement is consistent with those sections and regulations, including this Order, issued thereunder.

SEC. 2. Each agreement shall provide (a) when tax withholding shall begin, (b) that the head of an agency may rely on the withholding certificate of an employee or a member of the Armed Forces in withholding taxes, (c) that the method for calculating the amount to be withheld for District of Columbia, State, city or county income or employment taxes shall produce approximately the tax required to be withheld by the District of Columbia or State law, or city or county ordinance, whichever is applicable, and (d) that procedures for the withholding, filing of returns, and payment of the withheld taxes to the District of Columbia, a State, a city or a county shall conform to the usual fiscal practices of agencies. Any agreement affecting members of the Armed Forces shall also provide that the head of an agency may rely on the certificate of legal residence of a member of the Armed Forces in determining his or her residence for tax withholding purposes. No agreement shall require the collection by an agency of delinquent tax liabilities of an employee or a member of the Armed Forces.

SEC. 3. The head of each agency shall designate, or provide for the designation of, the officers or employees whose duty it shall be to withhold taxes, file required returns, and direct payment of the taxes withheld, in accordance with this Order, any regulations prescribed by the Secretary of the Treasury, and the new applicable agreement.

V 42 121 JUN 23 77 UM

SEC. 4. The Secretary of the Treasury is authorized to prescribe additional regulations to implement Sections 5516, 5517 and 5520 of Title 5 of the United States Code, and this Order.

SEC. 5. Executive Order No. 11968 of January 31, 1977, is hereby revoked. However, all actions heretofore taken by the President or his delegates in respect of the matters affected by this Order and in force at the time of the issuance of this Order, including any regulations prescribed or approved by the President or his delegates in respect of such matters and any existing agreements approved by his delegates, shall, except as they may be inconsistent with the provisions of this Order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this Order, unless sooner terminated by operation of law.

Jimmy Carter

THE WHITE HOUSE,
June 22, 1977.

[FR Doc.77-18197 Filed 6-22-77;10:25 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 561]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 24–30, 1977. This regulation is needed to provide for orderly marketing of fresh Valencia oranges for the regulation period because of the production and marketing situation confronting the orange industry.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of Valencia oranges, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantities of Valencia oranges that may be marketed from District 1, District 2, or District 3 during the specified week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation for the quantities of Valencia oranges that should be marketed during the specified week. The recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors covered in the order. The committee further reports the fresh market demand for Valencia oranges is fair. Average f.o.b. price was $3.87 per carton on 829 cars for the week ended June 16, as compared with $3.92 per carton on 899 cars the previous week. Track and rolling supplies at 481 cars were down 13 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantities of Valencia oranges which may be handled should be established as provided in this section.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information became available upon which this section is based and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient. A reasonable time is permitted for preparation for such effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for Valencia oranges and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning such provisions and effective time has been provided to handlers of Valencia oranges. It is necessary, to effectuate the declared policy of the act, to make this regulation effective during the period specified. The committee meeting was held on June 21, 1977.

§ 908.861 Valencia Orange Regulation 561.

* * * * *

(b) *Order.* (1) The quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 24, 1977, through June 30, 1977, are hereby fixed as follows:

(i) District 1.—266,000 cartons;

(ii) District 2.—384,000 cartons;

(iii) District 3.—Unlimited.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: June 22, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18211 Filed 6-22-77;1:01 pm]

PART 932—OLIVES GROWN IN CALIFORNIA

Extension of Exemption From Size Requirements for Certain Packaged Olives for Test Purposes

AGENCY: Agricultural Marketing Service.

ACTION: Final rule.

SUMMARY: This rule extends until August 31, 1978, a currently effective exemption which permits olive handlers to handle (under specified conditions) canned whole and pitted ripe olives exempt from the size requirements of the marketing order. It is needed to afford olive handlers additional time to determine production capabilities for blending different sizes of olives and to test trade and consumer acceptance of olives sized in different ranges. The current exemption would expire August 31, 1977.

EFFECTIVE DATE: Extends currently effective exemption until August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: This extension was recommended by the Olive Administrative Committee under § 932.55(b) of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The exemption from size requirements is contained in § 932.156 (41 FR 45997) of the Subpart—Rules and Regulations (7 CFR 932.108–932.161) and would terminate on August 31, 1977. The industry needs additional time to further test different

JUN 23 77

sizes of olives and this action extends the period of the exemption for testing until August 31, 1978.

It is hereby found that it is unnecessary to give preliminary notice and engage in public rulemaking procedures (5 U.S.C. 553) in that: (1) This action extends a currently effective exemption that has been in effect since October 19, 1976, thus, a notice of proposed rulemaking would serve no purpose; and (2) handler participation in this test is on a voluntary basis.

Therefore, § 932.156 is amended to read as follows:

§ 932.156 Exemption from size requirements.

(a) *Application to be filed.* Any handler may file an application with the Olive Administrative Committee to use processed whole or pitted ripe olives in the production of packaged olives and ship such packaged olives exempt from the requirements of § 932.52(a) (2) and (3) regarding "single size" and blended sizes. The application shall contain at least the following: (1) A description of the olives to be tested, the prospective test market area and the quantity for which the exemption is requested; (2) an agreement whereby the handler agrees to (i) submit reports of shipments of olives handled under this section at such times and in such manner as requested by the committee; (ii) ship all olives handled pursuant to the exemption prior to August 31, 1978; and (iii) submit his analysis of the test to the Olive Administrative Committee not later than August 31, 1978.

(b) *Approval by the committee.* The committee shall notify any handler whose application has been approved as soon as is practicable after approval.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: June 17, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-17877 Filed 6-22-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 422.1]

SUBCHAPTER A—GENERAL REGULATIONS

PART 1809—APPRAISALS

Subpart A—Appraisal of Farms and Leasehold Interests

Approval of Real Estate Loans by Property Appraiser

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to allow an employee who makes a property appraisal to also approve real estate loans on the property appraised. This change is necessary because the present procedure may now cause unnecessary delay in loan closing and the intent is, therefore, to expedite the loan closing process.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Thelma Cahill, 202-447-3647.

SUPPLEMENTARY INFORMATION: Section 1809.1 of Subpart A, Part 1809, Chapter XVIII, Title 7, Code of Federal Regulations (37 FR 13791 and as amended) is amended to delete a restriction. This deletion is necessary so that an employee can make an appraisal and also approve the transaction in which the appraisal is involved, thereby benefiting the public by expediting the loan processing. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to expedite loan processing and publication is unnecessary since this rule is one of internal procedure.

§ 1809 [Amended]

As Amended, § 1809.1 is revised to delete paragraph (c) (2) in its entirety.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; sec. 10 Pub. L. 93-357, 88 Stat 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director Office Economic Opportunity 29 FR 14764, 33 FR 9850.)

Dated: June 14, 1977.

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-17954 Filed 6-22-77;8:45 am]

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures, and Authorizations

DELETION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration is deleting its Memorandum of Understanding between the Small Business Administration (SBA) and USDA—Farmers Home Administration and all references related thereto which define the areas of responsibility for each of the two Agencies to make emergency disaster-type loans to farmers and rural residents for agri-business and farm enterprises. This action is being taken because Pub. L. 94-305, which amended the Small Business Act, specifically requires SBA to assist small businesses engaged in farming and related activities for losses sustained as a result of disasters.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

James E. Lee, 202-447-6257.

SUPPLEMENTARY INFORMATION: Appendix II of Subpart A, Part 1832, Title 7, Code of Federal Regulations (40 FR 42321) is deleted. As a result of the deletion of the Memorandum of Understanding between the Small Business Administration and United States Department of Agriculture. Farmers Home Administration, Subpart A of Part 1832 7 CFR (40 FR 42321) is amended to delete references thereto in the following places: (1) In the Table of Sections, Appendix II is deleted; (2) paragraph (b) of § 1832.4 is deleted in its entirety. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This deletion, however, is not published for proposed rulemaking since the change is being made to comply with recent legislation, therefore, notice of proposed rulemaking and public procedure thereon are unnecessary.

(7 U.S.C. 1989; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegation of authority by the Sec. of Agri., 7 CFR 2.23.)

NOTE: The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 14, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-17955 Filed 6-22-77;8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FmHA Instruction 465.1]

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

APPROVAL OF CERTAIN SERVICING TRANSACTIONS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to allow the employee who makes the property appraisal to also approve certain servicing transactions. This change is necessary because the present procedure may now cause unnecessary delay in loan closing and the intent is, therefore, to expedite the loan closing process.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Thelma Cahill, 202-447-3647.

SUPPLEMENTARY INFORMATION: Sections 1872.3 and 1872.4 of Part 1872, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 15066 and as amended) are revised to delete a restriction. This deletion is necessary so that an employee can make an appraisal and also approve the transaction in which the appraisal is involved, thereby benefiting the public by expediting the loan processing. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to expedite loan processing and publication is unnecessary since this rule is one of internal procedure.

§ 1872.3 [Amended]
§ 1872.4 [Amended]

As amended, § 1872.3(g) is revised to delete the last two sentences which read: "When a new appraisal is required for a farm, the employee who appraises the property cannot approve the transaction. Also, the Assistant County Supervisor may not approve a transaction when the appraisal is made by the County Supervisor in the same office." Section 1872.4 (d) is revised in the introductory section to delete the third and fourth sentences which read: "The employee who appraises the property cannot approve the transaction. For example, if the Assistant Supervisor makes the appraisal, the transaction may be approved by the County Supervisor; if the County Supervisor makes the appraisal, the transactions may be approved by the District Director."

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; sec 10. Pub. L. 93-357, 88 Stat 392; delegation of authority by the Secretary of Agriculture 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 270; delegations of authority by Director, Office Economic Opportunity 29 FR 14764, 33 FR 9850.)

Dated: June 14, 1977.

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-17956 Filed 6-22-77;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J; Docket No. R-0013]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Wire Transfers of Funds

AGENCY: Reserve System.

ACTION: Final rule.

SUMMARY: This regulation is necessary to set forth the duties and liabilities of those parties transferring funds over the Federal Reserve Communications System for what have become known as "wire transfers of funds."

EFFECTIVE DATE: September 1, 1977.

FOR FURTHER INFORMATION, CONTACT:

Allen L. Raiken, Assistant General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3625).

SUPPLEMENTARY INFORMATION: The Board of Governors of the Federal Reserve System has adopted Subpart B of Regulation J (12 CFR Part 210). This subpart is necessary to define the rights and responsibilities of member banks using the Federal Reserve Communications System for what have become known as "wire transfers of funds." The subpart, as it pertains to wire transfers, is in substantially the same form as proposed in January 1976 it should put rules now contained in Reserve Bank operating circulars into regulatory form clarifying the duties and responsibilities of participants using the System's wire transfer facilities.

Subpart B covers only wire transfer of funds, and does not touch on other electronic payments such as those processed through automated clearing houses (where payments instructions recorded on magnetic tape, rather than on checks, are cleared) or point-of-sale transactions (in which electronic means are used for verification of checks, or to charge customers' bank accounts for their purchases of goods or services).

The wire transfer rules adopted by the Board are a revision from proposed wire transfer rules the Board published in November 1973 and republished in revised form in January 1976. The rules adopted today reflect Board consideration of hundreds of comments received on its proposals.

A third subpart to Regulation J is in preparation. It would deal with the processing of payments recorded on magnetic tape using Federal Reserve facilities. The Board included such draft rules in its January 1976 proposal concerning electronic payments.

The Board's order in this matter is attached.

RESPONSIBILITIES UNDER THE REGULATION

The regulation uses terminology used in the November 1973 Regulation J proposal (see 38 FR 32952) inasmuch as the party initiating the transfer of funds is the "transferor," and the party receiving those funds is the "transferee." The January 1976 proposal deemed such parties the "originator" and the "recipient," but the duties and liabilities of the transferor and transferee are substantially the same as the duties and liabilities of the originator and recipient. Both a transferor and transferee are defined as a member bank or other institution authorized by that Federal Reserve Bank to participate in such transfers. The transferor sends a transfer item to the Federal Reserve office with which it maintains an account. Under special arrangement, a transferor may, by telephone, request the Reserve Bank with which it maintains an account to transfer funds. By sending the item to the Federal Reserve the transferor authorizes the Federal Reserve to debit the transferor's account and have the Federal Reserve handle and act upon the item in accordance with the subpart.

The transferee agrees to accept the credit and to promptly pass on funds to its customer, the beneficiary. The transferee may use the funds upon final payment, which is defined generally as the time that the Federal Reserve sends the item or advice of credit as may be appropriate. The Federal Reserve is responsible for sending advices or statements to the transferor and the transferee, in order to assist those parties in maintaining accurate records regarding wire transfer transactions. Under Subpart B as adopted, the Federal Reserve is required to exercise good faith and ordinary care.

COMMENTS SUGGESTING ALTERNATIVE LANGUAGE AND STANDARDS

Many alternatives were presented by the respondents during the last comment period that were not adopted. The most common comments were as follows:

1. Some commented that the standards of Federal Reserve liability are indefinite, in that key provisions such as Federal Reserve liability for delay, provisions for revocation, etc., used such terms as "reasonable" time. The Board adopted standards such as "reasonable"

JUN 23 77 UM

because such provisions as are found in many areas of Articles 3 and 4 of the Uniform Commercial Code, dealing with checks. Inasmuch as the wire transfer of funds and the collection of checks are analogous to each other, it was believed these general standards of duty, which are similar to those adopted by member banks, were appropriate.

2. Some commented that the Federal Reserve should accept a stricter standard of care, i.e., rather than the proposed duty of reasonable care to the transferor alone, the Federal Reserve should be absolutely liable to all parties for amounts including proximate damages to beneficiaries and transferees. Some respondents have proposed that the Federal Reserve Banks act as guarantors of the wire transfer system and assume liabilities inconsistent with the standard of responsibility assumed in other payments mechanism functions. Liability to the initiator, the transferor, is viewed as the proper role for the Reserve Banks.

3. Some commented that the operating circulars of the Reserve Banks should be issued for comment. Reserve Banks will distribute operating circulars in advance of its effective date. Operating circulars are continual offers on the part of Reserve Banks, however, and not regulations subject to public comment.

Changes in the Adopted Version Versus the Proposed

A number of technical changes have been made in the adopted version versus the version proposed in January 1976. These changes result from the fact that provisions relating to ACH transactions have been deleted, however, and are not due to changes in the rights and responsibilities of the parties involved in the transfer of funds.

Pursuant to sections 11(i), 11(j), 13, 16, and 19(f) of the Federal Reserve Act (12 U.S.C. 248(i), 12 U.S.C. 248(j), 12 U.S.C. 342, 12 U.S.C. 248(o) and 12 U.S.C. 464, respectively,) and related provisions of the law, effective September 1, 1977, Regulation J (12 CFR Part 210) is amended as follows:

1. The title of Part 210 is amended to read: "Collection of Checks and Other Items and Transfers of Funds."

2. The Table of Contents of Part 210 is amended as read as follows:

Subpart A—Collection of Checks and Other Items

Sec.
210.1 Authority and scope.
210.2 Definitions.
210.3 General provisions.
210.4 Sending of items to Federal Reserve Banks.
210.5 Sender's agreement.
210.6 Status and warranties of Federal Reserve Bank.
210.7 Presentment for payment.
210.8 Presentment of noncash items for acceptance.
210.9 Remittance and payment.
210.10 Time schedule and availability of credits with respect to cash items.
210.11 Availability of proceeds of noncash items.
210.12 Return of cash items.
210.13 Charge back of unpaid cash items and noncash items.
210.14 Timeliness of action.
210.15 Effect of direct presentment of certain warrants.
210.16 Operating letters.

Subpart B—Transfers of Funds

210.50 Authority and scope.
210.51 General provisions.
210.52 Definitions.
210.53 Approved media for issuance, transmission or recording of transfer items.
210.54 Requests for transfer items.
210.55 Transferor's agreement.
210.56 Transferee's agreement.
210.57 Issuance of transfer items and requests for transfer items.
210.58 Handling of transfer items and requests for transfer items.
210.59 Time limits.
210.60 Advices of credit and debit.
210.61 Handling of requests for revocation of transfer items and requests for return of funds.
210.62 Final payment, right to withdraw or use funds.
210.63 Timeliness of action.
210.64 Liability of a Federal Reserve Bank.
210.65 Operating circulars.

AUTHORITY: Secs. 11(i), 11(j), 13, 16, 19 (f), Federal Reserve Act (12 U.S.C. 248(i), 12 U.S.C. 248(j), 12 U.S.C. 342, 12 U.S.C. 248(o), and 12 U.S.C. 464, respectively), related provisions of the law.

3. Part 210 is amended by inserting immediately before § 210.1 a heading reading:

Subpart A—Collection of Checks and Other Items

4. Paragraph (a) of § 210.2 is amended, but without change in footnotes, to read as follows:

§ 210.2 Definitions.

* * * * *

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district;[1] is sent by a sender or a nonbank depositor to a Federal Reserve Bank for handling under this part and is collectible in funds acceptable to the Federal Reserve Bank of the district in which the instrument is payable; except that the term does not include any check that cannot be collected at par, nor does it include any item as defined in § 210.52(a).

* * * * * *

§§ 210.1–210.16 [Amended]

5. Part 210 is amended to change the words "this part" wherever they occur in §§ 210.1–210.6 to read "this subpart."

6. Part 210 is amended by adding after § 210.16 the following:

Subpart B—Transfers of Funds

§ 210.50 Authority and scope.

Pursuant to the provisions of paragraph 1 of section 13 of the Federal Reserve Act, as amended (12 U.S.C. 342), paragraph (f) of section 19 of the Federal Reserve Act, as amended (12 U.S.C. 464), paragraph 14 of section 16 of the Federal Reserve Act (12 U.S.C. 248(o)), paragraphs (i) and (j) of section 11 of the Federal Reserve Act (12 U.S.C. 248 (i) and (j)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this Subpart governing the handling by Federal Reserve Banks of transfer items and requests for transfer items.

§ 210.51 General provisions.

(a) In order to afford a direct, expeditious, and economical system for the transfer of funds, each Federal Reserve Bank, in accordance with the terms and conditions set forth in this subpart, shall receive, process and act upon transfer items and requests for transfer items and, where appropriate, shall itself issue transfer items. The provisions of this subpart and the operating circulars of the Federal Reserve Banks shall be binding upon transferors and transferees.

(b) Except as may be provided otherwise by any applicable statutes of the United States or regulations issued or arrangments made thereunder, the provisions of this subpart and of the operating circulars of the Federal Reserve Banks shall apply, as the case may be, to any department, agency, instrumentality, independent establishment or office of the United States, or any wholly owned or controlled Government corporation, that maintains or uses an account with a Federal Reserve Bank, acting as transferor or transferee.

§ 210.52 Definitions.

As used in this subpart, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money, issued, transmitted or received in accordance with this Subpart.

(b) The term "transfer item" means either (1) an item issued by a transferor (other than a Federal Reserve Bank) to a Federal Reserve Bank for debit to an account of the transferor at such Federal Reserve Bank and for credit to a transferee named in such item, or (2) an item issued by a Federal Reserve Bank to another Federal Reserve Bank for credit to such other Federal Reserve Bank or any other transferee; or (3) an item, issued by a Federal Reserve Bank at the request of a transferor for credit to a transferee. As used in this subpart, the term "transfer item" includes only an item in a format provided for in operating circulars issued by Federal Reserve Banks under this subpart.

(c) The term "instrument for the payment of money" means any writing contained in or on any medium approved by § 210.53 for the issuance, transmission or recording of transfer items, addressed by one person to another and evidencing a right to the payment of money.

(d) The term "transferor" means a member bank, a corporation that maintains an account with a Federal Reserve Bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Regulation K), a Federal Reserve Bank, an international organization, foreign correspondent, or other institution maintaining or using an account with a Federal Reserve Bank, authorized by a Federal Reserve Bank to issue and send

a transfer item to that Federal Reserve Bank, or to request that Federal Reserve Bank by telephone to issue a transfer item.

(e) The term "transferee" means a member bank, a corporation that maintains an account with a Federal Reserve Bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Regulation K), a Federal Reserve Bank, an international organization, a foreign correspondent, or other institution maintaining or using an account on the books of a Federal Reserve Bank that is designated in a transfer item or request for a transfer item to receive the amount thereof.

(f) The term "beneficiary" means a person, firm or corporation (other than the transferee) designated in a transfer item or request for a transfer item to receive the amount thereof from the transferee for the use of such person, firm or corporation.

(g) The term "international organization" means an international organization for which the Federal Reserve Banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Reserve System and for which a Federal Reserve Bank has opened and is maintaining an account.

(h) The term "foreign correspondent" means any of the following for which a Federal Reserve Bank has opened and is maintaining an account: a foreign bank or banker, a foreign state as defined in section 25(b) of the Federal Reserve Act, as amended (12 U.S.C. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act, as amended (12 U.S.C. 358).

(i) The term "transferor's Federal Reserve Bank" means the office of a Federal Reserve Bank at which the transferor maintains or uses an account.

(j) The term "transferee's Federal Reserve Bank" means the office of a Federal Reserve Bank at which the transferee maintains or uses an account.

(k) The term "interoffice transaction" means a transaction involving a transfer item where the transferor and transferee do not maintain or use accounts at the same office of a Federal Reserve Bank.

§ 210.53 Approved media for issuance, transmission, or recording of transfer items.

A transferor may issue and send a transfer item in any one of the following media that is specified in the operating circular of the Federal Reserve Bank with which the transferor maintains or uses an account:

(a) A letter, memorandum, or other similar writing;

(b) A telegram (including TWX, TELEX, and any similar form of communications); and

(c) Any form of communication, other than voice, that is registered upon, or is in form suitable for being registered upon, magnetic tape, disc, or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

§ 210.54 Requests for transfer items.

A transferor may, under special arrangement and in accordance with the provisions of § 210.57 and the operating circular of its Federal Reserve Bank, request that Federal Reserve Bank by telephone to issue a transfer item and transfer funds to a transferee or to issue and send a transfer item to another Federal Reserve Bank for credit to such other Federal Reserve Bank or any other transferee. Such telephone messages may be recorded by the Federal Reserve Bank receiving such messages.

§ 210.55 Transferor's agreement.

By its action in issuing and sending to the Federal Reserve Bank with which it maintains or uses an account any transfer item contained in any of the media specified in § 210.53 or requesting the issuance of a transfer item as provided in § 210.54, a transferor shall be deemed: (a) To authorize that Federal Reserve Bank to debit the amount thereof to such account; (b) to authorize said Federal Reserve Bank to handle and act upon the transfer item or request for a transfer item, and the transferee's Federal Reserve Bank to handle and act upon a matching transfer item in the same amount and payable to the same transferee and beneficiary, if any, as designated by the transferor, in accordance with the provisions of this subpart and the operating circulars of such Federal Reserve Banks; and (c) to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such transferor and such Federal Reserve Banks.

§ 210.56 Transferee's agreement.

(a) By its action in maintaining or using an account at a Federal Reserve Bank, a transferee, other than a Federal Reserve Bank, designated in a transfer item to receive the amount thereof, shall be deemed to authorize that Federal Reserve Bank to credit the amount of such item to such account.

(b) A transferee, other than a Federal Reserve Bank, receiving from a Federal Reserve Bank the amount of a transfer item designated for the use of a beneficiary, shall be deemed to agree (1) that it will promptly credit said beneficiary's account or otherwise make the amount of the transfer item available to the beneficiary for withdrawal or other use; and (2) that, if it is unable to do so because of circumstances beyond its control, it will give prompt notice of the facts to the Federal Reserve Bank from which it received such amount.

§ 210.57 Issuance of transfer items and requests for transfer items.

(a) Any transferor, other than a Federal Reserve Bank, may, in accordance with the provisions of this Subpart and the operating circulars of its Federal Reserve Bank, issue and send transfer items to that Federal Reserve Bank or request that Federal Reserve Bank to issue transfer items to transferees for their own use or the use of beneficiaries: *Provided*, That, at the end of a Federal Reserve Bank's banking day, a transferor shall maintain or cause to be maintained a balance of actually and finally collected funds sufficient to cover the amounts of transfer items debited to such account at the Federal Reserve Bank during that day and, if such balance is not sufficient to cover the amounts debited to such account during that day, that Federal Reserve Bank shall have a security interest in any or all assets of the transferor in the possession or held for the account of the Federal Reserve Bank: *And further provided*, That, if at any time during that Federal Reserve Bank's banking day such transferor suspends payment or is closed and does not have a balance sufficient to cover the amounts so debited to such account, such Federal Reserve Bank shall have a security interest in any or all assets of such transferor then in the possession or held for the account of such Federal Reserve Bank. Notwithstanding the foregoing, a Federal Reserve Bank may, in its discretion, refuse to act upon a transfer item at any time when such Federal Reserve Bank has reason to believe that the balance maintained or used by such transferor is not sufficient to cover such item.

(b) Any Federal Reserve Bank may, in accordance with the provisions of this Subpart, issue and send transfer items to another Federal Reserve Bank, or request that Federal Reserve Bank by telephone to issue transfer items for its own use or the use of any other transferee or any beneficiary.

(c) The Federal Reserve Banks may, from time to time, establish in their operating circulars the minimum or maximum dollar amounts, or both, that will be transferred, may impose reasonable charges for transfers of funds, and may impose specific format requirements for the receipt and handling of transfer items.

§ 210.58 Handling of transfer items and requests for transfer items.

(a) Where the transferor and the transferee maintain or use accounts at the same office of a Federal Reserve Bank, such office receiving a transfer item shall execute a transfer of funds, or receiving a request for a transfer item shall issue a transfer item and execute a transfer of funds, by making corresponding debit and credit entries to those accounts.

(b) In the case of an interoffice transaction, the transferor's Federal Reserve Bank shall debit the account maintained or used by the transferor in the amount to be transferred and, acting as a transferor, shall issue to the transferee's Federal Reserve Bank a matching transfer item in the same amount and payable to the same transferee and beneficiary, if any, as designated by the transferor, and the latter office shall execute a transfer of funds to the transferee by making corresponding debit and credit entries,

respectively, to the account of the transferor's Federal Reserve Bank, and to the account maintained or used by the transferee.

(c) When a Federal Reserve Bank obtains knowledge that, for whatever reason, it will be unable to effectuate transfers of funds on a timely basis, said Federal Reserve Bank shall, within a reasonable time thereafter, notify transferors of the delay.

§ 210.59 Time limits.

(a) Each Federal Reserve Bank shall include in its operating circulars a schedule of the time limits showing, with respect to interdistrict, interoffice, and intraoffice transfers of funds, the hours on each business day during which it will receive and handle transfer items and requests for transfer items.

(b) Each Federal Reserve Bank taking proper action on the day of receipt of a transfer item or request for a transfer item acts seasonably; taking proper action within a reasonably longer time may be seasonable but the Federal Reserve Bank has the burden of so establishing. In order for action to be taken on the day of receipt, such item or request must reach the Federal Reserve Bank not later than the time shown in its schedule of time limits. No representation shall be made by a Federal Reserve Bank to the effect that transfers of funds will be consummated on the day requested.

(c) In emergency or other unusual circumstances, a Federal Reserve Bank may, in its discretion, receive transfer items, and requests for transfer items after the hours shown in its schedule of time limits. In the case of an interoffice transaction, the completion of each requested transfer shall be discretionary with the transferee's Federal Reserve Bank.

§ 210.60 Advices of credit and debit.

(a) Advice of credit in respect of an executed transfer of funds shall be given to the transferee in any of the media specified in § 210.53 by the transferee's Federal Reserve Bank. Such advice may be given for each transfer item or, if so provided in its operating circulars, for several transfer items. When the transferor or transferee has so requested and when such Federal Reserve Bank deems such action appropriate, or when in the judgment of such Federal Reserve Bank, the nature of the transaction or the amount involved justifies such an action, advice of credit shall be given to the transferee by telegraph, telephone, or any other means deemed appropriate by such Federal Reserve Bank.

(b) After receiving a transfer item or request for a transfer item, the transferor's Federal Reserve Bank shall send an advice of debit to the transferor in any of the media specified in § 210.53. Such advice may be given for each transfer item or, if so provided in its operating circulars, for several transfer items. If, within 10 calendar days after the transferor receives an advice of debit, the transferor fails to send to said Federal Reserve Bank written objection to such debit, the transferor shall be deemed to have approved such debit.

§ 210.61 Handling of requests for revocation of transfer items and requests for return of funds.

(a) A Federal Reserve Bank, upon receipt from the transferor of a request for the revocation of an item, may cancel such item provided that the request for revocation is received at such time and in such manner as to afford that Federal Reserve Bank a reasonable opportunity to act. If the item is not so cancelled, a Federal Reserve Bank may, in its sole discretion, upon request from the transferor (1) where the transferor and transferee maintain or use accounts at the same Federal Reserve Bank, send a request to the transferee to return the funds previously transferred or (2) in the case of an interoffice transaction, send a request to the transferee's Federal Reserve Bank to request the transferee to return funds previously transferred.

(b) In the case of an erroneous or otherwise irregular transfer of funds, a Federal Reserve Bank may, upon its own initiative or at the request of another Federal Reserve Bank, request the transferee to return funds previously transferred.

§ 210.62 Final payment, right to withdraw or use funds.

(a) A transfer item or request for a transfer item issued by a transferor is finally paid at the time the transfer item is sent, or advice of credit for such item is sent or telephoned, to the transferee by a Federal Reserve Bank, whichever occurs first.

(b) Subject to the right of a Federal Reserve Bank to apply the transferred funds to an obligation owed to the Federal Reserve Bank by the transferee, credit given by a Federal Reserve Bank for a transfer of funds to the transferee's account becomes available for withdrawal as of right by the transferee upon final payment of the transfer item or request for a transfer item.

§ 210.63 Timeliness of action.

If, because of circumstances beyond its control, a Federal Reserve Bank shall be delayed beyond applicable time limits provided in this Subpart or in the operating circulars of the Federal Reserve Bank or by law in taking any action with respect to a transfer item or a request for a transfer item, the time within which such action shall be completed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the Bank exercises such diligence as the circumstances require.

§ 210.64 Liability of a Federal Reserve Bank.

(a) A Federal Reserve Bank, in connection with the matters specified in this Subpart or its operating circulars, shall not have, nor shall it assume, any responsibility to a transferee, a beneficiary, or any other party, except its immediate transferor, nor shall a Federal Reserve Bank have or assume any liability except for its own or another Federal Reserve Bank's lack of good faith or failure to exercise ordinary care, and, except as herein provided, a Federal Reserve Bank shall not be liable for the insolvency, neglect, misconduct, mistake, or default of another bank or person, including a transferor.

(b) Subject to the limitations on liability stated above, where a Federal Reserve Bank's conduct, notwithstanding its exercise of good faith and ordinary care, results in a failure to credit the amount of a transfer item or request for a transfer item to the account maintained or used by a transferee on the day requested, the Federal Reserve Bank, unless otherwise instructed shall complete the transfer on the next business day with debits and credits posted to the appropriate accounts as of the day the transfer was to have been consummated.

(c) Subject to the limitations on liability stated above, if the failure to credit the amount of the transfer item or request for a transfer item to the account maintained or used by the transferee resulted from a failure on the part of any Federal Reserve Bank to exercise ordinary care or to act in good faith, the transferor shall have the right to recover from its Federal Reserve Bank any damages proximately caused by such failure: *Provided, however,* That whether any consequential damages are proximately caused by the Federal Reserve Bank's failure to exercise ordinary care or lack of good faith is a question of fact to be determined in each case.

(d) The transferee's Federal Reserve Bank shall be deemed to agree to indemnify the transferor's Federal Reserve Bank for any loss or expense sustained (including but not limited to attorney's fees and expenses of litigation) as a result of the failure of the transferee's Federal Reserve Bank to exercise ordinary care or to act in good faith with respect to a transfer item issued to it by the transferor's Federal Reserve Bank at the request of the transferor.

§ 210.65 Operating circulars.

Each Federal Reserve Bank shall issue operating circulars (sometimes referred to as operating letters or bulletins), not inconsistent with this subpart, governing the details of its funds transfer operations and containing such provisions as are required or permitted by this subpart and such additional terms and conditions as each Federal Reserve Bank may impose.

By order of the Board of Governors, June 16, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17960 Filed 6-22-77;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 5, Amdt 9]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Aggregate Salaries or Other Compensation of Officers, Directors, or Employees

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule modifies the requirement for SBA approval of individual salary increases (of persons receiving more than $10,000 per year) so that approval is needed only if the aggregate increase for all SBIC personnel exceeds the overall amount previously fixed by SBA. It also relates to the remuneration of persons employed by a corporation wholly owned by a Section 301(d) Licensee. Their compensation will be deemed paid by the parent Licensee, as in the case of similarly situated regular Licensees.

EFFECTIVE DATE: The amendments will become effective on June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter McNeish, Office of Investment, Small Business Administration, Washington, D.C. 20416, 202-653-6584.

SUPPLEMENTARY INFORMATION: On March 11, 1977, a notice of proposed rulemaking regarding an amendment to §§ 107.203(b) (3) (iii) and 107.205(b) of the SBA Regulations was published in the FEDERAL REGISTER (42 FR 13561). Interested parties were given 30 days to submit comments and no adverse comments were received. Accordingly, the amendments set forth below are being adopted to implement the foregoing proposals. In view of the fact that the amendments relax, in part, existing regulatory restrictions, and SBA's determination that it would (1) serve no useful purpose to subject them to the postponed effective date provision of the Administrative Procedure Act and (2) be in furtherance of the public interest if applied immediately to the SBIC program, the amendments have been made effective as of the date of publication.

Accordingly, pursuant to the authority contained in Section 308 of the Small Business Investment Act of 1958, 15 U.S.C. 661, et seq., §§ 107.203(b)(3)(iii) and 107.205(b) are amended to read as follows:

§ 107.203 SBA purchase, sale, or guaranty of securities evidencing leverage; events of default.

* * * * *

(b) * * *

(3) Except with the prior written consent of SBA, Licensee will not:

* * * * *

(iii) Increase the aggregate amount of salaries or other compensation of officers, directors, or employees beyond the amount previously approved by SBA. In applying this provision, compensation to officers, directors, or employees of a wholly-owned corporation shall be deemed paid by the Licensee.

2. Section 107.205(b) is amended to read as follows:

§ 107.205 Leverage for § 107.301(d) Licensee.

* * * * *

(b) *SBA approval required to increase salaries.* Without prior written SBA approval, a Debtor Section 301(d) Licensee may not increase the aggregate amount of salaries or other compensation of officers, directors, or employees beyond the amount previously approved by SBA. In applying this provision, compensation to officers, directors, or employees of a wholly-owned corporation shall be deemed paid by Licensee.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: June 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-17944 Filed 6-22-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16222; Amdt. 39-2936]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH/BH-125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires repetitive replacement of the knife edges of the emergency brake reducing valve or the valve itself on Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes to prevent the failure of a knife edge that could result in a complete loss of emergency braking capability with no advance warning to the crew.

DATES: Effective July 25, 1977. Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL 109TL, Attn: Technical Manuals Distribution Center. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to add an airworthiness directive requiring repetitive replacement of the knife edges of the emergency brake reducing valve or the valve itself on Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes was published in the FEDERAL REGISTER at 41 FR 47264. The proposal was prompted by the FAA's determination, as a result of fatigue tests conducted by the manufacturer, that a failure of the knife edges installed in the emergency brake reducing valve of Model DH/BH-125 airplanes could occur within a specified service life which could result in a complete loss of emergency braking capability with no advance warning to the crew.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. F. H. Keiley, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH/BH-125 airplanes, all series, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the knife edges of the emergency brake reducing valve, P/N AC.61516, and consequent complete loss of emergency braking capability without advance warning, accomplish the following:

(a) Comply with paragraph (b) or (c) of this AD as follows, and, thereafter, continue to comply with paragraph (b) or (c) of this AD at intervals not to exceed 4500 landings since last compliance:

(1) For airplanes having emergency brake control valve knife edges that have accumulated less than 4300 landings, since new, on the effective date of this AD, compliance is required prior to the accumulation of 4500 landings.

(2) For airplanes having emergency brake control valve knife edges that have accumulated 4300 or more landings, since new, on the effective date of this AD, compliance is required prior to the accumulation of an additional 200 landings.

(3) For airplanes for which no records exist that indicate the number of landings the emergency brake control valve knife edges have accumulated, compliance is required prior to the accumulation of 200 landings after the effective date of this AD.

(b) Replace the emergency brake control valve knife edges with new parts in accordance with Part A of Section 2 entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd., Service Bulletin 32-167, dated January 27, 1976, or an FAA-approved equivalent.

(c) Replace the entire emergency brake reducing valve, P/N AC. 61516, with a valve

JUN 23 77
UM

fitted with new knife edges and install the valve in accordance with Part B of the section entitled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd., Service Bulletin 32-167, dated January 27, 1976, or an FAA-approved equivalent.

This amendment becomes effective July 25, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-17997 Filed 6-22-77;8:45 am]

[Docket No. 16391; Amdt. 39-2935]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH/BH-125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes. The AD requires an inspection of the flange thickness and attendant security of the aileron cable guards and replacement of the cable guards, if necessary, to prevent the loss of a cable guard. The loss of an aileron cable guard could result in a loss of control of the aircraft.

DATES: Effective—July 25, 1977. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield, Hertfordshire, England, AL109TL, Attention: Technical Manuals Distribution Center. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Ave. SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium. Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the flange thickness and attendant security of the aileron cable guards and replacement of the cable guards, if necessary, on Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes was published in the FEDERAL REGISTER at 42 FR 1269. The proposal was prompted by a report of the possible installation of aileron inner hinge bracket assemblies with excessive boss thickness that could result in insufficient engagement of the thread insert locking devise provided for the mounting of the upper and lower aileron cable guard which could cause a loss of control of the aircraft due to loosening and possible loss of a cable guard.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. F. H. Kelley, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes, all series, with manufacturer's serial numbers 256056 and below and serial number 256061, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To detect excessive boss thickness that may exist on certain aileron inner hinge brackets (R/H and L/H) which can result in insufficient engagement and prevent self locking of the cable guard in the thread insert, accomplish the following:

(a) Within 100 hours time in service after the effective date of this AD, measure the thickness of the boss of the upper and lower flange of the aileron inner hinge bracket at the point where the cable guard, P/N 25CW 593-1 or -3, is mounted, in accordance with paragraphs (A)(1) and (2) of the Section titled "Accomplishment Instructions" of Hawker Siddeley Aviation, Ltd., Service Bulletin SB 57-51, dated April 20, 1976, or an FAA-approved equivalent.

(b) If the boss thickness at the cable guard mounting, measured in accordance with paragraph (a) of this AD, is found to be more than .35 inches at the top flange or more than .31 inches at the bottom flange, inspect the cable guards before further flight for proper security and accomplish the following:

(1) Replace cable guards found improperly secured, loose, or missing before further flight, with new cable guards fabricated and installed in accordance with paragraph (A)(3)(b) of the Section entitled "Accomplished Instructions" of Hawker Siddeley Aviation, Ltd., Service Bulletin SB 57-51, dated April 20, 1976, or an FAA-approved equivalent. New cable guards fabricated and installed in accordance with this paragraph must have an exposed thread length tolerance in the range of .31 to .32 inches to provide sufficient engagement of the thread insert locking device mounted in the boss.

(2) Cable guards found to be secure must be replaced with the new cable guard in accordance with paragraph (b)(1) of this paragraph within 300 hours time in service after the inspection required by this paragraph.

(c) Prior to the installation of an aileron inner bracket assembly, or a cable guard that is part of an assembly held as a spare, measure the boss thickness in accordance with paragraph (a) of this AD and if the dimensions exceed the limits specified in the lead-in sentence of paragraph (b) of this AD, replace the cable guards with new cable guards in accordance with paragraph (b)(1) of this AD.

This amendment becomes effective July 25, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-17998 Filed 6-22-77;8:45 am]

[Docket No. 15858; Amdt. 39-2934]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., Model DH/BH-125 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires modifications to provide for the continued structural integrity of the front pressure bulkhead and lower canopy post to prevent in-flight decompression on Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes.

DATES: Effective—July 25, 1977. Compliance schedule—as prescribed in the body of the AD.

ADDRESSES: The applicable Service Bulletins may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL 109TL, Attn: Technical Manuals Distribution Center.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to add an airworthiness directive requiring modification of Hawker Siddeley Aviation, Ltd., Model DH/BH-125 airplanes was published in the FEDERAL REGISTER at 41 FR 27738. The proposal was prompted by the FAA's determination that the Model DH/BH-125 airplane front pressure bulkhead and lower canopy post are susceptible to fatigue failure that could result in in-flight decompression.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. F. H. Kelley, Flight Standards Service, and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH/BH-125 airplanes, all series, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To provide for the continued structural integrity of the front pressure bulkhead and lower canopy post, accomplish the following:

(a) For the following listed airplanes, prior to the accumulation of 6,600 total landings or within the next 25 landings after the effective date of this AD, whichever occurs later, incorporate Hawker Siddeley Modification 252402 in accordance with Section 2, titled "Accomplishment Instructions," of Hawker Siddeley Aviation, Ltd., Service Bulletin 53-46(2402), dated June 30, 1975, or an FAA-approved equivalent:

Series	*Manufacturer's S/N*
BH-125-400A	NA 773 through NA 780.
BH-125-600A	25/6013, 6014, 6016, 6018, 6020, 6022, through 6026, 6032, 6034, 6038, 6040, 6044, 6046, 6047.

(b) For the following listed airplanes, prior to the accumulation of 6,600 total landings or within the next 25 landings after the effective date of this AD, whichever occurs later, comply with paragraph (c) or (d) of this AD, as applicable:

CATEGORY A

Series	*Manufacturer's S/N*
DH-125-1A	25/013, 014, 016, 018, 022, 026, 027, 031, 034, 036, 037, 038, 039, 042, 051, 053.
DH-125-1A/522	25/017, 020, 021, 023, 029, 030, 032, 033, 035, 043, 046, 047, 052, 057.

CATEGORY B

Series	*Manufacturer's S/N*
DH-125-1A	25/058.
DH-125-1A/522	25/060, 064, 065, 066, 068, 070, 074, 075, 078, 079, 082, 083, 084, 088, 091, 093, 095, 098, 100, 102, 103, 104, 107, 109, 110.
DH-125-1A/S-522	25/087, 097, 101, 108.
DH-125-3A	25/111, 112, 114, 115, 118, 119, 121, 122, 123, 124, 126.
DH-125-3A/R	25/148, 149.
DH-125-3A/RA	25/151, 152, 153, 155, 156, 158, 159, and NA 700 through NA 710.
DH-125-400A	NA 711 through NA 752.
BH-125-400A	NA 753 through NA 772.
BH-125-600A	25/6001, 6002, 6003, 6004, 6007, 6009, 6010, 6011.

(c) For those airplanes listed under Category A of paragraph (b) of this AD, incorporate Hawker Siddeley Modifications 252402 and 252207A in accordance with Section 2, titled "Accomplishment Instructions," of Hawker Siddeley Aviation, Ltd., Service Bulletin 53-46 A to Q (2402), dated June 30, 1975, or an FAA-approved equivalent.

(d) For those airplanes listed under Category B of paragraph (b) of this AD, incorporate Hawker Siddeley Modifications 252402 and 252207C in accordance with Section 2, titled "Accomplishment Instructions," of Hawker Siddeley Aviation, Ltd., Service Bulletin 53-46 R(2402), dated June 30, 1975, or an FAA-approved equivalent.

(e) For purposes of complying with this AD, subject to acceptance by the local FAA inspector, for airplanes for which the number of landings have not been recorded, the number of landings may be determined by dividing the total airplane time in service by the average time from takeoff to landing for the particular airplane.

This amendment becomes effective July 25, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-17999 Filed 6-22-77;8:45 am]

[Docket No. 15958; Amdt. 39-2928]

PART 39—AIRWORTHINESS DIRECTIVES

Pilatus Aircraft, Ltd. and Fairchild Hiller Model PC-6 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires repetitive inspections, repair, as necessary, and reinforcement of landing flap nose end ribs on Pilatus Aircraft, Ltd. and Fairchild Hiller Model PC-6 airplanes to prevent possible failure of the landing flap due to fatigue cracks.

DATES: Effective July 25, 1977.

Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Pilatus Aircraft Ltd., 6370 Stans, Switzerland or Fairchild Industries, Inc., Century Boulevard, Germantown, Md. 20767.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspections, repair, as necessary, and reinforcement of landing flap nose end ribs on Pilatus Aircraft, Ltd. and Fairchild Hiller Model PC-6 airplanes was published in the FEDERAL REGISTER at 41 FR 30655. The proposal was prompted by reports of fatigue cracks in the landing flap nose end ribs on Model PC-6 airplanes that could result in weakening and eventual failure of the landing flap.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are: Mr. Bob Huhn, Europe, Africa, and Middle East Region; Mr. F. H. Kelley, Flight Standards Service; and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

PILATUS AIRCRAFT LTD. AND FAIRCHILD HILLER. Applies to Pilatus Model PC-6 airplanes all variants) with serial numbers up through 743 and Fairchild Hiller Model PC-6 airplanes, serial numbers 2001 through 2019, 2021 through 2036, and 2040 through 2049, certificated in all categories.

Compliance is required as indicated.

To prevent a possible landing flap nose rib fatigue failure, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 25 hours time in service, and, thereafter, at intervals not to exceed 100 hours time in service since the last inspection, visually inspect all the end ribs of the landing flaps for cracks in accordance with Pilatus Service Bulletin No. 124, paragraph 2.1, dated January 1976, or an FAA-approved equivalent.

(b) If a crack is found during any inspection required by paragraph (a) of this AD, before further flight, repair the crack in accordance with paragraphs 2.1 and 2.2 of Pilatus Service Bulletin No. 124, dated January 1976, or an FAA-approved equivalent.

(c) Within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished, reinforce the landing flap nose end ribs in accordance with paragraph 2.3 of Pilatus Service Bulletin No. 124, dated January-1976, or an FAA-approved equivalent.

(d) The repetitive inspections required by paragraph (a) of this AD may be discontinued after the reinforcement has been accomplished in accordance with paragraph (c) of this AD, and all cracks have been repaired in accordance with paragraph (b) of this AD. (Fairchild Hiller Service Bulletin PC-6-51-3 pertains to this same subject).

This amendment becomes effective July 25, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 14, 1977.

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.77-16750 Filed 6-22-77;8:45 am]

[Docket No. 77-SO-27; Amendment No. 39-2925]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Model O-200-A, -B, and -C Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires re-setting the Model O-200 engine series magneto to engine timing to 24° BTC. The FAA has found that magnetos timed at 28° or higher coupled with high cylinder head temperature may result in cylinder head cracking and possible head separation. Reduction of the timing to 24° reduces head stress and lowers head temperature for any given cooling air flow, thus substantially reducing the likelihood of cylinder head problems.

EFFECTIVE DATE: June 24, 1977. Compliance—within the next 50 hours time in service after the effective date of this A.D.

ADDRESSES: Teledyne Continental Motors Service Bulletin M77-12 may be obtained from Teledyne Continental Motors, Service and Safety Department, P.O. Box 90, Mobile, Alabama 36601. Copies of TCM Service Bulletin M77-12 are maintained in the A. D. Docket File and may be examined in Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Georgia 30364.

FOR FURTHER INFORMATION CONTACT:

Clark Price, ASO-214, Propulsion Section, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone 404-763-7435.

SUPPLEMENTARY INFORMATION: There have been an increasing number of reports of cylinder head cracking on TCM 0-200 series engines, which if permitted to continue, could result in cylinder failure. Such failures could result in a complete power loss. Reduction of magneto timing to 24° BTC significantly decreases cylinder pressures and temperatures with no substantial effect on power or performance. Calibration testing conducted on a representative engine indicated a 1.5% power loss with average head temperature maintained at 475° F; however, when cooling air was held constant (as is in the case in the aircraft installation) head temperatures decrease and tests indicate there is no apparent power reduction.

Since this condition is likely to exist or develop in other engines of the same type design, a situation exists that requires immediate adoption of this regulation. It is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Clark Price, Flight Standards Division, Southern Region, and Eddie L. Thomas, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulation (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

TELEDYNE CONTINENTAL MOTORS. Applies to all Model O-200-A, -B and -C engines.

Compliance required within the next fifty (50) hours time in service after the effective date of this A.D., unless already accomplished.

To prevent the possibility of cylinder head cracking accomplish the following:

A. Reset magneto to engine timing to 24° $+1°$ $-0°$ BTC on both magnetos.

B. Overstamp the engine data plate timing number with the current 24° setting.

C. Make a log book entry stating that the timing change has been made in compliance with this A.D.

NOTE.—TCM Service Bulletin M77-12 pertains to this subject.

This amendment becomes effective June 24, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Georgia, on June 9, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-16751 Filed 6-22-77;8:45 am]

[Docket No. 77-WE-4-AD; Amdt. 39-2921]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10F and 30F Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) requires installation of a lock mechanism viewing window for the upper cargo door and, either installation of a vent door or deactivation of the upper cargo door. These modifications are required to prevent accidental opening of the door in-flight.

EFFECTIVE DATE: July 22, 1977. Compliance schedule: As prescribed in body of A.D.

ADDRESSES: The applicable service bulletin may be obtained from the McDonnell Douglas Company, 3855 Lakewood Boulevard, Long Beach, California 90846. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009, Telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to add an airworthiness directive requiring installation of a lock mechanism viewing window for the upper cargo door and either installation of a vent door or deactivation of the upper door on DC-10-10F and DC-10-30F airplanes was published in 42 FR 13302.

Interested persons have ben afforded an opportunity to participate in the making of the amendment.

One commenter suggested that the viewing window be installed only for airplanes operated in the cargo mode. The FAA disagrees since the affected airplanes are designated convertible aircraft which could be operated in either the cargo or passenger modes and the viewing window would provide for safer operation in either mode.

Commenters recommended changing the requirement for installation of a bolt in the lock tube hole during cargo operation because it would affect some cargo loading configurations. The FAA does not concur. Although this requirement may restrict cargo loading in some configurations, we consider it a necessary action for securing the door in that the bolt provides a positive safeguard to preclude inadvertent release of the latching mechanism in flight.

One commenter requested that the cargo mode operational procedures for opening the door be noted in the airworthiness directive. The FAA does not concur. Those operational procedures are not mandatory requirements intended to correct an unsafe condition and, therefore, should not be included in the AD text.

DRAFTING INFORMATION

The principal authors of this airworthiness directive are Robert L. Sales, Aircraft Engineering Division, and Richard G. Wittry, Office of the Regional Counsel.

ADOPTION OF AMENDMENT

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

MCDONNELL DOUGLAS: Applies to Model DC-10-10F and DC-10-30F airplanes certificated in all categories.

Compliance required within the next 1000 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility that operational errors could result in dispatch of an aircraft with the upper cargo door unlatched or unlocked, accomplish (a) and either (b) or (c) as follows:

(a) Install a lock mechanism viewing window on the upper cargo door and add a new instruction placard per McDonnell Douglas DC-10 Service Bulletin No. 51-102, dated September 4, 1974, or later FAA approved revision.

(b) Install an upper cargo door vent door with integral blockers for the torque tube and lock tube and add instruction placard per McDonnell Douglas DC-10 Service Bulletin No. 52-137, dated July 9, 1976, or later FAA approved revision, or

(c) After each operation of the upper cargo door, prior to flight verify that the door is flush with the fuselage, that lock pin engagement has occurred by observing through the viewing port, and secure the upper cargo door by accomplishing (1) and either (2) or (3) as follows:

(1) Install bolt (NAS 6304-17 or NAS 6404U17) with locknut in lieu of pip pin in lock tube hole.

(2) Open and secure with positive lock-out devices, the upper cargo door power circuit breakers (B1-1340, B1-1341, and B1-1342) located on the flight engineer's lower main circuit breaker panel and "upper cargo door power control" circuit breaker (B1-1343) located on the forward left cabin equipment panel; or

(3) Remove or hydraulically disconnect lock tube actuator (P/N 477667-5503).

(d) Equivalent modifications may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Special flight permits may be issued in accordance with FAR's 21.197 and 21.199 to operate airplanes to base for the accomplishment of the modifications required by this AD.

This amendment becomes effective July 22, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Los Angeles, California on June 8, 1977.

M. C. BEARD,
Acting Director, Federal Aviation Administration, Western Region.

[FR Doc.77-17744 Filed 6-21-77;8:45 am]

[Airspace Docket No. 76-EA-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area at Corry, Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Corry, Pa., Transition Area, by extending the radius of the transition area by ½ mile and adding an extension from the perimeter of the area southeast to the Tidioute, Pa., VORTAC along the 319° radial. The additions are required to give additional airspace protection to aircraft executing a new instrument approach developed for Runway 32 of Lawrence Airport.

EFFECTIVE DATE: 0901 G.m.t. July 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Corry, Pa., Transition Area. The NPRM was published in the FEDERAL REGISTER on January 27, 1977 (42 FR 5074).

Interested parties were given 30 days in which to respond but the NPRM received no objections.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. July 28, 1977, as published.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 3, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Corry, Pa., 700 foot floor transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°54'30" N., 79°38'30" W. of Lawrence Airport, Corry, Pa.; within 3 miles each side of the 305° bearing from the Corry RBN (41°54'44" N., 79°38'54" W.), extending from the 5.5-mile radius area to 8.5 miles northwest of the RBN; and within 5 miles each side of the Tidioute, Pa., VORTAC 319° radial, extending from 5.5-mile radius area to the VORTAC.

[FR Doc.77-17745 Filed 6-22-77;8:45 am]

[Airspace Docket No. 77-EA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone: Patuxent River, Maryland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Patuxent River, Md., Control Zone so as to eliminate the southeast extension of the control zone which extends from the Patuxent River UHF radio beacon. The beacon procedure has been cancelled, thereby permitting deletion of the extension.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Patuxent River, Md., Control Zone. Under the circumstances presented, the FAA concludes that there is no further need for the extension airspace. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary and that good cause exists for making this amendment effective in less than 30 days after its publication.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator,

Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective June 23, 1977, by altering the Patuxent River, Md., Control Zone, as follows:

1. Delete in the control zone extension the phrase: "within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 3, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-17746 Filed 6-22-77;8:45 am]

[Airspace Docket No. 77-EA-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area at Wise, Virginia

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will increase the airspace in the Wise, Va., Transition Area to protect aircraft executing the new runway 24 instrument procedure. The new procedure increased the minimum required airspace.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the Wise, Va., Transition Area. The amendment will create an extension to the northeast of the airport to accommodate the new runway 24 instrument procedure. This extension is 1½ miles long by 6 miles wide which considering the geographical area, and the present size of the transition area is a nominal addition.

Under the circumstances presented, the FAA concludes that there is a need for additional airspace to provide the security and safety for aircraft executing the instrument procedure and the additional airspace is of a minor amount. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective August 11, 1977, by altering the Wise, Va., Transition Area to read as follows:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by adding the following to the description of the Wise, Va. Transition Area.

"and within 3 miles each side of the 056° bearing from the Wise NDB (37°01'18" N., 82°28'04" W.), extending from the 11-mile radius area to 8.5 miles northeast of the NDB."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 2, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-17747 Filed 6-22-77;8:45 am]

[Airspace Docket No. 77-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone at Riverside, California (March AFB)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule realigns and reduces the width of the Riverside, California (March AFB) control zone. The realigned control zone extension will provide controlled airspace for the March Air Force Base TACAN Runway 13 approach procedure.

EFFECTIVE DATE: August 11, 1977.

ADDRESS: Copies of this final rule may be obtained from: Federal Aviation Administration, Air Traffic Division Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the description of the Riverside, California (March AFB) control zone. A Notice of Proposed Rulemaking (NPRM) was published in the FEDERAL REGISTER on May 2, 1977. (42 FR 22173).

Interested parties were given 30 days in which to submit comments on the proposal. One objection was received. The objection was based on the interpretation that the proposed rule would extend the control zone to encompass the parachute drop zone. In fact, the control zone extension in question is reduced in size. This reduction will remove the parachute drop zone from the control zone extension. This fact was pointed out to the originator of the objection.

The NPRM made reference to the 304° radial in the description of the control zone extension. This reference should have been 309° radial. The description issued herein will reflect the 309° radial in lieu of the 304° radial.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT, August 11, 1977, as follows:

§ 71.171 (Amended) Riverside, California (March AFB).

Within a five mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'30" W.); within two miles either side of the March AFB TACAN 150° radial extending from the five mile radius zone to 8.3 miles SE of the TACAN and within two miles either side of the March AFB TACAN 309° radial, extending from the five mile zone to six miles NW of the TACAN.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, California on June 8, 1977.

M. C. BEARD,
Acting Deputy Director,
Western Region.

[FR Doc.77-17772 Filed 6-22-77;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Revocation of Recommended First Aid Labeling for Methyl Alcohol-Base Radiator Antifreeze

AGENCY: Consumer Product Safety Commission.

ACTION: Revocation of statement of policy.

SUMMARY: The Commission hereby revokes the statement of policy under the Federal Hazardous Substances Act that sets forth an example of an acceptable first aid instruction to be furnished on containers of methyl alcohol-base radiator antifreeze. The example is revoked because it contains an instruction to use a salt solution to induce vomiting, and the Commission concludes that this instruction is no longer medically acceptable due to the danger of causing salt poisoning. Also, only relatively small amounts of this type of antifreeze are presently available commercially.

DATES: The revocation is effective June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Irvin Weiss, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6453).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The present recommended labeling statement for methyl alcohol-base radiator antifreeze, 16 CFR 1500.131, was originally issued by the U.S. Food and Drug Administration (FDA) as 21 CFR 191.111 on August 31, 1966 (31 FR 11462), under the authority of the Federal Hazardous Substances Labeling Act, now the Federal Hazardous Substances Act (15 U.S.C. 1261-1274).

On May 14, 1973, the functions under the Federal Hazardous Substances Act (FHSA) were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)). Section 2(p)(1)(G) of the FHSA includes within the definition of "misbranded hazardous substance" a hazardous substance (such as methyl alcohol-base radiator antifreeze) which fails to bear a label instruction, when necessary or appropriate, for first aid treatment. 16 CFR 1500.131(b) sets forth a warning statement which "will be considered as meeting the requirements of section 2(p)(1) of the act * * * with respect to methyl alcohol-base radiator antifreeze when the only hazard foreseeable is that caused by the methyl alcohol content and when the article has a flashpoint in the 'flammable' range as that term is defined in section 2(e) of the act."

The example of an acceptable direction for first aid in the event of ingestion of methyl alcohol-base radiator antifreeze that is currently contained in the warning statement in § 1500.131(b) is as follows:

If swallowed, induce vomiting (give a tablespoonful of salt in a glass of warm water). Repeat until vomit fluid is clear. Call a physician immediately.

NEW INFORMATION

At the time the regulation giving this first aid direction as an example was originally promulgated (August 31, 1966), the use of salt (sodium chloride) to cause vomiting (saline emesis) was considered medically acceptable. However, on September 5, 1975, Allen J. Davidson and C. F. Bryson of the State of California Department of Health wrote to the Chairman of the Consumer Product Safety Commission about comments and information that they had received suggesting that the use of salt solution is no longer generally recognized as a safe and effective emetic use. As a result, the Commission undertook a search of the medical literature pertaining to this subject. The Division of Poison Control (National Clearinghouse for Poison Control Centers), Bureau of Drugs, Food and Drug Administration, was also contacted.

The Commission has also received a petition (HP 76-17) dated June 10, 1976, from Herbert S. Denenberg of Wynnewood, Pennsylvania. The petition recites the danger of saline emesis and states there "are obviously much more effective first-aid techniques." The petition requests "immediate change of the regulations and immediate communication with the public of the correct information."

The information that the Commission has obtained from physicians, consumers, Poison Control Centers, literature searches, and petition HP 76-17 has convinced the Commission that medical experience since 1966 has shown that the instruction to use saline for emesis is no longer desirable. This is because the use of salt to induce vomiting can cause hypernatremia (salt poisoning) with potentially toxic effects, particularly in children five years old and less, the age group most often involved in accidental poisonings. There are reports in the medical literature of deaths of both children and adults associated with the use of sodium chloride to produce vomiting. The present example of a first-aid instruction, directing the repeated use of sodium chloride to induce emesis, is especially undesirable. Accordingly, the Commission has granted Petition No. HP 76-17.

The current medical opinion is that Ipecac Syrup, U.S.P. is the preferred emetic for home use. Ipecac Syrup may be purchased in 1 oz. quantities without a prescription. It should not be confused with "fluid extract of ipecac," a much more toxic emetic that is available only by prescription. The generally accepted direction for the use of Ipecac Syrup as an emetic for persons over 1 year of age is to administer 1 tablespoonful (½ oz.) of Ipecac Syrup plus at least 1 cup of water. The dose may be repeated one time only if no vomiting occurs within 20 minutes.

When the Commission first considered this question, it has planned to revise § 1500.131 to incorporate a first aid direction to use Ipecac Syrup to induce vomiting. However, the information available to the Commission indicates that only a relatively small amount of this type of antifreeze is presently available commercially (less than 20,000 gallons per year) and that it is not marketed nationally by any large retailer. Therefore, the Commission believes that § 1500.131 is no longer necessary and should be revoked rather than revised.

For the reasons given above, the Commission has decided to revoke the example of an acceptable first aid instruction for this product that is given in 16 CFR 1500.131. Manufacturers are still required to give an appropriate first aid instruction for this product, however (sec. 2(p)(1)(G) of the FHSA). A statement of a proposed Commission policy on first aid directions when vomiting is indicated is published for comment elsewhere in this issue of the FEDERAL REGISTER.

Packagers, distributors, and retailers are urged to provide consumers with revised directions, by means such as stick-on labels to be applied to each container.

Since § 1500.131 is merely a statement of the Commission's policy concerning first aid instructions for this product, notice of proposed rulemaking, an opportunity for public comment, and a delayed effective date are not required by the Administrative Procedure Act (5 U.S.C. 553(b, d)).

Copies of the documents that the Commission has relating to this subject may be obtained from, or inspected at, the Office of the Secretary, Consumer Product Safety Commission, 3rd floor, 1111 18th Street NW., Washington, D.C. 20207, during business hours.

REVOCATION

Therefore, under the Federal Hazardous Substances Act (secs. 2(f)(1)(A), (p)(1), 3(b), 10(a), 74 Stat. 372, 374, 378, as amended 80 Stat. 1303, 84 Stat. 1673; 15 U.S.C. 1261(f)(1)(A), (p)(1), 1262(b), 1269(a)) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission hereby amends Part 1500 of 16 CFR Chapter II by revoking § 1500.131.

(Secs. 2(f)(1)(A), (p)(1), 3(b), 10(a), 74 Stat. 372, 374, 378, as amended 80 Stat. 1303, 84 Stat. 1673 (15 U.S.C. 1261(f)(1)(A), (p)(1), 1262(b), 1269(a)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).)

Effective date: This revocation becomes effective June 23, 1977.

Dated: June 20, 1977.

SADYE E. DUNN,
Deputy Secretary, Consumer
Product Safety Commission.

[FR Doc.77-17951 Filed 6-22-77;8:45 am]

JUN 23 77
UM

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13623]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Uniform Net Capital Rule

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This release adopts amendments which effect several technical adjustments to provisions of the uniform net capital rule prescribing financial responsibility standards for non-clearing specialists or market makers in listed options and construct an optional financial responsibility standard available to certain self-clearing specialists or market makers in listed options. These amendments are intended to clarify and extend the application of the net capital rule with respect to non-clearing specialists or market makers in listed options and to establish an optional financial responsibility standard for certain self-clearing specialists or market makers in listed options which is similar to that afforded options market makers whose market maker or specialist transactions are effected through and carried in a market maker or specialist account cleared by another broker or dealer.

EFFECTIVE DATE: August 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Kibler, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202–755–1390).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced the adoption of certain amendments to Rule 15c3–1 (17 CFR 240.15c3–1) ("section 240.15c3–1") under the Securities Exchange Act of 1934, the uniform net capital rule. The amendments, which become effective on August 1, 1977, are intended primarily to effect technical modifications to provisions of § 240.15c3–1 pertaining to transactions by market makers and specialists ("market makers") in options listed on a national securities exchange or facility of a national securities association ("listed options"), and to provide an optional financial responsibility standard available to certain self-clearing options market makers.

INTRODUCTION

Section 15(c)(3) of the Act directs the Commission, inter alia, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted [1] amendments to § 240.15c3–1 constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus implementing this congressional directive.

Subsequently, the Commission has twice amended its uniform net capital rule to establish financial responsibility standards specifically applicable to situations wherein the account of an options market maker or of a specialist or market maker in equity securities listed on a national exchange or facility of a national securities association ("equities specialist") is carried, cleared, guaranteed or endorsed by another broker or dealer. On January 2, 1976, the Commission adopted [2] section 240.15c3–1(a)(6), embodying an optional financial responsibility standard available to certain dealers who combine equities specialist or options market making functions with certain other non-customer activities. Section 240.15c3–1(a)(6) is predicated on the maintenance of specified levels of equity in the dealer's market maker or specialist account carried with another broker or dealer, and also imposes upon the carrying broker or dealer control and early warning obligations intended to ensure daily surveillance over the account's financial condition. In February 1976,[3] the Commission incorporated similar control devices into proposed amendments to § 240.15c3–1(c)(2)(x) intended to enable net capital computations to reflect more directly the risks incurred by brokers and dealers ("clearing firms") who guarantee, endorse or clear the accounts of market makers in listed options. The proposed amendments to § 240.15c3–1(c)(2)(x) included, inter alia, percentage deductions from a clearing firm's net worth, effectively constituting equity maintenance requirements for options market makers, applicable to various options trading strategies including bona fide hedged and spread positions. On this occasion, the Commission also proposed [4] amendments to § 240.15c3–1(a)(6) intended to secure substantial symmetry between these two analogous provisions of the uniform net capital rule. On September 2, 1976, after considering the public's statistical testing of and comments upon these proposals, the Commission adopted them in revised form in Securities Exchange Act Release No. 12766 (Sept. 2, 1976) (41 FR 39014 (Sept. 14, 1976)).

Following the adoption of those amendments, the Commission released for public comment two further sets of proposed amendments to § 240.15c3–1 pertaining to transactions in listed options. In Securities Exchange Act Release No. 12926 (Oct. 27, 1976) (41 FR 48377 (Nov. 3, 1976)) ("Release No. 12926"), the Commission proposed to effect technical adjustments to its new financial responsibility standard for options market makers. These included a clarification of the treatment of certain "net short" spreads prescribed by § 240.15c3–1(c)(2)(x)(A)(7), a proposal to extend to § 240.15c33–1(a)(6) the so-called "1000 percent test" set forth in § 240.15c3–1(c)(2)(x)(B)(1), and the proposed incorporation into the 1000 percent test of certain "capital lock-in" provisions applicable to clearing firms crossing the 1000 percent threshold.[5] Soon thereafter, in Securities Exchange Act Release No. 13019 (Nov. 29, 1976) (41 FR 53036 (Dec. 3, 1976)) ("Release No. 13019"), the Commission proposed amendments to § 240.15.c3–1 (a)(6) and (c)(2)(x) which would oblige those clearing firms carrying customer accounts to subject positions arising from their clearing activity to more stringent capital treatment than that otherwise required by those provisions. Release No. 13019 also embodied a proposed § 240.15c3–1(a)(7) intended to enable certain self-clearing options market makers to operate under a financial responsibility standard essentially similar to that established by § 240.15c3–1 (a)(6) and (c)(2)(x).

The Commission has received constructive comments from interested members of the public concerning the amendments to § 240.15c3–1 proposed in Release Nos. 12926 and 13019. Aided by these suggestions, the Commission has determined that it is appropriate to dispose of these several proposals in the manner discussed below.

"NET SHORT" SPREAD POSITIONS

Release No. 12926 published proposed amendments to the first proviso of § 240.15c3–1(c)(2)(x)(A)(7) designed to clarify certain aspects of the treatment of bona fide spread positions wherein the market value of the short options position exceeds the market value of the contra long options position (a "net short" spread), and the options comprising the short position expire no later than the options carried long. The proposed amendment would clarify that with respect to this particular variety of net short spread, (i) application of the first proviso to § 240.15c3–1(c)(2)(x)(A)(7) is optional in all cases, (ii) the proviso does not act in derogation of the minimum deduction from net worth of $37.50 per long contract applicable to all net short spreads, and (iii) market value computations under the proviso are to be performed on a current market (rather than cost-proceeds) basis.[6]

The public's comments upon the proposed amendments to § 240.15c3–1(c)(2)(x)(A)(7) indicate that they will effectively clarify the intended meaning of the first proviso to that paragraph. Accordingly, the Commission has determined to adopt them in the form proposed for public comment.

1000 PERCENT TEST

Section 240.15c3–1(c)(2)(x)(B)(1) provides that no clearing firm subject to § 240.15c3–1(c)(2)(x)(A) shall permit the aggregate deductions from its net worth required by that provision in respect of all market maker accounts guaranteed, endorsed or carried by such clearing firm to exceed 1000 percent of its net capital for any period exceeding five business days. Additionally, this provision requires a clearing firm to notify its designated examining authority and the Commission if such deductions at any time exceed 1000 percent of its net capital.

In Release No. 12926, the Commission concluded that a similar limitation might be appropriate in the case of brokers and dealers carrying the accounts of dealers operating under § 240.15c3–1(a)(6), which envisions that such persons will assume risks similar to those incurred by clearing firms subject to § 240.15c3–1(c)(2)(x). We therefore proposed amendments to section 240.15c3–1(a)(6) which would incorporate (as § 240.15c3–1(a)(6)(v)) the 1000 percent test into that provision.[7] Proposed § 240.15c3–1(a)(6)(v) (as well as proposed companion amendments to § 240.15c(3)–1(c)(2)(x)(B)(1)) also would subject a clearing firm breaking through the 1000 percent limitation to the uniform net capital rule's existing prohibitions against capital withdrawal and retirement of satisfactorily subordinated debt capitalization.[8]

During the ensuing public comment period, certain members of the public suggested that the proposed prohibition against retirement of subordinated debt capitalization, if applied retroactively, might require the modification of all existing agreements under which subordinated capital has been contributed to clearing firms. Alternatively, if this proposal were construed to be self-executing, then it would appear to construct a limitation of a subordinated lender's right to repayment not constituting a term (implied at law or in fact) of the loan contract to which the lender agreed.

In light of these considerations, the Commission has determined that it is appropriate to adopt its proposals relating to the 1000 percent test substantially in the form proposed,[9] except for the proviso (embodied in a new § 240.15c3–1d(b)(11)) that any restriction on the retirement of satisfactorily subordinated debt capitalization arising therefrom applies only to capital contributed pursuant to subordination agreements which become effective on or after August 1, 1977, the effective date of the amendments to § 240.15c3–1 adopted by the Commission today.

CLEARING FIRMS CARRYING CUSTOMER ACCOUNTS

In Release No. 13019, the Commission proposed amendments to §§ 240.15c3–1(a)(6) and (c)(2)(x) which would require a clearing firm carrying both customer accounts and the accounts of one or more listed options market makers to subject all positions in the latter accounts to "proprietary haircuts," i.e., the more stringent deductions from net worth [10] which section 240.15c3–1 requires of all brokers and dealers other than those operating under §§ 240.15c3–1 (a)(6) or (c)(2)(x). These proposals stemmed from the Commission's concern that "it may be inappropriate for the protection of customers of a clearing firm to permit such a firm to carry the market maker account of a dealer acting as a specialist in listed options without subjecting positions resulting from transactions for such account to proprietary haircuts." [11]

The Commission received several thoughtful discussions of this proposal from interested members of the public. These commentators generally took the position that the net impact of the proposed amendments would be to diminish, rather than enhance, the protection afforded to a clearing firm's customers by the Commission's financial responsibility rules. It was contended that clearing firms would uniformly lodge either their options clearing activity or their customer accounts in a separate subsidiary, rather than attempt to remain competitive while sustaining the higher capital charges which the proposed amendments would apply to the clearing activities of the combined entity. Assuming that such a firm elected to subsidiarize its options clearing operations, it would then be required to divert a material portion of its excess net capital to adequately capitalize the subsidiary, in derogation of the protection of the clearing firm's customers. Moreover, these commentators continued, considerations of customer protection and business judgment would induce the parent entity to commit to the subsidiary only that amount of capital reasonably necessary to support its operations. This factor, it was averred, would jeopardize the ability of the subsidiary to duplicate the financing relationships previously enjoyed by the former combined entity, and, taken together with similar actions by other similarly situated clearing firms, would detrimentally affect the capitalization of the options marketplace. Alternatively, these commentators continued, if the combined entity elected to transfer its customer operations to a new subsidiary, customers would be directly deprived of the advantages and protection flowing from the greater capitalization of the former combined entity.

Other commentators stressed different points with respect to the proposed amendments. It was suggested that isolating in a subsidiary the options clearing operation of a diversified securities firm would leave the subsidiary with a cyclically fluctuating need for capital no longer mitigated by the presence of other non-customer activities (e.g., stock loan or arbitrage operations) which could be expanded or reduced in inverse relation to the capital demands of an options clearing operation. Some commentators alleged that the fragmentation of a diversified securities firm in response to the proposed amendments would create additional costs, such as increased staff, dual legal and accounting retainers, and separate reporting obligations, which ultimately would be passed on to the investing public. Finally, many commentators contended that the Commission's customer protection rule, § 240.15c3–3, appropriately separates the customer related aspects of a firm's business from the risks of the firm's proprietary activities and renders unnecessary the further structural insulation which the proposed amendments to § 240.15c3–1 would engender.

The Commission has reconsidered proposed § 240.15c3–1(c)(2)(x)(A)(9) (and the proposed conforming amendment to § 240.15c3–1(a)(6)(iii)) in light of these and other comments received from interested members of the public. We have concluded that should it prove necessary to augment the protections afforded customers by §§ 240.15c3–1 (a)(6) and (c)(2)(x), more appropriate means to this end can be devised. The Commission has therefore determined to withdraw proposed § 240.15c3–1(c)(2)(x)(A)(9), as well as the proposed conforming amendment to § 240.15c3–1(a)(6)(iii). However, it appears to the Commission that the public's response to these proposals has not finally settled the question of whether §§ 240.15c3–1 (a)(6) and (c)(2)(x) afford adequate protection to such customers as an options clearing firm may have. With the assistance of the self-regulatory organizations and the Commission's regional offices, we intend to monitor most closely the performance of these provisions as tools for the protection of customers, and will in the future propose such other amendments thereto as we deem appropriate in the public interest and for the protection of investors.

SELF-CLEARING OPTIONS MARKET MAKERS

In their current form, §§ 240.15c3–1(a)(6) and 240.15c3–1(c)(2)(x) both contemplate—and require—a division of functions with respect to market maker transactions in listed options; the options market maker effects transactions which

[1] Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

[2] Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5277 (Feb. 5, 1976).

[3] Securities Exchange Act Release No. 12148 (Feb. 26, 1976), 41 FR 12306 (March 25, 1976).

[4] Id.

[5] Securities Exchange Act Release No. 12926 (Oct. 27, 1976), 41 FR 48377 (Nov. 3, 1976).

[6] Id. at 8–9, 12–13, 41 FR at 48378–79.

[7] Id. at 5–7, 11–12, 14–15, 41 FR at 48378–79.

[8] Id. These proposed amendments were not intended to foreclose resort to temporary subordination agreements by clearing firms nearing or crossing the 1000 percent threshold but which are eligible, under § 240.15c3–1d(c)(5), to enter into such a temporary subordination agreement.

[9] As adopted, these amendments incorporate modifications designed to clarify (i) that the 1000 percent test relates to a clearing firm's operations with respect to options market makers, to the exclusion of clearing activities involving the accounts of specialists or market makers in other securities, and (ii) that deductions from net worth or equity maintenance requirements attributable to positions in fully paid securities which do not underlie options listed on the national securities exchange of which the options market maker in question is a member are excludable from computations under the 1000 percent test.

[10] See 17 CFR § 240.15c3–1(c)(2)(vi) and (f)(3) (1976) securities generally); id. § 240.15c3–1e (options).

[11] Securities Exchange Act Release No. 13019, at 9 (Nov. 29, 1976), 41 FR 53036, 53037 (Dec. 3, 1976).

JUN 23 1977 UM

are cleared by another broker or dealer through an account carried by the clearing firm pursuant to these provisions. This regulatory pattern conforms to the structure of the various options exchanges, which for the most part comprise numerous independent options market makers clearing through (but not employed by) a substantially smaller number of clearing firms.

In Release No. 13019, the Commission noted that a relatively small number of clearing firms not only carry the accounts of independent options market makers, but also themselves engage in options market making activity through employees utilizing the firms' memberships on one or more options exchanges.[12] Market maker transactions effected by these employees are carried and cleared by their employers acting in their clearing firm capacity.

Accordingly, we proposed amendments to section 240.15c3–1 intended to enable clearing firms to conduct listed options market making activities through their employees under substantially the same financial responsibility standard presently applicable to the accounts of independent options market makers. These proposed amendments would add to the uniform net capital rule, § 240.15c3–1(a)(7), an optional financial responsibility standard intended to be available to dealers engaged solely (except as noted below) in the business of effecting, as sole proprietor or through one or more natural persons associated with the dealer, and clearing market maker transactions in listed options. A dealer electing to operate under proposed § 240.15c3–1(a)(7) might also guarantee, endorse or carry the accounts of options market makers not associated with the dealer and exempted from net capital regulation pursuant to § 240.15c3–1(b)(1).

Public reaction to proposed § 240.15c3–1(a)(7) was generally favorable; additionally, certain commentators contributed useful suggestions concerning the scope of the proposed provision. Some of these members of the public pointed out that the rules of certain options exchanges permit options market makers to function as floor brokers;[13] it appears that a number of presently or prospectively self-clearing options market makers presently conduct such floor brokerage activities. The Commission believes that its capital requirements should be so formulated as to take into account structural differences among the several options exchanges.[14] Therefore, we have determined that it is appropriate to adopt § 240.15c3–1(a)(7) in a form permitting self-clearing options market-makers operating thereunder to engage in floor brokerage activities.

The Commission has determined that it is appropriate to effect two other technical revisions to proposed § 240.15c3–1(a)(7). First, a modification to proposed paragraph (ii) thereof is designed to clarify our original intent that a self-clearing options market maker operating thereunder may effect for his market maker account transactions in securities underlying such options, as well as in securities exchangeable for or convertible into the underlying security.[15] Second, another adjustment to this provision would permit a self-clearing options market maker operating under § 240.15c3–1(a)(7) to carry and clear the options market maker account of a dealer operating under § 240.15c3–1(a)(6) and not associated with the self-clearing entity. This would enable clearing firms utilizing § 240.15c3–1(a)(7) to clear the market maker account of any independent options market maker, whether such market maker is exempt from net capital regulation [16] or has elected to operate under § 240.15c3–1(a)(6).

Other modifications to § 240.15c3–1(a)(7), as adopted, are discussed below.

Securities Listed on a Facility of a National Securities Association

Comments submitted by interested members of the public in response to Release Nos. 12926 and 13019 evidence some confusion concerning whether § 240.15c3–1(a)(6), as well as proposed § 240.15c3–1(a)(7), would be available to market makers in options listed on a facility of a registered national securities association. The Commission intended these provisions pertaining to transactions in listed options to be available on an equal basis, whether the options in question are listed on a facility of a national securities association or listed on a national securities exchange. Indeed, nothing in § 240.15c3–1(a)(6) or proposed § 240.15c3–1(a)(7) precludes their utilization by participants in the listed options program of a national securities association. However, the Commission believes that it is appropriate to modify the wording of these provisions to make explicit their availability to participants in such a program. Accordingly, the Commission has determined to amend § 240.15c3–1(a)(6)(ii) and (c)(2)(x)(A)(*8*) (which is incorporated by reference into § 240.14c3–1(a)(6)(iii)) toward this end. Additionally, the Commission has adopted proposed § 240.15c3–1(a)(7)(ii) in a form clearly expressing the Commission's intention in this regard.

Although § 240.15c3–1(a)(7) will become effective on August 1, 1977, firms desiring to operate thereunder prior to that date may do so with the permission of the Commission's Division of Market Regulation.

Statutory Basis, Competitive Considerations, and Effective Date

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission amends § 240.15c3–1 in Part 240 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective August 1, 1977. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Text of Amendments to § 240.15c3–1

§ 240.15c3–1 Net capital requirements for brokers or dealers.

(a) • • •

Market Makers, Specialists, and Certain Other Dealers

(6) • • •

(ii) This paragraph (a)(6) shall be available to a dealer who does not effect transactions with other than brokers or dealers, who does not carry customer accounts, who does not effect transactions in options not listed on a registered national securities exchange or facility of a registered national securities association, and whose market maker or specialist transactions are effected through and carried in a market maker or specialist account cleared by another broker or dealer as provided in paragraph (a)(6)(iv) of this section.

• • • • •

(v) No such carrying broker or dealer shall permit the sum of (A) the deductions required by paragraph (c)(2)(x)(A) of this section in respect of all transactions in market maker accounts guaranteed, endorsed or carried by such broker or dealer pursuant to paragraph (c)(2)(x) of this section and (B) the equity required by paragraph (iii) of this paragraph (a)(6) in respect of all transactions in the accounts of specialists of market makers in options carried by such broker or dealer pursuant to this paragraph (a)(6) to exceed 1,000 percent of such broker's or dealer's net capital as defined in paragraph (c)(2) of this section for any period exceeding five business days; *Provided*, That solely for purposes of this paragraph (a)(6)(v), deductions or equity required in a specialist or market maker account in respect of positions in fully paid securities (other than options), which do not underlie options listed on the national securities exchange or facility of a national securities association of which the specialist or market maker is a member, need not be recognized. *Provided further*, That if at any time such sum exceeds 1000 percent of such broker's or dealer's net capital, then the broker or dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and such broker's or dealer's Designated Examining Authority. *Provided further*, That if at any time such sum exceeds 1090 percent of such broker's or dealer's net capital, then such broker or dealer shall be subject to the prohibitions against withdrawal of equity capital set forth in paragraph (e) of this section, and to the prohibitions against reduction, prepayment and repayment of subordination agreements set forth in paragraph (b)(11) of § 240.15c3–1d, as if such broker or dealer's net capital were below the minimum standards specified by each of the aforementioned paragraphs.

Statutory Basis, Competitive Considerations, and Effective Date

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission amends § 240.15c3–1 in Part 240 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective August 1, 1977. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Text of Amendments to § 240.15c3–1

§ 240.15c3–1 Net capital requirements for brokers or dealers.

(a) • • •

Market Makers, Specialists, and Certain Other Dealers

(6) • • •

(ii) This paragraph (a)(6) shall be available to a dealer who does not effect transactions with other than brokers or dealers, who does not carry customer accounts, who does not effect transactions in options not listed on a registered national securities exchange or facility of a registered national securities association, and whose market maker or specialist transactions are effected through and carried in a market maker or specialist account cleared by another broker or dealer as provided in paragraph (a)(6)(iv) of this section.

• • • • •

(v) No such carrying broker or dealer shall permit the sum of (A) the deductions required by paragraph (c)(2)(x)(A) of this section in respect of all transactions in market maker accounts guaranteed, endorsed or carried by such broker or dealer pursuant to paragraph (c)(2)(x) of this section and (B) the equity required by paragraph (iii) of this paragraph (a)(6) in respect of all transactions in the accounts of specialists of market makers in options carried by such broker or dealer pursuant to this paragraph (a)(6) to exceed 1,000 percent of such broker's or dealer's net capital as defined in paragraph (c)(2) of this section for any period exceeding five business days; *Provided*, That solely for purposes of this paragraph (a)(6)(v), deductions or equity required in a specialist or market maker account in respect of positions in fully paid securities (other than options), which do not underlie options listed on the national securities exchange or facility of a national securities association of which the specialist or market maker is a member, need not be recognized. *Provided further*, That if at any time such sum exceeds 1000 percent of such broker's or dealer's net capital, then the broker or dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and such broker's or dealer's Designated Examining Authority. *Provided further*, That if at any time such sum exceeds 1090 percent of such broker's or dealer's net capital, then such broker or dealer shall be subject to the prohibitions against withdrawal of equity capital set forth in paragraph (e) of this section, and to the prohibitions against reduction, prepayment and repayment of subordination agreements set forth in paragraph (b)(11) of § 240.15c3–1d, as if such broker or dealer's net capital were below the minimum standards specified by each of the aforementioned paragraphs.

(vi) A dealer electing to operate under this paragraph (a)(7) shall comply in all respects with the requirements of paragraphs (c)(2)(x)(F) and (c)(2)(x)(G) of this section (or paragraph (a)(6)(iv) thereof) insofar as such dealer acts as the guarantor, endorser or carrying dealer for options written or purchased by an independent specialist not subject to the provisions of this section (or operating pursuant to paragraph (a)(6) thereof).

• • • • •

(c) • • •

(2) • • •

Brokers or Dealers Carrying Accounts of Options Specialists

(x)(A) • • •

(*7*) In the case of a bona fide spread position as defined in this paragraph (c)(2)(x) in which the market value of the short position equals or exceeds the market value of the long position, the deduction shall be 75 percent of the greater of the difference between the market values of such short and long positions or $50 for each option contract included in the long position as part of such spread position; *Provided*, That if the option contracts in the short position expire no later than the option contracts in the long position, such deduction need not exceed the greater of 75 percent of $50 per long contract, or the amount by which the difference between the market values of the short and long positions is less than the amount by which the exercise value of the long position exceeds the exercise value of the short position; and, *Provided further*, That such endorser, guarantor or carrying broker or dealer need not deduct more in respect of any such spread position in a particular underlying security and in respect of option contracts for the same underlying security which are carried in a pure long position in such specialist's market maker account than the greater of the deduction required by this paragraph (7) in respect of the spread position or the deduction required by paragraph (A) of this paragraph (c)(2)(x) in respect of the pure long position.

(*8*) In the case of positions in securities which are not part of a bona fide hedged or spread position as defined in this paragraph (c)(2)(x) and, in the case of options, which are not listed on

[12] Id. at 10–11, 41 FR at 53037.

[13] E.g., Pacific Stock Exch. R. VI, § 80. This provision stipulates that no member may act as both market maker and floor broker on the same day with respect to the same class of options.

[14] It should be pointed out that a non-clearing options market maker may act as a floor broker, pursuant to exchange rules permitting such a combination of activities, without detriment to his exemption from net capital regulation. See 17 CFR 240.15c3–1(c)(2)(x)(A); cf. id. § 240.15c3–1(b)(1).

[15] Cf. 17 CFR § 240.15c3–1(c)(2)(x)(C) (enumerating securities which may offset positions in options as part of a bona fide hedged position). Positions in such securities resulting in bona fide hedged positions are treated in accordance with id. § 240.15c3–1(c)(2)(x)(A)(*2*)–(*5*), which is incorporated by reference into proposed § 240.15c3–1(a)(7)(iii). Similarly, for purposes of this proposed provision, positions in underlying securities not allocable to hedged positions would receive the treatment prescribed by id. § 240.15c3–1(c)(2)(x)(A)(*8*).

[16] See id. § 240.15c3–1(c)(2)(x)(A). Specialists in equity securities and market makers in listed options are exempted from the uniform net capital rule provided that they are not clearing members of the Options Clearing Corp. See id. § 240.15c3–1(b)(1).

(B) His transactions as a broker are limited to (*1*) effecting transactions in securities as agent for an independent specialist whose market maker account such broker carries pursuant to the provisions of this section, and (*2*) effecting transactions on the floor of a national securities exchange in options or securities other than options listed on such an exchange as agent for another broker or dealer.

(iii) A dealer electing to operate pursuant to this paragraph (a)(7) shall adjust its net worth by deducting, for positions in each class of option contracts in which the dealer, as sole proprietor or through associated specialists, is a market maker ("proprietary positions"), or each such independent specialist is a market maker (and for positions in other securities), an amount equal to:

(A) The deductions specified by paragraph (c)(2)(x)(A) of this section; *Provided*, That for purposes of computing such deductions, proprietary positions, as well as positions in each such independent specialist's market maker account, shall be allocated in accordance with paragraph (c)(2)(x)(E) of this section; and, *Provided further*, That the deductions computed for each such independent specialist's positions pursuant to the foregoing shall be reduced by any liquidating equity, as defined in paragraph (c)(2)(x)(B)(*2*) of this section, that exists in such independent specialist's market maker account, and shall be increased to the extent of any liquidating deficit in such account; and, *Provided further*, That in no event shall the foregoing proviso be construed to increase the net capital of any dealer electing to operate under this paragraph (a)(7).

(B) Such lesser requirement as may be approved by the Commission under specified terms and conditions upon the written application of such dealer.

(iv) No dealer electing to operate under this paragraph (a)(7) shall permit the sum of the deductions required by paragraph (iii) of this paragraph (a)(7) in respect of all positions in the market maker accounts of independent specialists guaranteed, endorsed or carried by such dealer pursuant to this paragraph (a)(7), computed without regard to any liquidating equity or liquidating deficit in any such independent specialist's account, to exceed 1000 percent of such dealer's net capital as defined in paragraph (c)(2) of this section for any period exceeding five business days; *Provided*, That solely for purposes of this paragraph (a)(7)(iv), deductions required in the market maker account of an independent specialist in respect of positions in fully paid securites (other than options), which do not underlie options listed on the national securities exchanges or facility of a national securities association of which the independent specialist is a member, need not be recognized; *Provided further*, That if at any time such sum exceeds 1000 percent of such dealer's net capital, then the dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the dealer maintains its principal place of business, and such dealer's Designated Examining Authority:: *Provided further*, That if at any time such sum exceeds 1000 percent of such dealer's net capital, then the dealer shall be subject to the prohibitions against withdrawal of equity capital set forth in paragraph (e) of this section, and to the prohibitions against reduction, prepayment and repayment of subordination agreements set forth in paragraph (b)(11) of § 240.15c3–1d, as if such dealer's net capital were below the minimum standards specified by each of the aforementioned paragraphs.

(v) A dealer electing to operate under this paragraph (a)(7) shall comply in all respects with the requirements of paragraphs (c)(2)(x)(F) and (c)(2)(x)(G) of this section (or paragraph (a)(6)(iv) thereof) insofar as such dealer acts as the guarantor, endorser or carrying dealer for options written or purchased by an independent specialist not subject to the provisions of this section (or operating pursuant to paragraph (a)(6) thereof).

• • • • •

(c) • • •

(2) • • •

Brokers or Dealers Carrying Accounts of Options Specialists

(x)(A) • • •

(*7*) In the case of a bona fide spread position as defined in this paragraph (c)(2)(x) in which the market value of the short position equals or exceeds the market value of the long position, the deduction shall be 75 percent of the greater of the difference between the market values of such short and long positions or $50 for each option contract included in the long position as part of such spread position; *Provided*, That if the option contracts in the short position expire no later than the option contracts in the long position, such deduction need not exceed the greater of 75 percent of $50 per long contract, or the amount by which the difference between the market values of the short and long positions is less than the amount by which the exercise value of the long position exceeds the exercise value of the short position; and, *Provided further*, That such endorser, guarantor or carrying broker or dealer need not deduct more in respect of any such spread position in a particular underlying security and in respect of option contracts for the same underlying security which are carried in a pure long position in such specialist's market maker account than the greater of the deduction required by this paragraph (7) in respect of the spread position or the deduction required by paragraph (A) of this paragraph (c)(2)(x) in respect of the pure long position.

(*8*) In the case of positions in securities which are not part of a bona fide hedged or spread position as defined in this paragraph (c)(2)(x) and, in the case of options, which are not listed on

the national securities exchange or facility of a national securities association of which such specialist is a member, the deduction shall be that set forth in paragraph (c)(2)(vi) of this section, or, if such securities are options, the deduction shall be that set forth in Appendix A (17 CFR 240.15c3-1a) to this section.

(B) * * *

(*1*) No such guarantor, endorser or carrying broker or dealer shall permit the sum of (*i*) the deductions required by paragraph (A) of this paragraph (c)(2)(x) in respect of all transactions in specialists' market maker accounts guaranteed, endorsed or carried by such broker or dealer and (*ii*) the equity required by paragraph (a)(6)(iii) of this section in respect of all transactions in the accounts of specialists or market makers in options carried by such broker or dealer pursuant to paragraph (a)(6) of this section to exceed 1000 percent of such broker's or dealer's net capital as defined in paragraph (c)(2) of this section for any period exceeding five business days; *provided*, That solely for purposes of this paragraph (c)(2)(x)(B)(*1*), the deductions or equity required in a specialist's or market maker's account in respect of positions in fully paid securities (other than options), which do not underlie options listed on the national securities exchange or facility of a national securities association of which such specialist or market maker is a member, need not be recognized; *Provided further*, That if at any time such sum exceeds 1000 percent of such broker's or dealer's net capital, then the broker or dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and such broker's or dealer's Designated Examining Authority; *Provided further*, That if at any time such sum exceeds 1000 percent of such broker's or dealer's net capital, then such broker or dealer shall be subject to the prohibitions against withdrawal of equity capital set forth in paragraph (e) of this section, and to the prohibitions against reduction, prepayment and repayment of subordination agreements set forth in paragraph (b)(11) of this § 240.15c3-1d. as if such broker or dealer's net capital were below the minimum standards specified by each of the aforementioned paragraphs.

* * * * *

§ 240.15c3-1d Satisfactory subordination agreements.

* * * * *

(b) * * *

BROKERS AND DEALERS CARRYING THE ACCOUNTS OF SPECIALISTS AND MARKET MAKERS IN LISTED OPTIONS

(11) A subordination agreement which becomes effective on or after August 1, 1977 in favor of a broker or dealer who guarantees, endorses, carries or clears specialist or market maker transactions in options listed on a national securities exchange or facility of a national securities association shall provide that reduction, prepayment or repayment of the unpaid principal amount thereof, pursuant to those terms of the agreement required or permitted by paragraphs (b)(6)(iii), (b)(7), or (b)(8)(i) of this section, shall not occur in contravention of paragraphs (a)(6)(v), (a)(7)(iv), or (c)(2)(x)(B)(*1*) of § 240.-15c3-1 insofar as they apply to such broker or dealer.

* * * * *

By the Commission.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 13, 1977.

[FR Doc.77-17873 Filed 6-22-77;8:45 am]

[Release No. 34-13635]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Uniform Net Capital Rule

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: As of September 1, 1977, two ratings in one of the three highest categories of the nationally recognized statistical rating organizations will be required for the purpose of qualifying short term commercial paper of high quality for the reduced haircut treatment available under the net capital rule. In order to implement this determination, the Commission has decided to amend the rule to extend until September 1, 1977 the Commission's previous amendment permitting the application of the haircuts specified therein to positions bearing one rating. These measures arise from the Commission's reevaluation of the two ratings requirement and its determination to retain this requirement.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Kibler, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-1390).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 15(c)(3) of the Securities Exchange Act of 1934 ("the Act") directs the Commission, inter alia, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted[1] amendments to section 240.-15c3-1 constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus implementing this congressional directive.

For purposes of determining compliance with the Commission's minimum net capital requiremetns, § 240.15c3-1(c)(2) defines "net capital" as the net worth of a broker or dealer, adjusted in accordance with the several additions to and deductions from net worth enumerated therein. In this connection, § 240.15c3-1(c)(2)(vi) prescribes certain deductions from the current market value of securities and money market instruments carried in the accounts of a broker or dealer, known as "haircuts," which are intended to enable net capital computations to reflect the market risk inherent in the positioning of the particular types of securities enumerated in paragraphs (c)(2)(vi)(A) through (c)(2)(vi)(I) of that section. In this connection, pursuant to § 240.15c3-1(c)(2)(vi)(E), short term commercial paper[2] which bears a fixed rate of interest or which is sold at a discount, and which is ranked in one of the three highest rating categories by at least two nationally recognized statistical rating services, receives haircuts graduating proportionately with time to maturity to a maximum of ⅜ of 1%. Section 240.15c3-1(c)(2)(vi)(J) applies substantially higher haircuts to securities not within the ambit of preceding paragraphs of § 240.15c3-1(c)(2)(vi). Section 240.15c3-1(f)(3)(ii) accomplishes the same result in the case of securities in the accounts of brokers and dealers operating under the alternative net capital requirement.

THE "TWO RATINGS" STANDARD

The "two ratings" criterion applicable to commercial paper evolved through the series of public exposures of a proposed uniform net capital rule which took place during 1972-74. During this time, the Commission considered various means, including the work of the rating services, of distinguishing for haircut purposes the less volatile and more readily marketable issues of the more creditworthy commercial paper issuers.[3] Eventually, the Commission concluded that the most appropriate available means to that end seemed to be a standard based upon commercial paper ratings. Recent experiences, however, indicated that it would be appropriate in the public interest that

[1] Securities Exchange Act Release No. 11497 (June 26, 1975). 40 FR 29795 (July 16, 1975).

[2] For purposes of § 240.15c3-1, commercial paper is "short term" if it has a scheduled maturity at date of issue not exceeding nine months, exclusive of days of grace or any renewal thereof the maturity of which is likewise limited. See § 240.15c3-1(c)(2)(vi)(E).

[3] See Securities Exchange Act Release No. 11094 (Nov. 11, 1974), 39 FR 41540 (Nov. 29, 1974) (proposed § 240.15c3-1(c)(2)(F)(v)); Securities Exchange Act Release No. 10525 (Nov. 29, 1973), 38 FR 34331 (Dec. 13, 1973) (proposed § 240.15c3-1(c)(2)(D)(vii)); Securities Exchange Act Release No. 9891 (Dec. 5, 1972), 38 FR 56 (Jan. 3, 1973) (proposed § 240.15c3-1(c)(2)(C)(iv)).

[4] See generally SEC, "The Financial Collapse of the Penn Central Company—Staff Report of the Securities and Exchange Commission to the Special Subcommittee on Investigations" 293 (1972); cf. id. 292-302. See also *SEC* v. *Coffey*, 493 F. 2d 1304 (6th Cir. 1974), cert. denied, 420 U.S. 908 (1975); *In re Four Seasons Nursing Centers of America, Inc.*, 329 F. Supp. 647 (W.D. Okla. 1971), aff'd sub nom. *Ohio* v. *Four Seasons Nursing Centers of America, Inc*, 465 F. 2d 25 (10th Cir. 1972).

such a standard rely upon more than one such rating.' The Commission, therefore, incorporated a two ratings standard into § 240.15c3-1(c)(2)(vi)(E) as adopted.

In response to the request of interested members of the public, the Commission issued Securities Exchange Act Release No. 13125 (Dec. 30, 1976)[5] ("Release No. 13125") for the purpose of exploring the practicability of establishing alternatives to the dual ratings requirement of Rule 15c3-1(c)(2)(vi)(E). This release suspended, effective January 1, 1977, and until April 1, 1977, the provisions of Rule 15c3-1(c)(2)(vi)(E) to the extent they would foreclose application of the haircuts specified therein to positions in short term commercial paper bearing one rating in the three highest categories from a nationally recognized statistical rating service. Additionally, the Commission solicited public comment on certain questions concerning the appropriateness of the dual ratings standard. On March 31, 1977, the Commission extended the temporary qualified suspension of Rule 15c 3-1(c)(2)(vi)(E) until July 1, 1977, and invited further comment on the questions propounded in Release No. 13125.[6]

COMMENTS RECEIVED FROM THE PUBLIC

Comments received from the public suggested consideration of the substitution of a number of alternative criteria for the two ratings presently required by Rule 15c3-1(c)(2)(vi)(E). Upon analyzing the public comments and suggestions, the Commission has determined that substitution of any of the various alternative criteria at this time would be inappropriate in the public interest and for the protection of investors.

One such alternative criterion suggested as a possible substitute for the second rating was the existence of bank lines of credit covering all or a specified minimum percentage of the issuer's outstanding commercial paper. Inasmuch as the existence of bank lines of credit is only one factor among many which are taken into consideration by rating services for purposes of identifying high quality commercial paper, the Commission does not consider this criterion an appropriate means of verifying the accuracy of any single commercial paper rating.

Similarly, a rating service's "letter of evaluation,"[7] issued in lieu of the requisite second rating, would not adequately serve the purposes which the second rating is intended to fulfill. The two ratings requirement was first incorporated into § 240.15c3-1 because of the absence of a means of directly estimating the reliability of any one rating. This rationale presupposes that the second rating service will conduct an in-depth review of the issuer's creditworthiness similar to that carried out by the first rating service. It does not appear to the Commission that such an in-depth review would precede the issuance of a "letter of evaluation" and, accordingly, a "letter of evaluation" would be of little value.

A third alternative suggested as a substitute for the two ratings requirement was that the commercial paper in question be rated in one of the three highest categories by one nationally recognized rating service, and that another rating service issue a rating of specified quality on certain varieties of long term debt of the same issuer, or of an affiliate of the issuer. Comments received from certain members of the public contend that ratings on long term debt are not an appropriate substitute for short term paper ratings because the factors considered in evaluating long term debt differ substantially from those employed in evaluating commercial paper. These commentators pointed out that in evaluating the quality of a commercial paper issuer it is essential to emphasize liquidity measurements including a consideration of inventory trend and variations, inventory evaluation method, write-off provisions and collectability. By necessity, in evaluating long term debt, the focus is on long term trends rather than liquidity measurement. These considerations lead the Commission to conclude that it would be inappropriate to construct a permanent regulatory standard for short term commercial paper wholly or partially dependent upon long term debt ratings.

The final two alternatives to two ratings suggested by interested members of the public involve a standard based upon a rating by a single nationally recognized statistical rating service. One such alternative would permit the application of the reduced § 240.15c3-1(c)(2)(vi)(E) haircuts to short term commercial paper bearing a rating from one of the nationally recognized statistical rating organizations in either of the two highest categories of such rating organization. The second alternative would establish an intermediate range of haircuts which would apply to commercial paper bearing a single rating in one of the two highest categories. The Commission has concluded that both of these alternatives are inadequate, inter alia, because they fail to resolve the problem which originally motivated the Commission to adopt the two ratings standard: The Commission's inability to gauge, directly or indirectly, the accuracy of any one commercial paper rating.

The Commission is of a view that current developments in the marketplace indicate that a two rating standard is presently evolving with respect to commercial paper. This trend appears to be in the public interest since the existence of a second commercial paper rating not only decreases the risks inherent in credit judgments, but improves the dealer's ability to market an issuer's notes and to obtain for the issuer the lowest possible borrowing costs. As a result, the existence of two ratings improves the liquidity and marketability of the commercial paper dealer's positions. The Commission has determined that, under these circumstances, it would be inappropriate to withdraw or substantially modify the two ratings requirement.

Therefore, as of September 1, 1977, a rating in one of the three highest categories of at least two of the nationally recognized statistical rating organizations will be required by Rule 15c3-1(c)(2)(vi)(E) for the purpose of qualifying short term commercial paper of high quality for the reduced haircut treatment available thereunder. In order to implement this conclusion, the Commission has determined to amend Rule 15c 3-1(c)(2)(vi)(E), to extend until September 1, 1977, the Commission's previous amendment permitting the application of the haircuts specified therein to positions in short term paper bearing one rating in the three highest categories from a nationally recognized statistical rating service. This will provide a period of transition affording any issuers who have not yet obtained a second rating an ample opportunity to do so.[8]

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission amends section 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission finds that any burden imposed upon competition by these actions is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

[5] 42 FR 2060 (Jan. 10, 1977).

[6] Securities Exchange Act Release No. 13419 (March 31, 1977), 42 FR 19126 (April 12, 1977).

[7] This proposed alternative to a second rating envisions a commercial paper dealer requesting another rating service to issue an opinion letter stating whether or not the issuer's commercial paper would be rated in one of that service's three highest categories.

[8] During the initial transitional period established with respect to the two ratings requirement, which concluded at the end of calendar 1976, all but one of the major commercial paper dealers launched and substantially completed programs whereby their client commercial paper issuers obtained the requisite second rating. This additional transitional period is intended to enable all such dealers to complete their two ratings programs prior to the implementation of that standard. The Commission's conclusion that it is appropriate to retain the two ratings requirement of Section 240.15c3-1(c)(2)(vi)(E) necessarily proceeds from the Commission's consideration of all relevant facts and circumstances, including the present division of that marketplace among regulated dealers and dealers exempted from registration and net capital regulation. See note 2 supra. Should it appear at some later date that the structure of that marketplace or the nature of the participants therein has changed materially, the Commission would be willing to reconsider its present conclusion in light of such changed circumstances.

JUN 23 1977 UM

PUBLIC PROCEDURE AND EFFECTIVE DATE

The amendment to § 240.15c3–1(c)(2)(vi)(E) must become effective on July 1, 1977, if the temporary qualified suspension it effects is to achieve its purpose of maintaining the presently applicable capital treatment of short term commercial paper, which treatment otherwise expires on that date. The Commission therefore finds that notice and public procedure respecting such amendment would be contrary to the public interest within the meaning of 5 U.S.C. 553(b)(3)(B)(1970). Furthermore, such amendment constitutes a substantive rule relieving a restriction within the meaning of 5 U.S.C. 553(d)(1)(1970); therefore, publication thereof need not be made not less than thirty days before its effective date.

TEXT OF AMENDMENT

Section 240.15c3–1(c)(2)(vi)(E) is revised as follows:

§ 240.15c3–1 Net capital requirements for brokers or dealers.

* * * * *

(c) * * *

(2) * * *

(vi) * * *

(E) *Commercial paper, bankers acceptances and certificates of deposit.* In the case of any short-term promissory note or evidence of indebtedness which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at least two of the nationally recognized statistical rating organizations (*Provided*, That effective January 1, 1977, and until September 1, 1977, this paragraph shall be deemed to require only one such rating), or in the case of any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in Section 3(a)(6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in each of the categories specified below are:

(*1*) Less than 30 days to maturity—0 percent;

(*2*) 30 days but less than 91 days to maturity—⅛ of 1 percent;

(*3*) 91 days but less than 181 days to maturity—¼ of 1 percent;

(*4*) 181 days but less than 271 days to maturity—⅜ of 1 percent;

(*5*) 271 days but less than 1 year to maturity—½ of 1 percent; and

(*6*) With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank, as defined above, having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in paragraph (c)(2)(vi)(A) of this section.

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 16, 1977.

[FR Doc.77–17888 Filed 6–22–77;8:45 am]

[Release No. 34–13639]

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guideline Regarding the Preparation of Integrated Reports to Shareholders

AGENCY: Securities and Exchange Commission.

ACTION: Publication of guideline.

SUMMARY: Because the Commission's staff has received numerous inquiries regarding this matter, the Commission authorizes the publication of a guideline which permits the issuer to integrate its annual report to shareholders with its annual report filed with the Commission and its quarterly report to shareholders with its quarterly report filed with the Commission when certain conditions are met. The guide is being published at this time so that more issuers will be aware of the option and will take advantage of the procedure.

DATES: Effective date: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard K. Wulff, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–755–1750).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission authorizes publication of a guideline codifying policies and practices of its Division of Corporation Finance concerning the filing of annual and quarterly reports to shareholders meeting the requirements of Form 10–K (17 CFR 249.310) and Form 10–Q (17 CFR 249.308a) under the Securities Exchange Act of 1934 ("Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)).

The Commission announced today the publication of Guide 4, "Integrated Reports to Shareholders" of the Guides for the Preparation and Filing of Reports and Registration Statements under the Securities Exchange Act of 1934. Guide 4 is not a Commission rule nor is it published as bearing the Commission's official approval; it reflects policies and practices utilized by the Division of Corporation Finance in administering the disclosure requirements of the federal securities laws. Because this guideline represents the current practice of the Division which is permissive in nature rather than mandatory, publication for comment pursuant to the Administrative Procedure Act of 1946 (5 U.S.C. 553) is not deemed necessary.

Especially since the inception of the requirement in Rule 14a–3 (17 CFR 240.14a–3) that an issuer provide a requesting shareholder with a copy of its annual report to the Commission on Form 10–K, the Division of Corporation Finance has received numerous inquiries concerning the suitability of integrating the Form 10–K disclosure into the annual report to shareholders and having a single document satisfy both purposes. Because it is the Commission's statutory responsibility to promote the dissemination of complete information about issuers of securities subject to its jurisdiction, the Division of Corporation Finance has not objected to such consolidated reports under certain conditions. The Commission also understands that the Advisory Committee on Corporate Disclosure has tentatively approved the recommendation of a similar procedure. The substance of Guide 4 incorporates the pertinent conditions. Generally speaking, the permissible document would contain complete answers to every item of Form 10–K along with a cross-reference sheet to facilitate the review by the Commission's staff. In addition, items normally associated with the annual report to shareholders such as pictures, graphs, historical data, tinting, and columnar presentations are acceptable.

In view of the fact that many companies send their shareholders quarterly reports, the Division will also permit a similar procedure to be followed as long as the requirements of Form 10–Q are satisfied. It is noted that General Instruction D to Form 10–Q specifically permits the incorporation by reference of a quarterly report which satisfies Part I of the form.

Issuers which file annual and quarterly reports with the Commission are encouraged to consider the advantages of the optional procedure set forth in Guide 4. The Commission believes that the integrated document can be beneficial to shareholders and issuers alike because it may effect a general upgrading in the substance of publicly disseminated reports to shareholders and reduce the burden of compliance with the SEC filing requirements for issuers since one report can be submitted in lieu of two.

The Commission hereby authorizes the publication of Guide 4, "Integrated Reports to Shareholders," pursuant to Sections 13 and 23(a) of the Securities Exchange Act of 1934. The text of Guide 4 follows.

GUIDES FOR PREPARATION AND FILING OF REPORTS AND REGISTRATION STATEMENTS UNDER THE SECURITIES EXCHANGE ACT OF 1934

* * * * *

4. INTEGRATED REPORTS TO SHAREHOLDERS

Annual and quarterly reports to shareholders may be combined with the required

information of Form 10–K and Part I of Form 10–Q and be suitable for filing with the Commission when the following conditions are satisfied:

(a) The report contains full and complete answers to all items required by Form 10–K or Part I of Form 10–Q. When responses to a certain item of required disclosure are separated within the report, an appropriate cross-reference should be made. If the information required by Part II of Form 10–K is permitted to be omitted by virtue of General Instruction H, a definitive proxy or information statement shall be filed.

(b) Any additional information or exhibits contained in the report shall meet the requirements of Rules 12b–20 (17 CFR 240.12b–20) and 12b–30 (17 CFR 240.12b–30) of the Securities Exchange Act of 1934.

(c) For purposes of Form 10–K, its cover page, the answer to Item 10 and the required signatures shall be included. For purposes of Form 10–Q, its cover page, appropriate responses to Part II and the required signatures shall be included. Additionally, as appropriate, a cross-reference sheet should be filed indicating the location of information required by the items of the form.

(d) Any pictorial or graphic representations shall comply with the provisions of Guide 8 of the Guides for Preparation and Filing of Registration Statements (Securities Act Release No. 5171 (July 20, 1971)).

(e) The report should contain a disclaimer of any action on the part of this Commission to approve or disapprove the report or to pass upon its accuracy or adequacy.

(f) An annual report to shareholders prepared on an integrated basis may also be submitted in satisfaction of Rule 14a–3 (17 CFR 240.14a–3) under the Securities Exchange Act of 1934. When filed as the annual report on Form 10–K, responses to the items of that form are subject to Section 18 of the Act.

(g) A quarterly report to shareholders filed in satisfaction of the requirements of Part I of Form 10–Q is not deemed to be "filed" for the purpose of Section 18 of the Act but is subject to all other provisions of the Act (Rules 13a–13(d) (17 CFR 240.13a–13(d)), 15d–13(d) (17 CFR 240.15d–13(d))).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 17, 1977.

[FR Doc.77–17887 Filed 6–22–77;8:45 am]

[Release No. 33–5836, IC–9819;
File No. S7–683]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Computation of Filing Fee for Securities Registered by Open-End Investment Companies and Unit Investment Trusts

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: This rule provides an optional method for calculation of registration fees by open-end investment companies and unit investment trusts. It has the effect of requiring registration fees for only those shares or units registered in excess of the number redeemed or repurchased in the previous fiscal year.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Anthony A. Vertuno, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, 202–755–1192.

SUPPLEMENTARY INFORMATION: On March 15, 1977, the Commission published proposed Rule 24e–2 under the Investment Company Act of 1940 (17 CFR 270.24e–2) for comment (Release 33–5817, IC–9677, 42 FR 15922, March 24, 1977) to permit certain investment companies registering additional securities pursuant to Section 24(e)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(e)(1)) to include in the computation of the filing fee a credit for securities redeemed or repurchased during the preceding fiscal year. The proposed rule has been revised to reflect certain comments received during the comment period ended April 20, 1977, and is being adopted, effective June 27, 1977

Section 24(e)(1) of the Investment Company Act of 1940 ("1940 Act"), which permits registration of additional shares by post-effective amendment, provides for the payment of a filing fee calculated in the manner specified in Section 6(b) of the Securities Act of 1933 (U.S.C. 77a et seq., 77f(b)) ("1933 Act"). Rule 24e–2 was proposed pursuant to the broad authority of the Commission under Section 6(c) of the 1940 Act (15 U.S.C. 80a–6(c)) to, by rule "* * * exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title * * *" and adoption of the rule is based on the Commission's determination that relief from the payment of certain registration fees imposed by Section 24(e) of the 1940 Act "* * * is necessary or appropriate in the public interest and consistent with the protection of investors."

COMMENTS RECEIVED

Thirty-four letters of comment were received on the proposed rule, with all but two commentators favoring its early adoption. The two commentators oppose the adoption of the rule as inappropriate and unnecessary because they disagree with the Commission's view that, absent the rule, a fee is required. Some of the other commentators, while supporting adoption of the rule, suggested its revision or expansion, and such comments fell into three broad categories:

(1) That the language of the rule be clarified in certain respects;

(2) That the rule be revised to permit its use by unit investment trusts as well as by open-end management investment companies; and

(3) That the method of computing the credit be modified.

AUTHORITY FOR THE RULE

Two commentators have questioned the authority of the Commission to adopt the rule; they argue that shares that have been registered, sold and redeemed need not be registered in order to be offered again. The Commission's view is that, absent an available exemption, all securities offered or sold by an issuer are subject to the registration requirements of the 1933 Act, notwithstanding the fact that such securities may have been redeemed or repurchased by the issuer subsequent to their earlier sale pursuant to a registration statement. Thus, securities once registered and sold by an issuer may not be reacquired by the issuer through redemption or repurchase and resold in a public offering without re-registration because the disclosure and reporting requirements applicable to redeemed or repurchased shares do not provide adequate protection for investors. The Commission's long-standing position is consistent with the legislative history of the 1933 Act. The legislative history shows that all distributions of securities were intended to be covered by the provisions of the 1933 Act unless a specific exemption applied.[1] Moreover, except for the Section 4(2) exemption for non-public offerings, the transactional exemptions provided by Section 4 of the 1933 Act (15 U.S.C. 77d) expressly exclude offerings made by an issuer.

The public distribution of shares—whether redeemed or newly issued—is thus the type of issuer transaction which requires registration absent an available exemption.[2] The fact those shares may be deemed to be the "same" shares which have been registered prior to previous public sale does not negate the fact that, after redemption, the subsequent resale involves a public offering by the issuer and, thus, falls squarely within the distributive framework the 1933 Act was intended to cover.

Although one of the two commentators opposing the adoption of the rule suggested that the Commission hold a public hearing to consider the constitutional and statutory aspects of the proposed rule, the questions raised by these commentators have been considered by the Commission, and they bring to light no new evidence or arguments which would warrant the Commission's reconsideration of these issues. Therefore no hearing is considered to be required in connection with the adoption of this rule.

REVISION OF THE PROPOSED RULE

As noted above, some commentators urging adoption of the rule have also recommended revision or expansion of its scope.

---

[1] "The power [of the Commission to exempt securities] is deemed necessary for the effective administration of the bill, but is expected to be used only in a sparing manner, which keeps in mind the prima facie requirement that every security and transaction not specifically exempted by the terms of the bill should be kept within it." H.R. Rep. No. 85, 73rd Cong. 1st Sess. 6–7 (1933).

[2] "[I]t [the Securities Act of 1933] does not affect the ordinary redistribution of securities unless such redistribution takes on the characteristics of a new offering by reason of the control of the issuer possessed by those responsible for the offering." Id. p. 5.

JUN 23 1977 UM

a. *Clarification of language of the rule.* Several language changes have been made in the rule to reflect the concerns of commentators. In addition, to assure that issuers filing post-effective amendments registering additional securities pursuant to Section 24(e)(1) correctly obtain and report the redemptions and repurchases establishing the basis for the credit provided by the rule, the text of the rule has been revised to establish a procedure for providing this information.

b. *Inclusion of unit investment trusts.* Several commentators urged that the credit provided be available to reduce registration fees payable by certain unit investment trusts issuing redeemable securities. The commentators' view is that such treatment is necessary on equitable grounds. They argue that failing to include unit investment trusts as well as open-end management companies within the rule would create a competitive disadvantage for unit investment trusts, and "Commission filing fee policy ought not to favor one type [of investment company] over another."

The Commission has considered these comments and agrees that such a revision is both equitable and appropriate, and the rule has been revised to provide similar treatment to both open-end management companies and unit investment trusts. The registration provisions of Section 24(e)(1) of the 1940 Act extend to unit investment trusts as well as to open-end management companies. Republication of the proposed rule to solicit comment on this revision is not required because the revision extends the benefit of the rule, and because the concept has clearly received the attention of commentators. Since republication for comment would delay the benefit of the rule to all registrants or would cause the inequitable delay of relief to certain registrants, such resolicitation would be adverse to the public interest.

c. *Modification of fee credit computation.* Finally, a number of commentators suggested that the availability of the filing fee credit provided by the proposed rule be modified. Alternatives suggested include (1) permitting the credit to be utilized during the fiscal year in which a redemption or repurchase occurs (including the fiscal year in which the offering commences); (2) permitting the credit to be utilized in a fiscal year later than the next fiscal year after such redemption or repurchase occurs; or (3) permitting the credit to be carried indefinitely by providing that a fee should be paid only when the aggregate number of shares registered is increased to an amount in excess of the highest previous total number of shares as to which a filing fee has been paid.

These alternatives have not been adopted. Each would lead to greater difficulty in monitoring compliance with the rule. The first alternative could also tend to induce the initial and periodic registration of smaller numbers of shares in an attempt to "realize" an earlier use of the proposed credit. Aside from the increased risk of inadvertent oversales, this would tend to increase the number of filings under Section 24(e)(1) with a concomitant increase in expenses to both registrants and the Commission. The second alternative is an unnecessary provision, since a company with a material net redemption credit at the end of a fiscal year can avoid the "loss" of the credit (due to a successive net redemption fiscal year) by making a single filing pursuant to the rule during that second fiscal year, registering the full amount of securities which would be covered by the minimum filing fee plus the available credit. Such registered shares would thereafter be available in the company's "inventory" for use during years in which positive net sales occurred. The third alternative would provide retroactive relief affecting registration fees paid in connection with completed registrations of securities, which is beyond the relief contemplated by the proposed rule, and for which we see no justification.

In addition, one commentator suggested that "money market" funds "should be required to pay a registration fee quarterly based on the net sales of the Fund during the preceding quarter." This approach, it is suggested, would allow the fund properly to "accrue and match" expenses of a period with income earned during that period. This change is not adopted, however, because such "matching" of filing fees with the benefit derived can be satisfactorily achieved through proper accounting procedures which provide for accrual and expensing of the costs of share registration. Also, this revision would impose on issuers and the Commission the added expense of more frequent filings.

It was also suggested that proposed Rule 24e-2 be reconciled with proposed Rule 24f-2 under the 1940 Act (17 CFR 270.24f-2), (which provides for the registration of an indefinite number or amount of securities and the payment of a single fee after the close of the fiscal year).[3] The reconciliation would allow filings pursuant to Rule 24e-2 to be made as desired during a fiscal year, and would require an aggregate annual payment with a single credit (based on the net redemptions during that year) to be made once for each such completed year. We believe that an incorporation of the fee credit concept with the concept of indefinite share registration, if determined to be desirable, could be more appropriately implemented through revision of proposed Rule 24f-2, which is still under consideration.

CONCLUSION

In consideration of the foregoing, Chapter II of Title 17 of the Code of Federal Regulations is hereby amended by the addition of § 2.70.24e-2 as set forth below.

§ 270.24e-2 Computation of fee.

Where a registration statement under the Securities Act of 1933 relating to the securities of an open-end management company or unit investment trust issuing redeemable securities is amended pursuant to section 24(e)(1) so as to increase the amount of securities proposed to be offered thereby,

(a) The fee to be paid at the time of filing of such amendment.

(1) Shall be calculated in the manner specified in Section 6(b) of the Securities Act of 1933 except that, for the purpose of such calculation, the maximum aggregate price at which the securities are proposed to be offered may be deemed to be the maximum aggregate offering price, as determined by Rule 457(c) [17 CFR 230.457(c)] under the Securities Act of 1933, of: (i) the amount of securities (number of shares or other units) being registered reduced by (ii) the amount of securities (number of shares or other units) of the same class redeemed or repurchased by the issuer in its previous fiscal year provided that, when more than one such amendment is filed by an issuer in any one fiscal year, the total amount of securities used for such reductions during any fiscal year in which such reductions are made may not exceed the total amount of securities which were redeemed or repurchased by the issuer during its previous fiscal year,

(2) Shall in no case be less than $100, and

(b) A registrant electing to calculate a filing fee in the manner described in paragraph (a) of this section shall indicate, on the facing sheet of the post-effective amendment, in a footnote to the maximum aggregate offering price shown in the registration fee calculation table:

(1) That the calculation of the maximum aggregate offering price is made pursuant to this section;

(2) The total amount of securities redeemed or repurchased during the previous fiscal year;

(3) The total amount of redeemed or repurchased securities used for reductions pursuant to paragraph (a) of this section in all previous filings of post-effective amendments during the current fiscal year; and

(4) The amount of redeemed or repurchased securities being used for such reduction in the amendment being filed.

* * * * *

(Sec. 6(c), Investment Company Act of 1940) (15 U.S.C. 80a-6(c).)

This rule shall be effective June 27, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 16, 1977.

[FR Doc.77-17768 Filed 6-22-77;8:45 am]

[3] Release No. 33-5724, IC-9347, File No. S7-644; published July 8, 1976 (41 FR 32760, August 5, 1976).

Title 19—Customs Duties

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 210—INVESTIGATIONS OF ALLEGED UNFAIR PRACTICES IN IMPORT TRADE

Requirements for Properly Filed Complaints

AGENCY: United States International Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change will require that each complainant file one additional copy of each patent and file wrapper involved in his requested investigation. This action is needed to provide a copy of each patent and file wrapper for the Commission's advisory attorney. Present rules do not provide the Commission's advisory attorney with such copies. This rule change will solve this problem. At present, the applicable rule provides for a total of three copies of each of the above-referenced documents. Amendment of the agency's rules to require a fourth copy will facilitate the analysis of these materials by the staff of the Commission as well as filing in both the record or docket and a public file.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert M. Seto, Office of the General Counsel, U.S. International Trade Commission, Washington, D.C. 20436, 202-523-0124.

SUPPLEMENTARY INFORMATION: The information available to the Commission indicates that photocopying charges by the Patent and Trademark Office currently do not amount to more than 30 cents per page. The amendment will not have a substantial impact upon potential petitioners, and, accordingly, the Commission is promulgating this amendment as a final rule without providing notice and opportunity for comment. This amendment is effective 30 days after its publication in the FEDERAL REGISTER.

Pursuant to section 335 of the Tariff Act of 1930, as amended (72 Stat. 680, 19 U.S.C. 1335), section 337(b) of the Tariff Act of 1930, as amended (88 Stat. 2054; 19 U.S.C. 1337(b)), and section 603(b) of the Trade Act of 1974 (88 Stat. 2073; 19 U.S.C. 2482(b)), the Commission amends Title 19, Part 210 adding new §§ 210.20(c)(3) and 210.20(c)(4), as follows:

§ 210.20 The complaint.

* * * * *

(c) * * *

(3) One (1) certified copy of the Patent and Trademark Office file wrapper for each involved U.S. patent, plus three (3) additional copies thereof; and

(4) Four (4) copies of each patent and applicable pages of each technical reference mentioned in the file wrapper of each involved U.S. patent.

* * * * *

Issued: June 14, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-17961 Filed 6-22-77;8:45 am]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Application for Entitlement Grants

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule amends the Community Development Block Grant (CDBG) program by establishing a waiver provision to the timing requirements for submission of CDBG applications, A-95 clearinghouse comments, and grantee performance reports. The amendment is necessary to avoid denying funding of entitlement applications due to technical and insubstantial violations of block grant program requirements.

EFFECTIVE DATE: January 1, 1977.

FOR FURTHER INFORMATION CONTACT:

The appropriate HUD Area Office or Gordon H. McKay, Program Standards Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6304.

SUPPLEMENTARY INFORMATION: On March 21, 1977, the Department of Housing and Urban Development published in the FEDERAL REGISTER (42 FR 15400) a final rule setting forth timing requirements for submission of CDBG applications, submission of annual performance reports, and procedures for meeting the requirements of OMB Circular No. A-95. This was preceded by an interim rule published on November 3, 1976, at 41 FR 48476.

Section 570.300(a) provides that "each applicant is required to submit a *complete* application at least 75 days, but not more than 120 days, prior to the end of its program year." (Emphasis added.) The Department's interim regulations on implementation of OMB Circular No. A-95, published September 23, 1976 (41 FR 41874), states that "Community Development Block Grant applications will be considered to be complete by HUD only when they are submitted to HUD along with comments from all appropriate State and areawide clearinghouses or, in lieu of comments, with a statement by the clearinghouse that the clearinghouse has no comment." (24 CFR 52.103(a)). In addition, § 570.306(a)(1)(v) provides that an application will not be accepted unless the applicant's performance report has been submitted in accordance with the timing requirements of the regulations.

HUD has received block grant applications in Fiscal Year 1977 that did not include comments from one or more clearinghouses, or that missed the application deadline by a day or two. Other communities did not submit an annual performance report sufficiently in advance of the application. This amendment will permit HUD to accept an application from such a community where the violation is procedural in nature, would result in an undue hardship on the community and would adversely affect the purposes of the Act.

In light of the fact that § 570.306(c) provides that the 75-day period for HUD review of an application begins when a complete application is received, the 75-day review period will begin only when the requirements for a complete application have been satisfied.

Since it has been determined that immediate action is necessary in order to respond to communities which have recently submitted or will soon submit Fiscal Year 1977 entitlement applications, it is impractical and contrary to the public interest to publish a proposed rule for public comment.

In connection with the environmental review of this amendment, a Finding of Inapplicability has been made under HUD Handbook 1390.1 (38 FR 19182). A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impact of this amendment has been carefully evaluated in accordance with OMB Circular No. A-107.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 7(d) of the HUD Act (42 U.S.C. 3535(d)).)

In consideration of the foregoing, 24 CFR Part 570 is amended by adding a new paragraph (g) to § 570.300 which reads as follows:

§ 570.300 Timing requirements.

* * * * *

(g) *Waivers.* The Secretary may waive any part of this section not required by law whenever it is determined that undue hardship will result from applying the timing requirements of this section and where the application of such requirements would adversely affect the purposes of the Act.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.77-17907 Filed 6-22-77;8:45 am]

JUN 23 1977 UM

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION, AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: These rule changes do the following: (1) restructure the Commission's offense severity classification system; (2) eliminate certain unnecessary review hearings; (3) modify the Commission's internal voting procedures; and (4) formalize several working committees of commissioners. The intended effect of this rule change is to facilitate the classification of different types of offenses and to remove certain inconsistencies which have arisen under the present system.

EFFECTIVE DATES: August 1, 1977, with respect to changes (1) and (2) above, and July 25, 1977, with respect to changes (3) and (4) above.

FOR FURTHER INFORMATION CONTACT:

Michael Stover, Office of the General Counsel, United States Parole Commission (202–724–3092).

SUPPLEMENTARY INFORMATION: On March 10, 1977, the United States Parole Commission published proposed rule changes (at 42 FR 13305), covering its offense severity table at 28 CFR 2.20, the timing and frequency of review hearings at 28 CFR 2.14(e), its internal voting procedurse at 28 CFR 2.24 and 2.27, and the establishment of several working committees of commissioners (a new regulation at 28 CFR 2.59). Public comment was received on all four of these subjects, and will be discussed below.

The Offense Severity Classification System

This rule was adopted substantially as proposed. The principal features of the new offense severity table are: (1) Consolidation and classification of certain offenses as "property offenses"; (2) clarification of the rating of large-scale hard drug offenses; (3) establishment of a category for large-scale marihuana offenses, and a change from dollar amount to weight as a more equitable basis for the rating of marihuana offenses generally; (4) clarification of the term "bribery" to include both offering and accepting; (5) classification of nonviolent escape; (6) clarification of the rating of the offense of breaking and entering of a bank or post office; and (7) the establishment of a method for rating conspiracy offenses according to whether or not the conspiracy involved the commission of the substantive offense.

In addition, the term "organized vehicle theft" in the high severity category was changed to read "theft of motor vehicle for resale" in order to make it consistent with the present rating of "theft of motor vehicle (not multiple theft or for resale)" in the moderate category. It is the intent of the Commission that footnote 4 at § 2.20 will place multiple motor vehicle thefts in the high category. It is also the Commission's intent that the $100,000 upper limit that applies the high category to property offenses in general, will also apply to motor vehicle thefts. Thus, motor vehicle thefts and other property offenses involving more than $100,000 will be placed in the very high severity category. (See 41 FR 5290 (December 2, 1976) for the proposal relating to this rule change.)

Most of the public comment on this proposal related to offenses involving drugs. One attorney and four prisoners felt that cocaine should be equated with marihuana rather than with hard drugs such as heroin. These comments cited recent reports of public opinion and the fact that cocaine, like marihuana, appears to be non-addictive.

Regarding marihuana offenses, three comments suggested that all marihuana severity ratings be lowered based on evolving public perception of its relative harmlessness and the growing accentability of the drug. In particular, these comments felt that the 50 lb. limit in the moderate category is too low, and places in the high category offenses that do not merit the more severe treatment.

In related comments, two prisoners and a private citizen urged the Commission to develop a broader categorization of drug offenses and to establish a category for simple possession of hard drugs similar to the one established for marihuana.

The Commission is aware that considerable public controversy exists in these areas, making its legislative mandate to consider "the public perception of and respect for the law"[1] especially difficult on the subject of drug offenses. The Commission will continue to study available reports on the use and effects of illegal drugs, as well as the public comment and its own experience, and will exercise its statutory discretion to make appropriate changes whenever a sufficient basis, in the Commission's opinion, has been established for such a change. See 41 FR 37316 (September 3, 1976) for an example of such action.

A United States Probation Officer also suggested that the Commission should distinguish between those who import marihuana and those who deal in domestic marihuana, inasmuch as the smuggler is likely to be the more criminally oriented of the two.

One member of the public found that barbiturates were more dangerous than either marihuana or heroin, and urged the Commission to treat such offenses severely. A total of six comments from various sources agreed that it was fairer for the Commission to consider the relative severity of marihuana by weight rather than dollar amount since dollar values fluctuate at different times and locations.

Other comments were addressed to a wide variety of offenses classified at § 2.20. An attorney and a member of the public felt that the severity of bribery offenses (betrayal of the public trust) should be increased from the present moderate category. Regarding property offenses, a member of the public felt that there should be a greatest severity property offense. One prisoner suggested that the dollar amount for property offenses be determined by dividing the total amount by the number of individuals involved. This comment raises a fundamental point. The Commission believes that all accomplices to a crime should take full responsibility for the total amount involved. While each accomplice's share of the proceeds may be limited, none would have obtained a share in the first place without the prior occurrence of the total loss to the victim.

One comment urged a decrease in severity for burglaries of post offices and banks from the very high category, since no individual's life is in jeopardy in the case of such offenses. It should suffice to note that it is the element of sophistication involved in the offense (as qualified in the listed example) which, in the Commission's opinion, justifies the very high severity rating. Another comment suggested that the Commission establish a severity category for illegal wiretapping offenses. However, there are numerous Federal crimes that do not occur with sufficient frequency, in the Commission's experience, to warrant their inclusion as examples of typical offense behavior.

The proposed rating of conspiracy offenses was also criticized for taking into account the possibility that the substantive offense may have been committed as well. The Commission's policy of examining the circumstances behind a conviction (most often when a plea-bargain is involved) for reliable information that the actual offense behavior was more serious than the conviction would reflect, has been approved by several of the U.S. Courts of Appeals. The U.S. Court of Appeals for the Second Circuit in *Billiteri* v. *U.S. Board of Parole*, 541 F. 2d 938 (2d Cir. 1976), specifically suggested (at page 943, footnote 6) that the Commission specify how the crime of conspiracy is to be evaluated in relation to the seriousness of the underlying substantive offense, in the course of an opinion upholding the Commission's policy.

These comments (as well as other more general statements) contained many interesting suggestions, and will be further studied by the Commissioners and the staff with a view toward continued improvement of the offense severity scale.

One comment did address a subject upon which the Commission voted a substantive change from the rule as proposed. The Commission dropped the former rule that made any possession of hard drugs with intent to distribute or sell a greatest severity offense if the prisoner had a previous conviction involving hard drugs. This rule resulted in the anomaly that one prisoner with two convictions for relatively minor sales of hard drugs could be rated in the greatest category, while another prisoner convicted for the first time of a substantial sale of hard drugs could be rated in the very high category. Instead, the Commission voted to impose a $100,000 limit on drug offenses rated in the very high category, placing drug offenses over $100,000 in the greatest category.

[1] House Conference Report No. 94–838, at page 25; Vol. 2, 1976 U.S. Code Cong. and Admin. News, at page 358.

Elimination of One-Third Hearings

The Commission also voted to eliminate the requirement at 28 CFR 2.14(e) for "one-third" hearings. This requirement was imposed by the Commission prior to the passage of the new law. It reflected, at the time, the lack of any statutory pronouncement as to when, or how often, the Commission should review the case of a prisoner sentenced under (the former) 18 U.S.C. 4208(a)(2), when parole had been considered and denied during the first few months of confinement. A number of courts had reached the conclusion that "meaningful parole consideration" would not be accorded such a prisoner until he had been given an opportunity, prior to the one-third point of his sentence, to demonstrate a record of institutional good conduct. The reasoning was that if such consideration were delayed beyond the one-third point of the sentence, there would be no difference (or a worse difference) between the imposition of a section 4208(a)(2) sentence (with its provision for early parole eligibility) and a "regular adult" sentence (under which a prisoner is ineligible for parole until one-third of his sentence, but does receive an initial hearing at a time when he can demonstrate a period of good conduct). Much of this reasoning turned on the unresolvable issue of just how much weight Congress originally intended the Commission to give to institutional behavior as a valid predictor of parole risk, in the context of a section 4208(a)(2) sentence.

On March 14, 1976, the Parole Commission and Organization Act went into effect. At 18 U.S.C. 4208(h) (1) and (2), the Act sets forth a definite standard for continual review applicable to all types of sentences. In the case of sentences of seven years or less, a prisoner denied parole must be reviewed at least every 18 months. In the cases of longer sentences, 24 months is the rule. The Congress did not adopt the "one-third" rule, and during the past year, the Commission has studied its experience to determine whether compliance with the provisions of section 4208(h) (1) and (2) obviates the need for the "one third" rule. The Commission concluded that it does.

Not only did Congress take a broader view of the problem (ensuring review for prisoners denied parole beyond the one-third point as well), Congress also made it clear that the review hearing fulfills a strictly limited role:

> It is the intent of the Conferees that all of the items which bear upon the parole decision are considered at the initial determination proceeding but that subsequent proceedings required by this section (section 4208(h)) focus upon those items which have changed, in the intervening time. (House Conference Report No. 94–838, at page 30; Vol. 2, 1976 U.S. Code Cong. and Admin. News, at page 363.)

One prisoner's comment pointed to the crux of the problem when it stated that elimination of the hearings would be acceptable only if the consideration given at the initial hearing were strengthened. This is precisely what the Commission intends to accomplish by the elimination of numerous review hearings which have not produced the substantive results (in terms of changed decisions) that would justify the diversion of so much effort from the stage of the proceedings that is most crucial to the prisoner. Moreover, the Commission believes that additional review in the case of a prisoner denied parole is accomplished as well through the statutory review hearings required by 18 U.S.C. 4208(h) (1) and (2), as through the "one-third" rule, and that, on balance, there is not an effective difference for most prisoners between the two schemes.

One remaining issue was pointed out in the public comment. The concern was expressed that the 18 month statutory review rule would give small benefit to prisoners receiving short "indeterminate" sentences (e.g., two years). The only opportunity for these prisoners to be paroled would be at an initial hearing conducted only three or four months after confinement has begun. The Commission believes that Congress intended this result. There is little reason to assume the probability of a significant change in circumstances occurring at some fractional point of a short sentence; only with longer sentences does the probability of such a change justify continuous review. Moreover, the Commission's criteria for parole consideration expressly assume continued good behavior, so that a prisoner is not penalized for being unable to show a record of good conduct at the initial parole hearing. In the extraordinary case, §§ 2.15 and 2.28 permit the reopening of a previous decision.

Finally, a delay of one year after passage of the Act before the elimination of the "one third" hearing should accommodate those judges who imposed short section 4208(a)(2) sentences with the expectation that a second parole hearing would be given prior to the one-third point. (The statutory system should automatically accommodate such expectations in the case of longer sentences, since in those cases the required review hearing will fall close to or before, the one third point.) Insofar as sentences imposed under the new law are concerned, the Commission believes that the Congressional intent with regard to review hearings has been expressed with sufficient clarity to prevent misunderstanding as to the effect of imposing a sentence pursuant to the new 18 U.S.C. 4205(b)(2).

The rule change will be prospective only, that is, prisoners now continued for one-third hearings will receive their hearings as scheduled, but prisoners initially heard after August 1, 1977, will not be continued for one-third hearings.

Changes in the Voting Procedures

(A) Two comments were received on the proposal to increase the authority of a Regional Commissioner to modify continuances. This change was originally proposed as a new paragraph (c) to § 2.24, but is adopted as a subparagraph (2) to § 2.24(b). One prisoner felt that it would be preferable to have the concurrence of another Commissioner in such a case to ensure fairness. Another prisoner suggested that if the authority were to be given as proposed, authority should be given to the Regional Commissioner to make referrals only (with no vote) in those cases falling within § 2.24(a). The Commission has adopted the rule as amended, with an additional clarification in § 2.24(b)(1). As used in the rule as amended, the term "modify" will mean the lengthening or shortening of a continuance or a parole date, but not the changing of a grant to a denial vice versa. Therefore, §2.24(b)(1) was amended to permit the Regional Commissioner to "modify or reverse" a decision, and amendment of form rather than substance, since this was the Commission's former definition of the term "modify" as used in that paragraph.

(B) One comment (favorable) was received on the subject of removing the restriction on Chairman's vote in original jurisdiction appeals. This comment also suggested that the Regional Commissioner not vote in such appeals.

Appointment of Committees

The sole comment on this proposal came from a member of the public who urged the Commission to have individuals not associated with the Commission to be placed on these committees in order to receive an outsider's point of view. The Commission does consider it important to solicit the views of non-members (judges, correctional authorities, and others) but considers that their participation in these committees would be inappropriate inasmuch as these are working committees of voting members of the Commission, rather than investigative bodies.

Conclusion

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR Chapter 1, Part 2, is amended as set forth below. The effective date of amendments (1) and (2) will be August 1, 1977 (in order that the changes do not take effect during parole hearing dockets); the effective date of amendments (3) and (4) will be thirty days from the date of this publication, or July 25, 1977.

Dated: June 17, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

1. Section 2.20 is amended by revising the table as follows:

JUN 23 1977 UM

§ 2.20 Paroling policy guidelines; statement of general policy.

(a) To establish a national paroling policy, promote a more consistent exercise of discretion, and enable fairer and more equitable decision-making without removing individual case consideration, the United States Parole Commission has adopted guidelines for parole release consideration.

(b) These guidelines indicate the customary range of time to be served before release for various combinations of offense (severity) and offender (parole prognosis) characteristics). The time ranges specified by the guidelines are established specifically for cases with good institutional adjustment and program progress.

(c) These time ranges are merely guidelines. Where the circumstances warrant, decisions outside of the guidelines (either above or below) may be rendered.

(d) The guidelines contain examples of offense behaviors for each severity level. However, especially mitigating or aggravating circumstances in a particular case may justify a decision or a severity rating different from that listed.

(e) An evaluation sheet containing a "salient factor score" serves as an aid in determining the parole prognosis (potential risk of parole violation). However, where circumstances warrant, clinical evaluation of risk may override this predictive aid.

(f) Guidelines for reparole consideration are set forth at § 2.21.

(g) The Commission shall review the guidelines, including the salient factor score, periodically and may revise or modify them at any time as deemed appropriate.

Adult—Guidelines for decisionmaking, customary total time to be served before release (including jail time)

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
Low: Escape (open institution or program (e.g., CTC, work release)—absent less than 7 d). Marihuana or soft drugs, simple possession (small quantity for own use). Property offenses (theft or simple possession of stolen property) less than $1,000.	6 to 10 mo..	8 to 12 mo...	10 to 14 mo..	12 to 18 mo.
Low moderate: Alcohol law violations. Counterfeit currency (passing/possession less than $1,000). Immigration law violations. Income tax evasion (less than $10,000). Property offenses (forgery/fraud/theft from mail/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property with intent to resell) less than $1,000. Selective Service Act violations.	8 to 12 mo..	12 to 16 mo..	16 to 20 mo.	20 to 28 mo.
Moderate: Bribery of a public official (offering or accepting). Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: Marihuana, possession with intent to distribute/sale (small scale (e.g., less than 50 lbs)). "Soft drugs", possession with intent to distribute/sale (less than $500). Escape (secure program or institution, or absent 7 d or more—no fear or threat used). Firearms Act, possession/purchase/sale (single weapon: not sawed-off shotgun or machine gun). Income tax evasion ($10,000 to $50,000). Mailing threatening communication(s). Misprision of felony. Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) $1,000 to $19,999. Smuggling/transporting of alien(s). Theft of motor vehicle (not multiple theft or for resale).	12 to 16 mo..	16 to 20 mo..	20 to 24 mo..	24 to 32 mo.
High: Counterfeit currency (passing/possession $20,000 to $100,000). Counterfeiting (manufacturing). Drugs: Marihuana, possession with intent to distribute/sale (medium scale (e.g., 50 to 1,999 lb.)). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000). Explosives, possession/transportation. Firearms Act, possession/purchase/sale (sawed-off shotgun(s), machine gun(s), or multiple weapons). Mann Act (no force—commercial purposes). Theft of motor vehicle for resale. Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) $20,000 to $100,000:	16 to 20 mo..	20 to 26 mo..	26 to 34 mo..	34 to 44 mo.
Very high: Robbery (weapon or threat). Breaking and entering (bank or post office-entry or attempted entry to vault).				

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
Drugs: Marihuana, possession with intent to distribute/sale (large scale (e.g., 2,000 lb or more)). "Soft drugs", possession with intent to distribute/sale (over $5,000). "Hard drugs", possession with intent to distribute/sale (not exceeding $100,000). Extortion. Mann Act (force). Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) over $100,000 but not exceeding $500,000. Sexual act (force).	26 to 36 mo..	36 to 48 mo..	48 to 60 mo..	60 to 72 mo.
Greatest: Aggravated felony (e.g., robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking. Drugs: "Hard drugs", possession with intent to distribute/sale (in excess of $100,000). Espionage. Explosives (detonation). Kidnapping. Willful homicide.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

Youth and NARA—Guidelines for decisionmaking, customary total time to be served before release (including jail time)

Low: Escape (open institution or program (e.g., CTC, work release)—absent less than 7 d). Marihuana or soft drugs, simple possession (small quantity for own use). Property offenses (theft or simple possession of stolen property) less than $1,000.	6 to 10 mo...	8 to 12 mo...	10 to 14 mo..	12 to 18 mo.
Low moderate: Alcohol law violations. Counterfeit currency (passing/possession less than $1,000). Immigration law violations. Income tax evasion (less than $10,000). Property offenses (forgery/fraud/theft from mail/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property with intent to resell) less than $1,000. Selective Service Act violations.	8 to 12 mo...	12 to 16 mo..	16 to 20 mo..	20 to 26 mo.
Moderate: Bribery of a public official (offering or accepting). Counterfeit currency (passing/possession $1,000 to $19,999). Drugs: Marihuana, possession with intent to distribute/sale (small scale (e.g., less than 50 lb)). "Soft drugs", possession with intent to distribute/sale (less than $500). Escape (secure program or institution, or absent 7 d or more—no fear or threat nsed). Firearms Act, possession/purchase/sale (single weapon: not sawed-off shotgun or machine gun). Income tax evasion ($10,000 to $50,000). Mailing threatening communication(s). Misprision of felony. Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) $1,000 to $19,999. Smuggling/transporting of alien(s). Theft of motor vehicle (not multiple theft or for resale).	9 to 13 mo...	13 to 17 mo..	17 to 21 mo..	21 to 28 mo.
High: Counterfeit currency (passing/possession $20,000 to $100,000). Counterfeiting (manufacturing). Drugs: Marihuana, possession with intent to distribute/sale (medium scale (e.g., 50 to 1,999 lb)). "Soft drugs", possession with intent to distribute/sale ($500 to $5,000). Explosives, possession/transportation. Firearms Act, possession/purchase/sale (sawed-off shotgun(s), machine gun(s), or multiple weapons). Mann Act (no force—commercial purposes). Theft of motor vehicle for resale. Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) $20,000 to $100,000.	12 to 16 mo..	16 to 20 mo..	20 to 26 mo..	26 to 32 mo.
Very high: Robbery (weapon or threat). Breaking and entering (bank or post office—entry or attempted entry to vault).				

V 42 N 121 JUN 23 77 UM

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognosis (salient factor score)			
	Very good (11 to 9)	Good (8 to 6)	Fair (5 to 4)	Poor (3 to 0)
Drugs: Marihuana, possession with intent to distribute/sale (large scale (e.g., 2,000 lb or more)). "Soft drugs", possession with intent to distribute/sale (over $5,000). "Hard drugs", possession with intent to distribute/sale (not exceeding $100,000). Extortion. Mann Act (force). Property offenses (theft/forgery/fraud/embezzlement/interstate transportation of stolen or forged securities/receiving stolen property) over $100,000 but not exceeding $500,000. Sexual act (force).	20 to 27 mo..	27 to 34 mo..	31 to 41 mo.	41 to 48 mo.
Greatest: Aggravated felony (e.g., robbery, sexual act, aggravated assault)—weapon fired or personal injury. Aircraft hijacking. Drugs: "Hard drugs", possession with intent to distribute/sale (in excess of $100,000). Espionage. Explosives (detonation). Kidnapping. Willful homicide.	(Greater than above—however, specific ranges are not given due to the limited number of cases and the extreme variations in severity possible within the category.)			

NOTES

1. These guidelines are predicated upon good institutional conduct and program performance.
2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.
3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.
4. If an offense behavior involved multiple separate offenses, the severity level may be increased.
5. If a continuance is to be given, allow 30 days (1 month) for release program provision.
6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes. "Soft drugs" include, but are not limited to, barbiturates, amphetamines, LSD, and hashish.
7. Conspiracy shall be rated for guideline purposes according to the underlying offense behavior if such behavior was consummated. If the offense is unconsummated, the conspiracy will be rated one step below the consummated offense.

Salient factor score

Item A ☐
No prior convictions (adult or juvenile)=3.
1 prior conviction=2.
2 or 3 prior convictions=1.
4 or more prior convictions=0.

Item B ☐
No prior incarcerations (adult or juvenile)=2.
1 or 2 prior incarcerations=1.
3 or more prior incarcerations=0.

Item C ☐
Age at first commitment (adult or juvenile):
(26 or older)=2.
(18 to 25)=1.
(17 or younger)=0.

Item D ☐
Commitment offense did not involve auto theft or check(s)=1
Otherwise=0.

Item E ☐
Never had parole revoked or been committed for a new offense while on parole, and not a probation violator this time=1.
Otherwise=0.

Item F ☐
No history of heroin or opiate dependence=1.
Other=0.

Item G ☐
Verified employment (or full-time school attendance) for a total of at least 6 mo during the last 2 yr in the community=1.
Otherwise=0.

Total score ☐

§ 2.14 [Amended]

2. Section 2.14 is amended by deleting paragraph (e).

3. Section 2.24 is amended by revising paragraph (b) as follows:

§ 2.24 Review of panel recommendation by the Regional Commissioners.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section, a Regional Commissioner may:

(1) On the motion of the Administrative Hearing Examiner, modify or reverse the recommendation of a hearing examiner panel that is outside the guidelines to bring the decision closer to (or to) the nearer limit of the appropriate guideline range; or

(2) On his own motion, modify the recommendation of a hearing examiner panel to bring the decision to a date not to exceed six months from the date recommended by the examiner panel.

4. Section 2.27(a) is revised as follows:

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the entry of the decision on a form provided for this purpose. Attorneys, relatives, and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appeals Board analyst, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537. Appeals of original jurisdiction cases shall be reviewed by the Commission at its next regular meeting. A quorum of five Commissioners shall be required and all decisions shall be by majority vote. This appellate decision shall be final.

* * * * * *

5. Section 2.59 is added as follows:

§ 2.59 Appointment of committees.

The Chairman shall appoint four permanent committees, as follows: (a) Policy, (b) budget, (c) personnel and training, (d) research, and in addition such ad hoc committees as may from time to time be approved by a majority of the Commissioners, to study, review, and recommend to the Commission and Chairman regarding policies and procedures of the Commission. Such Committees shall be appointed from among the Commissioners.

Dated: June 17, 1977.

CURTIS C. CRAWFORD,
Acting Chairman,
U.S. Parole Commission.

[FR Doc.77-17869 Filed 6-22-77;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 261—PROHIBITIONS

Motors and Motorized Equipment in the Middle Fork Feather Wild River Zones; Calif.

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation prohibits possessing or using motors or motorized equipment in the Middle Fork Feather Wild River Zones except on the Stag Point and Sleghorn Bar Trails or when authorized by a permit. Violating a term or condition of such a permit is also prohibited. Identical prohibitions have been in effect under an interim regulation since May 13, 1977 which would expire on August 13, 1977. This regulation will instead make those prohibitions permanent.

EFFECTIVE DATE: June 23, 1977.

ADDRESS: Apply for permits or send inquiries to: Forest Supervisor, Plumas National Forest, 159 Lawrence Street, Quincy, California 95971.

FOR FURTHER INFORMATION CONTACT:

Miles Gulick, telephone 916–283–2050.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A notice of proposed rulemaking was published in the FEDERAL REGISTER on May 13, 1977 (42 FR 24290). The preamble to that notice sets forth in full the reasons why it is necessary to regulate the use of all types of motors and motorized equipment in the Middle Fork Feather Wild River Zones. The preamble also stated in detail why existing prohibitions were inadequate for this purpose. Interested persons were allowed until June 13, 1977 to submit written comments on the proposal. No comments have been received.

PENALTY FOR VIOLATION

Any violation of this regulation shall be punished by a fine of not more than $500 or imprisonment for not more than six months or both. See 16 U.S.C. 551 and 1281(d).

ADOPTION OF PERMANENT REGULATION

In consideration of the foregoing and pursuant to 36 CFR 261.70 and the authority delegated to me at 42 FR 3009, in order to establish reasonable rules of public conduct and protect property and public safety, the proposed amendment to 36 CFR 261.75 is adopted without change as set forth below.

DOUGLAS R. LEISZ,
Regional Forester,
California Region.

§ 261.75 Regulations applicable to Region 5, California Region, as defined in § 200.2.

(a) *Definitions.* In this section: (1) "Middle Fork of the Feather River" means the river and land area in or adjacent to Plumas National Forest described as the "River Area" in the notice at 35 FR 4219 or any amendment to that notice.

(2) "Motorized equipment" means any equipment having or using an engine or motor, except small battery-powered handheld devices such as cameras, shavers, flashlights, and Geiger counters.

(3) "Wild river zone" means the area described as the Bald Rock Canyon Wild River Zone or as the Upper Canyon Wild River Zone in the notice at 35 FR 4219 or any amendment to that notice.

(b) *Prohibitions.* (1) Possessing or using motorized equipment in the wild river zone of the Middle Fork of the Feather River, except on the Stag Point Trail or the Cleghorn Bar Trail, is prohibited.

(2) Paragraph (b)(1) of this section does not apply to any equipment authorized by a permit from the Forest Supervisor, Plumas National Forest, containing such terms and conditions as he considers necessary for the protection or preservation of the wild river zone or the health, safety or welfare of its users. Violation of any term or condition of such a permit is prohibited.

(30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); Sec. 10(d), Pub. L. 90-542; 82 Stat. 916 (16 U.S.C. 1281(d)); 35 FR 4219; 42 FR 2968, 7 CFR 2.60; 42 FR 2960, 36 CFR 261.70; 42 FR 3009.)

[FR Doc.77-17909 Filed 6-22-77;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 29—TRANS-ALASKA PIPELINE LIABILITY FUND

Establishment of Non-Profit Corporation

AGENCY: Department of the Interior, Office of the Secretary.

ACTION: Final Rulemaking.

SUMMARY: The United States Department of the Interior, in order to implement section 204(c) of the Trans-Alaska Pipeline Authorization Act, 43 U.S.C. 1653(c) (the Trans-Alaska Pipeline Liability Fund), hereby adopts final regulations pursuant to the Act for the purpose of establishing a nonprofit corporate entity to be strictly liable without regard to fault for all damages sustained by any person or entity as a result of discharges of oil from vessels engaged in the transportation of oil from the terminal facilities of the Trans-Alaska Pipeline to a port under the jurisdiction of the United States. Specifically, the contents of these final regulations include directives for establishing, supervising, and administering the Trans-Alaska Pipeline Liability Fund within the requirements of section 204(c) of the Act.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

W. Pierce Elliott, Office of the Solicitor, Department of the Interior, Division of Energy and Resources, Branch of International Law, 18th and C Streets NW., Washington, D.C. 20240 (202–343–4506).

SUPPLEMENTARY INFORMATION: Proposed regulations were originally published in the FEDERAL REGISTER on January 19, 1977 (42 FR 3660). In response to comments received on the initial publication, significant changes were made in the proposed regulations and they were published for comment again on May 24, 1977 (42 FR 26441). A number of helpful comments were submitted in response to both publications and the Department of the Interior would like to express its gratitude to each agency, organization, and individual who took the time to comment.

The most important change made in response to the most recent set of comments deals with § 29.7(a) of the regulations, which defines the limits of strict liability. Section 204(c)(1) of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. Sec. 1653(c)(1)) states:

> Notwithstanding the provisions of any other law, if oil that has been transported through the Trans-Alaska Pipeline System is *loaded on a vessel at the terminal facilities of the pipeline*, the owner and operator of the vessel (jointly and severally) and the Trans-Alaska Pipeline Liability Fund established by this subsection, shall be strictly liable without regard to fault in accordance with the provisions of this subsection for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as the result of discharges of oil from *such vessel*. (Emphasis added.)

Section 204(c)(7) (43 U.S.C. Sec. 1653(c)(7)), appears to contradict this language.

> The provisions of this subsection shall apply only to vessels engaged in transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States. *Strict liability under this subsection shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.* (Emphasis added.)

The first quoted paragraph appears to limit the imposition of strict liability to the first vessel "loaded * * * at the terminal facilities of the pipeline." That is, were oil from that vessel trans-loaded onto another vessel, strict liability coverage would cease at the point of transloading. If a spill were to occur thereafter, the money authorized by the Act for reimbursement of damages and clean-up would not be available. However the second-quoted provision states that strict liability continues until "the oil has first been brought ashore at a port under the jurisdiction of the United States."

Since the Department of the Interior is charged with the implementation of the Trans-Alaska Liability Fund, and therefore with the interpretation of Section 204(c) of the Act, it has a duty to clarify this apparent inconsistency. For two reasons, the Department interprets Section 204(c) to impose strict liability on vessels engaged in any segment of transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States, which vessels are carrying oil that has been transported through the trans-Alaska pipeline system. First, Section 204(c)(7) speaks directly to the question of when strict liability terminates, and it states that "(s)trict liability * * * shall cease when the oil has first been *brought ashore*" at a United States port. Second, the clear intention of Congress in passing Section 204(c) and in creating the Fund was to provide compensation to parties damaged by spills of Alaskan oil regardless of whether the oil is transloaded before it reaches a United States port.

Another comment was directed at § 29.7(d) of the regulations which deals with the demonstration of financial responsibility. The Trans-Alaska Pipeline Authorization Act (Section 204(C)(3)) requires that vessel owners and operators demonstrate financial responsibility "in accordance with the provisions of Section 311(p) of the Federal Water Pollution Control Act * * *." This section of the Act is somewhat unclear because certificates of financial responsibility obtained under the Federal Water Pollution Control Act provisions would not cover the same risks as those imposed by the Trans-Alaska Pipeline Authorization Act. As a result of discussions between the Department of the Interior and the Federal Maritime Commission, the agency charged with the implementation of the relevant portions of Section 311(p) of the Federal Water Pollution Control Act, it was decided that the Federal Maritime Commission should clarify this ambiguity by promulgating regulations for the issuance of certificates of financial responsibility specifically for liability under the Trans-Alaska Pipeline Authorization Act. Proposed regulations were published in the FEDERAL REGISTER on June 15, 1977 (42 FR 30584) and further inquiries and comments in this matter are directed to the Federal Maritime Commission contact denominated in that publication.

Finally, a comment was directed to the termination provisions of the regulations, § 29.13. It was suggested that since the five cents per barrel fee used to finance the Fund will be collected from the owners of the oil at the time it is loaded onto vessels at the terminal facilities of the pipeline, the fees should be returned to the owners when liquidation of the Fund's assets is accomplished. There is no provision in the Trans-Alaska Pipeline Authorization Act regarding disposition of the Fund's as-

sets upon its dissolution. Congress is now considering legislation dealing with this question. Accordingly, the regulations have not been changed in this regard.

Because oil is now being, or will shortly be, put into the Trans-Alaska pipeline for its journey across Alaska to be loaded onto vessels at the terminal facilities at Valdez, the Secretary of the Department of the Interior believes, and hereby finds, that it is in the public interest for these regulations to become final upon publication. The necessity of having the Trans-Alaska Pipeline Liability Fund in full operation by the time oil is first loaded at Valdez is hereby found to be good cause for this action under the provisions of the Administrative Procedures Act (5 U.S.C. Sec. 553(d)).

JAMES A. JOSEPH,
Under Secretary,
Department of the Interior.

JUNE 21, 1977.

43 CFR Part 29 is added as follows:

Sec.
29.1 Definitions.
29.2 Creation of the Fund.
29.3 Fund administration.
29.4 General powers.
29.5 Officers and employees.
29.6 Financing, accounting and audit.
29.7 Imposition of strict liability.
29.8 Notification and advertisement.
29.9 Claims, settlement and adjudication.
29.10 Subrogation.
29.11 Investment.
29.12 Borrowing.
29.13 Termination.

AUTHORITY: Sec. 204(c), Trans-Alaska Pipeline Authorization Act, 43 U.S.C. 1653 (c): Sections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act, 33 U.S.C. 1321(p) (1), (2).

§ 29.1 Definitions.

As used in this part:

(a) Act means the Trans-Alaska Pipeline Authorization Act, Title II of P.L. 93-153, 43 U.S.C. Secs. 1651 et seq.

(b) "Affiliate" means:

(1) Any person owned or effectively controlled by the vessel owner or operators; or

(2) Any person that effectively controls or has the power to effectively control the vessel owner or operator by—

(i) Stock interest, or

(ii) Representation on a board of directors or similar body, or

(iii) Contract or other agreement with other stockholders, or

(iv) Otherwise, or

(3) Any person which is under common ownership or control with the vessel owner or operator.

(c) "Claim" means a demand in writing for damages recoverable under this Part.

(d) "Damage" or "damages" means any economic loss, arising out of or directly resulting from an incident, including but not limited to:

(1) Removal costs.

(2) Injury to, or destruction of, real or personal property.

(3) Loss of use of real or personal property.

(4) Injury to, or destruction of, natural resources.

(5) Loss of use of natural resources.

(6) Loss of profits or impairment of earning capacity due to injury or destruction of real or personal property or natural resources, including loss of subsistence hunting, fishing and gathering opportunities.

(7) Loss of tax revenue for a period of one year due to injury to real or personal property.

(e) "Fund" means the Trans-Alaska Pipeline Liability Fund established as a non-profit corporate entity by Sec. 204 (c)(4) of the Trans-Alaska Pipeline Authorization Act.

(f) "Guarantor" means the person, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator, and includes an underwriter, insurer or surety company.

(g) "Incident" means any occurrence, or series of occurrences, which causes a discharge of oil from a vessel.

(h) "Oil" means petroleum in any form.

(i) "Operator of the pipeline" means the person or persons to whom payments are made for the costs of transportation of oil through the Trans-Alaska Pipeline System.

(j) "Owner" means, in the case of oil, the owner of the oil at the time that such oil is loaded on a vessel at the terminal facilities of the pipeline.

(k) "Owner or Operator" means, in the case of a vessel, any person owning, operating, or chartering by demise such vessel.

(l) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or a Government entity.

(m) "Person in Charge" means the individual immediately responsible for the operations of a vessel.

(n) "Permittees" means the holders of the Pipeline right-of-way for the Trans-Alaska Pipeline System and includes the Amerada Hess Pipeline Company, ARCO Pipe Line Company, BP Pipelines Inc., Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Petroleum Company, Sohio Pipe Line Company, Union Alaska Pipeline Company, and successors in interest to any one or more of the aforenamed companies.

(o) "Pipeline" means any pipeline in the Trans-Alaska Pipeline System.

(p) "Secretary" means the Secretary of the Interior or his authorized representatives.

(q) "Terminal facilities" means those facilities of the Trans-Alaska Pipeline System at which oil is taken from the pipeline and loaded on vessels or placed in storage for future loading onto vessels.

(r) "Trans-Alaska Pipeline System" or "System" means any pipeline or terminal facilities constructed by the Permittees under the authority of the Act.

(s) "United States" includes the various States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, the Trust Territory of the Pacific Islands.

(t) "Vessel" means any type of watercraft or other artificial contrivance, used or capable of being used as a means of transportation on water, which is engaged in any segment of transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States, and which is carrying oil that has been transported through the Trans-Alaska Pipeline System.

§ 29.2 Creation of the Fund.

(a) The Trans-Alaska Pipeline Liability Fund was created by the Act as a non-profit corporation to be administered by the holders of the Trans-Alaska Pipeline right-of-way under regulations prescribed by the Secretary.

(b) The Fund shall take all steps necessary to carry out its responsibilities under the Act, including registering or otherwise qualifying to do business in all states and territories of the United States that it may reasonably be expected to do business in.

(c) The Fund shall be subject to the provisions of the Act, these implementing regulations, and, to the extent consistent with the Act and regulations, to the laws and regulations of the states in which it is registered to do business.

(d) The right to repeal, alter, or amend these regulations is expressly reserved.

§ 29.3 Fund administration.

(a) The Fund shall be administered by a Board of Trustees designated by the Permittees and the Secretary as provided in paragraph (b) of this section.

(b) (1) The Board of Trustees shall be comprised of one member designated by each Permittee and three members designated by the Secretary. At least one member designated by the Secretary shall be chosen from persons nominated by the Governor of the State of Alaska. Each member shall serve for a period of three years and may succeed himself. Each member shall have the right to one vote. If additional persons become holders of rights-of-way, each such additional Permittee shall have the right to designate a trustee, and if any holder of right-of-way sells his interest in such right-of-way, such holder's designated trustee shall resign from the Board. The Board shall elect by a majority vote a Chairman and a Secretary annually.

(2) Where any activity of the Fund creates a conflict of interest, or the appearance of a conflict of interest, on the part of any member of the Board of Trustees, the member involved shall excuse himself or herself from any consideration of such activity by the Board of Trustees.

(c) If at any time there is a tie vote in the consideration of any matter by the Board of Trustees, the member designated by the Secretary with longest service on the Board shall break the tie by voting twice.

(d) The Board of Trustees by a majority vote shall select an Administrator to direct the day-to-day operations of the Fund.

(e) The Board of Trustees shall hold meetings every six months, or more frequently when necessary to consider pressing matters, including pending claims under § 29.9.

§ 29.4 General powers.

The Fund shall have such powers as may be necessary and appropriate for the exercise of the powers herein specifically and impliedly conferred upon the Fund and all such incidental powers as are customary in non-profit corporations generally, including but not limited to the following:

(a) By resolution of the Board of Trustees, the Fund shall adopt a corporate seal.

(b) The Fund may sue and be sued in its corporate name and may employ counsel to represent it.

(c) The Fund shall be a resident of the State of Alaska with its principal place of business in Alaska, and the Board of Trustees shall establish a business office or offices as deemed necessary for the operation of the Fund.

(d) The Fund shall designate an agent to receive service of process in each state where there is a likelihood of damages resulting from the discharge of oil from a vessel transporting oil between the terminal facilities of the Pipeline and a port under the jurisdiction of the United States. Designation of state attorneys general is sufficient for this purpose, where state law permits such designation.

(e) The Board of Trustees of the Fund, by a majority of those present and voting, shall adopt and may amend and repeal by-laws governing the performance of its statutory duties.

(f) The Fund shall do all things necessary and proper in conducting its activities as Trustee including (1) receipt of fee collections pursuant to Section 204 (c)(6) of the Act; (2) payment of costs and expenses reasonably necessary to the administration of the Fund as well as costs required to satisfy claims against the Fund; (3) investment of all sums not needed for administration and the satisfaction of claims in income producing securities as hereinafter provided; and (4) seeking recovery of any monies to which it is entitled as subrogee under circumstances set forth in Section 204(c) (8) of the Act.

(g) The Fund shall determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid. The Board of Trustees shall establish an annual budget, subject to the approval of the Secretary.

(h) All costs and expenses reasonably necessary to the administration of the Fund, including costs and expenses incident to the termination, settlement, or payment of claims, are properly chargeable as expenses and payable out of fees or other income of the Fund.

§ 29.5 Officers and employees.

(a) The Administrator is the Chief Executive Officer of the Fund and is responsible for carrying out all executive and administration functions as authorized by the Board of Trustees in accordance with the Act, including the receipt and verification of fees collected from Owners of oil pursuant to § 29.6(a), the investment of Fund assets in securities according to guidelines approved by the Board of Trustees and the Secretary, and the disbursement of such assets in payment of expenses and approved claims.

(b) The Fund may employ such other persons as may be necessary to carry out its functions.

§ 29.6 Financing, accounting, and audit.

(a) (1) The Operator of the pipeline shall collect a fee of five cents per barrel from the Owner of the oil at the time it is loaded on a vessel at the terminal facilities of the pipeline. Such fees shall be transferred forthwith to the Fund for receipt and verification by the Administrator. Collection of fees shall cease at the end of the month following the month in which $100,000,000 has been accumulated in the Fund from any source. Collection of fees shall be resumed when the accumulation falls below $100,000,000. The Administrator shall notify the pipeline carriers by the fifteenth of the month whether fees are to be collected during the following month.

(2) The value of the Fund shall be the current market value of the Fund on the day at the end of each month, or other agreed upon accounting period, when the value is to be determined.

(b) Costs of administration shall be paid from the money received by the Fund, and all sums not needed for administration and the satisfaction of claims shall be invested in accordance with § 29.11. The interest on and the proceeds from the sale of any obligations held in the Fund shall be credited to and form a part of the Fund. Income from such securities shall be added to the principal of the Fund if not used for costs of administration or settlement of claims.

(c) At the end of each month, or other agreed upon accounting period, the Operator of the pipeline shall provide the Fund with a statement of the respective volumes of crude oil transported by the Operator of the pipeline and delivered to vessels, the amount of fees charged and collected, and the Owners from whom such fees were collected. The Administrator shall provide a copy of the statement to the Owners, and to the State of Alaska.

(d) The Fund shall undertake an annual accounting.

(e) The Fund shall be audited annually by the Comptroller General, in coordination with the Administrator and the Secretary. Authorized representatives of the Comptroller General and the Secretary shall have complete access, for purposes of the audit or otherwise, to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Fund and they shall be afforded full facilities for verifying, among other things, transactions with the balances on securities held by depositories, fiscal agents, and custodians. A report of each audit made by the Comptroller General shall be submitted to the Congress.

§ 29.7 Imposition of strict liability.

(a) Notwithstanding the provisions of any other law, where a vessel is engaged in any segment of transportation between the terminal facilities of the pipeline and ports under the jurisdiction of the United States, and is carrying oil which has been transported through the Trans-Alaska Pipeline System, the owner and operator of the vessel (jointly and severally), and the Fund established by Section 204(c) of the Act, shall be strictly liable without regard to fault in accordance with that section for all damages, including clean-up costs, sustained by any person or entity, public or private, including residents of Canada, as a result of any discharge of oil from such vessel. Strict liability under this section shall cease when the oil has first been brought ashore at a port under the jurisdiction of the United States.

(b) Strict liability shall not be imposed under this Part if the owner or operator of the vessel, or the Fund, can prove that the damages were caused by an act of war or by the negligence of the United States or other governmental agency. Strict liability shall not be imposed under the Act with respect to the claim of a damaged party if the owner or operator of the vessel, or the Fund, can prove that the damage was caused by the negligence of such damaged party.

(c) Strict liability for all claims arising out of any one incident shall not exceed $100,000,000. The owner and operator of the vessel shall be jointly and severally liable for the first $14,000,000 of such claims that are allowed. The Fund shall be liable for the balance of the claims that are allowed up to $100,000,000. If the total claims allowed exceed $100,000,000, they shall be reduced proportionately. The unpaid portion of any claim may be asserted and adjudicated under other applicable Federal or State law.

(d) (1) Each owner or operator of a vessel shall obtain from the Federal Maritime Commission a "Certificate of Financial Responsibility (Alaska Pipeline)" demonstrating compliance with the provisions of Section 311(p) of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1321(p)), and regulations promulgated pursuant to such Act (46 CFR Part 543). Notwithstanding inconsistent language in such Act, financial responsibility in the amount of $14,000,000 for all such vessels must be established.

(2) The certificate obtained in accordance with this subsection shall be carried on board the vessel, and a copy shall be filed with the Fund. No oil may be loaded on any vessel which has not been issued a valid certificate which is still in effect at the time of loading.

§ 29.8 Notification and advertisement.

(a) The person in charge of a vessel, as soon as he has knowledge of an incident in which the vessel is involved, shall immediately notify the Fund of the incident using the fastest available method of communication. Notification under this section is in addition to any notification required of the owner or operator of the vessel under Section 311 (b)(5) of the Federal Water Pollution Control Act Amendments of 1972 and the regulations of the U.S. Coast Guard promulgated pursuant to such Act (33 CFR 153.203).

(b)(1) When the Fund receives information, pursuant to paragraph (a) of this section or otherwise, of an incident the Fund, shall where possible, designate the source or sources of the oil pollution and shall immediately notify the owner and operator of such source designation. In making the designation, the Fund may ask the assistance and cooperation of the U.S. Coast Guard.

(2) The owner or operator of a vessel designated under paragraph (b)(1) of this section may, within five days after receiving notice of the designation, inform the Fund of his denial of such designation.

(c)(1) In all cases the Fund shall advertise the designation, if such designation has been made, the procedures by which claims may be presented, and the information which must be included in such claims.

(2) The Fund shall establish, subject to the approval of the Secretary, uniform procedures and forms for advertisement under this section.

(d) Advertisement under this section shall commence no later than fifteen days from the date of the designation under paragraph (b) of this section, and in any event no later than twenty days from the date the Fund learns of the incident. The advertisement shall continue for a period of not less than thirty days.

§ 29.9 Claims, settlement and adjudication.

(a) (1) Claims in accordance with this section may be submitted by any damaged party, his duly authorized agent, or his successor in interest.

(2) Claims submitted in accordance with this section must contain the following information:

(i) A detailed statement of the circumstances, if known, by which the claimed loss occurred.

(ii) A detailed listing of damages incurred, categorized according to the type of damage involved (§ 29.1(d)), and including a monetary claim for each type of damage listed.

(iii) Where damage to real or personal property is claimed, proof of ownership of such property.

(iv) Written documentation, where available, of all monetary claims asserted.

(b) (1) All claims arising out of an incident shall be initially presented to the Fund.

(2) Where designation under § 29.8 (b)(1) has been accomplished and where the owner or operator does not deny the designation, the Fund shall transmit all related claims to the owner or operator. The Fund shall transmit such claims within 5 days after their receipt by the Fund.

(3) Where the Fund is unable to designate the source or sources of a discharge under § 29.8(b)(1), or where the owner and operator both deny designation in accordance with § 29.8(b)(2), all related claims shall be processed and adjudicated by the Fund.

(c) In the case of a claim transmitted under paragraph (b)(2) of this section not submitted to arbitration under paragraph (h) of this section, and in which:

(1) The owner, operator or guarantor to whom the claim is presented denies all liability for the claim, for any reason, or (2) the claim is not settled by any person by payment to the claimant within ninety days of the date upon which the claim was presented to the owner or operator or upon which advertising was commenced, whichever is later, the claimant may elect to commence an action in court against the owner or operator or to present the claim to the Fund, that election to be irrevocable and exclusive.

(d) In the case of a claim transmitted in accordance with paragraph (b)(2) of this section, any person intending to pay or settle any such claim shall notify the Fund of such intention, and of all terms of the intended settlement, at least twenty days before such payment or settlement is made final. Whenever the Fund objects, for any reason, to the intended payment or settlement, it may request modification of such payment or settlement, or it may seek appropriate relief in Federal District Court in order to halt or modify such payment or settlement.

(e) In the case of a claim transmitted in accordance with paragraph (b)(2) of this section, where full and adequate compensation is unavailable, either because the claim exceeds the $14,000,000 limit of liability, or because the owner, operator, or guarantor is financially incapable of meeting his obligations in full, a claim for the amount not compensated may be presented to the Fund.

(f) Where any part of the first $14,000,000 of claims arising from an incident is paid by the Fund, for any reason, the owner and operator of the vessel involved shall be liable to the Fund for such amount paid in accordance with Section 204(c)(3) of the Act. The Fund shall commence an action in court or pursue any other reasonable means to recover such amount from the owner, operator, and guarantor.

(g) The Fund may settle or compromise any claim presented to it for adjudication in accordance with paragraphs (b)(3) and (c) of this section, provided that all claims not submitted to arbitration under paragraph (h) of this section shall be settled and paid within 120 days of the date upon which the claim was so presented to the Fund, or upon which advertising was commenced, whichever is later.

(h) A disputed claim may be submitted to binding arbitration, if the parties to the dispute so agree, under terms and procedures agreed to by the parties. The Fund shall be afforded an opportunity to participate as a party in the arbitration, and if it does so it shall be bound by the results of the arbitration.

(i) No claim may be presented, nor any action be commenced, for damages recoverable under this Part, unless that claim is presented to, or that action is commenced against, the owner, operator, or guarantor, or against the Fund, as to their respective liabilities, within three years from the date of discovery of the damages caused by an incident, or within six years of the date of the incident causing the damages, whichever is earlier.

(j)(1) The Board of Trustees, by a majority vote, shall decide to allow or deny claims or settlements presented to the Fund in accordance with this section. In its discretion the Board may delegate the authority to settle classes of claims to the Administrator.

(2)(i) Where a claim is presented to the Fund by or on behalf of any person having a close business, personal or governmental association with any member of the Board of Trustees, such as to create a conflict of interest or the appearance of such conflict of interest on the part of such member of the Board of Trustees, the member involved shall excuse himself or herself from any consideration of such claim.

(ii) Where a claim presented to the Fund has previously been presented to an owner or operator pursuant to § 29.9 (b)(2), and such owner or operator has a close business, personal or governmental association with any member of the Board of Trustees, such as to create a conflict of interest or the appearance of a conflict of interest on the part of such member of the Board of Trustees, the member involved shall excuse himself or herself from any consideration of such claim.

(k) The Fund, subject to the approval of the Secretary, shall establish uniform procedures and standards for the appraisal and settlement of claims against the Fund.

(l) The Fund may use the facilities and services of private insurance and claims adjusting organizations in administering this Part and may contract to pay compensation for those facilities and services.

(m) Any claimant aggrieved by the Fund's decision on a claim under this Section may appeal the decision in the appropriate Federal District Court.

§ 29.10 Subrogation.

If the Fund pays compensation to any claimant, the Fund shall be subrogated to all rights, claims, and causes of action which that claimant has to the extent permitted by law.

§ 29.11 Investment.

(a) The monies accumulated in the Fund shall be prudently invested in the following types of income-producing obligations having a high degree of reliability and security, or in such other obligations as the Secretary may approve:

(1) Fixed income securities issued by the United States or any of its agencies, at the same interest rates and terms available to private investors; and

(2) Fixed income securities or obligations issued by a corporation or issued or guaranteed by a state or local government or any political subdivision, agency or instrumentality thereof, provided such obligations have a rating by Standard and Poors, Moody, or Fitch of "AA" or better, or an equivalent rating, or provided further that the security or obligation is of the same priority as another security or obligation of the same issuer which has been rated "AA" or better. Provided, however, that no securities or obligations of the Permittees or their affiliates or of any investment advisor or custodian to the Fund, or their affiliates, may be purchased or held by the Fund.

(b) No more than two percent of the total principal amount outstanding of fixed income obligations of a single issuer may be held by the Fund at any one time, provided, however, that this restriction shall not apply to obligations of the United States or any of its agencies.

§ 29.12 Borrowing.

In the event the Fund is unable to satisfy a claim determined to be justified, or is in need of money with which to initiate the operation of the Fund, the Fund may borrow the money needed from any commercial credit source at the lowest available rate of interest. If the amount to be borrowed is $500,000 or less, the Administrator may arrange to pledge the credit of the Fund pursuant to a resolution of the Board of Trustees. If the proposed borrowing exceeds $500,000, the Administrator shall, prior to issuance of a note or other security pledging the credit of the Fund, secure the approval of the Secretary. No money may be borrowed from any of the Permittees or their affiliates.

§ 29.13 Termination.

Upon termination of operations of the pipeline, the full disposition of all claims, and the expiration of time for the filing of claims against the Fund, all assets remaining in the Fund shall be placed in a temporary trust fund account within the State of Alaska. The terms of the trust arrangement shall be determined by the Secretary. During the next succeeding session of Congress, the Secretary shall request that Congress provide for final disposition of the Fund. If Congress at any time establishes a comprehensive oil pollution liability fund which supersedes or repeals the Fund, the Fund assets and any pending claims shall be disposed of as Congress or the Secretary shall direct.

[FR Doc.77-18006 Filed 6-21-77;11:11 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

EDUCATIONAL LOAN AND GRANTS PROGRAMS

Determination of Financial Need for Indian and Native American Students—Treatment of Income and Assets

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: The Commissioner of Education with the approval of the Secretary, Health, Education, and Welfare, publishes this final regulation setting forth the manner of determining the expected family contribution of eligible Indian or Native American students by institutions of postsecondary education. This treatment of Indians and Native Americans is accorded them on the basis of the special trust relationship maintained by the United States with Indians. The effect of the proposed regulation is to make Departmental policy consistent regarding funds administered by the Department.

EFFECTIVE DATE: Under section 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Mr. Hubert S. Shaw, Chief, Program Development Branch, Division Student Financial Aid, Bureau Student Financial Assistance, Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 (202-245-9719).

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the FEDERAL REGISTER on Friday, August 27, 1976 (41 FR 36322). The following two issues were considered in the proposed rule.

1. *Policy on calculating need for student assistance.* In determining student eligibility for these three programs according to the student's need, both student and parents' income and assets are included in the calculation of an expected family contribution. The difference between the cost of attendance and the family contribution represents the student's need. The proposed regulation exempts from consideration as income or assets, funds received by Indians and Native Americans from sources cited in the Summary above. This exemption constitutes an exception to the normal practice of considering all income and assets in determining the need of any student.

2. *Departmental policy on uniform treatment of Indians and Native Americans.* Funds received by these persons from land claim settlements and judgments are disregarded with respect to determinations of eligibility for benefits under the Supplemental Security Income Act (42 U.S.C. 1382, et seq.) and the Aid to Families with Dependent Children Act (42 U.S.C. 601, et seq.). The effect of the proposed regulation is to make Departmental policy consistent regarding funds administered by the Department. This treatment of Indians and Native Americans is accorded them on the basis of the special trust relationship maintained by the United States with Indians.

Interested parties were invited to comment on the proposed rule. Comments and responses are summarized below:

SUMMARY OF COMMENTS AND RESPONSES

Comment. One commenter supported the proposed rule but expressed concern about adjusting need analysis procedures, including the Basic Grant method of determining the expected family contribution, to accommodate the proposed exclusions. The commenter expressed that the regulation should be effective for the 1978-79 academic year rather than the 1977-78 academic year.

Response. No change was made. The Basic Grant Program is prepared to include the necessary revisions to accommodate these exclusions for the 1977-78 academic year. Furthermore, it is expected that the number of eligible recipients of such payments will be relatively small. Thus, any problems arising with the existing form will be kept at a minimum. The student financial aid officer can verify any claims with regard to income and property with the BIA Area Scholarship Offices. If such resources are included as income or assets inadvertently, a recalculation can be made by the financial aid officer.

After consideration of all comments, the following sections of Title 45 of the Code of Federal Regulations are amended as set forth below: § 144.12 of Part 144 (National Direct Student Loan, 41 FR 51916-51973); § 175.12 of Part 175 (College Work-Study, 41 FR 36872-36895); and § 176.12 of Part 176 (Supplemental Educational Opportunity Grants, 41 FR 51973-51982).

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.471, National Direct Student Loans; Number 13.463, Higher Education Work-Study (College Work-Study Program); Number 13.418, Supplemental Educational Opportunity Grants.)

Dated: March 3, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: June 15, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

PART 144—NATIONAL DIRECT STUDENT LOAN PROGRAM

Part 144 of Title 45 of the Code of Federal Regulations is amended by adding paragraph (d) to § 144.12 to read as follows:

§ 144.12 Coordination with Bureau of Indian Affairs grants-in-aid.

* * * * *

(d) In determining the expected family contribution of eligible Indian or Native American students, the institution shall not consider as income or as an asset of the student or his family (1) funds received pursuant to an award made under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), (2) property which may not be sold or encumbered without the consent of the Secretary of Interior, and (3) any other property held in trust for the student or the student's family by the United States Government.

(20 U.S.C. 1087dd.)

PART 175—COLLEGE WORK STUDY PROGRAM

Part 175 of Title 45 of the Code of Federal Regulations is amended by adding paragraph (d) to § 175.12 to read as follows:

§ 175.12 Coordination with Bureau of Indian Affairs grants-in-aid.

* * * * *

(d) In determining the expected family contribution of eligible Indian or Native American students, the institution shall not consider as income or as an asset of the student or his family (1) funds received pursuant to an award made under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), (2) property which may not be sold or encumbered without the consent of the Secretary of Interior, and (3) any other property held in trust for the student or the student's family by the United States Government.

(42 U.S.C. 2754.)

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM

Part 176 of Title 45 of the Code of Federal Regulations is amended by adding paragraph (d) to § 176.12 to read as follows:

§ 176.12 Coordination with Bureau of Indian Affairs grants-in-aid.

* * * * *

(d) In determining the expected family contribution of eligible Indian or Native American students, the institution shall not consider as income or as an asset of the student or his family (1) funds received pursuant to an award made under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), (2) property which may not be sold or encumbered without the consent of the Secretary of Interior, and (3) any other property held in trust for the student or the student's family by the United States Government.

(20 U.S.C. 1070b–1.)

[FR Doc.77–17874 Filed 6–22–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19667; FCC 77–334; RM 1475]

PART 1—PRACTICE AND PROCEDURE

Requirement of Broadcast Licensees To Maintain Certain Program Records; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: AM broadcast stations are required to have available certain records of measurements of directional antenna performance. Amendments to the rules to add additional types of records that must be available, inadvertently omitted the subparagraph referring to the antenna measurement records. This correction restores the omitted subparagraphs.

EFFECTIVE DATE: June 23, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Ms. Freda Lippert Thyden, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION: The original amendments were adopted on May 18, 1977, and published in the FEDERAL REGISTER at 42 FR 30180.

Released: June 15, 1977.

In the matter of Petition for rulemaking to require broadcast licensees to maintain certain program records, Docket No. 19667, RM–1475.

In the Third Report and Order in the above-entitled proceeding, Docket No. 19667, adopted May 18, 1977, FCC 77–334, Mimeo No. 70051, in the revision of paragraph (h) certain language was inadvertently omitted from the amended § 1.527 as shown on page 30187. The amended paragraph (h) should read as follows:

§ 1.527 Records to be maintained locally for public inspection by noncommercial educational applicants, permittees, and licensees.

* * * * *

(h) Copies of any material in the public file of any television or radio station shall be made available for machine reproduction upon request made in person: *Provided*, The requesting party shall pay the reasonable cost of reproduction. Requests for machine copies shall be fulfilled at a location specified by the licensee, within a reasonable period of time which in no event shall be longer than seven days unless reproduction facilities are unavailable in the licensee's city of license. The licensee is not required to honor requests made by mail but may do so if it chooses.

FEDERAL COMMUNICATIONS COMMISSION
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–17858 Filed 6–22–77;8:45 am].

Title 49—Transportation

CHAPTER VIII—NATIONAL TRANSPORTATION SAFETY BOARD

PART 804—RULES IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT

Change in Definition of Meeting

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This rule amends the NTSB regulations implementing The Government in the Sunshine Act (5 U.S.C. 552b). During the Board's finalization of those regulations, the majority of Members of the Board were of the opinion that there is one type of gathering of Members and staff which is not a meeting for purposes of the Act. This amendment excludes from the definition of a meeting a specified briefing of Members by staff.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Fritz L. Puls, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202–426–8911).

SUPPLEMENTARY INFORMATION: On April 28, 1977, the NTSB published a proposed rule (42 FR 21632) to amend the definition of a meeting contained in its rules implementing the Act. Interested persons were given 30 days in which to submit written comments. One comment was received and it favored adoption of the proposal.

Accordingly, the proposed amendment to 49 CFR Part 804 is hereby adopted without change as set forth below.

Adopted: June 9, 1977.

WEBSTER B. TODD, Jr.,
Chairman.

Part 804 is amended by adding a new paragraph (c) to the definition of "Meeting" in § 804.3 to read as follows:

§ 804.3 Definitions.

* * * * *

(c) An internal session attended by three or more Members for which the sole purpose is to have the staff brief the Board concerning an accident, incident, or safety problem.

(5 U.S.C. 552b.)

[FR Doc.77–17979 Filed 6–22–77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–37 (Sub-No. 26)]

PART 1048—COMMERCIAL ZONES

Commercial Zones and Terminal Areas

AGENCY: Interstate Commerce Commission.

ACTION: Amendment of final rule.

SUMMARY: Based on additional information received subsequent to the publication of the final rules adopted in this proceeding, this document modifies the definition of the Syracuse, N.Y., commercial zone.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Interstate Commerce Commission, 12th and Constitution Ave. NW., Washington, D.C. 20423 (202–275–7292).

SUPPLEMENTARY INFORMATION: In its final report in Ex Parte No. MC–37 (Sub-No. 26), "Commercial Zones and Terminals Areas," served December 30, 1976, the Interstate Commerce Commission promulgated new regulations expanding the scope of commercial zones of all municipalities by amending Part 1048 of Title 49 of the Code of Federal Regulations. The new regulations became effective April 9, 1977. By order of April 29, 1977, notice of which was given by publication in the FEDERAL REGISTER on May 16, 1977, the Commission specifically defined the Syracuse commercial zone to include an area which is beyond 8 miles from Syracuse and which was part of the zone as formerly described but which was inadvertently omitted from the new description of the zone by the new regulations. By letter of May 10, 1977, Wolverine Express, Inc., of Muskegon, Mich., points out that the 1960 decennial census indicated that the population of Syracuse was approximately 220,000 at that time and that, therefore, pursuant to the new population-mileage formula set forth at 49 CFR 1048.101 and the rule set forth at 49 CFR 1048.102, the commercial zone extends 10 miles from the municipal limits of Syracuse. Wolverine's assertion is correct. However, describing the commercial zone to include all points within 10 miles of Syracuse still excludes from the zone some points which were included within the formerly described zone. Inasmuch as it was the intent of the Commission in the above-entitled proceeding to expand commercial zones generally and not to omit from the commercial zone of any municipality any territory which was within the commercial zone of that municipality as formerly defined, the omission of this area from the Syracuse, N.Y., commercial zone was an inadvertent error. The purpose of this notice is to modify 49 CFR 1048 to include a definition of the Syracuse commercial zone which comports with the intent of the Commission in promulgating the new regulations and which includes the area of the zone which was inadvertently omitted by application of the new regulations to Syracuse. The definition of the Syracuse commercial zone will appear as new § 1048.16 of Title 49 of the Code of Federal Regulations. This notice supersedes the notice setting forth § 1048.16 which was published in the FEDERAL REGISTER on May 16, 1977.

(Secs. 552, 553, 559, Administrative Procedure Act (5 U.S.C. 552, 553, 559); secs. 202, 203, 204, 207, 209, 402, 403, and 404, Interstate Commerce Act (49 U.S.C. 302, 303, 304, 307, 309, 1002, 1003, 1004).)

Issued at Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17973 Filed 6–22–77;8:45 am]

[Ex Parte No. 277 (Sub-No. 2)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF THE INTERCITY RAIL PASSENGER SERVICE

Track Standards

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission revised the federal regulations concerning the track standards to be met by carriers provided intercity rail passenger service. This action is being taken to reflect the expressed intent of the Commission.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Philip Israel, Esq., Deputy Director, Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, 202–275–7245.

SUPPLEMENTARY INFORMATION: At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 6th day of April, 1977, the Commission decided to change certain previously proposed portions of the Commission's regulations found at 49 CFR 1124.26 to conform to the true intent of the Commission's report in Ex Parte No. 277 (Sub-No. 2), Adequacy of the Intercity Rail Passenger Service—Track, 348 I.C.C. 518 (1976), as modified by this April 6, 1977, decision. In particular, the Commission decided to omit the previously proposed last phrase from 49 CFR 1124.26 (b), Track standards, to permit the Commission to take into account slow orders and speed restrictions in effect on May 1, 1971, when the Commission sets maintenance standards for the trackage used in intercity rail passenger service. The regulation as modified by the April 6, 1977, order of the Commission shall read:

§ 1124.26 Track standards.

(a) The trackage of a carrier used in intercity rail passenger service shall be maintained by the carrier at not less than the level of utility existing on May 1, 1971.

(b) For purposes of this regulation, the "level of utility" shall be considered as being maintained if the track permits operation of a train between terminals in the same elapsed time as on May 1, 1971, with a reasonable degree of regularity and with a reasonable degree of passenger comfort. The elapsed time shall be determined from the applicable employee timetable speeds.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17971 Filed 6–22–77; 8:45 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATION OF MOTOR CARRIERS

Terminal and Special Services

[Ex Parte No. MC–97]

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This document prescribes rules affecting rates, charges, and notification with respect to the pickup and delivery of shipments at residential locations (private residences, apartment buildings, churches, schools, camps, and other locations.) The rulemaking was instituted following receipt of numerous consumer complaints. It is intended to end the publication by motor carriers of rates and charges to residential locations that differ from those to recognized commercial locations; and it will require carriers to prearrange pickup and delivery schedules to residential locations without additional charge.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates, Room 5334, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, (202–275–7693).

SUPPLEMENTARY INFORMATION: On September 4, 1975, the Interstate Commerce Commission instituted Ex Parte No. MC–97, Investigation Into Practices of Motor Common Carriers of Property on Residential and Redelivered Shipments, by publishing as a proposed rule a new § 1307.35(e) of Part 1307 of Title 49 of the Code of Federal Regulations (40 FR 42033). The rules published here are final rules adopted after consideration of the statements submitted by the parties. All differences that exist between the proposed and final rule result from a redesignation of sections. Accordingly, the entire paragraph in which the rules have been inserted has been renumbered (the rule itself appears as (2)) to read as follows:

JUN 23 77
UM

§ 1307.35 Terminal and special services.

* * * * *

(d) *Pick-up and delivery service*—(1) *General.* (i) All tariffs containing rates for the transportation of property shall specify whether such rates do or do not include pick-up and delivery service at all points within the limits of the cities, towns, or villages from, to or between which the rates apply.

(ii) If pick-up and delivery service will be performed also in an area beyond or outside the limits of the cities, towns, or villages, from, to or between which the rates apply, such area shall be described in the tariffs.

(2) Residential (assessment of charges on shipments originating at or destined to private residences and other types of premises).

(i) Tariffs of for-hire motor common carriers shall not provide for the application of rates or the imposition of charges, by whatever means, for movements to or from, for example, private residences, apartments, churches, schools, camps, and other such locations, which differ from otherwise applicable rates from or to other locations such as businesses, warehouses, and other generally recognized commercial locations.

(ii) Before attempting delivery to residences and other related types of premises such as those described in (i), the carrier must reach agreement with the consignee or consignor regarding the date and time (approximate) of such delivery. This arrangement for delivery may be accomplished through a notation by the consignor on the bill of lading, or by oral or written arrangement between the carrier and the consignee. In any case some mutually agreed-upon arrangement for delivery must be made before tender of delivery is initially attempted.

(iii) If the carrier complies with the regulation described in (ii) and, through the fault of the consignee, is unable to tender delivery as scheduled, a reasonable charge to cover the service described in (ii) of this subparagraph, and additional costs of the renotification arrangement, and redelivery may be assessed. The requirements of (ii) of this subparagraph regarding prior arrangement for tender of delivery are similarly applicable when redelivery is necessary.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-17867 Filed 6-22-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

HANDLING OF PEACHES GROWN IN WASHINGTON

Notice of Proposed Rulemaking With Respect to Approval of Expenses and Rate of Assessment for 1977–78 Fiscal Period and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $11,049 and a rate of assessment of $0.70 per ton of peaches for the functioning of the Washington Fresh Peach Marketing Committee for the 1977–78 fiscal year. The committee administers locally a Federal marketing order program regulating the handling of peaches grown in Washington. The regulation would enable the committee to collect assessments from first handlers on all assessable peaches handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before July 7, 1977. Proposed effective dates: April 1, 1977, through March 31, 1978.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No. 921 (7 CFR Part 921), regulating the handling of peaches grown in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions.

The proposals are as follows:

(1) Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period April 1, 1977, through March 31, 1978, will amount to $11,049.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 921.41, is established at $0.70 per ton of peaches in containers or in bulk.

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended March 31, 1977, shall be carried over as a reserve in accordance with § 921.42 of the marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

Dated: June 17, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-17879 Filed 6-22-77;8:45 am]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rulemaking With Respect to Expenses and Rate of Assessment for 1977–78 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comment on proposed expenses of $29,424 and a rate of assessment of $0.60 per ton of cherries for the functioning of the Washington Cherry Marketing Committee for the 1977–78 fiscal period. The committee administers locally a Federal marketing order regulating the handling of sweet cherries grown in six counties in the State of Washington. The regulation would enable the committee to collect assessments from first handlers on all assessable cherries handled and to use the resulting funds for its expenses.

DATES: Comments must be received by June 6, 1977. Proposed effective dates: April 1, 1977, through March 31, 1978.

ADDRESS: Comments may be addressed to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer its terms and provisions.

The proposals are as follows:

(1) Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the fiscal period April 1, 1977, through March 31, 1978, will amount to $29,424.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 923.41, be fixed at $0.60 per ton of sweet cherries.

Dated: June 17, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-17878 Filed 6-22-77;8:45 am]

[7 CFR Part 1011]

[Docket No. AO–251–A20]

MILK IN THE TENNESSEE VALLEY MARKETING AREA

Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends amending the Tennessee Valley milk marketing order (Order 11) based on the record of a public hearing on March 24, 1977. The proposed changes would provide for a "base-excess" plan for paying producers. Under the plan, each producer's average daily delivery of milk during September through December would be his established base. In the following March through June, each producer would be paid the order's higher uniform base price for milk deliveries up to his base, but a lower price for any excess milk. The plan is aimed at pro-

viding an incentive to producers to even out their milk production through the year.

DATE: Comments are due on or before July 5, 1977.

ADDRESS: Comments (4 copies) should be filed with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Hearing, Issued February 28, 1977; published March 3, 1977 (42 FR 12184).

PRELIMINARY STATEMENT

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Tennessee Valley marketing area, and of the opportunity to file written exceptions thereto. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before July 5, 1977. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Knoxville, Tennessee, on March 24, 1977, pursuant to notice thereof which was issued February 28, 1977 (42 FR 12184).

The material issue on the record of the hearing relates to using a base-excess plan for paying producers.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Base-excess plan. A base-excess plan should be included in the order.

The purpose of a base-excess plan is to provide an incentive to producers to even out their production through the year. Such a plan is designed to encourage production in the fall months of seasonally low production and discourage excess production in the spring months of seasonally high production.

The base-excess plan adopted in this decision would establish a base for each producer by dividing his total pounds of producer milk in September through December (the base-forming period) by the number of days' production represented by such producer milk or by 100, whichever is more. A single delivery by a producer on every-other-day delivery would be considered two days' production in computing a base.

Producers would establish new bases every year. They would be computed by the market administrator to be effective in the following March through June (the base-paying period). By February 1 of each year, the market administrator would notify each producer and the handler receiving his milk of the producer's base. The market administrator would also notify a cooperative, if requested, of each producer-member's base.

"Base milk" would mean the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month. "Excess milk" would mean the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month. Excess milk would also include all the producer milk in March through June of a producer who has no base.

In computing the uniform prices for base milk and excess milk in the base-paying months, producer milk allocated to Class I would first be assigned to base milk. If the producer milk allocated to Class I is more than the base milk received from producers in any month, such additional Class I milk would be allocated to excess milk and the excess milk price increased accordingly. If the base milk received from producers in any month exceeds the producer milk allocated to Class I, the producer milk allocated to Class II and Class III would be assigned, in that sequence, to the difference.

Since excess milk would represent basically producer milk classified in Class III (milk for manufacturing uses) to which no location adjustment is applicable, the uniform price for excess milk should not be subject to a location adjustment. There is practically no difference in the location value of milk for Class III uses. The Class III price under the Tennessee Valley order and other orders is equal to the average price per hundredweight for the month of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. If a location adjustment were applied to the excess price, it would result in applying an excess price to the producer milk at various plant locations that is less than the value of manufacturing grade milk delivered to those same plant locations.

Producers whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period should be assigned bases in the same manner as if they had been producers during the base-forming period. Their bases would be calculated from their deliveries to that plant in the preceding September-December period.

To acquire pool plant status under the order a plant must dispose of a specified percentage of its receipts on routes in the marketing area or to other pool plants. It is expected that when such a plant becomes a pool plant it will add Class I sales to the pool comparable to such sales in prior periods when it was a nonpool plant. It is appropriate, therefore, that those diarymen who have been supplying the plant have bases computed for them according to their deliveries to the plant in the base-forming period.

Bases assigned to producers who supplied a nonpool plant in the base-forming period that became a pool plant in the following base-paying period should not be transferable. If such a plant did not retain its pool plant status in the base-paying period and its producers had been permitted to transfer their bases, inequities could result. This is because the Class I milk in the pool would then be diminished by the plant's Class I sales in the month the plant lost its pool plant status while the aggregate producer bases for the month would be inflated by the bases that had been assigned its producers. This would have enabled these producers to sell their bases to producers still on the market and for the latter to obtain the benefit of a greater share of the market's Class I sales at the expense of other producers on the market.

The base earned by any producer who supplied the market in the preceding base-forming period should be transferable. This will facilitate the transfer of property when a baseholder dies or when the farm of a baseholder is sold. It will also facilitate adjustments by those producers desiring to expand or contract their operations. However, proper safeguards should be provided so that the transfer provisions may not be exploited at the expense of producers regularly supplying the market.

The amount of a base transferred could be in its entirety or an amount of not less than 300 pounds. These limits, which were proposed at the hearing, are administratively practicable and should be adequate under conditions in the Tennessee Valley market.

A base could be transferred to be effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Such application would be required to be on a form approved by the market administrator and signed by a baseholder or his heirs and the person to whom the base is to be transferred. If a base is held jointly, it would be required that the application be signed by all joint holders or their heirs. These provisions would insure that there will be no misunderstanding between the parties involved concerning transfers.

The base established by a partnership may be divided between partners on any basis agreed on in writing by them if written notification of the agreed upon division, signed by each partner, is received by the market administrator prior to the first day of the month in which the division is to be effective. This will facilitate the division of the assets of a partnership that is dissolved during the base-paying period. On the other hand, it will in no way affect the total quantity of base milk in the pool, irrespective of the manner in which the division of the base is made between the partners.

A producer who transferred all or part of his base on or after February 1 would not then be permitted to receive other base by transfer that would be applicable within the March-June period of the same year. Also, a producer who received base by transfer on or after February 1 would not be permitted to transfer a portion of his base to be applicable within the March-June period of the same year, but would be permitted to transfer his entire base. Adoption of these provisions will tend to insure that the exchange of bases between producers are bona fide transfers. Absent such provisions, the transferring of bases back and forth by two or more producers throughout the base-paying period could result in unwarrantedly increasing their share of the total payments under the order for producer milk at the expense of all of the other producers.

The base a producer receives would be determined by the quantity of milk shipped in the base-forming months. Thus, he would have an incentive to maximize his shipments in these months (September-December) when production for the market is normally shortest relative to its Class I needs. This would not be the case in the base-paying months (March-June) when production for the market is substantially more than its requirements. In these months a producer would receive, in effect, only the manufacturing milk value for his production in excess of his base milk for the month. Therefore, no purpose would be served by specifying that a producer must ship a minimum quantity of milk or on a minimum number of days during any base-paying month as a prerequisite to receiving the uniform price for base milk up to the total quantity of his base milk for the month. The base milk of the producer as provided herein would be his base times the number of days in the month, irrespective of the number of days of production his milk was pooled. Thus, a producer would be free, if he so elected, to sell outside the market to nonpool plants any milk in excess of his base milk for the month.

Proponent cooperative and handlers supported the adoption of September through December as the base-forming months. However, one handler proposed that all or a part of August be substituted for all or a part of December in the base-forming period. In support of this, he noted that the Class I utilization for August was slightly higher than the Class I utilization for December. In the five years of 1972 through 1976, Class I utilization for the market was 83 percent in August and 81.6 percent in December.

For the months as a whole there is relatively little difference in the Class I utilization for August and for December. However, the demand for milk relative to supply in the Tennessee Valley market during the first two-thirds of December is relatively high. It is comparable to the Class I utilization (87 percent) in the three months of lowest production, September, October and November). During the last third of December, due to school closings and the holidays, the demand for milk falls off sharply. In view of the relatively higher Class I utilization in the greater part of the month of December, it is appropriate that December be included with September, October and November as the base-forming months.

In the eight months of July through February each producer supplying the market would receive the uniform price for all his deliveries. Payment at this rate would be made to each producer, irrespective of the number of days he delivered during the month. In the other four months of the year, March through June, the total of his producer milk deliveries in the preceding base-forming months would determine the proportions of his March-June milk to be paid for at the base milk price and the excess milk price. A producer who delivered continuously throughout the base-forming period will have delivered 122 days' production in the four-month period.

A producer generally would deliver continuously throughout the base-forming period. However, because of various circumstances (e.g., storm damage at his farm or to roads, temporary suspension of a health permit, or temporary loss of market when cut off by a buying handler) a producer may be off the market for a limited number of days in the base-forming period. In recognition of this, it was proposed that a producer who delivered at least 100 days' production during the base-forming period receive a base computed on the same basis as a producer who delivered continuously throughout the entier period, i.e., by dividing his total producer milk during the four-month period by his number of days of production.

The requirement that a producer supply the market in the base-forming months in order to earn a base provides an incentive for him to ship to the Tennessee Valley market instead of to other markets in the months when production is lowest relative to the demand for Class I milk. A producer who ships at least 100 days' production during the four-month base-forming period can reasonably be considered as being fully associated with the market. A producer who delivered less than 100 days' production should have his base determined by dividing his total production in the base-forming period by 100. Thus, such a producer, who may have been supplying the Class I needs of another market for a substantial part of the base-forming period, will receive a base that appropriately reflects his contribution as a producer supplying the needs of the Tennessee Valley market in such period.

The milk of producers who come on the market in the base-paying months is not needed to supply the fluid milk market. Thus, the amount of milk pooled at the Class III price, which usually would also be the excess milk price, would be increased.

New producers coming on the market in the base-paying period would generally be dairy farmers who had supplied the fluid milk needs of another order market or an unregulated market in the base-forming period. Milk produced on their farms in the base-paying months would represent substantially milk that is surplus to the Class I needs of the market with which they had been previously associated. It is appropriate, therefore, as provided herein, that the deliveries of such producer milk under the Tennessee Valley order in the base-paying months be paid for at the excess milk price.

In some instances the milk of persons who have not previously supplied a Class I market may come to the Tennessee Valley market through new producers. Included in this category would be dairy farmers who had previously been shipping manufacturing grade milk and persons starting new dairy farm operations. Before coming on as a new producer, such a person would be expected to have anticipated reasonably in advance when he would begin shipping. Hence, he could elect to start shipping in a base-paying month or in any of the other eight months of the year. Therefore, if he elected to begin delivering as a new producer in one of the four base-paying months, he would have made that decision in recognition of the fact that he would receive the excess price for milk he delivered to the market in those months.

In some instances a "natural disaster" may cause a producer to suffer a significantly reduced rate of production or force him to discontinue temporarily the production of milk on his farm. Unless provision is made in the order to give consideration to such occurrences in computing a producer's base, he would suffer an undue hardship. It is appropriate, therefore, that the order specify the conditions under which relief may be granted to a producer whose production was adversely affected in the base-forming period as the result of an occurrence beyond his control.

This can be achieved by providing that the base assigned a person who was a producer within the preceding base-forming period may be increased to 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which his production was adversely affected by an allowable "hardship" condition. Such relief would be granted only after the producer submitted to the market administrator by March 1 a written statement that established to the satisfaction of the market administrator that the amount of milk produced on his farm in the preceding base-forming period was substantially reduced because of a condition beyond his control, which resulted from:

(1) Loss by fire or windstorm of a farm building used in the production of milk on his farm;

JUN 23 77 UM

(2) Brucellosis, bovine tuberculosis or other infectious diseases in his milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents him from supplying milk from his farm to a plant.

The conditions under which hardship relief (in the form of an increased base) may be granted a producer encompass most natural disasters that could result in reduced production or in the temporary discontinuance of production on a dairy farm. Such a standard will provide the market administrator the guidance necessary for applying the provision in an objective manner.

Allowing hardship relief by assigning a producer a base of 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which the hardship occurred provides an equitable standard for this purpose. Such a producer generally would not have shipped enough days' production in the base-forming period to have earned a base equal to his average daily deliveries. To assign him a base equal to his average daily deliveries in a single month could result giving the producer more base than he would have earned if he had not suffered the hardship and had shipped throughout the full base-forming period. In this circumstance, 90 percent of a producer's average daily deliveries in the month immediately preceding the month during which a hardship occurred is a reasonable allowance for providing relief in hardship cases under conditions in this market.

At the hearing, the proponent cooperative proposed assigning a base of up to 80 percent of a producer's first full month's average daily production in the base-paying period in hardship cases. Granting hardship relief based on a producer's deliveries during a month associated with the base-forming period, as adopted herein, will relate the relief to a period when bases are normally established for all producers. On the other hand, determining a "hardship" base on the basis of a producer's deliveries during a month in the base-paying period would tend to encourage him to maximize his deliveries when production for the market is highest relative to its needs. Accordingly, the proposal to base hardship relief on a percentage of a producer's deliveries during a month in the base-paying period is denied.

Dairymen, Inc. (DI), which represented 93 percent of the order's 1,810 producers in February 1977, proposed the base-excess plan. Its member-producers in the region have historically operated under base-excess plans. Currently, DI operates a base-excess plan outside the order.

For many years before DI operated its own base-excess plan, orders now merged into the Tennessee Valley order had base-excess plans. The Knoxville order had a base-excess plan from 1954 to 1968 and the Appalachian order from 1954 to 1971. When the plans were terminated under these orders in 1968 and 1971, at the request of producers, all but a relatively few of these orders' producers were not members of the cooperative.

The base-excess plan under the Chattanooga order was effective from that order's inception in 1956 until the order was merged into the Tennessee Valley order October 1, 1976. Although a substantial majority of Chattanooga order producers were DI members, a significant proportion were nonmembers.

When the Knoxville base-excess plan was terminated in December 1968, all but 10 of the 703 producers on the market were DI members. In March 1971, when the Appalachian base-excess plan was terminated, only three of the 920 producers under that order were not DI members. Of the 504 Chatanooga order producers in September 1976, the final month of that order, 92 were not DI members.

In recent years, the number of nonmember producers in the market has been increasing. In the final month of the Appalachian order, September 1976, 27 of the 956 producers were nonmembers compared to three in March 1971, the last month of the base-excess plan in the order. When DI operated its base-excess plan outside the order, and there were few nonmember producers under the Appalachian and Knoxville orders (and the Chattanooga order had a base-excess plan), the cooperative apparently felt no need to have a base-excess plan under the Appalachian and Knoxville orders.

DI contended that a base-excess plan is needed as an incentive to producers to feed, breed and manage their herds for fall production. Its spokesman claimed that without any base-excess plan the seasonal production pattern for the market would change dramatically. The complete absence of a plan, he claimed, would result in requiring increasing imports of supplemental supplies in the fall months to meet the market's needs.

According to DI, continuing to operate a base-excess plan for its producers outside the order could result in placing them at a disadvantage compared to other producers. That is, the cooperative's member-producers would have the order uniform price value-reblended to them individually via a base-excess plan in the spring months. At the same time, nonmember producers would receive the full uniform price, irrespective of their excess production (relative to their fall production) in the spring months. Also, producers who were not on the market in the fall months could, absent a base-excess plan, dispose of their excess production in the spring months under the order at the uniform price. The DI producers operating under the cooperative's base-excess plan would in the same months receive only the excess price for their excess production in the seasonally high production months.

There was no opposition to the DI proposal for a base-excess plan. The major proprietary handlers in the market supported it. However, they opposed including in the order a provision for establishing a producer hardship committee. DI proposed such a committee to act on requests for additional base from producers who claimed that their deliveries during the base-forming period were adversely affected because of a natural disaster, diseased animals, or a toxic residue in their milk.

Handlers took the position that a hardship provision should be included in the order but should be administered by the market administrator, as are other order provisions. They emphasized that a hardship provision should clearly specify the conditions under which relief could be granted. Handlers argued that the Secretary could not legally delegate to producers the authority to administer any provision of the order. A handler attorney made a motion that the DI proposal for a hardship committee be dismissed. His motion stated that there is no authority in the Act whereby the Secretary may delegate to producers the authority to establish or determine the base of any producer.

As proposed by DI, a hardship committee composed of five producers would be appointed by the market administrator. The committee would meet at the beginning of each base-paying period to hear persons presenting hardship cases. All hardship adjustments voted by the committee would be subject to the approval by the market administrator. In effect, the market administrator would make the final determination under the DI proposal.

The money returns for each producer's milk is affected by the amount of base held by each of the other producers. The various circumstances under which a producer hardship committee would function would create a situation wherein the adjudicator would have a private interest in the matter to be adjudicated. Such a situation would place an undue responsibility on the committee members and could result in creating distrust among petitioners for hardship.

Having the market administrator alone decide whether or not relief should be granted in hardship cases will provide, in effect, essentially the same results as under the procedure urged by the proponent cooperative. Under the DI proposal, the market administrator would make the final determination regarding hardship relief. In this case, it is questionable if a producer hardship committee actually would be needed. As provided herein, the order would set forth definitive guidelines for the market administrator in determining what constitutes a hardship situation.

Since the proposal for a hardship committee is not adopted in this decision, no action is taken on the motion to dismiss the proposal.

The base-excess plan adopted in this decision, which would be applicable to all producers, would benefit consumers, processors and producers by encouraging a seasonally desirable level of milk production. Absent the proposed plan, a DI operated base-excess plan outside the order could not be expected to equitably achieve the intended purpose of a base-excess plan in the order. A plan applicable only to DI producers would have the effect of enabling the significant number of nonmember producers to produce milk under conditions that are conducive to more spring production and less fall production. The base-excess plan provided herein will tend to insure that the excess production on the part of some producers (both cooperative members and nonmembers) will not affect adversely the returns to all producers on the market. Such a plan will be equitable to all producers in providing each of them an incentive to maintain a seasonal pattern of production commensurate with the needs of the market.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusonis set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Tennessee Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. A heading and five new sections (§§ 1011.90, 1011.91, 1011.92, 1011.93 and 1011.94) are added as follows:

Base-Excess Plan

§ 1011.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1011.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1011.92 Computation of base for each producer.

(a) Subject to § 1011.93, the base for each producer shall be an amount obtained by dividing the total pounds of his producer milk during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the baseforming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

§ 1011.93 Base rules.

(a) Except as provided in § 1011.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Such application shall be on a form approved by the market administrator and signed by the baseholder or his heirs and the person to whom the base is to be transferred. If a base is held jointly, the application shall be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additional base that would be applicable during March through June of the same year. A producer who received base by transfer on or after February 1 may not transfer a portion of his base to be applicable during March through June of the same year, but may transfer his entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased to 90 percent of his average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (d) (1), (2) or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on his farm was substantially reduced because of conditions beyond his control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk on his farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in his milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents him from supplying milk from his farm to a plant.

§ 1011.94 Announcement of established bases.

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from him of the base established by the producer. If requested by a cooperative association, the market administrator shall notify the cooperative association of each producer-member's base.

2. Section 1011.32 is revised as follows:

§ 1011.32 Other reports.

(a) Each handler described in § 1011.9 (a), (b) and (c) shall report to the market administrator on or before the 6th day after the end of each month of March through June the aggregate quantity of base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base milk received from each producer during the month.

(b) In addition to the reports required pursuant to paragraph (a) of this section and §§ 1011.30 and 1011.31, each handler shall report such other information as the market administrator deems

necessary to verify or establish each handler's obligation under the order.

3. Section 1011.61 is revised as follows:

§ 1011.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1011.60 for all handlers who filed the reports prescribed in § 1011.30 for the month and who made the payments pursuant to § 1011.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the location adjustments computed pursuant to § 1011.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1011.60 (f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a) (1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b) (1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a) (1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a) (4) (ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) (2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b) (3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b) (4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b) (5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

4. Section 1011.62 is revised as follows:

§ 1011.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 10th day after the end of each month the applicable uniform prices pursuant to § 1011.61 for such month.

§ 1011.71 [Amended]

5. In § 1011.71, paragraph (a) (2) (i) is amended by replacing the word "price" with the word "prices" and paragraph (a) (2) (ii) is amended by replacing the words "uniform price" with the words "weighted average price."

6. In § 1011.73, paragraph (a) (1), the introductory text of paragraph (a) (2), paragraph (c) (1) and (2), and paragraph (d) are revised as follows:

§ 1011.73 Payments to producers and to cooperative associations.

(a) • • •

(1) On or before the last day of each month, for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler before the 25th day of the month, at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher, less proper deductions authorized in writing by the producer; and

(2) On or before the 15th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1011.74 and 1011.75, multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments:

* * * * * *

(c) • • •

(1) On or before two days prior to the last day of the month for milk received during the first 15 days of the month, not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) On or before the 13th day of the following month for milk received during the month, not less than the appropriate uniform price(s) as adjusted pursuant to §§ 1011.74 and 1011.75, less any payments made pursuant to paragraph (c) (1) of this section.

(d) In making payments for producer milk pursuant to this section, each handler shall furnish each producer or cooperative association from whom he has received milk a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month and identity of the producer;

(2) The daily and total pounds and the average butterfat content of producer milk;

(3) For the months of March through June the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required pursuant to this order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount, or the rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer or cooperative association.

§ 1011.74 [Amended]

7. Section 1011.74 is amended by replacing the words "uniform price" with the words "uniform price(s)."

8. Section 1011.75 is revised as follows:

§ 1011.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments required pursuant to § 1011.73, the uniform price and the uniform price for base milk pursuant to § 1011.61 for the month shall be adjusted by the amounts set forth in § 1011.52 according to the location of the plant where the milk being priced was received.

(b) For purposes of computing the value of other source milk pursuant to § 1011.71, the weighted average price shall be adjusted by the amount set forth in § 1011.52 that is applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average price shall not be less than the Class III price.

§ 1011.76 [Amended]

9. In § 1011.76, paragraph (a) (4) is amended by replacing the words "uniform price" with the words "weighted average price" in the two places they appear in paragraph (a) (4).

Signed at Washington, D.C., on June 20, 1977.

WILLIAM T. MANLEY,
Acting Administrator.

[FR Doc.77-17957 Filed 6-22-77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 GFR Parts 550, 566]

[No. 77-363]

FEDERAL SAVINGS AND LOAN SYSTEM INSURANCE OF ACCOUNTS

Procedures and Standards Applicable to Suspensions and Prohibitions Where Felony Charged

JUNE 15,1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed regulations.

SUMMARY: The procedures and standards set forth in these proposed regulations would be applicable to proceedings (by the Board in the case of Federal associations and the Board acting as the operating head of the Federal Savings and Loan Insurance Corporation in the case of institutions the accounts of which are insured by the Corporation) to suspend and/or prohibit from participation any officer or director or other person paticipating in the conduct of the affairs of such association or institution, where such person is charged with a felony involving dishonesty or breach of trust. These proposed regulations are intended to make available to such persons specific procedures for hearings in such cases, and are believed by the Board to be necessary because the present regulations do not so provide.

DATE: Comments must be received on or before July 22, 1977.

ADDRESS: Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, as to whether the proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board. Telephone number: Area code 202-376-3556.

Accordingly, the Board hereby proposes to amend §§ 550.5 and 566.5 as set forth below.

1. Amend § 550.5 by deleting the text of paragraph (a) thereof and substituting the following new text:

§ 550.5 Suspension and removal where felony charged.

(a) *Suspension and/or temporary prohibition.*— (1) *Notice of suspension or prohibition.* Whenever a director or officer of a Federal association or any other person participating in the conduct of the affairs of such association is charged in any State, Federal, or territorial information or indictment, or in any complaint authorized by a United States attorney, with commission of or participation in a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law) involving dishonesty or breach of trust, the Board, upon a preliminary determination that the alleged offense is, or may be, within any or all of the criteria established in paragraph (a) (6) of this section, shall, by written notice served upon such director, officer, or other person, suspend him from office or prohibit him from further participation in any manner in the affairs of the association, or both. A copy of the notice of suspension also shall be served upon the association.

(2) *Notice of availability of hearing.*

(i) A notice of suspension issued pursuant to paragraph (a) (1) of this section shall be accompanied by a notice to the individual that he may, within 30 days after service of such notice, petition in writing for a hearing at which he may present evidence and argument as to why the suspension and/or prohibition should not continue in effect. Every such notice of opportunity for a hearing shall be accompanied by a description of the hearing procedure and the criteria to be considered.

(ii) A petition filed pursuant to paragraph (a) (2) (i) of this section shall state with particularity the relief desired and the grounds therefor, and shall include supporting evidence, when available. Such petition and supporting evidence shall be filed with the Board by delivering two copies thereof to the Secretary of the Federal Home Loan Bank Board.

(iii) If an individual fails to petition for a hearing, or fails to appear at a hearing, either in person or by attorney, or fails to submit a written argument where a hearing his been waived pursuant to paragraph (a) (4) of this section, the suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or is terminated by the Board.

(3) *Hearing.* (i) After receipt of a petition complying with paragraph (a) (2) (ii) of this section, the Board will order a hearing to commence within the next succeeding 30 days, in Washington, D.C., or such other place as is designated by the Board, before a person designated by the Board to conduct said hearing.

(ii) The Notice of Hearing shall be served by the Secretary upon the party or parties afforded the hearing and shall set forth the time and place of the hearing and the name and address of the presiding officer.

(iii) The subject individual may appear at the hearing personally, through counsel, or personally with counsel. He shall have the right to introduce relevant and material evidence and to present an oral argument before the presiding officer. Members of the staff of the Board's Office of the General Counsel also may attend the hearing and participate therein as a party. Formal rules of evidence shall not apply to the hearing, nor shall the adjudicative provisions of the Administrative Procedure Act, 5 U.S.C. 556, apply to it. The proceedings shall be recorded and a transcript furnished, after payment of the cost thereof, upon request of the subject individual. Witnesses may be presented, within specified time limits, if a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by either party or the presiding officer. The presiding officer may ask questions of any witness and each party shall have an opportunity to cross-examine any witness presented by an opposing party. Upon the request of either the subject individual or a representative of the Office of the General Counsel, the record shall remain open for a period of five (5) business days following the hearing, during which time the parties may make any additional submissions to the record. Thereafter, the record shall be closed.

(iv) The presiding officer will, where possible, make recommendations to the Board within ten (10) business days following the closing of the record.

(4) *Waiver of hearing.* The subject individual may, in writing, waive an oral hearing and instead elect to have the matter determined by the Board on the basis of written submissions alone.

(5) *Decision of Board.* (i) The Board shall render its decision within thirty (30) days following receipt of the presiding officer's recommendations, or receipt of the subject individual's written submissions where a hearing has been waived pursuant to paragraph (a) (4) of this section. The decision shall include a statement of the basis for the decision and shall be provided to the subject individual and the institution.

(ii) The Board may extend said thirty (30) day period for good cause, but in no instance shall the period exceed 60 days after close of the hearing or receipt of written submissions where a hearing has been waived pursuant to paragraph (a) (4) of this section. Where such an extension is required, the individual will be notified of the reason for the extension and the expected date upon which a final decision will be rendered.

(6) *Relevant considerations.* (i) In deciding the question of suspension under this section, the Board will consider the following:

(*a*) Whether the alleged offense: (*1*) Is a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law), and (*2*) involved dishonesty or a breach of trust;

(*b*) Whether continued presence of the subject individual in his position would constitute a possible danger to the safety or soundness of a Federal association because of: (*1*) The nature and extent of the individual's participation in the affairs of the association, or (*2*) the nature of the offense with which the individual has been charged;

(*c*) Whether there is cause to believe that there may be an erosion of public confidence in the integrity, safety, or

JUN 23 1977
UM

soundness of a particular association or the savings and loan system (either generally or in the particular locality in which the association is situated) if the subject individual is permitted to remain in his position in the association; and

(*d*) Whether the individual is covered by the association's fidelity bond and, if so, whether the bonding company is likely to revoke the bond or coverage under the bond will be affected as a result of the charge.

(ii) The Board may also consider any other factors which, in a specific case, appear relevant to the continuation of a suspension order.

(iii) In deciding whether a notice of suspension and/or prohibition shall continue or terminate, the Board shall not consider the ultimate question of the guilt or innocence of the subject individual of the alleged offense.

* * * * *

2. Amend § 566.5 by deleting the text of paragraph (a) thereof and substituting the following new text:

§ 566.5 Suspension and removal where felony charged.

(a) *Suspension and/or temporary prohibition.*—(1) *Notice of suspension or prohibition.* Whenever a director or officer of an insured institution or any other person participating in the conduct of the affairs of such institution is charged in any State, Federal, or territorial information or indictment, or in any complaint authorized by a United States attorney, with commission of or participation in a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law) involving dishonesty or breach of trust, the Corporation, upon a preliminary determination that the offense alleged in the information, indictment, or complaint is, or may be, within any or all of the criteria established in paragraph (a)(6) of this section, shall, by written notice served upon such director, officer, or other person, suspend him from office or prohibit him from further participation in any manner in the affairs of the institution, or both. A copy of the notice of suspension also shall be served upon the institution.

(2) *Notice of availability of hearing.* (i) A notice of suspension issued pursuant to paragraph (a)(1) of this section shall be accompanied by a notice to the individual that he may, within 30 days after service of such notice, petition in writing for a hearing at which he may present evidence and argument as to why the suspension and/or prohibition should not continue in effect. Every such notice of opportunity for a hearing shall be accompanied by a description of the hearing procedure and the criteria to be considered.

(ii) A petition filed pursuant to paragraph (a)(2)(i) of this section shall state with particularity the relief desired and the grounds therefor, and shall include supporting evidence, when available. Such petition and supporting evidence shall be filed with the Corporation by delivering two copies thereof to the Secretary to the Federal Home Loan Bank Board.

(iii) If an individual fails to petition for a hearing, or fails to appear at a hearing, either in person or by attorney, or fails to submit a written argument where a hearing has been waived pursuant to paragraph (a)(4) of this section, the suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or is terminated by the Corporation.

(3) *Hearing.* (i) After receipt of a petition complying with paragraph (a)(2)(ii) of this section, the Corporation will order a hearing to commence within the next succeeding 30 days, in Washington, D.C., or such other place as is designated by the Corporation, before a person designated by the Corporation to conduct said hearing.

(ii) The Notice of Hearing shall be served by the Secretary upon the party or parties afforded the hearing and shall set forth the time and place of the hearing and the name and address of the presiding officer.

(iii) The subject individual may appear at the hearing personally, through counsel, or personally with counsel. He shall have the right to introduce relevant and material evidence and to present an oral argument before the presiding officer. Members of the staff of the Federal Home Loan Bank Board's Office of the General Counsel also may attend the hearing and participate therein as a party. Formal rules of evidence shall not apply to the hearing, nor shall the adjudicative provisions of the Administrative Procedure Act, 5 U.S.C. 556, apply to it. The proceedings shall be recorded and a transcript furnished, after payment of the cost thereof, upon request of the subject individual. Witnesses may be presented, within specified time limits, if a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by either party or the presiding officer. The presiding officer may ask questions of any witness and each party shall have an opportunity to cross-examine any witness presented by an opposing party. Upon the request of either the subject individual or a representative of the Office of the General Counsel, the record shall remain open for a period of five (5) business days following the hearing, during which time the parties may make any additional submissions to the record. Thereafter, the record shall be closed.

(d) The presiding officer will, where possible, make recommendations to the Corporation within ten (10) business days following the closing of the record.

(4) *Waiver of hearing.* The subject individual may, in writing, waive an oral hearing and instead elect to have the matter determined by the Corporation on the basis of written submissions alone.

(5) *Decision of Corporation.* (i) The Corporation shall render its decision within thirty (30) days following receipt of the presiding officer's recommendations, or receipt of the subject individual's written submissions where a hearing has been waived pursuant to paragraph (a)(4) of this section. The decision shall include a statement of the basis for the decision and such statement shall be provided to the subject individual and the institution.

(ii) The Corporation may extend said thirty (30) day period for good cause, but in no instance shall the period exceed 60 days after close of the hearing or receipt of written submissions where a hearing has been waived pursuant to paragraph (a)(4) of this section. Where such an extension is required, the individual will be notified of the reason for the extension and the expected date upon which a final decision will be rendered.

(6) *Relevant considerations.* (i) In deciding the question of suspension under this section, the Corporation will consider the following:

(*a*) Whether the alleged offense: (*1*) Is a felony (or a misdemeanor under State or territorial law which, because of the length of the maximum sentence that may be imposed, is equivalent to a felony under Federal law), and (2) involved dishonesty or a breach of trust;

(*b*) Whether continued presence of the subject individual in his position would constitute a possible danger to the safety or soundness of the insured institution because of: (*1*) The nature and extent of the individual's participation in the affairs of the insured institution, or (2) the nature of the offense with which the individual has been charged;

(c) Whether there is cause to believe that there may be an erosion of public confidence in the integrity, safety, or soundness of a particular institution or the savings and loan system (either generally or in the particular locality in which the institution is situated) if the subject individual is permitted to remain in his position in an insured institution; and

(*d*) Whether individual is covered by the institution's fidelity bond and, if so, whether the bonding company is likely to revoke the bond or coverage under the bond will be affected as a result of the charge.

(ii) The Corporation may also consider any other factors which, in a specific case, appear relevant to the continuation of a suspension order.

(iii) In deciding the question whether a notice of suspension and/or prohibition shall continue or terminate, the Corporation shall not consider the ultimate question of the guilt or innocence of the subject individual of alleged offense.

* * * * *

(Secs. 5, 402, 403, 407, 48 Stat. 132, 1256, 1257, 1260, as amended (12 U.S.C. 1464, 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc.77-17952 Filed 6-22-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-WE-13]

PROPOSED DESIGNATION OF TRANSITION AREA

Alturas, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate 700 and 1,200 foot transition areas at Alturas, California, to provide protection for aircraft executing a new instrument approach procedure (NDB–RWY 31) to the Alturas Municipal Airport and as transition routes to the Nondirectional Radio Beacon (NDB).

DATES: Comments must be received on or before July 25, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, Telephone 213–536–6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 25, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling 213–536–6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Office of the Regional Counsel, Western Region.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Alturas, California, 700 foot and 1,200 foot transition areas. This action will provide additional controlled airspace to accommodate aircraft executing the NDB—RWY 31 approach procedure to the Alturas Municipal Airport and for controlled airspace between adjacent VOR Airways 165 and 452 and the Alturas NDB.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

ALTURAS, CALIF.

That airspace extending upward from 700 feet above the surface within a five mile radius of Alturas Municipal Airport (latitude 41°29'02" N., longitude 120°33'49" W.) and within three miles each side of the Alturas NDB (latitude 41°28'16" N., longitude 120°33'25" W.) 167° bearing, extending from the five mile radius area to nine miles south of the NDB; that airspace extending upward from 1200 feet above the surface, within six miles east and nine miles west of the 167° and 347° bearings extending from the NDB to 21 miles south and nine miles north of the NDB and within five miles each side of the 079°and 239° bearings extending from the NDB to west edge of V–165 and the east edge of V–452.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Los Angeles, California, on June 13, 1977.

JAY R. ADSEN,
Acting Deputy Director, Western Region.

[FR Doc.77-16752 Filed 6-22-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-36]

CONTROL ZONE AND TRANSITION AREA AT ALBANY, N.Y.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Albany, N.Y., Control Zone and Transition Area so as to take into consideration the revision to the VOR instrument approach to Albany County Airport. These changes will give required protection to aircraft executing the revised approach.

DATES: Comments must be received on or before July 13, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 77–EA–36, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430. The official docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430. Telephone 212–995–3391.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430. All communications received on or before July 13, 1977, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling 212–995–3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Albany, N.Y., Control Zone and Transition Area. The control zone alteration will reduce the size of the designated north and south control zone extensions and describe the eastern control zone extension by designating that extension by reference to the

JUN 23 77
UM

082° True radial of the Albany VORTAC in lieu of the 072° True radial.

The eastern transition area extension will also be described by reference to the 082° True radial of the Albany VORTAC in lieu of the 072° True radial.

The airspace action will result in a reduction in the size of the Albany, N.Y., Control Zone. The size of the transition area will remain the same, although, the eastern extension will be located approximately 3 miles south of its present location.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the present description of the Albany, N.Y., Control Zone and by inserting the following in lieu thereof:

"Within a 5-mile radius of the center 42°44'43" N., 73°48'05" W., of Albany County Airport, Albany, N.Y.; within 3 miles each side of the Albany VORTAC 354° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 4 miles each side of the Albany VORTAC 082° radial, extending from the 5-mile radius zone to 15 miles east of the VORTAC; within 2 miles each side of the extended centerline of Albany County Airport Runway 10, extending from the 5-mile radius zone to 5 miles west of the approach end of Runway 10; within 3 miles each side of the Albany VORTAC 181° radial, extending from the 5-mile radius zone to 8.5 miles south of the VORTAC."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Albany, N.Y., 700 foot floor transition area as follows:

Delete "Albany VORTAC 072° radial" and insert, "Albany VORTAC 082° radial" in lieu thereof.

(Sec. 307(a) Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a))); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 1165.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11948, and OMB Circular A-107.

Issued in Jamaica, New York, on June 2, 1977.

WILLIAM E. MORGAN,
Director, Eastern Region.

[FR Doc.77-17740 Filed 6-22-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-SO-191]

FEDERAL AIRWAY

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke VOR Federal Airway No. 142 between Augusta, Ga., and Husky, Ga., near Atlanta, Ga. Inauguration of profile descent procedures at Atlanta has resulted in disuse of this airway, and its revocation would remove unnecessary information from aeronautical charts.

DATES: Comments must be received on or before July 23, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 77-SO-19, FAA, P.O. Box 20636, Atlanta, Ga. 30320. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Ave., SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Wray McClung, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-8530.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 23, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke VOR Federal Airway No. 142 between Augusta, Ga., and Husky, Ga. This airway was formerly used by aircraft en route from Augusta to Atlanta; however, the institution of profile descent procedures at Atlanta on February 24, 1977, has rendered this airway unnecessary, and the FAA is proposing its revocation. This action would remove unnecessary material from aeronautical charts, thereby making it easier to read the pertinent material. Subpart C of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 307).

DRAFTING INFORMATION

The principal authors of this document are Wray McClung, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) to revoke VOR Federal Airway No. 142 in its entirety from Augusta, Ga., to Husky, Ga.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 15, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-17742 Filed 6-22-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-SO-15]

FEDERAL AIRWAY

Proposed Extension

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend Federal Airway V-441 eastward from St. Petersburg, Fla., via Lakeland, Fla., and an intersection to Melbourne, Fla. The number of flights along this route has increased to the extent that its designation as an airway would reduce flight planning and communication time for both pilots and traffic controllers. The airway distance between Lakeland and Melbourne would be greatly reduced.

DATES: Comments must be received on or before July 23, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, Southern Region, Attention: Chief, Air Traffic Division, Docket No. 77-SO-15, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga., 30320. All communications received on or before July 23, 1977 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to extend Federal Airway V-441 eastward from St. Petersburg, Fla., via Lakeland, Fla., and the INT of Lakeland (080° T (079° M) and Melbourne, Fla., 269° T (269° M) radials to Melbourne. This route is presently used as a computer assigned Preferential Departure and Arrival Route (PDAR) between the St. Petersburg and Melbourne Airports. Since the number of peak day operations is expected to increase along this route, its designation as an airway would greatly reduce the communication workload of both the pilot and controller.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) as follows:

In V-441 "From St. Petersburg, Fla.," is deleted and "From Melbourne, Fla., via INT Melbourne 269° and Lakeland, Fla., 080° radials; Lakeland; St. Petersburg, Fla.," is substituted therefor.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 15, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-17743 Filed 6-22-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-41]

TRANSITION AREA AT GRUNDY, VA.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a Grundy, Va., Transition Area, over Grundy Municipal Airport, Grundy, Va. This designation will provide protection to aircraft executing the new instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATE: Comments must be received on or before July 21, 1977.

ADDRESS: Send comments on the proposal in triplicate to: Director: Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 77-EA-41, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before July 21, 1977, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area over Grundy Municipal Airport, Grundy, Va. The area will commence at 700 feet above the surface extending out to a six mile radius around the center of the airport. There will be an extension to the southwest extending approximately a mile beyond the radius area and five miles in width.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Grundy, Va. transition area as follows:

GRUNDY, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius

of the center, 37°13'57" N., 82°07'30" W., of Grundy Municipal Airport, Grundy, Va. and within 2.5 miles each side of the Lonesome Pine, Va. VOR (36°59'03" N., 82°32'17" W.) 053° radial, extending from the 6-mile radius area to 21.5 miles northeast of the Lonesome Pine, Va. VOR.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a))); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 8, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-17741 Filed 6-22-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-EA-40]

TRANSITION AREA AT INDIANA, PA.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Indiana, Pa., Transition Area, by changing the direction of the 091 RBN bearing extension by one degree and widening the extension by approximately 1 mile on each side of the bearing. It also increases the length by 1½ miles. These adjustments result from a change in a beacon instrument approach procedure for Indiana County-Jimmy Stewart Field, Indiana, Pa.

DATES: Comments must be received on or before July 21, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Director, Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 77-EA-40, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J. F. K. International Airport, Jamaica, New York 11430; telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before July 21, 1977, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Indiana, Pa., Transition Area, so as to provide additional airspace to protect aircraft executing a new instrument approach procedure at Indiana County-Jimmy Stewart Field.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the description of the Indiana, Pa. transition area by deleting, "and within 3.5 miles each side of the 091° bearing from the Indiana RBN (lat. 40°37'54" N., long. 79°03'51" W.) extending from the 7-mile radius area to 9.5 miles east of the RBN.", and by inserting the following in lieu thereof, "and within 4.5 miles each side of the 090° bearing from the Indiana RBN (lat. 40°37'54" N., long. 79° 03'51" W.) extending from the 7-mile radius area to 11 miles east of the RBN."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749 (49 U.S.C. 1348(a))) sec. 6(c), Department of Transportation Act (49 U.S.C. 1665(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 8, 1977.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-17781 Filed 6-21-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

FIRST AID DIRECTIONS FOR INDUCING VOMITING

Proposed Statement of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed statement of policy and interpretation.

SUMMARY: In this document, the Commission proposes to issue a statement of policy under the Federal Hazardous Substances Act stating the Commission's policy on first aid directions for labels of hazardous substances for which the necessary or appropriate first aid treatment includes inducing vomiting. The Commission wishes to communicate (1) that it considers the use of a salt solution to induce vomiting (saline emesis) to be an unacceptable and frequently ineffective means of inducing vomiting, (2) that saline emesis is no longer recommended by the Commission as an appropriate first aid direction, and (3) that in cases where saline emesis has been recommended in the past, unless a particular contraindication exists in connection with any particular hazardous substance, the first aid direction should indicate that Ipecac Syrup is an appropriate emetic.

DATES: The proposed effective date is 90 days after the final statement is issued by the Commission. Written comments should be submitted on or before July 25, 1977.

ADDRESSES: Written comments, preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proceeding, including any comments that may be received on this proposal, may be seen in, or copies obtained from the Office of the Secretary, 3rd Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Irvin Weiss, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207 phone 301-492-6453.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 2(p) of the Federal Hazardous Substances Act (15 U.S.C. 1261(p)) provides, in part, that hazardous substances (as defined by the act) that fail to bear a label which states an instruction, when necessary or appropriate, for first aid treatment are "misbranded." Among other prohibited acts relating to misbranded hazardous substances, the introduction or delivery for introduction into interstate commerce of such substances is prohibited (section 4 of the act, 15 U.S.C. 1263). In many cases where hazardous substances are ingested, the recommended first aid treatment includes inducing vomiting. In the past, a number of first aid instructions for inducing vomiting have contained a statement that this should be accomplished by drinking a solution of salt (sodium chloride) in warm water. At one time, this direction was considered medically acceptable. However, the Commission has obtained information which indicates that the instruction to perform saline emesis is no longer desirable. This is because the use of salt to induce vomiting can cause hypernatremia (salt poisoning) with potentially toxic effects, particularly in children 5 years old or younger, the age group most often involved in accidental poisonings. In view of the availability of safer and more effective emetics such as Ipecac Syrup, the Commission believes that a direction to perform saline emesis is not an appropriate first aid direction.

In the past, however, the Commission has issued or approved directions to perform saline emesis in the event of ingestion of the following products:

(a) Methyl alcohol (methanol).
(b) Methyl alcohol-base radiator antifreeze.
(c) Ethylene dichloride.
(d) Silver nitrate.
(e) Sodium cyanide (presently a banned hazardous substance under 16 CFR 1500.17(a)(5)).
(f) Jequirity beans.

The direction for saline emesis in connection with methyl alcohol-base radiator antifreeze is contained in an example of an acceptable first aid direction that is set forth in 16 CFR 1500.131(b). Since the Commission believes this instruction is no longer appropriate, and since only a relatively small amount of this product is presently commercially available, this issue of the FEDERAL REGISTER also contains a notice of revocation of 16 CFR 1500.131. A more detailed discussion of the problems associated with the use of a salt solution as an emetic is contained in the preamble to that notice.

Directions for saline emesis in connection with the ingestion of methanol and jequirity beans are contained in the Hazardous Substances Labeling Manual published by the Commission. A correction sheet for this manual will be issued to correct these directions. However, the Commission is not aware of all the persons who may be in possession of the Hazardous Substances Labeling Guide.

The Commission and its predecessor agency have also given informal advice concerning saline emesis to persons whose identity and/or current addresses are not presently ascertainable.

The current medical opinion is that Ipecac Syrup, U.S.P., is the preferred emetic for home use. Accordingly, the Commission believes that in cases where saline emesis is presently recommended, unless a particular contraindication exists in connection with any particular hazardous substance, appropriate first aid directions for inducing vomiting should include an indication that Ipecac Syrup is an appropriate emetic. The Commission is not requiring that any particular wording be used in this regard, and the Commission does not intend to prohibit the use of additional directions for other appropriate ways to induce vomiting. Persons who wish to obtain informal labeling guidance from the Commission may contract the Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207 (301-492-6400).

For the reasons given above, the Commission believes it is desirable to codify a statement of its present policy concerning first aid directions for inducing vomiting. Accordingly, a statement of this policy is proposed below as 16 CFR 1500.134 in order to (1) publicize the undesirability of saline emesis, (2) notify the affected manufacturers, distributors, retailers, and importers and persons who may have been previously advised to the contrary by the Commission, and (3) encourage the use of Ipecac Syrup when emesis is required as part of first aid treatment. While the Commission urges this policy to be followed immediately, for purposes of enforcement, the Commission proposes that this policy statement become effective 90 days after publication of the final policy statement in the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2 (f)(1)(A), (p)(1), 3(b), 10(a), 74 Stat. 372, 374, 378, as amended 80 Stat. 1803, 84 Stat. 1673; 15 U.S.C. 1261 (f)(1)(A),(p)(1), 1262(b), 1269(a)), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231, 15 U.S.C. 2079(a)), the Commission hereby proposes that Title 16 of the Code of Federal Regulations be amended by adding to Chapter II, Subchapter C, Part 1500, a new section § 1500.134, reading as follows:

§ 1500.134 Policy on first aid labeling for saline emesis.

(a) This section states the Consumer Product Safety Commission's policy concerning first aid instructions for the use of a salt solution to induce vomiting (saline emesis) in the event of ingestion of hazardous substances.

(b) In many cases where hazardous substances are ingested, the recommended first aid treatment includes inducing vomiting. In the past a limited number of first aid instructions for inducing vomiting have contained a statement that this should be accomplished by drinking a solution of salt (sodium chloride) in warm water. At one time, this direction was considered medically acceptable. However, information that the Commission has recently obtained indicates that the instruction to perform saline emesis is no longer acceptable. This is because the use of salt to induce vomiting can cause severe hypernatremia (salt poisoning) with potentially toxic effects, particularly in children 5 years old or younger, the age group most often involved in accidental poisonings. In view of the availability of safer and more effective emetics such as Ipecac Syrup, the Commission no longer recommends a direction to perform saline emesis as a first aid direction for inducing vomiting.

(c) The Commission believes that first aid directions on labels for products for which directions for saline emesis have been given in the past should include an indication that Ipecac Syrup, U.S.P., is an appropriate emetic, unless a particular contraindication exists in connection with any particular hazardous substance. The Commission is not requiring that any particular wording be used in this regard, and the Commission does not intend to prohibit the use of additional directions for other appropriate ways to induce vomiting.

(Secs. 2 (f)(1)(A), (p)(1), 3(b), 10(a), 74 Stat. 372, 374, 378, as amended 80 Stat. 1303, 84 Stat. 1673 (15 U.S.C. 1261 (f)(1)(A), (p)(1), 1262(b), 1269(a)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).)

Since this is a statement of Commission policy, notice of proposed rulemaking, an opportunity for public comment, and a delayed effective date are not required by the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)). However, since the Commission is interested in the views of the public on this matter, interested persons are invited to submit written data, views, or arguments regarding any aspect of the proposed statement on or before July 25, 1977. Comments submitted after this date will be considered to the extent practicable.

To aid the Commission in devising suitable labeling guidance, the Commission is particularly interested in receiving comments suggesting appropriate wording for first aid instructions for inducing vomiting as well as comments on the substance of the policy proposed in § 1500.134.

Comments should include, to the extent possible, supporting data or documentation. Requests for confidentiality of documentation will be handled in accordance with the Freedom of Information Act (5 U.S.C. 552), the Commission's regulations under that Act (16 CFR 1015, 42 FR 10490 (February 22, (2) of the Consumer Product Safety Act (15U.S.C. 2055(a)(2)). The particular portions of the material submitted for which confidentiality is claimed should be identified.

Written submissions and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be supported by a memorandum or brief.

Any comments that are received and all other material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained

from the Office of the Secretary, 3rd Floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: June 20, 1977.

SADYE E. DUNN,
Deputy Secretary, Consumer Product Safety Commission.

[FR Doc.77-17953 Filed 6-22-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13622; File No. S7-616]

UNIFORM NET CAPITAL RULE

Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: This release proposes amendments which would incorporate into the uniform net capital rule specific treatment of trading strategies known as "straddles." The proposed amendments arise in the context of the commencement of trading in listed put options on certain national securities exchanges.

DATES: Comments on or before August 1, 1977.

ADDRESSES: Written comments, submitted in triplicate, should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Nelson S. Kibler, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549. (202–755–1390).

SUPPLEMENTARY INFORMATION: The Commission today announced that it has under consideration proposed amendments to its unifrom net capital rule. Rule 15c3–1 (17 CFR 240.15c–1) ("§ 240.15c3–1") under the Securities Exchange Act of 1934 ("the Act"). The proposed amendments are intended to provide specific net capital treatment of certain trading strategies involving listed options known as "straddles."

DISCUSSION

For purposes of determining compliance with the minimum net capital requirements of § 240.15c3–1 (a) or (f). § 240.15c3–1(c)(2) defines "net capital" as the net worth of a broker or dealer, adjusted by the several additions to and deductions from net worth enumerated in this paragraph of the rule. In this connection, § 240.15c3–1(c)(2)(vi) applies specified percentage deductions—known as proprietary haircuts—to the market value of particular types of securities positioned in the proprietary or other accounts of a broker or dealer.[1]

Section 240.15c3–1(c)(2)(vi) incorporates by reference § 240.15c3–1a, which prescribes the haircuts appliable to positions in options. However, in lieu of proprietary haircuts, a broker or dealer ("clearing firm"), who guarantees, endorses or carries the account of a market maker or specialist ("market maker") in options listed on a national securities exchange or facility of a national securities association ("listed options") applies to positions in the accounts of such market makers the deductions from net worth required by § 240.-15c3–1(c)(2)(x).[2]

Both § 240.15c3–1(c)(2)(x) and section 15c3–1a provide specific treatments for certain dual-position trading strategies known as hedges[3] and spreads,[4] which reflect the risk-limiting characteristics of such trading techniques. Relevant portions of both provisions proceed from the empirically demonstrable premise that the market risk created by such position combinations is significantly less than the risks separately attributable to their component parts. Anticipating the advent of trading in listed put options, both provisions specifically provide for hedges and spreads involving listed put options as well as listed calls.

The initiation of trading in listed puts renders available to brokers and dealers another dual-position trading strategy bearing risk-limiting characteristics similar to those engendered by the hedging and spreading techniques mentioned above. A dealer holding a long call position may elect to acquire a long position in put options for the same underlying security, thereby creating what has become known as a "long straddle" position. The long straddle limits the market risk inherent in each of its two components in the sense that an increase in the market value of the underlying security will produce an increase in the market value of the call (but a decrease in the market value of the put). Should the underlying security lose value, the two options will again move counter to each other. Exercise of one option produces a hedged position involving the other option; simultaneous exercise of both the put and the call leaves the dealer with no risk position whatsoever. A similar analysis applies to what has become known as a "short straddle," i.e., a short call offset by a short put for equivalent units of the same underlying security.

It appears to the Commission that it is appropriate, for capital purposes, to equate a straddle with whichever of its two constituent positions, considered alone, would create the greater deduction from net worth.[5] Such a treatment would seem to recognize the greatest possible market risk arising from a given straddle, and would establish an additional cushion against the somewhat higher capital charges which exercise of one (but not both) sides of the straddle would created.[6]

Accordingly, the Commission has determined that it is appropriate to invite public comment concerning proposed amendments to § 240.15c3–1(c)(2)(x)[7] and § 240.15c3–1a which would incorporate therein provisions dealing with straddle positions in the manner discussed above. The text of these proposed amendments appears later in this release.[8]

---

[1] See also 17 CFR 240.15c3–1(f)(3) (1976) (modifications to proprietary haircuts applicable to firms operating under id. § 240.15 c3–1(f)).

[2] Section 240.15c3–1(c)(2)(x) concerns itself with the accounts of options market makers who are exempted from direct net capital regulation pursuant to § 240.15c3–1(b)(1). A nonclearing options market maker who is not exempt from § 240.15c3–1 may elect to operate under § 240.15c3–1(a)(6). This provision requires, inter alia, that market maker transactions be effected through an account carried and cleared by another broker or dealer, and applies to such an account equity maintenance requirements identical to the deductions prescribed by § 240.15c3–1(c)(2)(x). Self-clearing options market makers may elect to operate pursuant to § 240.15c3–1(a)(7), which also derives from § 240.15c3–1(c)(2)(x). See Securities Exchange Act Release No. 13623 (June 13, 1977), (adoption of § 240.15c3–1(a)(7)).

[3] Essentially, a hedged position involves a position in put or call options offset by a position of equivalent size in the security underlying such options. See § 240.15c3–1(c)(2)(x)(C) (definition of bona fide hedged position).

[4] A spread position consists of long and short positions in the same type (i.e., put or call) of options for the same number of units of the same underlying security. See § 240.15c3–1(c)(2)(x)(D) (definition of bona fide spread position).

[5] Other regulatory and self-regulatory entities, working primarily in the context of margin regulation, have adopted a similar analysis of straddles. Section 3(1)(4) of Regulation T, 12 CFR 220.3(1)(4) (1976) (margin required in respect of a straddle held in the general account shall be the required margin on the put or the call, whichever is greater, plus any unrealized loss on the other option); see New York Stock Exch. R. 431(d)(2)(E) (customer maintenance margin rule; same treatment). Net capital computations under § 240.15c3–1 are premised upon the current market value of all securities positions; for this reason, reference to unrealized loss in specific straddle treatments incorporated into § 240.15c3–1 would be unnecessary. See § 240.15c3–1 (c)(2)(i)(B)(*1*), (c)(2)(x)(B)(*2*)(*i*) (mark to the market requirement).

[6] See generally § 240.15c3–1(c)(2)(x)(A)(*2*)–(*5*); § 240.15c3–1a(c)(3), (4), (9), (10) (treatment of hedged positions).

[7] By their terms, §§ 240.15c3–1.(a)(6) and (a)(7) would incorporate these proposed amendments by reference. Section 240.15c3–1(a)(6)(iii)(A), (a)(7)(iii)(A); see note 2 supra.

[8] It has come to the Commission's attention that the advent of listed puts trading may precipitate yet another trading strategy in listed options, viz., the so-called "conversion account" (i.e., long put, long stock, short call, or short put, short stock, long call). The Commission wishes to receive the comments of interested members of the public before determining whether it is appropriate to incorporate specific conversion accounts treatments into those provisions of § 240.15c 3–1 dealing with transactions by options market makers. To this end, the Commission has included hereinbelow an appropriate question for public comment. See generally § 240.15c3–1a(c)(5), (6), (9), (10) (specific treatments of conversion accounts involving options held long or short in the proprietary accounts of brokers and dealers).

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly Sections 15(c)(3) and 23(a) thereof, 15 U.S.C. 78o(c)(3), 78w(a), the Commission proposes to amend § 240.15c3–1 and § 240.15c3–1a in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below. The Commission finds that any burden imposed upon competition by the proposed amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under Section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

REQUEST FOR COMMENTS

All interested persons are invited to submit, in triplicate, their written views and comments concerning the amendments to § 240.15c3–1 proposed herein. In particular, the Commission solicits public comment addressed to the following questions:

1. On the basis of impact studies and other appropriate statistical compilations, does the treatment of bona fide straddle positions proposed herein constitute a rational and reasonable measure of the risks inherent in such positions?

2. In what respects do so-called "conversion accounts"[9] limit the risks separately attributable to their constituent positions? Is it appropriate in the public interest and for the protection of investors to incorporate into § 240.15c3–1(c)(2)(x) specific treatment of conversion accounts involving listed options held by options market makers.

All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than August 1, 1977. Reference should be made to File No. S7–616. All comments received will be available for public inspection.

TEXT OF PROPOSED AMENDMENTS TO § 240.15c3–1

The text of the proposed amendments to § 240.15c3–1 is as follows (new matter between arrows; deletions [bracketed]):

§ 240.15c3–1 Net capital requirements for brokers or dealers.

(a) • • •

MARKET MAKERS, SPECIALISTS AND CERTAIN OTHER DEALERS

(6) • • •
(iii) • • •

(A) An amount equal to 25 percent (5 percent in the case of exempted securities) of the market value of the long positions and 30 percent of the market value of the short positions; *Provided, however,* in the case of long or short positions in options and long or short positions in securities other than options which relate to a bona fide hedged position as defined in paragraph (c)(2)(x)(C) of this section, such amount shall equal the deductions in respect of such positions specified by paragraph (c)(2)(x)(A)(*1*)–(*9*) [(*8*)] of this section.

• • • • • •

(c) • • •
(2) • • •

BROKERS OR DEALERS CARRYING ACCOUNTS OF OPTIONS SPECIALISTS

(x) • • •
(A) • • •

►(*8*) In the case of a bona fide straddle position as defined in this paragraph (c)(2)(x), the deduction shall be the greater of the deductions which this paragraph (c)(2)(x) would require in respect of the call option position and the put option position if both positions were pure long (or short) positions.◄

►(*9*)◄ [(*8*)] In the case of positions in securities which are not part of a bona fide hedged, [or] spread ►or straddle◄ position as defined in this paragraph (c)(2)(x) and, in the case of options, which are not listed on the national securities exchange of which such specialist is a member, the deduction shall be that set forth in paragraph (c)(2)(vi) of this section, or, if such securities are options, the deduction shall be that set forth in Appendix A (17CFR 240.15c3–1a) to this section.

• • • • • •

(D) ►(*1*)◄ For purposes of this paragraph (c)(2)(x), a bona fide spread position shall mean long and short positions in the same type (that is, put or call) of option contracts for the same number of units of the same underlying security.

►(2) For purposes of this paragraph (c)(2)(x), a bona fide straddle position shall mean long put and long call (or short put and short call) positions for the same number of units of the same underlying security.◄

(E) For purposes of applying the deductions required by paragraph (A) of this paragraph (c)(2)(x) in respect of positions in each such specialist's market maker account, long and short positions in each such account shall be allocated in the following sequence:

(*1*) • • •
(*2*) • • •

►(*3*) Thereafter, bona fide straddle positions as defined in paragraph (D) of this paragraph (c)(2)(x) shall be constituted by matching long (or short) call options taken in order of increasing exercise values against offsetting long (or short) put options taken in order of decreasing exercise values; *Provided,* That in the case of long (or short) call (or put) options of equal exercise value, the option possessing the greatest time to expiration shall be matched first.◄

►(*4*)◄ [(*3*)] Thereafter, long or short positions not allocated pursuant to paragraphs (*1*), [or] (*2*) ►or (*3*)◄ above shall be treated in the manner prescribed by paragraphs (A), (A)(*1*) or (A)►(*9*)◄ [(*8*)] of this paragraph (c)(2)(x).

• • • • • •

§ 240.15c3–1a Options (Appendix A to 17 CFR 240.15c3–1).

• • • • • •

(c) • • •

CERTAIN STRADDLE POSITIONS

►(13) Where a broker or dealer is long a listed call and is also long a listed put for the same underlying security, the deduction, after application of the adjustments required by paragraph (b) of this Appendix A shall be the greater of (i) the deduction resulting from application of paragraph (c)(8) of this Appendix A to the long call; or (ii) the deduction resulting from application of the same paragraph to the long put.◄

►(14) Where a broker or dealer is short a listed call and is also short a listed put for the same underlying security, the deduction, after application of the adjustments required by paragraph (b) of this Appendix A, shall be the greater of (i) the deduction resulting from the application of paragraph (c)(1) of this Appendix A to the short call, or (ii) the deduction resulting from the application of paragraph (c)(2) of this Appendix A to the short put.◄

• • • • • •

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SHIRLEY E. HOLLIS,
Assistant Secretary.

JUNE 13, 1977.

[FR Doc.77-17872 Filed 6-22-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 210]

PRACTICE AND PROCEDURES

Discovery Sanctions; Proposed Rulemaking

AGENCY: United States International Trade Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the discovery sanctions rule in unfair import practice cases to provide that only the Commission can terminate an investigation through application of discovery sanctions. The present rule can be interpreted as permitting an administrative law judge to terminate an investigation by imposing such sanctions. The proposed rule would conform with other Commission rules which provide that only the Commission may terminate such an investigation.

DATES: Comments must be received not later than July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

William W. Gearhart, Jr., Office of the General Counsel, U.S. International Trade Commission, Washington, D.C. 20436 (202–523–0487).

SUPPLEMENTARY INFORMATION: The proposed rule would revise present rule 210.36(b)(5) of the Commission's Rules of Practice and Procedure (19 CFR

[9] See note 8 supra.

210.36(b)(5)), applying to investigations conducted under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337).

Rule 210.36(b)(5) presently provides that a presiding officer may:

> Rule that a motion or other submission by the party concerning the order or subpoena issued be stricken, or that a determination in the investigation be rendered against the party, or both.

The proposed rule would provide that a presiding officer may:

* * * * *

§ 210.36 Failure to make discovery; sanctions.

* * * * *

(b) * * *

(5) Rule that a motion or other submission by the party concerning the order or subpoena issued be stricken, or rule (recommend where the presiding officer is not the Commission) that a determination in the investigation be rendered against the party, or both.

Issued: June 17, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-17868 Filed 6-22-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 155]

[Docket No. 75P-0322]

CANNED VEGETABLES

Canned Peas; Standards of Identity, Quality, and Fill of Containers

Correction

In FR Doc. 77-15769 appearing at page 29014, in the issue for Tuesday, June 7, 1977, make the following changes:

1. In the table labeled "3. Food Additives" on page 29015, in the column of numbers to the left side of the table, the 5th number in the list should be "3.3.2" instead of "3.2.2". Under the column labeled "*Maximum level of use*", opposite the figure "3.4.3", "50 mg/kg total Ca in the final product", should read "350 mg/kg total Ca in the final product".

2. In the 4th line from the top of the second column on page 29017, the number "1", should be "1.0".

3. On page 29018, in the second column under the paragraph labeled "4. *Tenderness,*" in the third line, "much", should be "such".

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Parts 1, 3, and 5]

IMPLEMENTATION OF PATENT COOPERATION TREATY

Proposed Rulemaking; Extension of Comments Period

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Extension of comment period.

SUMMARY: This document extends the time to present comments on the proposed rulemaking relating to "Implementation of Patent Cooperation Treaty." This action is taken since the necessary ratifications or accessions for the Patent Cooperation Treaty to enter into force have not yet been deposited with the World Intellectual Property Organization in Geneva, Switzerland, and since a number of requests for more time for comment have been received. Accordingly, the date for presenting comments announced in the FEDERAL REGISTER of January 12, 1977 (42 FR 2632-2644) and the Official Gazette of February 8, 1977 (955 O.G. 350-363) is extended until August 31, 1977. A hearing on the proposed rule changes was held on May 26, 1977, and no further hearing will be held.

DATES: Time for written comments extended to August 31, 1977.

ADDRESSES: Address written comments to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. Written comments and transcript of hearing will be available for public inspection in Room 11E-10 of Building 3, Crystal Plaza, at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Louis O. Maassel by telephone at 703-557-3070, or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Dated: June 2, 1977.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Dated: June 15, 1977.

Approved:

JORDAN J. BARUCH,
Assistant Secretary for Science and Technology.

[FR Doc.77-17884 Filed 6-22-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 750-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Nevada: Proposed Disapproval and Expiration of Compliance Schedules

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: In order to satisfy the requirements of the Clean Air Act, the State of Nevada has submitted to the Environmental Protection Agency a State Implementation Plan (SIP) for the control of air pollution. Portions of the plan have been approved by EPA and are now enforceable as Federal Regulations. On December 10, 1976, the Governor of Nevada submitted to EPA two compliance schedules for sources found to be in violation of the approved SIP. This publication proposes to acknowledge the expiration of one compliance schedule and proposes to disapprove the other compliance schedule as a revision to the Nevada State Implementation Plan.

DATES: Comments must be postmarked on or before July 25, 1977.

ADDRESSES: (1) Comments should be addressed to: Environmental Protection Agency, Region IX, Director, Enforcement Division, 100 California Street, San Francisco CA 94111; (2) Schedules are available for inspection at the following addresses: Nevada Environmental Commission, 201 South Fall Street, Carson City NV 89710; Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.

FOR FURTHER INFORMATION CONTACT:

William Rhea, Environmental Protection Agency, Region IX, Enforcement Division, 100 California Street, San Francisco CA 94111, 415-556-0970.

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10842), and July 27, 1972 (37 FR 15080), the Administrator approved certain portions of the implementation plan for the State of Nevada for attainment and maintenance of national ambient air quality standards in accordance with Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5), and 40 CFR Part 51. On December 10, 1976, after notice and public hearings, the Governor of Nevada submitted to the Environmental Protection Agency (EPA) revisions to the state compliance schedule portion of the plan.

Two compliance schedules were submitted, one for Basic, Inc., and one for Southern California Edison Company (Mohave Generating Station). The schedule for Basic, Inc., expired prior to the date of this proposed rulemaking and this source is now required to be in compliance with the applicable air pollution control regulations. This publication proposes to amend 40 CFR 52.1482 to provide for the inclusion of expired schedules within a new paragraph (d).

This publication also proposes to disapprove the compliance schedule for Southern California Edison Company (Mohave Generating Station) because documents provided to EPA fail to demonstrate that the variance will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards for particulate matter, and the State Implementation Plan has not been revised to provide for the attainment and maintenance of the National Ambient Air Quality Standards for this pollutant. The documents received indicate that the Mohave Generating Station is a contributing source

of particulate matter emissions in an area where the National Ambient Air Quality Standards for this pollutant are not being met.

An evaluation report setting forth EPA's position on each of the schedules is available at the office of EPA, Region IX. Interested persons are encouraged to submit written comments on either proposed compliance schedule. All comments will be available for public inspection during business hours. This proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)).

Dated: June 10, 1977.

PAUL DE FALCO,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is amended as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(10) Compliance schedules submitted on December 10, 1976, by the Governor.

2. In § 52.1482, paragraph (c) is amended by adding the following schedule to the table:

§ 52.1482 Compliance schedules.

* * * * *

(c) * * *

Source	Location	Regulation involved	Date of adoption
*	*	*	*
Southern California Edison (Mohave Generating Station)	Laughlin	Art. 4 Art. 7	Sept. 16, 1976 Sept. 16, 1976

3. In § 52.1482, a new paragraph. (d) is added as follows:

§ 52.1482 Compliance schedules.

* * * * *

(d) The following compliance schedules are neither approved nor disapproved under paragraphs (b) or (c) of this section due to the expiration of their final compliance dates prior to EPA rulemaking.

(1) One compliance schedule submitted by the Governor on December 10, 1976.

[FR Doc.77-17853 Filed 6-22-77;8:45 am]

[40 CFR Part 85]

[FRL 750-3]

IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

Notice of Intent to Consider Amending the Regulations

AGENCY: United States Environmental Protection Agency (EPA).

ACTION: Notice of intent.

SUMMARY: While the current regulations provide a substantial deterrent to the importation of vehicles and engines which do not conform to Federal emission standards, shortcomings have been identified. EPA intends to improve the administrative efficiency and enforcement effectiveness of the current regulations through amendment. Proposed regulations are expected to be published in the FEDERAL REGISTER in September 1977.

DATES: Written views and comments must be received on or before July 25, 1977.

ADDRESSES: Comments, data, views and arguments concerning this notice may be submitted in writing to: Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

All comments in response to this notice will be available for public inspection during normal working hours at: Public Information and Reference Unit, Environmental Protection Agency, Room 2922, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Walter G. Talarek, Chief, Imports Section, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-1572.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1970 (Pub. L. 91-604) revised the importation provisions of the Clean Air Act (42 U.S.C. 1857f-2) to prohibit the importation of any motor vehicle or engine unless it is covered by a certificate of conformity with Federal emission standards applicable during the model year in which it was built or unless it is exempted by the Administrator. Joint U.S. Customs Service (Customs) and EPA regulations were published in the FEDERAL REGISTER at Volume 37, No. 21 on Tuesday, February 1, 1972 implementing the 1970 amendments. At that time, it was stated in the Preamble to the EPA regulations that the Agency would be studying the operation of "* * * the regulations on importation of motor vehicles and motor vehicle engines with a view to improving the effectiveness of the regulations preventing the importation of vehicles and engines which do not conform to Federal emission standards." Several years have elapsed since the above regulations were published. Experience gained during this time indicates that several regulatory amendments are needed in order to improve the administrative efficiency of the program and to improve its effectiveness. As a result, EPA is considering amending the joint regulations governing the importation of motor vehicles and motor vehicle engines.

Issues to be addressed in the process, upon which opinion is solicited, include:

1. Whether EPA should refuse to allow conditional admission pending modification or testing of uncertified motor vehicles and motor vehicle engines?

2. Whether EPA should require importers to formally request and receive permission to import motor vehicles and motor vehicle engines as exempted from the requirements of the Clean Air Act?

3. Whether EPA should require manufacturers to maintain records relating to motor vehicle and motor vehicle engine importations?

4. Whether the regulations should be amended to permit the inspection of any motor vehicle imported by a manufacturer?

Dated: June 11, 1977.

STANLEY W. LEGRO,
Assistant Administrator for Enforcement (EN-329).

[FR Doc.77-17943 Filed 6-22-77;8:45 am]

[40 CFR Part 162]

PESTICIDE PROGRAMS

Notification of the Secretary of Agriculture of a Proposed Regulation

The Notices Section of today's FEDERAL REGISTER contains a notice (FR Doc. 77-17778) relating to Title 40 of the Code of Federal Regulations Part 162.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21285; RM-2818]

TELEVISION BROADCAST STATIONS IN SURING AND GREEN BAY, WISCONSIN

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action is taken on a petition, filed by WRVM, Inc., Suring, Wisconsin, proposing assignment of TV Channel 26 to Suring and the substitution of Channel 44 for unused Channel 26 presently assigned to Green Bay, Wisconsin. Petitioner stated that the pro-

posed TV station, being the first for Suring, would serve the large number of rural residents in the area and provide the means for local self-expression that presently is not available from distant television stations.

DATES: Comments must be received on or before July 28, 1977; reply comments must be received on or before August 17, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Smith, Broadcast Bureau 202–632–9660.

SUPPLEMENTARY INFORMATION:

Adopted: June 13, 1977.

Released: June 15, 1977.

1. The Commission, by the Chief, Broadcast Bureau, has for its consideration a petition for rule making filed by WRVM, Inc., licensee of FM Station WRVM, Suring, Wisconsin. This petition seeks amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's Rules and Regulations) by the assignment of Channel 26 to Suring, Wisconsin, and the substitution of Channel 44 for the presently unoccupied and unapplied for Channel 26 assignment in Green Bay, Wisconsin.

2. Suring (pop. 499), in Oconto County (pop. 25,553), is located approximately 64 kilometers (40 miles) northwest of Green Bay. Green Bay, (pop. 87,809) the seat of Brown County (pop. 158,244), is located on Lake Michigan approximately 160 kilometers (100 miles) north of Milwaukee, Wisconsin.[1]

3. Petitioner indicates that Oconto County and the surrounding counties of northern Wisconsin are a rural area where newspaper service is slow and uneconomical. A local television station, according to the petitioner, would fulfill the communication needs for the large number of rural residents. Moreover, the proposed station would provide the means for local self-expression which presently is not available from distant television stations. In addition, the petitioner indicates that the Grade A contour of a television station located at Suring would be the first such broadcast signal provided to a large portion of the area. Petitioner states that it has ready access to the equipment necessary for it to operate on Channel 26, but that operation on any other channel would be economically infeasible.

4. The proposed assignment of Channel 26 to Suring requires the deletion of the existing Channel 26 assignment in Green Bay, Wisconsin. However, Channel 44 is available as a replacement in Green Bay. With the deletion of the Channel 26 assignment in Green Bay, the proposed assignments of Channel 26 to Suring and Channel 44 to Green Bay meet the Commission's separation requirements and other technical criteria. The existing Channel 26 assignment in Green Bay is unoccupied and the record shows no application pending for its use. Canadian concurrence must be obtained, however, because both Green Bay and Suring are within 402 kilometers (250 miles) of the United States-Canadian border.

5. Based on petitioner's showing the Commission is persuaded that a rulemaking proceeding should be instituted to obtain comments on the instant proposal, and therefore we propose to consider the following revisions in the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the listed communities:

City	Channel No.	
	Present	Proposed
Suring, Wis.		26+
Green Bay, Wis.	26+	44–

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained below, and are incorporated by reference herein.

7. Interested parties may file comments on or before July 28, 1977, and reply comments on or before August 17, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

(1) Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rulemaking.

(2) *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

(3) *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

(4) *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and § 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

(5) *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

(6) *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-17850 Filed 6-22-77;8:45 am]

[1] All population figures are taken from the 1970 U.S. Census.

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 173, 174, 178, 179]

[Docket No. HM–139 Notice No. 77–5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Individual Exemptions, Conversion to Regulation of General Applicability

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by July 27, 1977.

ADDRESS COMMENTS TO: Section of Dockets, Office of Hazardous Materials Operations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Dr. C. Hugh Thompson, Chief, Regulations Division, Office of Hazardous Materials Operations, 2100 Second Street SW., Washington, D.C. 20590 (202–426–2075).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the table below is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are George W. Tenley, Jr., and Darrell L. Raines.

These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from the proposals.

Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, that application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: (1) Motor vehicle, (2) Rail freight, (3) Cargo vessel, (4) Cargo-only aircraft, (5) Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E–2650–No...	FMC Corp.	173.233(a)(5)...	Authorizes shipments of persacetic acid in DOT specification 6D or 37M cylindrical steel overpacks with inside specification 2SL polyethlene container not over 55-gal capacity. (Modes 1 and 2.)	To revise paragraph (a)(5) to read: (5) Specification 6D or 37M (nonreusable container) (secs. 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with inside specification 2SL (sec. 178.35a of this subchapter) polyethylene container not over 55-gal capacity. Polyethylene container must have a vented closure capable of preventing leakage of liquid contents.
E–3439–No...	G. Frederick Smith Chemical Co.	173.269(a).....	Authorizes shipments of perchloric acid in concentrations less than 72 pct strength in DOT specification 6D cylindrical steel overpack with inside specification 2S polyethylene container of not over 30-gal capacity. Maximum net weight 380 lb. (Modes 1 and 2.)	To add paragraph (a)(6) to read: (6) Specification 6D (sec. 178.102 of this subchapter). Cylindrical steel overpack with inside specification 2S (sec. 178.35 of this subchapter) polyethylene container not exceeding 30 gal capacity. Maximum net weight 380 lb. Not authorized for transportation by air.
E–3897–No...	Dow Chemical Co.; PPG Industries, Inc.	173.139(a)(6)...	Authorizes shipments of ethylene imine, inhibited, in DOT specification 4B240 and 4BW240 cylinders. Minimum outage 11.9 pct. (Modes 1 and 3.)	To revise paragraph (a)(6) to read: (6) Specification 4B240, 4BA240, or 4BW240 (secs. 178.50, 178.51, 178.61 of this subchapter). Cylinders of all welded construction. Not authorized for transportation by air.
E–5064–No...	FMC Corp.; Mobay Chemical Corp.	173.377(g)(1)...	Authorizes shipments of dry organic phosphate compound mixtures containing not more than 16.5 pct by weight of organic phosphate compound in DOT specification 44B multiwall paper bags having up to 5 DOT specification 2D inner bags, each fabricated with a foil liner and containing not over 10 lb net weight. Maximum net weight 50 lb. (Modes 1, 2, and 3.)	To add paragraph (j) to read: (j) Dry mixtures containing more than 2 pct but not exceeding 16.5 pct by weight of hexaethyl tetraphosphate, methyl parathion mixtures, organic phosphorus compound mixtures, organic phosphate compound mixtures, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows: (1) Specification 44B (sec. 178.236 of this subchapter) multiwall paper bags having not more than 5 specification 2D (sec. 178.23 of this subchapter) inner bags, each fabricated with a foil liner and containing not more than 10 lb net weight. Net weight of material in outside container not over 50 lb each. Not authorized for transportation by air.

JUN 23 77 UM

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-5719.....	American Cyanamid Co.; Riverside Chemical Co.; Platte Chemical Co.; Mobay Chemical Co.	173.377(l)(1)...	Authorizes shipments of dry organic phosphate compound mixtures containing not more than 16.5 pct by weight of organic phosphate compound in 6-ply DOT specification 44D extensible kraft paper bags having a minimum total basis weight of 320 lb. Bags must have a metal foil inner liner and contain not over 60 lb net weight of total product; or a 5-ply DOT specification 44D extensible kraft paper bag having a minimum total basis weight of 300-lb. Bags have outer sheet of 60-lb kraft in lieu of 70-lb basis weight but must have a metal foil inner liner. Maximum net weight 54 lb. (Modes 1, 2 and 3.)	(2) Specification 44D (sec. 178.238 of this subchapter) multiwall paper bags consisting of 6-ply extensible kraft paper having a minimum total basis weight of 320 lb. Bags must have a metal foil inner liner and contain not over 60 lb net weight. (3) Specification 44D (sec. 178.238 of this subchapter) multiwall paper bags consisting of 5-ply extensible kraft paper having a minimum total basis weight of 300 lb. Bags may have outer sheet of 60-lb kraft in place of 70-lb basis weight but must have a metal foil inner liner. Net weight not over 54 lb each. Not authorized for transportation by air. For transportation by water packages must be in containers, on container vessels only; or palletized and unit packed.
SP 6600-X	Quaternion Chemical Industries; California Paper Converters; Inland Container.	173.119(a)..	Authorizes shipments of flammable liquid solvents in 6 1-gal oblong metal cans inside of a fiberboard box very similar to a DOT specification 12A box. (Modes 1, 2, and 3.)	To add paragraph (a)(27) to read: (27) Specification 12A (sec. 178.205 of this subchapter). Fiberboard boxes with inside metal containers not over 1-gal capacity each. Not more than 6 metal containers shall be packed in a 275-lb test, double faced, corrugated, fiberboard, specification 12A box and gross weight shall not exceed 45 lb. The inner flap gaps of the box shall not exceed 3/8-in and the box shall provide a tight fit so there is no movement of the cans within the box.
E-6764-No...	Hercules Inc..	173.113(a)..	Authorizes shipments of detonating fuses, class C explosives in a DOT specification 12H fiberboard box with a suitable filler or lining material used to make a tight pack in lieu of inside pasteboard catrons. Not more than 30 units may be shipped in one outside box. (Mode 1.)	To revise paragraph (a)(1) to read: (1) Specification 12H (sec. 178.209 of this subchapter). Fiberboard boxes either without liners with well secured inside pasteboard cartons or with suitable filler or lining material to prevent movement in the box.
E-6853-No...	Metal Finishing Research Corp.	173.287(b).....	Authorizes shipments of chromic acid and water of 40-, 50-, and 60-pct concentration by weight in DOT specification MC-312 tank motor vehicles. (Mode 1.)	To add paragraph (b)(8) to read: (8) Specification MC-312 (sec. 178.343 of this subchapter). Tank motor vehicles. Authorized for solutions containing chromic acid only.
E-6880-No, E-7283-No.	Amchem Products, Inc.; Shipley Co., Inc.	173.249(a).....	Authorizes shipments of various alkaline corrosive liquids, caustic soda liquids, and caustic potash liquids in a DOT specification 57 metal portable tank. (Modes 1 and 2.)	To revise paragraph (a)(7) to read: (7) Specification 57 or 60 (secs. 178.253, 178.255 of this subchapter), portable tanks.
E-6884-No...	Callery Chemical Co.	173.266(a)(2)..	Authorizes shipments of metallic potassium in solid form in DOT specification 5C, stainless steel, 16 gage drum of 30-gal capacity. (Mode 1.)	To revise paragraph (a)(2) to read: (2) Specification 5, 5C, 6A, 6B, or 6C (secs. 178.80, 178.83, 178.97, 178.98, 178.99 of this subchapter) metal barrels or drums. Not authorized for lithium aluminum hydride or aluminum hydride.
E-6909-No...	Monsanto Co.....	173.253(a)(6)..	Authorizes shipment of chloracetyl chloride in DOT specification MC-310, MC-311 and MC-312 tank motor vehicles having tanks fabricated from 99 pct pure nickel in lieu of type 316 stainless steel. (Mode 1.)	To revise paragraph (a)(6) to read: (6) Specification MC-310, MC-311, or MC-312 (sec. 178.343 of this subchapter). Tank motor vehicles having tanks fabricated from type 316 stainless steel or 99 pct pure nickel.
E-7048-No...	Martin Marietta Corp.	173.365(a)(14)..	Authorizes shipment of a certain poisonous solid, n.o.s. in a DOT specification 21C400 fiber drum having a net weight of not over 350 lb. (Mode 1.)	To revise paragraph (a)(14) to read: (14) Specification 21C (sec. 178.224 of this subchapter). Fiber drums. Authorized net weight not over 225 lb except that a 21C400 may have a net weight not over 350 lb.
E-7096-X....	Rohm & Haas Co.	173.204(a)(4)..	Authorizes the use of DOT specification 37A steel drum with certain additional stipulations for sodium hydrosulfite by water. (Mode 3.)	To revise paragraph (a)(4) to read: (4) Specification 37A or 37B (secs. 178.131, 178.132 of this subchapter). Metal drums (8TC). Not authorized for transportation by air. Authorized for transportation by water only when the containers are fitted with a minimum 4-mil polyethylene liner, the drum covers contain sponge rubber gaskets, the drums are closed with a bolted ring closure and the gross weight is not over 275 lbs.

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-7240-No...	Hysol Division, Dexter Corp.; Thermoset Plastics Co.; Applied Plastics Co.	173.249(a).....	Authorizes shipments of alkaline corrosive liquids, n.o.s. in DOT specification 12B fiberboard box with 4 inside metal cans of 1-gal capacity or 6 inside metal cans of 1-qt capacity each. (Modes 1, 2, and 3.)	To add paragraph (a)(13) to read: (13) Specification 12B (sec. 178.205 of this subchapter) fiberboard box with inside metal containers. Not more than 4 1-gal containers or 6 1-qt containers may be packed in each box. The gross weight shall not exceed 65 lbs and the completed package must meet the test requirements of 178.210-10 of this subchapter.
E-7410-No...	Dow-Corning Corp.	173.135(a).....	Authorizes shipments of certain cholorosilanes in DOT specification 51 portable tanks. (Modes 1 and 3.)	To add paragraph (9) to read: (9) Specification 51 (sec. 178.245 of this subchapter) portable tanks.
E-7420-No...	DuBois Chemicals.	173.256(a).....	Authorizes shipments of liquid cleaning compounds, containing not more than 7 pct hydrofluoric acid, in DOT specification 37M/2U composite packaging up to 55-gal capacity (Modes 1 and 2.)	To add paragraph (a)(6) to sec. 173.256 to read as follows: (6) Specification 37M (sec. 178.194 of this subchapter). Cylindrical steel overpack with inside specification 2U (sec. 178.24 of this subchapter) polyethylene container. The steel overpack must have minimum 22-gage body, head, and bottom with a 16-gage ring and bolt closure if full removable head. Authorized only for compounds containing not more than 7-pct hydrofluoric acid by weight.
E-7661-No...	Mobay Chemical Corp.	173.377(b)(5)..	Authorizes shipments of a certain dry organic phosphate compound mixture not exceeding 55 pct active ingredient. (Modes 1, 2, and 3.)	To revise paragraph (b)(5) to read: (5) Specification 21C (sec. 178.224 of this subchapter). Fiber drums. Authorized only for mixtures in which the liquid is absorbed in concentration not greater than 55 pct. Authorized net weight not over 225 lbs.
E-7679-No...	PPG Industries, Inc.	173.375(a).....	Authorizes shipments of dry sodium azide crystals in a DOT specification 21C-115 fiber drum having an inside polyethylene moisture barrier. (Mode 1.)	To add paragraph (a)(2) to read: (2) Specification 21C (sec. 178.224 of this subchapter). Fiber drums with inside polyethylene moisture barrier. Authorized net weight not over 115 lbs.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of App. A to Part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107. Issued in Washington, D.C. on June 16, 1977.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.77-17833 Filed 6-22-77;8:45 am]

V 42 N 121 JUN 23 77 UM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 30779]

AIR CHARIOT LTD., AND McCULLOCH INTERNATIONAL AIRLINES, INC.

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 14, 1977, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before June 27, 1977, and the other parties on or before July 6, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 17, 1977.

HENRY M. SWITKAY,
Acting, Chief
Administrative Law Judge.

[FR Doc.77-17964 Filed 6-22-77;8:45 am]

[Docket 29123; Agreements C.A.B. 26553; 26651]

U.S.-COLOMBIA PASSENGER FARES AGREEMENT

Order

Agreements have been filed with the Board pursuant to the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above C.A.B. agreement numbers.

The agreements propose increases in most fares between the United States and Colombia which are comparable to those earlier proposed in other United States-South/Central America long-haul markets and approved by Order 77-3-62, March 11, 1977. United States-Colombia fares were not included in the major long-haul agreement due to difficulties created when Aerocondor joined IATA on January 1, 1977 and subsequently sought to increase fares in this market to the level prevailing in other South America long-haul markets. Such an increase would have been substantial, in many cases, because United States-Colombia fares had been set by other carriers at an atypically low level to meet Aerocondor's competition. The carriers have now agreed to increase United States-Colombia fares in an amount similar to that recently implemented in other long-haul markets, and contemplate that further increases should be spread over a period of time to bring United States-Colombia fare levels up to those prevailing in other long-haul markets.

Consistent with our disposition of the basic long-haul fare agreement to/from the United States, the Board has concluded to approve the instant agreements. The proposed increases in United States-Colombia fares are comparable to those approved for other long-haul markets by Order 77-3-62 and will not place the U.S. carriers serving this market in an excess-earning position.[1]

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find Resolution 100(Mail 141)002w, incorporated in Agreement C.A.B. 26651 and Resolution 100(Mail 104)002j, incorporated in Agreement C.A.B. 26553, to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions previously imposed.

Accordingly, *it is ordered That:* Agreements C.A.B. 26553 and C.A.B. 26651 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[2]

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-17966 Filed 6-22-77;8:45 am]

[Docket 27701]

PACIFIC GROUP FARES INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 26, 1977, at 10 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 3, 1976, the supplemental prehearing conference report served on August 23, 1976, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 20, 1977.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.77-17965 Filed 6-22-77;8:45 am]

[Docket Nos. 27573, etc.; Order 77-6-86]

VARIOUS CARRIERS

Order Dismissing Complaints Regarding Tariff Filings Relating to North/Central Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1977.

By tariff revisions filed March 11, 1977, for general effectiveness April 10, 1977, various carriers[1] proposed numerous changes in North/Central Pacific cargo rates, primarily along the lines of the "San Diego" agreement adopted by the members of the International Air Transport Association (IATA). The San Diego agreement was approved by the Board in Order 76-9-13, September 2, 1976. Generally, the subject filings reflecting the Board's approval would maintain North/Central Pacific minimum charges at status quo. General cargo rates at the under —45 kg., 45 kg., and 500 kg. weightbreaks would remain unchanged, while the 100 kg. and 300 kg. weightbreaks rates would be reduced five percent, and a new 1,500 kg. weightbreak would be added at a rate 8 cents below the 500 kg. rates. The 200 kg. and 400 kg. general cargo rate weightbreaks would be canceled. Most specific commodity rates (SCR's) would be increased 10 to 12 percent. Rates for electronic commodity Items[2] Nos. 4416, 4417, 4435, 4506, 9902, and 9903 would be increased

---

[1] Braniff's justification for its South America long-haul operations assumed that United States-Colombia fares would be increased in a manner similar to other long-haul markets.

[2] Concurring statements by Chairman West and members Minetti and West filed as a part of the original document.

[1] Pan American, Flying Tiger, Japan Air Lines, Philippine Airlines, Northwest Airlines, China Airlines, and Korean Air Lines. The tariff revisions were postponed to an effective date of May 10, 1977, and later withdrawn. Nevertheless, we will consider them on the merits here.

by the same amounts adopted in IATA Agreement C.A.B. 24488 and approved by the Board by Order 75-1-46, January 13, 1975, but which never became effective. Minimum charges for containers would remain unchanged, but pivot weights would be reduced approximately 10 percent and over-pivot rates would be increased approximately 16 percent.

The following exceptions apply to this general pattern: (1) No increases in electronics SCR's have been applied from Singapore or Taiwan due to disapprovals by the respective foreign governments; and (2) Northwest, a non-IATA carrier, would maintain general container rates at status quo, and would increase the specific commodity container rates for certain items from Hong Kong and Taipei approximately 19 percent rather than eliminating them as in the San Diego agreement;[3] Northwest would also increase minimum charges to $30.

The carriers generally rely on the Board's approval of the San Diego rates and a need for revenue improvement in support of their tariff filings. Northwest states that it remains fully committed to a viable container rate structure on the Pacific, and accordingly has maintained general container rates at status quo and has retained the container SCR's from Hong Kong/Taipei, albeit at an increased level, in order to assure a containerization discount from the bulk general and specific commodity rate structures. Northwest submits that this comports with the Board's position favoring incentives for containerization, and quotes Order 76-9-13 to this effect. Concerning minimum charges, the carrier asserts that the current $18 and $22 levels are significantly below cost, and that the Board has already approved the proposed $30 level for transatlantic service. Finally, Northwest alleges a need for revenue improvement, which the Board recognized in Order 76-9-13, and submits a financial statement forecasting a return on investment (ROI) of only 2.04 percent without any increase during the year ending September 30, 1977; under its proposal Northwest anticipates an ROI of 5.96 percent.

Complaints requesting suspension and investigation of the Northwest proposal have been filed by the Flying Tiger Line, Inc. (Tiger), Pan American World Airways, Inc. (Pan American), Japan Air Lines Company, Ltd. (JAL),[4] and the Western Electronics Manufacturers Association (WEMA). Complaints against all the tariff filings to increase the electronics SCR's have been filed by WEMA and the Republic of Singapore.

Tiger asserts that Northwest, by excluding some electronics SCR's from the full extent of the IATA-agreed increases, would perpetuate the irrational and discriminatory existing rate structure for electronics, and would undo IATA's efforts to rationalize it; that Northwest's retention of the broad basket commodity Item 9902 is contrary to the Board's policy of encouraging reduced reliance on broadly-defined SCR's;[5] that Northwest has provided no economic justification for an increase in minimum charges, which the Board disapproved in Order 75-12-146, December 30, 1975; that Northwest's proposal, which is allegedly inadequate to meet carrier revenue needs, would retain existing SCR's below the San Diego levels and actually contradicts Northwest's own philosophy of replacing SCR's by general container rates;[6] and that in an atmosphere of chronic tariff compliance problems in the Far East, the IATA compliance machinery functioning in a closed-rate environment is the only feasible enforcement tool given the limitations on government action.

Pan American advances arguments similar to Tiger's regarding discrimination between various points on the electronics SCR increases and contends that by maintaining a higher pivot weight for containers than that adopted in the San Diego agreement, Northwest would actually limit the availability of container rates.

JAL states that its primary objection stems from Northwest's proposal to widen the spread between container and bulk rates; that the San Diego package is viable only so long as the carriers achieve the mix of container and bulk traffic projected in connection with that agreement; that Northwest's proposal would undermine the revenue improvement which the Board recognized as necessary in approving the IATA agreement, as well as threatening the steady and deliberate improvement of the rate structure; and that in any event, Northwest's tariff is not valid since it was rejected by the Japanese Civil Aeronautics Bureau on November 17, 1976, and has not been refiled either with Japan or with several other countries.

WEMA contends that Northwest's only justification for increases in bulk electronics SCR's is that they are in accord with the San Diego agreement approved in Order 76-9-13, and refers to its petition for reconsideration of that Order, incorporating by reference its previous objections; that although there was insufficient time to prepare a thorough analysis of Northwest's new financial forecast, it appears that several errors exist;[8] and that the westbound container rates for Item 4417 are already much higher than the comparable eastbound Item 9902 container rates.

In a consolidated answer to the complaints, Northwest asserts that the complaints from both sides (i.e., the IATA carriers and the electronic shippers) reflect the parochial viewpoints expressed in previous submissions to the Board, with the shippers seeking to avoid a rate increase and the IATA carriers continuing to oppose rates which provide an incentive for containerization. Northwest contents that the Board has already reviewed WEMA's case thoroughly and has properly concluded that there is nothing to justify their favored treatment. Regarding container rates, the respondent alleges that the general and specific commodity container discounts have only been reduced under its proposal where IATA would virtually eliminate them; that if the Item 9902 "basket" is essentially a general rate, the same criticism could be made of the IATA bulk SCR structure since virtually every commodity included in 9902 could move on one of several SCR's in the Taipei-west coast market; that Northwest is opposed to an SCR-dominated rate structure, but as long as so many bulk SCR's remain in existence, Northwest will offer competitive container rates; and that its proposal will not produce appreciably less revenue than the IATA agreement since the container rates are little used except for Hong Kong and Taipei, and at these points the added handling costs of bulk shipment would more than offset the revenue to be gained by IATA's elimination of viable container rates.[7]

WEMA in its complaint against the filings to increase electronics rates, asserts that in filing increased electronics SCR's pursuant to the agreement, the carriers have retained existing electronics rates from Singapore and Taiwan, apparently due to government disapprovals, and thus the proposed rates differ from the structure approved by the Board; that the filings to increase westbound rates but not eastbound rates in these markets would create directional differentials and lower rates for more distant points, as well as prejudicing U.S. exports; and that the Board has disapproved past IATA North/Central Pacific rate agreements because they

---

[3] Item 9902 (basket rate including electronics). Northwest's tariff was originally filed for effect December 5, 1976, and was later postponed several times.

[4] JAL initially filed an answer supporting Tiger's complaint. On the occasion of Northwest's postponement of the effective date to April 10, 1977, JAL filed its own complaint.

[5] Tiger also criticizes Northwest's varying increases in the pivot weights on different containers for Item 9902 traffic.

[6] A Northwest proposal to this effect was suspended by Order 76-9-64 on the basis that it would dilute earnings. Tiger contends that Northwest may be trying to pressure the IATA carriers to accede to a future refiling of its suspended general container rate proposal by withholding needed revenue increases. Tiger argues further that given the danger of future OPEC oil price increases, the carriers should position themselves now to better withstand the losses which would inevitably accompany such a fuel increase.

[7] Northwest also states that the pivot weights of different containers were increased in varying amounts in order to standardize density at a pivot of 12.5 lbs./cu. ft. rather than the present 10.7-12 lbs. In a further answer to JAL's March 22, 1977, complaint, Northwest asserts that there is no reason for the Board to reject its tariff based on foreign government actions.

[8] WEMA alleges that Northwest omitted the "required" load-factor adjustment used by the Board in Order 76-9-13; and that, further, Northwest's forecast investment is overstated.

JUN 23 77
UM

contained directional imbalances and other anomalies not justified by cost, and should therefore suspend or reject the instant filings as discriminatory. WEMA also requests the Board to institute an investigation into the fact that several carriers have filed these increases in one direction only at approximately the same time; and alleges that there might have been meetings or oral discussions among the carriers leading to an agreement, not submitted to the Board, to file the increased rates for Singapore and Taiwan westbound only.

The Republic of Singapore alleges that the proposed rates discriminate against Singapore since the proposed percentage increases there are higher than for any other Asian point; that the Board has recognized the principle of lower unit costs over longer hauls and this should be reflected in the rates; that although yields per revenue ton mile (RTM) do reflect a distance taper for other rates (citing the 100 kg. general cargo rates and the Item 9995 SCR's), in the case of the proposed electronics SCR's such a taper has not been applied to Singapore, which would have higher per mile rates than other points with shorter hauls; and that the proposed rates will adversely affect American electronics companies with investments in Singapore as these firms would find it more difficult to compete with the Japanese.[8]

Pan American, in an answer to WEMA, states that WEMA's complaint is only the shippers' latest procedural ploy to delay implementation of rate increases approved by the Board over a year ago; that WEMA's central argument, i.e., that the tariff filings would create discriminatory directional differentials and other anomalies and should therefore be suspended because the rates were not increased from Singapore and Taipei, is disingenuous in the extreme since it was the shippers' own lobbying efforts which resulted in the foreign government disapprovals; that it is not unusual that fewer than all governments involved approve an IATA agreement, and that, in such cases, rate changes often apply on an origin-of-traffic basis, with a directional rate difference thereby resulting;[9] and that while the Board does not generally condone directional differentials, nevertheless it is realistic and recognizes that it cannot impose its views on the rest of the world or insist in every case on perfect structural symmetry at all cost. Finally, the carrier denies that there were any meetings, discussions or agreements relating to the carriers' filing of rates excluding Singapore/Taiwan-U.S. electronics increases; avers that the April 10 tariff effective date was established through notices issued by the IATA Secretariat, which also circulated notices of the divergent government action; and that no violation of the antitrust laws occurred.

Upon full consideration of the tariff filings, the complaints and answers thereto, and all other relevant factors, the Board has concluded that the complaints do not set forth facts sufficient to warrant investigation or suspension of the tariffs and that they will, accordingly, be dismissed.

The Board has already approved the IATA San Diego agreement, with the exception of general container rate increases; and these approved rates encompass the preponderance of the rate changes proposed in the subject tariff filings.[10] Northwest's tariff filing differs from the IATA package by maintaining general container rates at status quo levels and by increasing SCR container rates moderately rather than eliminating them, and it is generally in line with long-standing Board policy which has encouraged rate incentives for containerization. We are not at all enthusiastic about Northwest's basket Item 9902 rates—either containerized or bulk—for the same reasons that we oppose broadly defined specific commodity rate descriptions in general; nevertheless, we recognize that one reason the general commodity container rates move relatively little traffic is the continued availability of the low bulk SCR's. Suspension of Northwest's Item 9902 filing would only leave its present lower container SCR's in effect, so approval provides some revenue improvement (19 percent) on this traffic, though not as much as would occur under the approved IATA rate levels. Northwest is not a member of IATA, and it need not, of course, match every element of an IATA agreement to which it is not a party, particularly some elements which it opposes on general marketing philosophy grounds. While the Board has approved an IATA agreement which would involve a greater increase in needed revenue, the lesser revenue improvement represented by Northwest's filing may be all that is achievable at this time, and we will not oppose it.[11]

We will also dismiss the complaints of WEMA and Singapore, which do not provide sufficient grounds for further delaying the implementation of increases in electronics SCR's approved as long ago as January 1975.[12] WEMA's disrimination argument is a bit disingenuous. The shippers have not refuted Pan American's assertions that the Governments of Singapore and Taiwan declined to approve the increases in rates for electronic parts as a direct result of pressure by the shippers themselves, yet these same shippers now argue that none of the electronics increases between the United States and the Far East should be implemented because they would be discriminatory if Singapore and Taiwan are not included. Due to the differences in policy and interests among the many governments in a broad market area such as the North/Central Pacific, IATA agreements often fail to receive the unanimous approval of all the governments concerned. Yet such agreements are still implemented to the fullest extent possible. Very few agreements could ever be implemented in any market were they required to be unanimously approved by governments in other markets.

Singapore's assertions, that it would suffer discrimination, essentially represent late-filed objections against the IATA agreement, and are unconvincing. On the contrary, the San Diego rate agreement would merely terminate Singapore's existing preferential rate advantage. Singapore rates would take larger increases than other Pacific points, such as Japan, because the existing Singapore rates are much lower per mile than are the rates for most other Asian points. While the proposed San Diego rate structure does not reflect a perfect "yield taper," it does represent a marked improvement indeed over existing rates, an improvement specifically approved by the Board.

In summary, none of the complaints shows sufficient reason why any of the tariff filings at issue should not be permitted to take effect and they will, therefore, be dismissed.

Accordingly, *it is ordered*, That: 1. The complaints of the Flying Tiger Line, Inc., Pan American World Airways, Inc., Japan Air Lines Company, Ltd., and the Republic of Singapore, in Dockets 30039, 30061, 30627, and 30671, respectively be and hereby are dismissed;

2. The complaints of the Western Electronics Manufacturers Association in Dockets 30037 and 30624 be and hereby are dismissed;

3. The motion of Pan American World Airways, Inc., to file a late-filed document in Docket 30061 be and hereby is granted; and

4. Copies of this order be served on Air Tariffs Corporation, the Flying Tiger Line, Inc., Pan American World Airways, Inc., Japan Air Lines Company, Ltd., the Ambassador of the Republic of Singapore, and Western Electronics Manufacturers Association.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-Z17967 Filed 6-22-77;8:45 am]

[8] Singapore has suggested alternative rates about 17-21 percent less than the proposed IATA rates.

[9] As examples, Pan American cites excess baggage charges on the North Atlantic and passenger fares in the Caribbean.

[10] Initially, in Order 76-9-13, the general container rate increases were also approved. Upon further adjustments to the carriers' economic forecasts, however, the Board concluded that such increases were not in fact necessary, and disapproved them. See concurrent Order 77-6-85.

[11] We will also accept Northwest's proposed minimum charge at $30, which is not out of line with those approved for other world areas.

[12] Concurrent Order 77-6-85 denies WEMA's petition for reconsideration of Order 76-9-13.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, July 13, 1977, at 9 a.m., in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) maintenance of the processor performance tables and further investigation of total systems performance; and (b) investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee meeting agenda has four parts:

GENERAL SESSION

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Discuss program assignments.

EXECUTIVE SESSION

(4) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (4), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearance.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Domestic and International Business Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M; U.S. Department of Commerce, Washington, D.C. 20230; telephone A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittee thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.77-17892 Filed 6-22-77;8:45 am]

HERBERT LEHMAN COLLEGE OF CUNY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 77-00121. Applicant: Herbert H. Lehman College of CUNY, Department of Biological Sciences, Bedford Park Boulevard West, Bronx, N.Y. 10468. Article: Electron Microscope, Model HS-9 and accessories. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for research on the following materials: (1) DNA molecules —involving the attempted demonstration by electron microscopy that ferritin-labeled nucleoside specific antibodies are capable of entering living cells.

(2) Viruses—a study to isolate new viruses which infect blue-green algae (phycoviruses), (3) Blue-green algae—studies to determine the nature of the inclusions that have been observed in blue-green algae cells, (4) Fungi-studies utilizing fungi which parasitize other fungi, and (5) Cells of higher plants and animals—studies evaluating the effect of various plant hormones on the fine-structure of cells in abscission zones of high plants. Work is also planned on crystal containing cells in the mouse cecal epithelium in an attempt to elucidate the nature of the crystalline material and the origin and function of this cell type. An investigation of cell differentiation utilizing the apical cell of liverworts is also to be carried out. In addition, the article will be used for teaching the following courses: Biology 433, Techniques in Electron Microscopy, Biology 634, Cytology and Biology U770.4 Cytology, and Biology U770.6 Laboratory in Cell Fine Structure.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered December 22, 1976. Reasons: The foreign article is a relatively-simple, easy to operate, medium resolution electron microscope designed for confident use in teaching beginning students with a mimimnm of detailed programming. The article provides 6Å point to point resolution, an accelerating voltage of 75 kilovolts, and low distortion magnification from 500 × through 100,000 × plus 200 × for scanning which permits an overlap of light and electron microscopy. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated May 23, 1977 that the relative simplicity as well as low magnification capability described above are pertinent to the applicant's intended educational purposes. HEW also advises that it knows of no domestic instrument which provided the pertinent features at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being

manufactured in the United States at the time the article was ordered.

(Catalog of Federal domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77-17855 Filed 6-22-77;8:45 am]

TECHNOLOGY TRANSFER SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, July 13, 1977, at 1:30 p.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will continue July 14 in Room 5230, Main Commerce Building, to the conclusion of the agenda.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Technology Transfer Subcommittee of the Computer Systems Technical Advisory Committee was initially established on April 10, 1974. On July 8, 1975, the Director, Office of Export Administration approved the re-establishment of this Subcommittee pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Technology Transfer Subcommittee was formed to examine the impact of transferring Automatic Data Processing technology to Communist destinations.

The Subcommittee meeting agenda has seven parts:

GENERAL SESSION

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Summary by Deputy Assistant Secretary Stanley Marcuss of the most recent amendments to the Export Administration Act and discussion of policy implications for technology transfer in general and software technology in particular.

(4) Presentation by DOD on software export controls.

(5) Discussion of outline for Subcommittee's software export control report.

(6) Discussion of new topics which would be useful for the Subcommittee to pursue.

EXECUTIVE SESSION

(7) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (7), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under the Executive Order. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230; telephone A/C 202-377-4196.

The complete Notice of Determination to close portions of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: June 1977.

RAUER H. MEYER, *Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.*

[FR Doc.77-17893 Filed 6-22-77;8:45 am]

TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 13, 1977.

Amended regulations issued under cited Act, (15 CFR 301) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 77-00219. Applicant: Texas Tech University School of Medicine, P.O. Box 4050, Lubbock, Texas 79409. Article: Electron Microscope, Model HS-9 and accessories. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for the study of human biopsy material and animal tissue related to the following scientific research projects:

(a) Rheumatic disease research—muscle biopsy material from patients with rheumatic diseases is being studied,

(b) Dermatologic research—Skin biopsies from patients with psoriasis will be compared to uninvolved areas before and after treatment with ultra-violet light and photoreactive drugs,

(c) Gastrointestinal research—Elegant studies of the transport process membranes are planned using electron opaque tracers and biochemical analysis of transport rates,

(d) Nephrology—electron microscopic evaluation of renal biopsy,

(e) Ophthalmology—study the effect of oral progestens on the development of the eye.

In addition, the article will be used by trainees (fellows) in the Departments of Medicine, Ophthalmology and Pathology. Application received by Commissioner of Customs: June 6, 1977.

Docket Number: 77-00235. Applicant: Old Dominion University, Department of Biological Sciences, Room 120, Hampton Boulevard, Norfolk, Virginia 23508. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigations which will include ultrastructural studies on normal and pathologic plant and animal tissues, developmental studies on fungal systems, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. The objective pursued in the course of these investigations is to understand early pathological alterations in tissues (as induced in animal models) and to correlate these changes with clinical alterations seen in human diseased tissues. In addition, the article will be used in the courses E.M. Methods and Ultra-Crytochemistry which involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells and various subcellular organelles and the employment of cytochemical staining methods to localize various enzymes. Students will be trained in the use and application of electron microscopy and to use the electron microscope in solving individual research problems. Application received by Commissioner of Customs: May 27, 1977.

Docket Number: 77-00237. Applicant: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Article: Ultra-High Resolution Electron Impact-Chemical Ionization Mass Spectrometer, Model MM/ZAB2F with Reversed Geometry For Ion Kinetic Energy Analysis and accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for the study and application of gas phase ion chemistry to problems in environmental health sciences. The particular phenomena to be studied include gas phase ion-molecule reactions with particular emphasis on developing an understanding of chemical ionization mass spectrometry and studying novel ion-molecule reactions which might have utility for the analysis of materials of interest to environmental halth scientists. Typical examples of these materials include chlorinated and brominated aromatic hydrocarbons, polycyclic aromatic hydrocarbons, chlorodibenzo-p-dioxins, plasticizers (such as Di-2-ethylhexylphthalate), metabolites, conjugates and transformation products of the above, tissue extracts and so forth. The article will be used to produce electron impact, chemical ionization (using various reagent gases), field ionization, field desorption, mass-analyzed ion kinetic energy and first field free region metastable ion mass spectra from a variety of samples generated by staff environmental health scientists. Application received by Commissioner of Customs: June 2, 1977.

Docket Number: 77-00251. Applicant: Medical University of South Carolina, 171 Ashley Avenue, Charleston, South Carolina 29403. Article: Gas Chromatograph-Mass Spectrometer, Model MAT 112 and accessories. Manufacturer: Varian-MAT, West Germany. Intended use of article: The article is intended to be used for investigations to define the involvement of prostaglandins in normal and abnormal cardiovascular function and to define the mechanisms of action and toxicity of drugs used to treat cardiovascular diseases. Application received by Commissioner of Customs: May 25, 1977.

Docket Number: 77-00252. Applicant: The Colleges of the Seneca, Inc., 337 Pulteney Street, Geneva, New York 14456. Article: Magnetometer System, Fluxgate Spinner, and Long core horizontal spinner. Manufacturer: Digico, Ltd., United Kingdom. Intended use of article: The article is intended to be used for secular variation studies in order to resolve the sedimentary records of individual seismic, climatic, or sedimentologic events. The article will also be used for educational purposes in the course, Introduction to Geophysics, which involves study of the objectives, methods and discoveries relating to the solid earth. Application received by Commissioner of Customs: May 25, 1977.

Docket Number: 77-00253. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Scanning Electron Microscope, Model HB5 and accessories. Manufacturer: VG Microscopes Ltd., United Kingdom. Intended use of article: The article is intended to be used for investigations of the microstructural properties of a wide variety of metals, metallic alloys, ceramics, earth minerals, and polymers. In particular the composition of small precipitates, compositional variations at heterogeneities, the structure of small particles, and the microstructure of polymers will be investigated. Experiments involving electron image formation to observe the structure of the sample, followed by the monitoring emitted X-rays, electrons that have lost specific energy, or the production of a microdiffraction pattern when the electron probe is stationary are the primary types of experiments planned. In addition, the article will be used for educational purposes in the courses:

(i) "Introduction to Electron Microscopy": Techniques of light and electron microscopy.

(ii) "Electron Microscopy: Image Interpretation": Theory and practice of interpreting electron images.

(iii) "Introduction to Electron Optics and Electron Microscopy": Operation and principles governing electron microscopy.

(iv) "Materials Laboratory I": X-ray diffraction, electron microscopy, and light microscopy used for analyzing microstructures of materials.

(v) "Special Problems in Materials Science": Short-term research-type projects for undergraduate students.

Application received by Commissioner of Customs: May 25, 1977.

Docket Number: 77-00254. Applicant: DHEW-Public Health Service, ADAM HA-National Inst. on Alcohol Abuse and Alcoholism, DIR, 12501 North Washington Avenue, Rockville, Maryland 20852. ARTICLE: Electron Microscope, Model EM 400 with High Magnification Stage and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the investigation of cellular and subcellular components derived from whole animal tissue as well as from cell culture. Structural and functional properties of the cell, including organelles, membranes and macromolecular composition of cytoplasm and nucleoplasm will be studied. The primary objective of the investigations is to delineate in a precise and predictable manner the acute and chronic effects of ethanol on the structural and functional properties of cellular and subcellular components. Material from non-alcohol-exposed control animals and cell culture will also be examined as to differentiate the effects of alcohol from such factors as nutrition and age. Some medical students, graduate students, postdoctorates, and staff fellows may receive instruction on how to use the electron microscope. Application received by Commissioner of Customs: May 25, 1977.

Docket Number: 77-00255. Applicant: Massachusetts Institute of Tech., 77 Massachusetts Avenue, Cambridge, Massachusetts 02139. Article: Recording Current Meter, Model 5 (RCM 5). Manufacturer: Aanderaa Instrument Co., Norway. Intended use of article: The article is intended to be used for studies of low frequency current variability in two different configurations: near bottom in great depths of water (5,000+m) and in conjunction with pressure sensors set on equatorial islands. Application received by Commissioner of Customs: May 26, 1977.

Docket Number: 77-00256. Applicant: The Wistar Institute, 36th Street at Spruce, Philadelphia, PA 19104. Article: Tachophor complete, with Power Supply Unit, and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of biological molecules that include proteins from animal tissue. Investigations will consist of studies on in vitro and/or in vivo reactions between molecules following increase, decrease, or absence of one or all of the reacting molecules. Application received by Commissioner of Customs: June 2, 1977.

Docket Number: 77-00257. Applicant: University of Utah Medical Center, University of Utah, Salt Lake City, Utah 84132. Article: Electron Microscope, Model JEM-100S with sheet film and 35 mm roll film cameras, and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine several types of biological specimens including:

(a) Negatively stained viruses—a solution of viruses is dried onto a carbon coated grid with uranyl acetate to give sufficient contrast,

(b) Thin sections of virus infected cells—infected cells are fixed, dehydrated, embedded in plastic and thin sectioned, and stained with osmium tetroxide, and

(c) Platinum shadowed RNA and DNA molecules—nucleic acid molecules of formvar coated grids are platinum shadowed.

JUN 23 77
UM

Experiments will be designed to determine (a) the structure of bacteriophage P22 and its precursors, (b) the structure of vesicular stomititis virus and its precursors, (c) the structure of the single stranded RNA genome of Sendai virus, and (d) the structure of the portion of the genome which codes for synthesis of 5S ribosomal RNA in higher organisms. In addition, the article will be used routinely as an educational tool for postdoctoral and graduate students from the Department of Microbiology. Application received by Commissioner of Customs: June 2, 1977.

Docket Number: 77–00258. Applicant, Hawaii Institute of Geophysics, University of Hawaii, 2525 Correa Road, Honolulu, Hawaii 96822. Article: Portable 3-component fluxgate magnetometer with digital electronic output and accessories. Manufacturer: E.D.A. Electronics Ltd., Canada. Intended use of article: The article is intended to be used for measurements of the magnetic timevariations continuously for more than 18 months on an oceanic island. The continuous output of the instrument will be digitally recorded on magnetic tape for subsequent Fourier analysis of the various components and their inter-relationships. This will provide a basis for estimating the deep electrical conductivity structure beneath the island which will have a relationship to temperature and deep dynamic process in the earth. The ultimate goal is to investigate these relationships and their connection to possible causes of mid-oceanic volcanism. Application received by Commissioner of Customs: June 2, 1977.

Docket Number 77–00259. Applicant: University of Massachusetts, Department of Zoology, Amherst, Massachusetts 01003. Article: Electron Microscope, Model Elmiskop 102. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for studies of biological materials: nucleic acids, proteins, bacteriophases, and fixed cells. Research will involve elucidation of the substructure of eukaryotic chromatin, investigation of the structural role of prokaryotic DNA-binding proteins, and investigation of host-parasite relations in bacteria/phage infections and Leishmania infections. The article will also be used in the course Zoology 708—Electron Microscopy to train students to use electron microscopy in their biological research. Application received by Commissioner of Customs: June 6, 1977.

Docket Number: 77–00260. Applicant: Sandia Laboratories, Albuquerque, New Mexico 87115. Article: Scanning Electron Microscope, Model Hiscan S–500 and accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for examination of a broader range of materials including:

1. Weapons devices and components.
2. Alloys.
3. Semiconductor materials.
4. Glasses and ceramics.
5. Plastics, foams, and epoxies.
6. Composites.
7. Thin films.

Typical objectives (depending on the material and application) which will be pursued are:

1. Determine cause of failures of devices.
2. Identify corrosion products or contaminants.
3. Examine glass ceramics for initial stages of crystallization.
4. Evaluate bond strength.
5. Identify circuit shorts or open circuits in individual components.
6. Relate topography to fabrication parameters.
7. Establish the effects of radiation and ion implantation on structures.
8. Determine fracture mechanisms.
9. Determine particle size distributions, and
10. Determine thin film characteristics.

Application received by Commissioner of Customs: June 7, 1977.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–17856 Filed 6–22–77;8:45 am]

UNIVERSITY OF CALIFORNIA, RIVERSIDE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number 77–00091. Applicant: University of California, Riverside, P.O. Box 112, Riverside, California 92502. Article: Electron Microscope, Model H–500. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for research in Cell Biology particularly in regards to membrane structure, organization and function, biogenesis of membrane, role of microtubules and microfilaments in membrane processes, and in cytochemical and ultrastructural studies designed to delineate cell structure and organization as related to development and function. The range of research projects include:

I. The delineation of the origin of microvacuoles involved in glandular secretions.

II. Determination of the particulate distribution within the membranes as correlated with functional states.

III. Determination of the relationships and possible roles of microtubules and microfilament as related to membrane processes such as the division of cell organelles.

IV. Structure and function of plasma membranes in the host-parasite relationships of malaria.

V. Cytochemical studies of endomembrane differentiation in Maize.

VI. Five structural studies of muscular dysgenesis, and

VII. High resolution studies of membranes particular in regards to the delineation of attachment and recognition sites. These studies necessitate examinations of the ultrastructure of the material listed above and involve detailed examinations at high resolution of thin-sections, freeze-etch material, negatively stained preparation, examinations of thick sections, and field examinations at low power.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (January 10, 1977).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The Department of Health, Education, and Welfare (HEW) in its memorandum dated May 3, 1977 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises it knows of no domestic instruments which provided resolution equivalent to that of the foreign article at the time Customs received this application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.77–17857 Filed 622–77;8:45 am]

National Oceanic and Atmospheric Administration

ATLANTIC TUNA FISHERIES

Atlantic Bluefin Tuna Purse Seine Season Closure

On June 14, 1977, a notice of final rulemaking concerning the Atlantic bluefin tuna fishery was published in the FEDERAL REGISTER, 42 FR 30373. Section 285.-13 established a total annual quota for Atlantic bluefin tuna, that weigh between 14 pounds (6.4 kg.) round weight and 115 pounds (52.3 kg.) round weight, at 1,000 short tons (910 metric tons). Of the total annual quota of 1,000 short tons, 800 short tons were made available for capture during the open season, and 200 short tons were reserved to be taken at any time during the year incidental to the conduct of a scientific bluefin tuna tagging project.

The 1977 open season quota of 800 short tons of bluefin tuna that weigh between 14 pounds (6.4 kg.) and 115 pounds (52.3 kg.) has been taken. Consequently, in accordance with § 285.12, the following closure is hereby announced. The purse seine fishing season for Atlantic bluefin tuna that weigh between 14 pounds (6.4 kg.) round weight and 115 pounds (52.3 kg.) round weight is closed effective 0001 June 22, 1977.

Issued at Washington, D.C., and dated June 20, 1977.

WINFRED M. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc.77–18125 Filed 6–22–77;8:45 am]

PROPOSAL FOR A PLAN TO CONVERT PUBLIC WEATHER REPORTING TO METRIC UNITS

Meeting

A public meeting will be held to present the National Weather Service proposal for a plan to convert units used for public weather reporting.

The proposed plan includes the use of metric units for public reporting of temperature, wind speed, precipitation, and other weather elements.

The meeting will be held at follows. Date: Thursday, June 30, 1977. Time: 10 a.m. to 3 p.m. Place: U.S. Department of Commerce Auditorium, 14th Street and Constitution Avenue NW., Washington, D.C.

For additional information call Stan Doore, National Weather Service Metric Coordinator, telephone 301–427–7713.

T. P. GLEITER,
Assistant Administrator for Administration.

JUNE 17, 1977.

[FR Doc.77–17939 Filed 6–22–77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM THE SOCIALIST REPUBLIC OF ROMANIA

Establishing Import Restraint Levels

JUNE 21, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Establishing import restraint levels for certain wool and man-made fiber textile products, exported from Romania during the period beginning on January 1, 1977 and extending through December 31, 1977 under the terms of a new bilateral textile agreement.

(2) Cancelling import restraint levels established for men's and boys' wool and man-made fiber suits in Categories 120 and 237 during the twelve-month period which began on December 23, 1976.

SUMMARY: On June 20, 1977, the Governments of the United States and the Socialist Republic of Romania exchanged diplomatic notes constituting a new bilateral textile agreement concerning certain wool and man-made fiber textile products, excluding yarn, which have been produced or manufactured in Romania and exported to the United States during the four-year period beginning on January 1, 1977 and extending through December 31, 1980.

EFFECTIVE DATE: June 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Edmond Callahan, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202–377–5423.

SUPPLEMENTARY INFORMATION: Under the terms of the new agreement, apparel textile products of wool and man-made fibers, as a group, will be subject to a specific limit of 22 million square yards equivalent during the twelve-month period which began on January 1, 1977 and extends through December 31, 1977. Within the specific limit for the apparel group, the following categories will be subject to designated annual consultation limits, adjusted to reflect imports in these categories during the four-month period which began on January 1, 1977 and extends through April 30, 1977. Further adjustments will be made in the levels of restraint to account for imports in these categories between May 1, 1977 and the effective date of this agreement.

Category	Adjusted 12-mo. level of restraint
224 pt. (other wearing apparel, excluding suit-type coats and knit tops).	281,904 lbs.
229/224 pt. (coats and suit-type coats).	1,500,000 yd² equivalent.
121 (men's and boys' outercoats).	43,316 numbers.
122 (women's, misses' and children's coats and suits).	73,024 numbers.

Within the specific limit for the apparel group, the following categories will be subject to the specific ceilings set forth below during the twelve-month period which began on January 1, 1977 and extends through December 31, 1977. The levels have been adjusted to include flexibility during the agreement year which began on January 1, 1977 and extends through December 31, 1977. They have also been adjusted to reflect imports in these categories during the four-month period which began on January 1, 1977 and extends through April 30, 1977. Further adjustments will be made in the levels of restraint to account for imports between May 1, 1977 and the effective date of this agreement.

Category	Adjusted 12-mo. level of restraint
120 (men's and boys' suits)	74,374 numbers.
218/219/224 pt. (shirts, T-shirts and knit tops).	2,340,048 yds.² equivalent
221 (knit sweaters and cardigans).	184,978 doz.
237 (men's and boys' suits)	136,345 numbers.

All other categories in the apparel group will be subject to annual consultation levels of 700,000 square yards equivalent for each man-made fiber apparel category and 100,000 square yards equivalent for each wool apparel category.

The letter of June 21, 1977, published below, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishes the adjusted levels of restraint which will apply to the designated wool and man-made fiber apparel categories during the remainder of the agreement year which began on January 1, 1977, i.e., May 1, 1977 through December 31, 1977. The letter to the Commissioner of Customs and the actions taken pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

On December 16, 1976, the Chairman of the Committee for the Implementation of Textile Agreements issued a directive to the Commissioner of Customs under the terms of Article 3.6 of the Arrangement Regarding International Trade in Textiles, limiting imports of men's and boys wool and man-made fiber suits in Categories 120 and 237, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on December 23, 1976. The letter published below also cancels and supersedes that directive.

CHARLES E. RAYMOND,
Acting Chairman, Committee for the Implementation of Textile Agreements, United States Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

JUNE 21, 1977.

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on December 16, 1976 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of wool and man-made fiber textile products in Categories 120 and 237, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on December 23, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 20, 1977, between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 2, 1972, you are directed to prohibit, effective on June 23, 1977 and for the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 120, 121, 122, 218/219/224 pt., 221, part of 224, 229/224 pt., and 237, produced or manufactured in Romania, in excess of the following levels of restraint:

Category	Adjusted 12-mo. level of restraint [1]
120	74,374 numbers.
121	43,316 numbers.
122	73,024 numbers.
218/219/224 pt.[2]	2,340,048 yd[2] equivalent.
221	184,978 doz.
224 pt.[3]	281,904 lb.
229/224 pt.[4]	1,500,000 yd[2] equivalent.
237	136,345 numbers.

[1] The levels of restraint have been adjusted to reflect imports from Jan. 1, 1977, through Apr. 30, 1977.

[2] In category 224, only T.S.U.S.A. numbers 382.0455 and 382.7879.

[3] All T.S.U.S.A. numbers in category 224 except those listed in footnotes 2 and 4.

[4] In category 224, only T.S.U.S.A. numbers 380.0402 and 380.8103.

Wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Romania, which have been exported to the United States prior to January 1, 1977, shall not be subject to this directive.

Wool and man-made fiber textile products in the foregoing categories, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of June 20, 1977, between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) With the exception of Categories 120, 221 and 237 for which these adjustments have already been made for this year, specific limits within the applicable group limits may be exceeded by designated percentages to account for flexibility; (2) all specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

CHARLES E. RAYMOND,
Acting Chairman, Committee for the Implementation of Textile Agreements, United States Department of Commerce.

[FR Doc.77-18020 Filed 6-22-77;8:45 am]

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency

PRIVACY ACT OF 1974

Systems of Records

The Defense Civil Preparedness Agency, for administrative purposes, is reidentifying and changing the titles of certain systems of records subject to the Privacy Act of 1974. With the exception of record system CPER 6A, which was published in the FEDERAL REGISTER of January 20, 1976, all the systems appeared in the issue of August 18, 1975. Those systems of records affected are identified below along with the new identification and any changes in the new system title. The substantive contents remain unchanged.

Former identification	New Identification
CFEA 3,1 (40 FR 35336).	CFEA 3-1.
CIND 2, liaison services industrial coordinator, guest speaker and national organization list (40 FR 35336).	CIND 2, industrial group consultation.
CINF 2,3 (40 FR 35337)	CINF 2-3.
CLEG 7,1 (40 FR 35338).	CLEG 7-1.
CLEG 7,2 (40 FR 35339).	CLEG 7-2.
CLEG 8,1, enforcement, compliance and supervision of DCPA employees (40 FR 35339).	CLEG 8-1, enforcement, compliance (DCPA employees).
CLEG 8,2, enforcement (compliance)—individuals other than DCPA employees (40 FR 35340).	CLEG 8-2, enforcement (compliance)—non-DCPA, employees.
CMGT 2,3 (40 FR 35341).	CMGT 2.
CPER 1A, bond, charitable, and blood donor drives files (40 FR 35344).	CPER 1-1, bond, charitable, and blood donor files.
CPER 5,1 (40 FR 35344)	CPER 5-1.
CPER 6A, (41 FR 2992)	CPER 8.
CPER 7A (40 FR 35346)	CSEC 3-4.
CPUB 3,2 (40 FR 35347).	CPUB 3-2.
CPUB 3,2B (40 FR 35348).	CPUB 3.
CRAD 2,3,2 (40 FR 35349).	CRAD 2-3.
CTNG 3,5,7, State and local preparedness instructional program SLCPIP) (40 FR 35353).	CTNG 3, State and local civil preparedness.
CTNG 8A (40 FR 35353).	CTNG 8-1.
CTNG 8B (40 FR 35354).	CTNG 8.
CWNG 2A (40 FR 35354).	CWNG 3.
CWNG 2B (40 FR 35354).	CWNG 2-1.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 20, 1977.

[FR Doc.77-17883 Filed 6-22-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[PP 6G1869/T112 FRL 750-1]

ACEPHATE

Establishment of Temporary Tolerance

Chevron Chemical Co., Ortho Div., 940 Hensley Street, Richmond CA 94804, has submitted a pesticide petition (PP 6G1869) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for residues of the insecticide acephate (*0,S*-dimethyl acetylphosphoramidothioate) and its cholinesterase inhibiting metabolite, 0,S-dimethyl phosphoramidothioate in or on the raw agricultural commodity pecans at 0.2 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with an experimental use permit that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires April 28, 1978. Residues not in excess of 0.2 ppm remaining in or on pecans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Section; Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW., Washington, D.C. 20460 (202-755-4851).

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

DATED: June 14, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.77-17854 Filed 6-22-77;8:45 am]

[OPP-250005; FRL 749-3]

PESTICIDE PROGRAMS

Notification of the Secretary of Agriculture of a Proposed Regulation

Notice is hereby given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat. 973; Pub. L. 94-140, 89 Stat. 751; 7 U.S.C. 136 et seq., hereinafter referred to as FIFRA) that the Administrator of the Environmental Protection Agency (EPA) has forwarded to the Secretary of the U.S. Department of Agriculture, a copy of EPA's proposed regulation to exempt from the FIFRA registration requirement those pesticides which are also "new human drugs" under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the proposed regulation) the comments of the Secretary, and the response thereto of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign such regulation for publication in the FEDERAL REGISTER anytime after that 30 day period.

Pursuant to FIFRA section 25(a)(3), a copy of the proposed regulation has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate. Further, the proposed regulation has been submitted to the FIFRA Scientific Advisory Panel, as required by section 25(d).

Dated: June 6, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-17778 Filed 6-22-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21049, (RM-2749)]

COMMERCIAL TELEVISION NETWORK PRACTICES

Order Extending Time for Reply Comments

Adopted: June 16, 1977.

Released: June 20, 1977.

In the matter of Commercial Television Network Practices and the ability of station licensees to serve the public interest.

1. This Inquiry proceeding began by Notice of Inquiry, issued January 14, 1977 (FCC 77-53, 42 FR 4991). The deadline for comments, as extended, was June 1, 1977.

2. The Commission received 48 substantive—and in several cases, very lengthy—comments in response to the Notice prior to the filing deadline. The Department of Justice's comments were received on June 8, 1977. In order to permit all interested parties to file meaningful reply comments, an additional three weeks for preparing such replies appears beneficial. This proceeding is a fact-gathering inquiry and because the Commission wishes to develop the fullest possible record at this stage of the project, this short extension of time is in order.

3. In view of the foregoing, *it is ordered* That the deadline for reply comments in this proceeding, Docket No. 21049, is extended, to and including July 22, 1977.

This action is taken pursuant to authority contained in §§ 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

WALLACE E. JOHNSON.
Chief, Broadcast Bureau.

[FR Doc.77-17950 Filed 6-22-77;8:45 am]

[Report No. 1065]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED

JUNE 20, 1977.

Docket or RM No.	Rule No.	Subject	Date received
RM-2772	Sec. 73.202(b)	Request amendment FM table of assignments to assign channel 300 to Amherst, Va. Filed by Christopher Crosswhite, treasurer for Amherst Broadcasting Associates, Inc.	June 7, 1977

NOTE.—Oppositions to petitions for reconsideration must be filed on or before July 8, 1977. Replies to an opposition must be filed within 10 d after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc. 77-17891 Filed 6-22-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ANTHRACITE COAL CONFERENCE

Postponement

Notice is hereby given that an anthracite coal conference will be held Tuesday, June 28, 1977, at 10 a.m., Room 3000A, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C. This meeting is a postponement of the Anthracite Coal Conference originally scheduled for June 20, 1977, as published on June 17, 1977. This postponement was made at the request of Congressmen Joseph McDade, Daniel Flood and Gus Yatron, in order to allow their personal attendance at the Conference.

The objectives of the Anthracite Coal Conference are to make recommendations to the FEA with respect to the increased utilization of anthracite coal as a readily-available energy source and the maintenance of fair and reasonable consumer prices for such supplies.

The urgency of convening the June 28 conference stems from a priority commitment made by the President to find ways of improving coal production and utilization. In support of this commitment, Mr. Schlesinger has charged the FEA with the responsibility for studying ways to improve the production of anthracite coal. This is an essential part of meeting the proposed National Energy Plan of increasing coal production by ⅔ (over one billion tons) by 1985. It is the first important step in identifying specific measures for increasing our reliance on coal and as a result of this prototype study similar efforts concerning other types of coal can commence.

The study of the utilization of anthracite coal must be completed and presented to Mr. Schlesinger by October 1, 1977, closely coinciding with the formation of the proposed Department of Energy. As a result and in order to adequately address all of the important issues facing anthracite improvement in such a short time period, it is essential to call the conference immediately and as a result the customary advance period of notice normally given in such instances has not been provided.

The agenda for the meeting is as follows:

1. Discussion of Significant Issues of Anthracite Production and the Component Objectives of the Conference.

2. Enumeration of Proposed Working Group Alignment of Conference Participants.

3. Organizational and Operational Aspects of Conference Activities.

4. Comments from the Floor (10 minute rule).

The Conference will address itself to the policy options, but it will not be responsible for implementing programs which manifest those policies under consideration. Therefore, subsequent analysis will be required to determine the viability of programs which incorporate the concepts developed by it. If programs are eventually implemented which are designed to stimulate anthracite production the desired effect of these actions will be criticaly sensitive in terms of policy evaluation, program implementation, and in determining the lead time necessary to increase actual production in light of our national need to expand production of domestic energy resources.

The meeting will be open to the public. The Chairman of the conference is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the conference will be permitted to do so, either before or after the meeting.

Further information concerning this meeting may be obtained from Stephen T. Minihan, Room 3524, FEA Headquarters, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, 202–566–7575.

Transcripts of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, FEA, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the repoter.

Issued at Washington, D.C. on June 17, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-17882 Filed 6-22-77;8:45 am]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Disposition of Three Petitions for Prescription of a Rule To Supersede California Appliance Energy Efficiency Regulations

The Federal Energy Administration (FEA) gives notice that, by letters issued June 10, 1977, FEA denied petitions filed by the Association of Home Appliance Manufacturers, the Air-Conditioning and Refrigeration Institute, and the Gas Appliance Manufacturers Association, each of which requested FEA to prescribe a rule superseding appliance efficiency regulations of the State of California Energy Resources Conservation and Development Commission. The petitions were filed pursuant to section 327(b)(1) of the Energy Policy and Conservation Act, Pub. L. 94–163, December 22, 1975 (42 U.S.C. 6297(b)(1)). A copy of the three decision letters of denial, which describe the petitions and state the reasons for the FEA action, appear as Appendices to this notice.

Issued in Washington, D.C., June 20, 1977.

ERIC G. FYGI,
Acting General Counsel,
Federal Energy Administration.

APPENDIX A

WASHINGTON, D.C., JUNE 10, 1977.

Mr. THEODORE F. T. CROLIUS,
Pierson Semmes Crolius and Finley, 1054 31st Street, NW., Washington, D.C.

DEAR MR. CROLIUS: On December 6, 1976, the Federal Energy Administration (FEA) received a petition (dated December 2, 1976) you submitted on behalf of the Association of Home Appliance Manufacturers (AHAM). The petition seeks, pursuant to section 327(b)(1) of the Energy Policy and Conservation Act (Act), supersession of final (November 3, 1976) and proposed regulations of the California Energy Resources Conservation and Development Commission dealing with the energy efficiency of certain appliances. The petition seeks supersession of the final California regulation insofar as it applies to refrigeraters, refrigerator-freezers, freezers, and room air-conditioners. The petition seeks supersession of the proposed California regulation insofar as the regulation applies to clothes dryers, clothes washers, cooking appliances, dishwashers, and space heaters. All nine appliances are covered products under the Act.

AHAM's December 2 submission was incomplete on its face, since it indicated further information would be submitted (page 12, footnote 7; page 15, footnote 9). You submitted additional information, dated January 21, 1977, which was received at the FEA on January 24, and still further information, dated March 21, 1977, which was received at the FEA on that day. By letter from FEA counsel dated May 16, 1977, you were advised your petition was deemed filed on January 24, 1977.

For the following reasons, your petition is denied.

(1) The "second count" of your petition seeks supersession of a proposed State regulation "if and when" adopted "as final" (petition, December 2, 1976, page 10). This part of your petition is denied on the ground it is prematurely filed.

Section 327(b)(1) of the Act permits the filing of petitions to supersede a "State regulation." In section 327(d), the term "State regulation" is defined to mean "a law or regulation of a State or political subdivision thereof." There is nothing in the statute or the legislative history, and nothing in your petition, which suggests the Administrator can supersede a proposed regulation. Normal statutory construction, and common sense (proposed regulations are subject to change by their nature, and thus cannot accurately be judged against the statutory State interest-undue burden test), lead to the opposite conclusion. Further, section 327(b)(1) requires the petitioner to be "subject to" the State regulation. This presupposes finality of the regulation, since no one can be "subject to" a proposal or draft. For these reasons, AHAM's request for supersession of the proposed regulation is premature.

(2) Under section 327(b)(1), a petitioner is given the opportunity to demonstrate to the satisfaction of the Administrator that (A) there is no significant State or local interest sufficient to justify the State regulation at issue, and (B) the State regulation unduly burdens interstate commerce. This demonstration, for which petitioner carries the burden, requires the presentation of detailed factual information on both aspects of the statutory test. The specific type of information required is set out in section 430.43 (d) and (e) of the FEA's proposed procedural regulations for supersession of State appliance efficiency standards. These regulations were recently issued by FEA. A copy is enclosed for your information. In deciding whether the petitioner has carried the burden, the FEA is required to balance the State interest in the State regulation, if any, against the burden of that regulation, if any, on interstate commerce, as shown in the petitioner's factual presentation.

Your petition has been reviewed carefully against these standards. This review considered your submissions dated December 2, 1976, January 21, 1977, and March 21, 1977. With respect to "significant State interest," your petition concedes the "Administrator probably would concede that California has a state interest in managing the conservation of energy and that such interest is "significant'," since "California, after all, passed a statute and adopted regulations precisely to serve that State interest" (petition, December 2, 1976, page 16). With respect to "undue burden on interstate commerce," AHAM asserts the California regulation "severely inhibits the free flow of commerce among the several states" (petition, December 2, 1976, page 21). Specifically, it is alleged (petition, December 2, 1976, pages 24–26): (1) the "normal, rational channels" of interstate commerce are "distorted," (2) the sizes and weights of appliances headed for California sale will be limited, (3) costs of oversight and supervision by manufacturers will be "excessive", (4) some manufacturers will withdraw from California in whole or part, thereby lessening competition and shrinking consumer choice, and (5) it may be financially impossible for a manufacturer simultaneously to meet the redesign requirements of the California standards and the Federal targets. None of these allegations are supported by sufficient factual information. Therefore, the FEA finds and decides that, on the ground of insufficient factual information, the petitioner has failed to carry the burden of demonstrating FEA should prescribe a rule of supersession. Accordingly, the petition is denied.

The absence of satisfactory factual information may be explained by petitioner's reliance on the erroneous assumption that section 327(b)(1) is an expression of Congressional intent in favor of preemption, that is, of Federal occupation of the consumer appliance energy conservation field to the exclusion of conflicting State regulations not justified by some "particular" or "compelling" State interest. Thus, AHAM argues, for example, that the "essence of Section 327(b)(1) * * * is that in the absence of a Federal standard * * * the Federal target program occupies the field of regulation exclusively" (memorandum, January 21, 1977, page 6), and that "undue burden * * * comes right back to the fact that Congress has regulated one way, California another" (petition, December 2, 1976, page 27).

As should be clear, the FEA cannot accept this legal argument, since it is inconsistent with a clear statutory mandate to the contrary. That mandate is found in sections 327(a) and (b). Read together, those sections make it clear that, until preemptive Federal standards are issued or the criteria in section 327(b)(1) are satisfied and a rule issued, the States are allowed to enforce appliance use or efficiency regulations (sections 327(a) and (b)(1)). Even upon issuance of Federal standards, State regulations which would otherwise be preempted pursuant to sections 327(a) shall not be superseded if the criteria in section 327(b)(2) are satisfied, including a criterion that the State standard in question be more stringent than the analagous Federal standard.

Given this statutory scheme, your assumption that Congress intended to preempt State efficiency standards prior to adoption of Federal standards is erroneous. You are thus returned to the statute and carry the burden of meeting its factual test. For the reasons already detailed, it has been decided you have failed to do so.

This decision is a final decision an action for all purposes, including judicial review. There is no administrative review or appeal. You are free, of course, to reform and resubmit your petition. If you do so, please follow the procedures contained in the enclosed regulations. In particular, note section 327(b)(1) requires a petitioner to be a person "subject to" the State regulation sought to be superseded. This requires submissions by a person actually and directly impacted by the State regulation in the sense the person must take or refrain from taking actions required by the regulation (or by a duly authorized representative of such a person). Under the California regulation at issue, AHAM could not file on its own behalf, since it does not meet the test just described, but it could file as the representative of member companies who are directly impacted (and who are separately identified).

Sincerely,

MARTIN SENECA, JR.,
Acting Assistant Administrator,
Conservation and Environment.

Enclosure

APPENDIX B

WASHINGTON, D. C. *June 10, 1977.*

Mr. FREDERICK A. BALLARD,
Ballard, Beasley and Nelson, 1700 K Street, N.W., Washington, D.C.

DEAR MR. BALLARD: On April 1, 1977, the Federal Energy Administration (FEA) received a petition (dated April 1) and other materials submitted by you on behalf of the Air Conditioning and Refrigeration Institute and certain individually named members of the Institute. Supplementary material you submitted, dated April 11, 1977, was received by FEA on April 12, and is considered part of the petition. The petition seeks, pursuant to section 327(b)(1) of the Energy Policy and Conservation Act (Act), supersession of a November 3, 1976, regulation of the California Energy Resources Conservation and Development Commission dealing with energy efficiency of certain appliances. The petition seeks supersession of the California regulation insofar as the regulation applies to central air conditioners, which are covered products under the Act (section 322(a)(12)), and heat pumps, which are not specifically listed as covered products under the Act, but which FEA will consider for inclusion as covered products within category (7), (12), (13), or (14) of section 322(a). The petition is deemed accepted for filing on April 1, 1977, and, on the following grounds, is denied.

Under section 327(b)(1), a petitioner is given the opportunity to demonstrate to the satisfaction of the Administrator that (A) there is no significant State or local interest sufficient to justify the State regulation at issue and (B) the State regulation unduly burdens interstate commerce. This demonstration, for which petitioner carriers the burden, requires the presentation of detailed factual information on both aspects of the statutory test. The specific type of information required is set out in section 430.43 (d) and (e) of the FEA's proposed procedural regulations for supersession of State appliance efficiency standards.

These regulations were recently issued by FEA. A copy is enclosed for your information. In deciding whether the petitioner has carried the burden, the FEA is required to balance the State interest in the State regulation, if any, against the burden of that regulation, if any, on interstate commerce, as shown in the petitioner's factual presentation.

Your petition has been reviewed carefully against these standards. With respect to "significant State interest," the petition consists of a concession that California has a "highly legitimate interest" in energy conservation (page 7) and the factually unsupported statement that California is "relatively blessed * * * in respect to some forms of energy" (pages 6–7). With respect to "undue burden on interstate commerce," the petition alleges a reduction in competition and freedom of choice for California consumers (page 7), alleges a number of "practical problems" relating to increased costs and marketing problems (pages 10–12), and alleges the number of air conditioners moving interstate into California would "of course" be substantially reduced (memorandum of law, page 6). None of these allegations are supported by sufficient factual information. The data provided by petitioner (petition, pages 4–5 and 10–11, and Appendix B) are directed toward a showing of the percentage of appliances unable to meet the California energy efficiency ratio (EER) standard at this time. There is no attempt to show the level of effort (cost, administrative, or other) needed to effect compliance. This is a significant omission since, as Tables 1 and 2 of Appendix B indicate, a relatively modest increase in the EER will bring substantially complete compliance. Nor is there an attempt to document the alleged adverse marketing impact on commerce, such as the unsupported conclusory allegation of "reduction of competition" leading to "higher" consumer costs. Therefore, the FEA finds and decides that, on the ground of insufficient factual information, the petitioner has failed to carry the burden of demonstrating the FEA should prescribe a rule of supersession. Accordingly, the petition is denied.

The absence of satisfactory factual information may be explained by petitioner's reliance on the erroneous assumption that section 327(b)(1) is an expression of Congressional intent in favor of preemption, that is, of Federal occupation of the consumer appliance energy conservation field to the exclusion of conflicting State regulations not justified by some "special" State interest. Thus, the petition argues, for example, "the power of California to act ceased * * * when Congress passed [the Act] with a diametrically different regulatory scheme" (page 9). As should be clear, the FEA cannot accept this legal argument, since it is inconsistent with a clear statutory mandate to the contrary. That mandate is found in sections 327 (a) and (b). Read together, those sections make it clear that, until preemptive Federal standards are issued or the criteria in section 327(b)(1) are satisfied and rule issued, the States are allowed to enforce appliance energy use or efficiency regulations (sections 327 (a) and (b)(1)). Even upon issuance of Federal standards, State regulations which would otherwise be preempted pursuant to section 327(a) shall not be superseded if the criteria in section 327(b)(2) are satisfied, including a criterion that the State standards in question be more stringent than the analogous Federal standard.

Given this statutory scheme, your assumption that Congress intended to preempt state efficiency standards prior to adoption of Federal standards is erroneous. You are thus returned to the statute and carry the burden of meeting its factual test. For the foregoing reasons, it has been decided you have failed to do so.

This decision is a final decision and action for all purposes, including judicial review. There is no administrative review or appeal. You are free, of course, to reform and resubmit your petition. If you do so, please follow the procedures contained in the enclosed regulations.

Sincerely,

MARTIN SENECA, JR.,
Acting Assistant Administrator,
Conservation and Environment.

cc: California Energy Resources, Conservation Development Commission, Attention: R. L. Maullin, Chairman, 1111 Howe Avenue, Sacramento, California 95825.

APPENDIX C

June 10, 1977.

Mr. HARRY A. PAYNTER,
President, GAMA, 1901 North Fort Myer Drive, Box 9245, Arlington, Virginia 22209.

Dear MR. PAYNTER: On March 25, 1977, the Federal Energy Administration (FEA) received a petition (dated March 23) submitted by the Gas Appliance Manufacturers Association (GAMA). The petition seeks, pursuant to section 327(b)(1) of the Energy Policy and Conservation Act (Act), supersession of a proposed regulation of the California Energy Resources Conservation and Development Commission dealing with energy efficiency standards for certain gas appliances. The petition is deemed accepted for filing on March 25, 1977.

The petition is denied. It is denied on the ground that, in seeking supersession of a proposed—not final—State regulation, it is prematurely filed.

Section 327(b)(1) of the Act permits the filing of petitions to supersede a "State regulation." In section 327(d), the term "State regulation" is defined to mean "a law or regulation of a State or political subdivision thereof." There is nothing in the statute or the legislative history, and nothing in GAMA's petition, which suggests the Administrator can supersede a proposed regulation. Normal statutory construction, and common sense (proposed regulations are subject to change by their nature, and thus cannot accurately be judged against the statutory State interest-undue burden test), lead to the opposite conclusion. Further, section 327(b)(1) requires the petitioner to be "subject to" the State regulation. This presupposes finality of the regulation, since no one can be "subject to" a proposal or draft. For these reasons, GAMA's request for supersession of the proposed regulation is premature.

This is a final decision and action for all purposes, including judicial review. There is no administrative review or appeal. You are free, of course, to submit another petition when the time is ripe to do so. In the event GAMA may want to submit a timely petition, it should be aware of the following:

(1) Section 327(b)(1) requires a petitioner to be a person "subject to" the State regulation sought to be superseded. This requires submissions by a person actually and directly impacted by the State regulation in the sense the person must take or refrain from taking actions required by the regulation (or by a duly authorized representative of such a person). GAMA should review each final State regulation to see if GAMA meets the direct impact standing test. If it does not, it may file only as the authorized representative of a person (or persons) who do, and who must be individually identified. GAMA, for example, could file the representative of one or more of its member companies who are directly impacted if the Association is

not so impacted. These requirements are contained in the FEA's proposed procedural regulations for the filing of petitions, which were recently issued by FEA. A copy is enclosed for your information.

(2) Under Section 327(b)(1), a petitioner is given the opportunity to demonstrate to the satisfaction of the Administrator that (A) there is no significant State or local interest sufficient to justify the State regulation at issue and (B) the State regulation unduly burdens interstate commerce. This demonstration, for which petitioner carries the burden, requires the presentation of detailed factual information on both aspects of the statutory test. Unsupported claims, such as those on pages 4–6 of your petition, would be ineffective for this purpose. The specific type of information required is set out in section 430.43(d) and (e) of the attached proposed procedural regulations. Please note this data is the minimum required. Petitioners are free to submit data on other relevant aspects of the statutory test, and are urged to do so. In deciding whether the petitioner has carried the burden, the Administrator will balance the State interest in the State regulation, if any, against the burden of that regulation, if any, on interstate commerce. A final decision in favor of supersession will not be made until the affected State and all other interested persons have the opportunity to submit written comments and to participate in a public hearing.

Sincerely,

MARTIN SENECA, JR.
Acting Assistant Administrator, Conservation and Environment.

cc: California Energy Resources, Conservation Development Commission, Attention: R. L. Maullin, Chairman, 1111 Howe Avenue, Sacramento, California 95825.

[FR Doc.77-17963 Filed 6-22-77;8:45 am]

FEDERAL MARITIME COMMISSION

NEW YORK FREIGHT BUREAU

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 13, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 5700–27 amends Article 11(f)(4) of the New York Freight Bureau Agreement to provide that the neutral body shall be authorized to assess liquidated damages in an amount not to exceed $120,000 or equivalent in Hong Kong currency for each breach of the agreement, tariff rates, or rules and regulations. Presently, the agreement provides for a graduated scale of liquidated damages to be assessed in the following respective maximum amounts for the first, second, third, fourth and subsequent breaches, i.e., $20,000, $40,000, $50,000 and $70,000.

By Order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

Dated: June 20, 1977.

[FR Doc.77-17969 Filed 6-22-77;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 13, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 14–45 amends Article 11(f)(4) of the Trans-Pacific Freight Conference (Hong Kong) Agreement to provide that the neutral body shall be authorized to assess liquidated damages in an amount not to exceed $120,000 or equivalent in Hong Kong currency for each breach of the agreement, tariff rates, or rules and regulations. Presently, the agreement provides for a graduated scale of liquidated damages to be assessed in the following respective maximum amounts for the first, second, third, fourth, and subsequent breaches, i.e., $20,000, $40,000, $50,000, and $70,000.

By Order of the Federal Maritime Commission.

Dated: June 20, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-17970 Filed 6-22-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER77-426]

APPALACHIAN POWER CO.

Tariff Change

JUNE 16, 1977.

Take notice that Appalachian Power Company (APCo), on June 7, 1977, tendered for filing a Supplement to its FPC Rate Schedule No. 23, Service to Kingsport Power Company, an affiliate. APCo states that the proposed Supplement would add to all bills rendered for service to Kingsport Power Company a surcharge of $0.00033 per kilowatt-hour and is designed to collect, over a period of approximately 24 months, unrecovered fuel costs in the amount of $736,138.

APCo requests waiver of the Commission's notice requirements to allow the temporary surcharge proposed by this filing to become effective as of September 21, 1976.

APCo further states that copies of the filing were served upon Kingsport Power Company and the Tennessee Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17917 Filed 6-22-77;8:45 am]

[Docket No. CP77-420]

COLORADO INTERSTATE GAS CO.

Application

JUNE 17, 1977.

Take notice that on June 2, 1977, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP77-420 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 114 miles of 16-inch pipeline, which would loop its existing 12-inch Wind River supply lateral, together with associated minor piping modification, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant indicates that in Docket No. CP69-243 the Commission approved the construction of Applicant's 114-mile 12-inch Wind River lateral pipeline extending from the Rawlings Compressor Station to the Madden Field, and that the line was constructed and placed in service in 1969 to transport gas produced from the Fort Union and upper Lance Formations in the Madden Field to Applicant's main line at Rawlings, all in Wyoming. Applicant further indicates that pursuant to authority issued in Docket No. CP71-319, the 16-inch Big Horn lateral was placed in service in 1971 to transport gas produced in the Big Horn Basin area, and primarily the Elk Basin Field, to the northern terminus of the Wind River lateral, and that since that time the Wind River lateral has handled the combined Madden-Big Horn gas production.

Applicant states that until recently, the capacity of the Wind River 12-inch lateral has been adequate to handle those supplies, but that as a result of recent gas development in the Madden Deep Unit the volumes to be accommodated in the lateral have changed radically and currently exceed installed capacity. The aggregate volume available for transportation by Applicant from Madden to Rawlins in Fiscal Year 1978 would exceed existing capacity by some 65 percent, it is said.

Applicant states that it is continually engaged in an aggressive gas supply acquisition program to ensure that all possible new gas supplies are contracted, and that as part of this program, it has contracted some of the Cody and lower Lance Formation gas currently being developed in the Madden Deep Unit contributing a substantial addition to Applicant's long-term peak day annual supplies. Applicant states that it is in need of new supplies, particularly over the long term, to maintain availability even at the current levels, and that in the interest of its interstate transmission system customers, it would continue to make every effort to contract for the maximum possible amount of the uncontracted gas.

The Fort Union and upper Lance Formation has been producing gas in the Madden Deep Unit for over ten years, and Applicant is currently taking gas from ten such wells at an aggregate projected 1977–78 rate of 8,860 Mcf per day, it is said. It is stated that exploration of the lower Lance and Cody Formations in the Madden Deep Unit has only recently begun, and that there are presently three producing Cody Formation gas wells (the MDU No. 1, the Margaret 1–6, and the Okie 1–9) which produce an aggregate of 36,203 Mcf per day or an average of 12,068 Mcf per day per well. Applicant states that currently there are also three lower Lance Formation producing wells (the Austin 1–33, the Thomas 1–34, and the Federal Energy 1–35), and that these wells produce at an aggregate rate of 22,179 Mcf per day for an average of 7,393 Mcf per day per well.

Applicant states that long-term contracts for this gas are also held by Kansas-Nebraska Natural Gas Company (K–N) and Northern Gas Company an intrastate affiliate of K–N. Applicant states that its share varies by well, but averages approximately 50 percent in the first six lower Lance and Cody wells, making a total 1977–78 peak day production to Applicant of 29,145 Mcf. Adding the 8,860 Mcf from the Fort Union and upper Lance, plus availability from the lower Lance Formation Line 1–7 and the Cevin 1–6 wells, the 1977–78 Wind River Area production would be 47,320 Mcf. Applicant asserts that development of the Cody and lower Lance Formations is progressing at a rapid rate, and that the total deliverability from the Cody and lower Lance Formations is projected to be ultimately 249,549 Mcf per day. Total reserves from these formations would ultimately be 1,451,000 Mcf, it is said.

Applicant states that it has two alternative assumptions regarding the portion of the total Madden volume that it would acquire; First is the assumption entitled "Minimum Projected Availability" which projects that Applicant's overall share in the unit would never exceed the 27 percent interest which it currently has under contract. Applicant asserts that this is a conservatively low projection since it already has dedicated to it, by long-term contract, over 50 percent of the gas from the initial producing horizons in the eight completed and nearly completed lower Lance and Cody wells. However, it is this 27 percent reserve dedication assumption upon which Applicant fundamentally bases this application, it is said. The second, and more probable, assumption is that Applicant would acquire approximately 63 percent of the unit, it is indicated. It is stated that these total 435,000,000 Mcf under the minimum case and 868,000,000 Mcf under the probable case.

Applicant indicates that 71,380 Mcf per day would be available in 1977–1978 under the minimum assumption and 83,357 Mcf per day under the probable assumption. Applicant states that the maximum capacity of the existing 12-inch Wind River lateral is 43,350 Mcf per day, and that there is currently 62,397 Mcf per day available; 15,077 Mcf from the Big Hord Basin area and 47,320 Mcf from the Madden area. Applicant further states that under the minimum projected availability assumption a 1977–78 peak day volume of 71,380,000 Mcf would be available at Madden for all sources by year-end 1977.

It is stated that the maximum capacity of the Wind River lateral with the proposed loop would be 130,500 Mcf. The primary difference in the 1977–78 design and the maximum design is that on a 1977–78 design basis the gas enters the discharge side of the Rawlins Compressor Station thereby alleviating the need to compress the gas at Rawlins, and under the maximum case, it is assumed that the gas enters the suction side of Rawlins and is compressed, it is said. Applicant states that the facilities to permit the flexibility to enter either the suction or discharge side of the compressor station are currently installed.

Applicant further states that the 16-inch pipeline loop proposed to be constructed and operated to transport additional natural gas supplies from the Big Horn and Wind River Basins is estimated to cost $10,666,606. Modifications to yard piping at Rawlins Stations are estimated to cost $252,932, making a total of $10,919,538, it is said. Applicant states that these expenditures would be financed by a portion of the proceeds from Applicant's 1977 long-term debt financing presently planned for early fall, and that to the extent interim financing is required, funds would be provided from internally generated cash from operations and from borrowings under Applicant's $25 million bank credit agreement which expires December 31, 1979. Applicant further states that the cost of service of the project is calculated for the first three years, and that the third year cost of service of $2,244,387 is only 0.92 percent of Applicant's 1976 total system cost of service of $242,779,607.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7

JUN 23 77
UM

and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17915 Filed 6-22-77;8:45 am]

[Docket No. RP76-73]

DISTRIGAS OF MASSACHUSETTS CORP.

Motion for Certification of Proposed Settlement Agreement

JUNE 17, 1977.

Take notice that on June 3, 1977, Distrigas of Massachusetts Corporation (DOMAC) filed a motion requesting approval of a proposed settlement agreement. DOMAC states that the proposed agreement resolves all of the issues involved in this proceeding, and that approval would be in the public interest.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 11, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17923 Filed 6-22-77;8:45 am]

[Docket No. RI77-35]

DIXIE WELL SERVICE, INC. (OPERATOR)

Amended Petition for Special Relief

JUNE 17, 1977.

Take notice that on June 9, 1977 Dixie Well Service, Inc. (Operator) (Petitioner), Route 1, P.O. Box 407-A, St. Bernard, Louisiana 70085, filed an amended petition for special relief in the above-captioned docket which amends its previous petition filed February 14, 1977,[1] Petitioner now requests a price of 95¢ per Mcf [2] for gas sold to Southern Natural Gas Company from acreage in the Breton Sound Area, Plaquemines Parish, Louisiana.

[1] Notice issued March 1, 1977, published in the FEDERAL REGISTER.

[2] The previous petition was for $1.60 per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17922 Filed 6-22-77;8:45 am]

[Docket No. RP77-97]

EL PASO NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Change in Transportation Rates, Initiating Hearing, and Establishing Procedures

JUNE 16, 1977.

On May 17, 1977, El Paso Natural Gas Company (El Paso) tendered for filing in the above docket certain original and revised tariff sheets [1] incorporating (1) a proposed in transportation rates under El Paso's special Rate Schedule T-6, (2) an initial statement of rates for transportation services rendered under Volume No. 2 of El Paso's FPC Gas Tariff, and (3) certain revisions to Article V of Rate Schedule T-6. El Paso requests that the proposed tariff sheets be made effective on June 1, 1977.

El Paso renders transportation service under Rate Schedule T-6 to the Energy Resources Board of the State of New Mexico (ERB). By letter order issued on January 19, 1977, in Docket No. CP77-40, El Paso was granted temporary authorization to transport up to 10,000 Mcf per day for ERB. This service is rended under a gas transportation agreement dated July 16, 1976, and which is designated as El Paso's Rate Schedule T-6.

By letter agreement dated March 3, 1977, El Paso and ERB amended the July 16, 1976, agreement by revising the rate provisions contained therein in order to conform to rates for each transportation service to be rendered by El Paso under executed transportation service agreements included as special rate schedules in Third Revised Volume No. 2 of El Paso's tariff. The present filing proposes to incorporate into El Paso's tariff the revisions contained in the revised agreement of March 3, 1977. The actual change in the T-6 rate to ERB is estimated to result in a decrease in El Paso's revenues of approximately $4,000 annually.

[1] Original Sheet No. 1-D.2; First Revised Sheet Nos. 780 and 781; Original Sheet No. 780-A, to El Paso's FPC Gas Tariff, Third Revised Volume No. 2.

A review of the transportation rates proposed by El Paso reveals that they are based in part on differences in load factors on the various portions of El Paso's system. The Commission questions the reasonableness of utilizing differences in load factor in designing rates for El Paso's transportation services. Accordingly, the Commission shall suspend El Paso's proposed tariff sheets for one day, until June 2, 1977, and shall order that a conference be held to resolve the load factor issue. Further procedures as may be required following the conference shall be prescribed by the Presiding Law Judge.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof, and the Commission's rules and regulations, a hearing shall be held in this proceeding to determine the justness and reasonableness of the transportation rate changes proposed herein by El Paso.

(B) Pending hearing and decision thereon, El Paso's proposed transportation rate changes shall be suspended for one day, until June 2, 1977, when they shall become effective, subject to refund.

(C) An informal conference shall be convened by the Commission staff within 30 days from the date of this order for the purpose of resolving the issues in this proceeding. Further procedures, if any, as may be required following conclusion of the conference shall be prescribed by the Presiding Law Judge upon motion by the parties to the proceeding, including the staff.

(D) A Presiding Administrative Law, Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall be assigned to this proceeding for the purposes set forth in this order and to preside over any hearings which ultimately may be required.

(E) All parties to the proceeding in Docket No. CP77-40 shall be deemed parties to this proceeding and need not file additional petitions to intervene.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17921 Filed 6-22-77;8:45 am]

[Docket No. ER77-175]

FLORIDA POWER AND LIGHT CO.

Further Extension of Time

JUNE 16, 1977.

On June 13, 1977, Florida Power and Light Company filed a motion to further extend the time for filing its case-in-chief and for the pre-hearing conference as required by corrected order issued April 12, 1977, in the above indicated docket. The motion states that Staff Counsel and counsel for the only intervenor in the proceeding have agreed to a change in procedural dates.

Upon consideration, notice is hereby given that the time for filing the case-in-chief in the above proceeding is further extended to and including July 6, 1977. The pre-hearing conference previously scheduled for June 30, 1977, is changed to July 19, 1977, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17919 Filed 6-22-77;8:45 am]

[Docket No. RI77-100]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Petition for Declaratory Order

JUNE 17, 1977.

Take notice that on May 25, 1977, Independent Oil & Gas Association of West Virginia (IOGA) filed a Petition for Declaratory Order requesting that the Commission issue a declaratory order confirming, in connection with a supplemental special relief petition IOGA proposes to file pursuant to settlement proposals approved in Docket Nos. RI74-188 and RI75-21, two essential principles previously relied upon by IOGA in its original special relief petition and approved by the Commission in its orders dated March 19, 1976, and March 22, 1976. Those principles are: (1) Use of representative cost data and (2) use of representative reserve and deliverability estimates in a group special relief petition.

IOGA requires the Commission's clarification of these principles in order to conduct data gathering and reserve estimation on an intelligent, equitable, and economical basis. IOGA requests that the Commission confirm both principles for purposes of a supplemental special relief proceeding. IOGA does not ask that the Commission's confirmation extend to the validity of the cost data or reserve and deliverability estimates to be obtained.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule's of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17913 Filed 6-22-77;8:45 am]

[Docket No. RI77-26]

J & J ENTERPRISES, INC. ET AL.

Petition for Declaratory Order

JUNE 17, 1977.

Take notice that on May 31, 1977, J & J Enterprises, Inc., *et al.* (J & J, *et al.*) filed a Petition for Declaratory Order in Docket No. RI77-26 pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure requesting that the Commission issue a declaratory order confirming, in connection with the special relief petition filed in this proceeding on January 14, 1977, two essential principles that J & J, *et al.* aver were approved by the Commission in its orders dated March 19, 1976, and March 22, 1976, in FPC Dockets RI77-21 and RI74-188 (IOGA). Those principles are: (1) use of representative cost and production data and (2) use of representative reserve and deliverability estimates in a group special relief petition.

J & J, *et al.* state that they require Commission clarification of these principles in order to conduct data gathering and reserve estimation on an intelligent, equitable, and economical basis. J & J, *et al.* state that, by this petition, they do not require that the Commission's confirmation extend to the validity of the data or estimates to be obtained by this approach.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17912 Filed 6-22-77;8:45 am]

[Docket No. CP75-278]

MICHIGAN WISCONSIN PIPE LINE CO. AND ANG COAL GASIFICATION CO.

Amendment to Application

JUNE 17, 1977.

Take notice that on May 9, 1977,[1] Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and ANG Coal Gasification Company (ANG), both having their principal places of business at One Woodward Avenue, Detroit, Michigan 48226, (Applicants) filed in Docket No. CP75-278 an amendment to their application filed in said docket pursuant to Section 7(c) of the Natural Gas Act so as to provide certain revisions that would reflect a proposal for co-ownership of Phase I of the coal gasification facilities by ANR Gasification Properties Company (ANP), a Delaware corporation, and PGC Coal Gasification Company (PGC), the substitution of ANP and ANG as an applicant in this docket, and execution of agreements with Basin Electric Power Cooperative (Basin Electric), a North Dakota electric cooperative, relating to the construction of a lignite-fired steam-electric generating station at the coal gasification plant site, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

It is stated that in the original application filed in the instant docket Applicants proposed that ANG would sell in interstate commerce commingled natural gas and synthetic gas produced from coal to Michigan Wisconsin, and the construction and operation by Michigan Wisconsin of facilities to enable it to receive and transport the commingled gas to its customers. Applicants indicate that due to the financial burden which the continuation of this project has imposed on the American Natural Resources System, (American Natural), they were forced to seek participation by another party who would be willing to share the costs of the project in return for a share of the gas to be manufactured. As a result, Peoples Gas Company of Chicago, Illinois (Peoples), which through subsidiaries has a continuing interest in gasification of North Dakota Lignite, became a co-owner of the project, it is said. It is stated that on March 11, 1977, an interim agreement was entered into between ANG and PGC, a wholly-owned subsidiary of Peoples, providing for a sharing of front-end costs and outlining the basis for co-ownership of Phase I of the Mercer County gasification plant and of its output. It is further stated that ANG has also executed various agreements with Basin Electric to construct a two unit 900 megawatt nominal capacity steam-electric generating plant at the site of the Mercer County coal gasification facility, provide for a supply of lignite for these generating facilities, and provide for a supply of electricity and emergency steam for the gasification plant.

Co-ownership would change the role of ANG from that of owner and operator of Phase I of the gasification plant to that of operator only, and American Natural has organized a new wholly-owned subsidiary, ANG, which, with PGC would be the co-owner of Phase I

[1] The application was initially tendered for filing on May 9, 1977; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until May 27, 1977; thus, filing was not completed until the later date.

of the plant and its output, it is said. It is stated that ANG would construct Phase I of the gasification plant on behalf of ANG and PGC and operate the plant on a cost basis. It is indicated that ANG would sell quantities of commingled synthetic and natural gas equivalent in heating value to one-half of the output of Phase I of the gasification plant, less fuel and the line loss incurred in the transportation of the gas, to Michigan Wisconsin at a point of delivery near Crystal Falls, Michigan, instead of ANG as originally proposed.

It is stated that ANG would construct the coal gasification plant in Mercer County, North Dakota subject to the modifications resulting from the Basin Electric agreements, and that the total plant would be constructed in two phases. After the first phase of construction, the plant would produce 137,500 Mcf per stream day of high Btu synthetic gas, and after the second phase of construction, would produce 275,000 Mcf per stream day, it is said. Applicants state that the plant is designed for a 91 percent on-stream factor, which would result in an average calendar day capacity of 125,000 Mcf in the first phase, or approximately 45.6 Bcf per year, and 250,000 Mcf per day, or 91.2 Bcf per year after the second phase construction.

Applicants state that the transportation function originally proposed to be performed by Great Lakes Gas Transmission Company (Great Lakes) through jurisdictional and non-jurisdictional pipeline facilities from the outlet of the gasification plant to a point of interconnection with the pipeline system of Michigan Wisconsin near Crystal Falls, Michigan, would be performed by ANG.

Applicants indicate that the costs of constructing the Phase I gasification plant and coal mine, reflecting the proposed changes have been recalculated based on mid-1976 price levels, as have the costs of the jurisdictional facilities to be constructed by Michigan Wisconsin, and that the costs of Michigan Wisconsin's facilities are estimated to be $6,350,660. The total cost of the Phase I gasification plant, based on 1976 dollars is estimated to be $531,596,000, and the capital costs of the gasification plant's share of the coal mine are estimated to be $70,751,000, it is said. Applicants state that based on these capital costs and estimated operating expenses, an initial cost of approximately $3.73 per Mcf is projected at the tailgate of the plant, and that this first-year cost (expressed in constant dollars) would decline thereafter throughout the life of the plant as a result of depreciation and retirement of capital.

It is stated that the financing plans for the gasification plant and the coal mine reflect no change from the plans except that the equity would be furnished by American Natural and Peoples or an affiliate thereof and the surcharge, reflecting the capital carrying costs, would be borne by the customers of both Michigan Wisconsin and NGPL. The average surcharge during the construction period is estimated to be 3.0 cents per Mcf for the customers of Michigan Wisconsin, based on the level of sales for 1976, it is said.

Applicants state that the principal changes in the proposed construction and operation of the coal gasification facilities resulting from the agreements with Basin Electric are as follows:

(1) The mining plan has been expanded to provide for an approximately 7 million ton per year rate of production for the first phase of the gasification plant and the first unit of the generating station, increasing to 14 million tons per year when both phases of the gasification plant and both units of the generating station are in operation. Basin Electric will bear its proportionate share of the financing and the operating costs of the mine.

(2) The primary raw water treatment facilities would be modified to accomodate the needs of both the gasification plant and the generating station.

(3) The gasification plant would purchase electricity from Basin Electric during the operating period. In addition, the Basin Electric facility would provide a source of emergency steam for the gasification plant.

(4) The steam generating facilities of the gasification plant will burn liquid hydrocarbon byproducts of the gasification process, rather than a portion of the lignite fines produced at the gasification plant as originally proposed. In the course of its continuing evaluation of the project, ANG has ascertained that its original proposal to market these liquid by-products is not economically feasible due to the relatively small quantities produced in a location as remote as that of the gasification plant. The lignite fines, which are unsuitable for gasification, will be utilized by Basin Electric for the generation of electricity. The changes in utilization of these by-products result in the consumption of all tar, tar oils, naphtha, phenols and lignite fines at the two adjacent plant sites, with the result that less equipment is required than would be the case if the plants were constructed at two different locations, and the problems of marketing these byproducts are eliminated, as are the environmental problems of transporting lignite fines beyond the immediate plant area.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17914 Filed 6-22-77;8:45 am]

[Docket No. ER76-830]

MISSISSIPPI POWER & LIGHT CO.

Presiding Administrative Law Judge's Certification of Proposed Settlement to the Commission

JUNE 17, 1977.

Take notice that on June 3, 1977, Presiding Administrative Law Judge Raymond M. Zimmet, in accordance with 18 CFR 1.18(e), certified to the Commission for consideration and disposition a Settlement Agreement regarding Mississippi Power & Light Company's (MP&L) rates for wholesale electric service. Judge Zimmet indicates that MP&L, the intervening customers and the Commission's Staff have together arrived at this settlement agreement.

Any person wishing to do so may submit comments in writing concerning the aforementioned Settlement Agreement, which will be taken into account in the final disposition of this proceeding. Comments should be addressed to Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 30, 1977. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17925 Filed 6-22-77;8:45 am]

[Docket No. RI77-89]

W. B. OSBORN, JR. (OPERATOR)

Petition for Special Relief

JUNE 17, 1977.

Take notice that on May 23, 1977, W. B. Osborn, Jr. (Petitioner), P.O. Box 6767, San Antonio, Texas, 78209, filed a petition for special relief seeking an increase of 5.5¢ per Mcf in the rate presently collected for natural gas sales to the Plateau Division of Northern Natural Gas Company (Northern) from certain wells located in the Hugoton Field, Kearny County, Kansas.

Petitioner states that in 1973 pumping units were installed on the subject wells due to increased water encroachment and the desire to eliminate the flaring of gas which had resulted from the gas lifting process previously used to remove water from the well bore. Petitioner states that the 5.5¢ per Mcf rate increase requested herein represents a charge for the pumping and has been previously agreed to by Northern.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 5, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17924 Filed 6-22-77;8:45 am]

[Docket No. CS74-86]

SAMSON RESOURCES CO.

Petition for Waiver

JUNE 17, 1977.

Take notice that Samson Resources Company (Applicant), 2700 First Place, Tulsa, Oklahoma 74103, filed on May 16, 1977, a petition for waiver of Section 157.40(c) of the Commission's Regulations.

Applicant states that it is seeking authorization to sell, under its small producer certificate issued is Docket No. CS74-86, natural gas to Cities Service Gas Company (Cities Service) from developed reserves underlying one well in the N. E. Glenwood Field, Beaver County, Oklahoma, which Samson acquired from a large producer. Effective December 21, 1976, Applicant and Kaiser-Francis Special Account D and Cities Service executed a replacement contract of July 24, 1956, providing for a current base price of 53 cents per Mcf, subject to adjustment for Btu content and tax reimbursement. The contract also contains an "area/national rate" adjustment clause. Sales from the Dillon-Lonker Unit currently average approximately 100 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 30, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17918 Filed 6-22-77;8:45 am]

[Docket No. RI77-99]

SUN GAS COMPANY, A DIVISION OF SUN OIL COMPANY, DELAWARE

Petition for Special Relief

JUNE 17, 1977.

Take notice that on June 6, 1977, Sun Gas Company, A Division of Sun Oil Company, Delaware (Petitioner), P.O. Box 20, Dallas, Texas 75221, in Docket No. RI77-99 filed a petition for special relief pursuant to Section 2.76 of the Commission's Regulations. Petitioner requests relief from the nation-wide flowing gas rates prescribed in Opinion No. 749 for the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Frack No. 1 Well and the Stanbaugh No. 1 Well located in Stafford County, Kansas. Petitioner requests a rate increase of 12.5¢ per Mcf for a total rate of 41.8398¢ per Mcf at 14.65 psia.

Petitioner states that the requested 12.5¢ per Mcf increase represents a compression charge previously agreed to by Panhandle. Petitioner states that the compression charge is necessary in order to render the continued production of gas from the subject wells economically feasible.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 7, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17911 Filed 6-22-77;8:45 am]

[Docket No. CP77-418]

TEXAS EASTERN TRANSMISSION CORP. AND CONSOLIDATED SYSTEM LNG CO.

Application

JUNE 17, 1977.

Take notice that on June 1, 1977, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Consolidated System LNG Company (Consolidated LNG), 445 West Main Street, Clarksburg, West Virginia 26301, (Applicants) filed in Docket No. CP77-418 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the exchange of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to the terms of an exchange agreement dated May 20, 1977 between Texas Eastern and Consolidated LNG, Consolidated LNG would deliver vaporized liquefied natural gas (LNG) to Texas Eastern at two exchange points to be constructed in Pennsylvania where the proposed Consolidated LNG 30-inch pipeline authorized at Docket No. CP71-290 would intersect Texas Eastern's transmission lines, at quantities on an average daily basis of approximately 365,000 dekatherms equivalent per day, plus a maximum day surge allowance of 20 percent above such average daily quantity. It is stated that Texas Eastern would deliver equivalent quantities to Consolidated Gas Supply Corporation (Consolidated Supply) for Consolidated LNG's account at any of twelve existing interconnection points between the two systems. Specifically, it is stated that Texas Eastern would deliver the exchange gas to Consolidated Supply in accordance with mutually agreed upon dispatching arrangements at delivery pressure existing at the same time and place of delivery and on the outlet sides of the following existing pipeline system measuring stations (Delivery Points):

1. Measuring Station 450 in Noble County, Ohio.
2. Measuring Station 471 in Monroe County, Ohio.
3. Measuring Station 983 in Monroe County, Ohio.
4. Measuring Station 004 in Monroe County, Ohio.
5. Measuring Station 372 in Marshall County, West Virginia.
6. Measuring Station 1671 in Cambria County, Pennsylvania.
7. Measuring Station 037 in Green County, Pennsylvania.
8. Measuring Station 051 in Somerset County, Pennsylvania.
9. Measuring Station 082 in Westmoreland County, Pennsylvania.
10. Measuring Station 458 in Cambria County, Pennsylvania.
11. Measuring Station 323 in Blair County, Pennsylvania.
12. Measuring Station 931 in Clinton County, Pennsylvania.

Applicants seek authorization herein to:

(1) Construct and operate tap and metering facilities and related facilities at a point located at or near Texas Eastern's Chambersburg Station in Franklin County, Pennsylvania, where Texas Eastern's 20-inch and 24-inch transmission pipelines would connect with the proposed Consolidated LNG 30-inch pipeline.

(2) Construct and operate taps and metering facilities and related facilities at Texas Eastern's Perulack Station in Juaniata County, Pennsylvania where Texas Eastern's 24-inch and 30-inch transmission pipelines would connect with the proposed Consolidated LNG 30-inch pipeline, and for:

(3) Delivery by Consolidated LNG to Texas Eastern, and redelivery by Texas Eastern to Consolidated Supply at any of twelve existing connection points, of quantities of vaporized LNG as provided by the exchange agreement of May 20, 1977.

Applicants indicate that the construction of the facilities is estimated to cost $4,542,600, and that such total cost is to be paid by Consolidated LNG. Consolidated LNG would own the facilities, excluding the taps which would be owned by Texas Eastern, and Texas Eastern would operate them, it is said.

It is indicated that Consolidated LNG was granted authorization on March 21, 1975 in Docket No. CP71-290 to:

(1) Construct and operate approximately 190 miles of 30-inch pipeline extending from Loudoun County, Virginia to a point of connection with the existing facilities of Consolidated Supply located in the vicinity of the latter company's Leidy Storage Field in Clinton County, Pennsylvania, and

(2) Construct and operate a 6800 horsepower compressor station to be located at Doylesburg, Pennsylvania. It is stated that in a related proceeding at Docket No. CP71-153, the Commission authorized Consolidated LNG to import 350,000 Mcf per day of LNG from Algeria, and that in Opinion Nos. 622 and 622-A the Commission granted the authorizations jointly sought by Consolidated LNG and Columbia LNG Corporation at Docket No. CP71-289, for the construction and operation of the Cove Point, Maryland, terminal and pipeline facilities required to receive, terminal, store and vaporize the LNG which they proposed to import from Algeria and for the pipeline and related facilities needed to transport the vaporized LNG which they proposed to import from Algeria from Cove Point, Maryland to Loudoun County, Virginia.

It is indicated that Texas Eastern has sufficient capacity on its pipeline system to receive the exchange quantities of gas from Consolidated LNG and to exchange deliver equivalent quantities as provided in the exchange agreement.

Applicants state that their exchange agreement provides for an exchange charge of $150,000 per month for the exchange of gas as proposed herein, and that this charge is a negotiated charge. The exchange agreement further provides that subject to Texas Eastern's placing in effect increased rates to compensate it for loss of the monthly exchange charge, Consolidated LNG's obligation to pay the monthly exchange charge then in effect would be suspended for each consecutive month following nine consecutive months during which Consolidated LNG fails to tender at the receiving points any daily deliveries of gas, it is said. It is asserted that if Texas Eastern's compensating increased rates are not in effect at the end of such nine month period, Consolidated LNG would continue to be obligated to pay Texas Eastern the monthly exchange charge until such time as Texas Eastern's compensating increased rates become effective.

Applicants state that the proposed exchange points and exchange of gas would eliminate approximately 80 miles of the northernmost portion of the proposed Loudoun-Leidy pipeline and the proposed Doylesburg compressor station and decrease the capital costs, and ultimately the LNG costs to the consumer, for the project by approximately $27.7 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-17920 Filed 6-22-77;8:45 am]

[Docket No. CS75-470]

TEXAS OIL & GAS CORP.

Petition for Waiver

JUNE 17, 1977.

Take notice that on May 23, 1977, Texas Oil & Gas Corp. (Applicant) 2700 Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CS75-470 a petition for waiver of Section 157.40(c) of the Commission's Regulations to enable Applicant to sell under its small producer certificate, in Docket No. CS-75-470, its interests in natural gas produced from certain properties in Woodward County, Oklahoma which it has acquired indirectly from Shell Oil Company (Shell). Applicant is willing to accept a condition which would limit its rate for gas sold attributable to interests acquired from Shell to the applicable large-producer ceiling rate.

By assignments dated August 20, 1970 and April 17, 1973, TXO acquired certain interests from A. J. Wessely (Wessely) in acreage located in the north half of Section 26, Township 22 North, Range 17 West, Woodward County, Oklahoma. Wessely's interest in this property was acquired from Jess Harris, Jr. (Harris) by assignment dated June 5, 1970. Harris' interest in said property was acquired from Shell by assignment dated May 28, 1970. The interests which TXO acquired are subject to that certain gas purchase contract dated August 24, 1960 between Shell, as Seller, and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), as Buyer. The Shell contract is on file with the Commission as Shell's FPC Gas Rate Schedule No. 268 and is certificated in Docket No. CI61-524. The interests which TXO acquired from Shell represent only a portion of Shell's properties which are covered by said contract. Thus, TXO is only partial successor-in-interest with respect to said contract.

TXO has recently drilled and completed a new well in a tract of land, part of which it acquired under the August 20, 1970 and April 17, 1973 assignments. TXO proposes to sell to Michigan Wisconsin, under its small producer certificate, in Docket No. CS74-470, the gas produced attributable to the interests which it acquired from Shell. In order to permit such sale of such interests in the production under its small producer certificate, TXO requests a waiver of Section 157.40(c) of the Commission's Regulations. In this regard, TXO is willing to accept a condition which would limit its sale under its small producer certificate of production which is attributable to the interests acquired from Shell to the Commission's large-producer ceiling rate which may be applicable from time to time.

Any person desiring to be heard or to make and protest with reference to said application, on or before June 30, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene

in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-17916 Filed 6-22-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN STATE BANCSHARES, INC.

Formation of Bank Holding Company

American State Bancshares, Inc., Osawatomie, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The American State Bank, Osawatomie, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 15, 1977.

Board of Governors of the Federal Reserve System, June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17859 Filed 6-22-77;8:45 am]

FIRST BANKERS CORPORATION OF FLORIDA

Acquisition of Bank

First Bankers Corporation of Florida, Pompano Beach, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Cape Canaveral, Cape Canaveral, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Research System, Washington, D.C. 20551, to be received not later than July 19, 1977.

Board of Governors of the Federal Reserve System, June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17860 Filed 6-22-77;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of City National Bank of Austin, Austin, Texas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the second largest banking organization in Texas as of December 31, 1976, controls 27 banks with aggregate deposits of approximately $3.4 billion, representing 7.1 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank, which holds deposits of $289 million, would increase Applicant's share of total deposits in commercial banks in the State by 0.6 percent causing it to become the largest banking organization in the State.

Bank, the third largest of 20 banks in the relevant market,[2] controls total deposits of $289 million, representing 16.3 percent of total deposits in commercial banking institutions in the market. Applicant is not currently represented in the Austin banking market. There is virtually no existing competition between Applicant's banking subsidiaries and Bank. Applicant's nearest bank subsidiary is located 118 miles southeast of Austin and Applicant's lead bank is located in Houston, 162 miles southeast of Austin. Thus, in view of the local nature of banking markets, consummation of Applicant's proposal would not have any significant adverse effects on existing competition within the relevant market.

The Board has expressed the opinion that, in view of the exceptionally rapid population and economic growth in the Austin area in recent years, it appears that the market is atttractive for entry by banking organizations.[3] The Board has also noted that a number of the State's largest banking organizations are not currently represented in that market. Approval of this application will not foreclose the possibility of other competitors entering the market either de novo (as four groups have done in the last 17 months) or through acquisition of one of the many independent banks in the market, and thus Applicant's acquisition of Bank should not significantly reduce the likelihood that the market will become less concentrated in the future.[4]

While consummation of this proposal would eliminate the possibility of Applicant entering the Austin market de novo or through acquisiton of one of the numerous smaller independent banks, the Board is of the view that Applicant's entry into the Austin market should not be restricted to establishing a bank de novo or acquiring a foothold entry. Thus, the Board is presently unable to conclude that consummation of the proposed transaction would have such adverse effects upon the concentration of banking resources or upon potential competition within the Austin banking market as to justify denial of the subject application. On the other hand, approval of this application may have a positive effect on competition in the market by introducing a new and aggressive competitor into the Austin banking market.

The financial and managerial resources of Applicant, its subsidiaries and Bank are considered generally satisfactory and the future prospects of all appear favorable. Thus, the Board is of the view that the banking factors involved in the proposal are consistent with approval.

Information contained in the record indicates that banks within the Austin market are not presently fully meeting all of the banking needs of the area, especially the needs of large national and international corporations located in the Austin vicinity. Applicant proposes to provide Bank with its specialized expertise in international banking, trust operations, data processing, and commercial and investment services. Applicant also plans to expand Bank's credit capability to better service the credit needs of the community. Further, Applicant, through its insurance subsidiary, would offer credit life and credit accident and health insurance in connection with extensions of credit by Bank at rates identical to those approved by the Board for Applicant's other subsidiaries. These rates represent significaint reductions from the maximum rates now being charged by Bank. Accordingly, considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. In view of the foregoing, it is the Board's judgment that Applicant's acquisition of Bank would be in the public interest.

[1] Unless otherwise indicated, all banking data are as of September 30, 1976.

[2] The relevant geographic market is approximated by the Austin SMSA, which is comprised of Hays and Travis Counties.

[3] See Board's Order of April 13, 1977, approving the application of Texas Commerce Bancshares, Inc., Houston, Texas, to merge with The BanCapital Financial Corporation, Austin, Texas, 42 FR 20500 (1977); 63 Federal Reserve Bulletin 500 (1977).

[4] It appears that the Austin market is undergoing deconcentration. The aggregate market shares of the three largest banking organizations in the market declined from 70.2 percent, as of year-end 1970 to 65.0 percen at year-end 1975. The opening of four new banks in the market within the last 17 months also reflects the market's trend toward deconcentration, but has not really lessened the market's attractiveness for additional de novo entry.

On the basis of the record,[5] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[6] effective June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17861 Filed 6-22-77;8:45 am]

FIRST GUTHRIE BANCSHARES, INC.

Formation of Bank Holding Company

First Guthrie Bancshares, Inc., Guthrie, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Guthrie, Guthrie, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

First Guthrie Bancshares, Inc., Guthrie, Oklahoma, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire 100 percent of the beneficial interest in First Guthrie Business Trust, Guthrie, Oklahoma, which in turn will own 100 percent of the shares of First Guthrie Insurance Agency, Guthrie, Oklahoma. Notice of the application was published on May 13, 1977, in the Guthrie Daily Leader, a newspaper circulated in Logan County, Oklahoma.

Applicant states that the proposed subsidiary would engage in the activities of offering credit life insurance and credit accident and health insurance in connection with extensions of credit by Applicant's proposed subsidiary bank. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 15, 1977.

Board of Governors of the Federal Reserve System, June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17862 Filed 6-22-77;8:45 am]

HAWKEYE BANCORPORATION

Order Approving Acquisition of Bank

Hawkeye Bancorporation, Des Moines, Iowa, a bank holding company within the meaning of the Bank Holding Company Act ("Act") has applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire 60 per cent or more of the voting shares of Commercial State Bank, Marshalltown, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, the third largest banking organization in Iowa, controls 15 banks with aggregate deposits of approximately $458 million,[2] representing 3.8 percent of total deposits in commercial banks in Iowa. Applicant's acquisition of bank would increase its share of total deposits in the State by 0.3 percent and would not alter its ranking among other banking organizations in the State. Consummation of Applicant's proposal would not result in a significant increase in the concentration of banking resources in Iowa.

Bank holds deposits of approximately $33.7 million, representing 18.4 percent of the total deposits in commercial banks in the Marshall County banking market,[3] and thereby ranks as the third largest of seven banks headquartered in the market. The subsidiary banks of Applicant located closest to Bank are Jasper County Savings Bank, Newton, Iowa ("Jasper Bank") and Farmers Savings Bank, Grundy Center, Iowa ("Farmers Bank"). Jasper Bank is located approximately 30 miles south of Bank, in a separate banking market. Farmers Bank is located approximately 30 miles northeast of Bank in another banking market separate from the Marshall County market. It does not appear that any of the three banks derives significant deposits or loans from the market areas of the other banks; nor does it appear that any significant competition presently exists between any of Applicant's subsidiary banks, on the one hand, and Bank, on the other hand. Although Jasper Bank and Farmers Bank could lawfully each establish a branch office in Marshall County and Bank could lawfully establish a branch office in markets served by Jasper Bank and Farmers Bank, it does not appear likely that any substantial competition would develop between those two banks and Bank in the foreseeable future due to the lack of attractive locations for establishing branch offices in the respective markets. Therefore, on the basis of the facts of record, the Board concludes that consummation of the subject proposal would not have any significant adverse effects on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiaries and Bank are regarded as generally satisfactory and the future prospects for each appear favorable. In view of Applicant's proposal to limit the debt that it would incur as a result of this acquisition to $287,000, considerations relating to the banking factors are consistent with approval. Applicant proposes to assist Bank in improving its physical facilities and expanding Bank's trust and investment advisory services. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17863 Filed 6-22-77;8:45 am]

[5] Dissenting Statement of Governor Wallich filed as part of the original document. Copies are available upon request to Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[6] Voting for this action: Chairman Burns and Governors Gardner, Coldwell, Jackson, Partee, and Lilly. Voting against this action: Governor Wallich, Dissenting Statement filed as part of the original document.

[2] All banking data are as of June 30, 1976, and reflect bank holding company formations and acquisitions approved by the Board through May 31, 1977.

[3] The Marshall County banking market, the relevant geographic market for the purposes of analyzing the competitive effects of the subject proposal, if approximated by all of Marshall County, Iowa.

[4] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee and Lilly. Absent and not voting: Governor Coldwell.

Ottawa Bancshares, Inc.

FORMATION OF BANK HOLDING COMPANY

Ottawa Bancshares, Inc., Ottawa, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of The Kansas State Bank, Ottawa, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Ottawa Bancshares, Inc., Ottawa, Kansas, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permision to acquire voting shares of Credit Life Insurance Agency, Ottawa, Kansas. Notice of the application was published on April 21, 1977, in The Ottawa Times, a newspaper circulated in Franklin County, Kansas.

Applicant states that the proposed subsidiary would perform the activities of acting as agent in the sale of insurance directly related to extensions of credit by The Kansas State Bank, including credit life insurance, disability insurance on installment loans, and insurance to protect collateral securing such extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 15, 1977.

Board of Governors of the Federal Reserve System, June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-17864 Filed 6-22-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-428]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in two rulemaking proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Communications Commission involving two rulemaking proceedings concerning the Uniform System of Accounts and AT&T rate base adjustments. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator,
General Services Administration.

JUNE 15, 1977.

[FR Doc.77-17910 Filed 6-22-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Meeting

The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research will meet on July 8 and 9, 1977, in Conference Room 6, C Wing, Building 31, National Institutes of Health, 9000 Rockvillle Pike, Bethesda, Maryland. The meeting will convene at 9 a.m. each day and will be open to the public, subject to the limitations of available space. Topics included in the mandate to the Commission under the National Research Act (Pub. L. 93-348), as amended, including research involving children, research involving the institutionalized mentally infirm, the performance of Institutional Review Boards, research not subject to regulation by the Secretary of Health, Education, and Welfare, and other matters identified in the legislative mandate to the Commission will be the agenda for this meeting.

Written materials of any length may be submitted to the Commission at any time. Requests for information should be directed to Ms. Betty Singer, Information Officer, 301-496-7776, Room 125, Westwood Building, 5333 Westbard Avenue, Bethesda, Maryland 20016.

Dated: June 16, 1977.

MICHAEL S. YESLEY,
Staff Director, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.

[FR Doc. 17779 Filed 6-22-77;8:45 am]

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of July 1977:

Rape Prevention and Control Advisory Committee, July 11-12, 9:30 a.m., Conference Room L, Parklawn Building, Rockville, Maryland. Open meeting. Contact Ms. Elizabeth Kutzke, Room 8C-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-1910.

PURPOSE. The Rape Prevention and Control Advisory Committee advises the Secretary, Department of Health, Education, and Welfare, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, through the National Center for the Prevention and Control of Rape, on matters regarding the needs and concerns associated with rape in the United States and makes recommendations pertaining to activities to be undertaken by the Department to address the problems of rape.

AGENDA. This meeting will be open to the public. The two-day meeting will include discussion of gaps in needed areas of research, training, and services pertaining to rape; the role of the Committee; and an update of the activities of the National Center for the Prevention and Control of Rape.

Attendance by the public will be limited to space available.

Substantive information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish summaries of the meeting and a roster of Committee members

JUN 23 1977 UM

is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3600.

Dated: June 17, 1977.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.77-17865 Filed 6-22-77;8:45 am]

Food and Drug Administration

[Docket No. 77N-0058]

NDA 1-497, MERCK SHARP & DOHME, ET AL.

New Drug Applications; Withdrawal of Approval

Correction

In FR Doc. 77-15691, appearing at page 29104 in the issue for Tuesday, June 7, 1977, make the following changes:

1. The effective date which appears in the first column on page 29104, and also in the second paragraph of the first column on page 29105 should read "June 17, 1977," instead of "June 13, 1977."

2. In the first paragraph of the first column on page 29105, the 14th line should read "§ 310.300 or § 310.302 (e) and (f) of the," in lieu of § 310.300 and § 310.302 (e) and (e) of the."

[Docket No. 76N-0305]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

Correction

In FR Doc. 77-15689 appearing at page 29105 in the issue for Tuesday, June 7, 1977, in the table on page 29106, under the column labeled "Substances," the second substances spelled "Hypothosphites," should be spelled "Hypopthosphites."

National Institutes of Health

HIGH BLOOD PRESSURE WORKING GROUP

Meeting

Notice is hereby given of the High Blood Pressure Working Group meeting sponsored by the National Heart, Lung, and Blood Institute, July 11, 1977, from 9 a.m. to 5 p.m., at the National Institutes of Health, Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Maryland, 20014.

This meeting will be open to the public. Attendance by the public will be limited to space available.

For detailed program information contact: Mr. Graham Ward, Program Coordinator, National High Blood Pressure Education Program, Room 5C10, Federal Building, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014, 301-496-1051. For the agenda, list of participants and meeting summary contact: Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, NIH, 9000 Rockville Pike, Bethesda, Maryland, 20014 (Building 31, Room 5A03), 301-496-4236.

Dated: June 10, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-17881 Filed 6-22-77;8:45 am]

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Commission for the Control of Huntington's Disease and Its Consequences, National Institutes of Health, on July 8-10, at the Asilomar Conference Grounds, Asilomar State Beach, Pacific Grove, California 93950.

The entire meeting will be open to the public from 10 a.m. to 5 p.m. on July 8th and from 8:30 a.m. to 5 p.m. on July 9th and 10th. The purpose of the meeting is to engage in writing sessions in drafting portions of the final report and to meet in concert to review and vote on the results of these writings. Attendance will be limited to space available.

Dr. Nancy S. Wexler, Executive Director, Commission for the Control of Huntington's Disease and Its Consequences, NIH, Building 31, Room 8A11, Bethesda, MD 20014 301-496-9275, will provide substantive program information.

Mr. Robert Hinkel, Acting Chief, Office of Scientific and Health Reports, NINCDS, Building 31, Room 8A02, Bethesda, MD 20014 301-496-5751, will provide summaries of the meeting and rosters of Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: June 17, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.77-17880 Filed 6-22-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARCTIC COAST AND BEAUFORT COAST

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 17, 1977.

The U.S. Department of the Interior, Fish and Wildlife Service filed application Serial No. F-13951, on June 2, 1971, for a withdrawal in relation to the following described lands:

(F-015197)

CAMDEN BAY AREA—ARCTIC COAST WITHIN PROTRACTED (UNSURVEYED) T. 7 N., R. 29 E., UMIAT MERIDIAN

Beginning at a point on the mean high tide line of the Beaufort Sea which bears N. 12°00' E., approximately 3,200 feet from USC & GS Station "Maybell," thence by metes and bounds: south, approximately 2,000 feet; west, approximately 7,800 feet to a point on the mean high tide line of Simpson Cove; northerly and westerly following said tide line approximately 7,300 feet to the intersection of the mean high tide line of the Beaufort Sea; southwesterly following said tide line approximately 9,750 feet to the point of beginning. The tract described contains approximately 456 acres.

(F-015198)

BEAUFORT LAGOON AREA—BEAUFORT COAST WITHIN PROTRACTED (UNSURVEYED) T. 6 N., R. 39 E., UMIAT MERIDIAN

Beginning at a point on the mean high tide line of the Beaufort Sea which bears S. 82°00' W., approximately 5,615 feet from USC & GS Station "Beaufort," thence by metes and bounds: south, approximately 2,650 feet; east, approximately 4,500 feet to a point on the mean high tide line of Beaufort Sea; northeasterly, following said mean high tide line, approximately 6,150 feet to a point, northwesterly, following same said mean high tide line approximately 5,250 feet to a point; southwesterly, following same said mean high tide line, approximately 8,500 feet to the point of beginning. The tract described contains approximately 420 acres.

The lands described are currently withdrawn for the U.S. Navy, Naval Arctic Research Laboratory, which has filed a notice of intent to relinquish both sites. Both sites are within the exterior boundaries of the Arctic National Wildlife Range, but are not withdrawn for that purpose. The effect of the proposed order would be to transfer jurisdiction over the lands from the Navy to the Fish and Wildlife Service.

The applicant desires that the land be reserved for inclusion in the Arctic National Wildlife Range.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on August 31, 1971, 36 FR 17450, document No. 71-12700.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501 on or before August 1, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 1, 1977.

The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204 (g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT W. ARNDORFER,
Acting State Director.

[FR Doc.77-17905 Filed 6-22-77;8:45 am]

[NM 30913]

NEW MEXICO

Application

JUNE 16, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 7 W.,
Sec. 10, SW¼NE¼.

This pipeline will convey natural gas across 0.125 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17940 Filed 6-22-77;8:45 am]

[NM 30916]

NEW MEXICO

Application

JUNE 16, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for a compressor station site across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 27 E.,
Sec. 3, SE¼NE¼.

The compressor station site will occupy 0.918 of an acre of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17941 Filed 6-22-77;8:45 am]

[NM 30765, 30770, 30771, 30772, 30793, and 30824]

NEW MEXICO

Notice of Applications

JUNE 14, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 9 W.,
Sec. 22, lots 5 and 15;
Sec. 27, lots 1, 2, 5, and 6;
Sec. 29, lots 2 and 3;
Sec. 30, lot 12;
Sec. 34, lots 3, 4, 8, and 9;

These pipelines will convey natural gas across 1.527 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17866 Filed 6-22-77;8:45 am]

[Wyoming 59529]

WYOMING

Application

JUNE 10, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), Kenneth Luff, Inc., of Denver, Colorado filed an application for a right-of-way to construct a 3½" O.D. above the ground pipeline for the purpose of transporting produced gas across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 103 W.,
Sec. 8, NW¼SE¼, E½SE¼;
Sec. 16 NW¼NW¼.

The pipeline will transport produced gas from a new gas well located in the NW¼NW¼ Section 16, T. 21 N., R. 103 W., Sweetwater County, Wyoming to an existing gas gathering system.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17906 Filed 6-22-77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

CITIZEN PARTICIPATION AND INTERGOVERNMENTAL LIAISON

Tentative Agenda Items

In order to provide notice regarding matters which may be acted upon by the Commission and to solicit written comments prior to and oral comments at meetings of the Commission in accordance with the Commission's Procedures for Citizen Participation and Intergovernmental Liaison, approved April 7, 1977, there is set forth below a list of agenda items tentatively scheduled for consideration by the Commission at its meeting at 9:30 A.M. on July 7 and 14, 1977 and at subsequent meetings. The Commission meets in its Tenth Floor Conference Room at 1325 G Street NW., Washington, D.C.

JUN 23 1977 UM

JULY 7 AND 14, 1977

File No.:	Item
CP01/1203.	Comprehensive plan for the National Capital: foreign missions and international agencies. Comments from interested and affected organizations and individuals on proposed element (July 14 meeting); no Commission action requested.[1]
CP16 -----	Draft coastal zone management plan for the State of Maryland. (Commission action requested: report and recommendations to State of Maryland.)

NATIONAL BUREAU OF STANDARDS, GAITHERSBURG, MD.

MP23 -----	a. Revised master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1688 ------	b. Feeder Road, South Drive to Bowman House (bldg. No. 308). (Commission action requested: approval of final site development plan pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1689 ------	c. Switchgear enclosure, South of bldg. No. 305. (Commission action requested: approval of final site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
MP45 -----	Arlington National Cemetery, Arlington, Va., Memorial Dr. and proposed visitor parking facility area. (Commission action requested: approval of revised master plan pursuant to sec. 5 of the National Capital Planning Act of 1952.)

WASHINGTON NAVY YARD, 8TH AND M ST. S.E.

MP120 ----	a. Revised master plan. Presentation; no commission action requested.
1692 ------	b. Site improvement, between Dahlgren Ave. and Paulding St. (bldg. numbers 40 and 41.) (Commission action requested: approval of preliminary site development plan pursuant to sec. 5 of the National Capital Planning Act of 1952.)
0791 ------	Eastern High School, East Capitol and 17th St. NE. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)

[1] Commission adoption of proposed element and of related conforming modifications to other elements tentatively scheduled for Aug. 4 and 11 meeting.

File No.:	Item
0841 ------	Defense Mapping Agency, Herndon, Va., land utilization survey report. (Commission action requested: comments to General Services Administration.)
1223 ------	Engine Co. No. 12 replacement, Rhode Island Ave. and 5th St. NE. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1388 ------	U.S. Postal Service—Diamond Farms Station (formerly Montgomery Village Station), Gaithersburg, Md. (Commission action requested: approval of final site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1449 ------	Amendments to commission project review and notification system procedures. (Commission action requested: adoption pursuant to pt. I of attachment A to OMB circular No. A-95; scheduled for July 14 meeting.)
1485 ------	Federal capital improvements program for the National Capital Region, fiscal years 1978–83. (Commission action requested: adoption pursuant to sec. 7(a) of the National Capital Planning Act of 1952, as amended.)
1659 ------	Bolling/Anacostia tract, District of Columbia—Community Center, Exchange Facility. (Commission action requested: comments on final site and building plans pursuant to sec. 610(a) of Military Construction Authorization Act, 1974.)
1669 ------	Zoning Commission Case No. 76–1, Southwest Urban Renewal Area. (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5–417.)
1670 ------	Zoning Commission Case No. 76–4, map amendment R–1–B to C–1, 1855 Wisconsin Ave. NW. (parts of lots 318 and 1009 in square 1299.) (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5–417.)
1674 ------	Zoning Commission Case No. 76–17, map amendment R–1–B to R–3 at Arizona Ave. and MacArthur Blvd., NW. (lots 806 and 807 in sq. 1441). (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5–417.)

File No.:	Item
1684 ------	Street and alley closing—part of public alley and dedication of land in sq. 3341, 2d and Sheridan Sts. NW. (S.O. 77–33). (Commission action requested: recommendations to Council of the District of Columbia pursuant to D.C. Code, sec. 7–401.)
1685 ------	Fort Belvoir, Fairfax County, Va.—camouflage laboratory. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1686 ------	Riggs Rd. NE., between 1st St. and South Dakota Ave.—street improvement. (Commission action requested: approval of alignment and geometrics pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1687 ------	Fort McNair, Buzzard Point, District of Columbia—alterations to MDW headquarters (bldg. No. 32). (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5–428.)
1690 ------	Roosevelt Island, District of Columbia—pedestrian bridge. (Commission action requested: approval of final site development plan pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1691 ------	Fort Hunt, Fairfax County, Va.—maintenance unit replacement. (Commission action requested: approval of location pursuant to sec. 5 of the National Capital Planning Act of 1952.)

SMITHSONIAN INSTITUTION

1693 ------	a. Mini-Garden, between Arts and Industries Bldg. and Hirshhorn Museum, Jefferson Dr. (Commission action requested: approval of preliminary site development plan pursuant to sec. 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5–428.)
1694 ------	b. Entrance Area Landscaping, Castle and Arts and Industries Bldg., Jefferson Dr. (Commission action requested: approval of preliminary site development plan pursuant to sec. 5 of the National Capital Planning Act of 1952 and D.C. Code, sec. 5–428.)

File No.:	Item
1695 ------	Zoning Commission Case No. 76–27, air rights use over public alley as part of an office building to be constructed on lots 3, 4, 5 and 807–810 in sq. 216. (Commission action requested: report to Zoning Commission pursuant to D.C. Code, sec. 5–417.)

AUG. 4 AND 11, 1977

CP01/1203 -	Comprehensive plan for the National Capital: foreign missions and international agencies. (Commission action requested: adoption of proposed element and related conforming modifications to other elements pursuant to sec. 4 of the National Capital Planning Act of 1952.)
MP120 ----	Washington Navy Yard, 8th and M St. SE.—revised master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)
MP122 ----	Veterans Administration National Cemetery, Quantico, Va.—master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)
MP124 ----	Henderson Hall, Arlington County, Va.—master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)

NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MD.

1611 ------	a. Bowling alley. (Commission action requested: approval of final site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)
1650 ------	b. Exchange. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)

SEPT. 8 AND 15, 1977

WEST POTOMAC PARK, DISTRICT OF COLUMBIA

MP49 -----	a. Subarea master plan. (Commission action requested: approval pursuant to sec. 5 of the National Capital Planning Act of 1952.)
0570 ------	b. Franklin Delano Roosevelt Memorial. (Commission action requested: approval of preliminary site and building plans pursuant to sec. 5 of the National Capital Planning Act of 1952.)

[1] Commission adoption of proposed element and of related conforming modifications to other elements tentatively scheduled for Aug. 4 and 11 meeting.

The Commission affords interested and affected organizations and individuals an opportunity to present their views on any of the items in writing prior to and/or in person at the meeting at which such item is considered, with such limitations on the number and length of oral presentations as the agenda item and the length of the agenda appear to warrant.

Organizations and individuals desiring to make a statement or otherwise communicate their views on any item tentatively scheduled for the July 7 and 14 meetings should advise Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 382–1161. Copies of the Executive Director's Recommendation on any action item on the agenda for the July 7 and 14 meetings may be obtained from Mr. Frazier on or after July 5. Agenda items with respect to which no organization or individual has advised Mr. Frazier by Thursday, June 30, 12 Noon, of a desire to present views in person to the Commission and on which the Executive Director recommends approval or a favorable report, may be placed on the "consent calendar" and acted upon by the Commission, without presentation or discussion, at the beginning of the Commission meeting on July 7. To insure that written comments on any item are placed before the Commission prior to Commission action thereon, written statments must be recived by Mr. Frazier by Wednesday July 6, 12 Noon.

The Commission's Procedures for Citizen Participation and Intergovernmental Liaison, copies of which may be obtained from Mr. Frazier, generally provide that comments on District plans and projects should address their effect on the Federal establishment and/or on Federal interests in the National Capital Region.

DANIEL H. SHEAR,
Secretary.

JUNE 17, 1977.

[FR Doc.77–17904 Filed 6–22–77;8:45 am]

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

MEETING

A meeting of the National Commission on New Technological Uses of Copyrighted Works (CONTU) will be held at 10:00 a.m. on July 11 and 12, 1977 in the Whittall Pavillion of the Library of Congress in Washington, D.C. The proceedings will be devoted to consideration of reports by organizations which have been conducting studies for CONTU. The Public Interest Economic Center (PIE–C) and the Public Interest Satellite Association (PISA) will discuss the effects of the CONTU work on the general public and ultimate consumer from an economic and user point of view; Professor William Baumol from New York University will report on an economic analysis of the CONTU issues; and it is anticipated that someone from the Indiana University Graduate School of Library Science may be present to discuss the results of their study into the attitudes and practices of scientific and technical journal publishers concerning authorized photocopying. Vernon Eugene Palmour also may be present to provide an update of the cost-effectiveness model which compares periodical subscription prices with photocopying costs. All CONTU meetings are open to the public. Full transcripts will be made available through NTIS in mid-September 1977. For additional information, please contact Carol A. Risher, Information Officer, CONTU, 202/557–0996.

ARTHUR J. LEVINE,
Executive Director, National Commission on New Technological Uses of Copyrighted Works.

[FR Doc.77–17942 Filed 6–22–77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON FLUOR-PIONEER BALANCE OF PLANT STANDARD SAFETY ANALYSIS REPORT

Change

The June 27, 1977 meeting of the ACRS Subcommittee on the Fluor-Pioneer Balance of Plant Standard Safety Analysis Report (BOPSSAR) announced in the FEDERAL REGISTER on June 9, 1977, page 29575 has been rescheduled to be held on Tuesday, June 28, 1977.

In addition to the change of date, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. El-

V 42 N 121 JUN 23 1977 UM

pidio Igne, of the ACRS Office, at the beginning of the meeting.

All other matters pertaining to this meeting remain the same.

Dated: June 20, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18049 Filed 6-22-77;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-53 issued to the Baltimore Gas and Electric Company (the licensee) for operation of the Calvert Cliffs Nuclear Power Plant Unit No. 1 (the facility), a pressurized water reactor located in Calvert County, Maryland, and currently authorized to operate at power levels up to 2560 MWt.

In accordance with the licensee's application for a license amendment dated March 24, 1977, the amendment would authorize operation of the facility at 2700 MWt in lieu of the current licensed level of 2560 MWt.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 25, 1977 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr., General Counsel, Gas and Electric Building, Charles Center, Baltimore, Maryland 21203, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing shoud be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated March 24, 1977. The application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Bethesda, Maryland, this 17th day of June, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-18053 Filed 6-22-77;8:45 am]

[Docket Nos. 50-400—403]

CAROLINA POWER & LIGHT CO. (SHEARON HARRIS NUCLEAR POWER PLANT, UNITS 1, 2, 3 AND 4)

Notice of Intervention Procedures

On September 21, 1972 the notice of hearing on the application of Carolina Power & Light Company for construction permits for four nuclear reactors designated as the Shearon Harris Nuclear Power Plant was published in the FEDERAL REGISTER. The Plant is proposed to be constructed at a site about 20 miles southwest of Raleigh, North Carolina, in Wake and Chatham Counties. The Notice of Hearing provided for an opportunity until October 21, 1972 for filing petitions for leave to intervene in the proceeding. Subsequently, the evidentiary hearings commenced, but in October 1974, the hearings were suspended and have not yet been resumed because the schedule for the construction of the Shearon Harris Plant changed. Most of the issues required to be resolved in this proceeding have yet to be heard. The hearings are expected to resume on or before October 1, 1977 in Raleigh, North Carolina.

Because of the delay in the hearings on this matter, the Atomic Safety and Licensing Board constituted to preside over this matter hereby notifies members of the public that under certain limited circumstances late petitions for leave to intervene in Commission proceedings may be entertained pursuant to 10 CFR § 2.714 of the Commission's Rules of Practice.

With respect to nontimely petitions for leave to intervene, § 2.714 provides:

> Nontimely filings will not be entertained absent a determination by the Commission, the presiding officer or the atomic safety and licensing board designated to rule on the petition and/or request that the petitioner has made a substantial showing of good cause for failure to file on time, and with particular reference to the following factors in addition to those set out in paragraph (d) of this section:
>
> (1) The availability of other means whereby the petitioner's interest will be protected.
>
> (2) The extent to which the petitioner's participation may reasonably be expected to assist in developing a sound record.
>
> (3) The extent to which petitioner's interest will be represented by existing parties.
>
> (4) The extent to which the petitioner's participation will broaden the issues or delay the proceeding.

It is possible that relevant and material changes in conditions since October 21, 1972, the time originally set for filing intervention petitions, would be considered, among other factors, as good cause for failure to file on time. If this is the basis for showing good cause for filing a nontimely petition for leave to intervene, such petition must be filed on or before July 8, 1977.

Any person who wishes to intervene as a party to this proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR § 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceedings, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. The supporting affidavit shall also contain the reasons for nontimely filing. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Any petitions shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Counsel for Applicant, George F. Trowbridge, Esq., Shaw, Pittman, Potts, Trowbridge and Madden, 910 17th Street, N.W., Washington, D.C. 20006 and Richard E. Jones, Esq., Carolina Power and Light Company, P.O. Box 155, Raleigh, North Carolina 27602.

Papers detailing these applications for construction permits may be examined by the public at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Copies of those same documents are also available at the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601.

By order of the board.

Dated at Bethesda, Maryland this 17th day of June, 1977.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc.77-18050 Filed 6-22-77;8:45 am]

[Docket No. 50-10]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-2 issued to the Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station Unit No. 1 (the facility), a boiling water reactor located in Grundy County, Illinois, and currently authorized for operation at power levels up to 700 MWt.

In accordance with the licensee's application for amendment dated April 11, 1977, the amendment would modify the operating limits in the Technical Specifications to permit operation of the facility for fuel cycle 11 with Exxon Nuclear Company uranium 235 fuel assemblies. The amendment would also incorporate associated Technical Specification changes based on our review of the Emergency Core Cooling System performance, and changes associated with the thermal hydraulic analysis.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 25, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to John W. Rowe, Esquire of Isham, Lincoln & Beale, One First National Plaza, Chicago, Illinois 60670, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see (1) the licensee's application for amendment dated April 11, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 17th day of June 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-18052 Filed 6-22-77;8:45 am]

[Docket Nos. 50-387 and 50-388]

PENNSYLVANIA POWER AND LIGHT CO. AND ALLEGHENY ELECTRIC COOPERATIVE, INC.

Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Pennsylvania Power and Light Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on April 12, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Allegheny Electric Cooperative, Inc. as an owner of the Susquehanna Steam Electric Station, Units 1 and 2.

The information was filed by Pennsylvania Power and Light Company in connection with their application for construction permits and operating licenses for two boiling water nuclear reactors. The Pennsylvania Power and Light Company was issued two construction permits on November 2, 1973 for their Susquehanna Steam Electric Station, Units 1 and 2. Construction is underway on a site located in Salem Township, Luzerne County, Pennsylvania.

The original antitrust portion of the application was submitted on March 23, 1971 and Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters was published in the FEDERAL REGISTER on May 7, 1971 (36 FR 8529). The Notice of Hearing was published in the FEDERAL REGISTER on September 23, 1972 (37 FR 20090).

A copy of all the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Allegheny Electric Cooperative, Inc. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before August 23, 1977.

Dated at Bethesda, Maryland, this 16th day of June, 1977.

For the Nuclear Regulatory Commission.

ANTHONY BOURNIA,
Acting Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc.77-18051 Filed 6-22-77;8:45 am]

[Docket No. 40-2259]

UTAH INTERNATIONAL INC. (LUCKY Mc URANIUM CORPORATION)

Notice of Availability of Draft Environmental Statement for Lucky Mc Uranium Mill

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the application for renewal of Source Material License SUA-672 for the Lucky Mc Uranium Mill in Gas Hills, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. The Draft Statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control.

Lucky Mc Uranium Corporation has pending a request to transfer Source Material License SUA-672 from Utah International Inc., to Lucky Mc Uranium Corporation.

The applicant's Environmental Report, as supplemented, submitted by Utah International Inc., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on June 16, 1977 (42 FR 30700).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by August 8, 1977. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Upon Consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland, this 17th day of June, 1977.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-18054 Filed 6-22-77;8:45 am]

IMPROVING REGULATORY EFFECTIVENESS IN FEDERAL/STATE SITING ACTIONS

Study Available for Comment

In September 1976, the Nuclear Regulatory Commission directed its Office of State Programs to undertake a study of means to improve the procedures for Federal and State participation in decisions concerning the siting of nuclear facilities, paying particular attention to methods for coordinating and reaching environmental decisions. NRC directed that the study be performed in cooperation with the States and other Federal agencies and directed further that the study, and any recommendations for legislative change it might make, be presented to the Commission in May 1977. The Office of State Programs patterned the study plan after section 102 of S. 3286 and H.R. 13512, nuclear licensing bills which had been introduced in the 94th Congress but which had not been enacted by the close of that Congress. The study plan was announced in the FEDERAL REGISTER on October 28, 1976 (41 FR 47293).

State government and other views were provided to the study in a first workshop announced in the FEDERAL REGISTER on November 26, 1976 (41 FR 52114) and held in Atlanta, Georgia on December 15 and 16, and in a second workshop announced in the FEDERAL REGISTER on March 28, 1977, (42 FR 16506) and held in Chicago, Illinois, on April 14 and 15, 1977. The workshops were sponsored in cooperation with the National Governors' Conference.

The study has been released by the Commission as a preliminary staff report. It makes several important recommendations aimed at improving the coordination of Federal/State reviews, including, among others, the following:

That Federal legislation authorize coordinated early and open planning by utilities and States or associations of State for all forms of electrical generation.

That the National Environmental Policy Act of 1969 be amended to allow Federal agencies to accept for inclusion in final environmental impact statements environmental reviews performed by qualified States acting under carefully constructed Federal guidelines.

That States be authorized to certify sites for generating facilities.

That State certification of need oor power (facility) be final and binding on Federal agencies.

That coordination of Federal and State regulatory actions be emphasized in order to minimize duplication and create a commonly available data base.

The statement is titled; "Improving Regulatory Effectiveness in Federal/State Siting Actions", May 1977, Report No. NUREG 0195, and is available through National Technical Information Service (NTIS), Springfield, Virginia 22161. Copies are available for inspection and copying at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

The Commission is seeking broad comment on the proposals in order to best assess their value and impact before it takes a position on the report's recommendations. All interested persons who desire to submit written comments or suggestions for consideration in connection with the preliminary staff statement should send them to the Director, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of comments on the preliminary staff report will be available for inspection and copying at the NRC Public Document Room.

Dated at Bethesda, Maryland this 16th day of June, 1977.

For the Nuclear Regulatory Commission.

MARSHALL E. SANDERS,
Acting Director, Office of State Programs.

[FR Doc.77-18066 Filed 6-22-77;8:45 am]

[Docket 50-313]

ARKANSAS POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-51, issued to Arkansas Power & Light Company (the licensee), which revised Technical Specifications for operation of Arkansas Nuclear One—Unit No. 1 (ANO-1) (the facility) located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications for the facility to authorize operation with two (2) reactor building emergency cooling units operable instead of the four (4) units previously required. This modification is the result of a June 2, 1977, fan failure at ANO-1, subsequent information that a replacement fan would not be available for approximately 45 days, and an NRC-requested AP&L analysis which showed that the original Final Safety Analysis Report analyses had been conservative and that only one cooling unit and one spray system are necessary. An emergency technical specification change, allowing seven (7) days for fan repair, had been issued by letter dated June 3, 1977. This action supersedes that change.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice was not required since these actions do not involve a significant hazards consideration:

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated June 3 and June 7, 1977, as supplemented by letter dated June 8, 1977, (2) change authorization letter dated June 3, 1977, and its related Safety Evaluation dated June 3, 1977, (3) Amendment No. 26 to License No. DPR-51, and (4) the Commission's currently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this ninth day of June 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-16756 Filed 6-22-77;8:45 am]

[Docket 50-133]

PACIFIC GAS AND ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-7 issued to Pacific Gas and Electric Company (the licensee), for operation of the Humboldt Bay Power Plant Unit No. 3, located near Eureka, California.

In accordance with the licensee's application for amendment, dated May 20, 1977, the amendment would delete requirements in the license relating to seismic upgrading of safety related equipment and resolution of geologic/seismic concerns based on satisfactory completion of these requirements, and allow for the restart of Humboldt Bay Power Plant Unit No. 3.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 25, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.174 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Philip A. Crane, Jr., Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 20, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Humboldt County Library, 636 F Street, Eureka, California.

Dated at Bethesda, Maryland, this 9th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-16754 Filed 6-22-77;8:45 am]

[Docket 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York (the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York.

In accordance with the licensee's application for amendment sworn to May 13, 1977, the amendment would revise the provisions in the Technical Specifications relating to Reload No. 1. The facility would be authorized to operate with up to 132 General Electric 8×8 fuel bundles (76-8D274H and 56-8D274L) with 100 mil channels. The Reload 1 fuel bundles and all initial core fuel remaining in the core after refueling would have two bypass flow holes in the lower tie plates. The present core configuration consists of 560 7×7 fuel bundles (560-7D250).

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By July 25, 1977, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the

petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Lex Larson, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment transmitted by letter dated May 16, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York.

Dated at Bethesda, Maryland, this 14th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-16755 Filed 6-22-77;8:45 am]

[Docket No. 40-8602]

UNITED NUCLEAR CORP., MORTON RANCH, WYOMING, URANIUM MILL

Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, United Nuclear Corporation has filed an environmental report in support of their application for a source material license for the Morton Ranch Uranium Mill, located in Converse County in east central Wyoming. The report, which discusses environmental considerations related to the uranium mill, is available for public inspection at the Commission's Public Document Room, 1717H Street, N.W., Washington, D.C. 20555. Copies of the report are also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Maryland, this 14th day of June, 1977.

For the Nuclear Regulatory Commission.

L. C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.77-18767 Filed 6-22-77;8:45 am]

[Docket Nos. 50-335A, 50-250A, and 50-251A]

FLORIDA POWER AND LIGHT CO. (ST. LUCIE PLANT, UNIT NO. 1 AND TURKEY POINT PLANT, UNITS NO. 3 & 4)

Asignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these antitrust proceedings:

Alan S. Rosenthal, Chairman.
Richard S. Salzman.
Jerome E. Sharfman.

Dated: June 16, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-17688 Filed 6-22-77;8:15 am]

REGULATION OF THE MEDICAL USE OF RADIOISOTOPES BY NRC AND ADVISORY COMMITTEE ON MEDICAL USES OF ISOTOPES

Public Meeting; Extension of Comment Period

On April 21, 1977, the Nuclear Regulatory Commission published in the FEDERAL REGISTER (42 FR 20691) a notice of public meetings to be held on May 6, 1977, in Silver Spring, Maryland, on the subject of NRC's regulation of the medical use of radioisotopes. The FEDERAL REGISTER announcement solicited comments from the public and stated that the meeting minutes would be kept open for 30 days for the receipt of written statements for the record. Many comments have been received since the June 6, 1977, deadline, and the NRC has received requests for extension of the common period. In view of the interest that has been shown in the subject, the record will be kept open until July 15 for the receipt of written statements.

All interested persons who desire to submit written comments or suggestions concerning NRC's regulation of the medical uses of radioisotopes should send them to Mr. Richard E. Cunningham, Deputy Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 15.

Dated at Washington, D.C., this 17th day of June 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-17847 Filed 6-20-77;9:55 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups and of the full Committee, the following preliminary schedule is being published. This preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published in the FEDERAL REGISTER on May 19, 1977, page 25780. Those meetings which are definitely scheduled have had, or will have, an individual notice published in the FEDERAL REGISTER approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. Information as to whether a meeting has been firmly scheduled, cancelled or rescheduled, or whether changes have been made in the agenda for the July 14–16, 1977 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202–634–1374, Attn.: Mary E. Vanderholt) between 8:15 a.m. and 5 p.m. EDT.

SUBCOMMITTEE AND WORKING GROUP MEETINGS

**Arkansas Nuclear One, Unit 2*, June 24, 1977, Russellville, AR. The Subcommittee will meet to review some of the site-related portions of the application of the Arkansas Power and Light Company for a license to operate the plant. Notice of this meeting was published in the FEDERAL REGISTER on June 9, 1977, page 29573.

**San Joaquin Nuclear Project*, June 24, 1977, Los Angeles, CA. The Subcommittee will meet to review a limited number of items related to the suitability of the San Joaquin site. These items include hydrology, geology and seismology, and seismic input. Notice of this meeting was published in the FEDERAL REGISTER on June 9, 1977, page 29575.

**Reactor Safety Study Working Group/Siting Evaluation Subcommittee*, June 27, 1977, Washington, D.C. Postponed indefinitely.

**Fluor-Pioneer Balance of Plant Standard Safety Analysis Report (BOPSSAR)*, June 28, 1977, Washington, D.C. The Subcommittee will meet to review the application of Fluor-Pioneer for preliminary design approval of their proposed standard balance-of-plant design (BOPSSAR). Notice of this meeting was published in the FEDERAL REGISTER on June 9, 1977, page 29575. An additional notice appears elsewhere in this issue.

**Decommissioning of Nuclear Plants*, June 29, 1977, Washington, D.C. (rescheduled from May 11, 1977). The Subcommittee will meet to review current plans for decommissioning nuclear power plants. Notice of this meeting was published in the FEDERAL REGISTER on June 9, 1977, page 29574.

**Black Fox Station, Units 1 and 2*, June 30, 1977, Tulsa, OK. The Subcommittee will meet to review the application of the Public Service Company of Oklahoma for a permit to construct Black Fox Station, Units 1 and 2. Notice of this meeting was published in the FEDERAL REGISTER on June 12, 1977, page 30257.

**Electrical Systems, Control and Instrumentation*, June 30, 1977, Washington, D.C. The Subcommittee will meet with representatives of the NRC Staff, Combustion Engineering (CE), and the Arkansas Power and Light Company (AP&L) to continue its review of the CE Core Protection Calculation System (CPCS). The Subcommittee may also discuss information concerning the application of the CPCS to the Arkansas Nuclear One, Unit 2, Nuclear Power Plant. Notice of this meeting was published in the FEDERAL REGISTER on June 13, 1977, page 30257.

**North Anna Power Station, Units 1 and 2*, July 6, 1977, Washington, D.C. The Subcommittee will meet with representatives of the NRC Staff and the Virginia Electric Power and Light Company to discuss settlement, soil conditions, ground water drainage, and other associated topics. Notice of this meeting was published in the FEDERAL REGISTER on June 20, 1977, page 31203.

**Working Group No. 1 of the Reactor Safety Research Subcommittee*, July 7–8, 1977, San Jose, CA. The Working Group will meet with representatives of the NRC Staff, the General Electric Company, and other organizations participating in the safety research regarding thermal hydraulic aspects of boiling water reactors. Notice of this meeting was published in the FEDERAL REGISTER on June 20, 1977, page 31204.

**General Atomic Standard Safety Analysis Report (GASSAR–6)*, July 11, 1977, Washington, D.C. The Subcommittee will meet to review the application by the General Atomic Company for preliminary design approval of the General Atomic Standard Safety Analysis Report (GASSAR–6). Notice of this meeting appears elsewhere in this issue of the FEDERAL REGISTER.

**Gas Cooled Fast Reactor (GCFR)*, July 12, 1977, Washington, D.C. The Subcommittee will meet with representatives of the NRC Staff and the General Atomic Company to hear a status report on the development of a design for a gas-cooled fast breeder reactor.

**Procedures*, July 12, 1977, Washington, D.C. The Subcommittee will meet to discuss procedures for participation by ACRS members in ACRS activities, the use of consultants, and preparation of ACRS reports.

**Regulatory Activities*, July 13, 1977, Washington, D.C. The Subcommittee will meet to review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, to discuss pertinent activities which affect the current licensing process and/or reactor operations.

**Fire Protection Working Group/Regulatory Activities Subcommittee*, July 13, 1977 (afternoon), Washington, D.C. The Working Group and Subcommittee will meet to continue their review of Revision 1 to Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

**Working Group No. 1 of the Reactor Safety Research Subcommittee/Emergency Core Cooling Subcommittee*, July 13, 1977, Washington, D.C. The Working Group and Subcommittee will meet to discuss the status of improvements in analytical techniques, and associated research and development plans pertaining to the effectiveness of emergency core cooling systems.

**Working Group No. 2 of the Reactor Safety Research Subcommittee*, July 18, 1977, Washington, D.C. The Working Group will meet to review safety research pertaining to metallurgy and materials used in light water reactors.

**Waste Management*, July 19, 1977, Richland, WA. (Previously scheduled for July 19 and 20, 1977.) The Subcommittee will meet to review current Energy Research and Development Administration (ERDA) Waste Management Plans and to be briefed on the American Physical Society Report on Radioactive Waste Management.

**Hypothetical Core Disruptive Accident for Fast Reactors*, July 21–22, 1977, Los Alamos, NM. The Working Group will meet with representatives of the NRC Staff, the Energy Research and Development Administration, and the Los Alamos Scientific Laboratory to discuss the development of the SIMMER Code (S_n Implicit Multifield Multicomponent Eulerian Recriticality Code) to model hypothetical core disruptive accidents for advanced reactor designs.

**Emergency Core Cooling Systems*, July 25, 1977, Washington, D.C. The Subcommittee will meet to review calculational results obtained when using the evaluation model for the Westinghouse Electric Corporation's Emergency Core Cooling System with upper head injection.

**Green County Plant*, Week of July 25, 1977, Albany, N.Y. Postponed to August 18, 1977.

**Babcock and Wilcox Water Reactors*, July 26, 1977, Washington, D.C. The Subcommittee will meet to review the application by the Babcock and Wilcox Company for preliminary design approval of their proposed standard plant design (BSAR–205).

**Working Group No. 5 of the Reactor Safety Research Subcommittee*, July 27, 1977, Washington, DC. The Working Group will meet to review research needs and progress in the areas of fuel cycle development, health and environmental factors, and materials safeguards.

**Shearon Harris Nuclear Power Plant*, July 27, 1977, Washington, DC. The Subcommittee will meet to continue the review of the application of the Carolina Power and Light Company for a permit to construct the Shearon Harris Nuclear Power Plant.

**Working Group No. 3 of the Reactor Safety Research Subcommittee*, July 28, 1977, Washington DC. The Working Group will meet to review matters pertaining to the scope of the site safety research currently being performed and planned by the NRC.

**Siting Evaluation*, July 28–29, 1977, San Francisco, CA. Postponed indefinitely.

**Security of Nuclear Facilities*, July 29, 1977, Washington, DC. The Working Group will meet to discuss progress and needs related to design provisions for protection against sabotage and to other means of enhancing industrial security.

**Atlantic Generating Station*, August 2, 1977, Atlantic City, NJ. The Subcommittee will meet to continue its review of this project.

**Working Group No. 6 of the Reactor Safety Research Subcommittee*, August 4, 1977, Washington, DC. The Working Group will meet with representatives of the NRC Staff regarding programs and plans for risk assessment research.

**Working Group No. 1 of the Reactor Safety Research Subcommittee*, August 5–6 (Tentative), 1977, Idaho Falls, ID. The Working Group will meet to review various research programs being conducted at the Idaho Nuclear Engineering Laboratory.

**Regulatory Activities*, August 10, 1977, Washington, DC. The Subcommittee will meet to review working papers, future Regulatory Guides, and changes to existing Regulatory Guides; also, to discuss pertinent activities which affect the current licensing process and/or reactor operations.

Green County Plant, August 18, 1977, Albany, NY (rescheduled from the week of July 25, 1977). The Subcommittee will meet to review the application of the Power Authority of the State of New York for a permit to construct the Green County Nuclear Power Plant.

Transportation of Radioactive Materials, August 23, 1977, New York, NY. The Working Group will be briefed on Sandia Laboratories' Interim Report, "Generic Environmental Assessment on Transportation of Radioactive Material Near and Through a Large, Densely Populated Area."

Working Group No. 1 of the Reactor Safety Research Subcommittee, September 14–15, 1977, Oak Ridge, TN. The Working Group will meet to review various research programs being conducted at the Oak Ridge National Laboratory.

FULL COMMITTEE MEETINGS

JULY 14–16, 1977

A. *Black Fox Station, Units 1 and 2—Construction Permit Review.

B. *San Joaquin Nuclear Project—Preapplication Site Review.

C. *Fluor-Pioneer Balance of Plant—Preliminary Design Approval.

AUGUST 11–13, 1977

Agenda to be announced.

Dated: June 21, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.18187 Filed 6-22-77;9:53 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Subcommittee on the General Atomic Standard Safety Analysis Report; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the General Atomic Standard Safety Analysis Report (GASSAR–6) will hold a meeting on July 11, 1977, in Room 1046, 1717 H Street, NW., Washington, D.C. 20555. The purpose of this meeting is to review the application by the General Atomic Company for preliminary design approval of GASSAR–6.

The agenda for subject meeting shall be as follows:

Monday, July 11, 1977

8:30 a.m. until conclusion of business.

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff, the General Atomic Company, and their consultants, pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 3, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statement on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 10, 1977 to the Office of the Executive Director of the Committee (telephone 202–634–1371, Attn: Mr. John C. McKinley) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and ts consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being made.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley, of the ACRS Office, at the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 18, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, DC 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, DC 20555 after October 11, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 21, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18188 Filed 6-22-77;9:53 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N–AR 77–25]

ACCIDENT REPORTS; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Highway Accident Report.—A narrative report of the May 11, 1976, accident involving a Transport Company of Texas tractor-semitrailer in Houston, Texas, has been made available to the public by the National Transportation Safety Board.

The report, No. NTSB–HAR–77–1, shows that the vehicle, transporting 7,509 gallons of anhydrous ammonia, struck and then penetrated a bridge rail on a ramp connecting I–610 with the Southwest Freeway (U.S. 59) in Houston. The tractor and trailer left the ramp, struck a support column of an adjacent overpass, and fell onto the Southwest Freeway, approximately 15 feet below. The anhydrous ammonia was released from the damaged tank semitrailer. Six persons died as a result of the accident, 78 persons were hospitalized, and approximately 100 other persons were treated for injuries.

The Safety Board has determined that the probable cause of the accident was the excessive speed of the vehicle combined with the lateral surge of the liquid in the partially loaded tank truck, which caused it to overturn. The cause of 5 of the 6 fatalities and all of the 178 injuries was the inhalation of anhydrous ammonia. Contributing to the severity of the accident was the failure of the bridge rail to contain or redirect the vehicle.

Incorporated in the Board's report are five safety recommendations issued as a result of the investigation of the Houston accident. These recommendations seek action by Federal agencies to produce bridge railings which can contain trucks and other heavy vehicles, and to solve the problem of sideways surging of liquid cargoes in partially loaded truck tanks. New recommendations H–77–4, H–77–5, and I–77–1 and reiterated recommendations H–77–45 and I–76–5 were addressed to the Federal Highway Administration last April 25. (See 42 FR 22963, May 5, 1977.)

Further as a result of the investigation, the Safety Board on May 27th addressed recommendation H–77–6 to FHWA's Bureau of Motor Carrier Safety. (See 42 FR 28195, June 2, 1977.) This recommendation asked BMCS to issue an ON-GUARD bulletin to warn drivers of cargo tanks and tractors hauling cargo tank semitrailers of the hazards of lateral surge of liquid cargoes.

Railroad Accident Report.—Overturning of the outside rail of a curved track which did not comply with Federal track safety standards triggered the derailment of two Chicago and North Western freight trains at Glenn Ellyn, Illinois, May 16, 1976, the Safety Board has found. Report No. NTSB–RAR–77–2 concerning this accident was made available to the public on June 16.

Lateral forces of the locomotive of an eastbound freight train traveling at 60 mph overturned the rail, derailing the locomotive and 27 cars. The locomotive and nine cars of another eastbound freight on an adjacent track also were derailed when the train could not be stopped before colliding with derailed cars of the first train. There were no fatalities and only 15 injuries, none of them serious, in the early morning accident and evacuation. Property damage, however, totaled nearly $2 million.

The Safety Board determined that the probable cause of the accident was the overturning of the outside rail of a 1°54' to 2°15' compound curve because the rail was unable to withstand the lateral forces of the locomotive induced by the speed of the train on track which did not comply with Federal Track Safety Standards.

Some 3,000 Glen Ellyn residents were evacuated for more than 16 hours when 20,000 gallons of anhydrous ammonia leaked from a punctured tank car in the second train. The Board held that existing methods of alerting public safety officials to the specific dangers of such hazardous materials in railroad accidents are unreliable; and incorporated in its report four recommendations for Federal and industry action to help solve the problem. Recommendations were issued April 21: R–77–9 and 10 to the Secretary, U.S. Department of Transportation; R–77–11 to the Chicago and North Western Transportation Company; and R–77–12 to the Manufacturing Chemists Association. (See 42 FR 21677, April 28, 1977.)

Aviation Safety Recommendations A–77–40 through 42.—Last October 17 a Bell 212 helicopter lost directional control and crashed during a landing approach to Natrona County Airport, Casper, Wyoming. The rotorcraft was new and had accumulated only 27 hours. Investigation of the accident revealed that the loss of directional control was caused by failure of the No. 4 section of tail rotor drive control shaft, P/N 204–040–620–3; the failure was caused by torsional overstress.

Although no material or manufacturing discrepancies were found, a review of the Bell 212 service history indicates three previous failures of the same shaft section on helicopters operated by foreign countries. All failures were associated with reported main rotor overspeeds caused while operating one of the PT6T–3 engine power sections in the "manual" fuel-governing mode. Although no overspeed report or physical evidence of overspeed was noted during disassembly and inspection of the engines after the accident, the Board suspects that an overspeed may have occurred.

At the request of thet Safety Board and the Federal Aviation Administration's Southwestern Region, the manufacturer has begun an extensive dynamic test program to include both 212 tail rotor drive shaft systems. While Bell is continuing these tests and is investigating design changes to increase the rotor speed at which the critical speed is obtained in the tail rotor drive assembly, the Safety Board by letter of June 16 recommends as an interim measure that FAA—

Issue an Operations Bulletin to all operators of Bell 212 helicopters and all other Bell models with P/N's 204–040–620–3 or 204–040–620–5 tail rotor drive shafts installed warning them to use caution when operating in flight regimes conducive to main rotor overspeed, particularly engine operations involving "manual" fuel governing, since the tail rotor drive shaft may fail if a main rotor speed of 115 percent is approached. (A–77–40)

Issue a Maintenance Alert Bulletin to inspect the tail rotor drive system installation, particularly the No. 4 section, for evidence of shaft yield or tail-cone structure contact if the main rotor speed has exceeded 110 percent. (A–77–41)

Revise the applicable parts of FAR 29.923 and 29.931 to require manufacturers to demonstrate 120 percent rotor system overspeed by driving the power train with an external power source, if installed engine power turbine speed (N_3) limits preclude meeting this requirement. (A–77–42)

Recommendation A–77–40 is designated Class I—Urgent Followup; recommendations A–77–41 and 42 are Class II–Priority Followup.

Marine Safety Recommendations M–77–1 through 7.—On January 18, 1974, the inbound Norwegian bulk carrier SS *Baune* collided with the outbound U.S. tankship SS *Keytrader* on the lower Mississippi River. The bow of the *Baune* penetrated about 20 feet into the two forward cargo tanks on the starboard side of the *Keytrader*. Gasoline spilled from the ruptured tanks onto the main decks of both vessels and onto the surrounding water and ignited; the flames were not extinguished for 53 hours. The collision and fire damaged both vessels extensively, killed 6 persons, and injured 3 others. 10 persons are missing.

Investigation revealed that the pilot of the *Keytrader* failed to correctly interpret the movements of the *Baune* which led him to make a port turn to position his ship for an improper starboard-to-starboard passing with the *Baune*. The *Baune's* pilot and master were not aware of the *Keytrader's* approach until the collision was unavoidable.

In an effort to correct these shortcomings, the Safety Board on June 15 recommended that the U.S. Coast Guard—

Establish guidelines to determine the maximum safe speeds for vessels navigating with radar in limited visibility on inland waters and require vessel operators to set the vessel's speed at, or less than, the maximum safe speed. The guidelines should insure adequate time for processing radar data, for evaluating the movement of approaching radar contacts, and for establishing a timely passing agreement. The guidelines should recognize the reduction in processing time achieved by electronic and computer aids. (M–77–1)

Determine the maximum strength of a current which leads to the mandating of one-way traffic for vessels navigating by radar in limited visibility on inland waters, and require the Vessel Traffic Service to mandate one-way traffic when the strength of the cur-

rent exceeds the maximum strength. (M-77-2)

Establish minimum standards for manually processing radar data that will assist in evaluating the movements of approaching radar contacts on inland waters, and require vessel operators to insure that radar data is processed in ecordance with the standards unless a Collision Avoidance System is in use. (M-77-3)

Develop and publicize information about deficiencies in using sound signals between vessels, including the effect of environmental conditions on sound propagation. (M-77-4)

Prohibit use of metals with low melting points and of fire-consumable gaskets in both tankcovers and deck piping systems on tankships. (M-77-5)

Study the adequacy of its capability to fight major marine fires on remote waterways where the local firefighting capability is inadequate, and establish an adequate firefighting capability for such areas. (M-77-6)

Also on June 15, the Safety Board recommended that the Maritime Administration of the U.S. Department of Commerce—

Establish guidelines to provide for the use, at the earliest possible date, of Marine Radar Interrogation Transponders and Collision Avoidance Systems by vessels that are navigating by radar on inland waters. (M-77-7)

All of the above recommendations are designated Class II-Priority Followup.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-75-80 through 83.—Federal Aviation Administration letter of June 3 reports on actions premised on agreements reached regarding these recommendations at an FAA/NTSB staff meeting on April 13. The recommendations were issued by the Safety Board following investigation of three general aviation approach accidents involving: A Piper PA-28 at Delavan, Wisconsin, November 23, 1973; a Cessna 310G at Manteo, North Carolina, January 16, 1974; and a Piper PA-28R-180 at Jeffersonville, Indiana, June 27, 1975. (See 40 FR 52891, November 13, 1975.)

Recommendation A-75-80 asked FAA to seek statutory authority to require that each public-use airport runway have an approach surface which meets the specifications of 14 CFR Part 77. FAA does not consider implementation of this recommendation as practical at this time.

FAA believes that the staff discussions would indicate that this recommendation "contemplated a Federal zoning or condemnation statute." "As we have indicated," FAA stated, "legislation of this kind raises substantial constitutional questions relating to invasion of states' rights and the taking of private property without compensation. Apprehension in this regard is reflected in the legislative history of the Federal Aviation Act of 1958. Congress chose to empower the FAA to require notice of construction or alteration of any structure where notice will promote safety in air commerce."

FAA notes that Part 77 was adopted to implement the requirement for all persons to give public notice of construction proposals. FAA further notes that Part 77 also provided authority to ensure the safety of aircraft and efficient utilization of navigable airspace. "This included establishing notice standards, establishing obstruction standards and providing for aeronautical studies of objects which exceed the obstruction standards to determine, by application of operational standards, their effect on the safe and efficient use of airspace by aircraft," FAA stated.

The notice standards and the obstruction standards are basically specific numercial values which protect the airspace needed for æronautical operations from intrusion by unannounced or otherwise unknown obstructions. The "Aeronautical Study," FAA states, provides the forum by which FAA gives full and equal consideration to the public interest in safe air commerce and the interests of the construction sponsor/private property owner. All known interested persons usually participate and this procedure has proven very effective in dealing with ground structures, FAA said. Changes in both the construction proposal and æronautical operations are identified and a resolution is generally found by negotiation which either eliminates or alleviates the conflicting demands on airspace. It also provides the opportunity for FAA to adjust established flight procedures and/or minimum altitudes to ensure safety.

Further, FAA said, those airports have received grants under the Airport Development Aid Program (or its predecessor, Federal Aid to Airport Program) have agreed to fulfill assurances contained in the grant agreements, including one which is associated with airport approach obstruction clearances and which is cited in FAA's letter.

Re A-75-81, which asked FAA to require the airport operator to issue a NOTAM concerning obstructions which violate the guidelines of 14 CFR Part 77, and A-75-82 asking FAA to identify in the Airman's Information Manual any public-use airport runway which does not have the approach surface required by Part 77, FAA states that action has been initiated to develop an advisory circular to guide airport owners in identifying significant obstructions in the airport approach area and in communicating this information to airmen or to any other person whose activities may be affected by such obstruction(s). For airports serving certificated carriers; FAA inspection for compliance with FAR 139 affords the assurance of adequate and accurate identification of controlling obstructions in the approach areas of these airports. These obstructions are identified in publications or procedures are adjusted accordingly, FAA states. In addition, FAA plans during the latter part of 1977 to establish a program to contract for the collection of extensive data on approximately 1,400 high-activity general aviation airports. This information will be used to update and expand current publications. This contract is planned to be a continuing effort.

In answer to recommendation A-75-83, which asked FAA to require that the Airman's Information Manual list trees as obstructions to the approach surface of a runway, FAA reports that Part II of the Manual has been amended to include trees in the approach areas that are reported by airport owners or determined by FAA inspections.

Highways H-76-2 and 3.—Federal Highway Administration's letter of June 1 is in answer to the Safety Board's letter of last December 21 which redirected these two recommendations from the National Highway Transportation Safety Administration. (See 41 FR 56739, December 29, 1976.) The recommendations were developed as a result of the investigation on the railroad-automobile grade crossing collision in Tracy, California, on March 9, 1975.

FHWA's formal response of June 1 noted that these recommendations were the subject of a meeting last February 15 of FHWA/NTSB technical staff personnel. Further interim discussion and communications have been exchanged at staff level.

Recommendation H-76-2 asked FHWA to determine and report the effectiveness of traffic information and control systems currently in use at railroad crossings, considering in particular their ability to warn and achieve an appropriate reaction from impaired drivers. With respect to the first part of the recommendation—effectiveness of traffic information and control systems now used at crossings—FHWA says that there are two categories of systems: (1) Passive warning systems which consist of crossbuck signs at the crossing and, where appropriate, warning signs and pavement markings in advance of the crossing; and (2) active warning systems which are supplemented where appropriate by automatic gates.

FHWA states that numerous studies regarding safety at railroad-highway grade crossings generally conclude that, aside from providing grade separation structures, grade crossing safety can be considerably improved by adding active warning device systems. A recent study was conducted by the California Public Utilities Commission: "Effectiveness of Automatic Protection in Reducing Accident Frequency and Severity at Public Grade Crossings in California." The conclusions of this study confirmed earlier studies, that active warning devices are more effective safety features.

With further reference to H-76-2, FHWA states that with respect to imparting traffic information to warn impaired drivers to achieve an appropriate reaction, highway accident data was examined to determine whether accidents caused by the alcoholically impaired were special cases that would warrant some particular traffic information or control systems other than those considered effective for all classes of drivers. FHWA finds that no special traffic control or warning systems are warranted for the alcoholically impaired driver, but that it is reasonable to expect that active warning devices will more effectively alert this group of drivers as they do for all classes of drivers.

In response to H-76-3, which recommended that FHWA develop and report more effective systems and standards for conveying traffic information to impaired drivers at temporary traffic control sites (e.g., railroad crossings, construction sites, etc.) and protecting those persons controlling traffic, FHWA discusses the recommendation in two parts: One covering activities involving construction or maintenance sites, and the other dealing with railroad-highway crossings.

FHWA notes that the development of more effective systems for conveying information and safely controlling traffic through construction and maintenance zones for all classes of drivers was the subject of Board recommendation H-75-16 (40 FR 36628, August 21, 1975). FHWA provided a formal response in October 1975 (40 FR 49616, October 23, 1975) and has since given priority attention to this matter. The technical staffs of both agencies have been in continuous communication about FHWA's many activities in the past 18 months to upgrade traffic control and motorist information systems to protect the traveling public from these recognized hazards. FHWA expects that the improved signing, striping, delineation, and temporary barrier techniques will more effectively alert and protect impaired drivers as well as all other drivers.

FHWA reports that the development of more effective traffic control systems at railroad-highway crossings is an integral part of its ongoing highway safety activities. Responses previously made to Safety Board recommendations H-76-21, 22, 31, and 32 (41 FR 46526, October 21, 1976, and 42 FR 25739, May 19, 1977) outline many of the actions taken, underway, or planned, according to FHWA. Also, FHWA is undertaking a considerable amount of research. Five specific projects directly relevant to recommendation H-76-3 are listed in an attachment to FHWA's June 1 response: "Motorists Requirements for Active Grade Crossing Warning Devices," "Grade Crossing Active Advance Warning Signals," "An Evaluation of the Effectiveness of Various Grade Crossing Illuminating Strategies," "Railroad Grade Crossing Signing Study," and "Safety Features of Stop Signs at Railroad-Highway Grade Crossings." Two other relevant research projects being considered but not yet underway are also listed: "Constant Warning Time Devices," and "Off-Track Train Detection and Warning Devices."

Improved highway safety at construction and maintenance zones and at railroad grade crossings to produce a safer driving environment for the entire highway-using public can be expected also to benefit impaired drivers, FHWA stated.

Highway Safety Program Standard 8, "Alcohol in Relation to Highway Safety," administered by NHTSA, is a national program operated jointly with the States directed toward reducing traffic accidents which result from persons driving under the influence of alcohol, FHWA reports. Further, several "Alcohol Safety Action Projects" have been developed in recent years to combat the highway safety problem caused by drinking drivers.

FHWA considers both recommendations closed.

SAFETY BOARD REPLY TO RECOMMENDATION RESPONSE

Letter of June 7 acknowledges Federal Aviation Administration's May 6 response re recommendation A-71-59. (See 42 FR 25789, May 19, 1977.) The recommendation, issued November 19, 1971, asked for the incorporation in FAA's airworthiness requirements of a provision for fuel system fire safety devices which will be effective in the prevention and control of both in-flight and postcrash fuel system fires and explosions. The Safety Board further recommended that rulemaking action in this matter specifically apply to future passenger-carrying aircraft in the transport category, and that consideration be given to an adaptation to all other passenger-carrying aircraft now in service.

The Safety Board has reviewed the comments received in response to FAA's notice of proposed rulemaking No. 74-16, referenced in FAA's May 6 letter. The Board has also reviewed its recommendation files for any additional material that might be of benefit to FAA in this important aspect of aviation safety. While the Board currently has no further inputs to offer beyond its previous recommendations on fire safety, the Board is encouraged by and commends highly the steps taken by FAA in convening a public hearing on this subject. The Board planned to attend FAA's hearing on fire and explosion hazard reduction, June 13-17, and will submit a position paper by August 1.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The accident reports and the safety recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence concerning recommendations may be obtained at a cost of $4.00 for service and 10c per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 20, 1977.

[FR Doc.77-17980 Filed 6-22-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 16, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Survey of Federal and State Prison Populations and Capacities, Series 3400, single-time, Federal and State corrections agencies, George Hall, 395-6140.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, National Assessment of Educational Progress, NCES 2388-1, 2, 3, 4, 5, annually, elementary and secondary students school officials, Kathy Wallman, 395-6140.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Air Force, Status Report of Commercially Overhauled end items for Inventory or Material at Contractors Plant, NDAS0470, monthly, commercial contractors, Warren Topelius, 395-5872.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Application for Non-Resident Alien's Mexican Border Crossing Card, I-190, on occasion, individuals, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-18039 Filed 6-22-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20078; 70-6023]

LOUISIANA POWER & LIGHT CO.

Proposal To Amend Articles of Incorporation

JUNE 17, 1977.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"),

142 Delaronde Street, New Orleans, Louisiana 70174, an electric utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act as applicable to the following proposed transaction. All interested parties are referred to said declaration, which is summarized below, for a complete statement of the proposed transaction.

Under Louisiana's Articles of Incorporation, as amended, ("Charter") pursuant to which the company is constituted, Louisiana is authorized to have outstanding 100,000,000 shares of common stock without nominal or par value and 1,055,000 shares of preferred stock having a par value of $100 per share. Of said authorized preferred stock, 805,000 shares are presently outstanding.

Louisiana proposes to amend its Charter so as to increase the number of shares of said preferred stock which it is authorized to have outstanding from 1,055,000 shares to 2,055,000 shares.

Louisiana further proposes to delete certain provisions in its Charter relating to a class of $100 par value common stock used in organizing the company but subsequently retired and cancelled and not permitted to be reissued. No change is proposed with respect to the common stock without nominal or par value, or the amount thereof authorized to be outstanding.

It is contemplated that the proceeds from the issuance and sale of additional series of preferred stock will provide part of the funds needed to finance Louisiana's construction program and for other corporate purposes. It is stated that Louisiana's construction program is contemplated to have expenditures of approximately $198 million in 1977, $217 million in 1978, $190 million in 1979, and $177 million in 1980 of which $125 million, $130 million, $100 million, and $90 million, respectively, will have to be raised from external sources. Louisiana states that necessary funds from external sources will be raised through the issuance and sale of securities, including preferred stock. While the exact nature and amounts of such issuances will depend upon Louisiana's capital requirements and marketing conditions existing at the time, Louisiana states that it expects to issue and sell 300,000 shares of a new series of its preferred stock, $100 par value, late in the third quarter of 1977, and further contemplates that it will issue and sell at least 150,000 shares of such preferred stock during each of the years 1978, 1979 and 1980.

It is further stated that pursuant to the Charter and applicable state law, the preferred stock has no right to vote on a charter amendment which simply increases the authorized amount of preferred stock. All voting power thereon is vested in the common stock. Under applicable state law, such voting power may be exercised and such charter amendment consented to and effected by the Unanimous Written Consent thereto signed by all of the holders of said common stock, without necessity for a meeting of shareholders. All of Louisiana's outstanding common stock is held and owned by Middle South, which has advised Louisiana of its willingness and intention to execute and deliver such an Unanimous Written Consent.

The fees and expenses to be incurred in connection with the proposed transaction are estimated not to exceed $4,700 in the aggregate, including legal fees not exceeding $2,500. It is stated that no State or Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 12, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17775 Filed 6-22-77;8:45 am]

[Release No. 13641; SR-MSE-77-9]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 17, 1977.

On April 29, 1977, the Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Rule 22 of its Rules and Practices for Trading ("Charges by Member and Specialist for Execution of Orders") to modify language which relates back to the time when fixed rates were still in existence.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13515, (May 6, 1977)) and by publication in the FEDERAL REGISTER (42 FR 24786 (May 16, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 29, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-17776 Filed 6-22-77;8:45 am]

[Release No. 34-13645; File No. SR-MSE-77-11]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organization Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 29, 1977 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Exchange proposes to eliminate in its entirety, Rule 4 of Article L, which reads as follows:

REPORTS OF OPEN EXERCISE POSITIONS

Rule 4. Each member shall file with the Exchange a report, as of the fifteenth (15th) of each month, of all open positions resulting from the exercise of option contracts in accounts carried by such member

* * * Interpretations and Policies:

.01 Reports required by this Rule 4 of Article L shall be filed not later than the second business day following the date as of which the report is made.

.02 An open exercise position shall include any position with respect to which the Options Clearing Corporation has assigned an exercise notice to the member and the member has not delivered the shares of the underlying stock in accordance with the Rules of the Options Clearing Corporation and these Rules.

.03 All such reports shall be delivered to the Department of Member Firms of the Exchange.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Currently, the exercise of options issued by the OCC are settled on a continuous net settlement basis through the facilities of the Midwest Securities Trust Company and other clearing agents. All unsettled exercise positions are marked to market on a daily basis beginning on the settlement of each exercise and continuing until the required stock has been delivered. The information required by this rule is therefore available from the OCC and would be duplicative if required from the members.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires that the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that it is consistent with this section of the Act to rescind Rule 4 of Article L since the substantially identical information sought to be obtained by such rules is available to the Exchange from other sources.

Comments have neither been solicited nor received.

The proposed rule change will impose no burden on competition.

On or before July 28, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 25, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 17, 1977.

[FR Doc.77-17889 Filed 6-22-77;8:45 am]

[Release No. 34-13632; File No. SR-OCC-77-6]

OPTIONS CLEARING CORP.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 26, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change deletes from OCC's By-Laws certain obsolete provisions relating to option contracts expiring in 1975.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to delete from the By-Laws certain special provisions relating to option contracts expiring in 1975, which are now obsolete.

The proposed rule change simplifies the By-Laws of OCC by eliminating obsolete provisions.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

On or before July 28, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submission should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C., 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room at 1100 L Street NW., Washington, D.C. Copies of the filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 15, 1977.

[FR Doc.77-17777 Filed 6-22-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1311; Amdt. No. 2]

KENTUCKY

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 19538) and Amendment No. 1 (see 42 FR 30459) are amended by extending the filing date for physical damage until the close of business on August 19, 1977, and for economic injury until the close of business on March 19, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-17946 Filed 6-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1342]

MAINE

Declaration of Disaster Loan Area

York County, and adjacent counties within the State of Maine constitute a disaster area because of physical damage resulting from strong winds, rough seas, and surging tides which occurred on May 8-10, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 15, 1977, and for economic injury until the close of business on March 16, 1978, at:

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-17947 Filed 6-22-77;8:45 am]

[Declaration of Disaster Loan Area No. 1341]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Rockingham County, and adjacent counties within the State of New Hampshire, constitute a disaster area because of damage resulting from winter storm which occurred on March 22, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 15, 1977, and for economic injury until the close of business on March 16, 1978, at:

Small Business Administration, District Office, 55 Pleasant Street, Concord, New Hampshire 03301,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-17948 Filed 6-22-77;8:45 am]

JUN 23 77 UM

[Declaration of Disaster Loan Area No. 1313; Amdt. No. 3]

WEST VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 20695), Amendment No. 1 (see 42 FR 21887), and Amendment No. 2 (see 42 FR 30460) are amended by extending th filing date for physical damage until the close of business on August 19, 1977, and for economic injury until the close of business on March 19, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-17949 Filed 6-22-77;8:45 am]

PRIVACY ACT OF 1974

Adoption of System of Records

On May 11, 1977, there was published in the FEDERAL REGISTER (42 FR 23906) a notice of a proposed new system of records. Interested persons were given 30 days in which to comment on the proposed new system.

No written objections have been received and the proposed system is adopted without change, as set forth below.

Effective date: June 10, 1977.

Signed at Washington, D.C., on June 17, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

SBA445

System name:

Freedom of Information Act and Privacy Act Case Files—SBA445.

System location:

Central Office.

Categories of individuals covered by the system:

Persons who have requested information or filed appeals under either of the Acts.

Authority for maintenance of the system:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

Routine uses of records maintained in the system, including categories of users and the purposes of such cases:

To provide a system for maintaining records of initial requests and appeals under the Freedom of Information Act, and of initial requests, requests for amendments to record, and appeals under the Privacy Act. The records are used by the staff of the Freedom of Information and Privacy Act office to review individual cases, and to keep a chronological log so as to comply with statutory time limitations.

Storage:

Information is maintained in folders in locked steel cabinet.

Retrievability:

Files are alphabetical by name.

Safeguards:

Information released to authorized personnel only.

Retention and disposal:

Records are maintained indefinitely.

Systems Manager(s) and address:

Freedom of Information and Privacy Act Officer, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

Notification procedure:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

Record access procedures:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed above, stating the reasons for contesting it and the proposed amendment to the information sought.

Record source categories:

Most of file consists of correspondence submitted directly to and replies from the Small Business Administration.

[FR Doc.77-17945 Filed 6-22-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

NEW YORK AIR CARRIER DISTRICT OFFICE/INTERNATIONAL FIELD OFFICE AT VALLEY STREAM, N.Y.

Relocation and Transfer of Functions

Notice is hereby given that the functions of the New York International Field Office, Valley Stream, New York, have been combined with those of the New York Air Carrier District Office at JFK International Airport, Jamaica, New York. Further, notice is hereby given that the New York Air Carrier District Office will be relocated to Valley Stream, New York, on or about June 27, 1977. The New York Air Carrier District Office will thereafter provide all those services formerly provided by the New York International Field Office of the FAA Europe, Africa and Middle East Region. Communications to this facility should be addressed as follows:

New York Air Carrier District Office, Department of Transportation, Federal Aviation Administration, 181 South Franklin Avenue, Valley Stream, New York 11581.

(Sec. 313(a) of the Federal Aviation Act of 1958, 72 Stat. 752 (49 U.S.C. 1354).)

Issued in New York, New York, on June 10, 1977.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.77-16753 Filed 6-22-77;8:45 am]

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS EXEMPTIONS

Grants and Denials of Applications

AGENCY: Materials Transportation Bureau (MTR), DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted May 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Renewals

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2136-X	DOT-E 2136	Department of Defense, Washington, D.C.	49 CFR 173.1, 173.3(a), 173.7(a), 174.3, 174.10, 174.90(a), 174.104, 177.801, 177.802.	To ship radioactive materials with explosives in specially designed metal containers incorporating protective devices and covers. (Modes 1 and 2)
2708-X	DOT-E 2708	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a), 173.316	To ship liquefied hydrogen in a non-DOT specification cargo tank designed and constructed in accordance with the ASME Code. (Mode 1.)
2998-X	DOT-E 2998	Ireco Chemicals, Salt Lake City, Utah	49 CFR 173.65(a)(2), 178.20	To ship certain class A explosives in a fiberboard box constructed to DOT specification 12H with certain exceptions. (Mode 1.)
3095-X	DOT-E 3095	Dow Chemical Co., Midland, Mich	49 CFR 173.119(b), 173.263, 173.245.	To ship certain corrosive liquids and flammable liquids in non-DOT specification cargo tank motor vehicles, designed and constructed in accordance with DOT specification MC-300 or MC-311. (Modes 1 and 3.)
3193-X	DOT-E 3193	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c), 173.315(a)(1).	To ship liquefied compressed gases in DOT specification 105A500-W, 105A500-W, class 106A and 110A tanks; MC-330 and MC-331 tank motor vehicles; DOT-51 portable tanks. (Modes 1, 2 and 3.)
3302-P	DOT-3302	Chemetron Corp., Chicago, Ill.; Airco Industrial Gases, Murray Hill, N.J.	49 CFR 173.302	To become a party to Exemption 3302. (See application No. 76-126-, Modes 1, 2 and 4.)
3606-X	DOT-E 3606	Walter Kidde, Belleville, N.J.	49 CFR 173.304, 175.3	To ship compressed gas, n.o.s. in a non-DOT specification container described as "Cool Gas Generator." (Modes 1, 2, 3, and 4.)
3992-X	DOT-E 3992	Hooker Chemicals and Plastics Corp., Niagara Falls, N.Y.; Union Carbide Corp., Bound Brook, N.J.; Stauffer Chemical Co., Westport, Conn.	49 CFR 173.314	To ship anhydrous hydrogen chloride in DOT specification 105A500-W, or 105A600W tank car tank. (Mode 2.)
4041-P	DOT-E 4041	Hercules Inc., Wilmington, Del.	49 CFR 173.65	To become a party to exemption 4041. (See application No. 75-167, Modes 1 and 2.)
4168-P	DOT-E 4168	Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.304(a)(2)	To become a party to exemption 4168. (See application No. 4168-X. (Modes 1 and 2.)
4177-X	DOT-E 4177	Hydrodyne Industries, Inc., Hauppauge, L.I., N.Y.	49 CFR 173.302(a)(1), 175.3	To ship non-flammable, non-liquefied gas in a hydraulic accumulator designed and fabricated in accordance with the ASME code. (Modes 1, 2, 3, and 4.)
4631-X	DOT-E 4631	Energy Sciences and Consultants, Inc., Biwabik, Minn.	49 CFR 173.182(c), 173.304(a).	To ship nitro carbo nitrate, anhydrous ammonia in specially constructed non-DOT hopper type tank trucks and cargo tank trailers. (Mode 1.)
4717-X	DOT-E 4717	Northern Petrochemical Co., Des Plaines, Ill.; El Paso Products Co., Odessa, Tex.; Stauffer Chemical Co., Westport, Conn.; Mobil Chemical Co., Beaumont, Tex.; Union Carbide Corp., Bound Brook, N.J.	49 CFR 172.101, 173.314(c)	To ship liquefied ethylene, liquefied ethane in a non-DOT specification insulated tank car tank designed and constructed to comply with the AAR proposed specification 113D120W. (Mode 2.)
4719-P	DOT-E 4719	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.314(c), 173.315(a)(1).	To become a party to exemption 4719. (See application No. 76-218, Modes 1 and 2.)
4760-X	DOT-E 4760	Gardner Cryogenics, Bethlehem, Pa.	49 CFR 172.101, 173.315(a)	To ship liquefied helium in a non-DOT specification cargo tank designed and constructed in accordance with the ASME code. (Mode 1.)
4803-X	DOT-E 4803	Dow Chemical Co., Midland, Mich.	49 CFR 173.249, 173.272, 173.289.	To ship corrosive liquids in non-DOT specification cargo tank motor vehicle designed and constructed in accordance with DOT specifications MC-310, MC-311 or MC-312 with certain exceptions. (Mode 1.)
4990-X	DOT-E 4990	Schenley Distillers, Inc., Cincinnati, Ohio.	49 CFR 173.125	To ship certain flammable liquids in an AAR specification 206W tank car. (Mode 2.)
5117-X	DOT-E 5117	U.S. Environmental Protection Agency, Washington, D.C.	49 CFR 173.345, 173.358, 173.365, 175.3, 175.30.	To ship certain class B poisons in small glass vials overpacked in fiberboard boxes. (Modes 1, 2, 4 and 5.)
5403-X	DOT-E 5403	BJ-Hughes, Inc., Midland, Tex.; Halliburton Services, Duncan, Okla.	49 CFR 173.119(d), 173.245-(a)(31), 175.263(a)(10).	To ship certain corrosive and flammable liquids in privately owned and operated specially designed unlined or rubber lined cargo tanks. (Mode 1.)
5413-X	DOT-E 5413	Publicker Industries, Inc., Philadelphia, Pa.	49 CFR 172.101, 173.315(a)(1)	To ship liquefied ethylene in a non-DOT specification cargo tank designed and constructed in accordance with sec. VIII of ASME code. (Mode 1.
5573-X	DOT-E 5573	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.182(c)(4)	To ship nitro carbo nitrate in a DOT specification 23G cylindrical fiberboard box. (Modes 1 and 2.)
5736-P	DOT-E 5736	Northern Petrochemical Co., Des Plaines, Ill.	49 CFR 172.101, 173.314(c)	To become a party to exemption 5736. (See application No. 5736-X.) (Modes 2 and 3.)
5820-X	DOT-E 5820	I.C.I. United States, Inc., Wilmington, Del.	49 CFR 173.315	To ship certain nonflammable compressed gases in a non-DOT specification portable tank. (Modes 1, 2 and 3.)
5825-X	DOT-E 5825	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 172.101, 173.315(a)	To ship liquefied ethylene in a non-Dot specification cargo tank designed and constructed in accordance with ASME code. (Mode 1.)
5959-X	DOT-E 5959	Ethyl Corp., Baton Rouge, La.; El Paso Gas Products, Odessa, Tex.	49 CFR 172.101; 173.315(a)	To ship liquefied ethylene in a vacuum-perlite insulated non-DOT specification cargo tank designed and constructed in accordance with sec. VIII of the ASME code. (Mode 1.)
6126-P	DOT-E 6126	Rhodia, Inc., Monmouth Junction, N.J.	49 CFR 173.253(a)	To become a party to exemption 6126. (See application No. 76-340.) (Mode 1.)
6127-X	DOT-E 6127	Monsanto Co., St. Louis, Mo.	49 CFR 173.373	To ship a certain class B poison in insulated DOT specification MC-306, MC-307, MC-310, MC-311, or MC-312 tank motor vehicle. (Mode 1.)
6189-X	DOT-E 6189	Chevron Chemical Co., San Francisco, Calif.	49 CFR 173.359(b)(1)	To ship class B poisonous liquids in a new DOT specification 5B open-head steel drum. (Mode 1.)
6218-X	DOT-E 6189	Liquid Carbonic Corp., Chicago, Ill.; Chemetron Corp., Chicago, Ill.	49 CFR 173.315(a)	To ship liquefied argon, liquefied nitrogen in a non-DOT specification cargo tank. (Mode 1.)
6238-X	DOT-E 6238	Vicksburg Chemical Co., Vicksburg, Miss.	49 CFR 173.182(b)(6)	To ship potassium nitrate in a DOT specification 44P plastic bag. (Modes 1 and 2.)
6253-P	DOT-6253	Atlantic Cargo Services AB, Gateberg, Sweden; Bacardi International Ltd., Hamilton, Bermuda.	49 CFR 173.119, 173.126, 173.245, 173.247, 173.266, 173.249, 173.346.	To become a party to exemption 6253. (See application No. 75-282, 6253-P.) (Modes 1, 2, and 3.)
6281-X	DOT-E 6281	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 172.101, 173.272(a)(5)	To ship sulfur trioxide, unstabilized in insulated DOT specification MC-311 or 312 cargo tank. (Mode 1.)
6349-P	DOT-E 6349	Kansas Refined Helium Co., Wichita, Kans.	49 CFR 172.101, 173.315(a)	To become a party to exemption 6349. (See application 6349-X.) (Modes 1, 2, and 3.)
6466-X	DOT-E 6466	Monsanto Co., St. Louis, Mo.; Ensign Bickford Co.	49 CFR 173.65(a)(1), 173.87	To ship class A explosives in DOT specification 12H fiberboard boxes. (Mode 1.)
6479-X	DOT-E 6479	Mobil Chemical Co., Beaumont, Tex.	49 CFR 173.315(a)(1)	To ship carbon monoxide, ethylene, methane in non-DOT specification stainless steel cargo tanks. (Mode 1.)
6500-X	DOT-E 6500	East Asiatic Co., Inc., San Francisco, Calif.; Blue Star Line, Inc., San Francisco, Calif.	49 CFR 173.125	To ship certain flammable liquids in a non-DOT specification stainless steel portable tank. (Modes 1 and 3.)
6518-X	DOT-E 6518	Union Carbide Corp., Bound Brook, N.J.; Stauffer Chemical Co., Westport, Conn.	49 CFR 172.101, 173.132(a)(5), 173.154, 172.302, 173.119(a)(25).	To ship flammable liquids, or solids in non-DOT specification steel portable tanks. (Modes 1 and 3.)
6523-X	DOT-E 6523	FMC Corp., Philadelphia, Pa.	49 CFR 173.154(a)(15)	To ship certain oxidizing materials in non-DOT tight sift-proof hopper car non-DOT sift-proof covered hopper type motor vehicle; DOT specification 44B multiwall paper bag; DOT specification 44C multiwall paper bag. (Modes 1 and 2.)
6536-P	DOT-E 6536	Air Products and Chemicals, Inc., Allentown, Pa.; Delmarva Power and Light Co., Wilmington, Del.; SunOlin Chemical Co., Claymont, Del.	49 CFR 172.101, 173.315(a)	To become a party to Exemption 6536. (See application No. 6536-X.) (Mode 1.)
6622-X	DOT-E 6622	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Park Chemical Co., Detroit, Mich.; Alton-Cross Co., Holliston, Mass.; Delarich Corp., Clifton, N.J.; Worth Chemical Co., Greensboro, N.C.	49 CFR 173.234(a)(2)	To ship an oxidizing material in accordance with § 173.234(a)(2) in less-than-carload and less-than-truckload quantities. (Modes 1 and 2.)

UM

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6710–X	DOT–E 6710	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.272(a)(4), 179.202–13.	To ship sulfur trioxide, stabilized in DOT–103A–W tank cars. (Mode 2.)
6743–X	DOT–E 6743	Atlas Powder Co., Dallas, Tex.	49 CFR 173.182	To ship nitro carbo nitrate in DOT specification 56 portable tank. (Mode 1.)
6752–X	DOT–E 6752	Pennwalt Corp., Philadelphia, Pa	49 CFR 173.304(a)(2), 173.301(d)(3).	To ship diDuoroethylene in DOT–3A240 cylinders. (Mode 1.)
6802–X	DOT–E 6802	Fitch Industrial and Welding Supply, Lawton, Okla.; Lincoln Welding Supply Co., Lincoln, Nebr.	49 CFR 173.315(n)	To ship certain nonflammable liquefied compressed gases in non-DOT specification truck mountable cargo tank designed and constructed in accordance with sec. VIII of the ASME code. (Mode 1.)
6823–X	DOT–E 6823	3M Company, St. Paul, Minn., F & H Electronic Materials Corp., Dearborn, Mich.	49 CFR 173.119(b).	To ship certain flammable liquids in a DOT specification 12P fiberboard box with an inside DOT specification 2U polyethylene container. (Mode 1.)
6858–P	DOT–E 6858	Interpool, Ltd., New York, N.Y	49 CFR 173.119(b), 173.125, 173.346(a)(12).	To become a party to exemption 6858. (See application No. 7858–X.) (Modes 1, 2, and 3.)
6862–X	DOT–E 6862	Stauffer Chemical Co., Westport, Conn	49 CFR 173.245(a), 173.3	To ship fashion fresh and hydel in 1 gal F-style, metal cans packed in DOT specification 12A fiberboard box. (Modes 1, 2, 3, and 4.)
6879–X	DOT–E 6879	OMI Parker Oxy Metal Industries Corp., Morenci, Mich.	49 CFR 173.245(a)(1).	To ship certain corrosive liquids in stainless steel drums meeting DOT specification 5C and marked ICC 5. (Modes 1 and 2.)
6901–X	DOT–E 6901	Monsanto Co., St. Louis, Mo	49 CFR 173.28(m), 173.355(n)(2).	To ship certain class B poisonous solids in reconditioned DOT specification 17E steel drums. (Mode 1.)
6905–P	DOT–E 6905	Park Chemical Co., Detroit, Mich	49 CFR 178.225–2	To become a party to exemption 6905. (See Application No. 6905–X). (Modes 1, 2, and 3.)
6951–X	DOT–E 6951	Monsanto Co., St. Louis, Mo.	49 CFR 173.154(a)(2), 173.255(a)(4), 178.131.	To ship certain flammable solids in a DOT specification 37A steel drum. (Modes 1, 2, and 3.)
6998–X	DOT–E 6998	Greer Hydraulics, Inc., Los Angeles, Calif.	49 CFR 173.31(d)(4), 173.302(a)(1), 175.3.	To ship nitrogen in a non-DOT specification steel pressure vessel made in compliance with sec. VIII of the ASME code. (Modes 1, 2, 3 and 4.)
7045–P	DOT–E 7045	U.S. Department of Defense, Washington, D.C.	49 CFR 173.212(c), 173.215(a)(18).	To ship corrosive liquids in DOT specification 12A fiberboard boxes with inside glass, polyethylene, or other nonfragile plastic bottles. (Modes 1, 2, and 3.)
7059–X	DOT–E 7059	Virginia Chemicals Inc., Portsmouth, Va.	49 CFR 173.204(a)(4), 173.28(m).	To ship sodium hydrosulfite in DOT specification 37A275 steel drums. (Modes 1, 2, and 3.)
7062–X	DOT–E 7062	Bennett Industries, Pacoima, Calif.	49 CFR pt. 173; 178.19	To ship certain corrosive liquids in a non-DOT tight head polyethylene container. (Modes 1, 2, and 3.)
7063–X	DOT–E 7063	Hooker Chemicals and Plastics Corp., Niagara Falls, N.Y.	49 CFR 173.191(a).	To ship phosphorous pentachloride in a non-DOT single trip, molded, removable-head, polyethylene container. (Modes 1 and 2.)
7067–X	DOT–E 7067	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315(a)(1)	To ship dichlorodifluoromethane in British-made portable tanks. (Modes 1 and 3.)
7082–X	DOT–E 7082	Igloo Corp., Houston, Tex.	49 CFR pt. 173; 178.19	To ship certain corrosive liquids and class B poisonous liquids in a non-DOT specification reusable modled polyethylene container. (Modes 1, 2, and 3.)
7096–X	DOT–E 7096	Fike Metal Products Corp., Blue Springs, Mo.	49 CFR 173.304(a)(1), 178.55	To ship bromotrifluoromethane in a non-DOT specification cylinder in accordance with DOT specification 4B240ET. (Modes 1, 2, and 3.)
7202–X	DOT–E 7202	Waters Instruments, Inc., Rochester, N.Y.	49 CFR 173.24(a)(1), 175.3, 175.75(a)(1), 175.85(a).	To ship carbon dioxide-oxygen mixture in MOX–100TM Renal Preservation System for transporting human organs for transplant purposes. (Mode 5.)
7206–X	DOT–E 7206	Ruan Transport Corp., Des Moines, Iowa.	49 CFR 173.245(a)	To ship certain corrosive liquids in non-DOT specification cargo tanks. (Mode 1.)
7208–X	DOT–E 7208	National Aeronautics and Space Administration, Washington, D.C.; Trans International Airlines, Inc., Oakland, Calif.	49 CFR 175.3, 175.30(a)(1).	To ship certain rocket motors (Jet thrust units), via cargo-only aircraft. (Mode 4.)
7218–X	DOT–E 7218	Structural Composities Industries, Inc., Azusa, Calif.	49 CFR 173.302(a)(1), 173.304(a)(1), 175.3.	To ship nonflammable compressed gases in a non-DOT specification filament-wound reinforced plastic aluminum lined cylinder. (Modes 1, 2, 3, 4 and 5.)
7240–X	DOT–E 7240	The Dexter Corp., Olean, N.Y.	49 CFR 173.249	To ship alkaline corrosive liquids in a DOT specification 12B fiberboard box with inside metal containers. (Modes 1, 2, and 3.)
7617–X	DOT–E 7617	White Pass and Yukon Route, North Vancouver, British Columbia.	49 CFR 173.182(b), 176.415(c)(4).	To ship ammonium nitrate in sift-proof aluminum freight containers. (Mode 3.)
7700–X	DOT–E 7700	U.S. Department of Agriculture, Washington, D.C.	49 CFR 175.310(d)	To ship gasoline containers in the baggage compartment of helicopters instead of using external cargo racks. (Mode 4.)
7483–N	DOT–E 7483	Hugonnet, S. A., Paris, France	46 CFR 90.05–35; 49 CFR 172.101, 173.119, 173.245(a), 173.131(a)(1), 173.132(a)(1), 173.144(a)(1), 173.245.	To ship certain hazardous materials in a non-DOT specification IMCO Type 2 portable tank. (Modes 1, 2 and 3.)
7503–N	DOT–E 7503	Orval-Maintention, Paris, France	46 CFR 90.05–35; 49 CFR 172.101, 173.119, 173.245(a), 173.295(a), 173.346(a).	To ship certain hazardous materials in a non-DOT specification IMCO Type 1 insulated portable tank. (Modes 1 and 3.)
7534–N	DOT–E 7534	IMC Chemical Group, Allentown, Pa.	49 CFR 173.65	To ship trinitrotoluene in non-DOT specification plywood boxes, (Mode 1.)
7576–N	DOT–E 7576	Hugonnet SA, Paris, France	49 CFR 173.620(a), 173.620(b).	To ship chloroform, carbon tetrachloride in a non-DOT specification portable tank. (Mode 3.)
7674–N	DOT–E 7674	U.S. Department of Defense, Washington, D.C.	49 CFR 174.104(a)	To ship captor mine/torpedo, class A explosives, on a Mk 24, Model O, modified skid. (Mode 2.)
7720–N	DOT–E 7720	Mitsui O.S.K. Lines, Ltd., and Sumitomo Shoji America, Inc., San Francisco, Calif.	49 CFR 173.119	To ship alpha picoline in a non-DOT specification stainless steel cargo tank. (Modes 1, 2 and 3.)

Applications received and granted

EE7724–P	DOT–E 7724	Colorado River Municipal Water District, Big Spring, Tex.	49 CFR chapter 1, subchapter C.	To become a party to exemption 7724. (See application No. 7724–N.) (Mode 4.)
EE7724–P	DOT–E 7724	Colorado International Corp., Boulder, Colo.	49 CFR chapter 1, subchapter C.	To become a party to exemption 7724. (See application No. 7724–N.) (Mode 4.)
EE7746–N	DOT–E 7746	Pan American World Airways, Miami, Fla.	49 CFR 173.34(d), 173.302, 175.3.	To ship nitrogen in four non-DOT foreign made steel cylinders. (Modes 1 and 4.)
EE7761–N	DOT–E 7761	Scientific Inc., Scotchplains, N.Y.	49 CFR 173.248	To ship sludge acid in a DOT specification MC–330 tank motor vehicle. (Mode 1.)

DENIALS

3637–X Request by Michigan Chemical Corp., Chicago, Ill., to ship hydrobromic acid, not over 49 percent strength, in a 55-gallon capacity DOT Specification 37M cylindrical steel overpack, having a 20-gauge body and 18-gauge heads, with an inside DOT Specification 2SL polyethylene container, denied May 26, 1977, as being unnecessary.

5401–X Request by Great Lakes Chemical Corp., El Dorado, Ark., to ship hydrobromic acid in a DOT Specification 37M cylindrical steel overpack with an inside DOT Specification 2SL polyethylene container, denied May 27, 1977, as being unnecessary.

6299–P Request by Kessler Distributing Co., Fairfield, Iowa, to transport pressurized, non-flammable, cryogenic gases, denied May 26, 1977, as being unnecessary.

6299–P Request by Area Oxygen Company, Inc., Cape Girardeau, Mo., to transport hydrobromic acid in a DOT Specification 37M cylindrical steel overpack with an inside DOT Specification 2SL polyethylene container, denied May 26, 1977, as being unnecessary.

6501–X Request by GOEX, Inc., Gleburne, Tex., to authorize a DOT 37M drum with a 2SL liner to ship liquid high explosives, denied May 10, 1977.

6593–P Request by ICI United States, Inc., Wilmington, Del., to ship certain Class B poisonous liquids in a DOT Specification 6D cylindrical steel overpack with an inside Specification 2SL polyethylene container, denied May 18, 1977, as being unnecessary.

6593–X Request by Chevron Chemical Co., San Francisco, Calif., to ship certain Class B poisonous liquids in a DOT Specification 6D cylindrical steel overpack with an inside Specification 2SL polyethylene container, denied May 18, 1977, as being unnecessary.

6825–P Request by Northern Petrochemical Co., Des Plaines, Ill., to ship liquefied ethylene in a non-DOT specification vacuum-insulated tank car tank, denied May 12, 1977, as being unecessary.

6825–X Request by Mobil Chemical Co., Beaumont, Tex., to become a party to Exemption 6825 authorizing shipment of liquefied ethylene in a non-DOT specification vacuum-insulated tank car tank, denied May 12, 1977, as being unnecessary.

6825–P Request by Air Products and Chemicals, Inc., Wayne, Pa., to become a party to Exemption 6825 authorizing shipment of liquefied ethylene in a non-DOT specification vacuum-insulated tank car tank, denied May 12, 1977, as being unnecessary.

6883–X Request by Stauffer Chemical Co., Westport, Conn., to ship ethyl chlorothioformate (ECTF) in a non-DOT Specification polyethylene drum of 55-gallon capacity, denied May 11, 1977, as being unnecessary.

7222–P Request by Mr. Michael F. Hardesty, Seattle, Wash., to become a party to Exemption 7222 authorizing transportation by air, as carry-on baggage, wet electric storage batteries in connection with a self-propelled wheelchair, denied May 10, 1977.

7434–P Request by Kerr-McGee Chemical Corp., Oklahoma City, Okla., to become a party to Exemption 7434 authorizing shipment of certain flammable liquids, corrosive liquids, and Class B poisonous liquids in Natico Model No. 100 Recovery Drums, denied May 2, 1977, as being unnecessary.

7560–N Request by the U.S. Department of Defense, Washington, D.C., to become a party to Exemption 7560 authorizing shipment of a 10,000 lb/in² helium pressurized cylinder in a projectile containing Class A explosives, denied May 23, 1977.

7575–N Request by Petrolite Corp., Brea, Calif., to ship a number of formulations used in oil drilling in accordance with 49 CFR 175.320, denied May 3, 1977.

7580–N Request by FMC Corp., Philadelphia, Pa., to authorize shipment of Class B poisons which have EPA poison labels on the shipping containers to be shipped without the DOT poison label; to use a smaller label; or deviate from the label placement requirements, denied May 13, 1977.

7592–N Request by Shell Oil Co., Houston, Tex., to authorize use of Shelf E or F coupliers in lieu of head shields on all uninsulated pressure tank cars, denied May 5, 1977.

7642–N Request by Wonder Corporation of America, Stamford, Conn., to ship butane in a non-DOT Specification 2P type cylinder having a maximum water capacity of 36.913 cubic inches, denied May 23, 1977.

7667–N Ferguson Fumigants, Inc., Hazelwood, Mo., to authorize shipment of methyl bromide and methyl bromide mixtures in DOT Specification 39 cylinders, denied May 13, 1977.

7673–N Request by Bristol Flare Corporation Manufacturers, Bristol, Pa., to authorize shipment of certain marine smoke signals as flammable solids rather than Class C explosives, denied May 11, 1977.

7698–N Request by Federal Laboratories, Inc., Saltsburg, Pa., to authorize shipment of certain tear gas devices which are not packaged in inner fiber tubes, by highway, cargo-only aircraft, and water, denied May 6, 1977.

EE7757–N Request by Gulf Energy and Minerals Co., New Orleans, La., for an emergency exemption authorizing shipment of propane in a non-DOT specification portable tank, denied May 17, 1977.

7762–N Request by Ireco Chemicals, Salt Lake City, Utah, to authorize unloading a product identified as IREGEL II at ports without a Coast Guard permit as required in Section 176.415 of Title 49, Code of Federal Regulations, denied May 23, 1977.

EE7763–N Request by Hercules Inc., Wilmington, Del., for an emergency exemption to ship a flammable liquid in approximately 60 non-DOT specification, removable head, 55-gallon steel drums, denied May 25, 1977.

WITHDRAWALS

75–49 Request by United Technologies, Sunnyvale, Calif., to ship trichlorotrinitrobenzene (TCTNB) packaged in DOT 21C250 fiber drums, withdrawn April 27, 1977.

6282–X Request by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship certain oxidizing materials in a non-DOT specification polyethylene lined Typar ® or identical materials by other trade name bag, withdrawn May 23, 1977.

7539–N Request by Petrolite Corp., Brea, Calif., to ship certain flammable liquids in DOT Specification 57 portable tanks, withdrawn April 20, 1977.

7726–N Hughes Aircraft Co., Culver City, Calif., for an emergency exemption to ship helium and nitrogen gases in non-DOT cylinders, withdrawn May 11, 1977.

J. R. GROTHE,
Chief, Exemptions Branch, Office of Hazardous Materials Operations.

[FR Doc.77–17664 Filed 6–22–77;8:45 am]

[Docket No. 77–7W]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver of Girth Weld Defects

On May 24, 1977, the Alyeska Pipeline Service Company (Alyeska) delivered to the Department of Transportation (DOT) a request for a waiver of the DOT regulations governing the acceptability of liquid pipeline girth welds (49 CFR 195.226 and 49 CFR 195.228). More specifically, Alyeska seeks the waiver for all trans-Alaska crude oil pipeline girth welds containing irregularities interpreted as not complying with the DOT's requirements but which are within the parameters of the fracture mechanics decision curves contained in the DOT's November 26, 1976, decision on a similar but more limited request (41 FR 52933. December 2, 1976). Alyeska would have this new requested waiver apply to girth welds currently known to contain such irregularities as well as those that may be revealed by any current or future review or audit.

In the November 26 decision cited by Alyeska in support of its current request. the DOT, after careful consideration of the issues and the technical advice provided by its experts and consultants. determined that—

Fracture mechanics analysis is acceptable as a basis for granting exemptions from existing standards in appropriate circumstances, if such analysis produces a convincing and conservative estimate of structural integrity.

The specific criteria for applying this determination to the task of accepting or rejecting individual girth welds were set forth in the form of four decision curves in an appendix to the decision.

Originally Alyeska had requested a waiver for 612 of the approximately 30,000 field girth welds performed during the 1975 construction season. That number was reduced to 34 as repairs to the 1975 welds were completed during the construction season of 1976. In all, there are approximately 100,000 main line girth welds in the pipeline—30,000 field welds performed during each of the 1975 and 1976 construction seasons and 40,000 "double joint" shop welds performed at the pipe storage facilities in Fairbanks and Valdez joining two sections of pipe before transporting them to construction sites. Concerns about the quality of girth welds and the adequacy of the quality control system had prompted Alyeska to audit the radiographic records of the 1975 field girth welds during the winter of 1975–76. It was that audit which led to Alyeska's first girth weld waiver request.

With respect to the 34 unrepaired girth weld defects then known to exist. the DOT further determined that those having dimensions which fell below the decision curve for the type of defect concerned "do not constitute a risk of failure at those connecting points during the expected lifetime of the pipeline." The DOT found that 24 of the 34 welds were acceptable on the basis of fracture

mechanics analysis. A waiver was granted for only three welds located under the Middle Fork of the Koyukuk River inasmuch as repair efforts on the other 21 were then well on their way to completion.

Shortly after the DOT's November 26, 1976, decision on that request, a new series of questions arose concerning the quality of girth welds that had been performed in the shops at Valdez and Fairbanks. These questions were the subject of hearings before the Subcommittee on Energy and Power of the House of Representatives' Committee on Interstate and Foreign Commerce on December 14, 1976.

DOT Girth Quality Samplings Program

Because of concerns about the total girth weld population and because of the energy and environmental significance of the trans-Alaska crude oil pipeline, the DOT, as indicated during the hearings on December 14, 1976, undertook a statistical sample of the 1975 and 1976 field welds and double joint welds made in the Fairbanks and Valdez shops. A sample consisting of the radiographs for 500 randomly selected welds was chosen from each of the above three categories for a total sample size of 1500. Beginning in March 1977, the radiographs were interpreted by three DOT radiographic specialists. In order to minimize any dependent bias in the interpretation, each of the three radiographic specialists independently reviewed each of the radiographs from a listing of the approximately 100,000 girth welds against the DOT regulatory standard of acceptability as specified in 49 CFR 195.226 and .228. In each case where at least two specialists interpreted a radiograph as indicating an arc burn or a defect, related narrative records and documentation were examined and, two independent radiographic experts reviewed the specialists' findings. The two radiographic experts,[1] are employees of Rockwell International Corporation under contract to the Energy Research and Development Administration (ERDA).

The ERDA experts, employing a technology used in dealing with the earlier waiver request, determined the depth and length of each defect they confirmed. A detailed report of the three DOT radiographic specialists' and the ERDA experts' findings and measurements has been made a part of this docket. In summary, the results were as shown in Tables I and II.

TABLE I.—*Welds containing defects identified by DOT specialists*[1]

Type of defects	1975 welds	1976 welds	Shop welds	Total welds
Arc burns	78	28	21	127
Planar	15	0	5	26
Nonplanar	25	9	0	44
Total welds[2]	88	37	24	149

[1] This does not include indications of external undercuts. The depth of external undercuts which are often detectable by radiography cannot be evaluated by that technique. For this reason, Alyeska, as is the standard practice in pipeline construction, employed visual external inspection to gage the depth of external undercuts and require repair when their dimensions exceeded DOT limits.

[2] The sums of the addends are less than the totals because some welds contain more than 1 class of defect.

TABLE II.—*Welds containing defects identified by DOT specialists: Confirmed and measured by ERDA experts*

Type of defects	1975 welds	1976 welds	Shop welds	Total welds
Arc burns	70	23	18	111
Planar	13	5	1	19
Nonplanar	31	9	0	40
Total welds	72	28	18	118

[1] The sums of the addends are less than the total because some welds contain more than 1 class of defect.

Fracture Mechanics Analysis

As indicated in the DOT's November 26, 1976, decision on Alyeska's earlier waiver request, fracture mechanics is the study of the effects of defect size and orientation on the ability of a structure containing cracks to resist fracture. It permits quantitative estimation of the growth of cracks during the lifetime of the structure and is currently used in the design of aircraft and space vehicles, electrical power generating equipment including nuclear pressure vessels and ship cargo tanks used to carry liquefied natural gas. More recently it has been recognized by Lloyd's Register of Shipping (London, England) and Det Norshe Veratas (Oslo, Norway) to resolve critical questions relative to pipeline safety.

It was after a comprehensive review of all relevant material assembled during consideration of that earlier waiver request and following extensive consultation with its experts and consultants including a panel of distinguished public experts that the DOT concluded in November 1976, that fracture mechanics could serve as a basis for granting waivers from existing DOT standards without compromising pipeline integrity.

Using the measurements (length and depth) of each confirmed defect as determined by the ERDA experts and applying them to the fracture mechanics decision curves contained in the DOT's November 26, 1976, decision, the results are as shown in Table III.

TABLE III.—*Analysis of confirmed defects in 1,500 randomly selected girth welds based on November 26, 1977 decision curves*

Type of defects	Welds analyzed	Welds not acceptable			Welds found acceptable
		1975	1976	Shop	
Arc burns	111	3	0	0	108
Planar	19	0	0	0	19
Nonplanar	40	5	0	0	35
Total welds[1]	118	8	0	0	110

[1] The sums of the addends are less than the totals because some welds contain more than 1 class of defect.

Although the question before the DOT on Alyeska's earlier waiver request concerned only a portion of the total main line girth welds, the conclusions reached and the accompanying decision curves developed for worst possible case situations are no less valid and applicable for the total pipeline. For this reason, I have decided to extend the applicability of that earlier decision to cover the entire 800-mile main line of the trans-Alaska crude oil pipeline and thereby grant the requested exemption from compliance with DOT welding standards (49 CFR 195.226 and 195.228).

Welds Not Acceptable Under November 26, 1976 Fracture Mechanics Decision Curves

Being convinced of the adequacy and structural integrity of all girth welds meeting fracture mechanics criteria as represented by the November 26, 1976, decision curves, there remains, however, a question as to those welds containing defects which pass neither the DOT standards nor the decision curve criteria. The weld quality sampling program results list eight such welds all performed during the 1975 construction season.

The true value of any sample lies in its utility as evidence of the quality or character of the whole or entire lot. Thus, using the results of the girth weld sampling program, it is possible to make certain estimations regarding the total number of girth welds containing defects which fall beyond the limits of the November 26, 1976, decision curves. Applying statistical sampling formulae calculated to provide a 99 percent level of confidence, leads to an estimate that 0.1 to 0.9 percent (0.5%±0.4%) of all girth welds fall into this category.

[1] Wayne D. Stump, manager of nondestructive testing, at the Rocky Flats Plant of Rockwell International (Prime U.S. ERDA contractor), where he has been employed for 25 years, holds a BS in Physics from the University of Denver and is a registered professional engineer in Colorado. Mr. Stump is a 25 year member and fellow of the American Society for Non-destructive Testing and has held several section offices in the Society. He is a certified ASNDT Level III in several test methods including radiography, and serves on the National Certification Panel for Level III personnel. He also holds membership in the American Society of Metals and the National Management Association.

John L. Summers, nondestructive testing area manager, at the Rocky Flats Plant, Rockwell International (Prime U.S. ERDA contractor), where he has been employed for the past 25 years, holds an associate degree of Science from Mascatine Junior College and has completed additional studies at the University of Colorado. Mr. Summers is a 22 year member and fellow of the American Society for Nondestructive Testing, having held several section offices in the Society. He is a certified ASNDT Level III in several test methods including radiography, and has served on the select Ad Hoc committee for Level III certification and is currently on the National Certification Panel for Level III personnel. He has been nominated as a National Director for ASNDT. Mr. Summers also holds membership in the American Society of Metals and the National Management Association and is a registered professional engineer in the State of California.

Moreover, the individual sample defect length and depth measurements made by the ERDA experts, when displayed on the decision curves, provide an indication of the probable range of deviation and the maximum likely deviation of all such defects above the acceptable fracture mechanics determined sizes.

As noted in the November 26, 1976, decision, Figures 5 and 6, several sets of decision curves were proposed for evaluating the acceptability of planar and non-planar flaws. The curves selected for use as part of that decision were the most conservative choices although the panel of five national experts convened by the DOT in October 1976 recommended otherwise. The panel in its November 8, 1976, report noted that the least conservative curves (i.e., the Irwin curves) "will most closely predict actual failures of non-crack defects." Moreover, in the decision itself, it was pointed out that while all DOT and outside experts agreed that fracture mechanics can serve as a basis for granting waivers, there are differences among those experts as to the degree of conservatism required, specifically as regards the choice of analytical models and factors of safety. Notwithstanding the technical merits of any particular model, it was the most conservative model that was chosen to carry out the November 26 decision.

To assist the DOT in evaluating this information and determining its significance to the structural integrity of the pipeline, on June 6, 1977, the DOT reconvened the panel of five experts first convened in October 1976, in connection with the initial consideration of fracture mechanics technology. The panel of experts and their areas of expertise were: Dr. Herbert T. Corten, Professor of Theoretical and Applied Mechanics, University of Illinois (expert in fracture mechanics analysis); Dr. Matthew Creager, President of Del West Associates (expert in fracture mechanics analysis and testing); Dr. Robert C. McMaster, Regents Professor of Welding and Electrical Engineering, Ohio State University (expert in metallurgy, welding, nondestructive testing and radiography); Dr. Warren F. Savage, Professor of Metallurgy and Director of Welding Research, Rensselaer Polytechnic Institute (expert in metallurgy and welding); and Edward Criscuolo, Naval Surface Weapons Center (expert in welding and radiography).

That panel of experts concluded that:

1. The successfully concluded hydrostatic test, while useful in testing longitudinal welds and serviceability is not a significant test of the girth welds;

2. The sampling program met the objective of determining with a high level of confidence whether or not the quality of welds meets DOT standards;

3. The November 26, 1977, decision curves, as they had previously noted, contain more than adequate-safety factors;

4. None of the eight welds containing defects, which are only marginally outside the acceptable range of the November 26 decision curves, pose any threat to the structural integrity of the pipeline through its anticipated life;

5. Girth weld failures, which are generally an unlikely source of potential problems, will be even less so in the case of the trans-Alaska pipeline considering the superior materials and weld systems employed;

6. In view of the strong evidence that the 1976 field welds and the shop welds do not contain any defects which exceed the limits of the November 26 fracture mechanics decision curves, further review of these welds is not warranted; and

7. Since the defect indications of the 1975 field welds are of neither sufficient size or number to be of concern with regard to structural integrity, further review of the radiographs of these welds will not furnish any additional useful information or increase the structural reliability of the pipeline.

A complete report of the panel's evaluation and recommendations has been placed in the public docket.

On the basis of the results of the sampling program, the technical analysis of those results by the panel and DOT experts, and the application of fracture mechanics analysis to these results, I have concluded that there is no more than an extremely remote risk of loss of pipeline integrity.

Accordingly, I have determined that further DOT review of the girth weld radiographs and related documentation will not serve any useful purpose and that any program to seek out and repair any girth welds would certainly prove costly and quite possibly environmentally disruptive with no perceptible likelihood of enhancing the structural integrity of the pipeline.

(18 U.S.C. 831–835, Section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)) and Section 203 of the Trans-Alaska Pipeline Authorization Act (Pub. L. 93–153).)

Issued in Washington, D.C. on June 17, 1977.

ALAN A. BUTCHMAN,
Deputy Secretary of Transportation.

NOTE: This document is reprinted without change from the issue of Tuesday, June 21, 1977.

[FR Doc.77-17685 Filed 6-17-77;11:16 am]

National Highway Traffic Safety Administration

[Docket No. EX 73-7; Notice 6]

ALBANY MOTOR CARRIAGE CO.

Petition for Temporary Exemption From Motor Vehicle Safety Standards

This notice grants the petition by the Albany Motor Carriage Company Ltd. of Christchurch, Dorset, England for a 3-year extension of the temporary exemptions of its Vintage Car Type A passenger car from certain safety standards on grounds of substantial economic hardship. Albany was previously granted exemptions from the standards, expiring January 1, 1977, on January 29, 1974 (39 FR 3709) and August 5, 1974 (39 FR 28175).

Albany's intent has been to manufacture no more than 300 units for sale in the United States in the years 1974–1979 before terminating production, and therefore it did not intend to achieve conformance with exempted standards. All extensions requested are for 3 years. The vehicle is an open two-seater replica of vehicles manufactured in Great Britain in the first decade of the 20th century. Although the Type A is powered by a contemporary Triumph Spitfire engine its top speed is limited to 40 mph. The company requested extension of its exemption from all or part of the following standards, for the reasons stated: Nos. 103 (the vehicle has no doors or sides and thus its windshield cannot frost or fog); 104 (the vehicle does not need two wiping speeds due to the low top speed), 109 and 110 (the tires and rims are larger than those covered by the standards), 201 (the standard is intended for closed vehicles), 202, 208, 209, 210 (further efforts towards compliance would involve substantial costs and destroy the character and hence the sales appeal of the vehicle which is nonetheless equipped with a 3-point restraint system and "adequate" anchorages), and 212 (total testing costs would be $15,000).

In support of its original petition Albany stated that the total planned production of the Model A is 600 units, half of which were destined for the American market, and that "all costings have been based on this production run." There are no alternative markets capable of absorbing the planned USA sales of 300 units, and if the car cannot be sold in the USA "the product is not a viable commercial proposition and must be abandoned and the company would end up with a consequent loss of dollars already invested." Albany has made certain modifications to the vehicle which it briefly described so that it will conform with Standards Nos. 101, 102, 105, 108, 114, 204, and portions of 104. Because of insignificant sales during the 3 years that the current exemption has been in effect, the company needs an extension to recoup its investment. Corporate income statements indicate a declining financial position over the past 3 years with a loss carried forward of approximately $10,000 as of March 31, 1976.

Albany argued that the extension would be in the public interest as the vehicle provides leisure opportunities and is a source of amusement. It is consistent with objectives of the National Traffic and Motor Vehicle Safety Act because its low top speed and use only during good weather make it unlikely that it will be involved in accidents.

No comments were received on the petition.

The passenger cars in question are part of a limited production run covered by the initial exemption and do not involve an additional number of vehicles. The same hardship factors exist today that did at the time of the original exemption. No cause has been shown why an extension should not be granted. The Administrator has determined that compliance would cause the petitioner substantial economic hardship and that an exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, NHTSA Exemption No. 73–7 is hereby extended from the date of issuance hereof, for a period expiring January 1, 1980.

(Sec. 3, Pub. L. 92–548, 86 Stat 1159 (15 U.S.C. 1410), delegation of authority at 49 CFR 1.50.)

Issued on June 15, 1977.

JOAN B. CLAYBROOK,
Administrator.

[FR Doc.77–17885 Filed 6–22–77;8:45 am]

TRUCK AND BUS SAFETY SUBCOMMITTEE6

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Truck and Bus Safety Subcommittees of the National Highway Safety Advisory Committee and the National Motor Vehicle Safety Advisory Council. The subcommittees will meet on July 13, from 2 p.m. to 6 p.m. and on July 14 from 8:30 a.m. to 1 p.m. at the Hyatt Regency Hotel, Cambridge, Massachusetts The meeting room will be posted on the bulletin board in the hotel lobby.

The three task forces of the subcommittees will meet July 13 to review information received at the April 14 and 15 meeting and to plan future activities. The task forces are (1) 100, 200 and 300 Series FMVSS, (2) R&D and Government Agencies, and (3) Operations and Driver. The full subcommittees will meet on the morning of July 14 to formulate positions, discuss results of their May 19 meeting and receive a progress report from the NHTSA 121 Task Force.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Any member of the public may present a written statement to the subcommittees at any time. This meeting is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2872.

Issued in Washington, D.C. on June 20, 1977.

WM. H. MARSH,
Executive Secretary.

[FR Doc.77–17962 Filed 6–22–77;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ART ADVISORY PANEL OF THE COMMISSIONER OF INTERNAL REVENUE

Determination of Necessity for Reestablishment

JUNE 15, 1977.

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Pub. L. 92–463, October 6, 1972), as amended, Pub. L. 94–409, section 5(c), September 13, 1976, 90 Stat. 1247, the Commissioner of Internal Revenue announces the reestablishment of the following advisory committee:

Title. The Art Advisory Panel of the Commissioner of Internal Revenue.

Purpose. The Panel assists the Internal Revenue Service by reviewing and evaluating the acceptability of property appraisals submitted by taxpayers in support of the fair market value claimed on works of art involved in Federal Income, Estate or Gift taxes in accordance with sections 170, 2031, and 2512 of the Internal Revenue Code of 1954.

Providing this assistance requires Panel records and discussions to include tax return information. Therefore, the Panel meetings will be closed to the public since they will concern matters that are exempted from disclosure under the provisions of section 552b(c), (3), (4), (6) and (7) of Title 5 of the U.S. Code. This determination, which is in accordance with section 10(d) of the Federal Advisory Committee Act, is necessary to protect the confidentiality of tax return and return information as required by section 6103 of Title 26 of the U.S. Code.

Statement of Public Interest. It is in the public interest to continue the existence of the Art Advisory Panel. The membership of the Panel is balanced between museum directors and art dealers to afford differing points of view in determining fair market value.

Authority for this Panel will expire two years from the date the charter is approved by the Assistant Secretary of the Treasury for Administration and filed with the appropriate congressional committee unless the Commissioner of Internal Revenue formally determines that continuance is in the public interest.

JEROME KURTZ,
Commissioner.

[FR Doc.77–17938 Filed 6–22–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 419]

ASSIGNMENT OF HEARINGS

JUNE 20, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142662, Stewart & Stevenson Transportation, Inc., now assigned September 14, 1977 at Dallas, Texas, is canceled and reassigned July 26, 1977 (1 day), in the Whitehall Hotel, Cullen Center, Houston, Texas.

MC 133095 (Sub-114), Texas Continental Express, Inc., now being assigned July 26, 1977 (2 days), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 138367 (Sub-3), TMI Transport Corp., now being assigned August 1, 1977 (1 week), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC–C–8917, Dignan Trucking, Inc., Et Al. V. Southern Maryland Transportation Co., Inc., now assigned June 21, 1977, at Washington, D.C. is postponed indefinitely.

MC 29120 (Sub-198), All-American, Inc.; MC 111812 (Sub-525), Midwest Coast Transport, Inc.; MC 114569 (Sub-153), Shaffer Trucking, Inc.; MC 114632 (Sub-93), Apple Lines, Inc.; MC 117940 (Sub-195), Nationwide Carriers, Inc.; MC 129387 (Sub-29), Payne Transportation, Inc.; MC 133689 (Sub-80), Overland Express, Inc.; MC 134477 (Sub-117), Schanno Transportation, Inc., and MC 135874 (Sub-65), LTL Perishables, Inc., now being assigned July 28, 1977 (3 days), at Minneapolis, Minnesota, in a hearing room to be later designated.

MC 118959 Sub 137, Jerry Lipps, Inc. now being assigned July 27, 1977 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 117940 Sub 190, Nationwide Carriers, Inc. now assigned July 25, 1977 at Chicago Illinois is cancelled, application dismissed.

MC 119641 (Sub-No. 137), Ringle Express, Inc., now being assigned July 25, 1977 (1 day), in Room No. 1319, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC 123294 Sub 40, Warsaw Trucking Co., Inc., now assigned July 27, 1977, at Chicago, Ill., will be held in Room 348, 230 S. Dearborn Street.

MC 142640, P.W.K. Terminals, Inc., now assigned July 26, 1977, at Chicago, Ill., will be held in Room 348, 230 S. Dearborn St.

MC 138134 Sub 7, Donald Holladd Trucking, Inc., now assigned July 25, 1977, at Chicago, Ill., will be held in Room 348, 2330 S. Dearborn St.

MC 142565 Sub 1, Don Ray Drive-A-Way Company, Inc., now assigned August 1, 1977, at Chicago, Ill., will be held in Room 348, 230 S. Dearborn St.

MC 142999, Transport Management Service Corp., now assigned July 18, 1977, at New York, N.Y., will be held in Room E–2222, Federal Bldg., 26 Federal Plaza.

MC 142920 S Oliver Trucking Corp., now assigned July 20, 1977, at New York, N.Y., will be held in Room E–2222, Federal Bldg., 26 Federal Plaza.

MC 141675 Sub 3, Economy Trucking Service, Inc., now assigned July 22, 1977, at New York, N.Y., will be held in Room E–2222, Federal Plaza.

MC 133095 Sub 135, Texas Continental Express, Inc., now assigned July 21, 1977, at New York, N.Y., will be held in Room E–2222, Federal Bldg., 26 Federal Plaza.

MC 136343 Sub 92, Milton Transportation, Inc., now assigned July 19, 1977, at New York, N.Y., will be held in Room E–2222, Federal Bldg., 26 Federal Plaza.

MC 9859 Sub 4, Kane Transfer Co., now assigned July 11, 1977, at Salisbury, Md., will be held in the Old Federal Savings & Loans Bank, 306 Carroll Street.

MC 67818 Sub 85, Central Transport, Inc., now assigned September 27, 1977, at Lansing, Mich., will be held in the Capitol Park Motor Hotel, 500 S. Capitol Avenue.

MC 130410, Corporate Travel Service, Inc., now assigned July 19, 1977, at Lansing, Mich., will be held in the Class Room C–4, State Police Training Academy, 7426 N. Canal Road.

MC 142416 Sub 1, Hamilton Transfer Storage & Feeds, Inc., now assigned July 11, 1977, at Cheyenne, Wyo., will be held in Court Room 1, U.S. District Court, District of Wyoming.

AB 18 Sub 17, Chesapeake and Ohio Railway Company Abandonment Portion Greenbrier Branch Between North Caldwell and Durbin in Greenbrier and Pocahontas Counties, West Virginia, now assigned August 15, 1977, at Marlinton, W.Va., will be held in the Main Court Room, County Court House.

FD 28109, Western Maryland Railway Company Lease and Operate Chesapeake & Ohio Railway Company Between Durbin & Barstow in Pocahontas County, West Virginia, now assigned August 15, 1977, at Marlinton, W. Va., will be held in the Main Court Room, County Court House.

MC–F–12753, Whitfield Transportation, Inc., Purchase-Haywood L. Washum, dba Los Angeles YUMA Freight Lines, and MC 108461 Sub 126, Whitfield Transportation, Inc., now assigned September 12, 1977, at Roswell, New Mex., will be held at the Roswell Inn, 1815 North Main Street; and now assigned September 19, 1977, at El Paso, Tex., will be held in the Granada Royale, 6100 Gateway East.

MC 41240 (Sub-No. 17), Nelson Trucking Service, Inc., application dismissed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17976 Filed 6–22–77;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 20, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before July 8, 1977.

FSA No. 43385—*Iron or Steel Articles to Fort Smith and Van Buren, Arkansas.* Filed by Southwestern Freight Bureau, Agent, (No. B–685), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from specified points in Illinois, Missouri and Texas, to Fort Smith and Van Buren, Arkansas.

Grounds for relief—Market and water competition.

Tariff—Supplement 276 to Southwestern Freight Bureau, Agent, tariff 301–F, I.C.C. No. 5098. Rates are published to become effective on July 18, 1977.

FSA No. 43386—*Joint Water-Rail Container Rates—Pacific Far East Line, INC.* Filed by Pacific Far East Line, Inc., (No. 15), for itself and interested rail carriers. Rates on general commodities, from ports in Greece, to rail stations on the U.S. Pacific and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–17975 Filed 6–22–77;8:45 am]

[Notice No. 182]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30-days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–77159, filed June 2, 1977. Transferee: A of I, Inc., P.O. Box 27, Hamilton, Indiana. Transferor: Melvin A. Atkin, Jr., doing business as Atkin's Trucking, P.O. Box 27, Hamilton, Indiana 46742. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Indiana 46204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit Nos. MC 133570 and MC 133570 (Sub-No. 2), issued March 10, 1972, and August 27, 1975, respectively, as follows: Materials and supplies used in the manufacture of axles from Chicago, Ill., Detroit, Mich., and Toledo, Ohio, to Forsyth, Ga; Signs from the plant site of KOLUX/NPI Division of GIC General Indicator Corporation, at or near Lima, Ohio, to points in the United States, except Hawaii, Alaska, and Ohio. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77160, filed June 3, 1977. Transferee: Famco Transport, Inc., P.O. Box 80007, Seattle, Washington 98108. Transferor: Jerry Sidebottom & Louis Waidelich, doing business as FAMCO, 19642 80th N.E., Redmond, Washington 98052. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Washington 98101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 134558 (Sub-No. 2), issued January 24, 1973, as follows: Printed cartons, and printed labels, from Redmond, Wash., to points in California and materials, supplies and equipment used by medical laboratories and hospitals from points in California to Redmond, Wash. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77162, filed May 25, 1977. Transferee: SBS Transit, Inc., 3747 Colorado Ave., Lorain, Ohio 44054. Transferor: Greyhound Lines, Inc., Greyhound Tower, Phoenix, Arizona 85077. Applicant's representative: Anthony P. Carr, attorney at law, Greyhound Tower, Phoenix, Ariz. 85077, and Langdon D. Bell, attorney at law, 21 E. State St., Columbus, Ohio 43215. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 1515 (Sub-No. 6), issued July 28, 1969, as serviced April 28, 1972, and October 11, 1972, as follows: Regular routes: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Norwalk, Ohio and Cleveland, Ohio, serving all intermediate points: From Norwalk over U.S. Highway 20 to junction Ohio Highway 10 at a point approximately one-half mile south of Kipton, Ohio, thence over Ohio Highway 10 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Cleveland and return over the same route. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77164, filed May 23, 1977. Transferee: LA SALLE TRUCKING, INC., 2102 Manor Lane, Peru, Ill. 61354. Transferor: Star West Cartage Co., Inc., (Edward C. Limperis, Assignee), 430 E. Wacker Dr., Chicago, Ill. Applicants' representative: Axelrod, Goodman, Steiner & Bazelon, 39 S. LaSalle St., Chicago, Ill. 60603, and Bernard Kleinman, 79 W. Monroe, Chicago, Ill. 60603. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits Nos. MC 82044 and MC 82044 (Sub-No. 4) issued July 25, 1957, and May 9, 1975 as follows: Irregular routes: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business. Between points within the territory bounded by a line at Winthrop Harbor, Ill., and extending west along the Illinois-Wisconsin State line to East Dubuque, Ill., thence along the east bank of the Mississippi River to Rock Island, Ill., thence south along U.S. Highway 67 to Rushville, Ill., thence in a southeasterly direction through Boardstown, Ill., to Springfield, Ill., thence in a northeasterly direction through Decatur and Posotum, Ill., to the Illinois-Indiana State line at a point five miles east of Grape Creek, Ill., thence north along said state line to a point directly west of Dyer, Ind., thence east along U.S. Highway 30 to a point four miles north of Beatrice, Ind., thence north to Lake Michigan, and thence along the southwest shore of Lake Michigan to and thence along the southwest shore of Lake Michigan to Winthrop Harbor, including the points named and points on the indicated portions of the highways specified. Between points within the territory bounded by a line beginning at South Beloit, Ill., and extending west through Warren, Ill., to Galena, Ill., thence in a southeasterly direction to Savanna, Ill., thence south to Galesburg, Ill., thence in a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to Warsaw, Ind., thence north to Goshen, Ind., thence in a northwesterly direction through Niles, Mich., to Bridgman, Mich., thence in southwesterly and northwesterly directions along the shore of Lake Michigan to Winthrop Harbor, Ill., and thence west through Twin Lakes, Wis. to South Beloit, including points named. Also *newsprint in rolls*, with restrictions. From Chicago, Ill., to Valparaiso, La Porte, Highland, South Bend and Elkhart, Ind., and Niles, Mich., with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b).

No. MC–FC–77171, filed June 19, 1977. Transferee: Moseng Moving & Storage, Inc., 518 13th St., Greeley, Colo. 80631. Transferor: Richard Moseng and Darlene Moseng, a partnership, doing business as LAFFERTY MOVING & STORAGE, Henderson, Colo. 80631. Applicant's representatives: John P. Thompson, Raymond M. Kelley, Thompson and Kelley, attorneys, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought for purchase by transferee of the operating rights of transferor, set forth in Certificate No. MC 55194, issued June 24, 1970, as follows: Household goods, between points in Weld County, Colo., on the one hand, and, on the other, points in Wyoming, Kansas and Nebraska. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b) of the Act.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-17977 Filed 6-22-77;8:45 am]

[Notice No. 80]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

June 20, 1977.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 130 (Sub-No. 6TA), filed May 2, 1977. Applicant: Dallas L. Corbet, d.b.a. CORBET TRUCK LINE, Route 2, Robinson, Kans. 66532. Applicant's representative: Jules V. Doty, 106 East Second, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, prefabricated*, knocked down and component parts or return to consignor, when damaged buildings, component parts, and accessories are refused by consignee, from the plant site or other facilities of Pascoe Steel Corporation near Wathena, Kans., to Arkansas, Arizona, California, Colorado, New Mexico, North Dakota, Nevada, Ohio, Oklahoma, Oregon, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, Missouri, Mississippi, Washington, Wisconsin, Wyoming, South Dakota, Texas, Utah and Nebraska for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pascoe Steel Corporation, P.O. Box 619, Wathena, Kans. 66090. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. and U.S. Courthouse, 444 S.E. Quincy, Topeka, Kans. 66683.

No. MC 730 (Sub-No. 406TA), filed June 2, 1977. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Ash Fork, Ariz., is restricted to the interline of traffic with Pacific Intermountain Express Co., Operator (in part) of Best-Way Transportation MC F 13194. Applicant intends to tack with authority held by it under Docket No. 730 at points authorized under Docket No. MC 730 and Subs thereto and at Ashfork, Ariz.; with Pacific Intermountain Express Co., Operator (in part) of Best-Way Transportation pursuant to MC–F–13194 for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pacific Intermountain Express Co., 1417 Clay St., Oakland, Calif. 94612. Send protests to: District Supervisor A. J. Rodriguez, Suite 300, 211 Main St., San Francisco, Calif. 94105.

No. MC 8515 (Sub-No. 13TA), filed June 2, 1977. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Ill. 89, Spring Valley, Ill. 61354. Applicant's representative: Leonard R. Kofkin, 39 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock commodities in bulk, and commodities requiring special equipment, (1) serving the plantside and facilities of Outboard Marine Corporation at Beloit, Wis., as an off-route point in connection with carrier's presently authorized operations. (2) Between Beloit, Wis., and Rockford, Ill.; from Beloit, Wis., over U.S. Highway 51 to Rockford, Ill., and return over the same route, serving no intermediate points. Restricted to the transportation of shipments originating at or destined to the plantsite and facilities of Outboard Marine Corp. at Beloit, Wis., under a continuing contract, or contracts, with The Parts and Accessories Division of Outboard Marine Corporation, for 180 days. Supporting shipper(s): The Parts and Accessories Division of Outboard Marine Corporation, W. M. Daley, Manager Plant Operations, McClure Street, Galesburg, Ill. 61401. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 30383 (Sub-No. 15TA), filed May 27, 1977. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th Street, New York, N.Y. 10019. Applicant's representative: Arthur Liberstein, 1 Penn Plaza, Suite 1503, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soap products, stearic acid, vegetable stearine, glycerine, oils, cooking fats, soap, soap powder, cleaning and washing compounds, lard substitutes, toilet preparations, empty containers, kegs and drums, advertising matter and premiums, and such commodities* dealt in by retail food stores, (except commodities in bulk), from the plant sites and warehouse facilities of Procter & Gamble Manufacturing Company and Procter & Gamble Distributing Company at Bayonne, New Jersey and Port Ivory, Staten Island, N.Y., to the warehouse facilities of First National Stores, Windsor Locks, Conn., under a continuing contract, or contracts, with Procter & Gamble Manufacturing Company and Procter & Gamble Distributing Company for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Procter & Gamble Distributing Co. The Proctor & Gamble Manufacturing Co., P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 60253 (Sub-No. 27TA), filed May 27, 1977. Applicant: ARLINGTON TRUCK COMPANY, 524 Oregon Road, Toledo, Ohio 43619. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, containers, materials and supplies* used in connection with the manufacture, processing and transportation of glass, between the plantsites and facilities of Libbey-Owens-Ford Company located at Toledo, Ohio.; Ottawa, Ill.; Mason City, Iowa.; Brackenridge, Pa.; Clinton, N.C.; Laurinburg, N.C.; and Charleston, W. Va., limited to transportation services performed for and under a continuing contract or contracts with Libbey-Owens-Ford Company for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Libbey-Owens-Ford Company, 811 Madison Avenue, Toledo, Ohio 43624. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 64932 (Sub-No. 572TA), filed June 6, 1977. Applicant: ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid cleaning compounds, corrosive*, in bulk, in rubber-lined tank vehicles, from the plantsite of Oxy Metal Industries, Corp., Parker Division, Specialty Chemical Division, at Morenci, Mich., to Winston-Salem, N.C.; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Oxy Metal Industries, Corp., Parker Division, Corporate Traffic Manager—E. J. Tatarek, 214411 Hoover Rd., Warren, Mich. 48089. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn St., Rm. 1386, Chicago, Ill. 60604.

No. MC 83539 (Sub-No. 458TA), filed May 13, 1977. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James, P.O. Box 5976, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from Lancaster County, Nebr., to points in Washington, Oregon, Idaho, Montana, Utah, Wyoming, Colorado, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and further including ports of entry between the United States and Canada located in Washington, Idaho, Montana, North Dakota, Minnesota, Michigan and New York., restricted to traffic originating at facilities utilized by Kawasaki Motors Corp., U.S.A., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kawasaki Motors Corp., U.S.A., 2009 E. Edinger Avenue, P.O. Box 11447, Santa Ana, Calif. 92711. Send protests to: Opal M. Jones Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 111299 (Sub-No. 11TA), filed May 31, 1977. Applicant: KIRVAN TRUCK LINES, INC., Box 829, International Falls, Minn. 56649. Applicant's

representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from International Falls Minn., to points in Minnesota and Wisconsin for 180 days. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho. 83707. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116763 (Sub-No. 381TA), filed June 1, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Clay and clay products* (except in bulk, in tank vehicles); and (b) animal and/or fish feed (except in bulk, in tank vehicles), from the plantsite of The Anschutz Corp. and warehouse facilities utilized by Sunshine Mills, Inc., at or near Ochlocknee, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) (a) *clay and clay products* (except in bulk, in tank vehicles); and (b) *fish food* (except in bulk, in tank vehicles), from Red Bay, Alabama, and Tupelo, Miss.; to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, supporting shipper: John Bostick, Vice President, Sunshine Feed Mills, Inc., P.O. Drawer S, Red Bay, Ala. 35882. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main St. Cincinnati, Ohio 45202.

No. MC 128383 (Sub-No. 72TA), filed May 20, 1977. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Leonard C. Zucker, 1414 Calcon Hook Road, Sharon Hill, Pa. 19079, and G. K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air moving in roller equipped vehicles, between J. F. Kennedy Airport, New York, N.Y.; LaGuardia Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Logan International Airport, Boston, Mass.; Stewart Airport, Newburgh, N.Y.; Green State Airport, Providence, R.I.; and Bradley International Airport, Hartford, Conn., for 180 days. Supporting shipper(s): Emo Transportation, Inc. 177–25 Rockaway Blvd. Jamaica, N.Y. 11434. Air France, Inc. 55th and 6th Avenue, New York, N.Y. Satin Air Freight, Inc. 147–02 181 Street, Jamaica, N.Y. 11413. Air-Cargo Specialist, Inc. 149–03 New York Blvd. Jamaica, N.Y. 11434. R. J. Fusco, Customhouse Brokers, 161–15 Rockaway Blvd. Jamaica, N.Y. 11434. Associated Air Freight, Inc. 182–11 150th Road, Jamaica, N.Y. Bor Air Freight, Inc. 333 W. 38th Street, New York, N.Y. Send protests to: Monica A. Blodgett Transportation Assistant, Interstate Commerce Commission, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 128527 (Sub-No. 81TA), filed May 2, 1977. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Edward G. Rawle, 4635 S.W. Lake View Blvd., Lake Oswego, Oreg. 97034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock and poultry feed and livestock and poultry feed supplements*, from the plantsite of Moorman Manufacturing Company of California, Inc., at/or near San Gabriel, Calif., to Prosser, Battle Ground, Kent, Snohomish, Chehalis, Woodinville, Ferndale, Burlington, Yakima, Mabton, Parker, Seattle, Ellensburg, Colfax, Othello, Enumclaw, Puyallup, Everett, Olympia, Auburn and Yelm, Washington, Tillamook, Ontario, Eugene, The Dalles, Albany, McMinnville, Princeville, St. Paul, LaGrande, Hillsboro, Portland, Salem, Harrisburg, Coos Bay, Roseburg, Medford, Klamath Falls, Myrtle Creek, Oreg.; Filer, Buhl, Preston, Idaho Falls, Grace, Shoshone, Payette, Sandpoint, Meridian, Weiser, and Fruitland, Idaho.; Spanish Fork, Tremonton, Santa Clara, Altamont, Logan, Trenton, Utah; Elko.; Fallon, Winnemucca, Ely and Las Vegas, Nev., for 180 days. Applicant does not intend to tack authority or interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Moorman Manufacturing Co. of California, 550 San Gabriel Blvd., San Gabriel, Calif. 91778. Send protests to: Barney L. Hardin District Supervisor, Interstate Commerce Commission, 550 W. Fort Street, Box 07, Boise, Idaho. 83724.

No. MC 128802 (Sub-No. 5TA), filed June 1, 1977. Applicant: ARDEN E. OLSEN, Route 1, Kalispell, Mont. 59901. Applicant's representative: Joe Gerbase, 100 Transwetern Bdlg., 404 North 31st. St., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and empty containers*, between Kalispell, Mont., on the one hand, and, on the other Fairfield, Calif., under a continuing contract with Scott Young, Manager, Flathead Beverage Co. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Scott Young, Manager, Flathead Beverage Co., 340–4th Ave. East, Kalispell, Mont. 59901. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 133119 (Sub-No. 120TA), filed June 3, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Nemaha County, Nebr., to ports of entry on the International Boundary, between the United States and Canada located at or near Portal, N. Dak., and Sweetgrass and Raymond, Mont., restricted to the transportation of traffic moving in foreign commerce to points in Saskatchewan and Alberta, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David Orkin, Director of Distribution and Production Services, Triangle Pacific Corporation, 4255 LBJ Freeway, Dallas, Tex. 75234. Send protests to: Carroll Russel, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138438 (Sub-No. 17TA), filed May 31, 1977. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, 15 E. Oak Ridge Drive, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of Washington Concrete Products at or near Gainesville, Va., to points in Maryland and the District of Columbia and its commerical zone for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Washington Concrete Products, Division of General Industries, Inc., 7394 Reservoir Road, Springfield, Va. 22150. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue, NW., Room 1413, W. C. Hersman District Supervisor, Washington, D. C. 20423.

No. MC 138835 (Sub–No. 23TA), filed June 2, 1977. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., P.O. Box 113, Crozet, Va. 22932. Applicant's representative: Harry J. Jordan, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products, foodstuffs, packaging materials, and supplies* used in the manufacture and production of frozen foods, from

points in New York, New Jersey, Pennsylvania, Illinois, Michigan, Massachusetts, Maryland, Ohio, Indiana, and the District of Columbia to Crozet, Va., limited to shipments destined to the plantsite and storage facilities of Morton Foods Division, ITT Continental Baking Company and restricted against movements in bulk, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morton Frozen Food Division, ITT Continental Baking Co., Inc., Robert J. Prendergast, Director Distribution, Charlottesville, Va. 22906. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Rm. 10–502 Federal Bldg., 400 North 8th Street, Richmond, Va. 23240.

No. MC 139495 (Sub-No. 241TA), filed May 31, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin, & Kingsley, 1819 H. Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beanbag chairs*, from Irving, Tex., to points in Arizona, Colorado, California, Iowa, Kansas, Louisiana, Minnesota, Mississippi, New Mexico, Oklahoma, Oregon, Utah, and Washington for 180 days. Supporting shipper(s): Restful Products, Inc., P.O. Box 4008, Irving, Tex. 75061. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, 110 North Market, Wichita, Kans. 67202.

No. MC 139876 (Sub-No. 5TA), filed May 27, 1977. Applicant: ABC TRANSIT CO., INC., 7860 "F" St., Omaha, Nebr. 68127. Applicant's representative: Hugh S. Major, Jr. (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals utilized* in the curing and processing of cement and concrete (except commodities in bulk), and (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and application of the commodities in (1) above, between Omaha, Nebr.; Baton Rouge, La.; and Edison, N.J.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to a transportation service to be performed under a continuing contract or contracts with Nox Crete Chemicals, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. Gary Linn, President, Nox Crete Chemicals, Inc., 1444 So. 20 St., Omaha, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 140846 (Sub-No. 6TA), filed June 1, 1977. Applicant: CENTRAL DELIVERY SERVICE OF MASSACHUSETTS, INC., 125 Magazine St., Boston, Mass. 02119. Applicant's representative: Jeremy Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfiche, microfilm, and computer printout tapes*, between Boston, Mass., and Nashua, N.H., under a continuing contract or contracts with Graphic Microfilm, Inc., Boston, Mass., for 180 days. (1) the service authorized herein is restricted against the transportation of shipments weighing in the aggregate more than 50 pounds from one consignor at one location to one consignee at one location on any one day. (2) service provided in the transportation authorized herein shall be accomplished within 3 hours of the time at which a shipment is tendered for transportation. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Graphic Microfilm, Inc., 86 Canal St., Boston, Mass. 02114. Send protests to: District Supervisor John B. Thomas, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Boston, Mass. 02114.

No. MC 141076 (Sub-No. 11TA), filed May 25, 1977. Applicant: ROGERS MOTOR LINES, INC., R.D. No. 2, P.O. Box 388D2, Hackettstown, N.J. 07840. Applicant's representative: Eugene M. Malkin, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared dough and bakery goods*, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of the Pillsbury Company at or near East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *equipment, materials and supplies* (except in bulk), used in the manufacture and distribution of prepared dough and bakery goods, from the destination states in (1) above to the plant site and warehouse facilities of the Pillsbury Company at or near East Greenville, Pa. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pillsbury, Inc. 2nd Avenue South, Minneapolis, Minn. 55810. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141744 (Sub-No. 2TA), filed May 17, 1977. Applicant: DAVID L. FILES LIME & FERTILIZER SPREADING, Darlington Trailer Court, Lot No. 1, Martinsburg, W. Va. 25401. Applicant's representative: David L. Files, Darlington Trailer Court, Lot No. 1, Martinsburg, W. Va. 25401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bulk, in spreader vehicles applied directly to the soil for the account of Miller Chemical & Fertilizer Corp., Ranson, W. Va., from Ranson, W .Va., to Jefferson, Berkeley, Morgan, Hampshire, Hardy, Mineral and Grant Counties, W. Va.; Frederick, Shenandoah, Page, Loudon, Clarke, Fauquier, Rappahannock, Orange, Rockingham, Spotsylvania, Madison, Warren, Fairfax, and Prince William Counties, Va.; Garrett, Allegheny, Washington, Frederick, Carroll, Howard, Montgomery and Baltimore Counties, Md., under a continuing contract, or contracts with Miller Chemical & Fertilizer Corporation for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller Chemical & Fertilizer Corporation, 300 N. Preston Street, Ranson, W. Va. 25438. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, NW., Room 1413, District Supervisor W. C. Hersman, Washington, D.C. 20423.

No. MC 142413 (Sub-No. 3TA), filed May 17, 1977. Applicant: ROBERT STEVEN IRWIN, Route 1, Box 239, Live Oak, Fla. 32060. Applicant's representative: John Wilbur and Christine Milton, P.O. Box 58, Jacksonville, Fla. 32201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof and floor joists and materials, accessories, and equipment, and completed products thereof*, from Valdosta, Ga., to points in Maryland, Virginia, West Virginia, and the District of Columbia, restricted to the service of Trus Joist Corp. and also will be restricted to traffic moving on shipper-owned trailers, under a continuing contract, or contracts with Trus Joist Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Trus Joist Corp., P.O. Box 985, Valdosta, Ga. 31601. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 142559 (Sub-No. 2TA), filed May 24, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44139. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water heaters and water heater parts and accessories*, and (2) *materials and supplies* (except commodities in bulk), used in the manufacture or distribution of the commodities in (1) above, between the facilities of the Bradford-White Corp., at Milledgeville, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the said facilities of the Bradford-White Corp. for 180 days. Supporting shipper(s): Bradford-White Corp. 24th and Ellsworth Streets, Philadelphia, Pa. 19146. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 731 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 143222 (Sub-No. 1TA), filed May 11, 1977. Applicant: SHIFLET TRUCKING, INC., 12 Patricia Lane, Sicklerville, N.J. 08081. Applicant's representative: Fritz R. Kahn, Suite 1000, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wines and liqueurs*, in containers, from ports in the New York City commercial zone to the facilities of Banfi Products, Inc., at Farmingdale, N.Y.; (2) *wines and liqueurs*, in vehicles equipped with mechanical refrigeration, from the facilities of Banfi Products, Inc., at Farmingdale, N.Y., to wholesale distributors of wine and liqueurs at points in the United States, including Alaska, with unlimited intermediate stop-offs; (3) *wines*, in vehicles equipped with mechanical refrigeration, from wineries at San Jose, Rippon, Modesto, Calif., to the facilities of Banfi Products, Inc., at Farmingdale, N.Y., with unlimited intermediate stop-offs, under a continuing contract, or contracts with Banfi Products Corp. for 180 days. Supporting shipper(s): Banfi Products Corp., 200 Sherwood Drive, Farmingdale, N.Y. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 143268 (Sub-No. 1TA), filed May 18, 1977. Applicant: TROCHU TRUCKING SERVICE, LTD., 915 48th Avenue SE., Calgary, Alberta, Canada. Applicant's representative: Charles E. Johnson, 418 East Rosser Avenue, P.O. Box 1982, Bismarck, N. Dak. 58501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and ranching equipment and supplies* (except feed and feed ingredients, fertilizer, tractors, and commodities, the transportation of which, because of their size or weight require the use of special equipment, and building materials), from points in Mississippi, Alabama, Tennessee, Missouri, Kansas, Nebraska, Iowa, Illinois, Indiana, Texas, Oklahoma, Colorado, Montana, Wyoming, Utah, Idaho, and Arkansas to ports of entry located on the international boundary line between Canada and the United States located in Montana and North Dakota, restricted to a transportation service to be performed under a continuing contract, or contracts, with Thornhill Ranching Products, Ltd., Vulcan, Alberta, Canada; and also restricted to traffic destined to points in Alberta for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bill Thornhill, President, Thornhill Ranching Products, Ltd., Vulcan, Alberta, Canada. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 143274 TA, filed May 16, 1977. Applicant: BILLY P. RUPPE, d.b.a., Ruppe Motor Lines, 309 Kraft Street, Gaffney, S.C. 29340. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disposable dental and hospital supplies*, such as, but not limited to, sponges, hospital gowns, nurses and surgeons caps and hoods, operating room shoe covers, surgical drapes, sheets and towels, wash cloths, covers for operating room stands and tables, and outerwraps, (a) between Columbus, Miss., and points in its commercial zone, on the one hand, and, one the other, Tucson, Ariz., and

No. MC 143274TA, filed May 16, 1977. points in its commercial zone; and (b) between Jackson, Miss., and points in its commercial zone on the one hand, and, on the other, Tucson, Ariz.; Los Angeles, Calif.; Denver, Colo.; Houston, Tex.; and Seattle, Wash.; and points in their commercial zones; and (c) between Spartanburg, S.C., and points in its commercial zone, on the one hand, and, on the other, Phoenix and Tucson, Ariz.; Los Angeles and San Francisco, Calif.; Denver, Colo.; Columbus and Jackson, Miss.; Houston, Tex.; and Seattle, Wash.; and points in their commercial zones; and (2) *bedspreads, sheets and pillow cases, and thermal and napped blankets*, between Augusta, Ga., on the one hand, and, on the other, Los Angeles, Calif., and points in its commercial zone, under a continuing contract, or contracts, with Spartan Mills (South Carolina Corp.) and Spartan Healthcare Products Division for 180 days. Applicant also has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Spartan Mills (South Carolina Corp.), Spartan Healthcare Products Division, P.O. Box 5784, Spartanburg, S.C. 29301. Send protests to: E. E. Strotheid, District Supervisor, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 143332 (Sub-No. 1TA), filed June 3, 1977. Applicant: WESLEY D. CONDA, INC., 5325 Eldorado Springs Drive, Boulder, Colo. 80501. Applicant's representative: Larry J. Bullock, 5333 Eldorado Springs Drive, Boulder, Colo. 80313. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, cinder, block, concrete block, clay and clay products*, between points in the State of Colorado on the one hand, and points in Wyoming, Nebraska, Utah, New Mexico, and South Dakota, Nevada, and Kansas on the other hand, under a continuing contract with Lakewood Brick & Tile Co., for 180 days. Supporting shipper: Lakewood Brick & Tile Co., 1325 Jay St., Lakewood Colo. 80214, Colorado Brick and Tile Co., 520 West Elk Place, Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 18th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143347TA, filed June 1, 1977. Applicant: JIM S. PAPPAS, doing business as Jim's Service, 8300 W. 102 Street, Overland Park, Kans. 66212. Applicant's representative: Arthur J. Cerra, 2100 Ten Main Center, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *TV Guide magazine*, from Lawrence, Kans., to Fayetteville and Ft. Smith, Ark.; Jacksonville, Mattoon, Mt. Vernon, and Taylorville, Ill.; Bridgeton, Jefferson City, Springfield, and Washington, Mo., and Oklahoma City and Tulsa, Okla., under a continuing contract with TV Guide, for 180 days. Supporting shipper: TV Guide, 800 W. 47th Street, Kansas City, Mo. 66112. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 143348TA, filed June 2, 1977. Applicant: PROFESSIONAL DELIVERY SYSTEMS, INC., 1918 Barribee Lane, Richmond, Va. 23229. Applicant's representative: Guy H. Postell, 3384 Peachtree Road NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics, to Virginia, Counties of Albermarle, Amelia, Amherst, Appomattox, Augusta, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Culpeper, Cumberland, Dinwiddle, Essex, Fluvanna, Gloucester, Goochland, Greene, Greensville Halifax, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Northumberland, Nottoway, Orange, Powhattan, Prince Edward, Prince George, Rockingham, Southhampton, Spotsylvania, Surry, Sussex, Westmorland, York; North Carolina, Counties of Camden, Pasquotank, Gates, Hertford, Northampton, Halifax, Warren, Vance, Granville, Person, Caswell, under a continuing contract with Avon Products, Inc., for 180 days. Supporting shipper: Avon Products, Inc., C. B. Hertsenberg, Branch Transportation Manager, 2100 Ogletown Rd., Newark Del 19711. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Rm. 10-502, Federal Bldg., 400 North 8th St., Richmond, Va. 23240.

By the Commission

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc.77-17978 Filed 6-22-77;8:45 am]

[Volume No. 22]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Petitions for Modification, Interpretation, or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the Federal Register notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before July 28, 1977. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 20492M1 (Notice of filing of petition to modify commodity description), filed May 11, 1977. Petitioner: FRANCIS P. RYAN CORPORATION, 30 Bernard Road, North Haven, Conn. 06473. Petitioner's representative: Paul J. Goldstein, 109 Church Street, New Haven, Conn. 06510. Petitioner holds a motor *common carrier* certificate in No. MC 20492, issued July 25, 1968, authorizing transportation, over irregular routes, of *Contractor's equipment, machinery and supplies* (1) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; and (2) between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, on the one hand, and, on the other, points in New York. By the instant petition, petitioner seeks to modify the commodity description by the addition of "and materials", so that it reads: *Contractor's equipment, machinery, supplies and materials.*

No. MC 29643 (Sub-No. 7) M1 (Notice of filing of petition to delete restriction), filed May 11, 1977. Petitioner: WALSH TRUCKING SERVICE, INC., 50 Burney Ave., Massena, N.Y. 13662. Petitioner's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Petitioner holds a motor *common carrier* Certificate in No. MC 29643 (Sub-No. 7), issued April 5, 1972, authorizing transportation over irregular routes, of *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in St. Lawrence and Franklin Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, Vermont, and points in that part of Pennsylvania lying on and east of U.S. Highway 11 beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence on and east of U.S. Highway 15 to the Pennsylvania-Maryland State line, restricted against (1) the transportation of shipments originating at or destined to points in Canada, (2) of milk and milk products, except those in hermetically sealed containers, from points in St. Lawrence and Franklin Counties, N.Y., to points in the New York, N.Y., and Providence, R.I., Commercial Zones as defined by the Commission, and points in Connecticut, Massachusetts, and New Jersey; and (3) of food and food products, in vehicles equipped with mechanical refrigeration, between the plant site of the Sealtest Foods, Division of Kraftco Corporation at North Lawrence, N.Y., on the one hand, and, on the other, points in the Philadelphia, Pa., and Baltimore, Md., Commercial Zones as defined by the Commission, and (4) of paper and paper products from points in St. Lawrence and Franklin Counties, N.Y. By the instant petition, petitioner seeks to modify the authority above by the deletion of restriction number (4).

No. MC 51146 (Sub-No. 395) M1 (Notice of filing of petition to modify commodity description), filed May 5, 1977. Petitioner: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Petitioner's representative: John R. Patterson (same address as petitioner). Petitioner holds a motor *common carrier* Certificate in No. MC 51146 (Sub-No. 395), issued October 21, 1976, authorizing transportation, over irregular routes, of *Vinyl asbestos tile, vinyl base, asphalt tile*, and *adhesives* (except commodities in bulk), from Houston, Tex., to points in Wisconsin. By the instant petition, petitioner seeks to broaden the commodity description so as to read: *"Tile, floor covering, wallpaper*, and *materials, equipment and supplies* used in the manufacture, distribution, installation, maintenance, removal, and sale of the above named commodities, (except commodities in bulk).

No. MC 59150 (Sub-No. 16) M1 (Notice of filing of petition to remove restriction), filed May 9, 1977. Petitioner: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, P.O. Box 3277, Jacksonville, Fla. 32202. Petitioner's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Petitioner holds a motor *common carrier* Certificate in No. MC 59150 (Sub-No. 16), issued January 24, 1975, authorizing transportation over irregular routes, of *Tractors* (except truck tractors) and *parts, implements, attachments, accessories and supplies* therefor, when moving incidentally thereto as a part of the same shipment, between points in Arkansas, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, and Mississippi, restricted to the transportation of traffic originating at and destined to points within the states described above. By the instant petition, petitioner seeks to delete the phrase, in the commodity descriptions which reads "when moving incidentally thereto as a part of the same shipment," and to remove the restriction, as stated above.

No. MC 116809 M1 (Notice of filing of petition to delete restrictions and add off-route points), filed May 19, 1977. Petitioner: Mitchell M. Vassar, doing business as MITCH VASSAR, 27650 Sunset Dr., Bishop, Calif. 93514. Petitioner's representative: Michael S. Rubin, 256 Montgomery Street, San Francisco, Calif. 94104. Petitioner holds a motor *common carrier* Certificate in No. MC 116809, issued June 8, 1966, authorizing transportation over regular routes, of *general commodities* (except Classes A and B explosives, commodities in bulk, and commodities injurious or contaminating to other lading), between Bishop, Calif., and Tonopah, Nev., serving all intermediate points: From Bishop over U.S. Highway 6 to Tonopah, thence return over U.S. Highway 6 to junction Nevada Highway 3-A (approximately six miles west of Coaldale, Nev.), thence over Nevada Highway 3-A to the Nevada-California State line, thence over unnumbered California highway via Deep Springs, Calif., to Bigpine, Calif., thence over U.S. Highway 6 to Bishop, subject to the following conditions: Service between points on U.S. Highway 6 shall be restricted to shipments weighing 150 pounds or less; and service between points on U.S. Highway 6, on the one hand, and, on the other, points on Nevada Highway 3-A shall be restricted to shipments weighing 500 pounds or less. By the instant petition, petitioner seeks to modify the authority above by the deletion of the existing weight restrictions and by the addition of points within 20 miles of the authorized highways as off-route points.

No. FF-267 (Sub-No. 5) M1 (Notice of filing of petition to modify permit), filed May 9, 1977. Petitioner: HONOLULU FREIGHT SERVICE, 2425 Porter St., P.O. Box 21156, Los Angeles, Calif. 90021. Petitioner's representative: Michael P. Beidleman (same address as applicant). Petitioner holds a Permit to engage in operations as a *freight forwarder* in interstate commerce, in No. FF-267 (Sub-No. 5), issued February 18, 1976, as pertinent, transporting: *General commodities* (except household goods as defined by the Commission, unaccompanied baggage, and used automobiles), in containers equipped with mechanical refrigeration, from points in Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties, Calif., to points in Hawaii. By the instant petition, petitioner seeks to modify the commodity description above by deleting the phrase "equipped with mechanical refrigeration."

Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before July 25, 1977. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 89684 (Sub-No. 95) (Republication), filed September 1, 1976, published in the FEDERAL REGISTER issue of October 29, 1976, and republished this issue. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South 300 West, P.O. Box 366, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. An Order of the Commission, Review Board Number 2, dated April 12, 1977, and served April 25, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *cut flowers, plants, and florist supplies* (except commodities in bulk, in tank vehicles), from Farmington, Centerville, and Salt Lake City, Utah, to Denver, Colo., and points in Mesa, Garfield, Eagle, Clear Creek, Jefferson, Denver, Moffat, Routt, Grand, Larimer, Boulder, Adams, and Greeley Counties, Colo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the grant of irregular route rather than regular route authority, and to indicate the changes made in the territorial description in applicant's grant of authority.

No. MC 135133 (Sub-No. 2) (Republication), filed June 22, 1976, published in the FEDERAL REGISTER issue of July 29, 1976, and republished this issue. Applicant: Albert Ring, Andrew ring, Bernard Ring, and Ronald Ring, doing business as FRANK RICHARD RING, P.O. Box 96, Neola, Iowa 51559. Applicant's representative: Donald L. Stern 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. An Order of the Commission, Review Board Number 2, dated March 28, 1977, and served April 21, 1977, finds that operation by applicants, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of (1) *used telephones and communication equipment*, from points in Arizona, Colorado, Idaho, Indiana, Kentucky, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Washington, and Wyoming, to the facilities of Allied Communications Equipment Supply, at or near Council Bluffs and Neola, Iowa, and (2) *telephones and communication equipment, and parts, accessories and installation materials, equipment and supplies* for telephones and communication equipment (except commodities in bulk), from the destination points named in (1) above, to points in Arizona, California, Colorado, Georgia, Idaho, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, under a continuing contract, or contracts, with Allied Communications Equipment Supply of Council Bluffs, Iowa, will be consistent with the public interest and the national transportation policy; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the addition of the Neola Iowa facility as a destination point in part (1) above, and as an origin point in part (2) above.

No. MC 141379 (Sub-No. 3) (republication), filed June 25, 1976, published in the FEDERAL REGISTER issue of August 19, 1976, and republished this issue. Applicant: Calvin C. Hartsfield, doing business as SOUTHSIDE AUTO PARTS AND SALVAGE, and doing business as SOUTHSIDE AUTO SALES, Highway 25 South, P.O. Box 161, Route 1, Malden, Mo. 63863. Applicant's representative: Joseph E. Rebman, 314 North Broadway, Suite 1230, St. Louis, Mo. 63102. An Order of the Commission, Review Board Number 2, dated May 24, 1977, and served June 3, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, to transport (A) *wrecked, damaged, and used automobiles*, in truckaway, service, (1) from points in Cook and Will Counties, Ill., and Wayne County, Mich. to points in Adams and Sangamon Counties, Ill., Howell County, Mo., Davidson County, Tenn., and Carraway, Ark.; and (2) between Kennett, Mo. and Sacramento, Calif.; and (B) *used automobiles*, in truckaway service, from Russellville and Little Rock, Ill.; that applicant is fit, willing, and able properly to perform such service and to conform to the Commission's rules and regulations thereunder. The purpose of this republication is to indicate service from points in Wayne County, Mich. to points in Davidson County, Tenn. in part (1) above.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's *General Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 4966 (Sub-No. 21), filed May 16, 1977. Applicant: JONES TRANSFER COMPANY, a corporation, 300 Jones Avenue, Monroe, Michigan 48161. Applicant's representative: Thomas M. Hummer, P.O. Box 717, Monroe, Michigan 48161. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, and household goods as defined by the Commission: (1) Between Junction Michigan Highway 52 and Michigan Highway 50, on the one hand, and, on the other, Junction Michigan Highway 50 and Michigan Highway 125, serving all intermediate points. From Junction Michigan Highway 52 and Michigan Highway 50, over Michigan Highway 50 to junction Michigan Highway 125, and return over same route. (2) Between Junction Interstate Highway 96 (formerly U.S. Highway 16) and U.S. Highway 23 (near Brighton, Michigan), on the one hand, and, on the other, Toledo, Ohio, serving all intermediate points. From the Junction of Interstate Highway 96 and U.S. Highway 23 over U.S. Highway 23 to Toledo, and return over the same route. (3) Serving Hamburg, Michigan; the plantsite and facilities of Brighton, N.C. Machine Company, Hamburg Township, Livingston County, Michigan; and all points in that area of Michigan on or South of Interstate Highway 96 (formerly U.S. Highway 16) and on or East of a line commencing at the junction of the Ohio-Michigan line and Michigan Highway 52, thence along Michigan Highway 52 to junction with U.S. Highway 12, thence along D.S. Highway 12 to junction with U.S. Highway 23, thence along U.S. Highway 23 to junction with Interstate Highway 96 (formerly U.S. Highway 16) as off-route points in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit or Lansing, Michigan.

No. MC 5470 (Sub-No. 124), filed May 12, 1977. Applicant: TAJON, INC., R.D. 5, Mercer, Pennsylvania 16137. Applicant's representative: Donald E. Cross, 700 World Center Building, 918 16th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, in dump vehicles (1) from Youngstown, Ohio and Follansbee, West Virginia, to Loyer, Maryland, and Catlettsburg, Kentucky and, (2) from Follansbee, West Virginia, to West Haven, Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Pittsburgh, Pennsylvania, or Washington, D.C.

No. MC 11207 (Sub-No. 393), filed May 16, 1977. Applicant: DEATON, INC., 317 Avenue W., P.O. Box 938, Birmingham, Alabama 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *plywood, paneling, gypsum board, composition board, and molding*, (except commodities in bulk), from the facilities of the Pan American Gyro-Tex Company, located at or near Jacksonville, Florida, to points in Alabama; Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *materials used in the manufacture of plywood, paneling, gypsum board, composition board, and molding*, (except commodities in bulk), from points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to the facilities specified in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Florida or Birmingham, Alabama.

No. MC 13123 (Sub-No. 87), filed May 16, 1977. Applicant: WILSON FREIGHT COMPANY, a corporation, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Applicant's representative: Milton H. Bortz, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities, except those of unusual value, Class A and B Explosives, livestock, household goods as defined by the Commission, commodities in bulk, between Ft. Smith, Ark., on the one hand, and, on the other, the plant site of Rheem Manufacturing Company near Ft. Smith, Ark., restricted to traffic originating at or destined to the plant site of Rheem Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio. Applicant states that it intends to tack at Ft. Smith, Ark., the authority sought above with the authority it holds to serve Ft. Smith, Ark. in No. MC 13123 (Sub-No. 52), which would be further tacked with the other operating authority held by applicant to perform service in 27 central and northeastern states. Common control may be involved.

No. MC 16831 (Sub-No. 23), filed May 19, 1977. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware Avenue, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in, or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers; and (2) *materials, equipment and supplies* utilized in the manufacturer and distribution of such commodities, between the facilities of Deere & Company located at points in Polk and Wapello Counties, Iowa, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin, restricted to traffic originating at or destined to the facilities of Deere & Company located at points in Polk and Wapello Counties, Iowa and further restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Des Moines, Iowa.

No. MC 19157 (Sub-No. 39), filed May 18, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, New York 12306. Applicant's representative: Paul Montarello (same address as applicant: Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except foodstuffs, commodities in bulk, those which because of size or weight require the use of special equipment, household goods as defined by the Commission, articles of unusual value and Classes A and B explosives) between the Yellow Creek Port Terminal and Industrial Area, located in Tishimingo County, Mississippi and Hectorville, Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Albany, New York or Washington, D.C.

No. MC 19201 (Sub-No. 126), filed May 20, 1977. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, PA 19131. Applicant's representative: S. Bernie Smith, P.O. Box 1166, Harrisburg, PA 17108. Authority is sought to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, classes A and B explosives, and commodities requiring special equipment), between the plantsite of General Electric Company, located at Mount Vernon, Indiana, on the one hand, and, on the other, the facilities of Consolidated Rail Corporation, located at or near Avon, Hendricks County, Indiana, restricted to shipments having a prior or subsequent movement by rail.

NOTE.—Applicant holds contract carrier authority in No. MC 118779 (Sub-No. 6) and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Washington, D.C.

No. MC 22229 (Sub-No. 115), filed May 19, 1977. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, S.E., Atlanta, Georgia 30316. Applicant's representative: Harold H. Clokey, 410 The Equitable Bldg., Atlanta, Georgia 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring the use of special equipment, serving the plantsite and warehouse facilities of the John Deere Company, located at or near Conyers, Georgia as an off-route point in connection with the carrier's otherwise authorized regular-route operations, restricted against the transportation of traffic (direct or interline) between Atlanta on the one hand, and, on the other, the plantsite and warehouse facilities of John Deere Company, located at or near Conyers, Georgia.

NOTE.—If a hearing is deemed necessary, the Applicant requests it be held at Atlanta, Georgia or Washington, D.C. Common control may be involved.

No. MC 30319 (Sub-No. 150), filed May 20, 1977. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a corporation, 7600 South Central Expressway, P.O. Box 6187, Dallas, Texas 75222. Applicant's

representative: Lloyd M. Roach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Wallis, Texas, and the facilities of Houston Lighting & Power Company's Allens Creek Plant located approximately 3.3 miles northwest of Wallis on State Highway 36 as an off-route point in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemend necessary, applicant requests that it be held at Dallas, Texas.

MC No. 35706 (Sub-No. 4), filed May 5, 1977. Applicant: ATSL, Inc., 6801 State Road, Philadelphia, PA 19135. Applicant's representative: Matthew Alivernini, 20 Olney Avenue, Cherry Hill, N.J. 08002. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Juvenile furniture and children's vehicles* from Bedford, Pa. to Long Island and New York, N.Y., and points in Delaware, New Jersey, Maryland, and the District of Columbia, restricted to traffic originating at or destined to the facilities of Hedstrom Company in Bedford, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 35807 (Sub-No. 75), filed May 18, 1977. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Applicant's representatives: Harry J. Jordan, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *coin, currency and securities*, between Livingston, Montana, and points in that part of Yellowstone National Park lying within Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Helena, Montana or Washington, D.C.

No. MC 42537 (Sub No. 58), filed May 12, 1977. Applicant: Cassens Transport Company, a corporation, P.O. Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: new motor vehicles, in secondary movements, in truckaway service, between points in Illinois and Missouri, on the one hand, and, on the other, points in Arkansas, Minnesota, Kentucky and Tennessee, restricted to the transportation of traffic originating at Chrysler Corporation facilities in St. Louis County, Missouri; Belvidere, Illinois; Warren and Detroit, Michigan; Newark, Delaware; and Windsor, Ontario, Canada or imported by Chrysler Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Washington, D.C.

No. MC 43269 (Sub-No. 64), filed May 12, 1977. Applicant: WELLS CARGO, INC., 1775 East 4th Street, Reno, NV 89512. Applicant's representative: David N. Inwood, 1775 East 4th Street, Reno, NV 89512. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Earth, Diatomaceous (Diatomite) (Except in bulk), from Clark and Colado, NV to points in the United States (except Alaska, Hawaii and Nevada).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Reno or Carson City, NV. Common control may be involved.

No. MC 48958 (Sub-No. 133), filed May 17, 1977. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., P.O. Box 16404, Denver, CO 80216. Applicant's representative: Lee E. Lucerno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Stone and stone products, in bags or in bulk, from points in Costilla County, Colo., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Ohio, Texas, Pennsylvania and New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Alamosa, Colo. or Denver, Colo.

No. MC 51146 (Sub-No. 493), filed April 25, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Wayne Downing, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* and *container ends*, and *materials and supplies* used in the manufacture and distribution of containers and container ends, from the plant site and warehouse site of National Can Corporation located at or near Phoenix, Ariz., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 499), filed May 12, 1977. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wisc. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* (except commodities in bulk), from Ludlow and Covington, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 52579 (Sub-No. 164), filed May 18, 1977. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Irving Klein, 371 Seventh Ave., New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Wearing apparel*, on hangers, from Arlington, Tex., to Denver, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif.

No. MC 52704 (Sub-No. 143), filed May 19, 1977. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Ground clay, floor sweeping compounds and absorbents (except in bulk), from the plantsite of Oil-Dri Corporation of America at or near Ochlocknee, Ga., to points in Florida (except Jacksonville), North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 56679 (Sub-No. 91), filed May 12, 1977. Applicant: Brown Transport Corp., 352 University Avenue, S.W., Atlanta, GA 30315. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Frozen Foodstuffs, from Salisbury, Maryland and Downingtown, Pennsylvania, to points in Ohio and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. Common control may be involved.

No. MC 56679 (Sub-No. 92), filed May 16, 1977. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, SW., Atlanta, GA 30315. Applicant's representative: John T. Coon, 352 University Avenue, S.W., Atlanta, GA 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Clinton, Georgia and Atlanta, Georgia. From Clinton, Ga. over Ga. Highway 18 to junction unnumbered county road two (2) miles south of Concord, Ga.; thence along unnumbered county road to Gay, Ga.; thence along Ga. Highway 85 to Starrs Mill, Ga.; thence along Ga. Highway 74 to Peachtree City, Ga.; thence along Ga. Highway 34 to its junction with Interstate 85; thence along Interstate 85 to Atlanta, Ga.; serving all intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga. or Washington, D.C.

No. MC 60014 (Sub-No. 46), filed May 16, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pennsylvania 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling, gypsumboard, composition board, moulding*, and *materials* used in the manufacture thereof (except commodities in bulk), between the facilities of the Pan American Gyro-Tex Co. located in or near Jacksonville, Florida, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Nebraska, Colorado and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 60014 (Sub-No. 47), filed May 13, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pennsylvania 15146. Applicant's representative: A Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining equipment, accessories, attachments*, and *parts for mining equipment*, and *equipment, materials*, and *supplies* used in the manufacture of mining equipment (except commodities in bulk) between the plantsite and storage facilities of Reading U.S., Inc. located at or near Orange Park, Fla., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 60014 (Sub-No. 48), filed May 13, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pennsylvania 15146. Applicant's representative: A Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products, pipe and tubing*, and *materials, equipment and supplies* used in the distribution and installation thereof (except commodities in bulk, and those which because of size or weight require the use of special equipment), between Lithonia, Georgia, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); restricted to traffic originating at or destined to Acme Manufacturing Company located at Lithonia, Georgia.

NOTE.—If a hearing is deemed necessary, th applicant requests it be held in Washington, D.C.

No. MC 61231 (Sub-No. 165), filed May 16, 1977. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moinse, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Paper and paper products (except commodities in bulk), between International Falls, Minn., on the one hand, and on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 64650 (Sub-No. 120), filed May 13, 1977. Applicant: W. T. COWAN, INC., 820 South Oldham Street, Baltimore, Maryland 21224. Applicant's representative: W. F. Lamperelli (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Containers, Containers Chassis and Trailers;* (2) *General Commodities* (except commodities of unusual value, commodities requiring special equipment, commodities in bulk, household goods as defined by the Commission and Class A and B explosives) between points in Baltimore, Maryland Commercial Zone. Restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baltimore, Maryland or Washington, D.C.

No. MC 65475 (Sub-No. 11), filed May 12, 1977. Applicant: JETCO, INC., 4701 Eisenhower Avenue, Alexandria, Va. 22304. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting aluminum, aluminum poducts, and equipment, materials, and supplies used in the manufacture of aluminum and aluminum products (except commodities in bulk), between the plantsite of Eastalco Aluminum Co. at or near Frederick, Md., on the one hand, and, on the other, points in the United States in and east of Wisconsin, Illinois, Missouri, Arkansas, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 66129 (Sub-No. 10), filed May 17, 1977. Applicant: HUGHES BROS. TRANSPORTATION CO., INC., 113 Metropolitan Ave., Brooklyn, N.Y. 11211. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Ink in bulk, from the plantsite of Inmont Corporation located at Lodi, N.J., to Depew, N.Y. and (2) returned, refused or rejected shipments in the reverse direction.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 67450 (Sub-No. 59), filed May 23, 1977. Applicant: PETERLIN CARTAGE CO., a Corporation, 9651 Ewing Avenue, Chicago, Illinois 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Illinois 60602. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Popped corn, Confectionery nuts, and Beverage preparations dry*, from Lincoln, Nebraska to points in Arizona, California, Colorado, Florida, Illinois, Georgia, Massachusetts, Minnesota, New Jersey, New York, Ohio, Tennessee, Utah, and West Virginia, restricted to traffic originating at the plantsite of Ovaltine Products, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant request it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 191), filed May 17, 1977. Applicant: SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Illinois 60106. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Room 600, Chicago, Illinois 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Aliquippa and Pittsburgh, Pa., to points in Illinois, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Illinois.

No. MC 71902 (Sub-No. 86), filed May 20, 1977. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, OK 73118. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles* in initial movements, in truckaway service, from the plantsite of General Motors Corporation (GM Assembly Division) at Oklahoma City, Oklahoma, to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, Michigan, or Oklahoma City, Oklahoma.

No. MC 72069 (Sub-No. 11), filed May 20, 1977. Applicant: BLUE HEN LINES, INC., Box 280, Milford, Delaware 19963. Applicant's representatives: Jack R. Turney, Jr. and J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed Canned Clams, Clam Juices, and Clam Chowders*, from Cannon (Sussex County), Delaware to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Baltimore, Md. Common control may be involved.

No. MC 72069 (Sub-No. 12), filed May 20, 1977. Applicant: BLUE HEN LINES, INC., Box 280, Milford, Delaware 19963. Applicant's representatives: Jack R. Turney, Jr. and J. William Cain, Jr., 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

JUN 23 1977 UM

ing: *Frozen Pretzels*, from Pennsauken, New Jersey, to points in the United States (except Hawaii and Alaska).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Baltimore, Md. Common control may be involved.

No. MC 72495 (Sub-No. 16), filed May 16, 1977. Applicant: DON SWART TRUCKING, INC., Box 49, Route 2, Wellsburg, W. Va. 26070. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *granulated slag*, in bags, from the plantsite of H. B. Reed & Co., Inc. located at or near Cresap, W.Va., to points in that part of Ohio on and east of U.S. Highway 21, and points in Allegheny, Fayette, Greene, Washington and Westmoreland Counties, Pa.; and (2) *granulated slag*, from the plantsite of H. B. Reed & Co., Inc. located at or near Cresap, W. Va., to points in Illinois and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 73165 (Sub-No. 405), filed May 20, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Alabama 35202. Applicant's representative: William P. Parker, P.O. Box 11086, Birmingham, Alabama 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *plywood, paneling, gypsumboard, composition board and molding* from the facilities of Pan American Gyro-Tex Company, located at or near Jacksonville, Florida to points in the United States in and east of Minnesota, Iowa, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Jacksonville, Florida or Birmingham, Alabama.

No. MC 74321 (Sub-No. 130), filed May 10, 1977. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Steele Park Suite 330, 50 South Steele Street, Denver, Colo. 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Barrel pumps, pump parts, accessories, equipment, valves, nipples, clamps, couplings, and*, (2) *Materials and supplies* used in, or in connection with, the transportation, installation, operation, removal, repair, manufacturing, and maintenance of the commodities described in (1) above, between points in Tulsa, Oklahoma, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests Denver, Colo., or Tulsa, Okla.

No. MC 76032 (Sub-No. 327), filed May 20, 1977. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colorado 80223. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, Illinois 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, cleaning, scouring, and washing compounds, plastic liquid, defoaming compounds, ink, plastic sheeting, and laminating machinery and laminating machinery parts* from the plant site and warehouse facilities of Thiokol/Dynachem Corporation at or near Tustin and Santa Fe Springs, California, to Woburn and South Hadley Falls, Massachusetts; Vienna, Virginia; Elmhurst, Illinois; and Matthews, North Carolina. Restriction: (a) Restricted against the transportation of commodities in bulk; and (b) restricted to the transportation of traffic originating at the above-named facilities and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 79142 (Sub-No. 13), filed May 17, 1977. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43-06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Such commodities* as are dealt in by persons in the business of marketing petroleum products, and *materials, supplies* and *equipment* used in the conduct of such business, (except commodities in bulk), from facilities used by Mobil Oil Corporation in Brooklyn, N.Y., to points in Orange, Rockland, Westchester, Nassau and Suffolk Counties, N.Y.; and (2) *returned shipments* of the commodities specified in (1) above, from points in Orange, Rockland, Westchester, Nassau and Suffolk Counties, N.Y. to the facilities used by Mobil Oil Corporation in Brooklyn, N.Y.

NOTE.—Applicant is affiliated with a contract carrier holding Permit MC 116856 and subs thereunder. Dual operations may be involved. Common control may be involved. If hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 83835 (Sub-No. 139) (correction), filed March 28, 1977, published in the FEDERAL REGISTER issue of May 19, 1977, and republished as corrected this issue. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum scrap*, between the facilities of Texas Reduction Corp., located at or near Manvel, Tex., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, and Tennessee.

NOTE.—The purpose of this republication is to indicate the correct spelling of the location of Manvel, Tex., in lieu of Nanvel, Tex., which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 94350 (Sub-No. 388), filed May 16, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Double-wide mobile homes*, in initial movements, from points in Kansas, to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Topeka, Kansas.

No. MC 94350 (Sub-No. 389), filed May 16, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Double-wide mobile homes*, in secondary movements, from points in Louisiana, to points in the United States, including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at New Orleans, Louisiana.

No. MC 94350 (Sub-No. 391), filed May 19, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Double-wide mobile homes*, in initial movements, from points in Franklin County, Virginia to points on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Roanoke, Virginia.

No. MC 94350 (Sub-No. 393), filed May 19, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), in initial movements; and (2) *buildings*, in sections, mounted on wheeled undercarriages (except modular units and prefabricated buildings), from points in Oregon, to points in the United States on and west of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary

of Itasca County, Minn., and thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Portland, Oreg.

No. MC 97275 (Sub-No. 30), filed May 16, 1977. Applicant: ESTES EXPRESS LINES, a corporation, 1405 Gordon Avenue, Richmond, Va. 23224. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):

Routes No. 1—Between Emporia, Va., and Florence, S.C.—From Emporia over U.S. Hwy. 301 to Jct. U.S. Hwy. 76 at or near Pee Dee, S.C., thence U.S. Hwys. 76 and 301 to Florence. Route No. 2—Between Emporia, Va., and Florence, S.C.—From Emporia over I95 to jct. U.S. Hwy. 52, thence U.S. Hwy. 52 to Florence. Route No. 3—Between Junction U.S. Hwy. 58 at or near La Crosse, Va., and the North Carolina-South Carolina State lines at or near Grover, N.C., via I85. Route No. 4—Between South Hill, Va., and McBee, S.C., via U.S. Hwy. 1. Route No. 5—Between Norfolk, Va., and Wilmington, N.C.—From Norfolk over U.S. Hwy. 58 to jct. U.S. Hwy. 17, thence U.S. Hwy. 17 to Wilmington. Route No. 6—Between Norfolk, Va., and Florence, S.C.—From Norfolk over U.S. Hwy. 13 to jct. U.S. Hwy 301 near Wade, N.C., thence U.S. Hwy. 301 to jct. U.S. Hwy. 76 at or near Pee Dee, S.C., thence U.S. Hwys. 76 and 301 to Florence. Route No. 7—Between Norfolk, Va., and Florence, S.C.—From Norfolk over U.S. Hwy. 13 to jct. I95 near Wade, N.C., thence I95 to jct. U.S. Hwy. 52, thence U.S. Hwy. 52 to Florence. Route No. 8—Between Norfolk, Va., and Raleigh, N.C.—From Norfolk over U.S. Hwy. 13 to jct. Va./N.C. Hwy. 168, thence Va./N.C. Hwy. 168 to jct. N.C. Hwy. 34, thence N.C. Hwy. 34 to jct. U.S. Hwy. 158, thence over U.S. Hwy. 158 to jct. U.S. Hwys. 64 and 264, thence U.S. Hwy. 64 and 264 to jct. U.S. Hwy. 264, thence U.S. Hwy. 264 to jct. U.S. Hwy. 64 near Zebulon, thence U.S. Hwy. 64 to Raleigh. Route No. 9—Between Franklin, Va., and Raleigh N.C.—From Franklin over U.S. Hwy. 258 to jct. U.S. Hwy. 64, thence U.S. Hwy 64 to Raleigh.

Route No. 10—Between South Boston, Va., and Marion, S.C.—From South Boston over U.S. Hwy. 501, to jct. U.S. Hwys. 15 and 501, thence U.S. Hwys. 15 and 501 to jct. U.S. 501, thence U.S. Hwy. 501 to Marion. Route No. 11—Between Clarksville, Va., and Oxford, N.C., via U.S. Hwy. 15. Route 12—Between Jacksonville, N.C., and Princeville, N.C.—From Jacksonville over U.S. Hwy. 17 to jct. U.S. Hwy. 258, thence U.S. Hwy. 258 to Princeville. Route No. 13—Between Barco, N.C., and Mocksville, N.C., via U.S. Hwy. 158. Route No. 14—Between South Boston, Va., and Oxford, N.C.—From South Boston over U.S. Hwy. 501 to jct. Va./N.C. Hwy. 96, thence Va./N.C. Hwy. 96 to Oxford. Route No. 15—Between Brunswick, Va., and Garysburg, N.C., via Va./N.C. Hwy. 46. Route No. 16—Between Boykins, Va., and Conway, N.C., via Va./N.C. Hwy. 35. Route No. 17—Between jct. U.S. Hwy. 13 and Sunbury, N.C., via Va./N.C. Hwy. 32. Route No. 18—Between Boykins, Va., and Garysburg, N.C.—From Boykins over Va. Hwy. 35 to jct. Va. Hwy. 186, thence Va. Hwy. 186 to jct. U.S. Hwy. 301, thence U.S. Hwy. 301, to Garysburg. Route No. 19—Between Clarksville, Va., and Roxboro, N.C.—From Clarksville over U.S. Hwy. 58 to jct. Va./N.C. Hwy. 49, thence Va./N.C. Hwy. 49 to jct. U.S. Hwy. 501 thence U.S. Hwy. 501 to Roxboro.

Route No. 20—Between Buggs Island Lake, Va., and jct. U.S. Hwy. 1—From Buggs Island Lake over Va. Secondary Hwy. 825 to jct. Va. Secondary Hwy. 719, thence Va. Secondary Hwy. 719 to jct. N.C. Hwy. 39, thence N.C. Hwy. 39 to jct. U.S. Hwy. 1 at or near Henderson. Route No. 21—Between Buggs Island Lake, Va., and jct. U.S. Hwy. 15—From Buggs Island Lake over Va. Secondary Hwy. 825 to jct. Va. Secondary Hwy. 719, thence over Va. Secondary Hwy. 719 to jct. unnumbered Va./N.C. Hwy., thence unnumbered Va./N.C. Hwy. to jct. U.S. Hwy. 15. Route No. 22—Between the Tennessee-North Carolina State line and the North Carolina-South Carolina State line—From the Tennessee North Carolina State line over U.S. Hwy. 19E to jct. N.C. Hwy. 194, thence N.C. Hwy. 194 to jct. N.C. Hwy. 181, thence N.C. Hwy. 181 to jct. N.C. Hwy. 18, thence N.C. Hwy. 18 to and including the North Carolina-South Carolina State line. Route No. 23—Between the Virginia-North Carolina State line and Florence, S.C., via U.S. Hwy. 52. Route No. 24—Between Charlotte, N.C., and Florence, S.C.—From Charlotte over U.S. Hwy. 74 to jct. U.S. Hwy. 601, thence U.S. Hwy. 601 to jct. S.C. Hwy. 151, thence S.C. Hwy. 151 to jct. U.S. Hwy. 52, thence U.S. Hwy. 52 to Florence. Route No. 25—Between Morganton, N.C., and Manns Harbor, N.C., via U.S. Hwy. 64. Route No. 26—Between Durham, N.C., and New Bern, N.C., via U.S. Hwy. 70.

Route No. 27—Between Wilson, N.C., and Wilmington, N.C.—From Wilson over U.S. Hwy. 301 to jct. U.S. Hwy. 117, thence U.S. Hwy. 117 to Wilmington. Route No. 28—Between Zionville, N.C., and Ft. Fisher, N.C., via U.S. Hwy. 421. Route No. 29—Between Charlotte, N.C., and Lumberton, N.C.—From Charlotte over U.S. Hwy. 74 to jct. U.S. Hwy. 301, thence U.S. Hwy. 301 to Lumberton. Route No. 30—Between Charlotte, N.C., and Lumberton, N.C.—From Charlotte over U.S. Hwy. 74 to jct. I95, thence I95 to Lumberton. Route No. 31—Between Virginia-North Carolina State line and Rockingham, N.C., via U.S. Hwy. 220. Route No. 32—Between Norlina, N.C., and Hartsville, S.C.—From Norlina over U.S. Hwy. 401 to jct. U.S. Hwys. 15 and 401, thence U.S. Hwys. 15 and 401 to jct. U.S. 15, thence U.S. Hwy. 15 to Hartsville. Route No. 33—Between Mt. Airy, N.C., and Monroe, N.C., via U.S. Hwy. 601. Route No. 34—Between Boone, N.C., and the North Carolina-South Carolina State line—From Boone over U.S. Hwy. 321 to and including the North Carolina-South Carolina State line. Route No. 35—Between the Virginia North Carolina State line and Pineville, N.C.—From the Virginia-North Carolina State line over U.S. Hwys. 21 and 221 to the jct. of U.S. Hwy. 21, thence U.S. Hwy. 21 to the jct. of U.S. Hwy. 521 to Pineville. Route No. 36—Between Florence, S.C., and Marion, S.C., via U.S. Hwy. 76. Route No. 37—Between Mt. Airy, N.C., and Charlotte, N.C.—From Mt. Airy over U.S. Hwy. 601 to jct. N.C. Hwy. 268, thence N.C. Hwy. 268 to jct. I77, thence I77 to Charlotte.

Route No. 38—Between Conover, N.C., and Wilkesboro, N.C., via N.C. Hwy. 16. Route 39—Between Lumberton, N.C., and Marion, S.C.—From Lumberton over N.C. Hwy. 41 to jct. S.C. Hwy. 41A, thence S.C. Hwy. 41A to Marion. Route No. 40—Between Burlington, N.C., and Charlotte, N.C., via N.C. Hwy. 49. Route No. 41—Between Charlotte, N.C., and Lillington, N.C.—From Charlottee over N.C. Hwys. 24 and 27 to jct. N.C. Hwy 27, thence, N.C. Hwy. 27 to or near Lillington. Route No. 42—Between Candor, N.C., and Lumberton, N.C., via N.C. Hwy. 211. Route No. 43—Between Fayetteville, N.C., and Cape Carteret, N.C., via N.C. Hwy. 24. Route No. 44—Between Jacksonville, N.C., and Wards Corner, N.C.—From Jacksonville over U.S. Hwy. 17 to jct. U.S. Hwy. 258, thence U.S. Hwy. 258 to jct. N.C. Hwy. 53, thence N.C. Hwy. 53 to Wards Corner. Route No. 45—Between Holly Ridge, N.C., and Murfreesboro, N.C.—From Holly Ridge over N.C. Hwy. 50 to jct. N.C. Hwy. 41, thence N.C. Hwy. 41 to jct. N.C. Hwy. 241, thence N.C. Hwy. 241 to jct. N.C. Hwy. 11, thence N.S. Hwy. 11 to Murfreesboro. Route No. 46—Between Cape Carteret, N.C., and Warrenton, N.C.—From Cape Carteret over N.C. Hwy. 24 to jct. N.C. Hwy. 58, thence N.C. Hwy. 58 to jct. N.C. Hwy. 43, thence N.C. Hwy. 43 to Warrenton. Route No. 47—Between Sanford, N.C., and Williamston, N.C.—From Sanford over N.C. Hwy. 42 to jct. N.C. Hwy. 142, thence N.C. Hwy. 142 to jct. N.C. Hwy. 125, thence N.C. Hwy. 125 to Williamston. Route No. 48—Between Durham, N.C., and New Bern, N.C., via N.C. Hwy. 55. Route No. 49—Between Fayetteville, N.C., and Reidsville, N.C., via N.C. Hwy. 87. Route No. 50—Between the Virginia-North Carolina State line and the North Carolina-South Carolina State line—From the Virginia-North Carolina State line over U.S. Hwy. 29 to and including the North Carolina-South Carolina State line. Route No. 51—Between Asheboro, N.C., and Sanford, N.C., via N.C. Hwy. 42. Route No. 52—Between Burlington, N.C., and Roxboro, N.C., via N.C. Hwy. 49. Route No. 53—Between Carrboro, N.C., and Gatewood, N.C., via N.C. Hwy. 86. Route No. 54—Between Linville, N.C., and Twin Oaks, N.C., via U.S. Hwy. 221. Route No. 55—Between Elk Park, N.C., and the Virginia-North Carolina State

JUN 23 77
UM

line—From Elk Park over U.S. Hwy. 19E to jct. N.C. Hwy. 194, thence N.C. Hwy. 194 to the Virginia-North Carolina State line. Route No. 56—Between Creedmoor, N.C., and Roseboro, N.C.—From Creedmoor over N.C. Hwy. 50 to jct. N.C. Hwy. 242, thence N.C. Hwy. 242 to Roseboro. Route No. 57—Between Garland, N.C., and jct. U.S. Hwy. 301 via U.S. Hwy. 701. Route No. 58—Between Roseboro, N.C., and Chinquapin, N.C.—From Roseboro over N.C. Hwy. 242 to jct. N.C. Hwy. 411, thence N.C. Hwy. 411 to jct. N.C. Hwy. 41, thence N.C. Hwy. 41 to Chinquapin.

Route No. 59—Between Edmonds, N.C., and Morganton, N.C., via N.C. Hwy. 18. Route No. 60—Between Lenoir, N.C., and Statesville, N.C., via N.C. Hwy. 90. Route No. 61—Between Salisbury, N.C., and Statesville, N.C., via U.S. Hwy. 70. Route No. 62—Between Pilot Mountain, N.C., and jct. U.S. Hwy. 321, near Paterson, N.C., via N.C. Hwy. 268. Route No. 63—Between Mt. Airy, N.C., and North Carolina-Virginia State line via N.C. Hwy. 89. Route No. 64—Between Eden, N.C., and Mt. Airy, N.C.—From Eden over N.C. Hwy. 770 to jct. N.C. Hwy. 704, thence N.C. Hwy. 704 to jct. N.C. Hwy. 89, thence N.C. Hwy. 89 to Mt. Airy. Route No. 65—Between Mt. Croghan, S.C., and Winston-Salem, N.C., via S.C./N.C. Hwy. 109. Route No. 66—Between Lake View, S.C., and Pageland, S.C., via S.C. Hwy. 9. Route No. 67—Between Hartsville, S.C., and Wadesboro, N.C.—From Hartsville over U.S. Hwy. 15 to jct. S.C. Hwy. 102, thence S.C. Hwy. 102 to jct. S.C./N.C. Hwy. 742, thence S.C./N.C. Hwy. 742 to Wadesboro. Route No. 68—Between Darlington, S.C., and Dillon, S.C., via S.C. Hwy. 34. Route No. 69—Between Conover, N.C., and Waxhaw, N.C., via N.C. Hwy. 16.

Route No. 70—Between Monroe, N.C., and jct. U.S. Hwy. 521 via N.C./S.C. Hwy. 75. Route No. 71—Between Pineville, N.C., and jct. S.C. Hwy. 75 via U.S. Hwy. 521. Route No. 72—Between Shelby, N.C., and Winston-Salem, N.C., via N.C. Hwy. 150. Route No. 73—Between Kings Mountain, N.C., and Shelby, N.C., via U.S. Hwy. 74. Route No. 74—Between Eastwood, N.C., and Goodsonville, N.C.—From Eastwood over N.C. Hwy. 73 to jct. N.C. Hwy. 27, thence N.C. Hwy. 27 to Goodsonville. Route No. 75—Between Columbia, N.C., and jct. U.S. Hwy. 264 near New Holland, N.C., via N.C. Hwy. 94. Route No. 76—Between Ahoskie, N.C., and jct. U.S. Hwy. 401 at or near Louisburg, N.C., via N.C. Hwy. 561. Route No. 77—Between Oxford, N.C., and Selma, N.C., via N.C. Hwy. 96. Route No. 78—Between Henderson, N.C., and jct. U.S. Hwy. 301 near Selma, N.C., via N.C. Hwy. 39. Route No. 79—Between Goldsboro, N.C., and Louisburg, N.C.—From Goldsboro, N.C., over N.C. Hwy. 581 to jct. N.C. Hwy. 56, thence N.C. Hwy. 56 to Louisburg. Route No. 80—Between jct. U.S. Hwy. 158 and jct. U.S. Hwy. 264 near Bunyan, N.C., via Va./N.C. Hwy. 32. Route No. 81—Between Belcross, N.C., and Sligo, N.C., via N.C. Hwy. 168. Route No. 82—Between Old Trap, N.C., and South Mills, N.C. via N.C. Hwy. 343. Route No. 83—Between Elkin, N.C., and Winston-Salem, N.C., via N.C. Hwy. 67.

Route No. 84—Between Madison, N.C., and jct. U.S. Hwy. 220 near Sophia, N.C.—From Madison over Hwy. 704 to jct. U.S. Hwy. 311, thence U.S. Hwy. 311 to jct. U.S. Hwy. 220 near Sophia. Route No. 85—Between Mint Hill, N.C., and Polkton, N.C., via N.C. Hwy. 218. Route No. 86—Between North Wilkesboro, N.C., and Statesville, N.C., via N.C. Hwy. 115. Route No. 87—Between Catawba, N.C., and jct. N.C. Hwy. 18 at or near Toluca, N.C., via N.C. Hwy. 10. Route No. 88—Between Wilkesboro, N.C., and the North Carolina-Virginia State line via N.C. Hwy. 16. Route No. 89—Between Marshville, N.C., and the North Carolina-Virginia State line—From Marshville over N.C. Hwy. 205 to jct. N.C. Hwy. 138, thence N.C. Hwy. 138 to jct. U.S. Hwy. 52, thence U.S. Hwy. 52 to jct. N.C. Hwy. 8, thence N.C. Hwy. 8 to the North Carolina-Virginia State line. Route No. 90—Between Spring Lake, N.C., and jct. U.S. Hwy. 70 at or near Smithfield, N.C., via N.C. Hwy. 210. Route No. 91—Between Oak City, N.C., and Zebulon, N.C.—From Oak City over N.C. Hwy. 125 to jct. N.C. Hwy. 97, thence N.C. Hwy. 97 to Zebulon. Route No. 92—Between Vanceboro, N.C., and Warrenton, N.C.—From Vanceboro over N.C. Hwy. 43 to jct. N.C. Hwy. 58, thence N.C. Hwy. 58 to Warrenton.

Route No. 93—Between Folkstone, N.C., and Hubert, N.C., via N.C. Hwy. 172. Route No. 94—Between Hobucken, N.C., and Princeville, N.C., via N.C. Hwy. 33. Route No. 95—Between Pleasant Hill, N.C., and Rocky Mount, N.C., via N.C. Hwy. 48. Route No. 96—Between Winton, N.C. and jct. U.S. Hwy. 64 near Plymouth, N.C., via N.C. Hwy. 45. Route No. 97—Between Graham, N.C. and Raleigh, N.C., via N.C. Hwy. 54. Route No. 98—Between Durham, N.C., and Greensboro, N.C., via U.S. Hwy. 70. Route No. 99—Between Pink Hill, N.C., and Wards Corner, N.C., via N.C. Hwy. 11. Route No. 100—Between Beulaville, N.C., and Goldsboro, N.C., via N.C. Hwy. 111. Route No. 101—Between Butner, N.C., and Louisburg, N.C. via N.C. Hwy. 56. Route No. 102—Between Hillsborough, N.C. and Milton, N.C. via N.C. Hwy. 57. Route No. 103—Between Milton, N.C., and Thomasville, N.C.—From Milton over N.C. Hwy. 62 to jct. N.C. Hwy. 109, thence N.C. Hwy. 109 to Thomasville. Route No. 104—Between Reidsville, N.C., and the North Carolina-Virginia State line via N.C. Hwy. 87. Route No. 105—Between jct. 195 and jct. U.S. Hwy. 13 at or near House, N.C., via N.C. Hwy. 903. Route No. 106—Between Marion, S.C., and jct. U.S. Hwy. 1—From Marion over U.S. Hwy. 501 to jct. S.C./N.C., Hwy. 38, thence S.C./N.C. Hwy. 38 to jct. N.C. Hwy. 177, thence N.C. Hwy. 177 to jct. U.S. Hwy. 1.

Route No. 107—Between Hamlet, N.C., and Wallace, S.C.—From Hamlet over N.C./S.C. Hwy. 177 to jct. S.C. Hwy. 9, thence S.C. Hwy. 9 to Wallace. Route No. 108—Between McBee, S.C., and Pee Dee, N.C.—From McBee over U.S. Hwy. 1 to jct. S.C./N.C. Hwy. 145, thence S.C./N.C. 145 to Pee Dee. Route No. 109—Between Blenheim, S.C., and Hamlet, N.C.—From Blenheim over S.C./N.C. Hwy. 381 to jct. U.S. Hwy. 74, thence U.S. Hwy. 74 to Hamlet. Route No. 110—Between Clio, S.C., and jct. U.S. Hwy. 301 near Parkston, N.C.—From Clio over S.C. Hwy. 381 to jct. S.C./N.C. Hwy. 83, thence S.C./N.C. Hwy. 83 to jct. N.C. Hwy. 130, thence N.C. Hwy. 130 to jct. N.C. Hwy. 71, thence N.C. Hwy. 71 to jct. U.S. Hwy. 301 near Parkston. Route No. 111—Between Chesterfield, S.C., and Jefferson, S.C.—From Chesterfield over S.C. Hwy. 9 to jct. S.C. Hwy. 265, thence S.C. Hwy. 265 to Jefferson. Route No. 112—Between Jefferson, S.C., to Mt. Croghan, S.C.—From Jefferson over S.C. Hwy. 265 to jct. S.C. Hwy. 268, thence S.C. Hwy. 268 to Mt. Croghan. Route No. 113—Between Laurinburg, N.C. and Society Hill, S.C.—From Laurinburg over N.C./S.C. Hwy. 79 to jct. S.C. Hwy. 9, thence S.C. Hwy. 9 to jct. S.C. Hwy. 912, thence S.C. Hwy. 912 to jct. U.S. Hwys. 15 and 401 to Society Hill. Route No. 114—Between Bennettsville, S.C., and Gibson, N.C., from Bennettsville over S.C. Hwy. 385 to jct. S.C./N.C. Hwy. 79, thence S.C./N.C. 79 to Gibson. Route No. 115—Between Greensboro, N.C., and Morganton, N.C. via I40.

Routes 1 through 155 serving all intermediate points ond serving off-route points located in that part of North Carolina on and East of a line beginning at the Tennessee-North Carolina State line along U.S. Hwy. 19 in a southerly direction to junction North Carolina Hwy. 194, thence along North Carolina Hwy. 194 to junction North Carolina Hwy. 181, thence along North Carolina Hwy. 181 to junction North Carolina Hwy. 18, thence along North Carolina Hwy. 18 to the North Carolina-South Carolina State line, except points in North Carolina east of a line beginning at the South Carolina-North Carolina State line along North Carolina Hwy. 41, to Lumberton, thence U.S. Hwy. 301 and 195 to Fayetteville, thence south of North Carolina Hwy. 24 to the Sampson County line, thence along Sampson, Pender, Columbus, and Brunswick County line to the Atlantic Ocean, thence the Atlantic Ocean to the North Carolina-South Carolina State line, thence the North Carolina-South Carolina State line to the junction of North Carolina Hwy. 41.

Serving off-route points in South Carolina on and within a line beginning at the North Carolina-South Carolina State line along South Carolina Hwy. 41 to the junction of South Carolina Hwy. 41A, thence along South Carolina Hwy. 41A to Marion, thence along U.S. Hwy. 76 to Florence, thence along U.S. Hwy. 52 to Darlington, thence along South Carolina Hwy. 151 to Pageland, thence along U.S. Hwy. 601 to the South Carolina-North Carolina State line.

ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY

Route No. 116—Between Marion, S.C., and Wilmington, N.C.—From Marion over U.S. Hwy. 75 to jct. U.S. Hwys. 74 and 76, thence U.S. Hwys. 74 and 76 to Wilmington. Route No. 117—Between Lumberton, N.C., and Wilmington, N.C.—From Lumberton over N.C. Hwy. 211 to jct. U.S. Hwys. 74 and 76, thence U.S. Hwys. 74 and 76 to Wilmington. Route No. 118—Between Fayetteville, N.C. and Wilmington, N.C.—From Fayetteville over N.C. Hwy. 87 to jct. U.S. Hwys. 74 and 76, thence U.S. Hwys. 74 and 76 to Wilmington. Route No. 119—Between Wilmington, N.C., and jct. U.S. Hwy. 301 and I95—From Wilmington over U.S. Hwys. 74 and 76 to jct. U.S. Hwy. 74, thence U.S. Hwy. 74 to jct. of U.S. Hwy. 301 and I95.

NOTE.—Applicant states that it presently holds authority to operate over irregular or regular routes or a combination thereof between all points sought to be served on the routes described above and has no objection to the imposition of a condition prohibiting severance of any authority granted duplicating that now held by sale or otherwise. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C., or Raleigh, N.C.

No. MC 98952 (Sub-No. 47), filed May 13, 1977. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, Illinois 62526. Applicant's representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, Illinois 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionary products*, from the plantsite of Charms Company located at or near Covington, Tennessee, to points in Michigan, Wisconsin, Minnesota, Missouri, Kentucky, Indiana, Iowa, and Illinois. Restricted to shipments moving in vehicles equipped with mechanical refrigeration, and further restricted to shipments originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield, or Chicago, Illinois, or St. Louis, Missouri.

No. MC 99565 (Sub-No. 15), filed May 18, 1977. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis Street, Wausau, Wisc. 54401. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wisc. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Mole Lake, Nashville, Lincoln and Crandon (Forest County), Wisc., and Ainsworth (Langglade County), Wisc., as off-route points in connection with applicant's present authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wisc., or Minneapolis or St. Paul, Minn.

No. MC 102616 (Sub-No. 929), filed May 20, 1977. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Road, Akron, Ohio 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid Wood Preservatives*, in bulk, in tank vehicles, from Valparaiso, Indiana to points in Pennsylvania, West Virginia, Ohio, Kentucky, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Maryland, Massachusetts, New York and Tennessee and (2) *Arsenic Acid*, in bulk, in tank vehicles, from Bryan and Bonham, Texas to Valparaiso, Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Illinois.

No. MC 103926 (Sub-No. 59), filed May 16, 1977. Applicant: W. T. MAYFIELD SONS TRUCKING CO., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward Wolcott, Watkins & Daniell, P.C., 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) and parts, implements, attachments, accessories and supplies therefor, when moving incidentally thereto as a part of the same shipment, from Savannah, Georgia, to points in Louisiana, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on the 18th of July (1 week) at Savannah, Ga., in a hearing room to be later designated.

No. MC 105172 (Sub-No. 9), filed May 17, 1977. Applicant: COVERED WAGON TRAIN, INC., P.O. Box 368, Upper Main St., Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and Petroleum products (except in bulk) and Vehicle Body Sealer and Sound Deadener Compound*, from New Kensington, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont; and (2) *Empty metal containers*, from Fairport, N.Y., to Farmers Valley, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pittsburgh, Pa. or Buffalo, N.Y.

No. MC 105733 (Sub-No. 58), filed May 16, 1977. Applicant: H. R. RITTER TRUCKING COMPANY, INC., 928 E. Hazelwood Avenue, Rahway, N.J. 07065. Applicants representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, from Buffalo, N.Y., to Paulsboro, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 106674 (Sub-No. 234), filed May 11, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Indiana 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Indiana 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, cartons and carton parts*, from the plant and warehouse sites of Thatcher Glass Mfg. Co., Division of Dart Industries, Inc., at Streator, Illinois, to points in Kentucky, Indiana, Ohio and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Indianapolis, Indiana.

MC 106674 (Sub-No. 235), filed May 13, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Indiana 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation, and equipment, materials, and supplies used in the manufacture and distribution of insulation*, (a) from plantsite and warehouse facilities of U.S. Fiber Corporation located at or near Delphos, Ohio, to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New York, Pennsylvania, Tennessee, West Virginia, Wisconsin, Virginia and the District of Columbia; (b) from the plantsite and warehouse facilities of U.S. Fiber Corporation located at or near Detroit, Michigan, to points in Illinois, Indiana, Kentucky, Ohio and Pennsylvania; (c) from the plantsite and warehouse facilities of U.S. Fiber Corporation located at or near Jonesville, North Carolina, to points in Alabama, Delaware, Georgia, Florida, Louisiana, Maryland, Mississippi, South Carolina, West Virginia, Virginia and the District of Columbia; (d) from the plantsite and warehouse facilities of U.S. Fiber Corporation located at or near Lee, Massachusetts, to points in Connecticut, Delaware, Maryland, New Jersey, New York, Rhode Island and the District of Columbia; and (e) from the plantsite and warehouse facilities of U.S. Fiber Corporation located at or near Oskaloosa, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee and Wisconsin. Restricted to the transportation of traffic originating at the above named origins and destined to points in the above named states. (2) *Insulation, and equipment, materials, and supplies used in the manufacture and distribution of insulation*, between Delphos, Ohio; Detroit, Michigan; Jonesville, North Carolina; Lee, Massachusetts; and Oskaloosa, Iowa. Restricted to the transportation of traffic originating at and destined to the facilities of U.S. Fiber Corporation located at or near the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Indianapolis, Indiana.

MC 107012 (Sub-No. 237), filed May 17, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Indiana 46801. Applicant's representative: Gerald A. Burns, P.O. Box

JUN 23 77 UM

988. Fort Wayne, Indiana 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Household appliances, cartoned, from the plantsite and storage facilities of Arvin Industries, Inc. located at or near Princeton, Kentucky, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Iowa, Minnesota, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Kentucky, or Washington, D.C.

Docket No. MC 107012 (Sub-No. 238), filed May 19, 1977. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, Indiana 46801. Applicant's Representative: Gerald A. Burns, P.O. Box 988, Fort Wayne, Indiana 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: pool tables, billiard tables, table tennis tables, game tables, amusement devices, and parts, accessories, and equipment therefor, between points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Illinois, or Washington, D.C.

No. MC 107295 (Sub-No. 852), filed May 19, 1977. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Roofing* and *roofing materials* (except commodities in bulk), from Meridian, Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held in Jackson, Mississippi.

No. MC 107403 (Sub-No. 1015), filed May 18, 1977. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa 19050. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting Adhesive Cement, NOI, in bulk, in tank vehicles, from Decatur, Alabama, to Knoxville, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

MC 107496 (Sub-No. 1081), filed May 11, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's Representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from (1) Lowell and Alto, Michigan, to points in Indiana; and (2), from points in Warren County, Ohio, to points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

Docket No. MC 107515 (Sub-No. 1080), filed May 17, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Georgia 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Georgia 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Elm Hill Meats, Inc. located at or near Lexington, Ky., to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, Massachusetts, Norfolk, Va., and points in its commercial zone, and Gulfport, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

MC 108119 (Sub-No. 62), filed May 16, 1977. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minnesota 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Waste water treatment plant equipment; and (2) parts, materials and supplies used in the commodities described in (1) above. From the plantsites and storage facilities of Zimpro, Inc. located at or near Rothschild, Wisconsin to points in North Dakota, South Dakota, Iowa, Illinois, Indiana, Ohio and Michigan. Restricted against the transportation of traffic in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minnesota. Common control may be involved.

MC 108119 (Sub-No. 63), filed May 16, 1977. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minnesota 55165. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minnesota 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Precut log buildings, knocked down, and materials and supplies used in the construction of such commodities, from Claremore, Oklahoma to points in Illinois, Missouri, Arkansas, Louisiana, Texas, Kansas, Colorado, Nebraska, Iowa, Minnesota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Oklahoma. Common control may be involved.

MC 108380 (Sub-91), filed May 16, 1977. Applicant: JOHNSTON'S FUEL LINERS, INC., Box 100, Newcastle, Wyo. 82701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, from Great Falls, Mont., to points in Arizona, Colorado, Idaho, Kansas, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Billings, Mont.

No. MC 108382 (Sub-28), filed May 10, 1977. Applicant: SHORT FREIGHT LINES, INC., 459 S. River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Richard L. Poirier, 459 S. River Road, P.O. Box 357, Bay City, Mich. 48706. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicle seats and parts thereof; wood products* (except furniture), from the plantsite of Stephan Wood Products Co., Grayling, Mich., to points in New Jersey, Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

No. MC 108587 (Sub-No. 21), filed December 1, 1976. Applicant: SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, Conn. 06415. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Connecticut, Massachusetts, those points in that part of Rhode Island on U.S. Highway 1 (portions formerly alternate U.S. Highway 1) from the Massachusetts-Rhode Island State line to the Rhode Island-Connecticut State line, and those points in Rhode Island on U.S. Highways 6 and 44, and Rhode Island Highway 3, on the one hand, and, on the other, those points in that part of New York on and south of a line beginning at Youngstown, N.Y., and extending along the shore line of Lake Ontario to Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 through Utica, N.Y. to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., thence along New York Highway 66 to junction New York Highway 43, and thence along New York Highway 43 to the New York-Massachusetts State line.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

MC 109124 (Sub-No. 28), filed May 12, 1977. Applicant: Sentle Trucking Corporation, P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lime, limestone, limestone products and refractory materials from the plantsite of The J. E. Baker Company located at or near Millersville (Sandusky County), Ohio to points in Illinois, Indiana, Michigan, Pennsylvania, West Virginia and Kentucky.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 109533 (Sub-No. 87) (Correction), filed March 30, 1977, published in the FEDERAL REGISTER issue of May 12, 1977, republished as corrected this issue. Applicant; OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, Va. 23209. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Alcoa and Maryville, Tenn., as off-route points in connection with carrier's regular route operations.

NOTE.—The purpose of this republication is to correct the commodity restriction which was previously published in error. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 110659 (Sub-No. 22), filed May 10, 1977. Applicant: COMMERCIAL CARRIERS, INC., 975 Virginia Street, West, Charleston, W. Va. 25302. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, West Virginia 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Malt beverages, in containers (1) from Fulton, New York to Huntington, Charleston, and Williamson, W. Va.; (2) from Edens, N.C. to Huntington, Charleston, and Williamson, W. Va.; and (3) from Williamsburg, Va. to Huntington, W. Va. and empty containers on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charleston, W. Va., or Columbus, Ohio.

No. MC 111045 (Sub-No. 142), filed May 20, 1977. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Florida 33601. Applicant's representative: L. W. Fincher, Post Office Box 426, Tampa, Florida 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk, in tank vehicles, from the plantsite and storage facilities of Alpine Laboratories, Inc., at or near Bay Minette, Alabama, to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile, Alabama. Common control may be involved.

No. MC 111274 (Sub-No. 23), filed May 19, 1977. Applicant: ELMER C. SCHMIDGALL AND BENJAMIN G. SCHMIDGALL, doing business as SCHMIDGALL TRANSFER, P.O. Box 249, Tremont, Ill. 61568. Applicant's representative: Frederick C. Schmidgall, P.O. Box 356, Morton, Ill. 61550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Fencing and fencing materials, farm buildings, materials and components of farm buildings*, between Morton, Ill., on the one hand, and on the other, points in Arkansas, under a continuing contract, or contracts, with Morton Buildings, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield, Ill., Chicago, Ill., or St. Louis, Mo.

No. MC 112304 (Sub-No. 120), filed May 18, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick facing* and *brick facing mounted on panels, and equipment, materials and supplies* used in the installation and sale of the foregoing commodities, from points in Daviess County, Ky., to points in that part of the United States in and east of Minnesota, Iowa, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112989 (Sub-No. 49), filed May 17, 1977. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oregon 97405. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Building, Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Charcoal briquettes, from the plantsite of The Kingsford Company at Springfield, Oregon, to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oregon.

No. MC 113434 (Sub-No. 72) (Amendment), filed February 24, 1977, published in the FEDERAL REGISTER issue of April 21, 1977, and republished as amended this issue. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic products* (except in bulk), from Seymour, Ind., to points in Illinois, Iowa, Michigan, Ohio, Pennsylvania and Wisconsin; and (2) *packaging materials*, (except in bulk) used in shipping and distribution of plastic products, from points in Illinois, Iowa, Michigan, Ohio, Pennsylvania and Wisconsin, to Seymour, Ind.

NOTE.—The purpose of this republication is to amend applicant's commodity and territory description as set forth above. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 113434 (Sub-No. 78), filed May 16, 1977. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Ave., Holland, Mich. 49423. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, Mich. 48226. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages or block form, from the plantsite and warehouse facilities of Hardy Salt Company at Manistee, Mich. to points in Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Ohio, Pennsylvania, New York, New Jersey, and West Virginia.

NOTE.—If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC 113678 (Sub-No. 669), filed May 17, 1977. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*; (2) *pharmaceutical materials, supplies and products*; (3) *chemicals*; (4) *alcoholic beverages*; (5) *tobacco products*; (6) *pet foods*; (7) *such commodities as are dealt in by distribution or consolidation warehouses* for the commodities described in (1) through (6) above; and (8) *exempt commodities* when moving with regulated commodities, (a) from Denver, Colo., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and (b) from points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Denver, Colo., restricted in (1) through (7) above to the transportation of traffic originating at or destined to the facilities of Acme Delivery Service, Inc. or Beatrice Foods Co. and further restricted against the transportation of commodities in bulk.

NOTE.—Applicant intends to tack the requested authority in (a) and (b) above at Denver, Colo. If a hearing is deemed necessary, the applicant requests it be held on a consolidated hearing with similar applications, location not specified.

No. MC 113855 (Sub-No. 376), filed May 13, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minnesota 55901. Applicant's representative: Alan

Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *agricultural implement parts* from Lancaster County, Nebraska, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois, or Minneapolis, Minnesota.

No. MC 113855 (Sub-No. 377), filed May 16, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minnesota 55901. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Recreational vehicles and equipment; parts* and *accessories* of, and *paraphernalia* used in connection with, recreational vehicles and equipment, from Lancaster County, Nebraska, to points in the United States (except Alaska and Hawaii), including ports of entry between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, or Los Angeles, California.

No. MC 114211 (Sub-No. 303), filed May 17, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Texas 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting lumber, plywood, fiberboard and particleboard, from Pineland and Diboll, Texas, to points in Arkansas, Kansas, Kentucky, Iowa, Indiana, Illinois, Missouri, Nebraska, Oklahoma and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 306), filed May 12, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products including returned or refused shipments* from International Falls, Minnesota to points in and East of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota, or Chicago, Illinois.

No. MC 114457 (Sub-No. 308), filed May 12, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, Minnesota 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* from Ponca City, Oklahoma to St. Paul, Minnnesota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago Illinois.

No. MC. 114457 (Sub-No. 309), filed May 12, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Avenue, St. Paul, Minnesota 55114. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from the plantsite and storage facilities of Lakeside Packing Company located at or near Manitowoc, Wisconsin and Plainview, Minnesota to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Chicago Illinois.

No. MC 114457 (Sub No. 310), filed May 16, 1977. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, Minnesota 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, Minnesota 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from the plantsites at Perham, Minnesota and Muscatine, Iowa, to: Mobile, Alabama; Jacksonville, Florida; Chicago, Illinois; New Orleans, Louisiana; East Cambridge, Massachusetts; Kansas City, Missouri; Gloucester, and North Bergen, New Jersey; Syracuse, New York; Cleveland, Ohio; and Houston, Texas.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at St. Paul, Minnesota or Los Angeles, California.

MC 115162 (Sub-No. 362), filed May 13, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Alabama 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Roofing, roofing materials, and panels, from Meridian, Mississippi to points in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Meridian, Mississippi or Chicago, Illinois.

MC 115162 (Sub-No. 364), filed May 18, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Alabama 36401. Applicant's representative: Robert E. Tate, Post Office Drawer 500, Evergreen, Alabama 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and composition board*, from the plant and warehouse facilities utilized by the Day Companies, Inc. in Randolph County, Georgia to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado and New Mexico.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Atlanta, Georgia or Washington, D.C.

No. MC 115322 (Sub-No. 134), filed May 19, 1977. Applicant: REDWING REFRIGERATED, INC., Post Office Box 10177, Taft, Florida 32809. Applicant's representative: L. W. Fincher, Post Office Box 426, Tampa, Florida 33601. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities of American Home Foods, Division American Home Products Corporation at Milton, Pennsylvania, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. Common control may be involved.

No. MC 115821 (Sub-No. 24), filed May 18, 1977. Applicant: Frank Beelman, doing business as BEELMAN TRUCK CO., St. Libory, Illinois 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc concentrate*, in bulk, in dump vehicles, from the facilities of Amax Lead Company, a division of Amax, Inc., at or near Buick (Iron County), Missouri, to the facilities of Amax Zinc Company, Inc., a subsidiary of Amax, Inc., at Sauget, Illinois, and, (2) *crushed stone*, in bulk, from the facilities of GAF Corporation, at or near Annapolis, Mo., to the plantsite of GAF Corporation, at Mt. Vernon, Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Jefferson City, Mo.

No. MC 115821 (Sub-No. 25), filed May 20, 1977. Applicant: Frank Beelman, d.b.a. BEELMAN TRUCK CO., St. Libory, Illinois 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Missouri 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, (1) from East Alton, Illinois, to points in Iowa, and (2) from Petersburg, Indiana, to points in Illinois, Arkansas, Tennessee and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either St. Louis or Jefferson City Mo.

No. MC 116513 (Sub-No. 2), filed May 20, 1977. Applicant: Richard N. Graham, 311 Burlington Road, Pittsburgh, Penna. 15221. Applicant's representative: Jerome Solomon, 3131 United States Steel Bldg., Pittsburgh Penna. 15219. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting counterweights for elevators, tractors and earth moving machinery; pile driving circles; and steel plates from McKeesport and McKees Rocks, Allegheny County, Pa. and from Donora, Washington County, Pa., to

points in the States of New York, New Jersey, Ohio, West Virginia, Maryland, Michigan, Illinois, Indiana, Virginia, Delaware, District of Columbia, Wisconsin, Minnesota, Iowa, Kentucky, Missouri, North Carolina, South Carolina, Connecticut, Massachusetts, Tennessee, Pennsylvania. Restricted to traffic originating at the plant sites and facilities of Tygart Industries, Inc. in McKeesport and McKees Rocks, Allegheny County, and Donora, Washington County, Pennsylvania, and destined to points in the above specified states, and under a continuing contract, or contracts, with Tygart Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 117068 (Sub-No. 80), filed May 19, 1977. Applicant: Midwest Specialized Transportation Inc., P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: PAUL F. SULLIVAN, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: forklift trucks from Battle Creek, Mich., to points in Iowa, restricted to traffic originating at Battle Creek and destined to points in Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Washington, D.C.

No. MC 117257 (Sub-No. 2), filed May 12, 1977. Applicant: D–S TRANSPORT, INC., 324 Sixteenth Street North, Moorhead, Minnesota 56560. Applicant's representative: Gene P. Johnson, 425 Gate City Building, P.O. Box 2471 Fargo, North Dakota 58102. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) malt beverages, from LaCrosse, Wisconsin to Moorhead, Minnesota; and (2) bottled water, from Chippewa Falls, Wisconsin, to Moorhead, Minnesota, under a continuing contract or contracts with D–S Beverages, Inc.

NOTE:—If a hearing is deemed necessary, applicant requests that it be held at Moorhead or Minneapolis, Minnesota.

No. MC 117574 (Sub-No. 285), filed May 17, 1977. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, Tractors (except truck tractors), and attachments, parts, and equipment designed for use with such tractors, from the Port of Gulfport, Mississippi to the facilities owned or utilized by International Harvester Company located in Harrison County, Mississippi.

NOTE.— Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 173), filed May 16, 1977. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile, artificial turf, neoprene foam padding, floor coverings, and materials and supplies* used in the installation, manufacture, packaging, distribution and sale of ceramic tile, artificial turf, neoprene foam padding, and floor coverings, when moving in mixed shipment therewith, from Chattanooga, Tenn.; points in Georgia north of Interstate Hwy. 20 to Atlanta, and thence points north of Interstate Hwy. 85, and Topeka, Kans., to Topeka, Kans., and Lincoln, Nebr., restricted to traffic destined to the plant site and storage facilities of Cla-Mar, Inc., at or near the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 117765 (Sub-No. 229) (Partial correction), filed April 22, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, and republished in part as corrected this issue. Applicant: HAHN TRUCK LINES, INC., 5315 NW. 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). The purpose of this partial correction is to indicate that if a hearing is deemed necessary, applicant requests that it be held at Oklahoma City, Okla., rather than Washington, D.C. or Columbus, Ohio as previously published in error. The rest of the publication remains as previously published.

No. MC 117883 (Sub-No. 214), (partial correction), filed April 20, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, and republished in part as corrected this issue. Applicant: SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. The purpose of this partial correction is to indicate that if a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C., or Columbus, Ohio, rather than Oklahoma City, Okla., as previously published in error. The rest of the publication remains as previously published.

No. MC 118130 (Sub-No. 76), filed May 13, 1977. Applicant: SOUTH EASTERN XPRESS, INC., P.O. Box 6985, Fort Worth, Texas 76115. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Forth, Texas 76107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyers, bulk handling equipment, accessories, gears, forgings and sprockets;* and (2) *materials and supplies* used in the manufacture and distribution of commodities named in (1) above, between points in Johnson and Tarrant Counties, Texas, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Fort Worth or Dallas, Texas.

No. MC 118142 (Sub-No. 153), filed May 16, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kansas 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kansas 67202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Boxed beef and beef products*, From Muskogee, Oklahoma, to the commercial zone of Los Angeles, California, and San Francisco, California.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Wichita, Kans. or Kansas City, Mo.

No. MC 118159 (Sub-No. 212), filed May 13, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, floor covering, wallpaper*, and *materials, equipment and supplies* used in the manufacture, distribution, installation, maintenance, removal, and sale of the above commodities (except in bulk) from Houston, Texas, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control may be involved If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 119019 (Sub-No. 2), filed May 13, 1977. Applicant: B.N.M. FERTILIZER TRANSPORT, INC., 6414 E. Houston Road, Houston, Texas 77028. Applicant's representative: Joe G. Fender, 1150 Pennzoil Place, South Tower, 711 Louisiana, Houston, Texas 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: fertilizer, (1) from points in Brazoria, Galveston, Jefferson, Harris, Navarro, and Liberty County, Texas, to points in Louisiana and; (2) from Donaldsonville, Mermentau, and points in Calcasieu Parish, Louisiana, to points in Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Texas or Dallas, Texas.

No. MC 119619 (Sub-No. 106), filed May 13, 1977. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43 Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I, to the *Re-*

port in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); from Cleveland, Ohio to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, and those points in Pennsylvania on and East of U.S. Highway 15.

NOTE.—If ahearing is deemed necessary, the applicant requests that it be held at Chicago, Ill.

No. MC 119619 (Sub-No. 107), filed: May 16, 1977. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd St., Chicago, Ill. 60609. Applicant's representative: Jack Schiller, One Lefrak City Plaza, Suite 1515, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Foodstuffs in vehicles equipped with mechanical refrigeration (except commodities in bulk), from points in Connecticut and Massachusetts, to points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Iowa, Minnesota, Missouri, Kansas, Nebraska, Colorado, Pittsburgh, Pa. and Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 119726 (Sub-No. 90), filed May 20, 1977. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor, and Fiberboard boxes*, from the facilities of Owens-Illinois Inc., at or near Streator, Illinois, to points in Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois, or Indianapolis, Indiana.

No. MC 119789 (Sub-No. 349), filed May 12, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's representative James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting Flavoring Syrup, in containers, from St. Martinsville, La., to points in Washington, Nevada, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Baton Rouge or New Orleans, La.

No. MC 119934 (Sub-No. 218), filed May 17, 1977. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Indiana 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Indiana 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, (1) from Cairo, Ohio, to points in West Virginia, and Virginia; and, (2) from Toledo, Ohio, to points in Kentucky, West Virginia, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 128161 and sub-No. 1, thereunder; therefore, dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at either Columbus, Ohio, or Indianapolis, Indiana.

No. MC 123133 (Sub-No. 5), filed May 6, 1977. Applicant: DENNY TRANSPORT, INC., 3435 Industrial Parkway, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: Prepared foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration from the plant site of The Pillsbury Company at New Albany, Indiana to points in North Carolina, South Carolina, Michigan, Ohio, Tennessee, Kentucky, West Virginia and Virginia, under a continuing contract, or contracts, with The Pillsbury Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind. or Louisville, Ky.

No. MC 123407 (Sub-No. 376), filed May 20, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar lumber and cedar wood products* from the ports of entry on the International Boundary between the United States and Canada located near Oroville, Washington, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Seattle, Washington.

No. MC 123407 (Sub-No. 379), filed May 19, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Norton, Ohio, to points in Iowa and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Cleveland, Ohio, or Washington, D.C.

No. MC 124078 (Sub-No. 728), filed May 13, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wisc. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wisc. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid yeast slurry*, from Milwaukee, Wisc., to points in Minnesota.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wisc.

No. MC 124078 (Sub-No. 730), filed May 20, 1977. Applicant: Schwerman Trucking Co., a corporation, 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Conway, Kansas and Petal, Mississippi, to Ivorydale-St. Bernard, Ohio; Lexington, Kentucky; Macon, Georgia and Portsmouth, Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio.

No. MC 124170 (Sub-No. 66), filed May 11, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meat, meat products, and meat by-products from, Chesaning, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Virginia, West Virginia, Maryland, Delaware, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 124170 (Sub-No. 68), filed May 13, 1977. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, Michigan 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Illinois 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: Meat, meat products and meat by-products from, Chesaning, Michigan to points in Kentucky, Tennessee, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 124211 (Sub-No. 292), filed May 18, 1977. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant)., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Pipe and Pipe Fittings (except commodities as described in Mercer Extension-Oil Field Commodities, 743 M.C.C. 459, and 103 M.C.C. 823); (a) from points in York County, Nebr., to points in Arizona, California, Nevada, New Mexico, Utah, and Wyoming; and (b) from points in Lake Madison and St. Clair Counties, Illinois, St. Louis County, Missouri, and

Grayson and Hill Counties, Texas, to points in Adams County, Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebraska.

No. MC 124306 (Sub-No. 28), filed May 19, 1977. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, NC 27514. Applicant's representative Richard A. Mehley, 1000 16th Street, N.W., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum Gas*, in bulk, in tank vehicles, from the site of the pipeline terminal of Dixie Pipeline Company near Apex, NC to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Raleigh, NC or Washington, DC.

No. MC 124511 (Sub-No. 33), filed May 12, 1977. Applicant JOHN F. OLIVER, P.O. Box 223, E. Highway 54, Mexico, Missouri 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Illinois 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Iron and Steel Articles* (except those which because of their size or weight require the use of special equipment), from Chicago, Illinois and points within its Commercial Zone, to points in Arkansas, Kansas, Missouri and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois.

No. MC 124821 (Sub-No. 23), filed May 19, 1977. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt, in bags*, from the plantsite of International Salt Company at or near Retsof and Watkins Glen, New York, to Taylor, Pa., having a subsequent movement in interstate commerce; and (2) *Salt, in bags*, from Taylor, Pa., to New York, N.Y., points in Long Island, N.Y., and points in New Jersey, having a prior movement in interstate commerce, and (3) *Salt, in bags*, from Watkins Glen, N.Y., to the facilities of International Salt Company at Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Harrisburg, Pa.

No. MC 125358 (Sub-No. 22), filed May 19, 1977. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting (1) *Foodstuffs, candy and confectionaries*, from Chicago, Ill., to ports of entry on the international boundary line between the United States and Canada located at or near Pembina, N. Dak., and Noyes, Minn.; and (2) *fruit juices, concentrated fruit juices, and fruit drinks*, from Waconia, Minn., to ports of entry on the international boundary line between the United States and Canada located at or near Pembina, N. Dak., and Noyes, Minn., under a continuing contract, or contracts, with Westrade Sales, Ltd., located at Winnipeg, Manitoba, Canada; (1) and (2) above are restricted to traffic destined to Winnipeg, Manitoba, Canada.

NOTE.—Applicant holds common carrier authority in MC 134638, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at St. Paul, Minn.

No. MC 125433 (Sub-No. 102), filed May 10, 1977. Applicant: F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: Michael J. Norton, P.O. Box 2135, Suite 404, Boston Building, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut log building and materials and supplies* used in or incidental to the erection thereof, from points in Colorado, to points in Arizona, Iowa, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo., or Salt Lake City, Utah.

No. MC 125470 (Sub-No. 22), filed May 13, 1977. Applicant: MOORE'S TRANSFER, INC., P.O. Box 1151, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass and vinyl and protective coatings*, from the plantsite and storage facilities of Specification Chemicals, Inc., at or near Boone, Iowa, and Norfolk, Nebr., to points in the United States (except Alaska and Hawaii); (2) *Fiberglass*, from Waterville, Ohio, to the plantsite and storage facilities of Specification Chemicals, Inc., located at or near Boone, Iowa; and (3) *containers*, from Chicago, Ill., and Sioux Falls, S. Dak., to the plantsite and storage facilities of Specification Chemicals, Inc., located at or near Boone, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 126736 (Sub-No. 95), filed May 9, 1977. Applicant: FLORIDA ROCK & TANK LINES, INC., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in bulk, in shipper or water carrier vehicles, from points in Mississippi and Texas, to Jacksonville, Fla., restricted to the transportation of shipments having a subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 128030 (Sub-No. 116), filed May 20, 1977. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 120 West Madison St., Suite 718, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Detroit, Mich., to points in Illinois and those points in Indiana on and south of U.S. Highway 36.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Chicago Ill.

No. MC 128205 (Sub-No. 27), filed May 19, 1977. Applicant: BULKMATIC TRANSPORT CO., a corporation, 12000 S. Doty Avenue, Chicago, Ill. 60628 Applicant's representative: Arnold L. Burke, 180 N. LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Fremont and and Omaha, Nebr., to Chicago, Ill.

NOTE.—If a hearing is deemed necessary applicant requests that it be held at Omaha Nebr.

No. MC 129222 (Sub-No. 6), filed May 16, 1977. Applicant: FORD TRUCK LINE, INC., South Lynn Street, Tipton, Iowa 52772. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Monies, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer, in bulk, in tank vehicles*, from the storage and terminal facilities of Allied Chemical Corp. at or near Durant, Iowa, to points in Arkansas, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone), Iowa, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary the applicant requests that it be held in Des Moines, Iowa or Chicago, Ill.

No. MC 129537 (Sub-No. 22) (partial correction), filed March 25, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, as No. MC 129537 (Sub-No. 20) and republished in part as corrected this issue. Applicant: REEVES TRANSPORTATION CO., a corporation, Rt. 5, Dews Pond Road, Calhoun, Ga. 30701. Applicant's representative: James E. Wharton, Suite 811, Metcalf Building, 100 S. Orange Avenue, Orlando, Fla. 32801. The purpose of this partial correction is to indicate the correct docket number assigned to this proceeding as No. 129537 (Sub-No. 22) in lieu of No. MC 129537 (Sub-No. 20), as previously

JUN 23 77
UM

published in error. The rest of the publication remains the same.

MC 129790 (Sub-No. 5), filed May 11, 1977. Applicant: JOSEPH A. BECKER, d./b./a. Becker Hi-Way Frate, 121 Adams Avenue, Albert Lea, Minn. 56007. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, paper labels, matches, woodpulp, dishes, plates and trays, facial tissue, paper towels*, from Morris, Ill., to points in Minnesota, Iowa, Wisconsin, and Nebraska under a continuing contract or contracts with Diamond National Corp. of New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133333 (Sub-No. 6), filed May 20, 1977. Applicant: P L TRUCK SERVICE, INC., 6909 NE. 47th Avenue, Portland, Oreg. 97218. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked motor vehicles*, between points in Oregon, Washington, and Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Portland, Oreg.

No. MC 133689 (Sub.-No. 128), filed May 16, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St. SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from the plantsite and storage facilities of Naas Foods located at or near Portland and Geneva, Ind., to points in Minnesota, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134068 (Sub-No. 37), filed May 18, 1977. Applicant: KODIAK REFRIGERATED LINES, INC., P.O. Box 58327, Vernon, CA 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, CO 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sound deadeners, caulking and sealing compounds, talc*, and *materials and supplies* used in the manufacture of mobile homes (except commodities in bulk, in tank vehicles), from Kankakee, Ill., and Grand Island, Nebr., to Riverside, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Denver, Colo.

MC 134387 (Sub-No. 49), filed May 16, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 90280. Applicant's representative: Lucy Kennard Bell, Suite 825, 606 South Olive, Los Angeles, Calif. 90014. Applicant seeks authority as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Empty glass containers*, from points in Alameda and Contra Costa Counties, Calif., to points in Washoe County, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 155) (Correction), filed March 8, 1977, published in the FEDERAL REGISTER issue of April 28, 1977, republished as corrected this issue. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mcnota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizing compound, manufactured fertilizers*, in containers; *compounds tree or weed killing*, in containers; *insecticides* or *fungicides*, in containers (except commodities in bulk), from the facilities of Swift Ag Chemical Co., located at or near East St. Louis, Ill., to those points in Iowa on and west of U.S. Highway 169; points in Kansas; those points in Minnesota on and west of U.S. Highway 71 and on and north of Minnesota Highway 210; and points in Nebraska, North Dakota, Oklahoma, and South Dakota, restricted to traffic originating at the above named facility, and destined to the above named territory.

NOTE.—The purpose of this republication is to indicate the point as being East St. Louis, Ill., in lieu of East St. Paul, Ill., which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 173), filed May 16, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and wodenware* (except commodities in bulk), from Cloquet, Minn., to Kansas City and St. Louis, Mo., Chicago, Ill., and Charlotte, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134493 (Sub-No. 3), filed April 29, 1977. Applicant: CHICAGO-ST. LOUIS TRANSPORT, INC., 2064 West 167th Street, Markham, Ill. 60426. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Columbus, Ohio, to Chicago, Addison, and Joliet, Ill.; and (2) *empty containers* on return.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 134813 (Sub-No. 1), filed May 16, 1977. Applicant WESTERN CARTAGE, INC., P.O. Box 964, Pryor, Oklahoma 74361. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide* (except in bulk), (1) between Pryor, Oklahoma, and Keokuk, Iowa; and, (2) from Pryor, Oklahoma, to points in Florida, under a continuing contract or contracts with Midwest Carbide Corporation.

NOTE.—Applicant holds common carrier authority in No. MC 138242, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Oklahoma City, or Tulsa, Oklahoma.

No. MC 134817 (Sub-No. 2), filed May 10, 1977. Applicant: OWENTON EXPRESS, INC, Route No. 2, Owenton, Kentucky 40359. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Kentucky 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): between Wises Landing, Kentucky and Louisville, Kentucky: from Wises Landing over Kentucky Highway 1488 to Junction with Kentucky Highway 754; thence over Kentucky Highway 754 to junction with U.S. Highway 42; thence over U.S. Highway 42 to Louisville, Kentucky, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Frankfort, Kentucky or Louisville, Kentucky.

No. MC 135121 (Sub-No. 2), filed May 20, 1977. Applicant: DODSWORTH, INCORPORATED, 928 West 19th Street, Erie, Pa. 16512 (P.O. Box 366). Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between Cleveland-Hopkins Airport, Ohio, and Port Erie International Airport Pennsylvania, on the one hand, and, on the other, points in Ashtabula County, Ohio, restricted to shipments having an immediately prior or subsequent movement by air.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Erie, Pa., or Cleveland, Ohio.

No. MC 135874 (Sub-No. 86), filed May 11, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul, Minnesota 55075. Applicant's representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, Minnesota 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Section A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Flavorland Industries, Inc. at or near West Fargo, North Dakota to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Restricted to shipments originating at the above origins and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo. or St. Paul, Minn.

No. MC 135874 (Sub-No. 87), filed May 13, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul, Minnesota 55075. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, in the transportation of: *Foodstuffs* (except in bulk) from Duluth, Minnesota and Superior, Wisconsin to points in Illinois, Indiana, Michigan, and Ohio. Restricted to traffic originating at the facilities of Jeno's, Inc. located at or near Duluth, Minnesota and Superior, Wisconsin, and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Paul, Minn.

No. MC 136013 (Sub-No. 3), filed May 20, 1977. Applicant: BAKERSFIELD EXPRESS, INC., 1983 Old Oakland Highway, San Jose, CA 95131. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* from Oildale, CA to points in Montana, Oregon, and Washington, under a continuing contract or contracts with Mobil Chemical Company, a division of Mobil Oil Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, CA.

No. MC 136166 (Sub-No. 28), filed May 18, 1977. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, California 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oregon 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime* in bulk, between points on the International Boundary line between the United States and Canada at or near Blaine, Linden, and Sumas, Washington, on the one hand, and, on the other, points in Washington.

NOTE.—Common control may be involved. If a hearing is seemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 136166 (Sub-No. 29), filed May 18, 1977. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, California 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oregon 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Sulphuric acid in bulk, in tank or hopper type vehicles, from East Helena, Montana, to points in Wyoming, Colorado, Idaho, Oregon, North Dakota, South Dakota, Minnesota, Utah, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Washington or Portland, Oregon.

No. MC 136220 (Sub-No. 40), filed May 20, 1977. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Oklahoma 74601. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregate*, from the facilities of Arkansas Lightweight Aggregate Corporation at Edmondson and England, Arkansas to points in Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Arkansas or Oklahoma City, Oklahoma.

No. MC 136315 (Sub-No. 15), filed May 13, 1977. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, Mississippi 39350. Applicant's representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Mississippi 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsites of Georgia-Pacific Corporation at Louisville and Taylorsville, Mississippi to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 123905 (Sub-No. 1) and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or Memphis, Tenn.

No. MC 136334 (Sub-No. 4), filed May 13, 1977. Applicant: KENDRICK MOVING AND STORAGE, INC., P.O. Box 209, Lebanon, Ohio 45036. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, with or without plastic liners and closing materials, from the plantsite of Hoerner Waldorf Corporation located at Middletown, Ohio, to points in West Virginia, Kentucky, Tennessee, Indiana, Illinois, Georgia, Missouri, Texas, Arkansas, North Carolina, Pennsylvania, and Michigan, under contract with Hoerner Waldorf Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136363 (Sub-No. 17), filed May 16, 1977. Applicant: J & P PROPERTIES, INC., 1st and Washington Streets, Apopka, Florida 32703. Applicant's representative: James E. Wharton, Suite 811, Melcalf Building, 100 South Orange Avenue, Orlando, Florida 32801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting laminated plastic sheets (1) from, Wisconsin Rapids, Wisconsin, to Jacksonville and Ocala, Florida; and (2) from, Elkhart, Indiana to, Jacksonville, Ocala, Miami, and Tampa, Florida.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Wisconsin Rapids, Wisconsin or Elkhart, Indiana.

No. MC 136897 (Sub-No. 25), filed May 12, 1977. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Arizona 85041. Applicant's representative: Donald E. Fernaays, Suite 390, 4040 East McDowell Road, Phoenix, Arizona 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tansporting: Fencing, materials, accessories, and attachments therefor, and items, materials, and supplies used in the manufacture thereof (except commodities in bulk, lumber and forest products, and commodities which, because of size or weight, require the use of special equipment), between Phoenix, Arizona, on the one hand, and, on the other points in Washington, Oregon, Idaho, Montana, Wyoming, Nebraska, Oklahoma, Iowa, Illinois, and Arkansas, under a continuing contract or contracts with American Fence Co.

NOTE.—Applicant holds common carrier authority in No. MC 136818 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Phoenix, Arizona.

No. MC 136987 (Sub.-No. 16), filed April 21, 1977. Applicant: REMINGTON FREIGHT LINES, INC., P.O. Box 315—U.S. 24 West, Remington, Indiana 47977. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Illinois 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting beverage preparations, from Momence, Illinois, to points in Massachusetts, Connecticut, New Jersey, Georgia, Pennsylvania, Michigan, Minnesota, Ohio, Wisconsin, Nebraska, Nevada, New York, Indiana, California, Oregon, Washington, Tennessee, Missouri, Kansas, Iowa, Maine, and Maryland, under a continued contract or contracts with Ko-Pac, Inc., and restricted to shipments originating at the facilities of Ko-Pac, Inc., and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Chicago, Illinois.

No. MC 138001 (Sub-No. 3), filed May May 20, 1977. Applicant: WILLIAM SCHMIDT, doing business as A.I.D.S., 95 Schuyler Avenue, North Arlington, New Jersey. Applicant's representative: Larsh B. Mewhinney, 234 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *paper cup covers*, From New York, N.Y. to Minster, Ohio and Hialeah, Florida under a continuing contract or contracts with Seal Kap Packaging, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 138003 (Sub-No. 14), filed May 10, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances, furnaces, and air conditioners and parts and supplies used in the manufacture of the above*, from Fort Smith, Arkansas to points in Washington, Oregon, California, Arizona, Nevada, Idaho, and Utah, under a continuing contract, or contracts, with Rheem Manufacturing Company.

NOTE: Applicant holds common carrier authority in No. MC 140612 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Fort Smith, Ark. or Lincoln, Nebr.

No. MC 138228 (Sub-No. 3), filed May 11, 1977. Applicant: OGALLALA TRANSFER, INC., P.O. Box 16412, 2201 19th Street, Denver, Colo. 80216. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, Omaha, Nebr. 68006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by packinghouses*, (1) from Denver, Colo., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, Wisconsin, and Louisville and Covington, Ky.; and (2) from Sterling, Colo., to Algona and Fort Dodge, Iowa; Columbus, Ohio; Jefferson, Wis., and Kankakee, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver, Colo.

No. MC 138231 (Sub. No. 3), filed May 13, 1977. Applicant: WILBUR CARTER, 401 St. Augusting Road, Valdosta, Ga. 31601. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Georgia 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of, (1) Furniture and components of furniture (except commodities in bulk), and (2) raw materials and component parts used in the manufacture of furniture (except commodities in bulk), for the account of Harris Pine Mills, Inc., from Candler, N.C., and Huntsville, Alabama, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee; and from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee to Candler, N.C. and Huntsville, Alabama, under a continuing contract or contracts with Harris Pine Mill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Georgia.

No. MC 138308 (Sub-No. 24), filed May 13, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed scrap glass*, in bags, from Dearborn, Michigan and Cleveland, Ohio to the facilities of Ferro Corporation (Cataphote Division) at or near Jackson, Mississippi.

NOTE.—Applicant states that the purpose of this application is to convert its contract carrier authority in No. MC 128592 (Base Permit only) to common carrier authority. Applicant holds motor contract authority in No. MC 128592 (Sub-No. 3) and (Sub-No. 6), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss.

No. MC 138308 (Sub-No. 25), filed May 13, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures* and *parts*, from the facilities of Westinghouse Electric Corporation at or near Cedars, Mississippi to points in Arizona, Colorado, Montana, New Mexico, Nevada, Oregon, Texas, Utah and Washington.

NOTE.—Applicant holds motor contract authority in No. MC 128592 (Sub-No. 3) and (Sub-No. 6) therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss., or Washington, D.C.

No. MC 138308 (Sub-No. 26), filed May 13, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's representative: B. C. Lee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department and variety stores* (except commodities in bulk), from points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Missouri, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Texas and Washington to the facilities of Value-Mart, Inc. at or near Hattiesburg, Mississippi, restricted to shipments originating in the above states and destined to the above specified point.

NOTE.—Applicant holds motor contract authority in No. MC 128592 (Sub-No. 3) and (Sub-No. 6), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss., or Washington, D.C.

No. MC 138308 (Sub-No. 27), filed April 4, 1977. Applicant: KLM, INC., 2102 Old Brandon Road, P.O. Box 6098, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in vehicles equipped with mechanical refrigeration, from Perry, Ga. and Jacksonville, Fla., to Jackson, Miss.

NOTE.—Applicant holds contract carrier authority in MC 128592, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss.

No. MC 138308 (Sub-No. 28), filed May 13, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department and variety stores (except commodities in bulk), from points in Alabama, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Missouri, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Texas and Washington to the facilities of W. E. Walker, Stores, Inc. at or near Columbia, Mississippi and Diboll, Texas, restricted to shipments originating in the above states and destined to the above specified points.

NOTE.—Applicant holds motor contract authority in No. MC 128592, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Jackson, Miss., or Washington, D.C.

No. MC 138469 (Sub-No. 42), filed May 20, 1977. Applicant: Donco Carriers, Inc., 641 North Meridian, P.O. Box 75354, Oklahoma City, Oklahoma 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Illinois 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products, fruit juices and table sauces* (except commodities in bulk), from the plantsite and warehouse facilities of or utilized by Ocean Spray Cranberries, Inc., located at or near Kenosha, Wisconsin, and North Chicago, Illinois, to Kansas City, Missouri, and points in Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the named origins and destined to the named destinations.

NOTE.—Applicant holds motor contract carrier authority in MC 136375 (Sub-No. 2)

and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138635 (Sub-No. 40), filed May 18, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* from the plantsites and warehouse facilities used by Stokely-Van Camp, Inc., located at nor near Kent, Mt. Vernon, Zillah, Burlington, Grandview, Sunnyside and Walla Walla, Wash., and Albany, Salem, and Eugene, Oreg., to points in Conn., Ind., Mass., Mich., N.J., N.Y., Ohio, and Penn.

NOTE.—Applicant holds contract carrier authority in No. MC 136464 (Sub-No. 21), and other subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Indiana, or Washington, D.C.

No. MC 138732 (Sub-No. 8), filed May 16, 1977. Applicant: OSTERKAMP TRUCKING, INC., 10499 North Glassell Street, Orange, California 92667. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *paper and paper products and materials and supplies* used in the manufacture and distribution of paper and paper products, between the plantsites of Hoerner Waldorf Division, Champion International Corporation, located in Orange County and Salinas, Calif., on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, Texas and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, California.

No. MC 139017 (Sub-No. 5), filed May 16, 1977. Applicant: HEAD ENTERPRISES, INC., Route 2, Box 88, Adairsville, Ga. 30103. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of, *Building, roofing or sheathing paper*, from the facilities of Firstline Corporation at Valdosta, Ga., to Arlington and Malakoff, Tex.; Bloomington, Calif.; Boise, Idaho; Bourbon, Ind.; Champlain, N.Y.; Charlotte, N.C.; Detroit, Mich.; Hillsboro, Kan.; Lake Oswego, Oregon; Loveland, Colo.; New Holland, Pa.; New Ulm, Minn.; Ocala, Fla.; and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139066 (Sub-No. 3), filed May 16, 1977. Applicant: VAN BUS DELIVERY COMPANY, a Corporation d/b/a United Van Bus Delivery, 2601 32nd Avenue South, Minneapolis, Minn. 55406. Applicant's representatives: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority is sought to operate in Interstate and Foreign Commerce as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail stores, and in connection therewith, *such equipment, materials, and supplies*, as are used in the conduct of such business, (1) between Sioux Falls, S. Dak., on the one hand, and, on the other, points in Brookings, Kingsbury, Moody, Lake, Miner, Sanborn, Minnehaha, McCook, Hanson, Davidson, Lincoln, Turner, Hutchinson, Douglas, Union, Clay, Yankton, Bon Homme, and Aurora Counties, S. Dak.; points in Lincoln, Lyon, Pipestone, Murray, Rock, and Nobles Counties, Minn., and points in Lyon, Osceola, Sioux, O'Brien, and Plymouth Counties, Iowa: and (2) between Minneapolis, Minn., on the one hand, and on the other, points in Brookings, Kingsbury, Moody, Lake, Miner, Sanborn, Minnehaha, McCook, Hanson, Davison, Lincoln, Turner, Hutchinson, Douglas, Union, Clay, Yankton, Bon Homme, and Aurora Counties, S. Dak., under a continuing contract with Sears, Roebuck & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139587 (Sub-No. 5), filed May 18, 1977. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, Kansas 66701. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th Street, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic molding powder*, in vehicles equipped with mechanical refrigeration, from Military, Kansas, to points in Arizona, Arkansas, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Ohio Oklahoma, Tennessee, Texas and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 134142 (Sub-No. 2) and (Sub-No. 6), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Texas.

No. MC 140024 (Sub-No. 70), filed May 18, 1977. Applicant: J. B. MONTGOMERY, INC. (A Delaware Corporation), 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Resin and resin Calalyst*, liquid, in containers, in vehicles equipped with mechanical temperature control, from East Weymouth and Middleton, Mass. to Boulder and Broomfield, Colo., restricted to traffic originating at the plant site and facilities of Allied Resin Corp., located at East Weymouth, Mass., and the plant site and facilities of Bostik Division, USM Corporation, located at Middleton, Mass.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140421 (Sub-No. 17) (Correction), filed March 21, 1977, published in the FEDERAL REGISTER issue of May 19, 1977 and republished this issue. Applicant: ACTION MOTOR EXPRESS, INC., 8307 Almonaster Ave., P.O. Box 29102, New Orleans, La. 70189. Applicant's representative: Sandra H. Roberson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, containers, ends, and components*, from the plant site and warehouses of The Continental Group, Inc., located in Alabama, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Tennessee and Texas to points in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee: and (2) *materials and supplies* used in the manufacture thereof, on return, under a continuing contract or contracts with The Continental Group, Inc. The purpose of this republication is to correct applicant's territorial description.

NOTE.—Applicant holds common carrier authority in MC 142610 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans or Baton Rouge, La.

No. MC 140612 (Sub-No. 19), filed May 17, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caulking compounds, plastic and rubber articles, and automotive parts*, from St. Louis, Mo., to points in California, Oregon, Washington, Texas and Ohio.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Lincoln, Nebr.

No. MC 140677 (Sub No. 17), filed May 12, 1977. Applicant: JOHN T. BREWER, JOHN R. BREWER AND LEWIS L. BREWER, doing business as Brewer Trucking, 1603 East Tallent, Rapid City, South Dakota, 57701. Applicant's representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, South Dakota, 57701. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting *plastic pipe and fittings* from Henderson, Kentucky to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Evansville, Ind., or Chicago, Ill.

No. MC 140942 (Sub-No. 1) (Partial correction), filed January 26, 1977, published in the FEDERAL REGISTER issue of May 5, 1977, as MC 14092 (Sub-No. 1)

and republished as corrected in part this issue. Applicant: CLOVERDALE TRANSPORTATION COMPANY, A Corporation, 103 Fourth Avenue, N.W., Mandan, N. Dak. 58554. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. The purpose of this partial republication is to indicate applicant's correct docket number as 140942 (Sub-No. 1) in lieu of 14092 (Sub-No. 1). The rest of the publication remains the same.

No. MC 141033 (Sub No. 23), filed May 11, 1977. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Applicant's representative: R. A. Peterson P.O. Box 81849, Lincoln, NB 68501. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet tape*, from the plant site or facilities of Bruck Industries, Inc. located at South Gate, Calif., to points in the U.S. (except Alaska and Hawaii); and (2) *materials, supplies and equipment* used in the [manufacture], [sale], and [distribution] of the commodity named in (1) above, from points in the U.S. (except Alaska and Hawaii), to the plant site or facilities of Bruck Industries, Inc. located at South Gate, Calif. Restricted against the transportation of commodities in bulk and those commodities which, by reason of size or weight require the use of special equipment.

NOTE.—Applicant holds contract carrier authority in No. MC 124796 (Sub-No. 11) and subnumbers thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, California, or Washington, D.C.

No. MC 141071 (Sub-No. 11), filed May 18, 1977. Applicant: LARANETA TRUCKING CO., INC., 870 West 9th Street, San Pedro, CA 90731. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food* and *canned tuna*, from Terminal Island, CA to Kansas City, MO and Peoria, IL under a continuing contract, or contracts, with Pan Pacific Fisheries, division of CHB Foods, Inc. of Terminal Island, CA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, CA.

No. MC 141150 (Sub-No. 3), filed May 12, 1977. Applicant: ATLAS WAREHOUSING COMPANY, a Corporation, 510 West Kearsley Street, Flint, Michigan 48506. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Michigan 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *such merchandise as is dealt in by retail department stores*, from Grand Rapids, Michigan to stores of S. S. Kresge Company located at Holland, Muskegon, Grand Haven and Ionia, Michigan, and rejected or damaged merchandise on return, under a continuing contract or contracts with S. S. Kresge Company located at Troy, Michigan.

NOTE.—If a hearing is deemed necessary, Applicant requests that it be held at Detroit, Michigan, or Lansing, Michigan.

No. MC 141747 (Sub-No. 3), filed May 19, 1977. Applicant: DONALD ENGLE AND JAMES ENGLE, doing business as Engle Brothers Farms, Rural Route 1, Rector, Arkansas 72461. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Arkansas 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and Lime, and* (2) *Sand, Rock and Gravel*, between points in Pemiscot, New Madrid, Stoddard, Bollinger, Scott, Mississippi, Butler, Cape Girardeau, Perry, St. Genevieve, St. Francois, Madison, Wayne, Carter, Ripley, Oregon, Shannon, Reynolds, Dunklin, Iron, Benton, Crawford, Washington, Jefferson, Phelps and Howell Counties, Missouri; Obion, Weakley, Henry, Carroll, Henderson, Chester, Fayette, Hardeman, Haywood, Shelby, Lauderdale, Gibson, Dyer, Crockett, Madison, Tipton, McNairy and Hardin Counties, Tennessee; Alexander, Pulaski, Massac, Union, Johnson and Pope Counties, Illinois; Ballard, Carlisle, Hickman, Fulton, McCracken and Graves Counties, Kentucky; Clay, Randolph, Greene, Craighead, Mississippi, Poinsett, Cross, Crittenden, Saint Francis, Jackson, Lawrence, Independence, Sharp, Fulton, Woodruff, Pulaski, Stone, White, Lonoke, Jefferson, Arkansas and Phillips Counties, Arkansas; and, De Soto, Marshall, Tate, Tunica, Benton, Coahoma, and Yazoo Counties, Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or St. Louis, Mo.

No. MC 141781 (Sub-No. 3), filed May 16, 1977. Applicant: LARSON TRANSFER & STORAGE CO., INC., 950 West 94th Street, P.O. Box 877, Minneapolis, Minn. 55431. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting *electric ranges and microwave ovens and such commodities* as are used in the manufacture of electric ranges and microwave ovens, including *materials, supplies and accessories related thereto*, between the plantsite and storage facilities utilized by Litton Microwave Cooking Products located at Sioux Falls, S. Dak., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Michigan and Pennsylvania, restricted to traffic originating at or destined to the above named facilities at Sioux Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 141947 (Sub-No. 2), filed April 20, 1977. Applicant: George Hall, doing business as GEORGE HALL TRUCKING CO., 8240 Berry Avenue, Sacramento, California 95828. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, California 94108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Emptly glass and plastic bottles; carbonated beverages; and knocked-down cartons, from Oakland, Sacramento, San Jose and Tracy, Calif., to Reno, Nev., under a continuing contract or contracts with Owens-Illinois, Inc.; Belfast Bottling Co. of Reno, d.b.a. Pepsi Cola Bottling Co. of Reno; C.W.F. Corporation, d.b.a. Seven Up Bottling Company of Reno; Seven Up Bottling Co. (of Sacramento); and Shoshone Coca Cola Bottling Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Sacramento or San Francisco, Calif.

No. MC 142606 (Sub-No. 2), filed May 13, 1977. Applicant: WESCO TRANSPORTATION, INC., 2222 W. Garvey, Suite L, West Covina, Calif. 91790. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., Suite 106, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture parts*, from Chicago, Ill., to Vernon, Calif., and; (2) *vehicle hitches or couplers* and *parts thereof*, from Belleville, Mich., to Vernon, Calif., under a continuing contract or contracts in (1) above with Universal-Seng Company, subsidiary of Hoover Ball and Bearing Company, and in (2) above with Draw-Tite Division, Hoover Ball and Bearing Company.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, CA.

No. MC 142863 (Sub-No. 1), filed May 16, 1977. Applicant: Raymond Godden, Kellerton, Iowa 50133. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting, *Bakery Products*, from Kellerton, Iowa to points in Missouri, on and north of U.S. Highway 36, and on and west of U.S. Highway 63, and Lamoni, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC 142901 (Sub-No. 2), filed May 12, 1977. Applicant: TMI Transport Corp., 050 Third Avenue West, Dickinson, North Dakota 58601. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Box 2471, Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Bagged insulation, from points in Tazewell County, Illinois; Franklin County, Kansas; Hennepin County, Minnesota; and Stark County, North Dakota, to points in the United States (except Alaska and Hawaii); and (2) Materials, equipment and supplies used in the manufacture of bagged insulation, from points in the United States (except Alaska and Hawaii), to points in Tazewell County, Illinois; Franklin County, Kansas; Hennepin County, Minnesota; and Stark County, North Dakota.

NOTE.—Applicant holds contract carrier authority in No. MC 138367 (Sub-No. 2), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minnesota, or Bismarck, North Dakota.

No. MC 142935 (Sub-No. 1), filed May 5, 1977. Applicant: Ray Kurtz and Linda Farley, a partnership, d.b.a. PLASTIC EXPRESS, 11452 Eckhoff St., P.O. Box 5593, Orange, Calif. 92667. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (other than bulk), from Dallas, Tex., to points in California.

NOTE.—Applicant holds contract carrier authority in No. MC 140030 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Orange, or Los Angeles, Calif.

No. MC 142941 (Sub-No. 3), filed May 3, 1977. Applicant: SCARBOROUGH TRUCK LINES, a corporation, 1313 N. 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: tires and tubes (1) from Bryan and Akron, Ohio; Mayfield, Kentucky; Charlotte, North Carolina; Mt. Vernon, Illinois; Muscatine, Iowa; and Waco, Texas to points in Oregon, Washington, California, Idaho, Montana, Utah, Colorado, Wyoming, New Mexico, Arizona and Nevada; and (2) from Bryan and Akron, Ohio to Houston, Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Arizona.

No. MC 142941 (Sub-No. 5), filed May 18, 1977. Applicant: SCARBOROUGH TRUCK LINES, a corporation, 1313 North 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames, 111 W. Monroe, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *foodstuffs, prepared and frozen*, from the plant site and storage facilities of Kitchens of Sara Lee Corporation located at or near Deerfield, Illinois, and New Hampton, Iowa, to points in Arizona, California, New Mexico, and Nevada.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Deerfield, Illinois, Phoenix, Arizona, or Washington, D.C.

No. MC 142959 (Sub-No. 1), filed May 11, 1977. Applicant: Donald L. Ament and Robert Robbennolt, a co-partnership, d.b.a. A & R TRANSPORT, No. 5 King Henry Place, Billings, Montana 59101. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Montana 59101. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: (1) *Clay*, from points in Big Horn County, Wyoming, to the plant site of The Lovell Clay Products Co. near Billings, Montana; (2) *Brick, building block, tile, sewer pipe and allied clay products*, from the plant site of The Lovell Clay Products Co. near Billings, Montana, to points in Wyoming and points in Colorado lying on and north of U.S. Highway 50; and (3) *Brick, building block, tile, sewer pipe and allied clay products*, from Denver, Lakewood, and Pueblo, Colorado, to points in Wyoming and Montana, under a continuing contract or contracts in (1) through (3) above with The Lovell Clay Products Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Billings or Helena, Mont

No. MC 142963 (Sub-No. 2), filed May 10, 1977. Applicant: IRON & TRUCKING METAL COMPANY, INC., 7620 Winding Way, Brecksville, Ohio 44141. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting coke, flue dust, and mill scale, in bulk, in dump vehicles, between points in Ohio, on the one hand, and, on the other, points in New York and Pennsylvania, under a continuing contract or contracts with Mid-Continent Coal and Coke Company in Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 142969 (Sub-No. 2), filed May 12, 1977. Applicant: WESTERN DISTRIBUTING TRANSPORTATION CORP., 1800 Bassett, Unit A, P.O. Box 5542, Denver, Colorado 80217. Applicant's representative: John T. Wirth, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wines and related mixes*, From points in the United States (except points in Alaska and Hawaii), to Denver and Glenwood Springs, Colorado, restricted: (1) against the transportation of commodities in bulk; and (2) to traffic destined to the facilities of Western Distributing Company, doing business as Western-Davis Company, Inc., under a continuing contract or contracts with Western Distributing Company, doing business as Western-Davis Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 142992 (Sub-No. 1), filed May 12, 1977. Applicant: M & C TRANSFER, INC., 30611 S.W. 156th Avenue, Homestead, Florida. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Florida 33133. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities*, (except the transportation of said commodities in bulk, Class A and B explosives, household goods, livestock, commodities requiring special handling and special equipment and cement), Between all points in Dade County, Fla. lying east of State Road 27, south of State Road 826, north of State Road 94, and west of the Atlantic Ocean, restricted to shipments having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 143032 (Sub-No. 2), filed May 20, 1977. Applicant: THOMAS J. WALCZYNSKI, doing businesss as WALCO TRANSPORT, 607 North 27th Avenue West, Duluth, Minnesota 55806. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, over irregular routes transporting: (1) *petroleum coke, briquets, coke and coal*, from Duluth, Minnesota and Superior, Wisconsin to points in North Dakota, South Dakota, Michigan, Iowa, Wisconsin, Illinois, Minnesota, Ohio, Indiana, New York, Montana, Nebraska, and Colorado; and (2) *petroleum coke*, from Pine Bend, Minnesota to Superior, Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests the hearing be held at Minneapolis or St. Paul, Minnesota.

No. MC 143083 (Sub-No. 1), filed May 13, 1977. Applicant: C.T.S. LINES, INC., 602 Airport Road, Greenville, South Carolina 29615. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Michigan 48167. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feeds, mineral mixtures, tonics, medicines, insecticides, pesticides, feeders and equipment and advertising matter and premiums* related to such commodities, (except the transportation of liquid commodities in bulk) from the plant and warehouse facilities of the Moorman Manufacturing Company at or near Quincy, Illinois to points in the States of South Carolina, Georgia and Florida. (2) *Materials, equipment and supplies* used in the manufacture, sale and distribution of the above-named commodities (except the transportation of liquid commodities and dry chemicals, in bulk) from South Carolina, Georgia and Florida to the plant site and warehouse facilities of the Moorman Manufacturing Company at or near Quincy, Illinois, under a continuing contract, or contracts, in (1) and (2) above, with Moorman Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 143152 (Sub-No. 3), filed May 20, 1977. Applicant: Billy R. Hodge, d.b.a. HODGE TRUCKING COMPANY, Box 389, Hoxie, Ark. 72433. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural micro-nutrient fertilizer and fertilizer*

JUN 23 77
UM

ingredients, between the plant site of Frit Industries located at Walnut Ridge, Ark., on the one hand, and, on the other, points in Tennessee, Kentucky, Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina, Virginia, New York, Ohio, North Dakota, South Dakota, Minnesota, Illinois, Nebraska, Kansas, Missouri, Iowa, Oklahoma, Colorado, Arizona, Texas and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Little Rock, Ark.

No. MC 143244 (Sub-No. 1), filed May 16, 1977. Applicant: JAMES DOWELL, 7010 Southwest 25 Street, Miramar, Fla. 33023. Applicant's representative: John T. Bond, 909 South State Rd 7 (441), Suite 410, Hollywood, Fla. 33023. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *meat and meat products, packaged and unpackaged (hanging) moving in temperature controlled vehicles, including articles distributed by meat packing houses*, from Chicago, Ill.; Debuque, and Spencer, Iowa, to Miami Beach, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 143260 (Sub-No. 1), filed May 20, 1977. Applicant: B & M Enterprises, Inc., 3801 North Grove Street, Fort Worth, Texas 76106. Applicant's representative: Harry F. Horak, Room 109, 5001 Brentwood, Stair Road, Fort Worth, Texas 76112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *horse meat*, from Fort Worth, Tex. to Houston, Tex. for subsequent movement by water in foreign commerce, under continuing contract or contracts with Beltex Corporation.

NOTE.—If hearing is deemed necessary, applicant requests that it be held at Fort Worth or Dallas, Tex.

MC 143264, filed April 28, 1977. Applicant: DAIRY LEASING SERVICE, INC., 803 Herring Ave., Wilson, North Carolina 27893. Applicant's representative: Thomas N. Willess, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *ice cream and ice cream novelties*, from Wilson and Hamlet, North Carolina, to Washington, D.C., Hyattsville, and Baltimore, Maryland, under a continuing contract or contracts with Coastal Dairies, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Raleigh, North Carolina, or Washington, D.C.

No. MC 143286, filed May 18, 1977. Applicant: RAYMOND R. WITTROCK, 1409 19th Avenue, Waverly, Nebraska 68462. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) Cranes, crane parts, and crane accessories, from Waverly, Nebraska, to points in the United States (except Alaska and Hawaii); and (2) Materials, equipment, and supplies, used in the manufacture, production, and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to Waverly, Nebraska, restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with National Crane Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lincoln, Nebraska.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 282), filed May 20, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Arizona 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *passengers and their baggage*, in special operations, in sightseeing and pleasure tours, (1) in round trips from points in Cook, Lake, Du Page, McHenry, Kane, Boone, Winnebago, Stephenson, Jo Daviess, DeKalb, Ogle, Lee, Whiteside, Rock Island, Henry, Bureau, La Salle, Grundy, Will, Kankakee, Iroquois, Vermilion, Edgar, Champaign, Douglas, Coles, Cumberland, Livingston, McLean, Logan, Sangamon, Macoupin, Montgomery, Madison, Clark, Effingham, Fayette, Bond, St. Clair, Clinton, Marion, Clay, Richland, Lawrence, Washington, Jefferson, Wayne, Edwards, Wabash, Hamilton, White, Randolph, Perry, Franklin, Williamson, Johnson, Massac, Union, and Pulaski Counties, Illinois; Milwaukee, Racine, Kenosha, Ozaukee, Sheboygan, Manitowoc, Brown, Oconto, Marinette, Outagamie, Winnebago, Fond du Lac, Dodge, Columbia, Dane, Jefferson, Walworth, Rock, Marquette, Waushara, Portage, Marathon, Lincoln, Oneida, Vilas, Iron, Wood, Taylor, Price, Ashland, Clark, Eau Claire, Dunn, St. Croix, Jackson, Monroe, Juneau, Sauk, La Crosse, Waukesha, Iowa, Lafayette, Grant, Washington, Waupaca, Douglas, Bayfield, Florence, Calumet, Green Lake, Richland and Vernon Counties, Wis., to points in the United States, including Alaska but excluding Hawaii, and return, (2) in one way operations: (a) from points in the Counties of Illinois and Wisconsin named in (1) above, to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the Counties in Illinois and Wisconsin named in (1) above. Restriction: The authority granted in (2) b above is limited to those passengers or groups of passengers who originated at points in the counties in Illinois and Wisconsin named in (1) above, and whose transportation from named counties was by means of air or rail carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill., Springfield, Ill., and Milwaukee, Wis.

No. MC 1515 (Sub-No. 229), filed May 16, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Arizona 85077. Applican't representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: passengers and their baggage, in special operations, in sightseeing and pleasure tours, (1) in round trips, from points in Wayne, Macomb, St. Clair, Oakland, Genessee, Saginaw, Bay, Arenac, Iosco, Alcona, Alpena, Midland, Isabella, Clare, Roscommon, Crawford, Otsego, Charlevoix, Cheboygan, Emmet, Mackinac, Chippewa, Livingston, Ingham, Clinton, Ionia, Kent, Ottawa, Muskegon, Washtenaw, Jackson, Calhoun, Kalamazoo, Van Buren, Berrien, Lenawee, Hillsdale, Branch, St. Joeph, Cass, Monroe, Allegan, Luce, Schoolcraft, Alger, Marquette, Baraga, Houghton, Delta, Minominee, Dickinson, Iron and Gogebic Counties, Michigan, Hamilton County, Ohio, Lake, Porter, La Porte, St. Joseph, Elkhart, Lagrange, Steuben, Stark, Marshall, Kosciusko, Whilley, Allen, Nobel, Benton, Tippecanoe, Clinton, Boone, Marion, Huntington, Grant, Madison, Hancock, Henry, Wayne, Union, Shelby, Rush, Fayette, Franklin, Dearborn, Johnson, Bartholomew, Jackson, Scott, Clark, Floyd, Jefferson, Morgan, Monroe, Lawrence, Martin, Posey, Vigo, Daviess, Pike, Gibson, Warrick, Vanderburgh, Harrison, Crawford, Spencer, Perry, Washington, Orange, Knox, Dubois, Hendricks, Putnam, Clay, Newton, and Sullivan Counties, Indiana, to points in the United States, including Alaska but excluding Hawaii, and return, (2) in one-way operations, (a) from points in the counties in Michigan, Ohio, and Indiana named in (1) above, to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the counties in Michigan, Ohio and Indiana named in (1) above, and whose transportation from the named counties was by means of air or rail carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held, at Detroit, Michigan, Lansing, Michigan, Bay City, Michigan, and Indianapolis, Indiana.

No. MC 109148 (Sub-No. 25), filed May 3, 1977. Applicant: LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 101 North Mojave Road, Las Vegas, Nevada 89101. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, California 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *passengers and their baggage* in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Maricopa and Mohave Counties, Arizona; El Dorado, Nevada, and Placer Counties, California; Churchill, Carson City, Clark, Douglas, Esmeralda, Lyon, Mineral, Nye, Storey, and Washoe Counties, Nevada and extending to points in the United States, including Alaska (but excluding Hawaii). Applicant proposes to operate between all ports of entry on the International Boundary between the United States and Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Las Vegas, Nevada.

No. MC 142560 (Sub-No. 2), filed April 8, 1977. Applicant: WALTER G. HAAS AND MERRILL ERVIN, a partnership doing business as B. & W. CHARTER SERVICE, P.O. Box 94, Reddick, Ill. 60961. Applicant's representative: Walter G. Haas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *newspapers*, from points in Kankakee, Grundy, and Livingston Counties, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 143170 (Sub-No. 1), filed May 12, 1977. Applicant: A–1 BUS LINES, INC., 65 NE. 27th Street, Miami, Fla. 33137. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, (1) between the Miami International Airport, Fort Lauderdale International Airport and the Palm Beach International Airport, on the one hand, and, on the other points, in Florida, restricted to passengers having a prior or subsequent movement by air; and (2) between the Port of Miami and Port Everglades, on the one hand, and, on the other, points in Dade, Broward and Palm Beach Counties, Fla., restricted to passengers having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

BROKER APPLICATION

No. MC 130449, filed May 11, 1977. Applicant: SENIOR CITIZENS RECREATION, INC., 105 South Wilkinson Street, Dayton, Ohio 45402. Applicant's representative: Michael F. Morrone, 1150 17th Street NW., Suite 1000, Washington, D.C. 20036. Authority sought to operate at Dayton, Ohio, as a *broker* in arranging for the transportation by motor vehicle in interstate or foreign commerce of passengers and their baggage in charter operations beginning and ending at points in Montgomery, Greene, Miami, Preble, Warren, and Butler Counties, Ohio, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that it he held at Washington, D.C.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers of motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC–F–13212. (correction) (BLUEBIRD INCORPORATED—CONTROL—(B)HAMS EXPRESS, INC. and (BB) MID-SOUTH TRUCKING INC.), published in the May 12, 1977 issue of the FEDERAL REGISTER, on page 24154 through 24155. Prior notice showed incorrectly MC 143201 as being directly related to this proceeding. The correct directly related matter is MC–143201 (Sub-No. 1).

No. MC–F–13242. Authority sought for purchase by BLUEBONNET EXPRESS, INC., 5009 Rusk, Houston, Tex. 77023, of the operating rights of Lil Smith, an individual, d.b.a., Smitty's Airfreight Expediting Service Company, 3407 Hawes Street, Dallas Texas 77325, and for acquisition by DOYLE L. HORNE, 5018 Rotan Street, Houston, Texas 77032, W. E. PRICE, 10202 Candelwood Street, Houston, Texas, and GILBERT TURNER, 806 Chowning Road, Houston, Texas, 77024, of control of such rights through the purchase. Applicants' attorney: Joe G. Fender, 711 Louisiana, 1150 Pennzoil Place, South Tower, Houston, Texas, 77002. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over irregular routes between airports located in Dallas and Tarrant Counties, Tex., on the one hand, and, on the other, points in Anderson, Archer, Bastrop, Bell, Bosque, Brown, Burnet, Callahan, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta, Denton, Eastland, Ellis, Erath, Falls, Fannin, Freestone, Grayson, Hamilton, Henderson, Hill, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Lampasas, Lee, Limestone, Llano, McCulloch, McLennan, Mason, Milam, Mills, Montague, Navarro, Palo Pinto, Parker, Rains, Robertson, Rockwall, San Saba, Shackelford, Somervell, Stephens, Tarrant, Travis, Van Zandt, Williamson, Wise, and Young Counties, Tex., with restrictions. Vendee is authorized to operate as a common carrier in Texas. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–13249. Authority sought for purchase by U & R EXPRESS, INC., P.O. Box 2369, (6740 Crater Lake Avenue, Medford, Oregon), White City, OR., 97501, of the operating rights of Francis D. Brown & Son, Inc., 3121 Crosby, Klamath Falls, Oreg. 97601, and for acquisition by C. F. CORBETT and F. R. CORBETT, both of 915 S.W. Skyland Dr., Lake Oswego, of control of such rights through the purchase. Applicants' attorney: Lawrence, V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Operating rights sought to be transferred: *Wood residuals*, as a common carrier over irregular routes from points in Tehama, Modoc, Lassen, and Shasta Counties, Calif., to points in Jackson County, Oreg., with no transportation for compensation on return except as otherwise authorized. From points in Tehama County, Calif., to points in Klamath County, Oreg., with no transportation for compensation on return except as otherwise authorized. Wood waste products, from points in Siskiyou, Modoc, Lassen and Shasta Counties, Calif., to points in Klamath County, Oreg., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in California and as a contract carrier in Oregon, Idaho, Montana, and Washington. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 1515 (Sub-No. 231), filed May 25, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle,

over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Cleveland, Ohio, and Rocky River, Ohio, serving all intermediate points from Cleveland, Ohio, over U.S. Highways 20 and 6, to Rocky River, Ohio, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant request it be held at Cleveland, Ohio. This application is a matter directly related to a transfer application docketed at MC-FC-77162.

No. MC 96938 (Sub-No. 7) (partial correction), filed May 20, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, and republished as corrected this issue. Applicant: ARKANSAS TRANSIT HOMES, INC., 8400 Mabelvale Pike, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, Va. 22314.

NOTE.—The purpose of this partial republication is to indicate applicant's correct MC No. 96938 (Sub-No. 7), in lieu of MC 96938 (Sub-No. 1) which was published in error.

ABANDONMENT APPLICATIONS

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB-6 (Sub-No. 39)]

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN OAKESDALE AND CRABTREE IN WHITMAN COUNTY, WASH.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 29, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc., of a line of railroad extending from milepost 54.13 near Oakesdale, Washington, to milepost 61.10 near Crabtree, Washington, on its branch line between Rosalia and Palouse, Washington, a distance of 6.97 miles, all of which lies in Whitman County, Washington. A certificate of abandonment will be issued to the Burlington Northern Inc. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-reference order.

[Docket No. AB-33 (Sub-No. 12)]

UNION PACIFIC RAILROAD CO. ABANDONMENT OF ITS "LYMAN BRANCH" BETWEEN HARTMAN AND STEGALL IN SCOTTS BLUFF COUNTY, NEBR.

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 5, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission, in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Company of a portion of the "Lyman Branch" extending from railroad milepost 5.05 near Hartman, Nebraska, in a southeasterly direction to railroad milepost 6.16 near Stegall, Nebraska, a distance of 1.12 miles in Scotts Bluff County, Nebraska. A certificate of abandonment will be issued to the Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 90 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 59680 (Deviation No. 97), STRICKLAND TRANSPORTATION CO., INC., P.O. Box 5689, Dallas, Tex. 75222, filed May 31, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From New Orleans, La., over Interstate Highway 10 to junction Interstate Highway 55, thence over Interstate Highway 55 (using portions of U.S. Highway 51 where Interstate Highway 55 is incomplete) to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Interstate Highway 57, thence over Interstate Highway 57 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New Orleans, La., over U.S. Highway 61 to Natchez, Miss., thence over U.S. Highway 84 to Ferriday, La., thence over U.S. Highway 65 to Clayton, La., thence over Louisiana Highway 15 to Monroe, La., thence over U.S. Highway 165 to Bastrop, La., thence over Louisiana Highway 204 to the Arkansas-Louisiana State line, thence over Arkansas Highway 133 to Crossett, Ark., thence over U.S. Highway 82 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to junction U.S. Highway 65, thence over U.S. Highway 65 to Little Rock, Ark., thence over U.S. Highway 67 to Corning, Ark., thence over U.S. Highway 67 to St. Louis, Mo., thence over U.S. Highway 66 to Dwight, Ill., thence over Illinois Highway 47 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., and return over the same route.

No. MC 112713 (Deviation No. 45), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans., 66207, filed June 9, 1977. Carrier proposes to operate as a *common carrier*, by mortor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Weirton, W. Va., over U.S. Highway 22 to junction U.S. Highway 30 at Pittsburgh, Pa., thence over U.S. Highway 30 to junction Interstate Highways 70 and 76 (Pennsylvania Turnpike), thence over Interstate Highways 70 and 76 to junction U.S. Highway 11 near Middlesex, Pa., thence over U.S. Highway 11 to Harrisburg, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chester, W. Va., over West Virginia Highway 2 to Moundsville, W. Va., (2) from Rochester, Pa., over Pennsylvania Highway 68 to the Pennsylvania-Ohio State line, thence over Ohio Highway 39 to East Liverpool, Ohio, thence over Ohio Highway 7 to Youngstown, Ohio, and (3) from Lancaster, Pa., over U.S. Highway 230 to Harrisburg, Pa., thence over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 422 to Youngstown, Ohio, and return over the same routes.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant state that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 730), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077, filed June 8, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle, with passengers over deviation routes as follows: From junction Interstate Highway 94 and Indiana Turnpike over Interstate Highway 94 to junction Indiana Highway 51, with the following access routes: (1) From junction Interstate Highway 94 and access road over access road to junction Indiana Turnpike, and (2) from junction Interstate Highway 94 and access road over access road to junction Indiana Highway 51 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Indiana Turnpike and Interstate Highway 94 over Indiana Turnpike to junction Indiana Highway 51, thence over Indiana Highway 51 to junction Interstate Highway 94, and return over the same route.

No. MC 74761 (Deviation No. 9), TAMIAMI TRAIL TOURS, INC., 525 Madison St., Tampa, Fla. 33602, filed June 9, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highways 19 and 41 over U.S. Highway 41 to junction U.S. Highway 341, thence over U.S. Highway 341 to junction Georgia Highway 74, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction U.S. Highways 19 and 41 over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 74 to junction U.S. Highway 341, and return over the same route.

No. MC 141324 (Deviation No. 1), CHENANGO VALLEY BUS LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430, filed June 6, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Binghamton, N.Y., over Interstate Highway 88 to Oneonta, N.Y., with the following access routes: (1) from Port Crane, N.Y., over access highway to junction Interstate Highway 88, (2) from Harpursville, N.Y., over access highway to junction Interstate Highway 88, (3) from Bainbridge, N.Y., over New York Highway 206 to junction Interstate Highway 88, (4) from Sidney, N.Y., over access highway to junction Interstate Highway 88, (5) from Unadilla, N.Y., over access highway to junction Interstate Highway 88, and (6) from Unadilla, N.Y., over New York Highway 357 to junction Interstate Highway 88, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Binghamton, N.Y., over New York Highway 7 to junction New York Highway 79, thence over New York Highway 79 to Harpursville, N.Y., thence over New York Highway 235 to junction New York Highway 7, thence over New York Highway 7 to junction New York Highway 8 in the Town of Sidney, N.Y., thence over New York Highway 8 to the Village of Sidney, N.Y., thence over New York Highway 8 to junction New York Highway 7, thence over New York Highway 7 to Oneonta, N.Y., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

NOTICE

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 57054, Amendment, filed April 29, 1977. Applicant: BCT TRANSPORTATION CO., INC., 299 Lawrence Avenue, South San Fran-

cisco, Calif. 94080. Applicant's representative: M. C. Leiden, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Cetificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, (except trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper), from, to and between all points and places located in the following areas and along the following routes: (1) The San Francisco-East Bay Cartage Zone, as described in Note A. (2) Between San Mateo and San Jose and intermediate points on U.S. Highway 101 and State Highway 82, between Hayward and San Jose and intermediate points on State Highways 17 and 238, and between all points laterally within 5 miles of said highways. (3) In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. (4) No service will be authorized from or to Half Moon Bay, Calif.

Note A

SAN FRANCISCO-EAST BAY CARTAGE ZONE

The San Francisco-East Bay Cartage Zone includes the area embraced by the following boundary: Beginning where the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard to South Mayfair Avenue, thence westerly along said South Mayfair Avenue to Crestwood Drive, thence southerly along Crestwood Drive to Southgate Avenue, thence westerly along Southgate Avenue to Maddux Drive, thence southerly and easterly along Maddux Drive to a point one mile west of State Highway 82; thence southeasterly along an imaginary line one mile west of an paralleling State Highway 82 (El Camino Real) to its intersection with the southerly boundary line of the City of San Mateo, thence along said boundary line to U.S. Highway 101 (Bayshore Freeway), thence leaving said boundary line proceeding to the junction of Foster City Boulevard and Beach Park Road, thence northerly and easterly along Beach Park Road to a point one mile south of State Highway 92; thence easterly along an imaginary line one mile southerly and paralleling State Highway 92 to its intersection with State Highway 17 (Nimitz Freeway); thence continuing northeasterly along an imaginary line one mile southerly of and paralleling State Highway 92 to its intersection with an imaginary line one mile easterly of and paralleling State Highway 238; thence northerly along said imaginary line one mile easterly of and paralleling State Highway 238 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Redwood Road to Somerset Avenue; thence westerly along Somerset Avenue and 168th Street to Foothill Boulevard; thence northwesterly along Foothill Boulevard to the southerly boundary line of the City of Oakland.

Thence easterly and northerly along the Oakland Boundary Line to its intersection with the Alameda-Contra Costa County Boundary Line, thence northwesterly along said County Line to its intersection with Arlington Avenue (Berkeley), thence northwesterly along Arlington Avenue to a point one mile northeasterly of San Pablo Avenue (State Highway 123); thence northwesterly along an imaginary line one mile easterly of and paralleling San Pablo Avenue to its intersection with County Road 20 (Contra Costa County), thence westerly along County Road 20 to Broadway Avenue, thence northerly along Broadway Avenue to San Pablo Avenue (State Highway 123) to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue, thence westerly along Johns Avenue to Collins Avenue, thence northerly along Collins Avenue to Morton Avenue, thence westerly along Morton Avenue to the Southern Pacific Company right-of-way and continuing westerly along the prolongation of Morton Avenue to the Shoreline of San Pablo Bay, thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo, thence southerly along an imaginary line to the San Francisco waterfront at the foot of Market Street, thence westerly along said waterfront and shoreline to the Pacific Ocean, thence southerly along the shoreline of the Pacific Ocean to point of beginning, and *General commodities*, to, from and between all points and places located in the San Francisco territory described in Note A hereto and points and places located within ten (10) miles of the boundaries of said territory. (Except that the applicant shall not transport any shipments of the following: (1) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (2) Automobiles, trucks and buses, viz: New and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.) Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A 57341, filed May 25, 1977. Applicant: BAY AREA-LOS ANGELES EXPRESS INC., Arthur Avenue and Quint Street, San Francisco Calif. 94124. Applicant's representative: M. C. Leiden, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: *General commodities* subject to exceptions and restrictions noted: (I) From, to and between all points and places located on or laterally within 25 miles of the following named highways: (1) State Highway Number 1 between San Francisco and Carmel, inclusive; (2) U.S. Highway Number 101 between Healdsburg and Los Angeles Basin Territory as described in Note II hereof, inclusive; (3) Interstate Highway Number 5 between Weed and San Diego, inclusive; (4) State Highway Number 99 between Redding and Los Angeles Basin Territory, inclusive; (5) Interstate Highway Number 80 between San Francisco Territory as described in Note I hereof and Sacramento, inclusive; (6) State Highway Number 65 between Roseville and Marysville, inclusive; (7) Interstate Highways Numbers 580, 205 and 5 between Oakland and Stockton, inclusive; (8) Interstate Highway Number 15 between San Bernardino and San Diego, inclusive; (9) Interstate Highway Number 10 between Los Angeles and Indio, inclusive; (10) State Highway Number 111 between Indio and El Centro, inclusive; (11) State Highway 9 between Los Gatos and Santa Cruz, inclusive; (12) State Highway 152 between Gilroy and State Highway 1, at Watsonville, inclusive; (13) State Highway 156 between Watsonville and its intersection with U.S. Highway 101 south of Gilroy, inclusive; (14) State Highway 129 between its intersection with U.S. Highway 101 and State Highway 1 at Watsonville, inclusive; (15) State Highway 68 between Salinas and Monterey, inclusive; (16) State Highway 4 between Pinole and Stockton, inclusive; (17) State Highway 160 between Antioch and Sacramento, inclusive; (18) State Highway 24 between Oakland and Concord, inclusive; (19) Interstate Highway 680 between Vallejo and its intersection with State Highway 17 near Milpitas, inclusive.

(20) Interstate Highways 580 and 5 between Tracy and its intersection with State Highway 152 near Los Banos, inclusive; (21) Interstate 395 between Los Angeles and Lee Vining, inclusive; (22) between all points and places in the Los Angeles Basin Territory as described in Note I, on the one hand, and all points and places in the San Francisco Territory as described in Note II, on the other hand; and (23) between all points and places in the San Francisco Territory including points within 5 miles laterally of State Highways 238 and 17 between Haywood and San Jose. (II). Carriers may serve between any two points named in this Exhibit whether named in one or more than one of the above numbered paragraphs. (III). Carrier shall not transport any shipments of: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B. (2) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles. (3) Automobiles, trucks and buses, viz: New and used, finished or unfinished passenger automobiles (inclusive of jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. (4) Livestock, viz: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. (5) Commodities when transported in bulk in dump trucks or in hopper-type vehicles. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Logs. (8) Articles for extraordinary value. (9) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (10) fresh fruits and vegetables.

Note I

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said county line to a point one mile west of State Highway 82, southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 32; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road.

Northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to a point of beginning.

Note II

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118; approximately two miles of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road.

Westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

California Docket No. A 57339, filed May 25, 1977. Applicant: MERRILL E. WOLKINS, doing business as, CALIFORNIA MAIL DELIVERY SERVICE, P.O. Box 77132, San Francisco, Calif. 94577. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of Public Concenience and Necessity sought to operate a freight service as follows: *General commodities*, (A) between all points in the San Francisco Territory as described in Note A. (B) Between all points on and within the following routes: (1) U.S. Highway 101, between San Francisco and Sausalito, inclusive; (2) Interstate Highway 80, between San Pablo and Crockett, inclusive; (3) unnumbered road and route between Crockett and Martinez, inclusive; (4) unnumbered road and route between Martinez and Pittsburgh, inclusive; (5) unnumbered road and route between Pittsburg and Antioch, inclusive; (6) State Highway 4 between Antioch and the Willow Pass Road Intersection, inclusive; (7) Willow Pass Road between the intersection of Highway 4 and the intersection of Interstate Highway 680, inclusive; (8) State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive; (9) Monument Boulevard between its intersection with State Highway 24 and its intersection with Willow Pass Road, inclusive; (10) State Highway 4 between its intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive; (11) State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (12) Interstate Highway 680 between its intersection with State Highway 24 and its intersection with U.S. Highway 50 at Dublin; (13) Interstate 680 between its intersection with U.S. Highway 50 at Dublin and its intersection at Bernal Avenue, inclusive; (14) Bernal Avenue between its intersection with Interstate Highway 680 and the City of Pleasanton, inclusive; (15) Interstate Highway 680

V 42 121 JUN 23 77 UMI

between its intersection with U.S. Highway 50 at Dublin and its intersection with State Highway 238 at Mission San Jose.

(C) Through routes and rates may be established between any and all points specified in paragraphs A and B above.

(D) All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served.

Note A

SAN FRANCISCO TERRITORY

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road.

Southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17794 Filed 6-22-77;8:45 am]

SOUTHERN PACIFIC TRANSPORTATION CO. AND ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO.

Notice of Intention

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intention to file a schedule stating a capital incentive rate on coal from Gallup, New Mexico, to Cochise, Arizona, pursuant to Ex Parte No. 327.

SUMMARY: the filing of the notice of intention initiates the 180-day period during which the Commission must determine the lawfulness of a proposed capital incentive rate schedule, as provided by Ex Parte No. 327, decided May 23, 1977. Any interested person seeking a hearing on the proposed rate must notify the Commission on or before July 18, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. (202-275-7693 or 275-7656).

SUPPLEMENTARY INFORMATION: Southern Pacific Transportation Company, and The Atchison, Topeka, and Santa Fe Railway Company propose to establish a new rate for the transportation of coal in unit trains from Gallup, New Mexico, to Cochise, Arizona. The establishment of the new rate would require a total capital investment in excess of $7 million by the aforementioned carriers. The railroad facilities to be augmented by the capital investment would consist of equipment for the proposed unit trains and necessary improvements in track structure. The proposed duration of the capital incentive rate is a minimum of 5 years. The responsible carrier representatives to whom inquiries and request for documents relating to the proposal should be addressed are:

Milton E. Nelson, Jr., 80 East Jackson Boulevard, Chicago, Illinois 60604.

Charles W. Burkett, Southern Pacific Building, One Market Plaza, San Francisco, California 94105.

Copies of the proposed tariffs are available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C. 20423.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-17974 Filed 6-22-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board	14
Consumer Product Safety Commission	4, 7
Federal Maritime Commission	13
Federal Power Commission	5, 11
Federal Trade Commission	8, 9, 10
Indian Claims Commission	1
Postal Rate Commission	6
Securities and Exchange Commission	2, 3
United States Railway Association	12

1

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., June 29, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public.

Docket 22-C, Lipan Apache (two items).

Docket 83, Sac and Fox.

Docket 247, Seminole, and Docket 277, Creek.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006. Tel. 202-653-6184.

[S-715-77 Filed 6-20-77;1:58 pm]

2

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

The Commission met at 4 p.m. on Thursday, June 2, 1977, to consider proposed amendments to H.R. 3815, the "Unlawful Corporate Payments Act of 1977."

Chairman Williams, Commissioners Loomis and Evans determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

Dated: June 2, 1977.

[S-716-77 Filed 6-20-77;1:58 pm]

3

AGENCY HOLDING THE MEETINGS: Securities and Exchange Commission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 6, 1977 in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 7, 1977, and Wednesday, June 8, 1977 at 10 a.m., and on Thursday, June 9, 1977 at 11 a.m. An open meeting will be held on Thursday, June 9, 1977 at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission or his designee, has certified, that in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis and Evans voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 7, 1977 will be:

Formal orders of investigation.
Institution of injuctive actions.
Settlement of injunctive actions.
Settlement of administrative proceedings.
Other litigation matters.
Referral of investigative files to Federal, State or Self regulatory authorities.

The subject matter of the closed meeting scheduled for Wednesday, June 8, 1977 will be:

Institution of administrative proceedings.
Opinion.
Freedom of Information Act Appeal.

The subject matter of the closed meeting scheduled for Thursday, June 9, 1977 will be:

Institution of administrative proceedings.

The subject matter of the open meeting scheduled for Thursday, June 9, 1977 will be:

1. Proposed amendments to the Commission's Uniform Net Capital Rule (15c3-1) pertaining to "Straddle" positions in listed options.

2. Proposed amendments to Rule 15c3-1 pertaining to the treatment of transactions in listed options.

3. Recommendation concerning republication for public comment proposed Rule 11Ac1-1 under the Securities Exchange Act of 1934, which, if adopted, would require all national securities exchanges and associations to establish procedures for collecting from their members bids, offers and quotation sizes with respect to certain securities and making such bids, offers and sizes available to quotation vendors.

3. The proposal would also require that bids and offers made available to pursuant to its terms be "firm" subject to certain exceptions.

4. Petition for review of denial of application of Bristol Silver Mines Company for extension of time to file a report on Form 10-K for the fiscal year ended December 31, 1976.

5. Consideration of solicitation of public comment to determine if a need exists for clarification or amendment to Guide 42 of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933.

6. Consideration of publication for comment a proposed amendment to Rule 3-07 of Regulation S-X to substantially eliminate the practice of accounting for certain transactions as adjustments of prior period earnings.

7. Proposal to amend Commission's Rules Relating to Investigations to allow further delegation of decision making with respect to furnishing witnesses with copies of Formal Orders of Investigation.

8. Consideration of a request that a former staff member be authorized to testify at a trial in a private California state court action as to facts developed during a Commission investigation.

June 2, 1977.

[S-717-77 Filed 6-20-77;1:59 pm]

4

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

TIME AND DATE OF MEETING: 9:30 a.m., June 30, 1977.

LOCATION: 3rd Floor Hearing Room, 1111, 18th St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Asbestos.—The Commission will consider various options for action which arise from its April 23, 1977 decision to ban certain asbestos-containing consumer products.

Upholstered Furniture.—The Commission will consider what mandatory regulatory action, if any, should be taken as to upholstered furniture flammability.

Protection of Human Subjects.—The Commission will consider draft final regulations for protection of human subjects in work done under CPSC contracts, grants and other agreements.

2 P.M.—OPEN TO THE PUBLIC

Management Budget Review.—The Commission will continue the zero-based budget review process for fiscal year 1979.

V 42 121 JUN 23 77 UMI

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St., NW., Washington, D.C. 20207; telephone 202–634–7700.

[S–718–77 Filed 6–20–77;1:59 pm]

5

AGENCY HOLDING MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (42 FR 30743).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 21, 1977.

CHANGE IN THE MEETING: Addition of G–16, Docket No. RP76–103, Public Service Company of North Carolina, Inc.

KENNETH F. PLUMB,
Secretary.

[S–719–77 Filed 6–20–77;1:59 pm]

6

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 29, 1977.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Draft of Tentative Decision Concerning OOC's Proopsal to Eliminate the Ship Letter Subclass (PSM § 131.6), Docket No. MC76–1.

2. Draft of Tentative Decision Concerning OOC's Proposal to Amend the DMCS so as to Permit More Than One Communication to be Contained in One Envelope, Docket No. MC76–1.

3. Draft of Tentative Decision Concerning OOC's Proposal to Abolish the Lower Rate for the First 250,000 Pieces of Third-Class Bulk Mail, Docket No. MC76–3.

(Authority to conduct closed meeting: 5 U.S.C. 552b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION:

Nel Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268; telephone 202–254–5614.

[S–720–77 Filed 6–20–77,3:17 pm]

7

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 16, 1977 (42 FR 30743).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 23, 1977.

CHANGES IN THE MEETING: By majority vote the Commission added two items to its agenda. The revised agenda is:

9:30 A.M.

Baby Rattles.—The Commission will consider whether or not to regulate certain baby rattles and under what regulatory authority.

Possible Substantial Product Hazard: Chadwick Miller, Inc. ID 77–8.—The staff has recommended that the Commission accept the corrective action plan which Chadwick-Miller, Inc. has proposed to deal with a hazard of freezer-defrosters.

B. CLOSED TO THE PUBLIC (TENTATIVE. SUBJECT TO RECORDED VOTE)

Pactra vs. CPSC Matter.—The Office of the General Counsel will present for Commission consideration several options related to this court action.

2 P.M.—C. OPEN TO THE PUBLIC

Management Budget Review.—The Commission will continue the zero-based budget review process for fiscal year 1979. These meetings will continue on Tuesday, June 28, Wednesday, June 29, and Thursday afternoon, June 30.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111, 18th St., NW., Washington, D.C. 20207; telephone 202–634–7700.

[S–721–77 Filed 6–20–77;3:10 pm]

8

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Wednesday, June 29, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS. Open.

MATTERS TO BE CONSIDERED:

(1) Discussion of Final Environmental Impact Statement for the Octane Posting Trade Regulatory Rule, 16 C.F.R. 422 (Dec. 16, 1971).

(2) Consideration of Proposed Amendment to Rule 3.52 of the Commission's Rules of Practice and Procedure Regarding Briefs of Amicus-Curiae.

(3) Report from General Counsel on Congressional Matters.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: (202–523–3830); Recorded Message: (202–523–3806).

[S–723–77 Filed 6–21–77;9:39 am]

9

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 10 a.m., Tuesday, June 28, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

NONADJUDICATIVE MATTERS

(1) Approval of Minutes of Nonadjudicative Matters Considered at Meeting of June 21, 1977.

(2) Consideration of Proposed Consent Order in Marcor, Inc., Docket No. 9092.

(3) Consideration of Issuance of Proposed Complaint in a (Nonpublic) Part II Matter.

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE

(1) Approval of Minutes of Adjudicative Matters Considered at Meeting of June 21, 1977.

(2) Consideration of Final Decision in American General Insurance Co., Docket No. 8847.

(3) Consideration of Disposition of Respondent's application for review of ALJ's Order Imposing Sanctions for Refusal to Produce Documents in International Telephone and Telegraph Corp., et al., Docket No. 9000.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: (202–523–3830); Recorded Message: (202–523–3806).

[S–724–77 Filed 6–21–77;9:40 am]

10

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 1:30 p.m., Monday, June 27, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Portions of this meeting will be open to the public. The remainder will be closed to the public.

MATTERS TO BE CONSIDERED:

OPEN SESSION: 1:30 P.M.

(1) Monthly program review: Health Spas (P13)

CLOSED SESSION

(1) Monthly program review of three programs: Chemicals (CC); Condominiums (K02); and Travel Industry (P08).

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information: (202–523–3830); Recorded Message: (202–523–3806).

[S–725–77 Filed 6–21–77;9:40 am]

11

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (June 16, 1977 (42 FR 30743).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 21, 1977.

CHANGE IN THE MEETING: Addition of G–17, Kansas Nebraska Natural Gas Company, Inc. G–18, Docket No. CI75–277, J. G. Stone. G–19, Docket No. CP77–438, Columbia Gulf Transmission Company, Northern Natural Gas Company, Tennessee Gas Pipeline Company, Trunkline Gas Company. G–20, Docket No. CP76–9, CP76–230 and CP76–386, Distrigas Corporation, Distrigas Gas Corporation of Massachusetts. G–21, Docket No. CP63–261, Northern Natural Gas Company, M–2, H.R. 6660, "Electric Utility Act of 1977".

KENNETH F. PLUMB,
Secretary.

[S–726–77 Filed 6–21–77;10:42 am]

12

AGENCY HOLDING THE MEETING: United States Railway Association.

TIME AND DATE: 9 a.m., June 30, 1977.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS CLOSED TO THE PUBLIC (9 A.M.)

1. Review of ConRail, Delaware & Hudson Railway Company, and Missouri-Kansas-Texas Railroad Company proprietary and financial information for monitoring and investment purposes.

2. Consideration of internal personnel matters.

3. Litigation report.

PORTIONS OPEN TO THE PUBLIC (10:30 A.M.)

4. Bylaws amendment.

5. Election of Officers.

6. Approval of the minutes of the March 31, 1977 Board of Directors meeting and the May 26, 1977 Executive Committee meeting.

7. Recommendations to the Finance Committee.

8. Report on ConRail monitoring.

9. Consideration of ConRail Drawdown request for July.

10. Consideration of ConRail Investment Commitment request for the third quarter of 1977.

11. Consideration of Section 211(h) loan to ConRail.

12. Consideration of D&H Drawdown request for $2 million.

13. Report on status of ICC activity under the 4–R Act as it affects ConRail.

14. Contract extensions.

15. Litigation status report.

PORTIONS CLOSED TO THE PUBLIC (1:30 P.M.)

16. Briefing of USRA Board by ConRail officers.

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow (202–426–4250).

[S–727–77 Filed 6–21–77;10:47 am]

13

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: 10 a.m., June 29, 1977.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Agreement No. 5680–25: modification of the Pacific Straits Conference Agreement No. 5680, and the Appendix thereto add a new Administrative Regulations Section.

2. Agreement No. 9615–24: modification of the Spanish Olive Section of Iberian/U.S. North Atlantic Westbound Freight Conference—to redefine participation requirements and restate voting requirements.

3. General Order 4—Suretay Bond Requirements—Proposed Increase to $50,000.

PORTIONS CLOSED TO THE PUBLIC

1. Agreements Nos. 93–14 and 5200–31; modification of the North Europe U.S. Pacific Freight Conference Agreement and the Pacific Coast European Conference Agreement respectively—Inclusion of minibridge traffic.

2. Black Navigation Company Inc., general rate increase (15 percent) in U.S./Alaska Trade.

3. Gulf Caribbean Marine Lines, Inc.—General Rate Increase (10.4 percent) in the U.S. Gulf/Puerto Rico Trade.

4. Trailer Marine Transport Corporation—General Rate Increase (10.4 percent) in the U.S. Atlantic/Puerto Rico Trade.

5. Sea-Land Service Inc.—38.6 and 18 percent minimum charge per trailer increase in rates from Portland and Seattle, Washington to Puerto Rico.

6. Docket No. 75–39—*Thomas P. Gonzales Corporation* v. *Westfal-Larsen Line* and Docket No. 76–15—Thomas P. Gonzalez Corporation and Westfal-Larsen & Co. A/S—Review of dismissal of proceedings.

7. Docket Nos. 75–4 and 75–5—*Department of Defense and Military Sealift Command* v. *Matson Navigation Company*—Petition for Reconsideration.

8. Docket No. 73–17—Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc.—Proposed Rules on Containers—Docket No. 74–40—Puerto Rico Maritime Shipping Authority—Proposed ILA Rules on Containers—Discussion of record.

9. Docket No. 73–72—Agreement No. 10056—Pooling, Sailing and Equal Access Cargo Agreement—74–5—Agreement No. 10066—Cooperative Working Arrangement—Discussion of record.

10. Agreement 10041–4—Extension of pooling, sailing and equal access agreement between Compania Peruana de Vapores and Prudential Lines Inc. (U.S. Atlantic/Peru).

11. Agreement 10044–3—Extension of pooling, sailing and equal access agreement between Compania Peruana de Vapores and Lykes Bros. Steamship Co., Inc. (U.S. Gulf/Peru).

CONTACT PERSON FOR MORE INFORMATION:

Joseph C. Polking, Acting Secretary (202–523–5727).

[S–728–77 Filed 6–21–77;11:05 am]

14

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

TIME AND DATE: 1:30 p.m., June 27, 1977.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Fiscal Year 1979 Bureau of Enforcement Operating Plan Overview.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary (202–673–5068).

SUPPLEMENTARY INFORMATION:

The following Members have voted that the meeting will be closed to public observation: Chairman Alfred E. Kahn, Member G. Joseph Minetti, and Member Lee R. West. Vice Chairman O'Melia was not here.

EXPLANATION OF THE CLOSING

This meeting will concern the Board's plans for its Bureau of Enforcement in terms of personnel and resource allocation in the following seven major program areas: consumer matters, agreements/antitrust, charters, rebating/discounting, accounting/reporting, cargo, and unauthorized carriers. Disclosure of areas of increased or decreased enforcement activity, reports of on-going investigations, and proposed court actions, particularly to those persons who might be engaged in suspect practices, could lead to violations of the law, destruction of evidence, or behavior designed to frustrate BOE activity and could interfere with enforcement proceedings. Additionally, the premature disclosure of Board and Bureau plans and financial constraints, particularly to those whose activities are regulated by the Board, could seriously compromise the ability of the

V 42 121 JUN 23 77 UMI

SUNSHINE ACT MEETINGS

Board to achieve its objectives in enforcement activity or reach settlements of disputed cases in the best interests of the public. Accordingly, the Board finds that public observation of the discussion would be likely to disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, and would interfere with enforcement proceedings; and would be likely to significantly frustrate implementation of proposed agency action, within the meaning of the exemptions provided under 5 U.S.C. 552b(c) (7)(A), and (9)(B), and 14 CFR section 310b.5 (7)(A), and (9)(B), and that the discussion will be closed.

PERSONS EXPECTED TO ATTEND

BOARD MEMBERS

Chairman Alfred E. Kahn, Vice Chairman Richard J. O'Melia, Member G. Joseph Minetti, and Member Lee R. West.

ASSISTANTS TO BOARD MEMBERS

Mr. Dennis A. Rapp, Mr. Robert E. Cohn, Mr. John R. Hancock, Mr. Elias C. Rodriquez, Mr. Frederic D. Houghteling, Mr. John T. Golden, Mr. Charles E. Rains, and Mr. James L. Casey.

OFFICE OF THE MANAGING DIRECTOR

Dr. Norma Maine Loeser.

BUREAU OF ENFORCEMENT

Mr. James L. Weldon, Jr., Mr. T. Christopher Browne, Mr. Glenn W. Wienhoff, and Mr. James W. Tello.

OFFICE OF THE GENERAL COUNSEL

Ms. Carol Light.

OFFICE OF THE SECRETARY

Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

OTHER

Alderson Reporting Company: Ms. Rose Basiliko.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b (c) (7)(A), and (9)(B), and 14 CFR 310b.5 (7)(A) and (9)(B).

JAMES C. SCHULTZ,
General Counsel.

[S-729-77 Filed 6-21-77;1:35 pm]

federal register

THURSDAY, JUNE 23, 1977

PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations

V42N121 JUN 23 77 UMI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-2944]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Phoenix, Maricopa County, Arizona

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Phoenix, Maricopa County, Arizona. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Phoenix, Maricopa County, Arizona, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the lobby of the Phoenix City Hall, 251 West Washington Street, Phoenix, Arizona.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable Margaret T. Hance, Mayor of Phoenix, Phoenix City Hall, 251 West Washington Street, Phoenix, Arizona 85003.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cave Creek	Pima St	1,059
	Interstate 17	1,065
	Adams St	1,071
	Roosevelt St	1,079
	McDowell Rd	1,086
	Thomas Rd	1,096
	Osborn Rd	1,105
	Indian School Rd	1,114
	Camelback Rd	1,133
	Grand Canal	1,122
	Missouri Ave	1,142
	Bethany Home Rd	1,154
	Maryland Ave	1,164
	Glendale Ave	1,175
	Myrtle Ave	1,182
	Northern Ave	1,197
	Dunlap Ave	1,221
	Arizona Canal	1,236
	Peoria Ave	1,251
	Cactus Rd	1,278
	Thunderbird Rd (upstream).	1,301
	19th Avenue	1,322
	Bell Rd	1,368
	Union Hills Dr	1,401
	Beardsley Rd	1,440
	Rose Garden Lane	1,455
	7th St	1,464
	Deer Valley Dr	1,482
	Northern most corporate limits.	1,524
East Fork Cave Creek.	Confluence with Cave Creek.	1,337
	Confluence with West Branch East Fork Cave Creek.	1,356
	Bell Rd	1,406
Cave Creek tributary at Deer Valley Dr.	Deer Valley Dr	1,483
Scatter Wash	Interstate 17	1,414
	19th Ave	1,435
	7th Ave	1,471
Myrtle Ave. Wash	Arizona Canal	1,242
	16th St	1,244
	Myrtle Ave	1,257
Dreamy Draw Wash.	12th St	1,249
	Arizona Canal	1,242
	14th St	1,266
	16th St	1,283
Flynn Lane Wash	Arizona Canal	1,242
	Ocotillo Rd	1,253
	21st St	1,269
	Lincoln Dr	1,316
Northern Ave. Wash.	Arizona Canal	1,240
	Northern Ave	1,247
	12th St	1,258
	14th St	1,274
	16th St	1,296
Dreamy Draw Wash East.	16th St	1,244
	Orangewood Ave	1,259
West Branch East	Bell Rd	1,370
Fork Cave Creek	Confluence with East Fork Cave Creek.	1,355
Echo Canyon Wash	Arizona Canal	1,251
	44th St	1,293
	McDonald Dr	1,308
Moon Valley Wash	19th Ave	1,297
	Thunderbird Rd	1,320
Tenth Street Wash	Arizona Canal	1,242
	Butler Dr	1,252
	Allee Ave	1,260
	Dunlap Ave	1,275
	Hatcher Rd	1,287
	Cave Creek Rd	1,302
	Peoria Ave	1,329
	Desert Cove Ave	1,344
Agua Fria River	Southern corporate limits.	1,031
	Northern corporate limits.	1,033
New River	Southern-most corporate limits.	1,032
	Northern-most corporate limits.	1,040

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17134 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2943]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Martinez, Calif.

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Martinez, California. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Martinez, California in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 525 Henrietta Street, Martinez, California.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor James Krause, City Hall, 525 Henrietta Street, Martinez, California 94553.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Alhambra Creek	Main St	16
	Alhambra Way	81
	Pleasant Hill Rd. West.	156
Drainage ditch	Truitt Ave	129

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17135 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2949]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Lodi, San Joaquin County, Calif.

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Lodi, San Joaquin County, California, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Honorable Walter J. Katnich, Mayor of Lodi, 221 West Pine Street, Lodi, California 95240.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Community Development Department, Lodi City Hall, 221 West Pine Street, Lodi, California.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mokelumne River	Upstream corporate limits.	49
	State Highway 99	48
	Corporate limits	47
	do	45
	Downstream corporate limits.	42

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended 42 U.S.C. 4001–4128) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17136 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2942]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of East Windsor, Connecticut

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of East Windsor, Connecticut. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or toll free line 800–424–8872, Room 5270, 451 7th St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of East Windsor, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at East Windsor Town Hall, 11 Rye Street, Broad Brook, Connecticut.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should im-

V42N121 JUN 23 77 UMI

mediately notify Mr. Edward Hastillo, First Selectman, East Windsor Town Hall, 11 Rye Street, Broad Brook, Connecticut 06016.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Broad Brook	Mill Pond Dam	92
	Main Street Bridge	83
	Dam	68
	Mill Street Bridge	65
	Stiles Road Bridge	53
	Mill Street Bridge	49
Connecticut River	Connecticut Route 140.	34
	191	33

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17137 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2950]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Fairfield, Connecticut

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Fairfield, Connecticut, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917. Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. John J. Sullivan, Town Hall, 611 Old Post Road, Fairfield, Connecticut 06430.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 611 Old Post Road, Fairfield, Connecticut 06430.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sasco Creek	Long Lots Rd	62
	Wakeman Lane	41
	Boston Post Rd	17
	Kings Highway	12
	Connecticut Turnpike.	12
Aspectuck River	Gilbert Highway	177
Mill River	Park Ave	142
	Easton Turnpike	129
	Merritt Parkway	118
	Morehouse Highway	88
	Black Rock Turnpike	80
	Samp Mortar Lake Dam.	75
	Brookside Dr	50
	Mill Plain Rd	36
	Duck Farm Rd	32
	Sturgess Rd	13
	Connecticut Turnpike.	12
	Boston Post Rd	12
Cricker Brook	Congress St	101
	Merritt Parkway	99
	Nonopoge Rd	91
	Creconoof Rd	88
Grasmere Brook	Connecticut Turnpike.	15
	New Haven Rd	11
	Old Post Rd	11
Rooster River	Cornell Rd	71
	Brookview Ave	51
	Brookland Ave	42
	Brooklawn Ave	25
	Kings Highway	17
	Connecticut Turnpike.	16
	Black Rock Turnpike.	11
Horse Tavern Brook.	Park Ave	127
	Manor Dr	119
	Wilson St	113
	Merritt St	102
	Valley Rd	96
	Stratfield Rd	80

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17138 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2951]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Mangonia Park, Florida

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Mangonia Park, Florida, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Gladys Maloy, Town Hall, 5301 Australian Avenue, West Palm Beach, Florida 33407.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain maagement measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements

on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, 5301 Australian Avenue, West Palm Beach, Florida 33407.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding (rainfall runoff).	Corner of South Tiffany Dr. and East Tiffany Dr.	16
	Corner of State Road 702 and South Tiffany Dr.	16
	Corner of Lake Shore Dr. and Jeffery Ave.	16
	Corner of Mailleway and 53d St.	16
	Corner of Hill St. and Driftwood St.	16
	Corner of 47th St. and Foster Dr.	17
	Corner of 47th St. and East Ave.	17
	Corner of Fairfield and Voss Rd.	17

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17139 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2326]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Revision of Proposed Flood Elevation Determinations for the City of Tamarac, Florida

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his proposed determinations of flood elevations for the City of Tamarac, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4 (a)).

Due to recent engineering analysis, this notice revises the proposed determinations of base flood elevations published at 41 FR 49155 on November 8, 1976, and in The Fort Lauderdale News published on October 4, 1976 and October 5, 1976, and hence supersedes those notices. Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 5811 Northwest 88th Avenue, Tamarac, Florida 33321.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Walter Falck, City Hall, 5811 Northwest 88th Avenue, Tamarac, Florida 33321.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTAL INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ponding	Northwest 94th Ave	11
	Northwest 88th Ave	11
	McNab Rd	11
	Northwest 57th St	11
	Northwest 84th Terr	11
	Southgate Blvd	11
	University Dr	11
	Northwest 70th Ave	11
	Northwest 57th St	11
	Commercial Blvd. north of Florida's Turnpike.	10
	Northwest 50th St	9
	Yellow Pine Lane	9
	Orchard Tree Lane	8
	Cavandish Dr	8
	U.S. 441 and Northwest 50th St.	8
	Prospect Field Rd	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17140 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2941]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Cedartown, Georgia

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation (100-year flood) listed below for selected locations in the City of Cedartown, Georgia.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Cedartown, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established

V 42 121 JUN 23 77 UMI

by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, Cedartown, Georgia.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Robert Veal, City Manager, City Hall, P.O. Box 65, Cedartown, Georgia 30125.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Cedar River	West Ave.	774
	Canal St.	777
Tanyard Branch	Canal St.	777
	South Main St.	777
	Rock St.	781
Skeeter Creek	North Cave Spring St.	771
	North Main St.	779
	Central of Georgia RR.	787
South Fork Skeeter Creek.	Collard Valley Rd.	791

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17141 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2952]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Cairo, Alexander County, Illinois

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Cairo, Alexander County, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Allen E. Moss, Sr., City Hall, 1501 Washington. Cairo, Illinois 62914.

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Proposed base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Hall, 1501 Washington, Cairo, Illinois 62914.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Local runoff within the levee.	Flooding contained within an area of the city between 21st St. and 40th St. and between Washington Ave. and Commercial St. Includes parts of Highland Ave., Magnolia Dr., Park Ave. and St. Mary's Pl., West. Ponding conditions also exist in the extreme northeast corner, along with some local ponding near the southwest corner of the levee system.	312
Mississippi River	Interstate 57	334
	U.S. 60/62	330
Ohio River	Illinois Central RR.	332
	U.S. 51/60/62	330

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc 77-17142 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2940]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Harvey, Cook County, Illinois

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Harvey, Cook County, Illinois. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Harvey, Cook County, Illinois in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the bulletin board in the lobby of the Harvey Municipal Building, 15320 Broadway, Harvey, Illinois.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify the Honorable James A. Haines, Mayor of Harvey, Harvey Municipal Building, 15320 Broadway, Harvey, Illinois 60426.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Little Calumet River.	Downstream Corporate limits.	593
	Halstead Ave.	594
	Illinois Central RR.	595
	Upstream corporate limits.	596
Calumet Union Drainage Canal.	Intersection of Lincoln Ave. and 146th St.	604
	Intersection of Turlington Ave. and 151st St.	604
	Intersection of Roby St. and 148th St.	605
	Intersection of Lexington Ave. and 152d St.	605
	Intersection of corporate limits and 155th St.	605
	Intersection of Leavitt St. and 149th St.	606
	Intersection of Paulina St. and 152d St.	606
	Intersection of Carse Ave. and 157th St.	606
	Intersection of Lincoln Ave. and 153d St.	607
	Intersection of Ashland Ave. and 155th St.	607
	Intersection of Turlington Ave. and 157th St.	607
	Intersection of Honore Ave. and 156th St.	608
	Intersection of Myrtle Ave. and 158th St.	608
	Intersection of Paulina St. and 159th St.	609
	Intersection of Lincoln Ave. and 160th St.	610

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17143 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2939]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Webster City, Hamilton County, Iowa

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Webster City, Hamilton County, Iowa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Webster City, Hamilton County, Iowa, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by Section 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the City Manager's office, Webster City Municipal Building, 400 2nd Street, Webster City, Iowa.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Joe Lukehart, City Manager of Webster City, Webster City, Municipal Building, Webster City, Iowa 50595.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Boone River	North Extra territorial jurisdiction boundary.	1,000
	Iowa Highway 17	1,007
	U.S. Highway 520	1,014
	Confluence of Lyons Creek.	1,021
	Des Moines St.	1,024
	County Rd.	1,033
	South extra territorial jurisdiction boundary.	1,039
Brewers Creek	Superior St.	1,026
	Des Moines St.	1,037
	Beach Ave.	1,049
	West corporate limit	1,059
	West Wall St.	1,074
	County Rd.	1,083
	U.S. Highway 20	1,090
Lyons Creek	Park Ave.	1,021
	Columbia St.	1,021
	2d Street	1,023
	I. C. RR.	1,041
White Fox Creek	Confluence with Boone River.	1,022
	North corporate limit.	1,040
	County Rd.	1,048

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17144 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2938]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Burlington, Coffey County, Kansas

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Burlington, Coffey County, Kansas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify

V 42 121 JUN 23 77 UMI

or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Burlington, Coffey County, Kansas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Burlington City Hall, 3rd and Hudson Streets, Burlington, Kansas.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Marion J. Logan, City Clerk of Burlington, Burlington City Hall, 3d and Hudson Streets, Burlington, Kansas 66839.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Neosho River	Confluence with Rock Creek.	1,018
	Neosho Street Bridge.	1,019
	City Dam	1,021
Rock Creek	Confluence with Neosho River.	1,018
	3d St.	1,021
	Culvert Outlet (downstream of Neosho St.).	1,021
	4th St.	1,023
	Culvert Inlet (upstream of 4th St.)	1,026
	6th St.	1,027
	Kennebec St. (1st crossing).	1,028
	Kennebec St. (2d crossing).	1,029
	16th Street	1,033

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-17145 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2937]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of North Reading, Massachusetts

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of North Reading, Massachusetts. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of North Reading, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at Town Hall, Park Street, North Reading, Massachusetts.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Paul Rabchenuk, Town Administrator, Town Hall, Park Street, North Reading, Massachusetts 01864.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ipswich River	Washington Street Bridge.	64
	Upstream of Haverhill Street Bridge.	68
	Upstream of Main Street Bridge.	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17146 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2938]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Benton Harbor, Michigan

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Benton Harbor, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Benton Harbor, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 200 Wall Street, Benton Harbor, Michigan.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mr. Melvin Farmer, City Manager, City Hall, 200 Wall Street, Benton Harbor, Michigan.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Paw Paw River	ConRail near St. Joseph River.	584
	Klock Rd. to North Shore Dr.	585
	Paw Paw Ave.	587
St. Joseph River	Main St.	584
Ox Creek	Eighth St. to North Shore Dr.	585
	Just upstream of Water St.	588
	East Main St.	589
	Highland Ave.	589
	Britain Ave.	591
	Just upstream of Empire Ave.	597

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 20, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17147 Filed 6-22-77;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-2934]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of Vaiden, Carroll County, Mississippi

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the Town of Vaiden, Carroll County, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the Town of Vaiden, Carroll County, Mississippi in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Mayor's Office, Vaiden, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Claude Hatcher, Vaiden, Mississippi.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Stream 1	Upstream of Front St., Bermuda St. (extended).	316
Stream 2	100 ft downstream of Bermuda St.	307 305

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 24, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17148 Filed 6-22-77;8:45 am]

V 42 N 121 JUN 23 77 UMI

[24 CFR Part 1917]

[Docket No. FI-2935]

APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the City of Itta Bena, Miss.

AGENCY: Federal Insurance Administration (FIA), HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations (100-year flood) listed below for selected locations in the City of Itta Bena, Mississippi. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base flood elevations (100-year flood) for the City of Itta Bena, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.

These elevations together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at City Hall, 201 Humphrey's Street, Itta Bena, Mississippi.

Any person having knowledge, information, or wishing to make a comment on these proposed elevations should immediately notify Mayor Paul Stowers, City Hall, 201 Humphrey's Street, Itta Bena, Mississippi 38941.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roebuck Lake	Humphrey's St	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1977).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-17149 Filed 6-22-77;8:45 am]

Vol.42—No.121
6-23-77

BOOK 2:
PAGES
31961-32221

register

federal

BOOK 2 OF 2 BOOKS

THURSDAY, JUNE 23, 1977

PART III



DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

■

GUN CONTROL

Published Firearms Laws of Political Subdivisions and States

V42N121
JUN 23 77
UMI

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

(Notice No. 77-11)

GUN CONTROL

Published Firearms Laws of Political Subdivisions and States

Pursuant to the provisions of Section 921(a)(19), Title 18, United States Code, and Section 178.24, Title 27, Code of Federal Regulations (27 CFR, Part 178), the following is the annual revised compiled list of published laws of States and political subdivisions relevant to the enforcement of Chapter 44, Title 18, United States Code, relating to firearms.

The list was developed from (a) State firearms statutes and (b) copies of published local firearms laws obtained through a national mail survey of political subdivisions.

The Bureau applied the following criteria in deciding which firearms laws were relevant or nonrelevant to the enforcement of 18 U.S.C. Chapter 44.

Firearms laws considered relevant to the enforcement of 18 U.S.C. Chapter 44, and therefore included in the accompanying list are those which:

1. Prohibit the sale, possession or receipt of any type of firearms or ammunition, or allow any exemption to such prohibitions;

2. Prohibit the sale, possession, or receipt of any type of firearm or ammunition to or by a particular class of persons; e.g. aliens, felons, drug addicts or mental incompetents;

3. Restrict the sale, possession or receipt of firearms such as fully automatic firearms, short barreled shotguns and rifles, and destructive devices; i.e. bombs, grenades, molotov cocktails, etc.;

4. Require waiting periods or notification to law enforcement officials before a weapon may be delivered to a purchaser;

5. Require a permit, license or I.D. card before a weapon may be sold and/or delivered to a purchaser; and

6. Restrict the age at which a person may purchase a firearm or ammunition.

Firearms laws considered nonrelevant to 18 U.S.C. Chapter 44, and therefore not included in the accompanying list are those which:

1. Prohibit the carrying of weapons such as legal handguns, long barrel rifles or shotguns, sling shots, dirks, daggers, etc. on persons or in vehicles;

2. Prohibit the discharge of weapons within city limits or on private property;

3. Require recordkeeping after sale of the firearms;

4. Require notification to local police departments of sale of firearms after the sale has been made; and

5. Require licenses for selling BB guns, sling shots, dirks, daggers, and other dangerous weapons.

This list comprises the 1977 list of published laws and implements Title 1 of the Gun Control Act of 1968 (82 Stat. 1213; 18 U.S.C. Chapter 44) and supersedes that list published on June 22, 1976 (41 FR 25652).

Signed: June 10, 1977.

REX D. DAVIS,
Director.

Alabama

State Law

Code of Ala.

14 Sec. 170. Selling, etc., pistol or bowie knife to minor. Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

14 Sec. 171(1). Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states. (1) any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

(2) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

14 Sec. 172. Definitions. As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

14 Sec. 174. Certain persons forbidden to possess pistol. (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

14 Sec. 178. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

14 Sec. 179. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

14 Sec. 180. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

14 Sec. 182. Certain transfers forbidden. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

14 Sec. 185. Antique pistols. This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

Anniston

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof.

4. The provisions of sections 1-3 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6. This division shall be applicable within the corporate limits and police jurisdiction of this city and shall be construed as supplementing, in such territory, and as not in conflict with, Code of Alabama, Title 14, Sections 172 to 186.

Auburn

Sec, 15-78. Same—Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Bessemer

Sec. 15-169. Possession of pistol prohibited. (a) No person who has been convicted in this City or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have a pistol in his possession or under his control.

Sec. 15-172. Delivery of pistol restricted. No person shall deliver a pistol to any person under the age of eighteen (18) years or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.

Sec. 15-173. Regulation of sales. (a) No seller shall deliver a pistol to the purchaser until forty-eight (48) hours shall have elapsed from the time of the application for the purchase of the pistol. When delivered, the pistol shall be securely wrapped and shall be unloaded.

(b) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

(c) The seller shall, within six (6) hours after the application, sign and attach his address and forward by registered mail or personally deliver one (1) copy of the statement to the Chief of Police.

(d) This Section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Sec. 15-174. License to carry; dealer. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in Section 15-171.

Birmingham

Sec. 56-3. Delivery of pistol * * * to minor. No person shall sell give or lend to any minor any pistol * * *.

V 42 121 JUN 23 77 UMI

Sec. 56-12. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, any common carrier, except taxicabs, licensed as a common carrier, any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his home or place of business or to or from a place of repair or in moving from one place of abode or business to another.

Nonexempt person. Any person other than an exempt person.

Pistol. Any firearm with a barrel less than twelve inches in length.

Sec. 56-14. Possession by certain persons prohibited. (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 56-19. Sale to or possession by person under eighteen of toy pistol. No person shall expose for sale, sell or give away to any person under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded. No person under the age of eighteen years shall have in his possession or use any pistol of any kind described in this section.

Sec. 56-20. Statement required of persons desiring to purchase—Filing. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 56-22. Delivery to purchaser. No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

Sec. 56-23. Gifts. The provisions of sections 56-20 to 56-22 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

Sec. 56-24. Delivery to certain persons forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. * * * This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Citronelle

Chapter 38

Sec. 675. Definitions. As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnaping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, a deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean other than an exempt person.

Sec. 676. Permit to receive pistol—required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant, or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Sec. 677. Same—application; * * *. Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. [Contact local authorities for required contents] * * *.

Sec. 682. Ex-convict not to possess pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 685. Sale to or possession by minor of toy pistol. No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as provided in section 4.

Sec. 687. Delivery of pistol * * * to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as provided in section 4.

Daleville

1. As used in this ordinance, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length.

4. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

Dora

The city of Dora has adopted the language of state firearms laws, including sections 14.170 through 14.185, shown at the beginning of the Alabama State listing in this publication.

Dothan

* * * * *

Sec. 10-25. State misdemeanors. All laws of the State of Alabama, in effect as of October 26, 1965, and as may be adopted or amended thereafter by the State Legislature, the violation of which constitutes a misdemeanor, are hereby adopted as laws of the city.

* * * * *

Eufaula

Article VI. Weapons

Sec. 16-134. Definitions. For purposes of this article the following terms shall have the meanings ascribed to them:

Crime of violence. "Crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. The term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms.

Nonexempt person. The term "nonexempt person" shall mean any person other than an exempt person.

Pistol. The term "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Sec. 16-135. Exceptions to provisions of article. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

16-136. Permit to Receive Pistol Required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

16-137. Same—application; * * *. (a) Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. [contact local authorities for requirements] * * *.

Sec. 16-139. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

(b) Said pistol shall be securely wrapped and shall be unloaded.

(c) At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * and a statement that he has never been convicted in this state or elsewhere of a crime of violence.

* * * * *

Sec. 16-144. Persons convicted of crimes of violence not to possess pistol. No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

16-146. Sale to or possession by minor of toy pistol. No person shall expose for sale, sell or give away to any person under the age of eighteen (18) years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded.

Any such person having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as hereinafter provided.

16-148. Delivery of pistol * * * to minor. Any person who sells, gives or lends to any minor any pistol * * * shall, on conviction, be punished as hereinafter provided in Section 1-14.

Florence

Sec. 15-39. Same—Selling to or use by minors. It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Gadsden

Sec. 28-79. It shall be unlawful for any person to expose for sale, sell or give away any pistol or firearms of like nature in which blank cartridges or a metallic cartridge, or in which powder and balls, can be used or can be exploded unless licensed by the city.

Gardendale

Ordinance 80

* * * * *

SECTION 2. Definitions. As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, * * *.

* * * * *

SECTION 6. Ex-Convict not to Possess Pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

SECTION 9. Sales to or Possession by Minor of Certain Toy Pistols. No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this Section shall, likewise, be guilty of a misdemeanor.

* * * * *

SECTION 11. Delivery of Pistol * * * to Minor. Any person who sells, gives or lends

V 42 N 21 JUN 23 77 UM

to any minor any pistol * * * shall, on conviction, be punished as provided in Section 2 of Ordinance #13.

* * * * *

Headland

Article 24

* * * * *

Section 6. Selling Pistol or Bowie Knife to Minor. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

* * * * *

Hueytown

3. Delivery of pistol * * * to Minor. No person shall sell, give, lend or deliver any pistol * * * to any minor or to any one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict and an habitual drunkard, or of unsound mind.

Midfield

Section 5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Montgomery

45-4. Selling or giving small pistols to minors. It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45-5. Possession of small pistols by minors. It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Mountain Brook

Sec. 13-1. State misdemeanors. All acts or omissions which are misdemeanors under the laws of the state are hereby declared to be offenses against the city. It shall be unlawful for any person to commit any such offense within the corporate limits of the city or its police jurisdiction.

Newville

SECTION 6. Selling Pistol * * * to Minor. Any person who sells, gives, or lends to any minor any pistol * * * shall, on conviction, be fined not less than one nor more than one hundred dollars.

Ontario

Sec. 5-10.03. Possession of firearms by minors. (a) Rifles and shotguns. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control any rifle or shotgun within the City unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession, custody, or control.

(b) Other weapons. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control within the City any cannon * * * or any weapon or device designed to discharge any dangerous missile except as provided in subsection (a) of this section.

Oxford

10-140. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

10-142. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

10-143. The provisions of Sections [10-140—10-142] shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

10-144. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Ozark

Sec. 14-29. Definitions. "Pistol" as used in this article, means any firearm with barrel less than twelve (12) inches in length.

"Person", as used in this section, includes firm, partnership, association or corporation.

Sec. 14-30. Application of provisions. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 14-32. Possession of arms by persons convicted of violent crimes. No person who has been convicted in this city or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 14-34. Delivery of pistols to certain persons prohibited. No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sec. 14-35. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

* * * * *

Sec. 14-36. Dealers to have license. No retail dealer shall sell or otherwise transfer or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided by the ordinances of the city and the laws of the state.

Sec. 14-37. Use of pistol to secure loan; unlawful transfer of pistol. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to the provisions of this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

Phenix City

Sec. 13-97. Weapons—Restrictions generally. No pawnbroker or pawnbroker's sales store shall take in pawn, receive, sell or exchange any of the following named articles, to-wit: Shotgun or rifle with barrel length of less than eighteen inches, * * *.

Sec. 13-98. Same—Pistols. No pawnbroker or pawnbroker's sales store shall sell any pistol unless and until all of the following regulations have been complied with strictly:

(a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours have elapsed from the time of the application for the purchase thereof, and when delivered the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *. The seller shall within six (6) hours after such applications, sign and attach his address and forward by registered mail one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers. [If the chief of police disapproves the sale], it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell said pistol to the prospective purchaser. * * *

(b) No pistol shall be sold by any pawnbroker or pawnbroker's sales store until the period of forty-eight (48) hours shall have elapsed after the service of the chief of police of the notice of the proposed sale.

(c) These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Prichard

1. For the purposes of this Ordinance a shotgun shall be defined as a weapon firing either single or multiple shots through a smooth bore barrel or barrels, and shall be powered by an individual cartridge or shell (whether re-fillable or not), and the firing of such shall be activated by a trigger or other mechanism, the exercise of which shall propel or fire one cartridge or shell, and not be ready for firing until another shell or cartridge shall have been placed in the breech or other firing partition, whether by hand or mechanically.

2. It shall be unlawful and an offense against the City of Prichard for any person to have in his or her possession, either actively or constructively or to allow to be or remain in any dwelling or place of business under the control of such person a shotgun as defined in Section One hereof which shall have an overall length, including barrel or barrels, breech or similar firing apparatus and stock, of less than 30 inches.

Satsuma

Ordinance 141

Section 1. It shall be unlawful and an offense against the City of Satsuma for any person to sell, give or deliver a pistol within the City of Satsuma, or the police jurisdiction thereof, to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, of unsound mind, a non-resident of the State of Alabama, or a person who has not resided in the State of Alabama for a period of not less than six (6) months next immediately preceding the date of such application.

Section 2. It shall be unlawful and an offense against the City of Satsuma for any person under the age of eighteen or a drug addict, an habitual drunkard, a person of unsound mind, or a person who has been convicted of a crime of violence to own or possess a pistol or have one under his control.

Section 3. Definitions. As used in this Ordinance the term "Pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "Crime of Violence" shall mean the crime of murder, first degree manslaughter, rape, mayhem, assault with intent to murder, robbery, burglary, kidnapping or the crime of attempting to commit any of the aforesaid crimes.

* * * * *

Section 7. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers, or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments. The Seller shall within six (6) hours after receiving such application, sign and attach his address thereto and file one copy of such application in the office of the chief of police of the City of Satsuma. * * *

Section 8. When a purchaser of a pistol shall be a resident of Mobile County, Alabama, no seller of a pistol shall deliver the pistol to the purchaser thereof until seven (7) days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police * * *.

Section 9. When a purchaser of a pistol shall be a resident of the State of Alabama and reside outside of Mobile County, no Seller of a pistol shall deliver the pistol to the purchaser thereof until ten (10) days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police * * *.

* * * * *

Section 13. It shall be unlawful for any person to purchase, attempt to purchase or to receive a pistol within the City of Satsuma, or its police jurisdiction, except in strict compliance with the provisions of Sections 1 through 12, inclusive, of this ordinance, or when the application of such person to purchase a pistol has been disapproved by the Chief of Police within the time required to elapse prior to delivery as provided in applicable provisions of Sections 8 and 9 * * *.

Section 14. It shall be unlawful for any person to sell, give or deliver a pistol to any person whose application to purchase the same has been disapproved by the Chief of police within the time required to elapse before delivery as set forth in applicable provisions of Sections 8 and 9 * * *.

* * * * *

Selma

Sec. 17-229. Selling, giving or lending to minor. It shall be unlawful for any person to sell, give or lend to any minor any * * * firearm * * *.

Slocomb

(State criminal laws adopted October 20, 1964.)

1. That any act which would be a criminal offense under the Laws of the State of Alabama, as set forth in the criminal code of the State of Alabama as recompiled in 1958, and as has been amended and as may be amended, is hereby adopted as the criminal code of the Town of Slocomb. * * *

Sylacauga

Section 16-31: Required to receive: It shall be unlawful for any exempt or non-exempt person, or any employee, servant, or agent of any exempt or non-exempt person to sell, give, lend or deliver a pistol to any non-

JUN 23 77 UM

exempt person unless the latter has in his possession, and shall deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him or her to receive a pistol.

Section 16-32: It shall be unlawful for any non-exempt person to buy, borrow, or accept delivery of a pistol from another unless such non-exempt person have in his or her possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such non-exempt person to receive a pistol.

Thomasville

Ordinance 69-12

Section 1—Definitions. A. Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, and any common carrier, except taxicabs, licensed as a common carrier.

B. Nonexempt person. Any person other than an exempt person.

C. Pistol. Any firearm with a barrel less than twelve inches in length.

Section 2. Permit to receive pistol—Required. A. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him to receive a pistol.

B. It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such nonexempt person to receive a pistol.

Section 3. Same—Application; * * * Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the Chief of Police in writing for a permit to receive a pistol.

* * * * *

Tuscaloosa

34-13. Definitions. For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34-15. Sale or delivery to minors, drug addicts, etc., prohibited. No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34-16. Sale to unknown purchaser. No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34-17. * * *; Delivery to purchaser. * * * No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded.

34-20. Certain purchases and sales excepted from article. This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

Uniontown

SEC. 99. Firearms. It shall be unlawful for any person to * * * sell, give or lend to any minor any pistol * * *.

Alaska

State Law

Alaska Stats.

Sec. 11.55.030. Possession by convicts. A person who has been convicted of a felony, or a misdemeanor involving assault and battery, assault with a dangerous weapon, burglary, robbery and like crimes, by a court in the state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, * * *.

Sec. 11.55.070. Possession of firearm while under influence of intoxicating liquor or drug. A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment in a jail for not more than one year, or by both.

Sec. 11.55.080. Purchase of firearms in contiguous states. No resident of this state is prohibited from purchasing a rifle or shotgun in a contiguous state if he complies with the provisions of PL 90-618.

Fairbanks

(1) No person shall cast, throw, light, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

* * * * *

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.

Greater Anchorage Area Borough

18.05.060 Minors, Selling Firearms To; Age. It shall be unlawful without consent of parent or guardian for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles, and shotguns.

Ketchikan

9.32.060 Sale of firearms to certain minors. It is unlawful for any person to sell firearms to minors under the age of nineteen without the written consent of a parent or guardian of the minor, or for any vendor to fail to keep a record of any sale of a firearm to a minor under said age and to make the record available to inspection by any policeman on request.

Kodiak

3. Minors—firearms. It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.

Kivalina

Section 5: It shall be unlawful for teenagers under 18 to buy shells of any kind, * * *.

Metlakatla Indian Reservation

1. Definitions. As used in this Ordinance, the following terms shall have the following respective meanings: (a) **Prohibited Firearm.** The term "Prohibited Firearm" means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

(b) Machinegun. The term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) Any Other Weapon. The term "any other weapon" means any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) Destructive Device. The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellent charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

2. Possession of Certain Firearms Prohibited. No person shall, within the Annette Islands Reserve, own, possess or transport any Prohibited Firearm or destructive device, other than the United States of America or members of the Armed Forces thereof duly authorized to carry such a Prohibited Firearm when on duty on the Annette Islands Reserve, or the State of Alaska, or any duly appointed law enforcement officer of the United States, the Metlakatla Indian Community or the State of Alaska, when such officers are on duty; and enforcing Law and Order on Annette Islands Reserve.

4. Exclusion. Any person who is not subject to the jurisdiction of the Metlakatla Indian Community who violates Section 2 hereof, shall be subject to removal from the Annette Islands Reserve upon issuance of a written order of exclusion by the court, after a hearing upon reasonable notice, subject to the approval of such exclusion order by the Council. Upon the approval of such an order by the Council, the Mayor shall transmit a copy of such order to the Chief Constable or the State Enforcement Officers who shall carry out the order by removing such person as a trespasser from the Annette Islands Reserve.

5. Interpretation. The terms used in this ordinance are intended to prohibit the possession, ownership or transportation within the Annette Islands Reserve of any firearm which is subject to registration with the National Firearms Registration and Transfer Board pursuant to the provisions of the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. Sec. 5841, or any successor provision of Federal law. In applying the definitions set forth herein, reference shall be made to the regulations and interpretations of the Secretary of the Treasury pursuant to that Act.

Seward

15-13. Same—Sale of firearms to. It shall be unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years any firearm, including but not limited to pistols, rifles, and shotguns, within the city.

JUN 23 77 UM

Arizona

State Law

Ariz. Rev. Stats.

Sec. 13-917.02. Regulation of firearms by state. Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

Sec. 13-918. Sale or gift of firearm to minor; punishment. A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

B. Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

Sec. 13-919. Possession of pistol by criminal; punishment; definitions. A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

B. A person violating the provisions of this section shall be punished by a fine of not more than two thousand dollars, by imprisonment in the state prison for not more than five years, or both, and shall forfeit the pistol.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnaping, robbery, burglary or assault with intent to commit any offense punishable by imprisonment for more than one year.

Sec. 13-924. Firearm purchase in other states. A. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 922, subsection (C) and the Code of Federal Regulations, Volume 26, Sec. 178.96, subsection (C).

B. For purposes of this section, all terms are to be given the meaning prescribed by the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 921.

Sec. 26-178. Illegal possession of equipment; penalty. A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, * * * is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law. * * * * *

Bisbee

6-4-5. **Registration of dealers required:** Every person who deals in arms, ammunition and explosives, or either of them, shall register as such dealer in a book for that purpose kept by the Chief of Police. In said book he shall write his name, his business or occupation and the address of his place of business.

Buckeye

Sec. 11-1-22 Weapons * * * F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Casa Grande

F. Sale of weapons to minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Clarkdale

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Elmirage

Sec. 11-1-54 Weapons * * * * ***G. Sale of Weapons to Minors.** A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

Globe

10-1-24 Weapons. * * * * * **F. Sale of Weapons to Minors.** A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Goodyear

* * * * *

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

Guadalupe

Section 11-1-21 Weapons * * * * * F. It is unlawful for any person to sell or give to a person under the age of eighteen (18) years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Hayden

Section 10-1-22 * * * * * F. It is unlawful for any person to sell or give to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Kearny

G. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Page

Section 10-1-22 * * * * * F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Payson

Section 10-1-22 Weapons. F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Phoenix

Sec. 23-43. Dealers in firearms—Registration required. Every person dealing in firearms, ammunition or explosives shall register as a dealer in a book to be kept by the Chief of Police for that purpose. * * *

Sec. 23-46.1. Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions. (a) Definitions.

Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown.

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who:

(1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property.

(2) Possesses, manufactures or disposes of a fire bomb.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit:

(1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties;

(2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning;

(3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

Salt River Indian Community

Sec. 6.15-Carrying Firearms or Gun * * * * * B. Any person, who shall go about anywhere within the Salt River Pima-Maricopa Indian Community, armed with any firearm, unless he shall have first obtained a permit therefor, signed by a Judge of the Salt River Tribal Court, shall be deemed guilty of an offense and the firearm carried by such person shall be impounded by officers duly constituted to enforce this Code and said firearm shall be stored at a place within the Community.

* * * * *

Show Low

* * * * *

F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

* * * * *

Somerton

Sec. 10-1-27 Weapons * * * * * F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Springerville

* * * * *

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

* * * * *

Surprise

Ordinance No 29

* * * * *

F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Youngtown

Chapter 10

* * * * *

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Arkansas

State Law

Ark. Stat.

41-3101. Definitions. As used in this Chapter [Secs. 41-3101—41-3110], unless the context plainly requires otherwise:

* * * * *

(2) "Minor" means any person under eighteen (18) years of age.

41-3103. Firearms—Possession by felon, mental defective, person committed to mental institution prohibited. (1) No person who has been

(a) convicted of a felony; or

(b) adjudicated a mental defective; or

(c) committed involuntarily to any mental institution; shall possess or own any firearm.

(2) A determination by a jury or court that a person committed a felony shall constitute a "conviction" for purposes of subsection (1) even though the court suspended imposition of sentence or placed the defendant on probation.

JUN 23 77 UM

(3) A person who violates this section commits a class A misdemeanor.

41-3104. Criminal use of prohibited weapons. (1) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he uses, possesses, makes, repairs, sells, or otherwise deals in any bomb, machine gun, sawed-off shotgun, firearm specially made or specially adapted for silent discharge, * * * or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(2) It is a defense to a prosecution under this section that:

(a) the person was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his duty at the time he used or possessed the prohibited weapon; or

(b) the defendant used, possessed, made, repaired, sold, or otherwise dealt in any of the above enumerated articles under circumstances negating any likelihood that the weapon could be used unlawfully.

(3) Criminal use of prohibited weapons is a class B felony if the weapon is a bomb, machine gun, or firearm specially made or specially adapted for silent discharge. Otherwise, it is a class D felony.

41-3105. Legitimate manufacture, repair, and transportation of prohibited weapons. Section 3104 [Sec. 41-3104] shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated therein to or for authorized representatives of the armed forces or to or for the authorized representatives of any law enforcement agency.

41-3107. Possession of a defaced firearm. (1) A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number, or other identification mark required by law, which has been removed, defaced, marred, covered, altered or destroyed.

(2) It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.

(3) Possession of a defaced firearm is a class A misdemeanor.

41-3109. Furnishing a deadly weapon to a minor. (1) A person commits the offense of furnishing a deadly weapon to a minor when he sells, barters, leases, gives, rents or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

(2) Furnishing a deadly weapon to a minor is a class A misdemeanor.

41-3157. Uniform Machine Gun Act—Definitions. "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-3160. Offensive or aggressive purpose defined. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [Sec. 41-4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41-3161. Evidence of possession or use of machine gun. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-3162. Guns for military use may be manufactured. Nothing contained in this act [Secs. 41-3157—41-3167] shall prohibit or interfere with

1. the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

41-3163. Manufacturer to keep register of guns manufactured. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of (not less than _____ hundred dollars).

41-3164. Guns now owned and in use to be registered. Every machine gun now in this State adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the (secretary of state), on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the (secretary of state), and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

41-3168. Tear gas—Carrying or possession a misdemeanor. Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

41-3169. Peace officers and banking institutions excepted from provisions of act. Provided the provisions of this act [Secs. 41-3168—41-3170] shall not apply to any peace officer while engaged in the discharge of his official duties, nor to any banking institution desiring to have possession of tear gas in any form for the purpose of securing funds in its custody from theft or robbery.

41-3174. Sale of rifles, shotguns and ammunition in this state to residents or adjacent states authorized. Hereafter, the sale of shotguns and rifles and ammunition in this State to residents of adjacent states is authorized pursuant to regulations issued by the Secretary of the Treasury under the Federal Gun Control Act of 1968 [U.S.C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

41-3175. Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state. Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 [U. S. C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

Bearden

Ordinance 172

Section 1: Adoption of the Arkansas Criminal Code which became effective on January 1, 1976: There is hereby adopted by this City Council for the purpose of regulating the enforcement of the Criminal Laws of this State and City within Bearden City Limits that code known as the "Arkansas Criminal Code" effective January 1, 1976. * * *

* * * * *

Section 2: The said Arkansas Criminal Code effective January 1, 1976, is adopted in toto.

Section 3: The invalidity of any section or provision of this code shall not invalidate any other section thereof.

Section 4: All ordinances or parts thereof in force at the time of this ordinance that are inconsistent herewith are hereby repealed.

* * * * *

Danville

Ordinance 147

Section 1: Sale of certain weapons—restricted or prohibited Licenses required. (a) It shall be unlawful for any manufacturer, gun collector or dealer to sell any pistol at wholesale or retail, or to pledge or accept any pistol as security for a loan, except those manufacturers, collectors, or dealers who have a valid federal firearms license.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of drugs or liquor at the time of the transfer, or who is under the age of twenty-one.

(d) It shall be unlawful for any person to purchase, receive, sell, give, lease, or otherwise transfer any firearm from which the manufacturers identification mark or serial number has been removed.

(e) It shall be unlawful for any person to give, sell, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of 18 years, any firearm, or any device designated, altered or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing an explosive substance designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm without the written consent of the parent or guardian of such person.

(f) It shall be unlawful for any person to sell, barter or in any manner to furnish another person, * * * any shotgun with barrel or barrels less than 18 inches in length or any rifle with barrel or barrels less than 16 inches in length or any weapon made of a rifle or shotgun by any manner to be less than 26 inches in overall length, * * *

(g) Any person who manufacturers or causes to be manufactured, imports into this city, keeps for sale, or offers or exposes for sale any of the devices listed in the above paragraph (f) of this section shall be guilty of furnishing the device even though a transfer is not carried out.

* * * * *

Sec. 2. Possession of weapons by certain persons. (a) It shall be unlawful for any person who is a fugitive from justice, or who has been convicted of a felony, or who is a drug addict, or who is under the influence of alcohol, or any drug, to carry or have in his possession or under his control, or to have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

(b) It shall be unlawful for any person under the age of 21 to have in his possession or under his control any handgun without adult supervision and the consent in writing of a parent or guardian.

El Dorado

Sec. 23-27. Weapons; * * * bartering, etc. * * * * * Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any * * * pistol of any kind whatever, any kind of cartridges for any firearm, shall be guilty of a misdemeanor. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine * * * or by imprisonment in the city jail * * * or by both fine and imprisonment * * *.

Little Rock

25.96. Pistols, sale and transfer regulated—Definitions. (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheellock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. Same—License required; sales restricted. (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. Same—Possession by certain persons prohibited; permit to display; serial number; record of sales, etc. (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or other-

JUN 23 77 UM

wise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Morrilton

11-64. Same—Sale of weapons and ammunition. Any person who shall sell, barter or exchange or otherwise dispose of or in any manner furnish to any person * * * any kind of pistol of any kind whatever except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

Norphlet

The city of Norphlet has adopted the language of the State firearms laws, including sections 41-3101 thorugh 41-3175, shown at the beginning of the Arkansas State listing in this publication.

Plumerville

Ordinance No. 17

Any person who shall sell, barter or exchange, or otherwise dispose of in any manner or furnish to any person * * * any pistol of any kind whatever except such as are used in the army or navy of the United States and known as the navy pistol, or any person who shall keep any such arms for sale in the said incorporated town shall be guilty of a misdemeanor.

* * * * *

Springdale

22-21. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

California

State Law

Ann. Cal. Codes

Penal Code

Sec. 12001. Definitions. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in this chapter shall apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

Sec. 12001.5 Manufacture, sale or possession of sawed-off shotguns not authorized Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

Sec. 12002. Exemptions

(a) Nothing in this chapter prohibits police officers, special police officers, peace officers, or law enforcement officers from carrying any wooden club, baton, or any equipment authorized for the enforcement of law or ordinance in any city or county.

(b) Nothing in this chapter prohibits a uniformed security guard, regularly employed and compensated as such by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his employment, from carrying any wooden club or baton of a type and substance approved by both the executive director of the California Crime Technological Research Foundation and the Department of Justice, if the uniformed security guard has satisfactorily completed a course of training in the carrying and use of the club or baton which has been approved by the Commission on Peace Officer Standards and Training.

Sec. 12020. Blackjacks, etc.; manufacture, sale or possession; concealed explosive or dagger; offense; punishment; exemptions. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a * * * sawed off shotgun * * * or who carries concealed upon his person any explosive substance, other than fixed ammunition * * * is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than three years.

(b) Subdivision (a) shall not apply to any of the following: (1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law. * * * * * (d) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. * * * * *

12020.5. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020. * * * * *

Sec. 12021. Concealable firearms; prohibited ownership or possession; offense; punishment; exceptions. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

Sec. 12070. Unlicensed business; offense. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

Sec. 12071. Retail licenses; business regulations. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture. * * * * *

3. No pistol or revolver shall be delivered

(a) Within fifteen days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. * * * * *

Sec. 12072. Prohibited transfers; delivery of weapon; transfer to stranger; offense. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within fifteen days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

Sec. 12073. Register of sales; contents; exemptions. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated.

Sec. 12078. Exemption of sales to government officers; identification; report of sale. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Department of Justice a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

Sec. 12079. Mail orders; record of order; fee. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form: [See local requirements]

* * * * *

Chapter 2
Machine Guns

Sec. 12092. Assignment of number or mark. The Department of Justice upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

Sec. 12094. Unmarked firearms; purchase, sale or possession; offense. Any person with knowledge of any change, alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated is guilty of a misdemeanor.

Sec. 12095. Sawed-off shotguns as props; manufacture, possession, transportation or use; issuance of permit, duration of permit. If it finds that it does not endanger the public safety, the Department of Justice may issue permits initially valid for a period of one year, and renewable annually thereafter, for the manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production upon a showing that good cause exists for the issuance thereof to the applicant for such a permit. No permit shall be issued to a person who is under 18 years of age.

Sec. 12200. Definition. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with such weapon. The term shall also include any combination of parts designed and intended for use in converting a weapon into a machinegun.

Sec. 12201. Exemptions. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshal's offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on

JUN 23 77 UM

duty and such use is within the scope of their duties.

Sec. 12220. Unauthorized sale, possession or transportation; punishment. Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

Sec. 12230. Authority to issue; showing necessary. The Department of Justice may issue permits for the possession and transportation or possession or transportation of such machineguns, upon a satisfactory showing that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

Sec. 12250. Authority to grant license; revocation; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machineguns subject to all of the following conditions, upon breach of any of which the license shall be revoked: * * * * *

3. No machinegun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

* * * * *

Chapter 2.5
Destructive Devices

Sec. 12301. Definition. (a) The term "destructive device," as used in this chapter, shall include any of the following weapons: (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

Sec. 12302. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guards, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

Sec. 12303. Possession; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000) or by both such fine and imprisonment.

Sec. 12303.6 Sale or transportation; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 15 years.

12304. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment. * * * * *

Sec. 12305. Permits to conduct business; fee. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Department of Justice. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

Sec. 12306. Permits; non-business purposes; fee Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Department of Justice before possessing or transporting any destructive device. The department may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The department shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

Chapter 4
Tear Gas Weapons

Sec. 12402. Tear gas weapon. The term "tear gas weapon" as used in this chapter shall apply to and include: (a) Any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

(b) Any revolvers, pistols, fountain pen guns, billies, or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

Sec. 12403. Exemptions; peace officers. Nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; chiefs, assistant chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Health; warden, superintendent, supervisor, agent of the law enforcement liaison unit, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; any employee of the Department of the Youth Authority who is a peace officer pursuant to Section 830.5 and is assigned to the department's missing ward unit; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

Sec. 12403.5 Exemptions; private investigators; private patrol operators or uniformed patrolmen employees. Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officer Standards and Training in the use of tear gas.

Sec. 12423, Authority to issue; scope. The Department of Justice may issue a permit for the possession and transportation of tear gas or tear gas weapons upon proof that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain, and operate a protective system involving the use of tear gas or tear gas weapons in any place which is accurately and completely described in the application for the permit. * * * * *

Sec. 12435. Authority to issue; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of tear gas or tear gas weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas or tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture: [See State statute for details]

Sec. 12500. Silencer. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

Sec. 12501. Exemptions. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

Sec. 12520. Possession; offense; punishment. Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars ($5,000) or by both.

Sec. 12550. Necessity of parental consent; violation; misdemeanor. No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

Sec. 12551. Sale to minors; misdemeanor. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

Sec. 12560. Violation; penalty. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

Sec. 12570. Purchase in contiguous state; laws applicable. Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Government Code

Sec. 53071. Registration and licensing of firearms; exclusive regulation by legislature. It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivisions as defined in Section 1721 of the Labor Code.

Adelanto

Ordinance No. 18

Section 6. Purchase of Firearm and Other Weapons. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a firearm * * *.

Alameda

16-512. Maxim silencer. It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16-517. Firearms * * *—Use or possession of by minors. It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

16-521. Sale, etc., except to permit holder unlawful. It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being

V 42 N 24 JUN 23 77 UM

concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

16-522. Permit to acquire firearm—Application—Issuance—Sale not to be made without permit—Endorsement. Upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, the Chief of Police may issue to such person a numbered permit authorizing such person to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person [contact local authorities for required contents] * * * The Chief of Police shall retain the duplicate copy in the files of his office. No such sale, lease or other transfer of such a firearm shall ever be made without such a permit and unless the description of the person desiring such acquisition shall correspond with the description in such permit, nor unless such permit is then and there surrendered to the person from whom such firearm is received. The person selling, leasing or otherwise transferring such firearm shall endorse upon the permit the make, number and caliber of such firearm and immediately transmit the permit to the Chief of Police.

16-524. Purchase or acceptance of firearm without permit unlawful. It shall be unlawful for any person in the City of Alameda to purchase or accept delivery from any person, firm, association or corporation, outside the City, of any pistol, revolver or other firearm of a size capable of being concealed on the person, without first having procured a permit from the Chief of Police as provided in Section 16-522.

16-525. Article not applicable to officers or dealers receiving or transporting firearms. Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers and other firearms in the regular course of business.

Alameda County

4-11.0 Definition of dangerous weapon. Dangerous weapon shall mean and include: * * * * * (f) Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

4-11.1 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided in Section 4-11.2, it shall be unlawful for any person in the unincorporated territory of Alameda County to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

4-11.2 Same: exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Section 4-11.0; nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Alhambra

2642. Section One: It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age * * * any gun, revolver, pistol * * * or firearm of any description which discharges or propels any missile; * * * or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.

* * * * *

Angels

Section 1. It shall be unlawful for any person to sell, give away or dispose, to fire, shoot, discharge or explode, within the limits of the City of Angels any pistol, gun, fire-arm, cannon, anvil or any other cracker, bomb, torpedo, sky-rocket, chaser, roman candle or any other kind of fire-works, except on Public occasions, fete days or occasions of public parade, and only on such time when written permission shall first have been obtained from the Board of Trustees of the City of Angels and which permission shall fix the time and place and restrict the manner in which such public demonstration may be had.

Antioch

Ordinance 153-C-S

Section 4-6.01 (b) It shall be unlawful for any person under the age of eighteen (18) years to have in his immediate possession any kind of gun, pistol or firearm designed to be loaded with gun powder or any other explosive substance, except under the direct supervision and control of an adult person.

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Azusa

8.09.020. Possession of dangerous weapons by minors prohibited. Except as otherwise provided for in this Chapter, it shall be unlawful for any person under the age of eighteen years to have in his possession, or under his control, care, or custody, any gun, revolver, pistol, firearm, or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, firearm or device containing any explosive substance designed or intended to be used in or fired from any gun, pistol, or firearm * * *.

8.09.030. Providing dangerous weapons to minors unlawful. Except as otherwise provided for in this Chapter it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, or loaned, or in any way furnished, to any minor person under the age of eighteen years, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge or capable of discharging any dangerous missile or explosive substance. This Section shall not apply to or include any person who shall loan, give, or furnish to any minor person under the age of eighteen years any firearm or weapon or device when and only when it is so loaned, given or furnished to comply with and when such minor person under eighteen years of age actually participates in shooting at any of the designated target ranges in Section 8.09.050 or while going to and returning from such target ranges.

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale * * *.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3502.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bellflower

* * * * *

Section 3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Section 3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 3403. Nothing in Sections 3400, 3401, and 3402 shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof:

* * * * *

Belmont

11.6. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Beverly Hills

Sec. 3-7.02. Furnishing weapons to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol, * * * or firearm of any description to any person under the age of eighteen (18) years.

Sec. 3-7.03. Furnishing ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive or any ammunition of any description to any person under the age of eighteen (18) years.

Sec. 3-7.04. Possession of weapons by minors: Duty of parents. (a) Possession by minors. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, care, custody or control any gun, revolver, pistol, * * * or firearm of any description * * * or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

* * * * *

Buena Park

18-13. **Possession or use of firearms prohibited.** No person under the age of eighteen years shall use or have in his possession any firearm, * * * or ammunition within the city.

18-14. **Giving, selling, etc., of firearms to minors.** No person shall give, sell or loan to any person under the age of eighteen years any firearm, * * * or ammunition.

Burbank

Sec. 20-57. **License to Sell Firearms at Retail.** Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Division, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. * * *

Sec. 20-58. **Unlawful to Sell without Prior Notice to Chief of Police.** No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee.

Sec. 20-63. **Sale of Ammunition to Minors.** No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, B-B shot, shot or other missile designed for use in any firearm * * *.

Sec. 20-64. **Possession of Firearms by Minors.** (a) No person under sixteen (16) years of age shall have in his possession any firearm * * * or ammunition * * *

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 20-59 * * *, or when traveling to and from any of the places mentioned in Subsections (a), (b) and (c) of Section 20-59 for the purposes of shooting.

V 421 21
JUN 23 77
UMI

(b) Other Dangerous Devices.

No person under sixteen (16) years of age shall have in his possession any other device not mentioned in Subsection (a) capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.

(c) Applicability.

The preceding Subsections (a) and (b) shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian.

Carpinteria

Chapter 6.1
Handgun Sellers' License
(Added by Ordinance 193)

Section 6610. Definition. For the purposes of this Chapter, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Section 6611. Purpose and Intent. The purpose and intent of this Chapter is to designate the City Clerk of the City of Carpinteria as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in this City pursuant to Title 2, Chapter 1, Article 4 of the California Penal Code.

Section 6612. Application Procedure. Application for the license to sell handguns shall be made and conducted in the following manner: Application for license effective for one year from the date of issue shall be on forms made available by the City Clerk and prescribed by the Attorney General of the State of California.

Section 6613. Application for License to Sell Handguns. Upon payment of the fees fixed therefor in Section 6616, and the obtaining of all other applicable fees and licenses, the City Clerk shall issue and renew a license to sell handguns in the form prescribed by the Attorney General of the State of California pursuant to Penal Code Section 12071 if, and only if, all the following conditions are satisfied: (a) The applicant is eighteen years of age, or over; (b) The applicant has not been convicted of any crime involving the illegal use or possession of any weapon described in Penal Code Section 3024(f) or Penal Code Section 12020; (c) The applicant has not been adjudicated a mentally incompetent person or has not been adjudicated to be a member of a class of persons subject to proceedings pursuant to the Lanterman-Petris-Short Act contained in Section 5001, et seq. of the Welfare and Institutions Code. (d) The applicant has not willfully failed to disclose any material information required in the application; (e) The applicant has not made any false statement as to any material fact in connection with the application; (f) The applicant is not in violation, at the time of issuance or renewal of the license, of any of the provisions of this Chapter, or of any conditions contained in any license to sell handguns previously issued to the applicant pursuant to this Chapter, or contained in Penal Code Section 12071; and (g) The sale of handguns at the locations specified in the application is not prohibited by any provision of the zoning laws or ordinances of the City.

Carson

Section 4302. Minors, Selling or Giving Weapons To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of 18 years, any gun, revolver, pistol, firearm, * * * or device designed to discharge, or capable of discharging, or any dangerous missile.

Section 4303. Minors, Providing Ammunition To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Section 4304. Minors, Discharging Weapons. Except as otherwise provided in Section 4305, no person under the age of 18 years shall * * * have in his or her possession * * * any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

Section 4305. Exception To. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; nor to prohibit any such person under the age of 18 years from having in his or her possession, * * * any article mentioned in Section 4304 hereof in the event that such possession * * * of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person. * * * * *

Cerritos

Ordinance 17

Section 1. * * * it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

Section 2. * * * it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 3. * * * it shall be unlawful * * * for any person under the age of eighteen (18) years * * * to have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, * * * or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm

Section 4. Nothing in this ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *

Chula Vista

5.28.010 License required—Statutory authority applicable. No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the chief of police, which license shall be issued in accordance with the conditions and provisions contained in Article 4, Chapter 1, Title 2, Part 4 of the Penal Code, commencing at Section 12070. There shall be no charge for the issuance of this license.

9.32.010 Conveyance of firearms to minors prohibited. No person shall sell, exchange, give or loan to any person under the age of sixteen years any * * * gun, revolver, pistol or firearm of any description * * * designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

9.32.020 Possession of firearms by minors prohibited. No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

Clovis

4-6.07. Sale of firearms. (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any * * * rifle, pistol, revolver, gun, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

Commerce

9.16.010 Giving firearms to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm * * *.

9.16.020 Giving ammunition to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

9.16.040 Exceptions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.16.010 and 9.16.020 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.16.030 hereof in the event that the possession, care, custody, or control of the article is had with the consent of the parent or guardian of the person and is under the direct supervision and control of some adult person * * * * *.

Compton

3603. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

3603.1 Minors—Possession of. No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Contra Costa County

44-4.002 Firearms—Possession by minors. No minor under the age of sixteen years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

44-4.008 Firearms—Ammunition sale to minors. No person shall sell or give to any minor under the age of sixteen years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

Corona

4-4-1. Minors, firearms, etc., sale, etc., to. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, * * * or any ammunition therefor, * * *

4-4-2. Possession prohibited. No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4-4-1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Chapter 17
Retail Sale of Concealable Firearms

6-17-1: Purpose: The purpose of this Chapter 17 is to provide for the licensing of persons to engage in the business of selling by retail any pistol, revolver, or other firearm capable of being concealed upon the person, as provided for the Part 4, Title II, Chapter 1, Article 4 (commencing with Section 12070) of the California Penal Code, and hereinafter in this Chapter referred to as "Article 4".

6-17-2: Administration: The Chief of Police is hereby constituted the licensing authority for the City within the meaning of Section 12070 of Article 4, and is granted the authority to administer the provisions of this Chapter. The Chief of Police may delegate such authority to an employee or member of the City's Police Department, as he shall determine.

6-17-3: Issuance of license; fees: The Chief of Police, or his delegee, shall accept applications for, and may grant licenses permitting a person to sell at retail within the City of Corona pistols, revolvers, and other firearms capable of being concealed upon the person. If such a license is granted it shall be effective for not more than one year from the date of issuance or such shorter period of time as the Chief, or his delegee, may provide.

* * * * *

6-17-7: Exceptions: This Chapter shall not be applicable to any person who makes only those sales, as described in Section 12078 of the California Penal Code.

Culver City

Section 36-9. Minors—Sale of Firearms to. It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description.

Section 36-10. Same—Possession of Firearms. No person under 18 years of age shall

V 42 N 21
JUN 23 77
UM

have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

Daly

Sec. 16-5. Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age. No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.

Sec. 16-6. Same—Possession by minors under eighteen years of age. No person under the age of eighteen years shall have in his possession, expose, use or discharge any pistol or other firearm, or have in his possession any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap whether loaded with ball or not.

* * * * *

Sec. 19-6. Firearms * * * Permit required for use. No person shall exhibit, manufacture, sell, expose for sale, set off, discharge or cause to be set off or discharged any ordnance, gun, rifle, pistol or other firearm or * * * gunpowder * * * within the city, except after a permit has been obtained from the city council.

* * * * *

Del Ray Oaks

Ordinance 112

1. No person under the age of sixteen (16) years shall have in his possession, care, custody or control any revolver, pistol or firearm of any description or any air or gas-operated gun designed to fire a bullet, pellet or metal projectile, or any ammunition, cartridge, shell, pellet or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein, unless personally accompanied by and under the direct supervision of an adult.

2. No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Del Rey Oaks unless said person has fully complied with all of the following conditions:

a) The Seller shall hold a Federal Firearms Permit and shall meet all of the provisions of the Gun Control Act of 1968.

b) The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Del Rey Oaks. * * *

* * * * *

5. Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Downey

4112. Weapons: Furnishing to minors. Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen (18) years, any * * * gun, revolver, pistol, firearm, * * * or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4113. Minors. Possession. Except as otherwise provided in Section 4114 hereof, no person under the age of eighteen (18) years shall fire, discharge, shoot, or operate, or have in his or her possession, care, custody, or control, any * * * gun, revolver, pistol, firearm, * * * or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

4114. Exceptions. Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

Duarte

9.52.060 Furnishing weapons to minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

9.52.080 Use or possession by minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte, for any person under the age of eighteen years to fire, discharge, shoot, or operate, or to assist or participate in the firing, discharging, shooting, or to have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

El Cajon

9.92.020 Firearms—Sale to minors. No person shall sell within the city to any minor child any * * * pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

Section 10.48.020. Firearms—Sale to minors. It is unlawful for any person to sell to any minor in the city * * * any firearm, or gun, or rifle or other gun or device discharging by the use of powder * * * except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

El Monte

12.3. Permits required. a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

4250. Firearm. Defined. For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, * * * target pistol, target gun * * * tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4251. Same. Possession by minors prohibited. No person under the age of 16 years shall own, possess, shoot, discharge, or use any firearm.

4252. Same. Parental duty. No parent, guardian, custodian or person in charge of any person under the age of 16 years shall permit any such person under the age of 16 years to own, possess or use any firearm.

4253. Same. Sale to minors prohibited. No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.

El Segundo

5.44.010 Director of Finance Licensing Authority. The director of finance is designated the duly authorized licensing authority of the city for the sale of pistols, revolvers and other firearms capable of being concealed upon the person.

The director of finance is directed to comply with the provisions of Section 12071 of the Penal Code of the state of California.

5.44.020 Application. An application shall be filed in writing with the director of finance on forms provided by the city.

5.44.030 Investigation. The director of finance shall refer each application for a permit, or renewal of such permit, to the chief of police, who, upon receipt thereof, shall conduct an appropriate investigation. Such investigation shall include, at a minumum, the following factors:

(1) The security of the premises on which the business is conducted;

(2) The criminal record or lack thereof of the applicant;

(3) Compliance with all applicable sections of United States and California law governing the sale of firearms.

The chief of police may cause the fingerprints to be taken of any person who files an application pursuant to this chapter.

5.44.040 Permit Issued—Renewed. After investigation, the director of finance may issue or renew the permit if he finds:

(1) The applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has not been convicted of a felony;

(2) The premises in which the business will be carried on provides secure protection against theft, loss or misplacement of concealable firearms, and complies with and meets all health, zoning, fire, building and safety requirements;

(3) That the applicant will comply with all applicable provisions of law concerning the sale of firearms.

Fontana

Sec. 32-11. Sale, etc., of weapons, ammunition, etc., to minors. No person shall sell, exchange, give or lend to any person under eighteen years of age any * * * gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or possession of any * * *, rifle, shotgun or pistol, or any ammunition for such firearm, * * * nor prohibit the selling thereof for such purpose provided the minor has the written consent of a parent or legal guardian.

Foster City

9.88.060 Sale to minors prohibited. No person shall sell, deliver or transfer ownership to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a projectile propelled by the expansion of a gas, powder or air.

Fremont

* * * * *

Sec. 3-3100. Sale of Weapons to minors. Except as otherwise provided in section 3-3103 of this Code, no persons shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, * * * or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

Sec. 3-3101. Sale of ammunition to minors. Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

Sec. 3-3103. Prohibition does not apply to licensed hunters. Nothing in sections 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. * * *

* * * * *

Fullerton

3.55.010 Definition. "Seller of concealable firearms" means any person who sells or offers for sale at retail any pistols, revolvers or other firearms capable of being concealed upon the person.

3.55.015 Permit required. No person shall engage in, conduct, manage or carry on the business of seller of concealable firearms without a written permit from the chief of police. * * *

3.55.020 Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made from that fixed place of business.

Gardena

Sec. 3-3.101. Definitions. For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, * * * or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm. * * * * *

Sec. 3-3.103. Possession of firearms by minors. No person under eighteen (18) years of age shall have in his possession * * * any firearm.

Sec. 3-3.104. Furnishing firearms to minors. It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Glendale

Ordinance 1260

Section 1: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen (18) years.

Section 2: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen (18) years.

* * * * *

Section 4: It shall be unlawful for any person under the age of eighteen (18) years to have in his or her possession, care, custody or control, in the City of Glendale, any gun, re-

V 42 N 21 JUN 23 77 UM

volver, pistol, spring or air gun, or firearms of any description, or any cartridge, shell, or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive.

Ordinance 4254

Article VII. Concealable Firearms; Retail Sales. Sec. 19-80. Permit required. No person shall within the city engage in the business of selling or otherwise transferring any handgun, pistol, revolver or other firearm capable of being concealed upon the person without first having received a revocable permit from the chief of police authorizing such person to make such sales.

Sec. 19-81. Permit application and issuance. The chief of police shall issue a revocable permit for the sale of firearms described in this section * * * whenever: (a) The applicant has an established place of business within the city; and (b) The applicant is a person of good moral character and has not been convicted of any felony or misdemeanor involving the violation of any law of the State of California or ordinance of the city relating to the owning, carrying, sale, use or registration of any firearm or dangerous or deadly weapon.

Sec. 19-83. Conditions of permit, revocation. Any permit issued shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the chief of police:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered within fifteen (15) days of the application for the purchase, and in addition, the purchaser must be personally known to the seller or the purchaser must present clear evidence of his identity to the seller.

4. No pistol or revolver shall be delivered unless it is unloaded and securely wrapped.

Guadalupe

Ordinance 66

Section 2. Sale of firearms to minors. It shall be unlawful for any person to sell to any minor in the City of Guadalupe, * * * any firearm, or gun, or rifle or other gun or device discharging by the use of powder, * * * any bullet or shot of any kind, * * *.

* * * * *

Hawaiian Gardens

* * * * *

9.60.010 Sale of weapons to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city for any person, firm or corporation to sell, give, lend or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

9.60.020 Sale of ammunition to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city, for any person, firm or corporation, to sell, give, lend, or in any way furnish or to cause or permit to be held, given, lent, or in any way furnish, to any person under the age of eighteen years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol or firearm.

9.60.030 Minors possessing or shooting weapons. Except as otherwise provided in Section 9.60.040, it is unlawful in said city, for any person under the age of eighteen years to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting, or operating, or to have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, * * * or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

9.60.040 Supervision and control of minors. Nothing in this chapter shall be deemed or construed to prohibit in said city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.60.010 and 9.60.020, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.60.030, in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person, nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in Section 9.60.030 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in said city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

* * * * *

Hawthorne

Sale of Firearms and Ammunition to Minors

9.78.010 Regulations. A. Selling. No person shall sell, exchange, give or loan any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen years.

B. Possession. No minor under the age of eighteen years shall have in his possession, care, custody or control any gun, revolver, pistol or other firearm, or any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Hayward

3-4.00 Dangerous weapon. Definition. Dangerous weapon shall mean and include: 6. Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3-4.10 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3-4.11 Same. Exceptions. Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3-4.00 * * *.

Hermosa Beach

* * * * *

Sec. 18-1. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device containing any explosive substance designed and intended for use in any weapon enumerated herein.

Sec. 18-2. Same—Possession by minors. No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

* * * * *

Industry City

9.56.010 Furnishing weapons—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge, or capable of discharging, any dangerous missile.

9.56.020 Furnishing ammunition—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.62.080 Sale of firearms—Permit required. No person shall sell at retail within the city a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the county sheriff authorizing such person to make such sale.

Inglewood

Section 5-19.1. Firearm Sale to Minor Prohibited. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any * * * gun, revolver, pistol or firearm of any description * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.

Section 5-19.2. Firearm Possession by Minors Prohibited. It shall be unlawful for any person under 18 years of age to have in his possession, care, custody or control, any weapon or article designated in Section 5-19.1.

Irwindale

4135. Permit to Sell. No person shall sell at retail within the City a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Sheriff of Los Angeles County authorizing such person to make such sale.

4140. Weapons. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

4141. Ammunition. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm, except ordinary paper caps for toy cap guns.

4142. Weapons. Minors, Possession and Use Prohibited. Except as otherwise provided in Section 4143 hereof, no person under the age of eighteen years shall * * * have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, * * * or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fire from any gun, revolver, pistol, or firearm.

4143. Same. Same. Consent of Parent. Nothing contained in Sections 4140, 4141 or 4142 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said sections; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 4142 in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

Isleton

42.1. It shall be unlawful for any person, firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2-3. No pistol or revolver shall be delivered (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Lakewood

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * * or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

La Mesa

10.28.010. Firearm defined. As used in this chapter, the word "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive. * * *

10.28.020. Possession of firearm by infant. No person under the age of eighteen shall be allowed to have in his possession within the city limits of the city of La Mesa any firearm presently capable of expelling a projectile.

La Mirada

9.40.010. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

9.40.020. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in

V 42 N 1
JUN 23 77
UM

the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

9.40.040. Nothing in Sections 9.40.010, 9.40.020, * * * shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.40.010 and 9.40.020 hereof; * * *.

La Puente

* * * * *

3.12.090 Retail sale permit—Required. No person shall sell at retail within the city, a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

* * * * *

3.12.140 Furnishing firearms to minors prohibited. Except as otherwise provided in Section 3.12.170, it shall be unlawful in the City of La Puente for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished; to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *.

3.12.150 Furnishing ammunition to minors prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

3.12.160 Possession or firing of firearm by minor prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person under the age of eighteen years * * * to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

3.12.170 Exceptions from prohibition. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3.12.140 and 3.12.150, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3.12.160 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

* * * * *

Lodi Lake Park

Lodi City Code

* * * * *

Sec. 15-7. Firearms prohibited in Lodi Lake Park. Any person, excepting public officers, possessing, carrying or discharging firearms within the boundaries of the lands of the city commonly known and designated as "Lodi Lake Park" is guilty of a misdemeanor.

Lompoc

Sec. 10A-25. Concealable Firearms Retail Sales Licenses. (a) This section is adopted to comply with the requirements of section 12071 and related sections of the California Penal Code.

(b) Applications to sell at retail within the city, pistols, revolvers and other firearms capable of being concealed upon the person, shall be made to the City Clerk. Each application shall include a $10.00 fee. The fee is not refundable in the event the license is not issued. The City Clerk shall issue the license, after receiving the approval of the Chief of Police. * * * * *

Long Beach

4180.4—Same—Sale, gift or loan of firearms to. No person, as principal, agent or otherwise, shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

4180.5—Same—Sale, etc., of * * * ammunition to persons under eighteen years of age. No person as principal, agent or otherwise, shall sell, exchange, give or loan any * * * missile designed or intended for use in any, * * * pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description, to any person under the age of eighteen years.

4180.7. Possession by minor under eighteen of firearms, air guns or ammunition. No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody, or control, any gun, revolver, pistol, * * * or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

Los Angeles

Los Angeles Municipal Code

Sec. 45.01 Firearms * * * Sale to minors: No person shall sell, exchange, give or loan to any person under 18 years of age any * * * gun, revolver, pistol or firearm of any description, * * * or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Sec. 45.02 Firearms—Minors—Possession of: No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

* * * * *

103.314. Sellers of concealable firearms: (a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

(c) Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made at said fixed location.

Los Angeles County

1567-1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

1567-2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

1567-4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; * * *.

Los Banos

Policy
Concealable Weapons Dealer License

I. Policy. A. The Chief of Police or his designated representative shall review each application for a License to Sell Concealable Firearms on an individual basis.

* * * * *

License Conditions

3. No pistol or revolver shall be delivered: (a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

* * * * *

Los Gatos

Sec. 17-13. Same—Sale to minors; possession and use by minors. No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. No such minor shall use or possess any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. * * *

Lynwood

22-38. Furnishing ammunition to persons under eighteen. Except as otherwise provided in this article, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished to any person under the age of eighteen (18) years any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

22-40. Persons under eighteen possessing or discharging firearms and other weapons. Except as otherwise provided in this article, it shall be unlawful in the city for any person under the age of eighteen (18) years to have in his possession * * * any firearm * * * or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any firearm.

22-41. Parental consent for persons under eighteen. Nothing in this article shall be deemed or construed to prohibit in the city * * * any person under the age of eighteen (18) years from having in his possession * * * any weapon mentioned in this article in the event that such possession * * * of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some person over the age of twenty-one (21) years.

Montclair

42-1. Definitions: Firearms: The words "Firearm" or "Firearms" as used in this ordinance, includes, but is not limited to: any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, * * * devised or intended to be used or fired from any gun, revolver, pistol or firearm. * * *

42-3. That no person under eighteen (18) years of age shall have in his possession, care, custody or control, * * * any firearm or firearms.

42-4. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm or firearms as defined in Section 1 of this Ordinance.

Monterey Park

9.84.010 Possession—By minor. No person shall give, sell or loan to any person under the age of eighteen years, any firearm, * * * or ammunition.

9.84.020 Possession—Prohibited. No person under the age of eighteen years, shall use or have in his possession any firearm, * * * or ammunition within the city.

Newark

Section 6. Person Under 16 Years of Age Prohibited from Carrying Dangerous Weapon: exceptions: No person under the age of 16 years shall carry or have in his possession a dangerous weapon unless such person is accompanied by an adult, or has in his possession and on his person a valid, unrevoked, unexpired hunting license issued by the State of California.

Section 7. Permitting Person Under 16 Years of Age from Carrying Dangerous Weapon Prohibited. Any parent or other person permitting or encouraging any person under the age of 16 years to violate the provisions of Section 6 hereof shall be guilty of a misdemeanor.

Norwalk

4302. Minors, Selling or Giving Weapons to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any gun, revolver, pistol, firearm * * *.

4303. Same, Providing Ammunition to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4305. Same, Exception to. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; * * *.

Oakland

2-2.30. Firearms and air rifles. Use or possession of by minors. It shall be unlawful for any person to sell or give to any minor

V 42 N 21 JUN 23 77 UM

in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver * * *, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

2-2.31. Maxim silencers. It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Oceanside

Ordinance No. 75-5

ARTICLE III. Sec. 15.38 Purpose. The purpose of this article is to set forth the procedures for the issuance and revocation of the state license to sell concealable firearms.

Sec. 15.39 Application. Any person desiring a state license to sell concealable firearms shall make written application to the license inspector, who shall refer the application to the appropriate city departments for investigation as to: (1) Security of the business premises; (2) Criminal record or lack thereof of applicant; (3) Applicant's reputation for honesty and integrity in the community.

Orange County

Sec. 5-1-29. Licenses required. It shall be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on any of the following businesses, practices, professions or occupations within the unincorporated area of the County of Orange without first having obtained a license therefor in accordance with division 2 of this title: * * * * * (n) Retail sale of concealable firearms.

Sec. 5-3-240. Licensing of retail sellers of concealable weapons. The Sheriff of Orange County is hereby designated as the licensing authority for said County and is authorized to issue licenses therefor pursuant to Article 4 of Title 2 of Part 4 of the California Penal Code (commencing with Section 12070) as said Article exists or may be amended from time to time for the sale at retail of pistols, revolvers and other firearms capable of being concealed upon the person.

Pacifica

5-14.01. Firearms: Defined. For the purposes of this chapter, "firearms" shall mean and include cannons, guns, pistols, revolvers, automatic pistols, rifles, shotguns, * * *.

5-14.04. Firearms: Possession by minors. (a) Unlawful. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm except as provided in subsection (b) of this section.

(b) Exceptions. The provisions of subsection (a) of this section shall not apply to such persons under the age of eighteen (18) years: (1) When the person under the age of eighteen (18) years is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such minor person; and (2) When the firearm is unloaded and is either in a dismantled or "take-down" condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

Palmdale

Ordinance No. 258

Section 1. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 2 hereof. Any person violating this section is guilty of a misdemeanor.

Section 2. The City Clerk shall accept applications for, and may, in his discretion, grant licenses permitting the licensee to sell at retail within the City of Palmdale pistols, revolvers, and other firearms capable of being concealed upon the person. [The license] * * * shall be effective for not more than one year from the date of issue, and shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the City Clerk, shall be displayed on the premises where it can easily be seen.

(3) No pistol or revolver shall be delivered

(a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Paramount

Sec. 30-33. Sale to minors. Except as otherwise provided in section 30-36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

Sec. 30-34. Sale of ammunition to minors. Except as otherwise provided in section 30-36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Sec. 30-36. Exceptions to sections 30-33 to 30-35. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30-33 and 30-34; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 30-35 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in section 30-35 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

Pico Rivera

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City

of Pico Rivera for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm. * * * or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.2. Unlawful Use. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person under the age of eighteen (18) years * * * to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, * * * or devices designed or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in Section 3520.2 hereof in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Piedmont

12.5. Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions. It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, * * * or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, * * * or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

Pittsburg

9.92.030 No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object: provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

Placentia City

(c) It shall be unlawful to sell, give away, barter, or trade, any gun, pistol, or firearms * * * to any minor under the age of eighteen years without the written consent of the Police Department.

(d) It shall be unlawful to sell, give away, barter, or trade any ammunition, * * * used for shooting from pistols, guns or fire arms, * * * to any person under the age of eighteen years without the written consent of the Police Department.

(e) It shall be unlawful for any parent, juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

Pleasant Hill

Ordinance 52

Section 1. Selling or furnishing guns to persons under 18 Prohibited. It is unlawful for a person to sell, give, loan, or furnish to anyone under the age of 18 years, a gun, firearm, * * *

Section 2. Selling or furnishing ammunition to person under 18 prohibited. It is unlawful for a person to sell, give, loan, or furnish to a person under the age of 18 years, a cartridge, shell, ammunition, or device containing an explosive substance, designed or intended to be used in or fired from a gun or firearm.

* * * * *

Section 4. Exceptions. This ordinance does not apply to: (1) A person who sells or furnishes an article mentioned in Section 1 or Section 2 to a person under 18 upon the written consent of the parent or guardian;

* * * * *

Ordinance 308

8-805. Possession of firearms by persons under 18 years of age prohibited. No person under 18 years may have in his possession or control a firearm * * * or other gun or device which throws or projects a dangerous missile, or a cartridge, shell, ammunition or device containing an explosive substance.

Portola Valley

* * * * *

Article 2. Sale of Certain Firearms. Section 3255.0. Portions of Penal Code Adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1. Sheriff's Licensing Authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. All applications for licenses under the foregoing Penal Code Sections shall be made to the Sheriff and he is hereby authorized to grant licenses, effective for one year from the date of issue * * *

Section 3255.2. Conditions of License. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

a. The business shall be carried on only in the building designated in the license.

b. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

c. No pistol or revolver shall be delivered (1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

d. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Section 3255.3. Copies of Register Sheet, Disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Sec-

JUN 23 77 UM

tion 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

* * * * *

Redding

19.19. Same—Sale of firearms thereto. It shall be unlawful to expose for sale, sell, or offer for sale, barter or exchange, to or with any minor under the age of eighteen years, any pistol or other firearm, or any instrument capable of discharging any charge of powder, or other explosives, or any cartridge loaded with ball.

Redwood

* * * * *

Section 3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

Article 2. Sale of certain firearms

Section 3255.0. Portions of penal code adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1. Sheriff's licensing authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. * * *

Section 3255.2. Conditions of license. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture: * * * c. No pistol or revolver shall be delivered

(1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

Section 3255.3. Copies of register sheet, disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

Rolling Hills

Ordinance 8

Section 1: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years any gun, revolver, pistol, firearm, * * *

Section 2: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years, any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

* * * * *

Section 4: Nothing in this Ordinance shall be deemed or construed to prohibit in the City of Rolling Hills the selling, giving, loaning or furnishing to any person under the age of sixteen (16) years upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof * * *

Rosemead

Chapter V—Firearms

3500. Firearms Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3501. Ammunition Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead, for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Rosemead the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 3502 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Sacramento

48.7. Purchase and sale of certain firearms. It shall be unlawful for any person in the city to purchase any small firearm that may be concealed upon the person, without first procuring a written permit from the chief of police to do so.

It shall be unlawful for any person in the city to sell or dispose of any such small firearm to any person not holding such written permit, which permit shall be exhibited to the seller or dealer at the time the sale is made.

San Bernardino

Ordinance No 2106

Section one: No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, * * *

San Bernardino County

22.012 Shotguns and Rifles in Restricted Areas. It shall be unlawful within the County of San Bernardino for any person to have in his possession or under his control a rifle with a shell in the chamber or magazine or a shotgun with a slug in the chamber or magazine within the areas described in subsection (a) to (h), inclusive, of Section 22.011 of this chapter. (*Editor's Note: These areas include San Bernardino Valley, Camp Baldy, Wrightwood, Crestline-Lake Arrowhead-Green Valley, Barton Flats-Camp Angelus-Forest Home, Big Bear, and Desert Areas. See local law for specific land descriptions and exceptions.*)

22.013 Persons Exempt to Provisions of this Chapter. The provisions of this chapter shall not apply to any peace officer in the regular discharge of his duties: nor to any contest conducted by and under the supervision of a bona fide rifle or pistol organization at a public shooting gallery or rifle and pistol range. * * *

22.016 Purchase of Firearms. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges * * *

22.017 Prohibiting Firearms—Possession by Minors. No person under the age of eighteen years shall have in his possession, care, custody or control, any of the articles mentioned in Section 22.016 of this chapter except within his own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult. This section shall not apply to any person possessing a valid California hunting license.

San Bruno

16-6. Firearms—Sale to and possession by minors. (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

Section 5113. Sale of Certain Firearms Prohibited to Minors. No person shall sell, deliver or transfer to any person under the age of eighteen (18) years any pistol, revolver or other similar weapons capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of gas.

Sand City

Ordinance 74-76

Section 1: No person shall sell, exchange, give or loan to any person under the age of 16 years any * * * gun, revolver, pistol or firearm of any description, * * * or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Section 2: No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the proceding section.

Section 3: No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Sand City unless said person has fully complied with all of the following conditions:

A. The Seller shall hold a Federal Firearms Permit, and shall meet all of the provisions of the Gun Control Act of 1968.

B. The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Sand City. * * *

C. The City Permit and the Federal Firearms Permit shall be displayed at the location for which it is issued in a prominent place.

Section 5: Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the perview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Section 6: The term "firearms" as used in this ordinance shall include, not by way of limitation, handguns, rifles, shotguns, * * * and other weapons coming under the definition of firearms as defined in the Penal Code of the State of California.

San Diego County

21.1201. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. Delivery of firearms. No concealable weapon shall be delivered: (a) Within fifteen days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Dimas

9.52.010. Sale of firearms to minors prohibited; exception. Except as otherwise provided in this chapter (no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years any gun, revolver, pistol, firearm * * *.

9.52.020. Sale of ammunition to minors prohibited; exception. Except as otherwise provided in this chapter, no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.52.040. Minors exempted from prohibitions under certain conditions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 9.52.010 and 9.52.020; * * *.

San Francisco

San Francisco Police Code

* * * * *

Sec. 613. Regulating Sale of Concealable Firearms. Pursuant to the Provisions of Chapter I (Sec. 12070 et seq.) Title 2, Article 4 of the Penal Code, any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any pistol, revolver, or other firearm capable of being concealed upon the person shall file an application with the Police Department on forms provided by the Police Department for a license to engage in such business and shall pay an application fee of thirty ($30.00) dollars, which fee shall not be refundable.

* * * * *

Sec. 613.4. Issuance of License. (a) The Police Department may grant a license to the applicant if it is found:

(1) That the operation as proposed, if permitted, would comply with all applicable laws including but not limited to the Penal Code of the State of California, and the Building, City Planning and Fire Codes of the City and County of San Francisco.

(2) That the applicant or an officer thereof, has not been convicted of a felony so as to disqualify the applicant or officer from owning or possessing a firearm under Section 12021 of the Penal Code.

(b) If the license is granted it shall be in a form prescribed by the Attorney General, effective for not more than one year from the date of issue, as required by Section 12071 of the Penal Code of the State of California.

Sec. 613.5. Revocation of License. For breach of any one of the following conditions, the license shall be subject to revocation:

JUN 23 77
UM

(a) The business shall be carried on only in the building denoted in the license.

(b) The license or a copy thereof, certified by the Police Department, shall be displayed on the premises where it can easily be seen.

(c) No pistol or revolver shall be delivered:

(1) Within five days of the application for the purchase and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

* * * * *

Sec. 613.6. Delivery to Tax Collector. Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon the payment of one hundred ($100.00) Dollars.

* * * * *

Sec. 617. Exceptions. This section and Sections 613 to 616 inclusive, of this Article, shall not apply to wholesale dealers, in their business intercourse with transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jacinto

14-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise: * * *

(f) Any rifle, * * *, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or which is capable of discharging a bullet, shot, * * * or missile of any kind.

14-54. Same—Minors—Use, possession, discharge and sale. Except as otherwise provided in section 14-55, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use, possess or discharge, or for any minor to use, possess or discharge a dangerous weapon. For purposes of this article only, a minor is a person who is under the age of eighteen years.

14-55. Same—Same—Consent of parent or guardian; supervision of use, etc. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subsection (f) of section 14-51, nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined, in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

14-57. Applicability of state law. The provisions of this article shall not apply to the commission of any act which is made a public offense by any law of this state. This article is adopted to supplement the state law regulating and controlling deadly weapons as stated beginning with section 12,000 of the state Penal Code.

San Jose

4258. Selling Pistol to Minor. No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, * * * without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Marcos

Ordinance 75-338

Section 1: Chapter 17, Article IV—Weapons is hereby amended and Sections 17-50 through 17-54 are hereby added:

17-50. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the City Clerk of the City of San Marcos as provided in this chapter. * * *

17-51. Records—Second Hand Weapons. If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand concealable weapon, he shall first obtain from the person offering such weapon the following information:

a) Name, address, and physical description of such person.

b) The description and license number of the vehicle, if any, being driven by such person.

c) The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon.

d) Such other information which may be required by the Sheriff.

17-52. Delivery Of Firearms. No concealable weapon shall be delivered:

a) Within five days of the application for the purchase thereof; nor

b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Marino

Sec. 14.3 Firearms, ammunition, etc.—selling, etc., to minors.

I. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.

2. Sale, etc., of ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

San Mateo County

3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

3255.0. Portions of penal code adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Santa Barbara

9.36.090 Delivery of firearms to minors prohibited. No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

9.36.130 Sale of ammunition to certain persons prohibited—Exception. No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

9.36.160 Dealings without permit prohibited. No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise transferring or advertising for the sale of any firearms.

9.36.210 Duration—Grounds for revocation. *****

(3) No pistol or revolver shall be delivered unless all of the following conditions are complied with: (a) within five days of the application for the purchase, (b) unless the same shall be unloaded and securely wrapped, and (c) unless the purchaser either is personally known to the seller or shall present bona fide documentary evidence of his identity;

* * * * *

9.36.220 Persons to whom permits may not be issued. In no event shall a permit required by this chapter be issued to any of the following persons:

(1) Persons who are prohibited from possessing firearms capable of being concealed upon the person under the provisions of Section 12021 of the State Penal Code;

(2) Anyone convicted of any violation of any provision of the law of the state dealing with the unlawful use of narcotic, hypnotic or dangerous drugs or under similar laws of the United States;

(3) Anyone not of good moral character;

(4) Anyone under the age of twenty-one years.

* * * * *

Santa Barbara County

Sec. 14B-1. Definition. For the purposes of this chapter and Chapter 22 of this Code, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Sec. 14B-2. Purpose and Intent. The purpose and intent of this Ordinance is to designate the Tax Collector of the County of Santa Barbara as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in the unincorporated area of this County, pursuant to Title 2, Chapter 1, Article 4 of this California Penal Code.

Santa Clara

Sec. 18-26. Sale of weapons to minors without request of parents, etc., prohibited. It shall be unlawful within the city for any person to sell, dispose of or give to any minor under the age of eighteen (18) years any pistol * * * other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian.

Santa Fe Springs

Section 3: Firearms to minors. No person shall give, sell or loan to any person under the age of eighteen years, any gun, firearms, *** or ammunition.

Section 4: Possession prohibited. No person under the age of eighteen years, shall use or have in his possession any gun, firearm, *** or ammunition within the city.

Santa Maria

Sec. 17-8. It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, * * * except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

Section 3505. Retailer's Permit for the Sale of Certain Firearms. No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

Section 3509. Firearms, * * *, and other devices. Sale to Minors. No person shall sell, exchange, give, or loan to any person under 18 years of age any * * * gun, revolver, pistol, or firearm of any description * * * or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

Section 3510. Same. Possession by Minors. No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

Section 3511. Same. Exceptions. It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian. * * *

Seaside

5-101 Conditions for Sale of Firearms. No firearms, including hand guns, rifles, shotguns, * * * shall be offered for sale in the City of Seaside by any person or establishment holding a City business certificate and/or located in any commercially zoned property unless and until each and every of the following conditions shall have been fulfilled:

A. The seller shall keep all firearms in a secure facility satisfactory to the Chief of Police.

B. The building housing said firearms held for sale shall be adequately secured against burglary to the satisfaction of the Chief of Police.

C. The seller shall hold a written permit, renewable annually, from the Chief of Police evidencing compliance with each of the within conditions.

Selma

* * * * *

6-4-3: Firearms; Sale to Minors: It shall be unlawful for any person to sell or give to any minor under the age of eighteen (18) years, any revolver or pistol of any kind from or by means of which any bullet, shot or other missile of any kind may be fired or projected by means of percussion caps, cartridges or any explosive substances whatever.

* * * * *

South Lake Tahoe

Sec. 18-16. Use, possession, discharge, sale of dangerous weapons by minors. Except as otherwise provided in section 18-17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of eighteen years.

Sec. 18-17. Same—Exceptions. Nothing in this article shall be deemed or construed to

prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of section 18-13; nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

Stanislaus County

(The Stanislaus County Sheriff is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the unincorporated area of Stanislaus County.)

Per Sec. 12071 of the California Penal Code:

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered (a) Within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Stockton

Sec. 4-044. Sale of firearms and/or ammunition to minors: It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

Sec. 4-045. Sale of concealed firearms: It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license issued in the manner herein provided for.

Sec. 4-046. License to sell: The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person.* * * * *

Temple City

3500. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Temple City for any person, firm or corporation, to sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, * * *.

3501. Except as otherwise provided in Section 3503 herein it shall be unlawful in the City of Temple City, for any person, firm or corporation, to sell, give, lend, or in any way furnish or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3502. Except as otherwise provided in Section 3503 hereof it shall be unlawful in said City of Temple City, for any person under the age of eighteen (18) years to * * * have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, * * * or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Temple City the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; * * *.

Thousand Oaks

Sec. 3-17.06. Prohibited sales, trades, exchanges, or bartering. No person, firm, or corporation at any swap meet, whether the operator, or an exhibitor, or any other person or entity, shall sell, exchange, or display, or offer for sale or exchange or barter, at any swap meet any of the following items of personal property: * * *

(b) Any handgun, rifle, shotgun, or other type of firearm by whatever name, or any deadly weapon; * * *

Torrance

* * * * *

Section 45.3.6. Firearms, * * * etc. in possession of minors. (0-216) It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description or any ammunition of any description containing any explosive.

* * * * *

Turlock

Resolution 75-156

Be it resolved that the Police Department of the City of Turlock be, and hereby is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the City of Turlock.

License Conditions

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily seen.

3. No pistol or revolver shall be delivered (a) within fifteen (15) days of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can be readily seen from the outside.

(Contact local authorities for applicant requirements)

Union City

Ordinance 23-59

Section 1. Dangerous weapon. definition. Dangerous weapon shall mean and include: * * * * *f. Any rifle, gun, pistol, revolver, * * * or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

Section 2. Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein it shall be unlawful for any person in the City of Union City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

Section 3. Same: exceptions. Nothing in this Ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian or such minor, any dangerous weapon as defined in subdivision of Section 1; nor prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Upland

576-1: Definitions: Firearms: The words "Firearm" or "Firearms" as used in this Ordinance, includes, but is not limited to: any gun, revolver, pistol, firearm, * * * or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

576-3: That no person under eighteen (18) years of age shall have in his possession, care, custody or control, * * * any firearm or firearms.

576-4: It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm or firearms as defined in Section 1 of this ordinance.

Vista

66-19 * * * * * Section 3. Selling weapons to children. No person shall sell to any minor child (age 18 and under), any * * * pistol, revolver, gun, rifle, or any other firearm or device fired or discharged by explosives within the corporate limits of this City.

* * * * *

Walnut

Sec. 17-20. Firearms, etc.—Persons under eighteen years of age—Furnishing to. Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, * * *

Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol or firearm.

Sec. 17-22. Same—Same—Exceptions. Nothing in this Code shall be deemed or construed to prohibit in the city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 17-20; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 17-21 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Sec. 17-23. Same—License to sell. No person shall engage in the business of selling or otherwise transferring, or advertising for sale, or offering or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person without first having received a license from the county sheriff.

Walnut Creek

3-6.04. Sale of weapons to minors. It shall be unlawful for any person to sell to any minor under eighteen (18) years of age any * * * ammunition for any firearm, gun, rifle or other gun or device discharging by the use of powder, air or springs, except when accompanied by an authorized person over eighteen (18) years of age.

West Covina

4402. Providing minors with firearms unlawful. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other devise containing any explosive device designed and intended for use in any of the weapons enumerated herein.

4403. Possession of firearms by minors prohibited. No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in Section 4402 hereof.

Westminster

3700.8. Sale, etc. of * * * ammunition to person under eighteen years of age. No person as principal, agent or otherwise shall sell, exchange, give or lend any * * * cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol or firearm or any description, to any person under the age of eighteen (18) years of age without the consent of the parent or guardian of said minor under the age of eighteen (18) years.

* * * * *

3700.10. Possession by minor under eighteen of firearms * * * or ammunition. No person, as principal, agent or otherwise, under the age of eighteen (18) years, shall have in his or her possession, care, custody or control any gun, revolver, pistol, * * * or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever without the express consent of the parent or guardian of said minor under the age of eighteen (18) years.

Whittier

4260.12—Minors—Firearms, etc., Selling, etc., to Prohibited No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm * * *. The provisions of this Section shall not apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a)—Same—Ammunition, Explosives, etc., Selling to Prohibited No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

4260.12(b)—Same—Possession of—Prohibited No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm * * * or similar device, except as provided in this Part.

Yreka

1. Applications for licenses permitting the licensee to sell at retail within the City of Yreka, pistols, revolvers, and other firearms

JUN 23 77 UM

capable of being concealed upon the person, shall be filed with the City Clerk of the City of Yreka. * * * * *

c. No pistol or revolver shall be delivered (I) within five (5) days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (II) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. * * * * *.

Colorado

State Law

Colo. Rev. Stat.

12-26-101. Firearms defined. As used in this article, unless the context otherwise requires:

(1) "Antique firearms" does not include firearms, as defined in subsection (2) of this section, with or for which ammunition is not sold, or which there is reasonable ground for believing are not capable of being effectually used.

(2) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged and the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

12-26-102. Retail dealers—record—inspection. Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in the book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver, together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

12-27-101. Legislative declaration—nonresident. (1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector (licensed under the federal "Gun Control Act of 1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit such sale or delivery by law.

(b) The state must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968" applicable to interstate transactions other than those at the licensee's business premises.

12-27-102. Legislative declaration—residents. (1) It is declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states:

(b) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

12-27-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "A state contiguous to this state" means any state having a common border with this state.

(2) All other terms shall be construed as such terms are defined in the federal "Gun Control Act of 1968".

12-27-104. Article does not apply—when. (1) The provisions of this article do not apply to:

(a) Transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(c) A person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a state other than his state of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer if such person presents to such dealer a sworn statement:

(I) That his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other state; and

(II) Identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

18-12-101. Definitions. (1) As used in this article, unless the context otherwise requires:

* * * * *

(b) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S. 1973, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas Gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

* * * * *

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

* * * * *

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing an illegal weapon. (1) As used in this section, the term "illegal weapon" means a * * * bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle * * * (2) A person, other than a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a class 1 misdemeanor if he knowingly possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

18-12-103. Possession of a defaced firearm. A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

18-12-108. Possession of weapons by previous offenders. Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in section 18-1-901(3)(h) or sections 18-12-101 to 18-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

Aurora

10-3-2. Sale of weapons: It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor. * * *

Boulder

36-11 Sales, etc., to drunkards, drug addicts and minors. It is unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

Ordinance 741

Section 7-445. Unlawful to sell weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Sections 7-441 or 7-444 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Section 7-446. Incendiary or explosive device.

A. It shall be unlawful to throw, place or cause to be placed any incendiary or explosive device for the purpose of causing injury to any person or damage to property.

B. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or an explosive device, to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person or damage to property.

C. An incendiary or explosive device includes, but not by way of limitaton, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

D. Except as otherwise permitted by law, it shall be unlawful for any person to possess on his person, in any motor vehicle or in any structure, an incendiary or an explosive device as defined in this Section.

Broomfield

Ordinance 15

* * * * *

Section 64. Unlawful to Sell Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the City of Broomfield to such person, firm or corporation.

* * * * *

Central City

* * * * *

191-9-4 Sale to Certain Persons Unlawful. It is unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

* * * * *

Colorado Springs

8-14. Dangerous or Deadly Weapons—A. Definition: For purposes of this section, dangerous or deadly weapons shall mean: 1. Any firearm whether loaded or unloaded including any pistol, revolver, rifle, shotgun. * * * * *.

G. Selling Weapons to Intoxicated Persons or Minors It shall be unlawful for any person to purchase, sell, loan, or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen (18) years.

* * * * *

Commerce City

14-112. Furnishing to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Cortez

11-6-6. Unlawful to sell weapons to intoxicated persons. A. It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

Creede

10-5-18. Selling weapons to intoxicated persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm to which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of

JUN 23 77 UM

agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Creede, Colorado to such person, firm or corporation.

Denver, City and County of

6-2(3). Antique Firearm. Any firearm, including any handgun, with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898; and any replica of any such firearm if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

6-3. It shall be unlawful for any second-hand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental, or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made (1) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or (2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or (3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

.7. Identification and records concerning sales, etc. .7-1. Every person who sells, rents, or exchanges at retail any weapon designated in Sections 845.1 or 845.6 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

.7-3. It shall be unlawful for any person who purchases, rents, or exchanges any weapon designated in Section 845.1 or 845.6 of this Code to give a false or fictitious name, or any other false, fraudulent, or incorrect information to the person from whom such weapon is purchased, or rented, or with whom such weapon is exchanged at the time such purchase, rental, or exchange is made.

.8. Unlawful to sell weapons to intoxicated persons or minors. .8-1. It shall be unlawful for any person to sell, loan, or furnish any instrument or weapon designated in Sections 845.1 or 845.6 of this Code to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

.10. Incendiary or explosive device. .10-1. For the purposes of this Section 845.10, an incendiary or explosive device shall include, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

.10-3. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or explosive device; to possess, handle, store, transport, or sell any such device, knowing the same is to be thrown, placed, or caused to be placed for the purpose of causing injury to any person, or damage to property.

Edgewater

9.92.020 Identification required Every person who sells, rents, or exchanges at retail any weapon described in Sections 9.88.010, 9.88.020 or 9.92.010 shall require the vendee, lessee, or person from whom such exchange is made, to furnish more than one type of identification before such sale, rental or exchange is consummated.

9.92.050 Sale to certain persons prohibited. It is unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon * * * to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Englewood

11-3-4: Certain sales prohibited It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation or excitability, or to any minor under the age of 18 years.

Evans

* * * * *

Sec. 9.60.29. Possessing an illegal weapon. (1) As used in this section, the term, "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard commits the violation of this section if he knowingly possesses an illegal weapon.

* * * * *

Glendale

Sec. 10-137. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 10-141. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

* * * * *

Grand Junction

19-60. Furnishing to intoxicated persons. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greely

Sec. 15-47. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle * * *.

(b) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard commits the violation of this section if he knowingly possesses an illegal weapon.

(c) Any person convicted of violating this section shall forfeit to the city the illegal weapon involved.

Sec. 15-48. Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

Johnstown

Sec. 16-131. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a * * * firearm silencer, gas gun, machine gun, short shotgun, short rifle, * * *.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 16-135. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

Las Animas

Sec. 23-6. Sale, rental, etc., of firearms to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability. * * *

La Veta

Ordinance No 81

* * * * *

16. a. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or any other firearm, in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug or stimulant or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen (18) years.

Limon

2. Unlawful to Sell Weapons to Intoxicated Persons. 2.-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any gun, pistol, or other firearm in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to any minor.

Littleton

6-7-3(C) Sales of firearms to certain persons prohibited. It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Nederland

Ordinance 74

* * * * *

Section 2. That no person, firm, company, corporation or association shall exhibit, or have in its possession with intent to give away, or sell; or offer for sale within the Town of Nederland, any * * * gun, revolver, pistol, cap, or cartridge, or other combustible fireworks of any kind in the Town of Nederland.

* * * * *

Oak Creek

Ordinance 299

* * * * *

A-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

* * * * *

Pueblo

9-7-11: Firearms—Dealing in, License Required; Fee, Terms (a) Firearms shall mean a pistol or revolver or other weapon of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, and the length of the barrel of which, not including any revolving detachable or magazine breech, does not exceed twelve inches.

(b) It shall be unlawful for any person to engage in the business of the retail sale, rental, or exchange of firearms, within the City, without obtaining a license therefor from the License Officer.

* * * * *

9-7-12: Same—Record Required; Contents; Hearing on Revocation; Notice (a) Every person engaged within the City in the retail sale, rental or exchange of firearms shall keep a record of such firearm sold, rented or exchanged. Such record shall be made at the time of the transaction in a book kept for that purpose [contact local authorities for required contents] * * *. Such record shall be exhibited at all times by such persons for the inspection of any law enforcement officer upon demand. Failure to keep such record or to exhibit the same as aforesaid shall constitute a breach of this Code and shall be cause for the revocation of the license herein required, by the License Officer upon hearing after notice to the holder of such license.

* * * * *

11-1-35: Firearms; Sale; etc. to Minors; Consent It shall be unlawful for any person to sell, give or loan to any minor under the age of eighteen years of age any type of firearms or ammunition whatsoever without first contacting the parent or parents or the legal guardian of such minor and obtaining from such parent or parents or the legal guardian written consent to such gift, sale, or loan; provided, however, where a minor has been emancipated by law or marriage it shall be sufficient, upon proper showing made, for the Chief of Police to authorize such sale, gift or loan.

* * * * *

San Luis

Selling Weapons to Intoxicated Persons: (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Sheridan

16-65. Furnishing to Certain Persons Prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor person under the age of eighteen (18) years.

Silverthorne

10-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of

alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Silverthorne to such person, firm or corporation.

Thornton

Thornton Code

Sec. 33-30. Unlawful sale of weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by Thornton to such person, firm or corporation.

Walsenburg

Ordinance 658

Section III: 15. Selling Weapons to Intoxicated Persons: (a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen years. (b) Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the City of Walsenburg to such person, firm or corporation.

Connecticut

State Law

Conn. General Stats. Ann.

Sec. 29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

Sec. 29-28. Permit for selling or carrying pistols or revolvers. No person shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as hereinafter provided. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the commissioner of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit.

* * * * *

Sec. 29-31. Display of permit to sell. * * * No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity.

* * * * *

Sec. 29-33. No sale to aliens. Application to purchase. Waiting period. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of two weeks from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

Sec. 29-34. False information. Sale to minors prohibited. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

Sec. 29-38a. Out-of-state purchase or acquisition of rifles or shotguns. (a) For the purposes of the federal gun control act of 1968, Public Law 90-618, 18 U.S.C. 921 et seq., and any law amendatory thereof, any person resident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless

such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state in which such purchase or receipt of delivery takes place, or any applicable provision of said control act of 1968, as amended.

(b) Nothing in subsection (a) of this section shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

Sec. 53-202. Machine guns. (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, sexual assault and sexual assault with a firearm, assault in the first or second degree, robbery, burglary, and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. (8) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

Sec. 53a-211. Possession of sawed-off shotgun or silencer: Class D felony (a) A person is guilty of possession of a sawed-off shotgun or a silencer when he owns, controls or possesses any sawed-off shotgun of any caliber that has a barrel of less than eighteen inches or an overall length of less than twenty-six inches or when he owns, controls or possesses any silencer designed to muffle the noise of a firearm during discharge.

(b) The provisions of this section shall not apply to persons, firms, corporations or museums licensed or otherwise permitted by federal or state law to possess, control or own sawed-off shotguns or silencers.

(c) Possession of a sawed-off shotgun or a silencer is a class D felony.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18-12. Firearms and ammunition; sales to children. No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

13-7. (Guns and Firearms)—Sale to children prohibited. It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years * * * any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

13-8. Same—Ownership. possession * * * by children prohibited; * * *. It shall be unlawful and is hereby prohibited for any person or persons, under the age of sixteen (16) years to own, possess, * * * any gun, rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour. * * *

Windsor

Section 2. Regulation of Dangerous Weapons Where Minors Under Age 18 Are Involved. No person shall within the Town of Windsor sell, give, lend or otherwise transfer or make available to any person under the age of eighteen (18) years any firearm, airgun or other dangerous weapon * * * except where the relationship of parent and child, guardian and ward, or adult firearm instructor and pupil exists between such person and the person under eighteen (18) years of age.

JUN 23 77

Delaware

State Law

Del. Code Ann.

11 Sec. 222. General definitions. * * * * *

(4) "Dangerous instrument" means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

(5) "Deadly weapon" includes any weapon from which a shot may be discharged * * * * *

11 Sec. 1444. Possessing a destructive weapon; class D felony. A person is guilty of possessing a destructive weapon when he sells, transfers, buys, receives or has possession of a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

Possessing a destructive weapon is a class D felony. This section does not apply to members of the military forces or to members of a police force in this State duly authorized to carry a weapon of the type described; nor shall the provisions contained herein apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968.

The term "shotgun" as used in this section means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shot gun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger. The term "sawed-off shotgun" as used in this section means a shotgun having 1 or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

11 Sec. 1445. Unlawfully dealing with a dangerous weapon; class B misdemeanor. A person is guilty of unlawfully dealing with a dangerous weapon when:

* * * * *

(2) He sells, gives or otherwise transfers to a child under 16 years of age a firearm * * * or

(3) Being a parent, he permits his child under 16 years of age to have possession of a firearm * * * unless under the direct supervision of an adult. Unlawfully dealing with a dangerous weapon is a class B misdemeanor.

Sec. 1448. Purchase and possession of deadly weapons by certain persons prohibited; class E felony. Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any weapon during the commission of such felony or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanatorium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in this State that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant or stimulant drug as those terms were defined prior to the effective date of the Uniform Controlled Substance Act in January 1973, or of a narcotic drug or controlled substance as defined in Chapter 47 of Title 16, who purchases, owns, possesses or controls any deadly weapon is guilty of a class E felony.

24 Sec. 901. Necessity for license; exceptions. No person shall sell or expose to sale any pistol or revolver, or revolver of pistol cartridges, * * * without first having obtained a license therefor, which license shall be known as "special license to sell deadly weapons."

This section shall not apply to toy pistols, * * *

24 Sec. 902. Application and fee for license; duration. Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of Sec. 901 of this title shall apply to the State Tax Department and obtain a license to conduct such business, for which he shall pay the sum of $50. The license shall entitle the holder thereof to conduct such business until the 1st day of June next succeeding its date.

24 Sec. 903. Sale to minors or intoxicated persons. No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of Sec. 901 of this title.

28 Sec. 801. Definitions. (a) As used in this chapter, the term "a state contiguous to this State" shall mean any state having a common border with this State.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C.A. Sec. 921 (the Gun Control Act of 1968), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

28 Sec. 802. Lawful acts. It shall be lawful for a person residing in this State, including a corporation or other business entity maintaining a place of business in this State, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State, subject, however, to such other laws of the State or its political subdivision as may be applicable and subject to Sec. 102 of the Gun Control Act of 1968, 18 U.S.C.A. Sec. 921 et seq.

28 Sec. 803. Not applicable to federal licensees. This chapter shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle * * * or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

Dover

Sec. 20-29. Possession of weapons prohibited; exceptions.

(a) **Prohibition.** It shall be unlawful for any person to have in his possession, * * * except as provided in Subsection (b), a revolver or pistol of any description, a shotgun or rifle which may be used for the explosion of bullets and cartridges, * * * .

(b) **Exceptions.** The weapons prohibited in Subsection (a) shall be permitted upon the grant of a license therefor, if required, in the following situations:

(1) **Possession in home or business.** Possession within the possessor's own domicile or business.

(2) **License.** Possession, carrying or use in conformity with a license issued by the State of Delaware for that weapon.

(3) **Licensed shooting galleries or ranges.** Possession or use at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range.

(4) **Cased and unloaded.** Carrying of any type of gun whatsoever when unloaded and properly cased, to or from any licensed gallery or range or to or from an area where hunting is allowed by law. This provision shall not limit the permitted carrying of guns allowed by Subsection (b)(5).

(5) **Authorized officials.** Carrying, wearing, possessing and using by United States marshals, sheriffs, constables and their deputies, and any regular, special or ex-officio policeman, or any other law enforcement officer while on duty, or as shall be necessary in the proper discharge of their duties.

(6) Hunting, possession, carrying or use in conformity with a license issued by the State of Delaware for that purpose in areas approved by the Chief of Police, and only then when used in such a manner that shall not endanger persons or property.

20-34. Sales to intoxicated persons and minors prohibited. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) and -31(a) to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

Elsmere

Ordinance 108

Section 1. That fire arms means any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Section 2. That ammunition is defined as any material used in discharging any fire arm projectile discharged by any fire arm.

Section 3. It shall be unlawful for anyone within the limits of the Town of Elsmere or within the limits of the public lands vested in said Town to sell, distribute, dispense or give away any fire arms or ammunition of any character whatsoever.

Wilmington

39-19.1 Manufacture, delivery, sale or possession of certain weapons prohibited. (a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a smooth-bore shot revolver, short-barreled rifle, zip gun, converted tear gas gun, taser gun or converted starter pistol.

(b) 1. The term "smooth-bore shot revolver" as used in this section means a revolver with a smooth-bore having been reamed out so that it can be used to fire shotshell.

2. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

3. The term "zip-gun" means any weapon or instrument not originally designed to be a firearm which has been made or altered to discharge a projectile with sufficient force to cause death or physical injury.

4. The term "converted tear gas gun" as used in this section means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

5. The term "converted starter pistol" as used in this section means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(6) The term "taser gun," as used in this section, means any battery or electrically operated stun gun or high voltage weapon that projects a dart or barb or combination of darts or barbs attached to the weapon by lengths of wire, which is designed to transmit an electrical current upon discharge and impact.

(c) Any law enforcement officer while performing his lawful duties within the City shall be exempted from the effect of this section.

39-21. Same—Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, give away, dispose of or otherwise directly or indirectly furnish, within the city, to any minor under the age of eighteen years, any gun, pistol, revolver or other firearm whatsoever.

Sec. 39-35.1. Firearms dealers—Definitions. For the purposes of section 39-35.2, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any individual, firm, association, partnership or corporation engaged in the business of selling firearms, purchasing firearms for resale or conducting a gunsmith or firearms repair business. Whenever used in any cause prescribing and imposing a penalty, the term dealer, as applied to any partnership or association, shall mean the partners or members thereof, and as applied to any corporation, shall include the officers thereof.

Firearms. Any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Sec. 39-35.2. Same—Storage and display of firearms; permits. (a) During the hours they are not regularly open for business, dealers shall store all firearms in accordance with the following requirements: * * * * * (2) All firearms must be placed in an approved safe, vault or properly secured storeroom. Any dealer may comply with the requirements of this section by providing an approved steel safe wherein any firearms may be stored and locked during nonbusiness hours.

* * * * *

(c) No dealer shall receive a permit to store firearms unless he: (1) Complies with the provisions of this section and regulations issued pursuant thereto.

* * * * *

District Of Columbia

D.C. Code Encyclopedia

D.C. Code Title 22

22-3201. Possession, sale, transfer, and use of dangerous weapons—Definition. "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence, " as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisionment in the penitentiary.

22-3203. Unlawful possession of a pistol. No person shall own or keep a pistol, or have a pistol in his possession or under his control within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia or elsewhere of a felony;

(3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person,

JUN 23 77

knowing that he has been so convicted or that he is a drug addict. * * *

22-3207. **Selling pistol to minors and others.** No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. **Transfers of firearms, regulated.** No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * * No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. **Dealers of weapons to be licensed.** No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, * * * without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell to any person other than a licensed dealer, any pistol, machine gun, sawed-off shot gun, * * *

22-3210. **Licenses of dealers of weapons—** * * * **—Conditions thereof.**

* * * * *

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, * * * shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

22-3213. **Exceptions.** This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. **Possession of certain dangerous weapons prohibited—Exceptions.** (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, * * * may be possessed by the members of the Army, Navy, Air Force or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the United States Postal Service or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money securities, or other valuables, wholesale dealers and retail dealers licensed under section 22-3210.

22-3215a. **Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties.** (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property. * * *

D.C. Law 1-85—"Firearms Control Regulations Act of 1975"

Title I—Definitions

Sec. 101. As used in this act the term-

(1) "Acts of Congress" means (A) an Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons, in the District of Columbia (Dangerous Weapons Act), as amended, approved July 8, 1932 (D.C. Code, sec. 22-3201, et seq.); (B) Omnibus Crime Control and Safe Streets Act of 1968, as amended (Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix)); and (C) an Act to Amend Title 18, United States Code, to Provide for Better Control of the Interstate Traffic in firearms Act of 1968 (82 Stat. 1213; 18 U.S.C. 921, et seq.).

(2) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets, propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(3) "Antique firearm" means—(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (B) any replica of any firearm described in subparagraph (1) if such replica—(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(4) "Chief" means the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(5) "Crime of Violence" means a crime of violence as defined in section 1 of the Act of July 8, 1932, as amended (D.C. Code, sec. 22-3201), committed in any jurisdiction, but does not include larceny or attempted larceny.

(6) "Dealers license" means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for in Title IV of this Act.

(7) "Destructive device" means—(A) an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device; (B) any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun. (C) any device containing tear gas or a chemically similar lacrimator or sternutator by whatever name known; (D) any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock; (E)any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled:

Provided, That the term shall not include—(i) any pneumatic, spring, or B-B gun which expels a single projectile not exceeding .18 inch in diameter; (ii) any device which is neither designed nor redesigned for use as a weapon; (iii) any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or, (iv) any device which the Chief finds is not likely to be used as a weapon.

(8) "District" means District of Columbia.

(9) "Firearm" means any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer: Provided, That such term shall not include—(A) antique firearms; and/or (B) destructive devices; (C) any device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or (D) any device used exlusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot: (A) automatically, more than one shot by a single function of the trigger; (B) semiautomatically, more than twelve shots without manual reloading.

(11) "Organization" means any partnership, company corporation, or other business entity, or any group or association of two or more persons united for a common purpose.

(12) "Pistol" means any firearm originally designed to be fired by use of a single hand.

(13) "Registration certificate" means a certificate validly issued pursuant to this act evincing the registration of a firearm pursuant to this act.

(14) "Rifle" means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(15) "Sawed-off shotgun" means a shotgun having a barrel of less than 18 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 18 inches in length.

(16) "Shotgun" means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(17) "Short barreled rifle" means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

(18) "Weapons offense" means any violation in any jurisdiction of any law which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device.

Title II—Firearms and Destructive Devices

Sec. 201. Registration Required. (a) Except as otherwise provided in this act, no person or organization shall within the District receive, possess, have under his control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization shall, within the District possess or have under his or its control any firearm, unless such person or organization is the holder of a valid registration certificate for such firearm. In the case of an organization, a registration certificate shall be issued (1) only to an organization which has in its employ one or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees duty hours and (2) only to such organization in its own name and in the name of its president or the chief executive. (b) Subsection (a) shall not apply to—

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any State or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or Organized Reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions.

(2) Any person holding a dealer's license; Provided, That the firearm or destructive device is—(A) acquired by such person in the normal conduct of business; (B) is kept at the place described in the dealer's license; and (C) is not kept for such person's private use or protection, or for the protection of his business.

(3) With respect to firearms, any non-resident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction; Provided, That such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit proof that he is on his way to or from such activity, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides: Provided further, that such weapon shall be unloaded, securely wrapped, and carried in open view.

Sec. 202. Unregisterable Firearms. No registration certificate shall be issued for any of the following types of firearms: (a) Sawed-off shotgun; (b) Machine gun; (c) Short-barreled rifle; (d) Pistol not validly registered to the current registrant in the District prior to the effective date of this act; and (e) Pistol not possessed by the current registrant in conformity with the regulations in effect immediately prior to the effective date of this act.

Sec. 203. Prerequisites to registration; application for registration. (a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):

(1) is twenty-one years of age or older: Provided, That the Chief may issue to an applicant between the ages of eighteen and twenty-one years old, and who is otherwise qualified, a registration certificate if the application is accompanied by a notarized statement of the applicant's parent or guardian—(A) that the applicant has the permission of his parent or guardian to own and use the firearm to be registered; and (B) the parent or guardian assumes civil liability for all damages resulting from the actions of such applicant in the use of the firearms to be registered: Provided further, that such registration certificate shall expire on such person's twenty-first birthday;

(2) Has not been convicted of a crime of violence, weapons offense, or a violation of this act;

(3) Is not under indictment for a crime of violence or a weapons offense;

(4) Has not been convicted within five years prior to the application of any: (A) violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug; or (B) a violation of section 2 of the Act of July 16, 1912 (D.C. Code, sec. 22-507 (1973)), regarding threats to do bodily harm, or section 806 of the Act of March 3, 1901 (D.C. Code, sec. 22-504 (1973)), regarding assaults and threats, or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm:

(5) Within the five year period immediately preceding the application, has not been acquitted of any criminal charge by reason of insanity or has not been adjudicated a chronic alcholic by any court, Provided, That this paragraph shall not apply if such person shall present to the Chief with the application, a medical certification indicating that the applicant has recovered from such insanity or alcholic condition and is capable of safe and responsible possession of a firearm;

(6) Within the five years immediately preceding the application, has not been voluntary or involuntarily committed to any mental hospital or institution; Provided, That this paragraph shall not apply, if such person shall present to the Chief with the applicant a medical certification that the applicant has recovered from whatever malady prompted such commitment;

(7) Does not appear to suffer from a physical defect which would tend to indicate that the applicant would not be able to possess and use a firearm safely and responsibly;

(8) Has not been adjudicated negligent in a

JUN 23 77 UM

firearm mishap causing death or serious injury to another human being;

(9) Is not otherwise ineligible to possess a pistol under section 3 of the Act of July 8, 1932 (D.C. Code, sec. 22-3203);

(10) Has not failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief; Provided, That once this determination is made with respect to a given applicant for a particular type of firearm, it need not be made again for the same applicant with respect to a subsequent application for the same type of firearm; and

(11) Has vision better than or equal to that required to obtain a valid driver's license under the laws of the District of Columbia; Provided, That current licensure by the District of Columbia, of the applicant to drive, shall be prima facie evidence that such applicant's vision is sufficient and, Provided further, that this determination need not be made more than once per year per applicant.

(b) Every person applying for a registration certificate shall provide on a form prescribed by the Chief: [that information which is required by the District of Columbia; contact local authorities for requirements] * * *

(c) Every organization applying for a registration certificate shall—(1) with respect to the president or chief executive of such organization, comply with the requirements of subsection (b); and (2) provide such other information as the Chief determines is necessary to carry out the provisions of this act.

Sec. 204. Fingerprinting, pictures, personal appearances. [Contact local authorities for requirements] * * *

Sec. 205. Application under oath; fees. [Contact local authorities for requirements] * * *

Sec. 206. Filing times for new purchase and firearms entering the District; previously registered firearms. (a) An application for a registration certificate shall be filed (and a registration certificate issued) prior to taking possession of a firearm from a licensed dealer or from any person or organization holding a registration certificate therefor. In all other cases, an application for registration shall be filed immediately after a firearm is brought into the District. It shall be deemed compliance with the preceding sentence if such person personally communicates with the Metropolitan Police Department (as determined by the Chief to be sufficient) and provides such information as may be demanded: Provided, That such person files an application for a registration certificate within 48 hours after such communication. (b) Any firearm validly registered under prior regulations must be registered pursuant to this act in accordance with procedures to be promulgated by the Chief. An application to register such firearm shall be filed pursuant to this act within 60 days of the effective date of this act.

Sec. 207. Issuance of registration certificate. [Contact local authorities for requirements] * * *

Sec. 208. Additional Duties of Registrants. Each person and organization holding a registration certificate, in addition to any other requirements imposed by this act, or the Acts of Congress, shall: (a) notify the Chief in writing of: (1) the loss, theft, or destruction of the registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction; (2) a change in any of the information appearing on the registration certificate or required by section 203 of this act; (3) the sale, transfer or other disposition of the firearm not less than forty-eight hours prior to delivery, pursuant to such sale, transfer or other disposition, including: (A) identification of the registrant, the firearm and the serial number of the registration certificate; (B) the name, residence, and business address and date of birth of the person to whom the firearm has been sold or transferred; and (C) whether the firearm was sold or how it was otherwise transferred or disposed of. (b) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notified the Chief of such loss, theft, destruction, sale, transfer, or other disposition. (c) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

Sec. 209. Revocation. A registration certificate shall be revoked if: (1) any of the criteria in section 203 of this act are not currently met; (2) the registered firearm has become an unregisterable firearm under the terms of section 202 of this act, or a destructive device; (3) the information furnished to the Chief on the application for a registration certificate proves to be intentionally false; or (4) there is a violation or omission of the duties, obligations or requirements imposed by section 208 of this act.

Sec. 210. Procedures for denial or revocation. [Contact local authorities for requirements] * * *

Title III—Estates Containing Firearms

Sec. 301. Rights and responsibilities of executors and administrators. (a) The executor or administrator of an estate containing a firearm shall notify the Chief of the death of the decedent within thirty days of his appointment or qualification, whichever is earlier. (b) Until the lawful distribution of such firearm to an heir or legatee or the lawful sale, transfer, or disposition of the firearm by the estate; the executor or administrator of such estate shall be charged with the duties and obligations which would have been imposed by this act upon the decedent, if the decedent were still alive; Provided, That such executor or administrator shall not be liable to the criminal penalties of section 705.

Title IV—Licensing of Firearms Businesses

Sec. 401. Prohibitions, exceptions.

(a) No person or organization shall manufacture any firearm, destructive device or parts thereof, or ammunition, within the District; Provided, That persons holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for his registered firearms: Provided further, that such persons may not hand load, reload, or custom load ammunition for others.

(b) No person or organization shall engage in the business of selling, purchasing, or repairing any firearm, destructive device, parts therefor, or ammunition, without first obtaining a dealer's license, and no licensee shall engage in the business of selling, purchasing, or repairing firearms which are unregisterable under section 202 of this act, destructive devices, or parts therefor, except pursuant to a valid work or purchase order, for those persons specified in section 201(b)(1) of this act.

Sec. 402. Eligibility for dealer's license; application for same; fee.

(a) Any person eligible to register a firearm under this act, and who, if a registrant, has not previously failed to perform any of the duties imposed by this act; and, any person eligible under the Acts of Congress to engage in such business, may obtain a dealer's license, or a renewal thereof, which shall be valid for a period of not more than one year from the date of issuance. The license required by this act, shall be in addition to any other license or licensing procedure required by law.

(b) Each application for a dealer's license and each application for renewal thereof shall be made on a form prescribed by the Chief, shall be sworn to or affirmed by the applicant, and shall contain: [Contact local authorities for requirements] * * *

Sec. 403. Issuance of a dealer's license, procedure. [Contact local authorities for requirements] * * *

Sec. 404. Duties of licensed dealers; records, reports. [Contact local authorities for requirements] * * *

Sec. 405. Revocation.

A dealer's license shall be revoked if—

(a) any of the criteria in section 404 of this act is not currently met, or

(b) the information furnished to the Chief on the application for a dealer's license proves to be intentionally false; or

(c) there is a violation or omission of the duties, obligations, or requirements imposed by section 404 of this act.

Sec. 406. Procedures for denial and revocation. [Contact local authorities for requirements] * * *

Sec. 407. Displays, employees.

(a) No licensed dealer shall display any firearm or ammunition in windows visible from a street or sidewalk. All firearms, destructive devices, and ammunition shall be kept at all times in a securely locked place affixed to the premises except when being shown to a customer, being repaired, or otherwise being worked on.

(b) No licensee shall knowingly employ any person in his establishment if such person would not be eligible to register a firearm under this act.

Sec. 408. Firearm markings. No licensee shall sell or offer for sale any firearm which does not have imbedded into the metal portion of such firearm a unique manufacturer's identification number or serial number, unless the licensee shall have imbedded into the metal portion of such firearm a unique dealer's identification number.

* * * * *

Title V—Sale and Transfer of Firearms, Destructive Devices, and Ammunition

Sec. 501. Prohibition. No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in sections 502 or 604 of this act.

Sec. 502. Permissible sales and transfers.

(a) Any person or organization eligible to register a firearm may sell or otherwise transfer ammunition or any firearm, except those which are unregisterable under section 202 of this act, to a licensed dealer.

(b) Any licensed dealer may sell or otherwise transfer ammunition and any firearm or destructive device which is lawfully a part of such licensee's inventory to: (1) any nonresident person or business licensed under the Acts of Congress and the jurisdiction where such person resides or conducts such business; (2) any other licensed dealer; (3) any law enforcement officer or agent of the District or the United States when such officer or agent is on duty, and acting within the scope of his duties when acquiring such firearm, ammunition, or destructive device, if the officer or agent has in his possession a statement from the head of his agency stating that the item is to be used in such officer's or agent's official duties.

(c) Any licensed dealer may sell or otherwise transfer a firearm except those which are unregisterable under section 202 of this act, to any person or organization possessing a registration certificate for such firearm; Provided, That if the Chief denies a registration certificate, he shall so advise the licensee who shall thereupon (1) withhold delivery until such time as a registration certificate is issued, or, at the option of the purchaser, (2) declare the contract null and void, in which case consideration paid to the licensee shall be returned to the purchaser; Provided further that this subsection shall not apply to persons covered by subsection (b).

(d) Except as provided in subsections (b) and (f), no licensed dealer shall sell or otherwise transfer ammunition unless (1) the sale or transfer is made in person; (2) the purchaser exhibits, at the time of sale or other transfer, a valid registration certificate, or, in the case of a nonresident, proof that the weapon is lawfully possessed in the jurisdiction where such person resides; (3) the ammunition to be sold or transferred is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of nonresident; and (4) the purchaser signs a receipt for the ammunition which (in addition to the other records required under this act) shall be maintained by the licensed dealer for a period of one year from the date of sale.

(e) Any licensed dealer may sell ammunition to any person holding an ammunition collector's certificate on the effective date of this act; Provided, That the collector's certificate shall be exhibited to the licensed dealer whenever the collector purchases ammunition for his collection; Provided further that the collector shall sign a receipt for the ammunition, which shall be treated in the same manner as that required under subsection (d)(4) of this section.

Title VI—Possession of Ammunition

Sec. 601. No person shall possess ammunition in the District of Columbia unless: (a) He is a licensed dealer pursuant to Title IV of this act. (b) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition. (c) He is the holder of a valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses. (d) He holds an ammunition collector's certificate on the effective date of this act.

Title VII—General Provisions

Sec. 701. Pledges and loans. (a) No firearm, destructive device, or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge, or pawn. (b) No person may loan, borrow, give, or rent to or from another person, any firearm, destructive device, or ammunition.

Sec. 702. Except for law enforcement personnel described in section 201(b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

Sec. 703. Firing ranges. [Contact local authorities for requirements] * * *

Sec. 704. False information, forgery, alteration. (a) It shall be unlawful for any person purchasing any firearm or ammunition, or applying for any registration certificate or dealer's license under this act, or in giving any information pursuant to the requirements of this act, to knowingly give false information or offer false evidence of identity. (b) It shall be unlawful for anyone to forge or alter any application, registration certificate, or dealer's license submitted, retained or issued under this act.

Sec. 705. Voluntary surrender; immunity. (a) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this act with respect to the firearm, destructive device, or ammunition voluntarily delivered. Delivery under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person's residence or place of business. Every firearm and destructive device to be delivered and abandoned to the Chief under this section shall be unloaded and securely wrapped in a package, and, in the case of delivery to a police facility, the package shall be carried in open view. No person who delivers and abandona a firearm, destructive device, or ammunition under this section, shall be required to furnish identification, photographs, or fingerprints. No amount of money shall be paid for any firearm, destructive devices, or ammunition delivered and abandoned under this section. (b) Whenever any firearm, destructive device, or any ammunition is surrendered under this section or pursuant to section 210(c)(1), the Chief shall inquire of the United States Attorney and the Corporation Counsel for the District whether such firearm is needed as evidence; Provided, That if the same is not needed as evidence, it shall be destroyed.

* * * * *

Florida

State Law

Fla. Stat. Ann

790.001 Definitions. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Concealed firearm" means any firearm, as defined in subsection (6), when the same is carried on or about a person in such a manner as to conceal said firearm from the ordinary sight of another person.

(3) (a) "Concealed weapon" means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or any other deadly weapon carried on or about a person in such a manner as to conceal said weapon from the ordinary sight of another person.

(b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (1/2) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

(b) Fireworks as defined in Sec. 791.01;

(c) Smokeless propellent powder or small arms ammunition primers, if possessed, purchased, sold, transported or used in compliance with Sec. 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the department of insurance, when used for or intended to be used for the manufacture of target and sporting ammunition or for use in muzzle loading flint or percussion weapons.

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) Employees of the state prisons or correctional systems who have been so designated by the division of corrections of the department of health and rehabilitative services or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys, and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

* * * * *

(13) "Weapon" means * * * tear gas gun, chemical weapon or device, or any other deadly weapon except a firearm or a common pocket knife.

(14) "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

790.17 Furnishing weapons to minors under eighteen years of age, etc. Whoever sells, hires, barters, lends or gives any minor under eighteen years of age any pistol, or electric weapon or device * * * or other arm or weapon, * * * without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon * * * is guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082 or Sec. 775.083.

790.18 Selling arms to minors by dealers. It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, or electric weapon or device * * * and every person violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082 or Sec. 775.083.

790.22 Use of BB guns, air or gas-operated guns, electric weapons or devices, or firearms by child under 16; limitation. * * * * *(2) Any adult responsible for the welfare of any child under the age of 16 years who knowingly permits such child to use or have in his possession any BB gun, air or gas-operated gun, electric weapon or device, or firearm in violation of the provisions of subsection (1) of this section is guilty of a misdemeanor of the second degree, punishable as provided in Sec. 775.082, Sec. 775.083, or Sec. 775.084.

790.221 Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.

(1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty. (1) It is unlawful for any person who has been convicted of a felony in the courts of this state or of a crime against the United States which is designated as a felony or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year to own or to have in his care, custody, possession, or control any firearm or electric weapon or device or to carry a concealed weapon, including all tear gas guns and chemical weapons or devices.

(2) This section shall not apply to a person convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section is guilty of a felony of the second degree, punishable as provided in Secs. 775.082, 775.083 and 775.084.

Alachua County

Section 1: Handgun means any weapon commonly referred to as a pistol, other than a BB gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

Section 2: No retail establishment or pawn shop shall sell or deliver a handgun to any purchaser until three (3) complete days have elapsed after application to purchase has been made.

Section 3: No wholesale establishment shall sell or deliver a handgun to any purchaser except to another wholesale establishment or retail establishment until three (3) complete days have elapsed after application to purchase has been made.

Section 4: It shall be unlawful for anyone to purchase a handgun from any establishment mentioned in Sections 2 and 3 hereof without a valid application hereinafter provided for.

Section 5: All sales and deliveries of handguns except as provided in Section 3 hereof shall require an approved application form to be filed with the seller by applicant. Applications for the purchase of handguns shall be available only in the office of the Sheriff of Alachua County, Florida. * * *

* * * * * *

Before the sale or delivery of a handgun within Alachua County, the Seller shall be required to receive from buyer the copy of the approved application. Should the seller determine or have reason to believe that the application has been forged or contains false information, he shall make no sales based thereon but shall immediately report such information to the Sheriff's Office for further investigation.

* * * * *

Section 9: Antique firearms as defined in Section 790.001(1), Florida Statutes, are exempt from the provisions hereof.

Bay Harbor Islands

Section 1. A person * * * who, with intent to use the same unlawfully against another, carries or possesses a * * * machine gun, sawed-off shotgun, bomb or bombshell, or any explosive substance, or any other dangerous or deadly instrument, or weapon, except a rifle or shotgun not sawed off, is guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Section 2. Any person who shall have in his possession in the Town of Bay Harbor Islands any pistol, revolver, or other fire-arm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Belle Glade

17-40. Weapons—Procedure for acquiring. (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate * * * from the person seeking actual delivery of such firearm * * *

Boynton Beach

* * * * * *

Sec. 17-50. Same—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors. It shall be unlawful for any person to purchase from, sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor.

* * * * *

Brooksville

* * * * * *

Sec. 15-32. [Minors]—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Clearwater

13-32. Buying or receiving goods from minors. It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13-34. Chapter applies to guns, pistols, etc. All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

Sec. 15-35. Same—Sale, loans, etc., to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun,

JUN 23 77 UM

pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Coral Gables

Section 20-15. Firearms—Sale. (a) Definition. The word "firearm" as used in this ordinance shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26 inches, rifles having barrels less than 16 inches, and shotguns having a barrel length of less than 18 inches, machine guns, sub-machine guns and machine pistols or any fully automatic weapon capable of firing more than one shot at each pull of the trigger. This ordinance shall not apply to any antique weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase, receive, lease, loan, rent, give or make any other transfer of custody of a firearm shall be required to give the seller or the person from whom the firearm is to be obtained, in writing, on a form to be supplied by the Chief of Police, a statement in duplicate containing true and correct information which shall include the following:

* * * * *

(c) Restrictions. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in Section 20-15 (b) hereof.

It shall be unlawful for any person to sell, loan, give, furnish or transfer any firearm or any ammunition therefor to any person whom the seller knows or has reasonable cause to believe is under the influence of intoxicating liquor, narcotic, drugs, stimulants, depressants, barbiturates or hallucinogens; or is addicted to any narcotic, drug or barbiturate or hallucinogens; or is a habitual alcoholic; or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization. In addition to all other penalties, violations of Section 20-15 shall be grounds for revocation of any license to sell firearms issued by the City to such violator.

(d) Applicability. The provisions of Section 20-15 shall apply to persons in the firearms business or in the business of gunsmithing, and do not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

Section 20-16. Firearms—License required for sale: Qualifications; Application; Credit Report; F.B.I. Reports. Occupational licenses permitting the sale or distribution of firearms shall be issued only to persons of good moral character, who have not been convicted of any offense involving moral turpitude, and who are over twenty-one (21) years of age. Licenses to corporations shall be issued only when all directors, officers and managers of unit qualify as above.

* * * * *

Section 20-16. 1 Firearms—Waiting Period Required; Investigation. (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving, delivering or transferring custody of any firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the Chief of Police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of firearm may be made after a twenty-four (24) hour waiting period, only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, State of Florida, County, or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be on an approved list promulgated by the Chief of Police.

2. Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) hour or twenty-four (24) hour waiting period required:

1. Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of this ordinance, the following information shall be imprinted on the application: The issuing agency or authority; The card number; The name and address identical to that on the card.

3. Persons who are on record with a Police Department in Dade County as having previously purchased a pistol, revolver or firearm as defined in Section 20-15 (a) hereof.

4. Persons trading an operable pistol, revolver or firearm, as defined in Section 20-15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of Section 20-16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized non-profit state or national organization.

Dade City

Sec. 15-28. Prohibitions and restrictions as to possession, discharge, use by minors and carrying concealed weapons.

(a) It shall be unlawful for any person to have within the corporate limits of the city any machine gun, shotgun having a barrel of less than twenty inches in length, any firearm equipped with a silencer, * * * except a pistol or revolver when a permit to carry the same has been received from the chief of police of said city.

(b) It shall be unlawful for any minor under the age of sixteen years to possess any of the weapons described in subparagraph (a) above * * *

Sec. 15-29. Selling to minors. It shall be unlawful to sell to any minor, within the limits of the city any pistol, revolver or other pocket firearm. The word "pistol", as used in this chapter, shall be held to include pocket sized mechanical devices designed for or capable of exploding or firing blank shells or cartridges, whether classed or sold as toys or otherwise, * * *.

Dade County

* * * * *

Sec. 21-7. Sale of firearms to. [Minors]. It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter of exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

* * * * *

Sec. 21-16. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any firearm as defined in section 21-20.1(a) to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

* * * * *

Sec. 21-19.1. Sale of Saturday night specials in Dade County prohibited. It shall be unlawful for any person to sell or otherwise transfer any Saturday night special as defined in section 21-20.1(b) or offer or expose for sale or transfer any such Saturday night special.

(a) Notwithstanding the foregoing provisions of this section, the sale of Saturday night specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

(b) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

Sec. 21-20. Registration of sales and transfers required; penalty. (a) Register. Every person engaged in the business of selling, leasing, or otherise transferring firearms as defined in section 21-20.1(a), of the size capable of being concealed on the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, shall keep a register * * *

(b) Purchaser and seller to sign. The person to whom such firearm is sold, leased or otherwise transferred shall sign and the dealer shall require him to sign his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the person to whom such firearm is sold, leased or transferred.

(c) Waiting period required for handgun. The person to whom such handgun is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such handgun.

Division 2. License to Sell Firearms

Sec. 21.20.1. Definitions. (a) The word "firearm" as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than sixteen (16) inches, and an overall length of less than twenty-six and one-half (26 1/2) inches, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The term "Saturday Night Special" shall mean any firearm which is 32 caliber or smaller, whose barrel is less than three (3) inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

Sec. 21-20.2. License—Required to sell. (a) It shall be unlawful for any person who, without being licensed as provided in this act [chapter], to engage in the business of selling or otherwise transferring any handgun or to advertise for sale, or offer or expose for sale or transfer any handgun defined in section 21-120.1(a) or to engage in the business of repairing handguns. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to: (1) Sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit state or national organization.

Sec. 21-20.3. Same—Granted by commission. The county commission may grant licenses in the form prescribed by the county commission permitting the licensee to sell said handguns within the county on the premises named therein.

Sec. 21-20.6. Issuance of license. (a) Upon completion of the following: (1) An investigation showing the statements on the application to be true; and (2) The taking and passing of the required written examination on gun control laws and applicable to the sale of firearms in Dade County; the county commission shall inquire into the good character, competency and integrity of the applicant. If the commission is satisfied as to the applicant's good character, competency and integrity, a license to sell shall be issued to the applicant within thirty (30) days of application, and the committee should also assign a permament license number to each applicant.

(b) No license may be issued to any person who has been convicted of a felony in this state or elsewhere or who is under eighteen(18) years of age.

(c) No license may be issued solely in the name of a corporation, firm, partnership, company or other fictitious entity, but the corporate name may be listed on the license.

(d) Annual renewal for either dealer or employee shall be a duplicate simple form listing only name, address, company name and address, Dade County license number, and notarized signature.

Sec. 21-20.7. File of applications and licenses. After disposition of the application, the original shall be maintained in the files of the county commission. The duplicate copy shall be filed with the director of the county public safety department. Attached thereto shall be information as to the final disposition of the application.

Sec. 21-20.8. Conditions; revocation. (A) A license issued in accordance with the provisions of this division is subject to the following conditions, for breach of any of which the license is subject to revocation:

(1) The business shall be carried on only in the premises designated in the license.

(2) The license or a copy certified by the issuing authority shall be displayed in a conspicuous place on the premises in which the business is conducted where it can be easily read.

(3) No handgun, or imitation thereof, shall be placed in any display window of the premises.

(4) No handgun shall be delivered:

(a) Until seventy-two (72) hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within the state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 21-20.8 of this chapter.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity, proper identification as required by Omnibus Crime Bill of 1968, said evidence to be noted on the sales record.

(c) Unlesa the delivery is made to the identical individual who has purchased the firearm, by proof of dealer receipt.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

* * * * *

Sec. 21-20.13. Sale of firearm with serial number defaced prohibited. It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

Sec. 21-20.14. Sale or delivery of firearms or ammunition to certain classes of persons. It shall be unlawful to sell or deliver

any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Sec. 21-20.16. Handgun purchaser's instruction and qualification procedure. (a) Instruction and qualification procedure required. It shall be unlawful for any person to acquire a handgun in Dade County from a licensed dealer, unless such person has received safety instruction and otherwise qualified * * *.

* * * * *

(e) Exceptions. This section shall not apply to:

(1) Law enforcement officers or agents of any state of the United States, or any political subdivision, municipal corporation, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision, municipal corporation, department or agency of either, while engaged in the discharge of their official duties.

(2) Wholesale dealers in their business intercourse with retail dealers or retail dealers in their business intercourse with other retail dealers or to wholesale or retail dealers in the regular or ordinary transportation of any unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the country.

(3) Nonresidents of the United States having proper authorization from his or her consulate, acting consulate, commercial attache, or such other authorized representative.

(4) This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(a) Sales or trades by an unlicensed person to a person licensed hereunder, nor to

(b) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the fireams business or in the business of gunsmithing.

(5) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 21-20.17. Unlawful to sell handguns to persons who have not qualified. (a) It shall be unlawful for a licensed dealer to sell, deliver, transfer, or furnish any handgun to any person in Dade County unless the purchaser has qualified under section 21-20.16, or

(b) Unless the purchaser exhibits evidence that he is exempt from the requirements of section 21-20.16(b). Every person who is convicted for violation of this section, shall be punished as provided in section 21-20.15 of this Code.

Dania

Sec. 20-15. Misdemeanors recognized by law of Florida, forbidden. It shall be unlawful to commit within the city any act which shall be recognized by the laws of the state as a misdemeanor and the commission of such act is forbidden. Violation of any such act shall upon conviction be punished as provided by section 1-8 of this Code. (*Note: The State laws that are recognized include Chapter 790, Weapons and Firearms, Sections 790.001—790.26.*)

Davie

237-2. It shall be unlawful to sell, hire, barter, lend or give any minor under sixteen (16) years of age any gun, rifle, pistol or other arm or weapon * * * without permission of the parent of such minor or the person having charge of such minor.

De Land

21-21. Weapons—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city.

Dunedin

15-35. Same—Registration of small arms required. It shall be unlawful for any person to own, possess, carry or otherwise have control of any .22 rifle, air rifle, air pistol or other similar device, in the city, unless first the ownership thereof be registered within the city.

15-37. Change of ownership. All changes of ownership or possession shall be registered in the same manner as provided in section 15-36.

El Portal

Sec. 12-17. Weapons—Sale, etc., to minors prohibited. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

Sec. 12-18. Same—Approval of parent or guardian, when required. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents of such a minor or legal guardian.

Eustis

Ordinance 144

Section 13.30 Weapons.

* * * * *

(e) Sales to Intoxicated Persons and Minors. It shall be unlawful for any person to purchase from or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

(f) Records Required. It should be unlawful for any secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above [pistol, revolver, or other firearm, with a barrel less than 12 inches in length] to sell, rent or exchange any such weapons unless he shall keep a record of each such weapon purchased, sold, rented or exchanged at retail.

(f-1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose [contact local authorities for required contents] * * *

(f-2) Report to Chief of Police. Every secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above shall deliver daily reports to the

Chief of Police of every such purchase, sale, loan or gift. The report shall be on forms provided by the Chief of Police * * *.

Fort Pierce

Sec. 19-50. Same—Permit of purchasers required. (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, * * * within the corporate limits of the city, unless and until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Gainesville

18-37.1 Sale or transfer of certain firearms.

A. Sale or Transfer of Handguns Prohibited. It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this Ordinance.

B. Definitions.

1. "Handgun" means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

2. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

3. "Saturday Night Specials" means any handgun which shall not meet the minimum criteria so set forth in Section B-7 herein.

4. "Sale or Transfer" means any sale, transfer assignment, pledge, lease, loan, barter, or gift.

5. "Firearms Dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Gainesville whether as the principal business of such person, firm or corporation, or in addition thereto.

6. "Antique Firearms" means any firearm manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

7. "Minimum Standards" means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of 800 degrees Fahrenheit and a minimum ultimate tensile strength of 55,000 pounds per square inch.

8. "Licensed Firearms Collectors" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

C. Proof of Meeting Minimum Standards. It shall be required of firearms dealers to furnish the City Manager with proof that the minimum criteria are met by the handgun to be sold prior to sale by said dealer. Proof that a handgun meets the minimum standards as defined in Section B-7 herein may be established by presenting to the City Manager one or more of the following certified writings:

1. From the manufacturer listing the handgun by model number and certifying that it meets or exceeds the minimum standards, or

2. From the manufacturer listing the handgun by model number and stating the metal code numbers from the Metals Code Handbook published by the American Society for the Testing of Materials (A.S.T.M.) for the metals used in the manufacturer of a frame, barrel, cylinder, slide, or breech block. These code numbers may then be checked in the Metals Code Handbook to determine if the handgun complies with the minimum standards.

3. By certification by a reputable, independent metals testing laboratory.

D. Exceptions.

1. This ordinance shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

2. This ordinance shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

3. This ordinance shall not apply to sales or transfer of "antique firearms".

4. This ordinance shall not apply to sales or transfer between "licensed firearms collectors".

Sec. 18-40. Same—Sale to minors. It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

* * * * * *

Greenacres

State laws adopted

* * * * *

Sec. 18-38. State Misdemeanors. No person shall commit, within the town, any act which is or shall be recognized by the laws of the state as a misdemeanor.

* * * * *

Green Cove Springs

11-8. * * *—Permit for sale. It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11-9. * * *—Sale to minor, incompetent. No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.

Gretna

13-3. Sale or transfer of certain firearms. (a) It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this chapter.

13-4. Definitions.

Handgun means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

Firearm means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

JUN 23 77 UM

Saturday night specials means any handgun which shall not meet the minimum criteria as set forth in this section.

Sale or transfer means any sale, transfer, assignment, pledge, lease, loan, barter or gift.

Firearms dealer means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the town whether as the principal business of such person, firm or corporation, or in addition thereto.

Antique firearms means any firearms manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Minimum standards means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of eight hundred (800) degrees Fahrenheit and a minimum ultimate tensile strength of fifty-five thousand (55,000) pounds per square inch.

Licensed firearms collectors means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

13-5(d) Exceptions.

(1) This section shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

(2) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(3) This section shall not apply to sales or transfer of "antique firearms."

(4) This section shall not apply to sales or transfer between "licensed firearms collectors."

13-7. Sale to minors.

(a) It shall be unlawful for any person to sell to any minor within the corporate limits of the town, a pistol, gun or other weapon shooting a cartridge.

(b) For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Hallandale

Sec. 11A-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Firearm. Any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be construed to mean guns that do not use self-contained cartridges.

Sale. Includes transfer, assignment, pledge, lease, loan, barter or gift.

Sec. 11A-2. License to sell—Required. (a) It shall be unlawful for any person who, without being licensed as provided in this chapter, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 11A-1, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 11A-3. Same—By whom granted. The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell such firearms within the city on the premises named therein.

Sec. 11A-7. Same—Conditions. (4) No firearm shall be delivered:

(a) Until twenty-four hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within this state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 11A-1.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity such evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

Sec. 11A-11. Sales to certain persons prohibited. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is of unsound mind, or has been convicted of a felony, or is a fugitive from justice, or is a member of a subversive organization.

Haverhill

Ordinance 100

Section 1. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand fire-arms * * * or other similar equipment used primarily by police officers, within the corporate limits of the Town of Haverhill, Florida, unless and until a permit shall have first been obtained from the Town Marshal of the town by the person to whom such article is to be sold or delivered.

Section 11. Before any person shall possess, purchase, sell, distribute or dispose of any tear gas or tear gas weapons within the Town, such person shall apply to the Town Marshal of the Town for a permit so to do.

Hialeah

21-31. * * *—Weapons, unlawful to distribute to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol * * * or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol * * * or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

* * * * *

21-42. Same—Sales to minors under eighteen. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.

21-44. Same—Blank cartridges and pistols. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Hollywood

Sec. 19-43. Firearms and ammunition—Defined.

Ammunition. All pistol or revolver ammunition, shotgun shells, metallic ammunition suitable for uses in rifles or any .22 caliber rimfire ammunition. No distinction shall be recognized between new and reloaded ammunition.

Firearms. Any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive.

Firearms and ammunition dealers licenses. Any person engaged in the business of selling new or used firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, and shall include pawnbrokers, or any person engaged in the business of repairing such firearms or manufacturing or fitting special barrels, stocks, trigger mechanisms or breach mechanisms to firearms.

(a) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license; * * *.

(b) All applications for a dealer's license shall be approved by the chief of police * * *.

(c) All persons associated with such dealer shall be required to have a police I.D. card.

Homestead

Sec. 24-8. Sale of firearms to. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Sec. 29-7. Blank cartridges. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Sec. 29-32. * * * (Firearms)—Information required of purchaser. Any person desiring to purchase or receive delivery of a revolver or other firearm of any description shall hereby be required to first give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing the true and correct information concerning his name, occupation, residence and last prior residence before coming to the city.

Sec. 29-33. Same—Sale, etc.—Statement of purchaser prerequisite. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver or other firearm of any description to any person, without having previously obtained in writing from the person seeking actual delivery of such firearm a statement of his true name, occupation, residence and last previous residence before coming to the city.

Sec. 29-34. Same—Same—Record to be kept. No gun, revolver, pistol, cannon or firearm of any description shall be sold, unless a record of the name and address of the person to whom such weapon is sold shall be kept in a separate book by the selling agent, together with a record of the manufacturer's number or other marks by which such weapon may be identified.

Sec. 29-105. Weapons—Carrying concealed. It shall be unlawful for any person in the city, except an officer of the law authorized to make arrests, to carry concealed about his person any pistol * * * or any other deadly weapon * * * or to carry any fountain pen or other device or instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas.

Sec. 29-107. Same—Sale to intoxicated persons, etc. No person in the city shall sell, loan or furnish a weapon described in section 26-105, or other weapon in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Jacksonville

328.101 Certificate from Sheriff Required for License to Deal in Certain Firearms. No office of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *

328.102 Registry of Certain Firearms Sold. * * * Each person to whom any pistol, revolver or firearm which may be concealed upon the person is sold or otherwise disposed of by a dealer, shall first file a written and signed statement showing his correct name and address, and such information shall be promptly entered in such registry or book, together with a description of a kind, make, number and the name of the manufacturer of such weapon. * * *

328.202 Allowing Minors or Habitual Drunkards to Obtain Firearms. It shall be unlawful and a class D offense against the City for any person to sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

328.205 Possession of Short-barreled Shotgun, Short-barreled Rifle or Machine Gun Prohibited. It shall be unlawful and a Class C offense against the City for any person to own or possess any short-barreled shotgun, short-barreled rifle or machine gun which is, or may readily be made operable. A "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Shortbarreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manually reloading, by a single function of the trigger, but this section shall not apply to antique firearms; "Antique firearms" being defined as any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 2. Exceptions. Firearms in violation hereof which are lawfully owned or possessed under provisions of federal law are excepted.

Jacksonville Beach

Sec. 16-11. Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry or record of such sales in a book, * * *

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

Sec. 16-13. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

Key Colony Beach

* * * it shall be unlawful to commit, within the limits of the city, any act relative to the ownership, use, possession and display of weapons or firearms, which is, or shall be

V42N23 JUN 7 UM

made unlawful, or an offense against the state, by Sections 790.01 to 790.24, both inclusive, of the Florida Statutes.

Lantana

16-25. Same—Sale prohibited without permit. No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any other person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Longwood

* * * * *

Section 57. Weapons; Placing in Possession of Minor, Habitual Drunkard, et cetera. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver, or any other dangerous weapon.

Mangonia Park

Sec. 17-45. Delivering possession of dangerous weapon to minor. Whoever sells, hires, barters, lends, or gives any minor under sixteen (16) years of age any pistol, * * * or other arm or weapon, other than * * * a gun or rifle used for hunting, without the permissions of the parent of such minor or sells, hires, barters, lends, or gives, to any person of unsound mind any dangerous weapon, * * * shall be punished by imprisonment not exceeding ninety (90) days, and/or by fine not exceeding five hundred dollars ($500.00).

Medley

(The city has adopted the State of Florida and Dade County laws and ordinances pertaining to firearms.)

Miami

61-1. Sale of firearms generally.

(a) "Firearm" defined. The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; * * *

(b) Firearm registration. No person, firm, corporation or other legal entity, may acquire, own or possess any firearm within the city unless such firearm has been registered by the owner in accordance with this section or by the dealer selling, renting or leasing firearms with the city police department upon forms furnished by such department. * * *

(c) Exemptions. The provisions of this section shall not apply to the following:

1. United States marshals, while engaged in the operation of their official duties;

2. Members of the armed forces of the United States or the National Guard, while engaged in the operation of their official duties;

3. Federal officials required to carry firearms, while engaged in the operation of their official duties;

4. Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

5. Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other places such persons must have their firearms unloaded and enclosed in a case;* * * * *

9. Nonresidents, who are currently licensed or registered to possess firearms in their resident state;* * * * *

11. Any person who has registered the firearm in his possession with a municipality within the county which requires registration of such firearms;

12. Any person holding a current license to deal in firearms with the county or any other municipality located within the county.

(d) Sale to minors restricted. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form as provided in paragraph (b).

(e) Sale to felons prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) Sale to users of narcotics prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) Sale to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61-2. Delivery of firearms.

(a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

a. The issuing agency or authority.

b. The card number.

c. The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61-1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined in section 61-1(a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61-3. Sale of weapons, firearms, tear gas pens, etc., to minors. (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, * * * or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61-5. Sale, etc., of firearms to intoxicated, etc., persons. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

61-10. * * * (Fountain pens or devices for discharge of injurious gas)—Permit to sell, etc.—Required. No person shall sell, offer for sale or cause to be sold or distributed any fountain pen, device or other instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas within the city without a permit to do so issued by the city manager.

Miami Beach

Sec. 25-104. * * * Firearms—Sale generally.

(a) Firearms defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, submachine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following sections shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replicas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant and shall include the following: * * *

Sec. 25-105. * * * (Firearms)—Unlawful to sell to person without police approval. It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police in the manner set forth in the preceding section.

Sec. 25-110. * * * (Firearms)—Waiting period between time of sale and delivery. No firearm shall be delivered to any person until seventy-two hours after the sale of any firearm.

Sec. 25-112. * * * (Firearms)—Persons to whom sale is unlawful. It shall be unlawful for any person knowingly and willfully to sell, lease, lend, give or deliver any firearm to any person under the age of twenty-one; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

Sec. 25-112.2. * * * (Firearms)—Exemptions from section 25-110. The following shall be exempt from the seventy-two hour waiting period required:

(a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application:

(1) The issuing agency or authority.

(2) The card number.

(3) The name and address identical to that on the card.

(c) Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 25.104.

Sec. 25-115. * * * (Firearms)—Dealer's license. No person shall engage in the business of selling firearms unless a license shall have been procured from the city council as herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the city council. * * *

* * * * *

Mount Dora

14-35. Minors prohibited from buying firearms, ammunition, explosives. It shall be unlawful for any person under eighteen (18) years of age to purchase firearms, * * * or ammunition of any and all types including 22-caliber ammunition, or any other explosives, from any merchant, business house or vendor in the city.

14-36. Merchant prohibited from selling firearms, ammunition, explosives to minors. It shall be unlawful for any merchant, business house or vendor, or any person, firm or corporation to sell to any person under eighteen (18) years of age any firearms, "BB" pellets, or ammunition of any and all types, including 22 caliber ammunition, or any other explosives, within the city.

Neptune Beach

Sec. 16-69. Weapons—Certificate from city council prerequisite to license to deal in. No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. * * *

Sec. 16-70. Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry * * *

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the in-

V 42 H 21
JUN 23 77
UM

formation required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person.

North Miami

Sec. 10-75. Manufacture, storage, sale, etc., small arms ammunition. No person shall manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

No person shall store for sale, sell or offer for sale any small arms ammunition without a permit.

North Palm Beach

24-74(3) Sales to intoxicated persons and minors. No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

Sec. 15-96. (Weapons)—Sale to intoxicated persons or minors. It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.

* * * * *

Pasco County

73-20 **Section 1. Definitions.** As used in this chapter; "Pistol" means any small firearm, loaded or unloaded, made after 1920, with a barrel of three (3) inches or less, fired by hand. The term shall include all firearms having one or more barrels, such as revolvers, automatics, derringers and the like, capable of discharging loaded ammunition, and having a frame or receiver with a melting point of 850 degrees F. or less.

Section 2. Seventy-two hour waiting period required.—No sale or delivery or exchange of any pistol or revolver shall be made to a purchaser until the expiration of seventy-two (72) hours from the time that an initial offer to purchase said pistol or revolver is made by the purchaser to the seller.

* * * * *

Pinellas County

Ordinance 74-1

Section 1. Definitions. (a) Firearm as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile or gas through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than 16 inches, and an overall length of less than 26 1/2 inches, but the word firearm shall not be construed to mean guns that do not use self contained cartridges.

(b) Saturday Night Special shall mean any firearm which is 32 caliber or smaller, whose barrel is less than 3 inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to sell or otherwise transfer any Saturday Night Special as defined hereinabove or offer or expose for sale or transfer any such Saturday Night Special.

Section 3. Exception. The sale of Saturday Night Specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

Ordinance 74-7

Section 1. Definitions. (a) The word Firearm as used in this Ordinance shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, rifle, modified rifle, shotgun, or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive. The word firearm shall not be construed to mean guns that do not use self-contained cartridges

(b) The word Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to transfer any firearm within a 72-hour period following the sale of the firearm.

Section 3. Exceptions. (a) This Ordinance shall not apply to wholesale dealers in their business dealings with retail dealers nor to retail dealers in their business dealings with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express, or other mode of shipment to points outside the County, nor to sales or transfer of firearms that do not use a self-contained cartridge.

(b) This Ordinance shall not apply to duly employed federal, state, county, or municipal law enforcement officers.

Pinellas Park

13-16 (67). Guns, dealers in revolvers, pistols, ammunition, etc. Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

Sec. 31.16. Firearms, discharging; sale of ammunition. * * * * * (b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, * * * provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.

Quincy

35-1. License to sell—Required. No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

35-9. Licensee may not sell outside place of business. No licensee shall make sale of, or sell, any pistols, machine guns or submachine guns outside of the place of business licensed hereunder.

35.12. Registration of pistols, machine guns and submachine guns required. No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

Riviera Beach

13-36. It shall be unlawful for any dealer in arms, guns, rifles or other weapons, to sell to minors any pistol, rifle, repeating rifle, tear gas gun, flair gun, * * * or any other type of dangerous weapon.

St. Petersburg

20.76. Sale to minors. It shall be unlawful for any person within the city to sell to any person under twenty-one (21) years of age a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

20.77. Registration of hand gun sales. (a) Each retail dealer who deals in and sells pistols, revolvers, or any other weapon which is generally described and referred to as a "hand gun" shall require a purchaser thereof to register his name, age and place of residence in a book the dealer shall keep for that purpose. * * *

(b) It shall be unlawful for any dealer of weapons subject to subsection (a) or any agent or employee thereof to fail or refuse to comply with the provisions of subsection (a).

(c) It shall be unlawful for any person purchasing a weapon subject to subsection (a) to give a false name, age or place of residence as required by subsection (a).

(d) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Sebastian

Sec. 17-1. Adoption of state laws constituting a misdemeanor. It shall be unlawful to commit, within the limits of the City of Sebastian, any act which is or shall be recognized by the laws of the State of Florida as a misdemeanor; and the commission of such acts is hereby forbidden.

South Miami

15-25. Firearms-Notice of intent to purchase. It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city. * * *

15-26. Same—Selling or receiving without certificate. It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate * * *, from the person seeking actual delivery of such firearm, * * *.

Sec. 15-27. Same—Blank cartridge and pistols; sale of guns, etc., to minors. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Starke

8-19. (Weapons)—Registry of firearms sold; * * * permit for each sale. * * * It shall be unlawful for any person to sell or otherwise dispose of (weapons) * * * without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the Chief of Police or Mayor approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

* * * * *

8-21. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

* * * * *

8-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law-enforcement officer of the United States government, the State of Florida, or the city.

Surfside

* * * * *

Sec. 13-43. Same—Receiver of firearms to furnish certain information in writing. Any person in the town desiring to purchase or receive delivery of a revolver or other firearm of any description shall be and hereby is required first to give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his name, occupation, residence and last prior residence before coming to the town.

Sec. 13-44. Same—Seller of firearms to obtain designated information in writing. It shall be unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered any revolver, gun, or other firearm to any other person, without having previously obtained, in writing, from the person seeking actual delivery of such firearm, a statement of his true name, occupation, residence, and the last previous residence before coming to the town.

* * * * *

Sec. 13-46. Same—Report to police of possession. Any person having in his possession, actually or constructively, any revolver, gun or other firearm of any description, within the town, shall file with the police department a certificate or statement in writing giving his true name, occupation, residence, and a full and complete description of such revolver, gun or other firearm in his possession.

Tallahassee

3. It shall be unlawful for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.

Tampa

Sec. 24-112. Blank cartridge pistols, tear gas pistols and ammunition—Sale, possession, etc. No person shall sell, offer for sale, give or have in his possession within the corporate limits of the city any blank cartridge pistol or other like device made exclusively for the purpose of firing or discharging any blank cartridge; providing, however, that this section shall not apply to the sale, possession or discharge of any pistol or other like device

JUN 23 77 UM

designed to use .22 caliber crimped blanks and/or .22 caliber tear gas cartridges.

Sec. 24-113. Same—Selling or giving to minors. No person shall sell or give away to any minor within the corporate limits of the city any blank cartridges or other like ammunition.

Sec. 24-114. Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited. It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun, or shotgun or rifle having a barrel of less than twenty (20) inches in length, or any firearm equipped with a silencer, or any other firearm, which is capable of being concealed on the person. This section shall not apply to a pistol, revolver, or blank or tear gas gun authorized by this chapter.

This section shall not be applicable to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county or municipal law enforcement officers.

* * * * *

Sec. 24-116. Molotov cocktails, firebombs, etc. It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail", gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

Titusville

Sec. 15-9.1. Firearms—Sales to children under sixteen. The sale for any purpose whatsoever of any * * * 22-caliber rifle or any firearms or of any BB's, pellets or ammunition for use therein to any child under the age of sixteen (16) shall be unlawful.

Sec. 15-9.2. Same—Relinquishment of possession to child under sixteen. The relinquishment of possession of any * * * 22-caliber rifle or any other firearm or any * * * ammunition for use therein to any child under the age of sixteen (16) by one who is in possession of said weapon and/or ammunition or by anyone who is the lawful owner of said weapon and/or ammunition shall be unlawful.

* * * * *

Virginia Gardens

Sec. 12-9. Weapons—Sale, etc., to minors. No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor under seventeen years of age.

No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor or his legal guardian.

* * * * *

West Miami

14-16. Minors—sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, * * * or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, * * * or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

West Palm Beach

51.1. Permit for purchase, sale, etc.—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, * * * or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

Winter Springs

Sec. 9-77. Placing in Possession of Minors, Habitual Drunkards. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or any other dangerous weapon.

Georgia

State Law

Code of Ga. Ann.

26-1405 Criminal possession of an incendiary (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26-2905 Furnishing weapons to minors. A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, * * *

26-2906 Machine guns; sale, etc., illegal. A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26-2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26-2907 Exemptions. Sections 26-2901, 26-2902, 26-2903, and 26-2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract; and (5) district attorneys, investigators employed by and assigned to a district attorney's office, and assistant district attorneys.

A prosecution based upon a violation of sections 26-2901, 26-2902, 26-2903, or 26-2906 need not negative any exemptions.

26-9910a Georgia Firearms and Weapons Act; short title. This law [Secs. 26-9910a through 26-9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26-9911a Same; possession of certain types of firearms, dangerous weapons and silencers prohibited. No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26-9914a.

26-9912a Same; punishment. A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this law [Secs. 26-9910a through 26-9916a], and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

26-9913a Same; definitions. (a) (1) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) The term "sawed-off shotgun" means a shotgun or any weapon made from a shotgun (whether by alteration, modification, or otherwise) having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoiless rifle," which fires explosive or non-explosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires explosives from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet or projectile may be discharged by an explosive.

26-9914a Same; exceptions to provisions of law. The provisions of this law [Secs. 26-9910a through 26-9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U. S. C. 5841-5862).

92A-901. License for dealers. —Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A-1601. Purchase by Georgia residents in contiguous States. —Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

92A-1602. Purchase in State by residents of contiguous States. Residents of any State contiguous to the State of Georgia may purchase rifles and shotguns in the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which such persons reside.

Adel

Sec. 14-8. Firearms; * * * (c) Regulation of the sale and purchase of firearms and registration of firearms and other purposes:

(1) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas to any person who has not yet attained the age of twenty-one (21) years.

(2) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas within the City of Adel, Georgia, to any person, unless such seller shall verify from the police department of the City of Adel, or from the office of the sheriff of Cook County, Georgia, that such proposed purchaser is a person of good character, and has never been convicted of a felony insofar as is revealed by the records of such office.

(3) Any such firearm as hereinbefore defined purchased from any licensed dealer or individual must be registered with the county sheriff's office, as to make, serial number and from whom it was purchased. Copy of same is to be furnished immediately upon purchase by seller. It shall be the responsibility of the dealer or person selling such firearm to inform and furnish such information to the purchaser, and to notify the sheriff's office of the transaction.

Americus

Section 15-29. Every person desiring to purchase or otherwise acquire in the City of Americus a pistol, revolver, or other type

JUN 23 77 UM

hand gun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type hand gun, [contact local authorities for required contents] * * *.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of the City of Americus.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Americus, deliver or otherwise dispose of a pistol, revolver or other type hand gun, until 72 hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of the City of Americus. Provided however, this 72 hour waiting period may be waived by the Chief of Police of the City of Americus in his sole discretion upon good cause therefor being shown.

No person within the City of Americus shall sell or otherwise dispose of a pistol, revolver, or other type hand gun to any person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 18 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the 72 hour waiting period required by this section, the Chief of Police of Americus or any person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type hand gun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

* * * * *

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind and to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

This ordinance shall not be construed to apply to bona fide gun collectors who have registered and obtained a permit from the Chief of Police of the City of Americus as a bona fide gun collector. The application for a permit as a bona fide gun collector shall be submitted in writing to the Chief of Police of the City of Americus [contact local authorities for required contents] * * *.

Atlanta

Sec. 20-60. Definition of "pistol." A "pistol", for the purpose of this article, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

Sec. 20-61. License to deal in pistols; required, prerequisite to issuance. No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the mayor and board of aldermen to deal in pistols.

Sec. 20-62. Application for dealer's license; information to be shown. Any person desiring a license to deal in pistols, under the provisions of the preceding section, shall first apply to the mayor and board of aldermen, * * *.

Sec. 20-66. Sale of .22 caliber firearms prohibited; exception. (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Sec. 20-67. Sale, delivery, assembly of firearms constructed of materials with melting temperature of less than eight hundred degrees Fahrenheit prohibited. (a) The term "weapon" means a firearm designed to be held and fired by the use of a single hand. The term also includes a combination of parts in the possession or under the control of a person from which a weapon can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in Section 5845(a) of the Internal Revenue Code of 1954.

(b) It shall be unlawful for any person to sell, deliver or assemble any weapon if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than eight hundred (800) degrees Fahrenheit. All such weapons are hereby found and declared to be dangerous to the user and those in the immediate vicinity of the user.

Sec. 20-69. Disposition; permit required. After any firearm, as is described in section 20-66, has been registered with the chief of police, no person shall dispose of same without a permit from the chief of police.

Sec. 20-70. Application for permit to dispose of firearm. The application for the permit required by the preceding section shall give such information as may be required by the chief of police.

Sec. 20-71. Notice of purchase, possession to be given to chief of police. No person shall purchase or come into possession of firearms from any alien without notifying the chief of police of his intention a reasonable time in advance and securing permission from such officer to obtain possession of same.

Sec. 20-73. Definitions. As used in this article unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U. S. passport.

Person includes an individual, partnership, association or corporation.

Sec. 20-74. Identification of purchaser. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his name, present address and age.

Augusta

14-8. Ammunition—Sale, etc., to minors. It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen years of age and under with any other kind of ammunition, including rifle and shotgun ammunition * * *.

Chatham County

Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun [contact local authorities for required contents] * * *.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hours waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon * * *.

This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

Columbus

14-64. Same—Notice; investigation; approval; waiting period. No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation; * * * [if] the chief of police * * * [disapproves] the proposed sale, * * * it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. * * *

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14-65. Dangerous weapons; prohibited. No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches. * * *

14-65(c) It shall be unlawful for any person to: (1) Sell any hand gun that does not have a full case hardened barrel, and in the case of automatics, full case hardened working parts able to withstand 2,700 degrees fahrenheit as certified by the manufacturer.

(2) To sell or transfer a hand gun to any person without a certificate from the Chief of Police or his designee that such purchaser or transferee has not been convicted of a felony within five years, and the Chief of Police or his designee shall furnish such certificate within three days from the date of the application for such certificate.

14-66. Exclusion from chapter. 14-65(c) shall be applicable to all persons including pawn brokers and pawn brokers sales stores; the other provisions of the preceding sections of this chapter shall not be applicable to pawn brokers and pawn broker sales stores, they being regulated by provisions of this Code specifically relating to them; but this Chapter is applicable to all other persons, and the words "persons" or "person" as used herein shall in addition to them, include their managers, agents, clerks and employees.

15-8. Prohibited items—Receiving. No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches * * *.

15-9. Same—Possessing. No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15-10. Pistols and cartridges; sale, notice, police findings. All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation; * * * [if] the chief of police * * * [disapproves] the proposed sale, * * * it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. * * *

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Ordinance 75-14

Section 1. That it shall be unlawful to sell or otherwise convey any handgun to any individual without a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. If said applicant is found to be free of felony convictions, the Chief of Police, or his designee must by law furnish applicant with such certificate at the end of three days from the date application is made. Under no circumstances is the Chief of Police, or his designee, to deny such certificate to any person at any time other than for reason of prior felony conviction.

For those applicants who make multiple handgun purchases during the course of the year, a handgun purchasers identification card shall be made available. This card shall exempt holder from the necessity of obtaining a certificate for each handgun purchased. Said card shall be available from the city license section upon receipt of a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. Card shall contain a physical description and picture of the holder and expense of issuance shall be borne by an issuance fee of $3.00. Card shall be valid for a period of three (3) years from date of issuance.

In the event any holder of a valid handgun purchasers identification is convicted of a felony, such identification shall immediately be revoked by the Chief of Police.

JUN 23 77 UM

Section 2. Dealers selling handguns may submit application to the Chief of Police or his designee on behalf of the prospective purchaser, and the Chief of Police or his designee may return the certificate directly to the seller submitting the application.

Section 3. Provided, however, that the terms of this Ordinance shall not apply to dealers holding federal firearms license when purchasing handguns. Provided further, that the terms of this ordinance shall not apply to collectors and gun shows which have been exempted from the application of the provisions of Ordinance Number 75-14 by a resolution approved in advance by the Council.

(Note: See Georgia State Criminal Code, Sections 26-2901 to 26-2904.)

Decatur

16-7.1. **Same—Sale, etc., by dealers—Definitions.** For the purposes of sections 16-7.2 to 16-7.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any person regularly engaged in the business of selling firearms as defined herein.

Firearms. Any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification. Any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card; provided, same shows age and home address of employee and U. S. passport.

Person. An individual, partnership, association or corporation.

16-7.2. **Same—Same—Identification of purchaser required.** No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearms unless the person obtaining such firearm shall furnish identification to the dealer setting forth his or her name, present address and age.

* * * * *

16-7.4. **Same—Same—Fingerprint of purchaser required.** * * * (a) Failure to fingerprint the person purchasing such firearm shall constitute an offense under these sections.

* * * * *

16-25.1. **Pistols, revolvers, etc.; sale, etc., of certain types prohibited.** It shall be unlawful for any person or persons to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

It shall be unlawful for any person or persons to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver or derringer described in the preceding paragraph, designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles; provided however, that this paragraph shall not apply to any pistol, revolver or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Hapeville

14-21.1. **Pocket pistols, revolvers, derringers—Sale, possession, et cetera;** * * * (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars ($39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

* * * * *

Hinesville

Section 1. Firearms—sale—reports—records. Every person desiring to purchase or otherwise acquire in the City of Hinesville a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [Contact local authorities for required contents] * * *. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record".

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Hinesville.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth therein.

No person shall, within the City limits of Hinesville, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until forty-eight hours shall have lapsed from the time of receipt of the application in the Office of the Chief of Police of Hinesville.

No person within the City of Hinesville shall sell or otherwise dispose of a pistol, revolver, or other type of handgun to a person whom he has reasonable cause to believe is not fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If within the forty-eight hour waiting period required by this Section, the Chief of Police of Hinesville or person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type of handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, toy weapons of any kind, or to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Macon

* * * * *

Section 9-5002 Records of dealers. Every person, firm, corporation, merchant, or pawn-broker, selling, handling, exchanging or dealing in pistols, revolvers, guns or rifles, within the City of Macon, shall keep a true and correct record of the name and address of every person, together with the age of such person, to whom any pistol, revolver, gun or rifle is sold, or exchanged, which said record shall further show the kind of article sold, the name and make of the same and the serial number thereof, if any.

Maysville

1. No person shall have in his or her possession within the Town Limits of the Town of Maysville, any sawed-off shotgun, rifle or machine gun, dangerous weapons, or silencers, except as provided below.

* * * * *

3. No person shall sell or place in the hands of an Alien, a Felon, Drug Addict, or Mentally Incompetent, any weapon or explosive device.

4. No person shall sell or possess within the Town Limits any Title II firearms such as fully automatic firearms, or destructive devices such as bombs, grenades, Molotov cocktails, etc., except as noted below.

* * * * *

6. All requirements as to age, permits, license, or other identification required by State of Federal Statute, must be complied with prior to delivery of any weapon to a purchaser within the Town Limits of the Town of Maysville, Georgia. * * * Further, any exceptions as to persons or things enumerated in the various provisions of this Ordinance shall be in accordance with Section 26-9914a, Georgia Code Annotated.

Nashville

Section I. It shall be unlawful for any person, Firm or Corporation to sell to any purchaser any pistol, * * * without complying with the following provisions of this section:

(a) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement [contact local authorities for required contents] * * *.

(b) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him. All as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, of any, shall be entered on said form by said seller in the place provided.

Section II. Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor and is prohibited from selling any pistol to any minor.

* * * * *

Rossville

61. Be it ordained by the Mayor and the Council of the City of Rossville, Georgia: 1. That, from and after the final adoption of this Ordinance, all wholesale and retail sellers, vendors, and merchants selling, exchanging, or otherwise changing ownership or title to any and all types of firearms within the City of Rossville, Georgia, or conveying or transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. * * *

Savannah

Section 24-105. Fire Arms - Sale - Report and Record. Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [contact local authorities for required contents] * * *

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Savannah.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Savannah, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Chief of Police of Savannah.

No person within the City of Savannah shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this Section, the Chief of Police of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, * * * such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

* * * * *

This section shall not be construed to apply to toy pistols, toy revolvers or toy weapons of any kind.

Tifton

Section 1. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to anyone, to exchange or keep for the purpose of sale, any of the following weapons: a shotgun or rifle with barrel length of less than 18 inches, * * *.

Section 2. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to any purchaser a rifle, shotgun or pistol without complying with the following regulations:

(A) At the time of the sale or barter, there shall be obtained from the purchaser in writing the following information: buyer's name, height, weight, race, residence address, date of birth, place of birth and answers by the buyer to [those questions required by law; contact local authorities for those questions required by Tifton] * * *. This information will be obtained from the purchaser on a written form which the purchaser must sign and date.

(B) Any person, partnership, corporation, pawn shop or firm selling or bartering a firearm as provided in this Section shall provide to the Police Department of the City of Tifton the following information in writing: the manner in which the buyer of the firearm has identified himself to the seller, the type, model, caliber or gauge, serial number and manufacturer of the firearm.

(C) The information set out above in (A) and (B) shall be placed upon a printed form provided by the Police Department of the City of Tifton and shall be made by the seller in duplicate. The original of such form showing such information shall be delivered by the seller to the Police Department of the City of Tifton on same day that the firearm is sold or bartered, such delivery shall be made by hand or by placing the original in the U.S. Mail addressed to the Police Department of City of Tifton.

Section 3. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm required by Section 2 hereof to obtain the information set out in (A) of Section 2 hereof to either fail to obtain such information or fail to provide such information to the Police Department of the City of Tifton as required by (C) of Section 2 hereof.

Section 4. It shall be unlawful and a violation of this Ordinance for any person buying or bartering for a firearm as set out in Section

JUN 23 77 UM

2 hereof to give false information to seller or to answer falsely any questions set out in (A) of Section 2 hereof.

* * * * *

Valdosta

Sec. 18-39. **Weapons—Sales of, regulated.** (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, * * * without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser * * * (a statement) [contact local authorities for required contents]

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. * * *

(b) The foregoing provisions of this section having been complied with, the police department shall then advise the merchant or dealer that he may, or may not, as the case may be, sell to the prospective purchaser the item sought to be purchased. * * *

Waycross

Chapter 7.

Sec. 1. **Definitions.** The following words as used in this chapter shall have the meanings ascribed to them:

(1) Firearm. The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge.

(2) Ammunition. The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

Sec. 2. **Permit to purchase, receive or accept—Required.** It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

Sec. 6. **Same—Transfer at time of sale and at time of reports.** It shall be the duty of any person who sells, transfers or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. * * * * *

Sec. 10. **Hours when exchange of firearms prohibited.** It shall be unlawful for any person to purchase, receive or accept in any manner, or to barter or give away any firearm or ammunition between the hours of 5:00 P. M. and 5:00 A. M.

Winder

Sec. 17-45. **Responsibility for violation of section 17-44 by minor.** It shall be deemed a violation of section 17-44 for any parent or person in control of children to permit a minor child to do the acts forbidden in section 17-44, or to furnish such minor child with firearms, including rifles, pistols, shotguns, air rifles or other similar devices; and such person by furnishing such instruments and allowing such minor child to violate the terms of section 17-44 shall also be deemed a violator of section 17-44 in the aiding and abetting of the minor child by his failure to forbid the said minor to do the acts prohibited.

Guam

Territorial Law

Govt. Code, Territory of Guam

8900. As used in this Chapter: (a) 'Firearm' means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

(b) 'Pistol' or 'revolver' means any firearm of any shape whatever, and designed to be fired with one hand with a barrel less than twelve inches (12") in length and capable of discharging loaded ammunition or any noxious gas.

(c) 'Rifle' means a firearm designed, made, redesigned or remade, and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) 'Shotgun' means any firearm designed, made, redesigned or remade and intended to be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the above-mentioned projectiles.

(e) The terms 'Director' and 'Department' means the Director of Public Safety and the Department of Public Safety respectively.

8900.1. This Chapter shall not apply to: (a) Law enforcement officers when using firearms authorized by the Director in their official duty.

(b) Persons in the Armed Forces of the United States engaged in official duty.

(c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as, a signalling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of Sections 4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.

8901. Ownership, etc. of certain firearms prohibited. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of sixteen (16) inches or greater, or not a shotgun having a barrel length of eighteen (18) inches or greater, or a revolver or pistol having a barrel length of more than twelve (12) inches is prohibited. Mufflers, silencers, or devices for deadening the sound of discharged firearms are also prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.

8901.1. Ownership, etc. permitted. Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by Section 8901 subject to the conditions and penalties provided in this Chapter.

8901.2. Dealer, etc. must register. Any person who is in the business of selling, buying, renting, or trading any firearm shall register with the Department of Public Safety under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term 'in the business of' shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed under the provisions of Sections 8901.1 and 8903 of this Chapter.

8902. Identification card required. No person shall own, possess, use, carry or acquire any firearm which is lawful under Section 8901.1 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the Card. Said Card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm. * * *

8903.2. Upon transfer to a pawnbroker, and upon retransfer from the pawnbroker to either the owner, or to another person, a new registration must be obtained. * * *

8904.1. (a) No person may use or possess a firearm, regardless of ownership of the firearm, without possession of an identification card evidencing his eligibility to possess, use or carry such firearms.

(b) No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry. * * *

8905. Dealers, etc. must register. Any person who is a dealer, manufacturer, wholesaler, or retailer of firearms or ammunition within the territory of Guam who must register pursuant to Section 8901.2 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered, and copies to be displayed at each location where firearms are sold.

8905.1. Any person or firm licensed pursuant to Section 8905.2 shall, in the conduct of his business: * * * * *

(3) Permit only persons who are holders of identification cards making them eligible to purchase, possess and use the firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition, except that nothing in this section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by this Chapter.

(4) Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction. * * * * *

8905.2. No person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to any person after repair or other work done on it without the repairer having seen the identification card of the one to whom the firearm is to be given.

* * * * *

Hawaii

State Law

Hawaii Rev. Stats.

Sec. 134-1 **Definitions.** As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

Sec. 134-2 **Registration, mandatory.** Every person arriving in the State who brings with him firearms of any description, whether useable or unuseable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

Registration shall not be required for: (a) any device designed to fire loose black powder; (b) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; and/or (c) all unserviceable firearms and destructive devices registered with the Director, Alcohol, Tobacco, and Firearms Division of the U.S. Internal Revenue Service as provided in Part 179 of Title 26, Code of Federal Regulations.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained. * * * * *

Sec. 134-3 **Permits to acquire; registration; penalty.** No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unservice-

V 42 N 21 JUN 23 77 UM

able, modern or antique registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; * * * [*See local police for details*]

Sec. 134-4 Transfer of rifles and shotguns. No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of twenty years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 134-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 191-6 and a firearms permit under section 134-3.

Sec. 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor. * * * * *

Sec. 134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches, or shotguns with barrel length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite or other explosives, blasting caps, bombs or bombshell is prohibited. * * *

Sec. 134-16 Restriction of materials for manufacture of pistols or revolvers. It shall be unlawful for any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, sell or deliver any pistol or revolver which is not duly registered pursuant to section 134-2 prior to July 1, 1975, if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit.

Any person who violates this section shall be guilty of a misdemeanor.

This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975, pursuant to section 134-2, or to any antique pistol or revolver.

The term antique pistol or revolver means any pistol manufactured in or before 1898 and any replica of such pistols or revolvers if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Part II.
Firearms, Dealers' Licenses

Sec. 134-31 License to sell and manufacture firearms; fee. Any person desiring to engage in the business to sell and manufacture firearms for sale in the State either at wholesale or retail, shall annually file an application for a license therefor with the director of finance of each county of the State. * * *

Idaho

State Law

Idaho Code

18-3302. Concealed and dangerous weapons—Possession and exhibition—Sale to minors. If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person any * * * pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than $25.00 nor more than $200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days: provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

18-3308. Selling explosives, ammunition or firearms to minors. No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than $100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.

18-3314. Resident's purchase of firearm in contiguous state. Residents of the state of Idaho may purchase rifles and shotguns in a state contiguous to Idaho, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such a purchase in Idaho and in the contiguous state in which the purchase is made.

Illinois

State Law

Ill. Ann. Stat.

38 Sec. 24-1. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which 8 or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; * * *

38 Sec. 24-2. Exemptions. * * * * *

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible. * * * * *

(g) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

38 Sec. 24-3. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States; or

(h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended; (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(i) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of this amendatory Act of 1973.

(j) Sentence. Unlawful sale of firearms is a Class A misdemeanor.

38 Sec. 24-3.1 Unlawful Possession of Firearms and Firearm Ammunition. (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) Sentence. Unlawful possession of firearms and firearm ammunition is a Class A misdemeanor.

38 Sec. 83-1. Legislative Declaration. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition.

38 Sec. 83-1.1 Definitions. For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action

JUN 23 77
UM

of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter.

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

38 Sec. 83-2. Requisites for Acquisition or Possession—Exempted Persons or Entities. (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed force of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

38 Sec. 83-3. Requisites for transfer. (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act. * * * * * (c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, Sec. 83-2.)

38 Sec. 83-6. Contents of Identification Card. A Firearm Owner's Identification Card, issued by the Department of Law Enforcement at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION-This card does not permit bearer to UNLAWFULLY carry or use firearms."

Abingdon

6-2-4-14: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm * * * * *

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Addison

2. Permit. It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept.

4. Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the Village of Addison.

Alton

4-17-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shotgun and rifle (capable of being concealed on the person), antique firearms, * * * without securing a license so to do * * *.

Arlington Heights

Article XXXIII—Gun Dealers.

Section 14-3301 Gun Dealers—License Required. No person shall engage in the business of selling firearms, ammunition, black powder, smokeless powder, or any other propellant, without first having obtained a business license therefor from the Village of Arlington Heights pursuant to the provisions of Chapter 9 of this Code. * * * * *

Section 14-3304 For the purpose of this ordinance, "firearm" shall not mean an antique firearm (other than a machine-gun) which, although designed as a weapon, is by reason of the date of its manufacture, value, design and other characteristics primarily a collector's item and is not likely to be used as a weapon, or which is designated as a collector's item or antique firearm by state or federal law."

Bartlett

23.014 Firearms—Minors. It shall be unlawful to sell, loan, or furnish to any minor any gun, rifle, pistol, shotgun or other firearm.

Beecher

* * * * *

6-1-7 * * * * * (B) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, pistol, fowling piece or other firearm within the limits of the Village.

Belvidere

Sec. 133.006 Unlawful use of weapons; prohibited. (A) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * * * *

Sec. 133.014 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm, of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made; or delivers any rifle, shotgun or other long gun incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However this paragraph shall not apply to:

(a) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(b) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

* * * * *

Sec. 133.015 Unlawful possession or acquisition of firearms or ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

* * * * *

Bensenville

42.08 Firearms to minors. No persons shall sell, loan or furnish to any minor any gun, pistol or other firearm * * * within the village.

Berkeley

Ordinance 69-12

Section one: That it shall be unlawful for any firm, business or corporation within the Village of Berkeley, to manufacture for sale, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as a pistol, revolver, shot gun; rifle, * * * or any other offensive and dangerous weapon or instrument, or to give or sell a pistol or firearm to any person.

Berwyn

36-6. Definition. "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36-7. License to sell concealable firearms required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size of nature as may be concealed upon the person, without securing a license therefor.

36-9. Licensee not to sell concealable firearms; exception. No person having secured a license required by section 36-7 of this Code, shall sell, loan or give away any firearm described in section 36-6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36-11. Persons ineligible for permits. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Bloomington

69. Minors—selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used * * * or other deadly weapon of a like character.

Blue Island

2273. 1.01—Definitions. For the purposes of this ordinance—

A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

JUN 23 77 UM

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means:

(1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection D.(1) if such replica—

(a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, or

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

2.01 Unlawful Sale or Other Transfer of Deadly Weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the City of Blue Island, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1 as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section 4.02 of this ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

3.01—Dealer License Required. No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the City of Blue Island, Illinois, without securing a license therefor.

4.02—Sale or Other Transfer to Private Security Personnel. Any dealer in deadly weapons who sells or otherwise transfers a deadly weapon to any watchman, bank guard, armed truck guard or other similar private security personnel shall before making such sale or transfer request and receive from such person's employer a letter stating that such person is employed as a private security guard and requires the deadly weapon which he is seeking to obtain from the dealer.

Bolingbrook

* * * * *

Section 19-201. License Required. It shall be unlawful for any person to engage in the business of selling, or to sell, offer to sell or give away to any person within the Village any pistol, rifle, shotgun, revolver, * * * or other weapon of like character, without first securing a license to do so. Except as otherwise provided in this article, the manner of application and the conditions of payment, issuance and duration of such license shall be as prescribed by Village ordinance.

Section 19-203. Sale to minors or aliens prohibited. None of the weapons the sale of which is licensed by this article, or any weapon of like character, shall be sold or donated to any minor or alien.

Section 19-204. Permit required for purchase of concealable weapons—Application; Ineligible applicants. (A) No sale of any revolver, pistol, * * * or other deadly weapon which can be concealed on a person shall be made by any licensee under this article to any person unless such person shall first exhibit to the licensee a permit for the purchase thereof, as issued by the Chief of Police of the Village.

(B) Before any permit required by this section can be granted, an application in writing must be made to the Chief of Police. * * *

Brookfield

Sec. 29-1. "Firearms" defined. "Firearms," for the purposes of this chapter, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 29-2. Permit to purchase firearms. No person shall purchase a firearm without having secured a permit so to do from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age, or an alien. Application for such a permit shall state the type of firearm desired and the name, age, sex, residence, nationality, height, weight and complexion of the applicant. Recommendation by two (2) or more citizens of the village of the good moral character of the applicant shall accompany each application for permit under this section.

No person, whether licensed by the village or not, shall sell, loan, or give away any firearm to any person who has not secured a permit from the chief of police as required by this section.

Cahokia

4. No person, firm or corporation shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.

Calumet Park

Ordinance 76-256

Section 1: That it shall be unlawful for any person, firm, business, corporation, association or otherwise, within the corporate limits of the Village of Calumet Park, to manufacture for sale or cause to be manufactured, sell, give, keep for sale, offer, or otherwise dispose of, in usable form, any instrument or weapon of any kind usually known as a pistol, revolver, shotgun, rifle or any other offensive and dangerous weapon or instrument.

* * * * *

Carpentersville

8-39. Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufacturers, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device. * * *

Subsection * * * (g) shall not apply to or affect any of the following:

(a) Peace officers.

(b) Manufacture, transportation, or sale of machine guns to persons authorized under (a) of this subsection to possess such, provided said machine guns are broken down in a nonfunctioning state or not immediately accessible. * * *

8-40. Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Centralia

16-1-4. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * * or * * * * *

(6) Possesses any device or attachement of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device.

C. Subsection 16-1-4 (7) shall not apply to or affect any of the following:

(1) Peace Officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns, to persons authorized under (1) through (3) of the subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible.

16-1-6. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to any narcotic addict; or

(3) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Champaign

13.505. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, * * * or sawed-off shotgun. And no pawnbroker shall display in his window or shop any such weapons for sale.

22.209. Weapons. It shall be unlawful to carry or possess any firearm or weapon in the City in violation of the laws of this State.

Chicago

Registration

11.1-4 At the time of sale the seller shall complete a registration form, designed or approved by the Director of Revenue, [contact local authorities for required contents] * * *.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

* * * * *

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter and possession of unregistered firearms by any person shall be a misdemeanor.

Unlawful Acts

183-1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

183-6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183-1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183-7. It shall be unlawful for to purchase any deadly weapon mentioned in section 183-1, which can be concealed on the person without first securing from the superintendent of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] * * *

183-9.1 Gunsmiths. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

Chicago Heights

30-101. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing

device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

30-104. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of this state under which the firearm is mailed to a point outside the boundaries of this state; or

(3) The sale of a firearm to a nonresident of this state while at a firearm showing or display recognized by the state department of public safety; or

(4) The sale of a firearm to a dealer licensed under the federal firearms act.

30-105. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession..

Chicago Ridge

Section 1—License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, loan or give away to any person within the Village any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used or other weapon of like character without securing a license so to do as hereinafter provided; and no person, firm or corporation having secured such a license shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5—Permit. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character without first securing from the Village Clerk a permit so to do. Before any such permit is granted an application in writing shall be made * * * [contact local authorities for required contents]. Before issuing such permit the Village Clerk shall refer the same to the Chief of Police * * *. In addition the Chief of Police shall make such inquiry or investigation as shall be necessary to ascertain whether or not the applicant is entitled to receive such a permit * * * * *.

Section 6—Refusing permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to a) All persons having been convicted of any crime; b) All minors.

Cicero

38-7. Minors using firearms. No person shall sell, loan or furnish to any minor any gun, pistol or other firearms, or any toy gun, toy pistol or other toy firearms, in which any explosive substance can be used, within the town, under a penalty of not more than one hundred dollars for each offense; provided, that minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

38-9. Sale or gift of deadly weapons concealable on person—License—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

38-12. Same—Application to, permission from, superintendent of police required. No pistol, revolver, * * * derringer, * * * or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, * * * derringer, * * * or other deadly weapon * * *

38-14. Same—Prohibited to other than licensed dealers, or persons granted permits. It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38-9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38-15. Same—Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38-9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. * * *

Clarendon Hills

Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm, * * * within the Village of Clarendon Hills, under a penalty of not less than five dollars not more than fifty dollars for each offense.

Colchester

Sec. 4-30. Weapons—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Countryside

8-11.01 License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away, any loaded paper shells, metallic shot, loaded cartridges, bank cartridges, percussion caps, primers, detonators, or any other explosives without having first obtained a license therefor.

8-11.11 Minors. It is hereby declared to be unlawful for any person to sell, deliver, or give to any person under eighteen years of age any of the items set forth in 8-11.01.

Crest Hill

1. Violation. It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, * * * or other weapons of like character without securing a license to do so.

3. Sale to minors. None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. Permit. No sale of any revolver, pistol, * * * or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city. * * * It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6-2-17: Unlawful use of weapons: (A) It shall be unlawful for any person to: 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *.

DeKalb

52.10 Firearms * * * (b) Selling to minors. No person shall sell, give, loan or furnish to any minor within the City any pistol, revolver, * * * derringer, * * * (shotguns and rifles excepted).

Decatur

41-1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; * * * * *

Downers Grove

Sec. 15-13. Same—Sale to minors. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, * * *

Duquoin

20-65. Purchasing from or selling, loaning or furnishing weapons using explosive substances to persons under the influence of alcohol, etc., agitated persons, or minors. It shall be unlawful to purchase from or to sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

East Peoria

29. Unlawful use of weapons. (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *.

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, * * * or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police * * *.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do * * *.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elmhurst

51.19 Firearms to minors. No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Elmwood Park

52-3. Definition of "firearm". Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52-5. License to sell firearms—Required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

52-7. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. * * *

52-8. Sales, etc., of firearms to persons without permit. No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52-11. Sale, etc., of firearms to minors. No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48-6. Permit for purchase of pistol; inspection of stock, etc. It shall be unlawful for any person dealing in firearms to sell, bar-

JUN 23 77 UM

ter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police * * *

48-7. **Selling firearms to minors.** It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

Sec. 32-2. Certain acts involving weapons deemed unlawful—In general. It shall be unlawful for any person to knowingly:

(a) Sell, manufacture, purchase, possess or carry any * * * shotgun with a barrel less than eighteen inches (18) in length * * * * *

(f) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sell, manufacture, purchase, possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device.

Sec. 32-3. Same—Exceptions. The preceding section 32-2 shall not apply to peace officers or any persons summoned by any such officer to assist in making arrests or preserving the peace while he actually is engaged in assisting such officer.

Sec. 32-11. License required to engage in business or to sell or give away deadly weapons. It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, * * * or other deadly weapon, which can be concealed on the person without securing a license so to do.

Sec. 32-17. Limitations on sale or gift of deadly weapons; exception. It shall be unlawful for any person to sell, barter, or give away to any person within the village, any deadly weapon mentioned in section 32-11, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as hereinafter required. This section shall not be construed to apply between licensed dealers.

Sec. 32-18. Purchaser required to secure permit to purchase deadly weapon; application; fingerprinting; grounds for disapproval; fee. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32-11, which can be concealed on the person without first securing from the chief of police a permit so to do. * * * * *

Sec. 32-36. License required to engage in business. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or other firearm, which can be concealed on the person without securing a license so to do.

Fox River Valley Gardens Village

Section 7. Unlawful use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limted to black powder bombs and Molotov cocktails; * * *

Franklin Park

17-202. Affidavit required for sales. (a) No person licensed under the provisions of this article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article without filling out a federal firearms affidavit in writing * * * Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the state shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17-211. Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the village, any deadly weapon as defined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

Geneva

19-10. Unlawful use of weapons.

(a) It shall be unlawful for any person to commit the offense of unlawful use of weapons.

(b) A person commits the offense of unlawful use of weapons when he knowingly: * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufacturers, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

Gibson City

8.21 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the City, sell to any person under the age of twenty-one (21) any gun, pistol, fowling piece, * * * or other firearm or device which is calculated or intended to propel or project a bullet, pellet * * * or similar projectile, without written permission of parent or guardian.

Glencoe

Sec. 24-49. Same—Sale of weapons which can be concealed. It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

Sec. 24-50. Same—Sale, etc., to minors. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glendale Heights

Sec. 13-72. Unlawful use of weapons. * * * * *

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

Sec. 13-73. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois;

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded in for the firearm purchased, in whole or in part.

Sec. 13-74. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person;

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession;

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearm or firearm ammunition in his possession;

(d) He is a narcotic addict and has any firearm or firearm ammunition in his possession;

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearm or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearm or firearm ammunition in his possession.

Glen Ellyn

6-2-3.13: Weapons: (E) Sales to Intoxicated Persons and Minors: No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen (18) years.

Granite City

Ordinance 1863

Section 1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle * * *

Section 2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Section 3: It shall be unlawful for any minor to have in his possession or to use, except within the confines of his own domicile, any of the weapons or items set forth in Sections 1 and 2 hereof or to purchase the same.

Harvey

29-374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, * * * or any similar weapon or device within the city, * * *

Harwood Heights

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon * * *

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Highland Park

134.001. Definitions: For the purpose of this chapter. (A) The term "person" includes any individual, corporation, company, association, partnership, society or joint stock company.

(B) The term "hand gun" means any device, or part of a device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive, expansion of gas or air, or escape of gas or air, having an overall length of 18 inches or less and designed to be held and operated with and by one hand.

(C) The term "Chief of Police" means the head law enforcement officer of the City of Highland Park or his duly authorized agent.

134.002. Manufacture, assembly, sale prohibited—special permit. No person shall engage in the business of manufacturing, assembling or selling, within the corporate limits of the City of Highland Park, any hand gun as defined in Section 134.001 of this Code, except in compliance with the provisions of this Chapter. No person shall engage in the business of manufacturing, assembling or selling such hand guns without first having been granted a special permit therefor by the City Council. No such permit shall be granted to any person ineligible to register a hand gun in accordance with the requirements of Sections 134.007 and 134.010, nor to any person who fails to meet the standards for Federal and Illinois Dealer's licenses.

Hillsdale

(A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots, or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18) in length, or any bomb, bomb-shell, grenade, bottle or other container containing explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * * * *

Hodgkins

1. License to sell, loan or give away: It shall be unlawful for any person, firm or corporation to engage in the business of selling,

JUN 23 77 UM

or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within the Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Hoffman Estates

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon * * *

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Homewood

53.18 Dealers in weapons. (a) Definition. The term "deadly weapon" as used in this section shall include any pistol, * * * derringer, * * * or any other object of similar nature which can be concealed on the person.

(b) License Required. No person shall engage in the business of selling or sell or give away any deadly weapon without a license. * * *

(c) Sale Procedure. 1. No deadly weapon shall within the Village be sold, traded or given to any person who fails to present a permit to purchase issued by the Chief of Police. * * * * *

(d) Purchase Permit. It shall be unlawful for any person to purchase or receive any deadly weapon which can be concealed on the person without first obtaining a permit so to do from the Chief of Police. * * *

(e) Gunsmiths. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without a license. * * * * *

53.19 Sale of weapons to minors. No person shall sell, loan, or furnish to any minor, any gun, pistol or other fire-arm, * * * or ammunition for any fire-arm * * *, within the limits of the Village.

Island Lake

7. Unlawful use of weapons. (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails * * *.

Jerseyville

Sec. 20-66. Unlawful use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Sec. 20-67. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of the state or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state;

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety;

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Joliet

Sec. 32.19. Licensed required. It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, * * * or other weapons of like character without first securing a license to do so. * * *

Sec. 32.21. Sales to minors. None of the articles governed by this article or of like character, shall be sold to any minor.

Sec. 32.22. Permit required for concealable weapons; application; contents; ineligible applicants. (a) No sale of any revolver, pistol, * * * or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the city.

(b) Before any permit required by this section is granted, an application in writing shall be made to the chief of police [contact local authorities for required contents]. * * *

La Grange

Sec. 115-320. Weapons. No pawnbroker shall receive or have in his possession as a pledge or purchase, any revolver, pistol, machine gun, * * * or sawed-off shotgun, or display in his window or shop any such weapons for sale.

Sec. 136-1. Unlawful use of weapons. (A) A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *.

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Leroy

42.03 (b) No person shall sell, give or transfer any [concealed pistol] to any minor person.

Lindenhurst

41.01 Gun dealers—license required. No person shall engage in the business of selling or sell or give away any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so as provided in Chapter 31.

41.06 Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Village Marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the Village.

41.07 Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Village Marshal a permit to do so. * * *.

41.08 Revocation of license. In case the Village Marshal revokes a license for the selling of such weapons, no other such license shall be issued to such licensee for a period of three (3) years thereafter.

41.09 Gunsmiths—license required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so as provided in chapter 31.

Lockport

15-1. License—manner of issuance. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, * * * or other weapons of like character without securing a license to do so. * * *

15-3. Sale to minors. None of the articles enumerated above, or of like character, shall be sold to any minor.

15-5. Permit. No sale of any revolver, pistol, * * * or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. * * *

Lombard

9.16.040 Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.

Loves Park

Sec. 13-15. Furnishing ammunition to, acquisition by, minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, * * * or other missile or projectile to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, pellet, * * * or any other missile or projectile by purchase, sale or gift, or in any other manner.

Sec. 13-50. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

Manteno

3-15-1: License required; It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver * * * derringer * * * or other deadly weapon which can be concealed on the person without securing a license to do so.

* * * * *

3-15-5: Restrictions on sales and gifts: It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit to do so. The Police Chief may require such information from such applicant as he deems reasonable and necessary.

3-15-6: Permit: It shall be unlawful for any person to purchase any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit so to do. The Police Chief may require such information from such applicant as he deems reasonable and necessary. No such permit shall be issued to one convicted of any crime or to a minor.

Marquette Heights

Unlawful use of Weapons:(A) It shall be unlawful for any person to: * * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or 7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

* * * * *

Maywood

8.259 It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer * * * or other deadly weapon which can be concealed on the person, without securing a license so to do.

8.264 It shall be unlawful for any person to sell, barter, or give away to any person within the Village, any deadly weapon mentioned in Section 8.259, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the Village.

8.265 It shall be unlawful for any person to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the person without first securing from the Chief of Police a permit so to do. * * *

8.268 It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

McCook

9-10-3. License to sell: Firearms for the purposes of this Chapter are pistols, revolvers, guns, and small arms of a size and charac-

JUN 23 77 UM

ter that may be concealed upon or about the person. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And no person, having secured such license, shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

9-10-4. Purchasers of firearms: No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age or an alien. * * *

9-10-8. Sale or gift: No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.

Melrose Park

93.1 Generally: * * * No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. * * * No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, * * * or other weapon, of like character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon * * *

93.2 License to sell firearms: Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village * * *

93.3 Other requirements:

* * * * *

(b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. * * *

Midlothian

6-4-4: Sale to minors prohibited: It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any * * * weapon capable of projecting or discharging projectiles of any type by any force, * * *.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any amunition, * * * with any of the weapons referred to in the foregoing provisions of this Section.

6-4-5: Sale of shotguns and shells; license: It shall be unlawful for any person to engage in the business of selling shotguns or shotgun shells in the Village without securing a license so to do.

* * * * *

6-4-8: Shotguns; sale to minors: It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

* * * * *

Moline

Sec. 27-47. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or * * * * *

Sec. 27-48. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of the state under which the firearm is mailed to a point outside the boundaries of the state; or

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Monmouth

Sec. 18-38. Same—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Montgomery

Sec. 12-17. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * * * *

Sec. 12-18. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part.

Sec. 12-19. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Morrison

Chapter 21

Section 282. It shall be unlawful for any person to permit, suffer, or allow any child under the age of 18 years to handle or have in his possession within the City of Morrison, any cannon, gun, pistol, or any toy gun or cannon, or toy pistol or air gun, or any other similar weapon, or any firearm of any description, which is a deadly weapon, * * *.

Morton Grove

132.100 Selling deadly weapons; sales to minors. (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used * * * * *.

New Boston

5-2-2-12: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm, * * *

Niles

22-44. Affidavit to purchase firearms.

(a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit * * *.

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;

(2) Any minor under the age of eighteen (18) years;

(3) A narcotic addict.

22-45. Selling, furnishing firearms to minors. It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Norridge

Section 1. License. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, Derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5. Permit. It shall be unlawful for any person to purchase any pistol, revolver, Derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Section 6. Refusing Permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to: (a) All persons having been convicted on any crime, (b) All minors, (c) All persons who, in his opinion, are not of good moral character.

* * * * *

Northbrook

17.25 Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length

* * * * *

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

17.26 Exemptions * * * * * (c) Paragraph 17.25 (g) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this paragraph 17.26 (c) to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. * * * * *

O Fallon

27.60 Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

* * * * *

27.61 Unlawful Sale of Firearms. A per-

son commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person, to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun, or other long gun for at least twenty-four (24) hours after application for its purchase has been made.

However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(4) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

27.63 Register of Sales by Dealer. (a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

* * * * *

Oak Park

45.1—Definition of "Firearms". "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person.

45.2—Sale or Rental of Firearms. It shall be unlawful to sell, loan, rent or give away any firearms or firearm ammunition to any of the following:

(a) A person under twenty-one (21) years of age, except that this provision shall not prohibit the use of a firearm by a person under twenty-one (21) years of age in a supervised target shooting program;

(b) A narcotics addict;

(c) A person convicted of a felony within five (5) years of release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed;

(d) Any person who has been a patient in a mental hospital within the past five (5) years;

(e) A person who is mentally retarded.

45.3—Application and Permit to Purchase or Rent. No person shall be allowed to purchase or rent a firearm without a permit for said transaction having been issued by the Village of Oak Park. A separate permit shall be required for each firearms transaction. * * * * *

(h) No firearm shall be delivered to the purchaser or renter until a valid permit therefor has been issued to the seller by the Village of Oak Park, said permit bearing the endorsement thereon of both the Chief of Police and the Village Manager of Oak Park.

* * * * *

45.4—License to Deal in Firearms—Required. It shall be unlawful for any person to engage in the business of selling or renting, or to sell, rent, loan or give away, to any person, any firearm as defined in Section 45.1 of this Code, without securing a license for said dealings.

Oakbrook Terrace

Sec. 21-2. Sale, etc., of Firearms or Airguns to Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the city.

Sec. 21-5. Sales of Firearms—Registration. All persons dealing at retail within the city in one or more of the following firearms:

(a) Firearms of a size which may be concealed upon the person; (b) Shotguns; (c) Rifles: (d) Firearms of any description not above enumerated; shall keep a register of all such firearms sold or given away by them. Such register shall contain [such information as is required by Oakbrook Terrace; contact local authorities for requirements] * * *. A Firearm Transaction Record Form 4473 is sufficient and shall satisfy the requirements of this section.

Sec. 21-6. Same—Purchase Approval; Inspection of Premises Where Sold, etc. It shall be unlawful for any person to sell or give away to any person within the city any firearm, unless such person so purchasing or receiving such firearm shall have a valid state gun owner's identification card and shall have secured approval for the purchase of such firearm from the chief of police [contact local authorities concerning those categories of persons not eligible for such approval]. It shall be the duty of every person selling or giving away firearms to receive and keep such written approvals from the chief of police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the chief of police or his deputy to enter his premises during normal business hours for inspection of all stock on hand and shall, on request of such officer, produce for inspection all written approvals issued by the chief of police for the sale of such firearms and the register required to be kept by section 21-5.

* * * * *

In case the chief of police shall find the applicant [qualified] * * * it shall be his duty to grant such approval.

The chief of police shall complete such investigation within the waiting period prescribed under state law prior to delivery, unless extenuating circumstances are shown.

Sec. 21-7. Same—Bartering. The approval required by section 21-6 shall not be required when bartering one fireable firearm for another fireable firearm. However, the individual must possess the valid state gun owner's identification card, and the information provided for in section 21-5 must be furnished to the chief of police on the day of the barter.

Oregon

8-6-3: Firearms: No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.

Park Forest South Village

Ordinance 41

XXXV. Weapons A. It shall be unlawful for any person to carry or possess any dangerous or deadly weapon in violation of Article 24 of the Illinois Criminal Code.

* * * * *

Peoria

41-4. License to sell, etc.—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41-8. Required Certificate and Thumb Print. It shall be unlawful for any person to sell, barter, or give away to any person within the City, any deadly weapon mentioned in Section 41-4 of this Code, except to licensed dealers, without first obtaining from the person receiving such deadly weapon a signed statement [contact local authorities for required contents] * * * and which shall contain a thumb print from the person receiving such weapon. Such thumb print shall be the right-hand thumb print unless circumstances prevent, in which case it shall be the left-hand thumb print. All such information required by this section shall be entered upon forms provided by the Superintendent of Police for that purpose.

Sec. 41-11. Restriction on sale. It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon mentioned in section 41-4 of this Code, to any person known to him to be under twenty-one (21) years of age or of unsound mind or under indictment or a drug addict or a fugitive from justice or who has been convicted of a crime of violence.

Sec. 41-13. Registration. All persons who have in their possession any pistol, revolver or gun, which may be concealed on the person, shall register such gun or pistol with the superintendent of police, setting forth the caliber, make, model and manufacturer's number of the weapon. No fee shall be required for such registration.

Peoria Heights

Section 1. License required. It shall be unlawful for any person to engage in the business of selling any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

Section 5. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Pinckneyville

Sec. 39. Minors not to have certain weapons. No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, * * *.

Posen

Chapter 8, Title VIII Posen Village Code

8-8-1: Definitions. For purposes of this Ordinance—A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means: (1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection 8-8-1 - D - (1), if such replica (a) is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition, or (b) uses rimfire or conventional center-fire fixed ammunition which is not longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail;

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, of

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

8-8-2: Unlawful sale or other transfer of deadly weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the Village of Posen, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1, as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section "8-8-11" of this Ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

8-8-3: Dealer license required. No per-

JUN 23 77 UM

son, firm or corporation shall engage in the business of a dealer in deadly weapons in the Village of Posen, Illinois, without securing a license therefor.

8-8-4: **Application for dealer's license.** An application for the license required by Section 8-8-3 shall be made in writing to the Village of Posen Clerk on such suitable forms provided or approved by him [contact local authorities for required contents] * * *. * * *

8-8-5: **Dealer's license fee.** The license fee shall be $25.00 per year or such other sum as may be established by ordinance. The license shall expire on April 30th following the date of issuance. The fee for a license issued for less than one year shall be prorated.

8-8-6: **Denial or issuance of license.** It shall be the duty of the Village Clerk to refuse the license required by Section 8-8-3 to any person, firm or corporation which fails, refuses or is unable to comply with all of the requirements; * * *; otherwise, * * * it shall be the duty of the Village Clerk to issue such license.

* * * * *

Rantoul

18.53 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the Village, sell, loan or furnish to any person under the age of twenty-one any gun, pistol, fowling piece, * * * or other firearm * * *.

Red Bud

261. Selling Weapons to Minors or Intoxicated Person. Section 58. Whoever shall, within the limits of this City, by himself or agent, sell, give, loan, hire or barter, or offer so to do, to any minor, or intoxicated person any pistol, revolver, derringer, * * * shall be deemed guilty of a misdemeanor.

Riverdale

911. In addition to all other applicable requirements in this Code, the intrastate transportation of small arms ammunition, small arms ammunition primers, smokeless propellants and black powder propellants shall be in accordance with current U.S. Department of Transportation regulations.* * *

15.3301—Definitions. The term "gunshop" is hereby defined to mean any building, room, enclosure, premises, place, establishment or part of establishment in the Village of Riverdale operated and maintained or conducted for the sale or offer for sale at retail any of the following articles: rifles, shotguns, pistols and loaded shot shells or cartridges.

15.3302—License. No person shall engage in the business of a gunshop or a shooting range without first having obtained a license therefor.

Rockford

Sec. 19-48. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

* * * * *

Sec. 19-52. Furnishing bullets, pellets, arrows, etc., to minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, * * * to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, * * * by purchase, sale or gift, or in any other manner.

Rockton

Section 13. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (6) Possesses any devise or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails * * *

* * * * *

(c) Section 13, subsection (a) (7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a non-functioning state or not immediately accessible.

Rockwood

18-1. Unlawful use of weapons. a. A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

18-2. No person, firm or corporation in the Village of Rockwood, shall sell, give or loan to any person under the age of 18 years of age any firearm or other deadly weapon, without the consent of the parent or guardian of such minor.

Rolling Meadows

13-36. Same—Handling, possession by minors. (a) Prohibited. It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol * * *

Roscoe

Sec. 13-9. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black power bomb and Molotov cocktails; or

* * * * *

Sec. 13-10. Unlawful use of weapons—Exemptions. * * * * * (c) Subsection (a) (7) of section 13-9 shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

* * * * *

St. Charles

28.039 Unlawful Use of Weapons. It shall be unlawful to, and a person commits the offense of unlawful use of weapons when he knowingly: * * *

F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

Schaumburg

Sec. 20-56. [Weapons]—Sales or gifts to minors. It shall be unlawful for any person to sell or give to any minor any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the village.

* * * * *

Sec. 20-60. Same—Same—Permits generally; police inspection of retailers. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the village any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the department of public safety of the state. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

Sec. 20-61. Same—Same—Permits for nonresidents. The provisions of this article requiring a state firearm owner's identification card and number do not apply to nonresidents who are currently licensed or registered to possess a firearm in their resident state.

* * * * *

Skokie

27-17. Permit. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, * * *.

27-18. Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

South Beloit

Sec. 18-10. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails;

* * * * *

(c) Subsection (a) (7) of section 18-10 shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

* * * * *

South Elgin

18. Unlawful use of weapons. No person shall commit the offense of unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * *

(6) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. Minors not to handle or possess firearms, * * * etc. It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol * * *

Steger

Sec. 130.701 Unlawful use of weapons. (A) A person commits the offense of unlawful use of weapons when he knowingly:

* * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

* * * * *

Sec. 130.702 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen years of age; or

(2) Sells or gives any firearm to a person under twenty-one years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two hours after

JUN 23 77 UM

application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four hours after application for its purchase has been made. However, this paragraph shall not apply to:

(a) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment; or

(b) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(B) While holding any license under the Federal "Gun Control Act of 1968," as amended, as a dealer, importer, manufacturer, or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith," approved August 3, 1957, as amended;

2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(C) Paragraph (B) of this section shall not include firearms sold within six months after enactment of this amendatory ordinance nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within six months after the enactment of this amendatory ordinance be subject to confiscation or seizure under the provisions of this amendatory ordinance. Nothing in this amendatory ordinance shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within six months after the enactment of this amendatory ordinance.

* * * * *

Sec. 130.703 Unlawful possession of firearms and firearm ammunition. (A) A person commits the offense of unlawful possession of firearm ammunition when:

(1) He is under eighteen years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or in any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

* * * * *

Stickney

Ordinance 75-14

Section 1. Definition. "Firearms" for the purposes of this Ordinance, are Pistols, Revolvers, Derringers, Handguns or small arms of such size and nature that may be readily concealed on or about the person.

Section 2. License Required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, lease, loan or give away to any resident of the Village of Stickney, any firearms which are of such size or nature as may be readily concealed on or about the person, without securing a license therefor.

Section 3. Unlawful Sale. It shall be unlawful for any seller of firearms to sell, lease, loan or give away any firearm to any person residing in the State of Illinois unless such person shall have been issued a Firearms Owners Identification Card as provided in the "Criminal Code of 1961" as amended, or to sell firearms in violation of the provisions of the "Criminal Code of 1961" as amended, or in violation of the provisions of any Federal Act regulating the sale of Firearms.

Section 4. Permit Required. It shall be unlawful for a seller of firearms to sell, lease, loan or give away any firearms to any resident of the Village of Stickney who has not secured a permit from the Chief of Police to purchase such firearm as hereinafter provided.

Streamwood

19.1001. Definition of firearm. Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1005. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

19.1006. License and permit to deal in firearms. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

Sugar Grove

15. Unlawful use of weapons: A person commits the offense of unlawful use of weapons when he knowingly:

1. Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length, * * * or

* * * * *

6. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Summit

6-7-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon, * * * or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a license so to do, and no person having secured such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Swansea

27.28 Unlawful possession of firearms and firearm ammunition. (a) A person commita the offense of unlawful possession of firearms or firearm ammunition when: (1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms of firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Tuscola

Sec. 18-51. (Weapons)—Selling or furnishing to minors. Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, * * * or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1-8 of this Code.

Urbana

Sec. 21.55. Weapons—Unlawful use and possession, and exemptions. (1) A person commits the offense of unlawful use of weapons when he knowingly: * * * * * (f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

* * * * *

(4) Exemptions. * * * * *

(c) Section 21.55 (1)(g) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the armed services or reserve forces of the United States or the Illinois National Guard while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Section 21.55 (1)(g) does not apply to the purchase, possession or carrying of a blackjack or slung-shot by a peace officer.

* * * * *

21.56. Weapons—infants. Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, * * * capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.

Venice

9-5-4: Weapons: No pawnbroker shall receive as a pledge or purchase any revolver, pistol, * * * or sawed-off shotgun; and no pawnbroker shall display in his window or shop any such weapons for sale.

Washington

16-26. Same—Selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling-piece or toy firearm, in which any explosive substance can be used, * * *.

Washington Park

Unlawful possession of firearms and firearm ammunition: A person commits the offense of unlawful possession of firearms or firearm ammunition when: (a) he is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; (b) he is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or (c) he has been convicted of a felony under the laws of this or any other jurisdiction within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or (d) he is a narcotic addict and has any firearm or firearm ammunition in his possession; or (e) he has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or (f) he is mentally retarded and has any firearms or firearm ammunition in his possession.

Unlawful use of Weapons A person commits the offense of unlawful use of weapons when he knowingly * * * * * (f) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

* * * * *

Wauconda

2103.3. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any * * * shotgun with barrel less than 18 inches in length * * *.

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

2103.5. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly: (a) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Waukegan

24-121. Dealer's license—Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so * * *

24-127. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this division except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as required in this division. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

24-128. Purchase permit required; * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in this division without first securing from the chief of police a permit to do so. * * *

24-135. License—Required. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without securing a license to do so * * *

26-27. Sale of weapons to minors, aliens prohibited. No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearms or dangerous or deadly instruments of any character.

West Chicago

Ordinance 879

* * * * *

Section 4. (1) A Person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses, or carries any * * * shot-gun with a barrel less than 18 inches in length, * * *.

* * * * *

(d) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed places of business any pistol, revolver, or other firearm; or

* * * * *

(f) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses, or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

* * * * *

Western Springs

63.3 Fixed ammunition—license. Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols, or shotguns shall be entitled to a license upon application made as provided in chapter 27 of this code, provided that such licensee shall not have on hand at any one time more than 25,000 rounds of such ammunition.

Westmont

Sec. 17-21. Persons under twenty-one years of age prohibited from purchasing firearms or ammunition. No persons under the age of twenty-one (21) years shall purchase any firearms or ammunition of any type.

Wheaton

17-83. Enumeration of dangerous, deadly weapons. The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, * * * and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17-84. Selling, furnishing to minors; exceptions. It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. * * *

17-93. License—Required. It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

Wilmette

5-10.1 License required; * * * It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor. * * *

5-10.2 Permit to purchase. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. * * *

Wilmington

132.075 Selling deadly weapons; sales to minors. (A) It shall be unlawful for any person to sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or other toy firearm in which any explosive substance can be used, * * * or other deadly weapon of a like character.

Winnetka

5-44. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13-51. Weapons—Sale to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, * * * or ammunition for any firearm * * *, within the limits of the village.

Worth

Sec. 40.2 Definition of "firearms." "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 40.5 Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. [Contact local authorities for required contents] * * *. * * *

Sec. 40.6 License and permit to deal in firearms—required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the Village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

Sec. 40.10 Sale, etc., of firearms to infants or aliens. No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Zion

28-1. Unlawful use or carrying of weapons—Defined. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * * *

(6) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; * * *

28-2. Same—Exemptions. * * * * * (c) Subsection 28-1(a)(7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a nonfunctioning state or not immediately accessible. * * *

28-14. To be licensed. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, * * * derringer, * * * or other deadly weapon which can be concealed on the person, without securing a license to do so.

28-20. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this article except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police * * *

28-21. Permit required to purchase; * * * It shall be unlawful for any person to purchase any deadly weapon mentioned in this article which can be concealed on the person without first securing from the chief of police a permit so to do. * * *

28-34. License required. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

28-48. License, compliance required; exception. It shall be unlawful for any person to engage in the business of selling, or to sell or give away any * * * toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license so to do, and no person having secured such license shall sell, or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon * * *; provided that it shall not be necessary for any person licensed to sell deadly weapons to take out an additional license for the sale of the articles mentioned herein.

28-51. Purchasers' permits required; * * * It shall be unlawful for any person to purchase * * * any toy firearm or other toy in the nature of a firearm in which any explosive substance is used to expel a projectile without first securing from the chief of police a permit so to do. * * *

Indiana

State Law

Ind. Stat. Ann (Burns)

10-4701 (35-23-5-1) Intoxicated persons—Sale or gift of weapons to. Whoever sells, barters, gives, or delivers any pistol, * * * or any other dangerous or deadly weapon, to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, shall upon conviction be fined in any sum not exceeding one thousand dollars [$1,000] or imprisoned in the county jail not less than thirty [30] days nor more than six [6] months or both such fine or imprisonment in the discretion of the court.

10-4702 (35-1-79-3) Minors—Sale or gift of weapons to. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one [21] years any pistol * * * or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of twenty-one [21] years any cartridges manufactured and designed to be used in a pistol or revolver. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars [$5.00] nor more than fifty dollars [$50.00].

10-4712 (35-23-3-1) Machine guns and bombs—Ownership, possession, or control. Whoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one [1] year nor more than five [5] years.

10-4713 (35-23-3-2) Machine guns and bombs—Operation and discharge. Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two [2] nor more than ten [10] years.

10-4714 (35-23-3-3) Machine guns and bombs—Exceptions from application of chapter. The provisions of this chapter [Secs. 10-4712—10-4714] shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) to machine guns or bombs kept for display as relics and which are rendered harmless and not useable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) To persons lawfully engaged in the display, testing or use of fireworks; or (e) To persons, firms, agencies of the state government; or corporations and the employees, servants, or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordnance equipment or supplies while or when acting within the scope of and in furtherance of such business; and (f) To persons, firms or corporations possessing, or having applied to possess machine guns under applicable United States Statutes, providing, that such machine guns shall also be transferred as are handguns, as provided in IC 1971, 35-23-4.1-7 [Sec. 10-4751g].

10-4740a (35-23-10-1) Interstate firearms sales. Any resident of this state who is eighteen [18] years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701], or any applicable law of another state or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois. Any resident of those states who is eighteen [18] years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701] or the laws of his domicile or of the United States from obtaining, possessing, or using a firearm in this state or his home state, may purchase or obtain a rifle, shotgun, or ammunition for either a rifle or shotgun in this state. Any such transaction shall be for the purposes and under the conditions prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3).

10-4751a (35-23-4.1-1) Firearms—Definitions. As used in this chapter [Secs. 10-4751a—10-4751r]:

(a) The term "firearm" means any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion;

(b) The term "handgun" means any firearm designed or adapted so as to be aimed and fired from one hand regardless of barrel length, or any other firearm with a barrel less than sixteen [16] inches in length, or an overall length of less than twenty-six [26] inches;

(c) The term "crime of violence" includes each of the following offenses or an attempt to commit any of them: murder, voluntary manslaughter, kidnapping for the purpose of

ransom, rape, malicious mayhem, assault or assault and battery with intent to commit a felony, aggravated assault and battery, robbery, bank robbery, automobile banditry, and burglary in the first or second degree. The term also includes any felony or attempted felony in which bodily harm or the threat of bodily harm is directed against a human being or in which harm is done or threatened against a place of human habitation or employment;

(d) The term "person" includes firms, corporations, partnerships or associations, as well as human beings;

(e) The term "place of abode" means a place of residence which is more than temporary in nature and to which the dweller, when absent, intends to return;

(f) The term "superintendent" means the superintendent of the Indiana state police department;

(g) The term "retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof;

(h) The term "wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in the same, or the sale of a handgun or handguns to a governmental law enforcement agency for issue to its law enforcement officers, agents or employees;

(i) The term "dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis;

(j) The term "police officer" means any state, city, or town law enforcement officer who is employed with unlimited police authority on a full-time basis to enforce the laws of the state of Indiana.

10-4751f (35-23-4.1-6) Prohibited sales or transfers. No person, except an individual acting within a parent-child or guardian-ward relationship shall sell, give or in any other manner transfer the ownership of a handgun to any person under the age of eighteen [18], and in no event shall any person sell, give, or in any manner transfer the ownership or possession of a handgun to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is a habitual drunkard, or is of unsound mind.

10-4751g (35-23-4.1-7) Persons to whom regulations apply—Seven day waiting period—Application for sale or transfer of handgun—Fingerprints—Fee—Penalty. The regulation of the sale of handguns imposed by this chapter [Secs. 10-4751a—10-4751r] shall apply equally to an occasional sale, trade or transfer between individual persons and to retail transactions between dealers and individual persons.

(a) Except as otherwise provided in this section, this section does not apply to sales at wholesale. No transferor shall deliver a handgun to a transferee until at least seven [7] calendar days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(1) The seven [7] day waiting period shall not apply to marshals and sheriffs and their deputies and policemen and other law enforcement officers. Any marshal, sheriff, deputy sheriff, policeman or other law enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself shall be guilty of a misdemeanor.

(2) The seven [7] day waiting period shall also be waived for any person to whom a qualified or unlimited handgun-carrying license has been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation "waiting period waived," together with the date on which the handgun or handguns are released to the applicant. Any person using or seeking to use a false, counterfeit, spurious or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter shall be subject to the penalties provided in section 18 [Sec. 10-4751r] of this chapter.

(b) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor [contact State authorities for required contents] * * *. This application, in triplicate, shall be deposited with the transferor who shall, within eight [8] hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one [1] copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one [1] copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one [1] copy for six [6] years. If the superintendent shall by administrative rule require, the application forms forwarded to the superintendent may be accompanied by a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by an agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute grounds for the suspension or revocation of the dealer's license. Upon receipt of the handgun transfer application forms, the chief of police or sheriff, and the superintendent shall search the records of their respective departments concerning the transferee, and they shall forward immediately in both verbal and written form to the transferor any information constituting grounds for nondelivery of the handgun or handguns. In the case of the occasional transfer of a handgun between individuals, both the transferor and the transferee shall complete the application and fingerprint forms at any sheriff's office, police station, state police post, or licensed dealer, with the required fingerprints to be taken by a qualified person and the forms being forwarded to the appropriate chief of police or sheriff and to the superintendent, by the person taking the fingerprints. No charge shall be made for this service by any police agency; however, a dealer may charge a fee not to exceed two dollars [$2.00] for his services in assisting in the processing of the transfer, which fee is to be assessed of the transferor. It is the intent of this chapter that all sale forms shall be completed by the transferee in the presence of the transferor and that delivery of the handgun or handguns not take place until the seven [7] day waiting period has elapsed or has been waived as indicated above. Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been convicted of a violation of this chapter or any crime of violence shall be grounds for nondelivery of the handgun or handguns, and in such case, delivery shall not occur without written approval of the superintendent.

(c) Delivery of a handgun by the transferor or his agent to the transferee prior to the expiration of the seven [7] day waiting period, except when the waiting period has been waived under this section, or delivery to any transferee without the superintendent's written approval after receiving notice of grounds for nondelivery is a misdemeanor and in addition, constitutes grounds for the immediate suspension of the retail dealer's license.

(d) No additional record of any lawful transfer of any firearm shall be made or maintained by any local or state official or agency; and, all forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six [6] months to the transferee indicated on the forms. Said forms shall then be retained by the transferee as proof of ownership of the firearm or firearms listed thereon.

10-4751h (35-23-4.1-8) Retail dealer—License required. A retail dealer shall not sell, trade, or otherwise transfer or expose for sale, trade, or transfer, or have in his possession with intent to sell, trade or transfer, any handgun without being licensed under section 9 [Sec. 10-4751i] of this chapter.

10-4751i (35-23-4.1-9) License as retail handgun dealer—Application * * * Conditions. A person desiring a license as a retail handgun dealer shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in this state, then to the sheriff of the county in which he has a regular place of business. * * * No retail dealer's license shall be issued to any person who has been convicted of a crime of violence in this state or any state or country, or who has been convicted of a felony violation of this chapter [Secs. 10-4751a—10-4751r]. A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the following conditions in addition to those specified elsewhere in this chapter for breach of any of which the license may be suspended or revoked in accordance with applicable law and in addition the licensee may be subject to punishment as provided in this chapter:

(a) The business shall be carried on only in the site designated in the license and a separate license shall be required for each separate retail outlet. In the event a licensed dealer moves his place of business, he shall promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This section shall not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold in violation of any provisions of this chapter, nor shall any handgun be sold under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

10-4751j (35-23-4.1-10) Loan secured by handgun prohibited. No person shall make any loan secured by a mortgage, deposit, or pledge of a handgun.

10-4751m (35-23-4.1-13) Firearms exempted. This chapter [10-4751a—10-4751r] does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made on or before 1898.

Gary

Ordinance 4641

Section 10-2201. All handguns located in the City of Gary shall be registered in accordance with the provisions of this Chapter.

Section 10-2204. At the time of sale the seller shall complete a registration form, designed or approved by the City Controller, [Contact local authorities for required contents] * * *

Section 10-2205. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

Section 10-2214. For the purposes of this Chapter the term "handgun" means any weapon, by whatever name known, which is less than twelve (12) inches long capable of being used with one hand and which is designed to expel a projectile or projectiles by the action of an explosive and a handgun muffler or handgun silencer, or any part or parts of such weapon.

Section 10-2216. A person may not possess * * * any handgun * * * if such person is ineligible to register such handgun with the licensing authority pursuant to the provisions of this Chapter.

Hammond

27-201. Explosives—Permit. 1. No person or corporation shall keep, sell or offer for sale, or give away, anywhere within the City any gunpowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers * * *

Indianapolis

Code of Ordinances

Sec. 20-98. Firearms for minors. No person shall sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol or other firearm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance is or can be used, within the city; however, minors over fifteen (15) years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club, or to shoot game birds in accordance with other provisions of this Code or state law.

Sec. 20-191. Unlawful disposition of dangerous weapons. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known or suspected habitual user of narcotics or any known or suspected criminal or a person with criminal purpose, any type of machine gun, sawed-off shotgun, pistol or revolver, or ammunition therefor, * * *. [The] provisions of this section shall not apply to any military forces, peace officers or other persons so excepted by law for the possession, use or disposal of any such things.

Marion

Sec. 1. Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, * * * or other gun, rifle or device for shooting and propelling missiles * * *.

New Whiteland

Section 5. Firearms for minors. No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the town; * * *

8. Selling weapons to narcotic users, etc. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, * * * which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; * * * the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

Iowa

State Law

Iowa Code Ann.

(see Editor's Note following 697.11)

695.18 Sale of dangerous weapons prohibited. It shall be unlawful to sell, to keep for sale, or offer for sale, loan, or give away, * * * [a] silencer, and no pistol or revolver shall be sold to any person under the age of eighteen years. * * *

695.19 Dealer's permit to sell. It shall be unlawful for any person, firm, association, or corporation to engage in the business of selling, keeping for sale, exchange, or to give away to any person within the state, any revolver, pistol, or pocket billy, or other weapons of a like character which can be concealed on the person, without first securing a permit from the proper officials having authority to issue such permit.

695.26 Selling firearms to minors. No person shall knowingly sell, present, or give any pistol or revolver to any minor. Any violation of this section shall be punished by a

JUN 23 77 UM

fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days. Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the state of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

695.29 Purchase or sale of firearms in contiguous states. A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with Gun Control Act of 1968, 18 U.S.C. section nine hundred twenty-two (922) (b) (3) (A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the Federal Gun Control Act of 1968.

696.1 Possession. No person, firm, partnership, or corporation, except law enforcement officers, shall knowingly have in his or its possession or under his or its control any machine gun of any nature or kind.

696.2 Aiding possession. No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.

696.4 Exceptions Sections 696.1 to 696.3, inclusive, shall not apply to:

1. Peace officers as herein provided.
2. Persons who are members of the national guards.
3. Persons in the service of the government of the United States.
4. Banks.

696.5 Interpretative clause. Section 696.4 shall not be construed to exempt any person therein specified when the possession charged had no connection with the official duties or service of said person.

696.6 Relics. It shall be a defense that the machine gun or machine which the accused is charged with possessing was a gun which was in general use prior to November 11, 1918, and was, prior to the commencement of the prosecution, rendered permanently unfit for use, and was possessed solely as a relic.

696.7 Additional exception. This chapter shall not apply to any person or persons, firm, or corporation engaged or interested in the improvement, the invention, or manufacture of firearms.

697.10 Definitions. As used in this Chapter, unless the context otherwise indicates:

1. "Explosive device" means any material, container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects.

2. "Incendiary device" means any inflammable material or container containing an inflammable liquid or material whose ignition, by fire, friction, concussion, detonation, or other method is intended to produce destructive effects primarily through combustion rather than explosion.

3. "Molotov cocktail" means a breakable container containing an explosive or inflammable liquid or other substance, having a wick or similar device capable of being ignited, and may be described as either an explosive or incendiary device. A "molotov cocktail" is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses.

697.11 Unlawful materials—exceptions. It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture a bomb, bombshell, grenade, or incendiary or explosive device including but not limited to black powder bombs and molotov cocktails, or, with intent to assemble them, the materials which may be assembled into any such device and any person violating any of the provisions of this section shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars or by imprisonment in the penitentiary or men's or women's reformatory for not more than five years, or by both such fine and imprisonment, or by imprisonment in the county jail for not more than six months; provided, however, that this section shall not apply to military and law-enforcement agencies and their personnel, and persons, firms, or corporations engaged in business, occupational or recreational use of commercial explosives, fireworks, firearms, or ammunition when possession and use is otherwise authorized or permitted by law. Section 697.10 and this Section shall have no application to the possession or sale of rifle, pistol, or shotgun ammunition; nor shall it prohibit the use, sale, or possession of primers, percussion caps, brass, powder, and other components and supplies for hand loading or reloading rifle, pistol, or shotgun ammunition or loading muzzle-loading arms, where the same is for lawful purposes.

Editor's Note: The following provisions were passed by the 61st General Assembly, Regular Session, and will become effective January 1, 1978. On this date, all of the above will be repealed and the following will be effective in lieu thereof. Codification of this Act was not accomplished before the deadline for this publication.

Division XXIV. Weapons

Section 2401. New Section—Offensive weapons An offensive weapon is any device or instrumentality of the following types.

1. A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

2. A shotgun having a barrel or barrels shorter than eighteen inches in length, or a rifle having a barrel or barrels shorter than sixteen inches in length.

3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, of the ammunition or projectile therefor, but not including antique weapons kept for display or lawful shooting.

4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missle having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections one (1) through four (4), inclusive, of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

Sec. 2402. New Section—Authority to possess. Any of the following is authorized to possess an offensive weapon when his or her duties or lawful activities require or permit such possession:

1. Any peace officer.
2. Any member of the armed forces of the United States or of the national guard.
3. Any person in the service of the United States.
4. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

5. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

6. Any correctional officer, serving in an institution under the authority of the division of adult corrections.

Sec. 2403. New Section—Unauthorized possession of offensive weapons. Any person, other than a person authorized herein, who knowingly possesses an offensive weapon commits a class D felony.

Sec. 2414. New Section—Sale to minors. A person who sells, loans, gives or makes available a firearm or ammunition for a firearm, to any person below the age of eighteen years commits a simple misdemeanor; provided, that a rifle or shotgun or the ammunition therefor, which lawfully may be used for hunting, may be given to such person by his or her parent or guardian, or by another with the express consent of his or her parent or guardian; and further provided, that any such person may allow a minor to possess a rifle, shotgun, or pistol, and the ammunition therefor, while on military duty, when such duty requires the possession of such a weapon, or while receiving instructions in the proper use thereof from an adult instructor.

Sec. 2417. New Section—Permit to purchase required. Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is guilty of a simple misdemeanor.

Sec. 2418. New Section—Application. The application for a permit to purchase pistols or revolvers may be made to the sheriff of any county and shall be on a form prescribed and published by the commissioner of public saftey.* * *

Sec. 2422. New Section—Purchase or sale of firearms in contiguous states. A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with the Gun Control Act of 1968, 18 U.S.C., section 922(b)(3)(A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the federal Gun Control Act of 1968.

Sec. 2426. New Section—Receipt, transportation and possession of firearms and destructive devices by felons. Any person who is convicted of a felony in any state or federal court and who subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of an aggravated misdemeanor.

Sec. 2427. New Section—Exception. The provisions of section two thousand four hundred twenty-six (2426) of this division shall not apply to a person who is pardoned or has had his or her civil rights restored, by the President of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

Cedar Rapids

63.16 Prohibition against bombs. No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26-11. Report to chief of police. Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, * * *.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Marshalltown

75 * * * * * Sec. 2. It shall be unlawful to do or commit any of the following acts within the limits of the City of Marshalltown, Iowa: * * * * *

12. Sale—Weapons. To sell, keep for sale or offer for sale or loan, or give away, any silencer * * *.

13. Weapons—Minors. To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. Sale of Arms—License. To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, * * * or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

Sac City

(e) Sales to intoxicated persons and minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Kansas

State Law

Kan. Stat. Ann.

21-4201. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * * or

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d) and (g) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officers to assist

JUN 23 77 UM

in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

(3) It shall be a defense that the defendant is within an exemption.

(4) Violation of subsections (1) (a) through (1) (f) of this section is a class B misdemeanor; violation of subsection (1) (g) of this section is a class E felony.

21-4203. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21-4204. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve (12) inches long by a person who, within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

(2) Violation of subsection (1) (a) of this section is a class B misdemeanor; violation of subsection (1) (b) is a class D felony.

48-1903. Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions. It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such states; and

(b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922 (c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

Altoona

Ordinance 84

Sec. 15—It shall be unlawful for any person or persons to sell, trade, give, loan to or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * or other dangerous weapons, except shot guns and rifles, to any minor, or to any person known to be of unsound mind.

Sec. 16—It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, * * * or other dangerous weapons, except shot guns and rifles.

Atchison

21-124. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *

Sec. 21-129. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

* * * * *

Augusta

13-1101. Unlawful use of weapons. * * * * * a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen inches (18") in length, * * *

* * * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

* * * * *

13-1103. Unlawful disposal of firearms. Unlawful disposal of firearms in the city is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Bonner Springs

Sec. 17-108. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

17-113. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel of less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Cheney

9.70.020 Unlawful use of weapons defined. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen inches in length, * * *

* * * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Selling, manufacturing, purchasing, possessing or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger * * *

9.70.030 Exemptions. A. Subsections A, B, C, D and G of Section 9.70.020 shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to, or sale of weapons to persons authorized under subdivisions 1 through 3 of this subsection to possess such weapons;

Cherryvale

12-310 Firearms in possession of minors. Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded * * * or other dangerous weapons, shall be guilty of a misdemeanor.

12-311 Firearms, furnishing to minors. Every person who shall trade, give, loan or otherwise furnish any pistol, revolver, * * * or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Claflin

Section 19. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *

* * * * *

(f) Possession [of] any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following; (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iv) of this subsection to possess such weapons.

Section 20. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Concordia

Sec. 15-37. Unlawful use of weapons generally.

Sec. 15-37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor:

(1) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *.

* * * * *

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Sec. 15-37(b). Paragraphs (1), (2), (3) and (4) of section 15-37 (a) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

(4) Manufacture of, transportation to, or sale of weapons to persons authorized under paragraphs (1) through (3) above to possess such weapons.

Sec. 15-40. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to a person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Unlawful disposal of firearms is a misdemeanor.

Countryside

Ordinance 68

Section 1. It shall be unlawful at any time for any person, partnership, company, corporation or association to have in their possession or under their control or supervision; or to make, manufacture, offer for sale, and sell, or distribute, whether the same be with or without consideration, any type of gasoline or other inflamable explosive or incendiary bombs, including all such devices commonly known as a Molotov Cocktail, within the corporate limits of the City of Countryside, Kansas.

De Soto

63. Unlawful Use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length.

* * * * *

(f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

* * * * *

Dodge City

20-118. Unlawful use of weapons. (1) **Prohibited uses. Unlawful use of weapons is knowingly:** (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length,

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20-121. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person

VA 2 FH 2 JUN 23 77 UM

within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Elkhart

9.40.010 Unlawful use. A. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen inches in length, * * *. [or] * * * * * 6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

9.40.020 Unlawful use—Exemptions. A. Subsections A 1, 2, 3 and 4 of Section 9.40.010 shall not apply to or affect any of the following:

1. Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to or sale of weapons to person authorized under 1 and 3 of this subsection to possess such weapons.

9.40.030 Firearm—Unlawful disposal. A. Unlawful disposal of firearms is knowingly:

1. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

2. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

3. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the defendent has not been imprisoned in the penitentiary.

9.40.040 Firearm—Unlawful possession. A. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

Ellingwood

8-701 Unlawful Use of Weapons: (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than 18 inches in length * * *.

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions: (a) Subsections (1) (a) (b) (c) (d) and (g) of this section shall not apply to or effect any of the following:

(i) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Keepers of jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the Armed Services or Reserve Forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Garden Plain

Ordinance 271

Section 1. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches of length, * * *

* * * * *

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 2. It shall be a defense that the defendant is within any of the following exceptions:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (i) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (ii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iii) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (ii) of this subsection to possess such weapons.

(b)Watchmen while actually engaged in the performance of the duties of their employment, or (i) Licensed hunters or fishermen while engaged in hunting or fishing; or (ii) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

Gardner

11-326. Unlawful use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * *. * * * * * or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun. Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Grandview Plaza

Ordinance 25-68

Section 2. From and after the effective date of this ordinance no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Grandview Plaza, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the City Clerk of Grandview Plaza, Kansas.

* * * * *

Section 4. No certificate of registration shall be issued to any of the following classes of persons:

(a) Any person under the age of 21 years.

(b) Any person convicted of a felony as defined by KSA 21-2611.

(c) Any person who is addicted to the use of narcotics or who is mentally retarded or is a habitual drunkard.

Section 5. No firearm as herein described shall be delivered into the possession of the purchaser thereof unless a period of forty-eight (48) hours shall have expired from the time of issuance of such certificate of registration and such certificate shall have been presented to the seller.

Holton

14-501. Furnishing firearms to minors and mentally incompetent persons. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded * * * or any other dangerous weapon to any minor or to any person who is mentally incompetent.

* * * * *

14-502. Possession of firearms by minors. It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded * * * or any other deadly weapon.

* * * * *

Hutchinson

Sec. 24-1003. Unlawful disposal of firearms.

(a) Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the offender has not been imprisoned in the penitentiary.

(b) Unlawful disposal of firearms is a Class A misdemeanor.

Independence

17-212. Furnishing weapons to minors. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

17-213. Possession of weapons. Any person who shall have in his posseasion any pistol, revolver, or toy pistol by which cartridge may be exploded * * * shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

Junction City

18-3a101—Registration. Section 1. * * * no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18-3a104—Waiting period. Section 4. No firearm as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18-3a105—Exclusions. Section 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39-4. Permit to purchase or receive pistol or revolver—Required; exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions.

* * * * *

39-7. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Leavenworth

14-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18") in length, * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

14-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

14-1016. Molotov cocktails. Unlawful possession, use and transportation of "Molotov Cocktail" is the transporting, use or possession or control of a container of incendiary or explosive material, liquid, solvent or mix-

JUN 23 77 UM

ture, equipped with a fuse, wick or other detonating device of a kind commonly known as "Molotov Cocktail."

Lenexa

Section 60. Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *. * * * * * [or] (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted or crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Lenora

Sec. 3. It shall be unlawful for any person to make, sell, or furnish any pistol, * * * or weapons of any description * * * to any minor within the corporate limits of the City of Lenora, Kansas, and any minor found in possession of any of the above described weapons, shall be punished according to the penalty prescribed for any violation of this ordinance.

Madison

9-310. Minors or Incompetents, Furnishing Weapons to. It shall be unlawful for any person to sell, trade, give, loan of otherwise furnish any pistol or revolver by which cartridges may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

Manhattan

10-1201. Dealer receives written commitment from buyer. No person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than ten inches, may deliver possession of such firearms, until the expiration of forty-eight hours from the date the sale of said firearm is consummated. For the purpose of this article, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

10-1202. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. [Contact local authorities for required contents] * * *

10-1203. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise violate any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars ($100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

Ordinance 457

Section 3: Permit to purchase or receive pistol or revolver—required: Exceptions It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. * * *

Section 6: Small firearms. To be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section.

Section 7: Record of sales and purchases of small firearms. No wholesaler or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information as stamped thereon in accord with Section 6, the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. * * *

Mission

8-801. Unlawful use of Weapons. (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen (18) inches in length * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

8-802. Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less then twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

8-803. Unlawful Possession of a Firearm. Unlawful possession of a firearm is possession of any forearm by an habitual drunkard or narcotics addict.

283-3. Permit to purchase or receive pistol or revolver—Required. Exceptions: It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

* * * * *

283-5. Permit to purchase or receive pistol or revolver—Issuance. After investigation and approval by the Chief of Police, he shall issue a permit * * * (4) to any responsible person 21 years of age or older filing the proper application, except dope addicts, felons, alcoholics, emotionally disturbed persons, or persons having been convicted of a crime involving violence or the use of firearms.

283-6. Small firearms to be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped upon the metallic portion thereof the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in anywise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Ness County

10-310. Minors or incompetents, furnishing weapons to. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol or revolver by which cartridges may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

Newton

17-1001. Unlawful use of weapons. (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen (18) inches in length * * *.

* * * * *

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

17-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearm to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Nickerson

9-164. Weapons—Sale to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol or revolver, by which cartridges may be exploded, * * * to any minor or to any person of notoriously unsound mind shall, upon conviction, be guilty of a misdemeanor.

Olathe

9.16.050 Minors or incompetents—Furnishing weapons to. It is unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * or other dangerous weapon to any minor person or person of unsound mind.

239-65 Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * * or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun.

Sub-sections (a) * * * of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Osawatomie

12-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any * * * shotgun with a barrel less than eighteen inches (18) in length

* * * * *

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 * * * and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

* * * * *

Overland Park

11.60.010 Unlawful use of weapons. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, pos-

sessing or carrying any * * * shotgun with a barrel less than eighteen inches in length * * *. * * * * * [or] F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

11.60.020 Exceptions to Section 11.60.010. Subsections (A) through (D) of Section 11.60.010 do not apply to or affect any of the following:

A. Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;

B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

C. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

D. Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Pittsburg

15-605. Furnishing weapons to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, * * * to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than $5.00 nor more than $100.00.

15-606. Possession of weapons by minors. Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded * * * shall, upon conviction thereof, be fined in any sum not less than $1.00 nor more than $10.00.

Prairie Village

10.04.620 Unlawful use of weapons. A. Unlawful use of weapons is:

1. Selling, manufacturing, purchasing, possessing, or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

Roeland Park

Ordinance 279

* * * * *

Section 3. Permit to purchase or receive pistol or revolver—Required: exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

* * * * *

Section 6. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Section 7. Record of sales and purchases of small firearms. No wholesale or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information stamped thereon in accord with section six (6), the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. Such record shall be open to inspection at all times during normal business hours to any police officer or other peace officer of this state.

Selden

Ordinance 15

Section 20: Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol by which cartridges or cape may be exploded * * * or any other dangerous weapon to any minor or any person of notoriously unsound mind, shall upon conviction be fined * * *.

South Hutchinson

Ordinance 323-A

Section 23. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches in length, * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *.

(2) **Exemptions.** (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Section 24. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Sterling

Sec. 17-33. Same—Unlawful possession or carrying. (1) Unlawful use of weapons, hereby declared to be an offense, is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any * * *, shotgun with a barrel less than eighteen (18) inches in length, * * *. * * * * * [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), and (d), of this section shall not apply to or affect any of the following: (i) law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

* * * * *

Topeka

12-216. Furnishing weapons to minors or persons of unsound mind. It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, * * * or other dangerous weapons to any minor, or to any person of notorious unsound mind.

Valley Center

9.78.010 Unlawful use defined. Unlawful use of weapons is knowingly: A. Selling, manufacturing, purchasing, possessing or carrying any * * * shotgun with a barrel less than eighteen inches in length, * * *

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * *.

Wellington

18-611. Molotov Cocktail. It shall be unlawful for any person to transport, use or have in his possession or control a container of incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device of a kind commonly known as a "Molotov Cocktail". * * *

Wichita

5.88.040 Sawed off rifles and shotguns; * * * (a) It is unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

* * * * *

Kentucky

State Law

Ky Revised Stat. Ann.

237.020 Right of Kentucky residents to buy firearms in contiguous states; reciprocity as to residents of contiguous states. (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in states contiguous to the Commonwealth of Kentucky.

(2) Residents of states contiguous to the Commonwealth of Kentucky may purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in the Commonwealth of Kentucky.

(3) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

237.030 Definitions for KRS 237.040 and 237.050. (1) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

(2) "Booby trap device" includes any device, or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property and shall not include firearms.

237.040 Criminal possession of destructive device or booby trap device. A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.

(3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

237.050 Exemptions. KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Non-lethal devices placed on the premises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

527.010 Definitions. The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(3) "Handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

527.040 Possession of handgun by convicted felon; exceptions. (1) A person is guilty of possession of a handgun by a convicted felon when he possesses, manufactures, or transports a handgun when he has

JUN 23 77 UM

been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:

(a) Been granted a full pardon by the governor or by the President of the United States; or

(b) Been granted relief by the United States secretary of the treasury pursuant to the Federal Gun Control Act of 1968, as amended.

(2) Possession of a handgun by a convicted felon is a Class D felony.

(3) The provisions of this section shall apply only to persons convicted after January 1, 1975.

527.050 Possession of defaced firearm. (1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

(2) Possession of a defaced firearm is a Class A misdemeanor.

Bellevue

131.11 Sale and purchase of weapons. (A) Sale. No person shall sell, give away or otherwise supply to any person, any pistol, revolver, deringer, * * * or other weapon of like character, which can be concealed on or about the person, without first requiring such person to produce a permit to purchase a weapon, signed by the chief of police.

131.13 (B) Permit required. No person shall purchase, or acquire by any means, any pistol, revolver, deringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit. * * *

Cold Spring

Ordinance 99

Section 1 That it shall be unlawful in the City of Cold Spring, Campbell County, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Cold Spring, Campbell County, Kentucky and signed by the City Marshal of the City of Cold Spring, Campbell County, Kentucky * * *.

Covington

Sec. 14-115. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or

(4) To any person that the seller, lender or donor has reasonable cause to believe is not of sound mind.

Danville

1. No person, firm or corporation whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer * * * or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued * * *. Only one such weapon shall be sold for each permit so issued.

Erlanger

Ordinance 1010

Section 1. That it shall be unlawful in the City of Erlanger, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the Chief of Police of the City of Erlanger as hereinafter provided.

Section 2. It shall be unlawful for any person in the City of Erlanger to purchase or otherwise receive any pistol, revolver, derringer or other weapon of like character, which can be concealed on the person, without first securing from the City of Erlanger, a weapon permit signed by its Chief of Police * * *.

The sale, donation, supplying or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Erlanger, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Lebanon

Section II That it shall be unlawful for any person to sell or furnish any minor or infant * * * with any firearm of any kind or character for the purpose of use within the City limits of the City of Lebanon, or which shall be used by said minor or infant within the City limits of the City of Lebanon, or to furnish any minor or infant with ammunition for said firearms, * * *.

Lexington-Fayette Urban County Government

Sec. 13-57. Same—License and permits for concealed deadly weapons—Required. It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, * * * and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon * * *

Sec. 13-59. Same—Same—Permit for purchase, refusal of permit when. (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. * * *

Sec. 14-40. Same—Supplying small arms ammunition to. No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city. * * *

Louisville

747.01 Definitions.

Fire Bomb: A breakable container containing a flammable substance or liquid and having a wick or similar device and capable of being ignited. No device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb.

Dispose of: To give, lend, offer for sale, sell, transfer, hurl, throw, drop, or caused to be hurled, thrown or dropped, or to abandon at any location.

Explosive: Any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon the application of heat, flame, shock or electricity including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredienta to form an explosive mixture, blasting caps, detonators and detonating cords, but not including any fireworks or ammunition for firearms or any black or smokeless propellant powder or primers or any other component of ammunition for firearms.

Licensee: A dealer or manufacturer of explosives licensed under this ordinance.

Permittee: Any user of explosives for lawful purposes who has obtained a user permit under the provisions of this ordinance.

747.02 Possession or ownership of firebombs.

(a) It shall be unlawful to own, make, possess or dispose of a fire bomb, tear gas bomb, stink or acid bomb.

(b) It shall be unlawful to possess any recognizable component part of a firebomb with intent to use such component, material or substance to set fire to or burn any building, structure or property.

(c) This section shall not prohibit the authorized use or possession of any device, substance or material described herein by a member of the Armed Forces of the United States or any Reserve component thereof or of the National Guard of the Commonwealth of Kentucky or by a duly authorized Fireman, Policeman, or Peace Officer acting pursuant to official duty, nor shall the use or possession of such device, substance or material for the sole purpose of scientific research or education or for lawful burning be prohibited.

711.01 Definitions When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person: in addition, the term "concealable firearm" shall include tear gas guns, tear pens, tear gas pencils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories;

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof:

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawn broker.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

711.02 Sale or transfer of concealable firearms. No sale, transfer or delivery of a concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twnety-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.03 Ownership or possession of concealable firearms. It shall be unlawful for anyone within the following categories to own, possess or exercise any degree of control over a concealable weapon:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent or who has been committed to any mental institution.

(f) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.04 Licensing of dealer. Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business * * *.

711.05 Sale by dealer. Every dealer who makes a sale, transfer or delivery of a con-

cealable firearm to any person other than another licensed dealer or licensed collector shall first require the purchaser to execute in full an affidavit on a form provided by the Louisville Division of Police * * *.

* * * * *

The aforesaid affidavit shall be signed and sworn to by the prospective purchaser before a person authorized to administer oaths.

711.06 Completion of sale and report to the Louisville Division of Police. After the prospective purchaser or transferee of a concealable firearm has executed the affidavit hereinabove provided for, the dealer shall allow a period of not less than 24 hours to expire before the completion of any sale or transfer of the concealable firearm to the purchaser or transferee.

Upon the completion of the sale or transfer, the dealer shall execute a certificate on a form provided by the Louisville Division of Police * * *.

* * * * *

The purchaser or transferee shall sign the aforesaid certificate acknowledging receipt of the concealable firearm described therein. The dealer shall also sign the aforesaid certificate.

The dealer and purchaser or transferee shall swear to the accuracy of the information contained therein before a person authorized to administer oaths. * * * * *

711.07 Report of sale by seller other than dealer. Every person who is not a licensed dealer or collector who makes a sale, loan, gift or any other transfer or delivery of a concealable firearm to anyone who is not a licensed dealer or collector shall within twenty-four (24) hours after such sale, loan, gift, transfer or delivery mail or deliver to the Louisville Division of Police a certificate on a form provided by the Louisville Division of Police * * *.

* * * * *

Said certificate shall be signed by the person making such sale, loan, gift, transfer or delivery and by the purchaser or recipient acknowledging receipt of the concealable firearm.

It shall be the duty of both the person making such sale, loan, gift, transfer or delivery as well as the person purchasing or receiving the concealable firearm to see that the provisions of this section are complied with, and failure to report such sale, loan, gift, transfer or delivery shall constitute a violation of this Ordinance by each.

711.09 Collectors license. Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars ($10.00); said license shall be renewable annually for an additional fee of Five dollars

711.11 Licensed collector may make immediate transactions. Any duly licensed collector hereunder may buy, sell or otherwise receive or transfer any firearms qualifying as curios and relics as defined herein without the necessity of reporting such transactions and without the elapsement of any waiting period.

711.13 Exclusions. 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or broker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers, wholesalers in all transactions between similarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency who's members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representatives of such person while engaged in the lawful course of such business.

Newport

Sec. 117.01 Licensing of dealer. Every person hereinafter called "dealer," engaged in the business of buying or selling pistols, revolvers and like or similar instrumenta, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the city, and shall pay an annual license fee of $25 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and the $25 license fee shall be in addition to any other business license held by said dealer.

Sec. 117.02 Dealer's bond. (A) Before a license shall be issued, such dealer shall execute a bond to the city in the minimum of $1,000, either in cash or with corporate surety, to be approved by the city manager.

* * * * *

Sec. 117.04 Purchaser's qualifications. No "dealer" shall make any sale of, or deliver, any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicated he has been involved in any felony or any misdemeanor involving the use of firearms, then the "dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property, or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

Sec. 117.05 Report of sale. When the "dealer" ascertains that the prospective purchaser is properly qualified and has executed the affidavit, as above provided, he may complete the sale and deliver the pistol, revolver or like or similar instrument to the said purchaser. * * *

Sec. 117.07 Sale to unlicensed "dealers." No person shall sell a revolver, pistol or like or similar instrument to any unlicensed "dealer" at any time.

Sec. 117.08 Sale to minors. No person shall sell a revolver, pistol or like or similar instrument to any minor at any time. (Ord. 1094, Sec. 8)

Sec. 117.09 Wholesalers excepted. Nothing contained in this chapter shall apply to sales at wholesale to a licensed "dealer."

Paris

Sec. 11-19. Various deadly weapons—Permits to buy and sell; required reports. (a) It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on or about the person, without securing a license so to do as hereinafter provided, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase the weapon. * * * * *

(d) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

Park Hills

Ordinance 3

Section 1. Licensing of Dealer: Every person, firm or corporation hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, * * * shall secure a license from the City of Park Hills. * * *

Section 4. Purchaser's Qualifications: No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the Prospect purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

* * * * *

Section 7. Sale to Unlicensed "Dealers": It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer", at any time.

Section 8. Sale to Minors. It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

Louisiana

State Law Rev. Stat.

La. Stat. Ann

Title 40

Sec. 1751. Definitions. For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

Sec. 1752. Handling of machine guns unlawful; exceptions. No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard, and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

Sec. 1753. Transfers of possessions permitted in certain cases; method. No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

Sec. 1781. Definitions. For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than twenty inches in length; a rifle having a barrel of less than sixteen inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six inches; any other firearm, pistol, revolver or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than

JUN 23 77
UM

one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

Sec. 1782. Exemptions from Part. This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

Sec. 1783. Registration with department of public safety. Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept; and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

Sec. 1784. Application to possess or transfer. No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written application in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

Sec. 1785. Possession or dealing in unregistered or illegally transferred weapons. No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

Sec. 1787. Importation, manufacture, or dealing in without registration. Upon first engaging in business, every importer, manufacturer, and dealer in firearms shall register with the department his name or style, principal place of business and other places of business in this state. No person required to register under the provisions of this Section shall import, manufacture, or deal in any firearm without having registered as required by this Section.

Sec. 1788. Identification with number or other mark; obliteration or alteration of number or mark. A. Each manufacturer, importer, and dealer in any firearm shall identify it with a number or other identification mark approved by the department and shall mark or stamp or otherwise place the number or mark thereon in a manner approved by the department.

B. No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

Sec. 1803. Purchase of rifle or shotgun or ammunition. It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Title 14

91. Unlawful sales to minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies.

A. It is unlawful for any person who has been convicted of first or second degree murder, manslaughter, aggravated battery, aggravated or simple rape, aggravated kidnapping, aggravated arson, aggravated or simple burglary, armed or simple robbery, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

* * * * *

C. Except as otherwise specifically provided, this Section shall not apply to the following cases: (1) The provisions of the Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

(2) Upon completion of sentence, probation, parole, or suspension of sentence the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issuing of the permit.

* * * * *

Arnaudville

Section 7:130. Illegal carrying of weapons prohibited. A. No person shall commit the crime of illegal carrying of weapons.

B. Illegal carrying of weapons is: * * * 2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * *.

Bogalusa

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Coushatta

Criminal Code

Article 58. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. * * *

Article 59. Illegal carrying of weapons: Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien * * * * *.

Crowley

8-44. Weapons—Illegal carrying. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

Denham Springs

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

DeRidder

7-68. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 21-223. Retail dealers in pistols, rifles or cartridges. * * * * * (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges. * * *

East Baton Rouge Parish

94. Illegal use of weapons or dangerous instrumentalities. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Franklinton

Sec. 8-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Houma

9-31. Illegal carrying. (a) Defined. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Jefferson Parish

Section 12-17.1. All dealers in firearms, prior to delivering any firearm, will ascertain from the Jefferson Parish Sheriff's Office that the purchaser is not a convicted felon and is not charged as a felon.

(a) Dealers in firearms will contact the Sheriff's Office to determine if a buyer is a convicted felon or if felony charges are pending. Dealers will indicate on their record the name of the deputy who conducted the electronic investigation.

(b) It shall be unlawful for any person in the Parish of Jefferson to sell, offer for sale, assign, pledge, lease, loan, give, transfer, purchase or receive any firearm, pistol or revolver to or from a known felon.

Jennings

20-49. Illegal carrying of weapons. (a) Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

Kenner

10-93. Wholesale dealers in pistols, rifles or cartridges. Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges, and all rifles except .22 and .25 calibers, and rifle cartridges, except .22 and .25 calibers, shall pay an annual license on the said business. * * *

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

10-94. Retail dealers in pistols, rifles or cartridges. (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Kentwood

Article 46. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *

Lafayette City

B. No person shall sell at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this

Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lake Providence

Ordinance 1161

Section II. Illegal Carrying or Possession of Weapons: Illegal carrying or possession of weapons is: * * * * * 3. The receipt, possession, carrying, concealment, buying, selling or transferring, of any machine-gun, shotgun having a barrel of less than twenty (20) inches in length, rifle having a barrel of less than sixteen (16) inches in length, hand-grenade, gas-grenade, muffler or silencer, which has not been properly registered with the Louisiana Department of Safety.

Many

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivery for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of Knowledge of the minors' age shall not be a defense.

Monroe

10-20. Dangerous weapons—Illegally carrying. It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm. or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

Sec. 10-11. * * * sale of firearms to minors. It shall be unlawful for any person to sell, offer, or expose for sale within the corporate limits of the city, * * * to sell firearms to minors.

New Orleans

Section 42-59. Illegal Possession or Ownership of Firearms or Other Dangerous Instruments by Certain Persons. It shall be unlawful for any of the following persons to own, have in his possession, or in any vehicle under his control, any shotgun, rifle, firearm, muffler, silencer or any ammunition for any such weapon, or any other instrument customarily used or intended for use as a dangerous weapon:

1) Any person convicted of a crime of violence in any court of the State of Louisiana or any other state, territory or in the District of Columbia, or in any District Court of the United States;

2) Any person under indictment for or charged by information with any crime of violence;

3) Any person who is a fugitive from justice;

4) Any person who is an unlawful user of or addicted to narcotics, barbiturates or amphetamines.

Section 42-62. Unlawful Sale, Transfer to Persons under Eighteen. It is unlawful to sell or transfer any shotgun, rifle, air pistol, air rifle or firearm to persons under eighteen (18) years of age.

Section 42-63. Unlawful to Sell or Transfer Firearms Except upon Compliance with this Article. It shall be unlawful for any person or dealer in the City of New Orleans to sell or transfer or for any person to acquire in any manner, any firearm except as authorized by this Article.

Section 42-64. Procedure for Sale or Transfer of Firearms, Record of Transfers. No person or dealer shall sell or transfer any firearm until the Federal Firearms Transaction Record shall have been executed in *triplicate* by the prospective purchaser or transferee, and the applicant's fingerprints applied to one copy of application.

* * * * *

Section 42-66. Unlawful to Sell, Transfer Firearms to Certain Persons. It shall be unlawful for any person or dealer to sell or transfer a firearm to any person whom he knows or has reasonable cause to believe: 1. has been convicted of a crime of violence; 2. is a fugitive from justice; 3. is an unlawful user of or addicted to narcotics, barbiturates or amphetamines; 4. the person is visibly under the influence of alcohol or drugs; 5. the person is under eighteen (18) years of age.

Oakdale

Sec. 8-67. Unlawful sales to minors. (a) Unlawful sales to minors is the selling, or otherwise delivering for value, by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Plaquemine

Sec. 11-69. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21) and shall be unlawful. Lack of the knowledge of the minor's age shall not be a defense.

Sec. 11-70. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * * (b) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * * * *.

Vernon Parish

Ordinance 4 of 1974

Section I. It shall be unlawful for any business, firm or corporation, to sell, lease or give, individually or by agent, any pistol, * * * toy pistol for which cartridges are used, or other dangerous weapon which may be carried concealed, to any person under the age of eighteen.

Section II. It shall be unlawful for any business, firm or corporation, in Vernon Parish to sell, give away, lend, exchange or otherwise dispose of or transfer in Vernon Parish or for any business, firm or corporation to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

Section III. Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the business, firm or corporation desiring to obtain any such article shall file a written application, in duplicate, with the Sheriff of Vernon Parish. The Sheriff of Vernon Parish may also require the fingerprints of the applicant as part of such application.

Section VI. The transfer under applications to purchase articles under this article shall be made only between the houra of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

Section VIII. The word "business" in the foregoing article, will apply to any person or individual who is conducting a business of selling or distributing guns or other weapons, provided, however, that this will not apply to a private transaction as between two individuals, neither of whom is engaged in the business or enterprise of selling guns or other weapons.

Vinton

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for

value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of the knowledge of the minor's age shall not be a defense. * * * * *

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * * *

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * * * *.

Welsh

Sec. 18-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Westwego

Ordinance 457

Section I: * * * it shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

Section II: * * * any person, firm or corporation interested in the sale, assignment, pledge, lease, loan, gift, transfer or purchase of any pistol, revolver or rifle, as aforesaid, shall file written application in duplicate on application forms issued in blank for these purposes by the permit department of the Sheriff of the Parish of Jefferson. * * * * *

Winnfield

* * * * *

Article 5. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

* * * * *

Maine

State Law

Me. Rev. Stat. Ann.

Title 12

Sec. 2458. Silencers; * * * * *No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. * * * * *

Title 15

Sec. 391. Definitions. The following words and phrases when used in this chapter are defined as followa: "Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

Sec. 393. Possession forbidden. It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person until the expiration of 5 years from the date of his discharge or release from prison or termination of probation. Such a person convicted of any offense, except misdemeanors, the maximum punishment for which is a fine of $100 or less, or imprisonment for 90 days or less, during the 5-year period, shall be forever barred from having in his actual or constructive possession any of the weapons described herein. Anyone violating any of the provisions of this chapter shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 5 years.

Sec. 455. Record of sales of firearms. No dealer shall sell, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, and the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, * * *

Title 17-A

Sec. 554. Endangering the welfare of a child.

1. A person is guilty of endangering the welfare of a child if he knowingly permits a child under the age of 16 to enter or remain in a house of prostitution; or he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child, any intoxicating liquor, cigarettes, tobacco, air rifles, firearms or ammunition; or he otherwise knowingly endangers the child's health, safety or mental welfare by violating a duty of care or protection.

2. It is an affirmative defense to prosecution under this section that:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a child under the age of 16 who furnished such child a reasonable amount of intoxicating liquor in the actor's home and presence; or

B. The defendant was a person acting pursuant to autbority expresaly or impliedly granted in Title 12.

3. Endangering the welfare of a child is a Class D crime.

Sec. 1051. Possession of machine gun

1. A person is guilty of possession of a machine gun if, without authority to do so, he knowingly possesses a machine gun.

2. As used in this chapter, "machine gun" means a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.

3. Possession of a machine gun is a Class D crime.

Sec. 1052. Right to possess, carry or transport machine gun. Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, shall be exempt from this chapter.

Sec. 2. Definitions. As used in this code, unless a different meaning is plainly required, the following words and variants thereof have the following meanings. * * * * *

12-A. "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice, is a firearm.

Title 25

Sec. 2041. Purchase by Maine residents in another state. Residents of the State may

JUN 23 77 UM

purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the State of Maine and in the contiguous state in which the purchase is made.

Bangor

Ch. VII; Art. 5

1.4 Sale of Cartridge to Children under Sixteen. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge of fixed ammunition or blank cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

Biddeford

Sec. 24-17. Defined. For the purpose of this article a "hand gun" shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition.

Sec. 24-18. Conveyances to conform to article. No person in the city shall sell, give or deliver to any person any hand gun except in accordance with the provisions of this article.

Sec. 24-19. Purchaser to sign certificate;* Any person desiring to sell, give or deliver a hand gun shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents]* * *

* * * * *

Sec. 24-20. Penalty for signing certificate containing false information. Any person who signs a certificate required in section 24-19 containing false information for the purpose of complying with the provisions of this article shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00).

Sec. 24-21. Police chief to examine purchaser's record, report results. Any person desiring to sell, give or deliver a hand gun shall deliver the certificate required in section 24-19 to the chief of police at police headquarters; and the chief shall have seventy-two (72) hours after receipt of the certificate to make an examination of the records contained in the police department and in state police headquarters at Augusta, Maine * * *.

Sec. 24-22. When selling, giving, delivering hand gun a violation. Any person selling, giving or delivering a hand gun to any person before the expiration of the seventy-two (72) hour examination period required by section 24-21 or when notified within such period by the chief of police that a person signing the certificate required by section 24-19 has been convicted of, or is under complaint or indictment for, assault, assault and battery or a felony; is a user of or addicted to marijuana or any depressant, stimulant or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily has been a patient at, a mental institution, shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00).

Cape Elizabeth

1. No person, firm, or corporation in the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents]* * *

4. Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine * * *

5. Any person, firm, or corporation selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordinance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police or his duly authorized representative [that the person is not eligible to receive a handgun] * * * shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00 * * *.

6. Any person who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than $100.00 * * *.

Falmouth

1. Definition. No person, firm, or corporation in the Town of Falmouth shall sell, give, or in any manner transfer title to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. Hand Gun. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Certificate. Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents] * * *

4. Waiting period. Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Falmouth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the Town of Falmouth and in the State Police Headquarters at Augusta, Maine * * *

5. Penalty for selling. Any person, firm, or corporation selling, giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that [the person is not eligible to receive a handgun] * * * shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Lewiston

Sec. 28-1. Sale of weapons to minors prohibited; placard required. (a) It shall be unlawful for any person in the city to sell or offer for sale any pistol, rifle, * * * gun, * * * or any other weapon of like kind to any child under the age of sixteen (16) years.

(b) In any establishment in the city wherein any pistol, rifle, * * * gun, * * * or any other weapon of like kind is offered for sale, there shall be conspicuously posted in such establishment by the person in charge of the operation of such establishment a placard or notice setting forth the provisions of this section. * * *

* * * * *

Article II. Hand Guns

* * * * *

Sec. 28-29. Defined. For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition, except antique hand guns as defined by federal gun law.

* * * * *

Sec. 28-32. Conveyance to conform to regulations. No person in the city shall sell, rent or exchange to any person any hand gun, except in accordance with the provisions of this article.

* * * * *

Sec. 28-34. Police to examine purchaser's record. The person proposing to sell, rent or exchange a hand gun shall deliver to the police department the application required by this article, upon which shall be endorsed the time of receipt by the officer receiving the application. Upon receipt of the application, the police department shall, as soon as possible, but within seventy-two (72) hours thereafter, make an examination of its records, the records of the state police and the records of such other law enforcement agencies * * * [to determine if the applicant is eligible to receive a hand gun]

Sec. 28-35. Disposition prohibited pending investigation, after notification of bad record; notification procedure. No person shall sell, rent or exchange any hand gun to an applicant during the period of investigation required by this article or thereafter if notified during such period by the police department that the applicant [is not eligible to receive a hand gun] * * * Said notification shall be delivered to the person proposing to sell, rent or exchange the hand gun by an officer of the police department, obtaining at the time of delivery a receipt or acknowledgment of the notification and the time and date received, whenever possible.

* * * * *

Portland

Section 318.1 No person, firm, or corporation in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

Section 318.2 A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

Section 318.3 Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate * * *.

Section 318.4 Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland and in State Police Headquarters at Augusta, Maine * * *.

Presque Isle

20. Sale and use of firearms. A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

South Portland

Sec. 26-4. Certain weapons not to be purchased from, furnished to minors, etc. No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Sec. 26-22. Person receiving hand gun to sign certificate; contents of certificate. A person selling, giving or delivering a hand gun to any person shall require the person seeking to purchase or obtain such firearm to sign a certificate [contact local authorities for required contents] * * *

Sec. 26-24. Duty to deliver certificate to police; police to conduct investigation, report results. (a) A person proposing to sell, give or deliver a hand gun to another person shall deliver the certificate referred to in section 26-22 to the chief of police, or his duly authorized representative, at police headquarters. The chief or his duly authorized representative shall have seven (7) days after receipt of the certificate to make an examination of the records contained in the police department of the city and in the state police headquarters in Augusta, Maine, and such other appropriate records [to determine if the applicant is eligible to receive a hand gun] * * *

(b) The chief of police or his duly authorized representative may waive the seven (7) day waiting period described in subsection (a) by written endorsement to that effect on the certificate.

Sec. 26-25. When disposition a violation; penalty. Any person selling, giving or delivering a hand gun to any person before the expiration of the seven (7) days referred to in section 26-24, or failing to complete the certificate referred to in section 26-22 and deliver it to the chief of police, or when notified within said period by the chief, or his authorized representative, that a person signing the certificate [is not eligible to receive a hand gun] * * * shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars ($100.00), in addition to any other penalties which this chapter may impose.

Westbrook

24-2. Toy guns, cannons, etc., not to be sold, * * * railroad excepted. No person shall at any time sell or keep for sale * * * any toy pistol, toy gun, toy cannon or cane that can be used to fire a blank cartridge or potash and sulphur pellet, any fire balloon or blank cartridge. This section shall not apply to the use of signal torpedoes by railroads in the operation of their trains, to paper cap pistols or paper caps.

24-14. Defined. A handgun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

24-15. Disposition regulated. No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24-16. Purchaser, etc., to sign certificate; contents; * * *. (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate [contact local authorities for required contents] * * *

24-17. Police chief to run investigation on purchasers. One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, [to determine if the applicant is eligible to receive a hand gun] * * * and to report such findings to the person filing such certificate.

24-18. Conveyance prior to investigation, when knowing purchaser's defects. Any person selling, giving or delivering a handgun to any person before the expiration of the seven (7) day period referred to in section 24-17 or when notified within such period by the chief of police that a person signing such certificate [is not eligible to receive a hand gun] * * * shall be guilty of a violation * * *

Maryland

State Law

The Ann. Code of Md.

27 Sec. 372. Definitions. "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

27 Sec. 373. Use of machine gun for crime. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a felony punishable by imprisonment in the State penitentiary for a term of not more than twenty years.

27 Sec. 374. Use of machine gun for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

27 Sec. 375. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in Sec. 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

27 Sec. 376. Presence prima facie evidence of use. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

27 Sec. 377. Exceptions. Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose; or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

27 Sec. 378. Manufacturer's register; inspection of stock. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the method and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

27 Sec. 379. Registration of machine guns. Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

* * * * *

27 Sec. 406. Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions. It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

27 Sec. 441. Definitions. (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

27 Sec. 442. Sale or transfer of pistols and revolvers. (a) Right to regulate sales preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer. No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the Superintendent of the Maryland State Police.

(c) Same—Disposition of copies. The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required. The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than $1,000, or both."

(e) Same—Information required. The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least eighteen years of age.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee. * * * * *

(g) Sale prohibited to disapproved applicant; exceptions. No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts pursuant to subsection (h) below.

(h) Hearing; judicial review. Any prospective purchaser or transferee aggrieved by the action of the State Police may request a hearing within 30 days from the date when written notice was forwarded to such aggrieved person by writing to the Superintendent of State Police, who shall grant the hearing within fifteen days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(i) Notification of completed transaction; permanent record of sales and transfers. Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section. Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under Sec. 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard. * * * * *

27 Sec. 443. Pistol and revolver dealer's license. (a) Required. No person shall engage in the business of selling pistols or revolvers unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a pistol and revolver dealer's license issued by the Superintendent of the Maryland State Police or his duly authorized agent or agents. Such license shall identify the licensee and the location of his place of business. One such license shall be required for each place of business where pistols or revolvers are sold. * * * * *

27 Sec. 445. Restrictions on sale, transfer and possession of pistols and revolvers. (a) Right to regulate transfer and possession of pistols and revolvers preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc. It shall be unlawful for any dealer or person to sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under eighteen years of age.

(c) Possession by criminal, fugitive, etc. It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

27 Sec. 446. Sale, transfer, etc., of stolen pistol. It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

27 Sec. 447. Antique or unserviceable firearms excepted. The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

27 Sec. 481A. Purchase from licensed dealer in adjoining state. It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

27 Sec. 481C. Short-barreled rifles and short-barreled shotguns.

(a) Definitions.—(1) In this section, the following words have the meanings indicated.

(2) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(3) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The terms short-barreled shotgun and short-barreled rifle do not include:

(i) Antique firearms as defined in Sec. 36F(a)(1) of this article;

(ii) Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(iii) Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(b) Registration.—A person may not possess a short-barreled rifle or short-barreled shotgun unless the person has registered it with the United States government in accordance with United States statutes.

(c) Penalty.—Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding $5,000 or imprisonment not exceeding five years, or both.

Annapolis

Sec. 17-8. Same—Register of persons purchasing firearms or ammunition. Each person engaged in the selling or exchanging of any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. Such register shall at all times be open to the inspection of the police.

Sec. 17-9. Same—Sellers of firearms or ammunition to register with city clerk. Each person engaged in the selling or exchanging of any kind of firearms or ammunition within the city shall register his name and place of business with the city clerk.

Sec. 17-10. Same—Selling, giving, etc., firearms or ammunition to minor under eighteen. It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

The provisions of this section shall not apply to a member of any organized militia in the state, when such member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Baltimore City

Article 19

81. Definitions. (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. Convicts not to possess. No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. Delivery to minors and others. No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. Order required for transfer. No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, * * *. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is [ineligible to receive a pistol] * * * said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. * * *

90. False information. No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18-7. Purchase, sale, etc., in connection with minors. (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or user, or prospective possessor or user, shall first file with the police department a statement of possession or use, which statement shall be retained by the police department. (Contact county authorities for required contents) * * *

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police department, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cheverly

Sec. 20-5. Supplying firearm materials to underage persons. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away shotguns, fowling pieces, rifles or any firearms whatsoever, or any ammunition, powder, shot or shells for any deadly weapon, to any person under the age of twenty-one (21) years.

Cumberland

19-11

Firearms-Pistols, Revolvers, etc.—Permit Required:

"(a) No person shall sell, give or lend to any person within the City a revolver, pistol, or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm.

"(b) This section shall apply to all persons within the City, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not."

19-12

* * * * * *

"No person shall have possession of a revolver, pistol or other small firearm without such permit."

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, * * * or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice." * * *

Eagle Harbor

Chap. 4. Sec. 6. It shall be unlawful for any person or persons to sell to any child or children under age of seventeen (17) years any firearms, gun powder or loaded cartridges * * *

Montgomery County

Sec. 57-1. Definitions. The following words and phrases shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Crime of violence. Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Fugitive from justice. Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun. Any firearm, rifle, shotgun, revolver, pistol, * * * or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive * * *

Pistol or revolver. Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

Sell or purchase. Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

Subversive organization. Any "subversive organization" or "foreign subversive organization" as defined by article 85A, section 1, Annotated Code of Maryland, 1957.

Superintendent of police. The superintendent of police for the county or his duly authorized agents. * * *

Sec. 57-6. Transfer of rifles or shotguns to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

Sec. 57-7. Unlawful ownership or possession of firearms. It shall be unlawful for any person * * * to have a rifle or shotgun in his possession, custody, or control within the county, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of article 27, sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control laws; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He is a member of a subversive organization or of any Communist organization (as that term is defined in the Internal Security Act of 1950, as amended); or

(f) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

Sec. 57-9. Exemptions from provisions of chapter. Nothing in this chapter shall apply to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Further, nothing in this chapter shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a firearm on his land for the purpose of killing predatory animals which prey upon, damage or destroy his property, livestock or crops.

Oakland

Section 1: Be it enacted and ordained by the Mayor and Town Council of Oakland, Maryland, that it shall be unlawful for any person, firms, or corporation, whether licensed dealers or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons, or any blank cartridge pistols or firearms, or any ammunition for the same, to any minor under the age of sixteen years, within the corporate limits of the Town of Oakland, Maryland.

Prince Georges County

12-3. * * * (Firearms) —Sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2. (any firearm, rifle, shotgun, revolver, pistol or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive) designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Takoma Park

Sec. 8-51. Definitions; weapons. * * * (a) As used in this Division:

(1) **Dangerous weapons** shall mean any

pistol, excluding those defined in Subsection (a)(2), sawed off shotgun, machine gun, * * *.

(2) **Pistol or revolver** means any firearm with a barrel less than twelve (12) inches in length, including signal, starter and blank pistols.

* * * * *

Sec. 8-52. Exceptions to Article. (a) This Division shall not apply to:

(1) An officer of this City or any surrounding county, municipality, or the State who is required or entitled to carry a weapon.

(2) Any conservator of the peace of any other state temporarily sojourning in this City, or

(3) Any special agent of a railway or representative of the United States Government whose duties include the carrying of a dangerous weapon.

(b) This Division shall not apply to any pistol or revolver as defined in Section 8-51, Subsection (a)(2), or to any other weapon regulated under State law.

Sec. 8-53. Sales permit required. (a) No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any dangerous weapon without having previously obtained from the Clerk a special license authorizing the conduct of this business by this person. The Clerk is authorized to grant a license, without fee therefor, upon the filing with him by the applicant a bond, with sureties to be approved by the Mayor and Council, conditioned in a penal sum as they shall fix, to the City, for the compliance by the applicant with all the provisions of this Section.

(b) Upon any breech of the condition, the bond shall be put in suit by the City, for its benefit, and the Mayor and Council may revoke the license.

Sec. 8-57. Sales to minor prohibited. No person shall sell, barter, hire, lend, or give to any minor under the age of twenty-one (21) years any dangerous weapon.

Sec. 8-58. Sales of weapons to minors prohibited. (a) No person shall sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities.

(b) Toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

Sec. 8-59. Minors not to possess weapons; exceptions. (a) No person under the age of eighteen (18) years shall carry or have in his or her possession upon any street, avenue, road alley, park or public space in the City any gun, pistol, rifle, * * * or other dangerous weapon of any character. Such weapons may be confiscated if found to be carried, or possessed, in violation of this Section;

(b) Nothing in this Section shall be so construed as to prohibit members of duly authorized military or law enforcement organizations from the proper use of their guns and other equipment as members of such organizations.

Upper Marlboro

Sec. 12-3. Same—sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2, designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Massachusetts

State Law

Ann. Laws of Mass.

Chapter 140

Sec. 121. Definitions; Application for License or Identification Card; Exceptions. In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a submachine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellent powder designed for use in any firearm, rifle or shotgun, The term "ammunition" shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Sec. 122. Licenses; * * * The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation, grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. * * * * *

Sec. 122B. License to Sell Ammunition. No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may grant a license to any person, except an alien, a minor or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell ammunition. * * * * *

Sec. 123. Conditions of Licenses Granted under Sec. 122. A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions: * * * * *

Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. * * * * *

Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. * * * * *

Sec. 128. Penalty for Violation of License or Selling, etc., without License. Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases, or exposes for sale, rental or lease, or has in his possession with intent to sell, rent or lease, a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years. Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

Sec. 128A. Sales, etc., by Certain Unlicensed Residents Who Sell, etc., not More than Four Firearms, etc., within Calendar Year, etc. The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Sec. 129B. Firearm Identification Card; Disqualification of Applicants; * * * Any person residing or having a place of business within the jurisdiction of the licensing authority may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction, or (b) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (d) is at the time of the application under the age of fifteen, or (e) is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or

guardian granting the applicant permission to apply for a card, or (f) is an alien. * * * * *

Sec. 129C. Same Subject; Restrictions on Possession, Transfer, etc., of Firearms, etc.; Reports; Persons and Uses Exempted from Provisions of Section; Purchases by Certain Exempt Persons. No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver. * * * * *

The provisions of this section shall not apply to the following exempted persons and uses: * * * * *

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing; * * * * *

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier; * * * * *

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range; * * * * *

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms; * * * * *

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

(p) Possession of rifles and shotguns and ammunition therefor by nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(q) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(r) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions; * * * * *

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of eighteen in violation of section one hundred and thirty nor may any firearm be sold to a minor nor to any person who is not licensed to carry firearms under section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

Neither the provisions of section one hundred and twenty-nine C nor the possession of a firearm identification card issued under section one hundred and twenty-nine B shall entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine.

Sec. 130. Penalty for Selling, etc., Firearms, etc., to Minor or Alien. Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hundred or more than one thousand dollars. * * * * *

Sec. 131E. Purchase by Licensed Resident; * * * Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. * * * * *

Sec. 131H. Permit to Possess, etc., Firearms by Aliens. No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. * * * * *

Chapter 269

Sec. 10. Penalty for Unlawfully Carrying Dangerous Weapons, Possessing Machine Gun, etc. * * * * * (c) Whoever, except as provided by law, possesses a shotgun with a barrel less than eighteen inches in length, or possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty, shall be punished by imprisonment in the state prison for life or for any term of years provided that any sentence imposed under the provisions of this clause shall be subject to the minimum requirements of clause (a) of this section. * * * * *

(k) For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

Sec. 10A. Sale, etc., of Silencers for Firearms. Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. * * * * *

Sec. 11E. Firearms Sold, etc., by Manufacturers and Dealers to Have Serial Identification Numbers; Penalty. All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

Chapter 266

Sec. 102A. Possession of Infernal Machine; Notice of Seizure. Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

Sec. 102B. Possession, etc., of Molotov Cocktail or Similar Device; Exceptions; Penalties. Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

Chapter 148

Sec. 35. Possession of Bombs and Explosives; Penalty. No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

Boston

(120) **Firearms, license to carry or possess.** The fee for a license to carry firearms in the commonwealth or to possess therein a machine gun granted by the police commissioner under section 131 of chapter 140 of the General Laws shall be $25.00.

(121) **Firearms, permit to purchase, rent or lease.** The fee for a permit to purchase, rent or lease a firearm granted by the police commissioner under section 131A of chapter 140 of the General Laws shall be $50.00. * * *

(122) **Firearms, License to Sell, Rent or Lease.** The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be $150.00.

(154) **Gunsmith's License.** The fee for a license to be in business as a gunsmith granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns, $15.00, and in the case of any other person, $50.00.

Fall River

Sec. 20-3. Ammunition and guns—Sale to minors. No person shall sell to any minor under the age of sixteen years, without the written consent of his parent or guardian any cartridge or fixed ammunition containing any fulminate, or any gun, pistol or other contrivance intended for the explosion of such cartridge, ammunition or fulminate.

Lynn

Relative to the Sale of Revolvers or Pistols by Dealers. Section 1. No dealer in the City of Lynn shall sell, loan, exchange or give to any person any revolver or pistol unless and until a certified copy of a written permit allowing such person to carry a revolver or pistol shall be furnished such dealer by the Chief of Police before such sale or other transfer.

Michigan

State Law

Mich. Stat. Ann.

Sec. 4.127(1) Residents purchasing firearms in contiguous states. SECTION 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereun-

der, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Sec. 28.91 Terms defined. SECTION 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.92 Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols. SEC. 2. (1) No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for the pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 18 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order.

(2) Applications for such licenses shall be signed by the applicant under oath upon forms provided by the director of the department of state police, hereinafter referred to as the director. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the director. Such license shall be void unless used within 10 days after the date of its issue. This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols which are inherited if the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

Sec. 28.98 Inapplicability of certain sections. SEC. 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

Sec. 28.419 Definitions. SEC. 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.420 Selling pistols and firearms. SEC. 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Acts of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

Sec. 28.421 Selling, etc., machine guns, silencers, * * * etc.; exceptions. Sec. 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, * * * or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than $2,500.00.

The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

Sec. 28.426 Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale. SEC. 229. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

Sec. 28.429(1) Purchaser of pistol without license, false statement in application. SEC. 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Sec. 28.434 Possession or use of fire-arm by person under influence of liquor or drug. SEC. 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

Allen Park

Sec. 8-137 Firearms; possession, transportation; restrictions. * * * * * (d) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

* * * * *

Belding

12.11 Dangerous weapons. No person shall possess any machine gun, sawed-off shotgun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Bloomfield Hills

6.01 It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Buchanan

11.4. Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8-108. Dangerous weapons; possession prohibited, exceptions. (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Dearborn Heights

9.215. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Detroit

66-1-1. "Firearm" defined. The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

66-1-2. Permit required to purchase pistols. No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66-4-1. "Firearm" defined. For the purposes of this article, the word "firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66-4-4. Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen years of age.

Ecorse

Unregistered Fire-Arms—Sale or Purchase of Firé Arms. 3-4.2 Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for 1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

130.11 Firearms * * * * * (D) Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, * * * or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Fenton

7-116. Possessing dangerous weapons. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7.209 Firearms and Weapons. .1 Definitions * * * * *

.1b "Firearm Silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

.1c "Gas Gun" means any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for ejecting any gas that will cause death, serious physical injury or physical injury, or will temporarily incapacitate.

* * * * *

.1e "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

* * * * *

.3 Possession of Illegal Weapon. A person commits the crime of possession of illegal weapon if he knowingly possesses a * * * bomb, firearm silencer, gas gun, * * * machine gun, * * * unless licensed to do so.

.4 Prohibited Use of Weapons. A person commits the crime of prohibited use of weapons if: * * *

.4e He possesses or discharges a firearm while under the influence of intoxicating liquor or of a narcotic drug, dangerous drug or LSD; * * *

Gladstone

504.06 Possession of weapons. No child under the age of 18 years shall be allowed to have in his possession or control, or use, any * * * shotguns, rifles or other dangerous weapons within the City.

504.07 Sale to minors of weapons. No person shall sell, furnish, or give to or permit any child under the age of 18 years to have in his possession or use any * * * shotguns, rifles or other dangerous weapons within the City.

Gladwin

Ordinance 163

Section 14. Sales to Minors. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute

JUN 23 77 UM

any firearm * * * to any person in the City of Gladwin who is under the age of eighteen years.

Grand Haven

8-209. Dangerous weapons, possession prohibited. No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Grand Rapids

9.180. Firearms Dealer's License. It shall be unlawful to establish, maintain, operate or conduct a business or attempt to conduct a business of selling, trading or offering to sell or trade, any firearms or ammunition for firearms unless there shall have been issued a license to do so in compliance with Chapter 91 of this Code. * * *

Grosse Pointe Farms

24. Firearms, sale to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. * * *

Grosse Pointe Shores

Ordinance 138

Paragraph 10—Sale to minors: It shall be unlawful for any person under the legal age of majority to purchase any firearm. * * *

Grosse Pointe Woods

8-3-29: Firearms, sale to minors: It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. * * *

Hamtramck

Section 47; Possession or control of firearms while intoxicated: It shall be unlawful for any person within the City of Hamtramck while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner, or discharge any firearm.

Hazel Park

15. Dangerous weapons; possession prohibited. (a) No person shall possess any machine gun, sawed off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

378-3. It shall be unlawful for any person to purchase a revolver or pistol without having first obtained a permit to do so in accordance with the laws of the State of Michigan.

378-4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Inkster

1. Any person found guilty of the following offenses in the Village of Inkster shall be deemed disorderly persons (*sic*) * * * (19) Any person who sells, gives, loans or furnishes another with a pistol or firearms less than 30 inches in length. * * *

Keego Harbor

4-4. Offenses Against Public Safety. No person in the city shall:

(1) Weapons—(e) "Sales to Intoxicated Persons and Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lake Orion

9. Sales to minors. It shall be unlawful for any person, firm or corporation to sell, offer to sale, give away or distribute any firearm, * * * to any person in the Village of Lake Orion who is under the age of twenty-one years.

Lapeer

19.09. Firearms. (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used; or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Lincoln Park

* * * * *

D. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Linden

Ordinance 86

Section I. Possessing Dangerous Weapons: (A) No person shall, within the Village, possess any machine gun, sawed-off shotgun, * * * nor any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Madison Heights

396(7). the word "firearm", except as otherwise specifically defined in this ordinance, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

8-111 Dangerous weapons; possession prohibited, exceptions. (a) No person shall possess any machine gun, sawed off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Marshall

20.02 Firearms. * * * * * (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word firearm includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Mason

Ordinance 52

* * * * *

Section 4. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any slingshot, airgun or other weapon to any minor within the City of Mason who is under the age of sixteen years.

Milford Township

Section 32. Unlawful possession of firearms. It shall be unlawful for any person under the influence of intoxicating liquor or any exhilarating or stupefying drug to carry, have in possession or under control, or use in any manner or discharge any firearm within this state.

Mount Clemens

8-210. Dangerous weapons; possession prohibited, exceptions. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Mount Pleasant

Sec. 8-108 Dangerous weapons; possession prohibited, exceptions. —(a) No person shall within the city possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Oak Park

30.108. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.

Orchard Lake

Section 3. Offenses Against Public Safety. No person in the City shall: * * *

(e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a person under the age of eighteen (18) years.

(f) Records Required. Engage in the sale, rental, or exchange of any weapons referred to in sub-sections (a) and (d) above without keeping a record of each such weapon purchased, sold, rented, or exchanged.

(1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, [contact local authorities for required contents] * * *

* * * * *

Pontiac

Sec. 16-110. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or to

(4) Any person the seller, lendor, or donor has reasonable cause to believe is not of sound mind.

Sec. 16-111. Order required to sell or deliver revolver. No person shall sell, deliver or furnish to any other person any revolver or pistol or handgun, unless such person shall first procure and exhibit an order therefor from the Chief of Police.

Port Huron

9.117. Weapons prohibited. It shall be unlawful for the parent or guardian of any minor child under the age of 18 years to wilfully permit such minor child under the age of 18 years to use or have in his or her possession any pistol, rifle, shotgun, * * * except and unless such minor child under the age of 18 years shall be, at the time of his or her use or possession of any gun or weapon herein described, under the direct supervision or control of his or her parent or guardian or some other adult person.

Royal Oak Township

Ordinance 168

Sec. 4 Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Saginaw

807. Failure to complete and return license to purchase pistol. 807.1 It shall be unlawful for the purchaser of any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

St. Clair Shores

20-17. Dangerous weapons; possession prohibited, exceptions. No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Southfield

9.129 Dangerous weapons: possession prohibited, exceptions (1) No person shall within the City possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Sterling Heights

7. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Three Rivers

79-1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employe, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any * * * blank cartridge, toy pistol * * * or any cap or other device containing any explosive; Provided, however. That this provision shall not apply to the sale of gun powder or gun or revolver

ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. Dangerous weapon. (1) No person shall possess any machine gun, sawed off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. Regulation, control of the possession and transportation of firearms within the city. (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Warren

Sec. 8-210 Dangerous weapons. (1) No person shall possess any machine gun, sawed-off shotgun, * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

* * * * *

Waterford Township Oakland County

* * * * *

Section V. Possessing or use of weapons while under influence. No person while under the influence of intoxicating liquor or exhilerating or stupefying drugs shall carry, have in his possession or under his control, or in any manner use or discharge any weapon.

* * * * *

Section IX. Sales to minors It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, * * * or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

Woodhaven

Article III

Sec. 11 1/2-14. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Minnesota

State Law

Minn. Stat. Ann.

609.66 Dangerous weapons: Subdivision 1. Acts prohibited. Whoever does any of the following is guilty of a misdemeanor: * * * * * (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or (7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

609.67 Machine guns: Subdivision 1. Definition. "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

Subd. 2. Acts prohibited. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both.

Subd. 3. Uses permitted. The following persons may own or possess a machine gun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns as war relics, museum pieces, or as objects of curiosity, ornament, or keepsake, and not useable as a weapon.

Subd. 4. Report required. A person owning or possessing a machine gun as authorized by subdivision 3 shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing his name and address; his official title and position, if any; a description of the machine gun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and the manner in which rendered unuseable, if the right to possess the machine gun is claimed under clause (3) of subdivision 3 of this section; and such further information as the bureau may reasonably require.

Subd. 5. Exceptions. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71 Gun control, application of federal law. Subd. 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

624.712 Definitions. Subdivision 1. As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in Minnesota Statutes, Chapter 609.

624.713 Certain persons not to have pistols. Subdivision 1. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources:

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally deficient" or "dangerous to the public" person as those terms are defined in Minnesota Statutes, Section 253A.02, to a hospital, mental institution or sanitarium, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in Minnesota Statutes, Sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; or

(e) A person who has been confined or committed to a hospital, mental institution or sanitarium in Minnesota or elsewhere as an "inebriate person" as that term is defined in Minnesota Statutes, Section 253A.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance.

Subd. 2. A person named in subdivision 1, clause (b) of this section who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 of this section who possesses a pistol is guilty of a gross misdemeanor.

624.715 Exemptions; antiques and ornaments. Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

624.716 Saturday night specials prohibited. Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

624.717 Local regulation. Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols except more restrictive regulation in cities of the first class.

Alexandria

9.20. Dangerous weapons and articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Appleton

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.

6.07. Minors not to use firearms. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, * * * of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Apple Valley

128-IV. Hand gun purchases: The purchaser of a hand gun from a Federally licensed dealer in the Village of Apple Valley must wait for three (3) days before delivery of said hand gun. The Federally licensed dealer will inform the Village of Apple Valley Police Office of the purchaser's name and address so as to enable the determination of any of the below listed prohibiting conditions. The Police Department of the Village of Apple Valley will notify the above dealer of the results within the three (3) day limit for delivery of said gun or refund of any moneys deposited should the sale be prohibited. Prohibiting conditions:

A. Under the age of eighteen (18) years.

B. Has been convicted of a felony or any crime of violence under the laws of this state or any other jurisdiction.

C. Has been convicted of any offense involving the applicant's use of intoxicating beverages, hallucinatory chemicals, narcotics or any other drugs.

D. Has been hospitalized for attempted suicide or mental or emotional conditions involving the use of alcohol, hallucinatory chemicals or drugs.

Arden Hills

Section 1. Definitions. Deadly Weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; * * * * *

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Section 5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon. * * * * *

Blaine

89.01—Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

101.01—The term "deadly weapons" as used herein shall include the following: (1) All Firearms; * * * * *

101.02—(1) Whoever does any of the following is guilty of a misdemeanor: * * * * * (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * * * *

101.03—The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Bloomfield

Ordinance 188

Section 6.01. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

Section 7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Bloomington

203.01. Restriction. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police office or magistrate shall be guilty of a misdemeanor.

Brooklyn Center

19-402. Dangerous weapons. 1. "Dangerous weapon" means any firearm * * * whether loaded or unloaded * * *.

2. Section 609.66 of the Minnesota Criminal Code (West 1963) Laws of 1963, Chapter 753 is hereby adopted by reference and shall have the same force and effect as though set out at length herein.

Brooklyn Park

Section 950:00. Definition. Definition—Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; * * * * *

Section 950:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Section 950:20. Under 14 Years. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510:02. Deadly Weapons. It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture, or cause to be manufactured, sell, keep for sale, offer or dispose of any * * * pistol, revolver, * * * or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Cold Spring

Section 925:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Coon Rapids

7-201 Definition. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The term "dangerous weapon" shall include but not be limited to the following: (1) All firearms; * * * * *

7-202 Prohibited Actions. (1) Whoever does any of the following is guilty of a misdemeanor: * * * * * (f) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; * * * * *

(2) Nothing in this Section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

7-203 Selling Gun to Minor Without Parental Consent. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor without written consent of his parents or guardian, or of a Police Officer or Magistrate is hereby prohibited.

7-204 Minors Under 14. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any dangerous weapon.

Cottage Grove

Sec. 27-13. Furnishing to minors. No person, within the limits of the village, shall: (a) Without the parent's or guardian's consent, furnish a child under fourteen years of age, or as a parent or guardian, permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

(b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.

Sec. 27-14. Silencers. No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Crystal

935.01. Definitions. Subdivision 1. For purposes of this Section, the terms defined herein have the meanings given them.

Subd. 2. "Military type weapon" means any firearms such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons. * * *

935.03. Military Type Weapons. It is unlawful for any person to own, keep, carry or have possession of military type weapons in the City. This Section does not apply to law enforcement personnel or military personnel while on active duty, or to military or fraternal organizations in their participation in public functions or celebrations.

Deephaven

8. Minors not to use fire arms. No minor under the age of 18 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent, guardian or competent supervision, any fire arms, * * * ammunition

or other weapons of any kind for hunting or target practice or any other purpose.

27. Sale of firearms to minor. No person, firm or corporation shall sell, offer for sale, or give away, or in anywise furnish any firearms or ammunition to a minor under the age of 18 years, without the written consent of such minor's parents or guardian or of a peace officer or magistrate.

Duluth

* * * * *

Sec. 49-6. Possession, use, etc., of firearm silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

* * * * *

Sec. 49-8. Possession of firearms by minors. No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

* * * * *

Sec. 49-15. License—Required. No person shall engage in the business of selling or renting guns, pistols or other firearms without first having obtained a license to do so.

* * * * *

Sec. 49-20. Sales and rentals to minors. No person shall sell, rent, give, loan or in anywise furnish any firearm, * * * or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

* * * * *

Eagan

9.02 Subdivision 3.—Persons prohibited. It shall be unlawful for any person within the Town of Eagan to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

C. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical, or narcotics, or other drugs.

East Grand Forks

Sec. 9.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Ely

410:02. Deadly weapons. [No person] without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.

Fairmont

6.20. Dangerous weapons and articles. 1. Acts prohibited. It is unlawful for any person to: * * * F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; * * *

(G) Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Farmington

6-1-15. Dangerous weapons: It shall be unlawful for any person to do any of the following: * * * (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm;

(H) Without the parent's or guardian's consent, furnish a child under fourteen (14) years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; (I) Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition or explosive without the written consent of his parent or guardian or of the Police Department of the Village.

Glenville

Sec. 606. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Without the parent's or guardian's consent, furnish a child under 14 years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department or magistrate of the Village.

Golden Valley

Section 525:00. Definitions. 1. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

2. Specific Terms. The following terms shall have the following meanings.

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet through a barrel by means of explosives, carbon dioxide, air or other vapor, excluding (1) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition, (2) any antique firearm or (3) Saturday Night Special Pistol.

(c) "Hand Gun" shall mean any firearm designed to be fired from the hand, except Saturday Night Special Pistols.

(d) "Saturday Night Special Pistol" shall mean a gun designed to be fired from the hand, other than an antique firearm or a gun for which the propelling force is carbon dioxide, air or other vapor, or children's pop gun or toys having a frame, barrel, cylinder, slide or breechblock:

(1) of any material having a melting point (liquids) of less than 1,000 degrees Fahrenheit, or

(2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

(e) "Antique Firearm" shall mean any firearm with a matchlock, flintlock, percussion

JUN 23 77
UM

cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

(f) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 525:02. Sales, Gift or Delivery of Firearms. It shall be unlawful for any person within the City of Golden Valley to sell, give or deliver any firearm to any person if such other person within the previous five years has been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental drug or alcoholic condition, unless such a person so committed shall have been issued a permit, currently in force, pursuant to Section 624.711 through 624.717, inclusive, Minnesota Statutes, and as subsequently amended, provided said seller, giver or deliverer knew or had reasonable cause to believe such person met the conditions described in either subsection (a) or (b).

Section 525:03. Display of Firearms. It shall be unlawful for any person within the City to display or exhibit any firearm for sale in any show window abutting a public street or sidewalk or public entryway which can be seen from the public street.

Section 525:04. Report of Sale, Gift or Delivery of Hand Guns. Every person within the corporate limits of the City of Golden Valley who agrees to sell, deliver or give to any person a hand gun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the Public Safety Director a legible written report [contact local authorities for required contents] * * *.

* * * * *

No person who intends to sell, deliver or give to any person a hand gun as defined in this ordinance shall deliver actual possession to the person to receive the hand gun until a copy of the report required by this section, containing the certification of the Golden Valley Public Safety Director, or his designee, that said sale, delivery or gift may be made, is returned to the person who intends to sell, deliver or give away said hand gun, or until three days (excluding Saturday, Sunday and holidays) after making and filing with the Public Safety Director the required report of sale, whichever comes first.

None of the provisions of this Section 525:04 shall apply to gifts of hand guns between husband and wife, or parent and child, but all other gifts of hand guns must comply with the requirements hereof.

Granite Falls

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.

Green Isle

Ordinance 67

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Greenwood

Ordinance 16

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Hastings

Sec. 9.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department. * * * * *

Hayfield

Ordinance 7-1-Section 1: Use by Minors. No person under the age of 18 shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parents or guardian, any firearm or air gun of any kind for hunting or target practice or any other purpose.

Hermantown

Ordinance 76-02

* * * * *

Section 3. No person shall use, own or possess any firearm equipped so that a silencer may be attached to such firearm.

* * * * *

Section 5. No minor age fourteen (14) years or under shall handle, or have in his or her possession or under his or her control except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Any minor having attained the age of 15 shall be the holder of a valid firearm safety permit.

* * * * *

Hibbing

Firearms, sale and possession. 7-14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a * * * pistol, revolver, * * * or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshal of said village * * *.

Hopkins

Section 910:25. Minors Not to Use Firearms. No minor under the age of fourteen years shall * * * have in his possession * * * any firearm of any kind for hunting or target practice or any other purpose. * * * * *

Section 920:12. Sale of Firearms to Minors. Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a penal offense.

Hoyt Lakes

2. Use of fire arms by minors. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm

* * * of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

12.08-1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a * * * pistol * * * or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor, shall sell or give any revolver or fire arm of any description to a person under the age of eighteen years.

Jackson

Sec. 8.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

La Crescent

B. Specific Terms. The following terms shall have the following meanings:

1. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and plural includes the singular. The masculine gender includes the feminine gender.

2. "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

3. "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

4. "Hand gun" shall mean any firearm designed to be fired from the hand.

5. "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (3) and (4) above. Destructive devices which are not firearms and ammunitions for any military type weapon which is inert and not readily restorable, both mechanically, and by intent, shall be exempted from the provisions of this ordinance.

* * * * *

7. "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

* * * * *

9. "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 2. Persons Prohibited: A. It shall be unlawful for any person within the corporate limits of the Village of La Crescent, to own, possess, carry, or have in his custody or control any firearm, or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

a. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

b. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

B. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of any alcoholic beverage, or hallucinatory chemical, or narcotics, or other drugs.

Section 3. Places Prohibited. A. It shall be unlawful for any person, except law enforcement or military personnel while in the course of their duties, or owner or agent while he is present at a business place operated by him, or private persons with permits who are required by their occupation to be present, to have in his possession or control any firearm or ammunition while such person is present at any public place or public gathering within the Village of La Crescent.

Section 4. Weapons Prohibited: A. It shall be unlawful for any person within the Village of La Crescent to own, keep, carry or have in his custody or control any of the following:

1. Military type * * * weapons unless the person in possession of such weapon has in his possession the permit provided in Section 6.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

Section 5. Sales, Gift or Delivery of Weapons and Ammunition. A. It shall be unlawful for any person within the Village of La Crescent to sell, give or deliver to any person:

1. Any weapon prohibited under Section 4 unless the weapon to be received is a military type weapon * * * and the person to receive the weapon has secured the permit provided in Section 6.

2. Any firearm or ammunition for such firearm if such person is:

a. Under the age of 18 years if the firearm is a long gun or under 21 years of age if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 3 (D) or unless the recipient shall qualify under Section 2 (A-1).

b. Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

c. Prohibited from ownership, possession, custody or control of firearms under section 2, and seller or giver knew or had reasonable cause to believe such person was prohibited.

Section 6. Permit for Military Type and Assault Weapons: A. The owner or purchaser of a military type or assault weapon may be issued a permit by the Chief of Police for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance * * *.

* * * * *

B. A "Military type weapon used in officially recognized competition" shall include its ammunition and shall be weapons used in competition regulated and supervised by a target shooting club, pistol club or sportsman's club, which is duly authorized to purchase or receive firearms from the United States. Any such weapon shall be kept in a secure location.

Lake Elmo

1301.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, * * *.

Lakeville

Section 1. Weapons Prohibited. No person shall * * * sell, offer for sale or have in his possession, except in his own domicile, or carry or use any dangerous or deadly weapon, including, but not by way of limitation, revolvers, pistols * * * * *

VANN
JUN 23 77
UM

Section 2. Exception. The prohibition of this chapter shall not be construed to forbid any law enforcement officer from carrying any of said weapons as may be necessary in the proper discharge of his duties, nor shall this chapter prohibit the sale, possession or carrying of a revolver or pistol for legitimate sporting purposes providing such revolver or pistol is not concealed.

Lauderdale

2. Specific terms. The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. Persons prohibited from possessing firearms. (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. Weapons prohibited. No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, * * *, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. License required to sell firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be $10.00, payable annually * * *.

7. Permits and registrations.

* * * * *

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. [Contact local authorities for required contents] * * *. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Little Falls

Section 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Luverne

6.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Mahtomedi

4. No minor under the age of 18 years shall within the Village of Mahtomedi, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any fire-arm of any kind whatever, or ammunition of any kind for use therein, * * *

Mankato

Sec. 9.30. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parents or guardian or of the Police Department. * * *

Maplewood

1210.010 Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.040 Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement [contact local authorities for required contents] * * *. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement * * *. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Mendota Heights

Ordinance 909

Section 5. Possession of Weapons by Minors. No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, * * *

Section 6. Sale to Minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, give, sell, or otherwise furnish any firearms * * * or any ammunition of any kind for use therein, to any minor under age of eighteen years, without the written consent of the parent or guardian of the said minor. * * *

Section 9. Definitions

9.1 General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

9.2 Specific Terms. The following terms shall have the following meanings:

9.2(1) Firearm—Shall mean any weapon from which is propelled any missle, projectile, bullet, or other means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their profession.

9.2(2) Handgun—Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

9.2(3) Military Type Weapon—Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

9.2(5) Ammunition—Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

9.2(6) Secured Container—Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immediate weapons removal or use and containing no other non-related objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle or ties.

Section 12. Sale, Gift, or Delivery of Firearms

12.1. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. * * *

12.2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferer a statement [contact local authorities for required contents] * * *. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon such statement his approval of the purchase or transfer.

12.4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Paragraph 12.2 hereinabove.

12.5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

12.6. Nothing contained in this section shall apply to sales at wholesale to dealers.

Section 13. License Required to Sell Firearms. 13.1 No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council. * * *

Section 14. Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner:

14.1. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type * * * weapon as a collector's item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. * * *

Minneapolis

877.010. Definitions.

2. Specific terms. The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

* * * * *

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. Persons prohibited. It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other juris-

JUN 23 77 UM

diction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. Weapons prohibited. It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type * * * weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. Sales, gift or delivery of weapons and ammunition. It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon * * * and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. Report of sale, gift, or delivery of handguns. Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, * * *.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. Permit for military type and assault weapons. The owner or purchaser of a military type * * * weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Minnetonka

Section 515:00. Prohibited Use of Dangerous Weapons. No person shall in any public or private place engage in any of the following acts or conduct without first securing a permit to do so from the Chief of Police:

* * * * *

(d) Sell or otherwise furnish any firearms * * * any ammunition of any kind for use therein, to any juvenile under the age of 18 years unless they are the parent or guardian of such juvenile.

Minnetrista

1. Definitions. (a) "Firearms" shall mean any device from which is propelled any projectile or bullet by means of explosions or gas.

(b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

2. Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Minnetrista except persons on active duty as a member of a United States military unit.

Montevideo

5-1-32: Firearms; minors; No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian any firearm of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this Section.

5-1-71: Weapons; sale to minors: No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.

Morris

341. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parents or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

Mound

51.30 Minors—Firearms No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm * * * (or) ammunition * * * to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the Village * * *.

Mountain Iron

Ordinance 149

1.09 Furnishing to Minors. No person within the City Limits of the City of Mountain Iron shall: a. Furnish a minor under 18 years of age with any firearms, air gun, ammunition or explosives without the written consent of said minor's parent or legal guardian, or the Chief of Police.

* * * * *

1.10 Silencers. No person within the City Limits of the City of Mountain Iron, Minnesota, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

North Mankato

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

* * * * *

H. Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

North St. Paul

101.010. Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol * * *.

101.040. Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement (contact local authorities for required contents) * * *. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement * * *. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. Wholesale to dealers does not apply. Nothing contained herein shall apply to the sales at wholesale to dealers.

Oakdale

Sec. 13-17. Possession of certain items prohibited. No person shall possess any of the following:

(a) Fully automatic firearms.

(b) Shot guns with a barrel less than eighteen (18) inches.

(c) Rifles with a barrel less than sixteen (16) inches.

(d) Weapons made from a rifle or shot gun with an overall length of less than twenty-six (26) inches.

(e) Semi-automatic pistols with shoulder stocks.

(f) Any silencer.

(g) Any unconventional weapon which is capable of being fired and can be concealed on the person.

Sec. 13-22. Silencers. It shall be unlawful for any person to sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Orono

Ordinance 106

Section 1. Chapter 80 of the Municipal Code of Orono is hereby amended as follows:

80.010 Definitions. * * * * * (b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

80.020 Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Orono except persons on active duty as a member of a United States military unit.

Pine Springs

Ordinance 9

Section 3. Possession by Minor. It shall be unlawful for a minor under the age of 18 to have in his possession any uncased firearm beyond the presence of a parent or guardian within the Village of Pine Springs. The police officers of the Village may confiscate any such weapon found on any minor but shall return the weapon to the parent or guardian of said minor upon request.

Section 4. Acts Prohibited. a. It shall be unlawful for any person to do any of the following acts: * * * * *

6. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

7. To furnish a child under 16 years of age, without the consent of the parent or guardian of said child or if parent or guardian of said child permit such child to handle or use outside of the parent's or guardian's presence a rifle, gun, or dangerous weapon of any kind or any ammunition or explosive.

Section 6. Possession. a. No person shall possess the following:

1. Fully automatic firearms.

2. Shot guns with a barrel less than 18 inches.

3. Rifles with a barrel less than 16 inches.

4. Weapons made from a rifle or shot gun with an overall length of less than 26 inches.

5. Semi-automatic pistols with shoulder stocks.

6. Any silencer.

7. Any unconventional weapon which is capable of being fired and can be concealed on the person.

Plymouth

1.14. Dangerous Articles. * * * * * (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.

Redwood Falls

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

* * * * *

H. Furnish a minor under eighteen (18) years of age with a firearm, * * * ammunition; or explosive without the written consent of his parent or guardian or of the Police Department.

Richfield

5.29. Firearms. Subdivision 1. Definitions. The following terms have the meanings ascribed to them in this section:

(1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of

JUN 23 77
UM

the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

Subd. 2. License Required. It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

* * * * *

Subd. 9. Unlawful Disposition of Firearms. It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. Dangerous weapons. No person shall: * * * (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm * * * or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, * * * ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Rockford

Ordinance 11.0

Dangerous Weapons. Subdivision 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100.00. * * * * * (6). Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * * * * (8). In the municipality of Rockford, furnishes a minor under 18 years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of said municipality.

Roseville

160.090. Sale to Minors under 18. No person shall give, sell or otherwise furnish any firearms, * * * or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. * * *

161.010. Registration Required. No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

St. Louis Park

4:700. Minors not to have firearms * * *. No minor under the age of eighteen years shall handle, or have in his possession, or under his control, except while accompanied by, or under the immediate charge of, his parent or guardian, any firearm of any kind whether for hunting or target practice or any other purpose * * *. No person shall knowingly permit any such minor to violate this section.

4:701. Firearms for minors. No person shall sell, give away, or in any wise furnish any firearms or ammunition * * * to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate.

St. Paul

425.01—Definitions. A. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

B. Specific Terms. The following terms shall have the following meanings.

(1) Firearm. Shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(2) Handgun. Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) Military Type Weapon. Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

* * * * *

(5) Ammunition. Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

* * * * *

425.02—Persons Prohibited from Possessing Firearms. A. No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of Saint Paul except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

B. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of Saint Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04—Weapons Prohibited. No person shall own, keep, carry, or have in his possession anywhere in the City of Saint Paul any military type weapons, * * * or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collector's items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06—Sale, Gift, or Delivery of Firearms. A. No person shall purchase, receive or accept a handgun within the City of Saint Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. * * *

B. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferer a statement [contact local authorities for required contents] * * *. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement * * *.

C. No licensed dealer shall sell, lend, give, or deliver any rifle or shotgun to any person without making and retaining a permanent record of the information required in (B) with respect to handguns. * * *

D. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in (B). * * *

E. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

425.07—License Required to Sell Firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in Saint Paul without first obtaining a license to do so from the City Council. * * *

425.08—Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner: * * * * *

B. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type * * * weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. * * * * *

St. Paul Park

22.07 Regulation and Licensing of Firearms. d. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind and use for hunting, target practice or any other purpose.

St. Peter

Sec 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: * * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Shakopee

V. Silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

VII. Possession of firearms by minors. No minor under the age of 14 years shall handle or have in his or her possession or under his or her control except while accompanied by and under the immediate charge of a parent or legal guardian, any firearm of any kind for hunting or target practice or any other purpose.

Shoreview

908.010. Definitions. Weapon means any gun, pistol, revolver, * * * firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

909.020. Unlawful Acts. Except as otherwise provided herein, it shall be unlawful for any person: (A) To handle or to have in his possession or under his control for sale or otherwise any such weapon within the Village of Shoreview. * * *

909.040. Exceptions. The prohibitions of this Ordinance shall not apply to: (A) Police Officers. Duly authorized police officers of the Village when in the course and scope of their duties, nor to any officer of any Court whose duty shall be to serve warrants or to make arrests, nor to persons whose business or occupations may require the carrying of weapons for protection and who shall have obtained from the Village Council or some other appropriate governmental agency, a license or permit to handle or have in his or her possession or control any weapon.

(B) Encased Weapons. Persons in possession of any weapon that is properly encased and/or is being stored or transported for hunting purposes and not for sale purposes. * * *

(D) Sale Not in Regular Course of Business. Persons in possession or control of any weapon for the purpose of the sale of the weapon as long as the sale is not in the regular course of said persons' business.

(E) Licensed Persons. Persons licensed hereunder.

909.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver. * * *

909.056. Conditions of License. Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other ordinance or State law. * * * (B) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

Shorewood

Ordinance 5

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

South St. Paul

808.01. Firearms purchase restricted. No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02 Firearms sale restricted. No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. Firearm permit required. Applications for permits to purchase, receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor [contact local authorities for required contents]. * * *

808.06. Firearm identification marks. No person shall change, alter or obliterate the name of the make, model, manufacturer's number or other mark of identification, and no person shall keep in his possession or under his control any such firearm upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge changed, altered, renewed or obliterated.

Two Harbors

(e) Sales to intoxicated persons and minors. No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Virginia

3. Dangerous weapons. It shall be unlawful for any person, persons, firm or corporation * * * to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; * * *.

8. Use of arms by minors. No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Wabasha

2. It shall be unlawful for any person under the age of fourteen years to handle or have in his possession or under his control,

within the City of Wabasha, any firearm of any kind, except while accompanied by, or under the immediate charge of his parent or guardian.

Waseca

6.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

* * * * *

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, * * * ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

* * * * *

West St. Paul

52.02 Deadly Weapons. * * * * * (f) Purchase of Revolvers. No person shall purchase, receive, or accept a revolver or pistol within the city without first providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) Sale of Revolvers. No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address the date of birth, on the form as provided in paragraph (f). * * *

White Bear Lake

1303.050. Dangerous weapons. No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein * * *.

No person shall give, sell, or otherwise furnish any firearms * * * or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

Wolf Lake

Ordinance 2

Section 11. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Mississippi

State Law

Miss. Code

Sec. 45-9-19. Purchase of rifles and shotguns in contiguous states. It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 USC 921 et seq.

As used in this section, the term "a state contiguous to this state" shall mean any state with a border touching a border of this state. As used in this section, all other terms shall be given the meaning prescribed in 18 USC 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this state (including a corporation or other business entity maintaining a place of business in this state) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state and to receive or transport such rifle or shotgun into this state.

This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Sec. 97-37-1. Deadly weapons—carrying deadly weapon and use of imitation firearm prohibited—penalties. Any person who carries, concealed in whole or in part, any * * * pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as [prescribed by law] * * *.

* * * * * *

Sec. 97-37-5. Deadly weapons—possession by convicted felon as evidence of crime. The possession of any deadly weapon as described in section 97-37-1 by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of that section.

Sec. 97-37-13. Deadly weapons—weapons and cartridges not to be given to minor or intoxicated person. It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and on conviction thereof, he shall be punished by a fine not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding three months, or both.

Sec. 97-37-15. Deadly weapons—father not to suffer minor son to have or carry. Any father who shall knowingly suffer or permit any son under the age of sixteen years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor. * * *

Sec. 97-37-17. Deadly weapons—possession by students. A student of any college, university, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher, instructor, or professor who shall knowingly suffer or permit any such weapon to be carried or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, * * *.

97-37-31. Silencers on firearms—manufacture, sale, possession or use unlawful. It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the State of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. * * *

Vicksburg

14-93. Dispensing to minor or intoxicated person. It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

Winona

Ordinance 38

Sec. I. That it shall be unlawful for any person to sell, or give to any intoxicated person, or minor, any * * * pistol, or pistol cartridge. * * *

Yazoo City

Sec. 15-145. Certain sales prohibited. It shall be unlawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon or other weapon the carrying of which concealed is prohibited, or pistol cartridge;

* * *

Missouri

State Law

Ann. Mo. Stat. (Vernon's)

Purchase of Shotguns and Rifles

407.500. Missouri residents may purchase rifles and shotguns in contiguous states, when: Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

564.590. Machine gun, possession a felony—exceptions. It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. Machine gun—defined. The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. * * *—sale of weapons to minors. If any person shall * * *have any such weapon [any kind of firearms] in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; * * *.

564.620. Pistol, revolver or firearms to be plainly marked. No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. Concealed weapon permits, how obtained—antique firearms exempted. 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use a permit granted to another.

5. No permit shall be required for an antique firearm or replica thereof. The term "**antique firearm**" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed am-

munition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

564.640. Weapons must be stamped. No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

Belton

6.9. Weapons. (e) "Sales to intoxicated persons and minors." No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Boonville

49.08. Sale of weapons to minors. No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * *.

Branson

52. Permits required—a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition * * *.

Bridgeton

Sec. 16-60. [Weapons] Sale of firearms or cartridges to minor. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor; or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cainsville

Ordinance 120A

Article 4

Section 16—Sale of Firearms, etc., to children prohibited. Any person with[in] the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Cape Girardeau

18-100. Sale of weapons to minors; restrictions. No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, * * *.

Caruthersville

51.10 Sale of Ammunition to Minors. No person shall give, lend, barter, or sell to any minor under the age of 18 years, without the written consent of the guardian or parent of such minor, any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle, pistol or revolver * * *.

Charleston

12-59. Selling ammunition to minors. Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, * * * shall be deemed guilty of a misdemeanor.

Columbia

7.1500. Weapons—Carrying concealed; delivering to minors. If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. Sale of firearms or ammunition to minors. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

El Dorado Springs

19. If any person within the corporate limits of the city * * * having upon or about his person any kind of firearms, * * * shall directly or indirectly sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty or more than one hundred dollars.

Excelsior Springs

Sec. 24-86. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Flat River

79. Sale to minors. Any person within the corporate limits of this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Fulton

Section Twenty-Six; Sale of Pistols, Knives and Cartridges to Children Prohibited: Any person, within this City, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver * * * shall be deemed guilty of a misdemeanor.

Grant City

Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the city who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

* * * * *

Grantwood Village

Section 304.01: Sale, Discharge and Use of Prohibited. It shall be unlawful for any person, firm or cor[illegible] to, within the Village, sell, offer for sale, expose for sale, use, discharge or explode any shells or cartridges, blank or otherwise, pistols, toy or otherwise, cannon, toy or otherwise, * * *.

Hanley Hills

Ordinance 54

Article 5. Sale of Firearms or Ammunition to Minors Prohibited. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Hilldale

Section 230.128 Sale of Firearms or Ammunition to Minors. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Holden

562-6—Sale of Firearms to Minors. If any person shall directly or indirectly sell, deliver, loan or barter to any minor, any kind of firearms, * * * or other deadly weapon, without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the city jail not less than five days nor more than six months or by both such fine and imprisonment.

Iberia

17-56. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms * * * or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemd guilty of a misdemeanor.

Independence

12.150. Weapons. E. Sales to intoxicated persons and minors. No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Jefferson City

3. Explosives, firearms and weapons. 3.1 No person shall, in this City, * * * having upon or about his person any kind of firearms, * * * directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

1268. Sale of pistols, * * * and cartridges to children, prohibited. Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Joplin

38.132. Weapons—Sale, etc., to minor of firearm, * * * etc. It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, * * *.

Kansas City

26.181. Sale of firearms to minors. No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, * * * casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. Machine guns.

(a) **Possession prohibited.** Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

(b) **Applicability to police.** Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces or this state or of the United States from possessing such firearms for official use in the discharge of their duties. * * * * *

(d) **Definition.** The term "machine gun", as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

26.188. Explosive or flammable devices. It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control, is hereby exempt from the operation of this section.

Kearney

Ordinance 30

Section 1. Any person who shall, within the corporate limits of the City of Kearney * * * directly or indirectly sell or deliver, loan or barter to any minor, any such weapon, [any

JUN 23 1971 UM

kind of firearms] without the consent of the parent or guardian of such minor, shall, upon conviction, be fined * * *.

* * * * *

Kirksville

46. Carrying deadly weapons, etc. If any person within the city of Kirksville * * * having upon or about his person any kind of fire arms, * * * shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.

Lathrop

Ordinance 32

Section 1. Any person who shall within the corporate limits of the city of Lathrop, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon (firearms), without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the city prison not less than five nor more than thirty days, or by both such fine and imprisonment.

Leasburg

Section 1. No fireworks, firearms and ammunition of any kind shall be sold, * * * within the boundaries of the Village of Leasburg, Missouri.

* * * * *

Section III. Ammunition may be sold for hunting purpose only.

Maplewood

305.19 Weapons, Etc. * * * B. No person shall sell to a minor under the age of sixteen (16) years, without the consent of that child's guardian or parents, any ammunition, firearms, or any deadly weapon. * * *

Marceline

9. No person * * * having upon or about his person, any kind of firearms * * * directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.

Marlborough

Ordinance 106

Section 1. It shall be unlawful for any person to sell, discharge, fire or shoot any fireworks, shotgun, rifle, revolver, pistol, spring-gun, air-gun or other firearms, weapons, instruments or contrivances of any kind whatsoever using lead, slug, bullets, powder, shots or either of them, whether discharged or shot by means of powder, bullet, caps or spring, or other motive power, or any ammunition for the aforesaid firearms, within the Village of Marlborough, St. Louis County, Missouri.

Marshall

20-29. Weapons—Carriage, display. It shall be unlawful for any person * * * having upon or about his person, * * * any kind of firearms, * * * directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; * * *.

Maryville

Ordinance 2399

Section 16. Sale of Firearms, etc., to Children Prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Matthews

Ordinance 4

Sec. 20. Carrying Concealed Weapons. If any person within the town limits of this town shall * * * directly or indirectly, sell or deliver, loan barter, to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine * * *.

Mexico

44.4. Weapons transactions with incompetent persons, etc., prohibited. No person in this city shall purchase or borrow from or sell, loan or furnish to any person who is (a) under the influence of alcohol or any narcotic drug, stimulant or depressant; or (b) in a condition of agitation or excitability; or (c) legally incompetent or a minor under the age of eighteen years any weapon in which any explosive substance can be used.

Monett

Ordinance 773

Section 86. Firearms; Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, or other fire arm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance can be used, within the city. Any person violating this section shall be deemed guilty of a misdemeanor.

Monroe City

4.3. Sale of Pistols, * * *, and Cartridges to children prohibited. Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Nevada

Sec. 23-28. No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.

Sec. 23-80. No person in the city shall sell, loan or furnish a weapon described in section 23-78 [pistol, revolver] or other weapon in which an explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Poplar Bluff

22-70. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearm * * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Richmond

13-66. Dangerous and concealed weapons; prohibitions concerning. If any person shall carry, concealed upon or about his person, any deadly or dangerous weapon, * * * any kind of firearm, * * *, or shall directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor, shall be guilty of a misdemeanor.

Rolla

33-3. Same—Sale to minors prohibited; exception. No person shall directly or indirectly sell, deliver, loan or barter to any minor any weapon of the type described in section 33-2 [any pistol, revolver] without the written consent, or in the presence of, the parent or guardian of such minor.

33-4. Same—Exception for certain officers, etc. Section * * * 33-3 shall not apply to officers of the United States, state, county, or police officers, nor to soldiers of the United States.

St. Joseph

Sec. 16-161. Machine guns.

(a) Possession. It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) Scope of section. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

* * * * *

(d) Definition. The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.030. Sale of certain weapons to minors prohibited. No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, * * * or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. Definition. As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

St. Louis County

712.020 Definitions. The term "Firearm" as is used in this Chapter means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gunbarrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "Firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

712.030 Scope. The provisions of this code shall apply to that area of St. Louis County outside the incorporated cities, towns, and villages.

712.040 Specific Actions, Prohibited. 1. It shall be unlawful for any person to sell, give, lend or otherwise transfer any firearm to any person sixteen (16) years of age or younger, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person, and the person sixteen (16) years of age or younger, or in the case of a gift or loan, where such gift or loan is made with the consent of the parent or guardian of such person sixteen (16) years of age or younger

St. Louis Park

Ordinance 1284

Section 4:260. Dangerous Weapons. Whoever does any of the following is guilty of a misdemeanor: * * * * *

(7) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or * * * * *

(9) Furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or of a magistrate.

Salem

75.180. Prohibited weapons. A person commits an offense if he knowingly possesses, manufacturers, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun * * *; 4. a short barreled rifle or shotgun; 5. a firearm silencer * * *.

Shrewsbury

5. No person shall sell * to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Sikeston

9-206. Dangerous or deadly weapons. (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Slater

Section 1. If any person * * * shall have any such weapon [any kind of firearms] in his possession when intoxicated, or shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor * * *.

Springfield

26-10. * * * Sale of weapons to minors. No person shall * * * sell or deliver, loan or barter to any minor any * * * weapon without the consent of the parent or guardian of such minor.

Stanberry

Chapter 14, Article 4, Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the City who shall sell to any child under the age of sixteen (16) years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, * * * shall be deemed guilty of a misdemeanor.

Sweet Springs

31.116. Sale of weapons to minors. Any person who shall within the City, directly or indirectly sell or deliver, loan or barter to any minor any kind of firearms * * * or other dangerous weapon, without the consent of the parent or guardian of such minor, shall upon conviction thereof be deemed guilty of a misdemeanor.

University City

23-37.1. Weapons—Handguns Prohibited. It shall be unlawful for any person to manufacture, assemble, distribute, or sell any handgun within the City. 'Handgun" means

JUN 23 1977 UM

any pistol, revolver or other firearm having a barrel of less than 10" in length, measured by the insertion therein of a rod with the receiver or slide closed. Nothing herein shall apply to officers of the law who are authorized to carry arms.

Valley Park

302.090: Weapons. a. It is unlawful to: (5) Directly or indirectly, sell or deliver, loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor; * * *.

Warrensburg

16-85. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms ,* * * without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Waynesville

217-1. No person shall * * * have any such weapon (any kind of firearms, including firearms designed for firing blank cartridges) in his possession when intoxicated, nor shall directly or indirectly sell or deliver, loan or barter, to any minor such weapon, without the consent of the parent or guardian of such minor.

Webb City

Sec. 17-61. * * * Firearms and ammunition not to be provided to minors. It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, * * * excepting toy pistols which shoot paper caps only, or to allow such to be done by any person in his employ or under his control.

Wellston

Ordinance 191

Section 1. If any person shall * * * [directly or indirectly, sell or deliver, loan or barter to any minor] any kind of firearms, * * * without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than One Hundred ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrest, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

Wentzville

Section 220.030: Weapons. D. Sales to Intoxicated Persons and Minors: No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

* * * * *

Wright City

230.420 Weapons * * * * * F. Sales to Intoxicated Persons and Minors. No one shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Montana

State Law

Rev. Codes of Mont.

94-8-201. (11317.1) Machine guns—definitions. "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

94-8-202. (11317.2) Possession or use of machine gun—when unlawful. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than twenty years.

94-8-204. (11317.4) Presumption of possession or use for offensive or aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section 94-8-208 [adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm) or larger caliber] and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

94-8-206. (11317.6) Exceptions. Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94-8-207. (11317.7) Manufacturer to keep register of machine guns—contents—inspection—penalty for failure to keep. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars ($100.00).

94-8-208. (11317.8) Registration of machine guns now in state and hereafter acquired. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state on the—effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state and furnished upon application.

94-8-219. When Montana residents may purchase rifles or shotguns in contiguous states. Residents of Montana may purchase any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and in the state in which the purchase is made.

94-8-223. (11281) Sale or manufacture of Maxim silencers and various explosives for wrongful use a felony. Any person who shall make, manufacture, compound, buy, sell, give away, offer for sale or to give away, transport, or have in possession any Maxim silencer, bomb, nitroglycerin, giant, oriental, or thunderbolt powder, dynamite, ballistite, fulgarite, detonite, or any other explosive compound, or any inflammable material, or any instrument or agency, with intent that the same shall be used in this state or anywhere else for the injury or destruction of public or private property, or the assassination, murder, injury, or destruction of any person or persons, either within this state or elsewhere, or knowing that such explosive compounds or such materials, instruments, or agencies are intended to be used by any other person or persons for any such purpose, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than five years nor more than thirty years, or by a fine of not less than one thousand dollars nor more than twenty thousand dollars, or by both such fine and imprisonment.

Deer Lodge

2. It shall be unlawful for any person, firm, co-partnership, Association, or Corporation, to sell to any person under the age of 18 years, * * * rifles or firearms unless such person is accompanied by his or her guardian.

Nebraska

State Law

Rev. Stat. of Nebr.

28-1010. Machine guns; sale unlawful; exceptions; penalty. It shall be unlawful for any person, firm or corporation, its or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants, violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one thousand dollars nor more than ten thousand dollars.

28-1011.10. Firearm; person under eighteen, unlawful to possess; exception; violation; penalty. It shall be unlawful for any person under the age of eighteen years to possess a pistol, revolver, or any other form of short-barreled hand firearm. The provisions of this section shall not apply to the issue of pistols, revolvers, or any other form of short-barreled hand firearms to members of the armed forces of the Untied States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

28-1011.14. Fugitive from justice, defined. As used in sections 28-1011.14 to 28-1011.19, fugitive from justice shall mean any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony.

28-1011.15. Fugitive from justice; firearms; knuckles; possession; unlawful. It shall be unlawfull for any person who has been convicted of a felony, or who is a fugitive from justice, to possess any firearm with a barrel less than twelve inches in length, or brass or iron knuckles. Such felony conviction may have been had in any court of the United States, the several states, territories, or possessions, or the District of Columbia.

28-1011.16. Fugitive from justice; pistol; receive, possess, sell, lease; unlawful. It shall be unlawful for any person to receive, possess, sell, or lease, other than by delivery to law enforcement officials, any pistol from which the manufacturer's identification mark or serial number has been removed.

28-1011.20. Firearms; purchase, sell, trade, convey; conditions. The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearm accessories in Nebraska and in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922 (b), (3) (A) of Public Law 90-618 of the 90th Congress, Second Session. In the event that presently enacted federal restrictions on the purchase of rifles, shotguns, ammunition, reloading components or firearm accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of shotguns, rifles, ammunition, reloading components, or firearm accessories by residents of Nebraska otherwise competent to purchase same in contiguous or other states.

28-1011.22 Explosives control; terms, defined. As used in sections 28-1011.18, 28-1011.19 and 28-1011.22 to 28-1011.34, unless the context otherwise requires:

* * * * * *

(7) Destructive devices shall mean:

(a) Any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, (vi) booby trap, (vii) Molotov cocktail, or (viii) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

(b) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7) (a) of this section and from

which a destructive device may be readily assembled. The term destructive device shall not include any device which is neither designed nor redesigned for use as a weapon to be used against persons or property; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the State Fire Marshal finds is not likely to be used as a weapon, or is an antique; or any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property; * * * * *

28-1011.24. Explosives control; permit required; exceptions; violations; penalty.

* * * * *

(5) Whoever has in his possession a destructive device shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for not less than one year nor more than ten years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment. A permit or license issued under any state or federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this subsection.

Aurora

6-311 Misdemeanors; Selling Weapons to Minors, Possession. It shall be unlawful for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, * * * blank cartridge revolver or any other firearm, * * * It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammuniton designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.

Creston

10-409 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Gering

6-4-3: Sale to minors: It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Grand Island

Sec. 22-10. It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm * * * within the city.

Hastings

11-511. Sale to intoxicated persons and minors. No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Kearney

Sec. 21.13. Same—Sale to and Possession by Minors. It shall be unlawful for any person within the city to sell or give way to any minor under the age of eighteen years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder, or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Kimball

6-4-4. Sale to Persons Under Eighteen Years of Age Forbidden: It shall be unlawful for any person to sell or give away to any other person under the age of eighteen years, or for any person under the age of eighteen years to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such person's, parent or guardians.

Lincoln

9.28.020 Minors not to be furnished with firearms and weapons. It is unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm * * *; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen years of age or older.

Malcolm

10-404 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Omaha

16.86.020 Permits Required * * * Any person who is engaged in the business of a Firearms Dealer shall first obtain a written permit to do so from the Permits & Inspection Division of the City of Omaha. * * * * *

16.86.050 Firearms to Be Retained for Ten Days. No firearm received on deposit, purchased or taken in trade by any Firearm Dealer shall be sold or permitted to be taken from the place of business of such person for the period of ten (10) days after the mailing to the Chief of Police of the copy and statement * * * requiring a list of all Firearms or other valuable things, received or deposited, purchased, mortgaged, or taken in trade during the previous day.

25.01.015 Concealable Firearm. The term 'Concealable Firearm' shall mean a firearm having a barrel less than 18" in length.

25.01.020 Firearm. The term 'Firearm' shall mean any instrument which releases a projectile by means of an explosive charge.

25.53.010 Possession of an Unregistered Concealable Firearm. It shall be unlawful for any person to own, have possession of or maintain control over any concealable firearm which has not been registered to said person with the Chief of Police in accordance with this Chapter, except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

25.93.010. Sale of a firearm to a minor. It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. Purchasing or renting a firearm. It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit from the Chief of Police as provided for in this Title.

25.93.040. Pawning a firearm. It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

Stromsburg

10-425 Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Utica

Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Nevada

State Law

Nev. Rev. Stat.

202.260 Infernal machines. 1. Any person who unlawfully possesses, manufactures, or disposes of any explosive or incendiary device with intent to destroy life or property shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For the purposes of this section: (a) "Dispose of" means give, give away, loan, offer, offer for sale, sell or transfer.

(b) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to life or property.

3. Subsection 1 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in mining or any other lawful activity or who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

202.310 Sales of certain firearms to minors under 18 years unlawful. 1. Any person in this state who sells or barters to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360 Alien, ex-felon not to possess firearm capable of being concealed on person; penalty. 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

Tear Gas Bombs and Weapons

202.370 Definitions. As used in NRS 202.370 to 202.440, inclusive:

1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380 Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions. 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this state or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390 Weapon to bear name of manufacturer and serial number; penalty for removal. 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

* * * * *

202.400 Permit for possession, transportation, protective system, to be issued by chief of Nevada highway patrol. 1. It shall be lawful for the chief of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the chief that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440 Licenses for retail sale of bombs, weapons: conditions. The sheriff of any county may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, * * *.

* * * * *

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license,

JUN 23 77 UM

showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent * * *.

* * * * *

598.060 Sales of rifles, shotguns to residents of Nevada and contiguous states in accordance with provisions of federal law. 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. Sec. 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made.

Carson City

8.20.020. Sale of dangerous weapons to minors prohibited. It shall be unlawful for any person, firm or association to sell or dispose of any * * * revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010 Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

(1) "Dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

(2) "Firearm capable of being concealed" means any gun, pistol, revolver or other firearm, the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020 Dealing in pistols without permit unlawful. It is unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.050 Persons prohibited from purchasing or owning pistols. It is unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism as defined in NRS 203.160 through 203.190;

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in the state or any other state and has not subsequently been adjudged sane.

12.04.060 Prohibited sales and transfer of a pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070 Certain persons prohibited from purchasing or owning pistols. It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080 Time between sale and delivery of pistol. When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. * * *

12.04.090 Exceptions to Section 12.04.080. The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120 Sale or possession of certain pistols prohibited. It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140 Sale of foreign made pistols with ammunition restricted. No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150 Sale of homemade pistols prohibited. No homemade pistols shall be bought or sold except as provided by law under the federal firearms act.

12.04.160 Condition of pistols sold. All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.200 Registration of firearms capable of being concealed. It is unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed, unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210 Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.030 Concealable weapons to be registered. It shall be unlawful for any person to own or have in his possession a gun, pistol, revolver or other firearm capable of being concealed without first having registered it with the chief of police.

8.98.040 Exchange of weapons to be registered. It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police by the seller, giver or person permanently passing possession thereof.

8.98.050 Concealable weapon defined. For the purposes of this chapter, a weapon capable of being concealed is defined as any gun or firearm with a barrel whose length is fourteen inches or less or whose overall length is eighteen inches or less.

Las Vegas

6-4-1: Pistol Defined: The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled * * *

6-4-2: Person Defined: The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3: Dealer Defined: The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4: Dealing in Pistols without Permit Unlawful: It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7: Sales to Certain Persons Prohibited: It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

A. Who is under the age of 18 years.

B. Who is under the influence of intoxicating beverages.

C. Who is a fugitive from justice.

D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.

E. Who is an unlawful user or seller of narcotics.

F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8: Certain Persons Prohibited from Purchasing or Owning Pistols: It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9: Seventy-two Hours must Elapse between Sale and Delivery of Pistol: When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12: Sale or Possession of Certain Pistols Prohibited: It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14: Sale of Foreign made Pistols with Ammunition Restricted: No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15: Sale of Home-made Pistols Prohibited: No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16: Condition of Pistols Sold: All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

North Las Vegas

66-2. It shall be unlawful for any person to sell, offer to sell or to give or lend any minor under the age of 18 years any ammunition for any firearms enumerated in Section 1 hereof (pistol, revolver and firearms capable of being concealed upon the person).

304-1. Definitions. Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this ordinance:

1.1 Dealer. The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

1.2. Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve (12) inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

304-2. Dealing in Pistols without Permit Unlawful. It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Ordinance, to engage in the business of buying or selling pistols at retail or wholesale or to lease or to pledge or accept any pistol as security for a loan.

304-8. 72 Hour Waiting Period. When any sale of a pistol is made by a dealer under this Ordinance, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered, all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the State of Nevada or any subdivision thereof who is regularly employed and paid by the State or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive the 72 hour waiting period.

304-11. Means of Identifying Pistol. It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the Chief of Police, in which case

the means of identification shall be noted upon the registration card.

304-12. Persons Prohibited from Purchasing or Owning Pistols. It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this Ordinance who:

(a) Has been convicted of a felony in the State of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice,

(c) Is an unlawful user or seller of narcotics,

(d) Is an habitual drunkard,

(e) Is a member of an organization advocating criminal syndicalism as defined in N.R.S. 203.160 through 203.190.

(f) Is foreign born and not a naturalized citizen of the United States of America,

(g) Has been adjudged insane in this State or any other state and has not subsequently been adjudged sane.

304-13. Prohibited Sales and Transfers of a Pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages,

(b) Is mentally ill or disburbed,

(c) Is under 18 years of age, or

(d) Is a person prohibited from purchasing a pistol as provided in Section 12 preceding.

304-15. Sales of Foreign Made Pistols with Ammunition Restricted. No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly designed for use with such pistol.

304-16. Homemade Pistols Prohibited. No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

304-17. Condition of Pistols Sold. All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe, operable condition.

304-20. Blank Cartridge Pistols Prohibited. Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers is prohibited.

Reno

14.14.030 Small arms ammunition defined. "Small arms ammunition" whenever used in this title means any shotgun, rifle, pistol or revolver cartridges.

14.14.040 Manufacture of small arms ammunition unlawful—Exception. It shall be unlawful for any person to manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the handloading of small arms ammunition for private use and not for resale.

14.14.050 Storage and sale of small arms ammunition unlawful without permit. It shall be unlawful for any person to store for sale, sell, or offer for sale any small arms ammunition without a permit.

Winnemucca

20.160 Minors, furnishing explosives to. 2. It is unlawful to sell or give to any minor under 12 years of age any small firearms ammunition without a written order or permit from the parent or guardian of such minor.

New Hampshire

State Law

N.H. Rev. Stat. Ann.

Chapter 159
Pistols and Revolvers

159:1 Definition. Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3 Possession; Felons. No person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, unless said weapon is obtained in accordance with the provisions of RSA 159:7. Whoever violates the provisions of this section shall be guilty of a class B felony, and upon conviction the weapon shall be confiscated to the use of the state.

159:7 Permit to Purchase. No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be guilty of a misdemeanor.

159:8 License to Sell. The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

I. The business shall be carried on only in the building designated in the license or at any organized sporting show or arms collectors' meeting sponsored by a chartered club or organization.

159:8-a [New] Sales to Nonresidents; Attorney General. No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the the state of his residence.

159:10 Sale Without License. Any person who, without being licensed as herein provided, sells, advertises or exposes for sale, or has in his possession with intent to sell, pistols or revolvers shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

159:11 False Information. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12 Sale to Minors. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

* * * * *

159:16 [New] Carrying or Selling Weapons. Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any * * * pistol cane * * * shall be guilty of a misdemeanor; and such weapon or article so carried by him shall be confiscated to the use of the state.

159:17 [New]—Exception. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, or to watchmen while on duty.

Chapter 159-A [New]
Purchase Of Shotguns And Rifles

159-A:1 Purchase in Contiguous States. Residenta of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

* * * * *

New Jersey

State Law

N.J. Stat. Ann.

2A:151-1. Definitions. The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.* * *

b. Pistol or revolver includes any firearm with an overall length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with overall length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other nonmetal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

2A:151-2. Pawnbrokers not to deal in weapons. Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or * *.* * * grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. Additional sentence for armed criminals. Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind, * * * grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. Certain persons not to have weapons; penalty. Any person, having been convicted in this State or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in ar-

JUN 23 77
UM

ticle 2 of P.L. 1970, c. 226 (C. 24:21-3 et seq.), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another State, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction, of a crime which in said State, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2A:151-9. Right to refuse to sell weapons; sales to persons without permit or to persons of unsound mind or with physical defect; penalty. Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. Sale of weapons or loaded or blank cartridges to minors. Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-11. Acquisition of weapons or explosives by minors; exceptions. Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151-12. Manufacture or sale of dangerous instruments prohibited. a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any * * * grenade, bomb, or other explosive, * * * to any person, except in accordance with Federal or State law is guilty of a misdemeanor.

2A:151-14. Silencers forbidden. Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151-15. Altering serial number, etc., of firearm; sale. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151-19. Manufacturers and wholesalers of firearms to be registered. No person shall manufacture or sell at wholesale any firearm until he has registered with the superintendent and has furnished him with such particulars as may be prescribed by law and by rules and regulations promulgated by the superintendent for registration. * * * * *

2A:151-24. Licenses for retail dealers; standards and qualifications; fees, conditions. No retail dealer shall sell or expose for sale, or possess with intent to sell, any firearm, except that a retail dealer may be licensed to sell firearms as hereinafter provided.

The superintendent shall prescribe standards and qualifications for retail dealers of firearms for the protection of the public safety, health and welfare.

* * * * *

d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person:

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. * * * * *

2A:151-27. Signatures on register. The purchaser, lessee or transferee of any pistol or revolver shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

2A:151-32. Purchaser must have permit; firearms purchaser identification card. A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed oy the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151-33, and shall contain his name, address and firearms purchaser identification card number or dealer's registration number, and which shall be retained by the seller as provided in section 2A:151-24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151-33. Permit to purchase; who may obtain. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any drug dependent person as defined in P.L.1970, c. 226 (C. 24:21-2) to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151-39. Restriction on number of firearms person may purchase. A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required. * * * * *

2A:151-49. "Machine gun or automatic rifle" defined. The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom.

2A:151-50. Sale, purchase or possession of machine guns; penalty. Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151-51. Exceptions to section 2A:151-50. Section 2A:151-50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151-52. License to procure machine gun; application; reference and approval; issue of license. Any person who desires to purchase; have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. * * * * *

2A:151-58. Possession or carrying of bombs. Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151-59. Possession of bombs with intent to use unlawfully; molotov cocktail; evidence of intent; exceptions. Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:151-60. Possession or carrying of explosives with intent to use unlawfully. Any person who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, is guilty of a high misdemeanor.

Belleville

1. **The manufacture, storage or display for sale** at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. **The storage or display for the sale** at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

7. **The within ordinance** shall not prohibit the sale or storage of bullets or cartridges for hunting purposes, when sold in stores that deal in sportsmen and hunting equipment.

Clementon Borough

47:1-A(28). **[No person shall]** Sell, barter, give or distribute any ammunition of an explosive nature for firearms, or any pistol, rifle, shotgun or firearm of any description or kind to any person or child under the age of twenty-one (21) years.

Cresskill Borough

246-5. **Purchasing or selling a firearm.** Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giving a full and complete description of said firearm.

Deal Borough

5-7.3 **Compliance with State Statute.** No person shall possess, carry, sell, exchange,

JUN 23 1971 UM

store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Fairlawn

12.3 **Permits required.** a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5 **General Requirements.** a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, * * *, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Glassboro

69-3. **Permits required to sell or store ammunition and gunpowder.** No person, firm or corporation shall sell or store gunpowder, gun shells or cartridges without having first obtained a permit from the Chief of the Fire Department, who shall inspect the place where same is to be kept.

Irvington

22-14. * * * **Parents, etc., not to purchase [guns] for minors under sixteen or permit such minors to purchase, possess.** * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22-13.

Kenilworth Borough

1. Except as hereinafter excepted, no person shall discharge or use any * * * shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Lincoln Park Borough

1. **The storage and sale of fire works, gun powder and ammunition** in the Borough of Lincoln Park shall be subject to the following rules and regulations:

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.

Manasquan

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Millburn Township

Sec. 25-1-7. No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, * * *. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, * * * firearm, * * *.

Mountainside Borough

Sec. 54-2. Sale of firearms. The sale or offering for sale, within the limits of the Borough of Mountainside, of any new or used shotguns, rifles, revolvers or pistols, is prohibited unless special permission for that purpose be first obtained in writing from the Chief of Police of the Borough.

Northfield

1. **That from and after the passage of this ordinance,** it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Nutley

Section 1. No person or persons shall possess, make, throw, discharge or explode a Molotov Cocktail or other incendiary object within the limits of the Town of Nutley in Essex County, New Jersey;

Section 2. No person or persons shall at any time have in their possession or cause to be made, thrown, discharged or exploded a Molotov Cocktail or any such incendiary object;

Paulsboro Borough

35-1. **Permission for use required.** It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, * * *.

Pine Hill Borough

1. **Prohibited acts and conduct.** A. No person shall, within the limits or bordering the limits of the Borough of Pine Hill: * * *.

(28) **Sell, barter, give or distribute** any ammunition of an explosive nature for firearms or any pistol, rifle, shotgun or firearm of any description or kind to any person or child under the age of twenty-one (21) years.

Piscataway

7-7-1. **It shall be unlawful** for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park Borough

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Sea Girt Borough

Section 3 No person shall possess, carry, sell, exchange, store or retain any firearm or other device * * * except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Section 4 The provisions of this ordinance shall not apply to the authorized use, possession and storage of firearms within the confines of the National Guard Training Center and Supply Depot located within the borders of the Borough of Sea Girt.

Tenafly Borough

4. **Any purchase or sale** of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

West New York

1. That no person, firm or corporation shall sell or deliver to any person, within the Town of West New York, in the County of Hudson, any pistol, gun, revolver, firearm of any description unless such person, shall file with the seller a permit from the Mayor or the Chief of Police of the Police Department of this Town, permitting him to make such purchase.

2. No person, shall purchase a revolver, pistol, gun or firearm from any person, firm or corporation in this Town, without obtaining from the Mayor or Chief of Police of the Police Department of this Town a permit to make such sale. * * *

Winfield Township

5. **An ordinance to regulate the manufacture, storage, sale keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives.** 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. **An ordinance to regulate and prohibit the sale and use of guns, pistols, fire arms, and fire works.** 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Cloudcroft

6-1-10 **Unlawful Possession, Transfer or Sale of Weapons.** * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Espanola

18. **Weapons—furnishing firearms, etc., to persons under sixteen.** It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, * * * in the city.

19. **Same—possession of firearm by person under sixteen.** It shall be unlawful for any person under sixteen years of age to have in his possession any firearm * * * within the city, except that when such person is under the immediate supervision of an adult instructor or teacher such possession shall not be considered a violation of this section.

New Mexico

State Law

N.M. Stat. Ann.

40A-7-8. **Firearms—Sale and purchase.** Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.

Alamagordo

5-6-4. **Transactions with minors.** It shall be the responsibility of each person or firm who buys, sells or loans money on secondhand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

2-10. **Unlawful Possession, Transfer or Sale of Weapons.**

* * * * *

B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Artesia

21.36. **Sale of firearms to minors.** No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Belen

2-9. **Negligent Use of Weapons.** A. Negligent use of weapon consists of either: * * * * * 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent. * * * * *

2-10. **Unlawful Possession, Transfer or Sale of Weapons.** * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling,

Farmington

Sec. 21-80. Same—Furnishing to minors. No person shall sell, lend or furnish to any minor, below the age of sixteen, any gun, pistol or other firearm, within the city. Nor shall any person in the city sell or give to any minor below the age of sixteen any cartridges of fixed ammunition of which any fulminate is a component part.

Gallup

6-4-5: **Sales of Firearms to Minors Prohibited:** The giving, selling, trading, bartering or exchanging for anything of value of any firearm as defined in Section 6-4-1 [shotguns, rifles, pistols] or of any ammunition for any firearm, to any person under the age of eighteen (18) years, within the corporate limits of the Municipality, is hereby prohibited and declared to be a misdemeanor; provided, however, that nothing herein contained shall be

construed to prohibit any parent or legal guardian from purchasing such a weapon for his child or ward, or from giving such a weapon to his child or ward, subject to the provisions of Section 6-4-3 hereof.

Grants

6-1-58 Firearms—furnishing to minors. No person shall sell, loan or furnish to any minor below the age of sixteen any gun, pistol or other firearm within the limits of the Town, nor shall any person in the Town sell or give to any minor below the age of sixteen any explosive ammunition.

Hurley

Ordinance 2

Section 12. Selling to Minors Under 16 Years. No person shall sell, load, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fuliminate is a component part.

Las Cruces

G. Sales to minors: It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Vegas

7-1-14. G. Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Los Lunas

Ordinance 86

2-9. Negligent Use of Weapons. * * * * *
4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

* * * * *

2-10. Unlawful Possession, Transfer or Sale of Weapons. * * * * * B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Lovington

7-1-14. Deadly weapons. * * * * *
(e) **Exposing Others to Danger.** It is unlawful to * * * sell, loan or furnish any deadly weapon to persons under the influence of any intoxicant or narcotic or to any incompetent person. * * * * *
(g) **Sales to Minors.** It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon * * * or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Raton

9.F. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Santa Fe

15-31. Weapons—Furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, * * * within the city.

Silver City

7.206—Selling to Minors Under 16 Years. No person shall sell, loan, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fulminate is a component part.

Tatum

5.12. (g) Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of eighteen (18) years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tucumcari

12-1-14 G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon * * *, or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

* * * * *

New York

State Law

N.Y. Consol. Laws (McKinney's)

Penal Law

265.00. Definitions. As used in this article and in article four hundred, the following terms shall mean and include:
1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.
2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.
3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person, except an antique firearm.

* * * * *

6. "Dispose of" means to dispose of, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.
7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.
8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any firearm or machine-gun.
9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver.
10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

* * * * *

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
["Antique Firearm"] Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.
15. "Loaded firearm" means any firearm loaded with ammunition or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such firearm.
15-a. "Electronic dart gun" means any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.
16. "Certified not suitable to possess a rifle or shotgun" means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a rifle or shotgun.

* * * * *

Sec. 265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when:
(1) He possesses any firearm, electronic dart gun * * * or
(2) He possesses any * * * imitation pistol or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or
(3) He knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, without the written authorization of such educational institution; or
(4) He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or
(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or
(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction.
Criminal possession of a weapon in the fourth degree is a class A misdemeanor.
Sec. 265.02 Criminal possession of a weapon in the third degree. A person is guilty of criminal possession of a weapon in the third degree when:
(1) He commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision one, two, three or five of section 265.01, and has been previously convicted of any crime; or
(2) He possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or
(3) He knowingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm; or
(4) He possesses any loaded firearm. Such possession shall not, except as provided in subdivision one, constitute a violation of this section if such possession takes place in such person's home or place of business.
Criminal possession of a weapon in the third degree is a class D felony.
Sec. 265.03 Criminal possession of a weapon in the second degree. A person is guilty of criminal possession of a weapon in the second degree when he possesses a machine-gun or loaded firearm with intent to use the same unlawfully against another.
Criminal possession of a weapon in the second degree is a class C felony.
Sec. 265.04 Criminal possession of a dangerous weapon in the first degree. A person is guilty of criminal possession of a dangerous weapon in the first degree when he possesses any explosive substance with intent to use the same unlawfully against the person or property of another.
Criminal possession of a weapon in the first degree is a class B felony.
Sec. 265.05 Unlawful possession of weapons by persons under sixteen. It shall be unlawful for any person under the age of sixteen to possess * * * any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, * * *.
A person who violates the provisions of this section shall be adjudged a juvenile delinquent.
Sec. 265.10 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances. 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. * * *
2. Any person who transports or ships any machine-gun or firearm silencer is guilty of a

JUN 23 77
UM

class D felony. Any person who transports or ships as merchandise any firearm * * * is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision one of section 265.01 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in subdivision four of section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to section 400.00, lawfully in possession of a firearm, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau and Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.

Sec. 265.15 Presumptions of possession, unlawful intent and defacement.

1. The presence in any room, dwelling, structure or vehicle of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found.

2. The presence in any stolen vehicle of any weapon, instrument, appliance or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05 is presumptive evidence of its possession by all persons occupying such vehicle at the time such weapon, instrument, appliance or substance is found.

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, defaced firearm, firearm silencer, explosive or incendiary bomb, bombshell, * * * is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his possession a valid license to have and carry concealed the same.

4. The possession by any person of the substance as specified in section 265.04 is presumptive evidence of possessing such substance with intent to use the same unlawfully against the person or property of another if such person is not licensed or otherwise authorized to possess such substance. The possession by any person of any * * * weapon, instrument, appliance, or substance designed, made or adapted for use primarily as a weapon, is presumptive evidence of intent to use the same unlawfully against another.

5. The possession by any person of a defaced machine-gun or firearm is presumptive evidence that such person defaced the same.

Sec. 265.20 Exemptions. a. Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.01, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, and peace officers as defined in subdivision thirty-three of section 1.20 of the criminal procedure law and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

(d) A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the sheriff of the county in which such person resides and in the county of Nassau to the commissioner of police or a member of the police department thereof designated by him, or if such person resides in a city having a population of seventy-five thousand or more to the police commissioner or head of the police force or department, or to a member of the force or department designated by such commissioner or head; and provided, further, that the same shall be surrendered by such person only after he gives notice in writing to the appropriate authority, stating his name, address, the nature of the weapon to be surrendered, and the approximate time of day and the place where such surrender shall take place. Such notice shall be acknowledged immediately upon receipt thereof by such authority. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period not over fifteen days. If such property is not lawfully disposed of within such period the possessor shall deliver it to an appropriate official described in this paragraph or such property may be delivered to the superintendent of state police. Such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received within two years of the delivery of such property to such official he shall dispose of it in accordance with the provisions of section 400.05 of the penal law.

2. Possession of a machine-gun, firearm, * * * by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of a crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00; provided, that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

* * * * *

7. Possession, at an indoor or outdoor rifle range for the purpose of loading and firing the same, of a rifle of not more than twenty-two calibre rim fire, the propelling force of which may be either gunpowder, air or springs, by a person under sixteen years of age but not under twelve, who is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as a part of its facilities, or having written permission to use, such rifle range under the supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state.

8. The manufacturer of machine-guns * * * as merchandise and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, policeman or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States.

9. The regular and ordinary transport of firearms as merchandise, provided that the person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other law enforcement officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

10. Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

11. Possession of a pistol or revolver by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

b. At any time, any person who voluntarily delivers to a peace officer any weapon, instrument, appliance or substance specified in section 265.01, 265.02, 265.03, 265.04 or 265.05, under circumstances not suspicious, peculiar or involving the commission of any crime, shall not be arrested. Instead, the officer who might make the arrest shall issue or cause to be issued in a proper case a summons or other legal process to the person for investigation of the source of the weapon, instrument, appliance or substance.

* * * * *

265.40. * * * It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

Article 400—Licensing And Other Provisions Relating To Firearms

Sec. 400.00 Licenses to carry, possess, repair and dispose of firearms.

1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or a serious offense; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

* * * * *

N. Y. Consol. Laws (McKinney's)

Village Law

89. General powers of the board of trustees. 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

Babylon

Sec. 1. No person shall offer, sell, loan, lease or give to any child under the age of sixteen years any gun, revolver, pistol or other firearm, * * * or any instrument or weapon commonly known as a toy pistol, or a blank gun or any type of gun, pistol, cannon or instrument simulating a weapon in or upon which any loaded or blank cartridge, powder and ball are used or may be used, or any loaded or blank cartridge, powder or ammunition therefor.

It shall be unlawful for any child under the age of sixteen years to have in his possession or to use any of the articles, instruments or weapons enumerated in this section.

Sec. 2. No person over the age of sixteen years shall have in his possession any gun, revolver, pistol or other firearm, * * * without having procured a permit to possess the same from such official, agency or department as the Board of Trustees may from time to time by resolution designate.

Buffalo

12.01. Definition. "Small arms ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns. "Small arms ammunition primer" shall mean a small percussion-sensitive explosive charge, encased in a cap, used to ignite propellant powder.

12.02. License Required for the Possession and Sale of Fixed Ammunition for Small Arms. No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses and permits of the city of Buffalo upon the approval of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. * * *

12.03. Manufacture of Small Arms Ammunition Within the City Is Prohibited. No person shall manufacture within the limits of the city, any fixed ammunition for small arms. Exception: Hand loading of small arms ammunition prepared for personal use when not for resale.

12.04. Hand Loading of Small Arms Ammunition. No person shall engage in the hand loading of small arms ammunition except for private personal use only and not for resale. A reloading of small arms ammunition shall be limited to the use of sporting or smokeless powder. An amount not in excess of five pounds and in the original container may be kept in a building without storing such powder in a magazine. An amount not in excess of ten pounds stored in a magazine and one thousand small arms primers packed in approved ICC containers may be kept in a building. Smoking while handling powder is prohibited. Storage of powder shall be inaccessible to children.

The hand loading of small arms ammunition is hereby prohibited in all buildings classified as multiple dwellings or multiple housing by the division or rehabilitation and conservation.

Churchville

Chapter 2-A Within the Village of Churchville no person or corporation shall,

without a license: Sec. 1. Store, sell or discharge firearms, fireworks or other explosives.

* * * * *

Hempstead

6-57. Permits for sale of ammunition. (a) **Required: issuance.** Permits for the sale and storage of ammunition may be granted in the discretion of the village board. Application shall be made in writing to the village clerk; * * * Such permit shall apply only to the premises and persons stated and to the class and kind of ammunition mentioned therein and shall be subject to such conditions and restrictions as the board may prescribe.

Kings Point

Ordinance 8

* * * * *

Sec. 2. No person, firm or corporation shall in the Village of Kings Point sell, expose for sale, or give away, any loaded cartridges, blank cartridges * * * or any other explosive materials of any description, without first obtaining a permit from the Village Clerk.

* * * * *

Kingston

Sec. 11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of Kingston.

Sec. 11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small ammunition without first having obtained a permit therefor from the Fire Chief.

Mount Vernon

Sec. 78-15. Prohibition Against Fire Bombs or "Molotov Cocktails". (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance.

(b) Fire Bomb or "Molotov Cocktail" defined: A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite.

New York City

436-5.0. Firearms. a. Pistols or revolvers, keeping or carrying. 1. The commissioner shall grant and issue licenses and permits hereunder pursuant to the provisions of Article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of thirty dollars for each original application for the license period or part thereof, a fee of twenty dollars for each renewal application, and a fee of ten dollars for each replacement application of a lost license. A fee of ten dollars shall be paid for each renewal license that is issued for a period of one year or part thereof.

436-6.0. Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns. Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm or machine gun.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436-6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436-6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436-6.1 Licensing of gunsmiths, of wholesale manufacturer of firearms, of assemblers of firearms, or of dealers in firearms. a. It shall be unlawful for any person to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, or of dealer in firearms, unless such person, firm, partnership, corporation or company has obtained a license in the manner prescribed in this section.

b. No license shall be issued or renewed pursuant to this section except by the commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for any applicant:

(1) of good moral character;

(2) who has not been convicted anywhere of a felony or of any of the following misdemeanors or offenses: * * *

(3) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and

(4) concerning whom no good cause exists for the denial of the license.

c. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city. * * *

k. The conviction of a licensee anywhere of a felony or any of the misdemeanors or offenses enumerated in paragraph two, of subdivision b, of this section, shall operate as a revocation of the license. * * *

436-6.3. Licensing of dealers in rifles and shotguns. No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. * * *

436-6.6 Permits for possession and purchase of rifles and shotguns. It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a. of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436-6.9. Certificates of registration. a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436-6.10. Exemptions. The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by

regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436-6.11. Sale and purchase of ammunition. At any time after one year from the effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436-6.13. Identifying marks. a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

C19-38.0. Storage and sale. a. Permit. It shall be unlawful to store, sell or offer for sale any ammunition in excess of two hundred small arm cartridges without a permit.

Pelham Manor

20—Firearms (a) It shall be unlawful for any person without proper license issued under the laws of the State of New York to possess or carry any pistol, revolver, sawed-off shotgun or other firearms as defined in Section 1 of this Code of General Ordinances of a size which may be concealed upon the person except in the case of any person who is specifically exempt from the State licensing provisions under the laws of the State of New York.

Rochester

47-5. Rifles, guns, revolvers and dangerous instruments. A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

Town of Orangetown

Section 15-78. Permits Required. A. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of * * * small-arms ammunition.

Thomaston

Ordinance 22

Second: No person, firm or corporation shall sell, expose for sale or give away any loaded cartridges, blank cartridges, caps, percussion caps, fuse or electric blasting caps, dynamite, fire-crackers or other fireworks or any other explosive materials of any description without first obtaining a permit from the Village Board of the Village of Thomaston.

* * * * *

Utica

16-4. Fireworks, firearms, pyrotechnics. (a) Definitions. (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) Sale, manufacture, delivery, use. No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms ammunition within the city without permission from the common council or written permission from the commissioner of public safety, or the mayor.

White Plains

11.10—Definitions. "Small Arms Ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. * * *

11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of White Plains.

11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small arms ammunition without first having obtained a permit therefor from the Commissioner. * * *

North Carolina

State Law

The Gen. Stat. of N.C.

14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions. (a) Except as otherwise provided in this section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This section does not apply to:

(1) Persons exempted from the provisions of Sec. 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes:

(1) Any explosive, incendiary, poison gas or radioactive material:

a. Bomb; or

b. Grenade; or

c. Rocket having a propellant charge of more than four ounces; or

d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or

e. Mine; or

f. Device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any machine gun, sawed-off shotgun, or other weapon designed for rapid fire or inflicting widely dispersed injury or damage (other than a weapon of a type particularly suitable for sporting purposes); or

(4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled. * * * The term "weapon of mass death and destruction" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with chapter 44 of Title 18 of the United States Code.

* * * * *

Sec. 14-315. Selling or giving weapons to minors. If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, * * * he shall be guilty of a misdemeanor.

Article 52A.

Sale of Weapons in Certain Counties.

Sec. 14.402. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump gun, * * *.

"Antique firearm" as defined by G.S. 14-409.11, and "historic edged weapon" as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section.

Sec. 14-404. Applicant must be of good moral character; weapon for defense of home; sheriff's fee. Before the sheriff shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation requires the possession of the weapon mentioned for protection of the home. If said sheriff shall not be so fully satisfied, he shall refuse to issue said license or permit: Provided that nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms. The sheriff shall charge for his services upon issuing such license or permit a fee of fifty cents.

Sec. 14-407.1. Sale of blank cartridge pistols. The provisions of G.S. 14-402 and G.S. 14-405 to 14-407 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Article 53.

Sale of Weapons in Certain Other Counties.

Sec. 14-409.1. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the superior court of the county in which such purchase, sale or transfer in intended to be made, any pistol, * * *.

Sec. 14-409.3. Applicant must be of good moral character; weapon for defense of home; clerk's fee. Before the clerk of the superior court shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm or corporation requires the possession of the weapon mentioned for protection of the home. If said clerk shall not be so fully satisfied, he shall refuse to issue said license or permit: Provided, that nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms. The clerk shall charge for his services upon issuing such license or permit a fee of fifty cents.

Sec. 14-409.7. Sale of blank cartridge pistols. The provisions of G. S. 14-409.1 and G. S. 14-409.4 to 14-409.6 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409.9. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the clerk of the superior court of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the clerk of the superior court of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Sec. 14-409.10. Purchase of rifles and shotguns out of State. It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

Sec. 14-409.11. "Antique firearm" defined. The term "antique firearm;; means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 14-415.1. Possession of firearms, etc., by felon prohibited. (a) It shall be unlawful for any person who has been convicted in any court in this State, in any other state of the United States or in any federal court of the United States of a crime, punishable by imprisonment for a term exceeding two years, to purchase, own, possess or have in his custody, care or control, any hand gun or other firearms with a barrel length of less than 18 inches or an overall length of less than 26 inches.

Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars ($5,000).

Sec. 14-415.2. Exemption where citizenship restored. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of G.S. 14-415.1

Sec. 105-80. Dealers in pistols, etc. (a) Every person, firm, or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities enumerated in this section, shall apply for and obtain a State license from the Commissioner of Revenue for the privilege of conducting such business * * *.

* * * * *

Ahoskie

Section 8-22. Firebombs (a) Definitions. For the purposes of this Section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebombs" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) Prohibited Acts. No person or persons shall manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) Possession of Materials Restricted. No person or group of persons shall possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Charlotte

11-18(246a). Pistols, dealers in pistols, etc. License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Edenton

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Elizabeth City

6-3.1. Public safety. I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

Section 1. Definitions: For the purpose of this ordinance, the following terms shall have the meanings herein ascribed:

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Section 2. Prohibited Acts. It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov Cocktail or other firebomb.

Section 3. Possession of Materials Restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Lenoir

Sec. 10-15.1. Fire bombs, Molotov Cocktails, etc. (a) Definitions. For the purposes of this section the following terms shall have the meanings herein ascribed:

(1) Firebomb. Any type of object designed or construct.d so that upon being propelled it will explode or ignite its area of impact.

(2) Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, filled with inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs other than on his or their premises.

New Bern

Sec. 15-5. Possession of incendiary devices and materials. (a) For the purposes of this section, the following terms shall have the meanings ascribed to them:

(1) Firebomb shall mean any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) Molotov cocktail shall mean any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) It shall be unlawful for any person to manufacture, possess, transport or use any molotov cocktail or other firebomb.

(c) It shall be unlawful for any person to possess all the items or materials needed to manufacture molotov cocktails or other firebombs, other than on his premises.

Newton Grove

Section 11.15. Fire bombs prohibited. (a) For the purpose of this section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

Ocean Isle Beach

Now, therefore, be it further resolved that the following gun control law be adopted by the Town Council of the Town of Ocean Isle Beach.

(a) No person with the exception of a law enforcement officer shall have in his possession either concealed or otherwise, a firearm, by way of illustration and not by way of limitation specifically including shotgun, rifle, handgun, sawed-off shotgun, or any other like firearm in any public place within the Town limits of the Town of Ocean Isle Beach.

* * * * *

Pineville

Sec. 16-41. Definitions. For the purpose of this division, the following terms shall have the meanings herein ascribed:

Firebomb. Any type of object designed or constructed so that upon being propelled, it will explode or ignite at its area of impact.

Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled, it will upon impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Sec. 16-42. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Sec. 16-43. Possession of materials restricted. It shall be unlawful for any person to possess all the items of materials needed to manufacture Molotov Cocktails or other firebombs, other than on his own premises.

Shelby

(1) "Molotov cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Fire bomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) Manufacture, possession, transportation, or use. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov cocktail or other fire bomb.

JUN 23 77
UM

(c) **Possession of materials restricted.** It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other fire bombs, other than on his or their premises.

Southern Pines

Sec. 9-21. Definitions. For the purposes of this article, the following terms shall have the meanings herein ascribed:

(a) Molotov Cocktail. "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) Firebomb. "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Sec. 9-22. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Warsaw

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Williamston

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of material restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

North Dakota

State Law

N. D. Century Code

62-01-01. "Pistol" defined. "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-04. Who not to possess pistols. The following persons shall not own a pistol or have one in their possession or under their control:

1. A person who has been convicted anywhere within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict, an alcoholic, or who is emotionally unstable.

62-01-06. License to carry weapon—Who may issue. A license to carry a pistol within this state may be issued by a sheriff upon application submitted to the sheriff of the county wherein the applicant has residence. If the applicant is a resident of a city within such county, the sheriff shall immediately notify in writing the chief of police of that city regarding the application. The chief of police of that city shall inform the sheriff in writing of his rejection or approval of the application.

62-01-09. Regulation of sales of pistols. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol and the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol.

* * * * *

62-01-11. Selling pistol to minors prohibited—Penalty. Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a class A misdemeanor.

62-01-12. Prohibited transfers. No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than thirty days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-13. Dealer's license required. Before any retail dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol, he must be licensed by the federal government and, in cities requiring such license, by the duly constituted licensing authorities of such city.

62-01-19. Antique pistols. This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old.

* * * * *

62-02-01. Definitions. The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. License required. No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-04. License—Application—Who issues. An application for a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases shall be made to the judge of the district court of the county in which the applicant is a resident.

* * * * *

62-02-07. Persons exempt from provisions of this chapter. The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

62-04-01. Use and sale of "silencer" prohibited—Penalty. Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a class A misdemeanor. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-05-02. Resident may purchase rifle or shotgun in contiguous state. It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

Bowman

4.0401 Firearms not to be Furnished to Minors. It shall be unlawful for any person, firm, or corporation to sell or rent firearms to minors within the limits of this City.

* * * * *

Fargo

25-2701. "Pistol" defined. The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25-2702. License to sell pistols required—Expiration of license. No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2705. Regulation of sales of pistols by dealer or individuals. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate [contact local authorities for required contents.] * * * * *

Grafton

Ordinance 135.

Section 1. Definitions: 1. Retail Dealer shall be any person, firm or corporation purchasing pistols for resale.

2. Pistols shall be any firearm having a barrel less than twelve (12) inches long.

3. Purchaser shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

Section 2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

Section 3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture; * * * * *

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor

d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchaser and the caliber of the pistol intended to be sold.

4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [contact local authorities for required contents] * * *

Mandan

6-0401. Firearms not to be furnished to minors. It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of the city of Mandan.

6-0403. Blank cartridges, pistols, etc.; manufacture, use, and sale of. No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter.

Minot

Sec. 23-124. Sales to intoxicated persons and minors. No person in the city shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

Valley City

8-9. Pistol defined. The term "pistol" means any firearm having a barrel less than twelve inches long.

8-11. License—Required; term. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8-12. Same—Qualifications. No person may obtain a retail dealer's pistol license within the city without first being licensed by the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

8-13. Weapons—Conditions of issuance. (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol

Velva

14-13 4. Sales to Intoxicated Persons and Minors. Purchase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

* * * * *

Ohio

State Law

Ohio Revised Code

2923.11 Definitions. As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(K) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (K) (3) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A) (4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

2923.13 Having weapons while under disability. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) Such person is a fugitive from justice;

(2) Such person is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of any such felony;

(3) Such person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or has been adjudged a juvenile delinquent for commission of any such offense;

(4) Such person is drug dependent or in danger of drug dependence, or is a chronic alcoholic;

(5) Such person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the fourth degree.

2923.14 Relief from disability. (A) Any person who, solely by reason of his disability under division (A) (2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;

(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, probation, and parole, or, if he is under indictment, has been released on bail or recognizance;

(2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so;

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section:

(1) Applies only with respect to indictments, convictions, or adjudications recited in the application;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) Does not apply with respect to dangerous ordnance;

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon commission by the applicant of any offense embraced by division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of such section.

2923.17 Unlawful possession of dangerous ordnance. (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263, 10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.

2923.18 License or permit to possess dangerous ordnance. (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes as defined in section 3743.01 of the Revised Code;

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any non-consumable dangerous ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it con-

siders advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshall a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the local law enforcement authority as required by divisions (A) (4) and (5) of section 2923.20 of the Revised Code. The state fire marshall shall keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

* * * * *

2923.20 Unlawful transactions in weapons. (A) No person shall: (1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; * * * * *

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of division (A) (1) or (2) of this section is a felony of the fourth degree. Violation of division * * * (4) of this section is a misdemeanor of the second degree. Violation of division (A) (5) of this section is a misdemeanor of the fourth degree.

2923.21 Improperly furnishing firearms to a minor.

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

2923.22 Permitted interstate transactions in firearms. (A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b) (3), and any amendments or additions thereto or reenactments thereof.

Editor's Note

A number of the Ohio municipalities included herein have incorporated portions of the Ohio State law directly into their municipal ordinances. In these instances, the ordinance language is identical to the corresponding portion of the State law.

To avoid undue repetition of State law language, listings for municipalities falling within this category contain only municipal codification references, followed by either the words "same as" or "adopts," and the corresponding State law citations. The reader can then refer to the appropriate portion of the State law.

In the case of Akron, for example, Section 672.01 of the municipal ordinances would contain the same language as Section 2923.11 of the Ohio State law.

Ada

60-25. **Section 31. Sale of firearms to minors.** No person shall sell, barter, furnish, or give to a minor under the age of seventeen years * * * rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *

Akron

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.

672.13 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $50.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled.

* * * * * *

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of any explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

864.01 Definitions. As used in this chapter:

(a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but does not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

864.02 Possession restricted. (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person under the age of eighteen years shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subsection (b) hereof.

864.03 Removal of Serial Numbers. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

864.05 Sales, transfers * * * (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued, under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

* * * * *

864.09 Obtaining weapons by theft or fraud. No person shall procure or attempt to procure any firearm, regardless of dollar value, by theft, fraud, violence or threat of violence.

864.10(b) **same as** 2923.20(A) (4).
864.10(c) **same as** 2923.20(A) (5).
864.11 **same as** 2923.21(A).

Alliance

549.01**same as** 2923.11
549.05 **same as** 2923.17
549.07 **same as** 2923.18

Section 789. It shall be unlawful for any person to buy, purchase or obtain in exchange any revolver, pistol, * * * without first having obtained a permit from the chief of police to make such purchase or exchange.

Amberley Village

Sec. 134.07. Improperly Furnishing Firearms to a Minor. (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Amelia

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Amherst

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Andover

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.10 **same as** 2923.21.

Ashland

587.01 **same as** 2923.11.
587.06(A) (2) **same as** 2923.20(A) (4).
587.06(A) (3) **same as** 2923.20(A) (5).
587.07 **same as** 2923.21.

Ashtabula

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

551.02 Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

551.03 Manufacturer's and Dealers' Licenses; Fee and Term. Application for a manufacturer's or dealer's license shall be made to the Police Chief on forms prescribed and furnished by the City. [Contact local authorities for requirements.] * * *

Athens

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Aurora

672.15 (b)License Required. Every firearms dealer in the City shall procure a license to engage in such business. Any firearm dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

Avon

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Avon Lake

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Barberton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Bay Village

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Beachwood

541.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City, or his duly authorized agents.

* * * * * *

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms dealer" means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

541.03 Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition, if such person is a fugitive from justice or is, at that time, under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten years, unless a doctor indicates, in writing, that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug or stimulants as defined by Title 21 of the United States Code, Section 321 (v), known as the Drug Abuse Control Amendments of 1965 effective February 1, 1966.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person or using such firearms or ammunition.

541.05 Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a dealer's license pursuant to Section 541.07, or unless such person is exempt from the requirements of an identification card pursuant to Section 541.06.

* * * * *

541.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 541.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either.

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either; members of the organized militia of any state, or the Armed Forces of the United States; or law enforcement officers of any political subdivision to the extent that the official duties of any such persons require them to purchase, own, possess, receive, carry or use handguns.

(3) Licensed dealers of handguns, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of handguns is in the ordinary course of business.

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Sections 541.03 and 541.05, and possess and exhibit upon request, such valid permit, authorization or identification issued by the chief of police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun; * * *

The requirements of a valid permit, authorization or identification as required by this subparagraph shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subparagraph shall be valid for thirty days only from the date thereof.

(5) Nonresidents of the City, moving to the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, to the extent that the ownership, possession, receipt or having on or about the person of business and in conformity with the laws of this State or the United States.

(9) Residents of the City who acquire, by purchase or otherwise, a handgun or handguns during a period not exceeding thirty days from such purchase or acquisition.

(b) No person shall purchase, or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 541.05, knowing such claim of exemption to be false.

541.07 Dealer's license. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

(c) No person, firm or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. * * *

541.11 Further prohibitions; sales; purchases; transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 541.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 541.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 541.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 541.06.

* * * * *

Bedford

547.08. Weapon dealers; license required. No person shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, * * * which can be concealed on the person, without securing a license to do so. No person having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

547.12. Limitation on purchase and sale. No person shall purchase any pistol, revolver, derringer, * * * which can be concealed on the person who:

(a) Has been convicted and sentenced for any felony or other crime other than traffic misdemeanors;

(b) Constitutes a suspicious person or is a vagabond, vagrant or transient;

(c) Is under twenty-one of age;

(d) Refuses or neglects to give information to the seller as required by law.

It shall be the duty of the seller of the aforesaid weapons as a condition of his permit, to obtain the information required by this chapter in affidavit form [contact local authorities for required contents] and have such form signed and sworn to before a notary public * * *

It shall be the duty of the seller of the aforesaid weapons as a condition of his permit to display a copy of this section and the penalty, as provided in Section 501.99, in a conspicuous place.

No holder of a permit * * * shall sell one of the weapons named in Section 547.08 without first obtaining the information in proper affidavit form as required herein. Failure to comply with these regulations shall be grounds for revocation of the permit license.

Section 547.14 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $90.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled and having a gross weight of less than 19 ounces as originally manufactured.

A. Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

B. Whoever violates the provisions of this section is guilty of a misdemeanor of the first degree.

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

Bellevue

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Belpre

Sec. 131.08 Improperly furnishing firearms to a minor. (A) No person shall: (1) Sell any firearm to a person under age 18; (2) Sell any handgun to a person under age

(3) Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Berea

945.01 **same as** 2923.11.
945.05 **same as** 2923.17.
945.07(A) (2) **same as** 2923.20(A) (4).
945.07(A) (3) **same as** 2923.20(A) (5).
945.08 **same as** 2923.21.

Berkey

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Bexley

Section 1. License to sell firearms. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, or give away to any person, within the city, any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, nor shall any person, firm or corporation doing business as a pawn broker, sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do as hereinafter provided, and no person, firm or corporation, having secured such a license, shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Mayor to purchase, acquire, redeem or remove such weapon in the manner hereinafter provided.

Section 5. Permit to purchase. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Mayor a permit so to do. Before any such permit is granted an application in writing shall be made therefor [contact local authorities for required contents] * * *. * * *no recommendation shall be required where the application is by a United States marshal, a sheriff or the chief of police of the city of Bexley, and that in case the application is by deputy United States marshal, or a deputy sheriff, the approval of his chief officer shall be sufficient recommendation, and in case the application is by a regular or special police officer of the city of Bexley, the approval of the chief of police shall be sufficient recommendation, and in case of any of the officers aforesaid the fee provided by section 6 shall not be required.

* * * * *

13-101 **same as** 2923.11
13-106(A) (2) **same as** 2923.20(A) (4)
13-107 **same as** 2923.21

Bloomdale Village

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Blue Ash

Sec, 91.05 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Sec. 91.06 Possession of firearms for instruction purposes. Section 91.05 or any other section of the Revised Code does not prohibit or render it unlawful to possess, use, or furnish for use, a rifle or other suitable firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use, and care of firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and training is sponsored and supervised by an organization or association, which has been and continues to be, approved for this purpose by the adjutant general or provided that said instructor is the parent of the person receiving such instruction.

* * * * *

Bowling Green

587.06. Sale of firearms to minors. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor. * * *.

Brewster

73.1 **same as** 2923.11

73.5 Failure to secure dangerous ordinance. (A) No person, in acquiring, possessing, carrying, or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person; * * * * *

73.6 **same as** 2923.21(A)

Brooklyn

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Brookville

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (4).
672.10 **same as** 2923.21.

Brunswick

517.06(A) (1) **same as** 2923.21(A) (1)
517.06(A) (2) **same as** 2923.21(A) (2)
517.06(A) (3) **same as** 2923.21(A) (3)

Bryan

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Burton

512.06(a) (2) **same as** 2923.20(A) (4).
512.06(a) (3) **same as** 2923.20(A) (5).
512.07 **same as** 2923.21.

Cadiz

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Cambridge

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

Campbell

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

134.03. Unlawful sale of weapons. (A) No person shall sell to any other person any pistol, revolver or other weapon which may be concealed upon the person without first obtaining a permit from the mayor to sell same.

Canton

527.02 Permit required to purchase or exchange. It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, * * * or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. Selling to person without permit to purchase. It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, * * * or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Carlisle

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Carrolton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Centerville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Chagrin Falls

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Cheviot

134.13 **same as** 2923.21.

Chillicothe

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Cincinnati

Sec. 708-1. Aliens. No alien shall own or have in his possession or under his control a dangerous weapon.

Sec. 708-3. Minors. No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, * * * or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, * * * or any other dangerous weapon.

Sec. 708-7. Obliterating Identification Marks Prohibited. * * * No person shall keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been to his knowledge changed, altered, removed or obliterated.

Sec. 708-9. Dealers in Weapons; License Fees. Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-four dollars and fifty cents ($234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be the sum of twelve dollars and fifty cents ($12.50). * * *

Sec. 708-11. Restriction on Pawnbrokers. If a dealer licensed under the provisions of Section 708-9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

Sec. 708-13. Form of Application to Purchase Dangerous Weapon. The city manager shall prescribe a form of application covering the purchase of dangerous weapons. * * *

Sec. 708-15. Restriction on Sale of Weapons. No dealer shall sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 708-13. No dealer shall sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him. * * *

The provisions of this section and of Section 708-13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Cincinnati

Sec. 708-17. Sale of Pistol Ammunition. No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

Sec. 708-31. Ammunition, Sale to Minor. No person shall sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons. * * *

Cleveland

Section 11.2301. Definitions.

1. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

2. "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns or handgun ammunition at wholesale or retail within the limits of the City of Cleveland, whether as the principal business of such person, firm, or corporation, or in addition thereto.

3. "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

4. "Non-resident" means any person who does not have a place of residence within the limits of the City of Cleveland.

5. "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 11.2304.

6. "Registration Card" means a Handgun Registration Card issued pursuant to Section 11.2305.

Section 11.2302. Prohibitions.

1. No person shall sell, purchase, own, possess, transfer, give, deliver, receive, or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; * * *.

2. No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

3. No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

4. No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

* * * * *

Section 11.2306. Exemptions.

1. The following shall be exempt from the provisions of Section 11.2302 through 11.2310 of this Ordinance except:

(A) Any state of the United States, the United States or any political subdivision, department or agency of either;

(B) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

2. The requirement of an Identification Card and Registration Card contained in Sections 11.2304 and 11.2305 shall not apply:

(A) To a holder of a dealer's license issued pursuant to Section 11.2307.

(B) To a nonresident of the City of Cleveland who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun. * * *

(C) To a new resident of the City of Cleveland during a period not exceeding thirty (30) days after he becomes a resident: provided, that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

* * * * *

(F) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

* * * * *

(H) To a federally licensed manufacturer of handguns.

Section 11.2307. Dealer's License. 1. Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City shall procure a separate license for each such location.

* * * * *

19.13101 **same as** 2923.11.

19.13106. Unlawful Transactions in Weapons. (A) No person shall:

* * * * *

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 19.13105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the County or Safety Director or Police Chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control;

(4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire or furnish to any person any handgun of a .32 caliber or less and a barrel length less than 3 inches with said measurement in the revolver type weapon being made between the muzzle in the front edge of the cylinder, and in the automatic and other types of handguns, from the muzzle to the face of the bolt with action or slide closed. This subsection shall not apply to a law enforcement agent in this discharge of his duties, or to firearms described in Section 2923.11 (k) (1) and (5) of the Revised Code of the State of Ohio * * *.

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated * * *. In no case shall a person sell, transfer, give, deliver, or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

* * * * *

19.13107(A) **same as** 2923.21.

Section 19.13108. Possession of Firearms By Minors. (A) No minor shall purchase, own, possess, receive, have on or about his person, or use any firearm except pursuant to Section 19.13107 (A) (3) of the Codified Ordinances.

* * * * *

Cleveland Heights

Weapons and Explosives

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Regulation of Firearms

551.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) "Encased" means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but does not include a holster for a pistol or revolver.

(c) "Firearm" **same as** 2923.11(B)

(d) "Handgun" **same as** 2923.11(C)

(e) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a factual place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

551.03 Prohibitions. (a) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(b) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

551.05 Owner's identification card required; application, fee and issuance. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 551.06. * * *

(c) All identification cards issued pursuant to this section shall be entitled "City of Cleveland Heights, Ohio, Handgun Owner's Identification Card", [contact local authorities for required contents] * * *.

551.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 551.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either;

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either, members of the organized militia of any state, or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 551.03 or 551.05, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun, * * *.

(5) Nonresidents of the City moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns, and their agents, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

* * * * *

551.07 Restrictions on sales, purchases and transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 551.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 551.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06. * * *

551.08 Dealer's license required; application and issuance. (a) Every firearms dealer in the City shall procure a license to engage in such business. * * *

Clyde

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Columbiana

549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Columbus

545.01 License required; purchase permits. It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, * * * or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon as provided by C.C. 545.05.

Commercial Point

1200.05 Sec. 1 & 2 **same as** 2923.17(A) & (B).
1200.07 Sec. 1(b) **same as** 2923.20(A) (4).
1200.07 Sec. 1(c) **same as** 2923.20(A) (5).
1200.08 Sec. 1 **same as** 2923.21(A).

Coolville

Sec. 12-106. (A) No person shall: * * * * *
(2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 12-105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the county or Safety Director or Police Chief of the municipality where the transaction takes place; * * *

Cortland

* * * * *

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Coshocton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Cuyahoga Falls

529.06(a) (2) **same as** 2923.20(A) (4).
529.06(a) (3) **same as** 2923.20(A) (5).
529.07 **same as** 2923.21.

Dayton

13-101 **same as** 2923.11
13-106(A) (2) **same as** 2923.20(A) (4)
13-107 **same as** 2923.21(A)

1036-6. Possession of explosive, flammable devices regulated. No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse, and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Sec. 1055. Definitions. As used in Sections 1055-1 through 1055-6 of the Code of General Ordinances the following words shall have the meaning ascribed to them in this Section:

A. "Handgun" means any firearm designed or modified to be fired while being held in one hand and capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellent, except a handgun which is prohibited from possession under the provisions of Section 13-102.1 of the General Offense Code.

B. "Possess" means to knowingly carry or have a handgun on the person or ready at hand.

C. "Resident" means any person who has an actual place of residence in The City of Dayton.

D. "Nonresident" means any person who does not have an actual place of residence in The City of Dayton.

Sec. 1055-1. Handgun file. The Director of Finance shall maintain a file of persons issued a Handgun Owner's Identification Card pursuant to the provisions of Section 1055-2 through 1055-6 of the Code of General Ordinances.

Sec. 1055-2. Handguns excepted. Sections 1055 through 1055-6 of the Code of General Ordinances do not apply to the following:

A. Any handgun which, regardless of its actual age, is designed and safe for use only with black powder, and uses a flintlock, percussion cap, or other obsolete ignition system, or with respect to any handgun which uses fixed ammunition of a type in use prior to 1899, which ammunition is no longer commercially manufactured in the United States and is not readily available in the ordinary channels of trade.

B. Any device used exclusively for signalling or safety and recommended by the United States Coast Guard or the Interstate Commerce Commission.

C. Any device used exclusively for firing of stud cartridges, rivets or nails, and is designed for industrial applications.

D. Any device used exclusively as a starter gun for the purpose of firing blank cartridges as a means of controlling sporting events, or for use in theatrical productions, provided

JUN 23 77
UM

that such gun is so constructed as not to be readily convertible to the firing of projectiles.

* * * * *

Sec. 1055-3. A. No person shall possess any handgun, unless such person has a Handgun Owner's Identification Card issued to him and in effect under Section 1055-4 of the Code of General Ordinances, is exempt from the requirement of an Identification Card under Section 1055-6 of the Code of General Ordinances, or is on a suitable firing range.

B. No person shall sell, deliver, transfer, or furnish any handgun to any person, unless the transferee exhibits a Handgun Owner's Identification Card valid on its face and issued to the transferee under Section 1055-4 of the Code of General Ordinances, or unless the transferee exhibits evidence that he is exempt from the requirement of an Identification Card under Section 1055-6 of the Code of General Ordinances.

C. No person shall sell, deliver, transfer, or furnish any handgun to any person without first having notified the Director of Finance of his intention so to do not less than five days prior thereto. Such notification shall be in writing [contact local authorities for required contents] * * *

* * * * *

Sec. 1055-4. Application. [Contact local authorities for information on applying for a Handgun Owner's Identification Card]

* * * * *

Sec. 1055-6. Persons exempt. The requirements of a Handgun Owner's Identification Card contained in Sections 1055 through 1055-5 of the Code of General Ordinances, do not apply to the following:

A. The United States or any state or any political subdivision, department, or agency of either;

B. Officers or agents of the United States or any state or any political subdivision, department, or agency or either, members of the organized militia of any state or the Armed Forces of the United States, or any law enforcement officer, to the extent that the official duties of any such person require him to obtain, possess, carry, or use handguns;

C. Importers, manufacturers, and dealers licensed under Federal law, to the extent that the acquisition, possession, carriage, or use of any handgun is in the ordinary course of business.

D. Carriers, warehousemen, and others engaged in the business of transporting or storing handguns, and their agents or employees, to the extent that possessing any handgun by such persons is in the ordinary course of business and in conformity with the laws of the State of Ohio or the United States.

E. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their official capacity; and their attorneys.

F. Heirs and legatees coming into possession of any handgun through distribution of an estate and other persons other than those persons named in paragraph E above, acquiring any handgun through operation of law, during a period not exceeding thirty days from the date of their coming into possession of such handgun.

G. Nonresidents of The City of Dayton removing to the City for the purpose of establishing residence therein, during a period not to exceed thirty days of their entry into the City for such purpose.

H. Nonresidents of The City of Dayton who enter the City for a period not to exceed thirty days with a handgun or handguns for the purpose of exhibiting or trading a handgun or handguns at a public handgun display, show, or exhibition, provided that such handgun or handguns shall be unloaded and encased except when at such display, show, or exhibition and unloaded.

I. Nonresidents of The City of Dayton who enter the City for a period not to exceed thirty days for the purpose of participating in an organized and sanctioned handgun match, provided that any handgun shall be unloaded and encased except while participating in such handgun match.

* * * * *

Dover

545.09 **same as** 2923.17.
545.11(a) (2) **same as** 2923.20(A) (4).
545.12 **same as** 2923.21.

Dresden

38.12 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

East Cleveland

545.01 (a) through (k) **same as** 2923.11.

(l) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(m) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty in effect.

(n) "Resident" means any person who has a factual place of residence within the limits of the City.

(o) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(p) "Minor" means any person under the age of twenty-one years.

545.12. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

545.14 Identification card required—registration of handguns required. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

* * * * *

545.15 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 545.14 of the Codified Ordinances of the City of East Cleveland do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East Cleveland, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff or their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

545.16 Further prohibitions—Sales—Purchases—Transfers. (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other dispostion, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17. Dealers license. (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

545.26 **same as** 2923.21(a).

Eastlake

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Edgerton

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Elmwood Place

Sec. 134.06 Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Elyria

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

757.01. Permit required for purchases. No person shall purchase in the City any pistol, revolver, * * * or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

* * * * *

757.05. Sales to persons without permits. No person shall sell to any person within the City any pistol, revolver * * * or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold presents to such person selling the same a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person makes and files a report of such sale with the Chief of Police * * *.

Englewood

11. Firearms sold to minors: It shall be unlawful for any dealer in firearms in said Village to sell any revolver or other pistol of any kind whatever to any minor or minors.

Euclid

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Fairfax

Section I. Every dealer in firearms and ammunition for firearms in the business of selling arms to the ultimate user or consumer, shall pay a license fee of $100.00 per annum, payable on the first day of January of each year hereafter, and such license shall be granted by the Chief of Police if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. Where a dealer deals only in shotguns and rifles of regulation size, manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be $25.00.

* * * * *

Section III. It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in Section II, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser.

Fairport Harbor

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Fairview Park

539.01 **same as** 2923.11.
539.05 **same as** 2923.17.
539.07(A) (2) **same as** 2923.20(A) (4).
539.07(A) (3) **same as** 2923.20(A) (5).
539.08 **same as** 2923.21.

JUN 23 74
UM

543.01 Definitions. As used in this chapter: (a) Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(b) Handgun means any firearm designed to be fired while being held in one hand. * * *

(d) Firearms dealer means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Fairview Park whether as the principal business of such person, firm or corporation, or in addition thereto.

(e) Fugitive from justice means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty or extradition in effect.

(f) Resident means any person who has a factual place of residence within the limits of the City of Fairview Park, Ohio.

(g) Nonresident means any person who does not have a factual place of residence within the limits of the City of Fairview Park, Ohio.

(h) Minor means any person under the age of eighteen years.

543.03. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a permit to do so, * * * and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon * * *

543.07. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

543.08. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter, or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

Findlay

49.5. No firearms, etc., for minors under seventeen. It shall be unlawful for any person or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Forest Park

317.01 **same as** 2923.11.
317.09 **same as** 2923.20(A), (3), (4), (5); (B).
317.10 Improperly Furnishing Firearms * * * to a Minor. (A) No person shall:
(1) Sell any firearm * * * to a person under the age of eighteen.
(2) Sell any handgun to a person under age twenty-one;
(3) Furnish any firearm * * * to a person under eighteen, except for purposes of a lawful hunting, or for purposes of instruction in firearm * * * safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Franklin

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Gahanna

545.01 **same as** 2923.11.
545.06 **same as** 2923.20(A) (4) & (5).
545.07 **same as** 2923.21.

Galion

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

Garfield Heights

511.01 **same as** 2923.11.
511.06 **same as** 2923.20(A) (4) & (5).
511.07 **same as** 2923.21.

Genoa

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Glenwillow

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Golf Manor

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Grand Rapids

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.

672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Greenfield

140.01 **same as** 2923.11.
140.06 **same as** 2923.20(A) (4) & (5).
140.07 **same as** 2923.21.

Green Springs

38.12 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Greenville

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Grove City

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Groveport

2323.05 **same as** 2923.17.

Hamilton

729.01. Record of sale. It shall be unlawful to sell any firearm, * * * unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;

(b) The purpose for which the purchase is made;

(c) The date of such purchase and the hour when such purchase was made;

(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;

(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and the color of his eyes, and any other identifying marks or characteristics;

(f) A description of the clothing worn by the purchaser;

(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and

(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. Sale to minors. It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04 Dangerous weapons dealers license. A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. Identifying marks on weapons. It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. Possession of explosive, flammable devices regulated. No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Hicksville

Sec. 138.06(A) (2) **same as** 2923.20(A) (4).
Sec. 138.06(A) (3) **same as** 2923.20(A) (5).
Sec. 138.07 **same as** 2923.21.

Highland Heights

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Hilliard

134.01 **same as** 2923.11.
134.04 **same as** 2923.17.

Hillsboro

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with section 1533.13 of the Revised Code.

Independence

781.01 License to dispose of concealable weapons. No person shall engage in the business of selling within the City any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person without securing a license to do so as hereinafter provided, and no person having secured such a permit, shall sell or give away any such weapon except in strict accordance with all Municipal, State and Federal laws pertaining to firearms.

781.03 Daily report of sales. All persons who are licensed to deal in the weapons described in Section 781.01 shall make out and deliver to the Police Department of the City, not less than forty-eight hours prior to delivery of any such weapons to a purchaser or donee, a legible and correct report of sale or gift made under authority of such license on a form to be furnished by the Police Department. The report shall contain the date of such sale or gift, the name, age and address of the purchaser or donee, length of time at such address, kind and description of such weapon, and the purpose given by such person for the purchase of such weapon. The report shall be signed by the purchaser.

Ironton

545.01 **same as** 2923.11.
545.05 **same as** 2923.17.
545.06(b) **same as** 2923.20(A) (4).
545.06(c) **same as** 2923.20(A) (5).
545.07 **same as** 2923.21.

Kent

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(A) (2) **same as** 2923.20(A) (4).
549.08(A) **same as** 2923.21(A).

549.13. License to Sell Weapons. (A) No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so as provided in Section 549.14 and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a

permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

(B) No licensed or unlicensed commercial enterprise, or individual, engaged in the sale of weapons described in Subsection (A) hereof shall make available for purchase handguns unless said handgun complies with the following three requirements:

(1) the barrel length shall exceed three (3) inches or the handgun is sold at a price exceeding Eighty ($80.00) dollars;

(2) the barrel, cylinder, slide and frame of the handgun shall be entirely machined and/or investment cast;

(3) the barrel, cylinder, slide and frame of the handgun shall neither melt nor deform at a temperature of less than 800 degrees Fahrenheit.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. A fine of at least five hundred ($500.00) dollars is mandatory for a violation of this section. Each sale of a handgun in violation of this section is a distinct and separate offense.

549.14. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons mentioned in Section 549.13 shall make application in writing to the Mayor [contact local authorities for required contents] * * *

549.17 Application For Permit To Buy Weapon.

(A) No person shall purchase any deadly weapon, which can be concealed on the person, without first securing from the Chief of Police or Officer In Charge a permit to do so. Before any such permit is granted an application in writing shall be made therefor, [contact local authorities for required contents] * * *

(B) This section does not apply to persons showing proof that they are officers, agents or employees of this or any other state of the United States, or to any other law enforcement officers authorized to carry deadly weapons capable of being concealed on the person, and acting within the scope of their duties, or federally licensed firearms dealers.

(C) Whoever violates subsection (A) is guilty of a misdemeanor of the fourth degree.

549.18 Issuance of Permit to Buy Weapon. The Chief of Police or Officer In Charge shall refuse to issue a permit to purchase any deadly weapon which can be concealed on the person to minors and to all persons convicted of any: (1) Crime of violence; (2) Felony; (3) Violation of Chapter 549, Codified Ordinances of the City of Kent

Kenton

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18(A), (B) (1), (C), (D), (E) and (F).
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21A(1), (2) & (3).

Kettering

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Lakewood

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

549.13. License to sell weapons. (a) No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any deadly weapon which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

549.17. Permit to purchase weapons; application. (a) No person shall purchase any deadly weapon which can be concealed on the person without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] * * *

Lancaster

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

Lima

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Linndale

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Lockbourne

2323.01 **same as** 2923.11.
2323.05 **same as** 2923.17.

Lockland

Sec. 136.03 Sale of firearms to minors. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Sec. 114.04 Firearms trade. No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

Lorain

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

Loudonville

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Loveland

74.8 Sale of firearms to minors. Whoever shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age shall be fined not more than fifty dollars. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with RC 1533.13.

Lyndhurst

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Magnetic Springs

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, * * * (a) rifle, shotgun, revolver, pistol, or other firearm, or ammunition thereof, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * * * *

Mansfield

13.101 **same as** 2923.11.
13.106(A) (2) **same as** 2923.20(A) (4).
13.106(A) (3) **same as** 2923.20(A) (5).
13.107 **same as** 2923.21.

Marietta

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

Marion

546.01 **same as** 2923.11.
546.06(A) (2) same as 2923.20(A) (4).
546.07 **same as** 2923.21.

Marysville

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.

Maumee

140.01 **same as** 2923.11.
140.06(a) (2) **same as** 2923.20(A) (4).
140.06(a) (3) **same as** 2923.20(A) (5).
140.07 **same as** 2923.21.

Mayfield Heights

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

549.13. Sale license, purchase permit required. (a) No person shall sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B-B guns or similar weapons, ammunition or explosives without first securing a license to do so from the Chief of Police, as provided in Section 549.14. No person shall sell any weapon or other article as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner provided in Section 549.15.

549.14. License application information; fee and renewal. Any person desiring a license authorizing the sale of any of the weapons or other articles mentioned in Section 549.13, shall make application in writing to the Chief of Police, [contact local authorities for required contents.] * * *

549.15. Permit application information; fee and disposition. (a) No person shall purchase a particular weapon or other article as specified in Section 549.13, concealable on the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made to the Chief of Police [contact local authorities for required contents] * * *. Such application shall be accompanied by a fee of one dollar ($1.00) and upon issuance shall be valid for the purchase of one particular weapon therein described. Such permit shall be given to and collected by the seller, and filed with the City in the seller's report of sales of such weapons.

549.16. License or permit refusal. It shall be the duty of the Chief of Police to refuse a license to engage in the business of selling or a permit to purchase any weapon or other article mentioned in Section 549.13 to any person who has been convicted of any crime other than a traffic offense, to any vagrant, any suspicious person, any minor under the age of eighteen years generally or any person who has violated a provision of this chapter during the preceding year.

Mentor

133.01 **same as** 2923.20(A) (4) & (5).

Miamisburg

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21

Middlefield

560.01 **same as** 2923.11.
560.06(a) (2) **same as** 2923.20(A) (4).
560.06(a) (3) **same as** 2923.20(A) (5).
560.07 **same as** 2923.21.

Middletown

13-101 **same as** 2923.11.
13-106 **same as** 2923.20(A) (4) & (5).
13-107 **same as** 2923.21.

993.06 Sale of explosives to minors. It shall be unlawful for any person to sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons.

Millersburg

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Millville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Montgomery

131.09(A) (1) **same as** 2923.21(A) (1).
131.09(A) (2) **same as** 2923.21(A) (2).

Moraine

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Mount Vernon

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Navarre

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.

JUN 23 77
UM

672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

New Athens

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Newburgh Heights

1. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the Village, any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this village who has not secured a permit from the Chief of Police to purchase such weapons in the manner hereinafter provided.

5. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

8. Permit to purchase concealable weapons. It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

* * * * *

Certain Handguns Prohibited No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of $90.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled and having a gross weight of less than 19 ounces as originally manufactured.

A. Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

B. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

* * * * *

Newton Falls

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Niles

545.11 Sale of Weapons; License Required (a) No person shall engage in the business of selling or shall sell or give away to any person within the City any pistol, revolver, derringer, * * * machine gun, bombs or other weapons of like character which can be concealed, without securing a license to do so. * * *.

* * * * *

545.12 Purchase of Weapons; Permit Required. (a) No person shall purchase any pistol, revolver, derringer, * * * machine gun, bomb or other weapon of like character which can be concealed, without first securing from a Committee, composed of the Chief of Police and the Mayor, a permit to do so.

North Baltimore

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

North Bend

13-101 **same as** 2923.11.
13-106(A) (2) **same as** 2923.20(A) (4).
13-106(A) (3) **same as** 2923.20(A) (5).
13-107 **same as** 2923.21.

North Canton

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

North Fairfield

545.01 **same as** 2923.11.
545.05 **same as** 2923.17.
545.06(A) (2) **same as** 2923.20(A) (4).
545.06(A) (3) **same as** 2923.20(A) (5).

Northfield

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

North Olmsted

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

North Randall

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

North Royalton

672.15 Sale or gift of concealable firearms. (a) No person shall sell, barter, furnish or give to any other person any pistol, revolver, derringer or other firearm of like character and caliber, which can be concealed on the person, without providing the Chief of Police with a copy of the United States Department of the Treasury Form 4473, at least seventy-two hours prior to such purchaser or donee taking possession of such firearm.
* * * * *

Norwalk

513.01 **same as** 2923.11.
513.06 **same as** 2923.20(A) (4) & (5).
513.07 **same as** 2923.21.

Norwood

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Oberlin

513-101 **same as** 2923.11.
513-106(A) (2) **same as** 2923.20(A) (4).

513-106(A) (3) **same as** 2923.20(A) (5).
513-107 **same as** 2923.21.

Olmstead Falls

672.07 **same as** 2923.18(A), (B) (1), (C), (D), (E) and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) **same as** 2923.20(A) (4).
672.10 **same as** 2923.21.

Ontario

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18(A), (B) (1), (C), (D), (E), and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance, shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) **same as** 2923.20(A) (4).
672.10 **same as** 2923.21.

Orange, Village of

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Orrville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Oxford

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Parma

553.08. Sale of explosives, firearms and ammunition to minors. (a) No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

(b) No person shall sell, give, barter or otherwise dispose of any air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, to a minor under the age of seventeen years.

787.01. Definition. As used in this chapter, "person" means individual persons, firms or corporations.

787.02. Sales license and purchase permit required. No person shall engage in the business of selling, or sell or give away to any person, or barter or exchange with any person, within the City, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without securing a license to do so as hereinafter provided. No person, having secured a license, shall sell, give away, barter or exchange any weapon to any person within the City who has not secured a permit from the Director of Public Safety to purchase or otherwise receive such weapon in the manner hereinafter provided.

787.06. Purchase permit: application information. No person shall purchase or receive as donee or as one who barters or exchanges, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

* * * * *

Parma Heights

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09 (a) (2) **same as** 2923.20(A) (4).
672.09 (a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Pepper Pike

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Perrysburg

672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2933.20(A) (5).
672.10 **same as** 2923.21.

Pleasant Hill

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Plymouth

3-74P. * * * * * Section 2: The Ohio Criminal Code as set forth in Chapter 29 of the Ohio Revised Code, together with all amendments thereof shall be and are * * * adopted * * *

Pomeroy

929.06 **same as** 2923.21.

Port Clinton

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Portsmouth

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

705.32. Dealers in firearms and ammunition; * * * All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars ($10.00) per annum.

Ravenna

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.

672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Reading

10-106 **same as** 2923.20(A) (4) & (5).
10-107 **same as** 2923.21.

Reminderville

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Reynoldsburg

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Richfield

549.01 **same as** 2923.11
549.05 **same as** 2923.17
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Ridgeville

513.01 **same as** 2923.11.
513.06(a) (2) **same as** 2923.20(A) (4).
513.06(a) (3) **same as** 2923.20(A) (5).
513.07 **same as** 2923.21.

Rittman

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Rocky River

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Sandusky

13-106. Unlawful transactions in weapons. (A) No person shall: * * * (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 13-105 of the General Offense Code or 2923.17 of the Ohio Revised Code * * *

13-107(A) (1) **same as** 2923.21(A) (1).
13-107(A) (2) **same as** 2923.21(A) (2).
13-107(A) (3) **same as** 2923.21(A) (3).

Scio

549.01 **same as** 2023.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Sebring

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 923.20(A) (5).
549.08 **same as** 2923.21.

Seven Hills

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Shaker Heights

General Offense Code

753.01 Definitions. As used in this chapter:

(A) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(B) "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce In Firearms.

(C) "Dealer" means any person, firm or corporation engaged in the business of selling or trading firearms or firearm ammunition at wholesale or retail within the limits of the City of Shaker Heights, Ohio, whether as the principal business of such person, firm, or corporation, or in addition thereto.

(D) "Resident" means any person who has a place of residence within the limits of the City of Shaker Heights, Ohio.

(E) "Non-resident" means any person who does not have a place of residence within the limits of the City of Shaker Heights, Ohio.

* * * * *

(G) "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 753.04.

(H) "Registration Card" means a Handgun Registration Card issued pursuant to Section 753.05.

* * * * *

753.02 Prohibitions. (A) No person shall sell, purchase, own, possess, transfer, give, deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; * * *.

(B) No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(C) No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(D) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

* * * * *

753.06 Exemptions. (A) The following shall be exempt from the provisions of this Chapter except sub-section (A) of Section 753.02.

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political sub-division, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

(B) The requirement of an Identification Card and Registration Card contained in Sections 753.04 and 753.05 shall not apply:

(1) To a holder of a dealer's license issued pursuant to Section 753.07.

(2) To a non-resident of the City of Shaker Heights who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun; * * *

(3) To a non-resident of the City of Shaker Heights, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of his entry into this City for such purpose; provided that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

* * * * *

(6) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

* * * * *

(8) To a federally licensed manufacturer of handguns.

753.07 Dealer's license (A) Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City shall procure a separate license for each such location. * * * * *

Sharonville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Sheffield Lake

545.10. Sale and possession of firearms and explosives. (a) Definitions. As used in this section:

(1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length.

(3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This subsection is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

(c) Possession restricted. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm within the City.

(3) No person under the age of eighteen shall possess a pistol. The provision of this subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(4) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subparagraph (3) hereof.

(d) Nonserialized pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(e) Sales, transfers and displays regulated. (1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(f) False information prohibited. (1) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (c) (1) and (c) (2) or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Shelby

33-68-1. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, own, possess, receive, have on or about his person, or use any pistol, rifle, shotgun, or other firearm, * * * if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of the State of Ohio or any other state or federal laws, unless said person has received written permission to do so by the Chief of Police of the City of Shelby, Ohio.

33-68-2. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, receive, have on or about his person, or use any firearm while under the influence of alcohol, intoxicating liquor, any narcotic drug, hallucinogen, or other dangerous drug.

33-68-3. No person within the corporate limits of the City of Shelby, Ohio shall purchase, receive, have on or about his person, or use any firearm, if such person is a fugitive from justice or is under adjudication of mental incompetence.

Shiloh

545.01 **same as** 2923.11.
545.06(A) (2) **same as** 2923.20(A) (4).
545.06(A) (3) **same as** 2923.20(A) (5).

Sidney

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Solon

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.

549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

South Euclid

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

672.14. License required for sale of weapons. No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon in the manner hereinafter provided.

672.15. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons specified in Section 672.14 shall make application in writing to the Director of Public Safety, [contact local authorities for required information] * * *

672.18. Permit to buy weapon. No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made therefor to the Chief of Police [contact local authorities for required information] * * *

* * * * *

Springdale

672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Springfield

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

St. Bernard

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

St. Clairsville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Steubenville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.08 **same as** 2923.21.

Stow

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

672.17 Possession and transfer of firearms.

(a) Definitions. As used in this section: (1) "Pistol" means any firearm with a barrel less than twelve inches in length.

(2) "Manufacturer" and "dealer" mean any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(4) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, as listed by the United States Government Justice Department.

(b) Unlawful Possession. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealths, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm in the City.

(3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, the State Militia, or the ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

(c) Manufacturers and Dealers. (1) No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(2) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this section, shall sell any firearm at wholesale or retail within the City.

(3) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization.

(4) When delivered all firearms must be unloaded.

(5) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subparagraph (b)(3) hereof.

(6) Application for a manufacturer's or dealer's license required by subparagraph (c)(2) hereof shall be made to the Director of Public Safety on forms prescribed and furnished by the City. * * * * *

Strongsville

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21..

Tallmadge

71.2.2 Sale of firearms to minors. 1. No person shall sell, order, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shot gun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Terrace Park

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Tiffin

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.

549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Tipp City

140.01 **same as** 2923.11.
140.06(A) (2) **same as** 2923.20(A) (4).
140.06(A) (3) **same as** 2923.20(A) (5).
140.07 **same as** 2923.21.

Toledo

17-13-101. Definitions. As used in Sections 17-13-101 to 17-13-124 of the General Offense Code:

A. "Deadly Weapon" **same as** 2923.11(A).

B. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

C. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

D. "Semi-Automatic Firearm" **same as** 2923.11(D).

E. "Automatic Firearm" **same as** 2923.11(E).

F. "Sawed-off Firearm" **same as** 2923.11(F).

G. "Zip-gun" **same as** 2923.11(G).

H. "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

I. "Rifle" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

J. "Fixed Place of Business" means an established location of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

K. "Unencased" means not enclosed in a case, container, or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

L. "Loaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel, or cylinder, or clip attached thereto.

M. "Unloaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel or projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

N. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm or corporation, or in addition thereto.

O. "Fugitive from Justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

P. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

Q. "Non-resident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

R. "Minor" means any person under the age of twenty-one (21) years.

S. "Explosive device" **same as** 2923.11(H).

T. "Incendiary device" **same as** 2923.11(I).

U. "Dangerous Ordnance" **same as** 2923.11(J).

V. "Dangerous ordnance" **same as** 2923.11(K).

17-13-103. Prohibitions. A. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

B. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug, or drug of abuse.

C. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

D. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17-13-105. Identification Card Required. A. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code. * * *

17-13-106. Exemptions. A. The requirements of a handgun owner's identification card contained in Section 17-13-105 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

1. Any state of the United States, or any political subdivision, department, or agency of either;

2. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

3. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

4. Non-residents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17-13-103 or 17-13-105 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun * * *.

5. Non-residents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

6. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other

JUN 24 1974 UM

fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

7. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty (60) days from the date of their coming into possession any handgun.

8. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States. * * * * *

Section 17-13-107. Further Prohibitions. A. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17-13-105 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

B. No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 17-13-105, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

17-13-108. Dealers License. A. Every firearms dealer in this City shall procure a license to engage in such business * * *.

* * * * *

17-13-120(A) (2) **same as** 2923.20(A) (4).
17-13-120(A) (3) **same as** 2923.20(A) (5).
17-13-122 **same as** 2923.21.

Section 17-13-127. Explosive Devices. A. No person shall make, use, or possess on his person or have under his control a Molotov cocktail, or any other explosive device containing a flammable, combustible or explosive material or substance which can be used as a firebomb either by igniting a fuse and/or breaking the device.

B. Persons engaged in a lawful activity, business, calling, employment or occupation are hereby exempt from the operation of this section. * * *

Tremont

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2933.20(A) (4).
540.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Trenton

135.01 **same as** 2923.11.
135.06(B) **same as** 2923.20(A) (4).
135.06(C) **same as** 2923.20(A) (5).
135.07 **same as** 2923.21.

Trotwood

545.01 **same as** 2923.11.
545.03 **same as** 2923.17.
545.07(A) (2) **same as** 2923.20(A) (4).
545.07(A) (3) **same as** 2923.20(A) (5).
545.08 **same as** 2923.21.

545.15 Sale License, Purchase Permit Required (A) No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, * * * ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapons.

* * * * *

545.20 Records of Sales (A) Any person, firm or corporation who shall sell any firearms, * * * or other weapon, ammunition, explosives or fireworks shall make and keep a permanent written record of such sale. Such record shall contain [information required by local authorities; contact them for required contents] * * * and the signature of the purchaser.

University Heights

626.01. Definitions. As used in this chapter: (a) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody,' conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence within the limits of the City.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(g) "Minor" means any person under the age of twenty-one years.

626.02. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect. However, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving or having on or about his person or using such firearm or ammunition. * * *

626.04. Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun, except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.05. * * * * *

626.05 Exemptions. (a) The requirements of a handgun owner's identification card obtained pursuant to Section 626.04 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state of the United States or any political subdivision, department or agency of either;

(2) Officers or agents of any state of the United States or any political subdivision, department or agency of either, members of the organized militia of any state or the Armed Forces of the United States, or law enforcement officers of any political subdivision, to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Section 626.02 or 626.04 and possess and exhibit upon request such valid permit, authorization or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun * * *The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for only thirty days from the date thereof;

(5) Nonresidents of the City moving into the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms or handguns, and their agents and servants, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

* * * * *

626.06. Further prohibitions; sales; purchases; transfers. (a) No person in the City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.04, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

(b) No person in the City shall sell, deliver, transfer or furnish any handgun to any person in the City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.04 or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

* * * * *

626.07. Dealer's license required. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

* * * * *

672.09. Improperly furnishing firearms to a minor. (a) No person shall:

(1) Sell any firearm to a person under age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one; * * *

Upper Arlington

523.01 **same as** 2923.11
523.04 **same as** 2923.17.

Vermilion

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Wadsworth

529.02. **Sale of firearms.** No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Wakeman

10-101 **same as** 2923.11.
10-106(A) (2) **same as** 2923.20(A) (4).
10-106(A) (3) **same as** 2923.20(A) (5).
10-107 **same as** 2923.21.

Waldo

Section 6: Unlawful Transactions in Weapons. (A) No person shall: * * * * *

2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Article XIV, Section 5 of the General Offense Code or 2923.17 of The Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

SECTION 7 **same as** 2923.21.

Wapakoneta

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

515.01 **same as** 2923.11.
515.06(A) (2) **same as** 2023.20(A) (4).
515.06(A) (3) **same as** 2023.20(A) (5).
515.07 **same as** 2923.21.

545.04. Sale of firearms; dealer's license; purchaser's permit. No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so

* * *. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. Permit required of purchaser. No person shall purchase any pistol, revolver, derringer, * * * or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

* * * * *

Warrensville Heights

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **same as** 2923.18(A), (B) (1), (C), (D), (E), and (F).

672.08. Failure to secure dangerous ordnance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordnance against theft or against its acquisition or use by any unauthorized or incompetent person;

(2) To insure the safety of persons and property.

672.09(a) (2) **same as** 2923.20(A) (4).
672.10 **same as** 2923.21.

741.01 Permit to Dispose of Concealable Weapons No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, * * * or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.09 Sale of Ammunition; Record Required No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

Washington C.H.

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Waterville

510.06. Unlawful transactions in weapons. (A) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 510.05 of the General Offense Code or 2923.17 of the Ohio Revised Code, * * *.

510.07(A) (1) **same as** 2923.21(A) (1).
510.07(A) (2) **same as** 2923.21(A) (2).
510.07(A) (3) **same as** 2923.21(A) (3).

Wellston

131.06. Sale of firearms to minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

West Alexandria

672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

West Carrollton

519.01 **same as** 2923.11.
519.06 **same as** 2923.20(A) (4) & (5).
519.07 **same as** 2923.21.

Westerville

523.01 **same as** 2923.11.
523.06 **same as** 2923.17.
523.08 **same as** 2923.20(A) (4) & (5).
523.09 **same as** 2923.21.

Westlake

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

West Milton

131.06 - Sale of Firearms to Minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, an * * * rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Whitehall

549.01 **same as** 2923.11
549.05 **same as** 2923.17

549.07. Unlawful transactions in weapons. (a) No person shall: (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 549.05, * * *.

549.08(a) (1) **same as** 2923.21(A) (1).
549.08(a) (2) **same as** 2923.21(A) (2).
549.08(a) (3) **same as** 2923.21(A) (3).

549.16. Sale or gift of deadly weapons; license required. (A) No person shall sell or give away to any person within the City any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required by Section 549.17.

549.17. Purchase of deadly weapons; permit required. (A) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

Wickliffe

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.

549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

549.14 Permit to Sell or Purchase Concealable Weapon Required. (a) Permit Required. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver or similar weapon, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Willoughby

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

785.01 License to dispose of concealable weapons. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon * * *.

785.05 Permit to purchase concealable weapons. No person shall purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

Willoughby Hills

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Windham

549.07 **same as** 2923.20 (A) (4) & (5).
549.08 **same as** 2923.21.

Wintersville

771-1: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

771-2: It shall be unlawful for any person to purchase any pistol, revolver, derringer * * * other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

771-3: It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Woodlawn

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Woodville

13-101 **same as** 2923.11.
13-106(A) (2) **same as** 2923.20(A) (4).
13-106(A) (3) **same as** 2923.20(A) (5).
13-107 **same as** 2923.21.

Wooster

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Worthington

549.01 **same as** 2923.11.
549.06 **same as** 2923.20(A) (4) & (5).
549.07 **same as** 2923.21.

Wyoming

672.01 **same as** 2923.11.
672.10 **same as** 2923.17.
672.12 **same as** 2923.18.
672.14(a) (2) **same as** 2923.20(A) (4).
672.14(a) (3) **same as** 2923.20(A) (5).
672.15 **same as** 2923.21.

Xenia

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Yellow Springs

672.01 **same as** 2923.11.
672.05 **same as** 2923.17.
672.07 **adopts** 2923.18.
672.09(a) (2) **same as** 2923.20(A) (4).
672.09(a) (3) **same as** 2923.20(A) (5).
672.10 **same as** 2923.21.

Yorkville

774-1. License required. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of Yorkville, any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed on the person, without securing a license to do so * * *, and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon * * *.

774-5. Application for permit by individual to purchase. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

774-7. American citizenship required for sale or purchase of firearms. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

Sec. 133.04 Possession of firearms by aliens. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. * * *

Sec. 133.05 License to sell weapons required. (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, * * * machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license * * *.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty-one years

any pistol, revolver, derringer * * * or other weapon of like character, which can be concealed.

Sec. 133.09 Weapon purchaser. It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information required by section 133.08 (the name of the purchaser or donee with his address and age, and the purpose given by such person for the purchase of the weapon). It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

Zanesville

549.01 **same as** 2923.11.
549.05 **same as** 2923.17.
549.07(a) (2) **same as** 2923.20(A) (4).
549.07(a) (3) **same as** 2923.20(A) (5).
549.08 **same as** 2923.21.

Oklahoma

State Law

Okla. Stat. Ann.

Sec. 1272. Carrying weapons—Exceptions. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver * * * or any other offensive weapon, except as in this article provided. Provided further, that this Section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this Section be construed to prohibit any use of weapons in a manner otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

Sec. 1273. Selling weapons to minors. It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated, in the two preceding sections.

Sec. 1288. Purchases of firearms, ammunition and equipment in contiguous states by Oklahoma residents—Purchases in Oklahoma by residents of contiguous states. (a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

(b) Residents of a state contiguous to the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in the State of Oklahoma, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury and

Sec. 1289.3 "Pistols" defined. "Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

Sec. 1289.4 "Rifles" defined. "Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Sec. 1289.5 "Shotguns" defined. "Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Sec. 1289.10 Furnishing firearms to mentally incompetent or insane persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Sec. 1289.12 Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice. It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

Ada

395.60. Weapons prohibited to certain persons. * * *. It shall be unlawful for any Licensee under this Chapter to sell, loan or give away any firearm, knife or other dangerous weapon to a minor, a known drunkard, or any person known to be under the influence of intoxicating liquors or drugs, or to any person who is known as an habitual user of drugs, or to any person who is commonly known to be a "police court character", which is defined to be a person who has been convicted of three or more offenses against the ordinances of this City other than traffic offenses in the police court of this City, or to any person known to have been previously convicted of any felony. Before such firearm, knife or other weapon may be sold, loaned or given to any person, such person's identification shall be determined by such Licensee. * * *.

551.B. Furnishing certain weapons to minors unlawful. It shall be unlawful for any person within the City of Ada, Oklahoma, to sell or give to any minor any of the arms or weapons designated in the preceding section.

Bethany

Section 1. Pistol and Revolvers Defined. The word pistol or revolver as used in this ordinance shall be construed as meaning any firearm with a barrel less than 12'' long.

* * * * *

Section 3. Sale to Person Without Permit—Exceptions. No person, firm or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver or like firearm within the City of Bethany to any person who is not a holder of a written permit from the Chief of Police of Bethany authorizing such person to purchase, receive or accept such revolver, pistol or like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police in the manner provided hereafter.

Section 4. Application for Permit. Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the Chief of Police of Bethany upon blanks to be provided therefore * * * [contact local authorities for required contents]

* * * * *

Section 8. Duty of Seller. It shall be the duty of any person, firm or corporation who sells, transfers, or gives away any pistol, revolver or other like firearm, as provided in this ordinance, at the time of such sale, gift, or delivery is made, to require the holder of such permit to deliver the said permit to such person, firm, or corporation who sells, transfers or gives away any pistol, revolver or other like firearm; and it shall be the duty of any such person, firm or corporation who sells, transfers, or gives away any pistol, revolver or like firearm to deliver such permit to the Chief of Police of Bethany, at the time the report of such sale or gift is made, as provided in this ordinance.

* * * * *

Healdton

2. It shall be unlawful for any person to sell to a minor any pistol, revolver, * * * or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. Weapons, selling or giving them to minors. The act of selling or giving to any minor any pistol, revolver, device, * * * or any other dangerous weapon is a public offense.

Hugo

Article 3. Firearms

Sec. 14-40, Pistol permit required. It shall be unlawful and an offense for any person to purchase, receive or accept in any manner any revolver, pistol or other like firearm within the City of Hugo, Oklahoma without first having obtained a written permit from the chief of police of the City of Hugo, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Sec. 14-41. Definition. The word "pistol" or "revolver" as used in this article shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Sec. 14-42. Sale allowed only to permit holders. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Hugo to any person who is not the holder of a written permit from the chief of police of Hugo authorizing such person to purchase, receive or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Hugo in the manner provided hereinafter.

Sec. 14-50. Sale restricted to certain hours. It shall be unlawful and an offense for any person, firm or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver or other like firearm, as defined herein between the hours of five o'clock p.m. and one o'clock a.m.

Jenks

Article 22

* * * * *

Section 11. Sales Permitted—Rules. All persons, trading, selling or offering for sale, any pistol, revolver, * * * * * capable of being carried concealed upon the person shall at the time any such weapons are sold or delivered, require such person receiving or purchasing such weapon to sign an application for the purchase of such weapon, upon blanks to be furnished by the City of Jenks to the dealers in weapons of the above description. [contact local authorities for required contents] * * * The dealer selling such weapon shall also, at the time of sale or delivery, require such person to make and leave with such dealer, a record of such purchaser's finger prints, such prints to be made upon suitable blanks to be furnished to such dealer by the said City of Jenks. It shall be the duty of all dealers handling any of the weapons described in this Section to deliver to the Police Department of Jenks on or before the fifth (5th) day of each month, all such applications and finger print records received by such dealer for all sales and deliveries of such weapons made during the preceding month.

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein, defined between individuals who are not dealers in such weapons; nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

* * * * *

Lawton

Sec. 7-116. Purchase and sale of pistol: Permit required. (a) No person shall purchase, receive, or accept in any manner any revolver, pistol, or like firearm within the City, without first having obtained a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Regular dealers in such articles may accept such articles without a permit.

(b) No person shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City, to any person who is not a holder of a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department in the manner provided hereinafter.

Sec. 7-117. Application for permit. Applications for a permit to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the police department upon forms to be provided therefor. [contact local authorities for required contents] * * *

Sec. 7-118. Persons ineligible for permit; investigation. The police department shall refuse permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state or of the United States, and to all minors, drug addicts, aliens and such other persons as it has reasonable cause to believe are not of sound mind and discretion and of good moral character. * * *

When it has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes the Police Department shall issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty (30) days.

* * * * *

Sec. 7-121. Duty of seller. Any person who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, shall require the holder of such permit to deliver the permit to him, and he in turn shall deliver such permit to the police department at the time the report of such sale or gift is made, as provided in this article.

Sec. 7-122. Purchaser not authorized to carry pistol. Nothing contained in this article shall in any manner be construed as a permit to carry a revolver, pistol, or like firearm contrary to any ordinance of the City or the laws of the State.

Sec. 7-123. Antique pistols exempt from article. Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being fired at the time of sale.

Sec. 7-124. Regular dealers exempt from permit requirement. The provision of this article pertaining to permits for transactions

involving revolvers, pistols, or other like firearms shall not be applicable to transactions solely involving regular dealers in such articles.

* * * * *

Midwest City

Ordinance 258

Section 1. Pistol and Revolver Defined. The word "pistol" or "revolver," as used in this ordinance, shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Section 2. Purchase of Pistol—Permit Required. It shall be unlawful and an offense for any person to purchase, receive, or accept in any manner any revolver, pistol or other like firearm within the City of Midwest City without first having obtained a written permit from the Chief of Police of the City of Midwest City, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Section 3. Sale to Person Without Permit—Exception. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Midwest City to any person who is not the holder of a written permit from the Chief of Police of Midwest City authorizing such person to purchase, receive or accept such revolver, pistol or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police of Midwest City * * *.

Section 11. Sales After 5:00 O'clock Prohibited. It shall be unlawful and an offense for any person, firm, or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm, as defined herein, between the hours of 5:00 o'clock P. M. and 8:00 o'clock A. M.

Moore

Sec. 14-31. Unlawful weapons prohibited. It shall be unlawful for any person to carry upon or about his person any pistol, revolver * * * or any other offensive or defensive weapon, except as herein provided.

Sec. 14-32. Not to sell unlawful weapons to minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in section 14-31.

Muskogee

18-7. Application for purchase of weapons. (a) All persons handling, selling or offering for sale, transferring or delivering any pistol, revolver, * * * or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof to any purchaser or other person receiving such a weapon, require the purchaser or other person receiving the same to sign and swear to an application [contact local authorities for required contents] * * *. The dealer or person selling or delivering any such weapon shall, at the time of the sale or delivery to such purchaser, require that the application have shown thereon, for the purpose of identification, the fingerprints of the purchaser.

(b) It shall be the duty of all persons subject to the provisions of this section to deliver to the police department of the city, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and fingerprints of the purchaser.

(c) The provisions of this section shall not apply to the sale, delivery or transfer of weapons between individuals who are not dealers therein, nor shall the provisions hereof apply to weapons commonly and usually used in hunting game and not capable of being carried concealed about the person.

Oklahoma City

Sec. 21-53. Receipt of pistol; permit required. No person shall purchase, receive, or accept in any manner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

Sec. 21-54. Transfer of pistol to person without permit. (a) Transfer without permit. No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol.

(b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

Sec. 21-59. Transfers of pistols. No person shall purchase, receive or accept in any manner, or transfer any pistol between 5:00 P.M. and 8:00 A.M.

21-62. Antique pistols excepted. Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

21-166. Sale to or possession of weapons by minors. (a) No person under the age of twenty-one (21) years shall carry, discharge, use or be in possession of any firearm, * * * (b) No person shall sell to a minor any of the firearms or weapons named in Subsection (a).

Shawnee

48-3. Sale of weapons to minors prohibited. It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in section 48-1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor.

48-6. "Pistol" and "revolver" defined. The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48-7. Applicability of article. Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48-8. Permit to purchase, receive, etc.—Required. No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48-12. Sale of pistols, revolvers, etc. (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

* * * * *

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

Section 441. Pistol Defined. The term "pistol" as used herein shall mean and include any firearm with a barrel or barrels less than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury, but not including flare guns or blank pistols.

Section 442. Rifle Defined. The term "rifle" as used herein shall mean any firearm with a barrel or barrels more than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury; but shall not include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Section 443. Shotgun Defined. The term "shotgun" as used herein shall mean and include any firearm with a barrel or barrels more than eighteen (18) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury. Any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Section 452. Firearms - Furnishing to Convicted Felons, Incompetents or Persons Under the Influence of Alcohol or Drugs. It shall be unlawful for any person to knowingly sell, trade, give, transmit, or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, individual under the influence of alcohol or drugs or who is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this Section prominently in full view at or near the point of normal firearm sale, trade or transfer.

Section 453. Firearms—Furnishing to Incompetents or Insane Persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Section 456. Weapons - Selling to Minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in Section 455 (pistol, revolver).

Section 460. Weapons - Sale Procedure. All persons trading, selling or offering for sale any pistol, revolver, shotgun or weapon, as defined in this Chapter, capable of being carried concealed upon the person shall, at the time same are sold or delivered require the person receiving or purchasing same to sign an application for such purchase upon blanks to be furnished by the City of Tulsa Police Department to dealers. [contact local authorities for required contents] * * *. The dealer shall, at the time of sale or delivery, require purchaser to make and leave with such dealer, a record of such purchaser's fingerprints which shall be made on suitable blanks furnished to dealer by the City of Tulsa Police Department. * * *

The provisions of this Section shall not apply to the sale or transfer of pistols, revolvers, shotguns or weapons between individuals who are not dealers in same; nor to their sale when used in hunting game and which are not capable of being carried concealed upon the body of the person carrying same.

Vinita

Sec. 14-58. Selling weapons and cartridges and dangerous articles to minors. It shall be unlawful for any person to sell, barter, give or furnish to any minor, any blank or loaded cartridges, or any pistol, revolver, toy or other thing made for the purpose of exploding any blank or loaded cartridges.

* * * * *

Oregon

State Law

Ore. Rev. Stat.

164.055 * * *(b) **"Firearm"** means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

* * * * *

166.210 Definitions for ORS 166.230 to 166.470. As used in ORS 166.230, 166.250 to 166.270, 166.280, 166.290 and 166.410 to 166.470:

(1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250 Unlawful possession of weapons. (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260 Persons not affected by ORS 166.250. ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

JUN 23 77 UM

166.270 Aliens and convicts forbidden to possess arms. Any unnaturalized foreign-born person or any person who has been convicted of a felony against the person or property of another or against the Government of the United States or of this state, or of any political subdivision of this state, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person, or machine gun, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained.

* * * * *

(2) The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign, his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor.

* * * * *

166.430 Licenses to sell at retail. Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed where it can easily be read by the customer.

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

(b) The purchaser either is personally known to the seller or presents clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in or on any part of the premises where it can readily be seen from outside the premises.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 Unlicensed persons selling or advertising for sale concealable firearms. Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.460. Antique firearms excepted. ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470 Limitations and conditions for sales of concealable firearms. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480 Sale or gift of explosives and firearms to children. Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490 Purchase of firearms in certain other states. (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(4) This section expires and stands repealed upon the date that section 922(b) (3) of the Gun Control Act of 1968 (18 U.S.C. 922(b) (3)) and regulations pursuant thereto are repealed or rescinded.

480.070 Fire bombs prohibited; exceptions. (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

(2) This section shall not prohibit the authorized use or possession of such fire bomb by a member of the Armed Forces of the United States or by any member of a regularly organized public fire or police department.

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor. * * *.

Eugene

3.440 Weapons - Conditions of License. Every license issued to a business dealing in deadly weapons or firearms is issued upon the following terms and conditions:

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver, or otherwise transfer a weapon to a minor under the age of 18 years.

* * * * *

(f) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped, unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Fossil

79-2. Unlawful to sell firearms, etc. That hereafter it shall be unlawful for any person or dealer in the Town of Fossil to sell, expose, or offer for sale, or in any manner furnish or dispose of to any resident of the Town of Fossil, or to any person for use in said Town, or to any minor person at any time, any blank cartridge pistol or revolver, or any blank cartridges, or any of the explosives, firecrackers, or fireworks, the use of which is prohibited in Section 1 of this Ordinance.

Gresham

Section 1. On and after October 1, 1968, it will be necessary for any person, firm, or corporation to do business within the city of Gresham for the sale of firearms, particularly pistols, revolvers, and other firearms, to secure an annual city license for the sale of such firearms. Any license issued shall be subject to the conditions as set forth herein and said license shall be subject to revocation should the license department of the city of Gresham find any violation of the provisions of this ordinance. All licenses issued for the sale of firearms shall be subject to the following conditions:

1. Business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

3. No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen.

5. When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

* * * * *

Klamath Falls

Chapter 47

Article IV. Teargas, etc., Guns.

Sec. 47-13. Sale, offering for sale, etc., prohibited. No person shall sell, offer for sale or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids to blind or impair the eyesight or sicken or disable a human being. Such gun or device is hereby declared to be a dangerous weapon.

Myrtle Creek

5-6.5. (e) Sales to intoxicated persons and minors. No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Oregon City

6-4-1: **Definitions:** (A) As used in this Chapter, "firearm" means a pistol, revolver, gun, rifle or other ordnance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air. * * * * *

(C) "Deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

6-4-7: **Sale or Distribution of Miniature Firearms and Ammunition:** It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the City.

6-4-9: **Sale or Distribution of Deadly Weapons or Ammunition to Minors; Possession By Minors:** It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen (18) years of age any deadly weapon as defined in 6-4-1, and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any deadly weapon as defined in 6-4-1; and it is unlawful for any such minor to have any such deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a deadly weapon or ammunition in his or her possession, except that in the case of concealable deadly weapons, such as pistol or revolver, it is unlawful to sell these weapons to anyone under the age of twenty-one (21) years.

6-4-10: **Licenses to Sell At Retail:** Licensing authorities of Oregon City may grant licenses in form prescribed by the Attorney General of the State of Oregon, effective for not more than one year from date of issue, permitting the licensee to sell at retail within Oregon City pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture: * * * * *

(C) Before any pistol or revolver shall be delivered:

1. One hundred twenty (120) hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

2. The purchaser either is personally known to the seller or presents clear evidence of his identity. * * * * *

6-4-11: **Unlicensed Persons Selling * * * Concealable Firearms:** It is unlawful for any person, without being licensed as provided in 6-4-10, to engage in the business of selling or otherwise transferring, * * * any pistol, revolver or other firearm capable of being concealed upon the person.

Portland

14.32.030 Gas bombs. (a) As used in this section, "gas" includes all liquid, gaseous or solid substances intended to produce temporary physical discomfort, permanent injury or a noxious odor by being vaporized or otherwise dispersed in the air.

(b) It is unlawful for any person to possess or transport in the city any form of shell, cartridge or bomb containing and capable of emitting gas, or any weapon designed for using such shell, cartridge or bomb.

(c) This section does not apply to peace officers or members of the armed forces of this state or of the United States when possessing or transporting such shells, cartridges or bombs for official use.

14.32.040 Explosives and fire bombs. (a) As used in this section:

(1) "Explosives" means any substance or material that on ignition by heat, impact, friction or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.

(2) "Fire bomb" means a breakable container containing a flammable liquid or jelly with a flash point of 150 degrees Farenheit or less, that is capable of being ignited by an integral wick or similar device or that is capable of being ignited if the container is broken by impact, but no device commercially manufactured primarily for the purpose of illumination shall be deemed a fire bomb.

(c) It is unlawful for any person, other than a peace officer or a member of the armed forces of this state or of the United States, to use, possess or have under his control an explosive or fire bomb.

(d) This section does not apply to the possession of explosives or fire bombs otherwise authorized by this code or Oregon law.

* * * * *

Springfield

8-20-1 Definition. A weapons dealer is any person engaged in the business of selling or offering for sale at retail rifles, pistols, revolvers, derringers, or other weapons or firearms of like character.

* * * * *

8-20-2 Licenses. It shall be unlawful for any person to engage in a business as a weapons dealer without first having obtained a license from the city recorder to do so.

8-20-5 **Condition of License.** Every license issued to a business dealing in weapons is issued upon the following terms and conditions: * * *

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver or otherwise transfer a weapon other than a shotgun or rifle to any person who is under the age of 21 years, nor a shotgun or rifle to any person who is under the age of 18 years, nor any weapon to any person who is intoxicated or under any obvious abnormal mental condition. * * *

(f) No pistol or revolver or other firearms capable of being concealed on the person shall be delivered sooner than 120 hours after the application for the purchase and, when delivered, shall be unloaded and securely wrapped. * * *

Pennsylvania

State Law

Pa. Stat. Ann. (Purdon's)

Uniform Firearms Act
Title 18

Sec. 908. Prohibited offensive weapons. (a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells or otherwise deals in, uses, or possesses any offensive weapon.

(b) **Exception.** —It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negativing any intent or likelihood that the weapon would be used unlawfully.

(c) **Definition.** —As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge * * * or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Sec. 6102. Definitions. Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Firearm." Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"Crime of violence." Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

Sec. 6105. Former convict not to own a firearm, etc. No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

Sec. 6110. Persons to whom delivery shall not be made. No person shall deliver a firearm to any person under the age of 18 years, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Sec. 6111. Sale of firearms. (a) Time and manner of delivery.—No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) Statement to be signed by purchaser.—At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of the place of business of the seller, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Commissioner of the Pennsylvania State Police, the triplicate he shall retain for six years, and the quadruplicate with the proper signature and address of the seller shall, within six hours after such application, be forwarded by registered or certified mail to the chief or head of the police force or police department of the city or to the sheriff of the county of which the buyer is a resident.

(c) Exemption.—This section shall not apply to sales at wholesale.

Sec. 6112. Retail dealer required to be licensed. No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as provided in this subchapter.

Sec. 6113. Licensing of dealers. (a) General rule. —The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 of this title (relating to sale of firearms), for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111 of this title.

* * * * *

Sec. 6115. Loans on, or lending or giving firearms prohibited. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

Sec. 6116. False evidence of identity. No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

Sec. 6117. Altering or obliterating marks of identification. (a) Offense defined.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) Presumption.—Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

Sec. 6118. Antique firearms. This subchapter shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

Sec. 6120. Limitation on municipal regulation of firearms. (a) General rule.— No county, municipality or township may in any manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of this commonwealth.

(b) Definition —For the purposes of this section, the term "firearms" shall not include "air rifles" as defined in section 6304 (relating to sale and use of air rifles).

Sec. 6141. Purchase of firearms in contiguous states. (a) General rule.—It is lawful for a person residing in this Commonwealth, including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

(b) Applicability of section.—(1) This section applies to residents of this Commonwealth who obtain rifles or shotguns from a state contiguous to this Commonwealth in compliance with the Gun Control Act of 1968, State laws and local ordinances.

(2) This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by Federally licensed firearms manufacturers, importers, dealers or collectors.

(c) Definitions.—(1) As used in this section the term "a state contiguous to this Commonwealth" means any state having a common border with this Commonwealth.

(2) The other terms used in this section shall have the meanings ascribed to them by Public Law 90-618 known as the "Gun Control Act of 1968."

Sec. 6302. Sale or lease of weapons and explosives. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

6303. Sale of starter pistols. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.—Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

7306. Incendiary devices. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "molotov cocktail."

(b) Exception.—The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

(c) Definition.—As used in this section the phrase "incendiary device," means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

Mental Health—Retardation
Title 50

Sec. 4605. Penalties. The following acts are hereby declared to be crimes and any person found guilty thereof shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000), or to undergo imprisonment not exceeding one year, or both, except that if such acts shall be committed by a corporation, partnership or association, the officers and directors of such corporation or the members of such partnership or association, its agents and employes who knowingly participated in such acts shall also be guilty of a misdemeanor and upon conviction thereof, shall be punished as hereinbefore provided: * * *

(2) It shall be unlawful for anyone to directly or indirectly, sell, give or furnish to any person admitted, committed or detained in a facility, any weapon or other instrument which may be used to inflict injury unless the instrument is a tool of the activity in which the person has permission to engage.* * * * *

Abington Township

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle * * * of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

California Borough

4-4. Sales to intoxicated persons and minors. No person in the Borough shall sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to minor under the age of 18 years.

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or discharge and/or to use or discharge within the limits of the Borough of Clifton Heights any * * * pistol, starter guns, blank guns, * * *. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer therein.

Geistown Borough

B. Handguns to be Stored in a Safe. Any person, proprietor, owner, partner, or officer of any corporation, of any store or place of business located within the Borough of Geistown, who sells or has for sale any hand guns of any brand, make or description, shall provide a proper safe for the storage of said hand guns during the hours in which the store or place of business is not open for business; and said persons shall be charged with the duty and responsibility of seeing that said hand guns shall be placed in said safe during the hours when the store or place of business is not opened for business.

C. Approval of Safe. The required safe shall be of such size, capacity and nature so as to reasonably prevent larceny of said hand guns and shall be approved by the Chief of

JUN 23 77

Police of Geistown Borough and same shall be subject to inspection by the Chief of Police from time to time.

Harrisburg

771.01 Possession of Firearms by Minors. No minor under the age of eighteen years shall have in his possession, except in his place of residence, any firearm, flobert rifle, * * * or any implement which impels with force a metal pellet of any kind, unless such minor is accompanied by an adult.

Lower Moreland Township

3. Sale of Certain Weapons to Persons Under Age of 18 Prohibited. It shall be unlawful for any person within the Township of Lower Moreland knowingly and wilfully to sell or cause to be sold, to any person under the age of eighteen (18) years, any rifle, air rifle or air gun, pistol or firearm of any description.

4. Persons Under Age of 18 not to Purchase or Possess Certain Ammunition or Pellets; Exception. It shall be unlawful for any person under the age of eighteen years, unless acting under the supervision of and in the presence of his or her parent or guardian, within the Township of Lower Moreland, to purchase or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm.

5. Restrictions on Sale or Furnishing of Ammunition or Pellets to Persons Under Age of 18. It shall be unlawful for any person within the Township of Lower Moreland to sell, furnish or give any * * * ammunition for a rifle or other firearm to any person under eighteen years of age, unless such minor receiving such shot, pellets or ammunition shall be accompanied by and shall act under the supervision of his or her parent or guardian.

6. Penalty for Violation of Provisions on Weapons and Ammunition. Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars and costs of prosecution and in default of payment of such fine and costs, to imprisonment for not more than thirty days.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell * * * guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

McKeesport

1. * * * it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, * * *

2. It shall be unlawful for any person or persons, firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Monongahela

Section 1. * * * no license or permit shall be granted to any person or persons for the purchasing transfer or bartering of revolvers and pistols in the City of Monongahela until and unless the purchaser shall have been finger-printed by the Chief of Police or officer designated by the Mayor for that purpose, and shall have furnished to said Chief of Police or designated officer a recent photograph of himself, of a size as prescribed by Chief of Police, and such description of himself as may be necessary adequately to describe said person, which said data and Bertillion measurements shall be kept as a record by the Police Department.

Mt. Lebanon Township

3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township. * * *

Mt. Oliver Borough

5. No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, * * * bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

Philadelphia

10-814. Acquisition or transfer of firearms. (1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section:

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

9-606. Ammunition. (2) Definitions. In this Section, the following definitions apply: (a) Ammunition. Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) Minor. Any person under the age of 18 years.

(3) Prohibitions. (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: * * *

(b) No person shall sell, give or deliver any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) Licenses. (a) No person shall sell any ammunition unless he first receives a license from the Department.

Rockledge Borough

Ordinance 380

Sec. 9 * * * It shall be unlawful and it is hereby prohibited for any person or persons, firm or corporation to sell, offer or expose for sale within the limits of the Borough of Rockledge, to any minor child under the age of eighteen (18) years, any gun, rifle, pistol (whether revolver or automatic) or any other type of firearm.

Ross Township

Section 3. Every person, firm or corporation, engaged in selling or offering for sale, within the limits of the Township of Ross, any fire-arm * * * shall accompany each such sale with a copy of * * * Ordinance No. 937.

Scranton

1. * * * it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) * * * or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor * * * to the Superintendent of the Bureau of Police [contact local authorities for required contents] * * *

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin

Sec. 52-4. Purchase, sale or discharge of fireworks, etc., prohibited; exception. From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any * * * guns, pistols, or other firearms * * * of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Slatington Borough

Ordinance 368

It shall be unlawful for any person or persons, firm or corporation within the corporate limits of the Borough of Slatington, Pennsylvania, to possess, deliver possession of, sell or discharge firearms, * * * or any other dangerous combustible material unless permission of the Mayor therefore is first procured in writing.

Springfield Township

Sec. 48-5. Sales to minors. It shall be unlawful to knowingly and willfully sell or cause to be sold, or supply or furnish to any minor person any rifle * * * or ammunition or pellets for the same * * * or shotguns, guns or any firearm or weapon from which a shot or other object is discharged, in the Township of Springfield.

Stowe Township

Ordinance A-458

* * * * *

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol * * *, unless they, or it, shall have first received a written license so to do. * * *. * * * No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Swissvale Borough

1464-3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579-2. Every prospective purchaser of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

39.2. Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, * * * or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred ($100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail for a period not exceeding thirty (30) days.

West Conshohocken Borough

Sec. 54-3. Possession of firearms for sale restricted. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to transfer, store, sell, offer or expose for sale or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken unless duly licensed according to law.

West Pottsgrove Township

Sec. 13-7. Sale of deadly weapons, etc., to minors under sixteen prohibited. It shall be unlawful for any person to knowingly and wilfully sell or cause to be sold, to any person under sixteen (16) years of age, any deadly weapon, or knowingly or wilfully to sell or cause to be sold to any such minor any cartridge, gun powder or other dangerous and explosive substance.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

Wyomissing Borough

578-1(c) Dealing with Minors and Certain Other Persons. [No person in the Borough shall:] Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Puerto Rico

Laws of P.R. Ann.

Title 25

Chapter 51—Weapons

* * * * *

413. Sale or transportation of machine guns. Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. Possession of machine gun or sawed-off shotgun. Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases or any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

Sec. 416. Possession of pistol or firearm without license. Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any of such offenses, shall be guilty of a felony.

Sec. 420. Possession or sale of silencer. Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard nor to the members of the armed forces of the United States.

Sec. 421. Serial number or name of owner on firearm—Removal or defacement. Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

Sec. 425. License to possess firearms; weapons for farmers. The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

Sec. 427. Grounds for refusing to issue license. The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247-1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

Sec. 428. Qualifications of applicant; character, fingerprints. The Chief of Police of Puerto Rico shall not issue licenses to have and possess a firearm unless the said officer is satisfied that the applicant is a person of irreproachable conduct, of good moral repute, that his fingerprints have been duly taken and/or checked with the archives of the police, and unless, in the judgment of the said officer, no reason exists to deny such application.

Sec. 430. Persons who may lawfully carry weapons. (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

(c) No person shall be authorized to carry firearms under subdivision (b) of this section if such person is not authorized to own and possess firearms under sections 425, 426, 427, 428 and 429 of this title.

(d) The provisions of this section shall not be interpreted as authorizing the use of firearms in violation of the law.

Sec. 432. License to sell or deal in firearms and ammunition; report of transactions. (a) No person may engage in the business of gunsmith or dealer in firearms and ammunition without having a license therefor issued by the Secretary of the Treasury, upon favorable report of the Police Superintendent of Puerto Rico.

* * * * *

(b) The provisions of subdivision (a) above shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico.

(c) Each transaction referring to the introduction, or to the sale of firearms and ammunition between dealers, shall be reported to the Secretary of Justice and to the Chief of Police of Puerto Rico in blanks which the latter shall provide, and the name, domicile, place of business, and the particulars of the license, both of the vendor and vendee, as well as the quantities and descriptions of the weapons or ammunition the object of each transaction, shall be set forth therein, as required by the Chief of Police of Puerto Rico.

(d) Any dealer in firearms and ammunition who holds a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Register under the provisions of subdivisions (a), (b) and (d) of section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subdivision, both the vendor and the vendee shall give notice thereof in writing to the Chief of Police, and the former shall deliver to said officer his license to have and possess a firearm. The sale of a firearm under the provisions of this subdivision shall not prevent the vendor from obtaining a new license to have and possess a firearm in accordance with this chapter.

Sec. 434. Qualifications of dealer applicant. No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States.

Sec. 436. Conditions for dealers' operations; records of transactions. Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

1. The business shall be operated only on the premises specified in the license.

2. The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

4. A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, on books devoted to this purpose which shall be printed in the manner prescribed by the Chief of Police of Puerto Rico, and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other; and such record shall set forth [such information as is required under the laws of Puerto Rico; contact authorities for requirements] * * * Said record shall also set forth if the buyer is personally known to the vendor, and in case he should not be, the manner in which the buyer accredited his identity. * * *

* * * * *

7. Any dealer in firearms or ammunition to whom a license may have been issued under the provisions of this section, who fails to keep the records and books herein required, or who fails to demand the presentation of a license to have and possess a firearm in cases where the presentation of such license is required by this chapter, shall be guilty of a misdemeanor; and when such dealer in firearms or ammunition sells or delivers a firearm to any person to whom a license to have and possess a firearm in accordance with the provisions of section 425 of this title has not been issued, shall be guilty of a felony. * * *

Sec. 437. Acquisition of weapons by persons authorized in section 430. The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

Sec. 438. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase, and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

Sec. 445. Hunting and target shooting arms excepted. The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

Sec. 446. Collections of antique weapons; certificates of uselessness. No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornamenta or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

Sec. 454. Definitions. For the purposes of this chapter, the phrases and terms herein-

JUN 23 77

after listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

* * * * *

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in Firearms or Ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(h) "Merchant" means any person, firm, corporation or partnership who engages on premises open to the public, which are not the residence of anyone, in the sale of merchandise and articles the object of lawful commerce between men.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

Chapter 57—Revolvers, Pistols, etc.

541. Concealed weapons and instruments. It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. Exceptions. Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

Chapter 111—Controlled Substances

Sec. 2516. Driving vehicles; carrying firearms. No person who has been convicted of a felony under this chapter or of any law of the United States or of any state in connection with narcotic drugs, marijuana, depressant or stimulant substances, as well as of any foreign country and any person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to drive any kind of motor vehicle nor to hold, possess or carry firearms for a term of five (5) years from and after the serving of the sentence imposed by said conviction or after the date of the declaration. Officers or public employees in charge of the issuance of said licenses shall be prevented from extending them, whenever any of the circumstances expressed above may concur in the applicant for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs shall immediately be cancelled by the corresponding authority.

Notwithstanding the prohibitions contained in this section, the Secretary of Health may, upon request of an interested party, render ineffective the prohibition that a license to drive a motor vehicle be issued to one of such persons, provided it is shown to his satisfaction that said person is reasonably rehabilitated and that the license request is necessary so that such person may lawfully carry out his work or trade.

The presentation of the certificate from the Secretary of Health relieving a person from the prohibition of possessing a license to drive a motor vehicle shall relieve from responsibility the employee or officer issuing it.

Rhode Island

State Law

Gen. Laws of R.I.

11-47-2. Definition of terms. When used in Secs. 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

"Sawed-off shotgun" shall mean any shotgun with overall length of less than twenty-six (26) inches and/or barrel length of less than eighteen (18) inches.

"Sawed-off rifle" shall mean any rifle with overall length of less than twenty-six (26) inches and/or barrel length of less than sixteen (16) inches.

"Antique firearm" shall be defined as that term is defined under the provisions of Title 18, United States Code, Subsection 921, entitled Definitions.

* * * * *

11-47-5. Possession of arms by person convicted of crime of violence or who is a fugitive from justice. No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm. Every person violating the provisions of this section shall upon conviction, be punished by imprisonment for not less than two (2) nor more than ten (10) years; and for penalties provided in this section he shall not be afforded the benefit of suspension or deferment of sentence nor of probation.

11-47-6. Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard. No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s).

Any person affected by the provisions of this section, in making application for the purchase of said firearms and in executing said application thereby voluntarily waives his right to refuse or refrain from disclosing any confidential information, including but not limited to any information arising from the physician-patient relationship, pertinent to a determination by the proper authorities regarding the approval or disapproval of this application. Any person affected by the provisions of this section, in making application for the purchase of said firearms and in executing said application, further agrees to allow the proper authorities to investigate any and all medical records of said applicant pertinent to a determination by said authorities regarding the approval or disapproval of this application. In the event that said application is approved and if said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. Possession of pistol or revolver by alien. No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11-47-8. License required for carrying pistol—Possession of machine gun. (a) * * * * * No person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one (1) nor more than five (5) years and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor of probation.

(b) No person shall have in his possession or under his control any sawed-off shotgun or sawed-off rifle as defined in section 11-47-2. Any person convicted of violating this subsection shall be punished by imprisonment for up to ten (10) years or by a fine of up to five thousand dollars ($5,000), or both, and for any subsequent conviction.

11-47-9. Persons exempt from restrictions. The provisions of Sec. 11-47-8 shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, capitol police and railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, nor to members of the army, navy, air force, marine corps of the United States, the national guard, or organized reserves, when on duty, or to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided such members are at or are going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he is employed by the United States; provided, however, that the commanding officer of such military establishment shall have on file with the attorney general of this state a list of the names and addresses of all such civilian guards and criminal investigators so authorized; nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded and securely wrapped from the place of purchase to his home or place of business, or in moving goods from one place of abode or business to another. Persons exempted by the provisions of this section from the provisions of Sec. 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, however, that this shall not be construed as giving the right to carry concealed firearms to a person transporting concealable firearms as merchandise or as household or business goods.

* * * * *

11-47-14. Permits to banks and carriers. The attorney-general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.

* * * * *

11-47-19. Machine gun manufacturers' permits. The attorney-general may issue to

JUN 23 77 UM

any person, firm or corporation engaged in manufacturing in this state, a license or permit to manufacture and sell machine guns and any or all machine gun parts under such regulations as the attorney-general may prescribe.

11-47-20. Sale or possession of silencers. It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one (1) year and one (1) day.

11-47-21. Restrictions on possession or carrying of explosives or noxious substances. Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bombshell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11-47-25. Antique firearms and collections. Sections 11-47-1 to 11-47-56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms utilized and maintained for educational, scientific or any similar purpose without intent to use such firearms.

11-47-30. Sale of firearms to minors. It shall be unlawful within this state for any person to sell any firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-31. Sale of ammunition to minors. It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-33. Possession of firearms by minors. It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in Sec. 11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. Firearms permits to minors. The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie evidence of such person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11-47-35. Sale of concealable weapons. No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver. (Form deleted)

11-47-37. Sale to minors and others forbidden. No person shall sell a pistol or revolver to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of sections 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

11-47-38. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as hereinafter provided.

Central Falls

17-23. Weapons—Possessing, harboring, etc. No person shall own, possess, harbor, carry or in any manner use or exercise control of any so-called actually or inherently dangerous weapon or instrumentality, such as a * * * rifle, gun, musket, blunderbuss, fowling piece, pistol, * * * or any contrivance arranged to discharge shot, bullets, arrows, darts, shells or other missiles in the limits of the city, except by special permission of the city council upon the recommendation of the chief of police, who shall prescribe such rules and regulations as each case may require. The city council shall exercise their discretion in each case and shall decide accordingly having in mind the best interests of the populace at large, and more particularly so during any war period.

17-25. Same—Sale to minors. No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

Sec. 20-12. Same—Sale of rifle, pistol, etc., to minors. No person shall sell or offer to sell any rifle, gun, pistol, * * * to any person under the age of eighteen years.

South Carolina

State Law

Code of Laws of S.C.

15-1388. Selling, etc., weapons to minors. If any person shall knowingly sell, offer for sale, give or in any way transfer to a minor any pistol or pistol cartridge, * * * he shall be guilty of a misdemeanor. Any person being the parent or guardian of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of or use in any manner whatever any gun, pistol or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Article 3.

Section 16-121. When used in this article:

(a) The words 'machine gun' apply to and include any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) 'Sawed-off shotgun' means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than eighteen inches in length.

(c) 'Shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(d) 'Sawed-off rifle' means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

(e) 'Rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(f) 'Antique firearm' means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 16-122. It shall be unlawful for any person in any manner to transport from one place to another in this State or for any railroad company, express company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in Sections 16-125 and 16-126, any machine gun or firearm commonly known as a machine gun, sawed-off shotgun or sawed-off rifle.

Section 16-123. It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle, except as provided in Sections 16-125 and 16-126.

Section 16-124. It shall be unlawful for any person to sell, rent, give away or participate in any manner, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle.

Section 16-125. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

Section 16-126. Every person permitted by Section 16-125 to possess a machine gun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law Enforcement Division on a blank to be supplied by the Division on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun, or sawed-off shotgun or sawed-off rifle, which he possesses or desires to possess. Thereupon, the State Law Enforcement Division shall file such application in its office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun or sawed-off shotgun or sawed-off rifle in his possession. Such registration shall be made on the date application is received and filed with the State Law Enforcement Division and shall expire on December thirty-first of the year in which the license is issued.

Section 16-127. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not more than ten thousand dollars or be imprisoned not more than ten years, or both."

Article 3.1.

Pistols.

16-129. Definitions. When used in this article:

(a) Pistol means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidenta), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

JUN 23 77 UM

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term 'Division' shall mean the State Law Enforcement Division.

(h) The term 'purchase' shall mean to knowingly buy, offer to buy, receive, lease, rent, barter or exchange."

* * * * *

16-129.2. Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

16-129.3. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

16-129.3:1, Purchase of pistol. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the Division shall contain the applicant's (1) name; (2) residence and business address; (3) date and place of birth; (4) social security number; (5) South Carolina driver's license number or South Carolina Highway Department Identification Card Number; (6) physical description; (7) fingerprint card and photograph of applicant if applicant does not have items (4) and (5); (8) a signed sworn statement by the applicant that he is not within any classification set forth in items (a), (b), (c) or (d) of 16-129.2 of this act, and that he has not purchased a pistol within the previous thirty days; (9) the signatures of applicant and the dealer; (10) and such other personal identifying information as may be required by the Division.

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; provided, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol upon his sworn affidavit to the chief of police or his designated agent of the municipality in which the applicant resides or if the applicant resides outside the corporate limits of a municipality to the sheriff or his designated agent of the county in which the applicant resides citing these facts and reasons why he cannot wait for a thirty-day period to purchase a pistol. The special permit shall contain such information as required by the Division and shall be on a form furnished by the Division. The issuing officer shall retain a copy of the permit and forward a copy to the Division.

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this article, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Upon proper completion of the application the dealer shall submit the original application to the Division, retain a copy for his records, and give a copy to the applicant upon his purchase of a pistol. The application to be submitted to the Division must be accompanied by a firearm transaction record properly completed by the purchaser and the dealer.

16-129.4 Issuance of retail dealer's license; duration; conditions; forfeiture. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this act. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

(a) The license or a copy thereof, authenticated by the issuing authority, shall at all times and places of sale be available for inspection or displayed where it can easily be read.

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. A separate firearm transaction form shall be completed for each pistol sold, a copy of which must be submitted to the Division as provided in Section [16-129.4:1]. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

(d) The fee for issuance of such licenses shall be one hundred dollars.

(e) Each applicant for a license shall post with the Division a bond in favor of the State with surety in the amount of ten thousand dollars. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this State and conditioned that the principal named therein shall not do any act meriting suspension or revocation of his license under provisions of this act. In lieu of a bond, a cash deposit or a deposit of other securities acceptable to the Division of a value of ten thousand dollars shall be accepted. Any person aggrieved by any act of the principal named in such bond may in an action against the principal or surety therein, or both, recover damages. The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of such bond. The surety on the bond shall have the right to cancel such bond giving thirty days' notice to the Division and thereafter shall be relieved of liability for any breach of condition after the effective date of the cancellation.

(f) A breach of any of the above conditions or violations of any provisions of this act by a dealer, or the giving of false information by a licensee on an application for purchase or transfer shall result in forfeiture of license, but the licensee shall be entitled to reasonable notice and proper hearing in the circuit court of the county in which he is licensed.

16-129.5. Giving false information in applying for license. No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

16-129.6. Mortgage or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

16-129.6:1. Certain pistols may not be sold. No licensed retail dealer shall possess in his place of business or sell any pistol or other handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees farenheit.

Any pistol or other handgun possessed or sold in violation of this act is declared to be contraband and shall be forfeited to the State. Such weapons shall be destroyed by the State Law Enforcement Division upon order of the circuit court or other court of competent jurisdiction issued upon petition of the Division in a proceeding which may be ex parte if the whereabouts of the owner of such weapon is unknown, but which shall be upon ten days notice to the owner thereof if his whereabouts is known.

16-129.7. Penalty for violation of article; disposition of fines; forfeiture of pistols. Any person including a dealer violating any of the provisions of this [article] shall be deemed guilty of a felony and upon conviction shall be fined not more than two thousand dollars or be imprisoned for not more than two years, or both.

When a violation occurs within a municipality the fines collected shall be delivered to the municipality by the clerk of court. If the violation occurs outside a municipality, the fines shall be delivered to the county treasurer.

Any person convicted of violating the provisions of this [article], in addition to the penalty provided herein, shall have the pistol involved in such violation confiscated. Notwithstanding any other provisions of law, such pistol shall be delivered to the chief of police of the municipality or to the sheriff of the county, if the violation occurred outside the corporate limits of a municipality. The law enforcement agencies that receive the confiscated pistols shall use them within their department, transfer them to another law enforcement agency or destroy them. Records shall be kept of all confiscated pistols received by the law enforcement agencies under the provisions of this [article].

* * * * *

16-148. Manufacture or possession of article designed to cause damage by fire or other means to person or property. No person shall manufacture, cause to be manufactured, or possess any object or article which is designed to cause damage by fire or any other means to person or property either by ignition, detonation or other means, and further, no person shall possess any object or article when such object or article is possessed solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation or other means. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined or imprisoned at hard labor or both, in the discretion of the court.

* * * * *

66-581. Purchase in contiguous state. Any resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; provided, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Aiken

Article I. Pistols and Other Weapons

Sec. 14A-1. Definitions. When used in this article:

(a) *Pistol* means any firearms designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term *dealer* means any person regularly engaged in the business of selling firearms at retail.

(c) The term *crime of violence* means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any of the aforesaid offenses.

(d) The term *fugitive from justice* means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term *subversive organization* means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, the State of South Carolina, or the City of Aiken, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term *conviction* as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

Sec. 14A-3. Sale to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, deliver, lease, rent, barter, exchange or transport for sale into this city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one (21), but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this city.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 14A-4. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

Sec. 14A-5. Issuance of retail dealer's license; * * * conditions: The clerk of the city shall grant a license to any person doing business in the city not ineligible under the provisions of this article * * * permitting the license to sell pistols at retail within this city subject to the following conditions, for breach of any of which the license shall be forfeited:

* * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the city attorney, and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the City of Aiken] * * * and a statement signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization * * *.

Sec. 14A-7. Mortgage or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge of a

pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

Anderson

35-7. **Definitions.** For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Conviction. The term "conviction" shall include pleas of guilty, pleas of nolo contendere and forfeit of bail.

Crime of violence. Murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape; or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

Dealer. Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice. Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol. Any firearm designed to expel a projectile from a barrel less than twelve inches in length, but such term shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

35-9. **Sale, etc., to certain persons prohibited; possession by such persons.** It shall be unlawful for any persons to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of armed forces of the United States, active or reserve, national guard, state militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in subsections (a), (b), (c), or (d) of this section to possess or acquire pistols within this state.

35-10. **Purchase, sale, possession, etc., of stolen, etc., pistol.** No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

35-11. **Retail dealer's license—required.** No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by this article.

35-13. **Same—Giving false information to secure, etc.** No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

Andrews

10-14. **Pistols, manufacturing, carrying and selling.** It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight; and, it shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such weapon in the Town; provided however that this does not apply to legally appointed state, county or Town police officers; * * *

Charleston

49-2. **Possession, sale, etc., of tear gas bombs, etc.** It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Cheraw

Sec. 12-45. **Same—Pistols.** It shall be unlawful for any person within the town to carry about his person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight, and it shall be unlawful for any person, firm or corporation to sell or offer for sale, lease, rent, barter, exchange or transport for sale or import for sale into the town any pistol of less length or weight; provided, that this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises. If upon conviction it shall appear to the satisfaction of the mayor or presiding officer of the municipal court before whom such offense is tried that the defendant had good reasons to fear injury to his person or property and carried such weapon to protect himself or property, he may in his discretion suspend the sentence, and nothing herein contained shall abridge the right of self defense as established by the laws of the state.

Upon conviction of the violation of this section, in addition to the general penalty, the weapon so carried shall be forfeited to the town.

Chester

Sec. 10-304.2. **Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols.** It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 10-304.3. **Retail dealers to be licensed.** No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 10-304.4. **Issuance of retail dealer's license; duration; conditions; forfeiture.** The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of Sections 10-304 to 10-304.7 * * *

* * * * *

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [Contact local authorities for required contents] * * * and a statement [shall also be] signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

* * * * *

Clemson

Sec. 9-149 **Pistols less than twenty inches long and three pounds in weight.** It shall be unlawful for * * * any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or treansport for sale or into the town any pistol [less than twenty (20) inches long and three (3) pounds in weight]. * * *

Florence

19-55. **Weapons—carrying, sale, etc., of pistols of certain size and weight.** It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Fort Mill

Sec. 4-22. **Pistols—Sale restricted.** No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has inquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Sec. 4-40 B. **Definitions when used in this ordinance.** (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

D. **Selling Pistols.** It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this town any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State or Town, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this section to possess or acquire pistols within this town.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

E. **Dealers to be Licensed.** No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed.

F. **Dealer Licenses.** The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of this act in a standard form prescribed by the Attorney General, effective for two years from date of issuance, permitting the licensee to sell pistols at retail within this State subject to the following conditions, for breach of any of which the license shall be forfeited: * * * * *

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale [contact local authorities for required contents] * * *

Greenville

37-4. **Pistols less than twenty inches long and three pounds in weight.** It shall be unlawful for anyone to carry about his person, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

37-24. **Definitions.** For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Conviction: Pleas of guilty, pleas of nolo

V 42 N 21
JUN 23 77
UM

contendere and forfeiture of bail as well as actual conviction by a court.

Crime of violence: Murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

Dealer: Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice: Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol: Any firearm designed to expel a projectile from a barrel less than twelve (12) inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization: Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one (1) of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

37-26. Sale, etc., to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. (a) It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(1) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(2) Any person who is a member of a subversive organization.

(3) Any person under the age of twenty-one (21) but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(4) Any person who, by order of a circuit judge or county court judge of this state, has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(b) It shall be unlawful for any person covered in subsection (a) to possess or acquire pistols within this state.

(c) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

37-27. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * * * *

Greer

29-7. Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Inman

Section 12: * * * it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Jackson

3-10(b) * * * sale, etc., of pistols. It shall be unlawful * * * for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this State any pistol * * * [less than twenty inches long and three pounds in weight.]

Jonesville

Section 1. * * * it shall be unlawful for any person or persons, firm, corporation or association to sell, barter, exchange, or give away to induce trade; or to offer for sale, exchange, barter or giving away to induce trade any such firearm or weapon as is usually designated and known as a "pistol".

* * * * *

Lake City

11. Firearms—carrying and sale generally. It shall be unlawful for any person to carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Laurens

10-25. (A) Manufacture, carriage, sale. It shall be unlawful in the city for anyone to carry about the person, whether concealed or not any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; * * *

Marion

Sec. 12-44. Same—Minimum size of pistols. It shall be unlawful for * * * any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less [than 20 inches in length and three pounds in weight] * * *. Any violator of this section shall be guilty of a misdemeanor. This section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Myrtle Beach

Sec. 31-3. Carrying, manufacturing, selling, etc., of certain pistols prohibitied; exceptions. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such pistol in the city.

The provisions of this section shall not apply to legally appointed state, county or city police officers, nor shall this section prohibit the possession of any such pistol in the home or upon or within the private premises of a person within the city. * * * * *

Newberry

10-74. Same—Sale of pistols, rifles, etc. It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10-75. Same—Purchasing or receiving pistol, rifle, etc., without permit. It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

New Ellenton

Sec. 11-44 * * * Minimum size of pistols. It shall be unlawful in the town * * * for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol [less than twenty (20) inches in length and three (3) pounds in weight] * * * provided, this section shall not apply to peace officers in the actual discharge of their duties * * *

Pacolet

Section 3-12. * * * from and after the passage of this ordinance * * * it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Pageland

Sec. 10-41. Adoption of Criminal Law of State of South Carolina. All acts and conduct that constitute violation of the common law and the statutory law of the State of South Carolina are hereby declared unlawful in the Town of Pageland and when such acts, conduct or violations occur within the town insofar as such provisions and violations can have application within the town and the punishment of which is within the jurisdiction of the town.

Rock Hill

Sec. 25-36. * * * **(Pistols)—Sale restricted.** No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Spartanburg

24-72. Same—Firearms—Pistols under twenty inches long or three pounds in weight. It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. * * *

Wagener

Sec. 17-7. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to * * * manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol of less [than twenty inches long and three pounds in weight] * * *.

South Dakota

State Law

S.D. Compiled Laws

22-14A-1. Destructive device defined. The term "destructive device" shall be limited to the following: (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including but not limited to, that which is commonly known as tracer or incendiary material or any other chemical substance, including but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than .60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designated primarily for emergency, distress signaling or hobby purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.

(6) Any other thing that is designed for the purpose of harming any person or property and contains any flammable material, or explosive as defined by Sec. 22-14A-2.

22-14A-4. Possession of destructive device as felony—punishment. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60

VA 2 1 1
JUN 23 77
UM

caliber, except as provided by this chapter, is guilty of a felony and may be punished by imprisonment in the county jail for a term not to exceed one year, or in the state penitentiary for a term not to exceed five years, or by a fine not to exceed five thousand dollars or by both such fine and imprisonment.

Firearms Control

23-7-1. Definition of terms. "Pistol," as used in this chapter, means any firearm with a barrel less than sixteen inches in length and designed to expel a projectile or projectiles by the action of an explosive.

"Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" as used in this chapter, means any of the following crimes or an attempt to commit or a conspiracy to commit any of the same, namely: murder, manslaughter, rape, mayhem, any assault prohibited by SDCL 22-18-9, 22-18-10, 22-18-11, 22-18-12 or 22-18-14, riot while armed, robbery, burglary, possession of burglary tools, housebreaking, breaking and entering, kidnaping, extortion by force or fear, and any other crime in the commission of which the perpetrator used force, or was armed with a deadly, dangerous or sharp weapon, or used any bomb, explosive or destructive device.

"Person," as used in this chapter, includes firm, partnership, association, or corporation.

23-7-3. Person convicted of crime of violence not to own or possess pistol—Felony—Punishment. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. Violation of this section is a felony, and upon conviction thereof, such person shall be sentenced to the penitentiary for a term not to exceed three years, and in addition may be fined not to exceed two thousand dollars.

23-7-3.1. Delivery of pistol to person convicted of crime of violence—Misdemeanor. Any person who gives, loans or sells a pistol to a person convicted of a crime of violence in this state or elsewhere, and knows that said person has been so convicted, is guilty of a misdemeanor.

23-7-4. Delivery of pistol to incapacitated person prohibited. No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

23-7-9. Delivery of pistol to purchaser—Waiting period—Wrapped and unloaded. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23-7-10. Application for purchase of pistol—Statement delivered to seller, form and contents, distribution of copies. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the secretary of state; the triplicate he shall retain for six years.

23-7-11. Regulation does not apply to sale of pistols at wholesale. Sections 23-7-9 and 23-7-10 shall not apply to sales at wholesale.

23-7-12. False information or false evidence of identity to secure pistol or license prohibited. No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

23-7-13. Transfer of pistol contrary to chapter forbidden. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

23-7-14. License required of retail dealer. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided * * *.

* * * * *

23-7-18. Sale of pistol by retail dealer—Restrictions. No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23-7-19. Sale of pistol by retail dealer—Record in triplicate, form and contents, distribution of copies. A true record in triplicate shall be made of every pistol sold in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered or certified mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years.

* * * * *

23-7-21. Identification marks on pistols—Alteration prohibited. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

* * * * *

23-7-26. Guns for military and scientific purposes and small caliber machine guns excepted from chapter. Nothing contained in this chapter shall prohibit or interfere with:

(1) The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber for a purpose manifestly not aggressive or offensive.

23-7-27. Register of machine guns kept by manufacturer—Required contents. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered or from whom received.

* * * * *

23-7-30. Registration by owners of guns—Office of secretary of state—Time. Every machine gun in this state adapted to use cartridges of any caliber shall be registered in the office of the secretary of state within twenty-four hours after its acquisition, and annually thereafter on July first.

23-7-31. Registration blanks—Data required—Not subject to public inspection. Blanks for registration shall be prepared by the secretary of state and furnished upon application. To comply with Sec. 23-7-30 the application as filed must show the model and serial number of the gun, the name, address, and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public.

23-7-32. Failure to register gun—Possession for offensive or aggressive purpose presumed. Any person failing to register any gun as required by Sec. 23-7-30 shall be presumed to possess the same for offensive or aggressive purpose.

23-7-33. Conditions raising presumption of possession of gun for offensive or aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found; or

(2) When in the possession of or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in Sec. 23-7-30 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

23-7-34. Possession or use of gun for offensive or aggressive purpose—Punishment. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not more than fifteen years.

23-7-40. Purchase of rifles and shotguns by residents of South Dakota and contiguous states—Implementation of federal provisions. The state of South Dakota herewith permits residents of contiguous states and residents of this state, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearms accessories in South Dakota and in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922 (b), (3) (A) of Public Law 90-618 of the 90th United States Congress, second session.

23-7-41. Effect of repeal of federal restrictions on purchase of firearms accessories. In the event that presently enacted federal restrictions on the purchase, sale, trade, delivery, transportation or conveyance of firearms accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, Sec. 23-7-40 shall in no way be interpreted to prohibit or restrict the purchase, sale, trade, delivery, transportation or conveyance of shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of this state or of contiguous states, or of any other states who are otherwise competent to purchase, sell, trade, deliver, transport or convey rifles, shotguns, ammunition, reloading components or firearms accessories in this state, in contiguous states or other states.

Aberdeen

Pistol Dealers

9.1601 License. Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business * * *.

* * * * *

Huron

5.44.010. License to sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and application setting forth his or its intention to engage in such business * * *.

Pierre

G. Sales to Minors. It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, * * * or ammunition for any firearm to any person under the age of 18 years * * *.

Sioux Falls

8.1802. Dealers to be licensed. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed * * *

Watertown

12.0801: License to Sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the City Auditor, a written statement and application setting forth his or its intention to engage in such business [contact local authorities for required contents] * * *

Tennessee

State Law

Tenn. Code Ann.

Mental Health Law

33-317 * * * Supplying patient or resident [of a mental institution] with harmful substances * * *

* * * * *

(b) * * * any person who, without permission of the superintendent [of the institution], shall give or sell to any patient or resident, whether on the premises of the institution or elsewhere, knowing him to be a patient or resident, any firearms * * *, is guilty of a felony * * *.

Criminal Offenses

39-4904. Selling or disposing of dangerous weapons. It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon * * * [includes * * * a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon] * * *.

* * * * *

Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts,

JUN 23 77 UM

and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the sheriff and/or police chief may issue a written approval of such certificate, after investigation, within the fifteen (15) day period.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under Sec. 39-4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business.

Any person violating any of the provisions of this section shall, upon conviction, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), or imprisoned in the county jail not to exceed six (6) months, or both, in the discretion of the court.

Provided however, before any person, firm or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun, such person, firm or corporation shall obtain from the commissioner of revenue a permit to engage in such business in the state of Tennessee. The fee for the issuance of such a permit shall be ten dollars ($10.00) per year, and said permit when issued shall expire by its own terms on the 31st day of December of each year.

Prior to the issuance of such permit by the commissioner of revenue, the applicant shall furnish the commissioner of revenue a certificate of good moral character signed by the chief of police or the sheriff of the county in which the licensed premises shall be located. In the event the licensed premises are located in the corporate limits of a municipality, said certificate of moral character shall be signed by the chief of police. If the licensed premises are located outside the corporate limits of the municipality, the certificate of moral character shall be signed by the sheriff of the county. The certificate of moral character must state that the applicant or applicants who are to be in actual control of said business are of good moral character and are personally known to the official signing the certificate, and if the applicant be a corporation, that the executive officers of those in control are of good moral character and personally known to the official signing said certificate.

Provided further, the commissioner of revenue is hereby granted authority to revoke any permit issued by him upon good cause, or on account of any violation of this section by person, firm or corporation, to whom a permit has been issued. Said order of revocation shall be issued by the commissioner of revenue and sent by registered mail to the person, firm or corporation whose permit has been revoked, and the order of revocation shall contain the ground or reason upon which said permit was revoked. The action of the commissioner in revoking any permit issued hereunder may be reviewed in accordance with the provisions of Secs. 27-901—27-914.

The commissioner of revenue is hereby authorized to make and issue all rules and regulations necessary to carry out the provisions of this section.

39-4905. Selling or giving weapons to minor—Penalty. Any person who sells, loans, or gives to any minor a pistol * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, and shall be fined not less than one hundred dollars ($100) and be imprisoned in the county jail, in the discretion of the court.

* * * * *

39-4915. Purchase of rifles and shotguns in contiguous states by residents of Tennessee. Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

39-4917. Prohibited firearms—Definitions. For the purposes of Secs. 39-4917—39-4920 the following terms shall have the meanings ascribed in this section:

(a) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length.

(b) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(c) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches (16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length.

(d) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(e) "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger; the frame or receiver of any such weapon; any combination of parts designed and intended for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) "Unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(h) "Manufactures any weapon" means making, putting together, altering, modifying, any combination of these, or otherwise producing a sawed-off shotgun, sawed-off rifle, or machine gun.

(i) "Sells or disposes of" means sells, offers for sale, assigns, pledges, leases, loans, gives away, transfers or otherwise disposes of.

(j) "Person" includes a corporation, firm, company, partnership or association.

39-4918. Manufacture, possession or sale of sawed-off shotgun, sawed-off rifle, or machine gun—Penalty. Any person who manufactures, imports, purchases, possesses, sells or disposes of, in this state, any weapon of the kind commonly known as a sawed-off shotgun, sawed-off rifle, or machine gun shall upon conviction thereof, for each offense, be imprisoned in the penitentiary for a term of not less than one (1) nor more than five (5) years; or in the county jail or workhouse for a term not to exceed one (1) year, or by fine not exceeding one thousand dollars ($1,000), or by both such fine and jail or workhouse sentence in the discretion of the court.

39-4919. Exceptions to firearms restrictions. The provisions of Sec. 39-4918 relating to sawed-off shotguns, sawed-off rifles, and machine guns shall not apply to or affect the following:

(a) The United States or any department, independent establishment or agency thereof; or the state of Tennessee, or any department or agency thereof, or any political subdivision thereof, or any official police organization or law enforcement agency of such government entity charged with enforcement of criminal laws or detention of persons convicted or accused of crime;

(b) The possession in the pursuit of official duty by a law enforcement, peace, police officer, or official or employee of a penitentiary, jail or other institution in the state of Tennessee for the detention of persons accused or convicted of crime, who is regularly employed and paid by the United States, this state or any political subdivision or governmental entity thereof as set forth in the preceding subsection (a);

(c) The possession by a member of the National Guard or the armed services or reserve forces of the United States who while serving therein possesses such weapon in the line of duty;

(d) Persons licensed by the state of Tennessee as manufacturers, importers, or dealers in such weapons provided that the manufacture, import, purchase, possession, sale or disposition of such weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the classes designated in subsection (a) above;

(e) Any person who acquires or possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is validly registered to such person under federal law in the National Firearms Registration and Transfer Records. A person who acquires or possesses a firearm registered as required by this subsection shall retain proof of registration;

(f) Any person who possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is an unserviceable firearm.

Chattanooga

25-10. **Dangerous weapons—Sale.** It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, * * *; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5-101. **Sale of firearms.** Only persons, firms, or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to persons desiring same for the protection of their home or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale.

The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Jackson

19-10.1(c) * * * any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the Chief of Police a copy of the certificate as notice of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen days from the time of the receipt of such notice, the Chief of Police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such no-

tice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the Chief of Police may issue a written approval of such certificate, after investigation, within the fifteen day period.

The fifteen day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel * * *. However, all other provisions and requirements of the proceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor. * * *

Knoxville

28-103. Firearms—Sale. (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lawrenceburg

Section 1—Definitions

* * * * *

(3) "Explosive weapon" means any explosive, incendiary, or poison gas: (A) bomb; (B) grenade; (C) rocket; (D) mine; (E) shell, missile, or projectile that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.

(4) "Firearm" means any weapon designed, made, or adapted to expel a projectile by the action of an explosive, or any device readily convertible to that use.

(5) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(6) "Handgun" means any firearm with a barrel length of less than twelve (12) inches that is designed, made, or adapted to be fired with one hand.

* * * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two (2) shots automatically, without manual reloading, by a single function of the trigger.

(10) "Rifle" means any firearm designed, made, or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

(11) "Short barrel" means a barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, or an overall firearm length of less than twenty-six (26) inches.

(12) "Shotgun" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger. * * * * *

Section III—Prohibited Weapons. (a) An individual, corporation, or association commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive or an explosive weapon;

(2) a device principally designed, made, or adapted for delivering or shooting an explosive weapon;

(3) a machine gun;

(4) a short-barrel rifle or shotgun;

(5) a firearm silencer;

(b) It is a defense to prosecution under this section that the actor's conduct:

(1) was incident to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution; or

(2) was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (1); or

(3) was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research; or

(5) was incident to displaying the weapon in a public museum or exhibition.

(c) It is an affirmative defense to prosecution under this section, which the actor must prove by a preponderance of the evidence:

(1) that his conduct was incident to dealing with the weapon solely as a curio, ornament, or keepsake, and if the weapon is a type described in subsections (a)(1)-(a)(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) that his possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d) An offense under subsections (a)(1)-(a)(5) is a felony; and offense under subsection (a)(6) is a misdemeanor.

Section IV—Unlawful Sale of Firearm. (a) An individual, corporation, or association commits an offense if:

(1) he intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm to a minor; or

(2) he intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated:

(3) he intentionally, knowingly, recklessly, or with criminal negligence violates the provisions of Section V of this Ordinance.

(b) It is a defense to subsection (a)(1) that:

(1) a rifle or shotgun was sold, loaned, or given to a minor for the purposes of hunting; and

(2) the actor is not required to obtain a license under Section V of this Ordinance.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a misdemeanor.

Section V—Lawful Sale of Firearms. (a) Only persons, firms or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the City of Lawrenceburg. Firearms may be sold to persons desiring same for the protection of their homes or business or for target practice but for no other purpose.

(b) The sale of pistols and/or sidearms within the corporate limits of the City of Lawrenceburg to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

(c) Any person desiring to purchase a pistol or sidearm within the corporate limits of the City of Lawrenceburg shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the City of Lawrenceburg, a copy of the certificate as notice to such law enforcement officer of the pending sale.

(d) The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Lebanon

10-212.1. Selling or disposing of dangerous weapons. It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any * * * prohibited weapon mentioned in section 10-212. Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. * * *

* * * * * *

* * * before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

McMinnville

12-54. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Morristown

34-5. Sale, use, etc., of toy pistols. No person shall sell, keep for sale or use within the town any toy pistol discharged by percussion cap and powder or other means.

Nashville—Davidson, Metro

Sec. 41-2-1. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

Sec. 41-2-2. Persons to whom firearms not to be sold, loaned or otherwise transferred. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

Sec. 41-2-3. Persons forbidden to possess firearms. It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

Sec. 41-2-6. Firearms manufacturer's or dealer's license. (a) Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him. * * *

Sec. 41-2-9. Sale, lease or transfer to persons under twenty-one. No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

Sparta

Sec. 14-61. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, * * * or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

V 42 N 21 JUN 23 77 UM

Texas

State Law

Texas Codes Ann. (Vernon's)

Title 10.
Chapter 46. Weapons

Section 46.01. Chapter Definitions. In this chapter: * * * * * (2) "Explosive weapon" means any explosive, incendiary, or poison gas bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, and includes a device principally designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include antique or curio firearms that were manufactured prior to 1899 and that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter.

(4) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand.

* * * * *

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

* * * * *

Sec. 46.05. Unlawful Possession of Firearm by Felon. (a) A person who has been convicted of a felony involving an act of violence or threatened violence to a person or property commits an offense if he possesses a firearm away from the premises where he lives.

(b) An offense under this section is a felony of the third degree.

Sec. 46.06. Prohibited Weapons. (a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

(1) an explosive weapon;
(2) a machine gun;
(3) a short-barrel firearm;
(4) a firearm silencer;
(5) a switchblade knife; or
(6) knuckles.

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution.

(c) It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a switchblade knife, springblade knife, or short-barrel firearm solely as an antique or curio.

(e) An offense under this section is a felony of the second degree unless it is committed under Subsection (a)(5) or (a)(6) of this section, in which event, it is a Class A misdemeanor.

Sec. 46.07. Unlawful Transfer of Firearm. (a) A person commits an offense if he:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm; or

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated.

(b) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(c) It is an affirmative defense to prosecution under Subsection (a)(2) of this section that the tranafer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the tranafer was other than a sale, the parent or person having legal custody had given effective consent.

(d) An offense under this section is a Class A misdemeanor.

Sec. 46.08. Interstate Purchase. A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in contiguous states. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, ahall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Bellaire

Ordinance 1473.

1. No person shall make, carry, possess or use any type of "Molotov Cocktail," gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Bellaire, Texas.

2. The words "Molotov Cocktail" as used herein shall mean a gasoline or kerosene filled bottle or container with a fuse or wick inserted in the neck.

Carthage

Sec 14-11. Sale, offer for sale of guns, etc. No person, shall exhibit or have in his possession, with intent to give away or sell, or offer for sale within the city, or outside the city limits within a distance of five thousand (5,000) feet, any grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the city. However, this section shall not apply to the sale of any such article by wholesalers to each other, or to the sale of any article at wholesale to merchants conducting business entirely without the city, and not within five thousand (5,000) feet of the city limits or to the sale by wholesalers for private or public demonstration.

Deer Park

1. No person shall make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Falfurrias

2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City Limits of the City of Falfurrias, Texas, any * * * torpedo, grenade, gun, revolver, pistol, cap or cartridge, in the City of Falfurrias, Texas, provided, however, that this section shall not apply to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Falfurrias, Texas, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

Fort Worth

15-423. Small arms ammunition. A. *"Small arms ammunition" defined.* Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. Manufacture. No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. Sale, etc. No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

22-1. Definitions. Secondhand dealer. The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning, and shall also mean and include any person engaged in any of the following:

Collecting, handling, buying, trading, selling or engaging in the sale of traffic of any of the following:

Used or secondhand * * * shotguns, rifles, revolvers and all other kinds of firearms; * * *

Harlingen

III. It shall hereafter be unlawful for any adult person to deliver to or place in the hands of, any minor under the age of seventeen (17) years any firearm * * *

IV. Firearms as used herein shall be defined to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder, explosive liquid of any kind, or explosive gas of any kind.

Houston

Houston Code

* * * * *

Sec. 28-9. "Molotov cocktails", possession in public prohibited. It shall be unlawful for any person to have in his possession or on or about his person, upon any public street, alley, sidewalk, or other public place within the corporate limits of the city, any gasoline, kerosene, naphtha or any other volatile, inflammable or explosive liquid or substance and at the same time to have in his possession or on or about his person any container, susceptible to being broken, torn, shattered, or disassembled when thrown against or into any building or improvement.

* * * * *

Sec. 44-65. Pistol dealers. (a) There shall be levied and collected from every person engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit within the city, whether by wholesale or retail, an annual occupation tax of five dollars ($5.00), to be paid on or before January first of each year, and to be paid before continuing such business. Before engaging in such business, each such dealer shall obtain a license therefor, to be issued by the city assessor and collector of taxes.

(b) The word "pistol", as used in this section, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other short firearm intended or designed to be aimed or fired from one hand.

(c) No person shall be required to have the license provided for in this section or pay the tax levied herein where such person is engaged exclusively in selling pistols to the militia of the United States or other agencies of the federal government authorized by law to purchase the same.

Janesville

19.02 * * * (2) Selling Certain Weapons Prohibited. No person shall sell any firearm, * * * to any minor in the City of Janesville * * *.

Midlothian

Ordinance 89

* * * * *

Section 2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City of Midlothian, any * * * gun, revolver, pistol, cap or cartridge, * * * in the City of Midlothian, provided, however, that this section shall not apply to the sale of any such article or articles by wholesalers to each other or to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Midlothian, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

San Antonio

26.27. Explosives, etc.; furnishing to minors. It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

15-135. Manufacture prohibited. (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpose not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15-136. Permit required. No person shall store, sell or offer for sale any small arms ammunition without permit.

Southside Place

Sec. 10-9. Sale of firearms * * * No person within the city shall sell, offer for sale or have in his possession for the purpose of sale any kind or any character of gun, revolver or pistol, * * *.

Stephenville

Sec. 11-2. Sale, exhibit of fireworks. It shall be unlawful for any person to exhibit or have in his possession with intent to give away or sell or offer for sale or sell within the city any * * * gun, revolver, pistol, cap or cartridge, * * *.

Universal City

III. It shall be unlawful for any person within the corporate limits of the City Of Universal City to sell, give, or place in the possession of any person under the age of 16 years any leaded cartridge or any explosive of any kind, or any gun, toy gun, or cannon capable of exploding or discharging a bullet, pellet, or missile by means of any explosive cap or cartridge of any description.

Wichita Falls

Sec. 24-8. Sale of pistols. (A) Definitions: *Retailer.* The word "retailer" shall include any person engaged in selling of any items, new or used, in single lots, regardless of price, to persons not commonly known to be in the business of retail selling.

Pistol. The word "pistol" shall include any pistol, derringer or revolver, except that in this section shall not include any antique pistol.

Antique pistol. The term "antique pistol" means:

(1) Any pistol (including any pistol with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898, and

(2) Any replica of any pistol described in subparagraph (1) if such replica: (a) Is not

JUN 23 77

designed or redesigned for using rimfire or conventional centerfire ammunition, or (b) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(B) It shall be unlawful for any retailer to loan, sell, rent or otherwise transfer or to permit or cause to be loaned, sold, rented, or otherwise transferred, a pistol to any person except as set out in this section.

(C) The retailer shall obtain in writing upon duplicate forms to be supplied by the police department the [information required by local authorities] * * *.

(D) Forward the original of the required form, listed in subsection (C), to the police department within ten (10) days after sale or transfer of possession of pistol.

(E) Maintain the duplicate copy on record at the retailer's place of business for twelve (12) months for inspection by any commissioned law enforcement officer.

Utah

State Law

Utah Code Ann.

76-10-306. "Infernal machine" defined. An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

76-10-308. Infernal machine—Construction or possession. Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a felony of the third degree.

76-10-501. Definitions. For the purpose of this part: (1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used shall be determinative.

(2) "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force.

(3) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.

(4) "Prohibited area" means any place where it is unlawful to discharge a weapon.

(5) "Crime of violence" means murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.

(6) "Bureau" means the Utah state bureau of criminal identification.

76-10-503. Possession of dangerous weapon by convicted person, drug addict, or mentally incompetent person prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the state of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. Any person who violates this section is guilty of a class A misdemeanor, and if the dangerous weapon is a firearm or sawed-off shotgun he shall be guilty of a felony of the third degree.

76-10-509. Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Section 76-10-510, Persons over 18 not restricted unless otherwise provided. Nothing in this part shall be construed to prohibit a citizen of the United States over the age of eighteen years who resides or is temporarily within this state and who is not within the excepted classes as prescribed by section 76-10-503 from owning, possessing, or keeping within his place of residence or place of business or any vehicle under his control any pistol, revolver, or other firearm or dangerous weapon capable of being concealed upon the person, and no permit or license to purchase, own, possess, or to keep any such firearm or weapon at his place of residence, or place of business, or any vehicle under his control, shall be required of him.

* * * * *

76-10-523. Persons exempt from weapons laws. The provisions of this part shall not apply to any of the following:

(1) United States marshals while engaged in the performance of their official duties.

(2) Federal officials required to carry firearms while engaged in the performance of their official duties.

(3) Law enforcement officials of this or any other jurisdiction while engaged in the performance of their official duties.

(4) Common carriers while engaged in the regular and ordinary transport of firearms as merchandise.

(5) Nonresidents traveling in or through the state, provided that any firearm is unloaded and enclosed in a case, gun box, or securely tied package or held securely in a gun rack or locked in the trunk of an automobile in which the nonresident is transporting the firearm.

76-10-524. Purchase of firearms in contiguous states pursuant to federal law. This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Fire Arms Gun Control Act of 1968, section 922, paragraph B, no. 3.

Clinton

* * * * *

33. Unlawful to Sell Firearms to Children Under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, * * * or any other such type instrument designed to propel or throw missiles.

Logan

12-7-10. Revolvers, sale to minors, display prohibited. It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12-12-9. Sales to intoxicated persons and minors. No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.

Mount Pleasant

15-6-5. Unlawful to Sell Firearms to Children under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm * * *

Murray

17-6. Sales of firearms and other weapons prohibited. It shall be unlawful for any person to sell, give or furnish to any minor any firearm * * *.

20-23. Firearms and explosives—Permit for purchase. It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. * * *

Paragonah

13-1050-3. Possession of Dangerous Weapon by Convicted Person, Drug Addict, or Mentally Incompetent Person Prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part.

13-1050-9. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Payson

7-05-040 Minors—Sale to—Prohibited. It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm * * *

7-05-050 Sale of Firearms to be Recorded—Purchaser to Register Weapon. It shall be unlawful for any person to sell, loan, or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose * * *

Richmond City

13-1050-3. Possession of Dangerous Weapon by Convicted Person, Drug Addict, or Mentally Incompetent Person Prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon * * *.

13-1050-9. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon * * *.

Salt Lake City

Sec. 32-6-5. Unlawful to sell firearms to children under fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, * * * or any other such type instrument designed to propel or throw missiles.

Sec. 32-6-6. Prohibited sale of pistols and revolvers. It shall be unlawful except as hereinafter provided, for any person, firm or corporation, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive within the city limits of Salt Lake City, any pistol or revolver using explosive ammunition, unless the buyer, borrower, or person receiving such weapon, shall first complete a record [contact local authorities for required contents]

Salt Lake County

16-4-1. Unlawful use of weapons. (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufacturers, purchases, possesses or carries any * * * shotgun with a barrel less than eighteen inches in length, * * * or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. Record of sale. It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, * * *

16-4-4. Seller to require permit. It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. Obtaining weapons without permit illegal. It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-6. Possession by minors. It shall be unlawful for any minor to possess or have in his or her possession in any place, whether public or private, within the limits of the county, any gun, revolver, or firearm, * * * unless permission for the possession and use of such instrument be given in writing to such minor by his or her parent, or guardian, or person having the charge or control of such minor.

16-4-8. Furnishing to minors. It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.

South Salt Lake

Sec. 8B-2-7. Firearms. Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of any pistol, gun,

V 42 121 JUN 23 77 UMI

target gun, or other firearm to any person under the age of fourteen (14) years is guilty of a misdemeanor.

Tooele City

11-10-24: Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Vermont

State Law

Vt. Stat. Ann.

Title 13

Sec. 4006. Record of firearm sales. All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all secondhand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record and the pawnbroker or merchant shall preserve such record book for six years after the date of last entry and shall permit all enforcement officers to inspect the same at all reasonable times. A person, partnership or corporation who violates a provision of this section shall be fined * * *.

Sec. 4007. Furnishing firearms to children. A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than $50.00 nor less than $10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

Sec. 4008. Possession of firearms by children. A child under the age of sixteen years shall not, without the consent of his parents or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

Sec. 4010. Gun silencers. A person who manufacturers, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used or possessed under proper military authority and restriction.

Sec. 4013. Zip guns; * * *. A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, * * * shall be imprisoned not more than ninety days or fined not more than $100.00.

Sec. 4014. Purchase of firearms in contiguous states. Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

Virginia

State Law

Code of Va.

Title 15

15.1-523. Pistols and revolvers; license tax on dealers. The governing body of any county may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1-525. Same; in certain counties. Chapter 297 of the Acts of 1944, approved March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

Sec. 18.2-284. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Article 5.

Uniform Machine Gun Act.

Sec. 18.2-288. Definitions. When used in this article:

(1) "Machine gun" applies to any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-289. Use of machine gun for crime of violence. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-290. Use of machine gun for aggressive purpose. Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-291. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun has not been registered as required in Sec. 18.2-295; or

(4) When empty or loaded shells which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

Sec. 18.2-292. Presence prima facie evidence of use. The presence of a machine gun in any room, boat or vehicle shall be prima facie evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

Sec. 18.2-293. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, machine guns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) Machine guns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-293.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with:

(1) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; and

(2) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

Provided, however, that possession of such machine guns shall be subject to the provisions of Sec. 18.2-295.

Sec. 18.2-294. Manufacturer's and dealer's register; inspection of stock. Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable as a Class 3 misdemeanor.

Sec. 18.2-295. Registration of machine guns. Every machine gun in this State shall be registered with the Department of State Police within twenty-four hours after its acquisition. Thereafter it shall be registered annually. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized and shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a Class 3 misdemeanor, and any peace officer, may without warrant, seize the machine gun and apply for its confiscation as provided in Sec. 18.2-296. No registered machine gun shall be transferred without the registrant notifying in writing the Superintendent of State Police the name and address of the transferee. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

Sec. 18.2-296. Search warrants for machine guns. Warrant to search any house or place and seize any machine gun possessed in violation of this article may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record, upon application of the attorney for the Commonwealth, a police officer or conservator of the peace, may order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

Sec. 18.2-297. How article construed. This article shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 18.2-298. Short title of article. This article may be cited as the "Uniform Machine Gun Act."

Article 6.

"Sawed-Off" Shotgun Act.

Sec. 18.2-299. Definitions. When used in this article:

(1) "Sawed-off shotgun" applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-300. Possession or use of "sawed-off" shotgun for crime of violence. Possession or use of a "sawed-off" shotgun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-301. Possession or use of "sawed-off" shotgun for offensive or aggressive purpose. Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-302. What constitutes offensive or aggressive purpose. Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; * * * or

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

Sec. 18.2-303. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, "sawed-off" shotguns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-303.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with the possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun

V 42 11
JUN 23 77
UM

not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

Sec. 18.2-304. Manufacturer's and dealer's register; inspection of stock. Every manufacturer or dealer shall keep a register of all "sawed-off" shotguns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every "sawed-off" shotgun, the name, address, and occupation of the person to whom, the "sawed off" shotgun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of "sawed-off" shotguns, and "sawed-off" shotgun barrels, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable as a Class 3 misdemeanor.

Sec. 18.2-306. Search warrants for "sawed-off" shotguns; confiscation and destruction. Warrant to search any house or place and seize any "sawed-off" shotgun possessed in violation of this article may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record, upon application of the attorney for the Commonwealth, a police officer or conservator of the peace, may order any "sawed-off" shotgun thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

Sec. 18.2-307. Short title of article. This article may be cited as the "Sawed-Off Shotgun Act."

Sec. 18.2-309. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Sec. 58-394. Pistol dealers. Every person, firm or corporation engaged in the business of selling pistols at retail shall pay for such privilege a special license tax of five dollars per annum. Every license issued under this section shall expire on the thirty-first day of December of each year. No license issued under this section shall be prorated.

59.1-148.1. Purchase of firearms in contiguous state. Any resident of the Commonwealth of Virginia, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

Sec. 29-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Alexandria

Article II

Sec. 41-7. Condition of pistol or revolver when delivered to purchaser. Every pistol or revolver sold or otherwise disposed of by a pistol or revolver dealer shall be securely wrapped and unloaded when delivered.

Sec. 41-8. Procedure for sale of pistols or revolvers; sale to certain persons prohibited. Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, [contact local authorities for required contents] * * *. The seller or person disposing of such weapon shall within six hours after such application, sign and attach his address and deliver one copy of the application to the superintendent of police and he shall retain the other copy for five years. * * * It shall be unlawful for any person to give false information or offer false evidence of his identity in making such application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

* * * * *

Sec. 41-9. Record of pistols or revolvers sold or disposed of. Every person delivering or disposing of a pistol or revolver shall make in duplicate a true record of every such weapon sold or otherwise disposed of, which record shall be personally signed by the purchaser or person receiving the weapon and also by the person making the sale or disposition in the presence of each other. This record shall be in such form and shall contain such information as the superintendent of police may prescribe, * * *

Division 2. Permits for Engaging in Business as Dealers.

Sec. 41-13. Required. Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license.

* * * * *

Appomattox

17-4. Sale, etc., of guns * * *, to minors under age of eighteen years. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

Chapter 297

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

11-47. Pistol dealers. Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which-tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

Bedford

Sec. 14-72. (Weapons)—Furnishing pistols, * * * to minors under eighteen years of age. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Sec. 14-73. Same—Sale, etc., of toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * *

Big Stone Gap

10-53. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * *

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

10-56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Bridgewater

4-37. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol * * * tear gas pen, or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Bristol

9-8. Definition. "Small arms ammunition", wherever used in this division, shall be taken to mean any shotgun, rifle, pistol or revolver cartridges.

9-9. Permit for manufacture, etc. No person shall manufacture or reload within the city any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention. Upon due application therefor, the bureau of fire prevention may issue a permit to a properly qualified person for manufacturing or reloading small arms ammunition in the city. Such permit shall impose such restrictions as in the opinion of the chief of the bureau of fire prevention may be necessary properly to safeguard life and property in each case.

9-10. Permit for sale, etc. No person shall store for sale, or sell or offer for sale any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention. Upon due application therefor, the bureau of fire prevention may issue a permit to a properly qualified person for storing for sale, selling or offering for sale small arms ammunition in the city. Such permit shall impose such restrictions as in the opinion of the chief of the bureau of fire prevention may be necessary properly to safeguard life and property in each case.

Brunswick County

Sellers to obtain identity of purchaser; * * * In obtaining the name and address of the purchaser, * * * if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment * * *.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

15-47. Dealers in firearms * * * No person shall sell firearms, dirks or Bowie knives without having first procured a license therefor. * * *

17-35. (Firearms)—Sales, etc., to minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age.

17-36. (Firearms)—Sales of firearms. Permit required. No person shall sell firearms, * * * without having first procured an annual permit from the city manager to engage in such business.

Chase City

Sec. 13-20. Minors generally—Furnishing certain weapons * * * to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * *, having good cause to believe him to be a minor under eighteen years of age, * * * such person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Chesapeake

Sec. 17-60. Same—Permit generally. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * or any

VA 421 JUN 23 77 UM

weapon of like kind, unless and until a permit, granted by the chief of police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Chesterfield

Sec. 12-169. Pistol dealers—License required; tax. Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license * * *.

Sec. 15-156. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * * Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

Sec. 15-162. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars.

Clifton Forge

13-44. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen (18) years of age. * * *

Colonial Heights

Sec. 15-53. * * * Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

Covington

Sec. 31-3. Furnishing pistol * * * to minor under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Sec. 31-4. Selling cartridges, etc. to persons under eighteen years of age. It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pellets.

Sec. 31-5. Possession, transportation, etc., of guns, etc., by persons under eighteen years of age. (a) It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge, or exploding any powder or similar substance, or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty (50) feet. * * *

Culpeper

27-4. Furnishing certain weapons to minors. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age. * * *.

Damascus

Sec. 14-25. (Weapons)—Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor * * *.

Elkton

33-2. Sale of certain weapons to minors under age of eighteen years. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, * * * tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.

Emporia

Sec. 14-75.—Pistol permit required prior to purchase. It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase. * * *

Sec. 14-76.—Exhibiting pistol permit to seller. It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax City

1966-2B. (A) Definitions. The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) Dealers registration required * * *. (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on application forms furnished by the Chief of Police. * * *

(C) Dealers not to sell, etc., without registration. (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. * * *

(E) Dealers not to sell, etc., to minors and other persons. (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) Acquisition of pistols from dealers or other persons. (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police * * *.

(G) Approval of application. (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who does not exhibit an application approved by the Chief of Police.

(H) Waiting period for sale of pistols. (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) Notice of rejection. (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected * * * it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) Exemptions. (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Sec. 6-1-1. Definitions. When used in this article, the following words shall have the following meanings, unless the context clearly requires a different meaning:

* * * * *

(2) **Firearm** shall mean any weapon which will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of an explosive; provided, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

(3) **Gun** shall mean and includes rifles, shotguns, pistols or other firearms, and also includes any air gun, air rifle or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.

* * * * *

(5) **Pistol** shall mean a gun having a barrel of less than sixteen (16) inches in length.

* * * * *

(7) **Rifle** shall mean a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.

(8) **Shotgun** shall mean a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire thorugh through smooth bore one or a number of ball shot for each pull of the trigger.

(9) **Starting pistols** shall mean any device which is designed or functions to [simulate] the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm as defined in this Section.

Sec. 6-1-5. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or starting pistol as defined by section 6-1-1, or any projectile therefor within the county to a minor under the age of eighteen (18) years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Sec. 6-3-1. Definitions. The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

(1) Chief of police. The chief of the county police department or his designated agent.

(2) Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

(3) Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

(4) Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

(5) Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

(6) Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

Sec. 6-3-2. Registration of dealers—Required; application; * * * (a) Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police.* * *

Sec. 6-3-3. Dealer's registration certificate required; * * *. (a) It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided. * * *

Sec. 6-3-5. Sale of pistols to minors, drug addicts, habitual drunkards, and others prohibited. (a) No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age a pistol, having good cause to believe him to be a minor under eighteen (18) years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

Sec. 6-3-6. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the chief of police, which shall be signed in duplicate by such person [contact local authorities for required contents] * * *.

Sec. 6-3-7. Waiting period prior to delivery of pistol to purchaser—Required. No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police.

VA 22 JUN 23 7 7 UM

The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 6-3-8. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant.

Falls Church

Sec. 40-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Any of the following crimes, or any attempt to commit any of the same: Murder, manslaughter; rape; mayhem; maliciously disfiguring another; abduction; kidnapping; burglary; house-breaking; larceny; any assault with intent to kill, commit rape or robbery; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

Machine gun. Any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or twenty-two calibre rifle.

Pistols. Any firearm with a barrel less than twelve inches in length.

Sawed-off shotgun. Any shotgun with a barrel less than twenty inches in length.

Sell and purchase. Includes letting or hiring and similar forms of transferring.

Sec. 40-3. Unlawful possession of pistol. (a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the city if:

(1) He is a drug addict.

(2) He has been convicted in the city or elsewhere of a felony.

(3) He has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house.

(4) He is not licensed under section 40-10 to sell weapons, and he has been convicted of violating section 40-2.

(5) He is a habitual drunkard.

(b) No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard. Whoever violates this section shall be punished as provided in this Code, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be confined for not more than one year in jail.

Sec. 40-7. Sales of pistols to certain persons prohibited. No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 40-3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

Sec. 40-8. Transfers of firearms regulated. No seller shall within the city deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof; except, that the chief of police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. * * * The seller shall, within six hours after such application, or not later than 10:00 A.M. on the succeeding day, sign and attach his address and deliver one copy to such person as the chief of police of the city may designate, and shall retain the other copy for six years. The chief of police or his designate shall, upon receipt of an application to purchase a pistol, make such investigation of the applicant and file an information report with the seller stating whether or not the applicant is, in his opinion, prohibited by section 40-3 or 40-7 from purchasing a pistol. No machine gun, sawed-off shotgun or blackjack shall be sold to any person other than the persons designated in section 40-14 as entitled to possess the same and then only after permission to make such sale has been obtained from the chief of police of the city. This section shall not apply to sales at wholesale to licensed dealers.

Sec. 40-9. Weapon dealer's license—Required. No retail dealer shall, within the city, sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun or blackjack without being licensed as provided in section 40-10. No wholesale dealer shall, within the city, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

Sec. 40-10. Same—Issuance; conditions; records. The city council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns and blackjacks at retail within the city subject to the following conditions, in addition to those specified in section 40-9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Code:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

(3) No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 40-3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in section 40-14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the city.

(4) A true record shall be made in a book kept for the purpose [contact local authorities for required contents] * * *

(5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun and blackjack sold, such record to be made in a book kept for the purpose [contact local authorities for required contents] * * *

(6) No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of the premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

Sec. 40-11. False information forbidden in sale of weapons. No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun or blackjack within the city, give false information or offer false evidence of his identity.

* * * * *

Sec. 40-14. Possession of certain dangerous weapons prohibited. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun * * * nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, that machine guns or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy or Marine Corps of the United States, the National Guard or organized reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities or other valuables, wholesale dealers and retail dealers licensed under section 40-10.

Farmville

Sec. 18-49.[Weapons]—Permits for purchase and sale. (a) No person within the town shall purchase or otherwise procure as his own property or for temporary use any pistol. * * * or any weapon of like kind unless and until that person shall procure from the chief of police a permit in writing signed by the chief of police, granting the person permission to make the purchase or procure the weapon.* * * * *

Sec. 18-50. Same—Sale to minors. It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good reason to believe him to be a minor under eighteen years of age.

Franklin

31-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Fredericksburg

Sec. 17.1-25. Furnishing certain weapons * * * to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under sixteen years of age such person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Front Royal

Sec. 32-2. Furnishing pistols, * * *, to minors under eighteen years of age. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Galax

Sec. 11-93. Same—Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Greensville County

* * * it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. * * * it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

Sec. 22-81. Pistol Dealers. Every person engaged in the business of selling pistols shall pay an annual license tax * * *.

41-4. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Harrisonburg

19-53. Same—Furnishing to persons under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Henrico County

Ordinance 80

Section 3. Permits (a) Every person desiring a license * * * to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the Chief of Police for a permit * * *. * * *

Herndon

Sec. 27-4. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any dealer to give, sell, rent, lend or otherwise transfer any gun or any projectile therefor within the town to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Gun Dealers Generally

Sec. 27-8. Permit—Required. It shall be unlawful for any dealer, except a dealer holding a permit under this article, to sell, lend or otherwise transfer any gun or projectile therefor. It shall be unlawful for any dealer to rent any gun or projectile therefor to another person.

* * * * *

Pistols

Sec. 27-13. Registration of dealers—Required; application. (a) Any person, before engaging in the business of selling at retail or renting pistols in the town, shall register with the town sergeant on application forms furnished by the town sergeant. * * *

* * * * *

Sec. 27-17. Same—Engaging in business while unregistered prohibited. It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the town sergeant as provided in this article.

Sec. 27-18. Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited. No dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any dealer sell, lend, rent or otherwise transfer any pistol to any person who such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the town sergeant under the provisions of this article.

Sec. 27-19. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a dealer shall make application on forms provided by the town sergeant, [contact local authorities for required contents] * * * Within eight hours after receipt of such appli-

JUN 23 77 UM

cation, the dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the town sergeant. A duplicate of the application shall be retained by the dealer for six years.

Sec. 27-20. Waiting period prior to delivery of pistol to purchaser—Required. No dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the town sergeant. The town sergeant shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 27-21. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the town sergeant shall inform, in writing, which shall not be privileged, the dealer who proposes to sell the pistol that the applicant to purchase such pistol is [not eligible] * * * it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the town sergeant shall be furnished the applicant by the dealer.

* * * * *

Hopewell

Sec. 41-3. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Jarratt

Section 1. (A) * * * it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) * * * it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) * * * it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) * * * it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

Section II. (A) * * * it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) * * * it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Kilmarnock

Chapter 26—Weapons

Sec. 26-5. Furnishing pistols, dirks, etc., to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating this section shall be fined * * *.

Leesburg

24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lexington

Sec. 27-5. Sale, etc., of guns * * * to minors under age of eighteen years. If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, * * * pistol, cartridge, * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Luray

28-5. Furnishing pistols, * * * to minors under eighteen years of age. If any person sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lynchburg

33-2. Selling, etc., dangerous weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, * * * having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Manassas Park

30-4. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Middletown

Sec. 16-5. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Narrows

45. * * * it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any * * * small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such * * * small caliber firearm.

Newport News

Sec. 42-1. Sale of firearms and revolvers. It shall be unlawful for any person to sell to any individual under eighteen years of age any firearm of any type or any deadly weapon of whatever nature, or the ammunition thereof.

It shall be unlawful for any person to sell to any individual under twenty-one years of age any firearm being a revolver, pistol or handgun, or firearm of similar nature, or the ammunition thereof.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet by the action of gunpowder exploded within it.

Sec. 42-22. Statement of purchases, etc.—Generally. It shall be unlawful for any dealer to sell or otherwise transfer any pistol without first having obtained a signed statement from the purchaser of such pistol or from the transferee thereof [contact local authorities for required statement] * * *.

Norfolk

Sec. 51-5. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars.

Sec. 51-7. Permit for purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, * * * unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, * * *

Petersburg

Article II. Purchase, Sale, etc.

Sec. 48-8. Permits to buy, etc., pistol, dirk, etc. No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol * * * unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such purchase or to procure such weapon; and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give, or deliver to any person within the city any pistol, * * * unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low powered rifles or rifle ammunition therefor of twenty-two calibre and under, commonly used for target practice purposes.

Sec. 48-11. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Poquoson

Sec. 31-5. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made contruction; provided, however, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Sec. 31-7. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Portsmouth

Section 21-35. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Section 21-39. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Section 21-42. Permit required to obtain weapon from dealer. Before any person purchases or otherwise acquires from a dealer any pistol, * * * or any weapon of a like kind, he shall obtain a permit therefor from the chief of police.

Pound

Chapter 10

* * * * *

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

* * * * *

Section 53. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * *

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, * * * or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, * * * or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

* * * * *

Radford

Sec. 14-30. (Weapons)—Sale of certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor a

JUN 23 77 UM

pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars.

Richmond

Sec. 22-38 Weapons—Definitions. When used in sections 22-38 to 22-48 the following words shall have the meanings ascribed to them as follows:

Ammunition. An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol or toy rifle.

Firearm. A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

Minor. A person under the age of twenty-one years. A person of the age of eighteen years or older may purchase weapons and ammunition other than hand guns or hand gun ammunition.

Sec. 22-41. Same—Sale or exchange. No person shall sell or exchange within the city limits any pistol, * * * or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such weapon is sold or exchanged * * *

Sec. 22-42. Same—Purchase. No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, * * * or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that in this section [nothing] shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

Sec. 22-48. Same—Same—Sale, etc., of ammunition, firearms to.

(a) It shall be unlawful for any person to sell, give or lend ammunition to a minor.

(b) It shall be unlawful for any person to sell, give or lend a firearm to a minor.

(c) The provisions of this section shall not apply to persons who are members of the armed forces of the United States or the state when such persons and minors who are members of such forces are acting under armed forces orders.

(d) The provisions of this section shall not apply to persons who lend firearms to minors who are members of the cadet corps of public, private or parochial schools for use in connection with their membership in such cadet corps.

(e) The provisions of this section shall not apply to persons who are engaged in instructing others, including members of the cadet corps of public, private or parochial schools, in the use of firearms; provided, that such persons have had valid written permits issued to them by the director of public safety authorizing such instruction. The director of public safety shall issue such permits upon the written application of such persons therefor when he is satisfied after investigation that the place at which such instruction is to be given is a safe place therefor and that such persons are of good moral character and are qualified to instruct others in the use of firearms.

Rocky Mount

Sec. 12-86. Furnishing pistols, * * * to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. * * * * *

Round Hill

Sec. 24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Salem

Sec. 31-6. Selling, etc., pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Sec. 31-7. Sale, etc., of toy firearms. It shall be unlawful for any person to sell, barter, exchange, furnish, or dispose of by purchase, gift or in other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. * * * * *

Smithfield

Sec. 12-14. Any person in the town who offers for sale any pistol or revolver, when requested by a prospective purchaser to sell him such a firearm, shall first send the purchaser to the chief of police * * *.

The chief of police shall fill out a report either authorizing or declining to authorize the purchase of the weapon and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if the report does not authorize the sale, the seller shall not complete the sale.

Southampton County

12-1. Pistol permit. No person shall purchase a pistol within the county without obtaining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser [contact local authorities for additional requirements] * * *

12-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Stanley

31. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol * * * tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Staunton

30-2. Selling, etc., to minor under eighteen. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.

Strasburg

32-5. Furnishing pistols, * * * to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Suffolk

13-38. Weapons—Permit for purchase of pistols, cartridges, * * *. No person shall sell, within the city, any pistol, * * * or any weapon of like kind or pistol cartridges unless and until the proposed purchaser shall present to such seller a permit, granted by the Chief of Police of the city or the judge of the circuit court of the city, allowing purchase of such weapon or cartridges * * *.

Virginia Beach

Chapter 38

* * * * *

Sec. 38-5. Permit prerequisite to purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, * * * or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city. Each person filing for a permit shall pay to the city treasurer an application fee of three dollars.

Section 38-6 Possession and discharge of firearms, etc, by minors. It shall be unlawful for any person under the age of fifteen to have in his possession or use any firearm, shotgun, * * * provided, that such minor may possess and use the above mentioned weapons subject, however, to the provisions of Section 38-2 and only under the immediate supervision of an adult. * * *

Warrenton

Sec. 24-6. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol * * * having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Waverly

* * * no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Waynesboro

Sec. 16-14. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms * * *

Wise

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, * * * having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Woodstock

Sec. 28-6. Furnishing pistols, * * * to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age.

Wytheville

9-I. Furnishing certain weapons to certain minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, * * * having good cause to believe him to be a minor under eighteen years of age * * *.

Virgin Islands

V.I. Code

Title 23

Sec. 451. Definitions. As used in this chapter, unless the context clearly requires otherwise—

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air, gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

(h) "Machine gun" means any firearm which shoots automatically or semi-automatically more than 12 shots without reloading.

(i) "Shotgun" means any shotgun with a barrel less than 20 inches in length.

Sec. 452. Applicability of chapter. No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

Sec. 453. Persons who may lawfully carry firearms. (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

(1) Members of the Armed Forces of the United States or of the organized reserves.

(2) Officers and employees of the United States duly authorized by Federal law to carry firearms.

(3) Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

(4) Members of the police force of the Vir-

JUN 23 77 UM

gin Islands, marshals, or other duly authorized peace officers.

(5) Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

Sec. 454. Persons who may be licensed to carry firearms. A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

(1) An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

(2) An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; And provided, That the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

(3) A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

(4) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

(5) With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

Sec. 461. License to sell firearms and/or ammunition; gunsmiths; report of transactions; private transfer sales to minors or aliens. (a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Finance upon favorable report of the Commissioner of Public Safety.

* * * * *

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

Sec. 463. Qualifications of dealer or gunsmith. No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States.

When the applicant is a corporation, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

Sec. 465. Conditions for dealers' operations * * * Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

* * * * *

(3) Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

* * * * *

Sec. 466. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

Sec. 467. Selling firearms without a license. Whoever, without being licensed in accordance with the provisions of this chapter, sells, has in his possession with the intent to sell, exposes for sale, or advertises for sale, any firearm or ammunition, or without being so licensed engages in the business of a gunsmith, shall be punished [as prescribed by law] * * *.

Sec. 476. Collections of antique firearms; certificates of uselessness. No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

Washington

State Law

Wash. Rev. Code Ann.

Title 9

9.40.110 "Fire bombs"—Definitions. For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120—Penalty. Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130—Exceptions. RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

Chapter 9.41—Firearms and Dangerous Weapons

9.41.010 Terms defined.

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

9.41.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.070 Issue of licenses to carry The judge of a court of record, the chief of police of a municipality or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for two years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addition or of habitual drunkenness or of confinement to a mental institution: *Provided*, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol. * * *

9.41.080. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. Sales regulated—Application to purchase—Grounds for denial. In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. Exemptions. The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited. The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.130. False information forbidden. No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

9.41.140. Alteration of identifying marks—Exceptions. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. Exemptions. RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

JUN 23 7 7 UM

9.41.170. Alien's license to carry firearms. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. Machine guns prohibited. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. Machine gun defined. For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.240. Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Title 19

19.70.010. Out-of-state purchasing authorized. Residents of Washington may purchase rifles and shotguns in a state other than Washington: Provided, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: And provided further, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

Title 26

Be it enacted by the Legislature of the State of Washington: 1. Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080 are each amended to read as follows:

Every person who: * * *

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another. * * *.

Aberdeen

4565-4. It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor.

4565-8. It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses * * *

Arlington

9.28.010 Definitions. (a) "Dangerous weapon" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and includes compressed air rifles and pistols and slingshots.

(b) "Firearm" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

9.28.020 Possession of arms. Every person who has been convicted in this state or elsewhere of a crime of violence, who owns a firearm or has one in his possession under his control, is guilty of a misdemeanor.

9.28.050 Forbidden deliveries. Every person who delivers a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, is guilty of a misdemeanor.

9.28.060 Forbidden transfers. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another who is known, or with reasonable knowledge believed to have suicidal tendencies, or otherwise deliver a pistol contrary to the provisions of this title. Every person violating this section is guilty of a misdemeanor.

9.28.080 False information forbidden. Every person who, in purchasing or otherwise securing delivery of a pistol, gives false information or offers false evidence of his identity, is guilty of a misdemeanor.

9.28.090 Exceptions. The provisions of this chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.28.100 Machine guns and parts contraband. All machine guns, or parts thereof, illegally held or possessed are declared to be contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, or parts thereof, wherever and whenever found.

9.28.110 Dangerous weapons. Every person who * * * uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

* * * * *

9.28.140 Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, is guilty of a misdemeanor.

Auburn

7.04.360 Short firearm * * * defined. "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. * * *.

7.04.371 Definitions. The following words and phrases shall have the following meanings:

(1) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(3) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(4) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

7.04.372 Pistol sale—Record sent to police chief. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business or secondhand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * * One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373 Pistol sale—Waiting period required. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, provided that this section shall not apply to sales at wholesale, and further shall not apply to the sale of antique pistols exempt by the provisions of RCW 9.41.150, as amended, and provided further that when delivered said pistol shall be securely wrapped and shall be unloaded.

7.04.374 Pistol purchase forbidden to convicted persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol, in the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

7.04.420 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

7.04.430 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

7.04.450 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

7.04.490 Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.04.500 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

7.04.510 Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Bellevue

Firearms and Weapons

10.20.010. Definitions. "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 inches in length. "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnaping.

* * * * *

10.20.030. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

* * * * *

10.20.070. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

10.20.080. Pistol Sales Regulated A. No pistol shall be sold:

1. In violation of any provision of RCW 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the sellers or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and unloaded.

JUN 23 77 UM

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application * * * and a statement * * * [contact local authorities for required contents]. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police * * *.

10.20.090. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

* * * * *

10.20.120. False information in obtaining pistol. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

* * * * *

10.20.140. Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.20.150. Machine gun defined. For the purpose of this chapter a machine gun meana any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

10.20.160. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

10.20.270 Application. It shall be unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain * * * a statement signed by the purchaser [contact local authorities for required contents] * * *. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within, seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

10.20.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 10.20.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

10.28.290 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addtion or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any person to fail to disclose such information when applying for the purchase of a pistol.

Bellingham

17.32.040. Sale to minor prohibited. The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Blaine

6-2647: "Short Firearms"; "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

"Crime of Violence" as used in this Chapter means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

6-2650: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

6-2654: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

6-2655: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this State or elsewhere of a crime of violence. * * *

6-2656: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

6-2657: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan; shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-2661: Machine guns; Prohibition: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use; or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the Armed Forces of the United States or the State of Washington.

6-2662: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five (5) or more shots per second.

Bonney Lake

5.07.010 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015 Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *

5.07.016 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017 Certain transfers forbidden. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this Ordinance.

Bothell

10.1. Firearm defined. The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. Dangerous weapon defined. The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. Pistol defined. The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. Certain persons forbidden to possess firearms. No person who has been convicted in this state of elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. Sale of cartridge, ammunition or gunpowder forbidden to certain minors. No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller, within 6 hours after such application is made, shall sign and attach his address and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

* * * * *

10.16. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

10.19 Dangerous Weapons. Every person * * * who shall possess or use any contrivance or device for supressing the noise of any firearm, shall be guilty of a misdemeanor. * * *

Bremerton

9.45.010 Record of Revolver Sales—Report. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose any revolver or pistol to any person at retail, without entering in a book to be kept for that purpose, in the English language, written in ink, at the time of such sale or disposition [the contents required by local authorities] * * * and requiring the person to whom such revolver or pistol is sold, given away or disposed of to sign his name, in ink, in such a book opposite the record of such transaction, or to fail, neglect or refuse to allow the chief of police, or any police officer to inspect said book at any reasonable time or to fail, neglect or refuse to send to the city clerk before the hour of nine a.m. of any day, a complete transcript of the entries of said book for the previous day.

Brier

The city of Brier has adopted the language of the State firearms laws, including sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Buckley

1.28.040 Certain persons forbidden to possess arms: No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

1.28.080 Delivery to minors and certain others forbidden: No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

1.28.090 Sales regulated—Application to purchase—Grounds for denial. In addition to the other requirements or RCW sections 9.41.010 through 9.41.150 as now or hereinaf-

V 421 221 JUN 23 77 UMI

ter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof * * * and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

* * * * *

1.28.100 Pistol dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110 and 18 U.S.C. Sec. 923.

1.28.110 Certain transfers of pistols forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

1.28.150 Machine guns prohibited: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

1.28.160 Machine gun defined: For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, a submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

1.28.170 Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, whereever and whenever found.

Camas

6.12.010 Giving to minors under eighteen or intoxicated persons prohibited. It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.

Carnation

H. Delivery to Minors and Other Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

I. Pistol Sales Regulated. No person shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application shall sign and attach his address and forward by registered mail one copy of such statement to the Town Marshall or Chief of Police, * * *. This section shall not apply to sales at wholesale.

J. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in this possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

K. Certain Transfers of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock or pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

O. Machine Guns Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

P. Machine Gun Defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Q. Machine Guns or Parts Contraband. All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof wherever and whenever found.

R. Penalty for Dangerous Weapons. Every person * * * who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Centralia

Ordinance 462

Dealer in deadly weapons or fire arms. Sec. 1. **License.** Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, * * * or other weapon of like character that can be concealed on the person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting said sale or gift in the manner elsewhere provided, and it shall be unlawful for any person licensed, to sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon as herein provided.

Sec. 2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, * * * which can be concealed on the person, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

* * * * *

Chelan

27. Minors, * * * selling * * * firearm to. Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Des Moines

9.24.010. "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" or "Pistol" used in this Article means any firearm with a barrel less than twelve inches (12") in length. "Crime of Violence" as used in this Article means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

* * * * *

9.24.030. Certain Persons Forbidden to Possess Arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

* * * * *

9.24.080. Delivery to Minors and Others Forbidden: No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

9.24.090. Sales Regulated: No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded. [At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing such information as the municipality may prescribe]. * * *

9.24.100. Dealers to be Licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

9.24.110. Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

9.24.120. Exceptions: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

9.24.150. Machine Guns—Prohibition: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

9.24.160. Machine Gun Defined: For the purpose of this title a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

Edmonds

5.12.068 Certain persons forbidden to posses arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. * * *

No person shall deliver a pistol to any person under the age of twenty-one, or to anyone whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard, or of unsound mind.

No person shall, in the purchasing or securing delivery of a pistol or in applying for a license to carry the same, give false information or other false evidence of his identity.

The provisions of this section shall not apply to any antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

5.12.076 Dangerous weapons. Any person who shall, * * * use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Enumclaw

Enumclaw	RCW
9.30.030 **adopts**	9.41.040
9.30.070 **adopts**	9.41.080
9.30.080 **adopts**	9.41.090
9.30.090 **adopts**	9.41.093
9.30.110 **adopts**	9.41.100
9.30.130 **adopts**	9.41.120

Everett

9.76.010 Sale of firearms to minor. It is unlawful for any person or persons to sell or offer for sale any revolver or pistol, within this city, to any person under the age of eighteen years, and every person who sells, gives, furnishes or causes to be furnished to any person under the age of eighteen years, any revolver or pistol or other pocket weapon in which explosives may be used, is guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars or shall be imprisoned for six months or both such fine and imprisonment.

9.92.030 Prohibited purchasers. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Ferndale

521.09A.010 Definitions.

A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

B. "Short firearm" or "pistol," as used in this article, means any firearm with a barrel less than twelve inches in length.

521.09A.030 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

521.09A.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

521.09A.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * * and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addition or habitual drunkenness, and is not legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such applica-

JUN 23 77 UM

tion to the chief of police. * * * This section shall not apply to sales at wholesale.

521.09A.090 Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

521.09A.130 Exceptions of unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

521.09A.140 Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States of the state.

521.09A.150 Machine gun defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots persecond.

521.09B Pistols

* * * * *

521.09B.010 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary and kidnapping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1889 and held as collector's items.

521.09B.020 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holiday, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

521.09B.030 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police [see 521.09A.080(B), (C)] that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exlcusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police * * * then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to person exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

521.09B.040 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

Section VI. Firearms.

a. "short firearm" and "crime of violence" defined. "Short Firearm" as used in this ordinance means any firearm with a barrel less than 12 inches in length.

"Crime of violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

d. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

* * * * *

g. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

h. Dealer's licenses. Any person desiring to sell pistols within the Town of Fircrest shall obtain a license in the form prescribed by statute * * *.

* * * * *

3. No pistol shall be sold in violation of state law or this ordinance, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

* * * * *

5. This section shall not apply to sales at wholesale. * * *

* * * * *

i. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance, and the laws of the State of Washington.

* * * * *

l. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and posseased as curiosities or ornaments.

m. Machine guns—Prohibition. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

n. Machine gun defined. For the purposes of this ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

* * * * *

Kennewick

10.24.050. Sale to minors prohibited. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

King County

12.48.010 Definitions. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

12.48.020 Sale and registration. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] * * *

12.48.030 Delivery following sheriff's report. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the sheriff * * * provided that if such merchant or secondhand dealer does not receive such report from the sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the sheriff as required by Section 12.48.020, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

12.48.040 Purchase unlawful for certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kirkland

11.28.030 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

11.28.120 Pistol—Delivery to purchaser. In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130 Pistol—Purchasing—Information required—Procedure. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * *. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the city. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter, unless the seller is notified in writing by the chief of police of the city of denial. * * *

* * * * *

11.28.150 Pistol—Dealer—License required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as a dealer pursuant to RCW Chapter 9.41.

11.28.160 Sale of pistols—Conformance required. No pistol shall be sold in violation of any provisions of Sections 11.28.110 through 11.28.180, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. Sales by wholesalers to dealers and the sale of antique pistols as herein defined shall be exempt from the provisions of Sections 11.28.110 through 11.28.180.

11.28.170 Possession of firearms by prohibited persons unlawful. It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180 Noncitizens—License required. It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Kitsap County

Ordinance 25

1. No person who has been convicted in this State or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

3. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a drunkard or of unsound mind.

4. No person other than a dealer duly licensed by the State of Washington shall make any loan secured by a mortgage, deposit or pledge of a pistol. * * *

7. This Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

8. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as hereinafter provided.

9. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase therof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

Lake Forest Park

Chapter 6. Firearms.

6.1. "Crime of Violence" Defined. "Crime of Violence" as used in this ordinance means any of the following crimes or an at-

JUN 23 71 UM

tempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary, and kidnapping.

6.2 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession under his control.

* * * * *

6.6. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

6.7. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.8. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of the Revised Code of Washington, Section 9.41.110.

6.9. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance.

* * * * *

6.11. False information forbidden. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

6.12. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

* * * * *

Langley

121-6: Every person who shall sell, give, furnish or cause to be furnished to any person under the age of sixteen (16) years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Five Dollars ($5.00), or more than Twenty-five Dollars ($25.00).

Longview

15-4. Possession by convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

15-7. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

15-8. Sales by dealers. Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses * * * (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15-9. Dealer's license. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any short firearm without being licensed as provided by law.

15-13. Antiques; excepted. This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

15-15. Machine guns—Defined. A machine gun is herein defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

15-16. Same—Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

Lynwood

10.04.360. Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. Persons convicted of crimes of violence not to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. Use of firearms by minor. No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. Certain transfers of weapons prohibited. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

10.04.510. Purchasing weapon by use of false information. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

6.64.010. Definitions. Short firearm, pistol. The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length. Crime of violence. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnaping.

6.64.040. Convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

6.64.080. Prohibited pistol delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.64.090. Commercial sales of pistols—records. The chief of police shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this city * * *.

6.64.100. Pistol dealers—license required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

6.64.110. Prohibited transfer of pistols. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter. * * *

6.64.140. Unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

6.64.160. Machine gun defined. For the purpose of this chapter a "machine gun" is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separate mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

McCleary

Ordinance 70

Section I It shall be unlawful for any person under the age of sixteen years to have in his possession any fire arms * * * within the city limits of the Town of McCleary unless accompanied by and under the supervision of a parent or legal guardian.

* * * * *

Medical Lake

258. Section 29. Minors * * * Selling * * * Firearms to: Every person who— * * * * * 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

* * * * *

Mercer Island

7.505.07. Certain acts prohibited—belief minor in representative capacity, no defense—penalty, Every person who: * * *: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years any revolver or pistol, shall be guilty of a misdemeanor.

Monroe City

* * * * *

9.18.030 Certain Persons Forbidden to Possess Arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

* * * * *

9.18.070 Delivery to Minors and Certain Others Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

9.18.080 Pistol Sales Regulated. A. No pistol shall be sold:

1. In violation of any provisions of R.CW. 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * *

9.18.090 Pistol Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of R.C.W. 9.41.110.

9.18.100 Certain Transfer of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by

JUN 23 1977 UM

a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers as provided by R.C.W. Chapter 19.60. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

* * * * *

9.18.120 False Information in Obtaining Pistol. No person shall, in purchasing or otherwise delivery of a pistol or in applying for a license to carry the pistol, give false information or offer false evidence of his identity.

9.18.130 Exceptions for Unusable Pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.18.140 Machine Guns Prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

9.18.150 Machine Gun Defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shota per second.

* * * * *

9.18.170 Dangerous Weapons—Evidence. Every person who * * * uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

II. Pistols

9.18.260 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary, and kidnaping.

B. "Fugitive from justice" mean a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

9.18.270 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, * * * [contact local authorities for required contents] * * * and a statement [shall also be] signed by the purchaser that he not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

9.18.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined in a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police with seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 9.18.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to R.C.W. 9.41.070, or to sales to law enforcement officers.

9.18.290 Prohibited Transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state of elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Mountlake Terrace

5.07.010. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. Sales regulated. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] * * * One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution: provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. * * * No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this ordinance.

* * * * *

5.07.019. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

* * * * *

5.07.023. Definitions. The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Normandy Park

7.24.030 Delivery restricted. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.24.080 Possession restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

7.24.110 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan, shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

7.24.140 Antique pistols exempted. This title shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.24.150 Machine guns. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.24.160 Machine gun defined. For the purpose of this title, "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, bolt, or other separable mechanical device for steering, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

North Bend

9.72.030: No person shall deliver a pistol to any person under the age of eighteen years or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

* * * * *

9.72.040 Pistol—Purchase—False information. No person shall, if purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

9.72.070 Firearm—Possession by minor unlawful when. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes.

Ocean Shores

7.28.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. Pistol sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

7.28.100. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.110. Certain transfers of pistols forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

* * * * *

7.28.140. Exceptions for unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.28.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.28.160. Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir

clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Olympia

Section 1. It shall be unlawful for any person, firm or corporation, to purchase any gun, pistol, firearm, or other deadly weapon, or any ammunition or explosive of any kind or character, without first obtaining a written permit therefor from the Chief of Police of the City of Olympia.

Section 2: The application for such permit shall be in writing and shall state the name of the person, firm or corporation, from whom such purchase is to be made, the kind of firearm, ammunition, or explosive desired, and the purpose for which it is to be used.

Section 3: The issuance of such permit shall be in the discretion of the Chief of Police. * * * no person, firm, or corporation, shall sell any gun, pistol, firearm, deadly weapon, ammunition, or explosive without first obtaining from the purchaser a permit so issued by the Chief of Police. * * *

Pasco

9.24.060 Selling revolvers and pistols to minors. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Raymond

Ordinance No. 931

Section 1. It shall be unlawful for any person, firm, or corporation to sell any firearms * * * to minors.

* * * * *

Renton

Firearms

6-137: "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

6-140: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6-144: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

6-145: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] * * * The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the Chief of Police; the duplicate duly signed by the seller, shall within seven (7) days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six (6) years. This Section shall not apply to sales at wholesale.

6-146: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law.

6-147: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-148: False information forbidden: No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

6-150: Exceptions: This Chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6-151: Machine guns; prohibited: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

6-152: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

6-153: Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Richland

9.04.280. Selling, etc., of revolvers and pistols to minors less than eighteen. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

Section 12A.17.010 Definitons. The following definitions apply in this chapter.

(1) "pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical, combustion, or otherwise and having a barrel less than twelve inches in length.

(2) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

* * * * *

(5) "gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

Section 12A.17.080 Unlawful sale of pistol. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to knowingly sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record in triplicate of every pistol sold or disposed of. Such record, which shall be in the form of an application for purchase, shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * * One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report in writing his findings to the merchant or secondhand dealer, and if the chief of police denies such application to purchase, he shall in such report so notify said merchant or secondhand dealer stating the grounds for such denial; provided, that such application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind; provided further, that this section and Section 12A.17.100 shall not apply to sales by wholesalers to dealers, or to the sale of antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

Section 12A.17.100 Unlawful delivery to purchaser. It is unlawful for any merchant or secondhand dealer or as any clerk, agent, or employee of any merchant or secondhand dealer to knowingly deliver any pistol to any purchaser until seventy-two hours, exclusive of Sundays and holidays, shall have elapsed from the time of application for the purchase thereof as provided in Section 2 hereof; and it is further unlawful for any merchant or secondhand dealer, or any such clerk, agent or employee to knowingly deliver any pistol to any purchaser whose application to purchase has been denied by the chief of police and the merchant or secondhand dealer so notified in writing as provided in Section 2 hereof within such seventy-two hour period. * * * Provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12A.17.080, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070 or 12A.17.040 of this title or to sales to peace officers.

Section 12A.17.120 Unlawful purchases—False statements. It is unlawful for any person who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who is legally judged to be of unsound mind to purchase a pistol in this city, and it is further unlawful for any person to knowingly make any false statement in his application to purchase a pistol.

Section 12A.24.040 Unlawful purchase, acquisition, possession or use of arms. A person is guilty of unlawful purchase, acquisition, possession or use of arms if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses any firearm of any kind or any spring gun, air gun or slingshot, or any ammunition for any such firearm or gun, except while accompanied by or under the immediate charge of his parent or legal guardian or other adult approved for the purpose of this section by such parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class.

Section 12A.24.050 Unlawful aiding the purchase, acquisition, possession or use of arms. A person is guilty of unlawfully aiding the purchase, acquisition, possession or use of arms if he knowingly aids in a violation of or permits any person to violate the provisions of Section 12A.24.040.

Section 12A.24.060 Unlawful furnishing, purchase, acquisition, possession or use of pistol. Notwithstanding the provisions of 12A.24.040 and 12A.24.050 a person is guilty of unlawful furnishing, purchase, acquisition, possession or use of a pistol if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses a pistol as defined by Section 12A.17.010(1), or if he is a person who knowingly sells, gives, furnishes or causes to be furnished or permits to be sold, given or furnished a pistol to any person under the age of eighteen (18) years, or if he is a person who knowingly permits a person under the age of eighteen (18) years to possess or use a pistol.

Sedro Woolley

9.76.010 Pistol defined. "Pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

9.76.020 Convicted persons owning pistol. No person who has been convicted in this state, or elsewhere, of a crime of violence shall own a pistol or have one in his possession or under his control.

9.76.080 Use by minors. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor as at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for any other purposes. Any person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Shelton City

9.04.270 Selling or giving revolvers or pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Snohomish

941-36 Selling, etc., of revolvers and pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

The city of Spokane has adopted the language of the State firearms laws including Sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Spokane County

6.05.050. Persons prohibited from owning or possessing pistol. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6.05.060 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

6.05.070. Giving of false information prohibited. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

* * * * *

6.05.090. Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Tacoma

8.66.030. Sale to minors under eighteen. No person shall, within the City of Tacoma, sell, give or loan, or cause to be sold, given or loaned, to any minor under the age of eighteen years, any gun, revolver, pistol, toy pistol, or the cartridges therefor, * * *

8.66.080. Definitions. The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a pro-

JUN 23 1971 UM

jectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arresta for offenses.

8.66.090. Records required before sale. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the locality; Contact local authorities for required contents] * * *.One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. Delivery prohibited prior to receipt of records. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. Sales prohibited to certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Tukwila

8.12.010. Definitions. * * * (d) "Other dangerous weapon" means any instrument not elsewhere defined in this chapter which is capable of producing bodily harm and which is carried or possessed with intent to use the same unlawfully against another. * * * (f) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length. * * *

8.12.020. Unlawful use of weapons. (a) It is unlawful for anyone to: * * * (2) * * * sell or give away to any person under eighteen years of age any * * * other dangerous weapon, or for any such person to purchase or possess any such * * * other dangerous weapon; or * * * (5) Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm.

Tumwater

7.04.350 Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.04.360 Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion or gunpowder or similar substance.

7.04.430 Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

7.04.450 Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement * * * that he has never been convicted in this state or elsewhere of a crime of violence.

7.04.460 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.'

7.04.470 Certain transfers of weapons prohibited. No person other than a duly licensed dealer under RCW 9.41.110 shall make any loan secured by a mortgage, deposit or pledge for a loan.

* * * * *

7.04.500 Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section II: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Winslow

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section 11: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Yakima

8.28.010. Use by minors. No person under the age of twenty-one years shall be issued a county license for the possession and use of a handgun or pistol. Persons twenty-one years of age or over may be issued licenses for handguns and pistols subject to RCW 9.41.070.

West Virginia

State Law

W. Va. Code

Sec. 27-12-3. Miscellaneous offenses. If any person shall * * * without the permission of the superintendent of any such [state] hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any firearms, * * * he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined * * * or imprisoned * * * or, in the discretion of the court, both fined and imprisoned.

Sec. 28-1-8. Offenses relating to youth facilities; penalties; escape; arrest and return. If any person shall * * * give or sell, or aid or abet any other person to give or sell, to any youth in the youth facility, whether on the premises of such institution or otherwise, any * * * firearms, * * * such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten, nor more than one hundred dollars, or to be confined not more than twelve months in the county jail, or, in the discretion of the court, both fined and imprisoned. * * *

Sec. 61-7-8. Possession of machine guns, high-powered rifles, or ammunition therefor; permits; unnaturalized persons may not possess firearms; exception. It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, submachine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of revolvers and pistols, and all such licenses, together with the numbers identifying such firearms, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice, and: Provided, however, that notwithstanding any other provision of this article or any other provision of this Code, any resident, nonresident and unnaturalized person may lawfully possess, transport, carry and use any firearm he is permitted to use for hunting under any valid license he has been issued by the department of natural resources and which he holds in his possession. At all times such person shall comply with all of the requirements of law set forth in this Code and the rules and regulations promulgated thereunder pertaining to possessing, transporting, carrying and using firearms for hunting.

No such permit shall be granted by the superintendent except in cases of riot, public danger and emergency until such applicant shall have filed his written application with the superintendent in accordance with the rules and regulations that may be from time to time prescribed by the department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit, and such application shall contain the same provisions as are required to be shown under the provisions of section two [Sec. 61-7-2] of this article by applicants for a state license to carry a weapon, and shall be duly verified by such applicant and at least one other reputable citizen of this State. Any such permit as granted under the provisions of this section may be revoked by the governor at his pleasure, and upon the revocation of any such permit, the department of public safety shall immediately seize and take possession of any machine gun, submachine gun, high-powered rifle, or gun of similar kind and character, held by reason of such permit, and all ammunition therefor; and the department of public safety shall also confiscate any such machine gun, submachine gun, high-powered rifle, or any gun of similar kind and character, and all ammunition therefor, so owned, carried, transported or possessed contrary to the provisions of this section, and shall safely store and keep the same, subject to the order of the governor.

No unnaturalized person may own, keep, possess, transport, carry or use any firearm of any kind or character, except for hunting as provided in sections three and eight [Secs. 61-7-3 and 61-7-8] of this article and article two [Sec. 20-2-1 et seq.], chapter twenty of this Code.

Sec. 61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or Sec. 61-7-8. It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, * * * or other dangerous weapons of like kind or character, or any machine gun, submachine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearnace of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person: Provided, that a person may lawfully sell, rent, give or lend any firearm which may lawfully be used for hunting to any unnaturalized person who has been issued and holds a valid permit in accordance with the provisions of section twenty-nine [Sec. 20-2-29], article two, chapter twenty of this Code and the unnaturalized person shows such permit to such person when the sale, rental, gift or loan is made.

Any person violating the provisions of this or the preceding section [Sec. 61-7-8] shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than three hundred dollars, or imprisoned in the county jail not less than thirty days nor more than six months, or both fined and imprisoned.

Sec. 61-7-14. Purchase of firearms in contiguous state. Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

Beckley

25-3. Sale or rental of weapons to minors under eighteen. It shall be unlawful for any person to rent or sell any machine gun, high-powered rifle or any gun of similar kind or character, or revolver, pistol, * * * or other dangerous weapon of like kind or character, or any ammunition for any such weapon, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his parents, or one of them, or by the minor's legal guardian.

Benwood

210.02. Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol * * * or any other dangerous or deadly weapon of like kind or character.

210.06. Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 210.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

210.07. Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

210.09 Issuance and Duration of Permits. It shall be the duty of the Chief of Police to issue to such applicant a written permit, on a standard form to be prescribed and provided by the Chief of Police, authorizing the applicant to purchase, receive or accept such pistol, revolver or other firearm of the kind described in Section 210.05, * * * provided, however, that a permit to purchase, receive or accept a pistol, revolver or other firearm of the kind described in Section 210.05 shall not be issued to minors, drug addicts, unnaturalized foreign-born persons, habitual drunkards, persons of unsound mind or to anyone who has been convicted of a felony under the laws of the United States, the State of West Virginia or any other state. Permits shall be valid for a period of ten days only.

210.10 Vendor to Demand Permit from Purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 210.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

210.13. Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Bluefield

13-215. Weapons. A license shall be required to sell or expose for sale pistols, revolvers, * * * or weapons of any kind, * * *.

Charleston

Sec. 18-70. Same—Possession by persons under age sixteen. No person under the age of sixteen years shall carry or have in his possession upon any street, park or other public space in the city any gun, pistol, rifle, * * * or other dangerous weapon of any character; provided, that nothing in this section shall be so construed as to prohibit members of duly authorized military, cadet corps or similar organizations from the proper use of their guns and other equipment as members of such organizations.

Chesapeake

Sec. 5. Sale or rental. It shall be unlawful for any person to rent or sell any revolver, pistol, * * * or other dangerous weapon of like kind or character, or any machine gun or high powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Clarksburg

17-72. Same—Sale to person under sixteen years of age; sale of explosives to persons under sixteen prohibited. It shall be unlawful for any person to sell, offer or give to any child or children under the age of sixteen years, firearms, gunpowder, gun caps, * * * or other explosives of like kind and character in any quantity whatever.

Davis

No. 20. It shall be unlawful for any person to * * * furnish or sell any such weapon to any other person under the age of 21 years. * * *

Fairmont

Sec. 16-6. Dangerous or deadly weapons—Carrying; sale, etc., to minors. If any person shall carry about his person any revolver or other pistol, * * * or any other dangerous or deadly weapon of like kind or character, he shall be punished as provided * * *. If any person shall sell or furnish any such weapon as is hereinabove mentioned to a person whom he knows or has reason from his appearance or otherwise to believe to be under the age of twenty-one years he shall be punished * * *

Logan

15-4. Sale, etc., to minor under sixteen of firearms or explosives. It shall be unlawful for any person to sell or give to any minor under the age of sixteen years firearms or gunpowder or other explosives in any quantity.

Mannington

Chapter 22, Section 2m. No person without a city license therefore, shall sell pistols, revolvers, or weapons of like or kind.

Martinsburg

35-5. Display of dangerous weapons for sale or hire; sale to unnaturalized person. * * * It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, Michie's West Virginia Code, 1961, to an unnaturalized person.

Morgantown

31-8. License—Required. No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, * * * or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31-15. Sale, etc., to intoxicated persons, minors under eighteen, etc. It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.

Moundsville

Sec. 14-81. Weapons. The annual license fee to sell or offer for sale pistols, revolvers, * * * shall be ten dollars. No license shall be issued without the prior certification of the chief of police of the city.

Mullens

Sec. 20-50. No person shall carry about his person any revolver, pistol * * * No person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason from his appearance or otherwise to believe, to be under the age of twenty-one years. * * *

Rupert

7-304 Dangerous Weapons: Sale of. No person shall sell or furnish any of the dangerous weapons referred in Section 3 (revolver or other pistol) of this article to a person when he knows, or has reason from his appearance or otherwise, to believe, to be under the age of twenty-one years.

Summersville

* * * it shall be unlawful for any person, firm, or corporation to place or keep on public display to passers-by on the streets, roads, or alleys of said Town, for rent or sale, any revolver, pistol * * * or other dangerous weapon of like kind or character or any machine gun, sub-machine gun, or high powered rifle, or any gun of similar kind or character, or any ammunition for the same. * * * It shall be unlawful for any person to sell, rent, give, or lend any of the arms mentioned in this article to an unnaturalized person.

Thomas

Section 26. It shall be unlawful for any person to carry about his person any revolver or other pistol, * * * nor shall any person sell or furnish any such weapon as is hereinbefore mentioned, to a person whom he knows, or has reason to believe, from his appearance or otherwise, to be under the age of twenty-one years; * * *.

Weirton

553.07 Display of Dangerous Weapons; Reporting Purchases. No person shall place or keep on public display for rent or sale to passers-by on the street, roads or alleys, any revolver, pistol, * * * any machine gun, submachine gun or high-powered rifle, any gun of similar kind or character or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber and report the same at once in writing to the Police Chief.

553.08 Sale of arms to unnaturalized person or minor. No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol * * * or any other dangerous or deadly weapon of like kind or character.

537.05 Sale, transfer of concealed weapons. No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept, any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06 Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07 Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10 Vendor to demand permit from purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13 Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Wisconsin

State Law

Wisc. Stat. Ann.

164.01 Definitions. (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03 Possession for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04 Possession when presumed for aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found: or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possession: or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required: or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.06 Exceptions. Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.07 Manufacturer to register machine guns. Every manufacturer shall keep a reg-

ister of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars or more than five hundred dollars.

164.08 Owner to register machine gun. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

* * * * *

164.20 Machine guns and other weapons; use in certain cases; penalty. (1) No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use, or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

175.30 Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35 Waiting period for purchase of handguns. (1) In this section, "handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(2) (a) No firearms dealer licensed by the U.S. department of the treasury may transfer possession of any handgun to any person for 48 hours following purchase of such handgun.

(b) This section shall not apply to the transfer of any handgun classed as an antique by regulations of the treasury department or to transfers between licensed firearms dealers or between wholesalers and dealers.

* * * * *

939.22 Words and phrases defined. In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

* * * * *

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

* * * * *

941.22 Possession of pistol by minor. (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than $500 or imprisoned not more than one year in county jail or both.

* * * * *

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

943.06 Molotov cocktails. (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than $500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

8.01 Offenses endangering public safety. * * * * * **(4) Sale of dangerous weapons to minors prohibited.** No person shall buy for, sell or give away to any minor any dangerous weapon * * * without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: * * * pistol, revolver, * * * any weapon in which loaded or blank cartridges are used. * * *

Beloit

15.01 Offenses against state laws subject to forfeiture. (Am. #1304) The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the municipality, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture. * * * * * 943.06 Molotov Cocktails. * * * * *

15.07 Firearms and Weapons, use of. * * * * * **(3) Sale of firearms and weapons to minors forbidden.** No person shall sell any firearm, * * * or loan such items to any minor within the City.

Big Bend

Chapter XI

11.01. Dangerous and Concealed Weapons. (1) Definitions. A. Dangerous Weapon. The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver * * *.

(3) **License for Sale of Weapons.** A. No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous except rifles or shotguns used for hunting purposes, * * * (or) weapons used solely for target practice purposes, * * * without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon. * * *

(4) **Selling weapons to Minors Prohibited.** No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, * * *.

* * * * *

(6) **Permit Required for Purchase of Dangerous Weapons.** No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, * * * (or) weapon used solely for target practice purposes * * *. Before any such permit is granted an application in writing shall be made therefor * * * (contact local authorities for required contents).

Cudahy

Section 15.02(2)(b) It shall be unlawful for any person under the age of eighteen (18) to purchase any * * * revolver or pistol upon which any loaded or blank cartridges are used. Every person who deals in dangerous weapons or guns shall keep a record of sales of such dangerous weapons or guns, [contact local authorities for required contents] * * * No sale shall be made to persons having been convicted of a felony.

Glendale

24.20. Making, possession, transfer or use of fire bombs and other similar devices. (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01 Dangerous and Concealed Weapons. (1) Definitions. (a) Dangerous Weapon. The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, * * * any weapon upon which loaded or blank cartridges are used, * * *.

(b) Concealed Weapon. The term "concealed weapon" shall include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

* * * * *

(3) **License for Sale of Weapons.** (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, * * * without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon * * *.

(4) **Selling Weapons to Minors Prohibited.** No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, * * *.

(6) **Permit Required for Purchase of Dangerous Weapons.** No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, * * *. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents]. * * *

Kenosha

11.02-R. Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. Dangerous weapons. B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Ladysmith

11.02 Concealed Weapons * * * (2) * * * no person shall intentionally sell, loan or give a pistol to any minor. * * *

Madison

25.01 Sale of Firearms.

(1) Definitions: For the purpose of this section:

Firearm. The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose.

Handgun. The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten (10) inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger.

Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

* * * * *

(2) It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within twenty-four (24) hours, excluding those hours falling on any Saturday, Sunday or holiday, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his designee, giving a complete description of the firearm so sold [contact local authorities for required contents] * * *.

* * * * *

(4) * * * no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. * * *.

(5) * * * no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm * * * or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen (18) years of age for use only in target practice or any hunting under his direct supervision.

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

* * * * *

(10) Sale of Handguns and Handgun Ammunition Unlawful.

(a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.

(b) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.

(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.

(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded or transferred by them to any organization or person described in Subdivision (c) above.

25.04 Fireworks Regulated. (1) It is unlawful for any person to sell, expose or offer for sale, * * * blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, * * * within the City of Madison, except as hereinafter provided.

* * * * *

(3) Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events * * *.

* * * * *

Menomonee Falls

10.01 Offenses Endangering Public Safety. (l) * * * * * (i) **Sale to Minors.** No person shall sell or give away any firearm, rifle, shotgun, * * * or ammunition therefor, to any person under the age of 18 years.

(j) **Possession by Minor.** No person under the age of 18 years shall go armed with a firearm of any type, * * * nor have in his possession any ammunition therefor.* * * * *.

Middleton

16.01-(b) Possession of Ammunition and sale to minors. No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, * * *. No person shall intentionally sell or give away any firearm, rifle, * * * or ammunition therefor, to any person under the age of 18 years.

Milwaukee

* * * * *

Section 105-34. Carrying Dangerous or Concealed Weapons.

(2) Definitions. The term "concealed weapon" shall mean and include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver * * * any weapon upon which loaded or blank cartridges are used. * * * Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

* * * * *

105-43. Sale of Dangerous Weapons.

(1) License Required. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * without securing a license so to do as provided in Section 105-43(1) and (3) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

(2) Unlawful to Sell Weapons to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in Section 105-34; or to any person under the age of 21 in the case of handguns, * * *

(5) Permit Required to Purchase. (a) From Chief of Police.

It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes * * *.

(b) Permit to be Filed. * * * No such permit shall be granted to persons having been convicted of crime or to minors under the age of 18. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the city clerk of the city of Milwaukee within three months from the date of the issuance of the same.

105-43.2. Waiting Period Required for Purchase of Handguns. No person, firm, or corporation who is licensed to deal in the sale of weapons, pursuant to the requirements of Section 105-43, shall transfer possession of any handgun to any person for 48 hours following the application for purchase of such handgun.

Oshkosh

18-24. Furnishing firearms to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Port Washington

9.11. Sale of weapons. (1) License required. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any * * * revolver, pistol, * * * or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police * * *.

(5). Permit to purchase. No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. Dangerous or concealed weapons. (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, * * *. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

* * * * *

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, * * *

25.41 Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Reedsville

7.01 * * * * * **(c) Sale to Minors.** No person shall sell, loan or give any pistol to any person under eighteen (18) years of age.

Shorewood

Section 13-601 Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: * * * pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used * * *

Section 13-603 Permit Required for Purchase of Dangerous Weapons. A. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes,

* * * * *

Section 13-604 License for Sale of Weapons. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, * * * weapons used solely for target practice purposes, * * * and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-603.

Section 13-605 Unlawful to Sell to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601 * * *

Section 13-609 Possession of Pistol by Minor. A. It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, loan or give a pistol to a minor.

* * * * *

D. In this section, "pistol" means any firearm having a barrel less than 12 inches long.

Section 13-610 Use of Fire Bombs Prohibited. No person shall make, carry, possess, sell, give or use any type of "molotov cocktail," which is defined to mean a flammable liquid filled bottle or container with a fuse, wick or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material, or which can cause damage by explosion.

Section 13-612 Fireworks Prohibited. A. No person, firm, partnership, or corporation shall sell, offer for sale, expose for sale, or possess or use or explode any blank cartridges, toy pistols or cannons, toy canes or toy cannons in which explosives are used * * *

B. Nothing herein contained shall prohibit * * * the use or sale of blank cartridges for theatrical purposes, or for signal purposes in athletic contests, sport events or by railroads for signal purposes, or for the use by militia, police, or military organizations.

Stevens Point

24.13 Firearms to minors. * * * any person who intentionally sells, loans, or gives a gun or other type of firearm * * * or ammunition for same, to a minor may suffer a forfeiture of not more than $200 and in lieu of such payment assessed, imprisonment for not more than sixty (60) days in the county jail.

Superior

Sec. 23-49. Furnishing firearms to minors. No person shall sell, give away or furnish to any person under twenty-one (21) years of age any revolver, pistol, shotgun, rifle or other firearm, intended for and capable of shooting powder, balls or cartridges, without the consent in person or writing, of the parent or guardian of the minor.

Twin Lakes Village

9.88.020 Sale or giving weapons prohibited. No person shall sell, loan or give away any gun, pistol, revolver or other deadly or dangerous weapon to any minor or intoxicated person.

Wauwatosa

6.84.010 Definitions. In this chapter, unless the context otherwise requires:

1. "Dangerous gun" means any revolver, pistol, * * * rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

* * * * *

3. "Person" means any person, firm or corporation.

6.84.020 Sale or giving away—License required—Exceptions. A. No person shall engage in the business of selling or giving away any dangerous * * * gun without obtaining a license * * *, and no person having such license shall sell or give away any such dangerous * * * gun who has not secured a permit from the chief of police to obtain such dangerous * * * gun * * *.

B. This provision does not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport * * *.

6.84.040 * * * Handguns of any caliber shall not be sold to persons convicted of a felony or to minors.

6.84.050 Purchase—Permit required—Exception. No person shall purchase any dangerous * * * gun without securing a permit therefor from the chief of police. * * * This section shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined as any of those items that further interest in the commonly accepted fields of sport * * * except as to persons convicted of crime or to minors.

West Milwaukee

Ordinance 422

3.15 Firearms.

* * * * *

(2) **Sale and Display Regulated.** No person, firm, or corporation shall engage in the business of selling, sell or give away any * * *

JUN 23 77 UM

revolvers, pistols, rifles, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives, or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles, except in accordance with a seller's permit or dealer's license issued pursuant to subsection (3), and such sale or gift shall be made only to a person not otherwise prohibited from purchasing or using such items by the provisions of subsection (4).

(3) **Dealers' Licenses.** Dealers' licenses shall be issuedby the Chief of Police * * *.

(4) **Purchase of.** No person shall purchase or receive anyof the weapons or items mentioned in subsection (2) if said person:

a. Is under eighteen years of age.

b. Is under indictment in any court for a crime punishable by imprisonment for a term exceeding one year.

c. Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

d. Is a fugitive from justice.

e. Is an unlawful user of, or addicted to, marihuana or a depressant, stimulant, or narcotic drug.

f. Is under the influence of a drug or is intoxicated.

g. Has ever been adjudged mentally defective or has ever been committed to a mental institution.

h. Has been discharged from the Armed Forces under dishonorable conditions.

i. Is an alien illegally in the United States.

j. Is a person who, having been a citizen of the United States, has renounced his citizenship.

White Fish Bay

15.12. Weapon dealers (1) Sale and display prohibited. No person shall engage in the business of selling, sell or give away any * * *

revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, * * * except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) **Dealers' licenses.** Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police * * *.

(3) **Buyers' Licenses.** Buyers' licenses shall be issued by the Chief of Police upon an application in writing [contact local authorities for required contents] * * *

(4) **Purchase of.** No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) **Rifles and shot guns for hunting purposes excepted.** The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Whitewater

15.03(a) No person, firm, partnership, association, or corporation shall display for sale, offer for sale, or sell any loaded pistol, gun, shot gun, * * * or other firearms within the City Limits of the City of Whitewater.* * *

Wisconsin Dells

(b) **Sale of Certain Weapons.** No person shall sell * * * any firearms * * * to any minor in the City of Wisconsin Dells * * *.

Wyoming

State Law

Wyo. Stat.

Sec. 6-241. Possession of weapons by aliens. Every person, not being a citizen of the United States, who shall own, possess, wear or carry any * * * pistol, shot gun, rifle, or other fire arm, * * * or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or imprisoned in the county jail not more than six months, or by both such fine and imprisonment.

Sec. 6-244. * * * (Dealer's and pawnbroker's firearms register) To be signed by purchasers. Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

Sec. 6-246.1. Rifles and shotguns—Defined. Rifle—a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun—a weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Sec. 6-246.3. Same—Resident may purchase or receive delivery; restrictions and requirements. It is hereby declared by the State of Wyoming that it is lawful for a resident of the State of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the State of Wyoming, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(b) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. Sec. 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Afton

6-302. Sales to intoxicated persons. No person in the town of Afton shall purchase from or sell, loan or furnish any weapon in which explosive substance can be used, to any person under the influence of alcohol or any narcotic drugs, stimulant or depressant, or to any person in a condition of agitation or excitability.

6-303. Sales to minors. No person in the town of Afton shall purchase from or sell, or loan, or furnish any weapon in which an explosive substance can be used, to any person under the age of 14 years.

Cheyenne

30-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges of pistols as security for loans.

Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

30-52. Exceptions. This article shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

30-56. Possession of firearms—Criminals, drug addicts, etc. No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is a drug addict or an habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

Arrests, without a warrant, and searches and seizures pursuant thereto, may be made for violations of this section by police officers, as in the case of a felony, upon probable cause that the person arrested is carrying a pistol in violation of this section at the time of arrest.

30-57. Same—Minors. No person under the age of eighteen (18) years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the state militia, ROTC, or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

30-58. Sale, possession, etc., of firearms without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

30-65. License—Required. No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor.

30-69. Pistols—Sale and delivery. When any sale of a pistol, the overall length of which is less than six (6) inches, is made under this article, forty-eight (48) hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

30-71. Sales, etc., to criminals, dope addicts, etc. No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

30-72. Sales, etc., to minors. No dealer shall sell, lease, lend or otherwise transfer a firearm to any minor except as provided in section 30-57.

Cody

34-4. Furnishing deadly weapons * * * to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Mountain View

Sec. 14-4. Furnishing deadly weapons and certain cartridges to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Pine Bluffs

Section 7. Possession of firearms-Minors. No person under the age of nineteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R.O.T.C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

Section 8. Sale, possession, etc., of firearms, without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease, or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

Powell

8.24. Disposing of weapons to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, * * * or any other deadly weapon of any other kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

8.25. Police excepted. The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

Sec. 19-44. Same—Sale, etc., to minors. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol * * * or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

[FR Doc.77-17758 Filed 6-22-77;8:45 am]

V
4
2
1
2
1
JUN 23
7
7
UM



would you like to know

if any changes have been made in certain titles of the CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "Cumulative List of CFR Sections Affected," the "Federal Register Index," or both.

Cumulative List of CFR Sections Affected
$10.00
per year

The "Cumulative List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Federal Register Index $8.00
per year

Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR Indexes and the "Cumulative List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

Mail order form to:
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

There is enclosed $_____ for _____ subscription(s) to the publications checked below:

..... **CUMULATIVE LIST OF CFR SECTIONS AFFECTED ($10.00 a year domestic; $12.50 foreign)**

..... **FEDERAL REGISTER INDEX ($8.00 a year domestic; $10.00 foreign)**

Name _____

Street Address _____

City _____ **State** _____ **ZIP** _____

Make check payable to the Superintendent of Documents

☆ GPO: 1976—O-58-000

Vol.42—No.122
6–24–77

PAGES
32223–32512

Federal Register

FRIDAY, JUNE 24, 1977



highlights

SUNSHINE ACT MEETINGS..... 32348

NON-RUBBER FOOTWEAR IMPORTS
Presidential proclamation and Office of the Special Representative for Trade Negotiations notice of orderly marketing agreements between the United States and the Republics of China and Korea (Part VII of this issue)..... 32429

ENDANGERED OR THREATENED PLANTS
Interior/FWS establishes prohibitions on certain uses of endangered plants and permit procedure to grant exceptions (Part II of this issue)..... 32373

COLOR ADDITIVES
HEW/FDA lists carmine as safe for use in coloring cosmetics; comments by 7–26–77..... 32228

EMPLOYEE RETIREMENT SECURITY ACT
Treasury/IRS and Labor/P&WBP adopt regulations concerning employee benefit plans and related banking services, exempt certain transactions and impose new conditions under Prohibited Transaction Exemption 77–9 (4 documents) (Part III of this issue)..... 32383

RADIOTELEPHONE THIRD CLASS OPERATOR
FCC proposes to permit the administration of written examinations in the Spanish language; comments by 7–18–77..... 32268

OPACITY STANDARDS
EPA limits emissions from new, modified, or reconstructed petroleum refinery fluid catalytic cracking units catalyst regenerators to 30 percent, except for one six-minute period in any one hour; effective 6–24–77 (Part VI of this issue)..... 32425

MINIMUM WAGES
Labor/ESA publishes general wage determination decisions for Federal and federally assisted construction (Part VIII of this issue)..... 32445

PRIVACY ACT
Commerce/Secy adopts new system of records; comments by 4–27–77..... 32340

AIR POLLUTION
EPA suspends standards for new and modified grain elevators; effective 6–24–77..... 32264

LEAD-BASED PAINT
SBA prohibits use in residential structures constructed or rehabilitated; comments by 7–25–77..... 32257

CONTINUED INSIDE

JUN 24 77
UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

COMMERCE/SECY—Consumer product information labeling program, voluntary: operation and procedures. 26647; 5–25–77

DOT/FAA—Airworthiness directives; Detroit Diesel Allison; model 250–C20/C20B/C20C and 250–B17/B17B engines..... 26199; 5–23–77

EPA—Interim primary drinking water regulations; radionuclides..... 28402; 7–9–76

INTERIOR/BIA—Enrollment; Grand River Ottawa Indians..... 26652; 5–25–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 6197..... Pub. L. 95–51
To amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978. (June 20, 1977; 91 Stat. 233). Price: $.35

S. 521..... Pub. L. 95–50
To amend the John F. Kennedy Center Act to authorize funds for the repair of leaks. (June 20, 1977; 91 Stat. 232). Price: $.35

H.R. 5840..... Pub. L. 95–52
Export Administration Amendments of 1977 (June 22, 1977; 91 Stat. 235). Price $.35

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	**202**–783–3238
Subscription problems (GPO)	**202**–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227
PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

EMPLOYMENT OF HANDICAPPED
HEW proposes procedures and guidelines for nondiscrimination in federally assisted programs; comments by 7–25–77 **32264**

TELEPHONE SERVICE
FCC revises requirements of telephone equipment registration program; effective 7–20–77 **32234**
FCC proposes regulations concerning interstate and foreign message toll telephone service and wide area telephone service; comments by 7–30–77 **32269**

CONSUMER CREDIT PRACTICES
FTC proposes trade regulations; comments by 8–5–77 **32259**

SECURITIES EXCHANGE ACT
SEC adopts performance standards for registered transfer agents (2 documents) (Part IV of this issue); comments by 8–15–77 **32403**

SECURITIES EXCHANGES AND ASSOCIATIONS
SEC proposes rule requiring the dissemination of quotations for reported securities (Part V of this issue); comments by 8–1–77 **32417**

MEETINGS—
CSC: Federal Employees Pay Council, 7–6–77 **32287**
DOD/AF: JANNAF Workshop, 7–14 and 7–15–77 **32291**
USAF Scientific Advisory Board (2 documents); 7–11 thru 7–14, 7–20 and 7–21–77 **32291**
Army: Workshop on the Fundamental Reactions in Solid Propellant Combustion, 7–26 and 7–27–77 **32291**
FCC: WARC Advisory Committee for Amateur Radio, 7–12–77 **32306**
HEW/FDA: Conference on Toxic substances, 8–22 and 8–23–77 **32319**
OE: Advisory Council on Environmental Education, 7–11 and 7–12–77 **32321**
Justice: United States Circuit Judge Nominating Commission, District of Columbia Panel, 6–27–77 **32323**

HEARINGS—
CRC: Age Discrimination, 7–28 and 7–29–77 **32286**
FTC: Trade regulation rule regarding consumer credit practices, 9–12, 10–11, 11–7, and 12–5–77 **32259**
ITC: Stainless Steel and Alloy Tool Steel, 8–23–77 **32323**
Labor/OSHA: Occupational exposure to benzene, 7–19–77 **32263**

SEPARATE PARTS OF THIS ISSUE
Part II, Interior/FWS **32373**
Part III, Treasury/IRS **32383**
Part IV, SEC **32403**
Part V, SEC **32417**
Part VI, EPA **32425**
Part VII, The President and Office of the Special Representative for Trade Negotiations **32429**
Part VIII, Labor/ESA **32445**

VAN
JUN 24 77
UM

contents

THE PRESIDENT

Proclamations

Footwear, non-rubber; orderly marketing agreements and limitation on imports 32430

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz. and Calif. 32255

Proposed Rules

Prunes (fresh) grown in Oreg. and Wash 32256

Notices

Peanuts; 1977 crop; quality regulations 32278

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Food and Nutrition Service; Forest Service; Rural Electrification Administration.

Rules

Authority delegations by Secretary and General Officers:
- Assistant Secretary for Conservation, Research, and Education; radiological safety 32254

Procurement; formal advertising 32230

AIR FORCE DEPARTMENT

Notices

Meetings:
- Scientific Advisory Board (2 documents) 32291
- JANNAF Combustion Working Group 32291

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Livestock and poultry quarantine:
- Brucellosis 32223
- Scabies in cattle 32223

ARMY DEPARTMENT

Notices

Meetings:
- JANNAF Combustion Working Group 32291

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
- Federal-State Partnership Advisory Panel 32338

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1977; additions and deletions (2 documents) ... 32288

CIVIL AERONAUTICS BOARD

Rules

Organization and functions:
- Board field offices; location and business hours 32228

Tariffs of air carriers and foreign air carriers, construction, publication, etc.:
- Rate change proposals; economic data requirement eliminated 32227

Notices

Hearings, etc.:
- Midwest-Atlanta competitive service case 32286
- TWA-Southern route exchange case 32286

CIVIL RIGHTS COMMISSION

Notices

Age discrimination in Federal programs; hearings:
- Denver 32286

CIVIL SERVICE COMMISSION

Rules

Disclosure of information from official personnel folders 32252

Excepted service:
- Agency for International Development 32250
- Agriculture Department 32251
- Defense Department (2 documents) 32251
- Environmental Protection Agency 32251
- Federal Energy Administration (2 documents) 32251
- State Department (2 documents) 32252
- Treasury Department 32252

Notices

Meetings:
- Federal Employees Pay Council 32288

Noncareer executive assignments:
- Action (3 documents) 32286, 32287
- Agriculture Department 32287
- Civil Service Commission 32287
- Commerce Department 32287
- Defense Department (3 documents) 32287
- Federal Energy Administration (2 documents) 32288
- Health, Education, and Welfare Department (2 documents) ... 32287, 32288
- Housing and Urban Development Department 32287
- Interior Department (2 documents) 32287, 32288
- Labor Department 32288

COMMERCE DEPARTMENT

See also National Oceanic and Atmospheric Administration.

Notices

Privacy Act; systems of records ... 32340

COMMODITY CREDIT CORPORATION

Proposed Rules

Loan and purchase programs:
- Peanuts; extension of time 32257

COMMODITY FUTURES TRADING COMMISSION

Proposed Rules

Commodity Exchange Act regulations:
- Futures commission merchants; minimum financial requirements; correction 32261

DEFENSE DEPARTMENT

See Air Force Department; Army Department.

EDUCATION OFFICE

Notices

Meetings:
- Environmental Education Advisory Council 32321

EMERGENCY NATURAL GAS ACT OF 1977, ADMINISTRATOR

Notices

Emergency orders, etc.:
- El Paso Natural Gas Co 32278

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications ... 32324

Unemployment compensation, emergency:
- Federal supplemental benefits; ending periods in various States (2 documents) ... 32324, 32325

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions 32445

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Rules

Procurement; conduct standards; avoidance of conflicts of interest 32232

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air pollution; standards of performance for new stationary sources:
- Petroleum refinery fluid catalytic cracking unit catalyst regenerator 32425

Proposed Rules

Air pollution; standards of performance for new stationary sources:
- Grain elevators; suspended 32264

Notices

Environmental statements; availability of agency comments 32294

Pesticide chemicals; tolerances, exemptions, etc.; petitions:
- Shell Chemical Co 32302

Pesticide registration:
- Garlon 3A herbicide 32294

Pesticides; specific exemptions and experimental use permits:
- Arkansas Department of Commerce 32292
- BASF Wyandotte Corp.; correction 32293
- California Department of Health 32293
- Chevron Chemical Co. et al 32293
- Louisiana 32302
- Monsanto Agricultural Products Co. et al 32301
- Texas Department of Agriculture 32303
- U.S. Borax Research Corp 32304

Pesticide programs:
- Pronamide; extension of time ... 32302

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental impact statements; availability 32289

FARM CREDIT ADMINISTRATION

Rules

Funding programs of Farm Credit banks; terms of office of directors, and financially related service programs of Farm Credit associations 32226

FARMERS HOME ADMINISTRATION

Notices

Disaster and emergency areas:
- Connecticut 32285
- New Mexico 32285
- New York 32285
- Texas 32286

FEDERAL COMMUNICATIONS COMMISSION

Rules

Frequency allocations and radio treaty matters:
- International agreements relating to radio; editorial changes; correction 32234

Telephone network, connection of terminal equipment:
- Message toll and wide area telephone service; interstate and foreign; classes 32234

Proposed Rules

Organization and functions:
- Spanish language written examinations; radiotelephone third class operator permit and broadcast endorsement ... 32268

Telephone network, connection of terminal equipment:
- Message toll and wide area telephone service; interstate and foreign; classes 32269

Notices

Domestic public radio services; applications accepted for filing ... 32305

World Administrative Radio Conference 32306

Hearings, etc.:
- Northland Television, Inc 32307

FEDERAL ENERGY ADMINISTRATION

Notices

Appeals and applications for exception, etc.; cases filed with Exceptions and Appeals Office:
- List of applicants, etc 32307

Environmental statements; availability, etc.:
- Arkansas energy conservation plan 32310

FEDERAL MARITIME COMMISSION

Notices

Vessel construction; funds used, capitalization of cost; extension of time 32311

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Columbia Gas Transmission Corp. et al 32311
- Distrigas of Massachusetts Corp. et al 32312
- Montana Power Co 32312
- Philadelphia Electric Co 32313
- Tennessee Gas Pipeline Co 32313

FEDERAL RAILROAD ADMINISTRATION

Proposed Rules

Railroad Revitalization and Regulatory Reform Act of 1976:
- Information disclosure, applications for financial assistance 32277

FEDERAL RESERVE SYSTEM

Notices

Board actions; applications and reports 32313

Applications, etc.:
- Citizens Bancorp, Inc 32316
- Huntington Banshares Inc. (2 documents) 32316
- Royal Trust Co. et al 32316
- Trade Development Finance (Netherlands Antilles) N.V. et al 32317
- Wachovia Corp 32318

FEDERAL TRADE COMMISSION

Proposed Rules

Consent orders:
- Premier Clothing Co., Inc., et al ... 32258

Credit practices; hearings, etc ... 32259

FISH AND WILDLIFE SERVICE

Rules

Endangered plants; prohibitions uses; permits for exceptions, etc 32373

Fishing:
- Lacreek National Wildlife Refuge, S. Dak 32248

Hunting:
- Kirwin National Wildlife Refuge, Kans 32248

FOOD AND DRUG ADMINISTRATION

Rules

Animal drugs, feeds, and related products:
- Oxytetracycline hydrochloride injection 32229

Color additives:
- Carmine 32228

Cosmetics:
- Hypoallergenic products; labeling; stay of effective date; correction 32229

Food additives:
- Chemicals used in flume water to wash sugar beets; correction 32229

Proposed Rules

Pesticide tolerances in food and animal feeds:
- Glyphosate 32262

Notices

Committees; establishment, renewals, etc.:
- Obstetrical and Gynecological Device Classification Panel; nominations for nonvoting representative of consumer interests 32319

Meetings:
- Oral Cavity Panel 32319
- Toxicological Research Center; Toxic Substances Conference, carcinogenicity testing methods 32319

FOOD AND NUTRITION SERVICE

Rules

Food stamp program:
- Mid-Atlantic Regional Office; address change 32254

Proposed Rules

Food stamp program:
- Indian reservations, welfare districts, etc.; general information, definitions, and administrative costs of State agencies 32256

FOREST SERVICE

Rules

Organization and functions:
- Land management units and addresses; listing; update ... 32230

Notices

Environmental statements; availability, etc.:
- Mt. Baker-Snoqualmie National Forest, Skagit River basin study, Wash 32286

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc 32318

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration; Health Care Financing Administration; Public Health Service.

Proposed Rules

Nondiscrimination:
- Handicapped in federally-assisted program; enforcement coordination 32264

VOL 42 NO 122 JUN 24 77 UM

Procurement:
Buy Indian Act; Indian preference in training and employment; correction ---- 32264

HEALTH CARE FINANCING ADMINISTRATION

Notices

Public assistance research and demonstration grants, withdrawal, availability; extension of time ---- 32320

INDIAN AFFAIRS BUREAU

Rules

Fiscal and financial affairs:
Lands withdrawn for native selection, funds depositing procedures ---- 32229

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Rules

Excise taxes:
Employee benefit plans; exemptions for services, office space, etc ---- 32384

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (2 documents) ---- 32395, 32399

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Steel, stainless and alloy tool ---- 32323

INTERSTATE COMMERCE COMMISSION

Notices

E-letter notices, certification procedures ---- 32342
Fourth section applications for relief ---- 32342
Hearing assignments (2 documents) ---- 32341, 32342
Motor carriers:
Temporary authority applications ---- 32343

JUSTICE DEPARTMENT

Notices

Meetings:
U.S. Circuit Judge Nominating Commission ---- 32323

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration; Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office; Wage and Hour Division.

Notices

Adjustment assistance:
Amboy Manufacturing Co ---- 32325
American Finish & Chemical Co. et al ---- 32326
Ameron, Inc ---- 32326
Ann Michele Dress Co ---- 32327
Arkay Pants Co. et al ---- 32328
Bernard Screen Printing Corp. et al ---- 32328
Birmingham Stove & Range Co ---- 32328
Canteen Corp ---- 32329
Chippewa Shoe Co ---- 32330
Halco Industries, Inc ---- 32330
Harris Structural Steel Co., Inc. ---- 32331
Herman Segall & Co ---- 32331
Hunt for Chevrolets, Inc ---- 32332
International Shoe Co ---- 32332
Jersey Dye & Finishing Co ---- 32333
Jude Trawlers, Inc ---- 32334
Kennebec River Pulp & Paper, Inc. ---- 32334
Lumured Corp ---- 32335
Michele Dress Co ---- 32335
Peg Bandage, Inc ---- 32336
Riverside Novelty Printers, Inc ---- 32336
Saft America, Inc ---- 32337
Trimfoot Co., Inc ---- 32337

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico (4 documents) ---- 32322, 32323
Withdrawal and reservation of lands, proposed, etc.:
Alaska ---- 32321
Florida ---- 32322

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests ---- 32338

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Commercial and recreational salmon fisheries off coasts of Wash., Ore., and Calif ---- 32250
Fishing vessel obligation guarantee program procedures ---- 32249
Tuna, Pacific fisheries; reports of yellowfin catches ---- 32249

Notices

Meetings:
Coastal Zone Management Advisory Committee ---- 32340

NATIONAL PARK SERVICE

Notices

Environmental statements; availability, etc.:
Lassen Volcanic National Park, Calif. ---- 32323

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Health and safety standards:
Benzene exposure; hearing coverage, gasoline marketing excluded ---- 32263

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Rules

Fiduciary responsibility:
Employee benefit plans; exemptions for services, office space, etc ---- 32389

Notices

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc. (2 documents) ---- 23295, 32399

PUBLIC HEALTH SERVICE

Rules

Health maintenance organizations; interim regulations; correction ---- 32234

RENEGOTIATION BOARD

Notices

Interest rates; excessive profits and refund ---- 32339
Military sales, foreign, exemption; interpretation rescinded ---- 32339

REVENUE SHARING OFFICE

Notices

Antirecession fiscal assistance:
Permissible use of funds and legislative effective dates ---- 32339

RURAL ELECTRIFICATION ADMINISTRATION

Rules

Information, public:
Electric Loan policies and application procedures; Bulletin 20–2 revised ---- 32255

SECURITIES AND EXCHANGE COMMISSION

Rules

Securities Exchange Act:
Transfer agents, regulation ---- 32403

Proposed Rules

Securities Exchange Act:
Reported securities, quotation dissemination ---- 32417
Transfer agents, regulation ---- 32415

SMALL BUSINESS ADMINISTRATION

Proposed Rules

Lead-based paint, veterans, and flood insurance protection ---- 32257

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Cotton textiles:
Korea, Republic of ---- 32341

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Marketing agreements; U.S. and listed countries:
Republics of China and Korea ---- 32440

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration.

TREASURY DEPARTMENT

See Internal Revenue Service; Revenue Sharing Office.

WAGE AND HOUR DIVISION

Rules

Statements of general policy or interpretation not directly related to regulations ---- 32253

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:
4510 ---- 32430

5 CFR

213 (10 documents) ---- 32250–32251
294 ---- 32252

7 CFR

2 ---- 32254
270 ---- 32254
910 ---- 32255
1701 ---- 32255

PROPOSED RULES:
270 ---- 32256
275 ---- 32256
924 ---- 32256
1446 ---- 32257

9 CFR

73 ---- 32223
78 ---- 32223

12 CFR

611 ---- 32226
615 ---- 32226
618 ---- 32227

13 CFR

PROPOSED RULES:
116 ---- 32257

14 CFR

221 ---- 32227
384 ---- 32228

16 CFR

PROPOSED RULES:
13 ---- 32258
444 ---- 32259

17 CFR

240 ---- 32404

PROPOSED RULES:
1 ---- 32261
240 (2 documents) ---- 32415, 32418

21 CFR

73 ---- 32228
81 ---- 32228
173 ---- 32229
522 ---- 32229
701 ---- 32229

PROPOSED RULES:
193 ---- 32262
561 ---- 32262

25 CFR

114 ---- 32229

26 CFR

54 ---- 32384

29 CFR

775 ---- 32253
2550 ---- 32389

PROPOSED RULES:
1910 ---- 32263

36 CFR

200 ---- 32230

40 CFR

60 ---- 32426

PROPOSED RULES:
60 ---- 32264

41 CFR

4–2 ---- 32230
9–1 ---- 32232
9–7 ---- 32232

PROPOSED RULES:
3–4 ---- 32264

42 CFR

110 ---- 32234

45 CFR

PROPOSED RULES:
85 ---- 32264

47 CFR

2 ---- 32234
68 ---- 32234

PROPOSED RULES:
0 ---- 32268
68 ---- 32269

49 CFR

PROPOSED RULES:
258 ---- 32277
260 ---- 32277

50 CFR

10 ---- 32377
13 ---- 32377
17 ---- 32377
32 ---- 32248
33 ---- 32248
255 ---- 32249
280 ---- 32249
661 ---- 32250

JUN 24 1977 UM

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:

11861 (Amended by EO 11995) ... 29841
11905 (Amended by EO 11994) ... 28869
11968 (Revoked by 11997) ... 31759
11985 (See EO 11994) ... 28869
11994 ... 28869
11995 ... 29841
11996 ... 30489
11997 ... 31759

PROCLAMATIONS:

4445 (Revoked in part by Proc. 4509) ... 30829
4477 (See Proc. 4509) ... 30829
4505 ... 29471
4506 ... 30143
4507 ... 30351
4508 ... 30353
4509 ... 30829
4510 ... 32430

MEMORANDUMS:

June 2, 1977 ... 29843

5 CFR

213 ... 28515, 28989, 29845, 29846, 29879, 30355, 30831, 31455, 31456, 31604, 32250, 32251
294 ... 32252
752 ... 28516
754 ... 28516
771 ... 28516
831 ... 29846

PROPOSED RULES:

831 ... 29880

7 CFR

2 ... 32254
26 ... 30145
68 ... 30599
270 ... 32254
908 ... 30600
210 ... 30355
271 ... 28516, 30831
401 ... 28871–28873, 28989
402 ... 31427
411 ... 28873
413 ... 28141
724 ... 29847
730 ... 30355
905 ... 27875
908 ... 28144, 29487, 31761
910 ... 28516, 29848, 30831, 32255
911 ... 30147
916 ... 30491
918 ... 29487
922 ... 30492
932 ... 31761
1004 ... 29848
1207 ... 29295
1427 ... 29849
1446 ... 28989, 30832
1472 ... 29854
1474 ... 30832
1488 ... 30833
1701 ... 32255
1809 ... 31762
1832 ... 31762
1872 ... 31762

7 CFR—Continued

PROPOSED RULES:

51 ... 30626
53 ... 29313
270 ... 32256
271 ... 28546
275 ... 32256
905 ... 30198
911 ... 30513
915 ... 30513
916 ... 27911, 30206
917 ... 28146, 30513, 30514, 30626
921 ... 29489, 31797
922 ... 30514
923 ... 27912, 31797
924 ... 32256
989 ... 27913
1006 ... 30627
1011 ... 31797
1012 ... 30627
1013 ... 30627
1030 ... 27921
1040 ... 29881
1065 ... 28897
1094 ... 30627
1096 ... 30627
1205 ... 29313
1435 ... 30409
1446 ... 32257
1701 ... 29012, 31457
1822 ... 29885
1933 ... 29885

8 CFR

223 ... 28113
238 ... 28990, 29871

PROPOSED RULES:

100 ... 28547
244 ... 30845

9 CFR

1 ... 31022, 31561
2 ... 31022, 31561
3 ... 31561
73 ... 32223
78 ... 28517, 32223
105 ... 31430
112 ... 28519, 29854

PROPOSED RULES:

94 ... 30844
95 ... 30844
113 ... 28548, 28549

10 CFR

2 ... 28893
21 ... 28893
31 ... 28896
34 ... 28896
35 ... 28896
40 ... 28896
70 ... 28896
Ch. II ... 31143
211 ... 27908
212 ... 27908
214 ... 29295
430 ... 27896, 30401
440 ... 27899
745 ... 30492

10 CFR—Continued

PROPOSED RULES:

2 ... 31167
70 ... 28147
73 ... 28147
202 ... 28147
211 ... 27936
212 ... 27936, 29490
430 ... 27941, 27951, 30206, 30210, 30401, 30627
450 ... 29906

12 CFR

207 ... 29299
210 ... 31763
226 ... 28520, 30148, 31430
264 ... 27876
265 ... 28521, 30601
268 ... 28522
545 ... 29473
561 ... 29473
611 ... 32226
615 ... 32226
618 ... 32227
748 ... 30493

PROPOSED RULES:

340 ... 27955
543 ... 29511
545 ... 29512
550 ... 31803
566 ... 31803
584 ... 29512
611 ... 31167
614 ... 31167
615 ... 31167

13 CFR

107 ... 31767
112 ... 28530
121 ... 29300

PROPOSED RULES:

113 ... 29317
116 ... 32257

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603–30605, 31151–31156, 31767–31770
71 ... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157, 31771, 31772
73 ... 29475
75 ... 30149, 30611
91 ... 30601
95 ... 28115
97 ... 28120, 29477, 31158
221 ... 28874–28876, 32227
372a ... 28121
378a ... 28122
384 ... 32228

PROPOSED RULES:

1 ... 28148
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513, 31171, 31172

14 CFR—Continued

PROPOSED RULES—Continued

71 ... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174, 31805–31808
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376
1241 ... 31605

15 CFR

379 ... 28998

16 CFR

3 ... 31591
4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493, 31164
25 ... 31591
42 ... 31591
132 ... 31591
158 ... 31592
176 ... 31592
182 ... 31592
186 ... 31592
194 ... 31592
201 ... 31592
207 ... 31592
1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060, 31773

PROPOSED RULES:

13 ... 28550, 29516, 29915, 30515, 30516, 32258
23 ... 29916, 31457
26 ... 31457
34 ... 31457
36 ... 31457
40 ... 31457
41 ... 31457
46 ... 31457
54 ... 31457
56 ... 31457
57 ... 31457
60 ... 31457
61 ... 31457
62 ... 31457
67 ... 31457
74 ... 31457
103 ... 31457
114 ... 31457
117 ... 31457
118 ... 31457
131 ... 31457
142 ... 31457
146 ... 31457
150 ... 31457
152 ... 31457
154 ... 31457
157 ... 31457
160 ... 31457
162 ... 31457
165 ... 31457
175 ... 31457
192 ... 31457
197 ... 31457
205 ... 31457

16 CFR—Continued

PROPOSED RULES—Continued

209 ... 31457
210 ... 31457
214 ... 31457
215 ... 31457
216 ... 31457
221 ... 31457
223 ... 31457
224 ... 31457
441 ... 28551
444 ... 32259
456 ... 29917
1026 ... 31458
1500 ... 31808

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880, 31774, 31778, 32404
241 ... 31780
270 ... 31781
271 ... 28999
275 ... 29300

PROPOSED RULES:

1 ... 31740, 32261
9 ... 30472
200 ... 30378
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716
240 ... 29918, 30845, 31810, 32415, 32418
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:

201 ... 30846
260 ... 30846

19 CFR

159 ... 28531, 28532, 31449
210 ... 31783

PROPOSED RULES:

210 ... 31811

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855
73 ... 32228
81 ... 32228
101 ... 31449
155 ... 30358, 30359, 31449, 31812
173 ... 29856, 32229
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450, 32229
539 ... 29003
555 ... 29859
558 ... 28535
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450
650 ... 29859
660 ... 29859
701 ... 30361, 32229
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:

15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
193 ... 32262
201 ... 30867
510 ... 29928
558 ... 29928
561 ... 32262
808 ... 30383
1309 ... 28560
1316 ... 31460

22 CFR

PROPOSED RULES:

123 ... 28551, 29929, 30391
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

JUN 24 1977 UM

24 CFR

16 ---- 29479, 30617
25 ---- 30361
203 ---- 28538, 29303
204 ---- 29303
209 ---- 29303
211 ---- 29303
213 ---- 28538, 29303
220 ---- 29304
221 ---- 29304
222 ---- 29304
226 ---- 29304
227 ---- 29304
228 ---- 29304
233 ---- 29305
234 ---- 25838, 29305
235 ---- 29306
237 ---- 29306
240 ---- 29307
279 ---- 31752
570 ---- 31783
1914 ---- 29428–29431, 30304, 31254–31257
1915 ---- 29433, 30305
1916 ---- 29307, 30344
1917 ---- 31259–31271
1920 ---- 28878–28882, 29859–29870, 30160–30174
1930 ---- 29479
1931 ---- 29479

PROPOSED RULES:

1908 ---- 29692
1911 ---- 29692
1912 ---- 29692
1913 ---- 29692
1914 ---- 29692
1917 ---- 31272–31280, 31546–31553, 31708–31720, 31952–31960
1921 ---- 29692
1922 ---- 29692
1923 ---- 29692

25 CFR

114 ---- 32229
191 ---- 30367
192 ---- 30367
193 ---- 30367
194 ---- 30367
195 ---- 30367
196 ---- 30367
197 ---- 30367
198 ---- 30367
199 ---- 30367
200 ---- 30367
201 ---- 30367
221 ---- 28538, 30367
256 ---- 31450

PROPOSED RULES:

54 ---- 30647
221 ---- 30867
258 ---- 28552
260 ---- 30216

26 CFR

1 ---- 30496
11 ---- 27881
54 ---- 27882, 31159, 32384

PROPOSED RULES:

1 ---- 29517, 31462
301 ---- 30868

27 CFR

250 ---- 30835

PROPOSED RULES:

4 ---- 30517

28 CFR

0 ---- 29003
2 ---- 31784
17 ---- 29307

PROPOSED RULES:

2 ---- 29934

29 CFR

29 ---- 30836
97 ---- 30367
775 ---- 32253
1952 ---- 30368
2550 ---- 32389

PROPOSED RULES:

1601 ---- 31174
1910 ---- 29021, 32263
1952 ---- 29024
2610 ---- 29318

30 CFR

55 ---- 29418
56 ---- 29420
57 ---- 29422
211 ---- 30175

PROPOSED RULES:

55 ---- 30772
56 ---- 30772
57 ---- 30772
70 ---- 28151

31 CFR

51 ---- 27883
530 ---- 31453

32 CFR

PROPOSED RULES:

276 ---- 27963
286b ---- 29935
643 ---- 31032

33 CFR

1 ---- 31159
110 ---- 30618
114 ---- 28882
115 ---- 28882
117 ---- 30178, 30179
127 ---- 30179
161 ---- 29480
205 ---- 30368
266 ---- 31159
401 ---- 29308

PROPOSED RULES:

117 ---- 30216–30218
209 ---- 29025

36 CFR

2 ---- 30501
7 ---- 31453
200 ---- 32230
221 ---- 28252
222 ---- 30836
223 ---- 28252
231 ---- 30836
261 ---- 30503, 31788

37 CFR

3 ---- 27883, 31159

PROPOSED RULES:

1 ---- 30522, 31812
3 ---- 31812
5 ---- 31812

38 CFR

36 ---- 28883

PROPOSED RULES:

8a ---- 30392

39 CFR

10 ---- 29488
111 ---- 27892, 29308, 29488, 31592
224 ---- 29308
601 ---- 29488
952 ---- 30504
954 ---- 30504
958 ---- 30504

PROPOSED RULES:

111 ---- 28153

40 CFR

35 ---- 29481
52 ---- 27892, 28122, 28539, 28883, 29004, 30369, 30504, 31812
60 ---- 32426
61 ---- 29005
85 ---- 28123
86 ---- 28130, 31159
180 ---- 28540
416 ---- 29871

PROPOSED RULES:

52 ---- 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609
60 ---- 32264
61 ---- 28154
85 ---- 31813
86 ---- 28970
162 ---- 31284, 31813
173 ---- 31284
211 ---- 31722, 31730
600 ---- 28970

41 CFR

3-3 ---- 29871
3-30 ---- 30190
4-2 ---- 28871, 32230
4-50 ---- 31454
7-7 ---- 28540
7-30 ---- 30619
8-1 ---- 28541
9-1 ---- 32232
9-5 ---- 29873, 31160
9-7 ---- 32232
9-51 ---- 29308
9-55 ---- 29308
Ch. 14 ---- 30196
15-19 ---- 30509
101-38 ---- 31454
101-45 ---- 31455
101-47 ---- 31455
114-1 ---- 30196

PROPOSED RULES:

3-4 ---- 29872, 29937, 32264
5B-2 ---- 27966
29-1 ---- 31462
29-2 ---- 31462
29-3 ---- 31462
29-12 ---- 31462
29-61 ---- 31462
105-65 ---- 29319
110-26 ---- 28556

42 CFR

51e ---- 28692
66 ---- 29482
110 ---- 29400, 32234

PROPOSED RULES:

67 ---- 29518

43 CFR

29 ---- 31789
2360 ---- 28720

PROPOSED RULES:

422 ---- 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) ---- 30180
5618 ---- 30370
5619 ---- 30180

45 CFR

144 ---- 31794
175 ---- 31794
176 ---- 31794
177 ---- 29009
201 ---- 28884
249 ---- 28700
304 ---- 28885
1067 ---- 29873

PROPOSED RULES:

12 ---- 27966
85 ---- 32264
122a ---- 28706
136 ---- 28899
163 ---- 28159
163a ---- 28159
197 ---- 30290
1067 ---- 29523

46 CFR

1 ---- 31160
2 ---- 28886
5 ---- 31160
31 ---- 28886
151 ---- 28886
187 ---- 29483
401 ---- 30619, 31160
549 ---- 31161

PROPOSED RULES:

30 ---- 30220
32 ---- 30220
34 ---- 30649
50 ---- 29026, 30220
54 ---- 29026, 30220
56 ---- 29026, 30220
58 ---- 29026, 30220

46 CFR—Continued

PROPOSED RULES—Continued

61 ---- 29026, 30220
76 ---- 30649
95 ---- 30649
107 ---- 29026, 30220
108 ---- 29026, 30220
109 ---- 29026, 30220
162 ---- 30649
167 ---- 30649
193 ---- 30649
507 ---- 29524
536 ---- 30399
543 ---- 30584, 31175

47 CFR

0 ---- 30370
1 ---- 27894, 28887, 30180, 31794
2 ---- 31006, 31594, 32234
21 ---- 27894
23 ---- 27894
68 ---- 29010, 32234
73 ---- 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622
74 ---- 27895, 29483
81 ---- 27895, 28542, 31008
83 ---- 29309, 31012
87 ---- 27895, 29483
89 ---- 27895
89 ---- 27895, 30511, 31594
91 ---- 27895, 30511
93 ---- 27895, 30512
95 ---- 27895
97 ---- 27895, 29485, 30623
99 ---- 27895

PROPOSED RULES:

0 ---- 32268
43 ---- 31175
64 ---- 27971
67 ---- 30220, 30221
68 ---- 28559, 32269
73 ---- 27971, 27973, 29027, 30400, 31813
76 ---- 30222, 30401
83 ---- 28164
87 ---- 30222
89 ---- 27974
91 ---- 27974
93 ---- 27974
95 ---- 27974

49 CFR

Ch. I ---- 28888
172 ---- 28132
173 ---- 28133
174 ---- 28135
178 ---- 28135

49 CFR—Continued

179 ---- 28135
228 ---- 27895
258 ---- 28976, 30840
567 ---- 31161
568 ---- 31161
571 ---- 28135, 30188, 30620, 31162
804 ---- 31794
1002 ---- 31163
1003 ---- 31163
1033 ---- 28542, 28543, 28888, 30840, 30841, 31163
1043 ---- 31163
1045A ---- 31163
1048 ---- 31795
1063 ---- 29309
1100 ---- 29311
1109 ---- 31602
1124 ---- 31795
1307 ---- 28889 30190, 31795

PROPOSED RULES:

173 ---- 31815
174 ---- 31815
178 ---- 31815
179 ---- 31815
258 ---- 32277
260 ---- 32277
571 ---- 30653
575 ---- 30655
581 ---- 30655
Ch. X ---- 28560
1124 ---- 29526

50 CFR

10 ---- 32377
13 ---- 32377
17 ---- 28052, 28136, 28543, 32377
26 ---- 29312
32 ---- 28545, 30373, 30621, 32248
33 ---- 29312, 30621, 32248
217 ---- 28137
222 ---- 28137
255 ---- 32249
258 ---- 30621
280 ---- 32249
285 ---- 30373
371 ---- 30841
651 ---- 29876
661 ---- 29485, 32250

PROPOSED RULES:

17 ---- 28165, 28903, 29527
18 ---- 30659
32 ---- 30524
91 ---- 30524
216 ---- 28904, 29533
611 ---- 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
27875–28112	June 1	29471–29840	9	30829–31141	17
28113–28513	2	29841–30142	10	31143–31426	20
28515–28868	3	30143–30350	13	31427–31590	21
28869–28987	6	30351–30487	14	31591–31758	22
28989–29293	7	30489–30598	15	31759–32221	23
29295–29470	8	30599–30827	16	32223–32512	24

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Sarpy County in Nebraska because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed in Sarpy County, Nebraska, June 10, 1977. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested area.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goats, Equine, and Ectoparasites Staff, United States Department of Agriculture, APHIS, VS, Room 737, 6505 Belcrest Road, Federal Building, Hyattsville, Md. 20782, 301–436–8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Sarpy County in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, a new paragraph (b) is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in a certain portion of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Sarpy County comprised of sec. 1, T.14N., R. 10E., Forest City township.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of June 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77–17749 Filed 6–23–77;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

Brucellosis Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service is amending its Brucellosis Regulations. These amendments update the Brucellosis regulations by providing the current status of various counties and States which have been designated Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas for purposes of interstate movement of cattle and bison from such areas. This action is required because of the change in the Brucellosis status of the areas affected.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Hyattsville, Maryland, Room 805. 301–436–8713.

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Noncertified Areas in § 78.22 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they again come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Vieques Municipality in Puerto Rico.

The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Jackson, Lafayette, Perry, Polk, and Prairie Counties in Arkansas; Dade, Pasco, and Sumter Counties in Florida; Caribou and Oneida Counties in Idaho; Jackson County in Kentucky; Franklin and Miller Counties in Missouri; Rutherford County in Tennessee; and Camuy Municipality in Puerto Rico.

The amendments delete the following areas from the list of Modified Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(l): Citrus County in Florida; Jasper County in Iowa, and Cheyenne, Grant, and Norton Counties in Kansas.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*—*Alabama.* Dale, Geneva.

Arkansas. Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Greene, Johnson, Madison, Marion, Monroe, Montgomery, New-

ton, Ouachita, Pike, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Citrus, Dixie, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Santa Rosa, Seminole, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Treutlen, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White, Wilkinson.

Idaho. Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Camas, Canyon, Clearwater, Custer, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Owyhee, Payette, Power, Shoshone, Valley, Washington, Yellowstone National Park.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clinton, Dallas, Davis, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Johnson, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Tama, Taylor, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Cheyenne, Comanche, Doniphan, Ford, Gove, Graham, Grant, Greeley, Haskell, Hodgeman, Johnson, Lane, Logan, Marshall, Norton, Pawnee, Phillips, Riley, Scott, Sheridan, Thomas, Trego, Wallace, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dunklin, Gasconade, Hickory, Jackson, Laclede, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Jefferson, Johnson, Knox, Lake, Lewis, Meigs, Morgan, Perry, Polk, Roane, Robertson, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, White.

Texas. Brewster, Childress, Comal, Crane, Ector, Gray, Hansford, Hartley, Hemphill, Irion, Jeff Davis, Kerr, Kimble, Lipscomb, Llano, Loving, Mason, Newton, Pecos, Reagan, Roberts, Sterling, Terrell, Val Verde, Ward, Winkler.

Utah. Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.* Alaska, Louisiana, Nebraska, Oklahoma.

(b) *Specific Counties Within States.*—*Alabama.* Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Chicot, Clark, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Perry, Phillips, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa, Yuma.

Florida. Alachua, Bradford, Broward, Charlotte, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Sumter, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bingham, Bonneville, Butte, Caribou, Cassia, Clark, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Teton, Twin Falls.

Illinois. Massac.

Iowa. Allamakee, Appanoose, Cerro Gordo, Clayton, Crawford, Decatur, Delaware, Guthrie, Harrison, Jefferson, Jones, Monroe, Ringgold, Sac, Sioux, Story, Union, Wayne.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Gray, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Wabaunsee, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Franklin, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Mississippi, Monroe, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Pickett, Putnam, Rhea, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Washington, Wayne, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Presidio, Rains, Randall, Real, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Camuy, Carolina, Hatillo, Las Piedras, Naguabo.

§ 78.22 Noncertified areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.*

(b) *Specific Counties Within States.*

Missouri. Morgan.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of June 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-17748 Filed 6-23-77;8:45 am]

V 42 H 22 JUN 24 7 7 UM

Title 12—Banks and Banking

CHAPTER VI—FARM CREDIT ADMINISTRATION

MISCELLANEOUS CHANGES TO CHAPTER

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, took final action to amend its regulations relating to the terms of office of directors of Farm Credit associations, funding programs of Farm Credit banks, and financially related service programs of Farm Credit associations. Based upon suggestions received by the Farm Credit Administration, the amendments to the terms of office provisions are being made to simplify Farm Credit association director election procedures used when Farm Credit associations merge. The Farm Credit Administration has found a need for the amendments to the regulations on funding programs of Farm Credit banks to make the regulations more comprehensive. The amendment to the regulations on financially related service programs of Farm Credit associations is intended to correct a technical problem in the regulation.

EFFECTIVE DATE: June 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Jon F. Greeneisen, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza SW., Washington, D.C. 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION: The Farm Credit Administration, by its Federal Farm Credit Board, took final action on amendments to its regulations which (1) in the case of a merger of two or more Federal land bank associations or production credit associations, provide a basis for allowing directors of a merging association to serve as directors of the continuing association until the expiration of their terms, (2) set forth the authority of the Farm Credit banks to issue Farm Credit securities, (3) define the responsibility of each bank's board of directors to authorize, by resolution, a bank to issue obligations up to a determined amount, (4) set forth the responsibilities of each Finance Committee, (5) require each Finance Committee to develop a debt maturity program, (6) require each bank's board of directors to adopt a debt management policy, (7) clarify the conditions under which Consolidated Systemwide Notes are issued, and (8) clarify that a Farm Credit bank board's approval for an association to offer a financially related service program shall be conditioned on the probability of recovery of all direct and indirect costs.

By notice published in the FEDERAL REGISTER on April 15, 1977, interested persons were afforded the opportunity to file written comments or suggestions on these proposed regulations. Of the thirty-seven responses received, thirty-two were either in agreement with or had no objection to the proposed regulations. Five responses suggested changes in the proposals. As a result of one comment, a change was made in § 615.5103 to clarify that the debt maturity programs of each bank shall assure that funding programs are fiscally sound in the view of the capital markets. The other suggestions received had been presented previously to the Federal Farm Credit Board and were reconsidered in arriving at the final regulations. As changed the proposed regulations were adopted by the Federal Farm Credit Board.

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 611.1120(a)(1); renumbering §§ 615.5100, 615.5101, 615.5102, 615.5103, and 615.5104 to be §§ 615.5101, 615.5106, 615.5107, 615.5108, 615.5109 respectively; adding § 615.5100; revising § 615.5101; adding §§ 615.5102, 615.5103, 615.5104, and 615.5105; and revising § 618.8010 (d) and (d)(3). These amendments and additions are as follows:

PART 611—ORGANIZATION

1. Section 611.1120 (a)(1) is revised to read:

§ 611.1120 Amendments of association charters.

(a) * * *

(1) The agreement for merger or consolidation shall include the proposed effective date; the proposed name and location of the continuing or consolidated association; the designation of the charter and bylaws of one constituent association to be those of the continuing or consolidated association; the names of persons nominated to serve as directors until the first annual meeting after the merger or consolidation (in case of a merger, present directors of the merging associations may be named in the merger agreement to serve as directors of the continuing association until the expiration of their terms, provided, the number of directors so named does not exceed the maximum number of directors designated in the continuing association's bylaws, and provided further, the directors so named are currently serving terms of office which will expire on a staggered basis in order to assure that there will be an election of director(s) at the first and subsequent annual stockholders' meetings following the merger); the authority for transferring assets to and assumption of liabilities by the continuing or consolidated association; provision relating to the stock of the constituent associations and the stock of the continuing or consolidated association, provided no fractional shares of stock shall be issued; and the designation of persons and granting of authority to carry out the agreement, including authority to execute any documents necessary to perfect title.

* * * * *

PART 615—FUNDING AND FISCAL AFFAIRS

2. Sections 615.5100, 615.5101, 615.5102, 615.5103 and 615.5104 are renumbered §§ 615.5101, 615.5106, 615.5107, 615.5108 and 615.5109 respectively; § 615.5100 is added; § 615.5101 is revised; new §§ 615.5102, 615.5103, 615.5104, and 615.5105 are added to read as follows:

§ 615.5100 Authority to issue.

(a) The Farm Credit Act of 1971 authorizes, by appropriate resolution of individual bank boards of directors, the twelve Federal intermediate credit banks, the twelve Federal land banks and the thirteen banks for cooperatives: To issue notes, bonds, debentures or other similar obligations individually, fully collateralized; to join with any or all banks organized and operating under the same title of the Farm Credit Act in issuance of consolidated obligations; and to join with other banks of the Farm Credit System in the issuance of Systemwide obligations.

(b) Systemwide obligations are authorized to be issued only with the concurrence by appropriate resolutions of the boards of directors of each of the twelve districts and the Central Bank for Cooperatives and the approval of the Governor, which approval is conditioned on and evidenced by such concurrence.

(c) All joint, consolidated and Systemwide obligations are authorized to be issued in such amounts, maturities, rates of interest, participations, terms and conditions as may be determined by the Finance Committees of the banks or their Subcommittees and approved by the Governor.

§ 615.5101 Resolution required.

Each bank's board of directors shall by resolution authorize the issuance of notes, bonds, debentures, and similar obligations in such amounts as may be required to meet bank's needs. Such resolution shall specify the maximum amount of obligations which shall be outstanding at any one time, shall authorize the president of the bank, the executive committee or appropriate officers to do all things necessary and proper to issue such obligations and shall authorize the Governor to execute the consolidated and Systemwide obligations on behalf of the bank. Each such resolution shall cover all authorities to issue or borrow as stated in section 4.2 of the Farm Credit Act of 1971.

§ 615.5102 Finance Committee.

Each Finance Committee for the banks organized and operating under the separate titles of the Farm Credit Act of 1971 shall appoint appropriate subcommittees and establish its organization, responsibilities and procedures to cover its operations and those of its subcommittees, subject to the approval of the Farm Credit Administration.

§ 615.5103 Debt maturity program.

Each Finance Committee of a banking system shall develop a system debt maturity program, to assure that funding programs provide flexibility for the banks and are fiscally sound in the view of the capital markets, subject to the approval of the Farm Credit Administration.

§ 615.5104 Debt policy.

Each bank's board of directors shall adopt a policy, subject to approval by the Farm Credit Administration, regarding the management of its debt.

§ 615.5105 Consolidated systemwide notes.

Consolidated Systemwide notes authorized under § 615.5100(b) shall be subject to the following provisions unless otherwise approved by the Farm Credit Administration:

(a) Maturities shall be not less than five days nor more than 365 days.

(b) Prices shall be on a discount yield basis or as agreed by the Finance Committees.

(c) Each bank shall maintain unencumbered formalized lines of credit from commercial banks or other financial institutions at least equal to one-third of its participation of notes outstanding.

* * * * *

PART 618—GENERAL PROVISIONS

3. In § 618.8010 paragraph (d) introductory text, and (d)(3) are revised to read as follows:

§ 618.8010 District board policies.

* * * * *

(d) Bank board approval to offer a financially related service program shall be conditioned on a feasibility determination including the following four criteria:

* * * * *

(3) Probability of equitable cost recovery—based on a reasonable presumption that the proposed service program will, at the minimum, generate sufficient revenue to cover all direct and indirect costs. In any case a service program requiring a substantial subsidization from or interference with the lending function shall not be permitted.

(Secs. 5.9, 5.12, 5.18, 85 Stat. 619, 620, 621.)

DONALD E. WILKINSON,
Governor, Farm Credit Administration.

[FR Doc.77-17875 Filed 6-23-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-1002, Amdt. 38; Docket 30385]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Amendment Concerning Filing of Tariff Justifications

JUNE 21, 1977.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment exempts air freight forwarders and international air freight forwarders from the requirement that they file certain kinds of detailed economic data along with proposed changes in their tariff rates. This action was requested by the Air Freight Forwarders of America.

DATES: Effective July 25, 1977, adopted June 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Lawrence Myers, Rates and Agreements Division, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202–673–5791).

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking EDR–322, dated April 7, 1977 (42 FR 19355), the Board gave notice that it had under consideration a proposal to amend Part 221 of its Economic Regulations (14 CFR Part 221) so as to eliminate the requirement that air freight forwarders and international air freight forwarders with annual revenues from forwarding operations of $5,000,000 or more must file certain kinds of detailed economic data along with proposed tariff rate changes, including estimates of the cost of service, estimates of the aggregate effect of the proposed rate changes on traffic, schedules, and revenues, and a comparison table of existing and proposed rates.

Comments in support of the proposed rule have been received from the Air Freight Forwarders Association of America and three individual air freight forwarders.[1] These comments urge adoption of the proposal for the reasons set forth in EDR–322. A comment opposing the proposal in part has been filed by a direct air carrier, The Flying Tiger Line Inc., (FTL). Upon consideration of all the comments we have determined to make the proposed rule final.

Flying Tiger opposes the finalization of EDR–322 "to the extent these amendments would eliminate the requirement that air freight forwarders engaged in significant chartering activities file detailed justifications for proposed tariff rate changes." In support of its position, FTL contends that in primary markets the overnight service provided by such charters is directly competitive with scheduled freighter service, and thus a reduction in tariff justification requirements for chartering forwarders would place direct carriers at a discriminatory competitive disadvantage. In secondary markets, FTL adds, chartering gives certain forwarders a service advantage over other forwarders, thus lessening price competition and undercutting the Board's rationale for reducing the justification requirements for forwarders.

FTL's position essentially misconstrues the effect of the proposed amendment. The exemption of large forwarders from furnishing the data required by paragraphs (b) and (c) with each tariff filing merely means that a forwarder tariff proposal cannot be rejected on the basis of inadequate justification; it does not mean that the Board cannot suspend and investigate any such proposal which raises a question of lawfulness, i.e. reasonableness, unjust discrimination, or undue preference or prejudice, under the Act.[2] All tariff proposals continue to be subject to the same substantive standards of review, and when any carrier files rates without an adequate accompanying justification, it does so at its own peril. In close cases a full justification might indicate that the proposed rates are warranted, while a lack of adequate data might lead to a Board suspension. FTL has not shown that the proposed difference in treatment of forwarder justification requirements results in any significant competitive disadvantage to the direct carriers subject to the provisions of § 221.165.

FTL's second contention, that forwarder charters in secondary markets reduce competition among forwarders and create the need for a full regulatory scrutiny of their rates, touches upon questions of fact which are at issue in the Air Freight Forwarders' Charters Investigation, Docket 23287, now pending final decision by the Board. In this proceeding however, FTL is long on allegations and sort on facts. It has produced no evidence that forwarder rates in secondary markets are out of line with those in other markets, or that charter-based rates vary from other forwarder rates within the same markets. Indeed, the absence of complaints against charter-based forwarder rates in recent years strongly suggests that FTL's argument is contrary to fact. It is sufficient to note here, however, that its position is unsupported.

Accordingly, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221) as set forth below:

Section 221.165 is amended to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

When a tariff publication is filed with the Board which contains new or changed local or joint rates, fares, or charges for air transportation, or new or changed classifications, rules, regulations, or practices affecting such rates, fares, or charges, or the value of the service thereunder, the issuing air carrier, foreign air carrier, or agent shall submit with the filing of such publication, in or attached to the transmittal letter:

* * * * *

(d) Exceptions:

(1) The requirement for data and/or information in paragraphs (b) and (c) of this section will not apply to tariff

[1] Airborne Freight Corporation, Shulman Air Freight, Inc., and WITS Air Freight, Inc.

[2] Thus, the Board has consistently suspended, even in the absence of complaints, proposals by smaller forwarders (presently exempt from furnishing economic justification) which would raise excess valuation charges in excess of industry levels, in part for failure to demonstrate prima facie their reasonableness.

publications containing new or changed matter which are filed:

* * * * *

(iii) By air freight forwarders or international air freight forwarders, as defined in Part 296 of this subchapter, or

* * * * *

(Sections 204 and 403 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18130 Filed 6-23-77;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Regulation OR-118, Amdt. 8]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Organizational Changes

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The rule sets forth the present location, as well as the business hours, of all Board field offices. It updates this information for the benefit of the general public.

DATES: Effective June 20, 1977, Adopted June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Simon J. Ellenberg, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202-673-5442).

SUPPLEMENTARY INFORMATION: This amendment corrects and updates the description in § 384.4 of the location of all the Board's field offices. Also, since some field offices have business hours different than those of the central office, the rule now states those hours for each office.

Since this amendment is concerned with internal management and practices, and imposes no significant burden on any member of the public, the Board finds that notice and public procedure are unnecessary and that the rule may be effective immediately.

Accordingly, 14 CFR Part 384 is amended as follows:

Amend § 384.4 to read as follows:

§ 384.4 Offices.

The central offices of the Civil Aeronautics Board are located in the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., and in the Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C. Its mailing address is Civil Aeronautics Board, Washington, D.C. 20428. The hours of business for the central offices are 8:30 a.m. to 5 p.m. The Board maintains field offices in Anchorage, Alaska (8 a.m. to 4:30 p.m.); Des Plaines, Illinois (7:30 a.m. to 4 p.m.); Fort Worth, Texas (8:30 a.m. to 5 p.m.); Los Angeles, California (7:30 a.m. to 4 p.m.); Miami, Florida (8:30 a.m. to 5 p.m.); New York City, New York (8:30 a.m. to 5 p.m.); San Mateo, California (8 a.m. to 4:30 p.m.); and Seattle, Washington (8 a.m. to 4:30 p.m.). All hours of business are local time, Monday through Friday, excluding legal holidays, unless otherwise provided by statute or Executive Order.

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18137 Filed 6-23-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 77C-0198]

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Carmine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is "permanently" listing carmine for use in cosmetics generally, including those intended for use in the area of the eye. H. Kohnstamm & Co., Inc., filed a petition for such use. The color additive regulations are amended to reflect the listing.

DATES: Effective July 26, 1977; objections by July 25, 1977.

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Gerad L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of August 17, 1965 (30 FR 10211) stated that a petition (CAP 20) for the "permanent" listing of carmine as a color additive for use in foods, drugs, and cosmetics had been filed by H. Kohnstamm & Co., Inc., New York, NY 10013. The petition was filed pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376).

Carmine has been provisionally listed for use in cosmetics under § 81.1(g) (21 CFR 81.1(g), formerly 21 CFR 8.501(g) prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)). With permanent listing of carmine under § 73.2087, the listing under § 81.1(g) becomes obsolete.

The Commissioner, having evaluated the data in the petition and other relevant material concludes that carmine is safe under the conditions set forth below for use in coloring cosmetics generally, including those for use in the area of the eye, and that certification is not necessary for the protection of the public health.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), (d))) and the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 73 and 81 are amended as follows:

1. In Part 73, by adding new § 73.2087 to Subpart C, to read as follows:

§ 73.2087 Carmine.

(a) *Identity and specifications.* The color additive carmine shall conform in identity and specifications to the requirements of § 73.100 (a)(2) and (b)(2).

(b) *Use and restrictions.* Carmine may be safely used in cosmetics generally, including cosmetics intended for use in the area of the eye, in amounts consistent with good manufacturing practices.

(c) *Labeling.* The color additive and any mixture prepared therefrom intended solely or in part for coloring purposes shall bear, in addition to any information required by law, labeling in accordance with the provisions of § 70.25 of this chapter.

(d) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from certification pursuant to section 706(c) of the act.

§ 81.1 [Amended]

2. In Part 81, by amending § 81.1 *Provisional lists of color additives,* by deleting the entry for "Carmine" in paragraph (g).

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 25, 1977 file with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of § 71.30 (21 CFR 71.30). If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the

factual information intended to be presented in support of the objections in the event that a hearing is held. Five copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in the brackets in the heading of this regulation. Received objections may be seen in the Hearing Clerk's office between 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective July 26, 1977 except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d)).)

Dated: July 16, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-17958 Filed 6-23-77;8:45 am]

SUBCHAPTER B—FOODS FOR HUMAN CONSUMPTION

[Docket No. 76F-0463]

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

Specific Usage Additives; Chemicals Used in Washing Or to Assist in the Lye Peeling of Fruits and Vegetables

Correction

In FR Doc. 77-16228 appearing at page 29856 in the issue for Friday, June 10, 1977, the table in § 173.315(a)(3) should have read as set forth below:

Substances	*Limitations*
Alpha-alkyl (C_{10}-C_{16}) *-omega-* hydroxypoly (oxyethylene): average number of moles of ethylene oxide is 9.	Not to exceed 3 ppm
Linear undecylbenzenesulfonic acid.	Do.
Dialkanolamide produced by condensing 1 mole of methyl laurate with 1.05 moles of diethanolamine.	Not to exceed 2 ppm
Triethanolamine	Do.
Ethylene glycol monobutyl ether.	Not to exceed 1 ppm
Oleic acid conforming with § 172.860 of this chapter.	Do.
Tetrapotassium pyrophosphate.	Not to exceed 0.3 ppm
Monoethanolamine	Do.
Ethylene dichloride	Not to exceed 0.2 ppm
Tetrasodium ethylenediaminetetraacetate.	Not to exceed 0.1 ppm

* * * * *

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Oxytetracycline Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application submitted by Philips Roxane, Inc., for use of an injectable drug in cattle and swine for the treatment of certain diseases due to oxytetracycline-susceptible organisms.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Myron C. Rosenberg, Bureau of Veterinary Medicine (HFV-125), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1788.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (47-278V) filed by Philips Roxane, Inc., 2621 North Belt Highway, P.O. Box 999, St. Joseph, MO 64502, proposing certain additional limitations of use and a change in excipients for oxytetracycline hydrochloride injection used in the treatment of certain diseases due to oxytetracycline-susceptible organisms in beef cattle, nonlactating dairy cattle, and swine.

In accordance with § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, between the working hours of 9 a.m. and 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 522 is amended in § 522.1662a by adding new paragraph (b)(3)(ii)(c) to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

* * * * *

(c) Discontinue use 26 days prior to slaughter.

* * * * *

Effective date: This amendment becomes effective June 24, 1977.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: June 14, 1977.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.77-17848 Filed 6-23-77;8:45 am]

SUBCHAPTER G—COSMETICS

[Docket No. 75N-0005]

PART 701—COSMETIC LABELING

Hypoallergenic Cosmetic Products; Judicial Stay of Effective Date

Correction

In FR Doc. 77-16957 appearing at page 30361 in the issue for Tuesday, June 14, 1977, in the middle column, the 5th line of the third full paragraph, the date now reading "June 5, 1976" should have read "June 6, 1975".

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 114—PROCEDURES FOR DEPOSITING FUNDS TO THE CREDIT OF 14X6140-DEPOSITS OF PROCEEDS OF LANDS WITHDRAWN FOR NATIVE SELECTION, BIA

Establishment of a New Part

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rulemaking.

SUMMARY: This document establishes policy for the deposit, investment, and payment of monies in the authorized escrow account and delegates to the Commissioner of Indian Affairs the responsibility of setting up the account, preparing guidelines for administering the account, and making investments and disbursements of the monies in the account.

EFFECTIVE DATE: June 24, 1977.

ADDRESSES: None.

FOR FURTHER INFORMATION CONTACT:

Mr. A. W. Bartlett, P.O. Box 127, Bureau of Indian Affairs, Albuquerque, New Mexico, 87103; telephone 505-474-3496.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior, by issuance of Order No. 2997, served notice that there has been established an escrow account entitled "Deposits of Proceeds of Lands Withdrawn for Native Selection, Bureau of Indian Affairs" in the Treasury of the United States for the deposit of proceeds derived from contracts, leases, permits, rights-of-way, or easements pertaining to affected lands, or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act. All Departments or Agencies of the Federal Government and State of Alaska receiving such proceeds are required to deposit proceeds to the account and advise the Commissioner of the deposit in accordance with this rule.

Notice of proposal and the comment period is found to be unnecessary due to the limited applicability of this regulation and its categorization as interpretation of Section 2 of the Act of January 2, 1976 (89 Stat. 1145).

The new Part 114 shall become effective on June 24, 1977 and shall remain in effect until it is amended, revoked, or superseded. However, in the absence of the foregoing, the provisions of this order shall terminate January 3, 1979.

The authority for the Commissioner to issue these regulations is contained in Section 2 of the Act of January 2, 1976 (89 Stat. 1145), Escrow Account, and (5 U.S.C. 301), and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

Subchapter J, of Chapter I of Title 25 of the Code of Federal Regulations is amended by adding a new Part 114, to read as follows:

Sec.
114.1 Purpose
114.2 Proceeds Received by Federal Agencies
114.3 Proceeds Received by the State of Alaska

AUTHORITY: 89 Stat. 1145.

§ 114.1 Purpose.

The purpose of the regulations in this part is to describe the procedures to be used by all Departments and Agencies of the Federal Government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska Native Claims Settlement Act.

§ 114.2 Proceeds received by Federal agencies.

(a) Direct Deposits.

(1) Agency will prepare Deposit Ticket (SF 215), using Agency Accounting Station Code 14–20–0650.

(2) In Block (6) Fund Symbol 14X6140 will be inserted as well as the following:

Credit to Bureau of Indian Affairs, Branch of Finance and Accounting, P.O. Box 127, Albuquerque, New Mexico 87103.

(3) Memorandum copy and confirmed copy of Deposit Ticket will be mailed to above address, immediately upon completion and confirmation.

(4) Agency will provide information (lease, contract or other identification) which will permit depositing agency to identify deposit with particular plot of land at time distribution of the funds is to be made. This information can be shown in Block (6) if space permits, or on an attached listing.

(b) Periodic Deposits.

(1) In some circumstances, collection from Withdrawn Lands will be in such small amounts and such frequency as to be administratively burdensome to make individual deposits to the fund, or collections may be mixed with collections to be credited to other funds. In such instances depositing agencies may initially deposit the collections to their own suspense accounts. Such deposits will then be transferred to Fund 14X6140 no less frequently than monthly. The "Pay to" side of the SF 1081 will be completed as follows:

Department, Interior.
Bureau, Indian Affairs.
Agency Station Symbol, 14–20–0650.
Address, Albuquerque, NM 87103.
Appropriation or Fund Symbol, 14X6140.

and will be supported by sufficient detail to permit future identification by depositing agency. An advance copy of the SF 1081, with supporting documentation will be forwarded to the BIA at Albuquerque immediately.

(2) Agencies not using the SF 1081 procedures will issue a check made payable to the Treasurer of the United States, and forward it to:

Juneau Area Office, Bureau of Indian Affairs, P.O. Box 8000—B, Juneau, Alaska 99802.

accompanied by a listing in sufficient detail to permit the collecting agency to identify the collections with each parcel of land at the time distribution of the funds is to be made.

§ 114.3 Proceeds received by the State of Alaska.

The State agency responsible for making collections will deposit the proceeds to the credit of the State of Alaska. A check will then be issued, payable to the Treasurer of the United States, and will be forwarded to the Juneau Area Office, Bureau of Indian Affairs, accompanied by a detailed listing providing information which will permit identification of the funds with each particular parcel of land at the time distribution of the funds is to be made. The Juneau Area Office will deposit all such receipts to the credit of Fund Symbol 14X6140, forwarding the memorandum copy to the Branch of Finance and Accounting immediately, together with a copy of the detail provided by the State of Alaska.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77–18021 Filed 6–23–77;8:45 am]

Title 36—Parks, Forest, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Subpart A—Organization

ORGANIZATIONAL CHANGES AND CORRECTIONS

AGENCY: Forest Service, USDA.

ACTION: Final rule (Organization Statement).

SUMMARY: The organizational listing of the Forest Service is updated to reflect a current listing of land management units and new addresses. This is required to be published in the FEDERAL REGISTER by The Administrative Procedures Act.

DATES: The effective date for the new address for both the Northeastern Station and Northeastern Area in § 200.2 is October 1, 1977. The listing is otherwise effective on June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Thomas R. Jones, Administrative Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, 202–447–4077.

Part 200 of Title 36 of the Code of Federal Regulations is amended as follows:

1. The National Forest System listing in § 200.1, paragraph (c)(2), is updated as follows:

§ 200.1 Central organization.

* * * * *

(c) *Deputy Chiefs.* * * *

(2) *National Forest System.* * * *

154 Proclaimed or designated National Forests
19 National Grasslands
29 Purchase Units
17 Land Utilization Projects
25 Research and Experimental Areas
41 Other areas

* * * * *

2. The addresses for two Forest and Range Experiment Stations and one State and Private Forestry Area in § 200.2, paragraph (d), are changed as follows:

§ 200.2 Field organization.

* * * * *

(d) *Field Addresses.* * * *

* * * * *

North Central—Folwell Avenue, St. Paul, MN 55108.
Northeastern—370 Reed Road, Broomall, PA 19008.

* * * * *

Director, Northeastern Area, 370 Reed Road, Broomall, PA 19008.

(81 Stat. 54 (5 U.S.C. 552).)

JOHN R. MCGUIRE,
Chief, Forest Service.

JUNE 20, 1977.

[FR Doc.77–18036 Filed 6–23–77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4–2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule amends the Agriculture Procurement Regulations by updating the procedures for evaluating bids containing minor informalities, deleting section which had instructed Departmental agencies to submit questions involving award of contracts directly to GAO rather than through the Office of Operations (PGAMS), revising section on erroneous awards, based on findings of the Comptroller General, and making various editorial revisions and organizational name changes.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement, Grants and Agreements Management Staff, Office of Operations, United States Department of Agriculture,

Washington, D.C. 20250, 202–447–7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rule making under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents of Part 4–2 is amended by deleting § 4–2.450, Informalities of substance.

2. Section 4–2.404–2, paragraphs (a) and (b), are revised to read as follows:

§ 4–2.404–2 Rejection of individual bids.

(a) *Multiple bids.* Multiple bids are two or more bids submitted by one individual on behalf of two or more companies or submitted by two or more affiliated companies. Multiple bids may be accepted, provided, acceptance would not give one bidder an unfair advantage or would otherwise prejudice the interests of the Government. If acceptance of multiple bids would be prejudicial to the Government or to other bidders they must be rejected. Multiple bids are most likely to occur where different divisions of the same company or a parent company and its subsidiary submit bids under the same invitation, each responding to separate copies of the invitation sent to them, and each unaware that their affiliated company or division is also submitting a bid. An individual may also have legitimate reasons for submitting bids on behalf of two or more companies which that individual owns or controls. This could be a situation where partial awards are permitted under the invitation and it is hoped that an award will be made to each of the companies for such amount of work that each company could capably perform.

(b) *Alternate bids.* An alternate bid is one that contains an offer to perform work or furnish supplies not meeting the minimum requirements of the advertised specifications and must be rejected. A bid is not necessarily an alternate bid merely because a bidder designates it as such. Many times, bidders will submit more than one bid price based on differing qualities of materials, all or some of which may meet the advertised specifications. A low bid meeting the advertised specifications, whether or not it is designated by the bidder as an "alternate" bid, may be accepted.

3. Section 4–2.405 is revised to read as follows:

§ 4–2.405 Minor informalities or irregularities in bids.

(a) *Bids not on Government forms.* Bids not on Government forms may be accepted provided (1) the language of the bid clearly indicates that it is in response to the advertised invitation for bids, (2) that which is offered is in accordance with the advertised specifications, and (3) no right is reserved by the bidder which would limit his liability to a greater extent than was provided in the invitation for bids. When such a bid is accepted the complete invitation for bids, in blank, shall be attached to the accepted bid and made a part of the contract.

(b) *Failure to acknowledge receipt of amendment.* The general rule as to the effect of a bidder's failure to acknowledge an amendment to an invitation for bids is that when the amendment affects, in other than a trivial or negligible manner, the price, quantity, or quality of the procurement, the bidder's failure to acknowledge the amendment in compliance with the terms of the invitation or amendment cannot be waived. The basis for this rule is the principle that the acceptance of a bid which disregards a material provision of an invitation would be prejudicial to other bidders. As clarification of a bid after opening is not permitted, a bidder's working papers cannot be used to show that an amendment to an invitation was received and considered and thereby act as a retroactive acknowledgment of the amendment.

(1) Failure to acknowledge receipt of an amendment to an invitation for bids may be waived in circumstances where the effect of the amendment is trivial or negligible in terms of price in relation to the overall scope of the contract and the difference between the two low bid prices. In determining whether the effect of an amendment is trivial or negligible to permit a waiver, the contracting officer shall use the Government's price estimate of the amendment and not a cost value cited by the bidder seeking the waiver. To do so would give the bidder the option to either become eligible for award or avoid award by citing smaller or larger cost values.

(2) *Wage determinations.* Failure to acknowledge an amendment to an invitation for bids incorporating a wage determination may not be waived as a minor informality since the amendment affects the price of the bid, even though the bidder's wages in the region may be greater than those contained in the wage determination.

(c) Questionable cases as to whether acceptance of a bid as submitted will result in a contract binding on the bidder should be referred to the Office of General Counsel for determination.

§ 4–2.407–1 [Amended]

4. Section 4–2.407–1, paragraph (a), is deleted and reserved.

5. Section 4–2.407–8 is revised to read as follows:

§ 4–2.407–8 Protests against award.

(a) *General.* (1) The written final decision to the protestor required by § 1–2.407–8(a)(1) of this title shall include a paragraph substantially as follows:

This decision shall be final and conclusive unless a further written notice of protest addressed to the Comptroller General of the United States is mailed or otherwise furnished to the Contracting Officer or the Comptroller General. The protest, which may be in letter form, should refer to this decision and should include a statement of the reasons why the decision is considered to be erroneous.

(2) Where protests addressed to the Comptroller General are received, the contracting officer shall immediately forward the protest and documents required by § 1–2.407–8(a)(2) of this title to the Office of Operations through agency channels. The Office of Operations will transmit the protest to the General Accounting Office.

(b) *Protests after award.* Protests received after award will be handled in accordance with § 1–2.407–8 and § 4–2.407–8 of this title insofar as applicable. If the award was erroneously made, the instructions in § 4–2.407–53 shall be followed. Protests addressed to the Secretary or to the Department will be handled by the Office of Operations except as otherwise instructed in individual cases. If the contracting agency is in doubt as to proper resolution of a protest addressed to it, the advice of the Office of Operations or the Office of the General Counsel should be sought.

6. Section 4–2.407–53 is revised to read as follows:

§ 4–2.407–53 Erroneous award.

(a) If, through error, award is made to other than the low responsive and responsible offeror the resulting contract is illegal, and therefore, invalid.

(b) If the contractor did not contribute to the error and was not on direct notice before award that the procedures being followed were wrong, the contract cannot be cancelled but may be terminated for convenience.

(c) If the award was made contrary to statutory or regulatory requirements because of some action or statement by the contractor, or if the contractor was on direct notice that the procedures being followed violated such requirements, the award is illegal and can be cancelled. When the award is cancelled payment must be made on the "quantum meruit" basis, i.e., the contractor can only recover the costs he has already incurred (after award and before cancellation) to the extent that they confer a tangible benefit on the Government in the form of goods which the Government has received and retained. Pre-production costs (drafting, design, tooling and production planning, and tooling material) are generally not recoverable unless they meet the above criteria.

(d) The Office of Operations and Office of the General Counsel will render assistance to agencies when exceptional cases are involved.

(e) A report on the circumstances which led to making an erroneous award and a description of measures taken to prevent their recurrence shall be submitted to the Office of Operations through agency channels.

7. Sections 4–2.202–3(b), 4–2.406–1(a), 4–2.407–6, 4–2.407–50(d) and 4–2.407–51 are revised to read as follows:

§ 4–2.202–3 Place and method of delivery of supplies.

• • • • •

(b) *F.O.B. shipping point and F.O.B. destination.* In some instances it may be to the advantage of the Government to solicit prices on the basis of both F.O.B. shipping point and destination. Illustrations of cases when it would be in the best interest of the Government to solicit prices both ways are:

(1) When it is the custom of the industry to bid a shipping-point price only;

(2) When it is to the advantage of the Government to encourage competition by including bidders who will bid a shipping-point price only;

(3) When the cost of the transportation of the commodity is substantial in relation to the cost of the commodity, to bring into the competition the contractor who cannot or is unwilling to meet the large transportation cost.

(4) When the ultimate destination is known and when the quantity to be purchased is estimated to weigh 20,000 lbs. or more, except for those items that are of a fragile nature or are otherwise exceptionally susceptible to damage in transit, and

(5) When the ultimate destination is known and when the quantity to be purchased is estimated to weigh 100,000 lbs, or more, and is of a fragile nature or otherwise exceptionally susceptible to damage in transit.

• • • • •

§ 4–2.406–1 General.

(a) *General.* As a general rule a bidder cannot withdraw or change his bid after opening. Such rule does not apply where the bidder establishes, prior to award, that he made an honest mistake, since acceptance of a bid with the knowledge thereof does not constitute a valid binding contract. If the contracting officer has actual or constructive notice of an error in a bid after opening he shall request from the bidder a vertification of the bid, calling attention to the suspected mistake and stating why he suspects a mistake has been made. If the bidder alleges a mistake, the matter shall be processed in accordance with this section. Such actions shall be taken prior to award. A representative of the bidder has authority to verify the bid if it appears that he is an employee of the bidder and is present at the bid opening in such capacity.

• • • • •

§ 4–2.407–6 Equal low bids.

Where the application of § 1–2.407–6 results in two or more bidders being equally eligible for award, the award shall be made by a drawing by lot limited to such bidders. In each such case, except as otherwise authorized by the Director, Office of Operations, the bidders involved shall be given an opportunity to be present at the drawing.

§ 4–2.407–50 Effect of acceptance period.

• • • • •

(d) *Awards where the acceptance period of the low bidder has expired.* Ordinarily, where a low bidder's acceptance period expires before acceptance and contract award, and regardless of the reason therefor, any award shall be to the next low bidder whose acceptance period is effective at the time. Such award is preferable, from the standpoint of preserving the integrity of the competitive bid system, to allowing the low bidder to renew his acceptance period after it has expired. It will be necessary to explain in the file in such instances the circumstances surrounding the failure to secure award prior to the expiration date, with a showing that award to the next low bidder was in the best interest of the Government, and that no appreciable savings could have been obtained by readvertising. Nonetheless, if award cannot otherwise be made without readvertising, when all bids have been improperly rejected or the acceptance period of all bids has expired, the low bidder may renew his acceptance period and thereby receive award. This procedure is preferred since readvertising generally should be avoided except for the most compelling reasons. (See § 1–2.404–1 of this title).

§ 4–2.407–51 Availability of funds.

Prior to award of the contract or any subsequent change therein, the contracting officer should have written assurance that sufficient funds are available within the current allotment and are reserved for the proposed action. However, where required by unusual circumstances, a contract may be executed with a condition therein that the liability of the Government for payment of all or a portion of the contract amount is subject to the availability of funds therefor. A contract provision somewhat as follows is suggested.

Funds are available in current appropriations and reserved for this contract in the amount of $---------- Completion of the contract is contingent upon appropriation of funds therefor. No legal liability on the part of the Government for the payment of more than $---------- shall arise unless and until such appropriation shall have been provided.

See 16 U.S.C. 557a regarding statutory authority and requirements for such conditional contracts in connection with the administration of the National Forests.

§ 4–2.450 [Deleted]

8. Section 4–2.450 is deleted.

(5 U.S.C. 301, 40 U.S.C. 486(c).)

Done at Washington, D.C., this 20th day of June, 1977.

E. ALVAREZ,
Director, Office of Operations.

[FR Doc.77-17994 Filed 6-23-77;8:45 am]

CHAPTER 9—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR TEMPORARY REGULATION NO. 35]

PART 9–1—GENERAL

PART 9–7—CONTRACT CLAUSES

AGENCY: Energy Research and Development Administration.

ACTION: Temporary regulation.

SUMMARY: ERDA Temporary Regulation No. 29, published in the FEDERAL REGISTER on April 29, 1977, made a number of changes in ERDA conflict of interest regulations on technical and management support services contracting. Because of the subsequent enactment of Public Law 95–39 signed by the President on June 10, 1977, Temporary Regulation No. 29, including its deadline of June 25, 1977, for comments, is canceled and is replaced by this temporary regulation. This regulation is more responsive to Public Law 95–39 which contains requirements relating to Organizational Conflicts of Interest in ERDA procurements.

EFFECTIVE DATE: June 24, 1977.

ADDRESS: Harry M. Tayloe, Division of Procurement, Rm. C–167, USERDA, Washington, D.C. 20545.

FOR FURTHER INFORMATION CONTACT:

Harry M. Tayloe (302–353–5526).

SUPPLEMENTARY INFORMATION: Expiration date.—This regulation will remain in effect until canceled or until its provisions are incorporated into a permanent ERDA Procurement Regulation.

This temporary regulation, which modifies ERDA–PR Subparts 9–1.54 and 9–7.50, replaces Temporary Regulation No. 29, dated April 29, 1977, to reflect more accurately the intent of Public Law 95–39. The principal changes are (1) definitions of "evaluation services," "technical consulting and management support services," "research and development" and "architect-engineer services" and (2) the exclusion of procurements of research and development and architect-engineer services from applicability of Subpart 9–1.54.

In addition, this regulation modifies the Organizational Conflicts of Interest Clause included in Temporary Regulation No. 29, to conform its provisions to the changes contained herein.

A comprehensive revision of Subpart 9–1.54 will be completed by December 10, 1977. Therefore comments received within 60 days of this notice on any aspect of the subpart, including this temporary regulation, will be considered for inclusion in the revision.

1. Subpart 9–1.54 is amended by adding paragraph (c) to § 9–1.5402; revising § 9–1.5404; changing § 9–1.5405 by identifying the present provision as paragraph (a) and adding paragraphs (b), (c), (d), and (e); and adding paragraphs (d), (e), and (f) to § 9–1.5406.

Subpart 9–1.54 General Policy for the Avoidance of Organizational Conflicts of Interest

• • • • •

§ 9–1.5402 Scope and applicability.

• • • • •

(c) The disclosure provision set forth in § 9–1.5406(d) and the contract clause set forth in § 9–7.5006–40 need not apply to contracts and arrangements for (i) research and development or (ii) architect and engineering services. (See § 9–1.5405 (d) and (e).)

• • • • •

§ 9–1.5404 Qualification and evaluation criteria, waiver.

(a) Failure on the part of an offeror to submit information pursuant to the disclosure provision set forth in § 9–1.5406(d) or to accept the Organizational Conflicts of Interest Clause set forth in § 9–7.5006–40 shall disqualify the offeror from further consideration for contract award. However, nothing contained herein shall preclude the offeror, because of a potential conflict, from proposing to exclude specific kinds of effort from the statement of work as contained in the solicitation unless the solicitation specifically prohibits such exclusion. Any such exclusion contained in the offeror's proposal shall be considered by the Government as an evaluation factor, and if the Government considers such proposed exclusion to be an essential or integral part of the required work, the offeror's proposal may be considered nonresponsive.

(b) A manager of a field office or the Director of Procurement, or their designees, may authorize the contracting officer to grant the waiver provided for in (e) of the Organizational Conflicts of Interest Clause set forth in § 9–7.5006–40.

§ 9–1.5405 Definitions.

(a) The term "organizational conflict of interest" means a situation where a contractor, normally a corporation, has interests, either due to its other activities or its relationships with other organizations, which place it in a position that may be unsatisfactory or unfavorable (1) from the Government's standpoint in being able to secure impartial, technically sound, objective assistance and advice from the contractor, or in securing the advantages of adequate competition in its procurement; or (2) from industry's standpoint in that unfair competitive advantage may accrue to the contractor in question.

(b) The term "evaluation services" means any work or effort involving the independent study of a particular technology, process, or product which entails the assessment, appraisal, or survey of such technology, process, or product.

(c) The term "technical consulting and management support services" means any work or effort to provide internal assistance to any ERDA program division or other organizational component in the formulation or administration of its programs or projects, which normally necessitates that the contractor be given access to internal ERDA information. Such services typically include assistance in the preparation of program plans; evaluation, monitoring or review of contractors' activities or proposals submitted by prospective contractors; preparation of preliminary designs, specifications, or statements of work; the making of recommendations, or the rendering of an opinion or advice regarding any technical problem, issue, or question.

(d) The term "research and development" means any work or effort involving (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(e) The term "architect-engineer services" means work or effort of a professional nature associated with research, development, design and construction, alteration or repair of real property including utilities and appurtenances thereto. Such services embrace conceptual design and Title I, Title II and Title III work, as defined in ERDA-PR 9–18.306–50(b).

§ 9–1.5406 General policy.

• • • • •

(d) The following disclosure provision shall be included in all solicitations for evaluation and technical consulting and management support services as defined in § 9–1.5405. Where a formal solicitation is not used, the provision shall be furnished to the offeror in whatever manner is practical in order that ERDA may receive and evaluate the required information as a condition precedent to award.

DISCLOSURE STATEMENT REGARDING ORGANIZATIONAL CONFLICTS OF INTEREST

Pursuant to ERDA–PR Subpart 9–1.54, it is ERDA policy to avoid situations which place an offeror in a position where its judgment may be biased because of any present or planned interest, financial or otherwise, the offeror may have which relates to the work to be performed pursuant to this solicitation, or where the offeror's performance of such work may provide it with an unfair competitive advantage. (As used herein, "offeror" means the proposer or any of its affiliate organizations or proposed subcontractors.) Therefore:

(1) The offeror shall provide a statement which describes in a concise manner all relevant facts concerning any present or planned interest (financial, contractual, organizational, or otherwise) relating to the work to be performed hereunder and bearing on whether the offeror has a possible conflict of interest with respect to (a) being able to render impartial, technically sound, and objective assistance or advice, or (b) being given an unfair competitive advantage.

(2) In the absence of any interest referred to above, the offeror shall submit a statement certifying that to its best knowledge and belief no such interest exists.

(3) ERDA will review the statement submitted and may require that additional relevant information be provided by the offeror. The statement and any additional information required of the offeror or otherwise known to ERDA will be used to determine whether an award to the offeror may create a conflict of interest relating to bias or prior contractual restrictions. If such conflict is found to exist, ERDA may (i) disqualify the offeror, (ii) impose appropriate conditions which satisfactorily mitigate or avoid such conflict, or (iii) determine that it is otherwise in the best interests of the Government not to disqualify the offeror.

(4) Failure to provide the statement and any additional information required, or the nondisclosure or misrepresentation of any relevant interest shall result in disqualification under this solicitation or, if discovered after award, may result in termination at no cost to the Government, disqualification under subsequent related contractual efforts, and such other remedial action as may be permitted or provided by law or the resulting contract. The attention of the offerpr in complying with this provision is directed to 18 U.S.C. § 1001.

(e) Notwithstanding any other provision contained in this subpart, the contract clause set forth in § 9–7.5006–40 shall be included in all contracts or arrangements for technical consulting and management support services and may be used, after any appropriate modification, in any contract or arrangement for evaluation services.

(f) The disclosure provision set forth in § 9–1.5406(d) and the contract clause set forth in § 9–7.5006–40 need not apply to contracts or arrangements for (1) research and development and (2) architect-engineer services, both as defined in § 9–1.5405.

2. Subpart 9–7.50 is amended by adding § 9–7.5006–40 as follows:

Subpart 9–7.50 Use of Standard Clauses

• • • • •

§ 9–7.5006–40 Organizational conflicts of interest.

The following contract clause shall be included in all contracts or arrangements for technical consulting and management support services as defined in § 9–1.5405(c) and may be included, after any appropriate modification, in any contract or arrangement for evaluation services as defined in § 9–1.5405(b).

Article—Organizational Conflicts of Interest.—(a) *Purpose.* The primary purpose of this clause is to aid in ensuring that the contractor (1) does not obtain any unfair competitive advantage over other parties by virtue of its performance of this contract, and (2) is not biased because of its current or planned interest (financial, contractual, organizational, or otherwise) which relate to the work under this contract.

(b) *Scope.* The restrictions described herein shall apply to performance or participation by the Contractor and any of its affiliate organizations or their successors in interest (hereinafter collectively referred to as the "Contractor") in the activities covered by this clause as a prime contractor, subcontractor, co-sponsor, joint venturer, consultant, or in any similar capacity.

(1) *Technical Consulting and Management Support Services:* (i) If the Contractor performs technical consulting or management support services, as defined in paragraph (f) below, or similar work, under this contract, it shall be ineligible thereafter to participate in any capacity in Government contractual efforts (solicited or unsolicited) which stem directly from such work, and the Contractor agrees not to perform similar work for prospective offerors with respect to any such contractual efforts. Furthermore, unless so directed in writing by the Contracting Officer, the Contractor shall not perform any such work under this contract on any of its products or services, or the products or services of another firm for which the Contractor performs similar work. Nothing in this subparagraph shall preclude the contractor from competing for follow-on contracts for tech-

JUN 24 77
UM

nical consulting and management support services.

(ii) If the Contractor under this contract assists substantially in the preparation of a statement of work or specifications, the Contractor shall be ineligible to perform or participate in any capacity in any contractual effort which is based on such statement of work or specifications. The Contractor shall not incorporate its products or services in such statement of work or specifications unless so directed in writing by the Contracting Officer, in which case the restriction in this subparagraph shall not apply.

(iii) Nothing in this paragraph shall preclude the Contractor from offering or selling its standard commercial items to the Government.

(2) *Access to and use of information:* (i) If the Contractor, in the performance of this contract, obtains access to information, such as ERDA's plans, policies, reports, studies, financial plans, or data, which has not been released to the public, the Contractor agrees not to (a) use such information for any private purpose unless the information has been released to the public, (b) compete for work for ERDA based on such information for a period of six (6) months after the completion of this contract, or the release of such information to the public, whichever is first, (c) submit an unsolicited proposal to the Government which is based on such information until one (1) year after the release of such information to the public, and (d) release such information without prior written approval by the Contracting Officer.

(ii) In addition, the Contractor agrees that to the extent it receives or is given access to proprietary data or other confidential technical, business, or financial information under this contract, it shall treat such information in accordance with any restrictions imposed on such information.

(iii) The Contractor shall have, subject to patent and security provisions of this contract, the right to use technical data it first produces under this contract for its private purposes provided that, as of the date of such use, all data requirements of this contract have been met.

(c) *Subcontracts.* The Contractor shall include this clause, including this paragraph, in subcontracts of any tier which involve performance of work of the type specified in (b)(1) above or access to information covered in (b)(2) above. The use of this clause in such subcontracts shall be read by substituting the word "subcontractor" for the word "Contractor" wherever the latter appears.

(d) *Remedies.* For breach of the above restrictions or for nondisclosure or misrepresentation of any relevant interest required to be disclosed concerning this contract, the Government may, at no cost, terminate the contract, disqualify the Contractor for subsequent related contractual efforts, and pursue other remedies as may be permitted by law or this contract.

(e) *Waiver.* Any request for waiver under this clause shall be directed in writing to the Contracting Officer and shall include a full description of the requested waiver and the reasons in support thereof. If it is determined to be in the best interest of the Government, the Contracting Officer shall grant such waiver in writing.

(f) *Definition.* The term "technical consulting and management support service" means any work or effort to provide internal assistance to any ERDA program division or other organizational component in the formulation or administration of its programs or projects which normally necessitates that the contractor be given access to internal ERDA information. Such services typically include assistance in the preparation of program plans, evaluation, monitoring or review of contractors' activities or proposals submitted by prospective contractors; preparation of preliminary designs, specifications, or statements of work; the making of recommendations, or the rendering of an opinion or advice regarding any technical problem, issue, or question.

* * * * *

(Section 105 of the Energy Reorganization Act of 1974 P.L. 93-438.)

Dated: June 14, 1977.

WILLIAM A. PARKER,
Acting Director of Procurement.

[FR Doc.77-18142 Filed 6-23-77;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER J—HEALTH CARE DELIVERY SYSTEMS

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Interim Regulations

Correction

In FR Doc. 77-16002 appearing at page 29399 in the issue for Wednesday, June 8, 1977 the term now reading "Traditionally qualified health maintenance organization" on page 29414, middle column, in paragraph (b) of § 110.602 should have read "Transitionally qualified health maintenance organization".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Editorial Amendments

Correction

In FR Doc. 77-14890 appearing at page 27200 in the issue for Friday, May 27, 1977, in the table under § 2.603 (a) make the following correction on page 27203: For the 13th entry, "1975----TOAS 8301" in the 5th line of the "Subject" description, the reference to "TIAS 8112" should have been "TIAS 8412".

[Docket No. 19528; FCC 77-396]

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS)

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order.

SUMMARY: This document revises the technical (and certain administrative) requirements of the FCC's telephone equipment registration program, in response to petitions for reconsideration.

EFFECTIVE DATE: July 20, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau, 202-632-9342.

SUPPLEMENTARY INFORMATION:

Adopted: June 8, 1977.

Released: June 20, 1977.

Memorandum opinion and order. In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

1. Over the course of the past year and a half, the Commission has adopted a telephone equipment registration program for all classes of telephone terminal equipment except coin telephones and equipment used in conjunction with party-line telephone service. This program is designed to allow users of the nationwide telephone network to connect terminal equipment without the need for carrier-supplied connecting arrangements and network control signaling units, provided that such equipment complies with the standards of the registration program as contained in Part 68 of the FCC's rules and regulations.[1] Judicial review was sought of our decisions in Docket No. 19528, and the United States Court of Appeals, Fourth Circuit, imposed a stay pendente lite of the entire program (by Order dated April 28, 1976), which was subsequently modified to allow the program to become effective as to customer-provided data and ancillary equipment (Order dated June 16, 1976). The Commission has been processing applications for registration of data and ancillary equipment since June, 1976. In its March 22, 1977 decision on the merits, the Court of Appeals specifically affirmed the First and Second Reports in Docket No. 19528, our policies concerning inclusion of carrier-provided equipment and connection of registered equipment to the telephone network using standard plugs and jacks, and our reconsideration and clarification Orders dated February 13, 1976, March 15, 1976 and April 28, 1976.[2]

2. We have before us various petitions, comments and pleadings at this time. First, petitions for reconsideration of the Second Report were filed by American Telephone and Telegraph Company (AT&T), Gaines M. Crook & Associates, GTE Service Corporation (GTE) and International Telephone and Telegraph Corporation (ITT). Oppositions thereto were filed by AT&T, Computer and Business Equipment Manufacturers Association (CBEMA), GTE, International Business Machines Corporation (IBM), ITT and North American Telephone Association (NATA) and replies were filed by AT&T and GTE. GTE then filed "comments in support of petition for reconsideration" which were opposed by AT&T,[3] and NATA and ITT filed motions for extension of time to allow their technical personnel time to analyze and respond to GTE's "comments in support."[4] Second, we have before us pleadings and petitions for reconsideration relating to our March 15, 1976 Order, 58 F.C.C. 2d 716 (1976) and 41 FR 12673-79, March 26, 1976, filed by CBEMA, IDCMA and IBM, and a response thereto filed by AT&T. Third, we have before us a motion filed by AT&T on August 23, 1976 requesting a restrictive interpretation of the First Report and our February 13, 1976 and April 28, 1976 Orders with regard to "grandfathering" and short-form application procedures adopted therein; oppositions thereto were filed by the Independent Data Communications Manufacturers Association (IDCMA) and NATA, and AT&T replied. Finally, GTE has filed a petition for partial reconsideration of a September 20, 1976 Order, FCC 76-874, which accepted certain proposals made on behalf of their members by the Organization for the Protection and Advancement of Small Telephone Companies and the National Telephone Cooperatives Association.

3. In large part, the petitions for reconsideration of the Second Report relate to the problems posed by wiring and connection of Private Branch Exchange (PBX) and key telephone systems. In a companion notice of proposed rulemaking which we are adopting today we discuss these problems in detail, invite additional comments, and make specific proposals for rule changes. Because of this action, we shall not rule at this time on issues which relate to wiring, to connection of PBX and key telephone systems to the telephone network except as stated herein, and to installation procedures which might have the effect of negating the network protection provided by registered equipment itself. However, a variety of other issues are presently ripe for decision, and they are addressed in this order. Because of the procedural complexity of the various comments and responses which are before us (see the previous paragraph), we will address the issues seriatim without indicating the specific pleadings which raised and commented upon these issues. We have, of course, carefully reviewed all of the pleadings and responses before us.

I. TECHNICAL ISSUES

4. *Definitions.* AT&T has proposal several new definitions in clarification of the Part 68 Subpart D technical requirements. First, AT&T proposes a definition of "auxiliary leads" to be applied to connections between terminal equipment and telephone facilities other than "tip" and "ring" connections (e.g., A/A1 connections to key telephone systems). This unopposed new definition resolves ambiguity and imposes constraints on such connections which are consistent with the constraints upon telephone connections. Since this originally was our intent, we are adopting the definition. Second, AT&T proposes definitions of "network port" and "terminal port" to clarify which port faces the telephone network and which port faces the terminal equipment for protective circuitry. We are adopting this proposal as well as it also removes ambiguity and is consistent with the public interest.

5. AT&T has also proposed a new definition of "loop simulator circuit" to accomodate reverse-battery circuits, a form of trunk used with PBX equipment and not presently accomodated in the rules. As was the case of the present definition, this proposal is in the from of a schematic diagram. Gaines M. Crook comments that our present schematic diagram is too limiting as other means could be employed to generate the necessahy parameters. While AT&T takes issue with the specific alternative means advanced by Crook, it notes and we concur, that the parameters of dc line current and voltage and the ac specification of a 600 ohm load impedance, are the important criteria of the loop simulator definition and not the specific circuit depicted in the rule. We have used and will continue to use a schematic representation as we believe that this form of representation best conveys the information required. However, in adopting AT&T's proposed revision of the "loop simulator circuit" definition, we are adding clarifying language to indicate that alternative circuitry with the same parametric characteristics is acceptable.

6. AT&T has proposed other new definitions to be added to Section 68.3 which relate to matters which we are setting for further comment in our companion notice of proposed rulemaking (e.g., "common equipment", "direct connection" and "system") and we will not address them at this time. A proposed new definition of "on-site wiring" forms a substantive part of AT&T's proposals for handling connection of key telephone and PBX systems to the telephone network, and it is included in our companion notice for comment. AT&T also proposes a new definition of "special assembly" to define a class of telephone company-provided terminal equipment (but not customer-provided) which would be exempt from the registration requirements of Part 68. In conjunction with this proposed definition, AT&T proposes that such "special assemblies" be removed from the scope of the program which is expressed in Section 68.2.[5] In support of this proposal, AT&T claims that it is "necessary to allow the telephone companies to provide individualized designs for customers with nonstandard service requirements", and AT&T exemplifies such customers as "federal, state and local governments, the military, the handicapped, medical and penal institutions, and others with unique needs.". In response, CBEMA, IBM, NATA and ITT argue that the proposed definition is too broad, and if granted the exemption should apply both to customer-provided and to telephone company-provided equipment. CBEMA, IBM and ITT note that much customer-provided equipment is "individualized",[6] and ITT further notes that for competitive reasons the nontelephone company independent equipment suppliers are generally more responsive than telephone companies to customers' specialized needs. AT&T replies with a claim that the proposed category of exempt equipment does not duplicate services or equipment offered by others, and that therefore the Commission's reasons for including carrier-provided equipment within the ambit of

[1] The registration program was established in our First Report and Order in Docket No. 19528, 56 F.C.C2d 593 (1975) and initially applied to all equipment other than key telephone and Private Branch Exchange (PBX) systems, main telephones, coin telephones, and equipment used with party-line service. In a February, 1976 order, we generally affirmed the First Report, 57 F.C.C.2d 1216 (1976), and established "grandfathering" and short-form application procedures to phase in registration of equipment. In March, 1976, we revised the program's technical standards and requirements, 58 F.C.C.2d 716 (1976) and 41 FR 12673-79, March 26, 1976 in partial reconsideration of the First Report.

The program was then extended in a Second Report and Order, 58 F.C.C.2d 736 (1976) to encompass key telephone and PBX systems, and main telephones. In partial reconsideration thereof, the Second Report was generally affirmed in an October, 1976 order, 61 F.C.C.2d 396 (1976), although certain technical matters were left pendant.

In an April, 1976 order, 59 F.C.C.2d 83 (1976), we issued a declaratory ruling clarifying the "grandfathering" and short-form application procedures in response to petitions seeking such clarification.

Registered equipment is required to be connected to the telephone network using means of connection specified in Part 68. Standard plugs and jacks were adopted for this purpose in Docket No. 20774, 41 FR 28694, July 12, 1976.

Finally, the transition period during which "grandfathered" equipment may be connected without registration was recently extended by the Chief, Common Carrier Bureau under delegated authority to January 1, 1978. See Memorandum Opinion and Order released May 31, 1977, No. 70182.

[2] North Carolina Utilities Commission v. F.C.C., No. 76-1002 (4th Cir., March 22, 1977). The policy of connection using standard plugs and jacks, embodied in § 68.104 of the rules and adopted in the First Report, was before the Court for review, although the merits of the specific plugs, jacks and wiring configurations which were adopted in another proceeding (Docket No. 20774) were not. See 41 FR 28694, July 12, 1976, for a discussion of the relationship of Docket No. 20774 to Docket No. 19528.

[3] The Chief, Common Carrier Bureau accepted these comments under delegated authority, by Order released August 27, 1976, and gave interested parties an opportunity to comment thereupon.

[4] Our action today renders these motions moot.

[5] The specific proposed definition of "special assembly" is: "A custom design or arrangement of terminal equipment provided by a telephone company to meet an unusual service requirement."

[6] IBM states that almost all PBX equipment is customized to the customer's specific requirements, and CBEMA states that many data equipment systems are tailored to the individual customer, and are often specially constructed for the customer.

Part 68 are inapplicable to such equipment. Further, AT&T argues that if such an exemption were to be extended to "special assemblies" provided by other than telephone companies, harm potentially could result as this equipment would not have been evaluated either by the Commission (under the program) or by a telephone company. Finally, AT&T claims that if such one-of-a-kind "special assemblies" are not exempted from registration, the cost of providing this equipment on a registered basis might price the equipment out of the range of some users, and thereby injure them.

7. In analyzing this proposal, we note that the arguments in support of it are inconsistent with the language itself. The proposed language defining the exempt class of equipment is so broad as to include virtually all key telephone and PBX equipment, which largely is customized to the users' specific requirements. The language leaves the determination of what is, and what is not, a special assembly to the telephone companies themselves, subject only to the complaint procedures of Part 68. The proposed definitional language, "a custom design" to meet "an unusual service requirement" is overly broad and ambiguous; nowhere are the boundaries of a non-custom design, or a usual service requirement stated. In addition, as NATA has pointed out, the definition does not impose any quantitative or even qualitative numerical limitation on the class of exempt equipment; AT&T's pleadings speak of "one-of-a-kind" items, but the proposed rule does not. This proposal simply seeks reconsideration of the First Report's inclusion of telephone company-provided terminal equipment, which was sought and ruled upon in our February 1976 ruling in reconsideration of the First Report. Moreover, much of the equipment which AT&T ostensibly would place in the exempt category can be connected to the telephone network under Part 68 without registration, through registered protective circuitry.

8. Nevertheless, we are not unmindful of the concerns expressed in AT&T's pleadings where one-of-a-kind (or extremely limited production) items may not practicably be connected to the telephone network using protective circuitry. However, these concerns are more properly met in the context of specific equipments, and not broad exemptions in the rules which might be abused. Accordingly, we will entertain, as necessary, requests for waiver of the registration requirements for such equipment.

9. *Registration requirement.* AT&T has proposed specific changes to our § 68.102 rule to accommodate the tentative approach which we had adopted in our Second Report, for connection of PBX and key telephone systems. In view of our revisitation of connection issues in the notice of proposed rulemaking which we are adopting today, we will not address these proposed changes at this time.

10. *Notification to the telpehone company.* AT&T has proposed several changes to our present § 68.106 rule regarding notification to the local telephone company (by its customer). First, AT&T proposes that the rule be changed to require the customer to give notice of final disconnection of registered equipment. This unopposed change is reasonable, and is merely a "housekeeping" amendment which embodies our discussion of final disconnection in our February 1976 Order, 57 F.C.C. 2d at 1222, n. 7. Second, AT&T proposes that language be added to the rule to require a customer connecting "systems requiring on-site wiring" to give the telephone company compatibility information, information concerning the type of installation involved, the FCC registration numbers of registered protective circuitry, and the largest ringer equivalence for each line to which connection is sought. Moreover, AT&T proposes that, for such systems, the customer provide a complete list of all of the FCC registration numbers of equipment used in the system, which numbers might not otherwise be provided when per-line equipment is described. We are adopting the substance of AT&T's proposal, but without any reference to systems requiring on-site wiring. The issues surrounding on-site wiring are dealt with in the companion notice of proposed rulemaking which we are issuing today, and we do not wish to prejudice the outcome of that proceeding. Rather, we are preserving the thrust of AT&T's proposed modifications by reference to "systems assembled of combinations of individually-registered terminal equipment and protective circuitry." The "information required for compatible operation of the equipment" which will be required to be given is intended to refer primarily to means of connecting the equipment to the telephone network, and to such information as may be necessary to assure compatible network control signaling transfer between the telephone network and the terminal equipment.

11. *Registration application.* AT&T has proposed several revisions to our § 68.200 application rules. First, AT&T proposes changes to identify protective circuitry conformin. to the tentative requirements of our Second Report for PBX and key telephone systems; these changes, if necessary, will depend upon the outcome of our companion notice of proposed rulemaking and will not be addressed at this time. Second, AT&T proposes changes to our subpart (c) requirement for a description of all circuitry employed in assuring compliance with Part 68 to (1) remove our requirement for submitting specifications of circuit elements which provide isolation means; (2) remove our requirement for a circuit diagram of the protective circuitry and substitute therefore a block diagram supplemented by a narrative description; and (3) impose on the Commission an obligation to treat any additional information which is supplied as exempt from public disclosure under the Freedom of Information Act, at the request of an applicant. ITT has proposed that our subpart (f) requirement of photographs of the equipment construction and labels be modified to allow for the submission of drawings.

12. AT&T's proposed changes are founded upon its view that the design of means of protecting the telephone network, which means are required to be disclosed in a registration application under our present § 68.200(c) requirements, may form the basis of a trade secret. Thus, AT&T seeks revisions which would limit the information to be provided in a registration application, unless the Commission specifically requests additional information. In the event of a specific governmental request, AT&T apparently feels that it would be on firm ground to request exemption from public disclosure of such additional information under the trade secret exemption provision of the Freedom of Information Act, 5 U.S.C. 552(b)(4) and the Commission's rules in implementation thereof.

13. We reject any view which would allow for non-disclosure of registration applications. The public interest requires that interested entities have an opportunity to review and comment upon registration applications, pursuant to the notice and comment procedures of §§ 68.202 and 68.204 of the rules, and non-disclosure would largely defeat the intent of this review. Moreover, our program has been carefully designed to allow for the preservation of trade secret information. An equipment manufacturer is free to preserve a trade secret design from disclosure in a registration application by using protective circuitry registered by that manufacturer, or by another. Similarly, a manufacturer is free to market unregistered equipment; a user thereof can connect it to the telephone network using registered protective circuitry. In addition, the rules do not require disclosure of an entire equipment design; they only require disclosure, in a registration application, of the specific means which assure compliance with our rules. To clarify this point, and remove any ambiguity which remains, we are modifying the language presently contained in § 68.200(c), subparts (1) and (2) to substitute "circuitry which ensures compliance with Subpart D of this part" for the present "isolation means at the interface." Finally, the actual design of protective circuitry itself will not be treated as trade secret information by this Commission. Our public interest determination of the suitability of such designs for assuring compliance with Part 68 must, of necessity, override any private interests in maintaining this small portion of an entire equipment's design as a trade secret.[7]

14. We are rejecting ITT's proposal that drawings be substituted for the photographs required by § 68.200(f) Equipment construction and layout are vital elements to assuring compliance with Part 68, particularly with regard to

[7] An applicant who desires protection of an intellectual property right in such a design is free to use the patent system for such protection, if the design is consistent with the requirements of the patent statutes. Patent protection is consistent with our public interest conclusions herein because it mandates public disclosure of the design.

the hazardous voltage limitations contained in § 68.306, which section addresses, inter alia, separation of telephone connections from power connections. We see no reason to introduce the possibility of misleading or erroneous presentations which might result if drawings are permitted to be substituted for photographs.

15. Finally, on our own motion, we are changing the language of § 68.200(g) to require that FCC registration numbers of equipment operated in conjunction with the subject of the application, if any are outstanding, be supplied.[8]

16. *Changes to registered equipment.* AT&T proposes that we amend § 68.214 to require that changes to registered equipment be made only by the grantee, or by a trained, authorized agent thereof. This modification is consistent both with the intent of the rule, and with our approach to repair of registered equipment (§ 68.216). Accordingly, we will clarify the rule to reflect our original intent that only the original grantee may file a "change" application. Anyone else modifying registered equipment must file an entirely new registration application.

17. *Grantee's responsibility.* AT&T proposes that telephone companies be exempted from the requirement of supplying certain instructions to the user (e.g. installation and repair procedures, notification to the telephone company) because telephone companies already will have notice of connection of equipment which they themselves supply, and customers do not need specific instructions concerning repair and installation services which the telephone companies provide as part of their services. We would agree that the telephone company does not have to receive notice of connection of equipment which it provides; it already will have such notice. However, we do not see why the telephone companies should not provide the information required by § 68.218(b) (1) and (3). A customer using telephone company-provided equipment terminated in standard plugs should be informed of the use of such plugs ("installation" instructions) and provision to the user of "repair procedures" could be limited to instructions concerning the calling of the telephone company's repair service. Moreover, instructions concerning fault-isolation, as contained in sub-section (3) would appear appropriate for telephone company equipment as well as customer-provided equipment, to minimize the possibility of violations of Part 68 in the event of equipment malfunction.

18. ITT seeks clarification of the registrant's responsibility for repairs and/or changes to registered equipment if performed by the registrant's agent, and "assumes" that a registrant would not be responsible for improper actions by its agents. In this regard we note that a registrant is responsible for the continuing conformance of registered equipment to the requirements of Part 68, and assumes this responsibility in a registration application. As such, the registrant is responsible for assuring that its agents, who are the only entities other than the registrant who are authorized to perform repairs and changes to registered equipment, perform these operations correctly.

19. In addition, we are adding on our own motion a new subsection to § 68.218 to require that any FCC-registered equipment which is offered to a user must be equipped with standard means of connection to the telephone network, specified in Subpart F of Part 68, and we are also amending § 68.218(b) to require that the user be provided with the appropriate Universal Service Order Code(s) compatible therewith. By this change, an anomaly which presently exists in the rules will be cured. At present, it is possible for a user to acquire FCC-registered equipment which cannot be connected to the telephone network using FCC-specified means; thus such a user cannot rely upon the existence of FCC registration as an assurance that he will be able to connect registered equipment.[9]

20. *Environmental simulation—mechanical.* Many of the comments before us have addressed the applicability of our environmental stress requirements to large systems such as PBX and key telephone systems. GTE has taken the position that § 68.302 should not be applicable to PBX equipment as, in GTE's view, it is intended for small, portable terminal devices. ITT argues that "large" PBXs (greater than 800 lines) should be exempt from our temperature and humidity, and vibration and shock stresses, because acceptance testing which is associated with installations of such equipment would, in ITT's view, disclose any failures due to mechanical stress during shipment. In the alternative, ITT argues that these rules not be applied to any PBX equipment. NATA agrees with the fundamental GTE and ITT position that physically large equipment need not be subjected to mechanical stress, and urges extension of the concept to large key telephone system common equipment, and to large 18 and 30 button key telephone instruments. AT&T opposes all of these comments and notes that large equipment is, in fact, subjected to mechanical stress during shipment and operation, and should conform to Part 68 under such foreseeable stress.

21. We find little merit in those comments which claim that our environmental stress rules are not intended for physically large equipment.[10] The mechanical and electrical stresses which are currently specified are intended to be representative of those stresses which foreseeably will occur to registered equipment, during shipment and use. We can, however, appreciate those comments which indicate that testing of conformance to the stresses could prove costly. Physically large equipment would require a physically large vibration table for testing to § 68.302(a), and would require a physically large temperature and humidity chamber for testing to § 68.302(b). On the other hand, the shock tests required by § 68.302(c) do not require more than a concrete surface covered by asphalt tile (or similar material) which typically would be found on the floor of the manufacturer's production facility. Thus, we are not faced with inapplicable standards here; we are faced with a possible burden if the standards are applied to physically large equipment.

22. As is discussed in greater detail in the companion notice of proposed rulemaking which we are issuing today, we are revisiting other issues related to the registration and connection of PBX and key telephone systems. Thus, we have an opportunity to elicit further comments on the mechanical stresses to be applied to large equipment. Therefore, we are requesting comments, in the companion notice, on: (1) A definition of physically "large" equipment, which might be burdensome to test under § 68.302 (a) and (b); (2) whether or not a demonstration of conformance to § 68.302(c) will be adequate for such "large" equipment, in view of the packaging, shipment and installation techniques associated with this equipment; and (3) in view of the comments on the first two issues, what specific rules or rule changes would be adopted in Part 68.

23. *Environmental simulation—electrical.* ITT has raised a problem attendant to our present electrical stresses, specified in § 68.302 (d)–(e). It seeks to use equipment designs that secure fail-safe protection from the adverse effects of lightning surges by causing an intentional connection between the telephone connections and earth ground. However, the use of this technique might then cause the equipment to violate our longitudinal balance limitations (§ 68.308) because of the ground connection. In response, AT&T comments that such a design technique would not cause "harm", provided that this failure-mode is either one which would render the equipment un-

[8] This change is a rule of agency procedure, and does not incorporate any new substantive requirements in the rules. It allows for an administratively-orderly method of demonstrating compliance with Subpart D through the use of previously-evaluated, registered equipment. As such, it is exempt from the requirements for notice and comment, under 5 U.S.C. 553(b).

[9] In accordance with 5 U.S.C. 553, we hereby find that the orderly administration of the registration program, and the public's interest in acquiring registered equipment which in fact may be connected in accordance with Part 68, requires these revisions. As is discussed in detail in our "Order to Show Cause, Memorandum Opinion and Order" in Docket No. 21183, FCC 77-229, released April 7, 1977, the possibility of FCC-registered equipment being unable to be connected to the telephone network in accordance with the rules is not theoretical and has already occurred. The public has a reasonable right to expect that equipment registered by the Commission can be connected and used in accordance with Part 68, and for this reason immediate adoption of the revisions is imperative.

[10] The shock stress specifications, § 68.302 (c) cover equipment weighing 600 to 1000 pounds, and over 1,000 pounds; such equipment would not be "small."

usable, or one which will cause the condition to be readily identifiable (e.g., sounding of an alarm), so that the equipment can be immediately disconnected from the telephone network. We agree with AT&T's comments on ITT's concerns, and further note that such imbalance will not result in inteference to others' telephone service if no voice-band energy is present while the unbalanced condition exists, which often will be the case when the ground connection is present because of its interference with network control signaling on the connection. Accordingly, we are modifying § 68.302 consistent with the ITT and AT&T comments to secure further flexibility in equipment designs.

24. In addition, AT&T has proposed changes to § 68.302 (d)–(e) to indicate the appropriate termination of equipment connections other than those under test. We are adopting these changes to clarify the limitations of the rule and to remove its present ambiguity. (See below.)

25. *Leakage current limitations.* ITT seeks clarification of § 68.304 to accommodate intentional connections of ground-start trunks with earth ground during signaling. AT&T concurs with these comments and proposes rule changes consistent therewith. We will adopt the requested clarification, and note that imbalance during signaling, when there is no voice-band energy present on the connection, is not harmful. In addition, AT&T proposes that "auxiliary lead terminals" (e.g., A/A1 connections for key telephone systems) be treated as a separate category of connections and be subjected to the same leakage current limits as telephone connections, with which they are normally run. This was our original intent, and we are adopting AT&T's proposed clarification to remove any ambiguity.

26. *Hazardous voltage limitations.* Similarly, AT&T seeks changes in § 68.306 to clarify that "auxiliary lead" connections are subject to hazardous voltage limitations in the same manner as telephone connections. In addition, AT&T seeks refinement of the requirement of physical separation of power conductors from telephone (and auxiliary) conductors, to remove ambiguity relating to non-hazardous voltage sources. Telephone connections, auxiliary connections and non-hazardous voltage sources must be adequately physically separated from hazardous power sources to preclude the possibility of hazardous voltages appearing on the telephone network, and we wish no ambiguity in the requirements for such separation. Accordingly, we are adopting AT&T's proposed revisions herein, as modified by NATA's comments thereupon which would allow for sharing of connectors by telephone connections and non-hazardous voltages. (See below.)

27. *Signal power limitations — voice equipment.* AT&T has proposed several changes to § 68.308. First, AT&T wishes us to explicitly reserve a sub-section for equipment containing "electro-acoustic transducers" (e.g. microphones) to indicate that, in the future, standards might be imposed on such equipment. In view of the natural processes which tend to limit excessively loud live-voice speech volumes to acceptable levels [11] such standards may never in fact become necessary. Thus, absent any concrete proposal for such standards, and absent any demonstration that they are required, we shall not reserve such a sub-section at this time. Second, AT&T proposes a manufacturing tolerance on internal signal sources, not intended for network control signaling, within registered equipment or circuitry. This unopposed change removes any ambiguity, is consistent with the public interest, and accordingly will be adopted. Third, AT&T proposes changes to accommodate the tentative requirement of our Second Report which would require (if adopted) interposed protective circuitry between the telephone network and PBX and key system wiring. The change which AT&T proposes would require voice signals traversing such interposed circuitry to be limited to −9 dBm by means internal to the circuitry. While we will not rule on such a change at this time, in view of our solicitation of further comments concerning PBX and key system equipment, we would note that such a limitation of live-voice signal power within protective circuitry would be inconsistent with the absence of such a limitation for all other protective circuitry used for live-voice. To implement such a requirement, additional hardware is required (e.g. a clipping device) which device would appear to be unnecessary so long as the PBX or key telephone system supplies remotely-located station equipment with loop current (DC) within the ranges supplied by our loop simulator circuit, or equivalent. In fact, AT&T also has proposed revision to § 68.308(a)(3) which would require that such dc loop current be within these ranges, and we are adopting this proposed revision herein to ensure proper limitation of live-voice signal power as it might be affected by the loop current (See below.)

28. *Signal power limitations—data equipment.* IDCMA has requested that we clarify a discrepancy which presently exists between the signal power limitations for programmable data equipment (§ 68.308(a)(4)(ii), a level set by connections in the jack which can be programmed in 1db steps between −12 and −3 dB with respect to 1 milliwatt) contained in § 68.308(a)(4)(ii), and the standard jacks we have adopted to implement this section (specifying a range of −12 to 0 dB with respect to 1 milliwatt in § 68.502(e)). IDCMA proposes that the two ranges be reconciled as −12 to 0 dB with respect to 1 milliwatt because it has been informed that loop losses in Independent telephone company areas often exceed 9 dB, and the more limited range would not permit equipment to operate properly in these areas. Comments were filed on this issue both in this proceeding and in Docket No. 20774 (the proceeding which adopted § 68.502(e)), and in reaching our decision herein we also are taking cognizance of the comments filed in Docket No. 20774. In reply to IDCMA, AT&T does not object to the proposal, although it notes that the higher levels would be unnecessary in Bell System areas. Finally, IBM supports IDCMA's proposal.

29. We will modify § 68.308(a)(4)(ii) to conform it with § 68.502(e) and therefore specify an upper limit of 0 dB with respect to 1 milliwatt. We do so not only for the reasons advanced by IDCMA and IBM, but also for an additional reason. Much data equipment is transferred between private lines and the switched telephone network, and for such private line service as 1 milliwatt signal power level is standard. By adopting the 1 milliwatt upper bound for registered data equipment, which level is programmed by a short-circuit connection in the jack, we facilitate the dual usage of data equipment for both the switched network, and for voice-grade private line channels.

30. Two additional proposed changes are before us. First, it is proposed that we reference the "Universal" data jack in § 68.308 for clarity. Second, it is proposed that we clarify the rules to require that data equipment connected behind non-data protective circuitry or no protective circuitry (as would typically be the case of PBX and key telephone systems) only be connected through voice jacks, in the permissive, −9 dB with respect to 1 milliwatt, mode. We are adopting both of these proposals to clarify the rules, as they accord with our original intent, and are in the public interest.

31. *Longitudinal Balance Limitations.* There has been much confusion, expressed in comments and applications which we have received, about the parameter which is required to be evaluated by § 68.310. This parameter, the metallic-to-longitudinal balance coefficient, relates longitudinal imbalance at the terminal equipment to induced energy in other loops or lines, and is the appropriate measure of potential for interference with telephone service. The telephone industry has devoted considerable effort, in the past, to arriving at measuring techniques for another parameter, the longitudinal-to-metallic balance coefficient, which relates longitudinal imbalance at the terminal equipment to induced energy in the equipment's own loop or line. This other parameter is relevant to assuring noise-free operation of the registered equipment, but is not relevant to harm. AT&T has provided an analysis which demonstrates that the two parameters are not necessarily identical, and this analysis is reproduced for informational purposes in Appendix A below. Our rules do not specify the use of any specific test apparatus for imbalance; all that they require is the measurements be performed which yield reliable results in terms of the parameter

[11] The listener at the other end of a live-voice connection will tell the excessively loud speaking person not to shout. This mechanism statistically controls live-voice signal power.

which requires evaluation under § 68.310. Thus, if tests of the longitudinal-to-metallic balance coefficient can be mathematically converted to a measurement of the requisite metallic-to-longitudinal balance parameter, this would be acceptable. Similarly, if a test apparatus alternative to the suggested means accompanying § 68.310 will yield results of sufficient accuracy and precision, use of alternative means is also acceptable.[12]

32. AT&T proposes revisions to § 68.310 to clarify that reverse-battery trunks are subject to the same limitations as ground-start trunks. We are adopting AT&T's proposed addition of the words "and reverse battery" to each sub-section which refers to ground-start trunks, as both types of trunks, although differently named, are subject to the same balance limitations. AT&T also proposes other revisions to implement its proposals regarding system wiring; in view of our revisiting such issues in our companion Notice, we will not rule at this time on such changes. Finally, AT&T proposes substitution of certain repeat coil (transformer) designations for those presently contained in the figures appended to this Section, because of unavailability of the present repeat coils. The substitute repeat coils appear to have the requisite characteristics to meet the requirements of this Section, and accordingly we are adopting their designation.

33. *On-Hook Impedance Limitations.* Several issues are pending concerning § 68.312. First, GTE seeks the addition of a type "P" ringer, covering the frequency range of 15–35 Hertz, as a "straight line" ringer designation; it seeks a change of the lower frequency bound for a type "C" ringer from 16.0 to 15.3 Hertz; and it seeks a redesignationof the parenthetical notations on types "D" and "F" to "frequency-selective ringing." We will make the changes proposed by GTE, but we note that the parenthetical designations were not intended to be restrictive of the use of types "D" and "F" ringers, but were intended to be tutorial to those who might not realize that these ringers may not be usable in type "A" areas. Second, GTE seeks the addition of superimposed dc for the types "C"–"P" simulated ringing voltages on the theory that the lack of such superimposed dc for these types, as compared with the requirement for superimposed dc for types "A" and "B" was oversight. It was not. The entries for these ringing designations were based upon GTE's own submissions in Docket No. 19528 which did not call for superimposed dc. Since it now appears that, upon reflection, superimposed dc is required for types "C"–"P" to be representative of actual ringing conditions, as is required by the purpose of the rule, we shall adopt this proposed revision to further ensure that harm does not result.

34. GTE's ringing detection techniques for what it calls "convenience" key telephone systems, and its use of ground-referenced ringing detection circuitry for key telephone systems and PBX systems, pose other problems. These techniques are inconsistent with the on-hook impedance limitations of our rules. GTE has requested that § 68.312 be made inapplicable to PBX and key telephone systems because of the use of such designs, and notes further that certain indicating lamps manufactured by the Western Electric Company (and presumably used in the Bell System, Western Electric's by far largest customer) similarly could not be used consistent with that rule. AT&T has responded by noting that the present rule is consistent with Bell System maintenance and insulation and cable pressure test requirements, and that relaxation of § 68.312's requirements in Bell System areas should not be permitted. However, AT&T does not object to a relaxation of the requirements so long as such relaxation does not apply in Bell System service areas (which use types "A" and "B"). We cannot adopt a relaxation of the on-hook impedance requirements which would not be applicable to ringing types A and B; these two designations are general ones and are in wide use in the telephone industry, both in Bell System and Independent areas. What we will do instead to accommodate such designs is to establish a new ringing type designation, "Z." Type "Z" will designate on-hook impedance characteristics which do not conform to our rules, and equipment bearing a type "Z" designation may only be used with the consent of the local telephone company.[13] Such equipment, in essence, will only be conditionally-registered by the Commission, and will not automatically create a right of connection and use by virtue of such registration, as is the case of other registered equipment. We are confident that the amount of equipment which will bear the type "Z" designation will be limited; if abuses of the use of this designation occur, we will revisit this area in the future.

35. AT&T has proposed other revisions to § 68.312 which would refine the present voltage ranges therein-specified by establishing which specifications go with which voltages; it has proposed the addition of limitations for equipment used with ground-start facilities; and it proposes allowing trained agents of the registrant to perform action at the customer's premises which may have the effect of changing the on-hook impedance presented to the telephone network by the registered equipment. We are adopting the first proposal to clarify the existing rules. With regard to the second proposal, although we indicated in our Second Report that no party had commented that pre-trip and false-trip can occur on PBX trunks, and that therefore no on-hook impedance controls would be required for such trunks, both AT&T and GTE have now commented that these effects can occur. Therefore, we are adopting AT&T's proposed limitations for ground-start PBX trunks, and making the existing limitations applicable to loop-start PBX trunks. Finally, AT&T proposes allowing "trained, authorized agents" of the registrant to perform a form of discretionary action—to disconnect ringers and otherwise execute equipment options which affect ringer equivalence—after notification to the telephone company in accordance with § 68.106. We view AT&T's third proposal as constructive, and note that so long as the local telephone company is kept adequately informed of the actual on-hook impedance characteristics of equipment connected to its facilities, no harm will result. AT&T's proposal is reasonably directed to that end, and we are adopting it.

36. *Billing Protection.* AT&T proposes changes to § 68.314 to: (1) Reorganize the section for clarity; (2) accommodate reverse-battery equipment; and (3) provide an alternative method of assuring proper billing with regard to off-hook current during the first 5 seconds in the off-hook state. NATA has opposed AT&T's third proposal in the (apparently) mistaken belief that this limitation would require equipment to remain off-hook for at least 5 seconds. In reply AT&T has pointed out that the rule simply requires some minimum current flow during this 5 second interval "unless the equipment is returned to the on-hook state" (which would occur if the user were to "hang up"). Thus, the burden which NATA adverts to does not exist; voice equipment is not required to remain off-hook for at least 5 seconds. Accordingly, we are adopting the substance of the proposed revisions as they will clarify the existing rules and allow for greater flexibility in equipment designs. (See below.)

II. GTE's Petition for Partial Reconsideration of the September 20, 1976 Order

37. In our April, 1976 order in clarification of the "grandfathering", short-form and transition period procedures, 59 F.C.C. 2d 83 (1976), we ordered all telephone companies to file lists containing sufficient descriptive information to identify all terminal equipment of which the carriers were aware which was directly connected to the telephone network as of May 1, 1976. These lists were to be amalgamated and form a basis for resolving disputes concerning eligibility of equipment for "grandfathering" and short-form application procedures. Subsequent to our adoption of this order, the United States Court of Appeals, Fourth Circuit, stayed the order and then subsequently removed the stay with respect to data and ancillary equipment.

[12] The foregoing moots further consideration of proposed changes by Gaines M. Crook, which seek specification of an alternative to the "recommended test apparatus" of Figure 68.310(a).

[13] Such consent, however, may not be given so as to discriminate. If the telephone company itself provides "Z" equipment, customers must also be allowed to use "Z" equipment with similar characteristics.

38. The Organization for the Protection Advancement of Small Telephone Companies, and the National Telephone Cooperative Association, on behalf of their members, then filed a petition seeking our acceptance of a unified list of equipment prepared by the Rural Electrification Administration in lieu of indiviual submissions by their small telephone company members, and in our September 20, 1976 order, FCC 76-874, we accepted that list. GTE has filed a petition for partial reconsideration of the September order seeking deletion of items on the unified list which either were inconsistent with the stay (e.g. telephone instruments, PBX and key telephone equipment) or which were components that cannot operate without other equipment. We are granting GTE's petition because the items identified therein do not properly belong in our amalgamated list of equipment eligible for "grandfathering" and short-form application procedures; these items have been removed from the list.

III. Summary

39. In this order and in various predecessor orders, we have ruled on all of the petitions for reconsideration which are presently pending before us in Docket No. 19528. Our rulings herein have resulted in modifications to the present Part 68 rules and are contained below. In our predecessor orders we have distinguished protection of the telephone network, the object of Part 68, from compatible operation of terminal equipment and have encouraged cooperative industry-wide dissemination of information to deal with the latter. We are pleased to observe that such cooperation is presently occurring.[14] The final set of issues which still remain relate to installation and connection of PBX and key telephone equipment; these issues are treated in a companion supplemental notice of proposed rulemaking which we are also adopting today.

40. The United States Court of Appeals, Fourth Circuit, has affirmed our decisions in Docket No. 19528, including our decision to adopt a registration program applicable to all terminal equipment (except coin equipment and equipment connected to party lines), and our decision to require that registered equipment be connected to the telephone network through means of connection specified in Part 68. However, the Court has decided to maintain the present stay *pendente lite* to allow parties to seek review of the Court of Appeals' decision in the United States Supreme Court. In view of the continuation of the stay, our solicitation of further comments concerning PBX and key telephone equipment will not delay implementation of the registration program as to such equipment; the Court's stay will continue to apply to other than customer-provided data and ancillary equipment.

41. Although implementation of the registration presently remains stayed as to PBX and key telephone equipment, the public interest still requires expeditious resolution of the issues which we have not addressed in this order, and which we have set for further rulemaking in our companion notice. While we probably have an adequate record before us to amend the rules at this time, we are permitting a final round of comments and replies to assure that the rules which we adopt for the registration, installation and connection of PBX and key telephone equipment are economical, reasonable, and consistent with the public interest.

42. Accordingly, and for the reasons heretofore stated, *It is hereby ordered*, That pursuant to 47 U.S.C. 154(i), 154 (j), 201-05 and 405, Part 68 of the Commission's rules and regulations, 47 CFR 68.1 et seq., is hereby revised, as shown below, effective July 20, 1977.

(Secs. 4, 201-205, 405, 48 Stat., as amended, 1066, 1070, 1071, 1072, 1095; (47 U.S.C. 154, 201-205, 405).)

FEDERAL COMMUNICATIONS COMMISSION,[15]
VINCENT J. MULLINS,
Secretary.

[14] E.g. 41 FR 28694, July 12, 1976, and 61 F.C.C. 2d 396, 404, n. 28. The Commission wishes to recognize committee activity sponsored by the Electronic Industries Association and by the Institute of Electrical and Electronics Engineers which is currently addressing dissemination of information and voluntary design criteria relating to compatible operation of terminal equipment, as well as analysis of the Part 68 technical requirements, and to express its hope that such industry-wide cooperation will continue.

[15] Commissioner Hooks concurring in the result; Commissioner Quello absent.

Appendix A

Relationship Between Metallic-to-Longitudinal Balance and Longitudinal-to-Metallic Balance

(a) Metallic-to-Longitudinal Balance

From Figure 1a, the metallic-to-longitudinal balance is

$$BAL_{m-\ell} = 20 \log_{10} \left| \frac{V_m}{V_\ell} \right| = 20 \log_{10} \left| \frac{E_m - i_{m_1} z_m}{i_{\ell_1} z_\ell} \right|$$

(b) Longitudinal-to-Metallic Balance

From Figure 1b, the longitudinal-to-metallic balance is

$$BAL_{\ell-m} = 20 \log_{10} \left| \frac{V'_\ell}{V'_m} \right| = 20 \log_{10} \left| \frac{E_\ell - i_{\ell_2} z_\ell}{i_{m_2} z_m} \right|$$

(c) Comparison Between $BAL_{m-\ell}$ and $BAL_{\ell-m}$

If $E_m = E_\ell$, then, using the reciprocity theorem, $i_{\ell_1} = i_{m_2}$ and

$$BAL_{m-\ell} - BAL_{\ell-m} = 20 \log_{10} \left| \frac{(E - i_{m_1} z_m)(z_m)}{(E - i_{\ell_2} z_\ell)(z_\ell)} \right|$$

Where $E = E_m = E_\ell$.

Appendix A
Page 2

...ote that these balances are only equal if $z_\ell = z_m$ (the test circuit impedances) and if $i_{m_1} = i_{\ell_2}$. Examining the two figures, it is clear that i_{m_1} depends on the metallic impedance of the terminating equipment and i_{ℓ_2} depends on the longitudinal impedance of the terminating equipment. Therefore, the balances in general would not be equal.

Appendix A
Page 3

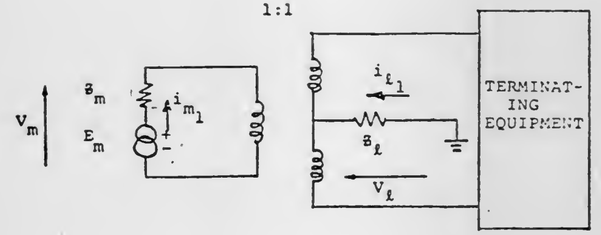


Figure 1a: $BAL_{m-\ell}$

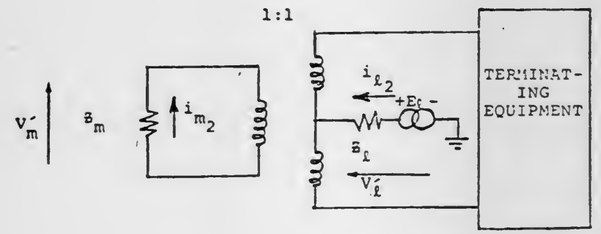


Figure 1b: $BAL_{\ell-m}$

Part 68 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 68.3 is amended as follows:

§ 68.3 Definitions.

As used in this part:

(a) *Auxiliary leads.* Terminal equipment leads at the interface, other than telephone connections, which leads are to be connected either to common equipment or to circuits extending to central office equipment.

(b) *Direct connection.* Connection of terminal equipment to the telephone network by means other than acoustic and/or inductive coupling.

(c) *Harm.* Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

(d) *Interface.* The point of interconnection between terminal equipment and telephone company communication facilities.

(e) *Longitudinal voltage.* One-half the sum of the potential difference between the tip connection and earth ground, and the ring connection and earth ground.

(f) *Loop simulator circuit.* A source of dc power and a load impedance for connection, in lieu of a telephone loop, to terminal equipment loop and ground start circuits (Figure 68.3(a)), and reverse battery circuits (Figure 68.3(b)) during testing. The schematic diagrams of Figures 68.3(a) and 68.3(b) are illustrative of the type of circuit which will be required; alternative implementations may be used: *Provided,* That the same dc voltage and current characteristics and ac impedance characteristics will be presented to the equipment under test as the presented in the illustrative schematic diagrams. When used, the simulator shall be operated over the entire range of loop resistance as indicated in the Figures, and with the indicated polarities and voltage limits. Whenever loop current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing testing.

(g) *Metallic voltage.* The potential difference between the tip and ring connections.

(h) *Multi-port equipment.* Equipment that has more than one telephone connection with provisions internal to the equipment for establishing transmission paths among two or more telephone connections.

(i) *Network port.* An equipment port of registered protective circuitry which port faces the telephone network.

(j) *One-port equipment.* Equipment which has either exactly one telephone connection, or a multiplicity of telephone connections arranged so that no transmission among such telephone connections, within the equipment, is intended.

(k) *Power connections.* The connections between commercial power and any transformer, power supply rectifier, converter or other circuitry associated with registered terminal equipment or registered protective circuitry. The following are not power connections:

(1) Connections between registered terminal equipment or registered protective circuitry and sources of non-hazardous voltages (see § 68.306(b)(4) for a definition of non-hazardous voltages).

(2) Conductors which distribute any power within registered terminal equipment or within registered protective circuitry.

(3) Green wire ground (the grounded conductor of a commercial power circuit which is UL-identified by a continuous green color).

(l) *Registered protective circuitry.* Separate, identifiable, and discrete electrical circuitry designed to protect the telephone network from harm, which is registered in accordance with the rules and regulations in Subpart C of this part.

(m) *Registered terminal equipment.* Terminal equipment which is registered in accordance with the rules and regulations in Subpart C of this part.

(n) *Telephone connection.* Connection to telephone tip and ring and all connections derived from telephone tip and ring. The term "derived" as used here means that the connections are not separated from telephone tip and ring by a sufficiently protective dielectric barrier.

(o) *Telephone network.* The public switched telephone network.

(p) *Terminal port.* An equipment port of registered protective circuitry which port faces remotely-located terminal equipment.

APPENDIX B
Page 3

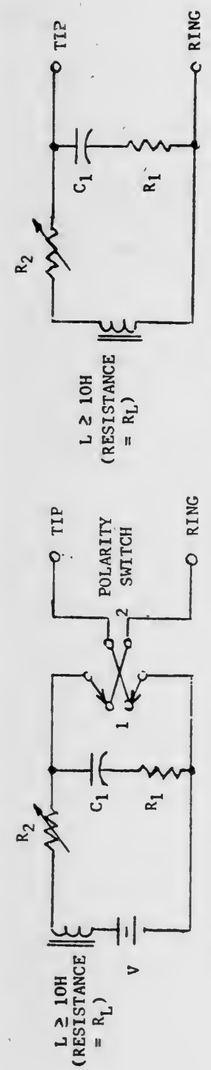


Figure 68.3(b): Loop Simulator for Reverse Battery Circuits.

CONDITION	V, VOLTS		SWITCH POSITION FOR TEST	R_2 + R_L
	MIN	MAX		
1	42.5	52.5	BOTH	CONTINUOUSLY VARIABLE OVER 400 TO 1740 Ω
2	105		2	2000Ω

Figure 68.3(a): Loop Simulator for Loop Start and Ground Start Circuits.

NOTES:

1. Means shall be used to generate, at the point of tip and ring connections to the terminal equipment or protective circuitry, the parameters of dc line current and ac impedance which are generated by the illustrative circuits depicted above (as appropriate for the equipment under test).
2. In the Longitudinal Balance Limitations, Section 68.310, the use of the "dc portion of the loop simulator circuit" is specified. In such case, components R_1 and C_1 above should be removed.

FIGURE 68.3. LOOP SIMULATOR CIRCUITS

2. Section 68.106 is amended as follows:

§ 68.106 Notification to telephone company.

(a) *General.* Customers connecting terminal equipment or protective circuitry to the telephone network shall, before such connection is made, give notice to the telephone compahy of the particular line(s) to which such connection is to be made, and shall provide to the telephone company the F.C.C. Registration Number and Ringer Equivalence of the registered terminal equipment or registered protective circuitry. The customer shall give notice to the telephone company upon final disconnection of such equipment or circuitry from the particular line(s).

(b) *Systems assembled of combinations of individually registered terminal equipment and protective circuitry.* Customers connecting such assemblages to the telephone network shall, before such connection is made, shall provide the following information to the telephone company:

(1) For each line:

(i) Information required for compatible operation of the equipment with telephone company communications facilities.

(ii) The FCC Registration Numbers for all equipment dedicated to that line.

(iii) The largest Ringer Equivalence to be presented to that line.

(2) A list of FCC Registration Numbers for equipment to be used in the system.

3. Section 68.108 is amended as follows:

§ 68.108 Incidence of harm.

Should terminal equipment or protective circuitry cause harm to the telephone network, the telephone company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, where prior notice is not practicable, the telephone company may temporarily discontinue service forthwith, if such action is reasonable in the circumstances. In case of such temporary discontinuance, the telephone company shall (a) promptly notify the customer of such temporary discontinuance, (b) afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance, and (c) inform the customer of the right to bring a complaint to the Commission pursuant to the procedures set forth in Subpart E of this part.

4. In § 68.200, paragraphs (c)(1), (c)(2), and (g) are amended to read as follows:

§ 68.200 Application for equipment registration.

* * * * *

(b) * * *

(c) A description of all circuitry employed in assuring compliance with this Part 68 including the following:

(1) Specifications, including voltage or current ratings of all circuit elements, whether active or passive, in that part of the equipment or circuitry which ensures compliance with Subpart D of this part.

(2) A circuit diagram containing the complete circuit of that part of the equipment or circuitry which ensures compliance with Subpart D of this part. If this portion of the device is subject to factory or field adjustment by the applicant or an agent thereof, instructions for such adjustments shall be included. In addition, if the equipment or circuitry is designed to operate from power supplied by electric utility lines, the circuit diagram shall also include that portion of the device connected to such lines, including the power supply to the internal circuitry, and whatever means are employed to isolate such utility lines from the internal circuitry.

(3) * * *

(d) * * *

(e) * * *

(f) * * *

(g) If the device covered by the application is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of the device covered by the application with Subpart D of this part, then such other equipment must also be registered. If such other equipment already is registered, then the F.C.C. Registration Number(s) must be supplied.

5. In § 68.214, the headnote and text are amended to read as follows:

§ 68.214 Changes in registered equipment and circuitry.

Changes in registered terminal equipment or registered protective circuitry shall be made as follows:

(a) No change in registered terminal equipment or registered protective circuitry that would result in any change in the information furnished the Commission pursuant to § 68.200 may be made, except after grant of a new application made on FCC Form 730.

(b) Changes which do not result in any change in the information furnished the Commission pursuant to § 68.200 may be made without express Commission approval. *Provided*, That prior written notification is given the Commission on FCC Form 730.

(c) Where equipment is registered by virtue of incorporation of registered protective circuitry therein, no notification need be given of changes to other than the protective circuitry, its mechanical and electrical connections to the equipment.

(d) Changes in registered terminal equipment or registered protective circuitry made pursuant to pargraphs (b) and (c) of this section may be made only by the grantee, or an authorized agent thereof, and the grantee will remain responsible for the performance of such changes.

6. In § 68.218, paragraphs (b), (b)(3), and (b)(4) are amended and paragraph (d) is added to read as follows:

§ 68.218 Responsibility of grantee of equipment registration.

(b) The grantee or its agent shall provide the user of the registered equipment the following:

(1) Instructions concerning installation, operational, and repair procedures, where applicable.

(2) Instructions that registered terminal equipment or protective circuitry may not be used with party lines or coin lines.

(3) Instructions that when trouble is experienced the customer shall disconnect the registered equipment from the telephone line to determine if the registered equipment is malfunctioning, and that if the registered equipment is malfunctioning, the use of such equipment shall be discontinued until the problem has been corrected.

(4) Instructions that the user must give notice to the telephone company in accordance with the requirements of § 68.106, and instructions specifying the Universal Service Order Code(s), other than RJ11 (see § 68.502), of means of connection of the equipment which may be required to be ordered from the telephone company if not already installed.

A telephone company which provides and installs the registered equipment need only provide the user with subparagraphs (1) and (3) of this paragraph.

(c) * * *

(d) The grantee or its agent shall assure that any registered equipment or circuitry which is offered to a user shall be equipped with standard means of connection to the telephone network specified in Subpart F of this part.

7. Section 68.220 is amended as follows:

§ 68.220 Cross reference.

Applications for registration of terminal equipment or protective circuitry shall, in addition to the requirements of this subpart, comply with the provisions of Subpart L of Part 2 of this chapter.

8. In § 68.302, the headnote, paragraphs (d)(3) and (e)(3) are amended and paragraph (f) is added to read as follows:

§ 68.302 Environmental simulation.

* * * * *

(d) *Metallic voltage surge.* Two 800-volt peak surges of a metallic voltage (one of each polarity) having a 10-microsecond maximum rise time to crest and a 560-microsecond minimum decay time to half crest applied between tip and ring and between any other pair of connections on which lightning surges may occur (with one of the connections of the pair under test grounded) with the equipment in each of the following states:

(1) Any operational state which can affect compliance with the requirements of Part 68;

(2) Any state in which the equipment might be connected to the telephone network and from which it is capable of transferring to an operational state by an automatic or manual action required for proper use of the equipment; *And, provided*, That any such state can affect compliance with the requirements of this Part 68; and

(3) Any state in which the equipment might be connected to the telephone network through an automatic or manual action under all reasonably foreseeable possibilities of disconnection of connections of such equipment with primary commercial power sources (including possible loss of equipment grounding through disconnection of a third-wire ground connection contained in a primary power source plug).

All other equipment leads (telephone connections, auxiliary leads, and terminals for connection to nonregistered equipment) not being surged or connected to those being surged should be terminated in a manner which is no less severe than that which occur in normal use and affect compliance with Subpart D of this part. Also, equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the above requirements. The peak current drawn from the surge generator must not be limited to less than 100 amperes by the capabilities of the surge generator.

(e) *Longitudinal voltage surge.* * * *

(1) * * *

(2) * * *

(3) * * *

All other equipment leads (telephone connections, auxiliary leads, and terminals for connection to non-registered equipment) not being surged or connected to those being surged should be terminated in a manner which is no less severe than that which would occur in normal use and affect compliance with Subpart D of this part. Also, equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the above requirements.

(f) *Failure modes resulting from the application of metallic and longitudinal surges.* Registered terminal equipment and registered protective circuitry is permitted to reach a failure-mode state in violation of the longitudinal balance requirements of § 68.308 after application of the electrical surges specified in paragraphs (d) and (e) of this section: *Provided*, That:

(1) Such failure results from an intentional, designed failure-mode which has the effect of connecting telephone or auxiliary connections with earth ground; and

(2) If such a failure-mode state is reached, the equipment is designed in such a manner that it would become substantially and noticeably unusable by the user, or an indication is given to the user (e.g. an alarm), in order that such equipment can be immediately disconnected or repaired.

NOTE.—The objective of this sub-section is to allow for safety circuitry which diverts lightning-like transients to earth ground, but which may continue to maintain the earth ground connections after the transients have ceased. Such a failure-mode has the potential for causing interference resulting from longitudinal imbalance, and therefore designs must be adopted which will cause the equipment either to be disconnected or repaired rapidly after such a state is reached, should it occur in service.

9. Section 68.304 is amended as follows:

§ 68.304 Leakage current limitations.

Registered terminal equipment and registered protective circuitry shall assure that, if a voltage source is connected to the combinations listed in the table below, of the following points on such equipment:

(a) All telephone connections,

(b) All power connections,

(c) All possible combinations of exposed conductive surfaces on the exterior of such equipment or circuitry excluding terminals for connection to other terminal equipment,

(d) All terminals for connection to nonregistered equipment,

(e) Points having a conducting path to the secondaries of any power supply, and

(f) All auxiliary lead terminals.

and is gradually increased, from zero to the values listed in the table below, over a 30 second time period, and then applied continuously for 1 minute, the current in the mesh formed by the voltage source and these points shall not exceed 10 milliamperes peak at any time during this 90 second time interval.

VOLTAGES APPLIED FOR VARIOUS COMBINATIONS OF ELECTRICAL CONNECTIONS

Voltage source connected between:	*Value to which test voltage is gradually increased, rms, 60 Hz*
(1) and (3)	1000
(1) and (4)	1000
(1) and (6)	1000
(2) and (3)	1500
(2) and (4)	1500
(2) and (5)	1500
(3) and (6)	1000
(4) and (6)	1000

NOTES: (a) If, in any operational state, one of the telephone connections or auxiliary leads has an intentional conducting path to earth ground, that lead may be excluded from the leakage current test in that operation state. Connections excluded for this reason must comply with the requirements of § 68.306(c) in addition to other applicable rules.

(b) Terminal port connections to registered protective circuitry shall be treated as point (4) leads for the purposes of leakage current limitation.

(c) Leakage current limitations shall be met between each of the point (4) or point (6) leads and all pairs of tip and ring telephone connections. (Testing all pairs may be done by a sequence of appropriate combinations of pairs.)

(d) Equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the requirements of this section.

10. Section 68.306(b) is amended and a new § 68.306(c) is added, as follows:

§ 68.306 Hazardous voltage limitations.

(a) * * *

(b) *Connection of nonregistered equipment to registered terminal equipment or registered protective circuitry.*—(1) *General.* Leads to or any elements having a conducting path to telephone connections or auxiliary leads shall:

(i) Be reasonably physically separated and restrained from; not routed in the same cable as; nor use the same connector as leads or metallic paths connecting to power connections;

(ii) Be reasonably physically separated and restrained from; not routed in the same cable as; nor use adjacent pins on the same connector as metallic paths to leads to nonregistered equipment, when specification details provided to the Commission pursuant to § 68.200(g) do not show that the interface voltages are less than non-hazardous voltage source limits in § 68.306(b)(4).

(2) *Connections to registered terminal equipment.* The voltage measurable between auxiliary leads, auxiliary leads to ground, tip and ring, tip to ground, and ring to ground, shall not exceed 70 volts peak for more than 1 second, with tip to ring and auxiliary lead to auxiliary lead each terminated with 1500 ohms center-tapped through 1000 ohms to ground, if 120 volts rms 60 Hz. ac is applied between all connections to other equipment tied together (except connections to non-hazardous voltage sources) and ground: The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(3) *Connections to registered protective circuitry.* The voltage measurable between auxiliary leads, auxiliary leads to ground, tip and ring, tip to ground, and ring to ground, shall not exceed 70 volts peak for more than 1 second, with tip to ring and auxiliary lead to auxiliary lead each terminated with 1500 ohms, center-tapped through 1000 ohms to ground, if either 120 or 300 volts rms 60 Hz. ac is applied:

(i) Between all protective circuitry connections, other than telephone connections (and connections to non-hazardous voltage sources), tied together and ground; and

(ii) Across all protective circuitry connections, other than telephone connections (and connections to non-hazardous voltage sources) which have a transmission path to the telephone connections, with alternate leads grounded;

under all reasonable applications of earth ground to the protective circuitry. The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(4) *Non-hazardous voltage source.* A voltage source is considered a non-hazardous voltage source if it conforms with the requirements of §§ 68.302, 68.304 and 68.306(b)(1), with all connections to the source other than primary power connections treated as "telephone connections," and if such source supplies voltages no greater than the following under all modes of operation and of failure:

(i) Ac voltages less than 42 volts peak;

(ii) Dc voltages less than 80 volts; and

(iii) Combined ac and dc voltages with the dc component between 21 and 80 volts, ac voltages less than $(55-0.6 \times V_{dc})$ peak.

JUN 24 77
UM

(c) *Hazards from exposed surfaces (to be applied for intentional conductive paths to ground as required by § 68.304).* The voltage measurable between auxiliary leads, auxiliary leads to ground, tip and ring, tip and ground, and ring and ground, shall not exceed 70 volts peak for more than 1 second, with tip to ring and auxiliary lead to auxiliary lead each terminated with 1500 ohms, center-tapped through 1000 ohms to ground, if 120 volts rms 60 Hz. ac is applied between conductive exposed surfaces and ground. The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

11. In § 68.308, paragraphs (a)(1), (a)(3), (a)(4) and (c) are amended to read as follows:

§ 68.308 Signal power limitations.

(a) *Voiceband metallic signal power.*—(1) *Limitations on internal signal sources not intended for network control signaling.* For registered terminal equipment or registered protective circuitry, other than data equipment or data protective circuitry which is registered in accordance with § 68.308(a)(4), the maximum power of other than live voice signals delivered to a loop simulator circuit shall not exceed −9 dB with respect to one milliwatt, when averaged over any 3-second interval. No manufacturing tolerance is allowed which would permit this power to be exceeded by any unit of equipment.

(2) *Limitations on internal signal sources primarily intended for network control signaling, contained in voice and data equipment.* For all operating conditions of registered terminal equipment and registered protective circuitry, the maximum power delivered to a loop simulator circuit shall not exceed one milliwatt when averaged over any 3-second interval, during normal usage.

(3) *One port terminal equipment and protective circuitry with provision for through transmission from other equipment, excluding data equipment and data protective circuitry which is registered in accordance with § 68.308(a)(4).* (i) Registered terminal equipment and registered protective circuitry shall have no adjustments that will allow net amplification to occur in the through-transmission path within the frequency range of 200 to 4000 Hertz, when measured from a 600 source into a loop simulator circuit. The net gain of such equipment shall be designed so as not to exceed 0 dB; however, the gain for any single unit of registered terminal equipment or registered protective circuitry may exceed 0 dB by as much as 1.5 dB, provided that the net gain, averaged over all such units, is no greater than 0 dB.

(ii) Where through-transmission equipment provides a dc electrical signal to equipment connected therewith (e.g. for powering of electro-acoustic transducers), dc conditions shall be presented which fall within the range of conditions provided by a loop simulator circuit, unless the combination of the through-transmission equipment and equipment connected therewith is registered as a combination which conforms to § 68.308(a)(1)–(2).

(iii) Through-transmission equipment to which remotely-connected data terminal equipment may be connected shall not be equipped with, or connected to, either a Universal or Programmed data jack (see § 68.308(a)(4)).

(4) *Limitations on registered data terminal equipment and registered one-port protective circuitry with provision for through-transmission from data equipment.* When such equipment or circuitry is used for the transmission of data signals to the telephone network, it shall assure in all operating conditions, other than during network control signaling (see § 68.308(a)(2)), that one of the following limitations is met, depending upon the means of connection of the equipment or circuitry to the telephone network. The transmitted signal power, averaged over any 3-second time interval, delivered to a loop simulator circuit, shall not exceed:

(i) A maximum level adjustable to no greater than −4 dB with respect to one milliwatt, for connection to a Universal Data Jack used in the "fixed-loss loop" configurations (see § 68.502(e)).

(ii) A maximum level determined by means of connections in a Programmed Data Jack, or Universal Data Jack used in the "programmed" configurations (see § 68.502(e)), which level can be programmed in 1 dB steps from −12 dB to 0 dB with respect to one milliwatt.

(iii) A nonadjustable level no greater than −9 dB with respect to one milliwatt for connection by means of connection other than the Programmed or Universal Data Jacks. Equipment or circuitry designed in accordance with the −9 dB limitation shall conform to § 68.308(a)(1) and therefore be treated as non-live voice equipment; *Provided,* That the data terminal equipment or through-transmission equipment shall not be equipped with or connected to either a Universal or Programmed Data Jack, unless a registered adapter is interposed between such jacks and any through-transmission path to the telephone network, to assure compliance with the −9 dB limitation.

The maximum signal power specified in subdivisions (i) and (ii) of this subparagraph may exceed the specified maximum level by as much as 1.0 dB; *Provided,* that the power, averaged over all units of the equipment, complies with the specified maximum. In accordance with § 68.308(a)(1), the maximum signal power specified in subdivision (iii) of this subparagraph may not be exceeded by any units.

(b) • • •

(c) *Longitudinal voltage except during network control signaling.* At the telephone connections of registered terminal equipment and registered protective circuitry, the longitudinal voltage shall be less than the maximum voltages listed below when measured across the specified longitudinal termination and a 600 ohm metallic termination in the states and under the conditions specified in paragraph (b) of this section for metallic signal power above 4005 Hertz.

Frequency band	Maximum voltage (dBV)[1]	Longitudinal termination impedance (ohms)
100 Hz to 4 kHz	−53 (2.2 mV)	500
4 kHz to 10 kHz	−57 (1.4 mV)	500
10 kHz to 25 kHz	−62 (0.80 mV)	300
25 kHz to 40 kHz	−74 (0.20 mV)	200
40 kHz to 1 MHz	−80 (0.10 mV)	200

[1] dBV is the voltage in decibels relative to 1 V rms.

In the 100 to 4000 Hertz band, the −53 dBBV limit applies to the longitudinal voltage that is the resultant of all the component voltages in that band after they are weighted according to the curve in Figure 68.308. The weighting curve in Figure 68.309 has an absolute gain of unity at 4000 Hertz. A circuit which provides a longitudinal termination impedance of 500 ohms is depicted in Figure 68.310(g) in the longitudinal Balance Limitations section of these rules. The specific resistor values depicted therein should be appropriately changed to yield other Y-networks with a metallic termination of 600 ohms impedance and with the 200 and 300 ohm aggregate longitudinal termination impedances required in this section.

• • • • •

12. In § 68.310, paragraphs (a), (d), (f) and (h) are amended and (i) is added to read as follows:

§ 68.310 Longitudinal balance limitations.

(a) *Technical Description and Application.* The metallic-to-longitudinal balance coefficient, BALANCEm–l, is expressed as:

$$\text{Balance}_{m-l} = 20 \log_{10} \left| \frac{e_M}{e_L} \right|$$

where e_L is the longitudinal voltage produced across a 500-ohm longitudinal termination and e_M is the metallic voltage across the tip-ring interface of the input port when a voltage (at any frequency $200 < f < 400$ Hertz) is applied from a balanced 600-ohm metallic source. The source voltage should be set such that $e_M = 0.775$ volts rms (0 dBm) when a 600-ohm termination is substituted for the terminal equipment. The minimum balance coefficient specified in this section (as appropriate) shall be equalled or exceeded at all values of dc loop current that the port under test is capable of drawing when attached to a loop simulator circuit (see § 68.3). An illustrative test circuit that satisfies the above conditions is shown in Figure 68.310(a); other means may be used to determine the balance coefficient specified herein: *Provided,* That adequate documentation of the appropriateness, precision and accuracy of the alternative means is provided by the applicant. The minimum balance requirements specified below shall be equalled or exceeded under all reasonable conditions of the application of earth ground to the equipment or protective circuitry under test:

Equipment state	Minimum balance requirement (decibel)	Frequency range (hertz)
Subpars.:		
(b)	Both on-hook and off-hook	60 200 to 1000. 40 1000 to 4000.
	On-hook	60 200 to 1000. 40 1000 to 4000.
(c)	Off-hook	40 200 to 4000.
(d)	Off-hook	40 200 to 4000.
Subpar. (e) voice equipment	Both on-hook and off-hook	60 200 to 1000. 40 1000 to 4000.
Subpar. (e) Data equipment	On-hook	60 200 to 1000. 40 1000 to 4000.
	Off-hook	40 200 to 4000.
Subpars.:		
(f)	Off-hook	40 200 to 4000.
(g)	Both on-hook and off-hook	60 200 to 1000. 40 1000 to 4000.
(h)	Off-hook	40 200 to 4000.

• • • • •

(d) *Registered one-port equipment for ground-start and reverse-battery applications.* The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

• • • • •

(f) *Registered protective circuitry for ground-start and reverse-battery applications.* These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance which will be reflected to the telephone connection as 600-ohms in the off-hook state of the protective circuit. Figure 68.310(f) shows the interface of the protective circuitry under test and the required arrangement at the interface to other equipment.

• • • • •

(h) *Registered multi-port equipment for ground-start and reverse-battery applications.* These criteria shall be satisfied for all network ports when all ports not under test are terminated in their appropriate networks for both their on-hook and off-hook states, as will be identified below, and when interface connections other than the ports are terminated in circuits appropriate to that interface. The minimum balance coefficients shall also be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each of its ports when these ports are attached to a loop simulator circuit. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance. The terminations for all ports other than the particular one whose balance coefficient is being measured shall have a metallic impedance of 600-ohms and a longitudinal impedance of 500-ohms in their off-hook states and they shall be unterminated in their on-hook states. Figure 68.310(g) shows this termination.

(i) *Ringing type Z equipment for loop-start applications.* Equipment which has on-hook impedance characteristics which do not conform to the requirements of § 68.312 (e.g. "Type Z"), need comply with a minimum balance requirement of 40 dB in the frequency range 200 to 4000 Hertz, under the applicable subparagraph above. See § 68.312 (f) for conditions upon registration of "Type Z" equipment.

13. In § 68.312, paragraphs (a), (a)(1)(i) and (a)(1)(ii) are amended, (b) is redesignated as (c) as amended and new paragraphs (b), (d), (e) and (f) are added to read as follows:

§ 68.312 On-hook impedance limitations.

(a) *Limitations on individual equipment intended for operation on loop-start telephone facilities.*—(1) Registered terminal equipment and registered protective circuitry shall conform to the following limitations, for each Ringing Type which is listed as part of its Ringer Equivalence:

(i) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground shall be greater than 10 megohms for all dc voltages up to and including 100 volts.

(ii) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground shall be greater than 30 kilohms for all dc voltages between 100 and 200 volts.

(iii) • • •

(iv) • • •

(2) • • •

(b) *Limitations on individual equipment intended for operation on ground-start telephone facilities.* Registered terminal equipment and registered protective circuitry shall conform to the following limitations for each Ringing Type which is listed as part of its Ringer Equivalence Number:

(1) During the application of simulated ringing, as listed in Table I below, the total dc current flowing between tip and ring conductors shall not exceed 3.0 milliamperes.

(2) During the application of simulated ringing, as listed in Table I below, the total impedance of the parallel combination of the ac impedance across tip and ring conductors and the ac impedance from the ring conductor to ground (with ground on the tip conductor) shall be greater than the value specified in Table I. Except as provided in paragraph (a)(2) of this section, such impedance shall be less than 40 kilohms.

(c) *Ringer equivalence definition.* The values of each of the parameters for which a limitation is imposed in paragraph (a) or (b) of this section, as appropriate, shall be determined for a representative unit under test. Quotients of each such value shall be formed according to the following:

(1) For individual equipment intended for operation on loop-start telephone facilities:

(i) 50 megohms divided by the minimum measured on-hook dc resistance for all dc voltages up to and including 100 volts.

(ii) 150 kilohms divided by the minimum measured on-hook dc resistance for all dc voltages between 100 and 200 volts.

(iii) The maximum total dc current flowing between tip and ring during the application of simulated ringing as listed in Table I below, in milliamperes, divided by 0.6 milliampere.

(iv) Five times the impedance limitation listed in Table I, below, divided by the minimum measured ac impedance, defined as in paragraph (a)(1)(iv) of this section, during the application of simulated ringing as listed in Table I.

(2) For individual equipment intended for operation on ground-start telephone facilities:

(i) The maximum total dc current flowing between tip and ring conductors during the application of simulated ringing as listed in Table I below, in milliamperes, divided by 0.6 milliamperes.

(ii) Five times the impedance limitation listed in Table I below divided by the minimum measured ac impedance, defined in paragraph (b)(1)(ii) of this section, during the application of simulated ringing as listed in Table I.

The largest of the unitless quotients so formed, followed by the Ringing Type letter indicator representing the frequency range for which that number is valid, is the Ringer Equivalence. If Ringer Equivalence is to be stated for more than one Ringing Type, testing shall be performed at each frequency range to which Ringer Equivalence is to be determined in accordance with the above, and the largest resulting Ringer Equivalence number so determined will be associated with each Ringing Type letter designation for which it is valid.

(d) Registered terminal equipment and registered protective circuitry shall have at least one ringer equivalence number shown on the registration label. Where options that will vary the ringer equivalence are involved, either each option that results in a ringer equivalence number greater than 0.1 and its corresponding Ringer Equivalence shall be listed on the registration label, or the largest ringer equivalence number that can result from such options shall be stated on the label. A trained, authorized agent of the Grantee may disconnect ringers, bridge ringers to another line, or execute options affecting ringer equivalence after the telephone company has been notified in accordance with § 68.106.

(e) All registered terminal equipment and registered protective circuitry which can affect on-hook impedance shall be assigned a Ringer Equivalence. The sum of all such ringer equivalences on a given telephone line or loop shall not exceed 5; in some cases, a system which has a total ringer equivalence of 5 or less may not

JUN 24 77 UM

be usable on a given telephone line or loop.

(f) *Ringing Type Z Equipment.* Equipment which has on-hook impedance characteristics which do not conform to the requirements of this Section may be conditionally registered, notwithstanding the requirements of this section: *Provided*, That it is labelled with a Ringing Type designation "Z". It should be noted that registration of equipment bearing the designation "Z" does not necessarily confer any right of connection to the telephone network under these rules; any equipment registered with the type Z designation may only be used with the consent of the local telephone company: *Provided*, That the local telephone company does not discriminate in its treatment of equipment bearing the type Z designation.

TABLE 1

	Range of compatible ringing frequencies (hertz)	Simulated ringing voltage superimposed on 52.5 Vd.c.	Impedance limitation (ohms)
Ringing type:			
A	20±3 and 30±3	40 to 130 V rms	1400
B	15.3 to 68.0	40 to 150 V rms	1600
C	15.3 to 17.4	54 to 120 V rms	1600
D	19.3 to 20.7 [1] (frequency-selective)	do	1600
E	24.3 to 25.7	do	1600
F	29.3 to 30.7 [1] (frequency-selective)	do	1600
G	32.6 to 34.0	54 to 130 V rms	1600
H	39.2 to 40.9	62 to 130 V rms	1600
J	41.0 to 43.0	do	1600
K	49.0 to 51.0	62 to 140 V rms	1600
L	52.9 to 55.1	do	1600
M	58.8 to 61.2	68 to 150 V rms	1600
N	65.4 to 68.0	do	1600
P	15.3 to 34.0	54 to 130 V rms	1600

[1] Requirements at these frequencies, which are identical to type A frequencies, are not consistent with the type A requirements; equipment intended for use both on type A facilities and facilities using frequency-selective ringing must comply with the requirements on types A, D, and F independently.

14. In § 68.314, paragraph (b) is amended and (c) and (d) are added to read as follows:

§ 68.314 Billing protection.

(a) • • •

(b) *Voice and data equipment on-hook signal requirements.* Registered protective circuitry and registered terminal equipment shall comply with the following:

(1) The power delivered into a loop simulator circuit in the on-hook state, by loop-start or ground-start equipment, shall not exceed −55 dB with respect to one milliwatt within the frequency band from 200 to 4000 Hertz. Registered protective circuitry shall also assure that for any input level up to 10 dB above the maximum level that is expected under normal operation, the power delivered to the loop simulator circuit does not exceed the above limits.

(2) The power delivered into a loop simulator circuit in the on-hook state by reverse battery equipment shall not exceed −55 dB with respect to one milliwatt, unless the equipment is arranged to inhibit incoming signals.

(c) *Voice and data equipment loop current requirements.* The loop current through registered terminal equipment or registered protective circuitry, when connected to a loop simulator circuit with the 600 ohm resistor and 500 microfarad capacitor therein disconnected, shall, for at least 5 seconds after the equipment goes to the normal off-hook state which would occur in response to ringing (called party condition) shall:

(1) Be at least as great as the current obtained in the same loop simulator circuit with a 200 ohm resistance connected across tip and ring in place of the registered terminal equipment or registered protective circuitry; or

(2) Not decrease by more than 25 percent from its maximum value attained during this 5-second interval;

unless the equipment is returned to the on-hook state during the above 5-second interval.

(d) *Signaling interference.* Registered terminal equipment and registered protective circuitry shall not deliver signals into a loop simulator circuit, from sources internal to the registered equipment or circuitry, with energy in the 2450 to 2750 Hertz band unless an at least equal amount of energy is present in the 800 to 2450 Hertz band.

[FR Doc.77-17870 Filed 6-23-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Kirwin National Wildlife Refuge, Kansas, to Dove Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to dove hunting of Kirwin National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: September 1, 1977, through October 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Keith S. Hansen, Kirwin, Kansas 67644, telephone 913-646-2373.

SUPPLEMENTARY INFORMATION:

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Dove Hunting is permitted on the Kirwin National Wildlife Refuge, Kansas, only on the areas designated by signs as being open to hunting. These areas comprising 3,700 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Dove hunting shall be in accordance with all applicable State regulations governing dove hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: June 6, 1977.

KEITH S. HANSEN,
Refuge Manager.

[FR Doc.77-18037 Filed 6-23-77;8:45 am]

PART 33—SPORT FISHING

Opening of Pool 10 Lacreek National Wildlife Refuge, South Dakota to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: July 1, 1977 through March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Lacreek National Wildlife Refuge, Martin, SD 57551 or telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Pool 10 and adjacent streams, Lacreek National Wildlife Refuge, only on those areas designated by public fishing signs as being open to fishing. These areas comprising about 600 acres are delineated on maps available at the refuge headquarters and at the office of the Area Manager, Federal Building, Pierre, SD. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Fishermen must use designated parking areas and/or boat landings.

2. No motors may be used on boats or canoes in the Refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

JUNE 15, 1977.

[FR Doc.77-17899 Filed 6-23-77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 255—FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Fee Increase

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Amendment to procedures.

SUMMARY: This amendment increases fees to be paid by those applying for or receiving guarantees under the Fishing Vessel Obligation Guarantee Program. This increase is required because of the administrative decision not to seek appropriated funds to pay program administration costs.

EFFECTIVE DATE: Effective for all applications received on or after June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235 (202-634-7496).

SUPPLEMENTARY INFORMATION: On April 27, 1977, the National Oceanic and Atmospheric Administration published a proposed amendment (42 FR 21489) to increase the fees paid by those applying for or receiving guarantees under this program. As stated in the proposal, the increase is required because of the administrative decision not to seek appropriated funds to pay program administration costs.

One comment received in response to the proposed change suggested that the decision not to seek appropriations for administration of the fund be re-evaluated and the increase in fees be eliminated. Since the decision not to seek appropriated funds for this program's cost of administration had been thoroughly evaluated previously without a reversal of the policy that this program should be made self-financing if possible and since the comment presented no new fact, the fee increase will be adopted as proposed.

The Amendment provides for an increase in fees as follows:

(1) Guarantee fee (annual fee based on unpaid principal balance of guaranteed obligation). Increase is from ½ of 1 percent to ¾ of 1 percent.

(2) Filing and Commitment fee (one-time fee based on initial principal amount of obligation to be guaranteed). Fee had previously been ½ of 1 percent of first $100,000 of original principal amount of obligation to be guaranteed, ¼ of 1 percent of the next $200,000, and nothing thereafter. Increase will be to a total filing and commitment fee of ½ of 1 percent of the first $300,000 of the obligation to be guaranteed and ¼ of 1 percent on the remaining balance (with no ceiling). One-half of the total amount of the new filing and commitment fee is due as a filing fee at the time of application and is non-refundable. The other one-half of the new total amount is not payable unless the application is approved and is due as a commitment fee at the time the Secretary's commitment is issued.

Additionally, a filing fee is for the first time established for refinancings and assumptions of previously guaranteed obligations at ¼ of 1 percent of the unpaid principal balance of guaranteed obligations to be refinanced or assumed.

Accordingly, 50 CFR Part 255 is amended as follows:

§ 255.3 [Amended]

1. In § 255.3(g)(1) substitute "Three-quarters" for "One-half."

2. Substitute the following for 255.4(f).

§ 255.4 Applications.

• • • • •

(f) (1) *Filing fee.* The filing fee for all applications (other than those in paragraph (f)(3) of this section) shall be an amount equal to ¼ of 1 percent of the first $300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and ⅛ of 1 percent of the balance of that obligation. This filing fee will be retained by the Secretary regardless of the application's disposition.

(2) *Commitment fee.* The commitment fee for all approved applications (other than those in paragraph (f)(3) of this section) shall be an amount equal to ¼ of 1 percent of the first $300,000 (or portion thereof) of the principal amount of the obligation to be guaranteed and ⅛ of 1 percent of the balance. This commitment fee is due when the Secretary first advises the applicant that its application for a guarantee has been approved and must be received by the Secretary before the actual commitment is issued. This amount, once the Secretary's commitment is issued, will be retained by the Secretary regardless of the commitment's subsequent disposition.

(3) *Refinancing or assumption fee.* The fee for refinancing or assuming previously guaranteed obligations shall be ¼ of 1 percent of the principal amount of the guaranteed obligation to be refinanced or assumed. This fee must accompany the application for refinancing or assumption and will be retained by the Secretary regardless of the application's disposition. Where an assumption serves mainly to protect the Secretary's interest (rather than principally as a convenience to the parties involved) the assumption fee may, in the Secretary's discretion, be waived.

(4) *Where payable.* All checks should be made payable to "NMFS, NOAA, FSFF—Commerce" and delivered to the Regional National Marine Fisheries Service Office processing the application involved.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: June 21, 1977.

WILMOT N. HESS,
Acting Associate Administrator.

[FR Doc.77-18218 Filed 6-23-77;8:45 am]

PART 280—PACIFIC TUNA FISHERIES

Miscellaneous Amendments

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Amendments to Final Rulemaking.

SUMMARY: Under the Tuna Conventions Act of 1950, as amended, the United States has an obligation to assist the Inter-American Tropical Tuna Commission in obtaining accurate reports of yellowfin tuna catches by U.S. tuna vessels fishing under international management quotas in the Eastern Tropical Pacific Ocean.

Amended reporting requirements are being implemented to require U.S. flag tuna purse seine vessels which fish outside the Commission's Yellowfin Regulatory Area (CYRA) to report to the National Marine Fisheries Service prior to leaving port, prior to departing the CYRA and prior to reentering the CYRA. The reports are necessary to accurately assess the tonnage of yellowfin tuna taken inside and outside the regulatory area during the open season.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Room 2016, Terminal Island, California 90731 (213-548-2575).

SUPPLEMENTARY INFORMATION: The Inter-American Tropical Tuna Commission (IATTC) has established an annual quota for yellowfin tuna. Pursuant to section 6(c) of the Tuna Conventions Act of 1950, as amended, the U.S. has an obligation to assist the Commission in obtaining accurate reports of tuna catches by U.S. vessels fishing inside the Inter-American Tropical Tuna Commission's Yellowfin Regulatory Area (CYRA) during the open season. It is

JUN 24 1977 UM

necessary to know the location of the vessels on the fishing grounds to allocate accurately yellowfin tuna catches by U.S. vessels fishing inside the CYRA.

Final regulations for the Pacific Tuna Fisheries were published May 20, 1977. On May 25, the National Marine Fisheries Service became aware that at least two tuna purse seiners might be operating outside the CYRA during the open season. On May 28, approximately 31 vessels were known to be operating outside the regulatory area. By May 30, 37 vessels were operating outside the CYRA. This is the first time since regulations were originally promulgated in 1966 that vessels have fished outside the CYRA during the open season.

The present reporting requirements for fishing this area do not provide adequate information to assess the tonnage of yellow tuna being taken inside and outside the CYRA. By requiring reports similar to those required during the closed season, adequate catch information can be accumulated to assess properly the current fishing effort. The closed season reporting requirements to be adopted for the open season are that a vessel must report, 48 hours prior to departure from port, 24 hours prior to departing the CYRA and 24 hours prior to reentering the CYRA. The requirement for daily reporting while outside the CYRA is already in the regulations but of itself is not sufficient to provide adequate information. For the above stated reasons, it is hereby for good cause found that the notice, public procedure and delayed effectiveness of provisions of 5 U.S.C. 553 are impractical and contrary to the public interest. These amendments are, therefore, effective June 24, 1977, as published.

Issued at Washington, D.C., and dated June 21, 1977.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

In consideration of the foregoing 50 CFR 280.6(b) is amended to read as follows:

§ 280.6 Procedures for fishing inside and outside CYRA on open season trips.

* * * * *

(b) Any fishing vessel electing to fish in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving the name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure, the approximate time of departure, and the tonnage by species aboard; and, within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry, and the tonnage by species aboard.

(1) Vessels which are at sea and elect to fish outside the CYRA in the Pacific Ocean may do so provided they report departing the CYRA 24 hours prior to departure.

(2) Vessels may fish both inside and outside the CYRA on the same voyage without restriction or well inspection.

(3) During the open yellowfin tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 1600 Coordinated Universal Time (C.U.T.) and 1800 C.U.T. The message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. Eastern Tropical Pacific Yellowfin Tuna Regulations and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)."

[FR Doc.77-18127 Filed 6-23-77;8:45 am]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 661—SALMON FISHERY

Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

SUMMARY: At the request of the Pacific Fishery Management Council, the Secretary amends the emergency regulations of May 24, 1977 (42 FR 26580) to provide fishing rights to the Quileute Indian Tribe in a portion of Management Area A, from May 1, 1977, to October 31, 1977. This amendment will conform the emergency regulations to similar changes made by the Pacific Fishery Management Council to the fishery management plan.

EFFECTIVE DATE: 0001 a.m., on June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Johnson, Northwest Regional Director, National Marine Fisheries Service, Seattle, Washington, 98109 (206-442-7575).

SUPPLEMENTARY INFORMATION: During the Pacific Fishery Management Council meetings on June 13-14, 1977, in Los Angeles, California, a representative of the Quileute Tribal Council requested recognition in the Ocean Salmon Management Plan of that tribe's treaty fishing rights.

The terms and conditions for fishing were discussed by the subcommittee of the Council and the representative of the Quileute tribe on June 14.

The Council, in a public meeting on June 14, 1977, voted to adopt a second amendment to the Fishery Management Plan for "Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California" which would authorize for the Quileute Tribe an all-species salmon trolling season from May 1 to October 31, 1977, within the designated area.

Therefore, under section 305(e)(2) of the Fishery Conservation and Management Act of 1976, the Secretary hereby amends the emergency regulations which implement the fishery management plan for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California.

Dated: June 22, 1977 at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

Title 50 CFR, Section 661.10 is amended as follows:

1. New § 661.10(b) is added and present (b) is changed to (c) as follows:

§ 661.10 Treaty Indian Rights.

* * * * *

(b) Members of the Quileute Tribe entitled to exercise rights under the Treaty of Olympia may fish for all salmon species in that portion of Management Area A, south of 48°07'36" north latitude and north of 47°31'42" north latitude from May 1, 1977, to October 31, 1977. Such persons are otherwise subject to the provisions of this Part 661, the Act, and any other regulations issued under the Act.

* * * * *

[FR Doc.77-18217 Filed 6-23-77;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Agency for International Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Administrator and four positions of Confidential Assistant which report to the Assistant Administrators of the Bureaus for Asia, Africa, the Near East, and Latin America because these positions are confidential in nature.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3368 (a)(5), (g), (h), (i), and (j) are added as set out below:

§ 213.3368 Agency for International Development.

(a) *Office of the Administrator.* * * *

(5) One Special Assistant to the Administrator.

* * * * *

(g) *Office of the Assistant Administrator of the Bureau for Asia.*

(1) One Confidential Assistant to the Assistant Administrator.

(h) *Office of the Assistant Administrator of the Bureau for Africa.*

(1) One Confidential Assistant to the Assistant Administrator.

(i) *Office of the Assistant Administrator of the Bureau for the Near East.*

(1) One Confidential Assistant to the Assistant Administrator.

(j) *Office of the Assistant Administrator of the Bureau for Latin America.*

(1) One Confidential Assistant to the Assistant Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17738 Filed 6-23-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of the position of Deputy Under Secretary for Congressional and Public Affairs to that of Director, Office of Congressional and Public Affairs.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION ON POSITION AUTHORITY CONTACT:

John W. McKee, Civil Service Commission (202-632-4625).

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Sylvester B. Pranger, Director of Personnel, Department of Agriculture (202-447-3585).

Accordingly, 5 CFR 213.3313(c)(9) is changed as set out below:

§ 213.3313 Department of Agriculture.

* * * * *

(c) *Office of the Under Secretary* * * *

(9) One Director, Office of Congressional and Public Affairs.

(5 U.S.C. 3301, 3302,; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18071 Filed 6-23-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one position of Special Assistant for Foreign Affairs Legislation to the Assistant Secretary of Defense (Legislative Affairs) to Special Assistant for Foreign Affairs Legislation to the Assistant to the Secretary of Defense (Legislative Affairs). The change in title is appropriate to reflect the current title of the superior.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3306(a)(18) is amended as set out below:

§ 213.3306 Department of Defense.

(a) Office of the Secretary. * * *

(18) One position of Special Assistant for Foreign Affairs Legislation to the Assistant to the Secretary of Defense (Legislative Affairs).

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17734 Filed 6-23-77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Defense

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that one position of Special Assistant to the Director, Defense Civil Preparedness Agency is excepted under Schedule C because it is confidential in nature. This section is further amended to show that another position of Special Assistant to the Director is revoked because it has been vacant over 60 days and has expired under the provisions of the automatic revocation system.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3306 (e)(2) is revoked and (e)(3) is added to read as follows:

§ 213.3306 Department of Defense.

* * * * *

(e) *Defense Civil Preparedness Agency.* * * *

(2) (Revoked)

(3) One Special Assistant to the Director.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17735 Filed 6-23-77;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This section is amended to show that the following two positions are excepted under Schedule C because they are confidential in nature: one Special Assistant (Political Coordination) and one Special Assistant to the Administrator.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3318(a)(1) is amended to read as follows:

§ 213.3318 Environmental Protection Agency.

(a) *Office of the Administrator.* (1) Eleven Special Assistants and one Special Assistant (Political Coordination) to the Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

NOTE.—This document is reprinted without change from the issue of Wednesday, June 22, 1977 (42 FR 31604), to comply with the agency's assigned day of the week.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18014 Filed 6-21-77;11:15 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Staff Assistant to the Assistant Administrator for International Energy Affairs because the position is confidential in nature.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202-632-4533).

Accordingly, 5 CFR 213.3388(i)(2) is added as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(i) *Office of the Assistant Administrator for International Energy Affairs.* * * *

(2) One Staff Assistant to the Assistant Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18072 Filed 6-23-77;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

JUN 24 77 UM

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Administrator for Regulatory Programs because the position is confidential in nature.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3388(o)(1) is amended as set out below:

§ 213.3388 Federal Energy Administration.

* * * * *

(o) *Office of the Assistant Administrator for Regulatory Programs.* * * *

(1) Two Special Assistants to the Assistant Adminstrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18073 Filed 6–23–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This addition excepts from the competitive service under Schedule C one position of Special Assistant to the Assistant Secretary for East Asian and Pacific Affairs because of the confidential nature of the position.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling (202–632–4533).

Accordingly, 5 CFR 213.3304(j)(2) is added as set out below:

§ 213.3304 Department of State.

* * * * *

(j) *Office of the Assistant Secretary for East Asian and Pacific Affairs.* * * *

(2) One Special Assistant to the Assistant Secretary.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18736 Filed 6–23–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of State

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Staff Assistant to the Deputy Under Secretary for Management because the position is confidential in nature.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling 202–632–4533).

Accordingly, 5 CFR 213.3304(a)(28) is amended to read as follows:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* * * *

(28) Two Staff Assistants to the Deputy Under Secretary for Management.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17737 Filed 6–23–77;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one position of Secretary to the Assistant to the Secretary and Director, Office of Revenue Sharing, to Secretary to the Director, Office of Revenue Sharing. This change in title is appropriate to reflect the current title of the superior.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling. (202–632–4533).

Accordingly, 5 CFR 213.3305(a)(66) is amended as set out below:

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* * * *

(66) One Secretary to the Director, Office of Revenue Sharing.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–17739 Filed 6–23–77;8:45 am]

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

Disclosure of Information From Official Personnel Folders

AGENCY: Civil Service Commission.

ACTION: Final regulation.

SUMMARY: In order to comply with the requirement of subsection (a)(3) of the Freedom of Information Act, 5 U.S.C. 552, that information be made available to "any person," the regulations are amended to remove the restriction on disclosure of the name, present and past position titles, grades, salaries, and duty stations of a present or former Government employee when this information is sought for commercial or other solicitation purposes. The information will not be disclosed when it is subject to one of the exemptions of the Freedom of Information Act, as, for example, when the information is requested in such a way that disclosure would reveal information beyond the five items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Donald J. Biglin, Assistant Executive Director for Freedom of Information and Privacy (Room 5554), Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, 202–632–6161.

Accordingly 5 CFR 294.702 is amended by revising paragraph (a), adding a new paragraph (b) and relettering present paragraphs (b) through (f) as follows:

§ 294.702 Availability of information.

(a) The following information about most present and former Government employees is available to the public:

(1) Name;

(2) Present and past position titles;

(3) Present and past grades:

(4) Present and past salaries;

(5) Present and past duty stations (which include room numbers, shop designations, or other identifying information regarding buildings or places of employment).

(b) Disclosure of this information will not be made where the information requested is a list of present or past position titles, grades, salaries, and/or duty stations of Government employees which is determined by the agency official responsible for custody of that information, is:

(1) Selected in such a way as to constitute a clearly unwarranted invasion of personal privacy because the nature of the request calls for a response that would reveal more about the employees on whom information is sought than the five enumerated items; or

(2) Would otherwise be protected from mandatory disclosure under an exemption of the Freedom of Information Act.

(c) In addition to the information that may be made available under paragraph (a) of this section, the following information may be made available to a prospective employer of a Government employee or former Government employee:

(1) Tenure of employment:

(2) Civil service status;

(3) Length of service in the agency and the Government; and

(4) When separated, the date and reason for separation shown on the Notification of Personnel Action, Standard Form 50.

(d) In addition to the information to be made available under paragraphs (a) and (c) of this section, the home address of an employee shall be made available to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that complaint, information, accusation, or other writ involving nonsupport or a criminal offense has been filed against the employee and the employee's address is needed for service of a summons, warrant, subpena, or other legal process.

(e) The General Services Administration, National Archives and Records Service, may make information from the Official Personnel Folder of an employee separated from the service available to a person engaged in research for historical or educational purposes or for similar purposes when the person has written permission from the Commission to receive such information. This permission may be requested in writing from:

Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Requests for this type of information should include identifying information as described in § 294.106(c)(1) of this part, and verification from a publisher, educational research, or other similarly recognized institution that the information is being sought for historical, educational, or other similar purposes. Except as provided in § 294.703(a) of this part, information made available under this paragraph shall be in the form of an abstract of the former employee's service in the Government and, when he has been separated at least five years, an abstract of his educational experience background as reflected in his application for employment with the Government. Information that is derogatory to the former employee shall not be made available under this paragraph.

(f) In addition to the information to be made available under paragraph (a) of this section, the Social Security Account Number and place of actual residence shall be disclosed to a State or local tax authority, or both, as provided in the Office of Management and Budget Circular No. A–38 revised.

(g) Except as provided in paragraphs (a) through (f) of this section, information required to be included in an Official Personnel Folder by the instructions of the Commission is not available to the public.

(5 U.S.C. 552, Freedom of Information Act, Pub. L. 92–502.)

NOTE: The Civil Service Commission has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77–18390 Filed 6–23–77;10:20 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

SUBCHAPTER B—STATEMENTS OF GENERAL POLICY OR INTERPRETATIONS NOT DIRECTLY RELATED TO REGULATIONS

PART 775—GENERAL

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: The Supreme Court ruled on June 24, 1976, in *National League of Cities* v. *Usery* that the minimum wage and overtime compensation provisions of the Fair Labor Standards Act could not constitutionally be applied to State and local government employees who are engaged in traditional governmental activities. When the case was sent back to Federal district court for entry of a final judgment, the district court requested the Department of Labor to create a procedure by which to identify those governmental functions which are nontraditional, and therefore still constitutionally subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. This rule sets forth those procedures in a special enforcement policy which has been endorsed by the district court.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Carl W. Gerig, Jr., Deputy Associate Solicitor, Fair Labor Standards Division, Office of the Solicitor, U.S. Department of Labor, Room N–2620–A, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone No. 202–523–7834.

SUPPLEMENTARY INFORMATION: The Fair Labor Standards Act, as originally enacted in 1938, did not apply to employees employed by States or political subdivisions. The first such application was in 1966, when Congress extended the Act's coverage (including the prohibition against sex-based wage differentials adopted by the Equal Pay Act of 1963) to employees of States and other public enterprises engaged in operating transit companies, hospitals, schools and related institutions. The constitutionality of this extension of the Act's provisions was upheld in *Maryland* v. *Wirtz*, 392 U.S. 183.

In 1974, Congress amended the Fair Labor Standards Act to cover virtually all public sector employees except those specifically exempt as one who holds a public elective office or is appointed by such an office holder to be a "member of his personal staff" or "to serve on a policymaking level" or as an immediate advisor "with respect to the constitutional or legal powers of his office." The 1974 amendments also extended the provisions of the Age Discrimination in Employment Act to all State and local government employees, except those who were elected or appointed by elected officials to the personal staffs or to policymaking positions.

On June 24, 1976, the Supreme Court ruled in *National League of Cities, Inc.*, v. *Usery*, 426 U.S. 833, that the minimum wage and overtime provisions of the Fair Labor Standards Act could not constitutionally be applied to State and local government employees who were engaged in traditional governmental activities. The Court expressly overruled its earlier decision in *Maryland* v. *Wirtz* insofar as that decision upheld the application of the Act's minimum wage and overtime provisions to public school and hospital employees. The Court's decision did not affect the continued application of the Act's minimum wage and overtime provisions to employees engaged in nontraditional functions nor did it affect the application to all nonexempt employees (including those engaged in traditional governmental functions) of the Age Discrimination in Employment Act, or of the other substantive provisions of the Fair Labor Standards Act other than its minimum wage and overtime provisions. Because the Court did not establish a test for distinguishing between traditional and nontraditional governmental functions for purposes of applying the Act's minimum wage and overtime provisions, the three-judge district court to which the case was remanded requested the Secretary to propose a means of providing interpretative guidance to public employers in identifying the nontraditional functions which are constitutionally subject to the minimum wage and overtime provisions of the Fair Labor Standards Act. The court also indicated that the States and political subdivisions should not be subject to an award for "liquidated damages" (over and above back wages) except as to activities which had already been identified as nontraditional. In response to this request, the Secretary submitted a proposal for the amendment of the Secretary's enforcement policy stated in 29 CFR 775. This proposal was approved by the court on March 9, 1977. The amendment would add §§ 775.2 and 775.3 by stating a "special enforcement policy" concerning the application of the Fair Labor Standards Act to the States and political subdivisions. It is published below as it was approved by the court, but with the addition of the last phrase to § 775.2(d), beginning with the words "or for periods * * *" which was added for purposes of clarity. Official citations have also been added.

PREPARATION OF DOCUMENT: This document was prepared under the direction and control of Warren D. Landis, Acting Administrator, Wage and Hour Division, and Carin Ann Clauss, Solicitor of Labor.

Accordingly, 29 CFR Part 775 is amended by amending the table of contents and by adding new §§ 775.2 and 775.3 as follows:

1. The table of contents is amended to read as follows:

Sec.
775.0 General enforcement policy.
775.1 Advisory interpretations announced by the administrator.

JUN 24 77 UM

Sec.
775.2 Special enforcement policy concerning States and political subdivisions.
775.3 Nontraditional functions of States and their political subdivisions.

AUTHORITY: Fair Labor Standards Act, 52 Stat. 1060, 29 U.S.C. 201 et seq.

2. There is added to Part 775 a new § 775.2 which reads as follows:

§ 775.2 Special Enforcement Policy Concerning States and Political Subdivisions.

(a) On June 24, 1976, the United States Supreme Court ruled in *National League of Cities, et al.* v. *Usery*, 426 U.S. 833, 96 S. Ct. 2465, 49 L. Ed. 2d 245, that the minimum wage and overtime compensation provisions of the Fair Labor Standards Act (FLSA) are not constitutionally applicable to the integral operations of the States and their political subdivisions in areas of traditional governmental functions. Such areas include, among others, schools and hospitals, fire prevention, police protection, sanitation, public health, and parks and recreation. They do not include, among others, the operation of a railroad by a State. 426 U.S. at 854, n. 18.

(b) In view of the *National League* decision, the Secretary will not file suit to enforce the minimum wage and overtime compensation provisions of the FLSA against a State or its political subdivisions unless at least 30 days notice has first been given that, in the opinion of the Administrator, the activities in question are not integral operations in areas of traditional governmental functions. Such notice will be provided either by specific notification of the employing body in question or by general notification by publication in the FEDERAL REGISTER in the form of amendments to § 775.3. A reasonable opportunity will be allowed the employing body, after the notice of the administrative determination, to come into compliance voluntarily before suit is brought.

(c) Each such notice will be made available to wage-hour reporting services and to any interested person or association, for information or further publication, except for deletions reasonably necessary to protect the privacy of individual employers and employees.

(d) Because of the complexity of the questions raised by the *National League* decision, it would be inappropriate to seek liquidated damages in addition to back pay in cases to enforce the minimum wage and overtime compensation provisions of the Act against States or their political subdivisions, except as to activities determined by prior controlling judicial decision, or by prior administrative ruling published in the FEDERAL REGISTER, not to be integral operations in areas of traditional governmental functions. The Secretary will therefore seek relief under Section 17, which does not authorize additional liquidated damages, and not under Section 16(c), as to activities not covered by such decision or ruling, or for periods of employment prior to the publication of such decision or ruling.

(e) As already noted, the *National League* decision applies only to the minimum wage and overtime compensation provisions of the FLSA. This section and § 775.3 accordingly do not apply to claims arising under:

(1) The Equal Pay Act of 1963 (see *Usery v. Allegheny Co. Institution Dist.*, 544 F.2d 148 (3rd Cir., 1976)).

(2) The Age Discrimination in Employment Act of 1967 (see *Usery* v. *Bd. of Educ. of Salt Lake City*, 421 F.Supp. 718 (D. Utah, 1976)).

(3) The child labor provisions of the Fair Labor Standards Act.

(4) The protective provisions of Section 15(a)(3) of the Act, making it unlawful to discriminate against any employee for participating or assisting in FLSA proceedings.

3. There is added to Part 775 a new § 775.3 which reads as follows:

§ 775.3 Nontraditional functions of States and their political subdivisions.

(a) In the *National League* decision, it was made clear that the operation of a railroad by a State or its political subdivision is not an integral operation in the area of traditional governmental functions. 426 U.S. 883, 854, n. 18.

(b) From time to time, this Section will be amended to list other operations determined by the Courts or by the Administrator not to be such integral operations. Listing in this Section will serve as a form of notice under the provisions of § 775.2 (b).

Signed at Washington, D.C., on June 22, 1977.

RAY MARSHALL,
Secretary of Labor.

[FR Doc.77-18289 Filed 6-23-77;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Assistant Secretary for Conservation, Research, and Education, et al.; Radiological Safety

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: The delegations of authority of the Department of Agriculture are amended to delegate to the Assistant Secretary for Conservation, Research, and Education, the authority to control the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard, and to redelegate such authority to the Administrator, Agricultural Research Service. When the delegations of authority were first promulgated, this assignment of function was not included.

EFFECTIVE DATE: June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Chester Z. Kwast, Radiological Safety Officer, Bg. 001, BARC-W, Beltsville, Maryland 20705 (301-344-3054).

In consideration of the foregoing, Part 2, Subtitle A, Code of Federal Regulations is amended as follows:

1. Section 2.19 is amended by adding a new paragraph (a)(26). to read as follows:

§ 2.19 Delegations of authority to the Assistant Secretary for Conservation, Research, and Education.

* * * * *

(a) *Related to agricultural research.*

* * *

(26) Control the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard.

* * * * *

2. Section 2.57 is amended by adding a new paragraph (a)(28) to read as follows:

§ 2.57 Administrator, Agricultural Research Service.

(a) *Delegations.* * * *

(28) Control the acquisition, use and disposal of material and equipment which may be a source of ionizing radiation hazard.

For § 2.19:

Dated: June 3, 1977:

BOB BERGLAND,
Secretary of Agriculture.

For § 2.57.

Dated: June 3, 1977.

M. RUPERT CUTLER,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.77-18132 Filed 6-23-77;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt No. 114]

PART 270—GENERAL INFORMATION AND DEFINITIONS

Food Stamp Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment is to change the address of the FNS Mid-Atlantic Regional Office.

EFFECTIVE DATE: February 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Chief, Program Development Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250 (202-447-8325).

SUPPLEMENTARY INFORMATION: Effective February 7, 1977, the address of the Food and Nutrition Service Regional Office for the Mid-Atlantic Region changed. Therefore, effective that date, paragraph (b)(1) of Section 270.5 is revised to reflect this address change.

Because this amendment is nonsubstantive in nature, it is determined to be impracticable and unnecessary to follow the proposed rule making procedure. Therefore, paragraph (b)(1) of § 270.5 is amended to read as follows:

§ 270.5 Miscellaneous provisions.

* * * * *

(b) * * *

(1) For project areas in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, the Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1 Vahlsing Center, Routs 526, Robbinsville, New Jersey 08691.

The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Program No. 10.551, Food Stamps.)

Dated: June 17, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-17959 Filed 6-23-77;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 98]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period June 26-July 2, 1977. This regulation is needed to provide for orderly marketing of fresh lemons for the regulation period because of the production and marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 26, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202-447-3545).

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee established under the amended marketing agreement and order, and upon other available information, it is found that the limitation of handling of such lemons, as provided in this regulation will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the specified week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation for the quantity of lemons it considers advisable to be handled during the specified week. The recommendation resulted from consideration of the factors covered in the order. The committee further reports the demand for lemons is similar to last week. Average f.o.b. price was $6.55 per carton the week ended June 18, 9177, compared to $6.65 per carton the previous week. Track and rolling supplies at 240 cars were up 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be established as provided in this regulation.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information upon which this regulation is based became available and the time when it must become effective to effectuate the declared policy of the act is insufficient. A reasonable time is permitted, for preparation for the effective time; and good cause exists for making the regulation effective as specified. The committee held an open meeting during the current week, after giving due notice, to consider supply and market conditions for lemons and the need for regulation. Interested persons were afforded an opportunity to submit information and views at this meeting. The recommendation and supporting information for regulation during the period specified were promptly submitted to the Secretary after the meeting was held, and information concerning the provisions and effective time has been provided to handlers of lemons. It is necessary, to effectuate the declared policy of the act, to make this regulation effective as specified. The committee meeting was held on June 21, 1977.

§ 910.398 Lemon Regulation 98.

* * * * *

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period June 26, 1977, through July 2, 1977, is established at 285,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: June 23, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18407 Filed 6-23-77;11:47 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1701—PUBLIC INFORMATION

Electric Loan Policies and Application Procedures

AGENCY: Rural Electrification Administration, USDA.

ACTION: Rule.

SUMMARY: The substantive change in revised REA Bulletin 20-2, Electric Loan Policies, is to provide for the removal of limits on the amounts which can be approved in a single loan to electric distribution borrowers for their two-year construction requirements. At present, many REA loans are made to such borrowers in amounts which meet needs for only one year. The bulletin has also been brought up to date with respect to recent amendments in the Rural Electrification Act.

DATE: Effective date: June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard F. Richter, Assistant Administrator, Electric, Room 4056, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6237.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), Appendix A to Part 1701, Title 7, is hereby amended to provide for the revision of REA Bulletin 20-2, Electric Loan Policies and Application Procedures.

Since the substantive change in the revision of REA Bulletin 20-2 complies with the requests of many REA electric distribution borrowers and benefits them by being more responsive to their financing needs, it is not considered necessary to invite comment prior to adoption. However, any comment on revised Bulletin 20-2 may be submitted to the REA contact named above.

NOTE.—REA has determined that this document does not involve a major action requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: June 13, 1977.

DAVID A. HAMIL,
Administrator.

[FR Doc.77-18047 Filed 6-23-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Parts 270, 275]

[AMENDMENT NO. 115]

PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES FOOD STAMP PROGRAMS

Definition of Project Areas

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would revise the definition of a project area to clarify that Indian reservations, welfare districts, combinations of counties or partial counties can be designated as project areas for Food Stamp Program purposes.

DATE: Comments should be received on or before July 25, 1977.

ADDRESS: Comments should be submitted to: Nancy Snyder, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Grant Tolley, Program Development Branch, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–8325.

SUPPLEMENTARY INFORMATION: This amendment was generated in response to a specific request to designate the Indian Reservations in a certain State as food stamp project areas separate from the counties which overlap with the reservation boundaries. The current definition of a "project area" as a "political subdivision within a State * * *" appears to exclude Indian reservations from its scope. We believe it will be advantageous to the reservations, the States, and FNS to allow Indian reservations to be designated as project areas for Food Stamp Program purposes. In addition, we believe there may be other requests for technical redesignations of unique project areas as State administrative structures expand and change. Therefore, the proposed amendment revises the project area definition to clarify that Indian reservations, welfare districts, combinations of counties or partial counties can be designated as project areas for Food Stamp Program purposes. The proposed amendment is not intended to relieve States, in situations where welfare districts or combinations of counties are designated as a project area, from maintaining certification and issuance points in each county.

PART 270—GENERAL INFORMATION AND DEFINITIONS

1. It is proposed to amend § 270.2(pp) to read as follows:

§ 270.2 Definitions.

* * * * *

(pp) Project area means the geographic entity within a State approved by the Department for participation in the program and used by the State as the administrative unit for program operations. Upon State request and Departmental approval, a county, city, Indian reservation, welfare district, or any other entity with clearly defined geographic boundaries, or any combination of such entities, may be designated as a project area. In addition, with appropriate justification, States as a whole may be designated as single project areas.

* * * * *

PART 275—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES FOOD PROGRAMS

2. Likewise, it is proposed to amend the third paragraph in § 275.10(b) to read as follows:

§ 275.10 Monitoring and reporting program performance.

* * * * *

(b) Definitions * * *

"Project area" means the geographic entity within a State approved by the Department for participation in the program and used by the State as the administrative unit for program operations. Upon State request and Departmental approval, a county, city, Indian reservation, welfare district, or any other entity with clearly defined geographic boundaries, or any combination of such entities, may be designated as a project area. In addition, with appropriate justification, States as a whole may be designated as single project areas. Also, for the review and reporting purposes of this section, either FNS or the State Agency with FNS approval may establish a different administrative unit as its project area.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026.)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps.)

Dated: June 17, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77–18131 Filed 6–23–77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 924]

PRUNES GROWN IN WASHINGTON AND OREGON

Proposed Rulemaking Regarding Approval of Expenses and Rate of Assessment for 1977–78 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of $19,750 and a rate of assessment of $0.60 per ton of prunes for the functioning of the Washington-Oregon Fresh Prune Marketing Committee for the 1977–78 fiscal year. The committee administers locally a Federal marketing order program regulating the handling of prunes grown in Washington, and Oregon. The regulation would enable the committee to collect assessments from first handlers on all assessable prunes handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before July 11, 1977. Proposed effective dates: April 1, 1977, through March 31, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Washington-Oregon Fresh Prune Marketing Committee, established under the marketing agreement, as amended, and Order No. 924, as amended (7 CFR Part 924), regulating the handling of prunes grown in Washington, and Oregon, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions.

The proposals are as follows:

(1) Expenses that are reasonable and likely to be incurred by the Washington-Oregon Fresh Prune Marketing Committee, during the fiscal period April 1, 1977, through March 31, 1978, will amount to $19,750.

(2) The rate of assessment for the fiscal period, payable by each handler in accordance with § 924.41, is established at $0.60 per ton of prunes in containers or in bulk.

Terms used in th emarketing agreements, as amended, and order, as amended, shall when used herein, have the same meaning as is given to the respective term in the amended marketing agreement and order.

Dated: June 20, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–18048 Filed 6–23–77;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1446]

1977 CROP PEANUT PRICE SUPPORT DIFFERENTIALS

Extension of Comment Period

AGENCY: Commodity Credit Corporation, Department of Agriculture.

ACTION: Extension of time for comment on proposed rule.

SUMMARY: The purpose of this notice is to extend the time allotted for comments in the original notice of proposed rulemaking.

DATE: Additional comments must be received on or before July 1. 1977, to be sure of receiving consideration.

ADDRESSES: Tobacco and Peanut Division, ASCS, USDA, P.O. Box 2415 Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dallas R. Smith (ASCS), 202–447–7405.

SUPPLEMENTARY INFORMATION: On May 17, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (42 FR 25329), to advise that the Secretary of Agriculture proposes to make determinations and issue regulations concerning a loan and purchase program for the 1977 crop of peanuts, to schedule a public meeting to receive oral comments, and provide that any written comments, data, views and recommendations must be received on or before June 24, 1977, to be sure of receiving consideration. The public meeting was held on June 9, 1977. After reviewing concerns expressed to the Department by some segments of the industry involving conflicts with previously scheduled meetings and the close of the comment period, the comment period is being extended to assure all interested parties adequate opportunity to prepare written comments. Prior to making any determination, the Department will give consideration to comments, data, views and recommendations submitted in writing within the comment period, as extended, to the Director, Tobacco and Peanut Division. All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 5746 South Building, 14th and Independence Avenue, SW., Washington, D.C. (7 CFR 1.27(b)).

Signed at Washington, D.C. on June 21, 1977.

KEISTER N. ADAMS,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77–18133 Filed 6–23–77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Parts 116, 117]

LEAD-BASED PAINT

Notice of Proposed Rulemaking

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: SBA presently has separate regulations for flood insurance protection, Part 116, and veterans, Part 117. The proposed regulation merely consolidates these two Parts as subpart A and B of a new Part 116. Subpart C contains a new regulation which describes the prohibition against the use of lead-based paint in all residential structures constructed or rehabilitated with SBA assistance in any form, as required by the Lead-Based Paint Poisoning Prevention Act.

DATE: Comments must be received by July 25, 1977.

ADDRESS: Comments on proposed subpart C should be submitted to: General Counsel, Small Business Administration, 1441 L Street, NW., Room 722, Washington, D.C. 20416, 202–653–6649.

FOR FURTHER INFORMATION CONTACT:

Alan N. Heibein, Attorney,
Office of General Counsel,
202–653–6649.

SUPPLEMENTARY INFORMATION: An increasing number of regulations imposed upon SBA lending activities, or national policies adopted by SBA, affect all program areas but do not merit a separate regulation. SBA therefore has decided to adopt a new part 116 which would contain various subparts which implement these program policies and regulations. Subparts A and B have been taken from the present regulations and placed in this new part 116 without material alteration. The old parts 116 and 117 will be deleted.

The provisions which are now in Part 117 will be transferred to new Part 116 and become Subpart B. No comments are being requested on this part of the NPRM because the only substantive changes that are being made are in the section numbers and the section titles, ie §§ 117.1, 117.2 and 117.3 will become §§ 116.10, 116.11 and 116.12 respectively.

Subpart C contains new regulations implementing the Lead-Based Paint Poisoning Prevention Act, Pub. L. 91–695 (42 U.S.C. Section 4801 et seq.), hereinafter referred to as the Act. The Act as passed in 1971 provided in Section 401 that HEW should take steps to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form.

In 1976, the Act was extended and responsibility for prohibiting the use of lead-based paint in such residential structures was transferred to the Secretary of Housing and Urban Development (HUD). As a result, HUD issued new regulations, 24 CFR 35.60–.65, 42 FR 5042, January 27, 1977, detailing the responsibility of all Federal agencies under the Act. The regulations impose a requirement that all Federal agencies adopt a regulation implementing their responsibilities under the Act.

The HUD regulations contain definitions of the key terms "Lead-Based Paint," "residential structure," and "applicable surfaces," which define the scope of the Act and regulation. SBA has adopted the definitions verbatim.

The Act prohibits the use of lead-based paint in construction or rehabilitation of a residential structure where there is Federal assistance in any form. SBA has determined that all of its assistance programs except for Management Assistance are subject to the restrictions of the Act.

Finally, to insure compliance with the prohibition SBA has provided that any recipient of such assistance who improperly uses lead-based paint must remove the paint and repaint the affected surface at the recipient's own expense.

Since subparts A and B are merely a transfer of existing regulations which have already been subject to comment, they will only be published in final form.

Accordingly, pursuant to authority contained in 5 U.S.C. 301 and 15 U.S.C. 634(b)(6), notice is hereby given that the Small Business Administration proposes to amend Part 116 of Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

Subpart A—Veterans

Sec.
116.1 Purpose and scope.
116.2 Definitions.
116.3 Special consideration criteria.

Subpart B—Flood Insurance Protection

116.10 Purpose and scope.
116.11 Requirements.
116.12 Related Regulations.

V42N122 JUN 24 77 UM

Subpart C—Lead-Based Paint

Sec
116.20 Purpose and scope.
116.21 Definitions.
116.22 Prohibition.
116.23 Penalty.

Subpart A—Veterans

. . . . . .

Subpart B—Flood Insurance Protection

. . . . . .

Subpart C—Lead-Based Paint

§ 116.20 Purpose and scope.

This subpart implements the requirements of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4801 et seq., and the regulations imposed by the Department of Housing and Urban Development, 24 CFR 35.60–.65, which has the responsibility of insuring compliance with the Act. All SBA programs of assistance except Management Assistance are subject to this subpart.

§ 116.21 Definitions.

(a) *Lead-based paint.* Lead-based paint means:

(1) Any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied or both; or

(2) With respect to paint which is manufactured after June 22, 1977, lead-based paint means any paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.

(b) *Residential structure.* Residential structure means any house, apartment or structure intended for human habitation, including any institutional structure where persons reside, such as an orphanage, boarding school, dormitory, day care center, or extended care facilities, college housing, hospitals, group practice facilities and community facilities.

(c) *Applicable surfaces.* Applicable surfaces means all interior surfaces, whether accessible or not, and those exterior surfaces such as stairs, decks, porches, railings, windows and doors which are readily accessible to children under 7 years of age.

§ 116.22 Prohibition.

All recipients of SBA assistance granted in connection with the construction or rehabilitation of a residential structure are prohibited from using lead-based paint on the applicable surfaces of such residential structure.

§ 116.23 Penalty.

In the event lead-based paint is improperly used, the recipient will be required to remove the paint and repaint the affected area at the recipient's expense.

(Catalog of Federal Domestic Assistance Programs:)

59.002 Economic Injury Disaster Loans
59.003 Economic Opportunity Loans
59.004 Lease Guarantees
59.006 Minority Business Development Procurement Assistance
59.008 Physical Disaster
59.009 Procurement Assistance
59.011 Small Business Investment Companies
59.012 Small Business Loans
59.013 State and Local Development Company Loans
59.016 Bond Guarantees for Surety Companies
59.020 Base Closing Economic Injury Loans

Dated: June 11, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77–18022 Filed 6–23–77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 3030]

PREMIER CLOTHING CO., INC., ET AL.

Consent Agreement With Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: This consent order, among other things, requires a N.Y.C. clothing manufacturer and distributor to cease misbranding and misrepresenting the wool and constituent fiber content of its products. The firm is also required to advise affected customers that the clothing they purchased was misbranded.

DATE: Comments must be received on or before August 22, 1977.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Regional Director, New York Regional Office, 2243–EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, 212–264–1207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

File No. ----------

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Premier Clothing Co., Inc., a corporation, and Sidney Kriegler, individually and as an officer of said corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Premier Clothing Co., Inc., a corporation, and Sidney Kriegler, individually and as an officer of said corporation, hereinafter sometimes referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated;

It is hereby agreed by and between Premier Clothing Co., Inc., by its duly authorized officer, and Sidney Kriegler, individually and as an officer of said corporation, and counsel for the Federal Trade Commission that:

1. Proposed respondent, Premier Clothing Co., Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York, with its office and principal place of business located at 120 Fifth Avenue, New York, New York.

Proposed respondent Sidney Kriegler is an officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation, and his address is the same as that of said corporation.

(2) Proposed respondents admit all the jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondents waive: (a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents Premier Clothing, Co., Inc., a corporation, its successors and assigns, and its officers, and Sidney Kriegler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with the introduction, or importing for introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment; in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products.

2. Failing to securely affix to or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by Section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Premier Clothing Co., Inc., a corporation, its successors and assigns, and its officers and Sidney Kriegler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the importing, advertising, offering for sale, sale or distribution of men's and boys' coats in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

It is further ordered, That respondents mail a copy of this order by registered mail to each of their customers that purchased the wool products which gave rise to this complaint.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of each change in business or employment status, which includes discontinuance of his present business or employment and each affiliation with a new business or employment, for ten (10) years following the effective date of this order. Such notice shall include respondent's current business address and a description of the business or employment in which he is engaged as well as a description of his duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligations arising under this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

PREMIER CLOTHING CO., INC., FILE NO. ----

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Premier Clothing Co., Inc., and Sidney Kriegler, and officer of the company.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Premier Clothing Co., Inc., is a New York corporation and is a manufacturer and distributor of clothing. Sidney Kriegler is the President of the corporation. He controls and is responsible for its acts and practices.

The complaint alleges that the corporation manufactured and distributed men's and boys' coats falsely represented to be composed of "100% cashmere," a woolen fiber, when, in fact, the coats were composed of a lesser percentage of cashmere and were composed, in substantial part, of other fibers not set forth on the labels.

The consent order in this matter prohibits Premier Clothing Co., Inc., and Sidney Kriegler, from misrepresenting the wool and other fiber content of their wool blend clothing and requires that they notify their customers that the clothing that they purchased was misbranded.

The order is generally designed to prevent deception as to the wool content of clothing and to protect the corporation's competitors from unfair competition.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18018 Filed 6–23–77;8:45 am]

[16 CFR Part 444]

CREDIT PRACTICES

Final Notice Concerning Proposed Trade Regulation Rule

AGENCY: Federal Trade Commission.

ACTION: Final notice of proposed rulemaking.

SUMMARY: Based on an investigation of consumer credit practices, the Federal Trade Commission on April 11, 1975 proposed a trade regulation rule regarding consumer credit practices.

This final notice sets out the scheduled oral hearing dates, invites continued written comments, and designates disputed issues. It also gives prospective witnesses and other interested parties instructions concerning the filing of statements and other procedural requirements.

DATES: Hearings commence: Dallas, Texas, September 12, 1977; Chicago, Illinois, October 11, 1977; San Francisco, California, November 7, 1977; Washington, D.C., December 5, 1977. Oral statements or outlines and exhibits due for hearing at Dallas, Texas, by August 22, 1977, Chicago, Illinois, by September 16, 1977, San Francisco, California, by October 14, 1977, and Washington, D.C., by November 3, 1977. Written comments and available exhibits due by August 5, 1977. Notice of desire to cross-examine due by July 25, 1977.

ADDRESS: Send comments and notice of desire to cross-examine to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

David Williams, 202–523–3596, Division of Special Projects, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTAL INFORMATION: On April 11, 1975, the Commission published in the FEDERAL REGISTER (40 FR 16347) an initial notice of rulemaking which included its proposed trade regulation rule concerning Credit Practices, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice (Rules of Practice), 16 CFR 1.7–1.20, and Section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure).

Under the same authority and more specifically under §1.12 of the Rules of Practice, the undersigned duly appointed Presiding Officer for this proceeding gives final notice of proposed rulemaking. The contents of the initial notice described above are incorporated herein by reference. The Commission staff has written a report which supports the proposed rule. The report has been placed in the public record and can be studied by interested persons in Room 130, Public

JUN 24 77 UM

Reference Branch, Federal Trade Commission, Washington, D.C.

NOTICE TO INTERESTED PERSONS

SECTION A. WRITTEN COMMENTS

Please continue to send data, views or arguments of any issue of fact, law or policy that may have some bearing on the proposed rule. Your comments need not be limited to the designated issues set forth below in Section D. You may comment on any aspect of the proposed rule. Any earlier comments you may have sent have been placed in the public record and need not be sent again.

Send your comments to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, no later than August 5, 1977. Mark them "Credit Practices Comments" for prompt identification and consideration. If possible, send five copies.

SECTION B. PUBLIC HEARINGS: DATES AND PLACES

Public hearings on the proposed trade regulation rule will be held as follows:

1. Dallas, Texas. Hearing will start on September 12, 1977, at 9:30 a.m. in Suite 2665, 2001 Bryan Street, Dallas, Texas.

2. Chicago, Illinois. Hearing will start on October 11, 1977, at 9:30 a.m. in Room 349, John C. Kluczynski Federal Building, 230 South Dearborn Street, Chicago, Illinois.

3. San Francisco, California. Hearing will start on November 7, 1977, at 9:30 a.m. at the San Francisco Regional Office of the Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California.

4. Washington, D.C. Hearing will start on December 5, 1977, at 9:30 a.m. in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW.

If more hearings are needed, the dates and places of those scheduled will be published later in the Federal Register.

SECTION C. INSTRUCTIONS FOR WITNESSES

1. *Advance notice.* If you want to testify at a hearing, please inform the Commission representative for that hearing location immediately. This will enable us to assist you in complying with the requirements set forth below. You may testify at only one hearing in this proceeding.

2. *Notification and filing requirements.* (a) If you want to testify at the Dallas hearing, please inform Ferdinand Luna, 214–749–3056, Dallas Regional Office, Federal Trade Commission, 2001 Bryan Tower, Suite 2665, Dallas, Texas 75201. You must notify Mr. Luna of your desire to testify and file with him your word-for-word statement no later than August 22, 1977.

(b) If you want to testify at the Chicago hearing, please inform Jeff Roberts, 312–353–5598, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, Illinois 60603. You must notify Mr. Roberts of your desire to testify and file with him your word-for-word statement no later than September 16, 1977.

(c) If you want to testify at the San Francisco hearing, please inform Barry I. Miller, 415–556–1270, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102. You must notify Mr. Miller of your desire to testify and file with him your word-for-word statement of testimony no later than October 14, 1977.

(d) If you want to testify at the Washington hearing, please inform David H. Williams, 202–523–3596, Division of Special Projects, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. You must notify Mr. Williams of your desire to testify and file with him your word-for-word statement of testimony no later than November 3, 1977.

3. *Exceptions.* If you do not intend to deliver a prepared word-for-word statement at the hearing, you must file with the Commission representative at the location where you desire to testify a comprehensive outline of what you expect to say. Such an outline must list each fact, observation, opinion and conclusion you are going to discuss and recite the basis for each such observation, opinion and conclusion. The outline must be filed with the appropriate representative prior to the applicable deadline specified in paragraph 2. If the outline you file is not sufficiently detailed or factual, the Presiding Officer may require you to file a complete word-for-word statement before you testify.

4. *Use of exhibits.* Use of exhibits during oral testimony is encouraged, especially when they are to be used to help clarify technical or complex matters. If you plan to offer documents as exhibits, file them as soon as possible during the general comment period (see Section A) so they can be studied by other interested persons. If such documents are unavailable to you during this period, file them as soon as you can but not later than the deadlines in paragraph 2 for filing statements or outlines. Mark each of the documents with your name, and number them in sequence, e.g., Jones Exhibit 1. The Presiding Officer has the power to refuse to accept for the public record any hearing exhibits that are not furnished by the deadline.

5. *Expert witnesses.* If you are going to testify as an expert witness, you must attach to your statement or outline a curriculum vitae, biographical sketch, resume or summary of your professional background and a bibliography of your publications. It would be helpful if you would also include documentations for the opinions and conclusions you express by footnotes to your statements or in separate exhibits. If your testimony is based upon or chiefly concerned with one or two major scientific works, copies should be furnished. The remaining citations to other works can be accomplished by using footnotes in your statement referring to those works.

6. *Results of surveys and other research studies.* If in your testimony you will present the results of a survey or other research study, you must also present as an exhibit or exhibits in compliance with paragraph 4 above the following:

(a) A complete report of the survey or other research study and the information and documents listed in (b) through (e) if they are not included in that report.

(b) A description of the sampling procedures and selection process including the number of persons contacted, the number of interviews completed, and the number of persons who refused to participate in the survey.

(c) Copies of all completed questionnaires or interview reports used in conducting the survey or study if respondents were permitted to answer questions in words of their choice rather than to select an answer from one or more answers printed on the questionnaire or suggested by the interviewer.

(d) A description of the methodology used in conducting the survey or other research study including the selection of and instructions to interviewers, introductory remarks by interviewers to respondents and a sample questionnaire or other data collection instrument.

(e) A description of the statistical procedures used to analyze the data and all data tables which underlie the results reported.

Other interested parties may wish to examine the questionnaires, data collection forms, and any other underlying data not offered as exhibits and which serve as a basis for your testimony. This information along with punch cards or computer tapes which were used to conduct analyses should be made available (with appropriate explanatory data) upon request of the Presiding Officer. The Presiding Officer will then be in a position to permit their use by other interested parties or their counsel.

7. *Identification, number of copies, and inspection.* To assure prompt consideration, all materials filed by prospective witnesses pursuant to the instructions contained in paragraphs 2–6 of this section should be identified as "Credit Practices Statement" ("and Exhibits", if appropriate), and submitted in five copies when feasible and not burdensome.

Copies of all materials filed by witnesses will be made available for examination at each hearing location specified above for the submission of such materials.

8. *Reason for requirements.* The foregoing requirements are necessary to permit us to schedule the time for your appearance and that of other witnesses in an orderly manner. Other interested parties must have your expected testimony and supporting documents available for study before the hearing so they can decide whether to examine or cross-examine you or file contradictory statements (rebuttals). If you do not comply with all of the requirements, the Presiding Officer has the power to refuse to let you testify.

9. *Content of testimony.* In your testimony you can discuss any questions of fact, law or policy concerning the proposed rule. You do not have to limit your testimony to the issues designated in Section D; but if it does bear on those issues, you may be examined and cross-examined by the Presiding Officer or other persons, and there may be rebuttals. Also, the Presiding Officer may question you directly or let others cross-examine you about other issues.

10. *Procedures and time limits.* These hearings will be informal and courtroom rules of evidence will not apply. You will not be put under oath unless the Presiding Officer so requires. Ordinarily you will have about twenty minutes to give your testimony. If you need more than twenty minutes, submit your request for extra time when you file your word-for-word statement of testimony or outline. The Presiding Officer may set other reasonable time limits and may also allow extra time for questioning. If you want to discuss more than can be presented in the time allotted to you, include all of the material in your word-for-word statement. Then you may summarize the statement in your testimony, and the entire written statement will be introduced into the record as an exhibit. The Presiding Officer further has the right to limit the number of witnesses to be heard if the orderly conduct of the proceeding so requires.

SECTION D. DESIGNATED ISSUES

Set forth below are the issues which the Presiding Officer has determined to designate under Section 1.13(d)(1) of the Rules of Practice as issues to be considered in accordance with Section 1.13(d) (5) and (6) of the Rules of Practice:

1. Are contracts used in consumer credit transactions printed on standardized forms prepared by or for creditors and presented to consumers on a "take it or leave it" basis? If so, what are the reasons for this practice, and to what extent is the practice utilized by creditors?

2. With respect to those terms of contracts used in consumer credit transactions and creditor practices that would be affected by the proposed rule, to what extent are consumers able to comparison shop for credit among creditors in a given locale?

3. To what extent do consumers and co-signers understand the meaning, legal effect and possible consequences of the provisions included in contracts used in consumer credit transactions?

4. With what frequency do contracts used by creditors in consumer credit transactions constitute or contain the provisions described in § 444.2(a) of the proposed rule?

5. To what extent does the availability or use by creditors of the practices and remedies, that would be proscribed or limited by the proposed rule, affect a creditor's decision to extend credit, reduce the risk of default, and increase the likelihood of the successful collection of a delinquent account?

6. To what extent does the use of the practices and remedies by creditors, that would be proscribed or limited by the proposed rule, result in lower credit costs to consumers, lower the costs incurred by creditors as a result of defaults, or affect the availability of credit, and creditor and consumer credit costs generally?

7. What are the nature and prevalence of the use or abuse of the creditor remedies and practices, that would be proscribed or limited by the proposed rule? How prevalent is the practice of failing to use such creditor remedies after a threat has been made to do so?

8. What are the nature and prevalence of consumer injuries or benefits resulting from the use of the creditor practices and remedies proscribed or limited by the proposed rule?

9. Do the creditor practices and remedies, that would be proscribed or limited by the proposed rule, prevent the assertion of valid or meritorious defenses by consumers? If so, with what frequency?

10. What are the nature and prevalence of consumer injuries or benefits resulting from the use of co-signers in consumer credit transactions?

11. What is "fair market retail value," and how can the "fair market retail value" of collateral be determined? With what frequency do creditors fail to sell collateral at as high a price as possible in the circumstances or fail to credit the proceeds of the sale to the debtor?

12. Is there a significant number of consumer defaults or delinquencies resulting from circumstances beyond or not entirely within the control of those consumers? Conversely, do a significant number of consumers assume debts without a serious and fixed intention to repay those debts in accordance with the terms of the applicable contract or do some consumers intentionally default even though they have the means to pay?

13. What have been the demonstrable effects of state laws that impose requirements or restrictions similar to one or more provisions of the proposed rule?

14. What will be the economic effect of the proposed rule upon small creditors and upon creditors generally?

Testimony with respect to the foregoing issues may entitle group representatives or other interested persons to conduct or have conducted such cross-examination as the Presiding Officer may determine to be appropriate and required for a full and true disclosure with respect to any issues so designated. In the alternative, the Presiding Officer may determine that full and true disclosure as to any issue may be achieved through rebuttal submissions or the presentation of additional written or oral statements.

The Presiding Officer may at any time on his own motion or pursuant to a written petition by an interested person add to or modify the designated issues listed above at any time. Such petitions will not be considered unless good cause is shown why such issue or modification was not proposed during the time specified in the initial notice. If such was proposed during the initial notice period and not accepted, good cause must be shown why it should now be designated.

SECTION E. REQUESTS FOR RIGHT TO CROSS-EXAMINE

If you want to examine or cross-examine witnesses on the designated issues, you must give written notification to the Presiding Officer by July 25, 1977. State your particular interest in and your position on each designated issue or, if you have no interest or position as to any issue, merely indicate, "No interest." Also furnish any explanation as to why you are requesting the right to take part in examination, cross-examination or to offer rebuttals. Send your request to Henry B. Cabell, Presiding Officer, Federal Trade Commission, Washington, D.C. 20580, by July 25, 1977, regardless of which hearing you want to take part in. Mark your notice "Credit Practices Notification" so that it can be easily identified and given prompt consideration.

If new issues are designated, you must promptly give the Presiding Officer an additional notice of interest and request for the right to cross-examination with respect to each such new issue in the same manner.

Before the hearings begin, the Presiding Officer will identify groups of persons with the same or similar interests in the proceeding. Such groups will be required to select a single representative for the purpose of examination, including cross-examination. If members of any group cannot agree on a representative, the Presiding Officer may select one.

If you are a member of such a group, you must make a good faith effort to agree on a representative. If you cannot agree and you have a position with respect to one or more of the designated issues that will not be adequately presented by the group representative, notify the Presiding Officer. He may allow you to conduct or have conducted examination of witnesses, including cross-examination, or to offer rebuttals.

Issued: June 24, 1977.

HENRY B. CABELL,
Presiding Officer.

[FR Doc.77-18017 Filed 6-23-77;8:45 am]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

FUTURES COMMISSION MERCHANTS

Minimum Financial Requirements; Proposed Rulemaking

Correction

In FR Doc. 77–14685 appearing at page 27166 in the issue for Thursday, May 26, 1977, make the following changes:

1. In § 1.17(a)(1), middle column, page 27173, in the sixth line "$25,00" should

JUN 24 77 UM

read "$25,000," and in the tenth line "$100,00" should read "$100,000."

2. In the sixth and seventh lines of § 1.17(h)(1)(v)(E), third column, page 27178, "paragraph (h)(2)(viii) of this section" should read "paragraph (h)(2)(vii) of this section."

3. In the second line of paragraph F of the "Appendix—CBT–CME Proposal," middle column, page 27182, "1.5 percent" should read "1. Five percent."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR 193 and 561]

[FRL 751–5; FAP 6H5140/P8]

TOLERANCES FOR PESTICIDES IN FOOD AND ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Proposed Food and Feed Additive Tolerances for Glyphosate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposal will permit the use of glyphosate in an experimental program. The program involves application of the herbicide to growing sugarcane. This amendment will permit the marketing of sugarcane molasses while further data on glyphosate is collected.

DATE: Comments must be received on or before July 25, 1977.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, EPA, Rm. 401 East Tower, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Ms. Libby Zink, Registration Division (WH–567), Office of Pesticide Programs, EPA, 202–755–4851.

SUPPLEMENTARY INFORMATION: On August 20, 1976, the EPA published in the FEDERAL REGISTER (41 FR 35216) a notice that Monsanto Agricultural Products Co., 800 N. Linbergh Blvd., St. Louis MO 63116, had submitted a petition (FAP 6H5140). This petition proposed that 21 CFR 193 and 561, be amended by establishing food additive regulations permitting the use of the herbicide glyphosate [N-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid in a proposed experimental program involving application of the herbicide to growing sugarcane with a tolerance limitation of 1.0 part per million (ppm) for residues of the herbicide in sugarcane molasses.

Subsequently, the petitioner amended the petition by proposing that the tolerance be increased from 1 ppm to 2 ppm. Since sugarcane molasses is primarily an animal feed, human exposure will not be affected by this increase. The part of the molasses consumed by man will add very little to the already existing maximum theoretical exposure, i.e., less than 0.1 percent. Thus, the allowable daily intake (ADI) of 0.05 milligram/kilogram/day for man will not be exceeded by the proposed increase. The data submitted in the petition and all other relevant material have been evaluated, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data considered in making this determination were that the metabolism of glyphosate in plants and animals is adequately understood, and there is an adequate analytical method for enforcement (gas chromatography with a phosphorus-specific flame photometric detector). The toxicological data reviewed included acute dog and rat feeding studies, a mouse carcinogenic study, rat reproduction tests, mouse mutagenicity results, rabbit teratogenic analysis, 2-year rat and dog feeding studies, as well as cholinesterase-inhibition and hen neurotoxicity studies. A no-effect level of 100 ppm has been determined. Permanent tolerances have been established for residues of glyphosate in or on grain crops at 0.1 ppm (negligible residue), forage grasses at 0.2 ppm (negligible residue), soybeans at 0.2 ppm (negligible residue), and soybean forage and hay at 0.4 ppm (40 CFR 180.364). Food and feed additive tolerances have also been established for residues of glyphosate in potable water at 0.1 ppm (21 CFR 193.235) and dried citrus pulp at 0.4 ppm (21 CFR 561.253). Temporary tolerances were also established (42 FR 24305) for glyphosate residues in or on sugarcane and the liver and kidney of cattle, goats, hogs, horses, poultry and sheep at 0.1 ppm.

Therefore, it is proposed that 21 CFR 193 and 561 be amended as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before July 25, 1977, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must bear a notation indicating both the subject and the petition/document control number, "P6H5140/P8". All written comments filed in response to this notice filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 15, 1977.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).)

1. It is proposed that Part 193, Subpart A, § 193.235 be amended by (1) redesignating and revising paragraph (b) as paragraph (c), (2) redesignating and revising paragraph (c) as paragraph (d), and (3) adding the new paragraph (b) as follows:

§ 193.235 Glyphosate.

* * * * *

(b) A tolerance of 2 parts per million is established for residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine and its metabolite aminomethylphosphonic acid in sugarcane molasses resulting from application of the herbicide in accordance with the provisions of an experimental use permit that expires June 15, 1978.

(c) Residues in potable water and sugarcane molasses not in excess of 0.1 part per million and 2 parts per million, respectively, resulting from the uses described in paragraphs (a) and (b) of this section remaining after expiration of the experimental programs will not be considered to be actionable if the pesticide is legally applied during the term of an in accordance with the provisions of the experimental use permits and food additive tolerances.

(d) Monsanto Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental uses that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

2. It is propose that § 561.253 be revised by (1) redesignating paragraph (a)(1) as paragraph (a), (2) redesignating paragraph (a)(2) as paragraph (b), (3) deleting paragraphs (b)(1) and (b)(2), (4) redesignating and revising paragraph (c) as paragraph (e), and (5) adding new paragraphs (c) and (d) as follows:

§ 561.253 Glyphosate.

* * * * *

(c) A tolerance of 2 parts per million is established for residues of the herbicide glyphosate (*N*-(phosphonomethyl)glycine) and its metabolite aminomethylphosphonic acid in sugarcane molasses resulting from application of the herbicide in accordance with the provisions of an experimental use permit that expires June 15, 1978.

(d) Residues in dried citrus pulp not in excess of 0.4 part per million, soybean hulls not in excess of 20 parts per million, and sugarcane molases not in excess of

2 parts per million resulting from the uses described in paragraphs (a), (b), and (c) of this section remaining after expiration of the experimental programs will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permits and feed additive tolerances.

(e) Monsanto Co. shall immediately notify the Environmental Protection Agency of any findings from the experimental uses that have a bearing on safety. The firm shall also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 77–17981 Filed 6–23–77; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H–059 and H–050]

OCCUPATIONAL EXPOSURE TO BENZENE

Clarification of Scope of Hearing; Request for Information on Gasoline

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice to clarify issues at informal benzene hearing; request for information on gasoline.

SUMMARY: This notice announces that the informal public hearing on occupational exposure to benzene, which will begin July 19, 1977, will not consider issues related to the storage, transportation, distribution, dispensing or sale of gasoline as a fuel subsequent to the discharge from bulk terminals, and announces that the final permanent standard on benzene will not cover these operations. In light of the time required to analyze pertinent data, and because of the complexity of these issues, they will be addressed in a future rulemaking proceeding on the marketing of gasoline.

DATES: The informal public hearing on benzene will be held on July 19, 1977. Information concerning gasoline distribution must be submitted on or before August 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, OSHA, Third Street and Constitution Avenue NW., Room N3641, Washington, D.C. (202–523–8151).

SUPPLEMENTARY INFORMATION: On May 3, 1977, an Emergency Temporary Standard (ETS) for occupational exposure to benzene was published in the FEDERAL REGISTER (42 FR 22516) as 29 CFR 1910.1028. The basis for this ETS was clinical and epidemiological evidence that benzene causes leukemia in humans. Due to the short duration of the ETS (6 months) and the evidence from limited data available that benzene exposure during gasoline dispensing operations was generally below 1 ppm, OSHA determined that the exclusion of retail automotive service stations from the ETS was appropriate. Subsequently, as published in the May 24, 1977, FEDERAL REGISTER (42 FR 26429), this exclusion was expanded by exempting from the ETS the storage, transportation, distribution, dispensing, or sale of gasoline as a fuel subsequent to discharge of this gasoline from bulk terminals. This amendment was based on the availability of equipment required for compliance. OSHA determined that the potential demand for respirators and monitoring equipment by employers involved in the distribution of gasoline after it leaves bulk terminal facilities could not feasibly be met in a short time. On May 27, 1977, a proposed standard for the regulation of occupational exposure to benzene was published in the FEDERAL REGISTER (42 FR 27452). Like the ETS, the proposal exempts those activities related to the marketing of gasoline subsequent to its discharge from bulk terminals. In recognition of (1) the need to develop appropriate control equipment to minimize the loss of gasoline vapors containing benzene, and (2) the related statutory authorities of OSHA and the Environmental Protection Agency (EPA), and EPA's extensive background knowledge in the engineering control of these vapors, OSHA announced in the proposal that a joint Federal agency task force would be established with EPA and the National Institute for Occupational Safety and Health (NIOSH). The purpose of the task force is to coordinate regulatory efforts to reduce workers' and the public's exposure to the benzene released from gasoline in automotive service stations and from the transportation, storage, distribution, and sale of gasoline. In light of the inherently complex nature of these issues and the time requirements necessary to permit full development and evaluation of the evidence by the task force, OSHA believes these issues are more appropriately addressed in a separate rulemaking proceeding dealing exclusively with this subject. Accordingly, OSHA will exclude from the scope of the informal hearings beginning July 19, 1977, and from the final permanent standard regulating occupational exposure to benzene, those activities related to the storage, transportation, distribution, dispensing, and sale of gasoline as a fuel subsequent to its discharge from bulk terminals.

At the conclusion of the task force's deliberations, OSHA will examine and assess the various regulatory actions necessary to protect workers who are exposed to benzene as a result of the storage, transportation, distribution, dispensing or sale of gasoline.

REQUEST FOR INFORMATION ON GASOLINE DISTRIBUTION

In order to assist in the subsequent development of a proposal for this industrial segment, OSHA is requesting that interested persons submit written data, views and arguments concerning the following major issues at this time:

1. Exposure data. OSHA requests detailed information on employee exposure to benzene including the following:

(a) Description of work activities or operations involved and associated measured levels of worker exposure.

(b) Number of workers involved in each activity or operation.

(c) Vapor control equipment in use, if any.

(d) Analytical and sampling methods utilized.

(e) Correlations between benzene exposure and other parameters, such as temperature, volume and rate of gasoline transfer, benzene content, etc.

(f) Ambient levels of benzene.

2. Technological feasibility of controls to reduce gasoline vapor emissions containing benzene. (a) Comparison of various emission control systems as to: (1) Effectiveness; (2) reliability; (3) safety.

(b) Reduction in the benzene content of gasolines.

3. Economic impact. OSHA requests information as to compliance costs and the potential economic implications for various segments of the gasoline distribution industry. This information should include the effects on other variables, such as employment, prices, productivity, market structure, exports and imports, and the consumption of energy and critical materails. Also, information is requested on anticipated benefits such as a reduction in worker's compensation costs, lost time, pain and suffering to employee and his family, and savings in medical costs.

4. The environmental impact of regulating benzene exposure at these worksites.

5. Appropriate monitoring, medical surveillance and other provisions to supplement engineering controls capable of reducing worker exposure to the lowest feasible level.

6. The desirability of a "vertical" standard for retail gasoline dispensing facilities and other industry segments with respect to benzene exposure and other workplaces hazards.

Interested persons are invited to submit comments on or before August 23, 1977, concerning all issues relating to a standard for regulating benzene exposure in the storage, transportation, distribution, dispensing, or sale of gasoline as a fuel subsequent to the discharge from bulk terminals. Written data, views, and arguments must be submitted in quadruplicate to the Docket Officer, Docket No. H–060, OSHA Technical Data Center, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received will be made part of the record of this proceeding.

Procedures for participation in the informal public hearing on benzene scheduled for July 19, 1977, are outlined in the FEDERAL REGISTER for May 27, 1977 (42 FR 27452).

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

JUN 24 1977 UM

(Secs. 6, 8, 84 Stat. 1593, 1599 (29 U.S.C. 655, 657); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 21st day of June 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-18065 Filed 6-21-77;3:12 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 747-5]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Grain Elevators

AGENCY: Environmental Protection Agency.

ACTION: Suspension of proposal.

SUMMARY: Proposed air pollution standards for new and modified grain elevators are being suspended until further notice because EPA is reexamining the standards in light of significant public comments and pending Clean Air Act amendments. The effect of this suspension is to exempt current grain elevator construction and modification projects from the standards. Only those facilities commencing construction or modification on or after the date the proposal is reinstated by FEDERAL REGISTER notice will be affected by the standards.

DATES: The suspension is effective June 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, EPA, Research Triangle Park, N.C. 27711, Phone 919-688-8146, ext. 271.

SUPPLEMENTARY INFORMATION: On January 13, 1977 (42 FR 2842), the Environmental Protection Agency proposed standards of performance under Section 111 of the Clean Air Act for certain types of new, modified, and reconstructed grain elevators. EPA is today suspending this proposal until further notice.

A great deal of controversy has been generated by this proposal, which is due in part to some basic misunderstandings of EPA's intent. EPA has recognized that some criticisms may be valid, however, and the Agency is now reconsidering certain issues—particularly the scope of coverage. In addition, amendments to the Clean Air Act passed by the House of Representatives on May 26 (H.R. 6161) would, if enacted into law, require further changes to the proposal.

Under Section 111(a)(2) of the Clean Air Act, facilities covered by a new source performance standard are legally bound to comply if they commence construction on or after the date of the standard's proposal. In this case, a substantial time has already passed since the proposal, EPA's reexamination is still far from complete, and additional uncertainties have been created by the pending Clean Air Act amendments. Under these circumstances, EPA believes that leaving the proposal in effect would unfairly create major legal uncertainties for those who need to construct or modify grain elevators at the present time. Accordingly, the proposal is being suspended effective immediately.

EPA will give notice in the FEDERAL REGISTER when it decides to reinstate the proposal. Only those facilities commencing construction or modification on or after the date of such reinstatement would therefore be affected.

Dated: June 17, 1977.

DOUGLAS COSTLE,
Administrator.

[FR Doc.77-17982 Filed 6-23-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-4]

SPECIAL TYPES AND METHODS OF PROCUREMENT

Negotiated Procurement Under the Buy Indian Act

Correction

In FR Doc. 77-16578 appearing at page 29872 in the issue for Friday, June 10, 1977, this document was inadvertently placed in the rules section of the FEDERAL REGISTER. It should have been put in the proposed rules section. It is a proposed rulemaking document.

[45 CFR Part 85]

IMPLEMENTATION OF EXECUTIVE ORDER 11914, NONDISCRIMINATION WITH RESPECT TO THE HANDICAPPED IN FEDERALLY ASSISTED PROGRAMS

Coordination of Federal Agency Enforcement of Section 504 of the Rehabilitation Act of 1973

AGENCY: Department of Health, Education, and Welfare.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements Executive Order 11914, "Nondiscrimination With Respect to the Handicapped in Federally Assisted Programs," under which the Department of Health, Education, and Welfare is required to coordinate governmentwide enforcement of section 504 of the Rehabilitation Act of 1973, as amended. In particular, this proposal sets forth enforcement procedures, standards for determining which persons are handicapped, and guidelines for determining what practices are discriminatory. These procedures, standards, and guidelines are to be followed by each federal agency that provides federal financial assistance in issuing regulations implementing section 504.

DATES: Comments are invited from other Federal agencies and the public. They must be received on or before July 25, 1977. Comments (preferably in triplicate) should be sent to Box 2602, Office for Civil Rights, Department of Health, Education, and Welfare, Washington, D.C. 20013. Written comments may be inspected by the public in Room 5400, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Anne Beckman, Office for Civil Rights, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201, 202-245-1821.

SUPPLEMENTARY INFORMATION:

BACKGROUND

As part of the Rehabilitation Act of 1973 (Pub. L. 93-112), Congress enacted section 504, which provides that "no otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The definition of "handicapped individual" applicable to section 504 is contained in section 111(a) of the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516).

On April 28, 1976, the President issued Executive Order 11914 (41 FR 17871) to provide for consistent governmentwide enforcement of section 504; the executive order is reprinted at Appendix A to this proposed rule. The order directs the Secretary of Health, Education, and Welfare to coordinate the implementation of section 504 by all federal departments and agencies that extend financial assistance to any program or activity. Specifically, section 1 directs the Secretary to establish standards for determining who are handicapped individuals and guidelines for determining what are discriminatory practices under section 504 and to assist other agencies as necessary to assure the coordinated and consistent implementation of section 504. Sections 2 and 3 also contemplate that this Department will establish procedures to guide other federal departments and agencies in implementing section 504.

In addition to setting forth the responsibilities of this Department, the executive order directs other agencies to issue regulations consistent with HEW standards and procedures, to furnish the Secretary with reports and information upon request, and to cooperate with this Department in their implementation of section 504.

Finally, the executive order, in section 3, contains general procedures and sanctions for securing compliance with section 504 and, in section 5, requires the consistent implementation of all of title V of the Rehabilitation Act of 1973 as well as the Architectural Barriers Act of 1968 (Pub. L. 90-480).

On May 4, 1977, this Department issued its final regulation implementing

section 504 as to recipients of financial assistance from HEW. The Secretary noted in the preamble to that regulation (42 FR at 22677), as he had in proposing the regulation, that the standards and guidelines pursuant to the executive order would be based on Subparts A, B, and C of the HEW section 504 regulation.

The purpose of this proposed rule is to carry out the Department's responsibilities under the executive order by specifying procedures for the promulgation and enforcement of section 504 regulations by all agencies providing financial assistance, standards for determining who are handicapped individuals, and guidelines for determining what practices are discriminatory under section 504. The Department will also, on a continuing basis, fulfill its responsibilities under the executive order to assist and consult with other agencies in their implementation of section 504 and to monitor compliance with the executive order.

SUMMARY OF PROPOSED RULE

Subpart A of the proposed regulation sets forth general uniform procedures for the enforcement of section 504. Section 85.4 contains procedures for the promulgation of agency regulations. In accordance with section 2 of the executive order, such regulations are required to be consistent with the standards and guidelines contained in this proposed regulation. Agencies are invited to examine Subparts A, B, and C of the HEW section 504 regulation to determine whether their regulations should include any of the more detailed provisions to be found there. In addition, each agency should examine the programs and activities to which it provides assistance to determine whether detailed requirements concerning any such program or activity should be included in its regulations, similar to those contained in Subparts D, E, and F of the HEW section 504 regulations.

Section 85.4(b) sets forth a schedule for issuing agency regulations. Comment is invited as to whether the time periods provided are adequate. The Secretary believes that the provision for review of each agency's draft final regulation by the Director of the HEW Office for Civil Rights before it is finally issued is an effective and appropriate method of promoting consistency of regulation under section 504 throughout the government.

Section 85.5, which contains the basic elements for a compliance and enforcement system, is not intended to be exhaustive. For example, agencies may wish to consider requirements that recipients conduct self-evaluations or establish grievance procedures, as is required by §§ 84.6(c) and 84.7 of the HEW section 504 regulations. Moreover, in many cases, agencies may find it appropriate in incorporate their title VI enforcement procedures, as does the HEW section 504 regulation (§ 84.61). The Secretary invites comment on whether the final executive order regulation should require adherence to title VI procedures in order to promote consisteint governmentwide civil rights enforcement.

Section 85.6 contains provisions concerning interagency cooperation. In this regard agencies may find it useful to extend existing title VI delegations to section 504.

Section 85.7 is designed to ensure the consistent and coordinated implementation of sections 502, .503, and 504 of the Rehabilitation Act. Comment is solicited as to whether its provisions are the most effective and appropriate means of meeting the Department's responsibilities in this regard.

Subpart B contains the standards for determining who are "handicapped persons" and "qualified handicapped persons" within the meaning of section 504. Except for the addition noted below, the definition of handicapped person (§ 85.31) is identical to the one contained in § 84.3(j) of HEW's section 504 regulation. Further discussion of its provisions may be found in paragraph 3 of Appendix A of that regulation (42 FR 22685-6). A final sentence has been added to the definition listing, for illustrative purposes, some of the diseases and impairments that are included in the term "physical or mental impairment."

It should be noted that drug addiction and alcoholism are included in that list. The question of section 504's application to drug addicts and alcoholics was a difficult one on which the Secretary of HEW sought the advice of the Attorney General. In an opinion dated April 12, 1977, the Attorney General concluded that drug addiction and alcoholism are physical or mental impairments and are thus handicaps for the purpose of section 504 if they result in a substantial limitation to a "major life activity."

A detailed analysis of the implications of the inclusion of drug addicts and alcoholics within the scope of section 504 is set forth in paragraph 4 of Appendix A of the HEW regulation (42 FR at 22686). It should be emphasized that the fact that drug addiction and alcoholism may be handicaps does not mean that the behavioral manifestations of these conditions must be ignored in determining whether a person is qualified for services or employment. The statute applies only to qualified handicapped persons.

The definition of qualified handicapped person in § 85.32 has been adapted from § 84.3(k) of the HEW section 504 regulation. Other agencies may wish to supplement its provisions with additional guidance concerning qualifications for specific programs, as was done in §§ 84.3(k) (2) and (3) of the HEW section 504 regulation.

Subpart C, setting forth guidelines for determining discriminatory practices, is divided into three parts: General, based on § 84.4 of the HEW section 504 regulation; employment, based on Subpart B of the HEW section 504 regulation, and program accessibility, based on Subpart C of the HEW section 504 regulation. A more detailed discussion of these subparts than is contained below may be found in Appendix A of the HEW regulation.

The general prohibitions against discrimination on the basis of handicap set forth in § 85.51 incorporate basic principles that the Department determined, in developing its own regulation, to be inherent in section 504. First, section 504, like other nondiscrimination statutes, prohibits not only those practices that are overtly discriminatory, but also those that have the effect of discriminating. And it is equal opportunity, not merely equal treatment, that is essential to the elimination of discrimination on the basis of handicap. Thus, in some situations, identical treatment of handicapped and nonhandicapped persons is not only insufficient but is itself discriminatory. On the other hand, separate or different treatment can be permitted only where necessary to ensure equal opportunity and truly effective benefits and services. Federally assisted programs and activities must thus be provided in the most integrated setting appropriate to the needs of participating handicapped persons.

Subpart C also contains the basic requirements for the elimination of discrimination on the basis of handicap in employment. It should be augmented, where possible, with provisions appropriate to the programs assisted by each agency. Specifically, § 85.53 could be supplemented, as is the corresponding § 84.12 of the HEW section 504 regulation, with examples of actions constituting reasonable accommodation and with factors to be considered in determining undue hardship; and § 85.54, with provisions adapted from the more specific requirements of the parallel § 84.13 of the HEW section 504 regulation.

Although § 85.55, like § 84.14 of the HEW section 504 regulation, generally bans preemployment medical exams and inquiries concerning handicap, certain qualifications to this general prohibition, found in §84.14 and cross-referenced in § 85.55, should be noted. First, while employers may not, prior to employment, inquire about the existence of a specific handicap (for example, epilepsy), they may ask about the applicant's ability to perform duties necessary to the job in question. Second, they may make voluntary inquiries as to handicap if they are subject to remedial or affirmative action obligations or if they are undertaking voluntary action to increase their employment of handicapped persons. Third, they may condition an offer of employment on the successful completion of a medical examination: *Provided*, That the examination follows the requirements of § 84.14(c) and that no offer is withdrawn on the basis of medical conditions that are not job-related.

Sections 85.56-85.58 of Subpart C concern "program accessibility," a term that summarizes the concept of prohibiting the exclusion of handicapped persons from programs by virtue of architectural barriers to such facilities as buildings, vehicles, and walks, while not requiring that existing facilities be completely barrier-free. Although new facilities are

to be designed and constructed so as to be physically accessible to handicapped persons, structural modifications of existing facilities need be undertaken only where other methods are inadequate to assure that a program is available to handicapped persons. The Department recognizes that the implementation of the concept of program accessibility will necessarily vary from agency to agency, but believes that the principles contained in §§ 85.56–58 are applicable generally and are essential to the effective and consistent implementation of section 504.

Agencies are urged to delineate in their regulations illustrative types of actions that they will permit their recipients to use as alternatives to structural changes to existing facilities. (See § 84.22(b) of the HEW section 504 regulation.) Agencies may also wish to consider supplementing this section with other details from § 84.22, such as the requirements concerning transition plans and notice.

The Secretary believes it important to issue this regulation in final form as soon as possible. Moreover, federal agencies as well as the public have had a prior opportunity—in the context of HEW's section 504 regulation—to comment on the basic provisions of the proposed standards and guidelines. Accordingly, no extensions of the 30-day period for comment on this proposed regulation will be granted.

In consideration of the foregoing, it is hereby proposed to add Part 85 to Title 45 of the Code of Federal Regulations to read as set forth below.

Dated: June 17, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health, Education, and Welfare.

PART 85—IMPLEMENTATION OF EXECUTIVE ORDER 11914

Subpart A—Federal Agency Responsibilities

Sec.
85.1 Purpose.
85.2 Application.
85.3 Definitions.
85.4 Agency regulations.
85.5 Enforcement.
85.6 Interagency cooperation and delegations.
85.7 Coordination with sections 502 and 503.
85.8–30 [Reserved]

Subpart B—Standards for Determining Who Are Handicapped Persons

85.31 Handicapped person.
85.32 Qualified handicapped person.
85.33–50 [Reserved]

Subpart C—Guidelines for Determining Discriminatory Practices

GENERAL

85.51 General prohibitions against discrimination.

EMPLOYMENT

85.52 General prohibitions against employment discrimination.
85.53 Reasonable accommodation.
85.54 Employment criteria.
85.55 Preemployment inquiries.

PROGRAM ACCESSIBILITY

85.56 General requirement concerning program accessibility.
85.57 Existing facilities.
85.58 New construction.
85.59–99 [Reserved]

Appendix A—Executive Order 11914

AUTHORITY: Executive Order 11914, 41 FR 17871; sec. 504, Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794); sec. 111(a), Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 88 Stat. 1619 (29 U.S.C. 706).

Subpart A—Federal Agency Responsibilities

§ 85.1 Purpose.

The purpose of this part is to implement Executive Order 11914, which requires the Department of Health, Education, and Welfare to coordinate the implementation of section 504 of the Rehabilitation Act of 1973.

§ 85.2 Application.

This part applies to each federal department and agency that provides federal financial assistance.

§ 85.3 Definitions.

As used in this regulation, the term:

(a) "Executive order" means Executive Order 119.14, titled "Nondiscrimination with respect to the Handicapped in Federally Assisted Programs," issued on April 28, 1976.

(b) "Section 504" means section 504 of the Rehabilitation Act of 1973, Pub. L. 93–112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93–516, 29 U.S.C. 794.

(c) "Agency" means a federal department or agency that is empowered to extend financial assistance.

(d) "Recipient" means any state or its political subdivitions, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance.

(e) "Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the agency provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of federal personnel; or

(3) Real and personal property or any interest in or use of such property, including:

(i) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of such property if the federal share of its fair market value is not returned to the federal government.

(f) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

§ 85.4 Issuance of agency regulations.

(a) Each agency shall issue, after notice and opportunity for comment, a regulation to implement section 504 with respect to the programs and activities to which it provides assistance. The regulation shall be consistent with this part.

(b) Each agency shall issue a notice of proposed rulemaking no later than 60 days after the effective date of this part. Each agency shall issue a final regulation no later than 135 days after the end of the period for comment on its proposed regulation: *Provided*, That the agency shall submit its proposed final regulation to the Director of the Office for Civil Rights, HEW, for review at least 45 days before it is to be issued.

(c) Each such agency regulation shall (1) define appropriate terms, consistent with the definitions set forth in § 85.3 and with the standards for determining who are handicapped persons set forth in Subpart B of this part; and (2) prohibit discriminatory practices against qualified handicapped persons in employment and in the provision of services, consistent with the guidelines set forth in Subpart C of this part. The regulation shall include, where appropriate, specific provisions adapted to the particular programs and activities receiving financial assistance from the agency.

§ 85.5 Enforcement.

Each agency shall establish a system for the enforcement of section 504 and its implementing regulation with respect to the programs and activities to which it provides assistance. The system shall include procedures for (a) assurances of compliance by recipients; (b) processing and resolving complaints alleging violations of section 504; and (c) in accordance with section 3 of the executive order, securing voluntary compliance and terminating federal financial assistance if voluntary compliance cannot be secured. Each agency regulation shall also include requirements that recipients notify employees and beneficiaries of their rights under section 504 and consult with handicapped persons in achieving compliance with section 504.

§ 85.6 Interagency cooperation.

(a) Where each of a substantial number of recipients is receiving assistance for similar or related purposes from two or more agencies or where two or more agencies cooperate in administering assistance for a given class of recipients, the agencies shall (1) coordinate compliance with section 504 and (2) designate one of the agencies as the primary agency for section 504 compliance purposes.

(b) Any agency conducting a compliance review or investigating a complaint of an alleged section 504 violation shall notify any other affected agency upon discovery of its jurisdiction and shall inform it of the findings made. Reviews or investigations may be made on a joint basis.

§ 85.7 Coordination with sections 502 and 503.

(a) Agencies shall consult with the Architectural and Transportation Barriers Compliance Board in developing requirements for the accessibility of new facilities and alterations, as required in § 85.5, and in enforcing such requirements with respect to facilities that are subject to section 502 of the Rehabilitation Act of 1973, as amended, as well as to section 504.

(b) Agencies shall consult and coordinate with the Department of Labor in enforcing requirements concerning employment discrimination with respect to recipients that are also federal contractors subject to section 503 of the Rehabilitation Act of 1973, as amended.

§§ 85.8–85.30 [Reserved]

Subpart B—Standards for Determining who are Handicapped Persons

§ 85.31 Handicapped person.

(a) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

(b) As used in paragraph (a) of this section the phrase:

(1) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-uninary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means (i) has a physical or mental impairment that does not substantially limit major life activities but is treated by a recipient as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined in paragraph (b)(1) of this section but is treated by a recipient as having such an impairment.

§ 85.32 Qualified handicapped person.

"*Qualified handicapped person*" means (a) with respect to employment, a handicapped persons who, with reasonable accommodation, can perform the essential functions of the job in question; and (b) with respect to services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

§§ 85.33—85.50 [Reserved]

Subpart C—Guidelines for Determining Discriminatory Practices

GENERAL

§ 85.51 General prohibitions against discrimination.

(a) No qualified handicapped person, shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

(b)(1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate as a member of planning or advisory boards; or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) A recipient may not deny a qualified handicapped person the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of the recipient's program with respect to handicapped persons, or (iii) that perpetuate the discrimination of another recipient if both recipients are subject to common administrative control or are agencies of the same state.

(4) A recipient may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from federal financial assistance or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by federal statute or executive order to handicapped persons or the exclusion of a specific class of handicapped persons from a program limited by federal statute or executive order to a different class of handicapped persons is not prohibited by this part.

(d) Recipients shall administer programs and activities in the most integrated setting appropriate to the needs of qualified handicapped persons.

(e) Recipients shall take appropriate steps to ensure that communications with their applicants, employees, and beneficiaries are available to persons with impaired vision and hearing.

EMPLOYMENT

§ 85.52 General prohibitions against employment discrimination.

(a) No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from federal financial assistance.

(b) The prohibition against discrimination in employment applies to the following activities:

(1) Recruitment, advertising, and the the processing of applications for employment;

(2) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

JUN 24 77 UM

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient may not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, and with organizations providing training and apprenticeship programs.

§ 85.53 Reasonable accommodation.

A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the recipient can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

§ 85.54 Employment criteria.

A recipient may not use nonjob-related employment tests or criteria that discriminate against handicapped persons and shall ensure that employment tests are adapted for use by persons who have handicaps that impair sensory, manual, or speaking skills.

§ 85.55 Preemployment inquiries.

A recipient may not conduct a preemployment medical examination or make a preemployment inquiry as to whether an applicant is a handicapped person or as to the nature or severity of a handicap except under the circumstances described in 45 CFR 84.14.

PROGRAM ACCESSIBILITY

§ 85.56 General requirement concerning program accessibility.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discriimnation under any program or activity that receives or benefits from federal financial assistance.

§ 85.57 Existing facilities.

A recipient shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. Where structural changes are necessary to make programs or activities in existing facilities accessible, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of the regulation.

§ 85.58 New construction.

New facilities shall be designed and constructed to be readily accessible to and usable by handicapped persons. Alterations to existing facilities shall, to the maximum extent feasible, be designed and constructed to be readily accessible to and usable by handicapped persons.

§§ 85.59—85.99 [Reserved]

APPENDIX A

NONDISCRIMINATION WITH RESPECT TO THE HANDICAPPED IN FEDERALLY ASSISTED PROGRAMS

Executive Order 11914. April 28, 1976

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including section 301 of title 3 of the United States Code, and as President of the United States, and in order to provide for consistent implementation within the Federal Government of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), it is hereby ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare shall coordinate the implementation of section 504 of the Rehabilitation Act of 1973, as amended, hereinafter referred to as section 504, by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity. The Secretary shall establish standards for determining who are handicapped individuals and guidelines for determining what are discriminatory practices, within the meaning of section 504. The Secretary shall assist Federal departments and agencies to coordinate their programs and activities and shall consult with such departments and agencies, as necessary, so that consistent policies, practices, and procedures are adopted with respect to the enforcement of section 504.

SEC. 2. In order to implement the provisions of section 504, each Federal department and agency empowered to provide Federal financial assistance shall issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education, and Welfare.

SEC. 3. (a) Whenever the appropriate department or agency determines, upon all the information available to it, that any recipient of, or applicant for, Federal financial assistance is in noncompliance with the requirements adopted pursuant to this order, steps to secure voluntary compliance shall be carried out in accordance with standards and procedures established pursuant to this order.

(b) If voluntary compliance cannot be secured by informal means, compliance with section 504 may be effected by the suspension or termination of, or refusal to award or continue, Federal financial assistance or by other appropriate means authorized by law, in accordance with standards and procedures established pursuant to this order.

(c) No such suspension or termination of, or refusal to award or continue, Federal financial assistance shall become effective unless there has been an express finding, after opportunity for a hearing, of a failure by the recipient of, or applicant for, Federal financial assistance to comply with the requirements adopted pursuant to this order; however, such suspension or termination of, or refusal to award or continue, Federal financial assistance shall be limited in its effect to the particular program or activity or part thereof with respect to which there has been such a finding of noncompliance.

SEC. 4. Each Federal department and agency shall furnish the Secretary of Health, Education, and Welfare such reports and information as the Secretary requests and shall cooperate with the Secretary in the implementation of section 504.

SEC. 5. The Secretary of Health, Education, and Welfare may adopt rules and regulations and issue orders which he deems are necessary to carry out his responsibilities under this order. The Secretary shall ensure that such rules, regulations, and orders are not inconsistent with, or duplicative of, other Federal Government policies relating to the handicapped, including those policies adopted in accordance with sections 501, 502, and 503 of the Rehabilitation Act of 1973, as amended, or the Architectural Barriers Act of 1968 (42 U.S.C. 4151 *et seq.*).

GERALD R. FORD

The White House,
April 28, 1976.

[FR Doc.77-17898 Filed 6-22-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 0]

[Docket No. 21271; FCC 77-375]

SPANISH LANGUAGE FOR THE RADIOTELEPHONE THIRD CLASS OPERATOR PERMIT AND BROADCAST ENDORSEMENT

Permission of the Administration of Written Examinations

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission has received numerous requests for a Spanish-language examination for the Broadcast Endorsement which, when placed on the Radiotelephone Third Class Operator Permit, authorizes the operation of most AM and FM broadcast stations. The proposed rule amendment would permit the administration of this examination to persons who are bilingual in Spanish and English but who attest to a superior knowledge of Spanish. The intended effect of the amendment is to encourage Spanish-speaking citizens to seek employment in the broadcasting field.

DATES: Comments must be received on or before July 18, 1977 and reply comments on or before July 28, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Vernon P. Wilson, Field Operations Bureau, 202-632-7240.

SUPPLEMENTARY INFORMATION:

Adopted: June 1, 1977.

Released: June 16, 1977.

In the matter of amendment of Part 0 of the Commission's rules to permit the administration of written examinations in the Spanish language for the Radiotelephone Third Class Operator Permit and Broadcast Endorsement.

1. Notice of Proposed Rulemaking is hereby given in the above-captioned matter. The Commission has received numerous requests from Spanish-speaking persons that its Radiotelephone Third Class Operator Permit and Broadcast Endorsement examinations be made available, upon request, in the Spanish language. Section 13.22 of the Rules requires that applicants for all classes of commercial radio operator licenses have "the ability to transmit and receive spoken messages in English" and § 13.23 requires that "the written examination shall be in English except when waived in accordance with authority specified in § 0.314."

2. Section 0.314(p) of the Rules currently delegates authority to the Engineer in Charge at each field office only "to act upon requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter, in the case of Spanish-speaking applicants in and around Puerto Rico and Miami, Florida, and to issue licenses bearing appropriate restrictions to those applicants found qualified." The purpose of this delegation of authority was to alleviate a situation which existed in Puerto Rico and the Caribbean area. As a result of the Commission's Rules under Part III of Title III, of the Communications Act, which requires radiotelephone equipment to be installed on certain passenger boats and the operators thereof to hold Radiotelephone Third Class Operator Permits, a condition became apparent in the vicinity of Puerto Rico among small boat operators (particularly charter fishing boats) where Spanish-speaking persons could not meet the English language requirement for examination. Such persons were, however, capable of passing the examination in their own language and operating their vessels safely in accordance with the Commission's Rules. Permits issued as a result of these examinations bear the following restrictive endorsement:

Valid only for ship stations on board vessels in the vicinity of Puerto Rico.

3. It now appears there is a demand for examinations for the third class, broadcast endorsed, permit to be made available in the Spanish language not only in Puerto Rico but at various locations throughout the United States. In that the basic third class permit authorizes the holder to operate ship stations and, with the endorsement certain classes of Broadcast stations, several problems are raised. Regulation 4 of the 1973 Great Lakes agreement specifies that as a condition for obtaining a commercial operator certificate the applicant must have the ability to receive correctly and send correctly using the English language. Section 26.07 of the U.S. Coast Guard regulations states that persons maintaining the bridge to bridge listening watch must speak in English. More importantly, § 73.933 of the Rules governing the operation of the Emergency Broadcast System (EBS) requires that the Emergency Action Notification Message be broadcast in English. Stations which broadcast primarily in a language other than English may broadcast in such foreign language following the broadcast in English. In view of the foregoing, the Commission is precluded from issuing unrestricted third class permits to persons who have a complete lack of knowledge of the English language.

4. However, there would appear to be sufficient justification to allow written examinations in Spanish to those individuals who are bilingual in Spanish and English but who attest to a superior knowledge of Spanish. The proposed revision of § 0.314(p) of the Rules would allow this procedure at any of our field examination points and would permit the issuance of a nonrestrictive license to those who qualify. For individuals in Puerto Rico who are fluent only in Spanish and seek only a license to operate on board ships, the previous examination procedure (without the requirement to attest to fluency in English) would still apply and a license restricting their activity to the Puerto Rican area would continue to be issued to qualified applicants.[1]

5. Authority for the adoption of the proposed amendment and the request for comments is contained in Sections 4(i) and 303(l)(1) of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before July 18, 1977, and reply comments on or before July 28, 1977. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account specific information before it, in addition to the comments invited by this Notice.

7. In accordance with the provisions of § 1.419 of the Rules, an original and 5 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. In an effort to obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted. These informal comments should specifically reference this proceeding. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room located at its headquarters at 1919 M Street NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

1. It is proposed to revise § 0.314(p) to read as follows:

§ 0.314 Additional authority delegated.

* * * * *

(p) To act upon requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in and around Puerto Rico for the examination for the Radiotelephone Third Class Operator Permit; to issue licenses bearing appropriate restrictions to those applicants found qualified; and to act upon requests for a waiver of the English language provision of § 13.23 of this chapter in the case of applicants who are bilingual in Spanish and English but who attest to being more fluent in the Spanish language for the examination for the Radiotelephone Third Class Operator Permit and the Broadcast Endorsement.

* * * * *

[FOR Doc.77-18128 Filed 6-23-77;8:45 am]

[47 CFR Part 68]

[Docket No. 19528; FCC 77-395]

INTERSTATE AND FOREIGN MESSAGE TOLL TELEPHONE SERVICE (MTS) AND WIDE AREA TELEPHONE SERVICE (WATS)

New and Revised Classes

AGENCY: Federal Communications Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This notice analyzes issues surrounding connection and installation of FCC-registered key telephone and Private Branch Exchange (PBX) telephone equipment to the nationwide telephone network and solicits comments. Part 68 of the FCC's rules presently allows for registration and connection of this equipment, but proposals before the Commission indicate that revised rules will permit greater flexibility. The intent is to amend Part 68 to allow for new options for registration, connection and installation of key telephone and PBX equipment.

DATES: Comments must be received on or before June 30, 1977, and reply comments must be received on or before July 30, 1977.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Policy and Rules Division, Common Carrier Bureau, Federal Communications Commission (202-632-9342).

[1] The proposed revision deletes reference to Miami, Florida as the only other location where a permit for ship use in the area of Puerto Rico could be obtained. This deletion is required to permit nationwide implementation of the new Spanish language third class, broadcasting, examination. As a practical matter our Miami office has never been requested to conduct a Spanish examination for the third class shipboard permit which is restricted to use only in the area of Puerto Rico.

SUPPLEMENTARY INFORMATION:

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

Adopted: June 8, 1977.

Released: June 20, 1977.

In the matter of proposals for New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS), Docket No. 19528.

1. In a companion Memorandum Opinion and Order which we have adopted today, we have ruled on many of the issues which are pending before us in Docket No. 19528, primarily in the form of petitions for reconsideration and comments thereupon. As will be discussed in further detail herein, however, certain issues related to registration of Private Branch Exchange (PBX) and key telephone systems still remain, and these issues are addressed in this supplemental notice of proposed rulemaking.

2. In our Second Report and Order in Docket No. 19528 (Second Report), 58 F.C.C. 2d 736 (1976), we extended the FCC's telephone equipment registration program to apply to PBX and key telephone systems. Under the program, the Commission evaluates terminal equipment designs and test results to determine whether the equipment, under foreseeable mechanical and electrical stress and over its service life, will conform to parametric limitations contained in Subpart D of Part 68 of the FCC's Rules, violations of which, in the Commission's judgment, have a possibility of interfering with network performance ("harm"). In the Second Report, we noted that PBX and key telephone systems typically today consist of common equipment (centrally-located equipment shared by the system) and station equipment (remotely-located equipment, usually telephone instruments, which is connected to the common equipment), with intrasystem wiring between them. We recognized that the long wiring runs which typically connect station and common equipment in PBX and key telephone systems, if improperly planned and installed, can nullify the network protection provided by the equipment at the ends of these wiring runs unless specific protective circuitry protects against wiring aberrations. See 58 F.C.C. 2d at 744–46.

3. In the absence of concrete proposals which would assure that wiring is properly performed in specific installations, we adopted the same approach which the telephone companies themselves had adopted in the post-Carterfone period—a requirement that protective circuitry be interposed between any system wiring and the point of connection to the telephone network. At the same time, we invited proposals for assuring proper installation of system wiring, in recognition that such protective circuitry would be unnecessary where the wiring is properly performed. See 58 F.C.C. 2d at 746, n. 12.

4. Petitions for reconsideration of our Second Report were filed which addressed, inter alia, the problems posed by system wiring, by American Telephone and Telegraph Company (AT&T), GTE Service Corporation (GTE), and International Telephone and Telegraph Corporation (ITT). Oppositions thereto were filed by AT&T, Computer and Business Equipment Manufacturers Association (CBEMA), GTE, International Business Machines Corporation (IBM), ITT, and North American Telephone Association (NATA). Replies were filed by AT&T and GTE. These petitions and comments addressed a variety of policy and technical issues. The policy issues were ruled upon in an Order released on October 18, 1976, 61 F.C.C. 2d 396 (1976), and many of the technical issues are addressed in the companion order which we are adopting today. However, as will be discussed, we left reconsideration of the technical standards and requirements to be applied to PBX and key telephone systems pendant, in view of the uncertainty surrounding various proposals for dealing with the problems posed by system wiring.

5. In our October, 1976 order, we noted that GTE had proposed an alternative to our tentatively-adopted requirement for interposed protective circuitry (see para. 3, supra.), which had been opposed by AT&T, and that GTE had subsequently refined its proposal in "comments in support of petition for reconsideration."[1] AT&T also opposed GTE's refinement, but it promised to submit its own alternative to the tentative requirements of the Second Report which would, according to AT&T, reduce the costs of compliance. In view of this commitment by AT&T, we declined to rule prematurely in our October order on the highly interactive technical issues which were before us, pending the submission of additional comments and proposals, 61 F.C.C. 2d at 402–04. In response to a letter of the Chief, Common Carrier Bureau, which requested the status of AT&T's efforts to arrive at the promised alternative proposal, AT&T filed on February 1, 1977, "supplemental comments in opposition to petitions for reconsideration." These comments included a proposed structure for dealing with the problems posed by system wiring as well as a draft circuit design to demonstrate the feasibility of AT&T's approach.

6. In this notice, we shall analyze the issues concerning PBX and key telephone system registration. Our analysis is not confined solely to the two proposals which have been placed before us—AT&T's and GTE's—because in our view the fundamental issues which underlie registration of these systems have not been adequately explored.

[1] The Chief, Common Carrier Bureau accepted these comments under delegated authority, by Order released August 27, 1976, and gave interested parties an opportunity to comment thereupon.

A. ACTION WHICH, IF IMPROPERLY PERFORMED, CAN NULLIFY THE NETWORK PROTECTION ACCORDED BY THE COMMISSION'S REGISTRATION OF EQUIPMENT UNDER PART 68 OF THE FCC'S RULES

7. Two fundamental issues remain concerning the registration and connection of PBX and key telephone systems. These are the problems posed by system wiring, and specification of means of connecting such systems to the telephone network. Underlying any analysis of these issues, however, is consideration of action which, if improperly performed can upset the Commission's determination that equipment conforms to the parametric limitations of Subpart D of Part 68 of the rules.

8. Our basic approach to telephone equipment registration has been, as was discussed in para. 2 above, to have the FCC determine, on the basis of submissions by applicants, whether or not particular equipment designs will be harmless (not violate the technical standards contained in our rules). However, certain actions subsequent to the manufacture of registered equipment have the potential of nullifying the network protection accorded by FCC registration if imroperly performed. The three forseeable actions which have this potential are installation, repair and modification of registered equipment. Part 68 presently controls these actions, and assures that network protection is not compromised, either by making the action failsafe or by making the registrant responsible for its proper performance. Thus, repairs may only be performed by the registrant or an agent thereof,[2] and minor design modifications require a notice filing with the Commission while major modifications (modifications which change the information previously furnished the Commission on an application) require a revised application and FCC approval. In either case, the modification may only be performed by the registrant, or by another entity who will independently accept responsibility for conformance of the modified equipment with the standards of Part 68.[3]

9. Installation of equipment has been made fail-safe by adoption of the same technique which the telephone companies (and, for that matter, electric power companies) have been using for many years to allow customer-installation of equipment. Our rules require that registered equipment be connected to the telephone network through the use of standard plugs, which may be inserted by the customer into telephone company-installed standard jacks. Proper installation of the jacks is presumably assured because only the telephone companies' trained craftspersons, and not untrained

[2] Telephone companies are not required to receive formal agency authority from the registrant, 59 F.C.C. 2d 83, 86 (1976).

[3] Thus, equipment refurbishers who are not, themselves, agents of the registrant, are required to register their work product. 59 F.C.C. 83, 86–87, n. 7 (1976).

subscribers, are permitted to install them. Similarly, untrained telephone subscribers are permitted to replace and install replaceable components in registered equipment (e.g. fuses, lamps, and plug-in protective circuitry) if the applicant demonstrates to us that improper performance of such replacement will not affect compliance with our rules. See 56 F.C.C. 2d at 612.

10. These controls, however, pose certain practical difficulties in the environment of PBX and key telephone systems. First, these systems are typically formed of common equipment and station equipment connected by relatively long wiring runs, which wiring is uniquely configured and installed for each system installation. Second, these systems are often, to varying degrees, customized to the customer's unique requirements, and in such cases the common equipment and station equipment may require modification or reconfiguration to meet the customer's needs.[4] Such modifications are not necessarily major, and often involve only replacement of printed circuit cards with others and/or replacement of jumper wires, but improper performance of such modification might conceivably negate the network protection built into the equipment itself.

11. Under the present structure of Part 68, actions which have the potential of nullifying the protection built into the equipment are also limited depending upon who performs them. Telephone companies may perform such acts at their own facilities (e.g., modification, repair and assembly of systems from components as part of the process which creates registered equipment and at customer premises (e.g., installation of wiring, installation of standard jacks). Registrants and their agents, other than telephone companies, may perform such acts at their own facilities as part of the process which creates registered equipment, but they may not perform such acts at the premises where equipment is to be installed unless protective circuitry is interposed between the point where such action is performed and the telephone network connections. The protective circuitry would, by definition, insulate and protect the telephone network from any potential adverse effects.

12. System wiring is one act which might negate the effectiveness of network protection built into a given equipment design; means of connection of registered equipment to the telephone network, unless limited (as is presently the case) to fail-safe means such as standard jacks and plugs, is another (infra., paras. 18–27). The problem before the Commission is to assure that any such action will in fact be performed in such a manner that the entire system—equipment, wiring, and means of connection to the telephone network—complies with the parametric limitations of Part 68 at the point of connection of the terminal equipment to the telephone network.

13. To deal with potential aberrations in the installation of wiring or in the connection of systems to the telephone network, the Commission has, as a matter of judgment, made these operations fail-safe for equipment which will tend to be connected by the untrained (e.g., telephone instruments). Parties in this proceeding, other than the carriers, assert that complex PBX and key telephone systems of necessity are not installed by the untrained; rather, they are installed by these parties' trained personnel. These non-telephone company parties further claim that their personnel are in fact competent and trained, and must be in order that such complex equipment can be sold.

14. We have recognized the telephone network's vulnerability to installation and wiring aberrations, but recognition of this vulnerability does not mandate a conclusion that the aberrations are likely to occur equally for all equipment types. As we noted in our October, 1976 Order in partial reconsideration of the Second Report, 61 F.C.C. 2d 396 at 403:

> • • • the telephone companies do not have a monopoly on adequately-trained installation personnel. Installation personnel employed by the telephone companies' competitors are often trained by the same manufacturers who train the telephone companies' installers in the installation of equipment which is sold to both. Such non-telephone company installers have access to the same wire and cable suppliers as do the telephone companies, and in fact often use the same installation techniques as the telephone companies do for efficiency.

In their comments, both GTE and AT&T have addressed certain aspects of the problems posed by these potential aberrations, but they have done so within the context of system wiring, or of means of connection, separately. Both GTE and AT&T have proposed institutional safeguards against those acts which could lead to longitudinal imbalance—generally, inadvertent connection of wiring with earth ground (limitations upon which are contained in § 68.310 of the rules)—and they have proposed forms of acceptance testing, to be performed at the completion of an installation, to determine whether or not the wiring is connected wtih earth ground and could cause imbalance. When GTE and AT&T part company, conceptually, is over those wiring aberrations which could cause hazardous voltage if improperly performed. GTE proposed institutional safeguards against such aberrations as well—attestation by the installer that the wiring conforms to certain standards—while AT&T seeks retention of interposed protective circuitry, a hardware safeguard. With regard to means of connection of registered PBX and key telephone systems to the telephone network, both GTE and AT&T seek continuation of the fail-safe approach which has been adopted for connection of other terminal equipment—standard plugs and jacks. With this background, we now address the specific proposals which are before us.

15. *System wiring.* GTE's specific proposal for dealing with system wiring is that we adopt a means of determining which installation personnel are competent to perform action associated with wiring, and that we adopt standards to which such wiring, performed by these competent installers, must conform. In essence, GTE would define as competent:

> An individual with twelve months of on-the-job experience in telecommunications who had received training by the manufacturer, or a qualified training agent, on the specific system to be installed.

Such a presumed-competent individual would be required to attest in writing that each specific installation:

> Was performed in accordance with the pertinent sections of the National Electrical Code (or such local standards as are adopted in substitution therefor or in addition thereto); and
>
> Was performed such that the longitudinal balance requirements of Part 68 are met, as measured for each possible combination of telephone trunk (or line) connections with station equipment, measured with appropriate equipment at the point of direct connection with the telephone network.

GTE's proposal is limited to those classes of equipment which do not already inherently incorporate protective circuitry to protect against improper wiring (most key telephone systems and some PBX equipment) and, in addition, is conditioned upon our adoption of fail-safe means of connecting such equipment to the network (e.g., plugs and jacks). Thus, GTE proposes meeting our concerns that hazardous voltages and line imbalance could potentially result from improper installation of wiring by adopting the National Electrical Code's wiring standards to prevent hazardous voltages, and by using acceptance testing to determine whether or not there will be line imbalance.

16. AT&T's proposal is that hardware protection be retained to protect against hazardous voltages, and that acceptance testing be used to determine whether or not there will be line imbalance, for those systems which do not already inherently incorporate protection against both conditions. Specifically, AT&T has proposed that a limited-purpose protective circuit be interposed between each telephone trunk or line connection, and any system wiring, and that this circuit only limit excessive voltages. A preliminary design of such a circuit was submitted to indicate its feasibility, and AT&T has estimated the installed costs of this design at about $20 to $25 per line if integrated into the common equipment.[5] AT&T's proposed acceptance testing for longitudinal imbalance is less complex than GTE's proposal, and involves a call origi-

[4] For example, designation of a particular button on a key telephone instrument as an intercommunication line often involves mechanical and electrical modification to the instrument, and to the common equipment.

[5] Appendix A, infra, reproduces the circuit design submitted by AT&T.

nation, per-line, to the central office from each station, confirmation by listening that dial tone has been received, that dial tone has been broken by the dialing of a digit, and listening to assure that there is not excessive noise on the line (which would be caused by imbalance).

17. In addition, AT&T's proposal requires that there be dc continuity between the telephone network connections and system station equipment to allow detection from the central office of connections with earth ground which might cause imbalance, but which do not cause audible noise on the connection which would be apparent during these acceptance tests. As was the case of GTE's proposal, AT&T also has coupled its proposal with the use of fail-safe means of connection.

18. *Means of connection.* Wiring has otherwise been addressed, informally, within the context of arriving at suitable means of connecting registered key telephone and PBX systems to the telephone network. Basically, this extra-system wiring cannot be protected against by any form of protective circuitry precisely because, of necessity, it is always connected on the telephone network side of the protective circuitry. Unless the telephone companies are willing themselves to install their wiring to the customer's protective circuitry, which they have indicated they are not willing to do, there always will be some length of wire between the customer's equipment and the point of connection to the telephone network.

19. In our Second Report, we indicated that we would convene informal meetings between members of the affected public (primarily, telephone companies and equipment manufacturers) to discuss means of connection to be used to connect registered key telephone and PBX systems to the telephone network.[6] At our informal meetings on May 13 and May 14, 1976, the telephone companies took the position that since the Commission had separated issues raised by intra-system wiring (wiring between the common equipment and station equipment) from issues raised by extra-system wiring (wiring between the common equipment and the telephone network) they would not discuss wiring issues as a unified topic of discussion, particularly in view of the pendency of filed petitions for reconsideration which addressed, inter alia, intra-system wiring.

20. There was substantial disagreement between the telephone company and non-telephone company participants. The telephone companies sought a continuation of the fail-safe philosophy which had already been adopted for connection of telephone instruments, data and ancillary equipment—fail-safe plug and jack connection, with the jacks installed by the local telephone company. The non-telephone company participants claimed that their personnel were as competent as telephone company personnel and that they should be permitted to use the same techniques as are currently employed by many telephone companies for installation of similar equipment, techniques which are not inherently fail-safe. When the participants found that they could not agree over the basic ground rules for connection of PBX and key telephone systems to the telephone network, in order that some useful result could be obtained they assumed arguendo that the fail-safe philosophy already in the rules would apply to these systems, and agreed to implementations thereof, while the non-telephone company participants reserved the right to contend formally before the Commission whether or not such fail-safe means would be required.

21. Under the assumption that action which could potentially negate the network protection built into the equipment would be limited, it was agreed that where "close proximity cabling" (defined below) is used to connect the PBX or key telephone system to the telephone network, certain plugs and telephone company-installed jacks could be used to effectuate the connection. The telephone companies agreed to bring the telephone connections into "close proximity" to the registered equipment or protective circuitry. Connectorized cabling would then be required between the equipment and the interface to the telephone network, and field installation of the connectors would not be permitted; instead, prior registration of the cable/connector combinations would be required. Thus, action during installation would be fail-safe, and not involve acts which, if improperly performed by the installer, could cause the parametric limitations of Part 68 to be exceeded. In recognition that this proposal would not allow for activities which are customary in PBX and key telephone installations (e.g., moves, rearrangements, connection, and disconnection of station equipment) it was also agreed that registered adapters which themselves are relatively fail-safe could also be used as part of the wiring path between the system and the telephone network. Such adapters would be required to contain internal jack and plug means for cross-connection and the like (pluggable patch panels).

22. "Close proximity cabling" was defined functionally as follows:

(a) Registered cable-connector combinations with pre-installed connectors;

(b) Installed in a visible manner (not in conduit);

(c) Fastened with non-conductive fasteners (for mechanical support) or laid in smooth-surface troughs.

23. In order for this limited proposal to operate, the telephone companies had to commit themselves to bringing the telephone connections into close proximity with the terminal equipment. There was discussion as to the meaning of this requirement and several proposed definitions were rejected as too limiting (e.g. "location specified by the customer", "in the same room", "in the same location as the telephone companies would use for installation of their own equipment", etc.). The consensus result was that a location would be chosen for interface of the terminal equipment with the telephone network which would allow the constraints on "close proximity cabling" (para. 22, *supra*.) to operate.[7]

24. The non-telephone company participants pointed out that under various local electrical and fire codes, when they install a PBX switchboard in a lobby they are required to place system wiring cables in conduit (a form of pipe which encloses electrical wiring) and that therefore, because space is limited in the switchboards, the proposal would not accommodate such installations. It was estimated that such lobby installations represented about 2 percent of all installations, and the carriers indicated their willingness to work out special procedures to accommodate such a small proportion of PBX installations. No such procedures have been proposed to date.

25. The non-telephone company participants, as was discussed previously, reserved the right to contend formally before us their desire to use the same wiring and connection techniques which the telephone companies are today using for their own key telephone and PBX installations. In fact, these non-telephone company participants asserted that they are presently using these techniques, although since their connections and wiring to date have been performed behind protective circuitry (telephone company-provided "connecting arrangements") this action has not had a significant potential for harm.

26. These telephone company techniques have included a mix of pre-fabricated connectorized cables (using wire which has either been manufactured or purchased to specifications on quality) and hard-wiring of the wire to connection blocks. It was indicated at the meeting that the current predominant form of connection block is a so-called "punch-down" block, with metallic tines into which wires may be inserted using an appropriate tool. The telephone companies claimed that this operation is not fail-safe, as it requires training in the use of the tool, and training of the personnel to assure that the proper wire is connected with the proper tine; preassembled connectorized cabling makes both such forms of training unnecessary. In addition, the telephone companies have used connectors which are field-installable, thereby permitting their wires to be cut to the appropriate length, and fished through narrow ducts or conduit (which would not allow a bulky connector to pass through its interior).

27. Our informal meetings also assumed, for the purposes of discussion, that the telephone companies themselves would have to use whatever means of connection were adopted.[8] There was some discussion as to whether adoption, by the telephone companies, of the fully connectorized means of connection of PBX and key telephone systems to the network, as proposed in the meeting, would increase their costs of equipment installation, as compared to their present practices of using a mix of hard-wiring and connectorized systems. While the views expressed at the meetings were somewhat speculative, there was general agreement that economies resulting from the more automated fully-connectorized technique would tend to balance any increased costs of using that technique, and that potentially the cost of installation would be reduced in the long run.

DISCUSSION

28. At this juncture, we are faced with several options in addressing extra-system and intra-system wiring, and means of connection of PBX and key telephone systems. First, there are problems related to action which, if improperly performed, can negate the effectiveness of network protection provided by registered equipment or protective circuitry. Second, there are problems related to customization and assembly of systems from sets of standard components which are uniquely assembled and configured for each unique installation. Third, there are problems related to a choice between institutional safeguards (GTE's approach) and hardware safeguards (AT&T's approach) to assuring conformance to the limitations of the rules.

29. PBX and key telephone systems will not, ordinarily, be installed by the uninformed lay public. They will tend to be installed either by the equipment manufacturer, a supplier who configures together subassemblies of the same or different manufacturers, or by service entitities specializing in such installations. Thus, the absolute fail-safe, mistake-proof philosophy of installation of telephone instruments, data and ancillary equipment, which we have adopted in the past for such equipment to be installed by the untrained, does not necessarily apply to PBX and key telephone installations. Some degree of discretionary action would appear to be warranted. On the other hand, the risk of exposure to violations of the technical requirements of Part 68, if these installations in fact are not properly performed, is greater for PBX and key telephone systems than other equipment; physically long runs of wire are involved, with greater opportunities of contacting power wiring and earth ground than with discrete items of terminal equipment such as telephone instruments (which normally have relatively short wires in full sight which are not embedded in walls and ducts).

30. The standards of the National Electrical Code, if followed in every installation, will tend to prevent the occurrence of hazardous voltages, but would be largely ineffective with regard to possible line imbalance due to crosses of the wiring with earth ground. Specifically, the Code provides, in section 800–3 thereof, that communications wiring must be physically separated from electrical power wiring, which would make crosses with such sources of hazardous voltages virtually impossible. The problem with adopting these standards is two-fold: (1) How do we assure that in every installation the standards will be followed; and (2) what force, if any, would the National Electrical Code have in the many jurisdictions which have not adopted it? An answer to the second question might be that we could adopt, as part of our rules, the applicable provision of the National Electrical Code and thereby make it effective nationally for telephone terminal equipment installation, wholly independent of the existing enforcement mechanisms for the Code.

31. This would still leave the first question pendant, however. GTE proposes attestation by the installer that each installation conforms to the standard, which process might well provide adequate assurances, particularly in view of the customer's substantial interest in properly performing business telephone services such as are provided in PBX and key telephone systems. Improperly performed installation which would violate the limitations of Part 68 has a high probability of rendering the equipment inoperative. AT&T, however, takes the position that attestation is not enough, that some form of inspection would be required[9], although it does not offer to perform such inspections.[10] AT&T's alternative proposal, of using a limited-purpose protective circuit (for hazardous voltages only) would moot considering the questions raised by GTE's proposals, as such a circuit would make it unnecessary for us to specify installation standards for system wiring except for the wiring between the circuitry and the telephone network. This extra-system wiring poses a simpler set of concerns as it need not consist of long runs, nor be located in close proximity to power wiring.

32. In considering the issues and proposals before us, relating to system wiring and means of connection of PBX and key telephone systems to the telephone network, we note that there may not have been adequate exploration of all possibilities for assuring adequate network protection with minimal governmental interference with efficient equipment design and installation techniques. Proposals before us concerning extra-system wiring are inconsistent with proposals before us concerning intra-system wiring, although the potential aberrations from improper wiring remain the same regardless of which type of wiring is involved (unless protective circuitry is interposed before such wiring).

33. We note that AT&T's proposed definition of "on-site wiring", for example, would allow for the installation of wiring terminated in spade lugs to be placed under terminal screws at the premises. This proposal relates to the extra-system wiring, to which no protection is accorded by protective circuitry, and if improperly performed (e.g. by placement of the lugs under the wrong screws, or by positioning the lugs so that they short against other screws or against one another) this installation could nullify the network protection accorded by equipment registration. Thus, AT&T's own proposal would allow for this form of discretionary action. On the other hand, if connectors are used for such wiring, field installation of the connectors using somewhat more fail-safe wire insertion tools is not permitted under AT&T's proposal, on the theory that mistakes in the installation of the connector could potentially lead to "harm". Finally, AT&T would only allow for intra-system wiring behind protective circuitry which would assure that this wiring, regardless of how it is performed, is fail-safe.

34. GTE's proposal requires different treatment of extra-system wiring and intra-system wiring. The intra-system wiring, which typically involves longer wiring runs and more wires than the extra-system wiring, is controlled under GTE's proposal through installer qualification and attestation. Yet, the extra-system wiring, which is more visible and presents far fewer problems, would be required to be rigidly limited by the FCC's rules, essentially to the constraints contained in our informal meeting's proposed definition of "close proximity cabling."

35. Moreover, we are informed that it is fairly widespread practice for telephone companies to contract out the installation of telephone wiring to others. While it could be argued that a telephone

[6] Such informal procedures, followed by formal rulemaking in Docket No. 20774, had expeditiously been used to arrive at suitable standard plugs and jacks for the connection of telephone instruments, ancillary and data equipment.

[7] Appendix B, infra., lists the entities who attended these meetings and Appendix C reports the agreed-upon specific means of connection of registered PBX and key telephone systems. AT&T subsequently submitted a proposed definition of "on-site wiring" which contains, inter alia, a somewhat different version of the constraints on "close proximity cabling" which were arrived at at the meetings. This too is reproduced in Appendix C and is available for comment herein. While adoption of the proposed connectors of Appendix C is a possible outcome of this proceeding, adoption of hard-wired ("punch-down") terminal blocks, either with or without some form of per-line or per-trunk disconnect mechanism (e.g. removable metallic links or clips) is also a possible outcome in view of our analysis of discretionary action and solicitation of comments thereupon.

[8] This was not a foregone conclusion at that time; that issue was then on appeal to the United States Court of Appeals, Fourth Circuit. The Court of Appeals has now sustained our inclusion of telephone company equipment within the registration program although pending a decision by the United States Supreme Court, the program presently remains stayed pendente lite as to telephone company equipment.

[9] The National Electrical Code is largely intended to govern installation of electrical power wiring and apparatus, although it also contains provisions related to communication wiring. It is today enforced, depending upon the jurisdiction involved, by licensure of electricians, by inspection by authorities, or by combinations thereof.

[10] The Rochester Telephone Company in Rochester, New York, has for several years allowed customer-provided PBX and key telephone equipment to be connected without "connecting arrangements". That telephone company itself performs inspection of the customer's system wiring.

company's contractor is operating under the telephone company's (presumably) informed control and possible inspection, the inescapable fact is that others than telephone company employees have been deemed by the telephone companies themselves to be competent to install and place wiring. This pattern also indicates that it has not been an insurmountable problem for other than telephone company installers to learn a set of wiring standards, and to conform their wiring to such standards.

B. PROPOSED RULES RELATING TO PBX AND KEY TELEPHONE SYSTEM INSTALLATION AND CONNECTION

36. In view of the foregoing discussion, we are soliciting comments on a variety of possible approaches to assuring adequate network protection, while retaining flexibility in equipment design and without imposing unnecessary burdens. We are asking that the fundamental issues relating to possible negation of the network protection built into the equipment be addressed, in the real-world environment of PBX and key telephone system installation, as well as the more specific issues relating to FCC rule changes and means of connection to the network.

37. We ask that comments not be limited solely to the GTE and AT&T proposals, as these proposals are not the only means available for assuring network protection. For example, both AT&T and GTE have proposed (different) acceptance tests to assure that no longitudinal imbalance results as a consequence of wiring installation; perhaps some form of acceptance testing (e.g. high-voltage pulse testing, or breakdown testing) could also be used to assure adequate insulation of telephone and power wiring. Alternatively, wiring could be required to be run in pipes (conduit) devoted exclusively to communications wiring. If that were the case, it would become virtually impossible for such wiring to contact hazardous voltages, and therefore hazardous voltage concerns would be vitiated. If such wiring were even further constrained, by requiring such pipes to be metallic and connected with earth ground, no possibility of exposure of the telephone network to hazardous voltages would remain.

38. Inspection could be used to assure proper wiring as well. A competent inspector could be required to examine, and if necessary to test, wiring installations to determine adequate insulation of the telephone wiring from power wiring; acceptance testing could be used, as currently proposed by both GTE and AT&T, to determine adequate longitudinal balance either as part of the inspection process or outside this process. Or, overall balance could be measured from the telephone company central office. That this possibility is not merely speculative is demonstrated by the fact that one telephone company, Rochester Telephone, has for several years used inspection to asusre adequate installation of non-telephone company premises wiring, without incident.

39. Other mixtures of discretionary action with constraints imposed by our rules are also possible when wiring and means of connection are considered together as part of the broader issues. For example, the constraints over extra-system wiring contained in AT&T's proposal no longer may be required (e.g. fail-safe installation techniques, standard plug/jack interface) if we adopt suitable controls over intra-system wiring which are applicable to extra-system wiring as well.

40. With regard to hardware protection, as currently proposed by AT&T (and by GTE for equipment which inherently incorporates this protection as part of its design), the draft circuit design submitted by AT&T to demonstrate feasibility may not be the most economic approach to achieving hazardous voltage limitation. This approach uses electromechanical technology (relays) which is not amendable to the cost reductions evidenced over the past decade in semiconductor technology. Other entities, other engineering expertise and other design approaches may well produce an alternative means of achieving the same degree of protection at a far lower cost than AT&T's estimated $20 per-circuit. A change in the cost of acheiving such protection might well tip the balance in our ultimate decision as to which approach to adopt.

41. In sum, therefore, we conclude that additional consideration of these matters is necessary. We specifically wish comments to address:

(a) What should be the form and extent of any discretionary action allowed in the installation of PBX and key telephone systems, and the configuration of PBX and key telephone systems from sets of registered components and subassemblies thereof?

(b) How, if at all, is the class of persons who are to be deemed competent to perform such action to be defined?

(c) What constraints shall be placed upon extra-system wiring (wiring between the system and the telephone network) and intra-system wiring (wiring between system components) through technical standards to be incorporated in Part 68 of the FCC's rules, consistent with levels of discretionary action which are to be allowed?

(d) If the present (tentative) approach of the registration program to PBX and key telephone system registration (interposition of protective circuitry between the telephone network and intra-system wiring) is to be continued, either without modification, modified as proposed by AT&T (hazardous voltage protection only) or as an alternative option to whatever rules are adopted herein, are there designs or design constraints which can reduce the cost of such circuitry below the levels which AT&T has advanced: $30 to $40 per-circuit if the tentative requirement of protection against both hazardous voltages and imbalance is retained; $20 to $25 per-circuit for AT&T's initial design of a circuit intended to protect solely against hazardous voltages?

(e) In view of the possible definition of a class of persons deemed competent to perform acts which potentially could negate the network protection built into registered PBX and key telephone equipment if improperly performed, and the possible allowance of levels of such action herein, what means shall be specified in Part 68 of the FCC's rules for connection of PBX and key telephone systems to the telephone network?

(f) Should inspection by qualified inspectors be used to assure proper installation of wiring? How is the class of "qualified" inspectors to be defined?

(g) Are telephone company employees qualified to perform inspection, and if so should telephone companies be required to conduct inspection of PBX and key telephone installations by non-affiliated suppliers or installers? Under what terms and conditions should the telephone companies be required to do so?

(h) Are the authorities who normally enforce the National Electrical Code (local inspectors or licensed electricians) qualified to perform inspection of PBX and key telephone installations? Could the Commission appropriately adopt rules which condition the right to connect registered PBX and key telephone systems to the telephone network upon satisfactory completion of such local inspection?

(i) If telephone companies are to remain as the only entities qualified to install wiring unless electrically located behind interposed protective circuitry, to what extent shall the telephone companies be required to install wiring that connects registered components of PBX and key telephone systems? On what basis will the customer be able to use such telephone company-installed wiring? Who shall be required to furnish and/or own the wiring itself?

(j) In view of the possible continuation of our tentative requirement for interposed protective circuitry, or of our possible adoption of AT&T's proposal for limited-purpose interposed protective circuitry or a variant thereof, what procedures shall be adopted to allow for the installation of "grandfathered" PBX and key telephone equipment which does not already inherently contain such interposed protective circuitry?

(k) In view of the foregoing, what specific rules should be adopted in Part 68 of the FCC's rules and regulations, 47 CFR 68.1 et seq., to deal with the issues of discretionary action regarding installation and/or configuration of PBX and key telephone systems?

42. Appendix C hereto reports the means of connection which were advanced at our informal meetings regarding means of connecting PBX and key telephone systems to the telephone network, under the assumption that a fail-safe plug/jack means would be adopted. While adoption of such means is a possible outcome of this proceeding, in view of our revisitation of installation of such systems herein, adoption of hard-wired

("punch-down") terminal blocks is also a possible result should rules be adopted which assure that the discretionary action involved in performing such connections is properly performed. Hard-wired means could be used either with some form of disconnect mechanism (e.g. removeable metallic links or switches) to allow for immediate disconnection by a subscriber, consistent with the requirements of Section 68.104, or such a disconnect mechanism may prove to be unnecessary if we conclude that any such work will be performed by trained individuals.

C. ENVIRONMENTAL SIMULATION REQUIREMENTS FOR "LARGE" EQUIPMENT

43. In the companion Memorandum Opinion and Order which we are adopting today, we discuss various parties' contentions that the vibration, and temperature/humidity environmental simulation requirements of the present rules may become burdensome as applied to physically large equipment, such as some BPX and key telephone equipment. Physically large vibration test equipment and environmental test chambers would be required to test conformance to the present requirements of § 68.302(a)–(b). Our paramount concern, of course, remains protection of the telephone network, and we believe that the present requirements of the rules are in fact representative of environmental stress which foreseeably might occur to "large" equipment as well as to small equipment. Nevertheless, these parties assert that intallation procedures and acceptance testing which is, of necessity, associated with installation of such large equipment will weed out any units that might have failed as a consequence of stresses occasioned during shipment and installation, and that therefore the requirements of § 68.302(a)–(b) are unnecessary.

44. In an attempt, if at all possible, to avoid unnecessary burden to applicants, we are requesting comments on the following issues to resolve this matter:

(a) At what physical dimensions for "large" equipment (e.g. weight, width/depth, girth, volume, etc.) does it become excessively burdensome to require demonstration of conformance to § 68.302 (a)–(b)?

(b) In view of the packaging, shipment and installation techniques associated with such "large" equipment, will conformance to § 68.302(c) provide the requisite assurance of conformance of the equipment to the standards of Subpart D of Part 68 (other than § 68.302), over time and over subsequent production? What other requirements in addition thereto would be necessary?

(c) How, if at all, shall the Commission assure that such packaging, shipment and installation techniques as are described in response to the previous issue in fact will be employed for all installations of "large" equipment?

(d) In view of the foregoing, what specific rules or rule changes should be adopted in Part 68 of the FCC's rules and regulations, 47 CFR 68.1 et seq.?

45. Accordingly, and for the reasons heretofore stated: *It is ordered*, That interested parties may file comments on the issues delineated in paras. 41 and 44 herein prior to July 30, 1977, and may file reply comments prior to August 30, 1977.[11] In accordance with the provisions of § 1.419 of the Commission's Rules and regulations, 47 CFR 1.419, an original and 5 copies of all statements, briefs or comments shall be filed with the Federal Communications Commission, Washington, D.C. 20554, and all such comments will be available for public inspection in the Docket Reference Room at the Commission's Washington, D.C. offices.

46. *It is further ordered*, That pursuant to 47 U.S.C. 153(i), 154(j), 201–05, 215, 218, 220, 313, 403, 309(e)–(h) and 412, and 5 U.S.C. 553, notice is hereby given of proposed rule changes in Part 68 of the Commission's Rules and Regulations, 47 CFR 68.1 et seq., in accordance with the discussion and delineation of issues herein.

47. *It is further ordered*, That pursuant to 47 U.S.C. 151, 154(i), 154(j), 201–05, 215, 218, 220, 313, 403, 309(e)–(h) and 412, and 5 U.S.C. 553, Docket No. 19528 is hereby reopened, and that this proceeding is subject to further order by the Commission.

FEDERAL COMMUNICATIONS COMMISSION,[12]
VINCENT J. MULLINS,
Secretary.

APPENDIX A

("DRAFT")

DESCRIPTION OF HAZARDOUS VOLTAGE PROTECTIVE CIRCUITRY [1]

(See Figure 1 Attached for Circuit Diagram)

The *L* relay contains a pair of bifilar windings so that under normal equipment operation (ringing, busy, or hold state), the two magnetic flux fields of the *L* relay cancel each other and the relay does not operate. When any of the hazardous conditions of 68.306(d) occur, the currents through the two *L* windings are not balanced and the *L* relay operates. Consider the fault condition consisting of an ac voltage impressed on *CR* with *CT* open. During positive half cycles, current flows to ground through the *L* contact, CR_1, C_1, T_1 and T_2 windings, CR_4, and the network (R_1, R_2, and C_1). During negative half cycles, current flows from ground through the network (R_1, R_2, and C_1), CR_2, C_1, T_1, and T_2 windings, CR_3, and the *L* contact to *CR*. The four diodes referred to above serve as a full wave bridge to derive a dc voltage to operate the T_1 and T_2 windings. The capacitor C_1 serves as a storage element to hold the *T* relays operated during the zero crossings of the hazardous voltage. The

[11] The Commission recognizes that industry-wide cooperative activity, such as that presently underway in committees sponsored by the Electronic Industries Association and the Institute of Electrical and Electronics Engineers, may lead to technical contributions which can aid in resolving the issues herein, and we encourage this activity and submissions by such organizations.

[12] Commissioner Hooks concurring in the result; Commissioner Quello absent.

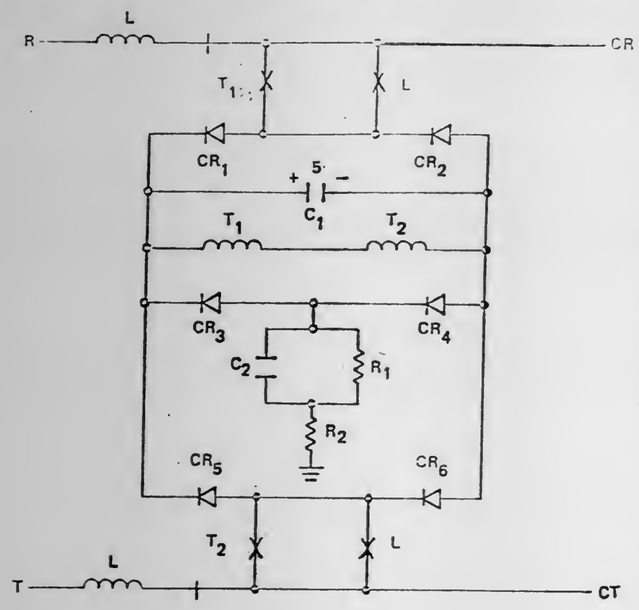
[1] Submitted by AT&T with its February 1, 1977 "Supplemental Comments In Opposition to Petitions for Reconsideration."

function of the network (R_1, R_2, and C_3) is to hold the T relays operated during the range of 17 to 60 Hz to limit the voltage impressed on the T relay windings. When the voltage on C_1 has risen sufficiently, the T relays operate. This causes the T_1 and T_2 transfer contacts to open the paths from CR and CT through the L windings and instead provide paths for CR and CT to their respective diode bridges. With current through the L relay windings terminated, the L contacts release and the path for the hazardous voltage condition considered above is through the T_1 contact.

Appendix A
Page 2

ILLUSTRATIVE DESIGN OF HAZARDOUS VOLTAGE PROTECTIVE CIRCUITRY

(PATENT PENDING)



L - Two winding relay (bifilar) with 2 make contacts

DC resistance of windings: Approximately 41 ohms in each winding

Minimum operate current: Approximately 26 milliamperes rms/winding

FIGURE 1

APPENDIX B

ENTITIES ATTENDING THE COMMISSION'S INFORMAL MEETINGS CONCERNING MEANS OF CONNECTION OF PBX AND KEY TELEPHONE SYSTEMS, MAY 13–14, 1976

Telephone Companies

American Telephone & Telegraph Co.
General Telephone & Electronics Corp. (GTE)
Mid-Continent Telephone Co.
United Telecommunications, Inc.
Rochester Telephone Co.

Equipment Manufacturers

Automatic Electric Co.
Stromberg-Carlson Co.
L. M. Ericsson Co.
Action Communications System
Bunker-Ramo Corp. (Amphenol Division)
RCA, Inc.
ITT, Terryphone
ITT Telecommunications
Central Telephone Co.
Reliable Electric Co.
Executone, Inc.
3M Company
International Business Machines (IBM)
TRW, Inc.
TIE Communications
N. E. C. Telephones
Iwatsu America, Inc.
Burndy Corp.
Rolm Corp.
Amp, Inc.
T/R
Wescom
IPC
RCAS Co.
OKI Electronics of America
Collins Radio
Communications Control Corp.
Melco Labs.
National Communications Services

Government Agencies

Federal Communications Commission
Rural Electrification Administration
Canadian Department of Communications (observer)

Trade Associations

North American Telephone Association (NATA)
Electronic Industries Association (EIA)

APPENDIX C

1. *Means of connection agreed upon.*—a. Multiple-mounted arrangements of current-6-position "modular" jacks for T/R connections (see §§ 68.500(a) and 68.500(b) of the Commission's Rules).

b. 60-position "ribbon" connectors, male and female (see §§ 68.500(e) and 68.500(f) of the Commission's rules).

2. *Discussion.*—Under option "a" above, rearrangement and individual line (or trunk) disconnection is possible because each line (or trunk) is terminated on its own plug/jack combination. Under option "b" above, rearrangement and individual line disconnection is not possible unless a pluggable patch-panel adapter is interposed between the terminal equipment and network connectors.

Such an adapter was intended to be accommodated within the confines of the proposal to adopt option "b" above, if registered either as part of the connecting cable/connector combination leading from the telephone network to the terminal equipment, or as an integrated part of the terminal equipment itself.

3. *Additional means offered, but not agreed upon.*—The North American Telephone Association, a trade association of non-telephone company equipment manufacturers and suppliers, recommended that 25-pair, "punch-down" connecting blocks, be adopted as the interface to the telephone network. In the alternative, NATA recommended:

a. A modified 25-pair "punch-down" connecting block, modified to include a security cover, removeable clips to allow single line (or trunk) disconnection, and a side-mounted "ribbon" connector to implement option "b" above. The telephone company would perform the "punch-down" wiring operations on its connecting block, but it would allow non-telephone company personnel to remove the clips if necessary. Thus, the actual interface would remain a telephone company installed "ribbon" connector as in option "b" above, but without one of its limitations.

b. A conventional, unmodified, 25-pair "punch-down" connecting block, wherever local telephone company policy permits.

c. A conventional, 25-pair "punch-down" connecting block, requiring wire jumpers for continuity between the telephone network connections and terminal equipment connections, to be installed by the installer of the terminal equipment.

4. *Adapters.* A definition of an adapter which might be interpositioned between otherwise mating "ribbon" connectors, to allow additional flexibility, was offered. The limitations of this definition were:

a. compatibility with the standard connectors;

b. construction so as to minimize the probability of physical damage in its normal working environment;

c. design to preclude the possibility of intentional or accidental transportation of tip and ring within a pair, splitting of pairs, an open conductor within a pair, shorts, or crosses to other conductors or earth ground;

d. exposed working surfaces of the adapter so designed that, with any protective cover removed, and with internal jumpers either installed or removed, probing of the working surface with a conductive sphere of one inch in diameter shall not result in contact with any line conductor; and

e. design to allow multiple-ganging of adapters in such a manner as to facilitate cross-connection between adapters without running any jumpers outside the parimeter of the ganged adapters.

5. *Bell Proposal.* As revised in its July 2, 1976 Reply to Oppositions to its Petition for Reconsideration of our Second Report and Order in Docket No. 19528, AT&T proposed the following definition of "on-site wiring", which would be the wiring connecting the registered terminal equipment or protective circuitry with the telephone network for a PBX or key telephone system installation:

On-Site Wiring. Any wiring required on the terminal equipment side of the interface for the assembly, installation or rearrangement of equipment on a user's premises, including but not limited to the connection of units of a multiple unit installation and the adaptation of a unit(s) to execute factory options. All such installations or rearrangements of wiring and equipment constitute "on-site wiring" except the following:

(1) Performed by the User:

(a) The connection together of units of equipment by means of factory assembled plug and/or jack-ended cords of no more than 25 feet in length that are provided as part of the registered equipment, or

(b) The performance of routine maintenance in accordance with instructions contained in the Grantee's instruction manual.

(2) Performed by the Grantee or the trained, authorized agent of the Grantee:

(a) The connection of factory assembled connectorized or spade-tipped wiring harnesses or connectorized or spade-tipped cords of no more than 25 feet in length (or any practical length: *Provided*, That they are jacketed with at least .030 inches of polyvinyl chloride or equivalent) to other connectors or terminal fields for spade-tip leads, provided that:

(i) The wiring harness or cord is provided as part of the registered equipment.

(ii) Only signals used for network control signaling and supervision described in § 68.306(a) or voltages from nonhazardous sources described in § 68.306(b)(4) appear at any time on any of the terminals of the connecting fields or on any of the leads in the wiring harness or cord, and

(iii) The terminal field is so constructed and located as to preclude inadvertent contact of 60 Hertz commercial AC power with any of the terminals,

(b) The insertion or exchange of plug-in circuit modules that are factory assembled and provided as part of the registered equipment,

(c) The installation of "equipment-change" kits which are factory assembled and provided as part of the registered equipment, or

(d) The performance of changes in equipment after compliance with the notice requirements of § 68.214.

[FR Doc.77-17871 Filed 6-23-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Parts 258, 260]

FINANCIAL ASSISTANCE UNDER TITLE V OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Disclosure of Information Submitted in Applications

AGENCY: Federal Railroad Administration, DOT.

ACTION: Proposed rule.

SUMMARY: This notice proposes the withholding from mandatory disclosure of certain categories of information contained in applications submitted for financial assistance under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended ("4–R Act"). Many applicants have requested that the same categories of information required to be submitted in the applications be held in confidence, and these categories of information appear to be the type of information which may be exempted from mandatory public disclosure, and which might cause securities laws complications if disclosed. The intended effect of this policy is to treat certain categories of information as confidential upon the filing of an application.

DATE: Comments must be received by July 14, 1977. Requests for extensions of the comment period will not be considered.

ADDRESS: Comments should be addressed to Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal attorney: Sander M. Bieber, Office of Chief Counsel, 202–426–8220.
Principal program person: Stanley J. Prymas, Office of National Freight Assistance Program, 202–426–4950.

SUPPLEMENTARY INFORMATION: Title V of the 4–R Act established two financial assistance programs: the section 505 preference share program and the section 511 guarantee of obligations program. Applicants are required to submit applications for financial assistance in accordance with regulations codified in Part 258 (section 505) and Part 260 (section 511) of Title 49, Code of Federal Regulations. Several applicants have requested that certain information submitted in an application not be released by the Federal Railroad Administrator ("Administrator") upon request from a member of the public made under the Freedom of Information Act ("FOIA"). In many cases, it is the same category of information in each application that the applicants have sought confidential treatment for.

The Administrator believes that certain categories of information should be treated as confidential because the release of such information from any title V application would, in every case, cause substantial harm to the competitive position of the applicant, or be a trade secret of the applicant. Forecasted financial data submitted in an application, if released, might also create securities laws complications. The Administrator believes that such categories of information all fall under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

Accordingly, the Administrator proposes to withhold from mandatory disclosure under the FOIA the following categories of information required to be included in title V applications for financial assistance (listed by section of Title 49, Code of Federal Regulations):

258.9(c) and 260.9(c). Any financial statements containing periodic data not previously filed with the Interstate Commerce Commission ("Commission").

258.9(d) and 260.9(d). Any financial statements containing periodic data not previously filed with the Commission, and any financial statements for forecasted months.

258.9(e) and 260.9(e). All information submitted under these sections.

258.9(f) and 260.9(f). Any financial statements containing periodic data not previously filed with the Commission, and any financial statements for forecasted months.

258.9(g) and 260.9(g). All information submitted under these sections.

258.7(a)(10) (i), (ii), (iii), (iv), (v), (vi). Statements concerning current and projected traffic base, operating plans, system-wide plans to maintain equipment and right-of-way, rationalization plan, facilities that could be consolidated, and impact of financial assistance on financial forecasts.

Economic Impact Statement: The Federal Railroad Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, OMB Circular A–107, and DOT Order 2050.4 (1976).

Compliance with Departmental Regulatory Reform. In conformance with the Secretary's regulatory policies, 41 FR 16200 (1976), FRA Notice 1100.1 (1976), the impact of this proposed rule has been analyzed and has been determined to be so minimal that the proposal does not warrant an evaluation.

(Sec. 506 and Sec. 511, Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94–210), as amended.)

Dated: June 17, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.77-18032 Filed 6-23-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATOR, EMERGENCY NATURAL GAS ACT OF 1977

[Docket No. E77-123]

EL PASO NATURAL GAS CO.

Emergency Order Pursuant to Section 6 of Pub. L. 95-2

On June 17, 1977, El Paso Natural Gas Company, (El Paso) filed, pursuant to Section 6 of the Emergency Natural Gas Act of 1977 (Act), Pub. L. 95-2 (91 Stat. 4 (1977)) an application for authorization to make certain emergency purchases of natural gas from Diamond Shamrock Corporation (Diamond). El Paso also requests permission to have this gas transported. For the reasons set forth below, I authorize the purchase and transportation requested.

By agreement dated June 16, 1977, El Paso agreed to purchase 10,000 Mcfd of natural gas from Diamond's McKee Gasoline Plant, Moore County, Texas. Said agreement will begin as soon as practicable as an emergency purchase and will terminate on July 31, 1977.

El Paso will purchase these supplies at a price of $2.25 per MMBtu, inclusive of all state and local taxes and other adjustments. I find the price to be fair and equitable in accordance with Order No. 2.

El Paso advises that arrangements have been made for the transportation of the subject gas. Natural Gas Pipeline Company of America (Natural) will receive the subject gas at the point of interconnection between Natural's facilities and Diamond's McKee Gasoline Plant for El Paso's account. Natural will transport or by displacement deliver thermal equivalent amounts at existing points of interconnection between El Paso's and Natural's respective pipeline facilities located in Reeves and Ward Counties, Texas. Natural will charge El Paso a handling fee of one cent for each Mcf of gas redelivered, plus 0.4 percent of the thermal equivalent for gas required for compression fuel in its pipeline system. Since the parties have agreed upon a transportation charge, I find no basis for prescribing other charges.

El Paso shall submit weekly reports as required by Order No. 4.

Pursuant to Section 6(a) of the Act I hereby authorize Diamond to sell El Paso natural gas from the McKee Gasoline Plant, Moore County, Texas, on the terms and conditions set forth in El Paso's filing in this proceeding. Pursuant to Section 6(c)(1) of the Act, I hereby authorize and order Natural to transport gas for El Paso.

This order is issued pursuant to the authority delegated to me by the President in Executive Order No. 11969 (February 2, 1977), and shall be served upon El Paso, Diamond, and Natural. This order shall also be published in the FEDERAL REGISTER.

This order and authorization granted herein are subject to the continuing authority of the Administrator under Pub. L. 95-2 and the rules and regulations which may be issued thereunder.

RICHARD L. DUNHAM,
Administrator.

[FR Doc. 77-18000 Filed 6-23-77;8:45 am]

DEPARTMENT OF AGRICULTURE

[Marketing Agreement 146]

PEANUTS; 1977 CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34, and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1977 Crop Peanuts," "Outgoing Quality Regulation—1977 Crop Peanuts" and the "Terms and Conditions of Indemnification—1977 Crop Peanuts," which modify or are in addition to the provisions of section 5, 31, 32, and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended "Incoming Quality Regulation—1977 Crop Peanuts." "Outgoing Quality Regulation—1977 Crop Peanuts" and the "Terms and Conditions of Indemnification—1977 Crop Peanuts," be issued to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1977 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1977 Crop Peanuts," "Outgoing Quality Regulation—1977 Crop Peanuts," and the "Terms and Conditions of Indemnification—1977 Crop Peanuts" are hereby approved.

Dated: June 17, 1977.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

INCOMING QUALITY REGULATION—1977 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1977 crop peanuts:

(a) *Modification of section 5, paragraphs* (b), (c), *and* (d). Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1977 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) Seed peanuts, no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers' stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of kernels which ride screens with the following slot openings: Runner, 15/64 x 3/4 inch; Spanish and Valencia, 15/64 x 3/4 inch; Virginia, 15/64 x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the kernels which ride the prescribed screen are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The loose shelled kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable:

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergellus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed or by sale as peanuts failing to meet human consumption requirements pursuant to paragraph (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting acquisitions of such peanuts to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to paragraph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (1) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as prescribed by the Committee. To be eligible to receive or acquire Segregation 2 or 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse storage facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1977 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities shall have reasonable and safe access to allow for inspection of the facility and its contents. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient safeguards to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and well must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements specified for human consumption in paragraph (a) of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled seperate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragaph (h)(1) of the Outgoing Quality Regulation.

OUTGOING QUALITY REGULATION—1977 CROP PEANUTS

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1977 crop peanuts:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3)

JUN 24 77
UM

9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners or Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with Splits." The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this paragraph (a) shall be as follows:

Type	Screen openings	
	Split and broken kernels	Whole kernels
Runners	$^{17}/_{64}$ in round	$^{11}/_{64}$ x $^{3}/_{4}$ in slot.
Spanish and Valencia	$^{15}/_{64}$ in round	$^{15}/_{64}$ x $^{3}/_{4}$ in slot.
Virginia, except No. 2 Virginia	$^{17}/_{64}$ in round	$^{12}/_{64}$ x 1 in slot.
No. 2 Virginia	$^{17}/_{64}$ in round only for split, broken and whole kernels.	

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) Damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through $^{15}/_{64}$ x $^{3}/_{4}$ slot screen; for Runners 3.00 percent whole kernels which will pass through $^{16}/_{64}$ x $^{3}/_{4}$ inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through a $^{15}/_{64}$ x 1 inch slot screen, and (c) otherwise meet specification of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) With more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a U.S. Department of Agriculture laboratory (hereinafter referred to as "USDA laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample No. 1", "Sample No. 2", and "Sample No. 3" and each sample shall be placed in a suitable container and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample No. 1 may be prepared for immediate testing or Sample No. 1, Sample No. 2, and Sample No. 3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample No. 1 to be ground by the Federal or Federal-State Inspection Service or a USDA or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample No. 1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample No. 1. It shall be designated as "Subsample 1–CD". Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in USDA or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample No. 2 and Sample No. 3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample No. 1 are known. Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample No. 2 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample No. 2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB." Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample No. 3 to be ground by the Inspection Service in a "subsampling mill." The resultant ground subsample from Sample No. 3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB." Subsample 2–AB and Subsample 3–AB shall be analyzed only in USDA or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost (specified by the Committee) of drawing the three 48-pound samples, grinding of Sample No. 1 and preparation and delivery of Subsample 1–AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample No. 1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis certificate covering the lot. When any of the samples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler.

The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling, the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia —$^{15}/_{64}$ x $^{3}/_{4}$ inch, Virginia—$^{16}/_{64}$ x 1 inch, and fall through and pickouts; shall be disposed of only by sale as domestic oil stock, by crushing or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanuts kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of non-edible quality peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee, except that loose shelled kernels and fall through may be commingled in the same lot. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wildlife feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (l)(1) or (l)(2) of this regulation or they may be moved to another handler for such disposition. Such peanuts may be disposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other category of peanuts detemined by paragraph (l)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (l)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the committee.

Meal produced from peanuts which were disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. However, loose shelled kernels, fall through and pickouts and meal from such peanuts, in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or by a USDA laboratory, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation applicable to 1977 crop peanuts, a handler may transfer non-edible quality peanuts described in paragraph (g)(1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing quality requirements.* (1) Handlers may sell to other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h)(3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects, moisture, or foreign material or are positive as to aflatoxin. Handlers who move such peanuts to a blancher shall report, to the Committee on a form furnished by the Committee, movement of each such lot and the title shall be retained by the handler until the peanuts are blanched and certified by an inspector of the Federal or Federal-State Inspection Service as meeting the requirements for disposal into human consumption outlets. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Blanching under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such blanching.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) to domestic crushing, (b) to export to countries other than Canada and Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting exportation. Each lot of such peanuts shall have been positive lot identified as

prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted": *Provided*, That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operations at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestricted" pursuant to the provisions of paragraph (l)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted." Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted." However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (l)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or nonhandler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) May be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation, or; (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segregation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregation 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) To other handlers for fragmenting or crushing, or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The aflotoxin results shall be shown on the handler's "in-land" bill of lading and the invoice covering the shipment. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Associations and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2 farmers stock peanuts or commingled Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) To other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) To another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for fragmented peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxin assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.* (1) In addition to milling (shelling, cleaning, etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All such dispositions to export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k)(1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision of the Committee and the Area Association and all peanuts handled under the provisions of this paragraph (k)(2), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k)(2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human consumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock; pursuant to paragraph (k)(2).

(b) The entire mill production of shelled peanuts from Segregation 2; or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels and fall through, commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2) and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i). Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts whole fragmenting them or after they have been fragmented: (1) With any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 20 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish $^{16}/_{64}$ x $^{3}/_{4}$ inch slot; Runner $^{16}/_{64}$ x $^{3}/_{4}$ inch slot; and Virginia $^{16}/_{64}$ x 1 inch slot. Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) With any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2) of the Outgoing Quality Regulation.

(b) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragraph (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph h(3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels and fall through commingled pursuant to paragraphs (g) (2) and (3).

(g) Positive Lot Identified lots of seed peanut residuals pursuant to paragraph (i).

(h) PAC indemnified peanuts.

Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (l)(2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The aflatoxin results shall be shown on the handler's "in-land" bill of lading and on his invoice covering the shipment. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (l)(2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilized or other nonfeed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Sereation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), and PAC indemnified peanuts shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

TERMS AND CONDITIONS OF INDEMNIFICATION—1977 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of an handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1977 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to

JUN 24 1977 UM

such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service concludes that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot has been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1977 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection ocurring prior to shipment, contained not more than 1 percent damaged kernels other than minor defects. Lots with damage in excess of 1 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight, less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1977 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1977 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1977 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnication payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot which has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was field wtih the Committee.

Claims for indemnification on 1977 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquisition, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on 1977 crop peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the 1977 crop shall be filed with the Committee no later than November 1, 1978.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a USDA laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's, to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1977 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1977 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1977 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification are as follows:

CLEANED INSHELL PEANUTS

(1) U.S. Jumbos
(2) U.S. Fancy Handpicks
(3) Valencia—Roasting Stock [1]

U.S. GRADE SHELLED PEANUTS

(1) U.S. No. 1
(2) U.S. Splits
(3) U.S. Virginia Extra-Large
(4) U.S. Virginia Medium

SHELLED PEANUTS "WITH SPLITS"

(1) Runners with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through 16/64 x ¾ slot screen.

(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 15 64 x ¾ slot screen.

(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a 15/64 x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) Were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation for 1977 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1977 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2 percent unshelled peanuts, damaged kernels and minor defects; (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

The indemnification value for all categories of peanuts eligible for indemnification, except U.S. Virginia Extra Large and all types of peanuts grading U.S. Splits as noted hereinafter, shall be a base price equal to the indemnification value, by type, on 1976 crop peanuts, plus an increase of 7½ points for each $1 increase in the final support price, by type, of the 1977 price support on farmers stock peanuts over the 1976 national average support price by type. The indemnification value for U.S. Virginia Extra Large shall be two cents per pound more than the indemnification value for other indemnifiable categories of 1977 Crop Virginia type peanuts. The indemnification value for U.S. Splits of all types shall be three cents per pound less than the indemnification value for other indemnifiable categories of 1977 Crop peanuts by type. All indemnification values shall be rounded to the nearest tenth of a cent per pound.

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

[FR Doc.77-17876 Filed 6-23-77;8:45 am]

Farmers Home Administration

[Designation No. A482]

CONNECTICUT

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Connecticut Counties as a result of excessive rainfall May 6 and May 10, 1977, and a snowstorm May 9, 1977:

Hartford Tolland

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Ella T. Grasso that such designation be made.

Applications for emergency loans must be received by this Department no later than August 1, 1977, for physical losses and March 1, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 17th day of June 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-18030 Filed 6-23-77;8:45 am]

[Designation No. A485]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Union County, New Mexico, as a result of a snowstorm and high winds March 10 and 11, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for emergency loans must be received by this Department no later than August 8, 1977, for physical losses and March 9, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C. this 17th day of June 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-18031 Filed 6-23-77;8:45 am]

[Notice of Designation Number A487]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following New York Counties as a result of excessive rainfall followed by cold weather and more rain April 1, 1976, through April 1, 1977, in Livingston County; and above normal temperature and rain which caused snowmelt and flooding March 13 and 14, 1977, in Rensselaer County. There was adverse weather August 19, 1976, through April 1, 1977, in Suffolk County. Suffolk County was affected by Hurricane Belle which caused a coating of salt spray on Long Island. This caused most vegetation to be burned. Following Hurricane Belle Suffolk County suffered a most severe winter and the abnormal cold was accompanied by high winds.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Hugh L. Carey that such designation be made.

Applications for emergency loans must be received by this Department no later than August 11, 1977, for physical losses and March 10, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 17th day of June 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-18033 Filed 6-23-77;8:45 am]

[Notice of Designation Number A486]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of excessive rainfall during the growing season April 1 through June 30, 1976, and again during the harvest season, September 15 through December 20, 1976, combined with extremely cold weather in Bastrop County and high winds February 2, 22, and 24, March 2, 10, 11, 17, 24, and 28, and April 1, 1977, in Deaf Smith and Oldham Counties.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than August 8, 1977, for physical losses and March 9, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 17th day of June 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77-18034 Filed 6-23-77;8:45 am]

Forest Service

SKAGIT RIVER STUDY

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Skagit River Study, USDA-FS-FES(Leg)-75-06.

The environmental statement concerns a proposed amendment to the Wild and Scenic Rivers Act (Pub. L. 90-542) to add 157.5 miles of rivers in the Skagit River basin, Skagit and Snohomish County, Washington, to the National Wild and Scenic Rivers System as Recreational and Scenic Rivers.

This final environmental statement was transmitted to CEQ on June 17, 1977.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20013.
USDA, Forest Service, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Bldg., Seattle, Washington 98101.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine St., Portland, Oregon 97204.

A limited number of single copies are available upon request to Forest Supervisor Don R. Campbell, Mt. Baker-Snoqualmie National Forest, 1601 Second Avenue Bldg., Seattle, Washington 98101.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Acting Deputy Chief,
Forest Service.

JUNE 17, 1977.

[FR Doc.77-18035 Filed 6-23-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 28115]

MIDWEST-ATLANTA COMPETITIVE SERVICE CASE

Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on July 20, 1977, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., June 20, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-18098 Filed 6-23-77;8:45 am]

[Docket 20001]

TWA-SOUTHERN ROUTE EXCHANGE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 19, 1977, at 10:00 a.m. (local time), in the Hyatt Regency Hotel, 623 Union Street, Nashville, Tennessee.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served March 11, 1977, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 20, 1977.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc.77-18099 Filed 6-23-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

HEARING ON AGE DISCRIMINATION

Denver, Colorado

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, as amended, 42 U.S.C. 1975 et seq. (1976), that the U.S. Commission on Civil Rights will hold a public hearing in Denver, Colorado dealing specifically with the provisions of the Age Discrimination Act of 1975, enacted as part of the Older Americans Amendments of 1975, 42 U.S.C. 6101 et seq. (1976). The hearing will be held on July 28 and 29, 1977 at the Federal Building Courthouse, Room 2330, 1961 Stout Street, Denver, Colorado. The hearing will begin each day at 8:30 a.m. An Executive Session, if appropriate, will be convened on June 28 at the same location as the hearing.

The purpose of the hearing is to elicit the views of interested parties, including Federal departments and agencies, on issues relating to age discrimination in programs and activities receiving Federal financial assistance and particularly with respect to the reasonableness of distinguishing on the basis of age among potential participants in, or beneficiaries of, specific federally assisted programs.

The hearing will give particular attention to the following federally assisted programs and activities: Comprehensive Employment and Training Act Public Service Employment Programs; Community Mental Health Centers; Community Health Centers; Vocational Rehabilitation; Legal Services; Title XX of the Social Security Act; Food Stamps; Medicaid; and selected areas in the field of Education.

Dated at Washington, D.C., June 15, 1977.

ARTHUR S. FLEMMING,
Chairman.

[FR Doc.77-18029 Filed 6-23-77;8:45 am]

CIVIL SERVICE COMMISSION

ACTION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Executive Officer, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17926 Filed 6-23-77;8:45 am]

ACTION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes ACTION to fill by noncareer executive assignment in the excepted service the position of Executive Assistant for Programs, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17927 Filed 6-23-77;8:45 am]

ACTION

Notice of Title Change in Noncareer Executive Assignment

By notice of March 14, 1972, FR Doc. 72-3824 the Civil Service Commission authorized ACTION to fill by noncareer executive assignment the position of Deputy Associate Director for VISTA and Anti-Poverty Operations (Director of VISTA), Office of the Associate Director for Domestic and Anti-Poverty Operations, Office of VISTA. This is notice that the title of this position is now being changed to Deputy Associate Director for VISTA and ACTION Education Programs, Office of VISTA and ACTION Education Programs, Office of Domestic and Anti-Poverty Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17928 Filed 6-23-77;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Food Safety and Quality Service, Office of the Assistant Secretary for Food and Consumer Services.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17929 Filed 6-23-77;8:45 am]

CIVIL SERVICE COMMISSION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Civil Service Commission to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Special Assistant to the Chairman for Transition Planning, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17930 Filed 6-23-77;8:45 am]

DEPARTMENT OF COMMERCE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, National Fire Prevention and Control Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17783 Filed 6-23-77;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary of Defense (International Security Affairs), Immediate Office, OASD (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17931 Filed 6-23-77;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Personal Representative of the Secretary of Defense on the Strategic Arms Limitation Talks Delegation, Immediate Office, OASD (International Security Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17732 Filed 6-23-77;8:45 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Manpower, Reserve Affairs and Logistics), Immediate Office, OASD (Manpower, Reserve Affairs and Logistics), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17932 Filed 6-23-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorities the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel-Legal Counsel, Immediate Office, Office of the General Counsel, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc.77-17934 Filed 6-23-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorities the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant to the Secretary for Public Affairs, Office of Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
Commissioners.

[FR Doc.77-17935 Filed 6-23-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the De-

partment of Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Under Secretary, Office of the Under Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17936 Filed 6-23-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary-Congressional and Legislative Affairs, Office of the Assistant Secretary-Congressional and Legislative Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17937 Filed 6-23-77;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

NAME: Federal Employees Pay Council.

DATE AND TIME: July 6, 1977, 2 p.m.

PLACE: U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Room 5A06A.

TYPE OF MEETING: Open.

CONTACT PERSON:

Claire Kline, Committee Management staff for the President's agent, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. (202-632-5595).

PURPOSE OF COMMITTEE: To make recommendations to the President's agent with respect to the process and procedures leading to, and amounts of, annual comparability adjustments in Federal white-collar pay.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the President's agent announces the following meeting of Federal Employees Pay Council.

AGENDA: Discussions on the 1977 comparability adjustment for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

For the President's agent.

RICHARD H. HALL,
Committee Management Officer for the President's agent.

[FR Doc.77-17679 Filed 6-23-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Administrator for Conservation Policy Coordination, Office of Conservation.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77 17933 Filed 6-23-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Director, Office of Communications and Public Affairs, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17731 Filed 6-23-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service on a temporary basis a second position of Deputy General Counsel, Office of the General Counsel, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-17730 Filed 6-23-77;8:45 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary, Occupational Safety and Health Administration, Office of the Assistant Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.77-17729 Filed 6-23-77;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1977 commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 27, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed additions, all entities of the Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1977, November 18, 1976 (41 FR 50975):

Class 7210

Pillow, Neoprene, 7210-01-035-3342.

Class 7510

Board, Wall Calendar, 7510-00-789-2455.

Class None

Safety Guard Modification Kit "A", PS Item 01075B.

SIC None

Affix Labels-U.S. Patent Documents, U.S. Department of Commerce, Patent and Trademark Office, Crystal City, Arlington, Virginia.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-18041 Filed 6-23-77;8:45 am]

PROCUREMENT LIST 1977

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1977 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 24, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On January 25, 1977 and March 18, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 4512) and (42 FR 15116) of proposed additions to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1977:

Class 4910

Creeper, Mechanic's (SH), 4910 00 106 7834.

Class 8340

Pin, Tent, Aluminum (SH) 8340-00-261-9749.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-18040 Filed 6-23-77;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

The following is a list of environmental impact statements received by the Council on Environmental impact statements received by the Council on Environmental Quality from June 13 through June 17, 1977. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (August 8, 1977) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Errett Deck, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Final

Gallina unit plan, Santa Fe, N.F. Rio Arriba and Sandoval Counties, N. Mex., June 16: Proposed is a management plan for the 59,780 acre Gallina Planning Unit, Santa Fe National Forest. The proposal recognizes the need to continue commodity management at about the current level while continuing the protection of amenity values. Adverse effects include temporary impacts from commodity production resulting in soil disturbance, dust from unsurfaced roads, vegetative debris, and surface erosion when ground cover is reduced. Comments made by EPA, USDA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 70747.)

Red River ski area expansion, Taos County, N. Mex., June 16: Proposed is the further development of Red River Ski Area in Red River, New Mexico. The statement discusses three alternatives for expanding ski facilities, and describes the associated impacts. The resort is located on Carson National Forest lands, where a special permit for recreation has been granted. Comments made by HEW, EPA, USDA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 70748.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Alaska 6 Golden Valley, two 60MW turbines, Alaska, June 17: Proposed is the construction of two 60-megawatt combustion turbines and associated transmission lines and substations at North Pole, Alaska, in the Fairbanks North Star Borough. A 69 kV transmission line to the Highway Park Substation (approximately 3 miles) and a 138 kV line to the proposed Bently Substation (approximately 17 miles) will be associated with the turbines. Operation of the units will result in the emission of nitrogen and sulfur oxides and an insignificant quantity of particulates. Comments made by DOT, EPA, DOC, DOI, USDA, RPC, State and local agencies, and concerned citizens. (ELR Order No. 70751.)

SOIL CONSERVATION SERVICE

Final

Blue Eye Creek watershed, Alabama (2), Calhoun and Talladega Counties, Ala., June 14: Proposed is the Blue Eye Creek Watershed Project, which provide watershed protection and flood prevention in Calhoun and Talladega Counties, Alabama. The project includes conservation land treatment measures and about four miles of channel work. Two floodwater retarding structures and about 1.8 miles of channel work have been installed. About 47 acres of forest land will be cleared for channel installation within the channel work rights-of-way. Comments made by DOD, HEW, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 70739.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-2186.

Draft

Rookery Bay Estuarine Sanctuary, several Florida Counties, June 16: The proposed action is to award a grant to the State of Florida to acquire, develop, and operate an estuarine sanctuary in Rookery Bay, Boundaries of the existing 5,400 acre, privately maintained Rookery Bay Sanctuary would be expanded to include adjacent mangrove and upland transitional areas resulting in about 8,500 acres of land and water under State control. The action may result in potential conflicts between the sanctuary and adjacent owners in terms of drainage projects, mosquito control activities, and restrictions imposed by scientific research. (ELR Order No. 70746.)

DEPARTMENT OF DEFENSE
ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1600 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-6795.

Final

East Bend Station, Units 1 and 2 (Permit), Boone County, Ky., June 17: The proposed action is the issuance of a permit which would allow the construction and operation of a 1,200 megawatt coal-fired electric generation facility by the Cincinnati Gas and Electric Company. The project will involve approximately 938 acres of mostly agricultural private land. Wildlife habitat will be lost with resulting reduction in local wildlife populations. Nine families have already been relocated. Winnfield Cottage at Piatt's Landing, a historical property will be subject to visual, audible, and atmospheric elements that are out of character for the site. An increase in barge traffic would also affect recreational boating. (Louisvill District.) Comments made by EPA, HUD, DLAB, HEW, USDA, FPC, DOI, DOT, ORBC State and local agencies, and interested persons. (ELR Order No. 70753.)

N. C. Phosphate Corp., Beaufort Co. dredging, Beaufort County, N.C., June 17: Proposed is the granting of a permit to the North Carolina Phosphate Corporation for dredging and filling activities in the vicinity of Aurora, Beaufort Co., North Carolina. Plans call for the dredging of a 25,000-ft. long, 125-ft. wide, 10.5-ft. deep access channel, a 2,000-ft. long, 250-ft. wide, 10.5-ft. deep turning basin, and 2 discharge canals. The purpose of the project is to provide for disposal of dregded materials and mineral wastes from phosphate mining. Adverse effects include alteration of the aquatic ecology of South Creek, as well as degradation of air and water. (Wilmington District.) Comments made by EPA, USDA, DOC, DOI, HEW, USCG, State and local agencies, and concerned citizens. (ELR Order No. 70752.)

Final

Adkin Branch flood control project, Lenoir County, N. Dak., June 17: The proposed action consists of enlarging the existing channel on Adkin Branch from the Neuse River to Queen Street in the City of Kingston, North Carolina. The excavated material will be placed only on one side of the channel or will be removed to a landfill area. Adverse impacts include loss of about 28 acres of wooded land and ornamental trees and shrubbery, disruption of wildlife, and increased turbidity. (Wilmington District.) Comments made by EPA, HEW, USDA, HUD, DOI, FPC, State and local agencies, and interested parties. (ELR Order No. 79689.)

ENVIRONMENTAL PROTECTION AGENCY

Please refer to the separate notice published by EPA in this issue of the FEDERAL REGISTER for the appropriate EPA contact.

Draft

Albuquerque wastewater treatment facilities, New Mexico, June 13: Proposed is the construction of 105 miles of new interceptor

V 42 122
JUN 24 77
UMI

and collector sewer lines for the City of Albuquerque. Also, relief interceptors will be constructed parallel to overloaded lines and lift and odor control stations will be upgraded. It is proposed that 1 mgd of effluent be sold to the Public Service Company of New Mexico for use as cooling water. All other effluent will be discharged to the Rio Grande as at present. Adverse impacts include consumption of energy, materials, chemicals and financial resources; generation of small amounts of non-recycled wastes; and continued discharge to the River. (Region VI.) (ELR Order No. 70734.)

Final

Shell Chem. Co. polypropylene plant—permit, St. Charles County, La., June 15: The proposed action is the issuance of a new source NPDES permit for discharge of plant effluent and stormwater from Shell Chemical Co.'s proposed polypropylene plant into Bayou Trepaguier, Louisiana. The proposed plant, located on a 64-acre site in Narco/Goodhope, will produce polypropylene pellets. An average of 680 gallons/minute of clarified water from the Mississippi R. will be used for cooling tower makeup, utility water, and wash systems for railroad cars and the polypropylene blender silos. Plant operation will result in emissions of hydrocarbons, carbon monoxide, nitrogen oxides, and particulates. Comments made by USDA, AHP, COE, DOT, DOI, EPA, State and local agencies, and interested parties. (ELR Order No. 70743.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–6308.

Draft

Ranch Country subdivision, Harris County, Tex., June 16: Proposed is the development of 399 acres into a planned community, to be known as Ranch Country Subdivision. The project will be composed of single family homes, and commercial reserves, and will provide housing for approximately 5000 people. The development will result in increased loading of solid waste disposal sites, increased groundwater consumption, and increased demand for fossil fuels through heavy dependence upon the automobile for transportation. (ELR Order No. 70749.)

Final

Merrillville Terrace multifamily project, Lake County, Ind., June 15: Proposed is the development of Merrillville Terrace on 60.2 acres over a period of 5 years. The first phase of development will be 426 multi-family units (out of a total of 797) on 36.33 acres. Plans call for an open space recreation area with clubhouse, pool, and tennis courts. Commercial development is planned on 17.2 acres adjoining on the west by a different developer. Construction of Merrillville Terrace will result in slightly increased vehicular use of existing streets in the area. Comments made by EPA, AHP, USDA, DOD, 2FPC, 2GSA, DOI, DOT, State and local agencies, and interested parties. (ELR Order No. 70741.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 5311, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF INDIAN AFFAIRS

Final

Mancos Canyon Indian park, Montezuma County, Colo., June 13: The proposed action is the development of the Mancos Canyon Indian Park that will protect, preserve, and interpret numerous rivers located in Mancos Canyon on the Ute Mountain Ute Indian Reservation. The project includes a modern access road, foot trails, camp facilities in the park, and a modern motel and restaurant near the park entrance. Adverse impacts resulting from the development will be the excavation of ruins, and the introduction of many visitors to a relatively unvisited area. Comments made by DOI, AHP, and interested parties. (ELR Order No. 70733.)

GEOLOGICAL SURVEY

Final

East Decker and North Extension mines, Decker Coal Co., Big Horn County, Mont., June 13: The proposed action is the surface-mining and reclamation of the East Decker and North Extension mines in Big Horn County, Montana. The Decker Coal Co. plans to open a new mine with plant and loading facilities to remove 180 million tons of low-sulfur coal from a 3500-acre area, over the next 20 years. The relocation of short sections of a FAS highway and a county road will be necessary. The mining activity will result in the removal of shallow aquifers, allowing for leaching of soils and erosion; alteration of soil mixtures on 4,000–5,000 acres; reduction in air quality; and loss of 6,300 acres of grazing land. Comments made by AHP, USDA, FPC, EPA, HEW, FEA, ERDA, USA, State and local agencies, and interested groups and persons. (ELR Order No. 70731.)

NATIONAL PARK SERVICE

Draft

Lassen Volcanic National Park, several California Counties, June 13: Proposed is adoption of a general management plan for Lassen Volcanic National Park, located in Lassen, Plumas, Shasta, and Tehama Counties, California. The purpose of the action is to guide park management relative to development and visitor use. Major features of the plan include removal and relocation of facilities in the Manzanita Lake area due to a rockfall-avalanche hazard; and redesignation of Lassen ski area to reduce congestion, optimize proportionate use of terrain. The action will result in reduction in opportunities for harvesting timber, generating geothermal power and grazing livestock. (ELR Order No. 70744.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Division of Reactor Licensing, P–722, NRC Washington, D.C. 20555, 301–443–6965.

Draft

Lucky Mc Uranium Mill, County, Fremont County, Wyo., June 17: The proposed action is the continuation of Iowa Material License SUA–672 (with amendment) issued to Utah International Inc. for the operation of the Lucky Mc Uranium Mill in the Gas Hills region of Fremont county, Wyoming. The application for amendment proposes to increase the mill capacity to 2000 tons (1820 MT) of ore per day and increase the storage capacity of the tailings ponds to permit the continuation of present production rates of U308 through 1987 using lower-grade ores. Adverse effects include alternation of 200 acres of sagebrush-grassland, and construction-related impacts. (ELR Order No. 70755.)

Final

Wm. H. Zimmer Nuclear Power Station, County; Clermont, Ohio, June 13: Proposed is the issuance of a license to the Cincinnati Gas and Electric Co., the Columbus and Southern Ohio Electric Co., and the Dayton Power and Light Co. for the startup and operation of the Wm. H. Zimmer Nuclear Power Station located on the Ohio River, 24 miles southeast of Cincinnati. The plant will employ a boiling water reactor to produce up to 2436 MWt of electrical power capacity. A steam turbine-generator will use this heat to provide up to 840 MWe of electrical power capacity. Exhaust steam will be condensed by water circulated through a natural-draft cooling tower. Comment made by: AHP USDA, DOI, ERDA, EPA, and State and local agencies, concerned citizens. (ELR Order No. 70735.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Final

Oakland-Pontiac Airport, Runway 9R–27L, Oakland County, Mich., June 13: Proposed is the extension of Runway 9R–27L of the Oakland-Pontiac Airport, Pontiac, Michigan. Project plans involve the acquisition of land for approach protection, construction and lighting of an easterly extension to Runway 9R–27L, the resurfacing of the runway and parallel taxiway and apron, and construction and lighting of a connecting taxiway including holding apron. Adverse effects of project implementation include the relocation of three households. The runway extension will cause air pollution and noise to increase. Comments made by: EPA, DOI, DOT, COE, AHP, USDA, and State and local agencies, interested persons. (ELR Order No. 70736.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–279 and East Street, Allegheny County, Pa., June 15: The proposed action is construction of 2.1 miles of I–279, including the East Street Interchange and reconstruction of a portion of Traffic Route 28 in Pittsburgh, Pennsylvania. The new highway section would be a 4, 6 and 8-lane facility with fully controlled access. The project will result in construction-related impacts and the demolishment of a youth recreation center. Other adverse effects include displacement of 255 families and 214 local businesses, and abandonment of numerous streets. (Region 3.) (ELR Order No. 70740.)

S.R. 842 (Broward Blvd.), Ft. Lauderdale, Broward County, Fla., June 15: Proposed is the widening of a 2.0 mile section of S.R. 842 in Fort Lauderdale, Florida. The project will widen a section from S.R. 9 (I–95) to East 8th Avenue to U.S. 1, already six lane divided. The present undivided, four laned arterial will be upgraded to six lanes with a median. Adverse impacts will result from the possible relocation of 8 families and 39 businesses, be less than those resulting if the facility is not improved. A 4(f) statement is included concerning Stranahan Park. Comments made by: USCG, COE, DOC, HEW, DOI, EPA, and State and local agencies, concerned citizens. (ELR Order No. 70742.)

US–131, 19 Mile Road to US–131 North, Mecosta, Osceola Counties, Mich., June 17: Proposed is the construction of a segment of US–131, which would begin at 19 Mile Road, north of the City of Big Rapids in Mecosta County and would terminate at LeRoy Road, north of the Village of Ashton in Osceola County, Michigan. The length of the segment is approximately 20 miles. Adverse impacts include: disruption of existing aquatic and terrestrial ecosystems, displacement of 30 residences and 2 businesses, and the acquisition of between 500 and 600 acres of agricultural land. Comments made by: HUD, DOI, USDA, EPA, USCG, DOT, and State and local agencies, concerned citizens. (ELR Order No. 70750.)

Detroit-Rocky River Bridge, Cuyahoga County, Ohio, June 14: The purpose of the project is to replace the 708 foot long Detroit-Rocky River Bridge spanning the Rocky River between the cities of Lakewood and Rocky River. The statement includes alternatives of replacing the bridge on its present site or relocating it on one of three new alignments, and the involvement of Cleveland Metropolitan Park District's Rock River Reservation which borders on the right-of-way. The selected alternative represents a skew bridge alignment extending southerly from the existing eastern bridge approach to approximately 200 feet south of the existing western bridge terminus. (Region 5.) Comments made by: DOT, DOI, EPA, AHP, USCG, and State and local government, concerned citizens. (ELR Order No. 70737.)

Supplement

S.R. 45 (U.S. 41) (S–1), June 14: This statement supplements a final EIS filed with CEQ in November 1972. Proposed is the construction of a 4.7 mile segment of four lane divided S.R. 45 (U.S. 41) beginning at mile post 5.6 in Lee County and terminating at the existing four-lane section north of Estero. Because of the adverse effects of the recommended alternate in the FEIS on the Koreshan Unity Settlement Historic District, the approved corridor through Estero was rejected by the State Historic Preservation office. This supplemental EIS explores in further detail the remaining alternates. (Region 4.) (ELR Order No. 70738.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

Metrobus Garage Facility, Montgomery County, Md., June 16: Proposed is the granting of federal capital grants assistance to the Washington Metropolitan Area Transit Authority for a Metrobus Garage and Maintenance Facility for 250 buses in Montgomery County, Maryland. The garage is proposed for suburban bus service particularly in conjunction with the future complementary operation of Metrobus-Metrorail. The EIS reviews 3 alternative sites for the new facility. Adverse impacts include the relocation of businesses and/or clearing of woodlands. (ELR Order No. 70745.)

VETERANS ADMINISTRATION

Contact: (For Housing Programs), Mr. Lyman T. Miller, Assistant Director for Construction and Valuation, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, 202–389–2691. (For all other programs), Mr. Nicholas Clark, Civil Engineer, Technical Services Division, Engineering Service, Veterans Administration, Washington, D.C. 20420, 202–389–2086.

Draft

D.C. Area National Cemetary, Virginia, June 13: Proposed is the development of a Washington, D.C. Area National Cemetery in Quantico, Virginia. The 726.58-acre site is located on land excessed by the Department of Navy, Quantico Marine Corps Base. The cemetery will accommodate 300,000 veterans and their dependents with a variety of interment types. Adverse impacts include 50 percent less of forest condition, excessive grading, soil erosion, and disruption of a Wildlife Management area. (ELR Order No. 70732.)

NICHOLAS C. YOST,
Acting General Counsel.

[FR Doc.77–18206 Filed 6–23–77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 21, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Avionics Acquisition will hold meetings on July 11, 12, 13 and 14, 1977 from 9 a.m. to 5 p.m. at Wright-Patterson Air Force Base, Ohio.

The Committee will receive classified briefings on the acquisition of avionics for Air Force systems.

The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–4811.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–18139 Filed 6–23–77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 21, 1977.

The USAF Scientific Advisory Board ad hoc Committee on Test and Evaluation will hold a meeting on July 20 and 21, 1977 from 8:30 a.m. to 5:30 p.m. each day at the Air Force Test and Evaluation Center, Kirtland Air Force Base, New Mexico.

The Committee will receive classified briefings and hold classified discussions on the Air Force JTIDS program. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information contact the Scientific Advisory Board Secretariat at 202–697–8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–18140 Filed 6–23–77;8:45 am]

JANNAF INTERAGENCY PROPULSION COMMITTEE

Workshop on External Burning

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a workshop on external burning will be held Thursday and Friday, July 14–15, 1977 at 9 a.m. in the Frank Wolfe's Beach Side Motel, Cocoa Beach, Florida. This workshop is sponsored by the Department of Defense Chemical Propulsion Advisory Committee (Combustion Working Group).

The Committee's primary responsibilities are to provide technical advice to the Joint Army, Navy, NASA, Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. This workshop will review the analytical and experimental studies of external burning related to propulsion, base drag reduction, and rapid vehicle control. Modeling efforts will be discussed and the predictions analyzed and compared to existing experimental data.

The workshop of the Advisory Committee is open to the public. Public attendance, depending on available space, may be limited to the persons who have notified the Workshop Coordinator in writing, at least five (5) days prior to the workshop, of their intention to attend the workshop.

Members of the public who may wish to do so are invited to submit material in writing to the Workshop Coordinator concerning matters believed to be deserving of the workshop's attention. To the extent that time permits, the Workshop Coordinator may allow public presentation of oral statements at the workshop.

All communication regarding this workshop should be addressed to the Workshop Coordinator, Dr. Carroll E. Peters, ARO, Incorporated, Arnold AFS, Tennessee 37389.

BERNARD T. WOLFSON,
Program Manager, AFOSR, Bolling AFB.

[FR Doc.77 18134 Filed 6–23–77;8:45 am]

Department of the Army

FUNDAMENTAL REACTIONS IN SOLID PROPELLANT COMBUSTION

Workshop

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a workshop on the fundamental reactions in solid propellant combustion will be held on Tuesday and Wednesday, July 26–27, 1977 at 9 a.m. in Room 116, Building 390, U.S. Army Ballistic Research Laboratory, Aberdeen Proving Ground, Md. This workshop is sponsored by the Department of Defense Chemical Propulsion Advisory Committee (Combustion Working Group).

The Committee's primary responsibilities are to provide technical advice to the Joint Army, Navy, NASA, Air Force (JANNAF) Interagency Propulsion Committee and to promote the exchange of technical information in the field of chemical propulsion. At this workshop, the chemical mechanisms involved in the combustion of both nitramine and nitrate ester solid propellants will be examined. The mechanisms will be evaluated in terms of their correlation with experimental measurable properties such as burning rates, species concentration

profiles, combustion products, and flame temperatures.

The workshop of the Advisory Committee is open to the public. Public attendance, depending on available space, will be limited to the persons who notify the Workshop Coordinator in writing, at least five (5) days prior to the workshop, on their intention to attend the workshop.

Members of the public who may wish to do so are invited to submit material in writing to the Workshop Coordinator concerning matters believed to be deserving of the attention of the workshop participants. To the extent that time permits, the Workshop Coordinator may allow public presentation of oral statements at the workshop.

All communications regarding this workshop should be addressed to the Workshop Coordinator, Dr. Robert A. Fifer, DRDAR-BLP, U.S. Army Ballistic Research Laboratory, Aberdeen Proving Ground, Maryland 21005.

ROBERT A. FIFER,
Ignition and Combustion Branch, Propulsion Division Ballistic Research Laboratory.

[FR Doc.77-18027 Filed 6-23-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 751-6; OPP-180129]

ARKANSAS DEPARTMENT OF COMMERCE

Issuance of a Specific Exemption To Use Avitrol To Control Bird Damage to Rice Crop

The Environmental Protection Agency (EPA) has granted a specific exemption to the Arkansas Department of Commerce (hereafter referred to as the "Applicant") to use not more than 80,000 pounds of an Avitrol product to control damage by depredating birds which are threatening the rice crop in Arkansas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, rice producers in Arkansas regularly sustain considerable damage to their crops as a result of blackbird damage to sprouting seed. Lack of an approved blackbird control in rice would have a serious impact on farmers in all rice producing counties. The acreage damaged so severely that it must be replanted would result in increased production costs and decreased crop yields. For many years, Aldrin was used as a seed treatment for rice, primarily against rice water weevil. According to the Applicant, secondary benefit derived from seed treatment with Aldrin was that the treated rice also served as a bird repellent; Aldrin was used on an estimated 80 percent of the rice seeded in Arkansas. The Applicant stated that since Aldrin is no longer available, no satisfactory bird repellent is available.

Rice is a very important crop financially to Arkansas, with the highest acreage planted to rice of any State. The Applicant requested permission to treat a maximum of 80,000 acres of the total 800,000 acres of rice fields in the State; it was estimated that damage to these 80,000 acres could result in an economic loss of $3,000,000.

Currently, there are no avicides or avian repellents registered for use in rice fields. The Applicant proposed to aerially apply one pound of Avitrol Corn Chops-99 (EPA Reg. No. 11649-12), which is equal to 0.03 percent active 4-aminopyridine per acre in sixty foot swaths with a 120 foot swath between treated areas. The actual application rate would be three (3) pounds of product per acre of treated swaths. According to the Applicant, two to three applications may be necessary in some areas should reinfestation occur.

Avitrol Corn Chops-99 is registered for bird damage control in twelve (12) states. It is formulated such that only one particle in one-hundred particles of corn actually contains the active ingredient. To date, most of the field studies with this product have been concerned with its use to control bird damage of corn and sunflowers. Obviously, hazards associated with these uses are significantly different from those associated with rice agriculture.

EPA has determined that the greatest hazard associated with the use of Avitrol is to non-target avian species (migratory and native waterfowl, upland game birds, and songbirds). The greatest hazard generally exists to the smaller avian species. The U.S. Department of the Interior (USDI) reviewed the proposed use of Avitrol and agreed that there are potential hazards to non-target avian species in treated areas; however, the USDI stated that an adequate monitoring program would reduce damage of such species. There are no grain feeding endangered avian species in Arkansas which are likely to be exposed to this use of Avitrol.

A tolerance of 0.1 ppm has been established for negligible residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain, forage and fodder, and sunflower seeds. EPA has reviewed the data submitted for this use of Avitrol and has determined that residues in or on rice grain or straw would not be expected to exceed 0.1 ppm under this use.

After reviewing the application and other available information, EPA has determined that (a) bird depredation of seeded rice in Arkansas is likely to occur; (b) there is no pesticide presently registered and available for use to control bird damage to rice crops; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the birds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions;

1. The EPA registered product, Avitrol Corn Chops-99 (EPA Reg. No. 11649-12), must be used and applied at a maximum rate of three (3) pounds of product per acre of treated swaths. Avitrol will be applied in sixty foot swaths with a 120 foot swath between treated areas;

2. A maximum of three (3) applications will be made. The second and third applications, if necessary, will be made to untreated swaths to prevent double treatment of the same land;

3. The total quantity of Avitrol product used will not exceed 80,000 pounds;

4. This product is extremely toxic to wildlife. Keep out of lakes, streams or ponds. Do not contaminate water by cleaning of equipment or disposal of waste;

5. All appropriate label directions and precautionary statements will be observed;

6. A residue level not to exceed 0.1 ppm 4-aminopyridine in or on rice grain or straw has been deemed adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education and Welfare, has been advised of this action;

7. A full report of this program will be submitted to EPA upon the completion of the program. In addition, a plan must be developed with and approved by the EPA Regional office prior to the application of the pesticide which will ensure that the following requirements and restrictions are observed;

8. Applicators must report the time and place of application to the EPA Regional office at least 24 hours prior to such application;

9. On-site surveillance must be conducted by State or county personnel or personnel of the USDI or the EPA Regional office;

10. Post-treatment monitoring for effects on non-target species must be conducted by one of the above agencies; and

11. This use of Avitrol Corn Chops-99 will be terminated immediately in those areas where high mortality to non-target species occurs. Particular care must be exercised regarding migratory waterfowl.

Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: June 17, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-17990 Filed 6-23-77;8:45 am]

[FRL 750-6; OPP-50283A]

BASF WYANDOTTE

Issuance of Experimental Use Permits; Correction

In FR Doc. 77-9884 appearing on page 17898 in the issue of April 4, 1977, the first line of the fourth paragraph should be corrected to read "No. 7969-EUP-8. BASF Wyandotte Corporation, Parsippany, New Jersey 07054 * * *."

Dated: June 17, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-17985 Filed 6-23-77;8:45 am]

[FRL 752-1; OPP-180124]

CALIFORNIA DEPARTMENT OF HEALTH

Issuance of a Specific Exemption To Use DDT To Suppress Flea Vectors of Plague

The Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Health (hereafter referred to as the "Applicant") to use no more than fifty (50) pounds of DDT for the suppression of flea populations in areas in the foothills and mountains of California, where flea populations vectoring plague on wild rodents may endanger the public health. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460. The situation described in this exemption has been a continuing problem in California since 1975, and has occurred in other States as well. In view of the significance of the problem of plague and the potential exposure of man to plague vectors, EPA is requesting comments/views from interested parties on this control program and any other similar programs. Comments may be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Room E-401, at the Headquarters address shown above. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before July 25, 1977, and should bear the identifying notation OPP-180124. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

According to the Applicant, DDT will be needed again in 1977 to control flea vectors of plague in California. The Applicant applied carbaryl in an effort to suppress flea populations vectoring plague in Plumas County, California, in 1975 and in April 1976; because of the apparent low level of control exercised by carbaryl, the Applicant promulgated a crisis exemption under existing regulations. Forty-seven (47) pounds of a ten percent DDT dust was applied to rodent burrows on 80 acres of two affected campgrounds. Plague-vectoring flea populations were reduced to a level which was adequate to protect the public health. In May 1976, the Applicant requested a specific exemption to apply ten percent DDT dust directly into the burrows of wild rodents to reduce flea populations; this exemption was granted and subsequently amended to include the use of bait dust stations and to increase the amount of DDT to be used. A total of 61.1 pounds active ingredient DDT dust was used under that exemption.

Two human cases of plague resulted from widespread and intensive plague epizootics among rodents in the mountain and foothills regions of California in 1975. According to the Applicant, carbaryl, the only pesticide registered for plague vector control, has a record of doubtful efficacy in some California situations. Evidence indicates carbaryl dust to be reasonably efficacious in controlling fleas of the Ground Squirrel (*Spermophilus beecheyi*) but to be undependable in controlling fleas of chipmunks and other rodents of similar habits. The Applicant also stated that DDT is available and is of demonstrated efficacy against fleas of wild rodents.

The program conducted under this exemption will be essentially the same as the 1976 treatment. The material (DDT dust) will be applied by hand-operated dusters directly into rodent burrows, or applied through the use of bait dust stations at a maximum rate of 0.06 pound per acre of actual DDT. The areas treated will have to meet the following criteria: (1) Without flea control, the public health would be endangered, and (2) the situation would be such as to give rise to a reasonable doubt about the anticipated efficacy of carbaryl. All applications will be made by the Applicant's Vector and Waste Management Section public health biologists. In some cases, other people might be called upon to assist personnel of this Section; in this situation, these people will work under the direct supervision of a public health biologist.

This application was endorsed by Dr. Allen M. Barnes, Chief, Plague Branch, Center for Disease Control (CDC), Fort Collins, Colorado, U.S. Department of Health, Education, and Welfare. According to Dr. Barnes, the plague potential for 1977 is unknown and unpredictable at this time. An extensive plague surveillance program is being conducted by the Applicant and a number of collaborating agencies, including CDC, in order to gain insight in the plague situation as early in the season as possible. Dr. Barnes stated that the issuance of this exemption was advisable so that the Applicant might be prepared for an epizootic outbreak of the plague bacillus among wild rodents.

The Fish and Wildlife Service, U.S. Department of the Interior, informally supports this use of DDT with certain reservations regarding application in the presence of endangered species.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of fleas vectoring plague is likely to occur; (b) there are no alternative means of control available, taking into account the efficacy and hazard; (c) significant health problems may result if the fleas vectoring plague are not controlled; and (d) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until November 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The total amount of DDT used may not exceed fifty (50) pounds actual insecticide;

2. The DDT will be applied directly to wild rodent burrows with hand-powered dusting equipment or applied through the use of bait dust stations;

3. Areas in the foothills and mountains of California to be treated are limited to those meeting the two criteria specified above in this notice;

4. All applications will be made by, or under the supervision of, the Applicant's Vector and Waste Management Section;

5. Dr. Allen M. Barnes, Chief, Plague Branch, CDC (Fort Collins), will be kept advised of all flea population suppression activities;

6. Areas treated with DDT should be surveyed to ensure that no endangered species that could be adversely affected are present;

7. Every precaution will be taken to avoid adverse effects on the American Peregrine falcon; and

8. Liaison will be established with the California Fish and Game Department prior to applying DDT in any area.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: June 17, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-17993 Filed 6-23-77; 8:45 am]

[FRL 751-1; OPP-50301]

CHEVRON CHEMICAL CO. AND ROHM & HAAS CO.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with

respect to the use of pesticides for experimental purposes.

No. 239–EUP–81. Chevron Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 2,347.5 pounds of the insecticide acephate on peanuts to evaluate control of corn earworms, velvetbean caterpillars, armyworms, leafhoppers, granulate cutworms, soybean loopers, and cabbage loopers. A total of 470 acres is involved; the program is authorized only in the States of Alabama, Georgia, North Carolina, Oklahoma, Texas, and Virginia. The experimental use permit is effective from April 21, 1977, to April 21, 1978. A temporary tolerance for residues of the active ingredient in or on peanuts has been established.

No. 707–EUP–82. Rohm & Haas Company, Philadelphia, Pennsylvania 19105. This experimental use permit allows the use of 1,100 pounds of the herbicide 2-Chloro-1-(3 - ethxoy - 4 - nitrophenoxy)-4-(trifluoromethyl) benzene on corn to evaluate control of witchweed. A total of 600 acres is involved; the program is authorized only in the States of North Carolina and South Carolina. The experimental use permit is effective from April 21, 1977, to June 4, 1978. A temporary tolerance for residues of the active ingredient in or on corn has been established.

No. 707–EUP–83. Rohm & Haas Company, Philadelphia, Pennsylvania 19105. This experimental use permit allows the use of 2,036 pounds of the herbicide- 2-Chloro-1-(3-ethoxy -4-nitrophenoxy) -4-(trifluoromethyl) benzene on soybeans to evaluate control of broadleaf weeds and grasses. A total of 8,125 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from April 21, 1977, to June 4, 1978. A temporary tolerance for residues of the active ingredient in or on soybeans has been established.

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: June 17, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77–17988 Filed 6–23–77;8:45 am]

[PRL 750–7; OPP–30134]

DOW CHEMICAL

Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Dow Chemical, Box 1706, Midland, MI. 48640, has submitted to the Environmental Protection Agency (EPA) an application to register the pesticide product GARLON 3A HERBICIDE (EPA File Symbol 464–LUA), containing 44.4% of the active ingredient Triclopyr [[(3,5,6 - trichloro - 2 - pyridinyl) oxy] acetic acid] as the triethylamine salt, which has not been included in any previously registered pesticide products. The application received from Dow Chemical proposes that the product be classified for general use as a Right-of-Way (non-food) herbicide. PM25.

Notice of receipt of this application does not indicate a decision by the Agency on the application. Interested persons are invited to submit written comments on this application to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before July 25, 1977, and should bear a notation indicating the EPA File Symbol "464–LUA." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning this application should be directed to the Product Manager (PM) 25, Registration Division (WH–567), Office of Pesticide Programs, at the above address or by telephone at 202/426–2632.

Notice of approval or denial of this application to register GARLON 3A HERBICIDE will be announced in the FEDERAL REGISTER. The label furnished by Dow Chemical as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 17, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77–17986 Filed 6–23–77;8:45 am]

[FRL 749–2]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Environmental Protection Agency Comments

Pursuant to the requirements of section 102(2) (C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of April 1, 1977, and April 30, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460. telephone 202–755–2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: June 16, 1977.

REBECCA W. HANMER,
Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statement for which comments were issued, between Apr. 1, 1977 and Apr. 30, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
D-COE-B35006-CT	Maintenance Dredging, Mianus River, Greenwich, Conn	EU-2	B
D-COE-B35007-ME	Portland Harbor Maintenance Dredging Project, Fore River, Portland, Maine	EU-3	B
D-COE-C80003-PR	Puerto Rico Aquatic Plant Control, Puerto Rico	LO-2	C
D-COE-D32006-MD	Rock Hall Harbor, Small Navigation Project, Kent County, Md	LO-2	D
D-COE-E32021-FL	Boot Key Harbor, Navigation, Marathon, Fla	ER-2	E
D-COE-F00006-WI	Pleasant Prairie Power Plant, Wisconsin Electric Power Co., Kenosha County, Wis	LO-2	F
D-COE-F32018-MI	Sault Ste Marie, Operation and Maintenance, Federal Navigation and Power Generation Facilities, Mich	LO-2	F
D-COE-F32050-MI	Grand Haven Harbor, Navigation Improvement, Mich	LO-2	F
D-COE-F32058-IL	Kaskaskia Island Drainage and Levee District, Randolph County, Ill	ER-2	F
D-COE-G35003-LA	Development of Port Facilities, Terrebonne Port Commission, Houma, La	ER-2	G
DS-COE-G36025-OK	Parker Lake, Muddy Boggy Creek, Coal County, Okla	ER-2	G
DS-COE-H39029-IA	Waterloo, Local Protection Project, Iowa	ER-2	H
D-COE-K30002-HI	Beach Erosion Control, Kualoa Regional Park, Oahu, Honolulu County, Hawaii	LO-1	J
D-COE-K36020-CA	Redbank and Fancher Creeks Flood Control, Fresno County, Calif.	3	J
D-COE-L30051-WA	Okanogan River Urban Levee Project, Omak, Wash.	LO-1	K
	DEPARTMENT OF AGRICULTURE		
D-AFS-G65022-NM	Western Spruce Budworm Suppression and Evaluation, Santa Fe National Forest, Sandoval and Rio Arriba Counties, N. Mex.	ER-1	G
D-AFS-G65023-NM	Red River Ski Area, Carson National Forest, Taos County, N. Mex.	LO-2	G
D-AFS-J65060-WY	Union Pass Planning Unit, Bridger-Teton National Forest, Sublette and Fremont Counties, Wyo	ER-2	I
D-AFS-J65063-MT	Placid Blanchard Planning Unit, Lolo National Forest, Missoula County, Mont	ER-1	I
D-AFS-K61015-CA	Sierra Ski Ranch Expansion, Eldorado National Forest, Calif.	ER-2	J
D-AFS-L61087-ID	South Fork Salmon River Planning Unit, Boise and Payette National Forests, Valley County, Idaho (USDA-FS-R4-DES-ADM-R4-77-2).	ER-1	K
D-AFS-L64003-AK	Burnett Nonprofit Fish Hatchery, Stikine Area, Tongass National Forest, Alaska (FS-R10-DES ADM-76-6).	LO-1	K
DS-AFS-L65018-AK	Herbicide Use, National Forests of Alaska, Calendar Year 1976, Alaska.	LO-2	K
D-AFS-L65027-OR	Revised Timber Management Plan, Ochoco National Forest, Oreg. (USDA-FS-R6-DES (ADM)-77-7).	LO-2	K
DS-AFS-L82001-00	1977 Addendum to Cooperative Western Spruce Budworm Pest Management Plan, Washington and Oregon (USDA-FS-R6-DES-ADM-76-7).	LO-2	K
D-REA-E07003-GA	Robert W. Scherer Plant and Related 500 kV Transmission Lines, Oglethorpe Electric Membership Corp., Application, Monroe County, Ga. (formerly Central Georgia Project.)	ER-2	E
D-SCS-E36043-AL	Dynne Creek Watershed Protection, Flood Prevention, Municipal and Industrial Water Supply and Recreation, Cleburne County, Ala.	LO-1	E
D-SCS-F36048-OH	Little Auglaize River Watershed, Mercer, Putnam, Paulding and Van Wert Counties, Ohio.	ER-2	F
D-SCS-J36008-CO	Canon Watershed Project, Fremont County, Colo.	LO-2	I
	DEPARTMENT OF DEFENSE		
D-USN-K10001-CA	Ready Missile Test Facility, Pacific Missile Test Center, Point Mugu, Ventura County, Calif.	LO-2	J
D-USN-L02002-AK	Continuing Exploration and Evaluation of Naval Reserve No. 4, Alaska.	LO-1	K
	DEPARTMENT OF THE INTERIOR		
D-BLM-A02112-00	Proposed 1977 Outer Continental Shelf Oil and Gas Lease Sale No. 43 (OCS), South Atlantic.	ER-2	A
D-BPA-L08024-WA	BPA Electrical Service to the Northwest Alloy Magnesium Plant, Addy, Wash. (DES-77-7).	ER-2	K
D-IBR-L36052-WA	Esquatzel Coulee Wasteway, Columbia Basin Project, Franklin County, Wash.	LO-1	K

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF TRANSPORTATION		
DA-FHW-A40434-1A	U.S. 30, Benton and Linn counties, Iowa	ER-2	H
DA-FHW-A41284-KS	U.S. 160, Neosho and Allen Counties, Kans. (FHWA-KS-EIS-72-11-DS-2).	LO-1	H
D-FHW-B40021-CT	I-84 and I-86, East Hartford to Manchester, Hartford County, Conn. (FHWA-CT-77-01-D).	3	B
D-FHW-C40030-NY	NY-9, Ossining Cedar Place to Beach Rd., Westchester County, N.Y.	LO-1	C
DS-FHW-D40033-MD	Air Quality Analysis, Arundel Expressway, Anne Arundel County, Md.	LO-2	D
DS-FHW-D40040-MD	Air Quality Analysis, MD 2 and MD 4 Extended, St. Mary's County, Md.	LO-2	D
D-FHW-K40048-NV	McCarran Blvd., Northwest Quadrant and North-South Freeway to Pyramid Way, Nev.	LO-2	J
D-FHW-D40044-PA	LR 1013, Lackawanna Valley Expressway and the Carbondale Bypass, Lackawanna County, Pa.	ER-2	D
D-FHW-E40095-GA	I-675, I-75 to I-285, Clayton, Henry and De Kalb Counties, Ga. (FHWA-GA-EIS-77-02-D).	ER-2	E
D-FHW-E40099-NC	NC-24 and NC-27, Albermarle Rd., NC-3128 to NC-51, Mecklenburg County, N.C. (FHWA GA-EIS-77-01-D).	LO-2	E
D-FHW-E40100-GA	Canton Rd., Relocation, I-75, to Marietta, Cobb County, Ga. (FHWA-GA-EIS-76-05-D).	ER-2	E
D-FHW-E40101-MS	Bailey Ave. to Illinois Central Gulf RR. Overpass, Hinds County, Miss. (FHWA-MS-EIS-77-01-D).	LO-2	E
D-FHW-H40102-NC	Extension of Dawson and McDowell St., Raleigh, N.C. (FHWA-NC-EIS-77 05-1)).	LO-2	E
D-FHW-H40067-IA	U.S. 30, IA-330, Marshall and Tama Counties, Iowa (FHWA-Iowa-EIS-77-01-D).	LO-2	H
D-FHW-H40068-NB	Beuckelman East, FAS 1270, Dundy County, Nebr.	ER-2	H
D-FHW-K40050-CA	I-980, Corridor Development, Oakland, Calif.	3	J
D-FHW-K40051-HI	Kauai Belt Rd., Kalihiwai to Haena, Kauai, Hawaii	LO-1	J
D-UMT-5B4002-MA	Orange Line Relocation and Arterial Street Construction, Somb Cove to Forest Hills, Boston, Suffolk County, Mass.	LO-2	B
	ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION		
D-ERD-A00126-SC	Waste Management Operations at Savannah River Plant, Aiken, S.C. (ERDA-1537).	LO-2	A
D-ERD-A00127-TN	Management of Intermediate Level Radioactive Waste, Oak Ridge National Laboratory (ORNL), Oak Ridge, Tenn. (ERDA 1553D).	ER-2	A
D-ERD-A00128-ID	Safety Research Experiment Facilities (SAREF), Idaho National Engineering Laboratory (INEL), Idaho (ERDA-1552D).	LO 2	A
D-ERD-A00130-OH	Portsmouth Gaseous Diffusion Plant Site, Piketon, Pike County, Ohio (ERDA-1555D).	ER 2	A
	FEDERAL ENERGY ADMINISTRATION		
DS-FEA-A07086-00	Energy Supply and Environmental Coordination Act sec. 2, Coal Conversion Program (DES-77-3).	ER-2	A
D-FEA-E03002-KY	Central Rock Mine, Strategic Petroleum Reserve, Lexington, Fayette County, Ky.	ER 2	E
	GENERAL SERVICES ADMINISTRATION		
D-GSA-J60001-CO	GSA Leasing Program, Cumulative Effect, West Denver Metro Area, Colo.	ER-2	I
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-C85014-PR	Verdemar Housing Development, Humacao, Puerto Rico	ER-2	C
D-HUD-D85011-PA	Wedgewood Estates Subdivision, Planned residential Development, Chester County, Pa.	LO-2	D
D-HUD-D85012-PA	Industrial Park Urban Renewal Project, Wilkes Barre, Pa.	ER-2	D
D-HUD-E85022-SC	Forestbrook Subdivision, Myrtle Beach Area, Horry County, S.C. (RO4-EIS-77-01-D).	ER-2	E
D-HUD-F85017-MN	Shepard Park West, St. Paul, Ramsey County, Minn.	ER-2	F
D-HUD-F85018-IL	Indian Oaks Subdivision, Will County, Ill.	ER-2	F
D-HUD-G85023-TX	Williamsburg Subdivision, Harris County, Tex.	LO-2	G
D-HUD-G85025-TX	Atascocita Forest Subdivision, Harris County, Tex.	LO-1	G
D-HUD-G85026-TX	Woodland Trails, West Subdivision, Harris County, Tex.	LO-2	G
D-HUD-G85027-TX	Proposed Cimmarron Subdivision, Harris County, Tex.	LO-2	G
D-HUD-G85028-TX	Hunters Glen Subdivision, Fort Bend County, Tex.	LO-1	G
D-HUD-G85029-TX	The Colonies, Harris County, Tex.	LO-1	G
D-HUD-G85030-TX	Colony Park Subdivision, Travis County, Tex.	LO-1	G
D-HUD-G85032-TX	Pebble Hills Addition, El Paso County, Tex.	LO-2	G
D-HUD-G85033-TX	Golf Resort Joint Venture, E Paso County, Tex.	LO-2	G
D-HUD-J24000-MT	Eastside No. 2 Sanitary Sewer Outfall Main, Helena, Mont.	LO-2	I
D-HUD-J85010-CO	Sunstream and Silo Planned Developments, Jefferson County, Colo.	ER-2	I
D-HUD-K85007-CA	The Village, Title X, Chico, Calif.	LO-2	J
	DEPARTMENT OF LABOR		
RD-OSH-A99137-00	Proposed Standard for Occupational Exposure to Lead, Inorganic Lead (40 FR 45934).	LO-1	A
	U.S. POSTAL SERVICE		
D-UPS-C81002-NY	General Mail Facility, Rochester, N.Y.	LO-1	C

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Apr. 1, 1977 and Apr. 30, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
FS-COE-A34128-00	Pumped Storage, Richard B. Russell Dam and Lake, Georgia and South Carolina.	EPA's review of the supplement to the final EIS indicated that there is insufficient information on pumped storage for the Richard B. Russell Dam and Lake to fully evaluate the biological impacts of the proposed operation. Of specific concern to EPA is the lack of specific design details such as what will be the water velocity at the intake, the anticipated area of flow reversal, and the velocities within the area of flow reversal during the pump-back operation? Additional data are needed regarding the effects of the operation on the white bass population in Clark Hill Reservoir and entrainment impacts.	E
FS-COE-A36350-MO	Stockton Lake, Sac River, Downstream Flooding, Cedar County, Mo.	EPA expressed severe environmental reservations with the proposed project. Specific concerns include adverse water quality impacts due to increased velocity and discharge of the Sac River; the degradation of wetlands due to bypassing a portion of the Sac River at Horseshoe Bend; loss of riparian habitat due to bank erosion; and the probable loss of the Sac River fishery.	H
FS-COE-D35002-PA	Diked Disposal Site No. 2, Erie Harbor, Erie County, Pa.	EPA's concerns were adequately addressed in the supplement to the final EIS.	D
F-COE-E35008-SC	Wando and Cooper Rivers, Permit Dredge, Fill and Construction of a Marine Terminal, Charleston County, S.C.	EPA has determined that the project as proposed is environmental unsatisfactory. Major concerns expressed by EPA are the cumulative adverse impacts from runoff, oil spills and industrial development upon the water quality of the Wando River; the destruction and contamination of Marshlands; damage to marine life; secondary development induced by the terminal; and early exhaustion of dredged material disposed sites. In addition, possible alternative sites have not been analyzed sufficiently. Therefore, pursuant to sec. 309(B) of the Clean Air Act, EPA has referred this proposed project to the council on environmental quality as unsatisfactory to public health, welfare and environmental quality.	E

Identifying No.	Title	General nature of comments	Source for copies of comments
F-COE-E35028-FL	Cross Florida Barge Canal, Restudy Report, from St. Johns River at Palatka to the Gulf of Mexico at Yankeetown, Fla.	EPA recognizes that the chief of the US Army Corps of Engineers has recommended the termination of all activities leading toward completion of the Cross Florida Barge Canal. However, EPA's comments were forwarded for the record. Of great concern to EPA is the potential introduction of contaminated water into the Floridian aquifer which is used as a potable water supply and is a potential major water source for the future. Also EPA is concerned about the impacts on water quality form herbidices and pesticide use and nutrient and sulfide enrichment. Further, EPA is concerned with loss and degradation of the unique Oklawaha River system, degraded surface water quality in both the Oklawaha and Withlacoochee Rivers, and loss of bottomlands valuable for timber, wildlife and agriculture production. EPA concurs with the decision of the chief of engineers to terminate the proposed project.	E
F-COE-E36080-00	Operation and Maintenance, Navigation Project, Savannah River Below Augusta, New Savannah Bluff Lock and Dam, Georgia and South Carolina.	EPA's concerns were adequately addressed in the EIS. However, EPA does not agree to the blocking of the old river bends with spoil at the cutoffs. This spoil disposal should be coordinated with the conservation agencies as previously suggested by EPA.	E
F-COE-F06001-MI	Presque Isle Generating Station, Units 7, 8, and 9, Marquette County Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-F35013-WI	Green Bay Harbor Maintenance, Dredging, and Contained disposal of Dredge Materials, Wisconsin.	EPA's concerns were adequately addressed in the final EIS. EPA recommended the supernatant monitoring limits which would cause closure of the CDF should be provided. EPA also recommended future bottom sediment analysis should include pesticides and PCB's.	F
F-COE-H34006-KS	Operation and Maintenance of John Redmond, Marion, and Council Grove Lakes, Kans.	EPA's review of the final EIS indicated the corps was unresponsive to EPA's comments prepared on the draft EIS, therefore EPA has requested that the Corps of Engineers prepare a supplemental EIS. Specifically, EPA requested that data on the water quality of the reservoirs, allocation of water supply storage, and operation of the system reservoirs in the Neosho River Basin be included in the final EIS. The responses to these comments were inadequate thereby leading to EPA's rating of the final EIS as unresponsive.	H
F-COE-K80003-CA	Redwood Shores Regional Shopping Center, Permit, Redwood City, San Mateo County, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF AGRICULTURE			
F-AFS-J65042-SD	Timber Management Plan, Black Hills National Forest, S. Dak. (USDA-FS-R2-FES-ADM-76-06).	EPA's concerns were adequately addressed in the final EIS.	I
FS-REA-A09012-00	Underwood Generation Station, Units 1 and 2, Related Transmission Lines, North Dakota and Minnesota.	....do	I
F-SCS-F36004-IL	Little Cache Creek Watershed, Johnson County, Ill.	....do	F
DEPARTMENT OF COMMERCE			
F-NOA-L64001-OR	State of Oregon Coastal Management program.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA's primary concern was that neither the EIS or the draft coastal management program described the mechanisms by which the coastal management program would be coordinated with EPA sponsored environmental protection programs or the mechanisms which would be used to implement the Federal consistency requirements of the Coastal Zone Management Act: EPA found that the final coastal management program dealt adequately with the 1st of these information gaps. However, EPA also found that Federal consistency procedures are not yet developed and therefore recommended OCZM provide for formal Federal agency concurrence in Oregon's procedures prior to their implementation.	K

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF DEFENSE			
F-UAF-F11004-MI	Closure, Kincheloe Air Force Base, Mich.	EPA's review of the final EIS indicated the USAF was unresponsive to EPA's comments on the draft EIS. EPA has requested the USAF provides adequate information on water quality and noise for the proposed project.	F
DEPARTMENT OF INTERIOR			
F-BLM-J07004-UT	Emery Power Plant, Utah	EPA's concerns were adequately addressed in the final EIS. However, EPA suggested that future power plant impact statements contain independent market demand studies and give further consideration to the project alternatives of conservation and the use of nondepletable sources of energy.	I
F-IBR-J34006-CO	Fruitland Mesa Project, Delta, Montrose and Gunnison Counties, Colo.	EPA's concerns were adequately addressed in the final EIS.	I
DEPARTMENT OF TRANSPORTATION			
F-DOT-A41560-CO	U.S. 287 to CO-14, Fort Collins expressway, larimer County, Colo.	EPA expressed concern that planning for the proposed project was being done in the absence of a comprehensive land use plan for the highway corridor area and a regional transportation plan.	I
F-DOT-A41655-MN	MN-23, Junction MN-24 and MN-212, Lyon, Yellow Medicine, Renville, Chippewa Counties, Minn.	EPA's concerns were adequately addressed in the final EIS.	F
NF-FAA-D51005-VA	Mecklenburg-Brunswick Regional Airport, South Hill, Va.	EPA's concerns were adequately addressed in the negative declaration.	D
F-FHW-D54023-MD	Relodated U.S. 140, Northwest Expressway, Phase 1, Rapid Transit, Baltimore Md.	EPA's concerns were adequately addressed in the final EIS. EPA requested a continuing liaison through ongoing development to insure proper phasing of highway and transit elements of the facility.	D
F-FHW-E40031-KY	I-471, Cincinnati I-275 Connector, Campbell County, Ky (FHWA-KY-EIS-75-05-F).	EPA's concerns were adequately addressed in the final EIS. However, EPA requested the FHWA reevaluate their position on abatement if the impact and public raection warrant it.	E
F-FHW-E40071-NC	Independence Blvd. Corridor, Inner Loop From I-77 to Northwest Freeway, Charlotte, N.C. (FHWA-NC-EIS-76-02-F).	EPA continues to have environmental reservations on the proposed project. Specifically the, findings of the EIS are not consistent with the objectives of attainment and maintenance of the NAAQS for photochemical oxidants. To be environmentally acceptable for air quality, the project shohld not increase the total burden on hydrocarbon emissions in the metropolitan area.	E
F-FHW-F40040-IL	I-255, Jefferson Barracks Bridge, Monroe County, Ill.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F40058-MN	I-94, I-494, and I-694 interchange, Washington County, Minn.	EPA concerns were adequately addressed in the final EIS. EPA has recommended the proposed route be used. However, the noise impacts upon 2 sites were great enough to warrant EPA's recommendation for removal.	F
F-FWH-F40070-MN	U.S. 2 Bypass of Bemidji, Beltrami County, Minn.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-J40016-MT	Elmo-Rollins and Flathead County Line South, U.S. 93 West Side of Flathead Lake between Polson and Kalispell, Mont.	....do	I
F-FHW-K40045-NV	Flamingo Rd., I-15 to U.S. 93 and U.S. 95, Clark County, Nev.	....do	
F-FHW-K40048-NV	U.S. 395 Corridor, South Virginia St. to Panther Valley, Washoe County, Nev.	....do	J

VOL 42 NO 122 JUN 24 77 UM

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-C85013-PR	Monte Brisas Development, Fajardo, Puerto Rico.	EPA continues to have environmental reservations concerning the proposed project. Specifically, the potential impacts on water supplies and the failure of the final EIS to discuss water conservation measures previously recommended.	C
FS-HUD-K60006-CA	West End II, Redevelopment Project, Property Acquisition Demolition, Residential Relocation and Project Improvements, Stockton, Calif.	EPA's concerns were adequately addressed in the supplement to the final EIS	J
F-ICC-F53002-WI	Chicago and North Western Transportation Co. Abandonment, Sawyer, Ashland and Bayfield Counties, Wis.	EPA's concerns were adequately addressed in the final EIS. However, EPA indicated the abandonment would have an adverse impact upon the Nation's energy resources	F
F-ICC-F53004-00	Chicago, South Shore, South Bend, RR. Discontinuance of All Passenger Train Service, Indiana and Illinois.	EPA's concerns were adequately addressed in the final EIS. The ICC has denied the request for immediate abandonment of service by requiring operations to continue for a period of 10 mo. EPA opposes abandonment because public transportation in Chicago and Northern Indiana is an essential to achieve compliance with air quality standards. EPA hopes that Indiana will utilize this 10-mo. period to make arrangement to match available Federal grants which would permit commuter operations to continue.	F
	DEPARTMENT OF LABOR		
RF-LAB-A27001-00	Standard for Occupational Exposure to Inorganic Arsenic.	EPA's concerns were adequately addressed in the final EIS.	A
	U.S. POSTAL SERVICE		
F-UPS-C99002-NY	Manhattan Vehicle Maintenance Facility, and Chelsea Morgan Housing, New York.	EPA's concerns were adequately addressed in the final EIS.	C

APPENDIX IV.—*Final environmental impact statements which were reviewed and not commented on between Apr. 1, 1977 and Apr. 30, 1977*

Identifying No.	Title	Source of review
	CORPS OF ENGINEERS	
F-COE-A32471-MS	Pascagoula River, Maintenance, Escatawpa River, George and Jackson Counties, Miss.	E
F-COE-D07003-DE	Permit, Delmarva Power and Light Co., Indian River Power Station, Unit No. 4, Sussex County, Del.	D
F-COE-G34004-OK	Operation and Maintenance Program, Oologah Lake, Verdigris River, Hulah Lake, Caney River, Reyburn Lake, Polecat Creek, Okla.	G
F-COE-G34030-LA	Calcasieu River and Pass, Coon Island, Devil's Elbow, Calcasieu River Basin, Operation and Maintenance, La.	G
F-COE-G36045-TX	Local Flood Protection Project, Three Rivers, Live Oak County, Tex.	G
F-COE-H34005-KS	Operation and Maintenance, Elk City, Fall River and Toronto Lakes, Kans.	H
	DEPARTMENT OF AGRICULTURE	
F-AFS-A61163-MT	Flathead, Wild and Scenic River Proposal, Mont.	I
F-AFS-G65017-AR	South Fourche Unit, Quachita National Forest, Saline County, Ark.	G
F-AFS-L61068-OR	Siuslaw National Forest, Marys Peak Planning Unit, Benton and Polk Counties, Oreg.	K
F-AFS-L61077-OR	Land Use Plan, Butte Planning Unit, Oregon (USDA-FS-R6-FES (ADM)-76-12).	K
F-AFS-L65021-WA	Wenatchee National Forest, Off-Road Vehicle Use, Washington.	K
	DEPARTMENT OF DEFENSE	
FS-USA-J20003-UT	Disposal of Toxic Residue, West Granite Disposal Area, Dugway Proving Ground, Utah.	I
	DEPARTMENT OF INTERIOR	
F-BOR-H61001-IA	Des Moines Riverfront Development, Polk County, Iowa.	E
F-IBR-G32021-NM	Operation and Maintenance, Rio Grande-Velarde to Caballo Dam, N. Mex.	G

Identifying No.	Title	Source of review
	DEPARTMENT OF TRANSPORTATION	
F-FAA-L51006-AK	Anchorage International Airport, North South Runway, Anchorage, Alaska.	K
F-FHW-E40102-AL	I-20, I-459, and I-20 Interchange to U.S. 78, Jefferson County, Ala.	E
F-FHW-H40038-NB	Center St. and Mercy Rd. Intersection, Omaha, Douglas County, Nebr.	H
F-FHW-L40031-ID	U.S. 95, Cox's Ranch to Goff Bridge, Idaho (FHWA-ID-EIS-76-01-F).	K
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-E28020-AL	Lowndes County Rural Water System Improvements, Lowndes County, Ala. (CDBG).	E
F-HUD-G24002-AR	Southeast Sanitary Sewer, Pine Bluff, Jefferson County, Ark.	G
F-HUD-G85018-TX	Trailwood Subdivision, Dallas County, Tex.	G
F-HUD-G85021-TX	Pine Trails Subdivision, Harris County, Tex.	G

APPENDIX V.—*Regulations, legislation and other Federal agency actions for which comments were issued between Apr. 1, 1977 and Apr. 30, 1977*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
R-COE-A86103-00	33 CFR Parts 307, 308, 309, 310, Environmental Considerations, Proposed Policies and Procedures, Environmental Regulations (42 FR 10782).	EPA found that the proposed regulations generally meet their objective of supporting environmental quality aspects of corps planning procedures. EPA did offer a number of suggestions which it believed would strengthen specific sections of the regulation.	A
	DEPARTMENT OF INTERIOR		
R-BLM-A01044-00	43 CFR Part 3800, Surface Management of Public Land Under U.S. Mining Laws, Proposed Procedures to Minimize Adverse Environmental Impacts.	EPA expressed general agreement with the intent of the proposed rules. Comments were offered regarding possible modifications to the regulations which would allow more time for the administrative review of proposed mining operations. In addition, comments were provided regarding the implementation of criteria for plan modification, bond requirements, and air and water quality considerations.	A
	DEPARTMENT OF TRANSPORTATION		
R-CGD-A52111-00	33 CFR Part 161, Vessel Traffic Systems, Proposed Prince William Sound Vessel Traffic Service (CGD-76-032) (42 FR 7164).	EPA has reviewed the proposed regulations and has no comments at this time.	A
R-CGD-A52112-00	33 CFR Parts 160 and 165, Safety Zones, Proposed Authorization (COD-75-205).	EPA suggested the USCG establish a standard marking system to identify the safety zones.	A
R-AFS-A65129-00	36 CFR Chapter 1, Sale and Disposal of Timber.	EPA expressed general agreement with the proposed rule. EPA offered a number of suggestions to strengthen specific sections of the regulations.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 3922, Waterside Mall SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30308.

F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region 9, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.77-17840 Filed 6-23-77;8:45 am]

[FRL 750-8; OPP-50304]

MONSANTO AGRICULTURAL PRODUCTS CO. ET AL.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 524-EUP-28. Monsanto Agricultural Products Company, St. Louis, Missouri 63166. This experimental use permit allows the use of 3,225 pounds of the herbicide glyphosate N-(Phosphonomethyl) glycine on sugarcane to evaluate control of annual and perennial grasses and broadleaf weeds. A total of 865 acres is involved; the program is authorized only in the States of Florida, Hawaii, Louisiana, Puerto Rico, and Texas. The experimental use permit is effective from May 3, 1977, to May 3, 1978. Temporary tolerances for residues of the active ingredient in or on sugarcane and in the liver and kidney of cattle, goats, hogs, horses, poultry, and sheep have been established.

No. 239-EUP-82. Chevron Chemical Company, Richmond, California 94804. This experimental use permit allows the use of 3,000 pounds of the insecticide acephate on pecans to evaluate control of pecan aphid. A total of 600 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Oklahoma, Mississippi, and Texas. The experimental use permit is effective from April 28, 1977, to April 28, 1978. A temporary tolerance for residues of the active ingredient in or on pecans has been established. This permit is issued with the restriction that there will be no grazing of livestock in treated areas.

No. 11312-EUP-22. U.S. Department of Agriculture, Hyattsville, Maryland 20782. This experimental use permit allows the use of 30 pounds of the inspecticide N-[[(4-chlorophenyl)amino]carbonyl] - 2,6 - difluorobenzamine on forest areas to evaluate control of Gypsy moths. A total of 600 acres is involved; the program is authorized only in the State of Pennsylvania. The experimental use permit is effective from May 6, 1977, to May 6, 1978.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Sec. 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*

Dated: June 17, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-17987 Filed 6-23-77;8:45 am]

[FRL 751-4; OPP-30000/14A]

REBUTTABLE PRESUMPTION AGAINST REGISTRATION AND CONTINUED REGISTRATION OF CERTAIN PESTICIDE PRODUCTS CONTAINING PRONAMIDE

Notice of Extension of Period for Submission of Rebuttal Evidence and Comments

On May 9, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient Pronamide. This nctice was published in the FEDERAL REGISTER on May 20, 1977 (42 FR 25906). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted [40 CFR 162.11(a)(1)(j)].

A request for an additional 60 days in which to present evidence to the Agency has been received from Rohm and Haas Co. who currently has six applications for registration pending before the Agency and two registered products which contain pronamide. Rohm and Haas is the sole producer of the technical grade and the 50 percent wettable powder marketed under the name "Kerb 50-W". The notice of rebuttable presumption contained some points which have not been previously considered by Rohm and Haas and which will, therefore, require considerable time to conduct a detailed examination and evaluation of pertinent information. A 60-day extension would permit an effective in-depth data collection/evaluation effort.

The Agency agrees that additional time would be beneficial to ensure the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown for an extension of time by an affected party wishing to respond to the notice of presumption, all registrants, applicants for registration, and other interested persons shall have until August 29, 1977, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/14A". Comments and information received on or before August 29, 1977, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after August 29, 1977, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section at the above business address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Rm. 447, East Tower, during the same time period.

Dated: June 17, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-17983 Filed 6-23-77;8:45 am]

[FRL 751-3]

[FRL 751-3; PP 661755, T116]

SHELL CHEMICAL CO.; CYANO (3-PHENOXYPHENYL)METHYL - 4 - CHLORO - α-(METHYLETHYL)BENZENEACETATE

Notice of Extension of Temporary Tolerances

On July 16, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 29470) that in response to a pesticide petition (PP 661755) submitted to the Agency by Shell Chemical Co., 1025 Connecticut Ave. NW., Washington, D.C. 20036, temporary tolerances were established for residues of the insecticide cyano (3 - phenoxyphenyl) methyl 4-chloro-α-(1-methylethyl) benzeneacetate in or on the raw agricultural commodities cottonseed at 0.2 part per million (ppm) and in the fat of milk at 0.02 ppm. These temporary tolerances are scheduled to expire July 9, 1977.

Shell Chemical Co. requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated and it was determined that an extension of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that that a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire May 16, 1978. Residues not in excess of 0.2 ppm and 0.02 ppm remaining in or on cottonseed and in the fat of milk, respectively, after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Section, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M St. SW., Washington, D.C. 20460 (202/755-4851).

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: June 17, 1977.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc 77-17984 Filed 6-23-77;8:45 am]

[FRL751-7; OPP-180128]

STATE OF LOUISIANA

Issuance of a Specific Exemption To Use Avitrol To Control Bird Damage to Rice Crop

The Environmental Protection Agency (EPA) has granted a specific exemption to the State of Louisiana (hereafter referred to as the "Applicant") to use not more than 150,000 pounds of an Avitrol product to control damage by depredating birds which are threatening the rice crop in southwestern Louisiana. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Room E-315, Washington, D.C. 20460.

According to the Applicant, a common rice seeding practice in southwestern Louisiana is to flood the rice fields and sow the seeds into the water by aircraft. The water is then drawn off exposing the seeds. The Applicant stated that large flocks of brown-headed cowbirds, boat-tailed grackles, common grackles, and rusty blackbirds inhabiting this area of Louisiana can quickly consume newly planted rice seed.

Bird damage is not so severe when rice is planted by drill seeding, but weather and soil conditions may prevent drilling. Alternatively, if after water planting, the water is not drawn off, there can be no bird damage; however, the Applicant stated that this is not compatible with rice farm management practices. For many years, Aldrin was used as a seed treatment for rice, primarily against rice water weevil.

A secondary benefit derived from seed treatment with Aldrin was that the treated rice also served as a bird repellent. The Applicant stated that since Aldrin is no longer available, no satisfactory bird repellent is available.

Rice is the second most important crop in Louisiana, according to the Applicant; it was estimated that one out of every ten acres of rice fields would suffer bird damage if control measures were not taken. This could represent 150,000 acres of the approximate total of 600,000 acres of rice to be planted in Louisiana this year.

Currently, there are no avicides or avian repellents registered for use in rice fields. The Applicant proposed to aerially apply one pound of Avitrol Corn Chops-99 (EPA Reg. No. 11649-12), which is equal to 0.03 percent active 4-aminopyridine per acre in sixty foot swaths with a 120 foot swath between treated areas. The actual application rate would be three (3) pounds of product per acre of treated swaths. According to the Applicant, two to three applications may be necessary in some areas should reinfestation occur.

Avitrol Corn Chops-99 is registered for bird damage control in twelve (12) States. It is formulated such that only one particle in one-hundred particles of corn actually contains the active ingredient. To date, most of the field studies with this product have been concerned with its use to control bird damage of corn and sunflowers. Obviously, hazards associated with these uses are significantly different from those associated with rice agriculture.

EPA has determined that the greatest hazard associated with the use of Avitrol is to non-target avian species (migratory and native waterfowl, upland game birds, and songbirds). Numerous waterfowl species utilize rice fields, as well as adjacent areas, extensively during early spring; some of these species are mallards, shovellers, teals, wood ducks, and canvasbacks. Although many of these and other birds are beginning to migrate north by mid-March, birds that wintered farther south are continually using rice fields as stopover sites on their journey northward. The greatest hazard generally exists to the smaller avian species.

The U.S. Department of the Interior (USDI) reviewed the proposed use of Avitrol and agreed that there are potential hazards to non-target avian species in treated areas; however, the USDI stated that an adequate monitoring program would reduce damage of such species.

A tolerance of 0.1 ppm has been established for negligible residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain, forage and fodder, and sunflower seeds. EPA has reviewed the data submitted for this use of Avitrol and has determined that residues in or on rice grain or straw would not be expected to exceed 0.1 ppm under this use.

After reviewing the application and other available information, EPA has determined that (a) bird depredation of seeded rice in Louisiana is likely to occur; (b) there is no pesticide presently registered and available for use to control bird damage to rice crops; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if birds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The EPA registered product, Avitrol Corn Chops-99 (EPA Reg. No. 11649-12), must be used and applied at a maximum rate of three (3) pounds of product per acre of treated swaths. Avitrol will be applied in sixty foot swaths with a 120 foot swath between treated areas;

2. A maximum of three (3) applications will be made. The second and third application, if necessary, will be made to untreated swaths to prevent double treatment of the same land;

3. The total quantity of Avitrol product used will not exceed 150,000 pounds;

4. This product is extremely toxic to wildlife. Keep out of lakes, streams or ponds. Do not contaminate water by cleaning of equipment or disposal of waste;

5. All appropriate label directions and precautionary statements will be observed;

6. A residue level not to exceed 0.1 ppm 4-aminopyridine in or on rice grain or straw has been deemed adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action;

7. A full report of this program will be submitted to EPA upon the completion of the program. In addition, a plan must be developed with and approved by the EPA Regional office prior to the application of the pesticide which will ensure that the following requirements and restrictions are observed;

8. Applicators must report the time and place of application to the EPA Regional office at least 24 hours prior to such application;

9. On-site surveillance must be conducted by State or county personnel or personnel of the USDI or the EPA Regional office;

10. Post-treatment monitoring for effects on nontarget species must be conducted by one of the above agencies; and

11. This use of Avitrol Corn Chops-99 will be terminated immediately in those areas where high mortality to non-target species occurs. Particular care will be exercised regarding migratory waterfowl.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: June 17, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc 77 17991 Filed 6-23-77;8:45 am]

[FRL 751-8; OPP-180127]

TEXAS DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Avitrol To Control Bird Damage to Rice Crop

The Environmental Protection Agency (EPA) has granted a specific exemption to the Texas Department of Agriculture (hereafter referred to as the "Applicant") to use not more than 60,000 pounds of an Avitrol product to control damage by depredating birds which are threatening the rice crop in nineteen (19) counties in Texas. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, rice fields in the affected areas are irrigated to add soil moisture and then drained before being seeded. Rice is then aerially seeded. It is at this time, immediately after seeding, that the birds (blackbirds, cowbirds, grackles, starlings, wrens, doves, and treeducks) cause damage by eating the seed and seedlings. Depredation of rice seed may greatly reduce yields at harvest.

The Applicant estimated that one out of every ten acres of rice fields would be unfit for harvesting if control measures are not taken. This could represent 50,000 acres of the total 500,000 acres planted in rice each year in Texas. The potential yield loss to bird depredation has been estimated by the Applicant at $16,026,000. Reseeding 50,000 acres of depredated rice fields would cost approximately $3,000,000.

Currently, there are no avicides or avian repellents registered for use in rice fields. The applicant proposed to aerially apply one pound of Avitrol Corn Chops-99 (EPA Reg. No. 11649-12), which is equal to 0.03 percent active 4-aminopyridine per acre in sixty foot swaths with a 120 foot swath between

JUN 24 1977 UM

treated areas. The actual application rate would be three (3) pounds of product per acre of treated swaths. According to the Applicant, two to three applications may be necessary in some areas should reinfestation occur. However, if additional treatments are necessary, they would be applied to untreated swaths to prevent double treatment of the same land. The following coastal counties of Texas are involved: Austin, Brazoria, Calhoun, Chambers, Colorado, Fort Bend, Galveston, Hardin, Harris, Jackson, Jefferson, Lavaca, Liberty, Matagorda, Newton, Orange, Victoria, Waller, and Wharton.

Avitrol Corn Chops–99 is registered for bird damage control in twelve (12) states; Avitrol is not registered for bird damage control in Texas. To date, most of the field studies with this product have been concerned with its use to control bird damage of corn and sunflowers. Obviously, hazards associated with these uses are significantly different from those associated with rice agriculture.

EPA has determined that the greatest hazard associated with the use of Avitrol is to non-target avian species (migratory and native waterfowl, Attwater's Prairie Chicken, etc.). Numerous waterfowl species utilize rice fields, as well as adjacent areas, extensively during early spring; some of these species are mallards, shovellers, teals, wood ducks, and canvasbacks. Although many of these and other birds are beginning to migrate north by mid-March, birds that wintered farther south are continually using rice fields as stopover sites on their journey northward. Certain species of waterfowl may be found in these areas by late May. Other avian species which utilize the rice fields include upland game birds, such as quail, pheasant, dove, and turkeys as well as numerous species of shore birds and songbirds. The greatest hazard generally exists to the smaller avian species.

The Attwater's Prairie Chicken, an endangered species, is a native to this area of Texas. Although EPA does not have toxicity data for the Attwater's Prairie Chicken, toxicity data for other avian species indicate that one (1) treated kernel may be sufficient to incapacitate an adult chicken. One potential hazard to Attwater's Prairie Chicken from ingestion of Avitrol is potential reproduction impairment. A study with coturnix quail found that egg production was reduced when females were given a single oral subacute dose of 5.62 mg/kg of Avitrol. Although these results do not conclusively prove that egg production in the Attwater's Prairie Chicken would suffer similar effects, it does point to a potential hazard. The ecological disruption of the chicken's habitat is yet another possible hazard posed by this use of Avitrol. It is possible that heavy mortality to target and/or non-target species could attract large numbers of predators, many of which could be nest predators. However, the program to be used includes monitoring (pre- and post-treatment) for effects on non-target species by State and Federal personnel, the termination of all applications of Avitrol in those areas where high mortality to nontarget species occurs, and prohibiting the use of Avitrol in any area utilized by Attwater's Prairie Chicken. These procedures have been adopted to prevent violation of the Endangered Species Act. In the past, several emergency exemptions which posed potential hazards to endangered species have been issued by EPA; however, appropriate restrictions have always been imposed to avoid or reduce exposure to a minimum, when it was deemed necessary to use pesticides under emergency conditions. The restrictions have usually involved monitoring by state and Federal officials to ensure that endangered species are not in the areas to be treated. As of this date, no reported serious consequences to the existence or habitat of endangered species have resulted from a pesticide program authorized under an emergency exemption.

The U.S. Department of the Interior (USDI) reviewed the proposed use of Avitrol and agreed that there are potential hazards to non-target avian species in treated areas; however, the USDI stated that an adequate monitoring program would reduce damage of such species.

A tolerance of 0.1 ppm has been established for negligible residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain, forage and fodder, and sunflower seeds. EPA has reviewed the data submitted for this use of Avitrol and has determined that residues in or on rice grain or straw would not be expected to exceed 0.1 ppm under this use.

After reviewing the application and other available information, EPA has determined that (a) bird depredation of seeded rice in Texas has occurred; (b) there is no pesticide presently registered and available for use to control bird damage to rice crops; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the birds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1977, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The EPA registered product, Avitrol Corn Chops-99 (EPA Reg. No. 11649–12), must be used and applied at a maximum rate of three (3) pounds of product per acre of treated swaths. Avitrol will be applied in sixty foot swaths with a 120 foot swath between treated areas;

2. A maximum of three (3) applications will be made. The second and third applications, if necessary, will be made to untreated swaths to prevent double treatment of the same land;

3. The total quantity of Avitrol product used will not exceed 60,000 pounds;

4. The use of Avitrol is limited to the nineteen (19) counties listed elsewhere in this notice;

5. A residue level not to exceed 0.1 ppm 4-aminopyridine in or on rice grain or straw has been deemed adequate to protect the public health. The Food and Drug Administration of the U.S. Department of Health, Education, and Welfare, has been advised of this action;

6. This product is extremely toxic to wildlife. Keep out of lakes, streams or ponds. Do not contaminate water by cleaning of equipment or disposal of waste;

7. All appropriate label directions and precautionary statements will be observed;

8. A full report of this program will be submitted to EPA upon the completion of the program. In addition, a plan must be developed with and approved by the EPA Regional office prior to the application of the pesticide which will ensure that the following requirements and restriction are observed;

9. Applicators must report the time and place of application to the EPA Regional office at least 24 hours prior to such application;

10. On-site surveillance must be conducted by State or county personnel or personnel of the USDI or the EPA Regional office;

11. Post-treatment monitoring for effects on non-target species must be conducted by one of the above agencies;

12. Avitrol must not be applied to areas utilized by Attwater's Prairie Chicken or in any area where sightings have been reported. An appropriate buffer zone agreed to among the Texas Fish and Wildlife Department, the Texas Department of Agriculture and the EPA Regional office will be maintained to ensure the safety of the Attwater's Prairie Chicken;

13. Avitrol will not be applied to any off-target sites (roads, roadside ditches, fence rows, tree lines, irrigation ditches, etc.); and

14. This use of Avitrol Corn Chops–99 will be terminated immediately in those areas where high mortality to non-target species occurs. Particular care will be exercised regarding migratory waterfowl.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: June 17, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.77-17992 Filed 6-23-77;8:45 am]

[FRL 751-2; OPP-50279A]

U.S. BORAX RESEARCH CORP.

Issuance of Experimental Use Permit To Use USB 3153

On March 21, 1977, the Environmental Protection Agency (EPA) announced in the FEDERAL REGISTER (42 FR 15361) the receipt of an application from the U.S. Borax Research Corporation for an experimental use permit to allow the use of 5,953 pounds of active ingredient of the herbicide USB 3153 on cotton, soybeans, apricots, peaches, plums, grapes, almonds, and walnuts to evaluate control of various broadleaf weeds and grasses and crop tolerance. Since the Administrator, EPA, determined that issuance of the permit might be of regional or national significance, interested parties were invited to submit written comments regarding the application. No comments were received during the thirty-day comment period.

Based on available information, an experimental use permit has been issued to the U.S. Borax Research Corporation, Anaheim, California 92801. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 1624–EUP–19) allows the use of 5,953 pounds of herbicide USB 3153 (N3,N3-di - N - propyl - 2,4 - dinitro-6-(trifluoromethyl)-m-phenylenediamine on cotton, soybeans, apricots, peaches, plums, grapes, almonds, and walnuts for the purpose stated above. A total of 6,546 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from April 21, 1977, to April 21, 1978. Temporary tolerances for residues of the active ingredient in or on almonds, apricots, cottonseed, grapes, peaches, plums, soybeans, and walnuts have been established.

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. It is suggested that such interested persons call 202–755–4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).)

Dated: June 17, 1977.

DOUGLAS D. CAMPT,
Director, Registration Division.

[FR Doc.77-17989 Filed 6-23-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 863]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 20, 1977.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice; except for radio applications not requiring a 30 day notice period (see Section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See §§ 1.227(b)(3) and 21.30(b) of the Commission's rules.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21516–CD–AL–(2)–77 George Metroyanis dba Mobile Radio Communications of Gary Consent to Assignment of License from Mobile Radio Communications of Gary, assignor to Northern Indiana Radiophone and Paging System, Inc., assignee. Stations: KSD311 and KSD315, Gary, Indiana.

21517–CD–TC–5–77 Northern Illinois Radiophone and Paging System, Inc. Consent to Transfer of Control from John H. Fuhler, transferor to Beeper Call, Inc., transferee. Stations: KSB590, KSD316, Warren Township, Illinois; KTS200, Elmwood Park, Illinois; and KUO608, McHenry, Illinois, KSA-256, Warren Township, Illinois.

21518–CD–P–77 Page Boy, Inc. (KCI299). C.P. for additional facilities to operate on 35.22 MHz to be located at a new site described as Loc. No. 2: WHNB–TV Tower, Rattlesnake Mountain, New Britain, Connecticut.

21519–CD–P–(2)–77 Tel-Car, Inc. (KLF-594). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 6: Clay Point, 0.7 miles SE of Payette, Idaho; and for additional control facilities to operate on 454.300 MHz to be located at Loc. No. 3: ½ mile East of Meridian, Idaho.

21520–CD–P–(10)–77 R.C.S. (KMD689). C.P. for additional facilities to operate on 454.025, 454.050, 454.275 and 454.300 MHz at Loc. No. 1: Tasajera Peak, 7 miles NNW of San Luis Obispo, California; change antenna system, replace transmitter operating on 152.15 MHz and for additional facilities to operate on 152.09, 454.025, 454.050, 454.275, and 454.300 MHz at Loc. No. 4: Tepusquet Peak, approx. 13½ miles ESE of Santa Maria, California.

21521–CD–P–(3)–77 American Communications Systems, Inc. (new). C.P. for a new station to operate on 454.100 MHz at three (3) sites described as: Loc. No. 1: First National Bank Bldg., No. 2 Peachtree Street, Atlanta, Georgia; Loc. No. 2: Northside Hospital, 1000 Johnson Ferry Road, NE, Atlanta, Georgia; and Loc. No. 3: 835 South Cobb Drive, 0.15 mile South Marietta city limits, Marietta, Georgia.

21522–CD–P–P–77 Wiley W. Brannen, Jr. dba Brannen Mobile Telephone (new). C.P. for a new station to operate on 152.18 MHz to be located on U.S. Hwy. 25, 1.5 miles SW of Statesboro, Georgia.

21523–CD–AL–77 Western Communications, Inc. dba Wescom. Consent to Assignment of License from Wescom, assignor to Advance Business Communications, Inc., assignee. Station: KRS617, Aberdeen, South Dakota.

21524–CD–P–(3)–77 Miami Valley Radiotelephone (KLF577). C.P. for additional facilities to operate on 72.06 MHz, control located at 1591 Boyle Road, Near Hamilton, Ohio; and for additional facilities to operate on 35.22 MHz, base, at (2) new sites. Loc. No. 9: 7 miles S/N of Jamestown, Ohio on Bone Road, Near Jamestown, Ohio; Loc. No. 10: 1625 Dayton Road, Greenville, Ohio.

21525–CD–P–(2)–77 Miami Valley Radiotelephone (KQK592). C.P. to replace transmitter and change antenna system operating on 454.125 MHz at Loc. No. 4: I–75 and WDAO Tower, Dayton, Ohio.

21526–CD–P–77 Withers Communications Company (KUC843). C.P. for additional facilities to operate on 152.09 MHz at a new site at 120 East Center Street, Sikeston, Missouri.

21527–CD–P–(4)–77 The Ohio Bell Telephone Company (new). C.P. for a new 1-way station to operate on 152.84 MHz at (4) new sites described as Loc. No. 1: Blackstone C.O., 50 W. Bowery Street, Akron, Ohio; Loc. No. 2: Tallmadge C.O., 83 West Avenue, Tallmadge, Ohio; Loc. No. 3: Kent C.O., 203 N. Depeyster, Kent, Ohio; and Loc. No. 4: Manchester Radio Site, 6615 Grove Road, approx. 1 miles west of Manchester, Ohio.

21528–CD–P–(2)–77 General Communications Service, Inc. (KOA611). C.P. to change antenna system, and replace transmitter operating on 152.21 MHz and for additional facilities to operate on 152.12 MHz at Loc,. No. 1: Tumomoc Hill, 0.5 miles west of Tucson, Arizona.

21529–CD–AL–77 Auto Phone, Inc. Consent to Assignment of License from Auto Phone, Inc., assignor to Charles L. Escue and H.B. Lee dba Telpage, Ltd., assignee. Station: KIY773, Huntsville, Alabama.

21530–CD–R–77 General Telephone Company of California (KWT906) (developmental). Renewal of license expiring 7–14–77. Term: 7–14–77 to 7–14–78.

JUN 24 1977 UM

21531–CD–P–77 Industrial Communications Systems, Inc. (KSV926). C.P. for additional facilities to operate on 158.70 MHz to be located at a new site described as Loc. No. 7: 4 miles North of Barstow, California.

21532–CD–P–77 Pacific Paging, Inc. (KUA 287). C.P. for additional facilities to operate on 43.22 MHz at a new site described as Loc. No. 2: 3533 SW Blackstone, Portland, Oregon.

21534–CD–P–77 Advanced TelCom (KWB 377). C.P. to change antenna system operating on 152.12 MHz located 0.8 miles South of Watson Blvd. and 0.2 miles West of South Pleasant Hill Road, Warner Robins, Georgia.

21536–CD–TC–2–77 Arvig Telephone Co. Consent to Transfer of Control from Esther N. Arvig, transferor to Gilroy G. Arvig, transferee. Stations: KCI305, Pequot Lakes, Minnesota and KUS222, Ash River Falls, Minnesota.

21537–CD–P–77 Terry K. Swenson and Sharon Ann Swenson dba Mobilcomm (new). C.P. for a new station to operate on 152.12 MHz to be located NW 1620 Kenny Drive, Pullman, Washington.

21538–CD–P–(2)–77 Nemont Telephone Cooperative, Inc. (KLF544). C.P. to change antenna system operating on 152.78 MHz and for additional facilities to operate on 152.60 MHz located 3.5 miles east of Scobey, Montana.

21539–CD–P–77 Nemont Telephone Cooperative, Inc. (new). C.P. for a new station to operate on 152.72 MHz to be located 2.6 miles east of Reserve, Montana.

21540–CD–P–77 Nemont Telephone Cooperative, Inc. (new) C.P. for a new station to operate on 152.63 MHz to be located 4.0 miles South of Glentana, Montana.

MAJOR AMENDMENT

20360–CD–P–77 Radio Relay-New York Corp. (KEC745) Frequency 43.22 MHz Amend to change location No. 13 from Phillipstown to Indiana Hill Road, 6.6 miles NE of Peekskill, New York. All other particulars of operation remain as reported in PN No. 837 dated December 20, 1976.

CORRECTION

21487–CD–P–77 H.I. Pierce dba Business Communications Company (new), Correct entry to change file number to 21487–CD–P–(2)–77 and to add frequency 152.18 MHZ. All other particulars to remain as reported on PN No. 862 dated June 13, 1977.

RURAL RADIO

60433–CR–P–77 Continental Telephone Company of the West (new), C.P. for a new rural subscriber station to operate on 157.86 MHz located 10.5 miles North of Socorro, Sierra County Line, 1 mile NW of U.S. Hwy. No. 85, New Mexico.

60434–CR–P–77 Silver Beehive Telephone Company (new), C.P. for a new rural subscriber tsation to operate on 157.86 MHz to be located at any temporary fixed location within the territory of the grantee.

60435–CR–P–77 Silver Beehive Telephone Company (new), C.P. for a new central office station to operate on 152.60 MHz to be located at any temporary fixed location within the territory of the grantee.

60436–CR–TC–(5)–77 Arvig Telephone Co. Consent to Transfer of Control from Esther N. Arvig, Transferor to Gilroy G. Arvig, Transferee. Stations: WSN59, Elephant Lake, Minnesota; WSN61, Ash River Falls, Minnesota; and WSN60, WAF787 and WAQ576, Temp-Fixed.

POINT TO POINT MICROWAVE RADIO SERVICE

2713–CF–R–77 American Telephone and Telegraph Company (WBB372) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2714–CF–R–77 Same, (WBB373) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2715–CF–R–77 Same, (WBB374) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2716–CF–R–77 Same, (WBB375) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2717–CF–R–77 Same, (WBB376) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2718–CF–R–77 Same, (WBB377) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2719–CF–R–77 Same, (WWB378) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2720–CF–R–77 Same, (WBB379) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2721–CF–R–77 Same, (WBB380) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2722–CF–R–77 Same, (WBB381) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2723–CF–R–77 Same, (WBB382) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2724–CF–R–77 Same, (WBB383) Renewal of developmental radio station license expired 7–1–77 term: 7–1–77 to 7–1–78.

2812–CF–R–77 The Pacific Telephone and Telegraph Company (KMD40), Dakin 2 2 miles WNW. of Avalon, California Lat. 33°31'00" N. Long. 118°21'05" W. C.P. to change frequencies 6315.9V to 5945.2V MHz toward San Pedro, 6375.2V to 6004.5V MHz toward San Clemente Island, move and replace antenna and transmitters on frequencies 6063.8V MHz toward San Pedro, 6123.1V MHz toward San Clemente Island.

2813–CF–P–77 The Pacific Telephone and Telegraph Company (KMD39), San Clemente Island. Lat. 32°58'48" N. Long. 118°32'46" W., C.P. to change frequency 6004.5V to 6375.2V MHz toward Dakin, and replace transmitter on 6256.5V MHz toward Dakin, California.

2831–CF–P–77 General Telephone Company of Florida (KIV21), 830 Arlington Avenue, St. Petersburg, Florida. Lat. 27°46'19" N., Long. 82°38'44" W., C.P. to add frequency 6197.24H MHz toward Wimauma, Florida on azimuth 101.5°.

2832–CF–P–77 Same, (WIU84) 2.4 miles WNW from Wimauma, Florida. Lat. 27°-42'57" N., Long. 82°20'13" W., C.P. to add frequencies 5945.20H MHz toward St. Petersburg, on azimuth 281.6° and 3810.0H MHz toward Tampa, Florida on azimuth 335.6°.

2833–CF–P–87 Same, (KIL88) 519 Zack Street Tampa, Florida. Lat. 27°57'01" N., Long. 82°27'24" W., C.P. to add frequency 3850H MHz toward Wimauma, Florida on azimuth 155.5°.

2741–CF–P/ML–77 Pioneer Telephone Cooperative, Inc. (KLS67), 122 East Robberts Ave., Kingfisher, Oklahoma. Lat. 35°51'52" N., Long. 97°55'52" W., C.P. and ML to reinstate license. Replace transmitter and antenna on frequency 6219.5V MHz toward Watonga, Oklahoma on azimuth 266.1°.

2742–CF–P–77 Same, (KLS68) 207 North Noble Watonga, Oklahoma. Lat. 35°50'12" N., Long. 98°24'36" W., C.P. and ML to reinstate license. Replace transmitter and antenna on frequency 5937.5V MHz toward Kingfisher, Oklahoma on azimuth 85.9°.

2811–CF–P–77 The Pacific Telephone and Telegraph Company (KMD41), 425 Fifthe Street, San Pedro, California. Lat. 33°44'-22" N., Long. 118°17'08" W., C.P. to change coordinates, change frequency 5945.2V to 6315.9V MHz toward Dakin on azimuth 8.0° and replace transmitter on frequency 6197.2V MHz toward Dakin, California.

1684–CF–P–77 United Video, Inc. (WOE83), 12 miles NW. of Ada, Oklahoma, (lat. 34°-54'16" N., Long. 96°44'32" W.): Construction permit to add 5974.8H and 6034.2H MHz toward Ada CATV, Oklahoma, via power split, on azimuth 149.6°.

2752–CF–R–77 South Central Bell Telephone Company (KZS92), temporary fixed developmental within the states of Alabama, Kentucky, Louisiana, Mississippi and Tennessee. Application for radio station blanket license renewal.

2730–CF–MP–77 Microvideo, Inc. (KLU60) SE of Childress, Texas, (Lat. 34°24'25" N., Long. 100°12'05" W.): Modification of construction permit to add 6182.4V and 6419.6V MHz toward Quanah, Texas.

CORRECTION

2568–CF–P–77 American Telephone and Telegraph Company (KXQ73), 411 East Berry Street, Fort Wayne, Indiana, corrected latitude to read 41°04'49". All other particular remain as reported on PN 360 date 5–31–77.

2586–CF–P–77 The Chesapeake and Potomac Telephone of Virginia (KIX55), 224 Luck Avenue, S.W., Roanoke, Virginia, corrected file number to read 2585–CF–P–77. All other particular remain as reported on PN 860 dated 5–31–77.

[FR Doc.77–18070 Filed 6–23–77;8:45 am]

FCC WARC ADVISORY COMMITTEE FOR AMATEUR RADIO

Meeting

DATE: July 12, 1977—Time: 9:00 a.m.

LOCATION: Room 8210, Federal Communications Commission, 2025 M Street NW., Washington, D.C.

AGENDA: FCC and National WARC–79 Timetable; Proposed sharing criteria for future RF spectrum allocations; Technical research support for the U.S. delegation to Geneva WARC–79 meetings: ACAR proposal to support WARC–79 meetings: Presentation on the use of low frequencies by radio amateurs; Review of FCC Docket 20271; 5th Notice of Inquiry; ACAR tasks and milestones.

PUBLIC PARTICIPATION: Meetings of the FCC WARC Advisory Committee for Amateur Radio are open to U.S. citizens. Public representatives who desire to make a presentation at this meeting should coordinate their request with the Executive Secretary, WARC Advisory Committee for Amateur Radio: Peter M. Hurd, 6425 Cygnet Drive, Alexandria, Virginia 22307. Telephone: (202) 695–7181 or (703) 768–9535. Required information includes: Name, mailing address, and telephone number of person making the presentation; outline of material to be presented; duration of presentation; and audio/visual aids required. Written statements should be addressed to the Chairman, WARC Advisory Committee for Amateur Radio (Safety and Special), Room 5114, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–18067 Filed 6–23–77;8:45 am]

[Docket No. 21266; File No. BRCT–629; FCC 77–373]

NORTHLAND TELEVISION, INC.

Order and Notice of Apparent Liability Designating Application for Hearing on Stated Issues

Adopted: May 26, 1977.

Released: June 15, 1977.

In regard application of: Northland Television, Inc., Television Station WAEO, Rhinelander, Wisconsin, For renewal of license, Docket No. 21266, File No. BRCT–629.

1. The Commission has before it for consideration the above-captioned application and its inquiries into the operation of Television Station WAEO, Rhinelander, Wisconsin.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered,* That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine all the facts and circumstances surrounding station WAEO–TV's and/or Northland Television, Inc.'s preparation and issuance of network station reports.

(b) To determine whether, and, if so, the extent to which the licensee has violated § 73.1205 of the Commission's rules regarding fraudulent billing practices.

(c) To determine whether the management, officials or employees of the licensee have made misrepresentations to or were lacking in candor with the Commission regarding the operation of Station WAEO–TV and with regard to the matters explored under issue (a), above.

(d) To determine whether, and, if so, the extent to which the licensee of Station WAEO–TV has violated § 73.670 (b)(1)(iii) and (2)(i) and (ii) and § 73.673 of the Commission's rules regarding the maintenance and retention of accurate and complete program logs.

(e) To determine, in light of the evidence adduced under the preceding issues, whether the licensee of WAEO–TV possesses the requisite qualifications to be or remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this order, a Bill of Particulars with respect to issues (a) through (d), inclusive, and

5. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of evidence with respect to issues (a) through (d), inclusive, and the applicant then proceed with its evidence and have the burden of establishing it possesses the requisite qualifications to be and remain a licensee of the Commission and that a grant of the application would serve the public interest, convenience and necessity.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221 (c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

7. *It is further ordered,* That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

8. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license of Station WAEO–TV, it shall also be determined whether the applicant has repeatedly or willfully violated the following sections of the Commission's rules and regulations: Sections 73.1205, 73.670 and 73.673. If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or less should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

9. *It is further ordered,* That this document constitutes a Notice of Apparent Liability to Northland Television Inc., for forfeiture for violations of the Commission's rules set out in paragraph eight above. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since this procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

10. *It is further ordered,* That pursuant to Public Notice, "Questions Concerning Basic Qualifications of Broadcast Applicants," FCC 73–1024, 28 RR 2d 705, released October 5, 1973, action on the application (BTC–8178) for transfer of control of Station WAEO–TV, Rhinelander, Wisconsin, to Northwoods Television, Inc., shall be deferred pending resolution of the issues in the instant proceeding.

11. *It is further ordered,* That the Secretary of the Commission send a copy of this order by Certified Mail, Return Receipt Requested to Northland Television, Inc., licensee of television Station WAEO, Rhinelander, Wisconsin.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–18090 Filed 6–23–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ISSUANCE OF DECISIONS AND ORDERS; WEEK OF MAY 16 THROUGH MAY 20, 1977

Exceptions and Appeals

Notice is hereby given that during the week of May 16 through May 20, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPENDIX

APPEALS

B. F. Goodrich Chemical Co.; Cleveland, Ohio; FXA–1161; Propane

The B. F. Goodrich Chemical Company (Goodrich) appealed from a Decision and Order in which the FEA denied an Application for Exception which the firm had previously submitted. *B. F. Goodrich Chemical Co.*, 4 FEA Par. 83,234 (December 16, 1976). The Appeal, if granted, would have resulted in the issuance of an order by the FEA increasing the firm's base period use of propane. In considering the Appeal the FEA rejected Goodrich's contention that Section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (EPAA) entitles the firm to the increased allocation which it requested. The FEA observed that its allocation regulations are designed to achieve an appropriate balance of the various policy objectives contained in Section 4(b)(1) of the EPAA and that Goodrich had failed to show that the FEA regulatory program had been implemented in an arbitrary or capricious manner with respect to Goodrich. In addition, the FEA concluded that, contrary to the firm's claims, Section 4(c)(5) of the EPAA does not entitle Goodrich to the additional quantities of propane which it requested because that statutory provision does not guarantee an industrial user access to an unlimited quantity of propane. The FEA also determined that the difference between Goodrich's current requirements and its base period vol-

[1] Commissioner Lee absent; Commissioners Hooks and Washburn concurring in the result.

JUN 24 1977 UM

ume of propane did not constitute a gross disparity. The FEA found that Goodrich presently has access to sufficient supplies of surplus propane to satisfy its needs and that the firm had failed to provide any basis for the FEA to depart from its well-established precedent of declining to approve exception relief of the type requested where a firm is able to obtain surplus product to meet its current requirements. Finally, the FEA concluded that the fact that Goodrich must rely upon surplus propane for a portion of its current needs would not adversely affect the firm to such an inordinate degree as compared to its competitors so as to constitute a gross inequity. The Goodrich Appeal was therefore denied.

BP Oil, Inc.; Cleveland, Ohio; FXA–1166; Motor gasoline

BP Oil, Inc. (BP), a wholly owned subsidiary of the Standard Oil Company of Ohio (Sohio), filed an Appeal from a Decision and Order which the FEA issued to it on December 10, 1976. *BP Oil, Inc.*, 4 FEA Par. 83,222 (December 10, 1976). In the December 10 Order, the FEA denied a request for exception which the firm had submitted from the provisions of Sections 212.82 and 212.112 of the FEA Price Regulations. The BP Appeal, if granted, would have resulted in the issuance of an Order rescinding the December 10 Order and permitting BP to calculate the selling prices which it may charge for unleaded motor gasoline on a separate basis from Sohio. In its Appeal, BP contended that it is uniquely and inequitably affected by the requirement that it sell unleaded motor gasoline at a price which is based on Sohio's May 15, 1973 selling price for that product. The FEA found, however, that, contrary to the firm's contentions, BP is not a separate firm but instead is a wholly-owned subsidiary of Sohio and is therefore considered under the FEA regulations to be part of a "firm" which marketed unleaded motor gasoline during May 1973. The FEA therefore concluded that BP had failed to demonstrate that the manner in which the FEA Regulations apply to the situation which it is encountering is significantly different from the application of the Regulations to other firms which did not produce unleaded motor gasoline in May 1973 in all of the refineries which they owned. The FEA also found that the denial of exception relief would not seriously affect Sohio's financial posture or impair any aspect of its operations. Furthermore, the FEA determined that BP had failed to present any evidence which would properly lead to the conclusion that the objectives of the FEA Price Regulations or the Emergency Petroleum Allocation Act of 1973 would be seriously frustrated unless exception relief were granted to BP. Finally, contrary to BP's claim, the FEA found that the relationship between BP and Sohio was clearly distinguishable from the relationship which had existed between the Getty Oil Company and its subsidiary, the Skelly Oil Company, prior to a merger of those firms. *See Getty Oil Company (Eastern Operations), Inc.; Skelly Oil Company*, 2 FEA Par. 83,041 (February 11, 1975); and *Getty Oil Company*, 5 FEA Par. 87,009 (January 25, 1977). Since BP had failed to demonstrate that the December 10 Order was erroneous in any respect, its Appeal was denied.

Boyd Oil, Corp.; Contoocook, N.H.; FRA–1195; Middle distillates

Boyd Oil Corporation filed an Appeal from a Remedial Order which the Director of Regulatory Programs of FEA Region I issued to the firm on February 4, 1977. The Remedial Order found that during the period November 1, 1973 through December 31, 1975, Boyd sold No. 2 heating oil and diesel fuel at prices which were in excess of the maximum permissible prices specified in 10 CFR 212.93. In order to remedy the violation cited, the Remedial Order directed Boyd to refund $36,896.52 in overcharges plus interest to its customers. In considering the Boyd Appeal, the FEA rejected the firm's contention that no violation could be found to exist since the sales transactions in question were made under the terms of a contract which had been awarded by the Defense Fuel Supply Center (DFSC). Contrary to the position advanced by Boyd, the FEA found that the DFSC's classification as a priority fuel customer for purposes of the Mandatory Petroleum Allocation Regulations has no bearing on the maximum allowable price which Boyd was permitted to charge in its sales to the DFSC. The FEA also observed that it has been firmly established that the FEA regulations may preempt the terms of any contract in order to effectuate the objectives of the Emergency Petroleum Allocation Act of 1973. With respect to Boyd's claim that the firm's refund liability should have been reduced by the amount of revenues which it failed to obtain during certain periods as a result of charging prices which were below its maximum allowable prices, the FEA determined that Boyd did not even allege that it had implemented those price reductions in order to refund to its customers the previous overcharges. The Boyd Appeal was therefore denied.

Omega Oil Co.; Dayton Ohio; FXA–1144; Motor gasoline

Omega Oil Company filed an Appeal from a Decision and Order which had been issued to it by the FEA on November 9, 1976. *Omega Oil Co.*, 4 FEA Par. 83,189 (November 9, 1976). In the previous determination, the FEA denied Omega's request for increased allocations of motor gasoline for certain full-service retail outlets which the firm had purchased from Sohio and converted to high-volume outlets. The present Appeal, if granted, would have approved the increased allocations. In considering the Appeal, the FEA determined that, contrary to Omega's assertions, the previous denial of exception relief had not impeded the implementation of an antitrust consent decree which required Sohio to divest certain retail gasoline stations. In this regard, the FEA found that the denial of the Omega exception application had not deterred other marketers from purchasing Sohio stations since three firms had acquired Sohio outlets following the issuance of the November 9 Decision. Moreover, any firm which might be precluded from purchasing a Sohio outlet could apply for an increased allocation prior to its acquisition of the station. In contrast, the FEA found that Omega had purchased the stations as a discretionary business matter prior to seeking exception relief and did so with full knowledge of the existing allocation levels of those stations. The FEA also found that the Department of Justice, which has primary responsibility for overseeing the consent decree, had adopted a neutral stance regarding the Omega request. With respect to Omega's claim that the base period volumes of motor gasoline for its stations should be equivalent to the base period volumes for new retail sales outlets, the FEA found that a firm was not entitled to an increased allocation merely because it had changed its method of operations. Finally, the FEA determined that the previous decision had properly applied the criteria for serious hardship by considering the profitability of the petroleum related activities of Omega's parent corporation. Accordingly, the Omega Appeal was denied.

Warrior Asphalt Co. of Alabama, Inc.; Tuscaloosa, Ala.; FXA–1159; Crude oil

Warrior Asphalt Company of Alabama, Inc. appealed from a Decision and Order which the FEA issued to it on December 15, 1976. *Warrior Asphalt Company of Alabama, Inc.*, 4 FEA Par. 83,263 (December 15, 1976). In the December 15 determination the FEA denied an Application for Exception which Warrior had filed from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). On December 23, 1976, the FEA issued a Supplemental Order to Warrior in which it determined that the December 15 Decision and Order was erroneous and, accordingly, reduced by $102,844 per month the value of entitlements which Warrior would otherwise be required to purchase during the period December 1976 through May 1977. *Warrior Asphalt Company of Alabama, Inc., Supplemental Order*, 4 FEA Par. 83,263 (December 23, 1976). Warrior's Appeal, if granted, would have resulted in certain adjustments to the FEA's calculation of the firm's historical and current profitability, thereby increasing the level of exception relief granted to in firm in the December 23 Order. In considering the Warrior Appeal, the FEA noted that the arguments which the firm raised were identical to the arguments which it had presented in a prior Appeal submission. The FEA found that those arguments had been fully considered and rejected by the FEA in a Decision and Order which was issued to the firm on April 12, 1977. *Warrior Asphalt Company of Alabama, Inc.*, 5 FEA Par. ____ (April 12, 1977). Consequently, the FEA concluded that the present Warrior Appeal should be denied on the grounds set forth in the April 12, 1977 Decision and Order.

REQUESTS FOR EXCEPTION

Hocker Oil Co., Salem, Mo.; FEE–4027; Motor gasoline

Hocker Oil Company filed an Application for Exception from the provisions of 10 CFR 211.12 which, if granted, would have resulted in the issuance of FEA Orders increasing the firm's base period use of motor gasoline from 4,276,042 gallons to 10,080,000 gallons per year and assigning suppliers to furnish Hocker with the increased volume. In its exception application Hocker contended that it was experiencing a gross inequity since a significant increase had occurred in the demand for motor gasoline at its 15 retail outlets. The firm further contended that it was currently experiencing a serious hardship which resulted from the high prices that it had been paying for the substantial quantities of surplus gasoline which it purchased to meet this increased demand. In considering Hocker's exception request, the FEA found that, even though a gross disparity exists between the quantity of motor gasoline which the 15 outlets are currently selling and their aggregate adjusted base period volume, Hocker had failed to satisfy the remaining criteria necessary for the approval of exception relief on gross inequity grounds. *See Climax Molybdenum Company*, 2 FEA Par. 83,157 (May 20, 1975). In addition, the FEA found that any financial difficulties Hocker was experiencing were primarily due to the firm's business decision to sell substantial quantities of petroleum products at minimum levels of markup and were not caused by the requirements of the FEA Mandatory Petroleum Allocation Regulations. The FEA therefore concluded that Hocker had also failed to satisfy the criteria which were set forth in prior Decisions as the basis for adjusting a firm's base period use of a petroleum product on serious hardship grounds. The Hocker Application was therefore denied.

Maralo, Inc.; Houston, Tex.; FEE–3509; Crude oil

Maralo, Inc. filed an Application for Exception from the provisions of Subpart D of the FEA Price Regulations. In its Application, Maralo sought retroactive and prospective authorization from the FEA to treat six of its crude oil reservoirs as separate properties even though the wells which have been producing crude oil from those reservoirs are not subject to separate rights to produce. *See* 10 CFR 212.72. In considering Maralo's request for retroactive exception relief, the FEA rejected the firm's contention that the regulatory definition of "property" had been so vague prior to the issuance of Ruling 1975-15 on September 4, 1975, as to permit a crude oil producer to treat reservoirs which it had developed separately as separate properties under FEA crude oil price regulations. With respect to Maralo's allegation that it had relied on advice from FEA officials regarding the proper application of the definition of "property," the FEA found that if Maralo had received advice it was oral and unrecorded and does not constitute a formal interpretation of FEA Regulations upon which a firm may rely. The FEA observed that it was neither reasonable nor consistent with FEA regulations and precedents for the FEA to accept a firm's reliance upon unrecorded, oral advice as ratifying violations of the FEA Price Regulations. *See* 10 CFR 205.80(a) and *Flying Diamond Oil Corp.*, 4 FEA Par. 83,159 (October 22, 1976) at p. 83,687 and cases cited therein. The FEA therefore concluded that Maralo's request for retroactive relief should be denied. With respect to Maralo's request for prospective exception relief, the FEA found that the amended regulatory definition of "property" which became effective on September 1, 1976 and the provision of FEA Ruling 1977-2 provide the firm with an alternative administrative remedy through which it can obtain the relief which it requests. *See* 10 CFR 212.72 and 42 Fed. Reg. 4409 (January 25, 1977). Maralo's request for prospective exception relief was therefore dismissed without prejudice to a refiling at a later date.

Pierce & Dehlinger; Midland, Tex.; FEE–4057; Crude oil

Pierce & Dehlinger (P&D) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell at exempt prices the crude oil that it will produce from the Carter No. 1 well (the Carter well) subsequent to the repair of the well casing which is intended to restore the well to production. In considering P&D's application for exception, the FEA determined that the revenues which P&D would receive during the remaining eleven and one-half year life of the project would provide P&D with sufficient economic incentive to undertake the necessary capital investment to repair the Carter well. In fact, the FEA found that even in the absence of exception relief, P&D would realize an internal rate of return of 60 percent if the repairs are made. On the basis of these findings, the FEA concluded that the P&D Application should be denied.

REQUESTS FOR STAY

Bucks Butane and Propane Service, Inc.; San Jose, Calif.; FRS–1315; Propane

Bucks Butane and Propane Service, Inc. (Bucks) filed an Application for Stay of a Remedial Order which the Director of Compliance of the FEA Region IX issued to the firm on April 21, 1977. The Remedial Order determined that during the period November 1, 1973 through February 29, 1976, Bucks improperly sold propane at prices which were in excess of the maximum allowable prices computed pursuant to the provisions of 6 CFR 150.359 and 10 CFR 212.93. The Remedial Order found that Bucks had received $95,488.65 in overcharges from its sales of propane and $62,909.82 as a result of the prices it charged for propane tank rentals. On the basis of these findings, the Remedial Order directed Bucks to make refunds to its propane customers through a combination of prospective price reductions and lump-sum payments. Bucks' stay request, if approved, would relieve the firm of its obligation to make those refunds pending a final determination on its Appeal of the Remedial Order. In considering the request for stay, the FEA concluded that Bucks had raised substantial issues concerning the propriety of the Remedial Order and had made a strong showing that it would incur an irreparable injury if it were required to immediately comply with the refund provisions of the Remedial Order. In view of the large number of customers involved, the FEA found that Bucks could experience a great deal of difficulty in recovering any refunded revenues in the event that the firm ultimately succeeds on the merits of its Appeal. The FEA therefore held that Bucks had satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 9176), for the approval of a stay of the refund requirement of a Remedial Order. The FEA further concluded, however, that the stay should be conditioned upon the establishment of an escrow account into which Bucks is required to place a portion of the disputed funds.

Exxon Co., U.S.A.; Houston, Tex.; FRS–1287; Refined Petroleum Products

The Exxon Company, U.S.A., filed an Application for Stay of the requirements of a Remedial Order which was issued to the firm by the Deputy Regional Administrator of FEA Region VI on April 26, 1977. The Remedial Order directed Exxon to make refunds to Exxon retailers and to either reinstate certain bank credit card contracts or reduce its selling prices by an amount which reflects the savings to Exxon which resulted from the discontinuance of those credit card arrangements. The Order did not specify the amount of refunds to be made, but Exxon was directed to secure data from its retailers and to develop further data which would permit the calculation of this amount. In considering the Exxon request that a stay be granted pending final judicial settlements of *Marathon v. Federal Energy Administration*, the FEA noted that the only issues remaining to be decided in that case concern a type of credit practice which is different from the practice which is involved in the Exxon Remedial Order. Moreover, it did not appear that the decision which would be rendered in the *Marathon* case would be dispositive of the issues involved in the remedial action which is pending against Exxon. Accordingly, this portion of the Exxon Application was denied. In considering Exxon's request that a stay be granted pending consideration of an Appeal of the Remedial Order which Exxon has filed, the FEA noted that Exxon had raised substantial issues concerning the propriety of the Remedial Order. In addition, the FEA determined that if a stay were not granted, Exxon might incur an irreparable injury in the event that it were successful on the merits of its Appeal since, if Exxon were to reinstate the bank credit card contracts, it might not be able to extricate itself from the obligations which it had assumed. The FEA further determined that, if Exxon reduced its selling prices for refined petroleum products or made refunds to its retailers, it might experience substantial difficulty in recovering the funds involved. Accordingly, the FEA determined that a stay of the Remedial Order during the pendency of the Appeal proceedings was warranted. Exxon was not required to establish an escrow account since it would have been very difficult to determine the amount to be set aside, and Exxon's ability to reduce its selling prices and to remit the revenues involved to its retailers in a timely manner would not be impaired by the approval of a stay.

Guam Oil & Refining Co., Inc.; Dallas, Tex.; FES–4105; Crude Oil

Guam Oil & Refining Company, Inc. (Gorco), filed an Application for Stay in which it requested that the FEA refrain from making any adjustment to future Entitlement Lists which would have the effect of requiring it to make restitution for entitlements benefits it may have improperly obtained during the period January 1975 through February 1977. Gorco requested that the stay be made effective until a final FEA determination is made on an Application for Exception which Gorco has filed. In the determination which it issued, the FEA noted that it was not clear that the Office of Regulatory Programs could make the adjustments to Gorco's entitlement obligations in the manner which Gorco anticipated. Nevertheless, the FEA found that the seriousness of the issues which Gorco raised in its submission warranted immediate consideration in the context of its Application for Stay. In considering Gorco's Application, the FEA found that Gorco is the only domestic refiner in the Territory of Guam, and that the residents of Guam are therefore particularly vulnerable to any price increase which Gorco might institute. Furthermore, per capita energy costs on Guam already are considerably higher, relative to per capita income, than on the United States mainland. The FEA also found that the somewhat depressed economic conditions currently existing on Guam might make it difficult for its economy to absorb further substantial energy cost increases at this time, thus threatening Guam's economic recovery effort. The FEA therefore concluded that the residents of Guam could incur a particularly serious and immediate hardship if the adjustments which Gorco anticipated were made at the present time, since they would be likely to produce price increases for petroleum products sold on Guam. In addition, the possibility of a disruption in the supply of fuel to the Defense Fuel Supply Center which would occur if these adjustments were made immediately was found to constitute a potential danger to national defense interests in the Western Pacific. Finally, the FEA affirmed that restitution of any entitlement benefits which Gorco had improperly received would effect only a very small percentage change in future Entitlement Lists, and therefore no other firm could incur an immediate and serious hardship if stay relief were approved. In view of these considerations, the FEA concluded that, even though Gorco had not yet fully demonstrated the precise impact that the restitution of entitlements benefits and the resultant price increases would have the potential for very serious adverse consequences for the residents of Guam and for national defense interests clearly existed. Gorco's Application for Stay was therefore approved.

New England Power Co.; Westborough, Mass.; FES–4146; Coal Conversion

The New England Power Company (NEP) filed an Application for Stay which, if granted, would have extended the final date on which it could submit comments with respect to certain Notices of Intent (NOI's) which were issued to six of the firm's power-

JUN 24 1977 UM

plants. In the NOI's, the FEA announced its intention to issue Prohibition Orders to those powerplants pursuant to the provisions of the Energy Supply and Environmental Coordination Act of 1974 (ESECA). The Prohibition Orders would prohibit the six NEP powerplants from burning natural gas or petroleum as their primary energy source. The deadline for submission of written comments on the FEA's proposals to issue the Prohibition Orders is May 30, 1977. In its Application for Stay, NEP contended that it would be unable prior to the May 30 deadline to complete its analysis of the FEA's proposed findings and certain related material which was recently released to the firm. In considering these contentions the FEA found that the firm had not indicated the nature or significance of the data which it planned to submit to the agency if the May 30 deadline were extended. Moreover, the FEA found that NEP had not identified which of the proposed findings set forth in the NOI's it intended to challenge, nor had it described the nature of any irreparable injury the firm would suffer in the event the stay request were denied. The FEA further determined that NEP had been aware of the possibility that the NOI's might be issued to the six powerplants for a considerable period of time prior to their issuance, and that NEP was familiar with the statutory findings which the FEA was required to make under ESECA prior to the issuance of a Prohibition Order. The FEA therefore found that NEP had received adequate notice of the type of material which should be submitted on the record in order to dispute the FEA's proposed findings. Under these circumstances, the FEA held that the 35-day period allotted to NEP in the NOI's for the submission of written comments on the proposals to issue Prohibition Orders was reasonable and NEP's Application for Stay was therefore denied.

Stephens and Cass; Dallas, Tex.; FRS–4095; Crude Oil

Stephens and Cass (S&C) filed an Application for Stay of a Remedial Order which FEA Region VI issued to the firm on April 12, 1977. In the Remedial Order, the FEA found that during the period between September 1, 1973 and October 31, 1975, S&C had sold crude oil which it produced from 14 properties at prices which exceeded the applicable ceiling price levels. On the basis of this finding, the Remedial Order required S&C to reduce its prices for crude oil which is currently produced and sold from the properties by $10.00 per barrel until the overcharges are refunded. If the stay were granted, S&C would be relieved of its obligation to make the refunds pending the FEA's determination on a request for exception which the firm had submitted. In considering S&C's Application for Stay, the FEA applied the principles established in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), modified, 3 FEA Par. 85,040 (July 8, 1976). On the basis of these principles, the FEA concluded that a stay should be granted since S&C had raised substantial issues in its Application for Exception and the firm might encounter inordinate difficulty in recovering the refunds. S&C might thereby suffer an irreparable injury if it were to ultimately prevail on the merits of its exception request. The FEA further concluded, however, that in accordance with the considerations discussed in *General Crude*, the stay should be conditioned upon the establishment of an escrow account by S&C. In view of the requirement that the refunds be made through price reductions, the FEA directed that S&C charge the purchasers of the crude oil produced and sold from the properties a price which is equal to the prevailing market price minus $10 per barrel and in turn directed that each purchaser deposit into the escrow account an amount that is equal to $10 for each barrel of crude oil which it purchases from S&C.

Twin-Tech Oil Co., Washington, D.C.; FES–1318, Natural Gas Liquid Products

Twin-Tech Oil Co. filed a request that the provisions of 10 CFR, Part 212, Subpart K be stayed during the pendency of its Appeal from a Decision and Order which the FEA issued to the firm on March 28, 1977. *Twin-Tech Oil Co.*, 5 FEA Par. 83, 126 (March 28, 1977). The Request for Stay, if granted, would have resulted in the issuance of an Order permitting Twin-Tech to charge prices for natural gas liquid products and natural gas liquids (NGL's) which are in excess of the maximum selling prices which the firm was permitted to charge pursuant to the March 28 Order. In considering the Twin-Tech request, the FEA concluded that, although the firm had shown that it would raise significant substantive issues concerning the findings in the March 28 Decision, the material presented by the firm did not make a prima facie showing that the March 28 Decision and Order was erroneous in fact or in law. In addition, the FEA determined that Twin-Tech had failed to demonstrate that its financial viability was in jeopardy as a result of the FEA regulatory requirements or that the firm would incur an irreparable injury in the absence of a stay. In this regard, the FEA found that the record in this matter contained no evidence that Twin-Tech would be unable to continue its essential business operations during the period of time in which its Appeal from the March 28 Decision and Order was pending before the FEA. Moreover, the FEA concluded that no justification existed for the particular type of relief which Twin-Tech requested, viz., the issuance of an order which would permit the firm to continue to charge what are apparently improper prices for the NGL's which it produces and sells. Accordingly, the Twin-Tech stay request was denied.

SUPPLEMENTAL ORDER

Sabre Refining, Inc.; Bakersfield, Calif.; FEX–0120; Crude Oil

On July 16, 1976 the Federal Energy Administration issued a Decision and Order to Sabre Refining, Inc. in which exception relief from the provisions of 10 CFR 211.67 was approved. The July 16 Order relieved the firm of its obligation to purchase entitlements equal in value to $1,017,664 per month during that portion of its 1976 fiscal year following the rescission of Special Rule No. 6. *Sabre Refining, Inc.*, 4 FEA Par. 83,010 (July 16, 1976). In the July 16 Order, the FEA stated that a review of Sabre's actual financial results would be conducted at the end of the firm's fiscal year to determine whether it had received excessive benefits as a result of the exception relief which had been approved. The Order further stated that, if Sabre did receive excessive entitlements exception relief during its 1976 fiscal year, and adjustment would be made and Sabre would be required to purchase additional entitlements to account for the excessive benefits. In performing this review of the entitlements exception relief provided to Sabre, the FEA determined that Sabre had exceeded its historical profit margin during its 1976 fiscal year. In accordance with the criteria established in prior decisions, Sabre was required to purchase entitlements that are equal in value to $182,904 in order to offset the excessive exception relief which it received during 1976.

SUMMARY DECISION

The Office of Exceptions and Appeals of the Federal Energy Administration amended a Decision and Order which it previously issued to the following firm in order to require the Regional Administrator of FEA Region VI to assign to the firm a new base period supplier for 71.03 percent of its actual base period use of motor gasoline during the period from May through July 1977:

Jamar Oil Co.; Tulsa, Okla.; FEX–0158

REQUEST FOR EXCEPTION RECEIVED FROM A NATURAL GAS PROCESSOR

The Office of Exceptions and Appeals of the Federal Energy Administration has issued a Decision and Order granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processor listed below. The exception granted permits the firm involved to increase the prices of the production of the gas plant listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase dollars per gallon
Oklahoma Natural Gas Co.	FXE–4062	Garvin County	0.0254

DISMISSALS

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Bob Lawrence Volkswagon, Inc.; Salisbury, Md.; FRS–1263

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief had already been obtained:

Boston Gas Co.; Washington, D.C.; FXE–4061

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

JUNE 20, 1977.

[FR Doc.77–18043 Filed 6–21–77;2:06 pm]

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact Re The Arkansas Energy Conservation Plan

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the State of Arkansas, of its State Energy Conservation Plan. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321 et seq.

Based upon assessment of environmental impacts that are expected to result from implementation of this plan, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for this plan.

Single copies of the environmental assessment of the State Plan for Arkansas are available upon request from the FEA National Energy Information Center, Room 1416, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the environmental assessment will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plan are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views or arguments with respect to the environmental assessment to Executive Communications, Box NN, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment, Arkansas Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by 4:30 p.m., e.d.s.t., July 6, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 21, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–18074 Filed 6–23–77;8:45 am]

FEDERAL MARITIME COMMISSION

CAPITALIZATION OF THE COST OF FUNDS USED DURING VESSEL CONSTRUCTION

Enlargement of Time to File Comments

Upon request of counsel for PRMSA, and good cause appearing, time within which comments may be filed in response to the Commission's notice in this matter (42 FR 25353; May 17, 1977) is enlarged to and including July 18, 1977.

By the Commission, June 20, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77–18119 Filed 6–23–77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP76–450]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Practice and Procedure Hearing; Order Setting Proceeding for Hearing, Adding Party Respondent, and Granting Intervention

JUNE 20, 1977.

Columbia Gas Transmission Corporation (Columbia Gas) and Columbia Gulf Transmission Company (Columbia Gulf) filed a joint application on July 20, 1976,[1] requesting certificate authorization to transport up to 1,000 Mcf of gas per day for Cabot Corporation (Cabot) in two stages from Eugene Island Block 285, Gulf of Mexico, Offshore Louisiana, to an existing point of delivery at Cabot's distribution system in Kanawha County, West Virginia, pursuant to an agreement dated June 8, 1976. The gas proposed to be transported is a 25 percent portion of Cabot's interest in production from the Eugene Island Block 273 Field that was expressly reserved by Cabot in its contract dated October 1, 1970,[2] covering a sale to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). The application states that Cabot intends to use these volumes mainly for Priorities 1 and 2 needs on its distribution system, which is undergoing a diminution of supply from other sources. Michigan Wisconsin is currently receiving 100 percent of Cabot's interest.

It is proposed that Columbia Gulf will transport the gas from Block 285 to a point in Boyd County, Kentucky, at a charge of 31.21 cents per Mcf; and that Columbia Gas will transport the gas from Boyd County, Kentucky to the delivery point to Cabot in Kanawha County, West Virginia, at a charge of 21.99 cents per Mcf.

After due notice of the application in this proceeding (issued August 5, 1976) in the Federal Register, the Public Service Commission of West Virginia (West Virginia) and the Public Service Commission of the State of New York (PSCNY) filed notices of intervention, with PSCNY requesting that a formal hearing be held. Cabot filed a petition to intervene. Pursuant to Section 1.8(a) of the Commission's Rules of Practice and Procedure, West Virginia and PSCNY are parties hereto without necessity of specific action on the part of the Commission.

The application herein raises a question as to whether and to what extent Cabot should be permitted to exercise its option to withdraw 25% of its gas from its sale to Michigan Wisconsin in Docket No. CL71–346, including questions as to (1) what use would the gas be put to if released for Cabot's distribution system, both directly and as a matter of displacement, (2) what rate would be charged ultimate consumers of this gas by Cabot, and (3) what uses would be affected by loss of this gas by the Michigan Wisconsin system. (This identification of questions involved is not intended to prohibit the raising of other questions during the hearing of this matter, including the reasonableness of transportation charges.)

As a further matter, the Commission regards Michigan Wisconsin as an essential party to this proceeding, even though it did not petition to intervene. Therefore, we will make Michigan Wisconsin a respondent herein.

In view of the foregoing, we deem it necessary that a hearing be held in this matter.

The Commission finds: It is necessary and in the public interest that this proceeding be set for hearing; that Michigan Wisconsin be made a respondent herein; and that Cabot be permitted to intervene.

The Commission orders: (A) This proceeding in Docket No. CP76–450 is hereby set for hearing and disposition.

(B) Michigan Wisconsin Pipe Line Company is hereby made a respondent herein.

(C) Pursuant to the authority of the Natural Gas Act, particularly, Sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), a public hearing in this proceeding, Docket No. CP76–450, shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, for the purpose of hearing and disposition of the issues herein.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the sole exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss as provided for in the Rules of Practice and Procedure).

(E) Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, Cabot Corporation, and Michigan Wisconsin Pipe Line Company shall file their direct testimony and evidence responsive to the issues identified in the body of this order, and all parties in support of the application shall file their direct testimony and evidence on or before July 14, 1977. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(F) The Presiding Administrative Law Judge shall preside at a prehearing conference to be held in this proceeding on July 28, 1977, at 10 a.m. EDT in a hearing room at the address noted in Ordering Paragraph (C).

(G) Cabot Corporation is permitted to intervene, subject to the Rules and Regulations of the Commission, provided that the participation of Cabot shall be limited to matters affecting asserted rights and interests as specifically set

[1] A supplement thereto was filed September 1, 1976.

[2] On file as Cabot's FPC Gas Rate Schedule No. 102, sale authorized in Docket No. CI71–346.

JUN 24 77 UM

forth in its petition to intervene and provided further that the admission of Cabot shall not be construed as recognition by the Commission that it might be aggrieved because of any order issued by the Commission in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18083 Filed 6-23-77;8:45 am]

[Docket Nos. CP77-216; CP77-217; and CP77-218; CP77-100 et al.]

DISTRIGAS CORP., ET AL.

Hearing; Order Providing for Joint Limited Evidentiary Hearings

JUNE 17, 1977.

On February 11, 1977, Distrigas Corporation (Distrigas) filed in Docket No. CP77-218 an application pursuant to Section 3 of the Natural Gas Act for authorization to import liquefied natural gas (LNG) from Algeria into the United States for a 20-year period. A companion appplication was filed in Docket No. CP 77-217 by Distrigas seeking authorization to sell imported LNG to its affiliate, Distrigas of Massachusetts (DOMAC). DOMAC in Docket No. CP77-216 seeks authorization to resell the gas to certain distribution customers and to make certain modifications to its existing LNG terminal facilities at Everett, Massachusetts. By notice issued February 24, 1977, these applications were consolidated. No hearing schedule has as yet been fixed for these Distrigas proceedings.

On May 27, 1977, Distrigas and DOMAC filed with the Commission a motion for a limited evidentiary hearing on the limited supply aspects in order to take testimony and permit cross-examination of witnesses from La Societe Nationale Sonatrach), the Algeria national oil company which will sell the imported LNG to Distrigas. Distrigas and DOMAC in support of their motion state that Sonatrach personnel will be in this country during the week of June 20, 1977, in connection with hearings to be held in Canada and that the scheduling of a limited hearing for evidence and cross-examination of these witnesses immediately following a scheduled prehearing conference in Tenneco Atlantic Pipeline Company, et al., Docket Nos. CP77-100, *et al.* would eliminate a requirement that Algerian witnesses make successive trips to this country. Distrigas and DOMAC also request that the testimony and cross-examination on Algerian natural gas reserves be held on July 15, 1977, when the same Sonatrach consultant will be in Washington for hearings on the Tenneco Atlantic Pipeline Company, et al. proceeding currently scheduled to commence July 11, 1977. Brooklyn Union Gas Company filed on June 3, 1977, a joinder in support of Distrigas' motion.

Staff by a filing of June 8, 1977, supports the motion and further moves that such evidentiary hearing be held jointly with the *Tenneco Atlantic Pipeline Company, et al.* proceeding, and that the joint hearings should commence on June 23, 1977. The Commission Staff believes early joint hearings could be in the best interests of both the parties to this proceeding and to the Algerian witnesses.[1] This would allow parties adequate time to evaluate the Algerian natural gas situation before possible further hearings and would prevent successive trips by the Sonatrach witnesses to Washington, D.C. for hearings. Moreover, the Sonatrach witnesses will be in Washington, D.C. in the same time frame as the *Tenneco Atlantic* proceeding. Staff states it would ask the Sonatrach witnesses in the Distrigas hearing many of the same questions as it would ask in the *Tenneco Atlantic* hearing. Furthermore, most of the parties to the Distrigas proceeding are also intervenors in the *Tenneco Atlantic* proceeding.[2] The joint record may be used, as appropriate, by parties in the two seperate proceedings in arguments and seperate briefs and will be used by the Commission in making its ultimate decision in both cases.

On June 9, 1977, Distrigas filed a response in support of Staff's motion together with testimony of Sonatrach witnesses Mazouni and Watson.

Upon consideration in the interests of expedition we shall grant Distrigas' and Staff's motion for early joint hearings as hereafter ordered.

The Commission finds: The motions of Distrigas and Staff should be granted.

The Commission orders: (A) Joint limited evidentiary hearings for the Sonatrach witnesses Tayeb Mazouni and Abelmadjid Mazi Tani shall commence June 23, 1977, in Docket No. CP77-100, et al., and Docket No. CP77-216, et al. following the prehearing conference scheduled in Docket Nos. CP77-100, et al., to commence on the same date.

(B) Joint limited evidentiary hearings on Algerian natural gas reserves with respect to Sonatrach's witness James W. Watson shall commence on July 15, 1977, in Docket No. CP77-100, et al., and Docket No. CP77-216, et al.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18084 Filed 6-23-77;8:45 am]

MONTANA POWER CO.

[Docket No. ER77-378]

Electric Rates: Acceptance for Filing; Order Accepting Agreement and Supplement for Filing, and Requiring Additional Information

JUNE 17, 1977.

On May 18, 1977, Montana Power Company (Montana) submitted for filing a power purchase agreement with Big Horn County Electric Cooperative, Inc. (Big Horn), as well as Supplement No. 1 to that agreement. The new agreement supersedes the present power purchase agreement dated May 9, 1956, between Montana and Big Horn[1] and provides for improved service to Big Horn at the same rates as the prior agreement.[3] Supplement No. 1, dated February 15, 1974, contains Montana's Rate Schedule REC-74, which would result in a rate increase of $44,613 to Big Horn for the year ending June 30, 1978.[3] Big Horn has signed both the agreement and the supplement.

Montana has requested a retroactive effective date of April 14, 1971, for its superseding agreement[4] and a prospective date of July 1, 1977, for Supplement No. 1.

Notice of the filing was issued on June 1, 1977, with comments and petitions due on or before June 8, 1977. No response was received.

Although the April 1971 power purchase agreement[5] contains rates identical to the demand and energy charges provided in the filed 1956 agreement, it also contains a tax adjustment clause not included in the prior agreement. We will not allow the operation of the tax adjustment clause because we do not know if Montana collected revenues under the clause in the agreement which apparentiy took effect in 1971. Any tax adjustment clause would require full cost of service data since the clause, if implemented, might constitute a rate increase. The Commission cannot approve a rate increase retroactively. In light of the fact that the proposed purchase agreement results in improved service to Big Horn, we will grant Montana's requested effective date of April 14, 1971, provided that the tax clause is of no effect.[6] Montana will be directed to advise the Commission if the Company has collected any revenues under the tax clause.

Supplement No. 1,[7] with a requested effective date of July 1, 1977, does not contain a tax adjustment clause. The rate level provided in the Supplement has been found to be reasonable on the ground that the proposed rates have previously been supported by Montana's cost-of-service study filed in Docket No. E-9004 for service to Cooperative customers. Since the Supplement is dated February 15, 1974, Montana may have been collecting revenues under the supplement's rate level since that time.[8] The supplement and the proposed effective date will be accepted and Montana will be directed to advise the Commission if the Company has already collected any revenues under it.

The Commission finds: (1) Good cause exists to accept Montana Power Company's proposed agreement for filing to become effective on April 14, 1971, for all amounts collected under it except for those collected under the tax adjustment provision.

(2) Good cause exists to accept Montana's proposed Supplement No. 1 for filing to become effective on July 1, 1977.

(3) Good cause exists to require Montana to advise the Commission within 15 days of the issuance of the order if the Company has collected any revenues under (a) the tax clause of its proposed power purchase agreement or (b) its proposed Supplement No. 1, and, if so, the amount of such revenues.

The Commission orders: (A) Montana's proposed agreement is hereby accepted for filing to become effective retroactively on April 14, 1971, for all amounts collected under it except for those collected under the tax adjustment provision.

(B) Montana's proposed Supplement No. 1 is hereby accepted for filing to become effective on July 1, 1977.

(C) Montana shall advise the Commission within 15 days of the issuance of the order if the Company has collected any revenues under (1) the tax clause of its proposed power purchase agreement or (2) its proposed Supplement No. 1, and, if so, the amount of such revenues.

(D) The acceptance of the agreement and Supplement No. 1 for filing does not constitute approval of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such rate or service provided for in the above-designated rate schedule; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such service or rate; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Montana.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18081 Filed 6-23-77;8:45 am]

[Docket No. ER77-402]

PHILADELPHIA ELECTRIC CO.

Extension of Time

JUNE 17, 1977.

On June 14, 1977, the Borough of Lansdale, Pennsylvania, filed a motion to extend the time for filing petitions to intervene or protests to the proposed tariff changes tendered for filing in the above indicated docket on May 27, 1977, and noticed June 10, 1977. The motion states that counsel for Philadelphia Electric Company does not object to an extension.

Upon consideration, notice is hereby given that the time for filing petitions to intervene or protests in the above proceeding is extended to and including July 1, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18080 Filed 6-23-77;8:45 am]

[Docket No. CP77-432]

TENNESSEE GAS PIPELINE CO.

Application

JUNE 17, 1977.

Take notice that on June 9, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-432 an application pursuant to Section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to connect gas purchased from Tenneco Oil Company in the South Marsh Island area, Blocks 60 and 61, offshore Louisiana. The proposed facilities will connect to Applicant's system reserves presently dedicated but not now physically connected to Applicant's system.

The proposed facilities, estimated to cost $9.773,000, consist of approximately 6.57 miles of 30-inch pipeline which will originate at Tenneco Oil Company's 61-C platform in the said South Marsh Island area and connect to Tennessee's existing Blue-Water Project facilities in Block 76.

Applicant estimates that 208 Bcf of recoverable gas reserves and deliverability of approximately 200 MMcf per day will be available to Applicant as a result of construction of the proposed facilities.

Applicant states that the proposed facilities are necessary to enable Applicant to attach reserves needed to improve its ability to serve existing customers.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 6, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18082 Filed 6-23-77;8:45 am]

FEDERAL RESERVE SYSTEM

[H. 2, 1977 No. 23]

ACTIONS OF THE BOARD

Applications and Reports Received During the Week Ending June 4, 1977

ACTIONS OF THE BOARD

H.R. 7325, the International Banking Act of 1977, letter to Chairman St Germain, House Subcommittee on Financial Institutions Supervision, Regulation and Insurance, with enclosure of Board's proposed amendments to the bill.

Report on H.R. 1675, a bill to establish a national system of regional capital development banks, letter sent to Chairman Reuss, House Committee on Banking, Finance and Urban Affairs, in response to requests for comments.

Results of a survey of U.S. banks' claims on foreigners.

Regulation G, Securities Credit by Persons other than Banks, Brokers, or Dealers—adoption of revised forms required under Regulation G.

Issuance of subordinated capital notes by Seattle Trust & Savings Bank, Seattle, Washington.

---

[1] Tayeb Mazouni on Algerian policy and contractual relationships, Abelmadjid Mazi Tani on Algerian LNG and natural gas facilities, and James W. Watson on Algerian natural gas reserves.

[2] Of all the parties who have filed petitions to intervene in Docket No. CP77-216, *et al.*, only the City of New York and Fall River Gas Company have not filed petitions to intervene in Docket No. CP77-100, *et al.*

[1] Rate Schedule REA-50 (Designated as Rate Schedule FPC No. 16.)

[2] The improved service consists of higher voltage service at the Yellowtail delivery point and of higher maximum contract demands for power at both the Hardin and Yellowtail delivery points.

[3] Montana's Rate Schedule REC-74 has been accepted for filing in Docket No. E-9004 for similar service to Central Montana Electric Generation and Transmission Cooperative.

[4] April 14, 1971, is the date of approval of the agreement by the Rural Electrification Administration. Apparently the Company has been serving Big Horn under the superseding contract since April 14, 1971, but did not submit the agreement to the Commission for filing until May 18, 1977.

[5] Designated as Montana Power Company, Rate Schedule FPC No. 40 (Supersedes Rate Schedule FPC No. 16).

[6] Any attempt to implement a tax adjustment clause in the future would require full cost support as specified in Section 35.13 of the Commission's regulations.

[7] Designated as Montana Power Company, Supplement No. 1 to Rate Schedule FPC No. 40.

[8] These rates and rate provisions were not on file with the Commission.

V42N122 JUN 24 77 UM

First Security Corporation, Salt Lake City, Utah, letter to Corporation relating to the divestiture of FSC's interest in First Security Savings & Loan Association of Pocatello, Idaho, and requesting FSC to file a revised plan of divestiture by June 30, 1977.

First City Bancorporation of Texas, Inc., Houston, Texas, extension of time to August 29, 1977, within which to consummate the acquisition of Red Bird National Bank, Dallas, Texas.[1]

Northwestern State Bank of Austin, Austin, Minnesota, to make an additional investment in bank premises.[1]

McIlroy Bank & Trust, Fayetteville, Arkansas, extension of time to October 14, 1977, within which to complete the sale of subordinated capital notes to the public.[1]

Burlington Bank Realty Company, Burlington, Iowa, proposed merger with Hawkeye Bank and Trust, Burlington, Iowa, report to the Federal Deposit Insurance Corporation on competitive factors.[1]

Exchange National Bank of Pinellas County, Largo, Florida, proposed merger with The Exchange Bank of Dunedin, Dunedin, Florida, and The Exchange Bank and Trust Company of Clearwater, Clearwater, Florida, report to the Comptroller of the Currency on competitive factors.[1]

Valley National Bank of Auburn, Auburn, Washington, proposed acquisition by Puget Sound National Bank, Tacoma, Washington, report to the Comptroller of the Currency on competitive factors.[1]

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act

APPROVED

The Harter Bank & Trust Company, Canton, Ohio. Branch to be established at the Mellett Mall Shopping Center, 4196 West Tuscarawas Street, Canton, Stark County.[2]

The State Savings Bank of West Branch, West, Michigan. Branch to be established at 620 Saginaw Street, Village of Steerling, Deep River Townshsip, Arenac County, Michigan.[2]

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act

APPROVED

Chemical Bank: Branch—Hong Kong.

Thirty Day Notice by a Member Bank of Intention to Establish an Additional Branch in a Foreign County

APPROVED

Manufacturers Hanover Trust Company: Branch—additional in Dusseldorf, Germany.

International Investments and Other Actions Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended

APPROVED

Marine Midland International Corporation: One-year extension of time—Disposition of additional shares of Irish Intercontinental Bank Limited.

Morgan Guaranty International Finance Corporation: Investment—additional in Cofiber, S.A., Madrid, Spain, to increase its ownership to 80 percent.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956

APPROVED

Brogan Bankshares, Inc., Kaukauna, Wisconsin, for approval to acquire 80 percent of the voting shares of The Bank of Kaukauna, Kaukauna, Wisconsin.[2]

Panhandle Aviation, Inc., Clarinda, Iowa, for approval to acquire 80 percent or more of the voting shares of Citizens State Bank, Clarinda, Iowa.[2]

Krey Co. Ltd., Pratt, Kansas, for approval to acquire 51 percent of the voting shares of The Peoples Bank, Pratt, Kansas.

North Fork Corporation, Paonia, Colorado, for approval to acquire 80 percent or more of the voting shares of The First National Bank of Paonia, Paonia, Colorado.[2]

DENIED

Granite Holding Corp., Granite Falls, Minnesota, for approval to acquire 100 percent (less directors' qualifying shares) of the voting shares of Granite Falls Bank, Granite Falls, Minnesota.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

APPROVED

First National Charter Corporation, Kansas City, Missouri, for approval to acquire 80 percent or more of the voting shares of The Farmers Trust Company of Lee's Summit, Lee's Summit, Missouri.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

WITHDRAWN

Guaranty Loan and Investment Corporation of Tulsa, Inc., Tulsa, Oklahoma, notification of intent to engage in de novo activities (industrial banking including the issuance of thrift certificates and the extension of credit by first and second real estate mortgages and durable consumer goods) at 7021 South Memorial Drive, Tulsa, Oklahoma, through a subsidiary, Western Trust & Savings Company (5–31–77)[3]

DELAYED

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (acting as agent or broker for the sale of credit related property and casualty insurance) at 1730 South Amphlett, San Mateo, California, through its subsidiary, Security Pacific Finance Corp. (5–31–77)[3]

PERMITTED

Industrial National Corporation, Providence, Rhode Island, notification of intent to relocate de novo activities (consumer finance and insurance agency for any insurance directly related to an extension of credit or provision of other financial services) from 1768 Lawrenceville Highway, Decatur, Georgia to 2955B N. Druid Hills Road, Atlanta, Georgia, through its subsidiary, Southern Discount Company, a subsidiary of Industrial National Corporation (6–4–77)[3]

Chemical New York Corporation, New York, New York, notification of intent to engage in de novo activities (leasing real and personal property and equipment on a non-operating, full payout basis and acting as agent, broker, and adviser with respect to such leases; financing real and personal property and equipment such as would be done by a commercial finance company; and servicing such extensions of credit) at 244 West Passaic Street, Rochelle Park, New Jersey, through its subsidiary, Chem-Lease, Inc. (5–28–77)[3]

United Bank Corporation of New York, Albany, New York, notification of intent to relocate de novo activities (making and acquiring, for its own account or for the account of others, loans and other extensions of credit such as could be made by a finance company including secured and unsecured loans to individuals, discounting of installment sales contracts, and secured commercial financing such as dealer floor-plan financing and furnishing services or performing services in the leasing of personal property and equipment under the terms of leases which provide for compensating the lessor for not less than the lessor's full investment in the property) from 3588 Delaware Avenue, Buffalo, New York to Liberty Bank Building, Buffalo, New York, through its subsidiary, UBC Leasing of New York Inc. (6–2–77)[3]

United Virginia Bankshares Incorporated, Richmond, Virginia, notification of intent to relocate de novo activities (originating loans as principal; originating loans as agent; servicing loans for nonaffiliated individuals, partnerships, and corporations; servicing loans for affiliates of United Virginia Bankshares Incorporated; sale as agent, of credit life, credit disability, mortgage redemption and mortgage cancellation insurance in connection with such loans and such other activities as may be incidental to the business of a mortgage corporation) from 11009 Warwick Boulevard, Newport News, Virginia to 718 J. Clyde Morris Boulevard, Newport News, Virginia, through its subsidiary, United Virginia Mortgage Corporation (5–29–77)[3]

Third National Corporation, Nashville, Tennessee, notification of intent to engage in de novo activities (conducting the business of a mortgage company including the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, servicing loans and other extensions of credit for any person; and to act as agent or broker in the sale of mortgage redemption insurance, credit life/accident and health insurance) at 201 Fourth Avenue, North, Nashville, Tennessee, through a subsidiary, Third National Mortgage Company (6–2–77)[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance) at 2025 Gateway Place, San Jose, California, through its subsidiary, Security Pacific Finance Corp. (6–4–77)[3]

[1] Application processed on behalf of the Board of Governors under delegated authority.

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[3] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

[2] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit-related life/accident and health insurance) at 600 N. Mountain Avenue, Upland, California, through its subsidiary, Security Pacific Finance Corp. (6–4–77)[3]

APPROVED

Peoples Credit Co., Kansas City, Missouri, for approval to retain the assets of Midwest Data Processing (a division of Peoples Credit Co.), Kansas City, Missouri.

Krey Co. Ltd., Pratt, Kansas, for permission to acquire consumer finance company offices in Liberal, Kansas and Guymon, Oklahoma.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act

The Harter Bank & Trust Company, Canton, Ohio. Branch to be established adjacent to the Edison Park Shopping Center, Route No. 619, Hartville, Stark County.

To Establish an Overseas Branch of a Member Bank Pursuant to Section 25 of the Federal Reserve Act

Union Trust Company of Maryland: Branch—George Town, Grand Cayman, Cayman Islands.

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

First City Bancorporation of Texas, Inc., Houston, Texas, for approval to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The City National Bank of Bryan, Bryan, Texas.

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

Maryland National Corporation, Baltimore, Maryland, notification of intent to engage in de novo activities (engaging generally in the business of leasing personal property including, but not limited to, the leasing of various types of equipment, machinery, vehicles, transportation equipment, and data processing equipment; originating personal property leases as principal or agent; servicing personal property leases for affiliated or nonaffiliated individuals, partnerships or corporations; buying and selling and otherwise dealing in personal property lease contracts as principal or agent; acting as adviser in personal property leasing transactions; engaging in the sale, as agent or broker, of insurance similar in form and intent to credit life and/or mortgage redemption insurance; engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit; originating real property leases as principal or agent; servicing real property leases for affiliated or nonaffiliated individuals, partnerships, corporations or other entities; buying, selling and otherwise dealing in real property leases as principal, agent or broker; and acting as adviser in real property leasing transactions) at 79 Oak Hill Road, Red Bank, New Jersey, through its subsidiary, Maryland National Leasing Corporation (5–31–77)[3]

Mercantile Bancorporation, Inc., St. Louis, Missouri, notification of intent to engage in de novo activities (operating as an industrial loan company in the manner authorized by laws of West Virginia and will not both accept deposits and make commercial loans; and insurance agency or brokerage in connection with selling to borrowers credit life insurance and credit accident and health insurance) at 300 Carolina Avenue, Chester, West Virginia, through a subsidiary of Franklin Finance Company, a wholly-owned subsidiary, to be known as Franklin Thrift and Loan Co. of Chester, Inc. (6–3–77)[3]

First National Lincoln Corp., Lincoln, Nebraska, notification of intent to engage in de novo activities (operation of a detached auxiliary office pursuant to Article 4 of Chapter 8, reissue revised statutes of Nebraska, 1943 as amended; this auxiliary office of the industrial bank will receive savings deposits, both installment (passbook) and time certificate paying interest thereon at rates not to exceed those approved from time to time by the Director of Banking & Finance of the State of Nebraska; the auxiliary office of the industrial bank will also make loans, principally consumer installment loans, and loans secured by first or second mortgages, pursuant to sections 8–435 to 8–450, reissue revised statutes of Nebraska, 1943) on the northwest corner of 14th and "L" Streets, Lincoln, Nebraska, through its subsidiary, First Savings Company of Lincoln (5–31–77)[3]

BankAmerica Corporation, San Francisco, California, notification of intent to engage in de novo activities (acting as investment or financial adviser to the extent of providing portfolio investment advice to others with emphasis on real property investments and real property interests) at 333 South Wacker Drive, Chicago, Illinois; 7801 East Belleview Avenue, Englewood, Colorado; 5401 West Kennedy Boulevard, Tampa, Florida; 57 Executive Park South, Atlanta, Georgia; 720 Main Street, Kansas City, Missouri; 7900 Xerxes Avenue South, Minneapolis, Minnesota; 500 West Wilson Bridge Road, Columbus, Ohio; 12700 Park Central Place, Dallas, Texas; and 5909 West Loop South, Bellaire, Texas; and to merge its subsidiary, BankAmerica International Realty Corporation with and into another subsidiary, BA Mortgage Company, Inc., the resulting subsidiary to be known as BA Mortgage and International Realty Corporation (5–25–77)[3]

Nevada National Bancorporation, Reno, Nevada and Seilon, Inc., Toledo, Ohio, notification of intent to relocate de novo activities (financing of personal property and equipment and the leasing of such property or the acting as an agent, broker, or adviser in the leasing and/or financing of such property where at the inception of the initial lease the effect of the transaction will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease; making or acquiring, for its own account or for the account of others, loans and other extensions of credit in the normal course of its leasing business including the making of business installment loans, the purchase of business installment sales finance contracts and making loans to businesses of various sizes) from 4th and Bridger Streets to 3160 West Sahara Avenue, Las Vegas, Nevada, through its subsidiary, Nevada National Leasing Company, Inc. (5–26–77)[3]

Rainier Bancorporation, Seattle, Washington, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and other extensions of credit) at 33110 Pacific Highway South, Federal Way, Washington, through its subsidiary, Rainier Mortgage Company (5–26–77)[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (making or acquiring, for its own account or for the account of others, loans and extensions of credit including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a commercial finance company; and acting as broker or agent for the sale of credit related life/accident and health insurance and credit related property and casualty insurance) at 1730 South Amphlett, San Mateo, California, through its subsidiary, Security Pacific Finance Corp. (5–23–77)[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties, for its own account or for the sale to others and the servicing of such loans for others) at 2020 Hurley Way, Sacramento, California, through its subsidiary, Security Pacific Mortgage Corporation (5–26–77).[3]

Security Pacific Corporation, Los Angeles, California, notification of intent to engage in de novo activities (the origination and acquisition of mortgage loans including development and construction loans on multi-family and commercial properties, for its own account or for the sale to others and the servicing of such loans for others) at 404 James Robertson Parkway, Nashville, Tennessee, through its subsidiary, Security Pacific Mortgage Corporation (5–25–77).[3]

REPORTS RECEIVED

Registration Statement Filed Pursuant to Section 22(g) of The Securities Exchange Act.

The Ypsilanti Savings Bank, Ypsilanti, Michigan.

Ownership Statement Filed Pursuant to Section 13(d) of The Securities Exchange Act.

Metropolitan Bank, Tampa, Florida. (Filed by The Summit Organization, Inc—Amendment No. 2.)

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, June 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18097 Filed 6-23-77;8:45 am]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

JUN 24 77 UM

CITIZENS BANCORP, INC.

Formation of Bank Holding Company

Citizens Bancorp, Inc., Hartford City, Indiana, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Citizens State Bank, Hartford City, Indiana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 18, 1977.

Board of Governors of the Federal Reserve System, June 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18091 Filed 6-23-77;8:45 am]

HUNTINGTON BANCSHARES INC.

Acquisition of Bank

Huntington Bancshares Incorporated, Columbus, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of Bellefontaine National Bank, Bellefontaine, Ohio. The factors that are considered in acting on the application are set forth § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than July 18, 1977.

Board of Governors of the Federal Reserve System, June 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18092 Filed 6-23-77;8:45 am]

HUNTINGTON BANCSHARES INC.

Acquisition of Bank

Huntington Bancshares Incorporated, Columbus, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of The Central National Bank of London, London, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 17, 1977.

Board of Governors of the Federal Reserve System, June 15, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18093 Filed 6-23-77;8:45 am]

ROYAL TRUST CO. AND ROYAL TRUST BANK CORP.

Order Approving Acquisition of Bank

The Royal Trust Company, Montreal, Quebec, Canada ("Applicant"), and its wholly-owned subsidiary, Royal Trust Bank Corp., Miami, Florida ("Bank Corp."), both of which are bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval under § 3(a)(3) of the Act (12 U.S.C. § 1842(a)(3)) to acquire all of the voting shares of Royal Trust Bank of South Dade, N.A., Dade County, Florida, a proposed new bank ("Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Applicant, with total assets of approximately $4.3 billion,[1] is the largest trust company and the eighth largest financial institution in Canada, and operates, through its subsidiaries and other interests, in both Europe and the Caribbean Islands. In the United States, Applicant controls six Florida banks ($184.7 million in deposits)[2] and one nonbank subsidiary.[3] Consummation of the subject proposal would not have an immediate effect upon the concentration of banking resources in Florida.

Bank will be located in the southern part of Dade County approximately four miles from the University of Miami's south campus. With two subsidiary banks in the relevant market,[4] applicant controls $107 million in deposits, or approximately 1.7 percent of the market deposits,[5] and is the 18th largest of 46 banking organizations (with 110 banks) operating in the market. Florida's six largest bank holding companies are also represented in the market. Although Applicant is already competing in the market, its lead bank and its closest subsidiary bank, Royal Trust Bank of Miami, N.A., is located 12.3 miles north of Bank's proposed location.[6] Due to the relative size of Applicant, the distances separating Bank from Applicant's other subsidiary banks, and the fact that Bank is a proposed new bank, consummation of Applicant's proposal would not appear to eliminate any potential competition, nor would it significantly increase the concentration of banking resources, in the relevant market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Applicant, Bank Corp. and their subsidiaries are regarded as satisfactory. As a proposed new bank, Bank has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application.

Bank will serve as an additional full service banking alternative in the relevant market, and affiliation with Applicant will enable Bank to offer international banking services, accounts receivable financing, factoring, investment management, and investment portfolio analysis. Thus, these considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons

[1] All banking data are as of December 31, 1976, unless otherwise indicated and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1977.

[2] Applicant currently controls five of these banks through Bank Corp. which was formed in 1976 as a wholly-owned subsidiary of Applicant in order to hold directly Applicant's banking interests in the United States.

[3] Information Systems Design of Florida, Inc., Miami, Florida ("ISD-Florida") was formed as a subsidiary of Information Systems Design, Inc., Santa Clara, California ("ISD-California") in 1971. While ISD-Florida is fully engaged in data processing activities permissible for bank holding companies within the scope of Regulation Y, 12 CFR § 225.4(a)(8), ISD-California is not. ISD-California is, in turn, owned by Computel Systems, Ltd. ("Computel"), a Canadian data processing company. By Order of December 6, 1973, the Board denied Applicant's retention of ISD-California after Applicant's acquisition of Computel pursuant to § 4(c)(9) of the Act (60 Fed. Res. Bull. 58 (1974)). On January 31, 1977, the Board approved in principle a plan of divestiture of ISD-California that had been submitted by Applicant. Immediately prior to consummation of the divestiture proposal, Applicant will retain ISD-Florida through a corporate reorganization by which ISD-Florida will be transferred to Applicant or to another subsidiary of Applicant.

[4] The Greater Miami banking market, the relevant market, includes Dade County and that portion of Broward County lying south of the Dania Canal. The northern boundary of the market area is delineated by the Dania Canal, the Miami International Airport, and a tract of undeveloped land extending across Broward County.

[5] All market data are as of June 30, 1976.

[6] In addition, Applicant's lead bank, has received approval from the Regional Administrator of National Banks to open two branches, one 17 miles and the other 7.7 miles from Bank.

summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Royal Trust Bank of South Dade, N.A., Dade County, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[7] effective June 20, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18094 Filed 6-23-77;8:45 am]

TRADE DEVELOPMENT HOLLAND HOLDING B.V. TRADE DEVELOPMENT FINANCE (NETHERLANDS ANTILLES) N.V.

Order Approving Formation of Bank Holding Companies

Trade Development Holland Holding B.V. ("TDHH"), Amsterdam, The Netherlands, and its parent corporation, Trade Development Finance (Netherlands Antilles) N.V. ("TDFNA"), Curacao, The Netherlands, Antilles, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies through direct acquisition by TDHH of approximately 40 to 47 percent of the voting shares of Republic New York Corporation ("Republic"), New York, New York, increasing thereby TDHH's direct ownership and TDFNA's indirect ownership of Republic's voting shares from approximately 22 percent to between 62 and 69 percent. Republic is a bank holding company that owns all the voting shares, except directors' qualifying shares, of Republic National Bank of New York ("Bank"), New York, New York.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

These applications are essentially for a reorganization of existing ownership interests in Republic. TDFNA is a wholly-owned subsidiary of Trade Development Bank Holding S.A. ("TDBH"), Luxembourg, Luxembourg, a foreign bank holding company registered under the Act by virtue of its indirect ownership of 62 percent of Bank.[1] Upon approval of these applications, TDHH will acquire approximately 40 percent of the shares of Republic from two wholly-owned subsidiaries of TDBH. It will purchase approximately 27 percent of Republic's shares from Trade Development Bank, Geneva, Switzerland, and approximately 13 percent from Trade Development Europe Holding B.V., Amsterdam, The Netherlands. These transactions will result in direct ownership by TDHH and indirect ownership by TDFNA of approximately 62 percent of Republic's shares. The indirect interest of TDBH and its parent corporation, Saban S.A., Panama, Panama, which is also a registered bank holding company, will be unaffected. An additional seven percent of Republic's shares, however, may be purchased by TDBH from unaffiliated persons and transferred to TDHH under Applicants' proposal. Since Applicants' proposal represents essentially a reorganization of existing intermediate interests among TDBH's subsidiaries, and does not affect ultimate control or beneficial ownership of Bank, consummation of the proposal would not eliminate banking competition or increase the concentration of banking resources. Thus, competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Applicants and Bank are regarded as generally satisfactory and consistent with approval of the applications. Although there will be no immediate change in the services offered by Bank as a result of consummation of the proposal, convenience and needs considerations are also consistent with approval of the applications. Therefore, it is the Board's judgment that the proposed transactions should be approved.

As part of their applications, Applicants have contended that they should be considered foreign bank holding companies. Under sections 2(h) and 4(c)(9) of the Act and § 225.4(g) of Regulation Y, foreign bank holding companies are entitled to greater regulatory freedom than domestic bank holding companies with regard to their foreign investments and foreign activities. Applicants are in the process of submitting to the Board information required to clarify their claim of foreign bank holding company status under § 225.4(g)(1) of the Board's Regulation Y, but have asked the Board not to delay action on the present applications pending a determination of their status.[2] The significance of foreign bank holding company status under the Act and Regulation Y relates principally to exemptions from the nonbanking prohibitions of section 4 of the Act.[3] For bank acquisitions under section 3 of the Act, the factors that the Board must consider under section 3(c) of the Act apply equally to both domestic and foreign companies. Since, as discussed below, it appears that only one existing foreign investment of Applicants may be affected by the ultimate determination of Applicants' status as foreign or domestic bank holding companies and since it further appears that this investment does not bear significantly on the factors that the Board must consider under § 3(c) of the Act, the Board does not view the current inquiry regarding Applicants' status as an impediment to approval of these applications.[4] Accordingly, Applicants shall be deemed to be domestic bank holding companies unless they later establish by satisfactory evidence their entitlement under § 225.4(g) of Regulation Y to a different status.

Upon consummation of the proposed acquisitions, Applicants must conform their investments and activities to those provisions of the Act applicable to domestic bank holding companies. Specifically, Applicants will be required by law to divest their voting shares of Trade Development Bank (France) S.A., Paris, France, in excess of five percent, within two years after the date on which they become bank holding companies, unless within that time the Board determines Applicants to be foreign bank holding companies or approves their retention of those shares under section 4(c)(13) of the Act.

[7] Voting for this action: Chairman Burns and Governors Gardner, Wallich, Jackson, Partee and Lilly. Absent and not voting: Governor Coldwell.

[1] Bank is the fourteenth largest commercial bank in the Metropolitan New York Market, and holds $1.6 billion in consolidated deposits, or 0.7 percent of the deposits in commercial banks in the market. All banking data are as of December 31, 1976. Market data are as of June 30, 1975. The Metropolitan New York banking market is approximated by the five boroughs of New York City, plus Nassau, Putnam, Rockland, and Westchester Counties, and western Suffolk County, all in New York State, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey and southwestern Fairfield County in Connecticut.

[2] Incident to Applicants' request for expedited processing of these applications, Applicants' counsel has advised them to undertake no activities and make no investments except in accordance with rules applicable to domestic bank holding companies

[3] Bank holding companies that do not qualify as foreign bank holding companies under section 225.4(g) of Regulation Y must apply to retain or acquire shares of foreign companies under section 225.4(f) of Regulation Y which implements section 4(c)(13) of the Act. In general, under section 225.4(f) of Regulation Y domestic bank holding companies are limited to owning and controlling shares of foreign companies that are engaged in international or foreign banking and other foreign or international financial operations. In contrast, under section 4(c)(9) a foreign bank holding company can own and control shares of any foreign company, regardless of the activities the company is engaged in, so long as it is only engaged in incidental activities in the United States.

[4] For some companies, domestic bank holding company status could entail a significant divestiture of interests in foreign companies, and this requirement could materially affect the financial resources and future prospects of the companies under section 3 of the Act. In connection with the present applications, however, domestic bank holding company status will not necessarily involve any significant divestiture by either Applicant.

V 42 N 122 JUN 24 77 UM

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made before the thirtieth calendar day following the effective date of this Order, or later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[5] effective June 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18096 Filed 6-23-77;8:45 am]

[Docket No. TCR 76-105]

WACHOVIA CORP.

Prior Certification Pursuant to the Bank Holding Company Tax Act of 1976

The Wachovia Corporation, Winston-Salem, North Carolina ("Wachovia"), has requested a prior certification pursuant to § 6158(a) of the Internal Revenue Code (the "Code"), as amended by § 3(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that the sale on August 31, 1976, of all the 10 issued and outstanding shares of common stock of North Carolina Title Company, Winston-Salem, North Carolina ("Title Company"), held by Wachovia Mortgage Company, Winston-Salem, North Carolina ("Mortgage"), a wholly owned subsidiary of Wachovia, to Chicago Title Insurance Company, Chicago, Illinois ("Chicago Title"), for $600,000 cash, was necessary or appropriate to effectuate § 4 of the Bank Holding Company Act (12 U.S.C. § 1843) ("BHC Act").[1]

In connection with this request, the following information is deemed relevant for purposes of issuing the requested certification: [2]

1. Wachovia is a corporation organized under the laws of the State of North Carolina on September 19, 1968, to acquire and hold all the shares of Wachovia Bank and Trust Company, N.A. ("Bank").

2. On December 31, 1968, Wachovia acquired ownership and control of all the outstanding voting shares (less directors' qualifying shares) of Bank.

3. Wachovia became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its ownership and control at that time of more than 25 percent of the outstanding voting shares of Bank, and it registered as such with the Board on January 20, 1972. Wachovia would have been a bank holding company on July 7, 1970, if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its ownership and control on that date of more than 25 percent of the voting shares of Bank. Wachovia presently owns and controls 100 percent (less directors' qualifying shares) of the outstanding voting shares of Bank.

4. Title Company is a corporation organized under the laws of the State of North Carolina on January 1, 1969, as a wholly owned subsidiary of Mortgage. Title Company engaged in the business of acting as agent for the sale of title insurance policies insuring the title to real property, which policies were underwritten by Chicago Title. Mortgage is a corporation organized under the laws of the State of North Carolina on January 1, 1969, as a wholly owned subsidiary of Wachovia. On August 31, 1976, Mortgage owned and controlled 10 shares of common stock, representing 100 percent of the issued and outstanding voting shares, of Title Company, all of which were acquired by it before July 7, 1970.

5. Wachovia did not file an application with the Board, or otherwise obtain the Board's approval, pursuant to § 4(c)(8) of the BHC Act to retain the shares of Title Company or engage in the activities carried on by Title Company,[3] and the disposition of the shares of Title Company was necessary or appropriate to effectuate § 4 of the BHC Act if Wachovia were to be a bank holding company beyond December 31, 1980.

6. On August 31, 1976, Wachovia and Mortgage sold the shares of Title Company to Chicago Title for cash.

On the basis of the foregoing information it is hereby certified that:

(A) At the time of the sale by Mortgage of its shares of Title Company, Wachovia was a qualified bank holding corporation, within the meaning of § 6158(f)(1) and subsection (b) of section 1103 of the Code, and satisfied the requirements of that section, and Mortgage was a subsidiary of Wachovia within the meaning of §§ 6158(f)(1), 1103(b)(2)(A), and 1103(a)(1)(B) of the Code and § 2(d) of the BHC Act;

(B) The shares of Title Company that Mortgage sold to Chicago Title were "prohibited property" within the meaning of §§ 6158(f)(2) and 1103(c) of the Code; and

(C) The sale of the shares of Title Company by Mortgage was necessary or appropriate to effectuate § 4 of the BHC Act.

This certification is based upon the representations made to the Board by Wachovia and upon the facts set forth above. In the event the Board should hereafter determine that facts material to this certification are otherwise than as represented by Wachovia, or that Wachovia has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors acting through its General Counsel, pursuant to delegated authority (12 CFR § 265.2(b)(3)), effective June 17, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18095 Filed 6-23-77;8:45 am]

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns.

[1] Pursuant to § 3(e)(2) of the Tax Act, in the case of any sale that takes place on or before December 31, 1976 (the 90th day after the date of the enactment of the Tax Act), the certification described in § 6158(a) shall be treated as made before the sale, if application for such certification was made before the close of December 31, 1976. Wachovia's application for such certification was received by the Board on November 19, 1976.

[2] This information derives from Wachovia's correspondence with the Board concerning its request for this certification, Wachovia's Registration Statement filed with the Board pursuant to the BHC Act and other records of the Board.

[3] It does not appear that Title Company's activities would qualify for approval by the Board had an application been filed. Although § 225.4(a)(9) of Regulation Y, 12 CFR § 225.4(a)(9) permitted certain insurance agency activities by bank holding companies, the scope of that provision was narrowed substantially by a decision of the United States Court of Appeals for the Fifth Circuit. *Alabama Association of Insurance Agents* v. *Board of Governors of the Federal Reserve System*, 522 F. 2d 224 (1976), vacated in part and modified in part, 544 F. 2d 572 (1977).

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 20, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FEA request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before July 12, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL ENERGY ADMINISTRATION

The FEA requests clearance of a new single-time form, Historical Survey of No. 2 Heating Oil, FEA-P137-S-0. This mandatory form contains the same data elements as the form FEA-P131-S-1, Survey of Sellers of No. 2 Heating Oil. However, this proposed form covers a different time period. FEA has determined that it is necessary to hold hearings in each of its 10 regions and nationally, beginning July 11 and ending July 18, 1977, to determine why heating oil prices exceeded the FEA monitoring system index prices and what actions may be appropriate for the next heating season. In preparation for these hearings, the FEA needed the additional information required on the form FEA-P131-S-1 which collects data for June 1976 and January 1977. The proposed form FEA-P137-S-0 will require the 546 companies included in the reporting sample for the form FEA-P112-M-1 (excluding the 54 refiners) plus 200 companies selected from outside that sample to file data elements for June 1975 and January 1976. In addition, the large sellers of No. 2 heating oil (FEA-P112-M-1 Stratum 1 firms with annual sales of 10,000,000 gallons or more, excluding the 54 refiners) would be required to file data elements for June 1974 and January 1975. The data collected on the form FEA-P137-S-0 will be used in conjunction with the information filed on the various versions of the form P131 and the testimony to be made during the upcoming hearings in the decisionmaking process as to what actions may be required for the upcoming 1977/78 heating season. Due to the familiarity of all firms with the FEA regulations in effect during the time periods requested, the data required on form FEA-P137-S-0 should be readily available. The FEA estimates that an average of 6 hours will be required per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77-18078 Filed 6-23-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CONFERENCE ON TOXIC SUBSTANCES

Carcinogenicity Testing Methods

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: A conference on toxic substances is to be held at the National Center for Toxicological Research, Jefferson, Arkansas, on August 22 and 23, 1977.

DATES: Submissions for panel members, July 10, 1977; requests for oral presentation by July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Ruth S. Magee, National Center for Toxicological Research (HFT-100), Jefferson, Arkansas 72079, (501-541-4000).

SUPPLEMENTARY INFORMATION: Subject areas for discussion at the conference are as follows: Potential industrial carcinogens and mutagens; hierarchial (tier) approach to testing; biochemical parameters to predict carcinogenicity; carcinogenicity long-term bioassay testing; and carcinogenicity risk assessment techniques.

Each session will be followed by a panel discussion and critique.

Persons wishing to be considered as panel members should submit a curriculum vitae by July 10, 1977.

Persons who wish to submit written remarks for panel discussion, or who wish to present oral summary remarks, should submit their request and subject of comments to be made no later than July 20, 1977. Oral comments should be limited to 5 minutes.

Dated: June 17, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-17851 Filed 6-23-77;8:45 am]

OBSTETRICAL AND GYNECOLOGICAL DEVICE CLASSIFICATION PANEL

Nominations for Nonvoting Representative of Consumer Interests

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document invites nominations for a nonvoting consumer representative to serve on the Obstetrical and Gynecological Device Classification Panel of the Bureau of Medical Devices. Nominations will be accepted for the vacancy that currently exists.

DATE: Nominations by July 25, 1977.

ADDRESS: Written submissions to the Director, Office of Consumer Programs (HFG-1), Office of Professional and Consumer Programs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Anne Brilliant, Office of Professional and Consumer Programs (HFG-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857 (301-443-5006).

SUPPLEMENTARY INFORMATION: The function of this committee is to review and evaluate available data concerning the safety and effectiveness of devices currently in use and advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption for certain devices from the application of portions of the Medical Device Amendments of 1976 (Pub. L. 94-295); advise on the necessity to ban a device; and respond to requests from FDA to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) provides that each medical device classification panel shall include as nonvoting members, one representative of consumer interests and one representative of interests of the device manufacturing industry.

The nominations for and selection of the nonvoting member to represent consumer interests on the committee identified in this notice shall be made pursuant to § 14.84 (21 CFR 14.84, formerly § 2.332, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Any interested person may nominate one or more qualified persons as a nonvoting member for this committee. Although nominations from individuals will be accepted, individuals are encouraged to submit their nominations through consumer organizations as defined in § 14.84(c)(3).

Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest. A complete curriculum vitae of each nominee shall be included.

After the time for receipt of nominations has expired, the curriculum vitae for each nominee will be sent to each of the consumer organizations listed by the Director, Office of Consumer Programs, pursuant to § 14.84(c)(3), together with a ballot that must be filled out and returned to the Office of Professional and Consumer Programs, at the address given above, within 30 days. The nominee receiving the most votes shall be selected as the nonvoting member. In the event of a tie, the Commissioner shall select the nonvoting member by lot from among those tied with the most votes.

This notice is issued under the Federal Advisory Committee Act (86 Stat. 770-776 (5 U.S.C. App. I)) and Part 14 (21 CFR Part 14) relating to advisory committees.

Dated June 17, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-17852 Filed 6-23-77;8:45 am]

ORAL CAVITY PANEL

Advisory Committee Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act

JUN 24 1977 UM

(Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
Oral Cavity Panel	July 20 and 21, 9 a.m., conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing July 20, 9 a.m. to 10 a.m.; open committee discussion July 20, 10 a.m. to 4:30 p.m.; July 21, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda.—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this panel (see also 21 CFR 330.10(a)(2)).

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

The panel will be reviewing, voting upon, and modifying its draft report in preparation for submission to the Commissioner.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14 (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: June 20, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-18203 Filed 6-23-77;8:45 am]

Health Care Financing Administration

PUBLIC ASSISTANCE RESEARCH AND DEMONSTRATION GRANTS

Withdrawal of Grants; Availability of Grants and Extension of Submittal Date

In FR Document No. 77-10350 published on April 7, 1977, (42 FR 18452), the Office of Planning, Research, and Evaluation (OPRE) gave notice of the availability of Fiscal Year 1977 funds for public assistance research and demonstration (R&D) grants. The grants are authorized under Section 426 of Title IV, and Sections 1110 and 1115 of Title XI of the Social Security Act for domestic research and demonstrations supportive of the Public Assistance programs funded under Titles IV, XIX, and XX of the Act, and under Section 222 of Pub. L. 92-248 (as amended by 222(b) of Pub. L. 92-603) for experiments and demonstration projects under Title XIX of the Social Security Act.

Notice is hereby given of the withdrawal of the following projects included in the April 7, 1977 Notice:

1. INCOME MAINTENANCE, R. & D.

Project "(b) demonstration of simplified sampling for improved AFDC-QC management to determine how valid AFDC-QC sampling can be undertaken by States with reduced manpower assigned to sampling tasks." The project is withdrawn due to inherent conceptual and technical problems. Also withdrawn is project "(d) assessment of the effectiveness of State work requirements and job development programs for AFDC recipients." Withdrawal of this project is due to administrative changes in the income maintenance (R. & D.) work plan.

2. HEALTH SERVICES, R. & D.

The projects included in this area are withdrawn with the exception of "(a) innovative approaches to hospital reimbursement, including 'prudent buyer' techniques, prospective reimbursement, reimbursement by diagnosis or other case-specific charcteristics." Withdrawal of these projects is due to administrative changes in the health services R. & D. work plans.

3. SOCIAL SERVICES, R. & D.

Project "(d) development and testing of a model for Regional Office provision of technical assistance to States for contracting for social services" which was included under research to improve the effectiveness and efficiency of program administration in item 3. The Administration has decided to develop guidelines for models for providing such technical assistance within the agency.

Notice is also hereby given of the addition of the following projects to those included in the April 7, 1977, Notice:

1. INCOME MAINTENANCE, R. & D.

(e) A Study of international income maintenance which will review and analyze income maintenance policy and programs in comparable industrial countries;

(f) A study which will analyze causes of fair hearings in several States to pinpoint AFDC administrative needs; and

(g) A study which will analyze child and/or family allowance alternatives from international and theoretical sources and relate the same to United States needs.

2. HEALTH SERVICES, R. & D.

(b) Exploration of community-based centralized social and health care services as alternatives to more costly and unnecessary long-term institutional care; and

(c) Devise alternative methods for reimbursement to encourage more effective early and periodic screening, diagnosis and treatment (EPSDT) services to children.

3. SOCIAL SERVICES, R. & D.

In the area of research to improve the effectiveness and efficiency of program administration the following is added:

(e) Demonstration of an improved child abuse and neglect (CAN) tracking system and development of a costing system so that relative cost-effectiveness of various treatments can be determined.

General policy considerations, review procedures, project requirements, application procedures and grant policies are the same as stated in the April 7, 1977, Notice. The new deadline for all applications except those which were due

May 15 is July 18, 1977. All applications must be received at the Division of Project Grants Administration (DPGA): HEW, Room 4200-C, Switzer Building, 330 C Street SW., Washington, D.C. 20201 under the same conditions as stated in the April 7, 1977, Notice.

(Catalog of Federal Domestic Assistance Program No. 13.766—Public Assistance Research.)

Dated:

DON WORTMAN,
Acting Administrator, Health Care Financing Administration.

[FR Doc.77-18026 Filed 6-23-77;8:45 am]

Office of Education

ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Meeting

AGENCY: Advisory Council on Environmental Education, HEW/OE.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the Advisory Council on Environmental Education. It also describes the functions of the Council. Notice of the meeting is required by the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: July 11-12, 1977, 9 a.m. to 4:30 p.m.

ADDRESS: HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, Room 3173.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter Bogan, Office of Education, Office of Environmental Education, Room 2025, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202 (202-245-9231).

SUPPLEMENTARY INFORMATION: The Advisory Council on Environmental Education is established under (20 U.S.C. 1532) Environmental Education Act, Pub. L. 91-516, Section 3 (84 Stat. 1312), as amended by Pub. L. 93-278 (88 Stat. 121). The Council is directed to:

(A) Advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of preparation of general regulations for, and operation of programs assisted under the Environmental Education Act;

(B) Make recommendations to the Office with respect to the allocation of funds appropriated pursuant to section 7 among the purposes set forth in paragraph (2) of subsection (b) of the Environmental Education Act and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) Develop criteria for the review of applications and their disposition; and

(D) Evaluate programs and projects assisted under the Environmental Education Act and disseminate the results thereof.

The meeting of the Council shall be open to the public. The meetings on July 11-12 will begin at 9 a.m. and end at 4:30 p.m. The meeting will be held at the HEW North Building, 330 Independence Avenue SW., Room 3173, Washington, D.C. 20201.

The proposed agenda includes:

(1) Review of interim reports of the Council committees on Implementation, Rationale, and Evaluation.

(2) General Council business for 1977.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Advisory Council on Environmental Education located in Room 2025, Federal Office Building No. 6, 400 Maryland Avnue SW., Washington, D.C. 20202.

Signed at Washington, D.C., on June 21, 1977.

WALTER J. BOGAN, Jr.,
Director of Office of Environmental Education.

[FR Doc.77-18045 Filed 6-23-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-12404]

ALASKA

Proposed Withdrawal and Reservation of Lands

JUNE 17, 1977.

The U.S. Army, Corps of Engineers, on September 7, 1976, filed application, Serial No. AA-12404, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

A tract of land located in section 8, T. 22 S. R. 12 E., Fairbanks Meridian, Alaska, and more specifically described as follows:

Commencing at a point on the center line of the Richardson Highway, right-of-way 300 feet, from which the junction of the Denali Highway (M.P. 185.5) bears N. 10°24'30" E., 150 feet to the true point of beginning for this description; thence N. 10°35'30" W., 150 feet; thence N. 79°24'30" E., 100 feet; thence S. 15°21'19" E., 356.23 feet; thence S. 79°24'30" W., 129.58 feet; thence N. 10°35'30" W., 205 feet, more or less, to the true point of beginning.

Containing 0.93 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for the continued use of the Paxson Lake maintenance annex, a vehicle maintenance facility.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before July 30, 1977.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before July 30, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Alaska State Office, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT W. ARNDORFER,
Acting State Director.

[FR Doc.77-18135 Filed 6-23-77;8:45 am]

JUN 24 1977 UM

[ES 17504]

FLORIDA

Proposed Withdrawal and Reservation of Land

The National Park Service, Department of the Interior, on May 23, 1977, filed application, Serial No. ES 17504, for the withdrawal of the following described land and settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

All that tract or parcel of land lying and being on Santa Rosa Island, Okaloosa County, Florida, more particularly described as follows:

Beginning at a concrete monument which is 5,280 feet, more or less, East of the South end of Brooks Bridge, on the Eastern boundary of a tract of land conveyed to Okaloosa County, Florida, by deed dated May 22, 1950, and recorded in Deed Book 63, page 312, of the records in the Office of the Clerk of the Circuit Court of Okaloosa County, Florida, on the Northern right-of-way line of U.S. Highway No. 98, and at ordinate position East 1,343,313.95 feet based on Lambert Conformal Projection, Florida North Zone, and on the boundary of a tract of land owned by the United States of America at Eglin Air Force Base;

Thence due North along the boundary of said Okaloosa County tract, which is along the boundary of said United States tract, 725 feet, more or less, to the shoreline of Choctawatchee Bay;

Thence Easterly along the meanders of Choctawatchee Bay a distance of 1,525 feet, more or less, to a point which is 1,500 feet East of the Eastern boundary of said Okaloosa County tract, and at ordinate position East 1,344,813.95 feet;

Thence due South 395 feet, more or less, to a concrete monument on the Northern right-of-way line of said Highway No. 98;

Thence Westerly along the Northern right-of-way line of said Highway No. 98, a distance of 1,500 feet, more or less, to the point of beginning.

Containing 19.25 acres, more or less, and being a part of Tract A of the Eglin Air Force Base Military Reservation.

The applicant agency desires that the land be withdrawn and reserved for inclusion in the Gulf Islands National Seashore. The land is presently withdrawn by Proclamation No. 2659 of August 13, 1945, for military purposes. The effect of this proposed withdrawal would be to transfer administrative jurisdiction over the land to the National Park Service.

On or before August 3, 1977, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned officer of the Bureau of Land Management on or before August 3, 1977. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752. The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws and the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this proposed withdrawal should be addressed to the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910.

LOWELL J. UDY,
Director, Eastern States.

[FR Doc.77-18136 Filed 6-23-77;8:45 am]

Bureau of Land Management

[NM 30909]

NEW MEXICO

Application

JUNE 14, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Four Corners Pipe Line Company has applied for one 22-inch oil pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 12 W.,
Sec. 17, W½SE¼ and SE¼SW¼;
Sec. 19, E½SE¼;
Sec. 20 E½NW¼ SW¼NW¼ and NW¼SW¼;
Sec. 30, N½NE¼, SW¼NE¼, E½SW¼ and NW¼SE¼;
Sec. 31, Lots 1, 2 and NE¼NW¼.
T. 25 N., R. 13 W.,
Sec. 1, Lot 2 and SW¼NE¼.
T. 26 N., R. 13 W.,
Sec. 36, E½SE¼.

This pipeline will convey oil across 4.38 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17901 Filed 6-23-77;8:45 am]

[NM 30914 and 30915]

NEW MEXICO

Applications

JUNE 16, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 6, lot 2.
T. 30 N., R. 5 W.,
Sec. 31, NW¼NE¼.

These pipelines will convey natural gas across 0.106 miles of public lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chif, Branch of Lands and Minerals Operations.

[FR Doc.77-17903 Filed 6-23-77;8:45 am]

[NM 30919, 30920, 30921, 30922, 30923, and 30924]

NEW MEXICO

Applications

JUNE 17, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINICPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 9, SE¼NE¼ and N½SE¼;
Sec. 10, SW¼SW¼;
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼;
Sec. 15, NW¼NW¼.
T. 32 N., R. 11 W.,
Sec. 28, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
T. 27 N., R. 12 W.,
Sec. 36, NE¼NE¼, SE¼NW¼, and NE¼SW¼.

These pipelines will convey natural gas across 1.988 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17900 Filed 8-4-77;8:45 am]

[NM 30801]

NEW MEXICO

Application

JUNE 14, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 4-inch and 6-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 20, SE¼SE¼;
Sec. 21, W½NE¼, E½NW¼, N½SW¼ and SW¼SW¼;
Sec. 29, N½NE¼, SE¼NE¼, N½SE¼, SW¼SE¼ and SE¼SW¼.

These pipelines will convey natural gas across 2.2835 miles of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-17902 Filed 6-23-77;8:45 am]

National Park Service

[INT DES 77-19]

PROPOSED MASTER PLAN, LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the Proposed Master Plan, Lassen Volcanic National Park, California.

The draft environmental statement considers measures to guide park development and management. Major features of the plan include the removal and relocation of facilities in the Manzanita Lake area; expansion of the Lassen Ski area; acquisition of inholdings within the park; and coordinated planning with the Forest Service to provide visitor facilities both north and south of the park.

Written comments on the environmental statement are invited and will be accepted for a period of 60 days following publication of this notice. Comments should be addressed to the Superintendent, Lassen Volcanic National Park.

Copies of the draft statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, California 94102.
Los Angeles Field Office, National Park Service, Room 2202, New Federal Building, Los Angeles, California 90012.
Lassen Volcanic National Park, Mineral, California 96063.

Dated: June 9, 1977.

HEATHER L. ROSS,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.77-18023 Filed 6-23-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-203-3]

STAINLESS STEEL AND ALLOY TOOL STEEL

Notice of Investigation and Hearing

Investigation instituted. Following receipt on May 25, 1977, of a request from the Special Representative for Trade Negotiations, the United States International Trade Commission on June 17, 1977, instituted an investigation under section 203(1)(2) of the Trade Act of 1974 (19 U.S.C. 2253(1)(2)) for the purpose of advising the President of its judgment as to the probable economic effect on the domestic industry concerned if the relief provided by Proclamation 4445 of June 11, 1976, as modified by Proclamation 4477 of November 16, 1976, were to be reduced or terminated by (1) excluding from the quantitative restrictions imposed thereby any of the steel covered by items 923.20, 923.21, 923.22, 923.23, or 923.26 of the Appendix to the Tariff Schedules of the United States (TSUS); or (2) increasing the quantitative restrictions for the second and third restraint periods for any of the steel covered by the aforementioned five TSUS items. The letter from the Special Trade Representative requesting the investigation is attached hereto and made a part thereof.[1]

Public hearing. A public hearing in connection with this investigation will be held in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C., beginning at 10 a.m., e.d.t., on Tuesday, August 2, 1977. All interested parties will be given an opportunity be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Thursday, August 18, 1977.

Issued: June 20, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-18019 Filed 6-23-77;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION, DISTRICT OF COLUMBIA PANEL

Meeting

Chairman: Joseph Tydings.

The first scheduled meeting of the nominating panel for the District of Columbia Circuit of the United States Circuit Judge Nominating Commission is as follows:

(1) The first meeting will be held on Monday, June 27, 1977, at 9:30 a.m., 1120 Connecticut Avenue NW., Washington, D.C. The morning session will be an orientation session dealing with procedures; it will be open to the public. The afternoon session will be given to a discussion of candidates and will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CF. 5 U.S.C. 552b(c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

JUNE 21, 1977.

[FR Doc.77-18077 Filed 6-23-77;8:45 am]

[1] The letter was filed as part of the original document.

JUN 24 77 UM

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 21st day of June 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

Applications received during the week ending June 17, 1977

Name of applicant	Location of enterprise	Principal product or activity
Manchaug Corp	Manchaug, Mass	Polystyrene foam products.
Seneca Foods Corp	Dundee, N.Y	Manufacture of bottled fruit juices.
RecTech, Inc	Mifflin County, Pa	Disposal of refuse.
Penn Bangor, Inc	Bangor, Pa	Sheet metal fabrication of grain handling and conveying equipment.
Geyer Systems, Inc	Timonium, Md	Manufacture of custom hot stamped wire and cable markers.
Great Lakes Corp. (tenant of city of Morganton).	Morganton, N.C	Manufacture of graphite electrodes.
Impact Plastics, Inc	Gastonia, N.C	Molding and fabricating plastic products.
K&B Slaughter House	Lucedale, Miss	Slaughter and sell meats.
Mt. Olive Pickle Co., Inc	Mt. Olive, N.C	Manufacture and selling of pickles and pickled products.
Manteo Motel Corp	Manteo, N.C	Motel and restaurant.
Inmont Corp. (tenant of city of Morganton)	Morganton, N.C	Manufacture of industrial finishes.
Today's Tufters, Inc	Chatsworth, Ga	Commission tufting of carpet.
Better Backers, Inc	do	Application of secondary backing to tufted textiles (carpet).
D-lectric Specialties Co. (tenant of the town of Bremen).	Bremen, Ind	An electrical wiring assembly business.
Elsing Manufacturing Co	McAlester, Okla	Manufacture of ladies' wear.
Gulf States Oil Transportation Co., Inc	Kaplan, La	Towing and barge transportation services.
Forked Island Shipyard, Inc	Kaplan, La	Shipbuilding and repairs.
West Bank Ford, Inc	Donaldsonville, La	Automobile sales.
Frierson Timber Co., Inc	Frierson, La	Produces pulpwood.
Mid-Continent Oil Co	Sheridan, Wyo	Distributor of gas, propane, oil, TBA 7 related materials.

[FR Doc.77-18069 Filed 6-23-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in Arkansas

This notice announces the ending of the Federal Supplemental Benefit Period in the State of Arkansas, effective June 18, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of Arkansas on December 26, 1976.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of Arkansas has determined under the Act and 20 CFR 618.19(b) published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on May 28, 1977, and the immediately preceding twelve weeks, was less than 5 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit Period in the State of Arkansas for the week ending May 28, 1977, and that the Federal Supplemental Benefit Period in that State terminated on June 18, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits for Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the Arkansas Department of Labor of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of Arkansas should contact the nearest State Employment Office of the Arkansas Department of Labor in their locality.

Signed at Washington, D.C., on June 20, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-18102 Filed 6-23-77;8:45 am]

FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

Notice of Ending of Federal Supplemental Benefit Period in North Dakota

This notice announces the ending of the Federal Supplemental Benefit Period in the State of North Dakota, effective June 25, 1977.

BACKGROUND

The Emergency Unemployment Compensation Act of 1974 (Public Law 93-572, enacted December 31, 1974) (the Act) created a temporary program of supplementary unemployment benefits (referred to as Federal Supplemental Benefits) for unemployed individuals who have exhausted their rights to regular and extended benefits under State and Federal unemployment compensation laws. Federal Supplemental Benefits are payable during a Federal Supplemental Benefit Period in a State which has entered into an Agreement under the Act with the United States Secretary of Labor. A Federal Supplemental Benefit Period is triggered on in a State when unemployment in the State or in the State and the nation reaches the high levels set in the Act. During a Federal Supplemental Benefit Period the maximum amount of Federal Supplemental Benefits which are payable to eligible individuals is up to 13 weeks. A Federal Supplemental Benefit Period commenced in the State of North Dakota on February 27, 1977.

The Act also provides that a Federal Supplemental Benefit Period in a State will trigger off when the rate of insured unemployment in the State averages less than 5.0 percent over a period of thirteen consecutive calendar weeks. The benefit period actually terminates at the end of the third week after the week for which there is an "off" indicator, if the benefit period will have been in effect for a minimum duration of 13 weeks.

DETERMINATION OF "OFF" INDICATOR

The employment security agency of the State of North Dakota has determined under the Act and 20 CFR 618.19(b) (published in the FEDERAL REGISTER on March 23, 1976, at 41 FR 12151, 12157) that the average rate of insured unemployment in the State for the period consisting of the week ending on June 4, 1977, and the immediately preceding twelve weeks, was less than 5.0 percent.

Therefore, I have determined in accordance with the Act and 20 CFR 618.19(b), and as authorized by the Secretary of Labor's Order 4-75, dated April 16, 1975 (published in the FEDERAL REGISTER on April 28, 1975, at 40 FR 18515), that there was a Federal Supplemental Benefit "off" indicator in the State of North Dakota for the week ending June 4, 1977, and that the Federal Supplemental Benefit Period in that State terminates on June 25, 1977.

INFORMATION FOR CLAIMANTS

Any individual to whom Federal Supplemental Benefits or Federal-State Extended Benefits were payable in the State (whether or not any payment actually was made), for any portion of the last week of the Federal Supplemental Benefit Period, will have an additional eligibility period beginning immediately following the end of the Federal Supplemental Benefit Period. During the additional eligibility period the individual will be entitled to Federal Supplemental Benefits to the same extent as if the Federal Supplemental Benefit Period continued to be in effect. The additional eligibility period will have a duration of 13 weeks, unless it is terminated sooner by reason of the beginning of a new Federal Supplemental Benefit Period in the State.

Individuals currently filing claims for Federal Supplemental Benefits will receive written notices from the North Dakota Employment Security Bureau of the end of the Federal Supplemental Benefit Period in that State and its effect on their entitlement to Federal Supplemental Benefits. The notice to any individual who will have an additional eligibility period following the Federal Supplemental Benefit Period will include information concerning potential entitlement to Federal Supplemental Benefits during the additional eligibility period.

Although the Federal Supplemental Benefit Period has terminated, an Extended Benefit Period will continue in effect in the State due to the National "on" indicator for the Federal-State Extended Benefit Program, as announced in a notice published in the FEDERAL REGISTER on February 21, 1975, at 40 FR 4722. Therefore, Federal-State Extended Benefits will continue to be payable to eligible individuals in the State unless that program subsequently triggers off in the State.

Persons who wish information about their rights to Federal Supplemental Benefits or Federal-State Extended Benefits in the State of North Dakota should contact the nearest Employment Office of the North Dakota Employment Security Bureau in their locality.

Signed at Washington, D.C., on June 17, 1977.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc.77-18103 Filed 6-23-77;8:45 am]

Office of the Secretary

[TA-W-1574]

AMBOY MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1574: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 17, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing girls' coats at Amboy Manufacturing Company, Perth Amboy, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5447). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Amboy Manufacturing Company, its customers, the American Textile Manufacturers Institute, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

JUN 24 1977 UM

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in incerased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers increased 5 percent in 1975 compared to 1974, and decreased 6 percent in 1976 compared to 1975. Amboy Manufacturing Company closed permanently in December, 1976 when all workers were terminated from employment.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company production decreased 19 percent in 1976 compared to 1975.

Production ceased in December, 1976 when the plant was permanently closed.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased in quantity absolutely, but decreased relative to domestic production in 1973 compared to 1972, decreased both absolutely and relatively in 1974 compared to 1973, then increased both absolutely and relatively in 1975 compared to 1974. The ratio of imports to domestic production increased from 30.9 percent in 1974 to 31.1 percent in 1975. These imports increased absolutely from 1,517 thousand dozen in 1975 to 2,252 thousand dozen in 1976.

CONTRIBUTED IMPORTANTLY

Amboy Manufacturing Company was a contractor only for one manufacturer. Some customers of that manufacturer who were surveyed stated that they had switched purchases from the company to imports. The manufacturer did not contract work offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girls' coats produced by Amboy Manufacturing Company, Perth Amboy, New Jersey contributed importantly to the total or partial separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Amboy Manufacturing Company, Perth Amboy, New Jersey, who became totally or partially separated from employment on or after August 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18104 Filed 6-23-77;8:45 am]

AMERICAN FINISH & CHEMICAL CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title 11, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 5, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the adddess shown below, not later than July 5, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
American Finish & Chemical Co. (workers).	Chelsea, Mass	June 13, 1977	June 9, 1977	TA-W-2,147	Cleaners and adhesives for the shoe industry.
Arthur Richards, Ltd. (workers).	New York, N.Y.	do	June 11, 1977	TA-W-1,148	Men's clothing.

[FR Doc.77-17763 Filed 6-23-77;8:45 am]

[TA-W-1413]

AMERON STEEL AND WIRE DIVISION, AMERON, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1413: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing steel at Ameron Steel and Wire Division of Ameron, Inc., Etiwanda, California.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 868). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ameron Steel and Wire Division, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the first criteria has not been met with respect to rods, the first and second criteria have not been met with respect to wire, and the first and fourth criteria have not been met with respect to rebars.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at Ameron Steel and Wire increased 22.4 percent in 1976 compared to 1975. Employment increased in four consecutive quarters from the fourth quarter of 1975 to the third quarter of 1976 before declining less than three percent in the fourth quarter of 1976. Compared to the same quarter of the previous year, employment increased 22 percent, 44 percent, and 30 percent in the second, third, and fourth quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Ameron Steel and Wire increased 43.7 percent in value in 1974 compared to 1973. Total sales decreased 35.0 percent in value in 1975 compared to 1974, and increased 15.5 percent in value in 1976 compared to 1975.

Quarterly sales increased during the second, third and fourth quarters of 1976 compared to the same quarters of 1975.

Net tons of rebar produced increased 104.0 percent in 1975 compared to 1974, and decreased 45.5 percent in 1976 when compared to 1975. Net tons of rod produced decreased 48.5 percent in 1976 compared to 1974 and increased 56.4 percent in 1976 compared to 1975.

Net tons of wire produced decreased 59.4 percent in 1975 compared to 1974 and increased 86.1 percent in 1976 compared in 1975. Production of wire increased in each quarter of 1976 compared to the same quarter of 1975.

INCREASED IMPORTS

Imports of carbon steel wire increased from 349.6 thousand tons in 1975 to 371.8 thousand tons in 1976. Imports of carbon steel wire decreased relative to domestic production in 1976, from 22.0 percent in 1975 to 19.9 percent in 1976.

Imports of concrete reinforcing bar increased from 141.9 thousand tons in 1975 to 192.2 thousand tons in 1976. Imports of concrete reinforcing bar increased relative to domestic production, from 3.9 percent in 1975 to 5.0 percent in 1976.

Imports of carbon steel rod increased from 1,027.6 thousand tons in 1975 to 1,032.9 thousand tons in 1976. Imports of carbon steel rod decreased relative to domestic production in 1976, from 65.1 percent in 1975 to 35.7 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of rebar produced by Ameron Steel and Wire Division indicated that they did not increase purchases of imported rebar. A customer cited increased domestic competition as a reason for decreased purchases of rebar from Ameron.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with steel products produced at Ameron Steel and Wire, Etiwanda, California, did not contribute importantly to total or partial separations of workers at that firm.

Signed at Washington, D.C. this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18105 Filed 6-23-77;8:45 am]

[TA-W-1703]

ANN MICHELE DRESS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1703: Investigation regarding certification eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 28, 1977 which was filed on behalf of workers and former workers producing dresses at the Philadelphia, Pennsylvania plant of Ann Michele Dress Company.

The notice of investigation was published in the FEDERAL REGISTER on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ann Michele Dress Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers of Ann Michele Dress Company decreased by 14.0 percent from 1975 to 1976 and the average number of hours per week declined by 13.7 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Ann Michele Dress Company decreased by 34.7 percent in value (adjusted) from 1975 to 1976.

INCREASED IMPORTS

Imports of women's and misses' dresses have increased by 2.2 percent from 1975 to 1976, from 645,000 dozen to 659,000 dozen. The ratios of imports to domestic production and consumption have remained steady, at 4.5 and 4.3, respectively.

CONTRIBUTED IMPORTANTLY

The investigation revealed that customers of the manufacturer for whom Ann Michele Dress Company does contracting work did not shift purchases from the manufacturer to foreign suppliers.

The manufacturer which contracts Michele Dress for cutting and sewing women's dresses does not manufacture outside the United States and does not import finished products. Sales and production of this manufacturer increased in 1976 compared to 1975. The manufacturer decreased its contract work with Michele Dress while increasing its work with other domestic contractors.

CONCLUSION

It is concluded that imports of articles like or directly competitive with women's and misses' dresses produced at the Ann Michele Dress Company in Philadelphia, Pennsylvania have not contributed importantly to the total or partial separations of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18106 Filed 6-23-77;8:45 am]

JUN 24 1977 UM

ARKAY PANTS CO., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 5, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 5, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 13th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: (union/ workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Arkay Pants Co. (ACTWU).	Fall River, Mass.	June 10, 1977	June 1, 1977	TA-W-2,137	Men's and boys' outerwear.
Burlington Industries (workers).	Tarboro, N.C.	June 13, 1977	June 7, 1977	TA-W-2,138	Cloth made of cotton and polyester blends for the clothing industry.
Carter Rubber Co. (workers).	Wilkes-Barre, Pa.	June 9, 1977	May 23, 1977	TS-W-2,139	Vulcanized rubber shoes (sneakers)
Columbian Cutlery Co., Inc. (USWA).	Reading, Pa.	June 13, 1977	May 15, 1977	TA-W-2,140	Hand tools.
Edinburg Manufacturing Corp. (workers).	Petersburg, W. Va.	do.	June 8, 1977	TA-W-2,141	Ladies' sportswear and dresses.
Jirak Machine Co., Inc. (workers).	East Aurora, N.Y.	do.	June 9, 1977	TA-W-2,142	TV component parts.
K-D Tool, Inc. (USWA).	Lancaster, Pa.	June 9, 1977	May 15, 1977	TA-W-2,143	Hand tools for auto industry.
Prints Almo, Inc. (workers).	Brooklyn, N.Y.	do.	June 4, 1977	TA-W-2,144	Printed fabrics for men's and women's outerwear, swimwear, underwear and leisurewear.
RCA Corp. (Radio Communications Assemblers Union, Inc.).	Clark, N.J.	June 6, 1977	June 1, 1977	TA-W-2,145	Warehouse and office for RCA products.
Royal Shoe Manufacturing Co. (USWA).	McCrory, Ark.	June 9, 1977	June 3, 1977	TA-W-2,146	Women's boots and sandals.

[FR Doc.77-17762 Filed 6-23-77;8:45 am]

[TA-W-1244]

BERNARD SCREEN PRINTING CORP. AND HYDE PARK FABRIC CORP.

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 222 of the Trade Act of 1974 and in accordance with Section 223(a) of such Act, on February 8, 1977 the Department of Labor issued a certification of eligibility to apply for adjustment assistance applicable to workers and former workers of Bernard Screen Printing Corporation (TA-W-1244).

The Notice of Certification was published in the FEDERAL REGISTER on February 25, 1977 (42 FR 11081).

Subsequent to the publication of the original determination, the Office of Trade Adjustment Assistance received an inquiry on behalf of workers at New Hyde Park Corporation, New York, New York, a subsidiary of Bernard Screen Printing Corporation. Further investigation revealed that these workers were engaged in employment related to the printing of textiles and should have been included in the original certification as eligible to apply for adjustment assistance.

The subject workers were not identified in the initial investigation or the original certification because the company maintained separate records and ledgers for these workers in other locations.

CONCLUSION

Based on additional evidence, a review of the entire record and in accordance with the provisions of the Act, I have determined that the following certification is hereby made as follows:

All workers at Bernard Screen Printing Corporation, New Hyde Park, New York who became totally or partially separated on or after October 28, 1975, including employees at its subsidiary, New Hyde Park Corporation, New York, New York, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18107 Filed 6-23-77;8:45 am]

[TA-W-1706]

BIRMINGHAM STOVE AND RANGE COMPANY, BIRMINGHAM, ALABAMA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1706: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on March 3, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing cast-iron stoves, cast-iron cooking ware and cast-iron fireplace grates at the Birmingham, Alabama plant of the Birmingham Stove and Range Company.

The notice of investigation was published in the Federal Register on March 11, 1977 (42 FR 13628). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Birmingham Stove and Range Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 31.3 percent in 1976 compared to 1975. Production workers are used interchangeably on all product lines.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Plant sales of cast-iron stoves represented approximately 70 percent of sales in 1976. Plant sales in quantity of cast-iron stoves declined 47.9 percent in 1976 compared to 1975.

Plant sales of cast iron cooking wear represented approximately 25 percent of sales in 1976. Plant sales of cast-iron cooking ware, in quantity, declined 44.0 percent in 1975 compared to 1974 and declined 0.8 percent in 1976 compared to 1975.

Plant sales of cast-iron fireplace grates, in quantity, declined 4.4 percent in 1976 compared to 1975.

INCREASED IMPORTS

U.S. imports of cast-iron stoves increased to 75 thousand units in 1974 and to 233 thousand units in 1975 and then decreased to 170 thousand units in 1976.

The ratio of imported cast-iron stoves to domestic production was 46.3 percent in 1974 and increased to 95.5 percent and 128.8 percent, respectively, in 1975 and 1976.

U.S. imports of cast-iron cooking ware declined from 1,496 thousand piece in 1973 to 1,257 thousand pieces in 1974. U.S. imports of cast-iron cooking ware increased to 2,059 thousand pieces and 8,391 thousand pieces, respectively, in 1975 and 1976.

The ratio of imported cast-iron cooking ware to domestic production was 23.0 percent in 1974 and increased to 55.4 percent and 224.7 percent, respectively, in 1975 and 1976.

U.S. imports of cast-iron fireplace grates increased in each year from 1972, when imports totalled 198 thousand units, through 1975, when imports totalled 463 thousand units.

The ratio of imported cast-iron fireplace grates to domestic production was 112.2 percent in 1973 and increased in each year through 1976 when the ratio of imports to domestic production was 208.8 percent.

CONTRIBUTED IMPORTANTLY

A survey of customers purchasing cast-iron stoves, cast-iron cooking ware and cast-iron grates from the Birmingham Stove and Range Company indicated these customers have increased their purchases of imported cast-iron stoves, cast-iron cooking ware and cast-iron fireplace grates while decreasing their purchases from the Birmingham Stove and Range Company because of lower prices.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of cast-iron stoves, cast-iron cooking ware and cast-iron fireplace grates have contributed importantly to the total or partial separation of the workers at the Birmingham, Alabama plant of the Birmingham Stove and Range Company. On accordance with the provision of the Act, I make the following certification:

All employees at the Birmingham, Alabama plant of the Birmingham Stove and Range Company who became totally or partially separated from employment on or after March 7, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17765 Filed 6-23-77;8:45 am]

[TA-W-2036]

CANTEEN CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2036: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 2, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers providing food services at the Springfield, Ohio facility of Canteen Corporation, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on May 13, 1977 (42 FR 24346). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Canteen Corporation and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied a negative determination must be made.

Canteen Corporation is a wholly owned subsidiary of TWA, New York, New York. Headquarters for Canteen are in Chicago, Illinois. The company operates food service facilities throughout the country. The Springfield, Ohio facility of Canteen provides food services to the Springfield, Ohio plant of International Harvester Corporation.

Canteen Corporation does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American, World Airways, Incorporated (TA-W-153, 40 FR 54639). The only question in this case is whether International Harvester, i.e., a firm which produces an article, namely automobiles and trucks and for whom the service is provided can be considered the "workers' firm".

The Department has also previously determined that an independent firm for which such services are provided cannot be considered the "workers' firm". See Notice of Determination in Nu-Car Driveway, Incorporated (TA-W-393, 41 FR 12749).

The Springfield, Ohio facility of Canteen has a contract to provide food services at International Harvester's Springfield, Ohio plant. Canteen's workers run a cafeteria at the International Harvester plant.

Neither International Harvester on the one hand, nor Canteen Corporation on the other, have any capital or financial investment in the other.

The workers on whose behalf this petition was filed were hired and are paid by Canteen. They are supervised by and subject to the control of Canteen personnel only. All employment benefits which they enjoy are provided by and maintained by the Canteen Corporation.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by the Springfield, Ohio facility of Canteen Corporation are not "articles" within the meaning of Section 222(3) of the Trade

V 42 N 122 JUN 24 77 UM

Act of 1974 and that International Harvester cannot be considered the "workers' firm". The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[Doc.77-18108 Filed 6-23-77;8:45 am]

[TA-W-1985]

CHIPPEWA SHOE CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1985: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 18, 1976 in response to a worker petition received on April 18, 1976 which was filed by the United Shoe Workers of America on behalf of workers and former workers producing men's footwear at the Chippewa Falls, Wisconsin plant of the Chippewa Shoe Company.

The Notice of Investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Chippewa Shoe Company and the United Shoe Workers of America.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (1) has not been met.

The Chippewa Falls plant of the Chippewa Shoe Company produces men's footwear.

Evidence developed in the Department's investigation revealed that no involuntary separations occurred from April 4, 1976, one year prior to the signature date of the petition, to the present.

Sales increased 8 percent in quantity and production increased 11 percent in quantity in 1976 compared to 1975. Production increased 3 percent in quantity in the 1st quarter of 1977 compared to the same quarter in 1976. No threat of total or partial separation is evident.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that a significant number or proportion of the workers at the Chippewa Falls, Wisconsin plant of the Chippewa Shoe Company have not become totally or partially separated, or threatened to become separated, as required in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18109 Filed 6-23-77;8:45 am]

[TA-W-2068]

HALCO INDUSTRIES, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2068: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on May 12, 1977 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing eyeglass frames and parts at Halco Industries, Incorporated, Glendale, California.

The notice of investigation was published in the FEDERAL REGISTER on May 24, 1977 (42 FR 26482). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Halco Industries, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

For the period ending April 30, 1976, the average total employment of Halco was 32 percent below the level for the comparable period ending April 30, 1975. Employment continued to decline in 1976 and to date in 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Halco's total sales, in terms of value, declined 18 percent in the 11 month period ending April 30, 1976 compared to the same period in the previous year. At the same time, total quantity produced and sold declined 19 percent in the 11 month period ending in 1976 compared to the same period in 1975.

INCREASED IMPORTS

Imports of frames and mountings increased by 16 percent for the 11-month period ending April 30, 1976, compared to the similar period ending April 30, 1975, from 1.4 million dozen pairs to 1.6 million pairs. In terms of value, imports of frames and mountings and parts thereof increased from $47 million to $58 million during the same time periods, or 25 percent.

CONTRIBUTED IMPORTANTLY

Halco's customers indicated that their reduced purchases fom Halco were import-related. Customers were faced with their own declining sales due to their inability to compete with imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with eyeglass frames and parts produced at Halco Industries, Incorporated, Glendale, California contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of he Act, I make the following certification:

All workers at Halco Industries, Incorporated who became totally or partially separated from employment on or after May 3, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18110 Filed 6-23-77;8:45 am]

[TA-W-1721]

HARRIS STRUCTURAL STEEL COMPANY, INC., PISCATAWAY, NEW JERSEY

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1721: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 28, 1977 which was filed by the United Steelworkers of America on behalf of the workers and former workers producing fabricated structural steel at the Piscataway, New Jersey plant of Harris Structural Steel Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER (42 FR 14185) on March 15, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harris Structural Steel Company, Inc., the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that while the first three criteria have been met, criterion (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average annual employment of production workers at Harris Structural Steel Company, Inc. increased 18.9 percent in 1975 compared to 1974. Average employment declined 33.5 in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Annual production at the Harris Structural Steel Company, Inc. increased 17.1 percent in quantity in 1975 compared to 1974. Production declined 29.7 percent in 1976 compared to 1975.

INCREASED IMPORTS

Imports of fabricated structural steel shapes declined from 139.1 tons in 1972 to 131.5 tons in 1973 and further declined to 104.0 tons in 1974. Imports increased to 107.7 tons in 1975. Imports increased to 114.3 tons in 1976, a 6.1 percent increase from 1975. The ratio of imports to domestic shipments of fabricated structural steel shapes decreased from 2.1 percent in 1972 to 1.9 percent in 1973. The ratio decreased to 1.6 percent in 1974. The ratio of imports to domestic shipments increased from 2.0 percent in 1975 to 2.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Harris bids against other companies on contracts calling for the fabrication of steel for specific construction projects. During the period 1974–1976 Harris was the successful bidder on about 7 percent of the tonnage bid on. The companies which underbid Harris were all domestic U.S. corporations which were fabricating the steel in the United States.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with fabricated structural steel produced by Harris Structural Steel Company, Inc., Piscataway, New Jersey have not contributed importantly to the total or partial separation of workers at that plant as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17769 Filed 6-23-77;8:45 am]

[TA-W-1725]

HERMAN SEGALL AND COMPANY, PHILADELPHIA, PENNSYLVANIA

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1725: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 28, 1977 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' blouses at Herman Segall and Company, Philadelphia, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Herman Segall and Company, its customers, the U.S. Department of Agriculture, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Textile Manufacturers Institute, the International Ladies' Garment Workers' Union, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers decreased 7 percent in 1975 compared to 1974, and was unchanged in 1976 compared to 1975. Employment in the January-February period of 1977 decreased 9 percent compared to the like period in 1976. Employment in the third and fourth quarters of 1976 declined 1 percent and 22 percent, respectively, compared to the same quarters in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales of ladies' blouses decreased 22 percent in quantity and 9 percent in value in 1975 compared to 1974, decreased 11 percent in quantity and 5 percent in value in 1976 compared to 1975, then decreased 5 percent in quantity and 15 percent in value in the January-February period of 1977 compared to the like period in 1976.

Herman Segall and Company produces only to customer order; therefore, its production is equal to its sales.

INCREASED IMPORTS

Imports of women's, misses' and children's blouses and shirts increased absolutely each year from 1973 through 1976 compared to the previous years. These imports increased 16 percent in 1976 compared to 1975. The ratio of imports to domestic production decreased

JUN 24 1977 UM

in 1973 compared to 1972, then increased each year through 1975 compared to the previous years. The ratio of imports to domestic production increased from 56.0 percent in 1974 to 65.0 percent in 1975.

CONTRIBUTED IMPORTANTLY

Herman Segall and Company produces ladies' blouses and shirts for two major customers. One of these customers reduced purchases from Herman Segall in 1976 compared to 1975 and increased purchases of imported blouses. The proportion of this customer's total blouse purchases represented by imports increased from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blouses produced by Herman Segall and Company, Philadelphia, Pennsylvania contributed importantly to the separations of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Herman Segall and Company, Philadelphia, Pennsylvania who became totally or partially separated from employment on or after June 24, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17770 Filed 6-23-77;8:45 am]

[TA-W-1784]

HUNT FOR CHEVROLETS, INCORPORATED, BUFFALO, NEW YORK

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1784: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 10, 1977 in response to a worker petition received on March 9, 1977 which was filed on behalf of workers and former workers engaged in the sale and servicing of automobiles at Hunt for Chevrolets, Inc., Buffalo, New York.

The notice of investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 1600). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hunt for Chevrolets, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important, but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Hunt for Chevrolets, Inc., does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639). The only question in this case is whether General Motors Corporation, i.e., a firm which produces an article, namely automobiles, and for whom the service is provided, can be considered the "workers' firm." See Notice of Determination in Nu-Car Driveaway, Incorporated (TA-W-393, 41 FR 12749).

Hunt for Chevrolets is a franchised Chevrolet sales and service dealership. It is engaged in the selling and servicing of automobiles. General Motors has no capital or financial investment in Hunt for Chevrolets, Inc. and has no control over its operation.

The workers upon whose behalf this petition was filed were hired and are paid by Hunt for Chevrolets, Inc. They are supervised by Hunt for Chevrolet personnel only. All employment benefits which they receive are provided by Hunt for Chevrolets, Inc.

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Hunt for Chevrolet, Incorporated are not "articles" within the meaning of Section 222 (3) of the Trade Act of 1974, and that the General Motors Corporation cannot be considered the "workers' firm." The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 14th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17771 Filed 6-23-77;8:45 am]

[TA-W-1817]

INTERNATIONAL SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1817: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 21, 1977 in response to a worker petition received on March 8, 1977 which was filed by three workers on behalf of workers and former workers producing women's shoes at the Belle, Missouri plant of the International Shoe Company.

The notice of investigation was published in the FEDERAL REGISTER on April 4, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe Co., its customers, the Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

On September 9, 1976, the Labor Department issued a Notice of Negative Determination for all workers at the Belle, Missouri plant of the International Shoe Company, (TA-W-925), pursuant to a worker petition filed on June 7, 1976.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers remained at the same level from 1973 to 1974, declined 8 percent from 1974 to 1975 and then increased 20 percent from 1975 to 1976. Employment increased 33 percent in the first quarter of 1977 compared to the same quarter of 1976. The average number of hours worked declined 5.2 percent from 1974 to 1975 and increased 11.2 percent from 1975 to 1976. The average number of hours worked declined 21.9 percent in the first quarter of 1977 compared to the first quarter of 1976. All workers were laid-off from January 31, 1977 to February 4, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales data is not maintained at the plant, since all shoes are transferred to a central warehouse of International for final distribution.

Production of women's shoes declined 4 percent in quantity from 1973 to 1974, declined 9 percent in quantity from 1974 to 1975, and remained at the same level in 1976 as in 1975. Production declined 35 percent in quantity in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of women's and misses' nonrubber footwear, except athletic, increased absolutely from 1972 to 1973, declined from 1973 to 1974, and then increased each year from 1974 to 1976. Imports increased absolutely by 4.8 millions of pairs from 1975 to 1976. The ratio of imports to domestic production declined from 114.1 percent in 1975 to 106.3 percent in 1976.

CONTRIBUTED IMPORTANTLY

Evidence developed during the course of the investigation revealed that retail customers of International Shoe shifted purchases of women's shoes from International to imports from 1975 to 1976. The International Trade Commission recently concluded that the extremely high penetration of imported shoes is the most important cause of injury to the domestic footwear industry.

As a result of the negative import influence on production at the Belle, Missouri plant there was a 21.9 percent reduction in the average number of hours worked in the first quarter of 1977 compared to the first quarter of 1976. The workforce, however, increased during the same period of comparison because the plant switched production to a more complicated shoe style, which required additional workers to produce each shoe.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Belle, Missouri plant of the International Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of women's shoes at the Belle, Missouri plant of the International Shoe Company who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18111 Filed 6-23-77;8:45 am]

[TA-W-1731]

JERSEY DYE AND FINISHING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1731: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 22, 1977 which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers printing and finishing fabric at the Jersey Dye and Finishing Company, Paterson, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jersey Dye, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met for Jersey Dye and Finishing Company.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers increased 13 percent from 1974 to 1975, then decreased 20 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

The sales in value of the printing and finishing performed on greige goods by Jersey Dye increased 22 percent from 1974 to 1975, then decreased 53 percent from 1975 to 1976.

The production in yards of the printing and finishing performed on greige goods by Jersey Dye increased 25 percent from 1974 to 1975, then decreased 53 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of cotton broadwoven printcloth declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 10.5 percent from 1974 to 1975 and then increased 55.6 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined .8 percent from 1974 to 1975 and then increased 23.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained less than one percent from 1972 through 1976.

CONTRIBUTED IMPORTANTLY

The petition alleges that increased imports of apparel adversely affected production and employment at Jersey Dye and Finishing Company. Converters, who are customers of Jersey Dye stated that imports of apparel have been a factor in reduced business with Jersey Dye. Imported wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

Customers of Jersey Dye are converters who buy greige goods and commission Jersey Dye to print and finish the fabric in accordance with apparel manufacturers' specifications. During the course of the investigation it was established that converters, in general, do not import printed or finished fabric. The Department's survey of apparel manufacturers, who are customers of the converters, revealed that manufacturers are importing printed or finished fabric for use in the production of men's and women's wearing apparel. The converters reported a growing trend towards manufacturers bypassing converters and purchasing finished fabric offshore or purchasing the imported finished fabric domestically, through foreign trading companies.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with fabric printed and finished at the Jersey Dye and Finishing Company, Paterson, New Jersey contributed importantly to the total or partial

JUN 24 1977 UM

separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Jersey Dye and Finishing Company, Paterson, New Jersey who became totally or partially separated from employment on or after February 17, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Issued at Washington, D.C. this 15th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18112 Filed 6-23-77;8:45 am]

[TA-W-1733]

JUDE TRAWLERS, INCORPORATED BROWNSVILLE, TEXAS

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1733: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 17, 1977 which was filed on behalf of workers and former workers engaged in the catching of shrimp with Jude Trawlers, Incorporated, Brownsville, Texas.

The Notice of Investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jude Trawlers, Incorporated, the U.S. Coast Guard, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether the other criteria have been met, the investigation has revealed that the second criterion has not been met.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Jude Trawlers, Incorporated is a recently formed company that began to fish for shrimp in February 1977. Only one catch had been made at the time the field investigation was conducted.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales or production at Jude Trawlers, Incorporated, Brownsville, Texas have not decreased absolutely as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17773 Filed 6-23-77;8:45 am]

[TA-W-1976]

KENNEBEC RIVER PULP AND PAPER, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1976: Investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 12, 1977 in response to a worker petition received on April 11, 1977 which was filed by the International Association of Machinists and Aerospace Workers on behalf of workers and former workers producing groundwood base paper products at Kennebec River Pulp and Paper, Inc., Madison, Maine, a subsidiary of Penn-tech Papers, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 29, 1977 (42 FR 21873). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Penntech Papers, Inc., Kennebec River Pulp and Paper, Inc., its customers, the American Paper Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers decreased 5 percent in 1975 compared to 1974, and decreased 14 percent in 1976 compared to 1975.

Average employment of salaried workers increased 4 percent in 1975 compared to 1974, then decreased 15 percent in 1976 compared to 1975.

All production workers are expected to be terminated by the end of June 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Company sales declined 12 percent in quantity in 1974 compared to 1973, declined 30 percent in 1975 compared to 1974, and declined 4 percent in 1976 compared to 1975.

Company production was equal to company sales, because production was to customer order. A negligible amount of finished goods inventory was maintained at the plant.

The plant closed permanently in March, 1977.

INCREASED IMPORTS

Imports of groundwood base paper products increased absolutely and relative to domestic production in 1973 and 1974 compared to the previous year, then decreased both absolutely and relatively in 1975 compared to 1974. These imports increased from 199.9 thousand short tons in 1975 to 319.1 thousand short tons in 1976. The ratio of imports to domestic production increased from 4.6 percent in 1975 to 6.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

A representative sample of customers who were surveyed stated they had increased purchases of imported paper products while reducing purchases from Kennebec River Pulp and Paper, Inc.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with groundwood base paper products produced by Kennebec River Pulp and Paper, Inc. contributed importantly to the separation of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Kennebec River Pulp and Paper, Inc., Madison, Maine who became totally or partially separated from employment on or after April 6, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18113 Filed 6-23-77;8:45 am]

[TA-W-1738]

LUMURED CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1738: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 23, 1977 which was filed on behalf of workers and former workers producing handbags at Lumured Corporation, Woodbridge, New Jersey.

The Notice of Investigation was published in the FEDERAL REGISTER on March 27, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lumured Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important that any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment at Lumured declined 44.8 percent from 1974 to 1975 and declined 21.9 percent from 1975 to 1976. Employment declined 34.0 percent in the first quarter of 1977 compared to the same quarter in 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total handbag sales declined 38.6 percent, in value, from 1974 to 1975 and declined 34.4 percent, in value, from 1975 to 1976. Sales declined 11.9 percent, in value, in the first quarter of 1977 compared to the same quarter in 1976.

INCREASED IMPORTS

Imports of all handbags increased 6.4 percent from 1974 to 1975 and increased 55.8 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 83.5 percent and 45.9 percent, respectively, in 1975 to 140.5 percent and 59.0 percent, respectively, in 1976.

Imports of non-leather, non-plastic handbags, which includes beaded handbags, increased absolutely in each year from 1972 through 1976. Imports increased 11.2 percent from 1974 to 1975 and increased 62.6 percent from 1975 to 1976.

CONTRIBUTED IMPORTANTLY

During the course of the investigation it was determined that Lumured's customers reduced purchases from Lumured both because they were buying imports and the mass market was carrying less expensive imported copies of that type of handbag.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with beaded handbags produced at Lumured contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Lumured Corporation, Woodbridge, New Jersey who became totally or partially separated from employment on or after February 18, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18114 Filed 6-23-77;8:45 am]

[TA-W-1745]

MICHELE DRESS CO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1745: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 28, 1977 in response to a worker petition received on February 28, 1977 which was filed on behalf of workers and former workers producing dresses at the Philadelphia, Pennsylvania plant of Michele Dress Company.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Michele Dress Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of workers of Michele Dress Company decreased by 7.6 percent from 1975 to 1976 and the average number of hours per week declined by 13.8 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at Michele Dress Company decreased by 20.7 percent in value (adjusted) from 1975 to 1976.

INCREASED IMPORTS

Imports of women's and misses' dresses have increased by 2.2 percent from 1975 to 1976, from 645,000 dozen to 659,000 dozen. The ratios of imports to domestic production and consumption have remained steady, at 4.5 and 4.3, respectively.

CONTRIBUTED IMPORTANTLY

The investigation revealed that customers of the manufacturer for whom Michele Dress Company does contracting work did not shift purchases from the manufacturer to foreign suppliers.

The manufacturer which contracts Michele Dress for cutting and sewing

JUN 24 1977 UM

women's dresses does not manufacture outside the United States and does not import finished products. Sales and production of this manufacturer increased in 1976 compared to 1975. The manufacturer decreased its contract work with Michele Dress while increasing its work with other domestic contractors.

CONCLUSION

It is concluded that imports of articles like or directly competitive with women's and misses' dresses produced at the Michele Dress Company in Philadelphia, Pennsylvania have not contributed importantly to the total or partial separations of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18115 Filed 6-23-77;8:45 am]

[TA-W-1788]

PEG BANDAGE, INCORPORATED, LAS PIEDRAS, PUERTO RICO

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1788; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 10, 1977 in response to a worker petition received on February 14, 1977 which was filed on behalf of workers and former workers producing elastic bandages at the Las Piedras plant of Peg Bandage, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 25, 1977 (42 FR 16200). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from Becton, Dickinson and Company, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts and department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (3) has not been met.

Peg Bandage, Inc. is a subsidiary of Becton, Dickinson and Company. Their Las Piedras, Puerto Rico plant produces elastic bandages.

Evidence developed in the Department's investigation reveals that there are no known imports of elastic bandages.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with elastic bandages produced at the Las Piedras, Puerto Rico plant of Peg Bandage Inc. have not increased, either absolutely or relative to domestic production, as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-17774 Filed 6-23-77;8:45 am]

[TA-W-1867]

RIVERSIDE NOVELTY PRINTERS, INCORPORATED PATERSON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1867: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on that date which was filed by the Machine Printers and Engravers Association on behalf of workers and former workers printing, dyeing, and finishing fabric at the Paterson, New Jersey, plant of Riverside Novelty Printers, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Riverside Novelty Printers, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at the plant increased 30 percent in 1975 from 1974, decreased 5 percent in 1976 from 1975, and 26 percent in the first quarter of 1977 compared to the first quarter of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All work is done on a contractual basis so sales equal production.

Production and sales (in yards) increased 78 percent in 1975 from 1974 and decreased 37 percent in 1976 from 1975. Production decreased 66 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

The petition alleges that increased imports of textiles and apparel adversely affected production and employment at Riverside Novelty Printers, Inc. Converters, who are customers of Riverside stated that imports of apparel have been a factor in reduced business with Riverside.

Important wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

Imports of cotton broadwoven printcloth declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 10.5 percent from 1974 to 1975 and then increased 55.6 percent from 1975 to 1976. The ratio of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 0.8 percent from 1974 to 1975 and then increased 23.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained less than one percent from 1972 through 1976.

CONTRIBUTED IMPORTANTLY

Customers of Riverside are converters who buy greige goods and commission Riverside to finish and print the fabric in accordance with apparel manufacturers' specifications. Customers indicated that they have decreased purchases from Riverside and increased purchases of imported printed fabric.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printed fabric produced at the Paterson, New Jersey, plant of Riverside Novelty Printers, Incorporated, contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Paterson, New Jersey, plant of Riverside Novelty Printers, Inc., who became totally or partially separated from employment on or after March 16, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-18116 Filed 6-23-77;8:45 am]

[TA-W-1619]

SAFT AMERICA, INCORPORATED, METUCHEN, NEW JERSEY

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1619: Investigation regarding certification of eligibility of apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 31, 1977 in response to a worker petition received on January 24, 1977 which was filed by the International Union of Electrical, Radio, and Machine Workers on behalf of workers and former workers engaged in employment related to the production of storage batteries at the Metuchen, New Jersey plant of Saft America, Incorporated, a subsidiary of Saft America, Paris, France.

The notice of investigation was published in the FEDERAL REGISTER on February 18, 1977 (42 FR 10078). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Saft America, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibilty requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both of such firm or subdivision have decreased absolutely;

(3) That article like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers at the Metuchen, New Jersey plant of Saft America, Inc. decreased 46 percent from 1974 to 1975, and 84 percent from 1975 to 1976.

There were no workers employed at the Valdosta, Georgia plant of Saft America, Inc. in 1974. Average employment of production workers at the Valdosta, Georgia plant of Saft America, Inc. increased 69 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales at the Metuchen, New Jersey plant of Saft America, Inc. increased 18 percent in value in fiscal year 1975 compared to fiscal year 1974. Sales at both plants of Saft America, Inc. decreased 42 percent in value in fiscal year 1976 compared to fiscal year 1975 at the Metuchen, New Jersey plant. Sales increased 51 percent in value in fiscal year 1977 compared to fiscal year 1976 at both plants of Saft America, Inc. Production ceased at the Metuchen facility in January, 1977.

INCREASED IMPORTS

Imports of storage batteries and parts increased absolutely and relatively from 1972 to 1973, and from 1973 to 1974, then decreased both absolutely and relatively from 1974 to 1975. Imports increased 4 percent absolutely from 1975 to 1976 and the ratio of imports to domestic production remained unchanged at 1.9 percent.

CONTRIBUTED IMPORTANTLY

Company imports of storage batteries and parts increased in value 89 percent from 1973 to 1974, 13 percent from 1974 to 1975, and 11 percent from 1975 to 1976.

Saft America transferred battery and cell production from its Metuchen, New Jersey facility to Valdosta, Georgia during the second half of 1975. The plate production continued at Metuchen until January 1977. Saft relied on imports from its parent Saft America in France during the transition period to facilitate the move. In fiscal year 1976 imports constituted 21 percent of Saft America's sales, and in fiscal year 1977 imports constituted 15 percent of sales.

The Valdosta plant was constructed to produce in part batteries and cells utilizing the same type of plate design that is currently manufactured by the parent company in France. While the design of Valdosta plate differed from the type manufactured in Metuchen it was directly competitive. The Valdosta plant imported the new plate design from France beginning in the summer of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with plate produced at the Metuchen, New Jersey plant of Saft America, Incorporated, contributed importantly to the total or partial separation of the workers at that plant. In accordance with the provisions of the Act. I make the following certification:

All workers at the Metuchen, New Jersey plant of Saft America, Incorporated who became totally or partially separated from employment on or after July 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18117 Filed 6-23-77;8:45 am]

[TA-W-1758]

TRIMFOOT COMPANY, INCORPORATED FARMINGTON, MISSOURI

Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1758: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 3, 1977 in response to a worker petition received on February 23, 1977 which was filed by the Boot and Shoe Workers' Union on behalf of workers and former workers producing infants' and babies' footwear at the Farmington, Missouri plant of the Trimfoot Company, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Trimfoot Company, Inc., the U.S. Department of Commerce, the U.S. International Trade

JUN 24 1977 UM

Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (1) and (2) have not been met.

Employment of production workers at the Farmington, Missouri plant of Trimfoot increased 8 percent from 1975 to 1976.

Production at the Farmington, Missouri plant of Trimfoot increased 7.4 percent in quantity from 1975 to 1976.

Total company sales at Trimfoot increased 6.2 percent in value from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that employment, sales, and production at the Farmington, Missouri plant of the Trimfoot Company, Inc. have not declined as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 16th day of June 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-18118 Filed 6-23-77;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held on July 12-13, 1977, from 9:00 a.m to 5:00 p.m. and July 14, 1977, from 9:00 a.m. to 12:00 noon, in Room 1422, Columbia Plaza Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on July 12-13, from 9:00 to 5:00, on a space available basis. Accommodations are limited. The agenda will include a discussion of policy.

The remaining sessions of this meeting on July 14, from 9:00 a.m. to 12:00 noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts National Foundation on the Arts and the Humanities.

JUNE 21, 1977.

[FR Doc.77-18038 Filed 6-23-77;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 20, 1977 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

FEDERAL RESERVE SYSTEM

National Survey of Consumer Credit, single time, national sample of households, Louis C. Kincannon, 395-3211.

U.S. INTERNATIONAL TRADE COMMISSION

Purchasers' Questionnaire (Pressure Sensitive Plastic Tape), single time, purchasers, Suzann K. Evinger, 395-3710.

Producers' Questionnaire (Pressure Sensitive Plastic Tape), single time, U.S. producers, Suzann K. Evinger, 395-3710.

Importers' Questionnaire (Pressure Sensitive Plastic Tape), single time, U.S. importers, Suzann K. Evinger, 395-3710.

NATIONAL ENDOWMENT FOR THE ARTS

Crafts workshops final descriptive report part A&B, NEA/CW-1A, CW-1B, annually, workshop sponsor, leaders, project directors, Human Resources Division, Warren Topelius, 395-3532.

SMALL BUSINESS ADMINISTRATION

Prebusiness workshop evaluation, single time, potential businesses, Economics and General Government Division, Warren Topelius, 395-3451.

NATIONAL SCIENCE FOUNDATION

Survey of experience and attitudes and profiles of research scientists, single time, research scientists who received Ph.D. since June 1971, Kathy Wallman, Roye L. Lowry, 395-6140.

DEPARTMENT OF AGRICULTURE

Economic research service, survey of farm production and marketing contractual arrangements, single time, farms with contract in 1974, Gaylord Worden, 395-4730.

FOOD AND NUTRITION SERVICE, Civil rights compliance review (service institution), FNS-87-1, single time, service institution officials, Human Resources Division, Kathy Wallman, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of the Census, tape address register evaluation match and reconciliation card—1977 Census of Oakland, California, DH-806, single time, persons at housing structures, Maria Gonzalez, 395-6132.

DEPARTMENT OF DEFENSE

Departmental and other Armed Forces Health Professions Scholarship Program, single time, medical students, National Security Division, Richard Eisinger, 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Skin Cancer Epidemiologic Survey: Telephone Questionnaire, single time, patients, Richard Eisinger, 395-6140.

Public Health Service, application for schools of medicine—Special requirements and assurances under the health professions capitation grant program, annually, schools of medicine and medical residency programs, Roye L. Lowry, 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration study on actual duration of spell of unemployment experienced by disqualified UI claimants and UI beneficiaries, ETA-2, single time, UI claimants, Arnold Strasser, 395-5867.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, report of coupon issuance and commodity distribution for disaster relief, FNS-292, on occasion, State agency, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
ESEA Title II Financial Status Report, OE-1297, annually, SEAS, Department of Education of outlying area, BIA, Roye L. Lowry, 395-3772.

REVISIONS

Financial status and performance reports coperative education program, OE-411, -1, annually, institution of post-secondary education, Roye L. Lowry, 395-3772, NDEA Title III financial status report, OE-1298, annually, SEAS, Dept. of Education of outlying areas, BIA, Roye L. Lowry, 395-3772.

EXTENSIONS

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority—Flood damage appraisal, industrial, commercial, and public, TVA-11028, on occasion, nonresidential flood plain occupant, Marsha Traynham, 395-4529.

DEPARTMENT OF AGRICULTURE

U.S. Forest Service, financial statement—National forest timber purchasers, 2400-15, on occasion, timber purchasers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-18204 Filed 6-23-77;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1977 and ending on December 31, 1977, is 7⅛ per centum per annum.

Dated: June 21, 1977.

GOODWIN CHASE,
Chairman.

[FR Doc.77-18076 Filed 6-23-77;8:45 am]

EXEMPTION OF FOREIGN MILITARY SALES

Rescission of Interpretation No. 80

At its meeting of June 20, 1977, the Renegotiation Board rescinded Interpretation No. 80; Exemption of foreign military sales, dated September 1, 1976. This Interpretation relates to Renegotiation Board Regulation 1453.5(b)(3).

Dated: June 2, 1977.

GOODWIN CHASE,
Chairman.

[FR Doc. 77-18075 Filed 6-23-77; 8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

[Administrative Ruling 77-2]

ANTIRECESSION FISCAL ASSISTANCE PROGRAM

Effective Date of Legislative Amendments and Clarification of Permissible Uses

The Office of Revenue Sharing has issued numerous opinion letters in response to requests of individual recipient governments for clarification of the interim regulations appearing at 31 Code of Federal Regulations, Part 52, published pursuant to Title II of the Public Works Employment Act of 1976, 42 U.S.C. 6721 et seq. The purpose of this Administrative Ruling is to notify all recipient governments, and the public-at-large, that:

(A) The permissible use of funds, and the civil rights sections of the Act have been amended by the Intergovernmental Antirecession Assistance Act of 1977; and

(B) The Office of Revenue Sharing has interpreted the interim regulations at 31 CFR Part 52, for the guidance of recipient governments with respect to the permissible use of the funds, the expenditure time limitation, and the budgetary procedures applicable to the expenditure of antirecession fiscal assistance funds.

A. *Amendments to the Public Works Employment Act of 1976.* The Intergovernmental Antirecession Assistance Act of 1977 amended Section 204 of the Public Works Employment Act of 1976 to prohibit the use of antirecession fiscal assistance funds for the acquisition of supplies and materials or construction, except for normal supplies or repairs necessary to maintain basic services. The term "normal supplies" means those commodities which are consumed when used or have an estimated useful life of one year or less which, in the reasonable discretion of the recipient government, are necessary to provide a basic service. Such commodities include, but are not limited to, office supplies, small hand tools, medicines and laboratory supplies, cleaning and sanitation supplies, fuel, printing and binding. The Intergovernmental Antirecession Assistance Act of 1977 prohibits the purchase of capital assets, such as equipment and motor vehicles, with antirecession fiscal assistance funds.

The term "repairs" means that the use of antirecession fiscal assistance funds for construction must be limited to expenditures which maintain a structure, or other capital asset in ordinary efficient operating condition, but which does not substantially add to the utility of the property, appreciably prolong its useful life, or make the facility adaptable to a different use. Expenditures for projects which would be classified as ordinary repairs (as opposed to capital improvements) in a commercial tax context may be financed with antirecession fiscal assistance funds.

Section 207 of the Public Works Employment Act of 1976 was also amended by the Intergovernmental Antirecession Assistance Act of 1977. The amendments incorporated the civil rights provisions of the General Revenue Sharing Program (State and Local Fiscal Assistance Amendments of 1976, Pub. L. 94-488) into the Antirecession Fiscal Assistance Program. These include the prohibition of discrimination on the basis of handicapped status and age, the administrative requirements, and the private right of a person aggrieved to bring enforcement action to remedy violations.

The amendments made by the Intergovernmental Antirecession Assistance Act to the Public Works Employment Act of 1976 shall be effective as of July 1, 1977. The appropriation or obligation of antirecession fiscal assistance funds on or after July 1, 1977, regardless of the date such funds were received by a recipient government, shall be made in accordance with the aforementioned provisions of the Intergovernmental Antirecession Assistance Act of 1977. For example, the funds may not be appropriated or obligated for capital assets, such as equipment or trucks, after July 1, 1977.

B. *Clarification of Interim Regulations, 31 CFR, Part 52.* Section 52.40(a) of the interim regulations requires recipient governments to use their antirecession fiscal assistance payments to maintain basic services customarily provided (during the current and preceding fiscal years) to persons in the area under their jurisdiction. To determine whether a specific program may be funded pursuant to § 52.40(a), a recipient government must first determine whether that program can be reasonably classified under one of the categories of basic services listed in the section of the interim regulations. Second, the recipient government must determine whether the generic basic service category under which a specific program is classified has been customarily provided to persons within its jurisdiction. Only the broad basic service category is required to have been customarily provided; specific programs may be initiated under a customarily provided basic service category. For example, if health and hospital services have been provided to persons under the jurisdiction of the recipient government, a new emergency intensive care unit program may be financed with antirecession fiscal assistance funds.

A strict interpretation of the interim regulation's test for determining whether

a basic service has been customarily provided would preclude a recipient government from funding a basic service initiated in the preceding fiscal year that had to be deleted from the current fiscal year's budget because of fiscal deficiencies. In view of the fact that one of the principal purposes of antirecession fiscal assistance is to prevent cutbacks in necessary services, the Office of Revenue Sharing will consider basic services provided during either the current or preceding fiscal years as having been customarily provided.

Interest on a general debt is one of the eligible expenditure categories included in § 52.40(a) of the interim regulations. A recipient State or local government may use antirecession fiscal assistance funds under this category to pay all or part of a governmental interest payment, provided the proceeds of the indebtedness were expended solely for purposes for which the funds may be used directly under the Act and the interim regulations.

The interim regulations do not specifically mention the use of antirecession fiscal assistance funding for principal payments. The funds may be used to pay the principal of a debt incurred by a recipient government: *Provided*, The proceeds of the indebtedness were expended for a purpose for which the antirecession fiscal assistance funds may be directly expended. Accordingly, on or after July 1, 1977, antirecession fiscal assistance funds may not be used to pay the principal or interest on a debt incurred in the purchase of a capital asset.

Section 52.40(b) provides, in part, that the use of antirecession fiscal assistance payments for construction shall be limited to structural repairs or renovations. In view of the legislative intention that the antirecession fiscal assistance funds should not be used for major construction projects, construction expenditures pursuant to the Public Works Employment Act of 1976, prior to amendment by the Intergovernmental Antirecession Assistance Act of 1977, shall be limited to expenditures made to maintain a structure, or other capital asset such as a highway, in ordinary efficient operating condition, but which do not substantially add to the utility of the property, appreciably prolong its useful life, or make the facility adaptable to a different use. Expenditures which are classified as ordinary repairs (as opposed to capital improvements) may be financed with antirecession fiscal assistance funds. It should be noted that the rule concerning the use of funds for construction is the same one provided by the amendments to the Act.

Section 52.42 of the interim regulations requires a receipient government to spend their antirecession fiscal assistance funds in accordance with the laws and procedures applicable to its own source tax revenues. Therefore, the legislative process required by State and local law to be used for the expenditure of its own source tax revenues must be followed in order to comply with § 52.42. The intent of this requirement is to require input into the expenditure decision-making process by the legislative body of the State or local recipient government. This legislative process is a necessary aspect of the antirecession fiscal assistance program due to the lack of prior approval of expenditure decisions by the Office of Revenue Sharing and the broad discretion provided by the Act to recipient governments over the use of the funds.

Dated: June 16, 1977.

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

[FR Doc.77-18079 Filed 6-23-77;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

COASTAL ZONE MANAGEMENT ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Friday, July 15, 1977. The meeting will commence at 9:00 a.m. on July 15 in the Page Building No. 1 Penthouse, 5th Floor, 2001 Wisconsin Avenue, NW., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 12 noon until 12:15 p.m. on July 15, interested persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Executive Secretary in advance of the meeting. A written version of an oral statement or a written statement may be submitted to the Executive Secretary before or after the meeting, or may be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, NW, Washington, D.C. 20235 (Attn. Dr. Richard J. Keating, Executive Secretary, CZM Advisory Committee). All statements received in type-written form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to Richard Keating at (202) 634-4232.

The items for Committee discussion at the meeting will include the following:

FRIDAY, JULY 15

9 a.m.—Call to Order: Approval of minutes; Report on Action items.
9:30 a.m.—Legislative review.
10 a.m.—Review of 404 working group draft.
11 a.m.—Priorities in research and beach access.
12 M—Oral comments (if any) by interested person(s).
12:15 p.m.—Lunch.
1:30 p.m.—Discussion of September meeting agenda and activities.
2 p.m.—Report on coastal awareness activities and White House Conference.
2:30 p.m.—Preliminary comments on advisory committee functions.
2:45 p.m.—Report on outcome of coastal states organization meeting.
4:30 p.m.—Adjourn.

Dated: June 21, 1977.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc.77-18212 Filed 6-23-77;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of New System of Records

The purpose of this notice is to adopt in final form a new system of records.

On March 28, 1977, the Department of Commerce gave notice (42 FR 16464-65) that it proposed to adopt a new system of records for the Patent and Trademark Office, Users of Public Search Room of the Patent and Trademark Office, COMMERCE/PAT-TM-14. The purpose of this system is to enable the Patent and Trademark Office to operate a new security system in the public search room. The new security system is intended to protect patent documents from unauthorized removal from the search room, which is used by the general public, by employees, and by representatives of commercial firms offering patent search services to the public. A new system report, dated March 17, 1977, was submitted to the Congress, the Office of Management and Budget, and the Privacy Protection Study Commission, as required by the Privacy Act.

Interested persons were invited to submit written data, views, or arguments on or before April 27, 1977. No comments were received in response to the notice. Therefore, and in accord with the required 60-day advance notice period, the Department adopts the new system effective May 17, 1977, which is the 61st day from the date of the new system report (March 17, 1977). Because the complete text of the new system was published in the FEDERAL REGISTER on March 28, 1977, page 16465, and the system is adopted without change, there is no need to republish at this time.

AUTHORITY: 5 U.S.C. 552a, Sec. 3, Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896).

Dated: June 17, 1977.

ELSA A. PORTER,
Assistant Secretary
for Administration.

[FR Doc.77-18046 Filed 6-23-77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

REPUBLIC OF KOREA

Adjusting Import Restraint Levels for Certain Cotton, Wool and Man-Made Fiber Textile Products

JUNE 22, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Granting increases for flexibility in Categories 48 (raincoats), 49 (other coats), 219 (other shirts, including blouses), 221 (knit sweaters and cardigans), 228 (blouses, not knit), 229 (coats, not knit), and 237 (suits, not knit); (2) Deducting carryforward yardage granted in Categories 116/117 (knit outerwear), 120 (men's and boys' suits), 121 (men's and boys' outercoats), 219 (other shirts, including blouses), 221 (knit sweaters and cardigans), 224 (men's and boys' suits), 229 (coats, not knit), 235 (other shirts, not knit), 237 (suits, not knit), and 238 (trousers, not knit) during the agreement year which began on October 1, 1975. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1971 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).)

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, provides, among other things, for percentage increases in certain specific category ceilings for flexibility and carryforward during an agreement year. Carryforward is an amount borrowed from the level of restraint applicable to the affected category in the succeeding agreement year and is deducted from that year's level. Pursuant to paragraphs 5(b) and 7(a)(ii) of the bilateral agreement, as amended, the import restraint levels for Categories 48, 49, 116/117, 120, 121, 219, 221, 224, 228, 229, 235, 237 and 238 are being adjusted for the agreement year which began on October 1, 1976 and extends through September 30, 1977.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On October 1, 1976, a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (41 FR 43440), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1976. A correction in certain of the levels of restraint was published in the FEDERAL REGISTER on November 5, 1976 (41 FR 48765).

In the letter published below the Commissioner of Customs is directed, in accordance with the provisions of the bilateral agreement to adjust the twelve-month levels of restraint previously established for Categories 48, 49, 116/117, 120, 121, 219, 221, 224, 228, 229, 235, 237, and 238 to the designated amounts.

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, Department of Commerce.

U.S. DEPARTMENT OF COMMERCE, THE ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Washington, D.C., June 22, 1977.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On September 29, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption during the twelve-month period beginning on October 1, 1976 and extending through September 30, 1977 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Korea, in excess of designed levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, pursuant to paragraphs 5(b) and 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651, you are directed to amend, effective on June 27, 1977, the twelve-month levels of restraint established in the directive of September 29, 1976 for the following categories to the amounts indicated:

Category	Amended 12-month level of restraint[1]
48	24,025 doz.
49	54,612 doz.
116/117	461,257 lbs.
120	301,221 numbers.
121	191,254 numbers.
219	4,134,520 doz.
221	2,837,106 doz.
Pt. 224[2]	33,581 doz.
228	943,223 doz.
229	762,834 doz.
235	1,407,353 doz.
237	157,111 numbers.
238	205,759 doz.

[1] The levels of restraint have not been adjusted to reflect any imports after September 30, 1976.

[2] In Category 224, only T.S.U.S.A. Numbers 380.0420 and 380.8143.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce.

[FR Doc.77-18224 Filed 6-23-77;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specifiec levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 420]

ASSIGNMENT OF HEARINGS

JUNE 21, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 58035 (Sub-No. 12), Trans-Western Express, Ltd., now being assigned September 20, 1977 (1 day), at Denver, Colorado, in a hearing room to be designated later.

MC 1977 (Sub-No. 26), Northwest Transport Service, Inc., now being assigned September 21, 1977 (3 days), at Denver, Colorado, in a hearing room to be later designated.

MC 118431 (Sub-No. 24), Denver Southwest Express, Inc., now being assigned September 26, 1977 (2 days), at Denver, Colorado, in a hearing room to be later designated.

AB 119 (Sub-No. 1), Forth Worth and Denver

Railway Company, Abandonment Between Sterley and Silverton in Floyd and Briscoe Counties, Texas, now being assigned September 29, 1977 (2 days), at Plainview, Texas, in a hearing room to be later designated.

MC 143013, Roger Chilton, d.b.a. Chilton Trucking Co., now being assigned October 3, 1977 (1 week), at Houston, Texas, in a hearing room to be later designated.

MC 28060 (Sub 34), Willers, Inc., d.b.a. Willers Truck Service, now being assigned July 11, 1977 (2 days), at Omaha, Nebraska, and will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.

MC 129631 (Sub-No. 53), Pack Transport, Inc., now being assigned September 7, 1977 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 143006, Dorwin Trucking Co., Inc., now being assigned September 12, 1977 (2 days), at Seattle, Washington, in a hearing room to be later designated.

MC 138875 (Sub-No. 37), Shoemaker Trucking Co., now being assigned September 14, 1977 (3 days), at Portland, Oregon, in a hearing room to be later designated.

MC-F-12921, Osborne Group, Inc.—Control—Washington-Oregon Lumber Freighters, Inc., now being assigned September 19, 1977, at Portland, Oregon, in a hearing room to be later designated.

MC 140024 (Sub 69), J. B. Montgomery, Inc., now being assigned June 21, 1977 (9 days), at Denver, Colorado, and will be held in the Court of Appeals, Division Two, U.S. Courthouse, 1961 Stout Street, and July 19, 1977 (9 days), for continued hearing at Denver, Colorado, and will be held in the Tax Court, Room 587, U.S. Federal Building and Courthouse, 1961 Stout Street.

MC 125820 (Sub-No. 8), Elk Valley Freight Line, Inc., now being assigned for continued hearing on the 6th day of July 1977 (1 day), in the Community Room, Ground Floor, United American Bank Building, Fourth Avenue North at Church Street, Nashville, Tenn.

MC 129032 (Sub-No. 30), Tom Inman Trucking, Inc., now being assigned July 26, 1977 (1 day), at St. Louis, Mo., in a hearing room to be lated designated.

MC 112304 (Sub-No. 114), Ace Doran Hauling & Rigging Company, now being assigned July 27, 1977 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 116325 (Sub-No. 74), Jennings Bond, d.b.a. Bond Enterprises, now being assigned July 28, 1977 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 4405 (Sub-No. 541), Dealers Transit, Inc., now being assigned July 29, 1977 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-12945, Bowman Transportation, Inc.—Purchase—Bringwald Transfer, Inc., now being assigned August 1, 1977 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18122 Filed 6-23-77;8:45 am]

[Notice No. 421]

ASSIGNMENT OF HEARINGS

JUNE 21, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION [1]

MC 127042 Sub No. 187, Hagen, Inc. now being assigned June 21, 1977 (9 days) at Denver, Colorado and will be held at Court of Appeals, Division Two, U.S. Courthouse, 1961 Stout Street and July 19, 1977 (9 days) at Denver, Colorado and will be held in the Tax Court, Room 587, US Federal Building and Courthouse, 1961 Stout Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18123 Filed 6-23-77;8:45 am]

[No. MC-C-9698]

E-LETTER NOTICE CERTIFICATION PROCEDURES

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed adoption of certification procedures.

SUMMARY: The purpose of this document is to institute a proceeding for the purpose of adopting appropriate procedures pertaining to the certification of E-letter notices.

NOTICE OF INTENTION TO PARTICIPATE MUST BE RECEIVED ON OR BEFORE: July 11, 1977.

SCHEDULE FOR SUBMISSION OF COMMENTS AND REPLY STATEMENTS: To be set by an order to be served concurrently with issuance of the service list of participants in the proceeding.

FOR FURTHER INFORMATION CONTACT:

Philip Israel, Deputy Director, Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7245.

SUPPLEMENTARY INFORMATION:

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 8th day of June, 1977.

[No. MC-C-9698]

E-LETTER NOTICE CERTIFICATION PROCEDURES

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act) and sections 5, 207, and 212 of the Interstate Commerce Act (49 USC 5, 307, and 312) for the purpose of adopting appropriate procedures regarding the certification of E-letter notices.

It is further ordered, That this is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy of the attached notice to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission (Commissioner Murphy did not participate, Commissioners Hardin and Christian were absent and did not participate).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18124 Filed 6-23-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 21, 1977.

An application, as sumarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43387—*Newsprint Paper, Also Returned Shipments of Newsprint Paper Winding Cores from and to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-688), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores, in carloads, as described in the application, from Sheldon, Texas, to points in Kansas and Missouri on the MKT.

Grounds for relief—Rate relationship and returned shipments.

Tariff—Supplement 103 to Southwestern Freight Bureau, Agent, tariff 306-F, I.C.C. No. 5104. Rates are published to become effective on July 17, 1977.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18120 Filed 6-23-77;8:45 am]

[1] This notice corrects the Sub No. from 197 to 187 as published in the FEDERAL REGISTER of May 23, 1977, Page 26281.

Office of Proceedings

[Notice No. 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 21, 1977.

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 346TA), filed June 10, 1977. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements*, in bulk, in tank vehicles, from Westwego, La., to Nacogdoches, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper(s): Abbott Laboratories, 14 and Sheridan Road, North Chicago, Ill. 60064. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk, Houston, Tex. 77002.

No. MC 2860 (Sub-No. 161TA), filed June 9, 1977. Applicant: NATIONAL FREIGHT, INC., 71 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: John P. Tucker, Jr., 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers* of less than one gallon capacity, from the manufacturing and warehouse facilities of Midland Glass Company at or near Warner Robins, Ga., to the facilities of Anheuser-Busch, Inc. at or near Williamsburg, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Midland Glass Company, Inc. P.O. Box 557, Cliffwood, N.J., 07721. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 105886 (Sub-No. 22TA), filed June 9, 1977. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, P.O. Box 67, Bessemer, Pa. 16112. Applicant's representative: Henry M. Wick, Jr., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Wampum, Lawrence County, Pa., to Allegany, Garrett and Washington Counties, Md., Ohio, West Virginia and points in New York on and west of U.S. Highway No. 15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Medusa Cement Company, P.O. Box 5668, Cleveland, Ohio 44101. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 106195 (Sub-No. 17TA), filed June 9, 1977. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, 802 N. 1st Street, Norfolk, Nebr. 68701. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages and materials, supplies and equipment* used in the manufacture, distribution or sale of carbonated beverages, between Norfolk, Nebr., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robert B. Pierce, General Manager, Midwest Canners Cooperative, South Highway 81, P.O. Box 1427, Norfolk, Nebr. 68701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 107515 (Sub-No. 1082TA), filed June 7, 1977. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, S.E. Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the storage facilities utilized by Quaker Oats Company at points in Davidson County, Tenn., to points in the District of Columbia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire and Maine, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Quaker Oats Company, P.O. Box 2688, Jackson, Tenn. 38301. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree Street, N.W. Room 546, Atlanta, Ga. 30309.

No. MC 108393 (Sub-No. 122TA), filed May 31, 1977. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Room 126, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, (1) between points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, (2) between points in Illinois, Indiana, Kentucky, Missouri, Ohio, Michigan, Wisconsin, New York, Pennsylvania, West Virginia, and Iowa; (3) between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.; (4) between points in Maine, New Hampshire, Vermont, New York, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, District of Columbia, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Alabama, North Carolina, South Carolina, Tennessee, Illinois, Indiana, Michigan, Wisconsin, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Wyoming and Minneapolis-St. Paul, Minn., and Dallas, Tex.; Restrictions: The service is subject to the following conditions: The operations are restricted against the transportation of commodities in bulk, in tank vehicles; the operations are restricted to shipments originating at or destined to Sears, Roebuck and Co. retail stores, catalog outlets, distribution or merchandising centers, consolidation or warehousing facilities, and TFCA facilities, the operations are limited to a transportation service to be performed. The operations in Part (4) are further restricted to shipments which move to, from, or through two or more of the following cities: Atlanta, Ga.; Boston, Mass.; Chicago, Ill.; Columbus, Ohio;

JUN 24 1977 UM

Dallas, Tex.; Greensboro, N.C.; Jacksonville, Fla.; Kansas City, Mo.; Memphis, Tenn.; Minneapolis-St. Paul, Minn.; Philadelphia, Pa.; North Bergen, New Jersey, and St. Louis, Mo. under a continuing contract or contracts with Sears, Roebuck and Co., for 180 days. Supporting shipper(s): Sears, Roebuck and Co., D. C. Johnson, National Transportation Manager, Department 754, Sears Tower, Chicago, Ill. 60684. Send protests to: Patricia A. Roscoe Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1396, Chicago, Ill. 60604.

No. MC 110420 (Sub-No. 768TA), filed June 9, 1977. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Praire, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and oils*, in bulk, in tank vehicles, from Whitehall, Wis., to Morris, Ill., for 180 days. Supporting shipper(s): Whitehall Packing Co., Inc., Whitehall, Wis. 54773, (Leo Carty). Send protests to: Gail Gaugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 111231 (Sub-No. 215TA), filed June 6, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Benton and Washington Counties, Ark., to points in Louisiana and Mississippi, and points in Tennessee on and west of Interstate Highway 24, restricted to the transportation of shipments originating at the above-specified origins, for 180 days. Supporting shipper(s): Welch Foods, Inc. Portage Street, Westfield, N.Y. 14787. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 706TA), filed June 8, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 10040. Applicant's representative: Elizabeth L. Henoch, Purolator Courier Corp., 3333 New Hyde Park Road, New Hyde Park, N.Y. 10040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens*, from Ripley, Miss., to Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tippah County Hospital Laboratory, Highway 15 North, Ripley, Miss. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112801 (Sub-No. 192TA) (Correction), filed April 22, 1977, published in the FEDERAL REGISTER issue of May 24, 1977, and republished as corrected this issue. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Products of corn*, except feed and feed ingredients and oil, in bulk, in tank vehicles, from the plantsites and storage facilities of C.P.C. International at Argo, Ill. to points and places in the states of Connecticut, Delaware, Kentucky (except Louisville, Covington and Bellevue), Mich., (except Grand Rapids, Benton Harbor, Buchanan, Detroit, Niles, St. Joseph, Sturgis and Three Rivers), Tennessee, South Carolina, Alabama, North Carolina, and Georgia, and West Virginia; (2) *products of corn*, except feed and feed ingredients and oil, inedible, in bulk, in tank vehicles, from the plant site and storage facilities of C.P.C. International at Argo, Ill., to points and places in the states of Indiana, New York, Iowa, Ohio, New Jersey, Wisconsin, Pennsylvania, and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): CPC International, Inc., Roger V. Haugen, Assistant Transportation Manager, International Plaza, Englewood Cliffs, N.J. 07632. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604. The purpose of this republication is to add West Virginia, that was previously omitted before.

No. MC 113000 (Sub-No. 5TA), filed June 7, 1977. Applicant: RICHARD A. EVAVOLD, d/b/a EVAVOLD TRUCKING, P.O. Box 166, Ashby, Minn. 56309. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials*, from Underwood, Minn., to points in Colorado, Idaho, Kansas, Missouri, Montana, New Mexico and Wyoming, under a continuing contract, or contracts, with Pal-O-Pak Insulation Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pal-O-Pak Insulation Co., Inc. 547 Progress Avenue, Hartland, Wis. 53029. Send protests to: Mrs. Marion L. Cheney Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 114087 (Sub-No. 13TA-, filed June 8, 1967. Applicant: DECATUR TRANSIT, INC., P.O. Box 1784, 161 1st St. NW., Decatur, Ala. 35602. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from the plantsite of Monsanto Company in Decatur, Ala., to the plantsite of Carborundum Corporation in Hickman, Ky., under a continuing contract, or contracts, with Monsanto Company for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Clifford W. White District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116763 (Sub-No. 382TA), filed June 7, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and warehouse facility of the International Paper Company at or near Jay and Livermore Falls, Maine, to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, the District of Columbia, Harrisburg, Pa., points in that part of Pennsylvania on and west of U.S. Highway 15, and points in New York north of Interstate Highway 84, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Charles E. McHugh, Manager, Motor Carrier/Barge Rates, International Paper Company, Room 300, 220 E. 42nd Street, New York, N.Y. 10017. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117119 (Sub-No. 635TA), filed June 7, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, Ark. 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pigments, paints, and plastic materials*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Glens Falls, N.Y., to points in Texas for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hercules, Inc., 900 Life of Georgia Tower, Atlanta, Ga. 30308. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118159 (Sub-No. 214TA), filed June 8, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, and returned empty malt beverage containers*, between Ft. Worth, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, and Oklahoma for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miller Brewing Company, 4000 West State Street, Milwaukee, Wis. 53208. Send protests to: Joe Green, District Supervisor, Room 240, Old Post Office Building, 215 Northwest Third Street, Oklahoma, City, Okla. 73102.

No. MC 125777 (Sub-No. 191TA), filed June 7, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from the plantsite of Empire-Detroit Steel Division, Detroit Steel Corp., at or near Portsmouth, Ohio, to points in Michigan, Wisconsin, Indiana, Illinois, Minnesota, Iowa, Missouri and Kentucky for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Empire-Detroit Steel Division, P.O. Box 247, Mansfield, Ohio 44901. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 128392 (Sub-No. 1TA) (Correction), filed April 8, 1977, published in the FEDERAL REGISTER issue of April 28, 1977, and republished as corrected this issue. Applicant: HARNER'S EXPRESS, INC., 6541 Eastern Ave., Baltimore, Md. 21224. Applicant's representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fiberboard boxes and corrugated fiberboard trays*, from the facilities of Container Corporation of America, at Baltimore, Md., to Eastville, Fredericksburg, Hallwood, Mappsville, Newport News, Norfolk, Nassawadox, Suffolk, Warrenton and Williamsburg, Va., under a contract with Container Corporation of America, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Robert L. Lund, Eastern Traffic Manager, Container Corporation of America, 5000 Flat Rock Road, Philadelphia, Pa. 19127. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Bldg., Baltimore, Md. 21201. The purpose of this republication is to add the county of Suffolk, that was previously omitted before.

No. MC 134022 (Sub-No. 24TA), filed May 26, 1977. Applicant: RICHARD A. ZIMA, d/b/a, ZIPCO, P.O. Box 715, West Bend, Wis. 53095. Applicant's representative: Richard A. Zima (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic and malt beverages in containers and related advertising and promotional materials*, from Belleville, Ill., to Milwaukee, Racine, Cedarburg, Winneconne, Chippewa Falls, Madison, Janesville, Green Bay, Pulaski, and other points in Wisconsin, from Detroit, Mich., to Milwaukee, Winneconne, West Bend, Fon du Lac, Green Bay, and other points in Wisconsin, from Seacaucus, N.J., to Brown Dear, West Bend, Fond du Lac, and points in Wisconsin, Frankenmuth, Mich., to Milwaukee, Racine, Cedarburg, Chippewa Falls, Green Bay, Pulaski, and points in Wis., from Baltimore, Md., to Chippewa Falls, Green Bay, and points in Wis., from Plainfield, Ill., to Green Bay and Fon du Lac. Wis., from Newark, N.J., to Brown Deer, Green Bay and Fond du Lac, Wis., Dayton, N.J., to Fond du Lac, Green Bay, Brown Deer, Wis., Edison, N.J., to Fond du Lac, Green Bay, Brown Deer, Wis., St. Paul, Minn., to Milwaukee, Brown Deer, Winneconne, Watertown, Wis., and points in Wis., Chicago, Ill., to Winneconne, Fond du Lac, and Watertown, Green Bay, Brown Deer, and points in Wis., Dubuque, Iowa, to Milwaukee, Brown Deer, Pulaski, Winneconne, and points in Wis., Ft. Wayne, Ind., to Winneconne, Pulaski, Brown Deer and points in Wis., Louisville, Ky., to Green Bay and Fond du Lac, Wis., Lawrence, Ind., to Fond du Lac, Brown Deer and Green Bay, Wis., Pekin, Ill., to Fon du Lac and Brown Deer, Wis., Waltham, Ill., to Fond du Lac and Brown Deer, Wis., St. Louis, Mo. (except the plant site of Annhauser Bush) Winneconne, Fond du Lac, Pulaski, Brown Deer, and points in Wis., Points in N.J., Winneconne, Fond du Lac, Brown Deer, and points in Wisconsin, Points in Pa., to Winneconne, Pulaski and points in Wis., and points in N.Y., to Winneconne, Fond du Lac, Pulaski, Brown Deer, Green Bay and points in Wisconsin. Supporting shipper (S): There are 12 shippers supporting this application. For review of their statements, copies may be reviewed at the Milwaukee, Wis. office. Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 134064 (Sub-No. 6TA), filed June 8, 1977. Applicant: INTERSTATE TRANSPORT, INC., 1820 Atlanta Highway, Gainesville, Ga. 30501. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged petroleum products*, except in bulk, from the facilities of Industrial Terminal Systems, Inc., at or near New Kensington, Pa., to points in Alabama, Georgia, South Carolina, and Tennessee for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker State Oil Refining Corporation, Box 989, Oil City, Pa. 16301. Send protests to: Sara K. Davis Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree Street, N.W. Room 546, Atlanta, Ga. 30309.

No. MC 134959 (Sub-No. 9TA), filed May 12. 1977. Applicant: BEN-K TRUCKING. INC., North 6th Avenue and County Road 64, Greeley. Colo. 80631. Applicant's representative: Charles M. Williams, 1600 Sherman Street, Suite 350 Capitol Life Center. Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sodium bentonite*, bagged or in bulk, except in bulk, in tank vehicles, from the facilities of American Colloid Corporation at or near Upton, Wyo., and the facilities of Benton Clay Company and Blackhills Bentonite Co. at or near Casper, Wyo., to points in Colorado; points in Kansas on and west of U.S. Highway 281; points in Oklahoma; points in Nebraska; points in Texas on and west of U.S. Highway 283 and on and north of U.S. Highway 82; points in New Mexico on and east of a line beginning at the New Mexico-Colorado state boundary, thence along U.S. Highway 285 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Texas state line; Utah and El Paso, Tex., (2) *bentonite crumbles*, bagged or in bulk, except in bulk, in tank vehicles, from the facilities of American Colloid Corporation at or near Belle Fourche, S. Dak., to points in Colorado. (3) *milk replacer*, bagged, from the facilities of Land O'Lakes at or near Minneapolis, Minn., to Denver, Colo., and Hastings, Nebr.; (4) *methioninc choline chloride* (CTC-50) and *rice hulls*, in bags, from Stuttgart, Ark., and the faciliites of Diamond Shamrock at or near Van Buren, Ark., to Denver. Colo., and Hastings, Nebr.; (5) *salt*, in bags, and *rabon blocks*, from the facilities of Lesley Salt at or near Salt Lake City, Utah, to Denver, Colo., and Hastings, Nebr.; under a continuing contract, or contracts, with Feed Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Feed Products, Inc., 1000 West 47th Avenue, Denver, Colo. 80211. Send protests to: Roger L. Buchanan District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 135452 (Sub-No. 3TA) (Correction), filed May 11, 1977, published in the FEDERAL REGISTER issue of May 25, 1977, and republished as corrected this

JUN 24 1977 UM

issue. Applicant: JOHN R. SHEARON & FRED D. SHEARON, individuals, doing business as SHEARON TRUCKING, P.O. Box 387, Ashland City, Tenn. 37015. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water heaters*, from Ashland City, Tenn., to Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Mississippi, Missouri, Oklahoma, Ohio, Pennsylvania, Texas and West Virginia, under a continuing contract, or contracts, with State Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): State Industries, Inc., Ashland City, Tenn. 37015. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations—Interstate Commerce Commission, Suite A-422—U.S. Court House, 801 Broadway, Nashville, Tenn. 37219. The purpose of this republication is to omit the states of Arizona and Minnesota, and to add Arkansas and Mississippi.

No. MC 136285 (Sub-No. 24TA), filed June 8, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 413 Gordon Avenue, P.O. Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washingtn Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Savannah, Ga., to points in Florida, Georgia, North Carolina, South Carolina, Alabama, Tennessee, Kentucky, and Mississippi for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia Ports Authority, 235 Peachtree Street, Suite 1200, Atlanta, Ga. 30303. D. J. Powers Co., Inc., P.O. Box 9239, Savannah, Ga. 31402. E. L. Mobley, Inc., P.O. Box 1686, Savannah, Ga. 31402. Anderson Shipping Co., Inc., 2 Whitaker Street, Savannah, Ga. 31401. Hipage, Inc., P.O. Box 1786, Savannah, Ga. 31401. John S. James, Co., P.O. Box 2166, Savannah, Ga. 31402. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 136384 (Sub-No. 8TA), filed June 8, 1977. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, Ga. 31402. Applicant's representative: W. W. Palmer, Jr., P.O. Box 103, Savannah, Ga. 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from plant site of Johns Manville at Savannah, Ga., to points in Florida, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johns-Manville Corp., 3300 Holcomb Bridge Road, Norcross, Ga. 30071. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commisison, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 136384 (Sub-No. 9TA), filed June 8, 1977. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, Ga. 31402. Applicant's representative: W. W. Palmer, Jr., P.O. Box 103, Savannah, Ga. 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from the plant site of Certain Teed Corp., Savannah and Chatham County, Ga., to points in Florida, for 180 days. Supporting shipper(s): Certain Teed Corp., P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 139274 (Sub-No. 2TA) (Correction), filed May 10, 1977, published in the FEDERAL REGISTER issue of June 8, 1977, and republished as corrected this issue. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, 491 East Kearney, Springfield, Mo. 65800. Applicant's representative: Turner White or Bruce McCurry, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* distributed and manufactured by The R. T. French Co., and *materials, supplies, and equipment* used in the manufacturing, packaging, distribution, and sales of The R. T. French Co., from Springfield, Mo., and Fresno, Calif., to Safeway Stores Spice plant and warehouse facilities at or near Fremont, Calif., under a continuing contract or contracts with The R. T. French Company, for 180 days. Supporting shipper(s): The R. T. French Company, One Mustard Street, Rochester, N.Y. 14609. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, -BOp, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106. The purpose of this republication is to add the state of California, that was previously omitted.

No. MC 139785 (Sub-No. 2TA), filed May 31, 1977. Applicant: LIETZ TRANSPORTATION, INC., Route 1, Coloma, Wis. 54930. Applicant's representative: Rolfe E. Hanson, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen dog and cat foods* (not fit for human consumption) in refrigerated vehicles, (1) from the plantsite and warehouse facilities of Kickapoo Fur Food, Inc. and Lea Bros., Inc. at Iola, Viroqua, Alma Center and Cameron, Wis., to Topeka, Kans., Kansas City and St. Joseph, Mo., Allentown, Pa., and Fort Dodge, Iowa; and from Weatherford, Tex., to Iola, Viroqua, Alma Center and Cameron, Wis.; (2) from the plantsite and warehouse facilities of Wisconsin Brand, Inc. at Iowa, Viroqua, Alma Center and Cameron, Wis., to Atlanta, Albany and Jackson, Ga.; Jackson, Miss.; Kings Mills, Cleveland, Columbus, Cincinnati, Toledo, Sandusky and Sebring, Ohio; Plainfield, Conn.; Bloomington, Del.; New York City, Buffalo, Syracuse, Rochester and Utica, N.Y.; Scranton, Erie, Philadelphia and Pittsburgh, Pa.; St. Louis and Kansas City, Mo.; Bennington and Pownal, Vt.; Baltimore, Md.; Wheeling, W. Va.; Memphis and Knoxville, Tenn.; Newark, N.J.; Peoria and Chicago, Ill.; St. Paul and Minneapolis, Minn.; and Bloomington, South Bend and Evansville, Ind.; and from Weatherford, Tex., to Iola, Viroqua, Alma Center and Cameron, Wis., under a continuing contract, or contracts, with Wisconsin Brand, Inc., Kickapoo Fur Food, Inc. and Lea Bros., Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wisconsin Brand, Inc., Route 2, Iowa, Wis. 54945. Kickapoo Fur Food, Inc., Lea Bros., Inc., Box 35, Alma Center, Wis. 54611. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 140010 (Sub-No. 11TA), filed June 6, 1977. Applicant: JOSEPH MOVING & STORAGE CO., INC., d/b/a ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road, N.E., Atlanta, Ga. 30309. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed sensitized photographic materials, equipment* used in the exposure, processing and mounting thereof, and photographic chemicals, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of E.I. du Pont de Nemours & Co., Inc., located at or near Doraville, Ga., to Corinth, Miss., and points in its commercial zone, under a continuing contract, or contracts, with E. I. du Pont de Nemours & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc. Wilmington, Del. 19898. Send protests to: Sara K. Davis Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree Street, N.W. Room 546, Atlanta, Ga. 30309.

No. MC 141747 (Sub-No. 2TA), filed May 17, 1977. Applicant: DONALD ENGLE AND JAMES ENGLE, d/b/a ENGLE BROTHERS FARMS, Rural Route 1, Rector, Ark. 72461. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and lime;* (2) *sand, rock and gravel*, between all points and places in Pemiscot, New Madrid, Stoddard, Bollinger, Scott, Mississippi, Butler, Cape Girardeau, Perry, Ste.

Genevieve, St. Francois, Madison, Wayne, Carter, Ripley, Oregon, Shannon, Reynolds, Dunklin, Iron, Benton, Crawford, Washington, Jefferson, Phelps and Howell Counties, Mo.; Obion, Weakley, Henry; Carroll, Henderson, Chester, Fayette, Hardeman, Haywood, Shelby, Lauderdale, Gibson, Dyer, Crockett, Madison, Tipton, McNairy and Hardin Counties, Tenn.; Alexander, Pulaski, Massac, Union, Johnson and Pope Counties, Ill.; Ballard, Carlisle, Hickman, Fulton, McCracken and Graves Counties, Ky.; Clay, Randolph, Greene, Craighead, Miss.; Poinsett, Cross, Crittenden, Saint Francis, Jackson, Lawrence, Independence, Sharp, Fulton, Woodruff, Pulaski, Stone, White, Lonoke, Jefferson, Arkansas and Phillips Counties, Ark.; DeSoto, Marshall, Tate, Tunica, Benton, Coahoma and Yazoo Counties, Miss.; Supporting shipper(s): MFA Delta Division, P.O. Box 409, Portageville, Mo. 63873. Harris Limestone Company, Inc. P.O. Box 146, Piedmont, Mo. 63757. Monsanto Ag Center, Route 1, Kennett, Mo. 63857. Carryville Co-op, 132 North Front Street, Piggott, Ark. 72454. Farmers Gin Company of Rector, Route No. 1, Box 216, Rector, Ark. 72461. S & S Gravel, P.O. Box 218, Rector, Ark. 72461. Send protests to: William H. Land, Jr. District Supervisor, 3109 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 142925 (Sub-No. 2TA), filed May 25, 1977. Applicant: A.C.B. TRUCKING, INC., P.O. Box 1683, 2344 Sagamore N., Lafayette, Ind. 47902. Applicant's representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Adhesives, noi, brake shock absorber of hydraulic fluid o/t petroleum; chemicals, noi, compounds; defoaming, insulating, iron or steel rust preventing o/t petroleum, leather finishing, masonry waterproofing, paint thinning and resin; grease, noi and lubricating, noi; oils o/t petroleum; lubricating or silicone emulsions, paints or varnishes, noi; plastic materials o/t expanded; articles, noi, film or sheeting o/t cellulose, flakes noi and liquid noi; rubber materials; coatings or dispersions silicone rubber, latex liquid and rubber compounds unvulcanized*, from Hemlock and Midland, Mich., to points in Arizona and California, under a continuing contract, or contracts, with Dow Corning Corp., Midland, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dow Corning Corp., P.O. Box 1592, Midland, Mich. 48640. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143184 (Sub-No. 1TA) (correction), filed May 3, 1977, published in the FEDERAL REGISTER issue of June 6, 1977, and republished as corrected this issue. Applicant: DARREL W. PRICE, doing business as MODULAR WEST TRANSPORT, 349 33rd Street, Ogden, Utah 84401. Applicant's representative: Frank M. Wells, 550 24th Street, Ogden, Utah 84401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings, commercial or residential;* buildings may contain equipment or furnishings, from 933 Wall Ave., Ogden, Utah, to all points in Wyoming, Montana, Colorado, Nevada, Idaho, Oregon, and Washington, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): First Rocky Mountain Corp., 933 Wall Ave., Ogden, Utah 84401 (Raphael Mecham, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138. The purpose of this republication is to change *modular homes* to *modular buildings*.

No. MC 143242TA, filed May 9, 1977. Applicant: MART LINE, INC., 311 17th Street, Jersey City, N.J. 07306. Applicant's representative: John P. Tynan, Bowes, Millner, Rodgers & Liberstein, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, used by, and sold by retail department stores, (1) between storage and distribution center of Mammoth Mart, Inc., at Somerville, Mass., on the one hand, and, on the other, Kingston, Lake Mahopack, New York, N.Y.; points in New York, N.Y., commercial zone; Jersey City, N.J.; (2) between the storage and distribution center of Mammoth Mart, Inc., Somerville, Mass., on the one hand, and, on the other, stores of Mammoth Mart, Inc., located at Kingston and Lake Mahopack, N.Y.; Bel Air, Essex, Lexington Park, Odenton, Waldorf, Md.; Elizabeth City, Henderson, Hickory, Jacksonville, Lumberton, and New Bern, N.C.; and the storage and distribution center of Mammoth Mart, Inc., at Charlotte, N.C.; (3) between the consolidation and distribution center of Mammoth Mart, Inc., located at Jersey City, N.J., on the one hand, and, on the other, the stores of Mammoth Mart, Inc., located at Kingston and Lake Mahopack, N.Y.; Bel Air, Essex, Lexington Park, Odenton, and Waldorf, Md.; Elizabeth City, Henderson, Hickory, Jacksonville, Lumberton, and New Bern, N.C.; and the storage and distribution center of Mammoth Mart, Inc., at Charlotte, N.C.; (4) between the storage and distribution center of Mammoth Mart, Inc., located at Charlotte, N.C., on the one hand, and, on the other, the stores of Mammoth Mart, Inc., located at Kingston and Lake Mahopack, N.Y.; Bel Air, Essex, Lexington Park, Odenton, and Waldorf, Md.; Elizabeth City, Henderson, Hickory, Jacksonville, Lumberton, and New Bern, N.C., under a continuing contract, or contracts, with Mammoth Mart, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mammoth Mart, Inc., 321 Manley Street, West Bridgewater, Maine 02379. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 143276 (Sub-No. 1TA), filed June 8, 1977. Applicant: WEAVER TRANSPORTATION CO., 5452 Oakdale Road, Smyrna, Ga. 30080. Applicant's representative: James L. Brazee, Jr., 2310 Parklade Drive NE., Suite 190, Atlanta, Ga. 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing asphalt*, in barrels, drums and/or packages, from the plant site of Young Refining Corp., Douglasville, Douglas County, Ga., to points in North Carolina, South Carolina, Tennessee, and Alabama for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Young Refining Corp., P.O. Box 775, Douglasville, Ga. 30133. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Rooms 546, Atlanta, Ga. 30309.

No. MC 143319 (Sub-No. 1TA), filed April 10, 1977. Applicant: IRISH RIDGE TRUCKING CO., Box 162, Philo, Ohio 43771. Applicant's representative: John A. Vuono, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the strip operations of Irish Ridge Coal Co., Inc., at or near Philo, Ohio, to the plantsites of Dundee Cement Co., at or near Dundee, Mich., under a continuing contract, or contracts, with Irish Ridge Coal Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Irish Ridge Coal Co., Inc., Suite L-5, 1125 South Cedar Crest Boulevard, Allentown, Pa. 18103. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18121 Filed 6-23-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Service Commission	11
Consumer Product Safety Commission	1
Federal Deposit Insurance Corporation	2, 3
Federal Election Commission	4
Federal Home Loan Bank Board	5
International Trade Commission	6
Renegotiation Board	7, 8
Securities and Exchange Commission	9, 10

1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: June 9, 1977 (42 FR 29616).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: June 16, 1977—9:30 a.m.

CHANGES IN THE MEETING: The Commission by majority vote postponed the consideration of the asbestos matter until June 30, 1977. Also by majority vote the Commission, considered in closed session issues related to the aluminum branch circuit wiring matter.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th St. NW., Washington, D.C. 20207, telephone 202–634–7700.

[S–736–77 Filed 6–22–77;9:40 am]

2

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 31518, June 21, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:30 a.m., June 27, 1977.

CHANGES IN THE MEETING: Insert: STATUS: Closed.

[S–737 Filed 6–22–77;10:11 am]

3

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 F.R. 31518, June 21, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., June 27, 1977.

CHANGES IN THE MEETING: Change Status from Closed to Open.

[S–738–77 Filed 6–22–77;10:11 am]

4

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, June 30, 1977 at 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public

I. Future meetings.
II. Correction and approval of minutes.
III. Planning and management.
IV. Pending legislation.
V. Appropriations and budget.
VI. Agency job classifications.
VII. Liaison with other Federal agencies.
VIII. Routine administrative matters.

Portions closed to the public

IX. Executive session; litigation; Presidential primary audit report No. 6; compliance; personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, phone 202–523–4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S–734–77 Filed 6–21–77;4:22 pm]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 116, page 30742, Thursday, June 16, 1977.

PREVIOUSLY ANOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 22, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202–376–3012.

CHANGES IN THE MEETING: The following item has been added to the agenda for the open portion of the meeting: Consideration of Request by a Proposed Association for Commitment to Insure Accounts—Upper Cumberland Savings and Loan Association, Inc., Crossville, Tennessee.

No. 36, June 16 ,1977.

[S–735–77 Filed 6–22–77;8:36 am]

6

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., June 24, 1977.

PLACE: Room 119, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Perrochrome (Inv. TA–201–20)—briefing.
2. Cast-Iron Stoves (Inv. TA–201–24)—briefing.
3. Cut Flowers (Inv. TA–201–22)—briefing.
4. Minutes.
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202–523–016.

[S–673–77 Filed 6–14–77;2:07 pm]

7

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Monday, June 20, 1977, 12:00 Noon.

PLACE: Conference Room, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTERS CONSIDERED:

1. Disclosure of Information.
2. Personnel Actions:
a. Regional Board Member.
b. Director, Office of Financial Analysis.
c. Director, Office of Screening, Compliance and Exemptions.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel, Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202–254–8277.

Dated: June 21, 1977.

GOODWIN CHASE,
Chairman.

[S–730–77 Filed 6–21–77;3:17 pm]

8

AGENCY HOLDING THE MEETING: The Renegotiation Board.

DATE AND TIME: Wednesday, July 6, 1977, 10:00 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street, NW., Washington, D.C. 20446.

STATUS: Matters 1 through 6 will be open to public Status is not applicable to matters 7 and 8.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held June 28, 1977, and other Board meetings, if any
2. Recommended Clearances Without Assignment (List #1877)
A. Copperweld Corporation: Fiscal year ended December 31, 1975.
A–1. Ohio Steel Tube Company: Fiscal year ended December 31, 1975.
A–2. Copperweld Steel Company: Fiscal year ended December 31, 1975.
B. Donaldson Company, Inc.: Fiscal year ended July 31, 1975.
C. KDI Corporation: Fiscal year ended December 31, 1975.
D. Viking Industries, Inc.: Fiscal year ended March 30, 1975.
E. Cramer Electronics, Inc.: Fiscal year ended September 27, 1975.
F. Paul H. Werres Company, Inc.: Fiscal year ended June 30, 1976.
G. Photo-Sonics, Inc.: Fiscal year ended August 31, 1975.
3. Request for Permission to make Late Application for Commercial Exemption: DeSoto, Inc. LPI No. 44659: Fiscal year ended December 31, 1975.
4. Application for Commercial Exemption (List No. 2995):
A. DeSoto, Inc.: Fiscal year ended December 31, 1972.
B. DeSoto, Inc.: Fiscal year ended December 31, 1973.
C. DeSoto, Inc.: Fiscal year ended December 31, 1974.
5. Request for Reconsideration of the Request for Exemption of a Portion of Contract No. DA 23–195–AMC–00391T Under Section 106(d)(2) of the Act and RBR 1455.3(c).
Contracts under which Profits can be Determined at Time Contract Price is Established: Delong Corporation, LPI No. 69597: Fiscal year ended December 31, 1969.
6. Request to file Untimely Applications for Commercial Exemption: DoAll Company, LPI No. 12282: Fiscal years ended May 31, 1975 and 1976.
7. Approval of Agenda for meeting to be held July 19, 1977.
8. Approval of Agenda for other meetings, if any:

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel, Secretary, 2000 M Street, NW., Washington, D.C. 20446, 202–254–8277.

Dated: June 21, 1977.

GOODWIN CHASE,
Chairman.

[S–731–77 Filed 6–21–77;3:18 pm]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: June 23, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT: Confidential treatment request. Freedom of Information Act request. Acceleration of registration statement request.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 22, 1977.

[S–732–77 Filed 6–21–77;4:21 pm]

10

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

TIME AND DATE: June 23, 1977, 2:30 p.m.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

STATUS: Closed meeting.

SUBJECT: Confidential treatment request. Freedom of Information Act request. Acceleration of registration statement request.

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of this matter and that no earlier notice thereof was possible.

JUNE 22, 1977.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of June 27, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, June 28, 1977, at 10 a.m. An open meeting will be held on Thursday, June 30, 1977, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Pollack, and Evans voted to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 28, 1977, will be:

Formal Orders of Investigation.
Institution of Injunctive Actions.
Institution of Administrative Proceedings.
Settlement of Administrative Proceedings.
Other litigation matters.
Referral of investigative files to Federal, State or Self Regulatory authorities.
Regulatory matters arising from or bearing enforcement implications.
Freedom of Information Act Appeal.

The subject matter of the open meeting scheduled for Thursday, June 30, 1977, at 10 a.m. will be:

1. Consideration of the re-entry application of James J. Chica, allowing him to be employed as a registered representative of a registered broker-dealer, in a non-supervisory, non-proprietary capacity, with adequate supervision.
2. Consideration of the re-entry application of Sidney Hertzberg, allowing him to be employed by a registered broker-dealer in a supervisory capacity.
3. Consideration of the re-entry application of Barry J. Margulis, allowing him to be associated with a registered broker-dealer in a supervisory capacity, other than one relating to financial operations or affairs.
4. Consideration by the Commission to issue for public comment (1) a proposed form to be used for certain applications for orders, declaring that a registered investment company has ceased to be an investment company, and (2) a proposed revision of Form N–1Q, the quarterly report for management investment companies, to require the reporting of information with respect to certain mergers and acquisitions.
5. Consideration of the transmittal of a letter to the Office of Management and Budget expressing the views of the Commission on the Department of Treasury's Draft Bill, "To amend Chapter 25 of title 18, United States Code to provide penalties for the forging of endorsements on, or fraudulently negotiating United States Treasury checks, bonds or securities of the United States, and for other purposes."

6. Consideration of proposed recission of Rule 458 under the Securities Act of 1933. Rule 458 requires registrants to submit a brief descriptive summary of the registration statement for the Commission's use with the initial filing of such statements.

7. Consideration by the Commission of requests to extend the comment period regarding Railroad Industry Disclosure Guidelines, Deferred Maintenance and Betterment Accounting until July 18, 1977.

8. Consideration of proposed Rule 14b-1 and amendments to Rule 14a-3(d), which pertain to the transmission of issuer communications to beneficial shareowners.

JUNE 21, 1977.

[S-733-77 Filed 6-21-77;4:22 pm]

11

AGENCY HOLDING THE MEETING: Civil Service Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR No. 119, June 21, 1977, page 31520.

PREVIOUSLY ANNOUNCED TIME AND DATE: 9 a.m., June 28, 1977.

CHANGES IN THE MEETING: Addition of new item to the agenda. (3) Request of Social Security Administration for modification of Commission procedures in filling Administrative Law Judge positions.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S-749-77 Filed 6-23-77;10:12 am]

federal register

FRIDAY, JUNE 24, 1977

PART II

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

GENERAL PROVISIONS, GENERAL PERMIT PROCEDURES AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Prohibitions on Certain Uses of Endangered or Threatened Plants, Permits for Exceptions to Such Prohibitions, and Related Items

JUN 24 77

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

GENERAL PROVISIONS, GENERAL PERMIT PROCEDURES AND ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Prohibitions on Certain Uses of Endangered or Threatened Plants, Permits for Exceptions to Such Prohibitions, and Related Items

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Final rulemaking.

SUMMARY: This document makes changes to the regulations to protect endangered or threatened plant species. It establishes prohibitions and a permit procedure to grant exceptions to the prohibitions under certain circumstances. It also provides for treatment of non-endangered or non-threatened plants as endangered or threatened species if that treatment would enhance enforcement and provide added protection to the endangered or threatened species.

EFFECTIVE DATE: July 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Richard L. Jachowski, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202–343–9442; or, for scientific matters, Mr. Roger E. McManus or Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 202–343–5687 or 7814.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973 (87 Stat. 884; 16 U.S.C. 1531–1543) (hereinafter the Act) unlike its predecessors, applies to both the plant and the animal kingdoms. On December 28, 1973, the effective date of the Act, no lists of endangered or threatened plants had been assembled. Since that time the Director, U.S. Fish and Wildlife Service (hereinafter the Director and the Service, respectively) has published two proposed rulemakings toward listing plant taxa.

(1) In the September 26, 1975, FEDERAL REGISTER (40 FR 44329), a proposal to add those flora taxa on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora to the list of Endangered species provided for by the Act; and

(2) In the June 16, 1976, FEDERAL REGISTER (41 FR 24523), a proposal to treat over 1700 floral taxa found in several States, and elsewhere, as Endangered.

Additional plant taxa remain under consideration from two notices of review in the April 21, 1975, FEDERAL REGISTER (40 FR 17612) and the July 1, 1975, FEDERAL REGISTER (40 FR 27823). Consequently, these taxa should be considered in environmental planning.

The Service has received numerous comments about these and other plant taxa. Efforts are continuing to compile additional data on such taxa for proposals or final determinations. Comments pertinent to such determinations will be summarized at the time of final rulemaking on the taxa.

General comments on plant conservation were part of the testimony of the October, 1975, Endangered species hearing of the House Committee on Merchant Marine and Fisheries, Subcommittee on the Environment (published as Serial No. 94–17, 1976), and the May, 1976, hearing of the Senate Committee on Commerce, Subcommittee on the Environment (published as Serial No. 94–82, 1976). This information has been considered by the Service.

In the June 7, 1976, FEDERAL REGISTER (41 FR 22915), the Service proposed regulations for plants determined as Endangered or Threatened under the Act. Many comments were received concerning this proposed rulemaking. The major concern expressed was that the proposed regulations did not adequately reflect the differences between the biology of animals and plants, and that their adoption as proposed would impose a hardship on businesses dealing primarily with cultivated specimens of Endangered and Threatened plants. The most significant difference between plants and animals which is pertinent to these regulations is the usually greater ease with which plants reproduce, both naturally and artificially. In nature, there are various sexual and vegetative methods of reproduction which can occur. In particular, seeds are often produced in considerable numbers beyond the immediate needs of the species or its ecosystem. Consequently, these regulations provide less restrictive requirements to obtain a permit involving only seeds, since activity with them is more likely to enhance the propagation of the species and thus satisfy section 10(a) requirements.

In addition, the field of horticulture offers a wide range of techniques for growing plants in cultivation. Germination of seeds, establishment of seedlings, and maintenance of matured plants are all subject to diverse methods which encourage success. Furthermore, many techniques have been developed for artificially propagating plants, such as layering, cuttings, grafting, and tissue culture. By such methods, it is often possible to produce hundreds of plants from a single specimen.

Activities confined to such cultivated plants have no adverse affect on the survival of the species in the wild. Consequently, these final regulations are designed to monitor such activities minimally in a manner parallel to the Convention (which provides for artificially propagated plants an exception from the usual permit requirements by certificate).

Description of the Rulemaking

Determination that a plant is an Endangered species would, among other things, make that species, including its seeds, roots or other parts, subject to the prohibitions of section 9(a)(2) of the Act which reads as follows:

> Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of plants listed pursuant to section 4 of this Act, it is unlawful for any person subject to the jurisdiction of the United States to:
>
> (A) Import any such species into, or export any such species from, the United States;
>
> (B) Deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity, any such species;
>
> (C) Sell or offer for sale in interstate or foreign commerce any such species; or
>
> (D) Violate any regulation pertaining to such species or to any threatened species of plants listed pursuant to section 4 of this Act and promulgated by the Secretary pursuant to authority provided by the Act.

Threatened plant species would be subject to these same prohibitions under authority of section 4(d) of the Act, unless otherwise specified in a special rule.

It should be noted that these regulations impose no restrictions upon the "taking" of an Endangered or Threatened plant; the intrastate sale of such plants; or the interstate movement of such plants unless such movement is in the course of a commercial activity involving a change in ownership of the plant. In this context, the term "commercial activity" is defined in section 3(1) of the Act as follows:

> The term 'commercial activity' means all activities of industry and trade, including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of facilitating such buying and selling.

The terms "industry and trade," as used in the above definition, are defined in the September 26, 1975, FEDERAL REGISTER (40 FR 44416) as follows:

> 'Industry or trade' in the definition of 'commerical activity' in the Act means the actual or intended transfer of wildlife or plants from one person to another person in the pursuit of gain or profit.

In the case of Endangered species of plants, section 10 of the Act and these regulations provide for the issuance of permits to carry out otherwise prohibited activities under certain circumstances. Such permits are available for scientific purposes or to enhance the propagation or survivial of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available. For Threatened species of plants, permits are similarly provided pursuant to section 4(d) of the Act.

This rulemaking amends Parts 10, 13, and 17 of Subchapter B of Chapter I of Title 50 of the U.S. Code of Federal Regulations as described below.

(1) The title of Subchapter B is amended to make clear its applicability to certain plants as well as wildlife.

(2) Section 10.12 is amended by adding a definition of "Plant" to the existing list of definitions.

(3) Sections 13.3 and 13.12 are amended to include references to Endangered plant permits in addition to Endangered wildlife permits.

(4) Section 13.21(b)(4) is amended to require the Director to consider, when deciding whether to issue any permit pursuant to Part 13, whether any action authorized by such permit would pose any threat to any population of any plant or wildlife.

(5) Section 13.42 is amended to provide for the placement of specific, relevant information on the face of a permit authorizing certain activities relative to Endangered or Threatened plants as presently is the case for such permits involving wildlife.

(6) Section 13.46 is amended to specify the records that must be maintained by persons receiving permits to carry out activities involving Endangered or Threatened plants obtained from the wild.

(7) Section 13.47 is amended to allow the Director's agent, at any reasonable hour, to enter the premises where any Endangered or Threatened plant is maintained for the purposes of inspecting any such plant or to inspect, audit or copy any permits, books or records the permittee is required to maintain which relate to the plant in question.

The following comments pertain to amendments of Part 17. The current version of these regulations was published in the September 26, 1975, FEDERAL REGISTER (40 FR 44411).

(1) A new § 17.12 is added which explains the format and layout of the list of Endangered and Threatened plants. The format and layout of this list have been made as similar to those of the list of Endangered and Threatened wildlife (§ 17.11) as possible. This similarity should enable persons familiar with the list of Endangered and Threatened wildlife to more readily comprehend the list of Endangered and Threatened plants and vice versa.

(2) Section 17.50 is amended to make the similarity of appearance provisions of section 4(e) of the Act applicable to plants as well as wildlife.

(3) Section 17.51 is amended to authorize the treatment of any species of plant listed pursuant to § 17.50 as if it were an Endangered or Threatened species, as appropriate.

(4) Section 17.52 is amended to provide authority to issue permits for species of plants which have been listed pursuant to § 17.50 and are being treated as Endangered or Threatened species.

(5) A new Subpart F is provided which sets forth those prohibitions that apply to Endangered species of plants; delineates the procedures to apply for permits for exceptions to those prohibitions; outlines the criteria used in evaluating such applications; prescribes conditions which may be attached to the issuance of any such permit and specifies the duration for which such permits may be valid.

(6) A new Subpart G is provided which sets forth similar considerations for Threatened species of plants as are provided in Subpart F for Endangered species of plants.

Summary of Contents

As has been previously discussed, the Service has published two proposed rulemakings and two notices of review concerning the listing of floral taxa under the Act. In addition, the Service published nearly concurrently proposed rulemakings for regulations to implement the Convention, and plant regulations for the Act. Many of the comments received discussed more than one of the proposed rulemakings or reviews. Included in those comments up to November 30, 1976, were over one hundred which specifically addressed the proposed plant regulations in the June 7, 1976, FEDERAL REGISTER (41 FR 22915). About fourteen of these were submitted by conservation groups, twenty-three by commercial enterprises and associations, four by private organizations, nineteen by Federal agencies, twenty-four by State and local agencies, and forty-seven by individuals (including professional biologists). Two individuals and representatives of twenty groups submitted testimony relevant to the plant regulations at the four public hearings announced in the July 2, 1976, FEDERAL REGISTER (41 FR 27381). Excerpts of testimony from the public hearings were featured in the September 1976 issue of the Service's Endangered Species Technical Bulletin.

The deadline for written comments was stated as August 9, 1976, in the proposed rulemaking; however, as numerous individuals submitted comments after the deadline, most additional comments received by April 30, 1977, were considered. This includes many comments that were not sent to the legal address designated in the proposed rulemaking. Any further questions or comments concerning these regulations should be addressed to the Director, U.S. Fish and Wildlife Service, Washington, D.C. 20420. The Service intends to review and, if necessary, revise these regulations in the future.

The Service responded to many comments received and those responses often resulted in a further exchange of ideas. Efforts made by the Service to elicit information from the public include dispersal of over 3500 copies of the proposal, announcements in the July and September 1976 issues of the Endangered Species Technical Bulletin, and presentations by Service botanists to professional and amateur organizations. In addition, the Service has conducted some studies to ascertain the degree of trade in many of the U.S. species likely to be determined as Endangered or Threatened under the Act.

In the June 16, 1976 FEDERAL REGISTER (41 FR 24367) regulations for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter, the Convention) were proposed. On page 24377 therein it was stated that: "When final rules are published, implementing the Convention, the lists of wildlife and plants in §§ 17.11 and 17.12 will be revised to include species listed in the Appendices to the Convention."

This statement was erroneously interpreted by many readers as meaning that those plants listed in Appendices I, II, and III of the Convention automatically would become listed as Endagered or Threatened under the Act. In consequence, all species which are listed in the Convention, such as orchids and cacti, would have been subject to the proposed regulations for the Act. Concern was expressed that regulations suitable for monitoring plants under the Act were in some cases inappropriate for the differing requirements of the Convention.

In developing regulations for the Convention, the Service never intended to automatically treat Convention plants as Endangered or Threatened under the Act. The Act does not allow such a listing procedure. Any designation of a taxon as Endangered or Threatened under the Act follows a well-outlined procedure that requires a proposed and final rulemaking (cf. House Committee on Merchant Marine and Fisheries, Serial No. 94–17, pp. 11 and 12, 1976). As the comments that were generated by this misinterpretation are relevant to the proposed regulations for the Convention these comments are addressed in the final regulations for the Convention, which were published in the February 22, 1977, FEDERAL REGISTER (42 FR 10461).

Several comments stated that the regulations proposed on June 7, 1976, were patterned after the existing regulations for animals (40 FR 44411). It was suggested that the proposal did not provide for the differences in the biology of plants and animals (including the ease of propagation of many plants) and that plants should, in certain cases, receive different treatment in their regulations under the Act. The Detroit Cactus and Succulent Society in a detailed comment dated August 4, 1976, expressed the opinion that there appeared to be "• • • inappropriate concern as to the comfort of the plant." As an example the Society cited § 17.72(a)(6)(iv) of the proposed regulations where detailed requirements concerning the description of containers and care of plants during transport or storage were proposed.

It was often suggested that, for plants, the types and amount of information required to obtain a permit were in many cases in appropriate or excessive. One commercial cactus nursery, in a letter dated July 9, 1976, stated that "• • • nurseries are forced, not by pages and pages of regulations, but by economic necessity to produce healthy well cared for plants in order to survive in the highly competitive business." In addition, it was mentioned that the mandatory requirement of detailed reports on the permittee's activities were often unnecessary and would yield no usable or meaningful data. Groups such as the Greater New York Orchid Society also expressed concern that the current system for issuing permits for animals was too slow to be acceptable for the probable greater number of transactions involving plants.

The Service recognizes that the care and shipping of many plants often require less complicated and more uniform procedures and facilities than those for animals. As a result, such requirements have been modified in the final regulations to more adequately reflect the needs of plants. These and other modifications of the regulations discussed below should provide the Service with the

JUN 24 77
UM

information necessary to provide for the expedient issuance of permits for plants.

A large number of comments expressed concern about the lack of any provisions in the proposed regulations to prohibit the destruction of the habitat of Endangered and Threatened plants. Although this problem was not appropriate for the proposed regulations relating to section 9(a)(2) and section 4(d) prohibitions on interstate and foreign commerce, and import and export of such plants, there are provisions in the Act for the conservation of the ecosystems upon which these plants depend. Determination that a plant is an Endangered or Threatened species also would make it eligible for the protection provided by section 7 of the Act, which reads as follows:

> The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

There was little indication in the comments that the public is aware of such provisions in the Act. Regulations were proposed in the January 26, 1977, FEDERAL REGISTER (42 FR 4868 and 42 FR 4873), to assist Federal agencies in complying with section 7 and include the procedures for determining Critical Habitat. The Critical Habitats for two plant taxa were proposed in the February 8, 1977, FEDERAL REGISTER (42 FR 7972).

In addition, many comments questioned the lack of any taking prohibition in the proposed regulations, and some suggested that the lack of such a prohibition may be a reason for keeping information on the localities of some taxa secret. The "taking" of plants is not prohibited by section 9(a)(2) of the Act and, therefore, cannot be included within these regulations. However, the "taking of plants is sometimes regulated by local, State, or Federal agencies under other legislation, and the Federal responsibilities under section 7 apply if taking of individual plants would jeopardize the continued existence of the Endangered or threatened species.

Both private citizens and commercial firms stated that the regulations would inhibit normal activities involving interstate and international commerce in endangered and threatened plants. Most such comments recommended prohibition of commercial activities based on the taking of such wild plants; however, it was stated that the exchange of seeds and cultivated specimens of such plants would result in little adverse impact on the populations in the wild. In fact, it was emphasized that such activities were generally beneficial. The Service is aware that they relieve collecting pressure on wild populations, serve as a reservoir for the reintroduction of such species into the wild, and encourage the survival of the germplasm of the species at least in cultivation. An example cited among others by the Men's Garden Clubs of America in a letter dated August 4, 1976, was the reintroduction of *Peperomia humilis* into a former habitat in Florida, after the wild population was destroyed by a hurricane. Fortunately, plants were in cultivation and available for the reintroduction. As indicated earlier, the Service recognizes the beneficial and educational aspects of activities with seeds and cultivated plants, which generally enhance the propagation of the species, and therefore would satisfy permit requirements under the Act. The Service intends to monitor the interstate and foreign commerce and import and export of endangered and threatened plants in a manner which will not inhibit such activities, providing the activities do not represent a threat to the survival of the species in the wild. In this regard, seeds of cultivated specimens of threatened species will not be regulated (except by special rule), provided that it is indicated they are of cultivated origin.

Several comments, including one from the Sierra Club dated August 5, 1976, suggested that intrastate sale be prohibited for endangered and threatened plants. The Act does not provide for such a prohibition, although it may be addressed in State law.

Concern also was expressed that the proposed regulations would inhibit scientific research, including the exchange of herbarium specimens. The Missouri Botanical Garden in a statement dated August 6, 1976, noted that many herbarium specimens cannot be identified until proper facilities are available. In such cases a botanist would not be able to guarantee that such collections imported into the United States did not contain preserved specimens of endangered or threatened plants. Recognizing this problem, herbarium specimens, and other preserved, dried and embedded museum specimens, are regulated minimally herein in a manner parallel to the Convention. Furthermore, the activity in such specimens can promote scientific purposes which may ultimately benefit the species. In addition, permits are available for the import or export of live endangered or threatened plants used for scientific research when such activities do not conflict with the purposes and policy of the Act. As the Act does not prohibit all taking of such plants nor their noncommercial interstate transport, the Service does not believe these regulations will have an adverse impact on scientific research.

Finally, some concern was expressed regarding the intended use of the "Similarity of Appearance" provision. Designating a species as Endangered or Threatened under this provision requires a proposal and a final rulemaking in the FEDERAL REGISTER. The proposal would reflect the continuing difficulty experienced by enforcement personnel in attempts to differentiate similar species after full consultation with specialists. Following the proposal is a 60-day comment period. A final rulemaking listing such species as endangered or threatened will only be made after full consideration of the comments received and the criteria in section 4(e) of the Act.

There were several requests for a longer comment period and more public hearings. The Service has evaluated the many additional comments that were received in the several months since the legal deadline, and has taken additional steps to solicit comments and data. As a result, these final regulations more fully address the regulatory consequences of the differences between the biology of plants and animals and should not inhibit the continuance of activities which do not endanger the survival of endangered and threatened species in the wild. Because of this extensive review and the resultant modifications, the Service does not feel additional hearings are necessary. However, the Service welcomes any questions or additional comments on these regulations and their implementation.

EFFECTS OF THE RULEMAKING

This rulemaking implements certain sections of the Endangered Species Act of 1973 for plants. The principal effect of the rulemaking upon any person subject to the jurisdiction of the United States is to establish the procedures required for the application and issuance of permits to allow certain activities which are otherwise prohibited for endangered and threatened species of plants.

It is illegal, except by permit, to import or export, or to deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale in interstate or foreign commerce, any such plant. In the case of endangered species, such permits are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued for a specified time to relieve undue economic hardship which would be suffered if such relief were not available. In the case of threatened species, permits may be issued for scientific purposes, enhancement of propagation or survival of the species, economic hardship, botanical or horticultural exhibition, educational purposes, or other activities consistent with the purposes and policy of the Act.

It should be recalled that these regulations impose no restrictions upon the "taking" of endangered or threatened plants, their intrastate sale, nor their interstate movement when such movement is not in the course of a commercial activity involving a change in ownership of the plant in the pursuit of gain or profit. Additionally, for the reasons indicated in the summary of comments, application requirements differ for the issuance of a permit for activities dealing with such plants obtained from the wild (excluding seeds), seeds and cultivated plants, and herbarium specimens. The permit may authorize a single activity or a series of activities over a specified period of time.

This rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884). The Service has reviewed the National Environmental Policy Act and the Council on Environmental Quality's Guidelines on the Preparation of Environmental Impact Statements, and has determined that these procedural regulations are not a major Federal action significantly affecting the human environment. Therefore, an environmental impact statement is not required. Considering the long period during which the proposal on these regulations has been available, and that no plants currently are listed as endangered or threatened species, these amendments will become effective in one month, as indicated earlier. This rulemaking was prepared primarily by Dr. Bruce MacBryde and Mr. Roger E. McManus, Office of Endangered Species.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: May 10, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, Parts 10, 13 and 17, Subchapter B, Chapter 1 of Title 50, Code of Federal Regulations are amended as follows:

PART 10—GENERAL PROVISIONS

The title of Subchapter B is changed by adding "and Plants" to read "Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife and Plants."

§ 10.12 [Amended]

In § 10.12 the following definition is added between the definitions of "Person" and "Possession."

"'Plant' means any member of the plant kingdom, including seeds, roots and other parts thereof."

PART 13—GENERAL PERMIT PROCEDURES

§ 13.3 [Amended]

In § 13.3 "and Plants" is added to the phrase "Endangered Wildlife" to read "Endangered Wildlife and Plants."

§ 13.12 [Amended]

§§ 13.12(a)(2) and 13.12(a)(6) "or plants" is inserted after the word "wildlife."

In the list of permits in § 13.12(b) the entry under "Endangered wildlife permits" is changed to read as follows:

Endangered wildlife and plant permits:	
Similarity of appearance	17.52
Scientific, propagation, or survival for wildlife	17.22
Scientific, propagation, or survival for plants	17.62
Economic hardship for wildlife	17.23
Economic hardship for plants	17.63
Threatened wildlife and plant permits:	
Similarity of appearance	17.52
General for wildlife	17.32
General for plants	17.72
Captive self-sustaining populations (wildlife only)	17.33

§ 13.21 [Amended]

In § 13.21(b)(4) "or plant" is inserted between the words "wildlife" and "population" to read: "The authorization requested potentially threatens a wildlife or plant population, or * * *"

§ 13.42 [Amended]

In § 13.42 "or plants" is inserted between the word "wildlife" and the comma that follows to read "* * * dates, places, methods of taking, numbers and kinds of wildlife or plants, location of activity, * * *"

§ 13.46 [Amended]

In § 13.46 insert "plants obtained from the wild or" between the words "of" and "wildlife" in the first sentence. Substitute the words "plant obtained from the wild or wildlife" for the word "wildlife" in the second sentence. The amended portions of these sentences then would read:

"* * * shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of plants obtained from the wild (excluding seeds) or wildlife pursuant to such permit." and,

"* * * persons with whom any plant obtained from the wild (excluding seeds) or wildlife has been purchased, sold, * * *" respectively.

§ 13.47 [Amended]

In § 13.47 "or plant" is inserted between the words "wildlife" and "held" to read: "* * * enter his premises at any reasonable hour to inspect any wildlife or plant held or to inspect, audit, * * *"

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

The previously "reserved" § 17.12 should now be added to read as follows:

§ 17.12 Endangered and threatened plants.

(a) The list in this section contains all species of plants which are determined by the Director to be Endangered or Threatened. It also contains species of plants treated as Endangered or Threatened because they are similar in appearance to an Endangered or Threatened species (see Subpart E).

(b) The column entitled "Scientific name" defines the "species" of plants within the meaning of the Act. The prohibitions in the Act and in this Part 17 apply to all specimens of the "species" listed, wherever they are found, and to their progeny. Although common names often are included in the "Common name" column, they cannot be relied upon for identification of any specimen, since such names vary greatly in local usage.

(c) If the "Status" column has an "E," that species is thereby designated as Endangered. If the "Status" column has a "T," that species is thereby designated as Threatened. The addition of the letters "(S/A)" indicates that the reason for treating the species as Endangered or Threatened is its similarity of appearance (see Subpart E).

(d) The "Known distribution" column will indicate the normal, known distribution of a species. This column does not imply any limitation on the application of the prohibitions in the Act and in this Part 17. Such prohibitions apply to all specimens of the species, wherever found.

(e) The Act requires that the species must be Endangered or Threatened over all or a significant portion of its range in order to be listed. The column entitled "Portion of the range where Endangered or Threatened" designates that portion of the range of the species over which it is Endangered or Threatened. When a species is listed because it is similar in appearance to an Endangered or Threatened species, this requirement does not apply. Therefore, the notation "N/A" (not applicable) will appear in this column.

(f) The "When listed" column provides a footnote reference to the FEDERAL REGISTER publication actually listing the species. That publication will include a statement indicating the basis for the current status.

(g) The "Special rules" column is a reference to any special rules. The notation "N/A" (not applicable) appearing in this column indicates that there are no such special rules which apply to that species; however, all other appropriate rules in this Part 17 still apply to that species. In addition, there may be other rules in this Subchapter B that also relate to such plants. It is not intended that the references in the "Special rules" column list all the regulations of the Service or other Federal, State or local agencies which might apply to the plant in question.

(h) The listing of a particular taxonomic group (taxon) includes all its lower taxonomic groups. Example: If the genus *Lewisia* were listed, all species, subspecies and varieties of that genus would be considered to be listed. If the species *Lewisia columbiana* were listed, all its varieties would be considered to be listed.

Subpart E—Similarity of Appearance

Sections 17.50, 17.51 and 17.52 are amended to read as follows:

§ 17.50 General.

(a) Whenever a species which is not Endangered or Threatened closely resembles an Endangered or Threatened species, such species may be treated as either Endangered or Threatened if the Director makes such determination in accordance with Section 4(e) of the Act and the criteria of paragraph (b) of this

section. After the Director has made such determination in accordance with the notification procedures specified in the Act, such species shall appear in the list in § 17.11 (Wildlife) or § 17.12 (Plants) with the notation "(S/A)" (similarity of appearance) in the "Status" column, following either a letter "E" or a letter "T" to indicate whether the species is being treated as Endangered or Threatened.

(b) In determining whether to treat a species as Endangered or Threatened due to similarity of appearance the Director shall consider the criteria in Section 4 (e) of the Act, as indicated below:

(1) The degree of difficulty enforcement personnel would have in distinguishing the species, at the point in question, from an Endangered or Threatened species (including those cases where the criteria for recognition of a species are based upon geographical boundaries);

(2) The additional threat posed to the Endangered or Threatened species by the loss of control occasioned because of the similarity of appearance; and

(3) The probability that so designating a similar species will substantially facilitate enforcement and further the purposes and policy of the Act.

Example 1. The ABC sparrow is Endangered wildlife. The ABD sparrow is a subspecies that is so similar to the ABC sparrow that the two cannot readily be distinguished by enforcement personnel. After following the proper procedures, the ABD sparrow is listed in § 17.11 as follows:

Species and range

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	*ABCus*	NA	North America	Entire	E	?	NA
ABD sparrow	*ABDus*	NA	do	NA	E(S/A)	?	NA

Example 2.—Suppose the ABC sparrow is listed as Endangered in only a portion of its range. Within the meaning of the Act, the ABC sparrow as defined by geographic boundaries is a species. The ABC sparrow which occurs beyond those boundaries is a different species, even though it is identical, except in location, to the listed species. If the criteria of this section were met, the two species would be listed as follows:

Species and range

Common name	Scientific name	Population	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
ABC sparrow	*ABCus*	Idaho	Idaho	Entire	E	?	NA
Do	do	NA	United States	NA	E(S/A)	?	NA

Example 3. The XY cactus has been determined to be an Endangered species. The XZ cactus so closely resembles the XY cactus that enforcement personnel cannot distinguish between the two. The Endangered XY cactus could be illegally sold as the non-endangered XZ species, thus posing an additional threat to the Endangered species. After following the proper procedures, the XZ cactus would be placed on the list and treated as though it was an Endangered species. This entry would appear as follows:

Species and range

Scientific name	Common name	Known distribution	Portion of range where endangered or threatened	Status	When listed	Special rules
XYum	XY cactus	Arizona	Entire	E	7	NA
XZum	do	Arizona and Mexico	NA	E(S/A)	8	NA

§ 17.51 Treatment as endangered or threatened.

(a) Any species listed in § 17.11 or § 17.12 pursuant to § 17.50, shall be treated as Endangered or Threatened as indicated in the "Status" column.

(b) All of the provisions of Subparts C (Endangered Wildlife), D (Threatened Wildlife), F (Endangered Plants) or G (Threatened Plants), as appropriate, shall apply to any such species.

§ 17.52 Permits—similarity of appearance.

Upon receipt of a complete application and unless otherwise indicated in a special rule, the Director may issue permits for any activity otherwise prohibited with a species treated as Endangered or Threatened due to its similarity of appearance. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. The permit for activities involving interstate commerce of plants must be obtained by the seller; in the case of wildlife, the permit must be obtained by the buyer. The application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter. It must include as an attachment all of the following information: documentary evidence, sworn affidavits, or other information to show species identification and the origin of the wildlife or plant in question. This information may be in the form of hunting licenses, hide seals, official stamps, export documents, bills of sale, certification, expert opinion, or other appropriate information.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider the general criteria in § 13.21(b) of this subchapter and the following factors:

(1) Whether the information submitted by the applicant appears reliable;

(2) Whether the information submitted by the applicant adequately identifies the wildlife or plant in question so as to distinguish it from any Endangered or Threatened wildlife or plant.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If indicated in the permit, a special mark, to be specified in the permit, must be applied to the wildlife or plant, and remain for the time designated in the permit;

(2) A copy of the permit or an identification label, which includes the scientific name and the permit number, must accompany the wildlife or plant or its container during the course of any activity subject to these regulations.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit.

Add a new Subpart F, consisting of §§ 17.61, 17.62, and 17.63 and reading as follows:

Subpart F—Endangered Plants

§ 17.61 Prohibitions.

(a) Except as provided in a permit issued pursuant to § 17.62 or § 17.63, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (d) of this section in regard to any Endangered plant.

(b) *Import or export.* It is unlawful to import or to export any Endangered plant. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, an endangered plant.

(d) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered plant.

(2) An advertisement for the sale of any endangered plant which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the Service, shall not be considered an offer for sale within the meaning of this subsection.

§ 17.62 Permits for scientific purposes or for the enhancement of propagation or survival.

Upon receipt of a complete application the Director may issue a permit authorizing any activity otherwise prohibited by § 17.61, in accordance with the issuance criteria of this section, for scientific purposes or for enhancing the propagation or survival of endangered plants. (See § 17.72 for permits for threatened plants.) Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. The permit for activities involving interstate commerce must be obtained by the seller if the plants are derived from cultivated stock, and by the buyer if the plants are taken from the wild. The application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter. Requirements differ for the issuance of a permit for activities dealing with plants obtained from the wild (excluding seeds), seeds and cultivated plants, or herbarium specimens. The applicant must provide in an attachment the information required below and any other information that is requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) The estimated number of specimens sought to be covered by the permit;

(iii) The year, country, and approximate place where taking occurred or will occur;

(iv) The name and address of the institution or other facility where the plant sought to be covered by the permit will be used or maintained;

(v) A brief description of the applicant's expertise and facilities as related to the proposed activity;

(vi) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts; and

(vii) A statement of the reasons why the applicant is justified in obtaining the permit, including:

(A) The activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and

(B) The planned disposition of such plant upon termination of the activities sought to be authorized.

(2) For activities involving seeds and cultivated plants, provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts;

(iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species; and

(iv) If the activities would involve seeds obtained from the wild, additional information to evaluate the effects of such taking upon the reproductive potential of the species where the taking will occur.

(3) For importation or exportation involving the non-commercial loan, exchange, or donation of herbarium or other preserved, dried, or embedded museum specimens of any endangered species between scientists or scientific institutions, provide the following information:

(i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and

(ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes or enhancing the propagation or survival of the species.

(4) If the activity sought to be authorized is with a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements as indicated in § 23.15(c) of Part 23 of this subchapter must be met. For the convenience of the applicant, § 23.15 (c) is repeated here:

Applications for permits or certificates under this section must be submitted to the Director by any person subject to the jurisdiction of the United States who wishes to engage in the activity. Each application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter, and must include, as an attachment, as much of the following information as relates to the purpose for which the applicant is requesting a permit or certificate.

(1) The scientific and common names of the species (or taxa to the rank listed in Appendix I, II, or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in Appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21 (b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will enhance the survival of the species in the wild;

(2) Whether the purpose for which the permit is requested will enhance the propagation of the species;

(3) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) A copy of the permit or an identification label, which includes the scientific name, the permit number, and a statement that the plant is of "wild origin" or "cultivated origin" must accompany the plant or its container during the course of any activity subject to these regulations, unless the specimens meet the special conditions referred to in paragraph (c)(3) of this subsection.

(3) In the case of plants that are herbarium specimens, or other preserved, dried or embedded museum specimens to be imported or exported as a noncommercial loan, exchange or donation between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. A description such as "herbarium specimens" and the code letters assigned by the Service to the scientists or scientific institution must be entered on the Customs declaration form affixed to each package or container If the specimens are of taxa also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the letters "CITES" (acronym for the Convention) also must be entered on the Customs declaration form, as indicated in § 23.15(e)(3) of Part 23 of this subchapter.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit.

§ 17.63 Economic hardship permits.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited by § 17.61, in accordance with Section 10(b) of the Act and the issuance criteria of this section, in order to prevent undue economic hardship. No such exemption may be granted for the importation or exportation of a species also listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, if the specimen would be used in a commercial activity.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person allegedly suffering undue economic hardship because his desired activity is prohibited. The application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by § 13.12 (a) of this subchapter. It must include, as an attachment, all of the information required in § 17.62 plus the following additional information.

(1) The possible legal or economic alternatives to the activity sought to be authorized by the permit.

(2) A full statement, accompanied by copies of all relevant correspondence, showing the applicant's involvement with the plant sought to be covered by the permit (as well as his involvement with similar plants). The applicant should include information on that portion of his income derived from activities involving such plants in relation to the balance of his income during the calendar year immediately preceding either the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as Endangered, whichever is earlier.

(3) Where applicable, proof of a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit;

(ii) Became binding prior to the date of the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier; and

(iii) Will cause monetary loss of a given dollar amount if the permit sought under this section is not granted.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued for economic hardship, as defined in Section 10(b) of the Act. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will significantly affect the survival of the species in the wild;

(2) The economic, legal, or other alternatives or relief available to the applicant;

(3) The amount of evidence that the applicant was in fact party to a contract or other binding legal obligation which:

(i) Deals specifically with the plant sought to be covered by the permit; and

(ii) Became binding prior to the date of the FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier;

(4) The severity of economic hardship which the contract or other binding legal obligation referred to in paragraph (b)(3) of this subsection would cause if the permit were denied;

(5) Where applicable, the portion of the applicant's income which would be lost if the permit were denied, and the relationship of that portion to the balance of his income.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section may be subject to any of the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) If requested, the permittee shall report to the Service's office designated in the permit the death, destruction or loss of all living plants covered by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit. No permit issued under this section shall be valid for more than one year from the date of a FEDERAL REGISTER notice of review of the status of the species or proposed rulemaking to list the species as endangered, whichever is earlier.

Add a new Subpart G, consisting of §§ 17.71 and 17.72 and reading as follows:

Subpart G—Threatened Plants

§ 17.71 Prohibitions.

(a) Except as provided in Subpart A of this part, or in a permit issued under this subpart, all of the provisions in § 17.61 shall apply to Threatened plants, with the following exception. Seeds of cultivated specimens of species treated as threatened shall be exempt from all the provisions of § 17.61, provided that a statement that the seeds are of "cultivated origin" accompanies the seeds or their container during the course of any activity otherwise subject to these regulations.

(b) Whenever a special rule in §§ 17.73 to 17.78 applies to a threatened species, none of the provisions of paragraph (a) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions. If indicated by special rule, the exception for seeds in paragraph (a) of this section shall not apply to the threatened species.

§ 17.72 Permits—general.

Upon receipt of a complete application, the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened plants. The permit shall be governed by the provisions of this section unless a special rule applicable to the plant is provided in §§ 17.73 to 17.78. A permit issued under this section must be for one of the following: scientific purposes, the enhancement of the propagation or survival of the threatened species, economic hardship, botanical or horticultural exhibition, educational purposes, or other activities consistent with the purposes and policy of the Act. Such a permit may authorize a single transaction, a series of transactions, or a number of activities over a specified period of time.

(a) *Application requirements.* An application for a permit under this section must be submitted to the Director by the person who wishes to engage in the prohibited activity. The permit for activities involving interstate commerce must be obtained by the seller if the plants are derived from cultivated stock, and by the buyer if the plants are taken from the wild. The application must be submitted on an official application form (Form 3–contain the general information and 200) provided by the Service or must contain the general information and certification required by § 13.12(a) of this subchapter. Requirements differ for the issuance of a permit for activities dealing with plants obtained from the wild (excluding seeds), seeds obtained from the wild and cultivated plants, or herbarium specimens. The applicant must provide in an attachment the information required below and any other information that is requested by the Director.

(1) For activities involving plants obtained from the wild (excluding seeds), provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) The estimated number of specimens sought to be covered by the permit;

(iii) The year, country, and approximate place where taking occurred or will occur;

(iv) A brief description of the applicant's expertise and facilities as related to the proposed activity;

(v) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act; and

(vi) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to such efforts.

(2) For activities involving seeds obtained from the wild and cultivated plants, provide the following information:

(i) The scientific names of the plants sought to be covered by the permit;

(ii) A statement of the applicant's willingness to participate in a cooperative propagation program, and to maintain or contribute data relating to the success of such efforts; and

(iii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act.

(3) For importation or exportation involving the non-commercial loan, exchange or donation of herbarium or other preserved, dried or embedded museum specimens of all threatened species between scientists or scientific institutions, provide the following information:

(i) The name and address of the institution or other facility where the plants sought to be covered by the permit will be used or maintained; and

(ii) A justification of the activities sought to be authorized by the permit and the relationship of such activities to scientific purposes, enhancing the propagation or survival of the species, or other objectives consistent with the purposes and policy of the Act.

(4) If the activity sought to be authorized is with a species also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, additional requirements as indicated in § 23.15(c) of Part 23 of this subchapter must be met. For the convenience of the applicant, § 23.15 (c) is repeated here:

Applications for permits or certificates under this section must be submitted to the Director by any person subject to the jurisdiction of the United States who wishes to engage in the activity. Each application must be submitted on an official application form (Form 3–200) provided by the Service, or must contain the general information and certification required by § 13.12(a) of this subchapter, and must include, as an attachment, as much of the following information as relates to the purpose for which the applicant is requesting a permit or certificate.

(1) The scientific and common names of the species (or taxa to the rank listed in Appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(4) In the case of living wildlife or plants, (i) a description of the type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from whom the wildlife or plant is to be imported into the United States;

(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(7) In the case of wildlife or plants listed in Appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(8) Copies of documents, sworn affidavits, or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity, or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried, or embedded museum specimen, or live plant material to be imported, exported, or re-exported as a non-commercial loan, donation, or exchange between scientists or scientific institutions.

(b) *Issuance criteria.* Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making his decision, the Director shall consider, in addition to the general criteria in § 13.21(b) of this subchapter, the following factors:

(1) Whether the purpose for which the permit is requested will enhance the survival of the species in the wild;

(2) Whether the purpose for which the permit is requested will enhance the propagation of the species;

(3) The opinions or views of scientists or other persons or organizations having expertise concerning the plant or other matters germane to the application; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.

(c) *Permit conditions.* In addition to the general conditions set forth in Part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) If requested, the permittee shall submit to the Director a written report of the activities authorized by the permit. Such report must be postmarked by the date specified in the permit or otherwise requested by the Director.

(2) A copy of the permit or an identification label, which includes the scientific name, the permit number, and a statement that the plant is of "wild origin" or "cultivated origin" must accompany the plant or its container during the course of any activity subject to these regulations, unless the specimens meet the special conditions referred to in paragraph (c)(3) of this subsection.

(3) In the case of plants that are herbarium specimens, or other preserved, dried, or embedded museum specimens to be imported or exported as a non-commercial loan exchange or donation between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. A description such as "herbarium specimens" and the code letters assigned by the Service to the scientist or scientific institution must be entered on the Customs declaration form affixed to each package or container. If the specimens are of taxa also regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the letters "CITES" (acronym for the Convention) also must be entered on the Customs declaration form as indicated in § 23.15(e)(3) of Part 23 of this subchapter.

(d) *Duration of permit.* The duration of a permit issued under this section shall be designated on the face of the permit.

§§ 17.73–17.78 [Reserved]

[FR Doc.77-17817 Filed 6-23-77;8:45 am]

federal register

FRIDAY, JUNE 24, 1977

PART III



DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

EMPLOYEE BENEFIT PLANS

Exemption for Transactions Involving Insurance Agents, Brokers, Pension Consultants, Insurance and Investment Companies, and Principal Underwriters; Proposal To Adopt Additional Conditions With Respect to Prohibited Transaction Exemption 77-9

VOL 42 NO 122 JUN 24 77

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7491]

PART 54—PENSION, ETC., EXCISE TAXES

Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the provision of services or office space to certain employee benefit plans, the investment of plan assets in bank deposits, the provision of ancillary services by banks or similar financial institutions to plans, and the transitional rules for the provision of services to plans. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. These regulations provide necessary guidance to the public for compliance with the law, and affect all employees who are entitled to receive retirement benefits under certain employer plans, their employers, persons providing services to such plans, and banks or similar financial institutions, as well as other persons who enter into transactions with such plans.

DATE: The regulations are effective for taxable years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Mr. Larry E. Smith of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3909 (Not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On July 30, 1976, the FEDERAL REGISTER published proposed amendments to the Pension Excise Tax Regulations (26 CFR Part 54) under section 4975 of the Internal Revenue Code of 1954 (the Code). 41 FR 31838. The amendments were proposed to conform the regulations to section 2003 of the Employee Retirement Income Security Act of 1974 (the Act) (88 Stat. 971). On December 29, 1976, the FEDERAL REGISTER published a notice of hearing which contained additional material relating to the proposed amendments. 41 FR 56758. A public hearing was held on February 14, 1977. After consideration of all comments regarding the proposed amendments, those amendments are adopted as modified by this Treasury decision.

By notice appearing in the same issue of the FEDERAL REGISTER, the Department of Labor (the Department) announced that it had under consideration a proposal to adopt similar regulations. By notice appearing in this issue of the FEDERAL REGISTER, the Department has announced the adoption of similar regulations.

Sections 4975 (a) and (b) impose excise taxes on disqualified persons who engage in transactions with employee benefit plans which constitute prohibited transactions as defined in section 4975 (c) (1). Section 4975(d) contains exemptions from these prohibited transaction provisions. Section 2003(c) (2) of the Act contains transitional rules which delay the effective date of section 4975 for certain transactions. These regulations explain certain of the exemptions and transitional rules which relate to the provision of office space or services to plans by disqualified persons, the investment of plan assets in deposits of a bank or similar financial institution, and the provision of ancillary services by banks or similar financial institutions to plans.

Exemption for Office Space or Services

Under the notices, the exemption for the provision of office space or services applied to those kinds of services which are "necessary for the establishment or operation of the plan". § 54.4975-6(b) (1) (i) (§ 2550.408b-2(b) (1) (i)).[1] A service was interpreted as being necessary "if it is of a type which is customarily furnished to plans of the kind in question in the ordinary course of their being established or operated." § 54.4975-6(b) (2) (§ 2550.408b-2(b) (2)).

This interpretation was criticized in various comments on the grounds that it would permit an improper service so long as the service was customary prior to the adoption of the Act. On the other hand, many comments noted that what is customary varies with the size and kind of plan as well as with the geographical region in which the plan is located, and that the proposed interpretation might not permit recognition of new kinds of services which may be developed in the future. Several comments stated that the services should be considered "necessary" only if they were essential to plan operation. The proposed interpretation of what constitutes a necessary service has been revised in light of these comments.

The notices provided that the service must be furnished under a contract or arrangement which is reasonable. § 54.4975-6(b) (1) (ii) (§ 2550.408b-2(b) (1) (ii)). Under the notices a contract is not reasonable unless the contract may be terminated by the plan "* * * without penalty to the plan on reasonably short notice under the circumstances * * *." § 54.4975-6(b) (3) (§ 2550.408b-2(b) (3)).

The length of the notice period as compared to the length of the lease was proposed as a factor to be considered in determining reasonableness.

Objections were made to the use of this factor on the grounds that it does not bear a sufficient relationship to commercial practice. Clarification was also requested as to whether a provision for a minimum fee or other provision which is designed to permit recoupment of start-up costs would be a "penalty" under the proposed amendments. These provisions in the proposed amendments have been revised in response to the comments.

The exemption does not apply if the arrangement for services or office space involves fiduciary conflicts of interest described in section 4975(c) (1) (E) or (F). In this regard, the notices provided a description of a "safe harbor" as follows:

> Thus, a person who is a fiduciary with respect to a plan may not provide additional services to the plan and receive any compensation or other consideration in connection therewith, unless such provision of services is arranged and approved on behalf of the plan by a fiduciary who is independent of and unrelated to the fiduciary providing such services, who is not a party to such arrangement for the provision of services, who does not receive any compensation or other consideration with respect to such provision of services, and who has no other interest with respect to the transaction that might affect the exercise of such fiduciary's best judgment as a fiduciary.

§ 54.4975-6(b) (1) (§ 2550.4089b-2(b) (1)).

Many comments were received criticizing the ambiguity of the above quoted provision. Further clarification was provided in the notice of hearing published on December 29, 1976, in the FEDERAL REGISTER. This notice was also criticized in various comments as being ambiguous with respect to the applicability of the "safe harbor" in certain common situations.

In response to these comments, this portion of the proposed amendments has been extensively revised to provide better guidance as to the circumstances under which the provision of services does or does not involve an act of self-dealing under section 4975(c) (1) (E).

Investment in Deposits of Banks or Similar Financial Institutions

Under the notices, investments in the deposits of a fiduciary bank or similar financial institution in some circumstances must meet certain requirements as to express authorization. § 54.4975-6 (c) (2) (ii) and (iii) (§ 2550.408b-4(b) (2) and (3)).

Several comments objected that a requirement of express authorization in plan instruments of the specific investment would necessitate amending hundreds of plans, a procedure which the commentators stated would be administratively burdensome. Further clarification was requested as to the exact language which would constitute a sufficient authorization under the regulations and whether retroactive amendment of plan instruments would be permitted. Consequently, these requirements have been clarified.

[1] References are to the parallel provisions of the proposed amendments issued by the Service and the Department, 26 and 29 CFR respectively. Reference to the parallel regulations of the Department are contained in the parentheses.

Ancillary Services by Banks or Similar Financial Institutions

In the notices, attention was called to the proposed regulations dealing with the exemption in section 4975(d)(6) of the Code and section 408(b)(6) of the Act for the provision to a plan of ancillary services by a bank or similar financial institution which is a fiduciary with respect to the plan. The Code and the Act require that such ancillary services be provided subject to specific guidelines determined by the agents after consultation with Federal and State supervisory authorities. The requirements for the specific guidelines were reserved in the notices, and comments were requested as to what provisions the guidelines should contain.

Section 54.4975-6(c)(3) has been reserved pending development of such guidelines. When such guidelines have been developed, a separate notice of proposed rule making will be prepared containing proposed § 54.4975-6(c)(3).

The notice proposed to require that ancillary services be furnished under an agreement which binds the bank or similar financial institution to comply with the guidelines for the furnishing of such ancillary services. § 54.4975-6(d)(2)(iv) (§ 2550.408b-6(b)(4)). Comments were received objecting to this condition on the grounds that it would involve unnecessary cost to plans and that compliance with the guidelines could be required by regulations. This requirement has been omitted.

Transitional Rule for Services

The notices directed attention to alternative interpretations of identical language contained in Act sections 414 (c)(4) and 2003(c)(2)(D) for the transitional rule relating to the provision of services. In § 53.4941(d)-4(c) (relating to acts of self-dealing involving private foundations), the Treasury interpreted similar language to mean that, in certain circumstances, a lease or loan must be renegotiated by the parties even though the terms of the pre-existing contract do not permit either party to insist upon an adjustment of the contract terms. The Service proposed to adopt a similar interpretation under Act section 2003(c)(2)(D). However, the Department did not propose to require renegotiation until renewal if the terms of the pre-existing contract did not permit an adjustment of the contract terms.

Because parallel provisions appear in both Act sections 414(c)(4) and 2003 (c)(2)(D), the two agencies proposed to review public comments on these alternative interpretations and to adopt a uniform rule. After reviewing the public comments, the agencies have decided to adopt the interpretation in the notice issued by Department, because of substantial differences in the operation of private foundations and employee benefit plans under their respective transitional rules.

Other Matters

These final regulations replace information releases issued by the Service relating to the matters dealt with in these regulations, e.g., T.I.R. No. 1329 (December 31, 1974), T.I.R. No. 1396 (July 24, 1975), and T.I.R. No. 1399 (August 13, 1975). In addition to other changes, various stylistic and clarifying changes have been made from the notices.

Drafting Information

The principal author of this regulation was Mr. Larry E. Smith of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service, the Treasury Department and the Department of Labor participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 54 is amended as follows:

PARAGRAPH 1. Section 54.4975-6 is inserted in the appropriate place to read as follows:

§ 54.4975-6 Statutory exemptions for office space or services and certain transactions involving financial institutions.

(a) *Exemption for office space or services.*—(1) *In general.* Section 4975(d) (2) exempts from the excise taxes imposed by section 4975 payment by a plan to a disqualified person, including a fiduciary, for office space or any service (or a combination of services), if (i) such office space or service is necessary for the establishment or operation of the plan; (ii) such office space or service is furnished under a contract or arrangement which is reasonable; and (iii) no more than reasonable compensation is paid for such office space or service. However, section 4975(d) (2) does not contain an exemption for acts described in section 4975(c) (1) (E) (relating to fiduciaries dealing with the income or assets of plans in their own interest or for their own account) or acts described in section 4975(c) (1) (F) (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the income or assets of the plan). Such acts are separate transactions not described in section 4975(d) (2). See §§ 54.4975-6(a) (5) and 54.4975-6(a) (6) for guidance as to whether transactions relating to the furnishing of office space or services by fiduciaries to plans involve acts described in section 4975(c) (1) (E).

Section 4975(d) (2) does not contain an exemption from other provisions of the Code, such as section 401, or other provisions of law which may impose requirements or restrictions relating to the transactions which are exempt under section 4975 (d) (2). See, for example, the general fiduciary responsibility provisions of section 404 of the Employee Retirement Income Security Act of 1974 (the Act) (88 Stat. 877). The provisions of section 4975(d) (2) are further limited by the flush language at the end of section 4975(d) (relating to transactions with owner-employees and related persons).

(2) *Necessary service.* A service is necessary for the establishment or operation of a plan within the meaning of section 4975(d) (2) and § 54.4975-6(a) (1) (i) if the service is appropriate and helpful to the plan obtaining the service in carrying out the purposes for which the plan is established or maintained. A persons providing such a service to a plan (or a person who is disqualified person solely by reason of a relationship to such a service provider described in section 4975(e) (2) (F), (G), (H), or (I)) may furnish goods which are necessary for the establishment or operation of the plan in the course of, and incidental to, the furnishing of such service to the plan.

(3) *Reasonable contract or arrangement.* No contract or arrangement is reasonable within the meaning of section 4975(d) (2) and § 54.4975-6(a) (1) (ii) if it does not permit termination by the plan without penalty to the plan on reasonably short notice under the circumstances to prevent the plan from becoming locked into an arrangement that has become disadvantageous. A long-term lease which may be terminated prior to its expiration (without penalty to the plan) on reasonably short notice under the circumstances is not generally an unreasonable arrangement merely because of its long term. A provision in a contract or other arrangement which reasonably compensates the service provider or lessor for loss upon early termination of the contract, arrangement or lease is not a penalty. For example, a minimal fee in a service contract which is charged to allow recoupment of reasonable start-up costs is not a penalty.

Similarly, a provision in a lease for a termination fee that covers reasonably foreseeable expenses related to the vacancy and reletting of the office space upon early termination of the lease is not a penalty. Such a provision does not reasonably compensate for loss if it provides for payments in excess of actual loss or if it fails to require mitigation of damages.

(4) *Reasonable compensation.* Section 4975(d) (2) and § 54.4975-6(a) (1) (iii) permit a plan to pay a disqualified person reasonable compensation for the provision of office space or services described in section 4975(d) (2). Paragraph (e) of this section contains regulations relating to what constitutes reasonable compensation for the provision of services.

(5) *Transactions with fiduciaries.*—(i) *In general.* If the furnishing of office space or a service involves an act described in section 4975(c) (1) (E) or (F) (relating to acts involving conflicts of interest by fiduciaries), such as act constitutes a separate transaction which is not exempt under section 4975(d) (2). The prohibitions of sections 4975(c) (1) (E) and (F) supplement the other prohibitions of section 4975(c) (1) by imposing on disqualified persons who are fiduciaries a duty of undivided loyalty to the plans for which they act. These prohibitions are imposed upon fiduciaries to

JUN 24 77 UM

deter them from exercising the authority, control, or responsibility which makes such persons fiduciaries when they have interests which may conflict with the interests of the plans for which they act. In such cases, the fiduciaries have interests in the transactions which may affect the exercise of their best judgment as fiduciaries. Thus, a fiduciary may not use the authority, control, or responsibility which makes such person a fiduciary to cause a plan to pay an additional fee to such fiduciary (or to a person in which such fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary) to provide a service. Nor may a fiduciary use such authority, control, or responsibility to cause a plan to enter into a transaction involving plan assets whereby such fiduciary (or a person in which such fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary) will receive consideration from a third party in connection with such transaction.

A person in which a fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary includes, for example, a person who is a disqualified person by reason of a relationship to such fiduciary described in section 4975(e)(2)(E), (F), (G), (H), or (I).

(ii) *Transactions not described in section 4975(c)(1)(E).* A fiduciary does not engage in an act described in section 4975(c)(1)(E) if the fiduciary does not use any of the authority, control or responsibility which makes such person a fiduciary to cause a plan to pay additional fees for a service furnished by such fiduciary or to pay a fee for a service furnished by a person in which such fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary. This may occur, for example, when one fiduciary is retained on behalf of a plan by a second fiduciary to provide a service for an additional fee. However, because the authority, control or responsibility which makes a person a fiduciary may be exercised "in effect" as well as in form, mere approval of the transaction by a second fiduciary does not mean that the first fiduciary has not used any of the authority, control or responsibility which makes such person a fiduciary to cause the plan to pay the first fiduciary an additional fee for a service.

(iii) *Services without compensation.* If a fiduciary provides services to a plan without the receipt of compensation or other consideration (other than reimbursement of direct expenses properly and actually incurred in the performance of such services within the meaning of paragraph (e)(4) of this section), the provision of such services does not, in and of itself, constitute an act described in section 4975(c)(1)(E) or (F). The allowance of a deduction to an employer under section 162 or 212 for the expense incurred in furnishing office space or services to a plan established or maintained by such employer does not constitute compensation or other consideration.

(6) *Examples.* The provisions of § 54.4975–6(a)(5) may be illustrated by the following examples:

Example (1). E, an employer whose employees are covered by plan P, is a fiduciary of P. I is a professional investment adviser in which E has no interest which may affect the exercise of E's best judgment as a fiduciary. E causes P to retain I to provide certain kinds of investment advisory services of a type which causes I to be a fiduciary of P under section 4975(e)(3)(B). Thereafter, I proposes to perform for additional fees portfolio evaluation services in addition to the services currently provided. The provision of such services is arranged by I and approved on behalf of the plan by E. I has not engaged in an act described in section 4975(c)(1)(E), because I did not use any of the authority, control or responsibility which makes I a fiduciary (the provision of investment advisory services) to cause the plan to pay I additional fees for the provision of the portfolio evaluation services. E has not engaged in an act which is described in section 4975(c)(1)(E). E, as the fiduciary who has the responsibility to be prudent in his selection and retention of I and the other investments advisers of the plan, has an interest in the purchase by the plan of portfolio evaluation services. However, such an interest is not an interest which may affect the exercise of E's best judgment as a fiduciary.

Example (2). D, a trustee of plan P with discretion over the management and disposition of plan assets, relies on the advice of C, a consultant to P, as to the investment of plan assets, thereby making C a fiduciary of the plan. On January 1, 1978, C recommends to D that the plan purchase an insurance policy from U, an insurance company which concerning the fact that C will receive a P. C thoroughly explains the reasons for the recommendation and makes a full disclosure concerning the fact that C will receive a commission from U upon the purchase of the policy by P. D considers the recommendation and approves the purchase of the policy by P. C receives a commission. Under such circumstances, C has engaged in an act described in section 4975(c)(1)(E) (as well as section 4975(c)(1)(F)) because C is in fact exercising the authority, control or responsibility which makes C a fiduciary to cause the plan to purchase the policy. However, the transaction is exempt from the prohibited transaction provisions of section 4975(c)(1) if the requirements of Prohibited Transaction Exemption 77–9 are met.

Example (3). Assume the same facts as in Example (2) except that the nature of C's relationship with the plan is not such that C is a fiduciary of P. The purchase of the insurance policy does not involve an act described in section 4975(c)(1)(E) or (F), because such sections only apply to acts by fiduciaries.

Example (4). E, an employer whose employees are covered by plan P, is a fiduciary with respect to P. A, who is not a disqualified person with respect to P, persuades E that the plan needs the services of a professional investment adviser and that A should be hired to provide the investment advice. Accordingly, E causes P to hire A to provide investment advice of the type which makes A a fiduciary under § 54.4975–6(c)(1)(ii)(B). Prior to the expiration of A's first contract with P, A persuades E to cause P to renew A's contract with P to provide the same services for additional fees in view of the increased costs in providing such services. During the period of A's second contract, A provides additional investment advice services for which no additional charge is made. Prior to the expiration of A's second contract, A persuades E to cause P to renew his contract for additional fees in view of the additional services A is providing. A has not engaged in an act described in section 4975(c)(1)(E), because A has not used any of the authority, control or responsibility which makes A a fiduciary (the provision of investment advice) to cause the plan to pay additional fees for A's services.

Example (5). F, a trustee of plan P with discretion over the management and disposition of plan assets, retains C to provide administrative services to P of the type which makes C a fiduciary under section 4975(e)(3)(C). Thereafter, C retains F to provide, for additional fees, actuarial and various kinds of administrative services in addition to the services F is currently providing to P. Both F and C have engaged in an act described in section 4975(c)(1)(E). F, regardless of any intent which he may have had at the time he retained C, has engaged in such an act because F has, in effect, exercised the authority, control or responsibility which makes F a fiduciary to cause the plan to pay F additional fees for the services. C, whose continued employment by P depends on F, has also engaged in such an act, because C has an interest in the transaction which might affect the exercise of C's best judgment as a fiduciary. As a result, C has dealt with plan assets in his own interest under section 4975(c)(1)(E).

Example (6). F, a fiduciary of plan P with discretionary authority respecting the management of P, retains S, the son of F, to provide for a fee various kinds of administrative services necessary for the operation of the plan. F has engaged in an act described in section 4975(c)(1)(E), because S is a person in whom F has an interest which may affect the exercise of F's best judgment as a fiduciary. Such act is not exempt under section 4975(d)(2) irrespective of whether the provision of the services by S is exempt.

Example (7). T, one of the trustees of plan P, is president of bank B. The bank proposes to provide administrative services to P for a fee. T physically absents himself from all consideration of B's proposal and does not otherwise exercise any of the authority, control or responsibility which makes T a fiduciary to cause the plan to retain B. The other trustees decide to retain B. T has not engaged in an act described in section 4975(c)(1)(E). Further, the other trustees have not engaged in an act described in section 4975(c)(1)(E) merely because T is on the board of trustees of P. This fact alone would not make them have an interest in the transaction which might affect the exercise of their best judgment as fiduciaries.

(b) *Exemption for bank deposits.*—(1) *In general.* Section 4975(d)(4) exempts from the excise taxes imposed by section 4975 investment of all or a part of a plan's assets in deposits bearing a reasonable rate of interest in a bank or similar financial institution supervised by the United States or a State, even though such bank or similar financial institution is a fiduciary or other disqualified person with respect to the plan, if the conditions of either § 54.4975–6(b)(2) or § 54.4975–6(b)(3) are met. Section 4975(d)(4) provides an exemption from section 4975(c)(1)(E) relating to fiduciaries dealing with the income or assets of plans in their own interest or for their own account), as well as sections 4975(c)(1)(A) through (D), because section 4975(d)(4) contemplates a bank or similar financial institution causing a plan for which it acts as a fiduciary to invest plan assets in its own deposits if the requirements of section 4975(d)(4) are met. However, it does not provide an exemption from section 4975(c)(1)(F) (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the income or assets of the plan). The receipt of such consideration is a separate transaction not described in the exemption. Section 4975(d)(4) does not contain an exemption from other provisions of the Code, such as section 401, or other provisions of law which may impose requirements or restrictions relating to the transactions which are exempt under section 4975(d)(4). See, for example, the general fiduciary responsibility provisions of section 404 of the Act. The provisions of section 4975(d)(2) are further limited by the flush language at the end of section 4975(d) (relating to transactions with owner-employees and related persons).

(2) *Plan covering own employees.* Such investment may be made if the plan is one which covers only the employees of the bank or similar financial institution, the employees of any of its affiliates, or the employees of both.

(3) *Other plans.*—(i) *General rule.* Such investment may be made if the investment is expressly authorized by a provision of the plan or trust instrument or if the investment is expressly authorized (or made) by a fiduciary of the plan (other than the bank or similar financial institution or any of its affiliates) who has authority to make such investments, or to instruct the trustee or other fiduciary with respect to investments, and who has no interest in the transaction which may affect the exercise of such authorizing fiduciary's best judgment as a fiduciary so as to cause such authorization to constitute an act described in section 4975(c)(1)(E) or (F). Any authorization to make investments contained in a plan or trust instrument will satisfy the requirement of express authorization for investments made prior to November 1, 1977.

Effective November 1, 1977, in the case of a bank or similar financial institution that invests plan assets in deposits in itself or its affiliates under an authorization contained in a plan or trust instrument, such authorization must name such bank or similar financial institution and must state that such bank or similar financial institution may make investments in deposits which bear a reasonable rate of interest in itself (or in an affiliate.)

(ii) *Example.* B, a bank, is the trustee of plan P's assets. The trust instruments give the trustee the right to invest plan assets in its discretion. B invests in the certificates of deposit of bank C, which is a fiduciary of the plan by virtue of performing certain custodial and administrative services. The authorization is sufficient for the plan to make such investment under section 4975(d)(4). Further, such authorization would suffice to allow B to make investments in deposits in itself prior to November 1, 1977. However, subsequent to October 31, 1977, B may not invest in deposits in itself, unless the plan or trust instrument specifically authorizes it to invest in deposits of B.

(4) *Definitions.* (i) The term "bank or similar financial institution" includes a bank (as defined in section 581), a domestic building and loan association (as defined in section 7701(a)(19)), and a credit union (as defined in section 101(6) of the Federal Credit Union Act).

(ii) A person is an affiliate of a bank or similar financial institution if such person and such bank or similar financial institution would be treated as members of the same controlled group of corporations or as members of two or more trades or businesses under common control within the meaning of section 414(b) or (c) and the regulations thereunder.

(iii) The term "deposits" includes any account, temporary or otherwise, upon which a reasonable rate of interest is paid, including a certificate of deposit issued by a bank or similar financial institution.

(c) *Exemption for ancillary bank services.*—(1) *In general.* Section 4975(d)(6) exempts from the excise taxes imposed by section 4975 the provision of certain ancillary services by a bank or similar financial institution (as defined in § 54.4975–6(b)(4)(i)) supervised by the United States or a State to a plan for which it acts as a fiduciary if the conditions in § 54.4975–6(c)(2) are met. Such ancillary services include services which do not meet the requirements of section 4975(d)(2), because the provision of such services involves an act described in section 4975(c)(1)(E) (relating to fiduciaries dealing with the income or assets of plans in their own interest or for their own account) by the fiduciary bank or similar financial institution. Section 4975(d)(6) provides an exemption from section 4975(c)(1)(E), because section 4975(d)(6) contemplates the provision of such ancillary services without the approval of a second fiduciary (as described in § 54.4975–6(a)(5)(ii)) if the conditions of § 54.4975–6(c)(2) are met. Thus, for example, plan assets held by a fiduciary bank which are reasonably expected to be needed to satisfy current plan expenses may be placed by the bank in a non-interest-bearing checking account in the bank if the conditions of § 54.4975–6(c)(2) are met, notwithstanding the provisions of section 4975(d)(4) (relating to investments in bank deposits). However, section 4975(d)(6) does not provide an exemption for an act described in section 4975(c)(1)(F) (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the income or assets of the plan). The receipt of such consideration is a separate transaction not described in section 4975(d)(6).

Section 4975(d)(6) does not contain an exemption from other provisions of the Code, such as section 401, or other provisions of law which may impose requirements or restrictions relating to the transactions which are exempt under section 4975(d)(6). See, for example, the general fiduciary responsibility provisions of section 404 of the Act. The provisions of section 4975(d)(6) are further limited by the flush language at the end of section 4975(d) (relating to transactions with owner-employees and related persons).

(2) *Conditions.* Such service must be provided:

(i) At not more than reasonable compensation;

(ii) Under adequate internal safeguards which assure that the provision of such service is consistent with sound banking and financial practice, as determined by Federal or State supervisory authority; and

(iii) Only to the extent that such service is subject to specific guidelines issued by the bank or similar financial institution which meet the requirements of § 54.4975–6(c)(3).

(3) *Specific guidelines.* [Reserved]

(d) *Exemption for services as a fiduciary.* [Reserved]

(e) *Compensation for services.*—(1) *In general.* Section 4975(d)(2) refers to the payment of reasonable compensation by a plan to a disqualified person for services rendered to the plan. Section 4975(d)(10) and §§ 54.4975–6(e)(2) through 54.4975–6(e)(5) clarify what constitutes reasonable compensation for such services.

(2) *General rule.* Generally, whether compensation is "reasonable" under sections 4975(d)(2) and (10) depends on the particular facts and circumstances of each case.

(3) *Payments to certain fiduciaries.* Under sections 4975(d)(2) and (10), the term "reasonable compensation" does not include any compensation to a fiduciary who is already receiving full-time pay from an employer or association of employers (any of whose employees are participants in the plan) or from an employee organization (any of whose members are participants in the plan), except for the reimbursement of direct expenses properly and actually incurred and not otherwise reimbursed. The restrictions of this paragraph (e)(3) do not apply to a disqualified person who is not a fiduciary.

(4) *Certain expenses not direct expenses.* An expense is not a direct expense to the extent it would have been sustained had the service not been provided or if it represents an allocable portion of overhead costs.

(5) *Expense advances.* Under sections 4975(d)(2) and (10), the term "reasonable compensation", as applied to a fiduciary or an employee of a plan, includes an advance to such a fiduciary or employee by the plan to cover direct expenses to be properly and actually incurred by such person in the performance of such person's duties with the plan if:

(i) The amount of such advance is reasonable with respect to the amount of the direct expense which is likely to be properly and actually incurred in the immediate future (such as during the next month); and

(ii) The fiduciary or employee accounts to the plan at the end of the period covered by the advance for the expenses properly and actually incurred.

(6) *Excessive compensation.* Under sections 4975(d) (2) and (10), any compensation which would be considered excessive under § 1.162–7 (relating to compensation for personal services which constitutes an ordinary and necessary trade or business expense) will not be "reasonable compensation". Depending upon the facts and circumstances of the particular situation, compensation which is not excessive under § 1.162–7 may, nevertheless, not be "reasonable compensation" within the meaning of sections 4975(d) (2) and (10).

PAR. 2. Section 54.4975–15 is inserted in the appropriate place to read as follows:

§ 54.4975–15 Other transitional rules.

(a) [Reserved]

(b) [Reserved]

(c) [Reserved]

(d) *Provision of certain services until June 30, 1977.*—(1) *In general.* Section 2003(c) (2) (D) of the Employee Retirement Income Security Act of 1974 (the Act) (88 Stat. 979) provides that section 4975 shall not apply to the provision of services before June 30, 1977, between a plan and a disqualified person if the three requirements contained in section 2003(c) (2) (D) of the Act are met. The first requirement is that such services must be provided either (i) under a binding contract in effect on July 1, 1974 (or pursuant to a renewal or modification of such contract); or (ii) by a disqualified person who ordinarily and customarily furnished such services on June 30, 1974. The second requirement is that the services be provided on terms that remain at least as favorable to the plan as an arm's-length transaction with an unrelated party would be.

For this purpose, such services are provided on terms that remain at least as favorable to the plan as an arm's length transaction with an unrelated party would be if, at the time of execution (or renewal) of such binding contract, the contract (or renewal) is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be. However, if in a normal commercial setting an unrelated party in the position of the plan could be expected to insist upon a renegotiation or termination of a binding contract, the plan must so act. Thus, for example, if a disqualified person provides services to a plan on a month-to-month basis, and a party in the position of the plan could be expected to renegotiate the price paid under such contract because of a decline in the fair market value of such services, the plan must so act in order to avoid participation in a prohibited transaction. The third requirement is that the provision of services must not be, or have been, at the time of such provision a prohibited transaction within the meaning of section 503(b) or the corresponding provisions of prior law. If these three requirements are met, section 4975 will apply neither to services provided before June 30, 1977 (both to customers to whom such services were being provided on June 30, 1974, and to new customers) nor to the receipt of compensation therefor. Thus, if these three requirements are met, section 4975 will not apply until June 30, 1977, to the provision of services to a plan by a disqualified person (including a fiduciary) even if such services could not be furnished pursuant to the exemption provisions of sections 4975(d) (2) or (6) and § 54.4975–6. For example, if the three requirements of section 2003(c) (2) (D) of the Act are met, a person serving as fiduciary to a plan who already receives full-time pay from an employer or an association of employers, whose employees are participants in such plan, or from an employee organization whose members are participants in such plan, may continue to receive reasonable compensation from the plan for services rendered to the plan before June 30, 1977. Similarly, until June 30, 1977, a plan consultant who may be a fiduciary because of the nature of the consultative and administrative services being provided may, if these three requirements are met, continue to cause the sale of insurance to the plan and continue to receive commissions for such sales from the insurance company writing the policy. Further, if the three requirements of section 2003 (c) (2) (D) of the Act are met, a securities broker dealer who renders investment advice to a plan for a fee, thereby becoming a fiduciary, may furnish other services to the plan, such as brokerage services, and receives compensation therefor. Also, if a registered representative of such a broker-dealer were a fiduciary, the registered representative may receive compensation, including commissions, for brokerage services performed before June 30, 1977.

(2) *Persons deemed to be June 30, 1974, service providers.* A disqualified person with respect to a plan which did not, on June 30, 1974, ordinarily and customarily furnish a particular service, will nevertheless be considered to have ordinarily and customarily furnished such service on June 30, 1974, for purposes of this section and section 2003(c) (2) (D) of the Act, if either of the following conditions are met:

(i) At least 50 percent of the outstanding beneficial interests of such disqualified person are owned directly or through one or more intermediaries by the same person or persons who owned, directly or through one or more intermediaries, at least 50 percent of the outstanding beneficial interests of a person who ordinarily and customarily furnished such service on June 30, 1974; or

(ii) Control or the power to exercise a controlling influence over the management and policies of such disqualified person is possessed, directly or through one or more intermediaries, by the same person or persons who possessed, directly or through one of more intermediaries, control or the power to exercise a controlling influence over the management and policies of a person who ordinarily and customarily furnished such service on June 30, 1974. For purposes of this paragraph (d) (2) a person shall be deemed to be an "intermediary" of another person if at least 50 percent of the outstanding beneficial interests of such person are owned by such other person, directly or indirectly, or if such other person controls or has the power to exercise a controlling influence over the management and policies of such person.

(3) *Examples.* The principals of § 54.4975–15(d) (2) may be illustrated by the following examples.

Example (1). A owns 50 percent of the outstanding beneficial interests of ABC Partnership which ordinarily and customarily furnished certain services on June 30, 1974. On July 2, 1974, ABC Partnership was incorporated into ABC Corporation with one class of stock outstanding. A owns 50 percent of the shares of such stock. ABC Corporation furnishes the same services that were furnished by ABC Partnership on June 30, 1974. ABC Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 2003(c) (2) (D) of the Act.

Example (2). A and B together own 100 percent of the beneficial interests of AB Partnership, which ordinarily and customarily furnished certain services on June 30, 1974. On September 1, 1974, AB Partnership was incorporated into AB Corporation with one class of stock outstanding. A and B each own 20 percent of such outstanding class of stock and together have control over the management and policies of AB Corporation. AB Corporation furnishes the same services that were furnished by AB Partnership on June 30, 1974. AB Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 2003(c) (2) (D) of the Act.

Example (3). On June 30, 1974, M Corporation was ordinarily and customarily furnishing certain services. On that date, X, Y and Z together owned 50 percent of all classes of the outstanding shares of M Corporation. On January 28, 1975, all of the shareholders of M Corporation exchanged their shares in M Corporation for shares of a new N Corporation. As a result of that exchange, X, Y and Z together own 50 percent of the common stock of N Corporation, the only class of N Corporation stock outstanding after the exchange. N Corporation furnishes the services formerly furnished by M Corporation. N Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 2003(c) (2) (D) of the Act.

Example (4). I Corporation ordinarily and customarily furnished certain services on June 30, 1974. On November 3, 1975, I Corporation organizes a wholly owned subsidiary, S Corporation, which furnishes the same services ordinarily and customarily furnished by I Corporation on June 30, 1974. S Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 2003(c) (2) (D) of the Act.

Example (5). X Corporation, wholly-owned and controlled by A, ordinarily and customarily furnished certain services on June 30, 1974. Y Corporation did not perform such services on that date. On January 2, 1976, X Corporation is merged into Y Corporation and, although A received less than 50 percent of the total outstanding shares of Y Corporation, after such merger A has control over the management and policies of Y Corporation. Y Corporation furnishes the same services that were formerly furnished by X Corporation. Y Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 2003(c) (2) (D) of the Act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

WILLIAM E. WILLIAMS,
Commissioner of Internal Revenue.

Approved:

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

[FR Doc.77–17894 Filed 6–21–77;8:45 am]

Title 29—Labor

CHAPTER XXV—PENSION AND WELFARE BENEFIT PROGRAMS

SUBCHAPTER F—EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans

AGENCY: Department of Labor.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the provision of services or office space to employee benefit plans. the investment of plan assets in the deposits of banks and similar financial institutions, the provision of ancillary services by banks and similar financial institutions to plans, and the transitional rule for the provision of services to plans under the Employee Retirement Income Security Act of 1974. These regulations provide necessary guidance to the public for compliance with the law and affect participants and beneficiaries of employee benefit plans, their employers, persons providing services to such plans, and banks and similar financial institutions.

EFFECTIVE DATE: January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Mr. Forrest Foss of the Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, Room C–4508 (202–523–6856, not a toll free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 30, 1976, notice was published in the FEDERAL REGISTER (41 FR 31874) that the Department of Labor (the Department) had under consideration a proposal to adopt regulations 29 CFR 2550.408b–2, 2550.408b–4, 2550.408b–6, 2550.408c–2, and 2550.414c–4, under sections 408(b)(2), 408(b)(4), 408(b)(6), 408(c)(2), and 414(c)(4) of the Employee Retirement Income Security Act of 1974 (the Act) relating to the provision of services or office space to plans, the investment of plan assets in bank deposits, the provision of bank ancillary services to plans and the transitional rule for the provision of services to plans.[1] On December 29, 1976, the FEDERAL REGISTER published a notice of hearing (41 FR 56758) which contained additional material relating to the proposed regulations. On February 14, 1977, the Department and the Internal Revenue Service (the Service) held a public hearing on the provisions of the proposed regulations. After consideration of all the written comments received and the testimony given at the public hearing, the Department has decided to adopt the proposed regulations. as modified and set forth below.[2]

Section 406 of the Act prohibits a fiduciary with respect to a plan from knowingly causing the plan to engage in certain transactions ("prohibited transactions"). Section 408(b) of the Act contains exemptions from these prohibited transaction provisions. Section 414(c)(4) of the Act contains transitional rules which delay the effective date of section 406 for certain transactions. These regulations explain certain of the exemptions and transitional rules which relate to the provision of services or office space to plans by parties in interest, the investment of plan assets in deposits of a bank or similar financial institution which is a party in interest to the plan and the provision of ancillary services to a plan by a bank or similar financial institution which is a fiduciary with respect to the plan.

EXEMPTION FOR OFFICE SPACE OR SERVICES

Under the notices, the exemption for the provision of office space or services applied to those kinds of services which are "necessary for the establishment or operation of the plan." § 2550.408b–2(b)(1)(i) (§ 54.4975–6(b)(1)(i)).[3] A service was interpreted as being necessary "if it is of a type which is customarily furnished to plans of the kind in question in the ordinary course of their being established or operated." § 2550.408b–2(b)(2) (§ 54.4975–6(b)(2)).

This interpretation was criticized in various comments on the grounds that it would permit an improper service so long as the service was customary prior to the adoption of the Act. On the other hand, many comments noted that what is customary varies with the size and kind of plan as well as with the geographical region in which the plan is located, and that the proposed interpretation might not permit recognition of new kinds of services which may be developed in the future. Several comments stated that the services should be considered "necessary" only if they were essential to plan operation. The proposed interpretation of what constitutes a necessary service has been revised in light of these comments.

The notices provided that the service must be furnished under a contract or arrangement which is reasonable. § 2550.408b–2(b)(1)(ii) (§ 54.4975–6(b)(1)(ii)). Under the notices, a contract is not reasonable unless the contract may be terminated by the plan "* * * without penalty to the plan on reasonably short notice under the circumstances * * *." § 2550.408b–2(b)(3) (§ 54.4975–6(b)(3)).

The length of the notice period as compared to the length of the lease was proposed as a factor to be considered in determining reasonableness. Objections were made to the use of this factor on the grounds that it does not bear a sufficient relationship to commercial practice. Clarification was also requested as to whether a provision for a minimum fee or other provision which is designed to permit recoupment of start-up costs would be a "penalty" under the proposed regulations. These provisions in the proposed regulations have been revised in response to the comments.

The exemption does not apply if the arrangement for services or office space involves fiduciary conflicts of interest described in section 406(b) of the Act. In this regard, the notices provided a description of a "safe harbor" as follows:

> Thus, a person who is a fiduciary with respect to a plan may not provide additional services to the plan and receive any compensation or other consideration in connection therewith, unless such provision of services is arranged and approved on behalf of the plan by a fiduciary who is independent of and unrelated to the fiduciary providing such services, who is not a party to such arrangement for the provision of services, who does not receive any compensation or other consideration with respect to such provision of services, and who has no other interest with reapect to the transaction that might affect the exercise of such fiduciary's best judgment as a fiduciary.

§ 2550.408b–2(b)(1) (§ 54.4975–6(b)(1)).

Many comments were received criticizing the ambiguity of the above quoted provision. Further clarification was provided in the notice of hearing published on December 29, 1976, in the FEDERAL REGISTER. This notice was also criticized in various comments as being ambiguous with respect to the applicability of the "safe harbor" in certain common situations.

[1] By notice appearing in the same issue of the FEDERAL REGISTER (41 FR 31838), the Internal Revenue Service announced that it had under consideration a proposal to adopt similar regulations.

[2] By notice appearing in this issue of the FEDERAL REGISTER, the Service has announced the adoption of similar regulations.

[3] References are to the parallel provisions of the proposed regulations issued by the Department and the proposed amendments issued by the Service, 29 and 26 CFR respectively. Reference to the parallel amendments of the Service are to the Pension Excise Tax Regulations (26 CFR Part 54) and are contained in the parentheses.

In response to these comments, this portion of the proposed regulations has been extensively revised to provide better guidance as to the circumstances under which the provision of services does or does not involve an act of self-dealing under section 406(b)(1) of the Act.

INVESTMENT IN DEPOSITS OF BANKS OR SIMILAR FINANCIAL INSTITUTIONS

Under the notices, investments in the deposits of a fiduciary bank or similar financial institution in some circumstances must meet certain requirements as to express authorization. § 2550.408b–4(b) (2) and (3) (§ 54.4975–6(c)(2)(ii) and (iii)).

Several comments objected that a requirement of express authorization in plan instruments of the specific investment would necessitate amending hundreds of plans, a procedure which the commentators stated would be administratively burdensome. Further clarification was requested as to the exact language which would constitute a sufficient authorization under the regulations and whether retroactive amendment of plan instruments would be permitted. Consequently, these requirements have been clarified.

ANCILLARY SERVICES BY BANKS OR SIMILAR FINANCIAL INSTITUTIONS

In the notices, attention was called to the proposed regulations dealing with the exemption in section 408(b)(6) of the Act and section 4975(d)(6) of the Code for the provision to a plan of ancillary services by a bank or similar financial institution which is a fiduciary with respect to the plan. The Act and the Code require that such ancillary services be provided subject to specific guidelines determined by the agencies after consultation with Federal and State supervisory authorities. The requirements for the specific guidelines were reserved in the notices, and comments were requested as to what provisions the guidelines should contain.

Section 2550.408b–6(c) has been reserved pending development of such guidelines. When such guidelines have been developed, a separate notice of proposed rulemaking will be prepared containing proposed § 2550.408b–6(c).

The notice proposed to require that ancillary services be furnished under an agreement which binds the bank or similar financial institution to comply with the guidelines for the furnishing of such ancillary services. § 2550.408b–6(b)(4) (§ 54.4975–6(d)(2)(iv)). Comments were received objecting to this condition on the grounds that it would involve unnecessary cost to plans and that compliance with the guidelines could be required by regulations. This requirement has been omitted.

TRANSITIONAL RULE FOR SERVICES

The notices directed attention to alternative interpretations of identical language contained in Act sections 414(c)(4) and 2003(c)(2)(D) for the transitional rule relating to the provision of services. In 26 CFR 53.4941(d)–4(c) (relating to acts of self-dealing involving private foundations), the Department of the Treasury interpreted similar language to mean that, in certain circumstances, a lease or loan must be renegotiated by the parties even though the terms of the pre-existing contract do not permit either party to insist upon an adjustment of the contract terms. The Service proposed to adopt a similar interpretation under Act section 2003(c)(2)(D). However, the Department did not propose to require renegotiation until renewal if the terms of the pre-existing contract did not permit an adjustment of the contract terms.

Because parallel provisions appear in both Act sections 414(c)(4) and 2003(c)(2)(D), the two agencies proposed to review public comments on these alternative interpretations and to adopt a uniform rule. After reviewing the public comments, the agencies have decided to adopt the interpretation in the notice issued by the Department, because of the substantial differences in the operation of employee benefit plans and private foundations under their respective transitional rules.

OTHER MATTERS

The attention of interested parties is directed to the fact that regulation 2550.408c–2 replaces Interpretive Bulletin 2509.75–6 (ERISA IB 75–6) and regulation 2550.414c–4 replaces Interpretive Bulletins 2509.75–1 (ERISA IB 75–1) and 2509.75–7 (ERISA IB 75–7).

In addition to the changes noted above that have been made in the regulation as adopted in response to suggestions made in the written comment letters and testimony given at the public hearing of February 14, 1977, other minor changes intended to clarify the provisions of the regulations have been made.

ADOPTION OF FINAL REGULATIONS

Accordingly, 29 CFR Part 2550 is amended as follows:

PARAGRAPH 1. Section 2550.408b–2 is inserted in the appropriate place to read as follows:

§ 2550.408b–2 General statutory exemption for services or office space.

(a) *In general.* Section 408(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) exempts from the prohibitions of section 406(a) of the Act payment by a plan to a party in interest, including a fiduciary, for office space or any service (or a combination of services) if (1) such office space or service is necessary for the establishment or operation of the plan; (2) such office space or service is furnished under a contract or arrangement which is reasonable; and (3) no more than reasonable compensation is paid for such office space or service. However, section 408(b)(2) does not contain an exemption from acts described in section 406(b)(1) of the Act (relating to fiduciaries dealing with the assets of plans in their own interest or for their own account), section 406(b)(2) of the Act (relating to fiduciaries in their individual or in any other capacity acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries) or section 406(b)(3) of the Act (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the assets of the plan). Such acts are separate transactions not described in section 408(b)(2). See §§ 2550.408b–2(e) and (f) for guidance as to whether transactions relating to the furnishing of office space or services by fiduciaries to plans involve acts described in section 406(b)(1) of the Act. Section 408(b)(2) of the Act does not contain an exemption from other provisions of the Act, such as section 404, or other provisions of law which may impose requirements or restrictions relating to the transactions which are exempt under section 408(b)(2). See, for example, section 401 of the Internal Revenue Code of 1954. The provisions of section 408(b)(2) of the Act are further limited by section 408(d) of the Act (relating to transactions with owner-employees and related persons).

(b) *Necessary service.* A service is necessary for the establishment or operation of a plan within the meaning of section 403(b)(2) of the Act and § 2550.408b–2(a)(1) if the service is appropriate and helpful to the plan obtaining the service in carrying out the purposes for which the plan is established or maintained. A person providing such a service to a plan (or a person who is a party in interest solely by reason of a relationship to such a service provider described in section 3(14)(F), (G), (H), or (I) of the Act) may furnish goods which are necessary for the establishment or operation of the plan in the course of, and incidental to, the furnishing of such service to the plan.

(c) *Reasonable contract or arrangement.* No contract or arrangement is reasonable within the meaning of section 408(b)(2) of the Act and § 2550.408b–2(a)(2) if it does not permit termination by the plan without penalty to the plan on reasonably short notice under the circumstances to prevent the plan from becoming locked into an arrangement that has become disadvantageous. A long-term lease which may be terminated prior to its expiration (without penalty to the plan) on reasonably short notice under the circumstances is not generally an unreasonable arrangement merely because of its long term. A provision in a contract or other arrangement which reasonably compensates the service provider or lessor for loss upon early termination of the contract, arrangement or lease is not a penalty. For example, a minimal fee in a service contract which is charged to allow recoupment of reasonable startup costs is not a penalty. Similarly, a provision in a lease for a termination fee that covers reasonably foreseeable expenses related to the vacancy and reletting of the office space upon early termination of the lease is not a penalty. Such a provision does not reasonably compensate for loss if it provides for payment in excess of actual loss or if it fails to require mitigation of damages.

(d) *Reasonable compensation.* Section 408(b)(2) of the Act and § 2550.408b–2(a)(3) permit a plan to pay a party in interest reasonable compensation for the provision of office space or services described in section 408(b)(2). Section 2550.408c–2 of these regulations contains provisions relating to what constitutes reasonable compensation for the provision of services.

(e) *Transactions with fiduciaries.*—(1) *In general.* If the furnishing of office space or a service involves an act described in section 406(b) of the Act (relating to acts involving conflicts of interest by fiduciaries), such an act constitutes a separate transaction which is not exempt under section 408(b)(2) of the Act. The prohibitions of section 406(b) supplement the other prohibitions of section 406(a) of the Act by imposing on parties in interest who are fiduciaries a duty of undivided loyalty to the plans for which they act. These prohibitions are imposed upon fiduciaries to deter them from exercising the authority, control, or responsibility which makes such persons fiduciaries when they have interests which may conflict with the interests of the plans for which they act. In such cases, the fiduciaries have interests in the transactions which may affect the exercise of their best judgment as fiduciaries. Thus, a fiduciary may not use the authority, control, or responsibility which makes such person a fiduciary to cause a plan to pay an additional fee to such fiduciary (or to a person in which such fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary) to provide a service. Nor may a fiduciary use such authority, control, or responsibility to cause a plan to enter into a transaction involving plan assets whereby such fiduciary (or a person in which such fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary) will receive consideration from a third party in connection with such transaction. A person in which a fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary includes, for example, a person who is a party in interest by reason of a relationship to such fiduciary described in section 3(14)(E), (F), (G), (H), or (I).

(2) *Transactions not described in section 406(b)(1).* A fiduciary does not engage in an act described in section 406(b)(1) of the Act if the fiduciary does not use any of the authority, control or responsibility which makes such person a fiduciary to cause a plan to pay additional fees for a service furnished by such fiduciary or to pay a fee for a service furnished by a person in which such fiduciary has an interest which may affect the exercise of such fiduciary's best judgment as a fiduciary. This may occur, for example, when one fiduciary is retained on behalf of a plan by a second fiduciary to provide a service for an additional fee. However, because the authority, control or responsibility which makes a person a fiduciary may be exercised "in effect" as well as in form, mere approval of the transaction by a second fiduciary does not mean that the first fiduciary has not used any of the authority, control or responsibility which makes such person a fiduciary to cause the plan to pay the first fiduciary an additional fee for a service. See paragraph (f) below.

(3) *Services without compensation.* If a fiduciary provides services to a plan without the receipt of compensation or other consideration (other than reimbursement of direct expenses properly and actually incurred in the performance of such services within the meaning of § 2550.408c–2(b)(3)), the provision of such services does not, in and of itself, constitute an act described in section 406(b) of the Act. The allowance of a deduction to an employer under section 162 or 212 of the Code for the expense incurred in furnishing office space or services to a plan established or maintained by such employer does not constitute compensation or other consideration.

(f) *Examples.* The provisions of § 2550.408b–2(e) may be illustrated by the following examples.

Example (1). E, an employer whose employees are covered by plan P, is a fiduciary of P. I is a professional investment adviser in which E has no interest which may affect the exercise of E's best judgment as a fiduciary. E causes P to retain I to provide certain kinds of investment advisory services of a type which causes I to be a fiduciary of P under section 3(21)(A)(ii) of the Act. Thereafter, I proposes to perform for additional fees portfolio evaluation services in addition to the services currently provided. The provision of such services is arranged by I and approved on behalf of the plan by E. I has not engaged in an act described in section 406(b)(1) of the Act, because I did not use any of the authority, control or responsibility which makes I a fiduciary (the provision of investment advisory services) to cause the plan to pay I additional fees for the provision of the portfolio evaluation services. E has not engaged in an act which is described in section 406(b)(1). E, as the fiduciary who has the responsibility to be prudent in his selection and retention of I and the other investment advisers of the plan, has an interest in the purchase by the plan of portfolio evaluation services. However, such an interest is not an interest which may affect the exercise of E's best judgment as a fiduciary.

Example (2). D, a trustee of plan P with discretion over the management and disposition of plan assets, relies on the advice of C, a consultant to P, as to the investment of plan assets, thereby making C a fiduciary of the plan. On January 1, 1978, C recommends to D that the plan purchase an insurance policy from U, an insurance company which is not a party in interest with respect to P. C thoroughly explains the reasons for the recommendation and makes a full disclosure concerning the fact that C will receive a commission from U upon the purchase of the policy by P. D considers the recommendation and approves the purchase of the policy by P. C receives a commission. Under such circumstances, C has engaged in an act described in section 406(b)(1) of the Act (as well as sections 406(b)(2) and (3) of the Act) because C is in fact exercising the authority, control or responsibility which makes C a fiduciary to cause the plan to purchase the policy. However, the transaction is exempt from the prohibited transaction provisions of section 406 of the Act, if the requirements of Prohibited Transaction Exemption 77–9 are met.

Example (3). Assume the same facts as in Example (2) except that the nature of C's relationship with the plan is not such that C is a fiduciary of P. The purchase of the insurance policy does not involve an act described in section 406(b)(1) of the Act (or sections 406(b)(2) or (3) of the Act) because such sections only apply to acts by fiduciaries.

Example (4). E, an employer whose employees are covered by plan P, is a fiduciary with respect to P. A, who is not a party in interest with respect to P, persuades E that the plan needs the services of a professional investment adviser and that A should be hired to provide the investment advice. Accordingly, E causes P to hire A to provide investment advice of the type which makes A a fiduciary under § 2510.3–21(c)(1)(ii)(B). Prior to the expiration of A's first contract with P, A persuades E to cause P to renew A's contract with P to provide the same services for additional fees in view of the increased costs in providing such services. During the period of A's second contract, A provides additional investment advice services for which no additional charge is made. Prior to the expiration of A's second contract, A persuades E to cause P to renew his contract for additional fees in view of the additional services A is providing. A has not engaged in an act described in section 406(b)(1) of the Act, because A has not used any of the authority, control or responsibility which makes A a fiduciary (the provision of investment advice) to cause the plan to pay additional fees for A's services.

Example (5). F, a trustee of plan P with discretion over the management and disposition of plan assets, retains C to provide administrative services to P of the type which makes C a fiduciary under section 3(21)(A)(iii). Thereafter, C retains F to provide for additional fees actuarial and various kinds of administrative services in addition to the services F is currently providing to P. Both F and C have engaged in an act described in section 406(b)(1) of the Act. F, regardless of any intent which he may have had at the time he retained C, has engaged in such an act because F has, in effect, exercised the authority, control or responsibility which makes F a fiduciary to cause the plan to pay F additional fees for the services. C, whose continued employment by P depends on F, has also engaged in such an act, because C has an interest in the transaction which might affect the exercise of C's best judgment as a fiduciary. As a result, C has dealt with plan assets in his own interest under section 406(b)(1).

Example (6). F, a fiduciary of plan P with discretionary authority respecting the management of P, retains S, the son of F, to provide for a fee various kinds of administrative services necessary for the operation of the plan. F has engaged in an act described in section 406(b)(1) of the Act because S is a person in whom F has an interest which may affect the exercise of F's best judgment as a fiduciary. Such act is not exempt under section 408(b)(2) of the Act irrespective of whether the provision of the services by S is exempt.

Example (7). T, one of the trustees of plan P, is president of bank B. The bank proposes to provide administrative services to P for a fee. T physically absents himself from all consideration of B's proposal and does not otherwise exercise any of the authority, control or responsibility which makes T a fiduciary to cause the plan to retain B. The

other trustees decide to retain B. T has not engaged in an act described in section 406(b)(1) of the Act. Further, the other trustees have not engaged in an act described in section 406(b)(1) merely because T is on the board of trustees of P. This fact alone would not make them have an interest in the transaction which might affect the exercise of their best judgment as fiduciaries.

PAR. 2. Section 2550.408b–4 is inserted in the appropriate place to read as set forth below:

§ 2550.408b–4 Statutory exemption for investments in deposits of banks or similar financial institutions.

(a) *In general.* Section 408(b)(4) of the Employee Retirement Income Security Act of 1974 (the Act) exempts from the prohibitions of section 406 of the Act the investment of all or a part of a plan's assets in deposits bearing a reasonable rate of interest in a bank or similar financial institution supervised by the United States or a State, even though such bank or similar financial institution is a fiduciary or other party in interest with respect to the plan, if the conditions of either § 2550.408b–4(b)(1) or § 2550.408–4(b)(2) are met. Section 408(b)(4) provides an exemption from sections 406(b)(1) of the Act (relating to fiduciaries dealing with the assets of plans in their own interest or for their own account) and 406(b)(2) of the Act (relating to fiduciaries in their individual or in any other capacity acting in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries), as well as section 406(a)(1), because section 408(b)(4) contemplates a bank or similar financial institution causing a plan for which it acts as a fiduciary to invest plan assets in its own deposits if the requirements of section 408(b)(4) are met. However, it does not provide an exemption from section 406(b)(3) of the Act (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the assets of the plan). The receipt of such consideration is a separate transaction not described in the statutory exemption. Section 408(b)(4) does not contain an exemption from other provisions of the Act, such as section 304, or other provisions of law which may impose requirements or restrictions relating to the transactions which are exempt under section 408(b)(4) of the Act. See, for example, section 401 of the Internal Revenue Code of 1954 (Code). The provisions of section 408(b)(4) of the Act are further limited by section 408(d) of the Act (relating to transactions with owner-employees and related persons).

(b)(1) *Plan covering own employees.* Such investment may be made if the plan is one which covers only the employees of the bank or similar financial institution, the employees of any of its affiliates, or the employees of both.

(2) *Other plans.* Such investment may be made if the investment is expressly authorized by a provision of the plan or trust instrument or if the investment is expressly authorized (or made) by a fiduciary of the plan (other than the bank or similar financial institution or any of its affiliates) who has authority to make such investments, or to instruct the trustee or other fiduciary with respect to investments, and who has no interest in the transaction which may affect the exercise of such authorizing fiduciary's best judgment as a fiduciary so as to cause such authorization to constitute an act described in section 406(b) of the Act. Any authorization to make investments contained in a plan or trust instrument will satisfy the requirement of express authorization for investments made prior to November 1, 1977. Effective November 1, 1977, in the case of a bank or similar financial institution that invests plan assets in deposits in itself or its affiliates under an authorization contained in a plan or trust instrument, such authorization must name such bank or similar financial institution and must state that such bank or similar financial institution may make investments in deposits which bear a reasonable rate of interest in itself (or in an affiliate).

(3) *Example.* B, a bank, is the trustee of plan P's assets. The trust instruments give the trustees the right to invest plan assets in its discretion. B invests in the certificates of deposit of bank C, which is a fiduciary of the plan by virtue of performing certain custodial and administrative services. The authorization is sufficient for the plan to make such investment under seciton 408(b)(4). Further, such authorization would suffice to allow B to make investments in deposits in itself prior to November 1, 1977. However, subsequent to October 31, 1977, B may not invest in deposits in itself, unless the plan or trust instrument specifically authorizes it to invest in deposits of B.

(c) *Definitions.* (1) The term "bank or similar financial institution" includes a bank (as defined in section 581 of the Code), a domestic building and loan association (as defined in section 7701(a)(19) of the Code), and a credit union (as defined in section 101(6) of the Federal Credit Union Act).

(2) A person is an affiliate of a bank or similar financial institution if such person and such bank or similar financial institution would be treated as members of the same controlled group of corporations or as members of two or more trades or businesses under common control within the meaning of section 414(b) or (c) of the Code and the regulations thereunder.

(3) The term "deposits" includes any account, temporary or otherwise, upon which a reasonable rate of interest is paid, including a certificate of deposit issued by a bank or similar financial institution.

PAR. 3. Section 2550.408b–6 is inserted in the appropriate place to read as set forth below:

§ 2550.408b–6 Statutory exemption for ancillary services by a bank or similar financial institution.

(a) *In general.* Section 408(b)(6) of the Employee Retirement Income Security Act of 1974 (the Act) exempts from the prohibitions of section 406 of the Act the provision of certain ancillary services by a bank or similar financial institution (as defined in § 2550.408b–4(c)(1)) supervised by the United States or a State to a plan for which it acts as a fiduciary if the conditions of § 2550.408b–6(b) are met. Such ancillary services include services which do not meet the requirements of section 408(b)(2) of the Act because the provision of such services involves an act described in section 406(b)(1) of the Act (relating to fiduciaries dealing with the assets of plans in their own interest or for their own account) by the fiduciary bank or similar financial institution or an act described in section 406(b)(2) of the Act (relating to fiduciaries in their individual or in any other capacity acting in any transaction involving the plan on half of a party (or representing a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries). Section 408(b)(6) provides an exemption from sections 406(b)(1) and (2) because section 408(b)(6) contemplates the provision of such ancillary services without the approval of a second fiduciary (as described in § 2550.408b–2(e)(2)) if the conditions of § 2550.408b–6(b) are met. Thus, for example, plan assets held by a fiduciary bank which are reasonably expected to be needed to satisfy current plan expenses may be placed by the bank in a non-interest-bearing checking account in the bank if the conditions of § 2550.408b–6(b) are met, notwithstanding the provisions of section 408(b)(4) of the Act (relating to investments in bank deposits). However, section 408(b)(6) does not provide an exemption for an act described in section 406(b)(3) of the Act (relating to fiduciaries receiving consideration for their own personal account from any party dealing with a plan in connection with a transaction involving the assets of the plan). The receipt of such consideration is a separate transaction not described in section 408(b)(6). Section 408(b)(6) does not contain an exemption from other provisions of the Act, such as section 404, or other provisions of law which may impose requirements or restrictions relating to the transactions which are exempt under section 408(b)(6) of the Act. See, for example, section 401 of the Internal Revenue Code of 1954. The provisions of section 408(b)(6) of the Act are further limited by section 408(d) of the Act (relating to transactions with owner-employees and related persons).

(b) *Conditions.* Such service must be provided—

(1) At not more than reasonable compensation;

(2) Under adequate internal safeguards which assure that the provision of such service is consistent with sound banking and financial practice, as determined by Federal or State supervisory authority; and

(3) Only to the extent that such service is subject to specific guidelines issued by the bank or similar financial institution which meet the requirements of § 2550.408b–6(c).

(c) *Specific guidelines.* [Reserved]

PAR. 4. Section 2550.408c–2 is inserted in the appropriate place to read as set forth below:

§ 2550.408c–2 Compensation for services.

(a) *In general.* Section 408(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) refers to the payment of reasonable compensation by a plan to a party in interest for services rendered to the plan. Section 408(c)(2) of the Act and §§ 2550.408c–2(b)(1) through 2550.408c–2(b)(4) clarify what constitutes reasonable compensation for such services.

(b)(1) *General rule.* Generally, whether compensation is "reasonable" under sections 408(b)(2) and 408(c)(2) of the Act depends on the particular facts and circumstances of each case.

(2) *Payments to certain fiduciaries.* Under sections 408(b)(2) and 408(c)(2) of the Act, the term "reasonable compensation" does not include any compensation to a fiduciary who is already receiving full-time pay from an employer or association of employers (any of whose employees are participants in the plan) or from an employee organization (any of whose members are participants in the plan), except for the reimbursement of direct expenses properly and actually incurred and not otherwise reimbursed. The restrictions of this paragraph (b)(2) do not apply to a party in interest who is not a fiduciary.

(3) *Certain expenses not direct expenses.* An expense is not a direct expense to the extent it would have been sustained had the service not been provided or if it represents an allocable portion of overhead costs.

(4) *Expense advances.* Under sections 408(b)(2) and 408(c)(2) of the Act, the term "reasonable compensation", as applied to a fiduciary or an employee of a plan, includes an advance to such a fiduciary or employee by the plan to cover direct expenses to be properly and actually incurred by such person in the performance of such person's duties with the plan if:

(i) The amount of such advance is reasonable with respect to the amount of the direct expense which is likely to be properly and actually incurred in the immediate future (such as during the next month); and

(ii) The fiduciary or employee accounts to the plan at the end of the period covered by the advance for the expenses properly and actually incurred.

(5) *Excessive compensation.* Under sections 408(b)(2) and 408(c)(2) of the Act, any compensation which would be considered excessive under 26 CFR 1.162–7 (Income Tax Regulations relating to compensation for personal services which constitutes an ordinary and necessary trade or business expense) will not be "reasonable compensation". Depending upon the facts and circumstances of the particular situation, compensation which is not excessive under 26 CFR 1.162–7 may, nevertheless, not be "reasonable compensation" within the meaning of sections 408(b)(2) and 408(c)(2) of the Act.

PAR. 5. Section 2550.414(c)–4 is inserted in the appropriate place to read as follows:

§ 2550.414c–4 Transitional rule for the provision of certain services until June 30, 1977.

(a) *In general.* Section 414(c)(4) of the Employee Retirement Income Security Act of 1974 (the Act) provides that sections 406 and 407(a) shall not apply to the provision of services before June 30, 1977, between a plan and a party in interest if the three requirements contained in section 414(c)(4) are met. The first requirement is that such services must be provided either (1) under a binding contract in effect on July 1, 1974 (or pursuant to a renewal or modification of such contract), or (2) by a party in interest who ordinarily and customarily furnished such services on June 30, 1974. The second requirement is that the services be provided on terms that remain at least as favorable to the plan as an arm's-length transaction with an unrelated party would be. For this purpose, such services are provided on terms that remain at least as favorable to the plan as an arm's-length transaction with an unrelated party would be, if at the time of execution (or renewal) of such binding contract, the contract (or renewal) is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be. However, if in a normal commercial setting an unrelated party in the position of the plan could be expected to insist upon a renegotiation or termination of a binding contract, the plan must so act. Thus, for example, if a party in interest provides services to a plan on a month-to-month basis, and a party in the position of the plan could be expected to renegotiate the price paid under such contract because of a decline in the fair market value of such services, the plan must so act in order to avoid participation in a prohibited transaction. The third requirement is that the provision of services must not be, or have been, at the time of such provision a prohibited transaction within the meaning of section 503(b) of the Internal Revenue Code of 1954 or the corresponding provisions of prior law. If these three requirements are met, section 406 of the Act will apply neither to services provided before June 30, 1977 (both to customers to whom such services were being provided on June 30, 1974, and to new customers) nor to the receipt of compensation therefor. Thus, if these three requirements are met, section 406 of the Act will not apply until June 30, 1977, to the provision of services to a plan by a party in interest (including a fiduciary) even if such services could not be furnished pursuant to the exemption provisions of sections 408(b)(2) or (6) of the Act and §§ 2550.408b–2 and 2550.408b–6. For example, if the three requirements of section 414(c)(4) of the Act are met, a person serving a fiduciary to a plan who already receives full-time pay from an employer or an association of employers, whose employees are participants in such plan, or from an employee organization whose members are participants in such plan, may continue to receive reasonable compensation from the plan for services rendered to the plan before June 30, 1977. Similarly, until June 30, 1977, a plan consultant who may be a fiduciary because of the nature of the consultative and administrative services being provided may, if these three requirements are met, continue to cause the sale of insurance to the plan and continue to receive commissions for such sales from the insurance company writing the policy. Further, if the three requirements of section 414(c)(4) of the Act are met, a securities broker-dealer who renders investment advice to a plan for a fee, thereby becoming a fiduciary, may furnish other services to the plan, such as brokerage services, and receive compensation therefor. Also, if a registered representative of such a broker-dealer were a fiduciary, the registered representative may receive compensation, including commissions, for brokerage services performed before June 30, 1977.

(b) *Persons deemed to be June 30, 1974, service providers.* A party in interest with respect to a plan which did not, on June 30, 1974, ordinarily and customarily furnish a particular service, will nevertheless be considered to have ordinarily and customarily furnished such service on June 30, 1974, for purposes of this section and section 414(c)(4) of the Act, if either of the following conditions are met:

(1) At least 50 percent of the outstanding beneficial interests of such party in interest are owned directly or through one or more intermediaries by the same person or persons who owned, directly or through one or more intermediaries, at least 50 percent of the outstanding beneficial interests of a person who ordinarily and customarily furnished such service on June 30, 1974; or

(2) Control or the power to exercise a controlling influence over the management and policies of such party in interest is possessed, directly or through one or more intermediaries, by the same person or persons who possessed, directly or through one or more intermediaries, control or the power to exercise a controlling influence over the management and policies of a person who ordinarily and customarily furnished such service on June 30, 1974.

For purposes of paragraph (b) of this section, a person shall be deemed to be an "intermediary" of another person if at least 50 percent of the outstanding beneficial interests of such person are owned by such other person, directly or indirectly, or if such other person controls or has the power to exercise a controlling influence over the management and policies of such person.

(c) *Examples.* The following examples apply the principles enunciated in paragraph (b) this section.

Example (1). A owns 50 percent of the outstanding beneficial interests of ABC Partnership which ordinarily and customarily furnished certain services on June 30, 1974. On July 2, 1974, ABC Partnership was incorporated into ABC Corporation with one class of stock outstanding. A owns 50 percent of the shares of such stock. ABC Corporation furnishes the same services that were furnished by ABC Partnership on June 30, 1974. ABC Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 414(c)(4) of the Act.

Example (2). A and B together own 100 percent of the beneficial interests of AB Partnership, which ordinarily and customarily furnished certain services on June 30, 1974. On September 1, 1974, AB Partnership was incorporated into AB Corporation with one class of stock outstanding. A and B each own 20 percent of such outstanding class of stock and together have control over the management and policies of AB Corporation. AB Corporation furnishes the same services that were furnished by AB Partnership on June 30, 1974. AB Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 141(c)(4) of the Act.

Example (3). On June 30, 1974, M Corporation was ordinarily and customarily furnishing certain services. On that date, X, Y, and Z together owned 50 percent of all classes of the outstanding shares of M Corporation. On January 28, 1975, all of the shareholders of M Corporation exchanged their shares in M Corporation for shares of a new N Corporation. As a result of that exchange, X, Y, and Z together own 50 percent of the common stock of N Corporation, the only class of N Corporation stock outstanding after the exchange. N Corporation furnishes the services formerly furnished by M Corporation. N Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 414(c)(4) of the Act.

Example (4). I Corporation ordinarily and customarily furnished certain services on June 30, 1974. On November 3, 1975, I Corporation organizes a wholly-owned subsidiary, S Corporation, which furnishes the same services ordinarily and customarily furnished by I Corporation on June 30, 1974. S Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 414(c)(4) of the Act.

Example (5). X Corporation, wholly owned and controlled by A, ordinarily and customarily furnished certain services on June 30, 1974. Y Corporation did not perform such services on that date. On January 2, 1976, X Corporation is merged into Y Corporation and, although A received less than 50 percent of the total outstanding shares of Y Corporation, after such merger A has control over the management and policies of Y Corporation. Y Corporation furnishes the same services that were formerly furnished by X Corporation. Y Corporation will be deemed to have ordinarily and customarily furnished such services on June 30, 1974, for purposes of section 414(c)(4) of the Act.

Signed at Washington, D.C., this 14th day of June 1977.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc.77-17895 Filed 6-21-77;8:45 am]

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption]

EMPLOYEE BENEFIT PLANS

Class Exemption for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, Investment Companies and Investment Company Principal Underwriters and Employee Benefit Plans

AGENCIES: Department of Labor, Department of Treasury/Internal Revenue Service.

ACTION: Grant of class exemption.

SUMMARY: This class exemption exempts from the prohibited transaction provisions of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 of the Internal Revenue Code of 1954 (the Code) certain transactions involving employee benefit plans and insurance agents and brokers, pension consultants, insurance companies, investment companies and investment company principal underwriters for, or in connection with the purchase of insurance or annuity contracts and the purchase or sale of securities issued by an investment company, if certain conditions are met. Such persons, because of their activities with respect to employee benefit plans, may be considered fiduciaries or other parties in interest[1] of such plans, thus rendering the described transactions prohibited transactions within the meaning of section 406 of the Act and section 4975 of the Code. The exemption affects participants and beneficiaries of employee benefit plans, their employers, and persons engaging in the described transactions.

FOR FURTHER INFORMATION CONTACT:

Mr. Forrest Foss, Room C-4508, Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210, 202-523-6856. Mr. Elliot Daniel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: E:EP:PT 202-566-3089. (These are not toll free numbers.)

SUPPLEMENTAL INFORMATION: On December 29, 1976, notice was published in the FEDERAL REGISTER (41 FR 56760) (reprinted on January 7, 1977 (42 FR 1525)) that the Department of Labor (the Department) and the Internal Revenue Service (the Service) had under consideration a proposed class exemption from the restrictions of sections 406(a)(1)(A) through (D) and 406(b) of the Act and from the taxes imposed by section 4975 of the Code. The class exemption was requested in applications filed pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code by the National Association of Pension Consultants and Administrators, Inc. (Application No. D-183); jointly by the American Council of Life Insurance, the National Association of Life Underwriters, and the Association for Advanced Life Underwriting (Application No. D-301); the Investment Company Institute (Application Nos. D-419 and D-466); jointly by Marsh and McLennan Companies, Inc. and Johnson and Higgins (Application No. D-459); and jointly by Investors Diversified Services, Inc. and American General Capital Distributors, Inc. (Application No. D-473).

The exemption was proposed in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722, and all interested persons were invited to submit comments on the proposed exemption. In addition, pursuant to notice published in the FEDERAL REGISTER (41 FR 56758, December 29, 1976), a public hearing was held on February 14, 1977, in which interested persons were afforded the opportunity to present their views on the proposed exemption.

In response to numerous comments, the exemption has been adopted by the Agencies in restructured form. In order to illustrate the operation of the exemption, as revised and adopted, the Agencies have set forth below a summary of its operation and effect. After the summary, there is a discussion of major comments received by the Agencies with respect to the proposed exemption, and a discussion of how these comments were treated in the exemption as adopted. In addition, the Agencies have published elsewhere in this issue of the FEDERAL REGISTER a proposal to impose two additional conditions on the exemption, but these conditions would be applicable only to transactions occurring after December 31, 1978.

EXPLANATION OF THE OPERATION OF THE EXEMPTION

1. *Transactions covered.* The exemption relates to six different classes of transactions involving insurance agents or brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters who, because of their activities with respect to plans, may be considered to be fiduciaries or other parties in interest of such plans, thus rendering the transactions described prohibited transactions within the meaning of section 406 of the Act and 4975(c)(1) of the Code. These transactions are set forth in section III, and describe situations involving the purchase of insurance or annuity contracts or the purchase or sale of securities issued by an investment company. The transactions are stated in general terms, thereby encompassing a broad range of transactions which could be prohibited but for the exemption. However, as described below, conditions imposed upon the exemption limit its availability for purchases made after October 31, 1977 to transactions involving only certain categories of parties in interest (see section V(a)).

The first three transactions cover the effecting by insurance agents or brokers, pension consultants, or investment company principal underwriters of the purchase with plan assets of insurance or annuity contracts or securities issued by an investment company and the receipt of commissions in connection with such purchase (see sections III (a), (b) and (c)). Paragraph (d) of section III covers the purchase with plan assets of an insurance or annuity contract from an insurance company.

The last two transactions, covered by sections III (e) and (f), are not subject to many of the conditions imposed on the first four transactions (see section V). These last two transactions are limited to purchases with plan assets of insurance or annuity contracts or securities issued by an investment company in situations where the insurance company, investment company or investment company principal underwriter is a fiduciary or service provider of the plan solely by reason of sponsorship of a master or prototype plan. These transactions contemplate situations in which the insurance company, investment company or investment company principal underwriter is a party in interest of a plan by reason of its sponsorship of a master or prototype plan (including its authority to make changes in the master or prototype plan) but has no other relationship to the plan, such as being an investment adviser to the plan directly or through an affiliate. The Agencies have determined that it is appropriate to distinguish the transactions involving sponsorship of master and prototype plans from the other transactions and to apply different conditions thereto because a person who may be a fiduciary or other party in interest only because it is the sponsor of a master or prototype plan is not as likely to be able to influence the investments and other purchases of the plan as persons who are fiduciaries or parties in interest as a result of other relationships. Therefore, if the insurance company, investment company, or investment company principal underwriter is also a fiduciary or party in interest for a reason other than or in addition to sponsorship of a master or prototype plan, the exemptions afforded for transactions described by section III (e) and (f) are not available, but the exemptions afforded for transactions described by sections III (b), (c) and (d) are available, if the conditions applicable to such transactions are satisfied. Further, sections III (e) and (f) do not cover the insurance agent or broker, pension consultant or investment company principal underwriter who is a fiduciary to the plan and who sells an insurance or annuity contract or securities issued by an investment company to the plan in connection with a master or protoype plan. Such persons would have to meet the conditions applicable to the transactions

[1] The term "parties in interest", as used in this preamble, includes "disqualified persons" as defined in section 4975(e)(2) of the Code.

described by sections III (a), (b) and (c).

It should be noted that the terms "insurance or annuity contracts" and "securities issued by an investment company" are designed to encompass all products issued by an insurance company or an investment company in the ordinary course of its business. For example, these terms cover variable annuities and investment contracts issued by an insurance company and described in section 801(g)(1) of the Code and face amount certificates as defined in section 2(a)(15) of the Investment Company Act of 1940 (15 USC 80a–2(a)(15)).

It is further noted that, as used in this exemption, the terms "insurance agent or broker", "pension consultant", "insurance company", "investment company" and "principal underwriter" include all affiliates of such persons (see definitions in section VI).

2. *Conditions.* Section IV provides certain basic conditions for all transactions described in section III between plans and parties in interest (including fiduciaries) without regard to the date of such transaction. These conditions require that the transactions be effected in the ordinary course of business, that they be as favorable to the plan as those which would have been engaged in by the plan and such party in interest if they were unrelated parties, and that the total of all fees, commissions and other consideration received be reasonable.

Section V provides further conditions for transactions involving purchases effected after October 31, 1977. The conditions of section V do not apply to the sponsors of master and prototype plans as described in sections III(e) and (f).

Paragraph (a) of section V limits the categories of parties in interest for which this exemption is available to persons who are parties in interest to the plan solely because they are service providers or certain types of fiduciaries to the plan. For example, a pension consultant who is a plan administrator would not be eligible for relief under the exemption. It should also be noted that, in general, this exemption would not be required for the effecting of a sale to a plan and the receipt of a sales commission with respect to such sale by an agent, broker, consultant or principal underwriter who is a party in interest with respect to the plan for which the transaction is executed, if the person is not a fiduciary[2] and the provision of such services by the party in interest satisfies the conditions of the exemption set forth in section 408(b)(2) of the Act and 4975(d)(2) of the Code. In this regard, such nonfiduciary is referred to the final regulations appearing elsewhere in this issue of the FEDERAL REGISTER which clarify the scope of the statutory exemption.

Paragraph (b) imposes a requirement designed to prevent purchases from being approved on behalf of the plan by a fiduciary who might have a conflict of interest with respect to the transaction. In addition, the paragraph requires that the party in interest recommending the purchase convey to the approving fiduciary certain information with respect to the transaction, and that such fiduciary acknowledge in writing receipt of such information prior to approving the recommended transaction.

Paragraph (c) of section V provides for certain limited disclosures to the approving fiduciary. These disclosures are designed to elicit certain information about the relationship of the party in interest recommending the purchase to the issuer of the recommended contract or securities and the commissions which will be received by the party in interest in connection with the sale. It is expected that this information will make the approving fiduciary aware, generally, of a potential for conflict of interest on the part of the person recommending the transaction.

Paragraph (d), which is reserved, is intended to impose two additional conditions on the exemption, but these conditions would be applicable only to transactions occurring after December 31, 1978. It would require additional disclosures for purchases made with plan assets, and would restrict the scope of the exemption for transactions described in sections III (a) through (d) to those where the purchase is made on behalf of plans with a limited number of active participants. The specific terms of this paragraph are proposed elsewhere in this issue of the FEDERAL REGISTER and interested persons are referred to that proposal.

Paragraph (e) of section V relates to disclosure requirements with respect to additional purchases of contracts and securities. It states that once the disclosures required by paragraphs (c) and (d) have been made, they need not be repeated unless such disclosures were made more than three years before the transaction in question, or the product sold or the commission received with respect to the previous transaction is materially different from the instant transaction or commission.

Paragraphs (f) and (g) require that the insurance agent or broker, pension consultant, investment company principal underwriter or insurance company maintain certain records for six years from the date of the transaction. Paragraph (h)(2) requires that records maintained pursuant to paragraphs (f) and (g) be available for examination by specified persons, while paragraph (h)(1) deals with certain situations where the records are lost or destroyed prior to the end of six years.

3. *Retroactive relief.* Section I provides retroactive relief from all the restrictions of sections 406 of the Act and 4975(c)(1) of the Code with respect to transactions described in section III of the exemption if the conditions that apply to all the transactions (section IV) are met. This relief is provided for all transactions entered into prior to November 1, 1977, regardless of whether the terms of section V of this class exemption or the transition provisions of sections 414(c)(4) and 2003(c)(2)(D) of the Act are met, in order to provide sufficient opportunity for affected persons to modify their practices to comply with the conditions of the exemption.

4. *Prospective relief.* Section II affords prospective relief from the prohibitions of sections 406(a)(1)(A) through (D) and 406(b) of the Act and 4975(c)(1) of the Code for transactions described in section III of the exemption arising out of purchases made after October 31, 1977. If the transactions are described in sections III (e) and (f), the only conditions which must be satisfied are those contained in section IV; if the transactions are described in sections III (a) through (d), they must satisfy the conditions of both sections IV and V in order to be entitled to relief under the exemption.

DISCUSSION OF MAJOR COMMENTS

1. EXEMPT TRANSACTIONS AND COVERED PERSONS

Numerous comments were received requesting clarification as to whether the normal sales presentation and recommendations made to a plan or a plan fiduciary by an agent, broker, pension consultant or principal underwriter constitute the rendering of investment advice within the meaning of sections 3(21)(A)(ii) of the Act and 4975(e)(3)(B) of the Code and the regulations issued thereunder (29 CFR 2510.3–21(c) and 26 CFR 54.4975–9(c)). If they do, the receipt of a commission by such agent, broker, pension consultant or principal underwriter in connection with the purchase, with plan assets, of an insurance or annuity contract or securities issued by an investment company would constitute a prohibited transaction under sections 406 of the Act and 4975 of the Code for which an exemption would be required. As stated in the proposal, a determination of whether such sales presentation, recommendations, and advice constitute "investment advice" under section 3(21)(A)(ii) of the Act and section 4975(e)(3)(B) of the Code and the regulations issued thereunder can be made only on a case-by-case basis.

Several comments stated that the class exemption, as proposed, would not cover transactions engaged in by registered representatives of a principal underwriter because such persons were not "employees" of the principal underwriter, and, accordingly, were not affiliates of the principal underwriter. The definition of "affiliate," now in section VI(c) of the exemption, has been modified in response to these comments so as to make it clear that a registered representative is an affiliate of a principal underwriter. Commentators also pointed out that, technically, investment company securities are sold in both agency and principal transactions by principal underwriters. Accordingly, section III(c) of the exemption has been amended so that the "effecting" of such transactions are covered.

Numerous comments reflected a misunderstanding as to which agents, brokers, consultants, insurance companies, investment companies and principal underwriters that are fiduciaries or other parties in interest with respect to a plan would be eligible for relief under the exemption. Comments were also received respecting the types of services that such persons could provide to a plan under the exemption. In response to these comments, proposed sections III(a) and III(d)(1) have been combined and modified and are now contained in section V(a) of the exemption.

As noted above, all transactions described in section III, which would otherwise be prohibited transactions, are exempt if the purchase is made prior to November 1, 1977, and the conditions of section IV are met. However, for transactions involving purchases made after October 31, 1977, section V(a) of the final exemption limits the exemption to persons who are parties in interest with respect to a plan solely by reason of being a service provider, fiduciary, or both. Furthermore, as noted above, certain limitations are placed on the type of fiduciary activity in which such persons may engage.

Comments were received urging the Agencies not to apply certain of the conditions of the exemption to an insurance company, investment company or investment company principal underwriter that may be a fiduciary or party in interest with respect to a plan solely by reason of sponsoring a master or prototype plan which is adopted as the plan. These comments indicated that independent insurance brokers, or dealers in investment company shares, often market insurance or annuity contracts or securities issued by an investment company together with a master or prototype plan prepared by the insurance company or the investment company or its principal underwriter. In these situations, while the independent agents, brokers, consultants or dealers in investment company shares may be fiduciaries to the plan in connection with the transaction, the insurance company, investment company or its principal underwriter would not be involved with the plan other than as sponsor of the master or prototype plan (and as issuer of the contract or security which is purchased to fund the plan). In response to these comments, the Agencies have modified the exemption so that, as noted above, such sponsors of master or prototype plans are subject only to a limited number of the conditions of the exemption. As noted above, however, the person effecting the transaction for the purchase of an insurance or annuity contract or of securities issued by an investment company to fund a master or prototype plan (i.e., the agent, broker, consultant or principal underwriter) is subject fully to all conditions of the exemption.[3]

2. *Reasonable Compensation.* Proposed sections III(b)(1), III(c) and III(d)(2) are now contained in section IV of the exemption, and, as noted above, are applicable to all covered transactions.

The proposal was criticized for not containing specific guidance as to what constitutes reasonable compensation and various standards were suggested by which to measure reasonableness. The Agencies have decided not to incorporate these comments because the forms of compensation can vary substantially, and any determination as to whether or not the total amount of compensation is reasonable depends on the particular facts and circumstances of each case. A similar position has been adopted by the Agencies with respect to "reasonable compensation" in the regulations issued elsewhere in this issue of the FEDERAL REGISTER under section 408(c)(2) of the Act (29 CFR 2550.408c–2(b)(1)) and section 4975(d)(10) of the Code (26 CFR 54.4975–6(e)(2)).

Comments were also received urging the Agencies to alter the commission disclosure requirement to reflect commissions received over a longer base period. Although these comments have not been adopted, the Agencies wish to emphasize that the disclosure requirements of the final exemption set forth minimum requirements respecting commissions, and that disclosure of additional information is, to the extent it is not misleading or obfuscatory, permissible.

Comments also urged the Agencies to provide that in those cases where the amount of compensation is judged to be in excess of reasonable compensation, the "amount involved" for purposes of the assessment of the excise tax under sections 4975(a) and (b) of the Code or the civil penalty under section 502(i) of the Act be limited to the amount of the compensation in excess of reasonable compensation. The exemption has been modified to incorporate these comments. Finally, in response to confusion evidenced by various comments, the reasonable compensation test has been rephrased to clarify that it is the total compensation received (which includes all fees, commissions and other consideration) that must be reasonable.

3. *Approval by a fiduciary.* In response to numerous comments, section V(b) of the exemption, respecting fiduciary approval of the exempted transaction, clarifies that the employer of employees covered by the plan may assume the responsibility of being the approving fiduciary.

4. *Dislosure.* Pursuant to comments, a variety of changes from the disclosure requirements of the proposal have been made.

Many comments were received criticizing the requirement of the proposal that the agent, broker, consultant or principal underwriter disclose the names of all insurance companies and investment companies with which such person is affiliated. The exemption, as adopted, has been modified in response to these comments and limits the disclosure in this area to information concerning the relationship between the insurance company or investment company whose contract or security is recommended and the person making the recommendation.

Comments suggested that the exemption be conditioned upon the disclosure of the dollar amount of commission to be received. The Agencies did not adopt this suggestion because disclosure of the percentage rate of commissions will be required, and this will provide comparable information to the approving fiduciary and will be more easily developed by the person claiming exemption.

The provisions of the proposal respecting disclosure of special instructions, special incentive arrangements and sources of substantial amounts of commission income have been deleted. Comments indicated a great deal of uncertainty as to the meaning of these terms and questioned their relevance to the inforamtion needed by the approving fiduciary. In addition, the Agencies believe that the other disclosure requirements of the exemption will be sufficient to alert an approving fiduciary to the extent of the potential conflict of interest of the person recommending the purchase.

Several comments were received with respect to the necessity for and frequency of disclosures which might be occasioned by additional purchases of contracts or securities. Some commentators urged the Agencies to require repeat disclosure only when the applicable contract or security, or the commission with respect thereto, is materially different from that for which the approval was obtained, while others urged that disclosure be required each year. The requirement of the exemption, as adopted, is intended to reach a middle ground and reflects the Agencies' position that the approving fiduciary needs sufficiently current information with which to make an informed judgment with respect to additional purchases of the recommended product.

5. *Recordkeeping, availability of records.* In response to comments, the recordkeeping requirements of the proposal have been modified to specify the records that the agent, broker, consultant, insurance company and principal underwriter must retain. Comments were received urging the Agencies to modify the proposal so as to limit the persons to whom the retained records would be

[2] For example, a person is not a fiduciary if the person's sales activities do not constitute investment advice and only non-discretionary administrative support services are rendered (and such person is not otherwise a fiduciary). In this connection, see question D–2 of Interpretive Bulletin 2509.–75–8 (ERISA IB 75–8, 40 FR 47491).

[3] If a dealer in investment company securities is not a principal underwriter with respect to the investment company whose securities are being recommended for purchase with plan assets, such dealer need not comply with the condition of this exemption, but is instead referred to Part II of Prohibited Transaction Exemption 75–1 (40 FR 50845).

available. However, these suggestions have not been incorporated because the final exemption clearly delineates the records which must be retained.

In addition to the changes noted above which have been made in the exemption, as adopted, in response to suggestions made in the written comment letters and the testimony received at the public hearing of February 14, 1977, other changes intended to clarify the provisions of the exemption have been made.

GENERAL INFORMATION

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and Section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

(4) In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including the written comments submitted in response to the notice of December 29, 1976, (reprinted on January 7, 1977) and the testimony given at the public hearing of February 14, 1977, the Department and the Service make the following determinations:

(i) The class exemption set forth herein is administratively feasible;

(ii) It is in the interests of plans and of their participants and beneficiaries; and

(iii) It is protective of the rights of participants and beneficiaries of plans.

EXEMPTION

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 722.

Section I—Retroactive. Effective for purchases described in section III of this exemption made before November 1, 1977, the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 of the Internal Revenue Code of 1954 (the Code) do not apply to any of the transactions described in section III if the conditions set forth in section IV are met.

Section II—Prospective. Effective for purchases described in Section III of this exemption made after October 31, 1977, the restrictions of section 406(a)(1)(A) through (D) and 406(b) of the Act and the taxes imposed by section 4975 of the Code do not apply to any of the transactions described in section III of this exemption if the conditions prescribed in sections IV and V of this exemption are met.

Section III—Transactions. (a) The receipt, directly or indirectly, by an insurance agent or broker or a pension consultant of a sales commission from an insurance company in connection with the purchase, with plan assets, of an insurance or annuity contract.

(b) The receipt of a sales commission by a principal underwriter for an investment company registered under the Investment Company Act of 1940 (hereinafter referred to as an investment company) in connection with the purchase, with plan assets, of securities issued by an investment company.

(c) The effecting by an insurance agent or broker, pension consultant or investment company principal underwriter of a transaction for the purchase, with plan assets, of an insurance or annuity contract or securities issued by an investment company.

(d) The purchase, with plan assets, of an insurance or annuity contract from an insurance company.

(e) The purchase, with plan assets, of an insurance or annuity contract from an insurance company which is a fiduciary or a service provider (or both) with respect to the plan solely by reason of the sponsorship of a master or prototype plan.

(f) The purchase of securities issued by an investment company with plan assets from, or the sale of such securities to, an investment company or investment company principal underwriter, when such investment company or principal underwriter is a fiduciary or a service provider (or both) with respect to the plan solely by reason of the sponsorship of a master or prototype plan.

Section IV—Conditions with Respect to Transactions Described in Section III. (a) The transaction is effected by the insurance agent or broker, pension consultant, insurance company or investment company principal underwriter in the ordinary course of its business as such a person.

(b) The transaction is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be.

(c) The combined total of all fees, commissions and other consideration received by the insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter:

(1) For the provision of services to the plan; and

(2) In connection with the purchase of insurance or annuity contracts or securities issued by an investment company is not in excess of "reasonable compensation" within the contemplation of section 408(b)(2) and 408(c)(2) of the Act and sections 4975(d)(2) and 4975(d)(10) of Code. If such total is in excess of "reasonable compensation," the "amount involved" for purposes of the civil penalties of section 502(i) of the Act and the excise taxes imposed by section 4975(a) and (b) of the Code is the amount of compensation in excess of "reasonable compensation."

Section V—Conditions For Transactions Described in Section III(a) through (d): The following conditions apply solely to a transaction described in paragraphs (a), (b), (c) or (d) of section III:

(a) The insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter is a party in interest or disqualified person solely by reason of being a service provider or fiduciary (or both) with respect to the plan, but is not a trustee of the plan, a plan administrator (within the meaning of section 3(16)(A) of the Act and section 414(g) of the Code), a named fiduciary of the plan (within the meaning of section 402(a)(2) of the Act) or a fiduciary who is expressly authorized in writing to manage, acquire, or dispose of the assets of the plan on a discretionary basis.

(b) A fiduciary with respect to the plan, following receipt of the information required to be disclosed pursuant to paragraphs (c), (d), and (e) of this section, and, prior to the execution of the transaction, acknowledges in writing receipt of such information and approves the transaction on behalf of the plan. Such fiduciary may be an employer of employees covered by the plan, but may not be insurance agent or broker, pension consultant, insurance company, investment company, or investment company principal underwriter involved in the transaction. Such fiduciary may not receive, directly or indirectly (e.g., through an affiliate), any compensation or other consideration for his or her own personal account from any party dealing with the plan in connection with the transaction.

(c) The insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter provides to the fiduciary referred to in paragraph (b) of this section, prior to the approval described in that paragraph, written disclosure of the information set forth below, which information shall be in a manner and form calculated to be understood by a plan fiduciary who has no special expertise in insurance or investment matters:

(1) If the agent, broker, or consultant is an affiliate of the insurance company whose contract is being recommended, or if the ability of such agent, broker or consultant to recommend insurance or annuity contracts is limited by any agreement with such insurance company, or if the person recommending securities issued by an investment company is the principal underwriter of the investment company whose securities are being recommended, the nature of such affiliation, limitation, or relationship;

(2) The sales commission, expressed as a percentage of gross annual premium payments for the first year and for each of the succeeding renewal years, that will be paid by the insurance company to the agent, broker, or consultant in connection with the purchase of the recommended contract; and

(3) The sales commission, expressed as a percentage of the dollar amount of the plan's gross payment and of the amount actually invested, that will be received by the principal underwriter in connection with the purchase of the recommended securities issued by the investment company.

(d) In the case of any purchase made after December 31, 1978, [Reserved].

(e) With respect to additional purchases of insurance or annuity contracts or securities issued by an investment company, the written disclosure required under paragraphs (c) and (d) of this section V need not be repeated, unless—

(1) More than three years have passed since such disclosure was made with respect to the same kind of contract or security, or

(2) The contract or security being recommended for purchase or the commission with respect thereto is materially different from that for which the approval described in paragraph (b) of this section was obtained.

(f) In the case of any transaction described in paragraphs (a), (b), or (c) of section III, the insurance agent or broker, pension consultant or investment company principal underwriter shall retain or cause to be retained for a period of six years from the date of such transaction, the following:

(1) The information disclosed pursuant to paragraphs (c), (d), and (e) of this section V;

(2) Any additional information or documents provided to the fiduciary described in paragraph (b) of this section V with respect to such transaction; and

(3) The written acknowledgement described in paragraph (b) of this section.

(g) In the case of any transaction described in section III(d) (for which no insurance agent or broker or pension consultant is required to maintain records under section V(f)), the insurance company shall retain the materials described in paragraphs (f), (1), (2), and (3) of this section V for a period of six years from the date of such transaction.

(h) With respect to the records required to be retained pursuant to paragraph (f) or (g) of this section V:

(1) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the insurance agent or broker, pension consultant, principal underwriter, or insurance company, such records are lost or destroyed prior to the end of such six-year period.

(2) Notwithstanding anything to the contrary in sections 504(a)(2) and (b) of the Act, such records are unconditionally available for examination during normal business hours by duly authorized employees or representatives of the Department of Labor, the Internal Revenue Service, plan participants and beneficiaries, any employer of plan participants and beneficiaries, and any employee organization any of whose members are covered by the plan.

Section VI—Definitions. For purposes of this exemption:

(a) The term "principal underwriter" is defined in the same manner as that term is defined in section 2(a)(29) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(29)).

(b) The terms "insurance agent or broker," "pension consultant," "insurance company," "investment company," and "principal underwriter" mean such persons and any affiliates thereof.

(c) The term "affiliate" of a person means:

(1) Any person directly or indirectly controlling, controlled by, or under common control with such person;

(2) Any officer, director, partner, employee (including, in the case of a principal underwriter, any registered representative thereof, whether or not such person is a common law employee of such principal underwriter), or relative of any such person;

(3) Any corporation or partnership of which such person is an officer, director, partner, or employee;

(d) The term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(e) The term "relative" means a "relative" as that term is defined in section 3(15) of the Act (or a "member of the family" as that term is defined in section 4975(e)(6) of the Code), or a brother, a sister, or a spouse of a brother or a sister.

(f) The term "master or prototype plan" means a plan which is approved by the Service under Rev. Proc. 72–7, 1972–1 C.B. 715, or Rev. Proc. 72–8, 1972–1 C.B. 716, or their successors.

Signed at Washington, D.C., this 16th day of June, 1977.

IAN D. LANOFF,
Administrator, Pension and Welfare Benefit Programs, Department of Labor.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations), Internal Revenue Service.

[FR Doc.77-17896 Filed 6-21-77;8:45 am]

EMPLOYEE BENEFIT PLANS

Proposal To Adopt Additional Conditions With Respect to Prohibited Transaction Exemption 77–9

AGENCIES: Department of Labor. Department of Treasury/Internal Revenue Service.

ACTION: Proposal to Impose Additional Conditions on Prohibited Transaction Exemption 77–9.

SUMMARY: This notice contains a proposal to impose two additional conditions on Prohibited Transaction Exemption 77–9, the class exemption relating to certain transactions engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters published elsewhere in this issue of the FEDERAL REGISTER. The proposed conditions, which would be applicable only to certain transactions described in Prohibited Transaction Exemption 77–9 occurring after December 31, 1978, would restrict the scope of the exemption for such transactions to those entered into on behalf of employee benefit plans with a limited number of active participants, and would require the disclosure of additional information with respect to such transactions. The additional conditions are being published in proposed form in order to allow interested persons the opportunity to comment, and would affect participants and beneficiaries of employee benefit plans, their employers, and persons engaging in the transactions to which the proposed conditions would be applicable.

FOR FURTHER INFORMATION:

Mr. Forrest Foss, Room C–4508, Plan Benefits Security Division, Office of the Solicitor, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 (202–523–5856).

Mr. Elliot Daniel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Attention: E:EP:PT (202–566–3089).

(These are not toll free numbers.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of Labor (Department) and the Internal Revenue Service (Service) have under consideration a proposal to adopt additional conditions with respect to the exemption provided by Prohibited Transaction Exemption 77–9, the class exemption relating to certain transactions engaged in by insurance agents and brokers, pension consultants, insurance companies, investment companies, and investment company principal underwriters published elsewhere in this issue of the FEDERAL REGISTER. These persons, because of the services they render to plans, may be fiduciaries or other parties in interest with respect to such plans and thereby precluded by reason of sections 406(a)(1)(A) through (D) and 406(b) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(1) of the Internal Revenue Code of

1954 (the Code) from engaging in the transactions described in Prohibited Transaction Exemption 77–9. The additional conditions would affect only those transactions described in paragraphs (a) through (d) of section III of Prohibited Transactions Exemption 77–9 which are entered into after December 31, 1978.

The proposal has two parts. The first part would limit the availability of the exemption to those transactions (described in sections III (a)–(d) of Prohibited Transaction Exemption 77–9) entered into on behalf of plans with less than 100 active participants at the time of the transaction. The applicants for the class exemption, and many of those submitting comments thereon, emphasized that small plans have limited financial resources and, therefore, must rely heavily on the services of insurance agents and brokers, pension consultants, insurance companies and investment company principal underwriters. The comments noted that if such persons were precluded from engaging in the transactions described in paragraphs (a) through (d) of section III of the class exemption, they could not provide services to the plans, to the detriment of the plans and their participants and beneficiaries. The Agencies, however, have not received adequate comment on how to identify these plans.

In this regard, with respect to defining a small plan for purposes of this exemption, comments were received suggesting that the exemption be limited to plans with 25 or fewer active participants.[1] These commentators seemed to have chosen this limit based upon their understanding that certain insurance or annuity contracts would be inappropriate for plans with more than 25 participants. The Agencies are concerned, however, that such a limitation of the exemption could restrict the operation of many plans which, while having more than 25 active participants, nevertheless have limited resources and would be unable to operate economically without the availability of this exemption. Accordingly, while the Agencies are proposing to limit the exemption to small plans, they have tentatively described such plans as those having less than 100 active participants.

In the notice which proposed Prohibited Transaction Exemption 77–9 (41 FR 56760, December 29, 1976), the Agencies indicated that satisfaction of the conditions therein would not permit a breach of the general fiduciary responsibility provisions of section 404(a)(1) of the Act or excuse a violation of the "exclusive benefit of employees" requirement contained in section 401(a) of the Code. By way of example, the Agencies stated that such a breach or violation might occur if a fiduciary with respect to the plan recommends or causes the plan to select a funding medium or investment which, under the particular circumstances, is not suitable for the plan. Thus, in the circumstances of a given case, an insurance agent who is a fiduciary with respect to a plan might be found to have breached his or her fiduciary responsibilities if he or she caused the plan to purchase individual insurance or annuity contracts or other high commission products when similar benefits or protections could have been secured at a lesser cost to the plan under a group contract.

With respect to this particular example, many commentators observed that differences exist between individual and group contracts, some of which may be important to plan beneficiaries and participants; other commentators suggested that the potential for abuse is so great with respect to transactions of the type described that an absolute limit of 25 participants be placed on the size of plans which could engage in transactions covered by the proposed class exemption. The Agencies recognize that every alleged breach of fiduciary duty must be analyzed in connection with the facts and circumstances particular to that transaction. Therefore, the described example should not be interpreted to mean that a sale by an insurance agent who is a fiduciary to a plan of individual contracts to such plan would necessarily involve a breach of fiduciary duty. Similarly, with respect to the described example, the Agencies' determination to propose that the class exemption afford relief only where plans engaging in described transactions have less than 100 active participants should not be viewed as an interpretation by the Agencies that purchases of individual contracts would not involve a breach of fiduciary duty if the plan has less than 100 active participants. As explained above, the proposed delineation of "small" plans was determined primarily upon concerns as to the ability of a plan to secure certain necessary services, and many circumstances must be evaluated in determining whether the choice of a particular funding medium for a plan is in violation of section 404(a)(1) of the Act or the "exclusive benefit" rule of section 401(a) of the Code.

The second part of the amendment pertains to disclosure of information concerning various characteristics of the insurance or annuity contract or securities issued by an investment company recommended to the plan for purchase with plan assets. The disclosures required by the original proposal (41 FR 56760) were criticized in various comments as being misleading because they focused entirely on the commission and related forms of compensation of the agent, broker, consultant or principal underwriter, and ignored other information which would be useful to a plan seeking to evaluate the benefits available under a recommended insurance or investment company product. The proposed amendment would require disclosure of information relating to the nature of the contract or security being recommended for purchase, as well as the potential conflict of interest of the person making the recommendation. Specifically, the proposal would require disclosures relating to the cash surrender value of the insurance or annuity contract, the guaranteed rate of return, if any, with respect to the contract, and various provisions of the contract or security which could adversely affect benefits contemplated thereunder. Thus, the additional condition is designed to allow a fiduciary of the plan to make a more informed and independent judgment as to the suitability of purchasing the contract or security for the plan.

The proposal would require that the mandated disclosures be written in a manner and form calculated to be understood by a plan fiduciary who has no special expertise in insurance and investment matters. Generally, this will mean that technical, complex and legal jargon be eliminated and that easily understood examples and illustrations be provided. For example, it is anticipated that the disclosures relating to cash surrender value would be made in a tabular or graphic form that would facilitate a clear understanding of the information being presented. All information required to be disclosed should be clearly understandable without the necessity of referring to any other document. It is expected that any description of exceptions, limitations, reductions and other restrictions on benefits provided under the contract or security will not be minimized, rendered obscure or otherwise made to appear unimportant. Such exceptions, limitations, reductions or restrictions on benefits should be described in a manner which is not less prominent than the style, captions, printing type and prominence used to describe benefits. The disclosure should not be written in a way that emphasizes the benefits of the product being recommended and de-emphasizes any terms or provisions of the product which would adversely affect such benefits. In short, all disclosures respecting the nature of the product being recommended must be fair and even handed, but, of course, need not follow the order of items as set forth in the exemption.

These conditions are proposed to be effective only for purchases after December 31, 1978, to enable the Agencies to receive further comment from affected persons. All interested persons are invited to submit written comments on the proposal to adopt additional conditions to Prohibited Transaction Exemption 77–9 set forth below. In order to receive consideration, such comments should be received by the Department of Labor on or before September 30, 1977. In addition, any interested person may submit a written request that a hearing be held relating to the proposed additional conditions to Prohibited Transaction Exemption 77–9. Such written request must be received by the Department on or before September 30, 1977, and should state the reasons for such person's request for a hearing and the nature of such person's interest in the proposed additional conditions.

All written comments and all requests for a hearing (at least six copies) should

[1] Other commentators urged the Agencies to issue an exemption without regard to the size of the plans.

be addressed to Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, Washington, D.C. 20216, Attention: Proposed Additional Condition to Prohibited Transaction Exemption 77–9. All such comments will be made part of the record, and will be available for public inspection at the Public Document Room, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue NW., Washington, D.C. 20210 and at the Freedom of Information Reading Room, Internal Revenue Service, Room 1565, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The proposal to adopt additional conditions to Prohibited Transaction Exemption 77–9, by inserting section V (d) in the appropriate place, is made under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1 C.B. 72.

• • • • • •

PROHIBITED TRANSACTION EXEMPTION 77–9
SECTION V

(d) In the case of any purchase made after December 31, 1978, the insurance agent or broker, pension consultant, insurance company, or investment company principal underwriter:

(1) Effects such purchase on behalf of a plan which, at the time of such purchase, has less than 100 active participants; and

(2) Provides to the fiduciary referred to in paragraph (b) of this section, prior to the approval described in that paragraph, written disclosure of all the information set forth below (in addition to the information required by paragraph (c) of this section):

(i) With respect to the first 20 years of the recommended insurance or annuity contract, a tabulation (or illustration) showing, by year, the following:

(A) The guaranteed cash surrender value for a contract with a gross annual premium of $1000 as compared to (B) the cumulative total of annual payments of $1000 with interest of 6 percent, compounded annually;

(ii) If the insurance or annuity contract includes a guaranteed rate or rates of return, the following information:

(A) The rate or rates of return and the period for which each rate is applicable,

(B) The percentage of the gross annual premium to which such rate or rates would be applied, and

(C) Any event which would alter such guaranteed rate or rates of return, and the effect of such alteration;

(iii) A description of any charges, fees, discounts, penalties, or adjustments which may be imposed under the recommended contract or securities in connection with the purchase, holding, exchange, termination or sale of such contract or securities.

The disclosures required by this paragraph (d)(2) shall be made in a manner and form calculated to be understood by a plan fiduciary who has no special expertise in insurance and investment matters.

• • • • • •

Signed at Washington, D.C., this 16th day of June 1977.

IAN D. LANOFF,
Administrator Pension and Welfare Benefit Programs, Department of Labor.

ALVIN D. LURIE,
Assistant Commissioner (Employee Plans and Exempt Organizations) Internal Revenue Service.

[FR Doc.77–17987 Filed 6–21–77;8:45 am]

JUN 24 1977
UM

federal register

FRIDAY, JUNE 24, 1977

PART IV



SECURITIES AND EXCHANGE COMMISSION

■

REGULATION OF TRANSFER AGENTS

General Rules

JUN 24 1977

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13636]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Regulation of Transfer Agents

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission, in order to facilitate the establishment of a national system for the clearance and settlement of transactions in securities under section 17A of the Securities Exchange Act of 1934, is adopting rules applicable to transfer agents. The rules are intended: (1) to assure that registered transfer agents perform their functions in a prompt and accurate manner; (2) to provide early warning of inadequate transfer agent performance; (3) to apply limitations on the expansion of transfer agent activities when transfer agents are unable to meet the performance time standards; (4) to assure prompt response to inquiries concerning the status of items presented for transfer; and (5) to require the maintenance and preservation of certain records necessary to monitor compliance with the proposed rules.

EFFECTIVE DATES: Sections 240.17Ad-1; 240.17Ad-2 (c), (d), (f), (g), and (h); and 17Ad-4: October 3, 1977. Sections 240.17Ad-2 (a), (b) and (e); 17Ad-3; and 17Ad-5 through 7: January 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry F. Day, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202-472-4515 or 202-755-8834.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Securities and Exchange Commission (the "Commission") has amended Title 17, Chapter II, Part 240 of the Code of Federal Regulations to add §§ 240.17Ad-1, 240.17Ad-2, 240.17Ad-3, 240.17Ad-4, 240.17Ad-5, 240.17Ad-6 and 240.17Ad-7 (hereinafter "adopted rules") under the Securities Exchange Act of 1934 (the "Act"), in particular Sections 2, 17, 17A and 23(a) of that Act, 15 U.S.C. 78b, 78q, 78q-1 and 78w(a). In accordance with Section 17A(d)(3)(A)(i) of the Act, 15 U.S.C. 78q-1(d)(3)(A)(i), the Commission consulted and requested the views of the Federal bank regulatory agencies at least fifteen days prior to this announcement.

I. Introduction

A. Background

On May 12, 1976, the Commission published notice of proposed rules ("draft rules") prescribing performance standards for registered transfer agents.[1] The Commission received approximately 150 letters of comment on the draft rules, and those letters were carefully considered in drafting revised rules.

On February 24, 1977, the Commission published revised rules for comment ("proposed rules").[2] The comment period ended April 13, 1977, and the Commission received 45 letters of comment. The rules adopted herein include a number of revisions (discussed below) made to the proposed rules in response to the suggestions of the commentors.

B. The Purpose of the Adopted Rules

The adopted rules are designed to protect investors and persons facilitating transactions by and on behalf of investors and to contribute to the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities by: (1) assuring that the transfer agent community performs its functions in a prompt, accurate and more predictable manner; (2) providing an early warning system to alert the transfer agent regulatory agencies[3] that a transfer agent is not meeting the performance standards, thereby enabling those agencies to take timely preventive and remedial measures to protect the public interest and investors; (3) precluding a transfer agent from expanding its transfer agent activities when it has been unable to comply with performance standards and, in the event of continued substantial performance failures, requiring such transfer agent to alert issuers of securities serviced by it of its performance failures; (4) assuring prompt response to inquiries concerning the status of items presented for transfer and to certain other inquiries, in order to better meet the needs of investors who deal with transfer agents, to promote more prompt identification of lost securities and to assist broker-dealers undergoing examination and seeking to comply with requirements relating to control of customer securities; and (5) prescribing recordkeeping and record retention requirements to better enable transfer agents to monitor their own activities and to permit regulatory authorities to monitor transfer agent compliance with the adopted rules.

[1] See Securities Exchange Act Release No. 34-12440 (May 12, 1976); 9 SEC Docket 627 (May 25, 1976); 41 FR 22595 (June 4, 1976). Comments were requested to be submitted by July 2, 1976, and that deadline was extended to July 19, 1976 in Securities Exchange Act Release No. 34-12594 (July 2, 1976); 9 SEC Docket 1029 (July 21, 1976); 41 FR 28798 (July 13, 1976).

[2] Securities Exchange Act Release No. 34-13293 (Feb. 24, 1977); 11 SEC Docket 1818 (March 8, 1977); 42 FR 12191 (March 3, 1977).

[3] The appropriate regulatory agencies for transfer agents, which are set forth in Section 3(a)(34)(B) of the Act, 15 U.S.C. 78c(a)(34)(B), are the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposits Insurance Corporation and the Securities and Exchange Commission.

C. Effect on Rules of Self-Regulatory Organizations

Several commenters questioned whether the Commission's turnaround rules supersede similar rules imposed by self-regulatory organizations which require, among other things, that transfer agents acting for certain listed issues effect turnaround within 48 hours. The adopted rules are not intended to and do not supersede any rules of self-regulatory organizations which impose more stringent performance standards.[4]

D. Exemptions

Under § 240.17Ad-4 transfers of certain securities and transfer agents in certain circumstances are exempt from parts of these rules. Under paragraph (a) of that section certain transfers are exempt from §§ 240.17Ad-2, 240.17Ad-3 and § 240.17Ad-6(a)(1) through (7) and (11), but remain subject to §§ 240.17Ad-1, 240.17Ad-4, 240.17Ad-5, 240.17Ad-6(a)(8), (9) and (10), (b) and (c) and § 240.17Ad-7. Transfer agents who qualify for exemption under paragraph (b) of § 240.17Ad-4 are exempt from §§ 240.17Ad-2(a), (b), (c), (d) and (h), 240.17Ad-3 and 240.17Ad-6(a)(2) through (7) and (11), but remain subject to §§ 240.17Ad-1, 240.17Ad-2(e), (f) and (g), §§ 240.17Ad-4, 240.17Ad-5, 240.17Ad-6(a)(1), (8), (9) and (10), (b) and (c) and § 240.17Ad-7.

II. Discussion of the Adopted Turnaround Rules in Light of Comments Received

A. Section-by-Section Discussion of the Adopted Rules

Section 240.17Ad-1 Definitions

Section 240.17Ad-1 defines salient terms used throughout the rules; familiarity with these definitions is essential to understanding the rules.

The basic unit for which turnaround times and other requirements are prescribed is an "item." Section 240.17Ad-1 defines "item" to mean the certificates of a single issue of securities presented under one ticket, or, if there is no ticket (as is often the case with mail items from individuals), presented at one time by one presentor. Several commentors noted that in the past a single submission by a depository (shipment control list) might include a very large number of individual transfer instructions. These commentors recommended that the term "item" be defined to mean each individual transfer instruction for certificates of a single issue of securities included within a single ticket. It appears that the depository concerned has recently implemented changes in its procedures, and that, as a result, each ticket (shipment control list) shall on the average contain 20 lines requiring the issuance of a total of 24 certificates. Although many of the shipment control lists will exceed this average, we have been assured that the upward variation in size will not be of a magnitude to create difficulties. Accordingly, the definition of "item" has not been changed. The definition also extends to items presented under a transfer agent custodian arrangement. Finally, the definition provides that, for an outside registrar, each certificate to be countersigned is an item.

[4] The rules usually mentioned in this connection are the New York Stock Exchange's Rule 496 and the American Stock Exchange's Rule 891. See 2 NYSE Guide (CCH) para. 2496 and 2 Am. Stock Ex. Guide (CCH) para. 9681. Those rules and similar rules of other self-regulatory organizations were identified for review by the Commission pursuant to Section 31(b) of the Securities Acts Amendments of 1975 and currently are being examined in accordance with the procedures provided in that section. Securities Exchange Act Release No. 13027 (December 1, 1976); 11 SEC Docket 1066 (December 14, 1976); 41 FR 53473 (December 7, 1976).

Section 17Ad-1(c) provides that an item is, in various circumstances described therein, "made available" when it is dispatched or mailed. An item is considered dispatched when it leaves the premises at which transfer agent functions are performed and is sent to the receiving party or to a location from which it is to be picked up by the receiving party. For example, an outside registrar that received before noon an item subject to the processing requirement of § 240.17Ad-2(b)(1) would make the item available when, on or before the opening of business the next business day, the item is being taken by a messenger to a clearing house for delivery to the transfer agent. An item is considered mailed either when it is delivered to the location from which it is collected by the U.S. Postal Service or when it is being delivered to the U.S. Postal Service. The term "made available" has been amended to include the transfer agent's forwarding to a presentor, or other proper party, an item which has been returned to the transfer agent by an outside registrar.

The term "transfer" is defined as the accomplishment of all acts necessary to cancel certificates presented and to issue new certificates, including performance of the registrar function, and to make the item available to the presentor. One commentor asked whether original issues are excluded from the definition of "transfer." Public distributions, whether initial or secondary offerings, are not excluded from the term "transfer." Nevertheless, the Commission recognizes that an unusual volume of transfers is often associated with public offerings, and a provision for offerings is included in subsection (i)(8).[5] The second part of the definition of "transfer" refers to the manner in which a transfer may be accomplished when a transfer agent maintains custody of securities under a transfer agent custodian program. The language "or complete registration of change in ownership of all or a portion of these securities" refers not to the function performed by the registrar but to the transfer and registration of ownership by book entry on the securityholder records when no certificates are issued.

"Turnaround" of an item is accomplished, in the case of a transfer agent that acts in the dual capacity of transfer agent and registrar with respect to that item, when the item is transferred. For other transfer agents, turnaround occurs when the item is made available to the outside registrar.

Consideration was given to establishing a minimum time period within which items received from an outside registrar must be made available to the presentor. In the absence of any indication that this matter has been a source of delay, the Commission has required in § 240.17Ad-2(f) that a transfer agent make such items available "promptly" to the presentor. In most circumstances, "promptly" would mean that any item received by a transfer agent from an outside registrar in mid-afternoon would be made available to the presentor by the close of business the same day. The Commission will monitor the time taken by transfer agents to make such items available to presentors and will propose a specific time requirement for this step should experience indicate that such a requirement is needed.

For the purpose of measuring the performance of an outside registrar, the term "turnaround" does not apply; instead, the term "process" is used. An outside registrar is considered to have processed an item either when all acts necessary to perform the registrar function are completed and the item is made available to the presenting transfer agent or when the presenting transfer agent is advised why the registrar function for the item is delayed or may not be completed.

The time period for turnaround or processing of an item begins when the item is received by the registered transfer agent. Several commentors suggested that the time of "receipt" of an item be postponed until it arrives in the very room in which transfer agent functions are performed. Most commentors, however, did not foresee a problem with the proposed definition. Accordingly, no change has been made, and "receipt" occurs when an item arrives at the premises at which the transfer agent performs transfer agent functions. It will, therefore, be in the transfer agent's interest to see that a received item is promptly forwarded from the mail room to the transfer department.

Items received at a "window" or mail room at the premises at which the transfer agent performs transfer agent functions shall also be deemed to have been received by the transfer agent. However, items received at a "drop" or "window" maintained at a significant distance from the premises where the transfer agent performs its transfer agent functions usually would not be considered received for the purposes of § 240.17Ad-2 upon arrival at such "drop" or "window"; such items would be considered received upon delivery to the premises where the transfer agent performs transfer agent functions.[6] Additionally, items presented for transfer but rejected at a "drop" or "window" are not deemed to be received.

Section 240.17Ad-1(h) defines the term "business day." The second sentence of the proposed subparagraph has been moved to Section 17Ad-2(a). (See discussion infra.)

The performance time standards of the turnaround rules apply to items that are considered "routine." as defined by § 240.17Ad-1(i). It should be noted that distinctions between "routine" and "non-routine" do not depend on whether an item is received through the mail. Transfer agents are, in effect, required to examine uniformly all items received, regardless of the manner in which presented, to determine whether they are routine or non-routine.

The first exclusion from "routine" in paragraph (i) refers to issues for which the transfer agent does not maintain a working supply of unissued certificates but requisitions them as needed from another source, such as the issuer; this practice is often required by municipalities with respect to issues of municipal bonds. Some commentors recommended that the exclusion should be available to a transfer agent that has exhausted the supply of certificates it customarily retains in inventory, provided the transfer agent made a timely request for more certificates from the issuer. The availability of certificates cannot be controlled completely by the transfer agent. Nevertheless, the absence of an exclusion for such items from the definition of a routine item encourages the implementation of effective inventory control and efficient re-order procedures to insure the timely initiation of requests for new certificates. Diligent follow-up of these requests appears effective in most instances to insure the timely arrival of new certificates. When, however, these measures fail and a transfer agent's performance is adversely affected by a delayed arrival of new certificates, that factor may be asserted as a basis for exemptive relief from § 240.17Ad-3. Moreover, transfer agents requisitioning new certificates may remind issuers and others of the obligations imposed upon transfer agents by these rules.

Under the adopted rule, legal items are not necessarily "non-routine." Several commentors recommended that all items accompanied by certified corporate resolutions be deleted from the definition of "routine." Since it appears that most certified corporate resolutions follow standard forms and are found acceptable for transfer, no change has been made in § 240.17Ad-1(i)(4). As a result, if a legal item requires no more than a review of the supporting documentation listed in

[5] See the discussion of Section 240.17Ad-1(i)(8) concerning the definition of "routine item" infra.

[6] In this connection, it should be noted that § 240.17Ad-2(e) requires a transfer agent that receives items at a location other than the premises at which it performs transfer agent functions to have appropriate procedures to assure that the items are forwarded "promptly" to the premises at which receipt will be deemed to occur.

subsection (i)(4) (that is, "assignments, endorsements or stock powers, certified corporate resolutions, * * *"), the item would be considered routine. If that review, however, raised the need to obtain additional documentation, an opinion of counsel or other matter listed in subsection (i)(3), the item would be considered "non-routine."

In response to comments, subsection (6) has been amended to exclude from coverage as a routine item any warrant, right or convertible security presented for transfer of record ownership within five (increased from two) business days before exercise or conversion privileges either lapse or change. The word "change" was added to bring within the scope of subsection (6) securities which have multiple or step-down conversion dates. A new subsection (7) has been added to exclude from coverage as a routine item any warrant, right, or convertible security presented for exercise or conversion.

Proposed subsection (i)(7), which excluded from the definition of routine item a security of an issue whose outstading amount was increased by 25 percent or more within the previous 15 business days in a public offering of securities registered under the Securities Act of 1933, was intended to provide temporary relief from the 90 percent-three day turnaround requirement in light of the acute volume of transfers which occur immediately after a public offering of a substantial amount of securities. Since the amounts of outstanding securities vary so widely among issuers, the determination of a percentage breakpoint for the size of an offering that would qualify the issue for temporary nonroutine treatment has not proved feasible. Instead, subsection (i)(8) as adopted permits temporary non-routine treatment provided the registered offering is "not of a continuing nature." To the extent the offering is made in the form of employee stock option purchases, or is otherwise an offering which continues over a period of time, items containing securities of the issue are routine under subsection (i)(8).

Nevertheless, although such items are temporarily deemed non-routine, transfer agents are reminded that § 240.17Ad-2(e) requires that non-routine items be given diligent and continuous attention and turned around as soon as possible.

Some commentors suggested that the definition of "routine item" exclude securities of an issue for which the transfer agent recently assumed the responsibility for performance of transfer agent functions from another transfer agent. These commentors believed that in such circumstances the records may be in disarray and require an extensive period before they are properly arranged. Because the turnaround rules do not address the updating of securityholder records (except in the circumstance in which a transfer agent acts as custodian of the securities), and since changes in transfer agents are carefully timed to avoid any delay in effecting transfers, the suggested addition to the definition of routine item has not been made.

SECTION 240.17Ad-2 TURNAROUND, PROCESSING AND FORWARDING OF ITEMS

Paragraph (a) of § 240.17Ad-2 sets forth the basic requirement that transfer agents (except when acting as outside registrars), with regard to at least 90 percent of routine items received during any month, must perform their functions "turnaround" such items) within three business days of the items' receipt. Paragraph (a), as proposed, has been amended by adding the second sentence from proposed Section 17Ad-1(h) (the definition of business day) which establishes a noon-to-noon cutoff for items received that are subject to paragraph (a).[7]

As proposed, paragraph (b), which pertains to a transfer agent when acting as an outside registrar, required that at least 90% of all items received during any month at or before noon on any business day be processed by the close of business that day. That paragraph, as adopted, requires the processing to be completed by the opening of the next business day. This change was made in recognition of the geographical distances that must be traversed in some parts of the nation in order to deliver completed registrar, items to the transfer agent. Although the Commission is aware that a number of outside registrars both process and deliver most of their items in two to five hours and encourages them to continue to do so, geographic considerations make such a standard unrealistic for much of the nation. The provision requiring that at least 90% of all items received after noon on any business day be processed by noon of the next business day has not been changed. Certain items are excluded from the term "items received" in paragraph (b) in order to remove items which may present special difficulties from the processing time requirements.

Several commentors recommended that the turnaround standard which is three business days when an outside registrar is utilized should be increased to four business days when the transfer agent is acting in a dual capacity to allow additional time for performance of the registrar function. Because there has been a widespread acceptance of the proposal that the maximum time a transfer agent acting in a dual capacity should take to turnaround and process items is three business days, no adjustment to the three business day standard in § 240.17Ad-2(a) has been made in the adopted rule. Transfer agents are encouraged to do better than this standard when possible. The Commission intends to monitor carefully the performance of transfer agents in a single capacity with a view to determining whether the turnaround standard for items sent to an outside registrar should be reduced to two business days.

Commentors suggested that in the case of debt securities for which the bond registrar is not also the trustee or the authenticating agent and the authenticating agent maintains and updates securityholder records (such as, for example, when the authenticating agent registers the payment of interest), the turnaround standard should be increased to one business day. In such circumstances, the authenticating agent is not acting solely as a processor of items but is also performing "transfer" functions (in the equity sense), and the adopted rules adequately provide for this situation. In the above example, the authenticating agent would be permitted three business days to accomplish the transfer and registration of the ownership of the interest coupons.

Paragraph (c), as proposed, has been restated as paragraphs (c) and (d). Paragraphs (c) and (d), as adopted, prescribe a notice requirement for transfer agents which, during any month, fail to comply with the performance standards of paragraphs (a) and (b) respectively.[8] The information required in such notice is intended to inform the regulatory authorities of the extent to which the reporting transfer agent has failed to meet the turnaround requirements and to alert those authorities of the need for monitoring the transfer agent's performance and of the possible need for supplementing the limitations under § 240.17Ad-3 with remedial action.[9] In

[7] The sentence in question provides that items received at or before noon on a business day shall be deemed to have been received at noon on that day, and that items received after noon on a business day, on a weekend or on a holiday shall be considered as received at noon on the next business day. For example, this provision, operates as follows: An item received at 11:00 a.m. on a Monday that is not a holiday would be considered as received at noon on that day and, assuming none of the intervening days are holidays, would have to be turned around by noon on Thursday. Assuming either one of the intervening days or Thursday is a holiday, the item would have to be turned around by noon of the following business day (Friday). An item received on a Friday afternoon, or received on a weekend, would be considered as received at noon on Monday and, assuming the intervening weekdays are business days, would have to be turned around by noon of the following Thursday. An item received on a Tuesday that is a holiday would be considered as received at noon on Wednesday (provided that Wednesday is not a holiday) and, assuming the intervening weekdays are business days, would have to be turned around by noon on Monday. Again, if the day for receipt or accomplishment of turnaround is not a business day, then the time of receipt or the deadline for turnaround would be noon of the next business day.

[8] Section 240.17Ad-3, discussed infra, prescribes certain limitations that are applied to transfer agents which, because of continued failure to meet the performance standards, are required to file notices repeatedly.

[9] Repeated failure to perform at the level prescribed by Section 240.17Ad-2 (a) and (b) requires filing notices with the regulatory authorities and, if continued, application of limitations on the expanson of the transfer agent's business until the agent can demonstrate an ability to meet the standards. During this time, the regulatory authorities can monitor the transfer agent's performance to determine whether to initiate, under Sections 17A(c)(3)(A), 17A(d) and 21(d) of the Act, 15 U.S.C. 78q-1(c)(3)(A), 78q-1(d) and 78u(d), administrative or civil action which may lead to the imposition of a remedial sanction upon, or the enjoining of, the transfer agent. Of course, an intentional failure to comply with the requirements of any of the rules may constitute a criminal violation of the Federal Securities laws (Section 32(a) of the Act, 15 U.S.C. 78ff(a)).

order to better facilitate prompt responses by the appropriate regulatory agencies to requests for exemption from § 240.17Ad-3, the adopted rule requires that the notice pursuant to § 240.17Ad-2(c) include a statement of the number of routine items, aged in increments of one business day, which on the last business day of the month have been in the transfer agent's possession for more than four business days. A similar provision for unprocessed registrar items has been incorporated into paragraph (d) as adopted.

The written notice under proposed § 240.17Ad-2(c) has been changed in adopted § 240.17Ad-2 (c) and (d) to require that notices be filed with the Commission and the appropriate regulatory agency, if it is not the Commission, within ten business days after the end of the month instead of sent to regulatory agencies within six business days after the end of the month. Some commentors had suggested that more time be allowed for transfer agents to compute their performance for a given month (the disposition of items received on the last business day of a month will not be known until three business days following the end of that month). In addition, a requirement that notices be filed with an agency would be consistent with requirements imposed in other areas when reports or other materials are required. The date on which the notice is actually received by a regulatory agency is considered the date of filing thereof.[10]

Section 240.17Ad-2(e) (formerly paragraph (d)) provides that the 10% of routine items not required to be turned around or processed within the time periods established by § 240.17Ad-2 (a) and (b) must be turned around or processed "promptly"; in the case of transfer items, under usual circumstances, "promptly" would be within one additional business day and, in the case of registrar items, by the end of the business day following the day of receipt. Paragraph (e) also requires that all non-routine items must receive diligent and continuous attention and must be turned around as soon as possible.

SECTION 240.17Ad-3—LIMITATIONS ON EXPANSION

This rule sets forth the consequences which automatically attach to a transfer agent's failure on a continuing basis to meet the prescribed performance standards. The limitations are designed to maintain the status quo so that a transfer agent can bring its performance into compliance with the rules. The limitations are not intended to be a penalty for failure to meet the turnaround standards. In addition, it should be noted that the application of limitations does not preclude the institution of administrative, civil or criminal (if the violation is willful) proceedings if necessary to protect investors and persons facilitating transactions by and acting on behalf of investors. Paragraph (a) applies limitations to transfer agents who fail for each of three consecutive months to meet the 90% turnaround or processing standards of paragraphs (a) or (b) of § 240.17Ad-2 (and who therefore are required to file monthly notices under paragraphs (c) or (d) of that section). The limitations attach on the fifth business day following the end of the third consecutive month in which a notice was required by § 240.17Ad-2(c) or (d) and remain in effect for at least three consecutive months thereafter. The rule as proposed provided that limitations would apply for six consecutive months, but upon further consideration it appears that a term of three consecutive months will provide a sufficient period of time for a transfer agent to demonstrate its ability to meet the performance standards.

It should be noted that paragraphs (a) and (b) § 240.17Ad-3 would apply to a transfer agent which, for example, failed for two consecutive months to turnaround within three business days 90% or more of routine items received (as required by § 240.17Ad-2(a)) and then in the third consecutive month failed to process within the specified time frames 90% or more of items received as outside registrar (as required by § 240.17Ad-2(b)). Similarly, if a transfer agent during a month failed to turnaround within three business days 75% or more of its routine transfer items and in the next month failed to process timely 75% or more of its outside registrar items, paragraph (b) of § 240.17Ad-3 would attach on the fifth business day following the end of the second month.

During the three month limitations period, a transfer agent may not begin to perform a transfer agent activity for issues for which it does not perform, or is not under agreement to perform, transfer agent activities before the fifth business day (the "limitations date"). Similarly, after the limitations date, a transfer agent may not begin to perform for issues for which it performs a transfer agent function prior to the limitations date any new transfer agent function or activity which the transfer agent does not perform, or is not under agreement to perform, prior to the limitations date. Section 240.17Ad-3 does not preclude a transfer agent who has agreed to act in a new capacity prior to the attachment of the limitations provision from carrying out the terms of the agreement.[11]

Once the limitations are applied, whether because of failure to comply with § 240.17Ad-2(a) or § 240.17Ad-2(b) or both, they remain effective until the transfer agent's performance has met the standards of both paragraphs (a) and (b) of that section for three consecutive months, i.e., 90% or more of accountable transfer agent and registrar items are each turned around or processed within the prescribed periods of time for each of three consecutive months.

A few persons commented that limitations on new transfer agent business should not attach to transfer agent activities which, in their view, the Commission does not regulate, such as dividend disbursements. Adopted § 240.17Ad-3(a) does not reflect this view. The rationale for the limitations provision is that it is not in the public interest or consistent with the protection of investors for a transfer agent which is unable to perform its current obligations in a timely manner to take on additional responsibilities. Moreover, the Commission's rulemaking authority (Section 17A(d)(1) of the Act) is not circumscribed by the functions which are provided elsewhere as the precedents for registration. Indeed, an unnecessarily restrictive view of the Commission's rulemaking authority could well impede the Commission's efforts to provide necessary or appropriate regulations for transfer agents in the broader context of the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions For example, a transfer agent that is unable to meet the performance time requirements for transfers but which nevertheless was permitted to begin a new activity such as dividend disbursing could necessarily be diverting resources to that new activity at the time the performance standards for transfers were not being met.

Some commentors recommended that the limitations under § 240.17Ad-3 should not attach until after a reasonable "appeal" period. Since the limitations period does not commence after a single month of failure to perform but rather after several months of operating below the minimum standard, the Commission believes that a transfer agent will have sufficient advance notice before the application of limitations becomes effective to begin preparing an exemption request for submission to the appropriate regulatory agency.

[10] 17 CFR 240.0-3. Transfer agents that are banks should note that the notices pursuant to § 240.17Ad-2 (c) and (d) must be filed with both their appropriate Federal bank regulator and the Commission.

[11] Thus, a transfer agent who, prior to the application of limitations, is under agreement to act as a dividend disbursing agent for an issue (even though the dividend disbursing activity does not begin until after the limitations are applied) would be permitted by subparagraphs (a) (1) and (2) to act as dividend disbursing agent for that issue. In contrast, if the agreement to perform a new activity for an issue, such as disbursing dividends, were not signed until the fifth business day after the end of the month, i.e., after the limitations become effective, the transfer agent would be prohibited from initiating that, or any other, new function or activity for that issue.

The attachment of limitations would not prevent a transfer agent from acting for new series of bonds (of an open-end indenture) issued after the limitations date, provided the transfer agent acted in the same capacity for the bonds before the limitations date.

Paragraph (b) describes limitations which attach to a transfer agent that is unable for each of two consecutive months to process at least 75% of the accountable items under § 240.17Ad–2 (a) or (b). Paragraph (b) applies to the limitations of paragraph (a), discussed above, and also requires the transfer agent to notify the chief executive officer of each issuer of each issue serviced by the transfer agent (including the chief executive officer of an issuer that acts as its own transfer agent) that performance has fallen below the 75% standard.

Transfer agents are allowed 20 business days before notice must be made to issuers; the additional 15 business days beyond the day limitations are applied may be used by the transfer agent to apply to its appropriate regulatory agency for relief upon grounds that the failure to perform was caused, in significant part, by circumstances beyond the transfer agent's control.[12] Applications for relief should be well-documented and contain a thorough presentation as to why and how circumstances beyond the transfer agent's control caused its performance to fall below the standards each month. Ordinarily, the presentation should show that the transfer agent's performance would have satisfied the minimum standard but for the circumstances beyond its control. When an exemption is sought because of a failure to meet the turnaround standards of § 240.17Ad–2(a), the transfer agent should include with its request for an exemption information as to the age of routine items not turned around timely.

The filing of a request for an exemption, however, does not toll the effective date of the application of limitations, but the appropriate regulatory agency will make every effort to act promptly on the request for exemption. The appropriate offices to contact are as follows: (A) For a transfer agent registered with the Comptroller of the Currency, the Deputy Comptroller for Trust Operations, Office of the Comptroller of the Currency, Washington, D.C. 20219; (B) for a transfer agent registered with the Board of Governors of the Federal Reserve System, the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551; (C) for a transfer agent registered with the Federal Deposit Insurance Corporation, the Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429; and (D) for a transfer agent registered with the Securities and Exchange Commission, the Office of Securities Processing Regulation, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

The application of limitations under paragraphs (a) and (b) may operate cumulatively so that, for example, a transfer agent that performs at the 80% level for two months, and then at the 70% level for the next two months, would become subject to the application of paragraph (a) at the end of the third month and would become subject to the additional requirement of paragraph (b) (notices to issuers) at the end of the fourth month.

SECTION 230.17Ad–4—APPLICABILITY OF SECTIONS 240.17Ad–2, 240.17Ad–3 AND 240.17Ad–6(a) (1) THROUGH (7) AND (11)

In response to comments received on the initial and the revised proposed rules, the Commission has determined that the turnaround rules shall not apply to redeemable securities of investment companies registered under Section 8 of the Investment Company Act of 1940, 15 U.S.C. 80a–8. It appears that the transfer agent activities performed for those securities involve for the most part the redemption of fund shares and that the redemption of shares is significantly different from the transfer of ownership of stocks and bonds on issuer's records.[13] Moreover, that activity is subject to Section 22(e) of the Investment Company Act of 1940, 15 U.S.C. 80a–22(e). Therefore, paragraph (a) provides that §§ 240.–17Ad–2, 240.17Ad–3 and 240.–17Ad–6(a) (1) through (7) and (11) do not apply to the issuance, redemption or transfer of redeemable securities issued by investment companies registered under Section 8 of the Investment Company Act of 1940.[14] The exemption was amended to include also redeemable securities of registered unit investment trusts.

Lastly, the exemptions of paragraph (a) have been expanded to include the transfers and withdrawals of shares from dividend reinvestment plans, which also require procedures significantly different from the procedures required to transfer ownership of stocks and bonds.

Approximately 2,400 transfer agents have registered with either the Commission or one of the bank regulatory authorities. Information on Forms TA–1 received at the time of those registrations indicates that the level of transfer activity varies widely among registered transfer agents. In view of the fact that the number of transfers performed by many transfer agents is relatively small and involves issues which are not traded actively, the Commission has determined that it is not necessary or appropriate at this time to require those transfer agents to comply with the minimum performance standards and certain recordkeeping provisions. Accordingly, paragraph (b) of § 240.17Ad–4 exempts from § 240.17Ad–2 (a), (b), (c), (d) and (h), 240.17Ad–3 and 240.17Ad–6(a) (2) through (7) and (11) any registered transfer agent that receives within any six consecutive months with respect to all issues serviced fewer than 500 items for transfer and fewer than 500 items for processing, provided the transfer agent files with its appropriate regulatory agency within ten business days of the close of the sixth such month the notice described in that paragraph.[15] Additionally, the notice is required to be filed only with the transfer agent's appropriate regulatory agency.[16]

The transfer and processing time standards of § 240.17Ad–2 (a) and (b) always apply together to a transfer agent not qualifying for an exemption under § 240.17Ad–4(b). Conversely, neither paragraph 2(a) nor 2(b) applies to a transfer agent which does qualify for the exemption. Thus, to qualify for the exemption, the number of items received for transfer in a six month period must be fewer than 500, and the number of items received for processing in a six month period must be fewer than 500.

The operation of § 240.17Ad–4(b) may be illustrated as follows. If a transfer agent receives 500 or more items for transfer in a six month period and in the same period receives less than 500 items for processing, the transfer agent is not eligible for the exemption provided by § 240.17Ad–4(b). Similarly, if a transfer agent receives for processing 500 or more items in a six month period and receives for transfer less than 500 items in that period, the transfer agent remains subject to § 240.17Ad–1 through 7.

Paragraph (c) sets forth the condition under which a transfer agent loses its exemption under paragraph (b). The last sentence of paragraph (c) requires that a transfer agent, which previously was exempt and thereafter has a volume of activity that removes the exemption, remain subject to the performance standards for six consecutive months before again qualifying for an exemption. This provision is intended to relieve both

[12] Section 17A(c)(1) of the Act, 15 U.S.C. 78q–1(c)(1), in relevant part, empowers the appropriate regulatory agency to exempt under certain circumstances transfer agents registered with it from any rule or regulation imposed pursuant to Section 17A of the Act.

[13] The amount of certificated fund shares is relatively small, and the amount of transfer agent activity in connection with transferring ownership of certificated shares represents a very small part of a transfer agent's activity with regard to an open-end investment company.

[14] The turnaround rules do apply to registered transfer agents performing transfer agent functions for securities issued by closed-end investment companies.

[15] For example, a transfer agent which received during the previous six months 499 items for transfer and 499 items for processing (in its capacity as an outside registrar) would, upon timely filing of the required notice with its appropriate regulatory agency, be exempt from the enumerated sections.

[16] Section 17(c)(1) of the Act, 15 U.S.C. 78q(c)(1), among other things, requires every transfer agent which files a notice with the Board of Governors of the Federal Reserve System, the Comptroller of the Currency or the Federal Deposit Insurance Corporation to file a copy of such notice with the Securities and Exchange Commission. The Securities and Exchange Commission and the Federal bank regulatory agencies have developed procedures pursuant to which the Federal bank regulatory agencies will transmit a copy of any notice under Section 240.17Ad–4(b) filed with them to the Securities and Exchange Commission. Accordingly, such filings with the appropriate regulatory agency by transfer agents for which the Securities and Exchange Commission is not the appropriate regulatory agency will constitute filings with the Securities and Exchange Commission for purposes of Section 17(c)(1) of the Act.

a transfer agent and the appropriate regulatory authority from the administrative burden that would be imposed when a transfer agent's volume of activity fluctuates around the exemption breakpoint.

One commentor asked whether § 240.–17Ad–4 applies to transfer agents that do not issue and cancel, or act as registrar for, certificates but which only update and maintain the securityholder records (Section 3(a)(25)(C), 15 U.S.C. 78c(a)(25)(C)). Section 240.17Ad–2 is not intended to apply to a transfer agent in those circumstances and, accordingly, the notice requirement of § 240.17Ad–4 is also inapplicable.

Transfer agents which qualify for an exemption under § 240.17Ad–4 are not required thereafter to file additional notices for subsequent six month periods. The exemption remains effective until such transfer agent receives during a six month period 500 or more items for transfer or processing.

It should be noted that transfers of securities exempted under § 240.17Ad–4 (a) from certain provisions of these rules remain subject to §§ 240.17Ad–1; 240.–17Ad–4; 240.17Ad–5; 240.17Ad–6(a) (8), (9) and (10), (b) and (c); and § 240.–17Ad–7. In addition, transfer agents exempt under § 240.17Ad–4(b) from certain provisions of these rules remain subject to the sections listed above, as well as to § 240.17Ad–2 (e), (f) and (g) and § 240.17Ad–6(a)(1).

SECTION 240.17Ad–5 WRITTEN INQUIRIES

This rule sets forth the obligation of transfer agents to respond within prescribed time frames to inquiries which fall within the rules. Paragraphs (a) through (d) of the section are intended to cover four separate circumstances in which various persons make written inquiry about the transfer agent's performance of the transfer function. The information which the inquirer must present is the type of information that in practice is given to a transfer agent and is found sufficient to enable the agent to identify the account involved and the item presented. Nevertheless, a transfer agent that is able to respond within the requisite time frames to an inquiry even though it falls outside of the parameters of § 240.17Ad–5 is encouraged to make every effort to do so, particularly when the inquirer is not a professional in the securities business.

Paragraph (a) is written for "any person" who inquires in writing about the "status of * * * [his] item presented for transfer within the preceding six months." The status of the time on the transfer agent's books does not determine whether the inquiry falls under this paragraph of the rule; the status of the item on the presentor's books is the determinative factor. A transfer agent is required to respond, orally or in writing, within five business days after receiving the inquiry. For example, a written inquiry received on a Monday which is a business day must, assuming the intervening weekdays are business days, be responded to by close of business the following Monday. Paragraph (a) of the rule also indicates that if a new certificate is dispatched or mailed to the presentor within five business days following receipt of the inquiry, a response is not required. However, if the item is made available to the presentor by other means (i.e., it is awaiting pick-up), the transfer agent is required to notify the presentor that the item is available.

Paragraph (b) is written to complement existing § 240.15c3–3(c)(3) (17 CFR 240.15c3–3(c)(3) (regarding a broker-dealer's control of customer securities) and § 240.17a–13(b)(3) (17 CFR Section 240.17a–13(b)(3) (regarding quarterly security counts by broker-dealers). Paragraph (b) applies when a broker-dealer requests in writing that a registered transfer agent either confirm the agent's possession of a security previously presented for transfer by the broker-dealer or revalidate a window ticket for the security. The transfer agent is required to respond in writing within five business days, giving the required information. No written response is required if the transfer agent, within five business days following receipt of the inquiry, dispatches or mails the new certificate to the presentor or notifies the presentor that it is available for pick-up. One commentor requested that the phrase "revalidate a window ticket" be defined. The Commission understands the phrase to have a generally accepted meaning in the industry [17] and accordingly believes that the phrase need not be defined in the rule.

Transfer agents whose response to an inquiry made under paragraphs (a) or (b) is that the security either was never received or was returned previously to the presentor should be aware of the requirements for reporting of lost, missing or stolen securities pursuant to § 240.17f–1 (17 CFR 240.17f–1). Similarly, other persons who are reporting institutions under that section should be aware of their reporting responsibility upon receipt of such information from a transfer agent.

Paragraph (c), although applicable to "any person," is designed primarily for a broker-dealer which is performing or undergoing a securities positions examination. Accordingly, this paragraph refers to a written request that a transfer agent "confirm possession of a certificate as of a given date." Several commenters recommended that the paragraph should require that the date specified for confirmation be within thirty days of the date the inquiry is received, because an open-ended "as of" date could in some cases impose a substantial burden upon a transfer agent. The paragraph has been modified to limit its application to an inquiry that was received not more than thirty days after the date specified for confirmation. In addition, to insure that the person inquiring about the account has proper authority to do so, the paragraph has been modified to provide that it applies only to inquiries from a person or someone acting on behalf of the person whose account is involved. Moreover, the alternative of making available the certificate in question is not provided since, in most cases, the paragraph applies to confirmation activities by auditors of broker-dealers and will usually relate to a certificate already transferred.

Reference to a fee in paragraphs (c) and (d) was made in recognition of the current practice of some transfer agents of charging a fee for supplying the specific historical data described in those paragraphs and to confirm that those paragraphs are not intended to affect that established practice. Neither paragraph affirmatively requires the charging of a fee nor conditions the response to a request made thereunder on the time any such fee is paid, although a transfer agent may require assurance that payment will be received. Several commentors suggested that § 240.17Ad–5 (c) and (d) be modified to allow a transfer agent either to charge fees in advance of responding to written inquiries or to delay responding thereto until payment has been received. As the rule is adopted, a transfer agent may follow a practice of seeking written assurance of payment if he wishes. In this case, the time periods in paragraphs (c) and (d) would run from the date assurance of payment is received.

Several commentors recommended that rather than require the transfer agent to provide historical data arranged to show the status of an account as of a particular date, the transfer agent should be permitted to provide the inquirer with sufficient historical information about the activity in the account to enable the inquirer to reconstruct the certificates outstanding in his account as of the date specified in the request. Since the latter was the intention of paragraph (c), the language of § 240.17Ad–5(d) has been amended accordingly.

No provision was made in the proposed rules for an inquiry or request which does not meet the requirements of § 240.–17Ad–5 (a) through (d). The Commission has, therefore, proposed Section 240.17Ad–5(e) in a release published today.

SECTION 240.17Ad–6 RECORDKEEPING PROVISIONS

The recordkeeping (§ 240.17Ad–6) and record retention (§ 240.17Ad–7) requirements are intended to serve a dual purpose: (1) to assure that all registered transfer agents are maintaining the minimum records necessary to monitor and keep adequate control over their own performance; and (2) to permit the appropriate regulatory authorities to examine registered transfer agents on an historical basis for compliance with applicable rules.

The recordkeeping rules are flexible with respect to the form in which most

[17] A transfer agent is requested to "revalidate a window ticket" when the presentor desires acknowledgement in some appropriate fashion (e.g., by time-stamping again a copy of the window ticket) that the item is in the transfer agent's possession pursuant to the presentor's transfer instructions.

records must be kept. Paragraph (a)(1) requires that "a receipt, ticket, schedule, log or other record" be kept showing the business day (that is, the year, month and day as determined under § 240.17Ad–1(h)) on which each routine and non-routine item is received from a presentor or outside registrar and is made available to such persons. For example, many transfer agents preserve the tickets accompanying items, and such tickets, if stamped with the required information, would comply with this rule. A transfer agent that uses a batch method for handling transfer items would use an "other record" referred to in the paragraph by recording the required information for each batch of items.

Paragraph (a)(2)(i)(B) as proposed has been restated as paragraphs (a)(2)(ii) and (iii) to clarify the requirement that the records showing turnaround of routine items for each month distinguish clearly between routine items turned around within three business days of receipt and routine items turned around after three business days of receipt.

Some commentors suggested deleting the portions of paragraphs (a)(2)(vi) and (vii) (proposed paragraphs (a)(2)(ii) and (iii)) which require a transfer agent to maintain, as of the last business day of each month, a record of aged routine and non-routine items. As previously stated, the Commission believes that such logs are desirable controls for every registered transfer agent which turns around, transfers or processes securities and, hence, has determined to retain the provisions, with two changes. Paragraph (a)(2)(vi) has been modified to require that the log of routine items set forth the number of routine items in the transfer agent's possession which, as of the close of business on the last business day of each month, have been in its possession for more than four business days (not three as previously proposed). Since 90 percent of routine items must be turned around in three business days, and since the balance should be turned around by the fourth business day, a transfer agent normally should not have on the last business day of a month five-day old routine items to enter on the log. If the agent does, however, the necessity to make entries on this log will alert the transfer agent to its inadequate performance, as well as assist the regulatory agencies to gauge better the degree of the difficulties being experienced by transfer agents who apply for an exemption from the limitations provisions of § 240.17Ad–3. It should be noted that the log of aged routine items is required without regard to whether a transfer agent turned around more or less than 90 percent of routine items received during the month.

Paragraph (a)(2)(vii) has been modified from the form in which it was proposed previously to eliminate the requirement that the record of non-routine items in a transfer agent's possession as of the last business day of each month contain the age of each non-routine item; as modified, the paragraph requires only that the number (and not the age) of such items be recorded.[35]

Paragraph (a)(3) (previously proposed § 240.17Ad–6(a)(7)) does not require an outside registrar to track each item individually, but rather requires an outside registrar to keep a record showing for each month the total number of items which were received for processing, the number which were processed within the time frame specified in § 240.17Ad–2(b) and the number which required more than the specified time for processing.

Paragraph (a)(3)(ii)(B) has been modified to clarify the requirement that the number of items processed within the time frames of § 240.17Ad–2(b) must be stated separately from the number of items that required more than the time frames for processing specified by that section.

Paragraph (a)(4) requires a record of the calculations made in connection with performance monitoring to determine compliance with § 240.17Ad–2. This provision does not require any specific form of calculation; nevertheless, transfer agents seeking to comply with the 90 percent performance standards of § 240.17Ad–2 necessarily will perform monthly calculations to determine compliance. For example, at the close of the third business day following the end of a month, a transfer agent would know the total number of routine items received during the preceding month (§ 240.17Ad–6(a)(2)(i)) and the total number of those items turned around within three business days (§ 240.17Ad–6(a)(2)(ii)). Dividing the former into the latter will provide the percentage of routine items turned around within the time limits prescribed by § 240.17Ad–2.

[35] Both of the logs required by paragraphs (a)(2)(ii) and (iii) are cumulative; that is, any item reflected on the previous month's log which is still in the registered transfer agent's possession as of the last business day of the next month must be shown on the current month's log. It is expected, however, that no transfer agent will have any routine item in its possession for such a length of time.

In response to comments received, paragraph (a)(7) (previously proposed § 240.17Ad–6(a)(6)) has been revised to require recordation of exceptions only. Paragraph (a)(7) requires only a log identifying the number of inquiries subject to § 240.17Ad–5 received but not responded to within the time frames and the number of those inquiries still pending as of the last business day of the month covered by the report.

Paragraph (a)(11) (previously proposed § 240.17Ad–6(b)(3)) has been revised, in response to comments, to clarify the requirement that a registered transfer agent keep the document upon which it bases its determination that a particular item was received in connection with a special event and is therefore not routine under § 240.17Ad–1(l)(5) or (7). Of course, since only transfer agents which cancel and issue certificates would have an occasion to make such a determination, the section effectively applies only to those transfer agents.

The scope of paragraph (b), previously designated § 240.17Ad–6(b)(1), has been clarified. As adopted, transfer agents need not keep any documents concerning the matters covered by that paragraph. Instead, paragraph (b) requires a record setting forth, with respect to each issue, the total authorized and the total issued and outstanding.

In response to comments received, paragraph (c) (previously proposed § 240.17Ad–6(b)(2)) has been revised to apply only to registered evidences of ownership which have been cancelled.

SECTION 240.17Ad–7 RECORD RETENTION REQUIREMENTS

The record retention periods specified in § 240.17Ad–7 are not intended to replace longer retention periods that might be required by state law or other Federal laws. The retention periods are those considered necessary for the appropriate regulatory agency to monitor compliance with the turnaround rules.

The record retention provisions apply both to records described in § 240.17Ad–6 that are being kept at the time the retention provisions become effective and to records that are maintained thereafter in compliance with § 240.17Ad–6.

The following is a chart relating to the records required in § 240.17Ad–6 to the retention periods of § 240.17Ad–7:

Sec:	Maximum retention period	Period to be easily accessible	Relevant paragraph of sec. 240.17Ad–7
240.17Ad–6(a)(1)	2 yr.	6 mo.	(a)
240.17Ad–6(a)(2)	2 yr.	1 yr.	(b)
240.17Ad–6(a)(3)(i)	2 yr.	6 mo.	(a)
240.17Ad–6(a)(3)(ii)	2 yr.	1 yr.	(b)
240.17Ad–6(a)(4)	2 yr.	1 yr.	(b)
240.17Ad–6(a)(5)	2 yr.	1 yr.	(b)
240.17Ad–6(a)(6)	2 yr.	6 mo.	(a)
240.17Ad–6(a)(7)	2 yr.	1 yr.	(b)
240.17Ad–6(a)(8)	(*)	Termination	(c)
240.17Ad–6(a)(9)	(*)	do.	(c)
240.17Ad–6(a)(10)	(*)	do.	(c)
240.17Ad–6(a)(11)	2 yr.	6 mo.	(a)
240.17Ad–6(b)	(*)	Termination	(c)
240.17Ad–6(c)	6 yr.	6 mo.	(d)

[1] Termination plus 1 yr.

Paragraph (f) is intended to assure that records in the possession of service agents who act under contract with transfer agents are available for examination by regulatory authorities."

The question was asked whether the phrase "easily accessible place" would permit records to be kept in "low-storage-cost" record centers from which the records could be retrieved within twenty-four hours. The purpose of requiring that records be kept in an "easily accessible place" is to insure that regulatory authorities may examine them as necessary or appropriate in discharging regulatory responsibilities. Inasmuch as the length of time for which records must be kept in an "easily accessible place" has, in most cases, been shortened, it is expected that records subject to that requirement will be made available either immediately or on the same day as the request to examine them is made.

In response to comments, the Commission has added § 240.17Ad–7(h) to relieve a registered transfer agent, which ceases to perform transfer agent functions for an issue, of the responsibility of retaining records required to be made and kept under § 240.17Ad–6(a)(1), (6), (9), (10), and (11), (b) and (c) once the records are delivered to the successor transfer agent.

III. STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Sections 240.17Ad–1 through 17Ad–7 are adopted pursuant to the Securities Exchange Act of 1934, in particular Sections 2, 17, 17A, and 23(a) thereof, 15 U.S.C. 78b, 78q, 78q–1, and 78w(a). Certain editorial changes have been made to the rules as proposed. Other amendments that appear in the adopted rules were made to clarify the Commission's intent in light of comments received, and such amendments either grant exemptions in addition to those proposed or relieve restrictions that were contained in the proposed rules. Accordingly, the Commission has determined that further notice and public procedures on these rules are unnecessary.

The Commission finds that any burden upon competition imposed by these rules is necessary and appropriate in the public interest, for the protection of investors and to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities.

IV. EFFECTIVE DATES

Section 240.17Ad–1 (definitions), § 240.17Ad–2(c) (notice of failure to comply with the turnaround requirement of § 240.17Ad–2(a)), (d) (notice of failure to comply with the processing requirement of § 240.17Ad–2(b)), (f) (procedures assuring that items received at locations other than the premises at which the transfer agent performs transfer agent functions will be forwarded to such premises promptly), (g) (procedures assuring that processed items received by a transfer agent are made available promptly to the presentor), (h) (where to file notices) and § 240.17Ad–4 (exemptions) are effective as of October 3, 1977. The remaining provisions, including the time requirements for turnaround or processing of items and automatic imposition of limitations, are effective January 2, 1978.

Under this arrangement of phased implementation dates, transfer agents will have three months to implement a monitoring system and to develop operating procedures and three additional months to complete whatever changes are necessary to comply with the adopted rules. During the second three month period, between October 3, 1977, and January 2, 1978, transfer agents will be required to report if they are not meeting the turnaround and processing requirements of § 240.17Ad–2 (a) and (b), even though these two paragraphs do not themselves become effective until January 2, 1978. This will enable the appropriate regulatory agencies to monitor the transfer agent industry's progress in making any adjustments necessary to comply with the rules.

VI. TEXT OF §§ 240.17Ad–1 THROUGH 17Ad–7

§ 240.17Ad–1 Definitions.

As used in this section and §§ 240.17Ad–2, 240.17Ad–3, 240.17Ad–4, 240.17Ad–5, 240.17Ad–6, and 240.17Ad–7:

(a) The term "item" means a certificate or certificates of the same issue of securities covered by one ticket (or, if there is no ticket, presented by one presentor) presented for transfer, or an instruction to a transfer agent which holds securities registered in the name of the presentor to transfer or to make available all or a portion of those securities. In the case of an outside registrar each certificate to be countersigned is an item.

(b) The term "outside registrar" with respect to a transfer item means a transfer agent which performs only the registrar function for the certificate or certificates presented for transfer and includes the persons performing similar functions with respect to debt issues.

(c) An item is "made available" when

(1) In the case of an item for which the services of an outside registrar are not required, or which has been received from an outside registrar after processing, the transfer agent dispatches or mails the item to, or the item is awaiting pick-up by, the presentor or a person designated by the presentor, or

(2) In the case of an item for which the services of an outside registrar are required, the transfer agent dispatches or mails the item to, or the item is awaiting pick-up by, the outside registrar, or

(3) In the case of an item for which an outside registrar has completed processing, the outside registrar dispatches or mails the item to, or the item is awaiting pick-up by, the presenting transfer agent.

(d) The "transfer" of an item is accomplished when, in accordance with the presentor's instructions, all acts necessary to cancel the certificate or certificates presented for transfer and to issue a new certificate or certificates, including the performance of the registrar function, are completed and the item is made available to the presentor by the transfer agent, or when, in accordance with the presentor's instructions, a transfer agent which holds securities registered in the name of the presentor completes all acts necessary to issue a new certificate or certificates representing all or a portion of those securities and makes available the new certificate or certificates to the presentor or a person designated by the presentor or, with respect to those transfers of record ownership to be accomplished without the physical issuance of certificates, completes registration of change in ownership of all or a portion of those securities.

(e) The "turnaround" of an item is completed when transfer is accomplished or, when an outside registrar is involved, the transfer agent in accordance with the presentor's instructions completes all acts necessary to cancel the certificate or certificates presented for transfer and to issue a new certificate or certificates, and the item is made available to an outside registrar.

(f) The term "process" means the accomplishing by an outside registrar of all acts necessary to perform the registrar function and to make available to the presenting transfer agent the completed certificate or certificates or to advise the presenting transfer agent, orally or in writing, why performance of the registrar function is delayed or may not be completed.

(g) The "receipt" of an item or a written inquiry or request occurs when the item or written inquiry or request arrives at the premises at which the transfer agent performs transfer agent functions, as defined in Section 3(a)(25) of the Act.

(h) A "business day" is any day during which the transfer agent is normally open for business and excludes Saturdays, Sundays, and legal holidays, or other holidays normally observed by the transfer agent.

(i) An item is "routine" if it does not (1) require requisitioning certificates of an issue for which the transfer agent, under the terms of its agency, does not maintain a supply of certificates; (2) include a certificate as to which the transfer agent has received notice of a stop order, adverse claim, or any other restriction on transfer; (3) require any additional certificates, documentation, instructions, assignments, guarantees, endorsements, explanations, or opinions of counsel before transfer may be effected; (4) require review of supporting documentation other than assignments, endorsements or stock powers, certified corporate resolutions, signature, or other common and ordinary guarantees, or appropriate tax, or tax waivers; (5) involve a transfer in connection with a reorganization, tender offer, exchange, redemption, or liquidation; (6) include a warrant, right, or convertible security pre-

[36] Paragraph (f) permits registered transfer agents who currently return all cancelled certificates and other records to the issuer to continue to do so provided the issuer agrees to make the certificates and records available for examination by, and to furnish copies upon request to, the transfer agent regulatory agencies.

sented for transfer of record ownership within five business days before any day upon which exercise or conversion privileges lapse or change; (7) include a warrant, right, or convertible security presented for exercise or conversion; or (8) include a security of an issue which within the previous 15 business days was offered to the public, pursuant to a registration statement effective under the Securities Act of 1933, in an offering not of a continuing nature.

§ 240.17Ad–2 Turnaround, processing, and forwarding of items.

(a) Every registered transfer agent (except when acting as an outside registrar) shall turnaround within three business days of receipt of at least 90 percent of all routine items received for transfer during a month. For the purposes of this paragraph, items received at or before noon on a business day shall be deemed to have been received at noon on that day, and items received after noon on a business day or received on a day not a business day shall be deemed to have been received at noon on the next business day.

(b) Every registered transfer agent acting as an outside registrar shall process at least 90 percent of all items received during a month (1) by the opening of business on the next business day, in the case of items received at or before noon on a business day, and (2) by noon of the next business day, in the case of items received after noon on a business day. For the purposes of paragraphs (b) and (d) of this section, "items received" shall not include any item enumerated in § 240.17Ad–1(i) (5), (6), (7), or (8) or any item which is not accompanied by a debit or cancelled certificate. For the purposes of this paragraph, items received on a day not a business day shall be deemed to have been received before noon on the next business day.

(c) Any registered transfer agent which fails to comply with paragraph (a) of this section with respect to any month shall, within ten business days following the end of such month, file with the Commission and the transfer agent's appropriate regulatory agency, if it is not the Commission, a written notice in accordance with paragraph (h) of this section. Such notice shall state the number of routine items and the number of non-routine items received for transfer during the month, the number of routine items which the registered transfer agent failed to turnaround in accordance with the requirements of paragraph (a) of this section, the percentage that such routine items represent of all routine items received during the month, the reasons for such failure, the steps which have been taken, are being taken or will be taken to prevent a future failure and the number of routine items, aged in increments of one business day, which as of the close of business on the last business day of the month have been in its possession for more than four business days and have not been turned around.

(d) Any registered transfer agent which fails to comply with paragraph (b) of this section with respect to any month shall, within ten business days following the end of such month, file with the Commission and the transfer agent's appropriate regulatory agency, if it is not the Commission, a written notice in accordance with paragraph (h) of this section. Such notice shall state the number of items received for processing during the month, the number of items which the registered transfer agent failed to process in accordance with the requirements of paragraph (b) of this section, the percentage that such items represent of all items received during the month, the reasons for such failure and the steps which have been taken, are being taken or will be taken to prevent a future failure, and the number of items which as of the close of business on the last business day of the month have been in the transfer agent's possession for more than the time allowed for processing and have not been processed.

(e) All routine items not turned around within three business days of receipt and all items not processed within the periods prescribed by paragraph (b) of this section shall be turned around or processed promptly, and all non-routine items shall receive diligent and continuous attention and shall be turned around as soon as possible.

(f) A registered transfer agent which receives items at locations other than the premises at which it performs transfer agent functions shall have appropriate procedures to assure, and shall assure, that items are forwarded to such premises promptly.

(g) A registered transfer agent which receives processed items from an outside registrar shall have appropriate procedures to assure, and shall assure, that such items are made available promptly to the presentor.

(h) Any notice required by this section or § 240.17Ad–4 shall be filed as follows:

(1) Any notice required to be filed with the Commission shall be filed in triplicate with the principal office of the Commission in Washington, D.C. 20549 and, in the case of a registered transfer agent for which the Commission is the appropriate regulatory agency, an additional copy shall be filed with the Regional Office of the Commission for the region in which the registered transfer agent has its principal office for transfer agent activities.

(2) Any notice required to be filed with the Comptroller of the Currency shall be filed with the Office of the Comptroller of the Currency, Administrator of National Banks, Washington, D.C. 20219.

(3) Any notice required to be filed with the Board of Governors of the Federal Reserve System shall be filed with the Board of Governors of the Federal Reserve System, Washington, D.C. 20251 and with the Federal Reserve Bank of the district in which the registered transfer agent's principal banking operations are conducted.

(4) Any notice required to be filed with the Federal Deposit Insurance Corporation shall be filed with the Federal Deposit Insurance Corporation Washington, D.C. 20429.

§ 240.17Ad–3 Limitations on expansion.

(a) Any registered transfer agent which is required to file any notice pursuant to § 240.17Ad–2 (c) or (d) for each of three consecutive months shall not, from the fifth business day after the end of the third such month until the end of the next following period of three successive months during which no such notices have been required:

(1) Initiate the performance of any transfer agent function or activity for an issue for which the transfer agent does not perform, or is not under agreement to perform, transfer agent functions prior to such fifth business day; and

(2) With respect to an issue for which transfer agent functions are being performed on such fifth business day, initiate for that issue the performance of an additional transfer agent function or activity which the transfer agent does not perform, or is not under agreement to perform, prior to such fifth business day.

(b) Any registered transfer agent which for each of two consecutive months fails to turn around at least 75% of all routine items in accordance with the requirements of § 240.17Ad–2(a) or to process at least 75% of all items in accordance with the requirements of § 240.17Ad–2(b) shall be subject to the limitations imposed by paragraph (a) of this section and further shall, within twenty business days after the close of the second such month, send to the chief executive officer of each issuer for which such registered transfer agent acts a copy of the written notice filed pursuant to § 240.17Ad–2 (c) or (d) with respect to the second such month.

§ 240.17Ad–4 Applicability of §§ 240.17Ad–2, 240.17Ad–3 and 240.17Ad–6(a) (1) through (7) and (11).

(a) Sections 240.17Ad–2, 240.17Ad–3 and 240.17Ad–6(a) (1) through (7) and (11) shall not apply to interests in limited partnerships, to redeemable securities of investment companies registered under Section 8 of the Investment Company Act of 1940, or to interests in dividend reinvestment programs.

(b) Except as provided in paragraph (c) of this section, §§ 240.17Ad–2 (a), (b), (c), (d) and (h), 240.17Ad–3 and 240.17Ad–6(a) (2) through (7) and (11) shall not apply to any registered transfer agent which during any six consecutive months shall have received fewer than 500 items for transfer and fewer than 500 items for processing and which, within ten business days following the close of the sixth such consecutive month, shall have filed with its appropriate regulatory agency a notice certifying to that effect (hereinafter an "exempt transfer agent").

(c) Within five business days following the close of each month, every exempt transfer agent shall calculate the number of items which it received during the preceding six months. Whenever any exempt transfer agent receives 500 or more items for transfer or 500 or more items for processing during any six consecutive months, it shall, within ten business days after the end of such month, file with its appropriate regulatory agency notice to that effect. Thereafter, beginning with the first month following the month in which such notice is required to be filed, the registered transfer agent shall no longer be exempt under paragraph (b) of this section from the requirements of §§ 240.17Ad–2 (a), (b), (c), (d) and (h), 240.17Ad–3 and 240.17Ad–6(a) (2) through (7) and (11). Any registered transfer agent which has ceased to be an exempt transfer agent shall not qualify again for exemption until it has conducted its transfer agent operations pursuant to the foregoing sections for six consecutive months following the month in which it filed the notice required by this paragraph.

§ 240.17Ad–5 Written inquiries and requests.

(a) When any person makes a written inquiry to a registered transfer agent concerning the status of an item presented for transfer during the preceding six months by such person or anyone acting on his behalf, which inquiry identifies the issue, the number of shares (or principal amount of debt securities or number of units if relating to any other kind of security) presented, the approximate date of presentment and the name in which it is registered, the registered transfer agent shall, within five business days following receipt of the inquiry, respond, stating whether the item has been received; if received, whether it has been transferred; if received and not transferred, the reason for the delay and what additional matter, if any, is necessary before transfer may be effected; and, if received and transferred, the date and manner in which the completed item was made available, the addressee and address to which it was made available and the number of any new certificate which was registered and the name in which it was registered. If a new certificate is dispatched or mailed to the presentor within five business days following receipt of an inquiry pertaining to that certificate, no further response to the inquiry shall be required pursuant to this paragraph.

(b) When any broker-dealer requests in writing that a registered transfer agent acknowledge the transfer instructions and the possession of a security presented for transfer by such broker-dealer or revalidate a window ticket with respect to such security and the request identifies the issue, the number of shares (or principal amount of debt securities or number of units if relating to any other kind of security), the approximate date of presentment, the certificate number and the name in which it is registered, every registered transfer agent shall, within five business days following receipt of the request, in writing, confirm or deny possession of the security, and, if the registered transfer agent has possession, (1) acknowledge the transfer instructions or (2) revalidate the window ticket. If a new certificate is dispatched or mailed to the presentor within five business days following receipt of a request pertaining to that certificate, no further response to the inquiry shall be required pursuant to this paragraph.

(c) When any person, or anyone acting under his authority, requests in writing that a transfer agent confirm possession as of a given date of a certificate presented by such person during the 30 days before the date the inquiry is received and the request identifies the issue, the number of shares (or principal amount of debt securities or number of units if relating to any other kind of security), the approximate date of presentment, the certificate number and the name in which the certificate was registered, every registered transfer agent shall, within ten business days following receipt of the request and upon assurance of payment of a reasonable fee if required by such transfer agent, make available a written response to such person, or anyone acting under his authority, confirming or denying possession of such security as of such given date.

(d) When any person requests in writing a transcript of such person's account with respect to a particular issue, either as the account appears currently or as it appeared on a specific date not more than six months prior to the date the registered transfer agent receives the request, every registered transfer agent shall, within twenty business days following receipt of the request and upon assurance of payment of a reasonable fee if required by such transfer agent, make available to such person a transcript, ledger or statement of account in sufficient detail to permit reconstruction of such account as of the date for which the transcript was requested.

§ 240.17Ad–6 Recordkeeping.

(a) Every registered transfer agent shall make and keep current the following:

(1) A receipt, ticket, schedule, log or other record showing the business day each routine item and each non-routine item is (i) received from the presentor and, if applicable, from the outside registrar and (ii) made available to the presentor and, if applicable, to the outside registrar;

(2) A log, tally, journal, schedule or other record showing for each month:

(i) The number of routine items received;

(ii) The number of routine items received during the month that were turned around within three business days of receipt;

(iii) The number of routine items received during the month that were not turned around within three business days of receipt;

(iv) The number of non-routine items received during the month;

(v) The number of non-routine items received during the months that were turned around;

(vi) The number of routine items that, as of the close of business on the last business day of each month, have been in such registered transfer agent's possession for more than four business days, aged in increments of one business day (beginning on the fifth business day); and

(vii) The number of non-routine items in such registered transfer agent's possession as of the close of business on the last business day of each month;

(3) With respect to items for which the registered transfer agent acts as an outside registrar:

(i) A receipt, ticket, schedule, log or other record showing the date and time:

(A) Each item is (1) received from the presenting transfer agent and (2) made available to the presenting transfer agent;

(B) Each written or oral notice of refusal to perform the registrar function is made available to the presenting transfer agent (and the substance of the notice); and

(ii) A log, tally, journal, schedule or other record showing for each month:

(A) The number of items received;

(B) The number of items processed within the time required by § 240.17Ad–2(b); and

(C) The number of items not processed within the time required by § 240.17Ad–2(b);

(4) A record of calculations demonstrating the registered transfer agent's monitoring of its performance under § 240.17Ad–2 (a) and (b);

(5) A copy of any written notice filed pursuant to § 240.17Ad–2;

(6) Any written inquiry or request, including those not subject to the requirements of § 240.17Ad–5, concerning an item, showing the date received; a copy of any written response to an inquiry or request, showing the date dispatched or mailed to the presentor; if no response to an inquiry or request was made, the date the certificate involved was made available to the presentor; or, in the case of an inquiry or request under § 240.17Ad–5(a) responded to by telephone, a telephone log or memorandum showing the date and substance of any telephone response to the inquiry;

(7) A log, journal, schedule or other record showing the number of inquiries subject to § 240.17Ad–5 (a), (b), (c) and (d) received during each month but not responded to within the required time frames and the number of such inquiries pending as of the close of business on the last business day of each month;

(8) Any document, resolution, contract, appointment or other writing, and any supporting document, concerning the appointment and the termination of such appointment of such registered transfer agent to act in any capacity for any issue on behalf of the issuer, on behalf of itself as the issuer or on behalf of any person who was engaged by the issuer to act on behalf of the issuer;

(9) Any record of an active (i.e., unreleased) stop order, notice of adverse claim or any other restriction on transfer;

(10) A copy of any transfer journal and registrar journal prepared by such registered transfer agent; and

(11) Any document upon which the transfer agent bases its determination that an item received for transfer was received in connection with a reorganization, tender offer, exchange, redemption, liquidation, conversion or the sale of securities registered pursuant to the Securities Act of 1933 and, accordingly, was not routine under § 240.17Ad–1(i)(5) or (8).

(b) Every registered transfer agent which, under the terms of its agency, maintains securityholder records for an issue or which acts as a registrar for an issue shall, with respect to such issue, obtain from the issuer or its transfer agent and retain documentation setting forth the total number of shares or principal amount of debt securities or total number of units if relating to any other kind of security authorized and the total issued and outstanding pursuant to issuer authorization.

(c) Every registered transfer agent which, under the terms of its agency, maintains securityholder records for an issue shall, with respect to such issue, retain each cancelled registered bond, debenture, share, warrant or right, other registered evidence of indebtedness, or other certificate of ownership and all accompanying documentation, except legal papers returned to the presentor.

§ 240.17Ad–7 Record retention.

(a) The records required by § 240.17Ad–6(a), (1), (3)(i), (6) or (11) shall be maintained for a period of not less than two years, the first six months in an easily accessible place.

(b) The records required by § 240.17Ad–6(a) (2), (3)(ii), (4), (5) or (7) shall be maintained for a period of not less than two years, the first year in an easily accessible place.

(c) The records required by § 240.17Ad–6(a) (8), (9) and (10) and (b) shall be maintained in an easily accessible place during the continuance of the transfer agency and shall be maintained for one year after termination of the transfer agency.

(d) The records required by §240.17Ad–6(c) shall be maintained for a period of not less than six years, the first six months in an easily accessible place.

(e) Every registered transfer agent shall maintain in an easily accessible place:

(1) All records required under § 240.17f–2(d) until at least three years after the termination of employment of those persons required by § 240.17f–2 to be fingerprinted; and

(2) All records required pursuant to § 240.17f–2(e) for three years.

(f) The records required to be maintained pursuant to § 240.17Ad–6 may be produced or reproduced on microfilm and be preserved in that form for the time required by § 240.17Ad–7. If such microfilm substitution for hard copy is made by a registered transfer agent, it shall:

(1) At all times have available for examination by the Commission and the appropriate regulatory agency for such transfer agent, facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements;

(2) Arrange the records and index and file the films in such a manner as to permit the immediate location of any particular record;

(3) Be ready at all times to provide, and immediately provide, any facsimile enlargement which the Commission and the appropriate regulatory agency by their examiners or other respresentatives may request; and

(4) For the period for which the microfilmed records are required to be maintained, store separately from the original microfilm records a copy of the microfilm records.

(g) If the records required to be maintained and preserved by a registered transfer agent pursuant to the requirements of §§ 240.17Ad–6 and 240.17Ad–7 are maintained and preserved on behalf of the registered transfer agent by an outside service bureau, other recordkeeping service or the issuer, the registered transfer agent shall obtain, from such outside service bureau, other recordkeeping service or the issuer, an agreement, in writing, to the effect that:

(1) Such records are subject at any time, or from time to time, to reasonable periodic, special, or other examinations by representatives of the Commission and the appropriate regulatory agency for such registered transfer agent, if it is not the Commission; and

(2) The outside service bureau, recordkeeping service, or issuer will furnish to the Commission and the appropriate regulatory agency, upon demand, at either the principal office or at any regional office, complete, correct and current hard copies of any and all such records.

(h) When a registered transfer agent ceases to perform transfer agent functions for an issue, the responsibility of such transfer agent under § 240.17Ad–7 to retain the records required to be made and kept current under § 240.17Ad–6(a)(1), (6), (9), (10) and (11), (b) and (c) shall end upon the delivery of such records to the successor transfer agent.

Accordingly, the Commission hereby adopts §§ 240.17Ad–1, 240.17Ad–2, 240.17Ad–3, 140.17Ad–4, 240.17Ad–5, 240.17Ad–6 and 240.17Ad–7.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 16, 1977.

[FR Doc.77–17766 Filed 6–23–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–13637; File No. 57–707]

REGULATION OF TRANSFER AGENTS

Notice of Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend its rule on written inquiries and requests to require that transfer agents acknowledge promptly and respond as soon as possible to certain communications which do not meet the requirements of the rule.

DATES: Comments must be received on or before August 15, 1977.

ADDRESS: Written comments, in triplicate, should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and refer to file No. S7–707.

FOR FURTHER INFORMATION CONTACT:

Harry F. Day, Assistant Director, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549 (202–472–4515 or 202–755–8834).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Securities and Exchange Commission (the "Commission") has under consideration a proposal to amend Title 17, Chapter II, Part 240 of the Code of Federal Regulations to add § 240.17Ad–5(e) under the Securities Exchange Act of 1934 (the "Act"), in particular Sections 2, 17, 17A and 23(a) of that Act, 15 U.S.C. 78b, 78q, 78q–1 and 78w(a). In accordance with Section 17A(d)(3)(A)(i) of the Act, 15 U.S.C. 78q–1(d)(3)(A)(i), the Commission consulted and requested the views of the Federal bank regulatory agencies at least fifteen days prior to this announcement.

PROPOSED § 240.17Ad–5(e)

Simultaneously with the publication of this release, the Commission has published notice of the adoption of rules prescribing performance standards for registered transfer agents. Section 240.17Ad–5 of those rules is designed to assure prompt response to inquiries concerning the status of items presented for transfer and to certain other inquiries, in order to better meet the needs of investors who deal with transfer agents, to promote more prompt identification of lost securities and to assist broker-dealers undergoing examination and seeking to comply with requirements relating to control of customer securities.

The applicability of § 240.17Ad–5 to certain inquiries and requests depends upon the transfer agent's receipt of information described in that section. It is possible, however, that through inadvertence the person making the inquiry or request will omit some of the information described in the rule. In such circumstance, it nevertheless is desirable that an appropriate response be made promptly by the transfer agent. Proposed paragraph (e) would apply when an inquiry fails to provide all of the information specified in the rule, or request information in excess of the time periods specified therein. In those circumstances, proposed paragraph (e) requires the transfer agent to confirm promptly his receipt of the inquiry and to respond as soon as possible. If insufficient information was provided in the inquiry to enable the transfer agent to research the question, the transfer agent should request the necessary additional information in its confirmation.

The Text of Proposed Rule 17Ad–5(e) follows:

§ 240.17Ad–5 Written inquiries and requests.

* * * * *

(e) When any person makes a written inquiry or request which would qualify under paragraphs (a), (b), (c), or (d) of this section except that it fails to provide all of the information specified in those paragraphs, or requests information in excess of the time periods specified therein, a registered transfer agent shall confirm promptly receipt of the inquiry or request and shall respond to it as soon as possible.

* * * * *

All interested persons are invited to submit their views upon proposed § 240.17Ad–5(e) in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than August 15, 1977. Reference should be made to file No. S7–707. All comments received will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 16, 1977.

[FR Doc.77–17767 Filed 6–23–77;8:45 am]

JUN 24 77 UM

federal register

FRIDAY, JUNE 24, 1977
PART V



SECURITIES AND EXCHANGE COMMISSION

DISSEMINATION OF QUOTATIONS FOR REPORTED SECURITIES

V 42 N 122
JUN 24 77
UM

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-13626; File No. S7-648]

DISSEMINATION OF QUOTATIONS FOR REPORTED SECURITIES

Notice of Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission has published for comment a revised version of a proposed rule governing the dissemination of quotations for reported securities. The proposal, if adopted, would require all national securities exchanges and associations to establish procedures for collecting from their members bids, offers, and quotation sizes with respect to reported securities and making such bids, offers, and sizes available to quotation vendors. It would also require that bids and offers made available to vendors be "firm" subject to certain exceptions.

The proposal is intended to improve the quality of quotation information disseminated by the various market centers, and thereby facilitate the development of a viable composite quotation system. The Commission believes that the lack of reliable quotation information from the various markets is hampering private and self-regulatory efforts to establish such a system, and, in turn, is impeding development of a national market system.

DATE: Comments should be submitted on or before August 1, 1977.

ADDRESSES: Persons wishing to submit written views, data, and arguments should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-648 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mark D. Fitterman, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1388.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission announced today that it has published for comment a revised version of proposed Rule 11Ac1-1 (17 CFR 240.-11Ac1-1) under the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq., as amended by Pub. L..No. 94-29 (June 4, 1975)), governing dissemination of quotation information with respect to equity securities as to which last sale information is reported in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Act (17 CFR 240.17a-15) ("reported securities"). The proposal is intended to improve the quality of quotation information disseminated by the various market centers, and thereby facilitate the development of a viable composite quotation system—an important element of a national market system.

I. Background

Proposed Rule 11Ac1-1 was originally published for comment on July 29, 1976.[1] The Rule, as originally published for comment (the "July Proposal"), would have required every national securities exchange ("exchange") and national securities association ("association" to establish and maintain procedures and mechanisms for collecting quotatitons in eligible securities[2] (and, if provided, quotation sizes) from its specialists[3] and third market makers[4] and making such quotations and sizes (if provided) available to quotation vendors.[5] Specialists and third market makers would have been obliged to communicate their quotations promptly to their respective exchange or association in accordance with such exchange's or association's pocedures to permit timely dissemination of that data to quotation vendors.[6]

The July Proposal also would have required that, subject to certain exceptions, quotations covered by Rule 11Ac1-1 be "firm." In particular, the Rule would have provided that any specialist or third market maker who is presented with an order for the purchase or sale of any eligible security (other than for the purchase or sale of an odd-lot) must stand ready to execute a transaction in that security in any amount up to such specialist's or third market maker's published quotation size (or, in the event he has disseminated no quotation size, a normal unit of trading) at a price at least as favorable to the buyer or seller as the bid or asked price comprising part of that specialist's or third market maker's published quotation (i.e., the most recent quotation of such specialist or third market maker made available to quotation vendors pursuant to the Rule which is displayed by quotation vendors on a terminal or other display device at the time the order is presented).[7]

Two exceptions to the general rule on "firmness" were provided in the July Proposal. First, a specialist or third market maker would have been relieved of his obligation to effect transactions in eligible securities at his published quotation if, after the dissemination of a published quotation and before the presentation of an order, that specialist or third market maker communicated a quotation to the relevant exchange or association superseding his published quotation.[8] In addition, specialist and third market maker quotations would not have been required to be "firm" with respect to a particular eligible security for a period of three minutes following the execution of a transaction in that security on the floor of the particular specialist's exchange or by the particular third market maker (as the case may be), or following the report of a transaction in that security in the consolidated system.[9] In the event a specialist or third market who had been relieved of his obligation to effect transactions in eligible securities as the result of an intervening transaction or last sale report did not communicate to his exchange or association a quotation superseding his published quotation within this three-minute "grace period," the Rule would have provided that such specialist or third market maker would again be required to be firm with respect to his published quotation.[10]

In response to the publication of proposed Rule 11Ac1-1, the Commission received comments from the three principal vendors of market information, seven national securities exchanges or associations, the Securities Industry Association, and the Council on Wage and Price Stability. Virtually all commentators were in favor of the general thrust of the proposal—improvement in the quality of quotation information disseminated from the various market centers. Commentators, however, expressed concern about various aspects of the proposal, and pointed out various technical and practical problems with the Rule as proposed. After considering the comments received, the Commission has determined to modify the proposal in certain respects—particularly in the collection procedures and firmness requirements for quotations originating on exchanges and in the assignment of responsibility for published quotations—and to republish the proposed Rule for public comment.

II. The Revised Proposal

Under the revised proposal, the basic regulatory approach of the July Proposal would be retained. Thus, the revised version of proposed Rule 11Ac1-1 would retain the requirement that exchanges and associations establish and maintain procedures for collecting, processing and making available to quotation vendors quotation information (including size) relating to equity securities reported in the consolidated transaction reporting system. Similarly, the proposed Rule would continue to require that brokers and dealers subject to its provisions supply quotations to their exchange or association for dissemination to quotation vendors (although dissemination of size greater than a normal unit of trading would continue to be optional). Finally, the Rule would retain the requirement that quotations made available to and displayed by vendors be "firm" up to the size displayed, subject to the same exceptions contained in the July Proposal (i.e., for revised quotations, intervening transactions and trade reports) and a new exception intended to accommodate unusual or active market conditions.

A. Collection of Exchange Quotations

The major alteration to Rule 11Ac1-1 proposed herein relates to the manner of collecting quotation information from exchanges. Rather than limiting the persons from whom quotations are collected to specialists, the revised proposal would require each exchange, at all times such exchange is open for trading, to collect, process, and make available to quotation vendors the highest bid and lowest offer communicated at the location (or locations) designated for trading on the floor of that exchange by a responsible broker or dealer with respect to each reported security[11] listed or admitted to unlisted trading privileges on that exchange. An exception would be provided for any such bid or offer which is executed immediately after communication and any such bid or offer communicated by a responsible broker or dealer other than an exchange market maker which is cancelled or withdrawn if not executed immediately after communication.[13] The term "responsible broker or dealer" would be defined to include any member who communicates to another member on the floor of that exchange a bid or offer for a particular reported security at the location (or locations) designated by the exchange for trading in that security. However, in the event two or more members of that exchange have communicated on the floor of such exchange bids or offers for any security at the same price, each such member would be deemd a "responsible broker or dealer" with respect to that bid or offer (subject to the rules of priority and precedence then in effect on that exchange).[13]

Thus, under the revised proposal, an exchange would be responsible for making available a single quotation for each reported security reflecting the market for that security on the floor of that exchange. That quotation, however, would not necessarily be the quotation of any single market participant, such as a specialist, but would reflect the highest bid and lowest offer of all brokers and dealers willing to trade in that particular security who have expressed their interest in terms of bids and offers. Thus, the revised proposal contemplates inclusion of buying and selling interest other than that of the specialist or his book, so that, for example, the best bid could be that of a specialist acting as agent for an order on his book and the lowest offer that of a broker in the "crowd." In that event, the exchange would still make available a single quotation, but responsibility for that quotation (in terms of the firmness requirements of the Rule) would be shared—the specialist would be responsible for execution of orders to sell at his bid price, and the broker in the "crowd" would be responsible for orders to purchase at his offer price.[14]

Under the revised proposal, each bid or offer made available by an exchange to quotation vendors would have to be accompanied by a quotation size, which would be either (i) the number of shares (or units of trading) which the broker or dealer responsible for that bid or offer had specified, for purposes of dissemination to quotation vendors, that he would be willing to buy at the bid price or sell at the offer price comprising his bid or offer, or (ii) a normal unit of trading (in the event the responsible broker or dealer failed to specify a size to his exchange or association). However, in the event the bid or offer made available by an exchange represented the bids or offers of more than one responsible broker or dealer, the quotation size made available by that exchange for such bid or offer would be required to be an aggregate quotation size (i.e., the sum of the quotation sizes of all responsible brokers or dealers willing to buy or sell at that bid or offer). Thus, for example, in the event there were four brokers and dealers each making an identical bid, and one of those brokers or dealers was willing to disseminate a size of 200 shares, a second was willing to disseminate 300 shares, and the other two were unwilling to specify a size for dissemination to vendors then the exchange involved would be obligated to disseminate in connection with that bid an aggregate quotation size of 700 shares (including 100 shares for each of the brokers or dealers who were unwilling to specify a size for dissemination).[15]

The firmness provisions of the revised proposal would be similar in concept to those contained in the July Proposal. Under the revised proposal, each responsible broker or dealer, subject to certain exceptions, would be obligated to execute any order to buy or sell a reported security, other than an odd-lot order, presented to him by another broker or dealer, or any other person with whom such responsible broker or dealer customarily deals, at a price at least as favorable to such buyer or seller as such responsible broker's or dealer's published bid or published offer (exclusive of any commission, commission equivalent or differential customarily charged by such responsible broker or dealer in connection with any such order) in any amount up to his published quotation size.[16] However, if, prior to the presentation of any such order to a responsible broker or dealer, such responsible broker or dealer communicated to his exchange a revised quotation size, he would not be obligated to purchase or sell reported securities in an amount greater than that revised quotation size.

The firmness requirements of the Rule would also not apply after the responsible broker or dealer had communicated a bid or offer superseding his published bid or published offer or for a three-minute period after a transaction is effected on such responsible broker's or dealer's exchange or a transaction effected otherwise than on such responsible broker's or dealer's exchange is reported in the consolidated system.[17] In addition,

---

[1] Securities Exchange Act Release No. 12670 (July 29, 1976), 41 FR 32856 (1976).

[2] In the July Proposal, the term "eligible security" was defined as any security as to which last sale information is reported in the consolidated transaction reporting system.

[3] In the July Proposal, the term "specialist" was defined as any member of a national securities exchange who is registered as a specialist pursuant to the rules and regulations of such exchange and any other member of an exchange who also performs, on the floor of that exchange, either the market making or limit order representation function of a registered specialist.

[4] In the July Proposal, the term "third market maker" was defined as a "market maker" as defined in Rule 15c3-1(c)(8) under the Act who makes markets over-the-counter in eligible securities.

[5] Proposed Rule 11Ac1-1(b)(1).

[6] Proposed Rule 11Ac1-1(c)(1).

[7] Proposed Rule 11Ac1-1(c)(2).

[8] Proposed Rule 11Ac1-1(c)(3)(ii).

[9] Proposed Rule 11Ac1-1(c)(3)(i); (c)(5).

[10] Proposed Rule 11Ac1-1(c)(5).

[11] The term "reported security" used in the revised proposal would differ from the term "eligible security" used in the July Proposal in that it would make the Rule applicable only to equity securities.

[12] Rule 11Ac1-1(b)(1)(i) as revised.

[13] Rule 11Ac1-1(a)(2)(i) as revised. The Rule, as revised, also would provide that, with respect to a bid or offer represented by an order to buy or sell a reported security which is transmitted from one member of that exchange to another such member who undertakes to represent such bid or offer as agent, only the last such member who undertakes to represent such bid or offer as agent would be considered the "responsible broker or dealer" with respect to that bid or offer.

[14] Under the revised proposal, each exchange would also be responsible for establishing and maintaining procedures and mechanisms for ascertaining, at all times the exchange is required to collect, process and make available to quotation vendors bids and offers for reported securities, the identity of the responsible brokers and dealers with respect to each bid and offer collected, processed and made available, and would be required, upon request of any member seeking to execute a transaction in reliance on the firmness requirements of the Rule, to disclose the identity of such responsible brokers and dealers to such member. (Rule 11Ac1-1(b)(2) as revised). The revised proposal would not, however, require exchanges to make such identifying information available to quotation vendors.

[15] The exchange involved would also be responsible for keeping track of the quotation sizes of each responsible broker or dealer and making that information available to a member seeking to effect a transaction in reliance on the firmness requirements of the Rule. (See Rule 11Ac1-1(b)(2) as revised.)

[16] The Commission is particularly interested in receiving comment on the appropriateness of imposing a firmness requirement conferring upon both institutional and retail buyers and sellers of reported securities a right to compel a responsible broker or dealer to effect a transaction under the circumstances described above, particularly in light of concepts of suitability (see Article III, Sec. 2 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc.) and diligence as to customer accounts (see Rule 405 of the New York Stock Exchange, Inc.). Variants of the requirements would be to confine the firmness requirements to orders presented by other brokers and dealers or to orders presented by persons other than retail customers. If the Commission determines to retain the firmness requirement in the form described in the text (e.g., because it would be unfair to establish rights of brokers and dealers to rely upon quotations while denying such rights to others), that requirement, of course, would not be intended to supersede or contravene obligations with respect to dealings with customers imposed by other Commission or self-regulatory organization rules.

[17] For purposes of this provision of the Rule, each such transaction or trade report would trigger a new three-minute period.

in the event an order to purchase or sell a particular reported security is presented to a responsible broker or dealer on the floor of an exchange at a time when such responsible broker's or dealer's published bid or published offer is at the same price as the published bid or published offer for that security of any other responsible broker or dealer on the floor of such exchange, no such other broker or dealer would be relieved of his execution responsibilities under the Rule until (i) if the order is for an amount of reported securities which is equal to or less than the published aggregate quotation size, the member seeking to effect the order in reliance on the Rule has completed his order, or (ii) if the order is for an amount greater than the published aggregate quotation size, that member has purchased or sold an amount of such security equal to such published aggregate quotation size, regardless of any intervening trade report or revised bid or offer for the particular reported security involved or the fact that satisfaction of the order may involve more than one individual transaction in that security on that exchange.

Finally, the Commission recognizes that, under certain unusual or active market conditions, an exchange market's quotation collection procedures may not be adequate to keep up with the flow of quotation information in a particular reported security or a specialist may not be able to update his quotations in that security on a timely basis. Accordingly, the Commission proposes an additional exception from the general firmness requirements of the Rule applicable during any period an exchange determines, pursuant to rules and regulations approved by the Commission pursuant to Section 19(b)(2) of the Act, that the level of trading activity is, or that there exist unusual market conditions, such that the exchange is incapable of collecting, processing and making available to quotation vendors the data required by the Rule in a manner which accurately reflects the current state of the market on the floor of such exchange in a particular reported security.

Under this exception, the obligation of responsible brokers and dealers to effect transactions in that security at their published bid or published offer, as well as the obligation of the exchange involved to ascertain the identity and quotation size of each responsible broker and dealer and make such information available to members, would be suspended upon notification by the exchange to certain designated persons (including the Commission and the various quotation vendors). Suspension of such obligations would continue until the exchange determined that the unusual market activity or conditions had terminated and renotified the persons designated in the Rule. However, during any period during which obligations are suspended pursuant to this exception, the exchange involved would still be required to continue, to the maximum extent practicable under the circumstances, to collect, process and make available to quotation vendors bids, offers and quotation sizes of its members.

B. COLLECTION OF THIRD MARKET QUOTATIONS

The Commission believes that no major change in the Rule's requirements as to collection procedures and firmness with respect to third market makers is necessary. Under the revised proposal, each third market maker would be deemed a "responsible broker or dealer" with respect to his bids and offers, and would be obligated to effect transactions in reported securities at a price at least as favorable as his published bid or published offer, subject to the exceptions for intervening transactions effected by him, intervening trades from other markets reported in the consolidated system, and revised quotations.

Each national securities association would be required, at all times last sale information with respect to reported securities is reported in the consolidated system, to collect, process, and make available to quotation vendors the highest bid and lowest offer communicated otherwise than on the floor of an exchange by each member of such association acting in the capacity of a third market maker for a reported security. An exception from that requirement would be provided for any such bid or offer communicated by a third market maker which is executed immediately after communication or is cancelled or withdrawn if not so executed.

C. TECHNICAL CHANGES

In addition to the changes to proposed Rule 11Ac1–1 discussed above, several technical changes to the Rule were made as discussed below.

1. The definition of the term "third market maker" has been altered to make clear that (a) a market maker may also represent a customer's order as agent as part of a bid or offer made available pursuant to the Rule, and (b) a market maker shall not include any person who does not make markets for reported securities in amounts of less than block size.[18]

2. The quotation information collection provisions of the Rule have been amended to relieve an exchange of responsibility for collecting, processing and making available bids, offers and quotation sizes not only during periods when trading has been suspended, but also when trading has been halted on the particular exchange for whatever reason, as well as prior to the opening transaction on that exchange.[19]

3. The proposed Rule has been revised to permit exchanges and associations required to make quotation information available pursuant to its provisions to do so at a common location determined by mutual agreement of the exchanges and associations.[20]

4. The proposed Rule has been revised to explicitly permit the collection and dissemination of quotation information with respect to reported securities (including indications of interest as well as bids and offers) to vendors by exchanges and associations either prior to the commencement or after the termination of trading in a particular market center.[21]

5. The anticipated effective date of the Rule has been revised to January 1, 1978.[22] The Commission believes that this date will provide adequate lead time for exchanges and associations to make whatever modifications to their quotation collection and dissemination systems as are necessary to ensure compliance with the Rule, and for vendors to modify their information systems to accommodate the display of quotation information (including sizes) from the various market centers.

6. In order to avoid confusion concerning the intended neutrality of proposed Rule 11Ac1–1 in the area of charges by exchanges and associations in connection with the dissemination of quotation information, the Commission has deleted the section of the July Proposal which provided that "[n]othing in [the proposed Rule] shall preclude any exchange or association from imposing fair and reasonable charges for the dissemination of quotations."[23]

III. ADDITIONAL ISSUES

A. VENDOR REQUIREMENTS AND BEST EXECUTION

Several commentators suggested that, in conjunction with the proposed Rule, the Commission impose obligations on vendors to display quotations made available pursuant to its provisions and on brokers to route customer orders to the market center displaying the most favorable quotation at the time the order is received. The Commission believes, however, that neither of these suggestions should be incorporated in the Rule at this time.

With respect to vendor obligations, although the Commission believes that widespread dissemination of quotation information—including size—is necessary to promote effective competition among market centers and is essential to the achievement of the purposes of the Rule, it appears that adequate dissemination will be achieved without any such

[18] Rule 11Ac1–1(a)(1) as revised.

[19] Rule 11Ac1–1(b)(1)(i) as revised. An association would continue to be responsible for collecting, processing and making available quotation information except during periods when trading in a particular reported security has been suspended.

[20] Rule 11Ac1–1(a)(6) as revised.

[21] Rule 11Ac1–1(b)(4) as revised. The revised proposal, however, would not require any exchange of association to collect, process, and make available quotation information outside of normal trading hours.

[22] Rule 11Ac1–1(b)(1) as revised.

[23] Proposed Rule 11Ac1–1(b)(3). In so doing, however, the Commission notes that, under Section 11A(c)(1)(C) of the Act [15 U.S.C. 78k–1(c)(1)(C)], it continues to have authority to adopt rules and regulations designed to assure that all securities information processors may obtain quotation information from any exchange or association (or any other exclusive processor) on fair and reasonable terms.

requirements. The Commission intends, however, to monitor closely developments in this area and, should vendors fail to provide widespread and complete dissemination of quotation information—including size—to brokers, dealers and investors within a reasonable time, we will reconsider the need for regulations imposing display requirements directly on quotation vendors.

Although the Commission is not proposing at this time any requirement that brokers direct order flow on the basis of machine-displayed quotation information, the Commission believes that adoption of proposed Rule 11Ac1–1 should aid brokers in obtaining better execution of customer orders. The proposal, if adopted, should, in our view, significantly improve the quality of quotation information, and we would expect brokers to take this improvement in market information into consideration in their order routing decisions.

B. THE THREE-MINUTE PROVISION

Several commentators noted practical problems with the three-minute provision of the proposed Rule, which would operate to relieve responsible brokers or dealers of their execution obligations under the Rule for a three-minute period following either a transaction in the particular market center involved or the reporting of a transaction in the consolidated system. Several exchanges argued that exchange specialists may not always be aware of transactions in different market centers (particularly if those transactions are effected in markets other than the primary exchange market), and therefore would have difficulty in updating their quotations within the requisite three-minute period.

The Commission believes, however, that the three-minute provision of the Rule is workable and will not create major operational problems for the exchange markets. Insofar as the proposed Rule creates a need on the part of market professionals on the floors of the various exchanges to be more aware of transactions occurring elsewhere, the Commission believes it is a simple task to develop and install systems capable of notifying specialists of all transactions in their specialty stocks (regardless of the market center in which the transaction was effected).[24]

Nonetheless, the Commission requests commentators to focus on this aspect of the Rule and to advise the Commission of any other potential problems resulting from the three-minute provision which would impact on either exchange markets or on third market makers. In addition, commentators should consider, as an alternative to the three-minute provision of the Rule, the feasibility of requiring bids and offers made available pursuant to the Rule to be firm under all circumstances (unless a revised bid or offer had been communicated to the relevant exchange or association prior to receipt of an order).

[24] For example, consolidated last sale information, including the time of the most recent transaction, is available on most standard vendor interrogation devices.

C. MEASUREMENT OF THREE-MINUTE PERIOD

One commentator complained that the Rule did not define the terms that would be used to measure the three-minute "grace period" provided for responsible brokers and dealers after intervening transactions and trade reports. That commentator argued that there "may be serious confusion and continued disputes" unless the Rule clearly defines (i) the time a transaction is considered to have been effected in a particular market center, (ii) the time a quotation is considered to have been communicated to a market center for dissemination to quotation vendors, and (iii) the time a transaction is considered to have been reported in the consolidated system.

The Commission is of the view that determination of the time a transaction is considered to have been effected and the time a bid or offer is considered to have been communicated to a market center for dissemination to quotation vendors be left to the various self-regulatory organization.[25] With respect to the reporting of transactions in the consolidated system, the Commission is of the view that, for purposes of proposed Rule 11Ac1–1, as well as all other rules and regulations under the Act which refer to the consolidated system (e.g., the Commission's primary short sale rule, Rule 10a–1 (17 CFR 240.10a–1)), a transaction is considered to have been reported in the consolidated system when it is made available by the processor thereof by means of the high-speed data transmission line developed as part of the joint industry plan for the development and operation of the system.

D. ERRORS

A number of commentators expressed concern about the possibility of errors in the collection and dissemination of quotation information and were uncertain as to whether the Rule required a specialist or third market maker to effect a transaction at a price displayed on a vendor interrogation device if that price were not, in fact, the correct one. The Commission does not believe persons subject to execution responsibilities under the Rule based on machine-displayed quotation information should be responsible for transmission or display errors on the part of any exchange, association or vendor and has made some minor changes in the Rule to make clear that the Rule does not require execution based on erroneous displays or transmissions.

Under the revised proposal, if a bid or offer displayed on a vendor terminal or display device is not the actual bid or offer communicated by a responsible broker or dealer to his exchange or association, or if the quotation size (or aggregate quotation size) displayed is not the size determined pursuant to the Rule, that bid, offer or size would not be within the definition of "published bid," "published offer," "published quotation size," or "published aggregate quotation size" (as the case may be) and, therefore, no responsible broker or dealer would be required to execute a transaction based on that erroneous bid, offer or size.[26]

[25] The method employed by each self-regulatory organization for determining when a transaction has taken place and when a bid or offer has been communicated to it for dissemination should be part of that self-regulatory organization's procedures and mechanisms for collecting, processing and making available quotation information required by paragraph (b)(1) of the Rule.

E. COST/BENEFIT ANALYSIS

The Commission has considered the anticipated costs and benefits associated with proposed Rule 11Ac1–1 and has concluded that the projected benefits of the proposal, although difficult to quantify, outweigh the anticipated costs to exchanges, associations and market professionals of compliance with the Rule. These projected benefits include facilitating a broker's ability to use reasonable diligence to obtain best execution of each order entrusted to him,[27] as well as the possible narrowing of spreads in certain exchange-traded issues.

Moreover, notwithstanding any specific benefit which may be derived from adoption of proposed Rule 11Ac1–1, affirmative Commission regulatory action in this area is, in our view, justified by the overriding public interest in the widespread dissemination of quotation information and by the provisions of the Act mandating Commission action to facilitate the development of a national market system. In this regard, the Commission notes that Section 11A of the Act (15 U.S.C. 78k–1), added by the Securities Acts Amendments of 1975,[28] contains a Congressional finding that it is in "the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure * * * the availability to brokers, dealers and investors of information with respect to quotations * * *."[29]

In addition, the legislative history of the 1975 Amendments indicates a clear Congressional determination that a composite quotation system is an essential element of the emerging national market system and that Congress contemplated an active Commission role in its development. For example, the Senate Committee on Banking, Housing and Urban Affairs in its report accompanying

[26] Of course, if a bid, offer or quotation size of a responsible broker or dealer is displayed correctly on one vendor's interrogation device and incorrectly on another vendor's device, that responsible broker or dealer would still be required to be firm with respect to the correct price or size (although he could not be held to the incorrect price or size).

[27] See SEC, Policy Statement on the Structure of a Central Market System, 7–8 (1973).

[28] Pub. L. 94–29 (June 4, 1975).

[29] Section 11A(a)(C)(iii) of the Act (15 U.S.C. 78k–1(a)(1)(C)(iii)).

S. 249, the bill which became the 1975 Amendments, stated as follows:

In the securities markets, as in most other active markets, it is critical for those who trade to have access to accurate, up-to-the-second information as to the prices at which transactions in particular securities are taking place (i.e., last sale reports) and the prices at which other traders have expressed their willingness to buy or sell (i.e., quotations). For this reason, communications systems designed to provide automated dissemination of last sale and quotation information with respect to securities will form the heart of the national market system.[20]

And, as to the role of the Commission in the development of a composite quotation system, the conference report on S. 249 stated that:

(I)t is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed. The conferees expect, however, in those situations where competition may not be sufficient, such as the creation of a composite quotation system * * *, the Commission will use the powers granted to it in this bill to act promptly and effectively to ensure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible.[21]

IV. Request for Public Comment

The Securities and Exchange Commission hereby proposes Rule 11Ac1–1 (17 CFR 240.11Ac1–1) pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), and particularly Sections 2, 3, 6, 11A, 15, 15A, 17 and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78k–1, 78o, 78o–3, 78q and 78w). The text of the proposed rule is as follows (changes from the prior version of proposed Rule 11Ac1–1 are indicated as follows: additions are indicated by arrows ►and◄, and deletions by brackets [and]):

§ 240.11Ac1–1 Dissemination of quotation for ►reported◄ [eligible] securities.

(a) ►*Definitions.*◄ For purposes of this section, (1) The term "third market maker" shall mean ►any person who holds himself out as being willing to buy and sell a reported security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such person who also represents, as agent, orders to buy or sell reported securities on behalf of any other person and communicates bids and offers to a national securities association ("association") pursuant to this section on behalf of such other persons as well as for his own account).◄ [a "market maker" as defined in § 240.-15c3–1(c)(8) (Rule 15c3–1(c)(8) under the Act) who makes markets over-the-counter in eligible securities;]

(2) The term ►"exchange market maker"◄ ["specialist"] shall mean any member of a national securities exchange ("exchange") who is registered as a specialist ►or market maker◄ pursuant to the rules and regulations of such exchange ►.◄ [, and any other member of an exchange who also performs on the floor of that exchange, either the market making or limit order representation function of a registered specialist;]

►(3) The term "responsible broker or dealer" shall mean

(i) When used with respect to bids or offers communicated on the floor of an exchange, any member of such exchange who communicates to another member on the floor of such exchange, at the location (or locations) designated by such exchange for trading in a reported security, a bid or offer for such reported security, as either principal or agent; *Provided, however,* That in the event two or more members of an exchange have communicated on the floor of such exchange bids or offers for a reported security at the same price, each such member shall be considered a "responsible broker or dealer" with respect to that bid or offer, subject to the rules of priority and precedence then in effect on that exchange; *And further provided,* That, with respect to a bid or offer which is transmitted from one member of an exchange to another such member who undertakes to represent such bid or offer as agent, only the last such member who undertakes to represent such bid or offer as agent shall be considered the "responsible broker or dealer" with respect to that bid or offer; and

(ii) When used with respect to bids and offers communicated by a third market maker to another broker or dealer or to a customer otherwise than on an exchange, the third market maker communicating the bid or offer (regardless of whether such bid or offer is for his own account or on behalf of another person).

(4)◄ [(3)] The term "quotation vendor" shall mean any securities information processor engaged in the business of disseminating to brokers and dealers, on a real-time or current and continuing basis, ►bids and offers made available pursuant to this section◄ [quotations for eligible securities], whether distributed through an electronic communications network or displayed on a terminal or other ►display◄ device ►.◄ [or otherwise;]

(5) The term "consolidated system" shall mean the consolidated transaction reporting system contemplated by § 240.-17a–15 (Rule 17a–15 under the Act) ►.◄ [;]

►(6)◄ [(4)] The term ►"reported security"◄ ["eligible security"] shall mean any ►equity◄ security as to which last sale information is reported in the consolidated system ►.◄ [;]

►(7)◄ [(6)] The term "make available," when used with respect to ►bids, offers, quotation sizes and aggregate quotation sizes◄ [quotations] supplied to quotation vendors by an exchange or [a national securities] association [("association")], shall mean to provide circuit connections at the premises of the exchange or association supplying ►such data,◄ [those quotations] ►or at a common location determined by mutual agreement of the exchanges and associations,◄ for the delivery of such ►data◄ [quotations] to ►quotation◄ [such] vendors ►.◄ [;]

►(8)◄ [(7)] The term ►s "bid" and "offer◄ ["quotation," when used with respect to bids and offers of a specialist or market maker,] shall mean the [highest current] bid price ►or◄ [and] the [lowest current] offer price most recently communicated by ►a responsible broker or dealer◄ [that specialist or market maker] to any ►other◄ broker ►or◄ [,] dealer ►,◄ or ►to any◄ customer, at which he is willing to buy or sell a particular amount of ►a reported security◄ [eligible securities], as either principal or agent, but shall not include [(i)] indications of interest ►.◄ [or (ii) any bid or offer by that specialist or third market maker made in response to any inquiry by a broker, dealer or customer with respect to that specialist's or third market maker's willingness to buy or sell eligible securities in an amount greater than that bid for or offered by that specialist or third market maker in communicating his quotation;]

►(9)◄ [(8)] the term ►s "published bid" and "published offer"◄ ["published quotation," when used in conection with an order to buy or sell eligible securities presented to a specialist or market maker,] shall mean the ►bid or offer (as the case may be) of a responsible broker or dealer for that reported security communicated by him to his exchange or association◄ [most recent quotation of such specialist or market maker made available to quotation vendors] pursuant to this section ►and◄ displayed by ►a◄ quotation vendor[s] on a terminal or other display device at the time ►an◄ [the] order is presented ►for execution to such responsible broker or dealer.◄ [;]

►(10)◄ [(9)] The term "quotation size," when used with respect to a ►responsible broker's or dealer's bid or offer for a reported security◄ [specialist's or market maker's quotation], shall mean ►(i)◄ the number of shares (or units of trading) of ►that reported◄ [an eligible] security which ►such responsible broker or dealer has specified, for purposes of dissemination to quotation vendors, that◄ [the specialist or market maker has stated] he is willing to buy at the bid price or sell at the offer price comprising his ►bid or offer, as◄ [quotation,] either [as] principal or agent ►, or, in the event such responsible broker or dealer has not so specified, (ii) a normal unit of trading for that reported security.◄ [;]

►(11)◄ [(10)] The term "published quotation size [,]" [when used in connection with an order to buy or sell eligible securities presented to a specialist or market maker,] shall mean the [most recent] quotation size [(if any)] of ►a responsible broker or dealer communicated by him to his exchange or association◄ [that specialist or market maker made available to quotation vendors] pursuant to this section and displayed by ►a◄ quotation vendor[s] on a terminal or other display device at the time ►an◄ [the] order is presented ►for execution to such responsible broker or dealer.◄ [;]

►(12) The term "aggregate quotation size" shall mean the sum of the quotation sizes of all responsible brokers or dealers who have communicated on the floor of an exchange bids or offers for a reported security at the same price.

(13) The term "published aggregate quotation size" shall mean the aggregate quotation size calculated by an exchange and displayed by a quotation vendor on a terminal or other display device at the time an order is presented for execution to a responsible broker or dealer.

(14)◄ [(11)] The term "odd-lot" shall mean an order for the purchase or sale of ►a reported◄ [an eligible] security in an amount less than a normal unit of trading.

►(15) The term "specified persons," when used in connection with any notification required to be provided pursuant to paragraphs (b)(3)(i) and (b)(3)(ii) of this section, shall mean

(i) The Securities and Exchange Commission;

(ii) Each quotation vendor;

(iii) The Consolidated Tape Association; and

(iv) The Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of securities underlying options admitted to trading on any exchange).◄

(b) ►*Dissemination requirements for exchanges and associations.*◄ (1) On and after ►January 1, 1978,◄ [November 1, 1976,] every exchange and association shall have established and shall maintain procedures and mechanisms for collecting ►bids, offers,◄ [quotations and, if provided,] quotation sizes ►and aggregate quotation sizes from responsible brokers or dealers who are members of such exchange or association (as the case may be)◄ [from specialists and market makers], processing such ►bids, offers◄ [quotations] and sizes, and making such ►bids, offers◄ [quotations] and sizes available to quotation vendors, ►as follows:◄ [in accordance with subparagraph (2) of this paragraph (b).

(2) Every exchange and every association shall collect, process and make available to quotation vendors quotations and quotation sizes of its specialists and market makers as follows:]

(i) Every exchange shall, at all times such exchange is open for trading, collect, process and make available to quotation vendors ►the highest bid and the lowest offer communicated on the floor of that exchange (or, in the event such exchange maintains more than one trading floor, communicated on any of such floors) by any responsible broker or dealer (excluding any such bid or offer which is executed immediately after communication and any such bid or offer communicated by a responsible broker or dealer other than an exchange market maker which is cancelled or withdrawn if not executed immediately after communication)◄ [quotations of its specialists] for each ►reported◄ [eligible] security ►listed◄ [registered] or admitted to unlisted trading privileges on that exchange ►except◄ [*Provided, however,* That no quotation for an eligible security shall be required to be collected, processed and made available by an exchange] during any period when trading in that security [on that exchange] has been suspended ►or halted, or prior to the commencement of trading in that security on any trading day, on that exchange◄;

(ii) Every association shall, at all times last sale information with respect to ►reported◄ [eligible] securities is reported in the consolidated system, collect, process and make available to quotation vendors ►the highest bid and lowest offer communicated otherwise than on the floor of an exchange by each member of such association acting in the capacity of a third market maker for a reported security (excluding any such bid or offer which is executed immediately after communication or is cancelled or withdrawn if not so executed) except◄ [quotations of third market makers who are members of such association for each eligible security for which one or more members act as a third market maker, *Provided, however,* That no quotation for an eligible security shall be required to be collected, processed and made available by an association] during any period when over-the-counter trading in that security has been suspended; ►and◄

(iii) Every ►bid and offer◄ [quotation for an eligible security] made available to quotation vendors ►by an exchange or association◄ pursuant to this section shall be accompanied by the quotation size ►or the aggregate quotation size (as the case may be) associated with it◄ [if the specialist or third market maker communicating that quotation elects to provide such size to the exchange or association for the purpose of disseminating such size to quotation vendors].

►(2) Each exchange shall, with respect to each published bid and published offer for any reported security representing a bid or offer of a member, establish and maintain procedures for ascertaining and disclosing to other members of that exchange, upon presentation of orders sought to be executed by them in reliance upon paragraph (c)(2) of this section, the identity of each responsible broker or dealer who made such bid or offer and the quotation size associated with it.

(3)(i) If, at any time an exchange is open for trading, such exchange determines, pursuant to rules and regulations approved by the Securities and Exchange Commission pursuant to Section 19(b)(2) of the Act, that the level of trading activity is, or that unusual market conditions exist, such that the exchange is incapable of collecting, processing and making available to quotation vendors the data with respect to a reported security required to be made available by subparagraph (1) of this paragraph (b) in a manner which accurately reflects the current state of the market on the floor of such exchange, such exchange shall immediately notify all specified persons of that determination. Upon such notification, responsible brokers or dealers who are members of that exchange shall be relieved of their obligation under paragraph (c)(2) of this section and such exchange shall be relieved of its obligation under subparagraph (2) of this paragraph (b) with respect to that security; *Provided, however,* That such exchange shall continue, to the maximum extent practicable under the circumstances, to collect, process and make available to quotation vendors such data for that security in accordance with subparagraph (1) of this paragraph (b).

(ii) During any period an exchange, or any responsible broker or dealer who is a member of that exchange, is relieved of any obligation imposed by this section with respect to any reported security by virtue of a notification made pursuant to subparagraph (3)(i) of this paragraph (b), such exchange shall monitor the activity or conditions which formed the basis for such notification and shall immediately renotify all specified persons when that exchange is once again capable of collecting, processing and making available to quotation vendors the data with respect to that security required to be made available by subparagraph (1) of this paragraph (b) in a manner which accurately reflects the current state of the market on the floor of such exchange. Upon such renotification, any exchange or responsible broker or dealer which had been relieved of any obligation imposed by this section as a consequence of the prior notification shall again be subject to such obligation.◄

[(3) Nothing in this section shall preclude any exchange or association from imposing fair and reasonable charges for the dissemination of quotations.]

►(4) Nothing in this section shall preclude any exchange or association from making available to quotation vendors indications of interest or bids and offers with respect to a reported security at any time such exchange or association is not required to do so pursuant to subparagraph (1) of this paragraph (b).◄

(c) ►*Obligations of responsible brokers and dealers.*◄ (1) Every ►responsible broker or dealer◄ [specialist and third market maker] shall promptly communicate to his exchange or association (as the case may be), pursuant to the procedures established by that exchange or association, his ►bids, offers and quotation sizes◄ [quotations in eligible securites (and, if such specialist or third market maker so elects, his quotation sizes)].

(2) Subject to the provisions of ►subparagraphs (3) and (4) of this paragraph (c)◄ [paragraphs (c)(3) and

[20] S. Rep. No. 94–75, Report to Accompany S. 249, 94th Cong., 1st Sess. 9 (1975). See Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, Securities Industry Study. H.R. Rep. No. 92–1519, 92d Cong., 2d Sess. 123–25 (1972); Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, Securities Industry Study, S. Doc. No. 93–13, 93d Cong., 1st Sess. 101–104 (1973).

[21] Committee on Conference, Conference Report to Accompany S. 249, H.R. Rep. No. 94–229, 94th Cong., 1st Sess. 92 (1975).

(c)(4) of this section], every ►responsible broker or dealer◄ [specialist and market maker] shall be obligated to execute any order ►to buy or sell a reported security◄, other than an odd-lot order, [to buy or sell eligible securities] presented to him by ►another◄ [a] broker or dealer, or any other ►person belonging to a◄ category of person►s◄ with whom such ►responsible broker or dealer◄ [specialist or market maker] customarily deals, at a price at least as favorable to such buyer or seller as the bid ►price◄ or offer ►price◄ comprising such ►responsible broker's or dealer's◄ [specialist's or market maker's] published ►bid or published offer◄ [quotation] ►(exclusive of any commission, commission equivalent or differential customarily charged by such responsible broker or dealer in connection with execution of any such order)◄ in any amount up to ►his◄ [the] published quotation size [(or, in the event no quotation size has been disseminated in connection with such published quotation, a normal unit of trading)]►; *provided, however*, That if, prior to the presentation of such an order, a responsible broker or dealer has communicated to his exchange or association (as the case may be), a quotation size superseding his published quotation size (a "revised quotation size") pursuant to subparagraph (1) of this paragraph (c), such responsible broker or dealer shall not be obligated by this section to purchase or sell a reported security in an amount greater than his revised quotation size◄

(3) Subject to the provisions of paragraph ►(b)◄ [(c)] (3) of this section ►and subparagraphs (4) and (5) of this paragraph (c)◄, no ►responsible broker or dealer◄ [specialist or market maker] shall be obligated to execute a transaction ►for any reported security◄ as provided in ►subparagraph (2) of this paragraph (c)◄ [paragraph (c)(2) of this section] if, after ►communication◄ [dissemination] of such ►responsible broker's or dealer's◄ published ►bid or published offer◄ [quotation] and before the order sought to be executed is presented, (i) a transaction in the ►reported◄ [eligible] security sought to be bought or sold has been effected on the floor of such ►responsible broker's or dealer's◄ [specialist's] exchange or with such ►responsible broker or dealer◄ [market maker], or ►a transaction in such security effected otherwise than on the floor of such responsible broker's or dealer's exchange or with such responsible broker or dealer◄ has been reported in the consolidated system, or (ii) such ►responsible broker or dealer◄ [specialist or market maker] has communicated to his exchange or association (as the case may be), pursuant to ►subparagraph (1) of this paragraph (c)◄ [paragraph (c)(1) of this section], a ►bid or offer◄ [quotation] superseding his published ►bid or published offer◄ [quotation].

►(4) Notwithstanding the provisions of subparagraph (3) of this paragraph (c), if, at the time an order to buy or sell a reported security, other than an odd-lot order, is presented to a responsible broker or dealer on the floor of an exchange, such responsible broker's or dealer's published bid or published offer (as the case may be) for that security is at the same price as the published bid or published offer for that security of any other responsible broker or dealer on the floor of that exchange, no such responsible broker or dealer shall be relieved of his obligation under subparagraph (2) of this paragraph (c) to effect a transaction in that security until the person presenting such order either has (i) completed that order (if the order is for an amount of such reported security which is equal to or less than the published aggregate quotation size), or (ii) purchased or sold an amount of such reported security equal to the published aggregate quotation size (if the order is for an amount of such reported security greater than such published aggregate quotation size).◄

[(4) Notwithstanding paragraph (c)(2) of this section, if, prior to the presentation of an order to buy or sell eligible securities, a specialist or third market maker has communicated to his exchange or association (as the case may be), pursuant to paragraph (c)(1) of this section, a quotation size superseding his published quotation size (a "revised quotation size"), he shall not be obligated by this section to purchase or sell eligible securities in an amount greater than his revised quotation size.]

(5) If a ►responsible broker or dealer◄ [specialist or market maker] does not communicate a ►bid or offer◄ [quotation] superseding his published ►bid or published offer for a reported◄ [quotations in an eligible] security within ►three (◄3►)◄ minutes after the occurrence of a transaction in that security [effected] on such ►responsible broker's or dealer's◄ [specialist's] exchange or with such ►responsible broker or dealer◄ [market maker], or within ►three (◄3►)◄ minutes of the reporting of a transaction in that security in the consolidated system ►effected otherwise than on the floor of such responsible broker's or dealer's exchange or with such responsible broker or dealer◄, such ►responsible broker or dealer◄ [specialist or market maker] shall, upon presentation of an order, be obligated to execute a transaction in accordance with the provisions of ►subparagraph (2) of this paragraph (c) of this section◄ [paragraph (c)(2) of this section] notwithstanding ►subparagraph (3)(i) of this paragraph (c)◄ [paragraph (a)(3) of this section].

(d) ►*Exemptions.*◄ The Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any ►responsible broker or dealer,◄ [specialist or market maker, national securities] exchange, or [national securities] association if the Commission determines that such exemption is consistent with the public interest, the protection of investors and the removal of impediments to and perfection of the mechanism of a national market system.

(Secs. 2, 3, 6, 15, 17, 23, Pub. L. 78–291, 48 Stat. 881, 882, 885, 895, 897, 901, as amended by Secs. 2, 3, 4, 11, 14, 18, Pub. L. 94–29, 89 Stat. 97, 104, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78k–1, 78o, 78q, 78w, as amended by Pub. L. 94–29 (June 4, 1975)); Sec. 1, Pub. L. 75–719, 52 Stat. 1070, as amended by Sec. 12, Pub. L. 94–29, 89 Stat. 127–131 (15 U.S.C. 78o–3, as amended by Pub. L. 94–29 (June 4, 1975)); Sec. 7, Pub. L. 94–29, 89 Stat. 111 (15 U.S.C. 78k–1).)

All interested persons are invited to submit written views, data and arguments with respect to proposed Rule 11Ac1–1. Persons wishing to make such submissions should file six copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than August 1, 1977. All submissions should refer to File No. S7–648, and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 14, 1977.

[FR Doc.77–17886 Filed 6–23–77;8:45 am]

federal register

FRIDAY, JUNE 24, 1977

PART VI



ENVIRONMENTAL PROTECTION AGENCY

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Fluid Catalytic Cracking Unit Catalyst Regenerators

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 742-5]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Petroleum Refinery Fluid Catalytic Cracking Unit Catalyst Regenerators

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revises the standard which limits the opacity of omissions from new, modified, or reconstructed petroleum refinery fluid catalytic cracking unit catalyst regenerators to 30 percent, except for one six-minute period in any one hour. The revision is being made to make the standard consistent with a revision to the test method for opacity. The standard implements the Clean Air Act and is intended to require the proper operation and maintenance of fluid catalytic cracking unit catalyst regenerators.

EFFECTIVE DATE: June 24, 1976.

ADDRESSES: Copies of the comment letters and a report which contains a summary of the issues and EPA's responses are available for public inspection and copying at the U.S. Environmental Protection Agency, Public Information Reference Unit (EPA Library), Room 2922, 401 M Street SW., Washington, D.C. Copies of the report also may be obtained upon written request from the EPA Public Information Center (PM-215), Washington, D.C. 20460 (specify Comment Summary—Petroleum Refinery Fluid Catalytic Cracking Units).

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number 919-688-8146, extension 271.

SUPPLEMENTARY INFORMATION:

Background

On June 29, 1973, the U.S. Court of Appeals for the District of Columbia Circuit remanded to EPA the standards of performance for Portland cement plants (*Portland Cement Association* v. *Ruckelshaus*, 486 F. 2d 375). One of the issues remanded was the use of opacity standards. On November 12, 1974, EPA responded to the remand (39 FR 39872) and on May 22, 1975, the Court affirmed the use of opacity standards (513 F. 2d 506).

In the remand response, EPA reconsidered the use of opacity standards and concluded that they are a reliable, inexpensive, and useful means of ensuring that control equipment is properly maintained and operated at all times. EPA also made revisions to the general provisions of 40 CFR Part 60 and to the Reference Method 9.

EPA reevaluated the opacity standard for petroleum refinery fluid catalytic cracking unit catalyst regenerators in light of the revisions to Reference Method 9, and proposed a revision to this standard on August 30, 1976 (41 FR 36600). The revision is not the result of a reevaluation of the technical, economic and environmental basis for the standard. Consequently, the revised opacity standard will be neither more nor less stringent than the previous standard, and will be consistent with the mass emission standard (1.0 kg/1000 kg of coke burnoff).

Summary of Comments and EPA's Responses

EPA received six letters commenting on the proposed revision (three from industry and three from State and local governments). Two commenters pointed out that the basis for the original opacity standard assumed new fluid catalytic cracking units would be of 65,000 barrels per day capacity, but the proposed revision assumed new fluid catalytic cracking units would be of less than 50,000 barrels per day capacity. Two other commenters pointed out that the original standard allowed one three-minute exception from the opacity standard of performance to accommodate soot-blowing in the carbon monoxide boiler and that the proposed change to six-minute averages did not justify adding an additional exception.

A review of the basis for the original opacity standard indicates the commenters are correct. Large, new or modified fluid catalytic cracking units will more likely be in the range of 65,000 barrels per day capacity, and one exception per hour more accurately reflects the one three-minute exception allowed under the previous test method. The effect of increased capacity on the opacity of particulate mass emissions was discussed both in the Federal Register notice proposing revision of the opacity standard and in the background information document supporting the revision. Considering the effect on opacity of the greater capacity of a 65,000-barrel-per-day fluid catalytic cracking unit compared to a 50,000-barrel-per-day unit leads to the conclusion that the opacity standard should not be revised to 25 percent, but should remain at 30 percent opacity. Accordingly, the revised opacity standard is promulgated as 30 percent opacity with one six-minute exception period per hour.

One comment concerned § 60.11(e) of the General Provisions and questioned whether in its present form it adequately accounts for the problems of petroleum refinery fluid catalytic cracking units. Section 60.11(e) provides relief for those individual sources where, because of operating variables, opacity readings are abnormally high and cause it to exceed the standard, even though it is in compliance with the mass emission standard. The mechanism for relief is that opacity readings may be taken during initial start-up mass emission testing and a special opacity standard assigned to the source.

Petroleum refinery fluid catalytic cracking units operate continuously for periods of two years or more; and over such long periods, mass and opacity emissions gradually increase. For this reason, the mass and opacity standards were set on the basis of levels achievable at the end of the run. It is to be expected, therefore, that at the beginning of the run, both mass and opacity emissions from such units will be well below the standard, even in some cases where opacity readings are abnormally high given the mass emissions. In such cases, an individualized opacity standard based on beginning-of-run readings would not necessarily prevent the facility which still meets the mass emissions standard at the end of the run from failing an end-of-run opacity test. To alleviate this problem, EPA is adding a new § 60.106 (e) to the petroleum refinery standard which, in conjunction with §§ 60.11 (e) (2), (e) (3), and (e) (4) of the General Provisions, will permit determination of an individualized opacity standard for a fluid catalytic cracking unit during any performance test and not just the initial performance test. This will ensure that a properly operated and maintained source will not be found in violation of the opacity standard, while in compliance with the applicable mass emission standard.

The proposed amendment to § 60.102 (a) (2) specified that opacity readings of portions of plumes which contain condensed, uncombined water vapor are not to be used for determining compliance with opacity standards. Since this provision has been added to § 60.11(b) of the General Provisions, it is not necessary to repeat it in Subpart J for petroleum refineries.

Miscellaneous

The opacity standard, as modified, applies to all affected facilities for which construction or modification was commenced after June 11, 1973, the date the standard was proposed.

This revision is promulgated under the authority of sections 111, 114, and 301(a) of the Clean Air Act, as amended by Public Law 91-604, 84 Statute 1683, 1687 (42 U.S.C. 1857c-6, 1857c-9) and Public Law 90-148, 81 Statute 504 (42 U.S.C. 1857g(a)).

Note.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A-107.

Dated: June 20, 1977.

Douglas M. Costle,
Administrator.

Part 60, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.102(a)(2) is revised to read as follows:

§ 60.102 Standard for particulate matter.

(a) • • •

(2) Gases exhibiting greater than 30 percent opacity, except for one six-minute average opacity reading in any one hour.

• • • • • •

(Sec. 111, Pub. L. 91-604, 84 Stat. 1683 (42 U.S.C. 1857c-6); sec. 301(a), Pub. L. 90-148, 81 Stat. 504 (42 U.S.C. 1857g(a)).)

2. Section 60.105(e)(1) is revised to read as follows:

§ 60.105 Emission monitoring.

• • • • • •

(e) • • •

(1) Opacity. All hourly periods which contain two or more six-minute periods during which the average opacity as measured by the continuous monitoring system exceeds 30 percent.

• • • • • •

3. Section 60.106(e) is added to read as follows:

§ 60.106 Test methods and procedures.

• • • • • •

(e) An owner or operator of an affected facility may request the Administrator to determine opacity of emissions from the affected facility during any performance test covered under § 60.8. In such event the provisions of §§ 60.11 (e) (2), (e) (3), and (e) (4) shall apply.

(Sec. 111, 114, Pub. L. 91-604, 84 Stat. 1683, 1687 (42 U.S.C. 1857c-6, 1857c-9); sec. 301(a), Pub. L. 90-148, 81 Stat. 504 (42 U.S.C. 1857g(a)).)

[FR Doc.77-18129 Filed 6-23-77;8:45 am]

JUN 24 77
UM

federal register

FRIDAY, JUNE 24, 1977

PART VII



THE PRESIDENT

and

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

■

NON-RUBBER FOOTWEAR IMPORTS

Presidential Proclamation 4510 and Notice of Orderly Marketing Agreements Between the United States and the Republics of China and Korea

V 42 N 122
JUN 24
77
UM

Title 3—The President

Proclamation 4510 • **June 22, 1977**

Implementation of Orderly Marketing Agreements -- and the Temporary Quantitative Limitation On the Importation Into the United States of Certain Footwear

By the President of the United States

A PROCLAMATION

1. On February 8, 1977, the United States International Trade Commission (USITC) reported to the President (USITC Publication 799) the results of its investigation under section 201(b) of the Trade Act (19 U.S.C. 2251(b)) (the Trade Act). The USITC determined that footwear provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, 700.54, and 700.60, and disposable footwear designed for one-time use provided for in item 700.85) of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles. The USITC recommended the imposition of certain tariff rate quotas on imports of the above specified articles.

2. On April 1, 1977, pursuant to section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the injury found to exist by the USITC through the negotiation of orderly marketing agreements with appropriate suppliers of footwear, as authorized by section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)); and announced my intention to negotiate such agreements calling for limits on the export from certain foreign countries, and the import into the

United States, of certain footwear. On April 1, 1977, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to negotiate orderly marketing agreements and stating the reasons why my decision differed from the action recommended by the USITC.

3. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 90 days after a Presidential determination to negotiate orderly marketing agreements.

4. Pursuant to the authority vested in the President by the Constitution and the statutes of the United States, including section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)), orderly marketing agreements were concluded on June 14, 1977, between the Government of the United States of America and the Government of the Republic of China, and on June 21, 1977, between the Government of the United States of America and the Government of the Republic of Korea, limiting the export from the Republics of China and Korea, respectively, and the import into the United States, of footwear provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75, and disposable footwear designed for one-time use provided for in item 700.85) of the TSUS.

5. Pursuant to section 203(k)(1) of the Trade Act (19 U.S.C. 2253(k)(1)), I have considered the relation of such actions to the international obligations of the United States.

6. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253(d)(2)), I have determined that the level of import relief hereinafter proclaimed permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States from the

Republic of Korea, and from the Republic of China, in the 1974-1976 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253), and section 301 of title 3, United States code, do hereby proclaim:

(1) Orderly marketing agreements were entered into on June 14, 1977, and June 21, 1977, between the Government of the United States of America and the Government of the Republic of China and the Government of the Republic of Korea, respectively, with respect to trade in certain footwear, effective June 28, 1977. The orderly marketing agreements account for a major part of the United States imports of the articles covered by the agreements. Said orderly marketing agreements are to be implemented according to their terms and as directed in this proclamation, including the Annex thereto.

(2) Subpart A, part 2 of the Appendix to the TSUS is modified as set forth in the Annex to this proclamation.

(3) The President's authority under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)), to negotiate orderly marketing agreements with other foreign suppliers after import relief goes into effect is hereby delegated to the Special Representative for Trade Negotiations (hereinafter referred to as the "Special Representative"). The President's authority under section 203(e)(3) of the Trade Act (19 U.S.C. 2253 (e)(3)) to determine that any agreement negotiated pursuant to section 203 (a)(4) or 203 (e)(2) of the Trade Act (19 U.S.C. 2253 (a)(4) and (e)(2)) is no longer effective is hereby delegated to the Special Representative, to be exercised in conformity with paragraph (4)(a) below. In the

event of such a determination, the Special Representative shall prepare any proclamations that may be appropriate to implement import relief authorized by section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)). The President's authority in section 203(g)(1) and (2) of the Trade Act (19 U.S.C. 2253(g)(1) and (2)) to prescribe regulations governing the entry, or withdrawal from warehouse, for consumption of articles covered by the orderly marketing agreements and to issue rules and regulations governing the entry, or withdrawal from warehouse, for consumption of like articles which are the product of countries not parties to such agreements, has been delegated to the Secretary of the Treasury pursuant to section 5(b) of Executive Order No. 11846. Such authority shall be exercised by the Secretary of the Treasury, upon direction by the Special Representative in consultation with representatives of member agencies of the Trade Policy Staff Committee.

(4) In exercising the authority delegated in paragraph (3) above, the Special Representative shall, in addition to other necessary actions, institute the following actions:

(a) Should the export restraint levels specified in the orderly marketing agreements described in paragraph (1) above, and in the Annex to this proclamation be exceeded, or should imports from countries not parties to such agreements increase in such quantities as to disrupt the effectiveness of the orderly marketing agreements, the Special Representative, after consultation with representatives of member agencies of the Trade Policy Staff Committee, may make a determination that for the purposes of section 203(e)(3) of the Trade Act the orderly marketing agreements do not continue to be effective.

(b) Beginning on June 28, 1977, if during any restraint period the quantity of imports of footwear of the types covered by the agreements, from countries other than the Republic of China and the Republic of Korea, appear likely to disrupt the effectiveness of the provisions of the orderly marketing agreements described in paragraph (1) above, the Special Representative may initiate consultations with those countries responsible for such disruptions and may prevent further entry of such articles for the remainder of that restraint period or may otherwise moderate or restrict imports of such articles from such countries pursuant to section 203(g)(2) of the Trade Act. Before exercising this authority, the Special Representative shall consult with representatives of the member agencies of the Trade Policy Staff Committee.

(c) Should the Special Representative determine, pursuant to this proclamation, to institute import restrictions on articles entered, or withdrawn from warehouse, for consumption from countries other than the Republic of China or the Republic of Korea pursuant to this proclamation, such action shall become effective not less than eight days after such determination and any necessary changes in the TSUS have been published in the Federal Register.

(5) The Special Representative shall take such actions and perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment or termination of the agreements described in paragraph (1) of this proclamation, and any actions and functions necessary to implement paragraphs (3) and (4) of this proclamation. In carrying out his responsibilities

under this paragraph the Special Representative is authorized to delegate to appropriate officials or agencies of the United States authority to perform any functions necessary for the administration and implementation of the agreements or actions. The Special Representative is authorized to make any changes in Part 2 of the Appendix to the TSUS which may be necessary to carry out the agreements or actions. Any such changes in the agreements shall be effective on or after their publication in the Federal Register.

(6) The Commissioner of Customs shall take such actions as the Special Representative shall determine are necessary to carry out the agreements described in paragraph (1) of this proclamation, and to implement any import relief implemented pursuant to paragraphs (3) and (4) of this proclamation, or any modification thereof, with respect to the entry, or withdrawal from warehouse, for consumption into the United States of products covered by such agreements or by such other import relief.

(7) This proclamation shall be effective as of June 28, 1977, and shall continue in force through June 30, 1981, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of June in the year of our Lord, nineteen hundred and seventy seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

ANNEX

Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified--

(a) by adding the following new headnote:

"3. Quantitative limitation on certain footwear.--The provisions of this headnote apply to items 923.90 through 923.94, inclusive, of this subpart. The quantitative import limitations imposed are in addition to the duties provided for the restrained articles in schedule 7, part 1A. The import restrictions provided for in this subpart do not apply to footwear with an aggregate value not over $100 in any shipment, if imported for the personal use of the importer.

(a) Definitions.--For the purposes of this subpart--

(i) the term "footwear" means all the footwear provided for in schedule 7, part 1A, except the following: footwear provided for in items 700.51 through 700.54, item 700.60, item 700.75, and disposable footwear, designed for one-time use, provided for in item 700.85;

(ii) the term "athletic footwear" means footwear of special construction for baseball, football, soccer, track, skating, skiiing, and other athletic games, or sports; and

(iii) the term "restraint period" refers to the period beginning June 28, 1977, and ending June 30, 1978, and thereafter to the three subsequent 12-month periods beginning July 1 in one year and ending at the close of June 30 of the following year.

(b) Export visa.--None of the footwear provided for herein exported on or after June 28, 1977, from the foreign countries involved may be entered unless such footwear is accompanied by an appropriate export visa issued by the government of the exporting country.

(c) Footwear in bonded warehouse.--All footwear exported from the Republic of China that is in bonded warehouse as of May 14, 1977, and all footwear exported from the Republic of Korea that is in bonded warehouse as of May 16, 1977, may be withdrawn for consumption without an export visa on or before the 20th day following the date of publication in the Federal Register of the orderly marketing agreements concerning footwear negotiated with such countries. Thereafter such footwear may be withdrawn for consumption only if it is accompanied by an appropriate export visa issued by the government of the exporting country.

(d) Footwear exported prior to June 28, 1977.--All footwear not covered by paragraph (c), which was exported from the foreign country involved prior to June 28, 1977, may be entered prior to September 1, 1977, without the requirement of export visas, provided that all such footwear entered on or after June 1, 1977, in excess of 33 million pairs from the Republic of China and 9 million pairs from the Republic of Korea shall be counted against the respective restraint levels for the first restraint period by pro-rating such imports among the respective TSUS items for each country as follows: For the Republic of China, item 923.90, 8 percent, item 923.91, 86 percent, and item 923.92, 6 percent; and for the Republic of Korea, item 923.93, 35 percent, and item 923.94, 65 percent. No such footwear may be entered on or after September 1, 1977, unless accompanied by an appropriate export visa issued by the exporting country and such footwear shall be counted against the applicable restraint levels.

(e) Footwear exported and entered in different restraint periods.--Footwear which is exported from the foreign country during one restraint period, but is entered more than 90 days following the beginning of the subsequent restraint period, shall be counted against the restraint levels for that subsequent restraint period. Footwear, which is exported from the foreign country during one restraint period in excess of the restraint level for such item for such period, may be entered after the beginning of the next restraint period and shall be counted against the restraint level for such item for such subsequent restraint period.

(f) Carryover.--Except as provided for in paragraph (h), if the restraint level for any item has not been filled for a restraint period, upon appropriate request of the foreign government involved, the shortfall may be entered under the same item during the following restraint period provided that the amount of shortfall so entered does not exceed 11 percent of the restraint level for the restraint period during which the shortfall occurred. If, in accordance with the provisions of paragraph (ij), all or part of a restraint level of any item has been reallocated to the restraint level of one or more of the other items, such amount will not be considered a shortfall, and therefore is not available for carryover.

(g) Exceeding restraint levels.--Upon appropriate request of the foreign government involved, restraint levels for each item may be exceeded by not more than 6 percent during any one restraint period, except as provided for in paragraph (h). If a restraint level is exceeded during a restraint period, the Special Representative for Trade Negotiations shall make a downward adjustment of the restraint level for the next succeeding restraint period in the absolute amount the preceding restraint level was exceeded.

(h) Limitation on paragraphs (f) and (g).--Paragraphs (f) and (g) may not be used in combination to increase the restraint level applicable to any item in any restraint period by more than 11 percent.

(ij) Adjustments.--Upon appropriate request of the foreign government involved for an adjustment of the restraint levels between items as provided for herein, the Special Representative for Trade Negotiations shall adjust the restraint level accordingly, such adjustments to be effective on and after the date of their publication in the Federal Register. Except as provided for later in this paragraph, an upward adjustment in a restraint level for exports from a foreign country shall not exceed the percentage of the respective base limit shown below and must be accompanied by a downward adjustment in the same absolute amount of the restraint level applicable to one or more of the other items set forth in the table below for exports during the same restraint period from the foreign country involved. The Special Representative for Trade Negotiations may, in his discretion, permit an upward adjustment of not over 50 percent of any restraint level applicable to item 923.92 in any restraint period provided that the restraint levels applicable to items 923.90 or 923.91 in the same restraint period are reduced by the same absolute amount.

Item	Restraint periods							
	June 28, 1977-June 30, 1978		July 1, 1978-June 30, 1979		July 1, 1979-June 30, 1980		July 1, 1980-June 30, 1981	
	Base limit	Maximum increase	Base limit	Maximum increase	Base limit	Maximum increase	Base limit	Maximum increase
	1,000 pairs	Percent	1,000 pairs	Percent	1,000 pairs	Percent	1,000 pairs	Percent
923.90	9,760	10	10,000	10	10,240	10	10,480	10
923.91	104,680	10	107,250	10	109,820	10	112,400	10
923.92	7,560	15	7,750	15	7,940	15	8,120	15
923.93	11,520	10	12,740	10	13,090	10	13,260	10
923.94	21,480	15	23,760	15	24,410	15	24,740	15"

(k) United States International Trade Commission (USITC) reports and surveys.--The USITC shall issue reports and conduct surveys with respect to footwear as follows:

(i) Quarterly.--Reports by calendar quarter showing monthly data on U.S. production, imports for consumption, apparent U.S. consumption, employment and prices. The initial report shall cover 1975, 1976 and the first two quarters of 1977; the last such report shall cover the quarter which ends not less than 60 days prior to the termination of the import relief. The reports shall be published within 60 days of the end of a quarter.

(ii) Annually.--Annual surveys to obtain from domestic producers data on profits, orders, capacity, inventories, prices, capital expenditures, and research and development expenditures; and to obtain from importers data on prices, orders, and inventories. The initial survey shall cover the calendar year 1976 and the calendar year 1977, and the results shall be published by May 31, 1978. The results of subsequent surveys shall be published by May 31 of each year thereafter so long as the import relief is in effect.

(b) by inserting in numerical sequence the following new provisions:

Item	Articles	Quota Quantity (in 1,000 pairs) Exported on or after--			
		June 28, 1977	July 1, 1978	July 1, 1979	July 1, 1980
	Whenever the respective aggregate quantity of footwear specified below for items 923.90 through 923.94, inclusive, the product of a specified foreign country, has been exported in any restraint period from that country and has been entered, no article in such item the product of such country entered during such restraint period may be entered, except as provided in headnote 3:				
923.90	Republic of China: Footwear provided for in items 700.05 through 700.45.....	9,760	10,000	10,240	10,480
923.91	Footwear provided for in item 700.58.....	104,680	107,250	109,820	112,400
923.92	Footwear provided for in items 700.66 through 700.85 (except item 700.75 and disposable footwear, designed for one-time use provided for in item 700.85).....	7,560	7,750	7,940	8,120
923.93	Republic of Korea: Footwear (except athletic footwear) provided for in items 700.05 through 700.45.....	11,520	12,740	13,090	13,760
923.94	Athletic footwear provided for in items 700.05 through 700.45, and footwear provided for in items 700.58 and items 700.66 through 700.85 (except item 700.75 and disposable footwear, designed for one-time use provided for in item 700.85).....	21,480	23,760	24,410	24,740"

[FR Doc.77-18395 Filed 6-23-77;10:43 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

NON-RUBBER FOOTWEAR

Orderly Marketing Agreements Between the United States of America and the Republic of China and the Republic of Korea

Set forth below are texts of the orderly marketing agreements that were signed by the Special Representative for Trade Negotiations, on behalf of the Government of the United States, and by representatives of the Governments of the Republics of China and Korea, limiting the export from those two countries and the import into the United States of certain non-rubber footwear. The agreement with the Republic of China was signed on June 14, 1977, and the agreement with the Republic of Korea was signed on June 21, 1977.

Attention is directed particularly to paragraph 2(d)(i) of each agreement, and to the corresponding new paragraph 3(c) added to Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States by the Annex to the proclamation set forth above. Those provisions specify that non-rubber footwear articles covered by the agreement that were exported from the Republic of China and were in bonded warehouse as of May 14, 1977, and those that were exported from the Republic of Korea and were in bonded warehouse as of May 16, 1977, may be withdrawn from consumption on or before the 20th day following the date of this publication without an export visa and without being counted against any import restraint levels. After the 20th day following the date of this publication, such articles can be entered for consumption only if they are accompanied by an appropriate export visa, issued by the government of the exporting country, and will be counted against the appropriate restraint level applicable to the restraint period in which they are withdrawn

EMBASSY OF THE REPUBLIC OF CHINA
EMBASSY OF THE REPUBLIC OF CHINA
Washington, D.C., June 14, 1977.

EXCELLENCY:

I have the honor to refer to the recent discussions between representatives of the Government of the Republic of China and the Government of the United States of America with respect to exports from the Republic of China of nonrubber footwear. I have further the honor to confirm that the Government of the Republic of China will implement the measures and obligations to which it has agreed, under the following provisions:

1. The Government of the Republic of China will administer its control over exports to the United States from the Republic of China of non-rubber footwear as defined in Annex A (hereinafter referred to as "non-rubber footwear"), at the levels set forth in Annex B, for the period from June 28, 1977, through June 30, 1978, and thereafter from July 1, 1978 through June 30, 1981.

2. The Government of the United States of America will assist the Government of the Republic of China in implementing its control over exports of non-rubber footwear to the United States at the levels set forth in Annex B as follows:

His Excellency, ROBERT S. STRAUSS,
The Special Representative for Trade Negotiations, Washington, D.C.

(a) All non-rubber footwear articles exported from the Republic of China to the United States on or after June 28, 1977, will be counted against the restraint levels applicable to the restraint period in which they are exported.

(b) Except as provided in paragraphs 4 and 5, in the event that the restraint level set forth in Annex B is reached for a category prior to the end of a restraint period, the Government of the United States of America will delay further importation in the category affected until after the end of that restraint period.

(c) All non-rubber footwear articles exported from the Republic of China on or after June 28, 1977, will be denied importation for consumption by the United States unless such articles have been issued an export visa by the Government of the Republic of China.

(d) (i) All non-rubber footwear articles exported from the Republic of China that are in bonded warehouses as of May 14, 1977, may be withdrawn from warehouse for consumption on or before the 20th day following the date of publication of the Agreement embodied in these Notes. Thereafter, such articles may be withdrawn from warehouse for consumption only if they have been issued export visas by the Government of the Republic of China.

(ii) All other non-rubber footwear articles exported from the Republic of China prior to June 28, 1977, may be entered for consumption in the United States prior to September 1, 1977, provided that all such articles entered for consumption on or after June 1, 1977, in excess of 33 million pairs will be counted against the restraint levels for the first restraint year by pro-rating them among the categories specified in Annex B according to the percentages of the total annual restraint level comprised by each category.

(e) Exceptions to the specification in subparagraph (a) above that imports are to be counted against restraint levels for the restraint period in which they are exported may be made in order to (1) permit imports that are exported in one restrain period, but that are not imported for consumption until more than 90 days following the beginning of the subsequent restraint period, to be counted against the restraint levels for that subsequent restraint period; and (2) permit imports that were exported in one restraint period, but that were denied entry in that restraint period pursuant to subparagraph (b) above, to be counted against the restraint levels for the subsequent restraint period.

3. The Government of the Republic of China will use its best efforts to space exports of non-rubber footwear to the United States within each category evenly throughout the restraint period, taking into consideration normal seasonal factors.

4. (a) In the event a shortfall occurs with respect to a restraint level for a category during a restraint period, carryover may be made to the next annual restraint period of up to 11 percent of that restraint level in the previous period, but not in excess of the actual shortfall. Shortfalls in one category may not be applied to any other category.

(b) If, in accordance with paragraph 5, part of a restraint level of any category has been reallocated to the restraint level of another category, such amount will not be considered a shortfall and hence would not be available for carryover.

(c) The restraint levels for each category may be exceeded by not more than 6 percent in any one restraint period. Any restraint level that is exceeded in one restraint period will be reduced for the subsequent restraint period by the amount by which it was exceeded.

(d) Subparagraph (a) and (c) may not be used in combination to increase the restraint level applicable to any category in any restraint period by more than 11 percent.

(e) The Government of the Republic of China will provide timely notice to the Government of the United States of America of its intention to exercise the rights provided in subparagraphs (a) or (c) above, and the Government of the United States of America will endeavor to make appropriate adjustments in the applicable restraint levels.

5. (a) The restraint level specified in Annex B for leather footwear and for plastic footwear may be exceeded in a restraint period by no more than 10 percent of the total restraint level applicable to that category for that period, and the restraint level specified in Annex B for the category designated "Other" may be exceeded in a restraint period by no more than 15 percent of the total restraint level applicable to that category for that period, provided that the restraint level applicable to one or more other categories in the same restraint period is reduced by the same absolute amount.

(b) Following notification by the Government of the Republic of China at the earliest possible date of its intention concerning subparagraph (a) above, the Government of the United States of America will make appropriate adjustments of the applicable restraint levels.

6. The Government of the United States of America will notify the Government of the Republic of China as soon as possible should it become necessary for the Government of the United States of America to delay importation in any category due to filing of the applicable restraint level.

7. Commencing three months prior to the end of the second restraint period, and annually thereafter, the Government of the Republic of China and the Government of the United States of America may consult with respect to the possibility of adjusting upward, for the latter part of the second and subsequent restraint periods, the restraint levels specified in Annex B. In any consultations conducted pursuant to this paragraph, the Government of the United States of America shall take into account, inter alia, the state of its domestic footwear industry.

8. The Government of the Republic of China will promptly supply the Government of the United States of America with data on monthly exports to the United States of non-rubber footwear as such data become available. The Government of the United States of America will supply the Government of the Republic of China with data on monthly imports of non-rubber footwear, by principal countries of origin, as such data become available. Each Government agrees to supply promptly any other pertinent and readily available statistical data requested by the other Government. In accordance with current practice, United States data will be used in determining the necessity for delay by the Government of the United States of America of any imports pursuant to these Notes.

9. (a) Consultations between the Government of the Republic of China and the Government of the United States of America with respect to the implementation of these Notes will be held at least once annually.

(b) Either Government may request consultations at any time on any matters arising from the provisions of these Notes, including, inter alia, any problems that may arise relating to circumventions of the Agreement embodied in these Notes. Such consultations will take place at a mutually convenient time not later than thirty days from the date on which such request is made, unless otherwise mutually agreed.

(c) Mutually satisfactory administrative arrangements or adjustments may be made to resolve problems arising in the implementation of these Notes, including differences in points of procedure or operation.

10. (a) If the Government of the Republic of China considers that, as a result of the application of the provisions of these Notes, the Republic of China is placed in an inequitable position vis-a-vis other major exporting countries in respect of exports to the United States of non-rubber footwear, the Government of the Republic of China may initiate consultations with the Government of the United States of America.

(b) The Government of the United States of America will take appropriate remedial measures in the event that it is agreed that United States imports of non-rubber footwear from other major exporting countries have increased rapidly to the disadvantage of producers in the Republic of China.

11. Any rights of trade retaliation that the Government of the Republic of China may have under existing treaties or commercial arrangements will not be exercised with respect to measures taken by the Government of the United States of America pursuant to these Notes.

12. The two Governments may amend the provisions of these Notes if such amendments are mutually agreeable.

13. No provision of these Notes will be construed as applying to prices or production of non-rubber footwear, or allocation of shipments among firms selling (except that it is recognized that such allocations may be deemed necessary and therefore directed by the Government of the Republic of China in its implementation of the provisions of these Notes) or buying non-rubber footwear.

14. Either Government may terminate the provisions of these Notes by giving sixty days prior written notice to the other Government.

15. The foregoing provisions of these Notes will be implemented by the two Governments in accordance with the laws and regulations applicable in their respective countries.

I have further the honor to request Your Excellency to confirm on behalf of the Government of the United States of America that it will implement its measures and obligations under the above provisions, and to propose that this Note and Your Excellency's Note in reply will constitute an agreement between the two Governments as characterized by the above provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

JAMES C. H. SHEN,
Ambassador of the Republic of China.

ANNEX A

The following items from the Tariff Schedules of the United States Annotated (as revised May 1, 1976) are covered by the provisions of the Agreement:

Footwear provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75, and disposable footwear designed for one-time use provided for in item 700.85), of the Tariff Schedules of the United States (TSUS).

ANNEX B

The Government of the Republic of China will apply restraints on exports to the United States of non-rubber footwear as defined in Annex A during the period specified at the levels indicated.

Exports for period

[In million pairs]

Category	Period 1	Period 2	Period 3	Period 4
T1 leather [1]	9.76	10.0	10.24	10.48
T2 plastic [2]	104.68	107.25	109.82	112.40
T3 other [3]	7.56	7.75	7.94	8.12
Total	122.00	125.00	128.00	131.00

[1] Category T1 consists of leather footwear provided for in TSUS item Nos. 700.05 through 700.45, inclusive.
[2] Category T2 consists of plastic footwear provided for in TSUS item No. 700.58.
[3] Category T3 consists of footwear of other materials provided for in TSUS item Nos. 700.66, 700.68, 700.70, 700.80, 700.83, and 700.85 (except 700.8510).

THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
Washington, D.C., June 14, 1977.

EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows: * * *

[EDITORIAL NOTE: The text of the preceding Note from the Ambassador of the Republic of China, including Annexes A and B, follows.]

* * * * *

I have further the honor to confirm on behalf of the Government of the United States of America that it will implement its measures and obligations under the above provisions and to agree that your Excellency's Note and this Note will constitute an agreement between the two Governments as characterized in the above provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT S. STRAUSS,
The Special Representative for Trade Negotiations.

AGREED MINUTES

The representatives of the Government of the Republic of China and the Government of the United States of America wish to record the following understanding concerning the Notes exchanged on June 14, 1977.

1. It is understood that paragraph 10 includes countries that agree to limit exports of non-rubber footwear to the United States at approximately the same time that the Republic of China undertakes such an agreement.

2. In accordance with assurances that have been received by the Government of the United States of America, it is understood that there will not, as a result of this Agreement, be major shifts away from the normal pattern of exports to the United States in non-rubber footwear by type, material, or price range. It is further understood that shifts in exports of non-rubber footwear among types, materials, and price ranges that reflect market trends in the United States will not be considered major shifts in the sense of this paragraph.

3. It is understood that in the event that the Government of the United States of America considers that major shifts of the type described in the preceding agreed minute have occurred, it may initiate consultations with a view toward the prompt resolution of such problems.

4. In the technical administration of the Agreement embodied in these Notes, the Government of the United States of America will be guided generally by the procedures used to implement the Agreement between the United States of America and the Republic of China Regarding International Trade in Textiles.

5. It is understood that nothing in this agreement shall affect the unilateral right of the Government of the United States of America, acting in accordance with its domestic law, to take actions affecting imports of non-rubber footwear from countries other than the Republic of China.

6. It is understood that the Government of the United States of America may, in its discretion, permit shifts into the category "Other" greater than those provided for in paragraph 5(a), up to a total of 50 percent of that category, provided that the restraint levels applicable to one or more other categories in the same restraint period are reduced by the same absolute amount.

For the Government of the United States of America:

ROBERT S. STRAUSS,
The Special Representative for Trade Negotiations.

For the Government of the Republic of China:

JAMES C. H. SHEN,
Ambassador of the Republic of China.

Washington, D.C., June 14, 1977.

EMBASSY OF THE REPUBLIC OF KOREA,
Washington, D.C., June 21, 1977.

His Excellency ROBERT S. STRAUSS,
The Special Representative for Trade Negotiations, Washington, D.C.

EXCELLENCY: I have the honor to refer to the recent discussions between representatives of the Government of the Republic of Korea and the Government of the United States of America with respect to exports from the Republic of Korea of non-rubber footwear. I have further the honor to confirm that the Government of the Republic of Korea will implement the measures and obligations to which it has agreed, under the following provisions:

1. The Government of the Republic of Korea will administer its control over exports to the United States from the Republic of Korea of non-rubber footwear as defined in Annex A (hereinafter referred to as "non-rubber footwear"), at the levels set forth in Annex B, for the period from June 28, 1977, through June 30, 1978, and thereafter from July 1, 1978, through June 30, 1981.

2. The Government of the United States of America will assist the Government of the Republic of Korea in implementing its control over exports of nonrubber footwear to the United States at the levels set forth in Annex B as follows:

(a) All non-rubber footwear articles exported from the Republic of Korea to the United States on or after June 28, 1977, will be counted against the restraint levels applicable to the restraint period in which they are exported.

(b) Except as provided in paragraphs 4 and 5, in the event that a restraint level set forth in Annex B is reached for a category prior to the end of a restraint period, the Government of the United States of America will delay further importation in the category affected until after the end of that restraint period.

(c) All non-rubber footwear articles exported from the Republic of Korea on or after June 28, 1977, will be denied importation for consumption by the Government of the United States of America unless such articles have been issued an export visa by the Government of the Republic of Korea.

(d) (i) All non-rubber footwear articles exported from the Republic of Korea that are in bonded warehouses as of May 16, 1977, may be withdrawn from warehouse for consumption on or before the 20th day follow-

ing the date of publication of the Agreement embodied in these Notes. Thereafter, such articles may be withdrawn from warehouse for consumption only if they have been issued export visas by the Government of the Republic of Korea.

(11) All other non-rubber footwear articles exported from the Republic of Korea prior to June 28, 1977, may be entered for consumption in the United States prior to September 1, 1977, provided that all such articles entered for consumption on or after June 1, 1977, in excess of 9 million pairs will be counted against the restraint levels for the first restraint year by pro-rating them among the categories specified in Annex B according to the percentages of the total annual restraint level comprised by each category.

(e) Exceptions to the specification in subparagraph (a) above that imports are to be counted against restraint levels for the restraint period in which they are exported may be made in order to (1) permit imports that are exported in one restraint period, but that are not imported for consumption until more than 90 days following the beginning of the subsequent restraint period, to be counted against the restraint levels for that subsequent restraint period; and (2) permit imports that were exported in one restraint period, but that were denied entry in that restraint period pursuant to subparagraph (b) above, to be counted against the restraint levels for the subsequent restraint period.

3. The Government of the Republic of Korea will use its best efforts to space exports of non-rubber footwear to the United States within each category evenly throughout the restraint period, taking into consideration normal seasonal factors.

4. (a) In the event a shortfall occurs with respect to a restraint level for a category during a restraint period, carryover may be made to the next annual restraint period of up to 11 percent of that restraint level in the previous period, but not in excess of the actual shortfall. Shortfalls in one category may not be applied to any other category.

(b) If, in accordance with Paragraph 5, part of a restraint level of any category has been reallocated to the restraint level of another category, such amount will not be considered a shortfall and hence would not be available for carryover.

(c) The restraint levels for each category may be exceeded by not more than 6 percent in any one restraint period. Any restraint level that is exceeded in one restraint period will be reduced for the subsequent restraint period by the amount by which it was exceeded.

(d) Subparagraphs (a) and (c) may not be used in combination to increase the restraint level applicable to any category in any restraint period by more than 11 percent.

(e) The Government of the Republic of Korea will provide timely notice to the Government of the United States of America of its intention to exercise the rights provided in subparagraphs (a) or (c) above, and the Government of the United States of America will make appropriate adjustments in the applicable restraint levels.

5. (a) The restraint level specified in Annex B for leather footwear other than athletic may be exceeded in a restraint period by no more than 10 percent of the total restraint level applicable to that category for that period, and the restraint level specified in Annex B for other footwear may be exceeded in a restraint period by no more than 15 percent of the total restraint level applicable to that category for that period, provided that the restraint level applicable to the other category in the same restraint period is reduced by the same absolute amount.

(b) Following notification by the Government of the Republic of Korea at the earliest possible date of its intention concerning subparagraph (a) above, the Government of the United States of America will make appropriate adjustments of the applicable restraint levels.

6. The Government of the United States of America will notify the Government of the Republic of Korea as soon as possible should it become necessary for the Government of the United States of America to delay importation in any category due to filling of the applicable restraint level.

7. Commencing three months prior to the end of the second restraint period, and annually thereafter, the Government of the Republic of Korea and the Government of the United States of America may consult with respect to the possibility of adjusting upward, for the latter part of the second and subsequent restraint periods, the restraint levels specified in Annex B. In any consultations conducted pursuant to this paragraph, the Government of the United States of America shall take into account, inter alia, the state of its domestic footwear industry.

8. The Government of the Republic of Korea will promptly supply the Government of the United States of America with data on monthly exports to the United States of non-rubber footwear as such data become available. The Government of the United States of America will supply the Government of the Republic of Korea with data on monthly imports of non-rubber footwear, by principal countries of origin, as such data become available. Each Government agrees to supply promptly any other pertinent and readily available statistical data requested by the other Government. In accordance with current practice, United States data will be used in determining the necessity for delay by the Government of the United States of America of any imports pursuant to these Notes.

9. (a) Consultations between the Government of the Republic of Korea and the Government of the United States of America with respect to the implementation of these Notes will be held at least once annually.

(b) Either Government may request consultations at any time on any matters arising from the provisions of these Notes, including, inter alia, any problems that may arise relating to circumventions of the Agreement embodied in these Notes. Such consultations will take place at a mutually convenient time not later than thirty days from the date on which such request is made, unless otherwise mutually agreed.

(c) Mutually satisfactory administrative arrangements or adjustments may be made to resolve problems arising in the implementation of these Notes, including differences in points of procedure or operation.

10. (a) If the Government of the Republic of Korea considers that, as a result of the application of the provisions of these Notes, the Republic of Korea is placed in an inequitable position vis-a-vis other major exporting countries in respect of exports to the United States of non-rubber footwear, the Government of the Republic of Korea may initiate consultations with the Government of the United States of America.

(b) The Government of the United States of America will take appropriate remedial measures in the event that it is agreed that United States imports of non-rubber footwear from other major exporting countries have increased rapidly to the disadvantage of producers in the Republic of Korea.

11. The rights under Article XIX(3)(a) of the General Agreement on Tariffs and Trade, if invoked by the Government of the Republic of Korea after the termination of the effectiveness of these Notes, will not be exercised with respect to measures taken by the Government of the United States of America pursuant to these Notes prior to such termination.

12. The two Governments may amend the provisions of these Notes if such amendments are mutually agreeable.

13. No provision of these Notes will be construed as applying to prices or production of non-rubber footwear, or allocation of shipments among firms selling (except that it is recognized that such allocations may be deemed necessary and therefore directed by the Government of the Republic of Korea in its implementation of the provisions of these Notes) or buying non-rubber footwear.

14. Either Government may terminate the provisions of these Notes by giving sixty days prior written notice to the other Government.

15. The foregoing provisions of these Notes will be implemented by the two Governments in accordance with the laws and regulations applicable in their respective countries.

I have further the honor to request Your Excellency to confirm on behalf of the Government of the United States of America that it will implement its measures and obligations under the above provisions, and to propose that this Note and Your Excellency's Note in reply will constitute an agreement between the two Governments as characterized by the above provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

YONG SHIK KIM,
Ambassador.

ANNEX A

The following items from the Tariff Schedules of the United States Annotated (as revised May 1, 1976) are covered by the provisions of the Agreement:

Footwear provided for in items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75, and disposable footwear designed for one-time use provided for in item 700.85), of the Tariff Schedules of the United States (TSUS).

ANNEX B

The Government of the Republic of Korea will apply restraints on exports to the United States of non-rubber footwear as defined in Annex A during the period specified at the levels indicated.

Exports for period

[In million pairs]

Category	Period 1	Period 2	Period 3	Period 4
K1 leather other than athletic [1]	11.52	12.74	13.09	13.26
K2 other [2]	21.48	23.76	24.41	24.74
Total	33.00	36.50	37.50	38.00

[1] Category K1 consists of leather footwear, other than athletic, provided for in TSUS item Nos. 700.05 through 700.45, except TSUSA item Nos. 700.2800, 700.2920, 700.3505, 700.3515, 700.4305, and 700.4505.

[2] Category K2 consists of leather athletic footwear provided for in TSUSA item Nos. 700.2800, 700.2920, 700.3505, 700.3515, 700.4305, and 700.4505, and footwear of other materials provided for in TSUS item Nos. 700.58, 700.66, 700.68, 700.70, 700.80, 700.83, and 700.85 (except 700.8510).

THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Washington, June 21, 1977.

HIS EXCELLENCY YONG SHIK KIM, Ambassador of the Republic of Korea, Washington, D.C.

EXCELLENCY,

I have the honor to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows: • • •

[EDITORIAL NOTE.—The text of the preceding Note from the Ambassador of the Republic of Korea, including Annexes A and B, follows.]

• • • • •

I have further the honor to confirm on behalf of the Government of the United States of America that it will implement its measures and obligations under the above provisions and to agree that Your Excellency's Note and this Note will constitute an Agreement between the two Governments as characterized in the above provisions.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT S. STRAUSS,
The Special Representative for Trade Negotiations.

AGREED MINUTES

The representatives of the Government of the Republic of Korea and the Government of the United States of America wish to record the following understanding concerning the Notes exchanged on June 21, 1977.

1. It is understood that paragraph 10 includes countries that agree to limit exports of non-rubber footwear to the United States at approximately the same time that the Republic of Korea undertakes such an Agreement.

2. In accordance with assurances that have been received by the Government of the United States of America, it is understood that there will not, as a result of this Agreement, be major shifts away from the normal pattern of exports to the United States in non-rubber footwear by type, material, or price range. It is further understood that shifts in exports of non-rubber footwear among types, materials, and price ranges that reflect market trends in the United States will not be considered major shifts in the sense of this paragraph.

3. It is understood that in the event that the Government of the United States of America considers that major shifts of the type described in the preceding agreed minute have occurred, it may initiate consultations with a view toward the prompt resolution of such problems.

4. In the technical administration of the Agreement embodied in these Notes, the Government of the United States of America will be guided generally by the procedures used to implement the Agreement between the United States of America and the Republic of Korea Regarding International Trade in Textiles.

For the Government of the United States of America.

ROBERT S. STRAUSS,
The Special Representative for Trade Negotiations.

For the Government of the Republic of Korea.

YONG SHIK KIM,
Ambassador of the Republic of Korea.

Washington, D.C., June 21, 1977.

DIRECTIVES TO THE UNITED STATES CUSTOMS SERVICE REGARDING IMPLEMENTATION OF THE ORDERLY MARKETING AGREEMENTS

The following letters are being furnished to the U.S. Customs Service regarding the implementation and administration of the orderly marketing agreements set forth above:

THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
Washington, JUNE 21, 1977

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

I would like to draw your attention to paragraph 2(d)(i) of the orderly marketing agreements on non-rubber footwear recently concluded between the Government of the United States and the Governments of the Republics of China and Korea, and to the corresponding new paragraph 3(c) added to Subpart A, part 2 of the Appendix to the Tariff Schedules of the United States by the Annex to the Proclamation implementing those agreements.

Those provisions specify that non-rubber footwear articles covered by the agreement what were exported from the Republic of China and were in bonded warehouse as of May 14, 1977, and those that were exported from the Republic of Korea and were in boider warehouse as of May 16, 1977, may be withdrawn for consumption on or before the 20th day following the date of publication of the orderly marketing agreements in the FEDERAL REGISTER without an export visa and without being counted against any import restraint levels. After the 20th day following the date of such publication, such articles can be withdrawn for consumption only if they are accompanied by an appropriate export visa, issued by the government of the exporting country, and will be counted against the appropriate restraint level applicable to the restraint period in which they are withdrawn.

The Customs Service is requested to take appropriate steps to implement these provisions.

Sincerely,

ROBERT S. STRAUSS.

THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
Washington, JUNE 21, 1977

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Pursuant to the Presidential Proclamation implementing import relief on non-rubber footwear, effective June 28, 1977, non-rubber footwear exported on or after June 28, 1977, from the Republic of China and the Republic of Korea shall not be entered, or withdrawn from warehouse, for consumption unless such footwear is accompanied by an appropriate export visa. Also, warehouse withdrawals for consumption of non-rubber footwear exported from the Republic of China that is in bonded warehouse as of May 14, 1977, and non-rubber footwear exported from the Republic of Korea that is in bonded warehouse as of May 16, 1977, will require an export visa if withdrawn for consumption on or after the 21st day following the date of publication in the FEDERAL REGISTER of the orderly marketing agreements negotiated with such countries.

You are directed to enforce the export visa requirements specified in the Presidential Proclamation, including the annex thereto. These requirements apply to that non-rubber footwear imported for consumption into the United States manufactured or produced in Korea or Taiwan, regardless of the country of exportation, and defined in the annex to the Proclamation.

The export visa shall be an original stamp on the special customs invoice showing the correct category and (a) signed by the Chief, Quota Management Division for exports from the Republic of Korea or (b) having an adjacent red seal (stamp) by the Board of Foreign Trade for exports from the Republic of China. Samples of the export visas from these countries are enclosed. The export visa shall also show one of the following category numbers as appropriate:

Republic of China	923.90
Do	923.91
Do	923.92
Republic of Korea	923.93
Do	923.94

If the category number on the export visa is not correct, entry shall be denied.

Importers whose shipments are denied entry because they are not accompanied by a visa or because of a discrepancy between the actual merchandise and the category indicated on the visa may obtain a visa or get a corrected visa from the seller in the particular country involved.

In the case of shipments from the Republic of Korea, which are denied entry for the reasons cited in the preceding paragraph, the importer may seek assistance from the Commercial Attache, Embassy of Korea, 2320 Massachusetts Avenue, N.W., Washington, D.C. 20008, telephone number 202-483-7383. You are directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of footwear produced or manufactured in the Republic of Korea and exported to the United States, notwithstanding that the designated shipment or shipments do not meet the aforementioned visa requirements, whenever requested to do so in writing by the embassy of the Republic of Korea. Such shipments shall be charged against the appropriate restraint level.

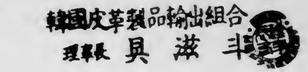
This letter will be published in the FEDERAL REGISTER.

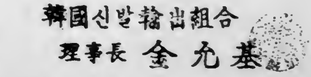
Sincerely,

ROBERT S. STRAUSS.



SAMPLE





.1481, 1482, 1484 (Use separate invoice for purchased and non-purchased goods.) Form Approved, O.M.B. No. 48-R0342

R

2. DOCUMENT NR.*

3. INVOICE NR. AND DATE *

4. REFERENCES *

GNEE

6. BUYER (if other than consignee)

7. ORIGIN OF GOODS

PARTY *

9. TERMS OF SALE, PAYMENT, AND DISCOUNT

SPECIMEN

TIONAL TRANSPORTATION INFORMATION *

11. CURRENCY USED

12. EXCH. RATE (If fixed or agreed)

13. DATE ORDER ACCEPTED

14. S AND NUMBERS ON PPING PACKAGES	15. NUMBER OF PACKAGES	16. FULL DESCRIPTION OF GOODS	17. QUANTITY	UNIT PRICE 18. HOME MARKET	UNIT PRICE 19. INVOICE	20. INVOICE TOTALS

REPUBLIC OF CHINA
Board of Foreign Trade
Licence No.
For Shipping to USA Only
Category No. Quantity

MINISTRY OF ECONOMIC AFFAIRS BOARD OF FOREIGN TRADE MAY 18, 1977 SECOND DEPARTMENT (V) REPUBLIC OF CHINA

C. L. Shyu

If the production of these goods involved furnishing goods or services to the seller (*e.g., assists such as dies, molds, tools, engineering work*) and the value is not included in the invoice price, check box (21) and explain below.

22. PACKING COSTS	
23. OCEAN OR INTERNATIONAL FREIGHT	
24. DOMESTIC FREIGHT CHARGES	
25. INSURANCE COSTS	
26. OTHER COSTS (*Specify Below*)	

27. DECLARATION OF SELLER/SHIPPER (OR AGENT)

I there are any rebates, drawbacks or nunties allowed upon the exportation of goods, I have checked box (A) and temized separately below.

(B) ☐ If the goods were not sold or agreed to be sold, I have checked box (B) and have indicated in column 19 the price I would be willing to receive.

declare that there is no other invoice from this one (unless otherwise described ed that all statements contained in this ed declaration are true and correct.

(C) SIGNATURE OF SELLER/SHIPPER (OR AGENT):

SPACE FOR CONTINUING ANSWERS

ORM OF INVOICE REQUIRED GENERALLY IF RATE OF DUTY BASED UPON OR REGULATED BY VALUE OF GOODS AND PURCHASE PRICE OR VALUE OF SHIPMENT EXCEEDS $500. OTHERWISE USE COMMERCIAL INVOICE

ROBERT S. STRAUSS,
Special Representative for Trade Negotiations.

[FR Doc.77-18199 Filed 6-23-77;8:45 am]

federal register

FRIDAY, JUNE 24, 1977

PART VIII

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Illinois:		
	IL77–5056	June 3, 1977.
Indiana:		
	IL76–5056	Do.
	IN77–2008; IN77–2009; IN77–2016; IN77–2017.	Feb. 11, 1977.
	IN77–2082; IN77–2083; IN77–2084; IN77–2085.	May 13, 1977.
Iowa:		
	IL77–5056	June 3, 1977.
Kentucky:		
	IL77–5056	Do.
Minnesota:		
	IL77–5056	Do.
Missouri:		
	IL77–5056	Do.
Ohio:		
	OH77–2081	May 13, 1977.
Oklahoma:		
	OK77–4056	Mar. 4, 1977.
	OK77–4087	Apr. 29, 1977.
	OK77–4109	June 3, 1977.
Pennsylvania:		
	PA76–3169	May 21, 1976.
	PA76–3210	July 23, 1976.
	PA77–3016; PA77–3023	Jan. 28, 1977.
	PA77–3050	May 13, 1977.
	PA77–3060	May 20, 1977.
Tennessee:		
	TN77–1052	May 6, 1977.
Texas:		
	TX77–4108	June 3, 1977.
Virginia:		
	MD77–3041	Mar. 18, 1977.
Washington, D.C.:		
	DC77–3040	Do.
West Virginia:		
	IL77–5056	June 3, 1977.
Wisconsin:		
	IL77–5056	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:		
	AL77–1073 (AL77–1083)	June 17, 1977.
Indiana:		
	IN77–2006 (IN77–2101)	Feb. 4, 1977.
Kentucky:		
	KY76–1091 (KY77–1084)	Sept. 3, 1977.
	TN77–1026 (KY77–1084)	Mar. 18, 1977.
Iowa:		
	IA76–4185 (IA77–4117)	Nov. 19, 1976.
Maryland:		
	MD77–3018 (MD77–3080)	Jan. 14, 1977.
Pennsylvania:		
	PA76–3246 (PA77–3078)	Sept. 17, 1976.
Tennessee:		
	KY76–1091 (KY77–1084)	Sept. 3, 1976.
	TN77–1026 (KY77–1084)	Mar. 18, 1977.
Texas:		
	TX77–4008 (TX77–4118); TX77–4008 (TX77–4119); TX77–4008 (TX77–4120); TX77–4008 (TX77–4121); TX77–4008 (TX77–4122); TX77–4008 (TX77–4123); TX77–4008 (TX77–4125); TX77–4008 (TX77–4126); TX77–4008 (TX77–4127); TX77–4008 (TX77–4128); TX77–4008 (TX77–4129); TX77–4008 (TX77–4130); TX77–4008 (TX77–4131); TX77–4008 (TX77–4132); TX77–4008 (TX77–4133); TX77–4008 (TX77–4124).	Jan. 28, 1977.
Virginia:		
	AP–494 (VA77–3082)	Mar. 23, 1973.
Wisconsin:		
	WI76–2116 (WI77–2092)	Sept. 24, 1976.

Signed at Washington, D.C., this 17th day of June 1977.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. IN77-2008 - Mod. #3 (42 FR 8908 - February 11, 1977) Decatur County, Indiana					
Change:					
Asbestos workers	$12.00	.55	.50		.01
Bricklayers; Stonemasons	9.50	.30	.30		
Electricians	11.50	4%	5%		.5%
Ironworkers:					
West ½ of Co.	11.15	.90	1.30		.05
East ½ of Co.:					
Reinforcing	10.98	.75	1.65		.02
Plasterers	9.20	.80	.50		.01
DECISION NO. IN77-2009 - Mod. #2 (42 FR 8910 - February 11, 1977) Clark, Floyd, & Harrison Counties, Indiana					
Change:					
Plasterers	$10.35				
DECISION NO. IN77-2016 - Mod. #2 (42 FR 8915 - February 11, 1977) Boone, Hamilton, Hancock, Hendricks, Johnson, Madison, Morgan, & Shelby Counties, Indiana					
Change:					
Asbestos workers	$12.00	.55	.50		.01
Bricklayers:					
Shelby Co.	10.00				
Cement masons:					
Boone (Southern ½ to & incl. Lebanon), Hamilton (Southern part), Hancock (Western part), Hendricks, Johnson, & Morgan (Northern part) Co.	9.71	.65	.75		.04
Electricians	11.50	4%	5%		.5%
Ironworkers:					
Rem. of Boone & Remaining Cos.	11.15	.90	1.30		.05

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #IL77-5056 - Mod. #1 (42 FR 28759 - June 3, 1977) Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Ohio, West Virginia and Wisconsin.					
CHANGE:					
Description of Work: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 960.0 and 127.1; the Upper Mississippi River between Miles 0.0 and 857.6; and the Kaskaskia River from the mouth to Fayetteville, Illinois.					

MODIFICATIONS P. 3

DECISION NO. IN77-2016 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers:					
Hancock Co.	$9.15		.35		.01
Painters:					
Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan (Northern ½), & Shelby Cos.:					
Brush; Drywall tapers & finishers; & Rollers	9.98	.47	.20		
Sandblasters; & Spray	10.98	.47	.20		
Plasterers:					
Boone, Hamilton (Southern part to new Indiana Rte. #32), Hancock (Southern & Western part north to State Road #234 & east to Co. Rd #300-W), Hendricks, Johnson, Morgan (Northern ½), & Shelby Cos.	10.90	.80			.01
Plumbers; Steamfitters:					
Remaining Cos.	11.40	.50	.75		.04
DECISION NO. IN77-2017 - Mod. #3 (42 FR 8920 - February 11, 1977)					
Adams, Blackford, Dekalb, Huntington, Jay, Noble, Steuben, Wabash, Wells, & Whitley Counties, Indiana					
Change:					
Bricklayers:					
Adams, Dekalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.	10.54	.45	.30		.01
Carpenters:					
Adams, Huntington, Wabash, & Wells Cos.:					
Millwrights	9.98	.80	.60		.05
Piledrivermen	9.68	.80	.60		.05

MODIFICATIONS P. 4

DECISION NO. IN77-2017 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dekalb, Noble, Steuben, & Whitley Cos.:					
Carpenters; Soft floor layers	9.85	6%a			.05
Millwrights; Piledrivermen	10.18	6%a			.05
Cement masons:					
Adams, Dekalb, Noble, Steuben, & Whitley Cos.	9.75	.75			.01
Electricians:					
Adams, Dekalb, Huntington, Noble, Steuben, Wells, & Whitley Cos.	11.30	.40	1%+.30		.06
Blackford & Jay Cos.	11.00	.40	1%+.30		.2%
Lathers:					
Adams, Dekalb, Huntington, Noble, Steuben, Wabash, Wells, & Whitley Cos.	9.73		.50		.01
Painters:					
Adams, Dekalb; Huntington, Noble, Steuben, Wabash, Wells (excluding area to the south city limits of Bluffton), & Whitley Cos.:					
Brush; Paperhangers; Rollers; & Tapers	8.75	.37	.35		.10
Sandblasters; Spray; Steam-cleaning & pressure water blasting	9.75	.37	.35		.10
Plasterers:					
Adams, Dekalb, Noble, Steuben, & Whitley Cos.	9.67	.60			
Roofers:					
Adams, Dekalb, Noble, Steuben, Wells, & Whitley Cos.:					
Roofers	10.15		.10		
Pitch work	10.40		.10		
Helpers	5.075		.10		
Sheet metal workers	11.08	.50	.50		.12

MODIFICATIONS P. 5

DECISION NO. IN77-2082 - Mod. #2 (42 FR 24588 - May 13, 1977) Lake, LaPorte, Porter, & St. Joseph Counties, Indiana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Lake, LaPorte, & Porter Cos.: Carpenters	$12.03	.50	.57		.05
Millwrights	12.13	.50	.57		.05
Cement masons:					
Building Construction: LaPorte Co.; Porter Co. (Eastern ½ of Co.)	11.08	.80	1.00		.03
Plasterers:					
LaPorte, Porter (Eastern ½ west to, but not incl. Chesterton) Counties	11.00	.80	1.00		.03
Plumbers:					
Lake Co. (Hammond Area)	11.52	.90	1.05		.02
Lake Co. (Gary Area), LaPorte Co. (except LaPorte City, & Michigan City); & Porter County	11.45	.75	1.50		.02
Roofers:					
Lake & Porter Cos.: Composition, damp & waterproof workers; Slate, tile & asbestos	12.21	.70	.50		
Truck drivers:					
St. Joseph Co. (Building Construction):					
Pickup	6.94	$13.50e	$22.00e	f	
Single axle	7.15	13.50e	22.00e	f	
Tandem or fuel	7.26	13.50e	22.00e	f	
Tri axle	7.31	13.50e	22.00e	f	
Semi trailer	7.36	13.50e	22.00e	f	
DECISION NO. IN77-2083 - Mod. #2 (42 FR 24596 - May 13, 1977) Statewide, except Lake, LaPorte, Porter, & St. Joseph Counties, Indiana					
Change:					
Cement masons:					
Adams, Allen, Dekalb, Noble, Steuben, & Whitley Cos.	9.75	.75			.01

MODIFICATIONS P. 6

DECISION NO. IN77-2083 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Blackford, Delaware, Grant, Huntington, Jay, Randolph, Wabash, & Wells Cos.	$9.75	.60			
Boone, Hamilton (So. ½ of Co., north to the new Rte. Indiana Hwy #32 incl. Noblesville), Hancock (So. & western part, north to but not incl. Wilkinson & east to, but not incl. Fortville), Hendricks, Johnson, Marion & Morgan (Northern ½ of Co.) Cos.	9.71	.65	.75		.04
Ironworkers:					
Marion Co.	11.00	.90	1.30		.05
Bartholomew, Boone (Southeastern ½ of Co.), Brown, Clinton (eastern 1/3 of Co.), Decatur (Western ½ of Co.), Delaware (Southern 2/3 of Co.), Grant (S/W Portion), Hamilton, Hancock, Hendricks, Henry, Howard, Jackson (Northern ½ of Co.), Jennings (Northern ½ of Co.), Johnson, Lawrence (Northeastern 1/6 of Co.), Madison, Monroe, Morgan, Owen, Putnam (eastern ½ of Co. excluding Greencastle), Rush, Shelby, & Tipton Cos.	11.15	.90	1.30		.05
Painters:					
Adams, Allen, Dekalb, Grant, Huntington, LaGrange, Noble, Steuben, Wabash, Whitley, & Wells (Northern ½ of Co. to & incl. Bluffton):					
Brush; Paperhangers; Rollers; & Tapers	8.75	.37	.35		.10
Sandblasters; Spray	9.75	.37	.35		.10

MODIFICATIONS P. 7

DECISION NO. IN77-2083 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Boone, Hamilton, Hancock, Hendricks, Johnson, Marion, Morgan (North ½ of Co.) & Shelby Cos.:					
Brush	9.98	.47	.20		
Spray	10.98	.47	.20		
Omit:					
Line construction schedules for:					
Clinton (Frankfort only) & Miami (Peru & Grissom AFB) Fountain, Vermillion, & Warren Counties .					
Add:					
Line construction schedules for:					
Clinton (Frankfort only & Miami (Pery & Grissom AFB) Fountain, Vermillion, & Warren Counties					

LINE CONSTRUCTION Clinton (Frankfort only) & Miami (Peru & Grissom AFB)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Heavy equipment operators "A"	$10.73	.45	1%		½%
CABLE SPLICERS	11.65	.45	1%		½%
HEAVY EQUIPMENT OPERATORS "B"	8.63	.45	1%		½%
POWDERMAN; Equipment mechanic	8.44	.45	1%		½%
SENIOR GROUNDMAN - truck driver with winch	7.07	.45	1%		½%
GROUNDMAN - truck driver with winch	6.76	.45	1%		½%
SENIOR GROUNDMAN AFTER 5 YEARS	6.74	.45	1%		½%
SENIOR GROUNDMAN AFTER 12 MONTHS	6.54	.45	1%		½%
GROUNDMAN - truck driver without winch	6.05	.45	1%		½%
GROUNDMAN 0 to 12 MONTHS	5.60	.45	1%		½%

MODIFICATIONS P. 8

DECISION NO. IN77-2083 Cont'd

LINE CONSTRUCTION Fountain, Vermillion, & Warren Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Groundman equipment operator	$11.57	.40	1%+.30		½%
GROUNDMAN TRUCK DRIVER W/WINCH	9.47	.40	1%+.30		½%
GROUNDMAN TRUCK DRIVER WO/WINCH	8.87	.40	1%+.30		½%
GROUNDMAN	8.42	.40	1%+.30		½%

MODIFICATIONS P. 9

DECISION NO. IN77-2084 - Mod. #2
(42 FR 24555 - May 13, 1977)

Brown, Crawford, Jackson, Jefferson, Jennings, Lawrence, Orange, Scott, Switzerland, & Washington Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers:					
Brown Co.	$12.00	.55	.50		.01
Bricklayers; Stonemasons:					
Crawford Co.	9.19	.85	.50		
Electricians:					
Brown Co.	10.75	.40	1%+.50		.01
Jennings Co.	11.50	4%	5%		½%
Ironworkers:					
Brown, Jackson (N. ½ of Co.), Jennings (N. ½ of Co.), & Lawrence (Except So. 2/3 of Co.)	11.15	.90	1.30		.05
Switzerland Co.:					
Reinforcing	10.98	.75	1.65		.02

DECISION NO. IN77-2085 - Mod. #2
(42 FR 24562 - May 13, 1977)

Fayette, Franklin, Henry, Ohio, Randolph, Ripley, Rush, Union, & Wayne Counties, Indiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers:					
Henry & Rush Cos.	12.00	.55	.50		.01
Bricklayers; Stonemasons:					
Ripley Co.	9.50		.30		
Electricians:					
Fayette, Frsnklin, Henry, Randolph, Union, & Wayne Cos.	11.00	.40	1%+.30		.2%
Ripley & Rush Cos.	11.50	4%	5%		½%
Ironworkers:					
Fayette (Part of Co.), Henry, & Rush Cos.	11.15	.90	1.30		.05

MODIFICATIONS P. 10

DECISION NO. IN77-2085 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Fayette (Part of Co.), Randolph (So. part incl. Union City, but exclu. Winchester), Union, & Wayne Cos.:					
Within 15 mi. radius of Dayton, Ohio	$10.96	.90	1.25		.04
Beyond 15 mi. radius of Dayton, Ohio	11.11	.90	1.25		.04
Fayette (Part of Co.), Franklin, Ohio, & Ripley Cos.:					
Reinforcing	10.98	.75	1.65		.02
Lathers:					
Henry & Randolph Cos.	9.15		.35		.01
Plasterers:					
Fayette, Franklin, Rush, Union, & Wayne Cos.	9.20	.80	.50		.01
Plumbers; Steamfitters:					
Ohio & Ripley Cos.	12.07	.75	1.05		.05
Sheet metal workers:					
Ohio Co.	12.035	.90	.81		.04

MODIFICATIONS P. 11

DECISION NO. OH77-2081 - Mod. #2 (42 FR 24661 - May 13, 1977) Clark, Franklin, Greene, Lawrence, Licking, Madison, Montgomery, Muskingum, Pickaway, Pike, Ross, & Scioto Counties, Ohio	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Omit:					
Laborers for Lawrence, Pike, & Scioto Cos.:					
Add:					
Laborers:					
Lawrence, Pike, & Scioto Counties:					
Common laborers; Signalmen	$7.77	.65	.55		.10
Sheeting & Shoring men	7.87	.65	.55		.10
Bottom men; Carpenters' tenders; Mason tenders; Mortar mixers; Plasterers' tenders; & pipelayers	7.92	.65	.55		.10
Air & machine driver tool op.; Asphalt rakers & smoothers; Burning & cutting torches; Chain saws; Powered concrete buggies; Hand spikers	8.02	.65	.55		.10
Gunnite machine op.; Gunnite nozzlemen; Powdermen & blasters	8.34	.65	.55		.10

MODIFICATIONS P. 12

DECISION NO. OK77-4056 - Mod. #4 (42 FR 12663 - March 4, 1977) Comanche County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
CARPENTERS:					
Carpenters	$7.90	.45	.25		.04
Millwrights-Piledrivermen	8.40	.45	.25		.04
Power saw operator	8.025	.45	.25		.04
DECISION NO. OK77-4087 - Mod. #2 (42 FR 22107 - April 29, 1977) Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers Counties, Oklahoma					
CHANGE:					
ELECTRICIANS:					
Electricians	$10.65	.46	1%+.40	.30	.07
Cable splicers	10.85	.46	1%+.40	.30	.07
PLUMBERS	11.27	.35	.55		.08
SOFT FLOOR LAYERS	7.71		.35	.74+b	.03
DECISION NO. OK77-4109 - Mod. #1 (42 FR 28807 - June 3, 1977) Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Seminole and Pottawatomie Counties, Oklahoma					
CHANGE:					
PAINTERS:					
Brush	$8.45	.50	.35	.35	.03
Spray under 30 feet	8.95	.50	.35	.35	.03
Spray over 30 feet	9.45	.50	.35	.35	.03
Sandblasting under 30 feet	8.95	.50	.35	.35	.03
Sandblasting over 30 feet	9.45	.50	.35	.35	.03
Hazardous work	8.95	.50	.35	.35	.03
Paperhanging	9.45	.50	.35	.35	.03
Tapers using machine tools	8.95	.50	.35	.35	.03
ELEVATOR CONSTRUCTORS	8.855	.545	.35	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.545	.35	2½%+a+b	.02

MODIFICATIONS P. 13

DECISION #PA76-3169 - Mod. # 4 (41 FR 21133 - May 21, 1976) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
HEAVY & HIGHWAY CONSTRUCTION:					
Carpenters	$10.57	2.13	1.30	a	.12
Laborers:					
Powderman, Multiple wagon drill op.	8.75	.95	.65		
Finished surface asphalt rakers, ope., pipelayers, caulkers, conduit and duct layers	8.55	.95	.65		
Other pneumatic tools ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete materials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in shoring, Men working in lagging, Laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, Scaffold builders	8.45	.95	.65		
Wagon drill operators	8.60	.95	.65		
YARD WORKERS:					
Laborers, Scale mixermen, Burnermen Dustmen. Feeders	8.35	.95	.65		
FREE AIR TUNNELS:					
Miners, Miners bore driver, Basters Drillers, Pneumatic Shield oprs., Welders & burners	9.00	.95	.65		
Miners' helpers, Form setters Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	8.85	.95	.65		
Circular caisson excavation bottom men	8.70	.95	.65		
Underpinning excavation bottom men	8.85	.95	.65		
All other laborers on construction work, with the exception of workers in compressed air	8.75	.95	.65		

MODIFICATIONS P. 14

DECISION #PA76-3210 - Mod. # 5 (41 FR 30486 - July 23, 1976) Columbia, Montour & Snyder Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons:					
Zone 1	$9.50	.55	.65		
Cement Masons					
Zone 1	10.10				.01
Electricians					
Zone III	10.56	.45	1%+.31		1/4%
Glaziers					
Zone II	9.39	.40	.40		.01
Laborers:					
Zone 2					
Class I	7.20	.40	.35		
Class II	7.20	.40	.35		
Class III	7.35	.40	.35		
Zone 3					
Class I	7.55	.30	.35		
Class II	7.70	.30	.35		
Class III	8.02	.30	.35		
Class IV	8.12	.30	.35		
Class V	7.20	.30	.35		
Painters					
Zone II					
Brush	9.30	.50	.30		.05
Tapers	9.56	.50	.30		.05
Hazardous	10.56	.50	.30		.05
Area covered by Painters (Zone II - Columbia, Montour & Snyder Counties)					
Piledrivermen	10.77	2.13	1.30	d	.12
Soft floor layers	8.88	.40	.50		.03
Sprinkler Fitters	11.86	.65	.95		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
Painters:					
ZONE I					
Brush	$8.20				
Steel	8.62				
Stack, spray tanks, bridges, & sandblasting	9.00				
ZONE III					
Brush	6.75				
Spray	8.00				

DECISION NO. PA77-3016 - Mod. #5 (42 FR 5632 - January 28, 1977) Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: Rehabilitation work on residential structures to include demolition, repair, and alteration, or any existing structures of not more than four (4) stories which is intended for predominently residential use:					
Dry well finishers	$8.75	.89	.50		.03
Electricians:					
Zone I	12.02	.72	.48		.24
Zone II	11.20	.50	.40		.17
Zone III	11.34	.50	.37		.06
Plumbers - Zone I	11.24	.81	1.30		.14
Roofers - Zone I					
Composition, damp and waterproofers	9.32	.65	.55		
Tile layers	9.25	1.10	.90		.14
Building Construction					
Bricklayers					
Zone 1	10.88	1.10	1.00		.02
Zone 3	10.96	.95	1.07		.02
Laborers:					
Class 1	8.50	.90	.65		
Class 2	8.60	.90	.65		
Class 3	8.65	.90	.65		
Class 4	8.80	.90	.65		
Class 5	8.90	.90	.65		
Class 6	8.44	.90	.65		
Painters:					
Zone 3					
Brush	8.95	.70	.55		
Steel & Spray	10.00	.70	.55		
Roller	8.95	.70	.55		

DECISION #PA77-3023 - Mod. # 3 (42 FR 5640 - January 28, 1977) Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin, and Potter Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: Ironworkers, reinforcing: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Somerset, Allegheny, Beaver, Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango, Warren, Bedford, Jefferson, Clinton, Elk, Fulton and Potter Counties	$7.945	.785	1.03		.01
ADD: LINE CONSTRUCTION: Franklin County					
Journeyman Lineman	10.28	.30	.102		.051
Experienced Winch Truck	7.20	.30	.072		.036
2nd 1000 Hrs.	7.02	.30	.070		.035
1st. 1000 Hrs.	6.85	.30	.068		.034
Experienced Truck Driver	6.68	.30	.066		.033
2nd. 1000 Hrs.	6.51	.30	.065		.032
1st. 1000 Hrs.	6.34	.30	.063		.031
Experienced Groundmen	6.17	.30	.061		.030
2nd. 1000 Hrs.	6.00	.30	.060		.030
1st. 1000 Hrs.	5.82	.30	.058		.028

DECISION #PA77-3050 - Mod. # 1 (42 FR 24669 - May 13, 1977) Lackawanna, Susquehanna, Wayne, and, Wyoming Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Bricklayers & Stonemasons:					
Scranton in Lackawanna County	$10.70	.75	.80		.01
Carpenters:					
Lackawanna, Susquehanna and Wayne Counties	10.40	.43	.50		.05
Wyoming County:					
East of Susquehanna River	10.40	.43	.50		.05
Lathers	10.54		.10		.01
Millwrights:					
Lackawanna, Susquehanna & Wayne Counties	10.98	.43	.50		.05
Wyoming County:					
East of Susquehanna River	10.98	.43	.50		.05
West of Susquehanna River	11.29	.40	.50		.03
Painters:					
Brush & Roller	8.60		1.00		
Spray	10.10		1.00		
Steel	9.60		1.00		
Plumbers	11.49	.40	.75		.04
Soft floor layers	8.88	.40	.50		.03
Sprinkler Fitters	11.86	.65	.95		.08
Pipe Fitters	11.50	.39	.75		.04
Truck Drivers:					
Class I	8.47				
Class II	8.54				
Class III	9.03				

DECISION #PA77-3060 - Mod. # 1 (42 FR 26179 - May 20, 1977) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT: LINE CONSTRUCTION: Franklin County(Only)					
Journeymen Linemen	$10.28	.30	.102		.051
Experienced Winch Truck	7.20	.30	.072		.036
2nd. 1000 Hrs.	7.02	.30	.070		.035
1st. 1000 Hrs.	6.85	.30	.068		.034
Experienced Truck Driver	6.68	.30	.066		.033
2nd 1000 Hrs.	6.51	.30	.065		.032
1st. 1000 Hrs.	6.34	.30	.063		.031
Experienced Groundman	6.17	.30	.061		.030
2nd. 1000 Hrs.	6.00	.30	.060		.030
1st. 1000 Hrs.	5.82	.30	.058		.028

MODIFICATIONS P. 19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Decision # TN77-1052 - Mod. # 1 (42 FR 23427 - May 6, 1977) Anderson and Roane Counties (Oak Ridge Energy Research and Development site only), Tennessee.					
Change: Sheet metal workers	$10.22	.47	.50		.04
DECISION #TX77-4108 - Mod. #1 (42 FR 28810 - June 3, 1977) Tom Green County, Texas					
Change: Bricklayers	$ 8.50				

MODIFICATIONS P. 20

DECISION #MD77-3041 - Mod. # 5 (42 FR 15268 - March 18, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change: BUILDING CONSTRUCTION (INCLUDING WMATA - RRTS					
Carpenters	$10.45	.80	.60		.05
Millwrights	10.94	.80	.60		.05
Piledrivermen	10.68	.80	.60		.05
Soft floor layers	10.45	.80	.60		.05
Marble Setters	11.60	.80	.65		.07
Stone Masons	11.60	.80	.65		.07

MODIFICATIONS P. 21

DECISION #DC77-3040 - Mod. # 5 (42 FR 15293 - March 18, 1977) Washington, D. C.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE BUILDING AND HEAVY CONSTRUCTION: INCLUDING WMATA - RRTS					
Carpenters	$10.45	.80	.60		.05
Soft floor layers	10.45	.80	.60		.05
Millwrights	10.94	.80	.60		.05
Piledrivermen	10.68	.80	.60		.05
Marble Setters	11.60	.80	.65		.07
Stone Masons	11.60	.80	.65		.07
SEWER & WATER EXCLUDING WMATA - RRTS)					
Carpenters	10.45	.80	.60		.05
OMIT: In it's entirety (DEMOLITION, EXCLUDING METRO PROJECTS - (RAPID RAIL TRANSIT SYSTEM)					
Laborers	6.40	.35	.40		.05
Burners	6.90	.35	.40		.05
Power Equipment Operators					
Cranes	11.80	.55	.55		.12
Loaders	11.40	.55	.55		.12
Truck Drivers	4.00				

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: *See below
DECISION NO.: Al77-1083 DATE: Date of Publication
Supersedes Decision NO.: AL77-1073 dated June 17, 1977 in 42 FR
DESCRIPTION OF WORK: Heavy Construction

*Counties: Calhoun Etowah Green Jefferson Pickens St. Clair Shelby Sumter Talladega Tuscaloosa and Walker

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	9.50				
Carpenters:					
Green, Pickens, Sumter and Tuscaloosa Counties	7.90				.06
Jefferson, Shelby, Walker and that portion of St. Clair and Talladega County West of Highway 231 from the Blount County line South to Interstate 20. Also that protion of St. Clair and Talladega Counties South of Interstate 20 and West of U.S. Alternate 231 South, not including the City of Talladega and that portion of Talladega County South, of the City of Talladega and West and South of the Talladega National Forest	8.10	.45	.30		.07
Calhoun, Etowah and Remainder of St. Clair and Talladega Counties	6.98	.45	.30		.06
Electricians	10.10	.30	1%+.40		½ of 1%
Ironworkers	8.50	.60	.815		.04
Laborers:					
Air tool operator	5.80	.30	.30		.05
Asphalt lute man	5.80	.30	.30		.05
Asphalt raker	5.80	.30	.30		.05
Batch truck dumper	5.65	.30	.30		.05
Caisson hole men (10'dia.)	6.40	.30	.30		.05
Chain saw operator	5.80	.30	.30		.05
Concrete saw operator	5.80	.30	.30		.05
Dry cement handlers (bulk or bag)	5.80	.30	.30		.05
Hand blade operator	5.65	.30	.30		.05
General laborer	5.65	.30	.30		.05
Mortar mixers	5.75	.30	.30		.05
Muckers	5.75	.30	.30		.05
Pipelayers	5.75	.30	.30		.05
Powdermen & blasters	6.48	.30	.30		.05

AL77-1083 - (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers (Cont'd):					
Side rail setters	5.80	.30	.30		.05
Vibrator operator	5.80	.30	.30		.05
Wagon drill operator	6.05	.30	.30		.05
Oxagon operator	7.15	.30	.30		.05
Tunnel work (free air)					
Chuck tender	6.20	.30	.30		.05
Head miner	6.65	.30	.30		.05
Pneumatic concrete gun operator & nozzlemen	6.35	.30	.30		.05
Tunnel laborer	6.05	.30	.30		.05
Tunnel miner	6.45	.30	.30		.05
Plumbers and Pipefitters	9.45	.30	.30		.05
Truck drivers	5.75	.20	.45		.05
Welders - Rate for craft.					

AL77-1083 - (Cont'd)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.11	.40	.30		.10
CLASS B	8.57	.40	.30		.10
CLASS C	8.22	.40	.30		.10
CLASS D	7.61	.40	.30		.10

CLASS A: Asphalt plant, asphalt spreader, backhoe, boat operator, (inboard), boom tractor, bulldozer, cableways, cherry picker, compressors-2, or more within 200 ft. radius, concrete plants-stationary, mixer operator, concrete pump, conveyor-2 or more up to 4, core driller-crane-derrick-dragline-deck hoist on construction barges, crane-hydro, dinky locomotive, distributors-bituminous surface, dredge operator, farm tractor with attachments (30 HP or more-which are an intergral part of tractor), fork lift, front end loader, gradall, headhouse operator, heavy duty, mechanic, hoist-2 drums or more, ice plant in connection with concrete, mixers-5 bags or over, motor graders, pile driver, push tractor, quarry master and rock crusher, rollers-asphalt, scraper, scrapers in tandem (operator to receive 250 per hour for each additional scraper), shovels, trenching machines and all similar equipment.

CLASS B: Crawler tractor, hoist-1 drum, pumps-2 or more 4 inch & over, under 5 within 200 ft, radius, rollers (other than asphalt), winch truck, well points and other equipment used for dewaterin.

CLASS C: Air compressor, blade graders-pull type, farm tractor with attachments, finishing machine-screed mounted self-propelled, mixers-under 5 bags.

CLASS D: Outboard boats, air compressor-125 and under, (oiler-helper), conveyor-one (1) tended by oiler, mechanic helper, pumps-under 4 inch-3 or under, welding machines-3 or under, oiler or helper-in-board boats, dedk hand.

SUPERSEDEAS DECISION

STATE: INDIANA COUNTIES: *SEE BELOW
DECISION NUMBER: IN77-2101 DATE: Date of Publication
Supersedes Decision No. IN77-2006 dated February 4, 1977, in 42 FR 7046.
DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).

*Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe Vanderburgh, & Vigo

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Allen & Grant Cos.	$11.45	.50	.75		
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.	12.00	.55	.50		.01
Dearborn Co.	11.61	.60	.85		.02
Vanderburgh Co.	11.50	.45	.40		.03
BOILERMAKERS:					
Dearborn Co.	9.40	.75	1.00	1.40	.02
Remaining Cos.	11.70	.80	1.00		.03
BRICKLAYERS; Marble setters; Stonemasons; Terrazzo workers; & Tile setters:					
Allen Co.:					
Bricklayers; Marble setters & Stonemasons	10.54	.45	.30		.01
Bartholomew & Monroe Cos.:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters	9.90	.40	.30		.02
Benton & Tippecanoe Cos.:					
Bricklayers; Marble setters; & Stonemasons	9.85	.48	.35		.01
Terrazzo workers & Tile setters	9.85	.48	.35		.01
Dearborn Co.	9.50		.30		
Delaware Co.:					
Bricklayers; Marble setters; & Stonemasons	9.85	.50	.45		.01
Tile setters	9.60	.50	.45		.01
Grant Co.:					
Bricklayers; Marble setters; Stonemasons; Terrazzo workers; & Tile setters	9.45	.70	.40		
Marion Co.:					
Bricklayers; Stonemasons	10.60	.40	.30		.06
Marble setters; Tile setters	10.46	.30	.30		.04
Terrazzo workers	10.20	.30	.30		.03
Vanderburgh Co.:					
Bricklayers; Stonemasons	10.38	.85	.50		
Marble setters; Terrazzo workers; & Tile setters	10.30		.50		

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vigo Co.:					
Bricklayers; Stonemasons	$10.35	.40	.70		.01
Marble setters; Terrazzo workers; & Tile setters	9.95	.40	.70		.01
CARPENTERS; Millwrights; Piledrivermen; & Soft floor layers:					
Allen Co.:					
Carpenters; Soft floor layers	9.85	6%a			.05
Millwrights; Piledrivermen	10.18	6%a			.05
Bartholomew Co. (Camp Atterbury) & Marion Co.:					
Carpenters; Millwrights	11.05	.50	.60		.08
Bartholomew Co. (Rem. of Co.):					
Carpenters; Soft floor layers	9.69	.55	.65		.03
Millwrights	10.19	.55	.65		.03
Piledrivermen; Burners; Welders	9.94	.55	.65		.03
Benton & Tippecanoe Cos.:					
Carpenters & Soft floor layers	9.36	.40	.40		.02
Millwrights & Piledrivermen	9.71	.40	.40		.02
Dearborn Co.:					
Carpenters & Soft floor layers	9.74	.55	.65		.03
Millwrights	10.24	.55	.65		.03
Piledrivermen; Burners; Welders	9.99	.55	.65		.03
Delaware Co.:					
Carpenters & Soft floor layers	9.60	.55	.35		.08
Millwrights	9.90	.55	.35		.08
Piledrivermen	9.80	.55	.35		.08
Grant Co.:					
Carpenters	9.48	.80	.60		.05
Millwrights	9.98	.80	.60		.05
Piledrivermen	9.68	.80	.60		.05
Monroe Co.:					
Carpenters & Soft floor layers	9.10	.60	.35		.01
Millwrights & Piledrivermen	9.35	.60	.35		.01
Vanderburgh Co.:					
Carpenters & Soft floor layers	9.65	.40	.35		
Millwrights	10.34	.45	.70		
Piledrivermen	9.90	.40	.35		
Vigo Co.:					
Carpenters & Soft floor layers	9.38	.45	.55		.02
Millwrights	9.88	.35	.40		.02
Piledrivermen	9.63	.45	.55		.02

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:					
Allen Co.	$9.75	.75			.01
Benton & Tippecanoe Cos.	8.60	.45	.65		
Dearborn Co.	7.50				
Delaware & Grant Cos.	9.75	.60			
Marion Co.	9.71	.65	.75		.04
Vanderburgh Co.	9.80	.65	.55		
Vigo Co.	10.20	.60	.25		
ELECTRICIANS:					
Allen Co.	11.30	.40	1%+.30		.06
Bartholomew & Marion Cos.	11.50	4%	5%		.5%
Benton & Tippecanoe Cos.	10.80	.40	1%		¼%
Dearborn Co.:					
Up to & incl. 18-mi. radius from Hamilton Co., Ohio Court House	11.30	.70	1%+.40		.5%
Over 18-mi. radius up to & incl. 21-mi. radius from Hamilton Co., Ohio Court House	11.60	.70	1%+.40		.5%
Over 21-mi. radius up to & incl. 25-mi. radius from Hamilton Co., Ohio Court House	11.70	.70	1%+.40		.5%
Over 25-mi. radius from Hamilton Co., Ohio Court House	11.85	.70	1%+.40		.5%
Delaware Co.	11.00	.40	1%+.30		.2%
Grant Co.	10.75	.40	1%+.30		.2%
Monroe Co.	10.75	.40	1%+.50		.01
Vanderburgh Co.	11.65	.40	1%		¼%
Vigo Co.	11.35	.40	1%+.50		.01
ELEVATOR CONSTRUCTORS:					
Allen & Grant Cos.:					
Elevator constructors	9.66	.495	.32	4%+b+c	.02
Helpers	70%JR	.495	.32	4%+b+c	.02
Helpers (Prob.)	50%JR				
Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.:					
Elevator constructors	10.68	.545	.35	4%+b+c	.02
Helpers	70%JR	.545	.35	4%+b+c	.02
Helpers (Prob.)	50%JR				

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Dearborn Co.:					
Elevator constructors	$11.15	.545	.35	4%+b+c	.02
Helpers	70%JR	.545	.35	4%+b+c	.02
Helpers (Prob.)	50%JR				
Vanderburgh Co.:					
Elevator constructors	10.74	.545	.35	4%+b+c	.02
Helpers	70%JR	.545	.35	4%+b+c	.02
Helpers (Prob.)	50%JR				
GLAZIERS:					
Allen & Grant Cos.	9.53	d		.40+e	.04
Bartholomew, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos.	11.59				
Benton Co. (E. of Rte #41, S. to Gravel Hill)	9.05	.40	.30		
Dearborn Co.	10.10		.35		.005
Vanderburgh Co.	10.105	.48	.50	.25	
IRONWORKERS:					
Allen, Delaware (Northeastern 1/3 of Co.), & Grant (excluding s/w portion) Cos.	10.75	.75	.95		.01
Bartholomew, Delaware (Southern 2/3 of Co.), Grant (s/w portion) & Monroe Cos.	11.15	.90	1.30		.05
Marion Co.	11.00	.90	1.30		.05
Benton & Tippecanoe Cos.	9.99	.75	1.05		.02
Dearborn Co.:					
Ornamental; Structural Reinforcing	11.08	.75	.85		.03
	10.98	.75	1.65		.02
Vanderburgh Co.	8.15	.25	.25		
Vigo Co.	10.15	.75	1.70		.10
LATHERS:					
Allen Co.	9.73		.50		.01
Bartholomew, Marion, Monroe, & Vigo Cos.	10.54	.61	.35		.04
Benton & Tippecanoe Cos.	9.49	.55	.35		.01
Dearborn Co.	11.67		.25		.025
Delaware & Grant Cos.	9.15		.35		.01
Vanderburgh Co.	11.17		.20		.01
LEADBURNERS	9.25	.35			.01

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MARBLE SETTERS' HELPERS; Terrazzo workers' helpers; Tile setters' helpers:					
Allen Co.	6.95				
Vigo Co.	7.40	.40	.70		.01
PAINTERS:					
Allen & Grant Cos.:					
Brush; Paperhangers; Rollers; & Tapers	8.75	.37	.35		.10
Sandblasters; Spray	9.75	.37	.35		.10
Bartholomew Co.:					
Brush; Drywall taping & finishing; & Rollers	9.45		.50		
Sandblasting; Spray; Swing stage	10.45		.50		
Benton & Tippecanoe Cos.:					
Brush	8.45				
Structural steel	8.70				
Sandblasting	9.50				
Spray	11.72				
Dearborn Co.:					
Brush; Roller; Wallwashing; Drywall taping & finishing; Wallpaper & vinyl hanging; Floor sanding; Seamless flooring & finishing; Sandblasting; Hopper tending; Steamcleaning	9.30				
Spray	9.80				
Delaware Co.:					
Brush; Taping	8.55		.60		
Sandblasters; Spray	9.30		.60		
Steeplejack; Water towers	9.55		.60		
Marion Co.:					
Brush; Drywall tapers & finishers; Rollers	9.98	.47	.20		
Sandblasters; Spray	10.98	.47	.20		
Monroe Co.:					
Brush; Drywall; Paperhanging; Roller; & Vinyl	8.40			.30	
Structural steel	9.15			.30	
Sandblasting; Spray	9.40			.30	

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Vanderburgh Co.:					
Brush; Roller	$8.95	.65	.30		
Sandblasting	9.70	.65	.30		
Spray	9.95	.65	.30		
Vigo Co.:					
Brush; Drywall finishing; Paperhangers; & Rollers	8.50			.25	
Spray	9.50			.25	
Structural steel to 30 ft.	8.75			.25	
Structural steel 30 ft. to 100 ft.	9.50			.25	
Structural steel over 100 ft.	10.50			.25	
PIPEFITTERS; Steamfitters:					
Dearborn Co.	11.35	.875	1.15		.08
PIPEFITTERS; Plumbers; & Steamfitters:					
Bartholomew (Camp Atterbury), & Marion Cos.	11.40	.50	.75		.04
Benton, Tippecanoe, & Vigo Cos.	12.05	.50	.90		.10
PLASTERERS:					
Allen Co.	9.67	.60			
Benton (Eastern 2/3 west to & incl. Boswell, Earl Park, & Raub) & Tippecanoe Cos.	9.50	.55			
Dearborn Co.	7.50				
Delaware & Grant Cos.	8.40	.65			.01
Marion Co.	10.90	.80			.01
Vanderburgh Co.	10.58				
Vigo Co.	9.75	.50	.50		
PLUMBERS; Gas Fitters:					
Dearborn Co.	12.07	.75	1.05		.05
PLUMBERS; Steamfitters:					
Allen Co.	10.05	.35	.65		.07
Bartholomew (excluding Camp Atterbury) Co.	11.20	.50	.30		.05
Delaware Co.	10.80	.50	.55	g	.15
Grant Co.	10.90	.50	.55		.05
Monroe Co.	10.95	.50	.75		.15
Vanderburgh Co.	12.18	.50	.90		.06

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Allen Co.:					
Roofers	$10.15		.10		
Pitch work	10.40		.10		
Helpers	5.075		.10		
Bartholomew, Marion, & Monroe Cos.:					
Composition; Waterproofers	10.43	.35	.40		
Slate, Tile, Asbestos, & precast slab	10.68	.35	.40		
Helpers	8.93	.35	.40		
Benton & Tippecanoe Cos.:					
Composition	10.10	.40	.28		
Slate, Tile, & Asbestos	10.35	.40	.28		
Dearborn Co.	11.47		.85		.01
Delaware Co.:					
Slate, Tile, & Asbestos; Composition; Damp & waterproofers	8.70	.40	.20		
Coal tar pitch	8.95	.40	.20		
Grant Co.	6.80		.10		
Vanderburgh Co.:					
Composition	9.23	.50	.40		
Concrete slab & gypsum plank	9.48	.50	.40		
Slate & Tile	9.48	.50	.40		
Helpers	6.31	.50	.40		
Vigo Co.:					
Roofers; Kettlemen	9.35	.40	.20		
SHEET METAL WORKERS:					
Allen & Grant Cos.	11.08	.50	.50		.12
Bartholomew, Delaware, Marion & Monroe Cos.	11.25	.60	.60		.08
Benton & Tippecanoe Cos.	10.50	.40&h	.33		.06
Dearborn Co.	12.035	.90	.81		.04
Vanderburgh Co.	10.15	.40	.35		.02
Vigo Co.	11.22	.31&h	.45		.05
SPRINKLER FITTERS	11.65	.65	.95		.08
TERRAZZO WORKERS; Tile setters:					
Allen Co.	8.85				
TERRAZZO WORKERS' HELPERS:					
Bartholomew, Delaware, Grant, Marion, Monroe, & Tippecanoe Cos.	8.95				

DECISION NO. IN77-2101

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Allen Co.:					
Up to & incl. 1 ton	$8.555	i	j		
Sweeper attached & Dist. water wagon	8.855	i	j		
1½ to & incl. 3 tons; Forklift	8.655	i	j		
Tandem; Double bottoms; Lowboys; Tri-axle; Winch; Boom	8.755	i	j		
Semi	8.705	i	j		
Euclid; Earthomover	9.005	i	j		
Benton & Tippecanoe Cos.:					
Pickups when hauling equipment, etc.	6.60	k	l	m	
Single axles; Straight trucks; Warehousemen	6.75	k	l	m	
Helpers; Greasers; Tiremen	6.70	k	l	m	
Tandem axles; Straight trucks & Doglegs	6.85	k	l	m	
Bituminous distributors	6.90	k	l	m	
Semi-trucks & mechanics; Tri-axle	7.05	k	l	m	
Marion Co.:					
Up to & incl. 3 tons & Helpers	7.865	n	o	p	
Over 3 tons; Semi-trailers; Tandem (Double bottom); Winch Trucks when used with winch	8.015	n	o	p	
Truck mechanics	7.94	n	o	p	

DECISION NO IN77-2101

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6% for Health & Welfare includes pension
b. 6 paid holidays: A through F
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, & 2% for employee who has worked in business less than 5 years.
d. When an employee has been employed by an employer for 6 continuous months, the employer will contribute $5.00 per week toward his Hospital/Medical premiums if the employer does not have a pre-established Hospital/Medical plan. If an employee has met the 6-month qualification & is off work for any reason for over 30 continuous calendar days, the employer will not make the above $5.00 weekly contribution to the employee until the employee returns to work on a regular basis
e. 6 paid holidays: A through F provided such employees work the last scheduled day prior to & the next scheduled work day after the holiday unless permission for not working on such days is granted by the employer
f. 9 paid holidays: A through F plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work days immediately preceding and following the holiday.
g. 2 paid holidays: C&D
h. 3% of gross earnings to SASMI
i. $20.00 per week per employee
j. $22.00 per week per employee
k. $17.00 per week per employee
l. $14.00 per week per employee
m. 1 week's paid vacation after 1 year's employment; 2 weeks after 3 years; 3 weeks after 10 years
n. $20.00 per week per employee
o. $22.00 per week per employee
p. Each employee who has been in the employ of the same employer for 1 year & has accumulated 1000 hours of service shall receive 1 week's vacation with pay of 40 hours at straight time; each employee who has been in the employ of the same employer for 10 years or more & has accumulated 1000 hours of service shall receive 3 weeks' vacation with pay of 120 hours at straight time hourly rate.

LABORERS (BUILDING CONSTRUCTION): 1 of 3

	AREA 1	AREA 1A	AREA 1B	AREA 11A
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$8.25	$8.05	$7.85	$7.05
GROUP II	8.45	8.25	8.05	7.25
GROUP III	8.55	8.35	8.15	7.35
GROUP IV	9.25	9.05	8.85	8.05
GROUP V:				
A.	8.45	8.45	----	----
B.	8.325	8.325	----	----
C.	8.55	8.55	----	----
D.	8.525	8.525	----	----

	AREA 11B	AREA 111A	AREA 111B	AREA 111C
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
GROUP I	$7.25	$7.50	$7.40	$7.65
GROUP II	7.45	7.70	7.60	7.85
GROUP III	7.55	7.80	7.70	7.95
GROUP IV	8.25	8.50	8.40	8.65

	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA I	.60	.50		.09
ALL OTHER AREAS	.60	.45		.09

LABORERS: 2 of 3

AREAS

AREA 1: All territories west of Cline Avenue Lake Michigan Shorelines to Illinois State Line & Newton & Jasper Counties; All territories east of Cline Avenue, Lake County; All territory north of U. S. Highway No. 20, Porter County, including all Lake Michigan Shore Front east of Cline Avenue in Lake County

AREA 1A: Porter County South of U. S. Highway No. 20, Starke, LaPorte Counties

AREA 1B: Elkhart, Kosciusko, LaGrange, Marshall & St. Joseph Counties

AREA 11A: Fayette, Henry, Rush, Wayne, Union, Blackford, Delaware, Grant, Hamilton, Hancock, Jay, Madison & Randolph Counties

AREA 11B: Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, Whitley, Benton, Boone, Carroll, Cass, Clinton, Montgomery, Pulaski, Tippecanoe, White, Fulton, Howard, Miami, & Tipton Counties

AREA 111A: Marion & Shelby Counties

AREA 111B: Clay, Fountain, Greene, Hendricks, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo, Warren, Bartholomew, Brown, Dearborn, Decatur Franklin, Jackson, Johnson, Jennings, Lawrence, Martin, Monroe, Morgan, Ohio, Orange, Ripley, Clark, Crawford, Floyd, Harrison, Jefferson, Perry, Scott, Switzerland, & Washington Counties

AREA 111C: Daviess, DuBois, Gibson, Knox, Pike, Posey, Spencer, Vanderburg & Warrick Counties

LABORERS 3 of 3

GROUP I: Building & Construction laborers; Scaffold builders (other than for masons or plasterers); Ironworker helpers; Mechanic tenders; Civil engineer helpers & surveyor helpers; Rodmen & Chainmen; Window washers & cleaners; Waterboys & Toolhousemen; Roofer's helpers; Railroad workers; Masonry wall washers (interior & exterior); Cement finisher helpers; Carpenter helpers; Helpers of all other crafts not listed; Mason tenders for Areas 1, 1A, 1B, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All portable water pumps with discharge up to 3 inches

GROUP II: Waterproofing; Handling of creosote lumber or like treated material (excluding railroad material); Asphalt rakers & tutmen; Kettlemen; Air tool operators, vibrators, chipping hammer operators and all pneumatic tool operators; Earth compactors; Jackmen & sheetmen working ditches deeper than 6 ft. in depth; Laborers working ditches 6 ft. in depth or deeper; Assembly of Unicrete pump; Chain saw operators; Tile layers (sewer or field) & sewer pipe layers (metallic or non-metallic); Motor driven wheelbarrows & concrete buggies; Hyster operators; Pump crete assemblers; Conveyor assemblers; Core drill operators; Cement, lime or silica Clay handlers (bulk or bag); Handling of toxic materials damaging to clothing; Pneumatic spikers; Deck engine & winch operators; Water main & cable ducking (metallic & non-metallic)

GROUP III: Plasterers' tenders; Mason tenders, except for Areas 1, 1A, 1B, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar mixers; Welders (acetylene or electric); Cutting torch or burner; Cement nozzle laborers; Cement gun operators; Scaffold builders when working for plasterers; Scaffold builders when working for masons (except in Areas 1, 1A, 1B, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV: Dynamite men

GROUP V:
A. Boiler setter laborers (Fire brick tear out with air tools)
B. Boiler setter laborers (Fire brick)
C. Boiler setter laborers (Mortar mixers)
D. Expeditor, bottom man & bell man

POWER EQUIPMENT OPERATORS

Allen, Benton, Delaware, Grant, Marion, & Tippecanoe Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$10.55	.40	.40		.05
GROUP 2	9.70	.40	.40		.05
GROUP 3	8.35	.40	.40		.05
GROUP 4	7.55	.40	.40		.05

CLASSIFICATIONS

GROUP 1: Air Compressor (pressurizing shafts, tunnels and divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor (w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over), Dredge, Elevator (when hoisting material or tool) Forklift (machinery), Formless Paver, Generator (power for welders or compressors), Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on job site, Mucking Machine, Panel Board, Concrete Plant, Piledriver, Push Cat, Scoop and Tractor, Scraper-rubber-tired, Spreader-tractor mounted, Straddle Carrier-Rosa type, Sub-base Finish, Machine (C.M.I. or similar tower crane), Tractor w/backhoe (over ½ yd.) Welder

GROUP 2: A-Frame Truck, Batcher Plant (automatic dry batch), Bending Machine-power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-self-propelled, Concrete Mixer (21 cu. ft. or over), Concrete spreader-power driven, Dinkey Engine, Ditching Machine (less than 18"), Drilling Machine, Finish Machine and Bullfloat, Finishing Machine, Fireman, Piledriving and Boilers, Forklift-Masonry and Material, Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-mesh placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone and Sub-base, Sheepstone Roller self-propelled, Shop Mule, Spreader or Base Paver-self-propelled, Subgrader, Throttle Valve w/air compressor or boiler, Tractor w/backhoe (½ yard and under), Tractor-High lift-Farm-type, Tractor-Industrial type, Tractor w/winch, Well Points, Winch Truck

GROUP 3: Air Compressor (210 cu. ft. and over); Bituminous Distributor, Chair-Cart, Concrete Curing Machine, Concrete Saw, Dope pot-power agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-power driven, Minor Equipment Operator, Paving Joint Machine, Post Hole Digger, Roller-earth, Throttle Valve, Track Jack-power driven, Tractor-farm type, Truck Crane Driver

GROUP 4: Air Compressor (less then 210 cu. ft.) Concrete Mixer (under 21 cu. ft.), Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers

POWER EQUIPMENT OPERATORS

Bartholomew, Dearborn, & Vanderburgh Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP A	$10.58	.35	.35		.05
GROUP B	9.49	.35	.35		.05
GROUP C	8.75	.35	.35		.05

CLASSIFICATIONS

GROUP A: A-Frame winch truck, air compressor over 600 cu. ft., air tugger, auto-grade (CMI), auto patrol backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, concrete paver, elevator, Ford hoe, (or similar type equipment), forklift formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift hoist, hopto. hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic mobile mixer, motor crane, motor crane oiler and one(1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheepfoot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder pump, truck mounted drill 2 to 4 pieces of minor equipment, well point, whirleys

GROUP B: Air compressor (200 cu. ft. per minute capacity or more) brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub-grader, tamping machine, truck mounted drill oiler, welding machine widener (Apsco or similar type)

GROUP C: Air compressor (under 200 cu. ft. per minute), biutminous distributor, cement gun, conveyor, desk hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump, concrete saw

1 of 2

POWER EQUIPMENT OPERATORS

Monroe, & Vigo Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CROUP I	$10.55	.40	.50		.08
GROUP II	10.45	.40	.50		.08
GROUP III	10.25	.40	.50		.08
GROUP IV	8.00	.40	.50		.08

CLASSIFICATIONS

GROUP I Master Mechanics

GROUP II Utility Operator

GROUP III Power Cranes, Draglines, Derricks, Electric Overhead Cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all Equipment, Tractor Highlift, Fork lifts, Tournadozer, Mixer over 1½S Capacity, Tournamixer, Two Drum Machine or Two Cage Hoists, Cableways, Tower Machines, Motor Patrol, Boom Tractor, Boom or Winch Truck, Truck Crane, Tournapull, Tractor operating Scoops, Bulldozer, Push Tractor, Finishing Machine on Asphalt, Large Rollers & Rollers on Asphalt, Gravel, Macadam and Brick Surface, Ross Carrier or similar Machine, Gravel Processing Machine, Asphalt Plant Engineer or Pug Mill, Two Air Compressors, Hetherington Paver Operator, Farm Tractor with half Yard bucket and/or Back Hoe Attachment, Trench Machines cutting over 24", Dredging Equipment, Central Mix Plant Engineer, CMI or similar type Machine, Concrete Spreader, Cherry Picker, Standard or Dinkey Locomotives, Scoopmobiles, Euclid Loader, Soil Cement Machines, Back Filler, Elevating Machine, Power Blade, Asphalt Plant Engineer, Well Drilling Machines, Paint Machine, Pipe Cleaning Machines, Pipe Wrapping Machine, Pipe Bending Machine, Apsco Paver, Boring Machine, Tractor Without Winch, Head Equipment Greasers, Barber Green Loaders, Formless Paver, Well Point System Hydra Ax, Resco Concrete Saw, Marine Scoops, Brush Mulcher, Brush Burner, Mosh Placer, Tree Mover, Helicopter Crew (3), Pile Driver Skid or Crawler, Stump Remover, Root Rake, Tug Boat Operator, Refrigerating Machine Freezing Operator, Chair Cart - Self Propelled, Hydra Seeder, Straw Blower, Concrete Mixers with Skip, all one Drum Hoists with Tower or Boom, Dredge Engineer, Dredge Operator, Rock Spreader, Truck or Skid Mounted Tower Crane, Engine or Rock Crusher Plant, Boiler Operator, Concrete Plant Engineer, Loaders, Hydra Crane Caissons, Shaft or any similar type Drilling Machine, Concrete Curb Machine - Self Propelled, Winch or Hydraulic Boom Truck

POWER EQUIPMENT OPERATORS 2 of 2

GROUP IV Mixers 1½S capacity or less, Trench Machine cutting 24" and under, Farm Tractor with less than half yard bucket and other Attachments except Back Hoe, Truck Crane Oiler, Power Subgrader, Bull Float, Form Grader, Finishing Machine Pavement Breaker, Rock Crushers, One Drum Machine, One Air Compressor, Concrete Pump, Gunite Machine, Air Tuggers, Truck Crane Drivers, House Elevators when used for hoisting Material, Two to Four Generators or Welding Machine, Mechanized Heaters irrespective of Motor Power when used for temporary heat, Small Rollers on Earth, Engine Tenders, Firemen, Wagon Drill, Flexplane, Conveyor, Two to Four Water Pumps, Siphon and Pulsometer, Switchman on Paint Pots, Fireman on Asphalt Plants, Distributor Operator on Trucks, Tampers, Power Broom, Post Hole Digger, Self-propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipmen Greaser, Track Jack, Mud Jack; Operator to do Winter Repair Work in Shop between November 1st and March 1st, Concrete Buggies motor driven, Oilers, Barrel Type Mixer, One Welding Machine or One Water Pump, Air Valves or Steam Valves from Plant, Concrete Mixers without Skip, Curing Machine, Concrete & Blacktop Curb Machine, Dock Hands

Cranes with booms from 149 ft. to 199 ft. including jib. receive additional $.75 per hour

Cranes with boom over 199 ft. including job receive additional $1.25 per hour.

Allen, Bartholomew, Benton, Dearborn, Delaward, Grant, Marion, Monroe, Tippecanoe, & Vigo Counties

LINE CONSTRUCTION EXCLUSIVE OF CALUMET AREA	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians	$ 9.68	.45	1%		.5%
Heavy equipment operator "A"	9.19	.45	1%		.5%
Heavy equipment operator "B"	7.57	.45	1%		.5%
Powder man & equipment mechanic	7.39	.45	1%		.5%
Senior groundman truck driver w/w	6.32	.45	1%		.5%
Groundman truck driver with winch	6.07	.45	1%		.5%
Groundman truck driver w/o winch	5.32	.45	1%		.5%
Senior groundman after 5 years	6.06	.45	1%		.5%
Senior groundman after 12 months	5.89	.45	1%		.5%
Groundman 0-12 months	4.99	.45	1%		.5%
CALUMET AREA					
Linemen; Technicians	9.98	.45	1%		.5%
Heavy equipment operator "A"	9.26	.45	1%		.5%
Heavy equipment operator "B"	7.63	.45	1%		.5%
Powder man & equipment mechanic	7.45	.45	1%		.5%
Senior groundman truck driver w/w	6.43	.45	1%		.5%
Groundman truck driver with winch	6.14	.45	1%		.5%
Groundman truck driver w/o winch	5.39	.45	1%		.5%
Senior groundman after 5 years	6.18	.45	1%		.5%
Senior groundman after 12 months	6.01	.45	1%		.5%
Groundman 0-12 months	5.09	.45	1%		.5%

LINE CONSTRUCTION Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINEMEN; Line truck operators; Hole digger; Stool handling cable splicer	$11.65	.40	1%		
GROUNDMAN	10.29	.40	1%		
TRUCK DRIVER	10.60	.40	1%		

DECISION NO. IN77-2101

TRUCK DRIVERS Bartholomew, Dearborn, Delaware, Grant, & Monroe Counties	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
GROUP 1	$8.05	13.50a	14.00a	b	
GROUP 2	8.10	13.50a	14.00a	b	
GROUP 3	8.15	13.50a	14.00a	b	
GROUP 4	8.20	13.50a	14.00a	b	
GROUP 5	8.25	13.50a	14.00a	b	
GROUP 6	8.30	13.50a	14.00a	b	
GROUP 7	8.40	13.50a	14.00a	b	
GROUP 8	8.45	13.50a	14.00a	b	
GROUP 9	8.50	13.50a	14.00a	b	
GROUP 10	8.55	13.50a	14.00a	b	
GROUP 11	8.70	13.50a	14.00a	b	

CLASSIFICATIONS

GROUP 1: Drivers on single axle, lowboy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pick-up trucks, tractors, fork-lifts, dumpsters

GROUP 2: Drivers on Mixer Trucks 2 yards

GROUP 3: Mechanic Helpers and Greasers

GROUP 4: Drivers on Batch Trucks wet or dry 3 batches or under

GROUP 5: Drivers on Tandem Axle Trucks (including Dog-Legs), Drivers on Oil Distributors Drivers on Mixers Trucks 3 yards, Winch Trucks

GROUP 6: Drivers on Single axle, semi-trucks, Drivers on batch trucks wet or dry or dry over 3 batches, Drivers on pavement breakers

GROUP 7: Drivers on Tandem-Axle semi-trucks, Drivers on trac-o-trucks, Euclids, Tournapull when pulling other than self-loading equipment up to and including 10 yards, Drivers on mixer trucks 4 yards, Mechanics

GROUP 8: Drivers on Tri-axle Trucks

GROUP 9: Drivers on Low-Boy, Drivers on Tandem, Tandem Axle Semi-trucks

GROUP 10: Drivers on Trac-O-Trucks, Euclids, Tournapulls when pulling other than self-loading equipment 11 yards to and including 16 yards, Drivers on mixer trucks above 4 yards

GROUP 11: Drivers on Trac-O-Trucks, Euclids, Tournapull when pulling other than self-loading equipment over 16 yards, Helicopter pilot

FOOTNOTES:
a. Per Week per employee
b. 1 week paid vacation after 1 year service, 2 weeks after 3 years, and 3 weeks after 10 years.

DECISION NO. IN77-2101

TRUCK DRIVERS: Vanderburgh County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.
GROUP 1	$7.345	.325	12.00a		
GROUP 2	7.455	.325	12.00a		
GROUP 3	7.565	.325	12.00a		
GROUP 4	7.635	.325	12.00a		
GROUP 5	7.675	.325	12.00a		
GROUP 6	7.405	.325	12.00a		
GROUP 7	7.515	.325	12.00a		
GROUP 8	7.175	.325	12.00a		
GROUP 9	7.245	.325	12.00a		

CLASSIFICATIONS

GROUP 1
Single axle straigh trucks, batch truck, wet or dry, over 3(3/4E) batches
GROUP 2
Tandem trucks or dog-legs, trucks over 15 ton payload, single-axle semi-truck (3 axle unit) Low-boys single axle (3-axle unit) Low-boys single axle (3-axle unit), Winch trucks or A-frames when used to transport material; Batch truck wet or dry, over 3(3/4E) batches, farm tractors pulling trailers
GROUP 3
Tandem axle semi-trucks (4-axle unit), drivers on equipment when not self-loaded or pusher loaded such as Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds. & under; Low-Boys, Tandem axle (4 axle unit), drivers on pavement breakers
GROUP 4
Tandem-Tandem Semi-Trucks (5-axle unit Low Boys Tandem (5-axle unit)
GROUP 5
Drivers on equipment when not self-loaded or pusher loaded on such Koehring or similar dumpsters, track trucks Euclid bottom dump & hug bottom dump, Toutnatrailers, Tounarockers or similar equipment over 12. cu. yds. Truck Mechanic Drivers on mixer trucks all types
GROUP 6
Drivers on bituminous distributors two-man
GROUP 7
Drivers on bituminous distributors one-man
GROUP 8
Drivers of pickup trucks when hauling equip. supplies & materials to & from & on the job site.
GROUP 9
Helpers, Greasers, Tire Men & Members tenders batch boards

FOOTNOTES:
a. Per Week Per Employee

DECISION NO. IN77-2101

TRUCK DRIVERS: Vigo County	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.
GROUP I	$ 7.085	.50	14.00a		
GROUP II	7.585	.50	14.00a		
GROUP III	7.785	.50	14.00a		
GROUP IV	7.935	.50	14.00a		

FOOTNOTE:
a. Per Week Per Employee

CLASSIFICATIONS

GROUP I
Single axle trucks seven (7) cu. yds. or less than ten and one-half (10½) tons, dumpsters, scoopmobiles five (5) cu. yds. and under or less than seven and one-half (7½) tons, mixer trucks three (3) cu. yds. and under, air compressors and welding machines, including those pulled by separate units, batch trucks -- wet or dry -- 2-3/4E" batches or less, truck drivers helpers, warehousemen, mechanic's helpers, greasers and tiremen, and all pick up trucks, Drivers on dumpsters or similar dumpsters, mounted on a four (4) wheel truck rated two (2) cu. yds. or less, and small pallet type fork lift operator and drivers on pilot vehicles
GROUP II
Drivers on tandem axle trucks eighteen (18) cu. yds. or twenty-four (24) tons gross, six (6) wheel trucks, Koehring or similar dumpsters, track trucks, euclids, hug bottom dumps, tournapulls, tournatrailers, tournarockers, or similar equipment when used for transportation purposes under nine (9) cu. yds. or less than thirteen and one-half (13½) tons, tandems and semi trailer service trucks, mixer trucks over three (3) cu. yds. and including six and one-half (6½) cu. yds., fork lift, four (4) wheel A-Frame trucks when used for transportation purposes, four (4) wheel winch trucks, pavement breakers batch trucks -- wet or dry -- over 2 up to and including 4-"3/4E" batches, two (2) men oil distributors
GROUP III
Koehring or similar dumpsters, track trucks, semi trailer water trucks, Euclids, hug bottom dumps, tournapulls, toumatrailers, tournarockers, tractor trailers, tandem, A-Frame winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixer trucks over six and one-half (6½) cu. yds. batch trucks -- wet or dry -- over 4-"3/4E" batches, single axle low boy trailers, and contractor's mechanics when working on equipment operated by employees within this bargaining unit, six (6) wheel pole trailers and one (1) man oil distributors
GROUP IV
Drivers on heavy equipment over sixteen (16) cu. yds., or twenty-four (24) tons, such as Koehring or similar dumpsters, track trucks, Euclids, hug bottom dumps, tournapulls, tournarockers, or similar equipment when used for transportation purposes, polo trailers over six (6) wheels, water pulls, low boy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics when working on equipment operated by employees within this bargaining unit

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Pottawattamie
DECISION NO.: IA77-4117 DATE: Date of Publication
Supersedes Decision NO. IA76-4185, dated November 19, 1976 in 41 FR 51285
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$12.62	.40	.51		.03
BOILERMAKERS	10.30	.85	1.00		.02
BRICKLAYERS; Stonemasons	10.18	.50	.40		
CARPENTERS:					
Carpenters	9.33	.40	.30	.60	.03
Piledrivermen	9.455	.40	.30	.60	.03
Millwrights	9.58	.40	.30	.60	.03
CEMENT MASONS	9.82	.50	.40		
DRYWALL TAPERS & FINISHERS	10.34	.55		.50	.04
ELECTRICIANS	12.38	.68	1%+.65		.06
ELEVATOR CONSTRUCTORS	10.99	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.545	.35	4%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.55	.55	.35		.01
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.88	.50	.55	1.00	.05
LABORERS:					
Common laborers	7.17	.50	.40		.05
Mason Tenders; mortar mixers	7.315	.50	.40		.05
Pipelayers	7.45	.50	.40		.05
Plasterers' tenders	7.485	.50	.40		.05
LINE CONSTRUCTION:					
Cable Splicers; Lineman; welders; Technicians; all rigs setting assembled "H" fixtures & steel transmission structures	9.32	.45	5%	b	½%
Groundman; truck driver (without winch); experienced (not less than 6 months)	6.06	.45	5%	b	½%
Groundman; truck driver (with winch)	6.24	.45	5%	b	½%
Blaster; Special equipment operator (hole digging machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	7.46	.45	5%	b	½%
Groundman - 1st 6 months	5.13	.45	5%	b	½%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush; Paperhangers	8.55		.25		
Highwork; spray; stage; structural steel	9.10		.25		
PLASTERERS	9.68	.50	.40		
PLUMBERS	11.19	.60	.75		.10
ROOFERS:					
Slate; Tile	9.68	.15	.20		.01
Composition	9.98	.15	.20		.01
SHEET METAL WORKERS	11.14	.50			.06
SPRINKLER FITTERS	11.48	.65	.95		.08
STEAMFITTERS	11.24	.60	.75		.15
TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS	7.70		.25		
TERRAZZO, TILE AND MARBLE SETTERS FINISHERS	6.50				
TRUCK DRIVERS:					
Single axle	8.025	.50	.40		
Tandem axle	8.10	.50	.40		
Trailer; lowboys	8.225	.50	.40		
Lumber carriers	8.40	.50	.40		

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid holidays - A thru F.

b. Seven paid holidays - A thru G.

PAID HOLIDAYS
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	9.56	.50	.50		.05
Group 2	9.435	.50	.50		.05
Group 3	8.59	.50	.50		.05
Group 4	8.265	.50	.50		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.,; tower crane; truck cranes and cherry pickers over 15 ton rated capacity; derricks; piledrivers and extractors; caisson rigs; side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; welders; mechanics; locomotive; dredge (levermen)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); economobiles; plant mixers; farm type tractors (with loaders, backhoes, attachments, etc.); scrapers (tournapull, etc.); endloaders; dredge (engineer); side boom and winch truck other than Group No. 1; motor patrol; bulldozers; push cat; truck cranes and cherry pickers (15 tons and under); concrete mixers (1 yard and over); ditching machine (8' and over); fork lifts (on steel erection and machinery moving or hoisting above one complete story); concrete pump; dewatering pumps; temporary hoist cage operated; second man on locomotive

Group 3 - Tractors (under 35 HP) with or without attachments; endloaders (under 35 HP) with or without attachments; air compressors (over 125 CFM); Pumps 3" or over; welding machines 600 amps or combination thereof; conveyors; firemen (boiler); generator (75 K.W. and over); fork lifts (other than above Group No. 2); gunnite machine; self-propelled rollers; stump chippers; self propelled tampers; air and electric tuggers (other than above); ditching machine under 8"

Group 4 - Oilers; mechanical heaters; truck crane drivers; permanent elevators

Heavy & Highway Construction

Heavy & Highway Construction
Area A - City of Council Bluffs and the area within 3 miles from the city limits
Area B - From Missouri River east to, but not including U. S. Highway 59 except area A
Area C - Remainder of Pottawattamie County.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS - Areas A,B,& C	6.54				
CEMENT MASONS					
Area A	9.28	.50	.40		
Area B & C	6.70	.38			
LABORERS:					
Area A:					
Common Laborer	6.20	.50	.40	.20	.05
Towboat & Dredge Deckhands	6.30	.50	.40	.20	.05
Form setters' helpers	6.40	.50	.40	.20	.05
Rakers & Screedmen on Asphalt Work; mortar mixers; chain saw operator	6.38	.50	.40	.20	.05
Pipelayers; concrete saw operator	6.45	.50	.40	.20	.05
Form setters & precast manhole setters, inlet builders and manhole setters	6.83	.50	.40	.20	.05
Area B & C:					
Group 1	5.70	.30	.20		
Group 2	5.45	.30	.20		
Group 3	5.20	.30	.20		
Group 4	5.05	.30	.20		
Group 5	4.95	.30	.20		

LABORERS (HEAVY & HIGHWAY CONSTRUCTION) CLASSIFICATION DEFINITIONS

GROUP 1 - Sandblasters; powderman and blaster; pipe layer, sewer, water, telephone conduits, etc.; sewer utility man; gunnite nozzleman; diamond and core drills, powered by air; all work performed by Laborers working from a boatswain chair, swinging stage, life belt, tag line or block and tackle; drill operator of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; form setters; rakers; boxtenders; asphalt curb machines; potmen, not mechanical; bull float, hand operated; scalers; timbermen; underpinning and shoring; caissons over 12 ft.; grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; concrete and paving sawman; form liner, expansion joint assembler; bottom man; caulker and jointer and painter; timber and chain saw man; mechanical grouters; automatic concrete power curbing machines; strenser or stretcherman on post-tension or pre-stressed concrete on or off the job; powderman helpers

GROUP 4 - Form tamper; air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; tree groundmen; chuck tenders; drill helpers, tool room men and checkers; sand blaster helper; concrete processing material and monitors; cement finishers' helpers; stringman on paving work

DECISION NO. IA77-4117 Page 5

LABORERS CLASSIFICATION DEFINITIONS CONT'D

GROUP 5 - Fence erectors; handling and placing of metal mesh, dowel bars, reinforcing bars and chairs, dumpmen and spotters; carrying reinforcing rods; corrugate culvert pipe; concrete drainage pipe; stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; common labor; rodmen; tending to carpenter hot asphalt labor

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Bulldozer					
Areas A,B, & C	5.00				
Cranes					
Areas A,B, & C	6.69				
Backhoes, front end loaders, mechanics, motor patrols, rollers (asphalt), scrapers, C.M.I. pavers, slip form paver					
Area A	8.62	.60	.60		.05
Areas B & C	7.49	.60	.60		.05
Concrete finishing machine, self propelled roller					
Area A	8.22	.60	.60		.05
Area B & C	7.09	.60	.60		.05
TRUCK DRIVERS					
Area A:					
Single axle	7.28	.50	.30		
Tandem axle, euclids, power lift form trucks	7.34	.50	.30		
Three axle tandem	7.39	.50	.30		
Lowboys, tractor trailer, water pulls	7.47	.50	.30		
Tandem dump with auxiliary end dump trailer	7.52	.50	.30		
Lumber carrier	7.64	.50	.30		
Areas B & C	6.64	.45			

SUPERSEDEAS DECISION

STATES: Kentucky & Tennessee

LOCATION: Fort Campbell (Located in Christian County, Ky. and Montgomery County, Tn.)

DECISION NO.: KY77-1084

DATE: Date of Publication

Supersedes Decisions No. KY76-1091, dated September 3, 1976, in 41 FR 37470 and No. TN77-1026, dated March 18, 1977, in 42 FR 15246.

DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4-stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$10.25	.45	.35		
BOILERMAKERS:					
Kentucky portion	10.80	.75	1.00		.02
Tennessee portion	9.50	.75	1.00		.02
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, TERRAZZO WORKERS, CEMENT MASONS & PLASTERERS	8.50	.30	.30		
CARPENTERS & SOFT FLOOR LAYERS	8.30	.35	.25		.05
ELECTRICIANS:					
Wiremen:					
Kentucky portion	10.75	.40	1%		½ of 1%
Tennessee portion	8.85	.40	1%		½ of 1%
Cable Splicers:					
Kentucky portion	11.00	.40	1%		½ of 1%
Tennessee portion	9.10	.40	1%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	8.46	.545	.35	1%+a+b	.02
Helpers	5.92	.545	.35	1%+a+b	.02
Probationary Helpers	4.23				
GLAZIERS	8.25	.45	.35		.02
IRONWORKERS:					
Structural, Ornamental, Reinforcing, Machinery Mover, Rigger, Machinery Erector, & Fence Erector	9.25	.50	.50		.10
Sheeter	9.50	.50	.50		.10
LATHERS	8.15	.20	.40		.01
MILLWRIGHTS & PILEDRIVERS	8.55	.35	.25		.05
PAINTERS:					
Brush & Roller	8.80		.40		.10
Spray work, Drywall finishing	9.05		.40		.10
Structural steel, Swing stage & chair, & Motor stage	9.15		.40		.10
Paperhanger	9.30		.40		.10
Sandblasting	9.55		.40		.10
PLUMBERS & PIPEFITTERS	9.64	.55	.55		.07

PAGE 2

DECISION NO. KY77-1084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS;					
Composition, Slate, Tile, Asbestos, Asphalt Shingles	$ 7.15	.40	.25	.15	
SHEET METAL WORKERS	10.30	.44	.31		.04
SPRINKLER FITTERS:					
Kentucky portion	11.65	.65	.95		.08
Tennessee portion	10.35	.65	.95		.08

FOOTNOTES:

a. Six Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day.

b. Employer contributes 1% of the basic hourly rate for 5 years or more of service, or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

DECISION NO. KY77-1084

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$ 6.03	.35	.47		
Group 2	6.18	.35	.47		
Group 3	6.53	.35	.47		

LABORERS' CLASSIFICATION DEFINITIONS

Group 1 - General laborers; wrecking labor on buildings, clearing right-of-way and building site; carpenter tenders; truck spotters and dumpers; axe and cross cut saw filer; concrete pudlers and form strippers.

Group 2 - All power driven tools; hod carriers; mason tenders; finisher tenders; mortar mixers; jack hammers; vibrators; wagon drill; core drill; test drill; well drill; concrete pump machine; tunnel boring machine; men in tunnel and orib ditch work; signal men; riprap rock setters and handlers; asphalt rakers; tampers and smoothers; pipelayers; grout pump men; chain saw; pipe clearing; doping and wrapping; swampers and straight cable hooking; cement guns; grade checkers machine excavating; batch plant scale man; sand hog free air; sand hog compressed air; cutting torch man on salvage work; road form setters; brick slingers; hand spikers; power buggy; handling of creosote material; sandblasters; curing of concrete and apply hardner; air and gas tampers; concrete saw; power posthole diggers and green cut men on concrete work.

Group 3 - Powdermen; blasters

DECISION NO. KY77-1084

POWER EQUIPMENT OPERATORS: (KENTUCKY PORTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	9.80	.35	.35		.05
CLASS B	7.51	.35	.35		.05
CLASS C	6.89	.35	.35		.05

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hopt tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydr crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jackm joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

DECISION NO. KY77-1084

POWER EQUIPMENT OPERATORS: (TENNESSEE PORTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS A	$ 8.85	.40	.40		
CLASS B	8.35	.40	.40		
CLASS C	7.86	.40	.40		
CLASS D	7.46,	.40	.40		

CLASS A: Shovels, backhoes, draglines, cranes, derricks, gantreys, gradall, winches with boom, motor patrol, trenching machines (18" or over), pile driver, tug boat operator, mechanic, forklift, central mixing plant, locomotive engineers, straddle carrier, core drills, tower cranes, hydro-cranes, austin western and all similar type cranes, drilling of piling (all types), tugger, hoist more than one drum, earth freezing equipment, sideboom, dredge operator & engineer, hopto, pump crete, mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters, de-watering system (all types) sweeper, bulldozers, pans, pulls, scrapers, traxcavators, front end loaders, concrete placing machines, two tower cranes requiring three operators.

CLASS B: Trenching machines (18" or smaller), tandem rollers, pavers, mixer mobiles, backfillers, blade graders, dinkey operators, elevating graders, winches operated from trucks and tractors without booms, distributors bituminous surfaces, hoist (1) drum, mixers, grout pumps, motor boat, switchman, brake man, elevator earth compactors, tractors, conveyors.

CLASS C: Locomotive fireman on boilers, air compressor (stationary), earth drills, scale operators, motor crane driver and oiler, pumps 4" and larger, oilers on gantreys, greasers, drill helpers.

CLASS D: Air compressor, mechanic helper, firemen (low pressure pumps under 4") oilers, welding machine operators, deckhand.

SUPERSEDEAS DECISION

STATE: Maryland LOCATION: Baltimore City
DECISION NO.: MD77-3080 DATE: Date of Publication
Supersedeas Decision No.: MD77-3018 dated January 14, 1977 in 42 FR 3145
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; and railroad construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	9.80	.75	.69		.07
CEMENT MASONS	10.00	.60	.55		.04
ELECTRICIANS	10.60	.70	1¼+.80		½%
IRONWORKERS:					
Structural & reinforcing	9.97	.80	1.53		.06
Fence erectors	9.62	.80	1.53		.06
LABORERS	6.10	.30	.50		.075
TRUCK DRIVERS:					
Pickups	6.85	.95	.70	a+b	
Dumps	7.03	.95	.70	a+b	
Drop-frame, gooseneck, trailer driver	7.23	.95	.70	a+b	
Euclids & dumpsters	7.34	.95	.70	a+b	

FOOTNOTES:
a. 9-paid holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and employee's Birthday, providing employee has worked one day and was available for work during the holiday week.

b. Employees who have worked 125 days in the previous contract year and have 1 year of service, 1 week's paid vacation: 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

DECISION NO. MD77-3080

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION					
GROUP I	9.08	.85	.85	a	.11
GROUP II	8.58	.85	.85	a	.11
GROUP III	8.08	.85	.85	a	.11
GROUP IV	7.08	.85	.85	a	.11
GROUP V					
a	9.48	.85	.85	a	.11
b	9.68	.85	.85	a	.11
c	9.88	.85	.85	a	.11
d	10.08	.85	.85	a	.11
e	10.33	.85	.85	a	.11

FOOTNOTE:
a. Paid Holidays, New Year's Day; Memorial; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee works three days in the work week in which the holiday occurs.

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION

GROUP I - Backfiller, backhoe, batching plants, cableway, case type hoe (with a front end bucket over 1-¼ yds.), concrete mixing plants, concrete paver, derrick, derrick boat, double concrete pump, dragline, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds and over), grader, gradall hoist (2 active drums or more), pile driving machine, power crane, power shovel repair mechanic, standard guage locomotive, trenching machine, tunnel mucking machine, twin engine scoop, welder, whirley rig

GROUP II - Asphalt spreader, bulldozer, bull float, case type hoe (with a front end bucket 1-¼ yds. and under), concrete mixer (with a slip), concrete pump, concrete spreader, ditch-witch type trencher, excavating scoop (under 25 yds.), finishing machine, front end loader (under 1-3/4 yds.), grout pump, hi-lift, longitudinal float, narrow-guage locomotive, one drum hoist, power roller, screeding machine, stone crusher, stone spreader, tractor with attachments (2 or more provided both attachments are being used), sub-grader, well-drill.

DECISION NO. MD77-3080

POWER EQUIPMENT OPERATORS: HIGHWAY CONSTRUCTION - CONT'D

GROUP III - Compressors, conveyors, firemen, fuel truck, grease truck, light plants, mighty midget with compressor, space heaters, welding machines well-point system

GROUP IV - Oilers (all types)

GROUP V - Long boom cranes, including jibs, and on piledriver machines with leads:
a. 130 Ft. to 169 Ft.
b. 170 Ft. to 209 Ft.
c. 210 Ft. to 249 Ft.
d. 250 Ft. to 299 Ft.
e. 300 Ft. and over

SUPERSEDEAS DECISION

State: Pennsylvania COUNTIES: Lawrence & Mercer
DECISION NO.: PA77-3078 DATE: Date of Publication
Supersedes Decision No. PA76-3246, dated September 17, 1976, in 41 FR 40405.
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$11.04	.35	.50		.02
Boilermakers	9.815	7.5%	7%		.01
Bricklayers & Stonemasons	10.73	.60	.75		.02
Carpenters:					
Lawrence County	10.45	6%	8%	6%	25%
Mercer County	10.34	1.07	1.00		.04
Cement masons:					
Lawrence County	11.44				
Mercer County	10.62	.64	1.70		
Electricians:					
Lawrence County	10.66	8%	12+.19	1.00	1½%
Mercer County	11.45	.35	12+.45		.01
Elevator Constructors	10.99	.545	.35	4%+b+c	.02
Elevator Constructors Helpers	70% JR	.545	.35	4%+b+c	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Glaziers	10.37	.40	.20		.01
Ironworkers, structural, Ornamental & Reinforcing	11.76	.40	1.15		.07
Laborers:					
Laborers, carryable, pumps, west brick buggy or similar, vibrator operators, walk behind fork lift or similar (non self-propelled) stripper & mover or forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	8.75	.79	.66		
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill runners' helper, (including drill mounted on truck, track					

DECISION NO. PA77-3078

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Laborers' (Cont'd) or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man concrete buster	8.875	.79	.66		
Hod Carrier, scaffold builder, bell and bottom man on furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder and pump operators and concrete saw operator, wagon drill operators	9.00	.79	.66		
Gunnite nozzleman	9.25	.79	.66		
Blaster	9.45	.79	.66		
Landscaping:					
Landscape Laborers	6.05	.40	.50		
Skilled Landscape Laborer	6.20	.40	.50		
Landscape Tractor Operator	6.55	.40	.50		
Lead Burners	10.75	.40	.25	a	.01
Line Construction:					
Linemen, dynamite man, heavy equipment operator	10.30	.35	1%		3/8%
Winch truck operator	7.28	.35	1%		3/8%
Groundman	6.79	.35	1%		3/8%
Marble Setters:					
Lawrence County	10.73	.60	.75		.02
Mercer County	12.305				
Marble Setters helpers:					
Lawrence County	7.95		.10		
Mercer County	11.455				
Millwrights:					
Lawrence County	9.86	6%	6%	22%	1/2%
Mercer County	11.13	1.07	1.00		.04
Painters:					
Commercial:					
Brush & Roller	10.10	.55	.80		
Spray	11.10	.55	.80		
Industrial:					
Brush & Roller	10.60	.55	.80		
Spray	11.60	.55	.80		

DECISION NO. PA77-3078

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledrivermen:					
Lawrence County	$10.60	5%	10%		50%
Mercer County	11.13	1.01	1.00		.04
Plasterers:					
Lawrence County	11.79				
Mercer County; Shenango, Sandy Lake & Redonia Twps.	11.79				
Remainder of County	10.73	.60	.75		.02
Plumbers & Steamfitters:					
Lawrence County	11.74	.66	.61		.05
Mercer County	11.75	.50	.80		.05
Roofers	11.21	.60	.70		.01
Sheet Metal Workers:					
Lawrence County	10.08	.82	1.23		.13
Mercer County	11.84	.75	.79		.04
Soft Floor Layers:					
Lawrence County	9.95	6%	6%	.60	5%
Mercer County	9.80	1.07	1.00		.04
Sprinkler Fitters	11.86	.65	.95		.08
Terrazzo Workers & Tile Setters:					
Lawrence County	10.73	.60	.75		.02
Mercer County	12.305				
WELDERS - Receive rate of craft					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 8 paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the empoloer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

DECISION NO. PA77-3078

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS 1	$11.625	.65	.80		.09
CLASS 1-A	11.875	.65	.80		.09
CLASS 1-B	12.125	.65	.80		.09
CLASS 1-C	12.375	.65	.80		.09
CLASS 2	11.475	.65	.80		.09
CLASS 3	10.40	.65	.80		.09
CLASS 3-A	10.90	.65	.80		.09
CLASS 4	10.40	.65	.80		.09
CLASS 5	9.65	.65	.80		.09
CLASS 6	9.40	.65	.80		.09
CLASS 6-A	9.50	.65	.80		.09
CLASS 6-B	9.65	.65	.80		.09
CLASS 6-C	10.15	.65	.80		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type Under 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar, backhoe, batch plant when conveyors are used for direct feedling or discharge, batch plant no conveyors for direct feeding or discharge (without oiler), cableway, caisson drill, central mix plant, cranes (excluding overhead)(truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type) use of oiler to be discussed at pre job) cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, derrick traveler (self propelled), derrick (all types)(when assistance required it will be an oiler or apprentice) derrick boats, dragline, dredge, engineer maintenance, franki or similar type pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes), hi-lift 4 yds. or over, hoist-hod 2 cages up to 10 floors) Chicago Boom Attached hoist (50 ft. or over) (stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180° swing hop to or similar type with 360° swing kocal koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobiling or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete - mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar), tractors - Boom Mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, austin-western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up & including 150 ft. +$.25) (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + $.25), hoist-hod (2 cages over 10 floors) Class I rate +$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + $.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2- Asphalt plant operator, Athey loader, Auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bulldozer, cable layer, compactor with blads, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushinf & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (New buildings),euclid loader, excavating equipment (all Other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), hi-lift - less than 4 yds., hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, muching machine, pipe cleaning machine,refrigeration plant (used for construction jobs that is, cooling concrete & holding banks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (The following machines shall be considered minor), compressors (3 within a reasonable distance); generators electric (3) (over) 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), pumps (3) (over 1½" discharge) (within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpkrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairman)

CLASS 3 - Boiler, compactor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1), (combination), crane (carry), curb builder (self-propelled), drills-well & horizional truck mounted, forklifts (ridden or self-propessed), hoist one drum (regradless of power used), pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self- propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), (The following machines shall be considered minor) compressors (2), generators (2), mortar machine over 10 cu. ft., and single unit conveyor, pumps (1½" discharge or less (2 to 3), pumps (over 1½" discharge (2) in bank) (within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom, power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 KW), hoist (monorail) (regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1½" discharge regardless of power used) spray cure machine (power driven) steam jenny (or similar type) syphon (steam or air) welding machine single (300 amp or over) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - . Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine, pin puller (powered) pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand,helicopter signalman, oiler, mechanic helper

CLASS 6-A Crane truck oiler & fireman

CLASS 6-B Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C Oiler - Truck crane 100 ton and over

DECISION PA77-3078

TRUCK DRIVERS Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$8.34	6.5%	5.6%	a	
Class 2	8.39	6.5%	5.6%	a	
Class 3	8.41	6.5%	5.6%	a	
Class 4	8.50	6.5%	5.6%	a	
Class 5	8.43	6.5%	5.6%	a	
Class 6	8.70	6.5%	5.6%	a	
Class 7	8.52	6.5%	5.6%	a	
Class 8	8.68	6.5%	5.6%	a	

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

CLASSIFICTIONS DEFINITIONS

Class 1: Warehouseman , Chauffeur, and Ambulance Driver, Service Truck (pickup, Jeep, Busses, Station Wagon, Panel truck, Escort Vehicle, including Fuel and Water Trucks)

Class 2: Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single Axle Trucks with power tailgate); Distributor Truck over 33,000 lbs. gross weight (Oil, Tar Asphalt products Two man operation, Both men)

Class 3: Transit Mix, Single Axle

Class 4: Transit Mix, Tandem

Class 5: Heavy Duty Tractor and Trailer with High Bed, 4 wheels

Class 6: Heavy Duty Tractor and Trailer with Low Bed, 6 to 16 Wheels and Pole Trailer and Wide Load

Class 7: Distributor Truck up to 33,000 lbs. gross weight (Oil, Tar Asphalt products) One Man Operation; Truck with Dolly and Scissor Truck; Truck with Dump Trailer or Tandem, including Fuel and Water, Tandem Axle Truck with power Tailgate and Scissor Truck; Euclids or Equivalent, Tri-axle including Mixer, drivers towing equipment

Class 8: Winch Truck and Form Truck

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger

DECISION NO.: TX77-4118

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.25				
Asphalt Raker	4.10				
Batching Plant Scaleman	4.90				
Carpenter	4.80				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.70				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	5.05				
Concrete Finisher Helper (Structures)	3.95				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	4.40				
Laborer, Common	3.00				
Laborer, Utility Man	3.45				
Manhole Builder, Brick	4.00				
Mechanic	5.05				
Mechanic Helper	3.50				
Oiler	4.00				
Serviceman	3.90				
Painter (Structures)	5.00				
Pipelayer	3.75				
Pipelayer Helper	3.25				
Powderman	4.20				
Reinforcing Steel Setter (Paving)	4.35				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.25				

DECISION NO. TX77-4118

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sign Erector	$ 3.50				
Spreader Box Man	3.75				
Swamper	3.25				
Power Equipment Operators:					
Asphalt Distributor	4.45				
Asphalt Paving Machine	4.65				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.20				
Bulldozer, over 150 HP	4.95				
Concrete Paving Curing Machine	3.75				
Concrete Paving Finishing Machine	4.80				
Concrete Paving Form Grader	3.75				
Concrete Paving Mixer	4.80				
Concrete Paving Saw	4.30				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.75				
Foundation Drill Operator (Crawler Mounted)	5.60				
Foundation Drill Operator (Truck Mounted)	5.85				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.75				
Mixer (Over 16 CF)	4.65				
Motor Grader Operator, Fine Grade	5.05				
Motor Grader Operator	4.65				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.85				
Roller, Pneumatic (Self-Propelled)	3.70				
Scrapers (17 CY and Less)	4.15				
Scrapers (Over 17 CY)	4.60				
Side Boom	4.00				

DECISION NO. TX77-4118

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Crawler Type) 150 HP and Less	$ 3.75				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP and Less	3.75				
Tractor (Pneumatic) over 80 HP	4.25				
Traveling Mixer	4.35				
Trenching Machine, Light	4.00				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	3.45				
Single Axle, Heavy	3.45				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.55				
Transit-Mix	3.50				
Vibrator Man (Hand Type)	3.05				
Weighman (Truck Scales)	3.50				
Welder	5.05				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmortn, Yoakum & Young

DECISION NO.: TX77-4119

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.00				
Asphalt Heaterman	3.40				
Asphalt Raker	3.70				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	4.25				
Batterboard Setter	3.00				
Carpenter	4.45				
Carpenter Helper	3.85				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.35				
Concrete Finisher (Structures)	4.20				
Concrete Finisher Helper (Structures)	3.75				
Electrician	6.25				
Electrician Helper	3.80				
Form Builder (Structures)	3.75				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.75				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	3.75				
Laborer, Common	3.00				
Laborer, Utility Man	3.50				
Mechanic	4.50				
Mechanic Helper	3.75				
Oiler	3.75				
Serviceman	3.80				
Pipelayer	4.00				
Pipelayer Helper	3.50				
Powderman	4.15				
Reinforcing Steel Setter (Structures)	4.25				
Spreader Box Man	4.00				
Swamper	3.00				

DECISION NO. TX77-4119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.95				
Asphalt Paving Machine	4.10				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.85				
Bulldozer, over 150 HP	4.00				
Concrete Paving Finishing Machine	4.35				
Concrete Paving Saw	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.40				
Elevating Grader	4.00				
Foundation Drill Operator (Crawler Mounted)	5.85				
Foundation Drill Operator (Truck Mounted)	6.00				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	4.20				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.40				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Side Boom	3.25				
Tractor (Crawler Type) 150 HP and Less	3.40				
Tractor (Crawler Type) over 150 HP	4.25				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.70				

DECISION NO. TX77-4119

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Traveling Mixer	$ 3.25				
Trenching Machine, Light	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.25				
Lowboy-Float	3.00				
Weighman (Truck Scales)	3.00				
Welder	5.05				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler

DECISION NO.: TX77-4120

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.65				
Asphalt Shoveler	2.75				
Batching Plant Scaleman	3.75				
Batterboard Setter	3.65				
Carpenter	4.20				
Carpenter Helper	2.75				
Concrete Finisher (Paving)	4.25				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	3.25				
Electrician	4.00				
Form Builder (Structures)	4.50				
Form Builder Helper (Structures)	4.00				
Form Setter (Paving and Curb)	4.15				
Form Setter Helper (Paving and Curb)	2.75				
Form Setter (Structures)	5.05				
Form Setter Helper (Structures)	3.60				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Manhole Builder, Brick	3.00				
Mechanic	4.00				
Mechanic Helper	3.45				
Oiler	3.60				
Serviceman	3.65				
Painter (Structures)	3.50				
Pipelayer	3.50				
Pipelayer Helper	2.90				
Powderman	4.00				
Powderman Helper	2.75				

DECISION NO. TX77-4120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing Steel Setter (Structures)	$ 4.35				
Reinforcing Steel Setter Helper	3.50				
Spreader Box Man	3.65				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.05				
Crusher or Screening Plant Op.	4.00				
Elevating Grader	4.10				
Foundation Drill Operator (Crawler Mounted)	4.60				
Foundation Drill Operator (Truck Mounted)	5.50				
Front End Loader (2½ CY & Less)	3.80				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.30				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.80				
Scrapers (Over 17 CY)	4.00				
Self-Propelled Hammer	3.50				
Side Boom	3.50				
Tractor (Crawler Type) 150 HP and Less	3.10				
Tractor (Crawler Type) over 150 HP	3.50				
Tractor (Pneumatic) 80 HP and Less	3.00				

DECISION NO. TX77-4120

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Pneumatic) over 80 HP	$ 3.50				
Traveling Mixer	2.75				
Trenching Machine, Light	3.70				
Trenching Machine, Heavy	3.80				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.35				
Tandem Axle or Semitrailer	3.25				
Lowboy-Float	3.35				
Winch	3.40				
Weighman (Truck Scales)	2.95				
Welder	4.00				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell

DECISION NO.: TX77-4121

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction (not to be used for Utilities Incidental to General Building Construction in El Paso County). This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heatorman	$ 3.00				
Asphalt Raker	3.10				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.50				
Batterboard Setter	2.50				
Carpenter	4.25				
Carpenter Helper	3.60				
Concrete Finisher (Paving)	4.00				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.75				
Concrete Finisher Helper (Structures)	2.75				
Concrete Rubber	2.95				
Electrician	6.60				
Electrician Helper	5.10				
Form Builder (Structures)	3.40				
Form Builder Helper (Structures)	3.00				
Form Liner (Paving and Curb)	2.85				
Form Setter (Paving and Curb)	3.80				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	3.80				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.25				
Mechanic Helper	3.35				
Oiler	3.00				
Serviceman	3.60				
Painter (Structures)	5.50				
Painter Helper (Structures)	3.70				
Piledrivermen	4.40				
Pipelayer	3.15				
Pipelayer Helper	2.75				
Powderman	4.50				
Powderman Helper	3.30				
Reinforcing Steel Setter (Paving)	3.50				
Reinforcing Steel Setter (Structures)	3.60				

DECISION NO. TX77-4121

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing Steel Setter Helper	$ 3.00				
Sign Erector	3.50				
Spreader Box Man	3.25				
Swamper	3.10				
Power Equipment Operators:					
Asphalt Distributor	3.10				
Asphalt Paving Machine	3.35				
Broom or Sweeper Operator	3.30				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	4.25				
Concrete Paving Finishing Machine	4.65				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.10				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.60				
Crusher or Screening Plant Op.	3.80				
Front End Loader (2½ CY and Less)	3.55				
Front End Loader (Over 2½ CY)	3.75				
Hoist (Double Drum and Less)	3.10				
Motor Grader Operator, Fine Grade	4.70				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.35				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.30				
Roller, Pneumatic (Self-Propelled)	3.30				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.35				
Tractor (Crawler Type) over 150 HP	3.80				

Page 3

DECISION NO. TX77-4121

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Pneumatic) 80 HP and Less	$ 3.00				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	4.15				
Trenching Machine, Light	3.50				
Trenching Machine, Heavy	4.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	2.75				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.10				
Lowboy-Float	3.00				
Transit-Mix	3.10				
Weighman (Truck Scales)	2.85				
Welder	4.35				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala

DECISION NO.: TX77-4122 DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.30				
Asphalt Shoveler	2.50				
Batching Plant Scaleman	3.60				
Batterboard Setter	3.65				
Carpenter	4.00				
Carpenter Helper	3.20				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	3.25				
Concrete Finisher (Structures)	3.85				
Concrete Finisher Helper (Structures)	3.25				
Concrete Rubber	3.00				
Electrician	6.50				
Electrician Helper	3.60				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.20				
Form Liner (Paving and Curb)	4.00				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper (Paving and Curb)	3.45				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.10				
Laborer, Common	2.50				
Laborer, Utility Man	2.75				
Manhole Builder, Brick	3.00				
Mechanic	4.05				
Mechanic Helper	3.50				
Oiler	3.40				
Serviceman	3.25				
Painter (Structures)	4.90				
Painter Helper (Structures)	3.00				
Piledriverman	4.75				
Pipelayer	3.50				
Pipelayer Helper	2.85				

Page 2

DECISION NO. TX77-4122

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Pneumatic Mortarman	$ 2.65				
Powderman	3.75				
Powderman Helper	2.50				
Reinforcing Steel Setter (Paving)	4.00				
Reinforcing Steel Setter (Structures)	4.15				
Reinforcing Steel Setter Helper	3.40				
Steel Worker (Structural)	3.50				
Sign Erector	3.35				
Spreader Box Man	3.80				
Swamper	3.25				
Power Equipment Operators:					
Asphalt Distributor	3.50				
Asphalt Paving Machine	3.90				
Broom or Sweeper Operator	3.00				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Mixer	3.25				
Concrete Paving Spreader	4.35				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.90				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.90				
Crusher or Screening Plant Op.	3.75				
Elevating Grader	3.50				
Form Loader	3.25				
Foundation Drill Operator (Crawler Mounted)	6.00				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Operator Helper	3.75				
Front End Loader (2½ CY & Less)	3.60				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.25				

Page 3

DECISION NO. TX77-4122

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operatora (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$ 3.00				
Roller, Steel Wheel (Other-Plat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.05				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	3.75				
Self-Propelled Hammer	3.00				
Tractor (Crawler Type) 150 HP and Less	2.85				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	3.25				
Traveling Mixer	3.50				
Trenching Machine, Light	3.50				
Trenching Machine, Heavy	4.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.50				
Truck Drivers:					
Single Axle, Light	2.90				
Lowboy-Float	3.35				
Winch	3.50				
Welder	4.25				
Welder Helper	3.90				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata

DECISION NO.: TX77-4123

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects). Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.25				
Asphalt Raker	3.25				
Asphalt Shoveler	3.50				
Batching Plant Scaleman	3.40				
Carpenter	4.00				
Carpenter Helper	2.80				
Concrete Finisher (Paving)	3.35				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	3.35				
Electrician	7.50				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.50				
Form Liner (Paving and Curb)	3.00				
Form Setter (Paving and Curb)	3.75				
Form Setter Helper Paving and Curb)	2.85				
Form Setter (Structures)	3.75				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.65				
Laborer, Utility Man	3.30				
Manhole Builder, Brick	3.50				
Mechanic	4.05				
Mechanic Helper	3.60				
Oiler	3.15				
Serviceman	3.25				
Piledrivermen	3.95				
Pipelayer	2.85				
Pipelayer Helper	2.65				
Powderman	3.75				
Reinforcing Steel Setter (Paving)	3.80				
Reinforcing Steel Setter (Structures)	4.05				
Reinforcing Steel Setter Helper	2.65				
Spreader Box Man	3.55				

Page 2

DECISION NO. TX77-4123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.25				
Asphalt Paving Machine	3.50				
Broom or Sweeper Operator	2.85				
Bulldozer, 180 HP and Less	3.75				
Bulldozer, over 150 HP	4.00				
Concrete Paving Saw	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.70				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.70				
Crusher or Screening Plant Op.	3.00				
Foundation Drill Operator (Truck Mounted)	4.50				
Foundation Drill Operator Helper	3.75				
Front End Loader (2½ CY and Less)	3.45				
Front End Loader (Over 2½ CY)	3.80				
Mixer (16 CF and Less)	3.75				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	3.35				
Roller, Steel Wheel (Other-Plat Wheel or Tamping)	2.75				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	3.75				
Self-Propelled Hammer	3.15				
Tractor (Crawler Type) 150 HP and Less	2.80				
Tractor (Crawler Type) over 150 HP	4.10				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	3.65				
Traveling Mixer	3.30				
Trenching Machine, Light	3.75				

Page 3

DECISION NO. TX77-4123

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Truck Drivers:					
Single Axle, Light	$ 2.65				
Single Axle, Heavy	2.75				
Lowboy-Float	3.50				
Winch	3.50				
Welder	3.75				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria

DECISION NO.: TX77-4124 DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.50				
Asphalt Waterman	3.25				
Asphalt Raker	3.50				
Asphalt Shoveler	2.90				
Batching Plant Scalaman	3.25				
Batterboard Setter	3.80				
Carpenter	4.00				
Carpenter Helper	3.30				
Concrete Finisher (Paving)	4.05				
Concrete Finisher Helper (Paving)	2.50				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.25				
Concrete Rubber	3.10				
Electrician	7.65				
Electrician Helper	3.15				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	3.50				
Form Setter (Paving and Curb)	3.70				
Form Setter Helper (Paving and Curb)	3.00				
Form Setter (Structures)	4.10				
Form Setter Helper (Structures)	3.40				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	3.75				
Mechanic	4.25				
Mechanic Helper	3.90				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	4.00				
Painter Helper (Structures)	3.50				
Piledrivermen	3.75				
Pipelayer	3.50				
Pipelayer Helper	3.25				
Reinforcing Steel Setter (Structures)	3.65				
Reinforcing Steel Setter Helper	3.50				
Spreader Box Man	3.60				

Page 2

DECISION NO. TX77-4124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.75				
Asphalt Paving Machine	4.25				
Broom or Sweeper Operator	3.60				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	3.50				
Concrete Paving Finishing Machine	3.00				
Concrete Paving Form Grader	3.50				
Concrete Paving Gang Vibrator	3.50				
Concrete Paving Grinder	3.50				
Paving Sub Grader	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shoval (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.60				
Crusher or Screening Plant Op.	3.50				
Elevating Grader	4.00				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	4.00				
Mixer (Over 16 CF)	4.25				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.90				
Tractor (Pneumatic) 80 HP and Less	3.00				
Tractor (Pneumatic) over 80 HP	3.15				

DECISION NO. TX77-4124

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Traveling Mixer	3.25				
Trenching Machine, Light	3.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.75				
Truck Drivers:					
Single Axle, Light	2.90				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Lowboy-Float	3.50				
Winch	3.15				
Vibrator Man (Hand Type)	2.50				
Welder	3.90				
Welder Helper	3.50				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson

DECISION NO.: TX77-4125

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.30				
Asphalt Heaterman	3.25				
Asphalt Raker	4.00				
Batching Plant Scaleman	3.75				
Carpenter	4.20				
Carpenter Helper	3.55				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	3.75				
Concrete Finisher (Structures)	4.10				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	2.85				
Electrician	7.75				
Electrician Helper	2.75				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	3.75				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.50				
Form Setter (Structures)	4.00				
Form Setter Helper (Structures)	3.00				
Laborer, Common	2.50				
Laborer, Utility Man	3.00				
Mechanic	4.70				
Mechanic Helper	4.00				
Oiler	3.75				
Servicoman	3.60				
Painter (Structures)	4.25				
Pipelayer	3.30				
Pipelayer Helper	3.00				
Powderman	4.40				
Powdermen Helper	3.75				
Reinforcing Steel Setter (Structures)	4.60				
Reinforcing Steel Setter Helper	3.60				

DECISION NO. TX77-4125

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steel Worker (Structural)	$ 4.50				
Steel Worker Helper (Structural)	3.70				
Sign Erector	3.50				
Sign Erector Helper	2.95				
Spreader Box Man	3.10				
Power Equipment Operators:					
Asphalt Distributor	3.75				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.10				
Bulldozer, 150 HP and Less	3.65				
Bulldozer, over 150 HP	4.00				
Concrete Paving Curing Machine	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.80				
Foundation Drill Operator (Crawler Mounted)	5.75				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY and Less)	3.55				
Front End Loader (Over 2½ CY)	4.00				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	3.55				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.00				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	2.75				
Tractor (Crawler Type) over 150 HP	3.50				

Page 3

DECISION NO. TX77-4125

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Tractor (Pneumatic) 80 HP and Less	$ 3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	4.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.55				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.00				
Vibrator Man (Hand Type)	3.00				
Welder	5.00				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro

DECISION NO.: TX77-4126

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction in Bell & Coryell Counties). This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.25				
Asphalt Heatorman	3.40				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.40				
Carpenter	4.00				
Carpenter Helper	3.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	3.00				
Concrete Rubber	3.35				
Electrician	6.00				
Electrician Helper	4.00				
Form Builder (Structures)	4.00				
Form Builder Helper (Structures)	3.50				
Form Setter (Paving and Curb)	4.20				
Form Setter (Structures)	4.30				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.90				
Laborer, Utility Man	3.00				
Mechanic	4.55				
Mechanic Helper	4.10				
Oiler	3.25				
Serviceman	3.50				
Painter (Structures)	5.25				
Piledrivermen	4.00				
Pipelayer	3.85				
Pipelayer Helper	3.00				
Powderman	4.40				
Reinforcing Steel Setter (Structures)	4.20				
Reinforcing Steel Setter Helper	3.00				
Sign Erector	3.25				
Sign Erector Helper	3.00				
Spreader Box Man	4.00				
Stamper	3.30				

Page 2

DECISION NO. TX77-4126

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 3.85				
Asphalt Paving Machine	3.85				
Broom or Sweeper Operator	3.85				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	4.00				
Concrete Paving Saw	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				
Crusher or Screening Plant Op.	4.15				
Foundation Drill Operator (Truck Mounted)	5.50				
Foundation Drill Operator Helper	3.50				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.25				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.25				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.55				
Roller, Pneumatic (Self-Propelled)	3.40				
Scrapers (17 CY and Less)	3.75				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.60				
Trenching Machine, Light	3.25				
Trenching Machine, Heavy	4.05				

DECISION NO. TX77-4126

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Wagon Drill, Boring Machine or Post Hole Driller Operator	$ 3.80				
Truck Drivers:					
Single Axle, Light	3.40				
Tandem Axle or Semitrailer	3.45				
Lowboy-Float	3.95				
Welder	4.50				
Welder Helper	3.25				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant (does not include Dallas-Fort Worth Regional Airport) & Wise

DECISION NO.: TX77-4127

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway (does not include building structures in rect area projects) Construction and Paving & Utilities Incidental to General Building Construction (not to be used for Utilities Incidental to General Building Construction in Tarrant County). This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.00				
Asphalt Hesterman	3.50				
Asphalt Raker	3.75				
Asphalt Shoveler	3.25				
Batching Plant Scaleman	4.25				
Carpenter	4.25				
Carpenter Helper	3.80				
Concrete Finisher (Paving)	4.65				
Concrete Finisher Helper(Paving)	3.75				
Concrete Finisher (Structures)	4.75				
Concrete Finisher Helper (Structures)	4.00				
Concrete Rubber	3.50				
Electrician	6.75				
Electrician Helper	4.00				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	4.00				
Form Liner (Paving and Curb)	4.50				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.65				
Form Setter (Structures)	4.50				
Form Setter Helper (Structures)	3.00				
Laborer, Common	3.00				
Laborer, Utility Man	3.30				
Mechanic	4.50				
Mechanic Helper	3.85				
Oiler	3.95				
Serviceman	3.75				
Piledrivermen	4.50				
Pipelayer	4.00				
Pipelayer Helper	3.50				
Powderman	4.75				
Reinforcing Steel Setter(Paving)	3.30				
Reinforcing Steel Setter (Structures)	4.25				
Reinforcing Steel Setter Helper	3.00				

DECISION NO. TX77-4127

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Steel Worker (Structural)	$ 4.15				
Steel Worker Helper (Structural)	3.75				
Sign Erector	4.00				
Sign Erector Helper	3.90				
Spreader Box Man	4.00				
Power Equipment Operators:					
Asphalt Distributor	4.25				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	3.50				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	4.35				
Concrete Paving Finishing Machine	4.30				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	3.40				
Concrete Paving Spreader	3.85				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.75				
Form Loader	3.25				
Foundation Drill Operator (Truck Mounted)	4.75				
Foundation Drill Operator Helper	3.75				
Front End Loader (2½ CY and Less)	3.95				
Front End Loader (Over 2½ CY)	4.75				
Mixer (Over 16 CF)	3.75				
Mixer (16 CF and Less)	3.75				
Motor Grader Operator, Fine Grade	4.50				
Motor Grader Operator	4.25				
Roller, Steel Wheel (Plant-Mix Pavements)	4.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.85				

DECISION NO. TX77-4127

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Roller, Pneumatic (Self-Propelled)	$ 3.70				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.50				
Self-Propelled Hammer	4.25				
Tractor (Crawler Type) 150 HP and Less	3.80				
Tractor (Crawler Type) over 150 HP	4.75				
Tractor (Pneumatic) 80 HP and Less	3.60				
Tractor (Pneumatic) over 80 HP	3.90				
Traveling Mixer	3.95				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.80				
Truck Drivers:					
Single Axle, Light	3.35				
Single Axle, Heavy	3.50				
Tandem Axle or Semitrailer	3.50				
Lowboy-Float	4.50				
Weighman (Truck Scales)	3.00				
Welder	4.65				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas (does not include Dallas-Fort Worth Regional Airport), Ellis, Grayson & Rockwall

DECISION NO.: TX77-4128

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.15				
Asphalt Heaterman	3.75				
Asphalt Raker	4.45				
Asphalt Shoveler	3.25				
Batching Plant Scaleman	4.00				
Carpenter	4.60				
Carpenter Helper	3.60				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	3.50				
Concrete Finisher (Structures)	4.40				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	3.25				
Electrician	6.75				
Electrician Helper	4.25				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.75				
Form Liner (Paving and Curb)	4.10				
Form Setter (Paving and Curb)	4.50				
Form Setter Helper (Paving and Curb)	3.00				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.25				
Laborer, Common	3.00				
Laborer, Utility Man	3.00				
Manhole Builder, Brick	4.50				
Mechanic	5.00				
Mechanic Helper	3.25				
Oiler	3.90				
Serviceman	3.50				
Painter (Structures)	5.50				
Painter Helper (Structures)	4.50				
Pipelayer	3.85				
Pipelayer Helper	3.30				
Powderman	4.50				
Reinforcing Steel Setter (Paving)	3.35				

DECISION NO. TX77-4128

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing Steel Setter (Structures)	$ 4.00				
Steel Worker (Structural)	3.75				
Steel Worker Helper (Structural)	3.25				
Sign Erector	4.50				
Sign Erector Helper	4.00				
Spreader Box Man	3.65				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	4.25				
Asphalt Paving Machine	4.45				
Broom or Sweeper Operator	3.50				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.75				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	3.70				
Concrete Paving Form Grader	4.00				
Concrete Paving Joint Sealer	4.00				
Concrete Paving Mixer	4.00				
Concrete Paving Saw	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.40				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.75				
Crusher or Screening Plant Op.	4.50				
Form Loader	3.25				
Foundation Drill Operator (Truck Mounted)	4.55				
Foundation Drill Operator Helper	3.35				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (16 CF and Less)	3.75				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.00				

DECISION NO. TX77-4128

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$ 4.45				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.75				
Roller, Pneumatic (Self-Propelled)	3.50				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.75				
Tractor (Crawler Type) 150 HP and Less	3.25				
Tractor (Crawler Type) over 150 HP	4.00				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.75				
Traveling Mixer	3.75				
Trenching Machine, Light	3.75				
Trenching Machine, Heavy	3.85				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.35				
Truck Drivers:					
Single Axle, Light	3.25				
Single Axle, Heavy	3.75				
Tandem Axle or Semitrailer	3.50				
Lowboy-Float	4.00				
Transit-Mix	3.50				
Winch	3.50				
Vibrator Man (Hand Type)	3.00				
Weighman (Truck Scales)	3.00				
Welder	4.50				
Welder Helper	3.50				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood

DECISION NO.: TX77-4129 DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644.

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.00				
Asphalt Raker	3.50				
Asphalt Shoveler	3.00				
Batching Plant Scaleman	4.00				
Carpenter	4.50				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.75				
Concrete Finisher Helper (Paving)	4.10				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	3.75				
Concrete Rubber	3.10				
Electrician	5.75				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.25				
Form Liner (Paving and Curb)	4.60				
Form Setter (Paving and Curb)	4.00				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.10				
Laborer, Common	3.00				
Laborer, Utility Man	3.35				
Mechanic	4.50				
Mechanic Helper	4.00				
Oiler	3.75				
Serviceman	3.50				
Painter (Structures)	4.50				
Piledrivermen	5.25				
Pipelayer	3.25				
Pipelayer Helper	3.00				
Powderman	4.25				
Powderman Helper	3.25				
Reinforcing Steel Setter (Paving)	3.75				

DECISION NO. TX77-4129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing Steel Setter (Structures)	$ 3.75				
Reinforcing Steel Setter Helper	3.50				
Steel Worker (Structural)	4.75				
Spreader Box Man	3.75				
Swamper	3.30				
Power Equipment Operators:					
Asphalt Distributor	4.00				
Asphalt Paving Machine	4.20				
Broom or Sweeper Operator	3.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.50				
Concrete Paving Curing Machine	5.00				
Concrete Paving Finishing Machine	4.50				
Concrete Paving Mixer	4.50				
Concrete Paving Saw	4.40				
Concrete Paving Spreader	4.00				
Paving Sub Grader	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	4.75				
Crusher or Screening Plant Op.	4.50				
Form Loader	3.75				
Foundation Drill Operator (Crawler Mounted)	5.75				
Foundation Drill Operator (Truck Mounted)	5.75				
Foundation Drill Operator Helper	4.00				
Front End Loader (2½ CY & Less)	4.00				
Front End Loader (Over 2½ CY)	4.50				
Mixer (Over 16 CF)	4.50				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Pump Crete	3.60				
Roller, Steel Wheel (Plant-mix Pavements)	3.85				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.50				

DECISION NO. TX77-4129

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Roller, Pneumatic (Self-Propelled)	$ 3.00				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.50				
Tractor (Crawler Type) 150 HP and Less	3.60				
Tractor (Crawler Type) over 150 HP	3.95				
Tractor (Pneumatic) 80 HP & Less	3.25				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	4.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	4.50				
Truck Drivers:					
Single Axle, Light	3.00				
Single Axle, Heavy	3.00				
Tandem Axle or Semitrailer	3.35				
Lowboy-Float	3.00				
Vibrator Man (Hand Type)	3.00				
Weighman (Truck Scales)	3.00				
Welder	4.60				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Saline, San Augustine, San Jacinto, Shelby, Trinity & Tyler

DECISION NO.: TX77-4130

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644.

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Heaterman	3.00				
Asphalt Raker	3.70				
Asphalt Shoveler	3.10				
Batching Plant Scaleman	2.75				
Carpenter	4.50				
Carpenter Helper	3.45				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	3.65				
Concrete Finisher (Structures)	4.00				
Concrete Finisher Helper (Structures)	3.75				
Electrician	5.00				
Fireman	2.90				
Form Builder (Structures)	4.30				
Form Builder Helper (Structures)	3.20				
Form Liner (Paving and Curb)	3.75				
Form Setter (Paving and Curb)	3.50				
Form Setter Helper (Paving and Curb)	3.25				
Form Setter (Structures)	4.50				
Form Setter Helper (Structures)	3.50				
Laborer, Common	2.50				
Laborer, Utility Man	3.30				
Mechanic	4.85				
Mechanic Helper	3.50				
Oiler	3.75				
Serviceman	3.75				
Pipelayer	4.00				
Pipelayer Helper	2.75				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	3.00				
Spreader Box Man	3.75				

DECISION NO. TX77-4130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators:					
Asphalt Distributor	$ 4.00				
Asphalt Paving Machine	4.00				
Broom or Sweeper Operator	2.75				
Bulldozer, 150 HP and Less	4.00				
Bulldozer, over 150 HP	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.90				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	5.75				
Front End Loader (2½ CY and Less)	4.00				
Front End Loader (Over 2½ CY)	4.75				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.30				
Roller, Steel Wheel (Plant-Mix Pavements)	4.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.55				
Roller, Pneumatic (Self-Propelled)	3.80				
Scrapers (17 CY and Less)	4.00				
Scrapers (Over 17 CY)	4.60				
Side Boom	3.35				
Tractor (Crawler Type) 150 HP and Less	3.40				
Tractor (Crawler Type) over 150 HP	4.75				
Tractor (Pneumatic) 80 HP & Less	3.00				
Tractor (Pneumatic) over 80 HP	3.50				
Traveling Mixer	3.50				
Truck Drivers:					
Single Axle, Light	3.45				
Lowboy-Float	4.50				
Welder	4.50				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington

DECISION NO.: TX77-4131

DATE: Date of Publication

Supersedes Decision No. TX 77-4008, dated January 28, 1977, in 42 FR 5644

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams) and Highway (does not include building structures in rest area projects) Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 2.75				
Asphalt Raker	3.35				
Batching Plant Scaleman	2.85				
Carpenter	4.50				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	4.50				
Concrete Finisher Helper (Paving)	4.00				
Concrete Finisher (Structures)	4.50				
Concrete Finisher Helper (Structures)	3.85				
Electrician	6.75				
Electrician Helper	3.50				
Fireman	3.00				
Form Builder (Structures)	4.65				
Form Builder Helper (Structures)	3.80				
Form Setter (Structures)	4.25				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.75				
Laborer, Utility Man	3.00				
Mechanic	4.60				
Mechanic Helper	3.80				
Oiler	3.75				
Serviceman	3.25				
Pipelayer	3.50				
Pipelayer Helper	2.75				
Powderman	3.40				
Reinforcing Steel Setter (Structures)	3.25				
Spreader Box Man	3.75				
Power Equipment Operators:					
Asphalt Distributor	3.10				
Asphalt Paving Machine	3.90				
Broom or Sweeper Operator	3.25				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50				

Page 2

DECISION NO. TX77-4131

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Crusher or Screening Plant Op.	$ 3.75				
Foundation Drill Operator (Truck Mounted)	6.00				
Foundation Drill Operator Helper	4.40				
Front End Loader (2½ CY & Less)	3.50				
Front End Loader (Over 2½ CY)	4.15				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.00				
Roller, Steel Wheel (Plant-Mix Pavements)	3.80				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25				
Roller, Pneumatic (Self-Propelled)	3.00				
Scrapers (17 CY and Less)	3.90				
Scrapers (Over 17 CY)	4.00				
Tractor (Crawler Type) over 150 HP	3.75				
Tractor (Pneumatic) 80 HP & Less	3.00				
Traveling Mixer	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	3.15				
Weighman (Truck Scales)	2.95				
Welder	3.60				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton

DECISION NO.: TX77-4132

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644.

DESCRIPTION OF WORK: Heavy (does not include tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway (does not include building structures in rest area projects) Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction on Galveston Island). This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 3.85				
Asphalt Hestermen	3.75				
Asphalt Raker	4.05				
Asphalt Shoveler	4.00				
Batching Plant Scaleman	4.75				
Batterboard Setter	4.15				
Carpenter	5.50				
Carpenter Helper	4.25				
Concrete Finisher (Paving)	5.45				
Concrete Finisher Helper (Paving)	3.95				
Concrete Finisher (Structures)	4.85				
Concrete Finisher Helper (Structures)	3.95				
Concrete Rubber	4.25				
Electrician	7.50				
Electrician Helper	3.60				
Form Builder (Structures)	4.95				
Form Builder Helper (Structures)	4.00				
Form Liner (Paving and Curb)	5.25				
Form Setter (Paving and Curb)	5.20				
Form Setter Helper (Paving and Curb)	4.15				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	3.75				
Laborer, Common	3.60				
Laborer, Utility Man	3.90				
Manhole Builder, Brick	5.50				
Mechanic	5.40				
Mechanic Helper	3.80				
Oiler	4.50				
Serviceman	4.00				
Painter (Structures)	6.50				
Painter Helper (Structures)	3.60				
Piledrivermen	6.00				
Pipelayer	4.80				
Pipelayer Helper	3.60				

Page 2

DECISION NO. TX77-4132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Reinforcing Steel Setter (Paving)	$ 4.25				
Reinforcing Steel Setter (Structures)	4.75				
Reinforcing Steel Setter Helper	3.60				
Steel Worker (Structural)	5.00				
Steel Worker Helper (Structural)	3.60				
Sign Erector	3.60				
Spreader Box Man	4.00				
Power Equipment Operators:					
Asphalt Distributor	4.50				
Asphalt Paving Machine	4.75				
Broom or Sweeper Operator	3.60				
Bulldozer, 150 HP and Less	4.75				
Bulldozer, over 150 HP	5.25				
Concrete Paving Curing Machine	4.25				
Concrete Paving Finishing Machine	5.00				
Concrete Paving Form Grader	4.25				
Concrete Paving Joint Machine	5.25				
Concrete Paving Longitudinal Float	4.75				
Concrete Paving Saw	5.00				
Concrete Paving Spreader	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.70				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.50				
Crusher or Screening Plant Op.	3.60				
Form Loader	3.80				
Foundation Drill Operator (Crawler Mounted)	6.00				
Foundation Drill Operator (Truck Mounted)	4.50				
Front End Loader (2½ CY & Less)	4.10				
Front End Loader (Over 2½ CY)	5.00				
Hoist (Double Drum and Less)	3.60				
Mixer (Over 16 CF)	5.00				
Mixer (16 CF and Less)	4.00				

DECISION NO. TX77-4132

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Motor Grader Operator, Fine Grade	$ 5.50				
Motor Grader Operator	5.00				
Roller, Steel Wheel (Plant-Mix Pavements)	4.00				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.00				
Roller, Pneumatic (Self-Propelled)	4.00				
Scrapers (17 CY and Less)	4.50				
Scrapers (Over 17 CY)	4.85				
Tractor (Crawler Type) 150 HP and Less	3.60				
Tractor (Crawler Type) over 150 HP	4.90				
Tractor (Pneumatic) 80 HP & Less	3.60				
Tractor (Pneumatic) over 80 HP	3.85				
Traveling Mixer	4.50				
Trenching Machine, Light	3.75				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.60				
Truck Drivers:					
Single Axle, Light	3.65				
Single Axle, Heavy	3.95				
Lowboy-Float	4.15				
Weighman (Truck Scales)	3.60				
Welder	5.50				
Welder Helper	4.40				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Chambers, Hardin, Jefferson, Liberty & Orange

DECISION NO.: TX77-4133

DATE: Date of Publication

Supersedes Decision No. TX77-4008, dated January 28, 1977, in 42 FR 5644.

DESCRIPTION OF WORK: Heavy (does not include tunnels & dams and not to be used for Heavy Construction in Jefferson & Orange Counties) and Highway (does not include building structures in rest area projects) Construction, Incidental Shore Work (not to be used for Incidental Shore Work in Jefferson & Orange Counties) and Paving & Utilities Incidental to General Building Construction (not to be used for Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties).. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Heaterman	$ 3.60				
Asphalt Raker	4.00				
Batching Plant Scaleman	4.00				
Carpenter	5.00				
Carpenter Helper	4.50				
Concrete Finisher (Paving)	5.25				
Concrete Finisher Helper (Paving)	4.50				
Concrete Finisher (Structures)	4.75				
Concrete Finisher Helper (Structures)	4.50				
Electrician	6.75				
Form Builder (Structures)	4.25				
Form Setter (Paving and Curb)	4.50				
Form Setter (Structures)	5.50				
Form Setter Helper (Structures)	3.50				
Laborer, Common	3.40				
Laborer, Utility Man	4.50				
Mechanic	5.00				
Mechanic Helper	4.00				
Oiler	4.00				
Serviceman	4.00				
Piledrivermen	5.00				
Pipelayer	3.75				
Reinforcing Steel Setter (Structures)	4.75				
Spreader Box Man	4.50				
Power Equipment Operators:					
Asphalt Distributor	5.00				
Asphalt Paving Machine	4.60				
Broom or Sweeper Operator	3.50				
Bulldozer, 150 HP and Less	4.50				
Bulldozer, over 150 HP	5.00				
Concrete Paving Curing Machine	4.50				
Concrete Paving Finishing Machine	4.50				

DECISION NO. TX77-4133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd):					
Concrete Paving Form Grader	$ 4.50				
Concrete Paving Joint Machine	4.50				
Concrete Paving Longitudinal Float	4.50				
Concrete Paving Spreader	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	5.00				
Front End Loader (2½ CY & Less)	3.75				
Front End Loader (Over 2½ CY)	5.00				
Motor Grader Operator, Fine Grade	5.00				
Motor Grader Operator	4.50				
Roller, Steel Wheel (Plant-Mix Pavements)	4.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.50				
Roller, Pneumatic (Self-Propelled)	4.75				
Scrapers (17 CY and Less)	4.45				
Scrapers (Over 17 CY)	5.00				
Tractor (Crawler Type) over 150 HP	4.50				
Tractor (Pneumatic) 80 HP & Less	3.50				
Tractor (Pneumatic) over 80 HP	4.50				
Traveling Mixer	4.50				
Truck Drivers:					
Single Axle, Light	3.40				
Single Axle, Heavy	3.40				
Tandem Axle or Semitrailer	4.00				
Lowboy-Float	5.50				
Welder	5.50				

SUPERSEDEAS DECISION

STATE: VIRGINIA

COUNTIES: THE INDEPENDENT CITIES OF CHESAPEAKE, HAMPTON, NEWPORT NEWS, NORFOLK, PORTSMOUTH AND VIRGINIA BEACH

DECISION NO.: 77VA-3082

DATE: DATE OF PUBLICATION

Supersedes Decision No. AP-494 dated March 23, 1973 in 38 FR 7693

DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asphalt Raker	$4.01				
Carpenter, Structure	8.00				
Carpenter, Structure helper	4.10				
Concrete Finisher	4.76				
Concrete Finisher helper	3.80				
Electrician	8.45				
Form Setter (Road)	4.52				
Ironworker, Reinforcing	5.50				
Ironworker, Reinforcing helper	4.62				
Ironworker, Structural	6.50				
Laborers, Unskilled	3.08				
Landscape Workers	2.53				
Mason Structure	7.71				
Pipelayer	4.05				
Piledriver, Leadsmen	6.20				
Painter	5.20				
Sign Erector	4.12				
Truck Drivers:					
Heavy Duty (7 cy. and under)	3.04				
Heavy Duty (over 7 cy.)	3.00				
Single Rear Axle	2.85				
Multi Rear Axle	3.15				
Tractor Trailer	4.08				
Power Equipment Operators:					
Asphalt Distributor	4.43				
Asphalt Paver	4.44				
Backhoe	4.66				
Bulldozer	4.52				
Concrete Finishing Machine	4.75				
Cranes, Derricks, Draglines (1 yard and under)	8.05				
Cranes, Derricks, Draglines (over 1 Yard)	5.855				
Drill	4.75				
Firemen	4.645				

DECISION NO. 77VA-3082 CONT'D:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Loaders (2 yards and under)	4.18				
Loaders (over 2 yards)	4.51				
Mechanic	5.46				
Motor Grader (Fine)	5.08				
Motor Grader (Rough)	4.92				
Oiler-Greaser	3.84				
Pavement Breaker	5.50				
Piledriver	5.00				
Power Tool	3.60				
Rigger	5.34				
Roller	3.81				
Roller (Finish)	3.98				
Scraper-Pan	4.00				
Shovel (over 1 Yard)	5.00				
Stabilizer	3.93				
Subgrade Machine	4.30				
Tractor Utility	3.69				

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Milwaukee, Ozaukee, Waukesha and Washington

DECISION NUMBER: WI77-2092

DATE: Date of Publication

Supersedes Decision No. WI76-2116, dated September 24, 1976, in 41 FR 42155

DESCRIPTION OF WORK: BUILDING CONSTRUCTION (Including Residential Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$11.15	.70	.80	1.00	.04
BOILERMAKERS	11.30	.85	1.00		.02
BRICKLAYERS:					
Bricklayers & Stonemasons	11.25	1.07	.90		
CARPENTERS:					
Carpenters	10.37	.80	.80	.51	.06
Millwrights	10.89	.80	.80	.51	.06
Piledrivermen	10.91	.80	.80	.51	.06
CEMENT MASONS	9.34	.90	.70	.51	
ELECTRICIANS	11.13	.92	1%+.35	10%	1.25%
ELEVATOR CONSTRUCTORS	11.17	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.82	.545	.35	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	5.585				
GLAZIERS	9.59	.87	.65		
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.66	1.10	.80	1.15	.15
LATHERS	9.56	.85	.80	.91	.03
LINE CONSTRUCTION:					
Linemen	9.37	.35	1%		.5%
Equipment Operator	7.77	.35	1%		.5%
Truck Driver - truck w/Boom	6.46	.35	1%		.5%
Groundman - Experienced	5.88	.35	1%		.5%
PAINTERS:					
Brush	9.45	.96	.80	.50	.02
Swing Stage, up to 80 ft.	10.00	.96	.80	.50	.02
Structural Steel	10.20	.96	.80	.50	.02
Spray and Sandblasting	9.80	.96	.80	.50	.02
Wing stage, 80 ft. and over	10.20	.96	.80	.50	.02
PLASTERERS	9.06	.90	.70	.76	
PLUMBERS & GASFITTERS	10.98	1.00	1.00	.55	.10

DECISION NO. WI77-2092

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS:					
Mastic Work:					
Spreaders	10.45	.90	.80	.51	
Rubbers and Kettlemen	10.25	.90	.80	.51	
Additional Help	10.00	.90	.80	.51	
Tower Work:					
Without swings	10.40	.90	.80	.51	
With swing or boa'n chair	10.70	.90	.80	.51	
Slate,Tile and Transite Work:					
Roofers	10.40	.90	.80	.51	
Composition, damp and waterproof roofers	10.25	.90	.80	.51	
SHEET METAL WORKERS	10.66	.88	1.05	.75	.05
SOFT FLOOR LAYERS	9.83	.80	.80	.51	.06
SPRINKLER FITTERS	11.65	.65	.95		.02
STEAM FITTERS	11.16	1.10	.80	.50	.07
TERRAZZO WORKERS	10.33	.97	.70		
TILE SETTERS	10.35	.60	.80		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial day
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day;

FOOTNOTE:

a. Holiday: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

DECISION NO. WI77-2092

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Educotion and/or Appr. Tr.
General Laborers, Form Stripper Concrete Worker, Mason tender	9.14	.75	.80	.51	
Scaffold Builder, Pitman or Dumpman, Building Wrecker, Hod Carrier, Mortar Mixer, Vibrator Operator, Kettleman, Air Spade Operator	9.25	.75	.80	.51	
Barco Tamper, Jackhammer Operator Sheeting Driver, Gunnite Man Concrete Buster	9.36	.75	.80	.51	
Topman on Chimney (up to 50')	9.25	.75	.80	.51	
Nozzleman	9.65	.75	.80	.51	
Plasterer Laborer	9.35	.75	.80	.51	
Topman (every additional 50 ft.)	9.50	.75	.80	.51	
Caisson worker	9.80	.75	.80	.51	
Caisson Worker - Top Man	9.45	.75	.80	.51	
Bridge, Road and Railway Construction:					
General Laborer	8.94	.75	.80	.51	
Vibrator, Pitman, and Dumpman	9.00	.75	.80	.51	
Bullfloat, strikeoff Man, Puddler, Cement Dumper	9.05	.75	.80	.51	
Formsetter	9.22	.75	.80	.51	

DECISION NO. WI77-2092

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Educotion and/or Appr. Tr.
GROUP I	10.67	.75	.90		.10
GROUP II	10.42	.75	.90		.10
GROUP III	10.12	.75	.90		.10
GROUP IV	10.02	.75	.90		.10
GROUP V	9.81	.75	.90		.10
GROUP VI	9.57	.75	.90		.10

GROUP I - Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, derrick operator and traveling crane (bridge type), concrete paver (over 27E), concrete spreader and distributor

GROUP II - Material hoists, tractor or truck mounted hydraulic backhoe tractor or truck mounted hydraulic crane (5 tons or under),Manhoist, tractor (over 40 h.p.), bulldozer (over h.p.), endloader (over 40 h.p.), Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons), rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)

GROUP III - Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machine (road type), roller (rubber tire), concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), Screw type pumps, and gypsum pumps, tractor, Bulldozer, Endloader (under 40 h.p.), Pumps (well points), trencher (chain type paving bucket 8-inch and under), industrial locomotives, roller (under 5 tons) and firemen (pile drivers and derricks)

GROUP IV - Hoists (automatic), Forklift (12' to 25'), Tampers-compactOrs (riding type), assistant engineer, "A" frame and winch trucks, Concrete auto breaker, hydro-hammer (small), Booms and sweeper, Hoists (tuggers), stump chipper (large), boats, safety work, barges and launch)

GROUP V - Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment, post hole diggers, stone crushers and screening plants, fireman (asphalt plants), air compressor (300 CFM or over)

GROUP VI - Generators over 15KW, pumps over 3", Augers (vertical and horizontal), Combinations small equipment operator; air, electric hydraulic jacks (slip form), compressors (under 300 CFM), welding machines, heaters (mechanical), prestress machines, bobcats, generators (under 150 KW), Pumps (3" and under); Winches (small electric), Oiler and greader, boiler operators (temporary heat), Rotary drill helper, conveyor, forklift (12' and under)

[FR Doc.77-17756 Filed 6-23-77;8:45 am]

Vol.42—No.123
6-27-77
PAGES
32513-32759

federal register

MONDAY, JUNE 27, 1977

highlights

SUNSHINE ACT MEETINGS 32613

COLOR TELEVISION RECEIVER IMPORTS
Presidential proclamation and Office of the Special Representative for Trade Negotiations notice of orderly marketing agreement between the United States and Japan (Part V of this issue) 32745

TRIS PRODUCTS
CPSC requests comments by 7-8-77 on repurchase of products under the Federal Hazardous Substances Act 32566

COLOR TELEVISION RECEIVERS
Office of the Special Representative for Trade Negotiations issues directive to U.S. Customs Service on implementation of orderly marketing agreement with Japan 32755

FOOD SAFETY AND QUALITY SERVICE
USDA/FSQS establishes new chapter; effective 6-27-77 .. 32514

POLLUTION PREVENTION
DOT/CG proposes amendments on vessel and oil transfer facilities, tank vessels carrying oil in bulk and oil pollution prevention equipment (3 documents); comments by 8-11-77 (Part III of this issue) .. 32670, 32684, 32686

FISHING VESSELS
Commerce/NOAA proposes amendment to Fishing Vessel Obligation Guarantee Program; comments by 7-27-77 32557

ELECTRICAL ENGINEERING
DOT/CG proposes clarification of regulations; comments by 8-11-77 (Part IV of this issue) 32699

INTERCITY BUS INDUSTRY
ICC establishes procedures on type of evidence submitted in revenue proceedings; effective 8-23-77 32541

AVIATION SERVICES
FCC substitutes type accepted transmitters in radionavigation and operational stations; effective 7-1-77 32540

LOST AND STOLEN SECURITIES PROGRAM
SEC delays effective date of reporting requirements 32534

INDOCHINA REFUGEE ADULT EDUCATION PROGRAM
HEW/OE announces closing date of 7-29-77 for receipt of applications 32589

CONTINUED INSIDE

VOL 42 NO 123 JUN 27 77 UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW/FDA—Bacitracin and bacitracin-containing drugs; certification..... 27239; 5–27–77

Human antibiotic drugs; bacitracin and bacitracin zinc..... 27228; 5–27–77

Insuling drugs; increase in certification fees..... 27227; 5–27–77

Protein, fat, and carbohydrate; content declaration..... 27225; 5–27–77

NRC—Byproduct material licensing; mock iodine–125 calibration or reference source..... 26986; 5–26–77

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the law may be obtained from the U.S. Government Printing Office.

H.R. 6206..... Pub. L. 95–53
To authorize appropriations for fiscal years 1978, 1979, and 1980 to carry out the Commercial Fisheries Reseaerch and Development Act of 1964. (June 22, 1977; 91 Stat. 249). Price: $.35

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO).....	**202**–783–3238
Subscription problems (GPO).....	**202**–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	**202**–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections.....	523–5286
Public Inspection Desk.....	523–5215
Finding Aids.....	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)..	523–5266
Finding Aids.....	523–5227

PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents....	523–5235
Index.....	523–5235
PUBLIC LAWS:	
Public Law dates and numbers.....	523–5237
Slip Laws.....	523–5237
U.S. Statutes at Large.....	523–5237
Index.....	523–5237
U.S. Government Manual.....	523–5230
Automation.....	523–5240
Special Projects.....	523–5240

HIGHLIGHTS—Continued

TOBACCO LOAN PROGRAM
USDA/CCC provides schedule of grade loan rates for 1977 crop flue-cured tobacco; effective 6–27–77..... **32513**

ENVIRONMENTAL IMPACTS
DOT/FAA establishes policies and procedures for preparation of statements (Part II of this issue)..... **32631**
DOT/FAA amends regulations on airport development and acquisition of land; effective 6–27–77 (Part II of this issue)..... **32630**

DRUG ABUSE PREVENTION
Justice/DEA notice establishing 1977 aggregate production quotas for controlled substances in Schedules I and II; effective 6–27–77..... **32590**

CANADIAN ALLOCATION PROGRAM
FEA notice on allocation for July thru September 1977 period..... **32567**

FERROCHROMIUM AND CHROMIUM STEEL IMPORTS
Treasury/Office of Foreign Assets Control publishes notice of issuance by Republic of Korea of certificate verifying Non-Rhodesian origin of chromium content..... **32607**

PRIVACY ACT
CEQ establishes procedures for gaining access to information; effective 6–9–77..... **32537**

MEETINGS—
EPA: Polychlorinated Biphenyls, 7–15 and 7–19–77.. **32555**
FCC: Radio Technical Commission for Marine Services, Special Committee No. 71, 7–12–77; Special Committee No. 66, 7–13–77; Special Committee No. 65, 7–14–77..... **32566**
GSA: Architectural and Engineering Services Regional Public Advisory Panel, 7–11 through 7–13–77..... **32589**
Legal Services Corporation: Board of Directors (2 documents), 7–6 thru 7–8–77..... **32591**
Appropriations and Audit Committee, Board of Directors, 7–6–77..... **32591**
National Commission on Electronic Fund Transfers: Credit Markets Committee, 7–6 thru 7–8–77..... **32591**
NSF: Project Directors, 7–14 and 7–15–77..... **32591**
NRC: Advisory Committee on Reactor Safeguards Procedures Subcommittee, 7–12–77..... **32597**
Advisory Committee on Reactor Safeguards subcommittee on the Gas Cooled Fast Reactor, 7–12–77..... **32598**
Advisory Committee on Reactor Safeguards Working Group No. 1 of the Reactor Safety Research Subcommittee, 7–7 and 7–8–77..... **32598**
DOT/FAA: Air Traffic Procedures Advisory Committee, 7–19 thru 7–22–77..... **32605**
Radio Technical Commission for Aeronautics Executive Committee, 7–15–77..... **32605**
MTB: United Recommendations on the Transport of Dangerous Goods, 7–12–77..... **32605**
Treasury/Secy: Debt Management Advisory Committees, 7–26 and 7–27–77..... **32606**
State: U.S. National Committee for the International Radio Consultative Committee, Study Group 7, 7–21 and 7–22–77..... **32604**

HEARING—
FEA: Energy Conservation Program for Consumer Appliances, 7–15–77..... **32553**

SEPARATE PARTS OF THIS ISSUE
Part II, DOT/FAA..... **32629**
Part III, DOT/CG..... **32669**
Part IV, DOT/CG..... **32699**
Part V, The President and Office of the Special Representative for Trade Negotiations..... **32745**

VOL 42 NO 123 JUN 27 77 UM

contents

THE PRESIDENT

Proclamations

Television receivers, color, imports; U.S.-Japan orderly marketing agreement, implementation ---------- 32747

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Oranges (Valencia) grown in Ariz. and Calif---------- 32513

Proposed Rules

Nectarines grown in Calif.; correction ---------- 32553

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Commodity Credit Corporation; Food Safety and Quality Service; Packers and Stockyards Administration.

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
International Air Transport Association ---------- 32558

COAST GUARD

Rules

Dangerous cargoes and tank vessels:
Tank vessels carrying oil in trade; editorial changes------ 32539

Proposed Rules

Electrical engineering; revision and inquiry---------- 32700
Engineering equipment specifications; oil pollution prevention equipment ---------- 32686
Pollution:
Oil transfer facilities and operations, and vessel design and operation ---------- 32670
Tank vessels carrying oil in bulk ---------- 32684

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Rules

Loan and purchase programs:
Tobacco, flue cured---------- 32513

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Catalytic heaters; safety standards; petition denied---------- 32565
Children's wearing apparel containing TRIS, repurchase; hearing, etc.; extension of time--- 32566

CUSTOMS SERVICE

Rules

Organization and functions; field organization; ports of entry, etc.:
Boston, Mass---------- 32534

DEFENSE DEPARTMENT

Rules

Charters:
Assistant to Secretary of Defense; Legislative Affairs---- 32537

DRUG ENFORCEMENT ADMINISTRATION

Notices

Schedules of controlled substances:
Alphaprodine, etc.; 1977 aggregate production quota------- 32590

EDUCATION OFFICE

Notices

Applications and proposals, closing dates:
Indochina refugees, emergency adult education program for- 32589

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION

Notices

Meetings---------- 32591

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Toxic substances:
Polychlorinated biphenyls (PCBs); meetings and inquiry---------- 32555

ENVIRONMENTAL QUALITY COUNCIL

Rules

Privacy Act; implementation---- 32537

FEDERAL AVIATION ADMINISTRATION

Rules

Airport development and acquisition of land; environmental impacts ---------- 32629
Air traffic operating and flight rules; air carriers certification and operations:
Rotocraft external-load operations; compensation or hire; correction ---------- 32531
Airworthiness directives:
Beech (2 documents)--- 32523, 32524
Bell---------- 32523
British Aircraft (2 documents)- 32519, 32527
Canadair ---------- 32521
Detroit Diesel Allison--------- 32521
Grumman-American --------- 32527
Hawker Siddeley ---------- 32522
Mitsubishi (2 documents- 32520, 32528
Standard instrument approach procedures---------- 32530
Transition areas---------- 32528
VOR Federal airways (2 documents) ---------- 32529

Proposed Rules

Control zone and transition area- 32555
Transition areas (3 documents)-- 32553, 32554

Notices

Environmental impact statements; policies and procedures- 32631
Meetings:
Air Traffic Procedures Advisory Committee---------- 32605
Radio Technical Commission for Aeronautics---------- 32605

FEDERAL COMMUNICATIONS COMMISSION

Rules

Aviation services:
Radionavigation and operational stations; type accepted transmitters; substitution allowed- 32540
Maritime services, land and shipboard stations:
Radiotelegraphy usage; correction ---------- 32540
Radio broadcast services:
Program log maintenance; correction ---------- 32539

Proposed Rules

Telephone companies:
Tariffs, interface of International Telex Service with Domestic Telex and TWX Services; extension of time-- 32556

Notices

Meetings:
Marine Services Radio Technical Commission---------- 32566

Hearings, etc.:
Springfield Television Broadcasting Corp. et al---------- 32567
Western Union Telegraph Co-- 32566

FEDERAL ENERGY ADMINISTRATION

Proposed Rules

Energy conservation program, appliances:
State appliance energy use or efficiency regulation; petitions to supersede; correction----- 32553

Notices

Appeals and applications for exception, etc.; cases filed with Exceptions and Appeals Office:
List of applicants, etc. (4 documents) ---------- 32573–32582
Canadian allocation program, 1977; notices:
July through September------- 32567
Coal use, construction orders:
Gainesville-Alachua County Regional Utilities Board-------- 32574

FEDERAL HOME LOAN BANK BOARD

Notices

Applications, etc.:
Buckeye Federal Savings & Loan Association ---------- 32585

FEDERAL MARITIME COMMISSION

Notices

Freight forwarder licenses:
Puerto Rican Consolidators--- 32586

Agreements filed, etc.:
Canton Railroad Co. et al------ 32586

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Zoller & Dannebert, Inc., et al-- 32586

FEDERAL RESERVE SYSTEM

Notices

Applications, etc.:
Marble Falls Financial Corp--- 32587
Republic of Texas Corp. (2 documents)---------- 32587, 32588

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices:
Five County Builders & Contractors Associations, Inc---- 32532
Gulf Coast Builders Exchange, Inc ---------- 32533
Hallcraft Jewelers, Inc., et al-- 32533
National Electrical Contractors Association, Inc., Florida West Coast Chapter---------- 32532

FISH AND WILDLIFE SERVICE

Rules

Hunting:
Ravalli National Wildlife Refuge, Mont---------- 32552

FOOD SAFETY AND QUALITY SERVICE

Rules

Establishment of CFR Chapter and transfer of AMS regulations ---------- 32514

FOREIGN ASSETS CONTROL OFFICE

Notices

Rhodesian sanctions:
Imports of ferrochromium and chromium-bearing steel products from Republic of Korea-- 32607

GENERAL SERVICES ADMINISTRATION

Notices

Meeting:
Architectural and Engineering Services Regional Public Advisory Panel---------- 32589

HAZARDOUS MATERIALS OPERATIONS OFFICE

Notices

Transport of dangerous goods; new substances listing and classification, etc---------- 32605

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; National Park Service.

Rules

Employees, interest in land and resources; acquiring wild horses and burros---------- 32538

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Foreign tax credit; separate limitations for dividends from DISC or former DISC; correction ---------- 32536

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Pipe and tube, welded stainless steel ---------- 32590

INTERSTATE COMMERCE COMMISSION

Rules

Motor carriers:
Revenue proceedings, procedures to be followed; intercity bus industry---------- 32541

Notices

Hearing assignments---------- 32608
Motor carriers:
Finance proceedings, policy statement ---------- 32609
Procedures in application proceedings where for-hire carriage is substituted for proprietary operations; oral argument; correction---------- 32610
Transfer proceedings (2 documents)---------- 32608, 32610

JUSTICE DEPARTMENT

See also Drug Enforcement Administration.

Rules

Organization, functions, and authority delegations:
Assistant Attorney General for Administration; revoked----- 32537

LAND MANAGEMENT BUREAU

Rules

Public land orders:
Idaho ---------- 32539

Notices

Applications, etc.:
New Mexico---------- 32589
Withdrawal and reservation lands, proposed, etc.:
Montana; correction (2 documents) ---------- 32589

LEGAL SERVICES CORPORATION

Notices

Meetings:
Board of Directors (2 documents) ---------- 32591

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Financial aid to fisheries:
Fishing vessel obligation guarantee program procedures--- 32557

NATIONAL PARK SERVICE

Notices

Environmental statements; availability, etc.:
Voyageurs National Park, Minn., aircraft landing---------- 32590
Voyageurs National Park, Minn., snowmobile operations------- 32590

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Pre-college teacher development in science, project director ---------- 32591

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Arkansas Power & Light Co---- 32591
Boston Edison Co---------- 32595
Carolina Power & Light Co----- 32592
General Electric Standard Safety Analysis Report----- 32592
Iowa Electric Light & Power Co- 32593
Iowa Electric Light & Power Co. et al---------- 32593
Northeast Nuclear Energy Co-- 32595
Northeast Nuclear Energy Co. et al---------- 32593
Northern States Power Co. (2 documents)---------- 32595, 32596
Omaha Public Power District-- 32596
Philadelphia Electric Co------- 32594
San Diego Gas & Electric Co--- 32594
Toledo Edison Co---------- 32592
Meetings:
Reactor Safeguards Advisory Committee (4 documents)- 32596–32598
Regulatory guides; issuance and availability ---------- 32594

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Posting and deposting of stockyards:
Pierce Packing Co. Yards, Billings, Mont., et al---------- 32558

POSTAL SERVICE

Notices

Privacy Act; systems of records; correction ---------- 32598

SECURITIES AND EXCHANGE COMMISSION

Rules

Securities Exchange Act:
Lost and stolen securities program ---------- 32534

Notices

Self-regulatory organizations; proposed rule changes:
Boston Stock Exchange, Inc--- 32598
Midwest Clearing Corp------- 32602
Midwest Clearing Corp. et al-- 32604
Midwest Stock Exchange, Inc-- 32604
National Securities Clearing Corp ---------- 32603

Hearings, etc.:
Indiana & Michigan Electric Co ---------- 32600
Massachusetts Mutual Life Insurance Co---------- 32601

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:
Virginia ---------- 32604

V42123 JUN 27 77 UMI

STATE DEPARTMENT

Rules

Visas:
Immigrants and nonimmigrants, documentation; forms ---- 32535

Notices

Meetings:
International Radio Consultative Committee, U.S. National Committee ---- 32604

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Color television receivers; orderly marketing agreement with Japan ---- 32755

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Hazardous Materials Operations Office.

TREASURY DEPARTMENT

See also Customs Service; Foreign Assets Control Office; Internal Revenue Service.

Notices

Bonds, Treasury:
1992 series ---- 32606
Meetings:
Debt management advisory committees ---- 32607
Notes, Treasury:
R–1979 series ---- 32607

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:
4511 ---- 32747

7 CFR

908 ---- 32513
1464 ---- 32513
Ch. XXVIII ---- 32514

PROPOSED RULES:
916 ---- 32553

10 CFR

PROPOSED RULES:
430 ---- 32553

14 CFR

39 (11 documents) ---- 32519–32528
71 (3 documents) ---- 32528, 32529
91 ---- 32531
97 ---- 32530
133 ---- 32531
152 ---- 32630
154 ---- 32630

PROPOSED RULES:
71 (4 documents) ---- 32553–32555

16 CFR

13 (4 documents) ---- 32532, 32533

17 CFR

240 ---- 32534

19 CFR

1 ---- 32534

22 CFR

41 ---- 32535
42 ---- 32535

26 CFR

1 ---- 32536

28 CFR

0 ---- 32537

32 CFR

353 ---- 32537

33 CFR

PROPOSED RULES:
154 ---- 32670
155 ---- 32670
156 ---- 32670
157 ---- 32684

40 CFR

1516 ---- 32537

PROPOSED RULES:
761 ---- 32555

43 CFR

7 ---- 32538

PUBLIC LAND ORDERS:
5707 (Corrected by PLO 5620) ---- 32539
5620 ---- 32539

46 CFR

Ch. I ---- 32539

PROPOSED RULES:
Ch. I ---- 32700
162 ---- 32686

47 CFR

73 ---- 32539
81 ---- 32540
83 ---- 32540
87 ---- 32540

PROPOSED RULES:
61 ---- 32556

49 CFR

1104 ---- 32541

50 CFR

32 ---- 32552

PROPOSED RULES:
255 ---- 32557

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11995) ---- 29841
11905 (Amended by EO 11994) ---- 28869
11968 (Revoked by 11997) ---- 31759
11985 (See EO 11994) ---- 28869
11994 ---- 28869
11995 ---- 29841
11996 ---- 30489
11997 ---- 31759

PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) ---- 30829
4477 (See Proc. 4509) ---- 30829
4505 ---- 29471
4506 ---- 30143
4507 ---- 30351
4508 ---- 30353
4509 ---- 30829
4510 ---- 32430
4511 ---- 32747

MEMORANDUMS:
June 2, 1977 ---- 29843

5 CFR

213 ---- 28515, 28989, 29845, 29846, 29879, 30355 30831, 31455, 31456, 31604, 32250, 32251
294 ---- 32252
752 ---- 28516
754 ---- 28516
771 ---- 28516
831 ---- 29846

PROPOSED RULES:
831 ---- 29880

7 CFR

2 ---- 32254
26 ---- 30145
68 ---- 30599
270 ---- 32254
908 ---- 30600
210 ---- 30355
271 ---- 28516, 30831
401 ---- 28871–28873, 28989
402 ---- 31427
411 ---- 28873
413 ---- 28141
724 ---- 29847
730 ---- 30355
905 ---- 27875
908 ---- 28144, 29487, 31761, 32513
910 ---- 28516, 29848, 30831, 32255
911 ---- 30147
916 ---- 30491
918 ---- 29487
922 ---- 30492
932 ---- 31761
1004 ---- 29848
1207 ---- 29295
1427 ---- 29849
1446 ---- 28989, 30832
1464 ---- 32513
1472 ---- 29854
1474 ---- 30832
1488 ---- 30833
1701 ---- 32255
Ch. XXVIII ---- 32514
1809 ---- 31762
1832 ---- 31762
1872 ---- 31762
2850 ----

7 CFR—Continued

PROPOSED RULES:
51 ---- 30626
53 ---- 29313
270 ---- 32256
271 ---- 28546
275 ---- 32256
905 ---- 30198
911 ---- 30513
915 ---- 30513
916 ---- 27911, 30206, 32553
917 ---- 28146, 30513, 30514, 30626
921 ---- 29489, 31797
922 ---- 30514
923 ---- 27912, 31797
924 ---- 32256
989 ---- 27913
1006 ---- 30627
1011 ---- 31797
1012 ---- 30627
1013 ---- 30627
1030 ---- 27921
1040 ---- 29881
1065 ---- 28897
1094 ---- 30627
1096 ---- 30627
1205 ---- 29313
1435 ---- 30409
1446 ---- 32257
1701 ---- 29012, 31457
1822 ---- 29885
1933 ---- 29885

8 CFR

223 ---- 28113
238 ---- 28990, 29871

PROPOSED RULES:
100 ---- 28547
244 ---- 30845

9 CFR

1 ---- 31022, 31561
2 ---- 31022, 31561
3 ---- 31561
73 ---- 32223
78 ---- 28517, 32223
105 ---- 31430
112 ---- 28519, 29854

PROPOSED RULES:
94 ---- 30844
95 ---- 30844
113 ---- 28548, 28549

10 CFR

2 ---- 28893
21 ---- 28893
31 ---- 28896
34 ---- 28896
35 ---- 28896
40 ---- 28896
70 ---- 28896
Ch. II ---- 31143
211 ---- 27908
212 ---- 27908
214 ---- 29295
430 ---- 27896, 30401
440 ---- 27899
745 ---- 30492

PROPOSED RULES:
2 ---- 31167
70 ---- 28147
73 ---- 28147
202 ---- 28147

10 CFR—Continued

PROPOSED RULES—Continued
211 ---- 27936
212 ---- 27936, 29490
430 ---- 27941, 27951, 30206, 30210, 30401, 30627, 32553
450 ---- 29906

12 CFR

207 ---- 29299
210 ---- 31763
226 ---- 28520, 30148, 31430
264 ---- 27876
265 ---- 28521, 30601
268 ---- 28522
545 ---- 29473
561 ---- 29473
611 ---- 32226
615 ---- 32226
618 ---- 32227
748 ---- 30493

PROPOSED RULES:
340 ---- 27955
543 ---- 29511
545 ---- 29512
550 ---- 31803
566 ---- 31803
584 ---- 29512
611 ---- 31167
614 ---- 31167
615 ---- 31167

13 CFR

107 ---- 31767
112 ---- 28530
121 ---- 29300

PROPOSED RULES:
113 ---- 29317
116 ---- 32257

14 CFR

23 ---- 30601
39 ---- 28873, 29474, 30603–30605, 31151–31156, 31767–31770, 32519–32528
71 ---- 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157, 31771, 31772, 32528, 32529
73 ---- 29475
75 ---- 30149, 30611
91 ---- 30601, 32531
95 ---- 28115
97 ---- 28120, 29477, 31158, 32530
133 ---- 32531
152 ---- 32630
154 ---- 32630
221 ---- 28874–28876, 32227
372a ---- 28121
378a ---- 28122
384 ---- 32228

PROPOSED RULES:
1 ---- 28148
23 ---- 29688
25 ---- 29688
27 ---- 29688
29 ---- 29688
33 ---- 29688
39 ---- 28897, 29513, 31171, 31172
71 ---- 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174, 31805–31808, 32553–32555
73 ---- 30642

V 42 N 123 JUN 27 77 UMI

14 CFR—Continued

PROPOSED RULES—Continued

77 30642
107 30766
Ch. II 28898
298 28150
378 30376
1241 31605

15 CFR

379 28998

16 CFR

3 31591
4 30150
13 27877, 28531, 29012, 29478, 30493, 31164, 32532, 32533
25 31591
42 31591
132 31591
158 31592
176 31592
182 31592
186 31592
194 31592
201 31592
207 31592
1025 31431
1026 31446
1201 31164
1301 30296
1500 28060, 31773

PROPOSED RULES:

13 28550, 29516, 29915, 30515, 30516, 32258
23 29916, 31457
26 31457
34 31457
36 31457
40 31457
41 31457
46 31457
54 31457
56 31457
57 31457
60 31457
61 31457
62 31457
67 31457
74 31457
103 31457
114 31457
117 31457
118 31457
131 31457
142 31457
146 31457
150 31457
152 31457
154 31457
157 31457
160 31457
162 31457
165 31457
175 31457
192 31457
197 31457
205 31457
209 31457
210 31457
214 31457
215 31457
216 31457
221 31457
223 31457

16 CFR—Continued

PROPOSED RULES—Continued

224 31457
441 28551
444 32259
456 29917
1026 31458
1500 31808

17 CFR

200 30833, 30834
210 27879
211 28999
240 27879, 27880, 31774, 31778, 32404, 32534
241 31780
270 31781
271 28999
275 29300

PROPOSED RULES:

1 31740, 32261
9 30472
200 30378
230 30378, 30379
231 31458
239 29012, 29716
240 29918, 30845, 31810, 32415, 32418
241 30066
249 29918, 30845
270 29716, 29228, 30215
274 29716

18 CFR

1 30356
2 30612
33 30613
34 30613
35 30155, 30613
101 30156, 30613
104 30614
125 30614
131 30615
141 30157, 30615
154 30157, 30615
157 29001
201 30159
204 30616
260 30160, 30617

PROPOSED RULES:

201 30846
260 30846

19 CFR

1 32534
159 28531, 28532, 31449
210 31783

PROPOSED RULES:

210 31811

20 CFR

260 29302
320 29302
337 29486
404 30357
416 30357
656 29855

21 CFR

Ch. I 31449
5 28533, 29855
73 32228
81 32228
101 31449
155 30358, 30359, 31449, 31812

21 CFR—Continued

173 29856, 32229
177 28533
193 29857
369 31449
436 29857, 31449
452 29858
501 31449
505 31449
510 29858, 31450
520 28534, 29003
522 28535, 31450, 32229
539 29003
555 29859
558 28535
561 29857
610 29859
620 29859
630 29859
640 29859, 31450
650 29859
660 29859
701 30361, 32229
740 31449
801 31449
1306 28877, 30495
1308 30495

PROPOSED RULES:

15 30383
25 30383
131 29919
137 30389
155 29014
166 30389
172 30389, 30390
173 30389
175 30389
176 30389
177 30389
178 30389
180 30389
181 30389
182 29925, 30389, 30390, 30865
184 29925, 30390, 30865
186 30390, 30865
193 32262
201 30867
510 29928
558 29928
561 32262
808 30383
1309 28560
1316 31460

22 CFR

41 32535
42 32535

PROPOSED RULES:

123 28551, 29929, 30391
124 28551, 29929, 30391
127 29929
128 29929

23 CFR

635 30835
645 30835
646 30835
650 30835
720 30835
740 30835
750 30835
771 30835
922 28535

24 CFR

16 29479, 30617
25 30361
203 28538, 29303
204 29303
209 29303
211 29303
213 28538, 29303
220 29304
221 29304
222 29304
226 29304
227 29304
228 29304
233 29305
234 25838, 29305
235 29306
237 29306
240 29307
279 31752
570 31783
1914 29428–29431, 30304, 31254–31257
1915 29433, 30305
1916 29307, 30344
1917 31259–31271
1920 28878–28882, 29859–29870, 30160–30174
1930 29479
1931 29479

PROPOSED RULES:

1908 29692
1911 29692
1912 29692
1913 29692
1914 29692
1917 31272–31280, 31546–31553, 31708–31720, 31952–31960
1921 29692
1922 29692
1923 29692

25 CFR

114 32229
191 30367
192 30367
193 30367
194 30367
195 30367
196 30367
197 30367
198 30367
199 30367
200 30367
201 30367
221 28538, 30367
256 31450

PROPOSED RULES:

54 30647
221 30867
258 28552
260 30216

26 CFR

1 30496, 32536
11 27881
54 27882, 31159, 32384

PROPOSED RULES:

1 29517, 31462
301 30868

27 CFR

250 30835

PROPOSED RULES:

4 30517

28 CFR

0 29003, 32537
2 31784
17 29307

PROPOSED RULES:

2 29934

29 CFR

29 30836
97 30367
775 32253
1952 30368
2550 32389

PROPOSED RULES:

1601 31174
1910 29021, 32263
1952 29024
2610 29318

30 CFR

55 29418
56 29420
57 29422
211 30175

PROPOSED RULES:

55 30772
56 30772
57 30772
70 28151

31 CFR

51 27883
530 31453

32 CFR

353 32537

PROPOSED RULES:

276 27963
286b 29935
643 31032

33 CFR

1 31159
110 30618
114 28882
115 28882
117 30178, 30179
127 30179
161 29480
205 30368
266 31159
401 29308

PROPOSED RULES:

117 30216–30218
154 32670
155 32670
156 32670
157 32684
209 29025

36 CFR

2 30501
7 31453
200 32230
221 28252
222 30836
223 28252
231 30836
261 30503, 31788

37 CFR

3 27883, 31159

37 CFR—Continued

PROPOSED RULES:

1 30522, 31812
3 31812
5 31812

38 CFR

36 28883

PROPOSED RULES:

8a 30392

39 CFR

10 29488
111 27892, 29308, 29488, 31592
224 29308
601 29488
952 30504
954 30504
958 30504

PROPOSED RULES:

111 28153

40 CFR

35 29481
52 27892, 28122, 28539, 28883, 29004, 30369, 30504, 31812
60 32426
61 29005
85 28123
86 28130, 31159
180 28540
416 29871
1516 32537

PROPOSED RULES:

52 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609
60 32264
61 28154
85 31813
86 28970
162 31284, 31813
173 31284
211 31722, 31730
600 28970
761 32555

41 CFR

3-3 29871
3-30 30190
4-2 28871, 32230
4-50 31454
7-7 28540
7-30 30619
8-1 28541
9-1 32232
9-5 29873, 31160
9-7 32232
9-51 29308
9-55 29308
Ch. 14 30196
15-19 30509
101-38 31454
101-45 31455
101-47 31455
114-1 30196

PROPOSED RULES:

3-4 29872, 29937, 32264
5B-2 27966
29-1 31462
29-2 31462
29-3 31462
29-12 31462

VOL 42 NO 123 JUN 27 7 7 UM

41 CFR—Continued

PROPOSED RULES—Continued

29–61 31462
105–65 29319
110–26 28556

42 CFR

51e 28692
66 29482
110 ..... 29400, 32234

PROPOSED RULES:

67 29518

43 CFR

7 32538
29 31789
2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5607 (corrected by PLO 5620) 32539
5618 30370
5619 30180
5620 32539

45 CFR

144 31794
175 31794
176 31794
177 29009
201 28884
249 28700
304 28885
1067 29873

PROPOSED RULES:

12 27966
85 32264
122a 28706
136 28899
163 28159
163a 28159
197 30290
1067 29523

46 CFR

Ch. I 32539
1 31160
2 28886
5 31160
31 28886
151 28886
187 29483
401 ..... 30619, 31160
549 31161

PROPOSED RULES:

Ch. I 32700
30 30220
32 30220

46 CFR—Continued

PROPOSED RULES—Continued

34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 ..... 30649, 32686
167 30649
193 30649
507 29524
536 30399
543 ..... 30584, 31175

47 CFR

0 30370
1 ..... 27894, 28887, 30180, 31794
2 ..... 31006, 31594, 32234
21 27894
23 27894
68 ..... 29010, 32234
73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622, 32539
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008, 32540
83 ..... 29309, 31012, 32540
87 ..... 27895, 29483, 32540
89 27895
89 ..... 27895, 30511, 31594
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

0 32268
43 31175
61 32556
64 27971
67 ..... 30220, 30221
68 ..... 28559, 32269
73 ..... 27971, 27973, 29027, 30400, 31813
76 ..... 30222, 30401
83 28164
87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132

49 CFR—Continued

173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
567 31161
568 31161
571 ..... 28135, 30188, 30620, 31162
804 31794
1002 31163
1003 31163
1033 ..... 28542, 28543, 28888, 30840, 30841, 31163
1043 31163
1045A 31163
1048 31795
1063 29309
1100 29311
1104 32541
1109 31602
1124 31795
1307 ..... 28889 30190, 31795

PROPOSED RULES:

173 31815
174 31815
178 31815
179 31815
258 32277
260 32277
571 30653
575 30655
581 30655
Ch. X 28560
1124 29526

50 CFR

10 32377
13 32377
17 ..... 28052, 28136, 28543, 32377
26 29312
32 ..... 28545, 30373, 30621, 32248, 32552
33 ..... 29312, 30621, 32248
217 28137
222 28137
255 32249
258 30621
280 32249
285 30373
371 30841
651 29876
661 ..... 29485, 32250

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
255 32557
611 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date	Pages	Date
27875–28112	June 1	29841–30142	10	31143–31426	20
28113–28513	2	30143–30350	13	31427–31590	21
28515–28868	3	30351–30487	14	31591–31758	22
28869–28987	6	30489–30598	15	31759–32221	23
28989–29293	7	30599–30827	16	32223–32512	24
29295–29470	8	30829–31141	17	32513–32759	27
29471–29840	9				

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 560, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 17–23, 1977. The amendment recognizes that demand for Valencia oranges has improved since the regulation was issued. This action will increase the supply of oranges available to consumers.

DATES: Weekly regulation period June 17–23, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: (a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of recommendations and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and other available information, it is found that the limitation of handling of Valencia oranges as provided in this amendment will tend to effectuate the declared policy of the act.

(2) Demand in the Valencia orange markets has improved since the regulation was issued. Amendment of the regulation is necessary to permit orange handlers to ship a larger quantity of Valencia oranges to market to supply the increased demand. The amendment will increase the quantity permitted to be shipped by 100,000 cartons, in the interest of producers and consumers.

(3) It is further found that it is impracticable and is contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because the time intervening between the date when information became available upon which this amendment is based and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Valencia oranges.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 908.860 Valencia Orange Regulation 560 (42 FR 30600) are hereby amended to read as follows:

§ 908.860 Valencia Orange Regulation 560.

* * * * * * *

(b) * * * (1) * * *

(i) District 1: 308,000 cartons;

(ii) District 2: 442,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated: June 21, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–18226 Filed 6–24–77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: This rule provides the schedule of grade loan rates which will be used for 1977 crop flue-cured tobacco. This rule is needed to provide the statutory level of support for 1977 crop flue-cured tobacco. Eligible flue-cured tobacco may be delivered for price support at the specified rates.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert P. Hieronymus, Tobacco and Peanut Division, ASCS, USDA, 5752 South Building, P.O. Box 2415, Washington, D.C. 20013, 202–447–5753.

SUPPLEMENTARY INFORMATION: On May 27, 1977 Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER (42 FR 27249) a proposed schedule of grade loan rates for providing price support for 1977 crop flue-cured tobacco at the statutory level of support of 113.8 cents per pound. The proposed rule invited the public to submit written data, views and recommendations to be received by June 10. Forty-nine responses were received: 2 recommended that the proposed schedule be adopted; 21 recommended rates lower than proposed for the grades which are normally exported in large quantities; 7 recommended rates lower than proposed for grades to which the special factor "sand" or "dirt" is added to denote a moderate amount of sand or dirt in excess of normal; 1 recommended the rates as proposed for the grades to which the special factor "sand" or "dirt" is added but recommended, further, that corresponding increases be added to other grades to offset the reductions for the excessive sand or dirt reflected in the rates proposed for the grades bearing the special factors; 1 recommended less difference between the rates for certain primings grades (P grades) and certain lug grades (X grades) as the difference reflected in the proposed rates for such grades exceeds the difference in value; and fifteen recommended that price support not be made available to producers of tobacco because of the health issues associated with the use of tobacco products.

After considering the comments received, it is determined that to reflect proper value relationships, the proposed grade loan rates for the P2F and P2L grades should be increased 3 cents, and the proposed grade loan rates for the P3F and P3L grades should be increased 2 cents with offsetting decreases of 1 cent per pound in the proposed grade loan rates for the X5F, X5L, X4G and M4F grades. It is further determined that no changes should be made in the rates proposed for the other grades. Reductions as recommended in the rates for the grades which are normally exported in large quantity would require increases in the rates for the other grades and such increases could be expected to result in unduly large quantities being delivered for price support. Rates lower than proposed for the grades bearing the special factor "sand" or "dirt" would constitute discounts more than sufficient to reflect the excessive sand or dirt and would require offsetting increases in the grade loan rates for other grades for which many of the respondents recommended decreases. Price support for tobacco is required by Federal law and the grade

V42123 JUN 27 77 UMI

loan rates must average the statutory level of support for 1977 crop flue-cured tobacco.

FINAL RULE

Accordingly, 7 CFR 1464.16 is revised to read as set forth below, effective for the 1977 crop of flue-cured tobacco. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c), secs. 101, 106, 401, 403, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421, 1423).)

NOTE.—The Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on June 21, 1977.

KEISTER N. ADAMS,
Acting Executive Vice President,
Commodity Credit Corporation.

7 CFR 1464.16 is revised as follows:

§ 1464.16 1977 Crop flue-cured tobacco, types 11–14, loan schedule.[1]

[Cents/lb, farm sales weight]

Grade	Loan rate	Grade	Loan rate	Grade	Loan rate
A1F	147	B3K	125	B3KR	124
A1L	147	B4K	121	B4KR	120
B1L	137	B5K	117	B5KR	116
B2L	133	B6K	112	B4KV	110
B3L	130	B3V	121	B5KV	106
B4L	126	B4V	116	B6KV	101
B5L	122	B5V	112	B4G	111
B6L	117	B3S	118	B5G	107
B1F	137	B4S	114	B6G	102
B2F	133	B5S	110	B5GR	99
B3F	130	B3KL	118	B4GK	108
B4F	126	B4KL	114	B5GK	104
B5F	122	B5KL	111	B6GK	99
B6F	117	B6KL	106	B5GG	95
B1FR	135	B3KF	118	H3L	132
B2FR	131	B4KF	114	H4L	129
B3FR	128	B5KF	111	H5L	124
B4FR	125	B6KF	106	H6L	119
B5FR	121	B3KM	121	H1F	139
B6FR	116	B4KM	118	H2F	135
B4R	117	B5KM	114	H3F	132
B5R	111	B6KM	108	H4F	129
H5F	124	X2L	128	P2F	103
H6F	119	X3L	123	P3F	103
H4FR	127	X4L	118	P4F	97
H5FR	122	X5L	110	P5F	92
H6FR	117	X1F	132	P4G	88
H4K	125	X2F	128	P5G	82
H5K	120	X3F	123	M4F	112
H6K	115	X4F	118	M5F	108
C1L	136	X5F	110	M4KR	107
C2L	133	X3V	115	M4KM	105
C3L	130	X4V	110	M5KM	101
C4L	127	X3S	114	M4GK	100
C5L	123	X4KL	110	M5GK	95
C1F	136	X4KF	110	N1L	84
C2F	133	X4KV	105	N1XL	89
C3F	130	X3KR	120	N1K	95
C4F	127	X4KR	115	N1R	86
C5F	123	X3KM	117	N1GL	78
C4V	118	X4KM	111	N1GF	87
C4S	117	X4G	103	N1GR	82
C4KL	117	X5G	99	N1KV	86
C4KM	118	X4GK	103	N1GG	79
C4KR	122	P2L	108	N1BO	78
C4G	112	P3L	103	N1XO	76
C4GK	110	P4L	97	N1PO	79
X1L	132	P5L	92		

[1] The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents ($0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to the nearest cent, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", "No-G-F-sand", "No-G-F-dirt" or "scrap" will not be accepted. Tobacco is eligible for advance only if consiged by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

[FR Doc.77-18209 Filed 6-24-77;8:45 am]

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

REALIGNMENT OF AGENCY AND PROGRAM RESPONSIBILITIES

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to establish a new chapter in the Code of Federal Regulations for the new Food Safety and Quality Service that was established in the Department of Agriculture on March 14, 1977. Certain functions relating to standardization and inspection and grading of agricultural products formerly under the Agricultural Marketing Service were assigned to the new agency. A new chapter has been designated for the purpose of recodification of these functions.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Mary K. Ritter, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–5401.

SUPPLEMENTARY INFORMATION: On April 18, 1977, a notice was published in the FEDERAL REGISTER (42 FR 20165) transferring the responsibilities relating to meat grading and standardization; grading and standardization of poultry, shell eggs, and rabbits; standardization and inspection and grading of dairy products; standardization and inspection of fresh and processed fruit and vegetable products; and functions authorized by the Egg Products Inspection Act and by Section 32 of the Act of August 24, 1935, as supplemented by the Act of June 28, 1937, and related legislation from the Agricultural Marketing Service to the Food Safety and Quality Service. Accordingly, under Title 7 of the Code of Federal Regulations a new Chapter XXVIII has been designated for the purpose of recodification of these functions.

It has been determined that this document does not substantially affect any member of the public. Under the administrative procedure provisions in 5 U.S.C. 553, it is found to be impracticable, unnecessary, and contrary to the public interest to delay the effectiveness of this rule until 30 days after publication in the FEDERAL REGISTER in that (1) no substantive rule or change of rule is involved, and (2) recodification in the Code of Federal Regulations is an editorial change only.

Accordingly, all applicable references to the Agricultural Marketing Service will be changed to read the Food Safety and Quality Service. Pursuant to said notice and the statutory authority under which the provisions were issued the following functions are hereby transferred from Chapter I to Chapter XXVIII of Title 7:

Current 7 CFR Part	Changed to 7 CFR Part	
SUBCHAPTER A—COMMODITY STANDARDS AND STANDARDS CONTAINER REGULATIONS		
42	2842	Standards for Condition of Food Containers.
43	2843	Standards for Sampling Plans.
44	[1] 2844	Standards for Determining Net Weight of Food Products.
SUBCHAPTER B—MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES		
.....	[2] 2850	Rules of Practice Governing Withdrawal of Inspection and Grading Services.
SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946		
51	2851	Fresh Fruits, Vegetables, and Other Products (Inspection, Certification, and Standards).
52	2852	Processed Fruits, Vegetables, Processed Products Thereof, and Certain Other Processed Food Products.
.....	2853	[Reserved]
55	2855	Voluntary Inspection of Egg Products and Grading.
56	2856	Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs.
58	2858	Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products.
59	2859	Inspection of Eggs and Egg Products (Egg Products Inspection Act of 1970).
70	2870	Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards, and Grades.
SUBCHAPTER G—PROCESS OR RENOVATED BUTTER		
171	2871	Sanitary Inspection of Process or Renovated Butter.

[1] To be codified in the CFR books when a final rule is issued.
[2] Also appears as pt. 50 in ch. I.

Dated: June 21, 1977.

WILLIAM T. MANLEY,
Acting Deputy Administrator,
Commodity Operations.

Part 2850 will read as follows:

PART 2850—RULES OF PRACTICE GOVERNING WITHDRAWAL OF INSPECTION AND GRADING SERVICES

Subpart A—General

Sec.
2850.1 Meaning of words.
2850.2 Definitions.
2850.3 Scope and applicability of this part.

Subpart B—Conditional Withdrawal of Service Proceedings

2850.11 General.
2850.12 Notice.

Subpart C—Rules Applicable To Disciplinary Withdrawal Proceedings

2850.21 Stipulations and consent orders.
2850.22 Formal complains and other moving papers.
2850.23 Docket number.
2850.24 Judges.
2850.25 The answer.
2850.26 Motions and requests.
2850.27 Oral hearings before Judge.
2850.28 Depositions.
2850.29 Prehearing conferences.
2850.30 Post-hearing procedure.
2850.31 Appeal to Secretary.
2850.32 Argument before Secretary.
2850.33 Consideration of appeal by the Secretary and issuance of final order.
2850.34 Rehearing, reargument, reconsideration of orders, and reopening of hearings.
2850.35 Filing; extensions of time; effective date of filing; computation of time.
2850.36 Service; proof of service.
2850.37 Rule applicable to all proceedings.
2850.40 Summary action, general.

AUTHORITY: Sec. 205, 60 Stat. 1090 as amended (7 U.S.C. 1624).

Subpart A—General

§ 2850.1 Meaning of words.

As used in this part words in the singular form shall be deemed to import the plural, and vice versa, as the case may require.

§ 2850.2 Definitions.

(a) The term "Act" means the Agricultural Marketing Act of 1946, approved August 14, 1946, and any legislation amendatory thereof (7 U.S.C. 1621–1627).

(b) "Administrator" means the Administrator, Food Safety and Quality Service, U.S. Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(c) "Division" means the Division of the Food Safety and Quality Service initiating the withdrawal proceedings.

(d) "Director" means the Director of the Division or any officer or employee to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) "Department" means the United States Department of Agriculture.

(f) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) "General Counsel" means the General Counsel of the Department or any employee of the Office of the General Counsel to whom the authority to act in his stead has heretofore been or may hereafter be delegated.

(h) "Conditional withdrawal of service" means the withdrawal, not involving disciplinary action, of grading or inspection service from a person for a correctable cause such as failure to pay bills for service, interference with the grading or inspection personnel in the performance of their duties, insanitary or other unsatisfactory plant conditions.

(i) "Disciplinary withdrawal of service" means the withdrawal of grading or inspection service for any reason (other than a conditional withdrawal) due to a violation of the Act or the regulations issued thereunder. The term includes termination of service contracts for cause even though the contract may provide for the unilateral termination by the Food Safety and Quality Service under certain specified conditons.

(j) "Adminstrative Law Judge." In connection with disciplinary proceedings, the terms "Administrative Law Judge" or "Judge" mean any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105, assigned to conduct the proceeding.

(k) "Initial decision": In connection with disciplinary proceedings, "initial decision" or "decision" means the initial decision of an Administrative Law Judge, and includes the Administrative Law Judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on findings, conclusions and order submitted by the parties.

(l) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(m) "Party" includes the Department in those instances in which a proceeding is instituted upon moving papers filed by an officer or employee of the Department in an official capacity.

(n) "Complainant" means the party upon whose moving paper the proceeding is instituted.

(o) "Respondent" means the party proceeded against.

(p) "Moving paper" means any formal complaint, petition or notice, issued by the Director, by virtue of which a formal proceeding under the Act is instituted.

§ 2850.3 Scope and applicability of this part.

The rules of practice in this part shall govern all withdrawals of inspection and grading service furnished by the Food Safety and Quality Service pursuant to the Act. They do not modify existing procedures for refusing to inspect, grade, or certify a specific lot of a product because of adulteration, improper preparation or improper presentation of the lot for grading, or because of failure to comply with any similar requirements set forth in applicable regulations.

Subpart B—Conditional Withdrawal of Service Proceedings

§ 2850.11 General.

The Director may withdraw grading or inspection service from a person for a correctable cause. Such service, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as a grader or inspector can be made available.

§ 2850.12 Notice.

Written notice shall be given to the person concerned, in advance of a conditional withdrawal, whenever it is feasible to do so. If advance written notice is not given, the conditional withdrawal action shall be promptly confirmed in writing and the reason therefor shall be stated, except in instances where the person has already corrected the deficiency.

Subpart C—Rules Applicable to Disciplinary Withdrawal Proceedings

§ 2850.21 Stipulations and consent orders.

(a) At any time prior to the issuance of the moving paper, the Director may enter into a stipulation with the prospective respondent whereby the latter agrees to discontinue the acts or practices which are violative of the Act and also may agree to withdrawal of grading or inspection service. Such stipulations shall be admissible as evidence of such acts and practices in any subsequent proceeding against such person before the Secretary.

(b) At any time after the issuance of the moving paper and prior to the hearing in any proceeding, the Director, in his discretion, may allow the respondent to consent to an order. In so consenting, the respondent must submit, for filing in the record, a stipulation or statement in which he admits at least those facts necessary to the Secretary's jurisdiction and agrees that an order may be entered against him. Upon a record composed of the moving paper and the stipulations or agreement consenting to the order, the Judge shall enter the order consented to by the respondent, which shall have the same force and effect as an order made after oral hearing.

§ 2850.22 Formal complaints and other moving papers.

(a) *Filing; service; and number of copies.* A formal complaint or other form of moving paper shall be filed, in triplicate, with the Hearing Clerk, who shall promptly serve a true copy thereof upon the respondent, in the manner provided in § 2850.36.

(b) *Who may file.* Disciplinary withdrawal proceedings may be instituted only upon moving papers filed by the Director.

(c) *Contents.* A moving paper shall state briefly and clearly the allegations of fact which constitute a basis for the proceeding and shall specify with particularity the matters or things in issue. Moving papers shall not include charges,

JUN 27 77 UM

implied charges, or requirements phrased generally in the words of the Act, but the words of the Act may be identified and quoted or used in preliminary recitals. Moving papers which propose to deny applications, petitions, or requests shall specify the reason for denial and shall, so far as practicable, contain suggestions as to further procedures or alternatives available to the persons involved.

(d) *Amendments.* At any time prior to the close of the hearing, the moving paper may be amended, but, in case of an amendment adding new provisions, the hearing shall, at the request of the respondent, be adjourned for a reasonable time to be determined by the Judge. Amendments subsequent to the first amendment or subsequent to the filing of an answer by the respondent may be made only with leave of the Judge or with the written consent of the adverse party.

§ 2850.23 Docket number.

Each proceeding, immediately following the institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding may be identified by such number.

§ 2850.24 Judges.

(a) *Assignment.* No Judge shall be assigned to serve in any proceeding who (1) has any pecuniary interest in any matter or business involved in the proceeding, (2) is related within the third degree by blood or marriage to any part to the proceeding, or (3) has participated in the investigation preceding the institution of the proceeding or in the determination that it should be instituted or in the preparation of the complaint or in the development of the evidence to be introduced therein.

(b) *Request for disqualification of Judge.* (1) Any party may file with the Hearing Clerk a timely request, in affidavit form, for the disqualification of the Judge, which requests shall set forth with particularity the grounds of alleged disqualification. After such investigation or hearing as the Secretary may deem necessary, he shall either deny or grant the request. If the request is granted, another Judge shall be assigned to the proceeding. If such request is denied, the request, any record made thereon, and the finding and order of the Secretary thereon shall be made a part of the record.

(2) A Judge shall ask to be withdrawn from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The Judge shall conduct the proceedings in a fair and impartial manner and, save to the extent required for the disposition of ex parte matters as authorized by law, he shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(d) *Powers.* Subject to review by the Secretary, as provided elsewhere in the regulations in this part, the Judge in any proceeding assigned to him, shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses and receive evidence;

(5) Take, or order (over the facsimile signature of the Secretary) the taking, of depositions;

(6) Admit or exclude evidence;

(7) Hear oral argument on facts or law;

(8) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient conduct of the proceeding.

(e) *Who may act in absence of Judge.* In case of the absence of the Judge or his inability to act, the powers and duties to be performed by him under these rules of practice in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Secretary, be assigned to any other Judge.

§ 2850.25 The answer.

(a) *Filing and service.* Within 20 days after the service of the moving paper, the respondent shall file, in triplicate, with the Hearing Clerk, an answer, signed by the respondent or his attorney: *Provided*, That the Secretary may order that the hearing be held without answer or other pleading. The answer shall be served upon the complainant, and any other party of record, by the Hearing Clerk.

(b) *Contents; failure to file.* Such answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, deny, or explain each of the allegations of the moving paper unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the moving paper. The answer may contain a waiver of hearing. Failure to file an answer to, or plead specifically to, any allegation of the moving paper shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the moving papers shall constitute a waiver of hearing. Upon such admission of facts, complainant shall file in triplicate a proposed decision, along with a motion for the adoption thereof, which motion and proposed decision shall be served upon the respondent by the Hearing Clerk. Within 20 days after service of such motion and proposed decision, the respondent may file with the Hearing Clerk objections thereto. In not less than 30 days after service of complainant's motion and proposed decision, the Judge shall issue an initial decision without further procedure or hearing. Absent a waiver by the parties of service of the Judge's initial decision, it shall be served upon them by the Hearing Clerk. The parties shall be given an opportunity to file appeals to the initial decision, to file briefs in support of such appeals, and to make oral arguments thereon before the Secretary in accordance with § 2850.32.

§ 2850.26 Motions and requests.

(a) *General.* (1) All motions and requests shall be filed with the Hearing Clerk, except that those made during an oral hearing may be stated orally and made a part of the transcript.

(2) The Judge shall rule upon all motions and requests filed or made prior to the issuance of the initial decision. The Secretary shall rule upon all motions and requests field in connection with an appeal of the initial decision to the Secretary.

(b) *Certification to Secretary.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the issuance of an initial decision shall be in the discretion of the Judge.

§ 2850.27 Oral hearing before Judge.

(a) *Request for oral hearing.* (1) Any party may request an oral hearing on the facts by including such request in the moving paper or answer or by a separate request in writing filed with the Hearing Clerk.

(2) Waiver of oral hearing shall not be deemed to be a waiver of the right to make oral argument before the Secretary upon appeal of the Judge's initial decision.

(b) *Time and place.* If and when the proceeding has reached the state where oral hearing is to be held, the Judge, upon motion of any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place for hearing giving careful consideration to the convenience of the parties, and shall file with the Hearing Clerk a notice stating the time and place of hearing. If any change in the time or place of the hearing becomes necessary it shall be made by the Judge and notice of such change shall be served upon the parties.

(c) *Appearances*—(1) *Representation.* In any proceeding under the Act, the parties may appear in person or by the counsel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the General Counsel.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the Judge finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the Judge may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided*, That the Judge may suspend the proceedings for a reasonable time for the purpose of enabling the party to obtain other counsel or representative.

(ii) In case the Judge has issued an order precluding a person from further acting as counsel or representative in the proceeding, the Judge, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* (i) If any party to the proceeding, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to an oral hearing in the proceeding. In the event that a party appears at the hearing and no party appears for the opposing side, the Judge may determine whether the party who is present shall present his evidence, in whole or in part, in the form of affidavits or by oral testimony before the Judge.

(ii) Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the Judge's initial decision, to appeal therefrom to the Secretary, and to make oral argument before the Secretary with respect thereto.

(d) *Order of proceeding.* Except as may be determined otherwise by the Judge, the moving party shall proceed first at the hearing.

(e) *Evidence*—(1) *In general.* (i) The testimony of witnesses at a hearing shall be on oath or affirmation, subject to cross-examination, and shall be reported verbatim.

(ii) Any witness may, in the discretion of the Judge, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

(iii) The Judge shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objections, whereupon an automatic exception will follow if the objection is overruled by the Judge. The transcript shall not include argument or debate thereon except as ordered by the Judge. The ruling of the Judge on any objection shall be a part of the transcript.

(ii) Only objections made before the Judge may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner provided in and subject to the provisions of § 2850.28.

(4) *Affidavits.* Except as is otherwise provided in the regulations in this part, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, if admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall be evidenced by an official publication thereof or by a copy attested by the person having legal authority to make such attestation. The person attesting the copy shall make a certificate showing such authority.

(6) *Exhibits.* (i) All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits, received in evidence, and made a part of the record. Unless the Judge finds that the furnishing of copies is impracticable, a copy of each exhibit shall be filed with the Judge for the use of each other party to the proceeding. The Judge shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

(ii) If the testimony of a witness refers to a statute, a report, document, or transcript, the Judge, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether a copy of the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document, or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall, insofar as practicable, be designated by the party and segregated and excluded.

(7) *Official notice.* Official notice shall be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided*, That the parties shall be given adequate notice of matters so noticed, and shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the Judge's ruling in excluding the evidence was erroneous. The Judge shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the Judge erred in excluding the evidence, and that such error was substantial, the hearing will be reopened to permit the taking of such evidence.

(f) *Oral argument before Judge.* Oral argument before the Judge shall not be allowed unless the Judge finds that the denial of such argument will be likely to deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument, which shall be reduced to writing and made part of the transcript, may be limited by the Judge to any extent that he finds necessary for the expeditious disposition of the proceeding.

§ 2850.28 Depositions.

(a) *Procedure in lieu of deposition.* Before taking testimony by deposition, a party may execute and submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees to the use of the affidavit in lieu of a deposition, the Judge shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the Judge may, at any time after the filing of the moving papers, order, over the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing, shall be filed with the Hearing Clerk, and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer") qualified under the regulations in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Judge's order for taking deposition.* If, after examination of the application, the Judge is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the Hearing Clerk, shall be served upon the parties, and shall state: (1) The time and place of the examination (which shall not be less than 7 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be made before the Judge or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

JUN 27 77 UM

(e) *Procedure on examination.* (1) Deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written questions to the officer prior to the examination and the officer shall propound such questions to the deponent.

(2) The applicant shall arrange for the examination of the witness either by oral examination or by written questions. If the place of business of the opposing party is more than 100 miles from the place of the examination, the applicant will be required to conduct the examination by means of written questions, unless the parties otherwise agree. If the examination is conducted by means of written questions, copies of the questions shall be served upon the other party to the proceeding at least 10 days prior to the date set for the examination unless otherwise agreed, and the other party shall be afforded an opportunity to file with the officer cross-questions at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the depositions, together with one copy thereof (unless there are more than two parties in a proceeding, in which case there should be another copy for each additional party), in an envelope and mail the same by registered mail to the Hearing Clerk.

(g) *Use of depositions.* A deposition ordered and taken in accordance with the provisions of this section may be used in a proceeding under the Act if the Judge finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness, but has been unable to do so; or (5) that such exceptional cricumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition or any part thereof in evidence.

§ 2850.29 Prehearing conferences.

In any proceeding in which it appears that such procedure will expedite the proceeding, the Judge, at any time prior to or during the course of the oral hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the necessity or desirability of amendments to pleadings; (c) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (d) the limitation of the number of expert or other witnesses; and (e) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the Judge shall prepare and file for the record a written summary of the action agreed upon or taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the Judge may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The Judge shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the Judge shall submit a written summary for the record if any agreement is reached or action is taken.

§ 2850.30 Post-hearing procedure.

(a) *Corrections to and certification of transcript.* (1) At such time as the Judge may specify, but not later than the time fixed for filing proposed findings of fact, conclusions and order, or briefs, as the case may be, the parties may file with the Judge proposed corrections to the transcript.

(2) As soon as practicable after the filing of proposed findings of fact, conclusions and orders, or briefs, as the case may be, the Judge shall file with the hearing clerk his certificate indicating any corrections to be made in the transcript, and stated that, to the best of his knowledge and belief, the transcript, as corrected, is a true, correct, and complete transcript of the testimony given at the hearing, and that the exhibits are all the exhibits properly a part of the hearing record. The original of such certificate shall be attached to the original transcript and copy of such certificate shall be served upon each of the parties by the Hearing Clerk who shall also enter onto the transcript (without obscuring the text) any correction noted in the certification.

(b) *Proposed findings of fact, conclusions, orders, and briefs.* Each party may file with the Hearing Clerk proposed findings of fact, conclusions and orders, based solely upon the record, and on matters subject to official notice, and a brief in support thereof. The Judge shall announce at the hearing a definite calendar day as the time within which these documents may be filed.

(c) *Administrative Law Judge's initial decision.* The Judge, within a reasonable time after the termination of the period allowed for the filing of proposed findings of fact, conclusions and orders, and briefs in support thereof, shall prepare, upon the basis of the record and on matters officially noticed and shall file with the Hearing Clerk, his initial decision, a copy of which shall be served by the Hearing Clerk upon each of the parties. Such decision shall become final without further proceedings 35 days after the date of service thereof, unless there is an appeal to the Secretary by a party to the proceeding pursuant to § 2850.31(a): *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal.

§ 2850.31 Appeal to Secretary.

(a) *Filing of petition.* Any party who disagrees with a Judge's decision, or any part thereof, may appeal the decision to the Secretary by transmitting an appeal petition to the Hearing Clerk within 30 days after service of said decision upon said party. Each issue set forth in the appeal, and the arguments thereon, shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations of the record, statutes, regulations and authorities being relied upon in support thereof. The appeal petition shall be served upon the other party to the proceeding by the Hearing Clerk.

(b) *Response to appeal petition.* Within 20 days after the service of an appeal brought by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to such appeal which shall be served upon the appellant.

(c) *Transmittal of record.* Whenever an appeal of an initial decision is filed and a response thereto has been filed or the time for filing a response has expired, the Hearing Clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: The pleadings; motions, and requests filed and ruling thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing of fact, conclusions and orders, and briefs in support thereof, as may have been filed in connection with the hearings; the judge's initial decision; and the appeal petition; briefs in support thereof and responses thereto as may have been filed in the proceeding.

§ 2850.32 Argument before Secretary.

(a) *Oral argument.* A party bringing an appeal may request, within the prescribed time period for filing such appeal, an opportunity for oral argument before the Secretary. Failure to make such request in writing, within the prescribed time period shall be deemed a waiver of roal argument. The Secretary, in his discretion, may grant, refuse, or limit any request for oral argument on appeal.

(b) *Briefs.* The Secretary may allow or refuse to allow briefs to be filed, either in lieu of or in addition to oral argument.

(c) *Scope of argument.* Argument to be heard on appeal whether oral or in a written brief, shall be limited to the issues raised in the appeal, except that if the Secretary determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

§ 2850.33 Consideration of appeal by the Secretary and issuance of final order.

As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Secretary, upon the basis of and after due consideration of the record, shall rule on the appeal. If the Secretary decides that no change or modification of the Judge's decision is warranted, he may adopt the Judge's decision as the final order of the Secretary, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

(a) *Issuance of final order.* A final order issued by the Secretary shall be filed with the Hearing Clerk, who shall serve it forthwith upon the parties.

§ 2850.34 Rehearing, reargument, reconsideration of orders, and reopening of hearings.

(a) *Petitions to rehear, reargue, and reconsider.* A petition for rehearing or reargument of the proceeding, or for reconsideration of the order, shall be made by petition to the Secretary filed with the Hearing Clerk within 10 days after the date of service of the order. Every such petition shall state specifically the matters claimed to have been erroneously decided and the alleged errors. If the Secretary concludes that the questions raised by the petition have been sufficiently considered in the issuance of the order, he shall dismiss the petition without service on the other party. Otherwise he shall direct that a copy of the petition be served upon such party. The filing of a petition to rehear or reargue a proceeding or to reconsider an order shall automatically operate to set aside the order pending final action on the petition.

(b) *Petition to reopen.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing. Every such petition shall be served by the Hearing Clerk on the other party in the proceeding.

(c) *Procedure for disposition of petitions.* Within 20 days following the service of any petition provided for in this section, the other party to the proceeding may file with the Hearing Clerk an answer thereto. In the event that any such petition is granted the applicable rules of practice shall be followed.

§ 2850.35 Filing; extensions of time; effective date of filing; computation of time.

(a) *Filing; number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the regulations in this part to be filed with the Hearing Clerk shall be filed in triplicate: *Provided,* That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper required or authorized by the regulations in this part to be filed with the Hearing Clerk shall, during the course of an oral hearing, be filed with the Judge.

(b) *Extensions of time.* The time for the filing of any document or paper (except an informal complaint) required or authorized under the regulations in this part to be filed may be extended by the Judge (before the transmittal of the record to the Secretary) or by the Secretary (after such transmittal) upon request, if, in the judgment of the Judge or the Secretary, as the case may be, there is good reason for the exetension.

(c) *Effective date of filing.* Any document or paper required or authorized under the regulations in this part to be filed shall be deemed to be filed when it reaches the Hearing Clerk.

(d) *Computation of time.* Sundays and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That when such time expires on a Sunday or Federal holiday, the period shall be extended to include the next following business day.

§ 2850.36 Service; proof of service.

Service of all papers and documents required to be served on the parties in any proceeding under these rules shall be made by the Hearing Clerk, unless otherwise provided herein or directed by a Judge or the Secretary, and shall be made either (a) by registering or certifying and mailing a copy of the document or paper, addressed to the individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence; or (b) if such registered or certified matter is returned undelivered for any reason, by mailing by regular mail a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence; or (c) by leaving a copy of the document or paper at the principal office, or place of business, or residence, of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record and by mailing by regular mail another copy to such person at such address; or (d) by delivering a copy of the document or paper to the individual to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association. Proof of service hereunder by a person other than an employee of the Department or a United States Marshal or his deputy shall be made by the affidavit of the person who actually made the service. Proof of service hereunder by an employee of the Department or a United States Marshal or his deputy shall be made by the certificate of the person who actually made the service: *Provided,* That if the service be made by registered or certified mail, as outlined in paragraph (a) of this section, proof of service shall be made by the return post-office receipt, except that, if the registered or certified matter is returned undelivered for any reason, proof of service may be made by the certificate of the person who thereafter mailed the same matter by regular mail. The affidavit, certificate, or post-office receipt contemplated herein shall be filed with the Hearing Clerk.

§ 2850.37 Rule applicable to all proceedings.

The Secretary may act in the place and stead of an examiner or Judge in any proceeding hereunder. When he so acts, the Hearing Clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of proposed findings of fact, conclusions and orders, and the Secretary shall thereupon, after due consideration of the record, issue his final order in the proceeding: *Provided,* That he may issue a tentative order in which event the parties shall be afforded an opportunity to file exceptions before the issuance of the final order.

§ 2850.40 Summary action, general.

(a) *General.* In any situation where the integrity of the service would be seriously jeopardized if service were continued pending a decision in the proceeding, service to respondent may be suspended effective on or after the third day after mailing of notice thereof to respondent's last known or designated address or upon actual receipt of such notice, whichever is earlier.

(b) *Actual or threatened physical violence.* In any case of actual or threatened physical violence to an inspector or grader, service to respondent may be suspended prior to the transmittal of written notice to respondent. A written notice shall be given as promptly as circumstances permit.

[FR Doc.77-18241 Filed 6-24-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 16960; Amdt. 39-2938]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that requires inspection and replacement, if necessary, of the whiffletree lever in the

JUN 27 77 UM

rudder feel unit on certain British Aircraft Corporation BAC 1-11 airplanes. The AD is based on the results of fatigue tests and is directed at preventing possible whiffletree lever failures that could result in a loss of rudder feel capability which could adversely affect the airplane's controllability.

DATES: Effective July 7, 1977. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Virginia 22202, telephone 703-979-1400. A copy of the service bulletin is contained in the Rules Docket Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: There has been a report of a failure of a British Aircraft Corporation BAC 1-11 airplane whiffletree lever in the rudder feel unit during the manufacturer's continuing fatigue test program. The fatigue failure was due to the production standards related to the notch effect of a transverse groove in the radius runout at the lug end of the whiffletree lever. Levers manufactured to the same production standards could be installed on BAC 1-11 airplanes in service or stocked as spare parts. These levers could fail in service resulting in a loss of rudder feel capability and an adverse effect on the airplane's controllability. Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is being issued to require an inspection and replacement, if necessary, of the whiffletree levers of the rudder feel units of BAC 1-11 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. J. F. Karnowski, Europe, Africa, and Middle East Region; Mr. E. S. Newberger, Flight Standards Service; and Mr. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following Airworthiness Directive:

BRITISH AIRCRAFT CORPORATION. Applies to BAC 1-11 200 and 400 series airplanes certificated in all categories.

Compliance is required as indicated.

To prevent possible failure of the whiffletree lever and subsequent loss of rudder feel capability, accomplish the following:

(a) Within 80 landings after the effective date of this AD, unless already accomplished, visually inspect the whiffletree lever, P/N CH504-009, in the rudder feel simulator unit, in accordance with the paragraphs designated 1. and 2. of paragraph 2.1.1 of British Aircraft Corporation Alert Service Bulletin 27-A-PM5407, Issue 1, dated April 9, 1976 (hereinafter referred to as BAC ASB), or an FAA-approved equivalent.

(b) If a defect appearing as a well-defined transverse grcove, notch, or undercut in the radius of the lever is found during the inspection required by paragraph (a) of this AD, within the next 25 landings test and inspect the whiffletree lever for cracks in accordance with the paragraph designated as 3.(A) of paragraph 2.1.1. of the BAC, ASB, or an FAA-approved equivalent, and—

(i) If a crack is found, before further flight, replace the defective lever with a new lever of the same part number, or an FAA-approved equivalent; or

(ii) If no crack is found, within the next 250 landings replace the whiffletree lever with a new lever of the same part number, or an FAA-approved equivalent.

If a replacement lever of the same part number is used it must be tested and inspected prior to installation in accordance with paragraph (a) of this AD and this paragraph and must be found free of the defects specified in this AD and cracks.

(c) For whiffletree levers used as replacements that were obtained from Lucas Aerospace, England, as part of the Lucas repair kit for the whiffletree lever, and were installed in accordance with the kit installation instructions, Lucas Repair Scheme LRS 8114, at or before the next overhaul after installation modify the lever by replacing the bolts used in Lucas Repair Scheme LRS 8114 with rivets in accordance with the Lucas Overhaul Manual, as referred to in paragraphs 2.1.3 and 2.2 of the BAC ASB, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective July 7, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18002 Filed 6-24-77;8:45 am]

[Docket No. 16961 Amdt. 39-2937]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Heavy Industries, Ltd. Model MU-2B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires an inspection and modification, as necessary, of the wing strobe light conduit assemblies on certain Mitsubishi Heavy Industries, Ltd., Model MU-2B airplanes to prevent possible wing tip fuel tank explosion due to fuel leakage in the wing tip tank strobe light installation.

DATES: Effective July 7, 1977. Compliance required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Mitsubishi Heavy Industries, Ltd., 10, Oyecho, Minato-ku, Nagoya, Japan, or Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901. A copy of the service bulletin is contained in the Rules Docket Rm. 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Pacific-Asia Region, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 98613, telephone 808-955-0340, after July 1, 1977, 808-546-8650.

SUPPLEMENTARY INFORMATION: There has been a report of fuel entering the wing tip tank strobe light installation due to damage to the conduit tube which houses the strobe electrical wiring on certain Mitsubishi Model MU-2B airplanes that could permit electrical arcing in the presence of fuel vapors and result in a possible wing tip tank explosion. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued to require an inspection and modification, as necessary, of the wing tip tank strobe light installation on certain Mitsubishi Model MU-2B airplanes.

Since a condition exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. G. K. Nakagawa, Pacific-Asia Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

MITSUBISHI HEAVY INDUSTRIES, LTD. *Applies to Models MU-2B-25 and 26 airplanes (S/Ns 239 through 328) and MU-2B-30, -35, and -36 airplanes (S/Ns 501, 504, and 548 through 673) certificated in all categories.*

NOTE.—This AD does not apply to MU-2B airplanes having a serial number with the suffix "SA".

Compliance is required as indicated.

To prevent fuel or fuel vapors from entering the wing tip strobe light installation, accomplish the following:

Within the next 50 hours time in service after the effective date of this AD, unless already accomplished, inspect and modify, as necessary, the strobe light conduit tube installation in the wing tip tank in accordance with the instructions contained in Mitsubishi Service Bulletin MU-2 No. 174, dated September 29, 1976, or an equivalent approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective July 7, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18003 Filed 6-24-77;8:45 am]

[Docket No. 77-EA-8; Amdt. 39-2930]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires an inspection of the right hand canopy sill for missing rivets on Canadair CL-215-1A10 type airplanes. This will preclude the right-hand longeron from failing during water landings in certain heights of waves. There had been reports of such rivets missing from new aircraft.

DATE: Compliance will be required prior to issuance of U.S. airworthiness certificates. Effective Date: June 29, 1977.

ADDRESSES: Canadair Service Information Circular 129-CL-215 may be obtained from the manufacturer at P.O. Box 6087, Montreal, Canada.

FOR FURTHER INFORMATION CONTACT:

Charles Birkenholz, Airframe Section, Engineering and Manufacturing Branch, AEA-212, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, telephone 212-995-2875.

SUPPLEMENTARY INFORMATION: On page 18405 of the FEDERAL REGISTER for April 7, 1977, the FAA published a Notice of Proposed Rulemaking proposing the amendment. Interested parties were given 30 days in which to respond. No objections were received. There had been reports that inspection of new aircraft at the plant established missing rivets from the right-hand canopy sill. The omission of these rivets can cause the right-hand longeron, to which they attach, to fail during water landings in 2 foot high waves. This in turn could cause distortion at the side of the airplane affecting air safety. Since this deficiency can exist in similar type design aircraft, an airworthiness directive is being issued which will require an inspection and repairs where necessary. However, there are presently no aircraft of this type in U.S. registry and therefore accomplishment must be made prior to acquisition of a U.S. airworthiness directive.

DRAFTING INFORMATION

The principal authors of this document are Charles Birkenholz, Flight Standards Division, and Thomas C. Halloran, Office of the Regional Counsel.

NOTE.—It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adopting the new Airworthiness Directive effective June 29, 1977, as published.

(Sections 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 15, 1977.

R. J. VAN VUREN,
Acting Director, Eastern Region.

CANADAIR: *Aplies to CL-215 Airplanes, Serial Numbers 1001 through 1040 and 1046, certificated in all categories.*

Compliance required prior to U.S. airworthiness certification, unless already accomplished:

(a) Inspect the right hand canopy sill for missing rivets forward and aft of bulkhead 234.5 as indicated in Figures 1 and 3 of the Canadair Information Circular (S.I.C.) No. 129-CL-215 dated May 12, 1976, or an approved equivalent inspection.

(b) If rivets have been omitted forward of the bulkhead, between stations 223 and 229, install three NAS 1103-4 bolts with MS2104L3 Nuts and Strip Washer as shown in Figure 2 of the S.I.C. or an approved equivalent alteration.

(c) If rivet spacing aft of the bulkhead is greater than 1.25 inch install intermediate rivets as indicated in Figure 3 of the S.I.C. or an approved equivalent alteration.

(d) Equivalent inspections, alterations or parts must be approved by Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

[FR Doc.77-18008 Filed 6-24-77;8:45 am]

[Docket No. 77-GL-11; Amdt. 39-2929]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Model 250-C20/C20B/C20C and 250-B17/B17B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which amends AD 77-10-13 to require that the sustained operation of the subject engines in the 90 to 98 percent power turbine (N_2) speed range be avoided if equipped with Part Number (P/N) 6887113 or 6888633 third stage turbine wheels. This amendment also provides an alternate means of compliance for operators of certain helicopters to reflect differences in engine installation and adjustments. Both changes are intended to clarify the action required by this AD and were brought about by receipt of meritorious comments, opportunity for submittal of which was provided, as an exceptional matter, by AD 77-10-13.

NOTE.—All operators are cautioned that it has not been conclusively determined that compliance as herein prescribed will eliminate all of the risk factor which attaches to this condition.

DATES: Effective date: June 24, 1977. Compliance schedule: Compliance required within the next 10 hours time in service after the effective date of this AD.

ADDRESSES: Copies of Detroit Diesel Allison Commercial Service Letters referenced herein may be obtained by contacting: Detroit Diesel Allison, Division of General Motors Corp., P.O. Box 894, Indianapolis, Indiana 46206. Copies of Bell Helicopter Textron Service Bulletins referenced herein may be obtained by contacting: Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 E. Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

William Ashworth, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: There recently have been several instances of third stage turbine blade failure on 250-C20 series engines equipped with P/N 6887113 third stage power turbine wheels. As a result, in the case of single engine rotorcraft, a power reduction was experienced below that necessary to sustain flight.

Investigations revealed that, in each instance, the most probable cause of these failures is high vibratory stresses developed in the blades when the wheel

JUN 27 77 UM

is operated at a speed that excites the disc at a resonant frequency.

Amendment 39-2904, FR 26199, AD 77-10-13 imposed an operating limitation prohibiting engine operation in the 90 to 98 percent N_2 speed range and invited interested persons to submit written comments regarding the AD. In light of comments received the FAA is amending the AD to indicate that Bell 206 series rotocraft operators may comply with this AD by following the procedures outlined in Bell Helicopter Textron Service Bulletin Number 206L-77-9 for Bell 206L helicopters and 206B-77-6 for Bell 206B helicopters. The applicability of this AD is also changed to reflect a reevaluation of certain engine adjustments and to restate the operating limitation in terms of avoidance of sustained operation in the affected RPM range.

Since this amendment provides a clarification and an alternate means of compliance, the implementation of which were suggested by meritorious comments, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are W. Ashworth, Flight Standards Division, Great Lakes Region, and J. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-2904, 42 FR 26199, AD 77-10-13, is amended to read as follows:

DETROIT DIESEL ALLISON. *Applies to 250-C20, C20B, C20C, B17, and B17B engines equipped with P/N 6887113 or 6888633 third stage turbine wheels as installed in aircraft certificated in all categories.*

Compliance required within the next 10 hours time in service after the effective date of this AD, unless already accomplished.

(a) To reduce the risk of engine power loss resulting from third stage turbine blade failure, provide placards, markings, flight manual changes or other appropriate information advising flight crews to avoid sustained operation of the engine between 90 and 98 percent N_2 except during transients while maintaining safe flight practices. This restriction also applies to autorotation practice and engine idle during engine out simulation on multi-engine aircraft. (Detroit Diesel Allison Commercial Service Letters No. 1062 Rev. 1 for the 250-C20 series engines and No. 1031 Rev. 1 for the 250-B17 series engines pertain to this subject.)

(b) An acceptable alternate means of compliance for Bell Helicopter Textron 206 series rotorcraft is prescribed by Bell Helicopter Textron Service Bulletin Number 206L-77-9 for Bell 206L helicopters and 206B-77-6 for Bell 206B helicopters.

The Bell Helicopter Textron specifications and procedures identified in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). The Bell Helicopter Textron Service Bulletin incorporated herein may be obtained upon request to Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. The Allison Service Letters referred to herein may be obtained upon request to Detroit Diesel Allison, Division of General Motors Corporation, P.O. Box 894, Indianapolis, Indiana 46206. These documents also may be examined at the FAA Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Great Lakes Region.

This amendment becomes effective June 24, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois on June 15, 1977.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-18009 Filed 6-24-77;8:45 am]

[Docket No. 16959; Amdt. 39-2939]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd. Model DH-114 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires repetitive inspections and repair or replacement, as necessary, of certain fittings on Hawker Siddeley Model DH-114 airplanes to prevent possible wing failure due to corrosion.

DATES: Effective July 7, 1977.

Compliance is required within the next 50 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours time-in-service until the fittings are replaced.

ADDRESS: The applicable technical news sheet may be obtained from Hawker Siddeley Aviation, Ltd., Hatfield Hertfordshire, England, AL 109TL, Attn: Technical Manuals Distribution Center.

A copy of the technical news sheet is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, tel: 513.38.30.

SUPPLEMENTARY INFORMATION: There have been reports of corrosion occurring in the drag brace fittings at the center section spar cap on Hawker Siddeley Model DH-114 airplanes that could result in catastrophic structural failure of the wing. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of these fittings on Model DH-114 airplanes and their repair or replacement, as necessary.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region; Mr. J. F. Zahringer, Flight Standards Service; and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH-114 airplanes, certificated in all categories, except those modified in accordance with either Hawker Siddeley Modification 1102 or 1103.

Compliance is required as indicated, unless already accomplished.

To detect corrosion and cracking of the drag brace fittings at the center section spar lower cap, and prevent possible structural failure of the wing, accomplish the following:

(a) Within the next 50 hours time-in-service after the effective date of this AD, inspect the drag brace fittings, P/N 4FS.1797 (L.H.) and 4FS.1798 (R.H.), for corrison and cracks in accordance with paragraph 4, entitled "Inspection of Fittings," of Hawker Siddeley Aviation, Ltd., Technical News Sheet, Series 114, No. F.18, dated April 9, 1973, or an FAA-approved equivalent.

(b) If a crack or evidence of severe corrosion is found in either drag brace fitting during the inspection specified in paragraph (a) of this AD, before further flight, replace the drag brace fitting with an improved fitting, P/N 14FS.6069 (L.H.) or P/N 14FS. 6070 (R.H.), in accordance with the instructions set forth in paragraph 5.2 of Hawker Siddeley Aviation, Ltd., Technical News Sheet, Series 114, No. F.18, dated April 9, 1973, or an FAA-approved equivalent.

(c) "Severe corrosion" as used in this AD is internal corrosion that has progressed to a point where there is evidence of corrosion breaking through the exterior surface of the fitting. "Surface corrosion" as used in this AD means corrosion limited to surface pitting.

NOTE.—The Hawker Siddeley Aviation, Ltd., Model DH-114 Maintenance and Repair Manual further defines the terms "severe corrosion" and "surface corrosion."

(d) If, during an inspection specified in paragraph (a) of this AD, no crack is found and evidence of corrosion is found but it is limited to surface corrosion and does not constitute the severe corrosion specified in paragraph (b) of this AD, before further flight, remove the corrosion and protect the surface from further corrosion in accordance with FAR 43.13, and thereafter reinspect the drag brace fittings in accordance with the inspection requirements of paragraph (a) of this AD at intervals not to exceed 100 hours time-in-service from the last inspection.

NOTE.—Advisory Circular AC 43.13-1A, "Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair," contains information relating to corrosion protection and removal.

(e) If, during an inspection specified in paragraph (a) of this AD, no crack is found in the fittings, and the fittings are free of evidence of any corrosion, reinspect the fittings in accordance with the inspection requirements of paragraph (a) of this AD at intervals not to exceed 100 hours time-in-service from the last inspection.

(f) The repetitive inspections required by paragraphs (d) and (e) of this AD may be terminated upon the installation of the improved fittings, P/Ns 14FS.6069 (L.H.) and 14FS.6070 (R.H.), in accordance with the instructions set forth in paragraph 5.2, of Hawker Siddeley Aviation, Ltd., Technical News Sheet, Series 114, No. F.18, dated April 9, 1973, or an FAA-approved equivalent.

This amendment becomes effective July 7, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18001 Filed 6-24-77;8:45 am]

[Airworthiness Docket No. 76-SW-33; Amdt. 39-2927]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 205A and 205A-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises AD 76-10-01 to provide a tail boom modification and repair as an alternative to continued repetitive inspections for the tail booms for certain Bell Models 205A and 205A-1 helicopters. A design change to improve tail boom corrosion and fatigue resistance has been made in production models. This design change is also available to modify the tail boom in existing helicopters by a Bell service bulletin. New tail booms do not require inspections and modified tail booms will no longer require inspections.

DATES: Effective date of the amendment or revision to AD 76-10-01 is July 1, 1977.

ADDRESS: Send any comments on this amendment in triplicate to: Regional Counsel, ASW-7, Attn. Docket 76-SW-33, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. Copies of service bulletins may be obtained as noted in the AD.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817-624-4911, Extension 517.

SUPPLEMENTARY INFORMATION: Amendment 39-2610 (41 FR 20159), AD 76-10-01, requires repetitive inspections, at 50-hour intervals, of the four tail boom and the four mating fuselage fittings on all Bell Models 205A and 205A-1 Helicopters after attaining 500 hours' time in service. AD 76-10-01 was issued to prevent possible loss of the tail boom as a result of possible cracks in these fittings.

Bell Helicopter Textron has obtained approval of a tail boom that uses improved design upper fittings and longerons assemblies that will be factory installed on helicopters having S/N 30260 and higher. Bell Helicopter Textron has also issued Service Bulletin No. 205-77-4 dated March 11, 1977, to provide, in part, for replacement of the upper left-hand longeron assembly with the improved design assembly, for replacement of a corroded upper right-hand longeron assembly, and for repair and sealing of upper longerons at the splice point aft of the baggage compartment.

Therefore, AD 76-10-01 is being revised by adding a new paragraph to exclude Bell Models 205A and 205A-1 helicopters from compliance and provides by adding a new paragraph to exclude helicopters having tail booms that have been modified, repaired, and sealed as specified in Part II of the Bell Service Bulletin No. 205-77-4.

This amendment excludes certain helicopters from complaince and provides for an alternative to the repetitive inspections, consequently, imposing no additional burden on anyone, and the amendment may be made effective in less than thirty days.

DRAFTING INFORMATION

The principal authors of this amendment are James H. Major, Aerospace Engineer, Flight Standards Division, and Joseph A. Kovarik, Regional Counsel, Southwest Region, FAA.

THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), Amendment 39-2610 (41 FR 20159), AD 76-10-01, is amended effective July 1, 1977, by adding the following paragraphs:

(i) This AD no longer applies to tailbooms that have been modified, repaired, and sealed as specified in Part II of Bell Helicopter Textron Service Bulletin No. 205-77-4 dated March 11, 1977, or later approved revisions.

(j) This AD does not apply to helicopters having S/N 30260 or higher.

(k) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Section 6(c)). Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Texas on June 10, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-18198 Filed 6-24-77;8:45 am]

[Docket No. 77-CE-12-AD; Amdt. 39-2932]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 200 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to certain Beech Model 200 airplanes which requires rerigging of the ailerons to redistribute wing air loads. This action will assure that the wing will carry the 50 feet/second gust design loads, and have a factor of safety sufficient to comply with the regulatory requirements.

EFFECTIVE DATE: July 1, 1977. Compliance: Required within 50 hours' time in service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 0906, applicable to this

AD, may be obtained from Beech Aircraft Corporation, Commercial Service Department, 9709 E. Central, Wichita, Kansas 67201. A copy of the Service Instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: Results of recent testing by the aircraft manufacturer show that wings on certain Beech Model 200 airplanes will not carry the regulatory 50 feet/second gust design load. The test wing failed by buckling of a component in the upper spar cap. Subsequent investigation and flight testing by the aircraft manufacturer have demonstrated that this condition can be corrected by rerigging the ailerons to redistribute wing air loads farther inboard on the wing thereby lowering the load on the component that failed. This redistribution of wing air loads results in the wing having a factor of safety sufficient to comply with the 50 feet/second gust regulatory requirements. As a result Beech has issued service instructions No. 0906 applicable to inservice aircraft recommending aileron rerigging and began incorporating same on current production aircraft. The FAA has concluded that lack of the required factor of safety is an unsafe condition that is likely to exist in other airplanes of the same type design. Accordingly, an AD is being issued applicable to certain serial numbers of Beech Model 200 airplanes making compliance with the service instructions mandatory. This AD has been coordinated with the aircraft manufacturer prior to its issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

BEECH: Applies to Model 200 (Serial Numbers BB-2 thru BB-250) airplanes certificated in all categories.

Compliance: Required as indicated, unless already accomplished.

To assure that wings will carry the 50 feet/second gust design loads, within 50 hours' time in service after the effective date of this AD, accomplish the following:

(A) With aileron control system pinned in the neutral position rerig the droop of right and left aileron to zero degrees, with a tolerance of plus one-half degree up, minus zero degrees down in accordance with Beechcraft Service Instructions Number 0906 or later approved revisions.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 1, 1977.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on June 16, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.77-18222 Filed 6-24-77;8:45 am]

[Docket No. 77-CE-13-AD; Amdt. 39-2933]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 58P, 58PA, 58TC, and 58TCA Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to certain Beech Model 58P, 58PA, 58TC, and 58TCA airplanes which requires inspection of specified engine mount truss tube assemblies for fatigue cracks. These cracks, if undetected, may result in structural failure of affected engine mount truss tube assemblies, thereby allowing engine and propeller assembly deflection that could have an adverse effect on aircraft safety of flight. This action assures that the structural integrity of the engine mount truss tube assemblies is maintained.

EFFECTIVE DATE: July 1, 1977, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated June 7, 1977. Compliance: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Instructions No. 0903 may be obtained from Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. A copy of the service instructions cited above is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: There have been reports which show fatigue cracks are occurring in certain engine mount truss tube assemblies on Beech 58P, 58PA, 58TC, and 58TCA airplanes which have turbocharger air intercooler mounting brackets and engine air intake mounting brackets attached to the tubes with rivets. These reports show that the cracks are occurring at low truss tube assembly times in service and crack growth rates are high. A broken engine mount truss tube could allow deflection of the engine and propeller assembly resulting in an adverse effect on safety of flight. Therefore, the FAA concluded that an unsafe condition of an emergency nature existed which required immediate corrective action and thereby determined that notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owner of affected aircraft were notified of the emergency AD by air mail letter dated June 7, 1977. The AD is being published herein to make it effective as to all persons who did not receive the AD letter notification.

The AD requires immediate inspection of the right and left truss tube assemblies in both the right and left engine nacelles for cracks.

Thereafter repetitive inspections are required at 50 hour intervals until Beech Kit No. 102-9001-1S is installed. Once the kit has been incorporated, inspections are required at 100 hour intervals until new improved truss tube assemblies are installed. The new improved truss tube assemblies will not be available from the manufacturer until September 1977. If a crack is found as a result of any inspection required by the AD, the cracked part must be replaced prior to the next flight. Procedures for accomplishing the inspections, repairs and installation of new parts are provided in Beechcraft Service Instructions No. 0903.

DRAFTING INFORMATION

The principal authors of this document are William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive.

BEECH. Applies to Models 58P and 58PA (Serial Numbers TJ-2 through TJ-117), 58TC and 58TCA (Serial Numbers TK-1 through TK-63) airplanes certificated in all categories

Compliance: Required as indicated, unless already accomplished.

To assure structural integrity of the right and left truss tube assemblies in both the right and left engine nacelles, accomplish the following:

(A) On Models 58P and 58PA (S/Ns TJ-2 through TJ-99), 58TC and 58TCA (S/Ns TK-1 through TK-54) airplanes that do not have Beech Kit No. 102-9001-1S installed, prior to the next flight (unless previously accomplished in accordance with Beechcraft mailgram dated February 17, 1977) and at each 50 hours' time in service interval thereafter until Beech Kit No. 102-9001-1S is installed:

1. Pursuant to Beechcraft Service Instructions No. 0903 or later approved revisions accomplish the following:

(a) Referring to Figure 1 of this AD dye penetrant inspect the right truss tube assembly in both right and left engine nacelles for cracks which initiate from the two rivet holes attaching the turbocharger air intercooler mounting brackets; and

(b) Replace any cracked right truss tube assembly prior to the next flight.

2. Pursuant to Beechcraft Service Instructions No. 0903 or later approved revisions accomplish the following:

(a) Referring to Figure 1 of this AD visually inspect the left truss tube assembly in both right and left engine nacelles for chafing;

(b) Dye penetrant said part for cracks; and

(c) Replace any cracked left truss tube assembly and repair or replace any chafed left truss tube assembly prior to the next flight.

(B) On Models and serial numbers listed in Paragraph A of this AD that have Beech Kit No. 102-9001-1S installed and on Models 58P and 58PA (S/Ns TJ-100 through TJ-117), 58TC and 58TCA (S/Ns TK-55 through TK-63) airplanes, within the next 100 hours' time in service after the effective date of this AD, or within 100 hours' time in service after the last similar inspection accomplished in accordance with Beechcraft Service Instructions No. 0903, whichever occurs first, and at each 100 hours' time in service interval thereafter:

1. Pursuant to Beechcraft Service Instructions No. 0903 or later approved revisions:

(a) Remove cowlings from right and left engines;

(b) Referring to Figure 1 of this AD visually inspect the right and left truss tube assemblies in both right and left nacelles for cracks, chafing, or other signs of structural weakening. Dye penetrant inspect right and left truss tube assemblies for cracks if chafing or other signs of structural weakening are detected by the visual inspection.

(c) Replace any cracked truss tube assembly prior to the next flight.

(C) When Beech P/Ns 102-910026-113 and -115 truss tube assemblies which have 0.072 inch thick walls are installed in the right and left engine nacelles the requirements of this AD no longer apply. Truss tube assemblies used prior to these improved assemblies had 0.035 inch thick walls.

NOTE.—The manufacturer has advised that the P/N 102-910026 -113 and -115 truss tube assemblies will not be available until approximately September 1, 1977.

(D) The intervals for repetitive inspections set forth in this AD may be adjusted up as much as 10% where required to fit user's maintenance cycles. No adjustment is allowed for the initial "prior to the next flight" inspection.

(E) Aircraft may be flown in accordance with FAR 21.197 to a base where this AD can be accomplished, after coordination with the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(F) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective July 1, 1977, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated June 7, 1977.

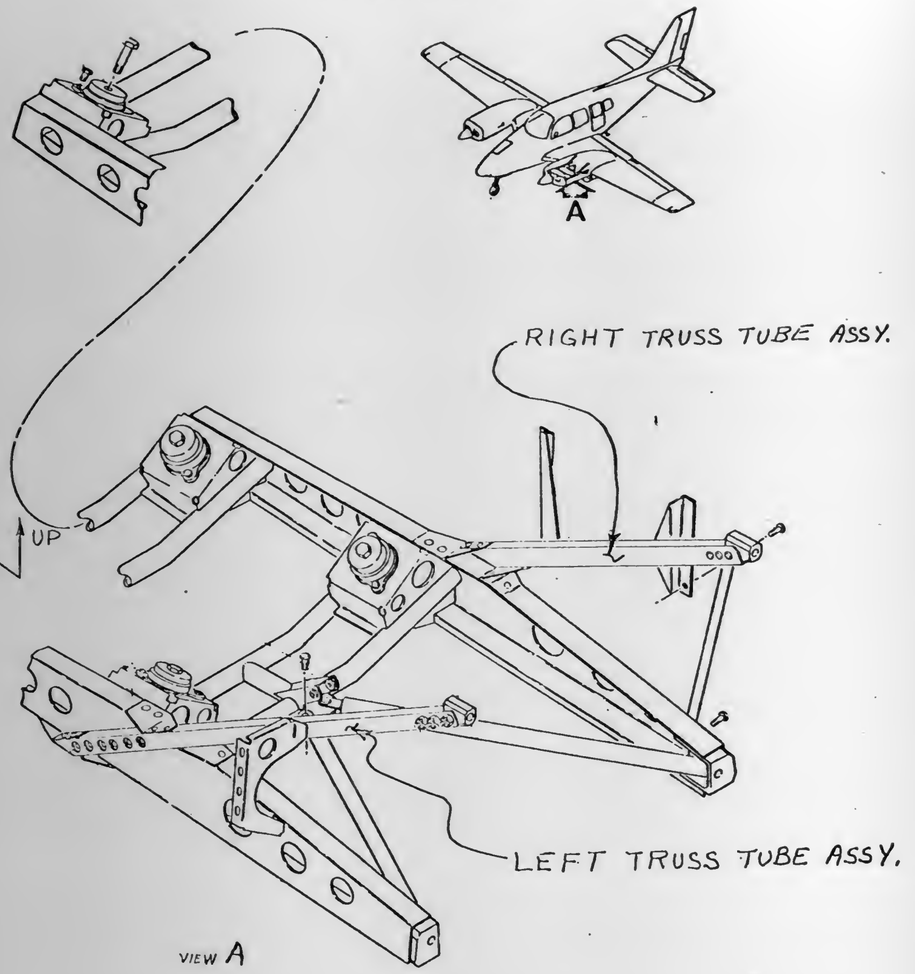
(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655 (c)); (14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Missouri, on June 16, 1977.

C. R. MELUGIN, Jr.,
Director, Central Region.

V 42 N 123 JUN 27 77 UM



ENGINE MOUNT TRUSS TUBE ASSEMBLY LOCATIONS.
TYPICAL BOTH LEFT AND RIGHT ENGINE MOUNTS

FIGURE 1

[FR Doc.77-18223 Filed 6-24-77;8:45 am]

[Docket No. 15541; Amdt. 39-2940]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corporation BAC 1-11 Model 401AK Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires periodic inspections and replacement of bushings in the nose landing gear emergency free fall mechanism on certain British Aircraft Corporation BAC 1-11 Model 401AK airplanes. This AD is based on a reported failure of the emergency free fall operating mechanism to lower the nose landing gear and is directed at preventing additional failures which could result in extensive damage to the airplane upon landing.

EFFECTIVE DATE: July 27, 1977. Compliance schedule, as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from British Aircraft Corporation, Inc., 399 Jefferson Davis Highway, Arlington, Virginia 22202, telephone 703-979-1400. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel 513.33.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspection and replacement of bushings in the nose landing gear emergency free fall operating mechanism on certain British Aircraft Corporation BAC 1-11 Model 401AK airplanes was published in the FEDERAL REGISTER at 41 FR 14895.

The proposal was prompted by a report of failure of the emergency free fall system to operate due to the installation of nonstandard bushings which resulted in the failure of the nose landing gear to extend.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. E. S. Newberger, Flight Standards Service, and Mrs. S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

BRITISH AIRCRAFT CORPORATION. *Applies to BAC 1-11, Model 401AK series airplanes, certificated in all categories, which have Dupont Vespel bushings installed in the nose gear fall cam mechanism.*

Compliance is required as indicated.

To prevent failure of free fall capability of the nose landing gear system, accomplish the following:

(a) Within the next 160 hours time in service after the effective date of this AD, unless already accomplished within the previous 160 hours time in service, and thereafter at intervals not to exceed 160 hours time in service from the last inspection, inspect the nose landing gear free fall mechanism in accordance with the procedures described in item BB of the "Accomplishment Instructions," paragraph 2, steps 1 through 8, of British Aircraft Corporation Alert Service Bulletin 32-A-PM5335, dated May 31, 1975, or an FAA-approved equivalent.

(b) The inspections of the nose landing gear free fall mechanism required by paragraph (a) of this AD may be terminated upon the replacement of the Dupont Vespel bushings in the free fall cam mechanism with British Aircraft Corporation bushing P/N AB 44-1875 or AB 44-1943 (2 per airplane) and bushing P/N AB44-1879 or AB 44-1945 (1 per airplane).

This amendment becomes effective July 27, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington D.C., on June 17, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18213 Filed 6-24-77;8:45 am]

[Docket No. 77-EA-37; Amdt. 39-2931]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman-American Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Grumman-American G-164 type airplanes. It requires temporary placement of a placard which warns against the setting of the parking brake prior to landing. The inadvertent engagement of the parking brake has resulted in accidents upon landing. A permanent correction of the problem permits removal of the placard.

DATES: Effective Date: June 29, 1977. Initial compliance is prior to further flight and within 50 hours of service for the permanent correction.

ADDRESSES: Grumman-American's Service Bulletin No. 60 of May 20, 1977, may be obtained from the manufacturer at P.O. Box 2206, Savannah, Georgia 51402.

FOR FURTHER INFORMATION CONTACT:

K. Tunjian, Systems and Equipment Section, AEA-213, Engineering and Manufacturing Branch, Federal Building, J. F. K. International Airport, Jamaica, New York 11430, telephone 212-995-3372.

SUPPLEMENTARY INFORMATION: There had been reports of a few incidents of damage to landing aircraft as a result of the parking brake, apparently creeping into an engaged position. Due to the need for immediate action, an air mail directive was transmitted to all registered owners of the subject aircraft on or about May 6, 1977. The telegram required the placement of a placard before further flight, warning against an engaged parking brake. The present amendment includes that requirement but also requires an eventual permanent alteration in lieu of the temporary placard. In view of the foregoing, and the air safety problem, notice or public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are K. Tunjian, Flight Standards Division, and Thomas C. Halloran, Office of the Regional Counsel.

It has been determined that the expected impact of the proposed regulation is so minimal that the proposal does not warrant an evaluation.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, effective June 29, 1977, as follows:

GRUMMAN-AMERICAN: *Applies to G-164B, S/N's 138B, 142B, 177B and up, and G-164A, S/N's 1686, 1695 and up, certificated in all categories.*

Accomplish the following, unless previously accomplished:

(a) Before further flight, install a placard adjacent to the parking brake handle stating: "Warning—Parking Brake OFF Prior To Landing."

(b) Within the next 50 hours in service, install the alteration defined in Grumman American Aviation Corporation Service Bulletin No. 60, dated May 20, 1977, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. When this is accomplished, the warning placard may be removed.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement

JUN 27 77

under Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, New York, on June 15, 1977.

R. J. VAN VUREN,
Acting Director, Eastern Region.

[FR Doc.77-18221 Filed 6-24-77;8:45 am]

[Docket No. 13992; Amdt. 39-2941]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Heavy Industries, Ltd. Model MU-2B Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires an inspection, eventual replacement, and thereafter, periodic lubrication and inspection of the elevator trim tab brackets on Mitsubishi Model MU-2B airplanes to prevent possible failure of the brackets. This AD supersedes AD 74-19-08 and requires a new design replacement bracket and time-controlled inspection and lubrication of the new design brackets to reduce the possibility of elevator trim tab flutter and vibration due to excessive wear of the bracket bushings.

EFFECTIVE DATE: July 11, 1977. Compliance schedule, as prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Mitsubishi Heavy Industries, Ltd., 10, Oye-cho, Minato-ku, Nagoya, Japan, or Mitsubishi Aircraft International, Inc., P.O. Box 3848, San Angelo, Texas 76901.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Pacific-Asia Region, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813, telephone 808-955-0340, after July 1, 1977 808-546-8650.

SUPPLEMENTARY INFORMATION: Amendment 39-1955 (39 FR 32324), AD 74-19-08, required the inspection and eventual replacement of the elevator trim tab brackets on certain Mitsubishi Model MU-2B airplanes. After issuing Amendment 39-1955, the FAA determined that further inspections and eventual replacement of the elevator trim tab bracket with a new design bracket are necessary to ensure airworthiness of the aircraft, and that additional MU-2B airplanes are also affected. Therefore, AD 74-19-08 is being superseded by a new AD, which also applies to the additional MU-2B airplanes, that requires an inspection of the brackets and bearings for wear and eventual replacement with a new design bracket, and thereafter, a time-controlled inspection and lubrication of the bracket bearing and spacer, and replacement of the brackets as necessary.

Since a condition exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. G. K. Nakagawa, Pacific-Asia Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

MITSUBISHI HEAVY INDUSTRIES, LTD. *Applies to Models MU-2B-10, -15, -20, -25, and -26 airplanes (S/Ns 005 through 347) and MU-2B-30, -35, and -36 airplanes (S/Ns 501 through 713) certificated in all categories.*

NOTE.—This AD does not apply to MU-2B airplanes having a serial number with the suffix "SA".

Compliance is required as indicated.

To prevent possible failures of the elevator trim tab brackets resulting from wear of the elevator trim tab bracket bushings, accomplish the following:

(a) Unless already accomplished, within 25 hours time in service after the effective date of this AD, inspect elevator trim tab brackets P/N 010A-22119, and replace with brackets P/N 010A-22127, if necessary, in accordance with the procedures outlined in paragraphs 1 and 2 of Mitsubishi MU-2 Service Bulletin No. 176, dated September 1, 1976, hereinafter MSB No. 176, or an FAA-approved equivalent.

(b) Unless already accomplished, within 100 hours time in service after the effective date of this AD, replace elevator trim tab brackets P/N 010A-22119 with P/N 010A-22127 in accordance with the procedures described in paragraph 2 of MSB No. 176, dated September 1, 1976, or an FAA-approved equivalent.

(c) At intervals not to exceed 100 hours time in service after the installation of brackets P/N 010A-22127, lubricate the bearing and spacer as described in paragraph 1.2 of MSB No. 176, dated September 1, 1976, or an FAA-approved equivalent.

(d) At intervals not to exceed 300 hours time in service after the installation of brackets P/N 010A-22127 inspect the brackets for wear and replace, as necessary, in accordance with the procedures outlined in paragraphs 1 and 2 of MSB No. 176, dated September 1, 1976, or an FAA-approved equivalent.

(e) The equivalent means of compliance specified in paragraphs (a), (b), (c) and (d) of this AD must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

NOTE.—Mitsubishi MU-2 Maintenance Manual also contains information concerning the inspection and lubrication of elevator trim tab brackets P/N 010A-22127.

This amendment supersedes Amendment 39-1955 (39 FR 32324), AD 74-19-08, and becomes effective July 11, 1977. (Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 20, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18214 Filed 6-24-77;8:45 am]

[Docket No. 77-SO-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Transition Area, Meridian, Miss.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the Meridian, Mississippi (OLF Bravo Field), transition area and alters the Meridian, Mississippi, transition area. The action will provide the necessary controlled airspace for IFR operations between OLF Bravo and NAS Meridian that is required to accommodate an increasing volume of IFR traffic in the Meridian terminal area.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the FEDERAL REGISTER on Thursday, March 10, 1977 (42 FR 13302), which proposed to revoke the Meridian (OLF Bravo Field) transition area and to alter the Meridian transition area by enlarging it to accommodate IFR operations at OLF Bravo Field. No objections were received from this Notice.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 G.m.t., August 11, 1977, as follows:

1. By revoking the description of the Meridian, Mississippi (OLF Bravo Field), 700-foot transition area.

2. By deleting the present description of the Meridian, Mississippi, 700-foot transition area and substituting the following therefor:

MERIDIAN, MISS., 700-FOOT TRANSITION AREA

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (Lat. 32°19'58" N., Long. 88°45'05" W.); within 3 miles each side of the 191° bearing from the Lauderdale RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 5 miles each side of Meridian VORTAC 315° radial, extending from the 11-mile radius area to 11.5 miles northwest of the VORTAC; within an 8.5-mile radius of OLF Bravo Field (Lat. 32°47'33" N., Long. 88°49'40" W.); within a 10-mile radius of NAS Meridian (Lat. 32°33'-27" N., Long. 88°33'33" W.); within a 29-mile radius of the Meridian VORTAC, extending clockwise from the 340° radial to the 050° radial, and within 5 miles north and 7 miles south of the Kewanee VORTAC 273° radial, extending from the VORTAC to Long. 88°-36'00" W.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) (14 CFR 11.69)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 15, 1977.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc.77-18010 Filed 6-24-77;8:45 am]

[Airspace Docket No. 77-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment excludes V-71 and V-380 airways from the O'Neill Military Operations Area (MOA) during the time that the MOA is active to permit sharing airspace for civil use and a type of military training that is not compatible with airway operations.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On May 19, 1977, the FAA published for comment a proposal to exclude V-71 and V-380 airways from the O'Neill MOA during the time that the MOA is activated by NOTAM (42 FR 25740). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objections. Except for editorial changes, this amendment is the one proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) excludes V-71 and V-380 airways from the O'Neill MOA only during the time that the MOA is activated by NOTAM. A type of military training that is not compatible with airway operations can then take place in the airspace that is vacated by the airway. This action permits a more efficient use of the airspace in this area.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

§ 71.123 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) and amended (41 FR 54167) is further amended, effective 0901 GMT, August 11, 1977, as follows:

1. In V-71, "The airspace within the O'Neill MOA is excluded during the time that the MOA is activated by NOTAM." is added.

2. In V-380, "The airspace within the O'Neill MOA is excluded during the time that the MOA is activated by NOTAM," is added.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on June 17, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77-18004 Filed 6-24-77;8:45 am]

[Airspace Docket No. 77-CE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Addition to Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes three airway segments in Nebraska and excludes two of them from the Lincoln Military Operations Area (MOA) during the time that the MOA is active. This permits sharing of the airspace for civil use and military training in addition to converting the direct routes in this area to designated airways.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On May 19, 1977, the FAA published for comment a proposal to establish three airway segments in Nebraska and to exclude two of them from the Lincoln MOA (42 FR 25740). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. The only comments received expressed no objection. Except for editorial changes, this amendment is the one proposed in the notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FARs) extends V-50 from Hastings, Nebr., to Pawnee City, Nebr.; designates V-61 from Grand Island, Nebr., to Pawnee City, Nebr.; designates V-79 from Hastings to Lincoln, Nebr.; and excludes V-50 and V-61 from the Lincoln MOA. This action will reduce the time required for flight plan preparation and traffic control communications by converting direct routes to airways. Exclusion of the airways from the MOA during the time that the MOA is activated by NOTAM will permit sharing of the airspace for civil use and a type of military training that is not compatible with airway operations.

DRAFTING INFORMATION

The principal authors of this document are Everett L. McKisson, Air Traffic Service, and Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

§ 71.123 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (42 FR 307) is amended, effective 0901 GMT, August 11, 1977, as follows:

1. In V-50, "From Pawnee City, Nebr., via" is deleted and "From Hastings, Nebr., via Pawnee City, Nebr.;" is substituted therefor and "The airspace within the Lincoln MOA is excluded during the time that the MOA is activated by NOTAM." is added.

V 42 123 JUN 27 77 UM

2. V–61 is added to read as follows: "From Grand Island, Nebr., to Pawnee City, Nebr., excluding the airspace within the Lincoln MOA during the time that the MOA is activated by NOTAM."

3. V–79 is added to read as follows: "From Hastings, Nebr., to Lincoln, Nebr."

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 1169.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 17, 1977.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.77–18005 Filed 6–24–77;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Docket No. 16956; Amdt. No. 1078]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities; addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For examination. 1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For purchase. Individual SIAP copies may be obtained from: 1. FAA Public Information Center (APA–430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By subscription. Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS–730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202–426–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification, and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

* * * *effective August 11, 1977.*

Marianna, FL—Marianna Muni., VOR–A, Amdt. 8
Panama City, FL—Panama City-Bay County, VOR Rwy 14, Amdt. 10
Panama City, FL—Panama City-Bay County, VOR Rwy 32, Amdt. 5
Panama City, FL—Panama City-Bay County, VOR–A, Amdt. 8
Atlanta, GA—The William B. Hartsfield Atlanta International, VOR Rwy 27L, Amdt. 3
Evansville, IN—Evansville Dress Regional, VOR Rwy 4, Amdt. 1
Evansville, IN—Evansville Dress Regional, VOR–B, Amdt. 1, cancelled
Lafayette, IN—Purdue University, VOR–A, Amdt. 20
Muskogee, OK—Davis Field, VOR Rwy 31, Amdt. 1
League City, TX—Houston Gulf, VOR/DME Rwy 31, Amdt. 1
Wise, VA—Lonesome Pine, VOR Rwy 24, Amdt. 2

* * * *effective August 4, 1977.*

Chicago, IL—Lansing Municipal, VOR–A, Amdt. 3
Chicago (West Chicago), IL—DuPage County, VOR Rwy 10, Amdt. 6
Crystal Lake, IL—Crystal Lake, VOR Rwy 26, Amdt. 4
Greencastle, IN—Putnam County, VOR/DME–A, Amdt. 1
Kokomo, IN—Kokomo Municipal, VOR Rwy 22, Amdt. 11
Kokomo, IN—Kokomo Municipal, VOR Rwy 31, Amdt. 13
Sullivan, IN—Sullivan County, VOR/DME–A, Amdt. 3
Fulton, MO—Fulton Muni., VOR/DME–A (TAC), Original

* * * *effective July 7, 1977.*

Topeka, KS—Philip Billard Muni., VOR Rwy 22, Amdt. 14

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *effective August 11, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta International, LOC(BC) Rwy 9R, Amdt. 5
Huntington, WV—Tri-State (Walker-Long Field) LOC BC Rwy 30, Amdt. 9

* * * *effective August 4, 1977.*

Alma, MI—Gratiot Community, SDF Rwy 9, Amdt. 1
Alma, MI—Gratiot Community, SDF BC Rwy 27, Original

Cincinnati, OH—Cincinnati Municipal Lunken Field, LOC BC Rwy 2R, Amdt. 3

* * * *effective July 7, 1977.*

Topeka, KS—Philip Billard Muni., LOC(BC) Rwy 31, Amdt. 14

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *effective August 11, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l., NDB Rwy 8, Amdt. 40
Atlanta, GA—The William B. Hartsfield Atlanta Int'l., NDB Rwy 9L, Amdt. 3
Atlanta, GA—The William B. Hartsfield Atlanta Int'l., NDB Rwy 9R, Amdt. 4
Atlanta, GA—The William B. Hartsfield Atlanta Int'l., NDB Rwy 26, Amdt. 13
Atlanta, GA—The William B. Hartsfield ATL International, NDB Rwy 27R, Amdt. 3
Atlanta, GA—The William B. Hartsfield Atlanta Int'l., NDB Rwy 33, Amdt. 18, cancelled
Evansville, IN—Evansville Dress Regional, NDB Rwy 22, Amdt. 9
Lafayette, IN—Purdue University, NDB Rwy 10, Amdt. 7
Muskogee, OK—Davis Field, NDB Rwy 31, Amdt. 7
Wise, VA—Lonesome Pine, NDB Rwy 24, Original
Huntington, WV—Tri-State (Walker-Long Field) NDB Rwy 12, Amdt. 12

* * * *effective August 4, 1977.*

North Vernon, IN—North Vernon Municipal, NDB Rwy 5, Amdt. 1
Sullivan, IN—Sullivan County, NDB Rwy 36, Amdt. 2
Alma, MI—Gratiot Community, NDB Rwy 9, Amdt. 1
Bellaire, MI—Antrim County, NDB Rwy 2, Amdt. 5
Cadillac, MI—Wexford County, NDB Rwy 7, Amdt. 4
Broken Bow, NB—Broken Bow Muni., NDB Rwy 14, Amdt. 3
Cincinnati, OH—Cincinnati Municipal Lunken Field, NDB Rwy 20L, Amdt. 7
Cincinnati, OH—Cincinnati Municipal Lunken Field, NDB Rwy 24, Amdt. 2

* * * *effective July 7, 1977.*

Topeka, KS—Philip Billard Muni., NDB Rwy 13, Amdt. 24.

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *effective August 11, 1977.*

Panama City, FL—Panama City-Bay County, ILS Rwy 14, Amdt. 10
Atlanta, GA—The William B. Hartsfield Atlanta Int'l, ILS Rwy 8, Amdt. 50
Atlanta, GA—The William B. Hartsfield Atlanta Int'l, ILS Rwy 9R, Amdt. 11
Atlanta, GA—The William B. Hartsfield Atlanta Int'l, ILS Rwy 26, Amdt. 12
Atlanta, GA—The William B. Hartsfield Atlanta Int'l, ILS Rwy 27L, Amdt. 6
Evansville, IN—Evansville Dress Regional, ILS Rwy 22, Amdt. 17
Lafayette, IN—Purdue University, ILS Rwy 10, Amdt. 5
Huntington, WV—Tri-State (Walker-Long Field) ILS Rwy 12, Amdt. 5

* * * *effective August 4, 1977.*

Chicago (West Chicago), IL—DuPage County, ILS Rwy 10, Amdt. 4
Bellaire, MI—Antrim County, MLS Rwy 2 (Interim), Amdt. 1
Cincinnati, OH—Cincinnati Municipal Lunken Field, ILS Rwy 20L, Amdt. 8

* * * *effective July 7, 1977.*

Tampa, FL—Tampa International, ILS Rwy 36L, Amdt. 8
Topeka, KS—Philip Billard Muni., ILS Rwy 13, Amdt. 25
Columbia, SC—Columbia Metropolitan, ILS Rwy 11, Amdt. 8

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *effective August 11, 1977.*

Atlanta, GA—The William B. Hartsfield Atlanta Int'l, RADAR–1, Amdt. 27
Evansville, IN—Evansville Dress Regional, RADAR–1, Amdt. 1
Houston, TX—Clover Field, RADAR–1, Original
Huntington, WV—Tri-State (Walker-Long Field) RADAR–1, Amdt. 2

* * * *effective August 4, 1977.*

Chicago, IL—Chicago Midway, RADAR–1, Amdt. 19

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *effective August 11, 1977.*

Evansville, IN—Evansville Dress Regional, RNAV Rwy 4, Amdt. 4

* * * *effective August 4, 1977.*

Aurora, IL—Aurora Municipal, RNAV Rwy 9, Amdt. 5
Alma, MI—Gratiot Community, RNAV Rwy 27, Amdt. 1

* * * *effective July 7, 1977.*

Topeka, KS—Philip Billard Muni., RNAV Rwy 17, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); Delegation: 25 FR 6489 and Paragraph 802 of Order FSP 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 17, 1977.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77–18007 Filed 6–24–77;8:45 am]

[Docket No. 15176; Amdt. Nos. 91–140 and 133–7]

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 133—ROTORCRAFT EXTERNAL-LOAD OPERATIONS

Operations Review Program Amendment No. 2: Rotorcraft External-Load Operations Amended Effective Date

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective date of recent amendments to rotorcraft external-load operations from August 10, 1977, to June 25, 1977, to allow operators who are capable of meeting the requirements at this earlier date to do so. This amendment results from requests submitted by affected parties.

EFFECTIVE DATE: June 25, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202–755–8715.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 3, 1977, the FAA issued amendments to Parts 91 and 133 of the Federal Aviation Regulations (Amendment Nos. 91–138 and 133–6; published in the FEDERAL REGISTER (42 FR 24196) on May 12, 1977) to become effective August 10, 1977. These amendments: (1) Require all rotocraft external-load operations to be conducted under Part 133 whether or not they are conducted for compensation or hire, and regardless of the air-worthiness category under which the rotorcraft is typed certificated; (2) authorize the operation of restricted category civil rotorcraft under Part 133 with certain limitations on the areas in which they may be operated; (3) make a Rotorcraft External-Load Operator Certificate issued under Part 133 effective for 24 calendar months; and (4) provide that after December 9, 1977, § 91.39 would not apply to non-passenger-carrying civil rotorcraft external-load operations conducted under Part 133. These amendments were based on notices of proposed rule making, Notice 75–38 and Notice 75–38A published in the FEDERAL REGISTER (40 FR 54188) on November 20, 1975, and (41 FR 7517) February 19, 1976, respectively.

REVIEW OF EFFECTIVE DATE

The FAA has received comments from Mr. Peter Wright, President, Keystone Helicopter Corporation, and A. J. Samuelson, American Electric Power Corporation, indicating that certain external-load operators having rotorcraft certificated in the restricted category and who are otherwise capable of meeting the certification requirements of Part 133 at an earlier date, would not be able to conduct external-load projects for compensation or hire until August 10, 1977. Their comments stated that the summer season is the heavy season for construction work when heavy lift external-load rotorcraft are used and requested that the effective date of Amendment Nos. 91–138 and 133–6 be changed to June 25, 1977.

When the FAA adopted Amendment Nos. 91–138 and 133–6, it believed that a

JUN 27 77 UM

period ending August 10, 1977, was needed to develop, print, and distribute new Rotorcraft External-Load Operators Certificates and change FAA handbooks to implement the new requirements.

However, since the publication of the amendments, the FAA has determined that the present FAA Rotorcraft External-Load Operators Certificates can be used. Additionally, all FAA General Aviation and Flight Standard district offices will have the appropriate handbook guidelines by June 25, 1977.

In view of the fact that this amendment relieves a restriction and since there exists an almost immediate need for the type of operation contemplated by the rule, I find that notice and public procedure hereon are impractical and unnecessary, and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Thomas G. Walenta, Flight Standards Service, and Richard B. Elwell, Office of General Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, effective June 25, 1977, Amendment Nos. 91–138 and 133–6 are amended as follows:

1. In the regulations published on May 12, 1977 (42 FR 24196), delete the effective date "August 10, 1977," and substitute for it the effective date "June 25, 1977."

§ 133.11 [Amended]

2. In paragraph (b) of § 133.11, delete the date "August 10, 1977" and substitute for it the date "June 25, 1977."

§ 133.13 [Amended]

3. In § 133.13, delete the date "August 10, 1977" and substitute for it the date "June 25, 1977."

(Secs. 307, 313(a), 601, 603, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1423, and 1427), and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 22, 1977.

J. W. COCHRAN,
Acting Administrator.

[FR Doc.77–18409 Filed 6–24–77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2890]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Five County Builders and Contractors Associations, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Fort Myers, Fla., building trade association to cease entering into agreements or engaging in any action that requires members and signatories to deal exclusively with the association's bid depository, and imposes sanctions on those parties who fail to restrict their dealings to such depository. Further, the order requires the firm to immediately reinstate recalcitrant participants previously suspended.

DATES: Complaint and order issued May 24, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

S. Edward Combs, Director, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree Street NW., Room 1000, Atlanta, Ga. 30309, 404–881–4836.

SUPPLEMENTARY INFORMATION: On Thursday, March 17, 1977, there was published in the FEDERAL REGISTER (42 FR 14921) a proposed consent agreement with analysis In the Matter of Five County Builders and Contractors Association, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart-Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart-Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.395 To control marketing practices and conditions; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.472 To restrain cooperatives' activities; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart-Controlling, Unfairly, Seller-Suppliers; § 13.530 Controlling, unfairly, seller-suppliers. Subpart-Corrective Actions and/or Requirements; § 13.533 Corrective actions and/or requirements; § 13.533–60 Release of general, specific, or contractual constrictions or restraints. Subpart-Dealing on Exclusive and Tying Basis; § 13.670 Dealing on exclusive and tying basis; § 13.670–20 Federal Trade Commission Act. Subpart-Enforcing Dealings or Payments Wrongfully; § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–18251 Filed 6–24–77;8:45 am]

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[Docket C–2889]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Florida West Coast Chapter, National Electrical Contractors Association, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Tampa, Fla., building trade association to cease entering into agreements or taking any action that would require members and signatories to deal exclusively with the association-operated bid depository, and would penalize participants who fail to do so. Further, the order mandates immediate reinstatement for those recalcitrant parties previously suspended from participation.

DATES: Complaint and order issued May 24, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

S. Edward Combs, Director, Atlanta Regional Office. 1718 Peachtree Street, NW., Rm. 1000, Atlanta, Ga. 30309. (404) 881–4836.

SUPPLEMENTARY INFORMATION: On Thursday, March 17, 1977, there was published in the FEDERAL REGISTER (42 FR 14923) a proposed consent agreement with analysis In the Matter of Florida West Coast Chapter, National Electrical Contractors Association, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart-Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart-Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.395 To control marketing practices and conditions; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or classes; § 13.470 To restrain or monopolize trade; § 13.472 To restrain cooperatives' activities; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart-Controlling, Unfairly, Seller-Suppliers: § 13.530 Controlling, unfairly, seller-suppliers. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–60 Release of general, specific, or contractual constrictions or restraints. Subpart-Dealing on Exclusive and Tying Basis: § 13.670 Dealing on exclusive and tying basis; 13.670–20 Federal Trade Commission Act. Subpart-Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–18253 Filed 6–24–77;8:45 am]

[1] Copies of the Complaint and the Decision and Order filed with the original document.

[Docket C–2888]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Gulf Coast Builders Exchange, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other thngs, requires a Sarasota, Fla., trade association to cease entering into agreements or taking any other action which requires members and signatories to deal exclusively with the association's bid depository, and imposes sanctions on those who fail to do so. Further, the order mandates the firm immediately reinstate those participants previously suspended.

DATES: Complaint and order issued May 24, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Samuel E. Combs, Director, Atlanta Regional Office, Federal Trade Commission, 1718 Peachtree St. NW., Rm. 1000, Atlanta, Ga. 30309, 404–881–4836.

SUPPLEMENTARY INFORMATION: On Thursday, March 17, 1977, there was published in the FEDERAL REGISTER (42 FR 14924) a proposed consent agreement with analysis In the Matter of Gulf Coast Builders Exchange, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart-Coercing and Intimidating: § 13.370 Suppliers and sellers. Subpart-Combining or Conspiring: § 13.385 To boycott seller-suppliers; § 13.395 To control marketing practices and conditions; § 13.450 To limit distribution or dealing to regular, established or acceptable channels or clashes; § 13.470 To restrain or monopolize trade; § 13.472 To restrain cooperatives' activities; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart-Controlling, Unfairly, Seller-Suppliers; § 13.530 Controlling, unfairly, seller-suppliers. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–60 Release of general, specific, or contractual constrictions or restraints. Subpart-Dealing on Exclusive and Tying Basis: § 13.670 Dealing on exclusive or tying basis; 13.670–20 Federal Trade Commission Act. Subpart-Enforcing Dealing or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–18250 Filed 6–24–77;8:45 am]

[1] Copies of the Complaint and the Decision and Order filed with the original document

[Docket 9086]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hallcraft Jewelers, Inc., Et Al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair or deceptive acts or practices, this consent order, among other things, requires a Levittown, Pa., retailer of watches and jewelry, and its subsidiaries to cease misrepresenting an affiliation with the Government or the Armed Forces; the quality and prices of their merchandise; and their business methods and services. Respondents are required to advise customers of cancellation and refund rights; furnish Spanish translations of pertinent documents, where applicable; and, in connection with consumer credit, cease failing to disclose such information as is required by Regulation Z of the Truth in Lending Act. Further, respondents, in the collection of debts, are prohibited from threatening fictitious disciplinary action, or otherwise engaging in the acts and practices proscribed in the order.

DATES: Complaint, July 20, 1976. Order, May 9, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Michael J. Vitale, Director, Washington, D.C. Regional Office, Federal Trade Commission, 600–C Gelman Bldg., 2120 "L" St., NW., Washington, D.C. 20017, 202–254–7700.

SUPPLEMENTARY INFORMATION: On Tuesday, March 1, 1977, there was published in the FEDERAL REGISTER (42 FR 11882) a proposed consent agreement with analysis In the Matter of Hallcraft Jewelers, Inc., a corporation, and Hallcraft Jewelers, Inc. of New Jersey, a corporation, and Crest Clothiers, Inc., a corporation, also trading and doing business as Crest Collection Agency, and Donald J. Bound, individually and as an officer of said corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart-Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; 13:15–10 Au-

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

thorized distributor; 13.15–20 Business methods and policies; 13.15–25 Concealed subsidiary, fictitious collection agency, etc.; 13.15–30 Connections or arrangements with others; 13.15–35 Contracts and obligations; 13.15–60 Exclusive distributor or producer; 13.15–80 Government connection; 13.15–95 Government registration; 13.15–105 Identity; 13.15–255 Reputation, use, or standing; 13.15–275 Stock, product or service; 13.15–280 Unique or special status or advantages; § 13.42 Connection of others with goods; § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.85 Government approval, action, connection or standard; 13.85–45 Inspection; § 13.155 Prices; 13.155–80 Retail as cost, wholesale, discounted, etc.; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.-175 Quality of product or service; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart-Contracting for Sale in any Form Binding on Buyer Prior to Specified Time Period: § 13.527 Contracting for sale in any form binding on buyer prior to specified Time period. Subpart-Corrective Actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–37 Formal regulatory and/or statutory requirements; 13.533–55 Refunds, rebates and/or credits. Subpart-Enforcing Dealings or Payments Wrongfully: § 13.1043 Enforcing dealings or payments wrongfully. Subpart-Failing to provide Foreign Language Translations: § 13.1052 Failing to provide foreign language translations. Subpart-Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: §13.1365 Authorities or personages connected with; §13.1370 Business methods, policies and practices; §13.1390 Concealed subsidiary, fictitious collection agency, etc.; § 13.1395 Connections and arrangements with others; § 13.1425 Government connection; § 13.1430 Government endorsement, sanction or sponsorship; § 13.1440 Identity; § 13.1490 Nature; § 13.1500 Official connections; § 13.1540 Reputation, use or standing; § 13.1570 Unique status or advantages.—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623–95 Truth in Lending Act; § 13.1632 Government endorsement or recommendation; § 13.1715 Quality; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions; 13.1760–50 Sales contract; § 13.1775 Value. — Prices: § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Subpart-Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1857 Instruments' sale to finance companies; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions; 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act. Subpart-Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.2063 Scientific or other relevant facts; § 13.2070 Special or trial offers, savings and discounts; § 13.2090 Undertakings in general. Subpart-Threatening Suits, Not in Good Faith: § 13.2264 Delinquent debt collection.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18248 Filed 6–24–77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–13648]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Lost and Stolen Securities Program; Effective Date Postponed

AGENCY: Securities and Exchange Commission.

ACTION: Postponement of effective date.

SUMMARY: This action postpones the effective date of the reporting requirements of § 240.17f–1, the Lost and Stolen Securities Program, until October 3, 1977 and the remaining provisions of the section until January 2, 1978. The delay is necessary because additional time is needed to implement and test a system to receive reports and inquiries and to inform institutions subject to § 240.17f–1 about the operation of the system. The new effective dates are intended to implement the Lost and Stolen Securities Program in an efficient manner.

EFFECTIVE DATES: Reporting requirements: October 3, 1977; Inquiry requirements: January 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Atilla S. Ilkson, Special Counsel, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, 202–755–7588.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced a delay in the effective date of 17 CFR 240.17f–1 under Section 17(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq. as amended by Pub. L. No. 94–29 (June 4, 1975)) with respect to the Lost and Stolen Securities Program.

DISCUSSION

On May 12, 1977 the Commission announced the designation of AutEx, Inc. ("AutEx") to receive reports and inquiries required to be made to the Commission pursuant to § 240.17f–1 for the lost and stolen securities pilot program. At that time, the Commission indicated that it might delay the effective date of § 240.17f–1 if its designee required additional time to implement the system in an effective manner.

The Commission has determined that such a delay would be appropriate. Accordingly, the Commission has delayed the effective date for reporting requirements until October 3, 1977 and has delayed the effective date for the inquiry requirements until January 2, 1978. This approach will allow the construction of a file of missing, lost, stolen or counterfeit securities for a three month period prior to the commencement of required inquiries.

In practical terms, this means that § 240.17f–1 paragraphs (a), (b) and (e) will become effective on October 3, 1977 as will paragraph (d), with the exception of the provisions relating to inquiry. The remaining provisions of the section will become effective on January 2, 1978. Consequently, no inquiries will be possible until January 2, 1978. The one year pilot program will be in effect from January 2, 1978 to December 31, 1978.

The Commission expects to disseminate to all institutions subject to the section, detailed procedures regarding the mechanics of reporting and inquiry within the near future.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 20, 1977.

[FR Doc.77–18258 Filed 6–24–77;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 77–165]

PART 1—GENERAL PROVISIONS

Changes in Field Organization of Customs Region I (Boston, Mass.)

AGENCY: United States Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document contains changes in the field organization of Customs Region I (Boston, Massachusetts). The changes were prompted by changing traffic patterns in the area. The organizational changes are intended to increase management effectiveness and to better serve the public.

EFFECTIVE DATE: July 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard M. Belanger, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202–566–8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 25, 1975, a notice of a proposal to change the field organization of Customs Region I was published in the FEDERAL REGISTER (40 FR 37043). Interested parties were given until September 24, 1975, to submit data, views, or arguments with respect to the proposal. Five comments were received from the public in response to the notice, one of which was favorable.

DISCUSSIONS OF COMMENTS

The one favorable commenter felt that the proposed changes would benefit importers by improving management and by broadening the experience of Customs officers.

The objectors to the proposed changes argued that it will burden the Customs officers servicing the area with additional automobile travel under hazardous driving conditions and result in a loss in permitted travel allowances.

A study conducted by the District Director of Customs, St. Albans, Vermont, shows that the proposed Highgate Springs/Alburg consolidation will result in a net increase in mileage of only 4,468 miles per year or 154 miles per affected Customs officer for that period. Therefore, the effect on each Customs officer will be minimal. While the Customs Service is concerned about the safety of its employees, it does not believe that the issue of hazardous driving conditions is a major issue in the consolidation. Such conditions will always prevail on all roads in the area during inclement winter weather.

In regard to the question of travel allowances, Customs officers going to assigned duty stations within port limits are not reimbursed for that travel. Therefore, some employees will probably find themselves assigned to more distant duty posts without reimbursement for costs that were allowed when these ports were outside the narrower port limits. However, if a Customs officer is required to travel from his assigned station to another station within the new consolidated port of entry, during a period of duty, he will receive travel expenses for that additional travel. This should reduce any adverse economic impact on the Customs officer.

Special benefits can be expected from the variety of work assignments that will become available for Customs officers within the larger consolidated port. Because of rotation of assignments, all of the Customs officers will receive more diversification and training than at present. This will enhance the career opportunities of these officers.

After consideration of all comments received, it has been decided to adopt the changes as proposed. We have concluded that these changes will provide better service to the public and contribute to a more efficient management of the Customs Service.

DRAFTING INFORMATION

The principal author of this document was Richard M. Belanger, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service and the Department of the Treasury participated in developing the document, both on matters of substance and style.

AMENDMENTS TO THE REGULATIONS

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949–1953 Comp. Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 12 (41 FR 47970), the following changes in the organization of Region I are hereby adopted as set forth below:

1. A consolidated port of Highgate Springs/Alburg, Vermont, is established. with geographical limits including all points and places within the townships of Highgate, Swanton, and Alburg, and that part of the township of Franklin east of the township of Highgate which is bounded on the east by Richard Road and on the south by State Aid Road 235.

2. The township of Swanton is removed from the port limits of the port of St. Albans, Vermont, and included within the port limits of the new port of Highgate Springs/Alburg, Vermont.

3. The designation of North Troy, Vermont, as a Customs port of entry in the St. Albans, Vermont, Customs district, is revoked.

4. North Troy, Vermont, is designated as a Customs station under the supervisions of the port of Derby Line, Vermont.

5. The designation of Alburg Springs, Vermont, as a Customs station under supervision of the port of entry at Alburg, Vermont, and the designation of Morses Line, Vermont, as a Customs station under the supervision of the port of entry at Richford, Vermont, are revoked. (The Alburg Springs and Morses Line, Vermont, locations are included within the port limits of the new port of Highgate Springs/Alburg, Vermont.)

To reflect these changes, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is hereby amended by deleting "Alburg, Vt." and "North Troy, Vt." from the column headed "Ports of Entry" in the St. Albans, Vt., district (Region I); deleting the parenthetical material immediately following "St. Albans, Vt." in the column headed "Ports of Entry" in the St. Albans, Vt., district (Region I) and substituting in its place "(including township of St. Albans) (E.O. 3925, Nov. 13, 1923; E.O. 7632, June 15, 1937; 2 FR 1042; T.D. 77–165)"; deleting "Highgate Springs, Vt." and the parenthetical material following it in the column headed "Ports of entry" in the St. Albans, Vt. district (Region I) and substituting in its place "Highgate Sprinqs/Alburg, Vt. (including the territory described in T.D. 77–165)."

To further reflect this change, the table in § 1.3(d) of the Customs Regulations (19 CFR 1.3(d)) is hereby amended by inserting "North Troy, Vt." directly below "Newport, Vt." in the column headed "Customs stations," with "Derby Line, Vt." designated as the "Port of entry having supervision," in the St. Albans, Vt., district (Region I); and deleting "Alburg Springs, Vt." and "Morses Line, Vt." from the column headed "Customs stations" and the corresponding entries from the column headed "Port of entry having supervision" in the St. Albans, Vt., district (Region I).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (5 U.S.C. 301, 19 U.S.C. 1, 2).)

Dated: June 8, 1977.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

[FR Doc.77–18236 Filed 6–24–77;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108 739]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The General Services Administration has changed the numbers it assigns to various forms used by the Department of State, and the Department of Labor has changed the listing of its regulations governing labor certification. These changes necessitate amendments to the Department's visa regulations in order to reflect the new numbers. Since all of these changes are editorial in nature, notice of proposed rulemaking with respect to these amendments is unnecessary.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

David C. Warheit (202–632–1983).

Accordingly, Parts 41 and 42, Title 22 of the Code of Federal Regulations are amended as set forth below.

In Part 41, the following sections are amended:

§ 41.1 [Amended]

1. In § 41.1, Definitions, delete the paragraph on "Form FS–257" in its entirety.

§ 41.114 [Amended]

2. Section 41.114, paragraph (b), lines 14 and 15 is amended by changing "Form FS–257 or Form FS–257a" to read "Form OF–156."

§ 41.115 [Amended]

3. Section 41.115, paragraph (a) is amended by deleting the first sentence and inserting in lieu thereof, "Every alien applying for a nonimmigrant visa shall make application therefor on Form OF–156, unless personal appearance is waived and submission of the application form by the applicant is not required pursuant to 22 CFR 41.114(b) or unless there is a Form OF–156 available at the consular office which can be

VOL 42 NO 123 JUN 27 77 UM

appropriately amended to bring the application up to date." Line 15 is amended by changing "FS–257" to read "OF–156". Paragraph (b) line 4 is amended by changing "FS–257" to read "OF–156."

§ 41.116 [Amended]

4. Section 41.116, paragraph (a) is amended by changing "FS–257" to read "OF–156."

§ 41.117 [Amended]

5. Section 41.117 is amended by changing "FS–257" to read "OF–156" wherever it appears and by changing "FS–257 or FS–257a" to read "OF–156."

§ 41.124 [Amended]

6. Section 41.124, paragraph (i) is amended by changing "FS–257" to read "OF–156" in the title and by changing "FS–257" to read "OF–156" in line eight. Paragraph (j), last line, is amended by changing "Form FS–257" to read "Form OF–156."

§ 41.128 [Amended]

7. Section 41.128, paragraph (b) lines three and four is amended by changing "I–190, Form FS–257 or Form FS–257a" to read "I–190 or Form OF–156."

§ 41.129 [Amended]

8. Section 41.129, paragraph (b) line 4 is amended by changing "FS–257a" to read "OF–156."

§ 41.130 [Amended]

9. Section 41.130, paragraph (a) lines five and six is amended by changing "FS–257" to read "OF–156."

In Part 42, the following sections are amended:

§ 42.61 [Amended]

1. Section 42.61, paragraph (a)(3)(ii) is amended by deleting "(29 CFR 60.7)" and by placing a comma following "regulations." Paragraph (b)(1), line 3 is amended by changing "FS–499" to read "OF–224."

§ 42.62 [Amended]

2. Section 42.62, paragraph (b)(2)(i) line 3 is amended by deleting "(29 CFR 60.7)," and by placing a comma following "Schedule A."

§ 42.115 [Amended]

3. Section 42.115, paragraph (a), line 3 is amended by changing "FS–497" to read "OF–222." Paragraph (b), line four is amended by changing "FS–510" to read "OF–230." Paragraph (c), line four is amended by changing "FS–510" to read "OF–230."

§ 42.116 [Amended]

4. Section 42.116, paragraph (a), line one is amended by changing "FS–510" to read "OF–230." Paragraph (b)(2) is amended by changing "FS–510" to read "OF–230."

§ 42.117 [Amended]

5. Section 42.117, paragraph (b), line two is amended by changing "FS–510" to read "OF–230."

§ 42.124 [Amended]

6. Section 42.124, paragraph (a), line four is amended by changing "FS–511" to read "OF–155." Paragraph (a)(6), line 2 is amended by changing "FS–511" to read "OF–155." Paragraph (a)(7), line three is amended by changing "FS–511" to read "OF–155." Paragraph (b), lines one and two is amended by changing "FS–511" to read "OF–155" and by changing "FS–510" to read "OF–230." Paragraph (c) is amended by changing "FS–511" to read "OF–155" wherever it appears and by changing "FS–510" to read "OF–230" wherever it appears. Paragraph (d), line four is amended by changing "FS–511" to read "OF–155."

§ 41.125 [Amended]

7. Section 41.125, paragraphs (b) and (c) are amended by changing "FS–511" to "OF–155" wherever it appears.

§ 42.130 [Amended]

8. Section 42.130, paragraph (a) is amended by changing "FS–510" to read "OF–230" wherever it appears.

Dated: June 2, 1977.

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.77–18242 Filed 6–24–77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7490]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Separate Limitation on Foreign Tax Credit for Dividends From a DISC or Former DISC

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction.

SUMMARY: This document contains nonsubstantive corrections to a Treasury decision.

EFFECTIVE DATE: The corrections are effective for taxable years ending after December 31, 1971.

FOR FURTHER INFORMATION CONTACT:

James Edward Maule of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–6456, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 15, 1977, the FEDERAL REGISTER published a Treasury decision (42 FR 30496) containing Income Tax Regulations (26 CFR Part 1) under section 904(f) of the Internal Revenue Code of 1954. (The redesignation of section 904 (f) as section 904(d) by section 1031(a) of the Tax Reform Act of 1976 (90 Stat. 1525) is not reflected in the Treasury Decision.) The amendments were proposed to conform the regulations to section 502 (b)(2) of the Revenue Act of 1971 (85 Stat. 549). The regulations relate to the separate limitation on the foreign tax credit for dividends from a DISC or former DISC.

NEED FOR CORRECTION

The full text of the regulations as adopted by the Treasury decision appears at 42 FR 30497. The text contains typographical errors and misplaced cross-references that were in the notice of proposed rulemaking (40 FR 8351, amended by a correction notice published on April 2, 1975, 40 FR 14767). These errors were not corrected when the notice of proposed rulemaking as amended by the Treasury decision was published at 42 FR 30497 on June 15, 1977.

DRAFTING INFORMATION

The principal author of this correction was James Edward Maule of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service.

CORRECTION OF TREASURY DECISION

Accordingly, FR Doc. 77–17040 (42 FR 30496) is amended as follows:

1. In § 1.78–1 on page 30497 insert a line of five asterisks immediately preceding paragraph (f).

2. In § 1.78–1(f) on page 30497 the first line should read "(f) *Illustrations.* The application of this * * *".

3. In § 1.904–1(a) on page 30497 the thirteenth and fourteenth lines should read "* * * crued other than by reason of section 904(d)) to each foreign country or posses- * * *".

4. In the undesignated paragraph following § 1.904–4(d)(1)(i)(*b*) on page 30498 the last line should read "* * * paragraph (d)(1)(i).".

5. In the undesignated paragraph following § 1.904–4(d)(1)(ii)(*b*) on page 30498 the last line should read "* * * graph (d)(1)(ii).".

6. In § 1.904–4(d)(1)(iii)(*b*) on page 30498 the last line should read "* * * (d)(1)(ii) of this section.".

7. In the undesignated paragraph following § 1.904–4(d)(1)(iii)(*b*) on page 30498 the fourth line should read "* * * § 1.904–2(c)(1)(ii) or (2)(ii), whichever * * *".

8. In the undesignated paragraph following § 1.904–4(d)(1)(iii)(b) on page 30498 the last line should read "* * * provisions of this paragraph (d)(1)(iii).".

9. In the undesignated paragraph following § 1.9044–5(b)(1)(i)(B) on page 30499 the last line should read "* * * plying (A) and (B) of this paragraph (b)(1)(i).".

10. In § 1.904–5(b)(1)(ii)(A) on page 30499 the first line should read "(A) The portion of such unused for- * * *".

11. In the undesignated paragraph following § 1.904–5(b)(1)(ii)(B) on page 30499 the last line should read "* * *

(A) and (B) of this paragraph (b)(1)(ii).".

12. In the undesignated paragraph following § 1.904–5(b)(1)(iii)(C) on page 30500 the last line should read "* * * this paragraph (b)(1)(iii).".

13. In § In § 1.904–5(b)(1)(v) on page 30500 the second line should read "* * * plying this subparagraph—".

14. In the undesignated paragraph following § 1.904–5(b)(1)(v)(C) on page 30500 the first line should read "The application of this subdivision (v) * * *".

15. In § 1.904–5(b)(2)(ii) on page 30500 the thirty-eighth line should read "* * * come, war profits, and excess profits * * *".

16. In § 1.904–5(c) Example (2)(i) on page 30501 insert a line under the number "175,000".

17. In § 1.904–5(c) Example (2)(iii) on page 30501 insert a double line under the number "183,000".

Dated: June 21, 1977.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc.77–18270 Filed 6–24–77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 728–77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Office of Management and Finance

REVOKING DELEGATION OF AUTHORITY

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On January 27, 1977, the Attorney General delegated the policy functions relating to the Department of Justice's participation in the International Criminal Police Organization (Interpol) to the Deputy Attorney General. As a result, an earlier delegation of authority to the Assistant Attorney General for Administration is no longer needed. The purpose of this Order is to revoke that earlier delegation of authority.

EFFECTIVE DATE: June 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry L. Gastley, Administrative Counsel, Office of Management and Finance, Department of Justice, Washington, D.C. 20530 (202–739–5361).

By virtue of the authority vested in me by 5 U.S.C. 301, 22 U.S.C. 263(a), and 28 U.S.C. 509 and 510, paragraph (r) of § 0.75 of Subpart O of Part O of Chapter I of Title 28, Code of Federal Regulations, is hereby revoked.

Dated: June 15, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77–18240 Filed 6–24–77;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER R—CHARTERS

PART 353—ASSISTANT TO THE SECRETARY OF DEFENSE (LEGISLATIVE AFFAIRS)

Delegation of Authority

AGENCY: Office of the Secretary of Defense.

ACTION: Issuance of DOD Charter Directive 5142.1.

SUMMARY: The Secretary of Defense has assigned responsibilities and functions to the Assistant to the Secretary of Defense (Legislative Affairs) and has delegated to him specific authorities. This Directive serves as the instrument that defines the charter of the Assistant to the Secretary of Defense (Legislative Affairs).

EFFECTIVE DATE: May 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur H. Ehlers, Director for Organizational and Management Planning, Office of the Deputy Assistant Secretary of Defense (Administration) (202–695–4278).

Accordingly, Part 353 reads as follows:

Sec.
353.1 Purpose.
353.2 Responsibilities and functions.
353.3 Relationships.
353.4 Authorities.

AUTHORITY: 10 U.S.C. Chapter 4.

§ 353.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States Code, the position of Assistant to the Secretary of Defense (Legislative Affairs) (hereinafter "the ATSD (Legislative Affairs)") is hereby established with responsibilities, functions, and authorities as prescribed herein.

§ 353.2 Responsibilities and functions.

The ATSD (Legislative Affairs) is the principal staff assistant for Department of Defense relations with the Congress and Members thereof. He shall:

(a) Provide advice and assistance concerning congressional aspects of DOD policies, plans, and programs.

(b) Coordinate actions relating to congressional consideration of the DOD legislative program.

(c) Coordinate Department of Defense participation in congressional hearings and investigations.

(d) Assign responsibility for, and coordinate responses to congressional inquiries.

(e) Arrange for the designation and appearance of witnesses and provision of information at congressional hearings.

(f) Process and coordinate requests for DOD support of congressional travel.

(g) Provide for DOD processing of personal security clearances for members of congressional staffs.

(h) Perform such other duties as the Secretary of Defense may from time to time prescribe.

§ 353.3 Relationships.

(a) In the performance of his duties, the ATSD (Legislative Affairs) shall:

(1) Coordinate and exchange information with other DOD organizations having collateral or related functions.

(2) Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

(b) All DOD organizations shall coordinate all matters concerning functions cited in § 353.2 with the ATSD (Legislative Affairs).

§ 353.4 Authorities.

The ATSD (Legislative Affairs) is hereby delegated authority to:

(a) Issue DOD Instructions and one-time directive-type memoranda which carry out policies approved by the Secretary of Defense, in his assigned fields of responsibility. Instructions to the Military Departments will be issued through the Secretaries of those Departments or their designees. Instruetions to Unified and Specified Commands will be issued through the Joint Chiefs of Staff.

(b) Obtain such reports, information, advice, and assistance, consistent with the policies and criteria of DOD Directive 5000.19,[1] as he deems necessary.

(c) Communicate directly with heads of DOD organizations, including the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Directors of Defense Agencies and, through the Joint Chiefs of Staff, the Commanders of the Unified and Specified Commands.

(d) Communicate with the Executive Office of the President, other Government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

Dated: June 17, 1977.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.77–18243 Filed 6–24–77;8:45 am]

Title 40—Protection of the Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

PART 1516—PRIVACY ACT IMPLEMENTATION

Procedures for Gaining Access to Information Under the Privacy Act of 1974

AGENCY: The Council on Environmental Quality.

ACTION: Final regulations.

SUMMARY: These regulations implement the requirements of the Privacy Act of 1974. They establish procedures by which individuals may gain access

[1] Filed as part of original. Single copies may be obtained, if needed, from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 301.

VOL 42 NO 123 JUN 27 77 UM

to information on themselves which is maintained by the Council on Environmental Quality.

EFFECTIVE DATE: June 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Ballard Jamieson, Jr., Privacy Act Liaison, the Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006 (202–382–6867).

SUPPLEMENTARY INFORMATION: On pages 1044–45 of the FEDERAL REGISTER of January 5, 1977, the Council on Environmental Quality published proposed regulations for implementing the Privacy Act of 1974. Interested persons were given 30 days in which to submit comments. No written comments were received and the proposed regulations were therefore adopted without change as final regulations.

Signed this 21st day of June 1977.

NICHOLAS C. YOST,
Acting General Counsel.

Accordingly, Part 1516 is added to Title 40 of the CFR as follows:

Sec.
1516.1 Purpose and scope.
1516.2 Definitions.
1516.3 Procedures for requests pertaining to individual records in a record system.
1516.4 Times, places, and requirements for the identification of the individual making a request.
1516.5 Disclosure of requested information to the individual.
1516.6 Request for correction or amendment to the record.
1516.7 Agency review of request for correction or amendment of the record.
1516.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
1516.9 Disclosure of record to a person other than the individual to whom the record pertains.
1516.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93–579.

§ 1516.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the Council on Environmental Quality (hereafter known as the Council) maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 1516.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" means maintain, collect, use or disseminate;

(c) The term "record" means any item or collection or grouping of information about an individual that is maintained by the Council (including, but not limited to, his or her employment history, payroll information, and financial transactions), and that contains his or her name, or an identifying number, symbol, or other identifying particular assigned to the individual such as a social security number;

(d) The term "system of records" means a group of any records under the control of the Council from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 1516.3 Procedures for requests for access to individual records in a record system.

An individual shall submit a written request to the Administrative Officer of the Council to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a written request to the Administrative Officer of the Council which states the individual's desire to review his or her record. The Administrative Officer of the Council is available to answer questions regarding these regulations and to provide assistance in locating records in the Council's system of records.

§ 1516.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Officer of the Council pursuant to § 1516.3 shall present the request at the Council's office, 722 Jackson Place, N.W., Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5 p.m. and should be prepared to identify himself by signature. Requests will also be accepted in writing if mailed to the Council's offices and signed by the requester.

§ 1516.5 Access to requested information to the individual.

The individual may submit a request to the Administrative Officer of the Council which states the individual's desire to correct or to amend his or her record. This request must be made in accordance with the procedures of § 1516.4 and shall describe in detail the change which is requested.

§ 1516.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of a request to correct or to amend a record, the Administrative Officer of the Council will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or amend the record in accordance with the request, the reason for the refusal, and the procedure established by the Council for the individual to request a review of that refusal.

§ 1516.8 Appeal of the initial adverse agency determination on correction or amendment of the record.

An individual may appeal refusal by the Administrative Officer of the Council to correct or to amend his or her record by submitting a request for a review of such refusal to the General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006. The General Counsel shall, not later than thirty working days from the date on which the individual requests such a review, complete such review and make a final determination unless, for good cause shown, the General Counsel extends such thirty day period. If, after his or her review, the General Counsel also refuses to correct or to amend the record in accordance with the request, the individual may file with the Council a concise statement setting forth the reasons for his or her disagreement with the General Counsel's decision and may seek judicial relief under 5 U.S.C. 552a (g)(1)(A).

§ 1516.9 Disclosure of a record to a person other than the individual to whom the record pertains.

The Council will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure either has been listed as a "routine use" in the Council's notices of its systems of records or falls within the special conditions of disclosure set forth in Section 3 of the Privacy Act of 1974.

§ 1516.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for the record, in advance of receipt of the pages.

[FR Doc.77–18207 Filed 6–24–77;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF THE INTERIOR

[Circular No. 2424]

PART 7—EMPLOYEES: INTEREST IN LANDS AND RESOURCES

Exceptions; Acquisition

AGENCY: Office of the Secretary, Interior.

ACTION: Final rulemaking.

SUMMARY: Final rulemaking is adopted to allow Department of the Interior employees and family members to acquire excess horses and burros. Federal lands in many areas are overstocked with wild free-roaming horses and burros. This rulemaking allows employees of the Department the same privileges as other citizens to adopt and care for an excess horse or burro under the provisions of the Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 et seq.).

DATE: Effective June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Billy R. Templeton, 202–343–8735.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on page 16641 of the FEDERAL REGISTER of March 29, 1977, to amend 43 CFR 7.4(a) to provide that Department of the Interior employees and their family members can enter into agreements to acquire and maintain a wild free-roaming horse or burro under provisions of the Wild Free-Roaming Horse and Burro Act of 1971. Comments, suggestions, or objections were invited through May 13, 1977. No comments were received. Therefore, under authority of the Wild Free-Roaming Horse and Burro Act of 1971 (16 U.S.C. 1331 et seq.) the proposed amendment of 43 CFR 7.4(a) is adopted without change, as set forth below.

The principle author is Robert J. Springer of the Bureau of Land Management, Division of Range Management.

GUY R. MARTIN,
Assistant Secretary of the Interior.

June 20, 1977.

Section 7.4 is amended by adding a paragraph (a)(4) to read as follows:

§ 7.4 Exceptions.

(a) * * *

(4) An employee of the Department of the Interior or any member of an employee's family may acquire a wild free-roaming horse or burro for maintenance and protection through a cooperative agreement entered into in accordance with 43 CFR 4740.2 and 4750.2.

[FR Doc.77–18206 filed 6–24–77;8:45 am]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5620; ID–6898]

IDAHO

Powersite Restoration No. 728; Partial Revocation of Powersite Reserve No. 565; Correction

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This order will correct an inadvertent omission from Public Land Order No. 5607 which was approved November 12, 1976, and published in the November 23 issue of the FEDERAL REGISTER at page 51603.

DATES: Effective June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Eldon G. Hayes, 202–343–8731.

SUPPLEMENTARY INFORMATION:

Public Land Order No. 5607, F.R. Doc. 76–34517 which appeared in the FEDERAL REGISTER issue of November 23, 1976, page 51603, is hereby corrected as follows:

1. The Executive Order of November 21, 1916, creating Powersite Reserve No. 565, as construed by Powersite Interpretation No. 13, dated April 22, 1922, is hereby revoked so far as it affects those portions of the following described lands lying more than 3,300 feet above mean sea level:

BOISE MERIDIAN

T. 9 S., R. 17 E.,
Sec. 34, lots 12, 13 and 14;
Sec. 35, lots 10, 11, 12, 13 and S½NW¼;
Sec. 36, lots 10, 11, 12, 13 and 14.

The areas described aggregate approximately 400 acres in Jerome County.

2. The described lands in section 36 lying below 3,300 foot mean sea level are being restored subject to section 24 of the Federal Power Act of June 10, 1920, supra. Upon promulgation of this order, title to all the lands in section 36 will vest in the State of Idaho. The lands in sections 34 and 35 are privately owned.

GUY R. MARTIN,
Assistant Secretary of the Interior.

JUNE 16, 1977.

[FR Doc.77–18205 Filed 6–24–77;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—TANK VESSELS

SUBCHAPTER O—CERTAIN BULK DANGEROUS CARGOES

[CGD 77–058a]

TANK VESSELS CARRYING OIL IN TRADE

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The amendments in this document correct references, contained in notes preceding Subchapter D and O of Title 46, Code of Federal Regulations, concerning design, equipment, and operation requirements in 33 CFR Part 157. These notes no longer accurately describe the contents of 33 CFR Part 157 and mislead the reader. This document corrects both notes to accurately describe the requirements in Part 157.

EFFECTIVE DATE: These amendments are effective on: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: Since the amendment in this document is an editorial change, notice of proposed rule making is considered unnecessary and it may be made effective in less than thirty days after publication.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are Commander Richard A. Sutherland, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF RULE

Subchapter's D and O of Title 46, Code of Federal Regulations, each contain a note following the tables of content reading as follows:

NOTE.—33 CFR Part 157 contains additional design, equipment, and operation requirements for certain seagoing U.S. tankships and barges that carry oil in the United States domestic trade.

In the December 13, 1976 issue of the FEDERAL REGISTER (41 FR 54177), the Coast Guard added design, equipment, and operation requirements. These requirements were for seagoing U.S. flag tank vessels of 150 gross tons or more engaged in carrying oil in foreign trade and for foreign flag tank vessels of 150 gross tons or more carrying oil and entering the navigable waters of the United States. They were added to the regulations that govern the design and operation of seagoing U.S. tankships and barges of 150 gross tons or more that carry oil in domestic trade, published in the FEDERAL REGISTER (40 FR 48280). The notes in Subchapter D and O were not updated to reflect the new requirements.

In consideration of the foregoing, Subchapters D and O of Chapter 1, Title 46, Code of Federal Regulations are each amended by revising the notes following the tables of contents to read as follows:

NOTE.—33 CFR Part 157 contains additional design, equipment, and operation requirements for certain seagoing tankships and barges that carry oil in bulk.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)).)

Dated: June 20, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.77–18257 Filed 6–24–77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19667; RM–1475; FCC 77–334]

PART 73—RADIO BROADCAST SERVICES

Requirement of Broadcast Licensees To Maintain Certain Program Records; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This rule was inadvertently omitted from a document which was published in the FEDERAL REGISTER (42 FR 30180, June 13, 1977). The rule requires noncommercial educational radio licensees to make the contents of their

public inspection files available for copying by machine reproduction. The intended effect of the rule is to further the dialogue between citizens and radio broadcasters.

EFFECTIVE DATE: July 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION: This is a correction of the Third Report and Order released on May 24, 1977, in Docket No. 19667, which appeared in the FEDERAL REGISTER on Monday, June 13, 1977, page 30180.

Released: May 27 ,1977.

In the Third Report and Order in the above-entitled proceeding, Docket No. 19667, adopted May 18, 1977, FCC 77-334, Mimeo No. 70051, subparagraph (a) (5) was inadvertently omitted from the amendment of § 73.116. The omitted subparagraph should be added to read as follows:

§ 73.116 Availability of logs and records.

* * * * *

(a) (5) Copy of the partial and skeleton directional antenna proofs of performance as directed by § 73.154 and made pursuant to the following rule requirements:

(i) Section 73.66 Remote control authorization.

(ii) Section 73.68 Sampling systems for antenna monitors.

(iii) Section 73.69 Antenna monitors.

(iv) Section 73.93 Operator requirements.

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-18028 Filed 6-24-77;8:45 am]

[Docket No. 20813]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Implementing changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This action corrects errors contained in the Report and Order in Docket 20813. See FEDERAL REGISTER June 17, 1977 at 42 FR 31000.

EFFECTIVE DATE: July 18, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT:

Charles D. Fisher, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION: Released: June 21, 1977.

In the matter of amendment of Parts 81 and 83 to implement changes in frequencies, operating procedures, technical standards and other criteria relating to the use of radiotelegraphy in the maritime services adopted at the ITU World Maritime Administrative Radio Conference, Geneva, 1974. (42 FR 30999.)

In the Report and Order in the above-captioned matter, FCC 77-380, at 42 FR 31000, released June 10, 1977, correct the following instructions in Appendix 1, Parts 81 & 83 to read as follows:

In the Amendments to Part 81, Instruction No. 5 is changed to read:

5. The present section heading and text of § 81.203 is redesignated 81.216 and a new § 81.203 is adopted to read as follows:

In the Amendments to Part 81, Instruction No. 6 is changed to read:

6. The present section heading and text of § 81.204 is redesignated § 81.217 and a new § 81.204 is adopted to read as follows:

In the Amendments to Part 81, Instruction No. 9, § 81.207 is changed to read:

9. In § 81.207, paragraph (e) is deleted entirely, and a new paragraph (e) added to read:

§ 81.207 Frequencies for call and reply.

* * * * *

(e) The frequencies set forth in the table below are available for use effective June 1, 1977, by coast radiotelegraph stations for calls to ship stations by means of digital selective calling. The associated reply frequencies are also shown.

Coast transmit to ships (kilohertz)	*Coast receive from ships (kilohertz)*
4357	4187.6
6506	6281.4
8718.5	8375.2
13100	12562.3
13100.5	12562.8
17232	16749.9
17232.5	16750.4
22595	22248
22595.5	22248.5

In the Amendments to Part 83, Instruction No. 11 should be corrected to read as follows:

11. The present headnote and text of § 83.319 are deleted and a new § 83.319 adopted to read as follows:

§ 83.319 Working Frequencies — A1 Morse Radiotelegraphy.

(a) Ship radiotelegraph working frequencies are set forth in Tables (d) (1) through (d) (6) of this section. The first line in each Series Nos. 1-53, inclusive, indicates the harmonically related assignable carrier frequencies in the 4, 6, 8, 12 and 16 MHz bands. The other frequencies listed: in Series Nos. W1-W53 opposite (a), (b) and (c); all 22 and 25 MHz frequencies; and the frequencies indicated in Series Nos. W54-W62, inclusive, are not necessarily harmonically related.

(b) Two Series Nos. of working frequencies, for example W1 and W31, are assigned to each radiotelegraph ship station. Frequencies from the two Series Nos. assigned to each radiotelegraph ship station should be used for normal working. Other Series Nos., and frequencies therefrom, may be used by a ship station when the frequencies of the two assigned Series Nos. are not adequate.

In the Amendments to Part 83, Instruction 16 is changed to read:

16. The present headnote and text of § 83.329 is redesignated 83.339 and a new § 83.329 is adopted to read as follows:

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-18231 Filed 6-24-77;8:45 am]

[FCC 77-417]

PART 87—AVIATION SERVICES

Allowing the Substitution of Type Accepted Transmitters in Radionavigation and Operational Stations

AGENCY: Federal Communications Commission.

ACTION: Rule amendment.

SUMMARY: Rule amendment to relieve licensees of operational and radionavigation stations in the aviation service of the requirement to modify their licenses when type accepted transmitters are substituted. This action is in furtherance of deregulation.

EFFECTIVE DATE: July 1, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert DeYoung, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION: Adopted: June 14, 1977. Released: June 22, 1977.

In the matter of amendment of Part 87 of the rules to allow the substitution of type accepted transmitters in radionavigation and operational stations.

1. This Order will amend § 87.35(d) to allow licensees of radionavigation and operational stations to substitute one type accepted transmitter for another in their stations without prior Commission approval and modification of their licenses.

2. The availability of type accepted transmitters available for such stations has increased sharply. The necessity of obtaining prior Commission approval to substitute a type accepted transmitter for another creates needless administrative and clerical burden on both licensees and the Commission.

3. In 1968, we revised Part 87 of the rules to permit the substitution of one type accepted transmitter for another, without prior Commission approval, in most aircraft and aeronautical stations, but not for aeronautical radionavigation and operational stations because there was then no type accepted equipment available for such stations. As noted above, this situation has changed and type accepted transmitters are now readily available for such stations. As a result, prior Commission approval for substitutes of one type accepted transmitter for another is now unnecessary and creates a needless administrative burden on both licensees and the Commission.

4. The requested rule amendment is procedural in nature and, therefore, the prior public notice and effective date provisions contained in the Administrative Procedure Act (5 U.S.C. 553) would serve no practical purpose and are unnecessary.

5. Accordingly, *it is ordered*, That pursuant to authority contained in Sections 4(i) and 303(b),(e),(f) and (r) of the Communications Act of 1934, as amended, § 87.35(d) of Part 87 of the Commission's rules is amended effective July 1, 1977, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 87.35 paragraph (d) is amended to read as follows:

§ 87.35 Changes in authorized station.

* * * * *

(d) Any ground station authorized under this part, may be operated with any transmitter type accepted for use in the particular class of station in lieu of the transmitters which may be specified on the station license and without modification of the license: Provided, however, That the number of transmitters in use shall not exceed those authorized.

* * * * *

[FR Doc.77-18230 Filed 6-24-77;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. MC-82 Sub. No. 1]

PART 1104—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS

Subpart B—Intercity Bus Industry

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This rulemaking established rules of procedure governing the type of evidence to be submitted in intercity bus motor carrier revenue proceedings. These rules are designed to reduce the time required for ultimate disposition, achieve greater uniformity in data submitted, avoid the service of detailed orders in individual proceedings, and provide adequate notice to carriers and to the public of the evidence required.

EFFECTIVE DATE: August 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission in the exercise of its responsibilities to the public of ensuring just and reasonable fares for the transportation of passengers by common carriers by motor vehicles gives due consideration to, among other factors, the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need for revenues sufficient to enable such carriers under economical and efficient management, to provide such service. To enable the Commission to meet the above responsibilities, it undertook this rulemaking by Notice of Proposed Rulemaking entered November 11, 1975, and published in the FEDERAL REGISTER of December 10, 1975 (40 FR 57466). In response to that notice comments were filed by the National Bus Traffic Association, Inc., and the Department of Transportation. As a result of these comments the proposed rules were modified in part and adopted. The proposed Rule was published as Subpart B of 49 CFR Part 1108. However, the designation of Part 1108 was preempted by a regulation published in the FEDERAL REGISTER on July 7, 1976 (Part 1108—Revised Guidelines for Implementation of the National Environmental Policy Act of 1969). Therefore, the regulations proposed on December 10, 1975 (40 FR 57465) are being redesignated and adopted as Subpart B of 49 CFR Part 1104. Sections 1104.1-1104.10 are redesignated as Subpart A—Common Carriers of General Commodities. Existing Appendix II is redesignated at Appendix I.

Accordingly, Part 1104 is amended by adding a new Subpart B to read as set forth below:

Subpart A—Common Carriers of General Commodities

Sec.

* * * * *

Subpart B—Intercity Bus Industry

1104.20 Application.
1104.23 Revenue need.
1104.24 Official notice.
1104.25 Service.
1104.26 Availability of underlying data.

Schedule A
Schedule B
Schedule C
Schedule D
Schedule E
Schedule F
Schedule G
Appendix I

Subpart B—Intercity Bus Industry

§ 1104.20 Application.

(a) Upon the filing by the National Bus Traffic Association, Inc., (NBTA) on behalf of its carrier members, or by such other agencies as the Commission may by order otherwise designate, of agency tariff schedules which contain proposed general increases in fares or charges where such proposal would result in an increase of $1 million or more in the annual operating revenues on the traffic affected by the proposal, the motor common carriers of passengers on whose behalf such schedules are filed shall, concurrently with the filing of those schedules, file and serve, as provided hereinafter, a verified statement presenting and comprising the entire evidential case which is relied upon to support the proposed general increase. Carriers thus required to submit their evidence when they file their schedules are hereby notified that special permission to file those schedules shall be conditioned upon the publishing of an effective date at least 45 days later than the date of filing, to enable proper evaluation of the evidence presented. Data to be submitted in accordance with §§ 1104.21-1104.23 represent the minimum data required to be filed and served, and in no way shall be considered as limiting the type of evidence that may be presented at the time of filing of the schedules. If a formal proceeding is instituted, the carriers are not precluded from updating the evidence submitted at the time of filing of the schedules to reflect the current situation.

(b) When filing tariff schedules other than those described hereinabove, the carriers or their tariff publishing agencies shall be required to comply with such procedures as the Commission may direct in the event an investigation is instituted. Nothing stated in this part determines the amount of increased revenues which might be expected under the proposed increase in fares and/or charges on the issue traffic, and to evaluate the revenue aspects of the non-issue traffic, including that traffic subject to Interstate Commerce Commission rate regulation but not here at issue, and that traffic which is intrastate in character and under the jurisdiction of state public utility commissions.

§ 1104.23 Revenue need.

The "study carriers" shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capability to render service. This evidence shall include data required by Schedules C through G.

§ 1104.24 Official notice.

The Commission will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Commission.

§ 1104.25 Service.

The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement for the use of the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent first-class mail to each of the regional offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection. A copy of each statement shall be mailed by first-class mail to each party of record in the last formal proceeding concerning a general increase in bus passenger fares in the affected area or territory. Otherwise, the service requirements of Rule 22 of the Commission's General Rules of Practice shall be observed.

§ 1104.26 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon request therefor. The underlying data shall be made available also at the hearing, but only if, and to the extent, specifically requested in writing and required by any party for the purpose of cross-examination.

SCHEDULE A—*Class I participating carriers' revenue data*

[Dollars in thousands]

Line No.	Carrier annual report No.	Carrier	Study code	Total system operating revenue	Total issue traffic revenue	Percent of carrier's issue traffic revenue to—	
						Total system revenues, col. (e)÷col. (d) (2 Dec.)	Total issue traffic revenues (percent dist. of col. (e) (2 Dec.)
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							

EXPLANATORY—SCHEDULE A

Purpose. The purpose of Schedule A is to corroborate the selection of the "study carriers", as defined in § 1104.21 of the prescribed procedures, and to provide a data base for the continuing evaluation of the validity and usefulness of the "study carrier" group.

Calendar Year. For the purpose of this schedule use the latest calendar year available preceding the filing date of the proposed increased fares and/or charges.

Column (a). The annual report number is that number assigned to the carrier by the Bureau of Accounts, Interstate Commerce Commission, for identification purposes.

Column (b). List Class I carrier members of National Bus Traffic Association and other interested Class I carriers participating in the tariffs of NBTA which will be affected by the proposal, in descending order of total system operating revenues.

Column (c). Use the following code for this column. For study carriers (as defined in § 1104.21) insert "S". For non-study carriers insert "NS".

Column (d). Use amount shown in carrier's Annual Report, Schedule 2998, Line 9.

Column (e). Issue traffic is defined as that traffic (services) directly affected by the proposed increase in fares and/or charges.

Columns (f) and (g). These columns are self-explanatory and are obtained by calculations using columns (d) and (e).

SCHEDULE B—*Study carriers' revenue data*

[Dollars in thousands]

Line No.	Study carrier	Total operating revenue	Issue traffic (services) revenue			Total nonissue traffic revenue	Miscellaneous station and other operating revenues
			(C-1)	(C-2)	Total issue traffic revenue		
	(a)	(b)			(d)	(e)	(f)
	Base year actual: 4-quarter period ending						
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
	Total, all study carriers						
	Pro forma year based on proposed revenues						
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
	Total, all study carriers						
	Pro forma year based on current revenues						
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
	Total, all study carriers						

VA 2 1123 JUN 27 77 UM

EXPLANATORY—SCHEDULE B

Purpose. The purpose of this schedule is to obtain—for each study carrier and by totals for all study carriers—(1) total operating revenue, (2) revenues attributable to the various types of traffic at issue, (3) revenue attributable to the total non-issue traffic, and (4) miscellaneous station and other operating revenues. These data shall be provided for the specified study periods, namely: base year actual, pro forma year based on current revenues, and pro forma year based on proposed revenues.

The pro forma year based on proposed revenues for the traffic at issue will be compared to the issue traffic revenues for the pro forma year based on current revenues and for the base year actual to determine the amount of the proposed revenue increase being sought over these two periods. In addition, the revenue data for the total issue traffic (column (d)), will be used in Schedule C, Part III as a basis for allocating increased costs, i.e., the increased operating expenses and the increased "sum of money" costs.

Base Year Actual. Data to be reported in this and other schedules herein for the base year actual shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement:	
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month year.
August	Do.
September	Do.
October	June 30, filing-month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable then that more current quarter may be used in the base year actual. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year are obtainable, then the base year actual ending December 31 may be used in lieu of the base year actual ending September 30.

Pro forma year data. Revenue data for the pro forma year shall be reported in two ways, namely: based on current revenues and based on proposed revenues. Separate schedules are required for each pro forma year. These data do not represent a forecast but reflect the results of 12 months of operation at particular rate levels. Thus, data for the pro forma year based on current revenues should be based on a restatement of the revenue data for the base year actual to reflect fares and/or charges which are currently in effect. Similarly, data for the pro forma year based on proposed revenues should reflect a restatement of the base year actual data but at levels reflecting the proposed fares and/or charges.

Column (a). Insert in this column the company name of each "study carrier" as defined in § 1104.21 of the prescribed procedures.

Column (b). Use carrier's Annual Report, Schedule 2998, Line 9. The dollar amount in this column, for each study carrier, should equal the total of columns (d), (e), and (f).

Columns (c–1), (c–2), etc. As defined in § 1104.21, "issue traffic" means that traffic (service) affected by the proposed increase in fares and/or charges, and is limited to the fares and/or charges published in schedules and tariffs filed with the Interstate Commerce Commission. For the purpose of the proposed increases filed under the prescribed procedures of this proceeding, column (c) should be subdivided into columns (c–1), (c–2), etc. to show separately the revenue for each type of traffic in issue and each column should be appropriately headed. For instance, a proposal to increase passenger fares and express rates would call for Intercity Passenger Revenue in column (c–1), and Express Revenue in column (c–2). If a third basic service is included in the proposed increase, column (c–3) should show revenue from that traffic with an appropriate identification in this column heading.

Column (d). The total issue traffic revenues in this column should equal the sum of columns (c–1), (c–2), etc.

Column (e). The revenues to be reported in this column shall consist of those revenues other than "total issue traffic revenue" (Column (d)), and "miscellaneous station and other operating revenues" (Column (f)). Thus, "non-issue traffic revenue" means those revenues accruing from providing the types of services indicated in columns (c–1), etc., but which may be "intrastate" in nature, are "exempt" as provided under Section 22 of the Interstate Commerce Act, or which are otherwise not at issue in a proposed fare and/or charge increase. Such non-issue traffic may also include a commuter or mass transportation service, which is the transportation of passengers generally performed within a city or town and the suburban areas contiguous thereto. However, in some instances this service may also be intercity in character where the cities involved are within relatively short distances of each other and the primary purpose is the mass transportation of commuter passengers to and from these cities.

Column (f). For the purpose of this schedule the revenues to be reported in this column shall consist of those in Account 3600, Miscellaneous Station Revenue, and in Account 3900, Other Operating Revenue. (See 49 CFR 1206.)

Presentation of statement on revenue sample studies. Historically, in order to separate interstate from intrastate revenues, it has not been necessary for annual report purposes for each carrier to conduct studies of its traffic operations, whether based upon sampling or otherwise, however, many of the Class I carriers make such studies for managerial purposes. In order to permit the evaluation of such studies, and the evidence derived therefrom, each study carrier, as defined in section 1104.21, shall submit an affidavit explaining how its study was conducted and how it appraises the reliability of the results. Carriers having studies based upon sampling should conform with the staff report entitled "Guidelines for the Presentation of the Results of Sample Studies," February 1, 1971.

( ) Greyhound Lines, Inc.
( ) Trailways combined
( ) All study carriers

SCHEDULE C

PART I.—*Condensed income statement*

[Dollars in thousands]

Line No.	Item	Source A.R. schedule 2998	Base year-actual	Pro forma year: Based on current revenue	Pro forma year: Based on proposed revenue	Pro forma year: Based on constructed revenue needs
	(a)	(b)	(c)	(d)	(e)	(f)
1	Passenger revenue	L. 1				
2	Special bus revenue	L. 2				
3	Baggage revenue	L. 3				
4	Mail revenue	L. 4				
5	Express revenue	L. 5				
6	Newspaper revenue	L. 6				
7	Miscellaneous station revenue	L. 7				
8	Other operating revenue	L. 8				
9	Total revenues	L. 9				
10	Total expenses	L. 15				
11	Net operating revenue	L. 16				
12	Rent for lease of carrier property-debt.	L. 17				
13	Income from lease of carrier property-credit.	L. 18				
14	Net carrier operating income	L. 19				
15	Total other income	L. 30				
16	Gross income	L. 31				
17	Interest and amortization of debt discount expenses and premium.	Sums of lines 32, 35, and 36.				
18	Total income deductions	L. 39				
19	Income (loss) from continuing operations before income taxes.	L. 40				
20	Income taxes on income from continuing operations.	L. 41				
21	Provision for deferred taxes	L. 42				
22	Income (loss) from continuing operations.	L. 43				
23	Total income (loss) from discontinued operations.	L. 46				
24	Total extraordinary items and accounting changes (debit) credit.	L. 53				
25	Net income (loss) transferred to retained income-unappropriated.	L. 54				

PART II.—*System operating expenses and sum of money assigned to transportation service*

[Dollars in thousands]

Line No.	Item	Source	Base year-actual	Pro forma year: Based on current revenue	Pro forma year: Based on proposed revenue	Pro forma year: Based on constructed revenue needs
	(a)	(b)	(c)	(d)	(e)	(f)
1	Operating expenses "sum of money" items.	Pt. I, L. 10				
2	Rent for, and from, lease of carrier property (net).	Pt. I, net of ls. 12 and 13.				
3	Interest and amortization of debt discount and expense and premium on debt.	Pt. I, L. 17				
4	Percent of carrier operating property to total tangible property.	A.R. Sch. 100, col. (b) (ls. 19 and 21)÷(L. 26) (2 dec.).				
5	Interest and related expenses assigned to transportation service.	L. 3×L. 4, above (pt. I, L. 14) minus (pt. II, L. 5).				
6	Taxable income assigned to transportation service.	do				
7	Taxable income from continuing operations.	Pt. I, L. 19				
8	Percent of taxable income assigned to transportation service to taxable income from continuing operations.	L. 6÷L. 7, above (2 dec.)				
9	Total income taxes	Pt. I, L. 20				
10	Income taxes assigned to transportation service.	L. 8×L. 9, above				
11	Income (loss) assigned to transportation service.	L. 6 minus L. 10, above				
12	Total "sum of money" items assigned to transportation service.	Ls. 2, 5, 10 and 11				
13	Operating expenses and "sum of money" assigned to transportation service.	Ls. 1 and 12, above				
14	Ratio of income (loss) assigned to transportation to income (loss) from continuing operations (1 dec.).	Pt. II, L. 11÷Pt. I, L. 22				

PART III.—*Allocation of increased system operating expenses and sum of money to traffic at issue*

[Dollars in thousands]

Line No.	Item	Source	Base year-actual	Pro forma year: Based on current revenue	Pro forma year: Based on proposed revenue	Pro forma year: Based on constructed revenue needs
	(a)	(b)	(c)	(d)	(e)	(f)
	A.—Revenue distribution					
1	Revenues applicable to traffic at issue.	From revenue study	$	$	$	$
2	System operating revenues, less miscellaneous station revenues (3600) and other operating revenues (3900).	Sch. C, pt. I, L. 9–Ls. 7 and 8.	$	$	$	$
3	Percent of total issue traffic revenue to L.2 revenues.	L.1÷L.2 (percent to 2 dec.).	%	%	%	%
	B.—Allocation to traffic at issue					
4	Increased system operating expenses.	Pt. II, line 1		$	$	$
5	Increased system "sum of money".	Pt. II, line 12				
6	Total increased system operating expenses and "sum of money."	L.4+L.5, above				
7	Allocation of line 6 to traffic at issue.	L.3×L.6, above				
8	Increased revenues on traffic at issue.	L.1, above		$	$	$
9	Ratio of increased revenues to increased costs on traffic at issue.	L.8÷L.7, above (2 dec.)				

VOL 42 NO 123 JUN 27 77 UM

EXPLANATORY—SCHEDULE C (PARTS I AND II)

Purpose. The purpose of Schedule C, Parts I and II is to develop a condensed income statement, and the system operating expenses and "sum of money" assigned to transportation service, for the study carriers and for the study periods specified. These data are used in Schedule C, Part III, to measure the "cost increases" allocated to the traffic at issue, over specified time periods, and then to compare these increases with the increased revenues.

Study carrier groupings. A separate Schedule C, Parts I and II shall be prepared for each of the following:

1. Greyhound Lines, Inc.
2. Trailways combined (study carriers, only).
3. All study carriers.

Column (b). The annual report sources in this column refer to the 1976 Annual Report Form MP–1. For years prior or subsequent to 1976, use comparable annual report sources.

Column (c). Data to be reported in this column for the base year actual shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement:	*Four-quarter calendar year period ending*
January	Sept. 30 preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	March 31, filing month year.
August	Do.
September	Do.
October	June 30, filing month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in the event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the base year actual. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year are obtainable then the base year actual ending December 31, may be used in lieu of the base year actual ending September 30.

Columns (d), (e), and (f). These columns shall contain the pro forma year data. The data in columns (d) and (e) do not represent a forecast, but the results of 12 months of operations at cost and fare/charge levels existing at a specific time.

The data reported in column (d) shall be the base year actual (column (c)) restated to reflect conditions (wage, price, and productivity, etc.) prevailing on or near the effective date of the proposed increase. Revenues in column (d) shall be based on fares and charges which are currently in effect.

The data reported in column (e) shall also be the base year actual (column (c)) restated to reflect conditions (wage, price and productivity, etc.) prevailing on or near the effective date of the proposed increase. Unlike column (d), however, revenues in column (e) shall be based on the proposed fares and charges.

The data reported in column (f) shall be based on what the system revenue needs of the study carriers should be at a given time, including the constructed operating expenses and the constructed "sum of money" above these expenses. The constructed "sum of money" should be supported by evidence that it is a just and reasonable amount and is that needed to attract debt and equity capital and to insure financial stability and the capacity to render service. Such evidence should include an analysis of the adequacy of the carriers' earnings, the carriers' cost of debt and equity capital, the various kinds of risk attending their operations and the financing thereof, and the carriers' ongoing needs for working capital, new equipment and facilities.

Pro forma year data. Data for the pro forma time periods shall be appropriately explained and supported. Each of the dollar figures called for in these columns shall be accompanied by an explanation of the bases or methods of restatement and explicit identification of all assumed changes in income statement data, including changes in revenues, expenses, wage rates, price levels and productivity, as compared with the base year actual results. This evidence should be adequate to enable the Commission to find that the proposed fare/charge increase:

(a) Is cost justified and does not reflect future inflationary expectations;

(b) Takes into account expected and reasonable productivity gains;

(c) Is not excessive in that it does not exceed those operating expenses and "sum of money" costs needed to provide adequate and safe service or to provide for necessary expansion to meet future requirements for transportation services; and

(d) Is not excessive in that it does not exceed that rate of return needed by the carriers to attract debt and equity capital at reasonable costs.

Part II, line 9, note. Line 9 does not give effect to the "Provision for Deferred Taxes" (Part I, Line 21); however, the effect of "deferred taxes" can be computed by the Commission's staff as part of its analytical process. Nonetheless, because the "prescribed rules" represent only the minimum evidential requirements, should proponents or any other party wish to submit an additional Schedule C, Part II, giving effect to the "deferred taxes", it may but appropriate notations should be made. To give effect to "deferred taxes" the source (column (b)) for Schedule C, Part II, line 9 should be: Part I, Ls. 20 and 21.

EXPLANATORY—SCHEDULE C (PART III)

Purpose. The purpose of Schedule C, Part III, is threefold: First, to develop the percentage relationship between total issue traffic revenue and total system operating revenues (less miscellaneous station, and other operating revenues) (Line 3); Second, to allocate the increased system operating expenses and "sum of money" items to the traffic at issue (Line 7); and Third, to make a comparison of the increased expenses and sum of money items on the issue traffic with the increased revenues on this traffic (Line 9). Four time periods are used to measure the increase in expenses, sum of money items, and revenues, namely: (a) the base year actual, (b) the pro forma year based on current revenue, (c) the pro forma year based on proposed revenue, and (d) the pro forma year based on constructed revenue needs. These time periods are identified in explanatory for Schedule C, Parts I and II.

The critical procedure in Part III is the allocation of increased system operating expenses and sum of money items to the traffic at issue based on revenue relationships, i.e., based on the percentage relationship of the total issue traffic revenues to the total system revenues with minor deletions. This procedure is necessary at this time because of the absence of regulatory or managerial accounting systems designed for "costing" purposes, or, in the alternative, a "cost formula" which, together with appropriate data from engineering and traffic studies, could be used to "cost out" the particular bus transportation services that may be at issue in a given general increase proceeding. The fallacy in using revenues as an allocation factor is the assumption that there is a direct relationship between revenues and costs, or, in other words, that revenues bear the same relationship to costs regardless of the type of transportation services provided. However, differential charging is an economic fact, and cost of service is not the sole factor to be considered in rate making.

Notwithstanding the deficiency in using revenues as an allocation factor, it is necessary to obtain some expression of how the increased systemwide operating expenses, and sum of money items may be impacting on the traffic at issue. An evaluation of this impact is essential to determine whether, in fact, the issue traffic is bearing "too much" or "too little" of the increased costs and the overall burden vis-a-vis the "non-issue" traffic which may include traffic which is interstate or intrastate in character—with the latter traffic being regulated by state utility commissions.

Study carrier groupings. The study carrier groups for Part III shall be the same as those designated for Parts I and II.

Time periods. The time periods shown in Part IIIA, Revenue Distribution, are the same as those indicated for Parts I and II. However, in Part IIIB, Allocation to Traffic at Issue, although the time periods are the same as in Part IIIA, they are used to measure possible increases in operating expenses, sum of money, and revenues. Thus, in Schedule C, Part IIIB, possible increases are measured based on a comparison between the pro forma years, on the one hand, and the base year actual, on the other hand. But other comparisons can be made. For example, a comparison can be made between the operating expenses, sum of money, and revenues for the "pro forma year based on constructed revenue needs" and the respective items for the "pro forma year based on current revenue."

Line 1, revenues applicable to traffic at issue. Data applicable to columns (c) through (f) on this line should be obtained from records or special studies of the individual carriers and appropriately combined into the study carrier groups required for Schedule C. Since there are no industrywide studies or data applicable to the issue traffic, the study carriers should be careful to maintain proper records of the underlying data in the event the Commission should request their submission. (See — rules Section 1105.7).

Lines 2 and 3. These lines are self-explanatory.

Lines 4, 5 and 6. These lines represent the increased system operating expenses (Line 4), increased system sum of money (Line 5), and the total of these items (Line 6). For example, for Part III, Line 4, Column (c), pro forma year based on current revenues over the base year actual, the increased system operating expenses are obtained by subtracting the total expenses shown in Schedule C, Part II, Line 1, Column (c), from the comparable total expenses shown in Schedule C, Part II, Line 1, Column (d). The increased sum of money items to be shown on Part III, Line 5 are obtained in a similar manner but using Schedule C, Part II, Line 12. Part III, Line 6, then represents a total of Lines 4 and 5.

Line 7. This line represents an allocation of the total increased system operating expenses and sum of money (Line 6) to the traffic at issue, and is obtained by multiplying the amounts on Line 6 by the respective column percentages shown on Line 3.

Line 8. The increases in revenues on the traffic at issue are obtained from Part III, Line 1, by using the time periods specified. For example, the increased revenues on the issue traffic for the pro forma year based on current revenues over the base year actual is obtained by substracting the revenues shown on Part III, Line 1, Column (c) from the revenues shown on Line 1, Column (d).

Line 9. This line represents the ratio of increased revenues to increased costs and is obtained by dividing Line 8 by Line 7.

( ) Greyhound Lines, Inc.
( ) Trailways combined
( ) All Study carriers

SCHEDULE D

[Dollars in thousands]

Line No.	Item	Source	Calendar year 19..	Calendar year 19..	Base year actual
	(a)	(b)	(c)	(d)	(e)
	PART I.—Selected financial data				
	Income statement data:				
1	Total revennes	Sch. 2998, L. 9			
2	Total expenses	Sch. 2998, L. 15			
3	Depreciation expense and amortization of carrier operating property	Sch. 2998, L. 11 + L. 12			
4	Lease of carrier property (net)	Sch. 2998, L. 17 + L. 18			
5	Net carrier operating income	Sch. 2998, L. 19			
6	Equity in earnings (losses) of association companys	Sch. 2998, L. 29			
7	Interest on long-term obligations	Sch. 2998, L. 32			
8	Amortization of debt discount and expense and premium on debt (net).	Sch. 2998, L. 35 + L. 36			
9	Pretax income (loss from continuing operations.	Sch. 2998, L. 40			
10	Tax on income from continuing operations.	Sch. 2998, L. 41			
11	Provision for deferred taxes	Sch. 2998, L. 42			
12	Income (loss) from continuing operations.	Sch. 2998, L. 43			
13	Total income (loss) from discontinned operations.	Sch. 2998, L. 46			
14	Total extraordinary items and accounting changes—(debit) credit.	Sch. 2998, L. 53			
15	Net income (loss)	Sch. 2998, L. 54			
	Balance sheet data:				
16	Current assets	Sch. 100, L. 17, col. (b)			
17	Current liabilities	Sch. 101, L. 14, col. (b)			
18	Current assets [1]	Sch. 100, L. 17			
19	Current liabilities [1]	Sch. 101, L. 14			
20	Long-term debt due within 1 yr	Sch. 101, L. 15, col. (b)			
21	Long-term debt due after 1 yr	Sch. 101, L. 24, col. (b)			
22	Long-term debt due within 1 yr [1]	Sch. 101, L. 15			
23	Long-term debt due after 1 yr [1]	Sch. 101, L. 24			
24	Owners' equity	Sch. 101, L. 38 + L. 41 + L. 44 − L. 45, col. (b).			
25	Owners' equity [1]	Sch. 101, L. 38 + L. 41 + L. 44 − L. 45.			
26	Total intangible property [1]	Sch. 100, L. 31			
27	Net carrier operating propeity (owned plus leased to others). [1]	Sch. 100, L. 19 + L. 21			
28	Investment in owned and leased property plus working capital.	L. 27 + L. 18 − L. 19			
	Miscellaneous and financial ratios:				
29	Cash dividend appropriations	Sch. 2930, L. 16			
30	Operating ratio (percent)	L. 2÷L. 1			
31	Current ratio	L. 16÷L. 17			
32	Dividend payout ratio (percent)	L. 29÷L. 15			
33	Throwoff to debt ratio (percent)	(L. 3+L. 15)÷(L. 20+L. 21)			
34	Capital structure ratio (percent)	(L. 20+L. 21)÷(L. 20+L. 21+L. 24).			
35	Working capital	L. 18−L. 19			
36	Rate of return on owned and leased operating property plus working capital (percent).	L. 5÷L. 28			
37	Rate of return on owners' equity, less intangibles (percent).	L. 15÷(L. 25−L. 26)			
38	Rate of return on total capitalization (percent).	(L. 7+L. 8+L. 15)÷(L. 22+L. 23+L. 25).			
	PART II.—Accounts giving effect to interperiod tax allocation (deferred taxes) and impact of investment tax credit				
	Balance sheets accounts:				
1	Deferred income tax charges	Sch. 100, L. 16, col. (b)			
2	Accumulated deferred income tax charges.	Sch. 100, L. 44, col. (b)			
3	Deferred income tax credits	Sch. 101, L. 13, col. (b)			
4	Accumulated deferred income tax credits.	Sch. 101, L. 27, col. (b)			
	Income statement accounts:				
5	Provision for deferred taxes	Sch. 2998, L. 42			
6	Provision for deferred taxes—Extraordinary items.	Sch. 2998, L. 50			
7	Impact of investment tax credit on continuing operations.	See explanatory			

[1] Show average of beginning and end-of-year figures.

JUN 27 77

EXPLANATORY—SCHEDULE D (PART I)

Purpose. The purpose of Schedule D (Part I) is to ascertain the financial posture of Greyhound Lines, Inc. and all the study carrier carriers by an analysis of certain key financial data, with a view to determining revenue needs.

Study Carrier Groupings. Schedule D (Part I) shall be prepared on the following two bases:

1. Greyhound Lines, Inc.
2. Trailways Combined (study carriers, only)
3. All Study Carriers

Column (b). The annual report sources in this column refer to the 1976 Annual Report Form MP-1. For years prior or subsequent to 1976, use comparable sources.

Column (c). If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (c) shall be based on the 3rd calendar year preceding the filing year. For example, if the rate increase is filed on May 15, 1977, column (c) shall report data for calendar year 1974.

If the fare/charge increase is filed during the last six months of the calendar year, the data reported in column (c) shall be based on the 2nd calendar year preceding the filing year. For example, if the rate increase is filed on Nov. 15, 1977, column (c) should report data for calendar year 1975.

Column (d). If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (d) should be based on the 2nd calendar year preceding the filing year. For example, if the rate increase is filed on May 15, 1977, column (d) should report data for calendar year 1975.

If the rate increase is filed during the last six months of the calendar year, the data reported in column (d) shall be based on the 1st calendar year preceding the filing year. If, for example, the fare/charge increase is filed on November 15, 1977, column (d) should report data for calendar year 1976.

Column (e). Data to be reported in this column for the base year actual shall be based on the 4-quarter calendar year periods identified below:

Filing Month of verified statement	*Four-quarter calendar year period ending*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month year.
August	Do.
September	Do.
October	June 30, filing-month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above reorepsent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the base year-actual. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable, the base year-actual ending December 31, may be used in lieu of the base year-actual ending September 30.

EXPLANATORY—SCHEDULE D (PART II)

Purpose. Schedule D (Part II) is designed to segregate the impacts of: (1) the Commission's deferred tax accounting rule change; and (2) the impact of the investment tax credit on continuing operations.

Study Carrier Groupings. The study carrier groups for Part II shall be the same as those designated for Part I.

Column (b). The annual report sources in this column refer to the 1976 Annual Report Form MP-1. For years prior or subsequent to 1976, use comparable sources.

Columns (c), (d) and (e). The reporting periods for Part II shall correspond to those in Part I.

Investment Tax Credit Impact. This impact is: (1) the amount by which Account 8000, Income Taxes on Income from Continuing Operations, was credited for the investment tax credit if the flow-through accounting method was elected or (2) the amount by which Account 8040, Provision for Deferred Taxes, was credited for the amortization of the investment tax credit if the deferral accounting method was elected.

( ) Greyhound Lines, Inc
( ) Trailways combined
( ) All study carriers

SCHEDULE E.—*Statement of changes in financial position*

[Dollars in thousands]

Line No.	Item	Source	Calendar year 19....	Calendar year 19....	Base year-actual
	(a)	(b)	(c)	(d)	(e)
	SOURCES OF WORKING CAPITAL				
1	Working capital provided by operations: Net income (loss) before extraordinary items.	Sch. 2998, L. 47, col. (b)			
	Add expenses not requiring outlay of working capital; (subtract) credits not generating working capital:				
2	Loss (gain) on sale or disposal of tangible property.	Sch. 5091, L. 7, col. (b)			
3	Add depreciation and amortization expense.	Sch. 2998, Ls. 11+12+35+36, col. (b)			
4	Net increase (decrease) in deferred income taxes.	Sch. 2998, L. 42, col. (b)			
5	Net decrease (increase) in parent's share of subsidiary's undistributed income for the year.	Sch. 2998, L. 28			
6	Net increase (decrease) in noncurrent portion of estimated liabilities.	Sch. 101, L. 31, cols. (b)-(c)			
7	Other (specify):				
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18	Total working capital from operations before extraordinary items.				
19	Extraordinary items and accounting changes.	Sch. 2998, L. 53, col. (b)			
	Add expenses not requiring outlay of working capital; (subtract) credits not generating working capital:				
20	Loss (gain) on extraordinary items	Sch. 2998, L. 48, col. (b)			
21	Net increase (decrease) in deferred income taxes.	Sch. 2998, L. 50, col. (b)			
22	Cumulative effect of changes in accounting principles.	Sch. 2998, L. 52, col. (b)			
	Other (specify):				
23					
24					
25					
26					
27					
28	Total working capital from extraordinary items and accounting changes.				
29	Total working capital from operations (lines 18 and 28).				
	Working capital from sources other than operating:				
30	Proceeds from issuance of long-term liabilities.				
31	Proceeds from sale/disposition of carrier operating property.	Sch. 1200-A, L. 9			
32	Proceeds from sale/disposition of other tangible property.				
33	Proceeds from sale/repayment of investments advances.	Sch. 1600/1650, ls. 23+47, col. (g).			
34	Net decrease in sinking and other special funds.	Sch. 1700, ls. 15+31+50, cols. (d)-(j).			
35	Proceeds from issue of capital stock	Sch. 2700A/2710A, L. 12, cols. (e)+(f)-(i).			
	Other (specify):				
36					
37					
38					
39					
40					
41	Total working capital from sources other than operating.				
42	Total sources of working capital (lines 29 and 41).				

Line No.	Item	Source	Calendar year 19..	Calendar year 19..	Base year actual
	(a)	(b)	(c)	(d)	(e)
	APPLICATION OF WORKING CAPITAL				
43	Amount paid to acquire/retire long-term liabilities.				
44	Cash dividends	Sch. 2930, L. 16			
45	Purchase price of carrier operating property.	Sch. 1200, L. 11, col. (c)			
46	Purchase price of other tangible property				
47	Purchase price of long-term investments and advances.	Sch. 1600/1650, ls. 23+47, col. (e).			
48	Net increase in sinking or other special funds.	Sch. 1700, ls. 15+31+50, cols. (j)-(d).			
49	Purchase price of acquiring treasury stock	Sch. 2700B/2710B, L. 12, col. (c).			
	Other (specify):				
50					
51					
52					
53					
54					
55	Total application of working capital				
56	Net increase (decrease) in working capital (line 42 less line 55).				

EXPLANATORY—SCHEDULE E

Purpose. Schedule E is designed to provide the Commission with an indication of the carrier's sources and uses of funds over the recent past.

Study Carrier Groupings. Schedule E shall be prepared on the following two bases:

1. Greyhound Lines, Inc.
2. Trailways Combined (study carriers, only)
3. All Study Carriers

"Funds". The term "Funds" for the purpose of this schedule shall include all assets or financial resources even though a transaction may not directly affect cash or working capital. For example, the purchase of property in exchange for bonds or shares of stock would be an application of funds for investment in property provided by the issue of securities.

Sources and uses of funds should be individually disclosed. For example, outlays for fixed assets should not be reported net of retirements.

Column (b). The annual report sources in this column refer to the 1976 Annual Report Form MP-1. For years prior or subsequent to 1976, use comparable sources.

Column (c). If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (c) shall be based on the 3rd calendar year preceding the filing year. For example, if the rate increase is filed on May 15, 1977, column (c) shall report data for calendar year 1974.

If the fare/charge increase is filed during the last six months of the calendar year, the data reported in column (c) shall be based on the 2nd calendar year preceding the filing year. For example, if the rate increase is filed on Nov. 15, 1977, column (c) should report data for calendar year 1975.

Column (d). If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (d) should be based on the 2nd calendar year preceding the filing year. For example, if the rate increase is filed on May 15, 1977, column (d) should report data for calendar year 1975.

If the rate increase is filed during the last six months of the calendar year, the data reported in column (d) shall be based on the 1st calendar year preceding the filing year. If, for example, the fare/charge increase is filed on November 15, 1977, column (d) should report data for calendar year 1976.

Column (e). Data to be reported in this column for the base year-actual shall be based on the 4-quarter calendar year periods identified below:

Filing month of Verified statement	*Four-quarter calendar year perid ending:*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing-month year.
August	Do.
September	Do.
October	June 30, filing-month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current quarter may be used in the base year-actual. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable, the base year-actual ending December 31, may be used in lieu of the base year-actual ending September 30.

V 42 N 123 JUN 27 77 UM

Sheet 1 of 3
( ) Greyhound Lines, Inc.
( ) Trailways combined
( ) All Study carriers

SCHEDULE F.—*Affiliate revenue data for services rendered*

[Dollar in thousands]

Line No.	Item	Calendar year 19....	Calendar year 19....	Base year—actual
	(a)	(b)	(c)	(d)
	AFFILIATE REVENUES FOR SERVICES RENDERED TO RESPONDENTS			
1	Engineering			
2	Management			
3	Legal			
4	Accounting			
5	Financial			
6	Furnishing of materials and supplies			
7	Leasing of land, structures, and vehicles			
8	Purchase of equipment			
9	Construction			
10	All other services			
11	Total affiliate revenues for services rendered to respondent (lines 1 through 10)			
12	Total affiliate revenues for services rendered to other than respondents			
13	Total affiliate revenues (lines 11 and 12)			
14	Total affiliate income from operations before income taxes			

EXPLANATORY—SCHEDULE F

Purpose. Schedule F is designed to facilitate an assessment of the effect on the carriers' profits of transactions with affiliates.

Affiliate transactions aggregating less than $30,000 need not be reported in this Schedule.

Study Carrier Groupings. A separate Schedule F shall be prepared for each of the following:

1. Greyhound Lines, Inc.
2. Trailways Combined (study carriers, only)
3. All Study Carriers

Column (b). If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (b) shall be based on the 3rd calendar year preceding the filing year. If the fare/charge increase is filed during the last six months of the calendar year, the data reported in column (b) shall be based on the 2nd calendar year preceding the filing year.

Column (c). If the fare/charge increase is filed during the first six months of the calendar year, the data reported in column (c) shall be based on the 2nd calendar year preceding the filing year. If the fare/charge increase is filed during the last six months of the calendar year, the data reported in column (c) shall be based on the 1st calendar year preceding the filing year.

Column (d). Data to be reported in this column for the base year-actual shall be based on the 4-quarter calendar year periods identified below:

Filing month of verified statement	*Four-quarter calendar year period ending*
January	Sept. 30, preceding year.
February	Do.
March	Do.
April	Dec. 31, preceding year.
May	Do.
June	Do.
July	Mar. 31, filing month year.
August	Do.
September	Do.
October	June 30, filing month year.
November	Do.
December	Do.

The 4-quarter calendar year periods identified above represent the minimum requirement. However, in event a proposed fare/charge increase is filed at a time when data for a more current quarter than that specified are obtainable, the more current may be used in the base year-actual. For example, if an increase is filed in late March and data for the 4th quarter of the preceding year is obtainable then the base year-actual ending December 31, may be used in lieu of the base year-actual ending September 30.

( ) Greybound Lines, Inc.
( ) Trailways combined
( ) All Study carriers

SCHEDULE G.—*Selected statistical data*

[Dollars in thousands]

Line No.	Item	Source	1972 (c)	1973 (d)	1974 (e)	1975 (f)	1976 (g)	Cols. (h) through (l) (1977) through (1981) (h)
	Operating revenues, expenses, and operating ratios:							
1	Passenger revenue	Sch. 2998, L. 1, col. (b)						
2	Special bus revenue	Sch. 2998, L. 2, col. (b)						
3	Express revenue	Sch. 2998, L. 5, col. (b)						
4	Total operating revenues	Sch. 2998, L. 9, col. (b)						
5	Total operating expenses	Sch. 2998, L. 15, col. (b)						
6	Operating ratio	Line 5÷line 4						
	Carrier operating property:							
7	Structures	Sch. 1200, L. 2, col. (c)						
8	Revenue equipment	Sch. 1200, L. 3, col. (c)						
9	Improvements of leasehold property	Sch. 1200, L. 8, col. (c)						
10	Total carrier operating property	Sch. 1200, L. 11, col. (c)						
	Number and cost of buses:							

( ) Greyhound Lines, Inc.
( ) Trailways combined
( ) All study carriers

SCHEDULE G.—*Selected statistical data*—Continued

[Dollars in thousands]

Line No.	Item	Source	1972 (c)	1973 (d)	1974 (e)	1975 (f)	1976 (g)	Cols. (h) through (l) (1977) through (1981) (h)
11	Number of buses acquired	Sch. 1221, L. 22, col. (c)						
12	Cost of buses acquired	Sch. 1221, L. 22, col. (d)						
13	Number of buses retired	Sch. 1221, L. 22, col. (e)						
14	Cost of buses retired	Sch. 1221, L. 22, col. (f)						
15	Average age of buses [1]	Sch. 1221, L. 22, col. (i)						
	Employee compensation:							
16	Total daily basis	Sch. 9002, L. 20, col. (c)						
17	Total hourly basis	Sch. 9002, L. 21, col. (c)						
	Man-hours or days paid for:							
18	Total—Daily basis	Sch. 9002, L. 20, col. (e)						
19	Total—Hourly basis	Sch. 9002, L. 21, col. (e)						
	Revenue bus-miles operated:							
20	Intercity service (regular route)	Sch. 9007, L. 1, col. (e)						
21	Charter, sightseeing and other special service.	Sch. 9007, L. 3, col. (e)						
22	Vehicle miles operated exclusively in baggage, mail express, and/or newspaper service.	Sch. 9007, L. 4, col. (e)						
	Revenue passenger carried:							
23	Number of intercity revenue passengers carried (regular route).	Sch. 9007, L. 6, col. (b)						
24	Total number of revenue passengers carried.	Sch. 9007, L. 9, col. (b)						
	Other Statistics:							
25	Number of regulator route intercity passenger miles.	Sch. 9007, L. 12, col. (b)						
26	Total passenger revenue	Sch. 9007, L. 16, col. (b)						
27	Passenger-miles per bus mile (average load).	L. 25÷L. 20						
28	Passenger-miles per passenger carried-intercity service (average journey).	L. 25÷L. 23						

[1] *Line No. 15:* The weighted average age of buses for "All Study Carriers" is computed by:

(a) Calculating the average age of buses for each study carrier.

(b) Calculating the number of buses which each study carrier has on hand at the end of the year as a percentage of the total number of buses which all study carriers as a group have on hand at the end of the year.

(c) Multiplying the average age for each study carrier by that carrier's percentage of total buses on hand at the end of the year.

(d) Summing the result of calculation (c) above for each study carrier. The summation gives the weighted average age of buses for "All Study Carriers" taken together as a group.

EXPLANATORY—SCHEDULE G

Purpose. The purpose of Schedule G is to develop selected property, labor and operational data for use in evaluating the influence and relationship of these data to the income and other financial data contained in Schedules C through F. This schedule requires data commencing with the year 1972 through 1976, and thereafter, adding each calendar year's data until a 10-year moving period is reached. A ten-year time period is useful for analyzing the industry's operations during all phases of the business cycle.

Study Carrier Groupings. Schedule G shall be prepared for each of the following: 1. Greyhound Lines, Inc.

2. Trailways Combined (study carriers, only).

3. All Study Carriers.

Column (b). The annual report sources in this column refer to the 1976 Annual Report Form MP-1. For years prior or subsequent to 1976, use comparable sources.

Columns (c) *through* (g). These columns refer to successive calendar years, from 1972 through 1976, each ending December 31.

Columns (h) *to* (l). These columns refer to successive calendar years which become applicable as the time period of record is expanded to the ultimate 10 year moving time period.

APPENDIX I

Excerpt from National Bus Traffic Association's brief (pages 18–23) in I&S M–29089 increased bus passenger fares and express/rates-nationwide.

NBTA WILL UNDERTAKE THE DEVELOPMENT OF A COST ALLOCATION SYSTEM FOR MOTOR CARRIERS OF PASSENGERS

At the conclusion of the hearing in this proceeding, the Administrative Law Judge requested a discussion of the feasibility of NBTA undertaking the traffic and cost studies necessary to permit the separation of bus carrier expenses by types of service. As the record in this case indicates, no such studies have ever been undertaken and there is no present capability on the part of either the Commission or the carriers themselves to allocate total operating expenses by types of carrier service. As the testimony of Mr. Bilz reveals, data derived from traffic studies is the source of only a few of the factors which must be developed to permit the identification of cost.[18] Consequently, the development of a carefully conceived overall cost allocation system must be accomplished first, and then a determination must be made of the types and kinds of studies needed to develop the specific factors required for implementation of the system.

At its annual meeting held in Newton, Massachusetts, on September 27–28, 1976, the members of the National Bus Traffic Association considered the question of undertaking the analyses, planning, and studies leading to the development and implementation of a cost allocation system and agreed to undertake such a program. Mr. Bilz, the cost analyst retained by the Association, has been requested to work with appropriate carrier personnel and an initial meeting to outline the first steps is scheduled to be held during November of this year. In the meantime, after consultation with Mr. Bilz, we set forth the following discussion of what will be involved.

In assessing the problems and complexities involved in formulating a procedure to develop costs by types of service for the bus lines, some parallels may be drawn with the procedure which has evolved over the years for general commodity motor carriers. Cost formulas for general commodity carriers were developed by the Cost Finding Section of the Interstate Commerce Commission more than thirty years ago. These cost formulas have been modified and refined from time-to-time in order to adjust for changing operating practices and conditions, improvements in accounting technology or the neeed to develop costs for particular kinds of service or types of traffic. At a later point in time when the need arose in general revenue increase cases for more detailed separations of the expenses of the general commodity carriers among types of service and types of traffic, procedures were developed whereby a continuing sample of traffic data could be developed to tie in with unit costs produced by the motor carrier cost formulas.[19] Thus, the detailed separation of traffic data developed in the continuing traffic studies was designed to tie in with existing cost allocation formulas. More recently, a complete revision of the Uniform System of Accounts for general commodity motor carriers necessitated further modification of the cost formulas; however, at the same time, such revisions served to increase the amount of expenses allocated in the formulas on a direct basis and reduced the amount of expenses which could only be allocated by means of factors derived from special studies or other means.

At the present time, the bus industry has committed itself to a review of its Uniform System of Accounts, jointly with the Bureau of Accounts of the Interstate Commerce Commission, to determine the need for revising the accounts to conform more closely with generally accepted accounting principles and, most importantly, to facilitate cost finding and financial analysis. In the review and analysis of the Uniform System of Accounts, consideration should be given to possible benefits from a matrix approach in accumulating operating expenses, similar in some respects but not necessarily as detailed as the approach used in redesigning the system of accounts for general commodity carriers. The separations of expenses for bus lines need not be as detailed as those made for general commodity carriers since the needs for expense segregations are not the same. However, use of a matrix system by the bus lines to accumulate operating expenses would result in the direct assignment of various categories of expense which would otherwise be included in a common pool of expense to be allocated on the basis of the best available data. Therefore, as a necessary preliminary step toward the development of a cost allocation system for the bus lines, the Uniform System of Accounts must be examined for the purpose of identifying expenses which can be directly assigned to particular services or operations.

Basically, a cost study for the bus lines involves, first, a determination of the expenses chargeable to each of the various services provided by the carriers. These services include regular route intercity service involving transportation of passengers, express, baggage, newspapers and mail, local

[18] Tr. 183–186.

[19] Probability sampling of general freight motor carrier traffic did not ??? until some 20 years after the Commission's cost formulas for truck lines.

V 42 N 123 JUN 27 77 UM

service and special services including charter operations and tours. Secondly, the need for further separations within these categories must be explored. An all-out study would involve the allocation of expenses for regular route service among passengers and their baggage, express traffic and all other traffic; however, such detailed separations—which can only be made by means of specially-designed allocating procedures and special studies—may not be necessary, at least in the initial design of a cost allocation system for the bus lines. From the standpoint of current and potential use to be made of cost study data, it is reasonable, at this point, to design a system which will separate expenses for regular route service involving passenger and express traffic (including baggage) on the one hand, and all other services on the other. Finally, an additional separation of the expenses for regular route service between interstate and intrastate traffic is necessary.

In connection with the first step, i.e., allocation of expenses among services, although a number of the various categories of expense incurred by the bus lines may be directly allocated to various services, there are additional items of expense which are jointly incurred in connection with two or more services and can only be separated among services on the basis of appropriate allocation factors. The same problems arise in the second and third steps, to an even greater extent, in determining the extent to which expenses assigned to a particular service must be allocated among the various types of traffic handled in that service and in making the further separation between interstate and intrastate traffic. These separations should be made by means of cost allocation factors which are functionally related to the fullest extent possible to each item of expense. This calls for the development of additional allocation factors which are not presently maintained by the bus lines.

At the present time, the carriers can accurately determine from their regularly maintained accounting records the amount of revenue accruing from regular route operations, separately for passenger and express service, and from operations in connection with charter and special service. By means of established probability sampling procedures, Greyhound and Continental Trailways can further separate passenger revenue in intercity service between interstate and intrastate traffic. Other carriers are able to make the latter separation of revenue on various bases consistent with the size of their operations. It is possible that the probability sampling procedure and other bases employed by the smaller carriers may be expanded to include statistical data as well as revenue information. The bus lines currently maintain records, for the purpose of their annual reports to the Interstate Commerce Commission, of the number of bus miles operated separately for intercity service, local service and special services. Such data will undoubtedly come into use in allocating expenses among services. Similarly, records of the number of passengers carried in various services, maintained by the bus lines, may be used in some of the expense allocations. However, no continuing records are maintained showing the number of passengers carried separately in interstate and intrastate commerce nor are any separations made of the number of passenger miles in each category. Such statistical separations are required regardless of the methodology followed in the cost study, that is, whether the separations of expenses between interstate and intrastate traffic are made within the framework of a cost allocation formula or whether the expenses in each category are developed on the basis of average mileage-related and non-mileage unit costs developed from a cost formula and applied to traffic service units developed for interstate and intrastate traffic, i.e., number of passengers and number of passenger miles.

As noted above, expenses for each type of traffic must be separated between those which are related to mileage operated and those which are not related to mileage. This brings in the problem of segregating the terminal activities of the carriers among services and types of traffic. Segregation of such expenses will probably require time and motion analyses, calculation of space utilization factors at various representative terminals and other special studies.

The formulation of a cost allocation system and the gathering of input data for the system will require an extensive amount of work and expense on the part of the bus lines. If the amount of time required in developing acceptable cost allocation procedures for general freight motor carriers is any indication, several years may be required before a cost system for the bus lines can be formulated, applied and tested. The bus industry recognizes that, because of its workload and limited staff, the Cost Finding Section of the Commission cannot take on the task of developing a cost allocation system for the bus lines as it did in connection with general freight motor carriers; however, it is hoped that the efforts of the bus lines in this regard will receive the full support and guidance of the Commission's staff so that the best possible results may be achieved in the shortest possible time.

H. G. Homme,
Secretary.

[FR Doc.77-17972 Filed 6-24-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Ravalli National Wildlife Refuge, Montana

AGENCY: Ravalli National Wildlife Refuge, U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting by bow and arrow of the Ravalli National Wildlife Refuge, North of Stevensville, Montana, is compatible with the objectives for which the area was established, will utilize a renewable natural resource and will provide additional recreational opportunity to the public.

EFFECTIVE DATE: September 10, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert C. Twist, Refuge Manager, No. 5 Third Street, P.O. Box 257, Stevensville, Montana 59870, 406–777–5552.

§ 32.32 Special regulations: big game hunting for individual wildlife refuge areas.

MONTANA

RAVALLI NATIONAL WILDLIFE REFUGE

The taking of white-tailed deer by bow and arrow will be permitted on designated areas of Ravalli National Wildlife Refuge by means of archery only from September 10 through October 16, either sex deer, and from October 23 through November 27, antlered bucks only, in accordance with State regulations, and with the following additional special conditions:

1. All hunters must check in and out at checking stations.

2. No firearms may be carried in this area.

3. The public hunting area will be closed to entry from one hour after sunset until one and one-half hour before sunrise.

This hunting area will be designated by signs and delineated on maps available at Refuge Headquarters, No. 5 Third Street, Stevensville, Montana, and from the Area Manager, U.S. Fish and Wildlife Service, Room 3035, Federal Building, 316 No. 26th Street, Billings, Montana.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1978.

The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Robert C. Twist,
Refuge Manager.

June 15, 1977.

[FR Doc.77-18202 Filed 6-24-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

Proposed Rulemaking With Respect to Approval of Expenses and Rate of Assessment for the 1977–78 Fiscal Period and Carryover of Unexpended Funds

Correction

In FR Doc. 77–16688 appearing at page 30206 in the issue for Monday, June 13, 1977, in the second column, under the paragraph designated "Supplementary Information," in the fifth line of paragraph (1), the figure "857,421" should be corrected to read "875,421."

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR CONSUMER APPLIANCES

Correction

AGENCY: Federal Energy Administration.

ACTION: Noticle of correction of proposed rulemaking.

SUMMARY: The Federal Energy Administration (FEA) gives notice of a correction to a notice of proposed rulemaking regarding procedural regulations for the submission and disposition of petitions for prescription of rules to supersede State appliance energy use or efficiency regulations. The proposed rulemaking proceeding did not indicate the time of day for the public hearing. The hearing, scheduled for July 15, 1977, will begin at 9:30 a.m. on that date.

FOR FURTHER INFORMATION CONTACT:

Allan P. Weeks (Program Office), Old Post Office Building, 12th and Pennsylvania Avenue NW., Room 307, Washington, D.C. 20461 (202–566–4365).

James K. White (Office of the General Counsel), Federal Building, 12th and Pennsylvania Avenue NW., Room 5116, Washington, D.C. 20461 (202–566–9380).

SUPPLEMENTARY INFORMATION: On June 8, 1977, FEA issued a notice of proposed rulemaking regarding procedural regulations for the submission and disposition of petitions for prescription of a rule to supersede State appliance energy use or efficiency regulations. That notice appears in the FEDERAL REGISTER for June 13, 1977 (42 FR 30206). The notice indicated there would be a public hearing on July 15, 1977, but did not indicate the time of day for the hearing. The hearing of July 15, 1977, will begin at 9:30 a.m.

Issued in Washington, D.C., June 22, 1977.

Eric J. Fygi,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-18293 Filed 6-24-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–NE–13]

TRANSITION AREA

Withdrawal of Notice of Proposed Rulemaking

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: On April 19, 1976, the Federal Aviation Administration proposed to establish a 700-foot transition area at the Norden Heliport, Norwalk, Connecticut. An objection was received from the State of Connecticut on the grounds that the heliport had not yet been licensed. The FAA has determined to defer action on the proposal until the licensing of the heliport has been resolved.

SUPPLEMENTARY INFORMATION: On page 18317 of the FEDERAL REGISTER dated May 3, 1976 (41 FR 18317), the Federal Aviation Administration published a notice of proposed rulemaking which proposed the establishment of a 700-foot transition area at the Norden Heliport, Norwalk, Connecticut. The establishment of the transition area was proposed to provide controlled airspace protection for aircraft executing new instrument approach procedures (COPTER RNAVs 250 and 310 Original) being established to serve the Norden Heliport. In response to the notice, the State of Connecticut, Bureau of Aeronautics, submitted a comment objecting to the action on the grounds that the heliport had not been licensed by the State. In fact, a prior license application for the airport was denied after a public hearing because of resistance from area residents. The objection had the concurrence of the Connecticut Bureau of Planning and Research.

The Federal Aviation Administration has determined not to proceed with the establishment of the instrument approach procedures until the matter of the licensing of the airport has been resolved. Accordingly, the 700-foot transition area will not be necessary at this time and the notice of proposed rulemaking proposing its establishment is being withdrawn. Should the agency determine to proceed with the establishment of the instrument approach procedure for the heliport, necessitating a transition area, a new notice of proposed rulemaking will be published.

DRAFTING INFORMATION

The principal author of this document is George L. Thompson, Associate Regional Counsel, New England Region.

In consideration of the foregoing, the FAA has determined that the notice of proposed rulemaking, issued on April 19, 1976, appearing on page 18317 of the FEDERAL REGISTER dated May 3, 1976 (41 FR 18317), should be, and hereby is, withdrawn.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Burlington, Mass., on June 13, 1977.

William E. Crosby,
Acting Director,
New England Region.

[FR Doc.77-18011 Filed 6-24-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77–WE–12]

TRANSITION AREA, CAMERON, ARIZ.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a 1,200 foot and an 11,700 foot transition area at Cameron, Arizona to provide protection for aircraft operating within the Sunny Military Operations Area (MOA) and for radar service for aircraft transiting the area.

DATES: Comments must be received on or before July 29, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261.

JUN 27 77 UM

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, Telephone 213–536–6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 29, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling 213–536–6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Cameron, Arizona, 1,200 foot and 11,700 foot transition areas. This action will provide controlled airspace for aircraft operating within the Sunny MOA and for aircraft desiring radar service transiting the area.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following transition area:

CAMERON, ARIZ.

That airspace extending upward from 1,200 feet above the surface within a three mile radius of Humphreys Peak (latitude 35°-21'00" N., longitude 110°10'25" W.), and that airspace extending upward from 11,700 feet mean sea level (MSL) bounded by a line beginning at latitude 34°52'20" N., longitude 112°00'00" W., to latitude 35°26'00" N., longitude 112°00'00" W., to latitude 35°58'00" N., longitude 111°43'30" W., to latitude 36°-06'30" N., longitude 111°00'00" W., to latitude 35°56'00" N., longitude 110°21'00" W., thence south via longitude 110°21'00" W., to the northwest edge of V–95, thence southwest via the northwest edges of V–95 and V–12 to point of beginning excluding that portion within the 1,200 foot area of Humphreys Peak.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division, and DeWitte T. Lawson, Jr., Esquire, Regional Counsel.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Los Angeles, Calif., on June 15, 1977.

JAY R. ADSEN,
Acting Deputy Director,
Western Region.

[FR Doc.77-18012 Filed 6–24–77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77–WE–14]

TRANSITION AREA, ORLAND, CALIF.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a 700 foot transition area at Orland, California, to provide protection for aircraft executing a new instrument approach procedure (VOR–A) to the Haigh Airport.

DATES: Comments must be received on or before July 29, 1977.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE–530, 15000 Aviation Boulevard, Lawndale, California 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, Telephone 213–536–6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261. All communications received on or before July 29, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, 15000 Aviation Boulevard, Lawndale, California 90261, or by calling 213–536–6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Orland, California, 700 foot transition area. This action will provide additional controlled airspace to accommodate aircraft executing the VOR–A approach procedure to the Haigh Airport.

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

ORLAND, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a three mile radius of Haigh Airport (latitude 39°43'16" N., longitude 142°08'50" W.); and within three miles each side of the Chico VOR 253° radial, extending from the three mile radius area to twelve miles west of the VOR.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division, and DeWitte T. Lawson, Jr., Esquire, Regional Counsel.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Los Angeles, Calif., on June 15, 1977.

JAY R. ADSEN,
Acting Deputy Director,
Western Region.

[FR Doc.77–18013 Filed 6–24–77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76–AL–14]

ANIAK, ALASKA

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Revised notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to revise the previous notice (42 FR 2078; January 10, 1977) by redescribing the transition area and revoking the control zone at Aniak, Alaska. This notice proposes to retain the Aniak, Alaska, control zone and amend the description by deleting the control zone extension to the southwest, establishing a west extension to protect the ILS/DME approach and establishing a southeast extension to protect the revised NDB approach.

DATES: Comments must be received by July 27, 1977.

ADDRESSES: Send comments to: Chief, Operations, Procedures and Airspace Branch, AAL–530, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

The official docket may be examined at the Office of the Regional Counsel, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska.

An informal docket may be examined at the office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT:

John G. Costello, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501, telephone 907–265–4271.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration issued a Notice of Proposed Rulemaking (42 FR 2078; January 10, 1977) to alter the terminal airspace structure at Aniak, Alaska. No comments were received pertaining to the proposed transition area changes, therefore, it will remain as proposed. However, comments containing aeronautical objections to the proposed revocation of the part-time control zone were received. The basis for proposing revocation of the control zone was due to the lack of continuous weather observations (regular and special reports) during the effective hours of the control zone. Several commentors stated that the control zone designation enhances safety even though continuous weather observations are not reported. VFR pilots can certainly estimate the ceiling and observe flight visibility between hourly weather reports as they would at any airport within a control zone where ground visibility is not reported. If basic VFR weather minimums do not exist, the VFR pilot is required to obtain an ATC clearance in compliance with Part 91 of the Federal Aviation Regulations (14 CFR Part 91). Pilots have been operating safely at the Aniak airport for several months by compliance with the above rules. Therefore, it is herein proposed to retain designation of the Aniak part-time control zone and alter the description as contained herein.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received by July 27, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska, or by calling 907–265–4271. Communications must identify the notice number of the NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact this same office.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) to redescribe the Aniak, Alaska, control zone to provide protected airspace for the revised instrument approach procedures.

The principal authors of this document are John G. Costello, Air Traffic Division, and Donald H. Boberick, Regional Counsel.

Accordingly, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR 71.171) as follows:

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by amending the Aniak, Alaska, control zone as follows:

ANIAK, ALASKA

With a 5-mile radius of the Aniak airport (latitude 61°35' N, longitude 159°32' W.); within 3 miles each side of the 114° (094°M) bearing from the Aniak NDB, extending from the 5-mile radius zone to 8 miles SE. of the NDB, and within 2 miles each side of the Aniak localizer (latitude 61°35'02" N., longitude 159°33'01" W.) west course extending from the 5-mile radius zone to 6.5 miles west of the localizer. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Anchorage, Alaska, on June 16, 1977.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.77–18220 Filed 6–24–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 761]

[FRL 752–8]

POLYCHLORINATED BIPHENYLS

Open Public Meeting; Solicitation of Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice of meetings to solicit information for proposed rules.

SUMMARY: Section 6(e) of the Toxic Substances Control Act (TSCA, Pub. L. 94–469) provides that after January 1, 1978, PCBs may not be manufactured, processed, distributed in commerce or used in other than a totally enclosed manner. No PCBs may be manufactured after January 1, 1979, and PCBs may not be processed or distributed in commerce after July 1, 1979. Accordingly, the Agency has initiated a Work Group to develop proposed rules for implementing the phased bans on PCBs. In order to ensure that EPA receives adequate public input prior to proposal of the PCB ban regulations, EPA will hold two public meetings.

DATES: Meetings will be held in Washington, D.C. on July 15, 1977 and in Chicago, Ill., on July 19, 1977.

ADDRESSES: Washington, D.C.: 401 M Street, SW. (EPA Headquarters, Waterside Mall), Room 2117–23, Contact Ms. Joni Rapasch, telephone 202–426–9000. Chicago, Illinois: Pick Congress Hotel, 520 South Michigan Ave., Buckingham Room; Contact Ms. Mary Ellen Sabella, telephone 312–353–2078.

FOR FURTHER INFORMATION CONTACT:

George Wirth, 202–426–9000.

SUPPLEMENTARY INFORMATION: Interested parties are invited to attend these meetings and to provide comments

JUN 27 1977 UM

concerning various issues relevant to the TSCA PCB bans. This notice summarizes several of those issues, and describes some of the major PCB activities that may be affected by the ban rules. Discussion at the public meetings will focus upon these issues and activities, as well as any others which attendees believe to be appropriate and relevant.

EPA encourages all interested parties to provide written and/or oral comments at these public meetings.

GENERAL ISSUES

Following is a discussion of some of the general issues on which EPA solicits comments and questions for consideration at these meetings.

(1) *"Totally enclosed manner."* Section 6(e)(2)(c) states that a "totally enclosed manner" is that which will ensure that any exposure of human beings or the environment to PCBs will be insignificant, as determined by the Administrator by rule. Thus, any activity which results in a level of exposure that is deemed to be "insignificant" will be effectively exempted from the ban regulations during 1978. Moreover, the Administrator may authorize activities which are conducted in other than a totally enclosed manner if the resulting exposure, while significant, will not prevent an unreasonable risk of injury to health or the environment (6(e)(4)(B)).

The following are Key issues:

Is any type or level of expcsure to PCBs "insignificant"?

If so, what is that type or level of exposure?

How is it defined? How is it measured?

Does "totally enclcsed manner" refer to expcsure resulting from the manufacture of PCBs or of articles containing PCBs; e.g., escape of PCBs from the manufacturing process in facilities, or only to the ultimate end-use of PCBs in containers and articles?

(2) *1978 Exemptions.* EPA may by rule authorize certain activities to continue during 1978 in a non-totally enclosed manner if the Agency finds that the resulting activity will not present an unreasonable risk of injury by PCBs to health or the environment. To make this finding EPA must consider the costs and benefits associated with such activities. Factors to be considered include the social and economic costs (e.g., lost jobs, scrapped inventories, retrofitting), as well as any health and/or environmental costs (e.g., adverse effects associated with PCBs and/or PCB substitutes). Similarly, EPA must evaluate the social and economic benefits of a ban (e.g., new industrial operations for making and using PCB substitutes), as well as the resulting benefits of reduced risk from PCBs. EPA would like comment on the factors to be balanced in making determinations of unreasonable risk; the types of activities which might be exempted from the ban regulations during 1978; the conditions under which exempted activities should be allowed to continue; and the procedures which should be followed in requesting and granting exemptions. For example, EPA might determine that any exposure to PCBs is "significant", so that any activity with an exposure of PCBs may continue only if EPA makes an authorization for that activity. Alternatively, EPA might find that a certain level of exposure to PCBs is insignificant and thereby exempt some "insignificant" activities from coverage by these regulations during 1978.

(3) *1979 Exemptions.* EPA may grant one-year exemptions to the 1979 manufacturing, processing, and distribution bans if an unreasonable risk will not result and if good faith efforts have been made to develop a PCB substitute. Questions to be resolved include the definition of "good faith efforts" to develop a substitute and whether such efforts must be made by the person who applies for the exemption; what confidentiality problems might be involved in granting exemptions; what the procedures for requesting and/or granting exemptions will be; how the Agency will use its authority to require petitions for exemptions; whether exemptions should be person-specific; the terms, conditions or time limits which should be placed upon exemptions; and what extensions, if any, should be considered.

(4) *Resale of PCBs.* The 1979 ban on distribution in commerce does not apply to any PCB which is sold prior to July 1, 1979, for purposes other than resale (6(e)(3)(c)). This provision is included to encourage the continued use of PCBs which might otherwise enter the environment or become a disposal problem. Also, it allows the distribution (e.g., storage and transport) for disposal. Issues include the definition of "purposes other than resale" how this provision can be enforced; and determining when a thing is "resold".

SPECIFIC PCB ACTIVITIES AND USES

In addition, EPA is particularly concerned with certain major areas of PCB manufacture, processing, distribution and use in assessing the potential coverage and impact of the proposed ban rules. The Agency would like information and comment regarding these activities. In particular, EPA solicits comments upon the environmental, social, and economic costs and benefits associated with these applications of PCBs.

(1) *Existing transformers.* There are a number of routine maintenance practices and other activities associated with the operation of transformers over their useful lives which may involve some handling of PCBs and their possible release into the environment. In order to make judgments about the need for controls on any of these activities, EPA must determine and consider a number of issues:

The nature of these activities.

Their necessity for transformer operation.

What constitutes the "useful life" of a transformer.

What release of PCBs may be involved.

The health and environmental impacts of such release.

What are the consequences of eliminating any such activities.

Which activities should be allowed to continue, for how long and under what conditions or limitations, if any.

(2) *Existing stockpiles.* Existing stockpiles of domestically manufactured or imported PCBs may exceed the amount required to fill or service existing transformers, capacitors or other PCB-using equipment. In this case, regulatory options would range from disposing of any excess to permitting the use of PCBs in the manufacture of additional equipment until all PCB stockpiles have been used up.

(3) *Mining.* Another major category involves use of PCBs in essentially open systems as a fire-resistant hydraulic fluid in mining equipment. EPA will need to consider available substitutes, types of controls which might be placed on this use of PCBs, the impact of restricting this use of PCBs, the protected need for additional PCBs, and the related environmental impact and safety factors.

(4) *Locomotives/Transit Cars.* PCB-containing transformers are in place in electric locomotives and transit cars, and represent a substantial use of PCBs. In normal operations there is some loss of PCBs and the potential for some release during routine maintenance. The major issues involve the possible fire safety problems of using substitute materials and the potential disruption of travel and railroad operations if inadequate time is provided to switch over.

(5) *Other PCB Activities.* Remaining categories of PCB materials such as pipes, contaminated soil and rags, paints, paper, investment casting wax, sludge and others are potentially covered by these regulations.

EPA will have to obtain information relative to these activities to make decisions on the continued production, distribution or use of such PCB materials, which are necessary, under what conditions, and which ought to be exempted.

Dated: June 22, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-18402 Filed 6-24-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 61]

[Docket No. 21005]

INTERFACE OF INTERNATIONAL TELEX SERVICE WITH DOMESTIC TELEX AND TWX SERVICES

Order Extending Time for Responses and Replies

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: This order extends, at the request of Western Union International, Inc., the dates for filing responsive comments and replies in Docket No. 21005.

DATES: Responses must be received on or before August 1, 1977, and replies must be received on or before August 15, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John F. Copes, International Program Staff, Common Carrier Bureau 202-632-3214.

SUPPLEMENTAL INFORMATION:

Adopted: June 10, 1977.

Released: June 21, 1977.

Order. In the matter of Interface of International Telex Service with the Domestic Telex and TWX Services, Docket No. 21005.

1. By Notice of proposed rulemaking in the above-referenced proceeding, released December 9, 1976, 62 F.C.C. 2d 414, the Commission instituted a proceeding inquiry into various questions concerning the interface of the international telex and the domestic telex and TWX services.[1] That Notice called for interested persons to submit comments, responses, and replies concerning a proposed policy of interconnection and reformation of the rate structure under which international telex is priced. Comments were filed by all parties on May 16, 1977. We now have before us for consideration a Motion for Extension of Time filed on June 10, 1977, by Western Union International, Inc. (WUI), in which it requests an extension from June 16, 1977, until August 1, 1977, of the presently scheduled date on which to file responsive comments herein. We also have before us for consideration Comments in Support of Motion for Extension of Time filed on June 9, 1977, by RCA Global Communications, Inc. (RCAG) in which RCAG offers its own reasons why it believes the requested extension is warranted. No party opposed these requests.

2. In support of their requests, WUI and RCAG both assert generally that additional time is needed properly to address the complex and far reaching issues disclosed by the first round of comments in this proceeding and that their problem is complicated by the press of other matters as well as the absence of key personnel. Accordingly, they assert that the public interest requires that the parties be given adequate opportunity carefully to analyze and amass the appropriate data to provide the Commission with meaningful information on which to base its ultimate decision. It is argued that the time presently allotted for responses is inadequate.

3. We recognize that the issues in Docket No. 21005 raise fundamental questions concerning the way international telex service has traditionally been offered to United States users. It was precisely for this reason that we called for the participation of all interested parties both in commenting on our proposal and particularly, in recommending and considering alternative solutions. Our goal in this proceeding is to fashion the most appropriate policy possible for dealing with what even the carriers admit is a limitation upon the customer's use of telex service. In this connection, we note that this problem includes a number of subissues which must be considered in themselves and as they relate to each other and that potential solutions must be weighed in light of the overall communications industry and the policies applicable thereto. Accordingly, we are desirous of receiving from the parties herein comments which are helpful in reaching our overall goal of benefiting the public. Therefore, we wish to err, if at all, on the side of accommodating the parties where it does not unduly infringe on the public interest. Therefore, so long as it may result in more thoughtful, better analyzed submissions, we are amenable to an extension of time.

4. Having said this, however, we note that this is the fifth extension of time that we have granted in this proceeding. We believe this record demonstrates a willingness to accommodate the concerns of the parties. We also, however, are required to consider the interests of the using public which we have found are limited by the present industry arrangements. Therefore, we believe that the using public has a strong interest in the expeditious resolution of the proceeding. In this connection, we believe that the present extension of time should allow adequate time for the preparation of cogent, considered responsive comments. Accordingly, we believe that a further extension of time for filing responses would be justified only on a well-supported showing of hardship in responding to the new dates set forth herein.

5. Accordingly, *it is ordered,* Pursuant to § 0.303 of the Commission's rules and regulations, 47 CFR 0.303 (1976), that the above-referenced Motion for Extension of Time of Western Union International, Inc. is hereby granted.

6. *It is further ordered,* That the procedural dates in this proceeding are extended as follows: Responses—August 1, 1977. Replies—August 15, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
PHILIP V. PERMUT,
Acting Deputy Chief, Common Carrier Bureau.

[FR Doc.77-18232 Filed 6-24-77;8:45 am]

[1] See 42 FR 23615, Tuesday, May 10, 1977.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 255]

FISHING VESSEL OBLIGATION GUARANTEE PROGRAM PROCEDURES

Proposed Redefinition of Fishing Vessel

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: The Fishing Vessel Obligation Guarantee program provides long-term (15 years) financing for fishing vessels by guaranteeing private credit representing up to 75 percent of the cost of vessel construction, reconstruction, or reconditioning.

This proposed rule would amend the definition of the term "fishing vessel" under existing rules governing the Fishing Vessel Obligation Guarantee program. As the term is presently defined, only vessels which earn more than 50 percent of their income from (or spend more than 50 percent of their time in) a certain type of activity (catching fish for sale into commercial channels) are regarded as fishing vessels. This proposed rule would amend that definition by substituting as the prime test whether or not a vessel is documented by the U.S. Coast Guard for operation in the fisheries.

Thus, commercial vessels carrying fishing parties for hire would be included in the redefined term if, in addition to documentation in the coastwise trade, such vessels were also documented in the fisheries.

DATE: Comments must be received no later than July 27, 1977.

ADDRESS: Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Michael L. Grable, Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7496.

SUPPLEMENTARY INFORMATION: Existing rules governing administration of the Fishing Vessel Obligation Guarantee program appear at 50 CFR 255. The program is authorized by Title XI of the Merchant Marine Act, 1936, as amended. (46 U.S.C. 1271-1279).

The proposed amendment follows:

Substitute the following for § 255.1 (a):

§ 255.1 Definitions.

• • • • • •

(a) *Fishing Vessel.* This term means vessels licensed by the U.S. Coast Guard for operation in the fisheries (except vessels which process or transport fisheries products, which are included within this definition regardless of their licensed trade). Vessels which are licensed both in the fisheries and the coastwise trade must qualify for a U.S. Coast Guard certificate of inspection (under 46 CFR 176) for carrying more than six passengers.

• • • • • •

By order of the Administrator, National Oceanic and Atmospheric Administration.

Date: June 21, 1977.

WILMOT N. HESS,
Acting Associate Administrator.

[FR Doc.77-18225 Filed 6-24-77;8:45 am]

JUN 27 1977 UM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

PIERCE PACKING COMPANY YARDS BILLINGS, MONTANA, ET AL.

Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting

MT–101—Pierce Packing Co. Yards, Billings, Mont., Feb. 23, 1935.
NB–102—Alliance Livestock Auction Co., Alliance, Nebr., Feb. 15, 1940.
NB–164—Ord Livestock Market, Ord, Nebr., Jan. 19, 1956.
WA–102—Vancouver Livestock Market, Inc., Camas, Wash., June 30, 1964.
WY–101—Gillette Livestock Exchange, Gillette, Wyo., May 18, 1951.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly depositing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective June 27, 1977.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C. this 22nd day of June, 1977.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.77-18264 Filed 6-24-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573, Agreement C.A.B. 25719, R–8 R–10; Order 77–6–85]

IATA
Cargo Rates Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June, 1977.

Agreement adopted by the Joint Traffic Conferences of the International Air Transport Association relating to cargo rates.

By Order 76–9–13, September 2, 1976, the Board generally approved an agreement among the carrier members of the International Air Transport Association (IATA) establishing North/Central Pacific cargo rates through September 30, 1977. The agreement, inter alia, provided for substantial increases in specific commodity rates (SCR's) for electronic components.[1] A petition for reconsideration and motion for stay of the order has been filed by the Western Electronics Manufacturers Association (WEMA), and several shippers of electronic parts.[2] Answers in opposition to the petition have been filed by The Flying Tiger Line Inc. (Tiger), Pan American World Airways, Inc. (Pan American), and Japan Air Lines Company, Ltd. (JAL).

The present SCR's for electronic parts were introduced during the North/Central Pacific open-rate period which began in October 1971 and continued through June 1974. The proposed rates were adopted by IATA in July 1974 and approved by the Board in Order 75–1–46, January 13, 1975. Order 75–1–46 was stayed by Order 75–2–43, February 11, 1975 pending action on petitions for reconsideration by WEMA and General Instrument Corporation; the petitions were denied by Order 75–12–145, December 30, 1975, whereupon WEMA filed a further petition for reconsideration of Order 75–12–145 and concurrent Order 75–12–146.[3] The approved rate increases never became effective, and the underlying agreements were superseded by a new agreement (C.A.B. 25719) which the Board approved in Order 76–9–13. WEMA's petition for reconsideration of the earlier orders was dismissed as moot since the agreements covered by those orders had either been disapproved or superseded.

In support of its petion, WEMA basically argues that correction of several errors in the carriers' economic forecasts and the Board's adjustments of those forecasts would increase the carriers' composite return on investment (ROI) to at least 14.26 percent under the proposed rates, thus demonstrating that the rate increases are not warranted; and that the Board has not made the necessary findings that the proposed rates are reasonably related to the cost of carying electronic parts.

In alleging numerous errors in the carrier forecasts and in the Board's adjustments, WEMA contends that Tiger's forecast of traffic and revenue for the year ending March 31, 1977, is severely understated, even at present rates, because its reported international revenues in Form 242 (Scheduled All-cargo Service) for fiscal year 1976 were already 99.5 percent of the forecast amount, and Tiger has recently experienced improvements in traffic and revenue much superior to the annual rates of increase indicated in its forecast;[4] that the revenue forecasts for Pan American and Northwest under the proposed rates are also understated because Pan American's forecast did not annualize the full effects of the agreement, and in the Board's estimate of Northwest's freight revenues the average freight and mail revenue increase of Tiger and Pan American was applied to Northwest's freight revenues;[6] and that the Board's adjustment to Pan American's all-cargo load factor, from the forecast 59.3 percent to Tiger's historical 64.08 percent, and thus to Pan American's capacity costs, was inadequate because Pan American's existing and forecast load factors are overstated and are based on erroneous statements of B–707 freighter capacity.[8] WEMA also alleges that both Tiger and Pan American's expenses are overstated, contending that Tiger's DC–8 capacity expenses fore-

[1] Commodity Item Nos. 4418, 4417, 4435, 4506, 9902, and 9903 were consolidated under a single Item No. 4416.

[2] The petition was accompanied by a motion to file an unauthorized document since the petition, at 90 pages including appendices, exceeded the 25–page limitation in the Board's Rules of Practice. The motion will be granted herein.

[3] Order 75–12–146 disapproved increases proposed by IATA in other rates.

[4] WEMA also asserts that Tiger has understated forecast mail as well as freight revenues, and that both are at odds with separate Tiger forecasts in the Flying Tiger Renewal Case, Docket 28658.

[6] The electronic rate increases were agreed to be implemented in two phases, the first for intended effectiveness May 1, 1976, and the second for January 1, 1977; Pan American's forecast for the year ending March 31, 1977, did not annualize the impact of the second phase. Northwest, a non-IATA carrier, was not party to the subject agreement and opposes some aspects of it. Northwest did not submit a forecast under the proposed rates, but the Board estimated the impact on Northwest in order to ascerain the overall reasonableness of the proposed rates in terms of composite U.S. carrier cargo earnings in the North/Central Pacific area.

[8] Pan American's AP–12 Forms, which provide the basis for Form 41 capacity data, show a cubic capacity of 6,866 cu. ft. in B–707 freighters, compared with 7,449 cu. ft. for Northwest and 7,524 cu. ft. for TWA in international operations. WEMA asserts further that in Docket 26487, Transatlantic, Transpacific and Latin American Service Mail Rates Investigation, Pan American showed a B–707 freighter capacity of 7,465 cu. ft.

cast for the EATA agreement are significantly higher than those forecast for the *Flying Tiger Renewal Case*, Docket 28656;[7] and that Pan American's forecast fuel expenses are overstated because they were based on B–707C consumption of 1,878 gallons/hr., which conflicts with Pan American's exhibits in Docket 27114, *Pan American-TWA Route Exchange Case*, which show Pacific fuel consumption at 1,830 gallons/hr.

WEMA's estimates of errors in the carriers' forecasts and in the Board's adjustments are summarized a follows:

Allegation	Present rates	Proposed rates
Understatement of tiger mail revenues	$2,000,000	$2,000,000
Board understatement of Northwest revenue increase		1,243,000
Understatement of Pan American revenues (annualization of 2 phase of electronics rates increases)		1,560,000
Overstatement of Pan American fuel expenses	260,000	260,000
Overstatement of Pan American capacity costs due to inadequacy of load factor adjustment	2,139,000	2,139,000
Overstatement of Tiger's DC–8 capacity expenses	1,486,000	1,486,000
Total—operating income adjustments	5,885,000	8,688,000
Overstatement of Pan American investment due to inadequacy of load factor adjustment	$1,818,000	$1,818,000
Order 76–9–13 composite ROI.....percent	$1,818,000 4.15	$1,818,000 7.93
WEMA composite ROI	6.35	14.26

Regarding the alleged inadequacy of the Board's findings that electronic components should bear average costs, WEMA asserts that the electronic shippers have made a prima facie case that the cost of carrying electronic items is less than the carriers' average costs in the Pacific due to their particular characteristics of higher density, better handling features, long hauls, lack of priority, and larger volume per shipment, and that there is no contrary evidence in the record. WEMA reiterates its previous allegations that transpacific aircraft are space rather than weight limited, and thus the allegedly high-density electronic parts are entitled to lower rates; and cites figures previously supplied by individual electronic shippers showing densities ranging from 12 to 40 lbs./cu. ft., compared to average Pacific cargo densities of 7.6 to 10 lbs./cu. ft. based on the carriers' AP–12 forms.[8] WEMA states further that it would be impossible for the shippers to present a complete and definitive survey of the stowed density of all types of electronic components properly weighted by type, shipper, market, length of haul, etc., and that the carriers as proponents of the rate increases have the legal burden of going forward with such evidence, which the Board should order them to produce.[9]

WEMA also reiterates its assertions that the proposed rates have no rational pattern or taper, and contends that the rates would prefer Japanese electronics firms and discriminate against U.S. companies (which ship primarily to/from Korea, China, Hong Kong, Singapore and Malaysia rather than Japan) because the agreement would increase U.S./Japan electronics SCR's in a lesser percentage amounts than the rates to/from other Far East points. Finally, WEMA alleges that the Board should stay its order pending action on WEMA's petition and/or judicial review, and states that the Board could authorize a bonding or escrow arrangement to avoid undue injury to any party.

REPLIES

Tiger submits that WEMA has failed to establish any error in Order 76–9–13 which warrants reconsideration; that the basic thrust of the petition is that the San Diego Agreement does not represent a purely cost-related structure; that the Board found the agreement represented "significant progress in line with the Board's long-standing objectives" by removing the unjust discrimination represented by the existing preferential rates for selective large volume shippers; that the Board properly viewed the agreement as a reasonable carrier effort to achieve badly needed revenue improvement;[10] and that even when the Board has disapproved rate increases based on high carrier earnings, it has not used the ROI guideline as the sole measure of assessing the public interest aspects of increasing one class of discriminatory commodity rates (see Order 72–6–138, June 29, 1972, wherein the Board disapproved general commodity rates but refused to preclude increases in discounted SCR's).

Tiger alleges further that U.S. Government policy is directly opposed to the electronic shippers' position, and cites numerous Board policy statements and orders to this effect, as well as the President's Statement on *International Air Transportation Policy of the United States*, September 1976, which places the burden of fulfilling carrier revenue improvement needs upon increasing discounted fares and rates. The carrier also rejects WEMA's arguments that rates below the average cost of service are warranted by their alleged high density and favorable handling characteristics, contending that transpacific freighter flights are weight rather than space limited; and that terminal handling costs comprise only 9 percent of total operating expenses.[11]

Concerning WEMA's specific criticisms of the carrier forecasts and the Board's order, Tiger asserts that the carrier forecasts were generally based on fourth quarter 1975 data, and that months later WEMA has now seized upon selected portions of the forecasts which are allegedly out of line with later-reported actual results to date, to demand a resubmission of new carrier data, and that the shippers would thus place the Board and carriers in Sisyphean roles. Tiger states that, contrary to WEMA's allegations that its forecasts are inconsistent with the Flying Tiger Renewal Case, its forecast DC–8 rental/depreciation expense, and its forecast freight and mail revenues, are reasonable due to the substantially greater increase in capacity which will occur during the forecast period for the *Renewal Case* than will occur during the period of the agreement.[12]

Tiger also opposes WEMA's request for a stay of Order 76–9–13, contending that the shippers have failed to make the required showings to warrant such a stay [13]; and further states that WEMA's proposed schemes (escrow or bonding) to avoid undue injury to either side pending a court case, would violate the Act.

Pan American, in its answer, focuses on WEMA's criticisms of Pan American's financial forecast, i.e., that the forecast did not include an annualization of the second phase of the proposed increases; that the carrier's revenue forecast under present rates showed a decline from the historical level; that Pan American's

[7] WEMA particularly takes issue with Tiger's forecast DC–8 depreciation.

[8] WEMA's allegations as to the density of electronic components are summarized below: Fairchild.—Westbound, 3 week survey (June/July 1974), 22.3 lbs./cu. ft. (18.74 to Hong Kong, 26.85 to Singapore, 24.12 to Korea). Motorola.—23–28 lbs./cu. ft. (semiconductors). RSA.—TV parts, Indianapolis-Taipei, 21 lbs./cu. ft.; Circuit boards, Taipie-Indianapolis, 15 lbs./cu. ft.; TV tuners, Taipei-Indianapolis, 12 lbs./cu. ft.; Semiconductor parts. New York-Taipei/Singapore/Kuala Lumpur, 40 lbs./cu. ft.; Semiconductors, Taipei/Singapore/Kuala Lumpur-New York, 27 lbs./cu. ft. WEMA also submitted a statement from a consulting firm which purports to support WEMA's allegations on density.

[9] WEMA states that its members do not ship to/from Japan which includes a large part of electronics traffic, and further cannot supply information on the shipments of Texas Instruments which, although one of the largest electronic shippers, is not a party to this case.

[10] Tiger notes that without the proposed rate increases, the carriers would earn a composite ROI of only 6.35 percent, and objects to application of the 12-percent domestic ROI standard to international operations, which allegedly entail a greater risk due to cost and other factors.

[11] Tiger also reiterates its argument that the rate increase will have a minimal impact on the shippers, as the freight rates are no more than 2.1 percent of the per pound value of the electronic commodities.

[12] In the *Renewal Case*, Tiger was required to build up costs based on Version 6 *DPFI* Costing Methodology, i.e., on the basis of block-hours, even though Tiger believes aircraft days assigned is a preferable method, and used aircraft days assigned in the IATA justification. Placing both forecasts on a comparable basis shows no appreciable difference.

[13] Tiger asserts that WEMA has not shown the probability of success on the merits; the balance of any irreparable injury to the party seeking the stay, should it be denied, against injury to other parties should the stay be granted; and whether a grant of the stay would be in the public interest.

V 42 N 123 JUN 27 77 UM

North/Central Pacific costs are "anomalous" because they are higher, per ATM, than its South Pacific Form 242 costs; and that Pan American has overstated its fuel expenses. Pan American replies that its forecast was based on the agreement as actually proposed, where the second phase rates would be effective only for the last three months of the forecast year ending March 31, 1977, and that if a calendar year 1977 forecast applying the second phase rates for an entire year is used, its revenue need actually increases; [14] that the forecast decline in revenue under existing rates properly reflects suspension of services at Bangkok and Saigon in April 1975, and at Okinawa and Taipei in September 1976, as well as changes in traffic mix resulting in reduced yields; that a direct comparison of North/Central Pacific with South Pacific costs is misleading because the former are developed on the basis of block hours while the Form 242 report (which encompasses the entire Pacific Division) is based on revenue aircraft miles, and placing data from both areas on the same basis shows them to be comparable; [15] and that Pan American's B-707 fuel burn rate was in fact incorrect due to an arithmetic inversion, but the resulting $450,000 cost overstatement is so small that it makes no difference in Pan American's revenue need. In conclusion, Pan American asserts that nothing in WEMA's petition provides the basis for either reconsideration or stay of the Board's earlier decision.

JAL submits that WEMA's petition is devoted to a reargument of issues already given full consideration by the Board in its order, and provides no basis for casting doubt upon the Board's determination that the U.S. carriers' earnings would not be excessive under the agreed rates; that WEMA's calculation of composite ROI does not take into account JAL, which forecast a North/Central Pacific cargo loss of $11,204,000 even with the San Diego rate increases; that regardless of overall ROI, the carriers are still obligated to bring the electronics rates into line with other SCR's; and that as the shippers have now received the benefit of bargain rates for an additional nine months (the agreement was intended for effectiveness May 1, 1976) while the carriers have been deprived of badly needed revenues, there is no reason to grant a stay.

WEMA'S FURTHER REPLY

In a reply to the carriers' replies, WEMA reiterates many of the arguments included in its previous submissions, and offers specific rebuttal to certain items in the carriers' replies. WEMA asserts that the problem with relying on the Board's policy statements concerning international rates, is that they were, allegedly, issued without any participation by consumer or shipper interests, but that in any event when they are properly read, they support the electronic shippers' position; [16] that there is no reason to assume that a 12-percent ROI standard is too low for international operations, particularly since the international carriers have the advantage of establishing rates through the IATA "cartel"; and that the carriers have admitted many of the essential elements of WEMA's case because they have not specifically denied them, e.g., the high density of electronics shipments, good handling characteristics, less priority than mail, long length of haul, and high volume. WEMA alleges further that Tiger has still not justified the substantial understatement of its forecast revenues or the overstatement of its DC-8 depreciation; [17] that Tiger's claims as to the value of electronic products compared to air freight rates are misleading, since Tiger used only semiconductors, whereas the per-pound values of other electronic products are much lower; and that Pan American has neither adequately explained its allocation of revenue between the South Pacific and North/Central Pacific nor adjusted properly for the errors in its original justification. Here WEMA submits that Pan American has provided no backup support for its alleged cost escalations during 1977; [18] that the carriers' new forecast, for calendar 1977, is invalid since it included no capacity or revenue increase as would undoubtedly occur, and did not make the load factor and fuel price adjustments utilized by the Board in Order 76-9-13; and that Pan American's forecast decline in revenue at present rates is not adequately explained by suspension of services at Saigon and Bangkok since there was no decline forecast in traffic.

Finally, WEMA reiterates its request for a stay based on the alleged serious financial impact upon its members which it estimates at $7.7 million in higher payments to the U.S. flag carriers alone.[19]

Tiger, in an answer to WEMA's reply, states that in all their documents the shippers have in essence advanced but one major argument—that the SCR ratemaking principles espoused by the carriers are inapplicable; and that this remains a policy decision to be resolved by the Board and nothing in WEMA's latest pleading rebuts the Board's perception of this issue. Tiger further asserts that the shipper's October 28 pleading, the eighth document WEMA filed in the Docket since September 25, 1976, and the fifth which required an accompanying motion to file an unauthorized document, is simply further evidence of the shippers' strategy of delay to preserve their unique access to unlawfully discriminatory rate levels; and in this light the shippers have received their full measure of due process which they are seeking to distort into abuse of process.

FINDINGS

After careful review of WEMA's petition, the answers and all other relevant matters, the Board does not find that the petition presents facts sufficient to warrant reversal of the Board's decision in Order 76-9-13 to approve increases in the special commodity rate for electronic parts. The petition for reconsideration will accordingly be denied.

As indicated above, WEMA's petition centers around two allegations; that correction of numerous errors in the carriers' forecasts and in the Board's adjustments thereto will result in a composite ROI over 12 percent and that, accordingly, the proposed rates are too high and should be disapproved; and that the Board must find the proposed electronics SCR's to be reasonably related to the costs of carriage before the rate agreement may be approved.

As detailed hereafter, we have recalculated the carriers' prospective composite ROI under the IATA agreement approved in Order 76-9-13, and have concluded that for present purposes this composite ROI may exceed the 12 percent guideline by a small amount. We have also concluded, however, that our proper response to this fact is not to disapprove the proposed increases in the very low electronic SCR's, but rather to disapprove the container rate increases which the Board reluctantly approved in Order 76-9-13, and which have not, in fact, been implemented to date. This action will be more consistent with established Board policy than that sought by WEMA, and will in our judgment substantially eliminate any likelihood that the rate structure as a whole will result in excess earnings to the carriers.

We have readjusted Tiger's and Pan American's operating results in the North/Central Pacific in light of more recent cost, yield, and load factor data. These adjustments, which are set forth in the attached appendices, result in composite Tiger and Pan American returns on investment of 8.15 and 13.19

[14] The carrier states that the $816,000 in additional revenue would be far outweighed by cost escalations of over $1.5 million.

[15] Pan American states that indirect expenses in the South Pacific are actually somewhat higher due to a shorter length of haul, higher load factors, which result in higher unit revenue-related expenses, and an overall difference in unit rates.

[16] WEMA argues that the policy statements support establishment of general commodity rates at levels related to fully allocated costs, which has allegedly never been done in the Pacific since the GCR's there are above cost.

[17] The increased B-747F capacity forecast for the *Renewal Case*, WEMA alleges, is not so much the cause of increased revenues as it is being put in to accommodate the significant increase in traffic Tiger is forecasting for 1977. Concerning Tiger's costs, WEMA asserts that the Version 6 Methodology used in the *Renewal Case* is the correct one for ratemaking, and that the Board cannot accept Tiger's alternative methodology without making a finding as to which method is correct.

[18] WEMA claims additionally that Pan American's new cost escalation figures are at variance with those submitted in the *Renewal Case*.

[19] By Order 77-3-111, March 18, 1977, the Board stayed the effectiveness of Order 76-9-13 insofar as it relates to the electronics SCR's until 15 days after action on WEMA's instant petition.

percent under present and proposed rates, respectively.[20] We have not included Northwest in the computation of composite carrier ROI because it has become clear since the issuance of Order 76-9-13 that Northwest will not match major elements of the IATA agreement, and any estimate of Northwest's earnings based on full implementation of the San Diego package overstates the carriers' forecast earnings under the proposed rates.

Despite the fact that our current analysis reveals that the composite ROI may exceed 12 percent, we are not constrained to disapprove the electronic SCR increases of which WEMA complains. If the current ROI analysis had been available when the Board deliberated on Order 76-9-13, we would have first directed our attention to the container rate increases. In that order the Board indicated its displeasure with the container rate increases because they were antithetical to the Board's long-standing goal of the establishment of a rate structure which will encourage the development of container transportation across the Pacific. Nonetheless, these increases were approved albeit reluctantly, because the projected ROI was then estimated at 7.93 percent, showing a need for revenue improvement. Since it now appears that the projected ROI may exceed 12 percent, adjustment of the container rate level becomes our first priority, to be addressed before we reach the question of SCR levels. In the circumstances presented, we will now disapprove the container rate increases on the basis that they are no longer required for maximum-revenue improvement.

Even were we convinced that the carriers' composite ROI would rise above 12 percent under the San Diego agreement, this would not warrant disapproval of the proposed increases in electronics SCR's. The carriers' earnings under the IATA agreement reflect the impact of the agreement as a package, which includes increases in rates other than SCR's for electronic parts. There is no reason to believe that the increases in this particular class of commodities—electronic SCR's—would produce excessive carrier returns. The carriers' historical earnings, at a 7.94 percent composite ROI, are substandard and show a clear need for revenue improvement. It has long been the Board's policy that such relief should come primarily from discounted promotional rates, and the San Diego agreement is consistent with this policy. If the composite ROI were to rise above 12 percent as a result of the agreement—and we have some doubt that this will occur (Appendix B)—it does not follow that electronics shippers will be paying "excessive rates." Other commodity rates have been increased substantially, generally by 9-15 percent and will now be increased a further 10-12 percent, while the increases in electronics SCR's since 1971 have been restricted to fuel surcharges.

Turning to WEMA's allegations that the Board is obligated to make a specific finding that the proposed electronics rates are reasonably related to the costs of carrying that product before the rate increases can be approved, we must disagree. Specific commodity rates, which are discounted from the general cargo rate level, have never been introduced primarily on the basis that the costs of carrying a particular commodity (due to density, handling characteristics, etc.) may be less than those of carrying other freight. Commodity rates are generally introduced for the specific promotional purpose of developing new traffic, with the rate levels established according to the value of service to the shipper. However, the carriers are not obligated to continue to offer promotional rates, and the Board's long-standing policy has been to give the carriers wide latitude in increasing or eliminating them. Moreover, no shipper has a vested right to the continuation of a low specific commodity rate.[21]

In fact, as the parties are all well aware, the Board has specifically encouraged the carriers to reduce reliance on commodity rates which have been in existence for many years and now account for over 60 percent of the traffic in the Pacific, for instance, and can hardly be described as promotional rates generating new traffic. This is particularly true of the electronics SCR's which move a good portion of total North/Central Pacific freight traffic and, except for fuel surcharges in 1974 totalling 13 percent, have not been increased since 1971.[22]

While density and other cost characteristics are sometimes factors in justifying the introduction of new SCR's, the essential basis for the carriers' offering new SCR's is almost invariably traffic generation. This is particularly the case here. As stated in the Board's previous orders, the present electronic SCR's have never had any basis in carrier costs, and were introduced for totally unrelated reasons during the open-rate period beginning in October 1971. The carriers justified the rate reductions at that time on the basis of additional traffic generation, not lower costs of carriage, and have cited the availability of empty backhaul capacity generated by one-way MAC operations, as well as intervention by foreign governments, as important considerations. The unusual combination of circumstances which produced these low levels in the context of a "rate war," with no relation to costs and no logical structure, no longer exists and there is no reason to delay further in raising the electronics SCR's to the level set for other commodities in line with current costs. While the ability to achieve a perfectly cost-related overall rate structure is severely limited by the necessity of accommodating the legitimate interests of other sovereign governments (See fn 34), nevertheless the Board has encouraged the carriers to make the greatest possible strides in this direction, and the agreement already approved represents significant progress.

In any event, the proposed electronics SCR's do, in fact, appear to be reasonably related to costs. They are consistent with fully allocated average costs and WEMA has not, as it alleges, made a prima facie showing that the costs of carrying electronic parts are less than those of carrying other commodities and that therefore the present low rates are justified. Except for density, the shippers' allegations on the "lowcost" characteristics of electronic parts are mere general statements, not quantified with supporting data. And the density figures submitted by individual shippers in opposition to the previous IATA agreement are unsupported allegations only. Except for Fairchild Camera and Instrument Corporation, none of the shippers gave any indication of the nature, format or date of any studies behind their assertions on the density of electronic components. And Fairchild's density assertions, which also leave significant doubt as to the circumstances under which its survey was conducted, are clearly insufficient to draw conclusions as to the overall density of electronics in the North/Central Pacific market.

In its previous orders in this matter the Board dismissed the shippers' density allegations as unconvincing,[23] yet the shippers have provided nothing new. As indicated in our prior orders, the density figures cited by the shippers, among their infirmities, apparently refer to dockside rather than stowed densities, whereas the Board has found stowed density in the container to be the appropriate measure for establishing the capacity costs for carrying the traffic.[24] The wide range of

[20] However, there are reasons to doubt that the 13.19 percent ROI level will actually be achieved. As more fully discussed in Appendix B, our adjustments are conservative and understate Tiger's and Pan American's operating costs. Additionally, we have reservations about the revenue improvement that is expected to result from this agreement. The electronics SCR increases will apparently not be implemented from Singapore and Taipei due to those governments' refusal to approve the increases. As a consequence, it would appear that the carrier's estimated revenue improvement is overstated.

[21] See United Airlines, Inc. Specific Commodity Rates on Periodicals, Floral Products, and Seafood, Order 72-11-76, November 20, 1972; IATA Agreements Relting to Transatlantic Fares, Order 70-2-124, February 27, 1970; Revised Aggregate Rates Proposed by WTC Air Freight, Orders 73-2-61, February 14, 1973, and 73-4-34, April 6, 1973; Domestic Passenger Fare Investigation (Phase 5-Discount Fares), Order 72-12-18, December 5, 1972; *Southern Pac. Co.* v. *ICC*, 219 US 433, 411 (1911); *Atchinson T & SF Ry* v. *ICC*, 190 F. 591, 594 (1911); *Atlantic Coast Line R. Co.* v. *Trammel*, 287 F. 741, 744 (1923).

[22] WEMA's arguments that the Board's policy statements support its position, is misdirected. The fact that the general cargo rates (GCR's) may be above fully allocated costs certainly does not preclude increases in existing below-cost rates at the bottom of the structure. The Board has disapproved the carriers' proposals to increase GCR's and the subject IATA agreement encompasses decreases in some of the GCR's.

[23] See Orders 74-6-93, June 19, 1974; 75-1-46, January 13, 1975; and 75-12-145, December 30, 1975.

[24] See nonpriority Mail Rates, Orders 70-4-9 and 70-4-10, April 2, 1970.

densities alleged (12–40 lbs./cu. ft.) for the various types of electronic components.in various markets clearly provides no basis to conclude that all of the commodities which would come under new Item 4416 are entitled to the extremely low existing rates, or that the present rates are actually related to the density of each item, and raises a serious question as to whether density is in any wise a relevant ratemaking factor in this case; and in any event, WEMA has not shown to what extent the alleged densities would actually impact carrier costs.

Further, to the extent the density of electronic parts is actually above the average, the shippers have a ready avenue to achieve savings in transportation costs through use of the general container rates which, as indicated above, we are holding at current levels. The container rates reflect a density incentive through a reduced rate per kg. for containers loaded above the pivot weight.[25] While the resulting charges per container or per kg. are higher than the existing electronics bulk SCR's, nevertheless at the range of densities alleged by WEMA the shipper could achieve a container rate lower than the proposed electronics SCR's. Thus if this traffic is in fact highly dense, the magnitude of the proposed rate increase can easily be ameliorated by the shippers' use of the container rates rather than tendering the traffic in bulk.

Nor have the shippers shown that carrier costs are significantly less for electronics shipments than for other freight due to electronic parts' alleged long length of haul, large volume, ease of handling and stowability, low susceptibility to damage and pilferage, no special handling requirements, directional balance, lack of seasonality or lack of mail priority. The length of haul argument (fixed costs spread over a greater distance) clearly does not justify lower rates for electronics than for other goods in city-pair markets of equal length of haul. Volume does not justify a low rate unless related to the individual shipment size; the Board has found low rates based on aggregate volumes over time to be unjustly discriminatory.[26] Ease of handling—shipment in "containers or standard cartons which are easy to handle • • • and stows well"—has not been shown to be superior to most other freight in the market. Low susceptibility to damage and pilferage and lack of special handling requirements involve a negligible portion of the carriers' costs of service and, like the other items cited by WEMA, have not been quantified. WEMA is incorrect as to a "directional balance" in electronics traffic; 1975 U.S. Department of Commerce data for Code 72 (Electrical Machinery, Apparatus and Appliances) show that U.S. imports from the Far East were 254 percent of exports.[27] Concerning lack of seasonality, the shippers have not shown that other goods in the transpacific market have a seasonality any greater than electronics. Electronic parts do not have a priority of shipment any less than any other freight; rates for mail, which does have a higher priority than freight, are established to reflect that priority.

Two other matters warrant comment. First, WEMA has reiterated its allegations that the proposed rates have no rational pattern or taper, and would prefer Japanese electronics firms because the increases would be less severe to/from Japan than for other Far East points. First of all, WEMA has presented no evidence that any of its members would thereby suffer undue preference and prejudice with the proposed structure. As we noted in Order 76–9–13, the existing electronics rates reflect variances in per-mile yields of almost 13 cents, as well as numerous directional differentials, while the proposed rates would reduce the yield variances to less than five cents per mile and would entirely eliminate directional differentials.[28] Rates to/from Janan would be increased in lesser amounts because they are presently at much higher per-mile levels than are the rates for other Far East points; the net effect would be to reduce the existing competitive rate advantage enjoyed by WEMA's members whose plants are located in other countries vis-a-vis plants in Japan. The consistency of WEMA's position on the rate structure and alleged potential discrimination is called into question by its complaint against the carrier tariff filings to implement the San Diego agreement. As indicated in concurrent Order 77–6–86, WEMA attacked the tariff filings because they did not increase the electronics SCR's from Singapore and Taipei, where the respective governments have not approved the increases, on the grounds that this would result in directional differentials and other anomalies; yet WEMA has not refuted Pan American's assertion that those foreign government actions resulted from lobbying by these same electronics firms.

Second, WEMA asserts that Tiger's claims as to the value of electronics shipments as compared to the air freight rates are misleading due to the carrier's self-serving use of 1975 U.S. Commerce Department export/import data. Tiger had argued that the rates at issue comprise only 0.6–2.1 percent of the value of electronic parts, apparently using an average value per pound of $50.89. In basing its claims on the value of semiconductors, which is rather high compared to the value of other electronic parts and products, Tiger did select the data most favorable to its position. On the other hand, WEMA, by limiting its focus on this data to imports from Taiwan, is equally at fault in its use of the basic data, since the values of these commodities are lower for Taiwan than for other Far East points. In 1975 Commodity Group 72 (Electrical Machinery, Apparatus and Appliances) had an average value of $13.80/lb. from Taiwan, while imports of Group 72 from the Far East as a whole had an average value of $18.06/lb. Excluding Japan, where WEMA states its members have few if any operations, the average value from the Far East was $28.85/lb. Further, this traffic is shipped by the WEMA member firms in both directions, and U.S. exports of Group 72 commodities to these countries was valued at $44.22/lb. The weighted average value in both directions was $34.56/lb. Thus it is clear that the air freight rates, and particularly the increases proposed, generally comprise a very small part of the value of the goods transported and WEMA has made no showing that its members would suffer an undue competitive disadvantage due to implementation of the proposed increases.[29]

Finally, in its petition for reconsideration of Order 76–9–13, WEMA requests a stay of the order pending court review.[30] The principal ground presented in support rests on the allegation that, absent a stay, the WEMA shippers will be irreparably damaged in that the shippers will be required to pay the increased charges without the opportunity for refunds or reparations. Alternatively, WEMA proposes that the shippers pay the increased charges, subject to placing the increase in bond or an escrow account.

[25] A Type 3 container between Hong Kong/Taipei and the west coast, for instance, is subject to a minimum charge of $3 649 or about $1.82/kg. at the pivot weight of 2,000 kgs. Above the pivot each kg. is rated at a reduced level of $1.70.

[26] See Order 76–12–162, December 17, 1976.

[27] In fact, since the balance of electronics traffic is weighted in the peak, eastbound direction, consideration of directionality would support a higher level eastbound.

[28] A good part of the 4.67 cents/mile yield variance which would remain under the proposed rates is due to the fact that Hong Kong, Taipei and Manila are tradtionally common-rated to/from the U.S. west coast. As all are aware, the United States does not have the final word on the establishment of international rates, and the Board has specifically permitted departures from its per-mile formula for North Atlantic cargo rates to/from U.S. gateway points to permit maintenance of traditional common-rating and other special relationships among European points.

[29] In fact, because the value of these commodities shipped to/from Japan is generally significantly lower than at other Far East points, it appears that WEMA's members can absorb a greater rate increase than could their competitors in Japan.

[30] By Order 77–3–111 the Board granted a stay, at WEMA's request, of the effectiveness of Order 76–9–13, to the extent it relates to the charges for electronics until 15 days after the order on WEMA's petition for reconsideration.

Upon consideration of the pleadings, the Board has decided to deny the request of WEMA for a stay pending judicial review. The criteria for granting a stay as stated in the *Alaska Service Investigation* case, Order 72–1–94, and more recently repeated in the *Air Carrier Reorganization* case, Order 76–1–121, January 30, 1976, are as follows:

> Not unlike the courts in similiar situations, the Board must assess [the movants'] probability of success on the merits in the judicial proceeding; balance any irreparable injury to [the movants], should the stay be denied, against injury to—other parties—should the stay be granted; and most importantly, ascertain and effectuate the public interest.

Although the legal validity of our action in this proceeding ultimately rests with the courts, we are not persuaded that WEMA is likely to prevail on the merits of a judicial review. WEMA's assignment of errors in its petition for reconsideration do not raise any legal issues, but rather, questions of fact dealing with forecasts of carriers' revenues, expenses, and resulting ROI. Section 1006(e) of the Act provides that the Board's findings of fact, if supported by substantial evidence, are conclusive.

Also, we do not find any merit to WEMA's assertion that its members will suffer irreparable harm, if the stay is not granted. These shippers enjoy, and will continue to enjoy, specific commodity rates and charges for the carriage of their electronic products. These specific commodity charges will continue to be less than the general commodity rates, and are only being brought into line with rates paid by other specific commodity shippers, which have already been increased substantially. The electronics rates have not been increased since March 1974, when all North/Central Pacific rates took a 7-percent fuel surcharge, and there is no sound reason for further delay in raising them to compensatory levels.

The nub of WEMA's argument that its members will suffer irreparable damage is centered, not so much on the increase in the freight charges, but rather on the fact that there is no mechanism for reparation or refund of such increase. This is a matter over which the Board has no control. There is nothing in the Act authorizing or empowering the Board to order reparations, refunds, the filing of bonds, or setting up escrow accounts, in those cases where the Board authorizes an increase in rates and charges. Similarly there are no such provisions in the Act in circumstances where the Board determines that there should be an investigation into the lawfulness of a rate, fare or charge. Indeed, even in those cases where the Board suspends an increase in rates and charges for unlawfulness, section 1002 explicitly provides that at the conclusion of the suspension period without a final order having been made, "the proposed rate, fare, charge • • • *shall go into effect at the end of such period*" (emphasis added).[31] Unlike the Federal Power Act (16 USC 824d), and the Natural Gas Act (15 USC 717c) where the Federal Power Commission is given express authority to order refunds in rate suspension cases, our Act is not only silent on the subject, but the express language of the Act indicates a contrary Congressional intent. In view of this, we are not persuaded that section 204(a) of the Act empowering the Board to perform such acts, pursuant to and consistent with the provisions of the Act, as may be necessary to carry out the Act, is sufficient authorization to order refunds or to set up the cscrow accounts as requested by WEMA, even if the facts so warranted such action. In any event, under the circumstances present here, where the Board has already found justification for an increase in these special rates, we cannot find that WEMA shippers will suffer irreparable harm if the stay is denied.

In the final analysis it is the public interest which guides our decision in acting on the request of a stay.[32] WEMA has not addressed this particular facet in its petition. It is enough to point out that the Board after careful consideration had decided that the carriers have justified the increase in the specific commodity rates involved here. There is no basis in law or in fact to exempt the electronic shippers from carrying their fair share of the carriers' costs. Moreover, we would note that WEMA has succeeded in delaying the implementation of the increase in specific commodity rates for electronic products approved as long ago as January 1975. In these circumstances and upon consideration of the equities, the public interest can best be served by denying WEMA's request for stay pending judicial review.

The Board, acting pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a) and 412 thereof, finds the following resolution, incorporated in Agreement C.A.B. 25719 as indicated, to be adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
25719: R–8	536a	Charges for Bulk Unitization—North and Central Pacific	3/1.

Accordingly, *it is ordered* That: 1. The petition of the Western Electronics Manufacturers Association for reconsideration of Order 76–9–13 be and hereby is denied;

2. The motion of the Western Electronics Manufacturers Association for stay pending judicial review of Order 76–9–13 be and hereby is denied;

3. Agreement C.A.B. 25719, R–8, be and hereby is disapproved.

4. The motions of the Western Electronic Manufacturers Association, Pan American World Airways, Inc., and The Flying Tiger Line, Inc. to file otherwise unauthorized documents in Docket 27573 be and hereby are granted; and

5. Copies of this order shall be served upon the Western Electronic Manufacturers Association, Pan American World Airways, Inc., The Flying Tiger Line, Inc., Japan Air Lines Company, Ltd., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[31] Section 1002(j) dealing with suspensions of rate increases in foreign air transportation is substantially similar.

[32] To the same effect, see *Virginia Petroleum Jobbers Assoc. v. F.P.C.*, 259 F.2d 921 (CADC, 1958).

JUN 27 77 UM

North/Central Pacific Scheduled Cargo Operations—Adjusted
Forecast year ending Mar. 31, 1977

[In thousands]

	Present rates					Proposed rates				
	Tiger	Pan American			Composite	Tiger	Pan American			Composite
		Freighter	Belly	Total			Freighter	Belly	Total	
Revenues:										
Freight and mail	[1] $115,610	$29,681	$41,008			[1] $123,703	[6] $31,727	[6] $42,915		
Other	58	1,009	1,304			58	1,009	1,394		
Total	115,668	30,690	42,402			123,761	32,736	44,309		
Operating expenses	[2] 103,935	[3] 35,038	34,675			104,914	[3] 35,115	34,719		
Cost escalations		[4] (450)	[5] 2,617				[4] (450)	[5] 2,617		
Total operating expenses	103,938	34,588	37,292			104,914	34,665	37,336		
Operating profit (loss)	11,730	(3,898)	5,110			18,847	(1,929)	6,973		
Nonoperating income and expense, net	(3,257)	(765)	(1,120)			(3,257)	(765)	(1,120)		
Net income before tax	8,473	(4,663)	3,990			15,590	(2,694)	5,853		
Income tax (credit) at 48 pct	4,067	(2,238)	1,915			7,483	(1,293)	2,809		
Net income after tax	4,406	(2,425)	2,075			8,107	(1,401)	3,044		
Add: interest expense	3,257	765	1,120			3,257	765	1,120		
Return element	7,663	(1,660)	3,195	$1,535	$9,198	11,364	(636)	4,164	$3,528	$14,892
Investment	72,790	16,270	23,848	40,118	112,908	72,790	16,270	23,848	40,118	112,908
R.O.I. (percent)	10.53	(10.20)	13.40	3.83	8.15	15.61	(3.91)	17.46	8.79	13.19

[1] Freight plus mail equal 484,332,000 RTM (23.87 cents/RTM). Under proposed rates, increase by 7 pct per Tiger justification.

[2] Reflects calendar 1976 F. 242 costs of 13.90 cents/ATM, brought forward to Mar. 31, 1977 at 13.99 cents/ATM. At the forecast 65.20 pct load factor, cost per RTM equal 21.46 cents/RTM. Total cost equal 484,332,000 RTM (21.46 cents/RTM). Under porposed rates add $976,000 in revenue-related expenses per Tiger justification.

[3] Reflects calendar 1976 F. 242 costs of 17.10 cents/ATM, brought forward to Mar. 31, 1977 at 17.44 cents/ATM. At the forecast 59.31 pct load factor, cost per RTM equal 29.40 cents/RTM. Total cost equal 119,178,000 RTM (29.40 cents/RTM). Under proposed rates add $77,000 in revenues-related expenses per Pan Am justification.

[4] Reflects corrected B-707F fuel consumption.

[5] Excludes anticipatory fuel cost escalations, based on February 1977 price per gallon.

[6] Freight revenue adjusted upward to reflect 7.86 pct increase under proposed rates.

APPENDIX B

Much of the shippers' criticisms of the carriers' justifications involve the validity of the forecasts as to expected volume of traffic, i.e., WEMA contends that Tiger's and Pan American's forecasts of freight and mail traffic and revenues are seriously understated. While, as detailed below, it appears that Tiger has understated its forecast traffic and revenue, we do not agree that Pan American has also understated its traffic and revenue to any significant degree. As Pan American indicates, it has suspended all service at Saigon as well as freighter service at Taipei, Okinawa, and Bangkok and, contrary to WEMA's suggestion, traffic is forecast to decline in the North/Central Pacific as well as revenue. The declines in each case are relatively small (0.7 and 1.47 percent, respectively), leading to the conclusion that traffic growth at other points has not fully compensated for the cited service suspensions at four points which generated significant traffic in the past.

Nor are we convinced that Tiger's understatement of traffic and revenue in its forecast submitted in support of this agreement is as serious as WEMA alleges. In making its charge, WEMA relies partly on Tiger's forecast subsequently submitted in the Renewal Case in Docket 28656. That forecast showed substantially higher traffic and revenues for a future period which overlapped in part the period covered by the forecast in this proceeding, but which also extended further into the future and was premised upon more up-to-date actual experience. However, there is nothing so compelling about the carrier's later forecast in Docket 28656 that justifies its use as a standard for judging the forecast submitted in the instant IATA rate agreement case.

But even if the carriers have, in fact, understood their forecast level of operations this does not necessarily lead to the conclusion that earnings will be adequate under existing rates or excessive under the proposed rates. The more recent data now available showing traffic and revenue growth rates in excess of the forecasts prepared at the beginning of 1976 indicate that capacity has grown at about the same rate, with little change in load factor. WEMA, while arguing for inclusion of these additional revenues, noticeably omits the additional costs that accompany a higher level of operations. Thus the increased traffic and revenues alleged by WEMA have had no meaningful effect on carrier productivity or the need for a rate increase.

On the other hand, more recent data available to the Board indicate generally that basic unit costs are still rising, while there has not been a comparable improvement in yields. For example, Tiger's report of Pacific scheduled all-cargo operations for the year ended December 31, 1976, shows that costs per available ton-mile (ATM) at 13.90 cents/ATM have already exceeded the 13.52 cents/ATM forecast by Tiger for the year ending March 31, 1977. This represents a 2.81 percent increase over the cost per ATM experienced during the historical period, and bringing this forward to March 31, 1977 results in a cost of 13.99 cents/ATM. At the 65.20 percent load factor forecast by Tiger, its cost per revenue ton-mile (RTM) would be 21.46 cents/RTM. Overall yield at 23.53 cents per RTM is slightly better than that estimated at the present rates, and we have adjusted Tiger's revenues and costs at the forecast level of operations accordingly.[1]

We have also adjusted Pan American's results. First, WEMA argues that Pan American's revenue forecast did not annualize the final "second phase" of the electronics SCR increases originally intended for January 1, 1977 effectiveness. While Pan American's forecast was reasonable at the time and reflected the provisions of the agreement as filed (the first phase of increases were to have been effective from May 1 through December 31, 1976), nevertheless in view of the fact that the period of the first-phase rates has already passed and the carriers have now filed tariffs to implement the "Phase II" rates, it is now appropriate that Pan American's revenue forecast reflect the higher rates. In its answer to WEMA, Pan American estimates an $816,000 increase in revenue; WEMA's estimate of increased revenue for Pan American is $1,560,000 based on Tiger's forecast 8.32-percent increase in freight revenue. We will accept, for purpose of analysis, the higher figure with one modification. The 8.32-percent figure for Tiger is its forecast increase in transpacific freight revenue excluding fifth-freedom traffic, which WEMA has applied to Pan American's total freight revenue which would include fifth-freedom traffic. Under WEMA's assumptions the appropriate percentage increase under the agreement would be Tiger's forecast increase in total freight revenue at 7.86 percent.

Second, some adjustment is necessary to resolve the questions raised about Pan American's allocations of Form 242 Pacific Division all-cargo costs between the North/Central and South Pacific areas. There does appear to be an anomaly in operating expenses per ATM of 16.74 cents for the North/Central Pacific and 11.53 cents for the South Pacific during the same period, and, without more detail, we are not convinced by Pan American's explanation that the Form 242 cost data are derived on the basis of revenue aircraft miles operated in the respective rate-making areas while in its IATA justifications costs are derived on the basis of block hours.

In these circumstances the Board has determined to compute Pan American's North/Central Pacific freighter costs using the Pacific division costs/ATM brought forward to March 31, 1977 at 17.44 cents/ATM. This is considerably less than the 19.10 cents/ATM forecast by the carrier, and at the 59.31 percent load factor estimated for the forecast period in the North/Central Pacific, amounts to a cost per RTM of 29.40 cents/RTM. We believe this figure, which reflects a forecast load factor of over 59 percent, understates Pan American's costs significantly, however.

The Pacific Division load factor in all-cargo service during calendar 1976 was 55.26 percent, and since North/Central Pacific load factors have historically been lower than in the South Pacific, it is reasonable to conclude that the North/Central Pacific load factor for calendar 1976 was somewhat below the 55.26 percent reported for the entire division, and thus the carrier's most recent reported results have fallen far short of its forecast.[2]

We cannot accept WEMA's allegation that Tiger's operating costs are excessive due to its handling of DC-8 depreciation expenses. As indicated in Order 76-9-13, Tiger's DC-8 depreciation expense was allocated on the basis of aircraft-days assigned to Pacific operations, which the Board has found to be an acceptable method of allocation. In the Renewal Case, depreciation was allocated, at the direction of the Administrative Law Judge, on the basis of block hours according to DPFI Version 6 costing methodology. Allocating depreciation expense on the same basis here shows no appreciable difference in unit rates and, at the same scale of operations, the total depreciation expense would be the same, not substantially less as claimed by WEMA. The Board is not required, as WEMA contends, to "make findings as to which method is correct." While the Version 6 block-hour allocation, as developed in the Domestic Passenger Fare Investigation, has been used in consideration of domestic passenger-fare matters and in other cases, no showing has been made that aircraft-days assigned, an obviously closely related method, is an unreasonable or unacceptable method for allocating depreciation expense. In any event, this is not the occasion for such a determination, and it is unnecessary to the result that we resolve such a point in the present context.

WEMA also argues that the load-factor adjustment of Pan American's forecase operations, which "the Board has found is required," is inadequate because that carrier's B-707F capacity is allegedly understated on its Form AP-12. Contrary to WEMA's assertion, the Board did not find such a load-factor adjustment "to be required." As stated in Order 76-9-13, the carriers' composite ROI under the proposed rates was expected to be 7.93 percent during the forecast period, including adjustments to exclude anticipatory fuel-price increases for Pan American and Tiger and an adjustment to Tiger's investment in leased equipment to conform to Part 399.43 of the Board's Regulations. The Board considered the carriers' results with such a load-factor adjustment only as an additional optional test of reasonableness of the rates in issue using the most conservative assumptions. In previous orders acting on IATA North/Central Pacific cargo-rate agreements, the Board has adjusted the freighter load factors of the combination carriers to the historical level experienced by Tiger, the all-cargo specialist, as a necessary step since our determination of the reasonableness of proposed rates was based on results in all-cargo operations due, as we have often stated, to the lack of reliable combination-aircraft cost allocations between cargo and passenger service. The combination carriers were showing very high earnings in belly cargo operations and in that combination of circumstances it was reasonable to adjust their all-cargo load factors upward in our evaluation of all-cargo earnings. As clearly stated in Order 76-9-13, Pan American and Northwest have in this case allocated combination aircraft costs between passenger and cargo service utilizing a modified space method in accordance with the Board's instructions. Accordingly, our evaluation of the carriers' composite ROI was based on results in total cargo operations, including belly cargo.[3]

[FR Doc.77-17968 Filed 6-24-77;8:45 am]

[1] See Appendix. The 13.90 cents/ATM cost figure for calendar 1976 understates Tiger's unit cost during the forecast period since it reflects a lower load factor (63.67 percent) and correspondingly lower traffic and revenue-related expenses than would occur at the forecast 65.20 percent load factor.

[2] We have also adjusted Pan American's cost escalation figure for belly cargo operations upward to reflect higher fuel prices as of February 1977.

[3] Further, even assuming arguendo that WEMA is correct regarding Pan American's AP-12 Form, adjusting the carrier's B-707F cubic capacity in line with its figure in Docket 26487, Transatlantic, Transpacific and Latin American Service Mail Rates Investigation would result in a load factor of 54.54 percent during the forecast period, which does not appear unreasonable considering Pan American's service pattern in the North/Central Pacific.

CONSUMER PRODUCT SAFETY COMMISSION

[CP 75-16]

CATALYTIC HEATERS
Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: In this document the Commission denies a petition to develop a mandatory safety standard for catalytic heaters because the possible hazards associated with these heaters appear to be adequately addressed in a voluntary standard now being developed.

FOR FURTHER INFORMATION CONTACT:

George Anikis, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone 301-492-6453.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the FEDERAL REGISTER.

In a letter designated a petition on March 19, 1975, Mr. Steven O. Spelman, a manufacturer of catalytic heaters petitioned the Commission to develop a safety standard for catalytic heaters. These heaters are portable, generally flameless and are usually used by consumers in recreational environments such as for camping. The possible hazards that may be associated with catalytic heaters are carbon monoxide poisoning, anoxia and hot surfaces.

In response to earlier communications from the petitioner stating that unburned hydrocarbons emitted from catalytic heaters could be a substantial product hazard because of the danger of explosion, the Commission's Bureau of Engineering Sciences sponsored a series of tests by the National Bureau of Standards. These tests showed that in a confined space of about 100 cubic feet, similar to a small camper, sufficient air leakage would occur to prevent an explosive buildup of unburned hydrocarbons. Therefore, the staff did not believe that a substantial product hazard existed at that time.

In evaluating this petition, little injury information came to light. The incidence of injuries associated with catalytic heaters appears to be low. The two reported incidents, including one death, were caused by explosions that resulted in fires. A study by the University of Washington's Department of Environmental Health concluded that catalytic heaters could be dangerous under conditions of limited ventilation. The report emphasized the necessity for sufficient venting where catalytic heaters are used.

The Commission is advised that the American National Standard Institute (ANSI) has been developing a voluntary standard for catalytic heaters. Among other matters, the voluntary standard effort is directed to decreasing the problem of hot surface temperatures by requiring guards to prevent skin contact with the heater surfaces and addressing the potential for carbon monoxide poisoning by requiring warning labels regarding the need for ventilation. It appears that this voluntary standard when completed could help considerably to improve catalytic heater safety.

It is the Commission's belief that the voluntary standard being developed by the ANSI Z21.61 Subcommittee on Standards for Portable Gas Fired Camping Equipment, reasonably addresses hazards associated with catalytic heaters. It is expected that manufacturers of catalytic heaters would substantially conform to the requirements of this voluntary standard. Commission staff will monitor the development of the standard as well as subsequent conformance by manufacturers and advise the Commission accordingly.

After carefully considering the matters raised by petitioner, and the information presently available to the Commission, including advice on the substantial progress toward development and implementation of a satisfactory voluntary standard, the Commission concludes that a mandatory standard is not needed at this time to deal with possible hazards associated with catalytic heaters. Therefore, the petition is denied.

Copies of the petition and the staff's briefing package to the Commission on the petition may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: June 22, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-18216 Filed 6-24-77;8:45 am]

JUN 27 77 UM

ISSUES RELATING TO REPURCHASE UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT

Request for Comments

AGENCY: Consumer Product Safety Commission.

ACTION: Request for written comments.

SUMMARY: The Consumer Product Safety Commission requests written comments on certain issues relating to repurchase under the Federal Hazardous Substances Act.

DATES: Comments should be submitted by July 8, 1977.

ADDRESSES: Comments should be submitted, preferably in five (5) copies, to the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Robert Poth, Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. (301) 492–6400.

SUPPLEMENTARY INFORMATION: On June 8, 1977, the Commission published in the FEDERAL REGISTER (42 FR 29326) a notice of a hearing to be held on June 17, 1977, for the purpose of clarifying or resolving issues relating to repurchase of TRIS products or enforcement of the TRIS ban previously issued by the Commission. The notice that announced the hearing stated that written submissions were encouraged and that if possible they should be submitted prior to the date of the hearing.

The Commission realizes that these issues are complicated and have substantial economic impact. Accordingly, the Commission believes that additional time for the submission of written comments is warranted and announces that it will consider written comments concerning these issues that are submitted by July 8, 1977.

Written comments should be submitted, preferably in five (5) copies, to the Office of the Secretary, 1111 18th Street N.W., Washington, D.C. 20207. The comments may be supported by a memorandum or brief.

Dated: June 22, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77–18219 Filed 6–24–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20778]

INTERNATIONAL CARRIERS AND THEIR COMMUNICATIONS SERVICES BETWEEN U.S. AND OVERSEAS AND FOREIGN POINTS

Order Regarding Preliminary Audit and Study of Operations

Adopted: June 14, 1977.

Released: June 21, 1977.

In the matter of preliminary audit and study of operations of international carriers and their communications services between the United States and overseas and foreign points, Docket No. 20778.

1. By memorandum Opinion and Order in the above-referenced proceeding released May 7, 1976, 59 F.C.C. 2d 240, the Commission instituted a preliminary examination of the United States International communications carriers.[1] In connection with that examination, the Commission directed the subject carriers to file fully distributed (FDC) and current cost studies which are presently scheduled to be submitted on July 1, 1977. We have before us for consideration requests by the several carriers for an extension of the time in which to file those studies.

2. Requests for extension were received from American Telephone and Telegraph Company, Hawaiian Telephone Company, ITT World Communications Inc., RCA Global Communications, Inc., and Western Union International, Inc. which may be summarized as follows:

Carrier	FDC cost study	Current cost study
A.T. & T.	Oct. 1,1977	Jan. 1,1978
HTC	do	Oct. 1,1977
ITTW	Nov. 30,1977	Nov. 30,1977
RCAG	Jan. 1,1978	Jan. 1,1978
WUI	do	Do.

Additionally, TRT Telecommunications Corp. filed a request for an extension of the same duration as that granted the other carriers and did not suggest a specific date.

3. In support of their requests, the parties generally note the substantial amount of work involved in preparing the required cost studies, their limited personnel and delays in developing reporting requirements.

4. We believe that the parties have shown good cause for some extension of time. We recognize that the cost studies in this proceeding will entail a substantial amount of time and effort if the results are to be useful to us in advising the Commission. While we could require cost studies to be filed on July 1, 1977, we are concerned with the possible quality of the resulting studies. Therefore, in balancing our desire for the expeditious conduct of this matter against the need for the best information possible, we believe that the public interest will be served by postponing the date for filing the cost studies.

5. We note that different parties have requested postponements of differing length, ranging from October 1, 1977 until January 1, 1978. We are of the opinion that six months is too long a period reasonably to delay the proceeding. We believe, however, that an extension of the due date until November 15, 1977 for all cost studies should ameliorate the parties' problems without unreasonably delaying resolution of this matter.

6. Accordingly, pursuant to § 0.303 of the Commission's rules and regulations, 47 CFR 0.303 (1976), the date for all parties to file the FDC, Current Cost and any optional cost studies herein is extended until November 15, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
PHILIP V. PERMUT,
Acting Deputy Chief, Common Carrier Bureau.

[FR Doc.77–18234 Filed 6–24–77;8:45 am]

[1] See 41 FR 19377, May 12, 1976.

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Meetings

In accordance with Pub. L. 92–463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 71, "VHF Automated Radiotelephone Systems" Notice of 1st Meeting, Tuesday, July 12, 1977—9:30 a.m., Conference Room A–110, 1229–20th Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Introduction of Moderator.
2. Introduction of Attendees; Appointment of Secretary.
3. Adoption of Agenda.
4. Recommendation for Chairman.
5. Review of Reference Documents.
6. Discussion on Terms of Reference.
7. Discussion of Technical & Operational Areas.
8. Development of Work Assignments.
9. Other Business.
10. Establishment of Meeting Schedule.

Robert McIntyre, Moderator, Federal Communications Commission, Washington, D.C., Phone: 202–632–7197.

Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service," Notice of 41st Meeting, Wednesday, July 13—9:30 a.m. (All-day meeting), Conference Room A–205, 1229–20th Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Raoporteur.
3. Acceptance of SC–66 Summary Record.
4. Continue preparation of MMS R–5, Standard for "General Purpose Marine Receivers".
5. Discussion of problem areas.
6. Solicitation of Work Assignments.
7. Other business.
8. Establishment of next meeting date.

H. R. Smith, Chairman, SC–66, ITT Mackay Marine, 441 U.S. Highway #1, Elizabeth, N.J. 07202, Phone: 201–527–0300.

To: Members of Special Committee No. 65 "Ship Radar".

Subject: Notice of 57th Meeting.

Date/Time: Thursday, July 14, 1977–1:30 p.m.

Location: Conference Room 8210, 2025 M Street, NW., Washington, D.C.

Agenda for SC–65 Committee Meeting appears later in this notice. SC–65 Working Group schedule. To be held at 2025 M Street, NW., Washington, D.C. Working Group, Reliability; Room 8210; Date, July 14; Time 9:30 a.m. If other Working Group meetings are scheduled, Group Members will be notified.

NOTE: Meeting Room location is subject to change. Check at Room 8210 first.

AGENDA

1. Call to Order; Chairman's Report: Adoption of Agenda.
2. Acceptance of SC–65 Summary Records; Appointment of Rapporteur. 18 May 1977, Paper 74–77/SC 65–239; 15 June 1977, Paper 98–77/SC 65–242.
3. Progress Report of Reliability Working Group.
4. Report of Action of Executive Committee on Paper 82–77/EC–223/SC 65–240.
5. Mini-meeting of: (a) CAWG on Evaluation, (b) BRWG on updating, (c) Manual Plotting.
6. Other business.
7. Establishment of next meeting date. (October 19, 1977.)

For approval at this meeting. Irvin Hurwitz, Chairman, SC–65, Federal Communications Commission, Washington, D.C. 20554, Phone: 202–632–7197.

To comply with the advance notice requirements of Pub. L. 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meeting. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend the meeting should report to the room listed in the notice. If a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for the meeting is available at that meeting. Those desiring more specific information may contact either the designated Chairman or the RTCM Secretariat. (Phone (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final report is approved by the RTCM Executive Committee. All RTCM meetings are open to the public. Written statements are preferred but by previous arrangement, oral presentations will be permitted within time and space limitations.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77–18233 Filed 6–24–77;8:45 am]

[Docket No. 21179]

UHF CHANNEL READOUT ON TELEVISION RECEIVERS

Extension of Time for Filing Comments

Order. In the matter of UHF Channel Readout on Television Receivers, Docket No. 21179.

Adopted: June 17, 1977.

Released: June 21, 1977.

1. Springfield Television Broadcasting Corp.; National Business Network, Inc.; Delta Television Corp.; and Oklahoma City Broadcasting Co. have requested a further extension of time for the filing of comments and reply comments in this proceeding.[1]

[1] See 42 FR 25350, May 17, 1977.

2. In support of their request, petitioners state that more time than anticipated is required to complete surveys they have undertaken to make, tabulate the results and present them to the Commission. Because we wish to develop as much information as possible to help us resolve questions posed in the Notice of Inquiry and want to encourage participants to be careful, thorough and comprehensive in their development of this information, we are granting the request.

3. *Accordingly, it is ordered,* Pursuant to § 0.251(b) of the rules and regulations, 47 CFR 0.251(b), that the time for filing comments in this proceeding is extended to August 1, 1977 and that the time for filing reply comments is extended to August 22, 1977.

J. CLAY SMITH,
Acting General Counsel.

[FR Doc.77–18235 Filed 6–24–77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

CANADIAN ALLOCATION PROGRAM

Allocation Notice for the July Through September 1977 Allocation Period

In accordance with the provisions of FEA's Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the allocation notice specified in § 214.32 for the allocation period commencing July 1, 1977 is hereby published.

On June 2, 1977, FEA issued a final rule (42 FR 29295, June 8, 1977) amending 10 CFR Part 214 to provide for allocation by FEA of the Canadian light and heavy crude oil streams separately to priority refineries according to their use of each crude oil type in the base period, with provisions permitting priority refineries to fill out their base period volume of Canadian crude oil with heavy crude oil to offset the shortfall of light crude oil.

Under the amended regulations, allocations of Canadian light and heavy crude oil to a particular priority refiner or other firm will not exceed its nominations to FEA. FEA first allocates the Canadian light crude oil to first and second priority refiners according to their use of light crude oil in the base period, with the base period volume requirements of first priority refineries being satisfied before any light crude oil is allocated to second priority refineries. Canadian heavy crude oil is allocated to first and second priority refiners according to their respective base period volumes of both Canadian light and heavy crude oils, taking into account any rights for light crude oil that are issued for a refiner's first or second priority refinery, with the base period volume requirements of first priority refineries being satisfied first. Any remaining heavy crude oil is allocated to first and second priority refineries on a pro-rata basis with reference to their respective nominations for heavy crude oil, with the nominations of first priority refineries being satisfied first.

The issuance of Canadian crude oil rights for the July 1, 1977 allocation period to refiners and other firms, pursuant to § 214.31, is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) the name of each refiner and other firm to which rights have been issued; (2) the base period volume[1] of Canadian crude oil for each refiner's first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each refiner's first or second priority refinery; (4) the nominations to FEA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The listing contained in the Appendix also reflects any adjustments made by FEA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, FEA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by FEA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by 214.31(e), in the allocation period commencing July 1, 1977, each refiner or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian light and heavy crude oil, respectively, subject to allocation under Part 214 equal to the number of rights specified in the Appendix.

The Canadian National Energy Board (NEB) has advised FEA that the total volumes of Canadian light and heavy crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the three-month allocation period commencing July 1, 1977, will be at the average level of 137,000 barrels per day (B/D) of Canadian light crude oil and 106,522 B/D of Canadian heavy crude oil. The NEB

[1] "Base period volume" for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period on a barrels per day basis.

has further advised FEA that, for the month of July, 30,000 B/D of the total export volume of light crude oil will be condensate. Any change in the average export levels for Canadian light crude oil, including condensate, and Canadian heavy crude oil anticipated for this allocation period will be reflected in revised allocations for this period pursuant to a supplemental allocation notice.

The NEB has further advised FEA of the following operational constraints with respect to the export of Canadian light and heavy crude oil for the allocation period:

50 B/D of light crude oil must be delivered through the Union Oil pipeline from the Dragon field in Canada to the Thunderbird refinery at Cutbank, Montana.

100 B/D of heavy crude oil must be delivered through the Harris Exploration pipeline to Phillips Petroleum at Great Falls, Montana.

12,000 B/D of condensate must be delivered through the Rangeland—Aurora—Glacier pipeline system to Montana.

Pursuant to 10 CFR 214.35, FEA has given effect to these operational constraints in the allocations set forth in the Appendix.

ALLOCATION OF CANADIAN LIGHT CRUDE OIL

The authorized export level for Canadian light crude oil for this allocation period is 137,000 B/D. The adjusted base period volumes of Canadian light crude oil for all first priority refineries nominating for light crude oil totals 183,143 B/D. Accordingly, with the exception of the operational constraint of 50 B/D to the Thunderbird refinery at Cutbank, Montana, a second priority refinery, no allocations of light crude oil are shown for second priority refineries and the export level of light crude oil, as adjusted to reflect the operational constraint as to the Thunderbird refinery, was allocated among first priority refineries on a pro-rata basis in the following manner.

First, a factor of 0.747776 [2] was applied to each first priority refinery's base period volume of light crude oil. Second, the allocation for Consumers Power was reduced to conform to its nominations for light crude oil for its Essexville facility and to reflect the operational constraint applicable to its Marysville facility.[3] Third, the factor was recomputed [4] to reflect these adjustments and was reapplied to each first priority refinery's (excluding Consumers Power's Essexville and Marysville facilities) base period volume of light crude oil to arrive at the final allocations. The allocations of Canadian light crude oil to the first priority refineries in Montana include the 12,000 B/D of condensate required to be delivered to Montana.

ALLOCATION OF CANADIAN HEAVY CRUDE OIL

The authorized export level for Canadian heavy crude oil is anticipated to be at the average level of 106,522 B/D. First priority refineries nominating for heavy crude oil have been allocated a total of 86,640 B/D of Canadian heavy crude oil, which was calculated by combining their respective base period volumes of light and heavy crude oil and subtracting their allocations of light crude oil. In no case do the allocations of heavy crude oil to first priority refineries exceed their respective nominations for heavy crude oil.

The remaining supply of Canadian heavy crude oil, 19,882 B/D, was allocated among second priority refineries on a pro-rata basis in the following manner. First, a factor of 0.146983 [5] was applied to each second priority refinery's base period volume of light and heavy crude oil, as adjusted to reflect allocations of light crude oil. Second, the resulting allocations of heavy crude oil for Amoco's refinery at Whiting, Indiana, and Phillips Petroleum's refinery at Great Falls, Montana, were reduced to reflect their nominations for heavy crude oil.[6] Third, the factor was recomputed [7] to reflect these adjustments and was reapplied to each second priority refinery's (excluding Amoco's Whiting refinery and Phillips' Great Falls refinery) adjusted base period volume of Canadian crued oil to arrive at the final second priority allocations for heavy crude oil.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that owns or controls a first priority refinery shall file with FEA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period; provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocation period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of FEA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with FEA's Office of Exceptions and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before July 27, 1977.

Issued in Washington, D.C. on June 20, 1977.

ERIC J. FYGI,
Acting General Counsel.

---

[2] See the following:

$$0.747776 = \frac{\text{Adjusted export level for Canadian light crude oil} = 136{,}950\ \text{B/D}}{\text{Sum of first priority refineries' base period volume of light crude oil} = 183{,}143\ \text{B/D}}$$

[3] In affidavits filed pursuant to Subpart D of Part 214, Consumers Power has advised FEA that its Marysville facility can process only condensate. Under the operational constraint applicable to condensate, as described above, the Marysville facility can receive only 18,000 B/D of Condensate in July. Accordingly, the allocation for Consumers Power for the Marysville facility was reduced to 18,000 B/D for July.

[4] As recomputed, the factor is:

$$0.823610 = \frac{\text{Adjusted export level for light crude oil (136,950 B/D), less allocations to Consumers Power's Essexville and Marysville facilities (20,022 B/D)} = 116{,}928\ \text{B/D}}{\text{Sum of first priority refineries' (excluding Consumers Power) base period volume of light crude oil} = 111{,}963\ \text{B/D}}$$

[5] See the following:

$$0.146983 = \frac{\text{Export level of Canadian heavy crude oil available to second priority refineries} = 19{,}882\ \text{B/D}}{\text{Sum of second priority refineries' base period volume of Canadian crude oil adjusted to reflect allocations of light crude oil} = 135{,}267}$$

[6] In this regard, Phillips Petroleum's nomination for heavy crude oil for its refinery at Great Falls, Montana, corresponded to the operational constraint for heavy crude oil described above.

[7] As recomputed, the factor is:

$$0.153476 = \frac{\text{Export level of Canadian heavy crude oil available to second priority refineries (19,882 B/D), less allocations of heavy crude oil to Amoco's Whiting refinery and Phillips Petroleum's Great Falls refinery (3415 B/D)} = 16{,}467\ \text{B/D}}{\text{Sum of second priority refineries' (excluding Amoco's Whiting refinery and Phillips Petroleum's Great Falls refinery) adjusted base period volumes of Canadian crude oil} = 107{,}294\ \text{B/D}}$$

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - July 1, 1977 to September 30, 1977
(Barrels Per Day)

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	AMOCO							
II	Whiting, Ind.	26,751	25,560	1,191	11,000	3,315	0	3,315
II	Casper, Wyo	2,991	2,991	0	0	0	0	0
II	Mandan, N.D.	8,995	8,995	0	10,000	0	0	0
II	Sugar Creek, Mo.	317	317	0	0	0	0	0
	ARCO							
II	Cherry Point, Wash.	34,225	34,225	0	9,013	0	0	0
	ASHLAND							
II	Buffalo, N.Y.	36,752	32,033	4,719	0	6,000	0	5,641
II	Findlay, Ohio	2,198	33	2,165	0	11,000	0	337
I	St. Paul Park, Minn	44,707	39,904	4,803	36,700	8,000	32,867	8,000
	DOW CHEMICAL, U.S.A							
II	Bay City, Mich.	2,767	2,767	0	1,000	0	0	0
	CLARK							
II	Blue Island, Ill	18,764	18,764	0	0	0	0	0
	CONSUMERS POWER							
I	Essexville, Mich	13,872	13,872	0	2,022	0	2,022	0
I	Marysville, Mich.	27,306	27,306	0	27,306	0	18,000 1/	0
	CONTINENTAL							
I	Billings, Mont.	25,994	25,994	0	26,000	0	21,410	0
II	Denver, Colo.	4,639	4,639	0	0	0	0	0
II	Ponco City, Ok.	1,188	1,188	0	0	0	0	0
I	Wrenshall, Minn.	20,651	20,651	0	20,700	0	17,009	0

1/ Operational Constraint

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	CRA							
II	Coffeyville, Kan.	318	318	0	318	0	0	0
II	Philipsburg, Kan.	173	173	0	173	0	0	0
II	Scotsbluff, Neb.	401	401	0	401	0	0	0
	CRYSTAL							
II	Carson City, Mich.	1,104	1,104	0	3,000	2,000	0	169
	ENERGY COOPERATIVE							
II	East Chicago, Ind.	10,804	10,267	537	0	0	0	0
	EXXON							
I	Billings, Mont.	15,908	15,908	0	19,000	0	13,102	0
	FARMERS UNION							
I	Laurel, Mont.	13,439	13,439	0	13,500	0	11,069	0
	GLADIEUX							
II	Fort Wayne, Ind.	774	774	0	2,500	2,500	0	119
	GULF							
II	Toledo, Ohio	13,253	13,253	0	41,521	0	0	0
	HUSKY							
II	Cheyenne, Wyo.	4,865	4,865	0	0	0	0	0
II	Cody, Wyo.	806	806	0	0	0	0	0
	KOCH							
I	St. Paul, Minn	74,383	5,691	68,692	5,000	85,000	4,687	69,696
	LAKE SUPERIOR D.P.							
I	Ashland, Wisc.	125	125	0	125	0	103	0
	LAKETON							
II	Laketon, Ind.	141	10	131	0	0	0	0
	LAKESIDE							
II	Kalamazoo, Mich.	1,240	1,240	0	3,000	2,000	0	190
	LITTLE AMERICA							
II	Casper, Wyo.	2,248	2,248	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	MARATHON							
II	Detroit, Mich.	10,301	10,159	142	9,435	0	0	0
	MOBIL							
II	Buffalo, N.Y.	24,995	24,995	0	0	0	0	0
II	Ferndale, Wash.	45,444	45,444	0	5,000	0	0	0
II	Joliet, Ill.	14,606	2,132	12,474	0	10,000	0	2,242
	MURPHY							
I	Superior, Wisc.	25,625	20,253	5,372	19,651	10,000	16,681	8,944
	NCRA							
II	McPherson, Kan.	836	836	0	0	0	0	0
	PESTER REFINING CO.							
II	EL DORADO, ARK.	196	196	0	1,000	0	0	0
	PASCO							
II	Sinclair, Wyo.	709	709	0	0	0	0	0
	PHILLIPS							
II	Great Falls, Mont.	1,222	1,222	0	2,000	100	0	100 1/
II	Kansas City, Kan.	3,352	3,105	247	0	0	0	0
	ROCK ISLAND							
II	Indianapolis, Ind.	1,063	1,063	0	0	0	0	0
	SHELL							
II	Anacortes, Wash.	55,919	55,919	0	35,000	0	0	0
II	Wood River, Ill.	8,673	8,673	0	25,000	0	0	0
	SUN							
II	Toledo, Ohio	16,427	16,427	0	13,000	0	0	0
	SOHIO							
II	Toledo, Ohio	29,182	29,182	0	25,000	15,000	0	4,479
	TENNECO							
II	Chalmette, La.	1,767	1,767	0	0	0	0	0
	TESORO							
II	New Castle, Wyo.	676	676	0	300	0	0	0

1/ Operational Constraint

Priority	Refiner/Refinery	Base Period Volume Total Canadian Runs	Canadian Light Crude Oil	Nominations Light	Nominations Heavy	Allocation Light	Allocation Heavy
II	TEXACO						
II	Anacortes, Wash.	41,229	41,229	58,696	0	0	0
II	Casper, Wyo.	1,380	1,380	4,500	0	0	0
II	Lockport, Ill.	1,244	1,244	26,000	0	0	0
II	THE REFINERY CORP. Commerce City, Colo	174	174	0	0	0	0
II	THUNDERBIRD Cutbank, Mont.	554	554	2,011	0	0	0
II	TOTAL PETROLEUM Alma, Mich.	9,727	3,020	10,000	10,000	0	1,797
II	TEXAS AMERICAN West Branch, Mich.	2,011	2,011	9,836	0	0	0
II	UNION OIL OF CALIF Lamont, Ill.	11,711	11,711				
II	UNITED REFINING Warren, Pa.	9,917	9,789				
	TOTAL PRIORITY I	262,010	183,143	78,867	170,004	103,000	136,950	86,640
	TOTAL PRIORITY II	469,029	440,588	28,441	308,768	66,915	50	19,882
	TOTAL I&II	731,039	623,731	107,308	478,772	169,915	137,000	106,522

1/ Operational Constraint

[FR Doc.77-18044 Filed 6-21-77;2:07 pm]

CASES FILED WITH THE OFFICE OF EXCEPTIONS AND APPEALS

Week of June 3 Through June 10, 1977

Notice is hereby given that during the week of June 3 through June 10, 1977 the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Federal Energy Administration's Office of Exceptions and Appeals.

Under the FEA's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the FEA action sought in such cases may file with the FEA written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date or receipt by an aggrieved person of actual notice, whichever occurs first.

ERIC J. FYGI,
Acting General Counsel.

JUNE 20, 1977.

APPENDIX—*List of cases received by the Office of Exceptions and Appeals, Week of June 3 through June 10, 1977*

Date	Name and location of applicant	Case No.	Type of submission
June 3, 1977	Gas Del Oro, Inc.; Gas Del Oro International, Inc.; and El Dorado Marketing Co., Houston, Tex. (If granted: The Office of Private Grievances and Redress would direct FEA personnel to respond to a request for an interpretation submitted by Gas Del Oro, Inc.; Gas Del Oro International, Inc., and the El Dorado Marketing Co.)	FSG-6009	Request for special redress.
Do	Southern Natural Resources, Inc., Birmingham, Ala. (If granted: Southern Natural Resources, Inc. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Lapeyrouse and Patterson gas plants.)	FEE-4320 FEE-4321	Price exception. Sec. 212.165).
Do	Coastal States Gas Corp., Houston, Tex. (If granted: The FEA's May 13, 1977, decision and order would be modified and Coastal States Gas Corp. would receive additional exception relief which would permit the firm to further increase its selling prices for natural gas liquids and natural gas liquid products produced at its Almeda gas plant above the maximum permissible price levels specified in 10 CFR part 212, subpart K.)	FXA-1316	Appeal of the relief granted in Coastal States Gas Corp., FEE-4045 (decided May 13, 1977) (unreported decision).
Do	Dixie Gas, Inc., Marks, Miss. (If granted: The FEA's Mar. 30, 1977, decision and order would be rescinded and Dixie Gas, Inc. would not be required to refund revenues which the firm realized as a result of charging prices for propane during the period Sept. 1, 1973 through Mar. 31, 1974, which were apparently in excess of the maximum allowable selling prices computed pursuant to the provisions of 10 CFR 212.93.)	FXA-1317	Appeal of the FEA's decision and order in Dixie Gas, Inc., 5 FEA par. 83,115 (Mar. 30, 1977).
Do	Mary E. Griggs, Logan, Ohio (If granted: Mary E. Griggs would be allowed to retain overcharges realized as a result of the sale of crude oil attributable to her royalty interest in a producing property at prices in excess of the maximum levels permitted in 10 CFR 212.73.)	FEE-1335	Price exception.
Do	Mary E. Griggs, Logan, Ohio (If granted: The remedial order issued by FEA region V on May 9, 1977, would be rescinded.)	FRA-1349	Appeal of a remedial order issued by FEA region V on May 9, 1977.
Do	Monsanto Co., St. Louis, Mo. (If granted: Monsanto Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquid products produced at its Adena, Como, Diamond "M," Dollarhide, Gillette, McKamie, Pledger, and Spivey gas plants.)	FEE-4322 FEE-4328	Price exception (Sec. 212.165).
Do	OKC Corp., Washington, D.C. (If granted: OKC Corp. would receive an exception from the provisions of 10 CFR 211.67 (the old oil entitlements program) with respect to its entitlement purchase obligations during its 1976 fiscal year.)	FEE-4330	Exception to the old oil entitlements program.
Do	Petroleum Management, Inc., Wichita, Kans. (If granted: The remedial order issued by FEA region VII would be rescinded and Petroleum Management, Inc. would not be required to refund overcharges made on its sales of crude oil.)	FRA-1311	Appeal of a remedial order issued by FEA region VII on Apr. 27, 1977.
Do	Burl C. Smith, Portage, Ohio (If granted: The remedial order issued by FEA region V would be rescinded and Burl C. Smith would not be required to refund overcharges made in its sales of motor gasoline and middle distillates.)	FRA-1348	Appeal of a Remedial Order issued by the FEA region V on Feb. 25, 1977.
Do	Sun Co., Inc., Dallas, Tex. (If granted: Sun Co., Inc. would receive an extension of the exception relief granted in the FEA's Apr. 4, 1977, decision and order which permitted to firm to increase its prices to reflect nonproduct cost increases in excess of $0.005 per gallon for natural gas liquids produced at its Maurice gas plant.)	FXE-4331	Extension of the relief granted in Sun Co., Inc., FXE-3903 (decided Apr. 4, 1977) (unreported decision).
June 7, 1977	Johns-Manville Corp., Denver, Colo. (If granted: The FEA's Apr. 13, 1977, information request denial would be rescinded and Johns-Manville would receive a copy of the summary evaluation of the feasibility of total conversion of coal firing for the Waukegan BM Plant of Johns-Manville Corp.)	FFA-1350	Appeal of FEA's information request denial.
June 8, 1977	Colonial Oil Co., Jacksonville, Fla. (If granted: Colonial Oil Co. would receive an extension of the exception relief granted in the FEA's Apr. 7, 1977, decision and order which would permit the firm to be assigned a new, lower priced supplier of motor gasoline to replace its base period supplier, American Petrofina, Inc.)	FXE-4333	Extension of the relief granted in Colonial Oil Co., 5 FEA par. 83,128 (Apr. 7, 1977).

JUN 27 1977 UM

Date	Name and location of applicant	Case No.	Type of submission
Do.....	American Can Co., Greenwich, Conn. (If granted: The Assistant Administrator for Energy Conservation and Environment would make a determination as to the appropriateness of including the energy consumption of American Can Co's. (ACC) Chemplex subsidiary in ACC's 1975 energy consumption data. That data is utilized to determine whether ACC is one of the 50 most energy consumptive firms in SIC 28.)	FEX-0162	Supplemental Order.
Do.....	Atlantic Richfield Co., Dallas, Tex. (If granted: Atlantic Richfield Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of $0.605 per gallon for natural gas liquid products produced at its Empire Abo gas plant.)	FEE-4332	Price exception (sec. 212.165).
Do.....	C & H Refinery, Inc., Lusk, Wyo. (If granted: C & H Refinery, Inc. would receive an exception from the provisions of 10 CFR 211.67(e)(2).)	FEE-4318	Allocation exception (sec. 211.67).
Do.....	Columbia Hydrocarbon Corp., Columbus, Ohio (If granted: Columbia Hydrocarbon Corp. would be assigned a base period use for propane and Dome Petroleum Ltd. would be assigned as its base period supplier.)	FEE-4336	Allocation exception.
Do.....	Mid-Michigan Truck Service, Inc., Grand Rapids, Mich. (If granted: Mid-Michigan Truck Service, Inc. would receive an extension of the relief granted in the FEA's Jan. 6, 1977, decision and order which permits the firm to be supplied motor gasoline directly by the Gulf Oil Corp.)	FXE-4334	Extension of the relief granted in Mid-Michigan Truck Service, Inc., 5 FEA par. 87,003 (Jan. 6, 1977).
Do.....	Sabre Refining, Inc., Bakersfield, Calif. (If granted: Sabre Refining, Inc. would receive an extension of the exception relief granted in the FEA's Dec. 23, 1976, decision and order and would not be required to purchase entitlements to account for its crude oil receipts and runs to stills.)	FXE-4337	Extension of the relief granted in Sabre Refining, Inc., 5 FEA par. 83,014 (Dec. 23, 1976).
Do.....	Stephens & Cass, Dallas, Tex. (If granted: The FEA's May 20, 1977, decision and order would be modified and Stephens & Cass would not be required to establish an escrow account as a condition of a stay of this remedial order issued to the firm.)	FMR-0108	Modification of the decision and order in Stephens & Cass, 5 FEA par. ---- (May 20, 1977).
Do.....	United Refining Co., Warren, Pa. (If granted: The FEA's May 13, 1977, decision and order would be rescinded and United Refining Co. would receive an exception from the provisions of 10 CFR 211.67 (the old oil entitlements program) which would permit an increase in the firm's monthly entitlements obligations.)	FXA-1351	Appeal of the FEA's decision and order in United Refining Co., 5 FEA par. ---- (May 13, 1977).
June 9, 1977..	Florida Gas Exploration Co., Winter Park, Fla. (If granted: The remedial order issued by FEA region IV on Apr. 19, 1977, would be rescinded and Florida Gas Exploration Co. would not be required to refund overcharges made in its sales of crude oil produced from the Discorbis 15 Drilling Unit and the Unknown Pass Field.)	FRA-1329	Appeal of the remedial order issued by FEA region IV on Apr. 19, 1977.
Do.....	Gary Western Co., Englewood, Colo. (If granted: The stay relief granted in the FEA's April 25, 1977, decision and order would be rescinded.)	FEX-0163	Rescission of decision and order in Gary Western Co., 5 FEA par. ---- (Apr. 25, 1977).
Do.....	Maralo, Inc., Round Mountain, Tex. (If granted: The FEA's May 16, 1977, decision and order would be rescinded and Maralo, Inc. would be permitted to treat 6 of its crude oil reservoirs as separate properties.)	FXA-1353	Appeal of the FEA's decision and order in Maralo, Inc., 5 FEA par. ---- (May 16, 1977).
Do.....	Monsanto Co., St. Louis, Mo. (If granted: Crude oil produced from the Bagaason No. 1 well and the Milo No. 1 Well, Grenora Field in Williams County, N. Dak. and State 16 No. 1 Well, Dwyer Field in Sheridan County, Mont., would be sold at upper tier ceiling prices.)	FEE-4338 through FEE-4340	Price exception (sec. 212.73).
Do.....	Texaco, Inc., New York, N.Y. (If granted: The FEA's Apr. 29, 1977, decision and order would be modified and Texaco, Inc. would receive access to documents requested in its Aug. 20, 1976, and Oct. 18, 1976, submissions regarding the passthrough of nonproduct costs.)	FMR-0109	Modification of the FEA's decision and order in Texaco, Inc., 5 FEA par. ---- (Apr. 29, 1977).
Do.....	Texaco, Inc., New York, N.Y. (If granted: The FEA's information request denial would be rescinded and Texaco, Inc. would receive access to documents requested in its Aug. 20, 1976, and Oct. 18, 1976, submissions regarding the passthrough of nonproduct costs.)	FFA-1352	Appeal of the FEA's information request denial.

[FR Doc.77-18042 Filed 6-24-77;8:45 am]

ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT

Issuance of Construction Order to Deerhaven 2

The Federal Energy Administration (FEA) hereby gives notice that on June 21, 1977, it issued a construction order, pursuant to the authorities granted to it by Section 2 of the Energy Supply and Environmental Coordination Act of 1974, (ESECA) (15 U.S.C. 791 et seq.), as amended by Pub. L. 94–163, and in accordance with 10 CFR, Parts 303 and 307, to the following powerplant in the early planning process:

Docket No.	Owner	Generating station	Unit No.	Location
OCU-186	Gainesville-Alachua County, Regional Utilities Board.	Deerhaven.....	2	Hague, Fla. (Alachua County).

By Notice of Intention published in the FEDERAL REGISTER on January 13, 1977, (42 FR 2714), FEA gave notice of its intention to issue a construction order to the above-listed powerplant in the early planning process. Written comments were requested on the proposed orders. No written comments were received by FEA during the period provided for comment. In addition a public hearing was held in Gainesville, Florida on January 28, 1977.

This order will require the above-listed powerplant in the early planning process to be designed and constructed so as to be capable of using coal as its primary energy source. The construction order will not become effective, however, until FEA has considered the environmental impact of making the Order effective pursuant to 10 CFR 208.3(a)(4) and 307.7 and has served the affected powerplant with a Notice of Effectiveness, as provided in § 303.10(b), 303.47(b) and 307.5 of the FEA regulations implementing Section 2 of ESECA. Section 307.7 requires that prior to the issuance of a Notice of Effectiveness, FEA shall perform an analysis of the environmental impact of the issuance of such Notice of Effectiveness.

The above-listed powerplant in the early planning process has been served a construction order by registered mail. In addition, copies of this Construction Order will be on display for any interested members of the public at the FEA Freedom of Information Reading Room located in Room 2107, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. Copies will also be on display in the appropriate FEA regional office.

Any questions regarding this notice should be directed to Mr. Bill Lemeshewsky, Office of Coal Utilization, Federal Energy Administration, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 566–97065.

Issued in Washington, D.C., June 21, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77-18294 Filed 6-24-77;8:45 am]

APPEALS AND APPLICATIONS

Issuance of Decisions and Orders; Week of May 2 Through May 6, 1977

Notice is hereby given that during the week of May 2 through May 6, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

PETITION FOR SPECIAL REDRESS

Consumer Federation of America, Washington, D.C.; FSG-0042; Middle distillates

The Consumer Federation of America (CFA) filed a Petition for Special Redress relief. In its Petition the CFA requested that the Office of Private Grievances and Redress direct that financial assistance be provided to the CFA to ensure that it would be able to fully participate in a rulemaking proceeding which the FEA had initiated with respect to the possible reimposition of allocation and price controls on middle distillates. In Consumers Union of United States, Inc., 5 FEA Par. 87,014 (February 18, 1977), the FEA discussed the general criteria which it would apply in evaluating an application for financial assistance to facilitate the representation of the consumer viewpoint in proceedings before the agency. In that Decision, the FEA referred to a determination of the Comptroller General of the United States which stated that an agency may facilitate public participation in its proceedings by using its appropriate fund to reimburse intervenors when (1) it believes that such participation is required by statute or is necessary to represent adequately opposing points of view on a matter; and (11) it finds that the intervenor is indigent or otherwise unable to bear the financial costs of participating in the proceedings. In applying those criteria to the present case, the FEA noted that the proposed rulemaking proceeding would be of major concern to consumers throughout the nation, and that the participation of consumer representatives would provide a full perspective of the issues to be considered. The FEA further determined that the CFA through its Energy Policy Task Force was uniquely qualified to represent consumer interests in the proposed rulemaking proceeding, and that its intervention in that proceeding would contribute to a fair determination of the issues to be considered. The FEA also fund that the CFA would be unable to bear the full costs which it would be likely to incur in this matter without some financial assistance. The FEA therefore granted the CFA Petition, and directed that the CFA be reimbursed for all payments made in retaining economic and financial analysts and all direct out-of-pocket expenses which it incurs, up to an aggregate maximum amount of $6,000. The FEA also stated that it would entertain a further request by the CFA at the conclusion of the rulemaking proceeding for additional financial reimbursement for reasonable legal fees incurred by the CFA.

APPEALS

Central Carolina Farmers, Inc.; Durham, N.C., FXA–1062; Propane

Central Carolina Farmers, Inc. (CCF) appealed from a Decision and Order denying a request for exception which it had filed from the provisions of 10 CFR 211.9. Central Carolina Farmers, Inc., 4 FEA Par. 83,174 (November 1, 1976). In its exception request, CCF sought to be assigned a new, lower-priced supplier to replace its base period suppliers of propane. The firm contended that there was a significant disparity between its cost of propane and the comparable costs of its competitors, and that as a result it was experiencing a serious financial hardship. In rejecting these claims, the FEA found that the data elicited during the course of the proceeding indicated that the firm was not experiencing a substantial cost disparity and that the evidence in the record did not lead to the conclusion that CCF was experiencing a serious financial hardship as a result of FEA regulatory requirements. CCF contended on appeal that the FEA had erred in calculating the difference between its cost of propane and the average price offered for that product by suppliers in its market area because it included in that comparison the prices of certain suppliers which do not supply CCF's competitors. In view of the fact that CCF sells propane in a market area which is limited in size, the FEA concluded that the firm's claim was correct, and that only the suppliers which offer propane for sale to CCF's competitors in this area should have been included in the survey of suppliers in the November 1 Decision. The new survey of suppliers which the FEA conducted indicated that the cost disadvantage experienced by CCF was substantially greater than that found to exist in the November 1 Decision. However, the FEA nevertheless determined that based on new data which CCF submitted in connection with its Appeal, the firm's propane division earned substantial profits during the first five months of its 1977 fiscal year in contrast to a loss during the comparable period in 1976. In addition, the firm's total petroleum-related activities were currently profitable. In view of these circumstances, the FEA concluded that CCF failed to demonstrate that it was experiencing serious financial or operating difficulties as a result of the cost disparity which it was experiencing, and the firm's Appeal was denied.

Guam Oil and Refining Co., Inc.; Dallas, Tex.; FIA–1212; Crude oil

The Guam Oil and Refining Company, Inc. (GORCO) filed an Appeal from an Interpretation which the Acting General Counsel of the FEA issued to the firm on February 11, 1977. The Interpretation held that the unfinished oils in GORCO's refinery feedstocks do not qualify as crude oil for purposes of 10 CFR 211.67. Accordingly, the Interpretation concluded that the portion of those feedstocks consisting of unfinished oils is not eligible for inclusion in the volume of crude oil runs to stills which GORCO reports to the FEA for purposes of the Entitlements Program. In considering GORCO's Appeal the FEA noted that in order to formulate the feedstocks which it supplies to GORCO, the Exxon Corporation mixes kerosene and naphtha blend stocks with Arabian crude oil. Since both naphtha and kerosene are substances which are refined from crude oil the FEA determined that they therefore are not themselves "crude oil." The FEA further concluded that the regulatory provisions applicable to blends of covered products which appear at 10 CFR 212.31 not apply to 10 CFR Part 211, and that the use of the term "crude oil" in Part 212 refers only to crude oil itself and not to other substances which may have been blended with crude oil. The FEA further concluded that Bureau of Mines Form 6–1300–M, which is the basis for measuring a refiner's crude oil runs to stills for purposes of the Entitlements Program, requires that crude oil and unfinished oils be reported separately. The FEA also rejected GORCO's contention that the FEA should regard the term "crude oil" as including mixtures which are physically indistinguishable from virgin crude oil and have historically and consistently been priced, accounted for, and refined as crude oil. The FEA concluded that there is no basis in the language of the regulations which would support the adoption of this approach and further more that its adoption would lead to the disruption of the Entitlements Program. The FEA further concluded that there is no basis in the regulations for GORCO's contention that disruption of the Entitlements Program could be avoided by limiting the interpretation which it desires to the specific factual circumstances which it is encountering. Accordingly the GORCO Appeal was denied.

Gulf Oil Corp.; Houston, Tex.; FRA–1171; Service station rent

Gulf Oil Corporation appealed from an amended Remedial Order which was issued by the FEA on March 19, 1976. In the amended Remedial Order, the FEA found that during the period August 20, 1973 through April 30, 1974, Gulf charged Mr. Anthony

V 42 N 123 JUN 27 77 UM

Weber (Weber) a rental for a retail gas station which exceeded the maximum rental which Gulf was permitted to charge under the Economic Stabilization Program and FEA Regulations. The Gulf Appeal, if granted, would result in the rescission of the amended Remedial Order, or the issuance of an order permitting Gulf to offset the overcharges specified in the Remedial Order with additional rental amounts which Gulf alleged it was entitled to receive during the period from April 30, 1974 through December 7, 1975. In reviewing the factual history of this case, the FEA noted that Gulf, which had entered into a lease agreement with Weber on December 6, 1972, had agreed to a temporary modification of that contract on February 2, 1973 in order to assist Weber in establishing his business operation. That temporary modification agreement, which was in effect through May 15, 1973, reduced the rental which Weber was required to pay Gulf. Contrary to Gulf's claim in its Appeal that the provisions of its December 8, 1972 contract were "prevailing" on May 15, 1973, the FEA found that the February 2 modification was in effect on May 15, 1973 and superseded the December 8 contract. These terms were therefore found to be determinative of the base rent which Gulf could charge Weber under the FEA rent regulations which were in effect prior to April 30, 1974. The FEA also found that the concept of a "transaction" used in other sections of FEA Regulations had no relevance to rents because the rent regulations never utilized a class of purchaser concept as was the case with the sale of covered products. The FEA noted that Gulf's contention that the firm should be permitted to offset the overcharges was based on the assertion that retroactive effect should be given to the Temporary Emergency Court of Appeals decision in *Shell Oil Co. v. FEA*, which held that the rent regulations were beyond the scope of the FEA's regulatory authority. In discussing that position, the FEA found that this same contention had been previously considered and rejected by the FEA in Atlantic Richfield Co., 4 FEA Par. 87,031 (December 6, 1976). The FEA observed however that since the rent regulations were revoked by the FEA effective November 11, 1975, the rent which Gulf was permitted to charge between that date and December 7, 1975 should be governed by its lease with Weber. Under these circumstances, the FEA found that the amount of the Gulf overcharges which the Remedial Order found to exist should be reduced by the difference between the rent which it could have collected under the Weber lease and the rent which it actually collected during that period. Accordingly, the FEA stayed the Remedial Order and remanded the matter to FEA Region III. In all other respects, the Gulf Appeal was denied.

Harris Enterprises, Inc.; Portland, Oreg.; FXA–1113; Motor gasoline

Harris Enterprises, Inc. appealed from a Decision and Order in which the FEA had denied an Application for Exception which the firm had previously submitted from the provisions of 10 CFR 211.9. Harris Enterprises, Inc., 4 FEA Par. 83,217 (December 3, 1976). In its Appeal, Harris requested that the FEA reverse the previous determination and assign it a lower-priced supplier of motor gasoline to replace the Mercury Oil Company, one of its base period suppliers. In considering the Harris Appeal the FEA determined that there was no merit to Harris' claim that in its prior analysis the FEA incorrectly determined the average prevailing market price in Harris' marketing area. In making that computation the FEA had used an average of the prices of Harris' primary base period suppliers and the suppliers of its principal competitors. The FEA found that there was no merit to Harris' contention that the prices of its primary base period suppliers should not have been included in that computation since Harris had not shown that its four primary base period suppliers do not also supply other competing firms in the relevant market area. The FEA also rejected Harris' contention that the December 3 Decision was erroneous merely because it utilized price data which Harris previously submitted and which Harris contended on Appeal was erroneous. Finally, the FEA found that even if the corrections which Harris requested in that data were in fact made there was still no proper basis for concluding that a significant price disparity existed which warranted exception relief. Accordingly, the Harris Appeal was denied.

Perrault Production Co.; Tulsa, Okla.; FXA–1223; Crude oil

Perrault Production Company (Perrault) appealed from a Decision and Order in which the FEA denied the firm's request for retroactive exception relief from the provisions of 10 CFR, Part 212, Subpart D. Perrault Production Co., 5 FEA Par. 83,079 (February 25, 1977). The Appeal, if granted, would have permitted Perrault to receive upper tier ceiling prices for the crude oil which it produced from two leases in Osage County, Oklahoma during the month of February 1976, notwithstanding Perrault's failure to certify the leases as stripper well properties in a timely manner as required by Section 212.131(a)(1). In its Appeal, Perrault contended that in the prior determination the FEA erred in concluding that the firm would not incur a serious hardship if it were denied retroactive exception relief for the month of February 1976. In considering the Appeal, the FEA noted that although the firm incurred a net operating loss for the first eleven months of 1976 of approximately $23.167, that loss resulted from the firm's expenditure of over $25,000 in the latter half of the year to enhance the crude oil production from the two leases. Consequently, the FEA found that if Perrault is now experiencing any financial hardship, that hardship resulted from its own discretionary expenditures, and not from the application of FEA Regulations to the firm. In addition, the FEA found that Perrault has realized a substantial operating profit in recent months and therefore failed to establish that it will curtail its operation of the two leases or that the operation will be affected in any other manner if exception relief was not approved. Accordingly, the Perrault Appeal was denied.

Ruthven, Inc.; Russell, Kans.; FXA–1081; Crude oil

Ruthven, Inc. appealed from a Decision and Order denying the firm's request for exception relief from the provisions of 10 CFR, Part 212, Subpart D. Ruthven, Inc., 4 FEA Par. 83,199 (November 15, 1976). Its Appeal, if granted, would result in the rescission of the prevision Order and the issuance of an Order granting Ruthven retroactive exception relief. If the retroactive exception relief which the firm requests was approved, Ruthven would be permitted to treat its Ben Rein lease as a stripper well property during the period December 1, 1973 through December 31, 1975. In its Appeal, Ruthven contended that the previous FEA determination that the firm's Well 5 on the Ben Rein lease was not a multiple completion well and the lease therefore did not qualify for the stripper well exemption was erroneous. In considering the Appeal, the FEA found that Ruthven's Well 5 failed to qualify as a multiple completion well under the criteria set forth in Ruling 1975–12. Moreover the firm did not provide any factual or other material in its Appeal in support of its assertion that the FEA intended other types of wells not considered in Ruling 1975–12 to be regarded as multiple completion wells. For example, Ruthven had failed to show that the cost of completing or operating its Well 5 substantially exceeded the investment which is ordinarily required to complete and operate a single or separate well. Ruthven's further assertion that Ruling 1975–12 should not be applied retroactively was rejected since the retroactive application of that Ruling did not adversely affect Ruthven in any way. It was also determined that Ruthven was not entitled to rely upon a definition of the term "well" by the Kansas Corporation Commission for purposes of determining whether its lease qualified as a stripper well property under the FEA regulatory program because Ruthven had failed to seek any authoritative advice from the FEA concerning the proper application of federal regulations to the Ben Rein lease. Finally, Ruthven failed to support its claim that it would experience a serious financial hardship if it were required to refund the overcharges specified in a Notice of Probable Violation which was issued to the firm by FEA Region VII. Ruthven's Appeal was accordingly denied.

Eddie L. Smith, d.b.a., Ringwood Propane; Ringwood, Okla.; FRA–1187; Propane

Eddie L. Smith, d.b.a. Ringwood Propane appealed from a Remedial Order which was issued to him by FEA Region VI on January 31, 1977. In the Remedial Order, the FEA found that during the period November 1, 1973 through May 31, 1975, Ringwood Propane sold propane to its customers at unlawful price levels. Based on this finding, Smith was directed to refund the previous overcharges plus interest. In the Appeal, Smith did not challenge the factual or legal basis of the Remedial Order but instead contended that he is financially unable to comply with the refund requirements of the Remedial Order. In considering Smith's Appeal, the FEA stated that the arguments which Smith advanced in the Appeal do not form an appropriate basis for appealing a Remedial Order, and should properly be considered only in the context of an Application for Exception. However, the FEA also determined that the Smith submission made the type of prima facie showing which in previous cases led the FEA to consider in the context of an appeal of a Remedial Order issues which would otherwise be evaluated only in an exception proceeding. Cf. Mobil Oil Corp., 4 FEA Par. 80,451 (September 24, 1976). In this connection, the FEA determined that the Smith submission indicated that if Smith were required to comply with the refund requirements of the Remedial Order he would almost certainly be placed in personal bankruptcy and would in turn become a burden on the community of Ringwood. The FEA therefore determined that Smith would experience a severe and irreparable injury unless he is relieved of the obligation to refund revenues as specified in the January 31, 1977 Remedial Order. Accordingly, Smith was granted retroactive exception relief, and the January 31, 1977 Remedial Order was rescinded.

Watson W. Wise; Tyler, Tex.; FXA–1106; Crude oil.

Watson W. Wise (Wise) filed an Appeal from a Decision and Order issued by the FEA. Watson W. Wise, 4 FEA Par. 83,018 (July 22, 1976). In the prior determination the FEA denied Wise's request for an exception which would have permitted him to sell the crude oil produced from the Stone Johnson Lease at prices which exceed the ceiling prices computed pursuant to the FEA Mandatory Petroleum Price Regulations. The present Appeal, if granted, would result in the reversal of the July 22 Decision and Order and the approval of the exception relief originally requested. In his Appeal, Wise claimed that the July 22 Decision and Order was erroneous in law because it failed to correct a gross inequity which resulted in the establishment of artificially low ceiling prices for the crude oil produced from the Stone Johnson Lease. Wise also contended that FEA regulatory control of crude oil prices is arbitrary and capricious, denies him due process of law, and constitutes a taking of private property without just compensation. In its consideration of the Appeal, the FEA determined that Wise had presented no new material which would refute the previous determination that the ceiling price of the crude oil involved was not so low as to result in a gross inequity to the firm. The FEA also found that in view of recent Decisions of the Temporary Emergency Court of Appeals regarding the same constitutional arguments which Wise presented, there was no merit to the firm's contention that an unconstitutional taking of property had occurred. Wise's Appeal was therefore denied.

REQUESTS FOR EXCEPTION

Jamar Oil Co.; Tulsa, Okla.; FEE–3588; Crude oil

Jamar Oil Company (Jamar) filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would result in the assignment of the Sun Oil Company (Sun) as Jamar's new base period supplier of motor gasoline to replace the Foremost Petroleum Company (Foremost). In considering Jamar's exception application, it was noted that Sun had been assigned by the FEA to supply Jamar during the period February 10, 1975 through August 19, 1976 on the basis of Jamar's representation to the FEA that certain Jamar retail sales outlets were new outlets. These assignment orders were subsequently rescinded as a result of a determination by the FEA that the outlets in question were not in fact new outlets at the time the assignment orders were issued. Nevertheless, the FEA found considerable merit to Jamar's contention that the continued application of the provisions of 10 CFR 211.9 resulted in a serious hardship to the firm. The FEA determined that the prices which Foremost charged Jamar for motor gasoline were substantially above the prices which Jamar's competitors paid their suppliers. Although Jamar had reduced its markup in order to remain competitive in retail and wholesale sales, the situation which the firm was encountering was so severe as to threaten its continued existence as an independent marketer. The FEA also found that Jamar had been unable to alleviate the severe financial difficulties which it was experiencing by purchasing surplus motor gasoline at competitive price levels. On the basis of these findings, the FEA concluded that the application of Section 211.9 resulted in a serious hardship to Jamar and exception relief was therefore approved which permitted Jamar to receive a portion of its base period use of motor gasoline for the period May through July 1977 from a new supplier.

Allen K. Trobaugh; Midland, Tex.; FEE–3707; Crude Oil

Allen K. Trobaugh filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted him to sell the crude oil produced from the No. 1 well of the Bailey Lease, located in Hockley County, Texas, at upper tier ceiling prices. In considering the exception request, the FEA found that Trobaugh's operating costs had increased to the point where he no longer had an economic incentive to continue production of crude oil from the Bailey No. 1 well if the crude oil was to be sold at lower tier ceiling prices. The FEA also determined that if Trobaugh abandoned his operations of the Bailey No. 1 well, a substantial quantity of crude oil would not be recovered. The FEA therefore concluded that Trobaugh's Application should be granted and the working interest owners should be permitted to recover their unrecovered increased operating expenses at the Bailey No. 1 well. On the basis of the criteria applied in previous decisions under similar circumstances, Trobaugh was permitted to sell at upper tier ceiling prices 37.83 percent of the crude oil produced from the Bailey No. 1 well for the benefit of the working interest owners.

Wilmar Oil, Inc.; Oklahoma City, Okla.; FEE–3932; Crude Oil

Wilmar Oil, Inc., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted it to sell the crude oil produced from the No. 1 Pine well (the Pine well) located in Jefferson Davis Parish, Louisiana at upper tier ceiling prices. In considering Wilmar's exception application, the FEA found that Wilmar's operating costs has increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Pine well. The FEA also determined that if Wilmar abandoned its operations at the well, a substantial quantity of domestic crude oil would not be recoverable. The FEA therefore concluded that Wilmar's application should be granted, and on the basis of the criteria applied in previous similar cases, Wilmar was permitted to sell at upper tier ceiling prices 74.43 percent of the crude oil produced from the Pine well for the benefit of the working interests. The FEA also determined that Wilmar had failed to demonstrate that it would experience a severe and irreparable injury in the absence of retroactive exception relief which would permit the firm to pass through the costs of the well workover which had been completed in early 1976, and its request for retroactive exception relief was accordingly denied. Finally, with respect to Wilmar's contention that it should receive additional exception relief at the present time to enable it to defray the cost of future well workovers, the FEA determined that this contention was speculative and did not form a proper basis for exception relief.

REQUEST FOR STAY

Basset Oil & Equipment Co., Inc.; Basset, Va.; FRS–1276; Refined Petroleum Products

Basset Oil and Equipment Co., Inc. (Basset); filed an Application for Stay of a Remedial Order which the Director of the Compliance Division of FEA Region III issued to the firm on April 13, 1977. The Remedial Order determined that during the period November 1, 1973 through December 31, 1975, Basset improperly sold certain quantities of kerosene and No. 2 heating oil at unlawful price levels. On the basis of this determination, the Remedial Order directed Basset to refund $46,138.85 to the marketplace through prospective reductions in the prices it charges to its retail customers for No. 2 heating oil and keroseene, and $5,597.31 to certain identifiable customers by check or credit. Basset's request for stay, if approved, would relieve the firm of its obligation to make those refunds pending a final determination of its Appeal of the Remedial Order. In considering the request for stay, the FEA concluded that Basset had raised substantial issues concerning the propriety of the Remedial Order. Basset also made a strong showing that it could incur an irreparable injury if it were required to immediately make the refunds and price reductions since Basset could experience substantial difficulty in recovering the funds if it prevails on the merits of its Appeal. The FEA therefore held that Basset satisfied the criteria set forth in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), for the approval of a stay of the refund requirements specified in a Remedial Order. The FEA further concluded that Basset should not be required to place into an escrow account that portion of the overcharges which the Remedial Order requires it to refund to the marketplace. However, the stay was conditioned upon Basset's establishing an escrow account into which it is required to place the $5,597.31 plus interest which the Remedial Order directs the firm to refund to certain identifiable customers.

SUPPLEMENTAL ORDER

Getty Oil Co.; New York, N.Y.; FRX–0152; Crude Oil

The Getty Oil Company requested that an evidentiary hearing be held in connection with its Appeal from a Remedial Order which was issued to it by the FEA on August 12, 1976. As a preliminary matter, the FEA noted that the hearings which are generally conducted in exceptions and appeals proceedings are described in Section 205.172 of the Administrative Procedures and Sanctions Regulations. Under that provision, hearings are generally convened "solely for the exchange of views incident to a proceeding," and are designed to permit the parties to present oral arguments with respect to the issues of the case as delineated in their formal written submissions. However, the FEA also recognized that Section 205.172 is sufficiently broad to permit a more formal type of hearing to be conducted when necessary to properly adjudicate the facts and issues presented in a particular case.

In order to permit a more precise determination as to the nature of the hearing to be held with respect to Getty's Appeal, the firm was directed to submit a detailed specification of the particular findings of fact contained in the August 12, 1976, Remedial Order which it contends are incorrect. Similarly, Getty was directed to identify each other factual assertion which it wishes to establish and which it contends is necessary to support its position that the August 12, 1976, Remedial Order is erroneous and should be rescinded. With respect to each such issue which it identified, Getty was also directed to (i) state its position as to the proper determination which should be reached with respect to the particular matter; and (ii) state the manner in which it proposes to establish the validity of the position which it advances. Where Getty asserted that it can only establish its position through direct testimony at the hearing which will be held on the appeal, the firm was also directed to (i) identify each witness whose testimony is required; (ii) state the reasons why the testimony of that witness is necessary and relevant to establish the position which Getty asserts to be valid; and (iii) state the reasons why the validity of the Getty position cannot be established in a manner other than the direct questioning of witnesses. Getty subsequently filed a submission in which it stated that it had no further evidence to submit regarding the first category of issues arising solely from the Remedial Order. With respect to the second category of issues, viz., those which do not arise solely from factual determinations reached in the Remedial Order, Getty did identify four alleged issues of fact which it claimed could only be developed through an evidentiary hearing.

Following receipt of the Getty submission, the FEA reviewed the entire record of the Getty Appeal to reach a determination as to whether an evidentiary hearing under the circumstances is required by the Due Process Clause of the Fifth Amendment of the U.S. Constitution. In a case in which an evidentiary hearing is not specifically required by any statutes or regulations of an administrative agency, the federal courts have held that an evidentiary hearing is not required by due process considerations except when facts are in dispute. In its various filings, Getty has maintained that the possible state of mind of the FEA personnel responsible for the administration of the Entitlements Program raises factual issues with respect to (i) the treatment of crude oil exchanges prior to the effective date of the clarification of Section 211.67(g); (ii) the alleged retroactive application of Section 211.67(g) as clarified; and (iii) the alleged vagueness of that provision as it existed prior to the clarification of February 1, 1976. Based on its review of the contentions which Getty advanced, the FEA concluded that the firm failed to establish the need for an evidentiary hearing. The issues which Getty identified were found to present questions of law which must be resolved by examining the language of the regulations themselves, or by reference to official agency actions which relate to the construction placed on those regulations such as rulings, interpretations, forms and the record of the rulemaking proceedings in which the regulations were promulgated.

SUMMARY DECISIONS

The FEA issued a summary decision which extended the time in which the Regional Administrator of FEA Region III was required to issue a Decision and Order to the following firm:

General Distributors, Inc.; Snow Hill, Md.; FEX–0153

The FEA issued a summary decision which corrected a minor omission in a Decision and Order which was previously issued to the following firm:

Peters Fuel Corp.; Oakland, Md.; FRX–0155

Furthermore, the state of mind of the FEA personnel responible for the administration of the Entitlements Program was rejected as constituting a permissible subject for inquiry in the context of this case, since no showing has been made by Getty that there was any bad faith or improper behavior on the part of those individuals. The request for an evidentiary hearing which Getty submitted was accordingly denied.

DISMISSALS

The following submissions were dismissed for failure to correct deficiencies in the firm's filing as required by the FEA Procedural Regulations:

Brinkerhoff Drilling Co., Denver, Colo.; FXE–4047

Teclaw Fuel and Heating, North White Plains, N.Y.; FEE–4028

The following submission was dismissed following a determination by the FEA that no basis exists for the type of reconsideration proceeding which the firm seeks to initiate:

Atlantic Richfield Co., Los Angeles, Calif.; FMR–0104

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

JUNE 21, 1977.

[FR Doc.77–18290 Filed 6–24–77;8:45 am]

Office of Exceptions and Appeals

APPEALS AND APPLICATIONS

Issuance of Decisions and Orders; Week of April 25 Through April 29, 1977

Notice is hereby given that during the week of April 25 through April 29, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Burke & Parsons, New York, N.Y.; FFA–1242; Freedom of Information

Burke & Parsons filed an Appeal from an Order issued to it by the Information Access Officer of the FEA which denied a Request for Information which Burke & Parsons had filed under the Freedom of Information Act (the Act). In its Request for Information, Burke & Parsons sought a copy of a Contract of Affreightment which had been entered into by ECOL, Ltd., Shell Marine (UK) Limited, and Shell International Marine Limited on September 18, 1975. In considering the Burke & Parsons Appeal, the FEA determined that the contract contains sensitive commercial and financial information and that it had been provided to the FEA by ECOL, Ltd., a "person" outside the government. The FEA further determined that the contract contains "confidential" information, as that term was interpreted in *Nat'l Parks & Conservation Ass'n* v. *Morton*, 498 F. 2d 765 (D.C. Cir. 1974), because disclosure of the terms of the contract would cause substantial harm to the competitive position of ECOL, Ltd. The FEA therefore determined that the FEA Information Access Officer properly concluded that the Contract of Affreightment contains proprietary information which is exempt from disclosure under the provisions of Section 552(b)(4) of the Act and that the release of that information would not be in the public interest. Accordingly, the Appeal was denied.

Exxon Co., U.S.A., Houston, Tex.; FEA–1016; Crude Oil

The Exxon Company, U.S.A. (Exxon) appealed from a Decision and Order which was issued to it by the FEA. *Exxon Co., U.S.A.*, 4 FEA Par. 83,122 (October 1, 1976). In the October 1 Decision, the FEA denied Exxon's request for an exception which, if granted, would have reduced the firm's crude oil sales obligations under the provisions of 10 CFR 211.65 (the Crude Oil Buy/Sell Program). Exxon's Appeal sought the rescission of the October 1 Decision and the approval of the exception relief as originally requested. In considering Exxon's Appeal, the FEA determined that the principles established in *Continental Oil Co.*, 2 FEA Par. 80,503 (January 7, 1975) had been incorrectly applied in the October 1 Decision. In the Continental Oil case, the FEA held that exception relief was warranted on gross inequity grounds where the firm demonstrated that as a result of previous exception relief granted to two small and independent refiners, the crude oil sales obligations of all refiner-sellers under the Buy/Sell Program were reduced while Continental alone experienced the burdens which resulted from the exception relief granted to the two small refiners. The FEA determined that contrary to the findings expressed in the October 1 Decision, Exxon had made an almost identical showing, and noted that as a result of exception relief previously granted to the Louisiana Land and Exploration Co. (LL&E), Exxon was no longer able to purchase from LL&E 2,730,000 barrels per allocation quarter of high quality crude oil which it would otherwise be entitled to obtain pursuant to 10 CFR 211.63. At the same time, the exception relief to LL&E indirectly benefited all refiner-sellers by reducing their total sales obligation under the Buy/Sell Program by 2,730,000 barrels per allocation quarter. The FEA concluded that this situation in which all refiner-sellers were benefited by the FEA action taken in the LL&E case while Exxon alone experienced the burdens resulting from that action constituted a gross inequity under the precedent established in the Continental Oil case. The FEA therefore concluded that Exxon should be granted exception relief which would reduce its sales obligations under the Buy/Sell Program by an amount equivalent to the volume of crude oil which it is no longer able to purchase from LL&E.

Getty Oil Co.; Los Angeles, Calif.; FXA–1116 thru FXA–1141; Natural gas liquids

Getty Oil Co.; Los Angeles, Calif.; FXA– a Decision and Order which was issued to it by the FEA on December 3, 1976. *Getty Oil Co.*, 4 FEA Par. 83,216 (December 3, 1976). In the December 3 Order, the FEA permitted Getty to increase the prices which it charges for natural gas liquids and natural gas liquid products at 21 natural gas processing plants above the level specified in 10 CFR 212.165 to reflect certain unrecovered non-product cost increases. However, the December 3 Order also denied exception relief with respect to five Getty plants on the grounds that the nonproduct cost increases at those plants were not materially in excess of the passthroughs permitted under Section 212.165. The determinations reached in the December 3 Decision and Order as to the amount of non-product cost increases which Getty had incurred since May of 1973 at each of its natural gas processing plants were predicated on nonproduct cost data which Getty provided for the first and second calendar quarters of 1976. Getty's Appeals, if granted, would result in a recalculation of the non-product cost increases which Getty has experienced since May 1973 on the basis of cost and production data which the firm has submitted for the second quarter of 1976 alone in accordance with the criteria set forth in *Superior Oil Co.*, 2 FEA Par. 83,271 (August 29, 1975).

In considering the Appeals, the FEA determined that in Getty's case the application of the *Superior* criteria involves a comparison of non-product cost increases incurred between the second quarter of 1973 and the most recently completed fiscal period, *i.e.*, the second quarter of 1976. The FEA therefore concluded that the level of exception relief approved in the December 3 Order should be recalculated. Based on a reconsideration of the appropriate cost and production data, the FEA concluded that insufficient benefits had been conferred upon 14 natural gas plants while excessive relief had been approved for six of Getty's plants. The FEA further determined that a proper application of the *Superior* criteria required the approval of exception relief at three natural gas processing plants where relief had previously been denied, as well as the rescission of relief for another plant which failed to experience unrecovered non-product cost increases which were materially in excess of the permissible passthrough specified in 10 CFR 212.165. Accordingly, Getty's Appeals were granted.

Lebsack Oil Production, Inc.; Hays, Kans.; FXA–1198; Crude oil

Lebsack Oil Production, Inc. (Lebsack) appealed from a Decision and Order in which the FEA denied the firm's request for a retroactive exception from the provisions of 10 CFR, Part 212, Subpart D. *Lebsack Oil Prod., Inc.*, 5 FEA Par. 83,009 (December 23, 1976). The present Appeal, if granted would permit Lebsack to retain $25,000 in revenues which it may have realized in 1974 as a result of charging unlawful price levels for the crude oil which the firm produced and sold from the Lebsack-Hartle Lease (the Hartle lease). In considering the Appeal, the FEA found that the information which Lebsack supplied failed to refute the previous determination that the firm would have been able to operate the Hartle lease in 1974 on a profitable basis even if the crude oil produced from that lease had been sold at the applicable ceiling price. The FEA also found that the firm would not incur an irreparable injury if it were required to refund the $25,000 since that sum represented only 21.39 percent of the income which the Hartle lease generated during the period January 1973 through October 1976. Based upon this finding, the FEA concluded that a refund of this amount would not preclude the firm from continuing its essential operations. Lebsack's Appeal was therefore denied.

New England Power Co.; Westborough, Mass.; FFA–1241; Freedom of Information

The New England Power Company (NEP) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm submitted under the Freedom of Information Act (the Act). In its initial Request, NEP sought copies of documents in the possession of the FEA which related to the possible issuance to the firm of Notices of Intent (NOI) to require powerplants to cease burning natural gas or petroleum products as their primary energy sources. These NOIs would be issued under the Energy Supply and Environmental Coordination Act of 1974 (ESECA). The FEA Information Access Officer released 43 documents to the firm but withheld from disclosure 40 documents or portions of those documents which were determined to be within the scope of the NEP request for information. The Information Access Officer denied access to one of the documents on the ground that it was exempt from disclosure as an intra-agency memorandum pursuant to 5 U.S.C. 552(b)(5). With respect to the remaining 39 documents, the Infirmation Access Officer concluded that they were exempt from disclosure under the provisions of both the intra-agency memoranda exemption and the exemption for investigatory records specified in 5 U.S.C. 552(b)(7)(A).

In considering NEP's Appeal, the FEA determined that none of the documents which were withheld related to an existing enforcement proceeding, and therefore the Information Access Officer erred in withholding these documents pursuant to the investigatory records exemption, Section 552(b)(7)(A) of the Act. The FEA held, however, that the intra-agency memoranda exemption in Section 552(b)(5) was applicable with minor exceptions to all of the material which was withheld from NEP by the Information Access Officer. The material withheld from NEP consists primarily of recommendations and analyses, prepared by FEA staff and outside consultants retained by FEA, regarding certain factors which FEA officials are required to take into account in implementing the coal conversion policies established by the Congress in ESECA. The FEA determined that the release of this material could severely hamper the free flow of information and ideas within the agency during its deliberative process would also severely and adversely affect the quality of the FEA's decision-making process concerning ESECA. However, the FEA also concluded that several of the deleted portions of the documents which were withheld from NEP contained small segments of easily segregable factual material which, in accordance with principles established in *EPA* v. *Mink*, 410 U.S. 73 (1973), should have been disclosed, and the Information Access Officer was directed to release this material to NEP.

Texaco, Inc., New York, N.Y.; FFA–1247; Freedom of Information

Texaco, Inc. appealed from a partial denial by the FEA Information Access Officer of two Requests for Information which the firm had submitted under the Freedom of Information Act (the Act). In its Request, Texaco sought the disclosure of documents relating to the FEA Price Regulations. The Information Access Officer released certain of the requested materials but withheld portions or all of 143 other documents pursuant to various exemptions of the Act. On appeal, the FEA determined that five documents which contained materials relating to the audit and investigative practices and procedures of the FEA were correctly withheld pursuant to both Section 552(a)(2)(C) and Section 552(B)(2) of the Act. The FEA determined that the release of the material could permit a refiner such as Texaco to discover the most effective method of preventing or obstructing an FEA investigation.

The FEA also determined that portions of 27 documents were exempt in their entirety or in part from mandatory public disclosure pursuant to Section 552(b)(4) of the Act because they contained confidential financial and commercial materials which, if released to the public, could be used to the detriment of certain refiners and would adversely affect their competitive position. In considering the 118 documents withheld as inter-agency and intra-agency memoranda pursuant to Section 552(b)(5) of the Act, the FEA noted that the documents could be divided into three separate categories. The first group of materials consisted of internal memoranda, outlines, preliminary drafts, positions papers and legal memoranda prepared by various FEA personnel for use within the agency. The FEA determined that this material consisted of pre-decisional documents which reflected the FEA's group thinking in formulating its effective law and policy. The FEA therefore concluded that these documents were properly withheld from public disclosure pursuant to Section 552(b)(5) of the Act. The documents in the second category which consisted of drafts of speeches, statements and letters prepared for the use of senior FEA officials were also found to be pre-decisional documents which reflected the deliberative process of the agency. The FEA determined that these documents were also properly withheld from public disclosure pursuant to Section 552(b)(5) of the Act. However, the FEA determined that certain documents in the third category, which consisted of final letters written by FEA officials to members of Congress or letters written by members of Congress to FEA officials were improperly withheld from public disclosure. Consequently, the FEA granted Texaco's Appeal with respect to that Congressional correspondence, and denied the Appeal in all other respects.

REQUESTS FOR EXCEPTION

Advanced Sales Corp.; St. Petersburg, Fla.; FEE–3991; Motor gasoline

Advanced Sales Corporation filed an Application for Exception from the provisions of 10 CFR 211.9 which, if granted, would result in the assignment of a new, lower-priced supplier of motor gasoline to one of the firm's retail outlets. The new supplier would to replace its present base period supplier, the Gulf Oil Company. In considering Advanced Sales' exception application, the FEA found that the prices which Gulf charged Advanced Sales for motor gasoline were substantially higher than the prices which Advanced Sales' primary competitors paid their suppliers. The FEA also found that Advanced Sales was unable to obtain surplus motor gasoline. In addition, the analysis of the firm's financial condition which the FEA performed indicated that the firm operated at a substantial loss during 1976 and had filed a petition under the protective provisions of Chapter XI of the Bankruptcy Act. Although Advanced Sales had not shown that its present financial difficulties resulted primarily from the application of the FEA Regulations, the FEA concluded that the continued application of the regulations was constituting a significant impediment to the firm's efforts to preserve its financial and competitive viability. In view of the fact that as an independent marketer Advanced Sales is entitled to special protection under the provisions of Section 4(b)(1)(D) of the Emergency Petroleum Allocation Act of 1973, as amended, the FEA determined that exception relief should be approved and a new, lower priced supplier of motor gasoline should be assigned to the firm. Since the cost disparity which Advanced Sales was experiencing resulted from factors which are not likely to change, the FEA determined that a new supplier should be assigned on a permanent basis.

H. S. Edwards; Abilene, Tex.; FEE–3507; Crude oil

H. S. Edwards (Edwards) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would permit Edwards to sell condensate produced from certain properties on the Providence Atoka Field and the Prudence Atoka Field at prices that are in excess of the upper tier ceiling price. Edwards also requested that the exception relief be extended on a retroactive basis to February 1, 1976. In considering the Edwards request with respect to the Providence Atoka Field, the FEA noted that Edwards had invested in an advanced central separator and gathering system which increased the production of both condensate and natural gas from the Field. However, the FEA also determined that contrary to Edwards' contentions, his investment was not uneconomic if the crude oil produced were subject to the generally applicable FEA regulations that required it to be sold at upper tier ceiling price levels. That portion of the firm's exception request was therefore denied. With respect to the Edwards request for exception relief for condensate which will be produced in the future from the Prudence

Atoka Field, Edwards argued that he would have no economic incentive to install the type of advanced system in operation at the Providence Atoka Field if he is limited to charging the upper tier ceiling price for the condensate produced. After considering this contention and evaluating the information presented by the firm, the FEA determined that Edwards had failed to substantiate the allegations presented. Accordingly, the exception request was denied.

Irving Oil Corp.; Bangor, Maine; FPI–0108; No. 2 fuel oil

Irving Oil Corporation filed an Application for Exception from the provisions of 10 CFR 213.35(c) which, if granted, would result in the issuance of an Order by the FEA authorizing the firm to import 600,000 barrels of No. 2 fuel oil into PAD District I on a fee-exempt basis during the current allocation period. In its Application, Irving stated that the exception relief is necessary to alleviate a supply emergency. Irving also stated that unless it received fee-exempt authority the firm would have no economic incentive to import the No. 2 fuel oil. In considering Irving's exception request, the FEA found that the firm had failed to establish the existence of a significant shortage of No. 2 fuel oil in either Maine or New England. The firm also failed to show that it had any present supply obligations for No. 2 fuel oil which it could not perform due to inadequacy of supplies. The FEA also found that under the provisions of Section 213.35(a)(9) Irving could offset duties paid on its imports of residual fuel oil during the six months prior to the current month against license fees paid during the current month. The record in the exception proceeding indicated that as a result of this offset Irving could currently import a significant quantity of No. 2 fuel oil on a fee-exempt basis. The FEA also observed that subsequent to the date on which Irving's exception request had been filed the agency had issued Special Rule No. 8 to 10 CFR, Part 211, Subpart C, which provided for an extension of a fixed per barrel entitlement benefit of $2.10 on imports of No. 2 heating oils into PAD Districts I through IV in the months of February and March 1977. The FEA therefore concluded that license fee requirement presented no economic disincentive with respect to Irving's plans to import No. 2 fuel oil. Based on these considerations, Irving's request was denied.

Memphis Aero Corp.; Memphis, Tenn.; FEE–3539; Aviation fuels

The Memphis Aero Corporation (Memphis) filed an Application for Exception from the provisions of 10 CFR 212.93. The exception request, if granted, would permit Memphis Aero to retain $755,312 in revenues which it previously obtained from charging prices in excess of the levels specified in the FEA Regulations. Memphis also requested that the FEA permit it to increase its current selling prices for aviation fuels by 6.46 cents per gallon. In considering the Memphis Aero request for prospective exception relief, the FEA found that Memphis Aero is presently incurring 3.09 cents per gallon of increased non-product costs which it is not permitted by FEA regulations to reflect in its selling prices. It was also determined that Memphis Aero's present financial condition would be seriously affected if it is required to continue to absorb these non-product cost increases. On the basis of previous FEA decisions involving similar factual circumstances, the FEA concluded that prospective exception relief was warranted to permit Memphis Aero to increase its selling prices for aviation fuels by 3.09 cents per gallon. With respect to the firm's request for retroactive exception relief, the FEA determined that since no Remedial Order specifying precise refund requirements has as yet been issued to the firm, it is not presently possible to evaluate the firm's claim that it will experience an irreparable injury in the absence of retroactive exception relief. The FEA therefore concluded that the request for retroactive exception relief should be dismissed without prejudice to a resubmission if a Remedial Order is issued to the firm.

Pyramid Corp., Inc.; Wichita, Kans.; FEE–3640; Crude oil

The Pyramid Corporation, Inc. (Pyramid) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would permit the firm to sell certain crude oil produced and sold from its Pascoe A and Pascoe B leases between September 1973 and December 1974 at prices which exceed the ceiling prices computed pursuant to 6 CFR 150.354 and 10 CFR 212.73. In its exception application, Pyramid stated that it had received a Notice of Probable Violation (NOPV) from FEA Region VII regarding the propriety of the manner in which it had determined the prices for the crude oil produced from the Pascoe A and Pascoe B leases. Pyramid contended that the factual findings of the NOPV as they relate to the pascoe A lease are erroneous. Pyramid also contended that one of the three wells on the Pascoe B lease is a dually completed well and the FEA should have considered it as a "multiple completion well" even though it does not fall within the literal definition of that term as specified in FEA Ruling 1975–12. Pyramid stated that if the FEA considered this well as a multiple completion well, the Pascoe B lease would have qualified as a stripper well lease for the period in question. Finally, Pyramid contended that it would experience an irreparable financial injury if it is required to refund the alleged overcharges specified in the NOPV. With respect to the Pascoe A lease, the FEA noted that an exception proceeding is not the appropriate forum for considering a firm's arguments with respect to the factual findings of an NOPV. The FEA found that Pyramid had in fact presented arguments concerning the factual findings of the NOPV during the compliance proceeding, and that these arguments are presently under consideration in that matter. Consequently, the FEA determined that since a Remedial Order had not yet been issued in the proceeding, Pyramid's claims of financial hardship are speculative and should not be considered in the context of the present Application. With respect to the Pascoe B lease, the FEA concluded that Pyramid had failed to show any reasons why one of the three wells on the property should be considered as a "multiple completion well" for the purposes of the stripper well exemption. Accordingly, the Pyramid exception request was denied.

R. V. Whitmer Thermo-Gas Co., Inc.; Wauseon, Ohio; FEE–3543; Propane

R. V. Whitmer Thermogas Company, Inc. (Whitmer) filed an Application for Exception from the provisions of 10 CFR 212.93. Whitmer's exception request, if granted, would permit the firm to increase the prices which it may currently charge for propane above the maximum levels permitted by the provisions of 10 CFR 212.93. Whitmer also requested that it be granted retroactive exception relief which would permit it to retain the revenues which it obtained during the period November 1, 1973 through the present from charging unlawful prices for propane. In its exceptions application, Whitmer contended that the markup which it applied in its sales of propane on May 15, 1973 was unrepresentative of its historic markup because the firm's operating costs per gallon exceeded its markup on that date. In considering Whitmer's Application, the FEA determined that the firm had failed to submit any evidence which substantiated that contention. The FEA further determined that even if prospective exception relief is denied, Whitmer will still realize a substantial pre-tax profit during its current fiscal year. Finally, it was determined that Whitmer had failed to make a showing that the firm satisfied any of the standards under which retroactive exception relief is approved. The Application for Exception was accordingly denied.

Texas Pacific Oil Co., Inc.; Dallas, Tex.; FEE–3392; Crude oil

Texas Pacific Oil Co., Inc. (Texas Pacific) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit it to sell at upper tier prices the crude oil which it produces from a property which is currently inoperative. In considering the Texas Pacific Application, the FEA found that a substantial investment is necessary in order to repair three wells on the Wilson 4300' property in Adams County, Mississippi. The FEA further determined that this investment would be uneconomic if the crude oil which would be produced from the property after the completion of the repairs were sold at lower tier prices. The facts presented also indicated that if the repairs were not undertaken substantial quantities of crude oil could not be recovered from the reservoir. On the basis of these findings, the FEA concluded that exception relief should be granted to the working interest owners which would provide a sufficient economic incentive to undertake that capital investment necessary to make the repairs. The FEA concluded that if Texas Pacific were permitted to sell 41,055 barrels of crude oil which it produces for the benefit of the working interest at upper tier prices over the remaining five year life of the property, these objectives would be achieved.

Tosco Corp.; Los Angeles, Calif.; FEE–3324; Crude oil

Tosco Corporation (Tosco) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program) which, if granted, would relieve the firm of a portion of its obligation to purchase entitlements beginning with the month of January 1977. In addition, Tosco requested that the FEA grant the firm retroactive exception relief in the amount of $2,907,425 in order to refund revenues which Tosco extended to purchase entitlements during the month of May 1976 to account for crude oil inventories which Tosco acquired from the Phillips Petroleum Company and included in its adjusted crude oil receipts for March 1976. In considering Tosco's Application, the FEA determined that the criteria established in *Beacon Oil Co.*, 3 FEA Par. 83,209 (June 6, 1976) governing the evaluation of exception requests filed by small refiners from the Entitlements Program are not applicable to Tosco since the firm has expanded its refinery capacity to a level in excess of 175,000 barrels per day. As a result of its current level of operations Tosco does not meet the statutory definition of a "small refiner." Nevertheless the facts presented in the matter indicated that the financial difficulties which Tosco is presently encountering result in part from certain contractual agreements which the firm entered into so that the Avon refinery which it acquired from the Phillips Petroleum Company (Phillips) would have an assured supply of crude oil. Tosco's financial problems also result in part from changes in the Entitlements Program which have occurred subsequent to the acquisition of the Avon refinery and which Tosco could not have reasonably anticipated at the time it evaluated the economic feasibility of the acquisition. The FEA found that changes which occurred in the FEA regulatory program subsequent to the Avon refinery acquisition adversely affect Tosco's current position to the extent that the prior determinations in which the agency sanctioned the Avon acquisition are being frustrated. As a result of those changes, the national domestic crude oil supply ratio fell sharply, the quantity of upper tier crude oil which is deemed to be old oil rose, and Tosco's projected entitlement purchase obligations during its 1977 fiscal year increased dramatically. Consequently, Tosco's cost for the crude oil which it uses is substantially higher than the costs incurred by the independent refiners which compete with Tosco in PAD V. The financial and operating data that Tosco submitted also indicated that in the absence of exception relief, the firm will incur a negative cash flow for its entire 1977 fiscal year. On the basis of those factors, the FEA concluded that Tosco is incurring a serious financial hardship which threatens the economic viability of the firm. Exception relief was therefore approved which reduced Tosco's entitlement purchase obligations during the period May through October 1977 by an amount sufficient to offset the projected negative cash flow. With respect to Tosco's request for retroactive exception relief for the entitlements the firm was required to purchase in May 1976 to account for the crude oil inventory purchased from Phillips, the FEA determined that Tosco should not have properly been required to include that inventory in its adjusted crude oil receipts for March 1976 and thereby incur an additional entitlements purchase obligation. The FEA accordingly permitted Tosco to sell additional entitlements valued at $2,907,425 during the month of May 1977 in order to refund the revenues the firm was erroneously required to expend during May 1976.

Union Oil Co. of California; Los Angeles, Calif.; FEE–3899; Aviation Jet Fuel

Union Oil Company of California (Union) filed an Application for Exception from the provisions of 10 CFR 212.83(c)(2). The exception request, if granted, would have permitted Union to recover the increased overhead costs which it is incurring in supplying fuel to Western Airlines in Salt Lake City, Utah. Union requested that it be permitted to allocate those non-product costs exclusively to the prices which it charges for the aviation jet fuel product category rather than by allocating them proportionally among all of its refined product categories. In its Application, Union contended the requirement of Section 212.83 results in a situation in which it was able to recover only a portion of the increased costs which it incurs. In considering the Union exception request, the FEA determined that Union had not provided any factual material which demonstrated that it is incurring a greater amount of total increased non-product costs in its production and distribution of aviation jet fuel than it is permitted to allocate to its selling prices for that product category. The FEA therefore concluded that Union failed to demonstrate that the application to it of Section 212.83 is affecting the firm in such a disproportionate manner as to constitute a gross inequity. Union's exception application was accordingly denied.

Wilmar Oil, Inc.; Oklahoma City, Okla.; FEE–3924; Crude Oil

Wilmar Oil, Inc. (Wilmar) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil produced from the Frost Heights No. 1 well at upper tier ceiling prices. In considering the exception request, the FEA determined that the costs of producing crude oil from the Frost well have increased significantly since April 1973, and as a result, Wilmar's cost of production exceeds the prices which the firm is permitted to charge for the crude oil. Consequently, the FEA determined that Wilmar does not have an economic incentive to continue to operate the Frost well. The FEA also found that there would be little possibility that the recoverable crude oil from the lease's reservoir would be produced in the absence of exception relief. On the basis of previous precedents involving similar factual situations the FEA concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to Wilmar. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed fiscal period, Wilmar was granted exception relief which permitted the firm to sell at upper tier ceiling prices 100 percent of the crude oil produced and sold for the benefit of the working interest from the Frost well. With respect to Wilmar's contention that it should receive further exception relief at the present time for the well workovers that it may be required to perform in the future, the FEA determined that since those expenditures are speculative, they did not form a proper basis for exception relief at the present time. However, the FEA stated that if Wilmar was able to demonstrate that it is required to make a capital investment which is economically infeasible because of the FEA regulations the firm could file a further Application for Exception.

REQUESTS FOR STAY

Byron Elevator, Inc.; Owosso, Mich.; FRS–1249; Petroleum Products

Byron Elevator, Inc. (Byron) requested that a Remedial Order which was issued to the firm on March 16, 1977 be stayed pending a final determination of the firm's Appeal from that Order. In the Remedial Order, the FEA determined that Byron had sold No. 1 and No. 2 heating oil at unlawful price levels. On the basis of these findings, the Remedial Order directed Byron to refund the amount of the overcharges plus interest by immediately reducing its selling prices for those pdoucts by one cent per gallon from the firm's actual selling prices on March 1, 1977 until all of the overcharges including interest have been refunded. In considering the stay request, the FEA applied the principles established in *General Crude Oil Co.*, 3 FEA Par. 85,040 (June 25, 1976), and concluded that a stay should be granted with regard to the refund provisions of the Remedial Order. The FEA also stayed the provisions of the Remedial Order which specify the maximum permissible prices which Byron may charge while making refunds, since they are intended to operate in connection with the refund provisions of the Remedial Order. The FEA further concluded that in accordance with the considerations discussed in *General Crude* the stay should be continued upon the establishment of an escow account into which Byron places a portion of the amount of the refunds specified in the Remedial Order.

Fuels, Inc.; Marietta, Ga.; FRS–1261; Propane

Fuels, Inc. requested that a Remedial Order which the FEA issued to the firm on March 30, 1977 be stayed pending a final determination of the firm's Appeal from that Order. In the Remedial Order, the FEA found that Fuels had sold propane during the period November 1973 through October 1975 at unlawful price levels. The Remedial Order therefore directed Fuels to refund $10,215.52 in overcharges plus interest. In considering the request for stay, the FEA held that the fact that Fuels sold its assets and is not presently conducting propane operations does not in and of itself establish that the firm lacks sufficient financial resources to make the refunds specified in the Remedial Order. The FEA also determined that the Fuels' submission did not make a prima facie showing that it is likely to succeed on the merits of its Appeal. The FEA further concluded that Fuels failed to satisfy any of the criteria for the approval of a stay as set forth in 10 CFR 205.125(b). The request for stay was consequently denied.

Gary Western Co.; Englewood, Colo.; FES–4023; Refined Products

Gary Western Company (Gary) filed an Application for Stay which, if granted, would relieve the firm of its obligation to comply with the requirements of 10 CFR 212.83(c)(2) pending the FEA's determination on an Application for Exception which Gary filed on April 15, 1977. The firm's Applications relate to a refinery located in Fruita, Colorado which Gary acquired in December 1973. Section 212.83(c)(2)(iii)(E), as amended on January 27, 1977, specifies that beginning not later than March 1, 1977 a refiner must use the "output adjusted method" for the computation of all increased non-product costs. In considering Gary's stay request the FEA noted that application of the output adjusted method could result in a decrease in per unit non-product costs where a refiner has become more efficient and increased its output since the base period. The FEA further noted that Gary's submission indicated that the firm had substantially improved the efficiency and output of the Fruita refinery since its acquisition in December 1973 and that as a result the application of the output adjusted method would produce such a distorted effect on the firm's operations as to cause it to incur operating losses. After considering Gary's submission, the FEA concluded that Gary had made a substantial prima facie showing that it was likely to succeed on the merits of its exception request. The FEA indicated in this respect that because Gary was operating at a loss during its base period, the use of the output adjusted method would thrust Gary back into a loss situation and would drastically affect the firm's operations. The FEA further determined that if Gary were to reduce its selling prices to reflect decreased per unit costs, the firm might well encounter an inordinate degree of difficulty in recovering these funds in the event it is successful on the merits of its exception application. On the basis of these considerations, the FEA granted a stay which permits Gary to calculate its non-product cost increases by using the method referred to in 10 CFR 212.83(c)(2)(iii)(E)(1), as that provision existed prior to March 1, 1977.

Cecil Leung d.b.a. Imperial Richfield Service Station; Seattle, Wash.; FRS–1268; Motor Gasoline

Cecil Leung d/b/a Imperial Richfield Service Station (Imperial) filed an Application for Stay of a Remedial Order which was issued to the firm by the FEA Region X on April 5, 1977. In the Remedial Order the FEA found that Imperial had violated the provisions of 10 CFR 210.62 by charging customers who purchased less than a full tank of motor gasoline an additional $.25 fee which it did not charge such customers on May 15, 1973. The Remedial Order required that upon approval by the FEA of Imperial's calculation of overcharges, the firm must reduce its prices in order to refund the overcharges to the marketplace. In considering Imperial's stay request, the FEA noted that Imperial had stated in its Appeal that it had already removed all signs from the premises of its

service station which made reference to the $.25 fee and had never in fact imposed the fee on any of its customers. The FEA determined that under these circumstances, no showing had been made that Imperial had been adversely affected by any of the requirements imposed by the Remedial Order. The stay request was therefore denied.

San Joaquin Refining Co.; Newport Beach, Calif.; FES–0093; Crude Oil

San Joaquin Refining Company requested that the FEA stay the requirement that it purchase 126,145 entitlements which it was directed to buy in the February 1977 Entitlement Notice which the FEA published on April 26, 1977. In considering the Application for Stay, the FEA found that the Office of Regulatory Programs had incorrectly calculated San Joaquin's February entitlement obligation. On the basis of the analysis conducted, the FEA concluded that San Joaquin had made a substantial prima facie showing that it would succeed on the merits of the Appeal which it had also filed from the February 1977 Entitlement Notice. The San Joaquin Application for Stay was therefore granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Order granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (dollars per gallon)
Great Western Drilling Co.	FEE–3910	Prentice West Semi-nole.	$0.01637
	FEE–3921		.0235
Hunt Industries	FEE–3939	Zoller	.04188
Standard Oil Co. of California.	FEE–3972	Gaviota	.0733
	FEE–3973	Inglewood	.0145
	FEE–3974	KNDGP–3P.	.0058
	FEE–3975	McKittrick.	.0133
	FEE–3976	32–Z	.0663

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Oil Development Co. of Texas; Houston, Tex.; FEE–3966

Southland Oil Co.; Washington, D.C.; FXE–4040

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

James Taylor Wilson; Leroy, Ala.; FEE–3540

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Asamera Oil (U.S.) Inc.; Washington, D.C.; FEE–3735

SUMMARY DECISIONS

The following submissions were dismissed in Summary Decisions for failure to correct deficiencies in the applicant's filing as required by the FEA Procedural Regulations:

Burl C. Smith; Portage, Ohio; FRA–1217
Snedigar Flying Service; Rapid City, S.D.; FRS–1227; FRA–1227

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporters system.

ERIC J. FYGI,
Acting General Counsel.

JUNE 21, 1977.

[FR Doc.77–18291 Filed 6–24–77;8:45 am]

APPEALS AND APPLICATIONS

Issuance of Decisions and Orders; Week of May 9 Through May 13, 1977

Notice is hereby given that during the week of May 9 through May 13, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for exception or other relief filed with the Office of Exceptions and Appeals of the Federal Energy Administration. The following summary also contains a list of submissions which were dismissed by the Office of Exceptions and Appeals and the basis for the dismissal.

APPEALS

Blees Oil Co.; Bowman, N. Dak.; FEA–1099; Propane

Blees Oil Company appealed from a Decision and Order which was issued to it on November 8, 1976 by FEA Region VIII. In the November 8 Order, the Regional Office denied a request for exception which, if granted, would have permitted Blees to retain $8,225.06 in revenues which it received by charging unlawful prices for propane during the period November 1, 1973 through September 30, 1974. In considering the Appeal, the FEA found that under the terms of a Remedial Order which was issued to the firm on December 6, 1976, Blees is permitted to refund the $8,225.06 in overcharges in five equal annual installments. In view of Blees' current level of profitability, the FEA determined that the firm would not experience a severe and irreparable injury if it were to refund these overcharges over a five year period. The FEA further found that the fact that Blees is operated as a sole proprietorship does not affect this conclusion. The FEA also observed that Blees' contention that it had not changed its pricing practices during the past 16 years does not constitute a valid defense to the pricing violations since Blees, like all firms in the petroleum industry, has an affirmative obligation to be cognizant of the correct application of FEA regulations to its business operations. The FEA therefore concluded that Blees had failed to demonstrate that the November 8 Decision was in any way erroneous and the Appeal was denied.

Cities Service Co.; Tulsa, Okla.; FEA–0968; Refined Products

Cities Service Company appealed from a Remedial Order which had been issued to it by FEA Region VI. In the Remedial Order, the FEA found that, during the period November 1973 through August 1975, Cities had improperly carried forward unrecovered product cast increases which it had incurred during June and July 1973 and had used these cost increases to justify increases in its base prices in violation of Cost of Living Council (CLC) and FEA price regulations. Cities was therefore directed in the Remedial Order to refund to purchasers of its covered products the revenues which it improperly obtained. In its Appeal, Cities contended that the CLC refiner price regulations which were in effect during the period August through November 1973 permitted the recovery of product cost increases which had been incurred during June and July 1973. In rejecting this contention, the FEA concluded that under the applicable CLC regulations a refiner was permitted to carry forward for recovery through increases in its base prices only those product cost increases which were incurred after August 1, 1973. Cities also contended that, even if unrecovered product cost increases incurred during June and July 1973 could not be carried forward under the CLC regulations, it had relied to its detriment on contrary oral advice given by CLC officials. The FEA initially stated the general rule that oral advice given by federal employees will generally not be accepted in justification of conduct which is unlawful under federal regulations in the absence of a showing of strong countervailing factors. In applying this rule to the present case the FEA found that Cities had failed to establish in a clear and convincing manner the nature of the advice which it had allegedly received. Furthermore, since CLC regulations clearly provided that opinions of the agency did not have binding effect unless given formally and in writing, the FEA determined that Cities could not have justifiably relied on that type of advice.

In the Appeal which it filed Cities also contended that the Remedial Order was arbitrary and capricious because it directed the firm to make refunds to its purchasers on the basis of their volumetric share of purchases during the months in which the overcharges occurred. With respect to this claim the FEA held that, in view of the large numbers of transactions involved and Cities' own claims regarding the difficulty of identifying individual transactions, the regional officials had not abused their discretion in designing appropriate remedial action. The FEA further held that under these circumstances, the finding by Region VI as to the precise amount of the total overcharge was sufficient to support the action taken. Cities' contention that it had been subject to unfair discrimination because of the type of remedial action required was also rejected because the firm presented no evidence that any other refiner in similar circumstances had been treated in a different manner. Finally, the FEA found that contrary to an argument advanced by Cities, the FEA had sufficient authority to require refunds and assess interest on overcharges. The Cities Appeal was therefore denied.

Estate of Edna Hill Meeker; Fort Worth, Tex.; FXA–1174; Crude Oil

The Estate of Edna Hill Meeker appealed from a Decision and Order which the FEA had issued to the Pennzoil Producing Company on December 23, 1976. Pennzoil Producing Co., 5 FEA Par. 83,012 (December 23, 1976). In that determination the FEA approved exception relief which permits 30.87 percent of the crude oil produced for the benefit of the working interest owners of the Perry Sand Waterflood Unit to be sold at upper tier ceiling prices. Meeker is a royalty interest owner of the crude oil producing property. In considering the Meeker Estate's Appeal the FEA determined that the representative of the Estate did not provide sufficient information upon which to base a decision. Although this necessary additional information had repeatedly been requested by the FEA, the Meeker Estate failed to respond to these requests and did not show good cause why it was unable to do so. The FEA therefore dismissed the Appeal with prejudice in accordance with 10 CFR 205.106 (a)(2).

Golden Flame Fuel Co.; Uniontown, Pa.; FRA–1226; No. 2 Heating Oil

Golden Flame Fuel Company appealed from a Remedial Order which FEA Region III had issued to it on February 23, 1977. In the Remedial Order, Region III found that Golden Flame had charged prices for No. 2 heating oil which were in excess of the maximum levels permitted under the provisions of 10 CFR 212.93 and directed the firm to refund the amount of the overcharges plus interest to its customers. In considering the Appeal, the FEA found that Golden Flame's submission consisted entirely of arguments and evidence which had been fully considered in previous proceedings. Since Golden Flame had failed to submit any new information or any legal arguments alleging that the Remedial Order was erroneous in fact or law or arbitrary or capricious, its Appeal was denied.

Johns-Manville Corp.; Denver, Colo.; FFA–1283; Freedom of Information

Johns-Manville Corporation (JM) appealed from a determination issued to it by the Information Access Officer of the FEA which denied a Request for Information which JM had filed under the Freedom of Information Act, 5 U.S.C. 552. In the Request, JM sought a document entitled "Summary Evaluation of the Feasibility of Total Conversion of Coal Firing for the Waukegan BM Plant of Johns-Manville Corporation." In considering the Appeal, the FEA observed that in prior decisions, it was held that an appeal must identify with particularity the alleged errors in fact or in law which occurred in a determination being appealed, and that specific arguments must be advanced by the appellant in support of those contentions. Since JM's Appeal failed to satisfy these requirements, it was dismissed with leave to file an amended Appeal which corrects these deficiencies within fifteen days.

Kershaw Properties; Muskogee, Okla.; FXA–1150; Crude Oil

Kershaw Properties filed an Appeal from a Decision and Order which the FEA issued to the Tenneco Oil Company on December 8, 1976. Tenneco Oil Company, 4 FEA Par. 83,229 (December 8, 1976). In the December 8 Order the FEA granted exception relief from the provisions of 10 CFR, Part 212, Subpart D to Tenneco, the working interest owner of the Kopp Unit. The exception, which was granted in order to provide the working interest with an economic incentive to drill a replacement well on the property, permits Tenneco to sell at upper tier ceiling prices a portion of the crude oil produced from the Unit for the benefit of the working interest owner. In its Appeal, Kershaw contended that it and the other royalty interest owners of the Kopp Unit are entitled pursuant to their lease agreements with Tenneco to share in the additional revenues which are generated as a result of the exception relief. In considering the Appeal, the FEA held that even if the exception determination is inconsistent with the terms of the applicable lease agreements, the FEA nevertheless has the authority to approve the exception in the manner specified if the action were necessary to effectuate the objectives of the Emergency Petroleum Allocation Act of 1973 and subsequent legislation. The FEA determined in accordance with prior Decisions and Orders issued with respect to similar matters that since the royalty interest owners are not responsible for payment of any of the increased costs or investment expenses associated with the production of crude oil from the Unit, neither Kershaw nor the other royalty interest owners was experiencing an inequity or hardship as a result of the FEA price regulations. Consequently, allowing royalty owners to share in the revenues generated from the sale of crude oil at the higher price levels authorized in the exception decision would have no justifiable basis and could exceed the FEA's authority contained in the Federal Energy Administration Act of 1974. Finally, the FEA found that Kershaw's contention that the December 8 Order constitutes a taking of private property is an issue which has previously been considered by the federal courts and found to be without merit. See, *Griffin* v. *U.S.*, ---- F.2d ---- (T.E.C.A. 1976), Fed Energy Guidelines Par. 26,050 (June 8, 1976). Since Kershaw had not demonstrated that the previous Decision was erroneous in fact or law or was arbitrary or capricious, the Appeal was denied.

REQUEST FOR EXCEPTION

Boswell Oil Co. of Louisiana; St. John the Baptist Parish, La.; FEE–3548; Crude oil

Boswell Oil Company of Louisiana filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program), which, if granted, would permit the firm to sell entitlements during the month immediately preceding and during the two months immediately following the commencement of operations of a new refinery which the firm is constructing in St. John the Baptist Parish, Louisiana. In considering the Boswell request, the FEA observed that when Boswell begins its refinery operations it will be classified as a small refiner under FEA regulations, and will receive very substantial benefits from the Entitlements Program, including the "small refiner bias." In fact, the FEA found that the Boswell refinery would be unable to operate on a profitable basis in the absence of the benefits the firm will receive under the Entitlements Program. The FEA further noted that although Boswell would be ineligible to receive entitlements during its first two months of operation, any difficulties which it would experience as a result of that situation were primarily a result of the manner in which the equity owner of the refinery chose to finance the project and were not caused by FEA regulatory requirements. In this regard, the FEA observed that the provisions of Section 211.67 have been in effect in substantially the same form during the entire period of time in which the Boswell refinery was being planned and constructed and that Boswell had failed to explain why it had not taken into account the provisions of that regulatory program in its planning. The FEA therefore concluded that no showing had been made that the application to Boswell of any aspect of the FEA regulatory program results in a serious hardship or a gross inequity and the exception request was denied.

City of Long Beach, Calif., Long Beach, Calif., FEE–3549; Crude oil

The City of Long Beach, California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D which, if granted, would permit Long Beach and the two other working interest owners of Fault Block Unit 3 (Unit 3) of the Wilmington Field in Long Beach, to sell a portion of the crude oil which they produce from that field at upper tier ceiling prices. In considering the exception application, the FEA found that the production costs which are being experienced by Unit 3 exceeded the price which the working interests are permitted to charge for the crude oil which they sell and, consequently, the working interests do not have an economic incentive to continue the operation of the Unit. The FEA further found that if the working interests were to abandon the operation on Unit 3, a substantial quantity of crude oil would not be recovered. On the basis of the criteria which it had applied in previous similar cases, the FEA concluded that exception relief should be granted and that Long Beach should be permitted to sell at upper tier ceiling prices 32.8155 percent of the crude oil produced from Unit 3 for the benefit of the working interest owners.

Donald J. Johnson; Salt Lake City, Utah; FEE–3996; Crude oil

Donald J. Johnson filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Roosevelt Unit in Unitah County, Utah at prices which are in excess of the lower tier ceiling price levels specified in 10 CFR 212.73. In his Application, Johnson contended that, under the current regulatory program his firm would not have a sufficient economic incentive to undertake the capital investment projects which were necessary to continue its crude oil operations at the Unit. In considering the Application, the FEA observed that a substantial amount of crude oil could be recovered from the Unit over a two year period if the proposed investments were in fact made. The FEA also determined that under crude oil price regulations Johnson was required to charge prices that did not exceed the lower tier ceiling prices for the crude oil recovered from the Unit, and that under those circumstances the revenues which would be generated as a result of the proposed investments would provide a negative rate of return on the capital required to undertake the projects. Johnson therefore had no economic incentive to make the investments in the Unit. On the basis of previous precedents, the FEA concluded that exception relief should be granted to provide Johnson with a sufficient economic incentive to make the necessary investments while at the same time avoiding the possibility that windfall profits would be obtained. Accordingly, Johnson was permttied to sell a specified amount of crude oil produced from the Unit for the benefit of the working interest owners at upper tier ceiling prices.

Gardenhire Oil Co.; Cisco, Tex.; FEE–3293; Motor gasoline

Gardenhire Oil Company requested an exception from the provisions of 10 CFR 211.25 which, if granted, would result in the issuance of an Order directing the Sun Oil Company (Sun), Gardenhire's base period supplier, to (i) cease supplying that firm with motor gasoline through a third party under the supplier substitution provisions of Section 211.25 and (ii) supply motor gasoline directly to Gardenhire. After reviewing the provisions of Section 211.25 and the events which led to Sun's use of a substitute supplier, the FEA found that Gardenhire had failed to make the type of showing which had justified the approval of exception relief under similar circumstances in *Whitco, Inc.*, 2 FEA Par. 83,170 (June 9, 1975). In particular, the FEA found that Gardenshire failed to present any data showing that the price it paid the substitute supplier for motor gasoline was in excess of the price it would otherwise be required to pay Sun or that the price which it paid

that supplier placed it at a competitive disadvantage in relation to its competitors. The FEA therefore concluded that no showing had been made that the insertion of a substitute supplier into the Gardenhire distribution chain results in a serious financial hardship or gross inequity to the firm. Accordingly, its request for exception was denied.

Mountain Fuel Gas Supply Co.; Salt Lake City, Utah; FEE–3909; Natural gas liquids

Mountain Fuel Supply Company (Mountain Fuel) filed an Application for Exception from the provisions of 10 CFR 211.164 which, if granted, would permit the firm to charge prices in excess of the maximum levels permitted by FEA Regulations for a portion of the natural gas liquids and natural gas liquid products (NGL's) produced at the Brady plant in Sweetwater County, Wyoming. In considering the application, the FEA found that Mountain Fuel began construction of the Brady plant in May 1974 and that the firm is therefore not able to use an imputed first sale price for NGL's as specified in the FEA Regulations. An imputed price may be used only by new gas processing plants constructed after January 1, 1975 or existing plants which made certain capital expenditures after January 1, 1975. See Sections 212–1.64 (c), (d) and (e). The FEA found that the regulatory intent of those Sections was to provide an economic incentive for the construction of new gas processing plants and the expansion of existing ones. Since the construction of the Brady plant began well before the promulgation of the regulatory provisions of Subpart K, and occured in the absence of the economic incentives provided by those provisions, the FEA determined that those policy objectives would not be furthered by permitting Mountain Fuel to utilize a higher imputed first sale price. The FEA also found that Mountain Fuel presented no financial data indicating that it is affected in a serious adverse manner by the application of the FEA Regulations to its Brady Plant. Mountain Fuel's exception request was therefore denied.

United Refining Co.; Warren, Pa; FEE–3743; Crude oil

United Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 which, if granted, would permit the firm to sell additional entitlements in each month in order to offset the increased crude oil costs which it is experiencing. United contended that its inability to secure sufficient supplies of Canadian crude oil has resulted in a higher cost of crude oil which has not been adequately offset by the Entitlements Program and that this situation has adversely affected its financial and operating position. In considering the United application, the FEA observed that the financial data submittted by the firm did not support United's claim that it is experiencing a serious financial hardship as a result of the FEA Regulatory Program. The FEA also noted that a showing by United that the Entitlements Program does not fully equalize its cost of crude oil as compared to that of other refiners does not in and of itself demonstrate that a gross inequity exists. In this connection, the FEA found that United had failed to make a showing that it is more adversely affected by the provisions of the Entitlements Program than other firms. Finally, the FEA rejected United's contention that it was eligible for exception relief under the criteria established in *Delta Refining Co.*, 2 FEA 83,275 (September 11, 1975). In this regard, the FEA noted that United is a net seller of entitlements which has received and continues to receive substantial benefits from the Entitlements Program. Accordingly, the United exception request was denied.

REQUESTS FOR STAY

Atlantic Richfield Co.; Los Angeles, Calif.; FRS–1272; Motor gasoline.

The Atlantic Richfield Company (Arco) filed an Application for Stay of a Remedial Order which FEA Region IX issued to the firm on April 12, 1977. In the Remedial Order, the Regional Office affirmed the determination which it reached in a previous Remedial Order issued to the firm on March 15, 1976 that Arco had sold motor gasoline to the Digas Company during January and February of 1975 at price levels which exceeded Arco's maximum permissible selling prices. The March 15 Remedial Order had been remanded to the Regional Office in a Decision and Order which was issued to Arco on October 8, 1976. *Atlantic Richfield Company*, 4 FEA Par. 80,550 (October 8, 1976). In considering Arco's request that the refund requirement specified in the April 12, 1977 Remedial Order be stayed, the FEA found that Arco had raised significant substantive issues concerning the analysis performed by the Regional Office in arriving at its determination that Arco had overcharged Digas. Arco also made a strong showing that it could incur an irreparable injury if it were required to make immediate refunds to Digas. In this regard, the FEA observed that since Digas would in all likelihood pass on the refunds to its own customers, Arco could encounter inordinate difficulty in attempting to recover those funds in the event its Appeal were granted. The FEA therefore held that Arco satisfied the criteria set forth in *General Crude Oil Company*, 3 FEA Par. 85,040 (June 25, 1976), for the approval of a stay of the refund requirements of a Remedial Order. The FEA further concluded that in accordance with the considerations discussed in the *General Crude* Decision, the stay should be subject to the continuation of an escrow arrangement which had been established pursuant to a prior Decision and Order issued to Arco on April 28, 1976. The FEA therefore granted Arco's request and directed that the provisions of the April 28, 1976 Stay Order remain in effect pending a final determination of Arco's Appeal from the April 12, 1977 Remedial Order.

Louis Kahan; Washington, D.C.; FRS–1281; Crude oil

Louis Kahan (Kahan) requested that a Remedial Order which the FEA issued to the firm on April 11, 1977 be stayed pending a final determination of its Appeal from that Order. In the Remedial Order, the FEA found that during 1975 Kahan had improperly classified the Penner A lease as a stripper well property and consequently had sold the crude oil produced from the lease at prices which exceeded maximum lawful levels. On the basis of this finding, Kahan was ordered to refund $68,269 in overcharges plus interest to the Continental Oil Company, the purchaser of the crude oil. In considering the request for stay, the FEA concluded that Kahan had demonstrated that he could experience an irreparable injury in the event he is required to make the refunds immediately. Continental would in all likelihood pass through the refunds to its own customers and Kahan could therefore experience considerable difficulty in recovering the funds in the event that he prevails on the merits of his Appeal. Furthermore, the FEA found that Kahan had raised significant substantive issues which must be considered in making a determination on the merits of his Appeal. Consequently, the FEA determined that a stay of the Remedial Order was warranted on the condition that Kahan place the full amount of the disputed funds into an escrow pending a final determination of his Appeal.

Texas City Refining Inc.; Washington, D.C.; FRS–1273; Crude oil

Texas City Refining, Inc. (TCR) filed an Application for Stay of a Remedial Order which was issued to the firm on April 11, 1977 by the Deputy Regional Administrator of FEA Region VI. In the Remedial Order, Region VI found that during the period September 1974 through April 1975, TCR violated the provisions of 10 CFR 212.83(c) by overstating the cost of domestic crude oil which it received in certain foreign-domestic crude oil sales and exchanges. On the basis of this finding, TCR was directed to recompute its crude oil costs and refile amended Forms FEO–96 within 90 days. The firm requested a stay of the requirement that it file these revised forms pending a final determination on its Appeal from the Remedial Order. In considering the Application for Stay, the FEA rejected TCR's assertion that compliance with the reporting requirements of the Remedial Order would be unduly burdensome. In this regard, the FEA noted that TCR possessed substantial financial resources which it could utilize in order to complete the task within the period of time specified in the Remedial Order without incurring any disruption of its regular business activities. The FEA also held that TCR failed to present any compelling reasons which would demonstrate that the public interest would be advanced by approval of the requested stay. Finally, it was determined that TCR has not at this point in the proceeding made a prima facie showing that it will prevail on the merits of its Appeal from the Remedial Order. The Application for Stay was accordingly denied.

REQUESTS FOR MODIFICATION OR RESCISSION

Edgington, Oil Co.; Long Beach, Calif.; FMR–0097; Crude oil

Edgington Oil Company filed an Application for Modification of a Decision and Order which the FEA issued to the firm on December 15, 1976. *Edgington Oil Co. (New Edgington)*, 4 FEA Par. 83,243 (December 15, 1976). Under the terms of that Decision, Edginton was relieved of $1,240,238 of its monthly entitlement purchase obligations during the period December 1976 through May 1977. In its present submission, Edginton requested that the FEA modify the December 15 Order so as to relieve the firm of an additional portion of its entitlement purchase obligation during the months of April and May 1977. In considering the Application, the FEA found that the level of exception relief previously approved should be reconsidered since there was a gross disparity between the assumptions used in the December 15 Order and the financial operating results which Edgington would actually experience during its fiscal year ending June 30, 1977. However, due to the short time period between the completion of Edgington's filing of the present Application and the publication of the April Entitlement Notice, the FEA was only able to consider Edgington's request on a prospective basis for May 1977. The FEA determined that Edgington had submitted no material to support a claim of severe and irreparable injury which would warrant retroactive exception relief for April 1977. Nevertheless, with respect to the month of May, the FEA found that Edgington had satisfied the criteria set forth in prior cases for modification of a decision granting exception relief from entitlement purchase obligations. In particular, the FEA found that (1) substantial changes had occurred in the assumptions which were used by Edgington regarding the amount of demed old oil contained in its crude oil mix; (11) as a result, a gross disparity existed between the financial projections used in the earlier proceeding and the projections which now appear to be reasonable; and (111) use of the revised data has a very substantial effect on the relief granted. Accordingly, Edgington was relieved of $2,226,866 of its entitlement purchase obligation pursuant to the Entitlement Notice which the FEA publishes in May 1977.

Marathon Oil Co.; Findley, Ohio; FMR–0096; Motor Gasoline

Marathon Oil Company filed an Application for Modification of a Decision and Order which the FEA issued to it on January 3, 1977. Marathon Oil Co., 5 FEA Par. 80,514 (January 3, 1977). In the January 3 determination, the FEA denied an Appeal which Marathon filed from an earlier Decision and Order issued to Beukema's Oil Company. Beukema's Oil Co., 4 FEA Par. 83,032 (August 6, 1976). In the August 6, 1976 Decision, the FEA granted Beukema an exception from the provisions of 10 CFR 211.9 and directed that the firm be assigned a new supplier for motor gasoline to replace its base period supplier. In implementing that directive, the FEA Region V designated Marathon as Beukema's new base period supplier for motor gasoline. Marathon's request, if granted, would have resulted in the rescission of the August 6, 1976 Decision and Order, and Marathon would have been relieved of any obligation to supply Beukema with motor gasoline. In its submission, Marathon contended that two FEA decisions, Francis Uthe, 4 FEA Par. 83,231 (December 6, 1976) and James Andros, d/b/a Jim's Mobile, 4 FEA Par. 83,178 (November 5, 1976), which were issued during the pendency of Marathon's prior Appeal proceeding, require that the FEA reconsider its January 3 decision. Marathon contended that the fact that the two decisions were issued but not published until after its Appeal had been denied constituted significantly changed circumstances. In rejecting this contention, the FEA noted that the Office of Exceptions and Appeals maintains a Public Docket Room where its Decisions are immediately made available to the public. The FEA found that while the firm may not have used those facilities in this instance, Marathon was aware of the services offered and had in fact, used the Public Docket Room on previous occasions. The FEA concluded that under these circumstances the Marathon submission failed to demonstrate the existence of "significantly changed circumstances" for the purposes of 10 CFR 205.135. The FEA also determined that contrary to Marathon's contention, the principles of the Uthe and Andros Decisions did not affect the January 3 Decision. The FEA accordingly concluded that no basis existed for Marathon's request that the January 3 Order be modified and its request was denied.

Monsanto Co.; St. Louis, Mo.; FEA–1204; Reporting requirements

Monsanto Company filed an Application for Modification of an FEA Notice which had been published in the FEDERAL REGISTER on December 16, 1976. That Notice identified Monsanto as a corporation which had consumed at least 1 trillion Btu's of energy during 1975, and which was among the 50 most energy-consumptive firms in SIC Code 22. As a result of that Notice Monsanto is required to participate in a reporting program under the provisions of Section 375 of Part D of the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163 (December 22, 1975). In considering Monsanto's application, the FEA found that the firm's energy consumption in 1976 was less than 1 trillion Btu's and that its energy consumption will be further reduced as a result of the closing of one of its plants which manufactures products in SIC Code 22. However, the FEA observed that the successful administration of a reporting program which is designed to monitor industrial energy-efficency improvement targets requires that firms participate in the program on a long-term basis. The FEA therefore found that the fact that a firm's energy-consumption fell below 1 trillion Btu's per year, so that it no longer met the criteria for classification as a reporting firm, did not constitute the type of "significantly changed circumstances" which warranted modification of the list of reporting corporations. The FEA concluded that one of the principal elements which it will consider in determining whether "significantly changed circumstances" have occurred in such cases is the role which the firm plays as a producer within the relevant SIC Code. Since Monsanto had failed to demonstrate that it had significantly changed its status as a major producer within SIC Code 22, the firm's request for modification was denied.

SUPPLEMENTAL ORDER

Sunland Refining Corp.; Los Angeles, Calif.; FEX–0154; Crude oil

On April 18, 1977, the FEA issued a Supplemental Decision and Order to the Sunland Refining Corporation, Sunland Ref. Corp., 5 FEA Par. ... (April 18, 1977), in which the FEA rescinded the exception relief which had previously been granted to the firm from the provisions of the Entitlements Program for the period January through March 1977. In the present Supplemental Order, the FEA determined that prior to the issuance of the April 18 Order Sunland was erroneously permitted to sell entitlements valued at $798,178 during the month of March 1977. Accordingly, the FEA determined that in addition to any entitlements purchase or sales obligation which will accrue to Sunland in the Entitlements Notice which the FEA will issue in the month of May 1977, Sunland shall be required to purchase entitlement valued at $798,178 in order to return the entitlements revenues which it erroneously received during the month of March 1977.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Exceptions and Appeals of the Federal Energy Administration has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

Company	Case No.	Plant	Amount of price increase (per gallon)
Coastal States Gas Corp.	FEE–3978	Albany	$0.0395
	FEE–3979	Bay City	.0082
	FEE–3980	Corpus Christi.	.0137
	FEE–3981	Freer	.0083
	FEE–3982	Hidalgo	.0920
	FEE–3983	Mission	.0962
	FEE–3984	San Antonio.	.0154
	FEE–4045	Almeda	.01206
Getty Oil Co.	FEE–3945	Bastian Bay.	.0112
	FEE–3946	Calumet	.0336
	FEE–3947	Cocodrie	(1)
	FEE–3948	Hollywood	(1)
	FEE–3949	Houma	.0072
	FEE–3950	Katy	(1)
	FEE–3951	Leveland	.0083
	FEE–3952	Old Ocean	(1)

1 Denied.

TEMPORARY STAY

The following Application for Temporary Stay was denied on the grounds that the applicant had failed to make a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Petroleum Management, Inc.; Wichita, Kans.; FRT–0042

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Merchants Delivery Co.; Kansas City, Mo.; FEE–4076

The following Request for Stay was dismissed after a determination by the FEA that the Request was moot since the firm's underlying Application for Exception had been denied.

Pyramid Corp.; Wichita, Kans.; FES–3640

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Private Grievances and Redress, Room B–120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

ERIC J. FYGI,
Acting General Counsel.

JUNE 21, 1977.

[FR Doc.77–18292 Filed 6–24–77;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 226]

BUCKEYE FEDERAL SAVINGS AND LOAN ASSOCIATION AND TRANSOHIO FINANCIAL CORPORATION

Receipt of Application for Permission To Acquire Control

JUNE 22, 1977.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from TRANSOHIO Financial Corporation, Cleveland, Ohio ("TRANSOHIO"), for approval of acquisition of control of Buckeye Federal Savings and Loan Association, Columbus, Ohio ("Buckeye"), under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies. TRANSOHIO intends to effect the acquisition by a merger of its wholly owned subsidiary, New Buckeye Corporation ("New Buckeye"), into Buckeye through an exchange of 1.25 shares of the common stock of TRANSOHIO held by New Buckeye for each of the 1,224,400 shares of common stock of Buckeye issued and outstanding. All 500 issued and outstanding shares of common stock of New Buckeye will then be converted into 1,224,400 new shares

and distributed to TRANSOHIO. New Buckeye will cease to exist and Buckeye will become a wholly owned subsidiary of TRANSOHIO. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by July 27, 1977.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.77-18256 Filed 6-24-77;8:45 am]

FEDERAL MARITIME COMMISSION

CANTON RAILROAD CO. AND COTTMAN CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 18, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Claude K. Williams, Jr., General Manager, Canton Company, World Trade Center, P.O. Box 447, Baltimore, Maryland 21203.

Agreement No. T-3479 between Canton Railroad Company (Canton) and Cottman Company (Cottman) provides for the three-year lease to Cottman of certain wharf facilities including all improvements and buildings located thereon together with the right to use certain berthing areas, as further detailed in the agreement. Cottman will use the premises for the purpose of operating its own terminal with shipping services such as, but not limited to, the receiving, delivery, handling and storage of cargo, the docking of vessels and the loading and discharging of cargo to and from such vessels. As compensation, Canton will receive rental from Cottman in the amount of $200,000 per year payable in equal monthly installments.

Although this agreement may not be subject to section 15 of the Shipping Act, 1916, interested parties are given an opportunity to comment thereon if they so desire.

By Order of the Federal Maritime Commission.

Dated: June 22, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18254 Filed 6-24-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1126]

PUERTO RICAN CONSOLIDATORS

Order of Revocation

By letter dated May 17, 1977, Mr. Ralph S. Newcomer, President, Puerto Rican Consolidators, 4819 Cecelia Street, Cudahy, CA 90210 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1126 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 15, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Puerto Rican Consolidators has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) § 5.01(c) dated June 30, 1975;

IT IS ORDERED, That Independent Ocean Freight Forwarder License No. 1126 issued to Puerto Rican Consolidators be returned to the Commission for cancellation.

IT IS FURTHER ORDERED, That Independent Ocean Freight Forwarder License No. 1126 be and is hereby revoked effective June 15, 1977.

IT IS FURTHER ORDERED, That a copy of this Order be published in the FEDERAL REGISTER and served upon Puerto Rican Consolidators.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-18255 Filed 6-24-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS73-392, *et al.*]

ZOLLER & DANNEBERT, INC. ET AL.

Applications for "Small Producer" Certificates [1]

JUNE 15, 1977.

Take notice that each of the Applicants listed herein has filed an applicaion pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participavte as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS73-392	May 31, 1977	Zoller & Dannebert, Inc.,[1] Suite 2100, First of Denver Plaza, 633 17th Street, Denver, Colo. 80202.
CS75-656	....do.....	Mark Production Co.[2], 230 Citizens Bank Bldg., Tyler, Tex. 75702.
CS76-1116	June 6, 1977	Brown Saddle Corp.[3], 4605 Post Oak Pl., Suite 108, Houston, Tex. 77027.
CS77-575	May 27, 1977	John N. Loflin, 2400 Niels Esperson Bldg., Houston, Tex. 77002.
CS77-576	May 31, 1977	Kentucky Rover Coal Corp., 167 West Main St., Suite 804, Lexington, Ky. 40507.
CS77-577	....do.....	H. D. Oden, Inc., P.O. Box 5544, Midland, Tex. 79701.
CS77-578	May 23, 1977	New Jersey Natural Resources Co., 601 Bangs Ave., Asbury Park, N.J. 07712.
CS77-579	May 27, 1977	Virginia Abney Whelan, 303 Miller Dr., Marshall, Tex. 75670.
CS77-580	May 31, 1977	Herbert S. Woods & Associates, P.O. Box 1367, El Dorado, Ark. 71730.
CS77-581	June 1, 1977	Chapman Oil Co., 2406 Niels Esperson Bldg., Houston, Tex. 77002.
CS77-582	June 3, 1977	Helen Morris Moore, 1280 Holly Sugar Bldg., Colorado Springs, Colo. 80903.
CS77-583	....do.....	T. D. Flewellen, P.O. Box 2835, Lubbock, Tex. 79408.
CS77-584	June 6, 1977	Harvey H. Holman, 1622 Crestmont Dr., Norman, Okla. 73069.
CS77-585	....do.....	Triple L Oil Co., Inc., 2501 Suntide Rd., Corpus Christi, Tex. 78410.
CS77-586	....do.....	Robert J. Butts, 100 First National Bank Bldg., Enid, Okla. 73701.
CS77-587	....do.....	Suoco Oil Corp., P.O. Box 662, Pampa, Tex. 79065.
CS77-588	....do.....	Jane H. Caplitz, 1228 West Ione Rd., Muskegon, Mich. 49441.
CS77-589	....do.....	Autry C. Stephens (operator), et al., 4633 Princeton Ave., Midland, Tex. 79701.
CS77-590	....do.....	Peacock Oil Co., 615 East Main, Rangely, Colo. 81648.
CS77-591	June 7, 1977	Phillip Thompson, 6909 South Country Club Dr., Oklahoma City, Okla. 73159.
CS77-592	....do.....	Bob Crowson, 10716 Greystone, Oklahoma City, Okla. 73120.
CS77-593	....do.....	Ann Thompson, 6909 South Country Club Dr., Oklahoma City, Okla. 73159.

[1] Notice filed to reflect change of name from Zoller & Danneberg, Inc., to Premier Resources, Ltd.
[2] Notice filed to reflect change of name from Mark Production Co. to Mewbourne Oil Co.
[3] Notice filed to reflect change of name from Brown Saddle Corp. to Paramont Petroleum Corp.

[FR Doc.77-18085 Filed 6-24-77;8:45 am]

FEDERAL RESERVE SYSTEM

MARBLE FALLS FINANCIAL CORP.

Formation of Bank Holding Company

Marble Falls Financial Corporation, Marble Falls, Texas, has aplied for the Board's aproval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Home State Bank, Marble Falls, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to coment on the application should submit views in writing to the Reserve Bank, to be received not later than July 21, 1977.

Board of Governors of the Federal Reserve System, June 21, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18263 Filed 6-24-77;8:45 am]

REPUBLIC OF TEXAS CORP.

Order Denying Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Preston State Bank, Dallas, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of all the shares of Bank. Applicant presently indirectly controls voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application of all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in the State of Texas, has eight banking subsidiaries with aggregate deposits of $2.8 billion, representing 5.9 percent of commercial bank deposits in the State.[1] Acquisition of Bank, the State's 30th largest banking organization, would increase Applicant's share of commercial bank deposits in Texas by 0.35 percent but would not alter Applicant's ranking in the State.

By Order dated October 25, 1973 (38 FR 30581), the Board approved the application of Applicant to become a bank holding company through the direct acquisition of Republic National Bank of Dallas ("Republic Bank") and the indirect acquisition of 29.9 per cent of the voting shares of Oak Cliff Bank & Trust Company, Dallas, Texas. In addition to its interest in Bank, Republic Bank at the time also owned indirectly between 5 and 24.99 per cent of the voting shares in twenty other banks, seventeen of which were in the Dallas banking market.[2] Applicant represented to the Board that it would file separate applications for prior approval by the Board for acquisition of additional shares in each of certain of those banks, and would divest completely its interests in others. In its Order the Board stated that each such application filed by the Applicant would be considered on its own merits in light of the statutory standards set forth in Section 3 of the Act. Since that time Applicant has divested its interests in seven of the Dallas-area banks, and has applied to acquire additional shares of four of the Dallas-area banks.[3]

Bank is the seventh largest banking organization and the sixth largest bank in the Dallas banking market and holds deposists of $167.0 million, representing 1.8 per cent of the total deposits of commercial banks in the market. Applicant is already a significant competitor in the Dallas banking market. The recent addition of Garland Bank and Dallas National Bank as subsidiaries increased Applicant's share of the deposits to 25.4 per cent, and at the present time Applicant controls the second and ninth largest banks in the market plus two smaller banks. In addition, the nine banks in the Dallas market (including Bank) in which Applicant presently holds minority interests have aggregate deposits of $416.3 million, representing 4.5 per cent of market deposits. The acquisition of Bank would increase Applicant's share of market deposits to 27.2 per cent and entrench its position as the largest banking organization in the market. Accordingly, the Board views the effects of the proposal on concentration in the Dallas banking market as an adverse factor in its consideration of this application. Those effects are regarded as more significant in light of the fact that the market is already somewhat concentrated with the three largest banking organizations holding 60.7 per cent of the deposits.

In addition to having adverse effects upon the concentration of banking resources in the Dallas banking market, consummation of the proposal would eliminate substantial existing competition between Bank and Applicant's subsidiary banks, particularly Republic Bank. Applicant maintains that Bank and Republic Bank serve essentially different kinds of customers,[4] and that the longstanding relationship between Republic Bank and Bank lessens the competition between them. While Applicant or Republic Bank has indirectly owend 20 percent or more of the shares of Bank since 1941, Republic Bank did not sponsor Bank's formation in 1939, and it appears that the nature of the relationship has not been such that it has precluded the development of meaningful competition between Republic Bank and Bank.

[1] All banking data are as of June 30, 1976. By separate Order dated March 23, 1977 (42 FR 16855 and 16856) the Board approved Applicant's acquisition of Dallas National Bank in Dallas (formerly Fair Park National Bank of Dallas) Dallas, Texas, and First National Bank in Garland, Garland, Texas ("Garland Bank"). Applicant consummated both of these acquisitions on May 2, 1977.

[2] The Dallas banking market is approximated by the Dallas RMA.

[3] By separate action of this date, the Board approved Applicant's acquisition of Midway National Bank of Grand Prairie, Grand Prairie, Texas.

Furthermore, the record shows that each derives a significant amount of its deposits from the service area of the other, and that Republic Bank and Bank are, respectively, the first and second largest issuer of credit card plan loans in the market with 32.3 and 25.4 per cent, respectively, of all card plan loans held by banks in the Dallas banking market. Thus, the Board concludes that consummation of the proposal would eliminate substantial existing competition between Applicant and Bank. Accordingly, the Board finds on the basis of the foregoing and other facts of record that competitive considerations relating to this application weigh sufficiently against approval so that it should not be approved unless the anticompetitive effects are clearly outweighed by benefits to the public in meeting the convenience and needs of the community to be served.

The financial and managerial resources of Applicant, its subsidiaries and Bank are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to banking factors are also consistent with approval of the application. While Applicant proposes to expand Bank's commercial and industrial lending, there is no indication that the needs of Bank's customers are not currently being met, and that the proposed new loans cannot be obtained elsewhere in the Dallas banking maket. Accordingly, the Board finds that considerations relating to convenience and needs of the community to be served do not outweigh the adverse competitive effects that would result from Applicant's acquisition of Bank.

On the basis of the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that approval of the proposal would not be in the public interest. Accordingly, the application is denied for the reasons summarized herein.

By Order of the Board of Governors,[5] effective June 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18261 Filed 6-24-77;8:45 am]

REPUBLIC OF TEXAS CORP.

Order Approving Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Midway National Bank of Grand Prairie, Grand Prairie, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank. Applicant presently indirectly controls 24.9 per cent of the voting shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of the Comptroller of the Currency, in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in the State of Texas, has eight banking subsidiaries with aggregate deposits of $2.8 billion, representing 5.9 percent of commercial bank deposits in the State.[1] Acquisition of Bank, one of the State's smaller banking organizations, would increase Applicant's share of commercial bank deposits in Texas by only 0.06 percent.

By Order dated October 25, 1973 (38 FR 30581), the Board approved the application of Applicant to become a bank holding company through the direct acquisition of Republic National Bank of Dallas ("Republic Bank") and the indirect acquisition of 29.9 percent of the voting shares of Oak Cliff Bank & Trust Company, Dallas, Texas. In addition to its interest in Bank, Republic Bank at the time also owned indirectly between 5 and 24.99 percent of the shares of twenty other banks, seventeen of which were in the Dallas banking market.[2] Applicant represented to the Board that it would file separate applications for prior approval by the Board for acquisition of additional shares in each of certain of those banks, and would divest completely its interests in others. In its Order the Board stated that each such application filed by Applicant would be considered on its own merits in light of the statutory standards set forth in § 3 of the Act. Since that time Applicant has divested its interests in seven of the Dallas-area banks, and has applied to acquire additional shares of four of the Dallas-area banks.[3]

Bank is the 34th largest banking organization in the Dallas banking market and holds deposits of $29.3 million, representing 0.3 percent of the total deposits held by commercial banks in the market. Applicant is already a significant competitor in the Dallas banking market. The recent addition of Garland Bank and Dallas National Bank as subsidiaries increased Applicant's share of the deposits to 25.4 percent, and at the present time Applicant controls the second and ninth largest banks in the market plus two smaller banks. In addition, the nine banks in the Dallas market (including Bank) in which Applicant presently holds minority interests have aggregate deposits of $416.3 million, representing 4.5 percent of market deposits.

While consummation of the proposal would appear to eliminate some existing competition inasmuch as Applicant and Bank operate in the same market, the Board notes that Applicant, or its predecessor in interest, Republic Bank, has held 20 percent or more of the shares of Bank since its formation in 1963, and that the nature of this relationship is such that little, if any, meaningful competition presently exists between Bank and Applicant's subsidiary banks in the Dallas market. But for the history of the established relationship between Applicant and Bank, the effects on existing competition would be viewed as more serious, but viewed in light of that relationship the effects are only slight. Moreover, while Applicant is one of the largest organizations in the banking market, in view of the facts presented in the record of this application, the Board does not regard the slight increase in concentration of market deposits as significant. Accordingly, the Board concludes that the proposed acquisition of Bank by Applicant would not have significant adverse effects on competition.

The financial and managerial resources of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application. Considerations relating to banking factors are also consistent with approval of the application. Following consummation of the transaction, Applicant intends to assist Bank in expanding its residential real estate lending activities, as well as its commercial loan and deposit services. These considerations relating to convenience and needs of the community to be served do not appear to be substantial but they do lend some weight toward approval of the application, and in the Board's view outweigh any slightly adverse effects on competition that might result from consummation of this proposal. Accordingly, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By Order of the Board of Governors,[4] effective June 20, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18262 Filed 6-24-77;8:45 am]

[4] Applicant characterizes the business of Republic Bank as "wholesale banking" and that of Bank as "consumer banking". The Board does not view this as an appropriate distinction for purposes of competitive analysis.

[5] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

[1] All banking data are as of June 30, 1976. By separate Orders dated March 23, 1977 (42 FR 16855 and 16856) the Board approved Applicant's acquisition of Dallas National Bank in Dallas (formerly Fair Park National Bank of Dallas) Dallas, Texas, and First National Bank in Garland, Garland, Texas ("Garland Bank"). Applicant consummated both of these acquisitions on May 2, 1977.

[2] The Dallas banking market is approximated by the Dallas RMA.

[3] By separate action of this date, the Board denied Applicant's proposal to acquire Preston State Bank, Dallas, Texas.

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

JUNE 22, 1977.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 9, July 11 from 9 a.m. through July 13, 4:15 p.m., Conference Room, 26th floor, Tishman Building, 525 Market Street, San Francisco, California. The meeting will be devoted to the initial steps of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for proposed projects in the following locations:

(1) Expansion of Federal Archives and Records Center, 1000 Commodore Drive, San Bruno, California.

(2) Various repair and alteration items in Five Federal Buildings in Phoenix, Mesa, Flagstaff, Tucson and Nogales, Arizona.

(3) Alterations to various Federal Buildings in Sacramento, Fresno, Merced, Bakersfield, Stockton and Visalia, California.

(4) Repair and alterations to two historic Federal Buildings in San Francisco, California.

(5) Alterations to U.S. Border Inspection Stations at San Diego, Calexico, Tecate, Andrade, California as well as Federal Buildings in San Diego, California.

The meeting will be open to the public.

ROSS A. BIATIC,
Acting Regional Administrator.

[FR Doc.77-18525 Filed 6-24-77;9:16 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY ADULT EDUCATION PROGRAM FOR INDOCHINA REFUGEES

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 315 of the Adult Education Act, 20 U.S.C. 1211b, as added by Pub. L. 94-405, the Indochina Refugee Children Assistance Act, applications are being accepted from State and local educational agencies for the purpose of operating special adult education programs for adult Indochina refugees.

Applications must be received by the U.S. Office of Education Application Control Center on or before July 29, 1977.

A. APPLICATION SENT BY MAIL

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202; Attention: 13.579. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than July 25, 1977, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before July 29, 1977, by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. HAND-DELIVERED APPLICATIONS

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. APPLICATION INSTRUCTIONS AND FORMS

Information and application forms may be obtained from the Division of Adult Education, Bureau of Occupational and Adult Education, Office of Education, ROB-3, Room 5076, 7th and D Streets, S.W., Washington, D.C. 20202.

D. PROGRAM INFORMATION

(1) The Emergency Adult Education Program for Indochina Refugees is authorized only for fiscal year 1977. Grants will be awarded before September 30, 1977, for operation during fiscal year 1978.

(2) It is estimated that $10,250,000 will be available for approximately 150 grants to be awarded.

(3) No minimum or maximum amounts have been predetermined since funds required will vary according to the number of persons to be served and the types of services to be provided by the State or local educational agency.

E. APPLICABLE REGULATIONS

Awards made pursuant to this Notice will be subject to:

(1) The Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a) published in the FEDERAL REGISTER on November 6, 1973 and (2) the regulations for the Emergency Adult Education Program for Indochina Refugees published in FR on May 2, 1977 (45 CFR Part 166).

(Catalog of Federal Domestic Assistance No. 13.579, Emergency Adult Education Program for Indochina Refugees)

Dated: June 21, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc.77-18215 Filed 6-24-77;8:45 am]

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Jackson, Partee and Lilly. Absent and not voting: Chairman Burns and Governor Coldwell.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 072014]

MONTANA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

Correction

In FR Doc. 77-16314 appearing at page 29564 in the issue for Thursday, June 9, 1977, under "Charles Waters Memorial Campground" on page 29565, the 9th line now reading "NW¼W¼SE¼" should have read "NW¼SW¼SE¼".

[M 141]

MONTANA

Transfer of Submarginal Lands, Fort Belknap Indian Reservation

Correction

In FR Doc.77-16319 appearing at page 29566 in the issue for Thursday, June 9, 1977 the second line from the top of the first column on page 29567 now reading "Sec. 20, E½, NW¼NW¼, SW¼NW¼, and SW¼;" should have read "Sec. 20, E½, N½NW¼, SW¼NW¼ and SW¼;".

Also, the 16th line of the same column now reading "Sec. 29, NE¼, N½NW¼, and SE¼NE¼;" should have read "Sec. 29, NE¼, N½NW¼, and SE¼NW¼;".

[NM 30835 and 30917]

NEW MEXICO

Applications

JUNE 17, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 24 S., R. 27 E.,
Sec. 29, SW¼NW¼;

Sec. 30, lot 4, SE¼NE¼, E½SW¼, and N½SE¼;
Sec. 31, lot 1.
T. 18 S., R. 27 E.,
Sec. 21, SW¼NW¼.

These pipelines will convey natural gas across 1.626 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18239 Filed 6-24-77;8:45 am]

National Park Service

VOYAGEURS NATIONAL PARK, MINNESOTA

Availability of Environmental Assessment on Landing of Aircraft

The National Park Service has prepared an environmental assessment to consider the effects of alternative proposals concerning the landing of aircraft at Voyageurs National Park, Minnesota.

The assessment states the existing situation, describes components of the local and regional environment which may affect, or be affected by, the alternative proposals, and discusses three alternatives.

Copies of the environmental assessment are available at Voyageurs National Park, P.O. Drawer 50, International Falls, Minnesota 56649; and the Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102. Anyone wishing to comment on this document should submit such comments in writing to the Park Superintendent or the Regional Director at the above addresses of this notice.

Dated: May 31, 1977.

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc.77-18025 Filed 6-24-77;8:45 am]

VOYAGEURS NATIONAL PARK, MINNESOTA

Availability of Environmental Assessment on Snowmobile Operations

The National Park Service has prepared an environmental assessment to consider the effects of alternative proposals concerning the operation of snowmobiles at Voyageurs National Park, Minnesota.

The assessment states the existing situation, describes components of the local and regional environment which may affect, or be affected by, the alternative proposals, and discusses four alternatives.

Copies of the environmental assessment are available at Voyageurs National Park, P.O. Drawer 50, International Falls, Minnesota 56649; and the Midwest Regional Office, 1709 Jackson Street, Omaha, Nebraska 68102. Anyone wishing to comment on this document should submit such comments in writing to the Park Superintendent or the Regional Director at the above addresses within thirty (30) days of the date of this notice.

Dated: May 31, 1977.

MERRILL D. BEAL,
Regional Director, Midwest Region.

[FR Doc.77- Filed -77; am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-29]

WELDED STAINLESS STEEL PIPE AND TUBE

Commission Memorandum Opinion[1][2]

PROCEDURAL BACKGROUND

On March 25, 1977, the presiding officer in this investigation issued his Prehearing Order No. 6, which includes a recommended ruling that the Commission grant the motion of Thypin Steel Co., Inc. that it be dismissed as a party to this investigation which was docketed as motion No. 29-4.

ORDER

Motion No. 29-4 is granted.

OPINION

A person is a proper party respondent to a section 337 investigation if he is alleged to be engaged in unfair methods of competition and unfair acts in the importation of the article into the United States, or in its sale, as the article's owner, importer or consignee, or the agent of either of these people. The particular alleged violation of section 337 determines who is a proper party respondent to the investigation.

The alleged violation of section 337 in this investigation is the "sale in the United States of such welded stainless steel pipe and tube at unreasonably low prices, often below the cost of production, with an intent to restrain or monopolize trade and commerce in these articles in the United States." Those parties alleged to be violating section 337 in this investigation should necessarily be those parties selling the Japanese product in the United States. The complaint describes the chain of export distribution as follows:

> In the chain of export distribution, welded stainless steel pipe and tube is initially purchased in the Japanese market by a trading company. It is then consigned to the account of a United States affiliate and sold to the United States distributing enterprise. (Complaint, at 5.)

[1] Chairman Minchew dissents from the Commission Order and Opinion.

[2] Commissioner Abiondi concurs only in the granting of motion No. 29-4.

Accordingly, it would appear on the basis of the pricing information supplied in the complaint that the Japanese trading company and its U.S. affiliate are the parties properly alleged to be violating section 337. Thypin, according to the so-called Bacher affidavit, is not involved in the importation of welded stainless steel pipe and tube into the United States or in its first sale as the owner, importer, consignee or agent of either. In the absence of a contrary showing and in light of the fact that no conspiracy has been noticed as within the scope of this investigation, Thypin is dismissed as a respondent.

Issued: June 21, 1977.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77-18296 Filed 6-24-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

Final 1977 Revised Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On May 6, 1977 a notice of the proposed revised aggregate production quotas for 1977 was published in the FEDERAL REGISTER (42 FR 23212-13). All interested parties were invited to comment or object to the proposed aggregate production quotas on or before June 6, 1977. No comments or objections were received.

Therefore, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that final aggregate quotas for the below-listed controlled substances, expressed in grams of anhydrous base, be established as follows:

Basic class:	*Final revised 1977 aggregate production quota*
Alphaprodine	54,000
Amobarbital	7,877,000
Codeine	57,900,000
Codeine for conversion	2,275,000
Dihydrocodeine	1,002,000
Ethylmorphine	25,000
Fentanyl	3,000
Hydrocodone	833,000
Meperidine (Pethidine)	13,829,000
Methaqualone	22,361,000
Methylphenidate	1,697,000
Mixed Alkaloids of Opium	20,000
Morphine	661,000
Morphine for conversion	55,771,000
Oxycodone	1,924,000
Pentobarbital	15,428,000
Secobarbital	2,470,000

This order is effective upon publication.

Dated: June 17, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-18196 Filed 6-24-77;8:45 am]

LEGAL SERVICES CORPORATION

BOARD OF DIRECTORS

Meeting of the Committee on Regulations

A meeting of the Board of Directors Committee on Regulations will be held on Wednesday, July 6, 1977 at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The meeting will begin at 7 p.m. The agenda will include the proposed client grievance procedure regulation and such other business as may arise.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc.77-18245 Filed 6-24-77;8:45 am]

Meeting of the Committee on Regulations

BOARD OF DIRECTORS

Meeting

A meeting of the Board of Directors of the Legal Services Corporation will be held on Thursday and Friday, July 7-8, 1977 at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The meeting will begin at 9:30 a.m. on both days. The agenda will include matters relating to the Corporation's budget, proposed regulations, a resolution reappointing the President, selection of an auditor for the Corporation's accounts for Fiscal Year 1977, possible new facilities for the Corporation's Washington headquarters, a report on the Delivery Systems Study, a report on the support centers, a report on the Reginald Heber Smith Community Fellowship Program, a report on program monitoring evaluations by the Corporation, and other issues concerning the Corporation and its activities.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc.77-18246 Filed 6-24-77;8:45 am]

BOARD OF DIRECTORS, COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

A meeting of the Board of Directors Committee on Appropriations and Audit will be held on Wednesday, July 6, 1977, at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia.

The meeting will begin at 7:30 p.m. The agenda will include consideration of the Corporation's Fiscal Year 1978 budget and allocation of investment income.

The meeting is open to the public.

THOMAS EHRLICH,
President.

[FR Doc.77-18555 Filed 6-24-77;11:36 am]

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

MEETINGS

The National Commission on Electronic Fund Transfer's Credit Markets Committee will meet on Wednesday, July 6, 1977 at 9:00 a.m. in Theatre 3, Montgomery Ward and Company, Inc., Montgomery Ward Plaza, 535 West Chicago Avenue, Chicago, Illinois. The purpose of the meeting is to hear from individuals specifically invited by the Committee to participate in a one-day seminar concerning the probable impact of EFT on credit-granting institutions and credit users.

On Thursday, July 7, 1977 the Credit Markets Committee will meet at 9:00 a.m. at the same address to develop recommendations for consideration by the Commission.

On Thursday, July 7, 1977 the Commission will hold a "Public Interchange" meeting, in the Adams Ballroom on the 6th floor of the Palmer House Hotel, 17 East Monroe Street, Chicago, Illinois, beginning at 9:30 a.m. The purpose of this meeting is to learn the views of consumer representatives, financial institution representatives and others in the Chicago area on the Commission's recommendations.

The Public Interchange meeting will begin with briefings by several Commissioners on EFT and the recommendations of the Commission, following which the audience and Commissioners will break into smaller groups for a discussion of these issues. Later the groups will reconvene, and each group will report on its conclusions.

While direct invitations have been sent to over 100 persons, primarily consumer representatives, to attend and participate in the Public Interchange meeting, any other person wishing to participate in that meeting should contact Dr. John B. Benton at (202) 254-7400.

On Friday, July 8, 1977, the Commission will meet, as previously scheduled, 41 F.R. 12356, in the Palmer House Hotel, beginning at 9:30 a.m. The meeting will consist of progress reports and discussions of the Commission's work.

All interested persons are invited to attend the Credit Market Committee meetings on July 6th and 7th, the Public Interchange meeting on July 7th, and the Commission meeting on July 8th, on a first-call basis to the extent that space permits. Interested persons should contact Ms. Janet Miller at (202) 254-7400 to check on the availability of space.

Dated: June 20, 1977.

JAMES O. HOWARD, JR.,
General Counsel.

[FR Doc. 77-18195 Filed 6-24-77;8:45 am]

NATIONAL SCIENCE FOUNDATION

PRE-COLLEGE TEACHER DEVELOPMENT IN SCIENCE

Project Directors' Meeting

A project director's meeting will be held from 3 p.m. to 5 p.m. on Thursday, July 14, 1977 and from 8:30 a.m. to 5 p.m. on Friday, July 15, 1977 at the Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, D.C.

The purpose of this meeting is to give project directors of the Pre-College Teacher Development in Science Program an opportunity to exchange information regarding the conduct of Science Career Facilitation Projects and to allow the program staff to set into motion mechanisms for monitoring of projects.

While this project director's meeting is not considered to be a meeting of an "advisory committee" as that term is defined in section 3 of the Federal Advisory Committee Act (Pub. L. 92-463) the meeting is believed to be of sufficient importance and interest to the general public to be announced in the FEDERAL REGISTER as a meeting open for public attendance and participation.

The meeting will be chaired by Dr. Theodore L. Reid. Because of space limitation, members of the public who wish to atttend should call 202-282-7795 regarding attendance at this meeting.

JUNE 22, 1977.

LEWIS A. GIST,
Division Director, Scientific Personnel Improvement.

[FR Doc.77-18237 Filed 6-24-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

ARKANSAS POWER & LIGHT CO.

Availability of NRC Final Environmental Statement for Arkansas Nuclear One-Unit No. 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of Arkansas Nuclear One-Unit No. 2 located in Pope County, Arkansas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Arkansas Polytechnic College Library, Russellville, Arkansas. The Final Environmental Statement is also being made available

at the Department of Local Services, State Planning and Development Clearinghouse, 900 First National Bank Building, Little Rock, Arkansas, and the West Central Arkansas Planning and Development District, Municipal Building, Hot Springs, Arkansas.

The notice of availability of the Draft Environmental Statement for the Arkansas Nuclear-One-Unit No. 2 and requests for comments from interested persons was published in the FEDERAL REGISTER on May 27, 1976 (41 FR 21704). The comments received from Federal, State and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG–0254) may be purchased from the National Technical Information Service, Springfield, Virginia 22161 at a cost of $6.75 for printed copies and $3 for microfiche.

Dated at Rockville, Maryland, this 10th day of June 1977.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief Environmental Projects Branch No. 2, Division of Site Safety and Environmental Analysis.

[FR Doc.77–18058 Filed 6–24–77;8:45 am]

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Facility Operating License No. DPR–23, issued to Carolina Power & Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to reflect a change in the licensee's organizational structure and to correct a typographical error.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as required by the Act and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE.—The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 28 to License No. DPR–23, and (2) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77–18055 Filed 6–24–77;8:45 am]

[Docket No. 50–346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.; DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. NPF–3, issued to the Toledo Edison Company and the Cleveland Electric Illuminating Company, for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment removes a temporary condition to the license which restricted operation of the facility in a hot standby mode.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE: The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 2 to License No. NPF–3, and (2) the Commission's related Safety Evaluation supporting Amendment No. 2 to License No. NPF–3. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items 1 and 2 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Maryland, this 14th day of June 1977.

For the Nuclear Regulatory Commission.

DENNIS P. ALLISON,
Acting Branch Chief, Light Water Reactors Branch No. 1, Division of Project Management.

[FR Doc.77–18064 Filed 6–24–77;8:45 am]

[Doc. No. STN 50–447]

GENERAL ELECTRIC STANDARD SAFETY ANALYSIS REPORT

Issuance of Amendment to Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission has issued Amendment No. 1 to Preliminary Design Approval No. PDA–1, dated June 13, 1977, for the nuclear island portion of a nuclear power plant as described in the General Electric Standard Safety Analysis Report and amendments thereto.

The amendment removes the four design conditions listed in Attachment A to Preliminary Design Approval No. PDA–1 and the requirement to submit additional information on the unresolved items contained in Table 1–3 of the staff's Safety Evaluation Report on the GESSAR–238 Nuclear Island Standard Design. The staff's evaluation of the matters covered by Amendment No. 1 to Preliminary Design Approval No. PDA–1 is given in Supplement Nos. 1, 2, and 3 to the Safety Evaluation Report for GESSAR–238 Nuclear Island (NUREG–0124) dated September 1976, February 1977, and June 1977, respectively.

Amendment No. 1 to Preliminary Design Approval No. PDA–1 incorporates both Preliminary Design Approval No. 1 and the changes resulting from Amendment No. 1. This amendment is effective as of its date of issuance and shall expire on December 22, 1978, unless earlier superseded by issuance of a Final Design Approval for the GESSAR–238 Nuclear Island Standard Design, or unless extended by the Nuclear Regulatory Commission staff. The expiration of Preliminary Design Approval No. PDA–1, Amendment No. 1 on December 22, 1978, should not affect use of Preliminary Design Approval No. PDA–1, Amendment No. 1, for reference in any construction permit application docketed prior to such date.

A copy of (1) Preliminary Design Approval No. PDA–1, Amendment No. 1 dated June 13, 1977; (2) the Nuclear Regulatory Commission's staff's Safety Evaluation Report, NUREG 75/110, dated December 1975; (3) Supplement Nos. 1, 2 and 3 to the Safety Evaluation Report, NUREG–0124, dated September 1976, February 1977, and June 1977, respectively; and (4) the General Electric Standard Safety Analysis Report and Amendments 1 through 45 thereto, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW.; Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 13th day of June 1977.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management.

[FR Doc.77–18059 Filed 6–24–77;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT & POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will temporarily increase the 31 days surveillance interval for inaccessible hydraulic shocks suppressors (snubbers) to 120 days.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE.—The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 27, 1977, (2) Amendment No. 36 to License No. DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc.77–18057 Filed 6–24–77;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT & POWER CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR–49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment consists of changes to the Technical Specifications which will incorporate reduced maximum average planar linear heat generation rate limits for operation at less than full rated flow through the core.

The letter for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE: The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the license submittal dated November 4, 1976, (2) Amendment No. 37 to License No. DPR–49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77–18060 Filed 6–24–77;8:45 am]

[Docket No. 50–336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR–65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of its issuance.

The amendment consists of changes which will modify the Technical Specifications so that satisfaction of the resistance temperature detector (RTD) response time surveillance requirements as they appear in the current Technical Specifications are not required until October 30, 1977.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE: The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 1, 1977, as supplemented by letters dated June 8, 1977 and June 15, 1977, (2) Amendment No. 27 to License No. DPR–65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

JUN 27 1977
UM

Dated at Bethesda, Maryland, this 17th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-18061 Filed 6-24-77;8:45 am]

[Dockets Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 29 and 28 to Facility Operating Licenses Nos. DPR-44 and DPR-56, respectively, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3, located in Peach Bottom, York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments consist of changes to the Technical Specifications which will permit increased release rate limits for gaseous radioiodine and radioactive particulates with a half-life greater than 8 days.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

NOTE: The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded than an environmental impact statemet for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated April 1973.

For further details with respect to this action, see (1) the application for amendment May 27, 1977, (2) Amendments Nos. 29 and 28 to Licenses Nos. DPR-44 and DPR-56, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 18th day of June 1977.

For the Nuclear Regulatory Commission.

DAVID M. VERRELLI,
Acting Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-18062 Filed 6-24-77;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or posulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 4.14, "Measuring, Evaluating, and Reporting Radioactivity in Releases of Radioactive Materials in Liquids and Airborne Effluents from Uranium Mills," describes programs acceptable to the NRC staff for measuring, evaluating, and reporting releases of radioactive materials in liquid and airborne effluents from typical uranium mills.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 4.14 will, however, be particularly useful in evaluating the need for an early revision if received by August 22, 1977.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 15th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.77-18056 Filed 6-24-77;8:45 am]

[Docket Nos. 50-582; 50-583]

SAN DIEGO GAS & ELECTRIC CO.; SUNDESERT NUCLEAR PLANT, UNITS 1 AND 2

Special Prehearing Conference

JUNE 20, 1977.

Before the Atomic Safety and Licensing Board.

The Nuclear Regulatory Commission on May 4, 1977 issued a Notice of Hearing on Application for Construction Permits in the above-identified proceeding, which Notice was given general public distribution, including publication in the FEDERAL REGISTER on May 9, 1977 (42 FR 23569-71). The Notice provided for a hearing to be held before an Atomic Safety and Licensing Board, to consider the application filed by San Diego Gas & Electric Company for construction permits for two pressurized water nuclear reactors, designated as the Sundesert Nuclear Plant, Units 1 & 2, proposed for location on a site near Blythe in Riverside County, California.

Please take notice that in accordance with § 2.751a of the Commission's Rules of Practice, 10 CFR Part 2, the Atomic Safety and Licensing Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, for the purpose of dealing with the matters specified in 10 CFR 2.751a. The Board has inquired of the parties and the petitioners respecting their convenience for such a conference and each has agreed that their schedules will have no conflict with a prehearing conference on July 12, 1977 in San Diego, California.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing which will be held at a later date to be fixed by the Board. Members of the public wishing to make a limited appearance pursuant to § 2.715(a) of the Commission's Rules of Practice may identify themselves at the Special Prehearing Conference but oral or written statements to be presented by limited appearance will not be received at this conference. The Board will receive such limited appearance statements at the beginning of the evidentiary hearing.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission that a prehearing conference in this proceeding shall convene at 10:00 A.M., local time, on Tuesday, July 12, 1977, in the Sportee Room, Town & Country Hotel, 500 Hotel Circle North, San Diego, California 92138.

Dated at Bethesda, Maryland this 20th day of June 1977.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc.77-18063 Filed 6-24-77;8:45 am]

(Docket No. 50-293)

BOSTON EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. DPR-35, issued to Boston Edison Company (the licensee), which revised Technical Specifications for operation of Unit No. 1 of the Pilgrim Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modified the existing Pilgrim Technical Specifications to incorporate reduced Maximum Average Planar Linear Heat Generating Rate (MAPLHGR) limits at reduced core flow. These changes were in response to revised General Electric analyses which had been acknowledged by the licensee and acted upon voluntarily.

The filing by the licensee complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the filing by the licensee dated November 17, 1976, (2) General Electric Company's letters dated August 24, 1976, and November 4, 1976, (3) Amendment No. 24 to License No. DPR-35, and (4) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of May, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-18193 Filed 6-24-77;8:45 am]

(Dockets Nos. 50-245 and 50-336)

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Provisional Operating License No. DPR-21 and Amendment No. 28 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, the Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Units Nos. 1 and 2, located in the Town of Waterford, Connecticut. The amendments are effective as of their date of issuance.

The amendment consists of changes to the Technical Specifications which will provide for (1) delegation of responsibility to the Unit Superintendents for operation of the Millstone Units Nos. 1 and 2, (2) the addition of a new member to the Millstone Units Nos. 1 and 2 Plant Operation Review Committees (PORCs), (3) a change to the responsibilities of the PORCs and the Site Operations Review Committees (SORC) to accommodate the review of procedures which are common to both Units, and (4) establishment of additional qualifications for the Health Physics Supervisor.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendment does not involve a significant hazards considerations.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 11, 1977, (2) Amendments Nos. 38 and 28 to Licenses Nos. DPR-21 and DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of June 1977.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-18189 Filed 6-22-77;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modified the existing Monticello Technical Specifications to incorporate reduced Maximum Average Planar Linear Heat Generating Rate (MAPLHGR) limits at reduced core flow. These changes were in response to revised General Electric analyses which had been acknowledged by the licensee and acted upon voluntarily.

The filing by the licensee complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's filing dated November 15, 1976, (2) General Electric Company's letters dated August 24, 1976, and November 4, 1976, (3) Amendment No. 27 to License No. DPR-22, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (3) and (4) may be

obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of May, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-18190 Filed 6-24-77;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 28 to Provisional Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modified the existing Monticello Technical Specifications to incorporate minimum qualifications for the Radiation Protection supervisor, in response to the NRC letter of March 15, 1977. The minimum qualifications are more stringent than those of the previous specification and are those set forth in Regulatory Guide 1.8, "Personnel Selection and Training".

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1977, (2) Amendment No. 28 to License No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at The Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 10th day June, 1977.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.77-18192 Filed 6-24-77;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised the license for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment will delete from the facility operating license the requirement that the license: (1) Have equipment installed to insure that the annual average biological oxygen demand (BOD) of the facility sewage treatment plant effluent does not exceed 5 parts per million (ppm) and (2) confirm by weekly sampling of the outfall that the average BOD of the sewage treatment plant effluent does not exceed 5 ppm.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards considerations.

The Commission has prepared an environmental impact appraisal for the license amendment and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated August 1972.

For further details with respect to this action, see (1) the application for amendment dated February 3, 1977, (2) Amendment No. 26 to License No. DPR-40, and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 17th day of June 1977.

FOR THE NUCLEAR REGULATORY COMMISSION.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.77-18191 Filed 6-24-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS FIRE PROTECTION WORKING GROUP AND REGULATORY ACTIVITIES SUBCOMMITTEE

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Fire Protection Working Group and Regulatory Activities Subcommittee will hold an open meeting on July 13, 1977 in Room 1062, 1717 H St. NW., Washington, D.C. 20555. The purpose of this meeting is to continue their review of Revision 1 to Regulatory Guide 1.120, "Fire Protection Guidelines for Nuclear Power Plants."

The agenda for the subject meeting shall be as follows:

WEDNESDAY, JULY 13, 1977, 1 P.M. UNTIL THE CONCLUSION OF BUSINESS

The Working Group and Subcommittee may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group and Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, regarding this review.

At the conclusion of this session, the Working Group and Subcommittee may caucus to determine whether the matters identified in the Executive Session have been adequately covered and whether the project is ready for review by the full Committee.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group and Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 6, 1977 to Mr. Robert L. Wright, Jr., ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group and Subcommittee will receive oral statements on topics relevant to their purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 12, 1977 to the Office of the Executive Director of the Committee, telephone 202-634-1919, attention, Mr. Robert L. Wright, Jr., between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Working Group, the Subcommittee, and their consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Voice recordings will be permitted only during those sessions of the meeting when a transcript is being kept.

(f) A copy of the transcript of the portion(s) of the meeting where factual information is presented will be available for inspection on or after July 20, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 13, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18466 Filed 6-24-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS PROCEDURES SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Procedures Subcommittee will hold a meeting at 3:30 p.m. on July 12, 1977 in Room 1062, 1717 H Street NW., Washington, D.C. This meeting will be open to the public except for those portions necessary to protect information which would represent an undue invasion of personal privacy if released.

3:30 P.M.—5 (OPEN)

The Subcommittee will meet in open session to discuss procedures for participation in ACRS activities by Committee and Staff members, and preparation of ACRS reports to the Nuclear Regulatory Commission.

5 P.M.—5:30 P.M. (CLOSED)

The Committee will meet in closed session to discuss conduct of ACRS consultants in accordance with 10 CFR Part 0.

I have determined in accordance with Subsection 10(d) of Public Law 92-463 that it is necessary to hold portions of this meeting in closed session, as noted, to avoid the disclosure of information which if released would represent an undue invasion of privacy (5 U.S.C. 552b.(c)(6)).

Separation of factual information from information considered exempt from disclosure under exemption (6) of 5 U.S.C. 552b.(c) during the closed portions of this meeting is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 1, 1977, to Mr. R. F. Fraley, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relative to the Subcommittee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on July 11, 1977, to the Office of the Executive Director of the Committee, telephone 202-634-1371, attention, Mr. R. F. Fraley, between 8:15 a.m. and 5 p.m., e.s.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection on or after October 10, 1977, at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555. Copies may be obtained upon payment of appropriate charges.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18468 Filed 6-24-77;9:37 am]

JUN 27 1977 UM

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 1 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE

Change in Meeting Location

The July 7–8, 1977 meeting of Working Group No. 1 of the ACRS Subcommittee on Reactor Safety Research will not be held in San Jose, CA as announced in the FEDERAL REGISTER, June 20, 1977, 42 FR 31204. It will be held at the Los Gatos Lodge, 50 Saratoga Avenue, Los Gatos, CA 95030.

All other matters pertaining to this meeting remain the same as stated in above cited issues of the FEDERAL REGISTER.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18469 Filed 6-24-77;9:37 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE GAS COOLED FAST REACTOR

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Gas Cooled Fast Reactor (GCFR) will hold a meeting on July 12, 1977, in Room 1946, 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to review the General Atomic Company's design for a gas-cooled fast breeder reactor.

The agenda for subject meeting shall be as follows:

Tuesday, July 12, 1977, 8:30 a.m. until conclusion of business.

The Subcommittee may meet in open Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet in an open session to hear presentations by and hold discussions with representatives of the NRC Staff, the General Atomic Company, and their consultants, pertinent to this review.

At the conclusion of this session, the Subcommittee may caucus in an open session to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and Applicant matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 5, 1977 to Mr. John C. McKinley, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 11, 1977 to the Office of the Executive Director of the Committee, telephone 202–634–1371, attention, Mr. John C. McKinley, between 8:15 a.m. and 5 p.m. e.d.t.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being made.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. John C. McKinley, of the ACRS Office, at the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 19, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 12, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18471 Filed 6-24-77;9:37 am]

POSTAL SERVICE

PRIVACY ACT OF 1974

Routine Use of Systems of Records

Correction

In FR Doc. 77-16699 appearing at page 30259 in the issue for Monday, June 13, 1977 the number "010.040" should be added to the list appearing in the first column on page 30260.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-13642; File No. SR-BSE-77-2]

BOSTON STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Constitutional Changes

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 9, 1977, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed constitutional changes as follows:

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF PROPOSED CONSTITUTIONAL CHANGES

1. *Proposed constitutional changes.* (a) *Article II, Section 1—Composition of Board.*—Amended to read as follows: The government of the Exchange shall be vested in a Board of Governors, composed of the Chairman, Vice Chairman and President, all of whom, except the President, shall be members of the Exchange, and nineteen others, ten of whom shall be members of the Exchange, two of whom shall be members of the public, and one of whom shall be an officer or director of a company which has a class of stock listed on the Exchange. Neither the members of the public or the officer or director of a listed company shall be associated with a member of the Exchange, broker or dealer. All are to be elected in the manner hereinafter provided.

Article IX—Committees.—Section 1—Appointments.—Amended to read as follows: The committees of the Exchange shall be those designated from time to time by the Board of Governors, plus a Nominating Committee, an Arbitration Committee and a Business Conduct Committee. There may also be an Executive Committee, as provided in Section 2 of this Article. Members of all committees, except the Nominating Committee and the Executive Committee, shall be designated by the Chairman from among the members and, except as elsewhere in this Constitution expressly provided, allied members of the Exchange with the approval of the Board of Governors, and the Chairman shall also designate the chairman of each committee, except the Nominating Committee. Except as otherwise provided in this Constitution, all committees of the Exchange may act without a meeting by making a written statement of its action signed by a majority of its members and filed with the Secretary.

Section 2—Executive Committee—No change.

Section 3—Arbitration—No change.

Section 4—Business Conduct Committee—Amended to read as follows: This Committee shall determine infractions by any member, allied member, member-firm or member-corporation, or person associated with a member, of the provisions of this Constitution or of any rules of the Exchange and shall assess penalties therefore, provided that the power herein provided shall be subject to any other provision of this Constitution which may specify that such power shall be lodged in the Board of Governors. This Committee shall act upon complaints brought before it by the President or by any officer or employee of the Exchange so authorized by the President or by any member, allied member, or person associated with a member, and all decisions of the Committee may be appealed to the Board of Governors. Any party under examination by the Committee for having violated any such provision shall be entitled to be heard by the Committee. The proceedings of and appeals from the decisions of the Committee shall be in accordance with the provisions of Chapter XXX of the Rules.

Section 5—Other Committees—No change.

Section 6—Proceedings—Deleted in its entirety.

Article XIII, Section 2—Submission of Name to Committee—Amended to read as follows: Whenever any member wishes to transfer his membership, the name of the party to whom he proposes to transfer shall be submitted to the Exchange and his election shall be as provided in Article XI.

Article XV, Section 2—President's Duty—Amended to read as follows: Whenever the Exchange shall ascertain that a member has failed to meet his engagements, or is insolvent, or that a member-firm or member-corporation has failed to meet its engagements, or is insolvent, and that such member or member-firm or member-corporation has neglected to comply with the requirements of the preceding Section, the President shall notify the SEC and announce to the membership of the Exchange and to the public the insolvency and suspension of such member or such member-firm or member-corporation.

Article XVI, Section 4—Suspension or Expulsion for Dealing on Other Local Exchanges—Deleted in its entirety.

Present Section 5 renumbered Section 4

Present Section 6 renumbered Section 5.

Present Section 7 renumbered Section 6.

Present Section 8 renumbered Section 7.

Present Section 9 renumbered Section 8.

Section 10—Announcement of Suspension and Its Effect—Delete and substitute the following: Section 9. Whenever a member or allied member is suspended by the Board of Governors, announcement thereof shall be made to the SEC, the membership of the Exchange and to the public, and such member shall be deprived during the term of his suspension of all rights and privileges of membership, except those pertaining to the Gratuity Fund.

Article XVII, Section 3—Rules—Amended to read as follows: The Bylaws of Boston Stock Exchange Clearing Corporation and the Rules for Clearing adopted thereunder, and all amendments thereto, shall be binding upon members of the Exchange who are also members of the Clearing Corporation equally with the laws included in the Constitution.

Article XXI—Meetings—Section 1—Nonattendance—Deleted in its entirety.

Present Section 2 renumbered Section 1

Present Section 3 renumbered Section 2

Present Section 4 renumbered Section 3

Present Section 5 renumbered Section 4

Article XXII—Associate Membership—Section 1—Eligibility—Amended to read as follows: Associate membership shall be available (a) to all present or future members of the Philadelphia Stock Exchange, Inc. who qualify, in accordance with written Agreements entered into from time to time by the Board of Governors of the Boston Stock Exchange Inc. and the Board of Governors of the Philadelphia Stock Exchange, Inc.; (b) to all present or future members of the Montreal Stock Exchange who qualify, in accordance with written Agreements entered into from time to time by the Board of Governors of the Boston Stock Exchange, Inc. and the Governing Committee of the Montreal Stock Exchange.

Article XXV—Market-Maker Membership—Amended to read as follows:

(New wording *italicized* and deleted wording [Bracketed].

Section 2. A qualified market-maker shall mean a dealer who holds himself out (by entering indications of interest in purchasing and selling in an inter-dealer quotations system or otherwise) as being willing to buy and sell securities for his own account on a continuous basis otherwise than on a national securities exchange, if filing reports under SEC Rule 17a-9, is registered as an alternate [odd-lot] dealer specialist in a particular security, and is making a market in such security on the floor of the Exchange.

Section 3. (b) To make a market in a particular security on the floor of the Exchange, he must be approved by the Exchange as a qualified market-maker and as a registered alternate [odd-lot] dealer-specialist in the security.

Section 4. [He shall not be required to pay floor brokerage when he buys or sells for his own account, or as agent or as principal in a riskless transaction any security in which he has been approved as a qualified market-maker.]

Present Sections 5, 6 and 7 renumbered as Sections 4, 5 and 6 respectively.

Supplementary Material

The Board of Governors has adopted the following interpretation applicable to the market-maker membership: The appointment and registration of odd-lot dealer-specialists and alternates, their privileges and obligations, and the trading procedures governing their activities as dealers on the floor of the Exchange are set forth in Article XXV of the Constitution and in Chapter XI, Sections 1–3 of the Rules. [Only one odd-lot dealer-specialist (hereafter called regular dealer) is allowed for each security traded on the Exchange.] However, in addition to the foregoing regular dealer(s), Chapter XI provides for the appointment of an alternate [odd-lot] dealer-specialist (hereafter called alternate dealer). All orders must first be shown to the regular dealer(s). Orders not accepted by the latter are then shown

JUN 27 1977 UM

to the alternate dealer whose function is supplementary and designed to add depth to the Exchange markets. There may be more than one alternate dealer registered in a particular security. Except as noted above, alternate dealers operate under the same rules and procedures as do regular dealers. [The alternate dealer, as well as the regular dealer, must be shown an order before a member may be released to effect a transaction outside the Exchange and not on another national securities exchange.] The holder of a market-maker membership, termed a qualified market-maker under Constitution Article XXV, is to function under the provisions of such Article, under the provisions of Chapter XI, Sections 1–3, and within the framework of the alternate dealership above described.

The purpose of the qualified market-maker member is to increase the depth of the Exchange market in the capacity of alternate dealer by supplementing the activity of regular dealer(s).

The obligation of regular dealer(s) is to make a market on the Exchange at competitive prices to the best of his ability commensurate with his position and with prevailing market conditions. Communication with alternate dealers is effected through the regular dealer(s). The floor broker handling an order remains responsible for its execution. When a regular dealer also acts as floor broker, he must bear in mind his dual responsibilities and the obligation to seek the best possible execution for the customer.

[In securities traded on the Exchange in which there is a registered regular dealer, and in which the Exchange is not the primary market, a qualified market-maker may effect a transaction outside the Exchange (and otherwise than on another national securities exchange) only with non-member professional customers. A non-member professional customer shall mean a non-member of the Exchange engaged in business as a broker-dealer in securities or commodities, an insurance company, an investment company, an investment advisor, an investment manager, a bank, a trust company, a foundation, a professional trustee, a pension fund, or an activity closely related to any of the foregoing.]

EXCHANGE'S STATEMENT OF BASIS OF PURPOSE

Purpose of the Proposed Constitutional Changes

To comply with the provisions of the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975. Constitution and Rules were reviewed to determine compliance with the foregoing.

Bases of the Proposed Constitutional Changes

To bring certain of the Articles of the Constitution of the Exchange into compliance with the following provisions of the Securities Exchange Act of 1934, as amended:

Sections 6(b)1, 6(b)3, 6(b)5, 6(b)7, 6(b)8, 6(d), 6(d)(3), 6(e), 11A(c)(5), 17(a), 17A(a)(2).

Comments Received From Members, Participants or Others on Proposed Constitutional Changes—The changes were submitted to a vote of the membership and no comment or objections were received.

Burden on Competition—No burden on competition is perceived by adoption of the proposed amendments.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date, if it finds such longer period to be appropriate and published its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed constitutional changes, or

(B) Institute proceedings to determine whether the proposed constitutional changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, DC 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW, Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 18, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 17, 1977.

[FR Doc.77-18267 Filed 6-24-77;8:45 am]

[Rel. No. 20085; 70-5558]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Post-Effective Amendment Regarding Proposed Issue and Sale of Notes to Banks

JUNE 21, 1977.

Notice is hereby given that Indiana & Michigan Electric Company ("I&M") 2101 Spy Run Avenue, Fort Wayne, Indiana 46801, an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed with this Commission a fifth post-effective amendment to its application previously filed in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rules 50(a)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

By orders dated June 30, August 20, September 15, 1976 and February 23, 1977 (HCAR Nos. 19598, 19655, 19680, and 19898), this Commission, among other things, authorized the issuance and sale of short-term notes by I&M to 39 banks with lines of credit in an aggregate amount of $190,345,000. By said orders, I&M was authorized to incur short-term borrowings through June 30, 1977, to mature no later than December 31, 1977, in an aggregate principal amount not to exceed $175,000,000 outstanding at any time. This amount, date, and maturity were to be limited as allowable under I&M's Articles of Acceptance (20% of capitalization as defined therein, December 31, 1976, and June 30, 1977 respectively). I&M was granted an exception from the competitive bidding requirements of Rule 50 in connection with the issuance of this short-term debt. Pursuant to order dated September 29, 1976 in proceeding 70–5887 (HCAR No. 19697), I&M called a special meeting of its cumulative preferred shareholders on October 13, 1976, at which time I&M was permitted, under its Articles of Acceptance, to issue short-term debt up to 20% of capitalization as defined therein, to December 31, 1980, with maturity no later than June 30, 1981.

By its fifth post-effective amendment, I&M requests that the authority granted to it in the above-cited orders, and the exception from the competitive bidding requirements of Rule 50, be extended to allow I&M to issue and sell short-term notes to 37 named banks, to a dealer in commercial paper and to the trust departments of two commercial banks, to June 30, 1978. I&M proposes to incur such short-term debt in an aggregate principal amount not to exceed $125,000,000 outstanding at any one time, with none of the notes to mature later than December 31, 1978. As of May 5, 1977, I&M had $111,893,000 of such short-term debt outstanding.

It is further stated that I&M has lines of credit with 37 named banks which total $189,840,000. Each note payable to a bank to be issued by I&M under these lines will mature not more than 270 days after the date of issuance or renewal thereof, generally will bear interest at an annual rate not greater than the prime commercial rate of the bank in effect at the time of issuance or from time to time while it is outstanding, and will be prepayable by I&M at any time without premium or penalty. I&M's bank lines require I&M to maintain compensating balances, generally equal to 10% of the amount of credit made available, plus 10% of the amount of any borrowings under the lines. If the full amount were borowed from a bank under the above compensating balance requirements, the effective interest cost to I&M would be 125% of the current prime commerical rate, or 8⅛% in the case of a prime rate of 6½%. In the case of 26 of the banks, with lines of credit totalling $22,840,000, I&M maintains deposit balances for its operational and financial needs in amounts sufficient to satisfy any compensating balance required with respect to borrowings from such banks.

It is further proposed that commercial paper will be sold directly by I&M to Lehman Commercial Paper Incorporated (the "Dealer"). The commercial paper will consist of promissory notes in denominations of not less than $50,000 nor more than $5,000,000, of varying maturities, with no maturity more than 270 days after the date of issue; such notes will not be repayable prior to maturity and will be sold at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper will be issued having a maturity of more than 90 days if such commercial paper would have an effective interest cost to I&M which exceeds the effective interest cost at which I&M could borrow from commercial banks. The Dealer will reoffer the commercial paper, at a discount rate ⅛ of 1% per annum less than the discount rate at which such notes were purchased from I&M, to not more than 200 of the dealer's customers designated in a non-public list prepared by the dealer in advance. No sales of such commercial paper will be made to any customer unless that customer has received up-to-date reports as to the credit position of I&M. It is expected that the Dealer's customers will hold such commercial paper to maturity; but if any such customer wishes to sell I&M commercial paper prior to maturity, the Dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer it to other customers on its non-public list.

I&M also proposes to issue and sell its demand notes to the trust departments of Fort Wayne National Bank, Fort Wayne, Indiana and Lincoln National Bank, Fort Wayne, Indiana in principal amounts totaling not more than $5,000,000 and $10,000,000, respectively, at any time. It is stated that these banks' trust departments have a flow of funds, as fiduciaries for various accounts, which is available for short-term investment in such demand notes. The notes to be issued and sold to the trust departments will be promissory notes in denominations of not less than $1,000, bearing an interest rate equivalent to the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of (i) less than 90 days, in the case of demand notes issued to the Fort Wayne National Bank, and (ii) less than 180 days in the case of notes issued to Lincoln National Bank. Notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature January 1 of the following year. Each bank trust department will have the right to demand payment of the notes at any time, and I&M will have the right to prepay at any time without premium or penalty, all or any part of the principal amount of such notes outstanding.

On May 13, 1977 the highest rate paid by General Motors Acceptance Corporation on commercial paper with a maturity of less than 180 days was 5¼%. This rate was approximately 1% less than the rate at which I&M was then able to issue commercial paper of comparable maturities and approximately 2½% below the effective rate for bank borrowings based on a prime commercial rate of 6¼% and compensating balances of 20%. It is stated that based on past experience, the interest rate on these demand notes will consistently be lower than the comparable rates for commercial paper and bank borrowings, including the effect of compensating balances.

The proceeds from the issue and sale of the notes will be used by I&M to reimburse its treasury for past expenditures made in connection with its construction program and to pay part of the cost of its future construction program. Such construction expenditures for the year 1977 are estimated at approximately $158,800,000, exclusive of the cost of the construction program of I&M's subsidiary, Indiana & Michigan Power Company. The estimate of this subsidiary's construction expenditures for the year 1977 is approximately $74,300,000.

I&M claims exception from the competitive bidding requirements of Rule 50 for the proposed issuance of notes to banks and demand notes to bank departments pursuant to paragraph (a)(2) thereof. Additionally, I&M requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as I&M are published daily in financial publications.

The post-effective amendment states that no expenses are to be incurred in connection with the proposed transactions. It is further stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 14, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18265 Filed 6-24-77;8:45 am]

[Release No. 9821; 812-4133]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS INC.

Notice of Filing of Application for Order

JUNE 21, 1977.

Notice is hereby given that Massachusetts Mutual Life Insurance Company ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors, Inc. ("Fund") 1295 State Street, Springfield, Massachusetts 01111 (hereinafter referred to collectively with the Insurance Company as "Applicants"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 9, 1977, and an amendment thereto on June 16, 1977, pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting Applicants to engage in the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicants state that pursuant to an order of the Commission issued August 19, 1971 (Investment Company Act Release No. 6690), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time as the Fund.

Applicants state further that this order is subject to several conditions, which require, inter alia, that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by the Insurance Company and the Fund and that, once the Insurance Company and the Fund have acquired interests in an issuer, neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

Applicants state that on September 21, 1972, the Insurance Company and the Fund each purchased the following securities issued by American Gemsmiths,

Inc. ("Gemsmiths"), pursuant to separate but identical purchase agreements ("Old Purchase Agreements"): $964,250 in aggregate principal amount (reduced to $899,750 as a result of scheduled prepayments) of 8½% Senior Subordinated Notes due 1987 ("Old Notes"); 1,250 shares of $4.00 cumulative preferred stock, par value $100 per share ("Preferred Stock"); 1,150 shares of Class A Common Stock; and 12,850 shares of Class B Common Stock (non-voting and convertible share for share into Class A Common Stock). Applicants state that as a result of such ownership, the Applicant and the Fund each own 50% of the Class B Common Stock and approximately 1.56% of the Class A Common Stock of Gemsmiths. According to the application, Gemsmiths, a Delaware corporation, is in the business of purchasing diamonds for resale as rings and other jewelry to retail jewelry stores.

The Insurance Company proposes to purchase at direct placement $3,000,000 in principal amount of a new issue of 9⅝% Senior Notes due 1992 ("New Notes") of Gemsmiths. Applicants request an order, pursuant to the provisions of Section 17(d) of the Act and Rule 17d–1 thereunder: (1) permitting the Insurance Company to acquire the New Notes since both the Insurance Company and the Fund presently own equal amounts of Gemsmiths securities and (2) permitting Applicants to amend the Old Notes and Old Purchase Agreements to: (a) increase the interest rate on the Old Notes from 8½% to 9%; (b) eliminate provisions subordinating the Old Notes to certain other indebtedness of Gemsmiths; and (c) restate the financial covenants included in the Old Purchase Agreements to conform them to the financial covenants to be included in the purchase agreement relating to the purchase of the New Notes. According to the application, Gemsmiths intends to apply the proceeds from the sale of the New Notes to retire short-term bank borrowings of approximately $2,900,000 and to provide additional working capital. The application states that, should the order requested herein be granted, the Insurance Company will be the sole/purchaser of the New Notes.

Applicants state that the issuance by Gemsmiths of the New Notes to the Insurance Company would be prohibited by a financial covenant contained in the Old Purchase Agreements. Applicants state further that in order to secure the permission of the Fund and the Insurance Company for the issuance of the New Notes, Gemsmiths has agreed to increase the interest rate on the Old Notes held by the Insurance Company and the Fund from 8½% to 9% and to eliminate provisions in the Old Purchase Agreements subordinating the Old Notes to certain other indebtedness of Gemsmiths, thereby upgrading the Old Notes to Senior Note obligations co-equal with the New Notes. Applicants also state that Gemsmiths has requested that all the financial covenants included in the Old Purchase Agreements be restated to conform them to the financial covenants to be contained in the purchase agreement relating to the New Notes.

Applicants represent that the Board of Directors of the Fund has unanimously approved the proposed amendments to the Old Notes and Old Purchase Agreements and has determined that such amendments are in the best interests of the Fund. Applicants represent further that any additional material changes to the proposed financial covenants must be approved by the Fund's Board of Directors, including a majority of those directors who are not interested persons of Applicants.

Applicants state that the proposed acquisition is not an appropriate investment for the Fund; the investment policy of the Fund specifies that the investments of the Fund will be long-term obligations and, to a limited extent, preferred stocks, purchased directly from the issuers, if such obligations or preferred stocks have "equity features." Applicants represent that the New Notes lack such equity features and, therefore, would not be a permissible investment for the Fund.

Applicants submit that neither the Insurance Company, any affiliated person of the Insurance Company, (as that term is defined by the Act), the Fund, nor any affiliated person of the Fund, owns any securities of Gemsmiths or Gemsmiths' affiliates, other than the Old Notes and the other securities purchased pursuant to the Old Purchase Agreements as set forth above.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered company is a joint participant, without the permission of the Commission. Rule 17d–1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants submit that: (1) the Insurance Company did not contemplate any investment in the New Notes at the time of the purchase of the Gemsmiths securities in 1972; (2) such prior purchase was not tied to or induced by any discussions with respect to the purchase and sale of the New Notes or any similar securities; and (3) there is no connection between the purchase of the outstanding Gemsmiths securities and the proposed issuance and sale of the New Notes to the Insurance Company other than the fact that the Insurance Company established a relationship with Gemsmiths in 1972 at the time of the prior acquisition. Although the Fund is prohibited by its investment policy from purchasing the New Notes, Applicants also submit that the issuance of the New Notes will benefit the Fund since such issuance is conditioned upon an increase in the interest rate on the Old Notes held by the Insurance Company and the Fund from 8½% to 9% and upon the upgrading of such subordinated notes to senior note obligations co-equal with the New Notes. Applicants submit further that disadvantage to the Insurance Company would result if it were not permitted to acquire the New Notes. For the foregoing reasons, Applicants submit that the proposed transaction is not less advantageous to the Fund than to the Insurance Company, and that the proposed transaction is consistent with the provisions, policies and purposes of the Act.

Notice is further given that any interested person may, not later than July 14, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18266 Filed 6–24–77;8:45 am]

[Release No. 34–13640: File No. SR–MCC–7733]

MIDWEST CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 10, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would provide for the automatic allocation of securities held in loan free positions to long value positions.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to reduce the level of open fails to receive ("long value positions") in MCC'c continuous net settlement system and to make more efficient use of securities designated as available for loan by MCC participants ("loan free securities") by automatically allocating loan free securities to long value positions, thus converting the latter into free positions.

Long value positions result from purchase transactions cleared through MCC. Under MCC's existing rules, long value positions may be reduced or eliminated in three ways. First, the participant maintaining the position may sell securities of the same class in a transaction cleared through MCC. Second, the participant may file a withdrawal request, to be filled out of securities delivered to MCC by other participants against short value positions, or, to the extent that such deliveries are insufficient, out of loan free securities on deposit with MCC. Third, the quantity of securities delivered in against short value positions may exceed the quantity called for by pending withdrawal requests, in which event the excess will be allocated by MCC to long value positions (beginning with the oldest), automatically converting them into clearing free positions without action on the part of the participants for which the long value positions were maintained.

The proposed amendment to Section 5 of Rule 5 would permit loan free securities to be allocated to long value positions in the same manner as excess securities delivered in against short value positions. Thus if both long value and loan free positions remained in a particular class of securities on a given day after all withdrawal requests for that class had been satisfied and all excess securities of that class delivered in against short positions had already been allocated, the remaining loan free securities would be allocated to the remaining long value positions until the long value positions or the loan free positions had been eliminated, whichever occurred first.

The proposed amendments to Section 6 of Rule 5 and Section 1 of Rule 17 consist of technical changes conforming those provisions to Section 5, Rule 5, as proposed to be amended herein.

MCC believes that the proposed rule change would increase MCC's ability to effect prompt settlement in respect of securities transactions by making more securities available for allocation to long value positions and thus reducing the level of fails to receive, and would increase the efficiency of MCC's automatic stock loan program through greater utilization of loan free securities. In addition, to the extent that the increased efficiency of the automatic stock loan program may result in the designation of more securities as loan free by participants, more securities would become available to satisfy withdrawal requests, thus reducing delays in the filling of such requests.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

MCC does not believe that the proposed rule change would impose any burden on competition.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 18, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 17, 1977.

[FR Doc.77–18269 Filed 6–24–77;8:45 am]

[Release No. 34–13643; File No. SR–NSCC–77–4]

NATIONAL SECURITIES CLEARING CORP. (NSCC)

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 7, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

It is proposed to add a new Schedule H to the Schedule Adopted in Accordance with Rule 20 of the Operating Rules of the NCC Division of NSCC to read as follows:

H. *Charges to Issuers for Reports of Free Position Balances.*

The Clearing Corporation shall charge $25 for each report requested by the issuer of any security eligible for clearance in the NCC Division pursuant to Rule 4 of these Rules setting forth the respective Free Positions of NCC Division Clearing Members in such security at the Clearing Corporation as of a specific date.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change is as follows:

The proposed rule change would establish a fee for a new service proposed to be made available to issuers of securities cleared pursuant to the Operating Rules of the NCC Division of NSCC. This service would enable issuers whose securities are registered in the name of NCC & Co., NSCC's nominee for the NCC Division, to determine the free position holdings of NCC Division Clearing Members. Issuers will then be in a position to correspond directly with Clearing Members or, if directed by such Clearing Members, the beneficial owners represented by such Clearing Members and encourage such Clearing Members to request appropriate corporate materials and direct the registered holder (NCC & Co.) to take appropriate action to which the beneficial owner is entitled.

The proposed rule change fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and the protection of investors and the public interest in that it will enable NSCC to provide economically a service which helps remove a possible impediment to the distribution of proxy material, annual reports, information statements and other corporate material to the beneficial owners of securities.

Comments were not and are not to be solicited prior to the effectiveness of the proposed rule change.

NSCC does not believe that any burden on competition will be imposed by this proposed rule change.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room,

1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 18, 1977.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 17, 1977.

[FR Doc.77-18268 Filed 6-24-77;8:45 am]

[Release No. 34-13650; File Nos. SR-MCC-77-1 and SR-MSTC-77-5]

MIDWEST CLEARING CORP. AND MIDWEST SECURITIES TRUST CO.

Proposed Rule Changes by Self-Regulatory Organization

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 9, 1977, the above-mentioned self-regulatory organizations filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The porposed rule changes would establish, and set fees for, the Stock Today Program ("STP"), a service that would enable a Midwest Securities Trust Company ("MSTC") and Midwest Clearing Corporation ("MCC") participant to expedite delivery and settlement of securities transactions with out-of-town brokers or institutional customers.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes are as follows:

The MST System (the composite clearing, depository and delivery services of MSTC and MCC), STP enables an MSTC/MCC participant to effect release of securities from the MST System on the day prior to settlement day with redelivery capabilities via MCC's Correspondent Delivery and Collection Service ("CDCS"). Participants using STP in conjunction with the CDCS service will be able to instruct MSTC/MCC to pull physical securities on the day prior to settlement and redeliver through MCC's MCC's CDCS. Participants would be charged a service fee of $3 per item processed via STP.

STP is intended to reduce or eliminate certain finance charges for the participant. Before STP, the selling broker would pay for securities on settlement day and withdraw them from MCC. However, the broker would not receive payment until physical delivery had been made to the out-of-town broker or institution, usually one or two days after settlement day. The broker would therefore incur charges to finance the delivery in those cases where it had to borrow money until receipt of payment. With the Stock Today Program, MSTC/MCC will be able to make the securities available for out-of-town delivery on settlement day. Consequently, the broker will receive credit one day early. Therefore, his finance charges could be substantially reduced.

MSTC believes that the proposed rule changes facilitate the prompt and accurate settlement of securities transactions by effecting settlement and collection of funds on a more timely basis. This is accomplished by reducing the amount of time necessary for collecting funds on an out-of-town draft.

The Midwest Clearing Corporation and the Midwest Securities Trust Company have neither solicited nor received any comments.

The Midwest Clearing Corporation and the Midwest Securities Trust Company believe that no burden will be placed on competition.

On or before August 1, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organizations consent, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers referenced in the captions above and should be submitted within 21 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 20, 1977.

[FR Doc.77-18259 Filed 6-24-77;8:45 am]

[Release No. 13651; SR-MSE-77-10]

MIDWEST STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 20, 1977.

On April 26, 1977, the Midwest Stock Exchange, Inc. ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change. The MSE proposal, which adds Article XXXIV to the Exchange's rules, provides for the creation of a registered market-maker function with respect to certain equity securities traded on the Exchange. Members who register in this capacity would be obliged to contribute to the maintenance of a fair and orderly market in their respective assigned issues.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13486 (April 28, 1977)) and by publication in the FEDERAL REGISTER (42 FR 24785 (May 16, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on April 26, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18260 Filed 6-24-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1312; Amendment No. 4]

VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 42 FR 20695), Amendment No. 1 (see 42 FR 21887), Amendment No. 2 (see 42 FR 23220), and Amendment No. 3 (see 42 FR 30459) are amended to change the closing date for economic injury damage to March 19, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-18194 Filed 6-24-77;8:45 am]

DEPARTMENT OF STATE

[CM-7/82]

STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 21-22, 1977, at the NASA/Goddard Space Flight Center, Greenbelt Road, Building 12, Room N13, Greenbelt, Maryland. The meeting will begin at 9 a.m.

Study Group 7 deals with time-signal services by means of radio-communications. The main purpose of the meeting will be a review of work assignments in preparation for the international meeting of Study Group 7 in January, 1978.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Entrance to the Goddard Space Flight Center is controlled and all non-NASA representatives will be required to register at whichever gate is used for entry to the area. Entry for members of the general public may be facilitated if arrangements are made in advance. Therefore, it is suggested that prior to July 21, members of the general public who plan to attend the meeting should inform their name, affiliation and address to Mr. Jacques S. Herman (Secretary, U.S. Study Group 7), National Scientific Laboratories. Mr. Herman can be reached by telephone on area code 703, 698-8500.

Dated: June 17, 1977.

GORDON L. HUFFCUTT,
Chairman, U.S. CCIR National Committee.

[FR Doc.77-18238 Filed 6-24-77;8:45 am]

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on June 15, 1977.

F. L. CUNNINGHAM,
Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc.77-18015 Filed 6-24-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC PROCEDURES ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee to be held July 19 through July 22, 1977, from 9 a.m. E.D.T. to 4 p.m. daily, except for the last day which will terminate at 1 p.m., in conference rooms 6A and B at FAA Headquarters, 800 Independence Ave. SW., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Franklin L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave. SW., Washington, D.C. 20591, telephone (202)-426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on June 14, 1977.

KARL F. BIERACH,
Designated Officer.

[FR Doc.77-18016 Filed 6-24-77;8:45 am]

Office of Hazardous Materials Operations

UNITED NATIONS RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Public Meeting

In recognition of the importance of the safe transportation of hazardous materials on a world-wide scale, the United Nations Economic and Social Council (ECOSOC), through its Committee of Experts on the Transport of Dangerous Goods, has prepared recommendations to serve as the basis for development of international standards for the safe transport of hazardous materials. Representatives of the Department of Transportation, in association with expert advisors from industry, participated in five international meetings during 1976. Topics addressed during these meetings included the listing and classification of new substances, the packing of dangerous goods, the defining and listing of new explosives, and the establishment of criteria for hazard grouping. A major accomplishment which was finalized during the year was the revision and consolidation of the six volumes of United Nations recommendations into one volume entitled, "Transport of Dangerous Goods—Recommendations Prepared by the Committee of Experts on the Transport of Dangerous Goods—United Nations," Document No. ST/SG/AC.10/1. This document is available in the U.S.A. at a cost of $15.00 from: United Nations, Sales Section, New York, N.Y. 10017. Copies are also available for public examination at the Section of Dockets, Office of Hazardous Materials Operations, Room 6500, 2100 Second Street, S.W., Washington, D.C. 20590.

In the development of its recommendations, the United States Committee of Experts relies on and considers the recommendations made to it by its two subsidiary bodies, the United Nations Group of Experts on Explosives and the United Nations Group of Rapporteurs on Packing of Dangerous Goods. The United Nations Committee of Experts on the Transport of Dangerous Goods was re-established by resolution of the Economic and Social Council of the United Nations during its twenty-third session in 1957. As a result, it was requested by the Council that the Secretary General set up a committee consisting of representatives of nine countries to: (1) revise as may be necessary and keep up-to-date the list of dangerous goods proposed by the Committee of Experts, taking into account existing practices in the field of transportation and the extent of their usage; (2) allow each substance a number for ready identification; (3) study further the problem of packing; (4) report progress; and (5) urge governments, regional economic commissions, and international organizations concerned to take note of the recommendations of the Committee of Experts and of any further recommendations by the Committee, and to keep the Secretary General currently informed of the extent to which they can bring their own practices in general conformity with them. Membership in the Committee of Experts has been expanded to 15 countries, including five considered to be developing nations.

It has been the position of the Department that the United Nations recommendations should be the basis for the development of operative international standards pertaining to listing, classification, serial identification, marking, labeling, grouping and basic packaging performance to assure world-wide harmonization in these areas. The United States representatives to international meetings concerned with the transport of dangerous goods, when appropriate, request full consideration of

JUN 27 1977 UM

U.S. practices as reflected in the Department's regulations. Inevitably, compromises between varying positions of participating countries are necessary in the interest of full development of international transport safety requirements and the facilitation of traffic.

In its international standards development efforts, the Department has solicited input from and representation by experts in the private sector. This practice will continue in the future.

In order to make interested persons more familiar with the scope and format of the United Nations recommendations and current issues under consideration, an informal public briefing will be held on July 12, 1977, at 10:00 a.m., in Room 3442 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. Subjects that will be discussed by representatives of the Office of Hazardous Materials Operations are:

1. Grouping of flammable liquids.
2. Division of Class 8 (Corrosives).
3. Definition of inhalation hazards for grouping purposes in Class 6 (Poisons).
4. A new label for irritating materials.
5. Division of Class 9 (Miscellaneous).
6. Clarification of labeling requirements for Class 2 (Gases).
7. Changes in classification of dangerous goods listed in Chapter 2.

Persons interested in any of these subjects are invited to attend.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

[FR Doc.77-18382 Filed 6-24-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY BONDS OF 1992

Department Circular Public Debt Series No. 15-77

JUNE 21, 1977.

1. INVITATION FOR TENDERS

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $1,500,000,000 of United States securities, designated Treasury Bonds of 1992 (CUSIP No. 912810 BY 3). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2. 1. The securities will be dated July 8, 1977, and will bear interest from that date, payable on a semiannual basis on February 15, 1978, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 1992, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon registered, and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, June 28, 1977. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, June 27, 1977.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3. 3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3. 4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3. 5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full at the weighted average price (in three decimals) of accepted competitive tenders, and competitive tenders with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 96.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3. 6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full or when the price is over par.

4. RESERVATIONS

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5. 1. Settlement for allotted securities must be made or completed on or before Friday, July 8, 1977, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Tuesday, July 5, 1977, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, July 1, 1977, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individuals' social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5 Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery on the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-8200 Filed 6-22-77;8:45 am]

TREASURY NOTES OF SERIES R-1979

Supplement to Department Circular Public Debt Series—No. 14-77

JUNE 22, 1977.

The Secretary of the Treasury announced on June 21, 1977, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 14-77, dated June 15, 1977, will be 6⅛ percent per annum. Accordingly, the notes are hereby redesignated 6⅛ percent Treasury Notes of Series R-1979. Interest on the notes will be payable at the rate of 6⅛ percent per annum.

DAVID MOSSO,
Fiscal Assistant Secretary.

[FR Doc.77-18201 Filed 6-22-77;8:45 am]

Office of Foreign Assets Control

IMPORTATION FROM KOREA OF FERRO-CHROMIUM AND CHROMIUM-BEARING STEEL PRODUCTS UNDER THE RHODESIAN SANCTIONS REGULATIONS

Issuance by the Government of the Republic of Korea of Special Certificates Verifying Non-Rhodesian Origin of Chromium Content

Special certificates of origin issued by the Korea Chamber of Commerce and Industry under the authority of the Government of the Republic of Korea are now available for imports of ferrochromium and specialty steel products from Korea. These certificates are issued pursuant to a formal certification agreement between the Government of the Republic of Korea and the Government of the United States. They will serve to establish that Korean materials exported to the United States do not contain any chromium of Rhodesian origin. The agreement replaces the interim arrangements which have been in effect since March 18, 1977, to permit importation of specialty steel products from Korea. After July 18, 1977, only materials certified under this agreement may be imported under § 530.503 of the Rhodesian Sanctions Regulations (31 CFR 530.503). However, until July 18, 1977, importation of materials certified pursuant to the interim arrangements will continue to be authorized.

Dated: June 20, 1977.

STANLEY L. SOMMERFIELD,
Acting Director.

Approved:
BETTE B. ANDERSON,
Under Secretary.

[FR Doc.77-18210 Filed 6-24-77;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that meetings will be held in Washington on July 26 and 27, 1977, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee, Public Securities Association, U.S. Government and Federal Agencies Securities Committee

The agenda for the meetings provides for working sessions by two committees on July 26, a report to the Secretary of the Treasury and Treasury staff by the American Bankers Association Government Borrowing Committee on July 26 and a report to the Secretary of the Treasury and Treasury staff by the Public Securities Association U.S. Government and Federal Agencies Securities Committee on July 27.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. Law 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt man-

agement advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meeting called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92–463. The advice provided consists of commercial and financial information given and received in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: June 21, 1977.

ANTHONY M. SOLOMON,
Under Secretary for Monetary Affairs.

[FR Doc.77–18229 Filed 6–24–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 422]

ASSIGNMENT OF HEARINGS

JUNE 22, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 112617 (Sub-No. 145), Liquid Transporters, Inc., now being assigned August 16, 1977 for continued hearing at Interstate Commerce Commission in Washington, D.C.

MC 52709 (Sub-341), Ringsby Truck Lines, Inc., now assigned July 7, 1977 at Seattle, Washington, hearing canceled and the application is dismissed.

MC 133566 (Sub-No. 59), Gangloff & Downham Trucking Co., Inc., MC 133566 (Sub-No. 58) Gangloff & Downham Trucking Co., Inc., MC 133566 (Sub-No. 71) Gangloff & Downham Trucking Co., Inc., now being assigned September 12, 1977 (2 days) for hearing in Boston, Massachusetts, in a hearing room to be later designated.

MC 141641 (Sub-No. 4), Wilson Certified Express, Inc., now being assigned September 14, 1977 (2 days) for hearing in Boston, Massachusetts, in a hearing room to be later designated.

MC 142603 (Sub-No. 1), Contract Carriers of America, Inc., now being assigned September 16, 1977 (1 day), at Boston, Massachusetts, in a hearing room to be later designated.

MC 114632 (Sub-No. 91), Apple Lines, Inc. and MC 136212 (Sub-No. 21), Jensen Trucking Company, Inc., now being assigned July 13, 1977 (3 days), in Room 616, Union Pacific Plaza, 110 N. 14th Street, Omaha, Nebraska.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–18284 Filed 6–24–77;8:45 am]

[Notice No. 183]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests again approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 27, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC–FC–77144 filed May 24, 1977. Transferee: DAMEO TRUCKING, INC., 75 North Bridge St., Somerville, New Jersey, 08876. Transferor: Dameo, Inc., 568 Central Avenue, Somerville, N.J., 08876. Applicant's representative: William P. Sullivan, 1819 H Street, N.W., Washington, D.C., 20006. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permits No. MC 2359 (Sub-No. 16); MC 2359 (Sub-No. 19); MC 2359 (Sub-No. 20); MC 2359 (Sub-No. 21), and MC 2359 (Sub-No. 22), issued August 28, 1968, August 28, 1968, July 16, 1976, July 16, 1976, and July 16, 1976, and the operating rights in MC 2359 (Sub-No. 1) issued October 25, 1973; as follows: Concrete pipe with asbestos binder, building and roofing materials, asphalt, asbestos, and asphalt and asbestos products, from Manville, N.J., to Baltimore, Md., points in Connecticut and Delaware, and named counties in the States of Maryland, New York, and Pennsylvania; iron and steel articles, wire, tubing, tools, machine parts, and hoisting equipment, between Newark, N.J., on the one hand, and, on the other, New York, N.Y., and named counties in the States of New York, and Pennsylvania; chemicals, and materials, supplies, and equipment used in chemical manufacturing, between Bound Brook and Newark, N.J., on the one hand, and, on the other, New York, N.Y., Easton, Pa., and named counties in the State of New York, and points in New Jersey; composition floor covering, and materials, supplies and equipment used in the manufacture of composition floor covering, between points in Hudson County, N.J., on the one hand, and, on the other, New York, N.Y., Marcus Hook, Pa., and points in Westchester and Nassau Counties, N.Y.; returned shipments of concrete pipe with asbestos binder, from points in Connecticut and Delaware, and points in named counties in the States of Maryland, New York, and Pennsylvania, to the site of the Johns Manville Corporation plant, at Manville, N.J.

Fibrous glass products and materials, insulating products and materials, building, wall and insulating board, asphalt and asbestos, asphalt and asbestos products and materials, and materials, supplies and equipment used in connection with the production and distribution of the foregoing groups of commodities, between the plant site of Johns Manville Corporation, Penbryn, Winslow Township, Camden County, N.J., and the plant site of CSG Group of Certain-teed Products Corporation, Winslow Township, Camden County, N.J., on the one hand, and, on the other, points in New York, Pennsylvania, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, and the District of Columbia restricted against the transportation of any commodities in bulk; concrete, cement-asbestos and plastic pipe, and materials and supplies used in the installation thereof (except in bulk) from the plant site of Johns-Manville Corporation in Manville, N.J., to points in Maine, New Hampshire, and Vermont; used and returned shipments of the commodities specified next above, from points in Maine, New Hampshire, and Vermont, to the plant site of Johns-Manville Corporation, in Manville, N.J.; fibrous glass products, and fibrous glass materials, insulating products and insulating materials, building wall and insulating board, asphalt and asbestos, asphalt and asbestos products and asphalt and asbestos materials (except in bulk) between the plant site of Johns-Manville Corporation, located at Penbryn, Winslow Township, Camden County, N.J., and the plant site of CSG Group of Certain-teed Products Corporation, Winslow Township, Camden County, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; talc, in bulk, in tank vehicles from West Windsor, Vt., to North Brunswick, N.J.; Malt beverages, and advertising and display supplies and materials, from Baltimore, Md., Port Newark, N.J., and Albany and New York, N.Y., to points in Bridgewater Township, N.J.; conduit, building and roofing materials, asphalt, asbestos, and asphalt and asbestos products, from Manville, N.J., to Alexandria, Va., points in Fairfax County, Va., and those in Massachusetts, Rhode Island, and the District of Columbia; conduit, between Manville, N.J., on the one hand, and, on the other, points in Virginia, Maryland, Delaware, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia; and composition building board, from the facilities of Johns-Manville Perlite Corporation, located at or near Woodstock, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77161, filed June 3, 1977. Transferee: KNEPSHIELD TRUCKING, INC., Route 1, Sigel, Pennsylvania 15860. Transferor: H. L. Knepshield, Route 1, Sigel, Pennsylvania 15860. Applicant's representative: Donald W. Knepshield, president, Route 1, Sigel, Pennsylvania 15860. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 127362 and MC 127362 (Sub-No. 2) issued August 26, 1966 and February 9, 1970 respectively, as follows: Logs and lumber from points in Jefferson and Clarion Counties, Penn. to points in Ohio, Michigan, and Virginia and from specified portions of New York to a specified portion of Pennsylvania, from specified portions of Pennsylvania to points in Ohio, Indiana, Michigan, and West Virginia and a specified portion of New York, and from points in Ohio to points in specified portions of Pennsylvania and New York. Transferee presently holds no authority from this Commission; application has not been filed for temporary authority under Section 210a(b).

No. MC–FC–77172, filed June 10, 1977. Transferee: Blackhawk Express, Inc., Lake View, Iowa 51450. Transferor: Road Runner Trucking, Inc., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC 125996 (Sub-No. 13), issued June 15, 1970, as follows: *Meats, meat products and meat by-products,* and *articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), over irregular routes, from the plantsite and storage facilities of Blue Ribbon Beef Pack, Inc., near Le Mars, Iowa, to points in Colorado (except Denver), Kansas, Nebraska, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77–18285 Filed 6–24–77;8:45 am]

[Ex Parte No. MC 101]

INITIAL PROCESSING OF MOTOR CARRIER FINANCE PROCEEDINGS

AGENCY: Interstate Commerce Commission.

ACTION: Notice and policy statement.

SUMMARY: The Commission announces that it will, beginning August 23, 1977, closely scrutinize all tendered applications in motor carrier finance proceedings prior to their being docketed and that it will reject applications found to be incomplete.

DATES: Comments must be received on or before July 27, 1977 (30 days). The new practices will be instituted, unless modified by subsequent order, on and after August 23, 1977.

ADDRESS: Comments should refer to docket Ex Parte No. MC 101. An original and 11 copies should be submitted to the Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

G. M. Bober, Section of Finance, Office or Proceedings, Interstate Commerce Commission, Washington, D.C. 20423 (202–275–7564).

SUPPLEMENTARY INFORMATION:

At a general session of the Interstate Commerce Commission, held at its Office in Washington, D.C., on the 13th day of June 1977.

Section 5(2) of the Interstate Commerce Act (the Act), 49 U.S.C. § 5(2), provides, among other things, that, subject to certain exceptions, the prior approval of the Interstate Commerce Commission is required before two or more regulated motor carriers may be operated under common control, merge or consolidate, or purchase, lease, or contract to operate one another's properties. Section 210a(b) of the Act provides for the issuance of temporary authority pending the determination of section 5(2) applications involving motor carriers.

Applications filed by motor carriers seeking Commission approval of transactions subject to section 5(2) and 210a(b) are governed by special rules of practice published at 49 CFR 1100.240. They must be submitted on forms prescribed by the Commission and designated as: Form OP–F–44 (for authority under section 5 to consolidate, merge, purchase, or lease motor-carrier operating rights and properties); Form OP–F–45 (for authority under section 5 to acquire control of a motor carrier through stock ownership or otherwise); and Form OP–F–46 (for temporary authority under section 210a(b) to operate motor carrier properties sought to be acquired under a pending section 5 application). 49 CFR 1003.1(a), 1134.1(a), and 1134.50. Section 5(2) applications involving motor carriers are docketed under the prefix "MC–F" and are commonly referred to as motor carrier finance proceedings.

For several years the Commission has sought to reduce the time expended between the filing and final determination of motor carrier finance cases. Much of the delay in processing these cases, and contributing to what is known as regulatory lag, takes place at the initial stages of the proceeding. Frequently, delay results from the fact that the application filed with the Commission proves upon examination to be incomplete. A review of motor carrier finance applications filed recently reveals that entire exhibits required by Forms OP–F–44 and 45 are missing. A common omission is exhibit D–4 to Form OP–F–44 consisting of an abstract of shipments handled by the transferor. Applicants also have failed to file the environmental statement required under our regulations published at 49 CFR 1108.12(d); certification that service has been made on transportation regulatory agencies of the States in which the applicant operate; and other required exhibits. Another common defect is the failure of the applicants to file concurrently all directly related applications, such as those seeking to convert registered intrastate authority to certificated authority or to eliminate "gateway" points.

Persons contemplating the filing of applications leading to the institution of motor carrier finance proceedings are put on notice that:

(1) It will be the practice of the Commission in the future to examine each such application carefully, prior to its being docketed. If the tendered application is found to be incomplete, it will not be docketed, and the applicant's representative will be requested to furnish the omitted information prior to a specified date, normally 30 days from the date of notification. If the applicant fails to complete the application within the specified time, the application will be rejected and the filing fee returned.

(2) Except for applications for temporary authority, all applications directly related to a section 5 application must be tendered simultaneously with that application.

(3) An Application for temporary authority under section 210a(b) will not be accepted for filing until all directly

related and corresponding applications for permanent authority under section 5, or other provisions of the Act, are completed and tendered for filing.

(4) Strict compliance with the provisions of this notice will be waived only if the party requesting waiver presents convincing evidence that extraordinary circumstances exist.

The Commission intends to enforce strict compliance with the provisions of this notice beginning August 23, 1977. Persons wishing to express their views on this matter are invited to do so. An original and 11 copies of comments should be sent to the Section of Finance, Interstate Commerce Commission, Washington, D.C. 20423, on or before July 27, 1977. All comments received will be considered, and may result in modification of the contents of this notice.

H. G. HOMME JR.,
Acting Secretary.

[FR Doc.77-18231 Filed 6-24-77;8:45 am]

[Notice No. 184]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 27, 1977.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77179. By application filed June 16, 1977, MOODY TRANS., INC., Route No. 1, Sugar City, ID 83448, seeks temporary authority to transfer the operating rights of Robert G. Wright, an individual, d.b.a. Star Valley-Jackson Stages and Teton Stage Lines, 1945 Eagle Drive, Idaho Falls, ID 83401, under section 210a(b). The transfer to Moody Trans., Inc., of the operating rights of Robert G. Wright, an individual, d.b.a. Star Valley-Jackson Stages and Teton Stage Lines, is presently pending.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18286 Filed 6-24-77;8:45 am]

[Ex Parte No. MC 103]

PROCEDURES IN MOTOR CARRIER APPLICATION PROCEEDINGS WHERE FOR-HIRE CARRIAGE IS SUBSTITUTED FOR PROPRIETARY OPERATIONS

Oral Argument; Correction

On June 20, 1977, notice of oral argument in the above-entitled proceeding was published in the FEDERAL REGISTER (42 FR 31214). The names and addresses of a number of the parties of record were inadvertently omitted from the service list which was attached as an appendix to that notice. The purpose of this supplementary publication is to correct that oversight. A complete service list for the above-entitled proceeding is attached as an appendix to this corrected notice.

The rest of the notice of June 20, 1977, remains as previously published. In order to insure that all concerned parties are apprised of the information contained in that previous publication, its substance will be repeated below.

The Interstate Commerce Commission will hold oral argument in the above-entitled proceeding in order to afford the parties a further opportunity to make their views known to the Commission. Oral argument is scheduled to commence at the office of the Commission in Washington, D.C., at 9:30 a.m. on August 3, 1977.

The August 3rd date has been selected to afford the parties an advance opportunity to consider the views expressed by other parties to this proceeding, and, on the basis of said consideration, to determine whether there is a possibility of consolidating their presentations at oral argument with other parties expressing the same or similar views. Our review of the representations filed in this proceeding reveals that there is substantial repetition of arguments by both the parties supporting and opposing the involved proposal. In these premises, we would strongly advise, in the interest of expediency and to avoid unnecessary repetition, that the related parties in interest explore the possibility of consolidating their presentations.

In response to the notice of filing of petition seeking institution of rulemaking in this proceeding, published in the FEDERAL REGISTER on July 22, 1976, 138 total parties submitted 73 individual or joint written statements of verified facts, views, and arguments regarding the proposed procedures. Attached as an appendix to this corrected notice is a service list of the parties or their representatives who have submitted statements. Within 25 days after the June 20, 1977, publication of the original notice the persons desiring to participate in the oral argument shall by letter to Assistant Deputy Director, Office of Proceedings, Section of Operating Rights, Room 5316, Interstate Commerce Commission, Washington, D.C. 20423, advise the Commission (1) that they have served the other persons on the corrected list with copies of their statements previously filed with the Commission in this proceeding or a summary thereof, (2) of the name of the representative who will appear at oral argument on their behalf or on behalf of the party in interest represented, (3) of the names of other parties having similar positions who will have the same representative and (4) of the approximate amount of time needed to present their position at oral argument. If, after examining the statements of other parties planning to present oral argument, parties decide to consolidate their arguments, the Commission should be informed of such decision by letter to the above-noted address no later than 15 days before the date of the argument. Prior to the concerned oral argument a schedule will appear, in the form of a notice in the Federal Register, listing those parties who will participate.

Although the Commission has made no determination on the merits of petitioner's proposal, or whether or not to adopt the proposal with or without modification, it would be helpful to the Commission if the parties at oral argument would address the following issues, which are not to be construed as all inclusive, but rather as focal points for informed discussion:

1. Would adoption of the proposed regulations be consistent with the statutorily imposed requirements of public convenience and necessity set forth in section 207 of the Interstate Commerce Act, as interpreted by "Pan American Bus Lines Operation," 1 M.C.C. 190 (1936)?

(a) Would implementation of the involved procedures, and the institution of motor carrier services thereunder, serve a useful purpose, responsive to a public demand or need?

(b) Could this purpose be served as well by existing authorized carriers?

(c) Could the proposal be instituted without endangering or impairing the operations of existing motor carriers contrary to the public interest?

2. Would promulgation of the proposed regulations be consistent with the public interest and the national transportion policy? More specifically, can petitioners proposal concerning issuance of contract carrier authority be reconciled with the definition of contract carriage contained in section 203(a)(15) of the act, and with the criteria to be considered in applications for permits set forth in section 209(b) of the act?

3. Does the Commission hold appropriate authority under its general rulemaking powers to grant relief of the nature sought in the instant proceeding?

4. Are existing procedures, including those contained in section 210 of the act providing for issuance of temporary authority, sufficiently flexible and adequate to effectuate substitution of for-hire for private carriage? If not, how are they deficient?

5. Would implementation of the instant proposal have the beneficial effect of reducing the Commission's workload?

6. Should the proposed regulations, if promulgated, be limited to the transportation of bulk commodities?

7. Is private carriage inherently less efficient and economical than regulated for-hire carriage? If so, is such inefficiency attributable to existing regulatory policies and practices?

8. Why should existing carriers be prohibited from opposing the issuance of authority under the proposed regulations, where such opposition is predicated solely upon their conflicting authorities? Should they be permitted to oppose an application for such authority if they have solicited the involved traffic, in addition to holding the requisite authority? What weight should such opposition have if, at some time, existing carriers had participated in the involved traffic?

9. What, if any, would be the potential abuses which might arise as a result of the Commission's adoption of the proposed regulations? Is it possible to modify the involved proposal to lessen the potential for abuse? Would it be possible to effectively police any regulations promulgated pursuant to petitioner's proposal to eliminate any potential for abuse of the new procedures?

10. To what extent, if any, would existing carriers be adversely affected by adoption of the proposed regulations? How might the proposal be modified to eliminate any potential for the injury of existing certificated carriers?

11. If operating authority under the proposed regulations is issued, how could the Commission effectively insure that the newly authorized carrier does not acquire a portion of the shipper's traffic in excess of that share previously transported in private carriage?

Notice of oral argument shall be given to the general public by depositing a copy of both the original notice and this corrected notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy of both notices to the Director, Office of the Federal Register for publication therein as notice to interested persons.[1]

H. G. HOMME, JR.,
Acting Secretary.

APPENDIX

EX PARTE NO. MC 103

Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501.
Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 11th Street NW., Washington, D.C. 20001.
Lewis P. Ames,[1] 10th Floor, 111 West Monroe, Phoenix, Ariz. 85003.
Eugene D. Anderson, 910 17th Street NW., Suite 428, Washington, D.C. 20036.
J. Maurice Andren,[1] 1734 Sheridan Lake Rd., Rapid City, S. Dak. 57701.
T. J. Ashe,[1] Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. 60654.
G. L. Barth, UARCO, Inc., 14659 Alondra Boulevard, La Mirada, Calif. 90638.
Pansy Beroth, P.O. Box 615, Winston Salem, N.C. 27102.
Jerome Biniasz,[1] 101 Continental Blvd., El Segundo, Calif. 90245.
James R. Boyd, P.O. Box 488, Austin, Tex. 78767.
Mark K. Boyle, 345 South Saint Street, Salt Lake City, Utah 84111.
Robert R. Brinker, 1660 L Street NW., Suite 1100, Washington, D.C. 20036.
Deloris M. Brittain, Business Center Building, P.O. Box 1518, Bellevue, Wash. 98009.
W. H. Broderick, 150 East 42 Street, New York, N.Y. 10017.
Ben D. Browning, 1020 Kearns Building, Salt Lake City, Utah 84101.
Tom E. Bryant,[1] 920 Long Boulevard, Suite 17, Lansing, Mich. 48910.
Herbert M. Canter,[1] 305 Montgomery St., Syracuse, N.Y. 13202.
Barry Chasnoff, 400 7th Street SW., Washington, D.C. 20590.
Earl Check, 3200 Ruan Center, Des Moines, Iowa 50304.
J. Raymond Chesney, P.O. Box 10125, Dallas, Tex. 75207.
Chas. R. Christensen,[1] P.O. Box 854, Downtown Station, Omaha, Nebr. 68101.
Wesley S. Chused,[1] 15 Court Square, Boston, Mass. 02108.
David P. Christianson,[1] 606 South Olive (St. 825), Los Angeles, Calif. 90014.
Lee Cisneros, Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.
W. H. Cole, P.O. Box 270, Fort Worth, Tex. 76101.
Arthur L. Comeau,[1] 200 East Randolph Drive, Chicago, Ill. 60601.
Ned E. Cook, 260 Sheridan Avenue, Palo Alto, Calif. 94303.
R. N. Cooledge, P.O. Box 638, Oakland, Calif. 94604.
Nelson J. Cooney, 1616 P Street NW., Washington, D.C. 20036.
Samuel J. Cornelius, Minority Business Enterprise, 14th Street and E Street, Constitution Avenue NW., Washington, D.C. 20423.
Harold F. Culy, Bayview Trucking, Inc., P.O. Box 28639, Sacramento, Calif. 95828.
F. P. Daleiden,[1] 1955 West North Avenue, Melrose Park, Ill. 60160.
Barry D. Davidson,[1] P.O. Box 388, Yazoo City, Miss. 39194.
Bill R. Davis, Suite 101, 2814 New Spring Road, Atlanta, Ga. 30339.
Ben F. Day,[1] 1015 18th Street NW., Washington, D.C. 20036.
G. J. Decker, P.O. Box 2003, New Brunswick, N.J. 08903.
J. P. Deehan, 1600 Valley Road, Wayne, N.J. 07470.
R. A. Dombrowski,* P.O. Box 1059, St. Joseph, Mo. 64502.
John F. Donelan, 914 Washington Building, Washington, D.C. 20005.
Thomas D. Donis, 1600 Oregon, Muscatine, Iowa 52761.
Rex Eames, 900 Guardian Building, Detroit, Mich. 48226.
James J. Emigh,* 185 West McLemore Avenue, Memphis, Tenn. 38101.
R. J. Fisher, P.O. Box 391, Ashland, Ky. 41101.
James V. Fleming, 819 Union Ave., Pennsauken, N.J. 08110.
J. F. Fricks, Jr.,* P.O. Box 691, Burlington, N.C. 27215.
G. G. Gale,* P.O. Box 24305, Oakland, Calif. 94623.
Bill D. Gardner, P.O. Box 1228, Spencer, IA 51301.
Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703.
Richard W. Gillis, 20 North Wacker Dr., Chicago, Ill. 60606.
Warren N. Grossman,* 825 City National Bank Bldg., 606 South Olive St., Los Angeles, Calif. 90014.
Rebecca W. Hahmer, United States Environmental Protection Agency, Washington, D.C. 20460.
James J. Hardcastle, The Gillette Co., Prudential Tower Bldg., Boston, Mass. 02199.
William C. Harris, 2109 Olmstead Rd., Kalamazoo, Mich. 49003.
Austin L. Hatchell, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701.
R. L. Herman, Herman Brothers, Inc., P.O. Box 189, Omaha, Nebr. 68101.
John D. Hood, Hyster Company, Danville, Ill. 61832.
Carroll B. Jackson,* 1810 Vincennes Road, Richmond, Va. 23229.
A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801.
Robert L. James, 1616 P St., NW., Washington, D.C. 20006.
Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036.
Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203.
Terrence D. Jones,* Ste. 300, 2033 K St. NW., Washington, D.C. 20006.
Milton Kafaglis, Council on Wage and Price Stability, 726 Jackson Place NW., Washington, D.C. 20506.
Fritz R. Kahn, Suite 110, 1660 "L" Street NW., Washington, D.C. 20036.
John P. Kane,* 1830 South Platte St., Kokomo, Ind. 46901.
Edward J. Kiley, 1730 M St. NW., Washington, D.C. 20036.
Robert H. Kinker, P.O. Box 464, Frankfort, Ky. 40601.
Allen H. Knouft, 10 West Baltimore Ave., Lansdowne, Pa. 19050.
F. F. Knutson, 8800 F Street, Omaha, Nebr. 68127.
Marshall Kragen, 666 11th St. NW., Washington, D.C. 20001.
Eugene T. Lilpfert, 1660 L St. NW., Suite 1100, Washington, D.C. 20036.
C. R. Looney, One Gateway Center, Pittsburgh, Pa. 15222.
Peter H. Lowrey, Council on Wage and Price Stability, 726 Jackson Place NW., Washington, D.C. 20506.
J. A. Lynch, Missouri Portland Cement Co., 7711 Carondelet Avenue, St. Louis, Mo. 63105.
Gordon P. MacDougall, 1100 17th St. NW., Washingtin, D.C. 20036.
Bayard Marin, 10th and Market, Wilmington, Del. 19898.
John K. Maser, III, 914 Washington Building, Washington, D.C. 20005.
M. Craig Massey, P.O. Drawer J, Lakeland, Fla. 33802.
Ralph B. Matthews,* 248 Chester Ave. SE., Atlanta, Ga. 30316.
Robert N. Maxwell, 500 West 16th Street, Austin, Tex. 78767.
J. S. McCallie, Carolina Freight Carriers Corp., Cherryville, N.C. 28021.
Thomas F. McGrath, P.O. Box 860 Valley Forge, Pa. 19482.
A. L. Moon, Sonoco Products Company, Hartsville, S.C. 29550.
George A. Olsen,* 69 Tonnele Ave., Jersey City, N.J. 07306.
Stanley C. Olsen, Jr.,* 7325 Mitchell Rd., Eden Prairie, N. Mex. 55343.
Donald J. Osbjornson,* 1111 Touhy Avenue, Des Plaines, Ill. 60018.
William M. Pappas, McCormick and Company, Inc., 11100 McCormick Rd., Hunt Valley, Md. 21031.
John R. Patterson, P.O. Box 2298, Green Bay, Wis. 54306.
Timothy Person, 5736 Martin Luther King Dr., St. Louis, Mo., 63112.
William A. Quinlan,* 3045 Riva Road, Annapolis, Md. 21401.
J. L. Quinn, 718 Hamilton Mall, Allentown, Pa. 18105.
Harodl J. Reitz, International Paper Co., 220 East 42nd Street, New York, N.Y. 10017.
Roland Rice, 618 Perpetual Bldg., Washington, D.C. 20004.
Phillip Robinson, P.O. Box 2207, Austin, Tex. 78768.
Roland Ronshausen, 300 Sea-Horse Drive, Waukegan, Ill. 60085.
F. J. Rogers, 1603 Orrington Avenue, Evanston, Ill. 60201.
James A. Shearer, 1014 Vine Street, Cincinnati, Ohio 45201.
Ed Shineberger,* 920 First St. SW., Cedar Rapids, Iowa 52406.
Richard R. Sigmon, Ste. 501 Perpetual Bldg., 1111 E St. NW., Washington, D.C. 20004.
Sheldon Silverman, Ste-550 Federal Bar Bldg. West, 1819 H St. NW., Washington, D.C. 20006.
Lawrence V. Smart, Jr.,* 419 NW. 23rd Ave., Portland, Oregon 97210.
John E. Smith II, 2565 St. Mary's Avenue, Omaha, Nebr. 68101.
M. B. Smith,* 685 Third Avenue, New York, N.Y. 10017.
Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603.
Donald L. Stern, Suite 530, Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106.
James R. Stiverson, 1396 West 5th Avenue, Columbus, Ohio 43212.

---

[1] Not a party of record.
[1] Vice Chairman Clapp and Commissioners Hardin and Christian not participating.

Truman A. Stockton, Jr.,* 1650 Grant St. Bldg., Denver, Colo. 80203.
Albert W. Stout, 4600 NW. 82 Ave., Miami, Fla. 33152.
William P. Sullivan, Ste. 1030 Fed Bar Bldg. West, 1819 H St. NW., Washington, D.C. 20006.
John R. Van Antwerp, 4420 Sherwin Road, Willoughby, Ohio 44094.
Charles A. Washer, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
Harvey E. Webb,* 600 South Cherry Street, Denver, Colo. 80222.
Frank J. Weiner,* 15 Court Square, Boston, Mass. 02108.
David C. White, Farley Building, 2400 SW. 4th Avenue, Portland, Oreg. 97201.
Charles J. Williams,* 1815 Front St., Scotch Plains, N.J. 07076.
J. R. Woolery,* 4550 W. 109th St., Ste. 100, Shawnee Mission, Kans. 66207.
A. A. Wright,* P.O. Box 3495, San Francisco, Calif. 94119.
Edward R. Zebrowski, Rohm & Haas Company, Philadelphia, Pa. 19105.

[FR Doc.77-18520 Filed 6-24-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Commodity Futures Trading Commission	1
Federal Communications Commission	2, 3
Federal Home Loan Bank Board	4, 5, 6, 7
Federal Power Commission	8
Interstate Commerce Commission	9, 10
National Labor Relations Board	11
Nuclear Regulatory Commission	12
Occupational Safety and Health Review Commission	13

1

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10:00 AM, June 28, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 5th Floor Hearing Room.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE DISCUSSED: Portions open to the public: Rosenthal & Co. request for exemption from provisions of Sec. 32.6. Portions closed to the public: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6126.

[S-750-77 Filed 6-23-77;10:30 am]

2

AGENCY HOLDING THE MEETING: Federal Communication Commission.

TIME AND DATE: 9:30 a.m., Tuesday, June 28, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Special—1—Notice of Proposed Rule Making relating to Part 13 of the Rules to re-structure the radio operator examination and licensing program and to delineate operator responsibility (Docket No. 20817).

Special—2—Reconsideration of Third Report and Order in Docket No. 19995 relating to cable television network nonduplication protection against television stations available off the air in the cable community.

Special—3—Petition for Waiver, filed by Quinebaug Valley Cablevision, Inc., operator of a cable television system at Southbridge, Massachusetts; and Opposition to Petition for Waiver, filed by Springfield Television Broadcasting Corporation, (WWLP, NBC, Channel 22) Springfield, Massachusetts.

Special—4—Petition for Waiver of Nonduplication Exclusivity Requirements as Demanded, filed on behalf of Community Service, Inc., operator of a cable television system at Frankfort, Kentucky; and Request for Order to Show Cause, filed on behalf of Starr WTVQ-TV, Inc.

Special—5—Request for Declaratory Ruling and Petition for Waiver, filed by Capitol Cablevision Corp., operator of cable television systems at Charleston, South Charleston, and Dunbar, West Virginia; and Request for Special Relief, filed by Gateway Communications, Inc., (WOWK-TV, ABC, Channel 13) Huntington, West Virginia.

Special—6—Petition(s) for Special Relief, filed by Hornell Television Service, Inc., operator of a cable television system at Hornell, New York; and Opposition to Petition for Special Relief, filed by WENY, Inc., (WENY-TV, ABC, Channel 36) Elmira, New York.

Special—7—Petition for Special Relief, filed by Avenue TV Cable Service Inc., operator of a cable television system at Ventura, California; and Opposition to Petition for Special Relief, filed by Key Television, Inc., (KEYT, ABC, Channel 3) Santa Barbara, California.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: June 21, 1977.

[S-774-77 Filed 6-22-77;3:11 pm]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 29, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

Special—1—Discussion of rule making in Docket No. 21002 concerning possible amendment of Section 76.13 relating to the certification process, and Section 76.31 relating to the Commission's franchise standards.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: June 22, 1977.

[S-745-77 Filed 6-22-77;3:11 pm]

4

AGENCY HOLDING THE MEETING Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 116, Page 30742, Thursday, June 16, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 22, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING: The following items have been added to the agenda for the open portion of the meeting: Consideration of a Post-Approval Amendment to the Application for Permission to Convert from Mutual to Stock Form—Homestead Savings and Loan Association, Salina, Kansas. Consideration of Association Requests for Permission to Issue $1,150,000 of Subordinated Debt Securities—Richardson Savings and Loan Association, Richardson, Texas.

No. 39, June 22, 1977.

[S-739-77 Filed 6-22-77;2:11 p.m.]

5

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 42, No. 116, Page 30742, Thursday, June 16, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 22, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

CHANGES IN THE MEETING: The following item will be discussed at a closed meeting to be held immediately following the open meeting previously announced: Consideration of Amendments

JUN 27 1977 UM

to the 1977 Budget of the Office of Neighborhood Reinvestment.

No. 37, June 21, 1977.

[S-740-77 Filed 6-22-77;8:45 am]

6

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: 1:00 p.m., June 29, 1977.

PLACE: 320 First Street, NW., Room 630, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED: Concurrent Consideration of Two Branch Office Applications: (1) Los Angeles Federal Savings and Loan Association, Los Angeles, California. (2) Western Federal Savings and Loan Association, Los Angeles, California.

Consideration of Assessments of Federal Home Loan Banks, July 1, 1977 through December 31, 1977.

Application for Permission to Organize a New Federal Association Theodore M. Haik, et al., New Iberia, Louisiana.

Capital Budget Amendment for Lease hold Improvements—Federal Home Loan Bank of Cincinnati.

EFTS-RSU Application—Hawaii Joint EFTS Project, Honolulu, Hawaii.

Consideration of Association Request for Reconsideration of Commitment to Insure Accounts (Proposed) Grady County Savings and Loan Association, Chickasha, Oklahoma.

No. 38, June 22, 1977.

[S-741-77 Filed 6-22-77;3:12 pm]

7

AGENCY HOLDING THE MEETING: Federal Home Loan Bank Board.

TIME AND DATE: At the conclusion of the open meeting to be held at 1:00 P.M., June 29, 1977.

PLACE: 320 First Street, N.W., Room 630, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-376-3012.

MATTERS TO BE CONSIDERED: Consideration of Proposed Settlement and Order of Prohibition.

No. 40, June 22, 1977.

[S-742-77 Filed 6-22-77;2:11 pm]

8

Notice of Meeting

JUNE 22, 1977.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. § 552B:

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: June 29, 1977, 10:00 a.m.

PLACE: 825 North Capitol Street.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda) *Note.—Item listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, Telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all persons relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7641ST MEETING—JUNE 29, 1977, REGULAR MEETING—PART I

P-1. (A) Docket No. ER77-325, Appalachian Power Company; (B) Docket No. ER77-426, Appalachian Power Company.
P-2. Docket No. ER77-427, Minnesota Power & Light Company.
P-3. Docket No. ER77-429, Potomac Electric Power Company.
P-4. Docket No. ER77-347, Wisconsin Power and Light Company.
P-5. Docket No. ER77-264, Detroit Edison Company.
P-6. Docket No. E-7743, Connecticut Light & Power Company.
P-7. Docket No. ER76-40, Nevada Power Company.
P-8. Docket No. ER76-87, Sierra Pacific Power Company.
P-9. Docket No. ER76-715, Indiana & Michigan Electric Company.
P-10. Docket Nos. ER76-319 and ER76-811, Pacific Gas and Electric Company.
P-11. Docket Nos. E-7777 (Phase I) and E-8928, Pacific Gas & Electric Company.
P-12. Docket No. ER77-326, New England Power Pool Agreement (Nepool).
P-13. Docket No. E-9147 (Phase II), Virginia Electric and Power Company.
P-14. Docket No. ER76-739, Kentucky-Indiana Power Pool Agreement.
P-15. Docket No. E-7638, Public Service Commission of Indiana, Inc. and Southern Indiana Gas and Electric Company; Docket No. E-7647, Public Service Company of Indiana, Inc.
P-16. Docket No. E-9593, Central Power & Light Company, Public Service Company of Oklahoma, Southwestern Electric Power Company, and West Texas Utilities Company.
P-17. Docket No. E-9572, *Papago Tribal Utility Authority and Arizona Electric Power Cooperative, Inc.* v. *Arizona Public Service Company.*
P-18. Docket No. E-9590, Georgia Power Company.
P-19. Docket No. E-7671, Blandin Paper Company, et al.
P-20. Project No. 82, Alabama Power Company.
P-21. Project No. 199, South Carolina Public Service Authority.

MISCELLANEOUS AGENDA, 7641ST MEETING—JUNE 29, 1977, REGULAR MEETING—PART I

M-1. Docket No. RM75-29, Fuel adjustment provisions in FPC rate schedules.
M-2. Electric utilities captive coal operations.
M-3. [Reserved]
M-4. [Reserved]
M-5. (A) Docket No. RM76-15, Regulation of small producer; (B) Phillips Petroleum Company, FPC gas rate schedules Nos. 533, 555, 557, 559, and 560; Sun Oil Company, FPC gas rate schedule Nos. 538, 539, 561, 562, 567, 569, 572, 576, and 577.
M-6. Docket No. RM75-25, Policy with respect to certification of pipeline transportation agreements.
M-7. Docket No. RM76-10, Rate schedule analysis on a continuing current basis: FPC Form 108.
M-8. Docket No. RM77-____, Revision in Section 157 of Title 18 of the Code of Federal Regulations to provide the exemption from certificate regulation of certain sales of natural gas flared prior to coal mining operations.

GAS AGENDA, 7641ST MEETING—JUNE 29, 1977, REGULAR MEETING—PART I

G-1. Docket No. RP76-159, Columbia Gas Transmission Corporation.
G-2. Kansas Nebraska Natural Gas Company, Inc.
G-3. Docket No. RP75-57, Pacific Gas Transmission Corporation.
G-4. (A) Docket Nos. RP73-107, RP74-90 and RP75-91, Consolidated Gas Supply Corporation.
(B) Docket No. RP77-7, Consolidated Gas Supply Corporation.
G-5. Docket Nos. RP73-107 and RP74-90, Consolidated Gas Supply Corporation.
G-6. Docket No. RP76-115, Docket Nos. RP73-109 and RP74-95, Northwest Pipeline Corporation.
G-7. Docket No. RP71-119. Panhandle Eastern Pipe Line Company.
G-8. Docket No. RP73-106, Cities Service Gas Company.
G-9. Docket No. RP76-103, Public Service Company of North Carolina, Inc.
G-10. Docket Nos. RP71-29 and RP71-120 (Phase II). United Gas Pipe Line Company.
G-11. Docket No. RP77-8-1, United Gas Pipe Line Company (Southland Oil Company).
G-12. Docket No. RP77-41, Southern Natural Gas Company.
G-13. Exxon Corporation, FPC Gas Rate Schedule Nos. 477 and 504 the Louisiana Land and Exploration Company, FPC Gas Rate Schedule Nos. 7 and 10.
G-14. Docket No. AR64-1, et al., Hugoton-Anadarko Area, Docket No. AR61-2 and AR69-1, et al., Southern Louisiana Area, Docket No. AR67-1, et al., Other Southwest Area, Docket No. AR64-2, et al., Texas Gulf Coast Area.

G-15. Docket No. RI77-66, Gillring Oil Corporation.
G-16. Docket No. RI77-52, The Stone Oil Corporation.
G-17. Docket No. RI77-31, Thomas A. Bartoe.
G-18. Docket No. RI77-44, Nadel and Gussman.
G-19 Docket No. CI66-176, Skelly Oil Company.
G-20 Docket No. CI76-14, San Salvador Development Company, Inc., Et Al.
G-21 Docket Nos. CI75-541, Paul R. Davis, Lester B. Wood, Dorchester Gas Processing Company, East Texas Industrial Gas Company, and Texas Eastern Gas Transmission Corporation.
G-22 Docket No. CS71-631, Eason Oil Company, Docket No. CS76-842, Devon Corporation.
G-23 Docket Nos. CP75-131 and CP76-129, Mountain Fuel Supply Company, Docket No. CP76-94, Phillips Petroleum Company.
G-24 Docket No. CP74-299, Kansas-Nebraska Natural Gas Company, Inc.
G-25 Docket Nos. CP74-138, CP74-139, Trunkline LNG Company, Docket No. CP74-140, Trunkline Gas Company.
G-26 Docket Nos. CP74-316, Et Al., Michigan Wisconsin Pipe Line Company, Et Al.
G-27 Docket No. CP73-329, Chattanooga Gas Company, a division of Jupiter Industries, Inc., Docket No. CP73-336, East Tennessee Natural Gas Company, Docket No. CP76-99, East Tennessee Natural Gas Company, Docket No. CP76-109, Tennessee Gas Pipeline Company, a division of Tenneco, Inc., and Columbia Gas Transmission Corporation.
G-28 Docket No. CP76-220, Arkansas Louisiana Gas Company v. Amarex, Inc., Docket No. CI76-346, Amarex, Inc.
G-29 Docket No. CP71-50, Natural Gas Pipeline Company of America, Docket No. CP71-54, Michigan Wisconsin Pipe Line Company, Docket No. CI71-187, Phillips Petroleum Company.
G-30 Docket No. CP65-393, Florida Gas Transmission Company, Docket Nos. CI65-584, CI77-80, and CI77-81, Amoco Production Company, a subsidiary of Standard Oil Company of Indiana, Docket Nos. CI73-70 and CP77-31, Columbia Gulf Transmission Company, Docket No. CP73-157, Natural Gas Pipeline Company of America, Docket No. CP77-31, Tennessee Gas Pipeline Company, a division of Tenneco Inc., Docket No. CP77-37, Sea Robin Pipeline Company.
G-31 Docket No. CP77-329, Delmarva Power & Light Company.
G-32 Docket No. CP77-363, Columbia Gas Transmission Corporation National Fuel Gas Supply Corporation.
G-33 Docket No. CP77-242, Natural Gas Pipeline Company of America, Docket No. CP77-244, El Paso Natural Gas Company, Docket No. CP77-245 and CP77-266, Northern Natural Gas Company, Columbia Gas Transmission Corporation, Docket No. CP77-246, Columbia Gulf Transmission Company, Panhandle Eastern Pipe Line Company, Docket No. CP77-262, Trunkline Gas Company.
G-34 Docket No. CP77-140, Delhi Gas Pipeline Corporation, Docket No. CP77-307, Northern Natural Gas Company, Docket No. CP77-328, Natural Gas Pipeline Company of America.
G-35 Dooket No. CP77-308, Western Transmission Corporation, Docket No. CP77-338, Panhandle Eastern Pipe Line Company, Docket No. CP77-405, Colorado Interstate Gas Company.
G-36 Docket No. CP77-113, Panhandle Eastern Pipe Line Company, Docket No. CP77-290, Cities Service Gas Company.
G-37 Docket No. CP77-320, Natural Gas Pipeline Company of America, Michigan Wisconsin Pipe Line Company, Transcontinental Gas Pipe Line Corporation, and United Gas Pipe Line Company.
G-38 Docket No. CP63-177, Texas Eastern Transmission Corporation, Tennessee Gas Pipeline Company.
G-39 Docket No. CP77-289, El Paso Natural Gas Company, Docket No. CP76-285, Mountain Fuel Resources, Inc.
G-40 Docket No. CP77-367, Florida Gas Transmission Company, and Transcontinental Gas Pipe Line Corporation.
G-41 Docket No. CP66-237, Natural Gas Pipeline Company of America.
G-42 Docket No. CP77-298, National Fuel Gas Supply Corporation, Docket No. CP77-340, Transcontinental Gas Pipe Line Corporation, Docket No. CP77-394, Tennessee Gas Pipe Line Company, (a division of Tenneco Inc).
G-43 Docket No. CP76-314, Southern Transmission Corporation.
G-44 Town of Bude, Mississippi and Town of Flora, Mississippi.
G-45 Oxford Natural Gas Company, Indiana Natural Gas Corporation.
G-46 Docket No. CP77-294, Texas Gas Transmission Corporation.

POWER AGENDA 7641st MEETING—JUNE 29, 1977 REGULAR MEETING—PART II

CP-1. Docket No. ER77-420, Iowa-Illinois Gas & Electric Company.
CP-2. Docket No. ER77-369, Missouri Edison Company.
CP-3. Docket No. ER77-390, Dayton Power and Light Company and Ohio Power Company.
CP-4. Docket No. ER77-324, Kentucky Indiana Pool Planning and Operating Agreement.
CP-5. Docket No. ER77-359, Louisville Gas and Electric Company.
CP-6. Docket No. ER77-307, Public Service Company of Indiana, Louisville Gas & Electric Company.
CP-7. Docket Nos. ER77-349, ER77-351 and ER77-352, Public Service of Indiana.
CP-8. Docket No. ER77-290, Indianapolis Power & Light Company.
CP-9. Docket No. ER77-341, Public Service Company of Oklahoma.
CP-10. Docket No. ER77-301, Pennsylvania-New Jersey-Maryland Interconnection Agreement.
CP-11. Docket No. ER77-432, Puget Sound Power and Light Company.
CP-12. Docket No. E-8242 and ER77-236, Public Service Company of Oklahoma.
CP-13. Docket No. E-9141 (Phase II), Virginia Electric and Power Company.
CP-14. Docket No. ES77-38, Union Electric Company.
CP-15. Docket No. ID-1808, Robert H. Pearson.
CP-16. Project No. 2770, Brown Company.
CP-17. Project No. 2772, Brown Company.
CP-18. Project No. 2771, Brown Company.
CP-19. Project No. 2766, Brown Company.
CP-20. Project No. 2768, Brown Company.
CP-21. Project No. 309—Pennsylvania.
CP-22. Bureau of Land Management, City of Seward, Alaska (AA-12408).
CP-23. Project No. 382, Southern California Edison Company.
CP-24. (A) City of Westerville, Ohio v. F.P.C., D.C. Cir. No. 77-1454.
(B) Borough of Ellwood City v. F.P.C., 3rd Cir. No. 77-1690.

MISCELLANEOUS AGENDA 7641ST MEETING —JUNE 29, 1977 REGULAR MEETING—PART II

CM-1. Gulf Power Company.
CM-2. Eastern Shore Natural Gas Company.
CM-3. Southwest Gas Corporation.

GAS AGENDA

7641ST MEETING—JUNE 29, 1977

REGULAR MEETING—PART II

CG-1. Docket No. RP77-63, Montana-Dakota Utilities Co.
CG-2. Docket No. RP75-102, Panhandle Eastern Pipe Line Company.
CG-3. Docket No. RP73-64, Southern Natural Gas Company.
CG-4. Docket Nos. RP73-114 (PGA No. 77-3), RP74-24 (DCA No. 77-2), and RP74-73 (R&D No. 77-2), Tennessee Gas Pipeline Company.
CG-5. Docket No. RP72-133 (PGA No. 77-2), United Gas Pipe Line Company.
CG-6. Docket No. RP76-136, Transcontinental Gas Pipe Line Corporation.
CG-7. Docket No. RP72-157 (PGA No. 77-8), Consolidated Gas Supply Corporation.
CG-8. Docket No. RP71-11 (PGA Nos. 77-4 and 77-4a), Tennessee Natural Gas Lines, Inc.
CG-9. Docket Nos. RP71-15 and RP75-28 (PGA77-4) (DCA77-2), East Tennessee Natural Gas Company.
CG-10. Docket No. RP73-8 (PGA No. 77-10), North-Penn Gas Company.
CG-11. Docket No. RP73-89 (PGA No. 77-2), Sea Robin Pipeline Company.
CG-12. Docket No. RP77-17, Eastern Shore Natural Gas Company.
CG-13. Docket No. RP77-19, Transwestern Pipeline Company.

CG–14. PWC Partnership, FPC Gas Rate Schedule No. 1; Pan Eastern Exploration Company, FPC Gas Rate Schedule No. 6; Union Oil Company of California, FPC Gas Rate Schedule No. 118; Texaco Inc., FPC Gas Rate Schedule No. 324; Champlin Petroleum Company, FPC Gate Rate Schedule No. 114.
CG–15. Docket No. CI76–767, Getty Oil Company; Docket No. CI77–402, Cities Service Company.
CG–16. Docket No. CI74–688, Columbia Gas Development Corporation; Docket No. CI75–49, CNG Producing Company.
CG–17. Docket No. CP76–412, Northern Natural Gas Company; Docket No. CP76–425, El Paso Natural Gas Company.
CG–18. Docket No. CP77–282, Columbia Gas Transmission Corporation.
CG–19. Docket No. CP77–303, Southwest Gas Corporation.
CG–20. Docket Nos. CP77–355 and CP77–372, Consolidated Gas Supply Corporation.
CG–21. Docket No. CP77–371, Mountain Fuel Supply Company.
CG–22. Docket No. G–5715, Cabot Corporation; Docket No. CP77–192, Northern Natural Gas Company.
CG–23. Docket No. CP74–126, El Paso Natural Gas Company.
CG–24. Docket No. CP73–69, Great Lakes Gas Transmission Company.
CG–25. A, Southern Natural Gas Company v. F.P.C., D.C. Cir. No. 77–1468; B, Tennessee Gas Pipeline Company v. F.P.C., D.C. Cir. No. 77–1496; C, Tennessee Gas Pipeline Company v. F.P.C., D.C. Cir. No. 77–1511.
CG–26. West Virginia Public Service Commission v. F.P.C., 4th Cir. No. 77–1649.

KENNETH F. PLUMB,
Secretary.

[S–743–77 Filed 6–22–77;3:11 pm]

9

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

TIME AND DATE: 9:30 a.m., Tuesday, June 28, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue, NW., Washington, D.C.

STATUS: *Closed Special Conference.* Voting to close as to the following item on the agenda were Chairman O'Neal, Commissioners Clapp, Murphy, Stafford, Gresham, MacFarland and Christian (Commissioners Brown and Hardin did not participate) on the grounds that such meeting is likely to specifically concern the initiation and conduct by the Commission of a particular case of formal adjudication involving a determination on the record after opportunity for a hearing, within the meaning of 5 U.S.C. 552b(c)(10) and 49 C.F.R. 1012.7(d)(12). The General Counsel has issued his certificate accordingly.

No. 36611, TRANS ALASKA PIPELINE SYSTEM—TARIFF CONSIDERATION

In addition to the Commission, the following will be in attendance: Mark L. Evans, General Counsel; Janice M. Rosenak, Deputy Director, Section of Rates, Office of Proceedings; John A. Grady, Director, Bureau of Accounts; and William Bono, Thomas Carpenter, Joseph Morgan, David Drucker and Edward Johnson, all of the Bureau of Accounts.

CONTACT PERSON FOR MORE INFORMATION:

Public Information Officer, Douglas Baldwin, Telephone 202–275–7252.

[S–746–77 Filed 6–22–77;8:45 am]

10

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 29, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue, NW., Washington, D.C.

STATUS: Special Open Conference.

MATTERS TO BE CONSIDERED:

1. Briefing on and discussion of Special Task Force Report on Ex Parte No. MC–43 (Sub-No. 3).
2. Briefing on Rail System Diagram Maps submitted pursuant to Ex Parte No. 274 (Sub-No. 2).
3. I&SM—28881, Multiple Tender Allowances, Transamerican Freight Lines.

CONTACT PERSON FOR MORE INFORMATION:

Public Information Officer, Douglas Baldwin, Telephone 202–275–7252.

[S–747–77 Filed 6–22–77;4:20 pm]

11

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 10:00 a.m., Thursday, June 30, 1977.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION:

John C. Truesdale, Esq., Executive Secretary, Washington, D.C. 20570, Telephone Number: 202–254–9430.

[S–751–77 Filed 6–23–77;11:13 am]

12

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Week of June 27, 1977.

PLACE: Commissioner's Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Some of these meetings will be open to the public; others will be closed to the public.

OPEN MATTERS TO BE CONSIDERED:

MONDAY, JUNE 27

11:15 a.m. (Approx.)—Briefing on D.C. Power Supplies at Nuclear Power Plants (Approx. 1 hour).

WEDNESDAY, JUNE 29

3:00 p.m.—1. Briefing on Containment Safety (Approx. 1½ hrs.).

2. Affirmation of: Publication in Effective Form of 10 CFR Part 1: Statement of Organization and General Information.

Statement of Organization and Functions for the Office of Nuclear Regulatory Research.

Freedom of Information Act (FOIA) Disclosure Policy—Exemption Five.

Burden of Proof in Enforcement Proceedings.

Petition for Rule Making Filed by Business and Professional People for the Public Interest: Proposed Amendments to 10 CFR Part 50, Licensing of Production and Utilization Facilities.

Public Interest Research Group et al. Petition for Rulemaking to Require Applicants and Licensees for Nuclear Power Plants to Instruct Citizens in Public Evacuation Procedures and to Conduct Actual Public Evacuation Drills.

Policy Statement on Standardization of Nuclear Power Plants.

NRC and International Physical Protection Standards.

FOIA Appeal (Kranish).

Outside Employment by NRC Employees.

Delegation of Authority in Absence of a Quorum.

Establishment of Review Group for WASH–1400.

Effective Amendments to 10 CFR Part 35, "Human Uses of By-Product Material": Specific Licenses to Individual Physicians and Institutions.

Director's Denials of Enforcement Requests.

Proposed Cost-Sharing Contract with the Electric Power Research Institute (EPRI) and the Westinghouse Electric Corporation (Rescheduled from 6/22/77).

CLOSED MATTERS TO BE CONSIDERED:

MONDAY, JUNE 27

10:00 a.m.—1. Discussion of Tarapur Export License (Exemptions 1 and 10).

2. Vote to Extend Review of ALAB–410 Diablo Canyon (Exemption 10).

WEDNESDAY, JUNE 29

5:00 p.m. (Approx.)—Affirmation of Petition to Institute Proceedings to Suspend or Revoke a Construction Permit (Bailly) (Exemption 10).

NOTE.—The Affirmations will consist of votes on matters previously reviewed individually by the Commissioners and are expected to take no more than 30 minutes.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

WALTER MAGEE,
Chief, Operations Branch.

JUNE 22, 1977.

[S–755–77 Filed 6–23–77;4:50 pm]

13

AGENCY HOLDING THE MEETING: Occupational Safety and Health Review Commission.

TIME AND DATE: 2:30 p.m., June 27, 1977.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSONS FOR MORE INFORMATION:

Mrs. Nori Heuberger or Ms. Lottie Richardson (202) 634–7970.

Date: June 22, 1977.

[S–748–77 Filed 6–22–77;4:24 p.m.]

federal register

MONDAY, JUNE 27, 1977
PART II



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

POLICIES AND PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

JUN 27 77
UM

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15978; Amdt. No. 152-5 and 154-1]

PART 152—AIRPORT AID PROGRAM CONTENTS

PART 154—ACQUISITION OF U.S. LAND FOR PUBLIC AIRPORTS

Policies and Procedures for Considering Environmental Impacts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment includes, within FAA regulations dealing with airport development and the acquisition of land, references to FAA and DOT environmental orders that contain policies and procedures for considering environmental impacts. The amendment also deletes certain obsolete terminology.

EFFECTIVE DATE: June 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Lynne Sparks, Airports Planning Division (AAP-400), Office of Airports Programs, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3263.

SUPPLEMENTARY INFORMATION: Subpart B of Part 152 of the Federal Aviation Regulations (Airport Aid Program Contents) contains rules and procedures for airport development projects funded under that part. Under § 152.23 (a) (6), an eligible sponsor desiring to obtain Federal aid for eligible airport development must submit to the appropriate FAA office for its environmental impact assessment report. That section provides that the report must be prepared in accordance with Department of Transportation (DOT) Order 5610.1B, "Procedures for Considering Environmental Impacts," and FAA Order 5050.2B, "Instructions for Processing Airport Development Actions Affecting the Environment."

Part 154 sets forth rules applicable to the acquisition of U.S. land for public airports under the Airport and Airway Development Act of 1970, as amended. Under § 154.7(b) (14), a public agency applying for a conveyance must send with its request the sponsor's proposed draft environmental impact statement. However, the reference to "proposed draft environmental impact statement" is incorrect since the terminology now used is "environmental impact assessment report." Accordingly, this amendment deletes the obsolete terminology now used.

In addition, § 154.7(b) (14) currently provides that the impact statement (assessment report) must be prepared in conformance with DOT Order 5610.1A and FAA Order 5050.2, both of which are obsolete. The applicable DOT Order is 5610.1B. Therefore, this amendment deletes the reference to DOT Order 5610.1A and inserts in place thereof a reference to DOT Order 5610.1B.

The FAA has recently issued new environmental Order 1050.1B and has cancelled Order 5050.2B. However, all of the provisions of Order 5050.2B have been included in Appendix 6 of the new order. Accordingly, this amendment deletes the references to FAA Order 5050.2B (§ 152.23(a) (6)) and FAA Order 5050.2 (§ 154.7(b) (14)) and substitutes therefor references to Appendix 6 of new FAA Order 1050.1B.

Copies of FAA Order 1050.1B and DOT Order 5610.B, which are incorporated by reference into Parts 152 and 154 under this amendment, may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA Regional Office headquarters or any Airports District Office.

The principal authors of this document are Lynne Sparks, Office of Airports Programs, and Danvers E. Long, Office of the Chief Counsel.

Accordingly, Parts 152 and 154 of the Federal Aviation Regulations (14 CFR Parts 152 and 154) are amended, effective June 27, 1977, as follows:

1. By amending § 152.23 by revising paragraph (a) (6) to read as follows:

§ 152.23 Procedures: preapplication for aid: accompanying information.

(a) • • •

(6) The sponsor's environmental impact assessment report prepared in conformance with Department of Transportation "Procedures for Considering Environmental Impacts" (DOT Order 5610.1B, 39 FR 35234; September 30, 1974), and Appendix 6 of Federal Aviation Administration "Policies and Procedures for Considering Environmental Impacts" (FAA Order 1050.1B, Appendix 6, 42 FR 32647; June 27, 1977). DOT Order 5610.1B and Appendix 6 of FAA Order 1050.1B are incorporated into this Part and made a part hereof as provided in 5 U.S.C. 552(a) and pursuant to 1 CFR Part 51. Copies of those orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA Regional Office headquarters or any Airports District Office.

• • • • • •

2. By amending § 154.7 by revising paragraph (b) (14) to read as follows:

§ 154.7 Form and content of application for conveyance.

• • • • • •

(b) • • •

(14) The sponsor's environmental impact assessment report prepared in conformance with Department of Transportation "Procedures for Considering Environmental Impacts" (DOT Order 5610.1B, 39 FR 35234; September 30, 1974), and Appendix 6 of Federal Aviation Administration "Policies and Procedures for Considering Environmental Impacts" (FAA Order 1050.1B, Appendix 6, 42 FR 32647; June 27, 1977). DOT Order 5610.1B and Appendix 6 of FAA Order 1050.1B are incorporated into this Part and made a part hereof as provided in 5 U.S.C. 552(a) and pursuant to 1 CFR Part 51. Copies of those orders may be examined in the Rules Docket, Office of the Chief Counsel, FAA, Washington, D.C., and may be obtained on request at any FAA Regional Office headquarters or any Airports District Office.

(Secs. 16 and 23, Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1716 and 1723); Sec. 552(a), Administrative Procedure Act (5 U.S.C. 552(a)); Sec. 1.47 (f) (1), Regulations of the Office of the Secretary of Transportation, (49 CFR 1.47(f) (1).))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 16, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

(NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register on September 27, 1976, and on June 20, 1977. Referenced materials are on file at the Federal Register's library.)

[FR Doc.77-17995 Filed 7-24-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 15978; FAA Order 1050.1B]

CONSIDERING ENVIRONMENTAL IMPACTS

Policies and Procedures

The purpose of this notice is to publish the revised Federal Aviation Administration (FAA) polices and procedures for considering environmental impacts of agency programs under the National Environmental Policy Act of 1969 (NEPA) (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) and related environmental legislation and administrative directives and guidelines. This notice publishes FAA Order 1050.1B, entitled "Policies and Procedures for Considering Environmental Impacts."

By notice in the FEDERAL REGISTER of August 12, 1976 (41 FR 34222), the FAA published for public comment proposed procedures for consideration of environmental impacts required by Section 102 (2) (C) of NEPA and related environmental legislation, guidelines, and administrative directives.

The proposed procedures were in the form of a draft internal directive, FAA Order 1050.1B, "Policies and Procedures for Considering Environmental Impacts." The proposed order included appendices relating to certain agency program areas for which special provisions were considered necessary. Fourteen comments on the proposed procedures were received. Due consideration was given to all matters presented. In light of those comments and further consideration by the FAA, the order has been modified in several respects; otherwise, the order is adopted as proposed. The following discussion highlights the comments received and the FAA's response to those comments.

AIRCRAFT AND AIRPORT RELATED NOISE

Several commenters recommended changes to the noise section of the order (paragraph 324). The United States Environmental Protection Agency (EPA) and a state environmental agency recommended that more emphasis be placed on the use of the Day/Night Noise Level (Ldn) cumulative noise methodology for the description and evaluation of aircraft and airport related noise. That recommendation has not been adopted; the appropriate quantitative measure or descriptor of noise exposure may vary, depending on the type of human activity under discussion and the characteristics and location of the noise source. FAA Order 1050.1B offers a selection among several sound level and noise descriptors, including Ldn, to provide greater flexibility in describing the wide variety of noise sensitive situations found in the vicinity of public airports. The Ldn noise descriptor is most useful in evaluating the noise generated by all aircraft over a cumulative twenty-four hour period.

EPA recommended that the Ldn 60 dB and Ldn 75 dB contours be required in all noise analyses. The order provides for continuous contours showing the boundaries of all areas exposed to noise levels equal to or greater than 65 dB Ldn. Contours of lesser noise exposure may be shown if it makes an analysis more complete. However, more definitive evidence is needed before requiring Ldn 60 dB contours for all noise analyses.

Several commenters offered suggestions concerning the noise analysis exception criteria in paragraph 324c. EPA recommended that the 2 dB and 1 NEF unit criteria for exceptions be deleted because such exceptions would permit a gradual cumulative degradation of the airport noise environment. EPA recommended a noise analysis for all relevant actions. A comment from one city governmental body recommended that the exception criteria be deleted since it appears to be arbitrary and restrictive. An airport operators association suggested that paragraph 324c is confusing and would require needless additional noise analyses with each phase of a specific airport project. Paragraph 324c has been modified to provide a more complete explanation of the exceptions criteria and the evaluation of "accumulated, incremental changes." The EPA recommendation has not been adopted because requiring a noise analysis for all actions is not needed and would not help in decisionmaking in all cases. Paragraph 324c requires a noise analysis if "accumulated, incremental changes" exceed the exception criteria. The city's recommendation has not been adopted because NEPA requires the assessment of the complete Federal action. The exception paragraph will not require additional noise analyses for each phase of an airport project but requires that the noise impact for all phases of an action be assessed against the criteria and a noise analysis for the total project be conducted if the criteria would be exceeded. The noise analysis, if required, is expected to suffice for all of the phases of the proposed action.

One commenter suggested that the FAA information requirement, which can be satisfied by using the Integrated Noise Model, is too complex and does not provide a clear and consistent statement of the impact of noise on areas adjacent to airports. The commenter also recommended that the FAA develop a single, simple system for the evaluation of aircraft and airport related noise. Another commenter suggested that the noise section contains too many variations and exceptions. These comments have not been adopted. The FAA believes a single system that attempts to quantify the impact of noise under the variety of situations found in the vicinity of public airports would not necessarily be a simple system. The FAA Integrated Noise Model offers greater flexibility by providing for a variety of sound level and noise descriptors to match the variety of situations found in the vicinity of public airports.

Several commenters discussed the level of detail provided in the noise section and other sections of the order. These commenters desired more extensive descriptions of the various sound level and noise descriptors and greater detail for the project sponsor/EIS preparer. These comments have not been adopted because the order provides policy and procedures guidance and is not intended to be a detailed technical manual for writing an EIS or conducting a noise analysis. Descriptions of the various sound level and noise descriptors are available in other guidance materials. The FAA will continue to add to this technical information as it becomes necessary.

One commenter recommended corrections in the use of terminology in the noise section. Accordingly, corrections in the use of the terms "noise level" and "sound level" and additional clarifications have been made. Another commenter recommended that an averaging period of two weeks or a month be specified for the cumulative noise descriptors. This recommendation has not been adopted because, in most cases, an annual average is sufficient for specifying a noise impact boundary. Special consideration may be required for extreme seasonal changes in air traffic operations. Weekly or monthly averages would be of little practical value since their use would imply a reliability in noise modeling that may not exist.

A citizen recommended that the Ln system be included in the order. This comment has not been adopted. The Ln methodology is better adapted to relatively steady-state noise situations like freeways rather than to cases like airports which are characterized by individual peak noise events. An aviation trade association recommended that NEF, Composite Noise Rating (CNR), and Ldn methodologies not be used to describe aircraft noise because the descriptors exaggerate the size of impacted areas. This comment has not been adopted. These cumulative descriptors are best used to compare relative changes in noise exposure for different alternatives to a proposed action. Use of the descriptors in this manner is superior to permitting no noise analysis for FAA actions.

The Department of the Interior recommended the definition of "noise sensitive areas" include noise sensitive wildlife areas. Some wildlife areas may be considered "noise sensitive" and should be considered in regard to noise. The FAA does not believe this is always the case. Accordingly, wildlife areas must be assessed on a case-by-case basis. The assistance of the Department of the Interior will be helpful in identifying noise sensitive wildlife areas.

AIR QUALITY

The EPA recommended an expansion of the description of air quality and emissions regulations in paragraph 301a(8) of the order. An environmental consulting firm recommended that both the air quality impact of the construction and operation of a project be included in paragraph 325. Paragraph 325 has been modified to appropriately respond to both recommendations.

Another commenter recommended more detail and guidance in the discussion on air quality (paragraph 325). The

JUN 27 77
UM

FAA intends to conduct additional research in this area and to provide additional guidance as may be found appropriate.

SOLID WASTE

The EPA recommended that a discussion on solid waste be included in the order. Paragraph 340 has been added in response to that recommendation.

WATER QUALITY

A comment from one city government recommended that reference to areawide waste treatment management and planning be included in paragraph 326. Another commenter recommended the addition of provisions to ensure compliance with State and local standards for water quality during construction and operation of a project. Paragraph 326 has been modified in response to those recommendations.

ORDER 5050.2B

Several commenters objected to the inclusion of FAA Order 5050.2B as Appendix 6 to FAA 1050.1B, due to the airport layout plan approval procedure. These comments have not been adopted because this issue was addressed prior to the promulgation of FAA Order 5050.2B. FAA has determined that a single order should cover all actions initated by the agency. Accordingly, the material contained in FAA Order 5050.2B has been included as an appendix to this directive.

Another commenter also recommended that any overlapping or inconsistency between FAA Order 1050.1B and FAA Order 5050.2B be eliminated. This recommendation has been implemented. The order has been carefully reviewed and any inconsistency or unnecessary duplication between the provisions of the two directives has been eliminated. FAA Order 5050.2B, as a separate directive, is revoked concurrently with the adoption of Order 1050.1B.

CONSTRUCTION IMPACTS

One commenter recommended consideration of critical periods for wildlife and fish propagation in scheduling of construction activities. Paragraph 335 has been modified in response to this recommendation.

INCREASED REGULATION

Two commenters suggested that the order is not consistent with the goal of less government regulation. One suggested that the order would increase the burden on the entire aviation industry, as well as the FAA. It recommended that the order be subject to a cost/benefit review. Those suggestions have been considered. The FAA has reviewed Order 1050.1B and concluded that it will not unduly burden the FAA or the aviation industry and that a detailed cost/benefit analysis is not needed. The order defines policy and procedure and provides guidance in complying with existing Federal law. The revised order is expected to contribute to reductions in the cost and delay in implementing airport development caused by inadequate environmental impact statements or non-compliance with environmental laws. In that regard, FAA actions have been carefully considered. Those which do not significantly affect the quality of the human environment have been excepted and require no further action under the order.

One commenter recommended that safety activities and actions to facilitate air traffic movement be exempted from environmental consideration. It also recommended specific textual changes and modifications to Appendices 1, 2, 3, and 4. The recommended changes and modifications call for the transfer of certain actions subject to environmental consideration to actions that are excepted. Some of the suggested changes and modifications have been adopted; the remaining suggestions have not been adopted because there is no basis for excepting those actions and categories of actions that could have an environmental impact requiring either an environmental impact statement or a negative declaration.

A commenter suggested that the listing of system improvements in several appendices would require separate and duplicate environmental documents from each FAA organizational element for one system improvement. The FAA does not agree since the order does not require duplicate environmental documents. The FAA element initiating an action, under the revised order, is responsible for the environmental document. In addition, any foreseeable related development by another FAA element would be included in the lead element's environmental document. This process should eleminate any redundancy in administering the FAA environmental program.

PART 77—AIRSPACE ADVISORY ACTION

An international aviation organization recommended that determinations under FAR Part 77 be subject to environmental requirements. This recommendation has not been adopted. Part 77 only requires notice to the Administrator of proposed construction or alteration of certain surface structures. These notices are the basis for determining the effect that construction would have on the safe and efficient use of the navigable airspace. The Administrator, under Part 77, has no authority to control, limit, or otherwise dictate the pattern of private construction or alteration of structures. Determinations issued by the FAA under Part 77 neither authorizes nor prohibit actions by construction proponents, but indicate whether there is an incompatibility between the construction proposal and some existing aeronautical interest or activity. Since Part 77 determinations are advisory as to the airspace impacts of non-Federal actions, they are not, by themselves, Federal actions for which environmental assessments are appropriate.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

The Department of the Interior recommended numerous changes to specific sections and paragraphs of the order for the purpose of clarifying or adding information. Many of the recommendations have been accepted. Some recommendations have not been accepted since the information already appears in the order or would not make a relevant addition to the order. The commenter also recommended revisions to reflect proposed 36 CFR Part 63 procedures. 36 CFR Part 63 is concerned with procedures for making determinations of eligibility to the National Register of Historic Places. That recommendation will be given full consideration when 36 CFR Part 63 is issued in final form.

The Department of the Interior also recommended that the matter of bird-aircraft strikes be addressed in the order both from the standpoint of aircraft safety and the conservation of bird populations. This recommendation has not been adopted since it is appropriately addressed in FAA Advisory Circular 5200.3A: "Bird Hazards for Aircraft." In addition, no evidence has been presented which suggests that significant losses of birds occur because of bird-aircraft strikes. The commenter recommended an addition to the order for the consideration of geologic hazards and related impacts. However, FAA's experience has not revealed environmental impacts. FAA statements must describe and assess relevant environmental impacts. However, FAA's experience has not revealed any cases in which FAA actions have created geologic hazards. FAA will consider this issue on a case-by-case basis, if it should arise.

One commenter recommended a clarification of the provisions in paragraph 301a(3) and paragraph 306h(2). Paragraph 301a(3) requires the preparation of an EIS for actions having a significant impact on cultural resources. Paragraph 306h(2) provides that a negative declaration may be prepared in certain cases, where otherwise warranted, where impacts on historic sites would be adverse and where a Memorandum of Agreement has been completed acknowledging avoidance of effects or satisfactory mitigation of adverse effects. In addition, compliance with the other criteria in the order concerning preparation of an ND, or an EIS where appropriate, is required.

Accordingly, the Federal Aviation Administration publishes FAA Order 1050.1B, "Policies and Procedures for Considering Environmental Impacts," dated June 16, 1977, which reads as stated below.

Issued in Washington, D.C., on June 16, 1977.

QUENTIN S. TAYLOR,
Acting Administrator.

[Order 1050.1B]

POLICIES AND PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

FOREWORD

1. *Purpose.* This order establishes policies and procedures for the preparation of environmental impact statements and negative declarations and requires consideration of environmental impacts in decisionmaking.

2. *Distribution.* This order is distributed to the division level in Washington with a branch level distribution in the Office of Airports Programs, and the Air Traffic, Airway Facilities, Flight Standards, Logistics, and Systems Research and Development Services; to the division level in the regions with a branch level distribution in the Airports, Air Traffic, Airway Facilities, Flight Standards, and Logistics Divisions; to the division level at NAFEC and the Aeronautical Center; to the overseas area offices; a minimum distribution to each Airports Field Office; and one copy to all other field offices and facilities.

3. *Cancellations.* The following orders are cancelled:

a. 1050.1A, Procedures for Considering Environmental Impacts of Proposed FAA Actions,

b. 1050.2, Environmental Assessments of ILS Facilities Systems,

c. 1050.3, Environmental Assessments of ARSR Facilities Systems,

d. 1050.4, Environmental Assessments for Remote Communications, Air/Ground,

e. 1050.5, Environmental Assessment for Radar Microwave Link Systems,

f. 1050.6, Environmental Assessment of an Air Traffic Control Tower,

g. 1050.7, Environmental Assessment for Airport Surveillance Radar,

h. 1050.8, Environmental Assessment for VHF Omnidirectional Range/Tactical Air Navigational (VORTAC),

i. 1050.9, Conservation of Energy, and

j. 5050.2B, Instructions for Processing Airport Development Actions Affecting the Environment.

4. *Explanation of Changes.*

a. This order consolidates FAA directives regarding policies and procedures for considering environmental impacts. It includes guidance on content and preparation, processing and filing of environmental impact statements and negative declarations, and guidance on citizen involvement.

b. Each service or office is responsible for the appendix covering its program, which assigns responsibility for environmental procedures, determines timing for preparation and filing of environmental documentation, and establishes measures to mitigate adverse environmental impacts and to consider alternatives.

c. Appendix 6, Airport Development, contains the instructions for preparing environmental assessments of airport development proposals. These instructions were previously contained in Order 5050.2B.

5. *Effective date.* Paragraph 324b(1)(b) outlines the effective dates for this paragraph. All other paragraphs are effective as of the date of this order.

TABLE OF CONTENTS

CHAPTER 1. GENERAL

1. Policy
2. Definition Applicable to This Order
3. Scope
4. Requirements
5. Responsibilities
6. Affirming Prior Actions
7. Changes to This Directive
8.–199. [Reserved]

CHAPTER 2. PRELIMINARY CONSIDERATIONS AND PROCEDURES

SECTION 1. PRELIMINARY ENVIRONMENTAL REVIEW

200. Planning and Development Stage
201. Initial Review
202. Budget Stage
203. Research
204.–205. [Reserved]

SECTION 2. PRELIMINARY CONSULTATION PROCEDURES

206. Consultation
207. Citizen Involvement
208. A–95 Review
209. Public Hearing
210. Notification of Preparation of EIS
211.–299. [Reserved]

CHAPTER 3. ENVIRONMENTAL IMPACT STATEMENTS AND NEGATIVE DECLARATIONS

SECTION 1. DETERMINATION WHETHER AN ACTION IS A MAJOR FEDERAL ACTION SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT

300. Environmental Assessment
301. Actions Requiring Environmental Impact Statements
302.–304. [Reserved]

SECTION 2. NEGATIVE DECLARATIONS

305. Format
306. Scope of Documentation
307. Responsible Officials
308. Coordination
309. Distribution
310. Availability for Public Information
311.–315. [Reserved]

SECTION 3. FORMAT OF ENVIRONMENTAL IMPACT STATEMENTS

316. Format
317.–319. [Reserved]

SECTION 4. CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

320. General
321. Description
322. Background Information
323. Probable Impacts
324. Noise
325. Air Quality
326. Water Quality
327. Social Impacts
328. Induced Socio-Economic Impacts
329. DOT Section 4(f)
330. Historical and Archaeological Sites
331. Flood Hazard Evaluation
332. Considerations Relating to Wetlands
333. Coastal Zone Management Programs
334. Energy Supply and Natural Resources Developments
335. Construction Impacts
336. Wildlife and Waterfowl
337. Impacts Relating to Endangered and Threatened Species of Fauna and Flora
338. Light Emissions
339. Visual Impacts
340. Solid Waste Impacts
341.–343. [Reserved]
344. Actions To Minimize Unavoidable Adverse Effects
345. Alternatives
346. Relationship Between Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity
347. Irreversible and Irretrievable Commitments of Resources
348. Citizen Involvement
349. Summary of Impacts

SECTION 5. PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS OR NEGATIVE DECLARATIONS

350. Timing of Draft Statement Preparation
351. Applications
352. Use of Consultants
353. Scope of Statement
354. Inclusion of Environmental Determinations
355. Interdisciplinary Approach
356. Internal Review Process
357. Regulations
358. Legislative Proposals
359. Lead Agency

SECTION 6. PROCESSING OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS

360. Public Notice
361. Copies
362. Circulation and Availability of DEIS
363. Time for Comment
364–369. [Reserved]

SECTION 7. CHANGE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT TO NEGATIVE DECLARATION

370. General
371. Approval Authority
372. Public Notification
373–374. [Reserved]

SECTION 8. PREPARATION, APPROVAL AND DISTRIBUTION OF FINAL ENVIRONMENTAL IMPACT STATEMENT

375. Utilization of Comments
376. Approval of Final Environmental Impact Statements
377. OST Concurrence
378. Decisions Reserved to the Secretary
379. Availability Pending Approval
380. Distribution of Approved Environmental Impact Statements
381. Implementing Actions
382–389. [Reserved]

SECTION 9. SUPPLEMENTAL ACTIONS

390. Supplemental or Amended Statements
391. Implementation of Commitments in Environmental Statements
392–399 [Reserved]

CHAPTER 4. ADDITIONAL PROVISIONS

400. Review of Environmental Statements Prepared by Other Agencies
401. Lists of Environmental Impact Statements Anticipated or Under Preparation
402. Emergency Action Procedures
403. Application of Section 102(2)(c) Procedure to Existing Projects and Programs
404. Land Acquisition and Construction of Facilities
405. Environmental Impact Statements or Negative Declarations on Requests From Foreign Sources
406–499 [Reserved]

APPENDIX 1. SYSTEM RESEARCH ENGINEERING AND DEVELOPMENT

1. General
2. Scope
3. Excepted Actions
4. Procedures and Responsibilities
5. Environmental Impact Statement or Negative Declaration
6. Timing of EIS
7. Mitigating Measures

APPENDIX 2. AIRWAY FACILITIES

1. General
2. Environmental Responsibilities
3. Environmental Impact Statements or Negative Declarations
4. Projects Subject to Environmental Assessments and Procedures
5. Class Negative Declarations
6. Excepted Projects
7. Environmental Considerations During Budgetary Process
8. Implementation of Commitments on an EIS or ND
9. Timing of Environmental Procedures

APPENDIX 3. AIR TRAFFIC

1. General
2. Environmental Responsibilities
3. Environmental Impact Statements or Negative Declarations
4. Actions Subject to Environmental Assessments and Procedures
5. Excepted Actions
6. Timing of Environmental Procedures
7. Mitigating Noise Impacts

APPENDIX 4. FLIGHT STANDARDS

1. General
2. Environmental Responsibilities
3. Environmental Impact Statements or Negative Declarations
4. Actions Subject to Environmental Assessments and Procedures
5. Excepted Actions
6. Timing of Environmental Procedures

APPENDIX 5. LOGISTICS

1. General
2. Environmental Responsibilities
3. Environmental Impact Statements or Negative Declarations
4. Actions Subject to Environmental Assessments and Procedures
5. Excepted or Class ND Actions

APPENDIX 6. AIRPORT DEVELOPMENT

1. Definitions
2. Requirement for Environmental Consideration
3. Environmental Action Choices
4. Special Action Considerations
5. Content of Environmental Impact Assessment Reports and Impact Statement
6. Sponsor Processing and Coordination
7. FAA Processing and Approval of Fully Coordinated NEPA Section 102(2)(c) Actions
8. FAA Processing and Approval To Change a Draft Environmental Impact Statement to a Negative Declaration
9. FAA Processing an Approval of Airport Act Section 16(c)(4) Coordinated Actions
10. Content, Processing, and Approval of Other Negative Declaration Actions
11. Prior Finding Affirmations

APPENDIX 7. CONSULTATION AND DISTRIBUTION OF ENVIRONMENTAL IMPACT STATEMENTS (13 PAGES)

1. Consultation-Coordination
2. Subject Areas of Environmental Impact and Federal and Federal-State Agencies With Jurisdiction by Law or Special Expertise To Comment Thereon
3. Offices Within Federal and Federal-State Agencies for Information Regarding the Agencies' NEPA Activities.

APPENDIX 8. DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS (1 PAGE)

1. Environmental Impact of the Action
2. Adequacy of the Impact Statement

CHAPTER 1. GENERAL

1. *Policy.* FAA will comply with both the procedures and the policies of the National Environmental Policy Act of 1969 (hereafter NEPA) and related orders and statutes. (a) FAA policy is to integrate national environmental objectives into existing agency policies and missions and to:

(1) Avoid or minimize adverse environmental effects wherever possible by by considering project alternatives or measures to mitigate adverse impacts;

(2) Restore or enhance environmental quality to the fullest extent practicable;

(3) Make a special effort to preserve the natural beauty of the contryside, public park and recreation lands, wildlife and waterfowl refuges, and historic sites;

(4) Preserve, restore, and enhance wetlands;

(5) Preserve, protect, develop, and, where possible, to restore or enhance the resources of the Nation's coastal zone;

(6) Promote an environment free from noise that jeopardizes health and welfare;

(7) Consult with and inform individuals and groups who are affected by or known to have an interest in an action, or who can speak knowledgeably on the impacts of proposed actions;

(8) Develop programs and activities in cooperation with State and local governments and Indian Tribal Governing bodies when appropriate.

b. FAA's environmental assessment and consultation process: (1) Provides officials and other decision makers, as well as the public, with an understanding of the potential environmental effects of proposed actions; and

(2) Assures that decision making must include environmental assessments along with economic, technical and other factors.

c. Environmental impact statements (hereafter EIS) and negative declarations (hereafter ND) serve to: (1) Document and record compliance with these policies and procedures; and

(2) Reflect a thorough review of all relevant environmental factors, utilizing a systematic, interdisciplinary approach.

d. These policies are supplementary to other agency policies established under other statutes and directives.

2. *Definitions applicable to this order.* a. Major Federal Action Significantly Affecting the Quality of the Human Environment includes any Federal action falling within the scope of paragraph 301 of this order. These actions require the preparation of an EIS.

b. Environmental Impact Assessment Report refers to a report prepared outside FAA, which analyzes the environmental impact of a proposed action. The report may serve as the basis, in whole or in part, for the FAA's draft environmental impact statement (hereafter DEIS) or ND.

c. Preliminary environmental review is a pre-EIS or pre-ND look at environmental impacts of proposed actions and serves to alert program officers of the action's possible significant impacts on the quality of the human environment or of impacts which may be highly controversial on environmental grounds.

d. Draft Environmental Impact Statement is the document that reflects FAA's initial evaluation of the environmental impact of a proposed action. The agency makes its own evaluation and assumes responsibility for the DEIS. It is distributed by FAA to the Council on Environmental Quality (hereafter CEQ) and other appropriate Federal, State and local agencies for comment and is made available to the public.

e. Final Environmental Impact Statement (hereafter FEIS) is the document that reflects FAA's final evaluation of the environmental impact of a proposed action. The EIS is the vehicle for considering the environmental impacts of a proposed Federal action. The EIS shall accompany the proposed action through the Federal decisionmaking process.

f. Negative Declaration represents a determination by the responsible official that a particular action is not one significantly affecting the quality of the human environment and that coordination and review pursuant to Section 102(2)(C) of NEPA is not required. Except for differences in complexity and scope, the documentation supporting a ND is similar to that supporting an EIS.

g. Prior Action Affirmation is a finding that a proposed action is within the scope of a previously approved EIS or ND, that preparation of a new EIS or ND is not necessary, and, therefore, that the prior Federal action may be affirmed.

h. Human Environment includes the aggregate of all external conditions and influences (ecological, biological, economic, social, cultural, historical, aesthetic, etc.) that affect the life of a human being.

i. Responsible Official is the official who makes the final determination as to whether the environmental requirements for a proposed agency action have been satisfied and who approves the EIS or ND.

j. Program Officer(s) are the agency officers assigned by the responsible official, to undertake preliminary environmental reviews and to prepare environmental assessments, EISs, or NDs.

k. Noise Sensitive Areas may include residential neighborhoods, educational health, and religious structures and sites, and outdoor recreational, cultural, and historic sites. A noise sensitive area is one where noise may interfere with the usual activities associated with use of the land. Whether sound interferes with a particular use depends upon the level of noise exposure received and the type of activities involved. A site which is unacceptable for a particular use outside of a structure may be acceptable for the same activity when it is located inside a structure which has adequate noise attenuation features.

3. *Scope.* This order implements agency actions required by the statutes and directives cited in subparagraphs a. through q.

a. The National Environmental Policy Act of 1969 (Pub. L. 91–190), 42 U.S.C. 4321, establishes a broad national policy to promote efforts to improve the relationship between humans and their environment, and provides for the creation of a Council on Environmental Quality (hereafter CEQ). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

(1) Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government.

(2) Section 102(2)(C) of NEPA requires that all agencies of the Federal Government shall: "Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statements and the comments and views of the Federal, State, and local agencies which are authorized to develop and enforce environmental standards shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

(3) Section 102(2)(A) of NEPA requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision

making which may have an impact on man's environment * * *"

(4) Section 102(2)(D)(iv) of NEPA (Pub. L. 94–83) provides that if a State agency with statewide jurisdiction prepares an EIS for a major Federal action funded under a program of grants to states, and the proposed action may have significant impacts upon another State or any Federal land management entity, the responsible Federal official shall provide early notification to, and solicit views from, such Federal entity or other State regarding the impacts of the proposed action, and if there is any disagreement, shall prepare a written assessment of these impacts and views for incorporation into the statement.

b. Executive Order 11514, Protection and Enhancement of Environmental Quality, dated March 4, 1970, orders all Federal agencies to "initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals."

c. Guidelines from the President's Council on Environmental Quality (38 FR 20549, 40 CFR 1500 et seq., August 1, 1973) provides guidance to agencies for the preparation of environmental impact statements.

d. Order DOT 5610.1B, Procedures for Considering Environmental Impacts, September 30, 1974, provides guidelines for considering environmental impacts of transportation actions.

e. Section 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89–670 as amended by Pub. L. 90–495 hereafter, Section 4(f)) 49 U.S.C. 1653 states: "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary * * * shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

f. The Airport and Airway Development Act of 1970 (Pub. L. 91–258), as amended (Pub. L. 94–353, hereafter the Airport Act) 49 U.S.C. 1701 establishes an airport development grant program.

(1) Section 16(c)(1)(A) of the Airport Act provides that an airport development project may be approved only if the Secretary is satisfied that the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located.

(2) Section 16(c)(3) of the Airport Act requires consideration of the interest of communities in or near which airport development projects are proposed.

(3) Section 16(c)(4) of the Airport Act directs that each airport development project "provide for the protection and enhancement of the natural resources and the quality of environment of the Nation"; and provides that the Secretary may not authorize a project found to have an adverse effect unless he finds, in writing, after full and complete review, that 'no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect."

(4) Section 16(d) and (e) of the Airport Act require, as a condition to approval of certain airport projects, that:

(a) An opportunity be afforded for a public hearing for consideration of economic, social, and environmental effects; and

(b) Assurances be obtained that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards.

(5) Section 18a. (4) of the Airport Act requires that assurances be obtained that "appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

g. The Noise Control Act of 1972 (Pub. L. 92–574), 42 U.S.C. 4901, states the policy to "promote an environment for all Americans that is free from noise that jeopardizes their health and welfare."

h. Section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89–665 hereafter, the Historic Preservation Act), 16 U.S.C. 470f, requires the head of any Federal agency having jurisdiction over a Federal or federally/assisted undertaking to take into account, prior to approving the undertaking, its effect on any district, site, building, structure, or object that is included in the National Register of Historic Places, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

i. Executive Order 11593, Protection and Enhancement of the Cultural Environment, requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archaeological significance.

j. 36 CFR Part 800 (39 FR 3365, January 25, 1974) Procedures for the Protection of Historic and Cultural Properties, establishes procedures to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements.

k. The Archaeological and Historic Preservation Act of 1974 (Pub. L. 93–291), 16 U.S.C. 469, is directed to the preservation of historic and archaeological data that would otherwise be lost as a result of Federal construction or other Federally licensed or funded activities. Agencies may request the Secretary of the Interior to undertake the recovery, protection and preservation of such data, including preliminary survey or other investigation as needed, analysis, and publication; or the agency may undertake the activity itself. Up to one percent of funds authorized to be appropriated for a project may be expended on the recovery, protection, and preservation of such data.

l. The Coastal Zone Management Act of 1972 (Pub. L. 90–583), 43 U.S.C. 1241, states that "it is national policy (a) to preserve, protect, develop and where possible, to restore or enhance, the resources of the Nation's coastal zone * * *" (Section 303); and requires all Federal or Federally supported activities affecting the zone to be carried out in a manner consistent with State coastal zone management programs (Section 307).

m. Section 2 of the Water Bank Act (Pub. L. 91–559), 16 U.S.C. 1301, declares that "* * * it is in the public interest to preserve, restore, and improve the wetlands of the Nation * * *"

n. Section 2 of the Fish and Wildlife Coordination Act (Pub. L. 85–624), 16 U.S.C. 661, requires, with certain limited exceptions, that "whenever the waters of any stream or other body of water are proposed or authorized to be * * * impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever * * * by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the * * * control facility is to be constructed * * *" (Subsection (a)). Reports and recommendations of the Secretary of the Interior and any other applicable officials must be included in the report prepared or submitted by the agency responsible for constructing the project to the Congress or other agency having authority to approve the project (Subsection (b)).

o. Preservation of the Nation's Wetlands, Order DOT 5660.1, of June 21, 1975, provides information on the definition and significance of wetlands, and declares the policy to assure the protection, preservation, and enhancement of the nation's wetlands to the fullest extent practicable during the planning, construction, and operation of transportation facilities and projects.

p. The Endangered Species Act of 1973 (Pub. L. 93–205), 16 U.S.C. 1531, requires that all Federal agencies shall, in consultation with the Secretaries of Interior and Commerce, carry out programs for the conservation of endangered or threatened species listed by the Department of the Interior and insure that action authorized, funded, or carried out by them do not jeopardize the continued existence of the endangered species or result in the destruction or modification of the habitat of such species to an extent which is determined by the Secretary (of the Interior or Commerce) to be critical.

q. Executive Order 11296, Flood Hazard Evaluation Guidelines requires Federal agencies to evaluate flood hazards in planning facilities, constructing buildings and facilities, disposing of lands and properties, and land use planning.

4. *Requirements.* The requirements in this order apply to, but are not limited to, the following: all grants, loans, contracts, leases, construction, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans submitted to the agency by State or local agencies which require FAA approval, and legislation proposed by FAA. Exceptions to these requirements are listed in 4b.

a. *Class action or program statement.* A general class of actions or a program may be covered by a single EIS or ND when the environmental impacts of all actions in the class or program, alternatives thereto, and measures to mitigate adverse environmental impacts are substantially similar.

b. *Exceptions to the Requirement for an EIS or ND.* (1) Assistance in the form of general revenue sharing with no FAA control over the subsequent use of the funds;

(2) Administrative and operating procurements (e.g., general supplies and replacement parts and equipment including contracts for professional services);

(3) Personnel actions (e.g., promotions, hirings);

(4) Planning grants which do not imply a project commitment;

(5) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(6) Legislative proposals not originating in FAA;

(7) Policy and planning documents not intended for or which do not cause direct implementation of project or system actions;

(8) Agreements with foreign governments, international organizations, or U.S. Government departments calling for the provision of technical assistance, advice or services in foreign countries;

(9) Organizational changes within the FAA;

(10) Emergency measures regarding the air or ground safety;

(11) The development and implementation of job related training programs;

(12) The planning and development of projects and programs leading to Aeromedical Applications and Standards; personnel efficiency and performance;

(13) The approval or issuance of certificates covering medicals, airmen, delegated authority, ground schools; out-of-agency training; and aircraft repair-maintenance not affecting noise emissions or wastes;

(14) In addition to the exceptions noted above, each of the Service Appendices may provide for exceptions of specific types of projects or categories of actions carried out by that service, providing that these excepted actions are not major Federal actions significantly affecting the quality of the human environment;

c. Actions excepted from this order or for which class EISs or NDs have been filed do not require further documentation.

d. An action which has been excepted in this order or for which a class EIS or ND has been filed, but which in a particular case significantly affects the quality of the human environment requires the preparation of an EIS.

5. *Responsibilities.* Agency officials are responsible for implementing this order as follows:

a. Compliance with the policies and procedures of this order is the responsibility of the:

(1) Regional directors for all actions originating in the regions.

(2) Heads of offices and services for all actions originating at headquarters.

(3) Center directors for all actions originating at centers.

b. Heads of Offices and Services are responsible, in addition, for:

(1) Revising their appendixes of this order, as appropriate;

(2) Providing supplemental guidelines for implementing this order in their program areas, as appropriate; and

(3) Consulting with and advising responsible officials on matters within their operational areas.

c. Regional Directors are responsible, in addition, for developing programs for:

(1) Assigning personnel and other resources necessary to assess and document all relevant environmental factors;

(2) Preparing and filing EISs and NDs as appropriate; and

(3) Assuring appropriate internal coordination of actions that cross program lines.

d. Office of Environmental Quality (hereafter AEQ) is responsible for:

(1) Overseeing FAA's environmental policies and procedures;

(2) Developing and coordinating policies and procedures under this order;

(3) Assisting services in developing guidance for their program areas;

(4) Consulting with and advising responsible officials in their implementation of this order; and

(5) Developing training programs in cooperation with the Office of Personnel and Training and the services.

e. The Chief Counsel and regional and center counsels provide legal counsel to all elements of FAA regarding the legal sufficiency of environmental documents.

f. Other responsibilities regarding specific program areas are set forth in Appendices 1–6 of this order.

6. Affirming prior actions. The preparation of a new EIS or ND is not necessary when it can be documented that: the proposed action conforms to plans or projects for which a prior EIS or ND has been filed; the data and analyses contained in the previous EIS or ND are still substantially valid; and that all pertinent conditions and requirements of the prior approval have or will be met in the current action. In this case, no additional assessment or coordination is required by this order, and the responsible official may affirm the prior action subject to review for legal sufficiency.

7. *Changes to this directive.* The Director of Environmental Quality (AEQ) may issue changes to chapters 1 through 4 of this order after coordinating the change with the concerned organizational elements, and each office and service may issue changes to the appropriate appendix (i.e., Air Traffic Service for Appendix 3) after coordinating the change with the concerned organizational elements, including AEQ and AGC, provided:

(a) The change does not affect policy, delegations of authority, or assignment of responsibilities outside the office or service's authority;

b. The Administrator has not specifically reserved authority to make the change;

c. Substantial changes obtain the concurrence of the Office of the Assistant Secretary for Environment, Safety and Consumer Affairs (hereafter TES) and the Office of the General Counsel (hereafter TGC) and are published for comment in the FEDERAL REGISTER.

8.–199. *Reserved.*

CHAPTER 2. PRELIMINARY CONSIDERATIONS AND PROCEDURES

SECTION 1. PRELIMINARY ENVIRONMENTAL REVIEW

200. *Planning and development stage.* The environmental impacts of proposed actions shall be assessed and considered concurrently with initial planning, development, or site considerations.

201. *Initial review.* Preliminary environmental review shall indicate whether the proposed project could significantly affect the environment with respect to noise, land, air and water quality; and is located in wetlands, coastal zones, or historic or archaeological sites; or areas inhabited by endangered species; or areas protected under DOT Section 4(f); and whether the action would be highly controversial on environmental grounds. Documentation is not required except as necessary to alert program officers to foreseeable environmental impacts and controversies at the earliest stages of consideration.

a. Preliminary review should include a visit to the site. This visit should be made concurrently with any other preliminary on-site visit(s).

b. Secondary sources should also be used, including:

(1) Maps and aerial photos, such as those available from U.S. Geological Survey, U.S. Coast and Geodetic Survey, local land use planners and transportation and engineering agenices;

(2) Interviews with land use planners, engineers and local experts in forestry, fish and wildlife, agriculture, endangered species, historic preservation and archaeology;

(3) Reference sources, such as the National Register of Historic Places, and similar State or local listings.

202. *Budget stage.* The Office of Budget is responsible for assuring appropriate environmental consideration and documentation at the budget stage. Criteria for environmental consideration in the Airway Facilities budget process are in Appendix 2, paragraph 7.

203. *Research.* Criteria for environmental consideration of research activities are in Appendix 1.

204.–205. *Reserved.*

SECTION 2. PRELIMINARY CONSULTATION PROCEDURES

206. *Consultation.* Affected local units of government, and pertinent Federal and State agencies (see Appendix 7) should be consulted early in the process of preparing a DEIS, ND, or environmental impact assessment report. Advice received early in project development could be helpful in preparing EISs or NDs. Input on the environmental impacts of the proposed action shall be considered, as appropriate, in determining whether the proposed action requires an EIS or ND and in preparing the DEIS or ND. This consultation with State and local agencies may be done through A–95 procedures.

207. *Citizen involvement.* Citizen involvement should be initiated at the earliest practical time and continued throughout the development of the proposed project in order to obtain meaningful input. Examples of citizen groups are: environmental, conservation, public service, education, labor, business or aviation and airspace user organizations and citizen advisory committees.

a. Methods of communication to be used include: (1) Individual contacts, citizen advisory committees, telephone and mail;

(2) Public hearings or meetings;

(3) Information for the public or through the media;

(4) Bulk mailings, advertisements or notices in local newspapers or public places; and

(5) Up-to-date mailing lists of special interest groups and other interested parties at the National, regional, and local levels.

b. Comments from these individuals and groups shall be considered in preparing an EIS or ND. A summary of citizen involvement and the environmental issues raised shall be documented in the EIS or ND.

c. Citizen involvement may be appropriate in defining the scope of work of an environmental impact assessment report developed by an applicant for aid or a consultant, or of a DEIS being developed by FAA.

208. *A–95 Review.* State and areawide clearinghouses shall be notified of proposed Federal actions as set forth in the Office of Management and Budget (OMB) Circular No. A–95 (Revised). The purpose of the A–95 clearinghouse process is to assure that proposed Federal projects and assisted programs are reviewed and evaluated in advance in terms of their potential impact on or conflict with statewide or areawide comprehensive planning or upon the plans and programs of local governments. The clearinghouse routinely notifies the appropriate State and local agencies, including those agencies with expertise or jurisdiction with respect to environmental impacts. The FAA should notify State and local agencies not notified by the clearinghouse, if necessary. The A–95 procedure should be helpful in alerting program officers and responsible officials to possible environmental controversies. Comments on the environmental effects of proposed actions are inputs to an EIS or ND, and shall be attached to the DEIS when it is circulated for review.

209. *Public hearing.*

a. If the Federal action involves the location of a new airport, a new runway, or an extension of an existing runway, the airport sponsor must afford the opportunity for public hearings as required by Section 16(d)(1) of the Airport Act.

b. The following elements are to be considered in deciding whether a public hearing is appropriate in other cases:

(1) The magnitude of the proposal in terms of environmental impact or controvery, economic costs, the size and location of the geographic area involved, and the uniqueness or amount of the resources to be committed;

(2) The degree of interest in the proposal, as evidenced by requests from the public or Federal, State, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities;

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, or written comments on the proposed action.

c. The following shall be included in the notice for a public hearing:

(1) A description of the proposed action;

(2) The scheduling of the public hearing (time, date and place).

(3) The availability and location of a DEIS, ND or environmental impact assessment report.

d. Notice of the hearing shall be in an areawide or local newspaper of general circulation. Interested parties and clearinghouses may be notified directly.

e. A DEIS, ND, or environmental impact assessment report shall be available to the public 30 days prior to the public hearing.

f. For FAA hearings, the responsible official may assign program officers the responsibility for convening a hearing and serving as hearing officer.

210. *Notification of preparation of EIS.* Interested parties, including pertinent Federal, State, and local agencies shall receive early notification of an agency decision to prepare an EIS. This may be done by including the decision to prepare an EIS with A–95 project notification and separate notification to appropriate Federal agencies. This notification shall describe the proposed action and solicit views on its impact from any affected Federal land management entity or State clearinghouse (or other agency designated by the Governor).

211.–299. *Reserved.*

CHAPTER 3. ENVIRONMENTAL IMPACT STATEMENTS AND NEGATIVE DECLARATIONS

SECTION 1. DETERMINATION WHETHER AN ACTION IS A MAJOR FEDERAL ACTION SIGNIFICANTLY AFFECTING THE QUALITY OF THE HUMAN ENVIRONMENT

300. *Environmental assessment.* Prior to undertaking an action which has not been excepted by this order, all relevant environmental factors shall be assessed (see paragraphs 324–343). If it is concluded that the proposed action is a major Federal action significantly affecting the quality of the human environment, the responsible official shall prepare and file an EIS. If it is concluded that the action is not a major Federal action significantly affecting the quality of the human environment, the responsible official shall prepare and file an ND.

301. *Actions requiring environmental impact statements.*

a. An EIS shall be prepared where an agency action: (1) Has an effect that is not minimal on properties protected under Section 4(f) of the DOT Act or Section 106 of the Historic Preservation Act;

(2) Is likely to be highly controversial on environmental grounds;

(3) Is likely to have a significant impact on natural, ecological, cultural, or scenic resources of National, State, or local significance, including endangered species or wetlands;

(4) Is likely to be highly controversial with respect to the availability of adequate relocation housing;

(5) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined not to be reasonably consistent with plans or goals that have been adopted by the community in which the project is located;

(6) Causes a significant increase in surface traffic congestion;

(7) Has a significant impact on noise levels of noise sensitive areas;

(8) Has a significant impact on air quality or violates the standards for air quality of the Environmental Protection Agency or an affected locality or state;

(9) Has a significant impact on water quality or may contaminate a public water supply system;

(10) Is inconsistent with any Federal, State or local law or administrative determination relating to the environment;

(11) Directly or indirectly affects human beings by creating a significant impact on the environment.

b. In determining whether a proposed Federal action requires an EIS, not only the overall, cumulative impact of the proposed action, but also the consequences of subsequent related actions must be considered. This is important because a series of related actions may individually have a limited environmental impact; however, when considered together, the actions may have a significant cumulative impact.

(1) If the action would permit further contemplated actions, the impacts of both those actions and the proposed action must be considered in determining whether to prepare an EIS.

(2) If an EIS is required, it must be processed before making a commitment which would enable the future action to foreclose or narrow the consideration of alternatives or mitigating measures.

c. A proposed action is considered highly controversial when the action is opposed on environmental grounds by a Federal, State, or local government or by a substantial number of persons affected by such action. A controversy over the amount of acquisition or relocation payments is not a controversy with respect to the availability of relocation housing.

d. In case of doubt as to whether an EIS is necessary for a particular action, the responsible official or program officer should consult with AEQ and AGC.

302.–304. *Reserved.*

SECTION 2. NEGATIVE DECLARATIONS

305. *Format.* a. The ND may be a separate document, in which case it shall include a heading or statement identifying it as such, e.g.:

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

(Originating Region, Office, Service or Center)

Negative Environmental Declaration
(Subject of Declaration)

(Date)

b. Or, the ND may be incorporated in other program documents.

c. The ND shall conclude that the action is not a major Federal action significantly affecting the quality of the human environment, and consequently, no environmental impact statement is required. Suggested language is:

"The opinion of the undersigned, upon careful review of this proposed action, is that pertinent environmental factors have been assessed and adequately documented, and the action is not a major Federal action significantly affecting the quality of the human environment."

d. All NDs shall be dated and signed by the responsible official.

306. *Scope of documentation.* a. Depending on the complexity and degree of impact of a proposed action, a ND may range in content from a simple statement, supported with pertinent facts, that the action is not a major Federal action significantly affecting the quality of the human environment to an analysis involving the format and content necessary for environmental statements.

b. The ND shall include a brief description of the proposed action and its purpose.

c. The ND shall assess and document all relevant matters set forth in paragraphs 324 and 343 as necessary to support the conclusion that the action is not a major Federal action significantly affecting the quality of the human environment. The attention given to different environmental factors will vary according to the nature, scale and location of the proposed action. The ND shall include any measures to minimize adverse impacts on the environment.

d. The ND shall identify and discuss the alternatives considered, particularly those which mitigate environmental impacts, including the alternative of no action.

e. The ND shall determine the proposed action's consistency or inconsistency with community planning, and shall document the basis for the determination.

f. If a ND includes a Section 4(f) determination, include the material called for in paragraph 329. AGC, or his designee, shall review the Section 4(f) determination for legal sufficiency. The document must reflect consultation with the Department of the Interior and, where appropriate, the Department of Agriculture or the Department of Housing and Urban Development.

g. Where wetlands are involved, the ND shall document the outcome of consultations with the U.S. Fish and Wildlife Service and the pertinent state resources agency.

h. Where affected properties are included in or eligible for inclusion in the National Register of Historic Places, the ND shall include: (1) if the effect is not adverse, documentation and outcome of consultations with the State Historic Preservation Office (hereafter SHPO) and evidence that the Advisory Council on Historic Preservation (hereafter ACHP) reviewed the determination of no adverse affect; and (2) if the effect is adverse, documentation and outcome of consultations with the SHPO and the ACHP, including a Memorandum of Agreement with the ACHP.

307. *Responsible officials.* a. At the field level, NDs shall be reviewed by pertinent staff and program offices and may be approved by the Regional or Center Director.

b. Responsible officials shall send NDs originating in FAA Headquarters to AEQ and to AGC for review. After review for legal sufficiency by AGC, the Service or Office Director may sign the ND.

308. *Coordination.* NDs are required to be coordinated outside of the FAA only where coordination is required by law or administrative directive (e.g., for Section 4(f) of the DOT Act, Section 106 of the Historic Preservation Act, Section 16(c)(4) of the Airport

Act, Section 7 of the Endangered Species Act, or wetlands impact.)

309. *Distribution.* A copy of the ND is filed in the office of the responsible official and a copy forwarded to the appropriate Service Director for review for consistency with the policy and procedures of this order. Service Directors may waive this requirement, subject to AEQ concurrence.

310. *Availability for public information.* NDs are public information, and as such shall be made available upon request pursuant to FAA procedures.

311.–315. *Reserved.*

SECTION 3. FORMAT OF ENVIRONMENTAL IMPACT STATEMENTS

316. *Format.* a. *Heading of environmental impact statements.* Each EIS shall be headed as indicated below and shall state which public laws are applicable to the proposed action. For example:

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

(Originating Region, Office, Service or Center) Final (or Draft) Environmental Impact Statement.

(Subject)

(Date)

This statement is submitted for review pursuant to the following public law requirements: Section 102(2)(C) of Pub. L. 91–910, 42 U.S.C. 4321; Section 4(f) of Pub L. 89–670, Section 106 of the National Historic Preservation Act; etc., as applicable.

b. *Summary.* The format for the summary which shall accompany draft and final ElSs is as follows:

SUMMARY

( ) Draft ( ) Final (Check one)

Department of Transportation, Federal Aviation Administration. Name, address, and telephone number of individual who can be contacted for additional information about the proposed action or the statement.

(1) Name of Action. (Check one)

( ) Legislative ( ) Administrative

(2) Brief description, purpose and location of action indicating which State(s) and counties are particularly affected.

(3) Summary of environmental impact and adverse environmental effects.

(4) List alternatives considered.

(5) For draft statements, list all Federal, State and local agencies and any other sources from which comments have been requested.

(6) For final statements, list all Federal, State and local agencies and other sources from which written comments have been solicited and received.

(7) Date(s) the draft statement and the final statement, if issued, were made available to the CEQ and to the public.

(8) Date of the public hearing, if one was held.

c. *Signature.* Each DEIS and FEIS shall be dated and signed by the responsible official.

317.–319. Reserved.

SECTION 4. CONTENT OF ENVIRONMENTAL IMPACT STATEMENTS

320. *General.* EISs document the consideration and evaluation of environmental impacts in FAA decision making. a. The required information should be presented in easily understood language.

(1) Documents should be detailed, yet succinct, including analysis of all relevant environmental impacts of a proposed action and its reasonable alternatives.

(2) Analysis of facts, references to literature, special studies or textual material within the statement shall support conclusions.

(3) Do not include unnecessary information, and summarize, consolidate or reference less important material.

b. *Although adherence* to a rigid format is not required, preparation and review is facilitated by adhering to typical presentation styles.

(1) The document should refer at appropriate points to any underlying studies, data sources, or other information considered in its preparation.

(2) Reference data need not be attached but shall be listed and made available to the responsible official or any member of the public upon request.

321. *Description.* a. Each EIS shall begin with a concise description of the proposed Federal action, a statement of its purpose, a brief summary of the need for the action, an indication of any related contemplated actions, and a description of the stages of implementation and time frames. The description also shall contain or refer to figures, charts, photographs, or tables in the document as necessary to illustrate the action to be taken, and any significant airport or facility community environmental interfaces. All illustrations and reproductions should be legible, free of clutter, and in a form which is understandable. Airport development actions shall include foreseeable related facility installations and flight procedural actions. Facility actions not involving airport development shall include foreseeable related flight procedural actions.

b. The document shall identify any other Federal activity in the affected area which is related to the proposed action (e.g., highways, housing relocation). It shall include a description of the interrelationships and cumulative environmental impacts of all related Federal projects in planning and development.

c. The document shall indicate how the proposed action conforms to or conflicts with the specific terms of adopted Federal, State, regional, or local land use plans, policies, and controls, including state coastal zone management programs, if any, for the area affected. Actions should be consistent with these plans, policies, and controls to the maximum extent possible. Other Federal, State, or local agency requirements for permits, licenses, etc., which would be necessary in order to implement the action shall be identified. Efforts to reconcile any conflicts or inconsistencies also shall be described, along with the results achieved.

322. *Background information.* A section describing or discussing background information may be appropriate. This section should highlight related developments to date and present a general overview of significant aspects of the situation under review. It may include such items as bond actions, action pertinent to the proposal by the community or citizen groups and any other unique and significant factors associated with the project.

323. *Probable impacts.* The document shall describe and assess relevant probable impacts, both beneficial and adverse, of the proposed actions on the human and natural environment and shall:

a. Include those adverse effects which cannot be avoided should the proposal be implemented;

b. Describe the actions to be taken to enhance beneficial impacts; and

c. Document the assessment of all relevant environmental factors in paragraphs 324 to 343 to the extent necessary to consider the environmental impacts of a proposed action and its alternatives. The attention given to different environmental factors will vary according to the nature, scale, and location of the proposed action.

324. *Noise.*—a. *Background.* (1) The purpose of noise analyses is to present information about the effects of noise on noise sensitive areas;

(2) Because noise effects vary with different human activities, the appropriate quantitative measure or descriptor of noise exposure may vary, depending on the activity under discussion and the availability of substantive scientific data relating noise level to impact on humans.

(3) This section refers to three measures of noise exposure any one or more of which may be required, depending on the circumstances:

(a) Maximum sound level in dB(A) (single event measure);

(b) Duration above a reference sound level in minutes or other time measure; and

(c) A cumulative noise measure, such as Composite Noise Rating (hereafter CNR), Noise Exposure Forecast (hereafter NEF), Day/Night Level (hereafter Ldn), or Equivalent Noise Level (hereafter Leq).

b. *Requirements.* The analyses shall include information for three conditions: the present condition; the condition forecast without the proposed change; and, the condition forecast with the proposed change. All interrelated actions (e.g., installation of navigation aids and air traffic control procedures) shall be considered.

(1) For actions involving airport location, runway location, major runway extension, or runway strengthening which would permit operation by larger or noisier aircraft, the following noise information shall be presented:

(a) Continuous contours for each of the required conditions, showing the boundaries of all areas exposed to noise levels equal to or greater than NEF 30; or Ldn 65; or CNR 100.

(b) For noise sensitive areas identified within the contours presented in (a), an additional analysis is required if the proposed action is highly controversial because of noise impacts or if the areas identified will be exposed to jet operations for the first time or if the noise at any point within the identified noise sensitive areas increases more than three units (NEF, CNR, Ldn) over that which would be created without the project. This additional analysis shall provide information on average duration above 65, 75, 85, 95, 105, and 115 dB(A) for a complete day's operation, for the evening period (7 p.m. to 10 p.m.), and for the night period (10 p.m. to 7 a.m.), present the information for the forecast condition with the project and the forecast condition without the proposed project. This information may be provided for selected points in intervals of not greater than 3,000 feet within the identified noise sensitive areas. For these same points provide the cumulative NFE, Ldn or CNR measure. The FAA Integrated Noise Model can provide these sound level and noise measures for discrete points.

Effective date: The additional analysis required by (b) shall be included in all DEISs and NDs filed 12 months after the effective date of this order, and all FEISs filed 24 months after the effective date of this order.

(2) For new jet arrival or jet departure tracks (arrival or departure tracks are flight segments within 3,000 feet above the surface) the following noise information shall be presented for noise sensitive areas:

(a) The information described in b(1)(a) and (b); or

(b) Maximum sound level in dB(A) for each aircraft type (single-event measure) and the total number of operations for daily, evening and night periods for selected points in intervals of not more than 3,000 feet within identified noise sensitive areas.

(3) For actions other than b (1) and (2), for example, intermittent stationary sources (e.g., cooling towers) or mobile sources (nonjet aircraft in flight, aircraft taxiing or surface vehicles) provide maximum sound levels and frequency of occurrence at noise sensitive areas.

(4) For stationary sources which produce relatively steady levels of noise, provide maximum sound level and duration at noise sensitive areas.

(5) Policy, administrative, and regulatory actions, particularly those which are environmentally protective with effects dispersed across the air transportation system may not reasonably be assessed using traditional noise analyses methods. In such cases, the analyses may use innovating method. This, however, does not diminish the prepare's principal responsibility for assuring and defending the adequacy of the analyses.

c. *Exceptions.* (1) Unless required by section b(1), a noise analysis is not required for those actions which cause increases of less than 2dB for a single event measure or I unit NEF, Ldn, or CNR for a cumulative noise measure and is not controversial. These are respectively:

(a) Actions which result in reductions in distance between the noise source and noise sensitive areas of less than 20 percent (without change in the noise characteristics of the source) and which do not expose new land areas to noise.

(b) Any action that does not increase total daily operations by more than 25 percent along any arrival or departure flight track (runaway utilization rates, ratio of day-to-night operations and the relative proportions of different aircraft types remaining unchanged).

(2) However, if a series of independent or related actions, which when combined, may cause the limits of c(1) to be exceeded, then a noise analysis is required to determine the total increase in noise exposure for an affected area. The purposes of this requirement is to avoid the segmenting of actions that individually may not exceed the limits of c(1) but collectively will result in c(1) limits being exceeded. Close coordination among FAA services and offices and the airport operator may be required to fully assess the total noise impact of a series proposed actions. The noise analysis shall be performed at the earliest practicable time when alternatives to a proposed action or series of actions are open for consideration. Consideration of proposed action in regard to the exception criteria may start with the approval date of this order or the date of the last prior analysis under 324b, whichever is later.

d. *Format.* (1) The presentation of the noise analysis shall be intelligible to lay and technical readers.

(a) The text shall present principal findings.

(b) Detail required to derive the findings shall be included in appendices, but shall also be referenced in the text.

(2) The following graphics are required where an action falls under 324 b.(1):

(a) Layout plan of the present and, where relevant, proposed airport; and

(b) A map of the airport vicinity including the following for each condition analyzed:

1 Runaway location and orientation;
2 Flight tracks used in the analysis;
3 Land use, present and planned;
4 Noise sensitive areas, by type;
5 Zoning, proposed property acquisition, or other land use controls; and
6 Prominent legible noise exposure data.

(3) Analyses under 324 b.(a) and b.(3) and b.(4) require all relevant items under d.(2)(b) above but in no case less than items d.(2)(b)3, (b)4, and a convenient display or cross reference of the noise information to the locations to which it applies.

e. *Analysis.* The general literature on the effects of noise on man and on recommended land use or exposure criteria varies in depth, breath, accuracy and reliability. The use of such information is an effort by the FAA to make the state-of-the-art visible to the public. The information, therefore, should permit lay and technical readers to relate noise exposure data to an understanding of its potential effects. Accordingly, the noise analysis shall include:

(1) A description, in terms suitable for lay and technical readers, of the sound level measures and noise descriptors used in the analysis, both for single event measures (for example dBA, EPNdB, PNdB) and cumulative measures (for example NEF, CNR, Ldn). The explanation of the descriptors shall convey the technical as well as the conceptual significance of the noise measures.

(2) A discussion of: (a) Any non-standard data or calculation procedures used or derived for the purpose of dealing with any unique aspect of the analysis;

(b) Clear and concise references to source data or procedures; and

(c) Noise from other than aircraft operations if the additive effect is significant.

(3) An analysis describing the expected noise exposure on each noise sensitive activity in the area with the following considerations:

(a) A discussion of noise impact for each noise sensitive area, including such information as the number of people and schools and the size of residential land area exposed to specified noise levels, and any other information as may be necessary to describe the degree of incompatibility between the noise and existing and planned land uses (e.g., residential, cultural, religious, education, industrial, agricultural, or recreational).

(b) The analysis shall, to the extent reasonable, discuss potential effects of noise on hearing, communications interference (with consideration to educational, occupational, recreational, and religious activities), sleep interference, and annoyance, both within the context of outdoor activities as well as indoor activities.

(c) Consideration shall be given to the amount of acoustical protection provided by construction and architectural characteristics as well as climatological situations which might affect life styles and therefore alter the "average" interpretations placed on the effects of noise.

f. *Records.* The responsible office shall assure that sufficient information is retained to permit an independent review to recreate the complete noise exposure analysis.

325. *Air quality.* Air quality should be examined by estimating the pollutant impact of the proposed action in terms of existing and forecast operations. Air pollutant concentrations as well as total amounts of pollutants should be estimated and evaluated, as necessary, for consistency with State implementation plans for air quality under the Clean Air Act and other State or local standards, EPA indirect source regulation (40 CFR 51.18), if applicable, and other applicable standards. Air pollution effects of increased surface traffic resulting from increased air traffic should be estimated and considered. Methods should be proposed or referenced for controlling and minimizing air pollution resulting from construction and operation of the project. As necessary, airport layout and design alternatives for major airport expansion or alternative sites for new large airports should be evaluated in terms of air quality impact, particularly in designated air quality maintenance areas.

326. *Water quality.* Water quality requirements, available water resources, and impacts on existing water tables should be considered. Facilities for treatment and disposal of wastes also should be considered and evaluated for consistency with applicable standards. Consult with the representative organization responsible for areawide waste treatment management and planning under the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92–500), when necessary. Identify Federal, State and local standards for water quality and measures to be taken to ensure compliance with such standards both during construction and operation of the proposed project, if applicable. Measures to be taken to minimize pollution due to surface runoff, which may include pollution infiltration from areas of extensive grading and parement or placement of piles, should be discussed. Short-term and long-term effects of construction and operation of the proposed project upon area drainage and aquifers should also be discussed.

327. *Social impacts.* A proposed action may have social and community impacts. Where displacement of people or businesses or disruption of established communities occurs, the following information from secondary sources and community sources, when available, should be included in order to determine the manageability of relocation: a. An estimate of the numbers and the characteristics of households to be displaced (e.g., minorities, income levels, renter or owner, elderly, large families);

b. Impact on the neighborhood and housing where relocation is likely to take place;

c. Disruption or impact on the stability and cohesion of any established community;

d. A description of businesses to be displaced and general effects of business dislocation on the economy of the community;

e. Ability to provide adequate relocation housing for the types of families to be displaced and a description of actions proposed to remedy any insufficiency, including, if necessary, housing of last resort, as authorized by Section 206(a) of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970.

f. Effects of surface traffic disruption, including effects on access to community facilities, recreation areas, and places of residence and business.

g. Results of consultation regarding the impacts with local officials, relocation or other social agencies, and community groups.

h. A description of any special location advisory services to be provided for the elderly, handicapped, or illiterate regarding interpretation of benefits and other assistance available.

328. *Induced socioeconomic impacts.* These impacts may include shifts in the patterns of population movement and growth, public service demands, and changes in business and economic activity. The effects of these impacts should be estimated and discussed in consultation with pertinent local officials.

329. *DOT section 4(f).* This section requires identification of and special effort to preserve public parks, recreation areas, wildlife and waterfowl refuges, and historic sites, and areas of natural scenic beauty of local, state, or national significance affected by the proposed action. The description should include size, activities, and relationship to other similarly used lands in the vicinity. a. The use of public parks, recreation areas, wildlife and waterfowl refuges, and historic sites, must be avoided if there is a feasible and prudent alternative.

JUN 27 1977 UM

b. A publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance by the Federal, State, or local official having jurisdiction thereof. Any such statement of insignificance is subject to review.

c. Where lands are administered for multiple uses, the official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

d. The discussion of the alternative of taking no action and of alternative designs and locations shall include cost estimates with figures showing percentage differences in total project costs and technical feasibility assessments.

e. Analysis of the environmental impact of alternatives shall include evidence that unusual factors or unique problems are present and that the cost or community disruption resulting from alternatives reach extraordinary magnitudes.

f. If there is no feasible and prudent alternative to the use of such land, include a statement of actions taken or to be taken to minimize harm to the protected area. This may include using project funds to replace or improve land and facilities and designing measures such as planting or screening to mitigate any adverse effects. Also include evidence of other measures to enhance and maintain natural beauty.

g. If land is involved which was acquired or developed with Federal grant money (i.e., open space under Department of Housing and Urban Development; the land and water conservation fund, fish and wildlife restoration under the Pittman-Robertson and Dingell-Johnson Acts, and certain transfers to Federal surplus property to the States, for park, refuge, and historic purposes), the final documentation shall include an appropriate communication or finding from the grantor agency.

h. The documentation shall reflect consultation with the Department of the Interior and, as pertinent, the Department of Housing and Urban Development or the Department of Agriculture.

i. The document shall include a statement that there is no feasible and prudent alternative to the use of the land and that the action includes all possible planning to minimize harm.

j. Questions regarding the application of Section 4(f) should be referred to AEQ.

330. *Historical and archaeological sites.* The document should specify actions to be taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the project. a. The statement should identify, through consulting the National Register of Historic Places and National Register Criteria (36 CFR Part 800), whether proposed actions will affect properties included in or eligible for inclusion in the National Register.

(1) The National Register of Historic Places is published each February in the FEDERAL REGISTER.

(2) New entries to the National Register and listings of eligible properties are published regularly, usually on the first Tuesday of each month, in the FEDERAL REGISTER.

(3) The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register.

b. If application of the ACHP's Criteria of Effect indicates that the project will affect a property included in or eligible for inclusion in the National Register of Historic Places, the document should state the effect.

(1) Evaluation of the effect should be made in consultation with the SHPO and in accordance with the ACHP's Criteria of Adverse Effect (36 CFR Part 800).

(2) Determinations of no adverse effect should be documented with evidence of the application of ACHP's Criteria of Adverse Effect, the views of the SHPO and review by the ACHP.

c. If the project will have an adverse effect upon property included in or eligible for inclusion in the National Register of Historic Places, the FEIS must include either an executed Memorandum of Agreement or comments from the ACHP with an account of actions to be taken in response to these comments. Procedures for obtaining a Memorandum of Agreement or the comments of the Council are found in 36 CFR Part 800.

d. To determine whether the project will affect properties of state or local historical, architectural, archaeological, or cultural significance that are not included in or eligible for inclusion in the National Register, the responsible official should consult with the SHPO, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property.

e. Use of land from historic properties of Federal, State, and local significance, as determined by the official having jurisdiction thereof, involves Section 4(f) of the DOT Act. The document should include evidence necessary to support a Section 4(f) determination. If there is reason to believe that historic or archaeological resources exist, a survey will normally be required.

f. Any foreseeable irreplaceable loss or destruction of significant scientific, prehistorical, historical, or archaeological data shall be identified in the document, with evidence of notice provided to the Secretary of the Interior and measures described to undertake the recovery, protection, and preservation of such data, including preliminary survey, salvage, or other investigations as needed. The FAA has an agreement with the Department of the Interior for assuring compliance with the Archaeological and Historic Preservation Act of 1974, providing for oversight relative to mitigation of damage to archaeological and historic data incident to construction activities of FAA or FAA assisted projects.

331. *Flood hazard evaluation.* To comply with Executive Order 11296 and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, describe measures to handle flood hazard problems and how they can be implemented during project development. When a project under consideration encroaches on a flood plain, the EIS should include evidence that studies have been made and agencies have been consulted.

332. *Considerations relating to wetlands.* Where impacts on wetlands, including control, modification, impoundment, diversion, and channel deepening of streams or other bodies of water are involved, the document should include: a. Information on location, types, and extent of wetlands areas that might be affected by the proposed action;

b. An assessment of the impacts on the wetlands and associated wildlife from both construction and operation of the project;

c. A statement of the measures to be taken to preserve, protect and enhance wetlands and to avoid, to the fullest extent practical, drainage, filling, or interference with wetlands or the water resources supplying them;

d. Results of coordination with the local representative of the Department of the Interior, the Department of Commerce, and any other officials such as the Corps of Engineers with special expertise concerning the impacts of the project on the wetlands and the worth to the community and to the nation of the particular wetlands area involved; and

e. A statement as to whether the proposed action should proceed and upon what conditions.

333. *Coastal zone management programs.* Where the proposed action is within or may affect the land or water uses in the area covered, by a state coastal zone management program, the document shall include evidence of consultation with the state coastal zone management agency. If a state coastal zone management program has been approved by the U.S. Department of Commerce, the statement shall include the following: a. For FAA assisted actions, include a determination as to consistency with the approved state coastal zone management program. Also include a record of coordination as specified in the Coastal Zone Management Act, and evidence that necessary permits, if required, will be or have been secured.

b. If the proposed action is issuance of an FAA license or permit, the applicant shall provide a certification that the proposed action complies with the State's approved program and that such activity will be conducted in a manner consistent with the program. The document shall include a record of coordination with the state coastal zone management agency.

c. If it is determined that the proposed project is inconsistent with the state's approved program, the responsible official shall not approve the action except upon a finding by the Secretary of Commerce that the proposed action is consistent with the purposes or objectives of the Coastal Zone Management Act or necessary in the interest of national security. The EIS shall document this finding.

334. *Energy supply and natural resources development.* Where applicable, the report should reflect consideration of whether the project will have any effect on either the production or consumption of energy and other natural resources, and include the analysis of any such effects if they are significant.

335. *Construction impacts.* In general, adverse impacts during construction will be of less concern than long-term impacts of a proposal. Nonetheless, the report should appropriately address such matters as the following, identifying any special problem area: a. Noise impacts from construction or delivery of materials through residential areas and any specifications providing maximum sound levels;

b. Effect of spoil disposal on borrow areas and disposal sites (including reference to pertinent specifications);

c. Controls on air pollution from dust, burning, etc. (with reference to pertinent specifications or advisory circulars);

d. Impacts on water quality from run-off and associated sedimentation and control measures (reference specifications or advisory circulars); and

e. Mitigating measures employed, including the scheduling of construction activities to avoid critical periods for wildlife and fish propagation, if applicable.

336. *Wildlife and Waterfowl.* Long-term loss may accrue by virtue of reduction of the overall wildlife carrying capacity of a given land area. Where part of a wildlife habitat is removed it should be determined whether the remaining habitat is sufficient to maintain affected wildlife populations at viable levels. These long-term losses may be described in general terms unless a threatened or endangered species is involved.

337. *Impacts relating to endangered and threatened species of fauna and flora.* The document should include evidence that the proposed action will not jeopardize the continued existence of endangered or threatened species or result in the destruction or modification of critical habitat of these species. a. If any species listed by the Department of Interior as endangered or threatened exist in the area of the proposed action's potential impact, the document should provide evidence of consultation with the Regional Director of the Fish and Wildlife Service (hereafter FWS) or the National Marine Fisheries Service (hereafter NMFS), as appropriate, regarding the impacts of the action on the species. The FWS, Department of the Interior, is responsible for protection of terrestrial and freshwater species; the NMFS, Department of Commerce, is responsible for protection of marine species.

b. The document should describe the anticipated effects of the proposed action and alternatives to the action on listed species, the nature of the listed species' habitat, and whether the FWS or NMFS has determined that habitat to be critical.

c. The final statement should summarize the results of consultation with FWS or NMFS and indicate any specific measures which will be taken to conserve listed species and to avoid destruction or modification of critical habitat.

338. *Light emissions.* Aviation lighting required for the purposes of security, obstruction clearance, and navigational guidance, may create an annoyance among people in the vicinity of the installation. In this instance, documentation shall include: a. Site location with a diagram of lights or light system.

b. Description of lights, as to their purpose, installation, beam angle and measurements, intensity, color, flashing-sequence, and other pertinent characteristics of the particular system and its use.

c. Measures to lessen any annoyance, such as shielding or angular adjustments.

339. *Visual impacts.* Any special significant visual impacts shall be described, particularly in areas of natural beauty or historic or architectural significance.

340. *Solid waste impacts.* The amount of solid waste in volume or weight should be estimated and the procedure for its disposal described for those actions resulting in a significant increase or change in waste disposal. Any State or local regulations for disposal of solid waste should be described.

341.-343. [*Reserved*]

344. *Actions to minimize unavoidable adverse effects.* Actions to be taken to minimize unavoidable adverse effects should be described.

345. *Alternatives.* An EIS or, as appropriate, an ND thoroughly and objectively evaluates the environmental impact of all reasonable alternatives, particularly those which mitigate environmental impacts, and sets forth the reasons why the alternatives are rejected. a. Sufficient analysis of the environmental impact of the alternatives should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have a less detrimental effect.

b. Alternatives include taking no action or postponing action pending further study; rejection of these alternatives requires an examination of the need for the project and the consequences of taking no action.

c. Where appropriate, satisfying the increased transportation needs by using alternative transportation modes should be considered.

346. *Relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* The document must examine the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses and long-term gains at the expense of short-term losses and the extent to which the proposed action forecloses future options.

347. *Irreversible and irretrievable commitments of resources.* The document must examine the extent to which the proposed action would irreversibly and irretrievably curtail the range of beneficial uses of the environment including cultural as well as natural resources. If a project involves new, unusual or limited sources or types of materials, include a quantitative estimate and description. Normally, labor and materials required to accomplish a project do not significantly curtail the range of beneficial uses of the environment.

348. Citizen involvement. Document a summary of citizen involvement, including meetings and public hearings, and any environmental issues raised.

349. Summary of impacts. A summary of the conclusions and significant points developed is desirable.

SECTION 5. PREPARATION OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS OR NEGATIVE DECLARATIONS

350. Timing of draft statement preparation. Prepare DEISs and NDs at the earliest practical time prior to the first significant decision point in the program or project development process. In this way, the analysis of environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decision making process.

351. Applications. The program officer may request each applicant for a grant, loan, permit, or other approval to which this order applies, to submit, with the original application, an environmental impact assessment report. a. Regardless of the nature of the applicant's participation, the responsible official or the program officer must furnish guidance, actively participate in preparing the DEIS, FEIS, and ND, and make his own evaluation prior to approval. The responsible official shall take responsibility for the scope and content of an EIS or ND by signing it.

b. The responsible official shall appropriately limit the actions an applicant may take prior to completion and approval of FEISs and subsequent approval of the application.

352. Use of consultants. Consultants may prepare background or preliminary material and assist in preparing a DEIS, FEIS, or ND for which FAA takes responsibility. a. Exercise care in selecting consultants and in reviewing their work to insure complete, objective consideration of all relevant project impacts and alternatives, particularly if the consultant may expect further contracts based on the outcome of the environmental decision.

b. Citizen participation may be appropriate in selecting a consultant and defining the scope of his services.

353. *Scope of statement.* The action which the statement covers must have significance and utility independent of subsequent related actions. The action shall be broad enough in scope to avoid segmentation of projects and irreversible commitments of resources in subsequent actions, and to insure meaningful consideration of alternatives. An airport development EIS or ND should include foreseeable related supporting facilities including navigational aids and flight procedural actions. A facilities EIS or ND not involving airport development should include foreseeable related flight procedural actions.

354. *Inclusion of environmental determinations.* An EIS or ND shall include relevant environmental determinations under Section 4(f) of the DOT Act and the documentation for other environmental findings and determinations as required.

355. *Interdisciplinary approach.* Section 102(2)(A) of NEPA requires each Federal agency to apply a systematic, interdisciplinary approach in planning and decision making which may impact the environment. To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the applicant's staff does not contain the necessary disciplines, use of professional services available in other Federal, State, or local agencies, universities, or consulting firms is appropriate.

356. *Internal review process.* a. Before an office or service files or submits an EIS or ND for public review, it shall submit it to other pertinent program divisions and staff officers.

b. The purposes of this review process are:

(1) to assure that the document covers all related foreseeable agency actions by agency elements;

(2) that it consolidates environmental assessments of all pertinent divisions; and

(3) that commitments that are the responsibility of other divisions or offices will be carried out.

c. Regional Directors are responsible for designating a lead division or office to carry out this internal review.

357. *Regulations.* For regulations or rulemaking, the DEIS or ND should be available to reviewing agencies and the public prior to or concurrently with the notice of proposed rulemaking.

358. *Legislative proposals.* a. Before the FAA submits to the Congress a legislative proposal, the office which originates the legislation shall, in accordance with OMB Bulletin 72-6, "Proposed Federal Actions Affecting the Environment," prepare, circulate, and file with CEQ an environmental statement or prepare and file a ND.

b. The Office of the Secretary shall clear the draft of the environmental statement for proposed legislation and submit it to the Office of Management and Budget (hereafter OMB) for circulation in the normal legislative clearance process.

(1) If the scheduling of congressional hearings on legislation does not allow adequate time for the completion of a FEIS, furnish Congress and make available to the public a DEIS, pending transmittal of the comments as received, and the final text.

(2) Forward NDs to the Congress, if requested.

359. *Lead agency.* a. As specified in CEQ guidelines, one statement should be prepared for all Federal actions involved if more than one agency: (1) Directly sponsors an action. (2) Is directly involved in an action through funding or issuing of permits or licenses, or (3) Is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity.

b. In such cases, CEQ requirements may be satisfied if: (1) The agencies jointly prepare a statement, or

(2) The agencies designate a lead agency to assume supervisory responsibility for the preparation of the statement. The other agencies would then provide assistance regarding their areas of jurisdiction and expertise:

c. Refer questions concerning "lead agency" designation to headquarters (AEQ-1) for resolution with CEQ through TES.

SECTION 6. PROCESSING OF DRAFT ENVIRONMENTAL IMPACT STATEMENTS

360. *Public notice.* Each responsible official shall assure that press releases, official notices, or other appropriate media announce to the public that a DEIS has been prepared and is being circulated and that comments on the environmental impact of the proposed

action are being solicited. a. Where appropriate, make the notification in cooperation with the project's sponsor.

b. The announcement shall contain information on the availability of the DEIS.

361. *Copies.* The responsible official shall have printed sufficient copies of DEISs and FEISs to meet anticipated demand. A fee not to exceed reproduction costs may be charged for copies requested by the public if the original set of copies is exhausted.

362. *Circulation and availability of DEIS.* a. Circulate the DEIS to agencies which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These agencies are set forth in Appendix 7.

(1) CEQ (5 copies), TES (2 copies), AEQ–1 (1 copy), AGC or designee (1 copy), the Service Director, other elements of DOT, and other FAA services as appropriate;

(2) to State and local agencies, including agencies that commented substantively on the A–95 notification, affected cities and counties, and other known to have an interest in the action.

(3) A–95 agencies may be used, by mutual agreement, for securing review of DEISs by State and local agencies.

b. In addition, make the EIS available at a sponsor's office, local public libraries, and at other appropriate locations of general public access.

363. *Time for comment.* a. A time period for comment may not be less than 45 days from the Friday of the week following receipt of the DEIS by CEQ, other agencies, and the public. Requests for reasonable extensions of time, when warranted by the magnitude and complexity of the statement or the extent of citizen interest, shall be granted.

b. If no comments or requests for extension are received within 45 days, it may be presumed that the agency consulted has no comments to make.

364.–369. *Reserved.*

SECTION. 7. CHANGE OF DRAFT ENVIRONMENTAL IMPACT STATEMENT TO NEGATIVE DECLARATION

370. *General.* After circulation of a DEIS the responsible official may determine that the proposed action is not a major Federal action significantly affecting the quality of the human environment and prepare a ND. The document shall include any substantive comments received on the DEIS, and resolution of any controversies or conflicts.

371. *Approval authority.* The official with authority to approve a FEIS has authority to approve the change to a ND. Approval is subject to review for legal sufficiency by AGC for headquarters action and by Regional or Center Counsel for field action. The documentation should include language such as the following:

"A draft environmental impact statement for the proposed action has been prepared and federally coordinated in the manner contemplated by Section 102(2)(C) of the National Environmental Policy Act of 1969. A careful and thorough evaluation of the facts and issues contained in the draft statement and comments received from the public and other Federal agencies having jurisdiction by law and special expertise in environmental matters, support a determination that the proposed action is not a major Federal action significantly affecting the quality of the human environment and is not highly controversial on environmental grounds."

372. *Public notification.* a. If a DEIS is changed to a ND as a result of the public review process, send a copy to all agencies and individuals who commented substantively on the DEIS or requested copies of the FEIS, and make copies available to the public.

b. The decision to change a DEIS to a ND should be published in the appropriate local media in the same manner as was the DEIS.

c. Include the change in the quarterly lists of EISs anticipated or in preparation that AEQ sends to CEQ.

d. After transmittal or notification of the change, the 30 day waiting period is not applicable and the action can proceed.

373.–374. *Reserved.*

SECTION 8. PREPARATION, APPROVAL AND DISTRIBUTION OF FINAL ENVIRONMENTAL IMPACT STATEMENT

375. *Utilization of comments.* a. Comments received on the DEIS and inputs (in summary form, if appropriate) from citizen participation, and public hearings shall accompany the FEIS through the normal internal project or program review process.

b. In preparing a FEIS, revise the DEIS, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other consideration. Include an appropriate response, or reference to subject's discussion in the statement. Include copies of all substantive commenting letters. If the number of comments is too voluminous to include, consult AEQ.

c. Identify and discuss any unresolved environmental issues and efforts to resolve them through further consultation. For instance, where an agency comments that the statement contains inadequate analysis or that the impacts are too adverse for approval, either resolve the issue or document in the FEIS efforts to resolve the issue, and set forth any action that will result.

376. *Approval of final environmental impact statements.* a. For FEISs which originate at headquarters, the Office or Service Director shall send 1 copy each to AEQ and AGC for review. After AGC review for legal sufficiency, the Director or designee should transmit two copies to appropriate elements of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending upon the complexity of the statement. Following concurrence, if required, the Office or Service Director may approve the FEIS and file it with CEQ.

b. For FEISs originating in the field, not subject to headquarter's concurrence, the Regional Director or Center Director shall approve and file the FEIS with CEQ, following review for legal sufficiency by the Regional Counsel.

c. For FEISs originating in regions or centers, but subject to headquarters concurrence, the Regional Director or Center Director approves the FEIS and submits it to the appropriate Service or Office Director. The Service or Office shall send copies to AEQ and to AGC for review. After AGC review for legal sufficiency, the Service or Office Director shall transmit two copies to any appropriate elements of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending on the statements complexity. Following concurrence, the Service Director may file the FEIS with CEQ.

d. For FEISs originating in regions or centers, but where authority to approve FEIS is retained in headquarters, the region or center shall send the proposed FEIS to the appropriate Service or Office Director. The service or office shall send copies to AEQ and to AGC for review. After AGC review for legal sufficiency, the Service or Office Director shall transmit two copies to any appropriate element of OST for concurrence, if required, with a request for concurrence within 15 to 30 days, depending on the statement's complexity. Following concurrence, the Office or Service Director or other responsible official may approve the FEIS and file it with CEQ.

e. All statements involving Section 4(f) of the DOT Act are subject to AGC review for legal sufficiency in headquarters.

377. *OST concurrence.*

a. TES must concur on FEISs for projects in the following categories: (1) All actions not involving airport development;

(2) Any new airport serving a metropolitan area, construed as a Standard Metropolitan Statistical Area (SMSA);

(3) Any new runway or runway extension for an airport, any part of which is located in an SMSA and is either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators;

(4) Any project to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds; and

(5) Any project for which TES requests an opportunity to review and concur in the final statement or for which FAA requests such review and concurrence by TES.

b. Any projects in the above categories which also fall under Section 4(f) of the DOT Act will require concurrence by the DOT Office of the General Counsel (TGC) as well as TES.

378. *Decisions reserved to the Secretary.* If an action requires the personal approval of the Secretary or Deputy Secretary pursuant to a request by them or by TES or TGC, a brief memorandum requesting the Secretary's or Deputy Secretary's approval of the action shall accompany the FEIS. The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Environment, Safety, and Consumer Affairs, the General Counsel, and the Deputy Secretary (when the Secretary approves), and for the approval of the Secretary or Deputy Secretary, as appropriate.

379. *Availability pending approval.* Proposed final statements may be made available to the public and Federal, State, or local agencies pending final approval and filing with CEQ, with the concurrence of the responsible official, if they carry notation that the statement is not approved and filed.

380. *Distribution of approved environmental impact statements.* The originating FAA region, center, or service shall simultaneously distribute the EIS as follows: a. Five copies to: General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006;

b. One copy to AEQ and to the Service Director;

c. One copy to EPA, if the DEIS was rated LO–1 by EPA; five copies otherwise (See Appendix 8). In the event EPA has comments on a FEIS, the responsible official shall make every reasonable effort to resolve conflicts;

d. A copy of the FEIS shall also be sent to each Federal, State and local agency, to private organizations which made substantial comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comment on the draft.

e. One copy to any sponsor, applicant, or grantee;

f. One copy to appropriate state and areawide clearinghouses unless otherwise designated by the governor;

g. Additional copies shall be sent to accessible locations to be made available to the general public, including headquarters and regional offices; state, metropolitan, and regional clearinghouses (unless the governor designates some other distribution point); and local public libraries;

h. Environmental statements, comments received, and underlying documents will be made available to the public without charge to the fullest extent practical or at a reduced charge which is not more than the actual cost of reproducing copies; and

i. After filing the EIS with CEQ and after the expiration of the 30 day waiting period, AEQ shall send a copy of the EIS to the DOT Library (Attn: TAD 491.1).

381. *Implementing actions.* The implementing administrative action for the project can occur no sooner than 90 days after the DEIS has been circulated for comment and filed with CEQ and no sooner than 30 days after the date the FEIS has been filed with CEQ and made available to the commenting agencies and to the public.

382.–389. *Reserved.*

SECTION 9. SUPPLEMENTAL ACTIONS

390. *Supplemental or amended statements.* The responsible official may supplement or amend a DEIS or FEIS when substantial changes are made in a proposed action or where significant new information regarding its environmental impact comes to light. A supplemental or amended FEIS requires TES concurrence if the FEIS required TES concurrence. Consult CEQ, through AEQ and TES, with respect to the need for, or desirability of, recirculating the statement—whether DEIS or FEIS—for the appropriate period.

391. *Implementation of commitments in environmental statements.* The responsible official shall assure, through funding agreements, contract specifications, preferential arrival and departure procedures, directives, other project review or implementation procedures, and other appropriate follow-up actions that the agency and applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Submit any proposed deviation from prescribed action that may reduce protection to the environment to AEQ. Submit deviations to TES for concurrence, if TES concurred in the approved statement.

392.–399. *Reserved.*

CHAPTER 4. ADDITIONAL PROVISIONS

400. *Review of environmental statements prepared by other agencies.* Other Federal, State or local agencies may consult FAA for assistance in analyzing environmental impacts which fall within the agency's functional area of responsibility. FAA generally should limit itself to providing a competent and cooperative advisory and consultative service on proposals affecting aviation and FAA responsibilities.

a. Comments should be organized in a manner consistent with the structure of the draft statement and should identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts and inaccuracies or omissions.

b. FAA projects that are environmentally related to the proposed action should be identified so that interrelationships may be discussed in the final statement.

c. Environmental monitoring for which FAA has special expertise may be suggested and encouraged during construction, startup, or operation phases.

d. Other agencies consulting with FAA and requesting review of their DEIS should be advised to transmit their EISs to FAA regional offices. The following types of matters, however, should be referred to FAA headquarters for comment:

(1) Actions with national policy implications;

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance;

(3) Legislation or regulations having national impacts or national program proposals;

(4) Projects affecting the transportation of hazardous materials; and

(5) Water resource projects. Refer these projects to the Water Resources Coordinator, U.S. Coast Guard (hereafter G–WS). Refer items (1)–(4) to TES. In referring these matters to headquarters, the Regional Office is encouraged to prepare a proposed Departmental response.

(e) Regional Offices should review DEISs that do not have national implication. Comments should be forwarded directly to the office which the originating agency designates for receipt of comments. If the receiving office believes that another DOT office also has an interest or is a better position to respond, it should transmit the statement to the other office. If FAA and other DOT administrations comment at the regional level, the Secretarial Representative or his designee shall coordinate the comments.

f. When appropriate, the FAA should coordinate a response with Departmental offices having special expertise in the subject matter.

g. Comments shall be submitted within the time limits set forth in the request, unless the office responsible for substituting comments seeks and receives an extension of time. Comments should be concise, and should specify any changes desired either in the action proposed or in the environmental statement or both. Any lengthy analysis should be preceded by a summary of the principal areas of comment, the conclusions, and the recommendations, if any.

h. Comments shall be distributed as follows: The original and one copy to the requesting agency, one copy to AEQ, one copy to TES–70, one copy to CEQ, and one copy to the Secretarial Representative if a regional office prepared the comment. Requests by the public for copies should be referred to the agency originating the statement.

401. *Lists of environmental impact statements anticipated or under preparation.* a. By the tenth day following the end of a calendar quarter, each region shall forward to AEQ a list of environmental impact statements anticipated or under preparation.

b. Drop from the list EISs already circulated.

c. Include in the list NDs which: (1) Were listed previously in reports to AEQ as anticipated EISs;

(2) Involve impacts similar to those of other actions for which a statement was prepared; and

(3) Are prepared in response to CEQ requests.

d. AEQ shall compile these lists, transmit them to CEQ and TES, and make them available to the public.

402. *Emergency action procedures.* The CEQ guidelines allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a DEIS, FEIS, or negative declaration may be abbreviated. Such reduction in processing time should be requested from CEQ only for those projects where the need for immediate action requires processing in other than the normal manner.

403. *Application of section 102(2)(C) procedure to existing projects and programs.* The Section 102(2)(C) procedure applies to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. In assessing the environmental effect of proceeding with such a project and in evaluating alternatives, consideration shall be given to the status of work and degree of completion. If the project or program is continued, it must, to the extent feasible, be shaped so as to enhance and restore environmental quality, avoid or minimize adverse environmental consequences, and consider environmental consequences not fully evaluated at the outset of the project or program.

404. *Land acquisition and construction of facilities.* Public sponsors, other aviation agencies or private parties have the authority to acquire land or to construct facilities for operation by the FAA without prior approval by the FAA. Such action, if inconsistent with the policies of this order, could prejudice a decision by the FAA on proposed changes in an airport which would use the land thus acquired, or on requests for reimbursement for the property, or construction or operation of the facility.

a. When FAA is notified or becomes aware of a possibility that such a situation may be occurring, FAA will advise the public sponsor, other aviation agency or private party that:

(1) Such actions must be consistent with pertinent environmental policy as expressed in this order.

(2) The manner in which the particular property was acquired or the facility constructed will be carefully considered by the FAA prior to approval of any future FAA action involving it.

b. FAA will give particular attention to its responsibilities under DOT Section 4(f) to insure that a special effort is made to preserve the natural beauty of countryside, public parks, and recreation lands, wildlife and waterfowl refuges, and historic sites. FAA will not approve actions requiring the use of DOT Section 4(f) properties unless there is no feasible and prudent alternative and the program includes all possible planning to minimize harm.

c. FAA also will give particular attention to actions involving properties included in or eligible for inclusion in the National Register of Historic Places and the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970.

d. An action by a sponsor, other aviation agency or private party which has acquired land or constructed a facility for operation by FAA, but without prior approval by FAA, will be reviewed to determine that the action was consistent with the policies of this order and has not precluded full and objective consideration of alternatives.

405. *Environmental impact statements or negative declarations on requests from foreign sources.* a. Requests for FAA action by a foreign government, manufacturer or operator may fall within criteria requiring preparation of an EIS or ND. All initial FAA requests to such a foreign applicant for information which FAA needs to prepare an EIS or ND should be forwarded through the civil aviation authority of the applicant's government. Copies of the DEIS, FEIS, and notices of any public hearings planned on the proposed action should be furnished to the applicant, the appropriate foreign civil aviation authority, and the Washington embassy of the country in which the applicant is located.

b. Any substantial differences arising in the course of the EIS between the originating FAA organization and a foreign applicant should be referred to AEQ which will consult with the Assistant Administrator for International Aviation Affairs to resolve any problems.

406.–499. *Reserved.*

APPENDIX 1. SYSTEMS RESEARCH, ENGINEERING & DEVELOPMENT

1. *General.* This appendix provides guidance and assigns functional responsibilities for the conduct of environmental assess-

ments and the preparation, coordination, executive review, and approval of environmental assessments, EISs and NDs which concern Research, Engineering & Development (hereafter RE&D) programs of FAA.

2. *Scope.* The RE&D cycle includes such activities as promulgation of directives, policies, plans, programs, budgets, legislative proposals, system design, test evaluation, specification, demonstration, etc. When in the judgment of the responsible RE&D official sufficient environmental impact data is available, an environmental assessment is to be conducted and, where appropriate, an EIS or ND is to be prepared as specified in this order. All activities not specifically excepted in this order are subject to environmental assessment, EISs, or NDs, including such RE&D programs as:

a. *Air traffic control:* (1) System program No. 01 (2) Runways/taxiways program No. 08 (3) Flight service station program No. 13 (4) Technology program No. 16 (5) Support program No. 21;

b. *Navigation:* (1) Approach and landing systems program No. 07;

c. *Aircraft safety:* (1) Environmental program No. 20 (noise/pollution/quality);

d. Selection orders introducing new equipments, procedures, techniques products of RE&D) into the National Aviation System (NAS) or National Airport System (NSA); and

e. Plans, programs such as the SRDS Technical Program Document (TPD), FAA NAS 10-year plan RE&D, and new system designs.

3. *Excepted actions.* RE&D programs excepted from the requirement for an EIS or ND are:

a. Air traffic control radar beacon system (ATCRBS), Program No. 03; Proximity Warning Indicator/Collision Avoidance System (PWS, CAS) Program No. 05; Landside/Oceanic Satellites Program No. 17; New Radar Systems Program No. 02; New Communication Systems Program No. 06; Enroute Control Program No. 12; Navigation Program No. 04; Terminal/Tower Control Program No. 14; Flow Control Program No. 11.

b. Aviation Weather, Weather Data Acquisition, Processing Criteria, Accident Prevention and Survival, Program No. 15;

c. Aircraft Safety Program No. 18; Anti-Hijacking, Flight Safety Criteria Accident Prevention and Survival;

d. Aviation Medicine Program 19, Biomedical Aspects of Design, Personnel Efficiency and Performance;

e. Policy Analysis, System Analysis, System Design studies.

4. *Procedures and responsibilities.* Functionally responsible officials, Lead Directors of Systems Research and Development Service (hereafter ARD), Office of Systems Management (hereafter AEM), and NAFEC or their designees (i.e., Division Chief, Branch Chief, Section Chief, Manager, etc.) of Offices or Services will, on a case-by-case basis:

a. Determine whether a proposed RE&D program action requires an EIS or ND and assure preparation and coordination with the Office or Service concerned, AEQ and AGC of an appropriate statement;

b. Determine if RE&D activities are excepted under paragraph 3 above;

c. Review and approve documentation prepared per subparagraph a. above;

d. Assure consultation with responsible and expert agencies and organizations and invite their comment;

e. Distribute EIS as required;

f. Participate with other offices, services and centers in the conduct of assessments and the preparation, processing and evaluation of an EIS or ND for major actions involving;

(1) Development of systems with future cumulative, significant environmental impact;

(2) The inclusion into the NAS or NSA of new equipment and techniques developed in RE&D programs;

g. Assure submission to AEQ of quarterly list of EISs anticipated or in preparation of RE&D Efforts;

h. Conduct periodic reviews of RE&D actions implementing this order;

i. Assure retention of documentation files by the organizational component having program or subprogram responsibility; and

j. Prepare and transmit to AEQ a publicly available record which sets forth reasons for a determination that although an EIS may be required, its preparation is still premature and thus unnecessary. Such a record should be updated when significant new information becomes available.

5. *Environmental impact statement or negative declaration.* In determining whether RE&D programs and plans which have not been excepted require preparation of an assessment, EIS or ND, factors specified in paragraphs 324–343 should be considered, as well as the following factors:

a. The magnitude of Federal investment in the program;

b. The likelihood of widespread application of the technology;

c. The degree of environmental impact which would occur if the technology were widely applied; and

d. The extent to which continued investment is likely to restrict future alternatives.

6. *Timing of EIS.* a. *General.*—An EIS or ND should be prepared late enough in the development cycle to contain meaningful information but early enough for analysis of environmental impact effects and alternative courses of action to be significant inputs in the program decision making process.

b. *Specific.*—An EIS or ND where required should be completed:

(1) On or before completion of RE&D and before introduction into the NAS or NSA;

(2) Prior to, or with submission for comment to outside organizations of draft standards (RE&D products) or technical data packages per 9500.4; and

(3) Prior to submission of draft Orders, Notices, Advisory Circulars to outside organizations for comment.

7. *Mitigating measures.* Responsible RE&D Directors, or their designees, shall specify in an EIS measures to be taken to mitigate or minimize significant adverse environmental effects. These may include:

a. Selecting alternate actions which most effectively minimize adverse impacts;

b. Conducting field tests in areas least likely to cause significant adverse environmental impact;

c. Locating laboratories and demonstration centers with a view to avoiding adverse environmental impacts; and

d. Minimizing potential adverse effects in the RE&D cycle (design, installation, test, evaluation and specific action).

APPENDIX 2. AIRWAY FACILITIES

1. *General.* Facilities and equipment projects; the establishment of new facilities; and maintenance program, ranging from component/equipment modification to major changes in the facilities, may impact the environment. This appendix sets forth environmental procedures to be used regarding airway facilities, the categories of projects which require an EIS or ND, and those which are not subject to an EIS or ND.

2. *Environmental responsibilities.* a. The regional airway facilities division shall implement the environmental procedures associated with all assigned F&E and maintenance projects within the regions, other than those projects which are expected or for which a class ND has been prepared. Such procedures are to include NDs or EISs. These EIS or NDs shall cover all factors relating to the siting of the facility, increases or decreases in operational usage, noise impacts, the impact of flight emissions and other known impacts on the environment.

b. Regional airway facilities division personnel are responsible for preparing, coordinating and processing the environmental actions relating to their assigned programs. They shall transmit copies of these documents as set forth in Chapter 3 with copies to AAF–1 and AEQ–1.

c. Airway Facilities Service is responsible for providing environmental assessment guidance for its assigned programs.

(1) It shall complete class NDs or EISs where appropriate and provide them to the regions to minimize the need for more extensive assessments.

(2) It is responsible for establishing environmental procedures and guidelines for National Airspace System programs, facilities and housing.

(3) To assist the regions in maintaining uniformity of procedures, it shall provide EIS and ND review and coordination.

3. *Environmental impact statements or negative declarations.* Environmental assessments should be developed along with economic and technical considerations in the facility siting and design. Careful consideration of the specific site and the effect of aircraft operations should never be overlooked. Where the individual location impact or the operational use of the facility indicates significant environmental impact or where significant controversy exists or is expected, an EIS should be prepared and circulated in accordance with this order.

4. *Projects subject to environmental assessments and procedures.* The following categories of projects are subject to an environmental assessment and preparation of an EIS or ND:

a. Establishment or relocation of facilities such as Air Route Traffic Control Centers (hereafter ARTCC), Air Route Surveillance Radars (hereafter ARSRs), Beacon Only Sites, and Flight Service Stations (hereafter FSS). These facilities may affect the environment because of land or access requirements; the electronic emissions generated by its operation; the impact on water and sewerage facilities, power distribution facilities, rainfall runoff and traffic flow from public roadways; and the impact on personnel in a given locale;

b. Establishment or relocation of facilities used for communications and enroute navigation such as the VHF Omn. Range (hereafter VOR) or with TACAN (hereafter VORTAC), Remote Center Air Ground (hereafter RCAG), and Radar Microwave Links (hereafter RMLs). The environmental impact of these facilities normally results from providing access to the remote facility and constructing the facility itself;

c. Establishment or relocation of Instrument Landing Systems (hereafter ILS), Approach Light Systems (hereafter ALS), and Runway End Identifier Lights (hereafter REILS). These facilities may be subject of environmental controversy because of the impact of a change in operational use and the location of certain elements off airports;

d. Establishment of FAA housing, sanitation systems, fuel storage and distribution systems, and power source and distribution systems normally should be assessed because of its location, and impact on community land use planning;

e. A non-Federal entity should prepare an environmental impact assessment report for the proposed establishment of non-Federal facilities such as an ILS or TVOR, for which procedures or acceptance by FAA for maintenance and operation is prearranged or anticipated. A copy of this report should be transmitted to FAA so an EIS or ND may be prepared prior to the FAA's acceptance of the facility with inventory; and

f. Any other facility, including those which are excepted or for which a class ND has been filed, which significantly impacts the quality the human environment or is highly controversial on environmental grounds, requires preparation of an EIS.

5. *Class negative declarations.* a. Class NDs have been filed for the following actions which will not have a significant impact on the quality of the human environment:

(1) Installation of remote transmitter/receiver (hereafter RT/R) facilities or addition of communication channels to the existing facilities when on airport property;

(2) Replacement of older units with engine generators and power plants, used in emergencies when commercial power fails;

(3) Installation of equipment on airports, such as Runway Visual Range equipment (hereafter RVRs), Visual Approach Slope Indicators (hereafter VASI).

b. Actions for which class NDs have been filed normally require no further environmental consideration.

6. *Excepted Projects.* a. Upgrading of building electrical systems or maintenance to existing buildings (including painting, replacement of siding, etc.);

b. Minor expansion of facilities including the addition of communication channels where personnel complements are minimal and which require no additional land, and where expansion is due to remodeling of space in current quarters or existing buildings;

c. Upgrading of facilities to improve their operational capacity, e.g., (1) Existing runway approach lighting installations; (2) Conversion of VOR to VORTAC; and (3) Conversion of ILS to Category II or III standards;

d. Wind and other weather instruments located on airports;

e. Demolition and removal of buildings and structures, except where they are of historical, archaeological and architectural significance as officially designated by Federal, State or local government;

f. Replacement or reconstruction of a structure or facility with a new one of substantially the same size and purpose, where location will be on the same site as the existing building/facility.

g. Water, sewage, electrical, gas, or other utility extension of temporary duration to serve construction;

h. New gardening or landscaping, or the maintenance of existing landscape;

i. Accessory on site structures including storage buildings, garages, small parking areas, and signs and fences;

j. Grading on land with a slope of less than 10 percent, except where located near waterways in any wetland in an officially designated (by Federal, State, or local government agency) scenic area, or in officially mapped areas of severe geologic hazard;

k. Filling of earth into previously excavated land with material compatible with the natural features of the site;

l. Minor trenching and backfilling where surface is restored and the excavated material is protected against wash and runoffs during the construction period;

m. Replacement of power and control cables for facilities, such as ALS, ASR, ILS, and RTR;

n. Repairs and resurfacing of existing access to remote facilities such as ARSR, RCAG, RML, and VORTACs;

o. Installation of equipment on airports, such as Cloud Height Indicators (hereinafter CHI) and Hygrothermometers;

p. Installation of equipment within a facility or on an airport that provides for modernization or enhancement of the service provided by that facility, such as Airport Surveillance Radar (ASR), Radar Bright Display Equipment (hereinafter RBDE) with Plan View Displays (hereafter PVD), Direct Access Radar Channel hereafter DARC), beacon system on an existing radar and test sets.

7. *Environmental considerations during budgetary process.* The environmental impact of proposed projects should be considered during the budgetary process. It is not necessary that EISs or NDs be filed prior to budgeting for a given project. However, where significant, environmentally adverse project impacts are known or anticipated, the project justification should identify all pertinent factors to enable a determination of whether to include the project in the budget or to consider alternatives.

8. *Implementation of commitments on an EIS or ND.* For projects where commitments to protect the environment are detailed in an EIS or ND, the Regional Airway Facilities Division Chief shall include the appropriate statement to implement the commitment in land acquisition or construction design documents.

9. *Timing of environmental procedures.* a. Environmental assessments should be initiated with the beginning of design or engineering effort for the project.

b. No Procurement Request (hereafter PR) for construction will be submitted to the Procurement Office for action until the EIS or ND, if required, has been completed and filed.

c. If the project requires the acquiring of property interests, no formal contact with the property owner for the purpose of acquiring these interests, including any offer, should be made prior to filing a FEIS or ND, except for:

(1) Emergency situations;

(2) Obtaining rights-of-entry for such purposes as preparation for site testing, obtaining data, property surveys, etc.; and

(3) Those cases where the review process indicates that the proposed site warrants further engineering study and requires an EIS. It may be in the agency's interest to obtain an option or other document to assure the availability of the property pending the filing of the FEIS. In this event, the DEIS should state that the FAA has entered into an option and the reason for the option; that alternate sites are being considered through the EIS process; and that a decision to exercise the option will not be made until completion of the review and filing of the FEIS.

APPENDIX 3. AIR TRAFFIC

1. *General.* Air traffic personnel are involved in the assessment of aircraft noise resulting from new or revised air traffic control procedures. The most significant actions that would require environmental assessments are terminal area procedures.

2. *Environmental responsibilities.* a. *Regional offices.* Responsibility for environmental assessment and preparation of EISs and NDs may be delegated to field facilities or retained within the regional office, with assistance from the field facilities. Regional offices and field facilities shall provide input to an environmental assessment when requested by Air Traffic Service (hereafter AAT) or other services.

b. *Headquarters.* The office originating the proposed action is responsible for making environmental assessments and preparing the NDs or EISs. Input may be requested from regional offices and field facilities for an action originating within headquarters.

c. *Cooperation between services.* Actions originated by other services may result in another action for which AAT is responsible. For example: Office of Airports Programs (hereafter AAP) may add a new runway to an airport which could result in the establishment of a Standard Instrument Departure (hereafter SID) or Standard Terminal Arrival Route (hereafter STAR). In accordance with the requirement for early assessment as well as avoiding duplication, air traffic offices shall provide their input, if possible, when requested by the other service as other services are to provide their input when requested by Air Traffic.

3. *Environmental impact statements or negative declarations.* a. After completion of the environmental assessment and consultations, if required, the originator of the proposal will determine whether the action will require an EIS or ND.

b. If the action is excepted from the requirements for an EIS or ND, no further action is required except to note briefly the exception in the project folder. The note will serve as evidence that environmental procedures have been considered.

c. If the action is one which requires a ND, the ND shall be prepared in accordance with Chapter 3. The ND may range in content from a single statement, supported with facts, to an analysis involving the format and content of an EIS. The ND may be filed separately or inserted as part of the project file to serves evidence that the potential environmental impact of the proposed action has been considered and does not significantly affect the quality of the human environment.

d. If the action comes under the category for which an EIS is required, one should be prepared involving the format and contents outlined in Chapter 3 of this order.

4. *Actions subject to environmental assessments and procedures.* The following actions are subject to environmental assessment and preparation of an EIS or ND. a. New or revised SIDs, STARS and other preferential IFR departure and arrival procedures (other than IAPs) for that part of the operations conducted at less than 3,000 feet above the surface where such operations are routinely routed over noise sensitive areas which may include residential neighborhoods, educational, health, religious sites and structures, cultural, historical, and outdoor recreational areas.

b. Special use airspace (restricted areas, warning areas, prohibited areas, alert areas and military operations areas (MOAs). If the floor of the proposed area is below 3,000 feet above the surface or if supersonic flight is anticipated at any altitude, this airspace shall not be designated, established, or modified until:

(1) The notice (NPRM or non-rule circularization) contains a statement supplied by the requesting or using agency that they will serve as lead agency for purposes of compliance with NEPA;

(2) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on the environmental aspects can be addressed (applicable only if an EIS is to be filed by the requesting agency);

(3) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on any land-use problems can be addressed (applicable only if special use airspace extends to the surface); and

(4) The rule, determination, or other publication of the airspace action contains a statement, supplied by the requesting agency, that the requirements of NEPA have been met.

d. The provisions of paragraph b.(1) through b.(4) are not applicable to special use airspace actions if minor adjustments are made such as raising the altitudes or, if a change is made in the designation of the controlling or using agency.

ments and the preparation, coordination, executive review, and appropval of environmental assessments, EISs and NDs which concern Research, Engineering & Development (hereafter RE&D) programs of FAA.

2. *Scope.* The RE&D cycle includes such activities as promulgation of directives, policies, plans, programs, budgets, legislative proposals, system design, test evaluation, specification, demonstration, etc. When in the judgment of the responsible RE&D official sufficient environmental impact data is available, an environmental assessment is to be conducted and, where appropriate, an EIS or ND is to be prepared as specified in this order. All activities not specifically excepted in this order are subject to environmental assessment, EISs, or NDs, including such RE&D programs as:

a. *Air traffic control:* (1) System program No. 01 (2) Runways/taxiways program No. 08 (3) Flight service station program No. 13 (4) Technology program No. 16 (5) Support program No. 21;

b. *Navigation:* (1) Approach and landing systems program No. 07;

c. *Aircraft safety:* (1) Environmental program No. 20 (noise/pollution/quality);

d. Selection orders introducing new equipments, procedures, techniquee products of RE&D) into the National Aviation System (NAS) or National Airport System (NSA); and

e. Plans, programs such as the SRDS Technical Program Document (TPD), FAA NAS 10-year plan RE&D, and new system designs.

3. *Excepted actions.* RE&D programs excepted from the requirement for an EIS or ND are:

a. Air traffic control radar beacon system (ATCRBS), Program No. 03; Proximity Warning Indicator/Collision Avoidance System (PWS, CAS) Program No. 05; Landside/Oceanic Satellites Program No. 17; New Radar Systems Program No. 02; New Communication Systems Program No. 06; Enroute Control Program No. 12; Navigation Program No. 04; Terminal/Tower Control Program No. 14; Flow Control Program No. 11.

b. Aviation Weather, Weather Data Acquisition, Processing Criteria, Accident Prevention and Survival, Program No. 15;

c. Aircraft Safety Program No. 18; Anti-Hijacking, Flight Safety Criteria Accident Prevention and Survival:

d. Aviation Medicine Program 19, Biomedical Aspects of Design, Personnel Efficiency and Performance;

e. Policy Analysis, System Analysis, System Design studies.

4. *Procedures and responsibilities.* Functionally responsible officials, Lead Directors of Systems Research and Development Service (hereafter ARD), Office of Systems Management (hereafter AEM), and NAFEC or their designees (i.e., Division Chief, Branch Chief, Section Chief, Manager, etc.) of Offices or Services will, on a case-by-case basis:

a. Determine whether a proposed RE&D program action requires an EIS or ND and assure preparation and coordination with the Office or Service concerned, AEQ and AGC of an appropriate statement;

b. Determine if RE&D activities are excepted under paragraph 3 above;

c. Review and approve documentation prepared per subparagraph a. above;

d. Asure consultation with responsible and expert agencies and organizations and invite their comment;

e. Distribute EIS as required;

f. Participate with other offices, services and centers in the conduct of assessments and the preparation, processing and evaluation of an EIS or ND for major actions involving;

(1) Development of systems with future cumulative, significant environmental impact;

(2) The inclusion into the NAS or NSA of new equipment and techniques developed in RE&D programs;

g. Assure submission to AEQ of quarterly list of EISs anticipated or in preparation of RE&D Efforts;

h. Conduct periodic reviews of RE&D actions implementing this order;

i. Assure retention of documentation files by the organizational component having program or subprogram responsibility; and

j. Prepare and transmit to AEQ a publicly available record which sets forth reasons for a determination that although an EIS may be required, its preparation is still premature and thus unnecessary. Such a record should be updated when significant new information becomes available.

5. *Environmental impact statement or negative declaration.* In determining whether RE&D programs and plans which have not been excepted require preparation of an assessment, EIS or ND, factors specified in paragraphs 324–343 should be considered, as well as the following factors:

a. The magnitude of Federal investment in the program;

b. The likelihood of widespread application of the technology;

c. The degree of environmental impact which would occur if the technology were widely applied; and

d. The extent to which continued investment is likely to restrict future alternatives.

6. *Timing of EIS.* a. *General.*—An EIS or ND should be prepared late enough in the development cycle to contain meaningful information but early enough for analysis of environmental impact effects and alternative courses of action to be significant inputs in the program decision making process.

b. *Specific.*—An EIS or ND where required should be completed:

(1) On or before completion of RE&D and before introduction into the NAS or NSA;

(2) Prior to, or with submission for comment to outside organizations of draft standards (RE&D products) or technical data packages per 9500.4; and

(3) Prior to submission of draft Orders, Notices, Advisory Circulars to outside organizations for comment.

7. *Mitigating measures.* Responsible RE&D Directors, or their designees, shall specify in an EIS measures to be taken to mitigate or minimize significant adverse environmental effects. These may include:

a. Selecting alternate actions which most effectively minimize adverse impacts;

b. Conducting field tests in areas least likely to cause significant adverse environmental impact;

c. Locating laboratories and demonstration centers with a view to avoiding adverse environmental impacts; and

d. Minimizing potential adverse effects in the RE&D cycle (design, installation, test, evaluation and specific action).

APPENDIX 2. AIRWAY FACILITIES

1. *General.* Facilities and equipment projects; the establishment of new facilities; and maintenance program, ranging from component/equipment modification to major changes in the facilities, may impact the environment. This appendix sets forth environmental procedures to be used regarding airway facilities, the categories of projects which require an EIS or ND, and those which are not subject to an EIS or ND.

2. *Environmental responsibilities.* a. The regional airway facilities division shall implement the environmental procedures associated with all assigned F&E and maintenance projects within the regions, other than those projects which are expected or for which a class ND has been prepared. Such procedures are to include NDs or EISs. These EIS or NDs shall cover all factors relating to the siting of the facility, increases or decreases in operational usage, noise impacts, the impact of flight emissions and other known impacts on the environment.

b. Regional airway facilities division personnel are responsible for preparing, coordinating and processing the environmental actions relating to their assigned programs. They shall transmit copies of these documents as set forth in Chapter 3 with copies to AAF–1 and AEQ–1.

c. Airway Facilities Service is responsible for providing environmental assessment guidance for its assigned programs.

(1) It shall complete class NDs or EISs where appropriate and provide them to the regions to minimize the need for more extensive assessments.

(2) It is responsible for establishing environmental procedures and guidelines for National Airspace System programs, facilities and housing.

(3) To assist the regions in maintaining uniformity of procedures, it shall provide EIS and ND review and coordination.

3. *Environmental impact statements or negative declarations.* Environmental assessments should be developed along with economic and technical considerations in the facility siting and design. Careful consideration of the specific site and the effect of aircraft operations should never be overlooked. Where the individual location impact or the operational use of the facility indicates significant environmental impact or where significant controversy exists or is expected, an EIS should be prepared and circulated in accordance with this order.

4. *Projects subject to environmental assessments and procedures.* The following categories of projects are subject to an environmental assessment and preparation of an EIS or ND:

a. Establishment or relocation of facilities such as Air Route Traffic Control Centers (hereafter ARTCC), Air Route Surveillance Radars (hereafter ARSRs), Beacon Only Sites, and Flight Service Stations (hereafter FSS). These facilities may affect the environment because of land or access requirements; the electronic emissions generated by its operation; the impact on water and sewerage facilities, power distribution facilities, rainfall runoff and traffic flow from public roadways; and the impact on personnel in a given locale;

b. Establishment or relocation of facilities used for communications and enroute navigation such as the VHF Omn. Range (hereafter VOR) or with TACAN (hereafter VORTAC), Remote Center Air Ground (hereafter RCAG), and Radar Microwave Links (hereafter RMLs). The environmental impact of these facilities normally results from providing access to the remote facility and constructing the facility itself;

c. Establishment or relocation of Instrument Landing Systems (hereafter ILS), Approach Light Systems (hereafter ALS), and Runway End Identifier Lights (hereafter REILS). These facilities may be subject of environmental controversy because of the impact of a change in operational use and the location of certain elements off airports;

d. Establishment of FAA housing, sanitation systems, fuel storage and distribution systems, and power source and distribution systems normally should be assessed because of its location, and impact on community land use planning;

e. A non-Federal entity should prepare an environmental impact assessment report for the proposed establishment of non-Federal facilities such as an ILS or TVOR, for which procedures or acceptance by FAA for maintenance and operation is prearranged or anticipated. A copy of this report should be transmitted to FAA so an EIS or ND may be prepared prior to the FAA's acceptance of the facility with inventory; and

f. Any other facility, including those which are excepted or for which a class ND has been filed, which significantly impacts the quality the human environment or is highly controversial on environmental grounds, requires preparation of an EIS.

5. *Class negative declarations.* a. Class NDs have been filed for the following actions which will not have a significant impact on the quality of the human environment:

(1) Installation of remote transmitter/receiver (hereafter RT R) facilities or addition of communication channels to the existing facilities when on airport property;

(2) Replacement of older units with engine generators and power plants, used in emergencies when commercial power fails;

(3) Installation of equipment on airports, such as Runway Visual Range equipment (hereafter RVRs), Visual Approach Slope Indicators (hereafter VASI).

b. Actions for which class NDs have been filed normally require no further environmental consideration.

6. *Excepted Projects.* a. Upgrading of building electrical systems or maintenance to existing buildings (including painting, replacement of siding, etc.);

b. Minor expansion of facilities including the addition of communication channels where personnel complements are minimal and which require no additional land, and where expansion is due to remodeling of space in current quarters or existing buildings;

c. Upgrading of facilities to improve their operational capacity, e.g., (1) Existing runway approach lighting installations; (2) Conversion of VOR to VORTAC; and (3) Conversion of ILS to Category II or III standards;

d. Wind and other weather instruments located on airports;

e. Demolition and removal of buildings and structures, except where they are of historical, archaeological and architectural significance as officially designated by Federal, State or local government;

f. Replacement or reconstruction of a structure or facility with a new one of substantially the same size and purpose, where location will be on the same site as the existing building/facility.

g. Water, sewage, electrical, gas, or other utility extension of temporary duration to serve construction;

h. New gardening or landscaping, or the maintenance of existing landscape;

i. Accessory on site structures including storage buildings, garages, small parking areas, and signs and fences;

j. Grading on land with a slope of less than 10 percent, except where located near waterways in any wetland in an officially designated (by Federal, State, or local government agency) scenic area, or in officially mapped areas of severe geologic hazard;

k. Filling of earth into previously excavated land with material compatible with the natural features of the site;

l. Minor trenching and backfilling where surface is restored and the excavated material is protected against wash and runoffs during the construction period;

m. Replacement of power and control cables for facilities, such as ALS, ASR, ILS, and RTR;

n. Repairs and resurfacing of existing access to remote facilities such as ARSR, RCAG, RML, and VORTACs;

o. Installation of equipment on airports, such as Cloud Height Indicators (hereinafter CHI) and Hygrothermometers;

p. Installation of equipment within a facility or on an airport that provides for modernization or enhancement of the service provided by that facility, such as Airport Surveillance Radar (ASR), Radar Bright Display Equipment (hereinafter RBDE) with Plan View Displays (hereafter PVD), Direct Access Radar Channel hereafter DARC), beacon system on an existing radar and test sets.

7. *Environmental considerations during budgetary process.* The environmental impact of proposed projects should be considered during the budgetary process. It is not necessary that EISs or NDs be filed prior to budgeting for a given project. However, where significant, environmentally adverse project impacts are known or anticipated, the project justification should identify all pertinent factors to enable a determination of whether to include the project in the budget or to consider alternatives.

8. *Implementation of commitments on an EIS or ND.* For projects where commitments to protect the environment are detailed in an EIS or ND, the Regional Airway Facilities Division Chief shall include the appropriate statement to implement the commitment in land acquisition or construction design documents.

9. *Timing of environmental procedures.* a. Environmental assessments should be initiated with the beginning of design or engineering effort for the project.

b. No Procurement Request (hereafter PR) for construction will be submitted to the Procurement Office for action until the EIS or ND, if required, has been completed and filed.

c. If the project requires the acquiring of property interests, no formal contact with the property owner for the purpose of acquiring these interests, including any offer, should be made prior to filing a FEIS or ND, except for:

(1) Emergency situations;

(2) Obtaining rights-of-entry for such purposes as preparation for site testing, obtaining data, property surveys, etc.; and

(3) Those cases where the review process indicates that the proposed site warrants further engineering study and requires an EIS. It may be in the agency's interest to obtain an option or other document to assure the availability of the property pending the filing of the FEIS. In this event, the DEIS should state that the FAA has entered into an option and the reason for the option; that alternate sites are being considered through the EIS process; and that a decision to exercise the option will not be made until completion of the review and filing of the FEIS.

APPENDIX 3. AIR TRAFFIC

1. *General.* Air traffic personnel are involved in the assessment of aircraft noise resulting from new or revised air traffic control procedures. The most significant actions that would require environmental assessments are terminal area procedures.

2. *Environmental responsibilities.* a. *Regional offices.* Responsibility for environmental assessment and preparation of EISs and NDs may be delegated to field facilities or retained within the regional office, with assistance from the field facilities. Regional offices and field facilities shall provide input to an environmental assessment when requested by Air Traffic Service (hereafter AAT) or other services.

b. *Headquarters.* The office originating the proposed action is responsible for making environmental assessments and preparing the NDs or EISs. Input may be requested from regional offices and field facilities for an action originating within headquarters.

c. *Cooperation between services.* Actions originated by other services may result in another action for which AAT is responsible. For example: Office of Airports Programs (hereafter AAP) may add a new runway to an airport which could result in the establishment of a Standard Instrument Departure (hereafter SID) or Standard Terminal Arrival Route (hereafter STAR). In accordance with the requirement for early assessment as well as avoiding duplication, air traffic offices shall provide their input, if possible, when requested by the other service as other services are to provide their input when requested by Air Traffic.

3. *Environmental impact statements or negative declarations.* a. After completion of the environmental assessment and consultations, if required, the originator of the proposal will determine whether the action will require an EIS or ND.

b. If the action is excepted from the requirements for an EIS or ND, no further action is required except to note briefly the exception in the project folder. The note will serve as evidence that environmental procedures have been considered.

c. If the action is one which requires a ND, the ND shall be prepared in accordance with Chapter 3. The ND may range in content from a single statement, supported with facts, to an analysis involving the format and content of an EIS. The ND may be filed separately or inserted as part of the project file to serves evidence that the potential environmental impact of the proposed action has been considered and does not siguincantly affect the quality of the human environment.

d. If the action comes under the category for which an EIS is required, one should be prepared involving the format and contents outlined in Chapter 3 of this order.

4. *Actions subject to environmental assessments and procedures.* The following actions are subject to environmental assessment and preparation of an EIS or ND a New or revised SIDs, STARS and other preferential IFR departure and arrival procedures (other than IAPs) for that part of the operations conducted at less than 3,000 feet above the surface where such operations are routinely routed over noise sensitive areas which may include residential neighborhoods, educational, health, religious site and structures, cultural, historical, and outdoor recreational areas.

b. Special use airspace (restricted areas, warning areas, prohibited areas, alert areas and military operations areas (MOAs). If the floor of the proposed area is below 3,000 feet above the surface or if supersonic flight is anticipated at any altitude, this airspace shall not be designated, established, or modified until:

(1) The notice (NPRM or non-rule circularization) contains a statement supplied by the requesting or using agency that they will serve as lead agency for purposes of compliance with NEPA;

(2) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on the environmental aspects can be addressed (applicable only if an EIS is to be filed by the requesting agency);

(3) The notice contains the name and address, supplied by the requesting or using agency, of the office representing the agency to which comments on any land-use problems can be addressed (applicable only if special use airspace extends to the surface); and

(4) The rule, determination, or other publication of the airspace action contains a statement, supplied by the requesting agency, that the requirements of NEPA have been met.

d. The provisions of paragraph b.(1) through b.(4) are not applicable to special use airspace actions if minor adjustments are made such as raising the altitudes or, if a change is made in the designation of the controlling or using agency.

V421P3 JUN 27 77 UMI

5. *Excepted actions.* a. Determinations under FAR Part 77, "Objects Affecting Navigable Airspace" and determinations under FAR 157, "Notice of Construction, Alteration, Activation, and Deactivation of Airports."

b. Procedural actions to the extent covered by a previously filed EIS or ND in the establishment of enroute or terminal navigation aids, when environmental circumstances have not changed.

c. Actions taken under FAR Part 71, "Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points."

d. Actions taken under FAR Part 75, "Establishment of Jet Routes and Area High Routes" FAR Part 99, "Security Control of Air Traffic"; FAR Part 101, "Moored Balloons, Kites, Unmanned Rockets and Unmanned Free Balloons"; and FAR Part 105, "Parachute Jumping."

e. Procedural actions dictated by emergency determinations.

f. SIDs, STARs and other preferential departure and arrival routes which do not cause traffic to be routinely routed over noise sensitive areas which may include residential neighborhoods, education, health, religious sites and structures, cultural, historical and outdoor recreational areas or those at or above 3,000 feet above the surface.

g. Establishment or modification of Terminal Control Areas (TCA).

6. *Timing of environmental procedures.* An environmental assessment should be conducted when a procedure or action is first proposed or coordinated. If the action originates within the regional office, it may be necessary to request input from field facilities. This preliminary step will help determine whether an EIS or ND is appropriate and help identify the scope of environmental objections. If an action is found to be controversial, alternative courses of action should be considered or the proposed action may be changed to mitigate the environmental impact, so as not to constitute a significant environmental impact.

7. *Mitigating noise impacts.* Where specific anti-noise measures and/or procedures are required and can be provided without derogation of safety, the following shall apply: a. Arrival and departure flightpaths should be established over the least congested areas. If this is impractical, fan-out departures and arrivals should be considered in order to reduce the concentration of noise over any one portion of the surrounding communities.

b. In developing departure procedures, aircraft climb capabilities should be considered and an effort made to minimize low altitude operations. Specified altitudes should also be considered in conjunction with arrival procedures.

c. Noise abatement considerations require that every effort be made, through use of navigational aids, radar vectoring, or off-course climbs, to route instrument flight rules aircraft, during visual flight rules or IFR weather conditions, along flightpaths compatible with noise abatement routes.

d. Where present navigational system and/or aids are not compatible with potential noise abatement procedures, relocation or establishment of new facilities should be considered.

Appendix 4. Flight Standards

1. *General.* Flight standards programs and project actions shall be given proper environmental consideration in accordance with the procedures and guidance contained within this order. These actions are categorized as: excepted from environmental procedures because they are not major Federal actions significantly affecting the quality of the human environment, class NDs, or requiring an EIS or ND. Documentation of the environmental impact of all actions not excepted by this order is required.

2. *Environmental responsibilities.* a. The Flight Standards Division Chiefs shall implement the environmental assessment procedures, including developing an EIS or ND as appropriate. In the Western Region and European Region, the Chief, Aircraft Engineering Division and Chief, Aircraft Certification Staff, respectively, shall implement actions involving certification of aircraft products and parts. Normally, the division responsible for the action is responsible for the environmental assessment. Division Chiefs may delegate environmental responsibility to appropriate branches or district/field offices, or they may retain the responsibility within the division with assistance from the branches or district/field offices. Regional flight standards divisions shall coordinate with and assist as necessary the airway facilities, air traffic, and airports divisions and others on those actions involving environmental impacts crossing division lines. The headquarters divisions with assistance from the regions will develop and coordinate class ND actions.

b. Documentation, including the analysis of environmental factors, shall be retained in the project folder to substantiate the environmental assessment. This should be prepared for all projects not excepted, to support the decision that an EIS or ND will be prepared.

c. In the Washington Headquarters, each EIS and ND pertaining to a regulatory project will be prepared for the signature of the Service Director and a concurrence signature of AFS-900.

3. *Environmental impact statement or negative declarations.* Environmental considerations of Flight Standards actions require assessment of all relevant environmental factors. A decision as to whether the action's impact requires a ND or EIS is based on the assessment.

4. *Actions subject to environmental assessments and procedures.* The following FS actions are subject to environmental procedures, analysis and a decision as to whether to prepare a ND or EIS: a. Certificates: New amended or supplemental aircraft types for which environmental regulations do not yet exist, or engine types for which emission regulations do not yet exist, where an environmental analysis has not yet been prepared in connection with the regulatory action;

b. Aircraft/avionic maintenance bases to be operated by the FAA; the program officer is the Chief of Flight Inspection Field Offices, Regional Flight Standards Division Chief or Headquarters Aircraft Programs Division Chief, as appropriate;

c. Regulations and rules which may significantly affect the quality of human environment;

d. Authorization to exceed Mach 1/Flight under FAR 91.55;

e. Operating specifications and amendments thereto that may significantly change the character of the operational environment of the airport (e.g., first time jet aircraft operations at an airport on a regularly scheduled basis). When actions cross regional boundaries, coordination among regions is expected;

f. Pilot training schools certificated under FAR Part 141 and whose anticipated operations at an airport may significantly alter the character of the operational environment of the airport; and

g. New Instrument Approach Procedures, Department Procedures, En Route Procedures and modification to currently approved instrument procedures, which are conducted below 3,000 feet above the surface and which will tend to significantly increase noise over noise sensitive areas. This requires consideration of those operations that will be routinely routed over noise sensitive areas and includes residential neighborhoods; education, health, and religious sites; cultural, historical and recreation areas. A significant increase in noise is based on reduction of distance between aircraft and noise sensitive areas of more than 20 percent.

5. *Excepted actions.* a. Certificates: New, amended or supplemental aircraft type that meet environmental regulations or new, amended or supplemental engine types that meet emission regulations, where an environmental analysis has been prepared in connection with the regulatory action; medical, airmen, export, manned free balloon type, glider type, propeller type, supplemental type not affecting noise, emission or waste; mechanic schools, agricultural aircraft operations, repair stations and other air agency ratings;

b. Special flight authorizations controlled by operating limitations, FARs 21.193, 21.199, and 91.42;

c. All delegations of authority under section 314 of the FAA Act (49 U.S.C. 1301) e.g., designated examiners and engineering representatives;

d. Approvals of aircraft and engine repairs, parts and alterations not affecting noise, emissions, or wastes;

e. Aircraft and engine certifications or approvals under regulations which have been covered by prior EISs or NDs provided there has been no significant change or circumstances;

f. Acoustic change actions that demonstrate compliance with FAR Part 36;

g. Operating specifications and amendments thereto which do not significantly change the character of the operational environment of the airport, including authorizing alternate use of an airport, new use of an airport, or administrative revisions to operating specifications;

h. Regulatory documents which cover administrative or procedural requirements;

i. Regulations, rules, standards, and exemptions (excluding those which if effected may cause a significant impact on the human environment);

j. Instrument Approach Procedures, Departure Procedures, and En Route Procedures conducted at 3,000 feet or more above the surface; instrument procedures conducted below 3,000 feet above the surface which do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved instrument procedures conducted below 3,000 feet above the surface that do not significantly increase noise over noise sensitive areas; and increases to minimum altitudes and landing minima. Noise sensitive areas may include residential neighborhoods; educational, health, and religious sites; and cultural, historical and outdoor recreational areas. A significant increase in noise is based on a reduction of distance between aircraft and noise sensitive areas of more than 20 percent;

k. On-going actions for which exceptions or NDs have been prepared, normally, need only documentation in the project folder that the action is not subject to further environmental consideration. However, should it be determined that a particular action in the above category has a significant impact on the quality of the human environment or is highly controversial, an EIS will be required;

l. Denials of: (1) a petition for exemption, (2) a petition for reconsideration of a denial of exemption; (3) a petition for rulemaking or (4) a petition for reconsideration of a denial of a petition for rulemaking. Exemptions and (TSOs) when they are routine in nature and have no significant environmental impact.

6. *Timing of environmental procedures.* Environmental assessments shall be initiated at the earliest practical point in time, along with technical, economic and operational considerations. In order to obtain public participation in the environmental assessment, a statement will be placed in the preamble of each NPRM soliciting comments on the effect of the proposals on the environment. EISs or NDs shall be prepared so that analysis of the environmental impacts and alternate courses of action are significant inputs to the decision. The EIS or ND shall be filed prior to action, for example, in the case of certificates, prior to issuance.

Appendix 5. Logistics

1. *General.* Logistics programs, while basically a service function in support of agency needs or actions initiated by other FAA elements, are subject to the procedures and guidance of this order. The Logistics Service shall ensure the filing of the EIS or ND prior to land acquisition and construction, per Appendix 2, paragraph 8 and Appendix 5, paragraph 4. This section delinates the responsibilities of ALG in processing proposed FAA actions and the categories of actions initiated in ALG which require an EIS or ND and those which are expected from environmental procedures or have filed a class ND.

2. *Environmental responsibilities.* Through the negotiations and procurement processing of actions proposed by agency element, ALG is responsible for: a. Converting commitments contained in an EIS or ND into contract clauses applicable to completed products, contractor's facilities, performance of services, and land acquisition documents;

b. Negotiating the cost and application of environmental requirements in contracts;

c. Assuring through inspection and review that the contractor meets environmental requirements in the contract, and administers penalty provisions as provided in applicable contract clauses;

d. Assuring that leases, loans, agreements, permits, easements, and any instrument negotiated with respect to donations, condemnations, purchases, or improvements involving real or personal property, and all utility or service contracts, conform with established environmental standards and incorporate pertinent terms relative thereto; and

e. Assuring that no solicitation or proposal for bids for construction or formal contact with property owners for the purpose of initiating negotiations to acquire land shall be made prior to filing a FEIS or ND, except as provided in Appendix 2, paragraph 9c.

3. *Environmental impact statements or negative declarations.* The environmental considerations of ALG actions shall be documented in an EIS or ND. An environmental assessment shall be developed along with design or specifications to determine whether the action requires an EIS or ND. Preparation of the EIS or ND shall be in accordance with Chapter 3.

4. *Actions subject to environmental assessments and procedures.* The agency acquisition of land for and the construction of new office buildings is subject to environmental procedures, assessment and a decision as to whether its impact requires an ND or EIS (ALG-200 is responsible for these environmental procedures).

5. *Excepted or class ND actions.* a. Motor Fleet Management (purchase of new motor vehicles), where such vehicles are obtained from General Services Administration (GSA) under a lease arrangement or through a direct purchase as part of a national buy;

b. Use of space in buildings which are constructed for or controlled by GSA;

c. Lease of existing buildings;

d. Lease of buildings or portions of buildings on airports constructed for FAA by a private contractor;

e. Lease of space for a firm term of one year or less;

f. Acquisition of land for an existing leased operational facility.

Appendix 6

This appendix is the Office of Airports Programs' (AAP) Instructions for Processing Airport Development Actions Affecting the Environment, formerly Order 5050.2B as approved by the AAP Deputy Assistant Administrator on October 21, 1976.

1. *Purpose.* This appendix provides instructions and guidance for preparing and processing the environmental assessments of airport development proposals as required by various laws and regulations.

2. *Distribution.* This appendix has been distributed to Washington Office of Airports Programs, Office of the Chief Counsel, Office of Environmental Quality, and the Office of Aviation System Plans to branch level; to Regional Airports Divisions, Regional Counsel, and Regional Planning Staffs to the branch level; and to all Airports District Offices as FAA's Order 5050.2B, Instructions for Processing Airport Development Actions Affecting the Environment, dated October 21, 1976.

3 *Cancellation.* Order 5050.2A, Instructions for Processing Airport Development Actions Affecting the Environment, dated February 24, 1975, is cancelled by Order 5050.2B (same title), dated October 21, 1976, is cancelled through its incorporation into this Order 1050.1B.

4. *Authority.* Section 102 of the National Environmental Policy Act of 1969 (Pub. L. 91-190) (hereinafter "NEPA"); Section 16 of the Airport and Airway Development Act of 1970 (Pub. L. 91-258), as amended (Pub. L. 94-353) (hereinafter "the Airport Act"); Section 4(f) of the Department of Transportation Act (Pub. L. 90-495); DOT Order 5610.1B (39 FR 35231); CEQ Guidelines (40 CFR Part 1500).

5. *Applicability.* This appendix applies to any Federal decision relating to airport development. Included are actions involving the Planning Grant Program (PGP), the Airport Development Aid Program (ADAP), airport site selection pursuant to Sections 308 and 309 of the Federal Aviation Act of 1958, and requests by sponsors for the release of obligations to permit sale of airport property.

TABLE OF CONTENTS

Chapter 1. Definitions

1. Definitions Applicable to this Appendix
2.-9. [Reserved]

Chapter 2. Requirement for Environmental Consideration

10. General
11. Sponsor's Responsibility
12. FAA Responsibility
13. Use of Consultants
14. Lead Agency
15. Community Involvement
16. Information Availability
17.-18. Reserved

Chapter 3. Environmental Action Choices

19. General
20. Fully Coordinated NEPA Section 102(2)(C) Actions
21. Change of Draft Environment Impact Statements to Negative Declarations
22. Negative Declaration Actions Requiring Airport Act Section 16(c)(4) Coordination
23. Other Negative Declaration Actions
24. Prior Finding Actions
25. Excepted Actions
26.-29 [Reserved]

Chapter 4. Special Action Considerations

30. Assessing Alternatives
31. Consultation Required by Section 16(c)(4)
32. Airport Layout Plan Approvals
33. Master Planning Grants
34. Airport Location Approval
35. Air and Water Qaulity Certification
36. Advisory Actions
37. Compatible Land-Use Assurance
38. Land Acquisition
39. Releases from Land Covenants

Chapter 5. Content of Environmental Impact Assessment Reports and Impact Statements

40. General
41. Add-on Process for Environmental Impact Statements
42. Description
43. Background Information
44. Probable Impacts
45. Actions to Minimize Unavoidable Adverse Effects
46. Alternatives
47 Relationship Between Short-term Uses of Man's Environment and the Maintenance and Enhancement of Long-term Productivity
48. Irreversible and Irretrievable Commitments of Resources
49. Citizen Involvement
50. Summary of Impacts
51.-53. [Reserved]

Chapter 6. Sponsor Processing and Coordination

54. Consultation with FAA
55. Early Coordination
56. A-95 Review
57. Public Hearing
58. FAA Submission
59. [Reserved]

Chapter 7. FAA Processing and Approval of Fully Coordinated NEPA Section 102(2)(C) Actions

60. General
61. Distribution for Federal Review
62. Public Notice
63. Preparation and Review of Final Impact Statement
64. Approval of Final Impact Statement
65. Final Distribution and Notification
66. Implementation of Environmental Commitments
67.-69. [Reserved]

Chapter 8. FAA Processing and Approval to Change a Draft Environmeneal Impact Statement to a Negative Declaration

70. General
71. Documentation
72. Approval
73. Final Distribution and Notification
74. Implementation of Environmental Commitments
75.-79. [Reserved]

Chapter 9. FAA Processing and Approval of Airport Act Section 16(c)(4) Coordinated Actions

80. General
81. Distribution for Federal Review
82. Public Notice
83. Documentation
84. Approval
85. Final Distribution
86. Implementation of Environmental Commitments
87.-89. [Reserved]

Chapter 10. Content, Processing, and Approval of Other Negative Declaration Actions

90. Content of an Assessment Report
91. Coordination
92. Notification
93. Documentation
94. Approval
95. Final Distribution
96. Implementation of Environmental Commitments
97. 99. [Reserved]

V421233 JUN 27 77 UMI

CHAPTER 11. PRIOR FINDING AFFIRMATIONS

100. General
101. Coordination
102. Notification
103. Documentation
104. Approval
105. Final Distribution

FIGURE 1. SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

FIGURE 2. ENVIRONMENTAL PROCESS FLOWCHARTS

CHAPTER 1. DEFINITIONS

1. *Definitions applicable to this appendix.*

a. *Major Federal action significantly affecting the quality of the human environment.* This is any Federal action falling within the scope of paragraph 20 of this appendix. These actions require the preparation of an environmental impact statement.

b. *Environmental impact assessment report.* This is the report, prepared by the sponsor of an action, analyzing the environmental impact of a proposed action for which Federal financial assistance is being requested or for which a Federal authorization is required. This report may serve as the basis, in whole or in part, for the FAA's draft environmental impact statement or negative declaration.

c. *Draft environmental impact statement.* This is the document that represents FAA's evaluation of the environmental impact of a proposed action when coordination pursuant to Section 102(2)(C) of NEPA is initiated. The agency makes its own evaluation and assumes responsibility for the draft environmental impact statement. It is simultaneously distributed by FAA to the Council on Environmental Quality (CEQ), other appropriate Federal agencies, state and local agencies, and to the public.

d. *Environmental decision memorandum.* This is an FAA staff memorandum transmitting the negative declaration or environmental impact statement and the proposed Federal Finding to the responsible official. The memorandum sets forth the action to be taken, discusses the key issues, and indicates any factors requiring special consideration.

e. *Final environmental impact statement.* This is the document that represents FAA's final evaluation of the environmental impact of a proposed major Federal action. The final environmental impact statement will usually consist of the draft environmental impact statement, as amended if necessary, comments thereon, responses thereto, the decision memorandum, and a Federal Finding. Reports cited as a reference in the statement need not be included in the documentation. The environmental impact statement is the vehicle for considering the environmental impacts of a proposed Federal action. This document must accompany each proposed action through the Federal decision-making process.

f. *Federal finding.* This is a determination by the responsible official signifying approval or disapproval of a negative declaration or a final environmental impact statement.

g. *Negative declaration.* This is the document that constitutes FAA's evaluation that a particular action will not significantly alter the airport's impact on its surrounding environment and the action is not highly controversial on environmental grounds. Coordination and review pursuant to Section 102(2)(C) of NEPA are not required.

h. *Negative declaration with section 16(c)(4) coordination.* This is a negative declaration as defined above which, because the project involves airport location, a major runway extension, or runway location, must be coordinated with the Department of the Interior and the Environmental Protection Agency.

i. *Prior finding affirmation.* This is a finding by the responsible official that a proposed action is within the scope of a previously approved environmental impact statement or negative declaration. Affirmation of a prior finding establishes the continued validity of a pervious environmental determination with respect to a currently proposed Federal action.

j. *Human environment.* This is the aggregate of all external conditions and influences (ecological, biological, economic, social, cultural, historical, aesthetic, etc.) that affects the life of a human.

k. *Responsible official.* This is the official responsible for making the final determination as to whether the environmental requirements for a proposed Federal action have been satisfied.

l. *Sponsor.* This is any public agency eligible to receive Federal financial assistance under the Airport Act or anyone proposing an airport development project for which a Federal authorization is required.

m. *Major runway extension.* This is a runway extension which either expands the airport's existing boundary or a clear zone into surrounding land areas, or upgrades an existing runway to permit first-time jet aircraft usage, to permit usage by a larger or noisier type of jet aircraft, or to permit a significant increase in the level of jet aircraft operations.

n. *Major new construction or expansion of passenger handling and parking facilities.* This is such development on a hub airport that would provide for accommodation of part or whole of an aggregate increase of 25 percent (but not less than 100,000) in enplanements for the forecast period.

2.–9. [*Reserved*]

CHAPTER 2. REQUIREMENT FOR ENVIRONMENTAL CONSIDERATION

10. *General.* Environmental amenities and values shall be carefully considered and weighed in a timely manner in evaluating all proposed Federal actions relating to airport planning and development, utilizing a systematic interdisciplinary approach. The environmental assessment and consultation process is to provide officials and decision makers, as well as members of the public, with an understanding of the potential environmental impacts of the proposed action. While environmental considerations are obviously not the only ones to be weighed, they are to be evaluated as fully and as fairly as nonenvironmental considerations. The FAA's objective is to avoid or minimize adverse environmental impacts that might flow from any proposed Federal action. Unless excepted by this appendix, an environmental impact statement, negative declaration, or prior finding affirmation is required for all proposed Federal actions related to airport development.

11. *Sponsor's responsibility.* Sponsors of airport projects are responsible for preparing an environmental impact assessment report containing a discussion and analysis of the environmental implications and impacts associated with the proposed action. Such a report shall be developed in coordination with appropriate local, state, and Federal agencies, with community involvement as described in this appendix and in direct consultation with FAA. It is important that the material contained therein be objective, comprehensive, and accurate in order for it to serve as the basis for the preparation of the FAA's draft environmental impact statement or negative declaration. The sponsor's responsibility also extends to providing additional data and information to the FAA when required to assist in its review of environmental impacts and for use in the preparation of the draft and final statements.

12. *FAA responsibility.* The FAA is responsible for analyzing the environmental impacts and consequences of any proposed Federal action involving an airport development project, for preparing and circulating draft and final environmental impact statements, and ultimately for making the Federal Finding on the proposed action. Although an environmental impact assessment report submitted by an airport sponsor may be used in whole or in part, the FAA is responsible for the facts, opinions, and judgments upon which the finding or other environmental determination is based. It is, therefore, incumbent upon the FAA to assure that all documentation presents a full, accurate, and fair assessment of the environmental consequences of the proposed action.

13. *Use of consultants.* Consultants may be employed to prepare environmental impact assessment reports for airport sponsors. They may also be used to prepare background or supplemental material and otherwise assist in preparing a draft or final environmental statement for which the FAA takes responsibility. Care should be exercised in selecting consultants to assure that the skills and effort to be provided are commensurate with the complexity and magnitude of the environmental assessment. In reviewing the work of consultants, FAA must insure that complete and objective consideration has been given to all relevant project impacts and alternatives, particularly if the consultant may expect further contracts based on the outcome of the environmental decision. During negotiations with a consultant, completeness and objectivity may be jeopardized if either the sponsor or the FAA indicates that a particular alternative is favored, or suggests that consideration of possible follow-on work should affect the negotiation.

14. *Lead agency.* CEQ Guidelines provide that: "Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should be prepared for all Federal actions involved. Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single 'lead agency' to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. Federal Regional Councils, agencies, and the public are encouraged to bring to the attention of the Council and other relevant agencies appropriate situations where a geographic or regionally focused statement would be desirable because of cumulative effects likely to result from multi-agency actions in the area."

Questions concerning "lead agency" decisions should be directed by the region to the Airports Planning Division, AAP-400, to be raised with CEQ through appropriate agency consultation channels. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, that agency may be the appropriate lead agency.

15. *Community involvement.* While most requests for Federal financial assistance originate with a local public agency, the involvement of the community at large is a necessary element in the decision-making process. Communities, organizations (such as environmental, conservation, aviation and airspace user, public service, education, labor or business organizations), and other individuals affected by airport development proposals submitted to the FAA shall be provided an effective opportunity to comment at all appropriate stages in the decision-making process; and, in all cases, they shall be provided an opportunity to review and comment on draft statements and final statements. In accordance with Section 16(d) of the Airport Act, an opportunity for public hearings must be offered on any action involving location of a new airport, location of a new runway, or extension of a runway. For other actions, a public hearing should be considered in accordance with the guidelines contained in paragraph 57b of this appendix. FAA Advisory Circular 150/5050-4, Citizen Participation in Airport Planning, dated September 26, 1975, has additional specific guidance on community involvement.

16. *Information availability.* In accordance with the policy set forth in 49 CFR 7.87(c), the FAA is responsible for making available environmental statements, comments received, and underlying documents to the public without charge to the fullest extent practical, or at a reduced charge which is not more than the actual cost of reproducing copies.

17.–18. [Reserved.]

CHAPTER 3. ENVIRONMENTAL ACTION CHOICES

19. *General.* a. All proposed Federal actions involving the following categories of airport development actions (including development shown on the airport layout plan) must be supported by an environmental assessment and resultant finding: (1) New airport site selection and development.

(2) New runway.

(3) Major runway extension.

(4) Runway strengthening which would permit first time jet use or use by larger or noisier type of jet aircraft.

(5) Major new construction or expansion of passenger handling or parking facilities with Federal funding.

(6) Land acquisition associated with all the above items plus any land acquisition which causes relocation of residential or business activities or involves land covered under Section 4(f) of the Department of Transportation Act.

(7) Establishment or relocation of instrument landing system (ILS), approach lighting system (ALS), or runway end identification lights (REILs) (when airport development aid funds are used).

(8) Any airport development action that falls within the scope of paragraph 20 or which involves any of the following, as more particularly described in paragraph 44: (a) Use of any Department of Transportation Act Section 4(f) land.

(b) Effect on property included in or eligible for inclusion in the National Register of Historic Places or other property of state or local historical, architectural, archeological, or cultural significance.

(c) Wetlands or coastal zones.

(d) Endangered or threatened species.

b. The actions identified in subparagraph a. above must be supported through one of the following action choices: (1) Fully coordinated environmental impact statements (paragraph 20).

(2) Negative declaration actions: (a) As a result of changing a draft environmental impact statement (paragraph 21);

(b) Requiring limited coordination per Section 16(c)(4) of the Airport Act (paragraph 22); or

(c) Requiring limited assessment (paragraph 23).

(3) Actions affirming prior findings (paragraph 24).

20. *Fully coordinated NEPA section 102(2)(c) actions.* a. An environmental impact statement shall be prepared for the following proposed Federal actions: (1) Any action that has an effect that is not minimal on properties protected under Section 4(f) of the DOT Act or Section 106 of the Historic Preservation Act.

(2) Any action that is likely to be highly controversial on environmental grounds.

(3) Any action that is likely to have a significant impact on natural, ecological, cultural, or scenic resources of national, state, or local significance, including endangered species and wetlands.

(4) Any action that is likely to be highly controversial with respect to the availability of adequate relocation housing.

(5) Any action that: (a) Causes substantial division or disruption of an established community, or disrupts orderly, planned development, or is determined to be not reasonably consistent with plans or goals that have been adopted by the community in which the project is located; or

(b) Causes a significant increase in surface traffic congestion.

(6) Any action that: (a) Has a significant impact on noise levels of noise sensitive areas;

(b) Has a significant impact on air quality or violates the standards for air quality of an affected locality, the state, or the Environmental Protection Agency;

(c) Has a significant impact on water quality or may contaminate a public water supply system; or

(d) Is determined to be inconsistent with any Federal, state, or local law or administrative determination relating to the environment.

(7) Other action that directly or indirectly affects human beings by creating a significant impact on the environment.

b. In determining whether an environmental impact statement is required for a proposed Federal action, it is necessary to consider the over-all, cumulative impact of the proposed action and the consequences of subsequent related actions. This is important because the effect of a number of decisions about a complex of projects can be individually limited to the extent that a negative declaration would appear to be appropriate for each project; however, when considered together, the projects may have a considerable cumulative impact. If an action would permit further contemplated actions (either by the FAA, another agency, or the sponsor), then in determining whether to prepare an environmental impact statement, the impacts of the further contemplated actions, as well as the impacts of the proposed action, must be considered. If an environmental statement is required, it must be processed before a commitment is made that would enable the further contemplated action or foreclose or narrow the consideration of alternatives to such contemplated action.

c. A proposed Federal action is considered highly controversial when the action is opposed by a Federal, state, or local government agency or by a substantial number of the persons affected by such action on environmental grounds. If the responsible official has any doubt as to whether a given number of opposing persons is "substantial," that doubt should be resolved by processing the action as a highly controversial one. In an action involving relocation of persons or businesses, a controversy over the amount of the acquisition or relocation payments is not considered to be a controversy with respect to availability of adequate relocation housing.

d. Details on processing and approval of these actions are contained in Chapter 7.

21. *Change of draft environmental impact statements to negative declarations.* a. During the processing of an environmental impact statement as discussed in Chapter 7, the FAA may conclude that the proposed action is not a major Federal action significantly affecting the quality of the human environment and therefore does not require the preparation of a final environmental impact statement pursuant to NEPA Section 102(2)(C). In this case, the appropriate action choice is to change the action and prepare a negative declaration. If a draft environmental impact statement has been circulated, then particular action is required as discussed in Chapter 8.

b. This type of situation will occur when the environmental circumstances that prompted the draft statement have been dismissed, avoided, or eliminated. This may happen because of a change in the project, a change in the nature or degree of impacts, an inaccuracy in the data, or a misunderstanding of the facts contained in the draft statement. The reason for changing a draft environmental impact statement to a negative declaration must be specific, clearly established, and properly documented. It cannot be based merely on the absence of adverse comments by reviewing agencies. If the Section 102(2)(C) process was initiated because of opposition by a local, state, or Federal agency, written documentation must be obtained from the agency indicating that the opposition no longer exists.

22. *Negative declaration actions requiring Airport Act section 16(c)(4) coordination.* a. This action choice occurs when the proposed action involves the location of an airport, the location of a runway, or the major extension of a runway but does not have consequences bringing it within the scope of paragraph 20. A negative declaration must be supported by an environmental impact assessment report, prepared in accordance with Chapter 5 of this appendix, substantiating the determination that the proposed action will not significantly alter the airport's impact on its surrounding environment and is not highly controversial on environmental grounds.

b. Pursuant to Section 16(c)(4) of the Airport Act, the Department of the Interior and the Environmental Protection Agency (by transfer of functions from the Department of Health, Education, and Welfare) must be consulted even in circumstances when a negative declaration is appropriate. Those agencies should be forwarded a copy of the negative declaration (and environmental impact assessment report) and advised that, although the project is not expected to significantly affect the quality of the human environment, they are being consulted pursuant to Section 16(c)(4).

c. FAA processing and approval of this action choice are described in Chapter 9.

23. *Other negative declaration actions.* This action choice applies to those projects which do not have circumstances bringing them within the scope of either paragraph 20 or 22 and which are not excepted under paragraph 25. Content, processing, and ap-

V 42 N 123 JUN 27 77 UMI

proval of this action choice are described in Chapter 10.

24. *Prior finding actions.* This action choice is applicable if, after a thorough review, it is found that the proposed project conforms to plans or projects for which an environmental impact statement or negative declaration concerning the environmental impact has been made; that the data and analyses contained in the previously approved documentation are still substantially valid insofar as they pertain to the proposed action; that preparation of a new environmental impact statement or negative declaration is not necessary; and that the prior environmental impact statement or negative declaration may be affirmed. Content, processing, and approval of this action choice are described in Chapter 11.

25. *Excepted actions.* The following actions do not have the potential for causing a significant environmental impact and do not require an environmental impact assessment report:

a. Policy and planning documents not intended for direct implementation.

b. Grants of funds for airport system planning and airport master planning.

c. Airport planning, design, and development program advisory circulars issued by FAA as administrative and technical guidance to the public.

d. ADAP actions which are tentative and conditional and are clearly taken as a preliminary action to establish a sponsor's eligibility under ADAP.

e. Airport-related emergency actions.

f. All airport development actions other than those categories identified in paragraph 19a and not falling within the categories identified in paragraph 20.

g. The issuance of certificates and related actions under the Airport Certification Program (Federal Aviation Regulations, Part 139).

h. Advisory actions as described in paragraph 36.

26.–29. Reserved.

CHAPTER 4. SPECIAL ACTION CONSIDERATIONS

30. *Assessing alternatives.* a. In determining which alternatives to consider, all actions that might reasonably be expected to accomplish the project objective should be identified for preliminary reivew. This should include actions that are not necessarily within the authority of the sponsor or the FAA to take, such as the selection of an airport site outside of the sponsor's jurisdiction, the use of another mode of transportation, air traffic operational constraints, and jurisdictional land use and zoning practices. If preliminary examination indicates that some or all of the alternative actions are unreasonable, those actions should be identified with a statement of the reasons for not considering them. Sufficient analysis of reasonable alternatives (including the alternative of taking no action) and their environmental benefits, costs, and risks should accompany the proposed statement through the review process to insure that consideration of the alternatives is not prematurely foreclosed.

b. Both Section 16(c)(4) of the Airport Act and Section 4(f) of the DOT Act require a finding that "no feasible and prudent alternative" exists. The terms "feasible" and "prudent" are separate criteria and refer to sound engineering principles and sound judgment, respectively. A construction alternative, for example, may be feasible if, as a matter of sound engineering principles, it can be built. It may not be prudent, however, because of environmental, social, or economic consequences. Generally, the proposed action is that alternative which is feasible and prudent when all factors considered (safety, efficiency, economic, social, and environmental) the benefits of the proposed alternative outweigh those of all other alternatives. For additional guidance relative to Section 4(f), see subparagraph 30d.

c. Section 16(c)(4) of the Airport Act provides that the Secretary of Transportation shall authorize no project under the Airport Development Aid Program involving airport location, a major runway extension, or runway location found to have an adverse effect unless he shall render a finding in writing, following a full and complete review, that no feasible and prudent alternative to the project exists and that all possible steps have been taken to minimize such adverse effect. The degree of adverse effect on the environment is the primary factor in determining the detail required in assessing the feasible and prudent alternatives. A distinction is made here between adverse effect and significant adverse effect. This distinction is established in the course of the environmental assessment process, as follows: During the project planning stage, an environmental assessment is developed, and basic feasible and prudent alternatives to accomplish the desired end are proposed. In assessing the feasibility of these alternatives, general broad scale environmental effects are considered and a development alternative is proposed which becomes the project described. When further detailed environmental assessment of the proposed alternative yields no significant adverse effect as identified in paragraph 20, then the initial assessment of the other alternatives is sufficient for Section 16(c)(4) purposes. However, if during this assessment it is determined that the proposed alternative falls under paragraph 20, then a more thorough investigation of other alternatives as called for in paragraph 46a is in order.

d. Section 4(f) of the DOT Act provides that the Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or any land from an historic site of national, state, or local significance as determined by the officials having jurisdiction thereof unless there is no feasible and prudent alternative to the use of such land and such program includes all possible planning to minimize harm. Project development involving DOT Section 4(f) does not necessarily fall within the processing requirements of NEPA Section 102(2)(C). However, regardless of which action choice is appropriate, the documentation must contain an assessment of alternatives and evidence of planning to minimize harm to the Section 4(f) land, as more particularly described in paragraph 44f. To comply with Section 4(f), it is necessary to show that a rejected alternative to a proposed action presents unique problems, or that the costs or community disruption it entails reach extraordinary magnitudes.

e. Determinations that the "do nothing" alternative does not exist as a feasible and prudent alternative will generally be made on the basis of comparisons of benefits and adverse effects. Consideration of alternatives at different locations which would satisfy project requirements should include comparisons of similar effects at each location.

f. An alternative that would have substantially the same amount of environmental impact as the proposed action does not represent a prudent alternative if it would reduce the effectiveness of the project.

g. As a minimum, a negative declaration shall consider the alternative of "do nothing."

31. *Consultation required by section 16(c)(4).* a. Section 16(c)(4) requires consultation with the Department of the Interior and the Environmental Protection Agency regarding the effects certain types of airport projects may have on natural resources. When this consultation occurs as part of the Section 102(2)(C) coordination process, it must be made clear in the heading of the draft statement and in the transmittal that consultation is sought for purposes of both Sections 102(2)(C) and 16(c)(4).

b. Differences of opinion that develop as a result of Section 16(c)(4) consultation should be resolved at the field level to the extent possible. Any unresolved issues, including objections on the adequacy of the assessment of impacts or alternatives or objections to the proposed Section 16(c)(4) action, should be identified and called to the attention of the responsible official. It should be noted that the role of the Department of the Interior and of the Environmental Protection Agency is one of consultation, not concurrence, on Section 16(c)(4) actions. After consultation, it is FAA's responsibility to give due consideration to the comments received and to make the decision as to whether the action should be approved pursuant to Section 16(c)(4), that no feasible and prudent alternative exists, and that all possible steps have been taken to minimize adverse effects.

32. *Airport layout plan approvals.* a. *Applicability.* This paragraph applies only to items of development approved for the first time by FAA, shown on a new or revised airport layout plan (ALP).

b. *General.* Proposals to construct new runways, runway extensions, terminal buildings or other major and supportive development are shown on an ALP. Inclusion on the plan signifies only that the proposed development has been identified by public sponsors for planning purposes. It does not represent a commitment by the sponsor to implement the indicated development. FAA reviews the planned development with respect to safety, efficiency, and utility. FAA's action does not represent a commitment to provide financial assistance to implement the proposed plan.

c. *Approval.* (1) When all items of development covered by paragraph 19a of this appendix have been the subject of environmental findings pursuant to the provisions of this order, then the ALP may be approved unconditionally.

(2) When such environmental action has not been completed, the ALP may be approved subject to the following condition which shall be included in the ALP approval letter: "The approval indicated by my signature is given subject to the condition that the proposed airport development identified by item herein as requiring environmental processing may not be undertaken without prior written environmental approval by the FAA."

(3) The approval letter will identify, by item, those items shown on the ALP which are covered by paragraph 19a and have not yet been environmentally approved by FAA.

(4) The FAA approval of an ALP shall be indicated as follows:

(a) The FAA unconditional approval shall be shown on the face of the ALP by use of the term "approved."

(b) The FAA conditional approval shall be shown on the face of the ALP by use of the term "conditionally approved" and cross-referencing the ALP approval letter.

33. *Master planning grants.* Master planning grants are not considered major Federal actions for purposes of Section 102(2)(C) of NEPA; and, therefore, an environmental impact assessment report or statement is not required for issuance of the grant. Preparation of an environmental impact assessment report is usually included as one of the elements of the master plan, as is the preparation of a new or revised airport layout plan. The airport layout plan is the vehicle through which FAA acts with respect to airport planning and which is subject to the requirements in paragraph 32 of this appendix. The environmental impact assessment report may be submitted as a separate document or as an element of the master planning document. Assessment reports may be prepared to cover either the ultimate plan as developed by the study or stages of such development, depending on the independent utility of each stage and the certainty of ultimate development.

34. *Airport location approval.* An airport development aid project for construction or land acquisition may not be approved unless the airport site is approved by the FAA. Federal approval of a proposed site is always preceded by an environmental assessment. If location selection is made as an initial phase of a master planning study, the environmental assessment must take into account enough of the ultimate planned development to assure that, with the best available information, the selection is based upon considerations that the need for and benefits of future development of the site outweigh any adverse environmental impacts.

35. *Air and water quality certification.* Section 16(e)(1) of the Airport Act requires that applications for projects involving airport location, runway location, or a major runway extension shall not be approved unless the governor of the state in which the project is located certifies that there is "reasonable assurance" that the project will be located, designed, constructed, and operated in compliance with applicable air and water quality standards. To establish a "reasonable assurance," applicable standards and implementation requirements must have been established and an official designated who has authority to enforce compliance with the standards. When standards have not been approved but applicable standards have been promulgated by the EPA, EPA's approval shall be obtained. Lack of objection to air and water quality considerations as set forth in the environmental impact statement may be construed as EPA approval. While the air and water quality certifications should be included in the final environmental impact statement whenever possible, their inclusion is not a prerequisite to approval of the statement if the statement includes documentation from the governor or appropriate state official indicating a reasonable expectation that the certification will be given. The states' certification or the EPA's approval must be received, however, before the project can be approved by the FAA.

36. *Advisory actions.* Some Federal actions, such as airspace actions, are of an advisory nature and are neither permissive nor enabling. Actions of this type are not ordinarily major Federal actions, and environmental assessments or statements are not required as a condition for accomplishing the action. If it is known or anticipated that some subsequent Federal action would require processing in accordance with environmental procedures, the advisory action should so indicate.

37. *Compatible land-use assurance.* Section 18(4) of the Airport Act requires an assurance, satisfactory to the Secretary, that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. FAA officials shall contact the sponsor and representatives of affected communities to encourage the development of compatible land-use controls early in the project planning stage. Appropriate assurances should be included in the environmental impact assessment report to document what is being done by the jurisdiction(s) with land-use control authority. An update on any prior assurances should also be included. For purposes of this appendix, reasonable assurance occurs when appropriate action has been or will be taken. What constitutes appropriate action depends on the jurisdictional land-use control capability of the sponsor. It is recognized that not all airport sponsors have direct jurisdictional control. However, sponsors are public agencies with a voice in the affairs of the community in which the airport development is undertaken and should be required, as a minimum, to use their best effort to assure proper zoning or other land-use controls near the airport. Depending on the sponsor capability, "appropriate action" could range from extension of such influence to acquisition of land in fee. It is the FAA official's responsibility to determine that appropriate action, constituting reasonable assurance, has been or will be taken.

38. *Land acquisition.* Public sponsors may have the authority to acquire land adjacent to existing airports or for new airports without prior approval by the FAA. Such action could prejudice or preclude a favorable decision by the FAA on proposed changes in airport layout or development which would use the land thus acquired or on requests for reimbursement for the property. When FAA is notified or becomes aware of a possibility that such a situation may be occurring, FAA will advise the public sponsor that such actions must be consistent with pertinent environmental policy as expressed in this appendix, that the manner in which the particular property was acquired will be carefully considered by the FAA prior to approval of any future FAA action involving the property, and that particular attention will be given by the FAA to its responsibilities under DOT Section 4(f) to insure that a special effort is made to preserve the natural beauty of the countryside, public parks and recreation lands, wildlife and waterfowl refuges, and historic sites. Particular attention will also be given by the FAA to actions by a sponsor involving properties on or eligible for inclusion in the National Register of Historic Places as well as the provisions of Title VI of the Civil Rights Act of 1964 and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. A sponsor who has acquired land without prior approval by the FAA must demonstrate to the satisfaction of the FAA that his action was consistent with the policies expressed in this appendix and has not prejudiced full and objective consideration of alternative or actually precluded possible implementation of a preferable alternative.

39. *Releases from land covenants.* When a sponsor accepts a Federal airport development grant or a conveyance of Federal surplus property for airport purposes, he incurs specific obligations with respect to the uses of the property. FAA action is required to release a sponsor from his obligations in the event he desires to sell any of the airport property. This action requires an appropriate environmental assessment in accordance with the provisions of this appendix. The assessment must address all known and immediately foreseeable environmental consequences of the release action. In making the finding determination, the responsible Federal official should consider the effects of any covenants which will encumber the title and the extent of Federal ability to enforce these covenants subsequent to the release action. The standard conditions of release relative to the right of flight, including the right to make noise from such activity and the prohibition against erection of obstructions or other actions which would interfere with flight of aircraft over the land released, may be considered as mitigating factors in the environmental assessment, especially as regards noise impact and land-use compatibility. When the intended use of released land is consistent with uses described and covered in a prior environmental assessment, the prior data and analysis may be used as input to the present assessment. When the conditions as set forth in paragraph 24 apply, a prior finding affirmation may be used to support the property release.

CHAPTER 5. CONTENT OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS AND IMPACT STATEMENTS

40. *General.* a. Environmental impact assessment reports are the major source documents for consideration and evaluation of environmental aspects of airport-related decision making and become the primary basis for the environmental impact statements and negative declarations. The required information should be presented in an easily understood form and as concisely as possible to permit the responsible official to use it effectively. Illustrations and reproductions should be legible and free of clutter. Review may be facilitated by adhering to typical presentation format. However, it is recognized that environmental factors are often unique to a given project and adherence to a rigid format is not required. Content and format should be geared to the particular action. More attention should be paid to the more significant environmental issues and problems. Less important material may be summarized, consolidated, appended, or simply referenced.

b. Environmental conclusions expressed in the text must be supported by appropriate reference to underlying studies, data sources, or other information considered in the preparation. As a general rule, the body of the document may include brief summaries of supporting data but should not be burdened with highly technical analyses or extensive detail. Such material is more appropriately included in appendices or by reference to separate texts or other literature as needed to support the environmental assessment. Reference data not attached to the document shall be available to the responsible official or any member of the public upon request.

41. *Add-on process for environmental impact statements.* Environmental impact statements may be constructed and organized with a view to adding sections in the progressive development of a final environmental impact statement. This add-on process permits responsible officials to examine the resolution of issues that were developed in the review process. The add-on process should not ordinarily be used if responses to substantive comments on the draft require extensive new material or otherwise make the composite statement confusing or difficult to follow. In such cases, the text of the draft should be revised as appropriate for use in the final statement.

42. *Description.* Each document should begin with a section describing the proposed Federal action, a statement of its purpose, and a description of the environment of the area affected, including any illustrating maps, photographs, and data necessary to adequately describe the action and affected area. Included in this section should be the following specific items:

a. A concise description of the proposed Federal action, its purpose, and contemplated future related actions, including facility installations and procedural actions;

b. Location of the airport;

JUN 27 77 UM

c. Existing and planned land uses and zoning in the airport-community area, including affected residential areas, public parks, wildlife and waterfowl refuges, wetlands and coastal zones, recreation areas, and historic sites;

d. Nearby schools and places of public assembly, hospitals, shopping areas, and adjacent political jurisdictions affected by the proposed development;

e. Other Federal or federally assisted activities in the affected area related to the proposed action (e.g., highways and other transportation projects, housing development and relocation, etc.), including a description of the interrelationships and cumulative environmental impacts of all related Federal projects in the planning and development stages;

f. Population, growth characteristics, and activity forecasts and assumptions used to justify the project and determine secondary impacts; and

g. A statement indicating how the proposed action conforms to or conflicts with the objectives and specific terms of approved or proposed Federal, state, regional, or local plans, policies, and controls, including comprehensive land-use plans and state Coastal Zone Management programs, if any, for the affected area. Efforts to reconcile any conflicts or inconsistencies should be described and documented.

43. *Background information.* A section to describe or discuss background information is often useful to help the reviewer appreciate circumstances related to the proposed action. This section should highlight development and environmental actions to date. This section may include such items as bond actions, action by the community or citizen groups pertinent to the proposal, or any other unique factors associated with the project which do not properly belong in another section of the document.

44. *Probable impacts.* The document shall describe and appraise probable impacts of the proposed action on the human and natural environment. The analyses shall include consideration of beneficial and adverse impacts as well as direct and indirect impacts and shall specify the actions to be taken to minimize those adverse effects that cannot be avoided. The amount of detail presented shall be commensurate with the extent and expected impact of the action. In discussing each of the various impacts, it is important that the present environment be described sufficiently so that the predicted consequences of the action are assessed and understood in relation to the existing situation. Each project shall be examined for the presence of any of the following impacts, not necessarily in the following order:

a. *Noise and land use.* (1) *Applicability.* Noise impacts must be examined when project actions individually or cumulatively involve airport location, runway location, major runway extension, or runway strengthening which would permit operation by larger or noisier jet aircraft.

(2) *Requirements.* (a) The analysis shall include continuous contours of equal noise exposure using one of the following cumulative noise (or aggregated noise energy) methodologies: Noise Exposure Forecast (NEF), Composite Noise Rating (CNR), Day/Night Level (Ldn), Equivalent Noise Level (Leq), or Community Noise Equivalent Level (CNEL). As a minimum, such contours shall show the boundaries of all areas exposed to noise levels equal to or greater than NEF 30, CNR 100, Ldn 65, or equivalent for present conditions and forecast conditions with and without the proposed project. The effect on noise impacts resulting from other related actions, including installation of navigation aids and air traffic control procedures, shall be considered. The results of coordination and the positions of other affected FAA operating services on these aspects shall be included when applicable.

(b) For noise-sensitive areas identified as existing within the contours identified in (a), additional analysis is required if the proposed action is highly controversial because of noise impacts or if the areas identified will be exposed to jet operations for the first time or if the noise increase is greater than three units (NEF, CNR, Ldn) over that which would be created without the project. Such calculation of difference should include consideration of any noise abatement procedures which exist.

(c) When required by (b), additional analysis shall include information on average duration above 65, 75, 85, 95, 105, and 115 dB(A) for a complete day's operation, for the evening period (7 p.m. to 10 p.m.), and for the night period (10 p.m. to 7 a.m.), for forecast conditions with and without the project. This information may be provided for selected points in intervals of not greater than 3,000 feet.

(3) *Effective date.* The noise analysis required by (2)(a) shall be included in all environmental impact assessment reports submitted to FAA after the effective date of this appendix. The additional analysis required by (2)(b) shall be included in all such reports submitted to FAA 12 months after the effective date of this appendix. All final environmental impact statements submitted to the responsible official for approval action shall contain the analyses required by (2)(a) 12 months after the effective date of this appendix and by (2)(b) 24 months after this effective date.

(4) *Content.* (a) The noise analysis shall include sufficient information to permit lay and technical readers to relate noise exposure data to an understanding of its potential effects, including sufficient explanation of the noise descriptor(s) used in the assessment to convey the technical as well as the conceptual significance of the noise measures.

(b) The text and the graphics shall present the principal findings. Detail required to derive the findings shall be included in appendices, with appropriate reference in the text.

(c) The following graphics shall be included:

1 Layout plan of the present, or proposed, airport indicating proposed development.

2 Map(s) of the airport vicinity, including for each condition analyzed: runway location and orientation; present and planned land uses; noise-sensitive areas by type; zoning, property to be acquired, or other land-use controls; and continuous contours of equal noise exposure and related flight tracks superimposed by prominent, legible lines, appropriately labeled. Aerial photographs, when available, are very helpful in illustrating the relation of the airport to surrounding land uses.

(5) *Analysis.* (a) The general literature on the effects of noise on man and on recommended land use or exposure criteria varies in depth, breadth, accuracy, and reliability. The use of such information is an effort by the FAA to make the state-of-the-art visible to the public. The use of such information and the level of detail necessary for noise impact assessment will vary with the level of impacts, the extent and nature of noise-sensitive areas affected, and the degree of interest in the project.

(b) For purposes of Section 18(4) of the Airport Act, the noise impact assessment shall include documentation to support the sponsor's assurance that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

(c) The analysis shall include clear and concise references to source data, a discussion of noise from other than aircraft operations when the additive effect is significant, and a discussion of any nonstandard data or calculation procedures used in the analysis.

(d) The analysis shall contain a discussion of the noise impact for each identified noise-sensitive area including size and location of residential areas exposed to specified noise levels, numbers of people and schools impacted, and such other information as may be necessary to describe the degree of incompatibility between the noise and existing and planned land uses (e.g., residential neighborhoods; educational, health, and religious structures and sites; and outdoor recreational, cultural, and historic sites).

(e) The analysis shall, to the extent reasonable and based on available literature on the subject, include discussion of potential effects of noise on hearing, communications and sleep interference, and annoyance, both within the context of outdoor activities as well as indoor activities. Consideration shall be given to the amount of acoustical protection provided by construction and architectural characteristics as well as climatological situations which might affect lifestyles and therefore alter the "average" interpretations placed on the effects of noise.

(5) *Records.* The appropriate FAA regional or airports district office shall assure that sufficient information is retained to permit an independent review to recreate the complete noise exposure analysis.

b. *Air quality.* Air quality should be examined by estimating the pollution impact of the proposed action in terms of existing and forecast operations. Air pollutant concentrations as well as total amounts of pollutanta should be estimated and evaluated as necessary for consistency with state implementation plans for air quality under the Clean Air Act and other applicable Federal, state, or local standards. Air pollution effects of increased surface traffic resulting from increased air traffic and enplaned passengers should be estimated and considered when affected by the project. Methods should be proposed or referenced for controlling and minimizing air pollution resulting from construction of the project.

c. *Water quality.* Water quality requirements, available water resources, and the impact on the existing water table should be considered when appropriate. Problems pertaining to treatment and disposal of wastes should also be considered and evaluated for consistency with applicable standards. Action taken to minimize pollution due to surface runoff, which may include infiltration of polluted runoff, from areas of extensive grading and paving should be discussed, including short-term and long-term effects of construction upon area drainage and aquifers.

d. *Social impacts.* Social and community impacts may occur as a consequence of some proposed project. When these impacts include displacement of people and businesses and/or disruption of established communities, the following information should be included in the document for the purpose of establishing that relocation can be managed. This information may need to be obtained from secondary sources and community sources.

(1) An estimate of numbers and family characteristics of households to be displaced (e.g., minorities, income level, renter or owner, elderly, large families).

(2) Effects of surface traffic disruption including effects on access to community facilities, recreation areas, and places of residence and business.

(3) Impact on the neighborhood and housing to which relocation is likely to take place.

(4) A description of businesses to be displaced and general effects of business dislocation on the economy of the community.

(5) Ability to provide adequate relocation housing for the types of families to be displaced and a description of actions proposed to remedy any insufficiency, including, if necessary, housing of last resort, as authorized by Section 206(a) of the Uniform Relocation and Real Property Acquisition Policies Act of 1970.

(6) Results of consultation with local officials, relocation or other social agencies, and community groups regarding the impacts. (A description of special relocation advisory services to be provided, if any, for the elderly, handicapped, or illiterate regarding interpretation of benefits and other assistance available.)

e. *Induced socioeconomic impacts.* The location or expansion of an airport may produce significant secondary socioeconomic impacts on the community. These impacts may include shifts in the patterns of population movement and growth, public service demands, and changes in business and economic activity. The effects of these impacts should be estimated and discussed.

f. *DOT section 4(f).* It is necessary to identify publicly owned parks, recreation areas, wildlife and waterfowl refuges, and public or privately owned historic sites of local, state, or national significance affected by the proposed action. DOT Section 4(f) is applicable to the physical taking or other use of land so identified. The description of the land should include size, activities, patronage, access changes, unique or irreplaceable qualities, and relationship to other similarly used lands in the vicinity.

(1) When there is an actual physical taking of Section 4(f) land in conjunction with the proposed action, there is no latitude for judgment regarding Section 4(f) applicability. When there is no physical taking but there is the possibility of use of Section 4(f) land, the FAA must determine if the activity associated with the proposed action conflicts with or is compatible with the normal activity associated with this land. The proposed action is compatible if it would not affect the normal activity or aesthetic value of a public park, recreation area, refuge, or historic site. When so construed, the action would not constitute use and would not, therefore, invoke DOT Section 4(f).

(2) Any part of a publicly owned park, recreation area, refuge, or historic site is presumed to be significant unless there is a statement of insignificance relative to the whole park by the Federal, state, or local official having jurisdiction thereof. Any such statement of insignificance is subject to review.

(3) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

(4) Where property is owned by and currently designated for use by a transportation agency and a park or recreation use of the land is being made only on an interim basis, a Section 4(f) determination would not ordinarily be required.

(5) Where the use of a property is changed by a state or local agency from a Section 4(f) type use to a transportation use in anticipation of a request for FAA approval, Section 4(f) should be considered to apply, even though the change in use may have taken place prior to the request for approval or prior to any FAA action on the matter. This is especially true where the change in use appears to have been undertaking in an effort to avoid the application of Section 4(f).

(6) The physical taking or detrimental use of Section 4(f) land must be avoided if there is a feasible and prudent alternative, as described in paragraph 30.

(7) If there is no feasible and prudent alternative to the use of such land, include a statement of actions taken or to be taken to minimize harm to the protected area including replacement of land and facilities and design measures such as planting or screening to mitigate any adverse effects. Replacement satisfactory to the Secretary of the Interior is specifically required for recreation lands aided by the Department of the Interior's Land and Water Conservation Fund and for certain other lands falling under the jurisdiction of the Department of the Interior. Include evidence of concurrence or efforts to obtain concurrence of appropriate officials having jurisdiction over such land regarding actions proposed to minimize harm.

(8) If land is involved which was acquired with Federal grant money (i.e., open space under Department of Housing and Urban Development; various conservation programs under Department of the Interior), the final documentation shall include appropriate communication with the grantor agency.

(9) Whether or not Federal agency lands are involved, the documentation shall reflect consultation with the Department of the Interior and, as pertinent, the Department of Housing and Urban Development or the Department of Agriculture, pursuant to the requirements of Section 4(f).

g. *Historical and archaeological sites.* The document should specify actions to be taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the project.

(1) By use of the National Register and National Register Criteria (36 CFR Parts 60 and 800, published in the FEDERAL REGISTER on February 10, 1976), the document should identify properties that may be affected by the project that are included in or eligible for inclusion in the National Register of Historic Places. The National Register is published in its entirety each February in the FEDERAL REGISTER. Monthly additions and listings of eligible properties are published in the FEDERAL REGISTER the first Tuesday of each month. The Secretary of Interior will advise, upon request, whether properties are eligible for the National Register.

(2) If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 CFR Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the document should state the effect. The effect should be evaluated in consultation with the State Historic Preservation Officer (SHPO), in accordance with the ACHP's Criteria of Adverse Effect (36 CFR Part 800).

(3) A determination of no adverse effect should be documented with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate SHPO, and review of the determination by the ACHP.

(4) If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental impact statement must include either an executed Memorandum of Agreement or comments from the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 CFR Part 800.

(5) To determine whether the project will have an effect on properties of state or local historical, architectural, archaeological, or cultural significance that are not included in or eligible for inclusion in the National Register, the responsible official should consult with the SHPO, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, state, and local significance as determined by the official having jurisdiction thereof involves Section 4(f) of the DOT Act and the document should include information necessary to support a Section 4(f) determination.

(6) The FAA has an agreement with the Department of the Interior for assuring compliance with the Archaeological and Historic Preservation Act of 1974, relative to mitigation of damage to archaeological and historic data incident to construction activities of FAA or FAA assisted projects. Preliminary surveys to identify the location of these cultural resources may be necessary in those cases where there is a reason to believe that such resources may exist and may be destroyed by the project and where such surveys have not yet been accomplished. The SHPO should be consulted to ascertain the need for any preliminary survey, including justification for such survey, and also to evaluate the significance of any cultural resources affected. Evidence of coordination with the SHPO should be included in the document. In addition, any identified irreplaceable loss or destruction of significant scientific, prehistorical, historical, or archaeological data shall be identified in the document with evidence of notice provided to the Secretary of Interior and measures described that will insure the recovery, protection, and preservation of such data, including preliminary survey, salvage, or other investigations appropriate to the case.

h. *Flood hazard evaluation.* When a project under consideration encroaches on a flood plain, the document should include evidence that studies have been made and evidence that consultations with agencies with expertise have been carried out. In compliance with Executive Order 11296 and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, the document shall describe measures necessary to handle flood hazard problems, including, when appropriate, measures to be taken during construction.

i. *Considerations relating to wetlands or coastal zones.* Where wetlands (including control, modification, impoundment, diversion, and channel deepening of streams or other bodies of water) or coastal zones are involved, the document should include:

(1) Information on location, types, and extent of wetlands areas that might be affected by the proposed action.

(2) An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and a statement of the measures to be taken to preserve, protect, and enhance wetlands and to avoid, to the fullest extent practical, drainage, filling, or interference with wetlands or the water resources supplying them.

(3) Statements by the local representative of the Department of the Interior, the Department of Commerce, the Corps of Engineers, and any other officials with special expertise concerning the impacts of the project on the wetlands, the worth of the particular wetlands area involved to the community and

to the Nation, and recommending whether the proposed action should proceed and upon what conditions, if any.

(4) Information necessary to support a DOT Section 4(f) determination if the wetlands or coastal zones come under any of the 4(f) categories of publicly owned land of state, local, or national significance as determined by the officials having jurisdiction thereof. Wetlands subject to a publicly owned protective easement for provision of feed and nesting to migratory waterfowl are considered to be publicly owned land from a wildlife and waterfowl refuge under Section 4(f).

j. *Coastal zone management programs.* Where the proposed action is within or may affect the land or water uses in the area covered or which may be covered by a state coastal zone management program, the document shall include evidence of consultation with the state coastal zone management agency. If a state coastal zone management program has been approved by the Department of Commerce, the document shall include the following:

(1) A determination as to consistency with the approved state coastal zone management program, including a record of coordination as specified in the Coastal Zone Management Act. Federal agencies are to insure consistency with state programs, to the fullest extent practicable.

(2) If it is determined that the proposed project is inconsistent with the state's approved program, the responsible official shall not approve the action except upon a finding by the Secretary of Commerce that the proposed action is consistent with the purposes or objectives of the Coatsal Zone Management Act or necessary in the interest of national security. The document shall include this finding, where warranted.

k. *Energy supply and natural resources development.* Where applicable, the document should reflect consideration of whether the project will have any effect on either the production or consumption of energy and other natural resources and discuss such effects if they are significant.

l. *Construction impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, the document should appropriately address such matters as the following, identifying any special problem areas.

(1) Noise impacts from construction or delivery of materials through residential areas and any specifications providing maximum noise levels.

(2) Disposal of spoil and effect on borrow areas and disposal sites (include reference to pertinent specifications).

(3) Controls on air pollution from dust, burning, etc. (with reference to pertinent specifications or advisory circulars).

(4) Impacts on water quality from runoff and associated sedimentation and control measures (referencing specifications or advisory circulars).

m. *Wildlife and Waterfowl.* In considering the effects of the project upon wildlife, it should be assumed that, although displaced wildlife may move to adjacent land areas, a long-term loss will accrue by virtue of reduction of the wildlife carrying capacity. Where part of a wildlife habitat is removed, the possibility that the remaining habitat is insufficient in size and quality to continue to support all resident species should be addressed. Any long-term losses may be described in general terms unless an endangered or threatened species is involved.

n. *Impacts relating to endangered and threatened species or fauna and flora.* The document should include evidence that the proposed action will not jeopardize the continued existence of endangered or threatened species or result in the destruction or modification of critical habitat of these species.

(1) If any species listed by the Department of the Interior as endangered or threatened exist in the area of the proposed action's potential impact, the document should provide evidence of consultation with the Regional Director of the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS), as appropriate, regarding the impacts of the action on the species. The Fish and Wildlife Service, Department of the Interior, is responsible for protection of terrestrial and fresh water species; the National Marine Fisheries Service, Department of Commerce, is responsible for protection of marine species.

(2) The document should describe the anticipated effects of the proposed action and alternatives to the action on listed species, the nature of the listed species' habitat, and whether that habitat has been determined to be critical by the FWS or NMFS.

(3) The final document should summarize the results of consultation with FWS or NMFS and indicate any specific measures, including possible design or location alternatives, which will be taken to conserve listed species and to avoid destruction or modification of critical habitat.

o. *Light emissions.* Aviation lighting required for the purposes of security, obstruction clearance, and navigational guidance may create an annoyance among people in the vicinity of the installation. In this instance, documentation shall include:

(1) Site location with a diagram of lights or light systems.

(2) Description of lights, as to their purpose, installation, beam angle and measurements, intensity, color, flashing sequence, and other pertinent characteristics of the particular system and its use.

(3) Measures to lessen any annoyance, such as shielding or angular adjustments.

45. *Actions to minimize unavoidable adverse effects.* Actions to be taken to minimize adverse environmental effects that cannot be avoided should be included in the discussion of each applicable impact category. The document should summarize these actions.

46. *Alternatives.* The document must evaluate thoroughly and objectively the environmental impact of all reasonable project alternatives, particularly those which would mitigate environmental impacts. To the extent that the impacts of alternatives are of the same type and significance, the effects should be stated and compared with the proposed action, and the reasons given why the alternatives are rejected. The analysis of the environmental benefits, costs, and risks must be sufficient to show that an alternative that might enhance environmental quality or have a less detrimental effect has not been prematurely rejected or foreclosed. Rejection of the alternative of taking no action or postponing action pending further study must be supported by a detailed examination of the need for the project and the consequences of taking no action. When appropriate, satisfying the increased transportation needs by using other modes of transportation should be considered. Further discussion on assessing alternatives is contained in paragraph 30.

47. *Relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* The document must examine the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term loeses or long-term gains at the expense of short-term losses and the extent to which the proposed action forecloses or broadens future options.

48. *Irreversible and irretrievable commitments of resources.* The document must examine the extent to which the proposed action would irreversibly and irretrievably curtail the range of beneficial uses of the environment including cultural as well as natural resources. If new, unusual, or limited sources or types of materials are involved in a project, a quantitative estimate and description should be included. Normally, labor and materials required to accomplish an airport development project do not significantly curtail the range of beneficial uses of the environment. Depletion of materials in short supply or significant irreversible changes in natural and cultural resources should be covered in this section.

49. *Citizen involvement.* A summary of citizen involvement and the holding of public hearings and meetings and any environmental issues raised should be documented with appropriate responses to the issues. Documentation of the public notice requirements for public hearings as covered in paragraph 57c shall be included, together with a summary or transcript of any public hearing held.

50. *Summary of impacts.* It is generally desirable, especially for complex actions, to include in the document a summary of the significant points developed.

51.–53. *Reserved.*

Chapter 6. Sponsor Processing and Coordination

54. *Consultation with FAA.* The environmental process begins at the local level with the airport sponsor. A summary of the process is contained in Figure 2. Early consultation between FAA and the airport sponsor and/or his consultant is necessary to review the various factors and the coordination process required in conjunction with the environmental assessment, including the following factors:

a. Environmental action choices,
b. Key decision-making issues,
c. Alternatives,
d. Environmental assessment criteria,
e. Project schedule considerations,
f. Public involvement, including public notice,
g. Required coordination,
h. Reproduction and publication requirements, and
i. Follow-on assistance.

55. *Early coordination.* In choosing among alternatives to accomplish the project objective, environmental factors require the same consideration as economic, technical, or other factors. Consequently, in developing the details of proposed alternatives, environmental feasibility should influence choices, along with economic and technical feasibility. Early coordination with appropriate Federal, state, and local agencies and with the community in the environmental assessment process will assist this consideration. Such coordination should be initiated as appropriate during the initial description and evaluation of alternatives, and continue during the developemnt of the preliminary environmental impact assessment report, prior to the formal coordination that takes place during the A–95 review process. Early coordination can serve a number of purposes. It is an aid in the identification of environmental impacts and can help trigger advance planning of measures to mitigate environmental effects, including changes in project design. The community can be provided with timely information and have its opinions heard at the earliest formative stage of the project, which may avoid serious controversy later on. The amount of early coordination advisable will depend on the complexity, sensitivity, and anticipated environmental impacts of the proposed action. Information received during early coordination should be used in the environmental impact assessment report.

56. *A–95 Review.* a. Review of proposed airport development actions by state and local government organizations routinely occurs through procedures set forth in the Office of Management and Budget (OMB) Circular No. A–95 (Revised). The purpose of the A–95 clearinghouse process is to assure that proposed federally assisted programs and projects are reviewed and evaluated in advance in terms of their potential impact on or conflict with statewide or areawide comprehensive planning or upon the plans and programs of local governments.

b. The A–95 clearinghouse process for projects is set forth in Order 5100.17, Airport Development Aid Program (ADAP), Authority, Program Policy, Eligibility and Allowability Criteria (Book I).

c. Under A–95 procedures, sponsors are required to notify the appropriate clearinghouses as soon as project planning has developed in sufficient detail to inform the clearinghouses of the nature and scope of the development proposed to be undertaken for which Federal assistance will be sought. This should take place at least 60 days prior to the date the sponsor submits its preapplication form requesting Federal assistance.

d. During the initial clearinghouse review period, the preapplication for Federal aid may be completed. This period may also be used to complete the requirement for public hearings, if applicable. The A–95 procedure includes provision for consideration of the project's probable impact on the environment and input from areawide and local agencies authorized to develop and enforce environmental standards or which have expertise or jurisdiction with respect to environmental impacts. An appropriate vehicle to solicit such input is the preliminary environmental impact assessment report.

e. The clearinghouse should be asked to inform known interested groups of the project. If either the sponsor or FAA has knowledge of such groups, this information should be given to the clearinghouse. During this same period, the clearinghouse may act as liaison between the agencies affected and the sponsor, arranging meetings and such other forms of consultation as may be necessary to work towards resolution of any problem raised by the proposed project.

f. The comments and recommendations received through the A–95 clearinghouse process become input to the sponsor's environmental impact assessment report and ultimately must be reported and appropriately addressed in the FAA's environmental documentation.

57. *Public hearing.* a. If a new airport location, a new runway, or an extension of an existing runway is involved, the sponsor must afford the opportunity for public hearings as required by Section 16(d)(1) of the Airport Act. The public hearing oportunity should normally be afforded prior to formal submission of a sponsor's environmental impact assessment report.

b. In deciding whether a public hearing is appropriate in other cases, the FAA and sponsor should consider the following:

(1) The magnitude of the proposal in terms of environmental impact, economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal, as evidenced by requests from the public and from the Federal, state, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(4) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

c. In preparing for a public hearing, the sponsor is required to comply with the requirements in Section 152.73 of the Federal Aviation Regulations, including adequate public notice of:

(1) The intent to undertake the proposed airport development, with a concise description of the proposed development;

(2) The opportunity for a public hearing;

(3) The scheduling of a public hearing (time, date, and place), if requested by interested parties; and

(4) The availability and location of the preliminary environmental impact assessment report.

Notice of the hearing is required to be published in an areawide or local newspaper of general circulation.

d. Additional information concerning the public hearing is contained in Advisory Circular 150/5100–7A. Hearings may be held by the sponsor simultaneously with the A–95 review process. The preliminary environmental impact assessment report is to be made available for public examination at least 30 days prior to the hearing and so noted in the hearing notification. Comments received through the A–95 process should be made available at the public hearing if the A–95 process has been completed. Copies of preliminary environmental impact assessment reports should be made available for review in accordance with anticipated public interest at convenient locations such as libraries, city halls, schools, and the airport manager's office. Consideration should be given to providing copies of assessment reports to interested persons or organizations without cost or at a price commensurate with the cost of reproduction and printing.

58. *FAA submission.* Upon completion of local and state review, an environmental impact assessment report shall be submitted by the sponsor to the FAA. It shall include comments and recommendations made by or through the A–95 clearinghouse, a detailed summary of environmental issues developed in public hearings, and responses to comments on the preliminary environmental impact assessment report. This preliminary report shall be revised to the extent that the revision represents an appropriate response to comments received during the review process. The A–95 review process and public hearing need not be repeated if the preliminary assessment report effectively served its purpose as the vehicle for review. At least one copy of the transcript of public hearings must be obtained by the sponsor for his record. The sponsor must furnish a copy of the transcript to FAA upon request. The number of copies of documentation submitted to the FAA should be determined by consultation with the FAA and should include a copy designated as a reproducible master which should be of good quality.

59. *Reserved.*

Chapter 7. FAA Processing and Approval of Fully Coordinated NEPA Section 102(2)(C) Actions

60. *General.* a. This section applies to proposed Federal actions requiring an environmental impact statement. The FAA is responsible for evaluation and resolution of environmental issues included in the impact statements. In order to insure accurate descriptions and environmental assessments, site visits by FAA personnel should be made whenever practical.

b. Documentation developed in the local and state review process may be incorporated into the FAA's draft statement. If the FAA is the proponent of the proposed action, local and state review may be initiated simultaneously with the Federal review. Steps will be taken to secure such additional information as needed to insure that the draft statement is adequate for intergovernmental coordination. The Federal review process does not constitute an agency commitment to approve the proposed action.

c. Draft environmental impact statements shall be reviewed by affected FAA program divisions and staff officers at the regional level prior to filing or public review. This internal review is to assure that related foreseeable agency actions by other FAA elements are properly covered in the draft statement and are coordinated with the appropriate action office so that commitments which are the responsibility of other divisions or offices will be carried out.

d. Copies of the draft statements shall be made available to organizations and individuals at no charge to the extent practical or at a fee commensurate with the cost of reproducing copies for the required intergovernmental coordination.

e. In addition to the data from the environmental impact assessment report and other documentation developed in the local and state review, draft statements shall contain the following:

(1) Each statement shall indicate the organization involved and the public law applicable to the proposed action. For example:

Department of Transportation Federal Aviation Administration, Draft Environmental Impact Statement

This statement is submitted for review pursuant to the following public law requirements: Section 102(2)(C) of P.L. 91–190, 42 U.S.C. 4321; Section 16(c)(4) of P.L. 91–258; Section 4(f) of P.L. 90–495.

(2) Each draft statement shall be prefaced by a summary in the format shown in Figure 1 of this appendix.

(3) Pursuant to the January 9, 1973, memorandum for heads of departments and agencies from the Director, OMB, and the Chairman, Council on Environmental Quality (CEQ), on the subject of state and local review of impact statements, all comments on the environmental effects of the project received through the A–95 process, either by the clearinghouse or by state and local environmental agencies through the clearinghouse, must be enclosed with the draft impact statement. All substantive comments received from individuals and responses thereto and either a summary or transcript of any public hearing will also be made a part of the draft statement. Copies of the draft statement are to be sent to each agency making such comments. These agencies may elect to comment again, depending in part on the extent to which their earlier comments were considered in preparing the draft statement. Review of the draft statement may be secured through the clearinghouse or directly with the state and local agencies involved. In some states, the governor may have designated a specific agency, other than the clearinghouse, to secure review of the impact statements. In any case, copies of the draft statement should be sent to the clearinghouses and to affected cities and counties. A time limit for review commensurate with that for Federal review may be established and should be specified in the transmittal.

61. *Distribution for Federal review.* a. *Distribution for Headquarters' Review and to CEQ.* Six copies of the draft environmental impact statement including the A–95 comments and the summary sheet are to be forwarded to the Office of Airports Programs (Attention: AAP–400) which shall be responsible for further distribution within the FAA

JUN 27 77
UM

and DOT. Regions shall send five copies of the draft statement directly to CEQ, addressed as follows:

General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006.

Agencies commenting on the draft statement are required to file copies of their comments directly with CEQ as well as with FAA per Section 1500.11(a) of CEQ Guidelines issued August 1, 1973, (40 C.F.R. 1500). These comments are to accompany and become a part of the final environmental impact statement.

b. *Intergovernmental coordination.* (1) Agencies consulted by the FAA in connection with preparation of environmental impact statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved," or which are "authorized to develop and enforce environmental standards." These Federal agencies include components of (depending on the aspect or aspects of the environment involved):

Environmental Protection Agency
Department of Agriculture
Department of Commerce
Department of Defense
Department of Health, Education and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Transportation
Energy Resource's Development Administration
Advisory Council on Historic Preservation
Federal Energy Administration (five copies)

(2) For action specifically affecting the environment within their regional jurisdictions, the following Federal agencies are also to be consulted:

National Capital Planning Commission
Delaware River Basin Commission
Tennessee Valley Authority
Appalachian Regional Commission
Susquehanna River Basin Commission

(3) Airports regional offices shall determine which of the above agencies to consult. (Guidance is contained in Appendix 7 of this order.) In seeking comment, FAA airports regional offices may establish a time limit of not less than 45 days for reply after which, if no comments are received, it may be presumed that the agency consulted has no comments to make. Fifteen-day extensions should normally be granted when requested by other agencies. Time limits should take into account the magnitude and complexity of the statement and degree of public interest in the project.

(4) All draft Section 102(2)(C) statements will be coordinated with the appropriate regional offices of other Federal agencies having the necessary expertise or jurisdiction, except that statements to be coordinated with any component of DOI or the Department of Commerce (DOC) shall be sent directly to the Washington headquarters of these departments (see paragraph 61b(5) below). Appendix 7 contains the addresses of the Federal agency offices.

(5) Five copies of draft statements shall be sent to the appropriate regional office of EPA. Comments from EPA are categorized according to the following criteria:

The impact is rated by EPA as follows:
LO—Lack of Objections,
ER—Environmental Reservations, or
EU—Environmentally Unsatisfactory.

The statement adequacy is categorized by EPA as:
1. Adequate,
2. Insufficient Information, or
3. Inadequate.

Further explanation of these codes is contained in Appendix 8 of this order.

All EPA comments on the draft statement are sent to cognizant FAA offices and will be available to the public.

(6) All draft Section 102(2)(C) environmental statements needing DOI and/or DOC review should be sent directly to:

Assistant Secretary, Program Policy, Attn: Director, Environmental Project Review, Department of the Interior, Washington, D.C. 20240.

and/or

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230.

When Section 16(c)(4) of the Airport Act and/or Section 4(f) of the DOT Act are involved, it is especially important to note this fact in the heading and in the transmittal to DOI to assure completeness of their review. The number of copies to be furnished DOI for its intradepartmental use to facilitate orderly and timely review by its several bureaus and offices is as follows:

(a) Twelve copies for projects in each state except those listed in (b) and (c) below.

(b) Thirteen copies for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

(c) Fourteen copies for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

For projects involving Section 4(f) of the DOT Act, no additional copies are required. However, DOI routinely requires 60 days to review Section 4(f) statements. Nothing in this order is intended to preclude sending of preliminary statements or engaging in other forms of consultation with field offices of DOI for technical assistance or advance information for the purpose of effecting improved coordination.

(7) CEQ publishes weekly in the FEDERAL REGISTER a list of environmental statements received during the preceding week. On draft statements, this date of publication normally determining the beginning of the 90-day minimum period for fully coordinated Section 102(2)(C) statements before which no administrative action to commit the project can take place.

(8) An amendment or supplement may be filed with CEQ by the FAA on a draft or final environmental impact statement. In such a case, AAP-400 should consult with AGC and TES concerning the possible need for or desirability of filing an amendment or supplement or recirculation of the revised statement for an appropriate period.

62. *Public notice.* a. Each regional office shall formulate a system for announcing that a draft environmental impact statement has been prepared and is being circulated for intergovernmental coordination and that comments are being solicited on the environmental impact of the proposed project. The announcement shall be made through the appropriate media in the area affected and in cooperation with the sponsor of the project. Information on availability of the statement shall be contained in the announcement. Copies of the draft environmental statement should be sent to parties with a known interest in the proposed project. In addition to FAA regional and district offices, the statement shall be made available for review at the sponsor's office, local public libraries, and at other appropriate locations of general public access. The regional office may call upon the regional public affairs office to assist in publicizing the status and availability of impact statements.

b. Three additional copies of draft statements involving controversial projects should ordinarily be provided to the Office of Airports Programs, Attention: AAP-400.

c. A number of extra copies of draft statements should be provided free of charge or at a fee commensurate with the cost of reproduction when projects are expected to generate unusual public interest.

63. *Preparation and review of final impact statement.* a. Content of the final environmental impact statement normally includes the draft statement and any additional documentation developed in the Federal review as well as the information listed below. However, if the complexity of the issues and comments are such that a complete revision of the text of the statement would best respond to the environmental considerations, the final statement may be a rewritten document which integrates the responses to comments on the draft statement within the final text. Documentation in the final statement shall include:

(1) The Federal Finding signed by the responsible official which will normally be the first document in the final statement package. The Federal Finding may be incorporated in the environmental decision memorandum.

(2) The summary required by CEQ Guidelines.

(3) The body of the environmental impact statement titled at the top of the first page as indicated in paragraph 60e(1). The text shall refer to the documents containing the required consultation and assurances.

(a) For all airport development there shall be evidence to support the following ADAP grant assurances as required by the Airport Act.

1 The project is reasonably consistent with existing plans of planning agencies for development of the area (Section 16(c)(1)(a));

2 Fair consideration has been given to the interest of communities in or near the project location (Section 16(c(3));

3 Appropriate action has been or will be taken to restrict, to the extent reasonable, the use of land in the vicinity of the airport to purposes compatible with airport operations (Section 18(4));

4 Appropriate air and water quality certificates have been or will be obtained (Section 16(e)).

(b) For projects involving an airport location, runway location, or major runway extension pursuant to Section 16(c)(4) of the Airport Act, there shall be evidence to support a conclusion that:

1 There is no feasible and prudent alternative, and

2 All possible steps have been taken to minimize adverse effects.

(c) For projects involving the use of lands subject to Section 4(f) of the DOT Act, there shall be evidence to support a conclusion that:

1 There is no feasible and prudent alternative to the use of such land, and

2 The project includes all possible planning to minimize harm to such lands resulting from such use.

(d) For projects involving the displacement and relocation of people, there shall be evidence to support assurances that:

1 Fair and reasonable relocation payments and assistance have been or will be provided pursuant to provisions in Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

2 Comparable decent, safe, and sanitary dwellings are available or will be built if necessary prior to actual displacement.

(e) For all projects, there shall be evidence of the consultation and coordination (as described under paragraph 44) that is required for each applicable area of environmental consideration, including documentation that such consultation has been taken into account.

(4) All substantive comments received on the proposal shall be included in the final statement. If the statement has not been revised since the draft stage, each comment shall be listed and followed by appropriate response or reference to where the subject is covered in the statement. For revised final statements, comments may be dealt with in the body of the statement. Copies of all substantive commenting letters shall also be included. Any unresolved environmental issues and efforts to resolve them, through further consultation or otherwise, should be identified and discussed in the statement. For instance, where an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts or believes the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

b. The distribution of the proposed final environmental impact statement shall be accomplished in one of the following ways:

(1) When approval authority is retained by headquarters, five copies of the proposed final environmental impact statement, including the summary sheet and the Federal Finding, and containing copies of and responses to comments by other Federal agencies and other organizations or individuals who have commented on the draft, are to be forwarded to AAP-400 for final action. (If the project has generated public interest, a check should be made with AAP-400 to determine if extra copies are needed.)

(2) When approval authority is delegated to the Regional Director and concurrence by headquarters is requested, two copies are to be forwarded to APP-400 for action.

64. *Approval of final impact statement.* a. *General.* The decision to implement an airport project is made subsequent to the approval of the final environmental impact statement. This decision to implement occurs when the appropriate official reviews all project requirements and determines that an action can and should be taken. Project approval and issuance of the grant offer, therefore, follow review and approval of the environmental impact statement and are usually the actions for which the statement is prepared.

b. *Legal Review.* All Section 102(2)(C) environmental impact statements shall be reviewed for legal sufficiency by the Chief Counsel (AGC) or his designee. Statements involving Section 4(f) of the DOT Act shall be reviewed by headquarters' legal counsel.

c. *Delegation of Authority.* Final approval authority on environmental impact statements for airport development projects has been delegated to the FAA but subject to prior concurrence by the Assistant Secretary for Environment, Safety, and Consumer Affairs (TES) for projects in the following categories:

(1) Any new airport serving a metropolitan area (construed as an SMSA unless specifically directed otherwise).

(2) Any new runway or runway extension for an airport, any part of which is located in an SMSA and is either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators.

(3) Any project to which a Federal, state, or local governmental agency has expressed opposition on environmental grounds.

(4) Any project for which TES requests an opportunity to review and concur in the final statement, or for which FAA requests such review and concurrence by TES.

(5) Any projects in the above categories which also fall under Section 4(f) of the DOT Act will also require concurrence by the DOT Office of the General Counsel (TGC).

The Assistant Administrator, Office of Airports Programs, has final impact statement approval authority for any project in categories (1) through (4) above, subject to prior review for legal sufficiency by AGC and concurrence by TES and TGC as required. All other Section 102(2)(C) actions may be approved by the regional director, after review for legal sufficiency by regional counsel and subject to concurrence by the Assistant Administrator, Office of Airports Programs, and AGC, when such concurrence is requested upon headquarters' review of the draft statement or when requested by the regional director.

d. *Headquarters' Review.* When final approval of an environmental statement is retained in headquarters, the headquarters coordination is initiated when statements are received in the Office of Airports Programs. Copies are forwarded by AAP-400 to AEQ, AGC for review for legal sufficiency, and then to appropriate elements of OST when required for review and concurrence with a request for response within 15 to 30 days depending upon the complexity of the statement. Following headquarters' review, the statement is revised as necessary or additional information may be added. The statement, with any comment, is then submitted to the Assistant Administrator, Office of Airports Programs, for approval.

e. *Federal Finding.* Each final environmental impact statement must contain a Federal Finding signed by the responsible official with appropriate concurrences as discussed above. The Finding must be appropriate for the proposed action. For projects that meet the conditions set forth by all applicable environmental laws, guidelines, and procedures, a Finding that approximates the following is usually sufficient:

"After careful and thorough consideration of the facts contained herein and following consideration of the views of those Federal agencies having jurisdiction by law or special expertise with respect to the environmental impacts described, the undersigned finds that the proposed Federal action is consistent with existing national environmental polices and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969."

When appropriate for Section 16(c)(4) of the Airport Act (and/or Section 4(f) of the DOT Act) the Finding shall also include the following:

"It is also determined that there is no feasible and prudent alternative to the proposed action (and/or to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended); and further, the proposed action includes all possible steps to minimize any adverse effects (and/or all possible planning to minimize harm to such lands)."

In all instances, continue with the following:

"Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met and subsequent to expiration of waiting periods established to inform CEQ and the public of this action."

65. *Final distribution and notification.* a. *General.* Distribution of final environmental impact statements to EPA, other agencies and organizations, CEQ, and the public should, insofar as possible, be simultaneous so as to avoid unnecessary inquiries and insure that all interested parties have a fair opportunity to review the documentation. The implementing administrative action for the project can take place no sooner than 30 days after the release date, which is the last of the following three notification actions—the date the statement was filed with CEQ or was provided to the commenting agencies or was made available to the public.

b. *Distribution to EPA.* The FAA regional office preparing the final environmental impact statement shall forward to EPA one copy of the final statement if it was categorized LO–1. Otherwise, five copies shall be sent to EPA. In the event that EPA has comments on a final impact statement, the FAA regional office shall make every reasonable effort to resolve any conflicting issues. If the issue cannot be resolved, the matter shall be referred to AAP-400.

c. *Other distribution by the region.* A copy of the final environmental impact statement shall also be sent to each Federal, state, and local agency and private organizations which made substantial comments on the draft statement and to individuals who requested a copy of the final statement or who made substantive comment on the draft. The sponsor of the project shall also be sent a copy as well as the appropriate state and areawide clearinghouses unless otherwise designated by the governor. When the number of commenters is such that distribution in this manner is impracticable, alternative arrangements shall be made after consultation with CEQ and DOT through AAP-400.

d. *Distribution to CEQ.* The region will distribute to CEQ the required five copies of final statements. The region will forward the copies directly to:

General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006

A copy of the transmittal shall be sent to AAP-400 for information.

e. *Distribution to AEQ.* The region will send one copy to AEQ–1 for information and for ultimate transmission by AEQ to the DOT Library.

f. *Availability to Public.* (1) Additional copies shall also be made available by the region to the public for review by distribution to appropriate locations accessible to the general public.

(2) The availability of the final statement shall be announced in the appropriate local media in a manner similar to the announcement method for the draft environmental impact statement.

66. *Implementation of environmental commitments.* Steps will be taken through funding agreements, contract plans and specifications, and other appropriate follow-up actions to assure that representations made in the environmental documentation with respect to mitigation of environmental impacts will be carried out. Any proposed deviation from prescribed action that may reduce protection to the environment must be reviewed at the same level at which the initial environmental approval was given. The proposed deviation shall be reviewed by TES, if TES concurred in the initial approval.

67.–69. *Reserved.*

CHAPTER 8. FAA PROCESSING AND APPROVAL TO CHANGE A DRAFT ENVIRONMENTAL IMPACT STATEMENT TO A NEGATIVE DECLARATION

70. *General.* a. If there is some doubt as to the potential of an action for significant impact, early consultation with appropriate governmental or private agencies should be undertaken to resolve questionable areas. This may include sending the environmental

impact assessment report to selected agencies for their review and comment, with a cover letter explaining the issue. Upon evaluation of information received through the consultation and coordination or from other sources, the regional office will determine whether the action should or should not be processed pursuant to Section 102(2)(C) of NEPA.

b. Notwithstanding the above precautions, there may still be cases in which, after circulation of a draft environmental impact statement, the FAA finds that the proposed action will not significantly alter the airport's impact on its surrounding environment and is not highly controversial on environmental grounds and therefore does not require the preparation of a final environmental impact statement pursuant to Section 102(2)(C). The FAA may then change the action and prepare a negative declaration.

c. The general requirements for processing a draft statement, distributing it for Federal review, and giving public notice are the same as those set forth in paragraphs 60, 61, and 62 for a fully coordinated NEPA Section 102(2)(C) action.

71. *Documentation.* a. Documentation to support a decision to change a draft environmental impact statement to a negative declaration shall include:

(1) The Federal Finding supporting the conclusion that the action will not result in significant environmental impact and is not highly controversial.

(2) The summary similar to that shown in Figure 1, except that the heading shall read "Negative Declaration" and a sentence shall be added to explain that the draft environmental impact statement was changed to a negative declaration.

(3) The draft environmental impact statement shall be included as part of the negative declaration package. If not contained in the draft statement, additional supportive evidence must be supplied for all applicable environmental considerations and required assurances. Reference paragraph 63a(3).

(4) All substantive comments received through the Federal review process shall be included in the negative declaration package. Each comment shall be listed with appropriate reference to the draft statement and/or such additional response as may be necessary to dispense with the issue raised. If the draft is revised and resubmitted, comments may be dealt with in the body of the statement. To the extent that impacts have been identified in the draft statement as having the potential for significant impact, supplemental data in the documentation must reveal that such potential has been eliminated. Elimination of the potential for significant impact can occur when the project has been changed, something in the impacted environment has changed, or because subsequent data has revealed an inaccuracy or misunderstanding of earlier information, measurements, or other factors. Any controversy which led to the preparation and circulation of a draft statement must be resolved or withdrawn. If the conditions which prompted the preparation of the draft statement are not specifically dismissed in an adequate manner, the draft environmental impact statement cannot be changed to a negative declaration.

b. The distribution of the negative declaration package shall be accomplished in the same manner and with the same number of copies as a proposed final environmental impact statement (reference paragraph 63b).

72. *Approval.* a. *Approval authority.* The Assistant Administrator, Office of Airports Programs, has the authority to approve the negative declaration for any project identified in paragraph 64c except that TES and TGC concurrence is not required. Approval is subject to review for legal sufficiency by AGC. For projects not subject to TES concurrence, the negative declaration is approved by the regional director, subject to regional counsel review and AAP and AGC concurrence per paragraph 64c.

b. *Federal Finding.* The Finding for this action should approximate the following: "A draft environmental impact statement for the proposed action has been prepared and federally coordinated in the manner contemplated by Section 102(2)(C) of the National Environmental Policy Act of 1969. A careful and thorough evaluation of the facts contained in the draft statement, and consideration of the comments received from the public and other Federal agencies having jurisdiction by law and special expertise in environmental matters, now supports a determination that the proposed action is not highly controversial and will not significantly affect the quality of the human environment."

When appropriate for Section 16(c)(4) of the Airport Act (and/or Section 4(f) of the DOT Act), the Finding shall also include the following: "It is also determined that there is no feasible and prudent alternative to the proposed action (and/or to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended); and, further, the proposed action includes all possible steps to minimize any adverse effects (and/or all possible planning to minimize harm to such lands)."

In all instances, continue with the following: "Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

73. *Final distribution and notification.* a. *Distribution.* When the decision to change a draft statement to a negative declaration is made, a distribution of the negative declaration package as described in paragraph 71a shall be made in a manner similar to that for a fully coordinated Section 102(2)(C) action (reference paragraphs 65b, c, and d). The final 30-day CEQ review period is no longer applicable, and the implementing administrative action can take place any time after termination.

b. *Public notification.* The decision to change a draft impact statement to a negative declaration should be publicized in the appropriate local media in the same manner as was the draft statement. Copies of the negative declaration need not be distributed, although copies must be made available upon request.

74. *Implementation of environmental commitments.* Any representations made in the environmental documentation with respect to minimization of adverse environmental effects shall receive the same follow-on action and review as for NEPA actions as described in paragraph 66.

75.–79. *Reserved.*

CHAPTER 9. FAA PROCESSING AND APPROVAL OF AIRPORT ACT SECTION 16(c)(4) COORDINATED ACTIONS

80. *General.* a. This chapter applies to airport development actions for which limited Federal coordination is required pursuant to Section 16(c)(4) of the Airport Act but do not otherwise fall within the requirements for fully coordinated NEPA Section 102(2)(C) actions (reference paragraph 22).

b. The general requirements for preparation and processing of draft statements as set forth in paragraphs 44 and 60 are equally applicable to Section 16(c)(4) coordinated actions except that the heading on the report shall read "Negative Declarations/Section 16(c)(4) Coordination." A summary is not required.

81. *Distribution for Federal review.* a. Distribution of Section 16(c)(4) negative declarations by airports regional offices for review is limited to the Office of Airports Programs, EPA, and DOI. The negative declaration, including A–95 clearinghouse comments and any other substantive comments received and responses thereto and the summary or transcript of any public hearing held (or evidence that it was offered), shall be distributed as follows: (1) One copy to the Office of Airports Programs (Attention: AAP–400). (2) Five copies to EPA regional offices. (3) The same number of copies to DOI as required for draft environmental impact statements, sent directly to the same address in Washington as given in paragraph 61b(6). (4) It may be necessary to send copies to the Department of Agriculture or the Department of Housing and Urban Development if DOT Section 4(f) land is involved in the action.

b. Copies of negative declarations to EPA and DOI are to be accompanied by a transmittal letter explaining the purpose for the consultation as described in paragraph 22b. A time limit for review of not less than 45 days shall be established after which it may be presumed that the agency consulted has no comments to make.

c. The copy received by the Office of Airports programs will receive limited review for the purpose of evaluating the quality of the Section 16(c)(4) negative declarations. No concurrence by the Office of Airports Programs on individual 16(c)(4) actions is required. No further distribution is made within FAA or DOT headquarters, nor are any copies filed with CEQ.

82. *Public notice.* The regional office shall formulate a system for announcing the availability of the negative declaration through appropriate media in the area affected and in cooperation with the sponsor of the project. The announcement shall indicate the availability of the negative declaration for review which shall include FAA regional and district offices, the sponsor's office, local public libraries, and other appropriate locations of general public access. Copies of negative declarations shall be provided, on request, free of charge or at a fee commensurate with the cost of reproduction.

83. *Documentation.* Documentation to support approval of the Section 16(c)(4) coordinated action shall include: a. The Federal Finding supporting the conclusion that the action will not result in significant environmental impact, that there is no feasible and prudent alternative, and that all possible steps have been taken to minimize adverse effects.

b. Supporting evidence for all applicable environmental considerations and required assurances. Reference paragraph 63a(3). It should be noted that the requirements for consultation and documentation as described under paragraph 44 for applicable environmental considerations also pertain to Section 16(c)(4) actions (e.g., historical and archaeological site considerations, DOT 4(f) lands, wetlands and coastal zones, endangered species).

c. The negative declaration.

d. All substantive comments received through the consultative process. If any such comment takes issue with the preliminary conclusion that there are no significant impacts, then either such additional evidence as may be necessary to support this conclusion must be included in the documentation and furnished to the commenting agency or the fully coordinated Section 102(2)(C) action process must be initiated.

84. *Approval.* a. *Approval authority.* The decision to apply this action choice may be made by the regional director. After the required consultation with DOI and EPA, the regional director may approve the Federal Finding after review by the regional counsel for legal sufficiency. If either DOI or EPA indicates significant environmental impacts or objects to the proposed action on environmental grounds, the preparation and processing of a draft environmental impact statment pursuant to NEPA Section 102(2)(C) is required. See paragraphs 20a(2) and 20c.

b. *Federal Finding.* A Finding for a Section 16(c)(4) coordinated action would approximate the following: "After careful and thorough consideration of the facts developed herein, and after consultation with EPA and DOI pursuant to Section 16(c)(4) of the Airport and Airway Development Act of 1970 regarding the effects of the proposed action, the undersigned finds: that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA); that it will not significantly affect the quality of the human environment or otherwise include any condition requiring full consultation pursuant to Section 102(2)(C) of NEPA; that there is no feasible and prudent alternative to the proposed action; and that the proposed action includes all possible steps to minize any adverse effects."

When appropriate for Section 4(f) of the DOT Act, the Finding shall also include the following: "It is also determined that there is no feasible and prudent alternative to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended; and further, that the proposed action includes all possible planning to minimize harm to such lands."

In all instances, continue with the following: "Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

85. *Final distribution.* After a Section 16(c)(4) coordinated action is approved, the region shall send one copy of the approval package to EPA, DOI (in Washington), and AAP–400 for record purposes. (If no changes have been made in the negative declaration, no additional copy of that report need be included in the final package sent to AAP–400.)

86. *Implementation of environmental commitments.* Any representations made in the negative declaration with respect to minimization of adverse environmental effects shall receive the same follow-on action and review as for NEPA actions as described in paragraph 66.

87.–89. *Reserved.*

CHAPTER 10. CONTENT, PROCESSING, AND APPROVAL OF OTHER NEGATIVE DECLARATION ACTIONS

90. *Content of an assessment report.* a. For actions which do not require coordination pursuant to NEPA Section 102(2)(C) or the Airport Act Section 16(c)(4), an environmental assessment report may be prepared by the public sponsor and addressed to the appropriate FAA official.

b. The report must include: (1) A description of the proposed action and its purpose. (2) A discussion of the proposed method of accomplishment, including construction techniques and safeguards to be utilized to minimize possible adverse effects upon the environment. (3) A discussion, based on consideration of possible impacts as described in paragraph 44, supporting the assessment that the airport development project will not significantly alter the airport's impact upon its surrounding environment. (4) A discussion indicating consistency with community planning. (5) Alternatives considered and why rejected.

c. The responsible official must review the evidence and determine that an environmental impact statement and coordination pursuant to paragraph 20 are not required.

91. *Coordination.* There is no formal Federal review prescribed for the negative declaration. However, appropriate Federal, state, or local coordination must be completed as described under paragraph 44 for any applicable areas of environmental consideration (e.g., historical and archaeological site considerations, DOT 4(f) lands, wetlands and coastal zones, endangered species). In all cases, coordination with the State Historic Preservation Officer is required. In addition, nothing in this order shall be construed as preventing such informal coordination as may be considered prudent by the region to satisfy itself regarding the extent of specific impacts. The negative declaration shall be reviewed by any affected FAA program division and staff official at the regional level before finalization.

92. *Notification.* Formal announcement of availability of negative declarations is not required. However, such reports, including the A–95 coordination comments, shall be made available on request free of charge or at a fee commensurate with the cost of reproduction through FAA region and/or district offices and the sponsor's office.

93. *Documentation.* Documentation to support approval of an action described herein shall include the negative declaration and the Federal Finding plus supporting evidence for all applicable environmental considerations and required assurances. Reference paragraph 63a(3). It should be noted that the requirements for consultation and documentation as described under paragraph 44 for applicable environmental considerations also pertain to these actions.

94. *Approval.* a. *Approval authority.* The decision to apply this action choice may be made by the regional director. If the project involves a determination under Section 4(f) of the DOT Act, approval is subject to review for legal sufficiency by regional counsel.

b. *Federal finding.* The Finding for this action should approximate the following: "After careful and thorough consideration of the facts contained herein, the undersigned finds: that the proposed Federal action is consistent with existing national environmental policies and objectives as set

forth in Section 101(a) of the National Environmental Policy Act of 1969 (NEPA); that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA or Section 16(c)(4) of the Airport and Airway Development Act of 1970."

When appropriate for Section 4(f) of the DOT Act, the Finding shall also include the following: "It is also determined that there is no feasible and prudent alternative to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended; and further, that the proposed action includes all possible planning to minimize harm to such lands."

In all instances, continue with the following: "Having met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

95. *Final distribution.* Distribution of the above documentation outside the region is not required by this order. However, such dcumentation shall be made readily available upon request.

96. *Implementation of environmental committments.* Any representations made in the assessment report with respect to minimization of adverse environmental effects shall receive the same follow-on action and review as described in paragraph 66.

97.–99. *Reserved.*

CHAPTER 11. PRIOR FINDING AFFIRMATIONS

100. *General.* When a proposed action falls within the scope of a previously approved environmental impact statement or negative declaration, a prior finding affirmation may be in order. The following circumstances should be reviewed when deciding upon the applicability of an affirmation. a. If the action is to be taken within two years of the original environmental approval and if there is no substantive change in either the description of the action or the environmental impacts attributable to the action, no further assessment or prior finding affirmation is required.

b. If the action is to be taken in a two- to five-year period after the original environmental approval, an affirmation of the prior finding may be made if a thorough analysis reveals that the action conforms with the prior approved plan or projects and that the data and analysis in the prior environmental assessment, as they apply to the proposed action, are still substantially valid.

c. If the action is to be taken more than five years after the original decision, normally a new assessment in the form of an environmental impact statement or negative declaration will be necessary depending on the scope and thoroughness of the initial assessment and current applicability. In special cases, it is possible that the applicability of a prior finding may be documented and a prior finding affirmation may be made.

101. *Coordination.* No Federal coordination of the prior finding affirmation is required except for such intradepartmental coordination as needed to obtain approval as described in paragraph 104. However, nothing in this appendix shall be construed as preventing such informal coordination as may be considered prudent or necessary by the region to establish the current validity of the data and analyses as contained in the prior assessment.

102. *Notification.* Formal announcement of availability of prior finding affirmations or supporting documentation is not required. However, such documentation shall be made available on request free of charge or at a fee commensurate with the cost of reproduction through FAA region and/or district offices and the sponsor's office.

103. *Documentation.* The prior finding affirmation package shall contain the following documentation: a. A report for approval by the responsible official which includes:

(1) A description of the proposed action and its relationship to the description of work in the prior approved assessment.

(2) An affirmation statement as set forth in paragraph 104b.

b. A copy of the prior approved environmental impact statement or negative declaration and the prior decision memorandum and Federal Finding shall be made available to the responsible official.

104. *Approval.*—a. *Approval Authority.* The authority to approve a prior finding affirmation is at a level commensurate with the description and extent of environmental impacts of the proposed action, with appropriate concurrences and review for legal sufficiency as indicated in paragraphs 64, 84, or 94, whichever is applicable.

b. *Prior Finding Affirmation.* The affirmation statement for this action should approximate the following: "After careful and thorough consideration of the facts contained in the environmental impact statement (or negative declaration) approved (date), the undersigned finds that the proposed Federal action is consistent with the assessment contained therein and that the prior Federal Finding as pertains to the proposed action is hereby affirmed."

When Section 16(c)(4) of the Airport Act (and/or Section 4(f) of the DOT Act) applies to the proposed action, add the following: "It is hereby affirmed that there is no feasible and prudent alternative to the proposed action (and/or to use of lands covered by Section 4(f) of the Department of Transportation Act of 1966, as amended); and further, the proposed action includes all possible steps to minimize any adverse effects (and/or all possible planning to minimize harm to such lands)."

In all instances, continue with the following: "Having previously met all relevant requirements for environmental consideration and consultation, the proposed action is authorized to be taken at such time as other requirements have been met."

105. *Final distribution.* Distribution of the above documentation is not required outside the FAA by this appendix. However, such documentation shall be made readily available upon request.

FIGURE 1. SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

(Check one) ( ) Draft ( ) Final Environmental Statement.

Name of responsible Federal agency (with name of operating division where appropriate). Region of origin and name, address, and telephone number of individuals at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (check one) ( ) Administrative Action ( ) Legislative Action.

2. Brief description of action and its purpose. Indicate what states (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

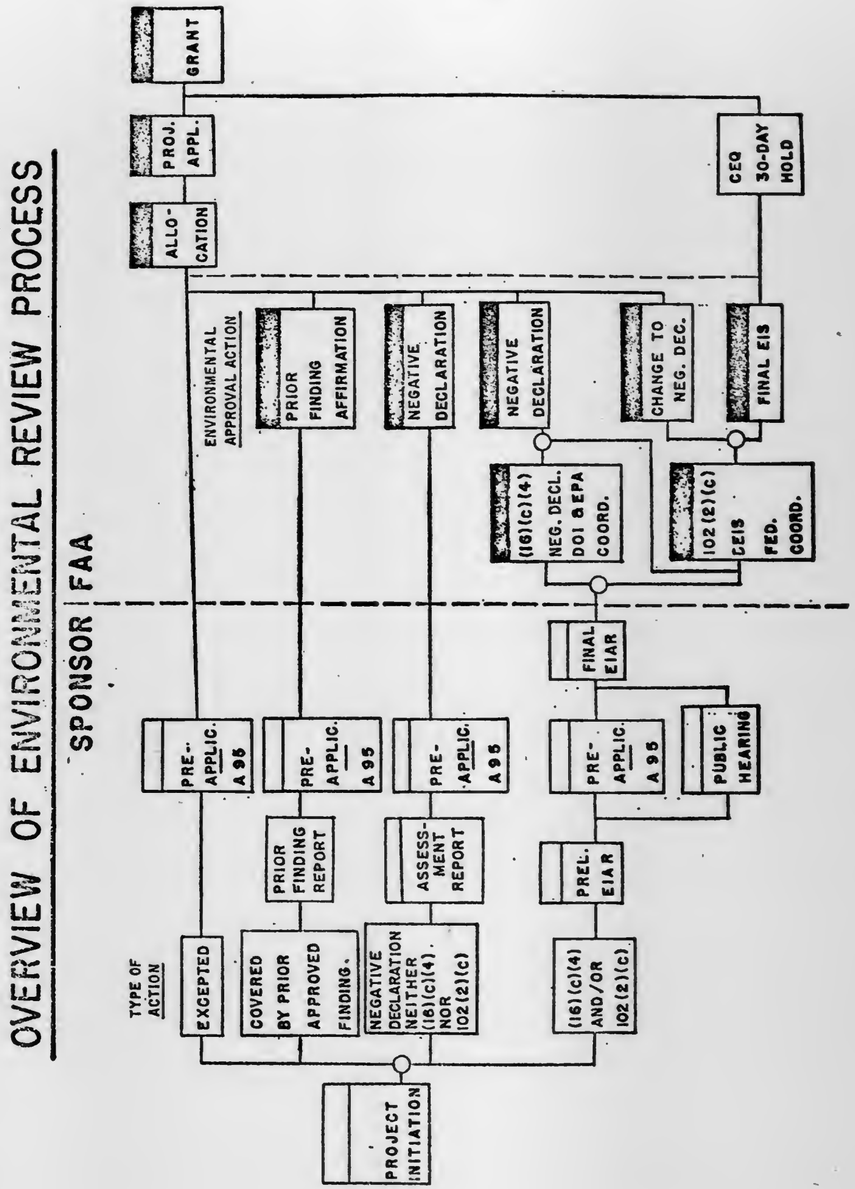
4. Summary of major alternatives considered.

5. For draft statements, list all Federal, state, and local agencies and other parties from which comments have been requested. For final statements, list all Federal, state, and local agencies and other parties from which written comments have been received.

6. Date draft statement (and final environmental statement, if one has been issued) made available to CEQ and the public.

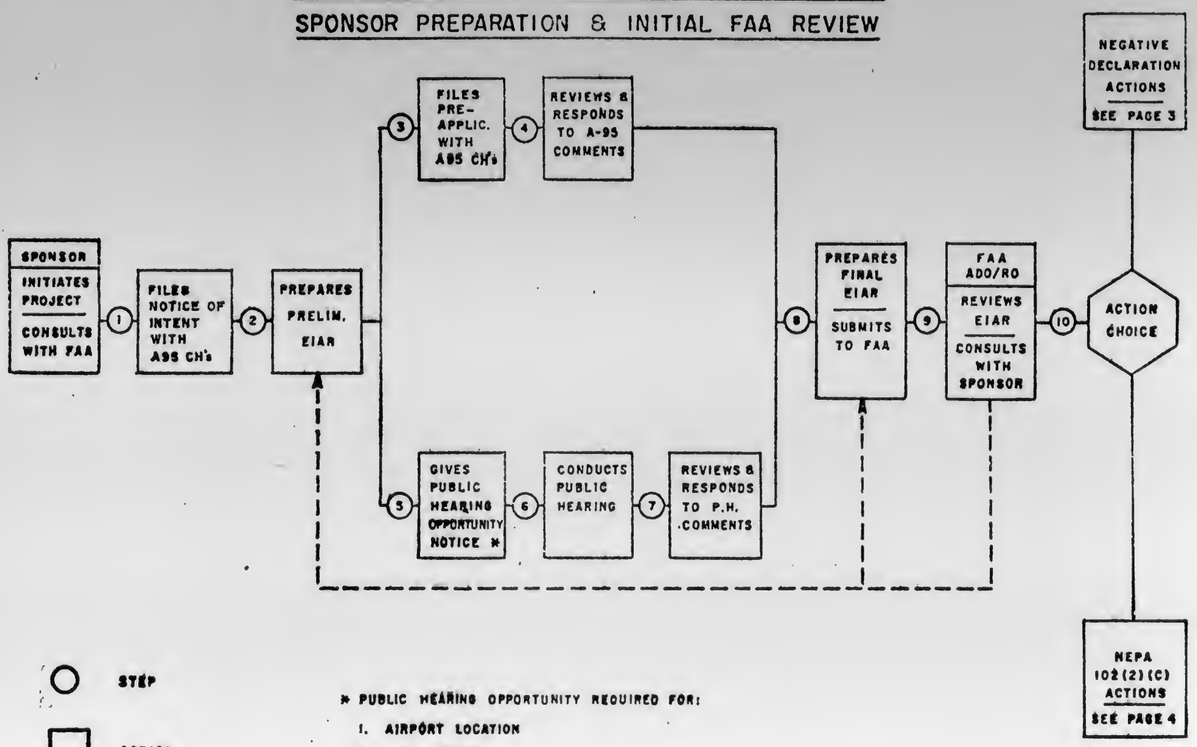
7. Date of public hearing, if one was held.

FIGURE 2. ENVIRONMENTAL PROCESS FLOWCHARTS



ENVIRONMENTAL REVIEW PROCESS

SPONSOR PREPARATION & INITIAL FAA REVIEW



STEP

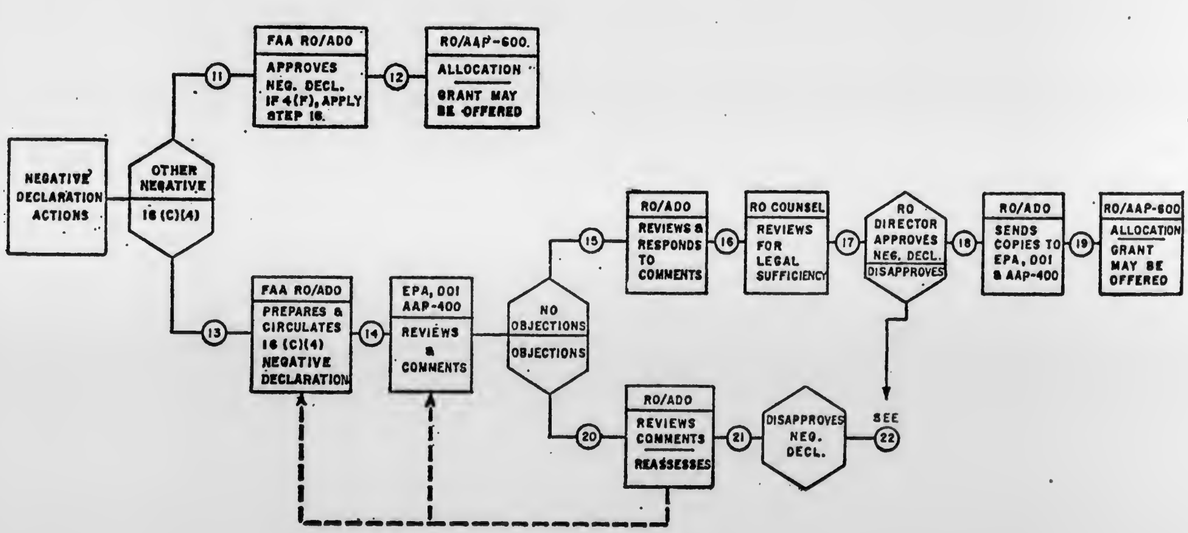
ACTION

DECISION OR CHOICE

* PUBLIC HEARING OPPORTUNITY REQUIRED FOR:

1. AIRPORT LOCATION
2. NEW RUNWAY
3. ANY RUNWAY EXTENSION
4. OTHER CASES—SEE PAR. 57b

FAA PROCESSING AND APPROVAL OF NEGATIVE DECLARATION ACTIONS



FAA PROCESSING OF NEPA 102(2)(C) DRAFT ENVIRONMENTAL IMPACT STATEMENT

FAA FINAL NEPA 102(2)(C) APPROVAL ACTIONS

** SUBJECT TO RO COUNSEL REVIEW FOR LEGAL SUFFICIENCY IF 4(F), APPLY STEP 31

*** THESE STEPS DELETED WHEN DEIS CHANGED TO NEGATIVE

VAULT 3 JUN 27 77 UM

APPENDIX 7. CONSULTATION AND DISTRIBUTION OF ENVIRONMENTAL IMPACT STATEMENTS

1. *Consultation-coordination.* Agencies consulted by the FAA in connection with the preparation or coordination of environmental impact statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved," or "which are authorized to develop and enforce environmental standards." As appropriate to the scope and impact, draft and final statements will be sent to the following State, local, and Federal agencies with jurisdiction by law or expertise with respect to any environmental impacts involved:

a. *State and Local Agencies:* (1) State and areawide or local clearinghouses; (2) Other State and local agencies, including those with expertise in environmental and transportation matters; and (3) Affected cities and counties.

b. *Special interest groups* and other interested parties at National, State and local levels (see paragraph 207).

c. *Federal Agencies.* Distribution to Federal agencies consulted by the FAA include the regional offices of the agencies and DOT model administrations listed below. Those to be sent to the Department of Interior (DOI) or the Department of Commerce (DOC) shall be sent directly to the Washington headquarters of these Departments, at addresses shown, not to the regional offices.

(1) Environmental Protection Agency.
(2) Department of Agriculture.
(3) Department of Commerce (headquarters), Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230.
(4) Department of Defense.
(5) Department of Health, Education, and Welfare.
(6) Department of Housing and Urban Development.
(7) Department of Interior (headquarters)*, Assistant Secretary—Program Policy, Attn: Director, Environmental Project Review, Department of the Interior, Washington, D.C. 20240.
(8) Department of Transportation (TES-1, 2 copies).
(9) Council on Environmental Quality (5 copies).
(10) Energy Research & Development Administration.
(11) Advisory Council on Historic Preservation.
(12) Federal Energy Administration.
(13) U.S. Nuclear Regulatory Commission (3 copies).
(14) National Capital Planning Commission.
(15) Delaware River Basin Commission.
(16) Tennessee Valley Authority (10 copies).
(17) Appalachian Regional Commission.
(18) Susquehanna River Basin Commission.

d. *General.* Unless specifically requested by the reviewing agency, only one copy of the statement is required. Exceptions to this are the following:

(1) Federal Energy Administration—five copies.

(2) Department of Interior; (a) Twelve copies for projects in each state, except those listed in (b) and (c) below.

(b) Thirteen copies for projects in North and South Dakota, Nebraska, Kansas, Oklahoma and Texas.

(c) Fourteen copies for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

2. *Subject areas of environmental impact and Federal and Federal-State agencies with jurisdiction by law or special expertise to comment thereon.*

a. *Air—Air quality.*

Department of Agriculture—Forest Service (impact on vegetation)
Nuclear Regulation Commission (radioactive substances)
Department of Health, Education and Welfare
Environmental Protection Agency
Department of the Interior—Bureau of Mines (fossil and gaseous fuel combustion)
Fish and Wildlife Service (impact on wildlife)
Bureau of Outdoor Recreation (impact on recreation)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—Assistant Secretary for Systems Development and Technology (auto emissions)
United States Coast Guard (vessel emissions)

b. *Water—water quality.*

Department of Agriculture—Soil Conservation Service—Forest Service.
U.S. Nuclear Regulatory Commission (radioactive substances).
Department of the Interior—Bureau of Reclamation—Bureau of Land Management (public lands); Bureau of Indian Affairs (Indian lands); Fish and Wildlife Service (fresh water species); Bureau of Outdoor Recreation; Geological Survey; Office of Saline Water.
Environmental Protection Agency.
Department of Health, Education, and Welfare.
Department of Defense—Army Corps of Engineers; Department of the Navy (ship pollution control).
National Aeronautics and Space Administration (remote sensing).
Department of Transportation—United States Coast Guard (oil spills, ship sanitation).
Department of Commerce—National Marine Fisheries Service (salt water species).
Water Resources Council.
River Basin Commissions (as geographically appropriate).

c. *Fish and wildlife.*

Department of Agriculture—Forest Service; Soil Conservation Service.
Department of Commerce—National Marine Fisheries Service (salt water species).
Department of the Interior—Fish and Wildlife Service (fresh water species); Bureau of Land Management; Bureau of Outdoor Recreation; Environmental Protection Agency.

d. *Solid waste.*

U.S. Nuclear Regulatory Commission (radioactive waste).
Department of Defense—Army Corps of Engineers.
Department of Health, Education, and Welfare.
Department of the Interior—Bureau of Mines (mineral waste, mine and acid waste, municipal solid waste, recycling); Bureau of Land Management (public lands); Bureau of Indian Affairs (Indian lands); Geological Survey (geologic and hydrologic effects); Office of Saline Water (demineralization).
Department of Transportation—United States Coast Guard (ship sanitation).
Environmental Protection Agency.
River Basin Commissions (as geographically appropriate).
Water Resources Council.

e. *Noise.*

Department of Commerce—National Bureau of Standards.
Department of Health, Education, and Welfare.
Department of Housing and Urban Development (land use and building materials aspects).
Department of Labor—Occupational Safety and Health Administration.
Department of Transportation—Assistant Secretary for Systems Development and Technology.
Environmental Protection Agency.
National Aeronautics and Space Administration.

f. *Radiation.*

U.S. Nuclear Regulatory Commission.
Department of Commerce—National Bureau of Standards.
Department of Health, Education, and Welfare.
Department of the Interior—Bureau of Mines (uranium mines); Mining Enforcement and Safety Administration (uranium mines).
Environmental Protection Agency.

g. *Transportation and handling of hazardous Materials.*

U.S. Nuclear Regulatory Commission (radioactive substances).
Department of Commerce—Maritime Administration; National Marine Fisheries Service (salt water species).
Department of Defense—Armed Services Explosive Safety Board; Army Corps of Engineers (navigable waterways).
Department of Transportation—Federal Highway Administration, Bureau of Motor Carrier Safety; United States Coast Guard; Federal Railroad Administration; Assistant Secretary for Systems Development and Technology; Office of Hazardous Materials; Office of Pipeline Safety.
Environmental Protection Agency.

h. *Energy and natural resources conservation.*

Department of Agriculture—Forest Service; Soil Conservation Service.
Department of Commerce—National Bureau of Standards (energy efficiency).
Department of Housing and Urban Development—Federal Housing Administration (housing standards).
Department of the Interior—
Office of Energy Conservation:
Bureau of Mines;
Bureau of Reclamation;
Geological Survey;
Power Marketing Administration.
Federal Energy Administration.
Energy Research and Development Administration.
Department of Transportation.
Environmental Protection Agency.
Federal Power Commission.
General Services Administration (design and operation of buildings).
Tennessee Valley Authority.

i. *Protection of environmentally critical areas—floodplains, wetlands, beaches and dunes, unstable soils, steep slopes, aquifer recharge areas, etc.*

Department of Agriculture—Agricultural Stabilization and Conservation Service; Soil Conservation Service; Forest Service.
Department of Commerce—National Marine Fisheries Service (salt water species).
Department of Defense—Army Corps of Engineers.
Department of Housing and Uurban Development (urban and floodplain areas).
Department of the Interior—Office of Land Use and Water Planning; Bureau of Outdoor Recreation; Bureau of Reclamation; Fish and Wildlife Service (fresh water species); Bureau of Land Management; Geological Survey.
Environmental Protection Agency (pollution effects).
National Aeronautics and Space Administration (remote sensing).
River Basins Commissions (as geographically appropriate).
Water Resources Council.

j. *Land use in coastal areas.*

Department of Agriculture—Forest Service; Soil Conservation Service (soil stability, hydrology).
Department of Commerce—National Marine Fisheries Service (salt water species).
Department of Defense—Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits).
Department of Housing and Urban Development (urban areas).
Department of the Interior—Office of Land Use and Water Planning; Fish and Wildlife Service; National Park Service; Geological Survey; Bureau of Outdoor Recreation; Bureau of Land Management (public lands).
Department of Transportation—United States Coast Guard (bridges, navigation).
Environmental Protection Agency.
General Services Administration.
Office of Economic Opportunity.

k. *Density and congestion mitigation.*

Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
Department of the Interior—Office of Land Use and Water Planning; Bureau of Outdoor Recreation.
Department of Transportation.
Environmental Protection Agency.

l. *Neighborhood character and continuity.*

Department of Health, Education, and Welfare.
Department of Housing and Urban Development.
National Endowment for the Arts.
Office of Economic Opportunity.

m. *Historic, architectural, and archaeological preservation.*

Advisory Council on Historic Preservation.
Department of Housing and Urban Development.
Department of the Interior—National Park Service; Bureau of Land Management (public lands); Bureau of Indian Affairs (Indian lands).
General Services Administration.
National Endowment for the Arts.

n. *Outdoor recreation.*

Department of Agriculture—Forest Service; Soil Conservation Service.
Department of Defense—Army Corps of Engineers.
Department of Housing and Urban Development (urban areas).
Department of the Interior—Bureau of Land Management; National Park Service; Bureau of Outdoor Recreation; Fish and Wildlife Service (fresh water species); Bureau of Indian Affairs.
Environmental Protection Agency.
National Aeronautics and Space Administration (remote sensing).
River Basin Commissions (as geographically appropriate).
Water Resources Council.

3. *Offices within Federal and Federal-State agencies for information regarding the agencies' NEPA activities and for receiving other agencies' impact statements for which comments are requested.*

ADVISORY COUNCIL ON HISTORICAL PRESERVATION

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (254-3974).

ENVIRONMENTAL PROTECTION AGENCY

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (755-0777).
Regional Administrator, I, U.S. Environmental Protection Agency, Room 2303, John F. Kennedy Federal Bldg., Boston, Mass. 02203 (617-223-7210).
Regional Administrator, II, U.S. Environmental Protection Agency, Room 908, 26 Federal Plaza, New York, New York 10007 (212-264-2525).
Regional Administrator, III, U.S. Environmental Protection Agency, Curtis Bldg., 6th and Walnut Sts., Philadelphia, Pa. 19106 (215-597-9801).
Regional Administrator, IV, U.S. Environmental Protection Agency, 1421 Peachtree Street, Northwest Atlanta, Ga. 30309 (404-526-5727).
Regional Administrator, V, U.S. Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606 (312-353-5250).
Regional Administrator, VI, U.S. Environmental Protection Agency, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201 (214-749-1962).
Regional Administrator, VII, U.S. Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (816-374-5493).
Regional Administrator, VIII, U.S. Environmental Protection Agency, Suite 900, Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203 (303-837-3895).
Regional Administrator, IX, U.S. Environmental Protection Agency, 100 California Street, San Francisco, California 94111 (415-556-2320).
Regional Administrator, X, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 (206-442-1220).

Department of Agriculture, Office of the Secretary, Attn.: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 (447-39655).
Appalachian Regional Commission, Office of the Alternate Federal Co-Chairman, Appalachian Regional Commission, 1666 Connecticut Avenue NW., Washington, D.C. 20235 (967-4103).

REGION IV

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, Room 404, 50 Seventh Street NE., Atlanta, Georgia 30323 (404-526-5817).

REGION V

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, Room 712, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois 60607 (312-353-1644).

REGION VI

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, 1114 Commerce Street, Dallas, Texas 75202 (214-749-2238).

REGION VII

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, 601 East 12th Street, Kansas City, Missouri 64106 (816-374-3584).

REGION VIII

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202 (303-837-4178).

REGION IX

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, 50 Fulton Street, San Francisco, California 94102 (415-556-1970).

REGION X

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, Arcade Plaza Building, 1321 Second Street, Seattle, Washington 98101 (206-442-0490).
U.S. Nuclear Regulatory Commission, Assistant Director for Environmental Projects, Division of Reactor Licensing, Washington, D.C. 20555 (492-7000).
Department of Defense, Office of the Assistant Secretary for Defense (Health and Environment), U.S. Department of Defense, Room 3E172, The Pentagon, Washington, D.C. 20301 (697-2111).
Delaware River Basin Commission, Office of the Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603 (609-883-9500).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Department of Health, Education, and Welfare, Washington, D.C. 20202 (963-4456).

REGION I

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, Room 2007B, John F. Kennedy Center, Boston Massachusetts 02203 (617-223-6837).

REGION II

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007 (212-264-1308).

REGION III

Regional Environmental Officer, U.S. Department of Health, Education, and Welfare, P.O. Box 13716, Philadelphia, Pennsylvania 19101 (215-597-6498).

DEPARTMENT OF HOUSING AND UABAN DEVELOPMENT

Director, Office of Community and Environmental Standards, Department of Housing and Urban Development, Room 7206, Washington, D.C. 20410 (755-5980).
Regional Administrator I, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Room 405, John F. Kennedy Federal Building, Boston, Massachusetts 02203 (617-233-4066).
Regional Administrator II, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10007 (212-264-8068).

* Thirteen copies for projects in North and South Dakota, Nebraska, Kansas, Oklahoma, and Texas; fourteen copies for projects in Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and twelve copies for projects in other states.

Regional Administrator III, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Curtis Building, Sixth and Walnut Street, Philadelphia, Pennsylvania 19106 (215–597–2560).
Regional Administrator IV, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Peachtree-Seventh Building, Atlanta, Georgia 30323 (404–526–5585).
Regional Administrator V, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 360 North Michigan Avenue, Chicago, Illinois 60601 (312–353–5680).
Regional Administrator VI, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Federal Office Building, 819 Taylor Street, Fort Worth, Texas 76102 (817–334–2867).
Regional Administrator VII, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 911 Walnut Street, Kansas City Missouri 64106 (816–374–2661).
Regional Administrator VIII, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Samsonite Building, 1051 South Broadway, Denver, Colorado 80209 (303–837–4061).
Regional Administrator IX, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102 (415–556–4752).
Regional Administrator X, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Room 226, Arcade Plaza Building, Seattle, Washington 98101 (206–583–5415).
Susquehanna River Basin Commission, Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055 (717–737–0501).
Tennessee Valley Authority, Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401 (615–755–2002).
Department of Transportation, Director, Office of Environmental Affairs, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590 (426–4357).
U.S. Coast Guard, Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street, SW., Washington, D.C. 20590 (426–2007).
Federal Highway Administration, Office of Environmental Policy, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590 (426–0351).
Federal Railroad Administration, Office of Policy and Plans, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590 (426–1567).
Urban Mass Transportation Administration, Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street SW., Washington, D.C. 20590 (426–4020).

APPENDIX 8. DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

1. *Environmental impact of the action.* a. *LO—Lack of objection.* EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

b. *ER—Environmental reservations.* EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

c. *EU—Environmental unsatisfactory.* EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

2. *Adequacy of the impact statement.* a. *Category 1—Adequate.* The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

b. *Category 2—Insufficient information.* EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

c. *Category 3—Inadequate.* EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

[FR Doc.77–17890 Filed 6–24–77;8:45 am]

federal register

MONDAY, JUNE 27, 1977
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

AIR POLLUTION PREVENTION

V 42 N 123 JUN 27 77 77 UM

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 154, 155, and 156]

[CGD 75–124]

POLLUTION PREVENTION

Vessel and Oil Transfer Facilities

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard proposes to amend the pollution prevention regulations for vessels and oil transfer facilities to reduce accidental discharges of oil or oily wastes during vessel operations and during the transfer of oil or oily wastes to or from vessels. The proposed changes also clarify certain existing rules. Public and industry comments, the Coast Guard's operational experience, and new requirements under the International Convention for the Prevention of Pollution from Ships, 1973, make these proposed changes necessary.

DATES: Comments must be received on or before: August 11, 1977.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/81) U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. A copy of the economic evaluation from which the economic summary in this document is taken and a copy of the environmental analysis are also available for examination at the above address.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: Each person submitting a comment should include his name, address, and organization, if any, identify this notice (CGD 75–124), and give reasons for his comments. No public hearing is planned. If the Coast Guard determines that a public hearing is necessary the time and place will be set in a later notice in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Commander Harvey G. Knuth, Project Manager, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF PROPOSED AMENDMENTS

Parts 154, 155, and 156 were published December 21, 1972 (37 FR 28250), effective July 1, 1974, and were amended September 11, 1975 (40 FR 42189). Since being published, many comments have been received, showing that some changes are needed. The Coast Guard's operational experience leads to the same conclusion. Additionally, in November 1973 the International Conference on Marine Pollution, under the auspices of the Inter-Governmental Maritime Consultative Organization (IMCO), adopted the International Convention for the Prevention of Pollution from Ships, 1973. This Convention, when it enters into force, will require oil-water separators, and bilge oil content monitors or alarms. The Coast Guard has decided that the Convention establishes a reasonable and environmentally effective set of standards on which certain vessel requirements for the discharge of oily mixtures can be based.

A discussion of the proposed amendments that significantly alter the regulations follows:

1. The heading of Part 154, Large Oil Transfer Facilities, is misleading as the application of this part is not a function of facility size, but rather vessel capacity. Therefore, "large" is deleted.

2. The wording in § 154.100 has been misconstrued generally to mean that this part applies only when a transfer is being conducted. Proposed § 154.100(a) is changed to show that Part 154 applies at all times during which a facility is in an operationally ready status and is capable of conducting oil transfer operations.

Although public vessels are exempt from compliance with these regulations, facilities that transfer oil to or from public vessels are not. Therefore, "public vessel" is added to proposed § 154.100.

The specific exemption of lube oil and non-petroleum based oil is deleted. If lube oil is transferred in bulk to or from a vessel with a capacity of at least 250 barrels of lube oil, regardless of the use of the lube oil, it should be regulated. If non-petroleum based oil is transferred in bulk to or from a vessel it will be regulated when the vessel capacity for non-petroleum based oil reaches 250 barrels.

The Coast Guard is considering expanding the applicability of § 154.500 to all facilities, regardless of the capacity of the vessel served, to ensure that all hose assemblies used to transfer oil meet the design standards. Upon determining the need, regulations may be published.

3. Several definitions are added or reworded in proposed § 154.105.

4. Proposed §§ 154.107 and 154.108 replace § 154.330 (waivers) and are similar to proposed §§ 155.107, 155.110, 156.107, and 156.110. The Captain of the Port (COTP) and the Officer in Charge, Marine Inspection (OCMI) need the authority to allow alternatives to the requirements in these regulations that provide an equivalent level of protection for the environment, without having to grant an exemption. Proposed § 154.108 sets out the conditions for granting an exemption. An exemption does not require an equivalent level of protection of the environment; therefore, the procedures for obtaining an exemption are more stringent than those in proposed § 154.107.

5. The notification requirement in § 154.110(b)(3) is moved to proposed § 156.120(a) because it is an operational oil transfer requirement.

6. Proposed § 154.120(b) provides for the COTP to give a written report of inspection results to the facility operator for the record required by § 154.740(e).

7. Section 154.140 is moved to proposed § 156.112 because it is an operational oil transfer requirement.

8. Update and COTP review of the operations manual is incomplete. To improve control over the quality of the operations manual, new §§ 154.300(c) and (e) are added. No provision is made for facilities where English is not the predominant language.

Therefore, new § 154.300(a)(3) is added to require a bilingual operations manual when needed. Sections 154.760 and 154.770 are moved to new §§ 154.300 (b) and (f) and 154.320(b) to consolidate general operations manual requirements. Section 154.300(b) is moved to new § 154.300(d).

9. Review of the operations manual by operating and inspecting personnel is difficult because of the variety of formats. Proposed § 154.310 requires that the contents of the operations manual be listed in the order specified. The list of contents is expanded to include the proposed changes in Part 154.

10. New §§ 154.320(b) and (c) are added to allow the facility operator to initiate amendments to the operations manual.

11. New § 154.325 describes the letter of adequacy issued under new § 154.300 (e). A letter of adequacy is the means proposed by the Coast Guard to improve control over the quality of the operations manual by ensuring that the manual meets the requirements of this part and Part 156.

12. Proposed § 154.500 applies to all hoses because hoses of three inches inside diameter and less are often used to transfer oil and should meet design standards. Proposed § 154.500 also applies to all hoses regardless of the date of manufacture. By the time the proposed regulations are final most hoses manufactured before 1973 will be out of service. If a facility operator has an unused pre-1973 hose, then he may apply for an alternative under proposed § 154.107.

Sections 154.500(f) and (g) are changed by proposed §§ 154.500(e), (f), and (g). Proposed § 154.500(e) requires that the products for which the hose may be used and the maximum allowable working pressure (MAWP) must be marked on the hose. Proposed § 154.500 (g) requires that the burst pressure not be marked on the hose because the potential exists to mistake the burst pressure for the MAWP.

New § 154.500(h) is added to require that each hose used to transfer oil for fuel to a vessel that has a fill pipe for which containment is impractical must be equipped with an automatic back-pressure shutoff nozzle.

A note is added at the end of § 154.500 to inform readers of the availability of the American National Standards Institute (ANSI) standards mentioned in these regulations.

13. New § 154.510(b), requiring that manufacturers certify that a loading arm meets ANSI standards, is added to assist Coast Guard enforcement personnel in inspecting the facility.

14. Proposed § 154.520 requires closure devices for all hoses not in use to prevent oil spills resulting from residual oil in unblanked hoses.

15. When these regulations were first published, monitoring devices were in the developmental stage. Now, there are a number of devices on the market, and new § 154.525 is added to require installation of monitoring devices when the COTP determines that certain conditions exist.

16. Proposed § 154.530(a)(1) replaces § 154.530(b) and shows that the definition of hose handling and loading arm area applies whether the facility or the vessel is providing the hose.

The discharge containment sizes in § 154.530 are changed by proposed § 154.530(b) to correspond with the sizes now required in proposed § 155.310 for vessels, except that containment of less than 2 barrels is not allowed even for hoses of less than 6 inches inside diameter because fixed containment of less than 2 barrels at a facility is impractical.

Section 154.530(d) is changed by proposed § 154.530(c) to require that portable containment be at least ½ barrel capacity.

New § 154.530(d) is added to provide for portable containment for mobile facilities, because fixed containment of any size is impractical for a mobile facility.

17. In § 154.545, "ready access" is a vague term that causes unnecessary response delays. Therefore, new § 154.545 (c) is added to require each facility to establish time delays for deployment of containment equipment, subject to approval by the COTP.

New § 154.545(d) is added to require the installation of oil containment material around vessels when the COTP determines that certain conditions exist.

18. Proposed § 154.550(a) deletes the requirement that the emergency shutdown communications system be separate from the routine communications system.

Proposed § 154.550(b) adds a requirement that the emergency shutdown means must be other than the valve at the dock manifold connection, to prevent the inadvertent release of a significant amount of oil if the valve at the dock manifold connection is damaged.

New § 154.550(c) sets time limits for emergency shutdown.

19. New paragraphs (c), (d), and (e) are added to § 154.560 to provide that the communications system must be usable at all times, may be the same as the system permitted for emergency shutdown, and must use intrinsically safe portable radio devices.

20. Proposed § 154.570 deletes the requirement for specific illumination intensities except when the illumination is apparently inadequate. When the illumination is apparently adequate, specific illumination intensities are required and the illumination levels prescribed in proposed § 154.570(b) must be met. New § 154.570(d) is added to require that lighting not interfere with navigation.

21. New § 154.740(f) is added to require that the declaration of inspection be available for inspection by the COTP.

22. Sections 154.760 and 154.770 are moved to proposed §§ 154.300 and 154.320 (see item 8), and § 154.780 is moved to proposed § 156.113 because they are operational oil transfer requirements.

23. The date in proposed § 155.100 is deleted since these regulations are already in effect.

24. Several definitions are added or reworded in proposed § 155.105.

25. New § 155.107 is added and § 155.110 is changed for the reasons stated in item 4.

26. Section 155.130 is moved to proposed § 156.112 because it is an operational oil transfer requirement.

27. Proposed § 155.310(a) reduces the overall size of containment on vessels and provides a further breakdown of containment sizes for hoses of less than 6 inches inside diameter.

New § 155.310(b) is added to allow portable containment on tank barges with coamings surrounding the cargo hatches.

28. The Notice of Proposed Rule Making for the existing Part 155, published 24 December 1971, proposed that a fixed or portable container of at least 14 U.S. gallons be installed on vessels. Section 155.320 was extensively modified in its final form in response to a request for relief for smaller vessels. However, instead of permitting the use of a smaller container on smaller vessels, the final rule switched to requiring a two barrel fixed container on new vessels and a five gallon portable container on existing vessels. The two barrel fixed containment in § 155.320 has proven to be excessively large. Accordingly, proposed § 155.320 reduces the size of fixed containment, differentiates between sizes of new vessels above 300 gross tons, and provides for small portable containers on new vessels under 300 gross tons while retaining small portable containers for all existing vessels (under § 155.320, an existing vessel is one constructed before 1 July 1974). Extending the requirement for fuel oil discharge containment to vessels under 100 gross tons is being considered, and regulations may be published upon determining the need.

29. Proposed §§ 155.330 through 155.410 require installation of 15 parts per million (p.p.m.) oil-water separators and bilge oil content alarms or bilge oil content monitors aboard all vessels of 100 gross tons or more operating in the navigable waters and contiguous zone of the United States.

Sections 155.330 through 155.410 require that vessels of 100 or more gross tons be fitted with fixed piping systems for discharge to reception facilities of oily residues from main and auxiliary machinery spaces and fuel oil tanks that carry ballast. An exception is allowed for those vessels installing oil-water separating equipment acceptable to the Commandant of the Coast Guard. This approach encourages installation of the fixed piping system for discharge to reception facilities, but does little to promote installation and use of oil-water separating equipment. The net result is that oily mixtures containing large volumes of water and small amounts of oil are retained onboard for discharge to reception facilities. Very few ports have adequate facilities for receiving and processing large volumes of mixtures containing little oil and vessel operators have discharged the untreated oily mixtures overboard in violation of the law.

These proposed regulations, by requiring installation and use of oil-water separating equipment would reduce the total volume of oily mixtures retained onboard and would also increase the oil content of the mixtures. Thus, much smaller storage and handling capacity would be sufficient at reception facilities. Processing to recover reusable oil would also be simplified. All of this would reduce the overall cost of reception facilities and would stimulate their construction. In some cases a vessel could combine the residue from an oil-water separator with fuel for use in the propulsion plant and not need to use reception facilities.

To facilitate the availability of acceptable 15 p.p.m. oil-water separators, bilge oil content monitors and alarms, the Coast Guard is proposing approval regulations for that equipment in 46 CFR 162.050 elsewhere in this issue of the FEDERAL REGISTER. Those proposed regulations are based on the specifications adopted at the Sixth Session of the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO).

30. Proposed §§ 155.330 (b)(2), (b)(3) and (b)(5)(ii) combine and clarify the requirements on a vessel's fixed piping system contained in §§ 155.340, 155.350, 155.370, and 155.380. Proposed §§ 155.330 (b)(1) and 155.330(b)(4) specify requirements for the oily waste and slop retention system required in § 155.330. Proposed § 155.330(b)(5)(i) adds a requirement for sample points in the fixed piping system. Proposed §§ 155.330(b)(6), (b)(7) and (b)(8) require installation of 15 p.p.m. oil-water separators and oil-content monitors or alarms and set out the piping system design requirements. Proposed §§ 155.330 (b)(1) and (b)(4) through (b)(8) are effective 2 years after the effective date of the final rule or at the vessel's first shipyard maintenance and repair availability after 6 months after publication of the final rule, whichever is earlier. This is done to allow vessel owners and operators to schedule the design work and equipment procurement necessary to comply with those requirements.

Several sources have indicated to the Coast Guard that a well designed oily mixture settling system might be capable of producing an effluent containing 15

p.p.m. of oil in water or less at significantly less cost than the purchase and installation of a 15 p.p.m. oil-water separator. Proposed § 155.330(c) allows substitution of an installed oily mixture settling system for the 15 p.p.m. oil-water separator required by proposed § 155.330(b)(6) if the settling system meets the design requirements in proposed §§ 155.330(c) (1) and (2) and if, after installation aboard the vessel, the settling system is acceptable to the Commandant (acceptance procedures to be proposed).

Proposed § 155.330(d) requires that each 15 p.p.m. oil-water separator, monitor, and alarm installed aboard a vessel after April 1, 1980 be approved by the Coast Guard under 46 CFR 162.050. (Elsewhere in this issue of the FEDERAL REGISTER.) The April 1, 1980, effective date for this requirement is proposed to allow time for approval testing of oil-water separating, monitoring, and alarm equipment.

Proposed § 155.330(d) does not apply to oil-water separators, bilge monitors, and bilge alarms installed on vessels before April 1, 1980. The question of whether separators, monitors, and alarms installed before April 1, 1980, should be required to meet the Coast Guard's applicable approval specifications is currently under study. Related questions, of whether separators, monitors, and alarms should be allowed to continue in service and, if so, under what conditions, are the subject of current discussion by the IMCO Marine Environment Protection Committee. The Coast Guard intends to issue regulations concerning existing installations after completion of its studies and the current IMCO discussions.

31. Proposed § 155.340 replaces and clarifies the requirements for oily waste and slop retention contained in § 155.330.

32. Proposed § 155.350 combines the requirements for bilge and fuel ballast residue pumping arrangements aboard vessels of less than 100 gross tons contained in §§ 155.360 and 155.390. Nothing in these proposed regulations requires installation of oil-water separating equipment aboard vessels of less than 100 gross tons; however, such vessels may, if they wish, install this equipment if it is installed and operated in accordance with proposed §§ 155.330(d) and 155.410.

33. The requirements for reception facility discharge points for vessels of less than 1600 gross tons in §§ 155.340(b)(2) and 155.370(b)(2) are moved to proposed § 155.360.

34. The requirements for shore connections applicable to uninspected U.S. vessels and all other vessels not in ocean or coastwise service in §§ 155.350(c) and 155.380(c) are moved to proposed § 155.370. Additionally, the requirement in § 155.350(c) that vessels not in ocean or coastwise service have shore connections meeting the specifications in appendix A to Part 155 or conforming to standard B16.5, Steel Pipe Flanges and Flanged Fittings or B16.31, Nonferrous Pipe Flanges, of the American National Standards Institute for a 4 inch standard flange has been deleted and replaced with a requirement that each shore connection or portable adapter on the vessel must fit the connections at each reception facility to which the vessel transfers oily residues.

35. Proposed § 155.380 exempts any vessel, that has a means onboard to burn as fuel, incinerate, or otherwise consume all oil residues, from the requirements for fixed reception facility discharge points and installed discharge pumps contained in proposed §§ 155.330(b)(2) and (b)(3) if the vessel has any means to transfer oil residues to a reception facility.

36. Proposed § 155.390 exempts any tank vessel, that combines all other oily mixtures with oily cargo residues for transfer and discharge in accordance with the requirements of Part 157 of this chapter, from the requirements in proposed § 155.330.

37. Proposed § 155.400 requires that a vessel operator have on board, and use, the instruction manual for the fixed piping system and each oil-water separator, oily mixture settling system, and bilge oil content monitor or alarm. This requirement is proposed to ensure that vessel operators have available and use the information necessary to operate in compliance with the discharge regulations contained in proposed § 155.410.

38. Proposed § 155.410 contains requirements for overboard discharges of oily mixtures. Proposed § 155.410(a) requires that each overboard discharge of an oily mixture into the navigable waters, or the contiguous zone, that is not combined with oily cargo residues, be made through a properly operating 15 p.p.m. separator and bilge monitor or alarm (as noted in item 30, § 155.330(c) provides that an oily mixture settling system acceptable to the Coast Guard may be substituted for the 15 p.p.m. separator). The 15 p.p.m. oil in water standard is contained in Annex I to the International Convention for the Prevention of Pollution from Ships, 1973. Proposed § 155.410(a)(2) notes the requirement that any overboard discharge of an oily mixture must conform to the limit prescribed by the Environmental Protection Agency (EPA) in 40 CFR 110.

That limit provides that a discharge may not create a sludge or emulsion or produce visible traces of oil in the water or along adjoining shorelines. The Coast Guard is currently having discussions with the EPA on the question of whether a discharge concentration of 15 p.p.m. oil in water is within the discharge limit prescribed by EPA regulations.

Proposed § 155.410(b) requires that each discharge of an oily mixture, that is not combined with an oily cargo residue, made from a U.S. vessel beyond twelve miles from the nearest land be made while the vessel is proceeding en route and at a concentration of 100 p.p.m. or less of oil in water. The 100 p.p.m. standard is contained in Annex I to the International Convention for the Prevention of Pollution from Ships, 1973.

Proposed § 165.410(c) requires that discharges of oily cargo residues and of oily mixtures combined with oily cargo residues meet Part 157 of this chapter.

Proposed § 155.410(d) establishes an effective date 2 years after the effective date of the final rule for the requirements in proposed §§ 155.410(a) and 155.410(b). This is intended to allow time for vessel owners and operators to accomplish the design, procurement and installation work necessary to comply with the discharge requirements.

39. The purpose of § 155.440 is to inform operating personnel of the prohibition against and the penalty for oil discharges. Proposed § 155.440 deletes the exception for foreign vessels and adds a requirement for the placard to be printed in the language(s) of the crew.

40. Section 155.480 is deleted since it duplicates regulations in 46 CFR 61.

41. Proposed changes to § 155.710 were recently published in the FEDERAL REGISTER at 42 FR 21190. Proposed § 155.710 in this document reflects those proposed changes. Comments on this proposed section should reference docket number CGD 74-044a.

42. Proposed § 155.720 clarifies that the requirement for oil transfer procedures also applies to transfers from tank to tank within a vessel because they are a potential spill source.

43. New § 155.740(c) is added to require that the vessel operator makes the oil transfer procedures available for inspection by the COTP or OCMI.

44. Proposed § 155.750 reflects proposed changes to Part 155. New § 155.750(o) requires cargo information for vessels, similar to the requirement for facilities in § 154.310(a)(6).

45. Sections 155.760, 155.770, and 155.780 are reworded for clarity, and the term U.S. is deleted from proposed § 155.770 to prohibit the draining of oil into bilges on all vessels.

46. New § 155.785, which is similar to proposed § 154.770, is added to regulate communications during vessel to vessel oil transfers (see item 19).

47. Proposed § 155.790 changes the lighting requirements for the same reasons as § 154.570 (see item 20).

48. The oil transfer hose use requirements in § 155.800 are moved to proposed § 156.120(k).

49. New § 155.805 is added to require that vessels have the means to blank off their hoses when not in use, which is similar to proposed § 154.520.

50. New § 155.815 is added to require that all vessel openings that could let water in or oil out are properly secured when the vessel is underway.

51. Section 155.820(d) is deleted because the requirement for valve inspection (§ 156.480) is deleted (see item 40). Proposed § 155.820(d) requires that the declaration of inspection be available for inspection by the COTP or OCMI.

52. Proposed § 156.100 includes public vessels and deletes the exceptions for lube oil and non petroleum based oil for the same reasons as proposed § 154.100 (see item 2).

The exception for the transfer operation on a public vessel is added because public vessels are exempt from compliance with the regulations, even though the transfer operation on a facility or other vessel transferring oil to or from a public vessel is not exempt.

53. Several definitions are added or reworded in proposed § 156.105.

54. Section 156.107 is changed and new § 156.110 is added for the reasons stated in item 4.

55. Sections 154.140, 154.780, and 155.130 are moved to new §§ 156.112 and 156.113 because they are operational oil transfer requirements.

56. Proposed § 156.115, presently § 156.110 deletes the specific conditions for serving as a person in charge of more than one vessel, which are unnecessarily restrictive, and replaces them with COTP authorization.

57. Generally, § 156.120 is changed for clarity. Some new requirements are added, and some paragraphs are moved within the section. A discussion of the specific changes follows:

a. The requirement to notify the COTP of oil transfer operations is moved from § 154.110(b) to proposed § 156.120(a) for the reasons stated in item 5. It is expanded to cover all transfers, instead of just mobile facility transfers, because the Coast Guard is unaware of numerous transfers that occur.

b. Proposed § 156.120(d) requires that hose should be supported to prevent kinking, as well as strain on the coupling.

c. New § 156.120(g) is added to require the use of the closure devices required by proposed §§ 154.520 and 155.805.

d. Proposed § 156.120(h) adds an exception for loading and unloading of deep tanks from the fixed connection requirement.

e. Proposed § 156.120(i) prevents simultaneous cargo transfer and ballasting or deballasting of cargo tanks, and still permits ballasting or deballasting of segregated ballast tanks while transferring cargo, because the piping and pumps are separate systems. The provisions requiring locking of valves is deleted because it is an unsafe practice and is prohibited under 46 CFR 35.35-10.

f. Proposed § 156.120(j) adds a definition of reinforcement.

g. New § 156.120(k) is added to replace the portion of § 155.800 regarding oil transfer hose use requirements.

h. New § 156.120(m) is added to ensure that monitoring devices required by proposed § 154.525 are being used.

i Proposed § 156.120(n) requires that any liquid be drained from containment to prevent any reduction in the capacity of containment.

j. Proposed § 156.120(p) prohibits any leaking connections except components of the oil transfer system that are inherently leaky, such as the packing glands of a pump.

k. New §§ 156.120 (s) and (t) are added and § 156.120(o) is reworded and moved to proposed § 156.120(u) to describe the responsibilities of the person in charge and other personnel on duty during oil transfers.

1. Proposed § 156.120(z) applies only to transfers between tank barges, because lighting for any other vessel to vessel transfer, involving at least one self-propelled vessel, is required by proposed § 155.790.

58. New § 156.125 requires that, whenever an oil discharge occurs, the oil transfer operation must be stopped and clean up started before the oil transfer operation may be resumed.

59. Section 156.130 is reworded for clarity.

60. Proposed §§ 156.150 (a) and (b) require each person in charge to inspect his own area of responsibility and to fill out the declaration of inspection.

Sections 156.150 (e) and (f) are combined in proposed § 156.150(f). Proposed § 156.150(f) requires that the vessel operator retain the declaration of inspection for all transfers, not just vessel to vessel transfers.

New § 156.150(e) is added to require the persons in charge to have signed copies of the declaration of inspection available for inspection by the COPT during the oil transfer operation.

61. Section 156.160(a) is reworded for clarity.

62. Section 156.170(a) is reworded for clarity. Proposed § 156.170(b) deletes the requirement that hose be tested in a straight and horizontal position, which will allow the hose to be tested in place and connections to be tested with the hose. Proposed § 156.170(c) changes the pressure to which equipment must be tested to 1½ times the maximum allowable working pressure (MAWP). This corresponds to 33 CFR 126.15(o) and is safer because it would prevent the present situation that allows testing of a hose at a low relief valve setting and use at a higher relief valve setting. New § 156.170(e) is added to allow the use of any liquid in testing of equipment.

This proposal has been reviewed for economic and inflationary impact under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). The proposed regulation would affect approximately 6703 U.S. vessels and 3500–5500 foreign vessels. Cost for purchase and installation of the equipment would vary from $19,500 to $26,000 per vessel. Assuming that all U.S. vessel costs and one half foreign vessel costs would be passed to U.S. consumers dollar for dollar and the cost would be amortized over 10 years, the annual cost to the U.S. consumer would be $23.2 million. The increased cost for U.S. vessels would be divided among the different services as listed by the Merchant Vessel Documentation Division of the Coast Guard. The greatest cost, $65,364,000, would be to the towing service, over a two year period.

The proposed amendment would benefit the U.S. by reducing accidental discharges of oil or oily wastes during vessel operations and during the transfer of oil or oily wastes to or from vessels. Certain proposed changes would also facilitate enforcement of the regulations by the Coast Guard.

In consideration of the foregoing, the Coast Guard proposes to revise Parts 154, 155, and 156 of Title 33, Code of Federal Regulations to read as follows:

PART 154—OIL TRANSFER FACILITIES

Subpart A—General

Sec.
154.100 Applicability.
154.105 Definitions.
154.107 Alternatives.
154.108 Exemptions.
154.110 Letter of intent.
154.120 Facility inspection.

Subpart B—Operations Manual

154.300 Operations manual: General.
154.310 Operations manual: Contents.
154.320 Operations manual: Amendment.
154.325 Operations manual: Letter of adequacy.

Subpart C—Equipment Requirements

154.500 Hose assemblies.
154.510 Loading arms.
154.520 Closure devices.
154.525 Monitoring devices.
154.530 Small discharge containment.
154.540 Discharge removal.
154.545 Discharge containment equipment.
154.550 Emergency shutdown.
154.560 Communications.
154.570 Lighting.

Subpart D—Facility Operations

154.700 General.
154.710 Persons in charge: Designation and qualification.
154.730 Persons in charge: Evidence of designation.
154.740 Records.
154.750 Compliance with operational manual.

AUTHORITY: The provisions of this Part 154 issued under section 311(j)(1)(C) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1321(j)(1)(C); E.O. 11735, 3 CFR, 1966–1970 COMP., p. 949; 49 CFR 1.46(m).

Subpart A—General

§ 154.100 Applicability.

(a) Except as provided in paragraphs (b) and (c), this part applies to each facility that transfers oil in bulk to or from any vessel or public vessel with a capacity of 250 or more barrels of that oil.

(b) This part does not apply to a facility in a caretaker status (one that is not operational or not capable of conducting transfer operations).

(c) This part does not apply to a marina (a facility that service primarily pleasure craft) unless it is transferring oil in bulk to or from any vessel or public vessel with a capacity of 250 or more barrels of that oil.

§ 154.105 Definitions.

As used in this part:

"Barrel" means the unit of liquid measure equivalent to 42 U.S. gallons at 60° Fahrenheit.

"Captain of the Port" (COTP) means the U.S. Coast Guard officer commanding a Captain of the Port Area described in Part 3 of this chapter, or his authorized representative, or where there is no Captain of the Port Area, a District Commander of a Coast Guard District described in Part 3 of this Chapter, or his authorized representative.

"Commandant' means the Commandant of the Coast Guard or his authorized representative.

"Discharge" includes but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District, as described in Part 3 of this chapter or his authorized representative.

"Facility" means either an onshore facility or an offshore facility and includes, but is not limited to, structures, equipment, and appurtenances thereto, used or capable of being used to transfer oil to or from a vessel or a public vessel. A facility includes federal, state, municipal, and private facilities.

"Facility operator" means the person who owns, operates, or is responsible for the operation of the facility.

"Incompatible products" means products that, when mixed, create a hazard, such as spontaneous combustion or energy release or form a product that is hazardous to health.

"Mobile facility" means any facility that can readily change location, such as a tank truck or tank car, other than a vessel or public vessel.

"Monitoring device" means any sensing device used to monitor the waters for a discharge of oil, within or around a facility, and designed to notify operating personnel of a discharge of oil.

"Officer in Charge, Marine Inspection" (OCMI) means the U.S. Coast Guard officer commanding a Marine Inspection Zone described in Part 3 of this chapter, or his authorized representative.

"Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. For the purposes of this part liquefied natural gas and liquefied petroleum gas (LNG and LPG) are excluded.

"Onshore facility" means any facility (including, but not limited to, mobile facilities) of any kind located in, on, or under any land within the United States, other than submerged land.

"Person" includes an individual, firm, corporation, association, and partnership.

"Person in charge" means an individual designated as a person in charge of oil transfer operations under § 154.710 or 155.700 of this chapter.

"Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a state or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

"Tank vessel" means any vessel that carries or is capable of carrying liquid bulk cargo in tanks.

"Vessel" means every description of watercraft or other artificial contrivance, whether U.S. or foreign, used or capable of being used as a means of transportation on water, other than a public vessel.

§ 154.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods, or equipment standards to be used by a facility operator in lieu of any requirements in this part if—

(1) The facility operator submits a written request for the alternative at least 30 days before operations under the alternative are proposed, unless the COTP authorizes a shorter time; and

(2) The alternative provides an equivalent level of protection from pollution by oil.

(b) The COTP approves or disapproves any alternative requested, either in writing, or orally followed up in writing.

§ 154.108 Exemptions.

(a) The Commandant may grant an exemption or partial exemption from compliance with any requirement in this part if—

(1) The facility operator submits an application for the exemption to the Commandant via the COTP at least 30 days before operations under the exemption are proposed, unless the COTP authorizes a shorter time; and

(2) The Commandant determines from the application that—

(i) Compliance with the requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) In making the determinations in paragraph (a), the Commandant may require—

(1) Any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption; and

(2) Procedures, methods, or equipment standards, even though they may provide less than an equivalent level of protection from pollution by oil.

(c) The Commandant grants or denies an exemption in writing.

§ 154.110 Letter of intent.

(a) The facility operator of any facility to which this part applies must submit a letter of intent to operate a facility or to conduct mobile facility operations to the COTP not less than 60 days before the intended operations unless a shorter period is allowed by the COTP.

(b) The letter of intent required by paragraph (a) may be in any form but must contain—

(1) The name, address, and telephone number of the facility operator;

(2) The name, address, and telephone number of the facility or, in the case of a mobile facility, the dispatching office; and

(3) Except for a mobile facility, the geographical location of the facility in relation to the associated body of navigable waters.

(c) The facility operator of any facility for which a letter of intent has been submitted, shall immediately advise the COTP in writing of any changes of information that are different from the letter and shall cancel, in writing, the letter for any facility at which oil transfer operations are no longer conducted.

§ 154.120 Facility inspections.

(a) The facility operator shall allow the Commandant, at any time, to make any inspection and shall perform, upon request, any test to determine compliance with the Federal Water Pollution Control Act and this part. The facility operator shall conduct all required testing of facility equipment in a manner acceptable to the Commandant.

(b) The COTP provides the facility operator with a written report of the results of the inspection for the record required by §154.740(e) and lists the deficiencies in the report when the facility is not in compliance with the requirements in this part and Part 156 of this chapter.

Subpart B—Operations Manual

§ 154.300 Operations manual: general.

(a) The facility operator of each facility to which this part applies must submit, with his letter of intent, an operations manual that:

(1) Describes how the applicant meets the operating rules and equipment requirements prescribed by this part and Part 156 of this chapter;

(2) Describes the responsibilities of personnel under this part and Part 156 of this chapter in conducting oil transfer operations; and

(3) Includes translations into a language or languages understood by facility personnel on duty for transfer operations.

(b) The facility operator shall maintain the operations manual so that it is:

(1) Current; and

(2) Readily available for inspection by the COTP.

(c) The COTP reviews the operations manual when submitted and biennially thereafter.

(d) In determining whether the manual meets the requirements of this part and part 156 of this chapter the COTP considers the size, complexity, and capacity of the facility.

(e) If the manual meets the requirements of this part and part 156 of this chapter, the COTP issues a "letter of adequacy" as described in § 154.325.

(f) The facility operator shall ensure that a sufficient number of copies of the operations manual, including a sufficient number of the translations required by paragraph (a)(3), are available so that each person in charge has a copy when he is conducting an oil transfer operation.

NOTE.—The facility operator may request that the contents of the operations manual be considered commercial or financial information that is privileged or confidential. Under the Freedom of Information Act, the Coast Guard would withhold any part of the contents of the operations manual from public disclosure upon determining that it is commercial or financial information that is privileged or confidential.

§ 154.310 Operations manual: contents.

(a) Each operations manual required by § 154.300 must contain, in the order listed:

(1) The geographic location of the facility;

(2) A physical description of the facility including a plan of the facility showing mooring areas, transfer locations, control stations, and locations of safety equipment;

(3) The hours of operation of the facility;

(4) The sizes, types, and number of vessels that the facility can transfer oil to or from simultaneously;

(5) The number and location of operations manuals for use by transfer personnel;

(6) For each product transferred at the facility:

(i) Grade and trade name; and

(ii) Cargo information as described in 46 CFR 151.45–2(e)(3);

(7) The grade and trade name of each product transferred at the facility that is incompatible with oil;

(8) The minimum number of persons on duty during transfer operations and their duties;

(9) The names and telephone numbers of facility, Coast Guard, and other personnel who may be called by the employees of the facility in an emergency;

(10) The duties of watchmen, required by § 155.810 of this chapter and 46 CFR 35.05–15, for unmanned vessels moored at the facility;

(11) A description of each communication system required by this part;

(12) The location and facilities of each personnel shelter, if any;

(13) A description and instructions for the use of drip and discharge collection and vessel slop reception facilities, if any;

(14) A description and the location of each emergency shutdown system;

(15) Quantity, types, locations, and instructions for use of monitoring devices required by § 154.525;

(16) Quantity, type, location, and instructions for use of the containment equipment required by § 154.545;

(17) Quantity, type, location, and instructions for use of fire extinguishing equipment required by § 126.15(j) of this chapter;

(18) The maximum relief valve setting (or maximum system pressure when relief valves are not provided) for each oil transfer system;

(19) Procedures for:

(i) Operating each loading arm including the limitations of each loading arm;

(ii) Transferring oil;

(iii) Completion of pumping; and

(iv) Emergencies;

(20) A contingency plan for reporting and containing oil discharges;

(21) A brief summary of applicable federal, state, and local oil pollution laws and regulations;

(22) The time limits for gaining access to containment material and equipment established by § 154.545; and

(23) Procedures for shielding portable lighting authorized by the COTP under § 154.570(c); and

(24) A description of the training and qualification program for persons in charge.

(b) The facility operator shall place the letter of adequacy when issued in the front of the operations manual and shall place exemptions or alternatives granted immediately after it.

(c) The facility operator shall incorporate each amendment to the operations manual under § 154.320 in the manual with the related existing requirement, or add the amendment at the end of the manual if not related to an existing requirement.

§ 154.320 Operations manual: amendment.

(a) The COTP requires the facility operator to amend the operations manual if the COTP finds that the operations manual does not meet the requirements in this part using the following procedures:

(1) The COTP notifies the facility operator in writing of the proposed amendment and a date not less than 14 days after the notification, on or before which the facility operator may submit written information, views, and arguments on the proposed amendment. After considering all relevent material presented, the COTP notifies the facility operator of any amendment required or of his decision to rescind the notice. The amendment becomes effective 30 days after the date of that notice unless the facility operator petitions the Commandant to reconsider the notice, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the COTP.

(2) If the COTP finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (a)(1) of this section impractical or contrary to the public interest, he may issue an amendment effective on the date the facility operator receives notice of it. In such a case, the COTP includes a brief statement of the reasons for his findings in the notice, and the owner or operator may petition the Commandant to reconsider the amendment. The petition does not stay the amendment.

(b) The facility operator may amend the operations manual by:

(1) Submitting proposed amendments and reasons for the amendments to the COTP not less than 30 days before the requested date of the proposed amendment; or

(2) If an immediate amendment is needed, requesting the COTP to approve the amendment immediately.

(c) The COTP responds to proposed amendments submitted under paragraph (b) of this section by:

(1) Approving or disapproving the proposed amendments;

(2) Advising the facility operator whether the request is approved in writing before the requested date of the amendments;

(3) Including any reasons in the written response if the request is disapproved; and

(4) If the request is made under paragraph (b)(2) of this section, immediately approving or rejecting the request.

§ 154.325 Operations manual: letter of adequacy.

(a) The letter of adequacy is a letter, from the COTP to the facility operator, certifying that the operations manual meets the requirements of this part.

(b) No person may use an operations manual for oil transfer operations, as required by § 156.120(t)(2), (t)(3), and (u)(2) of this chapter, unless the facility operator has a valid letter of adequacy for the operations manual.

(c) The requirement in paragraph (b) for a valid letter of adequacy is effective on (date two years after effective date of the final rule) or upon issuance to a facility operator of his first letter of adequacy, whichever is earlier.

(d) The letter of adequacy is invalid if the facility operator:

(1) Amends the operations manual without following the procedures in § 154.320; or

(2) Fails to amend the operations manual when required by the COTP.

Subpart C—Equipment Requirements

§ 154.500 Hose assemblies.

Each hose assembly used for transferring oil must meet the following requirements:

(a) The minimum bursting pressure for each hose assembly must be:

(1) 600 pounds or more per square inch; and

(2) At least four times the pressure of the relief valve setting (or four times the maximum pump pressure when no relief valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(b) The maximum allowable working pressure for each hose assembly must be:

(1) 150 pounds or more per square inch; and

(2) More than the pressure of the relief valve setting (or the maximum pump pressure when no valve is installed) plus the static head pressure of the oil transfer system at the point where the hose is installed.

(c) Each nonmetallic hose must be usable for oil service.

(d) Each hose assembly must have:

(1) Full threated connections;

(2) Flanges that meet standard B16.5, *Steel Pipe Flanges and Flange Fittings*, or standard B16.24, *Brass or Bronze Pipe Flanges*, of the American National Standards Institute (ANSI) [1], or

(3) Quick-connect couplings that are acceptable to the Commandant.

(e) Except as provided in paragraph (f) of this section, each hose must be marked with—

(1) Product and grade for which the hose may be used;

JUN 27 77
UM

(2) Maximum allowable working pressure;
(3) Date of manufacture;
(4) Date of the latest test required by § 156.170 of this chapter; and
(5) The pressure used for that test.

(f) The information required by paragraphs (e)(3) through (e)(5) of this section need not be marked on the hose if it is recorded elsewhere at the facility and the hose is marked to idenify it with that information.

(g) The hose burst pressure may not be marked on the hose and must be recorded elsewhere at the facility as described in paragraph (f) of this section.

(h) Each hose used to transfer oil for fuel to a vessel that has a fill pipe for which containment can not practically be provided must be equipped with an automatic back pressure shutoff nozzle.

NOTE.—American National Standards Institute (ANSI) standards are published by and may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.

§ 154.510 Loading arms.

(a) Each mechanical loading arm used for transferring oil must meet the design, fabrication, material, inspection, and testing requirements in ANSI Standard B31.3, *Petroleum Refinery Piping* (see Note § 154.500).

(b) The manufacturer's certification that the standard in paragraph (a) of this section has been met must be permanently marked on the loading arm or recorded elsewhere at the facility with the loading arm marked to identify it with that information.

(c) Each mechanical loading arm used for transferring oil must have a means of being drained or closed before disconnecting after transfer of oil.

§ 154.520 Closure devices.

The facility must have enough butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP to blank off each end of each hose or loading arm that is not connected for the transfer of oil.

§ 154.525 Monitoring devices.

The COTP may require the facility to install monitoring devices if—

(a) The environmental sensitivity of the area requires added protection;

(b) The products transferred at the facility pose a significant threat to the environment;

(c) The size or complexity of the transfer operation poses a significant potential for a discharge of oil; or

(d) The installation of monitoring devices at the facility would significantly decrease the likelihood or the size of a discharge of oil.

§ 154.530 Small discharge containment.

(a) Except as provided in paragraphs (c) and (d) of this section, the facility must have fixed catchments, curbing, or other fixed means to contain oil discharged in at least—

(1) Each hose handling and loading arm area (that area on the facility that is within the area traversed by the free end of the hose or loading arm when moved from its normal stowed or idle position into a position for connection); and

(2) Each hose connection manifold area.

(b) The discharge containment means required by paragraph (a) of this section must hold at least—

(1) Two barrels if it serves one or more hoses of 6-inch inside diameter or smaller, or loading arms of 6-inch nominal pipe size diameter or smaller;

(2) Three barrels if it serves one or more hoses larger than 6-inch inside diameter, or loading arms larger than 6-inch nominal pipe size diameter, but less than 12-inch diameter; or

(3) Four barrels if it serves one or more hoses of 12-inch inside diameter or larger, or loading arms of 12-inch nominal pipe size diameter or larger.

(c) The facility may use portable means of not less than ½ barrel capacity each to meet the requirements of paragraph (a) of this section for part or all of the facility if the COTP finds that fixed means to contain oil discharges are not feasible.

(d) A mobile facility may have portable means of not less than five gallons capacity to meet the requirements of paragraph (a) of this section.

§ 154.540 Discharge removal.

The facility must have a means to safely and quickly remove discharged oil from the containment means required by § 154.530 without mixing incompatible products or discharging the oil into the water.

§ 154.545 Discharge containment equipment.

(a) Each facility must have ready access to enough oil containment material and equipment to contain any oil discharged on the water.

(b) For the purpose of this section, "access" may be by direct ownership, joint ownership, cooperative venture, or contractual agreement.

(c) Each facility must establish time limits, subject to approval by the COTP, for deployment of the containment material and equipment required by paragraph (a) of this section considering—

(1) Oil handling rates;
(2) Oil capacity susceptible to being spilled;
(3) Frequency of facility operations;
(4) Tidal and current conditions;
(5) Facility age, and configuration; and
(6) Past record of discharges.

(d) The COTP may require the facility to surround each vessel conducting an oil transfer operation with oil containment material before commencing the oil transfer operation if—

(1) The environmental sensitivity of the area requires the added protection;
(2) The products transferred at the facility pose a significant threat to the environment;
(3) The past record of discharges at the facility is poor;
(4) The size or complexity of the transfer operation poses a significant potential for a discharge of oil; or
(5) The current in the area is such that this action would provide the only chance of containing any oil discharged.

§ 154.550 Emergency shutdown.

(a) The facility must have an emergency means to enable the person-in-charge of the transfer of oil on board the vessel, at his usual operating station, to stop the flow of oil from the facility to the vessel. This means must be—

(1) An electrical, pneumatic, or mechanical linkage to the facility; or
(2) An electronic voice commuications system continuously manned by a person on the facility who can remotely stop the flow of oil immediately.

(b) The point in the oil transfer system at which the emergency means stops the flow of oil on the facility must be located near the dock manifold connection to minimize the loss of oil in the event of the rupture or failure of the—

(1) Hose;
(2) Loading arm; or
(3) Manifold valve.

(c) The means required by paragraph (a) of this section must be able to stop the flow of oil in—

(1) 60 seconds on a facility constructed before (date one day after effective date of the final rule); and
(2) 30 seconds on a facility constructed after (effective date of the final rule).

§ 154.560 Communications.

(a) Each facility must have a means that enables continuous two-way voice communication between the person in charge of the vessel transfer operation and the person in charge of the facility transfer operation.

(b) Each facility must have a means, which may be the communications system itself, that enables a person on board a vessel or on the facility to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather at the facility.

(d) The facility may use the system in § 154.550(a)(2) to meet the requirement of paragraph (a) of this section.

(e) Portable radio devices used to comply with paragraph (a) of this section must meet U.L. Class I, Group D requirements or their equivalent (intrinsically safe, as defined in 46 CFR 111.80) during transfers of flammable liquids, as defined in 46 CFR 30.10.

§ 154.570 Lighting.

(a) Except as provided in paragraph (c) of this section, for operations between sunset and sunrise, the facility must have fixed lighting that adequately illuminates—

(1) Each transfer connection point on the facility;
(2) Each transfer connection point in use on any barge moored at the facility to or from which oil is being transferred;
(3) Each oil transfer operations work area on the facility; and
(4) Each oil transfer operations work area on any barge moored at the facility to or from which oil is being transferred.

(b) Where the illumination is apparently inadequate, the COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the barge deck or walking surface, illumination must measure at least—

(1) 2.5 foot candles at transfer connection points; and
(2) 0.5 foot candles in oil transfer operations work areas.

(c) For small or remote facilities, the COTP may authorize operations with an adequate level of illumination provided by the vessel or by portable means.

(d) Lighting must be located or shielded so as not to interfere with navigation on the adjacent waterways.

Subpart D—Facility Operations

§ 154.700 General.

No person may operate a facility unless the equipment, personnel, and operating procedures of that facility meet the requirements of this part.

§ 154.710 Persons in charge: designation and qualification.

No person may serve, and no facility operator may use the services of a person, as person in charge of any facility oil transfer operation unless—

(a) The facility operator has designated that person as a person in charge and has advised the COTP in writing of his designation;

(b) The person has had at least 48 hours of experience at a facility in oil transfer operations to which this part applies;

(c) The person has enough experience at the facility for which qualification is desired to enable the facility operator to determine that this experience is adequate and that he can operate the oil transfer equipment of the facility, except that, for new facilities, the COTP may authorize alternative experience requirements; and

(d) The facility operator has determined that the person knows—

(1) The hazards of each product transferred;
(2) The rules in this part and in Part 156 of this chapter;
(3) The facility operating procedures as described in the operations manual;
(4) Vessel oil transfer systems; in general;
(5) Vessel oil transfer control systems, in general;
(6) Each facility oil transfer control system used;
(7) Local discharge reporting procedures; and
(8) The facility's contingency plan for discharge reporting and containment.

§ 154.730 Person in charge: evidence of designation.

Each person in charge must carry evidence of his designation as a person in charge when he is engaged in transfer operations unless such evidence is immediately available at the facility.

§ 154.740 Records.

Each facility operator must keep at the facility and make available for inspection by the COTP—

(a) A copy of the letter of intent for the facility;
(b) The name of each person currently designated as a person in charge of oil transfer operations at the facility;
(c) The date and result of the most recent test or inspection of each item tested or inspected under § 156.170 of this chapter;
(d) The hose information required by § 154.500 (e) and (g) except that marked on the hose;
(e) The record of each inspection of the facility by the COTP; and
(f) The Declaration of Inspection required by § 156.150(f) of this chapter.

§ 154.750 Compliance with operations manual.

The facility operator must use and require facility personnel to use the procedures in the operations manual prescribed by § 154.300 for operations under this part.

PART 155—VESSEL DESIGN AND OPERATIONS

Subpart A—General

Sec.
155.100 Applicability.
155.105 Definitions.
155.107 Alternatives.
155.110 Exemptions.

Subpart B—Vessel Design and Equipment

155.310 Cargo oil discharge containment.
155.320 Fuel oil discharge containment.
155.330 Bilge and fuel ballast pumping, piping, separation, and discharge arrangements: Vessels of 100 or more gross tons.
155.340 Oil residue tank: Vessels of 100 or more gross tons.
155.350 Bilge and ballast pumping arrangements: Vessels of less than 100 gross tons.
155.360 Exceptions for vessels of less than 1,600 gross tons.
155.370 Exception for uninspected U.S. vessels and all other vessels not in ocean or coastwise service.
155.380 Exception for vessels that have a means onboard to consume all oily residues.
155.390 Exception for tank vessels: Oily waste.
155.400 Fixed piping system information.
155.410 Discharge of oily mixtures.
155.440 Placard.
155.470 Prohibited oil spaces.

Subpart C—Transfer Personnel, Procedures Equipment, and Records

155.700 Designation of person in charge.
155.710 Qualifications of person in charge.
155.720 Oil transfer procedures.
155.730 Compliance with oil transfer procedures.
155.740 Availability of oil transfer procedures.
155.750 Contents of oil transfer procedures.
155.760 Amendment of oil transfer procedures.
155.770 Draining of oil.
155.780 Emergency shutdown.
155.785 Communications.
155.790 Deck lighting.
155.800 Oil transfer hose.
155.805 Closure devices.
155.810 Tank vessel security.
155.815 Vessel integrity.
155.820 Records.

APPENDIX A—Specifications for shore connection.

AUTHORITY: The provisions of this Part 155 issued under section 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816,868); 33 U.S.C. 1321(j)(1)(C) and (D); E.O. 11735, 3 CFR, 1966–1970 COMP., p. 949; 49 CFR 1.46(m).

Subpart A—General

§ 155.100 Applicability.

This part prescribes rules that apply to the operation of vessels on the navigable waters and contiguous zone of the United States for the purpose of preventing the discharge of oil into or upon the navigable waters or contiguous zone of the United States. U.S. vessels must meet the vessel design and equipment requirements in this part to be eligible for the issuance of a Certificate of Inspection under 46 CFR Ch. I.

§ 155.105 Definitions.

As used in this part:

"Barrel" means the unit of liquid measure equivalent to 42 U.S. gallons at 60° Fahrenheit.

"Captain of the Port" (COTP) means the U.S. Coast Guard officer commanding a Captain of the Port area described in Part 3 of this chapter, or his authorized representative or, where there is no Captain of the Port area, a District Commander of a Coast Guard District described in Part 3 of this chapter, or his authorized representative.

"Commandant" means the Commandant of the U.S. Coast Guard or his authorized representative.

"Contiguous zone" means the entire zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, but not extending beyond 12 miles from the baseline from which the breadth of the territorial sea is measured.

"Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District as described in Part 3, of this chapter or his authorized representative.

"Facility" means either an onshore facility or an offshore facility and includes, but is not limited to, structures, equipment and appurtenances thereto, used or capable of being used to transfer oil to or from a vessel or a public vessel. A facility includes federal, state, municipal, and private facilities.

JUN 27 1977 UM

"Incompatible products" means products that, when mixed, create a hazard such as spontaneous combustion or energy release or form a product that is hazardous to health.

"Mobile facility" means any facility that can readily change location, such as a tank car or tank truck, other than a vessel or public vessel.

"Officer in Charge, Marine Inspection" (OCMI) means the U.S. Coast Guard officer commanding a Marine Inspection Zone described in Part 3 of this chapter, or his authorized representative.

"Offshore facility" means any facility of ayn kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. For the purpose of this part liquefied natural gas and liquefied petroleum gas (LNG and LPG) are excluded.

"Onshore facility" means any facility (including but not limited to, a mobile facility) of any kind located in, on, or under any land within the United States other than submerged land.

"Person" includes an individual, firm, corporation, association, and partnership.

"Person in Charge" means an individual designated as a person in charge of oil transfer operation under §§ 154.710 or 155.700 of this chapter.

"Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

"Tank vessel" means any vessel that carries or is capable of carrying liquid bulk cargo in tanks.

"Tank barge" means any tank vessel not equipped with a means of self-propulsion.

"U.S. vessel" means a vessel that is owned, documented, or registered in the United States and that is not a public vessel.

"Vessel" means every description of watercraft or other artificial contrivance, whether U.S. or foreign, used or capable of being used as a means of transportation on water, other than a public vessel.

"Vessel operator" means a person who owns, operates, or is responsible for the operation of a vessel.

§ 155.107 Alternatives.

(a) The COTP or OCMI may consider and approve alternative procedures, methods, or equipment standards to be used by a vessel operator in lieu of any requirements in this part if—

(1) The vessel operator submits a written request for the alternative to be considered at least 30 days before operations under the alternative are proposed, unless the COTP authorizes a shorter time; and

(2) The alternative provides an equivalent level of protection from pollution by oil.

(b) The COTP or OCMI approves or disapproves any alternative requested, either in writing, or orally followed up in writing.

§ 155.110 Exemptions.

(a) The Commandant may grant an exemption or partial exemption from compliance with any requirement in this part if—

(1) The vessel operator submits an application for exemption to the Commandant via the COTP or OCMI 30 days before operations under the exemption are proposed unless the COTP or OCMI authorizes a shorter time; and

(2) The Commandant determines from the application that—

(i) Compliance with a specific requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) In making the determinations in paragraph (a) of this section, the Commandant may require—

(1) Any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption; and

(2) Procedures, methods, or equipment standards, even though they may provide less than an equivalent level of protection from pollution by oil.

(c) The Commandant grants or denies an exemption in writing.

Subpart B—Vessel Design and Equipment

§ 155.310 Cargo oil discharge containment.

(a) No person may operate a tank vessel with a capacity of 250 or more barrels of oil as cargo that is carrying oil unless the vessel has—

(1) Under or around each oil loading manifold and each oil transfer connection point, a fixed container or enclosed deck area that holds, in all conditions of vessel list or trim encountered during the loading operation, at least—

(i) One half barrel if it serves one or more hoses of 2-inch inside diameter or smaller, or loading arms of 2-inch nominal pipe size diameter or smaller;

(ii) One barrel if it serves one or more hoses larger than 2-inch inside diameter, or loading arms larger than 2-inch nominal pipe size diameter, but less than 4-inch diameter;

(iii) Two barrels if it serves one or more hoses of 4-inch inside diameter or larger, or loading arms of 4-inch nominal pipe size diameter or larger, but less than 6-inch diameter;

(iv) Three barrels if it serves one or mores hoses of 6-inch inside diameter or larger, or loading arms of 6-inch nominal pipe size diameter or larger, but less than 12-inch diameter; or

(v) Four barrels if it serves one or more hoses of 12-inch inside diameter or larger or loading arms of 12-inch nominal pipe size diameter or larger.

(2) A means of draining or removing discharged oil from each container or enclosed deck area without mixing incompatible products or discharging the oil into the water; and

(3) A mechanical means of closing each drain and scupper in the container or enclosed deck area required by this section.

(b) No person may operate a tank barge with a capacity of 250 or more barrels of oil as cargo that is carrying oil unless the vessel meets paragraph (a) of this section or is equipped with—

(1) A coaming, at least 4 inches high but not more than 8 inches high, enclosing the immediate area of the cargo hatches, oil loading manifolds, and transfer connections, that holds at least one-half barrel per hatch, manifold, and connection within the enclosed area; and

(2) A container, under each oil loading manifold and each oil transfer connection within the coaming, that holds at least one-half barrel.

§ 155.320 Fuel oil discharge containment.

No person on a vessel of 100 or more gross tons may transfer oil for fuel to that vessel unless—

(a) For a vessel of 300 gross tons or more constructed after June 30, 1974, the vessel has a fixed container or enclosed deck area under or around each fuel tank vent, overflow, and fill pipe, that holds at least—

(1) One-half barrel for a vessel of 300 gross tons but less than 1600 gross tons; or

(2) One barrel for a vessel of 1600 gross tons or more.

(b) For a vessel of 100 gross tons but less than 300 gross tons constructed after June 30, 1974, and for any vessel of 100 or more gross tons constructed before July 1, 1974—

(1) The vessel meets paragraph (a) (1) of this section;

(2) Each fuel tank vent, overflow, and fill pipe is equipped with a container that has at least a 5 U.S. gallon capacity; or

(3) If the vessel has a fill fitting for which containment can not practically be provided, an automatic back pressure shut-off nozzle is used.

§ 155.330 Bilge and fuel ballast pumping, piping, separation and discharge arrangements: Vessels of 100 or more gross tons.

(a) No person may operate a vessel of 100 or more gross tons that has main or auxiliary machinery spaces or that ballasts fuel oil tanks unless the vessel has a fixed piping system.

(b) The fixed piping system must have the following:

(1) Piping through which oily residues, from the separation of oily mixtures from machinery space bilges and fuel and lubricating oil tanks, can be transferred to the oil residue tank required by § 155.340.

(2) Discharge points through which oily residues can be discharged to a facility. These discharge points must—

(i) Be on each side of the weather deck;

(ii) Each have a shore connection or portable adapter meeting the specifications in appendix A to this part;

(iii) Each have a stop valve; and

(iv) Each have a means on the weather deck adjacent to them to stop the pump required by paragraph (b)(3) of this section.

(3) An installed pump and piping that can transfer oily residues from the oil residue tank required by § 155.340 to the discharge points required by paragraph (b)(2) of this section.

(4) For each bilge pump, the means to discharge to the oil residue tank required by § 155.340.

(5) For each discharge point through which oily mixtures are discharged overboard—

(i) A sample point as described in 46 CFR 162.050–17(e) that is located in a vertical section of piping inboard of the discharge point; and

(ii) A stop valve.

(6) An installed 15 parts per million (p.p.m.) oil-water separator, approved under paragraph (d) of this section, that has its separated oil outlet connected to the oil residue tank required by § 155.340, except as otherwise provided by paragraph (c) of this section.

(7) An installed bilge alarm or bilge monitor, approved under paragraph (d) of this section, that can actuate the stop valve required by paragraph (b)(5)(ii) of this section, to prevent an oily mixture from the oil-water separator exceeding 15 p.p.m. from being discharged overboard.

(8) For each pump that supplies influent to an oil-water separator in the piping system, a maximum delivery capacity equal to or less than the maximum design throughput of the separator, except that the maximum delivery capacity may be one-and-one-half times the maximum design throughput of the separator if the pump has an orifice plate that permanently restricts its flow rate to the maximum design throughput of the separator.

(c) A person may operate a vessel of 100 or more gross tons equipped with an installed oily mixture settling system instead of the 15 p.p.m. oil-water separator required by paragraph (b)(6) of this section if—

(1) The vessel has a tank that can receive all oily mixtures from machinery space bilges and fuel and lubricating oil tanks;

(2) The tank is equipped with an oil-water interface detector; and

(3) The system is acceptable to the Commandant (procedures to be proposed).

(d) Each separator, bilge alarm and bilge monitor installed on a vessel after April 1, 1980, must be approved by the Coast Guard under 46 CFR 162.050.

(e) Paragraphs (b)(1) and (b)(4) through (b)(8) of this section are effective on (date 2 years after effective date of the final rule), or at the vessel's first shipyard maintenance and repair availability after (date 6 months after effective date of the final rule), whichever is earlier.

§ 155.340 Oil residue tank: vessels of 100 or more gross tons.

No person may operate a vessel of 100 or more gross tons that has main or auxiliary machinery spaces or that ballasts fuel oil tanks unless the vessel has a tank that can receive and hold all oily residues resulting from separation of oily mixtures from machinery space bilges and fuel and lubricating oil tanks.

§ 155.350 Bilge and ballast pumping arrangements: vessels of less than 100 gross tons.

(a) No person may operate a vessel of less than 100 gross tons that has main or auxiliary machinery spaces or that ballasts fuel oil tanks unless it can transfer oily bilge slops and oily ballast to a reception facility.

(b) Paragraph (a) of this section does not prohibit the discharge of an oily mixture in accordance with § 155.410.

§ 155.360 Exception for vessels of less than 1600 gross tons.

Paragraph 155.330(b)(2)(i) does not apply to a vessel of less than 1600 gross tons that has at least one discharge point accessible from the weather deck.

§ 155.370 Exception for uninspected U.S. vessels and all other vessels not in ocean or coastwise service.

Paragraph 155.330(b)(2)(ii) does not apply to a vessel that has shore connections or portable adapters that fit the connections at any facility to which the vessel transfers oily residues if the vessel is—

(a) An uninspected U.S. vessel; or

(b) A vessel not in ocean or coastwise service.

§ 155.380 Exception for vessels that have a means onboard to consume all oily residues.

Paragraphs 155.330 (b)(2) and (b)(3) do not apply to a vessel that has an installed means to consume all oily residues and that can transfer oily residues to a facility by any means.

§ 155.390 Exception for tank vessels: oily waste transfer equipment.

Section 155.330 does not apply to tank vessels that combine all other oily mixtures with oily cargo residues for transfer and discharge in accordance with the requirements of Part 157 of this chapter.

§ 155.400 Fixed piping system information.

(a) No person may operate a vessel unless the instruction manual for the automatic and manual operation of the fixed piping system required by § 155.330 and the instruction manual for each oil-water separator, oily mixture settling system, bilge alarm and bilge monitor are on board the vessel.

(b) Each oil-water separator, oily mixture settling system, bilge monitor, and bilge alarm on board a vessel must be maintained and operated in accordance with its instruction manual.

§ 155.410 Discharge of oily mixtures.

(a) No vessel operator may discharge an oily mixture, from a machinery space bilge or a fuel oil tank that carries ballast, into the water unless—

(1) The discharge is through a properly operating—

(i) 15 p.p.m. oil-water separator and bilge alarm;

(ii) 15 p.p.m. oil-water separator and bilge monitor; or

(iii) Oily mixture settling system acceptable to the Commandant under § 155.330(c) with bilge alarm or bilge monitor; and

(2) The discharge meets the requirements of 40 CFR 110.3 and 110.4.

(b) No vessel operator of a U.S. vessel may discharge an oily mixture, from a machinery space bilge or a fuel oil tank that carries ballast, into any waters more than 12 miles from the nearest land unless—

(1) The discharge is through a properly operating—

(i) 100 p.p.m. oil-water separator and bilge monitor;

(ii) 15 p.p.m. oil-water separator and bilge alarm;

(iii) 15 p.p.m. oil-water separator and bilge monitor; or

(iv) Oily mixture settling system acceptable to the Commandant under § 155.330(c) with bilge alarm or bilge monitor;

(2) The vessel is proceeding en route; and

(3) The discharge has an oil content of 100 p.p.m. or less.

(c) No vessel operator may discharge an oily mixture, from a cargo pump room bilge or a cargo tank, into the water except as permitted under Part 157 of this chapter.

(d) Paragraphs (a) and (b) of this section become effective on (date two years after effective date of the final rule), or upon compliance with § 155.330 (b)(1) and (b)(4) through (b)(8), whichever is earlier.

§ 155.440 Placard.

(a) No person may operate a vessel, except a vessel less than 26 feet in length, unless it has a placard at least 5 by 8 inches, made of durable material, fixed in a conspicuous place in each machinery space, or at the bilge and ballast pump control station, stating the following:

DISCHARGE OF OIL PROHIBITED

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste into or upon the navigable waters of the United States or the waters of the contiguous zone if such discharge causes a film or sheen upon or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to a penalty of $5,000.

(b) The placard required by paragraph (a) of this section must be printed in a language or languages understood by the crew.

V 42 N 123 JUN 27 77 UM

§ 155.470 Prohibited oil spaces.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may operate a self-propelled vessel of 300 or more gross tons carrying bulk oil or oily waste in any space forward of a collision bulkhead.

(b) Fuel for use on a vessel constructed after June 30, 1974, may be carried in tanks forward of a collision bulkhead if such tanks are at least 24 inches inboard of the hull structure.

(c) Fuel for use on a vessel constructed before July 1, 1974, may be carried in tanks forward of a collision bulkhead if those tanks were designated, installed, or constructed for fuel oil carriage before July 1, 1974.

Subpart C—Oil Transfer Personnel Procedures, Equipment, and Records

§ 155.700 Designation of person in charge.

The vessel operator, or his agent, of each vessel that has a capacity for 250 or more barrels of oil shall designate the person or persons in charge of each transfer of oil to or from the vessel, and of each tank cleaning operation.

§ 155.710 Qualifications of person in charge.

(a) The person in charge of oil transfer operations on a tank ship, as defined in 46 CFR 30.10–67, must—

(1) Be designated as person in charge by the master;

(2) Hold a license authorizing service as a deck officer aboard the tankship;

(3) Hold the appropriate endorsement under 46 CFR 10.11 for the grade of product being transferred; and

(4) Have served during the preceding 12 months aboard the tankship or another tankship built to the same basic plans and having the same cargo containment, control, and monitoring systems.

(b) The service required in paragraph (a)(4) includes—

(1) Assisting the person in charge of the cargo transfer operation during at least two transfers of cargo; or

(2) Equivalent experience acceptable to the Officer in Charge, Marine Inspection.

(c) The person in charge of tank cleaning operations conducted at a tank cleaning facility must be a tankerman certificated for the grade of cargo last carried.

(d) The person in charge of oil transfer operations on a tank barge must be—

(1) A properly certified tankerman for the cargo being transferred; or

(2) A licensed officer with a tankerman endorsement for the cargo being transferred.

(e) The person in charge of oil transfer operations on a cargo and miscellaneous or passenger vessel must—

(1) Be designated as person in charge by the master;

(2) Hold a license authorizing service as an officer aboard the vessel; and

(3) Hold any tankerman endorsement including the "tankerman—flam. (restricted)" endorsement.

(f) The person in charge of bunker fuel oil transfer operations on cargo and miscellaneous, tank, and passenger vessels must have a valid license authorizing service as master, mate, or engineer on the vessel.

(g) The operator of an uninspected vessel of 100 gross tons or more shall instruct the person in charge of oil transfer operations in—

(1) The duties of the person in charge; and

(2) The federal water pollution laws and regulations that apply to the vessel.

(h) The person in charge of oil transfer operations on a foreign flag tankship, tank barge, cargo and miscellaneous vessel, or passenger vessel must have a license or certificate authorizing service as a master, mate, pilot, engineer, or operator on the vessel.

§ 155.720 Oil transfer procedures.

No person may operate a vessel that has a capacity for 250 or more barrels of oil unless the vessel has oil transfer procedures that meet the requirements of this part and Part 156 for—

(a) Transfers of oil to or from the vessel; and

(b) Transfers of oil from tank to tank within the vessel.

§ 155.730 Compliance with oil transfer procedures.

The vessel operator of each vessel required by § 155.720 to have oil transfer procedures shall maintain them current and shall use and require vessel personnel to use the oil transfer procedures for each oil transfer operation.

§ 155.740 Availability of oil transfer procedures.

The oil transfer procedures required by § 155.720 must be—

(a) Legibly printed in a language or languages understood by the crew;

(b) Permanently posted or available at a place where the procedures can be easily seen and used by members of the crew when engaged in oil transfer operations; and

(c) Available for inspection by the COTP or OCMI.

§ 155.750 Contents of oil transfer procedures.

(a) The oil transfer procedures required by § 155.720 must contain, in the order listed—

(1) A list of any incompatible products carried;

(2) A list of the products carried to which the oil transfer procedures apply, unless the procedures apply to all the products;

(3) A description of each oil transfer system on the vessel including—

(i) A line diagram of the vessel's oil transfer piping, including the location of each valve, pump, control device, vent, and overflow; and

(ii) The location of the shutoff valve or other isolation device that separates any bilge or ballast system from the oil transfer system;

(4) The number of persons required to be on duty during oil transfer operations;

(5) The duties by title of each officer, person in charge, tankerman, deckhand, and any other person required for each oil transfer operation;

(6) Procedures and duty assignments for tending the vessel's moorings during the transfer of oil;

(7) Procedures for operating the emergency shutdown and communications means required by §§ 155.780 and 155.785, respectively;

(8) Procedures for topping off tanks;

(9) Procedures for ensuring that all valves used during the oil transfer operations are closed upon completion of transfer;

(10) A description of the discharge containment system required by §§ 155.310 and 155.320;

(11) Procedures for emptying the discharge containment system required by §§ 155.310 and 155.320;

(12) Procedures for reporting oil discharges into the water;

(13) Procedures for shielding of portable lighting permitted by § 154.570(c) of this chapter;

(14) Procedures for securing the vessel openings required to be secured by § 155.815; and

(15) For each product transferred to or from the vessel:

(i) Grade and trade name; and

(ii) Cargo information as described in 46 CFR 151.45–2(e)(3).

(b) The vessel operator shall place exemptions or alternatives granted in the front of the oil transfer procedures.

(c) The vessel operator shall incorporate each amendment to the oil transfer procedures under § 155.760 in the procedures with the related existing requirement, or at the end of the procedures if not related to an existing requirement.

§ 155.760 Amendment of oil transfer procedures.

(a) The COTP or OCMI requires the vessel operator of any vessel that is required to have oil transfer procedures under § 155.720 to amend those procedures if the COTP or OCMI finds that the oil transfer procedures do not meet the requirements of this part.

(b) To require an amendment of an oil transfer procedure, the COTP or OCMI notifies the vessel operator in writing, of the proposed amendment and of a date not less than 14 days after the notification on or before which the vessel operator may submit written information, views, and arguments on the proposed amendment. After considering all relevant material presented, the COTP or OCMI notifies the operator of any amendment required or of his decision to rescind the notice. The amendment becomes effective 30 days after the date of that notice unless the operator petitions the Commandant to reconsider the notice, in which case its effective date is stayed pending a decision by the Commandant. Petitions to the Commandant must be submitted in writing to the COTP or OCMI.

(c) If the COTP or OCMI finds that there is a condition requiring immediate action to prevent the discharge or risk of discharge of oil that makes the procedure in paragraph (b) of this section impractical or contrary to the public interest, he may issue an amendment effective on the date the vessel operator receives notice of it. In such a case, the COTP or OCMI includes a brief statement of the reasons for his finding in the notice, and the vessel operator may petition the Commandant, in any manner, to reconsider the amendment. The petition does not stay the amendment.

§ 155.770 Draining of oil.

No person may drain oil or oily waste from any source into the bilge of any vessel.

§ 155.780 Emergency shutdown.

(a) No person may operate a tank vessel with a capacity of 250 or more barrels of cargo oil that is carrying oil unless it has on board an emergency means to enable a person in charge of an oil transfer operation to stop the flow of oil to a facility, other vessel, or within the vessel.

(b) The means required in paragraph (a) of this section must be a pump control or a quick-acting, power actuated valve. If an emergency pump control is used, it must stop the flow of oil if oil could siphon through the stopped pump.

(c) The means required in paragraph (a) must be operable from the cargo deck, cargo control room, or the usual operating station of the person in charge of the oil transfer operation.

§ 155.785 Communications.

(a) During vessel to vessel oil transfers, each tank vessel with a capacity of 250 or more barrels of cargo oil that is carrying oil must have a means that enables continuous two-way voice communication between the persons in charge of the transfer operations on both vessels.

(b) Each vessel must have a means, which may be the communication system itself, that enables a person on board each vessel to effectively indicate his desire to use the means of communication required by paragraph (a) of this section.

(c) The means required by paragraph (a) of this section must be usable and effective in all phases of the transfer operation and all conditions of weather.

(d) Portable radio devices used to comply with paragraph (a) of this section must meet U.L. Class I, Group D requirements or their equivalent (intrinsically safe, as defined in 46 CFR 111.80) during transfers of flammable liquids, as defined in 46 CFR 30.10.

§ 155.790 Deck lighting.

(a) No person may operate a self-propelled vessel with a capacity of 250 or more barrels of oil that is transferring oil between sunset and sunrise unless the self-propelled vessel has installed deck lighting that adequately illuminates—

(1) Each transfer connection point on the vessel;

(2) Each transfer connection point in use on any barge moored to the vessel to or from which oil is being transferred;

(3) Each oil transfer operations work area on the vessel; and

(4) Each oil transfer operations work area on any barge moored to the vessel to or from which oil is being transferred.

(b) Where the illumination is apparently inadequate the OCMI or COTP may require verification by instrument of the levels of illumination. On a horizontal plane 3 feet above the deck the illumination must measure at least—

(1) 2.5 foot candles at transfer connection points; and

(2) 0.5 foot candle in oil transfer operations work areas.

(c) Lighting must be located or shielded so as not to interfere with navigation on the adjacent waterways.

§ 155.800 Oil transfer hoses.

No person may operate a U.S. vessel that carries hose used to transfer oil unless the hose meets the requirements of § 154.500 of this chapter.

§ 155.805 Closure devices.

Each vessel must have enough butterfly valves, wafer-type resilient seated valves, blank flanges, or other means acceptable to the COTP or the OCMI to blank off each end of each oil transfer hose that is not connected for the transfer of oil.

§ 155.810 Tank vessel security.

The vessel operator of each tank vessel that contains more oil than the normal clingage and unpumpable bilge or sump residues in any cargo tank shall maintain surveillance of that vessel by using a person who is responsible for the security of the vessel and for keeping unauthorized persons off the vessel.

§ 155.815 Vessel integrity.

No person may operate a vessel underway unless all closure mechanisms on the following openings are properly secured:

(a) Cargo hatches.

(b) Ullage openings.

(c) Sounding ports.

(d) Tank cleaning openings.

(e) Any other vessel openings that should be closed to maintain a seaworthy condition and to prevent the inadvertent release of oil in the event of a vessel accident.

§ 155.820 Records.

The vessel operator shall keep a written record available for inspection by the COTP or OCMI of—

(a) The name of each person currently designated as a person in charge of oil transfer operations as required by § 155.700;

(b) The date and result of the most recent test and inspection of each item tested or inspected as required by § 156.170 of this chapter;

(c) The hose information required by § 154.500 (e) and (g) of this chapter unless that information is marked on the hose; and

(d) The Declaration of Inspection as required by § 156.150(f) of this chapter.

APPENDIX A

SPECIFICATIONS FOR SHORE CONNECTION

[See § 155.330]

Item, Description, and Dimension

1—Outside diameter: 215 mm. (8½ in.).
2—Inside diameter: According to pipe outside diameter.
3—Bolt circle diameter: 183 mm. (7³⁄₁₆ in.).
4—Slots in flange: 6 holes 22 mm. (⅞ in.) in diameter shall be equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width is to be 22 mm. (⅞ in.).
5—Flange thickness: 20 mm. (¾ in.).
6—Bolts and nuts: 6, each of 20 mm. (¾ in.) in diameter and of suitable length.

The flange must be of steel having a flat face, with a gasket of oilproof material, and must be suitable for a service pressure of 6 kg./cm.2 (85 p.s.i.).

The steel materials used must meet the material specifications of standard B16.5, Steel Pipe Flanges and Flanged Fittings of the American National Standards Institute. (see NOTE § 154.500 of this chapter).

PART 156—OIL TRANSFER OPERATIONS

Sec.

156.100 Applicability.
156.105 Definitions.
156.107 Alternatives.
156.110 Exemptions.
156.112 Suspension order.
156.113 Compliance with suspension order.
156.115 Person in charge: Limitations.
156.120 Requirements for oil transfer.
156.125 Oil discharge cleanup.
156.130 Connections.
156.150 Declaration of inspection.
156.160 Supervision by person in charge.
156.170 Equipment tests and inspections.

AUTHORITY: The provisions of this Part 156 issued under section 311(j)(1)(C) and (D) of the Federal Water Pollution Control Act (86 Stat. 816, 868); 33 U.S.C. 1321(j)(1)(C) and (D); E.O. 11735, 3 CFR 1966–1970 COMP., p. 949; 49 CFR 1.46(m).

§ 156.170 Applicability.

This part applies to the transfer of oil on the navigable waters or contiguous zone of the U.S. to or from any vessel or public vessel with a capacity of 250 or more barrels of that oil except that this part does not apply to the transfer operation on a public vessel.

§ 156.105 Definitions.

As used in this part:

"Barrel" means the unit of fluid measure equivalent to 42 U.S. gallons at 60° F.

"Captain of the Port" (COTP) means the U.S. Coast Guard Officer commanding a Captain of the Port area described in Part 3 of this chapter or his authorized representative or, where there is no Captain of the Port area, a District Commander of a Coast Guard district described in Part 3 of this chapter or his authorized representative.

"Commandant" means the Commandant of the Coast Guard or his authorized representative.

"District Commander" means the officer of the Coast Guard designated by the

V 42 N 123 JUN 27 77 UM

Commandant to command a Coast Guard District as described in Part 3 of this chapter or his authorized representative.

"Facility" means either an onshore facility or an offshore facility and includes, but is not limited to, structures, equipment and appurtenances thereto, used or capable of being used to transfer oil to or from a vessel or public vessel. A facility includes federal, state, municipal, and private facilities.

"Facility operator" means the person who owns, operates, or is responsible for the operation of the facility.

"Mobile facility" means any facility that can readily change locations, such as a tank truck or tank car, other than a vessel or public vessel.

"Monitoring device" means any fixed or portable sensing device used to monitor the waters within or around a facility and designed to notify operating personnel of a discharge of oil.

"Officer in Charge, Marine Inspection" (OCMI) means the U.S. Coast Guard officer commanding a Marine Inspection Zone described in Part 3 of this chapter, or his authorized representative.

"Offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or a public vessel.

"Oil" means oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. For the purpose of this part liquefied natural gas and liquefied petroleum gas (LNG and LPG) are excluded.

"Onshore facility" means any facility (including, but not limited to, a mobile facility) of any kind located in, on or under any land within the United States other than submerged land.

"Person" includes an individual, firm, corporation, association, and partnership.

"Person in charge" means an individual designated as a person in charge of oil transfer operations under § 154.710 or § 155.700 of this chapter.

"Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such a vessel is engaged in commerce.

"Tank vessel" means any vessel that carries or is capable of carrying liquid bulk cargo in tanks.

"Tank barge" means any tank vessel not equipped with a means of self propulsion.

"Vessel" means every description of watercraft or other artificial contrivance, whether U.S. or foreign, used or capable of being used as a means of transportation on water, other than a public vessel.

"Vessel operator" means the person who owns, operates, or is responsible for the operation of the vessel.

§ 156.107 Alternatives.

(a) The COTP may consider and approve alternative procedures, methods or equipment standards to be used by a vessel or facility operator in lieu of any requirements in this part if—

(1) The vessel or facility operator submits a written request for the alternative at least 30 days before operations under the alternative are proposed, unless the COTP authorizes a shorter time; and

(2) The alternative provides an equivalent level of protection from pollution by oil.

(b) The COTP approves or disapproves any alternative requested, either in writing, or orally followed up in writing.

§ 156.110 Exemptions.

(a) The Commandant may grant an exemption or partial exemption from compliance with any requirement in this part if—

(1) The vessel or facility operator submits an application for exemption to the Commandant via the COTP at least 30 days before operations under the exemption are proposed, unless the COTP authorizes a shorter time; and

(2) The Commandant determines from the application that—

(i) Compliance with the requirement is economically or physically impractical;

(ii) No alternative procedures, methods, or equipment standards exist that would provide an equivalent level of protection from pollution by oil; and

(iii) The likelihood of oil being discharged as a result of the exemption is minimal.

(b) In making the determinations in paragraph (a) of this section, the Commandant may require—

(1) Any appropriate information, including an environmental and economic assessment of the effects of and reasons for the exemption; and

(2) Procedures, methods, and equipment, even though they may provide less than an equivalent level of protection from pollution by oil.

(c) The Commandant grants or denies an exemption in writing.

§ 156.112 Suspension order.

The COTP or OCMI may issue a suspension order to suspend oil transfer operations to the vessel or facility operator when the COTP or OCMI finds there is a condition requiring action to prevent the discharge or threat of discharge of oil. A suspension order—

(a) May be effective immediately;

(b) Is issued in writing unless it is effective immediately and then it may be issued orally and followed up in writing;

(c) Includes a statement of each condition requiring action to prevent the discharge of oil; and

(d) Is withdrawn when the COTP, OCMI, or District Commander determines that the condition requiring action to prevent the discharge or threat of discharge of oil has been corrected or no longer exists.

§ 156.113 Compliance with suspension order.

(a) No vessel or facility operator to whom a suspension order has been issued may conduct oil transfer operations until that order is withdrawn by the COTP, OCMI, or District Commander.

(b) The vessel or facility operator may petition the District Commander in writing, or in any manner when the order is effective immediately, to withdraw the suspension order. The petition does not stay the order. The decision of the District Commander is the final administrative decision.

§ 156.115 Person in charge: limitations.

(a) No person may serve as the person in charge of oil transfer operations on more than one vessel at a time during oil transfers between vessels or between two or more vessels and a facility unless authorized by the COTP.

(b) No person may serve as the person in charge of both a vessel and a facility during oil transfer operations except when agreed upon by both the vessel and facility operators and authorized by the COTP.

§ 156.120 Requirements for oil transfer.

No person may conduct an oil transfer operation unless—

(a) The facility operator or, in the case of a vessel to vessel transfer, the vessel operator of the lightering or the fueling vessel notifies the COTP of the time and place of each oil transfer operation at least 4 hours before it begins;

NOTE: The notification may be accomplished by submitting a written schedule, periodically updated to be current.

(b) The vessel's moorings are strong enough to hold during all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(c) Oil transfer hoses and loading arms are long enough to allow the vessel to move to the limits of its moorings without placing strain on the hose, loading arm, or oil transfer piping system;

(d) Each hose is supported to prevent kinking and strain on its coupling;

(e) Each part of the oil transfer system is aligned to allow the flow of oil;

(f) Each part of the oil transfer system not necessary for the transfer operation is securely blanked or shut off;

(g) The end of each hose and loading arm that is not connected for the transfer of oil is blanked off using the closure devices required by §§ 154.520 and 155.805 of this chapter;

(h) The transfer system is attached to a fixed connection on the vessel and the facility except that—

(1) When a vessel is receiving fuel, an automatic back pressure shutoff nozzle may be use; or

(2) When a vessel is loading or unloading deep tanks in a cargo hold where there is no access to the water for any oil that might be discharged into the cargo hold, a loose hose may be used at the deep tank opening for combustible liquids only (as defined in 46 CFR 30.10).

(i) Each overboard discharge or sea suction valve that is connected to the vessel's oil transfer or cargo tank system is sealed or lashed in the closed position;

(j) Each oil transfer hose has no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement ("reinforcement" means the strength members, consisting of fabric, cord and/or metal, of the hose);

(k) Each hose or loading arm in use meeets § 154.500 of this chapter;

(l) Each connection meets § 156.130;

(m) Any monitoring devices required by § 154.525 of this chapter are installed and operating properly;

(n) The discharge containment required by §§ 154.530, 155.310, and 155.320 of this chapter, as applicable, is in place and completely drained of any liquid;

(o) Each scupper and drain required by § 155.310 of this chapter is closed;

(p) All connections in the oil transfer system are leak free except that a component in an oil transfer system, such as the packing glands of a pump, may leak at a rate that does not exceed the capacity of the discharge containment provided;

(q) The communications required by §§ 154.560 and 155.785 of this chapter are operable for the transfer operation;

(r) The emergency means of shutdown required by §§ 154.550 and 155.780 of this chapter, as applicable, is in position and operable;

(s) There is a person in charge on the transferring vessel or facility and the receiving vessel or facility except as otherwise authorized under § 156.115;

(t) Each person in charge required by paragraph (s) of this section—

(1) Is at the site of the oil transfer operation;

(2) Has in his possession a copy of the facility operations manual or vessel transfer procedures, as appropriate; and

(3) Conducts the transfer operation in accordance with the facility operations manual or vessel oil transfer procedures, as appropriate;

(u) The personnel required, under the facility operations manual and the vessel oil transfer procedures, to conduct the oil transfer operation—

(1) Are on duty; and

(2) Conduct the transfer operation in accordance with the facility operations manual or vessel oil transfer procedures, as appropriate;

(v) At least one person is present who fluently speaks the language or languages spoken by both persons in charge;

(w) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility have held a conference, to ensure that each person in charge understands the following details of the transfer operation:

(1) The identity of the product to be transferred.

(2) The sequence of transfer operations.

(3) The transfer rate.

(4) The name or title and location of each person participating in the transfer operation.

(5) Details of the transferring and receiving systems.

(6) Critical stages of the transfer operation.

(7) Federal, state, and local rules that apply to the transfer of oil.

(8) Emergency procedures.

(9) Discharge containment procedures.

(10) Discharge reporting procedures.

(11) Watch or shift arrangement.

(12) Transfer shutdown procedures.

(x) The person in charge of oil transfer operations on the transferring vessel or facility and the person in charge of oil transfer operations on the receiving vessel or facility agree to begin the transfer operation;

(y) Between sunset and sunrise the lighting required by §§ 154.570 and 155.790 of this chapter is provided; and

(z) For transfer operations between tank barges from sunset to sunrise, lighting is provided as described in § 155.790 of this chapter.

§ 156.125 Oil discharge clean-up.

(a) Each person conducting an oil transfer operation shall stop the transfer operation whenever any oil is discharged—

(1) In the transfer operation work area; or

(2) Into the water or upon the adjoining shoreline.

(b) Except as permitted under paragraph (c) of this section, no person may resume an oil transfer operation after it has been stopped under paragraph (a) of this section, unless—

(1) Oil discharged in the oil transfer operation work area is cleaned up; and

(2) Oil discharged into the water or upon the adjoining shoreline is cleaned up, or is contained and being cleaned up.

(c) The COTP may authorize resuming the oil transfer operation if he determines that it will decrease the likelihood of the further discharge of oil.

§ 156.130 Connections.

(a) Each person who makes a connection for oil transfer operations shall—

(1) Use suitable material in joints and couplings to ensure a leak-free seal;

(2) Use a bolt in at least every other hole, and in no case less than four bolts, in each temporary bolted connection that uses a flange that meets American National Standards Institute (ANSI) standard flange requirements under § 154.500(d)(2) of this chapter;

(3) Use a bolt in each hol in each

(3) Use a bolt in each hole in each temporary bolted connection that uses a flange other than one that meets ANSI standards;

(4) Use a bolt in each hole of each permanently connected flange;

(5) Use bolts of the correct size in each bolted connection; and

(6) Tighten each bolt and nut uniformly to distribute the load and sufficiently to ensure a leak free seal.

(b) No person who makes a connection for oil transfer operations may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) Except as provided in paragraph (d) of this section, no person may use a connection for oil transfer operations unless it is—

(1) A bolted or full threaded connection; or (2) a quick-connect coupling acceptable to the Commandant.

(d) No person may transfer oil to a vessel that has a fill pipe for which containment can not practically be provided unless an automatic back pressure shutoff nozzle is used.

§ 156.150 Declaration of inspection.

(a) No person may transfer oil to or from a vessel unless each person in charge, designated under §§ 154.710 and 155.700 of this chapter, has filled out and signed the declaration of inspection form described in paragraph (c) of this section.

(b) No person in charge may sign the declaration of inspection unless he has determined by inspection, and indicated by initialling in the appropriate space on the declaration of inpection form, that the facility or vessel, as appropriate, meets § 156.120.

(c) The declaration of inspection may be in any form but must contain at least—

(1) The name or other identificaion of the transferring vessel or facility and the receiving vessel or facility;

(2) The address of the facility or location of the transfer operation if not at a facility;

(3) The date the transfer operation is started;

(4) A list of the requirements in § 156.120 with spaces on the form following each requirement for the person in charge of the vessel or facility to indicate by initialling that the requirement is met for the transfer operation; and

(5) A space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the transferring vessel or facility and space for the date, time of signing, signature, and title of each person in charge during oil transfer operations on the receiving facility or vessel.

(d) The form for the declaration of inspection may incorporate the declaration-of-inspection requirements under 46 CFR 35.35–30.

(e) The vessel and facility persons in charge shall each have a signed copy of the declaration of inspection available for inspection by the COTP during the oil transfer operation.

(f) The operators of each vessel and facility engaged in an oil transfer operation shall retain, for at least 1 month from the date of signature, a signed copy of the declaration of inspection.

§ 156.160 Supervision by person in charge.

(a) No person may connect or disconnect a hose, top off a tank, or engage in any other critical procedures during an oil transfer operation unless the person

in charge, required by § 156.120(s), supervises that procedure.

(b) No person may start the flow of oil to or from a vessel unless instructed to do so by either person in charge.

(c) No person may transfer oil to or from a vessel unless each person in charge is in the immediate vicinity and immediately available to the oil transfer personnel.

§ 156.170 Equipment tests and inspections.

(a) Except as provided in paragraph (d) of this section, no person may use any equipment listed in paragraph (c) of this section for oil transfer operations unless the vessel or facility operator, as appropriate, tests and inspects the equipment annually in accordance with paragraphs (b) and (c) of this section and the equipment is in the condition specified in paragraph (c) of this section.

(b) During any test or inspection required by this section, the entire external surface of the hose must be accessible.

(c) For the purpose of paragraph (a) of this section—

(1) Each nonmetallic oil transfer hose must—

(i) Have no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the first layer of hose reinforcement, as defined in § 156.120(j).

(ii) Have no external deterioration and, to the extent internal inspection is possible wih both ends of the hose open, no internal deterioration; and

(iii) Not burst, bulge, leak, or abnormally distort under static liquid pressure at least 1½ times the maximum allowable working pressure;

(2) Each transfer system relief valve must open at or below the pressure at which it is set to open;

(3) Each pressure gauge must show pressure within 10 percent of the actual pressure;

(4) Each loading arm and each oil transfer pipe system, including each metallic hose, must not leak under static liquid pressure at least 1½ times the maximum allowable working pressure; and

(5) Each item of remote operating or indicating equipment, such as a remotely operated valve, tank level alarm, or emergency shutdown device, must perform its intended function.

(d) No person may use any hose in underwater service for oil transfer operations unless the operator of the vessel or facility has tested and inspected it biennially in accordance with paragraph (c)(1) or (c)(4) of this section, as applicable.

(e) Any liquid may be used for the testing required by this section.

(Sec. 311(j)(1)(C) and (D), Pub. L 92–500, as amended, § 2, 86 Stat. 868, as amended, (33 U.S.C. 1321(j)(1)(C) and (D); E.O. 11735, 3 CFR, 1966—1970 COMP., p. 949; (49 CFR 1.46(m).))

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended; and OMB Circular A–107.

Dated: June 17, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77–18087 Filed 6–24–77;8:45 am]

[33 CFR, Part 157]

[CGD 76–088b]

TANK VESSELS CARRYING OIL IN BULK

Miscellaneous Rules Providing for Protection of the Marine Environment

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard proposes requirements for installation and use of approved cargo monitors on board tank vessels carrying oil in bulk, both U.S. and foreign that are of 150 gross tons or more and call at U.S. ports. Specifications for this equipment have been developed by the Marine Environment Protection Committee of the Intergovernmental Maritime Consultative Organization, and approval regulations based upon them have been proposed elsewhere in this issue of the FEDERAL REGISTER. Editorial revisions and clarifications to the intent of the existing regulations for tank vessels carrying oil in bulk are also proposed. The intended effect of these amendments is to reduce pollution from operational oil discharges.

DATES: Comments must be received on or before August 11, 1977.

ADDRESSES: (a) *Written comments.* Written comments on this proposed rule making should be submitted to and will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

(b) *Economic evaluation.* A copy of the economic evaluation from which the economic summary in this document is taken is available for examination at the address listed in paragraph (a).

(c) *Environmental impact declaration.* A copy of the negative declaration of environmental impact, which has been prepared for this proposal, is available for examination at the address listed in paragraph (a).

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 25090 (202–426–1477).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written data, views, or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 76–088b), and give reasons for his comment. The proposal may be changed in the light of comments received. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Part 157 of Title 33 contains regulations for the protection of the marine environment that pertain to tank vessels carrying oil in bulk. These regulations were issued in the FEDERAL REGISTER of October 14, 1975, (40 FR 48280–48290), and have been subsequently amended in the FEDERAL REGISTER of December 13, 1976 (41 FR 54180). These regulations require in part that fixed piping systems on most tank vessels meet the design requirements prescribed in Part 157 and that oil-water separating and monitoring equipment used on tank vessels be approved by the Coast Guard in accordance with approval specifications to be proposed at a later date. This notice proposes to amend these regulations.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Lowell F. Martin, Project Manager, Office of Merchant Marine Safety, and William R. Register, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

1. Proposed § 157.11(b) requires in part that each fixed piping system used for transferring and discharging cargo residues and other oily mixtures combined with cargo residues have one or more cargo monitors and that each monitor be equipped with a recording device meeting the requirements of 46 CFR 162.050–25(j). See FR Doc. 77–18089 in this issue of the FEDERAL REGISTER which proposes 46 CFR 162.050–25(j) as a requirement.) A recording device provides a means for determining the amount of oil in a discharge being measured by a cargo monitor and for detecting any malfunction of the signaling device on a monitor used to actuate stop valves in a vessel's fixed piping system. The requirement to have a recording device is essentially the same as the requirement for recording devices in Regulation 15 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973. The requirement to have a cargo monitor is contained in the current regulations in Part 157.

2. Proposed § 157.11(c) requires that cargo monitors installed on board tank vessels on and after April 1, 1980, meet the applicable Coast Guard approval specifications for the equipment. (The applicable specifications are proposed elsewhere in this issue of the FEDERAL REGISTER.) These specifications are similar to the specifications for monitoring equipment that have been prepared by the Marine Environment Protection Committee of the Intergovernmental Maritime Consultative Organization. The April 1, 1980, compliance date for this requirement is proposed to allow enough time for approval testing of monitoring equipment.

Proposed § 157.11(c) does not apply to cargo monitors installed on tank vessels before April 1, 1980. The question of whether monitors installed before April 1, 1980, should be required to meet the Coast Guard's applicable approval specifications or other equivalent specifications is currently under study. Related questions of whether existing monitor installations should be allowed to continue in service and, if so, under what conditions are the subject of current discussion by the IMCO Marine Environment Protection Committee. The Coast Guard intends to issue regulations concerning existing installations after completion of its studies and the current IMCO discussions.

3. Proposed § 157.11(d)(3)(ii) contains design requirements for sample points. These requirements are also contained in the IMCO specifications for monitoring equipment. The April 1, 1980, compliance date for these requirements is proposed to allow sufficient time for accomplishing necessary alterations to pumping, piping, and discharge arrangements on tank vessels.

4. Proposed § 157.11(a), § 157.11(d), and § 157.17(a), with the exception of § 157.11(d)(3)(ii), clarify the current provisions in § 157.11 and § 157.17. These clarifications are necessary since experience gained in using the regulations has shown that their intent is somewhat unclear.

5. The proposed revision to paragraph (d) of § 157.19 would allow the valves currently required by that paragraph for piping branch lines that have openings into certain cargo tanks to be located either inside or immediately outside the tanks. The current § 157.19(d) requires the valves to be located inside the tanks. The purpose of a branch line valve is to prevent spillage of oil from a tank into which the branch line opens if the piping outside the tank breaks. A branch line valve that is located immediately outside a tank into which the line opens can perform its function of preventing spillage from the tank as effectively as a valve that is located inside the tank.

6. Proposed § 157.37(c) requires that each cargo monitor be maintained and operated in accordance with the instructions manual required by proposed § 157.23(a). Compliance with this requirement is necessary to ensure proper functioning of the monitor.

7. Proposed § 157.37(d) requires that all discharge data recorded by a cargo monitor be kept on board for three years. This provision is contained in Regulation 15 of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973.

8. The proposed amendment to § 157.39(b) transfers the substance of the requirements for separators and bilge monitors in the current paragraph 157.39(b) to § 155.410(b) of Title 33. The proposed amendments to § 155.410(b) appear elsewhere in this issue of the FEDERAL REGISTER.

9. Proposed § 157.43(a) adds a requirement that clean ballast be discharged in accordance with the requirement in proposed § 157.37(a)(5). Proposed § 157.37(a)(5) in effect provides that oily mixtures may not be discharged overboard, except above the waterline through a discharge point of the type described in proposed § 157.11(d)(3). The proposed addition to § 157.43(a) was originally contained in § 157.43 of the Coast Guard notice of proposed rule making published on June 28, 1974 (39 FR 24152–24157), which proposed to adopt the regulations now contained in Part 157. However, the requirement was inadvertently omitted from the final regulations published on October 14, 1975 (40 FR 48280–48287). Section 157.43(a) is proposed again in this notice to correct the prior omission.

Proposed § 157.43(a), as it was first proposed in 1974, applied only to seagoing U.S. tank vessels of 150 gross tons or more engaged in domestic trade. However, the current § 157.43 applies additionally to U.S. vessels of 150 gross tons or more engaged in foreign trade and to foreign flag vessels of 150 gross tons or more that enter the navigable waters of the United States to engage in commercial service at a U.S. port. Accordingly, the applicability statement in § 157.25 has been revised to make the proposed addition to § 157.43(a) likewise applicable to these additional vessels.

10. The proposed rules would apply to both new and existing vessels, both of which terms are defined in the current Part 157 regulations.

11. The rules in this proposal would become effective 90 days after their promulgation as final rules, except that compliance with §§ 157.11(c) and 157.11(d)(3)(ii) would not be required before April 1, 1980.

This proposal has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). If all vessels that would be subject to the requirements proposed in this notice installed approved cargo monitors and sample points before April 1, 1980, the annual cost during this period would be approximately six million dollars. The incremental annual cost to obtain Coast Guard approval of this equipment would be approximately $89,000. Additional costs, which have been determined to be minimal in amount, would include those associated with operation and maintenance of monitors. Economic benefits resulting from use of the equipment would be reduced economic losses associated with oil pollution damage to the marine environment and savings from increased conservation of oil.

In consideration of the foregoing, the Coast Guard proposes to amend Part 157 of Title 33, Code of Federal Regulations, as follows:

1. By revising § 157.11 to read as follows:

§ 157.11 Fixed piping systems: cargo residues and other oily mixtures combined with cargo residues.

(a) Each tank vessel must have a fixed piping system for transferring cargo residues and other oily mixtures combined with cargo residues from cargo tanks to slop tanks and for discharging these oily mixtures overboard and to reception facilities.

(b) Each fixed piping system required by paragraph (a) of this section must have one or more cargo monitors. Each monitor must have its own recording device that meets the requirements of 46 CFR 162.050–25(j). For each type of oil that a vessel is designed to carry, at least one of the monitors must be designed for use with that oil.

(c) Each cargo monitor installed on a tank vessel on and after April 1, 1980, must be approved under 46 CFR 162.050.

(d) Each fixed piping system required by paragraph (a) of this section must be designed so that—

(1) It has piping to transfer dirty ballast residues and tank washings from each cargo tank on the vessel to a slop tank;

(2) It has a manifold on the weather deck that connects the piping required by paragraph (d)(1) of this section with at least two discharge points—

(i) Through which oily mixtures can be discharged to reception facilities; and

(ii) One of which is on the port side of the weather deck and one of which is on the starboard side of the weather deck;

(3) Each discharge point through which oily mixtures are discharged overboard from a slop tank, cargo tank, or a cargo pump room bilge—

(i) Is located on the port or starboard side of the vessel above the waterline when it is in its deepest ballast condition;

(ii) Has a sample point that is located in a vertical section of piping inboard of the dischrge point and that is of the type described in Figure 162.050–17(e) of 46 CFR 162.050–17(e); and

(iii) Has a stop valve that is actuated by each of the system's cargo monitors: and

(4) When valves in the system are actuated by one of the system's cargo monitors none of the oily mixture causing actuation can be discharged overboard.

NOTE.—Effective date of § 157.11. (a) Each existing vessel that is a U.S. vessel in domestic trade must comply with §§ 157.11 (a), (b), (d)(1), (d)(2), (d)(3) (i) and (iii), and (d)(4) before December 31, 1977.

(b) Each existing vessel that is a foreign vessel or a U.S. vessel in foreign trade must comply with §§ 157.11 (a), (b), (d)(1), (d)(2), (d)(3) (i) and (iii), and (d)(4) before December 31, 1979.

(c) Each vessel to which this subpart applies must comply with § 157.11(d)(3)(ii) before April 1, 1980. Compliance with § 157.11(c) is required on and after April 1, 1980.

2. By amending § 157.13 to read as follows:

JUN 27 77 UM

§ 157.13 Designated observation area.

Each new vessel must have a designated observation area on the weather deck or above that is—

(a) Located where the effluent from each discharge point and manifold described in § 157.11 can be visually observed; and

• • • • • •

3. By adding a sentence to the end of paragraph (a) of § 157.17 to read as follows:

§ 157.17 Oily residue tank.

(a) • • • The oily residue tank must have piping that connects it with the discharge point of each machinery space bilge pump.

• • • • • •

4. By revising § 157.19(d) to read as follows:

§ 157.19 Cargo tank arrangement and size.

• • • • • •

(d) If a line of piping that runs through a cargo tank in a position less than t_c from the vessel's side or less than v_c from the vessel's bottom, as defined in Appendix A of this part, has a branch, that branch must have a valve—

(1) Within each cargo tank into which the branch opens; or

(2) Outside each tank into which the branch opens in a location that is immediately adjacent to the point at which the branch enters the tank.

• • • • • •

5. By revising § 157.23 to read as follows:

§ 157.23 Cargo and ballast system information.

(a) Each tank vessel must have on board an instructions manual that describes the automatic and manual operation of the cargo and ballast system on the vessel and an instructions manual for each cargo monitor on the vessel.

(b) The format and information contained in the instructions manual for operation of the cargo and ballast system must be similar to the manual entitled "Clean Seas Guide for Oil Tankers" which can be obtained from the International Chamber of Shipping, 30–32 St. Mary Axe, London, United Kingdom EC3A 8ET.

6. By revising § 157.25 to read as follows:

§ 157.25 Exceptions to applicability.

(a) Sections 157.29, 157.31, 157.37(a)(5), 157.37(a)(6), and 157.43 apply to foreign vessels when they discharge into the navigable waters of the United States.

(b) Sections 157.35, 157.37, except paragraphs (a)(5) and (a)(6), 157.39, 157.45, and 157.47 do not apply to foreign vessels.

7. By amending § 157.37 to read as follows:

§ 157.37 Discharge of cargo residue.

(a) • • •

(5) Discharges above the waterline through a discharge point described in §157.11(d)(3); and

(6) Has in operation a cargo monitor required by § 157.11(b) that is designed for use with the oil mixture being discharged, except that the system may be operated manually if—

• • • • • •

(c) Each cargo monitor must be maintained and operated in accordance with its instructions manual.

(d) All discharge data recorded by a cargo monitor must be retained on board the vessel for three years.

8. By revising § 157.39(b) to read as follows:

§ 157.39 Machinery space bilges.

• • • • • •

(b) Each tank vessel must comply with the requirements in § 155.410(b) concerning the use of oil-water separating and monitoring equipment in discharging oily mixtures that are not combined with cargo residues.

9. By revising § 157.43(a) to read as follows:

§ 157.43 Discharges: clean and segregated ballast.

(a) Clean ballast may not be discharged except in accordance with §§ 157.37(a)(5) and 157.37(a)(6).

• • • • • •

(46 U.S.C. 391a; 49 U.S.C. 1655(b); 49 CFR 1.46.)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: June 17, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[Doc.77-18088 Filed 6-24-77;8:45 am]

[46 CFR, Part 162]

[CGD 76–088a]

OIL POLLUTION PREVENTION EQUIPMENT

Approval Requirements

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to add approval procedures and specifications for oil-water separators, cargo monitors, bilge monitors, and bilge alarms to the existing approval requirements for engineering equipment used on merchant vessels. International design and test specifications for this equipment were recently adopted by the Marine Environment Protection Committee (MEPC) of the Intergovernmental Maritime Consultative Organization (IMCO). This action incorporates the MEPC specifications, and the effect of this action will be to ensure use of pollution prevention equipment that is representative of the best technology presently available.

DATES: Comments must be received on or before: August 11, 1977.

ADDRESSES: (a) *Written comments.* Written comments on this proposed rule making should be submitted to and will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

(b) *Economic Evaluation.* A copy of the economic evaluation from which the economic summary in this document is taken is available for examination at the address listed in paragraph (a).

(c) *Environmental Impact Declaration.* Copies of the negative declaration of environmental impact, which has been prepared for this proposal, is available upon request to the Marine Safety Council at the address listed in paragraph (a).

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written data, views, or arguments. Each person submitting a comment should include his name and address, identity this notice (CGD 76–088a) and the specific section of the proposal to which his comment refers, and give reasons for his comment. The proposal may be changed in the light of comments received. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Lowell F. Martin, Project Manager, Office of Merchant Marine Safety, and William R. Register, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

In November 1973, the International Conference on Marine Pollution convened by IMCO adopted the International Convention for the Prevention of Pollution from Ships, 1973. Annex I to this convention sets forth several pollution requirements applicable to vessels including requirements.

Coast Guard regulations in §§ 155.400, 157.37, and 157.39 of Title 33 of the Code of Federal Regulations currently

allow the use of Coast Guard approved pollution equipment under operating conditions prescribed in those regulations. The regulations proposed in this notice contain the procedures for obtaining Coast Guard approval of the equipment and the design and testing specification applicable to the equipment. A notice of proposed rule making appears elsewhere in this issue of the FEDERAL REGISTER proposing to revise Part 155 of Title 33 to require use of bilge alarms, bilge monitors, and separators approved under the regulations proposed in this notice. A notice of proposed rule making appears elsewhere in this issue of the FEDERAL REGISTER that proposes to revise § 157.37 to require the use of cargo monitors approved under the regulations proposed in this notice.

The technology pertaining to shipboard oil-water separation and to monitoring of overboard discharges of oily mixtures is in a state of continuing development. Accordingly, technology advancements occurring after adoption of the design and testing specifications in this proposal would be reviewed on an ongoing basis to determine the need for any revision of the specifications.

A discussion of the proposed regulations is contained in the following paragraphs:

Section 162.050–5 lists the information that must be contained in an application for approval of an item of equipment. The section in effect provides that each item for which approval is sought must be the subject of a separate application. However, paragraph 162.050–5(b) provides that an application may reference information contained in a previously submitted application so that excess paperwork can be avoided.

Section 162.050–7 describes the procedures for obtaining approval of an item of pollution equipment. Paragraph 162.050–7(b) of these procedures describes the initial processing of an application. When the application is received, it is examined to determine whether the item complies with the applicable requirements of the Coast Guard marine engineering regulations (Subchapter F) and electrical engineering regulations (Subchapter J) and with the other design requirements proposed in this notice. Examination is also made to determine the probability that the item will pass the approval tests. Paragraphs 162.050–7 (c) through (g) prescribe the procedures for submitting an item for testing, conducting the tests, preparing and reviewing test reports, and issuing approval certificates. Paragraphs 162.050–7 (h), (i), (j), and (k) contain the approval criteria for each item of equipment.

The approval criteria in paragraph 162.050–7 (h) and (k) for a bilge alarm and 15 p.p.m. separator adopt the IMCO standard on oil content of overboard discharges through a 15 p.p.m. separator. This standard is contained in Annex I to the International Convention for the Prevention of Pollution from Ships, 1973. The standard prescribes a concentration limit of 15 parts per million (p.p.m.) of oil in water for overboard discharges through a 15 p.p.m. separator that has an alarm to indicate when this concentration is exceeded. The current overboard discharge limit prescribed by the Environmental Protection Agency in Part 110 of Title 40, Code of Federal Regulations, in pertinent part essentially provides that oil discharges into the navigable waters or contiguous zone must not create a sludge or emulsion or produce visible traces of oil in water or along adjoining shorelines. The Coast Guard is currently having discussions with EPA on the question of whether a discharge concentration of less than 15 p.p.m. oil in water is within the discharge limit prescribed by EPA regulations. Changes to the regulations in Part 157 of Title 33 that prescribe discharge limitations for separating and monitoring equipment may be proposed after resolution of this question.

Section 162.050–9 prescribes the contents of the test report to be submitted by a testing facility upon completion of approval testing. Sections 162.050–11 and 162.050–13 contain marking requirements for approved equipment and Coast Guard factory inspection procedures.

Section 162.050–15 prescribes procedures for obtaining designation as a facility authorized to perform approval tests. The Coast Guard is making an inquiry to determine what commercial facilities have an interest in conducting approval tests. Facilities that are considering submitting requests to be designated as testing facilities are specifically requested to comment on this notice of proposed rule making.

Sections 162.050–17 and 162.050–19 describe the test rigs that must be used in conducting approval tests on separators, monitors, and alarms.

Sections 162.050–21, 162.050–25, 162.050–29, and 162.050–33 propose design requirements for oil-water separators, cargo monitors, bilge monitors, and bilge alarms. The requirements are based upon those contained in the MEPC specifications. They also incorporate the applicable safety requirements in the Coast Guard marine and electrical engineering regulations published in Subchapters F and J of Title 46, Code of Federal Regulations. The requirements in paragraphs 162.050–25(j) and 162.050–29(d) for each cargo monitor and each bilge monitor to have a recording device are also contained in the International Convention for the Prevention of Pollution from Ships, 1973.

Section 162.050–23 contains approval tests for separators. The tests assess the performance capability of a separator using both low and high concentrations of oil in the influent to the separator as well as with a pure oil influent. The tests also evaluate performance when influent suction is lost and when the separator is operated for an extended period in the automatic mode.

Section 162.050–27 contains approval tests for cargo monitors. The tests assess the performance capability of a cargo monitor using a variety of crude oils or refined products, or both, depending upon which oils the monitor is designed to use. The tests also determine cargo monitor response time and assess performance under variable operating conditions and after an extended shutdown period.

Section 162.050–31 contains approval tests for bilge monitors. These tests are similar to those for cargo monitors, except that the oils specified for separator tests are used in lieu of the cargo oils specified for cargo monitor tests. Section 162.050–31 contains, in addition, tests that assess the capability of the devices required by §§ 162.050–20 (c)(1) and (c)(2) to produce the signals prescribed by those regulations.

Section 162.050–35 contains approval tests for bilge alarms. These tests assess the capability of an alarm to actuate at an oil concentration of 15 parts per million of oil in water when the power supply to the alarm is higher or lower than design ratings. The tests also assess the alarm's capability to operate properly for extended periods and after extended shutdown periods.

Section 162.050–37 requires that a vibration test be conducted for each monitor and bilge alarm and each separator control component submitted for approval. This test must be performed for an applicant by an independent laboratory. A laboratory report describing the results of the testing must be submitted with the application for approval.

Section 162.050–39 prescribes the method for measuring oil content of samples taken during approval testing of separators. The method consists of carbon tetrachloride solvent extraction and infrared spectrophotometry. This method has been developed by the Environmental Protection Agency after extensive consideration of alternative methods. The EPA method is specified in detail in this proposal to ensure that a high level of accuracy is maintained in measuring the oil content of the samples taken during testing. This method was selected for inclusion in the MEPC specifications.

This proposal has been reviewed for economic effects under Department of Transportation "Policies to Improve Analysis and Review of Regulations" (41 FR 16200). The costs to pollution equipment manufacturers will be those related to obtaining Coast Guard approval. It is estimated that approximately sixty devices may require approval at a cost per approval of $5,000 resulting in total industry costs of $300,000. The impact of administering the proposed approval program would be absorbed with existing Coast Guard resources; and, therefore, there would be no significant costs to the Coast Guard. The proposed approval program provides for the availability of equipment that has been developed on the basis of the best technology presently available and will, thus, reduce economic losses associated with oil pollution damage to the marine environment.

JUN 27 77
UM

These regulations are proposed under the authority of 33 U.S.C. 1321(j), 46 U.S.C. 391a, 49 U.S.C. 1655(b)(1), and 49 CFR 1.46.

In consideration of the foregoing, the Coast Guard proposes to amend Part 162 of Title 46, Code of Federal Regulations, by adding a new Subpart 162.050 to read as follows:

Subpart 162.050—Pollution Prevention Equipment

Sec.

162.050–1 Scope.
162.050–3 Definitions.
162.050–5 Contents of application.
162.050–7 Approval procedures.
162.050–9 Test report.
162.050–11 Marking.
162.050–13 Factory inspection.
162.050–15 Designation of facilities.
162.050–17 Separator test rig.
162.050–19 Monitor and bilge alarm test rig.
162.050–21 Separator: design specification.
162.050–23 Separator: approval tests.
162.050–25 Cargo monitor: design specification.
162.050–27 Cargo monitor: approval test.
162.050–29 Bilge monitor: design specification.
162.050–31 Bilge monitor: approval tests.
162.050–33 Bilge alarm: design specification.
162.050–35 Bilge alarm: approval tests.
162.050–37 Vibration test.
162.050–39 Measurement of oil content.

AUTHORITY: This subpart is issued under the authority of 33 U.S.C. 1321(j), 46 U.S.C. 391a, 49 U.S.C. 1655(b)(1), and 49 CFR 1.46.

§ 162.050–1 Scope.

This subpart contains—

(a) Procedures for approval of 100 p.p.m. separators, 15 p.p.m. separators, cargo monitors, bilge monitors, and bilge alarms;

(b) Design specifications for this equipment;

(c) Tests required for approval;

(d) Procedures for obtaining designation as a facility authorized to conduct approval tests; and

(e) Marking requirements and factory inspection procedures.

§ 162.050–3 Definitions.

As used in this subpart—

(a) "p.p.m." means parts per million of oil in water;

(b) "100 p.p.m. separator" means a separator that is designed to produce an effluent to be discharged overboard containing an oil concentration in water of 100 p.p.m. or less; and

(c) "15 p.p.m. separator" means a separator that is designed to produce an effluent to be discharged overboard containing an oil concentration in water of 15 p.p.m. or less.

§ 162.050–5 Contents of application.

(a) An application for approval of an item of equipment under this subpart must contain the following information:

(1) The type of item including, if the item is a separator, a statement of what effluent oil content the separator is designed to produce.

(2) The name and address of the applicant and manufacturing facility.

(3) A detailed description of the quality control procedures, the in-process and final inspections and tests followed in manufacturing the item, and the construction and sales record keeping systems maintained.

(4) Arrangement drawings and piping diagrams of the item that give the information prescribed by § 56.01–10(d) of this chapter.

(5) Detailed electrical plans of the type described in § 111.05–5(d) of this chapter.

(6) An instructions manual containing detailed installation, operation calibration and zeroing, and maintenance instructions for the item.

(7) For each monitor and bilge alarm and each control on a separator, the vibration test report described in § 162.050–37 of this subpart.

(8) For each cargo monitor, a statement of whether it is to be used with crude oils, refined products, or both.

(9) A list of the substances used in operating the item that require certification under Part 147 of this chapter as articles of ships' stores and supplies.

(10) The name of the facility at which approval testing is planned.

(b) An applicant may incorporate by reference in his application information that he has submitted in a previous application.

§ 162.050–7 Approval procedures.

(a) An application for approval of an item of equipment under this subpart must be sent to the Commandant (G-MNT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

(b) The application is examined by the Coast Guard to determine whether the item complies with the design requirements and vibration standard prescribed in this subpart and to determine the probability that the item will pass the approval tests. If the application is incomplete it is returned to the applicant with a statement of reasons why it is incomplete.

(c) The Coast Guard notifies the applicant of the results of the examination. The applicant must make arrangements for approval testing directly with the facility at which testing is planned.

(d) Each item submitted to a facility for approval testing must be accompanied by a copy of its instructions manual.

(e) If the item to be tested is a separator that is manufactured in more than one size and applications for approval have been made for each size, the applicant, in lieu of submitting each size for testing, may submit each size that has a capacity exceeding fifty (50) cubic meters per hour throughput, if any, and two additional sizes that have a capacity of fifty (50) cubic meters per hour throughput or less. One of the additional sizes must have a capacity that is in the highest quartile of capacities manufactured in the 0–50 cubic meters per hour throughput range and the other must be from the lowest quartile.

(f) Each approval test must be performed by one of the facilities designated by the Commandant. The facility must perform each test in accordance with the test conditions prescribed in this subpart for the test, prepare a test report for the item if it completes all of the tests, and send the report with four copies to the Commandant (G-MMT). The applicant may observe the tests. If an item does not complete testing, a new application must be submitted before retesting.

(g) The Commandant (G-MMT) sends a copy of the test report to the applicant and advises him whether the item is approved. If the item is approved, an approval certificate is sent to the applicant.

(h) A separator is approved under this subpart if—

(1) It meets the design requirements in § 162.050–21;

(2) In the case of a 100 p.p.m. separator, the oil content of each sample taken during approval testing is 100 p.p.m. or less;

(3) In the case of a 15 p.p.m. separator, the oil content of each sample taken during approval testing is 15 p.p.m. or less;

(4) During Test No. 4S an oily mixture is not detected at the separated water outlet of the separator;

(5) During Test No. 6S its operation is continuous; and

(6) Any substance used in operating the separator that requires certification under Part 147 of this chapter as an article of ships' stores or supplies has been certified.

(i) A cargo monitor is approved under this subpart if—

(1) It meets the design requirements in § 162.050–25;

(2) Each oil content reading recorded during approval testing is within ±10 p.p.m. or ±20 percent of the oil content of the mixture used in the testing;

(3) Its response time is twenty (20) seconds or less in Test No. 3CM;

(4) The time intervals between successive readings recorded in Test No. 4CM are twenty (20) seconds or less; and

(5) Any substance used in operating the monitor that requires certification under Part 147 of this chapter as an article of ships' stores or supplies has been certified.

(j) A bilge monitor is approved under this subpart if—

(1) It meets the design requirements in § 162.050–29;

(2) Except as provided in § 162.050–7(j)(5), each oil content reading recorded during approval testing is within ±10 p.p.m. or ±20 percent of the oil content of the mixture used in testing;

(3) The time intervals between successive readings recorded in test No. 3BM are twenty (20) seconds or less;

(4) The time intervals between successive readings recorded in Test No. 4BM are twenty (20) seconds or less;

(5) Each oil content that is recorded during the testing when the device required by § 162.050–29(c)(1) actuates is 15 p.p.m. ±5 p.p.m.;

(6) Each oil content that is recorded during testing when the device required by § 162.050–29(c)(2) actuates is 100 p.p.m. ±20 p.p.m.; and

(7) Any substance used in operating the monitor that requires certification under Part 147 of this chapter as an article of ships' stores or supplies has been certified.

(k) A bilge alarm is approved under this subpart if—

(1) It meets the design requirements in § 162.050–33;

(2) Each oil content recorded during approval testing is 15 p.p.m. ±5 p.p.m.; and

(3) Any substance used in operating the alarm that requires certification under Part 147 of this chapter as an article of ships' stores or supplies has been certified.

§ 162.050–9 Test report.

A test report of approval testing must contain the following:

(a) Name of the testing facility.

(b) Name of the applicant.

(c) Date of receiving the item for testing and the dates of the tests conducted.

(d) Trade name and brief description of the item.

(e) A listing of the following properties of the test oils used:

(1) Relative density at 15°C.

(2) Viscosity in centistokes at 37.8°C.

(3) Flashpoint.

(4) Weight of ash content.

(5) Weight of water content.

(f) Relative density at 15°C. of the water used during testing and the weight of solid content in the water.

(g) The data recorded during each test.

§ 162.050–11 Marking.

(a) Each separator, monitor, or bilge alarm manufactured in accordance with the provisions of a certificate of approval must be plainly marked by the manufacturer with the information listed in paragraph (b) of this section. The marking must be securely fastened to the item.

(b) Each marking must include the following information:

(1) Name of the manufacturer.

(2) Name or model number of the item.

(3) If the item is a separator, the maximum throughput at which the separator is designed to operate.

(4) The month and year of completion of manufacture.

(5) The manufacturer's serial number for the item.

(6) The Coast Guard approval number assigned to the item in the certificate of approval.

(7) Each restriction, if any, on the use of bilge cleaners, solvents, and other chemical compounds that could impair operation of the equipment.

(8) If the item is a cargo monitor, the oils with which it is approved for use.

§ 162.050–13 Factory inspection.

The Coast Guard does not inspect equipment approved under this subpart on a regular schedule at the place of manufacture. However, the Commandant may detail Coast Guard personnel at any time to visit a factory where the equipment is manufactured to conduct an inspection of the manufacturing procedures. The manufacturer is advised in advance of any planned factory inspection.

§ 162.050–15 Designation of facilities.

(a) Each request for designation as a facility authorized to perform approval tests must be submitted to the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

(b) Each request must include the following:

(1) Name and address of the facility.

(2) The type of equipment the facility proposes to test.

(3) A description of the facility's capability to perform approval tests including detailed information on the following:

(i) Management organization including personnel qualifications.

(ii) Equipment available for measuring oil content of samples.

(iii) Materials available for use in approval testing.

(iv) Each test rig to be used.

(c) To obtain authorization to conduct approval tests—

(1) A facility must have the management organization, equipment for measuring the oil content of samples, and material necessary to perform the tests;

(2) Each of its test rigs must be of a type described in §§ 162.050–17 or 162.050–19 of this subpart;

(3) The loss or award of a specific contract to test equipment must not be a substantial factor in the facility's financial well being; and

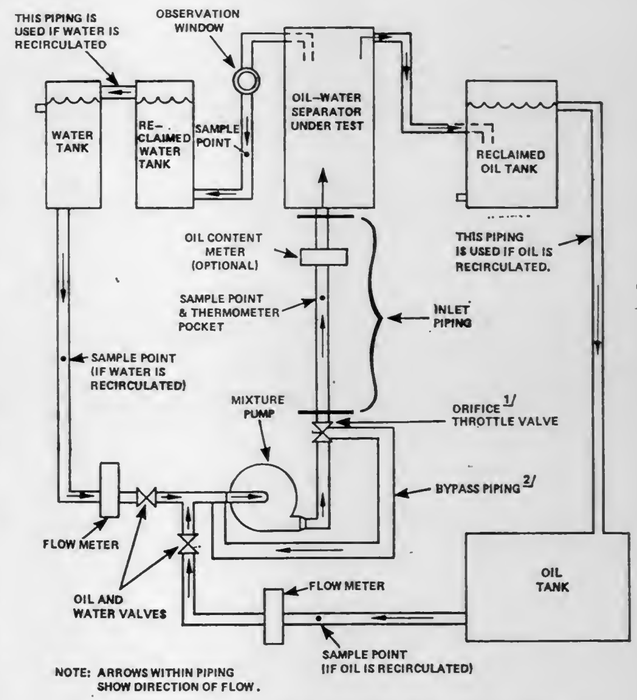
(4) The facility must be free of influence and control of the manufacturers, suppliers, and vendors of the equipment.

(d) A facility may not subcontract for approval testing unless previously authorized by the Coast Guard. A request for authorization to subcontract must be sent to the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

§ 162.050–17 Separator test rig.

(a) This section describes the test rig to be used in approval testing of separators. A diagram of the test rig is shown in figure 162.050–17(a).

FIGURE 162.050—17(a) - SEPARATOR TEST RIG



1/ NOT REQUIRED IF MIXTURE PUMP HAS BYPASS PIPING. SEE § 162.050–23(a)(4).

2/ NOT REQUIRED IF MIXTURE PUMP PIPING HAS ORIFICE. SEE § 162.050–23(a)(4).

VOL 42 NO 123 JUN 27 77 UM

(b) The mixture pump shown in figure 162.050–17(a) is used if a separator does not have a supply pump. (Section 162.050–23(a)(4) of this subpart contains requirements for a mixture pump.)

(c) The inlet piping of the test rig is sized so that—

(1) Influent water flows at a Reynolds Number of at least ten thousand;

(2) The influent flow rate is between one and three meters per second; and

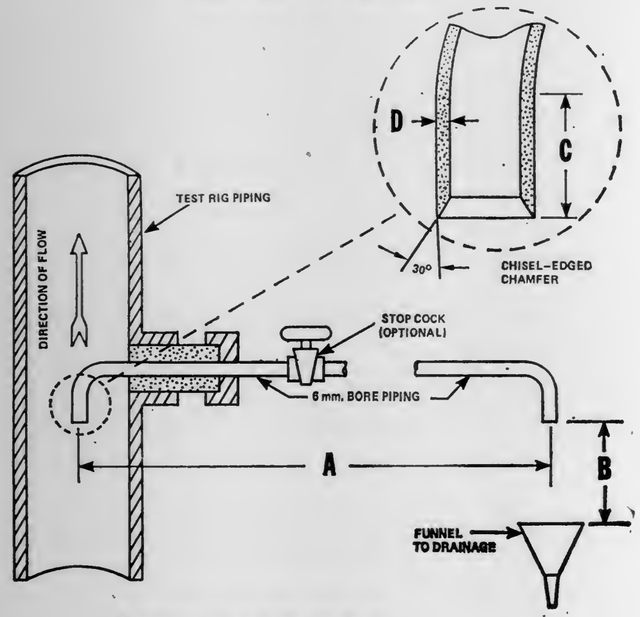
(3) Its length is at least twenty (20) times its inside diameter.

(d) Each sample point on a test rig is of the type described in figure 162.050–17(e). Each sample point is in a vertical portion of the test rig piping.

§ 162.050–19 Monitor and bilge alarm test rig.

The test rig to be used in approval testing of monitors and bilge alarms is described in figure 162.050–19. Each sample point on the test rig is of the type described in figure 162.050–17(e). Each sample point is in a vertical portion of the test rig piping.

FIGURE 162.050—17(e) - SAMPLE POINT



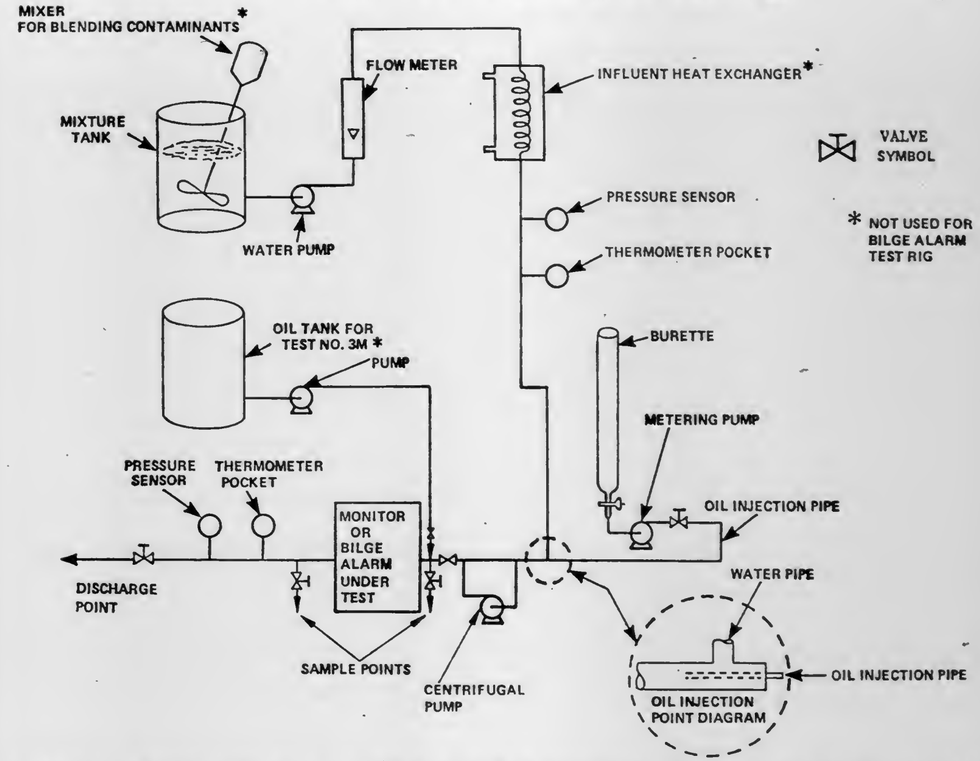
A dimension A is not greater than 400 mm.

B height B is large enough to insert a sample bottle.

C distance C is a straight line of not less than 60 mm.

D width D is not greater than 2 mm.

FIGURE 162.050—19 - MONITOR AND BILGE ALARM TEST RIG



§ 162.050–21 Separator design specification.

(a) A separator must be designed to operate in each plane that forms an angle of 22.5° with the plane of its normal operating position.

(b) The electrical components of a separator that are to be installed in an explosive atmosphere must be approved by an independent laboratory as components that Underwriters Laboratories Standard 913 (dated January 20, 1976) defines as intrinsically safe for use in a Class I, Group D hazardous location.

(c) Each separator component that is a moving part must be designed so that its movement during operation of the separator does not cause formation of static electricity.

(d) Each separator must be designed in accordance with the applicable requirements in subchapters F and J of this chapter.

(e) Each separator must be designed to be operated both automatically and manually. Each separator to be installed in an unattended machinery space must be capable of operating automatically for at least twenty-four (24) hours.

(f) Each separator must be designed so that adjustments to valves or other equipment are not necessary to start it.

(g) Each part of a separator that is susceptible to wear and tear must be readily accessible for maintenance in its installed position.

§ 162.050–23 Separator: approval tests.

(a) *Test Conditions.* (1) Each test described in this section must be performed at a throughput equal to the maximum throughput at which the separator being tested is designed to operate. The tests and each of the steps in the tests must be carried out in the order described in this section. Each test must be performed without time delay between steps in the test.

(2) Except as provided in Test No. 3S, the influent oil used in each test must be a heavy fuel oil that has a relative density of approximately 0.94 at 15° C and a viscosity of at least 220 centistokes (approximately 900 seconds Redwood No. 1) at 37.8° C.

(3) A test rig of the type described in § 162.050–17 of this subpart must be used in performing each of the tests.

(4) If a separator has a supply pump, it must be tested using that pump. If a separator does not have a supply pump, it must be tested using a mixture pump provided by the facility. The mixture pump must be a centrifugal pump capable of operating at one thousand (1,000) revolutions per minute or more. The pump must have a delivery capacity of at least one and one half (1.5) times the maximum throughput at which the separator being tested is designed to operate. The pump must have either bypass piping to its suction side or a throttle valve or orifice on its discharge side.

(5) The influent water used in each test must be clean and have a relative density at 15° C that is equal to or less than 0.085 plus the relative density of the heavy fuel oil used in the testing.

(6) Each test must be conducted at an ambient temperature that is between 10° C and 30° C.

(7) The oil content of each sample must be measured using the method described in § 162.050–39 of this subpart.

(8) Each sample must be approximately one (1) liter in volume and must be collected in a narrow-necked glass bottle that has a pressure sealing cap.

(9) Influent oil content must be determined during testing by measuring the flow rates of the oil and water that are mixed to form the influent or by use of an oil content meter on the inlet piping of the test rig. If an oil content meter is used, a sample of influent and a meter reading must be taken at the beginning of each test. If the meter reading is not within ±10 percent of the measurement of oil content of the sample, the meter readings subsequently taken during the test are unacceptable test results.

(10) When collecting a sample at a sample point that has a stop cock, the first minute of fluid flow through the stop cock must not be included in the sample collected.

(11) In each test, the separator must be operated in accordance with the procedures described in its instructions manual.

(b) *Test No. 1S.* The separator is filled with water and started. It is fed with oil for at least five (5) minutes and then with an oil-water influent containing an oil content of between 5,000 and 10,000 p.p.m. until a steady flow rate occurs. After the flow rate is steady, the influent is fed to the separator for thirty (30) minutes. Samples of influent and separated water effluent are taken after the first ten (10) and twenty (20) minutes. At thirty (30) minutes the air cock on the test rig is opened and, if necessary, the oil and water supply valves are closed to stop the flow of influent. A sample is then taken of the separated water effluent as the effluent flow ceases.

(c) *Test No. 2S.* Test No. 1S is repeated using an influent containing approximately 25 percent oil and 75 percent water.

(d) *Test No. 3S.* Tests No. 1S and 2S are repeated using, in lieu of a heavy fuel oil in the influent, a light distillate fuel oil having a relative density of approximately 0.83 at 15° C.

(e) *Test No. 4S.* The separator is fed with oil until oil is discharged at the oil discharge outlet of the separator at essentially the same rate that oil is being fed to the separator. The separator is then fed with oil for five (5) additional minutes. If any oily mixture is discharged from the separated water outlet on the separator during the test, that observation is recorded.

(f) *Test No. 5S.* The separator is fed with water for fifteen (15) minutes. Samples of the separated water effluent are taken at the beginning of the test and after the first ten (10) minutes.

(g) *Test No. 6S.* The separator is operated automatically for three (3) hours. During the test the separator is continuously fed with an influent varying from water to a mixture of 25 percent oil in water and back to water every fifteen (15) minutes. The oil concentration in the influent is varied in at least five (5) equal increments during each fifteen (15) minute period and the time intervals between the incremental changes are equal. During the last period in which the unit is fed a 25 percent oil mixture, a sample of the separated water effluent is taken. If operation of the separator is not continuous during this test, that observation is recorded.

§ 162.050–25 Cargo monitor: design specification.

(a) This section contains requirements that apply to cargo monitors.

(b) Each monitor must be designed so that it is calibrated by a means that does not involve manually mixing a known quantity of oil and a known quantity of water to form a mixture and manually feeding the mixture into the monitor.

(c) The electrical components of a monitor that are to be installed in an explosive atmosphere must be approved by an independent laboratory as components that Underwriters Laboratories Standard 913 (dated January 20, 1976) defines as intrinsically safe for use in a Class I, Group D hazardous location.

(d) Each monitor component that is a moving part must be designed so that its movement during operation of the monitor does not cause formation of static electricity.

(e) A monitor must be designed to operate in each plane that forms an angle of 22.5° with the plane of its normal operating position.

(f) Each monitor must be designed in accordance with the applicable requirements contained in subchapters F and J of this chapter.

(g) Each monitor must be designed so that it records each change in oil content of the mixture it is measuring within twenty (20) seconds after the change occurs.

(h) Each cargo monitor must have a device that produces a warning signal and a signal that can be used to actuate valves in a vessel's fixed piping system, if—

(1) The oil content of the mixture being measured exceeds the concentration limit set by the operator of the monitor; or

(2) Malfunction, breakdown, or other failure of the monitor occurs.

(i) Each monitor must have a means to determine whether it is accurately calibrated.

(j) Each cargo monitor must have a device that has a means to record continuously the amount of oil (in liters) of any oily cargo residue or other oily mixture combined with an oily cargo residue discharged overboard from the vessel on which the monitor is installed and the amount of oil in the discharge per nautical mile of vessel travel. The device must also have a means to record the date and time of discharge. The record must be durable enough to be kept for three (3) years. If the device has more than one scale, it must have a means to show on the record the scale in use at the time of the reading.

§ 162.050–27 Cargo monitor: approval tests.

(a) This section contains requirements that apply to cargo monitors.

(b) *Test conditions.* (1) The tests and each step in the tests must be carried out in the order described in this section. Each test must be performed without time delay between steps in the test.

(2) A test rig of the type described in § 162.050–19 of this subpart must be used in performing each of the tests.

(3) Each mixture used during the tests must be prepared by combining a known flow of oil supplied from the oil injection pipe of the test rig and a known flow of water supplied from the mixture tank of the test rig, except that if the flow of oil through the oil injection pipe becomes intermittent a known quantity of oil and a known quantity of water must be combined in the mixture tank to form the mixture.

(4) A mixture may be circulated through a monitor only once during testing.

(5) Except as otherwise provided, the water used in each test must be clean, fresh water (in lieu of salt water).

(6) The oil used in each test, except Test No. 2CM, must be Arabian light crude oil.

(7) Each test must be performed at an ambient temperature that is between 10° C. and 30° C.

(8) Except as otherwise provided, each test must be performed at the maximum mixture pressure, the maximum flow rate, and the power supply ratings at which the monitor is designed to operate.

(9) The particulate contaminant described in Table 162.050–27(g) must be of a type that does not lose more than three (3) percent of its weight after ignition and must be insoluble.

(10) In each test the monitor must be operated in accordance with the procedures described in its instructions manual.

(c) *Test No. 1CM.* The cargo monitor is calibrated and zeroed. It is then fed with mixtures in concentrations of 0 p.p.m., 15 p.p.m., 50 p.p.m., and 100 p.p.m., followed by concentrations that increase incrementally in size by 50 p.p.m. per concentration up to the highest concentration that can be read on the monitor. Each incremental concentration is fed to the monitor for fifteen (15) minutes and the oil content reading is then recorded. After each concentration is fed to the monitor, the equipment is fed with water for fifteen (15) minutes and the oil content reading then recorded.

(d) *Test No. 2CM.* (1) If the applicant states in his application that the cargo monitor is to be used with crude oils, the monitor is fed with a mixture containing the first oil listed in Table 162.050–27(d) at a concentration of 15 p.p.m. and then at a 100 p.p.m. concentration and at a concentration that is ninety (90) percent of the highest oil concentration in water that can be read on the monitor. Each concentration is fed to the monitor until a steady reading occurs and is recorded. After each steady reading is recorded, the monitor is fed with water for fifteen (15) minutes. The reading of oil content at the end of each fifteen (15) minute period is also recorded.

(2) The steps described in paragraph (d)(1) of this section are repeated using each of the other oils listed in Table 162.050–27(d).

TABLE 162.050–27(d).—OIL TYPE AND CHARACTERISTICS

Oil type:	Characteristics
1. Sahara blend crude oil.	Density—low; viscosity—low; pour point—very low; producing country—Algeria; general description—mixed base.
2. Arabian light crude oil.	Density — medium; viscosity — medium; pour point—low; producing country — Saudi Arabia; general description—mixed base.
3. Nigerian medium crude oil.	Density—high; viscosity — medium; pour point—low; producing country—Nigeria; general description—napthenic base.
4. Bachaquero 17 crude oil.	Density—very high; viscosity — very high; pour point—low; producing country — Venezuela; general description — asphaltic base.
5. Minas crude.	Density — medium; viscosity — high; pour point—very high; producing country — Indonesia; general description — paraffinic base.
6. Residual fuel.	Bunker C or No. 6 fuel oil.

(3) If any oil listed in Table 162.050–27(d) is unavailable, an oil with similar properties is substituted in testing.

(4) If the applicant states in his application that the monitor is to be used with refined products, the steps described in paragraph (d)(1) of this section are performed using each of the following in lieu of an oil listed in Table 162.050–27(d):

(1) Leaded regular grade automotive gasoline.

(2) Unleaded automotive gasoline.

(3) Kerosene.

(4) Light diesel or no. 2 fuel oil.

(e) *Test No. 3CM.* (1) The cargo monitor is fed with water, zeroed, and then fed with a 100 p.p.m. mixture. The time of turning on the metering pump of the test rig, the time at which the monitor first detects oil in the mixture, the tmes of reading 63 p.p.m. and 90 p.p.m., and the time of reading the highest steady reading of oil content are recorded. The value of the highest steady reading is also recorded.

(2) The metering pump is turned off and the time at which the highest reading starts to decrease, the times of reading 37 p.p.m. and 10 p.p.m., and the time of reading the lowest steady reading are recorded. The value of the lowest steady reading is also recorded.

(3) The time interval between starting oil injection and reading 63 p.p.m. and the time interval between turning the metering pump off and reading 37 p.p.m. are averaged and recorded as the response time for the monitor.

(f) *Test No. 4CM.* (1) The cargo monitor is fed with water, zeroed, and then fed with a mixture containing ten (10) percent oil for one (1) minute. The following times occurring during this procedure are recorded:

(i) Time of turning on the metering pump of the test rig.

(ii) Time at which the monitor first detects oil.

(iii) Time of reading 100 p.p.m.

(iv) Time of exceeding the highest oil concentration that can be read on the monitor.

(v) Time of returning to the highest oil concentration that can be read on the monitor.

(vi) Time of returning to a reading of 100 p.p.m.

(vii) Time of returning to the lowest steady oil content reading.

(2) The value of the lowest steady oil content reading described in paragraph (f)(1)(vii) of this section is recorded.

(3) The monitor is fed with water, zeroed, and then fed with oil for one (1) minute after which the flow of water is resumed. The times described in paragraph (f)(1) of this section are recorded.

(4) The monitor is fed with a 100 p.p.m. mixture until a steady oil content reading is obtained and recorded.

(g) *Test No. 5CM.* (1) The cargo monitor is fed with a 500 p.p.m. mixture until a steady reading is obtained and recorded.

(2) The monitor is fed with a 500 p.p.m. mixture to which sodium chloride has been added to provide a concentration of 60,000 parts per million of sodium chloride in water. The oil content reading, when steady, is recorded.

(3) The monitor is fed with a 500 p.p.m. mixture to which the insoluble particulate contaminant described in Table 162.050–27(g) has been added to provide a concentration of 100 parts per million of particulate contaminant in water. The oil content reading, when steady, is recorded.

TABLE 162.050–27(g)—INSOLUBLE PARTICULATE CONTMINANT

PHYSICAL DESCRIPTION

Particle sizes, microns:	*Percentage by weight of particle size in contaminant*
0–5	39±2
5–10	18±3
10–20	16±3
20–40	18±3
40–80	9±3

(h) *Test No. 6CM.* (1) The cargo monitor is fed with a 100 p.p.m. mixture until a steady oil content reading occurs and is recorded.

(2) The monitor is fed with a 100 p.p.m. mixture that has first passed through the centrifugal pump of the test rig. The pump is run at one fourth (¼) of its design speed. The oil content reading, when steady, is recorded.

(3) The steps described in paragraph (h)(2) of this section are repeated with the pump running at one-half (½) of its design speed and then repeated at its design speed.

(i) *Test No. 7CM.* (1) The steps described in paragraph (h)(1) of this section are repeated.

(2) The temperature of the mixture is adjusted to 10° C. and the flow continued until a steady oil content reading is obtained and recorded.

(3) The steps described in paragraph (i)(2) of this section are repeated with the temperature of the mixture 65° C. or the mixture temperature at which the cargo monitor is designed to operate, whichever is lower.

(j) *Test No. 8CM.* (1) The steps described in paragraph (h)(1) of this section are repeated.

(2) If the cargo monitor has a positive displacement mixture pump, the mixture pressure is lowered to one half of the monitor's maximum design pressure. If the monitor has a centrifugal mixture pump or is not equipped with a mixture pump the mixture flow rate is reduced to one-half of the monitor's design flow rate. The reduced flow rate or mixture pressure is maintained until a steady oil content reading is obtained and recorded.

(3) If the cargo monitor has a positive displacement mixture pump, the mixture pressure is increased to twice the monitor's maximum design pressure. If the monitor has a centrifugal mixture pump or does not have a mixture pump, the mixture flow rate is increased to twice the monitor's maximum design flow rate. The increased flow rate or mixture pressure is maintained until a steady oil content reading is obtained and recorded.

(k) *Test No. 9CM.* (1) The steps described in paragraph (h)(1) of this section are repeated.

(2) The water and metering pumps on the test rig are stopped for eight (8) hours after which the steps described in paragraph (h)(1) of this section are repeated.

(l) *Test No. 10CM.* (1) The supply voltage to the cargo monitor is increased to one hundred and ten (110) percent of its design supply voltage. The monitor is then fed a 100 p.p.m. mixture for one (1) hour. At one (1) hour the oil content reading is recorded.

(2) The steps described in paragraph (l)(1) of this section are repeated with the supply voltage to the monitor lowered to ninety (90) percent of its design supply voltage.

(3) Upon completion of the steps described in paragraph (l)(2) of this section, the supply voltage to the monitor is returned to the design rating.

(4) The steps described in paragraph (l)(1), (l)(2), and (l)(3) of this section are repeated varying each other power supply to the monitor in the man-

JUN 27 1977 UM

ner prescribed in those steps for supply voltage.

(m) *Test No. 11CM.* (1) The monitor is calibrated and zeroed.

(2) The steps described in paragraph (h)(1) of this section are repeated.

(3) A 100 p.p.m. mixture is fed to the monitor for eight (8) hours. At eight (8) hours the oil content reading is recorded.

(4) The monitor is fed with water until a steady oil content reading is obtained and recorded.

(n) *Test No. 12CM.* (1) All power to the monitor is shut off for one (1) week. After one week the monitor is started, zeroed, and calibrated.

(2) The monitor is fed with a 100 p.p.m. mixture for one (1) hour. The oil content reading is then recorded.

(3) The monitor is fed with water for one (1) hour. The oil content reading is then recorded.

(4) The steps described in paragraphs (n)(2) and (n)(3) of this section are repeated three (3) additional times.

§ 162.050–29 Bilge monitor: design specification.

(a) This section contains requirements that apply to bilge monitors.

(b) Each bilge monitor must be designed to meet the requirements of this section and the requirements for a cargo monitor in §§ 162.050–25 (b) through (g) and 162.050–25(l) of this subpart.

(c) Each bilge monitor must have—

(1) A device that produces a warning signal, and a signal that can be used to actuate stop valves in a vessel's fixed piping system, when the oil content of the mixture being measured exceeds 15 p.p.m. ±5 p.p.m.;

(2) A device that produces a warning signal, and a signal that can be used to actuate stop valves in a vessel's fixed piping system, when the oil content of the mixture being measured exceeds 100 p.p.m. ±20 p.p.m.; and

(3) A device that produces a warning signal, and a signal that can be used to actuate stop valves in a vessel's fixed piping system, when malfunction, breakdown, or other failure of the bilge monitor occurs.

(d) Each bilge monitor must have a device that has a means to record continuously the concentration of oil in p.p.m. that the monitor measures. The device must also have a means to record the date and time of the measurement. The record must be durable enough to be kept for three (3) years. If the device has more than one scale, it must have a means to show on the record the scale in use at the time of the reading.

§ 162.050–31 Bilge monitor: approval tests.

(a) This section contains requirements that apply to bilge monitors.

(b) *Test conditions.* (1) Each test must be conducted under the conditions prescribed in this section and under the conditions prescribed for cargo monitors in § 162.050–27 (b)(1) through (b)(4) and § 162.050–27 (b)(7) through (b)(10).

(2) Except as provided in test No. *2BM*, the oil used in each test must be a heavy fuel oil that has a relative density of approximately 0.94 at 15° C and a viscosity of at least 220 centistokes (approximately 900 seconds Redwood No. 1) at 37.8° C.

(3) The water used in each test must be clean and have a relative density at 15° C that is equal to or less than 0.085 plus the relative density of the heavy fuel oil used in the testing.

(c) *Test No. 1BM.* (1) The bilge monitor is calibrated and zeroed. It is then fed with mixtures in concentrations of 0 p.p.m., 15 p.p.m., 50 p.p.m., 75 p.p.m., and 100 p.p.m., followed by concentrations that increase incrementally in size by 25 p.p.m. per concentration up to the highest concentration that can be read on the monitor. Each incremental concentration is fed to the monitor for fifteen (15) minutes and the oil content reading is then recorded. After each concentration is fed to the bilge monitor, the equipment is fed with water for fifteen (15) minutes and the oil content reading then recorded.

(2) The metering and water pumps of the test rig are started and the oil content of the mixture is increased until the device required by § 162.050–29(c)(1) actuates. The oil content of the mixture causing actuation is recorded.

(d) *Test No. 2BM.* Test No. 1BM is repeated using, in lieu of a heavy fuel oil in the influent, a light distillate fuel oil having a relative density of approximately 0.83 to 15° C.

(e) *Test No. 3BM.* (1) The bilge monitor is fed with water, zeroed, and then fed with a 15 p.p.m. mixture until a steady reading is obtained and recorded. The time of turning on the metering pump of the test rig and the time of obtaining the highest steady reading of oil content are also recorded.

(2) The metering pump is turned off and the time at which the highest steady reading starts to decrease and the time of reading the lowest steady reading are recorded. The value of the lowest steady reading is also recorded.

(3) The steps in paragraphs (1) and (2) of this section are repeated using a 100 p.p.m. mixture.

(f) *Test No. 4BM.* (1) The bilge monitor is fed with water, zeroed, and then fed with a mixture containing (10) percent oil for one (1) minute. The following times occurring during this procedure are recorded:

(i) Time of turning on the metering pump of the test rig.

(ii) Time at which the bilge monitor first detects oil.

(iii) Time of actuation of the device required by § 162.050–29(c)(1).

(iv) Time of actuation of the device required by § 162.050–29(c)(2).

(v) Time of exceeding the highest oil concentration that can be read on the bilge monitor.

(vi) Time of returning to the highest oil concentration that can be read on the bilge monitor.

(vii) Time of returning to the lowest steady oil content reading.

(2) The value of the lowest steady oil content reading described in paragraph (f)(1)(vii) of this section is recorded.

(3) The monitor is fed with water, zeroed, and then fed with oil for one (1) minute after which the flow of water is resumed. The times described in paragraph (f)(1) of this section are recorded.

(4) The monitor is fed with a 15 p.p.m. mixture until a steady oil content reading is obtained and recorded.

(5) The monitor is fed with a 100 p.p.m. mixture until a steady oil content reading is obtained and recorded.

(g) *Test No. 5BM.* (1) The bilge monitor is fed with an 80 p.p.m. mixture until a steady reading is obtained and recorded.

(2) The monitor is fed with an 80 p.p.m. mixture to which sodium chloride has been added to provide a concentration of 60,000 parts per million of sodium chloride in water. The oil content reading, when steady, is recorded.

(3) The monitor is fed with an 80 p.p.m. mixture to which the insoluble particulate contaminant described in Table 162.050–27(g) has been added to provide a concentration of 20 parts per million of particulate contaminant in water. The oil content reading, when steady, is recorded.

(h) *Test No. 6BM.* (1) The bilge monitor is fed a 10 p.p.m. mixture until a steady reading is obtained and recorded.

(2) If the monitor has a positive displacement mixture pump, the mixture pressure is lowered to one half of the monitor's maximum design pressure. If the monitor has a centrifugal mixture pump or is not equipped with a mixture pump, the mixture flow rate is reduced to one half of the monitor's maximum design flow rate. After reduction of the pressure or flow rate, the oil content of the mixture is increased until the device required by § 162.050–29(c)(1) actuates. The oil content causing actuation is recorded.

(3) The bilge monitor is fed with an 80 p.p.m. mixture until a steady reading is obtained and recorded. The oil content of the mixture is then increased until the device required by § 162.050–29(c)(2) actuates. The oil content causing actuation is recorded.

(4) If the monitor has a positive displacement mixture pump, the mixture pressure is increased to twice the monitor's maximum design pressure. If the monitor has a centrifugal mixture pump or if the monitor is not equipped with a mixture pump, the mixture flow rate is increased to twice the monitor's maximum design flow rate. After increasing the pressure or flow rate, the oil content of the mixture is increased until the device required by § 162.050–29(c)(1) actuates. The oil content causing actuation is recorded.

(5) The steps described in paragraph (h)(3) of this section are repeated.

(i) *Test No. 7BM.* (1) The steps described in paragraphs (c)(2) and (c)(3) of this section are repeated.

(2) The water and metering pumps on the test rig are stopped for eight (8) hours after which the steps described in paragraphs (c)(2) and (c)(3) of this section are repeated.

(j) *Test No. 8BM.* (1) The supply voltage to the bilge monitor is increased to one hundred and ten (110) percent of its design supply voltage. The monitor is then fed at 10 p.p.m. mixture for one (1) hour. At one (1) hour the oil content reading is recorded.

(2) The oil content of the mixture is increased until the device required by § 162.050–29(c)(1) actuates. The oil content causing actuation is recorded.

(3) The bilge monitor is fed with an 80 p.p.m. mixture for one (1) hour. At one (1) hour the oil content reading is recorded.

(4) The oil content of the mixture is increased until the device required by § 162.050–29(c)(2) actuates. The oil content causing actuation is recorded.

(5) The steps described in paragraphs (j)(1) through (j)(4) of this section are repeated with the supply voltage to the bilge monitor lowered to ninety (90) percent of its design voltage.

(6) Upon completion of the steps described in paragraph (j)(5) of this section, the supply voltage to the monitor is returned to the design rating.

(7) The steps described in paragraphs (j)(1), (j)(2), (j)(3), and (j)(4) of this section are repeated varying each other power supply to the monitor in the manner prescribed in those steps for supply voltage.

(k) *Test No. 9BM.* (1) The steps described in paragraphs (c)(2) and (c)(3) of this section are repeated.

(2) An 80 p.p.m. mixture is fed to the bilge monitor for eight (8) hours. At eight (8) hours the oil content reading is recorded.

(3) The steps described in paragraphs (c)(2) and (c)(3) of this section are repeated.

(4) The monitor is fed with water until a steady reading is obtained and recorded.

(l) *Test No. 10BM.* (1) All power to the bilge monitor is shut off for one (1) week. After one week the monitor is started, zeroed, and calibrated.

(2) The monitor is fed with an 80 p.p.m. mixture for one (1) hour. The oil content reading is then recorded.

(3) The steps described in paragraphs (c)(2) and (c)(3) of this section are repeated.

(4) The monitor is fed with water for one (1) hour. The oil content reading is then recorded.

(5) The steps described in paragraphs (1)(2), (1)(3), and (1)(4) of this section are repeated three (3) additional times.

§ 162.050–33 Bilge alarm: design specification.

(a) This section contains requirements that apply to bilge alarms.

(b) Each bilge alarm must be designed to meet the requirements for a cargo monitor in §§ 162.050–25 (b) through (g) and 162.050–25(l) of this subpart and the requirements in this section.

(c) Each bilge alarm must have a device that produces a warning signal, and a signal that can be used to actuate stop valves in a vessel's fixed piping system, if—

(1) The oil content of the mixture being measured by the bilge alarm exceeds 15 p.p.m. ±5 p.p.m.; or

(2) Malfunction, breakdown, or other failure of the bilge alarm occurs.

§ 162.050–35 Bilge alarm: approval tests.

(a) This section contains requirements that apply to bilge alarms.

(b) *Test Conditions.* (1) Each test must be conducted under the conditions prescribed for cargo monitors in § 162.050–27 (b)(1) through (b)(5) and § 162.050–27(b)(7), (b)(8), and (b)(10) of this subpart.

(2) Each test must be performed using a light distillate fuel oil having a relative density of approximately 0.83 at 15° C.

(c) *Test No. 1A.* The bilge alarm is calibrated and zeroed. The metering and water pumps of the test rig are started and the oil content of the mixture is increased until the alarm actuates. The oil content of the mixture causing actuation of the alarm is recorded. The alarm is then fed with water for fifteen (15) minutes.

(d) *Test No. 2A.* (1) The metering and water pumps of the test rig are started and the oil content of the mixture is increased until the bilge alarm actuates. The oil content of the mixture causing actuation of the alarm is recorded.

(2) If the alarm has a positive displacement mixture pump, the mixture pressure is reduced to one-half (½) of the alarm's maximum design pressure. If the alarm has a centrifugal mixture pump or is not equipped with a mixture pump, the mixture flow rate is reduced to one-half (½) of the alarm's maximum design flow rate. After reduction of pressure or flow rate, the oil content in the mixture is increased until the alarm actuates. The oil content of the mixture causing actuation of the alarm is recorded.

(3) If the alarm has a positive displacement mixture pump, the influent pressure is increased to twice the alarm's maximum design pressure. If the alarm has a centrifugal mixture pump or if the alarm is not equipped with a mixture pump, the influent flow rate is increased to twice the alarm's maximum design flow rate. After increasing the pressure or flow rate, the oil content in the mixture is increased until the alarm actuates. The oil content of the mixture causing actuation is recorded.

(e) *Test No. 3A.* (1) The steps described in paragraph (d)(1) of this section are repeated.

(2) The metering and water pumps of the test rig are stopped for eight (8) hours.

(3) The metering and water pumps are started and the oil content of the mixture is increased until the bilge alarm actuates. The oil content of the mixture causing actuation is recorded.

(f) *Test No. 4A.* (1) The steps described in paragraph (d)(1) of this section are repeated.

(2) The supply voltage to the bilge alarm is raised to one hundred ten (110) percent of its design supply voltage. The oil content of the mixture is then increased until the alarm actuates. The oil content of the mixture causing actuation is recorded.

(3) The supply voltage to the alarm is lowered to ninety (90) percent of its design supply voltage. The oil content of the mixture is then increased until the alarm actuates. The oil content of the mixture causing actuation is recorded.

(4) Upon completion of the steps described in paragraph (f)(3) of this section, the supply voltage to the alarm is returned to its design value.

(5) The steps described in paragraphs (f)(2), (f)(3), and (f)(4) of this section are repeated varying each other power supply to the alarm in the manner prescribed in those steps for supply voltage.

(g) *Test No. 5A.* (1) The steps described in paragraph (d)(1) of this section are repeated.

(2) The bilge alarm is fed with a 5 p.p.m. mixture for eight (8) hours. After eight (8) hours the oil content of the mixture is then increased until the alarm actuates. The oil content of the mixture causing actuation is recorded.

(h) *Test No. 6A.* (1) All power to the bilge alarm is shut off for one (1) week. After one (1) week the alarm is then started, zeroed, and calibrated.

(2) The steps described in paragraph (d)(1) of this section are repeated. Water is then fed to the alarm for one (1) hour.

(3) The steps described in paragraph (h)(2) are repeated seven (7) additional times.

§ 162.050–37 Vibration test.

(a) Equipment submitted for Coast Guard approval must first be tested under the conditions prescribed in paragraph (b) of this section. The test must be performed at an independent laboratory that has the equipment to subject the item under test to the vibrating frequencies and amplitudes prescribed in paragraph (b) of this section. The test report submitted with the application for Coast Guard approval must be prepared by the laboratory and must contain the test results.

(b) Each bilge alarm and monitor and each control of a separator must be subjected to continuous sinusoidal vibration in each of the following directions for a 4 hour period in each direction:

(1) Vertically up and down.

(2) Horizontally from side to side.

(3) Horizontally from end to end.

The vibrating frequency must be 80Hz, except that the vibrating frequency of equipment that has a resonant frequency between 2Hz and 80Hz must be the resonant frequency. If the vibrating frequency is between 2Hz and 13.2Hz, the displacement amplitude must be ±1 mm.

VOL 42 NO 123 JUN 27 77 UM

If the vibrating frequency is between 13.2Hz and 80Hz, the acceleration amplitude must be ±.7g.

§ 162.050–39 Measurement of oil content.

(a) *Scope.* This section describes the method and apparatus to be used in measuring the oil content of a sample taken in approval testing of a separator. Light oil fractions in the sample, with the exception of volatile components lost during extractions, are included in each measurement.

(b) *Summary of method.* Each sample is acidified to a low pH and extracted with two volumes of carbon tetrachloride. The oil content of the sample is determined by comparison of the infrared absorbance of the sample extract against the absorbance of known concentrations of a reference oil in carbon tetrachloride.

(c) *Apparatus.* The following apparatus is used in each measurement:

(1) A separatory funnel of 1000 ml. volume that has a Teflon stopcock.

(2) An infrared spectrophotometer.

(3) A cell of 5 mm. pathlength that has sodium chloride or infrared grade quartz with a minimum of 80 percent transmittance at 2930 cm^{-1}. (This cell should be used if the oil content of the sample to be measured is expected to have a concentration of between 2 p.p.m. and 80 p.p.m.).

(4) A cell of pathlength longer than 5 mm. that has sodium chloride or infrared grade quartz with a minimum of 80 percent transmittance at 2930 cm^{-1}. (This cell should be used if the oil content of the sample to be measured is expected to have a concentration of between 0.1 p.p.m. and 2 p.p.m.).

(5) Filter paper that is medium grade and 12.5 cm. in diameter.

(6) 100 ml. volumetric flasks.

(d) *Storage of sample.* Unless a sample is to be measured on the day of collection, it is preserved by the addition of 5 ml. of hydrochloric acid.

(e) *Reagents.* The following reagents are used in each measurement:

(1) Hydrochloric acid prepared by mixing equal amounts of concentrated hydrochloric acid and distilled water.

(2) Reagent grade sodium chloride.

(3) Reagent grade carbon tetrachloride.

(4) Reference oil, which is a sample of the oil used in the portion of the test during which the sample is collected.

(5) Stock reference standard prepared by weighing 0.30 g. of reference oil in a tared 100 ml., volumetric flask and diluting to 100 ml. volume with carbon tetrachloride.

(f) *Preparation of calibration standards.* A series of dilutions are prepared by pipetting volumes of stock reference standard into 100 ml. volumetric flasks and diluting to volume with carbon tetrachloride. A convenient series of volumes of the stock reference standard is 5, 10, 15, 20, and 25 ml. The exact concentrations of the dilutions in milligrams of oil per 100 milliliters of diluted stock reference standard are calculated. The calibration standards are the dilutions.

(g) *Extraction.* (1) A reagent blank is carried through each step described in this paragraph and paragraph (h) of this section.

(2) If a sample was not acidified at time it was taken, 5 ml. of hydrochloric acid are added to the sample bottle. After mixing hydrochloric acid with the sample, the pH is checked by touching pH-sensitive paper to the bottle cap to ensure that the pH is 2 or lower. More acid is added if necessary until the pH is 2 or lower.

(3) The sample is poured into a separatory funnel and 5 g. of sodium chloride are added.

(4) Fifty (50) ml. of carbon tetrachloride are added to the sample bottle. The bottle is capped tightly and shaken thoroughly to rinse its inside. The contents of the bottle are then transferred to the separatory funnel containing the sample and extracted by shaking vigorously for 2 minutes. The layers are allowed to separate.

(5) The solvent layer is drained through a funnel containing carbon tetrachloride moistened filter paper into a 100 ml. volumetric flask.

(6) Fifty (50) ml. of carbon tetrachloride are added to the sample bottle. The bottle is capped tightly and shaken thoroughly to rinse its inside surface. The contents of the bottle are then transferred to the separtory funnel containing the water layer of the sample. The contents of the separatory funnel are then extracted by shaking vigorously for 2 minutes. The layers are allowed to separate. The solvent layer is then drained through a funnel containing carbon tetrachloride moistened filter paper into the volumetric flask containing the solvent layer of the sample.

(7) The tips of the separatory funnel, filter paper, and funnel are rinsed with small portions of carbon tetrachloride and the rinsings are collected in the volumetric flask containing the solvent layer of the sample. The volume is adjusted with carbon tetrachloride up to 100 ml. The flask is then stoppered and mixed well.

(8) The water layer remaining in the separtory funnel is drained into a 1000 ml. graduated cylinder and the water volume estimated to the nearest 5 ml.

(h) *Infrared spectroscopy.* (1) The infrared spectrophotometer is prepared according to manufacturer instructions.

(2) A cell is rinsed with two volumes of the solvent layer contained in the volumetric flask. The cell is then completely filled with the solvent layer. A matched cell containing carbon tetrachloride is placed in the reference beam.

(3) If a scanning spectrophotometer is used, the solvent layer in the cell and the calibration standards are scanned from 3200 cm^{-1} to 2700 cm^{-1}. If a single beam or non-scanning spectrophotometer is used, the manufacturer's instructions are followed and the absorbance is measured at or near 2930 cm^{-1}.

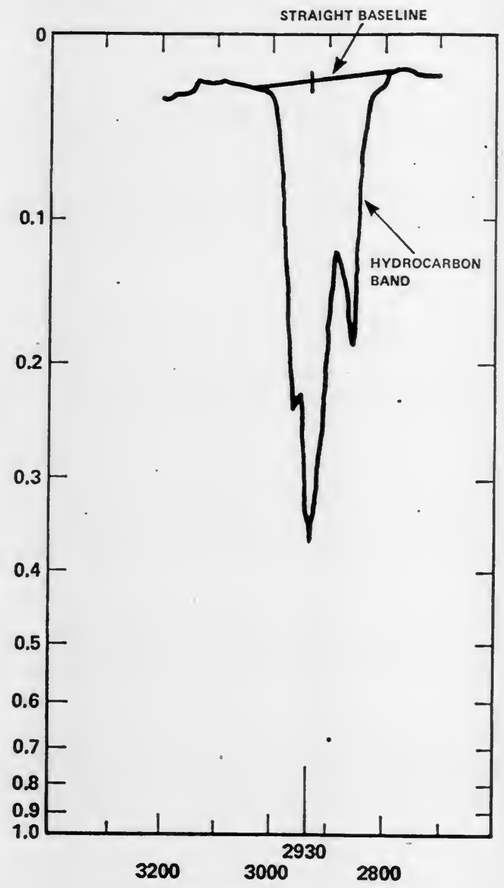
(4) If the scan is recorded on absorbance paper, a straight baseline of the type described in figure 162.050–39(h) is constructed. To obtain the net absorbance, the absorbance of the baseline at 2930 cm^{-1} is subtracted from the absorbance of the maximum peak on the curve at 2930 cm^{-1}.

(5) If the scan is recorded on transmittance paper, a straight baseline is constructed on the hydrocarbon band plotted on the paper. The net absorbance is:

$$\log_{10} \frac{\text{percent } T \text{ (baseline)}}{\text{percent } T \text{ (peak maximum)}}$$

(6) A plot is prepared for net absorbance vs. oil content of the calibration standards or of the percentages of stock reference standard contained in the calibration standards.

FIGURE 162.050—39(h) - SPECTRUM ILLUSTRATING BASELINE CONSTRUCTION



(7) If the net absorbence of a sample determined by the calibration plot exceeds 0.8 or the linear range of the spectrophotometer, a dilution of the solvent layer contained in the volumetric flask after completing the step described in paragraph (g) of the section is prepared by pipetting an appropriate volume of the solvent layer into a second volumetric flask and diluting to volume with carbon tetrachloride. If the net absorbance is less than 0.1 when determined in accordance with the procedures in this paragraph, it is recalculated using a longer pathlength cell.

(i) *Calculations.* (1) The plot described in paragraph (h)(6) of this section is used to determine the milligrams of oil in each 100 ml. of solvent layer contained in the volumetric flask after completing the steps described in paragraph (g) or paragraph (h)(7) of this section.

(2) The oil content of the sample is calculated using the following formula:

$$\text{oil content of sample} = \frac{R \times D \times 1{,}000}{V}$$

R = milligram of oil in 100 ml of solvent layer determined from plot.

D = 1 or, if the step described in paragraph (h)(7) of this section is performed, the ratio of the volume of the 2d volumetric flask described in that paragraph to the volume of solvent layer pipetted into the 2d volumetric flask.

V = The volume of water in milliliters drained into the graduated cylinder at the step described in paragraph (g)(8) of this section.

(3) The results are reported to two significant figures for oil contents below 100 mg/l and to three significant figures for oil contents above 100 mg/l.

NOTE: The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: June 17, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77–18089 Filed 6–24–77;8:45 am]

federal register

MONDAY, JUNE 27, 1977

PART IV



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

ELECTRICAL ENGINEERING

JUN 27 77
UM

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 32, 33, 35, 37, 72, 75, 77, 78, 79, 92, 94, 96, 97, 99, 100–139, 190, 192, 195, 196]

[CGD 74–125]

ELECTRICAL ENGINEERING

Revision of Subchapter J

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard is considering amendments to its Electrical Engineering regulations. The purpose of the proposed amendments is to clarify the Electrical Engineering regulations, bring them up-to-date, and delete unnecessary requirements. To accomplish this the proposal incorporates recommendations for electrical installations of the Inter-Governmental Maritime Consultative Organization's (IMCO) Resolution A.325 (IX) "Recommendation Concerning Regulations for Machinery and Electrical Installations in Passenger and Cargo Ships" adopted by the IMCO Assembly on November 12, 1975. Additionally, the proposal replaces many requirements by similar requirements of the National Electrical Code, the Institute of Electrical and Electronics Engineers Standard No. 45 "Recommended Practice for Electric Installations on Shipboard", and the American Bureau of Shipping "Rules for Building and Classing Steel Vessels". The proposal will bring the Electrical Engineering regulations up-to-date, clarify these regulations, and delete unnecessary requirements from the regulations. Additionally, the proposal would result in a fifty percent decrease in the volume of the Electrical Engineering regulations.

DATES: Comments must be received on or before August 11, 1977.

ADDRESSES: Comments should be submitted to Commandant (G–CMC/81) U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Each person submitting a comment should include his name and address, identify this notice (CGD 74–125) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. The proposal may be changed in light of comments received. All comments received will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Commander John W. Reiter, Project Manager for the Office of Merchant Marine Safety and Lieutenant William R. Kerivan, Project Counsel for the Office of Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The most significant proposed revisions are discussed below. Other revisions would also be made; these are incorporated in the proposed rules. The entire subchapter is contained in the notice to provide the reader with a complete picture of what the total subchapter would look like. Comments need not be limited to a proposed change; rather, comments are invited on any part of the subchapter.

Applicability dates and requirements for existing installations would be deleted throughout the subbchapter since the requirements in the proposed revised subchapter would apply only to installations after the effective date.

In the subparts listed below, references to National Electrical Code requirements would replace similar requirements in the existing regulations. The purpose of this proposal is to bring these requirements in line with the generally accepted safety provisions of the National Electrical Code. These proposed subparts are:

111.20	Transformer Construction, Installation, and Protection (existing §§ 111.20 and 111.75–3).
111.40	Panelboards.
111.50	Overcurrent Protection (existing § 111.50–1 through § 111.50–10).
111.53	Fuses (existing § 111.50–15(a)–(d)).
111.54	Circuit Breakers (existing § 111.50–15(e)).
111.55	Switches.
111.70	Motor Circuits, Motor Controllers, and Protection.
111.79	Receptacles (existing § 111.75–35).
111.89	Motion Pictures Projectors (existing § 111.80–30).
111.105	Hazardous Locations (existing § 111.80–5, § 111.80–8, § 111.85).

It is proposed to amend Parts 32, 33, 35, 37, 72, 75, 77, 78, 79, 92, 94, 96, 97, 99, 190, 192, 195, and 196 by deleting specific references to Subchapter J. Also, material that is contained both in these parts and in Subchapter J would be deleted from these parts. Each vessel subchapter would then simply contain a requirement that electrical installations meet Subchapter J. The purpose of this proposal is to avoid the possibility of future erroneous references and inconsistent regulations.

It is proposed to revise § 35.30–30 to prohibit the use of most portable electrical equipment in all hazardous locations, except under specified conditions. The purpose of this proposal is to prevent explosions on tank vessels.

Proposed Subpart 110.01—*Application* would replace Subparts 110.01, 110.05, and 110.25. Proposed new § 110.01–1 describes the scope of the proposed regulations. The proposed regulations would apply to electrical equipment and systems installed after the effective date of these proposed regulations (new installations). Electrical equipment and systems installed before that date (existing installations) would be required to meet the specifications in effect at the time of the installation. Repairs to existing installations would have to meet the specifications in effect on the date of the original installation or the specifications in effect on the date of the repair (proposed § 110.01–5).

Subpart 111.10—*Reference Specifications, Standards, and Codes* would be up-dated for current references and changes in addresses of referenced organizations.

It is proposed to change Subpart 110.15 by replacing technical definitions of electrical and electronics terms with a reference to the Institute of Electrical and Electronics Engineers' IEEE Standard Dictionary of Electrical and Electronics Terms (IEEE Standard No. 100) in order to be consistent with the definitions used in the electrical industry.

Proposed Subpart 110.25—*Plan Submittal* would replace § 111.05–5 and amend the requirements as follows:

a. The requirements for submission of drawings of switchboard front, rear, end, and section views, generators and propulsion motors, and motor starters would be deleted. Only one copy of isometric or deck wiring plans of power and lighting systems would be required to be submitted for information to the Officer in Charge, Marine Inspection. Technical review of the information on these plans is not necessary because the suitability of the items depicted on these plans can be adequately determined during vessel inspection.

b. The plans requiring technical review would be submitted to the appropriate field technical office. Present regulations permit submittal of these plans to the Commandant (G–MMT) or the Officer in Charge, Marine Inspection. In actual practice, the Commandant or the Officer in Charge, Marine Inspection forwards these plans to the appropriate field technical office for review. The proposed change in the regulations should reduce delays in plan approval.

c. The requirements of existing § 111.50–20(c) for submission of detailed short circut current calculations would be incorporated in this subpart. Additionally, to ensure coordination, an overcurrent protective device coordination study would be required when detailed short circuit current calculations are required.

d. Proposed § 110.25–1(j) would require that plans be submitted for technical review showing each item of electrical equipment that is in a hazardous location on a tank vessel or a mobile offshore drilling unit. This should ensure, at the earliest possible time, that the equipment in hazardous locations meets the requirements of the regulations for such equipment. This is necessary because of the long lead times associated with procurring such equipment.

e. Procedures for providing copies of approved plans to the American Bureau of Shipping would be added.

Section 111.50–10 concerning tests and inspections would be made a new Subpart 110.30 to make these requirements easier to read. As an aid to the inspector, reference to specific subparts would be added for each item to be inspected.

Inspection requirements for installations in hazardous locations, fire screen doors, watertight doors, boat winches, steering gear circuits, emergency fire pump circuits, and specified operation of motor controllers would be added in proposed 110.30–5.

Existing § 111.05–15(d) (proposed § 111.01–9) would be amended by permitting motors to be waterproof instead of watertight. This is proposed because waterproof motors provide an adequate level of safety since such motors have automatic drains to remove any water that may enter the motor housing.

Existing § 111.05–15(e) (proposed § 111.05–11) would be amended to prohibit the use of aluminum alloys with a copper content exceeding 0.4 percent for corrosion resistant parts since the corrosion resistance of these alloys in a marine atmosphere is poor. This proposal is consistent with the requirements of Underwriters' Laboratories, Inc. "Standard for Marine Lighting Fixtures".

The requirement in existing § 111.05–20(a) (proposed § 111.01–15) that the assumed ambient temperature for enginerooms and boiler rooms be 50° C would be delted. Experience has shown that 40° C is adequate for the majority of installations in these spaces.

Proposed Subpart 111.05 would be added to consolidate the requirements for grounding, ground detection, and grounded systems. The proposed subpart would also clarify several existing requirements. Additionally, the subpart would, in § 111.05–11, adopt the requirements of Regulation 23(d)(i) of IMCO Resolution A.325(IX) by limiting the use of grounded distribution systems on tank vessels.

Existing § 111.10–1—*Power requirements* would be amended by proposed Subpart 111.10 by:

a. Making the requirement that a vessel have at least two generating sets applicable to all self-propelled vessels because the ability of a vessel to operate with a single electrical malfunction is considered necessary for the safety of self-propelled vessel;

b. Deleting the alternative presently contained in paragraph (b)(2) that a smaller automatically started diesel generator may be substituted for a larger required steam turbogenerator, because this alternative does not comply with SOLAS 1960, SOLAS 1974, or IMCO Resolution A.325(IX);

c. Requiring the generating plant to have the capability to start the main propulsion plant from a dead ship condition to adopt the requirement of Regulation 19 of IMCO Resolution A.325(IX); and

d. Requiring that transformers be installed in duplicate to meet the requirement of Regulation 19 of IMCO Resolution A.325(IX).

Proposed § 111.12–1(b) would require that each diesel generator have an overspeed device. These devices were generally fitted on all generators in the past, but in recent years they have not been fitted on some generators. Overspeed devices should be fitted on all generators to prevent dangerous overspeeding of generator prime movers which may occur when a generator drops the load.

Proposed § 111.12–3 would provide that static exciters not be used for emergency generators. This is necessary to ensure emergency generator operation since an emergency generator may not have sufficient residual magnetism to activate a static exciter.

A new requirement that voltage regulator supply circuits must be taken from the generator side of the generator circuit breaker would be added in § 111.12–7(b). This is proposed to ensure that each generator is self-sustaining and not dependent on external sources to maintain operation.

The requirements for generator protection would be contained in §§ 111.12–11 and 111.12–13. The requirements have been rewritten for clarity and would be the same as those in existing Subpart 111.65 except:

a. It would be made clear that overcurrent protection is required for all generators; and

b. Proposed § 111.12–11(b) would require that the protection for ship's service generators on self-propelled vessels and all emergency generators be an open frame air circuit breaker, to prevent the use of molded case circuit breakers because they are not as reliable as open frame circuit breakers.

Section 111.15–1 now requires that a battery be constructed to prevent spillage at a 40° angle. The proposed amendment in § 111.15–2(b) would change that angle to 30° for consistency with similar requirements for other equipment.

A new § 111.15–30—*Battery Chargers* would require battery chargers to be dripproof and to meet Underwriters' Laboratories, Inc. Standard 1236. This section would make the Coast Guard battery charger requirements consistent with the generally accepted safety standards of Underwriters' Laboratories, Inc.

Section 111.25–5 would be amended to require motor markings in accordance with the National Electrical Code. The present regulations and the National Electrical Code requirements are very similar and there is no need for Coast Guard regulations to differ from the National Electrical Code.

Proposed § 111.30–1(e) would require the main switchboard to be in a machinery space that has a ship's service generator. The proposal is in conformance with IMCO Resolution A.325(IX).

Proposed § 111.30–1(d) would be added to require that each switchboard be protected by its location or by a shield from machinery and piping having steam or pressurized liquid. This proposed regulation was recommended by the National Transportation Safety Board following a recent marine casualty.

Existing § 111.30–1(e), requires switchboards with a voltage, between poles or to ground, greater than 55 volts, alternating-current or greater than 250 volts direct-current to be a dead front type. The substance of this requirement is proposed in § 111.30–7. The new section would require all switchboards to have a dead front because there is no reason to exclude lower voltage switchboards.

Proposed § 111.30–19(f) would require switchboard wire to be No. 18 AWG or larger. Existing regulations require that switchboard wire be No. 14 AWG or larger. The proposal to permit smaller sizes for switchboard wire would be consistent with wire sizes permitted for other vital equipment, such as steering control systems.

Proposed § 111.30–23 would add a new requirement for medium voltage switchboards, which are occasionally used on vessels. The proposed regulation would require switchboards having a root mean square (RMS) voltage of 1000 volts or more to meet ANSI C 37.25.

Proposed § 111.30–25(h) would add a new requirement that each self-propelled vessel that has a total capacity of the main generators greater than 3,000 kw must have the main bus subdivided into at least two parts connected by a sectionalizing device. This requirement would comply with IMCO Resolution A.325(IX).

A new Subpart 111.33—*Semiconductor Controlled Rectifiers (SCR)* would be added to prescribe safety requirements for these installations.

Subpart 111.50—*Overcurrent Protection* would be revised by including references to requirements for overcurrent protection of equipment in proposed § 111.50–1. Additionally, proposed § 111.50–3(b) would include a listing of circuits where general overcurrent protection requirements do not apply.

The requirement in existing § 111.50–1(d) that a branch switch or circuit breaker must open each conductor of the circuit, including grounded conductors, would be changed. Proposed § 111.50–3(g) would not require opening a grounded conductor. The existing regulation was intended to ensure that improper installation of overcurrent protective devices did not lead to an improperly protected ungrounded conductor. Proper quality control during installation will provide the necessary assurance.

Proposed Subpart 111.51—*Coordination of Overcurrent Protective Devices* would replace existing § 111.50–25 and would make it clear that selective operation of overcurrent protective devices is required only for vital equipment.

V 42 N 123 JUN 27 77 UM

Proposed Subpart 111.52—*Calculation of Short-Circuit Current* would clarify the information in existing § 111.50–20 (c).

Proposed Subpart 111.53—*Fuses* would contain, in § 111.53–3 (b), (c), and (d), the method for determining the adequacy of a current limiting fuse used for protecting equipment. This proposal is derived from basic electrical formulas and is made to prevent confusion that has occurred in the past.

Proposed Subpart 111.54–*Circuit Breakers* would up-date the required standards and would add the following new requirements:

a. Section 111.54–1(d)(1) would require that no circuit breaker be dependent upon mechanical cooling means to operate within its rating. This is proposed because these installations are not generally accepted in standards and are not as reliable as installations not requiring cooling.

b. Section 111.54–1(d)(2) would prohibit a circuit breaker from having a trip element that is set above the continuous current rating of the trip element or of the circuit breaker frame. This is proposed because, although it is good engineering practice, there have been occasions when it has not been followed.

A new Subpart 111.59—*Busways* would be added to recognize busway installations.

Subpart 111.60—*Wiring Materials and Methods* would be revised as follows:

a. By substituting reference to IEEE Standard No. 45 requirements for similar requirements in the regulations.

b. By incorporating a cable construction that contains National Electrical Code Type THWN conductors. This type cable has been used extensively and successfully in marine applications since 1970.

c. By deleting § 111.60–10 which requires that cables be of a certain minimum size. Subpart 111.50 requires that cable be protected against overcurrent. If a cable is of insufficient size to safely carry its connected load, the overurrent device will operate and protect the cable. It is the responsibility of the designer to provide cables of adequate size to handle the connected loads. No safety hazard would result from undersized cables because they would be discovered by the overcurrent devices tripping before a vessel began operating. Should such a condition exist, the cable and overcurrent device would require replacement in order for the vessel to operate.

Existing § 111.75–15(g)(3)(i) requires navigation light indicator panels on vessels of 1600 or more gross tons. This requirement would be § 111.75–17(b)(2), and would be amended to apply to all self-propelled vessels because the panels which show that navigation lights are out are as necessary on vessels that are smaller than 1600 gross tons as on those vessels that are of 1600 or more gross tons.

Section 111.75–15(g)(7), containing intensity standards and recommended lamp wattages for navigation lights, would become § 111.75–17(d). The requirement would be changed to meet the navigation light and intensity standards required by the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

Existing § 111.75–15(g)(6) containing requirements for light screens would become § 111.75–17(f). Light screens would be required to be painted with a matte black finish instead of the presently required glossy black finish to meet the Convention on International Regulations for Preventing Collisions at Sea, 1972.

Existing § 111.75–15(b)(2) is a signaling light requirement. This requirement would be renumbered as § 111.75–18 and would be amended to apply to all vessels to which the subchapter applies, including Great Lakes vessels and tank vessels, because the same safety considerations apply to all vessels. Section 33.50–1, which is a signaling light requirement for tank vessels, would be deleted.

Section 111.75–20(c) would delete the requirement for guards for lighting fixture globes made of high strength material. The use of high strength material makes the guards unnecessary.

Sections 111.75–25 *Appliance Circuits* and 111.80–65 *Electric Cooking Equipment and Motor Driven Commissary Equipment* would be deleted and replaced by a new Subpart 111.77—*Appliances and Appliance Circuits*. This proposed subpart would require that electric motor operated appliances, dishwashers, refrigerators, and refrigerated drinking water coolers meet Underwriters' Laboratories, Inc. standards. This amendment would update these requirements by adopting the safety provisions of the Underwriters' Laboratories standards.

A requirement for disconnect switches near receptacles for refrigerated containers would be added as § 111.79–15. This requirement is intended to ensure safe disconnection of a cable that is to be removed from a container.

Sections 111.80–5 *Wiring methods and materials for hazardous locations*, 111.–80–8 *Intrinsically safe systems*, 111.80–20 *Hospital operating rooms*, and 111.–80–25 *Locations where gasoline or other highly volatile motor fuel is carried in vehicles*, and Subpart 111.85—*Special Requirements for Tank Vessels*, would be combined in one new Subpart 111.105—*Hazardous Locations*.

The proposed changes in requirements in new Subpart 111.105 would make the regulations for installations in hazardous locations consistent with present practice.

Section 111.105–5 would require that electrical installations in hazardous locations meet Articles 500 through 503 of the National Electrical Code, with certain exceptions indicated. These exceptions are necessitated by the nature of shipboard installations and are currently contained in existing § 111.80–5.

Section 111.105–7 would require that, where the National Electrical Code requires approved equipment, the equipment be listed by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corporation for the hazardous location in which it is, except purged and pressurized equipment that meets NFPA No. 496. Laboratory testing of purged and pressurized equipment is unnecessary because the Coast Guard can determine if that equipment meets the NFPA standard by plan review or inspection.

Section 111.105–11 would require that intrinsically safe equipment be listed by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp. and that cables for this equipment be shielded or separated by 2 in. (50mm) or more from other electric cables. Existing § 111.80–5(f)(2) requires the separation of these cables from other cables so that the intrinsically safe circuit is not compromised. The proposed regulation would state how to do this.

Existing § 111.80–5 has general requirements for hazardous locations. The Coast Guard has had to interpret these requirements for certain locations on vessels when these general requirements are not specific enough for practical application. The following proposed sections would establish specific requirements for those locations so that interpretation would be unnecessary:

a. Section 111.105–23 would contain requirements for electric motors for fans that ventilate hazardous locations.

b. Section 111.105–27 would allow belt drives in hazardous locations if a conductive belt is used and components are grounded to meet NFPA Recommend Practice No. 77.

c. Section 111.105–31 would apply the requirements for tank vessels carrying flammable cargo to vessels carrying liquid sulphur, ammonia, and inorganic acids.

d. Section 111.105–31(g)(1) would require that lenses for cargo handling room through-bulkhead lighting fixtures be wire inserted glass that is at least 0.25 in. (6.35 mm) thick to meet the recommendation for "A Class" pumproom boundaries of IMCO Resolution A.271 (VIII).

e. Section 111.105–33 would contain specific requirements for mobile offshore drilling units.

f. Section 111.105–35 would contain specific requirements for vessels that carry coal.

A new Subpart 111.85—*Electric Oil Immersion Heaters* would be added in this proposal. The purpose of this proposed subpart is to codify existing Coast Guard policy and to present uniform safety requirements for the installation of electric oil immersion heaters.

Existing § 111.80–70 *Electric steering gear* would be revised for clarity and would become Subpart 111.93—*Electric Steering Gear*. The following proposed amendments to the steering gear requirements would be made to incorporate the provisions of IMCO Resolution A.325 (IX) in the regulations:

a. Proposed § 111.93–5(c) would require that each ocean, Great Lakes, and coastwise vessel that has more than one steering power system have a feeder circuit from the emergency switchboard to one steering power system.

b. Proposed § 111.93–7(b) would require that each steering control system be capable of being operated from the pilothouse.

c. Proposed § 111.93–11(a) would require that a pilot light for each steering gear motor be in the pilothouse. Existing § 111.80–70(f)(1) requires such lights only at the propulsion control station.

d. Proposed § 111.93–11(b) would require that an alarm to indicate the opening of a steering gear feeder circuit breaker be in the pilothouse and at the main machinery control station. Existing § 111.80–70(f)(2) requires an alarm only at the propulsion control station.

e. Proposed § 111.93–9(c) would require motor overload alarms in the pilothouse and at the main machinery control station. Existing § 111.80–70(c)(2) requires motor overload alarms only at the propulsion control station.

f. Proposed § 111.93–11(c) would add the requirement that failure of any phase of a three phase supply be indicated by an audible and visual alarm in the pilothouse.

Existing § 111.80–55 would be redesignated Subpart 111.95—*Electric Power-Operated Boat Winches*. The application in existing § 111.80–55(a), proposed § 111.95–1, would be expanded from lifeboat winches to all boat winches. This proposal is made because the hazards are the same for all boat winches. Additionally, the last sentence of existing §111.80–55(e)(2), proposed §111.95–7(b), would be revised to clarify the position of the main line emergency switch, and existing § 111.80–55(f) and § 111.80–55(g), concerning approval and inspection of lifeboat winches, would be deleted since the provisions of existing § 111.05–10, proposed Subpart 110.30, are adequate.

Section 111.97–5(b) would require power supplies for watertight door systems be capable of operating all the doors simultaneously. At present, § 111.80–45(c)(2) permits sequential operation. This is proposed to comply with Regulation 13 (1)(ii) of Chapter II of SOLAS 1960 and SOLAS 1974.

A new Subpart 111.03—*Remote Stopping Systems* would be added. This subpart would incorporate the present regulations in §§ 111.80–10 and 111.80–13 for remote stopping requirments for ventilation systems and certain machinery. In addition, § 111.103–9 would clarify that the requlations apply to blowers for inert gas systems.

A new Subpart 111.107—*Mobile Offshore Drilling Unit Industrial Systems* would be added. A system used only for the industrial function of the unit and meeting the National Electrical Code would not be required to meet Subchapter J except for equipment standards, plan review, general considerations, grounding, and hazardous location requirements.

The following amendments concerning emergency systems are proposed to incorporate the provisions of Regulations 20, 21, and 22 of IMCO Resolution A.325 (IX) in the Coast Guard Electrical Engineering regulations:

a. Section 112.05–1(b) would be amended to state that no loads may be supplied from the emergency source except the loads required by Part 112 and a bus-tie to the main switchboard.

b. A new § 112.05–3—*Main-emergency bus-tie* would be added to describe how such a bus-tie must function.

c. Section 112.05–5(a) would be amended to state that the emergency source must have a capacity to supply all loads, except loads on a bus-tie to the main switchboard, that can be simultaneously connected to it.

d. Table 112.05–5(a) would be amended to require each ocean, Great Lakes, and coastwise vessel to have an automatic emergency source of power with an 18 hour period of operation. The present requirement permits a manually operated emergency source and requires only a 12 hour period of operation.

e. Section 112.05–5(d) would be amended to require that the emergency source be located above the uppermost continuous deck. The present requirement states that the emergency source must be above the bulkhead deck or freeboard deck, whichever is higher, on a passenger vessel, and above the freeboard deck or uppermost continuous deck, whichever is higher, on a cargo vessel.

f. Section 112.05–5(e) would be amended to require that the space containing the emergency source of power not adjoin a Category A machinery space.

g. Section 112.05–5(g) would be amended to require that the emergency switchboard not be in the same space as a battery emergency source.

h. Section 112.15–1(a) would be amended to require all navigation lights to be supplied from the emergency source of power. The present requirement is that only the navigation light indicator panel be supplied from the emergency source.

i. Section 112.15–1 would be amended in proposed paragraphs (m), (n), and (o) to require that daylight signaling lights, smoke detector systems, and ship's whistles be supplied from the temporary source of emergency power. The present regulations in § 112.15–5 (h) and (i) require only that daylight signaling lights and smoke detector systems be powered from the final source of emergency power and only recommend, in § 112.15–5(p), that electric whistle control be powered from the final emergency source of emergency power.

k. Section 112.15–5 would be amended to require each elevator in a passenger vessel, the rudder angle indicator, the radio, radio direction finder, loran, radar, gyro compass, depth sounder, and on an ocean, Great Lakes or coastwise vessel, a steering gear motor be supplied from the emergency source of power.

l. A new § 112.50–7 would be added with requirements for compressed air starting systems for emergency generators. Proposed § 112.05–5(f), would permit such systems.

Table 112.05–5(a), covering requirements for emergency sources of electrical power, would be amended to include Great Lakes vessels. This would codify in the regulations what has generally been required for these vessels.

Table 112.05–5(a) would be amended and § 112.15–1(p) would add requirements for emergency power supplies on a nuclear vessel. Similar requirements are contained in §§ 37.05–1(b), 79.05–1(b), and 99.05–1(b). The proposed requirements would better define these existing requirements. It is therefore proposed to delete §§ 37.05–1(b), 79.05–1(b), and 99.05–1(b).

Table 112.05–5(a) would be amended and § 112.05–15 would be deleted to remove requirements for passenger vessels of less than 100 gross tons that are not on international voyages. The requirements for emergency electrical installations for such vessels are contained in Part 184 of this chapter.

The requirements for vessels other than nuclear and passenger vessels above 300 gross tons on voyage that are not ocean, Great Lakes, or coastwise voyages would be amended to reduce the required period of operation of the emergency source from the present 12 hours to 8 hours. This would be consistent with the requirements for passenger vessels on similar routes.

Sections 112.05–5(c) and 112.50–1 would be amended to require the emergency installation on a vessel carrying liquefied gas cargo to be functional when the vessel is inclined 30 degrees. This would bring this requirement into agreement with the IMCO Gas Carrier Code.

Section 112.05–5(b) would be amended to require that stop controls for emergency generators be only in the space containing the emergency generator. This is proposed to elaborate on the existing requirement that the emergency source be independent of the vessel's ship's service lighting and power plant and propulsion plant.

Section 112.05–5(f) would be amended to require that emergency circuits in engineerooms and boiler rooms not supply equipment in other spaces. This would amplify the intent of the present section.

A new requirement for a lube oil pump to be supplied from the emergency source of power would be added in proposed § 112.15–5(g).

The requirement would be that a lube oil pump for propulsion turbines and ship's service generator turbines that require external lubricating means be supplied by the emergency source of power. This would prevent damage to the turbines in case of failure of the main source of electrical power.

A new § 112.15–5(p) would be added to require a blow-out preventer system on a mobile offshore drilling unit to be supplied by the emergency source of power. This requirement is proposed because this system is a vital system on a mobile offshore drilling unit.

Section 113.25–5(b) would add the requirement that a tank vessel have an additional contact maker for the general alarm system. The contact maker would be at the location of the operator for the

JUN 27 77
UM

emergency means of stopping cargo transfer that is required by 33 CFR 155.780. The purpose of this proposed requirement is that in the event of a major spill, overflow, flash, or fire while loading or discharging cargo there would be a contact maker rapidly accessible to the person in charge.

Section 113.25–10(a)(3)(iii) would be replaced by proposed § 113.25–6(e)(3), requiring a temporary emergency source that is used for the general alarm system power supply to have the same capacity to power the general alarm system as other permitted sources. This would make the capacity of this source consistent with the capacity of other permitted sources.

Section 113.25–10(c)(2) would be replaced by § 113.25–9(b) to make it clear where general alarm bells are required.

Section 113.25–10(d) would be replaced by § 113.25–10 to clarify the requirements for flashing red lights in general alarm systems. Additionally, the emergency power source would be permitted to power flashing red lights in the main machinery space. This is proposed because lights necessary in many modern vessel machinery spaces require a higher voltage than that of the general alarm power supply and the lights are only needed when machinery in the space is operating, at which time the emergency switchboard is receiving power.

A new § 113.25–11(g) would be added requiring that general alarm contact makers be approved by the Commandant, which is present practice. Section 113.25–15(d)(3) would be replaced by § 113.25–15(c) and would require that general alarm distribution panels be approved by the Commandant, which is also present practice.

A new Subpart 113.27—*Engineers' Alarms* is proposed to implement Regulation 16 of IMCO Resolution A.325(IX) requiring an engineers' alarm.

Section 113.30–5(f) would be revised to require communication at fire detecting cabinets in addition to smoke detecting cabinets. This would bring the requirement into agreement with Regulation 61(a) of SOLAS 1960 and Regulation 13(i) of SOLAS 1974.

Subpart 113.35—*Engine Order Telegraph Systems* would be revised by deleting engine gong systems and mechanical engine order telegraph systems and the sections in the subpart would be renumbered. This is proposed because these systems are no longer installed on modern vessels. Subpart 113.35 would also be revised throughout to permit the use of pushbutton engine order telegraph instruments in engine rooms.

In § 113.35–7(a) an exception would be added for vessels with pilothouse throttle control, permitting telegraph instruments that are not in the weather to be dripproof rather than watertight due to lesser risks from loss of the telegraph than on other vessels.

The requirement in § 113.35–55 that a passenger vessel of 20,000 gross tons or over that has an electric engine order telegraph system also have a standby system would be deleted. This is proposed because the communication capability required by § 113.30–5 provides an adequate standby means to transmit engine orders in the case of failure of the telegraph system.

A new requirement for a positive mechanical stop on engine order telegraph instruments that prevents movement to the "Pilothouse Control" position without positive action of the operator would be added in proposed § 113.35–11. This is proposed as a result of a casualty where the operator intended to order "Full Astern" but placed the telegraph in the "Pilothouse Control" position.

A new requirement for approval by the Commandant of engine order telegraph instruments would be added in § 113.35–13. This is present practice.

Existing § 113.45–5(a), concerning refrigerated spaces alarm systems, would be revised by changing the applicability from ships to all vessels since the hazard is the same for a ship or a barge.

Table 113.50–15 and § 113.50–15(d) would be amended by adding the required sound level for emergency loudspeaker systems in accommodation and service spaces. Failure to include the sound level was an oversight when Subpart 113.50 was amended to include these spaces on December 20, 1967.

The following table listing old section numbers and the corresponding section numbers of similar items in the proposal is published as an aid to interested persons:

DERIVATIVE REFERENCE TABLE

Old section No.	*New section No.*
110.01–1—110.01–10	Deleted.
110.05–1—110.05–5	110.01–1—110.01–5.
110.10–1—110.10–5	110.10–1.
110.15–1—110.15–195	110.15–1.
110.20–1	Same.
110.25–1—110.25–5	Deleted.
111.01–1—111.01–5	Do.
111.05–1	Do.
111.05–5	110.25–1—110.25–7.
111.05–10	110.30–1—110.30–7.
111.05–15 (a)–(e), (g).	111.01–1—111.01–13.
111.05–15(f)	111.05–3—111.05–9.
111.05–20	111.01–15.
111.05–25	111.01–17.
111.05–30	Deleted.
111.10–1	111.10–1—111.10–11.
111.10–5—111.10–40	111.12–1—111.12–7.
111.15–1 (a)–(b)	111.15–1.
111.15–1(c)	111.15–3.
111.15–1(d)	111.15–5 (f).
111.15–5	111.15–5 (a)–(c).
111.15–6	111.15–5 (d)–(e).
111.15–10	Same.
111.15–15	111.15–5 (g)–(h).
111.15–20	Same.
111.15–25	Do.
111.20–1—111.20–5	Do.
111.25–1—111.25–5	Do.
111.25–10	111.25–1.
111.25–15	Same.
111.25–20—111.25–30(b).	111.25–1.
111.25–30(c)	111.01–9.
111.25–30(d)	111.01–3.
111.25–30(e)	111.105–5.
111.25–35	111.70–1.
111.30–1(a)	111.30–5(a)(3).
111.30–1(b)	111.30–1—111.30–3.
111.30–1(c)	111.30–9.
111.30–1(d)	111.30–5.
111.30–1(e)	111.30–7.
111.30–1 (f)–(g)	Deleted.
111.30–1(h)	111.30–15.
111.30–1(i)	111.30–17.
111.30–1(j)	111.30–13.
111.30–5	111.30–19.
111.30–10 (a)	111.30–21.
111.30–10 (b) and (c)	Deleted.
111.30–15(a)	Do.
111.30–15(b)	111.30–27.
111.30–15(c)	111.30–25.
111.30–20	111.30–29.
111.30–30	111.30–31.
111.35–1—111.35–5	111.35–1.
111.40–1(a)	111.40–7.
111.40–1(b)	111.40–5.
111.40–1(c)	111.40–9.
111.40–1(d)	111.40–13.
111.40–1(e)	Deleted.
111.40–1 (f) and (g)	111.40–1.
111.40–1(h)	111.40–11.
111.50–1	111.50–3.
111.50–5	Same.
111.50–10 (a) and (b)	111.50–7.
111.50–10 (c) and (d)	111.50–9.
111.50–15 (a)–(d)	111.53–1—111.53–3.
111.50–15(e)	111.54–1.
111.50–20(a)	111.53–1(b) and 111.54–1(a)(3).
111.50–20(b)	111.53–3.
111.50–20(c)	110.25–1(a)(6) and 111.52–1—111.52–3.
111.50–25	111.51–1—111.51–3.
111.55–1—111.55–5	111.55–1—111.55–9.
111.60–1 (a)–(c)	111.60–1—111.60–3.
111.60–1(d)—111.60–1(n).	111.60–5—111.60–7.
111.60–5	111.60–11—111.60–13.
111.60–10	Deleted.
111.60–15	111.60–7.
111.60–20	111.60–7.
111.60–25 (a)–(e)	111.60–7.
111.60–25(f)	111.05–11.
111.60–25(g)	111.20–10.
111.60–25(h)	111.60–15.
111.60–25(i)	Deleted.
111.60–25(m)	111.60–17.
111.60–25(n)	111.60–7.
111.60–25(o)	111.60–9.
111.60–30	111.05–11.
111.60–35	111.05–9.
111.60–40	111.60–19.
111.65–1	111.12–11.
111.65–5—111.65–10	111.05–17.
111.65–15	111.12–13.
111.70–1 — 111.70–20 (h).	111.70–1.
111.70–20 (i)–(q)	111.70–3.
111.70–25	111.70–3(d).
111.70–30	111.70–1.
111.70–35	111.70–5.
111.70–40	111.70–7.
111.75–1	Same.
111.75–3	111.20–15.
111.75–5	Same.
111.75–10	Deleted.
111.75–15 (a)–(d)	111.75–15 (a)–(e).
111.75–15(e)	111.76–16.
111.75–15(f)	Same.
111.75–15(g)	111.75–17.
111.75–15(h)	111.75–18.
111.75–20	Same.
111.75–25	111.77–1.
111.75–30	111.79–1—111.79–13.
111.75–35	111.81–1—111.81–13.
111.80–5	111.105–1—111.105–27.
111.80–8	111.105–11.
111.80–10—111.80–13	111.103–1—111.103–9.
111.80–15	111.83–1—111.83–5.
111.80–20	111.105–37.
111.80–25	111.105–39.
111.80–30	111.89–1.
111.80–35	111.91–1.
111.80–40	111.101–1—111.101–3.
111.80–45	111.95–1—111.95–7.
111.80–50	111.99–1—111.99–5.
111.80–55	111.95–1—111.95–7.
111.80–60	111.87–1—111.87–3.
111.80–65	111.77–3—111.77–11.
111.80–70	111.93–1—111.93–11.
111.85–1—111.85–5	Deleted.
111.85–10	111.105–29—111.105–31.
111.85–90	110.01–3.
111.90–1—111.90–25	110.01–3.
112.01–1	Deleted.
112.05–1—112.05–5	Same.
112.05–10	112.07–1—112.07–15.
112.05–15	Deleted.
112.10–1—112.10–20	Same.
112.15–1—112.15–10	Do.
112.15–15	112.10–5.
112.20–1—112.20–15	Same.
112.25–1—112.25–10	Do.
112.30–1—112.30–10	Do.
112.35–1—112.35–5	112.35–3—112.35–5.
112.40–1	112.40–1.
112.45–1—112.45–5	112.445–1—112.45–5.
112.50–1	112.50–1—112.50–7.
112.51–1	112.50–1—112.50–7.
112.55–1	111.15–2.
112.55–5—112.55–15	Same.
112.90–1—112.90–10	110.01–3.
113.01–1—113.05–1	Deleted.
113.05–5	Same.
113.05–10	111.60–11.
113.10–1	Deleted.
113.10–5(a)	113.10–1.
113.10–5(b)	111.60–1.
113.10–5 (c)–(e)	113.10–3—113.10–7.
113.10–5(f)	111.01–9.
113.10–90	110.01–3.
113.15–1	Deleted.
113.15–5(a)	113.15–1.
113.15–5(b)	111.60–1.
113.15–5 (c)–(d)	113.15–3—113.15–7.
113.15–5(f)	111.01–9.
113.15–90	110.01–3.
113.20–1	Deleted.
113.20–5 (a) and (b)	113.20–1.
113.20–5(c)	111.60–1.
113.20–5(d)	113.20–3.
113.20–90	110.01–3.
113.25–1	Same.
113.25–5	Do.
113.25–10(a)(1)–(3)	113.25–6.
113.25–10(a)(4)–(5)	113.25–7.
113.25–10(b)	113.25–8.
113.25–10(c)	113.25–9.
113.25–10(d)	113.25–10.
113.25–15(a)	113.25–6(f).
113.25–15(b)	113.25–11.
113.25–15(c)(1) and (2).	113.25–12 (a) and (b).
113.25–15(c)(3)	113.25–13.
113.25–15(d)(1)	111.60–1.
113.25–15(d)(2)	113.25–14.
113.25–15(d)(3)	113.25–15.
113.25–15(d)(4) and (5).	113.25–16.
113.25–20—113.25–30	Same.
113.25–90	110.01–3.
113.30–1—113.30–10	Same.
113.30–15	113.30–10(b).
113.30–20—113.30–25	Same.
113.30–90	110.01–3.
113.35–1—113.35–5	113.35–3.
113.35–10—113.35–35	Deleted.
113.35–40—113.35–50	113.35–5—113.35–9.
113.35–55—113.35–90	110.01–3.
113.40–1—113.40–10	Same.
113.40–90	110.01–3.
113.45–1	Deleted.
113.45–5	Same.
113.45–90	110.01–3.
113.50–1—113.50–5	Same.
113.50–10	112.15–1(j).
113.50–15—113.50–20	Same.
113.50–25(a)	111.60–1.
113.50–25(b)	113.50–25.
113.50–30	110.30–3(n).
113.50–35	78.16–1(a).
113.50–90	110.01–3.
113.65–1	Deleted.
113.65–5	Same.
113.65–90	110.01–3.
113.70–1	Deleted.
113.70–5(a)	Same.
113.70–5(b)	111.60–1.
113.70–5(c)	113.70–5(b).
113.70–10	112.15–1(n).
113.70–90	110.01–3.

In consideration of the foregoing it is proposed to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

§ 32.15 [Amended]

1. By deleting the last sentence in § 32.15–5(b).

§§ 32.15–20—32.15–25 [Amended]; §§ 32.25–1, 32.25–5 and 32.25–10 (Subpart 32.25) [Revoked]; §§ 32.30–1, 32.30–5 and 32.30–10 (Subpart 32.30) [Revoked]

2. By revoking § 32.15–20(b) and § 32.15–25(b), and Subparts 32.25, and 32.30.

§ 32.40–1 [Amended]

3. By deleting the last sentence in § 32.40–1(d)(4).

4. By revising § 32.45–1 to read as follows:

Subpart 32.45—Electrical Installations

§ 32.45–1 Installation and details.

The installation of all systems of an electrical engineering or interior communications nature, together with the details of design, construction, and installation, must meet the requirements of Subchapter J (Electrical Engineering) of this chapter.

PART 33—LIFESAVING EQUIPMENT

§ 33.20 [Amended]; § 33.50–1 (Subpart 33.50) [Revoked]

5. By revoking § 33.20–1(c)(3) and Subpart 33.50.

PART 35—OPERATIONS

§ 35.10–15 [Amended]

6. By revoking § 35.10–15(c).

7. By revising § 35.30–30 to read as follows:

§ 35.30–30 Portable electric equipment.

Portable electric equipment must not be used in a hazardous location described in Subpart 111.105 of this subchapter, except—

(a) Self-contained, battery-fed lamps and intrinsically safe equipment approved by Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corporation for use in a Class I, Division I location and for the electrical group of the cargo; and—

(b) Any electrical equipment, if—

(1) The hazardous locations is—

(i) Enclosed; and

(ii) gas-free;

(2) The adjacent compartments are—

(i) Gas-free;

(ii) Inerted;

(iii) Filled with water;

(iv) Filled with Grade E liquid; or

(v) Spaces where flammable gases are not expected to accumulate; and—

(3) Each compartment where flammable gas is expected to accumulate is—

(i) Closed; and

(ii) Secured.

§§ 35.40–1, 35.40–5 and 35.40–6 [Revoked]

8. By revoking § 35.40–1, § 35.40–5, and § 35.40–6.

PART 37—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR NUCLEAR VESSELS

§ 37.05–1 [Amended]

9. By revoking § 37.05–1(b).

PART 72—CONSTRUCTION AND ARRANGEMENT

§ 72.20–45 [Amended]

10. By revoking § 72.20–45(b).

PART 75—LIFESAVING EQUIPMENT

§ 75.30–15 [Amended]

11. By deleting the last sentence in § 75.30–15(a).

§§ 75.50–10 and 75.50–15 [Revoked]

12. By revoking § 75.50–10 and § 75.50–15.

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

§ 77.05–1 (Subpart 77.05) [Revoked]

13. By revoking Subpart 77.05.

PART 78—OPERATIONS

§§ 78.47–5, 78.47–7, 78.47–33 and 78.47–40. [Revoked]

14. By revoking § 78.47–5, § 78.47–7, § 78.47–33, and § 78.47–40.

15. By adding a new Subpart 78.16 to read as follows:

Subpart 78.16—Emergency Loudspeaker Systems

§ 78.16–1 Operation.

The emergency loudspeaker system must—

(a) Be used at the discretion of the master;

(b) Function entirely independent of any public address or music distribution system; and

(c) Not be used for entertainment purposes.

PART 79—SPECIAL CONSTRUCTION, ARRANGEMENTS, AND OTHER PROVISIONS FOR NUCLEAR VESSELS

§ 79.05–1 [Amended]

16. By revoking § 79.05–1(b).

JUN 27 1977 UM

PART 92—CONSTRUCTION AND ARRANGEMENT

§ 92.20–45 [Amended]

17. By revoking § 92.20–45(b).

PART 94—LIFESAVING EQUIPMENT

§ 94.30–15 [Amended]

18. By deleting the last sentence in § 94.30–15(a).

§§ 94.50–10 and 94.50–15 [Revoked]

19. By revoking § 94.50–10 and §94.50–15.

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

§ 96.05–1 (Subpart 96.05) [Revoked]

20. By revoking Subpart 96.05.

PART 97—OPERATIONS

§§ 97.37–5, 97–37–7, and 97.37–25 [Revoked]

21. By revoking § 97.37–5, § 97–37–7, and § 97.37–25.

PART 99—SPECIAL CONSTRUCTION, ARRANGEMENTS, AND OTHER PROVISIONS FOR NUCLEAR VESSELS

§ 99.05–1 [Amended]

22. By deleting the last sentence in § 99.05–1(b).

SUBCHAPER J—ELECTRICAL ENGINEERING

23. By revising the entire subchapter to read as follows:

PART 110—GENERAL PROVISIONS

Subpart 110.01—Applicability

Sec.
110.01–1 Applicability.
110.01–3 Electric equipment and systems installed before [the effective date of these regulations].
110.01–5 Repairs to new and existing installations.

Subpart 110.10—Reference Specifications, Standards, and Codes

110.10–1 General.

Subpart 110.15—Terms Used in This Subchapter

110.15–1 Definitions.

Subpart 110.20—Equivalents

110.20–1 Conditions under which equivalents may be used.

Subpart 110.25—Plan Submittal

110.25–1 Plans and information for field technical offices.
110.25–3 Procedure for submitting plans to technical offices.
110.25–5 Number of plans required for technical offices.
110.25–7 Plans and information for the Officer in Charge, Marine Inspection.

Subpart 110.30—Testing and Inspection

110.30–1 General.
110.30–3 Initial inspection.
110.30–5 Inspection for certification.
110.30–7 Repairs or alterations.

AUTHORITY: 46 U.S.C. 170, 367, 369, 375, 390(b), 391(a), 392, 408, 416, 445, 489, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 110.01—Applicability

§ 110.01–1 Applicability.

This subchapter applies to electric equipment and systems—

(a) on each vessel required by Subchapter D, H, I, II, O, or U of this chapter to meet this subchapter; and

(b) installed on the vessel after (the effective date of these regulations) (new installations) except repairs meeting § 110.01–5.

§ 110.01–3 Electric equipment and systems installed before (the effective date of these regulations).

Electric equipment and systems installed before (the effective date of these regulations) (existing installations) on a vessel required by Subchapter D, H, I, II, O, or U of this chapter to meet this subchapter must meet this subchapter's requirements in effect on the date of installation.

§ 110.01–5 Repairs to new and existing installations.

(a) Repairs to new installations must meet this subchapter.

(b) Repairs to existing installations must meet this subchapter's requirements in effect on the date—

(1) Of the original installation; or

(2) The repair is made.

Subpart 110.10—Reference Specifications, Standards, and Codes

§ 110.10–1 General.

(a) Each specification, standard, and code listed in paragraph (b) is incorporated by reference to the extent stated in the affected section in this subchapter. The specification, standard, or code incorporated is the one in effect on the date the electric equipment or system is—

(1) Contracted for by the parties to be bound; or

(2) If there is no contract, installed.

(b) The following are incorporated by reference:

(1) Rules for Building and Classing Steel Vessels, issued by the American Bureau of Shipping, 45 Broad Street, New York, N.Y. 10004.

(2) The following publications issued by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Mass. 02110:

(i) The National Electrical Code (NFPA 70).

(ii) Standard for the Use of Inhalation Anesthetics (NFPA 56A).

(iii) Standard for Purged and Pressurized Enclosures for Electrical Equipment in Hazardous Locations (NFPA 496).

(iv) Recommended Practice for Static Electricity (NFPA 77).

(3) The following publications issued by the National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017:

(i) IPCEA–NEMA Standards Publication Rubber-insulated Wire and Cable for the Transmission and Distribution of Electrical Energy (NEMA WC 3).

(ii) IPEA–NEMA Standards Publication Ethylene Propylene Rubber-insulated Wire and Cable for the Transmission and Distribution of Electrical Energy (NEMA WC 8).

(4) The following publications issued by the Institute of Electrical and Electronics Engineers. Inc., 345 East 47th Street, New York, N.Y. 10017:

(i) Recommended Practice for Electric Installations on Shipboard (IEEE Standard No.45).

(ii) IEEE Standard Dictionary of Electrical & Electronics Terms (IEEE Standard No. 100).

(5) The following standards issued by Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago Illinois 60011:

(i) Standard for General Use Snap Switches (UL 20).

(ii) Standard for Rubber-Insulated Wires and Cables (UL 44).

(iii) Standard for Electrical Cabinets and Boxes (UL 50).

(iv) Standard for Flexible Cord and Fixture Wire (UL 62).

(v) Standard for Electric Panelboards (UL 67).

(vi) Standard for Electrical Motor Operated Appliances (UL 73).

(vii) Standard for Thermoplastic-Insulated Wires (UL 83).

(viii) Standard for Enclosed Switches (UL 98).

(ix) Standard for Elevator Door Locking Devices and Contacts (UL 104).

(x) Standard for Commercial Electric Cooking Appliances (UL 197).

(xi) Standard for Fuses (UL 198).

(xii) Standard for Class H Fuses (UL 198B).

(xiii) Standard for Plug Fuses (UL 198F).

(xiv) Standard for High-Interrupting-Capacity Fuses, Current Limiting Type (UL 198.2).

(xv) Standard for High-Interrupting Capacity Fuses, Class K (UL 198.3).

(xvi) Standard for Class R Fuses (UL 198.4).

(xvii) Standard for Household Refrigerators and Freezers (UL 250).

(xviii) Standard for Automotive Glass Tube Fuses (UL 275B).

(xix) Standard for High Voltage Industrial Control Equipment (UL 347).

(xx) Standard for Knife Switches (UL 363).

(xxi) Standard for Refrigerated Drinking Water Coolers (UL 399).

(xxii) Standard for Commercial Refrigerators (UL 471).

(xxiii) Standard for Electric Wire Connectors and Soldering Lugs (UL 486).

(xxiv) Standard for Molded Case Circuit Breakers and Circuit Breaker Enclosures (UL 489).

(xxv) Standard for Special Fuses for Radio and Television Receiving Appliances and Other Electronic Equipment (UL 492.7).

(xxvi) Standard for Electrical Attachment Plugs and Receptacles (UL 498).

(xxvii) Standard for Electric Industrial Control Equipment (UL 508).

(xxviii) [Reserved].

(xxix) Standard for Electrical Outlet Boxes and Fittings (UL 514).

(xxx) Standard for Marine Type Electric Lighting Fixtures (UL 595).

(xxxi) Standard for Electric Motors and Generators for Use in Hazardous Locations, Class II, Groups F and G (UL 674A).

(xxxii) Standard for Electric Motors and Generators for Use in Hazardous Locations, Class I, Groups C and D (UL 674B).

(xxxiii) Standard for Industrial Control Equipment for Use in Hazardous Locations, Class I, Groups A, B, C, and D, and Class II, Groups E, F, and G (UL 698).

(xxxiv) Standard for Household Electric Dishwashers (UL 749).

(xxxv) Standard for Electric Heaters for Use in Hazardous Locations, Class I, Groups A, B, C, and D and Class II, Groups E, F, and G (UL 823).

(xxxvi) Standard for Electric Lighting Fixtures for Use in Hazardous Locations (UL 844).

(xxxvii) Standard for Electric Motor Control Centers (UL 845).

(xxxviii) Standard for Busways and Associated Fittings (UL 857).

(xxxix) Standard for Circuit Breakers and Circuit Breaker Enclosures for Use in Hazardous Locations, Class I, Groups A, B, C, and D, and Class II, Groups E, F, and G (UL 877).

(xl) Standard for Electrical Outlet Boxes and Fittings for Use in Hazardous Locations, Class I, Groups A, B, C, and D and Class II, Groups E, F, and G (UL 886).

(xli) Standard for Switches for Use in Hazardous Locations, Class I, Groups, A, B, C, and D, and Class II, Groups E, F, and G (UL 894).

(xlii) Standard for Intrinsically Safe Electrical Circuits and Equipment for Use in Hazardous Locations (UL 913).

(xliii) Standard for Commercial Electric Dishwashers (UL 921).

(xliv) Standard for Emergency Lighting Equipment (UL 924).

(xlv) Standard for Electrically Operated Valves for Use in Hazardous Locations, Class I, Groups A, B, C, and D, and Class II, Groups E, F, and G (UL 1002).

(xlvi) Standard for Electric Receptacle—Plug Combinations for Use in Hazardous Locations (UL 1010).

(xlvii) Standard for Electric Air Heaters (UL 1025).

(xlviii) Standard for Electric Baseboard Heating Equipment (UL 1042).

(xlix) Standard for Special-Use Switches (UL 1054).

(l) Standard for Electric Central Air Heating Equipment (UL 1096).

(li) Standard for Electric Battery Chargers (UL 1236).

(6) The following specifications and guides issued by the Commander, Naval Ship Engineering Center, Department of the Navy, Washington, D.C. 20362.

(i) Military Specifications, Wire, Electrical (MIL–W–16878).

(ii) Military Specification, Wire and Cable, Hook-up, Electrical, Insulated (MIL–W–76).

(iii) Military Specification, Cable and Cord, Electrical, for Shipboard Use (MIL–C–95).

(iv) Cable Comparison Guide (NAVSEA 0981–052–8090).

(7) American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks (ANSI A17.1), issued by the American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.

(8) Standard for Power Switchgear (ANSI C37), issued by the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

(9) Standard Specification for Nylon Injection Molding and Extrusion Materials (ASTM D 789), issued by the American Society for Testing and Materials, 1916 Race Street, Philadelphia. Pa. 19103.

Subpart 110.15—Terms Used in This Subchapter

§ 110.15–1 Definitions.

For the purpose of this subchapter:

(a) Electrical and electronic terms are used as defined in the "IEEE Standard Dictionary of Electrical & Electronics Terms" (IEEE Standard No. 100), issued by the Institute of Electrical and Electronics Engineers.

(b) In addition to the definitions in paragraph (a) of this section:

(1) "Boat deck" means a deck on which lifeboats are stowed.

(2) "Coastwise" means in the waters of any ocean or the Gulf of Mexico that are 20 nautical miles or less offshore.

(3) "Commandant" means the Commandant of the Coast Guard.

(4) "Corrosion-resistant finish" means one of the following treatments:

(i) Electroplated of cadmium, chromium, nickel, silver, or zinc.

(ii) Sherardized.

(iii) Galvanized.

(iv) An enameled finish over a zinc chromate primer that is over a surface that has been cleaned and degreased.

(5) "Corrosion-resistant material" and "noncorrodible material" mean silver, corrosion-resistant steel, copper, brass, bronze, copper-nickel, corrosion-resistant nickel alloys, corrosion-resistant aluminum alloys, or fiberglass reinforced plastics.

(6) "Corrosive location" means a location exposed to the weather on vessels operating in salt water.

(7) "Damp or wet location" means—

(i) A location exposed to the weather;

(ii) A machinery space;

(iii) A cargo space;

(iv) A refrigerated space;

(v) A galley;

(vi) A laundry;

(vii) A public washroom or toilet room that has a bath or shower;

(viii) An area directly inside of an access door to a weather deck if the access door is not protected against entrance of rain or spray by an overhanging deck or by other means; or

(ix) Other spaces with similar humidity.

(8) "Dripproof" means enclosed equipment so constructed or protected that falling drops of liquid or solid particles striking the enclosure at any angle from 0 to 15 degrees downward from the vertical do not interfere with the operation of the equipment.

NOTE.—A NEMA Type 1 enclosure with dripshield or a NEMA Type 2 enclosure meets this definition.

(9) "Dry location" means—

(i) An accommodation space;

(ii) A pantry;

(iii) A passageway adjacent to quarters;

(iv) A public washroom or toilet room that does not have a bath or shower;

(v) A radio room;

(vi) A gyro room;

(vii) A chart room; or

(viii) A control room on a mobile offshore drilling unit.

(10) "Embarkation deck" means a deck from which persons embark into lifeboats or are assembled before embarking into lifeboats.

(11) "Emergency squad" means the crew designated on the station bill as the nucleous of a damage control party.

(12) "Flashpoint" means the temperature at which a liquid gives off a flammable vapor when heated in a closed cup tester.

(13) "Great Lakes vessel" means a vessel that navigates exclusively on the Great Lakes.

(14) "Marine inspector" and "inspector" mean any person from the civilian or military branch of the Coast Guard assigned under an Officer in Charge, Marine Inspection, or any other person as may be designated for the duties of inspection, enforcement, and administration of R.S. 52, as amended and rules and regulations under its authority.

(15) "Nonsparking fan" means a fan that cannot produce sparks that ignite a flammable mixture and includes—

(i) Blades or housing of nonmetallic construction;

(ii) Blades and housing of nonferrous material;

(iii) Blades and housing of corrosion-resistant steel;

(iv) Ferrous blades and housing with one-half inch or more design tip clearance; or

(v) Blades of aluminum or magnesium alloy and a ferrous housing with a nonferrous insert ring at the periphery of the impeller.

NOTE: Any combination of an aluminum alloy or a magnesium alloy component and a ferrous component is considered by the Coast Guard to be a sparking hazard regardless of the material that is used as the fixed or rotating component.

(16) "Ocean vessel" means a vessel that navigates the waters of any ocean or the Gulf of Mexico more than 20 nautical miles offshore.

(17) "Qualified person" means a person who by his special knowledge, ability, and experience can competently

JUN 27 1977 UM

and safely perform required functions and duties.

(18) "Waterproof machine" means a totally enclosed machine so constructed that a stream of water from a hose not less than 1 inch in diameter under a head of 35 feet and from a distance of about 10 feet can be played on the machine from any direction for a period of not less than 5 minutes without leakage, except leakage that occurs around the shaft may be considered permissible, provided it is prevented from entering the oil reservoir and provision is made for automatically draining the machine.

(19) "Watertight" means enclosed so that equipment does not leak when tested at any angle with a stream of water from a hose with a one inch nozzle that delivers at least 65 gallons per minute from a distance of 10 feet for 5 minutes.

NOTE: NEMA Types 4 and 4X meet this definition.

Subpart 110.20—Equivalents

§ 110.20–1 Conditions under which equivalents may be used.

Where in this subchapter a fitting, material, apparatus, or equipment must be in a vessel, a provision must be made, or an arrangement must be adopted, the Commandant may accept in substitution any other fitting, material, apparatus, or equipment or any other provision or arrangement if he is satisfied that the fitting, material, apparatus, or equipment, or the provision or arrangement is at least as effective as that required and provides the degree of safety consistent with the requirements of this subchapter.

Subpart 110.25—Plan Submittal

§ 110.25–1 Plans and information for field technical offices.

The following must be submitted for Coast Guard review to a field technical office listed in § 110.25–3:

(a) Elementary one-line wiring diagram of the power system, supported, if necessary, by cable lists, panelboard summaries, and other information including:

(1) Type and size of generators;

(2) Type and size of generator cables, bus-tie cables, feeders, and branch circuit cables;

(3) Power, lighting, and interior communication panel boards with number of circuits and rating of energy consuming devices;

(4) Type and capacity of storage batteries;

(5) Rating of circuit breakers and switches, interrupting capacity of circuit breakers, and rating or setting of overcurrent devices; and

(6) Detailed computations of short circuit currents and studies of overcurrent protective device coordination for each system with an aggregate generating capacity of more than 750 kilowatts.

(b) Electric plant load analysis including connected loads and computed operating loads for each condition of operation.

(c) Elementary and isometric or deck wiring plans, including symbol lists, and manufacturer's name and identification of each item of electric equipment, of each—

(1) Steering gear circuit and steering motor controller;

(2) General alarm system;

(3) Sound powered telephone system;

(4) Power operated boat winch;

(5) Fire detecting and alarm system;

(6) Smoke detecting system;

(7) Alarm for a carbon dioxide extinguishing system;

(8) Electric watertight door system;

(9) Fire screen door holding system;

(10) Emergency loudspeaker system;

(11) Manual alarm system; and

(12) Supervised patrol system.

Each isometric and deck wiring plan must show the location of each cable splice.

(d) Switchboard wiring diagram.

(e) Switchboard material and nameplate list.

(f) Elementary wiring diagram of metering and automatic switchgear.

(g) Description of operation of propulsion control and bus transfer switchgear.

(h) Schematic or logic diagrams for automated or centrally controlled propulsion or auxiliary machinery.

(i) The operating maintenance and instruction manuals for automated or centrally controlled propulsion or auxiliary machinery systems that include operational test procedures for verifying the operation of the required safety devices and systems.

(j) For tank vessels and mobile offshore drilling units, plans showing the location of each item of electric equipment that is in a hazardous location under Subpart 111.105 of this subchapter, including symbol lists, and manufacturer's name and identification.

§ 110.25–3 Procedure for submitting plans to technical offices.

Plans must be submitted to one of the following field technical offices:

(a) Commander, 3rd Coast Guard District (mmt), Governor's Island, New York, N.Y. 10004, for the 1st and 3rd Coast Guard Districts.

(b) Commander, 5th Coast Guard District (mmt), Federal Building, 431 Crawford St., Portsmouth, Va. 23705, for the 5th Coast Guard District.

(c) Commander, 8th Coast Guard District (mmt), Room 1130, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, for the 2nd, 7th and 8th Coast Guard Districts.

(d) Commander, 9th Coast Guard District (mmt), Federal Office Building, 1240 East 9th Street, Cleveland, Ohio 44199, for the 9th Coast Guard District.

(e) Commander, 12th Coast Guard District (mmt), 630 Sansome Street, San Francisco, Calif. 94126, for the 11th, 12th, 13th, 14th, and 17th Coast Guard Districts.

§ 110.25–5 Number of plans required for technical offices.

(a) Three copies of each plan are required so that one can be returned to the submitter. If the submitter desires additional copies of approved plans, he should submit enough for the required distribution.

(b) If an applicant for plan review of a vessel that is classed by the American Bureau of Shipping (ABS) desires the Coast Guard to forward caples of approved plans to ABS, he must request in writing, with a copy to ABS, that the Coast Guard technical office that reviews the plans send copies of the approved plans to ABS and he must submit:

(1) 6 copies of each plan; or

(2) If the equipment is built at a place other than that of the shipbuilder, 7 copies of each plan.

§ 110.25–7 Plans and information for the Officer in Charge, Marine Inspection.

One copy of the following must be submitted for information to the Officer in Charge, Marine Inspection of the Marine Inspection Zone in which the vessel is to be built:

(a) Isometric or deck wiring plans of power systems and lighting systems, including symbol lists with manufacturer's name and identification of each item of electric equipment and showing:

(1) Locations of cables;

(2) Cable sizes and types;

(3) Location of each item of electric equipment; and

(4) Locations of cable spices.

(b) Plans and instructions for each intrinsically safe system approved by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corporation.

Subpart 110.30—Testing and Inspection

§ 110.30–1 General.

(a) The general requirements for inspection of vessels are in Parts 31, 71, 91, 107, 151, and 188 of this chapter. This section supplements the general requirements in other parts of this chapter.

(b) In the inspection of electric equipment and installations, the rules of the American Bureau of Shipping for materials and construction, and the certificate of classification that refers to them, except as otherwise provided by this subchapter, are accepted as standard.

(c) This subpart must not be construed to imply that shop tests or factory inspections of electric apparatus or equipment of the types conducted by the American Bureau of Shipping are conducted by the Coast Guard. Shop tests of electric apparatus or equipment are conducted by the Coast Guard only when required by this chapter or when requested, either by the manufacturer, shipbuilder, owner or the Coast Guard, and agreed to by all.

§ 110.30–3 Initial inspection.

(a) *Scope.* The initial inspection, which may be a series of inspections during the construction of the vessel, includes a complete inspection of the electric installation and electric equipment or apparatus. The inspection is to determine that the arrangement, materials, and their installations meet this chapter and the approved plans. The inspection also is to determine that the workmanship of all equipment and apparatus and the installation is satisfactory.

(b) *Inspections required.* The inspections described in this section are intended as suggestions to the marine inspector. It is not the intent of this section to require, for any particular vessel, any test that, in the opinion of the Officer in Charge, Marine Inspection, is unnecessary.

(c) *Electric cable.* Electric cable should be checked during installation for size and type as shown on the approved plans. The adequacy of cable supports should be checked, and it should be ascertained that no cable is near a pipe or other hot object and that the cables have not been damaged during the installation due to excessive pulling force having been applied, or due to sharp bends or sharp or rough edges of cable supports or bulkhead penetrations, or similar abrasions. Cable penetrations required to be watertight should be checked for proper packing of the terminal or stuffing tubes, including provisions for future takeup of gland units. (See Subpart 11.60 of this subchapter.)

(d) *Generators.* Generators should be checked for general condition, both electrical and mechanical, voltage regulation, parallel operation, operation of safety devices such as reverse-current or reverse-power trips, overcurrent trips, overspeed trips, low oil pressure trips, and similar devices. (See Subpart 111.12 of this subchapter.)

(e) *Rotating electric machinery.* Rotating electric machinery should be checked to ensure that rotating and uninsulated electric parts are adequately shielded from accidental contact by personnel.

(f) *Switchboards.* Switchboards should be checked for handrails, guard-rails, working spaces, insulating floor covering, drip covers, and enclosures for backs and ends. Switchboard mounted apparatus should be checked for identifying nameplates. Circuit nameplates should be compared with rating or setting of the overcurrent devices and with the approved plans. The accessibility of items requiring maintenance or adjustment should be checked. Meters should be checked for proper calibration. The operation of automatic switchgear and mechanical interlocks should be observed. (See Subpart 11.30 of this subchapter.)

(g) *Motor starters.* Motor starters should be checked to ensure proper starting of the motor under service conditions and to assure that there are properly rated motor running overcurrent protective devices. Enclosures should be checked to assure they are dripproof or watertight and that required door positioners are installed. Motor running overcurrent protective devices must not be set greater than allowed by Part C of Article 430 of the National Electrical Code, except for steering gear motors (see § 111.93–9(c) of this subchapter. A fixed heat resistant wiring diagram for each motor starter must be on the inside of its enclosure door. Each motor starter not disconnected from all sources of potential when the disconnect switch is opened, due to electrical interlocked circuits necessary for proper operation of the apparatus or for other valid reasons, should be checked to ensure that attention is directed to these conditions by a warning sign. (See Subpart 111.70 of this subchapter).

(h) *Disconnect switches.* The presence and location of disconnect switches required for motor starters, fuses, etc., should be checked. When a switch or circuit breaker or a switchboard or distribution panel is intended to serve as a motor and controller disconnect switch, it should be determined that the applicable requirements of the regulations in this subchapter have been met. (See Subparts 111.55 and 111.70 of this subchapter.)

(i) *Accessibility.* The accessibility of electric apparatus for inspection and maintenance should be observed. The accessibility of junction boxes and similar apparatus in way of paneling should be noted during construction of a vessel. Hinged doors of motor starters and similar apparatus should be checked for interference with adjacent structural parts or apparatus.

(j) *Panelboards.* The rating or setting of the overcurrent devices should be compared with the values given on the circuit directory and with the approved plans. The accuracy of the directory description of loads served by each circuit should be checked. (See Subpart 111.40 of this subchapter.)

(k) *Grounding.* It should be determined that metal enclosures for electric equipment are grounded, either by the method of mounting or by ground leads. Portable equipment should be checked for grounding through the grounding conductor of the supply cable. (See Subpart 111.05 of this subchapter).

(l) *Emergency lighting and exit lights.* The adequacy of emergency lights and exit lights should be checked at night with all general lighting turned off.

(m) *General alarm system.* The general alarm system should be checked with a sound level meter, the sound level of the bells being measured in each stateroom with doors closed. Where the background noise level is questionable, the sound level should be measured while the vessel is underway. For the required sound levels, see § 113.25–9(a) of this subchapter.

(n) *Emergency loudspeaker system.* The emergency loudspeaker system should be checked with a sound level meter, the sound level being measured at several locations in the vicinity of each lifeboat handling station, each lifeboat embarkation station, each passenger assembly station, and throughout crew quarters. Where the background noise level is questionable, the sound level should be measured while the vessel is underway. For the required sound levels, see Table 113.50–15 of this subchapter. It should be demonstrated that voice reproduction is highly intelligible. It should be demonstrated that grounding or opening either conductor or shorting both conductors to a typical lifeboat station loudspeaker or to a typical embarkation deck loudspeaker, each to be selected by an inspector, will not reduce the output of any one of the remaining loudspeakers by more than three decibels.

(o) *Fire detecting systems.* Fire detecting systems should be checked for compliance with the applicable regulations in this chapter and for conformance with the approved plans. Power supply circuits and thermostat circuits should be checked for supervision.

(p) *Communication systems.* All communciation systems should be checked for performance and for compliance with the regulations in this chapter.

(q) *Insulation resistance.* All electric power and lighting cable and equipment should be checked for proper insulation resistance to ground and between conductors. (See Section 46 of IEEE Standard No. 45)

(r) *Automated machinery.* All propulsion and auxillary machinery control and safety systems for an automated or centralized control machinery system should be checked for material condition, operation and set point.

(s) *Electric installations in hazardous locations.* Electric equipment and wiring in hazardous locations should be checked for compliance with Subpart 111.105 of this subchapter. Intrinsically safe systems should be checked to assure they are installed in accordance with the plans and instructions approved by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corporation.

(t) *Fire screen doors.* Fire screen door releases should be checked for compliance with Subpart 111.99 of this subchapter.

(u) *Watertight doors.* Power operated watertight doors should be checked for compliance with Subpart 111.97 of this subchapter.

(v) *Electric power operated boat winches.* Controllers and limit switches on electric power operated boat winches should be checked for compliance with Subpart 111.95 of this subchapter.

(w) *Steering gear circuits.* Steering gear circuits should be checked to see that they are separated to meet §§ 111-93–5(d) and 111.93–7(d) of this supchapter. Steering gear motor controllers should be checked to see that they are in the steering gear room. (See Subpart 111.93 of this subchapter.)

(x) *Emergency fire pump circuits.* Circuits for the emergency firepump should be checked to see that they do not pass through the engineroom or boiler room. (See § 112.05–5(f) of this subchapter).

(y) *Low voltage release.* It should be determined that motor controllers required to have low voltage release by § 111.70–3(f) of this subchapter have low voltage release and motor controllers prohibited from having low voltage release have low voltage protection. All motors should be run simultaneously and then all generators tripped off the line. One generator should be placed back on the line and it should not trip because of the oncoming load. Motor controllers requiring low voltage release

V 42 N 123 JUN 27 77 UM

should start their motors automatically. Motor controllers prohibited from having low voltage release should not start their motors automatically.

§ 110.30–5 Inspection for certification.

(a) *General.* The inspection of electric installations at the annual or biennial inspection incident to reissuance of a certificate of inspection includes an inspection of all item listed in § 110.30–3 to determine mechanical and electrical condition and performance. Particular note should be made of circuits added or modified after the initial inspection.

(b) *Fire detecting system.* Fire detecting thermostats should be tested at regular intervals (at least 25 percent of those installed tested annually) to detect any change in operating characteristics. A portable hand light with an open and sheet metal shield, such as a No. 3 fruit can, replacing the usual guard and globe, usually serves as a source of heat to operate the thermostat without damage to paint work or to the thermostat itself. Any thermostat requiring a time to operate significantly different from the average when covered with the heating device should be suspected of being defective and forwarded to Commandant (G–MMT–2) for further testing.

§ 110.30–7 Repairs or alterations.

A general or partial inspection, depending upon circumstances, should be made whenever any important repairs or alterations are undertaken.

PART 111—ELECTRIC SYSTEM—GENERAL REQUIREMENTS

Subpart 111.01—General Considerations

Sec.
111.01–1 General.
111.01–3 Placement of equipment.
111.01–5 Protection from bilge water.
111.01–7 Accessibility.
111.01–9 Watertight and waterproof equipment.
111.01–11 Corrosion-resistant parts.
111.01–13 Limitations on porcelain use.
111.01–15 Temperature ratings.
111.01–17 Nature of electric supply.

Subpart 111.05—Grounding, Ground Detection, and Grounded Systems

111.05–1 Purpose.

EQUIPMENT GROUNDING

111.05–3 Design, construction, and installation; general.
111.05–5 Equipment.
111.05–7 Armored and metallic sheathed cable.
111.05–9 Masts.

SYSTEM GROUNDING

111.05–11 Hull return.
111.05–13 Grounding connection.
111.05–15 Neutral grounding.
111.05–17 Generation system grounding.
111.05–19 Tank vessels; grounded distribution systems.

GROUND DETECTION

111.05–21 Ground detection.
111.05–23 Location of ground indicators.
111.05–25 Ungrounded systems.
111.05–27 Grounded neutral alternating-current systems.

GROUNDED CONDUCTORS

111.05–29 Dual voltage direct-current systems.
111.05–31 Grounding conductors for systems.
111.05–33 Equipment grounding conductors.
111.05–35 Color coding of conductors.
111.05–37 Overcurrent device.
111.05–39 Switch and circuit breaker.

Subpart 111.10—Power Supply

111.10–1 Two generating sets.
111.10–3 Power requirements; generating sets.
111.10–5 Multiple energy sources.
111.10–7 Dead ship.
111.10–9 Two transformers.
111.10–11 Power requirements; transformers.

Subpart 111.12—Generator Construction and Circuits

111.12–1 Prime movers.
111.12–3 Excitation.
111.12–5 Generator construction and testing.
111.12–7 Voltage regulation and parallel operation.
111.12–9 Generator cables.
111.12–11 Generator protection.
111.12–13 Propulsion generator protection.

Subpart 111.15—Storage Batteries and Battery Chargers, Construction, and Installation

111.15–1 General.
111.15–2 Battery construction.
111.15–3 Battery categories.
111.15–5 Battery installation.
111.15–10 Ventilation.
111.15–20 Conductors.
111.15–25 Overload and reverse current protection.
111.15–30 Battery chargers; construction and installation.

Subpart 111.20—Transformer Construction, Installation, and Protection

111.20–1 General requirements.
111.20–5 Temperature rise.
111.20–10 Autotransformers.
111.20–15 Transformer overcurrent and short-circuit protection.

Subpart 111.25—Motors

111.25–1 General requirements.
111.25–5 Marking.
111.25–15 Duty cycle.

Subpart 111.30—Switchboards

111.30–1 Location and installation.
111.30–3 Switchboards without rear access.
111.30–5 Construction.
111.30–7 Dead front type.
111.30–9 Mechanical protection.
111.30–11 Mats or gratings.
111.30–13 Grounding.
111.30–15 Nameplates.
111.30–17 Protection of instrument circuits.
111.30–19 Buses and wiring.
111.30–21 High temperature devices.
111.30–23 Medium voltage switchboards.
111.30–25 Alternating-current ship's service switchboards.
111.30–27 Direct-current ship's service switchboards.
111.30–29 Emergency switchboards.
111.30–31 Tests.

Subpart 111.33—Semiconductor Controlled Rectifiers (SCR)

111.33–1 Switchboard requirements.
111.33–3 Heat sink and ventilation.
111.33–5 Ventilation exhaust.
111.33–7 Ventilation alarm.
111.33–9 Temperature alarm.
111.33–11 Propulsion systems.

Subpart 111.35—Electric Propulsion

111.35–1 Electric propulsion installations.

Subpart 111.40—Panelboards

111.40–1 Panelboard; National Electrical Code.
111.40–3 Grounding.
111.40–5 Enclosure.
111.40–7 Location.
111.40–9 Locking device.
111.40–11 Numbered switching unit and panelboard directory.
111.40–13 Panelboard standard.

Subpart 111.50—Overcurrent Protection

111.50–1 Protection of equipment.
111.50–3 Protection of conductors.
111.50–5 Location of overcurrent protective devices.
111.50–7 Enclosures.
111.50–9 Disconnecting and guarding.

Subpart 111.51—Coordination of Overcurrent Protective Devices

111.51–1 Purpose.
111.51–3 Protection of vital equipment.

Subpart 111.52—Calculation of Short-Circuit Currents

111.52–1 General.
111.52–3 Systems below 750 kilowatts.

Subpart 111.53—Fuses

111.53–1 General.
111.53–3 Current-limiting fuses.

Subpart 111.54—Circuit Breakers

111.54–1 Circuit breakers.

Subpart 111.55—Switches

111.55–1 General.
111.55–3 Circuit connections.
111.55–5 Knife switches.
111.55–7 Snap switches.
111.55–9 Enclosed switches.

Subpart 111.59—Busways

111.59–1 General.
111.59–3 No mechanical cooling.
111.59–5 Copper.

Subpart 111.60—Wiring Materials and Methods

111.60–1 Cable construction and testing.
111.60–3 Type N cable.
111.60–5 Cable application.
111.60–7 Cable installations.
111.60–9 Segregation of vital circuits.
111.60–11 Wire.
111.60–13 Portable electric cord and cables.
111.60–15 Color coding of conductors.
111.60–17 Connections to terminals.
111.60–19 Splices.

Subpart 111.70—Motor Circuits, Controllers, and Protection

111.70–1 General.
111.70–3 Motor controllers and motor control centers.
111.70–5 Heater circuits.
111.70–7 Remote control, interlock, and indicator circuits.

Subpart 111.75—Lighting Circuits and Protection

111.75–1 Lighting feeders.
111.75–5 Lighting branch circuits.
111.75–15 Lighting requirements.
111.75–16 Lifeboat and liferaft floodlights.
111.75–17 Navigation lights.
111.75–18 Signaling lights.
111.75–20 Lighting fixtures.

Subpart 111.77—Appliances and Appliance Circuits

111.77–1 Overcurrent protection.
111.77–3 Electric cooking equipment.
111.77–5 Electric motor-operated appliances.
111.77–7 Dishwashers.
111.77–9 Refrigerators.

Sec.
111.77–11 Refrigerated drinking water coolers.

Subpart 111.79—Receptacles

111.79–1 Receptacle outlets; general.
111.79–3 Grounding pole.
111.79–5 Damp or wet locations and weather locations.
111.79–7 No live parts.
111.79–9 Transmitting power between receptacles.
111.79–11 Lifeboat receptacles.
111.79–13 Different potentials on a vessel.
111.79–15 Receptacles for refrigerated containers.

Subpart 111.81—Outlet Boxes and Junction Boxes

111.81–1 Outlet boxes and junction boxes; general.
111.81–3 Cables entering boxes.
111.81–5 National Electrical Code.
111.81–7 Degree of enclosure.
111.81–9 Mounting.
111.81–11 Penetration of walls.
111.81–13 Construction.

Subpart 111.83—Shore Connection Boxes

111.83–1 General.
111.83–3 Spacing; live parts and live parts and ground.
111.83–5 Bottom entrance and protected enclosures.

Subpart 111.85—Electric Oil Immersion Heaters

111.85–1 Electric oil immersion heaters.

Subpart 111.87—Electric Air Heating Equipment

111.87–1 Applicability.
111.87–3 General requirements.

Subpart 111.89—Motion Picture Projectors

111.89–1 Motion picture projectors.

Subpart 111.91—Elevators and Dumbwaiters

111.91–1 Control and interlock circuits.
111.91–3 Control switches.

Subpart 111.93—Steering Systems

111.93–1 Applicability.
111.93–3 Definitions.
111.93–5 Feeder circuits.
111.93–7 Steering control systems.
111.93–9 Overcurrent protection for steering systems.
111.93–11 Indicating and alarm systems for steering installations.

Subpart 111.95—Electric Power-Operated Boat Winches

111.95–1 Applicability.
111.95–3 General requirements.
111.95–5 Detail construction requirements.
111.95–7 Wiring of boat winch components.

Subpart 111.97—Electric Power-Operated Watertight Door Systems

111.97–1 Applicability.
111.97–3 General requirements.
111.97–5 Electric and hydraulic power supply.
111.97–7 Distribution.
111.97–9 Overcurrent protection.

Subpart 111.99—Firescreen Door Holding and Release Systems

111.99–1 Applicability.
111.99–3 Definitions.
111.99–5 General.

Subpart 111.101—Submersible Motor-Driven Bilge Pumps

111.101–1 Applicability.
111.101–3 General requirements.

Subpart 111.103—Remote Stopping Systems

111.103–1 Power ventilation systems except machinery space and cargo hold ventilation systems.
111.103–3 Machinery space ventilation.
111.103–5 Cargo hold ventilation.
111.103–7 Ventilation stop stations.
111.103–9 Machinery stop stations.

Subpart 111.105—Hazardous Locations

111.105–1 Applicability.
111.105–5 National Electrical Code.
111.105–7 Approved equipment.
111.105–9 Explosionproof equipment.
111.105–11 Intrinsically safe systems.
111.105–15 Class I wiring methods.
111.105–17 Class II and III wiring methods.
111.105–19 Switches.
111.105–21 Fans.
111.105–23 Fan motors.
111.105–25 Ventilation ducts.
111.105–27 Belt drives.
111.105–29 Combustible liquid cargo carriers.
111.105–31 Flammable cargo, combustible cargo with a flash point below 60° (140°F), liquid sulphur, ammonia, and inorganic acid carriers.
111.105–33 Mobile offshore drilling units.
111.105–35 Vessels carrying coal.
111.105–37 Flammable anesthetics.
111.105–39 Gasoline or other highly volatile motor fuel carried in vehicles.
111.105–41 Battery rooms.
111.105–43 Paint stowage or mixing spaces.

Subpart 111.107—Mobile Offshore Drilling Unit Industrial Systems

111.107–1 Industrial Systems.

AUTHORITY: 46 U.S.C. 170, 367, 369, 375, 390(b), 391(a), 392, 408, 416, 445, 489, 526p; 49 U.S.C. 1655 (b); 49 CFR 1.46.

Subpart 111.01—General Considerations

§ 111.01–1 General.

Electric installations on vessels must ensure—

(a) That services necessary for safety are maintained under emergency conditions; and

(b) The safety of passengers, crew, other persons, and vessel from electrical hazards.

§ 111.01–3 Placement of equipment.

(a) Electric equipment must be arranged, as far as practicable, to prevent mechanical damage to the equipment from the accumulation of dust, oil vapors, steam, or dripping liquids.

(b) Apparatus that may arc must be ventilated or be in ventilated compartments in which flammable gases, acid fumes, and oil vapors cannot accumulate. Skylights and ventilators must be arranged to prevent flooding of the apparatus.

§ 111.01–5 Protection from bilge water.

Each generator, motor, and electric coupling must be arranged so that it cannot be damaged by bilge water.

§ 111.01–7 Accessibility.

(a) The design and arrangement of electric apparatus must allow accessibility to each part that needs inspection or adjustment.

(b) Each armature and field coil, rotor, and revolving field must be removable, and where there is an air duct, there must be a means of access.

§ 111.01–9 Watertight and waterproof equipment.

Electric equipment exposed to the weather or in a space where it is exposed to seas, splashing, or similar moisture conditions, must be watertight or be in a watertight enclosure that prevents exposure of the equipment to temperatures greater than those for which it has been designed, except that a motor may be a waterproof machine instead of being watertight.

§ 111.01–11 Corrosion-resistant parts.

Each enclosure and part of electric equipment that can be damaged by corrosion must be made of corrosion-resistant materials or of materials rendered corrosion resistant. Aluminum alloys with copper content greater than 0.4 percent must not be used.

§ 111.01–13 Limitations on porcelain use.

Porcelain must not be used for lamp sockets, switches, receptacles, fuse blocks, or other electric equipment where the material is fixed by machine screws or their equivalent.

§ 111.01–15 Temperature ratings.

In this subchapter, except as otherwise stated, an ambient temperature of 40° C is assumed. Where the ambient temperature is greater than 40° C, the total temperature stated must not be exceeded. Where equipment has been rated on ambient temperatures less than 40° C, this equipment may be used if the temperature for which the equipment is rated is not exceeded.

§ 111.01–17 Nature of electric supply.

(a) *Standard systems.* The following systems of distribution are standard:

(1) Two-wire with direct current or single-phase alternating current.

(2) Three-wire with direct current or single-phase alternating current.

(3) Three-wire, three-phase alternating current.

(4) Four-wire, three-phase alternating current.

(b) *Standard voltages.* The voltages given in Table 111.01–17(b) are standard.

TABLE 111.01–17(b)—*Standard voltages*

Equipment	Direct current (volts)	Alternating current (volts)
Lighting	115	115
Power	115 and 230	115, 200, 220, 230, 460, 2300, 4000
Generators	120 and 240	120, 208, 230, 240, 480, 2400, 4160
Propulsion	1,000	7,200

(c) *Standard frequency.* A frequency of 60 hertz is recognized as standard for alternating-current lighting and power systems.

(d) *Others.* Systems, voltages, or frequencies that differ from the standard may be specially approved by the Commandant.

V 42 N 123 JUN 27 77 UM

Subpart 111.05—Grounding, Ground Detection, and Grounded Systems

§ 111.05–1 Purpose.

This subpart contains requirements for the grounding of circuits and electric equipment.

NOTE.—Circuits are grounded to limit excessive voltage from lightning, to line surges, and unintentional contact with higher voltage lines, and to limit the voltage to ground during normal operation. Conductive materials enclosing electric conductors and equipment, or forming part of that equipment, are grounded to prevent a voltage above ground on these materials.

EQUIPMENT GROUNDING

§ 111.05–3 Design, construction, and installation; general.

(a) Exposed metal parts of electric machines and equipment that are not "live" but may become "live" because of any condition must be grounded.

(b) An electric apparatus must be designed, constructed, and installed to protect any person who handles that apparatus from injury.

(c) If the installation of an electric appliance does not ensure positive grounding, the apparatus must be grounded with grounding—

(1) Conductors; or

(2) Straps.

§ 111.05–5 Equipment.

The following must be grounded:

(a) Metal frames of portable lamps, tools, and other portable ship's equipment through a conductor in the supply cable.

(b) An installed receptacle outlet through its grounding pole.

(c) Lighting equipment, including fixtures.

(d) Metal cases of instruments, relays, meters, instrument transformers, and secondary windings of instrument transformers.

(e) Controller covers, except the covers of snap switches.

(f) Outlet boxes.

(g) Enclosures for switches and circuit breakers.

(h) Exposed metal parts of electrically driven cranes and hoists.

(i) Mobile units through conductors in supply cables.

§ 111.05–7 Armored and metallic-sheathed cable.

(a) Each metallic-sheathed multiconductor multiphase cable and each multiconductor multiphase armored cable must have its metallic covering:

(1) Electrically and mechanically continuous;

(2) Grounded to the metal hull at the supply end on final sub-circuits; and

(3) Grounded to the metal hull at each end on other circuits.

(b) Single conductor alternating-current cable must be grounded only at the midpoint.

§ 111.05–9 Masts.

Each wooden mast and each wooden topmast must have a lightning ground conductor.

SYSTEM GROUNDING

§ 111.05–11 Hull return.

(a) A vessel's hull must not carry current as a conductor for a distribution system.

(b) A battery system for engine starting may be a one-wire system if the ground lead is connected to the engine.

§ 111.05–13 Grounding connection.

Each grounded system must have only one point of connection to ground regardless of the number of power sources operating in parallel in the system.

§ 111.05–15 Neutral grounding.

Each neutral of a propulsion, power, lighting, or distribution system must be grounded.

§ 111.05–17 Generation system grounding.

The neutral of each generation system must:

(a) Be grounded at the generator switchboard, except the neutral of an emergency power generation system must be grounded with—

(1) No direct ground connection at the emergency switchboard;

(2) The neutral bus permanently connected to the neutral bus of the main switchboard; and

(3) No switch, circuit breaker, or fuse in the neutral conductor of the bus-tie feeder connecting the emergency switchboard to the main switchboard;

(b) Have the ground connection accessible for checking the insulation resistance of the generator to ground before the generator is connected to the bus; and

(c) Have the grounding arrangement limit the full load current at full load voltage to 20 amperes or less upon a fault to ground.

§ 111.05–19 Tank vessels; grounded distribution systems.

(a) Except as allowed in paragraph (b) of this section, a tank vessel must not have a grounded distribution system.

(b) If the voltage of a distribution system on a tank vessel is 3000 volts or more, line-to-line, the tank vessel may have a grounded system if any resulting current does not flow through hazardous locations.

GROUND DETECTION

§ 111.05–21 Ground detection.

There must be ground detection for each:

(a) Electric propulsion system;

(b) Power system;

(c) Lighting system; and

(d) Distribution system that is isolated from the power and lighting systems by transformers, motor generator sets, or other devices.

§ 111.05–23 Location of ground indicators.

Ground indicators must:

(a) Be at the vessel's generator and distribution switchboard for the main power, main lighting, and emergency lighting systems;

(b) Be at the propulsion switchboard for propulsion systems; and

(c) Not be concealed.

§ 111.05–25 Ungrounded systems.

Ground detection for each ungrounded system must have:

(a) A lamp for each phase that is:

(1) Connected between the phase and ground; and

(2) More than 5 watts and less than 25 watts when operating at one-half voltage in the absence of a ground; and

(b) A normally-closed, spring return-to-normal switch between the lamps and the ground connection.

§ 111.05–27 Grounded neutral alternating-current systems.

Ground detection for each alternating-current system that has a grounded neutral must have the following equipment that can withstand the maximum available fault current without damage:

(a) An ammeter that:

(1) Indicates the current in the ground connection; and

(2) Has a full scale range of 10 amperes.

(b) An ammeter switch that is the spring return to "on" type.

§ 111.05–29 Dual voltage direct-current systems.

Ground detection for each dual voltage, direct-current system must have a zero center ammeter that:

(1) Is in the ground connection;

(2) Has a full scale range of 150 percent of the neutral current rating; and

(3) Has the polarity of the ground marked.

GROUNDED CONDUCTORS

§ 111.05–31 Grounding conductors for systems.

(a) A conductor for grounding a direct-current system must be the larger of:

(1) The largest conductor supplying the system; or

(2) No. 8 AWG.

(b) A conductor for grounding the neutral of an alternating-current system must meet Table 111.05–31(b).

TABLE 111.05–31(b)—NEUTRAL GROUNDING CONDUCTOR FOR ALTERNATING-CURRENT SYSTEM

Size (AWG) of the largest generator cable or equivalent for parallel generators:	*Size (AWG) of the system grounding conductor*
2 or less	8
1 or 0	6
2/0 or 3/0	4
Greater than 3/0 and less than or equal to 350 MCM	2
Greater than 350 MCM and less than or equal to 600 MCM	0
Greater than 600 MCM and less than or equal to 1100 MCM	2/0
Greater than 1100 MCM	3/0

§ 111.05–33 Equipment grounding conductors.

An equipment grounding conductor must be at least as large as the power conductor that supplies the equipment.

§ 111.05–35 Color coding of conductors.

(a) Each grounded conductor, except an equipment grounding conductor, must have a white or grey outer cover.

(b) A conductor that has a white or grey outer cover must not be an ungrounded conductor unless the color is changed at each connection.

(c) Each insulated grounding conductor of a cable must have green braid or insulation.

§ 111.05–37 Overcurrent device.

A permanently grounded conductor must not have an overcurrent device unless the overcurrent device:

(a) Simultaneously opens each ungrounded conductor of the circuit; or

(b) Meets Section 430–36 of the National Electrical Code.

§ 111.05–39 Switch and circuit breaker.

(a) The grounded conductor of a circuit must not be disconnected by a switch or circuit breaker, unless, the ungrounded conductors are simultaneously disconnected.

(b) The neutral conductor of the emergency-main switchboard bus-tie must not have a switch or circuit breaker.

Subpart 111.10—Power Supply

§ 111.10–1 Two generating sets.

In addition to the emergency generator sets required under Part 112 of this subchapter, each self-propolled vessel must have at least two electric generating sets.

§ 111.10–3 Power requirements: generating sets.

With the largest generating set stopped, the combined capacity of the remaining electric generating set or sets required in § 111.10–1 must be sufficient for the normal sea load, except full power to electric propulsion motors.

§ 111.10–5 Multiple energy sources.

Failure of any single energy source for the generating sets required in § 111.10–1 must not cause all generating sets to be inoperable.

§ 111.10–7 Dead ship.

(a) The generating plant of each self-propelled vessel must provide the electrical services necessary to start the main propulsion plant from a dead ship condition.

(b) The emergency generator may be used for part or all of the electric power necessary to start the main propulsion plant from a dead ship condition if the emergency generator can simultaneously provide power to all emergency lighting, emergency internal communications systems, and fire detection and alarm systems.

§ 111.10–9 Two transformers.

If transformers are an essential part of the power and lighting supply system required by this subpart for self-propelled vessels the system must have at least two transformers.

§ 111.10–11 Power requirements: transformers.

With the largest transformer de-energized, the remaining transformer or transformers required in § 111.10–9 must be sufficient for the normal sea load, except full power to electric propulsion motors.

Subpart 111.12—Generator Construction and Circuits

§ 111.12–1 Prime movers.

(a) Requirements for prime movers are in Subpart 58.10 of this chapter. Additional requirements for prime movers for emergency generators are in Subpart 112.50 of this subchapter.

(b) Each diesel engine prime mover must have an overspeed device that is independent of the normal operating governor and adjusted so that the speed can not exceed the maximum rated speed by more than 15 percent.

(c) Each prime mover must shut down automatically upon loss of lubricating pressure to the generator bearings.

§ 111.12–3 Excitation.

Excitation must meet Section 35.23 of the American Bureau of Shipping "Rules for Building and Classing Steel Vessels", except a static exciter must not be used for excitation of an emergency generator.

§ 111.12–5 Generator construction and testing.

(a) Each generator must meet Section 35 of the American Bureau of Shipping, "Rules for Building and Classing Steel Vessels".

(b) Each generator must be dripproof and protected machine and have dampers in each non-recirculating system air duct.

(c) Each emergency generator must have means to prevent moisture condensation in the machine.

(d) No steam heating coil may have a pipe joint in a generator casing.

§ 111.12–7 Voltage regulation and parallel operation.

(a) Generator voltage regulation and parallel operation must meet Sections 35.31 and 35.33 of the American Bureau of Shipping "Rules for Building and Classing Steel Vessels".

(b) Each voltage regulation supply circuit must:

(1) Be taken from the generator side of the generator circuit breaker; and

(2) Not be protected by an overcurrent device.

§ 111.12–9 Generator cables.

(a) The current carrying capacity of generator cables must be at least equal to the trip setting of the generator overcurrent device.

(b) If the ship's service generators are located in separate spaces, the generator cables between the circuit breakers and the switchboard must be separated as widely as practicable throughout their length.

(c) Generator cables must not be in the bilges.

§ 111.12–11 Generator protection.

(a) *Applicability.* This section applies to each generator except a propulsion generator.

(b) *25 kw and larger.* Each generator that is 25 kw or larger must be protected by an individual, trip-free, open frame, air circuit breaker, except that a generator that is not a ship's service generator on a self-propelled vessel or an emergency generator may be protected by a molded case circuit breaker.

(c) *Less than 25 kw.* Each generator that is smaller than 25 kw must be protected by an individual, trip-free, open frame or molded case, air circuit breaker.

(d) *Type of trips.* Each circuit breaker for a generator must have only inverse time overcurrent trips, except it must also have instantaneous trips if:

(1) Three or more alternating-current generators can be paralleled; or

(2) The circuit breaker is for a direct-current generator.

(e) *Setting of long-time trips.* The pickup setting of the long-time overcurrent trip of a generator circuit breaker must not be larger than:

(1) 115 percent of the generator rating rating for a continuous rated machine; and

(2) 115 percent of the overload rating for a machine with a 2 hour or greater overload rating.

(f) *Setting of instantaneous trips.* The instantaneous trip of a generator circuit breaker must be set:

(1) Above the maximum asymmetrical short circuit current available from the generator; and

(2) At the lowest setting that will coordinate with the trip settings of feeder circuit breakers supplied by the generator.

(g) *Reverse-power trips.* Each generator arranged for parallel operation must have a reverse-power trip.

(h) *Location.* The generator overcurrent protective device must be on the ship's service generator switchboard if the generator and switchboard are in the same space or if the generator and switchboard are in different spaces but not separated by more than 25 feet (7.6 m). If the generator and switchboard are in different spaces and separated by more than 25 feet (7.6 m), the generator overcurrent protective device must be in the same space as the generator.

(i) *Three-wire single-phase and four-wire three-phase generators.* There must be a circuit breaker pole for each generator lead, except that there need not be a circuit breaker pole in the neutral lead.

(j) *Three-wire direct-current generators.* Each three-wire direct-current generator must meet the following requirements:

(1) *Circuit breaker poles.* There must be a separate circuit breaker pole for each positive and negative lead, and, unless the main poles provide protection, for each equalizer lead. If there are equalizer poles for a three-wire generator, each overload trip must be of the "Algebraic" type. If there is a neutral pole in the generator circuit breaker,

V 42 N 123 JUN 27 77 UM

there must not be an overload trip element for the neutral pole. There must be a neutral overcurrent relay and alarm system that is set to function at a current value equal to the neutral rating.

(2) *Equalizer buses.* For each three-wire generator, the circuit breaker must protect against a short circuit on the equalizer bus.

§ 111.12–13 Propulsion generator protection.

Protection of a propulsion generator requires special consideration in each case.

Subpart 111.15—Storage Batteries and Battery Chargers; Construction and Installation

§ 111.15–1 General.

Each battery must be a lead acid, alkaline, or other type of storage battery specially approved by the Commandant (G–MMT).

§ 111.15–2 Battery construction.

(a) Each battery must withstand vessel pitch, vibration, and roll, and exposure to a salt water atmosphere.

(b) Each battery cell must not spill electrolyte if the battery is inclined at 30° from the vertical.

(c) Each positive plate of a lead-acid battery for a general alarm system or for an emergency lighting and power system, except for an engine cranking system, must be at least 6.35 mm (0.25 in.) thick.

(d) Except as required under paragraph (c) of this section, each positive plate of a lead-acid battery must be at least 3.17 mm (0.125 in.) thick.

(e) Each fully charged lead-acid battery, except an engine cranking battery, must have a specific gravity of acid electrolyte of 1.210 to 1.220 at 25°C.

(f) Each fully charged, high watering space lead-acid type engine cranking battery must have a specific gravity of at most 1.260 at 25°C.

(g) Each fully charged normal watering space lead-acid type engine cranking battery must have a specific gravity of at most 1.285 at 25°C.

§ 111.15–3 Battery categories.

A battery is classified as one of three types, based upon power output of the battery charger, as follows:

(a) *Large.* A large size battery is one connected to a battery charger that has an output of more than 2 kw computed from the highest possible charging current and the rated voltage of the battery.

(b) *Moderate.* A moderate size battery is one connected to a batttery charger that has an output of between 0.2 kw and 2 kw computed from the highest possible charging current and the rated voltage of the battery.

(c) *Small.* A small size battery is one connected to a battery charger that has an output of less than 0.2 kw computed from the highest possible charging current and the rated voltage of the battery.

§ 111.15–5 Battery installation.

(a) *Large size batteries.* Each large size battery must be in a room that is only for batteries or in a box on deck. Electric equipment in a battery room must be approved by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp. for a Class I, Division 1, Group B location. Devices that may arc, such as switches, battery charges, and similar devices, mut not be in a battery room. Except conductors for engine cranking batteries, each battery conductor must have an overcurrent protective device that is next to, but outside the battery room. Electric cables, other than those for the battery or battery room lighting, must not be in a battery room. A fixed danger notice must be on each door of a battery room and on each cover of a battery deck box, stating that a naked light or smoking in the room or in the area is not allowed.

(b) *Moderate size batteries.* Each moderate size battery must be in a battery room, in a box on deck, or in a box or locker in another space such as an engineroom, storeroom, or similar space, except this battery may be open in the engineroom or in a similar ventilated compartment, if protected from falling objects. A battery must not be in a sleeping space. An engine cranking battery for one or more engines must be as close as possible to the engine or engines.

(c) *Small size batteries.* Each small size battery may be in a place such as an open working space or engine compartment if the space is ventilated.

(d) *Battery trays.* Each battery tray must be chocked with wood strips or their equivalent to prevent movement, and each tray must have non-absorbent insulating supports on the bottom and similar spacer blocks at the sides, or equivalent provisions for air circulation space all around each tray. Each battery tray must be accessible, with at least 10 in. (254 mm) of head room.

(e) *Tiers.* When batteries are arranged in two or more tiers, each shelf must have at least 2 in. (50.8 mm) of space front and back for circulation of air.

(f) *Nameplates.* The battery manufacturer's name or trade mark and type designation, the ampere-hour rating at a specific rate of discharge, and, for a lead-acid battery when fully charged, the specific gravity of the electrolyte, must be on a fixed nameplate on each tray or molded on the tray case.

(g) *Lining in battery rooms and lockers.* Each battery room and locker must have a watertight lining that is:

(1) On:

(i) Each shelf to a height of at least 3 in. (76.2 mm); or

(ii) The deck to a height of at least 6 in (152.4 mm);

(2) For lead-acid batteries, $\frac{1}{16}$ in. (1.6 mm) thick lead or other material that is corrosion-resistant to the electrolyte of the battery; and

(3) For alkaline batteries, $\frac{1}{32}$ in. (0.8 mm) thick steel or other material that is corrosion-resistant to the electrolyte of the battery.

(h) *Lining of battery boxes.* Each battery box must have a watertight lining to a height of at least 3 in. (76.2 mm) that meets paragraphs (g)(2) and (g)(3) of this section.

§ 111.15–10 Ventilation.

(a) *General.* Each room, locker, and box for storage batteries must be arranged or ventilated to prevent accumulation of flammable gas.

(b) *Power ventilation.* If power ventilation is required, the following must be met:

(1) The power ventilation system must be separate from ventilation systems for other spaces.

(2) Electric motors must be:

(i) Outside the duct and compartment; and

(ii) Explosionproof motors for Class I, Division 1, Group B locations or be at least 10 ft. (3 m) from the duct end.

(3) Each blower must have a non-sparking fan.

(4) The power ventilation system must be interlocked with the battery charger so that the battery cannot be charged without ventilation.

(c) *Large size batteries.* Each battery room that has large size batteries must be ventilated by a power ventilation system with mechanical exhaust and have openings for air near the floor that allow the passage of the quantity of air that must be expelled. The quantity of the air expelled must be at least:

$$q=3.89(i)(n).$$

where:

q=quantity of expelled air in cubic feet per hour.

i=maximum charging current during gas formation, or one-fourth of the maximum obtainable charging current of the charging facility, whichever is greater.

n=number of cells.

(d) *Moderate and small size batteries.* Each battery room or battery locker that has moderate or small size batteries must have louvers near the bottom of the room or locker for air, and must be ventilated by:

(1) Ventilation that meets paragraph (c) of this section;

(2) A duct:

(i) That ends in a mechanically ventilated space;

(ii) From the top of the room or locker to at least 3 ft. (1 m) above the top of the room or locker;

(iii) That is at an angle of 45° or less from the vertical; and

(iv) That has no appliances, such as flame arresters, that impede free passage of air or gas mixtures;

(3) A duct that meets paragraph (d)(2), of this section, except that it ends in the weather; or

(4) A duct from the top of the room or locker to an exhaust ventilation duct.

(e) *Deck boxes.* Except for a deck box for small size batteries, each deck box must have a duct from the top of the box to at least 4 ft. (1.2 m) above the box ending in a gooseneck or mushroom head that prevents entrance of water. Holes for air must be on at least two parallel sides of each box.

(f) *Weathertight.* Each deck box must be weathertight.

(g) *Boxes for small size batteries.* Each box for small size batteries must have openings near the top to allow escape of gas.

§ 111.15–20 Conductors.

(a) If a conductor enters a battery room, the hole must be made watertight.

(b) Each connection within a battery room must be resistant to the electrolyte.

(c) The end of each cable must be sealed to prevent the entrance of electrolyte by spray or creepage.

(d) The current-carrying capacity of a connecting cable must be at least as large as the maximum charging current or maximum discharge current, whichever is greater.

§ 111.15–25 Overload and reverse current protection.

(a) An overload protective device must be in each battery conductor, except that engine cranking batteries and batteries with a nominal potential of 6 volts or less need not be protected against overload. For large size storage batteries, the overcurrent protective devices must be next to, but outside of, the battery room.

(b) Except when a rectifier is used, the charging equipment for each battery with a nominal voltage more than 20 percent of line voltage must protect automatically against reversal of current.

§ 111.15–30 Battery chargers.

Each battery charger must be dripproof and meet UL 1236.

Subpart 111.20—Transformer Construction, Installation, and Protection

§ 111.20–1 General requirements.

Each transformer winding must be resistant to moisture, sea atmosphere, and oil vapor.

§ 111.20–5 Temperature rise.

(a) The temperature rise, based on an ambient temperature of 40°C, must not exceed the following:

(1) For Class A insulation, 55°C.
(2) For Class B insulation, 80°C.
(3) For Class F insulation, 115°C.
(4) For Clas H insulation, 150°C.

(b) If the ambient temperature is higher than 40°C, the transformer must be derated so that the total temperature stated in this section is not exceeded. The temperature must be taken by the resistance method.

§ 111.20–10 Autotransformers.

An autotransformer must not supply feeders or branch circuits.

§ 111.20–15 Transformer overcurrent and short-circuit protection.

Each transformer must have protection against overcurrent and short circuit that meets Article 450 of the National Electrical Code.

Subpart 111.25—Motors

§ 111.25–1 General requirements.

The requirements for generators contained in § 111.12–5 (a) and (b) apply to motors.

§ 111.25–5 Marking.

(a) Each motor must have a marking or nameplate that meets Section 430–7 of the National Electrical Code.

(b) The marking or nameplate for each motor that is in a corrosive location must be corrosion-resistant.

§ 111.25–15 Duty cycle.

Each motor must be rated for continuous duty, except that a motor for an application listed in Table 111.25–15 may be short-time rated as stated. Each other motor for similar duty may have a consistent short-time rating.

TABLE 111.25–15

Application of motor	*Minimum short-time rating of motor, in hour*
Deck winch and direct acting capstan.	Half.
Deck winch with hydraulic transmission.	Continuous at no load, followed by ½ hr. at full load.
Direct acting windlass.	One fourth.
Windlass with hydraulic transmission.	Half hour idle pump operation followed by ¼ hr. full load operation.
Steering gear, direct acting.	One.
Steering gear, indirect drive.	Continuous operation at 15 pct. load followed by 1 hr. at full load.
Watertight door operators.	One twelfth.
Lifeboat winches	One thirteenth.

Subpart 111.30—Switchboards

§ 111.30–1 Location and installation.

Each switchboard must:

(a) Be in a dry place;

(b) Have a working space of at least 3 ft. (1 m) in front of the switchboard;

(c) Have a working space behind the switchboard that is at least 24 in. (0.6 m) from the nearest bulkhead and at least 18 in. (0.5 m) from the nearest stiffener or frame, or have no rear access;

(d) Be protected, by location or a shield, from machinery and piping having steam or pressurized liquid; and

(e) If it is a main switchboard, be in a machinery space that has a ship's service generator.

§ 111.30–3 Switchboards without rear access.

Each component and bus bar connection on a switchboard without rear access, except a bus bar connection for a draw-out type circuit breaker, must be within 20 in. (0.5 m) of the front of the switchboard.

§ 111.30–5 Construction.

(a) Insulating material for panels, bases, and supports for a switchboard must be moisture resistant and incombustible.

(b) Each switchboard must have:

(1) Wood only in handrails and guardrails;

(2) Positioners and stops on hinged panels; and

(3) Wearing parts readily replaceable.

§ 111.30–7 Dead front type.

Each switchboard must have a dead front.

§ 111.30–9 Mechnical protection.

Each switchboard must have:

(a) Enclosed sides;

(b) A dripshield, except a switchboard that is in an environmentally controlled space;

(c) A door at each entrance to a rear working space;

(d) Front non-conducting handrails; and

(e) Rear non-conducting guardrails if the switchboard has a rear working space.

§ 111.30–11 Mats or gratings.

Non-conducting mats or gratings must be in each working area in front of and behind each switchboard.

§ 111.30–13 Grounding.

The following must be grounded:

(a) The metal case of each:

(1) Instrument;

(2) Relay;

(3) Meter; and

(4) Instrument transformer.

(b) The secondary winding of each instrument transformer.

§ 111.30–15 Nameplates.

(a) Each derive must have a nameplate showing the device's function.

(b) Each nameplate for a circuit breaker must show the electrical load served, and the setting of the circuit breaker.

§ 111.30–17 Protection of instrument circuits.

(a) Each circuit that supplies a device on a switchboard, except a circuit under paragraph (b) of this section, must have overcurrent protection.

(b) A circuit that supplies a device on a switchboard must have no overcurrent protection if it supplies—

(1) An electric propulsion control;

(2) A voltage regulator;

(3) A ship's service generator circuit breaker tripping control;

(4) A device that creates a hazard to the vessel if de-energized; or

(5) A secondary circuit of a current transformer.

(c) The circuit from a current transformer to a device that is not in the switchboard must have a high voltage protector to short the transformer during an open circuit.

§ 111.30–19 Buses and wiring.

(a) *Bus capacity.* Each bus must have the following current-carrying capacity, except the capacity of a feeder bus may be the same as the capacity of the generator bus to which the feeder bus is connected:

V 42 N 123 JUN 27 77 UM

(1) Each bus and each bus connection must have a current-carrying capacity that is at least the total of .75 percent of the combined full-load rated currents of the equipment supplied and 50 percent of the combined ratings of the spare circuit breakers, except a bus under paragraphs (a)(2) through (a)(4) of this section.

(2) Each feeder bus must have the current-carrying capacity for the full-load rated currents supplied to units in continuous operation.

(3) Each generator bus that is supplied by a single generator must have a current-carrying capacity that is at least the total of:

(i) The continuous current rating of the generator; and

(ii) Any overload current rating of the generator that is more than 30 minutes.

(4) Each generator bus that is supplied by more than one generator and has all the generating capacity feeding through one section must have a current-carrying capacity that is at least the total of:

(i) The continuous current rating of the largest generator;

(ii) Any overload current rating of more than 30 minutes for the largest generator; and

(iii) 80 percent of the continuous current rating of each additional generator.

(b) *Bus rating.* The size and arrangement of each bus must be such that its rating in Table 34 (Appendix) of IEEE Standard No. 45 is not less than the capacity required in paragraph (a) of this section.

(c) *Bus bracing.* Each bus must be braced to prevent damage from the maximum available short-circuit current.

(d) *Spacing.* The spacing between live metal parts must meet Section 384–26 of the National Electrical Code.

(e) *Connections.* Each bus and wiring connections must have a locking device and must be accessible.

(f) *Wiring.* Instrument and control wiring must be:

(1) National Electrical Code Type TA, TBS, or SIS wire;

(2) Stranded copper;

(3) No. 18 AWG or larger;

(4) Flame-retardant meeting UL 83; and

(5) Extra flexible if used on a hinged panel.

§ 111.30–21 High temperature devices.

Each rheostat and other device that operates at high temperatures must be isolated by barriers and naturally ventilated.

§ 111.30–23 Medium voltage switchboards.

Each switchboard having a root-mean-square (RMS) voltage of 1000 volts or more must meet ANSI C37.20 for metal-clad switchgear.

§ 111.30–25 Alternating-current ship's service switchboards.

(a) Except as allowed in paragraph (g) of this section, each alternating-current ship's service switchboard must have the equipment required by paragraphs (b) through (f) of this section.

(b) For each connected generator, each switchboard must have the following:

(1) A circuit breaker that meets § 111.12–11, if required in § 111.50–5(a)(1).

(2) A disconnect switch or link for each generator conductor, except a switchboard having a draw-out or plug-in type generator circuit breaker that disconnects—

(i) Each generator conductor; or

(ii) If there is a switch in the generator neutral, each ungrounded conductor.

(3) A pilot lamp connected between the generator and the circuit breaker.

(4) An ammeter with a selector switch that connects the ammeter to show the current in each phase.

(5) A voltmeter with a selector switch that connects the voltmeter to show the—

(i) Generator voltage of each phase; and

(ii) Bus voltage of one phase.

(6) A voltage regulator and voltage regulator functional cut-out switch.

(c) For each generator that is not excited from a variable voltage or rotary amplifier that is controlled by a voltage regulator unit acting on the exciter field, each switchboard must have a—

(1) Generator field rheostat;

(2) Exciter field rheostat;

(3) Double-pole field switch;

(4) Discharge clips; and

(5) Discharge resistor.

(d) If generators are arranged for parallel operation, each switchboard must have—

(1) A speed control for the prime mover of each generator;

(2) An indicating wattmeter for each generator; and

(3) A synchroscope and synchronizing lamps that have a selector switch to show synchronization for paralleling generators.

(e) Each switchboard must have the following:

(1) Ground detection that meets Subpart 111.05 of this part for the—

(i) Main power system;

(ii) Main lighting system; and

(iii) Emergency lighting system.

(2) A frequency meter with a selector switch to connect the meter to each generator.

(f) For each shore power connection, each switchboard must have—

(1) A circuit breaker or fused switch;

(2) A pilot light connected to the shore side of the circuit breaker or fused switch; and

(3) One of the voltmeters under paragraph (b)(5) of this section connected to show the voltage of each phase of the shore power connection.

(g) The equipment under paragraphs (b), (d), (e), and (f) of this section, except the equipment under paragraphs (b)(1), (b)(2), and (f)(1) of this section, need not be on the ship's service switchboard if it is on a central control console that—

(1) Is in the same control area as the main ship's service switchboard;

(2) Has a generator section that has only generator functions;

(3) Has the generator section segregated from each other console section by a fire-resistant barrier; and

(4) Has cabling from the main switchboard to the generator section of the console that—

(i) Has only generator control and generator instrumentation circuits; and

(ii) Is protected from mechanical damage.

(h) Each alternating-current ship's service switchboard of a self-propelled vessel having a ship's service generating capacity of more than 3000 kw must have the following:

(1) At least two sections of the main bus that are connected by—

(i) A non-automatic circuit breaker;

(ii) A disconnect switch; or

(iii) Removable links.

(2) As far as practicable, the connection of generators and duplicated equipment equalized between the sections of the main bus.

§ 111.30–27 Direct-current ship's service switchboards.

(a) Each direct-current ship's service switchboard must have the equipment required by paragraphs (b) through (f) of this section.

(b) For each connected generator, each switchboard must have the following:

(1) A circuit breaker that meets § 111.12–11, if required in § 111.50–5(a)(1).

(2) A disconnect switch or link for each generator conductor, except a switchboard having a draw-out or plug-in type generator circuit breaker that disconnects—

(i) Each conductor; or

(ii) If there is a switch in the generator neutral, each ungrounded conductor.

(3) A field rheostat.

(4) A pilot lamp connected between the generator and circuit breaker.

(c) For each two-wire generator, each switchboard must have—

(1) An ammeter; and

(2) A voltmeter with a selector switch that connects the voltmeter to show—

(i) Generator voltage; and

(ii) Bus voltage.

(d) For each three-wire generator, each switchboard must have the following:

(1) An ammeter for—

(i) The positive lead; and

(ii) The negative lead.

(2) A center zero type ammeter for the neutral ground connection.

(3) A voltmeter with a selector switch that connects the voltmeter to show generator and bus voltage—

(i) Positive to negative;

(ii) Positive to neutral; and

(iii) Neutral to negative.

(e) Each switchboard must have ground detection that meets Subpart 111.05 of this part for the—

(1) Main power system;

(2) Main lighting system; and

(3) Emergency lighting system.

(f) For each shore power connection, each switchboard must have—

(1) A circuit breaker or fused switch; and

(2) A pilot light connected to the shore side.

(g) One of the voltmeters under paragraph (c)(2) or (d)(3) of this section must be connected to show—

(1) For each two-wire system, shore connection voltage; and

(2) For each three-wire system, shore connection voltage—

(i) Positive to negative;

(ii) Positive to neutral; and

(iii) Neutral to negative.

§ 111.30–29 Emergency switchboards.

(a) Each emergency generator must have an emergency switchboard.

(b) Each alternating-current emergency switchboard must have the equipment required by paragraphs (c) through (e) of this section.

(c) For each connected emergency generator, each emergency switchboard must have—

(1) A circuit breaker that meets § 111.12–11;

(2) A disconnect switch or link for each emergency generator conductor, except for a switchboard with a draw-out or plug-in type generator circuit breaker that disconnects—

(i) Each generator conductor; and

(ii) If there is a switch in the generator neutral, each ungrounded conductor; and

(3) A pilot lamp connected between the generator and circuit breaker.

(d) For each emergency generator that is not excited from a variable voltage or rotary amplifier exciter that is controlled by a voltage regulator unit acting on the exciter field, each emergency switchboard must have a—

(1) Generator field rheostat;

(2) Exciter field rheostat;

(3) Double-pole field switch;

(4) Discharge clips; and

(5) Discharge resistor.

(e) Each emergency switchboard must have the following:

(1) An ammeter with a selector switch that connects the ammeter to show the current for each phase.

(2) A voltmeter with a selector switch that connects the voltmeter to show—

(i) Generator voltage of each phase; and

(ii) Bus voltage of one phase.

(3) Ground detection that meets Subpart 111.05 for the emergency power and lighting system.

(4) A frequency meter.

(5) A voltage regulator and a voltage regulator functional cut-out switch.

(f) Each direct-current emergency switchboard must have the—

(1) Equipment under § 111.30–27(b) through (d); and

(2) Ground detection under Subpart 111.05 of this part for the emergency power and lighting system.

§ 111.30–31 Tests.

Each switchboard must meet the test requirements in Section 35 of the American Bureau of Shipping "Rules for Building and Classing Steel Vessels."

Subpart 111.33—Semiconductor Controlled Rectifiers (SCR)

§ 111.33–1 Switchboard requirements.

Each semiconductor controlled rectifier (SCR) must meet § 111.30–1 through 111.30–23.

§ 111.33–3 Heat sink and ventilation.

Each SCR must have a heat sink and a forced ventilation system that prevents overheating of the SCR.

§ 111.33–5 Ventilation exhaust.

The exhaust of each SCR ventilation system must—

(a) Terminate in a location other than a hazardous location under Subpart 111.105 of this part; and

(b) Not impinge upon any other electric device.

§ 111.33–7 Ventilation alarm.

There must be an alarm for failure of ventilation for an SCR.

§ 111.33–9 Temperature alarm.

There must be an alarm that is actuated by high SCR temperature.

§ 111.33–11 Propulsion systems.

Each SCR in a propulsion system must—

(a) Meet Subpart 111.35 of this part;

(b) Have a current-limiting circuit;

(c) Have fuses for overcurrent protection; and

(d) Have a system for detecting a blown fuse.

Subpart 111.35—Electric Propulsion

§ 111.35–1 Electric propulsion installations.

Each electric propulsion installation must meet Section 35 of the American Bureau of Shipping "Rules for Building and Classing Steel Vessels".

Subpart 111.40—Panelboards

§ 111.40–1 Panelboard; National Electrical Code.

Each panelboard must meet Article 384 of the National Electrical Code, except—

(a) Section 384–3(c);

(b) The neutral connection provision in Section 384–14;

(c) Section 384–16(d);

(d) Section 384–17; and

(e) Section 384–27.

§ 111.40–3 Grounding.

Each panelboard enclosure must be grounded.

§ 111.40–5 Enclosure.

Each panelboard enclosure must be—

(a) Watertight, if the panelboard is part of a general alarm system; or

(b) Dripproof, if the panelboard is where liquid might drip on it.

§ 111.40–7 Location.

Each panelboard must be accessible and must not be—

(a) In the weather; or

(b) In a cargo hold, bunker, or storeroom.

§ 111.40–9 Locking device.

Each panelboard enclosure that is accessible to any passenger must have a door locking device.

§ 111.40–11 Numbered switching unit and panelboard directory.

(a) Each panelboard switching unit must be numbered.

(b) Each panelboard must have—

(1) A circuit directory cardholder; and

(2) A circuit directory that has—

(i) The circuit designation of each circuit;

(ii) A description of the load of each circuit; and

(iii) The rating of the overcurrent protective device for each circuit.

§ 111.40–13 Panelboard standard.

Each panelboard must meet UL 67.

Subpart 111.50—Overcurrent Protection

§ 111.50–1 Protection of equipment.

Overcurrent protection of the following electric equipment must meet the listed subparts:

(a) Appliances, Subpart 111.77 of this part.

(b) Generators, Subpart 111.12 of this part.

(c) Motors, motor circuits, and controllers, Subpart 111.70 of this part.

(d) Transformers, Subpart 111.20 of this part.

§ 111.50–3 Protection of conductors.

(a) *Purpose.* The purpose of overcurrent protection for conductors is to open the electric circuit if the current reaches a value that will cause an excessive or dangerous temperature in the conductor or conductor insulation. A grounded conductor is protected from overcurrent if a protective device of a suitable rating or setting is in each ungrounded conductor of the same circuit.

(b) *Overcurrent protection of conductors.* Each conductor must be protected in accordance with its current-carrying capacity, except a conductor for the following circuits must meet the listed subparts:

(1) Propulsion circuits, Subpart 111.35 of this part.

(2) Steering circuits, Subpart 111.93 of this part.

(3) Motor circuits, Subpart 111.70 of this part.

(4) Flexible cord and fixture wire for lighting circuits, Subpart 111.75 of this part.

V 42 123 JUN 27 77 UMI

(5) Switchboard circuits, Subpart 111.30 of this part.

(c) *Fuses.* If the allowable current-carrying capacity of the conductor does not correspond to a standard size fuse that meets Section 240–6 of the National Electrical Code, the next larger size or rating may be used if it is not larger than 150 percent of the allowable current-carrying capacity of the conductor.

(d) *Circuit breakers.* If the allowable current-carrying capacity of the conductor does not correspond to a standard circuit breaker rating that meets Section 240–6 of the National Electrical Code, the next larger rating may be used if it is not larger than 150 percent of the allowable current-carrying capacity of the conductor. The effect of the heat on the operation of thermally controlled circuit breakers must be taken into consideration in the application of these circuit breakers if they are subjected to extremely low or extremely high temperatures.

(e) *Parallel overcurrent protective devices.* No overcurrent protective device may be connected in parallel with another overcurrent protective device.

(f) *Thermal devices.* No thermal cutout, thermal relay, or other device not designed to open a short circuit, may be used for protection of a conductor against overcurrent due to a short circuit or ground, except in a motor circuit as described in Article 430 of the National Electrical Code.

(g) *Ungrounded conductors.* A fuse or overcurrent trip unit of a circuit breaker must be in each ungrounded conductor. A branch switch or circuit breaker must open all conductors of the circuit, except grounded conductors. Single pole circuit breakers with operating handles yoked together may be used for the protection of a conductor of a two-wire circuit.

(h) *Grounded conductor.* No overcurrent device may be in a permanently grounded conductor, except—

(1) An overcurrent device that simultaneously opens all conductors of the circuit, unless prohibited by § 111.05–17 for the bus-tie feeder connecting the emergency and main switchboards; and

(2) For motor-running protection described in Article 430 of the National Electrical Code.

§ 111.50–5 Location of overcurrent protective devices.

(a) *Location in circuit.* Overcurrent devices must be at the point where the conductor to be protected receives its supply, except as follows:

(1) The generator overcurrent protective device must be on the ship's service generator switchboard if the generator and switchboard are in the same space, or if the generator and switchboard are in different spaces but not separated by more than 25 feet (7.6 m). If the generator and switchboard are in different spaces and separated by more than 25 feet (7.6 m), the generator overcurrent protective device must be in the same space as the generator.

(2) The overcurrent protection for shore connection conductors must be on the switchboard to which the shore connection conductors are connected.

(3) If the overcurrent device that protects the larger conductors also protects the smaller conductors, an overcurrent device is not required at the supply to the smaller conductors.

(4) If the overcurrent device protecting the primary side of a transformer also protects the conductors connected to the secondary side as determined by multiplying the current-carrying capacity of the secondary conductor by the secondary to primary transformer voltage ratio, an overcurrent device is not required at the supply to the secondary side conductors.

(b) *Location on vessel.* Each overcurrent device must be readily accessible, not exposed to mechanical damage, not near an easily ignitible material nor where explosive gas or vapor may accumulate, and be in a distribution panelboard, switchboard, motor controller, or similar electric equipment.

§ 111.50–7 Enclosures.

(a) Each enclosure of an overcurrent protective device must meet Sections 240–30 and 240–33 of the National Electrical Code.

(b) No enclosure may be exposed to the weather unless unavoidable.

§ 111.50–9 Disconnecting and guarding.

Disconnecting and guarding of overcurrent protective devices must meet Part D of Article 240 of the National Electrical Code.

Subpart 111.51—Coordination of Overcurrent Protective Devices

§ 111.51–1 Purpose.

The purpose of this subpart is to provide continuity of service for vital equipment under short-circuit conditions through coordination and selective operation of overcurrent protective devices.

§ 111.51–3 Protection of vital equipment.

Overcurrent protective devices must be installed so that—

(a) A short-circuit on a circuit that is not vital to the propulsion, control, or safety of the vessel does not trip equipment that is vital; and

(b) A short-circuit on a circuit that is vital to the propulsion, control, or safety of the vessel is cleared only by the protective device that is closest to the point of the short-circuit.

Subpart 111.52—Calculation of Short-Circuit Currents

§ 111.52–1 General.

The available short-circuit current must be computed—

(a) From the aggregate contribution of all generators that can simultaneously operate in parallel;

(b) From the largest probable motor load; and

(c) With a three phase fault on the load terminals of the protective device.

§ 111.52–3 Systems below 750 kilowatts.

For a system with an aggregate generating capacity below 750 kilowatts, the following short-circuit currents must be used, unless detailed computations are submitted:

(a) The maximum short-circuit current of a direct-current system must be assumed to be 10 times the aggregate normal rated generator currents plus six times the aggregate normal rated currents of all motors that may be in operation.

(b) The maximum asymmetrical short-circuit current for an alternating-current system must be assumed to be 10 times the aggregate normal rated generator currents plus four times the aggregate normal rated currents of all motors that may be in operation.

(c) The average asymmetrical short-circuit current for an alternating-current system must be assumed to be 8½ times the aggregate normal rated generator currents plus 3½ times the aggregate normal rated currents of all motors that may be in operation.

Subpart 111.53—Fuses

§ 111.53–1 General.

Each fuse must—

(a) Meet Parts E and F of Article 240 of the National Electrical Code;

(b) Have an interrupting rating sufficient to interrupt the maximum asymmetrical RMS short-circuit current at the point of application; and

(c) Be listed by Underwriters' Laboratories, Inc.[1]

§ 111.53–3 Current-limiting fuses.

(a) The fault current at an overcurrent device that is protected by a current-limiting fuse may not be greater than 90 percent of the interrupting rating of the overcurrent device.

(b) The maximum peak let-through current of a current-limiting fuse that protects an overcurrent device must not be greater than that given by the following formula:

$$I_{peak} = I_{RMS} \times K \times 0.9$$

where:

I_{RMS} = RMS symetrical short-circuit current rating of the overcurrent device.

I_{peak} = maximum peak let-through current from the fuse.

$$K = \sqrt{2}\left[1 + \frac{\sin\theta}{e^{\pi/\tan\theta}}\right]$$

$\theta = \cos^{-1} pf$

pf = power factor of the short circuit test circuits of the protective device.

(c) For circuit breakers tested under UL 489, "K" in paragraph (b) of this section is as follows:

Circuit breaker interrupting rating (amperes):	K
10,000 or less	1.61
10,002 to 20,000	1.91
Over 20,000	2.14

(d) The I^2t let through by a current-limiting fuse that protects an overcurrent device must not be greater than $0.01 \times I^2_{RMS}$.

(e) Current-limiting fuses in a three-phase motor circuit must be interlocked to prevent single-phase operation of the three-phase motor.

[1] Underwriters' Laboratories, Inc., standards for listing fuses are listed in § 111.10–1 (b) (5) of this subchapter.

Subpart 111.54—Circuit Breakers

§ 111.54–1 Circuit breakers.

(a) Each circuit breaker must—

(1) Meet Part G of Article 240 of the National Electrical Code;

(2) Meet Subpart 111.55 of this part; and

(3) Have an interrupting rating sufficient to interrupt the average asymmetrical RMS short-circuit current of the three phases and the average symmetrical RMS short-circuit current of the three phases at the point of application.

(b) Each molded case circuit breaker must meet UL 489.

(c) Each circuit breaker that is not a molded case circuit breaker must meet ANSI C37.

(d) No circuit breaker may—

(1) Be dependent upon mechanical cooling to operate within its rating; or

(2) Have a long-time-delay trip element set above the continuous current rating of the trip element or of the circuit breaker frame.

Subpart 111.55—Switches

§ 111.55–1 General.

Each switch must meet Article 380 of the National Electrical Code, except each switch that is in the weather must, in addition, be in a watertight enclosure and be externally operable.

§ 111.55–3 Circuit connections.

Each circuit must be connected to the fuse end of a switch or to the coil end of a circuit breaker, except that a generator may be connected to either end of a circuit breaker.

§ 111.55–5 Knife switches.

Each knife switch must meet UL 363.

§ 111.55–7 Snap switches.

Each snap switch must meet UL 20.

§ 111.55–9 Enclosed switches.

Each enclosed switch must meet UL 98.

Subpart 111.59—Busways

§ 111.59–1 General.

Each busway must meet—

(a) Article 364 of the National Electrical Code; and

(b) UL 857.

§ 111.59–3 No mechanical cooling.

A busway must not need mechanical cooling to operate within its rating.

§ 111.59–5 Copper.

Each current-carrying part of a busway must be copper.

Subpart 111.60—Wiring Materials and Methods

§ 111.60–1 Cable construction and testing.

Each cable must meet Section 18 of IEEE Standard No. 45 or § 111.60–3.

§ 111.60–3 Type N cable.

Each type N cable must meet the requirements for polyvinyl chloride insulated cable in Section 18 of IEEE Standard No. 45 except—

(a) The thickness of the polyvinyl chloride insulation must meet UL 83 for type THWN wire;

(b) Each conductor must have a nylon jacket;

(c) The thickness of the nylon jacket must meet UL 83 for type THWN wire; and

(d) The material of the nylon jacket must meet ASTM D789 Type VIII.

§ 111.60–5 Cable application.

(a) Cable application must meet Section 19 of IEEE Standard No. 45.

(b) Cable application of Type N cable must meet Section 19 of IEEE Standard No. 45 for polyvinyl chloride insulated cable.

§ 111.60–7 Cable installations.

Each cable installation must meet Sections 20 and 22 of IEEE Standard No. 45.

§ 111.60–9 Segregation of vital circuits.

(a) *General.* A branch circuit that supplies vital equipment must not supply any other equipment.

(b) *Passenger vessels.* (1) Each passenger vessel with firescreen bulkheads that form main fire zones must have distribution systems arranged so that fire in a main fire zone does not interfere with essential services in another main fire zone.

(2) Main and emergency feeders passing through a main fire zone must be vertically and horizontally as far apart as possible.

§ 111.60–11 Wire.

(a) Wire must be in an enclosure.

(b) Wire in a lighting fixture must meet UL 595.

(c) Switchboard wire must meet Subpart 111.30.

(d) Wire, except in lighting fixtures and switchboards, must meet—

(i) MIL–W–76;

(ii) MIL–W–16878 type B, C, D, E, EE, or FF;

(iii) UL 44; or

(iv) UL 83.

(e) The installation of wire that meets UL 44 or UL 83 must meet Tables 310–13 and 310–17 of the National Electrical Code.

§ 111.60–13 Portable electric cord and cables.

(a) *Construction and testing.* Each portable electric cord and cable must meet—

(1) UL 62;

(2) NEMA WC 3;

(3) NEMA WC 8; or

(4) MIL–C–915.

(b) *Application.* A portable cord must be used—

(1) Only as allowed under Sections 400–7 and 400–8 of the National Electrical Code; and

(2) In accordance with Table 400–4 of the National Electrical Code.

(c) *Allowable current-carrying capacity.* A portable cord must not carry more current than allowed under Table 400–5 of the National Electrical Code. NEMA WC 3, NEMA WC 8, or Department of the Navy Cable Comparison Guide (NAVSEA 0981–052–8090).

(d) *Conductor size.* Each portable cord must be No. 18 AWG or larger.

(e) *Splices.* Each portable cord and cable must have no splices or taps except a cord or cable may be spliced for repairs in accordance with § 111.60–19.

(f) *Pull at joints and terminals.* Each portable cord and cable must be connected to a device or fitting by a knot, tape, or special fitting so that tension is not transmitted to joints or terminal screws.

§ 111.60–15 Color coding of conductors.

Color coding of conductors must meet § 111.05–35.

§ 111.60–17 Connections to terminals.

(a) Each connection to a terminal of a conductor that is larger than No. 10 AWG must have—

(1) A pressure-type connector;

(2) A solder lug; or

(3) A splice that is soldered, brazed or welded to flexible leads.

(b) Each connection to a terminal of a conductor that is No. 10 AWG or smaller must—

(1) Meet paragraph (a) of this section; or

(2) Have clamps or screws with terminal plates that have upturned lugs.

(c) A connector or lug of the setscrew type must not be used with stranded conductors smaller than No. 14 AWG except if there is a nonrotating follower that travels with the setscrew and makes pressure contact with the conductor.

(d) Each pressure-type wire connector, fixture splicing connector, and lug must meet UL 486.

(e) Each terminal block must have 6–32 terminal screws or larger and spacings that meet Table 111.60–17(e).

TABLE 111.60–17(e)—*Terminal block spacings in inches (millimeter)*

Voltage	Minimum spacing between opposite polarity and between live parts and ground	
	Through air	Over surface
0 to 250	¼ (6.4)	⅜ (9.5)
251 to 600	⅜ (9.5)	⅜ (9.5)

§ 111.60–19 Splices

(a) A cable may be spliced only under the following conditions:

(1) A cable installed in a subassembly may be spliced to a cable installed in another subassembly.

(2) For a vessel receiving alterations, a cable may be spliced to extend a circuit.

(3) A cable having a large size or exceptional length may be spliced to facilitate its installation.

(4) A cable may be spliced to replace a damaged section of the cable if, before replacing the damaged section, the in-

V 42 N 123 JUN 27 77 UM

sulation resistance of the remainder of the cable is measured to determine the condition of the insulation.

(b) Each splice must be made by a qualified person with a one cycle compression tool and must have the following:

(1) A pressure-type butt connector that is listed by Underwriters' Laboratories, Inc. under UL 486.

(2) Replacement insulation that—

(i) Has the same or greater thickness than that of the cable insulation;

(ii) Has electrical properties that are the same as or better than the electrical properties of the cable insulation; and

(iii) Has a heat transfer capability that is the same as or better than that of the original cable insulation.

(3) A watertight replacement jacket that is heat shrinkable or prestretched tubing of the same or a greater thickness than that of the cable jacket and that has properties that are the same as or better than those of the cable jacket.

(4) For armored cable, replacement armor or a jumper that connects to the cable armor on each side of the splice and that maintains the electrical continuity of the cable armor.

(c) All material in a splice must be chemically compatible with all other material in the splice and with the materials of the cable.

Subpart 111.70—Motor Circuits, Controllers, and Protection

§ 111.70–1 General.

Each motor circuit, controller, and protection must meet Article 430 of the National Electrical Code, except—

(a) Each fire pump motor circuit and protection must meet the same requirements in the National Electrical Code as each other motor circuit and protection;

(b) Each steering gear motor circuit and protection must meet Subpart 111.93 of this part; and

(c) Each propulsion motor circuit and protection must meet Subpart 111.35 of this part.

§ 111.70–3 Motor controllers and motor control centers.

(a) *General.* Each controlling apparatus, except as allowed in paragraph (b), of this section, must be protected by an enclosing case that is either dripproof or watertight, depending on its location. If there is a cable entrance plate in a watertight enclosure or in the top of a dripproof enclosure, the plate must be at least ⅛ inch (3.18 mm) thick and have a gasket. Each watertight enclosure must have external feet or lugs for mounting.

(b) *Open type.* A control apparatus may be of the open type if it is in a compartment or enclosure that is only for electric control equipment and accessible only to qualified persons. If the compartment is used for other apparatus and an open controller is where it is subject to accidental contact, the controller must have guardrails.

(c) *Hinged doors.* Each controller hinged door with a height greater than 45 inches (1.14m), or a width greater than 24 inches (0.6 m), must have door positioners and stops. Equipment mounted on a hinged door must be constructed or shielded so that no live part of the doormounted equipment is exposed to accidental contact by a person when the door is open and the circuit energized.

(d) *Construction.* Each motor controller for use at 600 volts or less must meet UL 508. Each motor controller for use above 600 volts must meet UL 347. Each motor control center must meet UL 845.

(e) *Wearing parts.* Each wearing part of a controller must be accessible for inspection and renewal.

(f) *Low voltage release.* Each motor controller for a fire pump, elevator, steering gear, or auxiliary that is vital to the vessel's propulsion system, except a motor controller for a forced draft fan under paragraph (g) of this section, must have low voltage release if automatic restart after a voltage failure is not hazardous. If automatic restart is hazardous, the motor controller must have low voltage protection. Motor controllers for other motors must not have low voltage release unless the starting current and the short-time sustained current of the additional low voltage release load is within the capacity of one generator.

(g) *Forced draft fans.* Each motor controller for a forced draft fan for a propulsion boiler must have low voltage protection if—

(1) The vessel has no diesel or gas turbine-driven ship's service generator; and

(2) The vessel has a centralized engineroom control system that has a control for each forced draft fan and controls to start each propulsion boiler.

(h) *Low voltage protection.* Each motor controller must have low voltage protection, except—

(1) A motor controller that has low voltage release under paragraph (f) of this section; and

(2) A motor controller for a motor of less than 2 horsepower (1.5 kw).

(i) *Manually-operated controllers.* Each manually-operated controller must operate without the operator opening the enclosed case. In each panel-type manually-operated controller, the starting arm must be arranged so that the motor stops if the arm is left on a starting point. In each regulating drum controller, the resistor must be proportioned for the duty cycle.

(j) *Alternating-current manual autostarters.* Each alternating-current manual autostarter with a self-contained autotransformer must have a switch of the quick-make-and-break type, and the starter must be arranged so that it is impossible for an operator to throw the switch to the running position without having first thrown the switch to the starting position. If oil is necessary, the starter must not leak when tilted to an angle of 30 degrees and must be constructed to prevent the liquid from splashing out due to the rolling of the vessel.

(k) *Identification of controllers.* Each controller must be marked with the maker's name or identification symbol, the voltage, the current or horsepower rating, and data necessary to show the motor that it controls. The identification data necessary to show the motor that the controller controls must be on the external surface of the enclosure. A durable heat resistant wiring diagram of the controller must be fixed to the inside of the controller door.

§ 111.70–5 Heater circuits.

(a) If an enclosure for a motor, master switch, or other equipment, except a motor controller, has an electric heater inside the enclosure that is energized from a separate circuit, the heater circuit must be disconnected in the same manner as required for control, interlock, and indicator circuits under § 111.70–7(d)(2).

(b) If the location of the enclosure for a motor, master switch, or other equipment for deck machinery is remote from the motor and controller disconnect device, a sign may be fixed to the enclosure instead of the disconnect arrangement required under § 111.70–7(d)(2). The sign must warn the operator of the presence of two sources of potential within the enclosure and show the location of the heater circuit disconnect device.

§ 111.70–7 Remote control, interlock, and indicator circuits.

(a) *Overcurrent protection.* A conductor of a control, interlock, or indicator circuit of a motor controller need not be protected against overcurrent if the conductor is wholly within the controller enclosure. A conductor of a control, interlock, or indicator circuit external to the controller enclosure need not be protected against overcurrent if—

(1) The rating or setting of the branch circuit overcurrent device is not more than 300 percent of the current-carrying capacity of the control, interlock, or indicator circuit conductor;

(2) There is an overcurrent device in each side of the line that has a rating or setting of not more than 300 percent of the current carrying capacity of the control, electrical interlock, or indicator circuit conductor, except if under operating conditions there is no appreciable difference in potential between the external conductors, overcurrent protection need only be at the supply of that side of the line; or

(3) The opening of the control, interlock, or indicator circuit creates a hazard.

NOTE: For overcurrent protection of steering gear control and indicator circuits, see Subpart 111.93.

(b) *Accidental ground.* No motor may start by an accidental ground in a remote control circuit.

(c) *Source of potential.* The potential for a control, interlock, or indicator circuit must be derived from the load side of the motor and controller disconnect means, except if the control functions require circuits that must be common to two or more controllers, the switching arrangement in paragraph (d) of this section must be met.

(d) *Switching.* In the design of each control, interlock, or indicator circuit, all practicable steps must be taken to eliminate all but one source of potential in an enclosure. If the control functions make it impracticable to energize a control, interlock, or indicator circuit from the load side of a motor and controller disconnect means, there must be one of the following alternative methods of switching:

(1) If the potential of the control, interlock, or indicator circuit is limited to not more than 24 volts, no disconnecting means is necessary.

(2) Each conductor of a control, interlock, or indicator circuit must be disconnected from all sources of potential by a disconnect device independent of the motor and controller disconnect device. The two independent devices must be adjacent to each other, and a fixed sign, warning the operator to open both devices to disconnect completely the motor and controller, must be on the exterior of the door of the main disconnect device.

(3) Each conductor of a control, interlock, or indicator circuit must be disconnected from all sources of potential by a disconnect device actuated by the opening of the controller door. The disconnect device and its connections, including each terminal block for terminating the vessel's wiring, must have no electrically uninsulated or unshielded surface.

Subpart 111.75—Lighting Circuits and Protection

§ 111.75–1 Lighting feeders.

(a) *Passenger vessels.* On a passenger vessel with firescreen bulkheads forming fire zones, the lighting distribution system must be arranged so that fire in any main fire zone does not interfere with the lighting in any other main fire zone. This requirement is met if main and emergency feeders passing through any zone are separated both vertically and horizontally as widely as is practicable.

(b) *Machinery spaces.* Lighting for each engineroom, boiler room, and auxiliary machinery space must be supplied from two or more feeders, one of which may be an emergency feeder.

(c) *Cargo spaces.* There must be separate feeders for cargo space lighting. Distribution panels must be outside cargo spaces.

NOTE: Special requirements for emergency lighting, feeders, and branch circuits are in Subpart 112.07 of this subchapter.

§ 111.75–5 Lighting branch circuits.

(a) *General.* Each lighting branch circuit conductor must be No. 14 AWG or larger, except a tap to a lampholder within a lighting fixture and flexible cord may be No. 18 AWG or larger if the branch circuit is protected by an overcurrent device rated or set at not more than 15 amperes.

(b) *Limit on type of load.* Each lighting distribution panel may supply only—

(1) Lighting branch circuits; and

(2) Appliance branch circuits rated at 30 amperes or less.

(c) *Connected load.* The connected load on a lighting branch circuit must be not more than 80 percent of the rating of the overcurrent protective device, computed on the basis of the lamp sizes, but must me at least 50 watts for each outlet unless the design of the fixture prevents the use of a lamp of a higher wattage than the original lamp. Each circuit supplying electric discharge type lamps must be computed on the basis of ballast input current. A receptable outlet for the convenience of passengers or crew to which no ship's service apparatus, such as a room fan, desk lamp, or table lamp, is connected, is not considered a connected load.

(d) *Lighting fixtures on lighting circuits.* Each lighting fixture must be on a lighting branch circuit.

(e) *Overcurrent protection.* Each lighting branch circuit must be protected by an overcurrent device rated at 15 amperes or less, except as allowed under paragraphs (f) and (g) of this section.

(f) *20 ampere lighting branch circuits.* A lighting branch circuit supplying only fixed nonswitched lighting fixtures for cargo hold or deck lighting may be supplied by a 20 ampere branch circuit with No. 12 AWG or larger conductors if each fixture wire or portable cord used in each lighting fixture is No. 14 AWG or larger.

(g) *30 ampere lighting branch circuits.* A lighting branch circuit supplying only fixed nonswitched lighting fixtures having only lampholders of the mogul type, or other lampholding devices required for lamps of more than 300 watts, may be supplied by a 30 ampere branch circuit wired with at least No. 10 AWG conductors if each fixture wire used in wiring each lighting fixture is No. 12 AWG or larger.

(h) *Connections to screw-shell lampholders.* On each branch circuit with a grounded conductor, the screw shell of each lampholder must be connected to the grounded neutral.

§ 111.75–15 Lighting requirements.

(a) *Lights in passageways, public spaces, and berthing compartments.* The supply to lights in each passageway, public space, or berthing compartment accommodating more than 25 persons must be divided between two or more branch circuits, one of which may be an emergency branch circuit.

(b) *Lights in machinery spaces.* Alternate groups of lights in an engineroom, boiler room, or auxiliary machinery space must be arranged so that the failure of one branch circuit does not leave an area without light.

(c) *Illumination of passenger and crew spaces.* Each space used by passengers or crew must have illumination that is sufficient for reading .125 in. (3.18 mm) print.

(d) *Berth lights.* Each crew berth must have a fixed light that is not wired with a portable cord. The berth light must have minimum horizonal projection so that the light may not be covered with bedding.

(e) *Exit lights.* Each exit light required on passenger vessels under § 112.15–1 of this subchapter must have the word "Exit" in red block letters at least 2 inches (50.8 mm) high.

(f) *Pilot ladders.* There must be a means for lighting each pilot ladder on a vessel for voyages on which pilots are likely to embark at night.

§ 111.75–16 Lifeboat and liferaft floodlights.

Each vessel must have floodlights for illumination of lifeboat and liferaft launching that meet the following requirements:

(a) Floodlights must be where they can be directed to illuminate launching devices and the area for launching, from the stowage position to the water.

(b) Each floodlight must—

(1) Have a manual means of training that does not need tools;

(2) Connect to the supply circuit by a short length of Type S or Type SO portable cord without the use of a receptacle outlet; and

(3) Be supplied from the emergency source of lighting and power in accordance with Subpart 112.07 of this chapter.

§ 111.75–17 Navigation lights.

Each navigation light system must meet the following:

(a) *Overcurrent protection.* The feeder supplying a navigation light panel must be protected by overcurrent devices rated or set at 30 amperes or greater. The navigation light panel must have 10-ampere main fuses and 3-ampere branch circuit fuses.

(b) *Navigation light indicator panel.* Each self-propelled vessel must have a navigation light indicator panel in the wheelhouse to control electric side, masthead, range, and stern lights. The panel must visually and audibly signal the failure of each of these navigation lights. The power supply must meet § 112.07–13 of this subchapter. Recommended circuit diagrams for navigation light indicator panels are shown in Figure 111.75–17. Other circuit diagrams may be specially approved by the Commandant.

(c) *Construction of navigation lights.* Each navigation light must be of a type approved by the Commandant.

(d) *Light intensity standards.* Each navigation light must have the intensity in Table 111.75–17 for the required distance of visibility.

TABLE 111.75–17

Distance of visibility, in nautical miles:	*Luminous intensity, in candelas*
1	0.9
2	4.3
3	12
5	53
6	94

JUN 27 77 UM

NOTE.—Table 111.75-17 is based upon

$$I = 3.43 \times 10^6 \times T \times D^2 \times K^{-D};$$

where:

I is the luminous intensity in candelas,
T is the threshold factor, 2×10^{-7} lux,
D is the range of visibility in nautical miles; and
$K = 0.8$, the atmospherice transmissivity corresponding to a meteorological visibility of approximately 13 nautical miles.

NOTE.—The following standard incandescent lamps are recommended for vessels with 115 volt electric systems:

Distance of visibility, in nautical miles	Color	With fresnel lens	Without fresnel lens
1	Red	25	25
1	Green		50
2	White		15
2	Amber		25
2	Red	40	75
2	Green	75	200
3	White		25
3	Amber	15	50
3	Red	75	200
3	Green	200	
5	White	25	75
6	do	40	100

The recommended lamp wattage is based upon: (1) For lights with fresnel lenses, a lamp-to-light ratio of 1 to 4. (2) Filter efficiencies: Amber 30 percent; red 5 percent; green 2 percent. (3) Lamp intensities: 15w.—11cd; 25w—21cd; 40w.—37cd; 50W.—50 cd; 75w.—90cd; 100w—130cd; 200w.—290 cd.

(e) *Installation of navigation lights.* Each navigation light must:

(1) Be installed so that its angle of visibility and its minimum height above the deck meet the applicable Rules of the Road;

(2) Be arranged so light from a nevigation light is not obstructed by any part of the vessel's structure or rigging;

(3) Be wired by a short length of heavy-duty, portable cable to a watertight receptacle outlet next to the light; and

(4) If it is a double lens, two-lamp type, have each lamp connected to its branch circuit conductors by an individual portable cable and receptacle plug.

(f) *Light screens.* Each light screen required by the Rules of the Road for port and starboard side lights must be painted with a flat black paint and must project at least 3 feet (1 m) forward of the center of the light source.

§ 111.75–18 Signaling lights.

Each ocean, Great Lakes, and coastwise self-propelled vessel of over 150 gross tons must have a daylight signaling light that meets the following:

(a) The signaling light must produce a narrow, high-intensity beam of light for daylight blinker communication at speeds up to 180 dots or dashes per minute.

(b) The axial luminous intensity of the beam must be at least 60,000 candela.

(c) The luminous intensity of the beam in every direction within an angle of 0.7° from the axial must be at least 50 percent of the axial luminous intensity.

(d) The signaling light must have a sighting arrangement that the operator can use to direct the beam to the receiving station.

(e) Signaling must be by keying the current through the lamp or by movement of shutters.

(f) Each signaling light must be:

(1) A fixed unit mounted on the top of the wheelhouse;

(2) A semi-fixed unit with arrangements for quick mounting at either wing of the navigating bridge; or

(3) A portable unit.

(g) Each fixed or semi-fixed signaling light must be energized from the emergency lighting and power system. Each portable signaling light must be energized from a self-contained storage battery that can operate the light continuously for two hours without recharging.

§ 111.75–20 Lighting fixtures.

(a) The construction of each lighting fixture must meet UL 595.

(b) An open-arc lamp may only be used in a searchlight or in a motion picture projector.

(c) Each fixture globe must have a guard or be made of high strength material, except in an accommodation space, wheelhouse, gyro room, radio room, galley, or similar space where it is not subject to damage.

(d) Each fixture must have a shade or guard so that adjacent combustible material is not subjected to temperatures higher than 90° C.

(e) No fixture may be used as a connection box for a circuit other than the branch circuit supplying the fixture.

(f) Lighting fixtures must be installed as follows:

(1) Each fixture in the weather or in another location where it may be exposed to splashing water must be watertight. Each fixture in another damp or wet location must at least be dripproof.

(2) Each combustible bulkhead or ceiling finish that is exposed between the edge of a fixture canopy or pan and the outlet box must be covered with noncombustible material.

(3) Each fixture and lampholder must be fixed. No fixture may be supported by the screw shell of a lampholder.

(4) Each pendent-type fixture must be suspended by and supplied through a threaded, rigid conduit stem.

(5) Each tablelamp, desklamp, floorlamp, and similar equipment must be secured in place so that it cannot be displaced by the roll or pitch of the vessel.

Subpart 111.77—Appliances and Appliance Circuits

§ 111.77–1 Overcurrent protection.

If a circuit supplies only one appliance or device, the rating or setting of the branch circuit overcurrent device must not be more than 150 percent of the rating of the appliance or device, or 15 amperes, whichever is greater.

§ 111.77–3 Electric cooking equipment.

(a) Each piece of equipment, attachment, and device must be designed to allow cleaning, maintenance, and repair.

(b) Each door must have heavy-duty hinges and securing devices.

(c) There must be grab rails where necessary for safety of personnel.

Each range must have sea rails with adjustable barriers that prevent cook pot movement.

(d) There must be a means for grease or fat collection and spillage prevention.

(e) All equipment must be mounted to prevent dislodgment by roll or pitch.

(f) Each equipment unit must have a means of disconnection from all circuit conductors. The open and closed circuit position of the means of disconnection must be marked. The means of disconnection must be in the same compartment with, and visible from its associated equipment. The means of disconnection may be an integral part of the equipment if the means is unaffected by the heat of that equipment. If the disconnection means is part of the equipment, it must be where it is accessible if there is a fire on the cooking surfaces.

(g) Each item of electric cooking equipment must meet UL 197.

§ 111.77–5 Electric motor-operated appliances.

(a) Each electric motor-operated appliance must meet UL 73.

(b) Each electric motor-operated commissary appliance motor and controller must be:

(1) In a watertight enclosure; or

(2) Totally enclosed.

§ 111.77–7 Dishwashers.

Each dishwasher must meet UL 749 or UL 921.

§ 111.77–9 Refrigerators.

Each refrigerator must meet UL 250 or UL 471.

§ 111.77–11 Refrigerated drinking water coolers.

Each refrigerated drinking water cooler must meet UL 399.

Subpart 111.79—Receptacles

§ 111.79–1 Receptacle outlets; general.

(a) There must be enough receptacle outlets throughout the crew's accommodations for electric razors, radios, and similar items.

(b) There must be enough receptacle outlets throughout each machinery space for lighting any machine that is necessary for the operation of the vessel with a portable light having a 75 foot (24 m) portable cord.

(c) The rating of each receptacle must meet Section 210–21 of the National Electrical Code.

(d) Each interior unit of a receptacle outlet or plug must meet UL 498.

§ 111.79–3 Grounding pole.

Each receptacle outlet that operates at 100 volts or more must have a grounding pole connected to meet Section 250–74 of the National Electric Code.

§ 111.79–5 Damp or wet locations and weather locations.

(a) Each receptacle outlet in a damp or wet location must be designed so that when the plug is in, the plug is held in positive contact and establishes and maintains a watertight enclosure.

(b) Each receptacle outlet in a damp or wet location must be designed so that, when the plug is not in, the plug opening may be closed to establish and maintain a watertight enclosure. If a threaded cap is used for this purpose, the cap must be mechanically fastened to the cover or enclosure by a link or hinged strap.

(c) Each receptacle outlet and plug in a damp or wet location must be made of corrosion-resistant materials or of materials or of materials with corrosion-resistant finishes, except a receptacle outlet or plug for a corrosive location must be made of corrosion-resistant materials.

(d) Each receptacle outlet in a location in the weather must be designed so that, with the plug opening uncovered, water does not collect in the interior of the box.

§ 111.79–7 No live parts.

Each receptacle outlet in a location that is accessible to other than a qualified person must have no exposed live parts. Each screw, rivet, contact, or similar item that is accessible and in electrical connection with any live metal part, must be connected in a hole not more than 9/32 in. (7.2 mm) in diameter and recessed at least 3/16 in. (4.8 mm).

§ 111.79–9 Transmitting power between receptacles.

(a) If it is necessary to transmit current in one direction between two receptacle outlets by a portable cable with a plug on each end, such as a battery charging lead between a receptacle outlet on a ship and a receptacle outlet in a lifeboat, the plug that may be energized when not in the receptacle outlet must be female.

(b) If a receptacle outlet may be used as a source of power and as a receiver of power, such as the receptacles on barges that may have to supply power to adjoining barges in some makeups and receive power from the towboat or adjoining barge in other makeups, the receptacle must be male and reverse service. Plugs of portable cable must be female and must be at both ends of the portable lead. The female plug must meet § 111.79–7.

§ 111.79–11 Lifeboat receptacles.

Each receptacle outlet on a lifeboat for connection to a vessel's electrical system must allow the plug to pull free when the lifeboat is lowered.

§ 111.79–13 Different potentials on a vessel.

If receptacle outlets on a vessel are connected to different potentials or to different types of potential, each receptacle outlet must preclude the plugging of a portable device into a receptacle outlet of an incompatible potential.

§ 111.79–15 Receptacles for refrigerated containers.

Each group of receptacles for refrigerated containers must have:

(a) A switch near the receptacles that disconnects all power to those receptacles; and

(b) A sign stating that the switch should be opened before cables are disconnected from the receptacles or refrigerated containers.

Subpart 111.81—Outlet Boxes and Junction Boxes

§ 111.81–1 Outlet boxes and junction boxes; general.

(a) The requirements of this subpart apply to each outlet box used with a lighting fixture, wiring device, or similar item, including each separately installed connection and junction box.

(b) An outlet box must be at each outlet, switch, receptacle, or junction point.

(c) Each outlet or junction box must have a cover unless a fixture canopy, switch cover, receptacle cover, or other cover is used.

§ 111.81–3 Cables entering boxes.

Each cable entering a box or fitting much be protected from abrasion and must meet the following:

(a) Each opening through which a conductor enters must be closed.

(b) Cable armor must be secured to the box or fitting.

(c) Each cable entrance in a damp or wet location must be made watertight by a terminal or stuffing tube.

§ 111.81–5 National Electrical Code.

Each outlet box and junction box installation must meet Section 370–6 of the National Electrical Code.

§ 111.81–7 Degree of enclosure.

Each outlet box in a damp or wet location must be watertight.

§ 111.81–9 Mounting.

(a) Each outlet box must be fixed.

(b) Each watertight outlet box must have external mounting feet.

§ 111.81–11 Penetration of walls.

A hole in a wall of a watertight outlet box for the attachment of a part on the exterior or interior of the box, for securing the cover, or for a similar purpose, must not penetrate the total thickness of the box wall.

§ 111.81–13 Construction.

The construction of each box must meet UL 50 or UL 514, except a sheet steel outlet box must not be installed in a corrosive location.

Subpart 111.83—Shore Connection Boxes

§ 111.83–1 General.

Each shore connection box must be of a size that accommodates the connections of the portable and fixed cables.

§ 111.83–3 Spacing; live parts and live parts and ground.

(a) The minimum spacing between live parts and between live parts and ground in each shore connection box must meet Section 384–26 of the National Electrical Code.

(b) A cable lug must not rotate.

(c) Paragraph (b) of this section must be met by means other than friction between parts.

§ 111.83–5 Bottom entrance and protected enclosures.

Each shore connection box must have a bottom entrance for portable cable and protect the shore connection when the connection is in use.

Subpart 111.85—Electric Oil Immersion Heaters

§ 111.85–1 Electric oil immersion heaters.

Each oil immersion heater must have the following:

(a) An operating thermostat.

(b) Heating elements that have no electrical contact with the oil.

(c) A high temperature limiting device that—

(1) Opens all conductors to the heater;

(2) Is manually reset; and

(3) Actuates at a temperature below the flashpoint of the oil.

(d) A low fluid level device that, if not submerged, opens all conductors to the heater, or a flow device that opens all conductors to the heater if there is inadequate flow.

Subpart 111.87—Electric Air Heating Equipment

§ 111.87–1 Applicability.

This subpart applies to electrically energized units or panels for heating a room or compartment. This subpart does not apply to electrically energized units for heating the air in an enclosed apparatus, such as a motor or controller.

§ 111.87–3 General requirements.

(a) Each electric heater must meet UL 1025 except—

(1) Each electric baseboard heater must meet UL 1042; and

(2) Each electric duct heater must meet UL 1096.

(b) Each heater element must be an enclosed type. The heater element case or jacket must be of a corrosion-resistant material.

(c) Each heater must have a thermal cutout of the manually-reset type that prevents overheating and must have a regulating switch.

(d) Each heater for bulkhead mounting must have its top slanted or otherwise designed to prevent hanging anything on the heater. If a heater is portable, it must have a clip or bracket to hold the heater in a fixed position.

Subpart 111.89—Motion Picture Projectors

§ 111.89–1 Motion picture projectors.

Each motion picture projector must be installed to meet Article 540 of the National Electrical Code.

VOL 42 NO 123 JUN 27 77 UM

Subpart 111.91—Elevators and Dumbwaiters

§ 111.91–1 Control and interlock circuits.

Each electric control and interlock circuit of an elevator or dumbwaiter must meet ANSI A17.1.

§ 111.91–3 Control switches.

The construction of each control switch must meet UL 104.

Subpart 111.93—Steering Systems

§ 111.93–1 Applicability.

This subpart applies to each steering gear installation that has an electrically-powered steering control system and that has—

(a) A main steering gear that is electrically or electro-hydraulically powered; or

(b) A main steering gear and an auxiliary steering gear both of which are electrically or electro-hydraulically powered.

§ 111.93–3 Definitions.

As used in the subpart:

"Steering control system" means a group of devices and cables forming a network that regulates and guides the operation of a steering gear.

"Steering power system" means a group of devices and cables forming a network that supplies mechanical energy to a steering gear.

"Steering gear" means the machinery and equipment, including motors and pumps, that apply torque to the rudder stock, tiller, or quadrant.

§ 111.93–5 Feeder circuits.

(a) If a vessel has only one steering gear, electric power to the steering gear must be supplied by—

(1) Two feeder circuits from the main switchboard; or

(2) One feeder circuit from the main switchboard and one feeder circuit from the emergency switchboard.

(b) If a vessel has two steering gears, electric power to—

(1) Each steering gear must be supplied by a separate feeder circuit from the main switchboard; or

(2) One steering gear must be supplied by a feeder circuit from the main switchboard and the other steering gear by a feeder circuit from the emergency switchboard.

(c) Each ocean, Great Lakes, or coastwise vessel that has more than one steering power system must have a feeder circuit from the emergency switchboard to one steering power system.

(d) Each feeder circuit for a steering power system must be separated as widely as practicable from each other feeder circuit for a steering power system.

(e) Each steering power system must be connected to its feeder circuit in the steering gear room.

(f) Each feeder circuit for a steering power system must have a disconnect switch in the steering gear room.

(g) If there is a feeder transfer panel, it must—

(1) Be in the steering gear room; and

(2) Have interlocks that prevent—

(i) More than one steering power system from being connected to the same feeder simultaneously; and

(ii) More than one feeder from being connected to the same steering power system simultaneously.

(h) Each feeder circuit for a steering power system must have a current-carrying capacity of the sum of the following:

(1) 125 percent of the full-load current rating of the largest motor supplied.

(2) 100 percent of the full-load current rating of all other motors that may be supplied simultaneously.

(3) 100 percent of the normal steering control system current.

§ 111.93–7 Steering control systems.

(a) Each steering power system must have a steering control system.

(b) Each steering control system must be one that can be operated from the pilothouse.

(c) Each main steering gear must be one that can be controlled in the steering gear room.

(d) The steering control system for a steering power system must be separated as widely as practicable from each other steering control system and each steering power system that it does not control.

(e) Each steering control system must have a switch that—

(1) Is in the pilothouse; and

(2) Automaticaly energizes the steering control system and associated steering power system for which the switch is provided.

(f) If there is more than one steering control system, the switches required by paragraph (e) of this section must be—

(1) Operated by one handle;

(2) Arranged so that not more than one steering control system and its associated steering power system can be energized at one time;

(3) Arranged so that the handle passes through an "off" position when transferring from one steering control system to another; and

(4) In separate enclosures or separated by fire resistant barriers.

(g) Each steering control system must be connected to the feeder circuit for its steering power system in the steering gear room.

(h) Each steering control system must have a switch that—

(1) Is in the steering gear room;

(2) Disconnects power to the steering control system; and

(3) Does not disconnect power to the steering power system.

(i) Each motor controller for a steering gear must—

(1) Be in the steering gear room; and

(2) Have low voltage release.

(j) A means to start and stop each motor for a steering gear must be in the steering gear room.

§ 111.93–9 Overcurrent protection for steering systems.

(a) *Feeder circuits.* Each steering feeder circuit must be protected by a circuit breaker that is on the switchboard from which it is supplied and has an instantaneous trip set at a current of at least—

(1) For a direct-current steering gear motor, 300 percent and not greater than 375 percent of the rated full-load current of one steering gear main motor; and

(2) For an alternating-current steering gear motor, 175 percent and not greater than 200 percent of the locked-rotor current of one steering gear main motor.

(b) *No other protection.* A steering feeder circuit must not have any overcurrent protection, except that required under paragraph (a) of this section.

(c) *Motor overloads.* Each main steering gear motor and each motor for a steering control system must not have a motor running overcurrent protective device. The motor starter must have a device that operates an audible and visual alarm in the pilothouse and at the main machinery control station if there is an overload that would cause overheating of the motor.

(d) *Short circuit protection.* Each control circuit of a motor controller, each steering control system, and each indicating and alarm system must have short circuit protection that is instantaneous and rated at 400 to 500 percent of the current-carrying capacity of the conductor. There may be no other protection.

(e) *Protection of steering control systems.* The short circuit protective device for each steering control system must be—

(1) In the steering gear room; and

(2) In the control circuit just after the steering control system disconnect switch.

§ 111.93–11 Indicating and alarm systems for steering installations.

(a) Each steering gear power motor and each auxiliary motor for control of the rudder must have a pilot light that lights in the pilothouse when the motor is energized.

(b) The opening of a steering gear feeder circuit breaker must actuate an audible and visual alarm in the pilothouse and at the main machinery control station.

(c) The failure of any phase of a three phase supply must actuate an audible and visual alarm in the pilothouse.

NOTE.—For requirements pertaining to overload indicating lights for steering gear motors, see § 111.93–9(c).

Subpart 111.95—Electric Power-Operated Boat Winches

§ 111.95–1 Applicability.

The electric installation of each electric power-operated boat winch must meet the requirements in this subpart, except that limit switches must be adapted to the installation if there are no gravity davits.

§ 111.95–3 General requirements.

(a) Each switch and motor controller must be designed to prevent corrosion of its working parts. Each structural part, such as an enclosing case, if not made of corrosion-resistant materials, must have a corrosion-resistant finish.

(b) Insulating material must have low water absorption and little effect of such water absorption upon the dielectric properties consistent with the other necessary characteristics.

(c) If a gasket is used for a water seal between parts of an assembly, the gasket must be fixed to prevent its falling out or becoming loose when the unit is disassembled.

(d) A hole in a wall of an equipment housing for the purpose of providing means for the attachment of a part on its interior or for securing a cover or similar device must not penetrate the total thickness of the housing wall.

(e) Each totally enclosed unit must have a valve, or at least one hole closed by a ¼-inch pipe plug. The valve or hole must be at the bottom of the enclosure or as near the bottom as practicable.

(f) Each main line emergency disconnect switch, if accessible to an unauthorized person, must have a means to lock the switch in the open-circuit position with a padlock or its equivalent. The switch must not lock in the closed-circuit position.

§ 111.95–5 Detail construction requirements.

(a) *Enclosures.* Each enclosure for a motor controller or switching device must be watertight if in the weather.

TABLE 111.95–5(b)—*Minimum spacings in inches (millimeter)*

Location	Potential in volts		
	0 to 150	151 to 300	301 to 600
Between any uninsulated live part and an uninsulated live part of opposite polarity, an uninsulated grounded part other than the enclosure, or an exposed metal part:			
Through air	¼(6.4)	5/16(7.9)	⅜(9.5)
Over surface	½(12.7)	⅝(15.9)	¾(19.0)
Between any uninsulated live part and the walls of a metal enclosure, including fittings for cable entrance:			
Through air	½(12.7)	½(12.7)	½(12.7)
Over surface	¾(19.0)	¾(19.0)	¾(19.0)

(b) *Electrical clearances.* The creepage and air clearance distance between live parts of different polarity of motor controllers, master switches, and control circuit limit switches must be at least equal to the values in Table 111.95–5(b). The electrical clearances for power circuit limit switches and main line emergency disconnect switches must meet Subpart 111.55 of this part.

(c) *Motors.* Motors must be waterproof or watertight.

§ 111.95–7 Wiring of boat winch components.

(a) If the motor controller of a boat winch power unit is next to the winch, the main line emergency switch must disconnect all parts of the boat winch power unit, including the motor controller and limit switches, from all sources of potential. Other power circuit switches must be connected in series with the main line emergency switch and must be ahead of the motor controller. The main line emergency switch must be the motor and controller disconnect required by Subpart 111.70 of this part and must have a horsepower rating of at least that of the winch motor.

(b) If the motor controller of a boat winch power unit is remote from the winch, there must be a switch at the controller that can disconnect the entire winch electric installation from all sources of potential, and the main line emergency switch must be connected in series with, and after, this circuit disconnect switch and ahead of the power circuit limit switches, if any, and ahead of the motor controller.

(c) Each davit arm limit switch, whether connected in the power circuit or in the control circuit, must disconnect all ungrounded conductors of the circuit controlled.

(d) If one motor is used with two winches, there must be a main line emergency switch, a clutch interlock switch, and a master switch for each winch, except that a single main line emergency switch located as required by paragraph (e) of this section may be used for both winches. The main line emergency switches must be connected, in series, ahead of the motor controller. The master switches must be connected in parallel and each, in series, with the corresponding clutch interlock switch for that winch. Each clutch interlock switch must open the circuit to its master swith, except when the power unit is clutched to the associated winch. There must be a means to prevent the power unit from being clutched to both winches simultaneously.

(e) The main line emergency disconnect switch must be adjacent to the master switch, within reach of the winch operator, accessible to the person in charge of the boat stowage, and for a gravity davit installation, in a position from which the movement of boat davit arms can be observed as they approach the final stowed position.

NOTE.—Typical boat which wiring diagrams and arrangement drawings are shown in Figures 111.97–7(e)(1) through 111.97–7(e)(4). The arrangement of the equipment shown is diagrammatical. The fact that some show direct-current motors and some show alternating-current motors has no particular significance.

Subpart 111.97—Electric Power-Operated Watertight Door Systems

§ 111.97–1 Applicability.

This subpart applies to electric power-operated watertight door systems required under Subpart 73.35 of this chapter.

§ 111.97–3 General requirements.

Each watertight door operating system must meet Subpart 163.001 of this chapter.

§ 111.97–5 Electric and hydraulic power supply.

(a) Each electric motor-driven door operator must have the same source of power as the emergency lighting and power system.

(b) The temporary emergency power source and the final emergency power source must each be capable of operating all doors simultaneously.

(c) The power supply for each hydraulically operated watertight door system that uses a hydraulic system common to more than one water tight door must be an accumulator tank with enough capacity to open all doors twice and to close all doors three times and be supplied by one or more motor-driven hydraulic pumps that can operate from the final source of the emergency lighting and power system.

(d) The motor-driven hydraulic pumps must automatically maintain the accumulator tank pressure within the design limits, be above the uppermost continuous deck, and be controlled from above the uppermost continuous deck.

(e) The accumulator tank capacity required in paragraph (c) of this section must be available when the accumulator tank pressure is at the automaitc pump "cut-in" pressure.

(f) The source of power for each hydraulically operated watertight door system using an independent hydraulic system for each door operator must meet paragraphs (a) and (b) of this section.

(g) The power supply for other types of watertight door operators must be specially approved by the Commandant.

§ 111.97–7 Distribution.

(a) Each distribution panelboard for a watertight door system must be above the uppermost continuous deck and must have means for locking.

(b) Each feeder supplying watertight door operators must be above the uppermost continuous deck.

(c) Each watertight door operator must have a separate branch circuit.

§ 111.97–9 Overcurrent protection.

Overcurrent devices must be arranged to isolate a fault with as little disruption of the system as possible. The relationship between the load and the rating or setting of overcurrent devices must meet the following:

(a) The rating or setting of each feeder overcurrent device must be not less than 200 percent of its maximum load.

(b) The rating or setting of a branch circuit overcurrent device must be not more than 25 percent of that of the feeder overcurrent device.

Subpart 111.99—Firescreen Door Holding and Release Systems

§ 111.99–1 Applicability.

This subpart applies to firescreen doors on passenger vessels.

§ 111.99–3 Definitions.

As used in this subpart:

"Central control station" means a manually-operated device in the wheelhouse or fire control room for releasing one or more firescreen doors.

"Firescreen door" means a door that is in a stairway enclosure or main vertical

V 42 N 123 JUN 27 77 UM

zone bulkhead and is not usually kept closed.

"Firescreen door holding magnet" means an electromagnet for holding a firescreen door open.

"Local control station" means a manually-operated device next to a firescreen door for releasing the door so that the firescreen door self-closing mechanism may close the door.

§ 111.99–3 General.

(a) Each fire screen door holding and release system must have—

(1) For each firescreen door—

(i) A firescreen door holding magnet;

(ii) A self-aligning armature plate on the door to be seized and held by the magnet when the firescreen door is fully open; and

(iii) A local control station; and

(2) A central control station.

(b) Each firescreen door holding circuit must be arranged so that loss of potential from any cause releases the doors, except that a momentary interruption of the circuit that results from the operation of an automatic bus-transfer device in connection with the emergency lighting and power system must not release the doors.

(c) The central control station must be an enclosed switch, circuit breaker, or magnetic contactor of a rating large enough to interrupt the connected load. The switching unit must be an externally operable, maintaining type.

(d) The local control station must be en enclosed, externally operable, fused switch having a T rating of not less than 10 amperes and 125 volts, and may be either the momentary contact type or the maintaining contact type. A single firescreen door holding magnet must be connected to the fuse end of this local control station. If several doors are near each other, a single local control station switch of ample rating may be used to release these doors simultaneously.

(e) Each firescreen door holding magnet must be designed to hold with a pull of 200 pounds (90.7 kg). If the arrangement of the electrical supply involves transfer relays to transfer the supply from a normal to a temporary source, a firescreen door holding magnet must be designed so that, with a pull on the armature of 110 pounds (50 kg), the armature is held in the sealed position for at least one-fourth of a second after the circuit to the magnet is opened. The firescreen door holding magnet must be designed for continuous duty in an ambient temperature of 40° C. with a temperature rise by thermometer measurement of not more than 55° C. for Class A insulation and not more than 80° C. for Class B insullation. The electromagnet coil must be vacuum-pressure impregnated and the magnet enclosure must be either dripproof or watertight.

(f) The source of power for the firescreen door holding and release system must be the emergency power source.

(g) On a large vessel, if the simultaneous closing of all firescreen doors would interfere with firefighting operations or with the evacuation of passengers, the firescreen door release system must be subdivided into two or more circuits. The circuits must be arranged so that it is possible to isolate any compartment in which a fire is reported by enough closed firescreen doors to stop drafts to the fire area by closing—

(1) Each firescreen door in the area between the main vertical zone bulkheads immediately forward and aft of the fire area;

(2) Each firescreen door in the main vertical zone bulkheads immediately forward and aft of the fire area; and

(3) Each firescreen door in the adjacent main vertical zones forward and aft of the fire area.

Subpart 111.101—Submersible Motor-Driven Bilge Pumps

§ 111.101–1 Applicability.

This subpart applies to each submersible motor-driven bilge pump required on certain vessels under § 56.50–55 of this chapter.

§ 111.101–3 General requirements.

(a) The electric motor driving each submersible bilge pump must be in an open end air bell of rugged construction and be of a size that does not allow water to enter the motor if the compartment that the motor is in is flooded to the uppermost continuous deck.

(b) The motor may be of the open type if it is protected from splashing water from the bottom.

(c) The cable to each motor must enter through the open bottom of the air bell.

(d) Each motor must be one that can operate continuously at rated load under any condition, dry or with water in the air bell at any level up to the maximum.

(e) Each motor controller must be above the uppermost continuous deck. There must be a master switch at the controller and a master switch at the motor. The master switch at the motor must be disconnected from the circuit when the motor is started or stopped from the master switch at the controller.

(f) Each motor must be energized from the final emergency power source.

Subpart 111.103—Remote Stopping Systems

§ 111.103–1 Power ventilation systems except machinery space and cargo hold ventilation systems.

Each power ventilation system must have—

(a) A control to stop the ventilation that is—

(1) Outside the space ventilated; and

(2) Grouped with the controls for every ventilation system; and

(b) In addition to the control required by paragraph (a) of this section, a stop control that is—

(1) As far as practicable from the control required by paragraph (a) of this section and grouped with the controls for every ventilation system; or

(2) The circuit breakers for ventilation grouped on the main switchboard and marked, "In Case of Fire Trip to Stop Ventilation."

NOTE.—The requirements of this section do not apply to closed ventilation systems for motors or generators, diffuser fans for refrigerated spaces, room circulating fans, or exhaust fans for private toilets of an electrical rating comparable to that of a room circulating fan.

§ 111.103–3 Machinery space ventilation.

(a) Each machinery space ventilation system must have two controls to stop the ventilation.

(b) The controls required in paragraph (a) of this section must be grouped so that they are operable from two positions, one of which must be outside the machinery space.

§ 111.103–5 Cargo hold ventilation.

Each cargo hold ventilation system must have a stop control that is located outside any cargo hold.

§ 111.103–7 Ventilation stop stations.

Each ventilation stop station must—

(a) Be protected by an enclosure with a glass-paneled door on the front;

(b) Be marked "In Case of Fire Break Glass and Operate Switch to Stop Ventilation";

(c) Have the "stop" position of the switch clearly identified;

(d) Have a nameplate that identifies the system controlled;

(e) Be of the undervoltage type; and

(f) Be arranged so that damage to the switch or cable automatically stops the equipment controlled.

§ 111.103–9 Machinery stop stations.

(a) Each forced draft fan, induced draft fan, blower of an inert gas system, fuel oil transfer pump, fuel oil unit, fuel oil service pump, and other fuel oil pump must have a stop control that is outside of the space containing the pump or fan.

(b) Each stop control must meet § 111.103–7.

Subpart 111.105—Hazardous Locations

§ 111.105–1 Applicability.

This subpart applies to installations in hazardous locations, as defined in the National Electrical Code.[2]

§ 111.105–5 National Electrical Code.

Each installation in a hazardous location must meet Articles 500 through 503 of the National Electrical Code, except—

(a) The first sentence of Sections 501–1, 502–1, and 503–1;

(b) Section 501–4, which § 111.105–15 replaces;

(c) Sections 502–14(a)(1) and 503–12 and each final sentence of Sections 502–4(a) 502–4(b), 503–3(a), and 503–3(b), which are replaced by § 111.105–17; and

(d) Section 502–14(a)(2), which § 111.105–35(d) modifies.

[2] Chemicals and materials in addition to those listed in Table 500–2 of the National Electrical Code are listed in Subchapter O of this chapter.

§ 111.105–7 Approved equipment.

If the National Electrical Code states that an item of electric equipment is to be "approved", that item must be—

(a) One that is listed by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corporation for use in the hazardous location in which it is; or

(b) Purged and pressurized equipment that meets NFPA No. 496.

§ 111.105–9 Explosionproof equipment.

Each item of electric equipment that is required under this subpart to be explosion proof must be—

(a) Listed by Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corporation for use—

(1) In a Class I Division 1 location;

(2) With the Group of the cargo carried; and

(3) If the cargo is inorganic acid, in a Group B atmosphere; or

(b) Purged and pressurized equipment that meets NFPA No. 496.

§ 111.105–11 Intrinsically safe systems.

(a) If a rule in this subpart states that electric equipment is to be intrinsically safe, the equipment must be listed as intrinisically safe by Underwriters' Laboratories, Inc. or Factory Mutual Engineering Corp. for use in the hazardous location in which it is.

(b) Each electric cable for an intrinsically safe system must—

(1) Be a shielded cable or be 2 in. (50 mm) or more from other non-intrinsically safe cables; and

(2) Have only intrinsically safe circuits.

§ 111.105–15 Class I wiring methods.

(a) Cable for a Class I installation must meet Subpart 111.60 of this part.

(b) Each explosionproof enclosure that is in a Class I location must have a seal fitting connected to it by a 18 in. (460 mm) or shorter rigid metal conduit for each cable connection.

§ 111.105–17 Class II and III wiring methods.

(a) Cable for a Class II or III installation must meet Subpart 111.60 of this part.

(b) Each cable entrance equipment in Class II and Class III locations must have a dust-tight terminal tube.

§ 111.105–19 Switches.

Each explosionproof switch and each switch controlling explosionproof equipment must have a pole for each circuit conductor.

§ 111.105–21 Fans.

Each fan for ventilation of a hazardous location must be a non-sparking fan.

§ 111.105–23 Fan motors.

Each electric motor for a fan that ventilates a hazardous location must be approved by Underwriters' Laboratories Inc. or Factory Mutual Engineering Corp. for the same class, division, and group as the ventilated location or be—

(a) Outside the ventilation duct;

(b) 10 ft. (3 m) from the ventilation duct termination; and

(c) In a non-hazardous location.

§ 111.105–25 Ventilation ducts.

For the purpose of this subpart, a ventilation duct that ventilates a hazardous space has the classification of that space.

§ 111.105–27 Belt drives.

Each belt drive in a hazardous location must have—

(a) A conductive belt; and

(b) Pulleys, shafts, and driving equipment grounded to meet NFPA No. 77.

§ 111.105–29 Combustible liquid cargo carriers.

Each vessel that carries combustible liquid cargo with a closed-cup flashpoint of 60° C (140° F), or higher must have—

(a) Only impressed-current cathodic protection system anodes and intrinsically safe electric equipment in cargo tanks; and

(b) No storage battery in any cargo handling room.

§ 111.105–31 Flammable cargo, combustible cargo with a flashpoint below 60° C (140° F), liquid sulphur, ammonia and inorganic acid carriers.

(a) *Applicability.* Each vessel that carries combustible or flammable cargo with a closed-cup flashpoint lower than 60° C (40° F), liquid sulfur cargo, ammonia cargo, or an inorganic acid cargo must meet the requirements of this section, except—

(1) a vessel carrying ammonia need not meet paragraph (a)(1) of this section; and

(2) a vessel carrying carbon disulfide must have only intrinsically safe electric equipment in the locations listed in paragraphs (e) through (m) of this section.

(b) *Cable location.* Electric cable must be as close as practicable to the centerline and must be away from cargo tank openings.

(c) *Lighting circuits.* An enclosed hazardous space that has explosionproof lighting fixtures must—

(1) Have at least two lighting branch circuits; and

(2) Be arranged so that there is light for relamping any deenergized lighting circuits.

(d) *Submerged cargo pump motors.* If a submerged cargo pump motor is in a cargo tank—

(1) Low liquid level, motor current, or pump discharge pressure must automatically shut down power to the motor if the pump loses suction;

(2) An audible and visual alarm must be actuated by the shutdown of the motor; and

(3) There must be a lockable circuit breaker or lockable switch that disconnects power to the motor.

(e) *Cargo tanks.* No electric equipment may be in a cargo tank, except—

(1) Intrinsically safe equipment;

(2) Submerged cargo pumps; and

(3) Supply cable for submerged cargo pumps.

(f) *Cargo handling rooms.* Each cargo handling room must have no electric cable or other electric equipment, except—

(1) Intrinsically safe equipment;

(2) Explosionproof general alarm bells;

(3) Explosionproof lighting fixtures;

(4) Cables supplying intrinsically safe equipment in the cargo handling room; and

(5) Armored cables that supply explosionproof lighting fixtures or general alarm bells that are in the cargo handling room.

(g) *Lighting of cargo handling rooms.* Lighting for each cargo handling room must meet one of the following:

(1) The cargo handling room must be lighted through fixed glass lenses in the bulkhead or overhead. Each fixed glass lens must be wire-inserted glass that is at least 0.25 in. (6.35 mm) thick and arranged to maintain the watertight and gastight integrity of the strucure. The fixed glass lens may form a part of a lighting fixture if the following are met:

(i) There is no access to the interior of the fixture from the cargo handling room.

(ii) The fixture is vented to the engineroom or a similar nonhazardous area.

(iii) The fixture is wired from outside the cargo handling room.

(iv) The temperature on the cargo handling room surface of the glass lens, based on an ambient temperature of 40° C., is not higher than 180° C.

(2) If the location of a cargo handling room precludes the lighting arrangement of paragraph (g)(1) of this section, or if the lighting arrangement of paragraph (g)(1) of this section does not give the required light, there may be explosionproof lighting fixtures.

(h) *Enclosed spaces.* Electric installations in an enclosed space that is immediately above, below, or next to a cargo tank must meet the requirements for cargo handling rooms in paragraphs (f) and (g) of this section, except the enclosed space may have—

(1) Through runs of cable;

(2) Depth sounding devices in gastight enclosures;

(3) Log devices in gastight enclosures; and

(4) Impressed-current cathodic protection system electrodes in gastight enclosures.

(i) *Cargo hose stowage space.* A cargo hose stowage space must have no electric equipment except exposionproof lighting fixtures and through runs of electric cable.

(j) *Cargo piping in a space.* A space that has cargo piping must have no electrical equipment except explosionproof lighting fixtures and through runs of electric cable.

(k) *Liquefied gas carriers.* For a liquefied gas carrier—

(1) A space next to a hold space that has a tank with a secondary barrier must have no electric equipment except intrinsically safe equipment and—

V 42 N 123 JUN 27 77 UM

(i) Through runs of electric cable;
(ii) Explosionproof lighting fixtures;
(iii) Depth sounding devices in gastight enclosures;
(iv) Log devices in gastight enclosures;
(v) Impressed-current cathodic protection system electrodes in gastight enclosures;
(vi) Explosionproof motors that operate cargo valves or ballast valves; and
(vii) Explosionproof bells for the general alarm system; and

(2) No switch for lighting in an enclosed space on a liquefied gas carrier may be in a location under paragraphs (e), (f), or (h) through (m) of this section.

(l) *Weather locations.* A location in the weather must have no electric equipment except watertight intrinsically safe equipment, watertight explosionproof equipment, and through runs of cable if it is—

(1) Within 10 ft. (3 m) of—
(i) A cargo tank vent outlet;
(ii) A cargo tank ullage opening;
(iii) A cargo pipe flange;
(iv) A cargo valve;
(v) A cargo handling room entrance; or
(vi) A cargo handling room ventilation opening; or

(2) On a tank ship and—
(i) On the open deck over the cargo area[1] and 10 ft. (3 m) forward and aft of the cargo area on the open deck and up to 8 ft. (2.4 m) above the deck; or
(ii) Within 8 ft. (2.4 m) of the outer surface of a cargo containment system where this surface is exposed to the weather.

(m) *Other spaces.* Except for those spaces listed in paragraphs (e) through (k) of this section, a space that has a direct opening to any space listed in paragrapuhs (e) through (l) of this section must have only the electric installations that are allowed for the space to which it opens.

§ 111.105–33 Mobile offshore drilling units.

(a) This section applies to each mobile offshore drilling unit.

(b) The internal space of each pressure vessel, tank, and pipe for drilling mud and for gas venting must have only intrinsically safe electric equipment.

(c) The following are Class I Division 1 locations:

(1) An enclosed space that has—
(i) A shale shaker;
(ii) Mud processing equipment between the well and the location of final degassing; or
(iii) An open drilling mud tank or open ditch between the well and the location of final degassing.

(2) A location in the weather that is—
(i) Within 5 ft. (1.5 m) of any of the equipment listed in paragraph (c) (1) of this section;
(ii) Within 5 ft. (1.5 m) of a ventilation opening, door, or opening of a Class I Division 1 space; or
(iii) Within 5 ft. (1.5 m) of a gas vent outlet.

(3) A Division 2 location, under paragraph (d) of this section, where combustible or flammable gases might accumulate.

(4) All of the enclosure of an enclosed derrick substructure.

(5) Except as provided in paragraph (e) of this section, an enclosed space that has an opening to a location under paragraphs (c) (1) through (c) (4) of this section.

(d) The following are Class I, Division 2 locations:

(1) An enclosed space that has any open portion of the mud return system, from the location of final degassing to the mud pump suction connection at the mud pit.

(2) A location in the weather that is—
(i) Within 10 ft. (3 m) of the center of the bottom surface of the rotary table;
(ii) Within 5 ft. (1.5 m) of a ventilation opening or door for a Class I, Division 2 space; or
(iii) Within 5 ft. (1.5 m) of a Class I, Division 1 location in the weather.

(3) The surface of an enclosed derrick floor and all of the floor's enclosure above the drilling floor.

(4) Except as provided in paragraph (e) of this section, an enclosed space that has an opening to a location under paragraphs (d) (1) through (d) (3) of this section.

(e) An enclosed space that has direct access to a Division 1 or Division 2 location is the same division as that location, except—

(1) An enclosed space that has direct access to a Division 1 location is not a hazardous location if—
(i) The access has a self-closing gastight door that opens into the space and that has no hold-back device;
(ii) Ventilation causes greater pressure in the space than in the Division 1 location; and
(iii) Loss of pressure in the space to a lesser pressure than that in the Division 1 location actuates an alarm at a manned control station; and

(2) An enclosed space that has direct access to a Division 2 location is not a hazardous location if—
(i) The access has a gastight door that opens into the non-hazardous location;
(ii) Ventilation causes the air to flow with the door open from the space into the Division 2 location; and
(iii) Loss of ventilation actuates an alarm at a manned control station.

§ 111.105–35 Vessels carrying coal.

(a) The following are Class II, Division 1 locations on a vessel that carries bituminous coal:

(1) The interior of each coal bin and cargo hold.

(2) Each compartment that has a coal transfer point where coal is dropped or dumped.

(3) Each open area within 10 ft. (3 m) of a coal transfer point where coal is dropped or dumped.

(b) Each space that has a coal conveyor on a vessel that carries bituminous coal is a Class II, Division 2 space.

(c) Each location listed in paragraphs (a) and (b) of this section is a Class II Division 1 location on a vessel that carries anthracitic coal.

(d) A space that has a coal conveyor on a vessel that carries bituminous coal may have watertight general alarm bells.

§ 111.105–37 Flammable anesthetics.

Each electric installation where flammable anesthetic is used or stored must meet NFPA No. 56A.

§ 111.105–39 Gasoline or other highly volatile motor fuel carrier in vehicles.

(a) *Applicability.* This section applies to spaces that are "specially suitable for vehicles" as defined in §§ 70.10–44 and 90.10–38 of this chapter.

(b) *General requirements.* Electric equipment within 18 in. (460 mm) of the deck, must meet Article 501 of the National Electrical Code for Class I, Division 2, Group D locations. Electric equipment 18 in. (460 mm) or more above the deck must be totally enclosed or be dripproof, and protected by guards or screens to prevent escape of sparks or metal particles.

(c) *Loss of ventilation alarm.* Loss of ventilation in a space that is "specially suitable for vehicles" must actuate an audible and visual alarm at a manned location.

§ 111.105–41 Battery rooms.

Each electric installation in a battery room must meet Subpart 111.15 of this part.

§ 111.105–43 Paint stowage or mixing spaces.

A space for the stowage or mixing of paint must have no electric equipment, except—

(a) Intrinsically safe electric equipment;
(b) Explosionproof electric equipment; or
(c) Through runs of cable.

Subpart 111.107 Mobile Offshore Drilling Unit Industrial Systems

§ 111.107–1 Industrial systems.

A system on a mobile offshore drilling unit that is used only for the industrial function of the unit and meets the National Electrical Code need not meet this subchapter except—

(a) the Underwriters' Laboratories, Inc. standards in § 110.10–1(b) (5) of this subchapter;
(b) The Standard for Power Switchgear (ANSI C37);
(c) Subpart 110.25–Plan Submittal;
(d) Subpart 111.01–General Considerations;
(e) Subpart 111.05–Grounding, Ground Detection, and Grounded Systems; and
(f) Subpart 111.105–Hazardous Locations.

[1] Cargo area is defined in § 30.10–5a of this chapter.

PART 112—EMERGENCY LIGHTING AND POWER SYSTEMS

Subpart 112.05—General

Sec.
112.05–1 Purpose.
112.05–3 Main-emergency bus-tie.
112.05–5 Emergency power source.

Subpart 112.07—Emergency Lighting Systems

112.07–1 Switches.
112.07–3 Controls; general.
112.07–5 Controls on island vessels.
112.07–7 Wheelhouse distribution panel.
112.07–9 Signal lights.
112.07–11 Illumination for launching operations.
112.07–13 Navigation light indicator panel supply.
112.07–15 Emergency lighting feeders.
112.07–17 Emergency light marking.

Subpart 112.10—Definitions of Emergency Lighting and Power Systems

112.10–1 Purpose.
112.10–5 Manual emergency lighting and power system.
112.10–10 Automatic emergency lighting and power system.
112.10–15 Temporary emergency power source.
112.10–20 Final emergency power source.

Subpart 112.15—Emergency Loads

112.15–1 Temporary emergency loads.
112.15–5 Final emergency loads.
112.15–10 Loads on systems without a temporary emergency power source.

Subpart 112.20—Emergency Systems Having a Temporary and a Final Emergency Power Source

112.20–1 Normal source of emergency loads.
112.20–5 Failure of power from the normal source.
112.20–10 Diesel or gas turbine driven emergency power source.
112.20–15 Potential of final emergency power source.

Subpart 112.25—Emergency Systems Having an Automatic Starting Diesel-Engine or Gas Turbine Driven Emergency Power Source as the Sole Emergency Power Source

112.25–1 Normal source for emergency loads.
112.25–5 Reduction of normal source potential.
112.25–10 Potential of final emergency power source.

Subpart 112.30—Emergency Systems Having an Automatically Connected Storage Battery as the Sole Emergency Source

112.30–1 Normal source of emergency loads.
112.30–5 Reduction of normal source potential.
112.30–10 Restoration of normal source potential.

Subpart 112.35—Manually Controlled Emergency Systems Having a Storage Battery or a Diesel-Engine or Gas Turbine Driven Generator as the Sole Emergency Power Source

112.35–1 Normal source for emergency loads.
112.35–3 Manually started emergency systems.
112.35–5 Activating means.

Subpart 112.40—Installations Requiring an Alternating-Current Temporary Source of Supply

112.40–1 General requirements.

Subpart 112.45—Visible Indicators and Test Switch

Sec.
112.45–1 Visible indicators.
112.45–5 Test switch.

Subpart 112.50—Emergency Diesel and Gas Turbine Engine Driven Generator Sets

112.50–1 General.
112.50–3 Hydraulic starting.
112.50–5 Electric starting.
112.50–7 Compressed air starting.

Subpart 112.55—Storage Battery Installation

112.55–1 General.
112.55–5 Emergency lighting loads.
112.55–10 Storage battery charging.
112.55–15 Capacity of storage battery.

AUTHORITY: 46 U.S.C. 170, 367, 369, 375, 390(b), 391(a), 392, 408, 416, 445, 489, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 112.05—General

§ 112.05–1 Purpose.

(a) The purpose of this part is to ensure that a vessel has a dependable independent emergency power source with the capacity to supply all those services that are necessary for the safety of the passengers, crew, and other persons in an emergency.

(b) No load may be powered from an emergency power source, except a—

(1) Load required by this part to be powered from the emergency power source; and

(2) Bus-tie to the main switchboard that meets § 112.05–3.

§ 112.05–3 Main-emergency bus-tie.

Each bus-tie between a main switchboard and an emergency switchboard must—

(a) Disconnect automatically upon loss of potential at the emergency switchboard;

(b) Be arranged to prevent parallel operation of an emergency power source with any other source of electric power, except for interlock systems for momentary transfer of loads; and

(c) If arranged for feedback operation, open automatically upon overload of the emergency power source before the emergency power source is tripped off the line from the overload.

§ 112.05–5 Emergency power source.

(a) The emergency power source must meet Table 112.05–5(a) and have the capacity to supply all loads than can be simultaneously connected to it, except a load on a bus-tie to the main switchboard.

(b) The emergency power source must be independent of the vessel's ship's service lighting and power plant and propulsion plant, except for the compressed air starting means allow § 112.50–7(c)(3)(i). A stop control for an emergency generator must be only in the space that has the emergency generator.

(c) The complete emergency installation must function when the ship is inclined 22½ degrees (30 degrees for vessels carrying liquified gas cargo) and when the trim of the ship is 10 degrees.

(d) The emergency power source must be aft of the collision bulkhead, outside the machinery casing, and above the uppermost continuous deck.

(e) No compartment that has an emergency power source, or its vital components, may adjoin a Category A machinery space.

(f) Except for a cable for connecting equipment in the engineroom or boiler room, no cable that begins at an emergency switchboard may penetrate the boundaries of the engineroom, boiler room, or uptakes or casings of these spaces. These cables must be kept clear of the bulkheads and decks forming these boundaries. No emergency circuit in an engineroom or a boiler room may supply equipment in any other space.

(g) The emergency switchboard must be as near as practicable to the emergency power source but not in the same space as a battery emergency power source.

(h) If the emergency power source is a generator, the emergency switchboard must be in the same space as the emergency power source unless it interferes with the operation of the emergency switchboard.

Table 112.05–5(a)

Size of vessel and service	Type of emergency power source	Period of operation and minimum capacity of emergency power source
Nuclear vessels	An automatically started generator driven by a suitable prime mover with an independent fuel supply and an automatic load transfer from a temporary source of emergency power consisting of a storage battery of sufficient capacity to supply the temporary emergency source loads for not less than ½ hr.	The maximum amount of time that power for reactor cooldown is required but not less than 36 hr (generator) and ½ hr (battery).
Passenger vessels of 100 G.T. or more and passenger vessels on an international voyage:[1]		
Ocean, Great Lakes, or coastwide.	Storage battery	36 hr.
	Or an automatically started generator driven by a suitable prime mover with an independent fuel supply and an automatic load transfer from a temporary source of emergency power consisting of a storage battery of sufficient capacity to supply the temporary emergency source loads for not less than ½ hr.	36 hr (generator) and ½ hr (battery).
Other than Ocean, Great Lakes, or coastwise.	Storage battery with automatic transfer gear or diesel or gas turbine generator with automatic starting and transfer gear.	8 hr or twice the time of run, whichever is less.

JUN 27 77 UM

Size of vessel and service	Type of emergency power source	Period of operation and minimum capacity of emergency power source
Cargo and miscellaneous self-propelled vessels and tank ships; barges with sleeping accommodations for more than 6 persons; mobile offshore drilling units; oceanographic vessels:		
Ocean, Great Lakes, or coastwise.	Storage battery or diesel or gas turbine generator with automatic operation.	18 hr.
Other than Ocean, Great Lakes, or coastwise, 300 G.T. or more.	Storage battery or diesel or gas turbine generator, automatic or manual operation, or relay-controlled battery-operated lanterns.[1]	8 hr or twice the time of run, whichever is less.[2]

[1] Battery-operated lanterns must have rechargeable batteries, must have an automatic battery charger that maintains the battery in a fully charged condition, and must not be readily portable.
[2] Minimum period of operation of relay-controlled, battery-operated lanterns may be less than 8 hr but not less than 6 hr. Relay controlled battery-operated lanterns must meet UL 924.
[3] For vessels less than 100 G.T., see 46 CFR part 184.

Subpart 112.07—Emergency Lighting Systems

§ 112.07–1 Switches.

An emergency lighting system must not have a switch, except—

(a) In a distribution panel; or

(b) As required in § 112.07–3.

§ 112.07–3 Controls; general.

(a) Except as allowed in paragraph (b) and § 112.07–5, emergency lights for the following must be controlled by switches in the wheelhouse:

(1) Lifeboat and liferaft launching operations.

(2) Wheelhouse.

(3) Chartroom.

(4) Navigation instruments.

(b) On a mobile offshore drilling unit, the switches required in paragraph (a) of this section may be in the control room.

§ 112.07–5 Controls on island type vessels.

On an island type vessel, such as a containership, emergency lights for illumination of lifeboat and liferaft launching operations may be controlled from a central location within the island nearest the launching operations.

§ 112.07–7 Wheelhouse distribution panel.

(a) Except as allowed in paragraph (b) of this section, the following emergency lights must be supplied from a distribution panel in the wheelhouse:

(1) Navigation lights not supplied by the navigation light indicator panel.

(2) Floodlights for lifeboat and liferaft launching operations.

(3) Signaling lights.

(4) Emergency lights—

(i) On open decks;

(ii) In the wheelhouse;

(iii) In the chartroom; and

(iv) In the fire control room.

(b) On a mobile offshore drilling unit, the distribution panels required in paragraph (a) of this section may be in the control room.

(c) Each distribution panel required in paragraphs (a) and (b) of this section must have a fused switch or circuit breaker for each branch circuit.

§ 112.07–9 Signaling lights.

Each signaling light must be supplied by a branch circuit that supplies no other equipment.

§ 112.07–11 Illumination for launching operations.

Branch circuits for floodlights for lifeboat and liferaft launching operations must—

(a) Supply no other equipment; and

(b) Be arranged so that floodlights for adjacent lifeboats and liferafts are supplied from different branch circuits.

§ 112.07–13 Navigation light indicator panel supply.

Each navigation light indicator panel must be supplied directly from the emergency switchboard.

§ 112.07–15 Emergency lighting feeders.

For a vessel with firescreen bulkheads forming fire zones, at least one emergency lighting feeder must supply only the emergency lights between two adjacent main vertical fire zone bulkheads. The emergency lighting feeder must be separated as widely as practicable from any general lighting feeder supplying the same space.

§ 112.07–17 Emergency light marking.

Each emergency light must be marked with the letter "E" that is at least ½ inch (12.7 mm) high.

Subpart 112.10—Definitions of Emergency Lighting and Power Systems

§ 112.10–1 Purpose.

The purpose of this subpart is to define types of emergency lighting and power systems.

§ 112.10–5 Manual emergency lighting and power system.

A manual emergency lighting and power system is one in which a single manual operation, such as the manual operation of a switch from an "off" to an "on" position, is necessary to cause the emergency power source to supply power to the emergency loads.

§ 112.10–10 Automatic emergency lighting and power system.

An automatic emergency lighting and power system is one in which a reduction in potential from the ship's service power and lighting plant causes the emergency power source to supply power to the emergency loads.

§ 112.10–15 Temporary emergency power source.

A temporary emergency power source is one of limited capacity that carries, for a short time, selected emergency loads while an emergency power source of larger capacity is being started.

§ 112.10–20 Final emergency power source.

A final emergency power source is one that functions after the temporary emergency power source is disconnected.

Subpart 112.15—Emergency Loads

§ 112.15–1 Temporary emergency loads.

The following emergency lighting and power loads must be arranged so that they can be energized from the temporary emergency power source:

(a) Navigation lights.

(b) Enough lights throughout machinery spaces to allow essential operations and observations under emergency conditions and to allow restoration of service.

(c) Lighting for passageways, stairways, and escape trunks in passenger quarters, crew quarters, public spaces, machinery spaces, and work spaces, to allow passengers and crew to find their way to open decks and to lifeboat and liferaft embarkation and assembly points with all watertight doors and fire screen doors closed.

(d) Illuminated signs with the word "EXIT" in red letters throughout a passenger vessel so the direction of escape to the open deck is obvious from any portion of the vessel usually accessible to the passengers or crew, except machinery spaces, and except stores and similar spaces where the crew are not normally employed, and with all fire doors in stairway enclosures and main vertical zone bulkheads closed and all watertight doors closed. For the purpose of this paragraph, an individual stateroom or other similar small room is not required to have a sign, but the direction of escape must be obvious to a person emerging from the room.

(e) Illumination to allow safe operation of each power operated watertight door.

(f) At least one light in each space where a person may be maintaining, repairing, or operating equipment, stowing or drawing stores or equipment, or transiting, such as public spaces, work spaces, machinery spaces, workshops, galleys, emergency fire pump rooms, bow thruster rooms, storage areas for paint, rope, and other stores, underdeck passageways in cargo areas, steering gear rooms, windlass rooms, normally accessible duct keels with valve operators, cargo handling rooms, and holds of roll-on roll-off vessels.

(g) Lighting for boat and embarkation decks and passenger assembly points. Lights must provide continuous illumination for—

(1) The launching gear of a lifeboat or a liferaft; and

(2) The launching of a lifeboat or a liferaft from its stowed position until waterborne.

(h) Electric communication systems that are necessary under temporary emergency conditions and that do not have an independent storage battery source of power.

(i) Each power operated watertight door system.

(j) Each emergency loudspeaker system.

(k) Each fire screen door holding and release system.

(l) Supply to motor-generator or other conversion equipment if a temporary emergency power source of alternating current is necessary for essential communication systems or emergency equipment.

(m) Each daylight signaling light.

(n) Each smoke detector system.

(o) Each electrically controlled or powered ship's whistle.

(p) Nuclear protection, control, and instrumentation systems.

§ 112.15–5 Final emergency loads.

The following emergency lighting and power loads must be arranged so that they can be energized from the final emergency power source:

(a) Each load under § 112.15–1.

(b) Each elevator in a passenger vessel.

(c) Each charging panel for—

(1) Temporary emergency batteries;

(2) Starting batteries for diesel engines or gas turbines that drive emergency generators; and

(3) General alarm batteries.

(d) One of the bilge pumps, if the emergency power source is its source of power to meet Part 56 of this chapter.

(e) One of the fire pumps, if the emergency power source is its source of power to meet Part 34 of Subchapter D (Tank Vessels), Part 76 of Subchapter H (Passenger Vessels), Part 95 of Subchapter I (Cargo and Miscellaneous Vessels), or Part 108 of Subchapter IA (Mobile Offshore Drilling Units) of this chapter.

(f) A sprinkler system pump or water spray extinguishing system pump, if the emergency power source is its source of power to meet Part 76 of Subchapter H (Passenger Vessels) of this chapter.

(g) A lube oil pump for propulsion turbines and ship's service generator turbines that need external lubrication.

(h) Each rudder angle indicator.

(i) Each radio installation.

(j) Each radio direction finder.

(k) Each loran.

(l) Each radar.

(m) Each gyrocompass.

(n) Each depth sounder.

(o) A steering gear motor on an ocean, Great Lakes, or coastwise vessel.

(p) Each electric blow-out preventer control system on a mobile offshore drilling unit.

§ 112.15–10 Loads on systems without a temporary emergency power source.

If there is no temporary emergency power source, the circuits under § 112.15–5 must be arranged so that they can be energized from the emergency power source.

Subpart 112.20—Emergency Systems Having a Temporary and a Final Emergency Power Source

§ 112.20–1 Normal source for emergency loads.

(a) The normal source of emergency loads must be the ship's service generating plant.

(b) The power from the ship's service generating plant for the emergency loads must be supplied to the emergency loads through automatic transfer switches.

§ 112.20–5 Failure of power from the normal source.

If there is a reduction of potential of the normal source by 15 to 40 percent, the loads under § 112.15–1 must be automatically supplied from the temporary emergency power source. For systems in which a reduction of frequency of the normal source of final emergency power source adversely affects the emergency system and emergency loads, there must be means to transfer the loads under § 112.15–1 to the temporary emergency power source.

§ 112.20–10 Diesel or gas turbine driven emergency power source.

Simultaneously with the operation of the transfer means under § 112.20–5, the diesel engine or gas turbine driving the final emergency power source must start automatically with no load on the final emergency power source.

§ 112.20–15 Potential of final emergency power source.

(a) When the potential of the final emergency power source is 85 to 95 percent of normal value, the emergency loads under § 112.15–5 must transfer automatically to the final emergency power source.

(b) When the potential from the normal source has been restored, the emergency loads may be manually or automatically transferred to the normal source, and the final emergency power source may be manually or automatically stopped.

(c) If the potential of the final emergency power source is less than 75 to 85 percent of normal value while supplying the emergency loads, the temporary emergency loads under § 112.15–1 must transfer automatically to the temporary emergency power source.

Subpart 112.25—Emergency Systems Having an Automatic Starting Diesel Engine or Gas Turbine Driven Emergency Power Source as the Sole Emergency Power Source

§ 112.25–1 Normal source for emergency loads.

(a) The normal source for emergency loads must be the ship's service generating plant.

(b) The power from the ship's service generating plant for the emergency loads must be supplied to the emergency loads through automatic transfer switches.

§ 112.25–5 Reduction of normal source potential.

If there is a reduction of potential of the normal source by 15 to 40 percent, the diesel engine or gas turbine driving the final emergency power source must start automatically with no load on the emergency power source.

§ 112.25–10 Potential of final emergency power source.

(a) When the potential of the final emergency source is 85 to 95 percent of normal value, the emergency loads under § 112.15–5 must transfer automatically to the final emergency power source.

(b) When the potential from the normal source has been restored, the emergency loads may be manually or automatically transferred to the normal source, and the final emergency power source may be manually or automatically stopped.

Subpart 112.30—Emergency Systems Having an Automatically Connected Storage Battery as the Sole Emergency Power Source

§ 112.30–1 Normal source for emergency loads.

(a) The normal source for emergency loads must be the ship's service generating plant.

(b) The power from the ship's service generating plant for the emergency loads must be supplied to the emergency loads through automatic transfer switches.

§ 112.30–5 Reduction of normal source potential.

If there is a reduction of potential of the normal source by 15 to 40 percent, the emergency loads under § 112.15–5 must transfer automatically from the normal source to the emergency power source.

§ 112.30–10 Restoration of normal source potential.

When the potential from the normal source is restored to 85 to 95 percent of its normal value, the emergency loads must transfer automatically to the normal source.

Subpart 112.35—Manually Controlled Emergency Systems Having a Storage Battery or a Diesel Engine or Gas Turbine Driven Generator as the Sole Emergency Power Source

§ 112.35–1 Normal source for emergency loads.

The normal source for emergency loads must be the ship's service generating plant.

§ 112.35–3 Manually started emergency systems.

Manually started emergency lighting and power systems must be activated by one manual operation, such as the manual operation of a switch from an "off" to an "on" position, to cause the emergency system to supply its connected loads.

§ 112.35–5 Activating means.

The activating means must be in the wheelhouse or in a location where the means can be controlled by the chief engineer.

Subpart 112.40—Installations Requiring an Alternating-Current Temporary Source of Supply

§ 112.40–1 General requirements.

Installations requiring alternating current for the operation of communication equipment or other apparatus essential under temporary emergency conditions must be provided with the necessary conversion equipment. If such conversion equipment will be operating both under normal conditions and under temporary emergency conditions, the conversion equipment must be provided in duplicate.

Subpart 112.45—Visible Indicators and Test Switch

§ 112.45–1 Visible indicators.

There must be visible indicators in the machinery space to show:

(a) When an emergency battery is discharging; and

(b) When the automatically controlled emergency power source is supplying the emergency loads.

§ 112.45–5 Test switch.

There must be a test switch at the emergency switchboard to simulate a failure of potential from the normal source and cause the emergency loads to be transferred.

Subpart 112.50—Emergency Diesel and Gas Turbine Engine Driven Generator Sets

§ 112.50–1 General.

(a) The prime mover of a generator set must have:

(1) All accessories necessary for operation and protection of the prime mover; and

(2) A self-contained cooling system of a size that ensures continuous operation with 100° F (37° C) air.

(b) The fuel used must have a flashpoint of not less than 110° F (43° C).

(c) The room that has the generator set must have intake and exhaust ducts to supply adequate cooling air.

(d) The prime mover must not have a starting aid, except there may be a thermostatically controlled electric water jacket heater connected to the final emergency bus.

(e) The generator set must carry its full rated load within 20 seconds after cranking it started with the intake air, room ambient temperature, and starting equipment at 32° F. (0° C).

(f) The generator set must start by hydraulic, compressed air, or electrical means.

(g) The generator set must lubricate and operate when inclined to an angle of 22½° athwartship (30° for vessels carrying liquefied gas cargo) and 10° fore and aft, and must be arranged so that it does not spill oil under a vessel roll of 30° each side of the vertical.

(h) The generator set must shut down automatically upon loss of lubricating oil pressure, overspeed, or operation of a fixed fire extinguishing system in the emergency generator room.

(i) If the prime mover is a diesel engine, there must be an audible alarm that sounds on low oil pressure and high cooling water temperature.

(j) If the prime mover is a gas turbine, it must meet the shutdown and alarm requirements in § 58.10–15(g) of this chapter.

§ 112.50–3 Hydraulic starting.

A hydraulic starting system must meet the following:

(a) The hydraulic starting system must be a self-contained system that provides the cranking torque and engine starting RPM recommended by the engine manufacturer.

(b) The stored hydraulic pressure must be automatically maintained within the predetermined pressure limits.

(c) The means of automatically maintaining the hydraulic system within the predetermined pressure limits must be electrical and energized from the final emergency bus.

(d) There must be a means to manually recharge the hydraulic system.

(e) Charging of the hydraulic starting system must not cause an absence of hydraulic pressure for engine starting.

(f) The hydraulic starting system must have capacity for at least six cranking cycles including the reserve capacity under paragraph (g) of this section.

(g) Capacity for three of the cranking cycles under paragraph (f) of this section must be held in reserve. The system must be arranged so that the operation of one control by one person isolates the discharged or initially used part of the system and allows the reserve capacity to be used.

§ 112.50–5 Electric starting.

An electric starting system must meet the following:

(a) The starting battery must have sufficient capacity for at least six cranking cycles. Each cycle must include at least one-half minute of battery rest.

(b) At the end of the sixth cranking cycle the battery voltage, while cranking the engine, must be at least 50 percent of nominal battery voltage.

§ 112.50–7 Compressed air starting.

A compressed air starting system must meet the following:

(a) The starting, charging, and energy storing devices must be in the emergency generator room, except as allowed under paragraph (c)(3)(i) of this section.

(b) The compressed air starting system must provide the cranking torque and engine starting RPM recommended by the engine manufacturer.

(c) The compressed air starting system must have an air receiver that meets the following:

(1) Has capacity for at least six cranking cycles.

(2) Supplies no other system.

(3) Is supplied from one of the following:

(i) The main or auxiliary compressed air receivers with a nonreturn valve in the emergency generator room and a hand-cranked, diesel-powered air compressor for recharging the air receiver.

(ii) An electrically driven air compressor that is automatically operated and is powered from the emergency power source. If this compressor supplies other auxiliaries, there must be a nonreturn valve at the inlet of the starting air receiver and there must be a hand-cranked diesel powered air compressor for recharging the air receiver.

(d) Capacity for three of the cranking cycles under paragraph (c)(1) of this section must be held in reserve. The system must be arranged so that the operation of one control by one person isolates the discharged or initially used part of the system and allows the reserve capacity to be used.

(e) The compressed air starting system must have a visual alarm at a manned control station that shows low starting air pressure.

Subpart 112.55—Storage Battery Installation

§ 112.55–1 General.

Each storage battery installation must meet Subpart 111.15 of this part.

§ 112.55–5 Emergency lighting loads.

When supplying emergency lighting loads, the storage battery initial voltage must not be higher than the standard system voltage by more than 5 percent.

§ 112.55–10 Storage battery charging.

(a) Each storage battery installation for emergency lighting and power, and starting batteries for an emergency diesel or gas turbine driven generator set, must have apparatus to automatically maintain the battery fully charged.

(b) When the ship's service generating plant is available, the battery must have a continuous trickle charge, except that after discharge the battery must be charged automatically at a higher rate.

(c) Charging operations must not cause an absence of battery power.

(d) There must be instruments to show the rate of charge.

§ 112.55–15 Capacity of storage batteries.

(a) A storage battery for an emergency lighting and power system must have capacity:

(1) To close all watertight doors three times;

(2) To open all watertight doors two times; and

(3) To carry the remaining emergency loads continuously for the time under § 112.05–5(a).

(b) At the end of the time specified in paragraph (a) of this section, the potential of the storage battery must be at least 88 percent of the standard system voltage.

(c) For the purposes of this subpart, the nominal potential of a lead-acid storage battery is 2.0 volts per cell, and the nominal potential of a nickel-alkaline storage battery is 1.2 to 1.4 volts per cell.

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

Subpart 113.05—General Provisions

Sec.
113.05–5 Approved equipment.

Subpart 113.10—Automatic Fire Detecting and Alarm System

113.10–1 Approved equipment.
113.10–3 Cable runs.
113.10–5 Common cable.
113.10–7 Connection boxes.

Subpart 113.15—Manual Fire Alarm Systems

113.15–1 Approved equipment.
113.15–3 Cable runs.
113.15–5 Common return.
113.15–7 Connection boxes.

Subpart 113.20—Automatic Sprinkler Systems

113.20–1 Approved equipment.
113.20–3 Watertight equipment.

Subpart 113.25—General Alarm Systems

113.25–1 Applicability.
113.25–3 Requirements.
113.25–5 Location of contact makers.
113.25–6 Power supply.
113.25–7 Power supply overcurrent protection.
113.25–8 Distribution of general alarm system feeders and branch circuits.
113.25–9 Location of general alarm bells.
113.25–10 Location of flashing red lights.
113.25–11 Contact maker.
113.25–12 Vibrating bells.
113.25–13 Flashing red lights.
113.25–14 Electric cable and distribution fittings.
113.25–15 Distribution panels.
113.25–16 Fuses.
113.25–20 Marking of equipment.
113.25–25 General alarm systems for manned ocean and coastwise barges.
113.25–30 General alarm systems for barges of 300 or more gross tons with sleeping accommodations for more than six persons.

Subpart 113.27—Engineers' Alarm

113.27–1 Engineers' alarm.

Subpart 113.20—Sound Powered Telephone and Voice Tube Systems

113.30–1 Applicability.
113.30–5 Requirements.
113.30–10 Voice tubes.
113.30–20 Sound powered telephone system; general requirements.
113.30–25 Sound powered telephone system; detailed requirements.

Subpart 113.35—Engine Order Telegraph Systems

113.35–1 Definitions.
113.35–3 General requirements.
113.35–5 Electric engine order telegraph systems; general requirements.
113.35–7 Electric engine order telegraph systems; detailed requirements.
113.35–9 Electric engine order telegraph system operation.
113.35–11 Vessels with pilothouse control.
113.35–13 Approval of telegraph instruments.

Subpart 113.40—Rudder Angle Indicator Systems

113.40–1 Applicability.
113.40–5 General requirements.
113.40–10 Detail requirements.

Subpart 113.45—Refrigerated Spaces Alarm Systems

Sec.
113.45–5 General requirements.

Subpart 113.50—Emergency Loudspeaker System

113.50–1 Application.
113.50–5 General requirements.
113.50–15 Location of loudspeakers and amplifiers.
113.50–20 Distribution of cable runs.
113.50–25 Equipment enclosures.

Subpart 113.65—Whistle and Siren Operators

113.65–5 General requirements.

Subpart 113.70—Smoke Detector Systems

113.70–5 General requirements.

AUTHORITY: 46 U.S.C. 170, 367, 369, 375, 390(b), 391(a), 392, 408, 416, 445, 489, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46.

Subpart 113.05—General Provision

§ 113.05–5 Approved equipment.

If approved equipment is required in this part, that equipment must be specifically approved by the Commandant.

NOTE: Many specifications for equipment that must be approved are in Subchapter Q of this chapter.

Subpart 113.10—Automatic Fire Detecting and Alarm Systems

§ 113.10–1 Approved equipment.

Each alarm annunciator, power supply, fire detector, test station, and vibrating bell must be approved under Subpart 161.002 of this chapter.

§ 113.10–3 Cable runs.

Cable runs between the fire alarm annunciator and fire detecting zones must be as direct as practicable and, where practicable, must not be in staterooms, lockers, or other enclosed spaces where the cable could be damaged.

§ 113.10–5 Common return.

A conductor must not be used as a common return from two or more zones.

§ 113.10–7 Connection boxes.

Each connection box that has conductors for two or more fire detecting zones must be watertight and each cable entrance must have a terminal or stuffing tube.

Subpart 113.15—Manual Fire Alarm Systems

§ 113.15–1 Approved equipment.

Each manual fire alarm annunciator, power supply, manual station, and vibrating bell must be approved under Subpart 161.002 of this chapter.

§ 113.15–3 Cable runs.

Cable runs between the annunicator and fire alarm zones must be as direct as practicable, and, where practicable, must not be in staterooms, lockers, or other enclosed spaces where the cable could be damaged.

§ 113.15–5 Common return.

A conductor must not be used as a common return from two or more zones.

§ 113.15–7 Connection boxes.

Each connection box that has conductors for two or more fire alarm zones must be watertight and each cable entrance must have a terminal or stuffing tube.

Subpart 113.20—Automatic Sprinkler System

§ 113.20–1 Approved equipment.

Each sprinkler alarm system, including annunicator, power supply, alarm switches, and bells, must be approved and must meet Subpart 76.25 of this chapter.

§ 113.20–3 Watertight equipment.

Each connection box and each switch in an automatic sprinkler system must be watertight.

Subpart 113.25—General Alarm Systems

§ 113.25–1 Applicability.

(a) This subpart, except §§ 113.25–25 and 113.25–30, applies to each manned vessel of over 100 gross tons, except barges, scows, and similar vessels.

(b) Section 113.25–25 applies to each manned ocean and coastwise barge of over 100 gross tons if the crew is divided into watches for the purpose of steering.

(c) Section 113.25–30 applies to each barge of 300 or more gross tons that has sleeping accommodations for more than six persons.

§ 113.25–3 Requirements.

Each vessel must have a general alarm system that mets the requirements of this subpart.

§ 113.25–5 Location of contact makers.

(a) *Passenger vessels and cargo and miscellaneous vessels.* Each passenger vessel, cargo vessel, and miscellaneous vessel must have a manually operated contact maker for the general alarm system—

(1) In the wheelhouse; and

(2) At the feeder distribution panel if the general alarm power supply is not in or next to the wheelhouse.

(b) *Tank vessels.* Each tank vessel must have a manually operated contact maker for the general alarm system—

(1) In the wheelhouse;

(2) At the deck officers' quarters farthest from the engineroom;

(3) In the engineroom;

(4) At the location of the operator for the emergency means of stopping cargo transfer required under 33 CFR 155.780; and

(5) At the feeder distribution panel if the general alarm power supply is not in or next to the wheelhouse.

(c) *Mobile offshore drilling units.* Each mobile offshore drilling unit must have a manually operated contact maker for the general alarm system—

(1) In the main control room;

(2) At the drilling console;

(3) In the space that has the feeder distribution panel;

(4) In the wheelhouse; and

(5) In a location that is as far as practicable from each other contact maker

JUN 27 77

(d) *Additional contact maker.* A vessel may have only one more contact maker that operates the general alarm system in addition to those required under paragraph (a), (b), or (c), of this section.

(e) *Special system.* If a vsesel has an emergency squad when operating, has a manual fire alarm system, or is an ocean-going passenger vessel, it must have—

(1) An independent manually operated contact maker in the wheelhouse that is connected to operate only the general alarm bells in crew's quarters and machinery spaces; or

(2) A separate alarm system that sounds in the crew's quarters and machinery spaces.

§ 113.25–6 Power supply.

The power supply for the general alarm system must—

(a) Be above the uppermost continuous deck;

(b) Be outside the machinery casing;

(c) Not be in the weather;

(d) Have a nominal potential of not less than 6 volts and not more than 120 volts;

(e) Be—

(1) One storage battery that—

(i) Powers only the general alarm system and the engineers' emergency alarm required by Subpart 113.27 of this part;

(ii) Has an automatic charging panel that maintains the battery fully charged, except immediately following a discharge; and

(iii) Has the capacity to supply the general alarm system continuously for at least eight hours without being recharged;

(2) Duplicate storage batteries—

(i) With a manual two-position transfer switch that has no "off" position, connected so that one battery is charged while the other battery is available to power the system; and

(ii) Each having the capacity to supply without recharge—

(A) The general alarm system continuously for at least four hours; and

(B) All other connected loads at the normal demand for at least one week and at the maximum demand for at least eight hours;

(3) A circuit connected to the temporary emergency bus of an emergency switchboard, if the temporary emergency power source has the capacity to supply all connected loads for one half hour and the general alarm system for eight hours without being recharged; or

(4) A circuit from an interior communication switchboard, that is supplied by duplicate storage batteries—

(i) With a manual two-position transfer switch that has no "off" position, connected so that one battery is charged while the other battery is available to power the switchboard; and

(ii) Each having the capacity to supply without recharge—

(A) The general alarm system continuously for a period of four hours; and

(B) All other connected loads at the normal demand for at least one week and at the maximum demand for at least eight hours; and

(f) Have a potential at the end of the discharge period described in paragraph (e) of this section of at least 80 percent of the potential under load.

§ 113.25–7 Power supply overcurrent protection.

(a) If the general alarm system is the only load supplied by the general alarm system battery or batteries, the battery or batteries must have an enclosed fused switch or circuit breaker that has a means of locking. The fused switch or circuit breaker must be outside of and next to the battery room or battery locker and the capacity of the fuses or circuit breaker must be at least 200 percent of the connected load.

(b) If the general alarm system is supplied from an emergency or interior communication switchboard, or if duplicate general alarm batteries supply other loads as allowed under § 113.25–6(e)(2), there must be a fused switch or circuit breaker supplying the general alarm system that has a means of locking.

§ 113.25–8 Distribution of general alarm system feeders and branch circuits.

(a) Each system must have a feeder distribution panel to divide the system into the necessary number of zone feeders, except that the branch circuit distribution panel may be substituted for the feeder distribution panel if, because of the arrangement of the vessel, only one zone feeder is necessary.

(b) The feeder distribution panel must have fuses for each zone feeder, but there must be no disconnect switches.

(c) The feeder distribution panel must be in an enclosed space next to the general alarm battery enclosure.

(d) Each system must have at least one feeder for each vertical fire zone that has general alarm bells.

(e) Each system must have one or more branch circuit distribution panels for each zone feeder, with at least one fused branch circuit for each deck level. The distribution panel must be above the uppermost continuous deck, in the zone served, and there must be no disconnect switches for the branch circuits.

(f) No more than five general alarm bells must be connected to one branch circuit, and a branch circuit must not supply bells on more than one deck level.

(g) On a vessel not divided into fire zones by main vertical fire bulkheads, the vessel must be divided into vertical zones not more 150 feet (45.7 meters) long and there must be a general alarm feeder for each of these zones that has general alarm bells.

(h) General alarm feeders and branch circuit cables must be in passageways and must not be in staterooms, lockers, galleys, machinery spaces, or other enclosed spaces, unless it is necessary to supply general alarm bells in those spaces.

§ 113.25–9 Location of general alarm bells.

General alarm bells must be—

(a) In areas to give a sound level in each room with the door closed of at least—

(1) 75 decibels relative to 0.0002 microbar at 1,000 hertz (zero db); and

(2) 6 decibels above the ground noise level existing when the vessel is underway in moderate weather; and

(b) Where they can alert persons in spaces where those persons may be maintaining, repairing, or operating equipment, stowing or drawing stores or equipment, or transiting, such as public spaces, work spaces, machinery spaces, workshops, galleys, emergency fire pump rooms, bow thruster rooms, storage areas for paint, rope, and other stores, underdeck passageways in cargo areas, steering-gear rooms, windlass rooms, cargo handling rooms, holds of roll-on/roll-off vessels, and, except those that are accessible only through bolted manhole covers, duct keels with valve operators.

§ 113.25–10 Location of flashing red lights.

In a space described in § 113.25–9(b) where the bells cannot be heard over the noise, there must be a flashing red light, in addition to the bell, that—

(a) Alerts personnel in the space;

(b) Is activated whenever the general alarm bells in the space are activated; and

(c) Is supplied by the general alarm system power supply, except a flashing red light in the main machinery space may be supplied from the emergency source of power through a relay that is operated by the general alarm system.

§ 113.25–11 Contact makers.

Each contact maker must—

(a) Be a normally open, spring-return-to-normal, enclosed, watertight switch;

(b) Close its contacts when an operating handle rotates in a clockwise direction through an arc of approximately 60 degrees;

(c) Have a switch handle that has a spring-loaded locking pin to lock the contact maker in the "on" position;

(d) Have the "off" and "on" positions of the operating handle marked by raised letters;

(e) Have mechanical stops to limit the rotation of the operating handle;

(f) Have an inductive load rating not less than the connected load, except that, on large vessels, auxiliary devices to interrupt the load current may be used if approved; and

(g) Be approved.

§ 113.25–12 Vibrating bells.

Each vibrating bell must—

(a) Be approved; and

(b) Produce a signal or a tone distinct from any other signal on the vessel.

§ 113.25–13 Flashing red lights.

Each flashing red light must be approved.

§ 113.25–14 Electric cable and distribution fittings.

Each cable entrance to a bell or distribution fitting must be made watertight by a terminal or stuffing tube.

§ 113.25–15 Distribution panels.

Each distribution panel must—

(a) Be watertight;

(b) Need a tool to be opened; and

(c) Be approved.

§ 113.25–16 Fuses.

(a) Each fuse in a general alarm system must—

(1) Be a 250-volt, nonrenewable, cartridge fuse approved by Underwriters Laboratories Inc.; and

(2) Cause as wide a differential as possible between branch circuit fuses and feeder fuses.

(b) The capacity of a feeder fuse must be as near as practicable to 200 percent of the load supplied. The capacity of a branch circuit fuse must not be higher than 50 percent of the capacity of the feeder fuse.

§ 113.25–20 Marking of equipment.

(a) Each general alarm system fused switch and distribution panel must have a fixed nameplate on the outside of its cover that has a description of its function. The rating of fuses must also be shown on the outside of the cover of a fused switch.

(b) Each general alarm contact maker must be marked "GENERAL ALARM" in red letters on a corrosion-resistant plate or on a sign.

(c) A contact maker that operates only the general alarm bells in crew quarters, machinery spaces, and work spaces must be marked "CREW ALARM" by the method described in paragraph (b) of this section.

(d) Each general alarm bell must be marked "General Alarm—When Bell Rings Go To Your Station" in red letters at least ½ inch high.

(e) Each general alarm system distribution panel must have a directory attached to the inside of its cover giving the designation of each circuit, the area supplied by each circuit, and the rating of each circuit fuse.

§ 113.25–25 General alarm systems for manned ocean and coastwise barges.

A manned ocean or coastwise barge of more than 100 gross tons, if it is one that operates with the crew divided into watches for steering the vessel, must have an alarm bell installation.

§ 113.25–30 General alarm systems for barges of 300 or more gross tons with sleeping accommodations for more than six persons.

The general alarm system for a barge of 300 or more gross tons with sleeping accommodations for more than six persons must meet the requirements of Subpart 113.25 of this part, except as follows:

(a) The number and location of contact makers must be determined by the design, service, and operation of the barge.[4]

(b) If a distribution panel cannot be above the uppermost continuous deck because of the design of the barge, the panel may be below the deck, but must be as near the deck as practicable.

Subpart 113.27—Engineers' Alarms

§ 113.27–1 Engineers' alarm.

Each self-propelled ocean, Great Lakes, or coastwise vessel must have a manually-operated engineers' alarm that is—

(a) Operated from—

(1) The engine control room, if the vessel has an engine control room; or

(2) The maneuvering platform, if the vessel has no engine control room; and

(b) Audible in the engineers' accommodation spaces.

Subpart 113.30—Sound Powered Telephone and Voice Tube Systems

§ 113.30–1 Applicability.

This subpart applies to each self-propelled vessel.

§ 113.30–5 Requirements.

(a) *Communication.* A vessel must have a sound powered telephone system or a voice tube system between each of the following:

(1) Wheelhouse.

(2) Steering gear room, if outside the engineroom.

(3) Alternative steering station.

(4) Engine control room, if the vessel has an engine control room.

(5) Maneuvering platform, if the vessel has no engine control room.

(6) Control room, if the vessel is a mobile offshore drilling unit.

(b) *Gyro compass.* Each vessel that has a master gyro-compass that is not in or next to the wheelhouse must have a means of communication between the master gyro-compass and the wheelhouse repeater compass.

(c) *Radar.* Each vessel that has a radar plan position indicator that is not in or next to the wheelhouse must have a means of communication between the wheelhouse and the radar plan position indicator.

(d) *Emergency squad.* If the emergency squad equipment lockers or spaces are not next to the wheelhouse, there must be a means of communication between the wheelhouse and the emergency squad equipment lockers or spaces.

(e) *Radio and radio direction finder.* Communication to the radio and radio direction finder must meet the following requirements:

(1) Each vessel that has a radio installation must have a means of communication between the radio room, the wheelhouse, or, if the vessel is a mobile offshore drilling unit, the control room, and any other place from which the vessel may be navigated under normal conditions, other than a place that is only for emergency functions, a place that is only for docking or maneuvering, or a place that is for navigating the vessel in close quarters. A location that has the apparatus that is necessary to steer the vessel, give engine orders, and control the whistle, is a place from which the vessel may be navigated.

(2) If the operating position of the emergency radio installation is not in the compartment normally used for operating the main radio installation, there must be means of communication between the emergency radio room, the wheelhouse, or, if the vessel is a mobile offshore drilling unit, the control room, and any other place, from which the vessel may be navigated under normal conditions, other than a place that is only for emergency functions, a place that is only for docking or maneuvering, or a place that is for navigating vessel in close quarters.

(3) Each vessel equipped with radio direction-finding apparatus that is not in or next to the wheelhouse must have a means of communication between the wheelhouse and the direction-finding apparatus.

(4) The communication system required by this paragraph must be independent of each other system on the vessel, and the location of the termination of these systems is subject to approval by the Federal Communications Commission

(f) *Fire or smoke detecting systems.* Each vessel equipped with a fire or smoke detecting system, if control units are not in the wheelhouse, must have a means of communication betwen the wheelhouse and the stations where the control units are located.

(g) *Lookout.* Each vessel must have a sound powered telephone system or a voice tube system for communication between the wheelhouse and the bow or forward lookout station unless direct voice communication is possible. If there is a sound powered telephone, it must meet the requirements of § 113.30–20(c).

§ 113.30–10 Voice tubes.

Each voice tube must—

(a) Not be used to meet the requirements of this subpart if the required length of voice tube as installed is longer than 125 feet (38.1 meters); and

(b) Meet Section 37.57 of IEEE Standard No. 45.

§ 113.30–20 Sound powered telephone system; general requirements.

(a) If a voice tube longer than 125 feet (38.1 meters) is necessary or if a voice tube is ineffective, approved sound powered telephone equipment is required.

(b) The telephone stations listed in § 113.30–5(a) through (d), (f), and (g) and other stations for the operation of the vessel, such as the captain's and chief engineer's offices and staterooms, emergency power room, CO_2 control room, or fire pumproom, may be on the same circuit.

[4] Contact makers in the primary work area, quarters area, galley and mess area, machinery spaces, and the bridge or control area should be considered.

JUN 27 77
UM

(c) If the bow or forward lookout telephone is in the weather and on the same circuit as other required stations, there must be a cut-out switch in the wheelhouse for this telephone.

(d) Except as provided in paragraph (c) of this section, a telephone station not required by this subpart that is in the weather must not be on a telephone circuit that includes any required telephone stations.

(e) Jack boxes or headsets must not be on a telephone system that includes any station required by this subpart.

§ 113.30–25 Sound powered telephone system; detailed requirements.

(a) Each item of sound powered telephone equipment on a circuit that includes any station required by this subpart must be approved.

(b) Each sound powered telephone station in the weather must be watertight and the audible signal device must be outside of the station enclosure.

(c) Each sound powered telephone station in a wheelhouse or a machinery space must be dripproof.

(d) In a noisy location, such as a diesel engine room, there must be a telephone booth or other equipment so that a telephone conversation is possible while the vessel is navigated or operated.

(e) In a location where the telephone station sound signal cannot be heard throughout the space, there must be an additional sound signal that is energized from the vessel's electric system and that is magneto-actuated.

(f) If two or more telephone stations are near each other, there must be a means that indicates the station called.

(g) Each sound powered telephone talking circuit must be electrically independent of each calling circuit. A short circuit, open circuit, or ground on either side of a calling circuit must not affect a talking circuit. Circuits must be insulated from ground.

(h) Each connection box must be watertight.

(i) Telephone cables must be run as close to the fore and aft centerline of the vessel as practicable. Cables must not run through such spaces as machinery rooms and galleys.

Subpart 113.35—Engine Order Telegraph Systems

§ 113.35–1 Definitions.

As used in this subpart—

"Indicator" means an instrument in the engine room to receive and acknowledge engine orders.

"Transmitter" means an instrument to send engine orders to the engineroom and receive acknowledgement from the engineroom.

§ 113.35–3 General requirements.

(a) Each self-propelled vessel, except as provided in paragraph (d) of this section, must have an electric engine order telegraph system from the wheelhouse to the engineroom.

(b) On a vessel with more than one propulsion engine, each engine must have this system.

(c) On a double-ended vessel that has two wheelhouses, this system must be between the engineroom and each wheelhouse.

(d) A small vessel that has the propulsion plant controlled entirely from the wheelhouse with no means of normal engine control from the engineroom need not have an engine order telegraph system between the wheelhouse and the engineroom.

§ 113.35–5 Electric engine order telegraph systems; general requirements.

(a) Each electric engine order telegraph system must have transmitters and indicators that are electrically connected to each other.

(b) Each transmitter and indicator face must be divided into sections with engine orders engraved on it.

(c) Movement of the transmitter handle and its pointer must cause the indicator to show the order corresponding to the order on the transmitter.

(d) Each engineroom indicator must have a handle or pushbuttons that actuate the pointer on the transmitter for acknowledgement of orders.

(e) There must be an audible signal that is a vibrating bell at each instrument. The vibrating bell at both the transmitter and the indicator must ring continuously when the transmitter and the indicator do not show the same order.

(f) Each dial of a transmitter instrument must be illuminated in such a manner as not to interfere with navigation of the vessel at night.

(g) Each transmitter operating handle must be large enough so that the engine order may be determined from a distance.

§ 113.35–7 Electric engine order telegraph systems, detail requirements.

(a) Each telegraph instrument must have a watertight enclosure for the electric components, except that an instrument under § 113.35–11 that is not in the weather must be watertight or dripproof.

(b) Each material for a telegraph instrument must be corrosion-resistant.

(c) Each transmitter dial must be arranged with the "STOP" order at the top vertical position of the operating handle. For "Ahead" orders, the operating handle must move toward the bow of the vessel, and for "Astern" orders, the operating handle must move toward the stern of the vessel.

(d) Each indicator face must have the "Stop" order—

(1) At the top of a pedestal or console mounted instrument;

(2) At the bottom on a bulkhead mounted instrument; and

(3) In the center on a pushbutton operated instrument.

(e) Each indicator face on a double-ended vessel must be parallel to the centerline and must not be marked with the designations "Ahead" and "Astern."

§ 113.35–11 Vessels with pilothouse control.

Each vessel with pilothouse throttle control must have a positive mechanical stop on each telegraph instrument that prevents movement to the "Pilothouse Control" position without positive action by the operator.

§ 113.35–13 Approval of telegraph instruments.

Each telegraph instrument must be approved.

Subpart 113.40—Rudder Angle Indicator Systems

§ 113.40–1 Applicability.

This subpart applies to self-propelled vessels.

§ 113.40–5 General requirements.

The position of the rudder, if power operated, must be shown at the principal steering station. If there is non-followup steering control at the alternative steering station, there must be a separate rudder angle indicator system for that station that is electrically independent from each other rudder angle indicator system.

§ 113.40–10 Detail requirements.

(a) Each rudder angle indicator system must have a transmitter at the rudder head that is actuated by movement of the rudder with the angular movements of the rudder transmitted to a remote indicator or indicators.

(b) Each indicator must have a fixed dial that shows the angular position of the rudder right and left of amidships. Indications of rudder angle must be made by a moving pointer.

(c) The movement of the indicator pointer must match the movement of the steering wheel or control.

(d) Each indicator must be—

(1) In the direct line of vision of the helmsman; and

(2) Have dial illumination that does not interfere with the navigation of the vessel at night.

(e) Each electric component of the system must be in a watertight enclosure.

(f) Each component material must be corrosion-resistant.

Subpart 113.45—Refrigerated Spaces Alarm Systems

§ 113.45–5 General requirements.

(a) Each refrigerated space that is accessible to a vessel's personnel and that can be locked from the outside so that it cannot be opened from the inside, must have an audible alarm system that can be operated from within the refrigerated space.

(b) The alarm activator must be in the refrigerated space at its exit.

(c) The audible signal must sound at a manned location.

(d) If there is a common audible signal for more than one lockable refrigerated space, there must be an annunicator for locating the space from which the signal was initiated.

Subpart 113.50—Emergency Loudspeaker System

§ 113.50–1 Applicability.

This subpart applies to each ocean and coastwise passenger vessel certificated to carry 500 or more persons, including officers and crew, and each passenger vessel that has lifeboats stowed more than 100 feet (30.5 meters) from the navigating bridge.

§ 113.50–5 General requirements.

(a) Each vessel must have an approved loudspeaker system that enables an officer on the bridge to broadcast separately or collectively to the following stations:

(1) Lifeboat stations, port.

(2) Lifeboat stations, starboard.

(3) Lifeboat embarkation stations, port.

(4) Lifeboat embarkation stations, starboard.

(5) Public spaces used for passenger assembly stations.

(6) Crew quarters.

(7) Accommodation spaces and service spaces.

(b) The system must be controlled from one location on the navigating bridge.

(c) Each loudspeaker at a lifeboat or embarkation station must allow two-way conversation with the navigating bridge.

(d) Each emergency loudspeaker system must be approved, and must meet the requirements of Subpart 161.004 of this chapter.

(e) If a vessel has a public address or music distribution system, there must be a means to silence that system. This means must be next to the loudspeaker system control panel.

§ 113.50–15 Location of loudspeakers and amplifiers.

(a) *General.* Loudspeakers must be located as follows:

(1) Loudspeakers must be located to minimize the effect of feedback and other interference.

(2) Each loudspeaker on an open deck must be directed toward the after end of the vessel and outboard by an angle of approximately 15 degrees.

(b) *Boat deck loudspeakers.* A loudspeaker must be at each lifeboat handling station. The axis of the loudspeaker must be directed aft and outboard so that the sound level at the lifeboat handling station is not less than the level given in Table 113.50–15.

(c) *Lifeboat embarkation and passenger assembly station loudspeakers.* Enough loudspeakers must be throughout the lifeboat embarkation deck and locations designated by the vessel's station bill for the assembly of passengers in an emergency to provide a distribution of sound of at least the level in Table 113.50–15, and with a variation that does not exceed plus or minus 3 decibels.

TABLE 113.50–15—*Minimum sound level requirements for loudspeaker systems*

[All data given in decibels [1]]

Location	Ground noise level minimum	Signal level		Voice level	
		Aboveground noise	Total	Aboveground noise	Total
Lifeboat station	80	20	[2] 100	15	[2] 95
Embarkation deck or exterior passenger assembly point	80	20	[2] 100	15	[2] 95
Interior passenger assembly point	75	20	[2] 95	15	[2] 90
Crew quarters, accomodation space or service space	60	18	[3] 78	12	[3] 72

[1] The zero decibel level is 0.0002 dyn per cm [2].
[2] Measured at a distance of 10 ft (3 m) from the loudspeaker and on its axis.
[3] Measured in rooms with the doors to the passageways closed.

(d) *Loudspeakers in quarters, accommodation spaces, and service spaces.* Enough loudspeakers must be in passageways throughout crew quarters, accommodation spaces, and service spaces to provide at least the sound level in Table 113.50–15 in each room with the doors closed.

(e) *Amplifier.* An emergency loudspeaker amplifier that is not in the same enclosure as the control panel must be in the wheelhouse or in a compartment next to the wheelhouse.

§ 113.50–20 Distribution of cable runs.

(a) Cable runs to the different loudspeaker groups must be as widely separated from each other as practicable. They must be distributed so that a casualty to the port or starboard supplies to loudspeakers on boat and embarkation decks will not render more than half of the loudspeakers in the group inoperative, such as by feeding the loudspeakers of a particular group alternately from a port and starboard multiconductor cable.

(b) Cables must be in passageways and must not run through staterooms, lockers, and other enclosed spaces.

§ 113.50–25 Equipment enclosures.

Each junction or connection box in the distribution system must be watertight.

Subpart 113.70—Smoke Detector Operators [4]

§ 113.65–5 General requirements.

Each whistle and siren operator must meet Section 37.45 of IEEE Standard No. 45.

[4] The general requirements for whistles, sirens, and fog horns are in Part 25 of Subchapter C (Uninspected Vessels), Part 32 of Subchapter D (Tank Vessels), Part 77 of Subchapter H (Passenger Vessels), Part 96 of Subchapter I (Cargo and Miscellaneous Vessels), Part 107 of Subchapter II (Mobile Offshore Drilling Units), and Part 196 of Subchapter U (Oceanographic Vessels) of this chapter.

Subpart 113.70—Smoke Detectors Systems

§ 113.70–5 General requirements.

(a) Each smoke detector control unit must be approved. Each smoke detector system must meet the requirements of Subpart 161.002 of this chapter.

(b) Cable runs between the smoke detector control unit and the supply switchboard must be as direct as practicable and must not run through staterooms, lockers, and other enclosed spaces where the cable could be damaged by a localized fire or by other causes.

PARTS 114–139—[RESERVED]

PART 190—CONSTRUCTION AND ARRANGEMENT

§ 190.20–45 [Revoked]

24. By revoking § 190.20–45.

PART 192—LIFESAVING EQUIPMENT

§ 192.30–15 [Amended]

25. By deleting the last sentence in § 192.30–15(a).

§§ 192.50–10 and 192.50–15 [Revoked]

26. By revoking § 192.50–10 and § 192.50–15.

PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

Subpart 195.05 [Revoked]

27. By revoking Subpart 195.05.

PART 196—OPERATIONS

§§ 196.37–5, 196.37–7 and 196.37–25 [Revoked]

28. By revoking § 196.37–5, § 196.37–7, and § 196.37–25.

(46 U.S.C. 170, 367, 369, 375, 390 (b), 391(a), 392, 408, 416, 445, 489, 526p, 49 U.S.C. 1655 (b); 49 CFR 1.46.)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A–107.

Dated: June 16, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

Accessibility:	
General requirements	111.01–7
Inspection	110.30–3(1)
Air heating equipment	111.87
Alarms:	
Engineers	113.27
Engine order telegraph power failure.	113.35–7(g)
Fire detecting and alarm system, automatic	113.10
Fire detecting and alarm system, manual.	113.15
General alarm	113.25
Refrigerated spaces	113.45–5
SCR temperature	111.33–9
SCR ventilation	111.33–7
Sprinkler system	113.20
Steering gear	111.93–9(c)

VAULT 42 FR 32736 JUN 27 77 UM

Alarms—Continued
Submerged cargo pump motors. 111.105-31(d) (2)
Ventilation loss 111.105-33(e) 111.105-39(c)
American Bureau of Shipping:
Standards 110.10-1(b)
References to standards 111.12-3 111.12-5 111.12-7 111.30-3 111.35-1
American National Standard; Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks (see American Society of Mechanical Engineers).
American National Standards Institute:
Standards 110.10-1(b) (8)
References to standards 111.30-23 111.54-1(c) 111.107-1(c)
American Society for Testing and Materials:
Standards 110.10-1(b) (9)
References to standards 111.60-3(d)
American Society of Mechanical Engineers:
Standards 110.10-1(b) (7)
References to standards 111.91-1 111.107-1(b)
Ammeters:
Generators 111.30-25(b) 111.30-27(c) 111.30-27(d)
Ground detection 111.05-29 111.05-27(a)
Ammonia carriers 111.105-3
Anesthetics, flammable 111.105-37
Appliances 111.77
Circuits 111.77-1
General 111.77
Grounding 111.05
Overcurrent protection 111.77-1
Receptacle outlets 111.79
Applicability of this subchapter. 111.01
Arc lamps:
Searchlights 111.75-20
Motion picture projectors 111.75-20 111.89-1
Armored cable (see Cable, armored)
Attachment plugs (see Receptacle outlets and plugs)
Automated machinery, testing of. 110.30-3(r)
Automatic emergency lighting and power system, definition of. 112.10-10
Automatic fire detecting and alarm system (see Fire detecting and alarm system)
Automatic sprinker systems (see Sprinkler systems)
Autotransformers 111.20-10
Batteries, storage 111.15
Boxes 111.15-5
Box linings 111.15-5(h)
Categories 111.15-3
Conductors 111.15-20
Construction 111.15-2
Emergency generator starting. 112.50-5
Emergency lighting and power system. 112.05-5 112.30 112.35 112.45 112.55
Engine starting 111.05-11
General 111.15-1
Installation 111.15-5
Nameplates 111.15-5(f)
Overload protection 111.15-25
Reverse current protection. 111.15-25
Room and locker linings. 111.15-5(g)
Rooms, hazardous locations. 111.15-5(a) 111.105-41
Tiers 111.15-5(e)
Trays 111.15-5(d)
Ventilation 111.15-10
Battery chargers 111.15-30
Power supply 111.15-5(c)
Bells, general alarm system. 113.25-9
Belt drives 111.105-27
Berthing compartments, lighting of. 111.75-15(a)
Berth lights 111.75-15(d)
Bilge pumps, submersible 111.101
Source of power. 112.15-5(d)
Bilge water, protection from. 111.01-5
Blowout preventer, source of power. 112.15-5(p)
Boat deck:
Definition 110.15-1 (b)(1)
Emergency lighting 112.07-3(a) 112.07-5 112.07-7(a) 112.07-11 112.15-1(g)
Emergency loudspeaker system. 113.50-5(a) 113.50-15(b)
Boat winches, power operated. 111.95
Boxes:
Engine order telegraph system. 113.35-7(f)
Emergency loudspeaker system. 113.50-25
Fire alarm systems 113.10-7 113.15-7
Shore connection 111.83
Sound powered telephone system. 113.30-25(h)
Sprinkler system 113.20-3
Branch circuits:
Appliance 111.77-1
Autotransformer 111.20-10
General alarm 113.25-8
Lighting (see Lighting branch circuits).
Motor (see Motor branch circuits).
Steering gear (see Steering gear).
Ungrounded conductors 111.50-3(g)
Vital equipment 111.60-7
Buses:
Bracing 111.30-19(c)
Capacity 111.30-19(a)
Connections 111.30-19(e)
Rating 111.30-19(b)
Spacing 111.30-19(d)
Bus-tie, main emergency 112.05-3
Busways:
Cooling 111.59-3
Copper 111.59-5
General 111.59-1
Cable:
Application 111.60-5 (f)(5)
Armored 111.105-31
Color coding 111.60-15
Connections 111.60-17
Construction 111.60-1
Generator 111.12-9
Grounding of armor 111.05-7
In battery rooms 111.15-20
In hazardous spaces 111.105-15(a) 111.105-17(a) 111.105-3 111.105-31
Inspection and testing 111.60-1 110.30-3(c) 110.30-3(q)
Installation 111.60-7
Portable cords and cable 111.60-13
Segregation of vital circuits. 111.60-9
Shielded 111.105-11 (b)(1)
Splicing 111.60-19
Type N 111.60-3
Wire 111.60-11
Calculation of short circuit current. 111.52
Cargo spaces:
Emergency lighting 112.15-1(f)
Lighting 111.75-1(c)
Ventilation 111.103-5
Central control station, definition of. 111.99-3
Chargers, battery 111.15-30
Chemicals, vessels carrying 111.105
Circuit:
Branch (see Branch circuits).
Lighting (see Lighting branch circuit).
Motor (see Motor circuits).
Vital, segregation of 111.60-9
Circuit breakers:
Accessibility 111.50-5(b)
Circuit connections 111.55-3
Coordination 111.51
Construction 111.54-1
Disconnecting and guarding. 111.50-9
Drawout type 111.30-25 (b)(2) 111.30-27 (b)(2)
Enclosure 111.50-7
Generator protection 111.12-11 111.30-25(b) 111.30-27(b)
In grounded conductor 111.50-3(h)
In parallel 111.50-3(e)
Installation 111.51-3
Interrupting rating 111.54-1(a)
In ungrounded conductors. 111.50-3(g)
Location in circuit 111.50-5(a)
Protected by current-limiting fuses. 111.53-3
Setting or rating 111.50-3(e)
Coal, vessels carrying 111.105-35
Coastwise, definition of 110.15-1(b) (2)
Codes, references and standards 110.10
Color coding, conductor 111.05-35 111.60-15
Combustible liquid, vessels carrying 111.105-29
Commandant, definition of 110.15-1(b) (3)
Commissary equipment 111.77
Communication systems:
Engine order telegraph (see Engine order telegraph).
Essential 112.15-1(h)
Inspection and testing 110.30-3(p)
Sound powered telephone (see Sound powered telephone).
Voice tubes (see Voice tubes).
Compass, gyro:
Communication 113.30-5(b)
Power supply 112.15-5(m)
Compressed air starting 112.50-7
Conductors:
Color coding 111.05-35 111.60-15
Engine starting battery 111.05-11
Lightning ground 111.05-9
Systems ground 111.05-31
Connection boxes, shore power 111.83
Contact makers, general alarm systems:
General 113.25-11

Contact makers—Continued
Location 113.25-5
Controllers:
Manually-operated 111.70-3(1)
Motor (see Motor controller).
Cooking equipment 111.77
Coolers, drinking water 111.77-11
Coordination of overcurrent protective devices 111.51
Cord, flexible 111.60-13
Corrosion-resistant finish:
Definition 110.15-1(b) (4)
Requirements 111.01-11 111.79-5(c)
Corrosion-resistant material:
Definition 110.15-1(b) (5)
Requirements 111.01-11 111.79-5(c)
Corrosion-resistant parts 111.01-11
Corrosive location, definition of 110.15-1(b) (6)
Crew spaces:
Emergency lighting 112.15-1(c)
Emergency loudspeaker coverage. 113.50-5
Lighting 111.75-15(c)
Current-carrying capacity:
Cable 111.60-5
Portable cords 111.60-13(c)
Wire 111.60-11(e)
Current-limiting fuses 111.53-3
Dampers in ventilation ducts. 111.12-5(b)
Damp or wet location, definition. 110.15-1(b) (7)
Definitions 110.15-1
Depth sounder, power supply for. 112.15-5(n)
Detector systems:
Fire (see Fire detecting and alarm systems).
Smoke (see Smoke detector systems).
Diesel engine driven emergency generator sets. 112.50
Disconnecting means:
Control, interlock, or indictator circuits. 111.70-7(d)
Generators 111.30-25(b) 111.30-27(b)
Inspection 110.30-3(h)
Motor circuits 111.70-1
Overcurrent devices 111.50-9
Dishwashers 111.77-7
Distribution, standard systems. 111.01-17
Distribution panels (see Panelboards).
Door holding and release systems. 111.99
Doors, watertight, electric power-operated. 111.97
Drawings, submittal requirements. 110.25
Drilling units:
Hazardous locations 111.105-33
Industrial systems 111.107
Drinking water coolers 111.77-11
Dripproof, definition 110.15-1(b) (8)
Dry location, definition 110.15-1(b) (9)
Dumbwaiters 111.91
Duty cycle 111.25-15
Electric air heaters 111.87
Electric cooking equipment 111.77-3
Electric motor-operated appliances. 111.77-5
Electric oil immersion heaters. 111.85
Electric power-operated lifeboat winches:
Applicability 111.95-1
Detail requirements 111.95-5
General requirements 111.95-3
Wiring 111.95-7
Electric power-operated watertight door systems (see Watertight door systems).
Electric propulsion:
General 111.35
Grounding 111.05-21(a)
Electric starting, emergency generator prime mover 112.50-5
Electric steering gear (see Steering gear)
Electrical installations in hazardous locations:
Applicability 111.105-1
Approved equipment 111.105-7
Battery rooms 111.105-41
Belt drives 111.105-27
Class I wiring methods 111.105-15
Class II wiring methods 111.105-17
Class III wiring methods 111.105-17
Coal carriers 111.105-35
Combustible liquid cargo carriers. 111.105-29 111.105-31
Explosionproof equipment 111.105-9
Fan motors 111.105-23
Fans 111.105-21
Flammable anesthetics 111.105-37
Flammable cargo carriers 111.105-31
Gasoline carried in vehicles. 111.105-39
Industrial systems on mobile offshore drilling units. 111.107
Inspection 110.30-3(s)
Intrinsically safe systems 111.105-11
Mobile offshore drilling units. 111.105-33 111.107
Paint stowage or mixing spaces. 111.105-43
Purged and pressurized equipment. 111.105-7(b) 111.105-9(b)
Switches 111.105-19
Ventilation ducts 111.105-25
Electrical supply 111.01-17
Elevators, dumbwaiters and escalators:
General 111.91
Power supply 112.15-5(b)
Embarkation deck:
Definition 110.15-1(b) (10)
Emergency lighting 112.15
Emergency loudspeaker coverage. 113.50-5(a)
Emergency diesel and gas turbine:
Engine driven generator sets. 112.51
Emergency lighting and power system:
Alternating-current temporary source. 112.40
Automatic emergency lighting and power system, definition. 112.10-10
Branch circuits 111.75-15(a)
Cable in engineroom 112.05-5
Compartment protection 112.05-5(e)
Control of lights 112.07-1 112.07-3 112.07-5
Definitions 112.10
Diesel or gas turbine driven emergency source of power. 112.20-10
Emergency loads 112.15
Emergency loads on a system without a temporary emergency power source. 112.15-10
Emergency power source 112.05-5
Emergency system having an automatic starting diesel engine or gas turbine driven emergency power source as the sole emergency power source. 112.25
Failure of power from the normal source. 112.20-5
Final emergency loads 112.15-5
Final emergency power source, definition. 112.10-20
Gas turbine 112.50
Generators 111.12
Inspection of lighting 110.30-3(1)
Lighting feeder (see Lighting).
Location of manual control. 112.35-5
Main-emergency bus-tie 112.05-3
Manual emergency lighting and power system, definition. 112.10-5
Marking of emergency lights. 112.07-17 112.15-1(d)
Non-emergency loads 112.05-1(b)
Normal source 112.20-1
Potential of final emergency power source. 112.20-5
Source of supply 112.05-5
Storage batteries:
Capacity 112.05-5(a)
Charging 112.55-15 112.55-10
Indication of discharge 112.45-1
Installation 112.55
Maximum initial voltage 112.55-5
Visible indicators 112.45-1
Switchboard 111.30-29 112.05-5(g) 112.05-5(h)
Temporary emergency power source, definition. 112.10-15
Temporary emergency loads 112.15-1
Test switch 112.45-5
Visible indicators 112.45-1
Emergency loudspeaker system:
Applicability 113.50-1
Distribution of cable runs 113.50-2
General requirements 113.50-5
Location 113.50-15
Power supply for 112.15-1(j)
Sound level requirements 113.50-15
Testing 110.30-3(n)
Emergency squad:
Definition 110.15-1(b) (11)
Equipment locker, communication. 113.30-5(d)
Emergency switchboard 111.30-29
Enclosed switches 111.55-9
Enclosure and protection 111.01-3 111.01-5 111.01-9 111.01-11
Engineers' alarm 113.27
Engine order telegraph system:
Definitions 113.35-1
Electric type, detail requirements. 113.35-7
Electric type, general requirements. 113.35-5
Electric type, system operation. 113.35-9
General requirements 113.35-3
Indicator, definition 113.35-1
Pilothouse control 113.35-11
Transmitter, definition 113.35-1
Engineroom:
Communication required. 113.30-5(a)
Emergency lighting 112.15-1(b)
Lighting 111.75-1(b) 111.75-15(b) 111.75-15(c)
Equalizer poles 111.12-11(j) (1)
Equalizer buses 111.12-11(j) (2)

Equipment grounding conductors. 111.05–33
Equivalents 110.20
Escalators (see Elevators)
Escape trunks, emergency lighting of. 112.15–1(c)
Excitation, generator 111.12–3
Exit lights:
  Construction 111.75–15(e)
  Inspection 110.30–3(1)
  Power source 112.15–1(d)
Explosion roof equipment 111.106–9
Factory Mutual Engineering Corp., references to 111.105–9(a); 111.106–11(a); 111.106–23
Fan, non-sparking, definition of. 110.15–1(b) (15)
Fans in hazardous locations 111.105–19
Fault current calculations 111.52
Feeders, general alarm system. 113.25–6
Final emergency loads 112.15–5
Final emergency power source, definition of. 112.10–20
Fire alarm system, manual:
  Inspection and testing 110.30–3(o)
  Requirements 113.15
Fire detecting and alarm system, automatic:
  Inspection and testing 110.30–3(o)
  Requirements 110.30–5(b)
Fire pumps, emergency: 113.10
  Inspection 110.30–3(x)
  Source of power 112.15–5(e)
Firescreen door holding and release systems:
  Applicability 111.99–1
  Central control station, definition. 111.99–3
  Definitions 111.99–3
  Firescreen door, definition 111.99–3
  Firescreen door holding magnet, definition. 111.99–3
  Inspection and testing 110.30–3(t)
  Local control station, definition. 111.99–3
  Requirements 111.99–5
  Source of power 111.99–5(f); 112.12–1(k)
Fixtures, lighting 111.75–20
Fixture wire (see Wire)
Flammable anesthetics 111.106–37
Flammable cargo carriers 111.106–31
Flashing red lights, general alarm system. 113.25–13
Flashpoint:
  Definition 110.15–1(b) (12)
  Fuel for emergency generator. 113.50–1(a)
Flexible cord 111.60–13
Floodlights, lifeboat (see Lifeboat floodlights)
Frequency:
  Meter required 111.30–25(e) (2)
  Standard 111.01–17(e)
Fuel oil pumps, remote control. 111.103–9(a)
Fuses:
  Accessibility 111.50–5(b)
  Circuit connections 111.55–3
  Coordination 111.51
  Current-limiting 111.53–3
  Disconnecting and guarding. 111.50–9
  Enclosure 111.50–7
  For general alarm system 113.25–16
  General requirements 111.53–1
  In grounded conductors 111.50–3(h)
  In parallel 111.53–3(e)
  Inspection 110.30–3(j)
  Installation 111.51–3
  In ungrounded conductors. 111.50–3(g)
  Location in circuit 111.50–5(a)
  Rating 111.75–5(c)
Galley, emergency lighting of. 112.15–1(f)
Gasoline, in vehicles 111.105–39
General alarm systems:
  Applicability 113.25–1
  Barges 113.25–1; 113.25–25; 113.25–30
  Bells 113.25–9; 113.25–12
  Cable entrances 113.25–14
  Contact makers 113.25–5; 113.25–11
  Distribution of feeder and branch circuits. 113.25–8
  Distribution panels 113.25–15
  Flashing red lights 113.25–10; 113.25–13
  Fuses 113.25–16
  General requirements 113.25–3
  Marking 113.25–20
  Overcurrent protection 113.25–7
  Power supply 113.25–6
  Testing 110.30–3(m)
Generator:
  Cable 111.12–9
  Construction 111.12
  Emergency 111.12; 112.50
  Energy sources for 111.10–5
  Excitation 111.12–3
  Grounding 111.05–7
  Heaters 111.12–5
  Indicating instruments 111.30–25; 111.30–27; 111.30–29
  Inspection 110.30–3(d)
  Neutral grounding 111.05–17
  Overcurrent protection 111.12–11
  Parallel operation 111.12–7
  Power requirements 111.10–3
  Prime movers 111.12–1
  Protection 111.12–11
  Requirement 111.10–1; 111.10–3; 112.05–5
  Switchboard equipment 111.30–25; 111.30–27; 111.30–29
  Testing 111.12–5
  Voltage regulation 111.12–7
Great Lakes vessel, definition of. 110.15–1 (b) (13)
Ground detection:
  Dual voltage d.c. systems 111.05–29
  General 111.05–21
  Location 111.05–23
  Requirement 111.05–21
  Switchboards 111.30–25(e); 111.30–27(f); 111.30–29(e); 111.30–29(f)
  Underground systems 111.05–25
Grounded conductors:
  Emergency switchboard bus-tie. 111.05–17
  Overcurrent device 111.05–37; 111.50–1(h)
  Switch and circuit breaker 111.05–39
Grounded systems 111.05
Grounding:
  Belt drive systems 111.105–27 (b)
  Cable metallic covering 111.05–7
  Conductors, equipment 111.05–33
  Conductors, system 111.05–31
  Connection 111.05–13
  Equipment 111.05–3; 111.05–5
  Generation system 111.05–17
  Hull return 111.05–11
  Inspection and testing 110.30–3(k)
  Masts 111.05–9
  Neutral 111.05–15
  Panelboards 111.40–3
  Pole, receptacle 111.79–3
  Purpose 111.05–1
  Receptacles 111.79–3
  Switchboard apparatus 111.20–13
  Systems 111.05–11; 111.05–13; 111.05–15; 111.05–17; 111.05–19
  Tank vessels 111.05–19
Group control panels 111.70–3
Gyro compass (see Compass, gyro)
Hazardous locations (see Electrical installations in hazardous locations).
Heater circuits 111.70–5
Heating equipment, air 111.87
Holding and release systems (see Firescreen door holding and release system).
Hospital operating rooms 111.105–37
Hull return 111.05–11
Hydraulic starting, emergency generator prime mover. 112.50–3
Illumination 111.75
Immersion heaters 111.85
Industrial systems, mobile offshore drilling units. 111.107
Inorganic acid carriers 111.105–31
Inspection and testing:
  Annual or biennial 110.30–5
  General 110.30–1
  Initial 110.30–3
  Repairs or alterations 110.30–7
  Switchboards 111.30–31
Inspector, definition 110.15–1(b) (14)
Institute of Electrical and Electronics Engineers:
  Standards 110.10–1(b) (4)
  References to standard 111.60–1; 111.60–3; 111.50–5(a); 111.60–5(b); 111.60–7; 113.30–10(b); 113.65–5
Instruments:
  Emergency battery charger. 112.55–10
  Switchboards 111.30–25; 111.30–27; 111.30–29
Insulation resistance, testing of. 110.30–3(q)
Intrinsically safe systems:
  Inspection and testing 110.30–3(s)
  Requirements 111.105–11
  IPCEA-NEMA (see National Electrical Manufacturers Association).
Junction boxes (see Boxes).
Knife switches 111.55–5
Lampholders, connections to. 111.75–5(h)
Lamps, portable (see Lighting, fixtures).
Lanterns, battery operated 112.05–5(a)
Lifeboat floodlights:
  Branch circuits 112.07–11
  Distribution panel 112.07–7
  General 111.75–16
Lifeboat receptacles 111.79–11
Lifeboat winches 111.95
Lighting:
  Branch circuits 111.75–5
  Emergency system 112.07
  Feeders 111.75–1
  Feeders, emergency 112.07–15
  Fixtures, general 111.75–20
  For cargo handling rooms 111.105–51 (g)
  For general alarm system 113.25–12
  Requirements 111.75–25
  System ground detection 111.05–21(q)
Lightning ground conductor 111.05–9

Lights, navigation:
  General 111.75–17
  Power supply 112.15–1(a)
Lights, signaling:
  General 111.75–18
  Power supply 112.15–1(m)
Light screens 111.75–17(f)
Liquid sulfur carriers 111.105–31
Local control station, definition of. 111.99–3
Locations:
  Corrosive, definition 110.15–1(b) (6)
  Damp or wet, definition 110.15–1(b) (7)
  Dry, definition 110.15–1(b) (9)
  Where fuel is carried in vehicles. 111.105–39
Locking device:
  Bus and wiring connections 111.30–19(e)
  Panelboards 111.40–9
Lookout, communication for. 113.30–5(g)
Loran, source of power for 112.15–5(k)
Loudspeaker system (see Emergency loudspeaker system).
Low voltage release:
  Inspection and testing 110.30–3(y)
  Requirement 111.70–3(f)
Low voltage protection:
  Inspection and testing 110.30–3(y)
  Requirement 111.70–3(h)
Lube oil pumps, power supply for 112.15–5(g)
Machinery, rotating electrical, inspection of 110.30–3(e)
Machinery spaces:
  Emergency lighting 112.15–1(b); 112.15–1(f)
  Lighting of 111.75–1(b); 111.75–15(b)
Machinery stop stations 111.103–9
Main-emergency bus tie 112.05–3
Manual emergency lighting and power system, definition of. 112.10–5
Manual fire alarm systems (see Fire alarm systems, manual).
Marine Inspector, definition of. 110.15–1(b) (14)
Marking:
  Emergency lighting fixtures. 112.07–17
  General alarm system components. 113.25–20
  Motors 111.25–5
Masts, grounding of 111.05–9
Mats or gratings 111.30–11
Medium voltage switchgear 111.30–23
Metal-clad switchgear 111.30–23
Meters (see Instruments).
Mobile offshore drilling units:
  Hazardous locations 111.105–33
  Industrial systems 111.107
Motion picture projectors 111.89
Motors 111.25
  Duty cycle 111.25–15
  For use in the weather 111.01–9
  General requirements 111.25–1
  Heaters 111.70–5
  Inspection 110.30–3(e)
  Marking 111.25–5
Motor circuits 111.70
  General 111.70–1
  Heater circuits 111.70–5
  Low voltage protection 111.70–3(h)
  Low voltage release 111.70–3(f)
Motor control centers 111.70–3
Motor controllers 111.70
  Inspection 110.30–3(g)
National Electrical Code:
  Code 110.10–1(b) (2) (1)
  References to Code 111.05–37(b); 111.20–15; 111.25–5; 111.40–1; 111.50–3; 111.50–7; 111.50–9; 111.53–1(a); 111.54–1(a); 111.55–1; 111.55–1(a); 111.60–11(e); 111.60–13(a); 111.60–13(b); 111.60–13(c); 111.70–1(a); 111.79–1(c); 111.81–5; 111.83–3(a); 111.89–1; 111.105–1; 111.105–5; 111.105–7; 111.105–39(b)
National Electrical Manufacturers Association:
  Standards 110.10–1(b) (3)
  References to standards 110.15–1(b) (8); 111.60–13(a); 111.60–13(c); 111.60–19(b) (1)
National Fire Protection Association (see also National Electrical Code):
  Standards 110.10–1(b) (2)
  References to standards 111.105–7(b); 111.105–9(b); 111.105–27; 111.105–37
Naval Ship Engineering Center:
  Specifications 110.10–1(b) (6)
  References to specifications. 111.60–11(d); 111.60–13(c)
Navigation light indicator panel. 111.75–17(b)
  Power supply 112.07–13
Navigation lights 111.75–17
  Power supply 112.15–1(a)
Neutral, grounding of 111.05–15; 111.05–17
Non-corrodible material, definition of. 110.15–1(b) (6)
Nonsparking fan, definition of. 110.15–1(b) (15)
Ocean vessel, definition of 110.15–1(b) (16).
Oil immersion heaters 111.85
Outlet boxes:
  Cable entrances 111.81–3
  Construction 111.81–13
  Enclosure 111.81–7
  General 111.81–1
  Installation 111.81–5
  Mounting 111.81–9
  Penetration of walls 111.81–11
  Shore power 111.83
Overcurrent protection 111.50
  Appliance circuits 111.77–1
  Battery conductors 111.15–25
  Circuit breakers 111.50–3(d); 111.54
  Conductors, general 111.50–3
  Coordination of devices 111.51
  Disconnecting and guarding. 111.50–7
  Enclosures for devices 111.50–7
  Equipment, general 111.50–1
  Flexible cord and fixture wire for lighting circuits. 111.75
  Fuses 111.50–3(c); 111.53
  Generators 111.12–11
  Grounded conductors 111.50–3(h)
  Location of devices 111.50–5
  Motors and motor circuits. 111.70
  Navigation lights 111.75–17(a)
  Parallel devices 111.50–3(f)
  propulsion circuits 111.35
  Steering circuits 111.93–9
  Switchboard circuits 111.30–17
  Thermal devices 111.50–3(f)
  Transformers 111.20–15
  Ungrounded conductors 111.50–3(g)
  Watertight door systems 111.97–9
Overcurrent protective devices, coordination of. 111.51
Paint stowage or mixing spaces. 111 105 43
Panelboards 111.40
  Construction 111.40–13
  Directory 111.40–11
  Enclosure 111.40–5
  Grounding 111.40–3
  Inspection 110.30–3(j)
  Location 111.40–7
  Locking device 111.40–9
  NEC requirements 111.40–1
Parallel operation of generators. 111.12–7
Passageways, lighting of 112.15–1(c); 111.75–15(a)
Pilot ladder, lighting of 111.75–15(f)
Pilot lamps 111.30–25(b) (3); 111.30–25(f); 111.30–27(b) (4); 111.30–27(f); 111.30–29(c) (3)
Plan submittal 110.25
Plugs (see Receptacle outlets and attachment plugs).
Porcelain, limitations on use of. 111.01–13
Portable cord and cables 111.60–13
Power - operated boat winches. 111.95
Power supply 111.10
  Dead ship 111.10–7
  Multiple energy sources 111.10–5
  Power requirements 111.10–3
  Transformers 111.10–9; 111.10–11
  Two generating sets 111.10–1
Prime movers, generator 111.12–1
Projectors, motion picture 111.89
Propulsion, electric 111.35
Propulsion generator protection. 111.12–13
Pumps, bilge, submersible motor driven. 111.101
Purged and pressurized equipment. 111.105–7(b); 111.105–9(b)
Qualified person, definition of. 110.15–1(b) (17)
Radar:
  Communication 113.30–5(c)
  Source of power 112.15–5(1)
Radio direction finder:
  Communication 113.30–5(e)
  Source of Power 112.15–5(j)
Radio installation:
  Communication 113.30–5(e)
  Source of power 112.15–5(j)
Receptable outlets and attachment plugs. 111.79
  Damp or wet locations 111.79–5
  Different potentials 111.79–13
  General 111.79–1
  Grounding pole 111.79–3
  Lifeboats 111.79–11
  Live parts 111.79–7

Receptacle outlets—Continued
Refrigerated containers--- 111.79–15
Transmitting power between receptacles. 111.79–18
Recommended Practice for Electric Installations on Shipboard (see Institute of Electrical and Electronics Engineer).
Red lights, flashing--- 113.25–13
Reference specifications, standards and codes. 110.10
Refrigerated drinking water coolers. 111.77–11
Refrigerated spaces alarm system. 113.45
Refrigerators --- 111.77–9
Regulators, voltage--- 111.30–25(b) (6) 111.30–25(c) 111.30–27(e) (5)
Release, firescreen door (see Firescreen door holding and release systems).
Remote control, ipterlock indicator circuits. 111.70–7
Remote stopping systems--- 111.103
Cargo hold ventilation--- 111.103–5
Machinery space ventilation. 111.103–3
Machinery stop stations-- 111.103–9
Ventilation stop stations-- 111.103–7
Ventilation systems, general. 111.103–1
Repairs --- 110.01–5
Resistors, discharge--- 111.30–25(c) 111.30–27(d)
Reverse-current protection:
Batteries --- 111.15–25
Generators --- 111.12–11(g) 111.30–21
Rheostats --- 111.30–25(c) 111.30–37(b) (3) 111.30–27(d)
Rotating electrical machinery, inspection of. 110.30–3(e)
Rudder angle indicator systems. 113.40
Rules for Building and Classing Steel Vessels (see American Bureau of Shipping)
Seals and seal fittings--- 111.105–15(b)
Semiconductor controlled rectifiers. 111.33
Heat sinks and ventilation. 111.33–3
Propulsion systems--- 111.33–11
Switchboard requirements 111.33–1
Temperature alarm--- 111.33–9
Ventilation alarm--- 111.33–7
Ventilation exhaust--- 111.33–5
Ship's service generators (see Generators)
Shielded cable--- 111.105–11(b) (11)
Shore connection:
Boxes --- 111.83
Pilot lights--- 111.30–25(f) 111.30–27(f)
Switch or circuit breaker-- 111.30–25(f) 111.30–27(f)
Voltmeter --- 111.30–25(f) 111.30–27(f)
Short-circuit current calculations. 111.52
Signaling lights--- 111.75–18
Power supply--- 112.07–7 112.07–9 112.15–1(m)
Sirens --- 113.65
Smoke detector systems--- 113.70
Power supply--- 112.15–1(m)
Snap switches--- 111.55–7
Sound level:
Emergency loudspeaker system. 113.50–15
General alarm system--- 113.25–9
Sound powered telephone system. 113.20
Splices and splicing--- 111.60–19
Sprinkler systems, automatic. 113.20
Power supply--- 112.15–5(f)
Stairways, emergency lighting of. 112.15–1(c)
Standard frequency--- 111.0–17(c)
Standard systems--- 111.01–17(a)
Standard voltages--- 111.01–17(b)
Standards, references and codes. 110.10
Starting, emergency generator prime mover. 112.50–3 112.50–5 112.50–7
Steering control systems, definition of. 111.93–3(a)
Steering gear, definition of-- 111.93–3(c)
Steering gear room, communication with. 113.30–5(a) (2)
Steering power system, definition of. 111.93–3(b)
Steering station, alternative, communication with. 113.30–5(a) (3)
Steering systems--- 111.93
Applicability --- 111.93–1
Definitions --- 111.93–3
Feeder circuits--- 111.93–5
Indicating and alarm systems. 111.93–11
Inspection and testing--- 110.30–3(w)
Overcurrent protection--- 111.93–9
Power supply--- 112.15–5(o)
Steering control systems--- 111.93–7
Storage batteries (see Batteries, storage).
Submersible motor-driven bilge pumps. 111.101
Power supply--- 111.101–3(f) 112.15–5(d)
Submittals --- 110.25
Switchboards --- 111.30
Alternating-current ship's service. 111.30–25
Buses --- 111.30–19
Construction --- 111.30–5
Dead-front type--- 111.30–7
Direct-current ship's service. 111.30–27
Emergency --- 111.30–29
Grounding --- 111.30–13
High temperature devices- 111.30–21
Inspection --- 110.30–3(f)
Installation --- 111.30–1
Location --- 111.30–1
Mats or gratings--- 111.30–11
Medium voltage--- 111.30–23
Metal-clad --- 111.30–23
Nameplates --- 111.30–15
Propulsion --- 111.35
Protection of instrument circuits. 111.30–17
Rear access--- 111.30–3
Testing --- 111.30–31
Switches --- 111.55
Bus sectionalizing--- 111.30–25(h)
Circuit connections--- 111.55–3
Emergency lighting system. 112.07–1
Enclosed --- 111.55–9
General --- 111.55–1
Generator --- 111.30–25(b) 111.30–27(b)
Hazardous locations--- 111.105–19
Knife --- 111.55–5
Lifeboat --- 111.95
Snap --- 111.55–7
T-rated --- 111.99–5(d)
Synchronizing lamps--- 111.30–25(d)
Synchroscope --- 111.30–25(d) 111.105
Tank vessels:
Electrical installations in hazardous locations. 111.05–19
Grounded distribution systems.
Telegraph, engine order (see Engine order telegraph).
Temperature, air heater case. 111.87–3(e)
Temperature, ambient--- 111.01–15
Temperature alarm, SCR--- 111.33–9
Temperature ratings--- 111.01–15
Temperature rise:
Firescreen door holding magnet. 111.99–5(e)
Lighting fixtures--- 111.75–20(d) 111.105–31(g)
Transformers --- 111.20–5
Temporary emergency loads- 112.15–1
Temporary emergency power source, definition of. 112.10–15
Terminals, connection to--- 111.60–17
Testing and inspection (see Inspection and testing).
Test switch, emergency switchboard. 112.45–5
Transformers --- 111.20
Autotransformers --- 111.20–11
General --- 111.20–1
Overcurrent protection--- 111.20–15
Power and lighting system. 111.10–9 111.10–11
Temperature rise--- 111.20–5
Underwriters' Laboratories Inc.:
Standards --- 110.10–1(a) (5)
References to standards--- 111.15–5(a) 111.15–30 111.40–13 111.53–1(c) 111.53–3(c) 111.54–1(b) 111.55–5 111.55–7 111.55–9 111.59–1(b) 111.60–3(a) 111.60–3(c) 111.60–11(b) 111.60–11(d) 111.60–11(e) 111.60–13(a) 111.60–17(d) 111.70–3(d) 111.75–20(a) 111.77–3(g) 111.77–5(a) 111.77–7 111.77–9 111.77–11 111.79–1(d) 111.81–13 111.87–3(a) 111.13 111.105–7(a) 111.105–9(a) 111.105–23 111.107–1(a) 112.05–5(a) 113.26–16(a) (1)
Ungrounded systems, ground detection for. 111.05–25
Ventilation:
Ducts in hazardous locations. 111.105–25
Remote stopping systems-- 111.103–1 111.103–3 111.103–5 111.103–7
Semiconductor controlled rectifiers. 111.33–3 111.33–5 111.33–7
Storage batteries--- 111.15–10
Ventilation alarms--- 111.33–7 111.105–33(e) 111.105–39(c)
Vessels carrying coal--- 111.103–35
Visible indicators--- 112.45–1
Vital circuits, segregation of- 111.60–9
Vital equipment, protection of. 111.51–3
Voice tube systems--- 113.30
Applicability --- 113.30–1
Locations --- 113.30–5
Requirements --- 113.30–10
Voltages, standard--- 111.01–17(b)
Voltage regulation, generators. 111.12–7
Voltmeters:
Generator --- 111.30–25(b) (5) 111.30–27(c) 111.30–27(d) 111.30–27(e)
Shore power--- 111.30–25(f) 111.30–27(f)
Water coolers--- 111.77–11
Waterproof equipment--- 111.01–9
Waterproof machine, definition of. 110.15–1(b) (18)
Watertight, definition of--- 110.15–1(b) (19)
Watertight door systems--- 111.97
Applicability --- 111.97–1
Distribution --- 111.97–7
Electric and hydraulic power supply. 111.97–5
General requirements--- 111.97–3
Inspection and testing--- 110.30–3(u)
Lighting --- 112.15–1(c) 112.15–1(e)
Overcurrent protection--- system. 111.97–9 112.15–1(l)
Watertight equipment--- 111.01–9
Boat winches--- 111.95–5
Emergency loudspeaker systems. 113.50–25
Engine order telegraph--- 113.35–7(a) 113.35–7(f)
Fire detection and alarm systems. 113.10–7 113.15–7
General alarm systems--- 113.25–11(a) 113.25–14 113.25–15(a)
Outlet boxes--- 111.81–7 111.81–9 111.81–11
Receptacles --- 111.79–5
Rudder angle indicator--- 113.50–25
Sound powered telephone systems. 113.30–25(b)
Sprinkler systems--- 113.20–3
Wattmeter, generator--- 111.30–25(d) (2)
Wet location, definition of-- 110.15–1(b) (7)
Wheelhouse:
Emergency lighting--- 112.07–3(a) 112.07–7
Whistle operators--- 113.65
Source of power--- 112.15–1(o)
Winches, boat, electric-power operated. 111.95
Wire:
General --- 111.60–11
Switchboard --- 111.30–19(f)
Wiring materials and methods:
General --- 111.60
Class I hazardous locations. 111.105–15
Class II and Class III hazardous locations. 111.105–17
Working space, switchboard- 111.30–1
Emergency lighting--- 112.15–1(c) 112.15–1(f)

[FR Doc.77-18086 Filed 6-24-77;8:45 am]

JUN 27 1977 UM

Receptacle outlets—Continued
Refrigerated containers--- 111.79–15
Transmitting power between receptacles. 111.79–15
Recommended Practice for Electric Installations on Shipboard (see Institute of Electrical and Electronics Engineer).
Red lights, flashing--- 113.25–13
Reference specifications, standards and codes. 110.10
Refrigerated drinking water coolers. 111.77–11
Refrigerated spaces alarm system. 113.45
Refrigerators --- 111.77–9
Regulators, voltage--- 111.30–25(b) (5)
111.30–25(c)
111.30–27(e) (5)
Release, firescreen door (see Firescreen door holding and release systems).
Remote control, interlock indicator circuits. 111.70–7
Remote stopping systems--- 111.103
Cargo hold ventilation--- 111.103–5
Machinery space ventilation. 111.103–3
Machinery stop stations-- 111.103–9
Ventilation stop stations-- 111.103–7
Ventilation systems, general. 111.103–1
Repairs --- 110.01–5
Resistors, discharge--- 111.30–25(c)
111.30–27(d)
Reverse-current protection:
Batteries --- 111.15–25
Generators --- 111.12–11(g)
Rheostats --- 111.30–21
111.30–25(c)
111.30–37(b) (3)
111.30–27(d)
Rotating electrical machinery, inspection of. 110.30–3(e)
Rudder angle indicator systems. 113.40
Rules for Building and Classing Steel Vessels (see American Bureau of Shipping)
Seals and seal fittings--- 111.105–15(b)
Semiconductor controlled rectifiers. 111.33
Heat sinks and ventilation. 111.33–3
Propulsion systems--- 111.33–11
Switchboard requirements 111.33–1
Temperature alarm--- 111.33–9
Ventilation alarm--- 111.33–7
Ventilation exhaust--- 111.33–5
Ship's service generators (see Generators)
Shielded cable--- 111.105–11(b) (11)
Shore connection:
Boxes --- 111.83
Pilot lights--- 111.30–25(f)
111.30–27(f)
Switch or circuit breaker-- 111.30–25(f)
111.30–27(f)
Voltmeter --- 111.30–25(f)
111.30–27(f)
Short-circuit current calculations. 111.52
Signaling lights--- 111.75–18
Power supply--- 112.07–7
112.07–9
112.15–1(m)
Sirens --- 113.65
Smoke detector systems--- 113.70
Power supply--- 112.15–1(m)
Snap switches--- 111.55–7
Sound level:
Emergency loudspeaker system. 113.50–15
General alarm system--- 113.25–9
Sound powered telephone system. 113.20
Splices and splicing--- 111.60–19
Sprinkler systems, automatic. 113.20
Power supply--- 112.15–5(f)
Stairways, emergency lighting of. 112.15–1(c)
Standard frequency--- 111.0–17(c)
Standard systems--- 111.01–17(a)
Standard voltages--- 111.01–17(b)
Standards, references and codes. 110.10
Starting, emergency generator for prime mover. 112.50–3
112.50–5
112.50–7
Steering control systems, definition of. 111.93–3(a)
Steering gear, definition of-- 111.93–3(c)
Steering gear room, communication with. 113.30–5(a) (2)
Steering power system, definition of. 111.93–3(b)
Steering station, alternative, communication with. 113.30–5(a) (3)
Steering systems--- 111.93
Applicability --- 111.93–1
Definitions --- 111.93–3
Feeder circuits--- 111.93–5
Indicating and alarm systems. 111.93–11
Inspection and testing--- 110.30–3(w)
Overcurrent protection--- 111.93–9
Power supply--- 112.15–5(o)
Steering control systems--- 111.93–7
Storage batteries (see Batteries, storage).
Submersible motor-driven bilge pumps. 111.101
Power supply--- 111.101–3(f)
112.15–5(d)
Submittals --- 110.25
Switchboards --- 111.30
Alternating-current ship's service. 111.30–25
Buses --- 111.30–19
Construction --- 111.30–5
Dead-front type--- 111.30–7
Direct-current ship's service. 111.30–27
Emergency --- 111.30–29
Grounding --- 111.30–13
High temperature devices- 111.30–21
Inspection --- 110.30–3(f)
Installation --- 111.30–1
Location --- 111.30–1
Mats or gratings--- 111.30–11
Medium voltage--- 111.30–23
Metal-clad --- 111.30–23
Nameplates --- 111.30–15
Propulsion --- 111.35
Protection of instrument circuits. 111.30–17
Rear access--- 111.30–3
Testing --- 111.30–31
Switches --- 111.55
Bus sectionalizing--- 111.30–25(h)
Circuit connections--- 111.55–3
Emergency lighting system. 112.07–1
Enclosed --- 111.55–9
General --- 111.55–1
Generator --- 111.30–25(b)
111.30–27(b)
Hazardous locations--- 111.105–19
Knife --- 111.55–5
Lifeboat --- 111.95
Snap --- 111.55–7
T-rated --- 111.99–5(d)
Synchronizing lamps--- 111.30–25(d)
Synchroscope --- 111.30–25(d)
Tank vessels: 111.105
Electrical installations in hazardous locations. 111.05–19
Grounded distribution systems.
Telegraph, engine order (see Engine order telegraph).
Temperature, air heater case. 111.87–3(e)
Temperature, ambient--- 111.01–15
Temperature alarm, SCR--- 111.33–9
Temperature ratings--- 111.01–15
Temperature rise:
Firescreen door holding magnet. 111.99–5(e)
Lighting fixtures--- 111.75–20(d)
111.105–31(g)
Transformers --- 111.20–5
Temporary emergency loads- 112.15–1
Temporary emergency power source, definition of. 112.10–15
Terminals, connection to--- 111.60–17
Testing and inspection (see Inspection and testing).
Test switch, emergency switchboard. 112.45–5
Transformers --- 111.20
Autotransformers --- 111.20–11
General --- 111.20–1
Overcurrent protection--- 111.20–15
Power and lighting system. 111.10–9
Temperature rise--- 111.10–11
Underwriters' Laboratories Inc.: 111.20–5
Standards --- 110.10–1(a) (5)
References to standards--- 111.15–5(a)
111.15–30
111.40–13
111.53–1(c)
111.53–3(c)
111.54–1(b)
111.55–5
111.55–7
111.55–9
111.59–1(b)
111.60–3(a)
111.60–3(c)
111.60–11(b)
111.60–11(d)
111.60–11(e)
111.60–13(a)
111.60–17(d)
111.70–3(d)
111.75–20(a)
111.77–3(g)
111.77–5(a)
111.77–7
111.77–9
111.77–11
111.79–1(d)
111.81–13
111.87–3(a)
111.13
111.105–7(a)
111.105–9(a)
111.105–23
111.107–1(a)
112.05–5(a)
113.25–16(a) (1)
Ungrounded systems, ground detection for. 111.05–25
Ventilation:
Ducts in hazardous locations. 111.105–25
Remote stopping systems-- 111.103–1
111.103–3
111.103–5
111.103–7
Semiconductor controlled rectifiers. 111.33–3
111.33–5
111.33–7
Storage batteries--- 111.15–10

Ventilation alarms--- 111.33–7
111.105–33(e)
111.105–39(c)
Vessels carrying coal--- 111.103–35
Visible indicators--- 112.45–1
Vital circuits, segregation of- 111.60–9
Vital equipment, protection of. 111.51–3
Voice tube systems--- 113.30
Applicability --- 113.30–1
Locations --- 113.30–5
Requirements --- 113.30–10
Voltages, standard--- 111.01–17(b)
Voltage regulation, generators. 111.12–7
Voltmeters:
Generator --- 111.30–25(b) (5)
111.30–27(c)
111.30–27(d)
111.30–27(e)
Shore power--- 111.30–25(f)
111.30–27(f)
Water coolers--- 111.77–11
Waterproof equipment--- 111.01–9
Waterproof machine, definition of. 110.15–1(b) (18)
Watertight, definition of--- 110.15–1(b) (19)
Watertight door systems--- 111.97
Applicability --- 111.97–1
Distribution --- 111.97–7
Electric and hydraulic power supply. 111.97–5
General requirements--- 111.97–3
Inspection and testing--- 110.30–3(u)
Lighting --- 112.15–1(c)
112.15–1(e)
Overcurrent protection--- 111.97–9
system. 112.15–1(f)
Watertight equipment--- 111.01–9
Boat winches--- 111.95–5
Emergency loudspeaker systems. 113.50–25
Engine order telegraph--- 113.35–7(a)
113.35–7(f)
Fire detection and alarm systems. 113.10–7
113.15–7
General alarm systems--- 113.25–11(a)
113.25–14
113.25–15(a)
Outlet boxes--- 111.81–7
111.81–9
111.81–11
Receptacles --- 111.79–5
Rudder angle indicator--- 113.50–25
Sound powered telephone systems. 113.30–25(b)
Sprinkler systems--- 113.20–3
Wattmeter, generator--- 111.30–25(d) (2)
Wet location, definition of-- 110.15–1(b) (7)
Wheelhouse:
Emergency lighting--- 112.07–3(a)
112.07–7
Whistle operators--- 113.65
Source of power--- 112.15–1(o)
Winches, boat, electric-power operated. 111.95
Wire:
General --- 111.60–11
Switchboard --- 111.30–19(f)
Wiring materials and methods:
General --- 111.60
Class I hazardous locations. 111.105–15
Class II and Class III hazardous locations. 111.105–17
Working space, switchboard- 111.30–1
Emergency lighting--- 112.15–1(c)
112.15–1(f)

[FR Doc.77–18086 Filed 6–24–77;8:45 am]

JUN 27 77 UM

federal register

MONDAY, JUNE 27, 1977

PART V



THE PRESIDENT and OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

■

COLOR TELEVISION RECEIVER IMPORTS

Presidential Proclamation 4511 and Directive to U.S. Customs Service on Implementation of Orderly Marketing Agreement With Japan

V 42 NR 124
JUN 27
7
7
UM

Title 3—The President

Proclamation 4511 • **June 24, 1977**

Implementation of Orderly Marketing Agreement On Certain Color Television Receivers

By the President of the United States of America

A PROCLAMATION

1. On March 22, 1977, the United States International Trade Commission (USITC) reported to the President (USITC Publication 808) the results of its investigation under subsection (b) of section 201 of the Trade Act (19 U.S.C. 2251(b)) (the Trade Act). The USITC determined that color television receivers assembled or not assembled, finished or not finished, provided for in item 685.20 of the Tariff Schedules of the United States (TSUS) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing articles like or directly competitive with the imported articles. By an evenly divided vote, three USITC Commissioners determined serious injury to exist in the monochrome television receiver industry and three Commissioners made no determination of injury with respect to the monochrome receiver industry. The Commissioners also had an evenly divided determination on the question of injury to that portion of the industry producing subassemblies of color television receivers, also provided for in item 685.20 of the TSUS. On those articles on which an injury determination was made, the Commission recommended the imposition of an increased tariff.

2. Pursuant to section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), in the case of an evenly divided vote on serious injury the President may consider the determination agreed upon by either group of Commissioners

JUN 27 77

as the determination of the Commission. On May 19, 1977, I determined to accept the determination of those Commissioners making no determination of injury to the monochrome television receiver industry as the determination of the Commission and to accept the determination of those Commissioners finding serious injury to that portion of the industry producing subassemblies of color television receivers as the determination of the Commission.

3. On May 19, 1977, pursuant to Section 202(b)(1) of the Trade Act (19 U.S.C. 2252(b)(1)), and after taking into account the considerations specified in section 202(c) of the Trade Act (19 U.S.C. 2252(c)), I determined to remedy the serious injury found to exist by the USITC through the negotiation of an orderly marketing agreement with Japan, the major supplier of color television receivers to the U.S. market, pursuant to section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)); and announced my intention to conclude such an agreement limiting the export from Japan into the United States of color television receivers and certain of their subassemblies, and setting conditions under which the United States would limit imports into the United States of such articles. On May 19, 1977, in accordance with section 203(b)(1) of the Trade Act (19 U.S.C. 2253(b)(1)), I transmitted a report to the Congress setting forth my determination and intention to conclude an orderly marketing agreement and stating the reasons why my decision differed from the action recommended by the USITC.

4. Section 203(e)(1) of the Trade Act (19 U.S.C. 2253(e)(1)) requires that import relief be proclaimed and take effect within 90 days after a Presidential determination to negotiate an orderly marketing agreement.

5. Pursuant to the authority vested in the President by the Constitution and the statutes of the United States, including section 203(a)(4) of the Trade Act (19 U.S.C. 2253(a)(4)), an orderly marketing agreement was concluded on

May 20, 1977, between the Government of the United States of America and the Government of Japan, limiting the export from Japan to the United States of color television receivers and certain subassemblies thereof, for a period of three years beginning July 1, 1977, to 1.75 million units in each annual restraint period, and setting forth conditions under which limitations would be placed on the importation into the United States of such articles by the Government of the United States. The agreement shall be implemented by the terms of the Notes exchanged and as directed in this proclamation.

6. In accordance with section 203(d)(2) of the Trade Act (19 U.S.C. 2253(d)(2)), I have determined that the level of import relief hereinafter proclaimed permits the importation into the United States of a quantity or value of articles which is not less than the average annual quantity or value of such articles imported into the United States from Japan in the 1972-1975 period, which I have determined to be the most recent representative period for imports of such articles.

NOW, THEREFORE, I, Jimmy Carter, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States, including section 203 of the Trade Act (19 U.S.C. 2253) and section 301 of Title 3 of the United States Code, do hereby proclaim:

(1) An orderly marketing agreement was entered into on May 20, 1977, between the Government of the United States of America and the Government of Japan with respect to the trade in certain articles of color television receivers effective July 1, 1977. The orderly marketing agreement with Japan accounts for a major part of the United States imports of the articles covered by the agreement. The

V 42 N 123 JUN 27 77 UM

orderly marketing agreement is to be implemented according to its terms and as directed in this proclamation.

(2) The President's authority under section 203(e)(2) of the Trade Act (19 U.S.C. 2253(e)(2)) to negotiate orderly marketing agreements with other foreign suppliers of articles subject to this proclamation after any import relief proclaimed pursuant to Sec 203(a)(1)(2)(3) or (5) takes effect, is hereby delegated to the Special Representative for Trade Negotiations (hereinafter referred to as the "Special Representative"). The President's authority under section 203(e)(3) of the Trade Act (19 U.S.C. 2253 (e)(3)) to determine that any agreement negotiated pursuant to section 203 (a)(4) or (5) or 203 (e)(2) of the Trade Act (19 U.S.C. 2253 (a)(4)(5) and (e)(2)) is no longer effective is hereby delegated to the Special Representative, to be exercised in conformity with paragraph (4) below. In the event of such a determination the Special Representative shall prepare any proclamations that may be appropriate to implement import relief authorized by section 203(e)(3) of the Trade Act (19 U.S.C. 2253(e)(3)).

(3) The President's authority in section 203(g)(1) and (2) of the Trade Act (19 U.S.C. 2253(g)(1) and (2)) to prescribe regulations governing the entry or withdrawal from warehouse of articles covered by the orderly marketing agreement and to issue rules and regulations governing the entry, or withdrawal from warehouse, for consumption of like articles which are the product of countries not parties to such agreement, has been delegated to the Secretary of the Treasury pursuant to section 5(b) of Executive Order No. 11846. Such authority shall be exercised by the Secretary of the Treasury, upon direction by the Special Representative, in consultation with representatives of the member agencies of the Trade Policy Staff Committee.

(4) In exercising the authority delegated in paragraphs (2) and (3) above, the Special Representative shall, in addition to other necessary actions, institute the following actions:

(a) Statistics on imports from Japan and from all other sources of articles covered by the agreement shall be collected on a monthly basis. Should the export restraint level specified in the orderly marketing agreement with the Government of Japan be exceeded, or should imports from countries not parties to such agreement increase in such quantities so as to disrupt the effectiveness of the orderly marketing agreement, the Special Representative, after consultation with representatives of member agencies of the Trade Policy Staff Committee, may make a determination that for the purposes of section 203(e)(3) of the Trade Act the orderly marketing agreement does not continue to be effective.

(b) With respect to the products of Japan, beginning on July 1, 1977, the Special Representative may direct the Commissioner of Customs to restrict the entry, or withdrawal from warehouse, for consumption of articles subject to the orderly marketing agreement which are not accompanied by a valid export certificate showing authorization for export to the United States pursuant to the provisions of the agreement.

(c) With respect to the products of Japan, entry, or withdrawal from warehouse, for consumption of articles not accompanied by a valid export certificate will be denied for the remainder of a restraint year should the total amount of such articles entered, or withdrawn from warehouse, for consumption in the United

V 42 N 123 JUN 27 77 UM

States reach three percent of the level for that restraint period specified in the agreement.

(d) With respect to the products of other countries, beginning on July 1, 1977, if the quantity of imports of all other countries, excluding Japan, of the articles subject to import relief under this proclamation appear likely during a 12 month period to disrupt the effectiveness of the orderly marketing agreement, the Special Representative may initiate consultations with those countries responsible for such disruption and may prevent further entries of such articles for the remainder of the restraint period or otherwise moderate or restrict the imports from such countries pursuant to section 203(g)(2) of the Trade Act, (19 U.S.C. 2253(g)(2)). Before exercising this authority, the Special Representative shall consult with representatives of the member agencies of the Trade Policy Staff Committee.

(e) Should the Special Representative determine to institute import restrictions on articles entered, or withdrawn from warehouse, for consumption from Japan or from other countries pursuant to paragraphs (2) and (4)(d) of this proclamation, such action shall become effective not less than eight days after such determination and any necessary changes in the TSUS have been published in the Federal Register.

(5) The Special Representative shall take such actions and perform such functions for the United States as may be necessary concerning the administration, implementation, modification, amendment or termination of the agreement described in paragraph (1) of this proclamation and any actions and functions necessary to implement paragraphs (2), (3) and (4) of this proclamation. In carrying out his responsibilities under this paragraph the Special Representative

is authorized to delegate to appropriate officials or agencies of the United States authority to perform any functions necessary for the administration and implementation of the agreement or actions. The Special Representative is authorized to make any changes in Part 2 of the Appendix to the TSUS which may be necessary to carry out the agreement or actions. Any such changes in the agreement shall be effective on or after their publication in the Federal Register.

(6) The Commissioner of Customs shall take such actions as the Special Representative shall determine are necessary to carry out the agreement described in paragraph (1) of this proclamation and to implement any import relief pursuant to paragraphs (2), (3) and (4) of this proclamation, or any modification thereof, with respect to the entry or withdrawal from warehouse, for consumption into the United States of products covered by such agreement or by such other import relief.

(7) The USITC shall issue reports and conduct the following surveys with respect to color television receivers and related products:

(a) Quarterly. Surveys by calendar quarter to obtain from producers in the United States monthly data on production, shipments, inventories, employment man-hours, and prices, and other economic factors indicative of conditions in the U.S. industry. The initial surveys shall cover the fourth quarter of 1976 and the first two quarters of 1977. Subsequent surveys shall cover individual quarters with the last such survey covering the quarter which ends not less than 60 days prior to the termination of the import relief.

V 42 N 123 JUN 27 77 UM

The USITC shall publish the results of the initial surveys by September 1, 1977 and the results of later surveys within 45 days of the end of the surveyed quarter.

(b) Annual. Annual surveys to obtain data from producers in the United States by calendar quarter on profits, capacity, and annual data on capital expenditures and research and development expenditures; and to obtain from importers data by calendar quarter on prices, orders, and inventories. The initial surveys shall cover the calendar year 1976 and the calendar year 1977, and the results shall be published by March 31, 1978. The results of subsequent surveys shall be published by March 31 of each year thereafter so long as the import relief is in effect.

(8) The proclamation shall be effective as of July 1, 1977, and shall continue in force through June 30, 1980, unless the period of its effectiveness is earlier expressly modified or terminated.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of June in the year of our Lord, nineteen hundred and seventy seven, and of the Independence of the United States of America the two hundred and first.

Jimmy Carter

[FR Doc.77-18579 Filed 6-24-77;12:26 pm]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

COLOR TELEVISION RECEIVERS

Directive to U.S. Customs Service on Implementation of Orderly Marketing Agreement With Japan

Set forth below is a copy of a letter to the U.S. Customs service regarding the implementation of an Orderly Marketing Agreement concluded with the Government of Japan on May 20, 1977 effective July 1, 1977 concerning trade in color television receivers. These directives are given pursuant to the Presidential Proclamation implementing the Orderly Marketing Agreement which is published in todays FEDERAL REGISTER.

THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS
Washington, D.C., June 23, 1977.

Hon. G. R. DICKERSON,
Acting Commissioner of Customs, Department of the Treasury, Washington, D.C.

DEAR MR. COMMISSIONER: On May 20, 1977 an Orderly Marketing Agreement was signed between the Government of Japan and the Government of the United States of America which will reduce the volume of color television imports from Japan to the United States. Pursuant to the terms of the Agreement and in accordance with the Presidential Proclamation implementing this import relief, it is requested that you take the actions described as follows:

1. Monitor all complete and incomplete color television receivers and subassemblies thereof, entered, or withdrawn from warehouse, for consumption on of after July 1, 1977 and through June 30, 1980, which are classified under any of the following items of the Tariff Schedules of the United States Annotated (TSUSA) as amended, effective July 1, 1977: TSUSA 685.2025 through 685.2046, 685.2055, and 685.2061 through 685.2067 (copy of amended TSUSA is attached). The monitoring shall be by TSUSA item and by country of origin.

2. Monitoring reports shall be provided to this Office on a monthly basis. These reports shall contain information on quantity of imports by TSUSA item and country of origin. For Japan, these reports shall also include separate enumeration for such merchandise exported from Japan on or after July 1, 1977 with and without official certification for export provided under the authority of the Government of Japan and for those imports exported prior to July 1, 1977.

3. The aggregate quantity of merchandise of Japanese origin in the TSUSA items 685.2025 through 685.2046 and 685.2055, the category of complete color television receivers, and 685.2061 through 685.2064, the category of incomplete color television receivers, permitted to be entered, or withdrawn from warehouse, for consumption on or after July 1, 1977, and exported on or after July 1, 1977, without the appropriate or correct certification by category shall be limited to 52,500 units of color televisions and subassemblies for each period covered by the agreement. A facsimile of such certification is attached. Any uncertified imports up to this amount may be subject to denial of entry or withdrawal from warehouse, for consumption, under the discretional authority of this Office pursuant to the Presidential Proclamation. The periods covered by the Agreement, based on date of export, are July 1, 1977 through June 30, 1978; July 1, 1978 through June 30, 1979; and July 1, 1979 through June 30, 1980. Reports on uncertified imports shall be provided to this Office weekly. These reports shall be by shipment and include adequate identifying information. If it appears in any period covered by the Agreement that the 52,500 unit limitation on uncertified exports will be reached before the end of that period, prompt notification shall be given to this Office.

4. The importation of a single product classified within the TSUSA items described in paragraph 1 above and for the personal use of the importer shall not be monitored or subject to the limitations contained in paragraph 3, above.

5. A monthly press release shall be issued showing, for those TSUSA items in paragraph 1 above, the quantity of imports from each of the following: Canada, Japan, Mexico, Republic of China, Republic of Korea, Singapore, and other countries of origin. For Japan, imports shall further be categorized as certified, uncertified, and imports exported prior to the current export restraint period. Appropriate totals and subtotals should be provided.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

Robert S. Strauss.

JUN 27 1977 UM

TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1976)

SCHEDULE 6. - METALS AND METAL PRODUCTS
Part 5. - Electrical Machinery and Equipment

Page 457

6 - 5 --

G S P	Item	Stat. Suf-fix	Articles	Units of Quantity	Rates of Duty 1	Rates of Duty 2
			PART 5. ELECTRICAL MACHINERY AND EQUIPMENT			
			Part 5 headnotes:			
			1. This part does not cover -- (i) electrical insulators or insulating materials (classifiable in other schedules according to materials of which made); (ii) certain carbons, electrodes, and brushes provided for in part 1E of schedule 5; (iii) ceramic electrical ware (part 2D of schedule 5); (iv) electric blankets and other electrically warmed bedding (see part 5B of schedule 3); (v) washing machines, ironing machines, sewing machines, and other machines provided for in parts 4 or 6 of this schedule; or (vi) electrical instruments and apparatus provided for in schedule 7.			
			2. For the purposes of this part (items 682.05 and 682.07), the rated kva of a transformer is the kilovolt-ampere output on a continuous duty basis at the rated secondary voltage (or amperage, when applicable) and at the rated frequency without exceeding the rated temperature limitations.			
			Part 5 statistical headnotes:			
			1. For statistical reporting purposes in this part (item 685.40), "audio machines" are those machines designed specifically for recording, reproducing, or recording and reproducing frequencies in the sound spectrum only.			
			2. For statistical reporting purposes in this part (item 685.40), "video machines" are those designed specifically for recording or recording and reproducing video signals. An audio track may or may not be included on the recording medium.			
			3. For statistical reporting purposes in this part, "stereo" apparatus will be considered to be capable of reproducing two (and no more) discrete audio signals.			
			4. The provisions of this headnote apply to "television apparatus and parts thereof" provided for in item 685.20 of this part. *(a) the term "complete", as used to describe television receivers, means a television receiver, fully assembled, whether or not packaged or tested for distribution to the ultimate purchaser.* *(b) for the purposes of items 685.2064, 685.2066 and 685.2067 --* *(i) each subassembly that contains as a component, or is covered in the same entry with, one or more of the following television components, viz., tuner, channel selector assembly, antenna, deflection yoke, degaussing coil, picture tube mounting bracket, grounding assembly, parts necessary for fixing the picture tube or tuner in place, consumer operated controls, or speaker, shall be reported in item 685.2064 or 685.2066; and*			

TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1976)

Page 458

6 - 5 --
682.05 - 682.95

SCHEDULE 6. - METALS AND METAL PRODUCTS
Part 5. - Electrical Machinery and Equipment

G S P	Item	Stat. Suf-fix	Articles	Units of Quantity	Rates of Duty 1	Rates of Duty 2
			(ii) in reporting units of quantity, each subassembly shall be counted as a single unit, except that two or more different printed circuit boards or ceramic substrates covered by the same entry and designed for assembly into the same television models shall be counted as one unit. *(c) For purposes of determining the viewing screen diagonal, measurements shall be taken of the maximum straight line dimension across that part of the faceplate used for displaying video, and shall be rounded to the nearest inch. Measurements falling exactly on the 1/2 inch shall be rounded to the next larger integer.*			

V 42 N 123 JUN 27 77 UM

TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1976)

SCHEDULE 6. - METALS AND METAL PRODUCTS
Part 5. - Electrical Machinery and Equipment

Page 461

6 - 5 --
685.10 - 685.20

GSP	Item	Stat. Suffix	Articles	Units of Quantity	Rates of Duty 1	Rates of Duty 2
			Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and television cameras; record players, phonographs, tape recorders, dictation recording and transcribing machines, record changers, and tone arms; all of the foregoing, and any combination thereof, whether or not incorporating clocks or other timing apparatus, and parts thereof:			
A	685.10		Television cameras, and parts thereof	.....	6% ad val.	35% ad val.
		20	*Color cameras*	No.		
		40	*Other cameras*	No.		
		60	*Parts*	X		
			Radiotelegraphic and radiotelephonic transmission and reception apparatus; radiobroadcasting and television transmission and reception apparatus, and parts thereof:			
	685.20		Television apparatus, and parts thereof	.....	5% ad val.	35% ad val.
			Television receivers and parts thereof:			
			Having a picture tube:			
			Complete television receivers:			
			Monochrome, having a viewing screen diagonal of 1/:			
		08	*10 inches and under*	No.		
		09	*11 and 12 inches*	No.		
		10	*13 through 17 inches*	No.		
		11	*18 inches*	No.		
		12	*19 inches and over*	No.		
			Color, having a viewing screen diagonal of 1/:			
		05	*10 inches and under*	No.		
		06	*11 and 12 inches*	No.		
		07	*15 inches*	No.		
		08	*14 and 15 inches*	No.		
		09	*16 and 17 inches*	No.		
		11	*18 inches*	No.		
		50	*19 inches*	No.		
		60	*20 inches and over*	No.		
			Kits containing all parts necessary for assembly into complete receivers:			
		40	*Monochrome*	No.		
		55	*Color*	No.		
			Other assemblies:			
		58	*Monochrome*	No.		
			Color, having a viewing screen diagonal of 1/:			
		61	*17 inches and under*	No.		
		62	*18 inches and over*	No.		
			Not having a picture tube:			
			Printed circuit boards and ceramic substrates with components assembled thereon, for color receiver subassemblies containing one or more of such boards or substrates, except tuners or convergence assemblies:			
			Entered with components enumerated in statistical headnote 4(b)(i):			
		64	*Entered with all or part of a chassis:*			
			Frame	No. 2/		
		66	*Other*	No. 2/		
		67	*Other*	No. 2/		
			Other:			
		73	*Cabinets*	No.		
		76	*Tuners*	No.		
		78	*Antennas*	No.		
		77	*Deflection yokes, convergence assemblies, flybacks, focus coils and degaussing coils*	No.		
		79	*Other*	X		
		70	*Other television apparatus and parts thereof*	X		

1/ See part 6 statistical headnote 4(c).
2/ See part 6 statistical headnote 4(b)(ii).

Note: For explanation of the symbol "A" or "A*" in the column entitled "GSP", see general headnote 3(c).

CERTIFICATE FOR EXPORT OF COLOR TELEVISION RECEIVERS TO THE U.S.A.

Date _____
Certificate No. _____
1. Name of exporter.
2. Name of importer.
3. Description of commodity.
Category _____
Quantity _____

4. Scheduled shipping date: The Japan Machinery Exporters' Association hereby certifies in compliance with the directive of the Government of Japan that the above export commodities ultimately destined for the United States of America are within the limit of the first year restraint level specified in the Notes exchanged between Japan and the United States of America regarding trade in color television receivers. This certificate shall become null and void unless the certified commodities are shipped not later than 30 days from the date of issue.

S. OTSUKA,
Executive Director, Japan Machinery Exporters' Association.

ROBERT S. STRAUSS,
Special Representative for Trade Negotiations.

[FR Doc.77-18438 Filed 6-24-77;8:45 am]

V 42 N 123 JUN 27 77 UM

Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are now available:

HERBERT HOOVER

1929	$13.30	1930	$16.00

HARRY S. TRUMAN

1945	$11.75	1949	$11.80
1946	$10.80	1950	$13.85
1947	$11.15	1951	$12.65
1948	$15.95	1952–53	$18.45

DWIGHT D. EISENHOWER

1953	$14.60	1957	$14.50
1954	$17.20	1958	$14.70
1955	$14.50	1959	$14.95
1956	$17.30	1960–61	$16.85

JOHN F. KENNEDY

1961	$14.35	1962	$15.55
		1963	$15.35

LYNDON B. JOHNSON

1963–64 (Book I)	$15.00	1966 (Book II)	$14.35
1963–64 (Book II)	$15.25	1967 (Book I)	$12.85
1965 (Book I)	$12.25	1967 (Book II)	$11.60
1965 (Book II)	$12.35	1968–69 (Book I)	$14.05
1966 (Book I)	$13.30	1968–69 (Book II)	$12.80

RICHARD NIXON

1969	$17.15	1972	$18.55
1970	$18.30	1973	$16.50
1971	$18.85	1974	$12.30

GERALD R. FORD

1974	$16.00

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

Vol.42—No.124
6–28–77

PAGES
32761–33020

Federal Register

TUESDAY, JUNE 28, 1977

highlights

SUNSHINE ACT MEETINGS..... 32874

EXPORT OF FIREARMS
State temporarily suspends rule allowing persons leaving U.S. to export three or fewer firearms for personal use without an export license (2 documents); effective 6–30–77, comments by 7–20–77..... 32770, 32806

EMERGENCY SCHOOL AID
HEW/OE amends regulations on approval of waivers of ineligibility in the case of discriminatory assignments of students to classes..... 32783

WINDOW GUARDS
CPSC denies petition to develop rule concerning maximum distance between the horizontal bars designed to prevent young children from falling out of windows..... 32823

TIMBER SALES
USDA/FS proposes transfer of purchaser credit; comments by 7–28–77..... 32808

OIL AND GAS OPERATIONS
Interior/GS proposes procedures in case of default by lessee; comments by 8–12–77..... 32807

CONTROLLED SUBSTANCES
Justice/DEA proposes placement of Lorazepam into schedule IV; comments by 7–28–77..... 32805

INDIAN EDUCATION
HEW/OE amends application requirements for projects designed to improve educational opportunities..... 32784
HEW/OE amends regulations for the planning of pilot and demonstration projects..... 32797

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM
HEW/OE amends preapplication process, eliminates priority areas for general grants, and adjust evaluation criteria and the basis for award decisions (Part IV of this issue)..... 33005

SAVINGS AND LOAN ASSOCIATIONS
FHLBB adopts statement of policy concerning participation in large pools of loans; effective 6–30–77..... 32766
FHLBB amends regulations on construction, alteration, repair, or improvement loans for residential property; effective 6–30–77..... 32765

SYNTHETIC NATURAL GAS
FEA requests comments by 7–15–77 regarding reevaluation of current synthetic natural gas feedstock allocation program..... 32838

CONTINUED INSIDE

V42 N124 JUN 28 77 UMI

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOT/NHTSA—Defect and noncompliance notification..... 56813; 12–30–76

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:	
Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227
PRESIDENTIAL PAPERS:	
Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235
PUBLIC LAWS:	
Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

MOTOR CARRIERS OF PROPERTY
ICC proposes revisions to 1977 annual reports for Class I and II common and contract carriers; comments by 8–5–77 3814

RAILROAD TRACK MAINTENANCE
ICC proposes new schedules in annual report for class I railroads to report track maintenance data; comments by 8–15–77 32819

POSTAL SERVICE
PRC amends format for filing periodic reports; comments by 7–20–77 32809

HIGHER EDUCATION GRANTS PROGRAM
HEW/OE establishes alternative methods of determining maintenance of effort by participating institutions; comments by 7–28–77 32812

AVIATION SERVICES
FCC authorizes posting of verified statement in lieu of radio operator's original license 32800

RURAL HOUSING LOANS AND GRANTS
USDA/FmHA proposes amendments on financing of more than two-story rental housing projects; comments by 7–28–77 32803

LIFE INSURANCE COMPANIES
SEC requests comments by 9–6–77 regarding offer and sale of certain contracts 32861

MOTOR VEHICLES
EPA publishes 1977–79 model year certification regulations (Part III of this issue) 32905

COMMUNITY DEVELOPMENT BLOCK GRANTS
HUD amends regulations regarding the closeout of discretionary grants and the Lead-Based Paint Poisoning Prevention Act: effective 6–28–77 33017

MEETINGS—
CRC: State Advisory Committees:
Arkansas, 7–16–77 32822
California, 7–13, 7–15 and 7–29–77 32822
Kansas, 7–15, 7–18 and 7–19–77 32822
Michigan, 7–18–77 32823
Minnesota, 7–22–77 32823
Ohio, 7–23–77 32823
CSC: Federal Employees Pay Council, 7–13 and 7–20–77 32823
HEW/OE: National Advisory Council on Indian Education, 7–8 thru 7–10–77 32844
Secy: Advisory Committee on National Health Insurance Issues, 7–13 and 7–14–77 32844
Interior/BLM: Outer Continental Shelf Environmental Studies Advisory Committee, 7–19–77 32850
National Advisory Council on the Education of Disadvantaged Children, 7–15 and 7–16–77 32855
NCPC: Environmental impact statement on Washington, D.C. Civic Center, 7–6–77 32855
VA: Station Committee on Educational Allowances, 7–11–77 32865

CANCELLED MEETINGS—
Labor/ETA: Subcommittee on Equal Apprenticeship Opportunity, 6–27–77 32852

HEARINGS—
FEA: Synthetic natural gas feedstock allocation program, 7–18–77 32838
HEW/FDA: Good Manufacturing Practice for Medical Devices, 8–5–77 32805

V 42 124
JUN 28 77
UM

OE: Elementary and Secondary Education Act, 7–13–77 32840
ITC: Bolts, nuts and large screws of iron or steel, 10–11–77 32852
Office of the Special Representative for Trade Negotiations: Trade Policy Staff Committee, 7–14–77 32859

SEPARATE PARTS OF THIS ISSUE

Part II, FEC 32901
Part III, EPA 32905
Part IV, HEW/OE 33005
Part V, HUD 33017

contents

AGRICULTURAL MARKETING SERVICE
Rules
Celery grown in Fla 32762
Cherries (sweet) grown in Wash .. 32761
Proposed Rules
Pears, plums, and peaches (fresh) grown in Calif 32802
Prunes (fresh) grown in Wash. and Oreg 32802

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Farmers Home Administration; Forest Service.
Rules
Procurement; contract termination regulations; editorial changes 32783

ALCOHOL, TOBACCO AND FIREARMS BUREAU
Notices
Gun control; published firearms laws of political subdivisions and States; correction 32864

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM
Notices
Procurement list, 1977; additions and deletions 32823

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Caribbean area service investigation 32820
International Air Transport Association 32821
Refund provisions for unused tickets 32820

CIVIL RIGHTS COMMISSION
Notices
Meetings, State advisory committees:
Arkansas 32822
California (3 documents) 32822
Kansas (2 documents) 32822
Michigan 32823
Minnesota 32823
Ohio 32823

CIVIL SERVICE COMMISSION
Rules
Excepted service:
Labor Department 32761
Notices
Meetings:
Federal Employees Pay Council .. 32823

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Rules
Community development block grants:
Grant administration and other program requirements 33017

CONSUMER PRODUCT SAFETY COMMISSION
Notices
Window guards; safety standards; petition denied 32823

DRUG ENFORCEMENT ADMINISTRATION
Proposed Rules
Schedules of controlled substances:
Lorazepam 32805

EDUCATION OF DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL
Notices
Meetings 32855

EDUCATION OFFICE
Rules
Emergency school aid:
Ineligibility waivers; discriminatory assignments of students to classes 32783
Indian adults; financial assistance for improvement of educational opportunities 32797
Indian children; special programs for improvement of educational opportunities 32784
Women's educational equity program 33005
Proposed Rules
Instructional equipment grants program; maintenance of effort; revisions 32812
Notices
Elementary and Secondary Education Act programs, hearing .. 32840
Meetings:
Indian Education National Advisory Council 32844

***EMPLOYMENT AND TRAINING ADMINISTRATION**
Notices
Meetings:
Apprenticeship, Federal Committee Subcommittee on Equal Apprenticeship Opportunity; cancellation 32852

ENVIRONMENTAL PROTECTION AGENCY
Rules
Air pollution control, new motor vehicles and engines:
Certification; 1977, 1978, and 1979 model years 32905
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Thiabendazole 32782
Proposed Rules
Air quality implementation plans; various States, etc.:
Maryland 32811
Toxic substances:
Inventory reporting and general provisions; reproposal intent .. 32811
Notices
Environmental statements; availability, etc.:
Albuquerque, N. Mex., Wastewater Treatment Facility ... 32824
St. Charles Parish, La., Shell Chemical Co., Polypropylene Plant 32825

FARMERS HOME ADMINISTRATION
Proposed Rules
Rural housing loans and grants:
Rental housing, more than two-story rental housing projects .. 32803

FEDERAL COMMUNICATIONS COMMISSION
Rules
Aviation services:
Operator's license; posting of verified statement 32800
FM broadcast stations; table of assignments:
Iowa and Nebraska; correction .. 32800
Proposed Rules
FM broadcast stations; table of assignments:
Michigan 32813

Notices
Television broadcasting and cable television; economic relationship, inquiry 32825

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests 32901

FEDERAL ENERGY ADMINISTRATION
Notices
Environmental statements; availability, etc.:
Washington energy conservation plan 32838
Industrial energy conservation and consumption report; efficiency reporting form 32831
Natural gas plants:
Synthetic, facility; allocation of petroleum feedstock; inquiry .. 32838
Refiners price rules on recovery of increased nonproduct costs; deadline for filing applications for exception; extension of time 32831

FEDERAL HOME LOAN BANK BOARD
Rules
Federal home loan bank system:
IRA and Keogh accounts; minimum maturity term 32764
Federal Savings and Loan Insurance Corporation:
Loan pools, large; participation interests 32766
Federal savings and loan system:
Construction, alteration, repair, or improvement loans; operations 32765

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Albano Enterprises, Inc., et al .. 32767
Alexander's Inc 32766
Genesco Inc 32767
Proposed Rules
Consent orders:
Fisher Foods, Inc.; correction .. 32803
Detergent labeling; use of common name and ingredient; withdrawal 32804
Trade practice rules, various industry guides:
Rescissions or revisions; inquiry; correction 32804
Notices
Rulemaking proceedings, public participation in; guidelines; correction (2 documents) .. 32839, 32840

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Hatchie National Wildlife Refuge, Tenn 32801

FOOD AND DRUG ADMINISTRATION
Rules
Animal drugs, feeds, and related products:
Melengestrol acetate; correction 32770
Organization and authority delegations:
Regional Food and Drug Directors and District Directors; minor violations reports 32769
Proposed Rules
Medical devices:
Good manufacturing practices; hearing 32805
Peas, canned; identity, quality, and fill of container standards; correction; republished 32805
Notices
GRAS status or prior sanction determinations; hearings; correction 32840
Human drugs:
Elixir daldrin et al.; approval withdrawn; correction 32840

FOREST SERVICE
Rules
Administration:
Administrative review procedures 32780
Proposed Rules
Timber; sale and disposal; transfer of purchaser credit 32808

GENERAL ACCOUNTING OFFICE
Notices
Regulatory reports review; proposals, approvals, etc 32840

GEOLOGICAL SURVEY
Rules
Coal mining operating regulations:
Colorado; surface reclamation standards 38777
Proposed Rules
Oil and gas operating regulations:
Default by lessee; noncompliance and assessment of liquidated damages 32807

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Social Security Administration.
Notices
Meetings:
National Health Insurance Issues Advisory Committee 32844
Organization, functions, and authority delegations:
Health, Assistant Secretary for, et al 32845
Museum Services Institute 32844
Personnel Administration, Office of Assistant Secretary ... 32846
Social Security Administration (2 documents) 32846, 32847

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Community Planning and Development, Office of Assistant Secretary.

INDIAN AFFAIRS BUREAU
Notices
Land transfer:
Badlands Air Force Gunnery Range, S. Dak 32849

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Indian Affairs Bureau; Land Management Bureau.
Rules
Property management: regulation system; correction 32783
Notices
Agua Caliente Indian Reservation; city and State laws applying to reservation revoked 32851
Environmental statements; availability, etc.:
Oil shale resources; Colony Development Operation, Colorado 32851

INTERNAL REVENUE SERVICE
Notices
Authority delegations:
Assistant Commissioner (Employee Plans and Exempt Organizations); prohibited transactions (2 documents) .. 32864

INTERNATIONAL TRADE COMMISSION
Notices
Import investigations:
Bolts, nuts, large screws, iron or steel 32852

INTERSTATE COMMERCE COMMISSION
Proposed Rules
Motor carriers:
Accounts, uniform system; class I and II carriers 32814
Rail carriers:
Track maintenance, reports 32819
Notices
Fourth section applications for relief 32865
Hearing assignments 32865
Motor carriers:
Temporary authority applications (2 documents) ... 32865, 32869

JUSTICE DEPARTMENT
See also Drug Enforcement Administration.
Rules
Federal employees, defense of suits against; participants in National Swine Flu Immunization Program; status of program participants 32770
Notices
Pollution control; consent judgments; U. S. versus listed companies, etc.:
Providence, R.I 32852
United States Steel Corp 32852

V 42 124
JUN 28 77
UM

LABOR DEPARTMENT

See also Employment and Training Administration; Pension and Welfare Benefit Programs Office.

Rules

Worker adjustment assistance:
Certification of Eligibility 32771

Notices

Adjustment assistance:
ABC Industries, Inc., et al 32853
Airco Electronics 32853
Garland Corp 32853
General Electric Co 32854
Harley-Davidson, Inc 32854
Ion Capacitor Corp 32854
Rockwell International 32854
Sheller Globe Corp 32854
V-M Corp 32854
Warwick Electronics, Inc 32855
Wilson Sporting Goods 32855

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Montana 32850
Meetings:
Outer Continental Shelf Environmental Studies Advisory Committee 32850
Motor vehicles, off-road; road closures; area designations:
Oregon 32849
Withdrawal and reservation of lands, proposed, etc.:
Washington 32850

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 32859

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Washington Civic Center, location and program for; environmental statement preparation and meeting 32855

NUCLEAR REGULATORY COMMISSION

Notices

Meetings:
Reactor Safeguards Advisory Committee (3 documents) ... 32856, 32858

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

Proposed Rules

Employee benefit pension plans; minimum standards; seasonal industries; inquiry 32807

PENSION BENEFIT GUARANTY CORPORATION

Rules

Plan benefits valuation; additional PBGC rates 32777

POSTAL RATE COMMISSION

Proposed Rules

Practice rules:
Reports filing, periodic; modification 32809

SECURITIES AND EXCHANGE COMMISSION

Notices

Life insurance companies; offer and sale of contractual arrangements; inquiry 32861
Self-regulatory organizations; proposed rule changes:
Midwest Stock Exchanges, Inc ... 32862
Pacific Stock Exchange, Inc ... 32863
Hearings, etc.:
American General Bond Fund, Inc., et al 32859
General Public Utilities Corp ... 32860
New England Electric System ... 32863

SMALL BUSINESS ADMINISTRATION

Notices

Disaster areas:
California 32864
Illinois 32864

SOCIAL SECURITY ADMINISTRATION

Notices

Authority delegations:
Retirement and Survivors Insurance Bureau; Benefit payment certifications under National Master Beneficiary Record 32848

STATE DEPARTMENT

Rules

International traffic in arms:
Unclassified arms, ammunition and implements of war, licenses for; firearms export without licenses suspension 32770

Proposed Rules

International traffic in arms:
Unclassified arms, ammunition and implements of war, licenses for; firearms export without licenses, revocation 32806

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

Notices

Generalized system of preferences, articles eligible for; hearing 32859

TREASURY DEPARTMENT

See Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.

VETERANS ADMINISTRATION

Notices

Meetings:
Educational Allowances Station Committee 32865

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR

213 32761

7 CFR

923 32761
967 32762

PROPOSED RULES:
917 32802
924 32802
1822 32803

12 CFR

526 32764
545 32765
571 32766

16 CFR

13 (3 documents) 32766, 32767

PROPOSED RULES:
13 32803
23 32804
26 32804
34 32804
36 32804
40 32804
41 32804
46 32804
54 32804
56 32804
57 32804
60 32804
61 32804
62 32804
67 32804
74 32804
103 32804
114 32804
117 32804
118 32804
131 32804
142 32804
146 32804
150 32804
152 32804
154 32804
157 32804
160 32804

16 CFR—Continued

PROPOSED RULES—Continued
162 32804
165 32804
175 32804
192 32804
197 32804
205 32804
209 32804
210 32804
214 32804
215 32804
216 32804
221 32804
223 32804
224 32804
502 32804

21 CFR

5 32769
558 32770

PROPOSED RULES:
155 32805
820 32805
1308 32805

22 CFR

123 32770

PROPOSED RULES:
123 32806

24 CFR

570 33018

28 CFR

15 32770

29 CFR

90 32771
2610 32777

PROPOSED RULES:
2530 32807

30 CFR

211 32777

30 CFR—Continued

PROPOSED RULES:
221 32801

36 CFR

211 32780

PROPOSED RULES:
223 32808

39 CFR

PROPOSED RULES:
3001 32809

40 CFR

86 32906
180 32782

PROPOSED RULES:
Ch. I 32811
52 32811

41 CFR

4–8 32783
114–1 32783

45 CFR

160f 33006
185 32783
187 32784
188 32797

PROPOSED RULES:
171 32812

47 CFR

73 32800
87 32800

PROPOSED RULES:
73 32813

49 CFR

PROPOSED RULES:
1207 32814
1241 32819

50 CFR

32 32801

V 42 N 124 JUN 28 7 7 UM

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11995) ... 29841
11905 (Amended by EO 11994) ... 28869
11968 (Revoked by 11997) ... 31759
11985 (See EO 11994) ... 28869
11994 ... 28869
11995 ... 29841
11996 ... 30489
11997 ... 31759
September 3, 1867 (Revoked in part by PLO 5618) ... 30370
July 19, 1915 (See PLO 5619) ... 30180
November 21, 1916 (See PLO 5620) ... 32539
December 20, 1916 (See PLO 5619) ... 30180
February 25, 1919 (See PLO 5619) ... 30180
April 22, 1919 (See PLO 5619) ... 30180
PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) ... 30829
4477 (See Proc. 4509) ... 30829
4505 ... 29471
4506 ... 30143
4507 ... 30351
4508 ... 30353
4509 ... 30829
4510 ... 32430
4511 ... 32747
MEMORANDUMS:
June 2, 1977 ... 29843

5 CFR

213 ... 28515, 28989, 29845, 29846, 29879, 30355 30831, 31455, 31456, 31604, 32250, 32251, 32761
294 ... 32252
752 ... 28516
754 ... 28516
771 ... 28516
831 ... 29846
PROPOSED RULES:
831 ... 29880

7 CFR

2 ... 32254
26 ... 30145
68 ... 30599
270 ... 32254
908 ... 30600
210 ... 30355
271 ... 28516, 30831
401 ... 28871–28873, 28989
402 ... 31427
411 ... 28873
413 ... 28141
724 ... 29847
730 ... 30355
905 ... 27875
908 ... 28144, 29487, 31761, 32513
910 ... 28516, 29848, 30831, 32255
911 ... 30147
916 ... 30491
918 ... 29487
922 ... 30492
923 ... 32761
932 ... 31761
967 ... 32762
1004 ... 29848
1207 ... 29295
1427 ... 29849
1446 ... 28989, 30832
1464 ... 32513
1472 ... 29854
1474 ... 30832
1488 ... 30833
1701 ... 32255
Ch. XXVIII ... 32514
1809 ... 31762
1832 ... 31762
1872 ... 31762
PROPOSED RULES:
51 ... 30626
53 ... 29313
270 ... 32256
271 ... 28546
275 ... 32256
905 ... 30198
911 ... 30513
915 ... 30513
916 ... 27911, 30206, 32553
917 ... 28146, 30513, 30514, 30626, 32802
921 ... 29489, 31797
922 ... 30514
923 ... 27912, 31797
924 ... 32256, 32802
989 ... 27913
1006 ... 30627
1011 ... 31797
1012 ... 30627
1013 ... 30627
1030 ... 27921
1040 ... 29881
1065 ... 28897
1094 ... 30627
1096 ... 30627
1205 ... 29313
1435 ... 30409
1446 ... 32257
1701 ... 29012, 31457
1822 ... 29885, 32803
1933 ... 29885

8 CFR

223 ... 28113
238 ... 28990, 29871
PROPOSED RULES:
100 ... 28547
244 ... 30845

9 CFR

1 ... 31022, 31561
2 ... 31022, 31561
3 ... 31561
73 ... 32223
78 ... 28517, 32223
105 ... 31430
112 ... 28519, 29854
PROPOSED RULES:
94 ... 30844
95 ... 30844
113 ... 28548, 28549

10 CFR

2 ... 28893
21 ... 28893
31 ... 28896
34 ... 28896
35 ... 28896
40 ... 28896
70 ... 28896
Ch. II ... 31143
211 ... 27908
212 ... 27908
214 ... 29295
430 ... 27896, 30401
440 ... 27899
745 ... 30492
PROPOSED RULES:
2 ... 31167
70 ... 28147
73 ... 28147
202 ... 28147
211 ... 27936
212 ... 27936, 29490
430 ... 27941, 27951, 30206, 30210, 30401, 30627, 32553
450 ... 29906

12 CFR

207 ... 29299
210 ... 31763
226 ... 28520, 30148, 31430
264 ... 27876
265 ... 28521, 30601
268 ... 28522
526 ... 32764
545 ... 29473, 32765
561 ... 29473
571 ... 32766
611 ... 32226
615 ... 32226
618 ... 32227
748 ... 30493
PROPOSED RULES:
340 ... 27955
543 ... 29511
545 ... 29512
550 ... 31803
566 ... 31803
584 ... 29512
611 ... 31167
614 ... 31167
615 ... 31167

13 CFR

107 ... 31767
112 ... 28530
121 ... 29300
PROPOSED RULES:
113 ... 29317
116 ... 32257

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603–30605, 31151–31156, 31767–31770, 32519–32528
71 ... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157, 31771, 31772, 32528, 32529
73 ... 29475
75 ... 30149, 30611
91 ... 30601, 32531
95 ... 28115
97 ... 28120, 29477, 31158, 32530
133 ... 32531
152 ... 32630
154 ... 32630
221 ... 28874–28876, 32227
372a ... 28121
378a ... 28122
384 ... 32228
PROPOSED RULES:
1 ... 28148
23 ... 29688

14 CFR—Continued

PROPOSED RULES—Continued
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513, 31171, 31172
71 ... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174, 31805–31808, 32553–32555
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376
1241 ... 31605

15 CFR

379 ... 28998

16 CFR

3 ... 31591
4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493, 31164, 32532, 32533, 32766, 32767
25 ... 31591
42 ... 31591
132 ... 31591
158 ... 31592
176 ... 31592
182 ... 31592
186 ... 31592
194 ... 31592
201 ... 31592
207 ... 31592
1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060, 31773
PROPOSED RULES:
13 ... 28550, 29516, 29915, 30515, 30516, 32258, 32803
23 ... 29916, 31457, 32804
26 ... 31457, 32804
34 ... 31457, 32804
36 ... 31457, 32804
40 ... 31457, 32804
41 ... 31457, 32804
46 ... 31457, 32804
54 ... 31457, 32804
56 ... 31457, 32804
57 ... 31457, 32804
60 ... 31457, 32804
61 ... 31457, 32804
62 ... 31457, 32804
67 ... 31457, 32804
74 ... 31457, 32804
103 ... 31457, 32804
114 ... 31457, 32804
117 ... 31457, 32804
118 ... 31457, 32804
131 ... 31457, 32804
142 ... 31457, 32804
146 ... 31457, 32804
150 ... 31457, 32804
152 ... 31457, 32804
154 ... 31457, 32804
157 ... 31457, 32804
160 ... 31457, 32804
162 ... 31457, 32804

16 CFR—Continued

PROPOSED RULES—Continued
165 ... 31457, 32804
175 ... 31457, 32804
192 ... 31457, 32804
197 ... 31457, 32804
205 ... 31457, 32804
209 ... 31457, 32804
210 ... 31457, 32804
214 ... 31457, 32804
215 ... 31457, 32804
216 ... 31457, 32804
221 ... 31457, 32804
223 ... 31457, 32804
224 ... 31457, 32804
441 ... 28551
444 ... 32259
456 ... 29917
502 ... 32804
1026 ... 31458
1500 ... 31808

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880, 31774, 31778, 32404, 32534
241 ... 31780
270 ... 31781
271 ... 28999
275 ... 29300
PROPOSED RULES:
1 ... 31740, 32261
9 ... 30472
200 ... 30378
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716
240 ... 29918, 30845, 31810, 32415, 32418
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
260 ... 30160, 30617
PROPOSED RULES:
201 ... 30846
260 ... 30846

19 CFR

1 ... 32534
159 ... 28531, 28532, 31449
210 ... 31783
PROPOSED RULES:
210 ... 31811

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855, 32769
73 ... 32228
81 ... 32228
101 ... 31449
155 ... 30358, 30359, 31449, 31812
173 ... 29856, 32229
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450, 32229
539 ... 29003
555 ... 29859
558 ... 28535, 32770
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450
650 ... 29859
660 ... 29859
701 ... 30361, 32229
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495
PROPOSED RULES:
15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014, 32805
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
193 ... 32262
201 ... 30867
510 ... 29928
558 ... 29928
561 ... 32262
808 ... 30383
820 ... 32805
1308 ... 32805
1309 ... 28560
1316 ... 31460

22 CFR

41 ... 32535
42 ... 32535
123 ... 32770

V 42 N 124 JUN 28 77 UM

22 CFR—Continued

PROPOSED RULES:

123 ..... 28551, 29929, 30391, 32806
124 ..... 28551, 29929, 30391
127 29929
128 29929

23 CFR

635 30835
645 30835
646 30835
650 30835
720 30835
740 30835
750 30835
771 30835
922 28535

24 CFR

16 ..... 29479, 30617
25 30361
203 ..... 28538, 29303
204 29303
209 29303
211 29303
213 ..... 28538, 29303
220 29304
221 29304
222 29304
226 29304
227 29304
228 29304
233 29305
234 ..... 25838, 29305
235 29306
237 29306
240 29307
279 31752
570 ..... 31783, 33018
1914 ..... 29428–29431, 30304, 31254–31257
1915 ..... 29433, 30305
1916 ..... 29307, 30344
1917 31259–31271
1920 ..... 28878–28882, 29859–29870, 30160–30174
1930 29479
1931 29479

PROPOSED RULES:

1908 29692
1911 29692
1912 29692
1913 29692
1914 29692
1917 ..... 31272–31280, 31546–31553, 31708–31720, 31952–31960
1921 29692
1922 29692
1923 29692

25 CFR

114 32229
191 30367
192 30367
193 30367
194 30367
195 30367
196 30367
197 30367
198 30367
199 30367
200 30367
201 30367
221 ..... 28538, 30367
256 31450

25 CFR—Continued

PROPOSED RULES:

54 30647
221 30867
258 28552
260 30216

26 CFR

1 ..... 30496, 32536
11 27881
54 ..... 27882, 31159, 32384

PROPOSED RULES:

1 ..... 29517, 31462
301 30868

27 CFR

250 30835

PROPOSED RULES:

4 30517

28 CFR

0 ..... 29003, 32537
2 31784
15 32770
17 29307

PROPOSED RULES:

2 29934

29 CFR

29 30836
90 32771
97 30367
775 32253
1952 30368
2550 32389
2610 32777

PROPOSED RULES:

1601 31174
1910 ..... 29021, 32263
1952 29024
2530 32807
2610 29318

30 CFR

55 29418
56 29420
57 29422
211 ..... 30175, 32777

PROPOSED RULES:

55 30772
56 30772
57 30772
70 28151
221 32801

31 CFR

51 27883
530 31453

32 CFR

353 32537

PROPOSED RULES:

276 27963
286b 29935
643 31032

33 CFR

1 31159
110 30618
114 28882
115 28882

33 CFR—Continued

117 ..... 30178, 30179
127 30179
161 29480
205 30368
266 31159
401 29308

PROPOSED RULES:

117 30216–30218
154 32670
155 32670
156 32670
157 32684
209 29025

36 CFR

2 30501
7 31453
200 32230
211 32780
221 28252
222 30836
223 28252
231 30836
261 ..... 30503, 31788

PROPOSED RULES:

223 32808

37 CFR

3 ..... 27883, 31159

PROPOSED RULES:

1 ..... 30522, 31812
3 31812
5 31812

38 CFR

36 28883

PROPOSED RULES:

8a 30392

39 CFR

10 29488
111 ..... 27892, 29308, 29488, 31592
224 29308
601 29488
952 30504
954 30504
958 30504

PROPOSED RULES:

111 28153
3001 32809

40 CFR

35 29481
52 ..... 27892, 28122, 28539, 28883, 29004, 30369, 30504, 31812
60 32426
61 29005
85 28123
86 ..... 28130, 31159, 32906
180 ..... 28540, 32782
416 29871
1516 32537

PROPOSED RULES:

Ch. I 32811
52 ..... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609, 32811
60 32264
61 28154
85 31813

40 CFR—Continued

PROPOSED RULES—Continued

86 28970
162 ..... 31284, 31813
173 31284
211 ..... 31722, 31730
600 28970
761 32555

41 CFR

3–3 29871
3–30 30190
4–2 ..... 28871, 32230
4–8 32783
4–50 31454
7–7 28540
7–30 30619
8–1 28541
9–1 32232
9–5 ..... 29873, 31160
9–7 32232
9–51 29308
9–55 29308
Ch. 14 30196
15–19 30509
101–38 31454
101–45 31455
101–47 31455
114–1 ..... 30196, 32783

PROPOSED RULES:

3–4 ..... 29872, 29937, 32264
5B–2 27966
29–1 31462
29–2 31462
29–3 31462
29–12 31462
29–61 31462
105–65 29319
110–26 28556

42 CFR

51e 28692
66 29482
110 ..... 29400, 32234

PROPOSED RULES:

67 29518

43 CFR

7 32538
29 31789
2360 28720

PROPOSED RULES:

422 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) 30180
5607 (corrected by PLO 5620) 32539
5618 30370
5619 30180
5620 32539

45 CFR

144 31794
160f 33006
175 31794
176 31794
177 29009
185 32783
187 32784
188 32797
201 28884
249 28700
304 28885
1067 29873

45 CFR—Continued

PROPOSED RULES:

12 27966
85 32264
122a 28706
136 28899
163 28159
163a 28159
171 32812
197 30290
1067 29523

46 CFR

Ch. I 32539
1 31160
2 28886
5 31160
31 28886
151 28886
187 29483
401 ..... 30619, 31160
549 31161

PROPOSED RULES:

Ch. I 32700
30 30220
32 30220
34 30649
50 ..... 29026, 30220
54 ..... 29026, 30220
56 ..... 29026, 30220
58 ..... 29026, 30220
61 ..... 29026, 30220
76 30649
95 30649
107 ..... 29026, 30220
108 ..... 29026, 30220
109 ..... 29026, 30220
162 ..... 30649, 32686
167 30649
193 30649
507 29524
536 30399
543 ..... 30584, 31175

47 CFR

0 30370
1 ..... 27894, 28887, 30180, 31794
2 ..... 31006, 31594, 32234
21 27894
23 27894
68 ..... 29010, 32234
73 ..... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622, 32539, 32800
74 ..... 27895, 29483
81 ..... 27895, 28542, 31008, 32540
83 ..... 29309, 31012, 32540
87 ..... 27895, 29483, 32540, 32800
89 27895
89 ..... 27895, 30511, 31594
91 ..... 27895, 30511
93 ..... 27895, 30512
95 27895
97 ..... 27895, 29485, 30623
99 27895

PROPOSED RULES:

0 32268
43 31175
61 32556
64 27971
67 ..... 30220, 30221
68 ..... 28559, 32269
73 ..... 27971, 27973, 29027, 30400, 31813, 32813
76 ..... 30222, 30401
83 28164

47 CFR—Continued

PROPOSED RULES—Continued

87 30222
89 27974
91 27974
93 27974
95 27974

49 CFR

Ch. I 28888
172 28132
173 28133
174 28135
178 28135
179 28135
228 27895
258 ..... 28976, 30840
567 31161
568 31161
571 ..... 28135, 30188, 30620, 31162
804 31794
1002 31163
1003 31163
1033 ..... 28542, 28543, 28888, 30840, 30841, 31163
1043 31163
1045A 31163
1048 31795
1063 29309
1100 29311
1104 32541
1109 31602
1124 31795
1307 ..... 28889 30190, 31795

PROPOSED RULES:

173 31815
174 31815
178 31815
179 31815
258 32277
260 32277
571 30653
575 30655
581 30655
Ch. X 28560
1124 29526
1207 32814
1241 32819

50 CFR

10 32377
13 32377
17 ..... 28052, 28136, 28543, 32377
26 29312
32 ..... 28545, 30373, 30621, 32248, 32552, 32801
33 ..... 29312, 30621, 32248
217 28137
222 28137
255 32249
258 30621
280 32249
285 30373
371 30841
651 29876
661 ..... 29485, 32250

PROPOSED RULES:

17 ..... 28165, 28903, 29527
18 30659
32 30524
91 30524
216 ..... 28904, 29533
255 32557
611 30875

JUN 28 1977 UM

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date	Pages	Date
27875–28112	June 1	29841–30142	10	31427–31590	21
28113–28513	2	30143–30350	13	31591–31758	22
28515–28868	3	30351–30487	14	31759–32221	23
28869–28987	6	30489–30598	15	32223–32512	24
28989–29293	7	30599–30827	16	32513–32759	27
29295–29470	8	30829–31141	17	32761–33020	28
29471–29840	9	31143–31426	20		

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Executive Assistant to the Deputy Under Secretary for International Affairs because the position is confidential in nature.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3315(a)(16) is amended to read as follows:

§ 213.3315 Department of Labor.

(a) Office of the Secretary. * * *

(16) One Confidential Assistant and one Executive Assistant to the Deputy Under Secretary for International Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.77-18560 Filed 6-27-77;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Cherry Reg. 16]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Regulation by Grade, Size, and Container

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade, size, and container requirements for sweet cherries grown in six counties in the State of Washington for the 1977 season. These requirements are needed to provide orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: Notice was published in the June 1, 1977, issue of the FEDERAL REGISTER (42 FR 27912), that the Department was considering a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington.

This notice allowed interested persons 16 days during which they could submit written data, views, or arguments pertaining to this proposed regulation. None were submitted. The regulation was recommended by the Washington Cherry Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Under the regulation, shipments of cherries, except those of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries", would be required to grade U.S. No. 1 or better, except for a small increase in the tolerance for defects. The cherries would also be required to be $^{48}/_{64}$ inch in diameter or larger in all containers, except for those in face-packed containers, 20-pound containers or larger, or experimental containers, for which the minimum size would be $^{54}/_{64}$ inch. The container requirements would specify the minimum amount of cherries, by weight required in the various types of containers. Individual shipments of cherries up to 100 pounds sold for home use and not for resale would be excepted from the grade, size, and container requirements, if certain conditions are met to prevent their movement into commercial markets.

The Washington sweet cherry crop is estimated by the Washington Cherry Marketing Committee at 43,000 tons of which 36,000 tons would be required by the fresh market. Eliminations of the lower quality and smaller sized cherries from such market is appropriate in the circumstances and will tend to promote orderly marketing conditions.

Ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

After consideration of all relevant matters presented, including the proposal set forth in aforesaid notice, the recommendation and information submitted by the committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation allowing 16 days for filing written comments was published in the FEDERAL REGISTER, and no objection to the regulation or its effective date was received; (2) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (3) shipment of sweet cherries from the production area is now in progress, and this regulation should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act.

Accordingly, § 923.316 is added as follows:

§ 923.316 Cherry Regulation 16.

Order. (a) *Grade and sizes.* During the period July 1, 1977, through June 30, 1978, no handler shall handle, except as otherwise provided in paragraphs (b) and (c) of this section, any lot of cherries, except cherries of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries" unless such cherries meet each of the following applicable requirements:

(1) U.S. No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than $^{48}/_{64}$ inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) and paragraph (b)(3) of this section.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than $5\frac{4}{64}$ inch in diameter and not more than 5 percent, by count, of such cherries may be less than $4\frac{8}{64}$ inch in diameter.

(b) *Containers.* During the period July 1, 1977, through June 30, 1978, no handler shall handle any lot of cherries, except cherries of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries", unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of $15\frac{1}{8}$ by $10\frac{1}{2}$ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of paragraphs (b)(2) (i) and (ii), of this section shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than $5\frac{4}{64}$ inch in diameter, and not more than 5 percent, by count, of such cherries may be less than $4\frac{8}{64}$ inch in diameter.

(c) *Exceptions.* Notwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) and (b) of this section, and of §§ 923.41 and 923.55.

(1) The shipment consists of cherries sold for home use and not for resale:

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order: "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (7 CFR 51.2646–51.2660); and "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: June 23, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18437 Filed 6-27-77;8:45 am]

[Docket No. AO–354–A2]

PART 967—CELERY GROWN IN FLORIDA

Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amended order.

SUMMARY: This amends the Federal marketing agreement and order for celery grown in Florida. All celery producers voting in the May 25–31 referendum favored the amendment. The amendment provides a method for producers to enter the celery industry and increase the size of existing celery operations. It also adds a public member to the administrative committee, and provides authority to fund production research under the order.

EFFECTIVE DATE: June 22, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing published January 13, 1977 (42 FR 2691) with a supplement on January 28, 1977 (42 FR 5362).

Notice of Recommended Decision issued March 29, 1977 and published April 1, 1977 (42 FR 17458).

Secretary's Decision issued May 16, 1977, and published May 20, 1977 (42 FR 25872).

PRELIMINARY STATEMENT

A public hearing was held on proposed further amendment of the marketing agreement, as amended, and Order No. 967, as amended (7 CFR Part 967), (hereinafter referred to collectively as the "order") regulating the handling of celery grown in Florida. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the appliacable rules of practice (7 CFR Part 900), at Orlando, Florida, on February 1, 1977, pursuant to notice thereof.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Administrator, on March 29, 1977, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity file written exceptions there to through April 18, 1977, later extended to May 1, 1977.

One exception was filed and the Secretary's Decision and referendum order was issued May 16, 1977. The unanimous approval of producers voting in the May 25–31 referendum was announced by a press release issued June 6, 1977.

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 967, as amended (7 CFR Part 967, regulating the handling of celery grown in Florida.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of celery grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of celery grown in the production area; and

(5) All handling of celery grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective upon signing. Any delay beyond that date would tend to disrupt the orderly marketing of celery grown in Florida because: (1) Planning and seed bed plantings for the 1977–78 season should be underway and the amendment should be made effective as soon as possible so producers may avail themselves of any benefits derivable from the amendment. Also, the Florida Celery Committee's organizational meeting is set for June 15, and the amended order would be a significant factor in their recommendations for 1977–78 program operations; (2) the provisions of this amended order are known to celery handlers, producers and other

interested persons by reason of the public hearing, the recommended decision and the Secretary's decision thereon: (3) the producer referendum was held May 25–31, 1977, when a copy of the proposed amendment was mailed to all known producers and handlers; (4) the changes effected by this amendment will not require advance preparation by handlers which cannot be completed by the effective date and no useful purpose will be served by postponing the effective date beyond that specified herein.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective upon signing, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (Sec. 553(d), Administrative Procedure Act. 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Celery Grown in Florida" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping covered by the said order, as amended, and as hereby further amended) who, during the period August 1, 1976, through May 15, 1977, handled not less than 50 percent of the volume of such celery covered by the said order, as amended, and as hereby further amended, and

(2) The issuance of this amendatory order, amending the aforeseaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1976, through May 15, 1977 (which has been deemed to be a representative period), have been engaged within the production area in the production of celery for fresh market, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of celery grown in Florida, shall be in conformity to and in compliance with the terms and conditions of the order, as hereby amended, as follows:

The provisions of the proposed marketing agreement and order, amending the order, contained in the recommended decision issued by the Acting Administrator on March 29, 1977, and published in the FEDERAL REGISTER on April 1, 1977 (42 FR 17458), with a slight modification in § 967.38(e), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein.

1. Revise § 967.15 to read as follows:

§ 967.15 Uniform percentage.

"Unform Percentage" means the percentage for any given season resulting from dividing the Marketable Quantity by the total Base Quantities registered by producers as provided in § 967.38.

2. Revise § 967.25 to read as follows:

§ 967.25 Establishment and membership.

There is hereby established a Florida Celery Committee consisting of 16 members, including 15 producer or handler members and one public member to administer the terms and provisions of this part. Each shall have a respective alternate who shall have the same qualifications as the member.

3. Revise § 967.26 to read as follows:

§ 967.26 Eligibility.

Each member and alternate of the committee, except for the public member and alternate, shall be at the time of his selection and during his term of office, a producer or handler, or an officer or employee of a producer or handler in the group for which selected. The public member shall be neither a producer nor handler and shall have no direct financial interest in the production or marketing, except as a consumer, of agricultural products.

4. Revise § 967.27 by adding a new paragraph (f) to read as follows:

§ 967.27 Nominations.

* * * * *

(f) The members of the committee selected by the Secretary pursuant to § 967.32 shall nominate a public member and alternate member of the committee. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by July 1 of each year together with information deemed pertinent by the committee or as requested by the Secretary.

5. Amend § 967.31 by adding paragraph (m) to read as follows:

§ 967.31 Duties.

* * * * *

(m) To secure suitable candidates for the public member and alternate positions, and to nominate persons for such positions on the committee.

6. Amend § 967.37 to read as follows:

§ 967.37 Base Quantities.

(a)(1) Base Quantities for producers with a history of production and order participation for the period 1965–66 through 1976–77 shall be Base Quantities in effect for the 1976–77 season, as recorded by the Florida Celery Committee on December 15, 1976, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfers pursuant to § 967.39.

(2) Base Quantities for other producers shall be established pursuant to Base Quantity reserve as specified in paragraph (d) of this section, subject to modifications relating to current production and marketing experience specified in (b) through (e) of this section, or to transfer pursuant to § 967.39.

(b) Periodically, but at least once each five years, the committee shall review Base Quantities and recommend any change in the formula, to be prescribed by the Secretary, for determining Base Quantities which may be deemed appropriate.

* * * * *

(d)(1) Beginning with the 1978/79 season, a reserve in the amount of six percent of the total Base Quantities shall be established annually. Such reserve shall be used for the issuance of Base Quantities to new producers and adjustments in Base Quantities for producers with existing Base Quantities, with 50 percent being made available for new producers and 50 percent available for adjustments for producers with existing Base Quantities.

(2) Base Quantities issued to new producers shall be permanent, subject to requirements of § 967.37(e). Base Quantities issued to new producers shall not be transferrable within three years after issuance. Any adjustments in Base Quantities issued to producers with existing Base Quantities shall be effective for one season only and a new request by such producers for adjustment in Base Quantity shall be submitted each season.

(3) The committee may recommend rules for establishing such reserve and for procedures whereby persons may apply for Base Quantities thereunder. Such rules shall be subject to approval by the Secretary. Rules may provide for open informal hearings by the committee on applicants' requests and may establish guides or standards for equitable and thorough consideration of pertinent factors relating to each case, including but not limited to past production of celery by applicant, acreage planted, average yields, the production capacity of the farm or land the applicant expects to use, land, labor, and equipment available to applicant for celery production, economic and marketing factors, and other factors deemed pertinent.

(4) Each person filing an application hereunder for a new Base Quantity or adjustment in an established Base Quantity shall be notified by the committee of its determination thereon. Such determination and considerations appertaining thereto shall be subject to review by the Secretary. If a Base Quantity is issued to an applicant hereunder, the requirements of § 967.38(c) shall then apply.

(e) A condition for the continuing validity of a Base Quantity is production of celery thereunder. If no bona fide effort is made to produce and sell celery thereunder for two consecutive seasons commencing with the 1977–78 season, the Base Quantity may be declared invalid due to lack of use and cancelled at the end of the second season of nonproduc-

JUN 28 77
UM

tion. The committee shall determine criteria, subject to approval by the Secretary, as to whether a bona fide effort has been made to produce and sell celery, including one requirement that the producer must have sold at least 50 percent of each of his seasonal Marketable Allotments, unless prevented from doing so by acts of God or other circumstances beyond his control.

(f) Annual registration of Base Quantity holders will be required no later than May 1 or such other date as may be approved pursuant to regulations. For the 1977–78 season Base Quantity holders shall register within 30 days following the effective date of this part but no later than July 31, 1977. Any Base Quantity holder who does not register or who has not made firm and substantial commitments to produce celery for the forthcoming season shall have his Base Quantity eliminated from the calculations in determining the Uniform Percentage. However, such procedure will not cause the Base Quantity holder to lose his Base Quantity.

7. Amend § 967.38 to read as follows:

§ 967.38 Marketable Allotments.

(a) When the Secretary establishes a season's Marketable Quantity, a percentage shall be determined by dividing the amount fixed as the season's Marketable Quantity by the total Base Quantities of producers who have registered with the committee pursuant to § 967.37(f).

* * * * * *

(e) When the Marketable Quantity is equal to or smaller than total Base Quantities, the first 37,500 crates of each producer's Base Quantity shall be subtracted from both the Marketable Quantity and total Base Quantities when the Uniform Percentage is calculated in this section (§ 967.38(a)), and the Uniform Percentage for the first 37,500 crates will be 100 percent. In the event the Marketable Quantity exceeds total Base Quantities, there shall be no exemption for the first 37,500 crates and the Uniform Percentage shall be applied to each producer's total Base Quantity.

(f) Marketable allotments shall be issued only to producers who have registered by May 1, or such other date prescribed by the Secretary, and indicated firm and substantial commitments for the production of celery for the forthcoming season.

8. Revise the section heading and the first two sentences of § 967.44 to read as follows:

§ 967.44 Research and development.

The committee may, with the approval of the Secretary, establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of celery. The expenses of such projects shall be paid by funds collected pursuant to §§ 967.61 or 967.63. * * *

9. Add a new § 967.63 to read as follows.

§ 967.63 Contributions.

The committee may accept voluntary contributions but these shall only be used to pay expenses incurred pursuant to § 967.44. Furthermore, such contributions shall be free from any encumbrances by the donor and the committee shall retain complete control of their use.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C., on June 22, 1977 to become effective upon signing.

JOHN C. WHITE,
Acting Secretary.

JUNE 22, 1977.

[FR Doc.77-18494 Filed 6-27-77;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 77-386]

PART 526—LIMITATIONS ON RATE OF RETURN

Minimum Maturity Term on IRA and Keogh Accounts

JUNE 22, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: This rule lowers from six years to three years the minimum required term to maturity for IRA and Keogh certificate accounts on which member institutions of the Federal Home Loan Bank System may pay a rate of return up to 7.75 percent per year. The Board has taken this action so that member institutions may offer these retirement accounts on the same terms as member banks of the Federal Reserve System. The effect of this rule will be to allow member savings and loans to offer IRA and Keogh certificate accounts with no minimum deposit, and a rate of return up to 7.75 percent annually, if the accounts have a term to maturity of no less than three years.

EFFECTIVE DATE: July 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board (202–376–3556).

SUPPLEMENTARY INFORMATION: By order dated April 7, 1977, the Board of Governors of the Federal Reserve System amended Regulation Q (Interest on Deposits) (12 CFR Part 217) respecting time deposits for Individual Retirement Accounts (IRA accounts) and Keogh (H.R. 10) Plan accounts to permit member banks to pay a rate of return up to 7.75 percent per annum on such accounts with minimum terms to maturity of at least three years (42 FR 20284). This amendment becomes effective July 6, 1977.

To retain parity between member institutions of the Federal Home Loan Bank System and member banks of the Federal Reserve System with respect to their offering of such accounts, the Federal Home Loan Bank Board deems it desirable to amend paragraph (c) of § 526.5 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) to add thereto an exception permitting member institutions to pay on IRA and Keogh accounts with minimum terms of not less than three years the highest rate of return permissible for certificate accounts (currently 7.75 percent per annum).

In order to permit existing retirement savers to obtain the most advantageous IRA and Keogh programs, member institutions may at their option agree to modify the terms of existing IRA and Keogh accounts entered into prior to the effective date of this amendment without imposition of an early withdrawal or interest conversion penalty otherwise required under the Board's regulations.

Since this amendment relieves restriction, and it is in the public interest that it become effective without delay, the Board hereby finds that notice and public procedure with respect to such amendment is contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendment for the period of time specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendment would, in the opinion of the Board, likewise be unnecessary for the same reasons, the Board hereby provides that such amendment shall become effective as stated below.

Accordingly, the Board hereby amends paragraph (c) of § 526.5 to read as set forth below, effective July 6, 1977.

§ 526.5 Maximum rates of return payable on certificate accounts of less than $100,000.

* * * * * *

(c) *Exceptions as to fixed or minimum term or qualifying period.* A member institution may pay a return at a rate not in excess of the highest rate permitted under paragraph (a) of this section on any certificate account which is (1) a public unit account of $1,000 or more having a fixed or minimum term or qualifying period of not less than 30 days, or (2) a certificate account which qualifies as a retirement account under section 401(d) or section 408(a) of the Internal Revenue Code of 1954, as amended, and has a fixed or minimum term of not less than 3 years.

(Sec. 4, Stat. 823 (12 U.S.C. 1425b); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77-18459 Filed 6-27-77;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 77-387]

PART 545—OPERATIONS

Construction, Alteration, Repair, or Improvement Loans

JUNE 22, 1977.

AGENCY: Federal Home Loan Bank Board (FHLBB).

ACTION: Final rule.

SUMMARY: This rule (1) revises regulations relating to certain lending powers of Federal saving and loan associations as to loans to construct, alter, repair, or improve residential property, (2) is needed to encourage upgrading certain existing residential property (especially inner-city residences), and (3) effects the intended action by permitting loans to be made for the purpose of substantially altering, repairing, or improving certain existing residential property, with deferment of principal payment until completion of the work and permitting such loans to be combined with permanent long-term loans. After the effective date of this rule, construction loans and loans for the purpose of substantial alteration, repair, or improvement of residential property are subject to the same regulatory provisions.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, at 320 First Street, N.W., Washington, D.C. 20552 or telephone number 202–376–3556.

SUPPLEMENTARY INFORMATION: On November 10, 1976, the Federal Home Loan Bank Board published proposed rule No. 76–821, dated November 3, 1976, (41 F.R. 49639–49640) to revise certain paragraphs of § 545.6–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–1) for the principal purpose of liberalizing certain provisions applicable to alteration, repair, or improvement loans secured by residential property. The period for receiving comments from interested persons ended on December 13, 1976. Eighteen comments were received and are summarized as follows: 12 approved, as proposed; 2 approved, suggesting additional amendment; 2 approved, suggesting clarification; and 2 no comment.

DISCUSSION OF MAJOR COMMENTS

SUGGESTED CLARIFICATION

Two commenters stated in substance that the proposed § 545.6–1(a)(7) should be clarified as to combining a construction, alteration, repair, or improvement loan with an existing permanent loan having an unpaid principal balance exceeding 80 percent of the value of the security property.

The Board agrees with that suggestion. This final rule clarifies that matter by providing that a loan for construction, alteration, repair, or improvement may be combined with an existing over-80 percent-of-value loan, but that the disbursement of construction, alteration, repair, or improvement funds is limited to 80 percent of the value of the security property until the work on the property is completed and applicable regulatory provisions are met concerning over-80 percent-of-value loans.

Also, this final rule simplifies the last sentence of former § 546.6–1(a)(7) and extends the provisions thereof, regarding combining into a single loan a permanent loan with a loan under that section, to all loans made pursuant to that section. It is noted that the new regulation applies for the first time to certain loans made pursuant to § 545.6–1(a)(6); i.e., certain home loans if at least that portion of such loans which exceeds 80 percent of the value of the security property is insured or guaranteed by an agency or instrumentality of a State whose full faith and credit is pledged to the support of such insurance or guarantee.

SUGGESTED ADDITIONAL AMENDMENT

The Board agrees with the suggestion that § 545.6–12(a), regarding loan plans approved for use by Federal savings and loan associations, should be changed to: (1) Exclude loans to finance substantial alteration, repair, or improvement from a requirement that payments on certain loans must begin not later than 60 days after the advance of the loan and (2) apply the provisions regarding payments of principal and interest on certain construction loans to payments of principal and interest on similar loans for substantial alteration, repair, or improvement. The new regulation effects those changes.

Revised § 545.6–12(a) does not define the word "substantial", but associations are expected to act responsibly, i.e. the special provisions regarding alteration, repair, or improvement do not apply if there is only "token" work done on the security property. Also, the Board intends that the words "alteration, repair, or improvement" include, for example, enlargement, rebuilding, reconstruction, rehabilitation, remodeling, restoring, or similar change.

The Federal Home Loan Bank Board finds that publication of this rule for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to effective date is unnecessary, because the rule relieves restrictions.

Accordingly, 12 CFR Part 545 is amended, effective June 30, 1977, as follows:

1. By revising paragraphs (a)(7), (b)(2), and (b)(3) of § 545.6–1 to read as follows:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6–13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property—*

* * * * * *

(7) *Construction, alteration, repair, or improvement loans.* If the members of an association have authorized loans on homes or combination of homes and business property to be made without full amortization in excess of 50 percent of the value thereof, such loans may be made for the purpose of construction or substantial alteration, repair, or improvement up to the percent of value permissible under this paragraph (a), but disbursement of any amount of such a loan in excess of 80 percent of the value of the security property shall not be made until completion of such construction or substantial alteration, repair, or improvement and compliance with applicable provisions of paragraphs (a)(4), (a)(5), or (a)(6) of this section; and such loans may be made for a term of not more than 18 months and with interest payable at least semiannually without regard to any requirement of this part for amortization of principal prior to the end of the term. A permanent loan under this paragraph (a) may be combined into a single loan with a loan under this paragraph (a)(7), and the term of the permanent loan shall be considered to begin at the end of the term allowed under this paragraph (a)(7) for construction or substantial alteration, repair, or improvement.

* * * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use.* * * *

(2) *Other installment loans.* * * *

(ii) *Partially-amortized loans.* Partially-amortized monthly installment loans may be made in an amount not in excess of 80 percent of the value of the real estate. Both monthly installment loans under subparagraph (1) of this paragraph and other installment loans under this subparagraph (2) may be combined into a single loan with a loan for the purpose of construction or substantial alteration, repair, or improvement which meets the requirements of subparagraph (3)(ii) of this paragraph, and the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction or substantial alteration, repair, or improvement.

(3) *Loans without full amortization.* Any loan of a type that such an association may make on a monthly installment basis may also be made without full amortization of principal, but with interest payable at least semiannually, for an amount not in excess of 50 percent of the value of the security and for a term of not more than 5 years: *Provided*, That

the requirements of this subparagraph with respect to semiannual payment of interest and the limitations of this subparagraph with respect to maximum percentage or other amounts and maximum terms of loans shall not be applicable to insured or guaranteed loans: *Provided further*, That, when the members of such association have authorized loans to be made without full amortization for an amount exceeding 50 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 60 percent of the value and for a term of not more than 3 years; and

(ii) If such loan is made for the purpose of construction or substantial alteration, repair, or improvement, 80 percent of the value of the property securing such loan after completion thereof. A loan made pursuant to this subdivision may be made for a term of not more than 36 months without regard to any requirement of this part for amortization of principal prior to the end of the term.

* * * * *

2. By revising paragraph (a) of § 545.6–12 to read as follows:

§ 545.6–12 Loan payments.

(a) *Payments on monthly installment loans and flexible payment loans.* Payments on all monthly installment loans and flexible payment loans, other than construction loans, loans to finance substantial alteration, repair, or improvement, insured loans, and guaranteed loans, shall begin not later than 60 days after the advance of the loan. Insured loans and guaranteed loans may be repayable upon terms acceptable to the insuring or guaranteeing agency. The Board hereby approves for use by any Federal association a loan plan whereby payments on any monthly installment loan or flexible payment loan which includes construction, or substantial alteration, repair, or improvement may begin not later than 36 months after the date of the first advance, but not later than 18 months if the loan is secured by real estate consisting solely of one or more homes or combination of home and business property; interest shall be payable at least semi-annually until regular periodic payments become due.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77–18460 Filed 6–27–77;8:45 am]

SUBCHAPTER D—INSURANCE OF ACCOUNTS

[No. 77–385]

PART 571—STATEMENTS OF POLICY

Participation Interests in Large Pools of Loans

JUNE 22, 1977.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendment.

SUMMARY: This amendment authorizes alternative documentation procedures in connection with the purchase by insured institutions of participations in large loan pools originated and serviced by certain Federally-regulated institutions. Such action is needed because present documentation requirements are impracticable with regard to such transactions. The amendment is intended to provide greater secondary-market flexibility for sellers and purchasers of such participations.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, at 320 First Street, NW., Washington, D.C. 20552 or telephone number 202–376–3556.

SUPPLEMENTARY INFORMATION:

Since this amendment relieves restriction, and it is in the public interest that it become effective without delay, the Board hereby finds that notice and public procedure with respect to such amendment are unnecessary under the provisions of 5 U.S.C. 553(b) and 12 CFR 508.11, and publication of such amendment for the period of time specified in 5 U.S.C. 553(d) and 12 CFR 508.14 prior to effective date is likewise unnecessary for the same reason, and the Board therefore provides that such amendment shall become effective as stated hereinabove.

Accordingly, the Board hereby amends Part 571 by adding thereto a new § 571.13, to read as set forth below.

§ 571.13 Participation interests in large pools of loans.

(a) Where an insured institution purchases a participation interest in a large pool of loans, compliance with the documentation requirements of §§ 563.10 (c), (e), and (f) and 563.17–1(c) may be impracticable. Where this is the case, and the pool of loans is originated and serviced by an insured institution or an institution which is a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation, the documentation requirements of those provisions will be deemed satisfied if:

(1) Access to the records referred to therein is provided without charge by such originator/servicer, upon request, to any insured institution investing in, or any trustee of, the pool, and to the Board, the Corporation, and their examiners or Supervisory Agents;

(2) The originator/servicer warrants as to each loan in the pool to or for the benefit of each insured institution investing in the pool that as of the date participation interests in the pool were first issued:

(i) No loan was 30 or more days delinquent;

(ii) Each loan met the requirements for investment by a Federal association therein;

(iii) Each loan was secured by a valid first lien;

(iv) There were no delinquent tax or assessment liens or mechanics' liens on the security properties and they were free of substantial damage and in good repair; and

(v) Each loan complied with applicable State and Federal laws, including usury, equal credit opportunity, and disclosure laws; and

(3) The originator/servicer has agreed to provide each insured institution investing in the pool with the following:

(i) A monthly report of loan delinquencies separately indicating the number and aggregate principal amount of loans delinquent one month and two or more months, the book value of any real estate acquired by the pool through foreclosure or a deed in lieu of foreclosure, and the aggregate dollar amount of loans made by the pool, if any, on the security of such real estate if such loans are as described in § 561.15(d);

(ii) a report as of the date participation interests in the pool were first issued and a report at least quarterly thereafter of the aggregate principal amount of all loans in the pool not exceeding $55,000 ($82,500 for loans secured by property in Alaska, Guam, or Hawaii) and secured by first liens on single family dwellings; and

(iii) disclosure, at the time of investment by such insured institution in the pool, of (*a*) the location by State of the property securing the loans in the pool and (*b*) at the request of the insured institution, specific information sufficient to enable it to determine the extent, if any, to which property securing the loans (*1*) is outside its regular lending area or normal lending territory, and (*2*) must be included in percentage-of-assets limitations or other restricted investment categories to which an insured institution may be subject.

(b) Although this Statement of Policy is principally addressed to compliance with regulatory requirements for purchase by insured institutions of participation interests in large pools of mortgages, it would also apply to sale of participation interests in such pools by Federal associations and other insured institutions having legal authority to sell participation interests in mortgages.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc.77–18458 Filed 6–27–77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2892]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Alexander's, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts or practices, this consent order, among other things, requires a New York City department store chain to cease failing to notify those individuals denied employment or terminated based on a consumer reporting agency report, the name and address of the reporting agency furnishing the report. Further, the firm must retroactively provide such information to those individuals denied employment or terminated because of adverse consumer reports during the two years preceding issuance of this order.

DATES: Complaint and order issued May 31, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Richard A. Givens, Director, New York Regional Office, Federal Trade Commission, 2243–EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007 (212–264–1207).

SUPPLEMENTARY INFORMATION: On Thursday, March 24, 1977, there was published in the FEDERAL REGISTER (42 FR 15968) a proposed consent agreement with analysis In the Matter of Alexander's, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order. No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Collecting, Assembling, Furnishing, or Utilizing Consumer Reports: § 13.382 Collecting, assembling, furnishing, or utilizing consumer reports; 13.382 Confidentiality, accuracy, relevancy, and proper utilization; 13.382–1(a) Fair Credit Reporting Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 84 Stat. 1127–36; 15 U.S.C. 1601, et seq.)

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18403 Filed 6–27–77;8:45 am]

[Docket C–2891]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Albano Enterprises, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent order among other things, requires a Santa Ana, Calif., manufacturer and distributor of automatic gas-saver devices to cease misrepresenting the performance or efficacy of its products; that its devices will fit all engines; that these products are patented; or that they have been tested, inspected, or recommended by government agencies. Further, the firm is required to substantiate all product claims; withdraw and destroy any promotional material containing false or unsubstantiated representations; make refunds to dissatisfied customers, within one year from time of product purchase; and disclose this refund policy in all advertising material. The order additionally requires the firm to maintain prescribed records and institute a program of continued surveillance to ensure that its distributors conform to the terms of the agreement.

DATES: Complaint and order issued May 31, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

William A. Arbitman, Director, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, Calif. 94102 (415–556–1270).

SUPPLEMENTARY INFORMATION: On Monday, March 28, 1977, there was published in the FEDERAL REGISTER (42 FR 16481) a proposed consent agreement with analysis in the matter of Albano Enterprises, Inc., a corporation, and Louis Albano, individually and as an officer of said corporation, and Joseph Albano, individually, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.15 Business status, advantages or connections; 13.15–30 Connections or arrangements with others; 13.15–90 Government endorsement; 13.15–95 Government registration; § 13.85 Government approval, action, connection, or standards; 13.85–65 States; 13.85–70 Tests and investigations; 13.85–75 Use; § 13.110 Endorsements, approval, and testimonials; § 13.135 Nature of product or service; § 13.145 Patent or other rights; § 13.160 Promotional sales plans; § 13.185 Refunds, repairs, and replacements; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests; § 13.265 Tests and investigations. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330–85 State agencies. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–15 Destruction of records and/or data; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–53 Recall of merchandise, advertising material, etc.; 13.533–55 Refunds, rebates and/or credits. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1430 Government endorsement, sanction or sponsorship. —Goods: § 13.1632 Government endorsement or recommendation; § 13.1635 Government inspection; §13.1665 Endorsements; § 13.1685 Nature; § 13.1700 Patent rights; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; 13.1762 Tests, purported. —Promotional Sales Plan: § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1870 Nature; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper, and Deceptive Inducements to Purchase or Deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat 719, as amended; 15 U.S.C. 45.)

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18404 Filed 6–27–77;8:45 am]

[Docket No. 9019]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Genesco Inc.

AGENCY: Federal Trade Commission.

ACTION: Final Order.

SUMMARY: In response to complaint alleging violations of Federal law prohibiting unfair acts and practices, this order, among other things, requires a Nashville, Tenn., operator of a retail clothing chain to cease writing off credit balances; and failing to furnish statements advising customers of credit balances, and their right to request and receive refunds. The order further requires the firm to refund monies due customers from January 1, 1972 to date; and main-

[1] Copies of the Complaint, and the Decision and Order filed with the original document.

[1] Copies of the complaint and the decision and order filed with the original document.

tain prescribed information for a period of three years.

DATES: Complaint issued March 11, 1975. Final Order issued May 17, 1977.[1]

FOR FURTHER INFORMATION CONTACT:

Justin Dingfelder, Attorney, Division of Special Statutes, Federal Trade Commission, Washington, D.C. 20580, 202-724-1141.

SUPPLEMENTARY INFORMATION: In the Matter of Genesco Incorporated. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows:

Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits. Subpart-Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart-Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

FINAL ORDER

Both complaint counsel and respondent filed notices of an intention to appeal the initial decision, but filed a "Joint Motion to Withdraw Notices of Appeal" on February 7, 1977, while requesting the Commission to stay further proceedings pending consideration of a proposed order jointly submitted by the parties in lieu of the order recommended by the administrative law judge. The Commission has elected to treat this matter as an unappealed initial decision, and has placed this matter on its own docket for review of the limited question of the appropriateness of the order recommended by the administrative law judge, in conformity with §§ 3.51(a) and 3.54 of its rules.

In response to the Commission's request for clarification of the parties' intentions, the respondent in a letter of March 3, 1977, advised us that it

Would have no objection to * * * the Commission adopting the proposed order submitted by the parties and, in the event findings of fact and conclusions of law were deemed necessary and appropriate, adopting those set forth by the Administrative Law Judge in his initial decision.

Such findings and conclusions are indeed necessary and appropriate under the Commission's rules. We therefore accept respondent's offer and, pursuant to § 3.51(a) of our rules, "the initial decision shall become the decision of the Commission."

We also accept and hereby enter the jointly proposed order, which differs from the law judge's proposed order in several respects. These differences are decribed in complaint counsel's memorandum of February 7, 1977, in support of the "Joint Motion to Withdraw Notice of Appeal." We attach that memorandum as an appendix to this Final Order, since there is no need to repeat that analysis here.

This matter having been docketed for review by the Commission for the limited purpose of considering the appropriateness of the order recommended by the administrative law judge in his initial decision, and the Commission having considered the modifications of that order proposed by respondent and complaint counsel in their "Joint Motion to Withdraw Notices of Appeal" from the initial decision, and the Commission having concluded that the proposed modifications would be in the public interest:

It is ordered, That pages 1-35 of the initial decision be, and they hereby are, the Findings of Fact and Conclusions of Law of the Commission.[2]

It is further ordered, That the following Final Order to cease and desist be entered, to become effective on the date of service.

ORDER

I

It is ordered, That respondent Genesco Incorporated, a corporation, its successors and assigns, and its officers, representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the handling of credit balances on retail consumer open end credit accounts or other retail consumer charge accounts created incident to the business of selling consumer merchandise and services at retail, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, shall:

A. Mail or deliver to each charge account customer having a credit balance in excess of one dollar ($1.00) created after or existing as of the date of service of this order a periodic statement each billing period following the creation of the credit balance, clearly setting forth such credit balance; *Provided, however*, That no periodic statement need be sent once a credit balance is refunded or a fully offsetting purchase is made.

B. Notify each charge account customer having a credit balance created after the date of service of this order of the customer's right to request and receive a refund in the amount of such credit balance, such notice to be accomplished by a clear and conspicuous disclosure on or enclosed with each periodic statement required by Paragraph I A and accompanied by a return enevelope, if it is the customary practice of the division or unit to accompany periodic billing statements with return envelopes. Such first disclosure shall in all material respects be consistent with, but need not be identical to, the following:

NO PAYMENT REQUIRED

The Credit Balance shown on the enclosed statement represents money we owe you. You may obtain a refund by presenting (your) (this) statement at our store or by returning it in the enclosed envelope. If you do not charge against this credit or request a refund, a check will be mailed to you within six (6) months. A credit balance of $1 or less will not be refunded unless specifically requested, and it will not be credited against future purchases after expiration of a six (6) month period". Each subsequent periodic statement issued thereafter shall be identical in all respects to the first such statement except that each must show the time in months remaining before the refund or a credit against future purchases will be made. *Provided, however*, If respondent refunds without request credit balances of one dollar ($1.00) or less, and credit amounts under one dollar ($1.00) against future purchases, the disclosure may be amended to accurately reflect this practice.

The disclosure furnished in compliance with this paragraph shall not provide any additional information relating to credit balances, shall be set forth separately from any other written matter, and shall be made either entirely on the face of the periodic statement, or entirely on the reverse side of the periodic statement, or entirely on one side of a separate page. In the event such disclosure is not on the face of the periodic statement, then the periodic statement shall state clearly and conspicuously on its face: "Credit balance. Do not pay. For refund see (enclosed instructions) OR (reverse side)."

C. Refund to each charge account customer with a credit balance of more than one dollar ($1.00) created after the date of service of this order the full amount of said credit balance no later than thirty-one (31) days from the end of the sixth consecutive month during which a credit balance exists and the customer neither transacts any business on the account nor requests a refund, unless such credit balance is not in fact owed to the customer; provided, however, that nothing contained in this Paragraph shall prevent such a refund being made by giving a credit certificate(s) in the full amount of the credit balance which shall be redeemable, at the customer's option, in merchandise or cash. Such a certificate(s) or an accompanying notice attached to the certificate shall clearly and conspicuously disclose that it is redeemable for cash if the customer so requests in person or if the customer returns the certificate(s) by mail with a request for cash redemption.

D. Refrain from writing off or deleting or transferring any credit balance of more than one dollar ($1.00) created after the date of service of this order from a customer's account before a refund has been made or the customer has made a fully offsetting purchase, unless such credit balance is not in fact owed to the customer or unless there has been

[1] Copies of the Complaint, Initial Decision and Final Order, filed with the original document.

[2] With the proviso that "Temmessee" be modified to read "Tennessee" in the third line of the law judge's second "Conclusion of Law."

compliance with Section III of this Order.

II

It is further ordered, That respondent shall:

A. Within one hundred and twenty days (120) after entry of this Order notify each charge account customer from whose account a credit balance of more than one dollar ($1.00) was transferred at any time within the period January 1, 1972 to the date of service of this order which credit balance has not been refunded to the customer as of the date of service of this order or the customer has not made a fully offsetting purchase as of the date of service of this order, of the amount of the credit balance that was transferred and of the customer's right to request and receive a refund in the amount of such credit balance, unless such credit balance is not in fact owed to the customer. Such notice shall contain language, which is consistent with, but not necessarily identical to, the following:

NO PAYMENT REQUIRED

The amount shown is a credit balance in your favor as a result of a past transaction. You may obtain a refund of this balance by signing the notice and returning it in the enclosed envelope. If you do not request a reinstatement or a refund it will not be placed on your account for use against future purchases.

The notice furnished in compliance with this paragraph shall be clear and conspicuous and shall be set forth separately from any other written matter except that it should be in close conjunction with the amount of such credit balance as disclosed therein. Such notice shall be accompaied by a return envelope.

B. Refund to each charge account customer, required to be notified by respondent of a credit balance pursuant to Paragraph II A, who requests a refund, the full amount of such credit balance by check or credit certificate.

III

A. *It is further ordered*, That each refund required to be made by this order shall be given to the customer either in person or by mailing a check or credit certificate(s) payable to the order of the customer. Each check or periodic statement sent pursuant to the terms of this order and each notice sent pursuant to Paragraph II A of this order shall be mailed to the customer at the last known address shown in respondent's records for said customer with the notation "Address Correction Requested" appropriately placed on the envelopes. In the event that any such statement, check or notice reflecting a credit in the amount of ten dollars ($10.00) or more is returned to respondent by reason of the fact that the customer to whom it was mailed is not located at the address to which it was sent, respondent shall then obtain from a credit bureau the most current address available for the customer by means of an in-file report or other report on information then existing in the credit bureau's file. If a new address is obtained, respondent shall remail the check, statement, notice or credit certificate to the customer at such address. For all customers whose credit balances were created prior to the date of service of the order herein, and have not been located by any of the preceding methods, respondent shall have no further obligation under this order. For all customers whose credit balances have been created after service of this order, and have not been located by any of the preceding methods, respondent shall retain or reinstate the full amount of the credit balance on the customer's account, to remain thereon for one year from the date on which the remailed check or statement was returned so that offsetting purchases can be made, and respondent shall be relieved of any further obligation to send any additional notice and/or any refund with respect to the credit balance in question. *Provided, however*, That in the event said customer should subsequently request a refund of any such credit balance, respondent shall treat such request in the manner provided in Paragraph III B.

B. When a customer requests, in person or by mail, a refund of a credit balance in any amount which had been reflected at any time on such customer's account, respondent shall, within thirty (30) days from receipt of such request, either refund the entire amount requested, if owed, or furnish the customer with an individualized written explanation, with supporting documentation, when requested and available, of the reason(s) for refusing to refund the amount requested.

IV

It is further ordered, That a credit balance shall be deemed to be created at the end of the billing cycle in which the credit balance is first recorded on a customer's account and at the end of the billing cycle in which the recorded amount of an existing credit balance is changed due to a customer's use of the account. Whenever the recorded amount of an existing credit balance is changed, respondent's obligations under this order with respect to the credit balance existing prior to such charge shall automatically be terminated and replaced by its obligations under this order with respect to the new credit balance created by said change.

V

It is further ordered, That, notwithstanding the foregoing, the provisions of this order shall not be applicable to credit balances on accounts administered by third parties or to transactions arising out of lay-away plans or installment sales contracts.

VI

It is further ordered, That respondent shall maintain a list for each of its retail operating divisions which contains the following data: name and address of each customer who received an automatic refund of a credit balance; the date the credit balance was created and the date it was refunded; and the amount of the credit balance. Respondent shall also maintain for each such division a separate list which contains the following data: The names and addresses of all customers who requested in person or by mail a refund of a credit balance but whose request was refused; the date the request was made; the date a refusal was sent to the customer; the amount of the credit balance; a copy of any written explanation of reason for the refusal sent to the customer; and, if no written explanation for the refusal was made, a statement of the reasons for the refusal.

VII

It is further ordered, That respondent shall retain the records required to be maintained by Paragraph VI of this order for a period of three (3) and, upon request, produce said records for the purpose of examination and copying by representatives of the Federal Trade Commission.

VIII

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its retail operating divisions.

IX

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

X

It is further ordered, That respondent shall, within one hundred twenty (120) days after entry of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-18506 Filed 6-27-77;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 77N-0128]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Redelegations of Authority From the Commissioner of Food and Drugs

REPORTS OF MINOR VIOLATIONS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority regarding issuance of reports of minor

violations by adding additional delegatees. This action formalizes current agency policy and will not mean any substantive change in agency procedures.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Administration (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: This amendment to § 5.37 (21 CFR 5.37, formerly § 5.42, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) formalizes agency policy by delegating authority to Regional Food and Drug Directors and District Directors to issue reports of minor violations.

Further redelegation of the authority delegated by this amendment is not authorized. Authority redelegated by this amendment to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting", or unless it is not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 5 is amended in § 5.37 by adding paragraph (a)(6) to read as follows:

§ 5.37 Issuance of reports of minor violations.

(a) • • •

(6) Regional Food and Drug Directors and District Directors.

* * * * *

Effective date: This regulation shall become effective June 28, 1977.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: June 16, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77-18441 Filed 6-27-77;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Melengestrol Acetate

Correction

In FR Doc. 77-15687 appearing at page 28535 in the issue of Friday, June 3, 1977, in the third column, eighth line down, the date now reading, "June 2," should be corrected to read "June 3.".

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Departmental Reg. 108.740]

PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Licenses for Export of Firearms

AGENCY: Department of State.

ACTION: Suspension of rule.

SUMMARY: This notice temporarily suspends a rule under the International Traffic in Arms regulations which allows persons leaving the U.S. to export three or fewer firearms and accompanying ammunition for their personal use without an export license. This action is being taken to prevent the possible circumvention of the policies and purposes of the regulation, and will remain in effect until the completion of a rule-making procedure to determine whether the rule should be permanently revoked.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Clyde G. Bryant, Jr., 703-235-9758.

SUPPLEMENTARY INFORMATION: This rule (22 CFR 123.31) was originally adopted to allow U.S. citizens to export firearms for their personal use without an export license. A recent study by the Office of Munitions Control revealed that this exemption is rarely used by U.S. citizens. On the contrary, it is used repeatedly by non-U.S. citizens, some of whom enter and leave the United States several times in one year. By permitting them to carry firearms and cartridges without a license, the exemption creates undesirable risks that weapons may be disposed of abroad in circumvention of the International Traffic in Arms regulations. The destination of these unlicensed firearms could include countries to which the U.S. Government would not license the export of firearms. Such a practice is clearly inconsistent with the original intent of the rule. Accordingly, under authority of 22 CFR 126.02, the Director of the Office of Munitions Control, Department of State, has ordered the temporary suspension of the regulation [1] in the interest of furthering the objectives of world peace and the security and foreign policy of the United States.

[1] For a document proposing the permanent revocation of this rule, see FR Doc. 77-18582, appearing under the Department of State in the Proposed Rules section of this issue of the FEDERAL REGISTER.

§ 123.31 [Suspended]

(Section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958.)

Dated: June 23, 1977.

WILLIAM B. ROBINSON,
Director, Office of Munitions Control.

[FR Doc.77-18581 Filed 6-27-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Civil Division Directive No. 90-77]

PART 15—DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES, AND CERTIFICATION AND DEFENSE OF CERTAIN SUITS AGAINST PROGRAM PARTICIPANTS UNDER THE NATIONAL SWINE FLU IMMUNIZATION PROGRAM OF 1976

Delegation of Authority to Certify Status of Program Participants Under the National Swine Flu Immunization Program of 1976

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Existing regulations authorize the Assistant Attorney General in charge of the Civil Division to redelegate to subordinate officials certain authority concerning certifications under the National Swine Flu Immunization Program of 1976, subject to the approval of the Associate Attorney General. This Civil Division Directive redelegates the authority to certify the status of program participants to any Deputy Assistant Attorney General of the Civil Division, to the Section Chief of the Tort Section and to the Assistant Section Chief of the Tort Section for Swine Flu Litigation.

EFFECTIVE DATE: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Neil R. Peterson, Civil Division, Department of Justice, Washington, D.C. 20530, 202-739-4393.

Part 15 is amended by adding the following Appendix:

CIVIL DIVISION

[Directive No. 90-77]

1. By virtue of the authority vested in me by Part 15 of Title 28 of the Code of Federal Regulations, particularly § 15.3(b), it is hereby ordered as follows:

2. The authority delegated to the Assistant Attorney General in charge of the Civil Division to certify the status of program participants under the National Swine Flu Immunization Program of 1976, as that term is defined in 42 U.S.C. 247b(k)(2)(B), and as required under 42 U.S.C. 247b(k)(4-(5), is hereby delegated to any Deputy Assistant Attorney General of the Civil Division, to the Chief of the Tort Section and to the Assistant Chief of the Tort Section in charge of Swine Flu Litigation, and any one of whom may individually exercise the authority in any given instance. This delegation also includes the authority to withdraw the certification and file appropriate motions as set forth in § 15.3(b) of Title 28 of the Code of Federal Regulations.

Dated: June 14, 1977.

BARBARA A. BABCOCK,
Assistant Attorney General, Civil Division.

Approved:

MICHAEL J. EGAN,
Associate Attorney General.

[FR Doc.77-18401 Filed 6-27-77;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 90—CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: This rule provides for administrative reconsideration of negative determinations of the Secretary regarding certification of eligibility to apply for worker adjustment assistance under the provisions of the Trade Act of 1974. This rule also make other technical and clarifying amendments. Reconsideration of negative determinations will permit an administrative review without the expense of litigation, when there is reason to believe the decision of the Secretary is erroneous.

EFFECTIVE DATE: July 28, 1977.

FOR FURTHER INFORMATION CONTACT:

John R. Garson, Counsel for International Affairs, Division of General Legal Services, Office of the Solicitor, U.S. Department of Labor, Washington, D.C. 20210 (202-523-8205).

SUPPLEMENTARY INFORMATION: On January 14, 1977, a document was published in the FEDERAL REGISTER (42 FR 2981) proposing to revise the rules pertaining to worker adjustment assistance as administered by the Department of Labor. The document provided that interested persons could submit written comments regarding the proposed revision before February 10, 1977. On January 28, 1977, a correction notice was published in the FEDERAL REGISTER (42 FR 5372) providing that comments could be submitted before February 14, 1977. On February 15, 1977, a document was published in the FEDERAL REGISTER (42 FR 9190) extending the time for public comment until March 16, 1977. All comments with respect to the proposed revision were given due consideration.

This rule amends 29 CFR Part 90, the regulations pertaining to certification of eligibility to apply for worker adjustment assistance pursuant to sections 221-250 of the Trade Act of 1974 (19 U.S.C. 2271-2322). The most significant amendment of 29 CFR Part 90 is the addition of a new § 90.18 to provide for administrative reconsideration of negative determinations of the Secretary under section 223 of the Act (19 U.S.C. 2273). New § 90.18 sets forth procedures by which a party aggrieved by a determination of the Secretary may seek reconsideration of a determination, when there is reason to believe the determination is erroneous. Anyone seeking reconsideration retains the right to judicial review. The reconsideration regulations are designed to provide those who have been aggrieved by a negative determination with an alternative to appeal via judicial review, which is often time-consuming and costly.

These regulations also give those who have been denied adjustment assistance a more informal and simplified avenue to relief, in addition to the right to judicial review.

A. The following other technical and clarifying amendments to 29 CFR Part 90 have also been made:

1. The definition of "firm" in § 90.2 has been expanded to cover predecessors and successors-in-interest and affiliated firms which are controlled or substantially beneficially owned by substantially the same persons. The purpose of this amendment is to clarify that the Act was intended to cover firms which may be involved solely in providing a service or producing a component part, but which are owned or controlled by firms producing an article. This revision eliminates an anomaly which prevents workers at an affiliated service firm from being certified, while those at an "appropriate subdivision" (as it is defined in § 90.2) engaged in services may be certified.

2. Section 90.14 has been amended to clarify the method of service of and time for compliance with a subpena.

3. Section 90.16(g) has been added to provide for notices of determinations which contain both a certification of, and a denial of, eligibility to apply for adjustment assistance. Such notices are necessary when certain identifiable segments of workers in a firm or an appropriate subdivision do not meet the statutory criteria for certification of eligibility to apply for adjustment assistance, although other identifiable segments of workers do satisfy the statutory criteria.

4. Section 90.17(d) has been amended in order to make it clear that a notice of termination of certification shall not have a retroactive effect which would require workers to repay previously disbursed benefit payments.

5. Section 90.17(e) has been added to provide for notices of partial termination of certification when the termination affects only a portion of the group of workers previously covered and when the certifying officer determines that a certification should not be totally terminated. Section 90.17(f) has been added to provide for notices of continuation of certification when the certifying officer determines that a certification should be continued.

6. Section 90.18 has been amended to become new § 90.19 and is further amended to make it clear that negative determinations regarding applications for reconsideration, revised certifications, revised determinations and negative determinations on reconsideration are final determinations for purposes of judicial review under section 250 of the Act.

7. Section 90.36 has been added to clarify the Department's method of computing time periods specified in § 90.13(a), new § 19.18(a), new § 90.19(a) and section 223 of the Act.

B. As a result of comments received and our further review, the following changes in the revised rules are made, including language changes for clarification:

1. The time for filing an application for reconsideration of a negative determination under new § 90.18(a) has been changed from fifteen (15) days to thirty (30) days after notice of the determination has been published in the FEDERAL REGISTER.

2. For clarification, new § 90.18(e) has been revised to provide that, upon reaching a negative determination regarding an application for reconsideration, the certifying officer shall promptly publish in the FEDERAL REGISTER a summary of the determination, including the reasons therefor.

C. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons set forth below:

1. We received one comment suggesting that the definition of "appropriate subdivision" in § 90.2 be revised to provide that a grouping of workers from multiple plants of a firm could be considered to be one "appropriate subdivision." Section 90.2 currently provides in part that an "appropriate subdivision" is "an establishment in a multi-establishment firm which produces the domestic article in question or a distinct part or section of an establishment * * * where the articles are produced." We do not agree with the suggested modification of the definition. The current definition of "appropriate subdivision" is based on the legislative history and previous interpretations of the term. The purpose of the worker adjustment assistance provisions is to certify those workers whose separations are directly related to the adverse impact of import competition. To define "appropriate subdivision" to include groups of plants, would tend to mask any direct link between separations and imports because firm responses to import competition may lead to different results at each facility where an import impacted article is produced. For example, if a firm realigns its domestic production schedules of an import impacted article in response to import competition and the realignment results in the elimination or reduction of production at some domestic facilities and in an increase in production at other facilities, those facilities losing domestic production of the affected article are clearly affected differently than those experiencing an increase in production.

Plants receiving increased production of an import impacted article have benefited from the realignment and workers who may have become unemployed for other reasons are not intended to be covered by the Act.

2. Several comments were received suggesting that the term "date of petition" in § 90.2 be modified to provide that the date of a petition could be no more than 120 days before the date of filing, in lieu of the current provision that the date may be no more than 30 days before the date of filing. We have rejected this suggestion. The purpose of the provision concerning "date of petition" is to prevent back dating of petitions, since under section 223(b) of the Act (19 U.S.C. 2273(b)) the impact date of a certification may be no earlier than one year before the date of a petition. It is our opinion that the 30-day requirement is adequate to take care of delays in mailing and delivery.

3. One comment received suggested that the term "like or directly competitive" in § 90.2 be redefined to cover cases where an imported article uses a component which is competitive with an item manufactured in the United States. We have not accepted this suggestion. The current definition of "like or directly competitive" in § 90.2 is based on the language used by both the House Ways and Means Committee and the Senate Finance Committee to interpret the meaning of the phrase for purposes of industry relief (H. Rept. No. 93–571, 93rd Cong., 1st Sess. 45; S. Rept. No. 93–298, 93rd Cong., 2d Sess. 121). Although the legislative history of the Act does not address itself to the meaning of "like or directly competitive" in the context of adjustment assistance, there is no evidence to suggest that the meaning ascribed to the term for the purposes of industry relief does not apply with equal force to the adjustment assistance provisions of the Act. It is furthermore clear that the Congress, in setting forth the meaning of "like or directly competitive," agreed with previous court interpretations of the term holding that imported finished articles are not "like or directly competitive" with the domestic component parts thereof (S. Rept. supra at 122).

4. Several comments were received suggesting that the definition of "significant number or proportion of workers" in § 90.2 be changed to mean two (2) percent of the workers or three (3) workers or more. The current requirement is that there be a total unemployment of five (5) percent of the workers or 50 workers, whichever is less. The proposed change has not been adopted. The present requirements are based on the stated intent of Congress that the total or partial separation of a significant number or proportion of the workers would be the equivalent of a total unemployment of five (5) percent of the workers or 50 workers, whichever is less (H.R. Rept., supra at 54; S. Rept., supra at 133).

5. One comment received suggested eliminating the requirement of new § 90.18(b) that an application for reconsideration include a statement of reasons for believing that the determination complained of is erroneous. We have not accepted this suggestion. It is our opinion that administrative reconsideration should be limited to those cases where there is a showing that the determination was erroneous. The Department does not have the resources to and should not be expected to reconsider every case which includes a negative determination, merely because a petitioner is dissatisfied with a decision. Since the addition of new § 90.18 does not preclude judicial review, nor is it a prerequisite to judicial review, every petitioner aggrieved by a determination retains the automatic right to have the determination reviewed by the courts.

6. We received one comment which suggested that a member of the public be able to apply for reconsideration of certifications. Since the proposed reconsideration regulations are designed to provide those who have been aggrieved by a negative determination with a more informal and simplified avenue for relief, in addition to judicial review, we have limited the right to seek administrative reconsideration to those who would have the right to seek judicial review under section 250 of the Act.

7. Finally, we received one comment suggesting that the regulations be revised to provide for benefits to workers engaged in the production of import impacted articles, who subsequently replace ("bump") workers with less seniority in non-import impacted production and are then laid off. This suggestion went beyond the scope of the proposed rulemaking and would require an amendment to the Act.

This rule was drafted under the supervision and direction of Donald S. Shire, Associate Solicitor, Division of General Legal Services, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210 (202–523–8286).

Accordingly, 29 CFR Part 90 is revised as set forth below.

Signed at Washington, D.C., this 23d day of June 1977.

HERBERT N. BLACKMAN,
Acting Deputy Under Secretary, International Affairs.

Subpart A—General

Sec.
90.1 Purpose.
90.2 Definitions.
90.3 Applicability of part.

Subpart B—Petitions and Determinations of Eligibility To Apply for Adjustment Assistance

90.11 Petitions.
90.12 Investigation.
90.13 Public hearings.
90.14 Subpena power.
90.15 Recommendation.
90.16 Determinations and certifications of eligibility to apply for adjustment assistance.
90.17 Termination of certifications of eligibility.
90.18 Reconsideration of determinations.
90.19 Judicial review of determinations.

Subpart C—Initiation and Conduct of Study With Respect to Workers in Industry Which is the Subject of an Investigation for Industry Import Relief

Sec.
90.21 Study.
90.22 Dissemination of program knowledge and assistance to workers.

Subpart D—General Provisions

90.31 Filing of documents.
90.32 Availability of information.
90.33 Confidential business information.
90.34 Notice procedures.
90.35 Transitional provisions.
90.38 Computation of time.

AUTHORITY: Sec. 248, Pub. L. 93–618, 88 Stat. 2029 (19 U.S.C. 2320), Secretary's Order 3–75 (40 FR 17863).

SOURCE: 40 FR 14909, Apr. 3, 1975, unless otherwise noted.

Subpart A—General

§ 90.1 Purpose.

The purpose of this Part 90 is to set forth regulations relating to the responsibilities vested in the Secretary of Labor by the Trade Act of 1974 (Pub. L. 93–618) concerning petitions and determinations of eligibility to apply for worker adjustment assistance. Section 248 of the Act directs the Secretary of Labor to prescribe regulations which will implement the provisions relating to adjustment assistance for workers. This part will provide for the prompt and effective disposition of workers' petitions for certification of eligibility to apply for adjustment assistance. It reflects delegations of authority which were published in the FEDERAL REGISTER (40 FR 17863, 40 FR 22048).

§ 90.2 Definitions.

As used in this part, the term:

"Act" means the Trade Act of 1974, Pub. L. 93–618, 88 Stat. 1978, 2011–2030 (19 U.S.C. 2271–2322).

"Appropriate subdivision" means an establishment in a multi-establishment firm which produces the domestic articles in question or a distinct part or section of an establishment (whether or not the firm has more than one establishment) where the articles are produced. The term "appropriate subdivision" includes auxiliary facilities operated in conjunction with (whether or not physically separate from) production facilities.

"Certifying officer" means an official in the Bureau of International Labor Affairs, U.S. Department of Labor, who has been delegated responsibility to make determinations and issue certifications of eligibility to apply for adjustment assistance, preside at public hearings under section 221(b) of the Act, issue subpenas, and perform such further duties as may be required by the Secretary or by this Part 90.

"Commission" means the United States International Trade Commission, formerly named the United States Tariff Commission.

"Date of the petition" means the date thereon, but which in no event shall be more than 30 days before the date of filing.

"Date of filing" means the date on which petitions and other documents are received in the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210.

"Date of issuance" means the date on which a certification of eligibility to apply for adjustment assistance is signed by the certifying officer.

"Director" means the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. The Director is responsible for the conduct of worker investigations under this part and for recommending to the certifying officer whether or not to issue certifications of eligibility to apply for adjustment assistance.

"Firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court. A firm, together with any predecessor or successor-in-interest, or together with any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm.

"Group" means three or more workers in a firm or an appropriate subdivision thereof.

"Increased imports" means that imports have increased either absolutely or relatively, and would generally mean those increases as have occurred from a representative base period subsequent to the effectiveness of the most recent trade agreement concessions proclaimed by the President beginning in 1968.

"Layoff" means a suspension from pay status for lack of work initiated by the employer and expected to last for no less than seven (7) consecutive calendar days.

"Like or directly competitive" means that "like" articles are those which are substantially identical in inherent or intrinsic characteristics (i.e., materials from which the articles are made, appearance, quality, texture, etc.); and "directly competitive" articles are those which, although not substantially identical in their inherent or intrinsic characteristics, are substantially equivalent for commercial purposes (i.e., adapted to the same uses and essentially interchangeable therefor).

An imported article is "directly competitive with" a domestic article at an earlier or later stage of processing, and a domestic article is "directly competitive with" an imported article at an earlier or later stage of processing, if the importation of the article has an economic effect on producers of the domestic article comparable to the effect of importation of articles in the same stage of processing as the domestic article.

"Partial separation" means, with respect to an individual who has not been totally separated, that:

(a) The worker's hours of work have been reduced to 80 percent or less of the worker's average weekly hours at the firm or appropriate subdivision thereof, and

(b) The worker's wages have been reduced to 80 percent or less of the worker's average weekly wage at the firm or appropriate subdivision thereof.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Significant number or proportion of the workers" means that:

(a) In most cases the total or partial separations, or both, in a firm or appropriate subdivision thereof, are the equivalent to a total unemployment of five percent (5 percent) of the workers or 50 workers, whichever is less; or

(b) At least three workers in a firm (or appropriate subdivision thereof) with a work force of fewer than 50 workers would ordinarily have to be affected.

"Threatened to begin" means, in the context of impending total or partial separations, the date on which it could reasonably be predicted that separations were imminent.

"Total separation" means the layoff or severance of an individual from a firm or an appropriate subdivision thereof.

§ 90.3 Applicability of part.

This Part 90 generally relates to certifications of eligibility made under the Act. Subpart B specifically applies to the initiation and conduct of worker investigations and the issuance of determinations and certifications of eligibility to apply for adjustment assistance. Subpart C applies to studies of workers in industries which are the subject of investigations for industry import relief. Subpart D contains general provisions with respect to filing of documents and public availability of documents.

Subpart B—Petitions and Determinations of Eligibility To Apply for Adjustment Assistance

§ 90.11 Petitions.

(a) *Who may file petitions.* A petition under section 221(a) of the Act and this Subpart B shall be filed by a group of workers for a certification of eligibility to apply for adjustment assistance or by their certified or recognized union or other duly authorized representative.

(b) *Identification of petitioners.* Every petition filed with the Department shall clearly state the group of workers on whose behalf the petition is filed and the name(s) and address(es) of the person(s) by whom the petition is filed. Every petition shall be signed by at least three individuals of the petitioning group or by an official of a certified or recognized union or other duly authorized representative. Signing of a petition shall constitute acknowledgement that each signer has read the entire petition, that to the best of the signer's knowledge and belief the statements therein are true, and that each signer is duly authorized to sign such a petition.

(c) *Contents.* Petitions may be filed on a U.S. Department of Labor form. Copies of this form may be obtained at State Employment Security Agency local offices or by writing the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210. Every petition shall include: (1) The name(s), address(es), and telephone number(s) of the petitioner(s); (2) The name or a description of the group of workers on whose behalf the petition is filed (e.g., all hourly and salaried employees of the XYZ plant of ABC corporation); (3) The name and address of the workers' firm or appropriate subdivision thereof; (4) the name, address, telephone number, and title of an official of the firm; (5) The approximate date(s) on which the total or partial separation of a significant number or proportion of the workers in the workers' firm or subdivision began and continued, or threatened to begin, and the approximate number of workers affected by such actual or threatened total or partial separation; (6) A statement of reasons for believing that increases of like or directly competitive imports contributed importantly to total or partial separations and to the decline in the sales or production (or both) of the firm or subdivision (e.g., company statements, articles in trade association publications, etc.); and (7) A description of the articles produced by the workers' firm or appropriate subdivision, the production or sales of which are adversely affected by increased imports, and a description of the imported articles concerned. If available, the petition also should include information concerning the method of manufacture, end uses, and wholesale or retail value of the domestic articles produced and the United States tariff provision under which the imported articles are classified.

(d) *Number of copies.* One (1) signed original and two (2) clear copies of the petition shall be filed. The name(s) of the person(s) signing the petition shall be typewritten or otherwise clearly reproduced.

§ 90.12 Investigation.

Upon receipt of a petition, properly filed, the Director of the Office of Trade Adjustment Assistance shall promptly publish notice in the FEDERAL REGISTER that the petition has been received. The Director shall initiate, or order to be initiated, such investigation as he determines to be necessary and appropriate. The investigation may include one or more field visits to verify information furnished by the petitioner(s) and to elicit other relevant information. In the course of the field investigation representatives of the Department shall be authorized to meet with and obtain information from responsible company officials, union officials, employees and other interested parties, or organizations, both private and public as may be necessary to marshal all relevant facts to recommend an appropriate finding with respect to the issuance of a determination of eligibility to apply for

JUN 28 77
UM

adjustment assistance. Upon conclusion of the investigation a report thereof, including a recommendation regarding group eligibility shall be made, as more specifically defined in § 90.16 of this Part 90.

§ 90.13 Public hearings.

(a) *When held.* A public hearing shall be held in connection with an investigation instituted under § 90.12 whenever, not later than ten (10) days after the date of publication in the FEDERAL REGISTER of the notice of receipt of the petition, such a hearing is requested in writing by:

(1) The petitioner; or

(2) Any other person found by the Secretary or certifying officer to have a substantial interest in the proceedings. Such petitioner and other interested persons shall be afforded an opportunity to be present, to produce evidence, and to be heard.

(b) *Form of request.* A request for public hearing shall be filed in the same manner as provided for filing of petitions and other documents under § 90.-31(a). A request by a person other than the petitioner shall contain:

(1) The name, address, and telephone number of the person, organization, or group requesting the hearing; and

(2) A complete statement of the relationship of the person, organization, or group requesting the hearing to the petitioner or the subject matter of the petition and a statement of the nature of its interest in the proceeding.

(c) *Time and place.* Public hearings will be held at the time and place specified in a notice published in the FEDERAL REGISTER. Such notice shall be published at least seven (7) calendar days before the scheduled hearing.

(d) *Presiding officers.* A certifying officer shall conduct and preside over public hearings.

(e) *Order of testimony.* Witnesses will testify in the order designated by the presiding officer. Each witness, after being duly sworn, will proceed with testimony. After testifying, a witness may be questioned by the presiding officer or an agent designated by the presiding officer. Any person who has entered an appearance in accordance with paragraph (k) of this section may direct questions to the witness, but only for the purpose of assisting the presiding officer in obtaining relevant and material facts with respect to the subject matter of the hearing.

(f) *Evidence.* Witnesses may produce evidence of a relevant and material nature to the subject matter of the hearing.

(g) *Briefs.* Briefs of the evidence produced at the hearing and arguments thereon may be presented to the presiding officer by parties who have entered an appearance. Three (3) copies of such briefs shall be filed with the presiding officer within ten (10) days of the completion of the hearing.

(h) *Oral argument.* The presiding officer shall provide opportunity for oral argument after conclusion of the testimony in a hearing. The presiding officer will determine in each instance the time to be allowed for argument and the allocation thereof.

(i) *Authentication of evidence.* Evidence, oral or written, submitted at hearings, will upon order of the presiding officer be subject to verification from books, papers, and records of the parties submitting such evidence and from any other available sources.

(j) *Transcripts.* All hearings will be stenographically reported. Persons interested in transcripts of the hearings may inspect them at the U.S. Department of Labor in Washington, D.C., or purchase copies as provided in 29 CFR 70.62(c).

(k) *Appearances.* The petitioner or any other person showing a substantial interest in the proceedings may enter an appearance at a hearing, either in person or by a duly authorized representative.

§ 90.14 Subpena power.

(a) The Secretary or certifying officer may require by subpena the attendance and testimony of witnesses and the production of evidence necessary to make a determination.

(b) If a person refuses to obey a subpena issued under paragraph (a) of this section, the Secretary or a certifying officer may petition the United States district court within the jurisdiction of which the proceeding is being conducted requesting an order requiring compliance with such subpena.

(c) Witnesses subpenaed under this section shall be paid the same fees and mileage as are paid for like services in the District Court of the United States. The witness fees and mileage shall be paid by the United States Department of Labor.

(d) Subpenas issued under paragraph (a) of this section shall be signed by a certifying officer and shall be served either in person by an authorized representative of the Department of Labor or by certified mail, return receipt requested. The date for compliance shall be not earlier than seven (7) calendar days following service of the subpena.

§ 90.15 Recommendation.

As promptly as possible, but in any event not later than 45 days after the filing of a worker petition, the Director of the Office of Trade Adjustment Assistance shall submit to the certifying officer recommendations concerning whether or not to issue a certification of eligibility to apply for adjustment assistance. These recommendations shall be forwarded together with an investigative report, proposed findings of fact, transcripts of any public hearing conducted under this subpart, and other material developed during the investigation.

§ 90.16 Determinations and certifications of eligibility to apply for adjustment assistance.

(a) *General.* Not later than 15 days after receipt of the recommendations forwarded pursuant to § 90.15, the certifying officer shall make a determination on the petition and where affirmative issue a certification of eligibility as provided below.

(b) *Requirements for determinations.* After reviewing the material submitted under § 90.15, including any supplemental material which may be required in reaching a determination the certifying officer shall make findings of fact concerning whether:

(1) A significant number or proportion of the workers in such workers' firm (or an appropriate subdivision of the firm) have become, or are threatened to become, totally or partially separated;

(2) Sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) Increases (absolute or relative) of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production. For purposes of this paragraph and part, the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

(c) *Notice of affirmative determination and certification of eligibility.* Upon reaching a determination on a petition that a group of workers has met all the requirements set forth in section 222 of the Act and paragraph (b) of this section, the certifying officer shall issue a certification of eligibility to apply for adjustment assistance and shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall include the certification of eligibility and shall constitute a Notice of Determination and Certification of Eligibility.

(d) *Contents of certification of eligibility.* The certification shall specify in detail:

(1) The firm or subdivision thereof at which the workers covered by the certification have been employed (which need not be limited to the unit specified in the petition), and may identify individual workers by name; and

(2) The impact date(s) on which the total or partial separations of the workers covered by the certification began or threatened to begin. When applicable, the certification shall specify the date(s) after which the total or partial separations of the petitioning group of workers from the firm or subdivision thereof specified in the certification are no longer attributable to the conditions set forth in paragraph (b) of this section. For purposes of this section, the "impact date" is the earliest date on which any part of the total or partial separations involving a significant number or proportion of workers began or threatened to begin.

(e) *Exclusions from coverage of a certification of eligibility.* A certification of eligibility to apply for adjustment assistance shall not apply to any worker:

(1) Whose last total or partial separation from the firm or appropriate subdivision occurred more than one (1) year before the date of the petition; or

(2) Whose last total or partial separation from the firm or appropriate subdivision occurred before October 3, 1974.

(f) *Notice of negative determination.* Upon reaching a determination that a group of workers has not met all the requirements set forth in section 222 of the Act and paragraph (b) of this section, the certifying officer shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determinations (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Negative Determination.

(g) *Notice of Determinations.* A notice of certification may contain a notice of negative determination with respect to certain segments of workers. Such notice shall constitute a Notice of Determinations.

§ 90.17 Termination of certifications of eligibility.

(a) *Investigation.* Whenever the Director of the Office of Trade Adjustment Assistance has reason to believe, with respect to any certification of eligibility that the total or partial separations from a firm or appropriate subdivision thereof are no longer attributable to the conditions specified in section 222 of the Act and § 90.16(b), the Director shall promptly make an investigation. Notice of the initiation of the investigation shall be published in the FEDERAL REGISTER and shall be transmitted to the group of workers concerned.

(b) *Opportunity for comment and hearing.* Within 10 days after publication of the notice under paragraph (a) of this section, the group of workers or other persons showing a substantial interest in the proceedings may request a public hearing or may make written submissions to show why the certification should not be terminated. If a hearing is requested under this paragraph, such hearing shall be conducted in accordance with § 90.13.

(c) *Recommendation.* Upon the conclusion of any public hearing conducted under this section, and after consideration of any written comments received under paragraph (b) of this section, the Director shall recommend to the certifying officer whether or not the certification should be terminated.

(d) *Notice of termination.* Within ten (10) days of receipt of a report recommending termination of a certification of eligibility, the certifying officer shall determine whether or not such certification shall be terminated. Upon reaching a determination that the certification of eligibility shall be terminated, the certifying officer shall make findings of fact and shall promptly have published in FEDERAL REGISTER a summary of the determination and the reasons therefor (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Termination. Such termination shall apply only with respect to total or partial separations occurring after the termination date specified by the certifying officer. The termination date specified by the certifying officer shall be not sooner than the date on which notice of such termination is published in the FEDERAL REGISTER.

(e) *Notice of Partial Termination.* A notice of termination may cover only a portion of the group of workers specified in the certification. Such notice shall constitute a Notice of Partial Termination.

(f) *Notice of Continuation of Certification.* Upon reaching a determination that the certification of eligibility should be continued, the certifying officer shall promptly publish in the FEDERAL REGISTER a summary of the determination with the reasons therefor. Such summary shall constitute a Notice of Continuation of Certification.

§ 90.18 Reconsideration of determinations.

(a) *Determinations subject to reconsideration; time for filing.* Any worker, group of workers, certified or recognized union, or authorized representatives of such worker or group, aggrieved by a determination issued pursuant to the Act and §§ 90.16(c), 90.16(f), 90.16(g), or 90.17(d) may file an application for reconsideration of the determination with the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, Washington, D.C. 20210. All applications must be in writing and must be filed no later than thirty (30) days after the notice of the determination has been published in the FEDERAL REGISTER.

(b) *Contents of application for reconsideration.* An application for reconsideration shall include: (1) Name(s), address(es), and telephone number of the applicant(s); (2) The name or a description of the group of workers on whose behalf the application for reconsideration is filed; (3) The name and case number of the determination complained of; and (4) A statement of reasons for believing that the determination complained of is erroneous. If the application is based, in whole or in part, on facts not previously considered in the determination, such facts shall be specifically set forth. If the application is based, in whole or in part, on an allegation that the determination complained of was based on mistake of facts which were previously considered, such mistake of facts shall be specifically set forth. If the application is based, in whole or in part, on an allegation as to a misinterpretation of facts or of the law, such misinterpretation shall be specifically set forth.

(c) *Determination regarding application for reconsideration.* Not later than fifteen (15) days after receipt of the application for reconsideration, the certifying officer shall make and issue a determination granting or denying reconsideration. The certifying officer may grant an application for reconsideration under the following circumstances: (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous; (2) If it appears that the determination complained of was based on mistake in the determination of facts previously considered; or (3) If, in the opinion of the certifying officer, a misinterpretation of facts or of the law justifies reconsideration of the determination.

(d) *Notice of affirmative determination regarding application for reconsideration.* Upon reaching a determination that an application for reconsideration meets the requirements of paragraph (c) of this section, the certifying officer shall issue an affirmative determination regarding the application and shall promptly publish notice in the FEDERAL REGISTER that the application for reconsideration has been received and granted. Such notice shall constitute a Notice of Affirmative Determination Regarding Application for Reconsideration.

(e) *Notice of negative determination regarding application for reconsideration.* Upon reaching a determination that an application for reconsideration does not meet the requirements of paragraph (c) of this section, the certifying officer shall issue a negative determination regarding the application and shall promptly publish in the FEDERAL REGISTER a summary of the determination, including the reasons therefor. Such summary shall constitute a Notice of Negative Determination Regarding Application for Reconsideration. A negative determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 250 of the Act and § 90.19(a).

(f) *Opportunity for comment.* Within ten (10) days after publication of a notice under paragraph (d) of this section, the group of workers or other persons showing an interest in the proceedings may make written submissions to show why the determination under reconsideration should or should not be modified.

(g) *Determinations on reconsideration.* Not later than forty-five (45) days after reaching an Affirmative Determination Regarding Application for Reconsideration, the certifying officer shall make a determination on the reconsideration.

(h) *Notice of revised certification of eligibility and notice of revised determination.* Upon reaching a determination on reconsideration that a group of workers has met all the requirements set forth in Section 222 of the Act and paragraph (b) of § 90.16, the certifying officer shall issue a revised determination concerning certification of eligibility to apply for adjustment assistance and shall promptly publish in the FEDERAL REGISTER a summary of the revised determination together with the reasons for making such revised determination (with the exception of information which the certifying officer determines to be

JUN 28 77
UM

confidential). Such summary shall include a certification of eligibility in accordance with paragraph (d) of § 90.16. The summary shall constitute a Notice of Revised Certification of Eligibility when the determination under reconsideration was a certification of eligibility. The summary shall constitute a Notice of Revised Determination when the determination under reconsideration was a negative determination or a certification containing a negative determination. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 250 of the Act and § 90.19(a).

(i) *Notice of negative determination on reconsideration.* Upon reaching a determination on reconsideration that a group of workers has not met all the requirements set forth in section 222 of the Act and paragraph (b) of § 90.16, the certifying officer shall issue a negative determination on reconsideration and shall promptly publish in the FEDERAL REGISTER a summary of the determination together with the reasons for making such determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Negative Determination on Reconsideration. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 250 of the Act and § 90.19(a).

§ 90.19 Judicial review of determinations.

(a) *General.* Pursuant to section 250 of the Act, any worker, group of workers, certified or recognized union, or authorized representative of such worker or group, aggrieved by a final determination issued pursuant to the Act and §§ 90.16(c), 90.16(f), 90.16(g), 90.17(d), 90.18(e), 90.18(h) or § 90.18(i) may file a petition for review of such determination with the United States court of appeals for the circuit in which such worker or group is located or in the United States Court of Appeals for the District of Columbia Circuit. The party seeking judicial review must file for review in the appropriate court within sixty (60) days after the notice of determination has been published in the FEDERAL REGISTER.

(b) *Certified record of the Secretary.* Upon receiving a copy of the petition for review from the clerk of the appropriate court of appeals, the certifying officer shall promptly certify and file in such court the record on which the determination was based. The record shall include transcripts of any public hearings, recommendations received pursuant to § 90.15, the findings of fact made pursuant to §§ 90.16(b), 90.18(e), 90.18(h) or § 90.18(i), and other documents on which the determination was based.

(c) *Further proceedings.* If a case is remanded to the Secretary by the court of appeals for the taking of further evidence, the certifying officer shall direct that further proceedings be conducted in accordance with the provisions of Subpart B of this part, including the taking of further evidence. The certifying officer, after the conduct of such further proceedings, may make new or modified findings of fact and may modify or affirm the previous determination. Upon the completion of such further proceedings, the certifying officer shall certify and file in the appropriate court of appeals the record of such further proceedings.

(d) *Substantial evidence.* The findings of fact by the certifying officer shall be conclusive if the appropriate court of appeals determines that such findings of fact are supported by substantial evidence.

Subpart C—Initiation and Conduct of Study With Respect to Workers in Industry Which is the Subject of an Investigation for Industry Import Relief

§ 90.21 Study.

(a) *Initiation.* Upon notification by the Commission, pursuant to section 224 of the Act, that the Commission has begun an investigation under section 201 with respect to an industry import relief action, the Secretary shall direct the Director of the Office of Trade Adjustment Assistance to immediately begin a study of (1) The number of workers in the domestic industry producing the like or directly competitive article(s) who have been or are likely to be certified eligible for adjustment assistance; and (2) The extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs.

(b) *Report.* The report of the Secretary of the study under section 224(a) of the Act and paragraph (a) of this section shall be made to the President not later than fifteen (15) days after the day on which the Commission makes its report under section 201.

(c) *Release of report.* Upon making the report of the study to the President, the Secretary shall also promptly make the report public (with the exception of information which the Secretary determines to be confidential) and shall have a summary of it published in the FEDERAL REGISTER.

§ 90.22 Dissemination of program knowledge and assistance to workers.

Whenever the Commission makes an affirmative finding under section 201(b) of the Act that increased imports are a substantial cause of serious injury or threat thereof with respect to an industry, the Secretary shall, to the extent feasible, make available to the workers in such industry full information about programs which may facilitate their adjustment to the import competition. He shall provide assistance to such workers in the preparation and processing of petitions and applications for program benefits.

Subpart D—General Provisions

§ 90.31 Filing of documents.

(a) *Where to file, date of filing.* Petitions and all other documents shall be filed at the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, Washington, D.C. 20210. If properly filed, such documents shall be deemed filed on the date on which they are actually received in the Office of Trade Adjustment Assistance.

(b) *Conformity with rules.* Documents filed in support of the initiation of an investigation by the Director of the Office of Trade Adjustment Assistance shall be considered properly filed if they conform with the pertinent rules prescribed in this Part 90. The Director may accept documents in substantial compliance with the pertinent rules of this part provided good and sufficient reason is stated in the document for inability to comply fully with the pertinent rules. The Director cannot waive full compliance with a rule which is required by the Act.

§ 90.32 Availability of information.

(a) *Information available to the public.* Upon request to the Director of the Office of Trade Adjustment Assistance, members of the public may inspect petitions and other documents filed with the Director under the provisions of this Part 90, transcripts of testimony taken and exhibits submitted at public hearings held under the provisions of this Part 90, recommendations to the certifying officer concerning determinations on petitions for certification of eligibility and determinations on termination of the effect of certifications of eligibility, summaries of the certifying officer's determinations concerning certifications of eligibility and terminations of the effect of certifications of eligibility, public notices concerning worker assistance under the Act and other reports and documents issued for general distribution.

(b) *Information not available to the public.* Confidential business information, defined in § 90.33 of this Part 90, shall not be available to the public.

§ 90.33 Confidential business information.

(a) *Definition.* Confidential business information means trade secrets and commercial or financial information which are obtained from a person and are privileged or confidential, as set forth in 5 U.S.C. 552(b) and 29 CFR Part 70.

(b) *Identification of information submitted in confidence.* Business information which is to be treated as confidential shall be submitted on separate sheets each clearly marked at the top, "Business Confidential." When submitted at hearings, such business information shall be offered as a confidential exhibit with a brief description of the nature of the information.

(c) *Acceptance of information in confidence.* The Director of the Office of Trade Adjustment Assistance may refuse to accept in confidence any information which he determines is not entitled to confidential treatment under this section. In the event of such refusal, the person submitting such information shall be notified and shall be permitted to withdraw such information.

§ 90.34 Notice procedures.

Formal notice of a certification, negative determination, or termination shall be transmitted promptly to the group of workers concerned and to all State Employment Security Agencies concerned whenever such notices are published in the FEDERAL REGISTER.

§ 90.35 Transitional provisions.

As more particularly provided in section 246 of the Act, a group of workers, their certified or recognized union, or other duly authorized representative who filed a petition under section 301(a)(2) of the Trade Expansion Act of 1962 before December 3, 1974, may file a new petition under section 221 of this Act if:

(a) The Commission has not rejected such previous petition before April 3, 1975; and

(b) No certification has been issued to the petitioning group under section 302(c) of the Trade Expansion Act of 1962 before April 3, 1975; and

(c) The new petition under section 221 of the Act is filed not later than July 2, 1975.

§ 90.36 Computation of time.

(a) The time periods specified in §§ 90.13(a), 90.18(a), and 90.19(a) will be computed by counting the day after publication in the FEDERAL REGISTER as one, and by counting each succeeding day, including Saturdays, Sundays, and holidays. However, when the final day would fall on a Saturday, Sunday or holiday, the time period will terminate at the end of the next succeeding Federal business day.

(b) The 60-day time period specified in Section 223(a) of the Act will be computed in the same manner as set forth in paragraph (a) of this section, except that the day after the date of filing of the petition shall be counted as the first day.

[FR Doc.77-18497 Filed 6-27-77;8:45 am]

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2610—INTERIM REGULATION ON VALUATION OF PLAN BENEFITS

Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on valuation of plan benefits prescribes the rates and factors to be used for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 for plans that terminated on or after September 1, 1976, but before December 1, 1976. It is necessary to finalize the valuation rates and factors for plans that terminated during the period covered by the rule. The rule's effect is to provide notice of the rates and factors that will be used to value benefits provided under such plans.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006 (202-254-4895).

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 et seq.). The regulation included an appendix containing rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975.

On January 13, 1977, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after September 2, 1974, but before September 1, 1976 (41 FR 48503 et seq.).

On January 26, 1977, the PBGC published for comment in the FEDERAL REGISTER additional rates and factors for valuing benefits in plans that terminated on or after September 1, 1976, but before December 1, 1976 (42 FR 4862 et seq.). No comments were received regarding that proposed amendment to the interim regulation, and accordingly the PBGC hereby adopts the proposed interest rates and factors without change.

Because of the need to provide immediate guidance for the valuation of benefits in plans that terminated before December 1, 1976, and because no adjustment by on-going plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

In consideration of the foregoing, Part 2610 of Chapter XXVI, Code of Federal Regulations is amended by adding a new Table VI to Appendix B as set forth below.

Issued at Washington, D.C., on this 13th day of June 1977.

RAY MARSHALL,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

HENRY ROSE,
Secretary, Pension Benefit Guaranty Corporation.

The following table is added to Appendix B of 29 CFR Part 2610:

* * * * *

VI. The following interest rates and quantities used to value benefits shall be effective for plans which terminate on or after September 1, 1976 and on or before November 30, 1976:

Table I—*Interest rate for valuing immediate annuities.* An interest rate of 7 percent shall be used to value immediate annuities, to compute the quantity "G" in § 2610.6, and for valuing both portions of a cash refund annuity.

Table II—*Interest rate for valuing death benefits.* An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

Table III—*Interest rates and quantities used to value deferred annuities.* The following factors shall be used to value deferred annuities pursuant to § 2610.6:

$k_1 = 1.06$
$k_2 = 1.0475$
$k_3 = 1.035$
$n_1 = 8$
$n_2 = 10$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

[FR Doc.77-18227 Filed 6-27-77;8:45 am]

Title 30—Mineral Resources

CHAPTER II—GEOLOGICAL SURVEY, DEPARTMENT OF THE INTERIOR

PART 211—COAL MINING OPERATING REGULATIONS

Adoption of Procedures to Govern Surface Coal Mining Reclamation Operations on Federal Coal Leases in Colorado

AGENCY: Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This document adopts as Federal regulations a Cooperative Agreement between the Department of the Interior and the State of Colorado that governs the administration and enforcement of reclamation laws affecting Federal coal leases in Colorado. These regulations will minimize the duplication of existing Federal and State administration and enforcement actions on Federal coal leases.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert Uram, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4803.

SUPPLEMENTARY INFORMATION: On May 23, 1977, the Department proposed to enter into a Cooperative Agreement with Colorado that would govern the administration and enforcement of reclamation standards on federal coal leases in Colorado. 42 FR 26218. The proposed agreement gives Colorado the basic responsibility for enforcing coal reclamation standards in that State.

The Agreement is made under regulations to govern the management of federally owned coal resources that the Department adopted on May 17, 1976. 41 FR 20252. Those regulations authorize the Department to enter into cooperative agreements with states in which Federal coal leases have been or will be issued for the purpose of avoiding duality in the administration and enforcement of surface coal mine reclamation operations. 30 CFR 211.75(b).

A fuller explanation of the background of this agreement may be found in the preamble to the proposal and in the pre-

amble to the May 17, 1976, regulations.

The Department allowed public comment on the proposed adoption of the Cooperative Agreement until June 6, 1977; no comments were received.

Only 1 change from the proposal has been made in the final rules published today: an effective date of July 1, 1977, has been inserted in the Cooperative Agreement.

Dated: June 22, 1977.

CECIL D. ANDRUS,
Secretary.

1. Title 20 CFR 211.10 is amended by adding a new paragraph (e)(6) to read as follows:

§ 211.10 Exploration and mining plans.

* * * * * *

(e) *States with § 211.75(b) agreements.* * * *

(6) Colorado. A Federal coal lessee in the State of Colorado who must submit a mining plan or permit under both State and Federal law shall submit in lieu of the mining plan required in this section, a mining plan containing the information required by:

(i) 34–32–112, C.R.S. (1973);

(ii) Colorado Mined Land Reclamation Board Rules and Regulations, Rule 2, Section 2.1 (referred to as "Board Rule");

(iii) 30 CFR 211.10(c); and

(iv) A statement certifying that a copy of the plan has been given to the State of Colorado and the Secretary.

2. Title 30, § 211.74 is amended by adding a new paragraph (g)(6) to read as follows:

§ 211.74 Variances.

* * * * * *

(g) *States with § 211.75(b) agreements* * * *

(6) Colorado. A Federal coal lessee in the State of Colorado shall request and receive variances from the State of Colorado and the Secretary under the provisions of 30 CFR 211.74.

3. Title 30 § 211.77 is amended by adding a new paragraph (f) to read as follows:

§ 211.77 States with cooperative agreements.

* * * * * *

(f) Colorado. The administration and enforcement of reclamation requirements on federal coal leases in Colorado subject to this part shall be done according to the Cooperative Agreement between the State of Colorado and the Department of the Interior. The Cooperative Agreement is published at [date and page of publication of final rule to be inserted], and is available at appropriate offices of the Department of the Interior.

4. The State of Colorado and the Department of the Interior enter into a Cooperative Agreement to designate the State of Colorado as the principal party to administer surface coal mine reclamation operations on Federal coal leases in Colorado to read as follows:

Cooperative Agreement Between the United States Department of the Interior and the State of Colorado under Section 32 of the Mineral Leasing Act of 1920, 30 U.S.C. Section 189, and Section 307 of the Federal Land Policy and Management Act of 1976, and 30 CFR 211.75(b).

This agreement (referred to as the Cooperative Agreement) is made between the State of Colorado acting by and through Governor Richard D. Lamm (referred to as the Governor) and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the Secretary).

ARTICLE I—PURPOSE

This Cooperative Agreement provides for a cooperative program between the United States Department of the Interior and the State of Colorado with respect to the administration and enforcement of coal surface mine reclamation requirements under coal leases issued by the Department of the Interior under the Mineral Leasing Act of 1920. The basic purpose of the agreement is to prevent duality of administration and enforcement of surface reclamation requirements by designating the State of Colorado to the extent possible, as the principal entity to enforce reclamation laws and regulations on Federal coal leases in Colorado.

ARTICLE II—EFFECTIVE DATE

The Cooperative Agreement is effective on the 1st day of July, 1977, and remains in effect until terminated as provided in Article IX.

ARTICLE III—REQUIREMENTS FOR COOPERATIVE AGREEMENT

The Governor affirms that the State of Colorado will comply with all of the provisions of this Cooperative Agreement and will continue to meet all the conditions and requirements specified in this Article upon which the approval of the Secretary is based.

A. *Responsible Administrative Agency.* The Colorado Department of Natural Resources and the Colorado Mined Land Reclamation Board (referred to as the State Agency) are, and shall continue to be, the agencies responsible for administering this Cooperative Agreement on behalf of the Governor on Federal coal leases throughout the State.

B. *Authority of State Agency.* The State Agency designated in Paragraph A of this Article has, and shall continue to have, authority to carry out this Cooperative Agreement.

C. *State Reclamation Law.* The State Agency shall ensure that all mining plans approved under this agreement shall afford general protection of the environment at least as stringent as would occur under the exclusive application of 30 CFR part 211, and that the standards used to approve a mining plan of a Federal lessee will not unreasonably impair coal mining that is in the overriding national interest.

D. *Effectiveness of State Procedures.* The existing procedures of the State of Colorado shall be, in the judgment of the Secretary, substantially as effective for the purpose of enforcing the reclamation requirements of 30 CFR part 211 as the procedures of the Department of the Interior.

E. *Inspection of Mines.* The Governor affirms that the State Agency will inspect all mines on Federal coal leases located in the State, in accordance with the minimum schedule in Article V.

F. *Enforcement.* The Governor affirms that the State Agency will enforce the Agreement in a manner that ensures effective environmental protection.

G. *Qualified Personnel.* The State Agencies will have an adequate number of fully qualified personnel necessary for the enforcement of this Cooperative Agreement.

H. *Funds.* The State Agency will, subject to appropriations from the Colorado General Assembly, devote adequate funds for the administration and enforcement of reclamation requirements on Federal coal leases in the State.

I. *Reports and Records.* The State Agencies shall make reports to the Secretary, containing information about its compliance with the terms of this Cooperative Agreement, as the Secretary shall from time to time require. The State Agencies shall also make available to the Secretary, upon request, information developed under this Cooperative Agreement.

The Secretary affirms that the Department of the Interior will comply with all of the provisions of this Cooperative Agreement.

ARTICLE IV—MINE PLANS

Federal regulations, 30 CFR 211.10(c), and State laws and regulations require that the operator of lands leased, permitted or licensed for coal mining receive approval of a mining plan or permit prior to conducting operations.

A. *Contents of Mining Plans and Permits.* The State Agencies and the Secretary agree that a Federal coal lessee must submit a mining plan or permit application under both State and Federal law, which plan or permit must include, at a minimum, the following information:

1. The information required by:

a. 34–32–112, C.R.S. (1973);

b. Colorado Mined Land Reclamation Board Rules and Regulations, Rule 2, Section 2.1 (referred to as "Board Rule"); and

c. 30 CFR 211.10(c).

2. A Statement certifying that a copy of the mining plan or permit application has been given to both the State Agency and the Secretary.

If either the State Agency or the Secretary requires the operator to submit additional information the operator shall submit the information to both the State Agency and the Secretary. The operator will request variances from the mining plan in accordance with 30 CFR 211.74, and shall file the request with the State Agency and the Secretary.

B. *Review of Plan.* The State Agency and the Secretary shall each review and analyze the adequacy of the plan, permit, or request for an amendment or a variance from the plan or permit.

C. *Approval of Mining Plans.* The State Agency shall review the adequacy of the mining plan or permit or any request for a variance from a plan as provided in 34–32–108 and 34–32–112. The State Agency shall notify the Secretary of its action pursuant to such provisions. The Secretary shall then independently review and take action on the mining plan or permit as required by 30 CFR 211.10(d), or request for a variance as required by 30 CFR 211.74, or a change to an approved mining plan or permit which was acted upon by the State Agency. The Secretary shall notify the State Agency of his action and the State Agency shall reconsider the action if necessary to comply with this Cooperative Agreement.

ARTICLE V—INSPECTIONS

A. The State Agency shall inspect as authorized by 34–32–121, C.R.S. (1973), and Board Rule 8, Section 8.1, as frequently as necessary but at least quarterly the operations area of all Federal Coal leases, permits and licenses where operations affecting the reclamation of mined lands are conducted or are to be conducted, for the purpose of determining whether the operator is complying with all applicable laws, regulations and orders and all requirements of approved mining plans that affect the reclamation of mined lands. The State Agency shall also perform all inspections required under 30 CFR 211.41. Such inspections performed in accordance with 30 CFR 211.41 shall be considered in meeting the quarterly inspection requirement.

B. The State Agency will, subsequent to conducting any inspection, file with the Secretary a report on (1) the general conditions of the lands under coal lease, permit or license, (2) the manner in which the operations are being conducted and (3) whether the operator is complying with applicable reclamation requirements. A copy of this report shall be furnished to the operator on request, and shall be made available for public inspection during normal business hours at the offices of the Federal Mining Supervisor

C. For the purpose of evaluating the manner in which the Cooperative Agreement is being carried out and to ensure that reclamation is being effectively performed, the Secretary may inspect from time to time mines on Federal coal leases within the State. Inspections by the Secretary may be made in association with the regular inspection by the State Agency.

D. The Secretary may conduct inspections on Federal coal leases to determine whether the operator is complying with requirements that are unrelated to reclamation.

ARTICLE VI—ENFORCEMENT

A. If the State Agency determines that the operator is not complying with a requirement that relates to the reclamation of lands disturbed by surface mining, it shall take such steps as required by 34–32–124, C.R.S. (1973), and Board Rule 8, Section 8.2.

B. If, in the judgment of the State Agency, an operator is conducting activities on lands subject to this Agreement which fail to comply with a requirement that relates to reclamation and those activities threaten immediate and serious damage to the environment, the State Agency shall take immediate action, as authorized by 34–32–124 (2), C.R.S. (1973).

C. The State Agency shall notify the Secretary of all violations of applicable laws regarding reclamation on Federal coal leases including violations of Federal laws and regulations or lease terms and of all actions taken under 34–32–124, and Board Rule 8, Section 8.2.

D. This section does not limit the Secretary's authority to seek cancellation of a Federal coal lease under Federal laws and regulations, or prevent the Secretary from taking appropriate steps to correct actions that violate Federal law, but not State law, or from taking appropriate measures to remedy violations of a mining plan or other appropriate requirements.

E. Failure to adequately enforce the reclamation laws and regulations shall be grounds for termination of this Cooperative Agreement.

ARTICLE VII—SURETY OR BONDS

A. *Amount and Responsibility.* The State Agency may require Federal coal lessees subject to the provisions of 30 CFR Part 211 to submit surety as provided in 34–32–117, C.R.S. (1973). The Secretary shall reduce the Federal bond required for reclamation purposes under 43 CFR 3041.3 and 30 CFR 211.3, by the amount of the surety required by the State Agency only if the release of all or any portion of the State Agency's surety is conditioned on compliance with the requirements of the approved plan, and the amount released is appropriate to the work completed. Where the surface of the lands is not owned by the United States, the State Agency shall notify the surface owner and solicit and take into account his comments before recommending release of the surety.

B. *Notification.* Prior to releasing the surety provided for in 34–32–117, C.R.S. (1973), for lands the surface on which is owned by the Federal Government, the State Agency shall consult with and seek the advice and consent of the Secretary.

C. *Release of Surety.* The State Agency shall hold the operator responsible and liable for successful reclamation as required by 34–32–117, 34–32–118, C.R.S. (1973).

ARTICLE VIII—OPPORTUNITY TO COMPLY WITH COOPERATIVE AGREEMENT

The Secretary may, at his sole discretion, and without instituting or commencing proceedings for withdrawal of approval of the Cooperative Agreement, notify the State Agency that it has failed to comply with the provisions of the Cooperative Agreement. The Secretary shall specify how the State Agency has failed to comply and shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him that the State Agency has remedied the defects in administration and is in compliance with and has met the requirements of the Secretary. The time period specified shall not be less than 30 days. Upon failure of the State Agency to meet the requirements of the Secretary within the time specified, the Secretary may institute proceedings for withdrawal of approval of the Cooperative Agreement as set forth in Article IX.

ARTICLE IX—TERMINATION OF COOPERATIVE AGREEMENT

The Cooperative Agreement may be terminated as follows:

A. *Termination by the State.* The Cooperative Agreement may be terminated by the Governor upon written notice to the Secretary, specifying the date upon which the Cooperative Agreement shall be terminated, but which date of termination shall not be less than 60 days from the date of the notice.

B. *Termination by the Secretary.* The Cooperative Agreement may be terminated by the Secretary whenever the Secretary finds, after giving due notice to the State Agency and affording the State Agency an opportunity for a hearing:

1. That the State Agency has failed to comply substantially with any provision of the Cooperative Agreement; or

2. That the State Agency has failed to comply with any assurance given by the State Agency upon which the Cooperative Agreement is based, or any condition or requirement which is specified in Article III; or

3. That action unrelated to surface coal mine reclamation will unreasonably and substantially prevent the mining of Federal coal.

C. *Termination by Operation of Law.* This Cooperative Agreement shall terminate by operation of law when no longer authorized by Federal laws and regulations or Colorado laws and regulations.

D. *Notice or Proposed Termination.* Whenever the Secretary proposes to terminate the Cooperative Agreement he shall:

1. Give written notice to the Governor and to the State Agency;

2. Specify and set out in the written notice the grounds upon which he proposes to terminate the Cooperative Agreement:

3. Specify the date upon which and the place where the State Agency will be afforded an opportunity for hearing and to show cause why the Cooperative Agreement should not be terminated by the Secretary. The date upon which such hearing shall be held shall not be less than 30 days from the date of such notice, and the place of hearing shall be in the State.

4. The Secretary shall also publish a notice in the FEDERAL REGISTER containing the items in 1–3 of this paragraph.

5. Within 30 days of the date of the written notice specifying the date of the hearing, the State Agency may file a written notice with the Secretary stating whether or not it will appear and participate in the hearing. The notice shall specify the issues and grounds specified by the Secretary for termination which the State Agency will oppose or contest and a statement of its reasons and grounds for opposing or contesting. Failure to file a written notice in the Office of the Secretary within 30 days shall constitute a waiver of the opportunity for hearing, but the State Agency may present or submit before the time fixed for the hearing written arguments and reasons why the Cooperative Agreement should not be terminated, and within the discretion of the Secretary may be permitted to appear and confer in person and present oral or written statements, and other documents relative to the proposed termination.

E. *Conduct of Hearing.* The hearing will be conducted by the Secretary. A record shall be made of the hearing and the Governor shall be entitled to obtain a copy of the transcript. The Governor shall be entitled to have legal and technical and other representatives present at the hearing or conference, and may present, either orally or in writing, evidence, information, testimony, document, records, and materials as may be relevant and material to the issues involved.

F. *Notice of Withdrawal of Approval of Cooperative Agreement.* After a hearing has been held, or the right to a hearing has been waived or forfeited by the State Agency, the Secretary, after consideration of the evidence, information, testimony, and arguments presented to him shall advise the Governor of his decision. If the Secretary determines to withdraw approval of the Cooperative Agreement, he shall notify the State Agency of the intended withdrawal and shall afford the State Agency an opportunity to present evidence satisfactory to the Secretary that the State Agency has remedied the specified defects in its administration of the Cooperative Agreement. The Secretary shall state the period of time within which the defects in administration shall be remedied and satisfactory evidence presented to him, and upon failure of the State Agency to do so within the time stated, the Secretary may thereupon withdraw his approval of the Cooperative Agreement without any further opportunity afforded to the State Agency for a hearing.

ARTICLE X—REINSTATEMENT OF COOPERATIVE AGREEMENT

The Cooperative Agreement which has been terminated may be reinstated upon application by the Governor and upon giving evidence satisfactory to the Secretary that the State Agency can and will comply with all the provisions of the Cooperative Agreement and has remedied all defects in administration for which the Cooperative Agreement was terminated.

ARTICLE XI—AMENDMENTS OF COOPERATIVE AGREEMENT

This Cooperative Agreement may be amended by mutual agreement of the Governor and the Secretary. An amendment proposed by one party shall be submitted to the other with a statement of the reasons for such proposed amendment. The party to whom the proposed amendment is submitted shall signify its acceptance or rejection of the proposed amendment, and if rejected

shall state the reasons for rejection. Upon acceptance by the Governor and the Secretary, the amendment shall be adopted after Federal rulemaking.

ARTICLE XII—CHANGES IN STATE OR FEDERAL STANDARDS

The Secretary of the Interior or the State of Colorado may from time to time revise and promulgate new or revised reclamation requirements or enforcement and administration procedures. The Secretary and the State Agency shall immediately inform the other of any final changes in their respective laws or regulations. Each party shall, if it determines it to be necessary to keep this Cooperative Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes. For changes which require legislative authorization, each party has until the close of its next legislative session at which such legislation can be considered in which to make the changes. If such changes are not made, then the termination provision of Article IX may be invoked.

ARTICLE XIII—QUALIFICATIONS AND EXPERIENCE OF PERSONNEL

The State Agency shall be adequately staffed with, or have readily available to it an adequate number of qualified personnel to carry out fully the requirements of the Cooperative Agreement. The personnel of the State Agency shall be so qualified that the end result of their efforts is comparable to that which would have resulted from administration by Department of the Interior personnel.

ARTICLE XIV—CONFLICT OF INTEREST

No employee of the State Agency responsible for the administration of the State law and rules and regulations relating to this Cooperative Agreement shall participate in the review, analysis, administration, decision-making, or enforcement actions relating to any operation subject to this Cooperative Agreement if such person has, directly or indirectly, any financial interest in a company, partnership, organization, or corporation (parent or subsidiary) which owns, operates or has a financial interest in such operation subject to this Cooperative Agreement.

ARTICLE XV—EQUIPMENT AND LABORATORIES

The State Agency shall have equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses which are necessary to carry out the requirements of the Cooperative Agreement can be performed or determined or have access to such facilities.

ARTICLE XVI—EXCHANGE OF INFORMATION

A. *Organizational and Functional Statement.* The Governor and the Secretary shall advise each other of the organization, structure, functions, and duties of the offices, departments, divisions, and persons within their organizations. Each shall advise promptly the other in writing of changes in personnel, officials, heads of departments or divisions, or a change in the function or duties of persons occupying the principal offices within the organization. The State Agency and the Secretary shall advise each other in writing the location of its various offices, addresses, telephone numbers, and the names, location, telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible, and shall advise promptly of any changes in such.

B. *Laws, Rules and Regulations.* The Governor and the Secretary shall provide to each other copies of their respective laws, rules, regulations and standards, pertaining to the enforcement and administration of this Cooperative Agreement and promptly furnish copies of any final revision of such laws, rules, regulations, and standards when the revision becomes effective.

ARTICLE XVII—RESERVATION OF RIGHTS

This Cooperative Agreement shall not be construed as waiving or preventing the assertion of any rights the State of Colorado and the Secretary may have under the Mineral Leasing Act, the Constitution of the United States, or the Constitution or laws of the State of Colorado.

RICHARD D. LAMM,
Governor,
State of Colorado.

CECIL D. ANDRUS,
Secretary,
Department of the Interior.

MAY 12, 1977.

[FR Doc.77-18396 Filed 6-27-77;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 211—ADMINISTRATION

Administrative Review Procedures

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the administrative review procedures of the Forest Service by deleting regulation 36 CFR 211.2 and substituting new material in 36 CFR 211.19. The revision is designed to improve the review process by modifying time periods and clarifying the appeal stages and appropriate documents involved.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Don D. Seaman, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone 703–235–8139.

SUPPLEMENTARY INFORMATION: The proposed revision was published for comment on December 13, 1976 (41 FR 54200). Interested parties were given until January 17, 1977, to submit written data, views, or objections pertaining to the proposed revision. Significant changes include the following: (1) Clarification of appeals on procedural matters; (2) clarification of notification requirements when a decision is made; (3) modification of time limits; (4) deletion of formalized reconsideration as an appeal procedure; (5) clarification of the oral presentation procedure, including its discretionary character; and (6) clarification of provisions for multiple party participation in the review process.

The comments filed in response to the notice of proposed revision have been carefully considered. Many of the suggested clarifications and modifications concerned syntax, format, and grammatical consistency. More substantive comments submitted and results of their consideration are summarized as follows:

Comment. The regulations are too restrictive as to time periods and do not allow appellants adequate opportunity for discovery, filing of motions, and participation in more formally structured oral hearing procedures; matters subject to review are too limited by the language "any written decision."

Response. Time periods for filing appeals and related documents are consistent with those of the preceding regulation (36 CFR 211.2) which were found in practice to be reasonable for both appellants and the Forest Service. In fact, the time periods were made more flexible, in conjunction with specific notification requirements to allow appropriate periods for appellants entitled to specific notice of a decision as distinct from those whose notification would be in a generalized manner such as media publication. Also, time periods for appealing procedural decisions were extended from 15 to 30 days. While some specific guidelines are necessary for this review procedure to function effectively, it is not intended to be an adjudicatory process with attendant formalized discovery and adversary procedures. The regulation refines an informal process, accessible to a wide variety of potential appellants, with a minimum of legalistic procedures. Paragraph (a) was revised to expand the matters subject to review beyond decisions which are "written," because it was recognized that not all decisions which may be appellable are reduced to writing.

Comment. Reconsideration should be retained in the regulation to allow a Forest Officer the opportunity to change a decision before it is necessary to go through the whole appeal process.

Response. Deletion of this procedure does not prohibit a Forest Officer from discussing a decision with a potential appellant and reconsidering informally, thus obviating the need for proceeding with a full appeal. However, experience under the superseded regulation (36 CFR 211.2) has indicated that formalized reconsideration often operates to delay a final decision, while duplicating other measures which serve equally well to create a record and clarify the issues in dispute.

Comment. Appeal papers should not be submitted to the officer who made the decision because his objectivity is questionable.

Response. The deciding officer has no authority regarding any rulings on the appeal. Because he made the disputed decision he is familiar with the record and is the logical person to assemble all necessary documents for transmittal to the Reviewing Officer.

Comment. The appeal record should be defined.

Response. A new paragraph (l) has been added, specifying those documents which comprise the administrative review record.

Comment. The regulation should provide for appeal to the Secretary of any decision by the Chief, not just original decisions by the Chief.

Response. A provision is added which requires that the Secretary be provided with copies of all Chief's decisions. While an appellant has no right to request Secretarial review of nonoriginal decision by the Chief, the Secretary is entitled, on his own motion, to review such decisions within a limited period of time.

Comment. Intervention in an appeal should be available to any interested party without being limited to the Reviewing Officer's discretion.

Response. Paragraph (p) was revised to accommodate two types of multiple party situations. Any person or organization may submit comments on an appeal and the comments will be added to the record. Intervention in the appeal, however, is limited to those having an immediate interest and is at the Reviewing Officer's discretion. To solve the problem of notifying all parties of interventions, appellants and intervenors are required to furnish each other copies of all relevant documents.

A new section, Continuance of Appeals, was added to clarify any applicability of the superseded regulations and the dates involved. Two procedural decisions—rulings on timeliness and rulings on intervention—were added to paragraph (c). This regulation is being renumbered as § 211.19 in order to place it under Subpart B where it logically belongs.

Other than reflected above, there are no changes in substance.

The regulations are hereby amended as follows:

§ 211.2 [Reserved]

(1) By deleting and reserving § 211.2 and § 211.20–211.37, and

(2) By setting forth a new § 211.19 of Subpart B to read as follows:

§ 211.19 Review of decisions of forest officers.

(a) *Matters subject to review.* Any administrative decision of a Forest Service officer concerning the National Forest System and not excluded in paragraph (b) of this section is subject to administrative review under this section.

(b) *Matters excluded from review under this section.* (1) Decisions which are appealable to the Board of Contract Appeals of the Department of Agriculture under 7 CFR Part 24.

(2) Decisions which involve Freedom of Information Act denials under 7 CFR Part 1, Subpart A, or Privacy Act determinations under 7 CFR 1.118.

(3) Decisions in which jurisdiction of another Government agency, the Comptroller General, or a Court supersedes that of the Department of Agriculture.

(4) Decisions which are reviewable under separate procedures, including, but not limited to, those under 36 CFR 252.14, 36 CFR 292.15(1), and 7 CFR 21.104.

(5) Decisions concerning contracts under the Federal Property and Administrative Services Act of 1949.

(6) Decisions which involve personnel matters.

(7) Decisions where the relief sought is reformation of a contract or the award of monetary damages.

(c) *Decisions on procedural matters.* Procedural decisions shall be appealed within 30 days after they are made. Such decisions include, but are not limited to, the following:

(1) Available levels of review.

(2) Rulings on requests for stay.

(3) Rulings on requests for extensions of deadlines.

(4) Rulings as to whether matters are excluded from review under this section.

(5) Rulings on timeliness.

(6) Rulings on intervention.

(d) *Notice.* (1) Written notice of a decision shall be provided to the party or parties to a written instrument issued by the Forest Service and affected by the decision, and to any other interested person who has requested in writing notification of the specific decision.

(2) For persons not included under paragraph (d)(1) of this section, notification of a decision may be provided through publication in a newspaper of general circulation.

(e) *Decisions final unless appealed within 45 days.* Except as provided in paragraph (c) of this section, a decision shall be final unless an appeal is filed (or a stay is granted) within 45 days of the date of the decision or within 30 days of the date of receipt of the decision by parties entitled to notification under paragraph (d)(1) of this section. Implementation shall not be affected by the right to appeal unless a stay is granted.

(f) *Timely appeals.* Appeals must be filed in writing within the time limits of paragraph (e) of this section. Any paper filed pursuant to this section shall be deemed to have been filed when it is postmarked, or when it is received if other than the United States mails are used to accomplish delivery. If the date of mailing cannot be determined from the postmark, other evidence of mailing may be required by the Forest Officer. Saturdays, Sundays, and Federal holidays shall be included in computing the time allowed for filing, but when such time expires on a Saturday, Sunday, or Federal holiday, the time shall be extended to include the next following business day.

(g) *No extension for filing appeals.* The time for filing a notice of appeal may not be extended.

(h) *Format for appeal notice.* A notice of appeal must be in writing and must be filed with the Forest Officer who made the decision being appealed. The notice should identify specifically the decision being appealed, including its date, subject, the Forest Officer responsible for the decision, and the Reviewing Officer to whom the appeal is directed. The relief requested should be described specifically. Any statement of reasons supporting the appeal must be included, or submitted within 15 days of the filing of the notice of appeal.

(i) *Stay of decision pending appeal.* A stay shall be considered only if the appellant submits information explaining the request for stay. The Forest Officer receiving such information shall immediately transmit the request to the Reviewing Officer, who shall, within 10 days of receipt, grant or deny the stay and notify the appellant in writing. No decision on the merits, in a case in which a stay was granted, shall be implemented during the 10-day period following the date of that decision.

(j) *Levels of review.* (1) The available levels of review are limited to the following sequence and number:

(i) Initial decisions of a District Ranger are subject to review by the Forest Supervisor, and, subsequently, by the Regional Forester.

(ii) Initial decisions of a Forest Supervisor are subject to review by the Regional Forester, and, subsequently, by the Chief.

(iii) Initial decisions of a Regional Forester are subject to review by the Chief.

(iv) Initial decisions of the Chief may be reviewed by the Secretary of Agriculture at his discretion. The request for review is deemed denied if the Secretary takes no action within 30 days after receiving the appeal.

(2) Decisions on review by the Chief shall be made available to all parties and to the Secretary. On his own initiative the Secretary may decide to review such a decision within 10 days of receipt. The Secretary will not consider any request for such review.

(3) The entry of additional parties at any stage does not extend the levels of review available or alter time requirements.

(4) A decision of a subordinate to a contracting officer of the Forest Service as defined in 7 CFR 24.10(d) on a contractual matter appealable to the Board of Contract Appeals under 7 CFR 24.4 (e) shall be subject to review by such contracting officer in accordance with the procedures of this section but shall be limited to a one-level review under this section.

(k) *Procedures for review.* At each level of review, the Forest Officer responsible for the decision shall, following receipt of a statement of reasons, prepare a responsive statement concerning the decision being contested. Such a statement shall be prepared within 30 days of receipt of appellant's statement of reasons and a copy shall be furnished to appellant. The appellant does not have to reply to this responsive statement, but may choose to do so by filing a concise reply within 15 days after receiving the statement. After compiling the review record as it is defined in paragraph (l) of this section, the Forest Officer shall transmit the entire record to the Reviewing Officer for his consideration.

(l) *Administrative review record.* The administrative review record shall consist of one identifiable set of documents, open for public inspection, containing the

JUN 28 77
UM

following: All notices of appeal, comments, statements of reasons by appellants and third parties, procedural determinations, all correspondence, summaries of oral presentations and accompanying documents, decisions of reviewing officers, and such other documents or materials as may, in the discretion of any reviewing officer, be considered necessary to reach a decision.

(m) *Decision on review.* A review decision shall be based only on the record, as defined in paragraph (l) of this section, and should be made within 30 days of the Reviewing Officer's receipt of the complete record. If it becomes necessary for the decision period to exceed 30 days, the Reviewing Officer shall so notify the appellant in writing.

(n) *Remand for additional information or further action.* If, on review, the record is considered inadequate to support a decision on the appeal, the Reviewing Officer may request such additional evidence or information as may be appropriate or may remand the case with instructions for further action.

(o) *Oral presentation.* The appellant may, at the time of filing the statement of reasons in an appeal, request in writing the opportunity to present his views orally to the Reviewing Officer or his designee, and to include documentary evidence relevant to such oral presentation. The request shall be submitted to the Forest Officer responsible for the decision being appealed. The Reviewing Officer shall, within 15 days of the request, grant or deny the request and notify the appellant in writing of his decision. If an oral presentation is allowed, the Reviewing Officer shall determine the date, location, and Forest Service representative to hear the presentation. Subsequently, the appeal record shall include a brief summary of the oral presentation and any documentary evidence received at the presentation.

(p) *Multiple parties.* (1) Any person or organization may participate in an administrative review at any level by submitting written comments to the Reviewing Officer. Such comments will be added to the review record.

(2) At the discretion of the Reviewing Officer, any person or organization having an immediate interest in the subject of an administrative review may intervene at any level of the review process, subject to the same procedural requirements as the original appellants.

(i) Appellants and intervenors must concurrently furnish copies of all submissions to each other; otherwise, such submissions may be removed from the review record.

(ii) Any party seeking review of a decision at a higher level must furnish copies of a notice of appeal to the decisionmaking officer and to all other named parties to the administrative review.

(iii) In reviews involving multiple parties, the Reviewing Officer may prescribe such special procedures as may be necessary to expedite the decisionmaking process.

(q) *Consolidation of appeals.* Multiple appeals of the same decision may be consolidated by the Reviewing Officer through the issuance of one appeal decision with copies to be sent to all parties.

(r) *Scope of appeal.* The appellant and any intervenor shall, throughout all levels of review, be confined to the subject matter of the decision originally appealed.

(s) *Administrative finality.* Decisions at the final level of review specified in paragraph (j) of this section shall constitute the final administrative determinations of the Department of Agriculture.

(t) *Continuance of appeals.* The provisions of 36 CFR 211.20 to 211.37 and the Rules of Procedure of the Board of Forest Appeals (36 CFR 211.101 to 211.119) shall remain in effect for cases pending on September 25, 1974. The provisions of 36 CFR 211.2 shall remain in effect for cases filed between September 26, 1974, and the effective date of 36 CFR 211.19 (July 28, 1977).

§§ 211.20–211.37 [Reserved]

(30 Stat. 35 as amended, 50 Stat. 526 (16 U.S.C. 551, 7 U.S.C. 1011(f), 5 U.S.C. 301).)

M. RUPERT CUTLER,
Assistant Secretary.

JUNE 22, 1977.

[FR Doc.77-18492 Filed 6-27-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 753-2, PP 4F1646/R132]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiabendazole

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide thiabendazole. The amendment was requested by Merck & Co. This rule establishes a maximum permissible level for residues of thiabendazole on soybeans.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, DC 20460, 202-426-2456.

SUPPLEMENTARY INFORMATION: On July 25, 1975, notice was given (39 FR 26929) that Merck & Co., Inc., PO Box 2000, Rahway, NJ 07065, had filed a pesticide petition (PP 4F1646) with the EPA.

This petition proposed that 40 CFR 180.242 be amended to establish a tolerance for residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the raw agricultural commodity soybeans at 0.1 part per million (ppm).

No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought.

The data supporting this petition does not include a second carcinogenic study (mouse). However, the chronic feeding study in the rat was performed under a protocol considered adequate for carcinogenic potential evaluation. This study did not provide any evidence that thiabendazole would be considered a presumptive carcinogenic risk. Thus the Agency considers that the 0.1 ppm tolerance is adequate to protect the public health. The requirement for carcinogenic potential evaluation in a second species (mouse) is not waived and the petitioner will be required results of such a study to the Agency within 36 months of final issuance of this regulation. Should oncogenic effects be found in the study when submitted, the petitioner has agreed not to contest revocation of the subject regulation.

The scientific data considered in support of the tolerance were two-year rat and dog-feeding studies, rat and mouse reproduction studies, and subacute studies on rats, sheep, and other farm animals. Based on a rat study, the no-effect level is 10 milligrams (mg)/kilogram (kg)/day. This results in an allowable daily intake (ADI) of 0.1 mg/kg/day and a maximum permissible intake (MPI) of 6 mg/day. Existing and proposed tolerances result in a maximum theoretical exposure of 1 mg/day. Tolerances have previously been established for residues of thiabendazole in or on a variety of raw agricultural commodities, ranging from 10 ppm to 0.1 ppm. An adequate analytical method (spectrophotofluorometry) is available to enforce the tolerance established by this amendment. Tolerances for residues of thiabendazole on wheat grain and wheat straw are currently pending (PP 4F1518).

The existing meat and milk tolerances are adequate to cover any residues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2), and there is no reasonable expectation of residues in eggs and poultry (40 CFR 180.6(a)(3)). It has been determined that the tolerance established by amending 40 CFR 180.242 will protect the public health, and it is concluded, therefore, that the tolerance be established as set forth below.

Any person adversely affected by this regulation may, on or before July 28, 1977, file written objections with the Hearing Clerk, EPA, East Tower, Rm. 1019, 401 M St. SW., Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 28, 1977. Part 180 is amended as set forth below.

(Sec. 408(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Dated: June 15, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.242 is revised in its entirety by editorially reformatting the section into two alphabetized columnar listings and alphabetically inserting a tolerance of 0.1 ppm on soybeans in paragraph (a) to read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

(a) Tolerances are established for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in or on the following raw agricultural commodities:

Commodity:	Parts per million
Apples (post-h)	10
Bananas (post-h)	3
Bananas, pulp (post-h)	.4
Beets, sugar without tops (pre-h)	.25
Beets, sugar, tops	10
Citrus fruits (post-h)	10
Pears (post-h)	10
Potatoes (pre and post-h)	3
Soybeans	.1
Squash, Hubbard	1

(b) Tolerances are established for combined residues of thiabendazole and its metabolite 5-hydroxythiabendazole in the following raw agricultural commodities:

Commodity:	Parts per million
Cattle, fat	0.1
Cattle, mbyp	.1
Cattle, meat	.1
Goats, fat	.1
Goats, mbyp	.1
Goats, meat	.1
Hogs, fat	.1
Hogs, mbyp	.1
Hogs, meat	.1
Horses, fat	.1
Horses, mbyp	.1
Horses, meat	.1
Milk	.1
Sheep, fat	.1
Sheep, mbyp	.1
Sheep, meat	.1

[FR Doc.77-18517 Filed 6-27-77;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 4—DEPARTMENT OF AGRICULTURE

PART 4-8—TERMINATION OF CONTRACTS

Procurement

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This amendment is a general update of contract termination regulations including editorial revisions and organizational name changes. These amendments correct and clarify existing policy.

DATE: This rule is effective on June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Douglas I. Metzger, Procurement, Grants and Agreements Management Staff, Office of Operations, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7527.

SUPPLEMENTARY INFORMATION: This amendment involves matters relating to agency management and contracting and, while not subject by law to the notice and public procedure requirements for rulemaking under 5 U.S.C. 553, is subject to the Secretary's Statement of Policy (36 FR 13804). The amendment corrects or clarifies existing policy. No useful purpose would be served by public participation, and it is found upon good cause, in accordance with the Secretary's Policy Statement, that notice and other public procedures with respect to the amendment are impracticable and unnecessary.

1. The Table of Contents is amended by deleting §§ 4-8.211 and 4-8.211-2.

Sec.

* * * * * * *

4-8.211 [Deleted]
4-8.211-2 [Deleted]

* * * * * * *

2. The introductory paragraph of § 4-8.201 is amended as follows:

§ 4-8.201 General.

A contract may be terminated in whole or part when in the public interest to do so, regardless of the fact that it contains no provision authorizing such action. In such event, the contractor's settlement claim shall be handled in accordance with the following policy:

* * * * * * *

§§ 4-8.211 and 4-8.211-2 [Deleted]

3. Sections 4-8.211 and 4-8.211-2 are deleted.

§ 4-8.602 [Amended]

4. Section 4-8.602-3, the fourth sentence reading, "(See 11 Comp. Gen. 81 and 384.)" is deleted.

§ 4-8.650-2 [Amended]

5. Section 4-8.650-2, the third sentence reading, "(See 7 Comp. Gen. 343.)" is deleted.

§ 4-8.650-3 [Amended]

6. Section 4-8.650-3 is amended as follows:

a. In paragraph (a), the third sentence reading, "(Comp. Gen. Decision B-124041 of October 24, 1955)" is deleted.

b. Paragraph (b) is revised to read as follows:

* * * * * * *

(b) *Determination of excess costs.* The excess costs chargeable against a defaulting contractor are computed at time of completion of the relet contract, i.e., after delivery and after payment has been made; not at time of award. However, where the relet contract calls for partial deliveries with partial payments to be made upon delivery, excess costs are computed and are recoverable at the time and in the amount of each payment. The Government may repurchase for an increased quantity. However, the excess costs to be charged against the account of a defaulting contractor are to be computed on the basis of the quantity required by the original contract, with consideration given to the variation clause, if any. When a default involves more than one item and the subsequent repurchase results in a saving on some items and excess costs on others, computation of damages must be made on the basis of the original contract as a whole. Excess cost liability extends equally to discounts offered which the Government could have taken had the contractor not defaulted.

§ 4-8.650-4 [Amended]

7. Section 4-8.650-4 is amended as follows:

a. In paragraph (c), the second sentence reading, "(See 16 Comp. Gen. 374 and 32 Comp. Gen. 67.)" is deleted.

b. Paragraph (d) is deleted.

§ 4-8.650-5 [Amended]

8. Section 4-8.650-5 is amended as follows:

a. The fourth sentence reading, "(See 32 Comp. Gen. 67; and 31 Comp. Gen. 251.)" is deleted.

b. In the fifth sentence the "Office of Plant and Operations" is changed to read "Office of Operations."

(5 U.S.C. 301, 40 U.S.C. 486(c).)

Done at Washington, D.C., this 21st day of June 1977.

E. ALVAREZ,
Director, Office of Operations.

[FR Doc.77-18490 Filed 6-27-77;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-1—INTRODUCTION

Correction

In FR Doc. 77-16653, appearing at page 30196 in the issue for June 13, 1977, on page 30197, in the list in the third column, entry 114N should be changed to read "Bureau of Outdoor Recreation."

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

Waivers of Ineligibility for Discriminatory Assignment of Students to Classes

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: The Commissioner of Education, with the approval of the Assistant Secretary for Education and the Secre-

tary, amends the regulation governing approval of waivers of ineligibility in the case of discriminatory assignments of students to classes. This amendment is intended to clarify the regulation to ensure the proper corrective action in the case of discriminatory assignment of students to groupings, particularly special education classes.

EFFECTIVE DATE: As required by section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject to it become effective on the forty-fifth day following transmission, subject to the provisions in that section concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Mr. Jesse Jordon, 400 Maryland Avenue SW., Room 2011, Federal Office Building, No. 6, Washington, D.C. 20202 (202–245–7965).

SUPPLEMENTARY INFORMATION: On January 25, 1977, there was published in the FEDERAL REGISTER (at 42 FR 4501) under the authority of the Emergency School Aid Act (20 U.S.C. 1601, et seq.) a Notice of Proposed Rulemaking that set out the proposed amended regulation. The preamble to that document included the Commissioner's determination that the present regulation is not adequate to ensure the proper corrective action in the case of discriminatory assignment of students to groupings (particularly special education classes), and described the deficiencies of the present regulation. The preamble also stated the main purposes of the amendments to the regulation, as follows:

(a) Make it clear that waiver applications in the case of discriminatory assignment of students to special education groupings are not approvable if the applicant disbands the groupings even temporarily and reassigns students in them to regular classes;

(b) Condition the approval of waivers in the case of discriminatory assignment of students to special education groupings on the completion of evaluations and placements required for handicapped students under Pub. L. 94–142 (the Education of All Handicapped Children Act of 1975) and section 504 of Pub. L. 93–112 (the Rehabilitation Act of 1973); and

(c) Require that a student reassigned from any discriminatorily constituted grouping to a new grouping be provided transitional services to help the student adjust to the new grouping.

Interested persons were given 45 days to comment on the proposed amendments. Two letters of comment were received. One expressed support for the proposed amendments; the other suggested that sex discrimination be covered by the regulation. Since the regulation implements statutory provisions relating to discrimination on the basis of race, color, or national origin, the suggestion in the second letter cannot be adopted. Therefore, the proposed amendments are adopted without change.

NOTE.—The Commissioner has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Accordingly, 45 CFR Part 185 is amended as set forth below.

(Catalog of Federal Domestic Assistance Numbers 13.525, 13.526, 13.528, 13.529, 13.530, 13.531, 13.532, Emergency School Aid.)

Dated: May 4, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: May 10, 1977.

MARY F. BERRY,
Assistant Secretary for Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Section 185.44(f)(3) is amended to read as follows:

§ 185.44 Waiver of ineligibilty.

* * * * *

(f) Discrimination against children:

* * * * *

(3) (i) In the case of the assignment of students to racially or ethnically identifiable groups, tracks, or classes which cannot be justified educationally, as described in § 185.43(d)(5), an educational agency shall submit the following information:

(A) If the assignment was to a grouping to provide special education or related services to handicapped students, evidence that the students so assigned have been evaluated and placed in accordance with requirements for evaluation and placement of handicapped students under Pub. L. 94–142 and section 504 of Pub. L. 93–112, and any regulations under those statutes; or

(B) If the assignment was to other groupings, evidence that the students so assigned have been nondiscriminatorily reassigned to groupings that are not racially or ethnically identifiable, or evidence that the students so assigned have been reassigned to groupings in accordance with the criteria in § 185.43(c)(1)–(3).

(ii) If the educational agency reassigns any student to a new grouping under paragraph (f)(3)(i) of this section, it shall also submit evidence that it has made provision for such transitional services as are necessary to enable the student to participate meaningfully in the educational program of the new grouping.

(Pub. L. 92–318, sections 706(d)(1)–(3))

[FR Doc.77-18385 Filed 6-27-77;8:45 am]

PART 187—INDIAN EDUCATION ACT (PART B)

Educational Opportunities for Indian Children

AGENCY: U.S. Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This document amends the regulation as required by the Education Amendments of 1974 to establish eligibility and application requirements and evaluation criteria governing the competitive review of applications for projects designed to improve educational opportunities for Indian Children.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Lawrence J. LaMoure, Director, Division of Special Projects and Programs, Office of Indian Education, Room 2161, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20202 (202–245–7525).

SUPPLEMENTARY INFORMATION: *Purpose of the regulation.* Part B of the Indian Education Act authorizes the Commissioner of Education to assist State and local educational agencies, federally supported elementary and secondary schools for Indian children, Indian tribes, Indian institutions, Indian organizations, institutions of higher education, and public agencies in improving educational opportunities for Indian children. It authorizes programs to prepare educators of Indian children and the awarding of fellowships in business, engneering, law, medicine, forestry, and related fields to Indian students in graduate or professional programs at institutions of higher education.

The regulation for this program establishes eligibility and application requirements and evaluation criteria governing the competitive review of applications. It also contains provisions on the purposes of projects, activities eligible for support, and project requirements.

Public participation. Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on March 25, 1977, at 42 FR 16258. Interested parties were given 30 days to submit comments, suggestions, or objections. Nine letters containing 15 comments and suggestions were received. A summary of these comments, together with responses by the Office of Education, follows.

1. *Comment. Definitions—§ 187.2.* A commenter suggested that the definition of educational model should be revised so as not to require a "structured" program design.

Response. No change has been made in the regulation. An integral part of the concept of an educational model is its purpose to be replicated and used. In order that a model be replicated and used by other institutions, it is deemed essential to have a structured program design.

2. *Comment. Definitions—§ 187.2.* Two commenters objected that the proposed definition of "Professional degree" as being a post-baccalaureate degree is not appropriate in the natural resource career fields, and most particularly not in forestry. The commenters pointed out that the licensing requirement by all States for professional foresters is a Bachelor of Science degree with a specified minimum number of years of experience and a written examination.

Response. The Office of Education accepts the position that a Bachelor of Science degree may be considered as a "professional degree" for the forestry field. The rule has been amended in §§ 187.2 and 187.71 so as not to limit "professional degree" to a post-baccalaureate degree.

In addition, § 187.74 has been amended by adding a paragraph (b) which provides for the award of additional points, within each area of study, for each year of postsecondary study completed by the applicant. Therefore, for example, an applicant pursuing a degree in forestry at the post-baccalaureate level would earn more priority points than a third year pre-baccalaureate student in forestry. These priority points are added to ensure that limited funds available for the fellowship program have the maximum impact in developing Indian professionals in these fields.

Section 187.73 has also been amended to clarify how the fellowship funds are distributed between the different areas of study.

3. *Comment. Prohibition on use of funds for religious activities—§ 187.4.* A commenter objected to the language used in proposed § 187.4, which would prohibit use of funds:

> For support of religious programs, projects, or schools; religious worship, instruction, or training; a religious vocation; or to teach theological subjects.

The commenter argued that the proposed provision added ambiguous language not contained in the statute and might be understood to contradict other provisions in the statute and regulation for serving private school children.

Response. The additional language is not needed, and the regulation has been modified in accordance with the comment.

4. *Comment. Applications—§§ 187.14(k), 187.24(k), 187.34(k), and 187.55(k)—Provision of services to children enrolled in private nonprofit schools.* A commenter objected that the regulatory language which governs the participation of eligible children enrolled in private nonprofit schools did not closely follow the language in the statute and could be interpreted to require less than the provision of equitable services called for in the statute. The commenter also suggested that these provisions set out in detail the alternatives available to applicants in meeting their obligation to provide services to private school children, as done in regulations for Title I of the Elementary and Secondary Education Act.

Response. The use of the term "documents" in proposed § 187.14(k) and the other sections was not intended to vitiate the obligation of award recipients to provide services on an equitable basis to those eligible children enrolled in private nonprofit schools. On the contrary, the requirement that the applicant document the number of eligible children in the area to be served who attend private nonprofit schools was intended to enable the Office of Education to obtain hard data, instead of a mere promise, with respect to each applicant's obligation. However, the Office of Education accepts the commenter's suggestion that the paragraph should be rewritten to indicate more clearly the recipient's duty to provide services to eligible children enrolled in private nonprofit schools. Sections 187.14(k), 187.24(k), 187.34(k), and 187.55(k) have been changed accordingly. Details on alternatives have not been added, although award recipients would be free to use the alternatives under Title I.

5. *Comment. Criteria—§ 187.32.* One commenter recommended increasing the points assigned in § 187.32 to organizational capability so that it would carry as much weight as program design. The commenter argued that a good design could not be successfully carried out without proper management.

Response. The comment is very well taken by the Office of Education. In fact, the regulation already in effect meets the commenter's concern. Two criteria in § 187.32 have a bearing on proper management of the project: organizational capabilities, which counts for up to 20 points, and personnel, which counts for up to 10 points, No change in the regulation is needed.

6. *Comment. Criteria—§ 187.42(d).* One commenter suggested that § 187.42(d) on dissemination should include additional points for materials that are deemed practical and usable by classroom teachers

Response. No change has been made in the regulation. Although the practicality of materials is not made an explicit criterion for these projects, this consideration is implicit in other criteria concerning the program design and in § 187.42(d)(3), concerning the expected potential for utilizing the results of the program in other programs.

7. *Comment. Criteria—§ 187.53(b).* A commenter suggested that language be added to the criteria section concerning consultation by the applicant with teachers about their inservice needs relating to Indian Education.

Response. No change has been made in the regulation. The evaluation criteria do not specifically address consultation with teachers, but they include criteria which are broad enough to encompass that consideration. For example, § 187.53(b)(1) concerns cooperative planning and maximum use of financial, physical, and human resources of the educational agencies and institutions involved, and § 187.53(b)(2), (3), and (5) concern the relationship of training to the needs of Indian children.

8. *Comment. Institutional Commitment—§ 187.53(e).* One commenter suggested that additional points be awarded to those applicants which promise to continue the training program if not refunded in a subsequent year.

Response. No change has been made in the regulation. Under § 187.53(e)(1), some points are awarded if an applicant provides evidence that it supports the program. This type of support could include a broad range of financial commitments. A commitment to continue the program with non-Federal institutional funds in the event that the institution does not receive continued assistance under this authority could earn points under this criterion.

9. *Comment. Criteria—§ 187.53(c), (e), and (f).* One commenter suggested consolidating § 187.53(e), which measures the quality of an applicant's organizational capability and institutional commitment, with § 187.53(f), which measures the quality of an applicant's personnel. The total number of points for this combined paragraph would be 20 points. At the same time, the commenter would shift 5 points to § 187.53(c) concerning the quality of objectives. Another commenter suggested that similar changes be made to § 187.63.

Response. No change has been made in the regulation. The Office of Education does not believe that the weight assigned to organizational capability and personnel should be reduced. These are essential ingredients in predicting the likely success of a project. Moreover, these criteria give some indication of which institutions will be able to sustain projects when Federal assistance is no longer available. Also, these criteria measure different factors and should be maintained as discrete criteria.

10. *Comment. Use of Auditors—§ 187.81(c).* One commenter suggested that the requirements for independent audits under § 187.81(c) reflect standards of the Comptroller General concerning who would perform audits.

Response. Language has been added to § 187.81(c) to reflect applicable requirements of the Comptroller General.

11. *Comment. General.* Another commenter suggested that "proposals should be taken in the order they are received and acted on so each proposal is judged equally."

Response. It is not clear to the Office of Education what the intent of the comment is. Applications submitted by published closing dates are judged equally against the published evaluation criteria. If the commenter meant to suggest that applications be funded on the basis of the order in which they are received,

JUN 28 77
UM

that approach would not be appropriate. It is incumbent upon the Office of Education to select for funding those projects which individually and collectively hold the greatest promise of best carrying out the statutory purposes. The evaluation criteria are designed to accomplish this. Whether an apolication is received shortly before a closing date or much earlier does not bear upon its merits in furthering the program's purposes.

12. *Comment. General.* A commenter suggested that the Office of Education should be cognizant of Indian culture and heritage when reviewing proposals.

Response. The comment is well-taken, and the Office of Education is trying to address the commenter's concern. Among other things, many application reviewers are Indians.

13. *Technical corrections.* Some minor technical corrections were made, particularly in § 187.63 where paragraph (b) was inadvertently deleted. A technical correction notice was published in the FEDERAL REGISTER, May 16, 1977, at 42 FR 24758, giving notice of these corrections to all parties interested or affected. These changes are included in the final regulation. In addition §§ 187.12(g)(3), 187.22(f)(4), 187.32(f)(4), 187.42(e)(3), and 187.63(e)(3) have been modified to conform with § 187.53(e)(3) which clarifies the possible factors which may be used to judge organizational capability.

(Indian Education Act, Title IV of Pub. L. 92-318, as amended by Part C of Title VI of Pub. L. 93-380.)

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Numbers 13.535 and 13.569, Indian Education Act, Part B.)

Dated: June 10, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, Jr.
Secretary of Health, Education, and Welfare.

Title 45 is amended by revising Part 187 in its entirety and the caption is revised as set forth above:

Subpart A—Scope; Definitions; General Provisions; Applicable Related Statute

Sec.
187.1 Scope.
187.2 Definitions.
187.3 Applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act.
187.4 Prohibition on use of funds for religious activities.
187.5 Capacity to carry out the program.
187.6 Continuation awards.

Subpart B—Planning, Pilot, and Demonstration Programs

187.11 Eligible applicants and authorized activities.
187.12 Criteria.

Sec.
187.13 Priorities.
187.14 Applications.

Subpart C—Educational Services

187.21 Eligible applicants and authorized activities.
187.22 Criteria.
187.23 Priorities.
187.24 Applications.

Subpart D—Exemplary Programs and Centers

187.31 Eligible applicants and authorized activities.
187.32 Criteria.
187.33 Priorities.
187.34 Applications.

Subpart E—Dissemination, Evaluation, and Technical Assistance

187.41 Eligible applicants and authorized activities.
187.42 Criteria.
187.43 Priorities.
187.44 Applications.

Subpart F—Educational Personnel Training Programs

187.51 Eligible applicants and authorized activities.
187.52 Allowable costs.
187.53 Criteria.
187.54 Priorities.
187.55 Applications.

Subpart G—Special Education Training Programs for Educators of Indian Children

187.61 Eligible applicants and authorized activities.
187.62 Allowable costs.
187.63 Criteria.
187.64 Priorities.
187.65 Applications.
187.66 Educational personnel fellowships.

Subpart H—Indian Fellowship Program

187.71 Eligible applicants and authorized activities.
187.72 Allowable costs.
187.73 Criteria.
187.74 Priorities.
187.75 Designation of alternate fellows.
187.76 Applications.
187.77 Responsibility of fellows.
187.78 Continuation of fellowships.
187.79 Discontinuation of fellowships.

Subpart I—Administrative Standards

187.81 General.
187.82 Conflict of interest and nepotism.
187.83 Documents and procedures.
187.84 Violation of grant terms and conditions.

AUTHORITY: Elementary and Secondary Education Act of 1965, as amended by Indian Education Act, Part B, title IV of Pub. L. 93-18 as amended by Part C of title VI of Pub. L. 93-380 (20 U.S.C. 887C-2).

Subpart A—Scope; Definitions; General Provisions; Applicable Related Statute

§ 187.1 Scope.

This part governs: (a) The provision of assistance to State and local educational agencies; Indian tribes, Indian organizations, and Indian institutions; Federally supported elementary and secondary schools for Indian children; and public agencies and institutions of higher education for carrying out special programs to improve educational opportunities for Indian children under the appropriate subsection of section 810 of the Indian Education Act, as amended;

(b) The provision of assistance to institutions of higher education, Indian organizations, and Indian tribes for special programs to prepare educators of Indian children under section 422 of the Indian Education Act; and

(c) The awarding of fellowships in business, engineering, law, medicine, forestry, and related fields to Indian students in graduate and professional programs at institutions of higher education under section 423 of the Indian Education Act.

(20 U.S.C. 887c, 887c-1, and 887c-2.)

§ 187.2 Definitions.

As used in this part:

"Academic year" means a period of time, generally of not less than eight months, in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(20 U.S.C. 887c-2.)

"Allowance for dependents" means a payment, in a sum approved by the Commissioner, to a recipient of a fellowship, or to a participant in a training program on account of his or her dependents, if any.

"Ancillary educational personnel" means guidance counselors, school administrators, librarians, and others working in education programs, to the extent that they continue to meet the special educational needs of Indian children. This term does not include persons in positions such as clerk, cafeteria personnel, or other jobs not involved in the educational process.

"Community" means an Indian reservation, neighborhood or other area (irrespective of boundaries or political subdivisions) which provides a suitable organizational base and possesses the commonality of educational interest needed to provide services to a designated constituency.

(45 CFR 1336.1)

"Comprehensive educational model" means an educational program which addresses the needs of the total child: academic, social, cultural, emotional, and physical.

"Cost of education allowance" means a payment to an institution of higher education attended by the holder of a fellowship under Subparts F, G, or H, in a sum approved by the Commissioner to cover the cost of tuition and fees on behalf of that fellow.

"Demonstration or pilot programs and projects" means programs and projects normally of one to three years in duration which demonstrate a unique educational concept, in theory and/or implementation, and whose applicability may be replicated by other programs or projects.

"Dependent" means any of the following persons over half of whose support, for the calendar year in which the school year begins, was received from the student:

(a) A spouse;

(b) A child, or descendant of such child, or stepchild;

(c) A brother or sister;

(d) A brother or sister by half blood;

(e) A stepbrother or stepsister;

(f) A parent or ancestor of such parent;

(g) A stepfather or stepmother;

(h) A son or daughter or student's father or mother;

(i) A son-in-law, or daughter-in-law, or father-in-law, or mother-in-law, or brother-in-law, or sister-in-law;

(j) A person (other than the student's spouse) who, during the student's entire calendar year, lives in the student's home and is a member of the student's household (but not if the relationship between the person and the student is in violation of local law); or

(k) A cousin (descendant of a brother or sister of the student's father or mother) who, during the student's calendar year, is receiving institutional care on account of a physical or mental disability and before receiving this care was a member of the same household as the student.

A legally adopted child or child placed in the student's home for adoption by an authorized agency is considered to be a child by blood. A citizen of a foreign country may not be claimed as a dependent, unless the citizen is a resident of the United States, Canada, Mexico, Panama, or the Canal Zone, at some time during during the calendar year in which the school year of the student begins, or is a resident of the Philippines born to, or adopted by, a student while a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a student as a member of the student's household for the entire calendar year.

"Educational model" means a demonstration program that has a structured program design which offers innovative alternatives to meet the educational needs of the Indian child. The program design may be structured around one or more curricula units or support services. The needs and resources of the community are to be included in the development of the educational model to ensure maximum benefit to the child and the community.

"Exemplary program" means an educational program, service, or activity designed to be so educationally effective or outstanding that it could be identified as a promising solution to a basic Indian education problem.

(20 U.S.C. 887c (a)(2) and (c).)

"Federally supported elementary and secondary school for Indian children" means an elementary or secondary school for Indian children operated or supported by the Department of Interior.

(20 U.S.C. 887c(b).)

"Fellowship" means an award to a recipient described in Subparts F, G, or H, and consists of a cost of education allowance, a stipend, and an allowance for dependents, if any.

(20 U.S.C. 887c, 887c-1, and 887c-2.)

"Governing body" means those duly elected or appointed representatives who have the authority to provide services to, and enter into contracts, agreements and grants on behalf of, its constitutency.

(45 CFR 1336.1.)

"Guidance and counseling" means: (a) Services to Indian pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests; and

(b) Assistance in personal and social development, including the development of a positive self-concept for Indian children and their parents.

(20 U.S.C. 887c(c)(1)(D).)

"Handicapped children" means mentally retarded, hard-of-hearing, deaf, speech-impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health-impaired children or children with specific learning disabilities, who by reason thereof require special educational and related services.

(20 U.S.C. 887c(1)(E).)

"Indian" means any individual, living on or off a reservation, who is:

(a) A member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member;

(b) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(c) An Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

"Indian institution" means a preschool, elementary, secondary or postsecondary school established for the promotion of education of Indians which is:

(a) Controlled by a governing body, the majority of which is Indian; and

(b) If located on an Indian reservation, operates with the sanction or by charter of that Tribe(s).

"Indian organization" means an organization which:

(a) Is legally established, by Tribal Charter or in accordance with State law with appropriate Constitution, bylaws and/or Articles of Incorporation;

(b) Has the primary purpose of promoting the educational, economic, or social self-sufficiency of Indians;

(c) Has a governing board and membership composed of a majority of Indians;

(d) If located on an Indian reservation, operates with the sanction or by charter of that Tribe(s);

(e) If affiliated with a college or university, such affiliation must not limit the service area or Indian community involvement to staff and students of that college or university; and

(f) Is not an organization or subdivision of any college or university, or is not directly under the control of the university or college (such organizations are not considered as Indian organizations for the purposes of this part).

"Indian tribe" means any Federal or State recognized Indian Tribe, Band, Nation, Rancheria, Pueblo, Alaska Native village, or regional or village corporation as established by the Alaska Native Claims Settlement Act (85 Stat. 688), which exercises the power of self-government.

(20 U.S.C. 887.)

"Institution of higher education" means an educational institution in any State which:

(20 U.S.C. 887c.)

(a) Generally admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized within the State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this pragraph, or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institution, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by these institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify these institutions to participate under this part and shall also determine whether particular institutions meet those standards.

(20 U.S.C. 887c-1 and 887c-2.)

"Immediate family" means wife, husband, son, daughter, mother, father, brother, sister, or legal dependent.

"Local educational agency" means a public board of education or other pub-

JUN 28 77
UM

lic authority legally constituted within a State for either administrative control or direction of or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State; or a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. This term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 887c.)

"Planning grant" means a grant to support planning activities of generally not more than one year for an educational progam.

"Professional degree" means a degree which is designed to enable a person to obtain a license and function as a fully recognized member of a profession such as medicine, law, engineering, accounting, business, or forestry.

"School administrator" means an individual vested with the duty to administer educational programs. A school administrator can be a superintendent, principal, or other administrative officer.

"State" refers to, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 887c, 887c-1, and 887c-2.)

"State educational agency" means the State board of education, or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 887c.)

"Stipend" means the allowance paid to a participant in training programs under Subpart F, in the fellowship program under Subparts F, G, or H, and in summer training programs which may be funded under Subparts C and D, for subsistence. In addition, it may also include moving expenses (in cases of extreme hardship), book allowances, and other expenses of the participant or fellow, without regard to the participant's dependents, in an amount as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported programs.

"Teacher" means a classroom teacher. For the purposes of Subpart G, "teacher" may also include ancillary personnel and "teacher aides."

"Teacher aide" means a person who assists a teacher in the performance of the teacher's professional teaching or administrative duties, or in some other activity which assists a teacher in the educational process. The term does not include persons in positions such as clerk, cafeteria personnel, or other jobs not directly involved in the educational process.

(20 U.S.C. 887c.)

§ 187.3 Applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act.

Assistance under this part is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) and any regulations promulgated thereunder, to the extent that such statutory provisions and regulations are, by their terms, applicable to assistance under this part. Section 7(b) provides for preference to Indians, in the contexts of training and employment and the awarding of subcontracts, in connection with assistance, under Federal legislation for the benefit of Indians. Section 7(b) and provisions in the Indian Education Act additionally provide for preference for the funding of Indian tribes, Indian organizations, Indian institutions, and Indian educational agencies, when awarding grants and contracts. In addition, preference must be given to the training of Indians under Subparts F and G of this part.

(25 U.S.C. 450e(b).)

§ 187.4 Prohibition on use of funds for religious activities.

No funds made aavilable under this part may be used for religious worship or instruction.

(20 U.S.C. 867c; 20 U.S.C. 885.)

§ 187.5 Capacity to carry out the project.

Notwithstanding the specific evaluation criteria in the remainder of this part, the Commissioner will not fund an application under this part unless the Commissioner is satisfied that the applicant has the capacity successfully to carry out the project.

(a) In making this judgment, the Commissioner will consider such factors as:

(1) Both the programmatic and financial management capacities of the applicant organization and its staff;

(2) Past performance by the applicant—

(i) In carrying out any prior grant under this part; or

(ii) In carrying out similar projects with respect to such matters as achievement of objectives, adherence to the project conditions, programmatic and financial management, and the governing board's assumption of responsibility;

(3) Adequacy of facilities and other resources, including consideration of any litigation or dispute which calls into question the continued availability of the facilities and resources to the applicant; and/or

(4) Consideration of local community factors which may prevent the successful operation of the grant.

(b) If the Commissioner decides not to fund an application based upon this section, the Commissioner will do so only after providing reasonable notice and an opportunity to the applicant to rebut, in writing or in an informal meeting with the responsible official of the U.S. Office of Education, the basis for the decision.

(20 U.S.C. 887c.)

§ 187.6 Continuation awards.

(a) Programs funded under this part may be for up to three years' duration.

(b) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed program, the Commissioner may, in the initial notification of grant award for the program (which shall be for up to a twelve month period), indicate an intention to assist the program for one or two successive years through continuation grants.

(c) Continuation awards may be made to programs described in this section, subject to the restriction in paragraph (a) of this section and to the availability of funds.

(d) Applications for continuation awards will be reviewed on a noncompetitive basis to determine:

(1) If the award recipient has complied with the award terms and conditions, the Act, and any applicable regulation; and

(2) The program's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation.

(20 U.S.C. 887c.)

Subpart B—Planning, Pilot, and Demonstration Programs

§ 187.11 Eligible applicants and authorized activities.

State and local educational agencies, federally supported elementary and secondary schools for Indian children, and Indian tribes, Indian organizations, and Indian institutions may apply for grants to support planning, pilot, and demonstration programs which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including:

(a) Innovative programs related to the educational needs of educationally deprived Indian children;

(b) Bilingual and bicultural education programs;

(c) Special health and nutrition services and other related activities which meet the special health, social, and psychological needs of Indian children; and

(d) Coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of these children.

(20 U.S.C. 887c (a)(1) and (b).)

§ 187.12 Criteria.

In considering whether to approve applications submitted under this subpart and in determining the amount of the awards, applications will be evaluated against the following criteria. The number of points which may be awarded for each category of criteria is indicated in parentheses. The maximum number of points that can be awarded is 100.

(a) *Need.* (0 to 15 points.) The national, regional, or local need as indicated by such factors as:

(1) The number of Indian children who require the service;

(2) The degree of need exemplified by percentage of dropouts, specific health needs, educational achievements comparison, or other appropriate examples;

(3) The quality of measurements used to determine needs such as a projected manpower plan or a needs assessment; and

(4) The number of Indian children who will be directly served by the program.

(b) *Program design.* (0 to 30 points). The quality of the applicant's program design, as indicated by such factors as:

(1) The degree of innovation in the approach, method, or technique of the program design, as compared to other approaches in the surrounding community;

(2) The extent to which the program design is appropriate to meet the educational needs of the Indian community or tribe;

(3) The degree to which the program will contribute to the improvement of educational opportunities for Indian children including such results as: the projected decrease in the dropout rate, the projected rise in academic achievement, or other appropriate results;

(4) The extent to which the proposed program will be an educational model which can be replicated;

(5) The extent of consultation and involvement of the parents, or legal guardians of the Indian children being served in the Indian community, in the planning and development of the program and provision for their continued consultation and involvement in the operation and evaluation of the program;

(6) The degree to which the program will be coordinated with other educational programs or complementary activities, so that Indian children will be provided with comprehensive educational services;

(7) Projected plans for the continued support of the program from non-Federal sources at the close of the program period;

(8) Reasonableness of estimated cost in relation to anticipated results; and

(9) Sufficiency of program size, scope, and duration so as to secure productive results.

(c) *Objectives.* (0 to 10 points). The presentation of the program design as indicated by such factors as the extent to which:

(1) The objectives of the proposed program are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(2) The projected activity plan or milestones clearly outline all the necessary major steps to be taken in order to achieve each objective.

(d) *Evaluation design.* (0 to 20 points.) The quality of the evaluation design as indicated by the soundness of the data collection methodology, the effectiveness of the evaluation tools to be used in objectively measuring the program accomplishments, and the projected use of the results for the benefit of the program.

(e) *Dissemination.* (0 to 5 points). The degree to which the program will develop quality materials for dissemination that may be used to improve the education of Indian children.

(f) *Personnel.* (0 to 5 points). The extent to which the applicant ensures quality personnel as indicated by such factors as:

(1) The qualifications and experience of the staff designated to carry out the proposed program; and

(2) The degree to which the applicant has and will apply Indian preference in the hiring of program personnel.

(g) *Organizational capacity.* (0 to 15 points). The extent to which the applicant will provide quality management as indicated by such factors as:

(1) Adequacy of facilities and other resources; and

(2) The applicant's general administration and management capability.

(3) The extent to which the applicant's past performance has demonstrated the capability to administer and implement like programs as exemplified by achievement of objectives, adherence to grant conditions, general administration and management capability, and the governing board's assumption of responsibility.

(20 U.S.C. 887c.)

§ 187.13 Priority. (35 points)

In considering applications under this subpart, the Commissioner will give, in addition to the points awarded in § 187.12:

(a) A 25-point priority rating to applications from Indian educational agencies, Indian tribes, Indian organizations, and Indian institutions (20 U.S.C. 887c (b), (f)); and

(b) A 10-point priority rating to comprehensive educational models.

(20 U.S.C. 887c.)

§ 187.14 Applications.

An application requesting assistance under this subpart must:

(a) Designate that the application is for consideration under Subpart B of these regulations;

(b) Address all criteria listed under this subpart;

(c) Complete forms the Commissioner may require;

(d) Provide a complete program design which sets forth:

(1) The problems and/or needs to be addressed and the method by which the problems or needs were determined;

(2) The objectives of the program stated in concise, measureable, or quantifiable terms. These objectives must be projected as attainable in the proposed time frames and must meet the needs or eliminate the problems; and

(3) The activities or milestones by which the applicant plans to attain each of its stated objectives.

(e) Designate the requested length of the program which may be for a maximum of three years. Program designs must set forth the objectives and activity plans for each of the years requested in the application;

(f) Outline, by job category, the composition of the proposed staff;

(g) Include resumes of the professional staff. (In cases where professional positions are vacant, job descriptions must be submitted);

(h) Present a budget, by category, and appropriate category breakdowns, for the program. (In the case of a multi-year application, the budget breakdown presented shall be for the current one year funding request. In addition, the applicant shall project only the total cost of each subsequent year outlined in the program design.);

(i) Present a description of the proposed administration and line of authority which will ensure efficient administration of the program;

(j) Include plans for an independent and objective evaluation of the effectiveness of the program in achieving its purposes and the purposes of this subpart;

(k) (1) Make provision for the participation on an equitable basis of Indian children in the area to be served who are enrolled in private nonprofit elementary and secondary schools and whose needs are of the type which the program is intended to meet, consistent with the number of these children; and

(2) Include documentation of the number of these children.

(20 U.S.C. 887c(f).)

(l) Document that parents of the Indian children to be served and tribal communities:

(1) Were consulted and involved in the planning and development of the program;

(2) Will actively participate in the operation and evaluation of the program;

(20 U.S.C. 887c(f).)

(m) In the instance of applications from local educational agencies, provide information required by 45 CFR Part 100d concerning an open meeting on the subject matter of the application.

(20 U.S.C. 887c.)

(n) Include other information and assurances which the Commissioner may require.

(20 U.S.C. 887c.)

Subpart C—Educational Services

§ 187.21 Eligible applicants and authorized activities.

State and local educational agencies, and tribal and other Indian community organizations, may apply for grants to assist them in providing educational services specifically designed to improve educational opportunities for Indian children which are not available to Indian children in sufficient quantity or quality, including:

JUN 28 77
UM

(a) Remedial and compensatory instruction, school health, physical education, and psychological and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(b) Comprehensive academic and vocational instruction;

(c) Instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

d/ Comprehensive guidance, counseling, and testing services;

(e) Special education programs for the handicapped;

(f) Preschool programs;

(g) Bilingual and bicultural education programs; and

(h) Other services which meet the purposes of this subpart.

(20 U.S.C. 887c(c).

§ 187.22 Criteria.

In considering whether to approve applications submitted under this subpart, and in determining the amount of the awards, applications will be evaluated against the following criteria. The number of points which may be awarded for each category of criteria is indicated next to that category in parentheses. The maximum number of points that can be awarded is 100.

(a) *Need.* (0 to 20 points). The need for the services as indicated by such factors as:

(1) Whether or not the services to be stimulated by the program are available in sufficient quantity or quality;

(2) The extent to which the needs of Indian children for the particular service requested have been determined by a needs assessment or other appropriate study;

(3) The number of Indian children who will directly be served by, or benefit from, the program.

(b) *Program design.* (0 to 30 points) The quality of the program design as indicated by such factors as:

(1) The projected improvement of educational opportunities, or academic achievement, as a result of the program;

(2) The degree of innovation in the approach, method, or technique of the program design;

(3) The projected plans and assurances that the program being requested will be coordinated with other educational services;

(4) The extent to which the requested program provides an educational service which is necessary to provide a comprehensive program for the improvement of educational opportunities for Indian children;

(5) Reasonableness of estimated cost in relation to anticipated results;

(6) Sufficiency of size, scope, and duration of the program so as to secure productive results; and

(7) Involvement of the parents or legal guardians of Indian children being served and Tribal communities in the planning and development of the programs, and a provision for their continued involvement and consultation in the operation and evaluation of the program.

(c) *Objectives.* (0 to 10 points). The presentation of the program design as indicated by such factors as the following:

(1) The extent to which the objectives of the proposed program are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(2) The extent to which the projected activity plan or milestones clearly outline all the necessary major steps to be taken in order to achieve each objective.

(d) *Evaluation design.* (0 to 10 points). The quality of the evaluation design for the objective measurement of the effectiveness of the accomplishments of the program.

(e) *Personnel.* (0 to 10 points). The extent to which the application insures quality personnel and training as indicated by such factors as:

(1) The qualifications and experience of personnel to carry out the proposed program;

(2) The plan and method for the training of personnel participating in the program.

(f) *Organizational capabilities.* (0 to 20 points). The quality of organizational capability as indicated by such factors as:

(1) Adequacy of facilities and other resources;

(2) The applicant's general administration and management capability; and

(3) In regard to local educational agencies and State educational agencies, the degree of institutional commitment as indicated by the extent and solidarity of projected plans for improving inadequate or insufficient services and for continued support of the program by the applicant.

(4) The extent to which the applicant's past performance has demonstrated the capability to administer and implement like programs as exemplified by achievement of objectives, adherence to grant conditions, general administration and management capability, and the governing board's assumption of responsibility.

(20 U.S.C. 887c(c).)

§ 187.23 Priority. (35 points).

In considering applications under this subpart, the Commissioner will give, in addition to the points awarded in § 187.22:

(a) A 25 point priority rating to applications from tribal and other Indian community organizations; and

(b) A 10 point priority rating for one or a combination of the following areas:

(1) Programs which are directed at meeting the needs of Indian children who are handicapped;

(2) Programs which are designed for the written development of or the impartation of Indian language or Indian culture which will assist in providing Indian children with a positive self-image;

(3) Programs which are designed to assist parental and early childhood education in a combination which will most fully benefit Indian children and encourage positive early childhood development; and

(4) Programs to meet the needs of Indian children who are gifted and talented.

(20 U.S.C. 887c.)

§ 187.24 Applications.

An application requesting assistance under this subpart must:

(a) Designate that the application is for consideration under Subpart C of these regulations;

(b) Address all criteria under this subpart;

(c) Complete such forms as may be required by the Commissioner;

(d) Provide a complete program design which sets forth:

(1) The problems and/or needs to be addressed and the method by which the problems or needs were determined;

(2) The objectives of the program, stated in concise, measurable, or quantifiable terms. These objectives must be projected as attainable in the proposed time frames, and must meet the needs and/or eliminate the problem; and

(3) The activities or milestones through which the applicant plans to attain its stated objectives;

(e) Designate the requested length of the program which may be for a maximum of three years. Program designs must set forth the objectives and activity plans for each of the years requested in the application;

(f) Outline, by job category, the composition of the proposed staff;

(g) Include résumés of the professional staff. (In cases where professional positions are vacant, job descriptions must be submitted);

(h) Present a budget, by category, and appropriate category breakdowns, for the program. (In the case of a multiyear program, the budget breakdown presented in the application shall be for the current, one year funding request. In addition, the applicant shall project only the total cost of each subsequent year outlined in the program design);

(i) Present a description of the proposed administration and line of authority which would ensure efficient administration of the program;

(j) Include plans for an independent and objective evaluation of the effectiveness of the program in achieving its purposes and the purposes of this subpart;

(k) (1) Make provision for the participation on an equitable basis of Indian children in the area to be served who are enrolled in private nonprofit elementary and secondary schools and whose needs are of the type which the program is intended to meet, consistent with the number of these children; and

(2) Include documentation of the number of these children.

(l) Document that parents of the Indian children to be served and tribal communities:

(1) Were consulted and involved in the planning and development of the program;

(2) Will actively participate in the operation and evaluation of the program;

(m) In the instance of applications from local educational agencies, provide information required by 45 CFR Part 100d concerning an open meeting on the subject matter of the application.

(20 U.S.C. 887c; 20 U.S.C. 887c.)

(n) Contain an assurance that the program to be assisted will be coordinated with like or complementary programs carried out with other resources to ensure that well-coordinated, comprehensive programs and services are available to Indian children.

(o) Include other information and assurances which the Commissioner may require.

(20 U.S.C. 887c.)

Subpart D—Exemplary Programs and Centers

§ 187.31 Eligible participants and authorized activities.

State educational agencies, local educational agencies, and tribal and Indian community organizations may apply for grants to assist them in establishing and operating exemplary and innovative educational programs and centers which involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children. These programs will serve as models for elementary and secondary school programs for Indian children. Examples of these programs include, but are not limited to:

(a) Programs which are directed at meeting the needs of Indian children who are handicapped;

(b) Programs designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(c) Programs designed to assist Indian children to prepare to enter postsecondary or career education programs;

(d) Programs which prepare Indian children to meet projected tribal and Indian community manpower needs;

(e) Comprehensive educational models; and

(f) Parent and community-based early childhood comprehensive programs.

(20 U.S.C. 887c (a)(2) and (e).)

§ 187.32 Criteria.

In considering whether to approve applications submitted under this subpart, and in determining the amount of the awards, applications will be evaluated against the following criteria. The number of points which may be awarded for each category of criteria is indicated next to that category in parentheses. The maximum number of points that can be awarded is 100.

(a) *Need.* (0 to 20 points.) The need for the services as indicated by such factors as:

(1) Whether or not the services to be stimulated by the program are available in sufficient quantity or quality;

(2) The extent to which the needs of Indian children for the particular service being requested has been determined by a needs assessment or other appropriate study;

(3) The number of Indian children who will directly be served by or benefit from the program;

(4) The degree of need, as exemplified by the number of Indian children who require the service, the percentage of dropouts, specific health needs, the comparison of educational achievement of Indian children with that of the general population, or other specific documentation which establishes the need.

(b) *Program design.* (0 to 30 points.) The quality of the program design as indicated by such factors as:

(1) The projected improvement of educational opportunities, or academic achievement, as a result of the program;

(2) The degree of innovation in the approach, method, or technique of the program design;

(3) The projected plans and assurances that the program being requested will be coordinated with other educational services;

(4) The extent to which the requested program provides an educational service which is necessary to provide a comprehensive program for the improvement of educational opportunities for Indian children;

(5) Reasonableness of estimated cost in relation to anticipated results;

(6) Sufficiency of program size, scope, and duration so as to secure productive results;

(7) The involvement of the parents or legal guardians of Indian children being served as well as tribal communities in the planning and development of the program, and a provision for their continued involvement in the operation and evaluation of the program;

(8) The degree to which the program will contribute to the improvement of educational opportunities of Indian children, including results such as: the projected decrease in the dropout rate, the amount of increase or improvement of services through coordination, the projected rise in academic achievement, or other appropriate results.

c) *Objectives.* (0 to 10 points.) The presentation of the program design as indicated by such factors as:

(1) The degree to which the objectives of the proposed program is sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured.

(2) The degree to which the projected activity plan or milestones clearly outline all the necessary major steps to be taken in order to achieve each objective.

(d) *Evaluation design and dissemination.* (0 to 10 points.) The quality of the evaluation and dissemination design as indicated by such factors as:

(1) The quality of the evaluation design as indicated by the soundness of the proposed plan for the objective measurement of project effectiveness;

(2) Expected potential for utilizing the results of the proposed program in other programs for similar educational purposes;

(3) Provision for disseminating the results of the program and for making materials, techniques, and results and other output available to the general public and, specifically, to those concerned with the area of education with which the program is concerned.

(e) *Personnel.* (0 to 10 points.) The extent to which the application ensures quality personnel and training as indicated by such factors as:

(1) The qualifications and experience of personnel designated to carry out the proposed program; and

(2) The plan and method for the training of personnel participating in the program.

(f) *Organizational capabilities.* (0 to 20 points.) The quality of organizational capability as indicated by such factors as:

(1) Adequacy of facilities and other resources;

(2) The applicant's general administration and management capability; and

(3) In regard to local educational agencies and State educational agencies, the degree of institutional commitment as indicated by the extent and solidarity of projected plans for improving inadequate, or insufficient services and for continued support of the project by the applicant.

(4) The extent to which the applicant's past performance has demonstrated the capability to administer and implement like programs as exemplified by achievement of objectives, adherence to grant conditions, general administration and management capability, and the governing board's assumption of responsibility.

(20 U.S.C. 887c.)

§ 187.33 Priority.

(35 points.) In considering applications under this subpart, the Commissioner will give, in addition to the points awarded in § 187.32:

(a) A 25-point priority rating to applications from tribal and other Indian community organizations;

(b) A 10-point priority rating for one or a combination of the following areas:

(1) Programs which are directed at meeting the needs of Indian children who are handicapped;

(2) Programs which are designed for the written development of or the impartation of Indian language or Indian culture which will assist in providing Indian children with a positive self-image;

(3) Programs which are designed to assist parental and early childhood education in a combination which will most fully benefit Indian children and encourages positive early childhood development;

(4) Programs which are directed at meeting the needs of Indian children who are gifted and talented.

(20 U.S.C. 887c(f).)

§ 187.34 Applications.

An application requesting assistance under this subpart must:

(a) Designate that the application is for consideration under Subpart D of these regulations;

(b) Address all criteria under this subpart;

(c) Complete such forms as may be required by the Commissioner;

(d) Provide a complete program design which sets forth:

(1) The problems or needs to be addressed and the method by which the problems or needs were determined;

(2) The objectives of the program stated in concise, measurable, or quantifiable terms. These objectives must be projected as attainable in the proposed time frames, and must meet the needs and/or eliminate the problem; and

(3) The activities or milestones through which the applicant plans to attain its stated objectives;

(e) Designate the requested length of the program, which may be for a maximum of three years. Program designs must set forth the objectives and activity plans for each of the years requested in the application;

(f) Outline, by job category, the composition of the proposed staff;

(g) Include resumes of the professional staff. (In cases where professional positions are vacant, job descriptions must be submitted);

(h) Present a budget, by category, and appropriate category breakdowns, for the program. (In the case of a multi-year program, the budget breakdown presented in the application shall be for the current, one year funding request. In addition, the applicant shall project only the total cost of each subsequent year outlined in the program design);

(i) Present a description of the proposed administration and line of authority which would ensure efficient administration of the program;

(j) Include plans for an independent and objective evaluation of the effectiveness of the program in achieving its purposes and the purposes of this subpart;

(k) (1) Make provision for the participation on an equitable basis of Indian children in the area to be served who are enrolled in private nonprofit elementary and secondary schools and whose needs are of the type which the program is intended to meet, consistent with the number of these children; and

(2) Include documentation of the number of these children.

(l) Document that parents of the Indian children to be served and tribal communities:

(1) Were consulted and involved in the planning and development of the program;

(2) Will actively participate in the operation and evaluation of the program; and

(m) In the instance of applications from local educational agencies, provide information required by 45 CFR Part 100d concerning an open meeting on the subject matter of the application.

(20 U.S.C. 887e.)

(n) Contain an assurance that the program to be assisted will be coordinated with programs carried out with other resources to ensure that well-coordinated, comprehensive programs and services are available to the Indian child.

(20 U.S.C. 887c(f).)

Subpart E—Dissemination, Evaluation, and Technical Assistance

§ 187.41 Eligible applicants and authorized activities.

Public agencies and institutions and Indian tribes, Indian institutions, and Indian organizations may apply for assistance (by grant or contract) to carry out programs for:

(a) The dissemination of information concerning education programs, services and resources available to Indian children including evaluations thereof. Examples of these programs may be, but are not limited to:

(1) Delivery systems to encourage use of educational materials;

(2) Training and technical assistance; and

(b) The evaluation of the effectiveness of federally assisted education programs in which Indian children may participate.

(20 U.S.C. 887c(a)(4) and (e).)

§ 187.42 Criteria.

In considering whether to approve funding requests submitted under this subpart, and in determining the amount of the awards, applications will be evaluated against the following criteria. The number of points which may be awarded to each category is indicated in parentheses. The maximum number of points that can be awarded is 100.

(a) *Need.* (0 to 10 points.) Evidence of the need for the proposed activity in the area to be served by the applicant.

(b) *Program design.* (0 to 30 points.) The quality of the program design as indicated by such factors as:

(1) Well-defined service population or projected evaluation areas;

(2) Reasonableness of estimated cost in relation to anticipated results; and

(3) Sufficiency of program size, scope, and duration to secure productive results.

(c) *Objectives.* (0 to 10 points). The presentation of the program design as indicated by such factors as:

(1) The degree to which the objectives of the proposed program are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(2) The degree to which the projected activity plan or milestones clearly outline all the necessary steps to be taken in order to achieve each objective.

(d) *Evaluation and dissemination design.* (0 to 10 points). The quality of the evaluation and dissemination design as indicated by such factors as:

(1) The extent to which provision has been made for a quality, independent evaluation of the effectiveness of the program and for determining the extent to which the objectives are accomplished;

(2) The extent to which provision has been made for disseminating the results of the program and for making materials, techniques, and other information available to the general public and, specifically, to those concerned with the area of education with which the program is concerned; and

(3) The expected potential for utilizing the results of the proposed program in other programs for similar educational purposes.

(e) *Organizational capability.* (0 to 20 points). The soundness of the organizational capability as evidenced by such factors as:

(1) The applicant's general administration and management capability; and

(2) The adequacy of facilities and other resources.

(3) The extent to which the applicant's past performance has demonstrated the capability to administer and implement like programs as exemplified by achievement of objectives, adherence to grant conditions, general administration and management capability, and the governing board's assumption of responsibility.

(f) *Personnel.* (20 points). The quality of the qualifications and experience of personnel designated to carry out the proposed program.

(20 U.S.C. 887c(e).)

§ 187.43 Priority. (35 points)

In considering applications under this subpart, the Commissioner, in addition to the points awarded in § 187.42; will give:

(a) A 25-point priority rating to applications from Indian tribes, Indian institutions, and Indian organizations; and

(b) A 10-point priority to programs that are not less than statewide in scope.

(20 U.S.C. 887c(f).)

§ 187.44 Applications.

An application requesting assistance under this subpart must:

(a) Designate that the application is for consideration under Subpart E of these regulations;

(b) Address all criteria for this subpart;

(c) Complete such forms as may be required by the Commissioner;

(d) Provide a complete program design which sets forth:

(1) The problems and needs to be addressed and the methods by which the problems or needs were determined;

(2) The objectives of the program stated in concise, measurable, or quantifiable terms. These objectives must be projected as attainable in the proposed time frames, and must meet the needs or eliminate the problems; and

(3) The activities, or milestones, through which the applicant plans to attain its stated program objectives;

(e) Designate the requested length of the program which may be for a maximum of three years. Program designs must set forth the objectives and activity plans for each of the years requested in the application;

(f) Outline, by job category, the composition of the proposed staff;

(g) Include resumes of the professional staff. (In cases where professional positions are vacant, job descriptions must be submitted);

(h) Present a budget, by category and appropriate category breakdowns, for the program. (In the case of a multi-year program, the budget breakdown presented in the application shall be for the current one year funding request. In addition, the applicant shall project only the total cost of each subsequent year outlined in the program design);

(i) Include a description of the proposed administration and line of authority which would ensure efficient administration of the program;

(j) Include plans for an independent and objective evaluation of the effectiveness of the program in achieving its purposes and the purpose of this subpart; and

(k) Include other information and assurances which the Commissioner may require.

(20 U.S.C. 887c.)

Subpart F—Educational Personnel Training Programs

§ 187.51 Eligible applicants and authorized activities.

Institutions of higher education and State and local educational agencies in combination with institutions of higher education may apply for grants to assist them in carrying out programs to prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel, and to improve the qualifications of persons serving Indian children in those capacities. Under the programs authorized by this section, preference must be given to the training of Indians.

(20 U.S.C. 887c (a)(3) and (d).)

Programs authorized under this subpart include, but are not limited to; programs to:

(a) Train or retrain teachers, supervisors, or trainers of teachers in any subject generally taught in the schools;

(b) Train teacher aides and other ancillary educational personnel;

(c) Prepare teachers and ancillary educational personnel to meet the special needs of handicapped students;

(d) Train or retrain persons to serve in bilingual-bicultural programs; and

(e) Provide training for school administrators;

(20 U.S.C. 887c(a)(3).)

§ 187.52 Allowable costs.

Funds for programs under this subpart may be used only to pay the cost of:

(a) Regular session programs;

(b) Short-term institutes;

(c) Other preservice and inservice training programs designed to improve the qualifications of persons entering and reentering the field of elementary and secondary education, except that funds may not be used for seminars, symposia, workshops, or conferences unless they are part of a continuing program of inservice or preservice training; and

(d) Stipends and allowances for dependents applicable to the activities listed above.

(20 U.S.C. 887c.)

§ 187.53 Criteria.

In considering whether to approve applications submitted under this subpart, and in determining the amount of the awards, all applications will be evaluated against the following criteria. The number of points which may be awarded for each category of criteria is indicated in parentheses next to that category. The maximum number of points which can be awarded is 100.

(a) *Need.* (0 to 20 points). The need for the type of educational personnel for which the training is to be provided, as indicated by a survey of Indian educational personnel needs in the area to be served.

(b) *Program design.* (0 to 30 points.) The quality of the program design as indicated by such factors as:

(1) The extent to which there is evidence of cooperative planning and the maximum use of financial, physical, and human resources of the educational agencies and institutions involved;

(2) The extent to which the program incorporates innovative concepts and techniques designed to meet current problems experienced in schools serving Indian children;

(3) The likelihood that the training will be applied to meet the educational needs of Indian children;

(4) The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children;

(5) The degree to which the training program will focus on approaches, methods, and techniques which are pertinent to the education of Indian children;

(6) Reasonableness of estimated cost in relation to anticipated results; and

(7) Sufficiency of program size, scope, and duration so as to achieve productive results.

(c) *Objectives.* (0 to 10 points.) (1) The extent to which the objectives of the proposed program are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured; and

(2) The extent to which the projected activity plan or milestones clearly outline all the necessary major steps to be taken in order to achieve each objective.

(d) *Evaluation and dissemination design.* (0 to 15 points.) The quality of the evaluation and dissemination design as indicated by such factors as:

(1) The soundness of the evaluation design as to the data to be corrected, methods to be used, and the development of the evaluation tools to be used in objective measurement of the effectiveness of the accomplishments of the program and the projected use of the results for the benefits of the program;

(2) The extent to which provision has been made for disseminating the results of the program and for making materials, techniques, and other outputs available to the general public and, specifically, to those concerned with the area of education with which the program is concerned; and

(3) The expected potential for utilizing the results of the proposed program in other programs for similar educational purposes.

(e) *Organizational capability and institutional commitment.* (0 to 15 points.) The degree of capability and commitment as indicated by such factors as:

(1) The extent to which there is evidence of institutional commitment to support the proposed program;

(2) The extent to which there is expertise, or has been previous experience on the part of the applicant or its personnel, in conducting the type of training for which application for funds is made; and

(3) The extent to which the applicant's past performance has demonstrated the capability to administer and implement like programs as exemplified by achievement of objectives, adherence to grant conditions, general administration and management capability, and the governing board's assumption of responsibility.

(f) *Personnel.* (0 to 10 points.) The quality of the qualifications and experience of personnel designated to carry out the proposed program.

(20 U.S.C. 887c.)

§ 187.54 Priority. (30 points.)

In approving applications under this subpart, the Commissioner will award a 10-point priority rating to each of the following, in addition to the points awarded under § 187.53:

(a) Indian institutions of higher education;

(b) Programs in which Indian participants are working toward degrees at the baccalaureate level or higher; and

(c) Programs which are training a high percentage of Indian participants.

(20 U.S.C. 887c(f).)

§ 187.55 Applications.

An application requesting assistance under this subpart must:

(a) Designate that the application is being made under Subpart F of these regulations;

(b) Address all criteria in this Subpart;

(c) Complete such forms as may be required by the Commissioner;

(d) Provide a complete program design which sets forth:

(1) The problems to be addressed;

(2) The objectives of the program stated in concise, measurable, or quantifiable terms. These objectives must be projected as attainable in the proposed time frames; and

(3) The activities or milestones through which the applicant plans to attain its stated objectives;

ANNA
JUN 28 77
UM

(e) Outline, by job category, the composition of the proposed staff;

(f) Include resumes of the professional staff. (In cases where professional positions are vacant, job descriptions must be submitted);

(g) Present a budget, by category, and appropriate category breakdowns, for the program. (In the case of a multi-year program, the budget presented in the application shall be for the current, one year funding request. In addition, the applicant shall project only the total cost of each subsequent year outlined in the program design);

(h) Submit a description of the proposed administration and line of authority which would provide for proper and efficient administration and management;

(i) Designate the number and percentage of persons to be trained who are Indian;

(j) Include plans for an independent and objective evaluation of the effectiveness of the program in achieving its purposes and the purposes of this subpart;

(k) (1) Make provision for the participation on an equitable basis of Indian children in the area to be served who are enrolled in private nonprofit elementary and secondary schools and whose needs are of the type which the program is intended to meet, consistent with the number of these children; and

(2) Include documentation of the number of these children.

(20 U.S.C. 887c(f).)

(l) Must designate the requested length of the which may be for a maximum of three years. Program designs must set forth the objectives and activity plans for each of the years requested in the application; and

(m) Provide other information and assurances which the Commissioner may require.

(20 U.S.C. 887c.)

Subpart G—Special Educational Training Programs for Educators of Indian Children

§ 187.61 Eligible applicants and authorized activities.

Institutions of higher education, Indian organizations, and Indian tribes may apply for assistance (by grant or contract) in order to prepare individuals for teaching in or administering special programs designed to meet the special educational needs of Indian children, or provide inservice training for persons already teaching in those programs.

Programs authorized under this subpart include, but are not limited to, programs to:

(a) Train or retrain teachers, supervisors, or trainers of teachers in any subject generally taught in the schools;

(b) Train teacher aides and other ancillary educational personnel;

(c) Prepare teachers and ancillary educational personnel to meet the special needs of handicapped students;

(d) Train or retrain persons to serve in bilingual-bicultural programs; and

(e) Provide training for school administrators.

(20 U.S.C. 887c–1.)

§ 187.62 Allowable costs.

Funds for programs under this subpart may be used only to pay the cost of:

(a) Regular session programs;

(b) Short-term institutes;

(c) Other preservice and inservice training programs designed to improve the qualifications of persons entering and reentering the fields of elementary and secondary education, except that funds may not be used for seminars, symposia, workshops, or conferences unless they are part of a continuing program of inservice or preservice training; and

(d) Stipends and allowances for dependents applicable to the activities listed above.

(20 U.S.C. 887c.)

§ 187.63 Criteria.

In considering whether to approve applications submitted under this subpart, and in determining the amount of the awards, all applications will be evaluated against the following criteria. The number of points which may be awarded for each category of criteria is indicated in parenthesis next to that category. The maximum number of points which may be awarded is 100.

(a) *Need.* (0 to 20 points). The need for the type of educational personnel for which the training is to be provided, as indicated by a survey of Indian educational personnel needs in the area to be served.

(b) *Program design.* (0 to 30 points). The quality of the program design as indicated by such factors as:

(1) The extent to which there is evidence of cooperative planning and the maximum use of financial, physical, and human resources and competencies of the educational agencies and institutions involved;

(2) The extent to which the program incorporates innovative concepts and techniques designed to meet current problems experienced in schools serving Indian children;

(3) The likelihood that the training will be applied to meet the educational needs of Indian children;

(4) The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children;

(5) The degree to which the training program will focus on approaches, methods, and techniques which are pertinent to the education of Indian children;

(6) Reasonableness of estimated cost in relation to anticipated results; and

(7) Sufficiency of program size, scope, and duration so as to achieve productive results.

(c) *Objectives.* (0 to 10 points.) The quality and soundness of the objectives as indicated by such factors as:

(1) The extent to which the objectives of the proposed program are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured; and

(2) The extent to which the projected activity plan or milestones clearly outline all the necessary major steps to be taken in order to achieve each objective.

(d) *Evaluation and dissemination design.* (0 to 15 points.) The quality of the evaluation and dissemination design as indicated by such factors as:

(1) The quality of the evaluation design as indicated by the data to be collected, methods to be used, and the development of the evaluation tools to be used in the objective measurement of the effectiveness of the accomplishments of the program and the projected use of the results for the benefit of the program;

(2) The extent to which provision has been made for disseminating the results of the program and for making materials, techniques, and other outputs available to the general public and, specifically, to those concerned with the area of education with which the program is concerned; and

(3) The expected potential for utilizing the results of the proposed program in other programs for similar educational purposes.

(e) *Organizational capability and institutional commitment.* (0 to 15 points.) The capability and commitment as indicated by such factors as:

(1) The extent to which there is evidence of institutional commitment to support the proposed program; and

(2) The extent to which there is expertise, or has been previous experience on the part of the applicant or its personnel in conducting the type of training for which application for funds is made; and

(3) The extent to which the applicants past performance has demonstrated the capability to administer and implement like projects as exemplified by achievement of objectives, adherence to grant conditions, general administration and management capability, and the governing boards assumption of responsibility.

(f) *Personnel.* (0 to 10 points.) The qualifications and experience of personnel designated to carry out the proposed program.

(20 U.S.C. 887c–1.)

§ 187.64 Priorities. (30 Points.)

In approving applications under this subpart, the Commissioner will, in addition to the points awarded under the § 187.63, award a 10-point priority rating to each of the following:

(a) Indian tribes, Indian organizations, and Indian institutions of higher education;

(b) Programs in which Indian participants are working toward degrees at the baccalaureate level or higher; and

(c) Programs which are training a high percentage of Indian participants.

(20 U.S.C. 887c(f).)

§ 187.65 Applications.

An applicant requesting assistance under this subpart must:

(a) Designate that application is being made under Subpart G of these regulations;

(b) Address all criteria for this subpart;

(c) Complete such forms as may be required by the Commissioner;

(d) Provide a complete program design which sets forth:

(1) The problems to be addressed;

(2) The objectives of project or program stated in concise, measurable, or quantifiable terms. These objectives must be projected as attainable in the proposed time frames; and

(3) The activities or milestones through which the applicant plans to attain its stated objectives;

(e) Outline, by job category, the composition of the proposed staff;

(f) Include resumes of the professional staff. (In cases where professional positions are vacant, job descriptions must be submitted);

(g) Present a budget, by category, and appropriate category breakdowns, for the program. (In the case of a multi-year program, the budget presented in the application shall be for the current, one-year funding request. In addition, the applicant shall project only the total cost of each subsequent year outlined in the program design);

(h) Submit a description of the proposed administration and line of authority which would provide for proper and efficient administration and management;

(i) If the applicant is other than an institution of higher education and intends to administer a preservice training program, submit information and assurances which document that an arrangement has been made whereby an institution of higher education has agreed to provide the training in a manner previously specified by the applicant;

(j) Designate the number and percentage of persons to be trained who are Indian;

(k) Include plans for an independent and objective evaluation of the effectiveness of the program in achieving its purposes and the purposes of this subpart;

(l) Designate the requested length of the program which may be for a maximum of three years. Program designs must set forth the objectives and activity plans for each of the years requested in the application; and

(m) Provide other information and assurances which the Commissioner may require.

(20 U.S.C. 887c).

§ 187.66 Educational personnel fellowships.

(a) *Eligible applicants and authorized activities.* (1) The Commissioner is authorized to award fellowships to individuals and to make grants to and enter into contracts with institutions of higher education, Indian organizations, and Indian tribes for cost of education allowances for the purpose of preparing these individuals for teaching or administering special programs designed to meet the special educational needs of Indian children.

(2) In awarding fellowships under this section, the Commissioner shall give preference to Indians.

(b) *Applicable regulations.* In the case of educational personnel fellowships, the governing regulations shall be the same as those under Subpart H of these regulations, except that fellowships may be awarded in the field of education under this subpart

(20 U.S.C. 887(c).)

Subpart H—Indian Fellowship Program

§ 187.71 Eligible applicants and authorized activities.

(a) An Indian who is in attendance, or who has been accepted for admission, as a full time student at an institution of higher education for study in a graduate or professional program may apply for a fellowship under this subpart. The applicant's program of study must be one of not less than three nor more than four academic years and provide a professional or graduate degree in engineering, medicine, law, business, forestry, or a field related to one of these areas.

(b) Applicants in the fields of medicine or law must be entering at a level not lower than the first year of medical school or law school, whichever is applicable.

(c) The Commissioner will determine which programs of study are related to one of the five areas specifically designated in paragraph (a) of this section.

(20 U.S.C. 887c-2)

§ 187.72 Allowable costs.

(a) The Commissioner shall pay, to persons awarded fellowships under this subpart, stipends and dependency allowances.

(b) The Commissioner shall pay, to the institution of higher education at which a fellow is pursuing a course of study, the cost of the education allowance for the fellow.

(c) Payments for stipends and allowances for dependents referred to in this subpart shall be made to the institution of higher education which the fellow attends or to the fellow.

(d) A fellow may not hold a fellowship concurrently with another award (fellowship, assistantship, scholarship or similar award) which duplicates provisions of the award or gives financial assistance beyond the level of need as determined by the Commissioner. Further, a fellow cannot receive additional educational remuneration from the Veterans Administration (Veterans Readjustment Benefits Act of 1966, Pub. L. 89–358) beyond the level of need as determined by the Commissioner. A fellow may, however, accept loans from Federal funds. (*U.S. v. James E. Fulton, Jr., M.D.*, U.S.D.C., Southern District of Florida, Case No. 75–1225).

§ 187.73 Criteria for selection of fellows and alternates.

In considering whether to approve applications under this subpart and in determining amounts of awards, the Commissioner will (a) Subject to § 187.74(a), make an appropriate distribution of funds among the areas of study (engineering, medicine, law, business, and forestry) based upon anticipated needs in these areas, with the result that an application within an area of study will generally compete only against other applications within the same area of study; and (b) Take into account the following criteria. The number of points which may be awarded under each category is listed in parentheses. The maximum number of points which can be awarded is 100.

(1) *Need.* (0 to 10 points). The extent to which the application demonstrates the financial need of the applicant as determined by such indicators or statements as the Commissioner may require on the application form.

(2) *Academic record.* (0 to 30 points). The academic record of the applicant, as indicated by transcripts of the individual's education: (a) At the secondary and undergraduate level in the case of applicants who are in undergraduate school; and

(b) At the undergraduate and (if applicable) post-baccalaureate level in the case of an applicant who is in law school, medical school, or graduate school.

(3) *Other evidence of potential success.* (0 to 30 points). Other evidence submitted by the applicants indicating their potential for success in their chosen profession. This evidence may include job experience, community service, references, and other areas as requested by the Commissioner.

(4) *Service to Indians.* (0 to 30 points). Evidence submitted by the applicants indicating that, upon earning their degrees, they are likely to provide services to Indians. This evidence may include personal references, endorsement by tribes or Indian groups, and past employment and community experience.

(20 U.S.C. 887c-2)

§ 187.74 Priorities.

(a) In approving applications under this subpart, the Commissioner shall, if there are sufficient numbers of approvable applications, award not less than five percent of the fellowships for any fiscal year to applicants in each of the following areas of study: engineering, medicine, law, business, and forestry.

(b) In addition to the points awarded under § 187.73, the Commissioner shall award additional points within each area of study for each year of postsecondary study completed by the applicant. The points will be awarded as follows:

(1) 3 points will be awarded to an applicant who has completed one year of postsecondary study;

(2) 6 points will be awarded to an applicant who has completed two years of postsecondary study;

(3) 9 points will be awarded to an applicant who has completed three years of postsecondary study;

(4) 15 points will be awarded to an applicant who has completed four years of postsecondary study;

(5) 18 points will be awarded to an applicant who has completed five years of postsecondary study;

(6) 21 points will be awarded to an applicant who has completed six years of postsecondary study; and

(7) 24 points will be awarded to an applicant who has completed seven or more years of postsecondary study.

(20 U.S.C. 887c-2)

§ 187.75 Designation of alternate fellows.

In the event that recipients of fellowships decline their fellowships or discontinue their courses of study before their fellowship period has elapsed, the Commissioner will establish a rank order of as many successful applicants for fellowships for any fiscal year and in as many categories of study as the Commissioner may deem appropriate, for the purpose of designating alternate recipients of fellowships for the unused portion.

(20 U.S.C. 887c-2)

§ 187.76 Applications.

An individual's application for a fellowship under this subpart shall be submitted to the Commissioner and shall be in such form as the Commissioner may require. No application may be submitted unless it includes the following:

(a) The applicant's name, permanent address, statement that the applicant is an Indian (as the term is defined in § 187.2), and the names and relationships of dependents;

(b) Evidence that the applicant is in attendance or has been accepted for admission as a full time student at an institution of higher education which is, or will be, during the period for which the applicant is applying for a fellowship, conducting a program of study described in § 187.71(a) except that:

(1) An individual who has not yet been accepted for admission may submit an application which may be considered by the Commissioner, provided that the individual is accepted by an institution by a subsequent date to be specified by the Commissioner; and

(2) The Commissioner may, in an appropriate case, require, as a condition for approval of an application, evidence that the applicant will be attending an accredited program of study as described in § 187.71(a);

(c) Copies of transcripts referred to in § 187.72(b) and evidence described in § 187.72 (c) and (d);

(d) Information the Commissioner may require in order to determine the amount of a cost of education allowance for a fellowship holder;

(e) Financial information as required by the Commissioner in the application form; and

(f) Other information and assurances the Commissioner may require.

(20 U.S.C. 887c-2)

§ 187.77 Responsibilities of fellows.

All fellows shall be responsible for: (a) Submitting to the Office of Education copies of their official grade reports at the close of each quarter or semester, whichever is applicable; and

(b) Reporting to the Office of Education any interruption of their studies.

(20 U.S.C. 887c-2)

§ 187.78 Continuation of fellowships.

(a) Fellowships funded under this part may be for up to four year's duration;

(b) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed, the Commissioner may, in the initial notification of fellowship award, indicate an intention to assist the fellow for up to three successive years through continuation awards;

(c) Continuation awards may be made to fellows, subject to the restriction in paragraph (a) of this section and to the availability of funds:

(d) Applications for continuance awards will be reviewed on a noncompetitive basis to determine:

(1) If the fellow has complied with the award terms and conditions, the Act, and any applicable regulations; and

(2) If the fellow has remained a student in good standing at the university being attended.

§ 187.79 Discontinuation of fellowships.

(a) The Commissioner may discontinue a fellowship for reasons deemed appropriate by the Commissioner, including: (1) Unexcused interruption of study;

(2) Unauthorized use of fellowship funds; and

(3) Grade reports that indicate failure by a fellow.

(b) If the Commissioner decides to discontinue a fellowship, the Commissioner will do so only after providing reasonable notice and an opportunity for the fellow to rebut, in writing or in an informal meeting with the responsible official of the U.S. Office of Education, the basis for the decision.

(20 U.S.C. 887c-2)

Subpart I—Administrative Standards

§ 187.81 Administrative requirements.

For all grants or contracts awarded under Subparts B through G, the recipients' governing body shall be responsible for setting policies and monitoring and ensuring adherence to the following administrative standards:

(a) *General provisions.* Assistance under this part is subject to applicable provisions contained in 45 CFR Part 100a, except that 45 CFR 100a.26(b) shall not apply and to the extent that more specific requirements are stated in these regulations.

(b) *Reporting.* The recipient shall submit semi-annual financial and program progress reports. The format and due date of those reports shall be prescribed by the Commissioner.

(45 CFR 100a.403(c))

(c) *Audit* (1) The recipient shall arrange for an audit by an independent auditor. These audits must be performed for each grant period that an award is made. Copies of the audit must be submitted to the Commissioner in accordance with instruction issued by the Commissioner.

(2) Audits under this paragraph must be in accordance with generally accepted auditing standards and must be performed by: (i) a licensed independent certified public accountant; or (ii) a public accountant licensed to practice on or before December 31, 1970.

(d) *Evaluation.* (1) The recipient shall arrange for and submit to the Commissioner an independent and objective evaluation which shall include, as a minimum, the following:

(i) A comparison of actual accomplishments to the objectives established;

(ii) Reasons for variance in those cases where objectives were not met;

(iii) Adherence to administrative standards as set forth by the recipient governing board and 45 CFR Part 100a; and

(iv) The performance of the recipient's governing board in its assumption and disposition of its responsibilities relative to the award.

(2) The recipient will cooperate with any evaluation conducted or arranged by the Commissioner.

(45 CFR 100a.276)

(20 U.S.C. 887c)

§ 187.82 Conflict of interest and nepotism.

The recipient will establish procedures which prohibit: (a) Conflict of interest. A recipient shall establish or adopt rules to assure that employees or individuals participating in a program funded under this part shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family business, or other ties.

(b) *Nepotism.* (1) No recipient shall hire or permit the hiring of any individual in a position funded in whole or in part under this part of a member of that individual's immediate family is employed by the grantee in an administrative capacity or that individual or a member of that individual's family is on the governing board.

(2) The Commissioner may waive the requirement of paragraph (1) above when a grantee cannot adequately staff the positions without hiring more than one person from the same immediate family. A grantee shall demonstrate that no other individuals within its community or service area are qualified or available for employment. The Commissioner may also waive the requirement of paragraph (1) when it is deemed a waiver will further the purposes of the Act.

(45 CFR 1336.54)

(c) *Salaries and wages.* Salaries and wages paid must be comparable to the salaries and wages paid in the local area for similar jobs.

(20 U.S.C. 887c)

§ 187.83 Documents and procedure policies.

(a) The grantee shall have on file, and submit on request: articles of incorporation, and/or constitution and bylaws, personnel policies and procedures, travel policies and regulations, financial management procedures, property management procedures, organizational duty and responsibility charts and manual, and job descriptions.

(b) If these policies have been developed for other programs, the grantee may extend, by formal resolution, the applicability of these administrative standards to the program awarded under this Act.

(20 U.S.C. 887c)

§ 187.84 Violation of grant terms and conditions.

When a grantee has materially failed to comply with the terms and conditions of a grant, the Commissioner may suspend or terminate the grant for cause, or take such other remedies as may be legally available and appropriate in the circumstances under procedures set forth in § 100a.495 of this chapter.

(20 U.S.C. 887c; 20 U.S.C. 1221c(b)(1))

[FR Doc.77-18446 Filed 6-27-77;8:45 am]

PART 188—INDIAN EDUCATION ACT (PART C)

Adult Education Projects

AGENCY: U.S. Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This document amends the regulation as required by the Education Amendments of 1974 for the planning of pilot and demonstration projects to test and demonstrate the effectiveness of adult education programs for Indians and to govern support for survey, dissemination, and evaluation projects related to these programs.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Lawrence J. LaMoure, Director, Division of Special Projects and Programs, Room 2161, Federal Office Building 6, 400 Maryland Avenue, SW., Washington, D.C. 20202, 202-245-7525.

SUPPLEMENTARY INFORMATION: Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on March 25, 1977 at 42 FR 16272 which set forth a comprehensive amendment of Part 188 of Title 45 of the Code of Federal Regulations. Interested parties were given 30 days to submit comments, suggestions, or objections. Only one letter containing five suggestions and comments was received. These comments are discussed below.

1. *Comment.—Definitions § 188.2.* The commenter suggested that the definition of "adult education" be changed from services to those who (1) do not have a certificate of graduation and have not achieved an equivalent level, "*and* (emphasis supplied), (2) are not currently required to be enrolled in schools," so that these two tests are stated as alternatives.

Response. Since the definition of "adult education" is taken directly from the "Adult Education Act" (20 U.S.C. 1202(b)) it cannot be changed as suggested.

2. *Comment.—Eligibility and authorized activities for planning, pilot, and demonstration projects § 188.5(b)(2).* The commenter suggested that the description of the authorized activity to assist programs designed to provide: "high school equivalency opportunities in the shortest period of time feasible," be changed to read, "in a manner most adequate and feasible to meet the needs of the Indian individual and/or community."

Response. This language also was taken directly from the "Adult Education Act" (20 U.S.C. 1211a(a)) and should not be changed by regulation. However, since the individuals to be served and the Indian community must be involved in the planning, development, and implementation of each project, as required by § 188.8, the commenter's concern appears to be adequately addressed.

3. *Comment.—Evaluation § 188.10(b).* The commenter requested a clarification of the statement, ". . . the applicant will cooperate with any evaluation conducted or arranged by the Commissioner," in § 188.10(b).

Response. In meeting the responsibility to determine the effectiveness of programs funded by the Office of Education, the Commissioner often conducts directly or through contract an evaluation of an entire program or projects thereunder. If such an evaluation is conducted for Part C of the Indian Education Act, award recipients would have to provide information and materials requested by the evaluators. Apart from any such evaluation, the applicants are responsible for having an "independent and objective" evaluation done on their individual project as set forth in § 188.10(a).

4. *Comment.—Community Participation § 188.15(c)(2).* The commenter suggested the criterion concerning participation of the Indian community in §188.15(c)(2) be changed to relate to participation by potential project participants.

Response. No change has been made in the regulation. The Indian Education Act, Part C (20 U.S.C. 1211a) requires that both the individuals to be served and the communities be involved in the planning, development, operation, and evaluation of the project. Section 188.15 (c) relates to both groups.

5. *Comment.—Dissemination § 188.15 (e).* The commenter requested a clarification of the requirements for dissemination and suggested they be applied to innovative, research, or demonstration projects.

Response. No change has been made in the regulation. The nature of the dissemination effort should necessarily vary with the complexity of the project. Part C projects often involve innovation, research, and demonstration, and comprehensive dissemination is an essential aspect of these projects.

6. Section 188.3(c) concerning independent audits has been amended to reflect standards of the Comptroller General.

7. Part 188 is adopted to read as set forth below.

AUTHORITY: This regulation is issued under the authority of the Indian Education Act, Title IV of Pub. L. 92-318, as amended by Part C of Title VI of Pub. L 93-380.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 10, 1977.

ERNEST L. BOYER,
Commissioner of Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Number 13.536, Adult Indian Education.)

TITLE 45 IS AMENDED BY REVISING PART 188 IN ITS ENTIRETY TO READ AS SET FORTH BELOW:

Subpart A—Scope; Definitions; General Provisions; Applicability of Section 7(b) of the Indian Self-Determination and Education Assistance Act of 1975

Sec.
188.1 Scope.
188.2 Definitions.
188.3 General provisions and administrative standards.
188.4 Applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act of 1975.

Subpart B—Applications for Financial Assistance

188.5 Eligibility and authorized activities for planning, pilot, and demonstration projects.
188.6 Eligibility and authorized activities for dissemination and evaluation projects.
188.7 Applications.
188.8 Community participation.
188.9 Indian preference.
188.10 Evaluation.
188.11 Continuation awards.
188.12 Capacity to carry out the project.

Subpart C—Criteria and Priorities for Assistance

188.15 Criteria for planning, pilot, and demonstration projects.

JUN 28 1977
UM

Sec.
188.16 Additional criteria for survey and evaluation projects.
188.17 Priorities.

AUTHORITY: Sec. 314, Pub. L. 89-750, as amended, 86 Stat. 342 (20 U.S.C. 1211a), unless otherwise noted.

Subpart A—Scope; Definitions; General Provisions; Applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act

§ 188.1 Scope.

(a) This part governs the provision of assistance to State and local educational agencies, to Indian tribes, Indian institutions, and Indian organizations, and to public agencies and institutions to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving edueational opportunities for adult Indians under section 314 of the Adult Education Act as added by section 431 of the Indian Education Act, title IV of Public Law 92-318).

(b) Assistance provided under this part is subject to applicable provisions contained in section 303 of the Adult Education Act (20 U.S.C. 1202) and regulations thereunder.

(20 U.S.C. 1211a.)

§ 188.2 Definitions.

"Act" means section 314 of the Adult Education Act 20 U.S.C. 1201).

(20 U.S.C. 1211a.)

"Adult" means any individual who has attained the age of 16.

(20 U.S.C. 1202(a).)

"Adult education" means services or instruction below the college level, for adults who (1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and (2) are not currently required to be enrolled in schools.

(20 U.S.C. 1202(b).)

"Educational model" means a pilot or demonstration project that has a structured program design which offers innovative alternatives to meet the educational needs of the adult Indian. The program design may be structured around one or more curriculum units or support services. The needs and resources of the community are to be included in the development of the educational model to ensure maximum benefit to the student and the community.

"Indian institution" means a preschool, elementary, secondary or postsecondary school established for the promotion of education of Indians which is:

(a) Controlled by a governing body, the majority of which is Indian; and

(b) If located on an Indian reservation, operates with the sanction or by charter of that Tribe(s).

"Indian organization" means an organization which:

(a) Is legally established, by Tribal charter or in accordance with State law with appropriate Constitution, By-laws and/or Articles of Incorporation;

(b) Has the primary purpose of promoting the educational, economic, or social self-sufficiency of Indians;

(c) Has a governing board and membership composed of a majority of Indians;

(d) If located on an Indian reservation, operates with the sanction or by charter of that Tribe(s);

(e) If affiliated with a college or university, such affiliation must not limit the service area or Indian community involvement to staff and students of that college or university; and

(f) Is not an organization or subdivision of any college or university, or (which) is not directly under the control of the university or college (such organizations are not considered Indian organizations for the purposes of this part).

"Life coping skills" means skills that will enable adults to meet their daily needs or will improve their lives economically or improve their functional competency. These skills may include instruction in consumer education, management skills, health education, occupational skills, or information related to legal problems.

"Indian" means any individual, living on or off a reservation, who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

§ 188.3 General provisions and administrative standards.

For all grants or contracts awarded under this part, the recipient's governing body shall be responsible for setting policies, monitoring and ensuring adherence to the following administrative standards:

(a) *General provisions.* Assistance under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) except 45 CFR 100a.26(b), and except to the extent that more specific requirements are stated in these regulations.

(b) *Reporting.* The grantee shall submit semi-annual financial and program progress reports. The format and due date of such reports shall be prescribed by the Commissioner.

(c) *Audit* (1) the grantee shall arrange for an audit by an independent auditor. These audits must be performed for each grant period that an award is made. Copies of the audit must be submitted to the Commissioner in accordance with instructions issued by the Commissioner.

(2) Audits under this paragraph must be in accordance with generally accepted auditing standards and must be performed by: (i) a licensed independent certified public accountant; or (ii) a public accountant licensed to practice on or before December 31, 1970.

(20 U.S.C. 1211a.)

(45 CFR Subchapter A.)

§ 188.4 Applicability of section 7(b) of the Indian Self-Determination and Education Assistance Act.

Assistance under this part is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) and any regulations promulgated thereunder, to the extent that such statutory provision and regulations are by their terms applicable to assistance under this part. Section 7(b) provides for preference to Indians, in the contexts of training and employment and the awarding of subcontracts and subgrants, in connection with assistance under Federal legislation for the benefit of Indians.

(25 U.S.C. 450e(b).)

Subpart B—Applications for Financial Assistance

§ 188.5 Eligibility and authorized activities for planning, pilot, and demonstration projects.

State educational agencies (as defined in 20 U.S.C. 1202(g)) and local educational agencies (as defined in 20 U.S.C. 1202(e)), and Indian tribes, institutions, and organizations may apply for grants to support planning, pilot, and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for providing adult education for Indians. Such projects may be designed: (a) To test and demonstrate the effectiveness of programs to improve employment and educational opportunities; (b) to assist in the establishment and operation of programs designed to stimulate the provision of: (1) Basic literacy opportunities to all nonliterate Indian adults, and (2) high school equivalency opportunities in the shortest period of time feasible; (c) to support a major research and development program to develop more innovative and effective techniques for achieving the literacy and high school equivalency goals; (d) to provide for basic surveys (and evaluations of such surveys) to define accurately the extent of the problems of illiteracy and lack of high school completion on Indian reservations; and (e) to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian adults.

(20 U.S.C. 1211a(a).)

§ 188.6 Eligibility and authorized activities for dissemination and evaluation projects.

The Commissioner may also make grants to, and contracts with, public agencies and institutions, and Indian tribes, institutions, and organizations for: (a) The dissemination of information concerning educational programs, services, and resources available to

Indian adults, including evaluations thereof; and (b) the evaluation of the effectiveness of federally assisted programs (in which Indian adults may participate) in achieving their purposes with respect to such adults.

(20 U.S.C. 1211a(b).)

§ 188.7 Applications.

Any party eligible for assistance under this part may submit an application therefor on such forms as may be prescribed by the Commissioner. Such application shall set forth (a) the problem to be addressed; (b) the overall objectives of the proposed project; (c) the activities to be carried out; (d) the manner in which the proposed project carries out the purpose, as set forth in § 188.5, or § 188.6 to which it relates; (e) the type and size of the staff envisioned; (f) the amount of the assistance being requested; and (g) such other information as the Commissioner may require. The description of the proposed project in such application shall also include a specific discussion of the manner in which such project relates to the applicable criteria set forth in subpart C of this part. The application shall also provide for such methods of administration as are necessary for the proper and efficient administration of the project for which assistance is requested.

(20 U.S.C. 1211a(c).)

§ 188.8 Community participation.

Applications submitted under § 188.5 or § 188.6 must describe the manner in which individuals to be served and tribal communities (a) participated in the planning and development of the project, and (b) will be actively participating in the further planning, development, operation, and evaluation of the project. (See section 314(c) of the Act.)

(20 U.S.C. 1211a(c).)

§ 188.9 Indian preference.

In approving applications under § 188.5 and § 188.6 the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(20 U.S.C. 1211a(c).)

§ 188.10 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 1211a(c)(2).)

§ 188.11 Continuation awards.

(a) Projects funded under this part may be for up to three years' duration.

(b) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project (which shall be for up to a twelve month period), indicate an intention to assist the project for one or two successive years through continuation grants.

(c) Continuation awards may be made to projects described in this section, subject to the restriction in paragraph (a) of this section and to the availability of funds.

(d) Applications for continuation awards will be reviewed on a noncompetitive basis to determine:

(1) If the award recipient has complied with the award terms and conditions, the Act, and any applicable regulations; and

(2) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation.

(20 U.S.C. 1211a.)

§ 188.12 Capacity to carry out the project.

Notwithstanding the specific evaluation criteria in the remainder of this part, the Commissioner will not fund an application under this part unless the Commissioner is satisfied that the applicant has the capacity successfully to carry out the project.

(a) In making this judgment, the Commissioner will consider such factors as:

(1) Both the programmatic and financial management capacities of the applicant organization and its staff;

(2) Past performance by the applicant;

(i) In carrying out any prior grant under this part, or

(ii) In carrying out similar projects with respect to such matters as achievement of objectives, adherence to the project conditions, programmatic and financial management, and the governing board's assumption of responsibility;

(3) Adequacy of facilities and other resources, including consideration of any litigation or dispute which calls into question the continued availability of the facilities and resources to the applicant; and/or

(4) Consideration of local community factors which may prevent the successful operation of the grant.

(b) If the Commissioner decides not to fund an application based upon this section, the Commissioner will do so only after providing reasonable notice and an opportunity to the applicant to rebut, in writing or in an informal meeting with program administrators of the U.S. Office of Education, the basis for the decision.

(20 U.S.C. 1211a.)

Subpart C—Criteria and Priorities for Assistance

§ 188.15 Criteria for planning, pilot, and demonstration projects.

In considering whether to fund applicants and in determining the amount of the award under an approved application submitted under this section and eligible for assistance under § 188.5, the Commissioner will use a point system to evaluate applications for assistance under this part. The maximum aggregate number of points which can be awarded under this section is 100. The Commissioner will evaluate applications under the criteria below, and will award points as indicated by the range in parentheses.

(a) *Need for assistance.* (0–20 points) The Commissioner may award points on the extent to which an application contains evidence of need. Need for assistance may be indicated in an application by such factors as:

(1) The illiteracy rate among adult Indians in the service population area who are in need of;

(i) Obtaining a General Equivalency Diploma, and

(ii) Training in life coping skills.

(b) *Project design.* (0–35 points) A project design is an applicant's plan to achieve its stated objectives. The quality of the applicant's project design will be evaluated on the extent to which the application:

(1) Sets forth its objectives in a measurable and realistic manner; (0–5 points)

(2) Presents a plan of activities to accomplish each objective; (0–5 points)

(3) Provides a comprehensive plan for instruction in adult education or life coping skills; 40–5 points)

(4) Provides for the effective use of Indian traditions and cultural materials in the project; (0–5 points)

(5) Presents the development of an educational model in adult education or life coping skills; (0–5 points)

(6) Includes a plan to employ quality personnel and staff which will use the services of Indians in implementing adult educational activities; (0–5 points)

(7) Includes evidence that the facilities will be sufficient to implement the project activities. (0–5 points)

(c) *Community Participation.* (0–10 points) The quality of participation of the Indian community will be evaluated on the extent to which the application:

(1) Indicates that the individuals to be served participated in the planning and development of the project; (0–5 points) and

(2) Provides evidence that the Indian community will be actively involved in further planning, implementation and evaluation of the project. (0–5 points)

(d) *Evaluation design.* (0–10 points) The Commissioner will evaluate an application on the extent to which the application sets forth an evaluation design which provides a reliable, comprehensive and measurable assessment of the performance of the project against the stated objectives.

(e) *Dissemination.* (0–5 points) The Commissioner will evaluate an application on the extent to which the application has a plan for comprehensive dissemination of project results to other Indian communities and Indian organizations.

(f) *Administration.* (0–20 points) The Commissioner will evaluate an application on the extent to which the application sets forth:

(1) effective methods of administration; (0–5 points)

(2) effective financial management procedures; (0–5 points)

(3) reasonable costs for services and property for the proposed project and evidence that efforts have been made to minimize funds requested for the purchase of equipment and for personnel normally supported by the applicant; (0–5 points) and

(4) proper procedures for effective coordination of activities under the proposed project with related activities funded under other projects or programs. (0–5 points)

(20 U.S.C. 1211a.)

§ 188.16 Criteria for survey and evaluation projects.

The Commissioner will evaluate and award points to applications submitted under § 188.5(d) for basic surveys and evaluations which define the problems of illiteracy and lack of completion of high school on Indian reservations and for projects under § 188.6 as indicated in this section. In addition to the criteria in § 188.15 (a), (c), (d), (e), and (f) (which total a maximum aggregate of 65 points) the Commissioner will evaluate applications submitted under § 188.5(d) under the criteria in this section. The maximum aggregate number of points which can be awarded uner this section is 35, which when added to the maximum aggregate number of points which can be awarded from the relevant paragraphs of § 188.15, as noted above, equals 100. The Commissioner will evaluate § 188.5(d) and § 188.6 applications on the quality of:

(a) A plan that specifies the development of the survey instrument and data collection system to be used; (0–5 points)

(b) The methods proposed for processing, analyzing, and evaluating the data to be obtained; (0–10 points)

(c) The plan for administration of the survey, including; (0–20 points)

(1) The personnel to be used,

(2) The appropriateness of the sample design,

(3) The practicability of the time schedule to be followed relative to the proposed survey procedures, and

(4) The provision for validation of the results of the survey.

(20 U.S.C. 1211a(a)(4).)

§ 188.17 Priorities. (10–30 points)

In approving applications under this part, the Commissioner, in addition to points awarded under criteria §§ 188.15 and 188.16, will give priority points to:

(a) Applications submitted by Indian Tribes, Indian educational agencies, Indian organizations, and Indian institutions; (20 points) and

(b) Applications which are designed to develop life coping skills for Indian adults. (10 points)

(20 U.S.C. 1211a.)

[FR Doc.77-18447 Filed 6-27-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket 20414, RM 2452, RM 2420, RM 2396]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Harlan and Red Oak, Iowa, and Blair, Nebraska: Changes Made in Table of Assignment; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This document corrects the final rule that appeared at page 29874 in the FEDERAL REGISTER of June 10, 1977 (42 FR 29874).

EFFECTIVE DATE: July 20, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau, (202–632–7792).

SUPPLEMENTARY INFORMATION:

Released: June 21, 1977.

In the matter of Amendment of § 73.-202(b), Table of Assignments, FM Broadcast Stations. (Harlan and Red Oak, Iowa; Blair, Nebraska) Docket No. 20414, RM–2452, RM–2420, RM–2396.

1. Paragraph 6 of the Report and Order, adopted June 2, 1977, and released June 9, 1977, by the Commission, which substituted Channel 285A for 221A at Spencer, Iowa (among other assignment changes) inadvertently omitted the existing Channel 299 assignment at Spencer. That portion of the ordering clause is hereby corrected to include that assignment so as to read:

City	*Channel No.*
Spencer, Iowa	285A, 299

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-14338 Filed 6-27-77;8:45 am]

[FCC 77-416]

PART 87—AVIATION SERVICES

Authorization of Posting of Verified Statement in Lieu of Radio Operator's Original License

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This rule is being amended to authorize the posting of a verified statement (FCC Form 759) in lieu of a radio operator's original license, where the operator stands duty at two or more transmitting systems which are not collocated. This action was initiated by Commission staff after informal inquiries from industry and is intended to alleviate unnecessary inconvenience on the part of subject radio operators in the aviation services.

EFFECTIVE DATE: July 1, 1977

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert McNamara, Safety and Special Radio Services Bureau (202–632–7197).

SUPPLEMENTARY INFORMATION:

Adopted: June 14, 1977.

Released: June 22, 1977.

In the matter of amendment of § 87.97 to authorize the posting of a verified statement (FCC Form 759) in lieu of a radio operator's original license at the place where he is on duty, under certain conditions.

1. Section 87.97 of the Commission's rules requires that the original license of each station radio operator be posted at the place where he is on duty. Although the subject section does provide that in the case of mobile units, the operator's license or verification card is to be kept in his personal possession, no alternative to the posting of the original license is included for the benefit of licensed operators who stand duty at two or more transmitting systems which are not collocated. However, in Part 13 (Commercial Radio Operators) § 13.74 provides that licensed commercial operators on duty at two or more transmitting systems which are not collocated, post either their license or a verified posting statement (FCC Form 759) at each station. Also the use of FCC Form 759 is specifically authorized in a number of radio services, including the maritime services (§ 81.159), where an operator may frequently work at more than one transmitter site.

2. It appears from informal queries from industry that a need exists in the aviation services for the use of the Form 759 verification statement. In that operators in various aviation services may work at more than one transmitter site, it is unnecessary and inconvenient to require such an operator to transport his original license from station to station for posting when his duty assignment changes with some frequency. Therefore, we are amending the rules to specifically authorize the posting of FCC Form 759 by radio operators in the aviation services in lieu of their original license, where appropriate.

3. In that the amendment adopted herein is minor, not restrictive in nature and not of general interest to the public, the prior notice and effective date provisions of 5 U.S.C. 553 are unnecessary.

4. Accordingly, *it is ordered*, That pursuant to the authority contained in Sections 4(i) and 303(l) and (r) of the Communications Act of 1934, as amended, Part 87 of the Commission's rules is

amended effective July 1, 1977, as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 87.97 is amended to read as follows:

§ 87.97 Posting operator licenses.

The original license (or FCC Form 759) of each station operator shall be conspicuously posted at the place where he is on duty, or, in the case of mobile units either the license or verification card must be kept in his personal possession: Provided, however, That if the operator on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form) he shall not post that permit but shall keep it in his personal possession.

[FR Doc.77-18451 Filed 6-27-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Hatchie National Wildlife Refuge, Tennessee, to Hunting of Big Game

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule adds Hatchie National Wildlife Refuge to the list of refuge areas open for the hunting of big game, which is published in 50 CFR 32.31. The Director has determined that a harvestable surplus of big game exists, that there is public demand for additional recreational opportunity, and that this action is compatible with the major purposes for which this refuge was established. Hunting will provide for the harvest of a renewable resource and for additional public recreational opportunity.

EFFECTIVE DATE: July 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Ralph H. Town, Division of National Wildlife Refuges, U.S. Fish and Wildlife Service, Washington, D.C. 20250, telephone number 202–343–2374.

SUPPLEMENTARY INFORMATION: Ralph H. Town is the principal author of this final rule.

On May 5, 1977, there was published (42 FR 22903) a notice of proposed rulemaking adding Hatchie National Wildlife Refuge, Tennessee, to the list of refuge areas which are open for the hunting of big game. As a general rule, most areas within the National Wildlife Refuge System are closed to hunting until officially opened by regulation.

The public was provided a 30-day comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection. No comments were received on the proposed rulemaking.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Accordingly, 50 CFR 32.31 is amended as follows:

§ 32.31 List of open areas: Big game.

TENNESSEE

HATCHIE NATIONAL WILDLIFE REFUGE

Dated: June 21, 1977.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.77-18405 Filed 6-27-77;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Pear Commodity Committee's Expenses and Rate of Assessment for the 1977–78 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice invites written comments on proposed expenses of $535,624 and a rate of assessment of $0.125 per lug box of pears for the functioning of the Pear Commodity Committee for the 1977–78 fiscal period. The committee is established under a Federal marketing order program regulating the handling of fresh pears, plums and peaches grown in California. The regulation would enable the committee to collect assessments from first handlers on all assessable pears handled and to use the resulting funds for its expenses.

DATES: Comments must be received on or before July 11, 1977. Proposed effective dates: March 1, 1977, through February 28, 1978.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3545).

SUPPLEMENTARY INFORMATION: The proposals under consideration were submitted by the Pear Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917). This marketing agreement and order regulates the handling of fresh pears, plums and peaches grown in California, and is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) Expenses that are reasonable and likely to be incurred by the Pear Commodity Committee during the fiscal period from March 1, 1977, through February 28, 1978, will amount to $535,624.

(b) The rate of assessment for the fiscal period, payable by each handler in accordance with § 917.37 is established at $0.125 per No. 29B special lug box of pears or its equivalent in other containers or in bulk.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order, and "No. 29B special lug box" shall have the same meaning as set forth in Section 1387.11 of the "Regulations of the California Department of Food and Agriculture".

Dated: June 23, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18495 Filed 6-27-77;8:45 am]

[7 CFR Part 924]

HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comment relative to a proposed regulation that would require fresh Washington-Oregon prunes from August 1, 1977, through August 31, 1978, to grade U.S. No. 1, except for an off-color allowance and an additional tolerance for defects, and be at least 1¼ inches in diameter. Brooks variety prunes would be exempted from regulatory requirements. A minimum quantity exemption would be provided. These requirements are designed to provide consumers with acceptable quality prunes.

DATES: Comments must be received by July 12, 1977. Proposed effective dates: August 1, 1977, through August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture (202–447–3545).

SUPPLEMENTARY INFORMATION: Consideration is being given to the following proposal, which would limit the handling of fresh prunes by establishing the minimum grade and size recommended by the Washington-Oregon Fresh Prune Marketing Committee, established pursuant to the marketing agreement and Order No. 924, as amended (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file two copies of them with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than July 12, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations of the Washington-Oregon Fresh Prune Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Fresh shipments of Washington-Oregon Prunes are expected to start on or about August 1, 1977, and to total 19,500 tons compared with 24,471 tons last season. The proposed regulation is designed to prevent the handling of lower quality and smaller size prunes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objective of the act.

The provision which would exempt the Brooks variety of prunes from the regulation would recognize that prunes of this variety are primarily consumed locally, and that the total production of this variety is insignificant compared to the total supply. Also, the provision which would exempt individual shipments, not exceeding 500 pounds, of the Stanley or Merton varieties, would recognize that the production of these varieties is relatively small, and for the most part is consumed locally or is sold for home use and not for resale. The exemption of individual shipments, not exceeding 150 pounds, of any variety other than Stanley or Merton, if sold for home use and not for resale, would recognize that the quantity of prunes likely to be so handled is relatively inconsequential in relation to the total, and it is not practical administratively to regulate the handling of such shipments due to the nearness of the source of supply.

Such proposal reads as follows:

§ 924.315 Prune Regulation 15.

Order. (a) Prune Regulation 14, (41 FR 30585) is hereby terminated on August 1, 1977.

(b) During the period August 1, 1977, through August 31, 1978, no handler shall handle any lot of prunes, except prunes of the Brooks variety, unless:

(1) Such prunes grade at least U.S. No. 1, except that only two thirds of the surface of the prune is required to be purplish color, and such prunes measure not less than 1¼ inches in diameter as measured by a rigid ring: *Provided*, That the following tolerances, by count, of the prunes in any lot shall apply in lieu of the tolerance for defects provided in the United States Standards for Grades of Fresh Plums and Prunes: A total of not more than 15 percent for defects, including therein not more than the following percentage for the defect listed:

(i) 10 percent for prunes which fail to meet the color requirement;

(ii) 10 percent for prunes which fail to meet the minimum diameter requirement;

(iii) 10 percent for prunes which fail to meet the remaining requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in the latter amount not more than 1 percent for decay, or

(2) Such prunes are handled in accordance with paragraph (c) of this section.

(c) Notwithstanding any other provision of this regulation, any individual shipment which, in the aggregate, does not exceed 500 pounds net weight, of prunes of the Stanley or Merton varieties of prunes, or 150 pounds net weight, of prunes of any variety other than Stanley or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the provisions of paragraph (b) of this section, and of §§ 924.41 and 924.55:

(1) The shipment consists of prunes sold for home use and not for resale, and

(2) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(d) The term "U.S. No. 1" shall have the same meaning as when used in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (June 5, 1972) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 15, 1972); the term "diameter" means the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Dated: June 23, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agriculture Marketing Service.

[FR Doc.77-18496 Filed 6-27-77;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.5]

RURAL HOUSING LOANS AND GRANTS

Financing of Low-Rise Rental Structures

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: The Farmers Home Administration proposes to amend its regulations concerning financing of more than two-story rental housing projects to provide a means by which consideration can be given to financing low-rise rental structures when justified on an individual case-by-case basis. This change is proposed as a result of requests from the general public and is intended to provide more latitude in providing rural residents with necessary housing.

DATES: Comments must be received on or before July 28, 1977.

ADDRESSES: Submit written comments to the office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above during regular business hours (8:15 a.m. to 4:45 p.m.).

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, Director, Multiple Family Housing Loan Division, 202–447–7207.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration proposes to amend § 1822.88(a)(3) of Subpart D of Part 1822, Chapter XVIII, Title 7, Code of Federal Regulations (40 FR 4278). This regulation provides that housing financed under the Rural Rental Housing program be residential in character. As a general policy, FmHA has maintained that rental units in rural areas should not be more than two-story structures in order to meet this criteria. 2½ story construction has been permitted in individual cases where the topography of the site or other conditions enable providing access to all units by traveling up or down for not more than two floors.

As proposed, paragraph (a)(3) provides criteria by which low-rise rental structures, especially those designed for occupancy by senior citizens, can also be justified and considered for financing on an individual case-by-case basis.

PART 1822—RURAL HOUSING LOANS AND GRANTS

As proposed, § 1822.88(a)(3) reads as follows:

§ 1822.88 Special Conditions.

(a) • • •

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves. Generally, RRH units should not be more than two-story construction. However, in some cases, especially those involving senior citizen projects, low-rise structures with elevators can be considered on an individual case-by-case basis with prior written authorization from the National Office, when the following conditions exist.

(i) There is a serious shortage of suitable building sites, and the number of units needed cannot be built due to a lack of space on the site and other building sites are not available.

(ii) Land costs are such that one- or two-story construction would result in a unit cost and rental rates in excess of what eligible occupants can afford.

(iii) The number of stories proposed for the rural rental housing structure is compatible with other rental structures in the area.

(iv) The cost of the units should compare favorably with one-and two-story construction financed with RRH loans. If the costs are higher, all the units will be leased under the HUD Section 8 Housing Assistance Payments program. Also, the loan will not be approved until the FmHA State Architect or Engineer has reviewed the plans, specifications, and cost data to assure that further cost savings cannot be achieved without sacrificing the quality and serviceability of the housing.

(v) Elevators will be provided in accordance with the HUD Minimum Property Standards 4910.1. If elevators are included, the subsoil conditions of the site must be adequate for the installation of hydraulic elevators and sufficient service personnel must be available in the area for service and repair work.

• • • • • •

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 18, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-18436 Filed 6-27-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9062]

FISHER FOODS, INC.

Consent Agreement With Analysis To Aid Public Comment; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 77–16340, appearing in FEDERAL REGISTER issue of Thursday, June 9, 1977, which corrected a Consent Agreement with Analysis to Aid Public Comment in the Matter of Fisher Foods, Inc.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, 1339 Federal Office Building, 1240 East 9th Street, Cleveland, Ohio 44199 (216–552–4207).

SUPPLEMENTARY INFORMATION: The following correction is made in FR Doc. 77–16340:

(6) Order paragraph III.A.2.(d) (pg. 29517) should be corrected to read:

It shall be presumed that Respondent has delivered meat items to a store in quantities sufficient to meet reasonably anticipated demand in a particular advertisement period when the sum of the number of primal cuts or carcasses containing that item in the closing inventory of the store after closing hours on the night before the first day of the particular adverisement period, plus the number of primal cuts or carcasses containing that item delivered to the store during the particular advertisement period, is equal to or greater than the sum of the number of primal cuts or carcasses containing that item in the closing inventory of the store after closing hours on the night before the first day of the comparable advertisement period, plus the number of primal cuts or carcasses containing that item delivered to the store during the comparable advertisement period, minus the number of primal cuts or carcasses containing that item in the closing inventory of the store after closing hours on the last day of the comparable advertisement period, taking into consideration the number of "rainchecks" issued and the frequency of delivery.

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18505 Filed 6–27–77;8:45 am]

[16 CFR Parts 23, 26, 34, 36, 40, 41, 46, 54, 56, 57, 60, 61, 62, 67, 74, 103, 114, 117, 118, 131, 142, 146, 150, 152, 154, 157, 160, 162, 165, 175, 192, 197, 205, 209, 210, 214, 215, 216, 221, 223, and 224]

INDUSTRY GUIDES

Proposed Recissions or Revisions of Trade Practice Rules; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects: Industry Guides: Proposed Recessions or Revisions of Trade Practice Rules, that was published in the FEDERAL REGISTER on Tuesday, June 21, 1977 (42 FR 31457).

FOR FURTHER INFORMATION CONTACT:

Charles H. Slayman, Jr., Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724–1193.

SUPPLEMENTARY INFORMATION: The following correction is made in F.R. Doc. 77–17607: On page 31458, the issued date should read June 21, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18394 Filed 6–27–77;8:45 am]

[16 CFR Part 502]

PACKAGED DETERGENT COMMODITIES

Common Name and Ingredient Listing; Withdrawal of Proposed Rule

AGENCY: Federal Trade Commission.

ACTION: Withdrawal of proposal and termination of rule making proceeding.

SUMMARY: Action taken is withdrawal of a proposal and termination of a rule-making proceeding which would have required, by regulations issued under the Fair Packaging and Labeling Act, the use of a common name and the inclusion of a list of ingredients on the label of packaged detergent commodities.

FOR FURTHER INFORMATION CONTACT:

Earl W. Johnson, Attorney, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580; telephone 202–724–1143.

SUPPLEMENTARY INFORMATION: The Federal Trade Commission published in the FEDERAL REGISTER of February 8, 1974 (39 FR 4887) a proposal which would have required, by regulations issued under the Fair Packaging and Labeling Act, the use of a common name and the inclusion of a list of ingredients on the label of packaged detergent commodities.

In response to the invitation for interested persons to submit written data, views, or arguments, four hundred and ninety nine (499) comments were received. Four hundred and forty one consumers, nine consumer organizations, six government offices and forty three members of industry filed comments. Although the majority of writers favored the proposal, most comments were of a broad and general nature primarily expressing a desire and right to know what ingredients are in retail products offered on the market rather than stating a specific basis for using ingredient information. Data from several surveys was also submitted for the record. One survey was conducted by the Commission's Office of Policy, Planning, and Evaluation staff in an effort to ascertain if ingredient disclosure was meaningful to the consumer. For example, participants were shown two sample lists of ingredients and asked the meaning of the terms and whether one product was more effective than another based upon the comparison of the two lists. Although the survey has flaws, the results indicate that few consumers could make valid judgments as to the effectiveness of detergents based upon ingredient lists even when explanations of their function accompanied these terms.

Two surveys were conducted by marketing research organizations for the Texize Chemicals Company and the Procter and Gamble Company. In one of these surveys, participants were asked to choose from four different ingredient lists the product they judged to be superior and the one they thought to be the mildest. The survey showed that consumers are confused by technically oriented ingredient listing and are easily misled by the complex functional-chemical listing proposed. It was concluded from the survey that ingredient listing would not aid consumers in making value judgments. The second survey, based upon five separate tests, was designed to determine: (1) What form of ingredient list was easier for consumers to understand, (2) what information consumers desired to facilitate value comparisons, and (3) the capacity of consumers to judge performance from ingredient lists of two known cleaning products. Two of the conclusions drawn from this survey were that functional names for ingredients were more understandable than chemical terms, and that consumers could not judge performance of detergent products by comparing ingredient lists.

On the basis of the data, views, and arguments submitted in this proceeding, the Commission has concluded that ingredient listing on detergent products will not directly help the average shopper to determine what product gives more performance per dollar. It is unlikely that identical or similar ingredient lists, unless they have the same percentages of ingredients, will produce an identical performance. In addition, the analytical process involved in comparison of detergent ingredients is sufficiently complex to warrant the assumption that very few consumers would shop in this manner.

Furthermore, the Commission believes that work being done by the Division of National Advertising, Bureau of Consumer Protection, in the area of affirmative disclosure of detergent product performance through a comparative index may result in information significantly more useful to consumers in making value comparisons.

For these reasons, the Commission withdraws the proposed amendment to 16 CFR Part 502, published in the FEDERAL REGISTER of February 8, 1974 (39 FR 4887) and ends the rulemaking proceeding under the Fair Packaging and Labeling Act (15 U.S.C. 1454) which was started by that proposal.

By direction of the Commission.

Issued: June 28, 1977.

JOHN F. DUGAN,
Acting Secretary.

[FR Doc.77–18416 Filed 6–27–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 155]

[Docket No. 75P–0322]

CANNED VEGETABLES

Canned Peas; Standards of Identity, Quality, and Fill of Containers

Correction

In FR Doc. 77–15769 appearing at page 29014, in the issue for Tuesday, June 7, 1977, make the following changes:

1. In the table labeled "3. Food Additives" on page 29015, in the column of numbers to the left side of the table, the 5th number in the list should be "3.3.2" instead of "3.2.2." Under the column labeled *"Maximum level of use,"* opposite the figure "3.4.3," "50 mg/kg total Ca in the final product," should read "350 mg/kg total Ca in the final product."

2. In the 4th line from the top of the second column on page 29017, the number "1," should be "1.0."

3. On page 29018, in the second column under the paragraph labeled "4. *Tenderness,*" in the third line, "much," should be "such."

NOTE.—This correction is republished without change from the issue of Thursday, June 23, 1977.

[21 CFR Part 820]

[Docket No. 75N–0140]

MEDICAL DEVICES

Public Hearing on Proposed Good Manufacturing Practice Regulations

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing.

SUMMARY: This is an announcement that a public hearing before the Commissioner of Food and Drugs will be held on August 5, 1977, to receive comments and views from interested persons on the proposed regulations for Good Manufacturing Practice (GMP) for Medical Devices. The Commissioner will consider the administrative record of the hearing, along with other received information, in preparing a final regulation.

DATES: Notices of appearance by July 28, 1977; the hearing will be held on August 5, 1977.

ADDRESS: Written notices of appearance to the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Leonard J. Stauffer, Bureau of Medical Devices (HFK–123), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, (301–427–7194).

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94–295), amending the Federal Food, Drug, and Cosmetic Act (hereinafter referred to as "the act"), became law on May 28, 1976. Section 520(f) of the amended act (21 U.S.C. 360j(f)) provides the agency with the authority to prescribe regulations requiring that the methods used in, and facilities and controls used for, the manufacture, packing, storage, and installation of devices, conform to current GMP requirements.

A proposed GMP regulation for medical devices was published in the FEDERAL REGISTER of March 1, 1977 (42 FR 11998). Interested persons are advised that a hearing will be held on the proposal in accordance with regulations relating to public hearings before the Commissioner (21 CFR Part 15) and that persons who wish to present comments and views at the hearing must file a written notice of appearance. This notice also sets forth specific issues on which the Commissioner seeks comments and views.

The hearing announced in this notice will provide an open forum for the presentation of comments and views on the proposed GMP regulations. Although views may be presented on any subject of the proposed action, several specific areas of consideration on which the Commissioner seeks well-documented comments are:

(1) Definitions of: "Critical device." "Critical component." "Critical operation."

(2) The extent to which the proposal would have an impact on the economy under the criteria established by Executive Order No. 11821 as amended, OMB Circular A–107 and agency guidelines.

The hearing will begin at 9 a.m. on August 5, 1977 at the Departmental Auditorium, HEW North Building, 330 Independence Ave. SW., Washington, D.C. The presiding officer will be David M. Link, Director, Bureau of Medical Devices, and members of the Device Good Manufacturing Practice Advisory Committee will attend the hearing. This committee has been established under section 520(f) of the act to advise and make recommendations to the Commissioner in regard to device GMP regulations promulgated under the act.

Although the regular comment period for the proposal will end June 29, 1977, the record of the hearing will remain open for 15 days subsequent to the date of the hearing, August 5, 1977, to permit submission of additional written comments and views limited to matters discussed at the hearing.

In preparing a final regulation, the Commissioner will consider the administrative record of this hearing along with all other written comments received during the comment period specified in the proposal, as well as the recommendations of the advisory committee.

Persons wishing to comment or present views at this hearing must file by July 28, 1977 a written notice of appearance under 21 CFR 15.21 with the Hearing Clerk (HFC–20), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20857. The notice of appearance shall contain the Hearing Clerk Docket No. [75N–0140]; the name, address and telephone number of the person desiring to make a statement; business affiliation, if any; a summary of the presentation; and the approximate amount of time being requested for the presentation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. The Commissioner may require joint presentations by persons with common interests. He will allocate the time available for the hearing among the persons who properly file a notice of appearance and will make a schedule of the hearing available to such persons. Persons may use their allotted time on any aspect of the proposed action, consistent with the conduct of a reasonable and orderly hearing. Formal written statements on the issues may be presented to the presiding officer on the day of the hearing for inclusion in the record.

The hearing will be open to the public. At the discretion of the presiding officer, and as time permits, any interested person in attendance may be heard with respect to matters relevant to the proposed GMP regulations.

Dated: June 22, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.77–18392 Filed 6–23–77;10:22 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Lorazepam in Schedule IV

AGENCY: Drug Enforcement Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This is a proposed rule to place the drug lorazepam into schedule IV of the Controlled Substances Act. This proposal is being initiated in response to a letter from the Acting Assistant Secretary for Health, Department of HEW, which requested that lorazepam be placed into schedule IV. This proposal would require that the manufacture, distribution, dispensing, importation, and exportation of lorazepam be subject to controls for schedule IV controlled substances.

DATES: Comment deadline: All comments, objections, and requests for a hearing must be received on or before July 28, 1977.

ADDRESSES: Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

JUN 28 77
UM

FOR FURTHER INFORMATION CONTACT:

Howard McClain (202-382-5676).

SUPPLEMENTARY INFORMATION: On February 9, 1977, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education and Welfare sent a letter to the Administrator of the Drug Enforcement Administration which recommended that the drug lorazepam be placed into schedule IV of the Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966)).

Enclosed with the letter from the Acting Assistant Secretary was a document which listed factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for lorazepam.

The factors considered by the Secretary for lorazepam were:

1. Its actual or relative potential for abuse.

2. Scientific evidence of its pharmacologic effect, if known.

3. The state of current scientific knowledge regarding the drug or other substance.

4. Its history and current pattern of abuse.

5. The scope, duration, and significance of abuse.

6. What, if any, risk there is to the public health.

7. Its psychic or physiological dependence liability.

8. Whether the substance is an immediate precursor of a substance already controlled under the Controlled Substances Act.

Also enclosed with the Acting Assistant Secretary's letter was a document which Wyeth Laboratories, Inc. had submitted to the FDA, containing pertinent information concerning the abuse potential and dependence liability of its product lorazepam.

The Drug Enforcement Administration has conducted a review of lorazepam, which has included the following:

1. Published scientific and medical literature from the United States and other nations regarding this drug;

2. Material submitted to the Drug Enforcement Administration by the Department of Health, Education, and Welfare in support of the Acting Assistant Secretary's February 9, 1977, letter requesting control for lorazepam;

3. Materials on file with the Food and Drug Administration, and the Drug Enforcement Administration; and

4. The legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, lorazepam has a low potential for abuse relative to the drugs or other substances currently listed in schedule III.

2. Lorazepam will, upon the issuance of New Drug Application by the Food and Drug Administration, have a currently accepted medical use in treatment in the United States.

3. Abuse of lorazepam may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

Therefore, under the authority vested in him by the Act and by regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby proposes that § 1308.14 (b) of Title 21 of the Code of Federal Regulations (CFR) be amended to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(b) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

* * * * *

(11) Lorazepam	2885
(12) Mebutamate	2800
(13) Meprobamate	2820
(14) Methohexital	2264
(15) Methylphenobarbital (mephobarbital)	2250
(16) Oxazepam	2835
(17) Paraldehyde	2585
(18) Petrichoral	2591
(19) Phenobarbital	2285
(20) Prazepam	2764

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative. All such submissions must be received on or before July 28, 1977.

In the event that an interested party submits objections to these proposals which present reasonable grounds for these rules not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail of the time and place that the hearing will be held. If any objections which are submitted do not present reasonable grounds, the party will be so advised by registered mail.

If no objections presenting grounds for a hearing on these proposals are received within the time limitations, or all interested parties waive or are deemed to waive their opportunity for a hearing or to participate in a hearing, the Administrator, after giving consideration to written comments and objections, will issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: June 21, 1977.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc.77-18408 Filed 6-27-77;8:45 am]

DEPARTMENT OF STATE

[22 CFR Part 123]

[Docket No. SD-133]

INTERNATIONAL TRAFFIC IN ARMS

Licenses for Export of Firearms

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: This proposal would revoke a rule under the International Traffic in Arms regulations which allows persons leaving the U.S. to export three or fewer firearms and accompanying ammunition for their personal use without an export license. The proposal is intended to prevent the possible circumvention of the policies and purposes of the regulations.

DATES: Comments must be received by July 20, 1977.

ADDRESS: Send comments to William B. Robinson, Office of Munitions Control, Department of State, 2201 C Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Clyde Bryant, 703-235-9758.

SUPPLEMENTARY INFORMATION: Section 123.31 of 22 CFR was originally adopted to allow U.S. citizens to export firearms for their personal use without an export license. A recent study by the Office of Munitions Control, however, reveals that the exemption is rarely used by U.S. citizens. On the contrary, it is used repeatedly by non-U.S. citizens some of whom enter and leave the United States several times in one year. By permitting them to carry with them firearms and cartridges without a license, the exemption creates undesirable risks that weapons may be disposed of abroad in circumvention of the policies and purposes of the International Traffic in Arms regulations. The destination of these unlicensed firearms could include countries to which the U.S. Government would not license the export of firearms.

In consideration of the foregoing, the Department of State proposes the following change in 22 CFR 123.31: [1]

[1] For a document suspending § 123.31 until the completion of this rulemaking proceeding, see FR Doc. 77-18581, appearing under 22 CFR in the Rules and Regulations section of this issue of the FEDERAL REGISTER.

PART 123—LICENSES FOR UNCLASSIFIED ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

§ 123.31 [Revoked]

(Section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958.)

Dated: June 23, 1977.

WILLIAM B. ROBINSON,
Director, Office of Munitions Control.

[FR Doc.77-18582 Filed 6-27-77;8:45 am]

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[29 CFR Part 2530]

SEASONAL INDUSTRIES UNDER ERISA

Intent

AGENCY: Department of Labor.

ACTION: Notice of Intent.

SUMMARY: The Secretary of Labor is authorized under the Employee Retirement Income Security Act of 1974 to issue regulations defining a year of service or a year of participation in the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year. The purpose of this Notice of Intent is to provide interested parties with the opportunity to submit suggestions and comments on the definition of seasonal industries in order to assist the Department in the preparation of these regulations.

DATE: Comments on or before August 31, 1977.

ADDRESSES: Three copies of comments to: Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Comments on Seasonal Industry.

FOR FURTHER INFORMATION CONTACT:

William J. Kluwin (202-523-9127).

SUPPLEMENTARY INFORMATION: The Secretary of Labor intends to propose regulations under sections 202(a)(3)(B), 203(b)(2)(C), and 204(b)(3)(D) of the Employee Retirement Income Security Act of 1974 (ERISA), which relate to seasonal industries. Under these provisions, the Secretary is authorized to issue regulations defining a year of service or a year of participation in the case of any seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year. In order to assist the Department in the preparation of such regulations, interested persons are requested to submit suggestions and comments.

BACKGROUND

On January 22, 1976, the Department of Labor issued an interpretive bulletin which set forth guidelines on seasonal industries (ERISA IB 76-1, originally published as ERISA IB-MS 75-2, 41 FR 3290). On February 20, 1976, the above guidelines were rescinded (ERISA IB 76-2, 41 FR 7749). In withdrawing them, the Department of Labor explained that commentors stated that the guidelines included within the definition a significant number of plans in industries which traditionally have been recognized as nonseasonal. In a subsequent publication (ERISA IB 76-3, 41 FR 24999) the Department withdrew the definition of seasonal industries from the ERISA Guidelines.

QUESTIONS

Public comment is invited on the following questions:

1. How should "seasonal industry" be defined?

(a) Must an industry be seasonal on a national basis, or may industries which are not seasonal in one area or locality be seasonal in another? If the latter, how should the area or locality be defined?

(b) Must an "industry" include all the components of establishments in that industry, or would it be sufficient if a component performing a single function regularly curtailed its activities during one or more seasons of the year?

2. Should an essential element of a seasonal industry be that its periods of activity diminish because of recurring weather conditions, or should the existence of a cyclical demand be sufficient, e.g. Christmas sales, or manufacture of bathing suits?

3. If recurring weather conditions, rather than cyclical demand, is the test of seasonality, what consideration should be given to secondarily affected industries, for example, gas stations at ski resorts?

4. What proportion of the employees in an industry must work less than 1,000 hours to justify the conclusion that customary employment in the industry is less than 1,000 hours?

5. What number of hours or formula for deriving the number of hours should constitute a "year of service" or "year of participation" in a seasonal industry where the customary period of employment is less than 1,000 hours during a calendar year?

6. What other considerations are relevant for development of this regulation?

Interest persons are invited to submit written data, views, or arguments concerning any of the questions set forth herein. Three copies of such written data, views, or arguments should be submitted on or before August 31, 1977 to Pension and Welfare Benefit Programs, Office of Regulatory Standards and Exceptions, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Comments on Seasonal Industry.

All written submissions will be open to public inspection at the Public Documents Room, Pension and Welfare Benefit Programs, Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20210.

After comments have been received and studied, a proposed seasonal industries regulation will be published in the FEDERAL REGISTER, at which time the public will again have an opportunity to comment.

Dated: June 24, 1977.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.77-18580 Filed 6-27-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 221]

ONSHORE OIL AND GAS OPERATIONS

Procedures in Case of Default by Lessee

AGENCY: Geological Survey, Department of the Interior.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would revise oil and gas operating regulations to define more clearly specific instances of noncompliance for which assessments of liquidated damages will be made; to increase the amounts to be assessed; and to assess a late payment charge for failure to make timely rental or royalty payments.

DATES: Comments must be received on or before August 12, 1977.

ADDRESSES: Interested persons are invited to participate in the evaluation of the proposed revision by submitting written data, views, or arguments. Responses should identify the subject matter and be directed to the Chief, Conservation Division, U.S. Geological Survey, National Center (650), 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Mr. Billy J. Shoger, Conservation Division, U.S. Geological Survey, National Center (620), Reston, Virginia 22092, (703) 860-7535.

SUPPLEMENTARY INFORMATION: The Department of the Interior proposes to revise that subpart of its Onshore Oil and Gas Operating Regulations now entitled "Procedures in Case of Default by Lessee" as currently set forth in 30 CFR Part 221, §§ 221.53 through 221.56.

The revision is proposed pursuant to the authority vested in the Secretary of the Interior by the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351-359), the Allotted Indian Land Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the Unallotted Indian Land Leasing Act of May 11, 1938, as amended (25 U.S.C. 396a).

Substantial changes are proposed in § 221.54 to define more clearly specific instances of noncompliance (i.e., breach of the requirements contained in the lease, the applicable regulations, the terms of an approved operating plan, or the written directives of the Area Oil

JUN 28 77
UM

and Gas Supervisor) for which assessments of liquidated damages will be made and to increase the amounts to be assessed. All other changes are proposed in the interest of clarity and, for the most part, are not substantive in nature. In addition, it is proposed to change the title of this Subpart of the regulations to "Noncompliance and Assessment of Liquidated Damages" to reflect more clearly the subject matter of the proposed revised regulations.

As proposed, Part 211, §§ 221.53 through 221.56 would be revised to read as follows:

NONCOMPLIANCE AND ASSESSMENT OF LIQUIDATED DAMAGES

Sec.
221.53 Noncompliance.
221.54 Assessments for noncompliance.
221.55 Payment of assessments.
221.56 Damages to Indian property.

AUTHORITY: Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287), the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), the Allotted Indian Land Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the Unallotted Indian Land Leasing Act of May 11, 1938, as amended (25 U.S.C. 396a).

NONCOMPLIANCE AND ASSESSMENT OF LIQUIDATED DAMAGES

§ 221.53 Noncompliance.

When the lessee fails to comply with applicable law, the regulations in this part or any other applicable regulations, the lease terms, an approved operating plan, or any written order or instruction issued by the supervisor, the supervisor is authorized to shutdown operations; to enter upon a leasehold and to perform or have performed, at the sole risk and expense of the lessee and/or surety, operations that the lessee fails to perform when directed in writing by the supervisor; to recommend cancellation of the lease and forfeiture under the bond; and to assess liquidated damages in specific instances of noncompliance.

§ 221.54 Assessments for noncompliance.

Certain instances of noncompliance result in loss or damage to the United States the amount of which is difficult or impracticable to ascertain. Except where actual damages can be ascertained in a larger amount than that set forth below, the following amounts shall be deemed to cover loss or damage to the United States from specific instances of noncompliance:

(a) $500 for failure to comply with a written order or instruction of the supervisor, and $200 for each successive day that the noncompliance continues;

(b) The actual cost of performance and an additional 25 percent of such amount to compensate the United States for administrative costs for failure to perform any operation ordered in writing by the supervisor, if said operation is thereafter performed by or through the supervisor;

(c) $500 for failure to obtain approval of a drilling program prior to commencing operations or causing surface disturbance preliminary thereto or for failure to obtain approval before initiating any major departure from a previously approved drilling program, and $500 for each successive day that the noncompliance or departure continues;

(d) $500 for failure to obtain approval before completing, converting, or utilizing any well or formation for the underground storage of gas and/or liquid petroleum products, and $200 for each successive day that the noncompliance continues;

(e) $500 for failure to obtain approval prior to conversion of a well for subsurface water disposal, and $200 for each successive day that the noncompliance continues;

(f) $500 for failure to obtain approval prior to the commencement of work on the subsurface abandonment of a well or on surface rehabilitation, and $500 for each successive day that the noncompliance continues;

(g) $250 for failure to obtain approval before commencing operations on a well to redrill, deepen, perform major repairs, plug-backs, alter casing, convert to injection, or stimulate production by acidizing and/or fracturing methods, and $100 for each successive day that the noncompliance continues;

(h) $500 for failure to obtain prior approval of any major departure from an approved work program, other than a drilling program, and $200 for each successive day that the departure continues;

(i) $100 for failure to properly identify a well location or derrick, whether the well be drilling, producing, or abandoned, and $25 for each succesive day that the noncompliance continues;

(j) Not less than $50 nor more than $500 per day for each failure to exercise due care and diligence in preventing surface damage or pollution as required by § 221.32 hereof and the applicable lease terms depending on the magnitude of the resulting surface damage or pollution as determined by the supervisor pursuant to established criteria. The assessment shall continue daily until corrective measures are initiated in accordance with a plan first approved by the supervisor. The supervisor shall also make an assessment for actual damages sustained, as appropriate;

(k) $250 for failure to file sales contracts or division orders as required by lease terms and the regulations in this Part and for failure to submit other proper evidence of the disposal of leasehold production as required in writing by the supervisor, and $100 for each successive day that the noncompliance continues;

(l) $50 for each failure to file required reports within the time specified in the regulations in this part or within such other time designated in writing by the supervisor, and $20 for each successive day until filed, including but not limited to:

(1) Log of well, subsequent report of drilling, redrilling, major well repair, deepening, plugging-back, alteration of casing, plugging and abandonment, conversion to injection, water shut-off or formation tests, or stimulating production by fracturing and/or acidizing; and

(2) Lessee's Monthly Report of Operations and Lessee's Monthly Report of Sales and Royalties; and

(3) Other forms, data, samples, or reports as required in writing by the supervisor;

(m) $200 for failure to make royalty payments (including minimum and compensatory royalty) by the due date and a late payment charge of one percent per month or portion thereof on the amount due;

(n) $100 for failure to make rental payments on those leases under the jurisdiction of the Geological Survey by the due date or failure to pay assessments made pursuant to this section as directed by supervisor and a late payment charge of one percent per month or portion thereof on the amount due.

§ 221.55 Payment of assessments.

(a) Assessments made under § 221.54 shall be paid within 30 days of receipt of written notice, in the manner and as directed by the supervisor in the notice.

(b) Payments made pursuant to this section shall not relieve the lessee from compliance with the provisions of the regulations in this part, or for liability for waste or any other damage. A waiver by the supervisor of any particular assessment shall not be construed as precluding assessment pursuant to § 221.54 for any act of noncompliance occurring at any other time.

§ 221.56 Damages to Indian property.

Assessments for damages to lands, crops, buildings, and to other improvements on Indian land shall be made by the superintendent and be payable in the manner he prescribes.

NOTE.—It has been determined that issuance of the proposed revised regulations does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853).

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 20, 1977.

JAMES A. JOSEPH,
Acting Secretary.

[FR Doc.77–18386 Filed 6–27–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 223]

SALE AND DISPOSAL OF TIMBER

Transfer of Purchaser Credit

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to revise regulations dealing with the transfer of purchaser credit between timber sales. The revision is made necessary by the passage of the National Forest Management Act of 1976 and a need to update the regulation based on experience gained on use of the initial regulation.

DATES: Comments must be received on or before July 28, 1977.

ADDRESS: Submit comments to: Chief John R. McGuire, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013. All written submissions made pursuant to this notice will be available for public inspection in the Timber Management Staff, South Agriculture Building, Room 3207, Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT:

George Leonard, Timber Management Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013 (202–447–4051).

SUPPLEMENTARY INFORMATION: This is a proposal to revise 36 CFR 223.3 (m) dealing with the transfer of purchaser credit from one timber sale to another timber sale of the same purchaser on the same National Forest. The current regulation was promulgated at 36 CFR 221.7g on June 2, 1976, and provided that an opportunity for comments would be provided not later than December 31, 1977. This proposed revision will serve as that opportunity to comment.

The proposed revision makes the following substantive changes in the existing regulation.

(1) The restriction on use of transferred purchaser credit to cover current or subsequent charges is removed.

(2) The protection for sale area improvement needs is changed to limit the amount of purchaser credit which may be transferred rather than the amount that can actually be used.

(3) A restriction to protect salvage sale funds has been added.

(4) The provision for consulting with counties is removed. The enactment of the National Forest Management Act of 1976 (Pub. L. 94–588, 90 Stat. 2947), provides that purchaser credit will be included in the receipts from which county share is determined. Therefore, the transfer of purchaser credit will have no effect on county receipts and the provision for consulting with counties is unnecessary.

In light of the foregoing, it is proposed to amend 36 CFR 223.3 as follows:

§ 223.3 Contract conditions.

* * * * *

(c) (1) For timber sales which contain provisions for purchaser credit, the Forest Service may permit transfer of unused effective purchaser credit earned after December 16, 1975, from one timber sale account to another timber sale account of the same purchaser within the same National Forest, provided the sale contracts provide procedures for the use of purchaser credit. Approval for transfer shall not be granted for amounts needed to satisfy unfulfilled payment obligations or claims for damages due the United States. Purchaser credit transferred under this paragraph is subject to such additional restrictions as may be necessary for its orderly use. The amount of purchaser credit which may be transferred into a given sale shall be limited to the difference between remaining current contract value and the total of:

(i) Remaining base rate value needs;

(ii) Salvage sale fund needs plus sale area improvement needs in excess of base rate value needs; and

(iii) Total purchaser credit on the given sale. This calculation shall be made as of the date of sale award for sales made on or after October 1, 1977. For sales made prior to October 1, 1977, the calculation shall be made as of September 30, 1977, except that if the amount actually transferred in as of September 30, 1977, exceeds the calculated limit, the actual transfers as of that date shall be the established limit. Purchaser credit earned on a sale and subsequently transferred out may be replaced without regard to the transfer in limit. Sale area improvement needs shall be based on the original sale area betterment plan, or revisions thereto approved prior to July 1, 1976. Salvage sale fund needs shall be based on the original salvage sale fund plan.

(2) To assure protection of the United States in connection with implementation of this regulation, contract provisions shall not prevent the Forest Service from carrying out collection rights, authorized by the Federal Claims Collection Act of 1966 (80 Stat. 309), between contracts involved in the transfer of purchaser credit. Such claims against the contract receiving the transferred purchaser credit shall be limited to the amount transferred.

(3) As used in paragraph (m), the term "Purchaser" includes any single individual, corporation, company, firm, partnership, joint venture, or other business entity or the successor in interest of any of the foregoing business entities, having timber sale contracts on the same National Forest. The term "National Forest" shall be considered as a unit of the National Forest System, regardless of how it was established, which maintains a separate identity with respect to the distribution of receipts earned thereon to the States and counties. The term "Effective Purchaser Credit" means unused purchaser credit which does not exceed current contract value minus base rate value. The term "base rate value" is the sum of the products of base rates and estimated remaining unscaled (unreported on tree measurement contracts) volumes by species of timber included in a timber sale contract.

(Pub. L. 94–154, 89 Stat. 823 (16 U.S.C. 535).)

M. RUPERT CUTLER,
Assistant Secretary.

JUNE 21, 1977.

[FR Doc.77–18381 Filed 6–27–77;8:45 am]

POSTAL RATE COMMISSION

[39 CFR Part 3001]

[Docket No. RM76–5]

FILING OF PERIODIC REPORTS BY UNITED STATES POSTAL SERVICE

Proposed Modification of Rules Applicable to Filing of Periodic Reports

JUNE 22, 1977.

AGENCY: Postal Rate Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed changes to the rules would modify the currently existing format of the Cash Flow Statement (39 CFR 3001.102(c)(1)) and the Investment Income Statement (39 CFR 3001.102(c)(2)), each of which the United States Postal Service is required to file with the Commission; and would provide that the Investment Income Statement be filed on a quarterly basis rather than on an accounting period basis as is currently required. This proposed action is being considered because questions have arisen as to whether the Postal Service can reasonably provide certain data in the format currently required by the Commission's rules of practice. It is anticipated that this proposed rulemaking will provide a forum for resolution of these questions and will thereby aid the Commission in obtaining data necessary to perform its regulatory functions.

COMMENTS DUE: July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Stephen A. Gold, Assistant General Counsel (Appeals), Office of the General Counsel, Postal Rate Commission, Washington, D.C. 20268 (202–254–3836).

SUPPLEMENTARY INFORMATION: By Order No. 141, issued October 21, 1976 (3 PRC 96), the Postal Rate Commission adopted rules establishing a periodic data reporting system requiring the Postal Service to regularly provide the Commission with certain data. (See subpart G of the Commission's rules of practice, 39 CFR 3001.101 and 3001.102.) It was anticipated that the adoption of those rules would enable the Commission to obtain data from the Postal Service which the Commission determined necessary for it to perform its regulatory functions.

Subsequent to adoption of those rules, the Postal Service informed the Commission that it has encountered certain problems in providing, in the required format, data for the Cash Flow Statement and the Investment Income Statement and by letter of May 2, 1977 proposed modification of those two reports. The Service asserts in its May 2 letter[1] that modifications are necessary in the Cash Flow Statement because the data

[1] This letter and other communications regarding it are on file in the reference room of the Commission and available for public inspection.

systems of the Service do not generate information in the form prescribed by the current Cash Flow Statement. The Service also states that the existing format of the Investment Income Statement would require the Service to divulge confidential data.

The Commission has determined to treat the May 2 letter of the Postal Service as a request for modification of the rules applicable to filing of periodic reports. The Commission and the general public will thereby be able to evaluate and respond to the assertions of the Service as well as the specific modifications which it proposes.[2]

The modifications which were proposed by the Postal Service and which are the subject of this rulemaking are as follows: For the Cash Flow Statement the Postal Service proposes that the current format (PRC 102 at p. 34 of the rules of practice) be modified so that under the heading "Cash Receipts" the item "investment income" would be deleted as a separate line entry and would be shown on an accrual basis under a new separate heading titled "Supplemental Data." The Service further proposes that sale of assets be deleted as a separate line entry under "Cash Receipts" and be accounted for on an accrual basis as a separate line entry under "Supplemental Data." Finally, under the heading "Cash Disbursements" the Postal Service proposes that the line entry for "labor" be combined together with materials and services as a single line entry and entered on a cash basis and, also, that "labor" be entered as a separate line item under "Supplemental Data" on an accrual basis. These proposed modifications to the Cash Flow Statement are set forth in Attachment A to this notice.

For the Investment Income Statement (PRC 103 at p. 35 of the rules of practice) the Postal Service tentatively proposes that the items "Purchases at Cost" and "Gain on Sales" be replaced to appear as either "Net Purchases at Cost" or "Net Sale Consideration," whichever is greater on a net basis. Further, the Service proposes that the line entry "Book Value Adjustments" shown under "Purchases" be eliminated and that this data be incorporated as part of "Net Purchases at Cost." The Service also proposes that the separate line entries "Proceeds from Sales" and "Loss on Sales" be combined into the single line entry: "Net Profit/Loss." The Service further proposes inclusion of an additional line item entitled "Accrual Income (Accrual of Discount, Interest Income)." These proposed modifications are set forth in Attachment B to this notice.

Finally, the Service requests that the rules of practice which currently require the Investment Income Summary to be filed each accounting period be modified so as to provide for a quarterly filing. The Service characterizes the present requirement as "untenable."

In consideration of the foregoing the following amendments to 39 CFR Part 3001 are proposed:

1. Include a new subparagraph (4) to 39 CFR § 3001.102(b) to read as follows:

§ 3001.102 Filing of reports.

• • • • • •

(b) • • •

(4) Investment Income (30 days after close of the postal quarter).

2. Delete 39 CFR § 3001.102(c) (2) and renumber subparagraphs (3) and (4) as (2) and (3), respectively.

3. Delete the format for PRC 102 and add new PRC 102 as set forth in Attachment A.

4. Delete the format for PRC 103 and add new PRC 103 as set forth in Attachment B.

The Commission invites all interested persons to submit their comments on the requested modifications to the rules applicable to filing of periodic reports by the United States Postal Service.[3] Counterproposals and suggestions as to the posed modifications are also invited.

Comments may be filed on or before July 20, 1977. Any replies to such comments are to be filed on or before August 3, 1977. An original and 19 fully conformed copies of all comments and replies must be filed with the Secretary of the Commission at the offices of the Postal Rate Commission, 2000 L Street NW., Washington, D.C. 20268.

By direction of the Commission.

CYRIL J. PITTACK,
Acting Secretary.

[2] Reinstitution of proceedings in this docket was provided for in the Commission's order establishing a periodic data reporting system (Order No. 141, October 21, 1976 at 4, 3 PRC 96, 99).

[3] During the pendency of this phase of the proceedings in this docket the Commission will waive the format currently prescribed for the Cash Flow Statement and the Investment Income Statement and, also, the requirement that the latter be filed each accounting period. The Commission expects the Service, however, to file these two reports in the format which it has proposed. Filings should be made so as to reflect the most recent accounting period and the most recent quarter, respectively.

Authority for this rulemaking proceeding is contained in 39 U.S.C. 3603, 3622, and 3623.

ATTACHMENT A.—*Revised PRC 102; cash flow statement accounting period ------ ---------- fiscal year 19----*

(Dollars in millions)

	Current Accounting period	Year-to-date
Beginning balance:		
Cash		
Investments		
Total		
Receipts:		
Postal revenues		
Government appropriations		
Borrowing proceeds:		
Operating		
Capital		
Total		
Disbursements:		
Operations:		
Labor, material, and services		
Civil service retirement fund deficit		
Workers' compensation		
Interest		
Capital investment		
Debt repayment:		
Operating		
Capital		
POD liability		
Total		
Net increase (decrease) in outstanding money orders and trust funds		
Ending balance:		
Cash		
Investments		
Total		
Supplemental data (accrual basis):		
Investment income		
Proceeds from Sale of assets		
Salaries and wages—gross pay		

ATTACHMENT B.—*Revised PRC 103; investment income statement*

Beginning book value	
Either: Net purchases at cost; Net sale consideration	
Net profit/loss	
Ending book value	
Accrual income (accrual of discount, interest income)	
Average investment balaunce [1] [3]	
Composite yield [2] [3]	percent

[1] State method used for determining average investment balance.
[2] This item was omitted from the draft proposed by the Postal Service. Since the Postal Service did not indicate any difficulty in providing this information, its omission appears to have been inadvertent.
[3] Include profit/loss data.

[FR Doc.77-18487 Filed 6-27-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OTS-081001B FRL 752-5]

[40 CFR Ch. I]

INVENTORY REPORTING REQUIREMENTS

Intent To Repropose

AGENCY: Office of Toxic Substances, Environmental Protection Agency (EPA).

ACTION: Notice of intention to repropose the inventory reporting regulations.

SUMMARY: This notice is to inform the public of EPA's intention to repropose the inventory reporting regulations proposed under the authority of Subsection 8(a) of the Toxic Substances Control Act (hereinafter referred to as TSCA) on March 9, 1977 (42 FR 13130), and on April 12, 1977 (42 FR 19298). The reproposed regulations would require manufacturers to report chemical substances that they manufacture at each plant site and the estimated production volume of those chemical substances. This is a change from the regulations that were proposed on March 9, 1977, which would permit manufacturers to report by corporate headquarters and would not require production volumes.

DATES: EPA anticipates that the reproposed regulations will be published in the FEDERAL REGISTER for comment on or near July 15, 1977. The reporting period that would have ended September 1, 1977, will, of course, be modified according to the revised regulations.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ritch, Director, Office of Industry Assistance, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-755-0535).

SUPPLEMENTARY INFORMATION: These regulations will be reproposed under the authority of Subsection 8(a) of TSCA (90 Stat. 2003; 15 U.S.C. 2601, et seq.). On March 9, 1977, EPA first proposed the inventory reporting requirements in the FEDERAL REGISTER (42 FR 13130). These regulations would govern reporting of chemical substances for inclusion on an inventory of chemical substances required by Subsection 8(b) of TSCA. On April 12, 1977, EPA published a supplemental notice in the FEDERAL REGISTER (42 FR 19298) providing additional information pertaining to the proposed inventory regulations. On April 28, 1977, EPA published a notice of availability of a Candidate List of Chemical Substances for use in reporting (42 FR 21639).

On April 18, 1977, EPA held a public meeting in Washington, D.C., to provide interested persons an opportunity to comment publicly on the proposed regulations. In addition, approximately 200 persons have submitted written comments on the proposed regulations.

As a result of these comments, the Administrator has decided to repropose the inventory reporting regulations to include reporting by manufacturers by plant site and estimated production volumes. These and other modifications, primarily to clarify the proposed regulations, will be incorporated into the reproposed regulations.

Dated: June 22, 1977.

KENNETH L. JOHNSON,
Acting Assistant Administrator for Toxic Substances.

[FR Doc.77-18384 Filed 6-27-77;8:45 am]

[40 CFR Part 52]

[FRL 752-6]

MARYLAND

Proposed Revision to State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Maryland has submitted amendments to the state air pollution control regulations and has requested that they be reviewed and processed as a revision of the Maryland State Implementation Plan (SIP). The amendments consist of modification of definitions; modifications in the Episode Plan; adoption of test methods; modification of registration and permit requirements for installations; modification of certain regulations controlling particulates, sulfur oxides and hydrocarbons; and addition of equivalent metric units to supplement the standard English units used in these regulations.

EFFECTIVE DATE: Comments must be submitted on or before July 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford, (3AH11) Air Programs Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: On February 10, 1977, the State of Maryland submitted to the Regional Administrator, EPA Region III, a number of amendments to the State air pollution control regulations. The State requested that these amendments be reviewed and processed as a revision of the Maryland State Implementation Plan for attainment and maintenance of national ambient air quality standards.

The amendments consist of changes to State Regulations 10.03.35 through 10.03.41 inclusive. Many of the changes consist of supplementing English System measurement units currently used in the control regulations with equivalent metric units. The State of Maryland also submitted a number of amendments to the existing regulations which involve substantive changes and which are summarized below:

MARYLAND REGULATION AMENDMENTS

Regulation:	*Brief description*
10.03.35.01N	Definition of "Fuel Burning Equipment." The amended definition excludes certain types of small heating equipment.
10.03.35.01AT	Definition of "Standard Conditions." The amended definition brings the standard conditions for ambient air quality standards and stack testing into equivalence.
10.03.35.03B(2)d (2) (e).	Emergency Stage Level for Photochemical Oxidants. This amendment changes the level from 0.6 p/m to 0.5 p/m.
10.03.35.05E	Installations not required to be registered. This amendment requires registration information for all equipment greater than the specified minimum sizes.
10.03.35.06A(1), 10.03.35.06A (3).	Test methods. This amendment formally adopts specific stack test methods suggested by EPA, with minor modifications to some equipment specifications.
10.03.35.08	Penalties and plan for compliance. This section is deleted as it is redundant with language included in the Air Quality Law of Maryland.
10.03.35.12	Emission test methods. This section is added in conjunction with the amendments to 10.03.35.06A.
10.03.36–37, 40–41, Table 1.	Emission standards for new fuel burning equipment. The amendment changes the grain-loading standard for units of 13–50 mBtu/h from 0.025 gr/dscf to 0.03 gr/dscf; the dust collector efficiency requirements are deleted.
10.03.38–39.03B (1).	Dust collector requirements. This amendment deletes the process weight requirements for solid fuel burners.
10.03.38–39.03E (2).	Process weight requirement/equation/Table 2. This process weight requirement and associated equation and table is deleted. The 0.03 gr/dscf limit still applies.

JUN 28 77
UM

10.03.38.04J(2)(g).	Other photochemically reactive organic materials (addition). This amendment is designed to control existing sources of photochemically reactive organic material; the current regulations only control new sources.
10.03.38–39.04J(2)e.	Vapor recovery. The sentences in this section are rearranged with no change in meaning.
10.03.38.06C(1)a.	Prohibition of certain incinerators. The minimum size for new incinerators is increased.
10.03.38–39.07 --	Transition from previous regulations. This section is deleted, as the provisions are obsolete.
10.03.38–39, Table I.	The amendment changes the grain-loading standard for units of 13–50 mBtu/h from 0.025 gr/dscf to 0.03 gr/dscf; the dust collector efficiency requirements are deleted.
Table II----------	The process weight table deleted.
10.03.39.01B, 10.-03.39.01B(9), 10.03.39.01D(1).	Control of open fires. These additions increase the minimum distance requirements of open burning from habitable dwellings.
10.03.39.04C(1) --	Sulfur compounds from other than fuel-burning equipment. The date for determination of an existing source is chnaged from Jan. 4, 1971, to Feb. 21, 1971.
10.03.39.04D(1) -	Sulfur oxide emissions from fuel-burning equipment. This section is reworded to state that fuels containing sulfur in excess of the applicable sulfur-in-fuel limitations may be used in conjunction with stack gas desulfurization methods, provided that the discharge of sulfur oxides does not exceed those levels that would occur when fuels meeting the applicable sulfur-in-fuel limitations are used.

The State of Maryland submitted proof that a public hearing was held on October 6, 1976, in Baltimore, in accordance with the requirements set forth in 40 CFR Section 51.4.

The public is invited to submit comments on whether the amendments submitted by the State of Maryland should be approved or disapproved as a revision of the Maryland State Implementation Plan. All comments received on or before July 28, 1977, will be considered.

The Administrator's decision to approve or disapprove this proposed SIP revision will further be based on whether the amendments submitted by the State of Maryland meet requirements of Section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

Copies of the proposed revision of the Maryland SIP and accompanying support documentation are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; Attn.: Mr. Harold A. Frankford (3AH11).

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Maryland 21201; Attn.: Mr. Edward Carter.

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments should be submitted to:

Mr. Howard Heim, Chief (3AH10), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; Attn.: AH010MD.

(42 U.S.C. 1857c–5.)

Dated: June 10, 1977.

A. R. MORRIS,
Acting Regional Administrator.

[FR Doc.77–18383 Filed 6–27–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 171]

INSTRUCTIONAL EQUIPMENT GRANTS PROGRAM

Revisions to Maintenance of Effort

AGENCY: Office of Education, HEW.

ACTION: Proposed Rule.

SUMMARY: This document is an amendment required by the Education Amendments of 1976 to establish an alternative method of determining whether maintenance of effort has been met by participating institutions of higher education under the program. It will also provide for waiver of this requirement based an criteria of general applicability published by the Commissioner of Education.

DATES: Comments must be received on or before: July 28, 1977.

ADDRESSES: Send comments to: Room 3622, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202. All comments received will be available for inspection at the above address between 8:30 a.m. and 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Frank A. Stevens, Division of Library Programs, (202) 245–9530.

SUPPLEMENTARY INFORMATION: Under the authority contained in sections 601–610 of the Higher Education Act of 1965, as amended by section 157 of the Education Amendments of 1976 (20 U.S.C. 1041–1046), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, is giving notice that he proposes to issue the following regulations amending Part 171 of Title 45 of the Code of Federal Regulations by revising § 171.3(c) and adding a new § 171.5, as set forth below.

The Commissioner published in the FEDERAL REGISTER, Vol. 41, No. 226, Monday, November 22, 1976, a Notice of Intent to Issue Regulations implementing the provisions of the Education Amendments of 1976 (41 FR 51550).

Comments were invited on specific issues in the Notice, including the listing of proposed basic criteria to assist the Commissioner of Education in making determinations for possible waivers from the maintenance of effort requirements under the program. Written comments were received through December 22, 1976. In addition, State commissions, with responsibilities for State administration of the program met with staff of the Office of Education to consider these proposed changes on December 13, 1976, in Washington, D.C. and in Denver, Colorado on December 17, 1976. The following is a summary of the comments received on the Notice of Intent and the Office of Education response.

Comment. Further clarification was recommended by several commenters for determination of maintenance of effort as stated in section 157 of the Education Amendments of 1976.

Response. Inasmuch as determination of maintenance of effort must be dependent on the firmest possible expenditure figures, § 171.3(c) is based on the last two years for which firm figures are available. The definition of "Full-time equivalent number of students" in § 171.1 must be used in determining the ratio of expenditures for full-time equivalent enrollment if the alternate method of determining the maintenance of effort is used.

Comment. One commenter thought that it was necessary to spell out the specific requirements for cominations of institutions of higher education in connection with the determination of maintenance of effort for combinations.

Response. The regulations in §§ 171.3 (c) and 171.5 cover combinations of institutions as well as individual institutions. Since each institution in the combination must meet the statutory requirement, there is no need for separate regulations.

Comment. Several commenters recommended that the criteria for waivers include "natural" disasters, fire, etc. which can cause excessive losses and high replacement costs.

Response. A waiver provision (§ 171.5 (a)(6)) has been included which can cover natural or other disasters requiring drastic changes in budgeted expenditures.

Comment. The question was raised by several commenters as to whether the provision for waivers from the maintenance of effort requirement would automatically have to be used by all participating States under the program.

Response. It is not required that all States use the provision for waivers in connection with maintenance of effort. As noted in § 171.5(a), the provision, if it is to be used, must be set forth in the State Plan.

INVITATION TO COMMENT

Comments on this Notice of Proposed Rulemaking must be in writing and must be received by the Office of Education by 4:30 p.m. on or before July 28, 1977.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13.518, Higher Education Instructional Equipment)

Dated: April 29, 1977.

ERNEST L. BOYER,
Commissioner of Education.

Approved: June 22, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Part 171 of Chapter I of Title 45 of the Code of Federal Regulations is amended as follows:

PART 171—INSTRUCTIONAL EQUIPMENT GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION

1. Paragraph (c) of § 171.3 is amended to read as follows:

§ 171.3 Conditions for grant approval.

* * * * *

(c) (1) That the applicant has met the maintenance of effort requirement unless a waiver of maintenance of effort has been granted in accordance with § 171.5.

(2) An applicant meets the maintenance of effort requirement when it shows that it has spent from current funds for instructional and library purposes in each of the two most recent successive years for which actual expenditures are available, an amount in the second of those years which is equal to or greater than the amount it spent for such purposes in the first of those years. Personnel costs are not to be included.

(3) Maintenance of effort under paragraph (c)(2) of this section may be shown by comparing either:

(i) The total expenditures in each of the two years; or

(ii) The total expenditures, divided by the full-time equivalent number of students, in each of the two years.

* * * * *

§ 171.4–171.11 [Redesignated]

2. Sections 171.4 through 171.11 are redesignated §§ 171.5 through 171.12 respectively and a new § 171.4 is added to read as follows:

§ 171.4 Waiver of maintenance of effort.

(a) If the Commissioner determines, upon finding and recommendation by the State Commission, made in accordance with a provision set forth in the State Plan, that there are special and unusual circumstances which prevent the applicant from meeting the maintenance of effort requirement set out in § 171.3 (c), the Commissioner may waive the requirement.

(b) Special and unusual circumstances constituting a basis for a waiver, include, but are not limited to, the following:

(1) A new or relatively new institution has incurred, during the base year, large costs for instructional equipment associated with the establishment of the institution;

(2) An older institution, after undergoing substantial increases in enrollment or in program activity requiring an unusually higher level of instructional equipment and library expenditures for a temporary period of time, lowers these expenditures to a level adequate to maintain normal standards of operation;

(3) An older institution, after making large "one time" expenditures for instructional and library purposes, i.e., major equipment or facility acquisitions, lowers these expenditures to a level adequate to maintain normal standards of operation;

(4) A major cut in State or institutional appropriations or other budgeted income, requires the applicant to make a drastic alteration in expenditures;

(5) A serious drop in student enrollment or program activity occurs which is brought about by factors not controllable by the applicant; or

(6) A natural or other disaster requires the applicant to make a drastic alteration in expenditures.

(20 U.S.C. 1124(c).)

[FR Doc.77–18453 Filed 6–27–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21291; RM–2711]

FM BROADCAST STATION IN ST. IGNACE, MICH.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This is a notice of a proposal to substitute Class C Channel 275 for unoccupied Channel 272A at St. Ignace, Michigan, at the request of Mighty-Mac Broadcasting. Mighty-Mac states that significant new service could be provided to St. Ignace and Mackinac County by this proposal. The Notice asks for a detailed showing of new service, alternative channels for a precluded community, and a statement of the financial ability of Mighty-Mac to construct a station.

DATE: Comments are to be filed on or before August 1, 1977, and reply comments on or before August 22, 1977.

ADDRESSES: Send comments to Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

James J. Gross, Broadcast Bureau (202–632–7792).

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (St. Ignace, Michigan).

Adopted: June 16, 1977.

Released: June 21, 1977.

1. *Petitioner, proposal, and comments.* (a) Petition for rule making [1] filed May 21, 1976, by Mighty-Mac Broadcasting Company ("Mighty-Mac"), licensee of Station WIDG(AM), St. Ignace, Michigan, proposing the assignment of Class C FM Channel 275. The unoccupied third adjacent Channel 272A at St. Ignace would be deleted by the proposal. This is the only FM assignment at St. Ignace and Mackinac County.

(b) The channel may be assigned without affecting any other existing assignments in the FM Table. There were west of the Canadian border.

2. *Community data.*—(a) *Location.* St. Ignace, seat of Mackinac County, is located at the southeastern tip of Michigan's "Upper Peninsula," between Lakes Michigan and Huron, and is approximately 64 kilometers (40 miles) southwest of the Canadian border.

(b) *Population.* St. Ignace—2,892 Mackinac County—9,600.[2]

(c) *Present aural services.* St. Ignace presently has a daytime-only AM station licensed to petitioner. We are informed by Mighty-Mac that FM service in the general area of St. Ignace emanates from Cheboygan (WCBY–FM, WJML–FM, and WMBN–FM), Petoskey (WMBN–FM), and Sault Ste. Marie (WSMM–FM). New FM stations are authorized for Channel 267 at Sault Ste. Marie and for Channel 228A at Newberry, and a new FM assignment has been made at Manistique.

(d) *Economic considerations.* The area's principal business is tourism, with a heavy influx of tourists into the county during the summer and fall, increasing the population beyond that estimated by the Census. The area around St. Ignace is classified as rural by the Census Bureau.

3. *Preclusion studies.* There is one community with a population greater than 1,000 persons that might lose an opportunity for a first FM assignment if this proposal were to be adopted. Onaway (pop. 1,262) is without an AM or FM broadcast facility. We expect peti-

[1] Public notice of the filing of the petition was given on June 15, 1976 (Report No. 986).
[2] Population figures are taken from the 1970 U.S. Census.

ANN A
JUN 28 77
UM

tioner to present in comments any alternate FM channel that could be assigned to this precluded community.

4. Mighty-Mac argues that a wide coverage Class C station operating with reasonable facilities could serve a vastly greater service area than a Class A station could at maximum facilities. Moreover, this would provide a first FM service and a first nighttime service to most of the communities in Mackinac County according to a study using existing contours of area FM stations and a hypothetical station at St. Ignace with 75 kilowatts power and 153 meters (500 feet) HAAT. Such a station, according to petitioner, would provide first FM service to 1,042 persons and a second FM service to 12,134 persons. A maximum facility Class A station would provide no first FM service and a second FM service to only 275 persons. Mighty-Mac, however, states that it could not afford to establish full facilities immediately, but could use the tower of its AM station and initiate FM service at 39 kilowatts and 70 meters (230 feet) HAAT. In order to provide the data necessary to evaluate this issue, petitioner should submit a proper *Roanoke Rapids*[3] showing based on a Class C station operating at St. Ignace with Mighty-Mac's proposed facilities (39 kW, 70 meters (230 feet) HAAT), on existing stations operating with reasonable facilities (or greater as already authorized), and on all other unoccupied assignments operated at reasonable facilities. In addition, Mighty-Mac should submit a coverage study showing the extent of nighttime service provided by standard broadcast stations to the area it would serve and indicate any areas which would receive a first or second aural service from the proposed station. see *Anamosa, Iowa*, 46 F.C.C. 2d 520 (1974).

5. Mighty-Mac was the original petitioner for the 1966 assignment of Channel 272A to St. Ignace. Although Mighty-Mac stated its intent to apply for a construction permit at the time of assignment, it says that it later realized that construction of a Class A facility could not be cost-justified. Now it argues that a wide coverage Class C assignment would be able to obtain enough market revenue to make it financially viable and that it would file an application for a construction permit on the Class C channel if assigned, and would construct and operate an FM station if it is the successful applicant. In view of the history of this matter, we are still concerned about petitioner's present financial ability to construct a station with the proposed facilities, and whether funds exist to sustain construction costs. We shall require petitioner to submit a persuasive showing of its capability to construct a Class C station at St. Ignace. We shall not assign this channel in the absence of assurance that it will be utilized to provide FM service to the people of the St. Ignace and surrounding area. This requires a realistic and convincing showing of its commitment, indicating both intent and ability to promptly provide FM service, if authorized.

6. In view of the foregoing, and the fact that the proposed substitution may provide the surrounding area of St. Ignace with a new FM service and some areas with a first FM service, the Commission finds that it would serve the public interest to seek comment in rule making. However, it should be noted that this proposal is contingent upon the Commission's obtaining Canadian approval.

§ 73.202 [Amended]

7. Therefore, notice is hereby given that the Commission proposes to amend the FM Table of Assignments, § 73.202 (b) of the Commission's Rules, with regard to St. Ignace, Michigan, as follows:

City	Channel No.	
	Present	Proposed
St. Ignace, Mich.	272A	275

8. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

9. Interested parties may file comments on or before August 1, 1977, and reply comments on or before August 22, 1977.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.77-14339 Filed 6-27-77;8:45 am]

[3] 9 F.C.C. 2d 672 (1967).

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1207]

[No. 36556]

CLASS I AND CLASS II MOTOR CARRIERS OF PROPERTY

Revision to the Annual Reports and Uniform System of Accounts

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and order.

SUMMARY: This proceeding is being instituted to consider major revisions to the 1977 annual reports prescribed for Class I (Form M–1) and Class II (Form M–2) common and contract motor carriers of property (49 CFR Part 1249) and attendant modifications to the Uniform System of Accounts (49 CFR Part 1207). Proposed revisions provide for (1) "respondent" and "consolidated" reporting, (2) reduction in reporting burden on Class I and II carriers and other modifications to improve data disclosure, (3) separate annual report form for Class I and Class II household goods carriers, and (4) revisions to the Uniform System of Accounts prescribed for Class I and Class II common and contract motor carriers of property.

DATE: Comments must be received on or before August 5, 1977.

FOR FURTHER INFORMATION CONTACT:

James H. Bayne, Chief, Section of Reports, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, Phone No. 202–275–7331.

SUPPLEMENTARY INFORMATION:

CONSOLIDATED REPORTING

The proposed annual report Form M for general freight carriers will require all Class I, Instruction 27, 28A, and 28C, motors carriers and Class II, Instruction 27, carriers to include certain consolidated financial information. Carrier only data may, in fact, distort (understate) (a) the investment in transportation, (b) the long-term debt and equity which finances that investment, and (c) the importance of debt in the capital structure. Consolidated data will help to overcome these distortions since the non-carrier affiliates to be included in the data represent an integral part of the carrier operations, i.e. by providing equipment, debt, services and/or equity.

PROPOSED REVISIONS TO M–1 AND M–2 ANNUAL REPORTS

The proposed revisions to Forms M–1 and M–2 provide for inclusion of consolidated financial information, thus making the form useful for both ratemaking and reporting purposes. All Class I and Class II common and contract motor carriers of property, except household goods carriers, will file the same annual report to be designated Form M. Class II carriers will report in approximately the same lesser detail as in the past, and only those subject to Instruction 27 must file the consolidated data. All Class I and Class II carriers must report all "respondent only" data. All Class I motor carriers of property subject to Instruction 27, 28A, and 28C, must report "consolidated" data.

HOUSEHOLD GOODS CARRIERS REPORTING

Classes I and II motor carriers of household goods, i.e., those subject to Instruction 28B, will file a newly designated annual report Form M–H. Reporting for household goods carriers will be nearly the same as for general freight carriers. The scope and format of the proposed Form M–H is identical to the proposed Form M with few exceptions. One major difference is that consolidated reporting for household goods carriers is not proposed at this time, because there is some question as to whether or not such data is needed for ratemaking purposes. While the proposed Form M–H is designed for use primarily by household goods carriers, it will also provide for reporting by carriers having both household goods and general freight authority. Included in the form will be several selected schedules to report general freight information so as to provide the Commission with a complete financial and statistical picture of dual authority carriers. The schedule for reporting "Comparative Results of Operations" provides for reporting of both household goods and general freight operations.

REDUCTION IN REPORTING BURDEN AND OTHER MODIFICATIONS

From a comprehensive review of the Commission's data requirements, it was found that certain schedules in the annual reports are no longer necessary for regulatory purposes. Therefore, it is proposed to eliminate approximately 24 of the 77 schedules, or 31 percent, from the present annual report Forms M–1 and M–2. The deletion of these schedules will significantly reduce the paperwork burden on some 4,260 Class I and II motor carriers of property. We estimate that carriers will be relieved from filing some 102,000 schedules annually. Although these schedules will be deleted, the majority of this information will still be available on the basic comparative financial statements.

To reduce the reporting of detail information, we propose to increase the minimum dollar level from $10,000 to $20,000 in a number of schedules.

REVISIONS TO 49 CFR PART 1207

Proposed revisions to the Uniform System of Accounts for Motor Carriers of Property may appear to be extensive; however, many of them simply amend cross references to various control accounts. The proposed report will be completed by class I and class II carriers. Therefore, both classes must report certain data in the same detail. To ensure that this detail will be available, we propose to revise Part 1207 to require that class II carriers maintain formal subaccounts rather than memorandum accounts.

We do not believe that this additional accounting burden will be significant. With the exception of data on carrier operating property, Class II carriers must already maintain the information to enable them to complete annual report Form M–2. For example, we propose to require that class II carriers maintain the subaccounts in the 1140 series of accounts (Prepayments). However, Class II carriers keep this same data anyway, subdivided under account 1140, since they must report it on schedule 1140 annual report Form M–2.

All Class I and Class II common and contract motor carriers of property described in 49 CFR 1240.5 are made respondents in this proceeding.

(Sec. 204, 1C Act and pursuant to secs. 553, 559 of the Administrative Procedure Act.)

Issued at Washington, D.C. June 14, 1977.

H. G. HOMME, Jr.,
Acting Secretary.

Part 1207 of Chapter X of Title 49 of the Code of Federal Regulations is proposed for amendment as follows:

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

1. In the list of instructions line item 32 is revised to read "Reserved."

2. Instruction 10 is amended to read as follows:

10. Clearing accounts.

(a) • • • as subdivisions of Account 1512—Deferred Debits or 2412—Deferred Credits (classes I and II) or • • •

(b) • • • included in Account 1512 or 2412 (classes I and II) or Account 1551 (classes I and II) • • •

12. [Amended]

3. Instruction 12(d) is revised by deleting the parenthetical phrase, "(class I carriers)" and the last sentence.

4. Instruction 13 is amended to read as follows:

13. Current assets.

(a) In the group of accounts designated as current assets, there shall not be • • •

(b) • • •

14. [Amended]

5. Instruction 14 is amended by deleting the words "Account 1010—Cash and Working Funds (class II)" and the parenthetical.

6. Instruction 16 is amended to read as follows:

16. Capital stock.

• • • • • •

(d) When an issue of capital stock or any part thereof is reacquired, either by purchase or donation, and is retired or cancelled the par value shall be charged to account 2611—Capital Stock—Preferred or 2612—Capital Stock—Common if cancelled. Any Excess• • •

• • • • • •

7. Instruction 19 is amended to read as follows:

19. Carrier operating property.

(a) (1) • • •coded 1211 through 1252, are classified as carrier operating property.

• • • • • •

(f) (1) • • • operating accounts (accounts 1211 through 1252) to • • • The related accumulated depreciation (recorded in accounts 1214 through 1252) shall • • •

(2) • • • operating accounts the book cost of the property • • •

(g) • • •

(h) • • • shall be charged to Account 1241—Improvements to Leasehold Property. Amortization • • •

• • • • • •

8. Instruction 20 is amended to read as follows:

20. Acquisition of a distinct operating unit.

• • • • • •

JUN 28 1977 UM

(a) *Purchase.* (1) • • • the amounts includible in accounts 1211 through 1341 for • • •

• • • • • •

(c) • • • Included in accounts 2632, 2641, and 2652 (class II) and accounts 1211 through 1341 (classes I and II), 2632, 2641, and 2652 (class I) • • •

9. Instruction 21, paragraph (a), is amended to read as follows:

21. Retirement of property.

(a) • • •
(1) • • •
(iii) • • •

(a) • • • shall be charged to Account 1245—Unfinished Construction with contra credit to the clearing account. • • •

(b) • • •

(c) • • • or transferred to the deferred credits account (2412), as appropriate. • • • (or less the amount in account 2412). If the property • • •

• • • • • •

10. Instruction 22 is amended to read as follows:

22. Insurance.

• • • • • •

(g) • • • charged to Account 1142—Prepaid Insurance and • • • refund shall be retained in Account 1142 and the balance • • • estimated dividend shall be charged to account 1142, and the • • •

NOTE A.—• • • and the remainder of the premium shall be charged to Account 1142 and prorated • • •

11. Instruction 23 is amended to read as follows:

23. Depreciation and amortization.

(a) • • •

(b) • • • depreciable property included in accounts 1211 through 1251, amounts • • • accumulated depreciation and amortization (accounts 1214 through 1252).

(1) Depreciation charges on property included in accounts:

1213 Structures.
1221 Revenue equipment.
1223 Service cars and equipment.

• • • • • •

(2) Depreciation charges on property included in accounts:

1233 Shop and garage equipment.
1235 Furniture and office equipment.
1237 Miscellaneous equipment.

• • • • • •

(c) Amortization and depreciation charges on property included in Account 1241—Improvements to Leasehold Property (see instruction 21) shall be • • •

24. [Amended]

12. Instruction 24 is amended by deleting "Account 1140—Prepayments (class II)" and the parenthetical phrase "(class I)".

32 [Reserved]

13. The title and text of instruction 32 is deleted and marked "Reserved."

CLASS I AND CLASS II MOTOR CARRIERS
CHART OF ACCOUNTS—BALANCE SHEET

The Class I and Class II Motor Carrier Chart of Accounts—Balance Sheet is amended in the Class II column to read as follows:

CURRENT ASSETS

• • • • •

1030 Temporary cash investment.

NOTES RECEIVABLE

1111 Notes receivable; officers, stockholders, and employees.
1112 Notes receivable; others receivables from affiliated companies.
1121 Loans and notes receivable from affiliated companies.
1122 Interest and dividends receivable from affiliated companies.
1123 Accounts receivable from affiliated companies.

• • • • •

TANGIBLE PROPERTY

LAND AND STRUCTURES

1211 Land.
1213 Structures.

• • • • •

OTHER CARRIER PROPERTY

1233 Shop and garage equipment.
1234 Accumulated depreciation—shop and garage equipment.
1235 Furniture and office equipment.
1236 Accumulated depreciation—Furniture and office equipment.
1237 Miscellaneous equipment.
1238 Accumulated depreciation—Miscellaneous equipment.
1241 Improvements to leasehold property.
1242 Accumulated amortization—improvements to leasehold property.
1243 Undistributed property.
1244 Accumulated depreciation—undistributed property.
1245 Unfinished construction.
1251 Carrier operating property leased to others.
1252 Accumulated depreciation—carrier operating property leased to others.

• • • • •

INVESTMENT SECURITIES AND ADVANCES

1410 Investments and advances—affiliated companies.
1417 Notes; affiliated companies.

• • • • •

CURRENT LIABILITIES

2010 Notes payable to affiliated companies.

PAYABLES TO AFFILIATED COMPANIES

2021 Loans and notes payable to affiliated companies.
2022 Interest and dividends payable to affiliated companies.
2023 Accounts payable to affiliated companies.

• • • • •

2130 Other current and accrued liabilities.
2161 Current equipment obligations and other debt.

• • • • •

STOCKHOLDER'S EQUITY

CAPITAL STOCK

2611 Capital stock—preferred.
2612 Capital stock—common.
2613 Subscribed capital stock.

• • • • •

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNT EXPLANATIONS

1110 [Deleted]

1. The title and text of Account 1110—Notes Receivable (Class II) are deleted.

2. The title and text of Account 1111—Notes Receivable—Officers, Stockholders, and Employees (class I) are amended to read as follows:

1111 Notes receivable—Officers, stockholders, and employees (classes I and II).

• • • • • •

NOTE A.—Notes receivable from affiliated companies shall be included in account 1121—Loans and Notes Receivable from affiliated companies (classes I and II) or Account 1410—Investments and Advances—Affiliated Companies (class II) and Accounts 1411–1421, inclusive (class I), as appropriate.

NOTE B.—• • •

1112 [Amended]

3. The title of Account 1112 is amended to read "1112—Notes Receivable—Other (classes I and II)."

1120 [Deleted]

1121, 1122, and 1123 [Amended]

4. The title and text of account 1120—Receivables from Affiliated Companies (class II) are deleted. The parenthetical phrase "(class I)" in the titles of subaccounts 1121, 1122, and 1123 is amended to read "(classes I and II)."

5. The text of Account 1135—Accounts Receivable; Other (classes I and II) is amended to read as follows:

1135 Accounts receivable: other (class I and II).

This account shall include amounts due from others (except items provided for in accounts 1121, 1122, 1123, 1131 and 1133) that are • • •

1140 [Amended]

6. The title and text of Account 1140—Prepayments (class II) is deleted. The parenthetical phrase "(class I)" in the titles of accounts 1141–1147, inclusive, is amended to read "(classes I and II)."

7. Note D to the text of Account 1151—Material and Supplies (classes I and II) is amended to read as follows:

1151 Material and supplies (classes I and II).

• • • • • •

NOTE D.—Stationery and printed matter should be charged to Account 1145.

• • • • •

8. The text of Account 1161—Subscribers to Capital Stock (class I) is amended to read as follows:

1161 Subscribers to capital stock (class I).

(a) • • •

(b) • • • Concurrently, there shall be credited to Account 2613—Subscribed Capital Stock, the par • • •

• • • • •

9. The text of NOTE A to Account 1162—Interest and Dividends Receivable (Class I) is amended to read as follows:

1162 Interest and dividends receivable (class I).

• • • • • •

NOTE A.—• • • Shall be included in Account 1122—Interest and Dividends Receivable From Affiliated Companies.

• • • • • •

1210–1213 [Amended]

10. The title and text of Account 1210—Land and Structures (class II) are deleted and the parenthetical phrase "(class I)" in the titles of subaccounts 1211 and 1213 is amended to read "(classes I and II)." The text of Account 1213, Note D, is amended to read as follows:

• • • • • •

NOTE D.—• • • carried in Account 1245—Unfinished Construction, until ready for service.

11. The text of Account 1214—Accumulated Depreciation — Structures (Classes I and II) is amended to read as follows:

1214 Accumulated depreciation—Structures (classes I and II).

• • • • • •

(3) • • • to the preceding asset account, or account 1251—Carrier Operating Property Leased to Others.

• • • • • •

1230 and 1232 [Deleted]

12. The titles and texts of Accounts 1230—Other Carrier Property (class II) and 1232—Accumulated Depreciation and Amortization—Other Carrier Property (class II) are deleted.

1233–1252 [Amended]

13. The parenthetical phrase "(class I)" in the titles of Accounts 1233 through 1252 is amended to read "(classes I and II)."

14. The text of Account 1410—Investments and Advancements — Affiliated Companies (class II) is amended to read as follows:

1410 Investments and advances—affiliated companies (class II).

This account shall include the book cost (see definition 8) of the carrier's investments in securities issued or assumed by affiliated companies and the amount of advances • • •

NOTE A.—• • • shall be included in accounts 1121, 1122, or 1123, as appropriate.

• • • • • •

1417 [Amended]

15. The parenthetical phrase in the title of Account 1417—Notes; Affiliated Companies (class I) is amended to read "(classes I and II)."

16. The text of Account 1428—Adjustments—Investments and Advancements; Affiliated Companies (classes I and II) is amended to read as follows:

1428 Adjustments—Investments and advances; affiliated companies (classes I and II).

• • • securities included in accounts 1410, 1411, 1413, 1415, 1417, 1419, or 1421, as appropriate (see instruction 18(b)).

17. NOTE A in the text of Account 2011—Notes Payable (class I) is amended to read as follows:

2011 Notes payable (class I).

• • • • • •

NOTE A.—• • • included in Account 2021—Loans and Notes Payable to Affiliated Companies (see also Account • • •).

• • • • • •

2020 [Deleted]

2021—2033 [Amended]

18. The title and text of Account 2020—Payables to Affiliated Companies (class II) are deleted and the parenthetical phrase "(class I)" in the titles of subaccounts 2021, 2022, and 2023 is amended to read "(classes I and II)."

19. NOTE A in the text of Account 2112—Vehicle Licenses and Registration Fees; Accrued (classes I and II) is amended to read as follows:

2112 Vehicle licenses and registration fees; accrued (classes I and II).

• • • • • •

NOTE A.—• • • included in Account 1141—Prepaid Taxes and Licenses.

20. The text of Account 2130—Other Current and Accrued Liabilities (class II) is amended by adding "except 2161" at the end of the sentence.

21. The text of Account 2131—Dividends Payable (class I) is amended to read as follows:

2131 Dividends payable (class I).

• • • • • •

NOTE.—• • • shall be included in Account 2022—Interest and Dividends Payable to Affiliated Companies.

22. The text of Account 2141—Notes and Advances Payable (interest accrued) (class I) is amended to read as follows:

2141 Notes and advances payable (interest accrued) (class I).

• • • • • •

(b) • • • credited to Account 2022—Interest and Dividends Payable to Affiliated companies, • • •

• • • • • •

23. The text of Account 2151—Notes and Advances Payable (matured interest) (class I) is amended to read as follows:

2151 Notes and advances payable (matured interest) (class I).

• • • included in Account 2022—Interest and Dividends Payable to Affiliated Companies.

2161 [Amended]

24. The title of Account 2161 is amended to read "Current Equipment Obligations and Other Debt (classes I and II)."

25. The texts of subaccounts 2311, 2312, and 2313 are amended to read as follows:

2311 Notes payable (affiliated companies) (class I).

• • • • • •

(b) • • • included in Account 2021—Loans and Notes Payable to Affiliated Companies.

2312 Open accounts, note subject to current settlement (affiliated companies) (class I).

• • • • • •

(b) • • • included in Account 2023—Accounts Payable to Affiliated Companies.

2313 Interest accrued, not subject to current settlement (affiliated companies) (class I).

• • • • • •

(b) • • • included in Account 2022—Interest and Dividends Payable to Affiliated Companies.

26. The texts of Accounts 2331, 2332, 2333, and 2334 are amended to read as follows:

2331 Equipment obligations (classes I and II).

(a) • • • is includible in Account 2161—Current Equipment Obligations and Other Debt (see NOTE A).

• • • • • •

2332 Bonds and debentures (classes I and II).

(a) • • • is includible in Account 2161—Current Equipment Obligations and Other Debt (see NOTE A).

• • • • • •

2333 Capitalized lease obligations (classes I and II).

• • • • • •

NOTE A.—• • • includible in Account 2161—Current Equipment Obligations and Other Debt.

2334 Other long-term obligations (classes I and II).

(a) • • • is includible in Account 2161—Current Equipment Obligations and Other Debt (see NOTE A).

• • • • • •

2410 and 2411 [Deleted]

27. The title and text of Accounts 2410—Deferred Credits (class II) and 2411—Unamortized Premium on debt are deleted.

2610 [Deleted]

2611–2613 [Amended]

28. The title and text of Account 2610—Capital Stock (class II) are deleted and the parenthetical phrase "(class I)" in the titles of Accounts 2611, 2612, and 2613 is amended to read "(classes I and II)".

REVENUE ACCOUNT, EXPLANATIONS

INSTRUCTION 27, 28A, AND 28C CARRIERS

The text of Account 3100—Freight Revenue—Intercity Common Carrier (classes I and II) is amended to read as follows:

JUN 28 77
UM

3100—Freight revenue—Intercity common carrier (classes I and II).

• • • • • •

NOTE C.—• • • included in Account 2023—Accounts Payable to Affiliated Companies or Account 2032 • • •

• • • • • •

OPERATING EXPENSE ACCOUNT EXPLANATIONS INSTRUCTION 27, 28A, AND 28C CARRIERS

The operating expense account explanations for Instruction 27, 28A, and 28C carriers are amended as follows:

4550 [Amended]

1. Account 4550—Tires and Tubes is amended by deleting the words "Account 1140—Prepayments (class II) or" and "(class I)" in the first paragraph.

4890 [Amended]

2. Account 4890—Other Insurance is amended by deleting the words "Account 1020—Special Deposits (class II)" and "(class I) or" in NOTE A.

5310 [Amended]

3. Account 5310—Depreciation Expense—Buildings and Structures is amended by deleting the words "Account 1210—Land and Structures (class II) or" and "(class I)" from the first paragraph.

5340 [Amended]

4. Account 5340—Depreciation Expense—Shop and Garage Equipment is amended by deleting the words "Account 1230—Other Carrier Property (class II) or" and "(class I)."

5350 [Amended]

5. Account 5350—Depreciation Expense—Furniture and Office Equipment is amended by deleting the words "Account 1230—Other Carrier Property (class II) or" and "(class I)" from the first paragraph.

5360 [Amended]

6. Account 5360—Depreciation Expense—Miscellaneous Equipment is amended by deleting the words "Account 1230—Other Carrier Property (class II) or" and "(class I)" from the first paragraph.

5370 [Amended]

7. Account 5370—Amortization Expense—Improvements to Leasehold Property is amended by deleting the words "Account 1230—Other Carrier Property (class II) or" and "(class I)" from the first paragraph.

5380 [Amended]

8. Account 5380—Depreciation Expense—Undistributed Property is amended by deleting the words "Account 1230—Other Carrier Property (class II) or" and "(class I)" from the first paragraph.

5710 [Amended]

9. Account 5710—Gains on Disposition of Operating Assets is amended by deleting the words "1221 through 1232 (class II) and accounts" and "(class I)" from the first paragraph.

10. Account 5930—Professional Services—Debit is amended to read as follows:

5930 Professional services—Debit.

• • • • • •

NOTE C.—• • • law expenses and expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to Account 2338—Unamortized Discount in Debt or Account 2339—Unamortized Premium or Debt or Account 2633 • • •

NOTE D.—• • • shall be charged to Account 1512 Deferred Debits and amortized by charges to this account.

CLASS I AND CLASS II CARRIERS OF HOUSEHOLD GOODS (INSTRUCTION 28B CARRIERS)

REVENUE ACCOUNT EXPLANATIONS

3100 [Amended]

1. Account 3100—Moving Revenue—Intercity Common Carriers, Own Rights (classes I and II) is amended by deleting the words "Account 2020—Payables to Affiliated Companies (class II); and" and "(class I)" from NOTE A.

3500 [Amended]

2. Account 3500—Containers, Packing, and Unpacking Services (classes I and II) is amended by deleting the words "Accounting 2020—Payables to Affiliated Companies (class II); and" and "(class I)" from NOTE A.

3600 [Amended]

3. Account 3600—Supplementary Transportation Services (classes I and II) is amended by deleting the words "Account 2020—Payable to Affiliated Companies (class II); and" and "(class I)" from NOTE A.

3900 [Amended]

4. Account 3900—Other Operating Revenue (classes I and II) is amended changing the reference to Account 1210 to read "1211."

ACCOUNT EXPLANATIONS—OPERATING EXPENSES

The operating expense account explanations for household goods carriers are amended as follows:

6200 [Amended]

1. Account 6200—Tires and Tubes is amended by deleting the words "Account 1140—Prepayments (class II) or" and "(class I only)" in the first paragraph.

2. Account 7330—Other Outside Services—Professional Services is amended to read as follows:

7330 Other outside services—professional services.

• • • • • •

NOTE C.—• • • law expenses and expenditures incident to securing authorization for issuance of long-term debt or capital stock shall be charged to Account 2338—Unamortized Discount in Debt or Account 2339—Unamortized Premium or Debt or Account 2633 • • •

NOTE D.—• • • shall be charged to Account 1512 Deferred Debits and amortized by charges to this account.

8120 [Amended]

3. Account 8120—Depreciation—Revenue Equipment is amended by deleting the words "Account 1230—Other Carrier Property (class II), or" and "(class I)."

8140 [Amended]

4. Account 8140—Depreciation—Buildings and Structures is amended by deleting the words "Account 1210—Land and Structures (class II) or" and "(class I)."

8150 [Amended]

5. Account 8150—Depreciation—Furniture and Office Equipment is amended by deleting "Account 1230—Other Carrier Property (class II) or" and "(class I)."

8170 [Amended]

6. Account 8170—Depreciation—Undistributed Property is amended by deleting the words "(class I)."

8210 [Amended]

7. Account 8210—Amortization of Leasehold Improvements is amended by deleting the words "Account 1230—Other Carrier Property (class II), or" and "(class I)" in the first paragraph.

8910 [Amended]

8. Account 8910—Gains on Disposition of Operating Assets is amended by deleting the words "Accounts 1221 through 1232 (class II) and" and "(class I)" in paragraph (a).

CLASS I AND CLASS II MOTOR CARRIER CHART OF ACCOUNTS OTHER INCOME AND EXPENSES

The Class I and Class II Motor Carrier Chart of Accounts is amended, under Class II, to read as follows:

CLASS II ACCOUNTS *

• • • • • •

8700/9700 Income taxes on income from continuing operations.
8710/9710 Federal income taxes.
8720/9720 State income taxes.
8730/9730 Other income taxes.

• • • • • •

OTHER INCOME AND EXPENSE ACCOUNT EXPLANATIONS

The Other Income and Expense Account Explanations are amended as follows:

8320/9320 [Amended]

1. Account 8320/9320—Lease of Distinct Operating Units—Credit is amended by deleting the words "Account 1232—Accumulated Depreciation and Amortization, Other Carrier Property (class II) or to" and "(class I)" in NOTE A.

8700/9700 [Amended]

2. Account 8700/9700—Income Taxes on Income from Continuing Operations is amended by deleting "class I" in paragraph (a); and deleting paragraph (b) and classifying (b) as "Reserved."

8710/9710 [Amended]

3. The title of Account 8710/9710 is amended to read: Federal Income Taxes (classes I and II).

8720/9720 [Amended]

4. The title of Account 8720/9720 is amended to read: State Income Taxes (classes I and II).

8730/9730 [Amended]

5. The title of Account 8730/9730 is amended to read: Other Income Taxes (classes I and II).

8800/9800 [Amended]

6. Account 8800/9800—Extraordinary Items (classes I and II) is amended by deleting "class I" in paragraphs (a) and (f); and by deleting the texts of paragraphs (b) and (c) and classifying them as "Reserved."

8810/9810 [Amended]

7. The title of Account 8810/9810 is amended to read: Extraordinary item (net) (classes I and II).

8850/9850 [Amended]

8. The title of Account 8850/9850 is amended to read: Income taxes on extraordinary items (classes I and II).

8851/9851 [Amended]

9. The title of Account 8851/9851 is amended to read: Provision for deferred taxes—extraordinary items (classes I and II).

[FR Doc.77-18519 Filed 6-27-77;8:45 am]

[49 CFR Part 1241]

[Docket No. 36557]

ANNUAL, SPECIAL, OR PERIODIC REPORTS; CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

Reporting Railroad Track Maintenance

AGENCY: Interstate Commerce Commisson.

ACTION: Proposed rule

SUMMARY: The Interstate Commerce Commission proposes new schedules in the Annual Report, Form R-1 for class I railroads to report track maintenance data by main and branch lines and to disclose deferred track maintenance assessed by carriers.

DATES: Written comments (an original and if possible 15 copies) must be received on or before August 15, 1977.

ADDRESS: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Mr. John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, Phone No. 202-275-7565.

SUPPLEMENTARY INFORMATION: Pursuant to section 20, as amended, of the Interstate Commerce Act and sections 553 and 539 of the Administrative Procedure Act, we are instituting this proceeding on our own motion to consider new reporting requirements for Class I railroads on track maintenance.

Track maintenance consists of the replacement of rail, ties, ballast, and other related work to keep the tracks in good operating condition. Inadequate track maintenance of many railroads has been a crucial problem which threatens the efficiency, quality, and profitability of railroad service. We at the Commission and others who are concerned with the railroad industry need information to analyze the adequacy of track maintenance. However, Annual Report Form R-1 filed by railroads with this Commission does not provide sufficient data for this purpose. Therefore, we propose class I railroads be required to:

(1) Disclose the amount of deferred maintenance, if any, assessed by the railroad management, and explain the methodology used in making this assessment; and

(2) Report more detailed data than that currently required in Form R-1 on actual maintenance and track and traffic conditions.

We believe that management is in the best position to determine for each railroad how much maintenance should have been done to keep the tracks in good operating condition and how much it would cost the railroad to rehabilitate its tracks. In meeting this proposed reporting requirement the railroads may refer to the definition of deferred maintenance provided in the Commission proceeding Ex Parte 305, "Nationwide Increase of Ten Percent in Freight Rates and Charges, 1974," and can use the methods that they have been using in determining the amounts of deferred maintenance reported under Ex Parte 305 since 1974.

Under Ex Parte 305, the Commission defined deferred maintenance as:

• • • the accrued deterioration or deficiency in the physical operating condition of railroad track structures cars and locomotives and other property used in the provision of transportation service resulting from the failure and/or inability to properly maintain plant and equipment which produces an adverse effect on railroad operations to an extent that services to shippers have been rendered partially or wholly inadequate and/or has resulted in diminishing the railroads' competitive ability; • • •

We request respondents to this Notice to comment on the use of this definition for Form R-1.

We also propose new schedules in Form R-1 to report in greater detail, and by main and branch lines, data on actual maintenance performed for track components. We believe information in these schedules when used together with the amounts of deferred maintenance reported will be used for analysts in forming their own judgments and analyses.

To implement our proposal, the following new schedules and changes would be made to Form R-1 (the blueprints of the proposed Schedules are enclosed as the Appendix to this notice):

1. Add Schedule 512 to report by main and branch lines: traffic density, speed limits, slow orders, and accidents caused during the year by track defects.

2. Redesignate schedule 513 as schedule 513(b), and add schedule 513(a) to report ties laid in replacement by main and branch lines, by condition of tie (new vs. second-hand) and by type of tie (wooden treated, concrete, etc.).

3. Redesignate schedule 515 as schedule 515(b), and add schedule 515(a) to report rail laid in replacement by main and branch lines, by condition of rail, and by type of rail (welded vs. bolted).

4. Add schedule 520 to summarize track maintenance information. This schedule will show by main and branch lines number of ties replaced, miles of rail replaced, mile of ballast cleaned, tons of ballast placed, miles of track surfaced and bridges repaired. It will also show the percentage of replacements to total units of the track components at the end of the year.

5. Add schedule 522 to report a ten-year summary of track maintenance statistics. This schedule will assist in analyzing the track maintenance in comparison with the historical trend.

6. Add schedule 524 to disclose deferred maintenance, if any, assessed by the carrier and to explain the methodology used by the carrier in making its assessment.

Issued at Washington, D.C., June 17, 1977, by the Commission.

H. GORDON HOMME, JR.,
Acting Secretary.

[FR Doc.77-18518 Filed 6-27-77;8:45 am]

JUN 28 1977 UM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket No. 30697; Order 77-6-110]

CARIBBEAN AREA SERVICE INVESTIGATION

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of June 1977.

By order 77-4-28, April 6, 1977, the Board instituted the Caribbean Area Service Investigation and requested all interested persons to submit comments and answers concerning the scope of the proceeding. Subsequently, National Airlines and the Pittsburgh Parties[1] filed motions for leave to published selected international O&D traffic data relating to the case, pursuant to section 399.100 of the Board's Policy Statements. In addition, the Government of the Virgin Islands filed a motion for the release of selected international service segment data. Allegheny Airlines and the Commonwealth of Puerto Rico[2] submitted answers in support of the above motions.

Upon consideration of all the facts and relevant pleadings, we have decided to release O&D traffic and service segment data from 1972 to the present.[3]

In order to permit interested parties the greater latitude in utilizing the data available for the submission of comments and answers, we will release the international O&D and the service-segment data between points in the continental United States, and all the islands in the Caribbean plus the Bahama Islands, Caracas, Maracaibo, and Barranquilla, and between and among the Caribbean points, the Bahamas, and the three points in South America.[4]

Finally, due to our action, interested parties may have difficulty in complying with the June 27, 1977, date for comments, applications, and motions to consolidate, and with the July 27, 1977, date for answers. Therefore, we will extend the time for filing comments, applications, and motions to consolidate in response to Order 77-4-28 to July 15, 1977, and for filing answers to August 15, 1977.[5]

Accordingly, *It is ordered*, That:

1. The motions of National Airlines, Inc., the Pittsburgh Parties, and the Government of the Virgin Islands are granted;

2. The date on which to file comments, applications, and motions to consolidate in response to Order 77-4-28 is extended to July 15, 1977, and the date for answers to August 15, 1977; and

3. A copy of this order shall be served upon all persons listed in Appendix A to Order 77-4-28.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18510 Filed 6-27-77;8:45 am]

[1] The County of Allegheny and the Pittsburgh Airport Advisory Committee.

[2] Puerto Rico, although it did not file a motion, requested in its answer that the countries bordering the Caribbean, such as Venezuela, Colombia, Panama, Central America, and Mexico, also be included.

[3] Prior to 1972, the Board's service segment data system was in its implementation stage. As to pre-1972 O&D data, due to processing complexity it would not be possible to make such data available in the time frame indicated herein.

[4] We stress, however, that the grant of the requests for release of this data should not be construed as indicative of the ultimate scope of this proceeding.

[5] A copy of the service segment and O&D data will be made available in the Board's public reference room by July 5, 1977.

[Docket No. 29591; Order 77-6-101]

DONALD L. PEVSNER

Refund Provisions for Unused Tickets; Order Soliciting Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1977.

On July 29, 1976, Donald L. Pevsner filed a complaint requesting immediate suspension, pending investigation, of all tariff rules governing the refund provisions for unused tickets in interstate air transportation, overseas air transportation, and foreign air transportation. The complainant states that all nonexcursion-fare tickets are valid for one year, whereas the validity of excursion-fare tickets varies with each particular type of fare. While the complainant does not take issue with the period of validity of any given ticket, he alleges that the period during which a carrier will make a refund on an unused ticket varies significantly among carriers and that such differences are unjust, unreasonable, arbitrary, and capricious. Further, it is alleged that the passenger is unaware of the forfeiture provisions applicable to the particular ticket which he has purchased. Although the complainant argues that the carriers should be required to pay interest on unused air tickets, the specific relief sought is elimination of all forfeiture provisions through suspension and subsequent institution of a formal investigation of the relevant tariffs.

Answers in opposition to grant of the complaint have been filed by Eastern Air Lines, Inc. (Eastern), Air New England, Inc. (Air New England), and Allegheny Airlines, Inc. (Allegheny).

Allegheny claims that the complaint is untimely since the tariffs in question have been on file for decades, and that the Board consequently lacks suspension power. It also notes that, although the tariffs have been in effect for many years, their refund procedures have not previously been the subject of complaint. The carrier states that its rules permit refunds up to six months beyond the ticket's validity (18 months after purchase of the ticket); that this period is ample in most cases; and that requests for refunds beyond this limit are normally honored. Allegheny claims that the open-ended refund period suggested in the complaint is not feasible since the Board does not require retention of ticket stocks and other relevant records beyond two years.

Air New England notes that a requirement that carriers pay interest on unused tickets would result in passengers using tickets to obtain short- or long-term banking facilities, a concept which is unsupported in the Federal Aviation Act of 1958. The carrier disagrees that the passenger is unaware of the period of ticket-validity since this information is printed on Air New England's ticket stock and notes that statutes of limitation invalidate various legal rights after elapse of a specific time and that the concept is not, therefore, unique to air transportation. Finally, the carrier argues that the relief sought is inappropriate since rules of such long standing cannot be summarily invalidated.

Eastern states that in practice it routinely makes refunds regardless of the expiry date on the ticket, although its international tariff rule provides that it may refuse a refund when a ticket is presented more than 30 days after that date. Eastern contends that it does not have a refund rule for domestic tickets and that, in view of its actual refund practice with respect to international tickets, it will delete the rule from its international tariff.

After careful review of all the arguments presented, and all other relevant matters, the Board is persuaded that a uniform limitation of some nature with respect to ticket refund may be desirable to protect passengers against possible arbitrary carrier action and to minimize understandable confusion among travelers. A review of the tariffs indicates that there are substantial differences among carriers regarding the time limits within which refunds for unused tickets will be made. Additionally, the responses to the complaint indicate that some carriers, apparently as a routine matter, make refunds without regard to the time limits set forth in their tariffs.

Therefore, the Board has tentatively concluded that existing tariffs governing refund provisions for unused tickets in domestic, overseas, and foreign air transportation may warrant reexamination with a view toward providing that uniform refund provisions apply on all air carriers. However, before embarking upon a formal proceeding, we believe it would be helpful to receive the comments of all interested persons to provide the Board with more detailed information with respect to the impact of a uniform refund rule in the market place, and to provide a more adequate basis for better defining the scope and issues should a proceeding ultimately be deemed necessary.

Thus, the Board requests that all interested persons submit formal written comments on the desirability of a uniform rule governing the limitation on ticket refunds, and would welcome any suggestions which the carriers and any interested persons may care to make as to its specifics. The Board expects, of course, that persons responding to this solicitation will make every effort to explain their arguments fully.

Accordingly, *It is ordered*, That:

1. All persons wishing to comment on the desirability and specifics of a uniform tariff rule governing ticket refunds in interstate, overseas, and foreign air transportation are directed to file an original and three copies of such comments in Docket 29591 no later than August 1, 1977. Responsive comments may be filed no later than August 15, 1977; and

2. Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section without having to file additional copies.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18509 Filed 6-27-77;8:45 am]

[Order 77-6-76; Docket 27573; Agreement C.A.B. 26655]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted; Order

Issued under delegated authority June 16, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement was adopted at the 44th Meeting of the TC1 Specific Commodity Rates Board held in Vancouver on May 9, 1977.

With respect to air transportation as defined by the Act, the agreement proposes revisions to the specific commodity rates structure applicable within the Western Hemisphere. These revisions are outlined in the attachments hereto, and reflect reductions from otherwise applicable general cargo rates.

The Board will herein approve the agreement, with one exception. The agreement provides for the transportation of Item 2200 (wearing apparel, including partly manufactured clothing) between Houston and San Salvador, with a minimum shipment of 500 kilograms at per-kilogram rates of 44 cents southbound and 22 cents northbound. In this instance, we are unable to perceive any justification which would warrant such an extreme rate differential for the movement of identical goods between the same points in opposite directions, or to find such an arrangement to be in the public interest. Consequently, we will disapprove the agreement insofar as it would establish rates for Item 2200 in either director.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14: 1. It is not found that those portions of Agreement C.A.B. 26655 outlined in Attachment I hereto are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered;

2. It is found that the portion of Agreement C.A.B. 26655 outlined in Attachment II hereto is adverse to the public interest and in violation of the Act.

Accordingly, *it is ordered*, That: 1. Those portions of Agreement C.A.B. 26655 set forth in finding paragraph 1 above be and hereby are approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level; and

2. That portion of Agreement C.A.B. 26655 set forth in finding paragraph 2 above be and hereby is disapproved.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX I.—*Agreement CAB 26655*

IATA commodity item No.[1]	Specific commodity rate (kilogram)[1] Cents[1]	Minimum weight	Market
Rates added under existing commodity descriptions			
0009	[4] 44	200	Acapulco to Dallas.
	[3] 31	200	Acapulco to San Antonio.
	27	300	Boston to Bermuda.
	43	200	Mazatlan to Los Angeles.
	37	500	Do.
	30	1,000	Do.
	25	2,000	Do.
	[4] 49	200	Mexico City to Chicago.
	[4] 44	500	Do.
	[4] 35	1,000	Do.
	[4] 30	2,000	Do.
	[3] 28	200	Mexico City to Dallas.
	43	100	Mexico City to Los Angeles.
	37	500	Do.
	30	1,000	Do.
	25	2,000	Do.
	[3] 25	200	Mexico City to San Antonio.
	[3] 210	.....	Nassau to Atlanta.
	[3] 250	.....	Nassau to Boston.
	[3] 250	.....	Nassau to Chicago.
	[3] 250	.....	Nassau to Detroit.
	[3] 250	.....	Nassau to Hartford.
	[3] 210	.....	Nassau to Philadelphia.
	[3] 210	.....	Nassau to Washington.
1026	[4] 65	100	Port of Spain to Miami.
1031	105	200	Honolulu to Fortaleza.
1201	[4] 102	500	Santiago to Los Angeles.
	[4] 71	1,000	Santiago to Miami.
	[4] 71	1,000	Santiago to New York.
1440	[4] 28	300	Mexico City to New Orleans.
2215	[3] 183	500	New York to Santiago.
4206	[3] 44	300	Mexico City to Chicago.
	[3] 40	1,000	Do.
	[3] 25	300	Mexico City to San Antonio.
4500	51	200	Los Angeles to Mexico City.
	32	1,000	Do.
	29	1,500	Do.
5295	[4] 96	2,000	Sao Paulo to New York.
8406	[4] 80	500	New York to Mexico City.
9516	[3] 41	200	Mexico City to St. Louis.
Rates extended under existing commodity descriptions			
2460	[3] 35	1,000	Mexico City to New York.
	[3] 33	2,000	Do.
Rates canceled under existing commodity descriptions			
0007		1,000	Mazatlan to Los Angeles.
.....		2,000	Do.
.....		1,000	Mexico City to Los Angeles.
.....		2,000	Do.
4500		100	Los Angeles to Mexico City.

[1] See applicable tariffs for commodity descriptions.
[2] Rates are subject to applicable currency conversion factors as shown in tariffs.
[3] Expires Dec. 31, 1978.
[4] Expires Sept. 30, 1978.
[5] Rate is specified in dollars per unit load device.

Specific commodity descriptions

IATA Commodity Item No.	Description
1031	Prawn fry.[1]
2215	Cloth and/or partly manufactured clothing including dressmaking supplies.[1]
3308	Tin in ingot form.[2][3]
3972	Aluminum household ware.[2]
5295	Pottery, ceramics.[2]
7159	Educational aides, namely: textbooks, instruments and visual teaching aids for use in educational institutions only.[2]
8406	Camera supplies, namely: flashbulbs.[1]

[1] New description.
[2] Area of application changed.
[3] Changed description.

APPENDIX II.—*Agreement CAB 26655*

IATA commodity item No.[1]	Specific commodity rate (kilogram) Cents[2]	Minimum weight	Market
2200	44	500	Houston to San Salvador.
	22	500	San Salvador to Houston.

[1] See applicable tariffs for commodity descriptions.
[2] Rates are subject to applicable currency conversion factors as shown in tariffs.

[FR Doc.77-18100 Filed 6-27-77;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARKANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 3 p.m. on July 16, 1977, at the American Inn 707 Interstate 30, Little Rock, Arkansas 72202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, New Moore Building, Room 231, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is an orientation for new SAC members and planning meeting.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18417 Filed 6-27-77;8:45 am]

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 12 noon on July 29, 1977, at Western Regional Office, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015 Los Angeles, California 90012.

The purpose of this meeting is for the Administration of Justice Subcommittee to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc 77 18419 Filed 6-27-77;8:45 am]

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 12 noon on July 15, 1977, at Western Regional Office, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015 Los Angeles, California 90012.

The purpose of this meeting is for the Education Subcommittee to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18418 Filed 6-27-77;8:45 am]

CALIFORNIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 1 p.m. on July 13, 1977, at the Hyatt Hotel, 6225 West Century Boulevard, Cabana No. 201, Los Angeles, California 90045.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Western Regional Office of the Commission, 312 North Spring Street, Room 1015, Los Angeles, California 90012.

The purpose of this meeting is for the Immigration Subcommittee to discuss program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18420 Filed 6-27-77;8:45 am]

KANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 3 p.m. on July 15, 1977, at the Holiday Inn Towers, 424 Minnesota Avenue, Kaw Room, Kansas City, Kansas 66101.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to continue planning and follow-up activities on the Kansas prison study. The follow-up focus has been on affirmative action hiring within the State penal system.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77 18421 Filed 6-27-77;8:45 am]

KANSAS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a conference of the Kansas Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 5 p.m. on July 18–19, 1977, at Holiday Inn Towers, 424 Minnesota, Wyandotte Room, Kansas City, Kansas 66101.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to discuss regional priorities and coordinate program activities agenda will focus on CSRO input for the National SAC Chairpersons' Conference.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18422 Filed 6-27-77;8:45 am]

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 5 p.m. on July 18, 1977, at the Holiday Inn Scandia Room A, 615 Front Street, Traverse City, Michigan 49684.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss alleged violations of local Native Americans' rights; Followup past projects; and plan full community development study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18423 Filed 6-27-77;8:45 am]

MINNESOTA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Minnesota Advisory Committee (SAC) of the Commission will convene at 1 p.m. and will end at 5 p.m. on July 22, 1977, at St. Paul Holiday Inn, 161 St. Anthony, St. Paul Minnesota 55103.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review final draft of Indian Report. Report of Hispanic Identifiers, Police Study Proposal.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18424 Filed 6-27-77;8:45 am]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Ohio Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 4 p.m. on July 23, 1977, at Cleveland Plaza Hotel, Euclid Avenue at East 12th Street, Cleveland, Ohio 44115.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to review information gathered on the Cleveland Affirmative Action Plan, Discuss draft report on findings, and make plans for follow-up activities, discuss and decide the next phase of the Cleveland study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 22, 1977.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc.77-18425 Filed 6-27-77;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meetings

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the President's agent announces the following meetings:

NAME: Federal Employees Pay Council.

DATES AND TIME: July 13 and 20, 1977, 2 p.m.

PLACE: U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Room 5A06A.

TYPE OF MEETINGS: Open.

CONTACT PERSON:

Claire Kline, Committee Management staff for the President's agent, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Telephone (202) 632-5595.

PURPOSE OF COMMITTEE: To make recommendations to the President's agent with respect to the process and procedures leading to, and amounts of, annual comparability adjustments in Federal white-collar pay.

AGENDA: Discussions on the 1977 comparability adjustment for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

For the President's agent.

RICHARD H. HALL,
Committee Management Officer for the President's agent.

[FR Doc.77-18532 Filed 6-27-77;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1977

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procursement List 1977 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 28, 1977.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT:
C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On April 18, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 20169) of proposed addition to Procurement List 1977, November 18, 1976 (41 FR 50975).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1977:

SIC 7349

Janitorial/Elevator Operator Services, Federal Building, 201 Varick Street, New York, New York.

C. W. FLETCHER,
Executive Director.

[FR Doc.77-18533 Filed 6-27-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[CP 75-20]

WINDOW GUARDS

Denial of Petition

This document announces the denial of a petition submitted to the Consumer Product Safety Commission requesting the Commission to develop a consumer product safety rule with respect to the maximum distance between the horizon-

JUN 28 77
UM

tal bars of window guards designed to prevent young children from falling out of windows.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

On April 22, 1975, the Commission received a petition from Stephen J. Lerman, M.D., of New York City, requesting development of a standard for window guards used to prevent young children from falling out of windows. These guards are not the same as the heavy metal bars that cover the entire window for protection from intruders. Dr. Lerman states that the design of such window guards is inherently dangerous because the excessive distance between the horizontal bars (Dr. Lerman referred to one brand having a distance of 5⅝ inches between the bars) could permit a young child to slip through and fall. He suggests that a maximum distance of perhaps 2⅜ inches would be appropriate (as established for slat spacing in the Commission's crib regulations, 16 CFR 1508.4, 1509.4).

In assessing the question of whether a product presents an unreasonable risk of injury and whether a consumer product safety standard is necessary to address a risk of injury, the Commission weighs the degree, nature, and frequency of injury or injury potential associated with the consumer product against the potential effect of a standard on the cost, utility, and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking with respect to that risk of injury (see the Procedures for Petitioning for Rulemaking under section 10 of the CPSA, 16 CFR 1110.11(b)). The Commission policy on establishing priorities for Commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

In regard to actual injuries associated with window guards, a search of data from the Commission's National Electronic Injury Surveillance System, Death Certificate File and Injury Bulletin, did not reveal incidences of injuries from window falls. There are no in-depth investigations on file for such injuries for fiscal year 1974, 1975, and 1976.

The Department of Health of the City of New York investigates and collects data on each occurrence of a fall from a window in the City. An official of this Department reports, however, that there have been no known instances of falls in apartments where window guards have been installed. The Commission staff estimates that because of a mandatory requirement in New York City for the installation of window guards by landlords in apartments with children under 10 years of age, and a City program to provide free window bars to families with pre-school-age children, there are at least fifty to sixty thousand window guards installed in New York City. Thus, despite the use of many window guards, the Commission is unaware of any specific instance of injury associated with them. However, the lack of injury data does not conclusively show that the product has no injury potential. It is obvious that a window guard with a distance between the bars great enough to permit a young child to slip through does have the potential for being associated with an injury by creating a false sense of security in parents who might be more apt to leave children unattended near a window equipped with a guard than near one not so equipped.

The Commission has not reached a conclusion on what the proper distance between window bars should be to prevent children from falling through. However, the 2⅜ inches required for crib slats was designed to protect infants and would probably not be necessary or approriate to protect children from falling through windows having a window guard. For this reason it is difficult to accurately estimate the potential effect of a standard for window guards on the cost, utility, and availability of the product. However, if a standard results in changes in current spacings, such a standard would probably require an added expense in the die used in manufacturing the units. In addition, if a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission concludes that the petition be denied because of the lack of information available sufficient to establish that window guards present an unreasonable risk of injury and that a mandatory consumer product safety rule is necessary to protect the public. However, because of the obvious potential for injury created by an excessive distance between the bars of window guards, and the relatively simple solution of designing window guards with a maximum distance between bars small enough to prevent young children from passing through, the Commission believes that an adequate standard could be developed and complied with voluntarily by industry. The Commission also believes that such a standard could be adopted by local jurisdictions choosing to mandate the installation of window guards. The Commission notes that it is in the process of establishing a comprehensive policy concerning voluntary standards and that the dimensions of its involvement in such a voluntary standardization activity would be guided by the policy that is adopted.

This notice of the Commission's denial of the above-described petition and the reasons therefor, has been issued pursuant to section 10(d) of the Consumer Product Safety Act, 15 U.S.C. 2059(d).

Dated: June 22, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-18445 Filed 6-27-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 752-4]

ALBUQUERQUE, NEW MEXICO WASTEWATER TREATMENT FACILITY

Availability of Draft Environmental Impact Statement

Under section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a draft environmental impact statement (DEIS) for the expansion and upgrading of the wastewater treatment facilities, city of Albuquerque, Bernalillo County, New Mexico.

The City of Albuquerque, New Mexico has received Federal financial assistance the purpose of which is to plan for an area-wide wastewater collection and treatment system. The EIS is intended to provide essential information regarding the options available for collection, treatment and disposal/reuse of Albuquerque's liquid wastes over the next 20 years.

To receive additional public comments the Environmental Protection Agency will hold a public hearing on this DEIS at 7:30 p.m., M.D.T., on Wednesday, July 20, 1977, in the Council Chambers, First Floor, City Hall, 400 Marquette NW., Albuquerque, New Mexico.

This DEIS was transmitted to the Council on Environmental Quality (CEQ) on June 13, 1977. In accordance with CEQ's notice of availability, comments are due on August 8, 1977. Copies of the DEIS are available for review and comment from: Project Officer, Environmental Protection Agency, Region VI, 1201 Elm Street, First International Building, Dallas, Texas 75270, telephone 214-749-1236.

Copies of the DEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VI Library, 1201 Elm Street, First International Bldg., Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Information copies of the DEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036. Please reference ELR No. 70734.

Copies of the DEIS have been sent to various Federal, State, and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: June 22, 1977.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.77-18389 Filed 6-27-77;8:45 am]

[FRL 752-3]

SHELL CHEMICAL CO. POLYPROPYLENE PLANT

Availability of Final Environmental Impact Statement

Under section 102(2)(C) of the National Environmental Policy Act of 1969, the Environmental Protection Agency has prepared a final environmental impact statement (FEIS) for the Shell Chemical Company Polypropylene Plant, Norco/Goodhope Community, St. Charles Parish, Louisiana.

The proposed action is the EPA's consideration of issuing a new source National Pollutant Discharge Elimination System (NPDES) permit for discharge of plant effluent and stormwater from the Shell Chemical Company's proposed polypropylene plant into Bayou Trepagnier.

This FEIS was transmitted to the Council on Environmental Quality (CEQ) on June 15, 1977. In accordance with CEQ's Guidelines (40 CFR 1500.11), no administrative action will be taken until thirty days after receipt of this FEIS by the Council. Copies of the FEIS are available for review and comment from: Mr. Clinton Spotts, Environmental Protection Agency, Region VI, 1200 Elm Street, First International Building, Dallas, Texas 75270.

Copies of the FEIS are available for public inspection at the following locations:

Environmental Protection Agency, Region VI, 1200 Elm Street, First International Building, 28th Floor Library, Dallas, Texas 75270.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 Waterside Mall,, 401 M Street SW., Washington, D.C. 20460.

Information copies of the FEIS are available at cost (10 cents/page) from the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, D.C. 20036. Please reference ELR No. 70743.

Copies of the FEIS have been sent to various Federal, State and local agencies, and interested individuals as outlined in the CEQ Guidelines.

Dated: June 22, 1977.

REBECCA W. HANMER,
Director,
Office of Federal Activities.

[FR Doc.77-18388 Filed 6-27-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21284; FCC 77-407]

ECONOMIC RELATIONSHIP BETWEEN TV BROADCASTING AND CABLE TELEVISION

Inquiry

Adopted: June 9, 1977.

Released: June 23, 1977.

In the matter of Inquiry Into the Economic Relationship Between Television Broadcasting and Cable Television.

1. Notice is hereby given of inquiry into the above-entitled matter.

2. The Commission is instituting a broad inquiry into the economics of the relationship between television broadcasting and cable television in the hope that we may gather the kind of information that can be used as a basis for our continuing reassessment of cable policies and rules. We are particularly interested in data which would shed more light on the critical assumptions that are often relied upon in analyzing cable television's effect on local broadcast stations. These assumptions have been apparent throughout our regulatory program in the form of a more or less intuitive model: (a) the increase in viewing options available from cable television services will diffuse rather than expand the audience and reduce the average audience for local stations; (b) a reduction in average audience translates into reduced revenues; (c) reduced revenues will, without coincident reduction in costs, reduce profits; (d) station licensees will cut costs instead of accepting reduced profits; (e) the reduction in costs would translate into a reduction in service to the public. Although this model has intuitive appeal and has guided us in the past, we are aware that each point is in reality a hypothesis that can and should be tested by objective inquiry. Furthermore, if all of the hypotheses are found to be objectively supportable, the magnitude of the effect may be such that we might want to significantly change the future course of cable regulation. We therefore seek by this inquiry to address each of the above statements as hypotheses, subject to empirical tests, that support or refute those hypotheses. It is our intention to restrict this proceeding, to the extent possible, to the collection of economic data and analysis. We are specifically not interested, for purposes of this proceeding, in arguments over burdens of proof, debate over the merits of the existing regulatory program, or in proposals for regulatory change. These matters are appropriate for consideration in other proceedings now pending or which may be commenced on specific regulatory issues during the time this proceeding is open. We do not believe it either necessary or desirable to delay specific rule change proceedings while this more generalized and longer range proceeding is in progress. This is to be a factual inquiry and a means of affording the public and the affected industries an opportunity to participate in the continuing development of analytical tools and data sources within the Commission for predicting with greater confidence the likely effects of various broadcast and cable regulatory policies.

3. In commencing this proceeding it should be made clear that the goals of our regulatory program have not changed. They are: (1) to maintain our system of over-the-air broadcast service, and (2) to foster cable growth in order to provide diversity of programming and broadband communications services. We continue to believe these goals are compatible. In attempting to achieve them, the pervading consideration has always been the extent to which cable carriage of television broadcast signals has an adverse impact on television broadcast stations and their consequent ability to serve the public. During the past twelve years, the ongoing controversy over the extent of cable's impact on broadcasting has often produced more heat than light. Studies performed to aid the Commission in the past often were handicapped by a paucity of data. Therefore, before discussing the general areas we wish to explore in this inquiry, it may be well to examine briefly how the lack of information of the type sought today has affected the evolution of the cable rules and why this information is of particular importance in our present regulatory program.

HISTORY

4. In the 1950's and 1960's cable television underwent a period of technological and economic advancement. The number of channels systems could provide for program transmission increased, and what hitherto had been a largely rural service showed signs of spreading rapidly to large metropolitan areas as well.[1] This development period coincided with two other major events: the Commission's adoption in 1952 of a new allocations plan for broadcast television, which had among its goals the provision of at least one television signal to every home and at least one television station to every center of population;[2] and the passage by Congress in 1962 of the all-channel receiver legislation,[3] which, by

[1] Statistics on this period of explosive cable growth, 1950-1965, are given in Second Report and Order in Dockets 14895 and 15233, 2 FCC 2d 725, 738-44 (1966).

[2] Sixth Report and Order in Dockets 8736, 8975, 8976, and 9175, 1 P & F Radio Reg. 91:601 (1952).

[3] 76 Stat. 150, 151 (1962), 47 U.S.C. § 303(s) (1964).

authorizing the Commission to require that television receivers be capable of UHF as well as VHF reception, aimed to expand local television service by the creation of new UHF outlets. The coalescence of the new commitment to UHF development in the furtherance of the allocation plan caused the Commission to take a new look at cable in an effort to assure that its distant signal carriage properties would not frustrate the allocations plan in general, or urban UHF development in particular, by adversely affecting local broadcast stations. Given the traditional difficulties of UHF service and the lack of comprehensive empirical data on cable television, the Commission sought to limit the potential of harm to broadcasting in general and UHF in particular. Thus, although in 1959 the Commission had declined to exert jurisdiction over cable on the grounds, inter alia, of its alleged impact on broadcasting, stating that, "[We are unable] to determine where the impact takes effect, although we recognize it may well exist,"[4] in 1965 the Commission extended its jurisdiction to microwave-served cable systems, stating that, "If there is a significant risk that CATV competition will destroy or seriously degrade the service offered by a television broadcaster, our statutory duties require us to seek means to prevent this result."[5] This "significant risk" was seen in cable's ability to engage in "unfair competition" by not carrying the signals of local broadcast stations, thus foreclosing them from a portion of their audience and, by extension, their advertising revenues, and by importing into local markets programming which the systems obtained outside the established program distribution system.[6] Although conceding its inability to judge the actual effects, if any, of unregulated signal carriage, the Commission imposed mandatory carriage and program exclusivity rules first on microwave-served systems and then on all systems.[7] Because the cable television exclusivity rules were deemed to afford inadequate protection to new and developing UHF stations in the major markets, the Commission limited distant signal carriage in those markets unless the system could show on evidentiary hearing that the importation would be consistent with the establishment and healthy maintenance of UHF service.[8] As a final step the Commission, stating it had gained the necessary experience on what it termed "the probable effect on potential UHF development," adopted interim procedures suspending hearings on distant signal importation unless carriage of the signals were subject to express retransmission consent and complied with proposed anti-leapfrogging rules. Again, the Commission specified that this step was taken because of cable television's potential to "compete unfairly."[9] During the next two years only two retransmission consent proceedings were concluded, leading some observers to refer to this period as a "freeze" on cable TV development. While the "freeze" was in effect, the Commission continued to grapple with the problem of how cable could be integrated into the national broadband communications network in a manner best calculated to further public interest.

5. During this time the Commission came increasingly to realize that cable's multichannel capacity and its ability to serve the major markets, despite its potential threat to UHF, could enable it to provide multiple new outlets for local and special interest programming and specialized services. To this end, the Commission adopted mandatory local origination rules,[10] and began to look somewhat differently at the question of how cable could serve the public interest without undermining the structure of broadcast television; that is, not as a matter of restricting cable's development to prevent possible adverse impact, but rather of allowing cable a measure of controlled growth predicated on a complement of distant signals that would not be injurious, thereby allowing cable's non-broadcast potential to be developed as well.[11] This new approach to cable regulation culminated in the adoption of the current rules in 1972. The basis of these rules is that systems are permitted to carry prescribed complements of distant signals which, being tailored to size of market, will presumably cause no unacceptable impact on local television service. The question of how to deal with the "unfair competition" aspect of the cable regulatory problem was addressed by the Commission's concluding that copyright issues generally were not primarily its concern but Congress'. To deal with immediate problems where they were most likely to occur, the Commission adopted rules requiring systems in the larger markets to provide exclusivity protection to local licensees' syndicated programming.[12] This done, the Commission further determined that reservations over cable's ability to potentially harm broadcasting should no longer be the sole determinant of the regulatory program, but rather that the public interest would best be served by proceeding "pragmatically and conservatively" by allowing a quantum of distant signal carriage that would not unacceptably impact local broadcasters and by coupling carriage of these permissive distant signals with required access chan-

[4] Inquiry Into the Impact of Community Antenna Systems, TV Translators, TV "Satellite" Stations, and TV "Repeaters" on the Orderly Development of Television Broadcasting, (Docket 12443), 26 FCC 2d 403, 431 (1959).

[5] *First Report and Order in Dockets 14895 and 15233*, 38 FCC 683, 700 (1965) (emphasis that substantial CATV penetration always

[6] In other words, bypassing program suppliers and copyright holders. Concern over maintenance of the program supply system, and even more over cable's non-liability for copyright, permeated the Commission's approach to regulating cable between 1965 and 1972.

[7] In first applying mandatory carriage and nonduplication rules to micro-wave-served cable systems, the Commission stated:

[The data on record does not] establish that substantial CATV penetration always or even usually causes stations which might otherwise operate profitably to operate at a loss. Now, as in 1959, we think it impossible, with the data at hand, to isolate reliably the effects of CATV competition from all of the other factors which operate to produce particular financial results in different settings.

First Report and Order, supra at n. 5, 710. In extending the mandatory carriage and program exclusivity rules to all systems, the Commission stated the crucial factor to be "the explosive growth and changing character of CATV and its possible impact upon television broadcasting *in the future*." (Emphasis added.)

[8] In adopting the major market distant signal/evidentiary hearing rules, the Commission gave as its rationale "• • • the economic impact ground; based on the trends in the CATV and UHF fields, and • • • a fair competition ground, based on the patently anomalous conditions under which the broadcasting and the CATV industries compete." Second Report and Order in Dockets 14895 and 15233, supra, at n. 1. 738, 770.

[9] In adopting the retransmission consent procedure, the Commission stated:

The experience we have obtained in the hearing process now affords us the answer: CATV operating with distant signals can achieve significant penetration figures in the major markets • • • With such penetration, the unfair competition of CATV • • • will be a significant factor in the development or healthy maintenance of television broadcast service. We stress here that we are not focusing on the issue of whether CATV operations will kill or severely cripple UHF operations but rather believe that it is sufficient to find that the unfair competition effect is a significant one, in view of the very significant penetration figure, and therefore should be eliminated under the public interest standard of the Communications Act.

Notice of Proposed Rulemaking and Notice of Inquiry in Docket 18397, 15 FCC 2d 417, 431 (1968).

[10] First Report and Order in Docket 18397, 20 FCC 201 (1969), aff'd sub nom. *United States* v. *Midwest Video Corp.*, 406 U.S. 649 (1972).

[11] Evincing this new direction in cable regulation was a proposal to allow major market systems to carry four distant signals. Second Further Notice of Proposed Rulemaking in Docket 18397–A, 24 FCC 2d 580 (1970). This proposal was coupled with an elaborate scheme of commercial substitution and required payment to public broadcasting. These suggested measures were never adopted.

[12] Letter of Intent, Appendix C, Cable Television Report and Order, 36 FCC 2d 143, 260–261 (1972). Cable and broadcast interests subsequently agreed to seek revised copyright legislation, which was passed in 1975. 90 Stat. 2541 (1976). The justification for continuing, abolishing, or extending the application of the syndicated exclusivity rules is under examination in a separate inquiry. Notice of Inquiry in Docket 20988, FCC 76–1025, adopted November 4, 1976.

nels and services.[13] Thus, objections to signal carriage that is consistent with the 1972 rules must be supported by a clear and factual showing that one or more television licenseees would be harmed to the extent that their ability to serve the public interest would be significantly impaired.

GENERAL DISCUSSION

6. This emphasis on provable adverse impact on broadcasting governs not only waiver requests but also general rulemaking proceedings as well. Where a proposed rule amendment can be shown to be in furtherance of program diversity without producing significant impact on broadcasting, the rules have been amended.[14] Similarly, even where program diversity per se is not involved, the Commission will balance the cost of compliance in terms of ascertainable impact on broadcasting, and, where the latter does not justify the former, the rules have been amended.[15] Thus, the chief attribute of the current regulatory program is that it has stabilized Commission policy without rigidifying it and has provided a reasoned way to analyze proposed changes. In Contrast to our pre-1972 programs, we find this approach works well. Nevertheless, as our repeated references to our inability to forecast cable's overall impact on broadcasting indicate, developing a comprehensive grasp of all the interrelated aspects of cable/broadcast economics has been, and remains, difficult for several reasons. Among them: (1) the relationship is, in many cases, interdependent, so that neither broadcast nor cable can be examined in a void; (2) the economic determinants of the two industries are not understood with sufficient precision (for instance, while all assume some relationship between station audience and revenue, the exact nature of the relationship is not known); (3) data in terms of numbers of systems, signals carried, growth rates, and viewing habits either has been scarce or not in a form susceptible of easy manipulation.

7. We believe that it may be possible, by analyzing new data and obtaining more complete economic information, to refine our present understanding of these complex issues. Implicit in this undertaking is the simple assumption that better knowledge here at the Commission and elsewhere must inevitably further the goal of serving the public interest. To the extent we are successful, all who have attempted the difficult task of forecasting cable growth and broadcast impact should profit. Truths hitherto established by collective instinct may be verified. Perhaps they will be disproved. At minimum, we may only be able to establish which factors are relevant and which are not. This in itself would be useful. A more complete understanding of the economics of the cable-broadcast interface can yield many benefits. It may be shown that certain of our rules are unnecessary; it is also possible that others should be adopted, or that familiar rules should be applied to different situations. Even if no rule making proceeding ensues, we believe the information gleaned from the inquiry will be useful.

8. In its continuing adjudicative role, the Commission is called upon to weigh claims of economic impact by both cable operators and broadcasters. One formula we have used to predict impact of additional identical network signal carriage on a broadcast station is:

[13] "[Although] we do not pretend that we can now forecast precisely how cable will evolve in the major markets • • • it is our judgment that it would be wholly wrong to halt cable development on the basis of conjecture, for example, as to its impact on UHF stations • • •. As to similar arguments concerning cable's impact on VHF in the smaller markets, it is our judgment—considering such factors as cable's rate of penetration and the growth of broadcast revenues—that our approach will not undermine these stations in their ability to serve the public." Cable Television Report and Order, 36 FCC 2d 143, 169 (1972).

[14] See, e.g., Report and Order in Docket 20028, 48 FCC 2d 699 (1974) (cable carriage of late-night programming); Report and Order in Docket 20487, 57 FCC 2d 625 (1975) (deletion of leapfrogging rules); First Report and Order in Docket 20553, 58 FCC 2d 442 (1976) (cable carriage of specialty stations and special format programming).

[15] See, e.g., First Report and Order in Docket Nos. 19995 and 18785, 52 FCC 2d 519 (1975) (exempting systems with fewer than 1,000 subscribers from compliance with nonduplication rules); Report and Order in Docket 20482, 55 FCC 2d 529 (1975) (exempting systems with fewer than 1,000 subscribers from compliance with syndicated exclusivity rules); First Report and Order and Further Notice of Proposed Rulemaking in Docket 20561, FCC 77–205 and FCC 77–215, respectively (adopted March 9, 1977) (redefinition proceeding, significantly deregulating all systems with fewer than 500 subscribers).

(1) Number of cable homes in relevant area.	× (2) Percent of ADI households watching TV during given time period.	× (3) Station's audience share on cable in county of system during given time period.	× (4) 50 pct.	= (5) Total station audience during given time period.	× (6) Percent of predicted audience loss during given time period.	= (7) Percent of predicted station revenue loss during given time period.	× (8) Percent of station's revenues during given time period.	= (9) Percent of total revenue loss.

While we have found this formula to be a useful tool, it is based on certain assumptions. In step (2), we assume that the percentage of those watching television off cable is the same as those watching on cable. In step (3), we posit that a station's county audience share on cable is the same as its share on cable in a given community within that county. In step (4), we hypothesize that during whatever time period is being considered one half of the cable subscribers will watch the additional distant signal. In step (7), we assume a 1:1 ratio between predicted audience loss and predicted station revenue loss. Although not all of these assumptions are equally critical, it is apparent that, if erroneous, their effect can be substantial. Indeed, even to the extent we can be satisfied with the model's results, we should ask what they mean. What other factors besides audience may affect revenues? Over what period of time may a revenue loss be expected to occur? If this inquiry provides information which enables us to improve our models, this benefit alone would make the endeavor worthwhile.

9. In a more general sense, this inquiry may enable the Commission, the Congress, and other responsible bodies to guage more effectively the future of cable and broadcasting, together with other related or competing telecommunications industries. The ability to make more accurate growth projections, even when not applied to immediate rule making, should result in better communications service to the public. If assumptions can be refined, data perfected and methodologies agreed upon, then the Commission and others will be in a better position to assess any recommended regulatory scheme. It should be emphasized again that we seek data bearing on economic factors. We seek to discourage commenters from merely delivering the ritual imprecations that have so often punctuated previous dockets in this area. In anticipation of the data-gathering and factual analysis we hope will characterize this inquiry, it is appropriate to review some past efforts.

10. A very considerable amount of research was undertaken both before the Commission asserted jurisdiction over cable television and before the 1972 rules were adopted. In 1958, a detailed analysis of the problems attendant upon the growing cable television industry was compiled for the Senate Committee on Interstate and Foreign Commerce in a report entitled "The Problems of Television Service for Smaller Communities" prepared for the Committee by Kenneth A. Cox. In 1959, in CATV and TV Repeater Service, supra at n. 4, the Commission reviewed not only the evidence in this Senate staff report but additional evidence collected on its own. In July of 1964, the Commission employed Dr. Martin H. Seiden, an economic consultant, to compile and analyze the significant factual data relating to CATV. The results of his investigations were published in February of 1965 in a report entitled "An Economic Analysis of Community Antenna Television Systems and the Television Broadcasting Industry." In 1964, the first effort at econometric evaluation of the impact of cable television on broadcast service was prepared by Dr. Franklin Fisher. This study, "The Impact of CATV Competition on Local Tel-

evision Stations," was submitted to the Commission by the National Association of Broadcasters in connection with Docket 14895 (see 38 FCC 683, para 20). Further information evaluating the Fisher report was prepared by Dr. Herbert Arkin and submitted to the Commission by the National Cable Television Association. In June of 1968, a major hearing considering in detail the impact of cable television in one market was completed. Midwest Television, Inc., 13 FCC 2d 478 (1968). In December of 1969, the National Association of Broadcasters submitted to the Commission a book prepared by Herman W. Land Associates, Inc. entitled Television and the Wired City that was prepared for the President's Task Force on Communications Policy and which discussed a number of economic questions relating to television program diversity and the economic structure and foundations of the television industry. In 1970, the Research Branch of the Commission's Broadcast Bureau completed a study entitled "The Economics of the TV–CATV Interface." This study was followed by a series of reports prepared by the Rand Corporation under grants from the Ford and John and Mary R. Markle Foundations. These included: "Cable Television and the Question of Protecting Local Broadcasting" by Leland L. Johnson (R–595–MF October 1970); and "Potential Impact of Cable Growth on Television Broadcasting" (R–587–ff, October 1970), "Cable Television and UHF Broadcasting" (R–689–MF, January 1971), and "Prospects for Cable in the 100 Largest Television Markets," (R–875–MF, October 1971), all by Rolla Edward Parks. John H. McGowan, Roger G. Noll, and Merton J. Peck, under a Ford Foundation Grant to the Brookings Institution, prepared comments in Docket 18397 (February 10, 1971) relating to the question of cable television and its impact on broadcast service.[16] In response to these studies a significant number of major research efforts were submitted to the Commission on the question of cable broadband impact by broadcast parties. Included among these were the following studies, all of which were submitted in Docket 18397:

(1) "The Potential Impact of CATV on Television Stations," prepared by Statistical Research, Inc. for the National Association of Broadcasters;

(2) "Evaluation of FCC August 5, 1971 CATV Distant-Signal Proposals in Terms of Impact on Over-the-Air Broadcasting," prepared by Economic Associates on behalf of 20 television broadcast stations;

(3) "The Impact of CATV on Local Television Stations: A Critique of the FCC's Staff Report," prepared by Charles River Associates Incorporated for Covington & Burling;

(4) "CATV Distraction Effect," prepared by M. H. Seiden & Associates, Inc. for Covington & Burling;

(5) "Critique of Study by Rolla Edward Park on Potential Impact of Cable Growth on Television Broadcasting," prepared by Economic Associates, Inc. on behalf of 21 television stations;

(6) "Deficiencies in the FCC Staff Report on Which the Four Outside Signal Proposal is Based," prepared by American Broadcasting Company;

(7) "Analysis of The Economics of the CATV–TV Interface as It Relates to the Impact of Distant Signal Importation on Local Stations," prepared by the National Association of Broadcasters;

(8) Analysis of Rand Study by Rolla Edward Park Entitled "Potential Impact of Cable Growth on Television Broadcasting," prepared by The Association of Maximum Service Telecasters, Inc.;

(9) "The Inadequate Research Basis of the Commission's Four Outside Signal Proposal," prepared by American Broadcasting Company; and

(10) Study by Kaiser Broadcasting.

11. Recent literature has effectively addressed many broad questions regarding cable television economics. For example, there have been numerous studies[17] which estimate the costs of constructing and operating a cable television system considering alternative system designs and various community sizes. Extensive research has also been undertaken in the area of demand for cable television services.[18]

Because adequate data depicting the quality of signal reception on at least a community by community basis has for the most part not been obtained, one cannot rely on the specific contribution of each variable in these models, but all the variables taken together seem to provide an adequate prediction of cable penetration for a community. Since analysis of the coefficients of particular variables is statistically limited, it has been difficult to apply these models in an examination of the needs and effects of various specific regulations. Therefore, one objective of this Inquiry is to organize past research and improve upon it with new data in such a way that we might have more confidence in our knowledge of the key economic issues.

Methodology of Inquiry

12. We recognize that there might be benefits in outlining a preliminary approach for research so that those interested in submitting data and analysis would have a better understanding of the general direction and order of this proceeding. We are also aware that any preliminary approach should not be considered as fixed because new findings might suggest a more appropriate methodology. Therefore, we are beginning with an analysis adopted from a recent report to the Office of Telecommunications, Economic Policy Research on Cable Television: Assessing the Costs and Benefits of Cable Regulation. In this report it is suggested that in order to estimate the impact of unregulated cable television on the welfare of viewers and broadcasters in specific markets, the following individual pieces of information would be needed:

(1) The number of subscribers to cable systems; (2) the services offered by cable and the diversion of audience from local stations to imported stations or other sources of programming on the cable system; and (3) the effect of audience diversion on the revenues and profits of existing stations.

In order to clarify how we prefer this information to be submitted, four steps are delineated in discussion form: (1) demand and cost factors in cable television growth; (2) audience diversion; (3) broadcast station audience/revenue relationship; and (4) service to the public.

Demand and Cost Factors in Cable Television Growth

13. We need information about the alternative paths that the cable industry might follow in the future, and we need to know more about the likely impacts that alternative environments (geographic, demographic, technological, financial, and regulatory) will have on the selection of those paths and rate of progress along them. The proportion of cable television households to total television households is a critical factor in determining regulatory protection for broadcast stations in any given market. The factors restricting or encouraging cable television growth in entire broadcast station areas, not just single communities, must be measured in order to determine future impact. If cable growth continues at the recent rates it may become a larger factor in determining audience levels for local stations. Although the number of signals and the diversity of signals receivable off-the-air have been a major factor in growth of cable television, the extent to which these factors will continue to be important in

[16] For a discussion of a number of related studies concerning the cable cable television/broadcast relationship in Canada see Robert E. Babe, Cable Television and Telecommunications in Canada (Board of Trustees of Michigan State University, 1975).

[17] Examples of studies which examined the costs of cable television are the following:

(a) W. S. Comanor and B. M. Mitchell, "Cable Television and the Impact of Regulation," Bell Journal of Economics and Management Science, Spring 1971.

(b) Hopkins Cable Project—K. Lyall, R. Duncan, and C. F. Dekay, Economics of Cable Television in Urban Markets: Baltimore City, The Center for Metropolitan Planning and Research, The Johns Hopkins University, February 1975.

(c) L. L. Johnson et al., Cable Communications in the Dayton Miami Valley: Basic Report, Rand R–943–KF/FF, January 1972.

(d) W. F. Mason et al., Urban Cable Systems, Mitre Corporation, May 1972.

(e) Gary Weinberg, Cost Analysis of CATV Components: Final Report, Resource Management Corporation, June 1972.

[18] Examples of models estimating cable television demand are the following:

(a) Charles River Associates, "Analysis of the Demand for Cable Television," CRA Report No. 178–2, April 1973, Cambridge, Mass.

(b) Hopkins Cable Project—K. Lyall, R. Duncan, and D. F. Dekay, "Estimation of an Urban Cable Demand Model and Its Implications for Regulation for Major Markets," March 1976, The Center for Metropolitan Planning and Research, The Johns Hopkins University, Baltimore, Md.

(c) R. C. Noll, M. J. Peck, and J. J. McGowan, Economic Aspects of Television Regulation, Brookings Institution, 1973, Washington, D.C.

(d) R. E. Park, "Prospects for Cable in the 100 Largest Television Markets," Bell Journal of Economics and Management Science, Spring 1972.

the future is not known. Ancillary services such as pay television may cause sufficient demand in markets previously thought to be unprofitable for cable television. Furthermore, it has been considered that many markets do not have sufficient population density to support cable television, but new technology may make more markets viable. Studies have concluded that cable television in its current form cannot be viable in the largest cities, but there may be new services and new technologies that will eventually change the economies so that viability is not only possible but probable. Technologies and economies may also work to slow growth of cable television. As technologies increase the viability of UHF stations, more diversity of signals may be received off-the-air, reducing demand for cable television. It may develop that broadcast pay television, commonly called subscription television, will become extremely successful and compete strongly with pay cable television. Therefore it can be seen that monitoring the changing factors of cable television growth is important in forecasting probable dilution of home station audience. As cable television grows and serves an increasing proportion of television households, there may be an increased amount of cable origination and pay services. Should this occur, a question arises as to the effect of this programming on the overall supply and price of programs for both cable systems and broadcasters. Indeed, as cable television becomes a larger part of an individual station's service area, it is possible that signal carriage strategies may alter the program practices of the broadcaster. If cable can create changes in these areas, we should attempt to isolate those factors which could affect the availability, costs and prices of programs. It is for these reasons we seek information regarding the following questions:

(1) How can we estimate ultimate cable in entire service areas of broadcast stations?

(2) What effect, if any, will improvements in signal transmission and/or television receivers have on future cable television growth?

(3) What effect, if any, will an increase in the number of television stations have on growth of cable television?

(4) Can cable television be viable in large cities? What are the main difficulties which curtail or prohibit cable television growth in large cities?

(5) To what extent can cable television be expected to grow in small towns and rural areas where there are relatively few homes per mile (e. g. 50 homes per mile) or the total subscriber size of the cable system is expected to be small (e.g. less than 1,000 subscribers)?

(6) How would the expansion of cable television affect the key economic factors controlling the availability and price of programming to cable televisions systems, broadcasters, and others?

(7) What are the cost restraints in cablecasting entertainment and sports programming?

(8) What effect do entertainment and sports originated cablecasting have on system growth?

Audience Diversion

14. There are difficulties in measuring the extent, if any, of local audience fragmentation due to cable television. The basic reason for such difficulties is that audience survey samples are based on county populations rather than community populations. The number of diaries used to determine audience behavior on a county level is the minimum number allowed for statistically specified confidence level. The number of diaries for any particular community used in a county level survey is usually insufficient to derive any reliable estimates of audience behavior for that particular community.

15. There are several other handicaps in relying on county level audience data rather than community audience data. County data usually does not allow analysis of audience behavior in viewing ancillary services such as pay television or in viewing specific distant signals, since frequently there is more than one cable system in a county. Such analysis is limited because within the county there are differing mixes of signals received off-the-air among communities and differing mixes of services offered among cable systems. Since the amount and types of signals received off-the-air vary substantially from community to community within a county, it is difficult to determine dilution of the home station viewing audience for a cable community. In cases where off-the-air viewing of the local stations is higher or lower for a community than for the county, analyses based on county statistics would respectively understate or overstate the dilution effect for the community. It may be that individual surveys have been conducted on a community basis either for commercial stations or for noncommercial educational stations which would reveal more precise information. Furthermore, since cable systems typically offer differing mixes of services within a county, the effect of a specific service on a home station's audience cannot be properly weighted. For example, assuming two cable systems in a county, one may offer six channels on which only the local stations are carried, but the other may have twenty channels offering a wide variety of services including pay television and several distant signals. In such cases, aggregate cable viewing statistics cannot be used to determine the effect of pay television or distant signal carriage. It is for these reasons we ask the following questions:

(1) To what extent do ancillary cable television services, i.e. pay cable and cablecasting, impact a local broadcaster's audience? If impact occurs, are there any surveys which quantify the impact?

(2) On average, what are the distinctive differences, if any, between the total viewing habits of cable television audiences versus non-cable television audiences?

(3) What is the relationship between cable carriage of distant non-commercial educational broadcast stations and the audience levels for local educators?

(4) To what extent and under what circumstances will the home audience show loyalty to the home station when the same programming is caused by a distant signal on the cable system? Is there any value to home local news lead-in?

(5) To what extent does diversity in programming cause more total market viewing after a full network complement (3 signals) is achieved?

Broadcast Station Audience/Revenue Relationship

16. Certain of the cable television rules seek to limit the dilution of a station's home audience. In the past, we have made the assumption of a direct relationship between a station's audience and its revenues. Although it is often possible to approximate the dilution of audience caused by cable television for a particular market, it is more difficult to estimate the relationship between a change in audience and change in revenue. And yet, this is an important factor in examining the efficiency and appropriateness of the current cable television rules. For example, an audience change-revenue change ratio of 1:2 or 1:3 could lead to different regulatory consequences than a ratio of 2:1 or 3:1.

17. In order to determine the impact of cable television on broadcasting, it is necessary to examine all the major factors which determine revenue of broadcast stations. Obviously, the extent of audience fragmentation is an important factor in determining functional relationship between revenue and audience depending on market characteristics and station type. Furthermore, we would like to know all the determinants of revenue so that we might more precisely measure the impact on revenue due to changes in audience.

18. The functional relationship between audience and revenue may vary by revenue source (e.g. local advertisers, network compensation rates, regional advertisers, national spot sales.) If such differences exist, the total relationship would depend, in part, on the proportion of revenues from each revenue source. It may be that network compensation rates are relatively insensitive to small changes in audience, even in the long run. It may be for networks that there is a "ratchet effect" where rates never go down even in the event of large audience losses. We do not know the extent to which local advertisers are more sensitive to ratings or to their own perceptions of audience change. In addition, audience measures tend to change depending on the situation. For example, the cable importation of distant signals in a certain market may cause the local station's prime time share to decrease but its net weekly circulation to increase. The audience/revenue relationship may also depend on the location of the majority of a station's audience within the market. Certain groups or advertisers may believe that certain counties of a

ANNA
JUN 28 77
UM

station's ADI or DMA market[19] are better served by a station in an adjacent market, and therefore be insensitive to small changes in audience whether such changes are positive or negative. Furthermore, groups of advertisers may have their own perceptions of a station's market, regardless of what is designated by Nielson or Arbitron. For example, regional advertisers may prefer to advertise on adjacent market VHF stations which have contours overlapping a UHF station's market, rather than advertise on that UHF station. Further, a station that is not assigned to any particular DMA or ADI market (so called non-ADI stations) may have its market perceived differently among local, regional and national advertisers. It may be that in most cases, the predominant amount of local advertising sales is derived from the central city of a market. In such cases, local advertising sales would be insensitive to audience dilution in the fringes of the market but very sensitive to audience dilution in the central city.

19. There may also be differences in the audience/revenue relationship among types of stations. An independent station may have a radical change in revenues if it loses one rating point, by contrast to a much lesser change if a network station has the same proportional audience loss. Independent stations may generally have an advertising base with different sensitivities than that for network stations. For example, on an independent station with lower advertising rates and high net weekly circulation (NWC),[20] an advertiser may choose to saturate an audience with frequent advertising. In such cases, net weekly circulation is more valuable than day part audience share. Furthermore, there might be a difference in advertiser attitudes between UHF stations and VHF stations, even in cases where the audiences are equal.

20. Preliminary research conducted by Cable Television Bureau staff indicates that changes in a broadcast station's revenues are not merely functions of changes in its audience. Factors other than audience which could be important in influencing changes in a broadcast station's revenues include the type and amount of media competition in the market, the amount of retail sales in the market, market size, or even the state of the national economy. Staff research has shown a wide variance in revenue per audience among markets, as well as within markets. For example, if total revenue is divided by its 9 AM to Midnight audience for a given network station, that rate may be as much as 25% higher than the rate of a similar station of the same network affiliation in another market of similar size. If such cases are common, it suggests that factors such as changing station sales efforts, quality of non-network programming, and type of station (i.e. UHF or VHF, independent or network, etc.) are important in determining a broadcast station's revenues. Furthermore, these factors could be important in influencing the audience/revenue relationship of a specific station. For example, a UFH station competing against VHF stations in its market may once have had a comparatively low revenue per audience rate because of advertiser uncertainty about the station's effectiveness in advertising. However, as the UHF handicap diminishes in its market the revenue/audience rate may increase because of a growing advertiser acceptance of its product. Changes in revenue/audience over time are critically important in evaluating the cable television regulations.

21. Considering the complex issues regarding the determinants of broadcast stations' revenues, the following questions are suggested:

(1) What day parts are most often sold to local advertisers? To regional and national advertisers?

(2) Are there particular day parts where advertising is often left unsold?

(3) What audience measures are most important in selling spot time to local, regional, and national advertisers?

(4) What is the relationship between audience levels and advertisers' demand for television time in a market and on stations in a market?

(5) What is the relationship between audience outside the home market (either from cable or over-the-air television) and station revenue?

(6) To what extent does cable penetration in certain markets or portions of markets increase local station audience?

(7) What is the predictable long term rate of growth in demand for television advertising time?

(8) To what extent will that long term growth rate be affected by increased cable penetration?

(9) In terms of revenue, is audience fractionalization more critical in the central areas than in the further reaches of a market or other specified zone?

(10) Are there are revenue benefits in audience outside an ADI market?

(11) What proportion of local advertising revenues come from the principal city in a market?

(12) How do stations not included in any ADI or DMA base gauge their audiences in order to sell advertising time?

(13) What are the differences in the audience/revenue relationship between independent stations and network stations?

(14) Is there a general level of ratings for an independent station which, when reached, causes a dramatic influx of new advertisers? Explain.

(15) Is there a difference in the audience/revenue relationship between VHF and UHF broadcast stations?

(16) What factors influence a broadcast station's revenues other than audience, i.e., demand for advertising, relative wealth of market, national economy, etc.?

(17) What factors are important in negotiating network compensation rates, i.e. competition, UHF or VHF transmission, etc.?

(18) Why do some broadcast stations have higher revenues for a size of audience than others?

(19) How is local news programming affected by distant signal competition, and do these effects, if any, vary depending on market size, type of station, competition, etc.?

SERVICE TO THE PUBLIC

22. We have frequently stated that is the broadcasters' service to the public, not their profits, that is of primary concern. Others have claimed, however, and this includes licensees in some of our proceedings, that revenue reductions may force cutting of costs, and that programming—particularly public service programming—may be the first to suffer the consequences of such budget-cutting. On the other hand, there may be an ameliorating market-wide adjustment to a generalized experience of reduced revenues by all stations, in the sense that program suppliers might be forced to reduce their prices if they wish to sell in that market.

23. We recognize the difficulties in discerning these economic relationships, particularly at a time when the broadcast industry generally has been experiencing revenue growth from year to year. Experience with revenue decline is limited. At the same time, factors other than revenues—e.g. intra-market competition, demography, or even transitory issues of a controversial nature—may affect the mix of programming a broadcaster chooses to provide. We would welcome comment on the following questions:

(1) To what extent will licensees attempt to protect profit levels by reducing expenditure levels?

(2) What is the relationship between a reduction in expenditure level and service to the public?

(3) What types of service, if any, are likely to be reduced? In particular is there more likely to be a reduction in public service programming?

(4) To what extent, if any, is there a relationship between revenue reduction in a market and prices that program suppliers can command in the market?

PROCEDURAL MATTERS

24. Authority for the inquiry herein is contained in Sections 4 (i) and (j), 303, 307, and 403 of the Communications Act of 1934, as amended.

25. All interested persons are invited to file written comments on or before December 1, 1977. The period for filing reply comments will be announced after we have some indication of the number and complexity of the comments received. Any person wishing to file a reply to a comment before the close of the formal comment period is encouraged to do so. All relevant and timely comments and reply comments will be considered by the Commission. The Commission may take into account any other relevant information before it in addition to the comments invited by this Notice.

26. In addition, during the pending of this proceeding comments or studies deemed to be of particular interest, or which may reasonably be calculated to engender further useful information, may be distributed by either public notice or a further notice in this docket. Clearly, this is not a restricted proceeding.

27. In accordance with the provisions of Section 1.419 of the Commission's Rules, an original and 6 copies of all comments, replies, pleadings, briefs or other documents filed in this proceeding shall be furnished to the Commission. Copies of all responses will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its headquarters in Washington, D.C. (1919 "M" Street NW.).

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-14341 Filed 6-27-77;8:45 am]

[19] Each U.S. county is allocated exclusively to one television market. The assignment, in general, is to the market whose stations achieve the largest audience share in that county. The group of counties assigned to a television market in this manner is called the Area of Dominant Influence (ADI) by Arbitron and the Designated Market Area (DMA) by the A.C. Nielson Company.

[20] Net Weekly Circulation (NWC) is the number of unduplicated households which view a TV station for at least five minutes a week.

FEDERAL ENERGY ADMINISTRATION

EXCEPTION FROM REFINERS PRICE RULES GOVERNING ORDER OF RECOVERY OF INCREASED NON-PRODUCT COSTS DURING PERIOD JANUARY 1, 1975 THROUGH JANUARY 31, 1976

Vacating Filing Deadline

AGENCY: Federal Energy Administration.

ACTION: Vacating Filing Deadline.

SUMMARY: The June 27, 1977 deadline for filing Applications for Exception is vacated until further notice is issued by FEA.

FOR FURTHER INFORMATION CONTACT:

Scott Spiegel (Office of General Counsel), Federal Building, 12th and Pennsylvania Avenue NW., Room 5140, Washington, D.C. 20461, (202) 566-9472.

SUPPLEMENTARY INFORMATION: On Tuesday, April 26, 1977, FEA issued a notice in the FEDERAL REGISTER which set forth a deadline of June 27, 1977 for filing Applications for Exception from the regulatory provisions which governed the order of recovery of increased non-product costs by refiners during the period from January 1, 1975 through January 31, 1976. During the course of litigation involving these regulatory provisions, FEA agreed to stay this requirement temporarily with respect to all refiners and until further notice.

Issued in Washington, D.C., June 23, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-18444 Filed 6-27-77;8:45 am]

INDUSTRIAL ENERGY CONSERVATION PROGRAM

Final Industrial Energy Efficacy Reporting Form

AGENCY: Federal Energy Administration.

ACTION: Notice.

SUMMARY: The Federal Energy Administration (FEA) hereby issues Form FEA-U524-P-O, Industrial Energy Conservation and Consumption Report, in order to implement the direct reporting requirement of the industrial energy conservation program. The Energy Policy and Conservation Act (EPCA) requires FEA to prepare, publish, and make available this reporting form. Any corporation identified by FEA as within the top 50 energy-consumptive corporations in an industry for which FEA has set an industrial energy efficiency improvement target and which has not secured an exemption from direct reporting is required to file a completed Form FEA-U524-P-O with FEA within six weeks of the publication of this notice and seminannually thereafter.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

Albert J. Hayes (Office of Conservation), Room 206, Old Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-3563.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

Part D, Title III of the EPCA, 42 U.S.C. 6341-6346, requires that FEA establish a program to promote increased energy efficiency by American industry and set voluntary energy efficiency improvement targets for at least the ten most energy-consumptive industries in the nation. The program implemented by FEA includes (1) the identification and ranking of the ten most energy-consumptive industries in the United States (41 F.R. 12766, March 26, 1976), (2) the identification of corporations that consume at least one trillion British thermal units (Btu's) of energy within the United States per year and are among the 50 most energy-consumptive corporations in each identified industry (41 F.R. 54977, December 16, 1976), (3) the establishment of voluntary energy efficiency improvement targets for the ten industries (42 F.R. 29642, June 9, 1977), as listed below, and (4) the semi-annual reporting by the identified energy-consumptive corporations of the progress that each corporation has made in improving its energy efficiency. This reporting will provide FEA with information to enable it first to measure progress in each industry towards meeting its energy efficiency improvement target and then to report annually to Congress and the President on such progress, as required by the EPCA. The final industrial energy efficiency targets are as follows:

Sic No.	Industry	Net target
28	Chemicals and allied products	14
33	Primary metal industries	9
29	Petroleum and coal products	12
32	Stone, clay and glass products	16
26	Paper and allied products	20
20	Food and kindred products	13
34	Fabricated metal products	24
37	Transportation equipment	16
35	Machinery except electrical	15
22	Textile mill products	23

The mandatory reporting requirement that the EPCA places on identified corporations is satisfied through one of two mechanisms: (1) The indirect reporting to FEA of energy efficiency information through an "adequate voluntary reporting program" under the auspices, generally, of an industry trade association, or (2) the reporting of such information directly to FEA through the filing of Form FEA-U524-P-O.

FEA does not require the filing of a direct report if an identified corporation participates in an adequate voluntary reporting program and applies for and is granted an exemption from the direct reporting requirement in accordance with section 376(g) of the EPCA. The criteria for the adequacy of a voluntary reporting program and the instructions for applying for an exemption were published in the FEDERAL REGISTER on November 24, 1976 (41 FR 51866). A list of corporations determined by FEA to be exempt from the direct reporting requirements was published in the FEDERAL REGISTER on May 9, 1977 (42 FR 23538).

II. DIRECT REPORTING REQUIREMENTS

Section 375(a) of the EPCA requires the chief executive officer (or other designated individual) of each nonexempt corporation to report directly to FEA on the progress which each corporation has made in improving its energy efficiency. Section 375(b) of the EPCA requires FEA to prepare, publish and make available a form for this purpose. FEA hereby issues Form FEA-U524-P-O, Industrial Energy Conservation and Consumption Report, set forth in the Appendix to this notice, in fulfillment of those EPCA requirements.

Any corporation which has been identified by FEA under section 373 of the EPCA and which has not been exempted in accordance with section 376(g) of the EPCA is required to submit this report to FEA. The first report is due no later than six weeks from the publication of this notice and subsequent reports are due on a semiannual basis. FEA has mailed a copy of this report to each identified and non-exempt corporation. If you are such a corporation and do not receive a copy of this report within one week of the date of publication of this notice, please telephone Albert J. Hayes, (202) 566-3563, and a copy will be sent to you.

III. DISCUSSION OF COMMENTS

On April 26, 1977, FEA issued a notice of proposed Form FEA-U524-P-O and invited the oral and written presentation of data, views and arguments thereon by interested persons (42 FR 22581, May 4, 1977). Thirty-two written comments were received in response to this invitation, and a public hearing at which six oral statements were presented was held on May 17, 1977. An additional opportunity for written comments was provided by the General Accounting Office (GAO) which, as part of its review procedures, solicited written comments on the report in a May 27, 1977 notice (42 FR 27298).

ANN ARBOR
JUN 28 77
UM

Six persons responded to GAO's solicitation.

FEA invited comments on all aspects of the proposed form, and listed nine areas in which comments were particularly requested. In general, the comments which were received may be classified under these nine categories, and therefore the following discussion of comments and FEA's response to them is organized according to these nine areas. Summaries of comments on other topics related to the reporting form are also provided along with FEA's responses under the heading "Additional Comments."

A. FORMAT

At the public hearing, one corporation described its successful experience with a reporting system significantly different from that proposed by FEA. The system offered by this corporation was simple, did not use an energy efficiency algorithm, did not allow adjustments to consumption figures for operational changes and allowed submission of raw data in terms of the quantities in which companies actually purchase and consume energy, such as barrels of oil or cubic feet of gas.

While FEA appreciated these suggestions, FEA has concluded that the proposed form, as revised in response to the comments discussed below, is most appropriate to the needs of FEA's reporting system. While the alternative plan was successful with one company, it has not been tested with the many diverse types of corporations covered by the mandatory reporting program. FEA has determined that the energy efficiency algorithm will best generate the information necessary to allow FEA to comply with its obligations under the EPCA without requiring corporations to submit potentially confidential information directly to FEA. Since conversion of consumption data to Btu equivalent is necessary to complete the energy efficiency alogrithm, it would rather add to the administrative burden to require reporting companies to submit raw data in other parts of the form.

A suggestion to include an entry on the form to compute an energy efficiency improvement value for the reporting corporation was rejected by FEA because it would add to the administrative burden. Of course, companies may use the information generated by the energy efficiency algorithm to calculate such a value for their own use.

B. EASE OF UNDERSTANDING INSTRUCTIONS, DEFINITIONS AND THE ENERGY EFFICIENCY ALGORITHM.

1. *The Energy Efficiency Algorithm.* A large number of comments expressed concern and confusion over the energy efficiency algorithm which each company is instructed to follow to generate the information requested in Part IV of the form. The major criticism was based on the conclusion that FEA requires companies to generate energy consumption data on four-digit SIC products. Most commenters felt that for many industries such data was difficult to collect and had little value due to product mix and variability.

It has always been FEA's intent to allow companies to make an entry in column one of the energy efficiency algorithm as a "product" defined either by a four-digit SIC number or by any grouping of items within a two-digit SIC industry which can be represented by a single efficiency ratio. Because of the apparent misunderstanding of FEA's purpose in the proposal and to clarify this point, instructions and definitions which referred to four-digit SIC products, including the definition of "product" in the instructions, have been revised.

Some comments concerned entry 4.3, Percent Operational Change due to EPA/OSHA, on the proposed form which is generated by step eight of the energy efficiency algorithm. One comment questioned whether this entry related only to energy consumption due to Environmental Protection Agency and Occupational Safety and Health Administration regulations. The aggregation of nondiscretionary energy consumption in step eight may include consumption required by the regulations of other government agencies such as the United States Department of Agriculture and the Food and Drug Administration. Another comment suggested changing this entry from a percentage of total consumption to a Btu figure for actual consumption for certain nondiscretionary changes. FEA has accepted this suggestion because it helps to eliminate a calculation and thereby reduces administrative burden. The entry for 4.3 and the appropriate instructions have been changed to reflect these comments.

2. *Instructions.* Some comments stated that the instructions were generally difficult to understand. FEA has made some revisions to the instructions in response to particular comments, as discussed in the treatment of specific comments, and believes that these changes should make the instructions more clear.

Some commenters noticed the discrepency between the degree of accuracy for entries required by the instructions and the figures used in the example accompanying the energy efficiency algorithm. This inconsistency has been corrected in the instructions for the final form.

C. ADMINISTRATIVE BURDEN

Several comments criticized the administrative burden of man hours, personnel, and costs which they anticipated would be required to complete the form. Many of these criticisms were attributed to (1) collecting data for the energy efficiency algorithm on the basis of four-digit SIC products, which has been discussed above, and (2) collecting data for the calculation of energy consumption due to operational changes in the energy efficiency algorithm, which is optional in the final form as discussed in "F" below. As a result of these changes, FEA concludes that the burden imposed by Form U524–P–O has been substantially alleviated.

Many comments indicated that the time allocated for the initial submission of the form was insufficient due to the lack of experience on the part of many companies in collecting and evaluating the data required by the form. FEA has extended the final date for submission of the initial report to six weeks from publication. While this delay is not as long as requested by some commenters, FEA feels that it is adequate in light of the changes as indicated above made in response to other comments.

Finally, several comments asserted that the degree of accuracy required in the data to be reported unnecessarily burdened the reporting company. In response to those comments, FEA has revised the instructions to require reporting in billions of Btu's expressed as a decimal with one figure to the right of the decimal point rather than the three figures as proposed.

D. MANUFACTURING OUTPUT OR ACTIVITY

The proposed Form FEA–U524–P–O required that manufacturing output be treated in terms of physical units of production such as tons or square feet. FEA recognized that this treatment could be troublesome for some companies and, accordingly, requested comments on this issue. Seventeen comments objected to the requirement that production be treated only in terms of physical units. These comments stated that for many companies physical units of production do not represent the best or even valid information for measuring the efficiency of varied and dissimilar manufacturing processes.

FEA believes that, in many cases, physical units provide the most desirable basis for measuring efficiency. However, FEA has previously recognized in some of the statements of the basis and justification for the ten energy efficiency improvement targets published in the FEDERAL REGISTER on June 9, 1977 (42 FR 29642) that in many industries production output is not routinely characterized by physical units. Accordingly, FEA has deleted the requirement that physical units be used and has revised the instructions for the energy efficiency algorithm and the definition of production to allow for the use of nonphysical units of output. FEA has retained the requirement for a justification of the chosen unit of production in the narrative supplement.

E. ENERGY BOUNDARIES

Comments on energy boundaries concerned FEA's initial list of energy uses included and excluded from Part III, Actual Energy Consumption Data, of the reporting form. Several comments challenged the inclusion in energy consumption of by-product fuels that are sold and shipped or stored for sale. FEA has properly shifted this category to the list of excludable energy uses. It should be noted that by-product fuels internally consumed must be reported on Part III of the form under "other" sources of energy.

One comment stated that energy expended in starting up facilities designed for a new product should not be included in energy consumption. FEA concurs and has revised the instructions in that start-up consumption for a new plant need not be included up to the point where a commercial quality product, as defined in section E of the instructions, is produced.

Three commenters pointed out that, in order for their companies to exclude energy consumption for corporate and division offices as permitted, it would be necessary to install additional meters to measure such energy consumption. Such energy consumption generally represents only a very small percentage of most manufacturing corporations' total energy consumption, and a reporting company may elect not to exclude such consumption. Installation of meters is, of course, discretionary.

Some comments asserted that a problem exists with consumption for in-plant transportation and other small and generally unmonitored uses of energy. While such uses are a very small segment of consumption, they should be reported if they fall in the "included" list.

One comment suggested that coal consumption should not be included in Part III of the form since the national policy is to substitute coal for other fossil fuels. FEA has not accepted this suggestion since coal sources are finite, many companies have always used coal, and the industrial targets included coal in energy consumption.

F. OPERATIONAL CHANGES

Most comments on operational changes addressed the questions of (1) whether adjustments to energy consumption figures for operational changes should be allowed and (2) what changes should be allowed. FEA believes that the adjustment of energy consumption figures to reflect energy consumption for operational changes provides the best mechanism for developing an accurate measure of industrial efficiency. While some commenters agreed with this view, many others commented that completing this part of the form would be a problem because of product diversity, frequent changes in product lines and insufficient data on the effect of operational changes on energy consumption.

In order to enhance the quality of information where data on operational changes is available and, at the same time, to allow for full compliance by all reporting corporations with the reporting form, adjustment of energy consumption by operational changes is optional on the final form. To facilitate the calculation of operational adjustments, the instructions have been further revised to permit adjustments for operational changes relating to a group of products in the energy efficiency algorithm. Corporations which choose to apply such adjustments must list the individual operational changes and the energy consumption attributed to each in the narrative supplement.

While many comments suggested that it was not suitable to adjust consumption figures for capacity utilization and product mix changes, FEA has retained these operational changes in the optional procedure because some companies believe they have a measurable impact on consumption. The definition of operational change has been expanded in the final form in response to the comment that nondiscretionary changes such as degree-days for heating and cooling should be included.

Many comments suggested that the increased use of waste fuel should not be considered an operational change. FEA agrees with this comment because the use of waste fuel is automatically credited in the reduction of other forms of energy which will be noted by comparing subsequent reports. While energy consumption of waste fuel, in addition to solar energy and other energy sources, is not included in Part III of the form, the amount of waste fuel consumed, in Btu's, must be included in the narrative supplement.

One comment alleged that the definition of operational change was vague. It was recommended that all allowable operational changes be listed in the instructions. The definition of operational change has been revised to clearly identify the types of changes allowed. FEA, however, cannot provide an exhaustive list of allowable operational adjustments to cover all possible operational changes in the ten identified industries.

One comment asserted that the instructions for step six, computing operational changes, of the energy efficiency improvement algorithm were difficult to understand. It was suggested that a specific example of the computations involved be provided. The revisions in the treatment of operational changes discussed above have significantly reduced the complexity of the instructions.

G. NARRATIVE SUPPLEMENT

While relatively few comments were received on the requirement for a narrative supplement, several comments did object to this requirement. These comments asserted that providing additional details will impose a further administrative burden on corporations without providing significant information.

A review of public comments has convinced FEA that numerical data alone will not provide FEA with sufficient information to measure progress towards the energy efficiency improvement targets in the ten complex and dissimilar industries. FEA has concluded that the listing of those items required to be contained in the narrative supplement is not a difficult task and should not prove burdensome.

H. CONVERSION FACTORS

Many commenters asserted that the conversion factor provided for electricity, 3,412 Btu's per kWh, was too low and that a higher figure, most often 10,000 Btu's per kWh, should be substituted to more accurately reflect the energy needed to generate electricity either onsite or at the powerplant. FEA established the industrial energy efficiency improvement targets for SIC 28 and 29 using a conversion factor of 10,000 Btu's per kWh and has decided to allow the use of this factor for these industries in the completion of the form. FEA has decided to maintain the 3,412 Btu's per kWh conversion factor for all other industries.

It was also suggested that one set of conversion factors should be applied uniformly instead of allowing reporting companies to use alternative factors when they could substantiate their choices, as allowed in the proposed form. Because FEA is interested in the most accurate information available, it would be inconsistent for FEA to fail to acknowledge that the measurable energy value of fuels may vary significantly. FEA has decided to continue to allow reporting companies to use alternative conversion factors based on the known energy content of fuel when they can document the conversion factors used.

I. DEBIT/CREDIT FUEL FACTORS

Although neither the industrial efficiency improvement targets nor the proposed reporting form treated the question of offering an incentive credit for conversions away from scarce energy forms and a corresponding penalty for conversions to such energy sources, FEA solicited comments on such a plan in response to interest voiced by companies at the public hearings on the industrial targets.

One comment suggested that companies which converted some manufacturing operations to coal should be allowed to reduce their total consumption figures by the full Btu equivalent of the scarce energy sources conserved. FEA agrees, however, with other comments that pointed out that this plan would be inequitable to firms who could not make such conversions either because coal is not abundantly available in their geographic area or because present technology cannot accommodate converting away from scare energy sources.

Several commenters suggested that no credits for conversions before the reporting period should be allowed. FEA believes that all conversions since the 1972 base year should be recognized in any debit/credit conversion plan. Still other commenters felt that only incentive credits should be allowed, but that no penalty for conversions to scarce fuels should be levied. FEA believes that conversion to scarce oil or gas is contrary to national policy and that any debit/credit plan must incorporate this fact. Finally, one comment stated that the insignificant differences in combustion efficiencies between energy sources did not justify any debit/credit plan. While FEA has concluded that no debit/credit conversion plan should be included in the reporting form at this time, the national policy to promote conversions by industry away from scarce energy sources may well justify the implementation of such a feature in the reporting form in the future.

J. ADDITIONAL COMMENTS

1. *The Relationship between the Mandatory and Voluntary Reporting Systems.* Some comments questioned whether the requirements of the mandatory reporting form would be imposed on companies reporting voluntarily to FEA through trade associations, as allowed under the EPCA. FEA is issuing Form FEA–U524–P–O exclusively fo use by companies required under the industrial conservation program to report directly to FEA. However, the form has been designed to generate information compatible with the information received under the voluntary reporting program. In order to remove inconsistency between the reporting dates for the voluntary and mandatory reporting programs as noted in a comment, FEA has adjusted in instructions in the final reporting form so that, except for the initial submission, the reporting dates of the two programs will be identical.

A few comments questioned the difference in the treatment of captive production between the mandatory and voluntary reporting programs. FEA has designed Form FEA–U524–P–O for maximum compatibility and has concluded that no significant inconsistency in monitoring industrywide progress will result.

2. *The Comment Period.* In the notice proposing the reporting form, FEA offered to extend the period for written comments beyond the May 17, 1977 deadline if significant interest in a longer comment period was expressed. Since only a few written and oral requests to extend the comment period were received and an additional comment period was offered by the GAO review of Form FEA U524–P–O, FEA determined that extension of the comment period was unnecessary.

3. *Confidentiality of Information.* Several commenters expressed concern about supplying FEA with potentially confidential information either in the energy efficiency algorithm or in the narrative supplement. The energy efficiency algorithm described in the instructions to the reporting form is to be used by the reporting company only to generate the appropriate entries for Part IV, Energy Efficiency Data, of the form. FEA does not require the submission of the completed algorithm format illustrated in the instructions, but reporting companies must retain this information and allow FEA access to it for selective review. The instructions have been modified to clarify this point.

FEA does not believe that completion of the narrative supplement that must be submitted with the reporting form should require the submission of any confidential information. A simple descriptive listing of conservation measures implemented in each two-digit SIC industry covered by the report will be sufficient.

IV. SUMMARY OF CHANGES TO FORM FEA–U524–P–O AND INSTRUCTIONS FOR COMPLETION

As discussed in the review of the comments above, several changes have been made in the final reporting form in response to public comment. FEA has on its own initiative made additional changes mostly to eliminate clerical errors and to further clarify the form and the instructions. A list of the major changes is provided.

FORM–PART IV

1. The heading for entry 4.3 was modified to reflect the changes in the information requested, as discussed under the instructions for Part IV of the form.

INSTRUCTIONS WHEN TO FILE

2. The date of the first submission of Form FEA–U524–P–O was extended to six weeks from the publication of the final form in the FEDERAL REGISTER.

3. The due date of all subsequent submissions was changed to April 30 and October 30.

DEFINITIONS

4. The definition of "energy efficiency ratio" was modified to reflect the reporting company's option of selecting a unit of production other than a physical unit.

5. The definition of "operational change" was substantially rewritten. The new definition is clearer in that it specifically describes the three classes of changes in energy consumption which which are now considered operational changes.

6. The definition of "product" was modified to indicate that any grouping of items within a two-digit SIC industry is now considered a product for the energy efficiency algorithm.

7. The definition of "production" was modified to reflect (1) that a reporting company may elect a nonphysical unit of production and (2) that companies reporting on the manufacture of textiles may use raw material input as the unit of production.

INSTRUCTIONS FOR PART III OF THE FORM

8. The instructions for calculating actual consumption data have been improved by the addition to the instructions of descriptive information which was contained in the FEDERAL REGISTER notice accompanying the proposed form. Additional changes have also been made.

9. Start up energy for new products is to be excluded from actual consumption data.

10. By-product fuel sold and shipped or stored for sale is excluded from actual consumption data.

11. Waste used as fuel is to be excluded from actual consumption data.

12. The instructions for calculating the actual consumption data have been modified to indicate that excludable energy consumption may be included if the reporting company does not separately monitor such consumption.

13. Data is to be supplied in billions of Btu's with one place to the right of the decimal rather than three.

14. Several conversion factors have been changed to correct earlier clerical errors.

Propane, 3,848,000 Btu's/barrel.
Petroleum Coke, 30,120,000 Btu's/short ton.
Natural Gas, 1,031 Btu's/cubic foot.

15. The conversion factor for electricity with regard to SIC 28 and 29 has been modified so that it is consistent with the conversion factor used in the establishment of the energy efficiency improvement target for those industries.

INSTRUCTIONS FOR PART IV OF THE FORM

16. The instructions for entry 4.3 were modified to request the amount of energy consumed (in Btu's) as a result of all government requirements.

INSTRUCTIONS FOR ENERGY EFFICIENCY ALGORITHM

17. The instructions for the energy efficiency algorithm have been clarified to emphasize that a reporting company does not submit the energy efficiency algorithm to FEA.

18. The instructions for Step 1 of the energy efficiency algorithm have been modified in response to the change in the definition of "product."

19. The instructions for Step 2 of the energy efficiency algorithm have been modified in response to the changes in the definitions of "product" and "production." The instructions also clarify that justification of the unit of production used must be submitted to FEA in the narrative supplement.

20. The instructions for Step 6 of the energy efficiency algorithm have been substantially revised. They now reflect the change in the definition of operational change and the reporting company's option to adjust consumption figures in the energy efficiency algorithm for such changes. The instructions for computing operational changes also reflect the changes in the definitions of "products" and "production". The instructions clarify that a list of any operational changes for which adjustments were made and their effect on consumption must be included in the narrative supplement.

21. Step 8 of the energy efficiency algorithm has been changed to conform with changes (1) and (16) discussed above.

NARRATIVE SUPPLEMENT

22. The instructions have been clarified to explain that a single narrative supplement must be attached to each report and to list the items to be included.

(Energy Policy and Conservation Act, Pub. L. 94–163, as amended by Pub. L. 94–385; Federal Energy Administration Act of 1974, Pub. L. 93–275, as amended by Pub. L. 94–385; E.O. 11790, 39 F.R. 23185.)

The effective date of this document is June 28, 1977.

Issued in Washington, D.C., June 22, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

PART III--ACTUAL ENERGY CONSUMPTION DATA (Billion Btu's)

Energy Source	Two Digit SIC Code ( ) A	B	C	D	Conversion Factor
3.1 Coal					
3.2 Coal Coke					
3.3 Distillate Fuel Oil					
3.4 LPG					
3.5 Natural Gas					
3.6 Purchased Electricity					
3.7 Purchased Steam					
3.8 Residual Fuel Oil					
3.9 Self-generated Hydroelectricity					
3.10 Other (Specify)					
3.11 Other (Specify)					
3.12 Other (Specify)					
3.13 Other (Specify)					
3.14 Other (Specify)					
3.15 TOTAL					
PART IV--ENERGY EFFICIENCY DATA					
4.1 Current Consumption Adjusted to 1972 Energy Base (Billion Btu's) Enter from Step 4					
4.2 Current Actual Consumption Adjusted to Current Operations (Billions Btu's) Enter from Step 7					
4.3 Consumption Due to Government Requirements (Billion Btu's) Enter from Step 8					

APPENDIX

FORM FEA U524-P-O FEDERAL ENERGY ADMINISTRATION
WASHINGTON, D. C. 20461
INDUSTRIAL ENERGY CONSERVATION AND CONSUMPTION REPORT
This Report Is Mandatory Under Public Laws 94-163 and 93-275

PART I--IDENTIFICATION INFORMATION — FEA Use Only

1.1 Parent Corporation Name and Address:

Zip code

1.2 EIN No.

1.3 Period covered: ___ ___ to ___ ___

1.4 Energy Contact Person and Title

Phone No.

1.5 ☐ Check if this is a revised report

1.6 ☐ Check if the name and/or address of the corporation has changed since last report

PART II--CERTIFICATION

I certify that the information provided herein and appended hereto is true, accurate, and complete to the best of my knowledge.

NAME — TITLE

SIGNATURE — DATE

Title 18 USC 1001 makes it a criminal offense for any person knowingly and willfully to make to any Agency or Department of the United States any false, ficticious or fraudulent statements as to any matter within its jurisdiction.

INSTRUCTIONS

A. PURPOSE

Form FEA–U524–P–O is designed pursuant to section 375(b) of the Energy Policy and Conservation Act (EPCA) (42 U.S.C. 6345 (b)) which requires that the Federal Energy Administration (FEA) devise a simple form for energy consumption reporting by corporations specified in paragraph B, below, to measure each reporting corporation's progress in improving its energy efficiency. This information will be aggregated with data from corporations participating in adequate voluntary reporting programs to measure progress toward attainment of the energy efficiency improvement target established by FEA for each identified two-digit Standard Industrial Classification (SIC) code industry.

B. WHO MUST SUBMIT

Any corporation which has been identified by FEA under section 373 of the EPCA (42 U.S.C. 6343) and which is in an identified industry for which FEA has set an industrial energy efficiency improvement target under section 374 of the EPCA (42 U.S.C. 6344) is required to submit this report to FEA, unless exempted in accordance with section 376(g) of the EPCA (42 U.S.C. 6346(g)) because it fully participates in an adequate voluntary reporting program.

C. TO WHOM

Form FEA–U524–P–O should be submitted to:

Federal Energy Administration, Office of Industrial Reporting Programs, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Additional copies of the reporting form may be obtained from the above address. Indicate the number of copies needed and the address to which they should be sent.

D. WHEN

The initial submission of Form FEA–U524–P–O covering calendar year 1976 must be received by FEA no later than 6 weeks after the publication of the final form in the FEDERAL REGISTER. Thereafter, unless otherwise required, the form must be received by FEA by April 30 and October 30 of each year covering the preceding half calendar year (e.g., April 30, 1978, for the period July through December 1977). Submission of a revised report must be made within 30 days of the scheduled date.

E. DEFINITIONS

For purposes of this form:

"Actual energy consumption" means the sum of the Btu content of all energy sources (not used as feedstocks) consumed within the United States in an identified industry by the reporting corporation during the covered reporting period.

"Btu" means British thermal unit.

"Commercial quality production" means the manufacture of products suitable in quality for shipment and/or sale.

"Energy efficiency ratio" means the amount of energy in Btu's consumed per unit of production.

"EPA" means the Environmental Protection Agency.

"EPCA" means the Energy Policy and Conservation Act (Pub. L. 94–163).

"FDA" means the Food and Drug Administration.

"Identified industry" means an industry identified by FEA under Section 373 of EPCA.

"Manufacturing" means the mechanical or chemical transformation of materials or substances into new products, as described on page 57 of the Office of Management and Budget, Standard Industrial Classification Manual (1972).

"Operational change" means an identifiable variation in energy consumption attributable to (1) factors beyond the control of the corporation such as might be required by statute, rule, regulation or ordinance; (2) policies designed to use more abundant energy sources, exclusive of waste materials; or (3) natural effects such as climate and raw material quality changes.

"OSHA" means the Occupational Safety and Health Administration.

"Product" means an item or grouping of items (separate parts of, or all of, its product line) that is the output of a manufacturing corporation and is classified and described within the reported two-digit SIC code.

"Production" means the quantity of the reporting corporation's product output (or raw material input in the case of the petroleum and textile industries) or activity.

"Reporting corporation" means any corporation required to submit this report to FEA, pursuant to paragraph B, above.

"SIC" means the standard industrial classification system described in the Office of Management and Budget, Standard Industrial Classification Manual (1972).

"United States" means the 50 states, the District of Columbia, Puerto Rico, and all territories and possessions of the United States, including the Outer Shelf, as defined in 43 U.S.C. 1331.

"USDA" means the United States Department of Agriculture.

F. INSTRUCTIONS FOR COMPLETING INDUSTRIAL ENERGY CONSERVATION AND CONSUMPTION REPORT

Part I: Identification Information

Item 1.1: *Name and Address.* Enter the name and the complete address of the reporting corporation. Enter the state abbreviation and zip code (use the official U.S. Postal Service state abbreviations).

Item 1.2: *Employer Identification Number (EIN).* Enter the reporting corporation's Internal Revenue Service Employer Identification Number.

Item 1.3: *Period Covered.* Enter the reporting period covered by this report, specifying the year and portion of year that applies, as indicated by paragraph D, above (e.g., January 1, 1977=01 01 77 to June 30, 1977=06 30 77).

Item 1.4: *Energy Contact Person.* Enter the name, title, and telephone number of the individual who may be contacted regarding this report.

Item 1.5: *Revised Report.* Check if this is a revised report.

Item 1.6: *Change of Address.* Check if there has been a change since the previous report.

Part II: Certification

This part must be completed each time Form FEA–U524–P–O is submitted. Type or print in block letters the name and title of the individual who has signed the certification and the date of the signature in the spaces provided on the form. The individual who signs and certifies this Form FEA–U524–P–O must be the Chief Executive Officer of the reporting corporation or such other corporate officer authorized by the Chief Executive Officer to sign for him for this purpose. In the latter case, the reporting corporation must file with FEA a letter of authorization (se Attachment to these instructions) signed by the Chief Executive Officer that identifies other officials authorized to certify Form FEA–U524–P–O for the corporation.

Part III. Actual Energy Consumption Data

Actual Energy Consumption Data. Enter the applicable two-digit SIC code in the parentheses above the column for each identified industry in which the reporting corporation is required to report, pursuant to paragraph B, above. Enter the actual energy consumption data for the reporting period, by energy source and two-digit SIC code. In the actual energy consumption data, include actual energy consumption for every corporation, company, association, firm, partnership, society, trust, joint venture and joint stock company of which the reporting corporation is the ultimate parent, whether by direct or indirect control. The report must include energy used for:

Direct manufacturing operations.

Thermal self-generation of electricity.

Heating, ventilating and air conditioning of manufacturing buildings and plant offices plus manufacturing services such as shops, cafeteria, other plant personnel services, and plant chemical and analytical laboratories.

In-plant transportation, such as lifttrucks, conveyors, cranes, and railroads.

Transportation on producer's property between mining operations and manufacturing facilities. (The transportation could be by conveyors, trucks or by rail. Mineral preparation such as crushing, screening and concentrating of ores is not to be included per SIC definitions.)

Raw material storage.

Services for finished product warehouses within a plant fence if directly related to manufacturing operations.

Where such use is metered separately or can otherwise be identified, the report must exclude the following energy uses:

Feedstocks.

All uses of electricity self-generated by thermal means. (Btu content of energy sources for thermal self-generated of electricity is already included.)

Services for corporate and divisional offices.

Services for basic research.

Services for regional distribution centers.

Fuel for corporate aircraft, salesmen's cars and over-the-highway trucks.

By-product fuels sold and shipped or stored for sale.

Facility start-up energy (to point of commercial quality production).

Waste used as fuel.

Transport of intermediate product to another producer for finishing within the same two-digit industry.

Fuels received for storage for later disposition.

Report the energy content of all fuels consumed in billions of Btu's, expressed as a decimal with one place to the right of the decimal point (e.g., 0.1 means one hundred million) and state the conversion factor of the fuel, as explained below, in the appropriate row of the last column. Where more than one conversion factor per energy source apply to a corporation, the factor entered should be a weighted average for that energy source.

Where actual energy consumption of any energy source did not occur totally within the identified industry in which the corporation is reporting, allocate in a reasonable manner to such identified industry the appropriate portion of such consumption.

In the "Other" categories, include actual energy consumption, by energy source, for energy sources not otherwise designated.

Use the actual Btu content of any energy source except electricity, as the conversion factor of that energy source where the energy source was purchased according to, or with knowledge of, its actual Btu content. Where the energy source was not purchased according to, or with knowledge of, its actual Btu content and in the case of electricity, the conversion factors listed below are provided.

Energy type	Conversion factor (Btu's/energy unit)
Bituminous coal	[1] 23, 650, 000
Anthracite	[1] 25, 400, 000
Coke	[1] 24, 800, 000
Ethane	[2] 3, 082, 000
Propane	[2] 3, 847, 806
LPG	[2] 4, 011, 000
Natural gasoline	[2] 4, 620, 000
Gasoline (including aviation)	[2] 5, 248, 000
Special naphtha	[2] 5, 248, 000
Kerosene	[2] 5, 670, 000
Distillate fuel oil (including diesel)	[2] 5, 825, 000
Still gas	[2] 6, 000, 000
Residual fuel oil	[2] 6, 287, 000
Crude oil	[2] 5, 800, 000
Petroleum coke	[2] 30, 120, 000
Natural gas, dry	[3] 1, 031
Electricity (purchased and self-generated hydropower)	[4] 10, 000
Other energy types	[5] 3, 412

[1] Per short ton.
[2] Per barrel.
[3] Per cubic foot.
[4] Per kilowatt hour for SIC 26 and 29.
[5] Per kilowatt hour for all others (determined by corporation using standard calorimetric methods in current use within the industry)

Application of conversion factors requires that quantification of the fuels be compatible with conversion factor dimensions e.g., tons of solids, barrels for liquids (42 U.S. gal/barrels) and standard cubic feet for gases.

Supply actual energy consumption totals for each two-digit SIC code.

Part IV: Energy Efficiency Data

Item 4.1: *Current Consumption Adjusted to 1972 Energy Base.* Enter under the appropriate two-digit SIC code column the total energy in billions of Btu's (expressed as a decimal with one place to the right of the decimal point) developed in accordance with procedures applicable to column 4 of the energy efficiency algorithm described in paragraph G of these instructions.

Item 4.2: *Current Actual Consumption Adjusted to Current Operations.* Enter under the appropriate two-digit SIC code column the total energy in billions of Btu's developed in accordance with procedures applicable to column 7 of the energy efficiency algorithm tabulation described in paragraph G of these instructions.

Item 4.3: *Consumption Due to Government Requirements.* Enter under item 4.3 the consumption due to OSHA, EPA, USDA, FDA or other government requirements developed in accordance with step 8 of paragraph G of these instructions.

G. ENERGY EFFICIENCY ALGORITHM

An energy efficiency algorithm must be applied for each identified industry in which a corporation is reporting. The completed algorithm(s) should not be submitted to FEA but must be retained by the reporting corporation in accordance with paragraph I of these instructions. The algorithm must be applied according to the following format, which contains quantities presented for purposes of illustration only:

Products	1972 energy efficiency ratio (Btu's per unit)	Current reporting period production (unit)	Current consumption adjusted to 1972 Btu's in billions (col. 2×col. 3)	Current actual consumption (Btu's in billions)	Consumption due to operational changes since 1972 (Btu's in billions)	Current actual consumption adjusted to current operations (col. 5 adjusted by col. 6 in billions)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
No. 1	600,000 (per ton).	1,000,000 (tons).	960	900	21	879
No. 2	100,000 (per dollar).	$1,000,000	100	90	7	83
No. 3	15,000 (per cubic foot.	3,000,000 (per cubic foot).	45	36	3	33
All other	200,000 (per barrel).	200,000 (per barrel).	40	35	2	33
Total			1,145	1,061	33	1,028

To derive the entries for the Energy Efficiency Algorithm, perform the following steps:

Step 1. *Products.* Enter in column 1 the products (i.e., individual items or grouping(s) of items of manufacture) within a two-digit SIC code industry which can be represented by a single energy-efficiency ratio.

Step 2. *1972 Energy-Efficiency Ratio (Btu's/Unit).* Enter in column 2 the 1972 energy-efficiency ratio for each product entered in column 1. The energy-efficiency ratio, as defined in paragraph E, is for each product the energy in Btu's attributable to a unit of production where the unit of production is determined by the reporting corporation. The reasons for the selection of the particular unit(s) of production for each product must be provided as a part of the narrative supplement of that corporation's first report and as a part of the narrative supplement of any subsequent reports covering periods in which a new product is added.

If the commercial quality production of any product began after 1972, list the energy-efficiency ratio as though that product was manufactured in 1972. Once this ratio has been determined for a product, it must remain constant throughout the life of this reporting system to assure measurement on a constant basis. When any product is phased out after 1972, delete the contribution made by that product to the 1972 energy base.

Step 3. *Current Reporting Period Production.* Enter the totals of current production of each product in column 3 using units that are consistent with the units selected for each energy-efficiency ratio calculation in column 2.

Step 4. *Current Energy Consumption Adjusted to 1972 Efficiency.* Calculate the energy (in Btu's) that would have been required for the manufacturing of each product during the applicable reporting period in terms of 1972 energy efficiency by multiplying the production of each product in its respective units as entered in column 3 by the corresponding energy-efficiency ratio of each product entered in column 2, and record the numbers in column 4. Add the numbers in column 4 and provide FEA with the total of column 4 by entering the total in 4.1 of Part IV of Form FEA–U524–P–O.

Step 5. *Current Actual Consumption in Btu's.* Enter the energy (in Btu's) required for the manufacturing of each product during the applicable reporting period in column 5. Add the numbers in column 5 and compare the total as a check against the appropriate column of line 3.15 in Part III. The totals should be the same.

Step 6. *Consumption Due to Operational Changes Since 1972.* Operational changes may alter the amount of energy consumed and the apparent efficiency of manufacturing processes. In cases where increases in energy consumption since 1972 due to operational changes can be quantified, the reporting corporation may treat such variations according to the instructions below.

If the increase in energy required for an operational change can be determined for each product, determine such increase and enter it in the appropriate row of column 6. If the increase cannot be apportioned to each product, then determine the increases for groups of products and enter the increases in column 6. Provide a written explanation of all operational changes in the narrative supplement. If the increase cannot be apportioned at less than the two-digit SIC industry level, then enter the total increase in the bottom row of column 6 and explain in the narrative supplement. Each operational change contributing to the entries in column 6 must be identified along with its impact on energy consumption in the narrative supplement.

An example of an allowable operational change is one taken for the increase in energy required by a switch from natural gas to coal for steam generation. In such case the magnitude of the adjustment is determined by calculating the difference in energy consumption required by the two systems to produce the same level of energy output. That is, by subtracting the energy consumption in Btu's input for the natural gas-fired system from the energy consumption in Btu's input for the coal-fired system for the same quantity of steam generated at a given temperature and pressure.

Operational changes as defined in paragraph E include, but are not limited to, energy use attributable to government regulations, changes in capacity utilization, product mix changes, climatic changes, material quality and conversions from oil or gas to coal.

Step 7. *Current Actual Consumption Adjusted to Current Operations (Column 5 Adjusted by Column 6).* Subtract the total of column 6 from the total of column 5 and enter the result in the last line of column 7. Enter this figure in item 4.2 of Part IV of Form EEA–U524–P–O.

Where operational changes are quantified by product, subtract column 6 from column 5 on each applicable product line and enter the difference in column 7.

Step 8. *Change in Energy Consumption Due to Government Requirements.* Enter the energy consumption due to EPA, OSHA, USDA, FDA, or other government requirements in item 4.3, Part IV of Form FEA–U524–P–O.

H. NARRATIVE SUPPLEMENT

Each reporting company must provide FEA with a brief written text attached to the corporation report. This narrative supplement should include:

1. A list of the specific measures that the corporation has implemented to improve energy efficiency during the reporting period. Where waste is utilized for fuel, the itemized conservation measure entry must include the quantity of waste fuel consumed in Btu's.

2. A rationale for the selection of the unit of production used in the energy efficiency

algorithm, as required by Step 2 of G of this part.

3. A list of operational changes and their impact on energy consumption, where the reporting company has elected to make adjustments for operational changes, as required by Step 6 of G of this part.

I. RETENTION OF DATA

All data are to be retained by the reporting corporation for a minimum period of 2 years from the filing date.

J. CONFIDENTIALITY OF INFORMATION

Any reporting corporation which believes that any information provided to FEA in Form FEA–U524–P–O is a trade secret, or commercial or financial information that is privileged or confidential, and that disclosure of this information may cause significant competitive damage to it, must inform FEA of this conclusion. Specifically, the reporting corporation must (1) file together with Form FEA–U524–P–O a second copy of such form on which the information, which if released, the corporation believes would cause significant competetive damage, is clearly indicated, (2) indicate on the original form that it contains confidential information, and (3) file a concise statement which explains, item by item, the exact nature of the significant competitive damage which would result from the release of such item, and whether that item is customarily treated as confidential by the reporting corporation and the industry. A detailed explanation of the competitive damage resulting from public disclosure—rather than general statements that an item is confidential—is needed by FEA to determine whether the item may be released. FEA retains the right to make its own determination regarding any claim of confidentiality. Prior to disclosing any information contained in Form FEA–U524–P–O which the Administrator determines is information described in 5 U.S.C. 552(b)(4), the Administrator will afford, pursuant to section 376(e) of EPCA (15 U.S.C. 956(e)), the person who provided the information an opportunity to comment on the proposed disclosure.

ATTACHMENT

DELEGATION OF AUTHORITY TO SIGN AND CERTIFY

(Date of Signing)

. (Name of Reporting Corporation)

I, ----------, hereby certify that

(Name of Chief Executive Officer)

I am the ---------- of the above

(Title)

named corporation and that, as such, I am authorized to sign documents and to certify, on behalf of said corporation, the accuracy and completeness of all documents required to be submitted to the U.S. Government. Pursuant to the power vested in me, I hereby delegate all or, to the extent indicated below, a portion of that authority to the person(s) listed below, who is (are) corporate officer(s) of the above named corporation. This delegation is effective until it is revoked in writing and the Federal Energy Administration is so notified.

(Signature)

AUTHORIZED INDIVIDUALS

Name and title

Extent of authorization

[FR Doc.77–18295 Filed 6–27–77;8:45 am]

STATE ENERGY CONSERVATION PLANS

Negative Determination of Environmental Impact Re the Washington Energy Conservation Plan

Pursuant to 10 CFR 208.4, the Federal Energy Administration hereby gives notice that it has performed an analysis and review of the environmental impacts associated with the provision of Federal financial assistance for the implementation, by the State of Washington, of its State Energy Conservation Plan. Federal funding is authorized by Part C of Title III of the Energy Policy and Conservation Act, 42 U.S.C. 6321, *et seq.*

Based upon assessment of environmental impacts that are expected to result from implementation of the plan, the FEA has determined that Federal financial assistance will not be a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). Therefore, pursuant to 10 CFR 208.4(c), the Federal Energy Administration has determined that an environmental impact statement is not required for this plan.

Single copies of the environmental assessment of the State Plan for Washington are available upon request from the FEA National Energy Information Center, Room 1416, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the environmental assessment will also be available for public review in the Federal Energy Administration Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Copies of the State Plan are available for public review in the Office of State Energy Conservation Programs, Room 6437, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views and arguments with respect to the environmental assessment to Executive Communications, Box NR, Room 3317, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside of the envelope and on documents submitted to FEA Executive Communications with the designation, "Environmental Assessment—Washington State Energy Conservation Plan." Fifteen copies should be submitted. All comments should be received by FEA by July 8, 1977, in order to receive full consideration.

Any information or data considered by the person submitting it to be confidential must be so identified and submitted in one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Issued in Washington, D.C., June 23, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77–18508 Filed 6–27–77;8:45 am]

SYNTHETIC NATURAL GAS

General Inquiry Regarding the Allocation of Petroleum Feedstocks to Synthetic Natural Gas Plants

AGENCY: Federal Energy Administration.

ACTION: Notice of General Inquiry.

SUMMARY: The Federal Energy Administration (FEA) is requesting public comments in connection with a general notice of inquiry regarding the reevaluation of its current synthetic natural gas (SNG) feedstock allocation program. Specific requested areas for comment are set forth herein.

DATES: Comments by July 15, 1977, 4:30 p.m.; requests to speak by July 13, 1977, 4:30 p.m.; statements by July 15, 1977, 4:30 p.m.; hearing to be held on July 18, 1977, at 9:30 a.m., and will be continued if necessary at 9:30 a.m. on July 19, 1977.

ADDRESSES: Comments and requests to speak at the hearing to: Executive Communications, Room 3317, Federal Energy Administration, Box NQ, Washington, D.C. 20461; statements to Executive Communications, Room 3317, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Hearing to be held at: Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (FEA Reading Room), 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202–566–9161.
Ed Vilade, (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202–566–9833.
Kenneth L. Kincel (Resource Development Policy), 12th and Pennsylvania Avenue NW., Room 4112, Washington, D.C. 20461, 202–566–9052.
Finn Neilsen (Regulatory Programs), 2000 M Street NW., Room 6318, Washington, D.C. 20461, 202–254–9730.
Joel M. Yudson (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202–566–9565.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

In accordance with the President's recently announced National Energy Plan, the FEA is continuing to reevaluate its current SNG feedstock allocation program, including § 211.29, the Statement of Policy and Special Rule No. 1 contained in the Mandatory Petroleum Allocation Regulations (10 CFR Part 211). FEA is soliciting public comment as to the efficacy of the current SNG feedstock allocation program, and any appropriate changes thereto. Further information concerning the SNG feedstock allocation program may be obtained from FEA's SNG Draft Programmatic Environmental Impact Statement which is currently available.

Comments are solicited as to criteria to be considered in analyzing applications pertaining to existing and new SNG plants and as to alternative means of implementing new policies. Specifically, commenters are requested to respond to the following questions which address some of the concerns which FEA is considering in the SNG area:

1. If the fuel conversion to coal from oil and gas and other conservation/regulatory measures contained in the National Energy Plan are implemented, what market is foreseen for SNG?

2. Are there any regions or areas of the country where SNG (on a systems basis) is more efficient than alternative energy supply delivery systems?

3. Are there any regions or areas of the country where the use of SNG rather than alternative supplies has a significant beneficial environmental impact? In these regions, would the benefit still be significant if the SNG were used only by high priority customers?

4. Should FEA require that all new SNG feedstock allocations be imports?

5. Should new, revised criteria be applied to future allocations to existing SNG plants as well as to new and expanded SNG plants?

6. What will the economic impact be on the supply and demand for petroleum feedstocks and on traditional customers of these feedstocks in the event that the existing FEA allocation policies are revised to increase the number of SNG feedstock allocations?

7. Should FEA establish a priority of fuels/feedstocks as a policy or criterion for SNG feedstock allocations? Would a "heavier the better" policy for feedstock priority make sense considering both security of supply and potential availability of supplies?

8. If FEA established a policy which limited new SNG feedstock allocations to plants which were financed on a 10 to 15 year basis rather than on a 20 to 30 year basis, what would the impact be on costs, prices, future capital availability, utilization of alternative supply sources, etc.?

9. Should feedstock allocations be granted for base load plants or seasonal plants? To what extent is the cost of the SNG reduced by operating a plant on a year-round basis?

10. Should SNG feedstock allocations be granted for the purpose of providing supplies to new residential, commercial and other high priority loads?

11. What are the most recent developments in SNG technology? What commercial processes are available that can utilize a variety of feedstocks such as residual oil and crude oil? What improvements can be anticipated with regard to presently available reforming technology?

12. What effect will the incremental pricing provision included in Section 414 of the proposed National Energy Act have on SNG demand?

13. What areas of the country have critical peak load needs that require new SNG plants? What class of customer (FPO priority) should be considered as having a critical need for purposes of SNG feedstock allocation?

14. What specific criteria should be proposed for review of SNG feedstock allocation applications?

15. Should the FEA allocation regulations be revised to cover all existing and potential SNG feedstocks?

B. COMMENT PROCEDURES

1. *Written comments.* Interested persons are invited to submit written comments with respect to the Notice of Inquiry to Executive Communications, FEA, Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Box Number NQ. Comments should be identified on the outside of the envelope and on the documents submitted to FEA with the designation "Comments on SNG Notice of Inquiry." Fifteen (15) copies should be submitted. All comments and related information should be received by FEA by July 15, 1977, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only, in accordance with the procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

2. *Public Hearing.* a. *Request procedures.* A public hearing on the Notice of Inquiry will be held at 9:30 a.m., e.d.t., on July 18, 1977, Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C. to receive oral presentations from interested persons, and if necessary will be continued at the same time at the same location on July 19, 1977.

Any person who has an interest in the Notice of Inquiry or who is a representative of a group or class of persons which has an interest in this matter may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Room 3317, Box NQ, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p. m., e.d.t., July 13, 1977. Such a request may be hand-delivered to Room 3317, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a. m. and 4:30 p. m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he or she is a proper representative of a group or class of persons which has such an interest; and to give concise summary of the proposed oral presentation and a phone number where he or she may be reached through July 14, 1977. Each person selected to be heard will be notified by FEA before 4:30 p.m., e.d.t., July 14, 1977, and must submit 100 copies of his or her proposed statement to executive Communications FEA, Room 3317, 12th and Pennsylvania Avenue NW., Washington, D.C., 20461, before 4:30 p.m., e.d.t., on July 15, 1977.

b. *Conduct of Hearings.* FEA reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to Executive Communications, FEA, before 4:30 p. m., e. d..t., July 15, 1977. FEA will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by FEA and made available for inspection at the FEA Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a. m. and 4:30 p. m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., June 24, 1977.

ERIC J. FYGI,
Acting General Counsel.

[FR Doc.77–18577 Filed 6–24–77;2:16 pm]

FEDERAL TRADE COMMISSION

MAGNUSON-MOSS WARRANTY—FTC IMPROVEMENT ACT

Guidelines for Public Participation in Rulemaking Proceedings; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document corrects: Magnuson-Moss Warranty—FTC Improvement Act: Guidelines for Public Participation in Rulemaking Proceedings, that was published in the FEDERAL REGISTER on Tuesday, June 14, 1977 (42 FR 30480–30487).

FOR FURTHER INFORMATION CONTACT:

Bonnie Naradzay, Special Assistant for Compensation, Office of the Director, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202–523–3868).

SUPPLEMENTARY INFORMATION: The following corrections are made in

FR Doc. 77–16925: (1) Page 30481, middle column, under the heading—*Post-Hearing Participation*, first paragraph, *Step 14* should read *Step 11*; (2) Page 30481, middle column, footnote 4 should read footnote 2.

CAROL M. THOMAS,
Secretary.

[FR Doc.77–18393 Filed 6–27–77;8:45 am]

MAGNUSON-MOSS WARRANTY—FTC IMPROVEMENT ACT

Guidelines for Public Participation in Rulemaking Proceedings

Correction

In FR Doc. 77–16925, appearing at page 30480 in the issue of Tuesday, June 14, 1977, make the following corrections on page 30481.

In the first column, in the section which begins "*Step 6*": (1) In the fourth line the word "this" should be changed to read "his"; (2) the last line should be deleted, and in its place inserted "quate notice of the final deadline."

In the third column in the ninth paragraph which begins "The language • • •", insert the following between the first and second lines: "interpretation. Because the compensation."

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 22, 1977. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed NRC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before July 18, 1977, and should be addressed to Mr. John M. Lovelady, Acting Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5033, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

NUCLEAR REGULATORY COMMISSION

NRC is requesting an extension no change clearance of a Class Exemption For Reports Concerning Possible Generic Problems. NRC as part of its program activities conducts an inspection and enforcement program to assure that activities conducted by licensees are performed in a manner to ensure adequate protection of the health and safety of the public, the common defense and security, and the quality of the environment. Reportable occurrences or unusual events, equipment failures, construction problems, and issues discovered or raised by the technical staff during the safety review are brought to the attention of the NRC through licensee reporting procedures, the safety review process itself, and by NRC's inspection staff. Reports submitted by the licensee and issues discovered by the staff are evaluated, and if the NRC determines that the reported event or issue may have significant generic implications—that is, affecting other facilities—a summary notification and/or request for information is immediately sent to other licensees and applicants that may be similarly affected. The notice alerts the licensees/applicants and requests them to take appropriate action to assure that the same situation does not exist or will not occur at their facility. Depending upon the seriousness of the problem, the notice may require prompt reports to the NRC presenting the results of the inspection, corrective measures taken, or analysis performed.

Based on the information obtained from licensees/applicants and the staff's evaluation of the problem, new regulatory requirements may be identified. Depending upon the nature of the problem and its resolution, these new requirements could be imposed by regulation, or they could be imposed on affected facilities individually by amendment to the technical specifications or conditions of their construction permit or operating license. In addition, the NRC could issue a Regulatory Guide which would describe the nature of the problem and the method or methods found adequate by the regulatory staff for its resolution. Potential respondents include 64 nuclear power plants licensed for operation, 70 plants which have received construction permits, 66 plants under construction permit review, and approximately 8,000 persons authorized by license to possess byproduct, source or special nuclear materials. NRC estimates the reporting requirement will affect 63 facilities and that reporting burden will average 30,000 hours annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.77–18488 Filed 6–27–77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 77N–0058]

NDA 1–497, MERCK SHARP & DOHME, ET AL.

New Drug Applications; Withdrawal of Approval

Correction

In FR Doc. 77–15691 appearing at page 29104 in the issue for Tuesday, June 7, 1977, make the following changes:

1. The effective date which appears in the first column on page 29104, and also in the second paragraph of the first column on page 29105 should read "June 17, 1977", instead of "June 13, 1977".

2. In the first paragraph of the first column on page 29105, the 14th line should read "§ 310.300 or § 310.302 (e) and (f) of the"., in lieu of "§ 310.300 and § 310.302 (e) and (e) of the".

NOTE.—This correction is republished without change from the issue of Thursday, June 23, 1977.

[Docket No. 76N–0305]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

In FR Doc. 77–15689 appearing at page 29105 in the issue for Tuesday, June 7, 1977, in the table on page 29106, under the column labeled "Substances", the second substance spelled "Hypothosphites", should be spelled "Hypophosphites".

Office of Education

ELEMENTARY AND SECONDARY EDUCATION ACT

Public Hearing on Reauthorization Issues

AGENCY: Department of Health, Education and Welfare.

ACTION: Notice of Public Hearing.

SUMMARY: This document establishes the time and date for a public hearing on the expiration of the Elementary and Secondary Education Act (ESEA) and other Education legislation, in order to develop an Administration position that will be submitted to Congress in the fall of 1977.

DATE: July 13, 1977, 8:30 a.m. to 1 p.m., 2 p.m. to 6 p.m.

ADDRESS: Washington, D.C.: HEW Building (North), Departmental Auditorium, 330 Independence Ave. SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Emily Williams, Office of the Assistant Secretary for Education (202–245–8004).

SUPPLEMENTARY INFORMATION: This public discussion will be under the sponsorship of the Assistant Secretary for Education and the U.S. Commissioner of Education. The purpose of this public hearing is to discuss the issues to be considered during the reauthorization of programs expiring in FY 78. In addition to the issues specific to each program, certain generic issues prevail across programs. These include establishing relevant and viable Federal/State relationships, developing strategies for innovation and change, and building local capacity to provide educational services of sufficient quality and quantity. Common to most programs also are issues concerning the effective implementation of curriculum development, testing teacher training programs, evaluation, dissemination, and adaptation of relevant procedures successfully undertaken in certain school systems.

The hearings will be chaired by the Assistant Secretary for Education, Mary F. Berry and the U.S. Commissioner of Education Ernest Boyer. We will try to assure a fair opportunity for proponents of all positions to present their views. Participants will be permitted a maximum of 5 minutes each, and panelists will have 5 minutes to respond to the testimony of each witness. Written statements may be offered by any person, including those who testify orally. Such statements should be submitted directly to: Emily Williams, Office of the Assistant Secretary for Education on or before July 5, 1977. They should be addressed to Emily Williams, Office of the Assistant Secretary for Education, South Portal Building (317–H), 200 Independence Ave. SW., Washington, D.C. 20201.

Requests to testify will be accepted from public officials, representatives of educational organizations and concerned citizens. Those desiring to participate in the public hearing should write directly to Ms. Williams, on or before July 5, 1977, providing the following information: (1) Name; (2) business address; (3) telephone number during normal working hours; (4) capacity in which presentation will be made (i.e. public official, organizational representative, citizen); (5) principal issues to be addressed and basic position on them; (6) time desired, which must be 5 minutes or less; (7) text of presentation, if available.

In order to expedite receipt of requests to speak, envelopes should be marked ESEA Reauthorization Issues, and should be addressed to Ms. Williams at the above address, or delivered to Room 317–H Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C.

To aid the process of identifying issues upon which comment or testimony might be based, we have included an appendix which outlines the issues and programs expiring in FY 78.

The public and press are invited. The transcription and all written submission will become a part of the record in the proceeding.

Dated: June 20, 1977.

MARY F. BERRY,
Assistant Secretary for Education.

Dated: June 22, 1977.

HENRY AARON,
Assistant Secretary for Planning and Evaluation.

Dated: June 20, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Nos. 13.427–13.431, Title I, Elementary Secondary Education Act; 13.570–13.571, Title I. Elementary Secondary Education Act; 13.541, 13.553, 13.554, Special Projects; 13.403, Billingual Education; 13.532(2), 13.589(d), 13.590(d), Elementary Secondary Assistance Act; 13.-477–13.478, Impact Aid; 13.400, Adult Education; 13.533, Right-to-Read; 13.554, Career Education; 13.413, Educational Broadcasting Facilities; 13.549, Ethnic Heritage; 13.534, Indian Education.)

TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT

I. FUNDS ALLOCATION ISSUES (LEA PROGRAM)

Title I funds are distributed by Federal formula down to local areas (i.e., counties) within States. Each area's share in Title I allocations depends on the size of its eligible population and on the state's payment rate per eligible child. The Title I eligible population is defined as the sum of schoolage children from families below the official census definition of poverty and children from families who received annual AFDC payments in amounts above the poverty threshold. The rate of per pupil payment is 40 percent of each state's average per pupil expenditures but with no State paid at less than 80 percent or more than 120 percent of the national average expenditure. In addition, certain other children (i.e., migrants and institutionalized) are eligible for Title I funds in State-operated programs separate from the LEA program.

A. *Method of counting eligibles.* 1. Should the measure of poverty used in the formula be revised?

The Congressionally mandated study of the definition of poverty presents a number of possible alternatives that could be considered.

B. *Payment rate.* Should the procedure for determining the payment rate be changed?

C. *Updating.* Should Title I poverty counts be updated using 1976 income information from the Survey of Income and Education? Should a procedure be adopted for some other kind of regular updating of poverty counts?

D. *Expediting allocations.* Should alternatives be considered to facilitate the allocation process?

Some of the options are: (1) Setting aside a percentage of Title I allotment for children in State-operated programs without requiring counts of such children. (2) Determining State allotment only, leaving to States the allocation of funds to LEA's under prescribed criteria. (3) Requiring counts only every other year or every third year.

E. *Poverty/Low Achievement.* A bill to be introduced by Congressman Quie (Minority Leader of the House Education Subcommittee) is based on concern that funds be directed specifically to those in need of additional services to gain basic skills. NIE is presently conducting a mandated study of this issue.

II. LEA PROGRAM ISSUES AND ADMINISTRATION

Simplify and Improve Administration

1. *Follow-the-child.* A. Should certain restrictions on the targeting of Title I funds be changed in order to permit Title I services to "follow the child" in districts where Title I participants are moved to non-Title I schools as a result of desegregation?

2. *SAFA "Low-Rent Housing" Payments, P.L. 81–874, Sec. 5(c).* A. Should federally assisted low-rent housing continue to be the basis for Sec. 5(c) payments to LEAs?

B. If so, should payments be changed to "no strings" impact aid or continue as restricted to "Title I type" projects?

3. *Puerto Rico and the outlying areas.* A. Should the Title I legislation or regulations be amended to allow funds to be used for general upgrading of the education system in Puerto Rico and the outlying areas?

B. If such a change is made, should it encompass all OE entitlement programs?

4. *State compensatory education programs* A. Should the legislation be changed to clarify the relationship of Title I and State compensatory education programs?

5. *State Administration set-aside.* A. Is there a demonstrated need to increase the 1 percent limitation on SEA set-aside for administration costs?

6. *Enforcement.* A. Should new types of enforcement mechanisms be adopted for Title I?

Improve Program Quality Responsiveness

1. *Parent Advisory Councils (PACs).* A. Should State level PACs be required under Title I?

2. *Teacher involvement.* A. Should teacher involvement in the planning of Title I projects be required by law in a similar way that parent involvement is so required?

3. *Individualized educational plans.* A. Should schools be required by law to develop individualized educational plans for Title I participants? (Current Law and regulations "encourage" such plans, but do not require them.)

4. *Discretionary fund.* A. Should a certain percentage of Title I funds be set aside for OE to use in discretionary grants for pilot projects, capacity building, and similar activities? Examples of the types of projects that might be assisted from such a fund would include: (a) Demonstration projects for improved parent participation; (b) Special SEA technical assistance programs.

5. *Program emphasis.* A. Should decisions regarding program content be left to the discretion of the LEA's or should there be a mandated focus?

LEA's now can exercise wide discretion in which activities to fund, although OE encourages basic skills programs. There has been some discussion about setting a minimum funding level on basic skills activities.

B. Recent studies suggest the importance of continuity in program delivery. Should LEA's be encouraged to distribute funds in such a way that sufficient resources are available for longitudinal and summer programs?

6. *Program overlap.* A. Should consideration be given to allowing Title I funds to be used to support the entire school building instructional program under an appropriate plan when the number of potential participants in categorical programs in that building is exceptionally high?

JUN 28 77
UM

Incentives for States

1. *Part B.* A. Should the Incentive Grant provisions in Title I, Part B be changed to a "matching grant" program for States having State compensatory education programs?

IV. STATE OPERATED PROGRAMS (MIGRANT, N D, HANDICAPPED)

A. *Funds Allocation Issues* 1. Should the practice of automatic full-funding for State operated programs be continued? 2. Should hold harmless levels for State operated programs be changed?

B. *Program Issues* 1. *Cross cutting.* (a) Should more specific statement of purpose be added to the law for State operated programs?

2. *Migrants.* (a) Should the priority system be changed so that services are provided first to current migrants (pre-school and school age) and then to former migrants (pre-school and school age)? (b) Should the definition of "migrant" be changed?

3. *Handicapped.* (a) Should a 2-year limit be placed on the eligibility of an LEA transfer student? (b) Should the program authority be moved to the new Education for All Handicapped Act or remain in Title I, ESEA?

4. *Neglected* or *delinquent.* Should the payments to LEAs for children in institutions be consolidated with the State operated program?

C. Administrative issues 1. Should the administration of the Migrant and Neglected or Delinquent programs be changed? Should these programs be administered separately from the basic Title I LEA program? 2. Should there be separate set-asides for the SEA administration of State-operated programs?

TITLE IV, ELEMENTARY AND SECONDARY EDUCATION ACT

(Includes: ESEA Title IV-School Library Resources; NDEA Title III—Strengthening Curriculum; ESEA Title III—Guidance and Testing; ESEA Title III—Supplementary Services; ESEA Title V—Strengthening SEA's and LEA's; ESEA VII—Sections 807 and 808, Dropout Prevention and School Health/Nutrition Services.)

I. CONSOLIDATION

A. Should the funds triggering condition for the Title IV consolidation to take effect be removed?

II. PROGRAM ISSUES

A. Should funds for evaluation innovation, demonstration and dissemination be related to one another and targeted in a way to help SEAs and LEAs and schools develop their own problem solving capacity?

At present demonstration and dissemination efforts are focussed on local adaptation of successful projects at other sites. An alternative to this process could be the provision of entitlements that would allow schools to analyze their own problems so that they are capable of determining which models apply best to their own situations.

B. Should discretionary funds be given to SEAs and LEAs for purposes of retaining the successful components of all compensatory programs into a common package?

Currently, experimentation occurs independently in such programs as Title I, Bilingual and Right to Read in the effort to develop the most successful techniques for improving student academic skills. An alternative to this approach would be to consolidate these experimental activities under a pool of funds available to LEAs.

C. Should a certain amount of Title IV funds be earmarked for teacher involvement in LEA activities aimed at upgrading educational programs including Teacher Centers and teacher training in general?

III. FUNDING

Should a mechanism be implemented which would allow funds to be eased out of projects over a specified number of years so that programs do not terminate with the conclusion of funding?

IV. ADMINISTRATIVE CONCERNS

A. Should the 5 percent set aside for State administrative funds on the total Part B and C appropriation be changed to allow a 5 percent set aside on each amount separately?

This is felt to be a problem since as a result of Part B being a 95 percent pass through program to LEA's, the State administration of the program does not receive an equitable proportion of the administrative set aside.

B. Should OE administrative authority for Title IV be consolidated by specially authorizing Part B and C to be administered by one office?

Currently separate legislation relating to libraries requires all OE programs affecting libraries to be administered by the Division of Library Programs.

SPECIAL PROJECTS ACT

(Includes Metric Education, Gifted and Talented Programs, Community Schools, Career Education, Consumer Education, Women's Educational Equity, Elementary and Secondary School Education in the Arts.)

1. Should the Commissioner's discretion be untied from Special Projects funding?

Present legislation requires the Commissioner to pro rate fund the above Special Projects programs in order to fund new and experimental OE discretionary programs. This may be a useful time to explore relaxation of this constraining on the Commissionbe reauthorized?

2. Which Special Project programs should

Originally some Special Project programs were viewed as of limited duration—e.g. Metric Education, Consumer Education and Community Education. The question is whether to phase such programs out, reauthorize them or include them in a State consolidation (Title IV) approach.

TITLE VII, ESEA—BILINGUAL EDUCATION

I. PROGRAM CONTENT

A. Should we review and reassess present Title VII requirements?

B. Should the program be shifted to simply a bilingual program aimed exclusively at limited-English speaking children, with a bicultural program authorized under other authority for all children?

C. Should this quasi-service program be shifted toward a full service support program? This option would include either permanent assistance for bilingual education services or temporary support for bilingual education start-up costs. Such an "installation" strategy could include a legislated restriction on the time period for Federal assistance. Given current evaluation findings, does an expanded service program make sense at this time? Or should the program be limited to demonstration and development?

II. AUXILARY SERVICES

Should bilingual teacher training and curriculum development/dissemination efforts be expanded?

III. STATE ROLE

Should funds be made available to SEA's to develop comprehensive State plans for bilingual education (using Lau guidelines as a minimum standard)? How does an LEA comply with Lau and at the same time comply with desegregation requirements? How should Title VII activities be coordinated with Lau technical assistance activities carried out under Title IV of the Civil Rights Act?

EMERGENCY SCHOOL AID ACT

I. REAUTHORIZATION

A. A one-year extension be requested for the items in ESAA expiring in 1978?[2]

Since only a portion of ESAA expires in 1978 with the rest expiring in 1979, it would seem reasonable to extend the expiring items for one year and to consider the entire ESAA package in the 1979 cycle. On the other hand it might be preferable to send Congress a comprehensive elementary/secondary proposal at this time, which would suggest that we include all of ESAA in the 1978 reauthorization proposal. A third possibility is that we include a general consideration of ESAA in the current analysis, in order to prepare a comprehensive elementary/secondary proposal, but that we delay decisions on the specifics of the ESAA reauthorization until the 1979 cycle.

B. What would be the general outlines of a complete ESEA reauthorization proposal?

No matter which of the above approaches is taken, it will be necessary to consider the overall direction of ESAA from the point of view of several distinct issues.

1. What should be the purpose of this program? Should it be to assist desegrating districts, to encourage increased voluntary desegregation, to help overcome the effects of past segregation, or to do all of these things?

2. Who should be eligible to receive ESAA funds? Should districts who are preparing to desegregate be eligible in addition to currently desegregating districts?

3. What activities should ESAA funds be spent on? If we decide that one purpose for ESAA is to act as an incentive, should incentive monies have fewer strings attached? If a major purpose is to help desegregating districts get through crisis periods, should currently prohibited expenditures be permitted, such as expenditures for transportation and for designing a plan?

4. How should available funds be divided among eligible recipients? Should the State allocation procedure be retained? Should funds be awarded to districts on a formula basis according to the amount of desegregation occurring or about to occur, or should the current discretionary award procedure be retained?

5. How should the ESAA programs other than Basic Grants be treated? Should ESAA be streamlined to exclude all but Basic Grants? Should each of the supplementary programs be reviewed separately to determine whether or not it contributes to the major purpose of ESAA?

II. SEC. 704(c) AND 704(d)

If a comprehensive ESAA proposal is not submitted in the 1978 package and if Sec. 704 (c) and (d) are not extended for one year, it will be necessary to submit a re-

[1] Only a portion of ESAA expires in 1978, with the remainder of the Act expiring in 1979. The parts that expire in 1978 are, first, Sec. 704(c), which authorizes additional funds for discretionary activities under Sec. 708(a), and, second, Sec. 704(d), which authorizes funds for new activities including magnet schools, planning for neutral site schools, and pairing of schools with universities and businesses.

[2] This question may be answered for us if the committee intend to take up ESAA and reauthorize the entire Act alongside their reauthorization of ESEA and other authorities expiring in 1978.

authorization proposal for these two items.

1. How well do the priorities reflected in the budget authorities and permissible activities of 704 (c) and (d) mesh with the overall purpose and approach of ESAA, as determined by the analyses proposed in No. 2 on the preceding page?

2. What substitute might be proposed which would improve the fit between current 704 (c) and (d) and the revised ESAA which would emerge from those analyses?

3. What is the advisibility of amending Title IV to permit technical assistance to districts seeking to comply with Sec. 704?

III. PROGRAM EMPHASIS

1. What is the advisability of adding a fourth purpose clause to the statute that would encourage the use of ESAA funds for human relations to aid in the elimination of minority group segregation among students and faculty in elementary and secondary schools?

Evaluation findings suggest that human relations programs may be the most productive activities in desegregating districts. In addition, such programs may even have a larger impact on improving basic skills than direct basic skills introduction.

2. Should ESAA funds be appropriated to magnet schools?

IV. TARGETING END USE OF FUNDS

1. A major problem which arises in some desegregation districts is the dispersion of Title I students as a result of the implementation of a desegregation plan. Should certain provisions be placed on ESAA funds so that Title I students enrolled in desegregating districts are not denied the kinds of services available under Title I?

2. What is the appropriateness of reintroducing a metropolitan area project setaside?

3. What is the advisability of establishing incentives to encourage voluntary compliance?

4. What is the advisability of initiating a provision to "taper" off funds in order to gradually phase districts out programs?

INDIAN EDUCATION

PROGRAM EMPHASIS

1. Should the Title IV statement of purposes be expanded from "to meet special educational needs of Indian students" to "to meet special cultural and educational needs of Indian students."

2. Should the Part A entitlement formula be changed to increase the minimum number of students required to receive a grant?

3. Should the Indian Education Act be modified to include specific provisions allowing the conduct of researoh on Indian education?

4. Should the Indian Education Act be modified to include specific provisions for technical assistance to grantees and to resolve problems between parent committees and school districts in cases where the school district does not apply for Part A funds?

5. Should the upper limit of the Part A non-LEA set aside be changed from the current level of 10 percent?

IMPACT AID

1. Should the Department consider legislative reforms to the Impact Aid program other than the proposed elimination of "B" category pupils contained in the fiscal year 1978 budget?

The impact aid program is the second largest Federal program, currently funded at $793 million. It is estimated that by 1980, the program will have grown to over one billion dollars. Reform of this program has been urged for several reasons. These include the fact that many districts receiving impact aid are not fiscally needy and that the amount of tax savings to most districts from impact aid payments is comparatively small. In addition, administrative procedures that are required to determine Federal payments and to coordinate Federal impact aid payments with State assistance for equalization are extremely complicated.

The Carter budget proposal would eliminate the payments to "B" category children (i.e., those whose parents do not both reside and work on Federal property). Political opposition to this proposal will be severe and the Department may wish to consider other reforms of the payment structure that could move to control costs, improve targeting, and reduce administrative burdens. These possible reforms include those discussed below.

2. Should pupil eligibility requirements be modified to eliminate out-of-district pupils (i.e., those whose parents work on Federal property outside their districts or residence)?

3. Should payment rates be modified to target Federal aid on heavily impacted districts or to more equitably adjust for economic factors?

4. Should there be revisions to the recent provision in the impact aid program designed to coordinate Federal impact aid payments with state equalization programs?

This provision, which applies only to States with "acceptable equalization" programs, has been highly controversial and new approaches to achieve better coordination with State efforts merit study.

5. Should the Impact Aid pinpoint provision be revised in order to control the rapid escalation of Federal outlays under this authority?

Pinpoint disaster relief has put the Federal government into the position of compensating school systems for damages that could be covered under private insurance plans.

ADULT EDUCATION

1. Should the educational objectives of the program be broadened to include "functional competencies" as well as grade level and high school equivalency as objectives?

2. Does the current distribution formula correspond adequately to the population most in need of services? If not, what changes should be made?

3. Should incentives be used to encourage States to serve high-priority educational needs, such as:

(a) Out-of-school youth and young adults lacking functional competencies?

(b) Adults lacking functional competencies?

(c) Adults lacking competencies to function proficiently?

(d) Migrants?

(e) Immigrants?

4. Should discretionary grant authority for the Commissioner be added to the statute? If so, what kinds of activities should be authorized?

(a) Projects of national significance?

(b) Technical assistance projects?

(c) Demonstration projects?

(e) Curriculum development?

5. Would strengthening the role and effectiveness of advisory councils be desirable?

6. Should authority be added for public educational institutions to enter into joint projects with the private sector, including business, to expand adult educalton programs? Should the content of instructional programs supported by the Act be more closely coordinated with employment?

7. Should the authorized appropriations levels for the program be significantly expanded?

NATIONAL READING IMPROVEMENT PROGRAM

RIGHT-TO-READ

1. What is the relationship of Right-to-Read to the larger Federal mission to increase literacy?

The purpose and target groups of the Right-to-Read programs—a small demonstration program—overlap with those of other Federal service programs (e.g., ESEA Title I and Adult Education). A discussion of the relationship of Right-to-Read crosscutting authority for advising and/or structuring literacy efforts in other Federal programs. The option of reducing direct services components in Right-to-Read due to overlap with these other service programs should also be examined.

2. Should the State role in literacy services be expanded?

The need for expansion arises from current State moves toward standards for functional literacy/compentency. An expanded State role would entail:

Greater application review, monitoring, technical assistance responsibilities.

Greater authority to coordinate Right-to-Read with other State, local, and possibly Federal literacy activities.

Establishment of literacy units in some or all State offices.

CAREER EDUCATION

1. Should a career education program be continued at the Federal level?

2. If so, should the program be a service program? Demonstration?

3. Should such a program be a State grant program? LEA grants? Discretionary grants administered by the Commissioner?

4. What activities should be authorized in a career education program? Possible uses of funds include:

(a) Administration (State and/or local).

(b) Training of administrative personnel and teachers.

(c) Dissemination activities.

(d) Evaluation.

(e) Curriculum development.

(f) Program activities.

EDUCATIONAL BROADCAST FACILITIES

The Secretary is considering a draft bill proposing a 1 year extension of Pub. L. 94-309, Education Broadcasting Facilities and Telecommunications Demonstrations, at a total authorization level of $15 million for fiscal year 1978. Possible issues for fiscal year 1979 include the following:

1. What is the appropriate authorization level and length of authorization?

2. Should the EBF authority be expanded to include nonbroadcast technologies?

3. Would broader authority be desirable, to include the following:

(a) State and regional telecommunications planning?

(b) Amendment of nonbroadcast demonstrations authority to include: (1) Closed circuit TV services; (2) broadband communications satellite-cable in rural areas?

(c) Programing authority?

4. What is the proper organizational location?

(a) Should EBF remain in OE in spite of its current "hardware" emphasis?

(b) Should the program be transferred to OS?

(c) Should it be transferred out of HEW entirely to the Corporation for Public Broadcasting?

JUN 28 77
UM

OTHER PROGRAMS

I. ESEA TITLE IX—ETHNIC HERITAGE STUDIES PROGRAM P.L. 93-278—ENVIRONMENTAL EDUCATION

These two programs share the same issues: (a) Whether to reauthorize as a necessary activity? (b) Setting of authorization levels?

(c) Length of reauthorization period?

II. GEPA, SEC. 422(a) NATIONAL DIFFUSION NETWORK

Should the Commissioner be permitted to use assistance contracts or grants instead of procurement contracts?

FUNDS ALLOCATION ISSUES

1. Comments on how various requirements which are designed to ensure that Federal funds do not replace State or local funds could be made more effective and/or simplified are solicited. These requirements include:

1. Supplement not Supplant (all programs).

2. Maintenance of Effort (all programs).

3. Comparability (Title I).

4. Excess Costs (Handicapped, Title I).

[FR Doc.77-18457 Filed 6-27-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice.

SUMMARY: The notice sets forth the schedule and proposed agenda of forthcoming meetings of the National Advisory Council on Indian Education. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)).

DATES: Meetings: July 8 and 9, 1977, 8:30 a.m. to 5 p.m., closed, and July 10, 1977, 8:30 a.m. to 3 p.m., closed.

ADDRESS: 425 13th Street NW., Room 326, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT:

Stuard A. Tonemah, Executive Director, National Advisory Council on Indian Education, 425 13th Street NW., Room 326, Washington, D.C. 20004 (202-376-8882).

SUPPLEMENTARY INFORMATION: The Council is directed to:

(1) Advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874), as added by this Act, and section 810, Title VIII of the Elementary and Secondard Education Act of 1965, as added by this Act and with respect to adequate funding thereof;

(2) Review applications for the assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), as added by this Act, Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965, as added by this Act and. Section 314 of the Adult Education Act, as added by this Act, and make recommendations to the Commissioner with respect to their approval;

(3) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) as added by Title IV, Part A of Pub. L. 92-318; and

(6) To submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include statement of the National Advisory Council's recommendations to the Commissioner with respect to the funding of any such programs.

The Council, pursuant to the authority contained in section 441(a) of Pub. L. 92-318, (20 U.S.C. 1221f), shall submit a list of nominees from which the Commissioner of Education shall appoint a Deputy Commissioner of Indian education.

The July 8-10, 1977, meeting of the National Advisory Council on Indian Education shall be closed to the public, since the Council members will be reviewing proposals that must be held in confidence, under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in the Government in the Sunshine Act, Section 552b(c) (4) and (6) of Title 5 U.S.C. (Pub. L. 94-409), 45 CFR 5.71 (a) and (c).

The proposed agenda includes:

(1) Review of the Indian Education Act proposals submitted under Parts B, C, and Non-LEAs (Title IV, Pub. L. 92-318) and Sec. 422(a) and 423(a) (Pub. L. 93-380).

(2) Recommendations to the Commissioner with respect to their approval.

Records shall be kept of all Council proceedings and shall be available 14 days after the meeting to the public at the office of the National Advisory Council on Indian Education located at 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on June 22, 1977.

STUART A. TONEMAH,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.77-18387 Filed 6-27-77;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON NATIONAL HEALTH INSURANCE ISSUES

Meetings

Notice of the establishment of the Advisory Committee on National Health Insurance Issues was published in the April 21, 1977, FEDERAL REGISTER (Vol. 42, No. 77, Pages 20675 and 20676).

Pursuant to Pub. L. 92-463, notice is hereby given of one meeting of the Advisory Committee to be held on Wednesday, July 13, 1977, and another on Thursday, July 14, 1977.

The July 13 meeting will be held from 2 p.m. to 5:30 p.m. at the Oaks Hills Motor Inn, 7401 Wurzbach Road, San Antonio, Texas. The agenda will include problems of migrant health care and rural health care. The July 14 meeting will be held from 10:30 a.m. to 12 noon and from 1 p.m. to 4 p.m. on the 8th floor of the Lyndon Baines Johnson Library, 2313 Red River, Austin, Texas. The agenda will include a discussion of the role of states in the administration of national health insurance.

These meetings will be open to the public.

Further information on these meetings may be obtained from either SueZanne Hagans in Washington, D.C., 202-472-3026 or from Dan Reed in Dallas, Texas, 214-655-3301.

Dated: June 22, 1977.

SUSANNE STOIBER,
Project Coordinator.

[FR Doc.77-14337 Filed 6-27-77;8:45 am]

INSTITUTE OF MUSEUM SERVICES

Statement of Organization, Functions, and Delegations of Authority

Part E of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Education Division, is amended by the addition of a new Chapter EM, "Institute of Museum Services." The Institute is established within the Department of Health, Education, and Welfare by Public Law 94-462, the Arts, Humanities, and Cultural Affairs Act of 1976, signed into law by the President on October 8, 1976. The Institute is a new education agency within the Education Division. The new Chapter reads as follows:

EM.00 Mission. The Institute of Museum Services encourages and assists museums in their education role, in conjunction with formal systems of elementary, secondary, and post-secondary education and with programs of non-formal education for all age groups. The Institute assists museums in modernizing their methods and facilities so that they may be better able to conserve our cultural, historic, and scientific heritage; and eases the financial burden borne by museums as a result of their increasing use by the public.

EM.10 Organization. The Institute of Museum Services consists of a National Museum Services Board and a Director of the Institute. The Director of the Institute reports through the Assistant Secretary for Education to the Secretary of Health, Education, and Welfare, with respect to the activities of the Institute. An Associate Director is responsible to the Director and acts for the Director in the Director's absence or disability, or in the case of a vacancy in that position.

EM.20 Functions. A. The Board establishes the general policies with respect to the powers, duties, and authorities vested in the Institute, and obtains from the Director such information or assistance as is necessary to carry out its functions. Acting with the advice of the Director, the Board assures that the policies and purposes of the Institute are coordinated with other activities of the Federal government.

B. The Director, subject to the policy direction of the Board, makes grants to museums to increase and improve museum services, through such activities as:

1. Programs to enable museums to construct or install displays, interpretations, and exhibitions in order to improve their services to the public;

2. Assisting them in developing and maintaining professionally-trained or otherwise experienced staff to meet their needs;

3. Assisting them to meet their administrative costs in preserving and maintaining their collections, exhibiting them to the public, and providing educational programs to the public through the use of their collections;

4. Assisting museums in cooperation with each other in the development of traveling exhibitions, meeting transportation costs, and identifying and locating collections available for loan;

5. Assisting them in the conservation of artifacts and art objects; and

6. Developing and carrying out specialized programs for specific segments of the public, such as programs for urban neighborhoods, rural areas, Indian reservations, and penal and other State institutions.

C. The Institute accepts, in the name of the United States, grants, gifts or bequests of money for immediate disbursements in furtherance of the functions of the Institute.

Dated: June 17, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-14335 Filed 6-27-77;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH ET AL

Statement of Organization, Functions, and Delegations of Authority

Based on the Secretary's Reorganization Order (42 FR 13262, March 9, 1977), establishing the Health Care Financing Administration (HCFA), Part H, Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority (38 FR 18571, July 12, 1973, as amended by 40 FR 48960, October 20, 1975; 41 FR 53374, December 6, 1976; 39 FR 31680, August 30, 1974; and 41 FR 22292, June 2, 1976) is amended to reflect the current responsibilities of the Office of Quality Standards, change the title of the Office of Health Maintenance Organizations Qualification and Compliance to the Division of Health Maintenance Organizations Qualification and Compliance, establish a new Division of Policy Development and Review in the Office of Quality Standards, and abolish in its entirety the Office of Long Term Care, which was transferred to HCFA.

Part H, Chapter HD (Public Health Service (PHS) Regional Offices) of the Statement of Organization, Functions, and Delegations of Authority (39 FR 1468, January 9, 1974, as amended most recently at 42 FR 4903, January 26, 1977) is amended to abolish in its entirety the Division of Quality and Standards. The functions of this division were transferred to HCFA.

Part H, Chapter HR (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority (39 FR 1456, January 9, 1974, as amended by 41 FR 4956, February 3, 1976) is amended to delete the Division of Long-Term Care from the Immediate Office of the Administrator. The long-term care function was transferred to HCFA.

Part H, Chapter HS (Health Services Administration) of the Statement of Organization, Functions, and Delegations of Authority (39 FR 10467-8, March 20, 1974, as amended most recently at 42 FR 14930, March 17, 1977) is amended to abolish in its entirety the Bureau of Quality Assurance (BQA). The functions of BQA were transferred to HCFA.

Section HA-B Organization and Functions is amended as follows:

1. Delete the statement for the Office of Quality Standards (HAC) in its entirety and substitute the following statement:

Office of Quality Standards (HAC). The Director of the Office of Quality Standards provides scientific, professional, and technical advice and serves as the principal advisor to the Assistant Secretary for Health concerning programs of health care standards, quality assurance, and Health Maintenance Organizations. Conducts special analyses and develops policy guidelines, provides professional and technical advice to the Health Care Financing Administration (HCFA) for the establishment and application of health care standards and the development of quality assurance programs, including the development of regulations, and serves as the focal point for the Assistant Secretary of Health's review and clearance of Departmental regulations in these areas. Oversees interagency efforts to integrate the results of biomedical research with ongoing quality assurance activities, including efforts to evaluate the efficacy of medical practice. Also serves as the Executive Secretariat to the National Professional Standards Review Council. Advises the Assistant Secretary for Health in carrying out his responsibilities for Pharmaceutical Reimbursement Programs.

2. Change the title of the Office of Health Maintenance Organizations Qualification and Compliance (HAC1) to read "Division of Health Maintenance Orangizations Qualification and Compliance (HAC-1)". Change the second word in the first line of the functional statement from "Office" to "Division". The remainder of the functional statement remains the same.

3. Insert the following statement after the Division of Health Maintenance Organizations Qualification and Compliance (HAC-1):

Division of Policy Development and Review (HAC-2). The Division: (1) Conducts special analyses for the development of policy guidelines concerning: (a) health care standards and provider supplier certification covering hospitals, clinical laboratories, long term and ambulatory care facilities and all other providers and suppliers as defined under the Social Security Act; and (b) Professional Standards Review Organizations, Utilization Review, and the End-Stage Renal Disease Program; (2) serves as the PHS focal point for providing policy guidance and professional advice to HCFA regarding reimbursable (covered) services under the Department's health care financing programs; (3) provides basic technical input to HCFA for its use in developing regulations; (4) develops policy guidelines for the qualification of health personnel for participation in health care programs financed by DHEW; (5) develops policy guidelines for the qualification of State agency survey and certification personnel; (6) provides staff and administrative support to the National Professional Standards Review Council; (7) in collaboration with the Division of Health Maintenance Organizations Qualification and Compliance, develops policy for the quality assurance activities of Health Maintenance Organizations; and (8) reviews regulations in the above areas, especially those developed by HCFA or other departmental organizations and recommends appropriate action to the Assistant Secretary for Health.

4. Delete the statement for the Office of Long Term Care (HAH) in its entirety.

Section HD-B Organization and Functions is amended by deleting the statement for the Division of Quality and Standards (HD1Q) in its entirety.

Section HR-B Organization and Functions is amended by deleting the statement for the Division of Long-Term Care (HRA13) in its entirety.

Section HS-B Organization and Functions is amended by deleting the Bureau of Quality Assurance (HSQ) in its entirety.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-18452 Filed 6-27-77;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR PERSONNEL ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to add a new Chapter AH "Office of the Assistant Secretary for Personnel Administration." This Chapter supersedes Chapter AMP, "Office of Personnel and Training" (38 FR 34753, dated 12-18-73; 40 FR 11626, dated 3-12-75; 41 FR 2845, dated 1-20-76; 41 FR 7979, dated 2-23-76; and 41 FR 27103, dated 7-1-76) and gives effect to the Secretary's intention, expressed in the March 8, 1977, reorganization to give more vigorous Departmentwide leadership to personnel policies and programs. Pending the development of a comprehensive functional statement, the following capstone statement describes the mission and organizational framework of the Office of the Assistant Secretary for Personnel Administration.

Section AH.00 Mission. The Assistant Secretary for Personnel Administration assures vigorous Departmentwide leadership for all aspects of a comprehensive personnel management program. This program continues the Department's commitment to publishing and effectuating policies and procedures that are consonant with goals and objectives that are both Governmentwide and of particular significance to HEW.

Section AH.10 Organization. The Office of the Assistant Secretary for Personnel Administration is headed by the Assistant Secretary for Personnel Administration who reports to the Secretary and consists of the following:

Office of Personnel and Training (AHP)
Office of Equal Employment Opportunity (AHE)
Committee Management Staff (AHC)

Section AH.20 Functions. A. The Office of Personnel and Training formulates policies and plans broad programs for personnel and training program throughout the Department; represents the Department on general personnel and training matters with the Civil Service Commission, the Congress and the public and provides Departmentwide leadership and service in the area of central payroll.

B. The Office of Equal Employment Opportunity formulates Departmentwide policies and procedures related to the Department's equal employment opportunity programs and activities.

C. The Committee Management Staff provides a variety of Department-level services related to establishing, staffing, and operating Departmental advisory committees.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-14336 Filed 6-27-77; 8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part S (formerly Part 4) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions, and Delegations of Authority for the Social Security Administration (SSA).

Notice is hereby given that the subject material for SSA is amended to add Section SF Office of Family Assistance (OFA). This new Office is being established as followthrough action on the HEW Reorganization Order of March 9, 1977, which effected the transfer of the Assistance Payments Administration (APA) and other functions of the former Social and Rehabilitation Service (SRS) to SSA.

Sec. SF.00 *Office of Family Assistance.*—(Mission). The Office of Family Assistance (OFA) provides direction and technical guidance to the nationwide administration of the following assistance programs: aid to families with dependent children; aid to the aged, blind, and disabled in Guam, Puerto Rico, and the Virgin Islands, the Cuban and Indochinese refugee programs and the U.S. repatriation programs. Develops, recommends, and issues substantive policies, procedures and interpretations to provide program direction to the aforementioned programs as administered by State agencies with support from the Regional Offices. Evaluates the performance of States in administering OFA programs. Reviews State planning for administrative and operational improvements and supports actions to improve program effectiveness. Directs review, provides consultation, and conducts necessary negotiation to achieve adherence to Federal law and regulations in State Plans for program administration. Directs financial management and cost analysis in review and approval of State grant award requests and expenditure estimates. Provides national leadership in the development and coordination of national, public, and private programs in the public assistance field. Assures that SSA regional offices provide State program and management guidance and technical assistance in administering OFA programs. Participates with the Office of Program Evaluation and Planning in legislative planning.

Sec. SF.10 *Office of Family Assistance*—(Organization). The Office of Family Assistance, under the leadership of the Associate Commissioner for Family Assistance consists of the:

A. Associate Commissioner for Family Assistance (SF).

B. Deputy Associate Commissioner for Family Assistance (SF).

C. Immediate Office of the Associate Commissioner for Family Assistance (SF), which includes the:

1. Regional Liaison Staff (SFR).

D. Office of Policy and Procedures (SFP), which consists of the:

1. Immediate Office of the Director (SFP).
2. Special Programs Staff (SFP-1).
3. Division of Policy (SFP-2).
4. Division of Procedures (SFP-3).

E. Office of Management and Evaluation (SFM), which consists of the:

1. Immediate Office of the Director (SFM).
2. Division of Financial Management (SFM-1).
3. Division of Management Support (SFM-2).
4. Division of Planning, Evaluation and Statistical Analysis (SFM-3).

Sec. SF.20 *Office of Family Assistance*—(Functions). A. 1. The Associate Commissioner for Family Assistance (SF) is directly responsible to the Commissioner of Social Security (the Commissioner) for performance of OFA's mission and provides general supervision to the principal components of OFA.

2. During the absence or disability of the Associate Commissioner for Family Assistance (the Associate Commissioner) or in the event of a vacancy in this position, the Deputy Associate Commissioner for Family Assistance (the Deputy Associate Commissioner) shall act as Associate Commissioner.

3. In the event of the absence or disability of both the Associate Commissioner and Deputy Associate Commissioner an OFA executive designated by the Associate Commissioner shall serve as acting head of OFA.

4. Should both the positions of Associate Commissioner and Deputy Associate Commissioner become vacant, an SSA official designated by the Commissioner shall serve as acting head of OFA.

B. *The Deputy Associate Commissioner for Family Assistance (SF)* assists the Associate Commissioner in carrying out his responsibilities and performs such other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Family Assistance (SF):*

1. *The Regional Liaison Staff (SFR):*

a. Assures continuous and effective communications between central and regional offices on program and management concerns.

b. Assures that regional concerns and needs are given attention for resolution by central office components and/or the regional offices.

D. *The Office of Policy and Procedures (SFP)* provides national leadership and executive direction in initiating, developing, promulgating (in coordination with SSA Office of Policy and Regulations) and interpreting OFA policies, standards, methods and procedures governing the conduct of OFA program administration.

1. *The Immediate Office of the Director (SFP)* provides executive level leadership and direction to the Office of Policy and Procedures and its components.

2. *The Special Programs Staff (SFP-1):*

a. Administers the Cuban and Indochinese Refugee Programs including the development of regulations, policies and procedures and making arrangements for: financial assistance, resettlement services, emergency health services, assistance to public schools in impacted areas, loans to refugee students and protective care of minors. Develops regulations and guidelines pertaining to these programs.

b. Directs Federal program activities relating to the repatriation of United States citizens from foreign countries. Coordinates the return of repatriates with Department of State. Coordinates the provision of services to repatriates with Regional Offices. Approves claims by State agencies for reimbursement, and makes determinations whether repayment by the repatriate is appropriate. Develops regulations and guidelines pertaining to this program.

3. *The Division of Policy (SFP-2):*

a. Develops regulations and policies to implement laws governing family assistance programs and coordinates with the Office of Program Regulations (OPR) on the issuance of such regulations. These regulations govern Federal/State income maintenance programs including policies to safeguard the rights of individuals and families; i.e., dependent and needy children in their own homes, in protective care in AFDC family foster homes, in child care institutions, and for emergency assistance to needy families with children.

b. Develops, analyzes, and recommends concepts for new legislation concerning family assistance programs and coordinates these activities with the SSA Office of Program Evaluation and Planning.

c. Evaluates State Plan materials for consistency with Federal policies and recommends revisions to assure consistency with Federal law and regulations. Reviews and evaluates program management and quality control reports to determine program policy effectiveness and develops proposals for policy changes, proposed regulatory and/or legislative changes.

d. Supports Office of General Counsel and other legal authorities in litigation involving family assistance programs.

e. Conducts review of identified compliance and reconsideration issues; recommends and manages appropriate action.

f. Provides technical assistance and consultation to Regions and States concerning Federal policies.

4. *The Division of Procedures (SFP-3):*

a. Develops, issues and interprets operational procedures, relative to income maintenance regulations and which are designed to provide States with leadership and guidance in the most efficient and effective techniques of adminstering OFA programs.

b. Reviews proposed income maintenance legislation and regulations for procedural implementation impacts and feasibility.

c. Reviews and approves applications from States for Federal financial participation in the acquisition of ADP equipment or the design of automated information systems in support of OFA programs.

d. Reviews and evaluates the utilization of State and local agency manpower devoted to OFA program administration.

e. Provides technical assistance and consultation to the States concerning such matters as operational procedures, systems analysis, program training and establishing models and guides for States regarding income maintenance methods.

E. *The Effice of Management and Evaluation (SFM)* provides national leadership and executive direction in carrying out OFA financial management, planning, evaluation and administrative activities in support of OFA administered programs.

1. *The Immediate Office of the Director (SFM)* provides executive level leadership and direction to the Office of Management and Evaluation and its components.

2. *The Division of Financial Management (SFM-1):*

a. Reviews State budget forecast and expenditure reports and related financial management activities and analyzes the consequences of these reports for the Federal Budget.

b. Exercises financial control over Grants to States for public assistance provided under OFA programs.

c. Provides training, technical assistance and guidance to OFA Regional components on matters pertaining to Federal/State financial management activities.

d. Establishes and issues program fiscal and accounting policies and procedures.

e. Prepares, presents, and executes the total OFA budget.

f. Analyzes and presents cost data for activities funded under OFA programs.

3. *The Division of Management Support (SFM-2):*

a. Plans, organizes and directs OFA's internal manpower utilization, organization and training programs, in accordance with Federal, HEW and SSA personnel management regulations, policies and procedures.

b. Analyzes the organizational effectiveness of OFA components and insures uniform and effective manpower utilization and position management.

c. Manages the OFA repository of State Plans for AFDC programs and periodically prepares and publishes "Characteristics of State AFDC Plans" and related analyses and reports.

d. Prepares the program budget for the U.S. repatriate program and performs related financial management activities.

e. Prepares and executes the salaries and expenses budget for the OFA.

f. Analyzes OFA facilities, space and equipment needs and initiates necessary actions to provide same. Provides management services in the areas of forms; issuances; mail; reports; travel; safety; records; and property management.

g. Coordinates the review, preparation and publication of OFA operational instructions to ensure consistency, lack of duplication, receipt and access to such material by OFA audiences. Coordinates the issuance of OFA regulations and program policies with the SSA Office of Policy and Regulations.

4. *The Division of Planning, Evaluation and Statistical Analysis (SFM-3):*

a. Develops OFA emergency, long-range, and short-range plans to assure effective continuity of OFA activites. Prepares trend analyses and reports, and energy and environmental impact statements.

b. Specifies program information needs and provides program input to SSA research efforts. Assesses the practical application of research findings to OFA Program administration.

c. Develops statistical information relative to State, regional and national program administration. Based upon such information, data developed by the Office of Research and Statistics, and other reports, evaluates program effectiveness, identifies potential program abuse, reports findings and recommends actions aimed at improving program administration and integrity.

d. Develops projects concerning client populations and program activities to meet the needs of OFA components and State agencies.

e. Develops a coordinated and comprehensive program for identifying major OFA operational planning objectives and monitors the implementation of such goals.

f. Coordinates external audits and audit reporting requirements with the SSA Office of Management and Administration.

g. Provides technical assistance and consultation to Regions and States concerning planning, evaluation, statistical analyses, and related matters.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-14334 Filed 6-27-77; 8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part S (formerly Part 4) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections SP.10 K. and SP.20 K. of the SSA Statement (42 FR 16519 and 16529-30, dated March 28, 1977) describe the Organization and Functions for SSA's Office of the Regional Commissioner (ORC). These sections are hereby modified and expanded to reflect the ad-

JUN 28 1977
UM

dition of a new Office of the Assistant Regional Commissioner, Family Assistance in the ORC as well as the addition of certain new functional responsibilities for the ORC and the ORC's Division of Management and Administration. These modifications are necessitated by the HEW Organization Order of March 9, 1977 (42 FR 13262–63) which effected the transfer of the Assistance Payments Administration (APA), as well as other functions of the former Social and Rehabilitation Service (SRS), to SSA.

The revised material for ORC reads as follows:

Sec. SP.10

K. Office of the Regional Commissioner.

(8) Office of the Assistant Regional Commissioner, Family Assistance.

Sec. SP.20

K. *The Office of the Regional Commissioner (SPD1/SPDX)* serves as the principal SSA component at the regional level and assures effective SSA interface with HEW Regional Offices (HEWROs); other Federal agencies in the regions; State Welfare Agencies; State Disability Determination Services; and other regional and local organizations. The Office provides regional program leadership and technical direction for the retirement, survivors, and disability insurance programs; the black lung benefits program, the supplemental security income program, the aid to families with dependent children (AFDC) program, programs for aid to the aged, blind and disabled in Puerto Rico, Guam and the Virgin Islands, the Cuban and Indochinese refugee programs, and the U.S. repatriation programs; issues regional operating policy and procedures for these programs; and evaluates program effectiveness. It implements national operational and management plans for providing direct SSA service to the public; directs a regionwide network of district offices, branch offices and teleservice centers which provide such service; and provides management support to OPO and Office of Family Assistance (OFA) field operations. The Office manages and coordinates effective OPO and OFA regional operations; establishes regional priorities and issues policy directives consistent with national program objectives, operational requirements and systems; and implements a regional SSA public affairs program. It maintains a broad overview of the regional office of SSA's Bureau of Hearings and Appeals; program service centers and data operations centers to assure effective coordination of SSA activities at the regional level. The Office includes the following major components, whose functions are as indicated.

2. *The Division of Management and Administration (SPD17/SPDX7)*:

a. Directs the regional OPO and OFA management support programs; assures effective and economical OPO and OFA management activities at the regional level; develops and implements regional OPO and OFA management policies and procedures; and appraises the overall effectiveness of OPO and OFA regional management programs.

b. Assures that Assistant Regional Commissioners and their staffs are operating in accordance with national and regional policies regarding financial, manpower and organization management, as well as other areas of administrative concern.

c. Serves as the focal point for OPO and OFA regional administrative planning; and conducts ongoing studies and analyses to improve OPO and OFA administrative practices in the region.

d. Coordinates SSA administrative management activities in the region with the HEWRO, and serves as SSA's regional liaison with HEWRO on matters of mutual interest in the management area.

8. *The Office of the Assistant Regional Commissioner, Family Assistance (SFD11/SFDX1)*:

a. Provides program leadership and technical direction for Office of Family Assistance (OFA) program activities in the region; issues regional operating policies and procedures necessary to insure adequate and effective implementation of national OFA program policies.

b. Conducts visits to, and ongoing liaison with, State agencies to determine the effectiveness of OFA policies and procedures, and to provide technical assistance in the resolution of operational problems; evaluates OFA program effectiveness regionwide; plans, directs and coordinates regional activities between OFA and State and local entities; negotiates with State/local authorities on plans and plan amendments and recommends approval/disapproval to the appropriate official.

c. Oversees and assures the effective implementation of the Federally mandated State Quality Control System designed to identify problems in the States' systems, monitors and evaluates the State quality control process through a re-review of sample cases; recommends corrective actions and monitors State implementation of corrective action plans.

d. Directs and coordinates a program of financial management which includes the review and evaluation of grant award requests from States and recommending approval/disapproval; review of State expenditure estimates and reports and recommending approval/disapproval. Provides overview and assistance to State agencies in implementing major management initiatives required by OFA regulations concerning financial management.

Dated: June 19, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

[FR Doc.77-14333 Filed 6-27-77;8:45 am]

Social Security Administration

ASSISTANT BUREAU DIRECTOR, SYSTEMS AND METHODS, ET AL.; BUREAU OF RETIREMENT AND SURVIVORS INSURANCE

Redelegations of Certain Certification Authorities

Authority to certify to Department of the Treasury Disbursing Officers amounts to be disbursed from the Federal Old-Age and Survivors Insurance Trust Fund; the Federal Disability Insurance Trust Fund; or from related transfer appropriation accounts, for such payments of benefits as are required by and properly authorized under provisions of title II of the Social Security Act, as amended (the Act), as vested in the Secretary of Health, Education, and Welfare (the Secretary) by section 205(i) of the Act, has been delegated by the Secretary to the Commissioner of Social Security (the Commissioner), with authority to redelegate (33 FR 5836–37, dated April 16, 1968).

Authority to certify to Department of the Treasury Disbursing Officers amounts to be disbursed from Federal Coal Mine Health and Safety Act appropriation accounts for such payments of "Black Lung" benefits and of reasonable medical expenses as are required by and properly authorized under pertinent provisions of Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended (the Black Lung Act), as vested in the Secretary by sections 412 and 413 of the Black Lung Act, has been delegated by the Secretary to the Commissioner, with authority to redelegate (35 FR 7033–34, dated May 2, 1970).

I. Notice is hereby given that the Commissioner has redelegated the subject authorities, as indicated below, to the following positions in the Bureau of Retirement and Survivors Insurance, Office of Program Operations, Social Security Administration (SSA), for exercise with respect to benefit payment certifications under SSA's National Master Beneficiary Record:

Delegates	*Scope of authority*
A. Assistant Bureau Director, Systems and Methods, and Deputy Assistant Bureau Director, Systems and Methods.	A.–C. Certifications under the authorities described above which are within the jurisdiction of components reporting to the Assistant Bureau Director, Systems and Methods.
B. Director, Division of Claims Operations and Director, Division of Payment Operations.	
C. Chief, Payment Services Branch, Division of Payment Operations.	
D. Manager and Deputy Manager, Payment Records Processing Branch, Mid-Atlantic Program Service Center.	D. Black lung benefit payment certifications, pursuant to secs. 412 or 413 of the Black Lung Act, which are within the jurisdiction of the Mid-Atlantic Program Service Center.
E. Payment Records Processing Specialists, Payment Records Processing Branch, Mid-Atlantic Program Service Center.	E. Black lung benefit payment certifications, pursuant to secs. 412 or 413 of the Black Lung Act, in cases where the particular Payment Records Processing Branch Manager and Deputy Manager are not available to perform such certifications.
F. Operations Specialists, RSI Process Branch, Mid-Atlantic Program Service Center.	F. Black lung benefit payment certifications, pursuant to secs. 412 or 413 of the Black Lung Act, involving one-time payments authorized in the RSI Process Branch, or payee changes handled by the RSI Process Branch.

II. The redelegations described in section I. above shall be effective as of June 28, 1977. Before exercising these redelegations, incumbents of the positions specified above must be personally designated as certifying officers, in accordance with current requirements established by the: Department of the Treasury; Department of Health, Education, and Welfare; SSA; and SSA's Office of Management and Administration. Any actions taken by the incumbents of the positions specified above which, in effect, involve the exercise of the subject redelegations prior to June 28, 1977, are hereby affirmed and ratified. These redelegations may not be further redelegated.

Dated: June 16, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.77-18442 Filed 6-27-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

BADLANDS AIR FORCE GUNNERY RANGE SOUTH DAKOTA

Transfer of Administrative Jurisdiction

JUNE 17, 1977.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that the hereinafter described portion of the lands of the Badlands Air Force Gunnery Range, South Dakota, was declared excess to the needs of the Department of the Air Force, and administrative jurisdiction over the same has been transferred from the Department of the Air Force to the Secretary of the Interior pursuant to section 3(a) of the Act of August 8, 1968 (Pub. L. 90–468); 82 Stat. 663).

The lands will be administered by the Bureau of Indian Affairs under the laws and regulations applicable to the Pine Ridge Indian Reservation subject to the provisions of Pub. L. 90–468 and the regulations in 25 CFR 257. These lands are now available for purchase by the former Indian and non-Indian owners pursuant to sections 3(b) and 4 of the 1968 act and applicable regulations contained in 25 CFR 257.

The authority to perform the functions required by these sections of the 1968 act is delegated by the Secretary of the Interior to the Commissioner of Indian Affairs in 230 DM 1.

Any eligible former Indian or non-Indian owner desiring to exercise the right to purchase any available tract of land pursuant to sections 3(b) or 4 of the 1968 act must file an application with the Superintendent of the Pine Ridge Indian Agency, South Dakota, on or before June 28, 1978, or such right will automatically terminate by operation of law.

SIXTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 42 N., R. 40 W.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 18, lots 1, 2, 3, 4, E½W½, E½.
T. 43 N., R. 40 W.,
Sec. 19, lots 3, 4, E½SW¼, SE¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;
Sec. 31, lots 1, 2, 3, 4, E½W½, E½.
T. 42 N., R. 41 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 3, 4, S½NW¼, S½;
Sec. 5, lots 10, 11, E½SE¼NE¼, E½NE¼SE¼, S½SE¼;
Sec. 6, lots 3, 4, 5, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 2, 3, 6, 7, 8, 9, 12, NW¼SE¼, S½SE¼;
Sec. 8, lots 1, 2, 3, 4, 5, 6, NE¼;
Sec. 10, SE¼, N½NE¼, SE¼NE¼;
Sec. 11, all;
Sec. 12, E½NW¼, W½SW¼;
Sec. 13, all;
Sec. 14, E½, NW¼, S½SW¼;
Sec. 15, W½, SE¼NE¼;
Sec. 16, S½NW¼, N½SW¼;
Sec. 17, W½W½, SE¼NW¼, NW¼NE¼, E½SW¼;
Sec. 18, lots 1, 2, 3, SE¼NW¼, NE¼, E½SE¼.
T. 43 N., R. 41 W.,
Sec. 19, lots 1, 2, 3, 4, 5, N½SE¼SW¼, N½S½SE¼SW¼, N½S½SE¼, N½S½S½SE¼;
Sec. 20, lots 1, 2, 3, 4, N½SW¼SW¼, N½S½SW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 21, lots 1, 2, 3, 4, 5, 6, S½SW¼;
Sec. 22, lots 1, 2, 3, 4, 5, 6, S½S½;
Sec. 23, S½;
Sec. 24, S½;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, SE¼SW¼, S½SE¼, NW¼;
Sec. 29, NW¼NE¼, E½NE¼, E½NE¼SE¼;
Sec. 30, lot 4;
Sec. 31, lots 1, 2, 3, 4, W½E½SW¼;
Sec. 33, lots 1, 2, 3, 4, 5, NW¼NW¼, E½NW¼, E½;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.
T. 42 N., R. 42 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;
Sec. 3, lots 1, 2, 3, 4, S½N½, S½;
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;
Sec. 5, lots 1, 2, 3, 4, S½N½, S½;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, lots 1, 2, 3, SW¼SW¼, N½S½, N½;
Sec. 13, lots 1, 2, 3, 4, 5, 6, SE¼NW¼, S½NE¼, SW¼;
Sec. 14, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, SE¼SE¼, NW¼;
Sec. 15, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, N½;
Sec. 16, all;
Sec. 17, lots 1, 2, N½SE¼, SW¼, N½.
T. 43 N., R. 42 W.,
Sec. 20, lots 1, 2, 3, 4, S½S½;
Sec. 21, lots 1, 2, 3, 4, S½S½;
Sec. 22, lots 1, 2, 3, 4, S½S½;
Sec. 23, lots 1, 2, 3, 4, S½S½;
Sec. 24, lots 1, 2, 3, 4, S½S½;
Sec. 25, W½NE¼, SE¼, W½;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all.

The total acreage covered by this transfer is approximately 35,859.76 acres.

THEODORE KRENZKE,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-18528 Filed 6-27-77;8:45 am]

Bureau of Land Management

OREGON

Closure to Motorized Vehicles

Notice is hereby given that under the authority of regulations in 43 CFR Part 6010 and in cooperation with the State of Oregon, acting by and through the Oregon Department of Fish and Wildlife, pursuant to an agreement executed jointly under ORS 498.152, the following described public lands under the administration of the Bureau of Land

JUN 28 77
UM

Management are designated as closed to off-road vehicle use from August 27, 1977 through December 1, 1977. All motorized vehicles are prohibited from entering the closed area except that motor-propelled vehicle travel by the landowner and authorized individuals for land or game management purposes shall be allowed.

The area affected by this designation and closure notice aggregates approximately 5870 acres of public lands located 40 miles S.E. of Baker, Oregon, and are more specifically described as:

TOWNSHIP 12 SOUTH, RANGE 42 EAST, WILLAMETTE MERIDIAN

Section 15. SW¼NE¼, W½SE¼, SE¼SE¼.
Section 21. E½NE¼, S½ except W½W½SW¼.
Section 22. N½.
Section 25. Portion of SW¼SE¼.
Section 28. NE¼, E½NW¼, E½W½NW¼, S½SW¼, NE¼SW¼, E½NW¼SW¼.
Section 33. W½SW¼.
Section 34. E½SW¼, SW¼SW¼, NW¼SE¼, SW¼NE¼
Section 35. NE¼NW¼, NW¼NE¼, SW¼SE¼.
Section 36. NE¼NE¼.

TOWNSHIP 12 SOUTH, RANGE 43 EAST, WILLAMETTE MERIDIAN

Section 31. W½, W½SE¼, SW¼NE¼, portion of NW¼NE¼.
Section 30. None.

TOWNSHIP 13 SOUTH, RANGE 42 EAST, WILLAMETTE MERIDIAN

Section 2. All except N½NW¼.
Section 3. S½, E½NE¼, SW¼NE¼.
Section 5. E½NE¼SW¼.
Section 8. Portion of E½SE¼.
Section 9. E½SE¼, SE¼NE¼.
Section 10. NW¼, W½SW¼.
Section 11. E½.
Section 12. S½NW¼, NW¼NW¼, N½SW¼, SW¼SW¼, portion of SE¼SW¼ and SW¼SE¼.
Section 13. N½, except 50 ac. in NE¼, S½ except 30 ac. in SW¼SW¼.
Section 14. E½NE¼, NW¼NE¼, NE¼SE¼.
Section 15. NW¼NE¼.
Section 16. All except 80 ac. in N½.

TOWNSHIP 13 SOUTH, RANGE 43 EAST, WILLAMETTE MERIDIAN

Section 5. Portion of SW¼.
Section 6. N½NW¼, N½SW¼NW¼, NW¼NE¼, portion of NE¼NE¼, SE¼NE¼, NE¼SE¼.
Section 7. S½SW¼.
Section 8. W½SE¼, NE¼SE¼, portion in SE¼SW¼, S½NE¼, E½NW¼NW¼, NE¼NW¼, W½NW¼NE¼.
Section 9. Portion of NW¼SW¼.
Section 17. N½NW¼, NW¼NE¼.
Section 18. Portion of SE¼NW¼.

A Memorandum of Understanding between the private landowners, the Oregon Department of Fish and Wildlife and the Bureau of Land Management, on which this notice is based, provides for public access by foot or horseback on both public and private lands for big game hunting, and other purposes. Big game hunting opportunities in the area are very good but the public lands have in the past been inaccessible to public access due to the closure of the surrounding private lands by the landowner. By agreement to restrict motorized vehicles, foot and horseback access has now been provided.

Specific restrictions are: (a) The use of motor-propelled vehicles is prohibited on the described lands during the period between August 27, 1977 through December 1, 1977 except that motor-propelled vehicle travel by the landowner and authorized individuals for land or game management purposes shall be allowed.

(b) All roads except those designated as open roads will be closed by the Oregon Department of Fish and Wildlife to travel by use of signs, at appropriate locations.

Enforcement of the closure is the responsibility of the Oregon State Police.

Common points of vehicular access thereto will be posted. A map of the closed area is posted in the District Office, Bureau of Land Management, Baker, Oregon, and is on file in the Bureau of Land Management, State Office, Portland, Oregon.

This notice terminates on December 1, 1977.

GORDON R. STAKER,
District Manager.

JUNE 16, 1977.

[FR Doc.77-18398 Filed 6-27-77;8:45 am]

Bureau of Land Management

OUTER CONTINENTAL SHELF ENVIRONMENTAL STUDIES ADVISORY COMMITTEE

Topical Program for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 5 U.S.C. App. 1 and the Office of Management and Budget's Circular No. A-63, Revised.

The Outer Continental Shelf Environmental Studies Advisory Committee will meet 9 a.m. to 5 p.m. (or completion of business), July 19, in Rooms 7000 A and B, Department of the Interior, 18th and C Sts. NW., Washington, D.C.

The meeting will deal with the following principal subjects:

1. Opening statement—Assistant Secretary Martin.
2. Report of OCSESAC evaluation subcommittee, Report of OCS Advisory Board—interaction with OCSESAC.
3. Report of overall OCS environmental studies program.
4. Report of subcommittee on review and evaluation of South Atlantic environmental studies.
5. OCS schedule.
6. OCS information clearinghouse—referral center.
7. Policies, practices, and responsibilities for safety and environmental protection in oil and gas operations on the OCS.
8. American Society of Planning Officials workshops on onshore impacts of OCS oil and gas development.

The meeting of this Committee is open to the public. Approximately 75 visitors can be accommodated on a first-come first-served basis. Written statements concerning the subjects of discussion are welcome.

Visitors who expect to attend should make this known not later than July 13 to the Committee Chairman:

James R. Baisley, Assistant Director—Land Resources, U.S. Geological Survey, c/o Katie L. Garner, room 7345, Interior Bldg., 18th and C Sts. NW., Washington, D.C. 20240. Phone: 202-343-3888.

Dated: June 21, 1977.

GEORGE L. TURCOTT,
Director,
Bureau of Land Management.

GARY J. WICKS,
Acting Deputy Secretary
of the Interior.

[FR Doc.77-18485 Filed 6-27-77;8:45 am]

[M 34079]

MONTANA

Amendment to Application

JUNE 20, 1977.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185 (1970 Supplement V), Kansas-Nebraska Natural Gas Company, Inc., has applied for an amendment to their application for a right-of-way for a natural gas gathering system across the following public lands:

PRINCIPAL MERIDIAN, MONTANA

T. 36 N., R. 30 E.,
Sec. 25, S½NW¼; and
Sec. 26, S½NE¼.
T. 35 N., R. 31 E.,
Sec. 4, S½NW¼;
Sec. 5, S½NE¼;
Sec. 13, E½SW¼; and
Sec. 24, NE¼NW¼.

The 4-inch gathering lines covered by this amendment are a part of a system which will be used to gather natural gas from wells in Phillips County, Montana, and convey it to an existing transmission line.

The purpose of this notice is to inform the public that the Bureau will proceed with consideration of whether the application and the amendment should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their names and addresses to the District Manager, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457.

ROLAND F. LEE,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.77-18483 Filed 6-27-77;8:45 am]

[OR 17434 (Wash.)]

WASHINGTON

Proposed Withdrawal and Reservation of Lands

JUNE 17, 1977.

The Bureau of Reclamation, U.S. Department of the Interior, on May 5, 1977, filed application, Serial No. OR 17434 (Wash.), for the withdrawal of the following described lands from settlement, sale, location, or entry under the public land laws, except the mining laws (30 U.S.C., Ch. 2) and mineral leasing laws, subject to valid existing rights:

WILLAMETTE MERIDIAN

T. 40 N., R. 26 E.,
Sec. 13, lots 4, 5, 6 and 7.

The area described contains 144 acres in Okanogan County.

The applicant desires that the lands be reserved for use in connection with proposed fish enhancement developments in the vicinity of Enloe Dam on the Similkameen River, Oroville-Tonasket Unit Extension, Okanogan-Similkameen Division, Chief Joseph Dam Project.

For a period of 40 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before July 28, 1977. Upon determination by the State Director that a public hearing will be held, a notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16 B.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 8, 1977.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The above described lands are temporarily segregated from settlement, sale, location, or entry under the public land laws, except the mining laws (30 U.S.C. Ch. 2) and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

VIRGIL O. SEISER,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.77-18484 Filed 6-27-77;8:45 am]

Office of the Secretary

AGUA CALIENTE INDIAN RESERVATION

Revocation of Notice Applying City and State Laws to Reservation

Notice is hereby given that the 1965 Secretarial Notice (30 F.R. 8172) which adopted, with seven exceptions, "all of the laws, ordinances, codes, resolutions, rules, or other regulations of the State of California, and the City of Palm Springs * * * limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States and located on those portions of the Agua Caliente Indian Reservation situated within the exterior boundaries of the City of Palm Springs, California" is revoked.

The Secretary has determined that such revocation is in the best interests of the Indian owner(s) in achieving the highest and best use of their property and is in keeping with self-determination by Indian tribes by permitting tribes to participate in determining and achieving the highest and best use of their lands.

This notice becomes effective June 28, 1977.

JAMES A. JOSEPH,
Under Secretary.

JUNE 22, 1977.

[FR Doc.77-18516 Filed 6-27-77;8:45 am]

[Int FES 77-22]

COLORADO; PROPOSED DEVELOPMENT OF OIL SHALE RESOURCES BY COLONY DEVELOPMENT OPERATION

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, U.S. Department of the Interior, has prepared a Final Environmental Statement for the proposed construction and operation of an oil shale plant complex and related facilities in southwestern Colorado.

This statement contains environmental assessments of a 4,000 acre underground mine, construction of a 47,000 barrel-a-day shale oil plant, two dams, 800 acres of processed oil shale disposal, 15 mile service corridor, 75 acre terminal site, two powerlines, 300 acre land exchange, and a 194 mile pipeline.

Copies are available for inspection at the following location:

BUREAU OF LAND MANAGEMENT OFFICES

Public Affairs Office, Bureau of Land Management, 18th and C. Sts., NW., Washington, D.C. 20240.
Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202
Moab District Office, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.
Grand Junction District Office, Bureau of Land Management, 223 Federal Office Bldg., Grand Junction, Colo. 81501.
Utah State Office, Bureau of Land Management, Federal Bldg., 125 South State St., Salt Lake City, Utah 84111.

COUNTY COURTHOUSES

Grand County, Box 727, Moab, Utah 84532
Pitkin County, 506 East Main, Aspen, Colo 81611.
Mesa County, 6th and Rood, Grand Junction, Colo. 81501.
Garfield County, Glenwood Springs, Colo 81601.
San Juan County, Blanding, Utah 84511.
Eagle County, P.O. Box 789, Eagle, Colo 81631.
Rio Blanco County, Meeker, Colo. 81641

PUBLIC LIBRARIES

Pitkin County Library, 110 East Main, Aspen, Colo. 81611.
Gordon Cooper Public Library, 443 Main, Carbondale, Colo. 81623.
Delta City Public Library, 563 Palmer, Delta Colo. 81416.
Glenwood Springs Public Library, 806 Cooper Ave., Glenwood Springs, Colo. 81601.
Mesa College Library, Grand Junction, Colo. 81501.
Mesa County Library, 530 Grand Ave., Grand Junction, Colo. 81501.
Meeker Public Library, 200 Main, Meeker, Colo. 81641.
Garfield County Public Library, 402 West Main, New Castle, Colo. 81647.
Rangely Public Library, 109 East Main, Rangely, Colo. 81648.
Rifle City Library, P.O. Box 609, Rifle, Colo. 81650.
Grand Juan Public Library, Monticello, Utah 84535.
Ms. Kay Collins, Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colo. 80203.

JUN 28 1977
UM

A limited number of copies are available upon request to the State Director, Colorado, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Dated: June 22, 1977.

HEATHER L. ROSS,
Deputy Assistant Secretary of the Interior.

[FR Doc.77-18454 Filed 6-27-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TA-201-27]

BOLTS, NUTS, AND LARGE SCREWS OF IRON OR STEEL

Investigation and Hearing

Investigation instituted. Following receipt of a petition filed by the United States Fastener Manufacturing Group, the United Steelworkers of America, and the International Association of Machinists and Aerospace Workers, the United States International Trade Commission, on June 22, 1977, instituted an investigation under section 201(b) of the Trade Act of 1974 to determine whether lag screws or bolts, bolts (except mine-roof bolts), and bolts and their nuts imported in the same shipment, nuts, and screws having shanks or threads over 0.24 inch in diameter, all the foregoing of iron or steel, provided for in items 646.49, 646.54, 646.56, 646.63, and 646.79 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

Public hearing ordered. A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.t., Tuesday, October 11, 1977, in the Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office in Washington, D.C., not later than noon, Thursday, October 6, 1977.

Inspection of petition. The petition filed in this case is available for public inspection at the Office of the Secretary, United States International Trade Commission, and at the New York City office of the Commission located at 6 World Trade Center.

Issued: June 23, 1977.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.77-18489 Filed 6-27-77;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

PROVIDENCE, RHODE ISLAND

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 20, 1977, a proposed consent decree in *United States v. The City of Providence*, was lodged with the District Court for the District of Rhode Island. The proposed decree would require the City of Providence to bring its Fields Point Wastewater Treatment Plant into compliance with the National Pollutant Discharge Elimination System Permit for that facility by June 1, 1978.

The Department of Justice will receive on or before July 28, 1977 written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. The City of Providence*, D.J. Ref. 90-5-1-1-758.

The proposed consent decree may be examined at the office of the United States Attorney, P.O. Box 1401, Providence, Rhode Island 02901, at the Region I Office of the Environmental Protection Agency, Enforcement Division, John F. Kennedy Federal Building, Boston, Massachusetts 02203, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

JAMES W. MOORMAN,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.77-18399 Filed 6-27-77;8:45 am]

UNITED STATES STEEL CORP.

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 16, 1977, a proposed consent decree in *United States v. United States Steel Corporation* was lodged with the District Court for the Northern District of Indiana. The proposed decree would require United States Steel at its Gary Works to meet effluent limitations reflecting best practicable technology at all outfalls, except that serving the blast furnaces, and to attain operational level by August 1, 1980, with a recycle system on that blast furnace outfall, the discharge from which will be treated by alkaline chlorination. The Corporation also agreed to pay civil penalties to the United States and to Indiana, while contributing funds to the University of Michigan and undertaking a research and development program using its own resources.

The Department of Justice will receive on or before July 28, 1977 written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. United States Steel Corporation, D.J.* Ref. 90-5-1-7-463.

The proposed consent decree may be examined at the office of the United States Attorney, Post Office Box 327, Fort Wayne, Indiana 46801, at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois 60604, and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice. With any request for a copy by mail please enclose a check in the amount of $7.70 (ten cents per page reproduction charge) payable to the Treasurer of the United States.

JAMES W. MOORMAN,
Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc.77-18400 Filed 6-27-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

SUBCOMMITTEE ON EQUAL APPRENTICESHIP OPPORTUNITY, FEDERAL COMMITTEE ON APPRENTICESHIP

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Subcommittee on Equal Apprenticeship Opportunity, Federal Committee on Apprenticeship, Employment and Training Administration, June 27, 1977, at the Department of Labor Building, Room S-5215 (A-C), 200 Constitution Avenue NW., Washington, D.C., which was published in the FEDERAL REGISTER on June 10, 1977 (42 FR 30954).

Signed at Washington, D.C., this 24th day of June 1977.

ERNEST GREEN,
Assistant Secretary for Employment and Training Administration.

[FR Doc.77-18605 Filed 6-27-77;8:45 am]

Office of the Secretary

ABC INDUSTRIES, INC., ET AL.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 8, 1977.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 8, 1977.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of June 1977.

HAROLD A. BRATT,
Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ABC Industries, Inc. (Machine Printers & Engravers Association).	Paterson, N.J.	June 17, 1977	June 13, 1977	TA-W-2,149	Engraving copper rollers for the textile industry.
Baltimore Type & Composition Corp. (Baltimore Typographical Union).	Baltimore, Md.	do.	June 15, 1977	TA-W-2,150	Typesetting for book publishers.
Boyce-Lazarus Co. (ACTWU).	Johnstown, N.Y.	do.	June 8, 1977	TA-W-2,151	Men's and women's dress and sport gloves.
Cliftex Engravers, Inc. (Machine Printers & Engravers Association).	Passaic, N.J.	do.	June 13, 1977	TA-W-2,152	Engraving copper rollers for the textile industry.
Electro Signal Lab. Inc. (workers).	Rockland, Mass.	do.	June 15, 1977	TA-W-2,153	Smoke detectors.
Engineering Systems (workers).	Brockton, Mass.	do.	June 14, 1977	TA-W-2,154	AM-FM radios, stereos, tape-decks.
Excel IV, Inc. (Machine Printers & Engravers Association).	Elmwood Park, N.J.	do.	June 13, 1977	TA-W-2,155	Engraving copper rollers for the textile industry.
Graphic Engraving Corp. (Machine Printers & Engravers Association)	Paterson, N.J.	June 17, 1977	June 13, 1977	TA-W-2,156	Do.
Imperial Textile Engraving, Inc. (Machine Printers & Engravers Association).	do.	do.	do.	TA-W-2,157	Do.
Juliet Footwear Co., Inc. (United Shoe Workers of America).	Elmwood Park, N.J.	do.	June 10, 1977	TA-W-2,158	Men's shoes.
Les-Co Engraving Company (Machine Printers & Engravers Association).	Lodi, N.J.	do.	June 13, 1977	TA-W-2,159	Engraving copper rollers for the textile industry.
Passaic Engraving Co. (Machine Printer & Engravers Association).	Passaic, N.J.	do.	do.	TA-W-2,160	Do.
Perennial Print Works, Inc. (Machine Printers & Engravers Association).	Paterson, N.J.	June 16, 1977	do.	TA-W-2,161	Textile printing on fabrics.
Waltham Dress Company (workers).	Waltham, Mass.	June 17, 1977	June 15, 1977	TA-W-2,162	Women's dresses.

[FR Doc.77-18288 Filed 6-27-77;8:45 am]

[TA-W-64T]

AIRCO ELECTRONICS

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on August 25, 1975, whether total or partial separations from the Bradford, Pennsylvania, plant of Airco Electronics are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on July 2, 1976 (41 FR 27456). No public hearing was requested and none was held.

The existing certification will expire on August 25, 1977. Since workers newly separated, totally or partially, after August 25, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

[FR Doc. 77-18276 Filed 6-27-77; 8:45 a.m.]

[TA-W-66T]

GARLAND CORP.

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on July 28, 1976, to determine, with respect to the certification issued on August 29, 1975, whether total or partial separations from the Brockton, Massachusetts, plant of Garland Corporation are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on August 10, 1976 (41 FR 33595). No public hearing was requested and none was held.

The existing certification will expire on August 29, 1977. Since workers newly separated, totally or partially, after August 29, 1977, would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

JUN 28 77
UM

Signed at Washington, D.C., this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc. 77-18278 Filed 6-27-77; 8:45 a.m.]

[TA-W-21T and 34T]

GENERAL ELECTRIC CO.

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on July 7, 1975, whether total or partial separations from the Decatur, Illinois and Syracuse, New York plants of the General Electric Company are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26295); notice of correction was published on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The existing certification will expire on July 7, 1977. Since workers newly separated, totally or partially, after July 7, 1977, would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 13th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18273 Filed 6-27-77;8:45 am]

[TA-W-72T]

HARLEY-DAVIDSON, INC., DIVISION OF AMF, INC.

Termination of Investigation

Pursuant to Section 223(d) of the the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 25, 1976, to determine, with respect to the certification issued on September 2, 1975, whether total or partial separations from the Milwaukee, Wisconsin plant of Harley-Davidson, Inc., Division of AMF, Inc., are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26296); notice of correction was published on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The existing certification will expire on September 2, 1977. Since workers newly separated, totally or partially, after September 2, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18272 Filed 6-27-77;8:45 am]

[TA-W-55T]

ROCKWELL INTERNATIONAL

Termination of Investigation

Pursuant to section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on August 13, 1975, whether total or partial separations from the Hopedale, Massachusetts plant of Rockwell International are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 29, 1976 (41 FR 26773). No public hearing was requested and none was held.

The existing certification will expire on August 13, 1977. Since workers newly separated, totally or partially, after August 13, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 13th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18274 Filed 6-27-77;8:45 am]

[TA-W-65T]

SHELLER GLOBE CORP.

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on August 25, 1975, whether total or partial separations from the Portland, Indiana plant of Sheller Globe Corporation are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26296); notice of correction was published on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The existing certification will expire on August 25, 1977. Since workers newly separated, totally or partially, after August 25, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18277 Filed 6-27-77;8:45 am]

[TA-W-71T]

V-M CORP.

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on August 29, 1975, whether total or partial separations from the Benton Harbor, Michigan plant of V-M Corporation are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26297); notice of correction was published on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The existing certification will expire on August 29, 1977. Since workers newly separated, totally or partially, after August 29, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington. D.C. this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18279 Filed 6-27-77;8:45 am]

[TA-W-74T]

WARWICK EECTRONICS, INC.

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on August 29, 1975, whether total or partial separations from the Covington, Tennessee and Chicago, Illinois plants of Warwick Electronics, Inc., are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility To Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26298); notice of correction was published on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The existing certification will expire on August 29, 1977 Since workers newly separated, totally or partially, after August 29, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C. this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18271 Filed 6-27-77;8:45 am]

[TA-W-61T]

WILSON SPORTING GOODS

Termination of Investigation

Pursuant to Section 223(d) of the Trade Act of 1974 and 29 CFR 90.17, a termination investigation was initiated on May 27, 1976, to determine, with respect to the certification issued on August 25, 1975, whether total or partial separations from the Tullahoma, Tennessee plant of Wilson Sporting Goods are no longer attributable to the conditions specified in such certification.

Notice of Investigation Regarding Termination of Certification of Eligibility to Apply for Worker Adjustment Assistance was published in the FEDERAL REGISTER on June 25, 1976 (41 FR 26298); notice of correction was published on July 6, 1976 (41 FR 27800). No public hearing was requested and none was held.

The existing certification will expire on August 25, 1977. Since workers newly separated, totally or partially, after August 25, 1977 would be ineligible to apply for adjustment assistance, termination of the certification by the Secretary of Labor within 90 days from statutory termination would serve no purpose; consequently the investigation has been terminated.

Signed at Washington. D.C. this 14th day of June 1977.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

[FR Doc.77-18275 Filed 6-27-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, July 15, and on Saturday, July 16, 1977. The NACEDC will host a series of information seminars on Title I of the Elementary and Secondary Education Act (Pub. L. 89-10, as amended) on July 15 in Bangor, Maine; Providence, Rhode Island; and Boston, Massachusetts, from 11 a.m. to 4 p.m. The seminars will be held at the following locations:

John F. Kennedy Building, Government Center, Room 2003A, Boston, Mass. 20203.
Federal Building, Harlow Street, Room 221, Bangor, Maine 04401.
Rhode Island College, Robert Hall, Mt. Pleasant Avenue, Providence, R.I.

On July 16, the Council will hold its regular meeting from 9 a.m. to 1 p.m. The meeting will be held at the Parker House, Tremont Street, Boston, Mass.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The main purpose of the meeting will be to conduct informal hearings with state and local educational officials, parents, teachers, and other interested persons concerned with ESEA, Title I programs.

Because of limited space, all persons wishing to attend should call for reservations by July 8, 1977, area code 202-382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on June 23, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-18493 Filed 6-27-77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

DRAFT ENVIRONMENTAL IMPACT STATEMENT ON LOCATION AND PROGRAM FOR THE PROPOSED WASHINGTON CIVIC CENTER

Intent To Prepare and Public Meeting on Preparation

JUNE 17, 1977.

A draft Environmental Impact Statement on the location and program for the proposed Washington (D.C.) Civic Center is being prepared jointly by the District of Columbia Government and the National Capital Planning Commission. The draft Environmental Impact Statement will be circulated for agency and citizen review and comment in August 1977.

A public meeting to discuss the preparation of the draft Environmental Impact Statement will be held at 7 p.m., Wednesday, July 6, 1977, in the Chambers of the Council of the District of Columbia, District Building, 14th and E Streets NW., Washington, D.C.

All interested individuals, organizations, and group are invited to attend and provide comments and suggestions on issues and concerns related to preparation of this draft Environmental Impact Statement.

Comments on points to be considered may also be submitted in writing prior to the meeting, addressed to:

Ben W. Gilbert, Director, Municipal Planning Office, District Building, Room 400, 14th and E Streets NW., Washington, D.C. 20004 (629-5111).

DANIEL H. SHEAR,
Secretary.

[FR Doc.77-18486 Filed 6-27-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY ACTIVITIES

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on Regulatory Activities will hold an open meeting on July 13, 1977 in Room 1046, 1717 H St. NW., Washington, D.C. 20555.

The agenda for subject meetings shall be as follows:

Wednesday, July 13, 1977, 8:45 a.m. until about 10:30 a.m.—A. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to the following:

(1) Regulatory Guide 1.XX, "Laboratory Investigations of Soils for Engineering Analysis and Design of Nuclear Power Plants."

(2) Regulatory Guide 1.47, "Bypassed and Inoperable Status Indication for Nuclear Power Plant Safety Systems" (discussion of letter to M. Bender from W. Lipinski, dated April 26, 1977).

(3) Discussion on the implementation process of Regulatory Guides.

10:30 a.m. until the close of business.—B. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to activities which affect the current licensing process or reactor operations, including those relating to the following:

(1) Control Rod Drive and Feedwater Nozzle Cracking Occurrences.

(2) Early Site Reviews.

(3) Solution Cavities in Rock Foundations at Hartsville.

(4) The need for the installation of guard pipes in annular regions in nuclear power plants.

Other matters which may be of a predecisional nature relevant to reactor operation or licensing activities may be discussed during this session.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the meeting, the following requirements shall apply:

(A) Persons wishing to submit written statements regarding Regulatory Guide 1.47 may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Such comments shall be based upon documents on file and available for public inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 6, 1977 to Mr. G. R. Quittschreiber, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(B) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(C) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 12, 1977 to the Office of the Executive Director of the Committee (telephone 202–643–1374, Attn: Mr. G. R. Quittschreiber) between 8:15 a.m. and 5 p.m., e.d.t.

(D) Questions may be propounded only by members of the Working Group and its consultants.

(E) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(F) A copy of the transcript of the open portion(s) of the meeting where factual information is presented and a copy of the minutes of the meeting will be available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 on or after July 20, 1977, and October 13, 1977, respectively.

Copies may be obtained upon payment of appropriate charges.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18467 Filed 6-24-77;10:20 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on July 14–16, 1977, in Room 1046, 1717 H Street NW., Washington, D.C.

The agenda for the subject meeting will be as follows:

THURSDAY, JULY 14, 1977

8:30 a.m.–9:15 a.m.: Executive Session (Open).—The Committee will hear and discuss the report of the ACRS Chairmen regarding miscellaneous matters relating to ACRS activities including recommendations of the ACRS Procedures Subcommittee. Portions of this session will be closed if required to discuss information of a personal nature which if released would represent a clearly unwarranted invasion of personal privacy.

The Committee will also hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to review of the San Joaquin Nuclear Project. Portions of this session will be closed if necessary to discuss Proprietary Information related to this project.

9:15 a.m.–12:15 p.m.: San Joaquin Nuclear Project (Open).—The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the applicant related to the partial review of site related items for this facility. Portions of this session will be closed if necessary to discuss Proprietary Information related to this project.

1:15 p.m.–1:45 p.m.: Executive Session (Open).—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for Preliminary Design Approval of the Fluor Pioneer, Inc. Balance of Plant Standard Safety Analysis Report. Portions of this session will be closed if required to discuss Proprietary Information and security provisions applicable to this type facility.

1:45 p.m.–5:15 p.m.: Fluor Pioneer, Inc. Balance of Plant Standard Safety Analysis Report (Open).—The Committee will hear presentations and hold discussions with representatives of the applicant and the NRC Staff regarding the request for a Preliminary Design Approval for this type of facility. Portions of this session will be closed if necessary to discuss Proprietary Information and security provisions applicable to this type of facility.

5:15 p.m.–7 p.m.: Executive Session (Open).—The Committee will hear and discuss reports of ACRS Subcommittees, Working Groups and members on a number of regulatory matters including the Reactor Safety Research Program for advanced reactors, proposed Regulatory Guides and related regulatory activities.

FRIDAY, JULY 15, 1977

8:30 a.m.–12:45 p.m.: Meeting with NRC Staff (Open).—The Committee will hear presentations and hold discussions with the Executive Director for Operations and members of the NRC Staff regarding NRC Staff policy and procedures, recent operating experience at nuclear facilities, recent licensing actions, generic matters related to reactor licensing, and the future schedule for ACRS activities. This discussion will include:

Proposed improvements in the licensing process;
NRC Staff evaluation of system interaction effects;
Evaluation of foundation conditions at the North Anna Nuclear Station;
Equipment performance at the Rancho Seco and Beaver Valley Nuclear Plants;
Seismic reevaluation of San Onofre Nuclear Plant Unit 1 and Humboldt Bay Nuclear Plant;
Browns Ferry Nuclear Plant startup test program; and
Performance of steam generator tubes in pressurized water reactors.

1:45 p.m.–2:15 p.m.: Executive Session (Open).—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the Black Fox Station Units 1 and 2. Portions of this session will be closed if required to discuss Proprietary Information and security provisions applicable to this facility.

2:15 p.m.–5:30 p.m.: Black Fox Station Units 1 and 2 (Open).—The Committee will hear presentations and hold discussions with representatives of the NRC Staff and the applicant related to the request for a Construction Permit for this facility. Portions of this session will be closed if required to discuss Proprietary Information and security arrangements applicable to this Station.

5:30 p.m.–7 p.m.: Executive Session (Open).—The Committee members will discuss a proposed ACRS report on the Advanced Reactor Safety Research Program and will prepare its reports to NRC on the San Joaquin Nuclear Project and the Fluor Pioneer Balance of Plant Standard Safety Analysis Report.

SATURDAY, JULY 16, 1977

8:30 a.m.–9:30 a.m. and 1:30 p.m.–2:30 p.m.: Executive Session (Closed).—The Committee will meet in closed session to prepare its report to the NRC on the Black Fox Station Units 1 and 2.

9:30 a.m.–12:30 p.m. and 2:30 p.m.–4 p.m.: Executive Session (Open).—The Committee will meet in open session to hear and discuss the reports of ACRS Subcommittees, Working Groups, and members regarding various generic matters including:

Decommissioning of nuclear facilities;
Reliability of light water reactor pressure vessels—UKAEA Report on the Integrity of PWR Pressure Vessels;
Core computer protection system; and
Emergency Core Cooling Systems Advanced Computer Codes.

The Committee will also prepare its reports on the Reactor Safety Research Program for Advanced Reactors, the San Joaquin Nuclear Project, the Fluor Pioneer Balance of Plant SSAR, and other matters discussed during this meeting as required.

I have determined in accordance with Subsection 10(d) of Public Law 92–463 that it is necessary to close portions of the meeting as noted above to protect proprietary data (5 U.S.C. 552b.(c)(4)), to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b.(c)(1)(4)), and material of a personal nature which if released would clearly constitute an unwarranted invasion of personal privacy (5 U.S.C. 552b.(c)(6)). The portion of the meeting during which the ACRS report on the Black Fox Nuclear Station is prepared will be held in closed session pursuant to exemption (10) of 5 U.S.C. 552b.(c) since it involves the Committee's participation in an adjudicatory proceeding. Separation of factual information from information considered exempt from disclosure under exemptions (1), (4), (6), and (10) of 5 U.S.C. 552b.(c) during these portions of the meeting is not considered practical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally deal with matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Person wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Committee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview. Persons desiring to mail written comments may do so by mailing a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 6, 1977, to the Executive Director, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555, will normally be received in time to be considered at this meeting. Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the following Public Document Rooms:

BLACK FOX STATION

Tulsa City-County Library, 400 Civic Center, Tulsa, OK 74102.

SAN JOAQUIN NUCLEAR PROJECT

Kern County Library, 1315 Truxtun Avenue, Bakersfield, CA 93301.

(b) Those persons wishing to make oral statements regarding agenda items at the meeting should make a request to do so prior to the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements in safety-related areas within the Committee's purview at an appropriate time chosen by the Chairman of the Committee.

(c) Further information regarding topics to be discussed, whether the meeting or portions of the meeting have been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor, can be obtained by a prepaid telephone call on July 13, 1977, to the Office of the Executive Director of the Committee (Telephone: 202–634–1371) between 8:15 a.m. and 5 p.m., Eastern Time. It should be noted that the above schedule is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items to accommodate required changes. The ACRS Executive Director will be prepared to describe these changes on June 13, 1977.

(d) Questions may be propounded only by members of the Committee and its consultants.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings of the proceedings will be permitted only during those open sessions when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information other than safeguards information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least 3 days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of this agreement to the material that will be discussed during the meeting. Minimum information provided should include in-

formation regarding the date of the agreement, the scope of materal included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Executive Director at the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C., on or after October 14, 1977. Copies may be obtained upon payment of appropriate charges.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18470 Filed 6-24-77;10:20 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 1 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE AND THE EMERGENCY CORE COOLING SYSTEMS SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Group No. 1 of the Reactor Safety Research Subcommittee and the Emergency Core Cooling Systems Subcommittee (hereafter referred to as the Combined Group) will hold a meeting on July 13, 1977 in Room 1046, 1717 H St. NW., Washington, D.C. 20555. The purpose of this meeting is to review the status of improvements in analytical techniques, and associated research and development plans pertaining to the effectiveness of emergency core cooling systems.

The agenda for subject meeting shall be as follows:

Wednesday, July 13, 1977, 8:30 a.m. until conclusion of business.—The Combined Group may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Combined Group will hear presentations by and hold discussions with representatives of the NRC Staff, and its consultants, and with representatives of other organizations participating in the development of analytical procedures concerning evaluation of the effectiveness of emergency core cooling systems.

At the conclusion of this session, the Combined Group may caucus to determine whether the matters identified in the Executive Session have been adequately covered and to identify items for discussion at future ACRS meetings.

It may be necessary for the Combined Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Acting Chairman of the Combined Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Combined Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 6, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Combined Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Acting Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Acting Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 12, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1374, Attn: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Combined Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 20, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 13, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 23, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18472 Filed 6-24-77;10:20 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 22, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the titles of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Evaluation of the Loan Guaranty Service (Lender), on occasion, lending institutions dealing with VA Housing, Veterans, and Labor Division, Raynsford, R., 395-3532.

U.S. CIVIL SERVICE COMMISSION

Application for Food Service Worker, CT-F-12, on occasion, individuals, Caywood, D. P., 395-3443.

DEPARTMENT OF COMMERCE

Domestic and International Business Administration, Scientific Apparatus Industry Questionnaire, DIB-355P, single time, U.S. manufacturers of scientific instruments, Laverne V. Collins, 395-5867.

NEW FORMS

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing, Survey of Cash Use, single time, largest supermarket, convenience store, and restaurant chains, Warren Topelius, 395-5872.

REVISIONS

VETERANS ADMINISTRATION

Application for Amounts due Estates of Persons Entitled to Benefits, 21-690, on occasion, claimants, Tracey Cole, 395-5870.

U.S. CIVIL SERVICE COMMISSION

Application for Worker-Trainee, CT-F-11, on occasion, individuals, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Employment and Training Administration Report of Activities Related to Expanded PSE Program, ETA 1, other (see SF-83), State employment security agencies, Housing, Veterans, and Labor Division, Strasser, A., 395-3532.

EXTENSIONS

VETERANS ADMINISTRATION

Research Questionnaire on Family Phychology, VA 10-68 642, on occasion, veterans coming into VAC Philadelphia, to inquire about benefits, Richard Eisinger, 395-6140.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service:
Statistical Sampling and Reporting of Review Findings (Food Stamp Quality Control), FNS-247-1, 2, 3, FNS-248, semi-annually, Government agencies, Human Resources Division, Warren Topelius, 395-3532.
Food Stamp Quality Control—Household Data Sheet, FNS-245, monthly, food stamp participants and applicants and State agencies, Human Resources Division, Warren Topelius, 395-3532.

DEPRATMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Title I Report of Complaint, FH-70, on occasion, home improvement borrower, mobile home purchaser, Housing, Veterans, and Labor Division, 395-3532.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.77-18595 Filed 6-27-77;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Generalized System of Preferences (GSP): Additional Matter To Be included in Public Hearings

1. *Additional petition to be the subject of public hearings.* Acceptance of the petition submitted by the Erie Scientific Company for immediate review was announced in the FEDERAL REGISTER of Thursday, May 12, 1977 (42 FR 24133), as corrected by 42 FR 26261 of May 23, 1977. In view of the widespread interest in the case, notice is hereby given by the Chairman of the Trade Policy Staff Committee that the petition submitted by the Erie Scientific Company (Case No. 77-14) requesting the withdrawal of GSP benefits from microscope slides and microcover glasses provided for in item 547.55 of the Tariff Schedules of the United States will be included in the public hearings announced in the FEDERAL REGISTER of Thursday, June 16, 1977 (42 FR 30703).

2. *Hearings.* The public hearings will begin at 10:00 a.m. on Thursday, July 14, 1977 in room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Street, N.W.) Washington, D.C.

3. *Requests to Present Oral Testimony; Submission of Written Materials; Other Matters.* Requests to present oral testimony, and related written materials at the July 14, 1977 public hearings, as well as all other matters related to this case, shall be governed by prior FEDERAL REGISTER Notices on these hearings (see 42 FR 24878, 5-16-77, and 42 FR 30703, 6-16-77) except that the deadline for making requests to present oral testimony or submit written materials shall be extended, for this case only, to July 11, 1977.

4. *Communications and Further Information.* All communications and requests for further information concerning this matter should be directed to: Secretary, Trade Policy Staff Committee, Room 728, 1800 G Street, N.W., Washington, D.C. 20506 (telephone 202-395-3395).

WILLIAM B. KELLY, JR.,
Chairman, Trade Policy Staff Committee.

[FR Doc.77-18427 Filed 6-27-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9823; 812-4131]

AMERICAN GENERAL BOND FUND, INC., ET AL.

Filing of Application for Exemption

JUNE 22, 1977

Notice is hereby given that American General Bond Fund, Inc., and American General Convertible Securities, Inc., 3910 Keswick Road, Baltimore, Maryland 21211, closed-end investment companies registered under the Investment Company Act of 1940 (the "Act"), and The Variable Annuity Life Insurance Company Separate Account One and The Variable Annuity Life Insurance Company Separate Account Two, 2777 Allen Parkway, Houston, Texas 77019, open-end investment companies registered under the Act, (hereinafter collectively called "Applicants", have filed an application for an order of the Commission pursuant to Section 6(c) of the Act declaring that R. Miller Upton shall not be deemed an "interested person" of the Applicants within the meaning of Section 2(a)(19) of the Act solely by reason of his status as a director of Home Life Insurance Company ("Home Life"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Dr. R. Miller Upton, a nominee for election as a member of the Boards of Directors and Boards of Managers of the Applicants is also a director of Home Life. Home Life is a mutual life insurance company organized under the laws of the State of New York on May 1, 1860, and has continuously engaged in the insurance business since that time. It is licensed to conduct a life insurance, annuity and health insurance business in all fifty states, the District of Columbia, and the Commonwealth of Puerto Rico. Solely because it sells variable annuity contracts, Home Life has registered with the Securities and Exchange Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "Exchange Act"), and is a member of the

National Association of Securities Dealers, Inc. Applicants represent that Home Life, which is not in the business of effecting securities brokerage transactions, has never effected any securities brokerage transactions on behalf of the Applicants, American General Insurance Co. (parent of the Applicants' investment advisers), any subsidiary company of American General Insurance Company, or with any investment company advised by Applicants' investment advisers. Applicants further represent that so long as Dr. R. Miller Upton remains a director of Home Life and of them, they will not effect any securities brokerage transactions with Home Life.

Applicants also represent that Dr. R. Miller Upton is not an officer or employee of Home Life and does not participate in the day-to-day operations of Home Life.

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act, or any affiliated person of such broker or dealer. Section 2(2)(3) of the Act defines an affiliated person of another person to include any director of such other person. Dr. R. Miller Upton, as director of Home Life, is an affiliated person of a broker or dealer, and is thus an "interested person" of the Applicants within the definition of Section 2(a)(19).

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or from any rule or regulation under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that Dr. R. Miller Upton should not be deemed an "interested person" of Applicants because his affiliation with Home Life does not affect Applicants, and will not impair his independence in acting on behalf of Applicants and their respective shareholders. Therefore, Applicants argue that the requested exemption is consistent with the provisions of Section 6(c) of the Act.

Notice is further given that any interested person may, not later than July 18, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commissions' own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18430 Filed 6-27-77;8:45 am]

[Rel. No. 20083 70-6024]

GENERAL PUBLIC UTILITIES CORP.

Proposed Extension of Credit by Holding Company to Subsidiary and to Service Company

JUNE 21, 1977.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 260 Cherry Hill Road, Parsippany, New Jersey 07054, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12 of the Act and Rule 45, promulgated thereunder, as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU seeks authorization to extend credit (a) to its subsidiary, Metropolitan Edison Company ("Met-Ed"), in connection with surety bonds obtained and to be obtained by Met-Ed while contesting sales and use taxes assessed against it by the Commonwealth of Pennsylvania and (b) to its subsidiary, GPU Service Corporate ("Service Company"), in connection with a lease (the "Lease"), dated as of May 13, 1977, executed by the Service Company, of certain computer equipment to be used to render certain data processing services including customer billing, corporate finance, analyses of materials and supplies requirements, environmental monitoring analyses, depreciation computations, analyses, including modeling, of fuel consumption, general accounting and rate-making analyses. Such extension of credit to Met-Ed arises from GPU's joinder and prospective joinder in applications for such surety bonds and results in a reduction from $5 to $2 per $1,000 of annual premiums for such bonds. Such extension of credit to the Service Company arises from a guaranty of the Service Company's obligations under the Lease and is required as a condition of the Lease.

It is stated that, in 1973, Met-Ed received an assessment from the Commonwealth of Pennsylvania of $1,447,247.13 for sales and use taxes claimed to be due for the period January 1, 1969 to November 30, 1972 in connection with Met-Ed's construction of the Three Mile Island generating station. Met-Ed believed that such taxes were not due and determined to contest such taxes. In order to comply with its first mortgage bond indenture, Met-Ed was required to post a surety bond. The most favorable premium rate quoted to Met-Ed for such bond was $5 per $1,000 of coverage, but the bonding company agreed to a reduction in such premium rate to $2 per $1,000 (or a saving in annual premiums of $4,342) if GPU would join in the application. As a result of hearing and appeals, such assessment, which is still being contested, has been reduced and at present a surety bond in the amount of $474,689.77 is posted with respect thereto. Recently, Met-Ed received from the Commonwealth an additional assessment of $1,498,000 for similar taxes allegedly due for the period January 1, 1973—March 31, 1976 which Met-Ed also intends to contest. The premium rates quoted by the bonding company again will be reduced from $5 per $1,000 to $2 per thousand (or an annual saving of $4,494) if GPU joins in the application. It is stated that GPU now believes it is desirable to obtain at this time authorization for the extension of credit involved in such joinder, even though the $50,000 open account advance exemption provided by paragraph (b)(4) of Rule 45 may be available.

The obligations of the Service Company which GPU hereby seeks authority to guaranty arise out of the Lease of the computer equipment by the Service Company from First Security Bank of Utah, N.A., a national banking association, as trustee under a Master Trust Agreement dated as of October 1, 1976 between it and Itel Capital Services Corporation (the "Lessor"), which was purchased for the purpose by the Lessor at a cost of approximately $3,600,000. The initial Lease term is seven years although the Service Company has an option to terminate the Lease after three years upon the payment of certain fees. The Service Company's obligations to make such payments in the event of early termination have been substantially assumed by Itel Capital Services Corporation pursuant to a Termination Assistance Agreement dated as of May 13, 1977. The rent under the Lease during the first three years of the term is approximately $57,000 per month and thereafter approximately $45,000 per month, although such rent would be adjusted in the event that the Lessor did not receive certain contemplated tax benefits arising from its ownership of the leased equipment. In order to enable the Service Company to obtain the lowest rent under the Lease, the Lease requires that GPU guarantee, within 60 days after the execution of the Lease, the Service Company's obligations under the Lease. In the event that GPU does not receive authorization to execute and deliver such a Guaranty Agreement, the Lessor has the option of either terminating the Lease and retaining the equipment or, in effect, requiring the Service Company to purchase the equipment at its then fair market value.

The fees, and expenses of GPU to be incurred in connection with the proposed transactions are estimated at $3,000, including $2,000 in legal fees. Met-Ed estimates its fees and expenses incurred in connection with placing of its surety bonds at $500. Fees and expenses to be incurred by Service Company in connection with the proposed Lease transaction are estimated at $5,000, including $4,500 in legal fees.

It is stated that no state or Federal commission other than this Commission has jurisdiction over the proopsed transactions.

Notice is further given that any interested person may, not later than July 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18431 Filed 6-27-77;8:45 am]

[Rel. No. 5838]

LIFE INSURANCE COMPANIES

Request for Submission of Views With Respect to the Offer and Sale of Certain Contractual Arrangements

JUNE 22, 1977.

The Securities and Exchange Commission ("Commission") today announced that it is requesting public comment regarding the offer and sale of certain contractual arrangements issued by life insurance companies. These arrangements (hereinafter collectively referred to as "contracts") include what are generally known as guaranteed investment, interest or income contracts, tax deferred annuity contracts and similar products (hereinafter referred to as "guaranteed investment contracts"). As part of its inquiry concerning the status of these contracts under the federal securities laws, the Division of Investment Management held a public meeting on May 6, 1977, with representatives of the American Council of Life Insurance ("ACLI"), at their request, to provide them with an opportunity to present their views.[1] The ACLI and other speakers at the meeting requested that all interested persons be given an opportunity to provide information and comments with respect to the staff's concerns about these contracts.

Section 3(a)(8) of the Securities Act of 1933 (the "Act") (15 U.S.C. 77c(a)(3)) exempts from the registration requirements of the Act any insurance or endowment policy or annuity contract issued by a corporation subject to the supervision of the insurance commissioner, bank commissioner or any agency or officer performing like functions of any state. However, the exemption is not necessarily available to all products labelled insurance policies or annuity contracts. As the Supreme Court stated in *Securities and Exchange Commission* v. *Variable Annuity Life Insurance Company of America* ("VALIC") 350 U.S. 65 (1959), the meaning of "insurance" or "annuity" under the federal securities laws is a federal question.

In determining whether new forms of investment arrangements which are labelled "insurance" or "annuity" by their promoters are exempt from registration pursuant to Section 3(a)(8), it is necessary to consider whether they are the types of investments that Congress was willing to leave to state insurance regulation. VALIC, at 76 (J. Brennan, concurring). Therefore, the purpose of this release is to describe the types of contracts currently under study, indicate the areas of concern and request comments with respect the manner in which the contracts under study are similar to or different from traditional fixed annuity contracts exempt from registration by Section 3(a)(8) of the Act.

TRADITIONAL ANNUITIES

Traditional deferred annuity contracts involve the payment of fixed sums by the purchaser and assumption of a fixed liability by the insurance company. The insurance company guarantees, without limitations, to pay an annuity of a predetermined amount, based on guaranteed interest and annuity purchase rates. This guarantee is conditioned only upon the purchaser making the requisite payments. Any profits made by the insurance company resulting from actual interest rates being higher than those assumed in the contract, more favorable mortality experience or lower expenses belong to the insurance company, except in the case of participating contracts. Traditional deferred annuities thus are purchased as a means of providing for retirement through the accumulation of sums at fixed interest rates, usually over an extended period of time, to be used for the purchase of annuities at guaranteed purchase rates.

DESCRIPTION OF CONTRACTS

The contracts which are the subject of study by the staff take a variety of forms but, in general, they: Provide for the payment of money to a life insurance company (in a single sum or in installments); include promises by the insurer to pay interest at a guaranteed rate with or without the possibility of excess interest; and permit the purchase of an annuity at a future date at an annuity purchase rate which may or may not be guaranteed in the contracts. They appear to be of two basic types: contracts which guarantee a low rate of interest and provide for the possibility that excess interest will be credited by the insurance company ("excess interest contracts") and contracts which guarantee a relatively high rate of interest and generally are written for a short period of time (5 to 12 years) ("high interest contracts").

Excess interest contracts generally guarantee interest of between three and four percent for the life of the contract, but provide for, and emphasize, the possibility of excess interest to be paid at the discretion of the company. The excess interest is determined prior to the year in which it is to be paid based upon present and anticipated earnings on current investments of the insurance company and is guaranteed only for the following year or a portion thereof.

High interest contracts, usually written for five to twelve yeras, guarantee a relatively high rate of interest, currently averaging 8 percent, and may or may not allow for the crediting of excess interest. They generally provide annuity purchase rates which may be guaranteed for the contract period, although often guaranteed only for five years or less. In addition, the annuity purchase rates may be guaranteed only for those participants who use their accumulated funds to annuitize during the period of the guarantee.

Related to guaranteed investment contracts are other contractual arrangements issued by life insurance companies in the form of riders to life insurance policies. Such riders, often referred to as deposit fund riders, provide for the accumulation of money in a manner similar to a savings account. The insurance company guarantees to pay a fixed rate of interest plus, in its discretion, excess interest on such accumulated money. The accumulated funds may be used in the future to purchase an annuity at annuity purchase rates guaranteed in the contract.

DISCUSSION

The staff is concerned that some of these contracts are not being offered and sold as insurance or annuity contracts but rather as investment vehicles de-

[1] SEC News Digest, April 28, 1977.

signed for the accumulation of tax-deferred funds in a manner and on the basis of representations different from traditional insurance policies and annuity contracts. In addition, the provisions of and absolute guarantees in traditional deferred annuity contracts which historically made the protections of the Act unnecessary are significantly different from or omitted entirely in the new contracts. Therefore, the exemption provided by Section 3(a)(8) for insurance policies and annuity contracts may not be available to these contracts. If the exemption is unavailable, the provisions of the federal securities laws, particularly the registration and disclosure requirements of the Act are of course applicable and must be complied with.

Among the factors which distinguish guaranteed investment contracts from traditional deferred annuity contracts and which are of concern to the staff are:

1. *Advertising.* The emphasis in the advertising and marketing of these contracts is clearly on their use as investment vehicles for the accumulation of capital. Particular mention is often made of the high tax-deferred interest they currently are paying, and broker-dealers are selling these contracts as alternatives to certificates of deposit, municipal bonds and corporate bonds. In addition, in some instances, an insurance company may have its own agents distributing all its other products but chooses to have these new contracts distributed through broker-dealers. The staff recognizes that broker-dealers sell many types of exempt securities, but the method of distribution of these new contracts indicates that they are regarded in the commercial world as securities offered to the public for investment purposes and are not being sold on the basis of representations similar to those attending the sale of traditional life insurance and annuities. Since the Supreme Court has made clear that "it is not inappropriate that promoters' offerings be judged as being what they were represented to be",[2] the sale of these contracts as investment vehicles is an important factor in the staff's consideration.

2. *Excess interest.* Excess interest contracts generally guarantee a relatively low rate of interest, but provide for the payment of excess or additional interest in the discretion of the insurance company. This excess interest is determined *prior* to the year in which it is to be paid based upon present and anticipated investment yields. These contracts are, therefore, distinguishable from traditional participating policies, where dividends are determined on a retrospective basis based upon the share of divisible surplus of the class of policies, and are viewed, at least in part, as a return of premium.

In addition, the purchaser of an excess interest contract, as compared to one purchasing a traditional fixed annuity, is not purchasing a fixed benefit, as the amount of excess interest which will be declared is unknown. The contractholder thus bears a risk as to the difference between the low guaranteed rate of interest and the anticipated excess interest. This risk is meaningful, as it is precisely the possibility of high interest through the payment of excess interest that is emphasized in the marketing of these contracts.

3. *Short-term contracts.* High interest contracts generally are written for a short period of time. At the end of each period, the insurance company may guarantee new interest and annuity purchase rates. They are thus very different from traditional annuity contracts in which the insurance company guarantees the annuity benefits to be paid at the end of the accumulation period without reserving the right to change the interest or annuity purchase rates.

4. *Annuity purchase rates.* Some contracts, particularly group contracts, are written with annuity purchase rates which may be changed unilaterally by the insurer with respect to sums already accumulated under the contracts. The insurer thus bears little or no mortality or longevity risk with respect to such contracts. In traditional individual annuity contracts, the annuity purchase rates are guaranteed for the length of the contract. The annuity purchase rates in traditional group contracts are guaranteed for sums accumulated during the guarantee period even if annuities are not purchased until a future date.

5. *State insurance law.* State insurance law, which is directed primarily at maintaining the solvency of insurance companies, does not provide the purchasers of these contracts with the protections of the federal securities laws, particularly disclosure, which seem necessary and appropriate due to the differences between these contracts and traditional deferred annuity contracts. Disclosures, such as the length of the interest and annuity purchase rate guarantees and the method used in computing excess interest, which may not be necessary in the case of traditional annuities under which fixed benefits are guaranteed, appear very meaningful to purchasers of the contracts under study.

All interested persons are invited to submit written comments with respect to the ways in which the contracts discussed above and similar products are similar to or different from traditional fixed annuities. Particular emphasis should be placed on those factors indicated to be of concern to the staff: (1) Advertising, (2) excess interest, (3) short-term contracts, (4) annuity purchase rates and (5) state insurance law. Where possible, the submissions should include sample contracts and sales literature. Persons wishing to make written comments should file three copies thereof with George A. Fitzsimmons, Secretary of the Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than September 6, 1977. In filing such submissions, commentators should make reference to Commission File No. 4-201. Copies of all submissions will be made available in the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18435 Filed 6-27-77;8:45 am]

[2] *SEC v. C.M. Joiner Leasing Corp.*, 320 U.S. 344, 353 (1943).

[Rel. No. 34-13627; File No. SR-MSE-77-17]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act"), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on June 6, 1977, the Midwest Stock Exchange, Inc. ("MSE") filed with the Securities and Exchange Commission a proposed rule change as follows:

MSE'S STATEMENT OF PROPOSED RULE CHANGE (DELETIONS [BRACKETED])

ARTICLE V

Admission to Floors—Communications Visitors on Floors

Rule 1. Visitors shall not be admitted to the Floors of the Exchange except by permission of a member of the appropriate Committee on Floor Procedure or an officer of the Exchange. [Only options members shall be admitted to the Options Floor and only equity members shall be admitted to the Equity Floor.]

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to eliminate wording which would otherwise restrict Option only members from entrance to the Equity Trading Floor. The Exchange is currently proposing to provide limited access to equity trading to Option only members, thus providing additional trading opportunities for Options market makers and additional liquidity to the Options floor.

It is anticipated that the providing of equity floor trading capabilities for Option only members will add to the depth and liquidity of the MSE market. Therefore, the proposed rule promotes just and equitable principles of trade and removes impediments to the perfection of the mechanism of a free and open market. As such, the Exchange believes that Section 6(b)(5) of the Act provides the statutory basis.

MSE states that comments have neither been solicited nor received on the instant proposal.

The Exchange believes that no burden will be placed on competition as a result of the proposed rule change.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 14, 1977.

[FR Doc.77-18434 Filed 6-27-77;8:45 am]

[Rel. No. 20084; 70-6025]

NEW ENGLAND ELECTRIC SYSTEM

Proposed Issue and Sale of Common Stock Pursuant to Dividend Reinvestment Plan and Request for Exemption From Competitive Bidding

JUNE 21, 1977.

Notice is hereby given that New England Electric System ("NEES"), 20 Turnpike Road, Westborough, Massachusetts 01581, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rules 50(a)(1) and 50(a)(5) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to issue and sell from time to time through August 1, 1979, up to 500,000 shares of its authorized but unissued common stock, par value $1, pursuant to a Dividend Reinvestment and Common Share Purchase Plan ("Plan"). The proceed of the sale will be used for investment in NEES' subsidiaries, through loans to such subsidiaries, purchase of additional shares of their capital stocks, or capital contributions, for payment of NEES' indebtedness, or for general purposes.

The Plan will be administered by the First National Bank of Boston, or such other bank or trust company as NEES may from time to time designate. All holders of record of NEES' common shares will be eligible to participate. Participants in the Plan may: (a) Have cash dividends on their common shares automatically reinvested; (b) continue to receive their cash dividends on shares registered in their names and invest by making optional cash payments not more frequently than once a month of not less than $25 per payment nor more than an aggregate of $3,000 per quarter; or (c) reinvest their cash dividends and make optional cash payments. The price of common shares purchased with invested common dividends will be 95 percent of the average of the daily averages of the high and low sale prices of the common shares on the New York Stock Exchange-Composite Transactions listing during the last five trading days ending with the Investment Date. The price of common shares purchased with optional cash payments will be 100 percent of such average. The Investment Dates are the dividend payment dates for the months in which dividends are payable or, if such day is not a trading day, the next following trading day. For each month in which a dividend is not payable, the Investment Date shall be the first trading day of such month.

A participant may change his investment option at any time. All costs of administration of the Plan will be paid by NEES. There will be no brokerage commissions or service charges to participants in connection with purchases under the Plan. A participant will be able to withdraw from the plan at any time upon written notice. Upon withdrawal the participant will be issued a certificate for the number of shares credited to his account and will receive a cash payment for the value of any fractional share. Participants will retain all voting rights relating to shares purchased under the Plan and credited to their accounts, and shares will be voted in accordance with the instructions of the participant to whose account they are credited.

The Plan will replace NEES' existing Automatic Dividend Reinvestment Service (the "Old Plan") pursuant to which cash dividends and/or optional cash payments of participants are reinvested in NEES' common stock through open market purchases. Upon approval of the new Plan the Old Plan will be terminated, and participants in the Old Plan will be offered the choice of: (a) Selling his holdings under the Old Plan; (b) receiving a certificate for the number of shares credited to his account and a cash payment for the value of any fractional share; or (c) transferring his holdings to the new Plan.

NEES will announce the Plan to its shareholders and solicit their participation by mailing to them a summary prospectus. A summary prospectus or similar material will be sent to all those who become shareholders after the initial announcement of the Plan. All shareholders who join the Plan will receive a complete prospectus.

NEES states that the proposed issuance and sale of common shares through the reinvestment of dividends is exempted from the competitive bidding requirements of Rule 50 by virtue of Rule 50(a)(1), and requests an exemption under Rule 50(a)(5) for the proposed issuance and sale of common shares through the optional cash payments provision of the Plan.

A statement of the fees and expenses to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 18, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18432 Filed 6-27-77;8:45 am]

[Rel. No. 13644; SR-PSE-77-5]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 17, 1977.

On February 24, 1977, the Pacific Stock Exchange Incorporated (the "PSE") 618 South Spring Street Los Angeles, California 90014, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed

rule change which provides for the trading of certain securities designated periodically by the PSE's Board of Governors, on an alternate specialist basis. A member registered with the Exchange as an alternate specialist in a particular security is obliged to assist the primary specialist in maintainng a fair and orderly market in that security.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13304, (February 28, 1977)) and by publication in the FEDERAL REGISTER (42 FR 13177 (March 9, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on February 24, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18433 Filed 6-27-77;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1292; Amendment No. 2]

CALIFORNIA

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 11301 and 42 FR 21339), Amendment No. 1 is amended by extending the filing date for physical damage until the close of business on September 30, 1977, and for economic injury until the close of business on May 1, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: June 16, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc.77-18428 Filed 6-27-77;8:45 am]

[Declaration of Disaster Loan Area No. 1343]

ILLINOIS

Declaration of Disaster Loan Area

The counties of Calhoun, Greene, Morgan and Scott and adjacent counties within the State of Illinois, constitute a disaster area because of physical damage resulting from severe storms, high winds, tornadoes and torrential rains which occurred on May 4–6, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 16, 1977, and for economic injury until the close of business on March 17, 1978, at:

Small Business Administration, District Office, 219 South Dearborn Street, Chicago, Illinois 60604; or

Small Business Administration, Branch Office, Illinois National Bank Building, Springfield, Illinois 62701.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 17, 1977.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc.77-18429 Filed 6-27-77;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 77-11]

GUN CONTROL

Published Firearms Laws of Political Subdivisions and States

Correction

In the above titled document appearing as a Part II in the FEDERAL REGISTER for Thursday, June 23, 1977, on page 31962, the file line, which should have appeared at the end of the document, was omitted. It should read as follows:

[FR Doc.77 17758 Filed 6-22-77;8:45 am]

Internal Revenue Service

[Delegation Order No. 166]

ASSISTANT COMMISSIONER (EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS) ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to make determinations regarding prohibited transactions exemptions is being delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations). The text of the delegation order appears below.

EFFECTIVE DATE: June 16, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. T. Mahoney, E:EP:PT, 111 Constitution Avenue NW., Room 6211, Washington, D.C. 20224 (202-566-3089, not toll free).

ALAN D. LEBOWITZ,
Chief, Employee Plans, Prohibited Transactions Staff.

AUTHORITY WITH RESPECT TO PROHIBITED TRANSACTIONS EXEMPTIONS

Pursuant to the authority contained in section 4975(c)(2) of the Internal Revenue Code of 1954 and vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, the authority to make determinations to prohibited transactions exemptions and perform all functions necessary in the administration of section 4975(c)(2) of the Internal Revenue Code of 1954 is delegated as follows:

1. With respect to class exemptions, to the Assistant Commissioner (Employee Plans and Exempt Organizations) and the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations); and

2. With respect to individual exemptions, to the Director, Employee Plans Division.

To the extent that any action heretofore taken may require ratification, such action is hereby affirmed and ratified.

This authority may not be redelegated.

Dated: June 16, 1977.

WILLIAM E. WILLIAMS,
Acting Commissioner.

[FR Doc. 77 18439 Filed 6-27-77;8:45 am]

[Delegation Order No. 167]

ASSISTANT COMMISSIONER (EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS)

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to disclose information relating to prohibited transactions rulings and exemptions to properly authorized representatives of the Department of Labor is being delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations). The text of the delegation order appears below.

EFFECTIVE DATE: June 16. 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. T. Mahoney, E:EP:PT, 1111 Constitution Avenue NW., Room 6211, Washington. D.C. 20224 (202-566-3089, not toll free).

ALAN D. LEBOWITZ,
Chief, Employee Plans, Prohibited Transaction Staff.

AUTHORITY TO FURNISH INFORMATION RELATING TO PROHIBITED TTRANSACTIONS TO THE DEPARTMENT OF LABOR

Pursuant to the authority contained in section 6103(1)(2) of the Internal Revenue Code of 1954 and vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-37, dated March 17, 1955, there is hereby delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations) the authority to:

1. Furnish ruling letters, drafts of ruling letters, and copies of information submitted by taxpayers requesting rulings to the proper officers of the Department of Labor for the purposes of, but only to the extent necessary in, coordinating the administration of titles I and II of the Employee Retirement Income Security Act of 1974 with respect to prohibited transactions.

2. Furnish drafts of proposed exemptions or of proposed denials of exemption requests, denial letters, and copies of information submitted by taxpayers requesting exemptions under section 4975(c)(2) to the proper officers of the Department of Labor; and

3. Redelegate this authority not below the Chief, Employee Plans Prohibited Transactions Staff.

Dated: June 16, 1977.

WILLIAM E. WILLIAMS,
Acting Commissioner.

[FR Doc.77-18440 Filed 6-27-77;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on Monday, July 11, 1977, at 10 a.m., the VA Regional Office San Francisco Station Committee on Educational Allowances shall at 211 Main Street, San Francisco, California 94105, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Flite Tech, Inc., Hayward, California, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 21, 1977.

R. F. WELCH,
Director.

[FR Doc.77-18391 Filed 6-27-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 423]

ASSIGNMENT OF HEARINGS

JUNE 23, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142656 Ron Morgan, DBA Drilling Hotshot, now being assigned September 13, 1977, (3 days), at Fort Smith, Arkansas, in a hearing room to be later designated.

FF 252 Sub 4, Chi-Can Freight Forwarding Ltd., now asigned July 26, 1977, at Chicago, Ill., will be held in Room 230, 230 S. Dearborn Street.

MC 107107 Sub 452, Alterman Transport Lines, Inc., now assigned July 26, 1977, at Chicago, Ill., will be held in Room 204A, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street.

FFC-67, Max Gruenhut, GNBH & Co., Max Gruenhut International Inc., Inland Imports, Inc., and Green Container Transport, Inc., Investigation of Operations, now assigned July 28, 1977, at Chicago, Ill., will be held in Room 348, 230 S. Dearborn Street.

No. 36597, Increased Fares, Asbury Park New York Transit Corporation, May, 1977, now assigned July 25, 1977, at New York, N.Y., will be held in Room D-2-206, Federal Bldg., 26 Federal Plaza.

MC 119619 (Sub-96), Distributors Service Co. and MC 138469 (Sub-30), Donco Carriers, Inc., now being assigned September 7, 1977 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

MC 113855 (Sub-364), International Transport, Inc., now being assigned September 8, 1977 (2 days) at Chicago, Illinois, in a hearing room to be later designated.

MC 51146 (Sub-479), Schneider Transport, Inc.; MC 114457 (Subs-276 & 287), Dart Transit Company and MC 126276 (Sub-161), Fast Motor Service, Inc., now being assigned September 12, 1977 (2 days) at Chicago, Illinois, in a hearing room to be later designated.

MC 139361, Spirit of '76 Overland Express, Inc., now being assigned September 14, 1977 (3 days) at Chicago, Illinois, in a hearing room to be later designated.

MC-F 12967, Graves Truck Line, Inc., Purchase, Diamond Freightways, Inc. and MC 85696 Sub No. 8 Diamond Freightways, Inc., now being assigned September 13, 1977 (2 weeks) at Omaha, Nebraska, in a hearing room to be later designated.

MC 140845 (Sub No. 4) Hoke Bus Lines, Inc., now assigned August 1, 1977 at Lima, OH is cancelled and reassigned for the 1st day of August, 1977 (1 week) at 9:30 a.m. local time at Columbus, OH and will be held in Room 235, Federal Building, 85 Marconi Blvd.

MC 4405 (Sub-545), Dealers Transit, Inc., now assigned July 20, 1977 at Washington, D.C., hearing cancelled and the application is dismissed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18523 Filed 6-27-77;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 23, 1977.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43388—*Joint Rail-Water Container Rates—Great Lakes and European Lines, Inc.* Filed by Great Lakes and European Lines, Inc., (No. 3), for itself and interested rail carriers. Rates on general commodities, between rail terminals at U.S. Pacific Coast Seaboard, and ports and terminals in Europe. Grounds for relief—Water competition.

Tariffs—Great Lakes and European Lines, Inc., tariffs Nos. 5, I.C.C. No. 3, F.M.C. No. 5 (Westbound), and No. 6, I.C.C. No. 4, F.M.C. No. 6 (Eastbound), respectively. Rates are published to become effective on July 20. 1977.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77 18524 Filed 6-27-77;8:45 am]

[Notice No. 82]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 22, 1977.

Important Notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington. D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 63TA), filed June 14, 1977. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Authority sought to operate

JUN 28 77
UM

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible lard*, in bulk, in tank vehicles, from Bristol and Salem, Va., to Pawtucket, R.I., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Valleydale Packers, Inc. Cecil K. Stiff Sales Coordinator, P.O. Box 809, Salem, Va. 24153. Send protests to: Paul D. Collins District Supervisor, Bureau of Operations, Room 10–502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 4491 (Sub-No. 16TA) (Correction), filed April 11, 1977, published in the FEDERAL REGISTER issue of June 2, 1977, and republished as corrected this issue. Applicant: GREAT COASTAL EXPRESS, INCORPORATED, 501 South 14th Street, Richmond, Va. 23219. Applicant's representative: Francis W. McInerny, 1000 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Charlottesville, Va. and Roanoke, Va.; from Charlottesville, Va. over U.S. Highway 250 to junction Interstate Highway 81, thence over Interstate Highway 81 to Roanoke, Va., and return over the same route. Between State Road, Del., and Norfolk, Va.; From State Road, Del. over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., thence over Interstate Highway 64 to Norfolk, Va., and return over the same route. From State Road, Del. over connecting Highway to junction Interstate Highway 95, thence over Interstate Highway 95 to Richmond, Va., thence over Interstate Highway 64 to Norfolk, Va., and return over the same route. Between Washington, D.C. and Charlottesville, Va.; From Washington, D.C. over Interstate Highway 95 to Richmond, Va., thence over Interstate Highway 64 to Charlottesville, Va., and return over the same route. Between Washington, D.C. and Lynchburg, Va.; From Washington, D.C. over Interstate Highway 95 to junction U.S. Highway 360, thence over U.S. Highway 360 to junction U.S. Highway 460, thence over U.S. Highway 460, to Lynchburg, Va., and return over the same route, as an alternate route for operating convenience only, for 180 days. Supporting shipper(s): There are approximately twelve (12) statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, Rm. 10–502 Federal Bldg., 400 North 8th Street, Richmond, Va. 23240. The purpose of this republication is to add the rest of the territorial description.

No. MC 41116 (Sub-No. 52TA), filed June 10, 1977. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, 1724 W. Mill Street, Crowley, La. 70526. Applicant's representative: Byron Fogleman, P.O. Box 1504, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper and paper products* and products produced or distributed by manufacturers and converters of paper and paper products, (B) *materials and supplies* used in the manufacture and distribution of the commodities described in (a) above, (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), between the plant sites or storage facilities of Southland Paper Mills, Inc., located at Herty and Sheldon, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi and Okla., under a continuing contract, or contracts, with Southland Paper Mills, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southland Paper Mills, Inc., 1111 Fannin, 1111 First City East, Houston, Tex. 77002. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Avenue, 9038 Federal Building, New Orleans, La. 70113.

No. MC 63417 (Sub-No. 103TA), filed June 15, 1977. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except in bulk), *in vehicle body sealer and sound deadner compound*, from New Kensington, Pa., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi and Tennessee and returned shipments of above commodities from above destinations to New Kensington, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker State Oil Refining Corp. P.O. Box 989, Oil City, Pa. 16301. Send protests to: Danny R. Beeler District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 88368 (Sub-No. 32TA), filed June 14, 1977. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: David A. Welte, 209 W. 47th, Kansas City, Mo. 64112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen and bath cabinets*, from Des Moines, Iowa, to points in Idaho, Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado, Nevada, Arizona, New Mexico and Texas, for 180 days. Supporting shipper(s): Francisco Cabinet Corporation, 1525 Illinois, Des Moines, Iowa 50314. Send protests to: John V. Barry District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 106674 (Sub-No. 240TA), filed June 13, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, P.O. Box 123, Remington, Ind. 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty fiber shipping drums, parts and components*, from the facilities of Continental Forest Industries, Continental Group, Inc., at Overland, Mo., to Calvert City, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Forest Industries, Continental Group, Inc., Greenwich Office II. Greenwich, Conn. 06830. Send protests to: J. H. Gray District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 110988 (Sub-No. 343TA), filed June 9, 1977. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Giltedge Bldg., Appleton, Wis. 54911. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cupric chloride*, in rubber-lined tanks, from Kokomo and Vincennes, Ind., to Elyria, Ohio and Union, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southern California Chemical Co., Inc., 17415 E. Jefferson St., Union, Ill. 60180. Send protests to: Gail Daugherty, Transportation Asst. Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Ave., Rm. 619, Milwaukee, Wis. 53202.

No. MC 116459 (Sub-No. 64TA), filed June 14, 1977. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Pineville Road, Route 5, Chattanooga, Tenn. 37405. Applicant's representative: Charles T. Williams, P.O. Box 4022, Chattanooga, Tenn. 37405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Extendo-spheres*, from Dayton, Tenn., to points in Georgia. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): P. A. Industries, Inc. 1021 James Building, 735 Broad Street, Chattanooga, Tenn. 37402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commisison, Suite 4–422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116763 (Sub-No. 379TA), (Partial correction), filed May 9, 1977, published in the FEDERAL REGISTER issue of June 6, 1977, and republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). NOTE.—The purpose of this partial correction is to indicate Applicant's correct name as Carl Subler Trucking, Inc., in lieu of Carl Trucking, Inc., as was previously published in error.

No. MC 116849 (Sub-No. 7TA), filed June 9, 1977. Applicant: ISLAND TRANSPORTATION CORP., 299 Main Street, Westbury, N.Y. 11590. Applicant's representative: Arthur J. Piken, Piken & Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jennite J–16 (a coal tar emulsion)*, in bulk, from South Windsor, Conn., to Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, Maryland, North Carolina, South Carolina, West Virginia and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Maintenance, Inc. Wooster, Ohio, 44691. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117765 (Sub-No. 231TA), filed June 9, 1977. Applicant: HAHN TRUCK LINE, INC., 5315 N.W. 5th St., P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from Laredo, Tex. to Kansas and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sullivan Beverage, Inc., 3030 Roanoke Rd., Kansas City, Mo. 64108. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 118292 (Sub-No. 39TA), filed June 13, 1977. Applicant: BALLENTINE PRODUCE, INC., New Hwys 64 and 71, P.O. Box 312, Alma, Ark. 72921. Applicant's representative: Barry Roberts, 888 17th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Ark., to points in Pennsylvania and West Virginia, and from points in Pennsylvania to Little Rock, Ark., for 180 days. Supporting shipper(s): Ole South Foods Co., 3300 Brown Street, Little Rock, Ark. 72204. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119741 (Sub-No. 74TA), filed June 13, 1977. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, R.F.D. 2, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1235, Fort Dodge, Iowa 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles, distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Hy Plains Dressed Beef, Inc., at Dodge City, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Virginia, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hy Plains Dressed Beef, Inc., P.O. Box 539, Dodge City, Kans. 67801. Send protests to: Herbert W. Allen, District Supervisor. Bureau of Operations, Interstate Commerce Commission. 518 Federal Building, Des Moines, Iowa 50309.

No. MC 119934 (Sub-No. 216TA) (partial correction), filed April 26, 1977, published in the FEDERAL REGISTER of June 8, 1977, and republished as corrected this issue. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204.

NOTE.—The purpose of this partial correction is to indicate the correct Docket No. MC 119934 (Sub-No. 216TA), in lieu of No. MC 119934 (Sub-No. 217TA), as was previously published in error.

No. MC 135170 (Sub-No. 22TA), filed June 10, 1977. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers and container closures (except commodities in bulk and those which because of size or weight require the use of special equipment), from Baltimore, Md., to Cannon, Del., under a continuing contract or contracts with National Can Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mr. Daniel Barczak, Area Traffic Manager, National Can Corp., 727 North Wolfe St., Baltimore, Md. 21230. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md 21201.

No. MC 136220 (Sub-No. 41TA), filed June 9, 1977. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 North May Ave., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel* (in bulk in dump vehicles), from the Gaston and Short Quarry near Cedarvale, Kans., to Ponca City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Evans and Associates Construction Co., Inc., P.O. Box 30, Ponca City, Okla. 74601. Send protests to: District Supervisor Joe Green, Rm. 240, Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 136818 (Sub-No. 18TA), filed June 3, 1977. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Rd., Phoenix, Ariz. 85031. Applicant's representative: Donald Fernaays, 4040 E. McDowell Rd., Suite 312, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition and prepared roofing* (except in bulk), from Los Angeles, Riverside, and Kern Counties, Calif., to points in Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwest Roofing Supply Co., 3151 W. Osborn Rd., Phoenix, Ariz. 85017. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission. Rm. 3427, Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 138668 (Sub-No. 5TA), filed June 13, 1977. Applicant: MERCHANTS DELIVERY & WAREHOUSE CORP. 11727 Lackland Road, St. Louis, Mo. 63141. Applicant's representative: Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Home care products* of the Amway Corp., consisting principally of soaps, detergents, toiletries, perfumes, drugs, and medicines, and refused, rejected, returned, and damaged shipments on return, from Ada, Mich., to points in the St. Louis commercial zone, via Interstate 55 to junction Interstate 80, Interstate 80 to Hammond, Ind., Interstate 94 to junction Interstate 196, Interstate 196 to Ada, Mich., under a continuing contract, or contracts, with Amway Corp., for 180 days. Supporting shipper(s): Amway Corp., 7575 E. Fulton Road, Ada, Mich. 49355. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140829 (Sub-No. 48TA), filed June 10, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk),

JUN 28 77 UM

from the plantsite and storage facilities of Royal Packing Co. in National Stockyards, Ill., to points in the states of Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. Restriction: The operations authorized above are restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination states, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Marc Sokolik, Vice President of Transportation, Royal Packing Co., P.O. Box 156, National Stockyards, Ill. 62071. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 10 North 14th St., Omaha, Nebr. 68102.

No. MC 142743 (Sub-No. 3TA), filed June 14, 1977. Applicant: FAST FREIGHT SYSTEMS, INC., 118 North Congress Street, Jackson, Miss. 39205. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents* (except in bulk), from Ripley, Miss., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin with no transportation for compensation on return except as otherwise authorized, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Oil-Dri Corp. of America, 520 North Michigan Avenue, Chicago, Ill. 60611. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 142948 (Sub-No. 3TA), filed June 10, 1977. Applicant: THE GRADER LINE, INC., P.O. Box 5807, 1022 6th Avenue N., Nashville, Tenn. 37208. Applicant's representative: Edward C. Blank II, Middle Tenn. Bank Building, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gum solvents, aluminum plate or sheet, plastic powder, plates photo-offset printing, aluminum*, coated on on side with plastic, *sponges*, cellulose or plastic dry, *plates or sheets, photo-offset, printing, aluminum*, not further processed than surface grained, from the plantsite of Citiplate—Sumner Williams in Jackson, Tenn., to points in Oklahoma, Texas, New Mexico, Arizona, California, Nevada, Utah, Colorado, Illinois, Ohio, and New York. Restriction: Restricted to traffic originating at the above named locations and destined to the above named designation points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sumner Williams, Inc. (subsidiary of Citiplate, Inc.), Jackson, Tenn. 38301. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 143226TA (Correction), filed May 5, 1977, published in the FEDERAL REGISTER issue of June 2, 1977, and republished as corrected this issue. Applicant: LOON AIR CARGO LTD., 763 Lajoie Avenue, Dorval, Quebec, Canada H9P 1G7. Applicant's representative: Dieter Wende, 406 Crepeau Ave., St. Laurent, Quebec, Canada H4N 1N3. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery parts, bits, sawblades, abrasives, die castings, aircraft parts, radio transmitting equipment, diesel engine parts, computer and typewriter parts, electronic parts, and small machinery, television broadcast equipment, electrical apparatus, communications equipment, and parts*, limited to maximum weight of 350 pounds per piece, restricted to shipments having a prior or subsequent movement by air; between the port of entry on the United States/Canada international boundary line at or near Champlain, N.Y., on the one hand, and, on the other, to Plattsburgh Airport, Plattsburgh, N.Y., and Burlington International Airport, Burlington, Vt., for 180 days. Supporting shipper(s): There are approximately seven (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602. The purpose of this republication is to indicate the territorial description.

No. MC 143278TA, filed May 18, 1977. Applicant: J. E. A. CARTAGE, INC., 7005 Northwest 41st Street, Virginia Gardens, Fla. 33166. Applicant's representative: John P. Bond, 2766 Douglas Rd., Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except the transportation of said commodities in bulk, Class A and B explosives, household goods, livestock, commodities requiring special handling and special equipment, commodities requiring refrigeration, motor vehicles and cement, between all points in Dade County, lying East of State Road 27, South of State Road 826, North of State Road 94, and West of the Atlantic Ocean, all shipments having a prior or subsequent movement by water, for 180 days. Supporting shipper: Sandcaribe, Inc., 4471 Northwest 36th Street, Miami Springs, Fla.; Imperial Freight Brokers, Inc., 7005 Northwest 41st St., Miami, Fla. 33166; Almar International, 6595 Northwest 36th St., Miami, Fla. 33166; Caltrex Forwarders Corp., 4471 Northwest 36th St., Miami, Fla.; Edward Rodriguez & Co., Inc., 1344 Northwest 22nd St., Miami, Fla. 33142; Swiss Chalet Fine Foods, P.O. Box 431405, S. Miami, Fla. 33143. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce, Bureau of Operations, Monterey Building, Suite 101, 8410 Northwest 53rd Terrace, Miami, Fla. 33166.

No. MC 143366TA, filed June 13, 1977. Applicant: ROBERT W. PICKERT JR., AND JUDY PICKERT, d.b.a. See America, First Travel Camp, Hackley School, Tarrytown, N.Y. 10591. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Students*, ages 13 through 17, in all expense, round trip camping tours, beginning and ending at Tarrytown, N.Y., and extending throughout the United States (except Alaska and Hawaii), in specially equipped camper type vehicles, one seating 11, including driver, and one seating 16, including driver, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Mrs. Barbara Robson, 30 Oak Lane, Larchmont, N.Y. 10538; (2) Mr. Lawrence Israel, Park Drive South, Rye, N.Y. 10580; (3) Dr. Foo Chu, 116 Atamont Avenue, Tarrytown, N.Y. 10591; (4) Mr. William Furth, 10 Ritchey Place, White Plains, N.Y. 10605; (5) Mr. Edward Mullaney, 30 Lancaster Place, Mahopac, N.Y. 10541; (6) Dr. Alfred Gomez, Park Road, Irvington, N.Y.; (7) Dr. J. J. Smith, One Hen Hawk Road, Kings Point, N.Y. 11024; (8) Mr. Robert Goldsmith, 200 Brewster Road, Scarsdale, N.Y. 10583; (9) Mr. Murray Rosen, 30 Lancaster Place, Stamford, Conn. 06905; (10) Mr. John Mitchell, 29 Grandview Avenue, Suffern, N.Y. 10901; (11) Mr. Robert Wiessman, 32 East 64th Street, New York, N.Y. 10021. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 143373TA, filed June 14, 1977. Applicant: WEILAND TRUCKING CO., INC., P.O. Box 268, Wautoma, Wis. 54982. Applicant's representative: Edward H. Instens, P.O. Box 676, Winona, Minn. 55987. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty beverage containers*, between Newport, Ky., and Evansville, Ind., on the one hand, and, on the other, Brown Deer, Cedarburg, Green Bay, Hartland, and Racine, Wis., under a continuing contract, or contracts, with G. Heileman Brewing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): G. Heileman Brewing Co., 925 S. 3rd Street, La Crosse, Wis. 54601. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 143375TA, filed June 13, 1977. Applicant: PROVOST INDUSTRIAL TANKERS LTD., 90 North Queen Street, Etobicoke, Ontario, Canada. Applicant's representative: J. P. Vermette, 7887 Grenache Street, Ville d'Anjou, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., to Ecorse, Mich., restricted to the transportation of traffic having an immediate prior movement in foreign commerce in local, through, single-line service for 180 days. Supporting shipper(s): Allied Chemical Canada Ltd., 237 Hymus Blvd., Point Claire, Quebec, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 142548 (Sub-No. 3TA) (correction), filed May 16, 1977, published in the FEDERAL REGISTER issue of June 8, 1977, and republished as corrected this issue. Applicant: STALEY EXPRESS, INC., 2501 N. Brush College Road, Decatur, Ill. 62521. Applicant's representative: Fritz R. Kahn, Suite 1000, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron castings*, in steel bins, (1) from Decatur, Ill., to Toledo and Dayton, Ohio, and Kokomo, Ind., and (2) from Decatur, Ill., to Lima, Ohio, with stop in transit permitted for inspection at Cleveland, Ohio. Both (1) and (2) above restricted to the transportation of shipments from the plantsites or storage facilities of Wagner Castings Co., at Decatur, Ill., under a continuing contract with Wagner Castings Co. for 180 days. Supporting shipper(s): C. E. Allison, Vice President-Administration, Wagner Castings Co., P.O. Box 1319, Decatur, Ill. 62525. Send protests to: District Supervisor Harold C. Jolliff, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705. The purpose of this republication is to add "Send protests to" which was previously omitted.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18522 Filed 6-27-77;8:45 am]

[Notice No. 83]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 23, 1977.

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3281 (Sub-No. 8TA), filed June 9, 1977. Applicant: POWELL TRUCK LINE, INC., 800 S. Main St., Searcy, Ark. 72143. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Forrest City, Ark., and the plantsite of American Greetings Corp., at or near McCrory, Ark., from Forrest City, Ark., over Arkansas Highway 1 to the intersection of U.S. Highway 64 at or near Wynne, Ark., thence over U.S. Highway 64 to junction U.S. 64-B, thence over U.S. 64-B to the plantsite of American Greetings Corp., and return over the same route, restricted to transportation of shipments with an immediately prior or subsequent movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Greetings Corp., McGrory, Ark. 72101. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 61396 (Sub-No. 331TA), filed June 9, 1977. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from the plantsite and storage facilities of Agriculture Chemicals, Inc., at or near Old Monroe, Mo., to points in Illinois, for 180 days. Supporting shipper(s): James S. Bremmer, President, Agriculture Chemicals, Inc., P.O. Box 155, Old Monroe, Mo. 63369. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 78276 (Sub-No. 7TA), filed June 6, 1977. Applicant: MAZZEO & SONS EXPRESS, 311 South River Street, Hackensack, N.J. 07601. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel, materials, supplies and equipment*, used in the manufacture and sale of wearing apparel, between points in Baltimore, Md., Commercial Zone, points in New Jersey, New York, N.Y., Commercial zone, Nassau, Rockland, and Suffolk Counties, N.Y., points in Philadelphia, Pa., Commercial zone, and York, Pa., and also points in Wilmington, Del., Commercial zone, on the one hand, and, on the other points in the states of Georgia, North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately ten (10) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C. or copies thereof may be examined at the field office named below. Send protests to: Joel Morrows District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 87511 (Sub-No. 20TA), filed June 6, 1977. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station 1, Houma, La. 70360. Applicant's representative: Philip Robinson, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), serving the compressor station of United Gas Pipe Line Company located near Vinton, La., as an off-route point in connection with carrier's presently authorized regular route operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United Gas Pipe Line Company, P.O. Box 1478, Houston, Tex. 77001. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Ave., 9038 Federal Building, New Orleans, La. 70113.

No. MC 88380 (Sub-No. 26TA), filed June 9, 1977. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs

Rd., Box 4309, Fort Worth, Tex. 76106. Applicant's representative: John L. Payne, 2400 Cold Springs Rd., Box 4309, Fort Worth, Tex. 76106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bar joists, rods, beams, and channels*, from the plantsite of TEX-ARK Joist Company at or near Hope, Ark., to points in Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tex-Ark Joist Company, P.O. Box TAJ, Hope, Ark. 71801. Send protests to: Robert J. Kirspel District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 95876 (Sub-No. 202TA), filed June 9, 1977. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, accessories and materials*, used in the installation and sale thereof, from the plant and warehouse sites of Abitibi Corporation, Chicago, Ill., to points in Wisconsin, Iowa and Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Abitibi Corporation, 3250 W. Big Beaver Road, Troy, Mich. 48084. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U. S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 100666 (Sub–No. 349TA), filed June 10, 1977. Applicant: MELTON TRUCK LINES, INC., P. O. Box 7666, 1129 Grimmett Dr., Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th Street, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pottery and plaster products*, from Comanche, Tex., and Oxford, Miss., to points in the United States for 180 days. Supporting shipper(s): Jim Ratcliff, db/a Janco Manufacturing Co., P.O. Box 443, Commanche, Tex. Send protests to: Ray C. Armstrong, Jr., District Supervisor, 701 Loyola Avenue, 9038 Federal Bldg., New Orelans, La. 70113.

No. MC 105566 (Sub-No. 148TA), filed June 8, 1977. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas P. Kilroy, 6901 Old Keene Mill Road, Suite 406, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: ***Plastic materials, anti-freeze, anti-freeze preparations, plastic pellets, resins, lumps or granules and chemical compounds***, from Ottawa, Ill.; Gary, Ind.; Chicago, Ill.; Calumet City, Ill., and Hammond, Ind., to points in Arizona, California, Nevada, Utah, Idaho, Oregon, Washington, New Mexico and Texas, for 180 days. Supporting shipper(s): Northern Petrochemical Company, 2350 E. Devon Avenue, Des Plaines, Ill. 60018. Cosden Oil & Chemical Company, P. O. Box 2159, Dallas, Tex. 75221. Borg-Warner Chemicals, International Center, Parkersburg, W. Va. 26101. Send protests to: J. P. Werthmann District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 106920 (Sub-No. 71TA), filed June 7, 1977. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe St., New Bremen, Ohio 45869. Applicant's representative: Betty Kominsk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, in mechanically refrigerated equipment, except in bulk, from Carol Stream and points within the Chicago, Illinios Commerce Zone, to points within the State of Ohio, Pennsylvania, New York, Maryland, West Virginia, Virginia, Delaware, District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire, restricted to the plant site and storage facilities of E. J. Brach & Sons, and restricted to traffic originating at named origin and destined to named destination, for 180 days. Supporting shipper: E. J. Brach & Sons, 4656 W. Kinzie St., Chicago, Ill. 60644. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Sumit St., Toledo, Ohio 43604.

No. MC 107496 (Sub-No. 1086TA), filed June 13, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed fertilizer solution*, in bulk, from Eau Claire, Mich., to points in Minnesota, Illinois, Indiana, and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): St. Lawrence Corporation, 2505 Ardmore, S.E. Grand Rapids, Mich. 49501. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 110012 (Sub-No. 35TA), filed June 9, 1977. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Rd., P.O. Box 68, Morristown, Tenn. 37814. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th St., N.W., Washington, D.C. 20423. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsites of Lea Industries, Incorporated, Division of Sperry Hutchinson Co., located at or near Richmond and Kenbridge, Va., and Waynesville, N.C. to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, (2) returned shipments of *new furniture*, from the above named destination states to the above named origins, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lea Industries, Incorporated, Division of Sperry-Hutchinson Co., P.O. Box 25476, Richmond, Va. 23260. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422 U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 114632 (Sub-No. 114TA), filed June 9, 1977. Applicant: APPLE LINES, 212 S.W. Second St., P.O. Box 287, Madison, S. Dak. 57042. Applicant's representative: Robert T. Meisner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Payette, Idaho to Pueblo and Denver, Colo., Golden Valley, Minn., Des Moines, Iowa, Milwaukee, Wis., Sioux City, Iowa, Omaha, Nebr., and Fargo, N. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wells & Davies, Inc., P.O. Box 219, Payette, Idaho 83661, Earl Tromburg, Plant Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 115654 (Sub-No. 64TA), filed June 9, 1977. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, No. 1 Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Bldg., 13th & Pennsylvania Ave., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and confectionery products*, in mechanically refrigerated equipment, (except in bulk), from the plantsite and warehouse facilities of M&M/Mars, a division of Mars, Inc., at or near Little Rock, Ark., to points on and west of the Tennessee River in Tenn., and Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M&M/Mars, a division of Mars, Inc., High Street, Hackettstown, N.J. 07840. Send protests to: Joe J. Tate,

District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 115654 (Sub-No. 65TA), filed June 9, 1977. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 1193, No. 1 Candy Lane, Nashville, Tenn. 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Bldg., Pennsylvania Avenue and 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* in mechanically refrigerated equipment, (except in bulk), from the plantsite and storage facilities of M&M/Mars, a division of Mars Inc., at or near Chicago, Ill., to points in Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M&M/Mars, A division of Mars, Inc. High Street, Hackettstown, N.J. 07840. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 116073 (Sub-No. 356TA), filed June 9, 1977. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: John C. Barrett, P.O. Box 919, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and buildings, complete or in sections, from the plantsite of Continental Spacemaster Corp., at or near Elkhart, Ind., to all points in the states of Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Spacemaster Corporation, 25702 Miner Street, Elkhart, Ind. 46514. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak, 58102.

No. MC 117633 (Sub-No. 3TA, filed June 8, 1977. Applicant: BLUE BIRD CAB CO., INC., 502–504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad crews and their equipment*, in vehicles limited to eleven (11 passengers or less, between Niagara, Erie, Chautauqua and Cattaraugus Counties, N.Y., on the one hand, and, on the other, Clinton Potter, Cameron and McKean Counties, Pa., under a continuing contract, or contracts, with Consolidated Rail Corporation, for 180 days. Supporting shipper(s): Consolidated Rail Corporation, P.O. Box 42, Olean, N.Y. 14760. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 119789 (Sub-No. 357TA), filed June 10, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic*, in containers in mechanically refrigerated equipment, from Riverside, Calif., to Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Oregon, Texas, and Washington, Carbondale, Ill., Evansville, Ind., Holstein, Spencer, Marshalltown, Aldonna, Iowa, New Orleans, La., Detroit, Mich., Minneapolis, Roger, Minn., St. Louis, Mo., David City, Nebr., Albuquerque, N. Mex., Portland, Oreg., Houston, Tex., Arlington, Pasco, Wash., for 180 days. Supporting shipper: Foam Systems Co., 3640 Chicago Ave., P.O. Box 5347, Riverside, Calif. 92507. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce St., Rm. 13C12, Dallas, Tex. 75242.

No. MC 124048 (Sub-No. 26TA), filed June 2, 1977. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Macon, Ga., to Grand Island, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio. 45201. (William J. Payne, Analyst) Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 128527 (Sub-No. 85TA), filed June 9, 1977. Applicant: MAY TRUCKING COMPANY, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and (b) *equipment, materials, and supplies* used in the conduct of such businesses, in Portland, Salem, Hillsboro, Forest Grove, Albany, Eugene, Stayton and Hood River, Oreg., and Seattle, Kent, Tacoma, Bellingham, Bellevue, Vancouver, Yakima, Markham, Sunnyside, Arlington, Puyallup, Kennewick, La Conner, Walla Walla, Selah and Prosser, Wash., to the warehouse facilities of American Strevell Inc., located at Boise, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: American Strevell, Inc., 506 S. 11th, Boise, Idaho, 83706. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 W. Fort St. Box 07, Boise, Idaho 83724.

No. MC 128592 (Sub-No. 9TA), filed June 8, 1977. Applicant: KLM, INC., P.O. Box 162, Railroad Avenue, Center, Tex. 79535. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from points in Pennsylvania, Wisconsin and Texas, to the distribution facilities of the Burger King Corporation located at Greensboro, N.C.; Syosett, N.Y.; Bellmawr, N.J.; Atlanta, Ga.; Miami, Fla.; Minneapolis, Minn.; Detroit, Mich.; Solon, Ohio; Santa Fe Springs, Calif.; Kansas City, Mo.; Denver, Colo.; Houston and Arlington, Tex.; and Boston, Mass.; (2) *Such commodities as are sold or used by operators or restaurant chains* (except commodities in bulk), from Miami, Fla., to the distribution facilities of the Burger King Corporation located at Greensboro, N.C.; Syosett, N.Y.; Bellmawr, N.J.; Atlanta, Ga.; Minneapolis, Minn.; Detroit, Mich.; Solon, Ohio; Santa Fe Springs, Calif.; Kansas City, Mo.; Denver, Colo.; Houston and Arlington Tex.; and Boston, Mass. The transportation service to be performed under (1) and (2) shall be pursuant to a continuing contract, or contracts, with the Burger King Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Burger King Corporation—Distron Division, P.O. Box 520843, Miami, Fla. 33152. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 128801 (Sub-No. 3TA), filed June 10, 1977. Applicant: RONALD SHREINER, R.D. No. 1, Labanon, Pa. 17042. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous metals and alloys, and scrap non-ferrous metals and scrap non-ferrous metal articles and alloys*, between Columbia, Pa., on the one hand, and, on the other, Fort Riley, Kans., and Fort Sill, Okla., and points in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Texas and Wisconsin, under a continuing contract with Colonial Metals Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colonial Metals Co., P.O. Box 311, Columbia, Pa. 17512. Send protests to: Charles F. Myers, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

V 42 N 124 JUN 28 77 UM

No. MC 129963 (Sub-No. 6TA), filed June 13, 1977. Applicant: Fann McKelvey, d.b.a. McKELVEY TRUCKING, 5420 W. Missouri, Glendale, Ariz. 85301. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lettuce cartons*, from Los Angeles, Calif., to Center and Alamosa, Colo., under a continuing contract, or contracts, with Desert Supply Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Desert Supply Company, 1055 Walnut, Yuma, Ariz. 85364. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427 Federal Bldg., 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 134734 (Sub-No. 34TA), filed June 10, 1977. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, Nebr. 68137. Applicant's representative: Joseph Winter, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, tools, and related advertising materials*, (a) from the plantsite and facilities of Moog Automotive, Inc., at or near Creve Coeur, Mo., to Reno, Nev., and (b) from the facilities of D.J.T. Realty Co. at Reno, Nev., to points in Orange, Riverside, Los Angeles, San Bernadino, San Diego, San Francisco, San Mateo, Santa Clara, Contra Costa, Sacramento, Fresno, Kern, Tulare, and San Joaquin Counties, Calif., under a continuing contract or contracts with Moog Automotive, Inc., for 180 days. Supporting shipper: William L. Mussbaum, Asst. General Counsel, Moog Automotive, Inc., Box 7224, St. Louis, Mo. 63177.

No. MC 135539 (Sub-No. 8TA), filed June 6, 1977. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, Evansville, Ind. 47715. Applicant's representative: Margie Market, 305 Van Buren St., Marengo, Ill. 60152. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, storage tanks, fans, heaters, augers, dryers, pre-engineered steel buildings*, and all related parts and accessories between the plantsite of Superior Equipment Manufacturing Co., Division of Tiffany Industries, Inc., Matoon, Ill., and all points in the states of Iowa, Indiana, Ohio, Kentucky and Tennessee, under a continuing contract with Superior Equipment Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Superior Equipment Manufacturing Co., Div. of Tiffany Industries, Inc. 1321 S. Nineteenth St., Matoon, Ill. 61938. Send protests to: William S. Ennis, D/S Interstate Commerce Commission, Federal Bldg., and U.S. Courthouse, 46 East Ohio St., Rm. 429 Indianapolis, Ind. 46204.

No. MC 136220 (Sub-No. 42TA), filed June 9, 1977. Applicant: Roy Sullivan, d.b.a. SULLIVAN TRUCKING CO., P.O. Box 2164, Ponca City, Okla. 74601. Applicant's representative: G. Timothy Armstrong, 6161 N. May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets and alfalfa meal*, in bulk, in dump vehicles, from points in Sumner County, Kans., to points in Arkansas and Oklahoma, for 180 days. Supporting shipper(s): Western Alfalfa Corporation, P.O. Box 69, Shawnee Mission, Kans. 66201. Send protests to: Joe Green District Supervisor, Room 240, Old Post Office Bldg., 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 138036 (Sub-No. 9TA), filed June 8, 1977. Applicant: J & S, INC., P.O. Box 288, Indianola, Pa. 15051. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, *and equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between the facilities of Thrift Drug Division of J.C. Penney Company, Inc., in Atlanta Southern Industrial Park, Morrow (Clayton County), Ga., on the one hand, and, on the other, points in California, under a continuing contract or contracts with Thrift Drug Division of J.C. Penney Company, Inc., of New York, N.Y. for 180 days. Supporting shipper: Thrift Drug Division of J.C. Penney Co., Inc. 615 Alpha Drive, Pittsburgh, Pa. 15238. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 139495 (Sub-No. 244TA), filed June 13, 1977. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 E. 8th Street, Liberal, Kans. 67901. Applicant's representative: Frederk J. Coffman, Peterson, Bowman, Coffman & Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe fittings and connectors*, from the facilities of ITT-Grinnell at Temple, Tex, to points in the United States, (except Alaska, Hawaii and Texas), restricted to traffic originating at the above facilities, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): ITT-Grinnell Corporation, P.O. Box 687, Temple, Tex. 76501. Send protests to: M. E. Taylor District Supervisor, Interstate Commerce Commission, Suite 101 Litwin Building, Wichita, Kans. 67202.

No. MC 142268 (Sub-No. 15TA), filed June 7, 1977. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water and sewage treatment chemicals*, in bulk, in tank vehicles, from Detroit, Michigan and points in its commercial zone, to the international boundary line between the United States and Canada, at points in Michigan, for furtherance to points in Ontario, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) West Windsor Pollution Control Plant, W. J. Newman Superintendent, 4155 Objibway Parkway, Windsor, Ontario, Canada. (2) Ontario Ministry of the Environment, Area Superintendent H. F. Sanger, Box 298, Kingsville, Ontario. N9Y 2E9. (3) Windsor Utilities Commission, Superintendent, Water Division, E. A. Loft, 787 Ouellette Avenue, Windsor, Ontario, N9A, 5T7. (4) Amherstburg Water Filtration Plant, Superintendent Louis Singer, Amherstburg, Ontario. (5) Harrow Water Filtration Plant, Superintendent Ernie Johnston, Box 909, Harrow, Ontario, Canada. (6) Ministry of the Environment, Superintendent Richard Fletcher, RR No. 1, Blenhein, Ontario. Send protests to: James A. Augustyn District Supervisor, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Avenue, Bureau of Operations, Detroit, Mich. 48226.

No. MC 142291 (Sub-No. 2TA), filed June 6, 1977. Applicant: MDI, INC., 6202 Concord Blvd. East, Inver Grove Heights, Minn. 55075. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors and wines*, (except in bulk), from points in Kentucky to Long Prairie, Minn., under a continuing contract, or contracts, with Minnesota Distillers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Minnesota Distillers, Inc. Long Prairie, Minn. Send protests to: Mrs. Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th Street. Minneapolis, Minn. 55401.

No. MC 143163 (Sub-No. 2TA), filed May 16, 1977. Applicant: RICHARDSON TRUCKING INC., 330 East 8th St., P.O. Box 967, Greeley, Colo. 80631. Applicant's representative: Western Traffic Service, 5900 West Colfax Ave., Suite 20, P.O. Box 14006, Denver, Colo. 80214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat indible meat and meat by-products* (except hides and commodities in bulk, in tank vehicles), used as, or in the manufacture of animal feed and feed ingredients, from Greeley, Colo., and its commercial zone to Fort Dodge and Des Moines, Iowa; Independence, Kansas City, and St. Joseph, Mo.: Forest Grove, Hillsboro, and Portland, Oreg.; and Jefferson, Wis., and their commercial zones, under a continuing contract with J. R. Nylen Ltd. and their Man Handling Company Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. R. Nylen Ltd., and their Man Handling Company Division, P.O. Box 1314, Sioux City, Iowa 51102. Send protests to: Roger L. Buchanan, Dist. Supervisor, Interstate Commerce Commission, 721 19th St. 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 143359 (Sub-No. 1TA), filed June 8, 1977. Applicant: HELEN McNAY, d/b/a, McNAY TRUCK LINE, R. R. No. 8, Quincy, Ill. 62301. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, from Quincy, Ill., to Burlington, Iowa for the account of Pepsi-Cola Quincy Bottling Co., Quincy, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Gordon Cornwell, Executive Vice President, Pepsi-Cola Quincy Bottling Co., 1121 Locust Street, Quincy, Ill. 62301. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 143367TA, filed June 13, 1977. Applicant: ORANGEBURG REDI-MIX CONCRETE, INC., P.O. Box 706, Orangeburg, S.C. 29115. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mill scale*, in bulk, in dump vehicles, from Groft, N.C., to Orangeburg, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Paul Blum Company, Inc., 189 Van Rensselaer Street, Buffalo, N.Y. 14210. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 143368TA, filed June 7, 1977. Applicant: WALTER D. BROOKS, 447 Range Road, Cumberland, Maine 04021. Applicant's representative: John G. Feehan, Hewes, Culley & Feehan, One Canal Plaza, Portland, Maine 04112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland and South Portland, Maine to Portsmouth, Dover, Durham, Newington, Gonic and Rochester, N.H., for 180 days. Supporting shipper(s): Sunmark Industries, Division of Sun Oil Co. of Pennsylvania, P.O. Box 7368–19101, 1845 Walnut Street, Philadelphia, Pa. 19103. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 76 Pearl Street, Room 307, Portland, Maine 04111.

No. MC 143369TA, filed June 9, 1977. Applicant: ON-A-WAY TRUCKING, INC., Route 3, Box 426C, Molalla, Oreg. 97038. Applicant's representative: John A. Anderson, 200 S.W. Market Street, Suite 1440, 200 Market Building, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips and hog fuel*, from points in Benton, Polk and Yamhill Counties, Oreg., to Longview, Wash., under a continuing contract, or contracts, with Wilson, Wilson & Wilson, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wilson, Wilson & Wilson, 22625 Jennie Road, Lyons, Oreg. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 143370TA, filed June 9, 1977. Applicant: H. D. JORDAN AND EMMETT O. McKENZIE, d/b/a EMPIRE TRUCKING COMPANY, P.O. Box 206, Old Washington, Ohio. 43768. Applicant's representative: E. H. van Deusen, Sanborn, Brandon & Duvall, P.O. Box 97, Dublin, Ohio. 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (except in bulk), from the facilities of Industrial Terminal Systems, Inc., at or near Logans Ferry, Plum Borough, Allegheny County, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, Pa. 16301. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 143371TA, filed June 13, 1977. Applicant: JOHN M. PARSONS, South Green Street, Tuckerton, N.J. 08087. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, meat by-products, frozen foods, and dairy products*, from Philadelphia, Pa., to points in Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties, N.J., restricted to shipments picked up and delivered the same day for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Milden and White, Inc., 1224 North 9th Street, Philadelphia, Pa. 19122. (2) Stein-Henry Company, 1705 North America Street, Philadelphia, Pa. 19122. (3) E. F. Schulze Co. 414 N. Percy Street, Philadelphia, Pa. 19123. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 143372 TA, filed June 13, 1977. Applicant: PEOPLES TRANSFER, INC., 1712 S. Bunn Street, Bloomington, Ill. 61701. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, carpet padding, vinyl flooring and flooring products*, between the facilities of Carpetland U.S.A., at or near Munster, Ind., on the one hand, and, on the other, points and places in the Commercial Zones of Bloomington, Champaign, Decatur, Elk Grove Village, Joliet, Peoria and Springfield, Ill., for 180 days. Supporting shipper(s): Carpetland U.S.A. David Brownlee, Service Manager, 8201 Calumet Avenue, Munster, Ind. 46321. Send protests to: Patricia A. Roscoe District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

PASSENGER APPLICATION

No. MC 141063 (Sub-No. 2TA), filed June 9, 1977. Applicant: THE CITY CONTRACT BUS SERVICE, INC., P.O. Box 2182, Jacksonville, Fla. 32203. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St., N.W., Suite 246, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* who are employees of Louisville and Nashville Railroad Company, *and their baggage*, between points in Georgia on and north of Interstate 20, on the one hand, and, on the other, points in Tennessee along the line of Louisville and Nashville Railroad Company, under a continuing contract, or contracts, with Louisville and Nashville Railroad Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Louisville and Nashville Railroad Company, 1590 Marietta Blvd., N.W. Atlanta, Ga. 30301. Send protests to: G. H. Fauss, Jr. District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18521 Filed 6-27-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board	1, 2, 3
Civil Service Commission	11
Federal Deposit Insurance Corporation	4
Federal Election Commission	5
Federal Reserve System	6
Foreign Claims Settlement Commission	7
International Trade Commission	8
Interstate Commerce Commission	9
Nuclear Regulatory Commission	10

1

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

[MA-10 amending M-25]

Notice of deletion of item from June 28, 1977 meeting agenda.

REVISED AGENDA

TIME AND DATE: 10 a.m., June 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of Items Adopted by Negotiation.[1]

2. Docket 30714, Application of Braniff Airways Inc. for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958 to provide free transportation for travel agents to attend the TravelAge MidAmerica Sales Seminar, Trade Show and Familiarization Program in Houston, Texas between September 16 and 18, 1977.

3. Docket 30362, Petition of Air Freight Forwarders Association to amend Part 296 to permit the payment of commissions or international consolidated shipments or, in the alternative, the issuance of a Policy Statement by the Board recognizing that freight forwarders may be compensated for delivering freight shipments to the Direct Carriers "ready for carriage."

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 4 on the announced agenda for the June 28, 1977 Board meeting was Docket 29139, EDR-296, "Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales."

At the June 23, 1977 Board meeting, Chairman Kahn noted that one of the Office of General Counsel attorneys who is involved in the Overbooking proceeding would not be available for the June 28, 1977 Board meeting and that the item would be rescheduled in the near future.

The following Members voted that agency business that this item be deleted from the June 28, 1977, agenda and that the no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Member G. Joseph Minetti
Member Lee R. West

PHYLLIS T. KAYLOR,
Secretary.

[S-757-77 Filed 6-24-77;9:01 am]

2

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

[M-26]

TIME AND DATE: 10 a.m., June 30, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of Items Adopted by Notation.[1]

2. Discussion of regulatory reform legislation currently before Congress.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

PHYLLIS T. KAYLOR,
Secretary.

[S-758-77 Filed 6-24-77;9:01 am]

3

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

[M-25]

TIME AND DATE: 10 a.m., June 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of Items Adopted by Notation.[1]

2. Docket 30714, Application of Braniff Airways Inc. for an exemption pursuant to section 416 (b) of the Federal Aviation Act of 1958 to provide free transportation for travel agents to attend the TravelAge MidAmerica Sales Seminar, Trade Show and Familiarization Program in Houston, Texas between September 16 and 18, 1977.

3. Docket 30362, Petition of Air Freight Forwarders Association to amend Part 296 to permit the payment of commissions on international consolidated shipments or, in the alternative, the issuance of a Policy Statement by the Board recognizing that freight forwarders may be compensated for delivering freight shipments to the Direct Carriers "ready for carriage."

4. Docket 29139, EDR-296 Reexamination of the Board's Policies Concerning Deliberate Overbooking and Oversales.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

PHYLLIS T. KAYLOR,
Secretary.

[S-759-77 Filed 6-24-77;9:01 am]

4

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 31518.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., June 27, 1977.

CHANGES IN THE MEETING:

Notice is hereby given of the addition of a Resolution regarding a one month extention of time within which certain employees may file a Statement of Employment and Financial Interests and a Resolution to establish an Office of Personnel Management to the agenda for consideration at its open meeting scheduled for 11 a.m. at the above time and date.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-760-77 Filed 6-24-77;9:26 am]

5

AGENCY HOLDING THE MEETING: Federal Election Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-734-77, 42 FR 32348, June 24, 1977.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, June 30, 1977, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

CHANGE IN THE MEETING:

Please Add Advisory Opinion 1977-16.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202-523-4065.

[S-761-77 Filed 6-24-77;9:58 am]

6

AGENCY HOLDING THE MEETING: Federal Reserve System; Board of Governors.

TIME AND DATE: 10 a.m., Friday, July 1, 1977.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Draft testimony to be presented before the Subcommittee on Consumer Affairs of the Senate Committee on Banking, Housing and Urban Affairs, regarding bills to simplify the Truth in Lending Act.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: June 24, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-762-77 Filed 6-24-77;11:09 am]

7

AGENCY HOLDING THE MEETING: Foreign Claims Settlement Commission.

[Notice No. 9-77]

ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, July 6, 1977, at 10:30 a.m., Routine Business.
Wednesday, July 13, 1977, at 10:30 a.m., Routine Business.
Wednesday, July 20, 1977, at 10:30 a.m. Routine Business.
Wednesday, July 27, 1977, at 10:30 a.m., Routine Business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579. Telephone: 202-653-6156.

Dated at Washington, D.C., on June 22, 1977.

FRANCIS T. MASTERSON,
Executive Director.

[S-753-77 Filed 6-23-77; 3:35 pm]

8

AGENCY HOLDING THE MEETING: United States International Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 30574.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., June 23, 1977.

CHANGES IN THE MEETING:

Agenda item No. 2 (Press reports on predatory pricing in steel), previously announced as being open to the public, was closed to the public by vote of a majority of the entire membership of the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-752-77 Filed 6-23-77; 3:35 p.m.]

9

AGENCY HOLDING THE MEETING: Interstate Commerce Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published June 27, 1977.

TIME AND DATE: Changed time from 9:30 a.m., to 9 a.m., Tuesday, June 28, 1977.

PLACE: Commission's Offices, 12th and Constitution Avenue NW., Washington, D.C.

STATUS: *Closed Special Conference.* Voting to close as to the following item on the agenda were Chairman O'Neal, Commissioners Clapp, Murphy, Stafford, Gresham, MacFarland and Christian (Commissioners Brown and Hardin did not participate) on the grounds that such meeting is likely to specifically concern the initiation and conduct by the Commission of a particular case of formal adjudication involving a determination on the record after opportunity for a hearing, within the meaning of 5 U.S.C. 552b(c)(10) and 49 CFR 1012.7(d)(12). The General Counsel has issued his certificate accordingly.

No. 36611, Trans Alaska Pipeline System—Tariff Consideration

In addition to the Commission, the following will be in attendance: Mark L. Evans, General Counsel; Janice M. Rosenak, Deputy Director, Section of Rates, Office of Proceedings; John A. Grady, Director, Bureau of Accounts; and William Bono, Thomas Carpenter, Joseph Morgan, David Drucker and Edward Johnson, all of the Bureau of Accounts.

CONTACT PERSON FOR MORE INFORMATION:

Public Information Officer, Douglas Baldwin, telephone 202-275-7252.

[S-756-77 Filed 6-24-77;9:01 am]

10

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Wednesday, June 22, and Friday, June 24, 1977.

[1] The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room (Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428) following the meeting.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Wednesday, June 22, 4:30 p.m. (approx): Discussion of Awards (Exemptions 2 and 6).
Friday, June 24, 4:30 p.m.: 1 Discussion of Tarapur Export License (Exemptions 1 and 10) (Approx. 1 hr). 2. Vote to Extend Review of Indian Point ALAB Decision (Exemption 10) (Approx. 10 min.). 3. Order on Seabrook (Exemption 10) (Approx. 5 min.).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202–634–1410.

Dated: June 22, 1977.

WALTER MAGEE,
Office of the Secretary.

[S–754–77 Filed 6–23–77;3:39 pm]

11

AGENCY HOLDING MEETING: Civil Service Commission.

TIME AND DATE OF MEETING: 9 a.m., July 5, 1977.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Continuation of discussion of Recommendations of the Task Force on Merit Staffing Review Recommendations.

(2) Approval of a Graduate Level Work Experience Program.

CONTACT PERSON FOR MORE INFORMATION:

Georgia Metropulos, Office of the Executive Assistant to the Commissioners, 202–632–5556.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[S–768–77 Filed 6–27–77;9:43 am]

federal register

TUESDAY, JUNE 28, 1977
PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

JUN 28 77

FEDERAL ELECTION COMMISSION

[Notice 1977-35, AOR 1977-27]

ADVISORY OPINION REQUEST

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-27 has been made public at the Commission. Copies of AOR 1977-27 were made available on June 21, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of General Counsel, Advisory Opinion Section at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

AOR 1977-27: Is the Intern Program Trust Fund of Florida's Tenth Congressional District, which was established to receive and disburse funds for the purpose of sending high school students to Washington "to observe various operations of the federal government," an office account of the Member of Congress representing the district under 2 U.S.C. 439a.

Requested by Representative L.A. Bafalis, House of Representatives, Washington, D.C.

Dated: June 20, 1977.

THOMAS E. HARRIS,
Chairman for the
Federal Election Commission.

[FR Doc.77-18126 Filed 6-27-77;8:45 am]

JUN 28 77

federal register

TUESDAY, JUNE 28, 1977

PART III

ENVIRONMENTAL PROTECTION AGENCY

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Republication of the 1977, 1978, and 1979 Model Year Motor Vehicle Certification Regulations

V 42 124 JUN 28 77 UM

Title 40—Protection of Environment

[FRL 748–6]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Republication of the 1977, 1978, and 1979 Model Year Motor Vehicle Certification Regulations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action is a republication of the 1977 model year motor vehicle certification regulations, a publication of the complete 1978 model year motor vehicle certification regulations, and a publication of the existing 1979 model year motor vehicle certification regulations. This publication is being issued to provide the public with complete, updated 1977, 1978, and 1979 model year motor vehicle certification regulations to aid in the use of those regulations. This action is needed due to the numerous amendments that have been made to the regulations since they were last published in their complete form (July 1, 1976 edition of the Code of Federal Regulations, Title 40, Parts 60 to 99). This document does not make any changes to the existing motor vehicle certification requirements.

EFFECTIVE DATE: These amendments are effective June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

David A. Finley, Regulatory Management Staff, Mobile Source Air Pollution Control (AW–455), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 755–0596.

SUPPLEMENTARY INFORMATION: The Agency finds good cause to omit as unnecessary a notice of proposed rulemaking and public rulemaking procedure in the issuance of these regulations. These regulations are a recodification of existing regulatory requirements, applicable to 1977, 1978 and 1979 model year certification. For the same reasons, the Agency finds good cause to make these regulations effective on the date of publication in the FEDERAL REGISTER.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A–107.

Dated: June 14, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

40 CFR Part 86 is amended by revising Subpart A, Subpart B, and Appendices I through VI, to read as follows:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks, and for 1977 and Later Model Year New Heavy-Duty Engines

Sec.
86.077–1 General applicability.
86.077–2 Definitions.
86.077–3 Abbreviations.
86.077–4 Section numbering; construction.
86.077–5 General standards; increase in emissions; unsafe conditions.
86.077–6 Hearings on certification.
86.077–7 Maintenance of records; submittal of information; right of entry.
86.077–8 Emission standards for 1977 light-duty vehicles.
86.077–9 Emission standards for 1977 light-duty trucks.
86.077–10 Emission standards for 1977 gasoline-fueled heavy-duty engines.
86.077–11 Emission standards for 1977 Diesel heavy-duty engines.
86.077–12—86.077–20 [Reserved].
86.077–21 Application for certification.
86.077–22 Approval of application for certification; test fleet selections.
86.077–23 Required data.
86.077–24 Test vehicles and engines.
86.077–25 Maintenance.
86.077–26 Mileage and service accumulation; emission measurements.
86.077–27 Special test procedures.
86.077–28 Compliance with emission standards.
86.077–29 Testing by the Administrator.
86.077–30 Certification.
86.077–31 Separate certification.
86.077–32 Addition of a vehicle or engine after certification.
86.077–33 Changes to a vehicle or engine covered by certification.
86.077–34 Alternative procedure for notification of additions and changes.
86.077–35 Labeling.
86.077–36 Submission of vehicle identification numbers.
86.077–37 Production vehicles and engines.
86.077–38 Maintenance instructions.
86.077–39 Submission of maintenance instructions.
86.078–1 General applicability.
86.078–2 Definitions.
86.078–3 Abbreviations.
86.078–4 Section numbering; construction.
86.078–5 General standards; increase in emissions; unsafe conditions.
86.078–6 Hearings on certification.
86.078–7 Maintenance of records; submittal of information; right of entry.
86.078–8 Emission standards for 1978 light-duty vehicles.
86.078–9 Emission standards for 1978 light-duty trucks.
86.078–10 Emission standards for 1978 gasoline-fueled heavy-duty engines.
86.078–11 Emission standards for 1978 Diesel heavy-duty engines.
86.078–12—86.078–20 [Reserved].
86.078–21 Application for certification.
86.078–22 Approval of application for certification; test fleet selections.
86.078–23 Required data.
86.078–24 Test vehicles and engines.
86.078–25 Maintenance.
86.078–26 Mileage and service accumulation; emission measurements.
86.078–27 Special test procedures.
86.078–28 Compliance with emission standards.
86.078–29 Testing by the Administrator.
86.078–30 Certification.
86.078–31 Separate certification.
86.078–32 Addition of a vehicle or engine after certification.
86.078–33 Changes to a vehicle or engine covered by certification.
86.078–34 Alternative procedure for notification of additions and changes.
86.078–35 Labeling.
86.078–36 Submission of vehicle identification numbers.
86.078–37 Production vehicles and engines.
86.078–38 Maintenance instructions.
86.078–39 Submission of maintenance instructions.
86.079–1 General applicability.
86.079–2 Definitions.
86.079–9 Emission standards for 1979 and later model light-duty trucks.
86.079–20 Incomplete vehicles, classification.
86.079–21 Application for certification.
86.079–26 Mileage and service accumulation; emission measurements.
86.079–30 Certification.
86.079–35 Labeling.

Subpart B—Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles and New Light-Duty Trucks; Test Procedures

86.101 General applicability.
86.102 Definitions.
86.103 Abbreviations.
86.104–78 Section numbering; construction.
86.105–78 Introduction; structure of subpart.
86.106–78 Equipment required; overview.
86.107–78 Sampling and analytical system; evaporative emissions.
86.108–78 Dynamometer.
86.109–78 Exhaust gas sampling system.
86.110–78 [Reserved].
86.111–78 Exhaust gas analytical system.
86.112–78 [Reserved].
86.113–78 Fuel specifications.
86.114–78 Analytical gases.
86.114–79 Analytical gases.
86.115–78 EPA urban dynamometer driving schedule.
86.116–78 Calibrations; frequency and overview.
86.117–78 Evaporative emission enclosure calibrations.
86.118–78 Dynamometer calibration.
86.119–78 CVS calibration.
86.120–78 [Reserved].
86.121–78 Hydrocarbon analyzer calibration.
86.122–78 Carbon monoxide analyzer calibration.
86.123–78 Oxides of nitrogen analyzer calibration.
86.124–78 Carbon dioxide analyzer calibration.
86.125–78 [Reserved].
86.126–78 Calibration of other equipment.
86.127–78 Test procedures; overview.
86.128–78 Transmissions.
86.129–78 Road load power and inertia weight determination.
86.129–79 Road load power and inertia weight determination.
86.130–78 Test sequence; general requirements.
86.131–78 Vehicle preparation.
86.132–78 Vehicle preconditioning.
86.133–78 Diurnal breathing loss test.
86.134–78 Running loss test.
86.135–78 Dynamometer procedure.
86.135–79 Dynamometer procedure.
86.136–78 Engine starting and restarting.
86.137–78 Dynamometer test runs.
86.138–78 Hot-soak runs.
86.139–78 [Reserved].
86.140–78 Exhaust sample analysis.
86.141–78 [Reserved].
86.142–78 Records required.
86.142–79 Records required.

Sec.
86.143–78 Calculations; evaporative emissions.
86.144–78 Calculations; exhaust emissions.
86.145–78 [Reserved].
86.177–1—86.177–3 [Reserved].
86.177–4 Section numbering; construction.
86.177–5 Test procedures.
86.177–6 Fuel specifications.
86.177–7 Gasoline-fueled vehicle and engine preparation.
86.177–8 Vehicle preconditioning.
86.177–9 Evaporative emission collection procedure for gasoline-fueled vehicles.
86.177–10 Dynamometer driving schedule.
86.177–11 Dynamometer procedures.
86.177–12 Manual transmissions.
86.177–13 [Reserved].
86.177–14 Automatic transmissions.
86.177–15 Engine starting and restarting.
86.177–16 Sampling and analytical system (exhaust emissions).
86.177–17 Sampling and analytical system (fuel evaporative emissions, gasoline-fueled vehicles).
86.177–18 Information to be recorded.
86.177–19 Analytical system calibration and sample handling.
86.177–20 Dynamometer test runs.
86.177–21 Chart reading.
86.177–22 Calculations (exhaust emissions).
86.177–23 Calculations (fuel evaporative emissions, gasoline-fueled vehicles).
Appendix I—EPA Urban Dynamometer Driving Schedules.
Appendix II—Procedure for Dynamometer Road Horsepower Calibration.
Appendix III—Constant Volume Sampler Flow Calibration.
Appendix IV—Durability Driving Schedules.
Appendix V—[Reserved].
Appendix VI—Vehicle and Engine Components.

AUTHORITY: Secs. 202, 206, 207, 208, 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f–1, 1857f–5, 1857f–5a, 1857f–6, 1857g(a)).

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks, and for 1977 and Later Model Year New Heavy-Duty Engines

§ 86.077–1 General applicability.

The provisions of this subpart are applicable to 1977 and later model year new gasoline-fueled and Diesel light-duty vehicles, 1977 and later model year new gasoline-fueled and Diesel light-duty trucks and 1977 and later model year new gasoline-fueled and Diesel heavy-duty engines.

§ 86.077–2 Definitions.

(a) The definitions in this section apply to this subpart and also to Subparts B, H, I, and J.

(b) As used in this subpart all terms not defined herein shall have the meaning given them in the Act:

"Act" means Part A of title II of the Clean Air Act, 42 U.S.C. 1857 f–1 through f–7, as amended by Pub. L. 91–604.

"Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

"Auxiliary Emission Control Device (AECD)" means any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.

"Calibrating gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

"Configuration" means a subclassification of an engine-system combination on the basis of engine code, inertia weight class, transmission type and gear ratios, rear axle ratio, and other parameters which may be designated by the Administrator.

"Crankcase emissions" means airborne substances emitted to the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

"Defeat Device" means an AECD that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal urban vehicle operation and use, unless (1) such conditions are substantially included in the Federal emission test procedure, or (2) the need for the AECD is justified in terms of protecting the vehicle against damage or accident, or (3) the AECD does not go beyond the requirements of engine starting.

"Diurnal breathing loss" means fuel evaporative emissions as a result of the daily range in temperature to which the fuel system is exposed.

"Engine family" means the basic classification unit of a manufacturer's product line used for the purpose of test fleet selection and determined in accordance with § 86.077–24.

"Engine-system combination" means an engine family-exhaust emission control system-fuel evaporative emission control system (where applicable) combination.

"EPA Enforcement Officer" means any officer or employee of the Environmental Protection Agency so designated in writing by the Administrator (or by his designee).

"Exhaust emissions" means substances emitted to the atmosphere from any opening downstream from the exhaust port of a motor vehicle engine.

"Fuel evaporative emissions" means vaporized fuel emitted into the atmosphere from the fuel system of a motor vehicle.

"Fuel system" means the combination of fuel tank, fuel pump, fuel lines, and carburetor, or fuel injection components, and includes all fuel system vents and fuel evaporative emission control systems.

"Gross vehicle weight" means the manufacturer's gross weight rating for the individual vehicle.

"Heavy-duty vehicle" means any motor vehicle either designed primarily for transportation of property and rated at more than 6,000 pounds GVW or designed primarily for transportation of persons and having a capacity of more than 12 persons.

"Heavy-duty engine" means any engine which the engine manufacturer could reasonably expect to be used for motive power in a heavy duty vehicle.

"High-altitude" means any elevation over 1219 meters (4000 feet).

"High-altitude conditions" means a test altitude of 1585 meters (5200 feet), plus or minus 274 meters (900 feet), or equivalent observed barometric test conditions of 83.46 kPa (24.72 inches Hg), plus or minus 2.77 kPa (0.82 inches Hg): *Provided*, That the Administrator may approve conditions other than those specified herein on the basis of a written application by the manufacturer.

"Hot soak loss" means fuel evaporative emissions during the 1-hour hot soak period which begins immediately after the engine is turned off.

"Intermediate speed" means the peak torque speed or 60 percent of rated speed, whichever is higher.

"Light-duty truck" means any motor vehicle rated at 6,000 pounds GVW or less, which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

"Light-duty vehicle' means a passenger car or passenger car derivative capable of seating 12 passengers or less.

"Loaded vehicle weight" means the vehicle curb weight of a light-duty vehicle or light-duty truck plus 300 pounds.

"Maximum rated horsepower" means the maximum brake horsepower output of an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 86.077–21.

"Maximum rated torque" means the maximum torque produced by an engine as stated by the manufacturer in his sales and service literature and his application for certification under § 86.077–21.

"Military engine" means any engine manufactured solely for the Department of Defense to meet military specifications.

"Model year" means the manufacturer's annual production period (as determined by the Administrator) which includes January 1 of such calendar year: *Provided*, That if the manufacturer has no annual production period, the term "model year" shall mean the calendar year.

"Nominal fuel tank capacity" means the volume of the fuel tank, specified by the manufacturer to the nearest tenth of a U.S. gallon, which may be filled with fuel from the fuel tank filler inlet.

"Opacity" means the fraction of a beam of light, expressed in percent, which fails to penetrate a plume of smoke.

"Oxides of nitrogen" means the sum of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

"Peak torque speed" means the speed at which an engine develops maximum torque.

"Percent load" means the fraction of the maximum available torque at a specified engine speed.

"Rated speed" means the speed at which the manufacturer specifies the maximum rated horsepower of an engine.

"Running loss" means fuel evaporative emissions resulting from an average trip

in an urban area or the simulation of such a trip.

"Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed on a periodic basis to prevent part failure or vehicle (if the engine were installed in a vehicle) malfunction.

"Smoke" means the matter in the exhaust emissions which obscures the transmission of light.

"Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

"System" includes any motor vehicle engine modification which controls or causes the reduction of substances emitted from motor vehicles.

"Tank fuel volume" means the volume of fuel in the fuel tank(s), which is determined by multiplying the manufacturer's nominal tanks(s) capacity by 0.40, the result being rounded using ASTM E29–67 to the nearest tenth of a U.S. gallon.

"Throttle" means the mechanical linkage which either directly or indirectly controls the fuel flow to the engine.

"Unscheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of vehicle components or systems which is performed to correct a part failure or vehicle (if the engine were installed in a vehicle) malfunction.

"Useful life" means:

(1) For light-duty vehicles and light-duty trucks a period of use of 5 years or 50,000 miles, whichever first occurs.

(2) For gasoline-fueled heavy-duty engines a period of use of 5 years or 50,000 miles of vehicle operation or 1,500 hours of engine operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs.

(3) For Diesel heavy-duty engines a period of use of 5 years or 100,000 miles of vehicle operation or 3,000 hours of engine operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

"Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 86.077–24.

"Zero (0) hours" means that point after normal assembly line operations and adjustments are completed and before one (1) additional operating hour has been accumulated.

"Zero (0) miles" means that point after initial engine starting (not to exceed 10 miles of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed.

§ 86.077–3 Abbreviations.

(a) The abbreviations in this section apply to this subpart and also to Subparts B, H, I, and J and have the following meanings:

accel.—acceleration.
AECD—Auxiliary emission control device.
API—American Petroleum Institute.
ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.
BSCO—Brake specific carbon monoxide.
BSHC—Brake specific hydrocarbons.
BSNO$_x$—Brake specific oxides of nitrogen.
C—Celsius.
cfh—cubic feet per hour.
CFV—Critical flow venturi.
CFV–CVS—Critical flow venturi—constant volume sampler.
CL—Chemiluminescence.
CO_2—carbon dioxide.
CO—carbon monoxide.
conc.—concentration.
cfm—cubic feet per minute.
CT—Closed throttle.
cu. in.—cubic inch(es).
CVS—Constant volume sampler.
decel.—deceleration.
EP—End point.
evap.—evaporative.
F—Fahrenheit.
FID—Flame ionozation detector.
FL—Full load.
ft.—feet.
g—gram(s).
gal.—U.S. gallon(s).
GVW—Gross vehicle weight.
GVWR—Gross vehicle weight rating.
h—hour(s).
H_2O—water.
HC—hydrocarbon(s).
HFID—Heated flame ionization detector.
Hg—mercury.
hi—high.
hp.—horsepower.
IBP—Initial boiling point.
ID—Internal diameter.
in.—inch(es).
K—kelvin.
kg—kilogram(s).
km—kilometer(s).
kPa—kilopascal(s).
lb.—pound(s).
lb.-ft.—pound-feet.
m—meter(s).
max.—maximum.
mg—milligram(s).
mi.—mile(s).
min.—minute(s).
ml—milliliter(s).
mm—millimeter(s).
mph—miles per hour.
mv—millivolt(s).
N_2—nitrogen.
NDIR—Nondispersive infrared.
NO—nitric oxide.
NO_2—nitrogen dioxide.
NO_x—oxides of nitrogen.
No.—Number.
O_2—oxygen.
Pb—lead.
pct.—percent.
PDP–CVS—Positive displacement pump–constant volume sampler.
ppm—parts per million by volume.
ppm C—parts per million, carbon.
psi—pounds per square inch.
psig—pounds per square inch gauge.
PTA—Part throttle acceleration.
PTD—Part throttle deceleration.
R—Rankin.
rpm—revolutions per minute.
RVP—Reid vapor pressure.
s—second(s).
SAE—Society of Automotive Engineers.
SI—International system of units.
sp.—speed.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
UDDS—Urban dynamometer driving schedule.
V—volt(s).
vs—versus.
W—watt(s).
WF—Weighting factor.
WOT—Wide open throttle.
wt.—weight.
'—feet.
''—inch(es).
°—degree(s).
Σ—summation.

§ 86.077–4 Section numbering; construction.

(a) *Section numbering.* The model year of initial applicability is indicated by the last two digits of the 5 digit group. A section remains in effect for subsequent model years until it is superseded. The number following the hyphen designates what previous section is replaced by a future regulation.

EXAMPLES: Section 86.077–6 applies to the 1977 and subsequent model years until superseded. If a § 86.080–6 is promulgated it would take effect with the 1980 model year; § 86.077–6 would not apply after the 1979 model year. Section 86.077–10 would be replaced by § 88.078–10 beginning with the 1978 model year.

(b) *Construction.* Except where indicated, the language in this subpart applies to both vehicles and engines. In many instances language referring to engines is enclosed in parentheses and immediately follows the language discussing vehicles.

§ 86.077–5 General standards; increase in emissions; unsafe conditions.

(a)(1) Every new motor vehicle (or new motor vehicle engine) manufactured for sale, sold, offered for sale, introduced, or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to §§ 86.077–21 through 86.077–23 and §§ 86.077–29 through 86.077–34.

(2) No heavy-duty vehicle manufacturer shall take any of the actions specified in section 203(a)(1) of the Act with respect to any gasoline-fueled or Diesel heavy-duty vehicle which uses an engine which has not been certified as meeting applicable standards. Each heavy-duty vehicle manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

(i) A description of the vehicles which will be produced subject to this section;

(ii) Identification of the engines used in the vehicles;

(iii) Projected sales data on each vehicle-engine combination;

(iv) A statement that the engines will not be modified by the vehicle manufacturer or a detailed specification of any changes which will be made. Changes made solely for the purpose of mounting an engine in a vehicle need not be included.

(v) A statement that the engine maintenance instruction supplied by the engine manufacturer, in compliance with § 86.077–38, will be furnished to the ultimate purchaser. If these maintenance instructions are modified, a detailed description of the modifications and a justification for each must be provided to the

Administrator for review. The Administrator will notify the manufacturer of the determination whether the modified instructions are reasonable and necessary to assure proper functioning of the emission control system.

(b)(1) Any system installed on or incorporated in a new motor vehicle (or new motor vehicle engine) to enable such vehicle (or engine) to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle (or engine) without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicles (or new motor vehicle engines) subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles (or motor vehicle engines) in accordance with good engineering practice to ascertain that such test vehicles (or test engines) will meet the requirements of this section for the useful life of the vehicle (or engine).

§ 86.077–6 Hearings on certification.

(a)(1) After granting a request for a hearing under §§ 86.077–22 or 86.077–30 the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 86.077–22 or 86.077–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 86.077–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 86.077–22 or 86.077–30 together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The hearing file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a showing satsfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f)(1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 86.077–7 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records.

(1) *General records.* (i) The records required to be maintained by this paragraph shall consist of:

(A) Identification and description of all certification vehicles (or certification engines) for which testing is required under this subpart.

(B) A description of all emission control systems which are installed on or incorporated in each certification vehicle (or certification engine).

(C) A description of all procedures used to test each such certification vehicle (or certification engine).

(ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle (or motor vehicle engine) used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle (or each separate engine) in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle (or as a certification engine), a description of the process by which the engine was selected and of the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation, as applicable. In the case where the engine for a certification vehicle (or certification engine) is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation, as applicable. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system components, fuel injection components, emission control system components, smoke exhaust emission control system components, and exhaust

JUN 28 77
UM

aftertreatment devices as applicable, shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle (or certification engine) with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment devices, smoke exhaust emission control system components, vehicle weight or any other devices or components as applicable, that can reasonably be expected to influence exhaust or evaporative emissions, as applicable, will be representative of production vehicles (or engines) and that either all components and/or vehicle (or engine) construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles (or engines) are reasonably likely to be implemented for production vehicles (or engines) or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under Subparts B, H, I, and J, as applicable (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof, the date, time, purpose, and location of each test, the number of miles accumulated on the vehicle (or the number of hours accumulated on the engine), when the tests began and ended, and the names of supervisory personnel responsible for the conduct of the tests.

(C) The date and times of each mileage (or service) accumulation run, listing both the mileage (or number of operating hours) accumulated and the name of each driver or each operator of the automatic mileage accumulation device (or dynamometer operator).

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle (or engine RPM, and/or horsepower and/or torque in relationship to engine operating time).

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this part which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the tests, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle (or engine) was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle (or engine) during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents (or accidents involving the engine) or driver speeding citations or warnings (or dynamometer runaway).

(ii) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle (or engine), shall be updated each time the operational status of the vehicle (or engine) changes or additional work is done on it, and shall be kept in a designated location.

(3) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *Provided*, That in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle (or engine) relevant to the control of crankcase, exhaust or evaporative emissions, as applicable, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers; *Provided*, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle (or new motor vehicle engine) subject to certification test under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle (or new motor vehicle engine) which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle (or engine) into a certification vehicle (or certification engine) is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle (or engine) preconditioning, emissions tests and mileage (or service) accumulation, maintenance, and vehicle soak and storage procedures (or engine storage procedures), and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle (or certification engine) and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles (or production motor vehicle engines) conform in all material respects to the design specifications which applied to those vehicles (or engines) described in the application for certification for which a certificate of conformity has been issued to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles (or production engines) is located or carried on; and

(ii) Any facility where any motor vehicles (or motor vehicle engines) to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicles (or new motor vehicle engines) and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a

vehicle or engine is certifiable or is covered by a certificate can properly be based on those data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage (or service) accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle (or engine) manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle (or engine) which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate mileage (or service) accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement.

§ 86.077–8 Emission standards for 1977 light-duty vehicles.

(a)(1) Exhaust emissions from 1977 model year light duty vehicles shall not exceed:

(i) *Hydrocarbons.* 0.41 grams per vehicle mile.

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 2.0 grams per vehicle mile.

(2) For those manufacturers who have been granted a suspension of the standards specified in paragraph (a)(1) the following standards for exhaust emissions from 1977 model year light-duty vehicles shall apply:

(i) *Hydrocarbons.* 1.5 grams per vehicle mile.

(ii) *Carbon monoxide.* 15 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 2.0 grams per vehicle mile.

(3) The standards set forth in paragraphs (a)(1) and (a)(2) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1977 model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (a)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1977 model year gasoline-fueled light-duty vehicle.

§ 86.077–9 Emission standards for 1977 light-duty trucks.

(a)(1) Exhaust emissions from 1977 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per vehicle mile.

(ii) *Carbon monoxide.* 20 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1977 model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1977 model year gasoline-fueled light-duty truck.

§ 86.077–10 Emission standards for 1977 gasoline-fueled heavy-duty engines.

(a)(1) Exhaust emissions from new 1977 and later model year gasoline-fueled heavy-duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO_2).* 16 grams per brake horsepower hour.

(ii) *Carbon monoxide.* 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1977 model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standard set forth in paragraph (a)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1977 model year gasoline-fueled light-duty vehicle.

§ 86.077–11 Emission standards for 1977 Diesel heavy-duty engines.

(a)(1) The opacity of smoke emissions from new 1977 and later model year Diesel heavy-duty engines shall not exceed:

(i) 20 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (a)(1) of this section refer to exhaust smoke emissions generated under the conditions set forth in Subpart I and measured and calculated in accordance with those procedures.

(b)(1) Exhaust gaseous emissions from new 1977 and later model year Diesel heavy-duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO_2).* 16 grams per brake horsepower hour.

(ii) *Carbon monoxide.* 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (b)(1) of this section refer to exhaust gaseous emissions generated under the conditions set forth in Subpart J and measured and calculated in accordance with those procedures.

(c)–(d) [Reserved]

(e) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in Subparts I and J to ascertain that such test engines meet the requirements of paragraphs (a) and (b) of this section.

§ 86.077–12—§ 86.077–20 [Reserved]

§ 86.077–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicles only), emission control

JUN 28 77
UM

system, and fuel system components. This shall include a detailed description of each auxiliary emission control device (AECD) to be installed in or on any certification test vehicle (or certification test engine).

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) A description of the proposed mileage (or service) accumulation procedure for durability testing.

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission data and durability data test fleet.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 86.077–32, 86.077–33, and 86.077–34 shall be submitted in such multiple copies as the Administrator may require.

§ 86.077–22 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 86.077–24.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage (or service) accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles (or on engines) described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.077–6 with respect to such issue.

§ 86.077–23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information: *Provided, however,* That: (1) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engines) for which emission data are available, or will be made available, under the provisions of § 86.077–29, or

(2) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engines) at zero kilometers (or zero hours) of operation.

(b) Durability data on such vehicles (or engines) tested in accordance with the applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle (or engine) for extended mileage (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for Diesel heavy-duty engines) performed on the test vehicles (or test engines).

(c) *Emission data.* (1) *Certification vehicles.* (i) Emission data on such vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show their emissions after zero kilometers (zero miles) and 6436 kilometers (4000 miles) of operation.

(ii) Emission data on those vehicles selected under § 86.077–24(b)(1)(v) and tested in accordance with the applicable test procedures of this part and in such numbers as therein specified, which shall be tested at zero kilometers (zero miles) at any altitude, and under high-altitude conditions after 6436 kilometers (4000 miles) of operation at any altitude.

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures and in such numbers as specified, which will show their emissions after zero hours and 125 hours of operation.

(d) A statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.077–5(b) and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.077–5(b) and the data derived from such tests are available to the Administrator upon request.

(e) A statement that the test vehicles (or test engines) with respect to which data are submitted to demonstrate compliance with §§ 86.077–8, 86.077–9, 86.077–10, or § 86.077–11, as applicable, are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification, and that on the basis of such tests the vehicles (or engines) conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicle (or test engine) was not as described in the application for certification or was not tested in accordance with applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the vehicle (or engine) does not meet the applicable standards. The provisions of § 86.077–30 (b) shall then be followed.

§ 86.077–24 Test vehicles and engines.

(a)(1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ⅛-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics; gasoline-fueled vehicles and engines only.

(ix) Thermal reactor characteristics; gasoline-fueled vehicles and engines only.

(3) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine.

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition or injection timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a)(2) and (3) of this section, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(b) Emission data. (1) *Emission-data vehicles.* Paragraph (b)(1) of this section applies to light-duty vehicle and light-duty truck emission-data vehicles.

(i) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Vehicles of each engine family will be divided into engine displacement-exhaust emission control system-evaporative emission control system combinations as applicable. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to such features as transmission type, fuel system, and inertia weight class.

(iii) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratios.

(iv) If the vehicles selected in accordance with paragraphs (b)(1)(i) and (iii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to such features as transmission type, fuel system, and inertia weight class.

(v) The Administrator will also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

(vi) The Administrator may combine testing requirements for any vehicle selected under paragraph (b)(1)(v) of this section with the testing requirements for any similar vehicle in the same engine-system combination selected under paragraphs (b)(1)(ii), (iii), or (iv) of this section by requiring a vehicle selected for testing under paragraphs (b)(1)(ii), (iii), or (iv) of this section to be modified (if necessary) after mileage accumulation and emission testing for the purpose of demonstrating compliance in accordance with § 86.077–23(c)(1)(ii).

(2) *Gasoline-fueled heavy-duty emission-data engines.* Paragraph (b)(2) of this section applies to gasoline-fueled heavy-duty emission-data engines.

(i) Engines will be chosen to be run for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(iii) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, and compression ratio.

(iv) If the engines selected in accordance with paragraphs (b)(2)(ii) and (iii) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(3) *Diesel heavy-duty emission-data engines.* Paragraph (b)(3) of this section applies to Diesel heavy-duty emission-data engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon their exhaust emission control systems. One engine of each engine-system combination shall be run for smoke emission data and gaseous emission data as prescribed in § 86.077–26(c)(3). Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine-system combination, then one military engine shall be also selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within each engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed, and peak torque.

(c) Durability data. (1) *Durability-data vehicles.* Paragraph (c)(1) of this section applies to light-duty vehicle and light-duty truck durability-data vehicles.

(i) A durability-data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(2) *Gasoline-fueled heavy-duty durability-data engines.* Paragraph (c)(2) of this section applies to gasoline-fueled heavy-duty durability-data engines.

(i) A durability-data engine will be selected by the Administrator to represent each engine-system combination. The engine selected shall be of the displacement with the largest projected sales volume of engines with that exhaust emission control system in that engine family and will be designated by the Administrator as to fuel system.

(ii) [Reserved]

(iii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacement and fuel system as the engine selected for that combination in accordance with the provisions of paragraph (c)(2)(i) of this section. Notice of an intent to run additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(3) *Diesel heavy-duty durability-data engines.* Paragraph (c)(3) of this section applies to Diesel heavy-duty durability-data engines.

(i) One engine from each engine-system combination shall be tested as prescribed in § 86.077–26(c)(3)(ii). At each test point, either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine

JUN 28 77
UM

which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine-system combination includes both military and nonmilitary engines, then the nonmilitary engine with the highest maximum rated horsepower will usually be selected for durability testing.

(ii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same model and fuel system as the engine selected in accordance with the provisions of paragraph (c) (3) (i) of this section. Notice of an intent to test additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(d) For purposes of testing under § 86.077–26(a) (9), (b) (9) or (c) (11), the Administrator may require additional emission-data vehicles (or emission-data engines) and durability-data vehicles (or durability-data engines) identical in all material respects to vehicles (or engines) selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles (or engines) selected shall not increase the size of either the emission-data fleet or the durability-data fleet by more than 20 percent or one vehicle (or engine) whichever is greater.

(e) Any manufacturer whose projected sales for the model year in which certification is sought is less than

(1) 2000 gasoline-fueled light-duty vehicles, or

(2) 2000 Diesel light-duty vehicles, or

(3) 2000 gasoline-fueled light-duty trucks, or

(4) 2000 Diesel light-duty trucks, or

(5) 700 gasoline-fueled heavy-duty engines, or

(6) 200 Diesel heavy-duty engines, may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefore, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.077–23 has previously been submitted.

(g) (1) This paragraph applies to light-duty vehicles and light-duty trucks.

(2) Where it is expected that more than 33 percent of an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, unless excluded by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(3) Where it is expected that more than 33 percent of an engine family will be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission-data and durability-data vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes, and other items determined by the Administrator.

(4) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

§ 86.077–25 Maintenance.

(a) *Light-duty vehicles and light-duty trucks.* Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(1) Scheduled maintenance on the engine, emission control system and fuel system of durability-data vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a) (5) (iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a) (1) (i) (A) or (B) of this section, as applicable, and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel.

(A) *For gasoline-fueled vehicles*, the following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.

(*2*) Cold starting enrichment system (includes fast idle speed setting).

(*3*) Curb idle speed and air/fuel mixture.

(*4*) Drive belt tension on engine accessories.

(*5*) Valve lash.

(*6*) Inlet air and exhaust gas control valves.

(*7*) Engine bolt torque.

(*8*) Spark plugs.

(*9*) Fuel filter and air filter.

(*10*) Crankcase emission control system.

(*11*) Fuel evaporative emission control system.

(B) *For Diesel vehicles*, a major engine tuneup shall be restricted to the following:

(*1*) Adjust low idle speed.

(*2*) Adjust valve lash if required.

(*3*) Adjust injector timing.

(*4*) Adjust governor.

(*5*) Clean and service injector tips.

(*6*) Adjust drive belt tension on engine accessories.

(*7*) Check engine bolt torque and tighten as required.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to adjustment during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2) (i) *For gasoline-fueled vehicles*, unscheduled maintenance on the engine, emission control system and fuel system of durability-data vehicles may be performed, except as provided in paragraph (a) (5) (i) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a) (1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(ii) *For Diesel vehicles*, unscheduled maintenance on the engine, emission control system and fuel system of durability-data vehicles may be performed, except as provided in paragraph (a) (5) (i) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a) (1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of the vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(A) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement (as applicable); and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, vehicle stalling, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a) (5) (i) (A).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability-data vehicle.

(7) Where the Administrator agrees under § 86.077–26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(8) (i) Adjustment of engine idle speed on emission-data vehicles may be performed once before the 6436-kilometer (4000-mile) test point. Any other engine, emission control system or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission-data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission-data vehicles selected under § 86.077–24(b) (1) (v) and permitted to be tested for purposes of § 86.077–23(b) (1) (ii) under the provisions of § 86.077–24(b) (1) (vi) may be performed in conjunction with emission control system modifications at the 6436-kilometer (4000-mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.077–33.

(iii) Maintenance on those emission-data vehicles selected under § 86.077–24 (b) (1) (v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6436-kilometer (4000-mile) test point, and shall be approved in advance by the Administrator.

(9) Repairs to vehicle components of the durability-data or emission-data vehicle other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(10) Complete emission tests (see §§ 86.177–5 through 86.177–23) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days) after the test along with a complete record of all pertinent maintenance including a preliminary engineering report of any malfunction diagnosis and corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.077–23.

(11) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfiring, stalling, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(12) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components.

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a) (5) (i) of this section for durability-data vehicles or paragrap (a) (8) (i) of this section for paragraph (a) (8) (i) of this section for emission-data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(b) [Reserved]

(c) (1) *Gasoline-fueled heavy-duty engines.* Paragraph (c) of this section applies to gasoline-fueled heavy-duty engines.

(2) (i) Scheduled maintenance may be performed on durability-data engines only under the following provisions:

(A) Major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation, provided no tuneups are performed after 1375 hours of scheduled dynamometer operation. The maintenance to be performed on the durability-data engines shall be requested in the application for certification and shall be specified at the same intervals in the maintenance instructions which will be furnished to the ultimate purchaser of the vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.077–2.) A scheduled major engine tuneup shall be restricted to paragraphs (c) (2) (i) (A) (*1*) through (*12*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.
(*2*) Cold starting enrichment system (includes fast idle speed setting).
(*3*) Curb idle speed and air/fuel mixture.
(*4*) Drive belt tension on engine accessories.
(*5*) Valve lash.
(*6*) Inlet air and exhaust gas control valves.
(*7*) Engine bolt torque.
(*8*) Spark plugs.
(*9*) Fuel filter and air filter.
(*10*) Crankcase emission control system.
(*11*) Fuel evaporative emission control system.
(*12*) Exhaust gas recirculation system.

(B) Change of engine oil, and change or service of oil filter will be allowed at the equivalent intervals that will be specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 125 hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (c) (v) (A) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (c) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii)—(iv) [Reserved]

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption, or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (c) (2) (v) (A) (*1*) of this section.

(C) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability-data engine.

(3) (i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications to be shown on the engine label (see § 86.077–35(a) (2) (iii)).

(ii) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5) (i) Complete emission tests (see §§ 86.777–5 through 86.777–15) are required unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability-data engines.

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability-data engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability-data engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.077–28(b) (4) (i) (A) (2).

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.077–23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfiring, stalling).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets, and

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (c) (2) (v) (A) of this section for durability-data engines or paragraph (c) (3) of this section for emission-data engines; or

(iii) Unless specifically authorized by the Administrator.

(d) (1) *Diesel heavy-duty engines.* Paragraph (d) of this section applies to Diesel heavy-duty engines.

(2) (i) Scheduled maintenance may be performed on durability-data engines only under the following provisions:

(A) One major engine servicing to manufacturer's specifications may be performed prior to 875 hours (±8 hours) of scheduled dynamometer operation provided such maintenance is requested in the application for certification and is specified in the maintenance instructions which will be furnished to the ultimate purchaser of the motor vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.077–2.) A scheduled major servicing shall be restricted to paragraphs (d) (2) (i) (A) (*1*) through (7) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Low idle speed.
(2) Drive belt tension.
(*3*) Engine bolt torque.
(*4*) Valve lash.
(*5*) Injection timing.
(*6*) Injector assemblies.
(*7*) Governor settings.

(B) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine low idle speed may be performed once during the first 125 hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (d) (2) (v) (A) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (d) (2) (i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(iii)–(iv) [Reserved]

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for fuel injection component, or removable prechamber removal or replacement; and

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (d) (2) (v) (A) (*1*) of this section.

(C) Requests for authorization of scheduled maintenance of emission control related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability-data engine.

(3) (i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications required to be shown on the engine label (see § 86.077–35(a) (3) (iii)).

(ii) Any other engine, emission control system, or fuel system, adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5) (i) Complete emission tests (see §§ 86.877–5 through 86.877–14 and §§ 86.977–5 through 86.977–15) are required, unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability-data engines.

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability-data engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability-data engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.077–28(c) (4) (i) (B) or (C).

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.077–23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfiring, stalling).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (d) (2) (v) (A) of this section for durability-data engines or paragraph (d) (3) of this section for emission-data engines; or

(iii) Unless specifically authorized by the Administrator.

§ 86.077–26 Mileage and service accumulation; emission measurements.

(a) (1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV of this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.177–11(d), the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(3) Emission-data vehicles: Unless as otherwise provided for in § 86.077–23(a), emission-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission-data vehicle shall be driven 6436 kilometers (4000 miles) with all emission control systems installed and operating. Complete exhaust emission and fuel evaporative emission tests (see § 86.177–5(a)) shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles) unless the Administrator determines, based on data submitted under § 86.077–24(f), that only the exhaust emission test (see § 86.177–5(b)) shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles).

(B) The emission-data vehicle(s) selected for testing under § 86.077–24(b) (1) (v) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and

6436 kilometers (4000 miles) under high altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.077–24(b)(1)(v) and permitted to be tested for purposes of § 86.077–23(c)(1)(ii) under the provisions of § 86.077–24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low- and high-altitude conditions. For the purposes of this subparagraph, "low altitude" means any elevation less than 549 meters (1800 feet).

(ii) *Diesel.* (A) Each Diesel emission-data vehicle shall be driven 6436 kilometers (4000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles).

(B) The emission-data vehicle(s) selected for testing under § 86.077–24(b)(1)(v) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.077–24(b)(1)(v) and permitted to be tested for purposes of § 86.077–23(c)(1)(ii) under the provisions of § 86.077–24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low- and high-altitude conditions. For the purpose of this subparagraph "low altitude" means any elevation less than 549 meters (1800 feet).

(4) Durability-data vehicles: Unless as otherwise provided for in § 86.077–23(a), durability-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission and fuel evaporative emission tests (see § 86.177–5(a)) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000 and 50,000, unless the Administrator determines based on data submitted under § 86.077–24(f) that only the exhaust emission tests (see § 86.177–5(b)) shall be made at the mileage points specified in this paragraph.

(ii) *Diesel.* Each Diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 86.177–6 through 86.177–23) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, and 50,000.

(5) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability-data vehicles and 4,000 miles for emission-data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(6)(i) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within 3 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.077–23. Where the Administrator conducts a test on durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E 29–67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standards of this subpart to three significant figures.

(7) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero-mile test data to the Administrator (except for those vehicles for which the zero-mile test requirement has been waived under § 86.077–23(a)(2)) and make the vehicle available for such testing under § 86.077–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(8) Once a manufacturer begins to operate an emission-data or durability-data vehicle, as indicated by compliance with paragraph (a)(7) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 86.077–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.177–5 through 86.177–23 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(b)(1) Paragraph (b) of this section applies to gasoline-fueled heavy-duty engines.

(2) The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for non-governed engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(3) Emission-data engines: Unless as otherwise provided for in § 86.077–23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(4) Durability-data engines: Unless as otherwise provided for in § 86.077–23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(5) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(6)(i) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within

5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.077–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(7) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.077–23(a)(2)) and make the engine available for such testing under § 86.077–29 as the Administrator may require before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(8) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (b)(7) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 86.777–15. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.777–5 through 86.777–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(c)(1) Paragraph (c) of this section applies to Diesel heavy-duty engines.

(2) The procedures set forth in this section describe the service accumulation that shall be accomplished on each test engine and when tests are to be conducted.

(3)(i) Emission-data engines: Unless as otherwise provided for in § 86.077–23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours.

(ii) Durability-data engines: Unless as otherwise provided for in § 86.077–23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated, with all emission control systems installed and operating, for 1,000 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval.

(4) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would run after the zero-hour test, and the hours accumulated would not be counted as part of the service accumulation.

(5) Before service accumulation can begin, the following criteria must be met. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(i) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(ii) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(iii) The zero-hour test data shall be provided to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.077–23(a)(2)) and the engine shall be made available for such testing under § 86.077–29 as the Administrator may require.

(6) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.077–25).

(i) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed during zero-hour testing. Horsepower values shall be corrected to the rating conditions.

(ii) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.877–8 except that the tolerance will be ±3 inches of water and ±0.5 inches of Hg respectively.

(7) During each emission test the inlet and exhaust restrictions shall be as specified in § 86.877–8.

(8) Tests, other than zero-hour tests, may be conducted within eight (8) hours of the nominal test point.

(9)(i) The results of each emission test shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests (not to exceed three valid tests) at any test point, the number of tests must be the same at each point. The data obtained from all valid tests shall be used in the calculation of the deterioration factor. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.077–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E 29–67.

(10) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (c) of this section, he shall continue to run the engine to 125 hours or 1,000 hours respectively, and the data from the engine shall be used in the calculations under §§ 86.677–14 and 86.977–15. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11)(i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.877–5 through 86.877–14 and §§ 86.977–5 through 86.977–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

JUN 28 77
UM

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

§ 86.077–27 Special test procedures.

(a) For light-duty vehicles or light-duty trucks, the Administrator may, on the basis of a written application therefore by a manufacturer, prescribe test procedures other than those set forth in this part for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth in Subpart B.

(b) For heavy-duty engines, the Administrator may prescribe test procedures other than those set forth in this part for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth in Subparts H, I, or J.

§ 86.077–28 Compliance with emission standards.

(a) (1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust and fuel evaporative emission standards, as applicable, is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, exhaust NO_x, and fuel evaporative HC, as applicable.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.077–26(a)(4), except the zero-mile tests. This shall include the official test results, as determined in § 86.077–29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.077–24(c) (including all vehicles elected to be operated by the manufacturer under § 86.077–24(c)(1)(ii)).

(2) All emission data from the tests conducted before and after the scheduled maintenance provided in § 86.077–25.

(3) All emission data from tests required by maintenance approved under § 86.077–25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in §§ 86.077–8 or 86.077–9, as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard.

(C) An exhaust emission deterioration factor shall be calculated for each combination as follows:

Factor=exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(D) For gasoline-fueled vehicles, an evaporative emission deterioration factor shall be calculated for each combination by subtracting the evaporative emissions interpolated to 4,000 miles from the evaporative emissions interpolated to 50,000 miles. These interpolated values shall be carried out, in accordance with ASTM E 29–67, to a minimum of three decimal places to the right of the decimal point before subtracting one from the other to determine the deterioration factor.

(ii) (A) The exhaust emission test results for each emission-data vehicle shall be multiplied by the appropriate deterioration factor, *Provided*, That if a deterioration factor as computed in paragraph (a)(4)(i)(C) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The evaporative emission test results for each combination shall be adjusted by addition of the appropriate deterioration factor. *Provided*, That if a deterioration factor as computed in paragraph (a)(4)(i)(D) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraphs (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Every test vehicle of an engine family must comply with all applicable standards, as determined in paragraph (a)(4)(iii) of this section, before any vehicle in that family may be certified.

(b)(1) Paragraph (b) of this section applies to gasoline-fueled heavy-duty engines.

(2) The exhaust emission standards in § 86.077–10 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for CO and for the combined emissions of HC and NO_x.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the test required under § 86.077–26(b)(4), except the zero-hour tests. This shall include the official test results, as determined in § 86.077–29, for all tests conducted on all durability-data engines of the combination selected under § 86.077–24(c)(2) (including all engines elected to be operated by the manufacturer under § 86.077–24(c)(2)(iii)).

(2) All emission data from the test conducted before and after maintenance provided in § 86.077–25(c)(2)(i)(A).

(3) All emission data from the test conducted before and after maintenance provided in § 86.077–25(c)(2)(v)(C) if emission tests were conducted.

(B) All applicable emission results for (*1*) $HC+NO_x$ and (2) CO shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines ((*1*) $HC+NO_x$ and (2) CO), fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1500-hour points on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.077–10 or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions interpolated to 1500 hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to whole numbers in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

(c)(1) Paragraph (c) of this section applies to Diesel heavy-duty engines.

(2) The emission standards in § 86.077–11 apply to the emissions of engines for their useful lives.

(3) Since emission control efficiency decreases with accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance with emission standards for Diesel heavy-duty engines is as follows:

(i) Emission deterioration factors for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), the peak opacity (designated as "C"), the CO exhaust emissions, and the $HC+NO_x$ exhaust emissions shall be established separately for each engine-system combination.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All emission data from the tests required under § 86.077–26(c)(3)(ii), except the zero-hour tests. This shall include the official test results, as determined in § 86.077–29, for all tests conducted on all durability-data engines of the combination selected under § 86.077–24(c)(3)(i) (including all engines selected to be operated by the manufacturer under § 86.077–24(c)(3)(ii)).

(2) All emission data from the tests conducted before and after the maintenance provided in § 86.077–25(d)(2)(i)(A) if emission tests were conducted.

(3) All emission data from the tests conducted before and after maintenance provided in § 86.077–25(d)(2)(v)(C) if emission tests were conducted.

(B) All applicable emission results for (1) $HC+NO_x$, (2) CO, (3) acceleration smoke ("a"), (4) lugging smoke ("b"), and (5) peak smoke ("c") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125- and 1000-hour points on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.077–11 or the data shall not be used in the calculation of the deterioration factor, unless no applicable data points exceeded the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions (both smoke and gaseous) interpolated to 1000 hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero).

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(4)(ii) of this section rounded to whole numbers in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (c)(4)(iii) of this section, before any engine in that family will be certified.

§ 86.077–29 Testing by the Administrator.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purposes of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test vehicle, the results of that test shall, unless subsequently invalidated by the Administrator, comprise the official data for the vehicle at the prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point, *Provided*, That if the Administrator makes a determination based on testing under paragraph (a)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer, *And further provided*, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer are not accurate or have been obtained in violation of any provisions of this part, the Administrator may refuse to accept those data as the official data pending retesting or submission or further information.

(iii)(A) The emission-data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 86.077–35(a)(1)(iii)(D)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted, at the facility designated by the Administrator, prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission-data vehicle.

(B) If the Administrator determines that the test data developed under paragraph (a)(3)(iii)(A) of this section would cause an emission-data vehicle to fail due to excessive 4,000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*1*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 85.077–25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(2) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data vehicle.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a)(2) of this section to enable the Administrator to determine whether an emission-data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (a)(3)(iii)(A) and (B) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed

test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point, *Provided*, That if the Administrator makes a determination based on testing under paragraph (b)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer, *And further provided*, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(iii)(A) The emission-data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 86.077-35(a)(2)(iii)) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report the Administrator will determine if the engine shall be used as an emission-data engine.

(B) If the Administrator determines that the test data developed under paragraph (b)(3)(iii)(A) of this section would cause the emission-data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed.

(*1*) The manufacturer may request a retest. Before the retest, the engine may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 86.077-25. All work on the engine shall be done at such location and under such conditions as the Administrator may prescribe.

(*2*) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data engine.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (b)(2) of this section to enable the Administrator to determine whether an emission-data engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(iii)(B)(*1*) and (*2*) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the engine from the test premises.

§ 86.077-30 Certification.

(a)(1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.077-7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section. If applicable, the certificate will state which vehicles are certified for sale at high altitude.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR 86.077-2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 86.077-7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) covered by this certificate, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.077-7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR 86.077-30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.077-30 (c) or (d).

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, introduces or delivers for introduction into commerce, any light-duty vehicle or light-duty truck, subject to the regulations under the Act, which is not covered by a certificate of conformity at high altitude issued under this part:

(i) At a designated high-altitude location, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or,

(ii) At an other than a designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle is intended by the ultimate purchaser to be used principally at a designated high-altitude location.

(5) For the purpose of paragraph (a) of this section, "designated high-altitude location" is any county which has substantially all of its area located above 1219 meters (4,000 feet) and which is identified below.

COUNTIES LOCATED SUBSTANTIALLY ABOVE 1,219 METERS (4,000 FEET) IN ELEVATION

STATE OF ARIZONA	
Apache	Navajo
STATE OF COLORADO	
Adams	Jefferson
Alamosa	Lake
Arapahoe	La Plata
Archuleta	Larimer
Boulder	Las Animas
Chaffee	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Dolores	Morgan
Delta	Ouray
Denver	Park
Douglas	Pitkin
Eagle	Pueblo
Elbert	Rio Blanco
El Paso	Rio Grande
Fremont	Routt
Garfield	Saguache
Gilpin	San Juan
Grand	San Miguel
Gunnison	Summit
Hinsdale	Teller
Huerfano	Washington
Jackson	Weld
STATE OF IDAHO	
Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Madison
Butte	Minidoka
Camas	Oneida
Caribou	Power
Cassia	Teton
Clark	Valley
STATE OF MONTANA	
Beaverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow
STATE OF NEBRASKA	
Banner	Sioux
Kimball	
STATE OF NEVADA	
Carson City	Lander
Douglas	Lyon
Elko	Mineral
Esmeralda	Storey
Eureka	White Pine
Humboldt	
STATE OF NEW MEXICO	
Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Harding	Socorro
Lincoln	Taos
Los Alamos	Torrance
Luna	Union
McKinley	Valencia
STATE OF OREGON	
Lake	

STATE OF UTAH	
Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Grand	Uintah
Iron	Utah
Juab	Wasatch
Kane	Wayne
Millard	Weber
Morgan	
STATE OF WYOMING	
Albany	Natrona
Carbon	Niobrara
Converse	Park
Fremont	Platte
Goshen	Sublette
Hot Springs	Sweetwater
Johnson	Teton
Laramie	Uinta
Lincoln	Weston

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck, sold, offered for sale, introduced, or delivered for introduction into commerce in California, provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) *Light-duty vehicles and light-duty trucks.*

(A) A test vehicle selected under § 86.077-24(b)(1)(ii) or (iv) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-evaporative emission control system combination, as applicable, to be sold below 1219 meters (4,000 feet) in elevation.

(B) A test vehicle selected under § 86.077-24(b)(1)(iii) shall represent all vehicles in the same engine family of the same engine displacement-exhaust emission control system-transmission type-fuel system combination to be sold below 1219 meters (4,000 feet) in elevation.

(C) A test vehicle selected under § 86.077-24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(D) A test vehicle selected under § 86.077-24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(ii) *Gasoline-fueled heavy-duty engines.*

(A) A test engine selected under § 86.077-24(b)(2)(ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.077-24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.077-24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) *Diesel heavy-duty engines.*

(A) A test engine selected under § 86.077-24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.077-24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(C) A test engine selected under § 86.077-24(c)(3)(i) shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) belonging to an engine family all of which comply with applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.077-29, data or information derived from any inspection carried out under § 86.077-7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.077-6 with respect to such issue.

(4) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test vehicle(s) (or test engine(s)) determined not in compliance with applicable standards.

(i) Request a hearing under § 86.077-6; or

(ii) Delete from the application for certification the vehicles (or engines) represented by the failing test vehicle (or failing test engine). (Vehicles or engines so deleted may be included in a later request for certification under § 86.077-32.) The Administrator will then select in place of each failing vehicle (or failing engine) an alternate vehicle (or alternate engine) chosen in accordance with selection criteria employed in selecting the vehicle (or engine) that failed; or

(iii) Modify the test vehicle (or test engine) and demonstrate by testing that it meets applicable standards. Another vehicle (or engine) which is in all material respects the same as the first vehicle (or engine) as modified, shall then be operated and tested in accordance with applicable test procedures.

(5) If the manufacturer does not request a hearing or present the required data under paragraph (b)(4) of this section, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto.

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.077-7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or build up into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.077-7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to

be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.077–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.077–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.077–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue he will grant the request with respect to such issue.

(d)(1) *For light-duty vehicles and light-duty trucks.* Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606.

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606 to

(A) Monitor vehicle selection pursuant to § 86.607,

(B) Select vehicles for testing pursuant to § 86.607, or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; or

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, 86.607, 86.608, 86.610, or 86.611.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1)(i), (ii) or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1)(iii), (iv), (v), (vi), (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to a degree that would warrant suspension of certification under either paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

§ 86.077–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all vehicles (or engines) for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles (or test engines) and the computation of test results will be determined separately for each application.

§ 86.077–32 Addition of a vehicle or engine after certification.

(a) If a manufacturer proposes to add to his product line a vehicle (or engine) of the same engine-system combination as vehicles (or engines) previously certified but which was not described in the application for certification when the test vehicle(s) (or test engine(s)) representing other vehicles (or engines) of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 86.077–34. This notification shall include a full description of the vehicle (or engine) to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicle(s) (or test engine(s)) representing the vehicle (or engine) to be added which would have been required if the vehicle (or engine) had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 86.077–29, the Administrator determines that the test vehicle(s) or test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) (or test engine(s)) does not meet applicable standards, he will proceed under § 86.077–30(b).

§ 86.077–33 Changes to a vehicle or engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles (or production engines) in respect to any of the parameters listed in § 86.077–24(a)(3), § 86.077–24(b)(1)(iii), § 86.077–24(b)(2)(iii), or § 86.077–24(b)(3)(iii) as applicable, giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 86.077–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the vehicle (or engine), as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles (or engines) he will notify the manufacturer in writing. Except as provided in § 86.077–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles (or engines) would not be covered by the certificate then in effect, the modified vehicles (or engines) shall be treated as additions to the product line subject to § 86.077–32.

§ 86.077–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle (or engine) under § 86.077–32 or a change in a vehicle (or engine) under § 86.077–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles (or engines) as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 86.077–32 (b) and (c), or § 86.077–33 (b) and (c) as appropriate.

(d) Election to produce vehicles (or engines) under this section will be deemed to be a consent to recall all vehicles (or engines) which the Administrator determines under § 86.077–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 86.077–35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards of this subpart, shall at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.077–30(a).

(1) *Light-duty vehicles and light-duty trucks.* (i) A legible, permanent label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable) as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles or light-duty trucks.

(F) The altitude at which the vehicle is intended for sale to the public as specified by a certificate of conformity under § 86.077–30.

(2) *Gasoline-fueled heavy-duty engines.* (i) A legible, permanent label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Date of engine manufacture (month and year);

(E) Engine tuneup specifications and adjustments as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to gasoline-fueled heavy-duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine part.

(3) *Diesel heavy-duty engines.* (i) A legible, permanent label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine family identification and model;

(D) Date of engine manufacture (month and year);

(E) Engine specification:

Advertised hp. ____ at ____ r.p.m.
Fuel rate at advertised hp. ____ mm³/stroke.
Valve lash ____ (inches).
Initial injection timing (if adjustable) _____.
(The information applicable to each engine is to be inserted on the appropriate line.)

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to Diesel heavy-duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable state emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c)(1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards of this subpart shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b) the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information"

(ii) The Statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1977 Model Year New Motor Vehicles"

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program

JUN 28 77
UM

for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

§ 86.077–36 Submission of vehicle identification numbers.

(a) The manufacturer of any light-duty vehicle or light-duty truck covered by a certificate of conformity under § 86.077–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, That this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

§ 86.077–37 Production vehicles and engines.

(a) Any manufacturer obtaining certification under this part shall supply to the Administrator, upon his request, a reasonable number of production vehicles (or engines) selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles (or engines) shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Heavy-duty engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b) *Light-duty vehicles and light-duty trucks.*

(1) Any light-duty vehicle or light-duty truck manufacturer obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of vehicles of each engine family-engine displacement-exhaust emission control system-fuel system-transmission type-inertia weight class combination produced for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 86.077–36.

(2) All light-duty vehicles and light-duty trucks covered by a certificate of conformity under § 86.077–30(a) shall be adjusted by the manufacturer to the ignition or injection timing specification detailed in § 86.077–35(a)(i)(iii)(D).

(c) *Heavy-duty engines.* Any heavy-duty engine manufacturer obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of engines of each engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in the United States during the preceding quarter.

§ 86.077–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle (or motor vehicle engine) subject to the standards prescribed in §§ 86.077–8 through 86.077–11 as applicable, written instructions for the maintenance and use of the vehicle (or engine) by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(c) For gasoline-fueled light-duty vehicles and light-duty trucks.

(1) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under §§ 86.077–25(a)(2) or 86.077–25(b)(2) as applicable, and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(d) For Diesel light-duty vehicles and light-duty trucks.

(1) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(e) For gasoline-fueled heavy-duty engines, such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.077–25(c)(2). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.077–25(d)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1500 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis and/or mileage basis in addition to the engine service time basis that was followed by the manufacturer under § 86.077–25(c)(2).

(f) For Diesel heavy-duty engines, such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.077–25(d)(2). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.077–25(d)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1,000 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis, mileage basis, engine service time basis, or combinations of each.

§ 86.077–39 Submission of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 86.077–23, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 86.077–38(a). The Administrator will review such instructions to determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's (or engine's) emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

§ 86.078–1 General applicability.

(a) The provisions of this subpart apply to 1978 model year new gasoline-fueled and Diesel light-duty vehicles, 1978 model year new gasoline-fueled and Diesel light-duty trucks and 1978 model year new gasoline-fueled and Diesel heavy-duty engines.

(b) Optional applicability. A manufacturer may request to certify any heavy-duty vehicle 10,000 pounds GVWR or less as a light-duty truck; heavy-duty vehicle provisions do not apply to such a vehicle. Provisions applicable for the 1979 model year shall be followed with respect to such vehicles; however, the standards in § 86.078–9 shall apply. Any 1978 model year light-duty truck may be certified under the provisions applicable for the 1979 model year except that the standards in § 86.078–9 still apply.

§ 86.078–2 Definitions.

The following definitions apply beginning with the 1978 model year. Section 86.077–2 remains effective excepting those definitions which are hereby superseded.

"Accuracy" means the difference between a measurement and true value.

"Basic engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by number of carburetor barrels or use of fuel injection), catalyst usage, and other engine and emission control system characteristics specified by the Administrator.

"Body type" means a name denoting a group of vehicles that are either in the same car line or in different car lines provided the only reason the vehicles qualify to be considered in different car lines is that they are produced by separate divisions of a single manufacturer.

"Calibration" means the set of specifications, including tolerances, unique to a particular design, version, or application of a component or components assembly capable of functionally describing its operation over its working range.

"Car line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roof line, number of doors, seats or windows except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.

"Diurnal breathing losses" means evaporative emissions as a result of the daily range in temperature.

"Engine code" means a unique combination, within an engine-system combination, of displacement, carburetor (or fuel injection) calibration, choke calibration, distributor calibration, auxiliary emission control devices and other engine and emission control system components specified by the Administrator.

"Engine—system combination" means an engine family-exhaust emission control system combination.

"Evaporative emission code" means a unique combination in an evaporative emission family—evaporative emission control system combination, of purge system calibrations, fuel tank and carburetor bowl vent calibrations and other fuel system and evaporative emission control system components and calibrations specified by the Administrator.

"Evaporative emissions" means hydrocarbons emitted into the atmosphere from a motor vehicle, other than exhaust and crankcase emissions.

"Evaporative vehicle configuration" means a unique combination of basic engine, engine code, body type, and evaporative emission code.

"Fuel system" means the combination of fuel tank(s), fuel pump, fuel lines, and carburetor or fuel injection components, and includes all fuel system vents and fuel evaporative emission control system components.

"Hot-soak losses" means evaporative emissions after termination of engine operation.

"Malfunction" means not operating according to specifications (e.g., those specifications listed in the application for certification).

"Model type" means a unique combination of car line, basic engine, and transmission class.

"Nominal fuel tank capacity" means the volume of the fuel tank(s), specified by the manufacturer to the nearest tenth of a U.S. gallon, which may be filled with fuel from the fuel tank filler inlet.

"Precision" means the standard deviation of replicated measurements.

"Tank fuel volume" means the volume of fuel in the fuel tank(s), which is determined by taking the manufacturer's nominal fuel tank(s) capacity and multiplying by 0.40, the result being rounded using ASTM E 29–67 to the nearest tenth of a U.S. gallon.

"Transmission class" means the basic type of transmission, e.g., manual, automatic, semi-automatic.

"Transmission configuration" means a unique combination, within a transmission class, of the number of the forward gears and, if applicable, overdrive. The Administrator may further subdivide a transmission configuration (based on such criteria as gear ratios, torque convertor multiplication ratio, stall speed and shift calibration, etc.), if he determines that significant fuel economy or exhaust emission differences exist within that transmission configuration.

"Vehicle configuration" means a unique combination of basic engine, engine code, inertia weight, transmission configuration, axle ratio.

"Zero (0) miles" means that point after initial engine starting (not to exceed 10 miles of vehicle operation, or one hour of engine operation) at which normal assembly line operations and adjustments are completed.

§ 86.078–3 Abbreviations.

(a) The abbreviations in this section apply to this subpart and also to Subparts B, H, I, and J and have the following meanings:

accel.—acceleration.
AECD—Auxiliary emission control device.
API—American Petroleum Institute.
ASTM—American Society for Testing and Materials.
BHP—Brake horsepower.
BSCO—Brake specific carbon monoxide.
BSHC—Brake specific hydrocarbons.
BSNO$_x$—Brake specific oxides of nitrogen.
C—Celsius.
cfh—cubic feet per hour.
CFV—Critical flow venturi.
CFV-CVS—Critical flow venturi—constant volume sampler.
CL—Chemiluminescence.
CO_2—carbon dioxide.
CO—Carbon monoxide.
conc.—concentration.
cfm—cubic feet per minute.
CT—Closed throttle.
cu. in.—cubic inch(es).
CVS—Constant volume sampler.
decel.—deceleration.
EP—End point.
evap.—evaporative.
F—Fahrenheit.
FID—Flame ionization detector.
FL—Full load.
ft.—feet.
g—gram(s).
gal.—U.S. gallon(s).
GVW—Gross vehicle weight.
GVWR—Gross vehicle weight rating.
h—hour(s).
H_2O—water.
HC—hydrocarbon(s).
HFID—Heated flame ionization detector.
Hg—mercury.
hi—high.
hp.—horsepower.
IBP—Initial boiling point.
ID—Internal diameter.
in.—inch(es).
K—kelvin.
kg—kilogram(s).
km—kilometer(s).
kPa—kilopascal(s).
lb.—pound(s).
lb.-ft.—pound-feet.
m—meter(s).
max.—maximum.
mg—milligram(s).
mi.—mile(s).
min.—minute(s).
ml—milliliter(s).
mm—millimeter(s).
mph—miles per hour.
mv—millivolt(s).
N_2—nitrogen.
NDIR—Nondispersive infrared.
NO—nitric oxide.
NO_2—nitrogen dioxide.
NO_x—oxides of nitrogen.
No.—Number.
O_2—oxygen.
Pb—lead.
pct.—percent.
PDP-CVS—Positive displacement pump—constant volume sampler.
ppm—parts per million by volume.

V 42 124 JUN 28 77 UMI

ppm C—parts per million, carbon.
psi—pounds per square inch.
psig—pounds per square inch gauge.
PTA—Part throttle acceleration.
PTD—Part throttle deceleration.
R—Rankin.
rpm—revolutions per minute.
RVP—Reid vapor pressure.
s—second(s).
SAE—Society of Automotive Engineers.
SI—International system of units.
sp.—speed.
TEL—Tetraethyl lead.
TML—Tetramethyl lead.
UDDS—Urban dynamometer driving schedule.
V—volt(s).
vs—versus.
W—watt(s).
WF—Weighting factor.
WOT—Wide open throttle.
wt.—weight.
'—feet.
"—inch(es).
°—degree(s).
Σ—summation.

§ 86.078–4 Section numbering; construction.

(a) *Section numbering.* The model year of initial applicability is indicated by the last two digits of the 5 digit group. A section remains in effect for subsequent model years until it is superseded. The number following the hyphen designates what previous section is replaced by a future regulation.

EXAMPLES: Section 86.077–6 applies to the 1977 and subsequent model years until superseded. If a § 86.080–6 is promulgated it would take effect with the 1980 model year; § 86.077–6 would not apply after the 1979 model year. Section 86.077–10 would be replaced by § 86.078–10 beginning with the 1978 model year.

(b) *Construction.* Except where indicated, the language in this subpart applies to both vehicles and engines. In many instances language referring to engines is enclosed in parentheses and immediately follows the language discussing vehicles.

§ 86.078–5 General standards; increase in emissions; unsafe conditions.

(a)(1) Every new motor vehicle (or new motor vehicle engine) manufactured for sale, sold, offered for sale, introduced, or delivered for introduction into commerce, or imported into the United States for sale or resale which is subject to any of the standards prescribed in this subpart shall be covered by a certificate of conformity issued pursuant to §§ 86.078–21 through 86.078–23 and §§ 86.078–29 through 86.078–34.

(2) No heavy-duty vehicle manufacturer shall take any of the actions specified in section 203(a)(1) of the Act with respect to any gasoline-fueled or Diesel heavy-duty vehicle which uses an engine which has not been certified as meeting applicable standards. Each heavy-duty vehicle manufacturer shall provide to the Administrator prior to the beginning of each model year a statement signed by an authorized representative which includes the following information:

(i) A description of the vehicles which will be produced subject to this section;

(ii) Identification of the engines used in the vehicles;

(iii) Projected sales data on each vehicle-engine combination;

(iv) A statement that the engines will not be modified by the vehicle manufacturer or a detailed specification of any changes which will be made. Changes mode solely for the purpose of mounting an engine in a vehicle need not be included.

(v) A statement that the engine maintenance instructions supplied by the engine manufacturer, in compliance with § 86.078–38, will be furnished to the ultimate purchaser. If these maintenance instructions are modified, a detailed description of the modifications and a justification for each must be provided to the Administrator for review. The Administrator will notify the manufacturer of the determination whether the modified instructions are reasonable and necessary to assure proper functioning of the emission control system.

(b)(1) Any system installed on or incorporated in a new motor vehicle (or new motor vehicle engine) to enable such vehicle (or engine) to conform to standards imposed by this subpart:

(i) Shall not in its operation or function cause the emission into the ambient air of any noxious or toxic substance that would not be emitted in the operation of such vehicle (or engine) without such system, except as specifically permitted by regulation; and

(ii) Shall not in its operation, function, or malfunction result in any unsafe condition endangering the motor vehicle, its occupants, or persons or property in close proximity to the vehicle.

(2) Every manufacturer of new motor vehicles (or new motor vehicle engines) subject to any of the standards imposed by this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles (or motor vehicle engines) in accordance with good engineering practice to ascertain that such test vehicles (or test engines) will meet the requirements of this section for the useful life of the vehicle (or engine).

§ 86.078–6 Hearings on certification.

(a)(1) After granting a request for a hearing under §§ 86.078–22 or 86.078–30 the Administrator will designate a Presiding Officer for the hearing.

(2) The General Counsel will represent the Environmental Protection Agency in any hearing under this section.

(3) If a time and place for the hearing has not been fixed by the Administrator under §§ 86.078–22 or 86.078–30, the hearing shall be held as soon as practicable at a time and place fixed by the Administrator or by the Presiding Officer.

(4) In the case of any hearing requested pursuant to § 86.078–30(c)(5)(i), the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not be the Administrator himself) shall be the final EPA decision.

(b)(1) Upon his appointment pursuant to paragraph (a) of this section, the Presiding Officer will establish a hearing file. The file shall consist of the notice issued by the Administrator under §§ 86.078–22 or 86.078–30 together with any accompanying material, the request for a hearing and the supporting data submitted therewith, and all documents relating to the request for certification and all documents submitted therewith, and correspondence and other data material to the hearing.

(2) The hearing file will be available for inspection by the applicant at the office of the Presiding Officer.

(c) An applicant may appear in person, or may be represented by counsel or by any other duly authorized representative.

(d)(1) The Presiding Officer upon the request of any party, or in his discretion, may arrange for a prehearing conference at a time and place specified by him to consider the following:

(i) Simplification of the issues;

(ii) Stipulations, admissions of fact, and the introduction of documents;

(iii) Limitation of the number of expert witnesses;

(iv) Possibility of agreement disposing of all or any of the issues in dispute;

(v) Such other matters as may aid in the disposition of the hearing, including such additional tests as may be agreed upon by the parties.

(2) The results of the conference shall be reduced to writing by the Presiding Officer and made part of the record.

(e)(1) Hearings shall be conducted by the Presiding Officer in an informal but orderly and expeditious manner. The parties may offer oral or written evidence, subject to the exclusion by the Presiding Officer of irrelevant, immaterial and repetitious evidence.

(2) Witnesses will not be required to testify under oath. However, the Presiding Officer shall call to the attention of witnesses that their statements may be subject to the provisions of title 18 U.S.C. 1001 which imposes penalties for knowingly making false statements or representations, or using false documents in any matter within the jurisdiction of any department or agency of the United States.

(3) Any witness may be examined or cross-examined by the Presiding Officer, the parties, or their representatives.

(4) Hearings shall be reported verbatim. Copies of transcripts of proceedings may be purchased by the applicant from the reporter.

(5) All written statements, charts, tabulations, and similar data offered in evidence at the hearings shall, upon a showing satisfactory to the Presiding Officer of their authenticity, relevancy, and materiality, be received in evidence and shall constitute a part of the record.

(6) Oral argument may be permitted in the discretion of the Presiding Officer and shall be reported as part of the record unless otherwise ordered by him.

(f)(1) The Presiding Officer shall make an initial decision which shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the record. The findings, conclusions, and written decision shall be provided to the parties and made a part of the record. The initial decision shall become the decision of the Administrator without further proceedings unless there is an appeal to the Administrator or motion for review by the Administrator within 20 days of the date the initial decision was filed.

(2) On appeal from or review of the initial decision the Administrator shall have all the powers which he would have in making the initial decision including the discretion to require or allow briefs, oral argument, the taking of additional evidence or the remanding to the Presiding Officer for additional proceedings. The decision by the Administrator shall include written findings and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion presented on the appeal or considered in the review.

§ 86.078–7 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records.

(1) *General records.* (i) The records required to be maintained by this paragraph shall consist of:

(A) Identification and description of all certification vehicles (or certification engines) for which testing is required under this subpart.

(B) A description of all emission control systems which are installed on or incorporated in each certification vehicle (or certification engine).

(C) A description of all procedures used to test each such certification vehicle (or certification engine).

(ii) A properly filed application for certification, following the format prescribed by the US EPA for the appropriate model year, fulfills each of the requirements of this paragraph (a)(1).

(2) *Individual records.* (i) A brief history of each motor vehicle (or motor vehicle engine) used for certification under this subpart in the form of a separate booklet or other document for each separate vehicle (or each separate engine) in which shall be recorded:

(A) In the case where a current production engine is modified for use in a certification vehicle (or as a certification engine), a description of the process by which the engine was selected and of the modifications made, giving specifically the place of modification and installation of the engine into the certification vehicle and the person(s) in charge of modification and installation, as applicable. In the case where the engine for a certification vehicle (or certification engine) is not derived from a current production engine, a general description of the build up of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.) giving specifically the place of engine assembly and installation into a certification vehicle and the person(s) in charge of engine assembly and installation, as applicable. In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system components, fuel injection components, emission control system components, smoke exhaust emission control system components, and exhaust aftertreatment devices as applicable, shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle (or certification engine) with respect to its engine, drive train, fuel system, emission control system components, exhaust aftertreatment devices, smoke exhaust emission control system components, vehicle weight or any other devices or components, as applicable, that can reasonably be expected to influence exhaust or evaporative emissions, as applicable, will be representative of production vehicles (or engines) and that either all components and/or vehicle (or engine) construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles (or engines) are reasonably likely to be implemented for production vehicles (or engines) or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed under Subparts B, H, I, and J, as applicable (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each such test, or exact copies thereof, the date, time, purpose, and location of each test, the number of miles accumulated on the vehicle (or the number of hours accumulated on the engine), when the tests began and ended, and the names of supervisory personnel responsible for the conduct of the tests.

(C) The date and times of each mileage (or service) accumulation run, listing both the mileage (or number of operating hours) accumulated and the name of each driver or each operator of the automatic mileage accumulation device (or dynamometer operator).

(D) If used, the record of any devices employed to record the speed and/or mileage in relationship to time of the test vehicle (or engine RPM, and/or horsepower and/or torque in relationship to engine operating time).

(E) A record and description of all maintenance and other servicing performed, giving the date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this part which authorizes its performance.

(F) A record and description of each test performed to diagnose engine or emissions control system performance, giving the date and time of the test, the reason for it, the person authorizing it, and the names of supervisory personnel responsible for the conduct of the test.

(G) The dates and times that the vehicle (or engine) was idle in storage, and in transit or transport.

(H) A brief description of any significant events affecting the vehicle (or engine) during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents (or accidents involving the engine) or driver speeding citations or warnings (or dynamometer runaway).

(ii) Each such history shall be started on the date that the first of any of the selection or buildup activities in paragraph (a)(2)(i)(A) of this section occurred with respect to the certification vehicle (or engine), shall be updated each time the operational status of the vehicle (or engine) changes or additional work is done on it, and shall be kept in a designated location.

(3) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *Provided*, That in every case all the information contained in the hard copy shall be retained.

(b) The manufacturer of any new motor vehicle (or new motor vehicle engine) subject to any of the standards prescribed in this subpart shall submit to the Administrator at the time of issuance by the manufacturer copies of all instructions or explanations regarding the use, repair, adjustment, maintenance, or testing of such vehicle (or engine) relevant to the control of crankcase, exhaust or evaporative emissions, as applicable, issued by the manufacturer for use by other manufacturers, assembly plants, distributors, dealers, and ultimate purchasers; *Provided*, That any material not translated into the English language need not be submitted unless specifically requested by the Administrator.

(c)(1) Any manufacturer who has applied for certification of a new motor vehicle (or new motor vehicle engine) subject to certification test under this subpart shall admit or cause to be admitted any EPA Enforcement Officer during operating hours on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle (or new motor vehicle engine)

V 421 24
JUN 28 77
UMI

which is being, was, or is to be tested is present.

(iii) Any facility where any construction process or assembly process used in the modification or build up of such a vehicle (or engine) into a certification vehicle (or certification engine) is taking place or has taken place.

(iv) Any facility where any record or other document relating to any of the above is located.

(2) Upon admission to any facility referred to in paragraph (c)(1) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring vehicle (or engine) preconditioning, emissions tests and mileage (or service) accumulation, maintenance, and vehicle soak and storage procedures (or engine storage procedures), and to verify correlation or calibration of test equipment;

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect and/or photograph any part or aspect of any such certification vehicle (or certification engine) and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles (or production motor vehicle engines) conform in all material respects to the design specifications which applied to those vehicles (or engines) described in the application for certification for which a certificate of conformity has been issued to standards prescribed under section 202 of the Act, any manufacturer shall admit any EPA Enforcement Officer on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production vehicles (or production engines) is located or carried on; and

(ii) Any facility where any motor vehicles (or motor vehicle engines) to be introduced into commerce are manufactured or assembled.

(4) On admission to any such facility referred to in paragraph (c)(3) of this section, any EPA Enforcement Officer shall be allowed:

(i) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(ii) To inspect and make copies of any such records, documents or designs; and

(iii) To inspect and photograph any part or aspect of any such new motor vehicles (or new motor vehicle engines) and any component used in the assembly thereof that are reasonably related to the purpose of his entry.

(5) Any EPA Enforcement Officer shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(6) The duty to admit or cause to be admitted any EPA Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable or is covered by a certificate can properly be based on those data. It is the responsibility of the manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(7) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Enforcement Officer.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c)(7)(ii) of this section are concerned, "operating hours" shall mean all times during which an assembly line is in operation or all times during which testing, maintenance, mileage (or service) accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle (or engine) manufacture or assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Enforcement Officer of how the facility operates and to answer his questions, and the performance on request of emissions tests on any vehicle (or engine) which is being, has been, or will be used for certification testing. Such tests shall be nondestructive, but may require appropriate mileage (or service) accumulation. A manufacturer may be compelled to cause the personal appearance of any employee at such a facility before an EPA Enforcement Officer by written request for his appearance, signed by the Assistant Administrator for Enforcement, served on the manufacturer. Any such employee who has been instructed by the manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel.

(v) Any entry without 24 hour prior written or oral notification to the affected manufacturer shall be authorized in writing by the Assistant Administrator for Enforcement.

§ 86.078–8 Emission standards for 1978 light-duty vehicles.

(a)(1) Exhaust emissions from 1978 and later model year light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 0.41 grams per vehicle mile.

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 0.4 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(b)(1) Fuel evaporative emissions from 1978 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 6.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1978 and later model year gasoline-fueled light-duty vehicle.

§ 86.078–9 Emission standards for 1978 light-duty trucks.

(a)(1) Exhaust emissions from 1978 model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per vehicle mile.

(ii) *Carbon monoxide.* 20 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 3.1 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B and measured and calculated in accordance with those procedures.

(b)(1) Evaporative emissions from 1978 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 6.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1978 and later model year gasoline-fueled light-duty truck.

§ 86.078–10 Emission standards for 1978 gasoline-fueled heavy-duty engines.

(a)(1) Exhaust emissions from new 1978 and later model year gasoline-fueled heavy-duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO_2).* 16 grams per brake horsepower hour.

(ii) *Carbon monoxide.* 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (a)(1) of this section refer to composite samples representing the operating cycle set forth in Subpart H and measured in accordance with those procedures.

(b) [Reserved]

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any new 1978 and later model year gasoline-fueled heavy-duty engine.

(d) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in Subpart H to ascertain that such test engines meet the requirements of paragraphs (a) and (c) of this section.

§ 86.078–11 Emisison standards for 1978 Diesel heavy-duty engines.

(a)(1) The opacity of smoke emissions from new 1978 and later model year Diesel heavy-duty engines shall not exceed:

(i) 20 percent during the engine acceleration mode.

(ii) 15 percent during the engine lugging mode.

(iii) 50 percent during the peaks in either mode.

(2) The standards set forth in paragraph (a)(1) of this section refer to exhaust smoke emissions generated under the conditions set forth in Subpart I and measured and calculated in accordance with those procedures.

(b)(1) Exhaust gaseous emissions from new 1978 and later model year Diesel heavy-duty engines shall not exceed:

(i) *Hydrocarbons plus oxides of nitrogen (as NO_2).* 16 grams per brake horsepower hour.

(ii) *Carbon monoxide.* 40 grams per brake horsepower hour.

(2) The standards set forth in paragraph (b)(1) of this section refer to exhaust gaseous emissions generated under the conditions set forth in Subpart J and measured and calculated in accordance with those procedures.

(c)–(d) [Reserved]

(e) Every manufacturer of new motor vehicle engines subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicle engines in accordance with test procedures prescribed in Subparts I and J to ascertain that such test engines meet the requirements of paragraphs (a) and (b) of this section.

§§ 86.078–12—86.078–20 [Reserved]

§ 86.078–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicles only), emission control system, and fuel system components. This shall include a detailed description of each AECD to be installed in or on any certification test vehicle (or certification test engine).

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4)(i) A description of the proposed mileage (or service) accumulation procedures for durability testing.

(ii) A description of the test procedures to be used to establish the evaporative emission deterioration factors required to be determined and supplied in § 86.078–23(b)(2).

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission-data and durability-data test fleet.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 86.078–32, 86.078–33, and 86.078–34 shall be submitted in such multiple copies as the Administrator may require.

§ 86.078–22 Approval of application for certification; test fleet selections.

(a) After a review of the application for certification and any other information which the Administrator may require, the Administrator may approve the application and select a test fleet in accordance with § 86.078–24.

(b) The Administrator may disapprove in whole or in part an application for certification for reasons including incompleteness, inaccuracy, inappropriate proposed mileage (or service) accumulation procedures, test equipment, or fuel, and incorporation of defeat devices in vehicles (or on engines) described by the application.

(c) Where any part of an application is rejected, the Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection. Within 30 days following receipt of such notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determinations, and data in support of such objections. If, after the review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(d) The Administrator does not approve the test procedures for establishing the evaporative emission deterioration factors. The manufacturer shall submit the procedures as required in § 86.078–21(b)(4)(ii) prior to the Administrator's selection of the test fleet under § 86.078–24(b)(1) and if such procedures will involve testing of durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.078–24(c)(1), prior to initiation of such testing.

§ 86.078–23 Required data.

(a) The manufacturer shall perform the tests required by the applicable test procedures, and submit to the Administrator the following information: *Provided, however,* That:

(1) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engines) for which emission data are available, or will be made available, under the provisions of § 86.078–29, or

(2) If requested by the manufacturer, the Administrator may waive any requirement of this section for testing of vehicles (or engines) at zero kilometers (or zero hours) of operation.

(b)(1) Exhaust emission durability data on such vehicles (or engines) tested in accordance with applicable test procedures and in such numbers as specified, which will show the performance of the systems installed on or incorporated in the vehicle (or engine) for extended mileage (or extended operation), as well as a record of all pertinent maintenance (all maintenance and servicing for Diesel heavy-duty engines) performed on the test vehicles (or test engines).

(2) Evaporative emission deterioration factors for each evaporative emission family—evaporative emission control system combination and all test data that are derived from testing described under § 86.078–21(b)(4)(ii) designed and conducted in accordance with good engineering practice to assure that the vehicles covered by a certificate issued under § 86.078–30 will meet the evaporative emission standards in § 86.078–8 or § 86.078–9, as appropriate, for the useful life of the vehicle.

(c) Emission data. (1) *Certification vehicles.* (i) Emission data on such vehicles tested in accordance with applicable test procedures and in such numbers as specified, which will show their emissions after zero kilometers (zero miles) and 6436 kilometers (4000 miles) of operation.

(ii) Emission data on those vehicles selected under §§ 86.078–24(b)(1)(v) and 86.078–24(b)(1)(vii)(D) and tested in accordance with the applicable test procedures of this subpart and in such

V 4212 4
JUN 28 77
UMI

numbers as therein specified, which shall be tested at zero kilometers (zero miles) at any altitude, and under high-altitude conditions after 6436 kilometers (4000 miles) of operation at any altitude.

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures and in such numbers as specified, which will show their emissions after zero hours and 125 hours of operation.

(d) A statement that the vehicles (or engines) for which certification is requested conform to the requirements in § 86.078–5(b) and that the descriptions of tests performed to ascertain compliance with the general standards in § 86.-078–5(b) and the data derived from such tests are available to the Administrator upon request.

(e) (1) A statement that the test vehicles (or test engines) with respect to which data are submitted to demonstrate compliance with §§ 86.078–8, 86.078–9, 86.078–10, or § 86.078–11, as applicable, are in all material respects as described in the manufacturer's application for certification, have been tested in accordance with the applicable test procedures utilizing the fuels and equipment described in the application for certification and that on the basis of such tests the vehicles (or engines) conform to the requirements of the regulations in this part. If such statements cannot be made with respect to any vehicle (or engine) tested, the vehicle (or engine) shall be identified, and all pertinent data relating thereto shall be supplied to the Administrator. If, on the basis of the data supplied and any additional data as required by the Administrator, the Administrator determines that the test vehicle (or test engine) was not as described in the application for certification or was not tested in accordance with the applicable test procedures utilizing the fuels and equipment as described in the application for certification, the Administrator may make the determination that the vehicle (or engine) does not meet the applicable standards. The provisions of § 86.078–30(b) shall then be followed.

(2) For evaporative emission durability, the statement of compliance with paragraph (b)(2) of this section.

§ 86.078–24 Test vehicles and engines.

(a) (1) The vehicles or engines covered by an application for certification will be divided into groupings of engines which are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

(i) The cylinder bore center-to-center dimensions.

(ii) The dimension from the centerline of the crankshaft to the centerline of the camshaft.

(iii) The dimension from the centerline of the crankshaft to the top of the cylinder block head face.

(iv) The cylinder block configuration (air cooled or water cooled; L–6, 90° V–8, etc.).

(v) The location of intake and exhaust valves and the valve sizes (within a ½-inch range on the valve head diameter).

(vi) The method of air aspiration.

(vii) The combustion cycle.

(viii) Catalytic converter characteristics; gasoline-fueled vehicles and engines only.

(ix) Thermal reactor characteristics; gasoline-fueled vehicles and engines only.

(3) Engines identical in all the respects listed in paragraph (a)(2) of this section may be further divided into different engine families if the Administrator determines that they may be expected to have different emission characteristics. This determination will be based upon a consideration of the following features of each engine:

(i) The bore and stroke.

(ii) The surface-to-volume ratio of the nominally dimensioned cylinder at the top dead center position.

(iii) The intake manifold induction port size and configuration.

(iv) The exhaust manifold port size and configuration.

(v) The intake and exhaust valve sizes.

(vi) The fuel system.

(vii) The camshaft timing and ignition or injection timing characteristics.

(4) Where engines are of a type which cannot be divided into engine families based upon the criteria listed in paragraphs (a)(2) and (3) of this section, the Administrator will establish families for those engines based upon the features most related to their emission characteristics.

(5) The gasoline-fueled vehicles covered by an application for certification will be divided into groupings which are expected to have similar evaporative emission characteristics throughout their useful life. Each group of vehicles with similar evaporative emission characteristics shall be defined as a separate evaporative emission family.

(6) To be classed in the same evaporative emission family, vehicles must be similar with respect to:

(i) Type of vapor storage device (e.g., canister, air cleaner, crankcase).

(ii) Canister design characteristics.

(iii) Fuel system characteristics.

(7) Where vehicles are of a type which cannot be divided into evaporative emission families based on the criteria listed above, the Administrator will establish families for those vehicles based upon the features most related to their evaporative emission characteristics.

(b) Emission data. (1) *Emission-data vehicles.* Paragraph (b)(1) of this section applies to light-duty vehicle and light-duty truck emission-data vehicles.

(i) Vehicles will be chosen to be operated and tested for emission data based upon the engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Vehicles for each engine family will be divided into engine displacement-exhaust emission control system combinations as applicable. A projected sales volume will be established for each combination for the model year for which certification is sought. One vehicle of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of vehicles of that engine family is represented, or until a maximum of four vehicles is selected. If any single combination represents over 70 percent, then two vehicles of that combination may be selected. The vehicle selected for each combination will be specified by the Administrator as to such features as engine code, transmission type, fuel system, and inertia weight class.

(iii) The Administrator may select a maximum of four additional vehicles within each engine family based upon features indicating that they may have the highest emission levels of the vehicles in that engine family. In selecting these vehicles, the Administrator will consider such features as the emission control system combination, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, compression ratio, inertia weight class, transmission options, and axle ratio.

(iv) If the vehicles selected in accordance with paragraphs (b)(1) (ii) and (iii) of this section do not represent each engine-system combination, then one vehicle of each engine-system combination not represented will be selected by the Administrator. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with the control system combination in the engine family and will be designated by the Administrator as to such features as engine code, transmission type, fuel system, and inertia weight class.

(v) The Administrator will also select one vehicle for each engine-system combination within an engine family for which vehicles are to be sold to ultimate purchasers at high altitude.

(vi) The Administrator may combine testing requirements for any vehicle selected under paragraph (b)(1)(v) or (b)(1)(vii)(D) of this section with the testing requirements for any similar vehicle in the same engine-system combination selected under paragraph (b)(1) (ii), (iii), or (iv) of this section or any similar vehicle in the same engine-system, evaporative emission family, evaporative emission control system combination selected under paragraph (b)(1)(vii) (A) or (B) of this section. The testing requirements may be combined by the Administrator by requiring a vehicle selected for testing under paragraphs (b)(1) (ii), (iii), (iv), (vii)(A), or (vii)(B) of this section to be modified (if necessary) after mileage accumulation and emission testing for the purpose of demonstrating compliance with § 86.078–23(c)(1)(ii).

(vii) (A) Vehicles of each evaporative emission family will be divided into evaporative emission control systems. One vehicle of each evaporative emission control system within the evaporative emission family will be selected.

(B) The Administrator may select a maximum of four additional vehicles within each evaporative emission family based upon features indicating that they may have the highest evaporative emission levels of vehicles in that family.

(C) The Administrator may determine that the vehicles selected under paragraphs (b)(1) (ii) through (iv) of this section may be used to satisfy the requirements of paragraphs (b)(1)(vii) (A) and (B) of this section.

(D) The Administrator will also select one vehicle for each evaporative emission control system within each evaporative family for which vehicles are to be sold at high altitude.

(E) Vehicles selected under (b)(1)(v) may be used to satisfy the requirements of (b)(1)(vii)(D).

(2) *Gasoline-fueled heavy-duty emission-data engines.* Paragraph (b)(2) of this section applies to gasoline-fueled heavy-duty engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into engine displacement-exhaust emission control system combinations. A projected sales volume will be established for each combination for the applicable model year. One engine of each combination will be selected in order of decreasing projected sales volume until 70 percent of the projected sales of a manufacturer's total production of engines of that family is represented, or until a maximum of four engines is selected. The engines selected for each combination will be specified by the Administrator as to fuel system.

(iii) The Administrator may select a maximum of two additional engines within each engine family based upon features indicating that they may have the highest emission levels of the engines in that engine family. In selecting these engines, the Administrator will consider such features as the exhaust emission control system, induction system characteristics, ignition system characteristics, fuel system, rated horsepower, rated torque, and compression ratio.

(iv) If the engines selected in accordance with paragraphs (b)(2) (ii) and (iii) of this section do not represent each engine displacement-exhaust emission control system combination, then one engine of each engine displacement-exhaust emission control system combination not represented shall be selected by the Administrator.

(3) *Diesel heavy-duty emission-data engines.* Paragraph (b)(3) of this section applies to Diesel heavy-duty emission-data engines.

(i) Engines will be chosen to be run for emission data based upon engine family groupings. Within each engine family, the requirements of this paragraph must be met.

(ii) Engines of each engine family will be divided into groups based upon exhaust emission control system. One engine of each engine-system combination shall be run for smoke emission data and gaseous emission data as prescribed in § 86.078–26(c)(3). Either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine that features the highest fuel feed per stroke, primarily at the speed of maximum rated torque and secondarily at rated speed, will usually be selected. If there are military engines with higher fuel rates than other engines in the same engine-system combination, then one military engine shall also be selected. The engine with the highest fuel feed per stroke will usually be selected.

(iii) The Administrator may select a maximum of one additional engine within each engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Administrator will consider such features as the injection system, fuel system, compression ratio, rated speed, rated horsepower, peak torque speed, and peak torque.

(c) Durability data. (1) *Durability-data vehicles.* Paragraph (c)(1) of this section applies to light-duty vehicle and light-duty truck durability-data vehicles.

(i) A durability-data vehicle will be selected by the Administrator to represent each engine-system combination. The vehicle selected shall be of the engine displacement with the largest projected sales volume of vehicles with that control-system combination in that engine family and will be designated by the Administrator as to transmission type, fuel system, and inertia weight class.

(ii) A manufacturer may elect to operate and test additional vehicles to represent any engine-system combination. The additional vehicles must be of the same engine displacement, transmission type, fuel system, and inertia weight class as the vehicle selected for that engine-system combination in accordance with the provisions of paragraph (c)(1)(i) of this section. Notice of an intent to operate and test additional vehicles shall be given to the Administrator not later than 30 days following notification of the test fleet selection.

(2) *Gasoline-fueled heavy-duty durability-data engines.* Paragraph (c)(2) of this section applies to gasoline-fueled heavy-duty durability-data engines.

(i) A durability-data engine will be selected by the Administrator to represent each engine-system combination. The engine selected shall be of the displacement with the largest projected sales volume of engines with that exhaust emission control system in that engine family and will be designated by the Administrator as to fuel system.

(ii) [Reserved.]

(iii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same engine displacement and fuel system as the engine selected for that combination in accordance with the provisions of paragraph (c)(2)(i) of this section. Notice of an intent to run additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(3) *Diesel heavy-duty durability-data engines.* Paragraph (c)(3) of this section applies to Diesel heavy-duty durability-data engines.

(i) One engine from each engine-system combination shall be tested as prescribed in § 86.078–26(c)(3)(ii). At each test point, either the complete gaseous emission test or the complete smoke test may be conducted first. Within each combination, the engine which features the highest fuel feed per stroke, primarily at rated speed and secondarily at the speed of maximum rated torque, will usually be selected for durability testing. In the case where more than one engine in an engine-system combination has the highest fuel feed per stroke, the engine with the highest maximum rated horsepower will usually be selected for durability testing. If an engine-system combination includes both military and nonmilitary engines, then the nonmilitary engine with the highest maximum rated horsepower will usually be selected for durability testing.

(ii) A manufacturer may elect to operate and test additional engines to represent any engine-system combination. The additional engines must be of the same model and fuel system as the engine selected in accordance with the provisions of paragraph (c)(3)(i) of this section. Notice of an intent to test additional engines shall be given to the Administrator not later than 30 days following notification of the test fleet selection. Deterioration factors calculated for each engine-system combination shall be applied separately to military and nonmilitary engines within the same engine-system combination.

(d) For purposes of testing under § 86.078–26 (a)(9), (b)(9) or (c)(11), the Administrator may require additional emission-data vehicles (or emission-data engines) and durability-data vehicles (or durability-data engines) identical in all material respects to vehicles (or engines) selected in accordance with paragraphs (b) and (c) of this section: *Provided*, That the number of vehicles selected shall not increase the size of either the emission-data fleet or the durability-data fleet by more than 20 percent or one vehicle, whichever is greater.

(e) Any manufacturer whose projected sales for the model year in which certification is sought is less than

(1) 2000 gasoline-fueled light-duty vehicles, or

(2) 2000 Diesel light-duty vehicles, or

(3) 2000 gasoline-fueled light-duty trucks, or

(4) 2000 Diesel light-duty trucks, or

(5) 700 gasoline-fueled heavy-duty engines, or

V 42 124 JUN 28 77 UMI

(6) 200 Diesel heavy-duty engines, may request a reduction in the number of test vehicles (or engines) determined in accordance with the foregoing provisions of this section. The Administrator may agree to such lesser number as he determines would meet the objectives of this procedure.

(f) In lieu of testing an emission-data or durability-data vehicle (or engine) selected under paragraph (b) or (c) of this section, and submitting data therefor, a manufacturer may, with the prior written approval of the Administrator, submit exhaust emission data and/or fuel evaporative emission data, as applicable on a similar vehicle (or engine) for which certification has previously been obtained or for which all applicable data required under § 86.078–23 has previously been submitted.

(g)(1) This paragraph applies to light-duty vehicles and light-duty trucks.

(2) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with an optional item, the full estimated weight of that item shall be included, if required by the Administrator, in the curb weight computation for each vehicle available with that option in the engine family. Where it is expected that 33 percent or less of the vehicles in an engine family will be equipped with an item of optional equipment, no weight for that item will be added in computing curb weight. In the case of mutually exclusive options, only the weight of the heavier option will be added in computing curb weight. Optional equipment weighing less than 3 pounds per item need not be considered.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with an item of optional equipment that can reasonably be expected to influence emissions, then such items of optional equipment shall actually be installed, unless specifically excluded by the Administrator, on all emission-data and durability-data vehicles in the engine family on which the option is intended to be offered in production. Optional equipment that can reasonably be expected to influence emissions are the air conditioner, power steering, power brakes and other items determined by the Administrator.

(4) Optional equipment that can reasonably be expected to influence emissions which is utilized on 33 percent or less of the vehicles in the engine family shall not be installed on any vehicle in that engine family unless specifically required under this section.

§ 86.078–23 Maintenance.

(a) *Light-duty vehicles and light-duty trucks.* Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(1) Scheduled maintenance on the engine, emission control system, and fuel system of durability-data vehicles, selected by the Administrator or elected by the manufacturer under § 86.078–24(c)(1), shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a)(5)(iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a)(1)(i)(A) or (B) of this section, as applicable, and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel.

(A) *For gasoline-fueled vehicles,* the following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.
(2) Cold starting enrichment systems (includes fast idle speed setting).
(3) Curb idle speed and air/fuel mixture.
(*4*) Drive belt tension on engine accessories.
(*5*) Valve lash.
(*6*) Inlet air and exhaust gas control valves.
(7) Engine bolt torque.
(*8*) Spark plugs.
(*9*) Fuel filter and air filter.
(*10*) Crankcase emission control system.
(*11*) Fuel evaporative emission control system.

(B) *For Diesel vehicles,* a major engine tuneup shall be restricted to the following:

(*1*) Adjust low idle speed.
(2) Adjust valve lash if required.
(3) Adjust injector timing.
(*4*) Adjust governor.
(*5*) Clean and service injector tips.
(*6*) Adjust drive belt tension on engine accessories.
(7) Check engine bolt torque and tighten as required.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to adjustment during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2)(i) *For gasoline-fueled vehicles,* unscheduled maintenance on the engine, emission control system and fuel system of durability-data vehicles may be performed, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(ii) For Diesel vehicles, unscheduled maintenance on the engine, emission control system and fuel system of durability-data vehicles may be performed, except as provided in paragraph (a)(5)(i) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed in addition to that performed as scheduled maintenance under paragraph (a)(1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tune-up point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed

as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of the vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(A) Has made preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement (as applicable); and

(B) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, vehicle stalling, overheating, fluid leakage, loss of oil pressure, or charge indicator warning. For the evaporative emission control system, this overt indication may be indicated by such items as fuel odor or fluid leakage.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(A) of this section.

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability-data vehicle.

(7) Where the Administrator agrees under § 86.078–26 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(8)(i) Adjustment of engine idle speed on emission-data vehicles may be performed once before the 6436-kilometer (4000-mile) test point. Any other engine, emission control system or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission-data vehicles shall be performed only with the advance approval of the Administrator.

(ii) Maintenance on emission-data vehicles selected under § 86.078–24(b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.078–23(c)(1)(ii) under the provisions of § 86.078–24(b)(1)(vi) may be performed in conjunction with emission control system modifications at the 6436-kilometer (4000-mile) test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.078–38.

(iii) Maintenance on those emission-data vehicles selected under § 86.078–24(b)(1)(v) which are not capable of being modified in the field for the purpose of complying with emission standards at an altitude other than intended by the original design may be performed in conjunction with the emission control system modifications at the 6436-kilometer (4000-mile) test point and shall be approved in advance by the Administrator.

(9) Repairs to vehicle components of the durability-data or emission-data vehicle other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(10) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days) after the test along with a complete record of all pertinent maintenance including a preliminary engineering report of any malfunction diagnosis and corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.078–23.

(11) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfiring, stalling, and/or black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(12) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets, and:

(i) Are used in conjunction with scheduled maintenance on such components.

(ii) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(i) of this section for durability-data vehicles or paragraph (a)(8)(i) of this section for emission-data vehicles, or

(iii) Unless specifically authorized by the Administrator.

(b) [Reserved]

(c)(1) *Gasoline-fueled heavy-duty engines.* Paragraph (c) of this section applies to gasoline-fueled heavy-duty engines.

(2)(i) Scheduled maintenance may be performed on durability-data engines only under the following provisions:

(A) Major engine tuneups to manufacturer's specifications may be performed no more frequently than every 375 hours of scheduled dynamometer operation: *Provided,* No tuneups are performed after 1375 hours of scheduled dynamometer operation. The maintenance to be performed on the durability-data engines shall be requested in the application for certification and shall be specified at the same intervals in the maintenance instructions which will be furnished to the ultimate purchaser of the vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.076–2. A scheduled major engine tuneup shall be restricted to paragraphs (c)(2)(i)(A) (*1*) through (*12*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by the customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Ignition system.
(2) Cold starting enrichment system (includes fast idle speed setting).
(3) Curb idle speed and air/fuel mixture.
(*4*) Drive belt tension on engine accessories.
(*5*) Valve lash.
(*6*) Inlet air and exhaust gas control valves.
(7) Engine bolt torque.
(*8*) Spark plugs.
(*9*) Fuel filter and air filter.
(*10*) Crankcase emission control system.
(*11*) Fuel evaporative emission control system.
(*12*) Exhaust gas recirculation system.

(B) Change of engine oil, and change or service of oil filter will be allowed at the equivalent intervals that will be specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 125 hours of engine operation.

V 42 124 JUN 28 77 UMI

(ii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (c)(v)(A) of this section, only under the following provisions:

(A) Any persistently misfiring spark plug may be replaced in addition to replacement at scheduled major engine tuneup points.

(B) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(C) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (c)(2)(i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(D) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(iii)–(iv) [Reserved]

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine stalling, overheating, fluid leakage, loss of oil pressure, excessive fuel consumption or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (c)(2)(v)(A)(*1*) of this section.

(C) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability-data engine.

(3)(i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point: *Provided*, The idle speed is outside the manufacturer's specifications to be shown on the engine label (see § 86.078-35(a)(2)(iii)).

(ii) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved]

(5)(i) Complete emission tests (see § 86.777-5 through 86.777-15) are required unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability-data engines.

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability-data engines prior to 117 hours, are waived. The test before scheduled maintenance, which is performed on durability-data engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.078-28(b)(4)(i)(A)(2).

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance tests associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports, and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.078-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfiring, stalling).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets, and

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (c)(2)(v)(A) of this section for durability-data engines or paragraph (c)(3) of this section for emission-data engines; or

(iii) Unless specifically authorized by the Administrator.

(d)(1) *Diesel heavy-duty engines.* Paragraph (d) of this section applies to Diesel heavy-duty engines.

(2)(i) Scheduled maintenance may be performed on durability-data engines only under the following provisions:

(A) One major engine servicing to manufacturer's specifications may be performed prior to 875 hours (±8 hours) of scheduled dynamometer operation provided such maintenance is requested in the application for certification and is specified in the maintenance instructions which will be furnished to the ultimate purchaser of the motor vehicle in which the engine, which is represented by the test engine, is installed. (For equivalent dynamometer hours, engine hours, and mileage intervals, see § 86.078-2.) A scheduled major servicing shall be restricted to paragraphs (d)(2)(i)(A)(*1*) through (7) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*1*) Low idle speed.
(2) Drive belt tension.
(3) Engine bolt torque.
(*4*) Valve lash.
(5) Injection timing.
(*6*) Injector assemblies.
(7) Governor settings.

(B) Normal engine servicing such as engine oil change, and oil filter, fuel filter, and air filter cleaning or replacement will be allowed at the manufacturer's recommended intervals. If approved in advance by the Administrator, the maintenance for these items may differ from that specified in the manufacturer's maintenance instructions.

(C) Readjustment of the engine low idle speed may be performed once during the first 125 hours of engine operation.

(ii) Unscheduled maintenance may be performed on durability-data engines, except as provided in paragraph (d)(2)(v)(A) of this section, only under the following provisions:

(A) Injectors may be changed if a persistent misfire is detected.

(B) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (d)(2)(i) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r.p.m. or more, or if there is a problem of stalling.

(iii)–(iv) [Reserved.]

(v) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability-data engines shall be performed only with the advance approval of the Administrator.

(A) In the case of unscheduled maintenance such approval will be given if the Administrator:

(*1*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber, except for fuel injection component, or removable prechamber removal or replacement; and

(2) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfiring, engine overheating, fluid leakage, loss of oil pressure, excessive fuel consumption, or excessive power loss.

(B) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (d)(2)(v)(A)(*1*) of this section.

(C) Requests for authorization of scheduled maintenance of emission-control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on engines in use.

(vi) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of engines in use, the engine shall not be used as a durability-data engine.

(3)(i) Scheduled maintenance on emission-data engines is limited to the adjustment of idle speed once before the 125-hour test point, provided the idle speed is outside the manufacturer's specifications shown on the engine label (see § 86.078-35(a)(iii)).

(ii) Any other engine, emission-control system, or fuel system adjustment, repair, removal, disassembly, cleaning, servicing, or replacement shall be performed only with the advance approval of the Administrator.

(4) [Reserved.]

(5)(i) Complete emission tests (see §§ 86.877-5 through 86.877-14 and §§ 86.977-5 through 86.977-15) are required, unless waived by the Administrator, before and after:

(A) Scheduled maintenance approved for durability-data engines.

(B) Unscheduled maintenance which may reasonably be expected to affect emissions.

(ii) The tests before and after scheduled maintenance, which are performed on durability-data engines prior to 117 hours are waived. The test before scheduled maintenance, which is performed on durability-data engines after 117 hours and prior to 133 hours, is waived. The after-maintenance test must be run and the results used in the deterioration factor calculation in accordance with § 86.078-28(c)(4)(i)(B) or (C).

(iii) The idle speed reset and any scheduled maintenance on the emission-data engine shall be performed prior to the 125-hour test. The before-maintenance and after-maintenance test associated with idle speed reset and scheduled maintenance on the emission-data engine are waived.

(iv) Test data required by this paragraph shall be air posted to the Administrator within 72 hours of the test completion (or delivered within 5 working days), along with a complete record of all pertinent maintenance.

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted within 72 hours (or delivered within 5 working days). A final engineering report shall be delivered or air posted within 10 working days after the completion of the emission tests. The Administrator may approve an extension of the time requirements for the final engineering report.

(vi) All test data, maintenance reports and required engineering reports shall be compiled and provided to the Administrator in accordance with § 86.078-23.

(6) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or engine malfunction (e.g., misfiring, stalling).

(7) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(i) Are used in conjunction with scheduled maintenance on such components;

(ii) Are used subsequent to the identification of an engine failure or malfunction, as provided in paragraph (d)(2)(v)(A) of this section for durability-data engines or paragraph (d)(3) of this section for emission-data engines; or

(iii) Unless specifically authorized by the Administrator.

§ 86.078-26 Mileage and service accumulation; emission measurements.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV of this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.129, the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight.

(3) *Emission-data vehicles.* Unless as otherwise provided for in § 86.078-23(a), emission-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission-data vehicle shall be driven 4000 miles with all emission control systems installed and operating. Complete exhaust emission tests shall be conducted at zero and 4000 miles on those vehicles selected under § 86.078-24(b)(1)(ii) through (b)(1)(v). Complete exhaust and evaporative emission tests shall be conducted at zero miles and 4000 miles on those vehicles selected under § 86.078-24(b)(1)(vii). The manufacturer may at his option test the vehicles selected under § 86.078-24(b)(1)(vii) up to three times at the 4000-mile test point as long as the ±250-mile test tolerance is adhered to. The Administrator may determine under § 86.078-24(f) that no testing is required.

(B) The emission-data vehicle(s) selected for testing under § 86.078-24(b)(1)(v) or (b)(1)(vii)(D) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.078-24(b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.078-23(c)(1)(ii) under the provisions of § 86.078-24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low- and high-altitude conditions. For the purposes of this subparagraph, "low altitude" means any elevation less than 549 meters (1800 feet).

(ii) *Diesel.* (A) Each Diesel emission-data vehicle shall be driven 6436 kilometers (4000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles).

(B) The emission-data vehicle(s) selected for testing under § 86.078-24(b)(1)(v) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.078-24(b)(1)(v) and permitted to be tested for purposes of § 86.078-23(c)(1)(ii) under the provisions of § 86.078-24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low- and high-altitude conditions. For the purpose of this subparagraph "low altitude" means any elevation less than 549 meters (1800 feet).

(4) *Durability-data vehicles.* Unless as otherwise provided for in § 86.078-23(a), durability-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle selected by the Administrator or elected by the manufacturer under § 86.078-24(c)(1) shall be driven, with all emission control

V 42 124
JUN 28 77
UMI

systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission tests shall be made on all durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.078–24(c) at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,900; 45,000; 50,000. The Administrator may determine under § 86.078–24(f) that no testing is required.

(ii) *Diesel.* Each Diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of the procedure. Complete emission tests (see §§ 86.106 through 86.145) shall be made at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000.

(5) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability-data vehicles and 4,000 miles for emission-data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(6)(i) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within 3 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E29–67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standards of this subpart to three significant figures.

(7) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero-mile test data to the Administrator (except for those vehicles for which the zero-mile test requirement has been waived under § 86.078–23(a)(2)) and make the vehicle available for such testing under § 86.078–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(8) Once a manufacturer begins to operate an emission-data or durability-data vehicle, as indicated by compliance with paragraph (a)(7) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 86.078–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.106 through 86.145 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(11) This section does not apply to testing conducted to meet the requirements of § 86.078–23(b)(2).

(b)(1) Paragraph (b) of this section applies to gasoline-fueled heavy-duty engines.

(2) The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for nongoverned engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(3) *Emission-data engines.* Unless as otherwise provided for in § 86.078–23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(4) *Durability-data engines.* Unless as otherwise provided for in § 86.078–23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated with all emission control systems installed and operating, for 1,500 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(5) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(6)(i) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E29–67.

(7) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.078–23(a)(2)) and make the engine available for such testing under § 86.078–29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(8) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (b)(7) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 86.078–28. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(9)(i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.777–5 through 86.777–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(c)(1) Paragraph (c) of this section applies to Diesel heavy-duty engines.

(2) The procedures set forth in this section describe the service accumulation that shall be accomplished on each test engine and when tests are to be conducted.

(3)(i) *Emission-data engines.* Unless as otherwise provided for in § 86.078–23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours.

(ii) *Durability-data engines.* Unless as otherwise provided for in § 86.078–23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated, with all emission control systems installed and operating, for 1,000 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval.

(4) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would be run after the zero-hour test, and the hours accumulated would not be counted as part of the service accumulation.

(5) Before service accumulation can begin, the following criteria must be met. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(i) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(ii) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(iii) The zero-hour test data shall be provided to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.078–23(a)(2)) and the engine shall be made available for such testing under § 86.078–29 as the Administrator may require.

(6) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.078–25).

(i) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed during zero-hour testing. Horsepower values shall be corrected to the rating conditions.

(ii) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.877–8 except that the tolerance will be ±3 inches of water and ±0.5 inches of Hg, respectively.

(7) During each emission test the inlet and exhaust restrictions shall be as specified § 86.877–8.

(8) Tests, other than zero-hour tests, may be conducted within 8 hours of the nominal test point.

(9)(i) The results of each emission test shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided tests. If a manufacturer conducts multiple tests (not to exceed three valid tests) at any test point, the number of tests must be the same at each point. The data obtained from all valid tests shall be used in the calculation of the deterioration factor. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E29–67.

(10) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (c) of this section, he shall continue to run the engine to 125 hours or 1,000 hours respectively, and the data from the engine shall be used in the calculations under § 86.078–28. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11)(i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.877–5 through 86.877–14 and §§ 86.977–5 through 86.977–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

§ 86.078–27 Special test procedures.

(a) For light-duty vehicles or light-duty trucks, the Administrator may, on the basis or a written application therefore by a manufacturer, prescribe test procedures other than those set forth in this part for any motor vehicle which he determines is not susceptible to satisfactory testing by the procedures set forth in Subpart B.

(b) For heavy-duty engines, the Administrator may prescribe test procedures other than those set forth in this part for any motor vehicle engine which he determines is not susceptible to satisfactory testing by the procedures set forth in Subparts H, I, or J.

§ 86.078–28 Compliance with emission standards.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The applicable exhaust and fuel evaporative emission standards of this subpart apply to the emissions of vehicles for their useful life.

(3) Since it is expected that emission control efficiency will change with mileage accumulation on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as

V 42 N 124 JUN 28 77 UMI

the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new motor vehicle with exhaust emission standards is as follows.

(i) Separate emission deterioration factors shall be determined from the exhaust emission results of the durability-data vehicle(s) for each engine-system combination. A separate factor shall be established for exhaust HC, exhaust CO, and exhaust NOx for each engine-system combination. A separate evaporative emission deterioration factor shall be determined for each evaporative emission family-evaporative emission control system combination from the testing conducted by the manufacturer.

(A) The applicable results to be used in determining the exhaust emission deterioration factors for each engine-system combination shall be:

(*1*) All valid exhaust emission data from the tests required under § 86.078–26(a)(4), except the zero-mile tests. This shall include the official test results, as determined in § 86.078–29 for all tests conducted on all durability-data vehicles of the combination selected under § 86.078–24(c) (including all vehicles elected to be operated by the manufacturer under § 86.078–24(c)(1)(ii)).

(2) All exhaust emission data from the tests conducted before and after the scheduled maintenance provided in § 86.078–25.

(3) All exhaust emission data from tests required by maintenance approved under § 86.078–25, in those cases where the Administrator conditioned his approval for the performance of such maintenance on the inclusion of such data in the deterioration factor calculation.

(B) All applicable exhaust emission results shall be plotted as a function of the mileage on the system, rounded to the nearest mile, and the best fit straight lines, fitted by the method of least squares, shall be drawn through all these data points. The interpolated 4,000- and 50,000-mile points on this line must be within the standards provided in § 86.078–8 or § 86.078–9, as applicable, or the data will not be acceptable for use in calculation of a deterioration factor, unless no applicable data point exceeded the standard. An exhaust emission deterioration factor shall be calculated for each engine-system combination as follows:

factor=Exhaust emissions interpolated to 50,000 miles divided by exhaust emissions interpolated to 4,000 miles.

These interpolated values shall be carried out to a minimum of four places to the right of the decimal point before dividing one by the other to determine the deterioration factor. The results shall be rounded to three places to the right of the decimal point in accordance with ASTM E 29–67.

(C) An evaporative emissions deterioration factor shall be determined from the testing conducted as described in § 86.078–21(b)(4)(ii), for each evaporative emission family-evaporative emission control system combination to indicate the evaporative emission level at 50,000 miles relative to the evaporative emission level at 4,000 miles as follows:

factor=Evaporative emission level at 50,000 miles minus the evaporative emission level at 4,000 miles.

The factor shall be established to a minimum of two places to the right of the decimal.

(ii)(A) The official exhaust-emission test results for each emission data vehicle at the 4,000-mile test point shall be multiplied by the appropriate deterioration factor: *Provided*, That if a deterioration factor as computed in paragraph (a)(4)(i)(B) of this section is less than one, that deterioration factor shall be one for the purposes of this paragraph.

(B) The official evaporative emission test results for each evaporative emission-data vehicle at the 4000-mile test point shall be adjusted by addition of the appropriate deterioration factor: *Provided*, That if a deterioration factor as computed in paragraph (a)(4)(i)(c) of this section is less than zero, that deterioration factor shall be zero for the purposes of this paragraph.

(iii) The emissions to compare with the standard shall be the adjusted emissions of paragraphs (a)(4)(ii)(A) and (B) of this section for each emission-data vehicle. Before any emission value is compared with the standard, it shall be rounded, in accordance with ASTM E 29–67, to two significant figures. The rounded emission values may not exceed the standard.

(iv) Before any engine family-evaporative emission family combination may be certified, every test vehicle selected under § 85.078–24(b)(1)(ii) through (b)(1)(v) to represent that engine family must comply with all exhaust emission standards for which it was tested (as determined in paragraph (a)(4)(iii) of this section) and every test vehicle selected under § 86.078–24(b)(1)(vii) to represent that evaporative emission family must comply with all exhaust and evaporative emission standards for which it was tested (as determined in paragraph (a)(4)(iii) of this section).

(v) [delete]

(b)(1) Paragraph (b) of this section applies to gasoline-fueled heavy-duty engines.

(2) The exhaust emission standards in § 86.078–10 apply to the emissions of engines for their useful life.

(3) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance of a new engine with exhaust emission standards is as follows:

(i) Separate emission deterioration factors shall be determined from the emission results of the durability-data engines for each engine-system combination. Separate factors shall be established for CO and for the combined emissions of HC and NOx.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All valid emission data from the tests required under § 86.078–26(b)(4), except the zero-hour tests. This shall include the official test results, as determined in § 86.078–29, for all tests conducted on all durability-data engines of the combination selected under § 86.078–24(c)(2) (including all engines elected to be operated by the manufacturer under § 86.078–24(c)(2)(iii)).

(2) All emission data from the test conducted before and after maintenance provided in § 86.078–25(c)(2)(i)(A).

(3) All emission data from the test conducted before and after maintenance provided in § 86.078–25(c)(2)(v)(C) if emission tests were conducted.

(B) All applicable emission results for (*1*) HC+NOx and (2) CO shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines ((*1*) HC+NOx and (2) CO), fitted by the method of least squares, shall be drawn through these data points. The interpolated 125-hour and 1500-hour points on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.078–10 or the data shall not be used in the calculation of a deterioration factor, unless no applicable data points exceed the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions interpolated to 1500 hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero.)

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (b)(4)(ii) of this section rounded to whole numbers in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (b)(4)(iii) of this section, before any engine in that family will be certified.

(c)(1) Paragraph (c) of this section applies to Diesel heavy-duty engines.

(2) The emission standards in § 86.078–11 apply to the emissions of engines for their useful lives.

(3) Since emission control efficiency decreases with accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

(4) The procedure for determining compliance with emission standards for Diesel heavy-duty engines is as follows:

(i) Emission deterioration factors for the acceleration mode (designated as "A"), the lugging mode (designated as "B"), the peak opacity (designated as "C"), the CO exhaust emissions, and the HC+NOx exhaust emissions shall be established separately for each engine-system combination.

(A) The applicable results to be used in determining the deterioration factors for each combination shall be:

(*1*) All emission data from the tests required under § 86.078–26(c)(3)(ii), except the zero-hour tests. This shall include the official test results, as determined in § 86.078–29, for all tests conducted on all durability-data engines of the combination selected under § 86.078–24(c)(3)(i) (including all engines elected to be operated by the manufacturer under § 86.078–24(c)(3)(ii)).

(2) All emission data from the tests conducted before and after the maintenance provided in § 86.078–25(d)(2)(i)(A) if emission tests were conducted.

(3) All emission data from the tests conducted before and after maintenance provided in § 86.078–25(d)(2)(v)(C) if emission tests were conducted.

(B) All applicable emission results for (1) HC+NOx, (2) CO, (3) acceleration smoke ("a"), (4) lugging smoke ("b"), and (5) peak smoke ("c") shall be plotted as a function of durability hours which shall be consistently rounded to the nearest hour. Emission data shall have two figures to the right of the decimal. The best fit straight lines, fitted by the method of least squares, shall be drawn through these data points. The interpolated 125- and 1000-hour points on each line, rounded to whole numbers in accordance with ASTM E 29–67, must be within the standards specified in § 86.078–11 or the data shall not be used in the calculation of the deterioration factor, unless no applicable data points exceeded the standards.

(C) The interpolated values shall be used to calculate a deterioration factor as follows:

Factor=Exhaust emissions (both smoke and gaseous) interpolated to 1000 hours minus the exhaust emissions interpolated to 125 hours. (Negative deterioration factors shall be considered zero).

(ii) The appropriate deterioration factor, carried out to two places to the right of the decimal point, shall be added to the exhaust emission test results, carried out to two places to the right of the decimal point, for each emission-data engine.

(iii) The emission values to compare with the standards shall be the adjusted emission values of paragraph (c)(4)(ii) of this section rounded to whole numbers in accordance with ASTM E 29–67 for each emission-data engine.

(iv) Every test engine of an engine family must comply with all applicable standards, as determined in paragraph (c)(4)(iii) of this section, before any engine in that family will be certified.

§ 86.078–29 Testing by the Administrator.

(a)(1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The Administrator may require that any one or more of the test vehicles be submitted to him, at such place or places as he may designate, for the purposes of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test vehicle, the results of that test shall, unless subsequently invalidated by the Administrator, comprise the official data for the vehicle at the prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test vehicle at a test point, the manufacturer's test data will be accepted as the official data for that test point: *Provided*, That if the Administrator makes a determination based on testing under paragraph (a)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by the manufacturer, *And Further Provided*, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provisions of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission or further information. If the manufacturer conducts more than one test on a vehicle, as authorized under § 86.078–26(a)(3)(i)(A), the data from the last test in that series of tests on that vehicle, will constitute the official data.

(iii)(A) The emission-data vehicle presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the vehicle label (see § 86.078–35(a)(1)(iii)(D)) as specified in the application for certification. If the Administrator determines that a vehicle is not within such tolerances, the vehicle shall be adjusted, at the facility designated by the Administrator, prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report, the Administrator will determine if the vehicle shall be used as an emission-data vehicle.

(B) If the Administrator determines that the test data developed on an emission-data vehicle under paragraph (a)(3)(i) of this section would cause that vehicle to fail due to excessive 4000 mile emissions or by application of the appropriate deterioration factor, then the following procedure shall be observed:

(*1*) The manufacturer may request a retest. Before the retest, the vehicle may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 86.078–25. All work on the vehicle shall be done at such location and under such conditions as the Administrator may prescribe.

(2) The vehicle will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data vehicle.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (a)(2) of this section to enable the Administrator to determine whether an emission-data vehicle would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (a)(3)(iii)(A) and (B) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest. A request for retest must be made before the manufacturer removes the vehicle from the test premises.

(b)(1) Paragraph (b) of this section applies to heavy-duty engines.

(2) The Administrator may require that any one or more of the test engines be submitted to him, at such place or places as he may designate, for the purpose of conducting emissions tests. The Administrator may specify that he will conduct such testing at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator shall be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility pursuant to this paragraph shall be scheduled by the manufacturer as promptly as possible.

(3)(i) Whenever the Administrator conducts a test on a test engine the results of that test, unless subsequently invalidated by the Administrator, shall comprise the official data for the engine at that prescribed test point and the manufacturer's data for that prescribed test point shall not be used in determining compliance with emission standards.

(ii) Whenever the Administrator does not conduct a test on a test engine at a test point, the manufacturer's test data will be accepted as the official data for that test point. *Provided*, That if the Administrator makes a determination based on testing under paragraph (b)(2) of this section, that there is a lack of correlation between the manufacturer's test equipment and the test equipment used by the Administrator, no manufacturer's test data will be accepted for purposes of certification until the reasons for the lack of correlation are determined and the validity of the data is established by

V42N124 JUN 28 77 UMI

the manufacturer, *And Further Provided*, That if the Administrator has reasonable basis to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

(iii) (A) The emission-data engine presented to the Administrator for testing shall be calibrated within the production tolerances applicable to the manufacturer's specifications to be shown on the engine label (see § 86.078–35(a)(2)(iii)) as specified in the application for certification. If the Administrator determines that an engine is not within such tolerances, the engine shall be adjusted at the facility designated by the Administrator prior to the test and an engineering report shall be submitted to the Administrator describing the corrective action taken. Based on the engineering report the Administrator will determine if the engine shall be used as an emission-data engine.

(B) If the Administrator determines that the test data developed under paragraph (b)(3)(iii)(A) of this section would cause the emission-data engine to fail due to excessive 125-hour emission values or by the application of the appropriate deterioration factor, then the following procedure shall be observed.

(*1*) The manufacturer may request a retest. Before the retest, the engine may be readjusted to manufacturer's specifications, if these adjustments were made incorrectly prior to the first test, and other maintenance or repairs may be performed in accordance with § 86.078–25. All work on the engine shall be done at such location and under such conditions as the Administrator may prescribe.

(2) The engine will be retested by the Administrator and the results of this test shall comprise the official data for the emission-data engine.

(iv) If sufficient durability data are not available at the time of any emission test conducted under paragraph (b)(2) of this section to enable the Administrator to determine whether an emission-data engine would fail, the manufacturer may request a retest in accordance with the provisions of paragraphs (b)(3)(iii)(B) (*1*) and (2) of this section. If the manufacturer does not promptly make such request, he shall be deemed to have waived the right to a retest, A request for retest must be made before the manufacturer removes the engine from the test premises.

§ 86.078–30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078–7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section. If applicable, the certificate will state which vehicles are certified for sale at high altitude.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR § 86.078–2.

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR § 86.078–7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) covered by this certificate, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.078–7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR § 86.078–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.078–30 (c) or (d).

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards except that for gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, introduces or delivers for introduction into commerce, any light-duty vehicle or light-duty truck, subject to the regulations under the Act, which is not covered by a certificate of conformity at high altitude issued under this part:

(i) At a designated high-altitude location, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or,

(ii) At an other than designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle is intended by the ultimate purchaser to be used principally at a designated high-altitude location.

(5) For the purpose of paragraph (a) of this section, "designated high-altitude location" is any county which has substantially all of its area located above 1219 meters (4,000 feet) and which is identified below.

COUNTIES LOCATED SUBSTANTIALLY ABOVE 1,219 METERS (4,000 FEET) IN ELEVATION

STATE OF ARIZONA	
Apache	Navajo
STATE OF COLORADO	
Adams	Jefferson
Alamosa	Lake
Arapahoe	La Plata
Archuleta	Larimer
Boulder	Las Animas
Chaffee	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Dolores	Morgan
Delta	Ouray
Denver	Park
Douglas	Pitkin
Eagle	Pueblo
Elbert	Rio Blanco
El Paso	Rio Grande
Fremont	Routt
Garfield	Saguache
Gilpin	San Juan
Grand	San Miguel
Gunnison	Summit
Hinsdale	Teller
Huerfano	Washington
Jackson	Weld
STATE OF IDAHO	
Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Madison
Butte	Minidoka
Camas	Oneida
Caribou	Power
Cassia	Teton
Clark	Valley
STATE OF MONTANA	
Beaverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow
STATE OF NEBRASKA	
Banner	Sioux
Kimball	
STATE OF NEVADA	
Carson City	Lander
Douglas	Lyon
Elko.	Mineral
Esmeralda	Storey
Eureka	White Pine
Humboldt	
STATE OF NEW MEXICO	
Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Lincoln	Socorro
Harding	Taos
Lincoln	Torrance
Los Alamos	Union
Luna	Valencia
McKinley	
STATE OF OREGON	
Lake	

STATE OF UTAH	
Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Grand	Uintah
Iron	Utah
Juab	Wasatch
Kane	Wayne
Millard	Weber
Morgan	
STATE OF WYOMING	
Albany	Natrona
Carbon	Niobrara
Converse	Park
Fremont	Platte
Goshen	Sublette
Hot Springs	Sweetwater
Johnson	Teton
Laramie	Uinta
Lincoln	Weston

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck, sold, offered for sale, introduced, or delivered for introduction into commerce in California, provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalyltic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(b)(1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) *Light-duty vehicles and light-duty trucks.*

(A) The durability-data vehicle(s) selected under § 86.078–24 (c)(1)(i) shall represent all vehicles of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.078–24 (b)(1)(ii), (b)(1)(iii), and (b)(1)(iv) shall represent all vehicles of the same engine-system combination as applicable to be sold below 4000 ft.

(C) The emission-data vehicle(s) selected under § 86.078–24 (b)(1)(vii)(A) and (b)(1)(vii)(B) shall represent all vehicles of the same evaporative control system within the evaporative family, as applicable, to be sold below 4000 ft.

(D) The emission-data vehicle(s) selected under § 86.078–24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(E) The emission-data vehicle(s) selected under § 86.078–24(b)(1)(vii)(D) shall represent all vehicles of the same evaporative control system within the evaporative family sold at high altitude.

(ii) *Gasoline-fueled heavy-duty engines.*

(A) A test engine selected under § 86.078–24(b)(2)(ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.078–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.078–24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) *Diesel heavy-duty engines.*

(A) A test engine selected under § 86.078–24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.078–24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(C) A test engine selected under § 86.078–24(c)(3)(i) shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) belonging to an engine family or engine family-evaporative emission family combination (as applicable), all of which comply with all applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.078–29, data or information derived from any inspection carried out under § 86.078–7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(4) For light-duty vehicles and light-duty trucks the manufacturer may, at his option, proceed with any of the following alternatives with respect to an emission-data vehicle determined not in compliance with all applicable standards for which it was tested:

(i) Request a hearing under § 86.078–6; or

(ii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed, from his application;

(A) If the failed vehicle was tested for compliance with exhaust emission standards only: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle to be tested for exhaust emission compliance only.

(B) If the failed vehicle was tested for compliance with both exhaust and evaporative emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle which will be tested for compliance with both exhaust and evaporative emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two vehicles may be selected (i.e., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicle selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed from his application and add a vehicle configuration(s) (or evaporative vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative emission code, as applicable) and demonstrate by testing that it meets applicable standards for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.078–24(b), a new emission-data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards for which it was originally tested. The Administrator may require a new emission-data vehicle, of identical vehicle configuration (or evaporative vehicle configuration as applicable) to the failed

V 42 124 JUN 28 77 UMI

vehicle, to be operated and tested for compliance with the applicable standards for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 86.078–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (b)(5) (as applicable) of this section, the Administrator will deny certification.

(c)(1) Nothwithstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof;

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto.

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.078–7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or build up into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine) which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.078–7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.078–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.078–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by certification which are still in the hands of the manufacturer, except in cases of such fraud or other misconduct as makes certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue he will grant the request with respect to such issue.

(d)(1) *For light-duty vehicles and light-duty trucks.* Notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606.

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606 to

(A) Monitor vehicle selection pursuant to § 86.607,

(B) Select vehicles for testing pursuant to § 86.607, or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; or

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, 86.607, 86.608, 86.610, or 86.611.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1)(i), (ii) or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1)(iii), (iv), (v), (vi), (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to a degree that would warrent suspension of certification under either paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section.

shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

§ 86.078–31 Separate certification.

Where possible a manufacturer should include in a single application for certification all vehicles (or engines) for which certification is required. A manufacturer may, however, choose to apply separately for certification of part of his product line. The selection of test vehicles (or test engines) and the computation of test results will be determined separately for each application.

§ 86.078–32 Addition of a vehicle or engine after certification.

(a) If a manufacturer proposes to add to his product line a vehicle (or engine) of the same engine-system combination as vehicles (or engines) previously certified but which was not described in the application for certification when the test vehicle(s) (or test engine(s)) representing other vehicles (or engines) of that combination was certified, he shall notify the Administrator. Such notification shall be in advance of the addition unless the manufacturer elects to follow the procedure described in § 86.078–34.

This notification shall include a full description of the vehicle (or engine) to be added.

(b) The Administrator may require the manufacturer to perform such tests on the test vehicles(s) (or test engine(s)) representing the vehicle (or engine) to be added which would have been required if the vehicle (or engine) had been included in the original application for certification.

(c) If, after a review of the test reports and data submitted by the manufacturer, and data derived from any testing conducted under § 86.078–29, the Administrator determines that the test vehicle(s) or test engine(s) meets all applicable standards, the appropriate certificate will be amended accordingly. If the Administrator determines that the test vehicle(s) (or test engine(s)) does not meet applicable standards, he will proceed under § 86.078–30(b).

§ 86.078–33 Changes to a vehicle or engine covered by certification.

(a) The manufacturer shall notify the Administrator of any change in production vehicles (or production engines) in respect to any of the parameters listed in § 86.078–24(a)(3), § 86.078–24(b)(1)(iii), § 86.078–24(b)(2)(iii), or § 86.078–24(b)(3)(iii) as applicable, giving a full description of the change. Such notification shall be in advance of the change unless the manufacturer elects to follow the procedure described in § 86.078–34.

(b) Based upon the description of the change, and data derived from such testing as the Administrator may require or conduct, the Administrator will determine whether the vehicle (or engine), as modified, would still be covered by the certificate of conformity then in effect.

(c) If the Administrator determines that the outstanding certificate would cover the modified vehicles (or engines) he will notify the manufacturer in writing. Except as provided in § 86.078–34, the change may not be put into effect prior to the manufacturer's receiving this notification. If the Administrator determines that the modified vehicles (or engines) would not be covered by the certificate then in effect, the modified vehicles (or engines) shall be treated as additions to the product line subject to § 86.078–32.

§ 86.078–34 Alternative procedure for notification of additions and changes.

(a) A manufacturer may, in lieu of notifying the Administrator in advance of an addition of a vehicle (or engine) under § 86.078–32 or a change in a vehicle (or engine) under § 86.078–33, notify him concurrently with the making of the change if the manufacturer believes the addition or change will not require any testing under the appropriate section. Upon notification to the Administrator, the manufacturer may proceed to put the addition or change into effect.

(b) The manufacturer may continue to produce vehicles (or engines) as described in the notification to the Administrator for a maximum of 30 days, unless the Administrator grants an extension in writing. This period may be shortened by a notification in accordance with paragraph (c) of this section.

(c) If the Administrator determines, based upon a description of the addition or change, that no test data will be required, he will notify the manufacturer in writing of the acceptability of the addition or change. If the Administrator determines that test data will be required, he will notify the manufacturer to rescind the change within 5 days of receipt of the notification. The Administrator will then proceed as in § 86.078–32(b) and (c), or § 86.078–33(b) and (c) as appropriate.

(d) Election to produce vehicles (or engines) under this section will be deemed to be a consent to recall all vehicles (or engines) which the Administrator determines under § 86.078–32(c) do not meet applicable standards, and to cause such nonconformity to be remedied at no expense to the owner.

§ 86.078–35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards of this subpart, shall at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.078–30(a).

(1) *Light-duty vehicles and light-duty trucks.* (i) A permanent legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine family identification and evaporative family identification.

(D) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable) as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles or light-duty trucks.

(F) The altitude at which the vehicle is intended for sale to the public as specified by a certificate of conformity under § 86.078–30.

(2) *Gasoline-fueled heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Date of engine manufacture (month and year);

(E) Engine tuneup specifications and adjustments as recommended by the

V 42 124 JUN 28 77 UMI

manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to gasoline-fueled heavy-duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine part.

(3) *Diesel heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine family identification and model;

(D) Date of engine manufacture (month and year);

(E) Engine specification:

Advertised hp. ____ at ____ r.p.m.
Fuel rate at advertised hp. ____ mm³/stroke.
Valve lash ____ (inches).
Initial injection timing (if adjustable) _____.
(The information applicable to each engine is to be inserted on the appropriate line.)

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to Diesel heavy-duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable state emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c) (1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards of this subpart shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4, set forth, on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b), the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information"

(ii) The Statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1978 Model Year New Motor Vehicles"

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATALYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manufacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

§ 86.078–36 Submission of vehicle identification numbers.

(a) The manufacturer of any light-duty vehicle or light-duty truck covered by a certificate of conformity under § 86.078–30(a) shall, not later than 60 days after its manufacture, submit to the Administrator the vehicle identification number of such vehicle: *Provided*, That this requirement shall not apply with respect to any vehicle manufactured within any State, as defined in section 302(d) of the Act.

(b) The requirements of this section may be waived with respect to any manufacturer who provides information satisfactory to the Administrator which will enable the Administrator to identify those vehicles which are covered by a certificate of conformity.

§ 86.078–37 Production vehicles and engines.

(a) Any manufacturer obtaining certification under this part shall supply to the Administrator, upon his request, a reasonable number of production vehicles (or engines) selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles (or engines) shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Heavy-duty engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b)(1) Any manufacturer of light-duty vehicles or light-duty trucks, obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of vehicles domestically produced for sale in the United States and the number of vehicles produced and imported for sale in the United States during the preceding quarter. A manufacturer may elect to provide this information every 60 days instead of quarterly, to combine it with the notification required under § 86.078–36.. The notification must be submitted 30 days after the close of the reporting period. The vehicle production information required shall be submitted as follows:

(i) Total production volume expressed in terms of units produced.

(ii) Model type production volume, expressed for each model type in terms of units produced and as a percentage of total production.

(iii) Base level production volume, expressed for each base level in terms of units produced and as a percentage of (A) the total production of its respective model type(s) and, (B) total production.

(iv) Vehicle configuration production volume, expressed for each vehicle configuration in terms of units produced, and as a percentage of the total production of its respective base level. In addition, each vehicle configuration shall be identified by its appropriate engine-system combination.

(2) All light-duty vehicles and light-duty trucks covered by a certificate of conformity under § 86.078–30(a) shall be adjusted by the manufacturer to the ignition or injection timing specification detailed in § 86.078–35(a)(1)(iii)(D).

(c) *Heavy-duty engines.* Any heavy-duty engine manufacturer obtaining certification under this part shall notify the Administrator, on a quarterly basis, of the number of engines of each engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in the United States during the preceding quarter.

(d) The following definitions apply to this section:

(1) "Model type" means a unique combination of car line, basic engine, and transmission class.

(2) "Base level" means a unique combination of basic engine, inertia weight, and transmission class.

(3) "Vehicle configuration" means a unique combination of basic engine, engine code, inertia weight, transmission configuration, and axle ratio within a base level.

§ 86.078–38 Maintenance instructions.

(a) The manufacturer shall furnish or cause to be furnished to the purchaser of each new motor vehicle (or motor vehicle engine) subject to the standards prescribed in §§ 86.078–8 through 86.078–11 as applicable, written instructions for the maintenance and use of the vehicle (or engine) by the purchaser as may be reasonable and necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for those vehicle and engine components listed in Appendix VI to this part (and for any other components) to the extent that maintenance of these components is necessary to assure the proper functioning of emission control systems.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

(c) For gasoline-fueled light-duty vehicles and light-duty trucks.

(1) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under §§ 86.078–25(a)(2) or 86.078–25(b)(2) as applicable, and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(3) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(d) For Diesel light-duty vehicles and light-duty trucks.

(1) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(2) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

(e) For gasoline-fueled heavy-duty engines, such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.078–25(c)(2). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.078–25(d)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1500 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis and/or mileage basis in addition to the engine service time basis that was followed by the manufacturer under § 86.078–25(c)(2).

(f) For Diesel heavy-duty engines, such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 86.078–25(d)(2). Scheduled maintenance in addition to that performed on the durability-data engine under § 86.078–25(d)(2) may be recommended for reasons such as to offset the effects of operating conditions which differ from the dynamometer durability cycle or to increase the life of the engine beyond 1,000 hours (or the equivalent). The instructions may schedule maintenance on a calendar time basis, mileage basis, engine service time basis, or combinations of each.

§ 86.078–39 Submisison of maintenance instructions.

(a) The manufacturer shall provide to the Administrator, no later than the time of the submission required by § 86.078–23, a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 86.078–38(a). The Administrator will review such instructions in determine whether they are reasonable and necessary to assure the proper functioning of the vehicle's (or engine's) emission control systems. The Administrator will notify the manufacturer of his determination whether such instructions are reasonable and necessary to assure the proper functioning of the emission control systems.

(b) Any revision to the maintenance instructions which will affect emissions shall be supplied to the Administrator at least 30 days before being supplied to the ultimate purchaser unless the Administrator consents to a lesser period of time.

§ 86.079–1 General applicability.

(a) The provisions of this subpart apply to 1979 and later model year new gasoline-fueled and Diesel light-duty vehicles, 1979 and later model year new gasoline-fueled and Diesel light-duty trucks and 1979 and later model year new gasoline-fueled and Diesel heavy-duty engines.

(b) Optional applicability. A manufacturer may request to certify any heavy-duty vehicle 10,000 pounds GVWR or less as a light-duty truck: heavy-duty vehicle provisions do not apply to such a vehicle.

§ 86.079–2 Definitions.

The following definitions apply beginning with the 1979 model year. Section 86.078–2 remains effective excepting those definitions which are hereby superseded.

"Basic vehicle frontal area" means the area enclosed by the geometric projection of the basic vehicle along the longitudinal axis, which includes tires but excludes mirrors and air deflectors, onto a plane perpendicular to the longitudinal axis of the vehicle.

"Gross vehicle weight rating" means the value specified by the manufacturer as he loaded weight of a single vehicle.

"Heavy-duty vehicle" means any motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in excess of 46 square feet.

"Incomplete truck" means any truck which does not have the primary load carrying device or container attached.

"Light-duty truck" means any motor vehicle rated at 8500 pounds GVWR or less which has a vehicle curb weight of 6000 pounds or less and which has a basic vehicle frontal area of 46 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons, or

(3) Available with special features enabling off-street or off-highway operation and use.

"Loaded vehicle weight" means the vehicle curb weight plus 300 pounds.

"Vehicle curb weight" means the actual or the manufacturer's estimated weight of the vehicle in operational status with all standard equipment, and weight of fuel at nominal tank capacity, and the weight of optional equipment computed in accordance with § 86.078–24; incomplete light-duty trucks shall have vehicle curb weight specified by the manufacturer.

"Van" means a light-duty truck having an integral enclosure, fully enclosing the driver compartment and load carrying device, and having no body sections protruding more than 30 inches ahead of the leading edge of the windshield.

§ 86.079–9 Emission standards for 1979 and later model light-duty trucks.

(a)(1) Exhaust emissions from 1979 and later model year light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 1.7 grams per vehicle mile.

(ii) *Carbon monoxide.* 18 grams per vehicle mile.

(iii) *Oxides of nitrogen.* 2.3 grams per vehicle mile.

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B and measured and calculated in accordance with those procedures.

V 42 124 JUN 28 77 UMI

(b) (1) Evaporative emissions from 1979 and later model year gasoline-fueled light-duty trucks shall not exceed:

(i) *Hydrocarbons.* 6.0 grams per test.

(2) The standard set forth in paragraph (b)(1) of this section refers to a composite sample of the evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1979 and later model year gasoline-fueled light-duty truck.

§ 86.079–20 Incomplete vehicles, classification.

(a) An incomplete truck less than 8500 pounds gross vehicle weight rating shall be classified by the manufacturer as a light-duty truck or as a heavy-duty vehicle. Incomplete light-duty trucks shall be described in the manfuacturer's application for certification. The frontal area and curb weight used for certification purposes shall be specified on the label required in § 86.079–35(d). Incomplete heavy-duty trucks must be labeled as required in § 86.079–35(e).

§ 86.079–21 Application for certification.

(a) A separate application for a certificate of conformity shall be made for each set of standards and each class of new motor vehicles or new motor vehicle engines. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

(b) The application shall be in writing, signed by an authorized representative of the manufacturer, and shall include the following:

(1) Identification and description of the vehicles (or engines) covered by the application and a description of their engine (vehicles only), emission control system, and fuel system components. This shall include a detailed description of each AECD to be installed in or on any certification test vehicle (or certification test engine).

(2) Projected U.S. sales data sufficient to enable the Administrator to select a test fleet representative of the vehicles (or engines) for which certification is requested.

(3) A description of the test equipment and fuel proposed to be used.

(4) (i) A description of the proposed mileage (or service) accumulation procedures for durability testing.

(ii) A description of the test procedures to be used to establish the evaporative emission deterioration factors required to be determined and supplied in § 86.078–23(b)(2).

(5) A statement of recommended maintenance and procedures necessary to assure that the vehicles (or engines) covered by a certificate of conformity in operation conform to the regulations, and a description of the program for training of personnel for such maintenance, and the equipment required.

(6) At the option of the manufacturer, the proposed composition of the emission-data and durability-data test fleet.

(c) Complete copies of the application and of any amendments thereto, and all notifications under §§ 86.078-32, 86.078-33, and 86.078-34 shall be submitted in such multiple copies as the Administrator may require.

(d) Incomplete light-duty trucks shall have a maximum completed curb weight and maximum completed frontal area specified by the manufacturer.

§ 86.079–26 Mileage and service accumulation; emission measurements.

(a) (1) Paragraph (a) of this section applies to light-duty vehicles and light-duty trucks.

(2) The procedure for mileage accumulation will be the Durability Driving Schedule as specified in Appendix IV of this part. A modified procedure may also be used if approved in advance by the Administrator. Except with the advance approval of the Administrator, all vehicles will accumulate mileage at a measured curb weight which is within 100 pounds of the estimated curb weight. If the loaded vehicle weight is within 100 pounds of being included in the next higher inertia weight class as specified in § 86.125, the manufacturer may elect to conduct the respective emission tests at the inertia weight corresponding to the higher loaded vehicle weight. Mileage will be accumulated on four wheel drive vehicles in their normal on-highway mode of operation.

(3) *Emission-data vehicles.* Unless as otherwise provided for in § 86.078–23(a), emission-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* (A) Each gasoline-fueled emission-data vehicle shall be driven 4000 miles with all emission control systems installed and operating. Complete exhaust emission tests shall be conducted at zero and 4000 miles on those vehicles selected under § 86.078–24(b)(1)(ii) through (b)(1)(v). Complete exhaust and evaporative emission tests shall be conducted at zero miles and 4000 miles on those vehicles selected under § 86.078–24(b)(1)(vii). The manufacturer may at his option test the vehicles selected under § 86.078–24(b)(1)(vii) up to three times at the 4000-mile test point as long as the ±250-mile test tolerance is adhered to. The Administrator may determine under § 86.078–24(f) that no testing is required.

(B) The emission-data vehicle(s) selected for testing under § 86.078–24(b)(1)(v) or (b)(1)(vii)(D) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.078–24(b)(1)(v) or (b)(1)(vii)(D) and permitted to be tested for purposes of § 86.078–23(c)(1)(ii) under the provisions of § 86.078–24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low- and high-altitude conditions. For the purpose of this subparagraph "low altitude" means any elevation less than 549 meters (1800 feet).

(ii) *Diesel.* (A) Each Diesel emission-data vehicle shall be driven 6436 kilometers (4000 miles) with all emission control systems installed and operating. Emission tests shall be conducted at zero kilometers (zero miles) and 6436 kilometers (4000 miles).

(B) The emission-data vehicle(s) selected for testing under § 86.078–24(b)(1)(v) shall be driven 6436 kilometers (4000 miles) at any altitude. Emission tests shall be conducted at zero kilometers (zero miles) at any altitude and 6436 kilometers (4000 miles) under high-altitude conditions.

(C) The emission-data vehicle(s) selected for testing under § 86.078–24(b)(1)(v) and permitted to be tested for purposes of § 86.078–23(c)(1)(ii) under the provisions of § 86.078–24(b)(1)(vi) shall be driven 6436 kilometers (4000 miles) at low altitude. Emission tests shall be conducted at zero kilometers (zero miles) at low altitude and 6436 kilometers (4000 miles) under both low- and high-altitude conditions. For the purpose of this subparagraph "low altitude" means any elevation less than 549 meters (1800 feet).

(4) *Durability-data vehicles.* Unless as otherwise provided for in § 86.078–23(a), durability-data vehicles shall be operated and tested as follows:

(i) *Gasoline-fueled.* Each gasoline-fueled durability-data vehicle selected by the Administrator or elected by the manufacturer under § 86.078–24(c)(1) shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objective of this procedure. Complete exhaust emission tests shall be made on all durability-data vehicles selected by the Administrator or elected by the manufacturer under § 86.078–24(c) at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000. The Administrator may determine under § 86.078–24(f) that no testing is required.

(ii) *Diesel.* Each Diesel durability-data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of the procedure. Complete emission tests (see §§ 86.106 through 86.145) shall be made at the following mileage points: 0; 5,000; 10,000; 15,000; 20,000; 25,000; 30,000; 35,000; 40,000; 45,000; 50,000.

(5) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability-data vehicles and 4,000 miles for emission-data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

(6) (i) The results of each emission test shall be supplied to the Administrator immediately after the test. The manufacturer shall furnish to the Administrator explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 24 hours (or delivered within 3 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data vehicle at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be rounded, using the "Rounding Off Method" specified in ASTM E29–67, to the number of places to the right of the decimal point indicated by expressing the applicable emission standards of this subpart to three significant figures.

(7) Whenever the manufacturer proposes to operate and test a vehicle which may be used for emission or durability data, he shall provide the zero-mile test data to the Administrator (except for those vehicles for which the zero-mile test requirement has been waived under § 86.078–23(a)(2)) and make the vehicle available for such testing under § 86.078–29 as the Administrator may require before beginning to accumulate mileage on the vehicle. Failure to comply with this requirement will invalidate all test data submitted for this vehicle.

(8) Once a manufacturer begins to operate an emission-data or durability-data vehicle, as indicated by compliance with paragraph (a)(7) of this section, he shall continue to run the vehicle to 4,000 miles or 50,000 miles, respectively, and the data from the vehicle will be used in the calculations under § 86.078–28. Discontinuation of a vehicle shall be allowed only with the written consent of the Administrator.

(9) (i) The Administrator may elect to operate and test any test vehicle during all or any part of the mileage accumulation and testing procedure. In such cases, the manufacturer shall provide the vehicle(s) to the Administrator with all information necessary to conduct this testing.

(ii) The test procedures in §§ 86.106 through 86.145 will be followed by the Administrator. The Administrator will test the vehicles at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other vehicles of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification vehicle other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(11) This section does not apply to testing conducted to meet the requirements of § 86.078–23(b)(2).

(b) (1) Paragraph (b) of this section applies to gasoline-fueled heavy-duty engines.

(2) The engine dynamometer service accumulation schedule will consist of several operating conditions which give the same percentage of time at various manifold vacuums and modes as specified in the emission test cycle. The average speed shall be between 1,650 and 1,700 r.p.m. Subject to the requirements as to average speed, there must be operation at speeds in excess of 3,200 r.p.m. (but not in excess of governed speed for governed engines or rated speed for nongoverned engines) for a cumulative maximum of 0.5 percent of the actual cycle time, excluding time in transient conditions. Maximum cycle time shall be 15 minutes. A cycle approved in advance by the Administrator shall be used.

(3) *Emission-data engines.* Unless as otherwise provided for in § 86.078–23(a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(4) *Durability-data engines.* Unless as otherwise provided for in § 86.078–23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated with all emission control systems installed and operating, for 1,500 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval. Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(5) All tests required by this subpart to be conducted after 125 hours of operation or at any multiple of 125 hours may be conducted at any accumulated number of hours within 8 hours of 125 hours or the appropriate multiple of 125 hours, respectively.

(6) (i) The results of each emission test shall be supplied to the Administrator within 72 hours (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided test. If a manufacturer conducts multiple tests at any test point at which the data are intended to be used in the calculation of the deterioration factor, the number of tests must be the same at each point and may not exceed three valid tests. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E29–67.

(7) Whenever the manufacturer proposes to operate and test an engine which may be used for emission or durability data, he shall provide the zero-hour test data to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.078–23(a)(2)) and make the engine available for such testing under § 86.078–29 as the Administrator may require, before beginning to accumulate hours on the engine. Failure to comply with this requirement will invalidate all test data later submitted for this engine.

(8) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (b)(7) of this section, he shall continue to run the engine to 125 hours or 1,500 hours, respectively, and the data from the engine will be used in the calculations under § 86.078–28. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(9) (i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.777–5 through 86.777–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall

V 42 124 JUN 28 77 UMI

be used in the determination of deterioration factors.

(10) Emission testing of any type with respect to any certification engine other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

(c) (1) Paragraph (c) of this section applies to Diesel heavy-duty engines.

(2) The procedures set forth in this section describe the service accumulation that shall be accomplished on each test engine and when tests are to be conducted.

(3) (i) *Emission-data engines.* Unless as otherwise provided for in § 86.078–23 (a), emission-data engines shall be operated and tested as follows: Each emission-data engine shall be operated for 125 hours with all emission control systems installed and operating. Emission tests shall be conducted at zero and 125 hours.

(ii) *Durability-data engines.* Unless as otherwise provided for in § 86.078–23(a), durability-data engines shall be operated and tested as follows: Each durability-data engine shall be operated, with all emission control systems installed and operating, for 1,000 hours. Emission tests shall be conducted at zero hours and at each 125-hour interval.

(4) A break-in procedure, not to exceed 20 hours, may be run if approved in writing in advance by the Administrator. This procedure would be run after the zero-hour test, and the hours accumulated would not be counted as part of the service accumulation.

(5) Before service accumulation can begin, the following criteria must be met. Failure to comply with these requirements shall invalidate all test data submitted for an engine.

(i) Each engine shall produce at least 95 percent of the maximum horsepower, corrected to rating conditions, at 95 to 100 percent of the rated speed.

(ii) The fuel rate at maximum horsepower shall be within manufacturer's specifications.

(iii) The zero-hour test data shall be provided to the Administrator (except for those engines for which the zero-hour test requirement has been waived under § 86.078–23(a)(2)) and the engine shall be made available for such testing under § 86.078–29 as the Administrator may require.

(6) During service accumulation, hours can be credited toward the required service accumulation hours when the following criteria are met. If these criteria cannot be met, engine operation shall be discontinued and the Administrator shall be notified immediately. (Adjustments to the fuel rate can be approved under the provisions of § 86.078–25).

(i) Each engine shall produce at least 95 percent of the maximum horsepower, at 95 to 100 percent of the rated speed, observed during zero-hour testing. Horsepower values shall be corrected to the rating conditions.

(ii) The engine shall be operated at 75 percent of the inlet and exhaust restrictions specified in § 86.877–8 except that the tolerance will be ±3 inches of water and ±0.5 inches of Hg, respectively.

(7) During each emission test the inlet and exhaust restrictions shall be as specified in § 86.877–8.

(8) Tests, other than zero-hour tests, may be conducted within 8 hours of the nominal test point.

(9) (i) The results of each emission test shall be air posted to the Administrator within 72 hours of test completion (or delivered within 5 working days). The manufacturer shall furnish to the Administrator an explanation for voiding any test. The Administrator will determine if voiding the test was appropriate based upon the explanation given by the manufacturer for the voided tests. If a manufacturer conducts multiple tests (not to exceed three valid tests) at any test point, the number of tests must be the same at each point. The data obtained from all valid tests shall be used in the calculation of the deterioration factor. Tests between test points may be conducted as required by the Administrator. Data from all tests (including voided tests) shall be air posted to the Administrator within 72 hours (or delivered within 5 working days). In addition, all test data shall be compiled and provided to the Administrator in accordance with § 86.078–23. Where the Administrator conducts a test on a durability-data engine at a prescribed test point, the results of that test will be used in the calculation of the deterioration factor.

(ii) The results of all emission tests shall be recorded and reported to the Administrator using two places to the right of the decimal point. These numbers shall be rounded in accordance with the "Rounding Off Method" specified in ASTM E29–67.

(10) Once a manufacturer begins to operate an emission-data or durability-data engine, as indicated by compliance with paragraph (c) of this section, he shall continue to run the engine to 125 hours or 1,000 hours respectively, and the data from the engine shall be used in the calculations under § 86.078–28. Discontinuation of an engine shall be allowed only with the prior written consent of the Administrator.

(11) (i) The Administrator may elect to operate and test any test engine during all or any part of the service accumulation and testing procedure. In such cases, the manufacturer shall provide the engine(s) to the Administrator with all information necessary to conduct the testing.

(ii) The test procedures (§§ 86.877–5 through 86.877–14 and §§ 86.977–5 through 86.977–15) will be followed by the Administrator. The Administrator will test the engines at each test point. Maintenance may be performed by the manufacturer under such conditions as the Administrator may prescribe.

(iii) The data developed by the Administrator for the engine-system combination shall be combined with any applicable data supplied by the manufacturer on other engines of that combination to determine the applicable deterioration factors for the combination. In the case of a significant discrepancy between data developed by the Administrator and that submitted by the manufacturer, the Administrator's data shall be used in the determination of deterioration factors.

(12) Emission testing of any type with respect to any certification engine other than that specified in this part is not allowed except as such testing may be specifically authorized by the Administrator.

(a) (1) If, after a review of the test, reports and data submitted by the manufacturer, data derived from any inspection carried out under § 86.078–7(c) and any other pertinent data or information, the Administrator determines that a test vehicle(s) (or test engine(s)) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s) (or engine(s)) except in cases covered by paragraph (c) of this section. If applicable, the certificate will state which vehicles are certified for sale at high altitude.

(2) Such certificate will be issued for such period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle (or new motor vehicle engine) covered by the certificate will meet the requirements of the Act and of this part. Each such certificate shall contain the following language:

> This certificate covers only those new motor vehicles (or new motor vehicle engines) which conform, in all material respects, to the design specifications that applied to those vehicles (or engines) described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR § 86.079–2.
>
> It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR § 86.078–7(c) which concern either the vehicle (or engine) certified, or any production vehicle (or production engine) covered by this certificate, or any production vehicle (or production engine) which when completed will be claimed to be covered by this certificate. Failure to comply with all the requirements of § 86.078–7(c) with respect to any such vehicle (or engine) may lead to revocation or suspension of this certificate as specified in 40 CFR § 86.079–30(c). It is also a term of this certificate that this certificate may be revoked or suspended for the other reasons stated in § 86.079–30 (c) or (d).

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards except that for gasoline-fueled light-duty vehicles and light-duty trucks, one such certificate will be issued for each engine family-evaporative emission family combination and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, introduces or delivers for introduction into commerce, any light-duty vehicle or

light-duty truck, subject to the regulations under the Act, which is not covered by a certificate of conformity at high altitude issued under this part:

(i) At a designated high-altitude location, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location; or,

(ii) At an other than a designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle is intended by the ultimate purchaser to be used principally at a designated high-altitude location.

(5) For the purpose of paragraph (a) of this section, "designated high-altitude location" is any county which has substantially all of its area located above 1219 meters (4,000 feet) and which is identified below.

COUNTIES LOCATED SUBSTANTIALLY ABOVE 1,219 METERS (4,000 FEET) IN ELEVATION

STATE OF ARIZONA	
Apache	Navajo
STATE OF COLORADO	
Adams	Jefferson
Alamosa	Lake
Arapahoe	La Plata
Archuleta	Larimer
Boulder	Las Animas
Chaffee	Lincoln
Clear Creek	Mesa
Conejos	Mineral
Costilla	Moffat
Crowley	Montezuma
Custer	Montrose
Dolores	Morgan
Delta	Ouray
Denver	Park
Douglas	Pitkin
Eagle	Pueblo
Elbert	Rio Blanco
El Paso	Rio Grande
Fremont	Routt
Garfield	Saguache
Gilpin	San Juan
Grand	San Miguel
Gunnison	Summit
Hinsdale	Teller
Huerfano	Washington
Jackson	Weld
STATE OF IDAHO	
Bannock	Custer
Bear Lake	Franklin
Bingham	Fremont
Blaine	Jefferson
Bonneville	Madison
Butte	Minidoka
Camas	Oneida
Caribou	Power
Cassia	Teton
Clark	Valley
STATE OF MONTANA	
Beverhead	Madison
Deer Lodge	Meagher
Gallatin	Park
Jefferson	Silver Bow
STATE OF NEBRASKA	
Banner	Sioux
Kimball	
STATE OF NEVADA	
Carson City	Lander
Douglas	Lyon
Elko	Mineral
Esmeralda	Storey
Eureka	White Pine
Humboldt	
STATE OF NEW MEXICO	
Bernalillo	Mora
Catron	Rio Arriba
Colfax	Sandoval
Curry	San Juan
De Baca	San Miguel
Grant	Santa Fe
Guadalupe	Sierra
Harding	Socorro
Lincoln	Taos
Los Alamos	Torrance
Luna	Union
McKinley	Valencia
STATE OF OREGON	
Lake	
STATE OF UTAH	
Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	San Juan
Daggett	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Grand	Uintah
Iron	Utah
Juab	Wasaich
Kane	Wayne
Millard	Weber
Morgan	
STATE OF WYOMING	
Albany	Natrona
Carbon	Niobrara
Converse	Park
Fremont	Platte
Goshen	Sublette
Hot Springs	Sweetwater
Johnson	Teton
Laramie	Uinta
Lincoln	Weston

(6) The provisions of paragraph (a)(4) of this section shall not apply to any light-duty vehicle or light-duty truck, sold, offered for sale, introduced, or delivered for introduction into commerce in California, provided that the vehicle is covered by a certificate of conformity with emission standards in effect in California.

(7) Certificates issued for light-duty vehicles or light-duty trucks certified with catalytic converters shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "Catalyst-equipped vehicles, otherwise covered by this certificate, which are driven outside the United States, Canada, and Mexico will be presumed to have been operated on leaded gasoline resulting in deactivation of the catalysts. If these vehicles are imported or offered for importation without retrofit of the catalyst, they will be considered not to be within the coverage of this certificate unless included in a catalyst control program operated by a manufacturer or a United States Government Agency and approved by the Administrator."

(8) Certificates issued for incomplete light-duty trucks shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For incomplete light-duty trucks, this certificate covers only those new motor vehicles which when completed by having the primary load carry device or container attached, conform to the maximum curb weight and frontal area limitations described in the application for certification as required in 40 CFR 86.079–21(d)."

(9) Certificates issued for heavy-duty engines shall be subject to the following term in addition to the term in paragraph (a)(2) of this section: "For heavy-duty engines, this certificate covers only those new motor vehicle engines installed in heavy-duty vehicles which conform to the minimum gross vehicle weight rating, curb weight, or frontal area limitations for heavy-duty vehicles described in 40 CFR 86.079–2."

(b) (1) The Administrator will determine whether a vehicle (or engine) covered by the application complies with applicable standards by observing the following relationships:

(i) *Light-duty vehicles and light-duty trucks.*

(A) The durability-data vehicle(s) selected under § 86.078–24(c)(1)(i) shall represent all vehicles of the same engine-system combination.

(B) The emission-data vehicle(s) selected under § 86.078–24 (b)(1)(ii), (b)(1)(iii), and (b)(1)(iv) shall represent all vehicles of the same engine-system combination as applicable to be sold below 4000 ft.

(C) The emission-data vehicle(s) selected under § 86.078–24 (b)(1)(vii)(A) and (b)(1)(vii) (B) shall represent all vehicles of the same evaporative control system within the evaporative family, as applicable, to be sold below 4000 ft.

(D) The emission-data vehicle(s) selected under § 86.078–24(b)(1)(v) shall represent all vehicles of the same engine-system combination to be sold at high altitude.

(E) The emission-data vehicle(s) selected under § 86.078–24(b)(1)(vii)(D) shall represent all vehicles of the same evaporative control system within the evaporative family sold at high altitude.

(ii) *Gasoline-fueled heavy-duty engines.*

(A) A test engine selected under § 86.078–24(b)(2)(ii) and (iv) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(B) A test engine selected under § 86.078–24(b)(2)(iii) shall represent all engines in the same engine family of the same engine displacement-exhaust emission control system combination.

(C) A test engine selected under § 86.078–24(c)(2)(i) shall represent all engines of the same engine-system combination.

(iii) *Diesel heavy-duty engines.*

(A) A test engine selected under § 86.078–24(b)(3)(ii) shall represent all engines in the same engine-system combination.

(B) A test engine selected under § 86.078–24(b)(3)(iii) shall represent all engines of that emission control system at the rated fuel delivery of the test engine.

(C) A test engine selected under § 86.078–24(c)(3)(i) shall represent all engines of the same engine-system combination.

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles (or engines) be-

V 42 N 124 JUN 28 77 UMI

longing to an engine family or engine family-evaporative emission family combination (as applicable), all of which comply with all applicable standards.

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 86.078–29, data or information derived from any inspection carried out under § 86.078–7(c) or any other pertinent data or information, the Administrator determines that one or more test vehicles (or test engines) of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination. Within 30 days following receipt of the notification, the manufacturer may request a hearing on the Administrator's determination. The request shall be in writing, signed by an authorized representative of the manufacturer and shall include a statement specifying the manufacturer's objections to the Administrator's determination and data in support of such objections. If, after a review of the request and supporting data, the Administrator finds that the request raises a substantial factual issue, he shall provide the manufacturer a hearing in accordance with § 86.078–6 with respect to such issue.

(4) For light-duty vehicles and light-duty trucks the manufacturer may, at his option, proceed with any of the following alternatives with respect to an emission-data vehicle determined not in compliance with all applicable standards for which it was tested:

(i) Request a hearing under § 86.078–6; or

(ii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed, from his application:

(A) If the failed vehicle was tested for compliance with exhaust emission standards only: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle to be tested for exhaust emission compliance only.

(B) If the failed vehicle was tested for compliance with both exhaust and evaporative emission standards: The Administrator may select, in place of the failed vehicle, in accordance with the selection criteria employed in selecting the failed vehicle, a new emission-data vehicle which will be tested for compliance with both exhaust and evaporative emission standards. If one vehicle cannot be selected in accordance with the selection criteria employed in selecting the failed vehicle, then two vehicles may be selected (i.e., one vehicle to satisfy the exhaust emission vehicle selection criteria and one vehicle to satisfy the evaporative emission vehicle selection criteria). The vehicle selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicle selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iii) Remove the vehicle configuration (or evaporative vehicle configuration, as applicable) which failed from his application and add a vehicle configuration(s) (or evaporative vehicle configuration(s), as applicable) not previously listed. The Administrator may require, if applicable, that the failed vehicle be modified to the new engine code (or evaporative emission code, as applicable) and demonstrate by testing that it meets applicable standards for which it was originally tested. In addition, the Administrator may select, in accordance with the vehicle selection criteria given in § 86.078–24(b), a new emission-data vehicle or vehicles. The vehicles selected to satisfy the exhaust emission vehicle selection criteria will be tested for compliance with exhaust emission standards only. The vehicles selected to satisfy the evaporative emission vehicle selection criteria will be tested for compliance with both exhaust and evaporative emission standards; or

(iv) Correct a component or system malfunction and show that with a correctly functioning system or component the failed vehicle meets applicable standards for which it was originally tested. The Administrator may require a new emission-data vehicle, of identical vehicle configuration (or evaporative vehicle configuration as applicable) to the failed vehicle, to be operated and tested for compliance with the applicable standards for which the failed vehicle was originally tested.

(5) For heavy-duty engines the manufacturer may, at his option, proceed with any of the following alternatives with respect to any engine family represented by a test engine(s) determined not in compliance with applicable standards:

(i) Request a hearing under § 86.078–6; or

(ii) Delete from the application for certification the engines represented by the failing test engine. (Engines so deleted may be included in a later request for certification under § 86.078–32.) The Administrator will then select in place of each failing engine an alternate engine chosen in accordance with selection criteria employed in selecting the engine that failed; or

(iii) Modify the test engine and demonstrate by testing that it meets applicable standards. Another engine which is in all material respects the same as the first engine, as modified, shall then be operated and tested in accordance with applicable test procedures.

(6) If the manufacturer does not request a hearing or present the required data under paragraphs (b)(4) or (b)(5) (as applicable) of this section, the Administrator will deny certification.

(c)(1) Notwithstanding the fact that any certification vehicle(s) (or certification engine(s)) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has been issued) with respect to any such vehicle(s) (or engine(s)) if:

(i) The manufacturer submits false or incomplete information in his application for certification thereof:

(ii) The manufacturer renders inaccurate any test data which he submits pertaining thereto.

(iii) Any EPA Enforcement Officer is denied access on the terms specified in § 86.078–7(c) to any facility or portion thereof which contains any of the following:

(A) The vehicle (or engine);

(B) Any components used or considered for use in its modification or build up into a certification vehicle (or certification engine);

(C) Any production vehicle (or production engine), which is or will be claimed by the manufacturer to be covered by the certificate;

(D) Any step in the construction of a vehicle (or engine) described in (C) of this subdivision;

(E) Any records, documents, reports, or histories required by this part to be kept concerning any of the above.

(iv) Any EPA Enforcement Officer is denied "reasonable assistance" (as defined in § 86.078–7(c)) in examining any of the items listed in paragraph (c)(1)(iii) of this section.

(2) The sanctions of withholding, denying, revoking, or suspending of a certificate may be imposed for the reasons in paragraphs (c)(1)(i), (ii), (iii), or (iv) of this section only when the infraction is substantial.

(3) In any case in which a manufacturer knowingly submits false or inaccurate information or knowingly renders inaccurate or invalid any test data or commits any other fraudulent acts and such acts contribute substantially to the Administrator's decision to issue a certificate of conformity, the Administrator may deem such certificate void ab initio.

(4) In any case in which certification of a vehicle (or engine) is proposed to be withheld, denied, revoked, or suspended under paragraph (c)(1)(iii), or (c)(1)(iv) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.078–7(c) in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle (or engine) in question was not involved in the violation to a degree that would warrant withholding denial, revocation, or suspension of certification under either paragraph (c)(1)(iii) or (c)(1)(iv) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(5) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.078–6 hereof.

(ii) Extend no further than to forbid the introduction into commerce of vehicles (or engines) previously covered by certification which are still in the hands of the manufacturer, except in cases of

such fraud or other misconduct as makes certification invalid ab initio.

(6) The manufacturer may request in the form and manner specified in paragraph (b)(3) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 86.078–6. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue he will grant the request with respect to such issue.

(d)(1) *For light-duty vehicles and light-duty trucks*, notwithstanding the fact that any vehicle configuration or engine family may be covered by a valid outstanding certificate of conformity, the Administrator may suspend such outstanding certificate of conformity in whole or in part with respect to such vehicle configuration or engine family if:

(i) The manufacturer refuses to comply with the provisions of a test order issued by the Administrator pursuant to § 86.603; or

(ii) The manufacturer refuses to comply with any of the requirements of § 86.603; or

(iii) The manufacturer submits false or incomplete information in any report or information provided pursuant to the requirements of § 86.609; or

(iv) The manufacturer renders inaccurate any test data which he submits pursuant to § 86.609; or

(v) Any EPA Enforcement Officer is denied access to a facility on the terms specified in § 86.606.

(vi) Any EPA Enforcement Officer is denied the opportunity on the terms specified in § 86.606 to

(A) Monitor vehicle selection pursuant to § 86.607,

(B) Select vehicles for testing pursuant to § 86.607, or

(C) Monitor vehicle testing performed to satisfy any of the requirements of this part; or

(vii) Any EPA Enforcement Officer is denied "reasonable assistance" as defined in § 86.606 in examining any of the items listed in that section; or

(viii) The manufacturer refuses to comply with the requirements of §§ 86.604(a), 86.605, 86.607, 86.608, 86.610, or 86.611.

(2) The sanction of suspending a certificate may not be imposed for the reasons in paragraphs (d)(1)(i), (ii) or (viii) of this section where such refusal is caused by conditions and circumstances outside the control of the manufacturer which renders it impossible to comply with those requirements. Such conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(3) The sanctions of suspending a certificate may be imposed for the reasons in paragraphs (d)(1), (iii), (iv), (v), (vi), (vii) of this section only when the infraction is substantial.

(4) In any case in which a manufacturer knowingly submitted false or inaccurate information or knowingly rendered inaccurate any test data or committed any other fraudulent acts, and such acts contributed substantially to the Administrator's original decision not to suspend or revoke a certificate of conformity in whole or in part, the Administrator may deem such certificate void from the date of such fraudulent act.

(5) In any case in which certification of a vehicle is proposed to be suspended under paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 86.606 in fact occurred, the manufacturer, if he wishes to contend that, even though the violation occurred, the vehicle configuration or engine family in question was not involved in the violation to a degree that would warrant suspension of certification under either paragraph (d)(1)(v), (d)(1)(vi), or (d)(1)(vii) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(6) Any suspension of certification under paragraph (d)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 86.613 hereof and

(ii) Not apply to vehicles no longer in the hands of the manufacturer.

§ 86.079–35 Labeling.

(a) The manufacturer of any motor vehicle (or motor vehicle engine) subject to the applicable emission standards of this subpart, shall at the time of manufacture, affix a permanent legible label, of the type and in the manner described below, containing the information hereinafter provided, to all production models of such vehicles (or engines) available for sale to the public and covered by a certificate of conformity under § 86.078–30(a).

(1) *Light-duty vehicles and light-duty trucks.* (i) A permanent legible label shall be affixed in a readily visible position in the engine compartment.

(ii) The label shall be affixed by the vehicle manufacturer who has been issued the certificate of conformity for such vehicle, in such a manner that it cannot be removed without destroying or defacing the label. The label shall not be affixed to any equipment which is easily detached from such vehicle.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(A) The label heading: Vehicle Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches), engine family identification and evaporative family identification.

(D) Engine tuneup specifications and adjustments, as recommended by the manufacturer in accordance with the altitude at which the vehicle is to be sold to the ultimate purchaser, including but not limited to idle speed(s), ignition timing, the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable) as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(E) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations which apply to light-duty vehicles or light-duty trucks.

(F) The altitude at which the vehicle is intended for sale to the public as specified by a certificate of conformity under § 86.078–30.

(2) *Gasoline-fueled heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement (in cubic inches) and engine family identification;

(D) Date of engine manufacture (month and year);

(E) Engine tuneup specifications and adjustments as recommended by the manufacturer, including idle speed, ignition timing, and the idle air-fuel mixture setting procedure and value (e.g., idle CO, idle air-fuel ratio, idle speed drop), and valve lash. These specifications should indicate the proper transmission position during tuneup and what accessories (e.g., air conditioner), if any, should be in operation;

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to gasoline-fueled heavy-duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine part.

(3) *Diesel heavy-duty engines.* (i) A permanent legible label shall be affixed to the engine in a position in which it will be readily visible after installation in the vehicle.

V 42 N 124 JUN 28 77 UMI

(ii) The label shall be attached to an engine part necessary for normal engine operation and not normally requiring replacement during engine life.

(iii) The label shall contain the following information lettered in the English language in block letters and numerals which shall be of a color that contrasts with the background of the label:

(A) The label heading: Engine Exhaust Emission Control Information;

(B) Full corporate name and trademark of manufacturer;

(C) Engine family identification and model;

(D) Date of engine manufacture (month and year);

(E) Engine specification:

Advertised hp. ____ at ____ r.p.m.
Fuel rate at advertised hp. ____ mm³/stroke.
Valve lash ____ (inches).
Initial injection timing (if adjustable) _____
(The information applicable to each engine is to be inserted on the appropriate line.)

(F) An unconditional statement of compliance with the appropriate model year U.S. Environmental Protection Agency regulations applicable to Diesel heavy-duty engines.

(iv) The label may be made up of one or more pieces provided that all pieces are permanently attached to the same engine or vehicle part as applicable.

(b) The provisions of this section shall not prevent a manufacturer from also reciting on the label that such vehicle (or engine) conforms to any applicable state emission standards for new motor vehicles (or new motor vehicle engines) or any other information that such manufacturer deems necessary for, or useful to, the proper operation and satisfactory maintenance of the vehicle (or engine).

(c) (1) The manufacturer of any light-duty vehicle or light-duty truck subject to the emission standards of this subpart shall, in addition and subsequent to setting forth those statements on the label required by the Department of Transportation (DOT) pursuant to 49 CFR 567.4 set forth on the DOT label or on an additional label located in proximity to the DOT label and affixed as described in 49 CFR 567.4(b), the following information in the English language, lettered in block letters and numerals not less than three thirty-seconds of an inch high, of a color that contrasts with the background of the label:

(i) The Heading: "Vehicle Emission Control Information"

(ii) The Statement: "This Vehicle Conforms to U.S. EPA Regulations Applicable to 1978 Model Year New Motor Vehicles"

(iii) One of the following statements, as applicable, in letters and numerals not less than six thirty-seconds of an inch high and of a color that contrasts with the background of the label:

(A) For all vehicles certified as non-catalyst-equipped: "NON-CATLYST"

(B) For all vehicles certified as catalyst-equipped which are included in a manufacturer's catalyst control program for which approval has been given by the Administrator: "CATALYST—APPROVED FOR IMPORT"

(C) For all vehicles certified as catalyst-equipped which are not included in a manufacturer's catalyst control program for which prior approval has been given by the Administrator: "CATALYST"

(2) In lieu of selecting either of the labeling options of paragraph (c)(1) of this section, the manuafacturer may add the information required by paragraph (c)(1)(iii) of this section to the label required by paragraph (a) of this section. The required information will be set forth in the manner prescribed by paragraph (c)(1)(iii).

(d) Incomplete light-duty trucks and incomplete heavy-duty vehicles optionally certified as light duty trucks shall have the following statement printed on the label required in paragraph (a)(1) of this section in lieu of the statement required by (a)(1)(iii)(E) of this section: "This vehicle conforms to U.S. EPA regulations applicable to 19__ Model Year New Motor Vehicles when completed at a maximum curb weight of ____ pounds and a maximum frontal area of ____ square feet."

(e) Incomplete heavy-duty vehicles having an 8500 pound gross vehicle weight rating or less shall have the following statement printed on the label required in paragraph (a)(2) or (a)(3) of this section in lieu of the statement required by paragraph (a)(2)(iii)F or (a)(3)(iii)F of this section: "This engine conforms to U.S. EPA regulations applicable to 19__ Model Year New Heavy Duty Engines when installed in a vehicle completed at a curb weight of more than 6000 pounds or with a frontal area greater than 46 square feet."

(f) The manufacturer of any incomplete vehicle shall notify the purchaser of such vehicle of any curb weight, frontal area or gross vehicle weight rating limitations affecting the emissions certificate applicable to that vehicle. This notification shall be transmitted in a manner consistent with NHTSA safety notification requirements published in 40 CFR 568.

Subpart B—Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles and New Light-Duty Trucks; Test Procedures.

§ 86.101 General applicability.

(a) The provisions of this subpart are applicable to 1977 and later model year new light-duty vehicles and light-duty trucks.

(1) Sections 86.101 through 86.145-78 apply for 1978 and later model years.

(2) Sections 86.177-4 through 86.177-23 apply for the 1977 model year only.

(b) Provisions of this subpart apply to tests performed by both the Administrator and motor vehicle manufacturers.

§ 86.102 Definitions.

The definitions in §§ 86.077-2 and 86.078-2 apply to this subpart.

§ 86.103 Abbreviations.

The abbreviations in § 86.078-3 apply to this subpart.

§ 86.104-78 Section numbering; construction.

(a) The model year of initial applicability is indicated by the section number. The two digits following the hyphen designate the first model year for which a section is effective. A section remains effective until superseded.

Example. Section 86.111-78 applies to the 1978 and subsequent model years until superseded. If a § 86.111-81 is promulgated it would take effect beginning with the 1981 model year; § 86.111-78 would apply to model years 1978 through 1980.

(b) Unless indicated otherwise, all provisions in this subpart apply to both gasoline-fueled and Diesel vehicles.

§ 86.105-78 Introduction; structure of subpart.

(a) This subpart describes the equipment required and the procedures to follow in order to perform exhaust and evaporative emission tests on light-duty vehicles and light-duty trucks. Subpart A sets forth the testing requirements and test intervals necessary to comply with EPA certification procedures.

(b) Three topics are addressed in this subpart. Sections 86.106 through 86.115 set forth specifications and equipment requirements; §§ 86.116 through 86.126 discuss calibration methods and frequency; test procedures and data requirements are listed (in approximate order of performance) in §§ 86.127 through 86.145.

§ 86.106-78 Equipment required; overview.

(a) This subpart contains procedures for both exhaust and evaporative emissions tests on Diesel or gasoline-fueled light-duty vehicles and light-duty trucks. Certain items of equipment are not necessary for a particular test, e.g., evaporative enclosure when testing Diesel vehicles. Equipment required and specifications are as follows:

(1) *Evaporative emission tests; gasoline-fueled vehicles.* The evaporative emission test is closely related to and connected with the exhaust emission test. All vehicles tested for evaporative emissions must be tested for exhaust emissions. Further, unless the evaporative emission test is waived by the Administrator under § 86.078-26, all gasoline-fueled vehicles must undergo both tests. (Diesel vehicles are excluded from the evaporative emission standard.) Section 86.107 specifies the necessary equipment.

(2) *Exhaust emission tests.* All vehicles subject to this subpart are tested for exhaust emissions. Diesel and gasoline-fueled vehicles are tested identically with the exception of hydrocarbon measurements; Diesel vehicles require a heated hydrocarbon detector, § 86.109. All gasoline-fueled vehicles are either tested for evaporative emissions or undergo a diurnal heat build, Diesel vehicles are excluded from this requirement. Equipment necessary and specifications appear in §§ 86.108 through 86.114.

(3) *Fuel, analytical gas, and driving schedule specifications.* Fuel specifications for exhaust and evaporative emission testing and for mileage accumulation for gasoline-fueled and Diesel vehicles are specified in § 86.113. Analytical gases are specified in § 86.114. The EPA Urban Dynamometer Driving Schedule for use in exhaust testing is specified in § 86.115 and Appendix I.

§ 86.107-78 Sampling and analytical system; evaporative emissions.

(a) Component description (evaporative emissions sampling system). The following components will be used in evaporative emissions sampling systems for testing under this subpart.

(1) *Evaporative emission measurement enclosure.* The enclosure shall be readily sealable, rectangular in shape, with space for personnel access to all sides of the vehicle. When sealed, the enclosure shall be gas tight in accordance with § 86.117. Interior surfaces must be impermeable to hydrocarbons. One surface should be of flexible, impermeable material to allow for minor volume changes, resulting from temperature changes. Wall design should promote maximum dissipation of heat, and if artificial cooling is used, interior surface temperatures shall not be less than 68° F (20° C).

(2) *Evaporative emission hydrocarbon analyzers.* A hydrocarbon analyzer utilizing the hydrogen flame ionization principle (FID) shall be used to monitor the atmosphere within the enclosure. Instrument bypass flow may be returned to the enclosure. The FID shall have a response time to 90 percent of final reading of less than 1.5 seconds, and be capable of meeting performance requirements expressed as a function of C_{std}: where C_{std} is the specific enclosure hydrocarbon level, in ppm, corresponding to the evaporative emission standard:

(i) Stability of the analyzer shall be better than 0.01 C_{std} ppm at zero and span over a 15-minute period on all ranges used.

(ii) Repeatability of the analyzer, expressed as one standard deviation, shall be better than 0.005 C_{std} ppm on all ranges used.

(3) *Evaporative emission hydrocarbon data recording system.* The electrical output of the FID shall be recorded at least at the initiation and termination of each diurnal or hot soak. The recording may be by means of a strip chart potentiometric recorder, by use of an on-line computer system or other suitable means. In any case, the recording system must have operational characteristics (signal to noise ratio, speed of response, etc.) equivalent to or better than those of the signal source being recorded, and must provide a permanent record of results. The record shall show a positive indication of the initiation and completion of each diurnal or hot soak along with the time elapsed between initiation and completion of each soak.

(4) *Tank fuel heating system.* The tank fuel heating system shall consist of a heat source and a temperature controller. A typical heat source is a 2000 W heating pad. Other sources may be used as required by circumstances. The temperature controller may be manual, such as a variable voltage transformer, or may be automated. The heating system must not cause hot spots on the tank wetted surface which could cause local overheating of the fuel. Heat must not be applied to the vapor in the tank above the liquid fuel. The temperature controller must be capable of controlling the fuel tank temperature during the diurnal soak to within ±3° F (1.7° C) of the following equation:

$$F = T_o + 0.4\ t$$

or for SI units:

$$C = T_o + (2/9)t$$

Where:

F = Temperature in °F
C = Temperature in °C
t = Time since start of test in minutes
T_o = Initial temperature

(5) *Temperature recording system.* Strip chart recorder(s) or automatic data processor shall be used to record enclosure ambient and vehicle fuel tank temperature during the evaporative emissions test. The temperature recorder or data processor shall record each temperature at least once every minute. The recording system shall be capable of resolving time to ±15s and capable of resolving temperature to ±0.75° F. (0.42° C). The temperature recording system (recorder and sensor) shall have an accuracy of ±3° F (1.7° C). The recorder (data processor) shall have a time accuracy of ±15s and a precision of ±15s. Two ambient temperature sensors, connected to provide one average output, shall be located in the enclosure. These sensors shall be located at the approximate vertical centerline of each side wall extending 4 inches (nominally) into the enclosure at a height of 3±0.5 ft (0.9±0.2 m). The vehicle fuel tank temperature sensor shall be located in the fuel tank so as to measure the temperature of the prescribed test fuel at the approximate mid-volume of the fuel. Manufacturers shall arrange that vehicles furnished for testing at Federal certification facilities be equipped with iron-constantan Type J thermocouples for measurement of fuel tank temperature.

(6) *Purge blower.* One or more portable or fixed blowers shall be used to purge the enclosure. The blowers shall have sufficient flow capacity to reduce the enclosure hydrocarbon concentration from the test level to the ambient level between tests. Actual flow capacity will depend upon the time available between tests.

(7) *Mixing blower.* One or more small blowers or fans with a total capacity of 200 to 1000 cfm shall be used to mix the contents of the enclosure during evaporative emission testing. No portion of the air stream shall be directed towards the vehicle. Maintenance of uniform concentrations throughout the enclosure is important to the accuracy of the test.

§ 86.108-78 Dynamometer.

The dynamometer shall have a power absorption unit for simulation of road load power and flywheels or other means of simulating the inertia weight as specified in § 86.129.

§ 86.109-78 Exhaust gas sampling system.

(a)(1) *General.* The exhaust gas sampling system is designed to measure the true mass emissions of vehicle exhaust. In the CVS concept of measuring mass emissions, two conditions must be satisfied; the total volume of the mixture of exhaust and dilution air must be measured, and a continuously proportioned sample of volume must be collected for analysis. Mass emissions are determined from the sample concentration and totalized flow over the test period.

(2) *Positive Displacement Pump.* The Positive Displacement Pump-Constant Volume Sampler (PDP–CVS), Figure B78–1, satisfies the first condition by metering at a constant temperature and pressure through the pump. The total volume is measured by counting the revolutions made by the calibrated positive displacement pump. The proportional sample is achieved by sampling at a constant flow rate.

(3) *Critical Flow Venturi.* The operation of the Critical Flow Venturi-Constant Volume Sample (CFV–CVS), Figure B78–2, is based upon the principles of fluid dynamics associated with critical flow. Proportional sampling throughout temperature excursions is maintained by use of a small CFV in the sample line. The variable mixture flow rate is maintained at sonic velocity, which is directly proportional to the square root of the gas temperature, and is computed continuously. Since the pressure and temperature are the same at both venturi inlets, the sample volume is proportional to the total volume.

(4) *Diesel sampling.* Diesel vehicles require a heated flame ionization detector (HFID) for hydrocarbon analysis. The sample must be taken as close as practical to the mixing point of the dilution air and exhaust sample. The HFID, by design, draws its sample at a constant flow rate. Unless compensation for varying flow is made the HFID must be used with a constant flow system to insure a representative sample.

(5) *Other systems.* Other sampling systems may be used if shown to yield equivalent results, and if approved in advance by the Administrator (e.g., a heat exchanger with the CFV–CVS; an electronic flow integrator without a heat exchanger, with the PDP–CVS; or, for Diesel HC measurements, an electronic flow compensator with the CFV–CVS).

(b) *Component description, PDP–CVS.* The PDP–CVS, Figure B78–1, consists of a dilution air filter and mixing assembly, heat exchanger, positive displacement pump, sampling system, and associated valves, pressure and temperature sensors. The PDP–CVS shall conform to the following requirements:

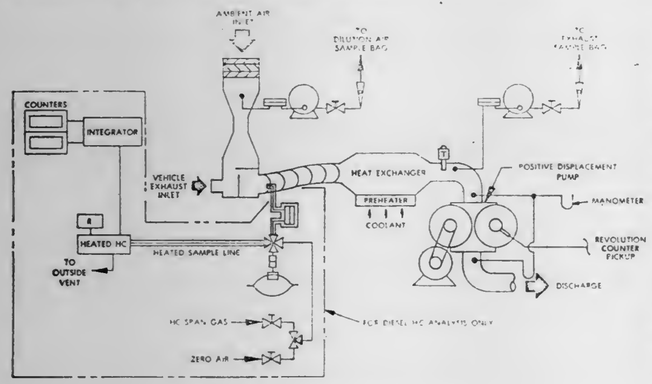
V421247
JUN 28 77
UMI

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

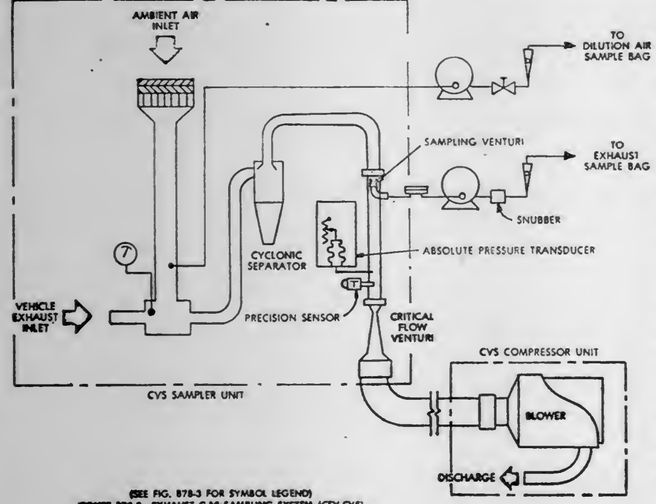
(2) The gas mixture temperature, measured at a point immediately ahead of the positive displacement pump, shall be within ±10° F (5.6° C) of the designed operating temperature at the start of the test. The gas mixture temperature variation from its value at the start of the test shall be limited to ±10° F (5.6° C) during the entire test. The temperature measuring system shall have an accuracy and precision of ±2° F (1.1° C).

(3) The pressure gauges shall have an accuracy and precision of ±3 mm Hg (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to eliminate water condensation in the system (300 to 350 cfm, 0.140 to 0.165 m^3/s, is sufficient for most vehicles).



(SEE FIG. B78-3 FOR SYMBOL LEGEND)
FIGURE B78-1—EXHAUST GAS SAMPLING SYSTEM (DDF-CVS)



(SEE FIG. B78-3 FOR SYMBOL LEGEND)
FIGURE B78-2—EXHAUST GAS SAMPLING SYSTEM (CFV-CVS)

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

(c) *Component description, CFV–CVS.* The CFV–CVS, Figure B78–2 consists of a dilution air filter and mixing assembly, cyclone particulate separator, sampling venturi, critical flow venturi, sampling system, and assorted valves, pressure and temperature sensors. The CFV–CVS shall conform to the following requirements:

(1) Static pressure variations at the tailpipe(s) of the vehicle shall remain within ±5 inches of water (1.2 kPa) of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). (Sampling systems capable of maintaining the static pressure to within ±1 inch of water (0.25 kPa) will be used by the Administrator if a written request substantiates the need for this closer tolerance.)

(2) The temperature measuring system shall have an accuracy and precision of ±2° F (1.1° C) and a response time of 0.100 seconds to 62.5 percent of a temperature change (as measured in hot silicone oil).

(3) The pressure measuring system shall have an accuracy and precision of ±3 mm Hg (0.4 kPa).

(4) The flow capacity of the CVS shall be large enough to virtually eliminate water condensation in the system (300 to 350 cfm, 0.142 to 0.165 m^3/s, is sufficient for most vehicles).

(5) Sample collection bags for dilution air and exhaust samples shall be of sufficient size so as not to impede sample flow.

§ 86.110–78 [Reserved]

§ 86.111–78 Exhaust gas analytical system.

(a) *Schematic drawings.* Figure B78–3 is a schematic drawing of the exhaust gas analytical system. The schematic of the hydrocarbon analysis train for Diesel vehicles is shown as part of Figure B78–1. Since various configurations can produce accurate results, exact conformance with either drawing is not required. Additional components such as instruments, valves, solenoids, pumps and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Major component description.* The analytical system, Figure B78–3, consists of a flame ionization detector (FID) for the determination of hydrocarbons, nondispersive infrared analyzers (NDIR) for the determination of carbon monoxide and carbon dioxide and a chemiluminescence analyzer (CL) for the determination of oxides of nitrogen. A heated flame ionization detector (HFID) is used for the continuous determination of hydrocarbons from Diesel fueled vehicles, Figure B78–1. The exhaust gas analytical system shall conform to the following requirements:

(1) The CL requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(2) The carbon monoxide (NDIR) analyzer may require a sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

(1) If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted, see §§ 86.-122 and 86.144.

(ii) A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on ranges above 300 ppm full scale or less than 3 ppm on ranges below 300 ppm full scale, see § 86.122.

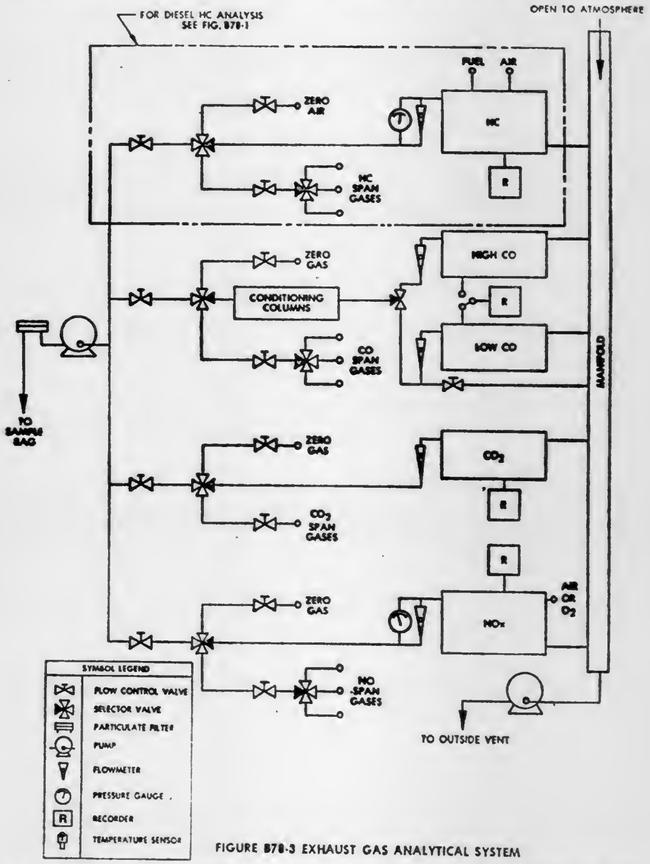


FIGURE B78-3 EXHAUST GAS ANALYTICAL SYSTEM

(3) For Diesel vehicles a continuous sample shall be measured using a heated analyzer train as shown in Figure B78–1. The train shall include a heated continuous sampling line, a heated particulate filter, and a heated hydrocarbon instrument (HFID) complete with heated pump, filter and flow control system.

V 42 124 JUN 28 77 J
UMI

(i) The response time of this instrument shall be less than 1.5 seconds for 90 percent of full-scale response.

(ii) Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(iii) The sample line and filter shall be heated to a set point ±10° F (±5.6° C) between 300 and 390° F (149 and 199° C).

(c) *Other analyzers and equipment.* Other types of analyzers and equipment may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 86.112–78 [Reserved]

§ 86.113–78 Fuel specifications.

(a) *Gasoline.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing, except that the lead and octane specifications do not apply.

Item	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	100	96
Pb. (organic), grams/U.S. gallon		[1] 1.4	0.00–0.05
Distillation range:			
IBP [2], °F	D86	75–95	75–95
10 pct point, °F	D86	120–135	120–135
50 pct point, °F	D86	200–230	200–230
90 pct point, °F	D86	300–325	300–325
EP, °F (maximum)	D86	415	415
Sulphur, weight percent, maximum	D1266	0.10	0.10
Phosphorous, grams/U.S. gallon, maximum		0.01	0.005
RVP [3], per square inch	D323	8.7–9.2	8.7–9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D1319	10	10
Aromatics, percent, maximum	D1319	35	35
Saturates	D1319	[4]	[4]

[1] Minimum.
[2] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75–105.
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2.
[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9–9.2.
[5] Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation. For leaded gasoline the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a) (2) of this section shall be reported in accordance with § 86.078–21(b)(3).

(b) *Diesel fuel.* (1) The Diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The Diesel fuel may contain nonmetallic additives as follows: Centane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of Diesel fuel recommended by the engine manufacturer commercially designated as "Type 2D" grade Diesel fuel shall be used.

Item	ASTM test method No.	Type 2-D
Cetane	D613	42–50
Distillation range	D86	
IBP, °F		340–400
10 pct point, °F		400–460
50 pct point, °F		470–540
90 pct point, °F		550–610
EP, °F		580–660
Gravity, °API	D287	33–37
Total sulfur, percent	D129 or D2622	0.2–0.5
Hydrocarbon composition	D1319	
Aromatics, percent (minimum)		27
Paraffins, naphthenes, olefins		Remainder
Flashpoint °F (minimum)	D93	130
Viscosity, centistokes	D445	2.0–3.2

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administractor, shall be used in service accumulation. The grade of Diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2-D" grade Diesel fuel shall be used.

Item	ASTM test method No.	Type 2-D
Cetane (minimum)	D613	38–58
Distillation range:		
90 percent point, °F	D86	430–630
Gravity °API	D237	30–42
Total sulfur, percent (minimum)	D129 or D2622	0.2
Flashpoint, °F (minimum)	D93	130
Viscosity, centistokes	D455	1.5–4.5

(4) Other petroleum distillate fuel specifications:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.078–21(b)(3).

§ 86.114–78 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2 respectively using nitrogen as the diluent.

(2) Gases for the hydrocarbon analyzer shall be single blends of propane using air as the diluent.

(3) Gases for the NO_x analyzer shall be single blends of NO named as NO_x with a maximum NO_2 concentration of 5 percent of the nominal value using nitrogen as the diluent.

(4) Fuel for the evaporative emission enclosure FID shall be a blend of 40 ±2 percent hydrogen with the balance being helium. The mixture shall contain less than 1 ppm equivalent carbon response. 98 to 100 percent hydrogen fuel may be used with advance approval by the Administrator.

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 0.04 percent (400 ppm) carbon dioxide and 0.1 ppm nitric oxide.

(6) "Zero-grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(7) The use of proportioning and precision blending devices to obtain the required analyzer gas concentrations is allowable provided their use has been approved in advance by the Administrator.

(b) Calibration gases should be known to within ±2 percent of the true values.

§ 86.114–79 Analytical gases.

(a) Analyzer gases.

(1) Gases for the CO and CO_2 analyzers shall be single blends of CO and CO_2 respectively using nitrogen as the diluent.

(2) Gases for the hydrocarbon analyzer shall be single blends of propane using air as the diluent.

(3) Gases for NOx analyzer shall be single blends of NO named as NOx, with a maximum NO_2 concentration of 5 percent of the nominal value, using nitrogen as the dilutent.

(4) Fuel for the evaporative emission enclosure FID shall be a blend of 40±2% hydrogen with the balance being helium. The mixture shall contain less than 1

ppm equivalent carbon response. 98 to 100 percent hydrogen fuel may be used with advance approval by the Administrator.

(5) The allowable zero gas (air or nitrogen) impurity concentrations shall not exceed 1 ppm equivalent carbon response, 1 ppm carbon monoxide, 0.04 percent (400 ppm) carbon dioxide and 0.1 ppm nitric oxide.

(6) "Zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

(b) Calibration gases shall be traceable to within 1 percent of NBS gas standards, or other gas standards which have been approved by the Administrator.

(c) Span gases shall be accurate to within 2 percent of true concentration, where true concentration refers to NBS gas standards, or other gas standards which have been approved by the Administrator.

§ 86.115–78 EPA urban dynamometer driving schedule.

(a) The dynamometer driving schedule is listed in Appendix I. The driving schedule is defined by a smooth trace drawn through the specified speed vs. time relationships. It consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 86.137 is defined by upper and lower limits. The upper limit is 2 mph (3.2 km/h) higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 mph (3.2 km/h) lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided they occur for less than 2 seconds on any occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. When conducted to meet the requirements of § 86.128 the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 mph (6.4 km/h).

(c) Figures B78–4(a) and B78–4(b) show the range of acceptable speed tolerances for typical points. Figure B78–4(a) is typical of portions of the speed curve which are increasing or decreasing throughout the two second time interval. Figure B78–4(b) is typical of portions of the speed curve which include a maximum or minimum value.

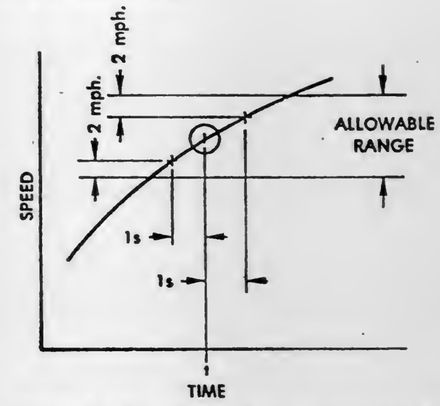


FIGURE B78-4a—DRIVERS TRACE, ALLOWABLE RANGE

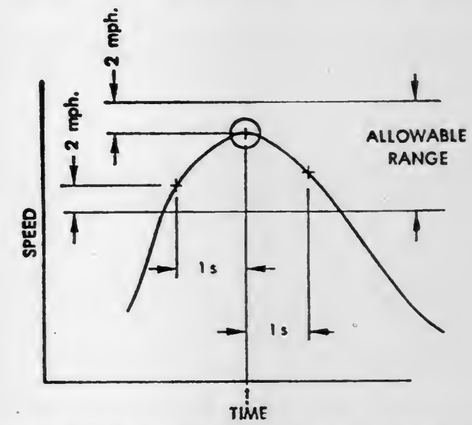


FIGURE B78-4b—DRIVERS TRACE, ALLOWABLE RANGE

§ 86.116–78 Calibrations; frequency and overview.

(a) Calibrations shall be performed as specified in §§ 86.117 through 86.126.

(b) At least yearly or after any maintenance which could alter background emission levels, enclosure background emission measurements shall be performed.

(c) At least monthly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Calibrate the hydrocarbon analyzers (both evaporative and exhaust instruments), carbon dioxide analyzer, carbon monoxide analyzer, and oxides of nitrogen analyzer.

(2) Calibrate the dynamometer. If the dynamometer receives a weekly performance check (and remains within calibration) the monthly calibration need not be performed.

(3) Perform a hydrocarbon retention check and calibration on the evaporative emission enclosure.

V 42 N 124 JUN 28 77 UMI

(d) At least weekly or after any maintenance which could alter calibration, the following calibrations and checks shall be performed:

(1) Check the oxides of nitrogen converter efficiency, and

(2) Perform a CVS system verification, and

(3) Run a performance check on the dynamometer. This check may be omitted if the dynamometer has been calibrated within the preceding month.

(e) The CVS positive displacement pump or Critical Flow Venturi shall be calibrated following initial installation, major maintenance or as necessary when indicated by the CVS system verification (described in § 86.119).

(f) Sample conditioning columns, if used in the CO analyzer train, should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

§ 86.117–78 Evaporative emission enclosure calibrations.

The calibration of the evaporative emission enclosure consists of three parts: Initial and periodic determination of enclosure background emissions; initial determination of enclosure internal volume; and periodic hydrocarbon retention check and calibration.

(a) *Initial and periodic determination of enclosure background emissions.* Prior to its introduction into service, annually thereafter, and after any repair which can affect the enclosure background emissions, the enclosure shall be checked to determine that it does not contain materials which will themselves emit hydrocarbons. Proceed as follows:

(1) Zero and span (calibrate if required) the hydrocarbon analyzer.

(2) Purge the enclosure until a stable background hydrocarbon reading is obtained.

(3) Turn on the mixing blower (if not already on).

(4) Seal enclosure and measure background hydrocarbon concentration, temperature, and barometric pressure. These are the initial readings C_{HCi}, T_i and P_{Bi} for the enclosure background determination.

(5) Allow the enclosure to stand undisturbed without sampling for four hours.

(6) Measure the hydrocarbon concentration on the same FID. This is the final concentration, C_{HCf}. Also measure final temperature and barometric pressure.

(7) Calculate the mass change of hydrocarbons in the enclosure according to the equations in paragraph (d) of this section. The enclosure background emissions shall not be greater than 0.4g for the 4 hours.

(b) *Initial determination of enclosure internal volume.* Prior to its introduction into service the enclosure internal volume shall be determined by the following procedure.

(1) Carefully measure the internal length, width and height of the enclosure, accounting for irregularities (such as braces) and calculate the internal volume.

(2) Perform an enclosure calibration check according to subparagraphs (1) through (7) of paragraph (c) of this section.

(3) If the calculated mass does not agree within 2 percent of the injected propane mass, then corrective action is required.

(c) *Hydrocarbon retention check and calibration.* The hydrocarbon retention check provides a check upon the calculated volume and also measures the leak rate. Prior to its introduction into service and at least monthly thereafter the enclosure leak rate shall be determined as follows:

(1) Zero and span (calibrate if required) the hydrocarbon analyzer.

(2) Purge the enclosure until a stable background hydrocarbon reading is obtained.

(3) Turn on the mixing blower (if not already on).

(4) Seal enclosure and measure background hydrocarbon concentration, temperature and barometric pressure. These are the initial readings C_{HCi}, T_i and P_{Bi} for the enclosure calibration.

(5) Inject into the enclosure a known quantity of pure propane. (4 g is a convenient quantity.) The propane may be measured by volume flow or by mass measurement. The method used to measure the propane shall have an accuracy and precision of ±0.5 percent of the measured value.

(6) After a minimum of 5 minutes of mixing, analyze the enclosure atmosphere for hydrocarbon content, also record temperature and pressure. These measurements are the final readings for the enclosure calibration as well as the initial readings for the retention check.

(7) To verify the enclosure calibration calculate the mass of propane using the measurements taken in steps (4) and (6). See paragraph (d) of this section. This quantity must be within ±2 percent of that measured in step 5 above.

(8) Allow the enclosure to remain sealed for a minimum of 4 hours without sampling and with the mixing blower operating. After 4 hours analyze the enclosure atmosphere for hydrocarbon content; record temperature and barometric pressure. These are the final readings for the hydrocarbon retention check.

(9) Calculate, using the equations in paragraph (d) and the readings taken in (8), the hydrocarbon mass. It may not differ by more than 4 percent of the value in step (6).

(d) *Calculations.* The calculation of net hydrocarbon mass change is used to determine enclosure background and leak rate. It is also used to check the enclosure volume measurements. The mass change is calculated from the initial and final readings of hydrocarbon concentration, temperature and pressure according to the following equation:

$$M_{HC} = kV \times 10^{-4}\left[\frac{C_{HCf}P_{Bf}}{T_f} - \frac{C_{HCi}P_{Bi}}{T_i}\right]$$

Where:

M_{HC} = Hydrocarbon mass change, g.
C_{HC} = Hydrocarbon concentration as ppm carbon.
V = Enclosure volume, ft^3 (m^3), as measured in paragraph (b)(1) of this section.
P_B = Barometric pressure, in. Hg (kPa).
T = Enclosure ambient temperature, R(K).
k = 3.05.
for SI units,
k = 17.60.
i = Indicates initial reading.
f = Indicates final reading.

NOTE: Hydrocarbon concentration is stated in ppm carbon, that is, ppm propane x3. Expressions in parenthesis are for SI units.

§ 86.118–78 Dynamometer calibration.

(a) The dynamometer shall be calibrated at least once each month or performance verified at least once each week and then calibrated as required. The calibration shall consist of the manufacturer's recommended calibration procedure plus a determination of the dynamometer frictional power absorption at 50.0 mph (80.5 km/h). One method for determining dynamometer frictional power absorption at 50.0 mph (80.5 km/h) is described below; other methods may be used if shown to yield equivalent results. The measured absorbed road power includes the dynamometer friction as well as the power absorbed by the power absorption unit. The dynamometer is driven above the test speed range. The device used to drive the dynamometer is then disengaged from the dynamometer and the roll(s) is (are) allowed to coast down. The kinetic energy of the system is dissipated by the dynamometer. This method neglects the variations in roll bearing friction due to the drive axle weight of the vehicle. The inertia of the free (rear) roll may be neglected in the case of dynamometers with paired rolls.

(1) Devise a method to determine the speed of the drive roll if it is not already measured. A fifth wheel, revolution pickup, or other suitable means may be used.

(2) Place a vehicle on the dynamometer or devise another method of driving the dynamometer.

(3) Engage the inertial flywheel or other inertial simulation system for the most common vehicle mass category for which the dynamometer is used. In addition other vehicle mass categories may be calibrated, if desired.

(4) Drive the dynamometer up to 50.0 mph (80.5 km/h).

(5) Record indicated road power.

(6) Drive the dynamometer up to 60.0 mph (96.9 km/h).

(7) Disengage the device used to drive the dynamometer.

(8) Record the time for the dynamometer drive roll to coastdown from 55.0 mph (88.5 km/h) to 45 mph (72.4 km/h).

(9) Adjust the power absorption unit to a different level.

(10) Repeat steps (4) to (9) above sufficient times to cover the range of road power used.

(11) Calculate absorbed road power (HP_d). See paragraph (c) of this section.

(12) Plot indicated road load power at 50 mph (80.5 km/h) versus road load power at 50 mph (80.5 km/h) as shown in Figure B78–5.

(b) The performance check consists of conducting a dynamometer coastdown at one or more inertia-horsepower settings and comparing the coastdown time to that recorded during the last calibration. If the coastdown times differ by more than 1 s, a new calibration is required.

(c) *Calculations.* The road load power actually absorbed by the dynamometer is calculated from the following equation:

$$HP_d = (1/2)\ (W/32.2)\ (V_1^2 - V_2^2)/550t$$

Where:

HP_d = Power, horsepower (kilowatts)
W = Equivalent inertia, lb (kg)
V_1 = Initial Velocity, ft/s (m/s)
(55 mph = 88.5 km/h = 80.67 ft/s = 24.58 m/s)
V_2 = Final Velocity, ft/s (m/s)
(45 mph = 72.4 km/h = 66 ft/s = 20.11 m/s)
t = elapsed time for rolls to coast from 55 mph to 45 mph (88.5 to 72.4 km/h)

(Expressions in parenthesis are for SI units.) When the coastdown is from 55 to 45 mph (88.5 to 72.4 km/h) the above equation reduces to:

$HP_d = 0.06073\ (W/t)$
for SI units,
$HP_d = 0.09984\ (W/t)$

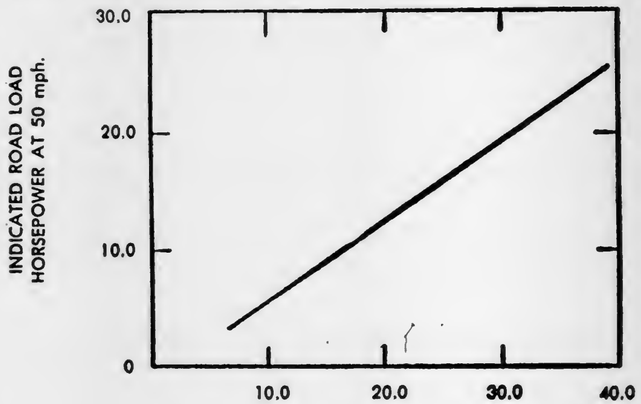


FIGURE B78-5—ROAD LOAD HORSEPOWER, ACTUAL VS. INDICATED

§ 86.119–78 CVS calibration.

The CVS is calibrated using an accurate flowmeter and restrictor valve. Measurements of various parameters are made and related to flow through the unit. Procedures used by EPA for both PDP and CFV are outlined below. Other procedures yielding equivalent results may be used if approved in advance by the Administrator. After the calibration curve has been obtained, verification of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system, e.g. analyzer calibration. A verification procedure is found in paragraph (c) of this section.

(a) *PDP calibration.* (1) The following calibration procedure outlines the equipment, the test configuration, and the various parameters which must be measured to establish the flow rate of the CVS pump. All the parameters related to the pump are simultaneously measured with the parameters related to a flowmeter which is connected in series with the pump. The calculated flow rate (ft^3/min, at pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value on a specific combination of pump parameters. The linear equation which relates the pump flow and the correlation function is then determined. In the event that a CVS has a multiple speed drive, a calibration for each range used must be performed.

(2) This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter parameters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve. First, the pump pressures should be measured at taps on the pump rather than at the external piping on the pump inlet and outlet. Pressure taps that are mounted at the top center and bottom center of the pump drive headplate are exposed to the actual pump cavity pressures, and

V42N124 JUN 28 77 UMI

therefore reflect the absolute pressure differentials. Secondly, temperature stability must be maintained during the calibration. The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (±2° F (1.1° C)) in temperature are acceptable as long as they occur over a period of several minutes. Finally, all connections between the flowmeter and the CVS pump must be absolutely void of any leakage.

(3) During an exhaust emission test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

(4) Connect a system as shown in Figure B78–6. Although particular types of equipment are shown, other configurations that yield equivalent results may be used if approved in advance by the Administrator. For the system indicated, the following data with given accuracy are required:

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	Pa	Inches Hg (kPa).	±.01 in Hg (±.034 kPa).
Ambient temperature	Ta	°F (°C).	±.5°F (±.28°C).
Air temperature into LFE	ETI	°F (°C).	±.25°F (±.14°C).
Pressure depression upstream of LFE	EPI	Inches H_2O (kPa).	±.05 in H_2O (±.012 kPa).
Pressure drop across the LFE matrix	EDP	Inches H_2O (kPa).	±.005 in H_2O (±.001 kPa).
Air temperature at CVS pump inlet	PTI	°F (°C).	±.5°F (±.28°C).
Pressure depression at CVS pump inlet	PPI	Inches fluid (kPa).	±.05 in fluid (±.022 kPa).
Specific gravity of manometer fluid (1.75 oil).	Sp. Gr	----------	----------
Pressure head at CVS pump outlet	PPO	Inches fluid (kPa).	±.05 in fluid (±.022 kPa).
Air temperature at CVS pump outlet (optional).	PTO	°F (°C).	±.5°F (±.28°C).
Pump revolutions during test period	N	Revs.	±1 Rev.
Elapsed time for test period	t	s.	±.05 s.

(5) After the system has been connected as shown in Figure B78–6, set the variable restrictor in the wide open position and run the CVS pump for 20 minutes. Record the calibration data.

(6) Reset the restrictor valve to a more restricted condition in an increment of pump inlet depression (about 4" H_2O (1.0 kPa) that will yield a minimum of six data points for the total calibration. Allow the system to stabilize for 3 minutes and repeat the data acquisition.

(7) Data analysis:

(i) The air flow rate, Qs, at each test point is calculated in standard cubic feet per minute from the flowmeter data using the manufacturer's prescribed method.

(ii) The air flow rate is then converted to pump flow, V_o, in cubic feet per revolution at absolute pump inlet temperature and pressure.

$$V_o = \frac{Qs}{n} \times \frac{T_p}{528} \times \frac{29.92}{P_p}$$

Where:

V_o = Pump flow, ft^3/revolution (m^3/revolution) at T_p, P_p

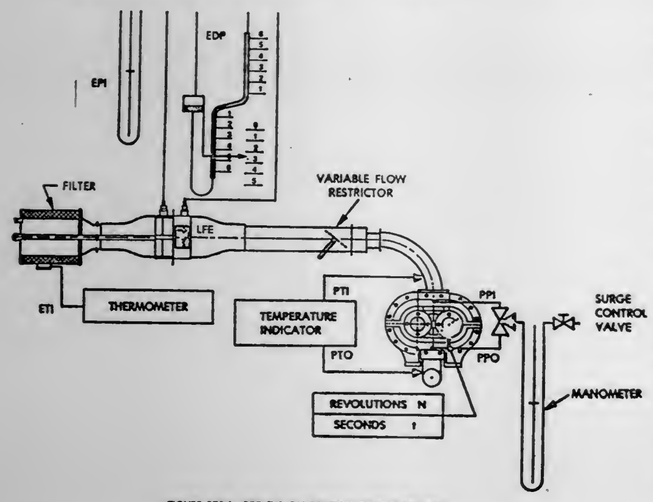


FIGURE B78-6—PDP-CVS CALIBRATION CONFIGURATION

Qs = Meter air flow rate in standard cubic feet per minute, standard conditions are 68° F, 29.92 in. Hg (20° C, 101.3 kPa).

n = Pump speed in revolutions per minute.

T_p = Pump inlet temperature, R(K) = PTI + 460

for SI units, T_p = PTI + 273

P_p = Absolute pump inlet pressure, in. Hg (kPa) = P_B − PPI (SP. GR./13.57)

for SI units, $P_p = P_B - PPI$

Where:

P_B = barometric pressure, in. Hg (kPa)

PPI = Pump inlet depression, in. fluid (kPa)

SP. GR. = Specific gravity of manometer fluid relative to water.

(iii) The correlation function at each test point is then calculated from the calibration data:

$$X_o = \frac{1}{n}\sqrt{\frac{\Delta P_p}{P_e}}$$

Where:

X_o = correlation function.

ΔP_p = The pressure differential from pump inlet to pump outlet, in. Hg (kPa) = $P_e - P_p$

P_e = Absolute pump outlet pressure, in. Hg (kPa) = P_B + PPO (SP. GR./13.57)

for SI units, $P_e = P_B + PPO$

Where:

PPO = Pressure head at pump outlet, in. fluid (kPa)

(iv) A linear least squares fit is performed to generate the calibration equations which have the forms:

$V_o = D_o - M(X_o)$

$n = A - B(\Delta P_p)$

D_o, M, A, and B are the slope-intercept constants describing the lines.

(8) A CVS system that has multiple speeds should be calibrated on each speed used. The calibration curves generated for the ranges will be approximately parallel and the intercept values, D_o, will increase as the pump flow range decreases.

(9) If the calibration has been performed carefully, the calculated values from the equation will be within ±0.50 percent of the measured value of V_o. Values of M will vary from one pump to another, but values of D_o for pumps of the same make, model, and range should agree within ±3 percent of each other. Particulate influx from use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at pump start-up and after major maintenance to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

(b) *CFV calibration.* (1) Calibration of the CFV is based upon the flow equation for a critical venturi. Gas flow is a function of inlet pressure and temperature:

$$Q_s = \frac{K_v P}{\sqrt{T}}$$

Where:

Q_s = Flow

K_v = Calibration coefficient

P = Absolute pressure

T = Absolute temperature

The calibration procedure described below establishes the value of the calibration coefficient at measured values of pressure, temperature and air flow.

(2) The manufacturer's recommended procedure shall be followed by calibrating electronic portions of the CFV.

(3) Measurements necessary for flow calibration are as follows:

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Tolerances
Barometric pressure (corrected)	Pa	Inches Hg (kPa)	±.01 in Hg (±.034 kPa).
Air temperature, flowmeter	ETI	°F (°C).	±.25°F (±.14°C).
Pressure depression upstream of LFE	EPI	Inches H_2O (kPa).	±.05 in H_2O (±.012 kPa).
Pressure drop across LFE matrix	EDP	Inches H_2O (kPa).	±.005 in H_2O (±.001 kPa).
Air flow	Qs	Ft^3/min. (m^3/min.)	±.5 pct.
CFV inlet depression	PPI	Inches fluid (kPa).	±.05 in fluid (±.022 kPa).
Temperature at venturi inlet	T_v	°F (°C).	±.5°F (±.28°C).
Specific gravity of manometer fluid (1.75 oil).	Sp. Gr.	----------	----------

(4) Set up equipment as shown in Figure B78–7 and check for leaks. Any leaks between the flow measuring device and the critical flow venturi will seriously affect the accuracy of the calibration.

(5) Set the variable flow restrictor to the open position, start the blower, and allow the system to stabilize. Record data from all instruments.

(6) Vary the flow restrictor and make at least 8 readings across the critical flow range of the venturi.

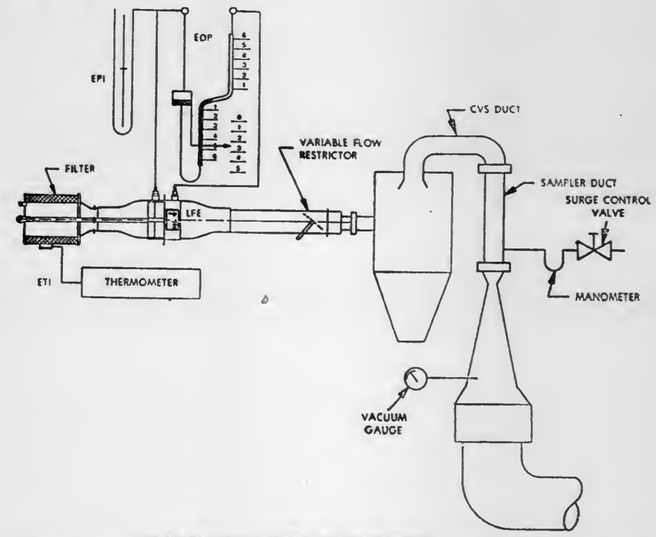


FIGURE B78-7 CFV-CVS CALIBRATION CONFIGURATION

Where:

Q_s = Flow rate in standard cubic feet per minute, standard conditions are 68° F, 29.92 in. Hg (20° C, 101.3 kPa).

T_v = Temperature at venturi inlet, R(K).

P_v = Pressure at venturi inlet, mm Hg (kPa) = P_B − PPI (SP. GR./13.57).

for SI units $P_v = P_B - PPI$.

Where:

PPI = Venturi inlet pressure depression, in. fluid (kPa).

SP. GR. = Specific gravity of manometer fluid, relative to water.

(7) Data analysis: The data recorded during the calibration are to be used in the following calculations:

(i) The air flow rate, Qs, at each test point is calculated in standard cubic feet per minute from the flow meter data using the manufacturer's prescribed method.

(ii) Calculate values of the calibration coefficient for each test point:

$$K_v = \frac{Q_s\sqrt{T_v}}{P_v}$$

(iii) Plot K_v as a function of venturi inlet pressure. For sonic flow K_v will have a relatively constant value. As pressure decreases (vacuum increases) the venturi becomes unchoked and K_v decreases. See Figure B78–8.

(iv) For a minimum of 8 points in the critical region calculate an average K_v and the standard deviation.

V 42 N 124 JUN 28 77 UMI

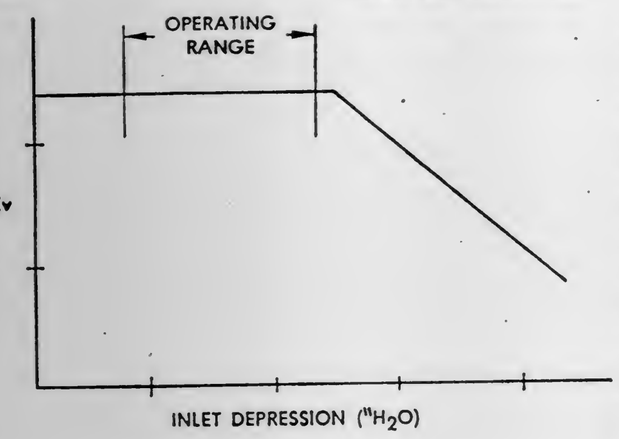


FIGURE B78-8—SONIC FLOW CHOKING

(v) If the standard deviation exceeds 0.3 percent of the average K_v take corrective action.

(c) *CVS System Verification.* The following "gravimetric" technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system. (Verification can also be accomplished by constant flow metering using critical flow orifice devices.)

(1) Obtain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution—carbon monoxide is poisonous).

(2) Determine a reference cylinder weight to the nearest 0.01 grams.

(3) Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period (approximately 5 minutes).

(4) The calculations of § 86.144 are performed in the normal way except, in the case of propane. The density of propane (17.30 g/ft³/carbon atom (0.6109 kg/m³/carbon atom)) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 32.97 g/ft³ (1.164 kg/m³) is used.

(5) The gravimetric mass is subtracted from the CVS measured mass and then divided by the gravimetric mass to determine the percent accuracy of the system.

(6) The cause for any discrepancy greater than ±2 percent must be found and corrected.

§ 86.120–78 [Reserved]

§ 86.121–78 Hydrocarbon analyzer calibration.

The FID hydrocarbon analyzer shall receive the following initial and periodic calibration. The HFID shall be operated to a set point ±10° F (±5.5° C) between 300 and 390° F (149 and 199° C).

(a) Initial and periodic optimization of detector response. Prior to its introduction into service and at least annually thereafter the FID hydrocarbon analyzer shall be adjusted for optimum hydrocarbon response. Alternate methods yielding equivalent results may be used, if approved in advance by the Administrator.

(1) Follow the manufacturer's instructions for instrument startup and basic operating adjustment using the appropriate fuel and zero-grade air.

(2) Optimize on the most common operating range. Introduce into the analyzer, a propane in air mixture with a propane concentration equal to approximately 90 percent of the most common operating range.

(3) Select an operating fuel flow rate that will give near maximum response and least variation in response with minor fuel flow variations.

(4) To determine the optimum air flow, use the fuel flow setting determined above and vary air flow.

(5) After the optimum flow rates have been determined, they are recorded for future reference.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the FID hydrocarbon analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples.

(1) Adjust analyzer to optimize performance.

(2) Zero the hydrocarbon analyzer with zero-grade air.

(3) Calibrate on each normally used operating range with propane in air calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

§ 86.122–78 Carbon monoxide analyzer calibration.

The NDIR carbon monoxide analyzer shall receive the following initial and periodic calibrations:

(a) *Initial and periodic interference check.* Prior to its introduction into service and annually thereafter the NDIR carbon monoxide analyzer shall be checked for response to water vapor and CO_2:

(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance on the most sensitive range to be used.

(2) Zero the carbon monoxide analyzer with either zero-grade air or zero-grade nitrogen.

(3) Bubble a mixture of 3 percent CO_2 in N_2 through water at room temperature and record analyzer response.

(4) An analyzer response of more than 1 percent of full scale for ranges above 300 ppm full scale or of more than 3 ppm on ranges below 300 ppm full scale will require corrective action. (Use of conditioning columns is one form of corrective action which may be taken.)

(b) *Initial and periodic calibration.* Prior to its introduction into service and monthly thereafter the NDIR carbon monoxide analyzer shall be calibrated.

(1) Adjust the analyzer to optimize performance.

(2) Zero the carbon monoxide analyzer with either zero-grade air or zero-grade nitrogen.

(3) Calibrate on each normally used operating range with carbon monoxide in N_2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

§ 86.123–78 Oxides of nitrogen analyzer calibration.

The chemiluminescent oxides of nitrogen analyzer shall receive the following initial and periodic calibration.

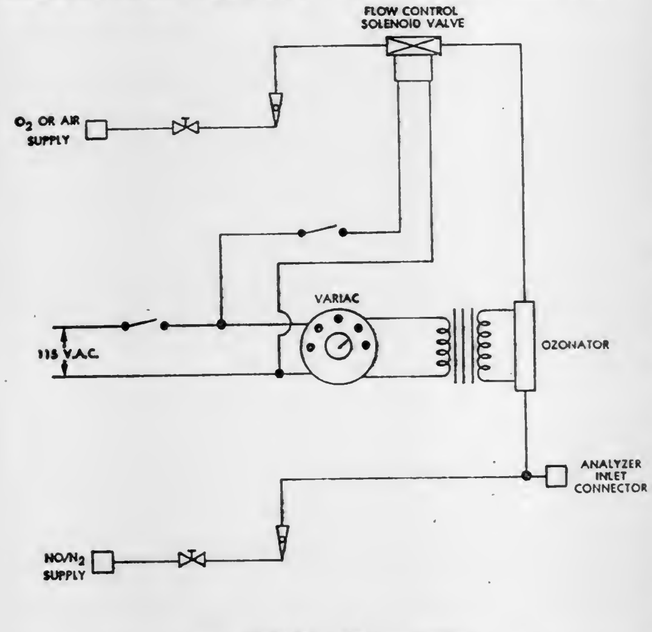
(a) Prior to its introduction into service and weekly thereafter the chemiluminescent oxides of nitrogen analyzer shall be checked for NO_x to NO converter efficiency. Figure B78-9 is a reference for the following steps:

(1) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero-grade air or zero-grade nitrogen.

(3) Connect the outlet of the NOx generator to the sample inlet of the oxides of nitrogen analyzer which has been set to the most common operating range.

(4) Introduce into the NOx generator analyzer-system an NO in nitrogen (N_2) mixture with an NO concentration equal to approximately 80 percent of the most common operating range. The NO_2 content of the gas mixture shall be less than 5 percent of the NO concentration.



(SEE FIG B78-3 FOR SYMBOL LEGEND)

FIGURE B78-9—NOx CONVERTER EFFICIENCY DETECTOR

(5) With the oxides of nitrogen analyzer in the NO mode, record the concentration of NO indicated by the analyzer.

(6) Turn on the NOx generator O_3 (or air) supply and adjust the O_3 (or air) flow rate so that the NO indicated by the analyzer is about 10 percent less than indicated in step (5). Record the concentration of NO in this NO+O_3 mixture.

(7) Switch the NOx generator to the generation mode and adjust the generation rate so that the NO measured on the analyzer is 20 percent of that measured in step (5). There must be at least 10 percent unreacted NO at this point. Record the concentration of residual NO.

(8) Switch the oxides of nitrogen analyzer to the NOx mode and measure total NOx. Record this value.

(9) Switch off the NOx generation but maintain gas flow through the system. The oxides of nitrogen analyzer will indicate the NOx in the NO+O_3 mixture. Record this value.

(10) Turn off the NOx generator O_3 (or air) supply. The analyzer will now indicate the NOx in the original NO in N_2 mixture. This value should be no more than 5 percent above the value indicated in step (4).

(11) Calculate the efficiency of the NOx converted by substituting the concentrations obtained into the following equation:

$$\text{Percent Eff.} = \left(1 + \frac{a-b}{c-d}\right) \times 100$$

where a=concentration obtained in step (8).
b=concentration obtained in step (9).
c=concentration obtained in step (6).
d=concentration obtained in step (7).

If converter efficiency is not greater than 90 percent corrective action will be required.

(b) Initial and periodic calibration. Prior to its introduction into service and monthly thereafter the chemiluminescent oxides of nitrogen analyzer shall be calibrated on all normally used instrument ranges. Use the same flow rate as when analyzing samples. Proceed as follows:

(1) Adjust analyzer to optimize performance.

(2) Zero the oxides of nitrogen analyzer with zero-grade air or zero-grade nitrogen.

(3) Calibrate on each normally used operating range with NO in N_2 calibration gases having nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

§ 86.124–78 Carbon dioxide analyzer calibration.

Prior to its introduction into service and monthly thereafter the NDIR carbon dioxide analyzer shall be calibrated:

(a) Follow the manufacturer's instructions for instrument startup and operation. Adjust the analyzer to optimize performance.

(b) Zero the carbon dioxide analyzer with either zero-grade air or zero-grade nitrogen.

(c) Calibrate on each normally used operating range with carbon dioxide in N_2 calibration gases with nominal concentrations of 15, 30, 45, 60, 75, and 90 percent of that range. Additional calibration points may be generated. For each range calibrated, if the deviation from a least-squares best-fit straight line is 2 percent or less of the value at each data point, concentration values may be calculated by use of a single calibration factor for that range. If the deviation exceeds 2 percent at any point, the best-fit non-linear equation which represents the data to within 2 percent of each test point shall be used to determine concentration.

§ 86.125–78 [Reserved]

§ 86.126–78 Calibration of other equipment.

Other test equipment used for testing shall be calibrated as often as required by the manufacturer or as necessary according to good practice.

§ 86.127–78 Test procedures; overview.

The procedures described in this and subsequent sections are used to determine the conformity of vehicles with the standards set forth in Subpart A for light-duty vehicles and light-duty trucks.

(a) The overall test consists of prescribed sequences of fueling, parking, and operating conditions. Vehicles are either tested for only exhaust emissions or are tested for exhaust and evaporative emissions. The evaporative portion of the test procedure occurs before and after the exhaust emission test, and, in some cases, during the exhaust emission test.

(b) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles

V 42 124 JUN 28 77 UMI

(12.1 km). The test consists of engine startups and vehicle operation on a chassis dynamometer, through a specified driving schedule. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis, using a constant volume (variable dilution) sampler (Diesel dilute exhaust is continuously analyzed for hydrocarbons using a heated sample line and analyzer).

(c) The evaporative emission test (gasoline-fueled vehicles only) is designed to determine hydrocarbon evaporative emissions as a consequence of diurnal temperature fluctuation, urban driving, and hot soaks during parking. It is associated with a series of events representative of a motor vehicle's operation, which result in hydrocarbon vapor losses. The test procedure is designed to measure:

(1) Diurnal breathing losses resulting from daily temperature changes, measured by the enclosure technique;

(2) Running losses from suspected sources (if indicated by engineering analysis or vehicle inspection) resulting from a simulated trip on a chassis dynamometer, measured by carbon traps; and

(3) Hot soak losses which result when the vehicle is parked and the hot engine is turned off, measured by the enclosure technique.

(d) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.078–25.

§ 86.128–78 Transmissions.

(a) All test conditions, except as noted, shall be run according to the manufacturer's recommendation to the ultimate purchaser.

(b) Vehicles equipped with free wheeling or overdrive shall be tested with these features operated according to the manufacturer's recommendations to the ultimate purchaser.

(c) Idle modes shall be run with automatic transmission in "Drive" and the wheels braked; manual transmissions shall be in gear with the clutch disengaged, except first idle (see §§ 86.136 and 86.137).

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Accelerations shall be driven smoothly according to the manufacturer's recommendation to the ultimate purchaser. For manual transmissions, the operator shall release the accelerator pedal during each shift and accomplish the shift with minimum time. If the vehicle cannot accelerate at the specified rate, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the value prescribed for that time in the driving schedule.

(f) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed. Manual transmission vehicles shall have the clutch engaged and shall not change gears from the previous mode. For those modes which decelerate to zero, manual transmission clutches shall be depressed when the speed drops below 15 mph (24.14 km/h), when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode in accordance with the manufacturer's recommendation to the ultimate purchaser.

§ 86.129–78 Road load power and inertia weight determination.

(a) Flywheels, electrical or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs) available shall be used.

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)	Road load power at 50 mph (horsepower)
Up to 1,125	1,000	5.9
1,126 to 1,375	1,250	6.5
1,376 to 1,625	1,500	7.1
1,626 to 1,875	1,750	7.7
1,876 to 2,125	2,000	8.3
2,126 to 2,375	2,250	8.8
2,376 to 2,625	2,500	9.4
2,626 to 2,875	2,750	9.9
2,876 to 3,250	3,000	10.3
3,251 to 3,750	3,500	11.2
3,751 to 4,250	4,000	12.0
4,251 to 4,750	4,500	12.7
4,751 to 5,250	5,000	13.4
5,251 to 5,750	5,500	13.9
5,751 to above	5,500	14.4

(b) *Power absorption unit adjustment.* (1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in § 86.118 or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator, or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) *Gasoline-fueled vehicles.* (A) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 mph (80 km/h), and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 mph. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm Hg (±0.7 kPa).

(C) The road load power shall be determined according to the procedure outlined in § 86.118 and adjusted according to the following if applicable.

(ii) *Diesel vehicles.* (A) Measuring the fuel flow rate of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 mph, and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50 mph (80 km/h). The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm Hg (±0.7 kPa).

(C) The road load power shall be determined according to the procedure outlined in § 86.118 and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (b)(2) of this section shall be increased by 10 percent for testing all test vehicles representing such an engine family if those vehicles are intended to be offered with air conditioning in production.

§ 86.129–79 Road load power and inertia weight determination.

(a) Flywheels, electrical or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 pounds) available shall be used.

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)	Road load power at 50 mph (horsepower)	
		Light Duty Vehicles	Light Duty Trucks
Up to 1,125	1,000	5.9	
1,126 to 1,375	1,250	6.5	
1,376 to 1,625	1,500	7.1	
1,626 to 1,875	1,750	7.7	
1,876 to 2,125	2,000	8.3	
2,126 to 2,375	2,250	8.8	
2,376 to 2,625	2,500	9.4	
2,626 to 2,875	2,750	9.9	
2,875 to 3,250	3,000	10.3	
3,251 to 3,750	3,500	11.2	See notes (2) thru (4)
3,751 to 4,250	4,000	12.0	
4,251 to 4,750	4,500	12.7	
4,751 to 5,250	5,000	13.4	
5,251 to 5,750	5,500	13.9	
5,751 to 6,250	6,000(1)	14.4(1)	
6,251 to 6,750	6,500	-	
6,751 to 7,250	7,000	-	
7,251 to 7,750	7,500	-	
7,751 to 8,250	8,000	-	
8,251 to 8,750	8,500	-	
8,751 to 9,250	9,000	-	
9,251 to 9,750	9,500	-	
9,751 to 10,000	10,000	-	

Notes:

(1) Light duty vehicles over 5,750 pounds loaded vehicle weight shall be tested with a 5,500 pound equivalent inertia and a 14.4 horsepower road load.

(2) For all light duty trucks except vans, and for heavy duty vehicles optionally certified as light duty trucks, the road load power (horsepower) at 50 mph shall be 0.58 times A (defined below) rounded to the nearest one half horsepower.

(3) For vans, the road load power at 50 mph (horsepower) shall be 0.50 times A (defined below) rounded to the nearest one half horsepower.

(4) "A" is the basic vehicle frontal area (ft^2) plus the additional frontal area (ft^2) of mirrors and optional equipment exceeding 0.1 square feet which are anticipated to be sold on more than 33 percent of [illegible] car line. Frontal area measurements shall be computed to the nearest tenth of a square foot.

(b) *Power absorption unit adjustment.* (1) The power absorption unit shall be adjusted to reproduce road load power at 50 mph true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in § 86.118 or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator, or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) *Gasoline-fueled vehicles.* (A) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 mph (80 km/h), and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 mph. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm Hg (±0.7 kPa).

(C) The road load power shall be determined according to the procedure outlined in § 86.118 and adjusted according to the following if applicable.

(ii) *Diesel vehicles.* (A) Measuring the fuel flow rate of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 mph, and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50 mph (80 km/h). The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm Hg (±0.7 kPa).

(C) The road load power shall be determined according to the procedure outlined in § 86.118 and adjusted according to the following if applicable.

(b)(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (b)(2) of this section shall be increased by 10 percent, up to a maximum increase of 1.4 horsepower, for testing all test vehicles representing such an engine family if those vehicles are intended to be offered with air conditioning in production. If the table in paragraph (b)(1) of this section is used to determine the road load power for light-duty trucks, the above increase for air conditioning shall be added prior to rounding off as instructed by notes 2 and 3 of the table.

§ 86.130–78 Test sequence; general requirements.

The test sequence shown in Figure B78–10 shows the steps encountered as the test vehicle undergoes the procedures subsequently described to determine conformity with the standards set forth. Ambient temperature levels encountered by the test vehicle throughout the test sequence shall not be less than 68° F (20° C) nor more than 86° F (30° C). The vehicle shall be approximately level during all phases of the test sequence to prevent abnormal fuel distribution.

V.42 124 JUN 28 77 UMI

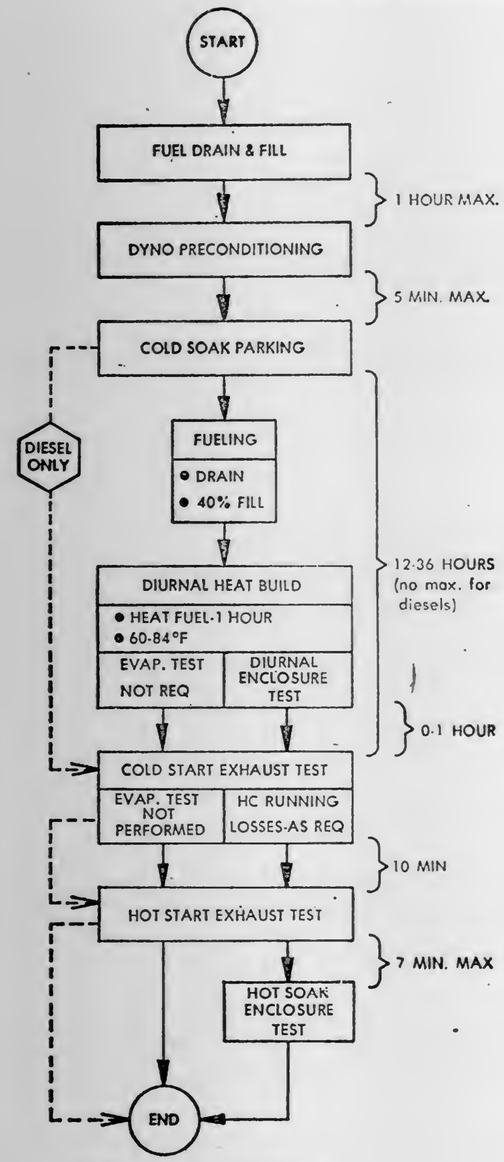


FIGURE B78-10 TEST SEQUENCE

§ 86.131–78 Vehicle preparation.

(a) For gasoline-fueled vehicles prepare the fuel tank(s) for recording the temperature of the prescribed test fuel at the approximate mid-volume of the fuel.

(b) Provide additional fittings and adapters, as required, to accommodate a fuel drain at the lowest point possible in the tank(s) as installed on the vehicle.

§ 86.132–78 Vehicle preconditioning.

(a) The vehicle shall be moved to the test area and the following operations performed:

(1) The fuel tank(s) shall be drained through the provided fuel tank(s) drain(s) and filled to the prescribed "tank fuel volume" with the specified test fuel, § 86.113. For the above operations the evaporative emission control system shall neither be abnormally purged nor abnormally loaded.

(2) Within one hour of being fueled the vehicle shall be placed, either by being driven or pushed, on a dynamometer and operated through one UDDS test procedure, see § 86.115 and Appendix I. A gasoline-fueled test vehicle may not be used to set dynamometer horsepower.

(3) For those unusual circumstances where additional preconditioning is desired by the manufacturer, such preconditioning may be allowed with the advance approval of the Administrator. The Administrator may also choose to conduct or require the conduct of additional preconditioning to insure that the evaporative emission control system is stabilized. The additional preconditioning shall consist of an initial one hour minimum soak and, one, two or three driving cycles of the UDDS, as described in paragraph (a)(2) of this section, each followed by a soak of at least one hour with engine off, engine compartment cover closed and cooling fan off. The vehicle may be driven off the dynamometer following each UDDS for the soak period.

(b) Within five minutes of completion of preconditioning the vehicle shall be driven off the dynamometer and parked. The vehicle shall be stored for not less than 12 hours nor for more than 36 hours (except Diesel vehicles which have no maximum time limitation) prior to the cold start exhaust test. (Gasoline-fueled vehicles undergo a one hour diurnal heat build prior to the cold start exhaust test. A wait of up to one hour is permitted between the end of the diurnal heat build and the beginning of the cold start exhaust test. See § 86.130 and Figure B78–10.)

(c) Vehicles to be tested for evaporative emissions shall be processed in accordance with procedures in §§ 86.133 through 86.138. Vehicles to be tested for exhaust emissions only shall be processed according to §§ 86.133 through 86.137.

§ 86.133–78 Diurnal breathing loss test.

(a)(1) Following vehicle preparation and vehicle preconditioning procedures described in §§ 86.131 and 86.132 the test vehicle shall be allowed to soak for a period of not less than 12 or more than 36 hours prior to the exhaust emission test. The diurnal test shall start not less than 10 or more than 35 hours after the end of the preconditioning procedure. The start of the exhaust test shall follow the end of the diurnal test within one hour.

(2) Gasoline-fueled vehicles to be tested for exhaust emissions only shall undergo the diurnal heat build. Since no evaporative measurements are necessary, an evaporative enclosure is not required.

(b) The evaporative emission enclosure shall be purged for several minutes immediately prior to the test.

NOTE.—If at anytime the hydrocarbon concentration exceeds 15,000 ppm C the enclosure should be immediately purged. This concentration provides a 4:1 safety factor against the lean flammability limit.

(c) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the test.

(d) If not already on, the evaporative enclosure mixing fan shall be turned on at this time.

(e) Immediately prior to the diurnal breathing loss test, the fuel tank(s) of the prepared vehicle shall be drained and recharged with the specified test fuel, § 86.113, to the prescribed "tank fuel volume," defined in § 86.078–2. The temperature of the fuel prior to its delivery to the fuel tank shall be between 50 and 60° F (10 and 16° C). The fuel tank cap(s) is not installed until the diurnal heat build begins.

(f) The test vehicle, with the engine shut off, shall be moved into the evaporative emission enclosure, the test vehicle windows and luggage compartments shall be opened, the fuel tank temperature sensor shall be connected to the temperature recording system, and, if required, the heat source shall be properly positioned with respect to the fuel tank(s) and/or connected to the temperature controller.

(g) The temperature recording system shall be started.

(h) The fuel may be artificially heated to the starting diurnal temperature.

(i) When the fuel temperature recording system reaches at least 58° F (14° C), immediately:

(1) Install fuel tank cap(s).

(2) Turn off purge blowers, if not already off at this time.

(3) Close and seal enclosure doors.

(j) When the fuel temperature recording system reaches 60±2° F (16±1.1° C), immediately:

(1) Analyze enclosure atmosphere for hydrocarbons and record. This is the initial (time=0 minutes) hydrocarbon concentration, C_{HCI}, § 86.143.

(2) Start diurnal heat build and record time. This commences the 60±2 minute test period.

(k) The fuel shall be heated in such a way that its temperature change conforms to the following function to within ±3° F (±1.6° C):

$F = T_o + 0.4t$

for SI units, $C = T_o + (2/9)t$

Where:

F = fuel temperature, ° F
C = fuel temperature, ° C
t = time since beginning of test, minutes.
T_o = initial temperature.

After 60±2 minutes of heating, the fuel temperature rise shall be 24±1° F (−4° C (±0.5° C)).

(l) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the end of the diurnal test.

(m) The end of the diurnal breathing loss test occurs 60±2 minutes after the heat build begins, paragraph (j)(2). Analyze the enclosure atmosphere for hydrocarbons and record. This is the final (time=60 minutes) hydrocarbon concentration, C_{HCF} § 86.143. The time (or elapsed time) of this analysis shall be recorded.

(n) The heat source shall be turned off and the enclosure doors unsealed and opened.

(o) The heat source shall be moved away from the vehicle, if required, and/or disconnected from the temperature controller, the fuel tank temperature sensor shall be disconnected from the temperature recording system, the test vehicle windows and luggage compartments may be closed and the test vehicle, with the engine shut off, shall be removed from the evaporative emission enclosure.

(p) For vehicles with multiple tanks, the largest tank shall be designated as the primary tank and shall be heated in accordance with the procedures described in paragraph (k) of this section. All other tanks shall be designated as auxiliary tanks and shall undergo a similar heat build such that the fuel temperature shall be within 3°F (1.6°C) of the primary tank.

§ 86.134–78 Running loss test.

(a) If an engineering analysis or vehicle inspection indicates the possibility of evaporative emissions during vehicle operation, evaporative emission running loss measurements shall be made during the cold transient and stabilized portion of the exhaust emission test. Since running loss measurements cannot be made in the enclosure, the equipment described in § 86.177–17 shall be used to collect these emissions.

(1) The procedure in § 86.135 shall be followed.

(2) Prior to the initiation of the cold start exhaust emission test, the vapor loss measurement system shall be connected to all suspected sources of running loss evaporative emissions.

(3) The cold start transient and stabilized exhaust emission test portions shall be conducted according to the procedures of § 86.135 through § 86.137.

(4) Within one minute after the end of the stabilized exhaust emission test, the vapor loss measurement system shall be disconnected from the vehicle and the inlets and outlets sealed.

(5) Within one hour from the end of the running loss measurement, weigh the vapor collection traps.

§ 86.135–78 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour and a maximum 36-hour soak according to the provisions of §§ 86.132 and 86.133 and a "hot" start test following the "cold" start test by 10 minutes. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis during each phase. The composite samples collected in bags are analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. In the case of vehicles with front engine compartments, the fan shall be squarely positioned within 12 inches of the vehicle. In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan shall be placed in a position to provide sufficient air to maintain vehicle cooling. The fan capacity shall normally not exceed 5,300 cfm (2.50 m^3/s). If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, and that such additional cooling is needed to provide a representative test, the fan capacity may be increased or additional fans used if approved in advance by the Administrator.

(c) The vehicle speed as measured from the dynamometer rolls shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(d) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(e) The drive wheel tires may be inflated up to a gauge pressure of 45 psi (310 kPa) in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(f) If the dynamometer has not been operated during the 2-hour period im-

V 42 124
JUN 28 77
UMI

mediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48 km/h) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(g) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make the adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

(h) The driving distance as measured by counting the number of dynamometer roll or shaft resolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The revolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

§ 86.135–79 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour and a maximum 36-hour soak according to the provisions of §§ 86.132 and 86.133 and a "hot" start test following the "cold" start test by 10 minutes. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with ambient air and a continuously proportional sample is collected for analysis during each phase. The composite samples collected in bags are analyzed for hydrocarbons (except diesel hydrocarbons which are analyzed continuously), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. In the case of vehicles with front engine compartments, the fan shall be squarely positioned within 12 inches of the vehicle. In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan shall be placed in a position to provide sufficient air to maintain vehicle cooling. The fan capacity shall normally not exceed 5,300 cfm (2.50 m^3/s). If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, and that such additional cooling is needed to provide a representative test, the fan capacity may be increased or additional fans used if approved in advance by the Administrator.

(c) The vehicle speed as measured from the dynamometer rolls shall be used. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(d) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

NOTE.—When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. This rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(e) The drive wheel tires may be inflated up to a gauge pressure of 45 psi (310 kPa) in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(f) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating at 30 mph (48 km/h) using a non-test vehicle or as recommended by the dynamometer manufacturer.

(g) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make the adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

(h) The driving distance as measured by counting the number of dynamometer roll or shaft resolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The resolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

(i) Four wheel drive vehicles will be tested in a two wheel drive mode of operation. Full time four wheel drive vehicles will have one set of drive wheels temporarily disengaged by the vehicle manufacturer. Four wheel drive vehicles which can be manually shifted to a two wheel drive mode will be tested in the normal on-highway two wheel drive mode of operation.

§ 86.136–78 Engine starting and restarting.

(a) *Gasoline-fueled vehicles.* This paragraph (a) applies to gasoline-fueled vehicles.

(1) The engine shall be started according to the manufacturer's recommended starting procedures in the owner's manual. The initial 20-second idle period shall begin when the engine starts.

(2) Choke operation: (i) Vehicles equipped with automatic chokes shall be operated according to the manufacturer's operating instructions in the owner's manual, including choke setting and "kick-down" from cold fast idle.

(ii) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating instructions in the owner's manual.

(3) The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(4) The operator may use the choke, accelerator pedal, etc. where necessary to keep the engine running.

(5) If the manufacturer's operating instructions in the owner's manual do not specify a warm engine starting procedure, the engine (automatic- and manual-choke engines) shall be started by depressing the accelerator pedal about half way and cranking the engine until it starts.

(b) *Diesel vehicles.* The engine shall be started according to the manufacturer's recommended starting procedures in the owner's manual. The initial 20-second idle period shall begin when the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The gas flow measuring device (or revolution counter) on the constant volume sampler (and the hydrocarbon integrator when testing Diesel vehicles, see § 85.135 Dynamometer Test Runs) shall be turned off and the sampler selector valves placed in the "standby" position during this diagnostic period. In addition, either the CVS should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start.

(1) If a failure to start occurs during the cold portion of the test and is caused by a vehicle malfunction, corrective action of less than 30 minutes duration may be taken (according to § 86.078–25), and the test continued. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, and corrective action may be taken according to § 86.078–25. The reasons for the malfunction (if determined) and the corrective action taken shall be reported to the Administrator.

(2) If a failure to start occurs during the hot start portion of the test and is caused by vehicle malfunction, the vehicle must be started within one minute of key on. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If the vehicle cannot be started within one minute of key on, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, (according to § 86.078–25), and the vehicle rescheduled for testing. The reason for the malfunction (if determined) and the corrective action taken shall be reported to the Administrator.

(d) If the engine "false starts," the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.).

(e) *Stalling:* (1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts, the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle shall then be restarted and accelerated to the speed required at that point in the driving schedule and the test continued. During acceleration to this point, shifting shall be performed in accordance with § 86.128.

(3) If the vehicle will not restart within one minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported to the Administrator.

§ 86.137–78 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours or more than 36 hours before the cold start exhaust emission test. The cold start exhaust test shall follow the diurnal breathing loss test by not more than one hour. The vehicle shall be stored prior to the emission test in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles (12.1 km) and simulates a hot start drive of 7.5 miles (12.1 km). The vehicle is allowed to stand on the dynamometer during the 10-minute time period between the cold and hot start tests. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of the driving schedule including engine shutdown. The hot start test similarly consists of two periods. The period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first period of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine. Reset and engage the roll revolution counter.

(2) Open the vehicle engine compartment cover and position the cooling fan.

(3) With the sample selector valves in the "standby" position, connect evacuated sample collection bags to the dilute exhaust and dilution air sample collection systems.

(4) Start the CVS (if not already on), the sample pumps, the temperature recorder, the vehicle cooling fan and the heated hydrocarbon analysis recorder (Diesel only). (The heat exchanger of the constant volume sampler, if used, Diesel hydrocarbon analyzer continuous sample line and filter (if applicable) should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 cfh, 0.28 m^3/hr) and set the gas flow measuring devices to zero.

NOTE.—CFV–CVS sample flowrate is fixed by the venturi design.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Start the gas flow measuring device, position the sample selector valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag (turn on the Diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable), turn the key on, and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 86.115).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off gas flow measuring device No. 1 (and the Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart) and start gas flow measuring device No. 2 (and Diesel hydrocarbon integrator No. 2). Before the acceleration which is scheduled to occur at 510 seconds, record the measured roll or shaft revolutions and reset the counter or switch to a second counter. As soon as possible transfer the "transient" exhaust and dilution air samples to the analytical system and process the samples according to § 86.140 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off gas flow measuring device No. 2 (and the Diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, if applicable) and position the sample selector valves to the "standby" position. Record the measured roll or shaft revolutions and reset the counter. As soon as possible transfer the "stabilized" exhaust and dilution air samples to the analytical system and process the samples according to § 86.140 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the CVS or disconnect the exhaust tube from the tailpipe of the vehicle.

(16) Repeat the steps in paragraph (b) (2) through (10) of this section for the hot-start test, except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The key-on operation step described in paragraph (b) (7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold-start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off gas flow measuring device No. 1 (and Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart, if applicable) and position the sample selector valve to the "standby" position. (Engine shutdown is not part of the hot start test sample period.) Record the measured roll or shaft revolutions.

(18) As soon as possible transfer the hot start "transient" exhaust and dilution air samples to the analytical system and process the samples according to § 86.140 obtaining a stabilized reading of the exhaust sample on all analyzers within 20 minutes of the end of the sample collection phase of the test.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and drive vehicle from dynamometer.

(20) The CVS may be turned off, if desired.

(21) Vehicles to be tested for evaporative emissions will proceed according to § 86.138. For all others this completes the test sequence.

§ 86.138–78 Hot-soak test.

The hot-soak evaporative emission test shall be conducted immediately following the hot transient exhaust emission test.

(a) Prior to the completion of the hot-start transient exhaust emission sampling period, the evaporative emission enclosure shall be purged for several minutes.

(b) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the test.

(c) If not already on, the evaporative enclosure mixing fan shall be turned on at this time.

(d) Upon completion of the hot transient exhaust emission sampling period, the vehicle engine compartment cover shall be closed, the cooling fan shall be moved, the vehicle shall be disconnected from the dynamometer and exhaust sampling system, and then driven at minimum throttle to the vehicle entrance of the enclosure.

(e) The vehicle's engine must be stopped before any part of the vehicle enters the enclosure. The vehicle may be pushed or coasted into the enclosure.

(f) The test vehicle windows and luggage compartments shall be opened, if not already open.

(g) The temperature recording system shall be started and the time of engine

V 42 124 JUN 28 77 UMI

shut off shall be noted on the evaporative emission hydrocarbon data recording system.

(h) The enclosure doors shall be closed and sealed within two minutes of engine shutdown and within seven minutes after the end of the exhaust test.

(i) The 60±0.5 minute hot soak begins when the enclosure doors are sealed. The enclosure atmosphere shall be analyzed and recorded. This is the initial (time=0 minutes) hydrocarbon concentration, C_{HCOI}, for use in calculating evaporative losses, see § 86.143.

(j) The test vehicle shall be permitted to soak for a period of one hour in the enclosure.

(k) The FID hydrocarbon analyzer shall be zeroed and spanned immediately prior to the end of the test.

(l) At the end of the 60±0.5 minute test period, again analyze the enclosure atmosphere and record time. This is the final (time=60 minutes) hydrocarbon concentration, C_{HCOI}, for use in calculating evaporative losses, see § 86.143. This operation completes the evaporative emission measurement procedure.

§ 86.139–78 [Reserved]

§ 86.140–78 Exhaust sample analysis.

The following sequence of operations shall be performed in conjunction with each series of measurements:

(a) Zero the analyzers and obtain a stable zero reading. Recheck after tests.

(b) Introduce span gases and set instrument gains. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test sample. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the analyzers, check the calibrations. Show actual concentrations on chart.

(c) Check zeros; repeat the procedure in paragraphs (a) and (b) of this section if required.

(d) Check flowrates and pressures.

(e) Measure HC, CO, CO_2 and NO_x concentrations of samples.

(f) For Diesel vehicles, continuously record (integrate electronically if desired) dilute hydrocarbon emission levels during test. Background samples are collected in sample bags and analyzed as above.

(g) Check zero and span points. If difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a) through (f) of this section.

§ 86.141–78 [Reserved]

§ 86.142–78 Records required.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: ID number, Manufacturer, Model year, Standards, Engine family, Evaporative emissions family, Basic engine description (including displacement, number of cylinders, and catalysts usage), Fuel system (including number of carburetors, number of carburetor barrels, fuel injection type, and fuel tank(s) capacity and location), Engine code, Inertia weight class, Actual curb weight at zero miles, Actual road load at 50 mph, Transmission configuration, Axle ratio, Car line, Odometer reading, Idle rpm, and Drive wheel tire pressure, as applicable.

(g) Indicated road load power absorption at 50 mph (80 km/h) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV–CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see § 86.122 and § 86.144) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for Diesel vehicles only).

(p) The driving distance for each of the three phases of the test, calculated from the measured roll of shaft revolutions.

§ 86.142–79 Records required.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: ID number, Manufacturer, Model year, Standards, Engine family, Evaporative emissions family, Basic engine description (including displacement, number of cylinders, and catalysts usage), Fuel system (including number of carburetors, number of carburetor barrels, fuel injection type, and fuel tank(s) capacity and location), Engine code, Gross vehicle weight rating, Inertia weight class, Actual curb weight at zero miles, Actual road load at 50 mph, Transmission configuration, Axle ratio, Car line, Odometer reading, Idle rpm and Drive wheel tire pressure, as applicable.

(g) Indicated road load power absorption at 50 mph (80 km/h) and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature and humidity.

NOTE.—A central laboratory barometer may be used: *Provided*, That individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed.

(l) Pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(m) The number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV–CVS.

(n) The humidity of the dilution air.

NOTE.—If conditioning columns are not used (see § 86.122 and § 86.144) this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for Diesel vehicles only).

(p) The driving distance for each of the three phases of the test, calculated from the measured roll of shaft revolutions.

§ 86.143–78 Calculations; evaporative emissions.

The calculation of the net hydrocarbon mass change in the enclosure is used to determine the diurnal and hot soak mass emissions. The mass is calculated from initial and final hydrocarbon concentrations in ppm carbon, initial and final enclosure ambient temperatures, initial and final barometric pressures, and net enclosure volume using the following equation:

$$M_{HC} = kV_e \times 10^{-4}\left[\frac{C_{HCf}P_{Bf}}{T_f} - \frac{C_{HCi}P_{Bi}}{T_i}\right]$$

Where:

M_{HC} = hydrocarbon mass, g.

C_{HC} = hydrocarbon concentration as ppm carbon.

V_e = net enclosure volume, ft^3 (m^3) as determined by subtracting 50 ft^3 (1.42 m^3) (volume of vehicle with trunk and windows open) from the enclosure volume. A manufacturer may use the measured volume of the vehicle (instead of the nominal 50 ft^3) with advance approval by the Administrator: *Provided*, The measured volume is determined and used for all vehicles tested by that manufacturer.

P_B = barometric pressure, in. Hg (kPa).

T = enclosure ambient temperature, R (K).

k = 298 (12+H/C) for SI units, k=1.2 (12+H/C).

Where:

H/C = Hydrogen-carbon ratio.

H/C = 2.33 for diurnal emissions.

H/C = 2.2 for hot soak emissions.

i = indicates initial reading.

f = indicates final reading.

The final reported results shall be computed by summing the individual evaporative emission results determined for the diurnal breathing-loss test, running-loss test, and the hot-soak test.

§ 86.144–78 Calculations; exhaust emissions.

The final reported test results shall be computed by use of the following formula:

(a) For light-duty vehicles and light-duty trucks:

$$Y_{wm} = 0.43\left((Y_{ct}+Y_s)/(D_{ct}+D_s)\right) + 0.57\left((Y_{ht}+Y_s)/(D_{ht}+D_s)\right)$$

Where:

Y_{wm} = Weighted mass emissions of each pollutant, i.e., HC, CO, NO_x or CO_2, in grams per vehicle mile;

Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

D_{ct} = The measured driving distance from the "transient" phase of the cold start test, in miles.

D_{ht} = The measured distance from the "transient" phase of the hot start test, in miles.

D_s = The measured driving distance from the "stabilized" phase of the cold start test, in miles.

(b) The mass of each pollutant for each phase of both the cold start test and the hot start test is determined from the following:

(1) Hydrocarbon mass:

$$HC_{mass} = V_{mix} \times Density_{HC} \times \frac{(HC_{conc}/1{,}000{,}000)}$$

(2) Oxides of nitrogen mass:

$$NOx_{mass} = V_{mix} \times Density_{NO_2} \times K_H \times \frac{(NOx_{conc}/1{,}000{,}000)}$$

(3) Carbon monoxide mass:

$$CO_{mass} = V_{mix} \times Density_{CO} \times \frac{(CO_{conc}/1{,}000{,}000)}$$

(4) Carbon dioxide mass:

$$CO_{2mass} = V_{mix} \times Density_{CO_2} \times \frac{(CO_{2conc}/100)}$$

(c) Meaning of symbols:

(1) HC_{mass} = Hydrocarbon emissions, in grams per test phase.

$Density_{HC}$ = Density of hydrocarbons is 16.33 g/ft^3 (.5767 kg/m^3), assuming an average carbon to hydrogen ratio of 1:1.85, at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in ppm carbon equivalent, i.e., equivalent propane×3.

$HC_{conc} = HC_e - HC_d(1-1/DF)$

Where:

HC_e = Hydrocarbon concentration of the dilute exhaust sample or, for Diesel, average hydrocarbon concentration of the dilute exhaust sample as calculated from the integrated HC traces, in ppm carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured, in ppm carbon equivalent.

(2) NOx_{mass} = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO_2}$ = Density of oxides of nitrogen is 54.16 g/ft^3 (1.913 kg/m^3), assuming they are in the form of nitrogen dioxide, at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

NOx_{conc} = Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in ppm.

$NOx_{conc} = NOx_e - NOx_d(1-1/DF)$

Where:

NOx_e = Oxides of nitrogen concentration of the dilute exhaust sample as measured, in ppm.

NOx_d = Oxides of nitrogen concentration of the dilute air as measured, in ppm.

(3) CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide is 32.97 g/ft^3 (1.164 kg/m^3), at 68° F (20°C) and 760 mm Hg (101.3 kPa) pressure.

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor, and CO_2 extraction, in ppm.

$CO_{conc} = CO_e - CO_d(1-1/DF)$

Where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in ppm. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$CO_e = (1-0.01925\ CO_{2e} - 0.000323\ R)\ CO_{em}$

Where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured, in ppm.

CO_{2e} = Carbon dioxide concentration of the dilute exhaust sample, in percent.

R = Relative humidity of the dilution air, in percent (see § 86.142(n)).

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in ppm.

$CO_d = (1-0.000323\ R)\ CO_{dm}$

Where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in ppm.

NOTE.—If a CO instrument which meets the criteria specified in § 86.111 is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

(4) CO_{2conc} = Carbon dioxide emissions, in grams per test phase.

$Density_{CO_2}$ = Density of carbon dioxide is 51.85 g/ft^3 (1.843 kg/m^3), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CO_{2conc} = Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$CO_{2conc} = CO_{2e} - CO_{2d}(1-1/DF)$

Where:

CO_{2d} = Carbon dioxide concentration of the dilution air as measured, in percent.

(5) $DF = 13.4/[CO_{2e} + (HC_e + CO_e) \times 10^{-4}]$

K_H = Humidity correction factor.

$K_H = 1/[1-0.0047(H-75)]$

for SI units $= 1/[1-0.0329(H-10.71)]$

Where:

H = Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$H = [(43.478)R_a \times P_d]/[P_B - (P_d \times R_a/100)]$

for SI units, $H = [(6.211)R_a \times P_d]/[P_B - (P_d \times R_a/100)]$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm Hg (kPa) at the ambient dry bulb temperature.

P_B = Barometric pressure, in mm Hg (kPa).

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528 R) (298 K) and 760 mm Hg (101.3 kPa)).

For PDP–CVS, V_{mix} is:

$$V_{mix} = V_o \times \frac{N(P_B - P_i)\ 528\ R}{(760\ \text{mm Hg})\ (T_p)}$$

for SI units,

$$V_{mix} = V_o \times \frac{N(P_B - P_i)\ (293.15\ K)}{(101.325\ \text{kPa})\ (T_p)}$$

Where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet (m^3) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure, in mm Hg (kPa).

P_i = Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm Hg (kPa) (during an idle mode).

T_p = Average temperature of dilute exhaust entering positive displacement pump during test, R(K).

(d) Example calculation of mass values of exhaust emissions using positive displacement pump:

(1) For the "transient" phase of the cold start test assume the following: V_o=0.29944 ft^3/revolution; N=10,485; R=46.0 percent; R_a=48.2 percent; P_B=762 mm Hg; P_d=22.225 mm Hg; P_i=70 mm Hg; T_p=570 R; HC_e=165.8 ppm, carbon equivalent; NO_{xe}=11.2 ppm; CO_{em}=206.6 ppm; CH_4=1.43 per-

V 42 N 124 JUN 28 77 UMI

cent; HC_4=12.1 ppm; NO_{x4}=0.8 ppm; CO_{3m}=15.3 ppm.

CO_{2d}=0.032 percent; D_{cc}=3.598 miles.

Then:

V_{mix}=(0.29344) (10,485) (762–70) (528)/(760) (570)=2595.0 ft³ per test phase.

H=(43.478) (48.2) (22.225)/[762 — (22.225 × 48.2/100)] = 62 grains of water per pound of dry air

K_H=1/[1—0.0047(62—75)]=0.9424

CO_e=[1—0.01925 (1.43)—0.000323 (48)] 306.0=293.4 ppm

CO_d=[1—0.000323 (48)] 15.3=15.1 ppm

DF=13.4/[1.43+(105.8+293.4) ×10⁻⁴]=0.116

HC_{cone}=105.8—12.1(1—1/9.116)=95.03 ppm.

HC_{mass}=(2595) (16.33) (95.03/1,000,000) =4.027 grams per test phase.

NOx_{cone}=11.2—0.8 (1—1/9.116)=10.49 ppm

NOx_{mass}=(2595) (54.16) (10.49/1,000,000) (0.9424)=1.389 grams per test phase.

CO_{cone}=293.4—15.1 (1—1/9.116)=280.0 ppm

CO_{mass}=(2595) (32.97) (280/1,000,000)= 23.96 grams per test phase.

CO_{2cone}=1.43—.032 (1—1/9.116)=1.402%

CO_{2mass}=(2595.0) (51.85) (1.402/100) =1886 grams per test phase.

(2) For the stabilized portion of the cold start test assume that similar calculations resulted in the following:

HC_{mass}=0.62 grams per test phase

NOx_{mass}=1.27 grams per test phase

CO_{mass}=5.98 grams per test phase

CO_{2mass}=2346 grams per test phase.

D_s=3.902 miles.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in the following:

HC_{mass}=0.51 grams per test phase

NOx_{mass}=1.38 grams per test phase

CO_{mass}=5.01 grams per test phase

CO_{2mass}=1758 grams per test phase.

D_{tt}=3.598 miles.

(4) Weighted mass emission results:

HC_{wm}=0.43 [4.027+0.62)/(3.598+3.902)]+0.57 [(0.51 +0.62)/(3.598+3.902)]=0.352 grams per vehicle mile.

NO_{xwm}=0.43 [(1.389+1.27)/(3.598+3.902)]+0.57 [(1.38 +1.27)/(3.598+3.902)]=.354 grams per vehicle mile.

CO_{wm}=0.43 [(23.96+5.98)/(3.598+3.902)]+0.57 [(5.01 +5.98)/(3.598+3.902)]=2.55 grams per vehicle mile.

CO_{2wm}=0.43 [(1886+2346)/(3.598+3.902)]+0.57 [(1758 +2346)/(3.598+3.902)]=555 grams per vehicle mile.

§ 86.145–78 [Reserved]

§§ 86.177–1—86.177–3 [Reserved]

§ 86.177–4 Section numbering; construction.

(a) The section numbering procedure specified in § 86.077–4(a) applies to §§ 86.177–5—86.177–23.

(b) Unless indicated otherwise, all provisions in this subpart apply to both gasoline-fueled and Diesel vehicles.

§ 86.177–5 Test procedures.

The procedures described in this and subsequent sections will be the test program to determine the conformity of vehicles with the standards set forth in §§ 86.077–8 and 86.077–9.

(a) Vehicles which are required to be tested for compliance with the exhaust and fuel evaporative emission standards of this subpart shall be tested according to the following procedures:

(1) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The fuel evaporative emissions are collected for subsequent weighing during both vehicle parking and operating events. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(2) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously for subsequent analysis using a constant volume (variable dilution) sampler.

(3) The fuel evaporative emission test is designed to determine fuel hydrocarbon evaporative emissions to the atmosphere as a consequence of urban driving and diurnal temperature fluctuations during parking. It is associated with a series of events representative of a motor vehicle's operation which result in fuel vapor losses directly from the fuel tank and carburetor. Activated carbon traps are employed in collecting the vaporized fuel. The test procedure is specifically aimed at collecting and weighing:

(i) Diurnal breathing losses from the fuel tank and other parts of the fuel system when the fuel tank is subjected to a temperature increase representative of the diurnal range;

(ii) Running losses from the fuel tank and carburetor resulting from a simulated trip on a chassis dynamometer; and

(iii) Hot soak losses from the fuel tank and carburetor which result when the vehicle is parked and the hot engine is turned off.

(4) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077–25.

(b) Vehicles which are required to be tested for compliance only with the exhaust emission standards of this subpart shall be tested according to the following procedures:

(1) Gasoline-fueled vehicles (i) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for subsequent analysis of specific components by prescribed analytical techniques. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(ii) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(iii) Except in cases of component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Maintenance to correct component malfunction or failure shall be authorized in accordance with § 86.077–25.

(2) Diesel vehicles. (i) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for analysis of Diesel exhaust hydrocarbon and subsequent analysis of other specific components by prescribed techniques. The test applies to vehicles equipped with catalytic or direct flame after-burners, other control systems or to uncontrolled vehicles and engines. All test phases are conducted with an amblient temperature range between 68° and 86° F.

(ii) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip in an urban area of 7.5 miles. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to this part. Using a constant volume (variable dilution) sampler, a proportional part of the diluted exhaust gas is analyzed continuously for hydrocarbons and an additional proportional part of the diluted exhaust gas is collected in a bag for subsequent analysis of the other components.

(iii) Except for component malfunction or failure, all emission control systems installed on or incorporated in a new motor vehicle shall be functioning during all procedures in this subpart. Component malfunction or failure shall be repaired in accordance with § 86.077–25.

§ 86.177–6 Fuel specifications.

(a) Gasoline. (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing. Gasoline having the following specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing, except that the lead and octane specifications do not apply.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum	D 2699	100	96
Pb. (organic), grams/U.S. gallon		1.4 min.	0.00–0.5
Distillation range:			
IBP,[1] °F	D 86	75–95	75–95
10 percent point, °F	D 86	120–135	120–135
50 percent point, °F	D 86	200–230	200–230
90 percent point, °F	D 86	300–325	300–325
EP, °F (maximum)	D 86	415	415
Sulfur, weight percent, maximum	D 1266	0.10	.10
Phosphorus, grams/U.S. gallon, maximum		.01	.005
RVP,[2] pounds	D 323	8.7–9.2	8.7–9.2
Hydrocarbon composition:			
Olefins, percent, maximum	D 1319	10	
Aromatics, percent, maximum	D 1319	35	35
Saturates	D 1319	Remainder	Remainder

[1] For testing at altitudes above 1,219 meters (4,000 feet) the specified range is 75–105.
[2] For testing which is unrelated to fuel evaporative emission control, the specified range is 8–9.2.
[3] For testing at altitudes above 1,219 meters (4,000 feet) the specified range is 7.9–9.2.

(2) Gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in mileage accumulation. For leaded gasoline, the minimum lead content shall be 1.4 grams per U.S. gallon, except that where the Administrator determines that vehicles represented by a test vehicle will be operated using gasoline of different lead content than that prescribed in this paragraph, he may consent in writing to use of a gasoline with a different lead content. The octane rating of the gasoline used shall be no higher than 4.0 research octane numbers above the minimum recommended by the manufacturer. The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel during the season in which the mileage accumulation takes place.

(3) The specification range of the gasoline to be used under paragraph (a) (2) of this section shall be reported in accordance with § 86.077–21(b)(3).

(b) Diesel fuels. (1) The Diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The fuels may contain nonmetallic additives as follows: Cetane improver, metal deactivator, anti-oxidant, dehazer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	48–54	42–50
Distillation range	D 86		
IBP, °F		330–390	340–400
10-pct point, °F		370–430	400–460
50-pct point, °F		410–480	470–540
90-pct point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–37
Total sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Hydrocarbon composition	D 1319		
Aromatics, percent		8–15	[1] 27
Paraffins, naphthenes, olefins		([2])	([2])
Flashpoint, °F. (minimum)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

[1] Minimum.
[2] Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of fuel recommended by the engine manufacturer, commercially designated as "Type 1–D" or "Type 2–D," shall be used.

Item	ASTM test method No.	Type 1–D	Type 2–D
Cetane	D 613	48–54	42–55
Distillation range	D 86		
IBP, °F		330–390	340–410
10-pct point, °F		370–430	400–470
50-pct point, °F		410–480	470–540
90-pct point, °F		460–520	550–610
EP, °F		500–560	580–660
Gravity, °API	D 287	40–44	33–40
Total sulfur, percent	D 129 or D 2622	0.05–0.20	0.2–0.5
Flashpoint, °F (minimum)	D 93	120	130
Viscosity, centistokes	D 445	1.6–2.0	2.0–3.2

(4) Other petroleum distillate fuel specification requirements:

(i) Other petroleum distillate fuels may be used for testing and service accumulation provided they are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), and (b)(4) of this section shall be reported in accordance with § 86.077–21(b)(3).

§ 86.177–7 Gasoline-fueled vehicle and engine preparation.

(a) Gasoline-fueled vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standards of this subpart shall be prepared as follows:

(1)(i) Apply appropriate leak proof fittings to all fuel system external vents to permit collection of effluent vapors from these vents during the course of the prescribed tests. Since the prescribed test requires the temporary plugging of the inlet pipe to the air cleaner, it will be necessary to install a probe for collecting the normal effluents from this source. Where antisurge/vent filler caps are employed on the fuel tank, plug off the normal vent if it does not conveniently lend itself to the collection of vapors which emanate from it, and introduce a separate vent, with appropriate fitting on the cap. Where the fuel tank vent line terminus is inaccessible, sever the line at a convenient point near the fuel tank and install the collection system in a closed circuit assembly with the severed ends. All fittings shall terminate in 5/16-inch ID tube sections for ready connection to the collection systems and shall be designed for minimum dead space.

(ii) The design and installation of the necessary fittings shall not disturb the normal function of the fuel system components or the normal pressure relationships in the system.

(2)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Corrective action, if required, shall be performed in accordance with § 86.077–25 and be reported with the test results under § 86.077–23.

(ii) Care should be exercised in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(3) Prepare fuel tank for recording the temperature of the prescribed test fuel at its approximate midvolume.

(4) Provide additional fittings and adapters as required, to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle.

(b) Gasoline-fueled vehicles to be tested for compliance only with the exhaust emission standards of this subpart shall be prepared as follows:

(1)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Such inspection shall include the application of a pressure of 14.5 inches

V 42 N 124 JUN 28 77 UMI

of water (plus or minus 0.5 inches of water) to the fuel system. The pressure should be applied and allowed to stabilize and the fuel system isolated from the pressure source. The fuel system may not lose more than 2.0 inches of water for five minutes beginning with the isolation of the fuel system. Corrective action, if required, shall be performed in accordance with § 86.077–25 and be reported with the test results under § 86.077–23.

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

§ 86.177–8 Vehicle preconditioning.

(a) Gasoline-fueled vehicles to be tested for compliance with the exhaust and fuel evaporative emissions standard of this part shall be preconditioned as follows:

(1) The test vehicle shall be operated under the conditions prescribed for mileage accumulation, § 86.077–26, for one hour immediately prior to the operation prescribed below.

(2) The fuel tank shall be drained and specified test fuel (§ 86.177–6(a)) added. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank.

(3) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 86.177–10 through 86.177–15 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68° F and 86° F.

(4) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 68° F and 86° F for a period of not less than one hour prior to the soak period prescribed in § 86.177–9(a)(1).

(b) Gasoline-fueled vehicles to be tested for compliance only with the exhaust emissions standards of this part shall be preconditioned as follows:

(1) The fuel tank(s) shall be drained and filled with the specified test fuel (§ 86.177–6(a)) to the prescribed tank(s) fuel volume, defined in § 86.077–2. The fuel added to the vehicle tank(s) shall have an initial temperature of no more than 86°F. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or fueling the tank(s).

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 86.177–10 through 86.177–15 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. Longer preconditioning may be permitted with advance approval of the Administrator. The test vehicle may be used to set dynamometer horsepower, if necessary. During this operation the ambient temperature shall be between 68°F and 86°F.

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand at an ambient temperature between 68° F and 86° F for a period of not less than one hour.

(4) The test vehicle shall be allowed to soak in an area where the ambient temperature is maintained between 60°F and 86°F for a period of not less than 11 (eleven) hours prior to the dynamometer operation prescribed in §§ 86.177–10 through 86.177–20.

(5) The vehicle shall be operated on the dynamometer according to the requirements and procedures of § 86.177–20. This operation completes the test.

(c) Diesel vehicles to be tested for compliance with the exhaust emission standards of this part shall be preconditioned as follows:

(1) The fuel tank of the test vehicle shall be drained and charged with the specified test fuel, § 86.177–6(b)(2) to the prescribed "tank fuel volume," defined in § 86.077–2. The vehicle manufacturer shall provide additional fittings and adapters, as required to accommodate a fuel drain at the lowest point possible in the tank as installed on the vehicle. Test fuel, when charged to the tank shall be at ambient temperature, § 86.177–5(b)(2)(i).

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the applicable requirements and procedures of §§ 86.177–10 through 86.177–15 except that the engine need not be cold when starting the run on the dynamometer and only a single trip of 7.5 miles shall be run. The test vehicle may be used to set dynamometer horsepower, if necessary.

(3) The engine and cooling fan shall be stopped upon completion of the dynamometer operation and the vehicle permitted to soak either on or off the dynamometer stand for a period of not less than 12 hours prior to the dynamometer test.

§ 86.177–9 Evaporative emission collection procedure for gasoline-fueled vehicles.

The standard test procedure consists of three parts described below which shall be performed in sequence and without any interruption in the test conditions prescribed.

(a) Diurnal breathing loss test. (1) The test vehicle shall be allowed to soak in an area where the ambient temperature is maintained between 60°F and 86°F, for a period of not less than 10 hours. (The vehicle preparation requirements of § 86.177–7 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 68°F and 86°F. Upon admittance to the 68°F–86°F soak area, the prescribed fuel tank thermocouple shall be connected to the recorder and the fuel and ambient temperature recorded at a chart speed of approximately 12 inches per hour (or equivalent record).

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 86.177–8, shall be drained and recharged with the specified test fuel, § 86.177–6, to the prescribed "tank fuel volume," defined in § 86.077–2. The temperature of the fuel following the charge to the tank shall be 60°F±2°F. Care should be exercised against abnormal loading of the evaporative-emission control system or device as a result of fueling the tank.

(3) Immediately following the fuel charge to the tank, the exhaust pipe(s) and inlet pipe to the air cleaner shall be plugged and the prescribed vapor collection systems installed on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84°F±2°F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of 1 hour following admittance to the 68°F–86°F soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

(b) Running loss test. (1) The vehicle shall be placed on the dynamometer.

(2) Where an external vent is located such that any running loss emissions would be inducted into the engine, the vapor loss measurement system shall be temporarily disconnected from that vent and clamped. Vapor losses from this vent need not be measured during this part of the test.

(3) The vehicle shall be operated on the dynamometer according to the requirements and procedures of §§ 86.177–10 through 86.177–20. The engine and fan shall be turned off upon completion of the dynamometer run and the exhaust and air cleaner inlet pipes shall be replugged.

(4) Vapor losses need not be measured during the 10-minute soak or 505-second hot start test. Any vapor loss collection system used during the cold start shall be temporarily disconnected and clamped. At the end of the hot start test, the vapor collection systems shall be reconnected for the following phase.

(c) Hot soak test. Upon completion of the dynamometer run, the test vehicle shall be permitted to soak with hood down for a period of one hour at an ambient temperature between 68°F and 86°F. This operation completes the test. The traps are disconnected and weighed according to § 86.177–17.

(d) Alternate to paragraph (a) of this section: Diurnal breathing loss test. (1) The test vehicle shall be allowed to soak in an area where the ambient temperature is maintained between 60°F and 86°F for a period of not less than 10 hours. (The vehicle preparation requirements of § 86.177–7 may be performed during this period.) It shall then be transferred to a soak area where the ambient temperature is maintained between 68°F and 86°F.

(2) The fuel tank of the prepared test vehicle, preconditioned according to § 86.177–8, shall be drained and recharged with the specified test fuel, § 86.177–6, to the prescribed "tank fuel volume," defined in § 86.077–2. The temperature of the fuel prior to delivery to the fuel tank shall be between 50°F and 60°F. Care should be exercised against abnormal loading of the evaporative-emission control system or device as a result of fueling the tank.

(3) Connect the prescribed fuel tank thermocouple to the recorder and record the fuel and ambient temperatures at a chart speed of approximately 12 inches per hour (or equivalent record). Plug the exhaust pipe(s) and inlet pipe to the air cleaner and when the fuel temperature reaches 60°F±2°F install the prescribed vapor collection systems on all fuel system external vents. Multiple vents may be connected to a single collection trap provided that, where there is more than one external vent on a fuel system distinguishing between carburetor and tank vapors, separate collection systems shall be employed to trap the vapors from the separate sources. Every precaution shall be taken to minimize the lengths of the collection tubing employed and to avoid sharp bends across the entire system.

(4) Artificial means shall be employed to heat the fuel in the tank to 84°F±2°F. The prescribed temperature of the fuel shall be achieved over a period of 60 minutes ±10 minutes at a constant rate of change of temperature with respect to time. After a minimum of one hour following admittance to the 68°F–86°F soak area, the vehicle shall be moved onto the dynamometer stand for the subsequent part of the test. The fuel tank thermocouple may be temporarily disconnected to permit moving the test vehicle. Plugs shall be removed from the exhaust pipe(s) and inlet pipe to the air cleaner.

§ 86.177–10 Dynamometer driving schedule.

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationships listed in Appendix I. The time sequence begins upon starting the vehicle according to the startup procedure described in § 86.177–15.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as printed on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of § 86.177–11, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 86.177–15(d) are adhered to. When conducted to meet the requirements of § 86.177–8, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

§ 86.177–11 Dynamometer procedure.

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak (according to the provisions of §§ 86.177–8, and 86.177–9 for gasoline-fueled vehicles) and a "hot" start test with a 10-minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first 505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each test. (Diesel hydrocarbons are analyzed continuously.) The composite (flow integrated) samples collected in bags are analyzed for hydrocarbons, (except Diesel), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, and oxides of nitrogen.

(b) During the dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator.

In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical, the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical, or other means of stimulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

Loaded vehicle weight (pounds)	Equivalent inertia weight (pounds)	Road load power at 50 m.p.h. (horsepower)
Up to 1,125	1,000	5.9
1,126 to 1,375	1,250	6.5
1,376 to 1,625	1,500	7.1
1,626 to 1,875	1,750	7.7
1,876 to 2,125	2,000	8.3
2,126 to 2,375	2,250	8.8
2,376 to 2,625	2,500	9.4
2,626 to 2,875	2,750	9.9
2,876 to 3,250	3,000	10.3
3,251 to 3,750	3,500	11.2
3,751 to 4,250	4,000	12.0
4,251 to 4,750	4,500	12.7
4,751 to 5,250	5,000	13.4
5,251 to 5,750	5,500	13.9
5,751 to above	5,500	14.4

(e) Power absorption unit adjustment. (1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II or other suitable means.

(2) The road load power listed above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator, or the vehicle manufacturer may determine the road load power by the following procedure and request its use:

(i) Gasoline-fueled vehicles.

(A) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balaced wind conditions at a true speed of 50 m.p.h., and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm. Hg.

(C) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicable.

(ii) Diesel vehicles.

(A) Measuring the fuel flow rate of a representative vehicle of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50

m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ±5 mm. Hg.

(C) The road load power shall be determined according to the procedure outlined in Appendix II and adjusted according to the following if applicable.

(3) Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (e) (2) of this section shall be increased by 10 percent for testing all test vehicles representing such engine family if those vehicles are intended to be offered with air conditioning in production.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed vs. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

(g) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum accelerator pedal action to maintain the proper speed-time relationship, or to permit sampling system adjustments to comply with § 86.177–16 (a) (2) (ii) or § 86.177–16(b) (2) (ii).

NOTE: When using two-roll dynamometers a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(h) The drive wheel tires may be inflated up to 45 p.s.i.g. in order to prevent tire damage. The drive wheel tire pressure shall be reported with the test results.

(i) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating it at 30 m.p.h. using a nontest vehicle.

(j) If the dynamometer horsepower must be adjusted manually, it shall be set within one hour prior to the exhaust emissions test phase. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the emissions test.

§ 86.177–12 Manual transmissions.

(a) All test conditions except as noted shall be run according to the manufacturer's recommendation to the ultimate purchaser.

(b) Vehicles equipped with free wheeling or overdrive shall be tested with these features operated according to the manufacturer's recommendations to the ultimate purchaser.

(c) Idle shall be run with transmission in gear and with clutch disengaged (except first idle; see § 86.177–15).

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Acceleration modes shall be driven smoothly following the shift speeds and procedure as recommended by the manufacturer to the ultimate purchaser. The operator shall release the accelerator pedal during the shift, and accomplish the shift with minimum closed throttle time. If the vehicle cannot accelerate at the specified rates, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the speed at which it should be at that point during the test.

(f) The deceleration modes shall be run with clutch engaged and without shifting gears from the previous mode, using brakes or accelerator pedal as necessary to maintain the desired speed. For those modes which decelerate to zero, the clutch shall be depressed when the speed drops below 15 m.p.h., when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode in accordance with the manufacturer's recommendation to the ultimate purchaser.

(h) If the transmission ratio in first gear exceeds 5:1, follow the procedure as recommended by the manufacturer to the ultimate purchaser for the use of first gear.

§ 86.177–13 [Reserved]

§ 86.177–14 Automatic transmissions.

(a) All test conditions shall be run according to the manufacturer's recommendation to the ultimate purchaser.

(b) Idle modes shall be run with the transmission in "Drive" and the wheels braked (except first idle: see § 86.177–15).

(c) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(d) Acceleration modes shall be driven smoothly allowing the transmission to shift in accordance with the manufacturer's recommendations to the ultimate purchaser. If the vehicle cannot accelerate at the specified rates, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the speed at which it should be at that point during the driving schedule.

(e) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed.

(f) Vehicles equipped with free wheeling or overdrive shall be tested with these features operated according to the manufacturer's recommendation to the ultimate purchaser.

§ 86.177–15 Engine starting and restarting.

(a) *Gasoline-fueled vehicles.* Paragraph (a) of this section applies to gasoline-fueled vehicles.

(1) The engines shall be started according to the manufacturer's recommended starting procedures. The initial 20-second idle period shall begin when the engine starts.

(2) Choke operation. (i) Vehicles equipped with automatic chokes shall be operated according to the instructions which will be included in the manufacturer's operating instructions or owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(ii) Vehicles equipped with manual chokes shall be operated according to the manufacturer's instructions to the ultimate purchaser in the owner's manual. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(3) The operator may use the choke, accelerator pedal, etc. where necessary to keep the engine running.

(4) If the manufacturer's operating or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the accelerator pedal about half way and cranking the engine until it starts.

(b) *Diesel vehicles.* Paragraph (b) of this section applies to Diesel vehicles.

(1) The engine shall be started according to the manufacturer's recommended starting procedures. The initial 20-second idle period shall begin when the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The revolution counter on the constant volume sampler (and the hydrocarbon integrator when testing Diesel vehicles, see § 86.177–20) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing from a cold start. If failure to start is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking is started. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(d) If the engine "false starts," the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.)

(e) Stalling. (1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts, the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within one minute, the test shall be voided, the vehicle removed from the dynamometer, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined), and the corrective action taken shall be reported.

§ 86.177–16 Sampling and analytical system (exhaust emissions).

(a) *Gasoline-fueled vehicles.* The sampling and analytical systems for gasoline-fueled vehicles shall comply with paragraph (a) of this section:

(1) Schematic drawings. The following figures (Figs. B77–1 and B77–2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(2) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling systems for testing under the regulations in this subpart. See figure B77–1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

(i) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(ii) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances of ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

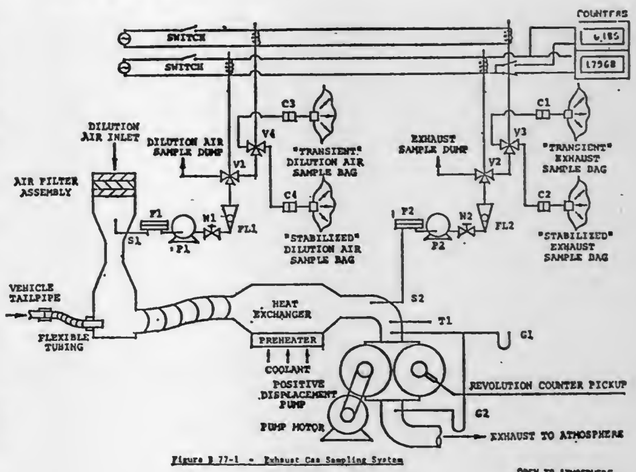


Figure B 77-1 - Exhaust Gas Sampling System

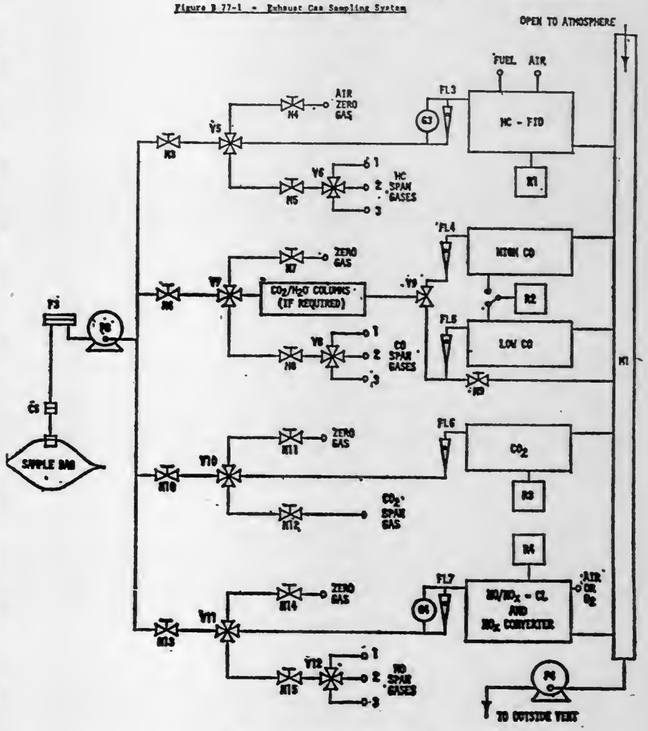


Figure B-77-2 Exhaust Gas Analytical System

(iii) A heating system to preheat the heat exchanger to within ±10°F of its operating temperature before the test begins.

(iv) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10°F as measured at a point immediately ahead of the positive displacement pump.

(v) A positive displacement pump to pump the dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(vi) Temperature sensor (T1) with an accuracy of ±2°F to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump. (See § 86.177-18(i)).

(vii) Gauge (G1) with an accuracy of ±3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(viii) Gauge (G2) with an accuracy of ±3 mm. Hg to measure the pressure increase across the positive displacement pump.

(ix) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture.

(x) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(xi) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(xii) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(xiii) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(xiv) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(xv) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(xvi) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(xvii) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(3) Component description (exhaust gas analytical system). The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The CL method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B77-2.

(i) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(ii) Filter (F3) to remove any residual particulate matter from the collected sample.

(iii) Pump (P3) to transfer samples from the sample bags to the analyzers.

(iv) Selector valves (V5, V6, V7, V8, V9, V10, V11, and V12) for directing samples, span gases, or zeroing gases to the analyzers.

(v) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(vi) Flowmeters (FL3, FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(vii) Pressure gauges (G3 and G4) to facilitate greater precision in setting and reading flowrates.

(viii) Manifold (M1) to collect the expelled gases from the analyzers.

(ix) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(x) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen concentrations. See § 86.177-19(a).

(xi) Sample conditioning column containing $CaSO_4$ or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE: If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted. See §§ 86.177-18(b) and 86.177-22(c). A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 and N_2 which has been bubbled through water at room temperature (68°-86°F), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(xii) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning, and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(b) *Diesel vehicles.* The sampling and analytical systems for exhaust emissions tests on Diesel light-duty vehicles and Diesel light-duty trucks shall comply with paragraph (b) of this section:

(1) Schematic drawings. The following figures B77-3, B77-4, and B77-5 are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(2) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling system for testing under the regulations in this part. See Figure B77-3. Other types of constant volume samplers may be used if shown to yield equivalent results, and if approved in advance by the Administrator.

(i) A dilution air filter assembly consisting of a particulate (paper) filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

(ii) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ±5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerances of ±1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

(iii) A heating system to preheat the heat exchanger to within ±10°F of its operating temperature before the test begins.

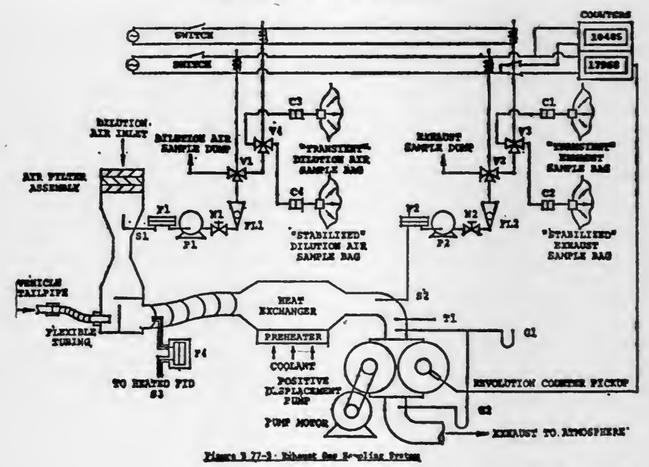


Figure B 77-3 - Exhaust Gas Sampling System

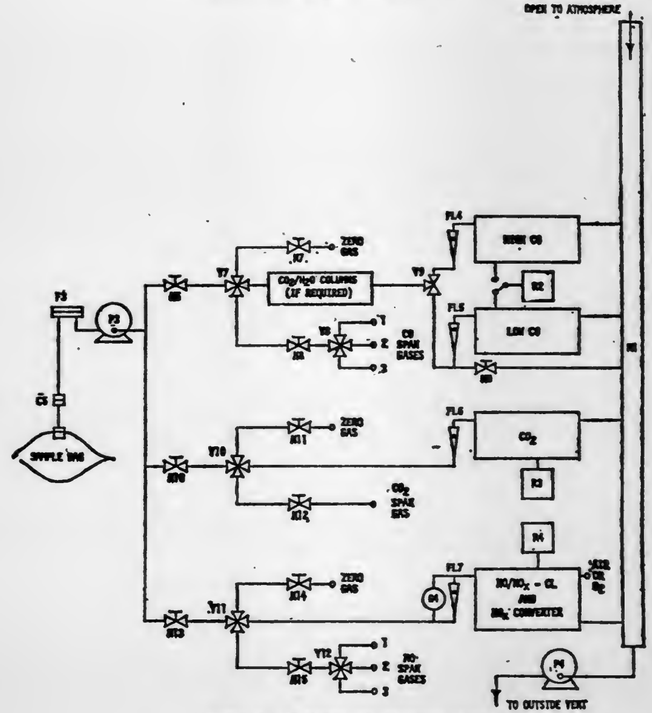


Figure B 77-4 Exhaust Gas Analytical System

V 42 FR 24 JUN 28 77 UM

(iv) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to ±10°F as measured at a point immediately ahead of the positive displacement pump.

(v) A positive displacement pump to pump dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III to this part for one flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(vi) Temperature sensor (T1) with an accuracy of ±2°F to allow continuous recording of the temperature of the dilute exhaust mixture entering positive displacement pump. (See § 86.177-18(1)).

(vii) Gage (G1) with an accuracy of ±3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

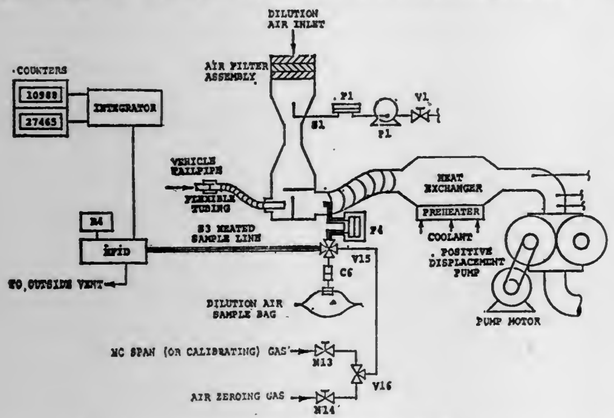


Figure B 77-5 Diesel Hydrocarbon Continuous Analysis System

(viii) Gage (G2) with an accuracy of ±3mm. Hg to measure the pressure increase across the positive displacement pump.

(ix) Sample probes (S1, S2, and S3) pointed upstream to collect samples from the dilution air steam and the dilute exhaust mixture. Additional sample probes may be used, if approved by the Administrator, to obtain continuous concentration traces of the dilute exhaust stream. In such case the sample flow rate, in standard cubic feet per test phase, must be added to the calculated dilute exhaust volume. The position of the sample probes in Figure B77-3 is pictorial only. The heated sample line (S3) between the sampling point and the analyzer shall be as short as possible.

(x) Filters (F1 and F2) to remove particulater matter from dilution air and dilute exhaust samples.

(xi) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(xii) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(xiii) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(xiv) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(xv) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(xvi) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(xvii) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(3) Component description (exhaust gas batch analytical system). The following components will be used in the exhaust gas batch analytical system for testing under the regulations in this part. The analytical system provides for the determination of carbon monoxide and carbon dioxide concentrations by NDIR analysis and the determination of oxides of nitrogen concentrations by CL analysis in dilute exhaust samples. The CL method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other type of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B77-4.

(i) Quick-connect, leak-tight fitting (C5) to attach sample bags to analytical system.

(ii) Filter (F3) to remove any residual particulate matter from the collected sample.

(iii) Pump (P3) to transfer samples from the sample bags to the analyzers.

(iv) Selector valves (V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(v) Flow control valves (N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(vi) Flowmeters (FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(vii) Pressure gauge (G4) to facilitate greater precision in setting and reading flow rate.

(viii) Manifold (M1) to collect the expelled gases from the analyzers.

(ix) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the testroom (optional).

(x) Analyzers to determine carbon monoxide, carbon dioxide and oxides of nitrogen concentrations (See § 86.177-19 (a)).

(xi) Sample conditioning column containing $CaSO_4$, or indicating silica gel to remove water vapor and containing ascraite to remove carbon dioxide from the CO analyses stream.

NOTE: If CO instruments which are essentially free of CO_2 and water vapor interference are used, the use of the conditioning column may be deleted. See §§ 86.177-18(n) and 86.177-22(c).

A CO instrument will be considered to be essentially free of CO_2 and water vapor interference if its response to a mixture of 3 percent CO_2 in N_2 which has been bubbled through water at room temperature (68°-86°F), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(xii) Recorders (R1, R2, and R3) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(4) Component description (exhaust gas continuous analytical system). The following components will be used in the exhaust gas continuous analytical system for testing under the regulations in this part. This analytical system provides for the continuous determination of exhaust hydrocarbon concentration by heated flame ionization detector (HFID) analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Figure B77-5.

(i) Heated continuous sampling line (S3).

(ii) Heated filter (F4) to remove particulate matter from heated hydrocarbon sample.

(iii) Selector valves (V5 and V6) for directing the continuous dilute exhaust sample, dilution air bag sample, span, or zeroing gases to the analyzers.

(iv) Quick-connect, leak-tight fitting (C6) to attach dilution air sample bag to analytical system.

(v) Heated hydrocarbon analyzer (HFID) complete with heated pump, filter, and flow control system. The response time of this instrument shall be less than 1 second for 90 percent of full-scale response. Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds.

(vi) Chart recorder (R1) and analog integrator with two readouts, or chart recorder (R1) and on-line digital computer for manual or electronic integration of analyzer output signal during the three operating phases of the test.

(vii) Flow control valves (N4 and N5) to regulate the gas flow rates.

§ 86.177-17 Sampling and analytical system (fuel evaporative emissions, gasoline-fueled vehicles).

(a) *Schematic drawing.* (1) The following figures (Figures B77-6, B77-7, B77-8) are flow diagrams of typical evaporative loss collection applications.

(2) Figure B77-6 represents an arrangement for collecting losses which emanate from the carburetor. Figure B77-7 depicts the means for separately collecting the vapors which emanate from the fuel tank vent line and filler cap. Figure B77-8 shows an arrangement for collecting the losses from a closed fuel system, vented to the atmosphere solely through the air cleaner, as might be the case with certain fuel evaporative emission control devices.

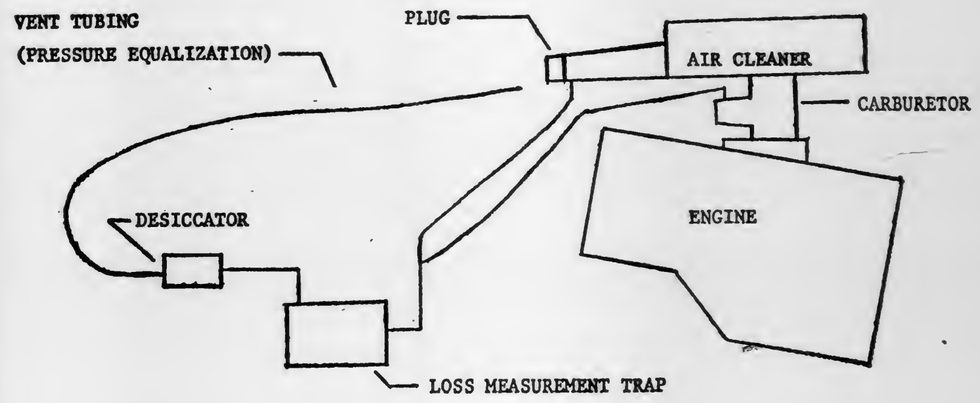


FIGURE B 77-6—Typical carburetor evaporative loss collection arrangement (schematic).

(3) Schematic drawings of arrangements to be employed shall be submitted in accordance with § 86.077-21(b)(3).

(b) *Collection equipment.* The following equipment shall be used for this collection of fuel evaporative emissions. (Item quantities are determined by individual test needs.)

(1) *Activated carbon trap.* See Figure B77-9 for specifications of one design; other configurations may be used: Provided, That they give demonstrably equivalent results.

(i) Canister —300±25 ml., cylindrical container having a length to diameter ratio of 1.4+0.1. An inlet tube, 5/16-inch ID and 1 inch long is sealed into the top of the canister, at its geometric center. A similar outlet tube is sealed into the wall ¼ inch from the bottom of the canister. The canister is designed to withstand an air pressure of 2 p.s.i., when sealed, without evidence of leaking when immersed in water for 30 seconds.

V42N124 JUN 28 77 UMI

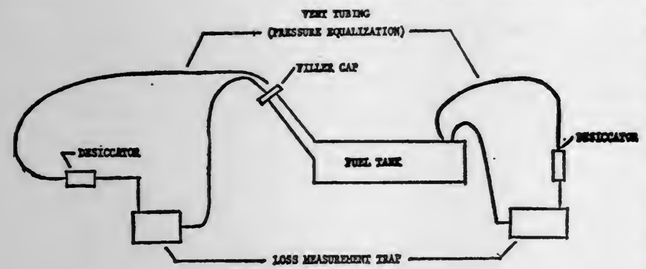


FIGURE B 77-7 - Typical fuel tank evaporative loss collection arrangement (schematic).

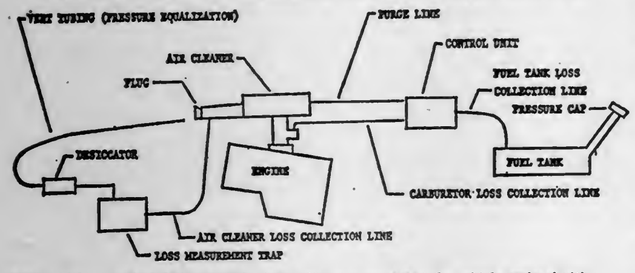


FIGURE B 77-8 - Typical fuel evaporative loss collection arrangement for vehicle equipped with evaporative emission control system (schematic).

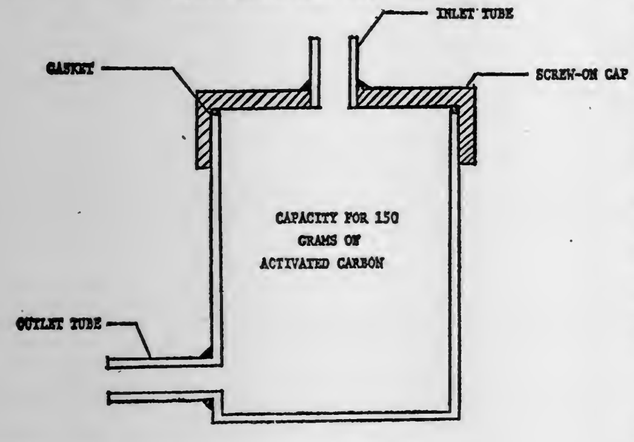


FIGURE B 77-9 - Typical activated carbon trap (schematic).

(ii) Activated carbon-meeting the following specifications:

Surface area, min. (N2 BET method),[1] 1,000 square meters per gram.

Adsorption capacity, min. (carbon tetrachloride), 60 percent, by weight.

Volatile material including adsorbed water vapor, None.

Screen analysis size:	Percent
Less than 1.4 mm	0
1.7 to 2.4 mm	90-100
More than 3 mm	0

The activated carbon trap is prepared for the test by attaching clamped sections of vinyl tubing to the inlet and outlet tubes of the canister. The canister is then filled with 150±10 g hot activated carbon which had previously been oven-dried for 3 hours at 300° F. Loss of carbon through the inlet and outlet tubes is prevented through the use of wire screens of 0.7 mm. mesh or wads of loosely packed glass wool. The canister is closed immediately after filling and the carbon is allowed to cool while the trap is vented through a drying tube via the unclamped outlet arm.

(iii) The trap is sealed and weighed after cooling and the weight, to the nearest 0.1 gram, is inscribed on the canister body. Within 12 hours of the scheduled test, the weight of the trap is checked and if it has changed by more than 0.5 gm., it is redried to constant weight. This redrying operation is performed by passing dry nitrogen, heated to 275° F, through the trap, via the inlet tube, at a rate of 1 liter per minute until checks made at 30-minute intervals do not vary by more than 0.1 percent of the gross weight. The trap and its contents are allowed to cool to room temperature, while vented through a drying tube via the outlet arm, before use.

(2) *Auxiliary collection equipment.* (i) Drying tube—transparent, tubular body ¾-inch ID, 6 inches long, with serrated tips and removable caps.

(ii) Desiccant—indicating variety, 8 mesh. The drying tube is attached to the outlet tube of the collection traps to prevent ambient moisture from entering the trap. It is prepared by filling the empty drying tube with fresh desiccant using a loose wad of glass wool to hold the desiccant in place. The desiccant is renewed when three-quarters spent, as indicated by color change.

(iii) Collection tubing—stainless steel, aluminum, or other suitable material approved by the Administrator, 5/16-inch ID, for connecting the collection traps to the fuel system vents.

(iv) Polyvinyl chloride (vinyl) tubing—flexible tubing, 5/16-inch ID, for sealing butt-to-butt joints.

(v) Laboratory tubing—air tight flexible tubing 5/16-inch ID, attached to the outlet end of the drying tubes to equalize collection system pressure.

(vi) Clamps—hosecock, openside, for pinching off flexible tubing.

(c) *Weighing equipment.* The balance and weights used shall be capable of determining the net weight of the activated carbon trap within an accuracy of ±75 mg.

(d) *Temperature measuring equipment.* (1) Temperature recorder—multichannel, variable speed, potentiometric, or substantially equivalent, recorder with a temperature range of 50° F, to 100° F, and capable of either simultaneous or sequential recording of the ambient air and fuel temperatures within an accuracy of ±1° F.

(2) Fuel tank thermocouples—iron-constantan (type J) construction.

[1] Brunauer, Emmett & Teller: Journal of the American Chemical Society, Vol. 60, p. 309, 1938.

(3) Other types of temperature sensing systems may be provided by the manufacturer if they record the information specified in paragraph (d)(1) of this section with the required accuracy and if they are self-contained. Type J thermocouples are required for compatibility with recording instruments used in Federal certification facilities.

(e) *Assembly and use of the activated carbon vapor collection system.* (1) The prepared activated carbon trap, dried to constant weight, cooled to the ambient temperature, and sealed with clamped sections of vinyl tubing is carefully weighed to the nearest 20 milligrams and the weight recorded as the "tare weight."

(2) A drying tube is attached to the outlet tube and the clamp released, but not removed. A length of flexible tubing, for pressure equalization, is connected to the other end of the drying tube.

(3) The inlet of the adsorption trap and external vent(s) of the fuel system will be connected by minimal lengths of stainless steel or aluminum tubing and short sections of vinyl tubing. Butt-to-butt joints shall be made wherever possible and precautions taken against sharp bends in the connection lines, including any manifold systems employed to connect multiple vents to a single trap.

(4) The clamp on the inlet tube of the trap shall be released but not removed. Care shall be exercised to prevent heating the vapor collection trap by radiant or conductive heat from the engine.

(5) Upon completion of the collection sequence, the vinyl tubing sections on each arm of the collection trap shall be clamped tight and the collection system dismantled.

(6) The sealed vapor collection trap shall be weighed carefully to the nearest 20 milligrams. This constitutes the "gross weight," which is appropriately recorded. The difference between the "gross weight" and "tare weight" represents the "net weight" for purposes of calculating the fuel vapor losses.

§ 86.177-18 Information to be recorded.

The following information shall be recorded with respect to each test:

(a) Test number.

(b) System or device tested (brief description).

(c) Date and time of day for each part of the test schedule.

(d) Instrument operator.

(e) Driver or operator.

(f) Vehicle: Make—Vehicle identification number—Model year—Transmission type—Odometer reading—Engine displacement—Engine family—Idle r.p.m.—Fuel system (fuel injection, nominal fuel tank capacity, fuel tank location, number of carburetors, number of carburetor barrels, as applicable)—Inertia loading—Actual curb weight recorded at 0 miles—Actual road load horsepower at 50 m.p.h., and Drive wheel tire pressure.

(g) Indicated road load power absorption at 50 m.p.h. and dynamometer serial number. As an alternative to recording the dynamometer serial number, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided, the test cell records show the pertinent information.

(h) All pertinent instrument information such as tuning—gain—serial number—detector number—range. As an alternative, a reference to a vehicle test cell number may be used, with the advance approval of the Administrator, provided test cell calibration records show the pertinent instrument information.

(i) Recorder charts: Identify zero, span, exhaust gas, and dilution air sample traces.

(j) Test cell barometric pressure, ambient temperature, and humidity.

NOTE: A central laboratory barometer may be used, provided, that individual test cell barometric pressures are shown to be within ±0.1 percent of the barometric pressure at the central barometer location.

(k) Fuel temperatures, as prescribed (gasoline-fueled only).

(l) Pressure of the mixture of exhaust and dilution air entering the positive displacement pump, the pressure increase across the pump, and the temperature set point of the temperature control system. The sample temperature at the inlet to the pump may be measured, if desired, to verify that the temperature variations are within 5° F, of the set point.

(m) The number of revolutions of the positive displacement pump accumulated while the test is in progress and exhaust flow samples are being collected.

(n) The humidity of the dilution air.

NOTE: If conditioning columns are not used (see § 86.177-16(a)(3)(xi) and § 86.177-16(b)(3)(xi)), this measurement can be deleted. If the conditioning columns are used and the dilution air is taken from the test cell, the ambient humidity can be used for this measurement.

(o) Temperature set point of the heated sample line and heated hydrocarbon detector temperature control system (for Diesel vehicles only).

§ 86.177-19 Analytical system calibration and sample handling.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance. For Diesel vehicles, operate the heated hydrocarbon analyzer, sampling line and filter to ±10° F in the temperature range of 300 to 390°F.

(2) Zero the hydrocarbon analyzer with zero-grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero-grade air or zero-grade nitrogen. The allowable zero gas impurity concentrations should not exceed 1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 400 p.p.m. (0.04 mole percent) carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired ranges. Select the desired attenuation scale of the HC analyzer, set the sample capillary flow rate by adjusting the back pressure regulator, and adjust the electronic gain control, if provided, to give the desired range. Select the desired scale of the NOx analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 10, 25, 40, 50, 60, 70, 85, and 100 percent of full scale. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 100 percent of full scale. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgement in selecting curves for data reduction.

(6) NO_x converter efficiency determination: The apparatus described and illustrated in Figure B77-10 or Figure B77-11 is to be used to determine the conversion efficiency of devices that convert NO_x to NO. The following procedure is to be used for determining the values to be used in Equation (A).

(i) Attach the NO/N_2 supply (150-250 ppm) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

V 42 N 124
JUN 28 77
UMI

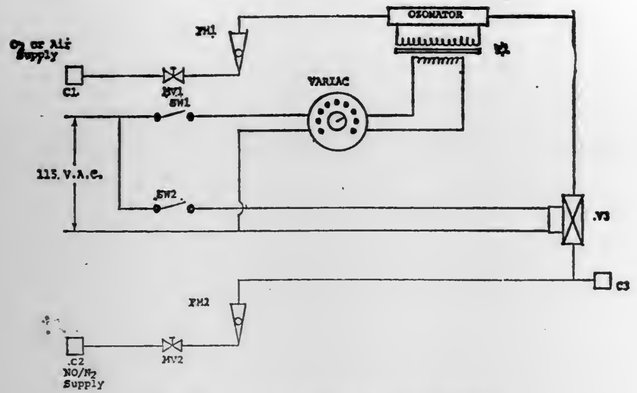


Figure B 77-10 - NOx Converter Efficiency Detector

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_3 and adjust valve MV1 (O_3 supply metering valve) to blend enough O_3 to lower the NO concentration (ii) about 10 percent. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20 percent of (ii). NO_2 is now being formed from the NO +03 reaction. There must always be at least 10 percent unreacted NO at this point. Record this concentration.

(v) When a stable reading has been obtained from (iv), place the NO_x converter in the convert mode. The analyzer will now indicate the total NO_x concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO + O_3 is still passing through the converter. This reading is the total NO_x contration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2. Calculate the efficiency of the NO_x converter by substituting the concentrations obtained during the test into Equation (A).

Percent Eff. = (v)-(iv)/(vi)-(iv) × 100 percent (A)

The efficiency of the converter should be greater than 90 percent. Adjustment of the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range. See alternate procedure in paragraph (a)(8)(viii).

(viii) Alternative to paragraph (a)(8)(vii): Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NO converter by substituting the concentrations obtained during the test into Equation (B).

Percent Eff. = 1 + (v-vi)/(iii-iv) × 100 percent (B)

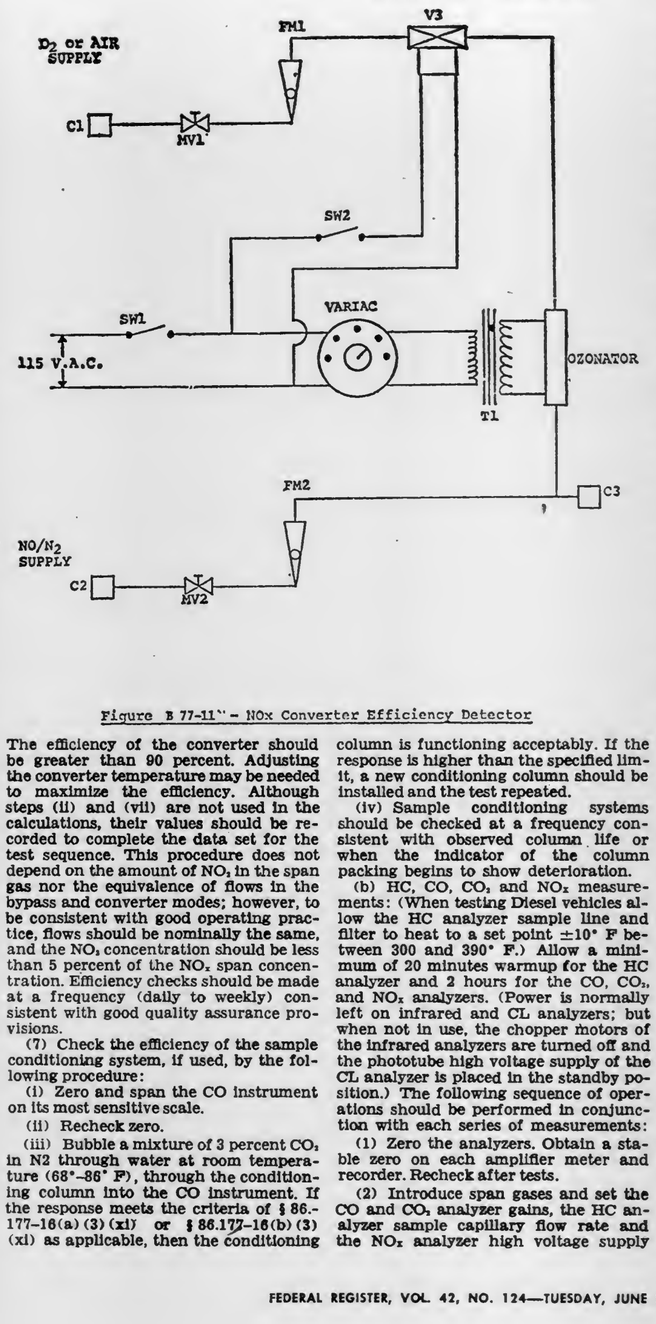


Figure B 77-11 - NOx Converter Efficiency Detector

The efficiency of the converter should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Although steps (ii) and (vii) are not used in the calculations, their values should be recorded to complete the data set for the test sequence. This procedure does not depend on the amount of NO_2 in the span gas nor the equivalence of flows in the bypass and converter modes; however, to be consistent with good operating practice, flows should be nominally the same, and the NO_2 concentration should be less than 5 percent of the NO_x span concentration. Efficiency checks should be made at a frequency (daily to weekly) consistent with good quality assurance provisions.

(7) Check the efficiency of the sample conditioning system, if used, by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble a mixture of 3 percent CO_2 in N2 through water at room temperature (68°–86° F), through the conditioning column into the CO instrument. If the response meets the criteria of § 86.177-16(a)(3)(xi) or § 86.177-16(b)(3)(xi) as applicable, then the conditioning column is functioning acceptably. If the response is higher than the specified limit, a new conditioning column should be installed and the test repeated.

(iv) Sample conditioning systems should be checked at a frequency consistent with observed column life or when the indicator of the column packing begins to show deterioration.

(b) HC, CO, CO_2 and NO_x measurements: (When testing Diesel vehicles allow the HC analyzer sample line and filter to heat to a set point ±10° F between 300 and 390° F.) Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO, CO_2, and NO_x analyzers. (Power is normally left on infrared and CL analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the CL analyzer is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(1) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(2) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and the NO_x analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

(3) Check zeros; repeat the procedure in paragraphs (b)(1) and (2) of this section if required.

(4) Check flow rates and pressures.

(5) For Diesel vehicles continuously record (and integrate electronically if desired) dilute hydrocarbon emission levels during test.

(6) Measure CO, CO_2, and NO_x concentrations of samples, also HC for gasoline-fueled vehicles. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(7) Check zero and span points.

(c) For the purposes of this section, the term "zero-grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18 and 21 mole percent.

§ 86.177–20 Dynamometer test runs.

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 12 hours before the cold-start exhaust-emission test (gasoline-fueled vehicles shall be stored at an ambient temperature specified in § 86.177–8 and § 86.177–9). The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g. rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold-start drive of 7.5 miles and simulates a hot-start drive of 7.5 miles. The vehicle is allowed to stand on the dynamometer during the 10-minute time period between the cold- and hot-start tests. The cold start test is divided into two periods. The first period representing the cold-start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds of the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of driving schedule including engine shutdown. The hot-start test similarly consists of two periods. The first period, representing the hot-start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold-start test. The second period of the hot-start test, "stabilized" phase, is assumed to be identical to the second period of the cold-start test. Therefore, the hot-start test terminates after the first period (505 seconds) is run. During the tests the ambient temperature shall be between 68° F. and 86° F.

(b) The following steps shall be taken for each test:

(1) Place drive wheels of vehicle on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and start the cooling fan.

(3) With the sample solenoid valves in the "dump" position connect evacuated sample collection bags to the two

V 42 124 JUN 28 77 UM

dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps, heated hydrocarbon analysis recorder (Diesel only), and the temperature recorder. (The heat exchanger of the constant volume sampler, the Diesel hydrocarbon analyzer continuous sample line, and filter (if applicable) should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 c.f.h.) and set the revolution counters to zero. Also set Diesel hydrocarbon integrator counters to zero, if applicable.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, (turn on the Diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable), and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (§ 86.177–10).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 (and the Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart), and start counter No. 2 (and the Diesel hydrocarbon integrator No. 2). As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dillution air sample bags, transfer them to the analytical system and process the samples according to § 86.177–19.

(12) Turn the engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 (and the Diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, if applicable) and position the sample solenoid valves to the "dump" position. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system, and process the samples according to § 86.177–19.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the positive displacement pump or disconnect the exhaust tube from the tailpipe(s) of the vehicle.

(16) Repeat the steps in paragraphs (b)(2) through (10) of this section for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9 and 11 minutes after the end of the sample period for the cold-start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter (and Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart, if applicable) and position the sample solenoid valve to the "dump" position. (Engine shutdown is not part of the hot-start test sample period.)

(18) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot-start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 86.177–19.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and remove vehicle from dynamometer.

(20) The positive displacement pump may be turned off, if desired.

§ 86.177–21 Chart reading.

(a) *Gasoline-fueled light-duty vehicles and light-duty trucks.*

(1) Determine the HC, CO, CO_2 and NO_x concentration of the dilution air and dilute exhaust sample bags from the instrument deflections or recordings making use of appropriate calibration charts.

(2) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if the recorder is used.

(b) *Diesel light-duty vehicles and light-duty trucks.*

(1) Determine the HC, CO, CO_2 and NO_x concentrations of the dilution air and the CO, CO_2 and NO_x concentration of the dilute exhaust sample bags from the instrument deflections, computer printout, or recordings making use of appropriate calibration charts.

(2) Record integrated HC results, or manually integrate continuous chart. This chart provides a permanent record and can be graphically integrated if verification of the results of electronic integration is required.

(3) Determine the average dilute exhaust mixture temperatures from the temperature recorder trace if a recorder is used.

§ 86.177–22 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formula:

(a) *For light-duty vehicles and light-duty trucks:*

$$Ywm=(0.43\ Yct+0.57\ Yht+Ys)/7.5$$

Where:

Ywm=Weighted mass emissions of each pollutant, i.e., HC, CO, or NO_x, in grams per vehicle mile.

YCT=Mass emissions as calculated from the "transient" phase of the cold start test, in grams per test phase.

Yht=Mass emissions as calculated from the "transient" phase of the hot start test, in grams per test phase.

Ys=Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

(b) The mass of each pollutant for each phase of both the cold-start test and hot-start test is determined from the following:

(1) Hydrocarbon Mass:

$$HCmass=Vmix\times DensityHC\times HCconc/1{,}000{,}000$$

(2) Oxides of nitrogen Mass:

$$NO_xmass=Vmix\times DensityNO_x\times (NO_xconc/1{,}000{,}000)\ x\ KH$$

(3) Carbon monoxide Mass:

$$COmass=Vmix\times DensityCO\times COconc/1{,}000{,}000$$

(c) Meaning of symbols:

HCmass=Hydrocarbon emissions, in grams per test phase.

DensityHC=Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg. pressure (16.33 g/cu. ft.).

HCconc=Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane x 3.

$$HCconc=HCe-HCd\ (1-1/DF)$$

Where:

HCe=Average hydrocarbon concentrations of the dilute exhaust sample as measured from the sample bag or as calculated from the integrated HC traces, in p.p.m. carbon equivalent.

HCd=Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

NO_xmass=Oxides of nitrogen emissions, in grams per test phase.

Density NO_x=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg. pressure (54.16 g/cu. ft.).

NO_xconc=Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$$NO_xconc=NO_xe-NO_xd\ (1-1/DF)$$

Where:

NO_xe=Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

NO_xd=Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

COmass=Carbon monoxide emissions, in grams per test phase.

DensityCO=Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 g/cu. ft.).

COconc=Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$$COconc=COe-COd\ (1-1/DF)$$

Where:

COe=Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$COe=(1-0.01925\ CO2e-0.000323R)\ COem$$

Where:

COem=Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

CO_2e=Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R=Relative humidity of the dilution air, in percent. (see § 86.177–18(n).)

COd=Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$$COd=(1-0.000323R)\ COdm$$

Where:

COdm=Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE: If a CO instrument which meets the criteria specified in § 86.177–16(a)(3)(xi) or § 86.177–16(b)(3)(xi) is used and the conditioning column has been deleted, COem can be subetituted directly for COe and COdm can be substituted directly for COd.

$$DF=\frac{13.4}{CO_2+(HC_e+CO_e)\times 10^{-4}}$$

Vmix=Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528°R and 760 mm. Hg).

$$Vmix=Vo\times\frac{N\ (P_B-P_4)\ (528°R)}{(760\ mm.\ Hg)\ (Tp)}$$

Where:

Vo=Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump. (See calibration techniques in Appendix III).

N=Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

PB=Barometric pressure in mm. Hg.

P4=Pressure depression below atmospheric measured at the inlet to the positive displacement pump.

Tp=Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

KH=Humidity correction factor.

$$KH=1/1-0.0047\ (H-75)$$

NOTE: The constant 0.0047 will be updated to reflect any data which becomes available on light-duty Diesel engine tests.

Where:

H=Absolute humidity in grains of water per pound of dry air.

$$H=((43.478)\ Ra\ X\ Pd)/(PB-(Pd\ X\ Ra/100))$$

Ra=Relative humidity of the ambient air, in percent.

Pd=Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

(d) Example calculation of mass emissions values:

(1) For the "transient" phase of the cold-start test assume Vo=0.29344 cu. ft. per revolution; N=10,485; R=48.0 percent; Ra=48.2 percent; PB≤762 mm. Hg; Pd=22.225 mm. Hg; P4=70 mm. Hg; Tp=570° R; HCe=105.8 p.p.m. carbon equivalent: NO_xe=11.2 p.p.m.; COem =306.6 p.p.m.; CO_2e=1.43 percent; HCd=12.1 p.p.m.; NO_xd=0.8 p.p.m.; COdm=15.3 p.p.m. Then:

Vmix=(0.29344) (10,485) (762–70) (528)/(760)(570)=2595.0 cu. ft. per test phase.

H=(43.478) (48.2) (22.225)/762–(22.225X48.2/100)

Kh=1/1–0.0047(62–75)=.9424.

COe=(1–0.01925(1.43)–0.000323(48))306.0=293.4 p.p.m.

COd=(1–0.000323(48))15.3=15.1 p.p.m.

DF=13.4/1.43+(105.8+293.4)X10–4=9.116.

HCconc=105.8–12.1(1–1/9.116)=95.03.

HCmass=(2595)(16.33)(95.03/1,000,000)=4.027 grams per test phase.

NO_xconc=11.2–0.8(1–1/9.116)=10.49

NO_xconc=(2595)(54.16)(10.49/1,000,000)(0.9424)=1.389 grams per test phase.

COconc=293.4–15.1(11/9.116)=280.

COmass=(2595)(32.97)(280.1,000,000)=23.96 grams per test phase.

(2) For the "stabilized" portion of the cold-start test assume that similar calculations resulted in HCmass=0.62 grams per test phase; NO_xmass=1.27 grams per test phase; and COmass=5.98 grams per test phase.

(3) For the "transient" portion of the hot-start test assume that similar calculations resulted in HCmass=0.51 grams per test phase; NO_xmass=1.38 grams per test phase; and COmass=5.01 grams per test phase.

(4) Results:

HCwm=((0.43)(4.027)+(0.57)(0.51)+0.62)/7.5=0.352 grams per vehicle mile.

NO_xwm=((0.43)(1.389)+(0.57)(1.38)+1.27)/7.5=0.354 grams per vehicle mile.

COwm=((0.43)(23.96)+(0.57)(5.01)+5.98)/7.5=2.55 grams per vehicle mile.

§ 86.177–23 Calculations (fuel evaporative emissions, gasoline-fueled vehicles).

The net weights of the individual collection traps employed in § 86.177–9 shall be added together to determine compliance with the fuel evaporative emission standard.

APPENDIX I—URBAN DYNAMOMETER DRIVING SCHEDULES

(a) EPA Urban Dynamometer Driving Schedule for Light-Duty Vehicles and Light-Duty Trucks.

APPENDIX I

EPA URBAN DYNAMOMETER DRIVING SCHEDULE

(Speed versus Time Sequence)

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
0	0.0	22	5.0	44	17.1
1	0.0	23	8.6	45	18.1
2	0.0	24	11.5	46	21.1
3	0.0	25	14.5	47	22.7
4	0.0	26	16.9	48	22.9
5	0.0	27	17.3	49	22.7
6	0.0	28	18.1	50	22.6
7	0.0	29	20.7	51	21.2
8	0.0	30	21.7	52	19.0
9	0.0	31	22.4	53	17.1
10	0.0	32	22.8	54	14.5
11	0.0	33	22.1	55	10.9
12	0.0	34	21.4	56	17.7
13	0.0	35	20.9	57	16.8
14	0.0	36	20.4	58	21.6
15	0.0	37	19.8	59	23.2
16	0.0	38	17.0	60	24.3
17	0.0	39	14.0	61	24.6
18	0.0	40	14.9	62	24.9
19	0.0	41	15.2	63	24.6
20	0.0	42	15.5	64	24.6
21	0.0	43	16.0	65	24.5

V 42 N 124 JUN 28 77 UM

APPENDIX I—Continued

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
66	24.7	147	0.0	228	54.9
67	24.8	148	0.0	229	55.0
68	24.7	149	0.0	230	54.9
69	24.6	150	0.0	231	54.8
70	24.6	151	0.0	232	54.9
71	25.1	152	0.0	233	54.8
72	25.6	153	0.0	234	55.1
73	25.7	154	0.0	235	55.5
74	25.4	155	0.0	236	55.7
75	24.9	156	0.0	237	56.1
76	25.0	157	0.0	238	56.3
77	25.4	158	0.0	239	56.6
78	26.0	159	0.0	240	56.7
79	26.0	160	0.0	241	56.7
80	25.7	161	0.0	242	56.5
81	26.1	162	0.0	243	56.5
82	26.7	163	0.0	244	56.5
83	27.5	164	3.3	245	56.5
84	28.6	166	6.6	246	56.8
85	29.3	163	9.9	247	56.5
86	29.8	168	13.2	248	56.4
87	30.1	168	16.5	249	56.1
88	30.4	169	19.8	250	55.8
89	30.7	170	22.2	251	55.1
90	30.7	171	24.3	252	54.5
91	30.5	172	25.8	253	54.2
92	30.4	173	26.4	254	54.0
93	30.3	174	26.7	255	53.7
94	30.4	175	25.1	256	53.8
95	30.8	176	24.7	257	53.9
96	30.4	177	25.0	258	54.0
97	29.9	178	25.2	259	54.1
98	29.5	179	25.4	260	54.1
99	29.8	180	25.8	261	53.8
100	30.3	181	27.2	262	53.4
101	30.7	182	26.5	263	55.0
102	30.9	183	24.0	264	52.6
103	31.0	184	22.7	265	52.1
104	30.9	185	19.4	266	52.4
105	30.4	186	17.7	267	52.0
106	29.8	187	17.2	268	51.0
107	29.9	188	18.1	269	51.7
108	30.2	189	18.6	270	51.9
109	30.7	190	20.0	271	51.7
110	31.2	191	22.2	272	51.5
111	31.8	192	24.5	273	52.8
112	32.2	193	27.3	274	52.1
113	32.4	194	30.5	275	53.5
114	32.2	195	33.5	276	53.5
115	31.7	196	36.2	277	54.0
116	28.6	197	37.3	278	54.9
117	25.3	198	39.3	279	55.4
118	22.0	199	40.5	280	55.6
119	18.7	200	42.1	281	56.0
120	15.4	201	43.5	282	56.0
121	12.1	202	45.1	283	55.8
122	8.8	203	46.0	284	55.2
123	5.5	204	46.8	285	54.5
124	2.2	205	47.5	286	53.6
125	0.0	206	47.5	287	52.5
126	0.0	207	47.3	288	51.5
127	0.0	208	47.2	289	51.5
128	0.0	209	47.0	290	51.5
129	0.0	210	47.0	291	51.1
130	0.0	211	47.0	292	50.1
131	0.0	212	47.0	293	50.0
132	0.0	213	47.0	294	50.1
133	0.0	214	47.2	295	50.0
134	0.0	215	47.4	296	49.8
135	0.0	216	47.9	297	49.5
136	0.0	217	48.5	298	49.5
137	0.0	218	49.1	299	49.5
138	0.0	219	49.5	300	49.1
139	0.0	220	50.0	301	48.6
140	0.0	221	50.6	302	48.1
141	0.0	222	51.0	303	47.2
142	0.0	223	51.5	304	46.1
143	0.0	224	52.2	305	45.0
144	0.0	225	53.2	306	43.8
145	0.0	226	54.1	307	42.6
146	0.0	227	54.6	308	41.5

APPENDIX I—Continued

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
309	40.3	390	20.2	471	36.0
310	38.5	391	17.5	472	35.6
311	37.0	392	14.5	473	35.5
312	35.2	393	12.0	474	35.4
313	33.8	394	8.7	475	35.2
314	32.5	395	5.4	476	35.2
315	31.5	396	2.1	477	35.2
316	30.6	397	0.0	478	35.2
317	30.5	398	0.0	479	35.2
318	30.0	399	0.0	480	35.2
319	29.0	400	0.0	481	35.0
320	27.5	401	0.0	482	35.1
321	24.8	402	0.0	483	35.2
322	21.5	403	2.6	484	35.5
323	20.1	404	5.9	485	35.2
324	19.1	405	9.2	486	35.0
325	18.5	406	12.5	487	35.0
326	17.0	407	15.8	488	35.0
327	15.5	408	19.1	489	34.8
328	12.5	409	22.4	490	34.6
329	10.8	410	25.0	491	34.6
330	8.0	411	25.6	492	33.5
331	4.7	412	27.5	493	32.0
332	1.4	413	29.0	494	30.1
333	0.0	414	30.0	495	28.0
334	0.0	415	30.1	496	25.6
335	0.0	416	30.0	497	22.5
336	0.0	417	29.7	498	19.8
337	0.0	418	29.3	499	16.5
338	0.0	419	28.8	500	13.2
339	0.0	420	28.0	501	10.3
340	0.0	421	25.0	502	7.2
341	0.0	422	21.7	503	4.0
342	0.0	423	18.4	504	1.0
343	0.0	424	15.1	505	0.0
344	0.0	425	11.8	506	0.0
345	0.0	426	8.5	507	0.0
346	0.0	427	5.2	508	0.0
347	1.0	428	1.9	509	0.0
348	4.3	429	0.0	510	0.0
349	7.6	430	0.0	511	1.2
350	10.9	431	0.0	512	3.5
351	14.2	432	0.0	513	5.5
352	17.3	433	0.0	514	6.5
353	20.0	434	0.0	515	8.5
354	22.5	435	0.0	516	9.6
355	23.7	436	0.0	517	10.6
356	25.2	437	0.0	518	11.9
357	26.6	438	0.0	519	14.0
358	28.1	439	0.0	520	16.0
359	30.0	440	0.0	521	17.7
360	30.8	441	0.0	522	19.0
361	31.6	442	0.0	523	20.1
362	32.1	443	0.0	524	21.0
363	32.8	444	0.0	525	22.0
364	33.6	445	0.0	526	23.0
365	34.5	446	0.0	527	23.8
366	34.6	447	0.0	528	24.6
367	34.9	448	3.3	529	24.9
368	34.8	449	6.6	530	25.0
369	34.5	450	9.9	531	25.0
370	34.7	451	13.2	532	25.0
371	35.5	452	16.5	533	25.0
372	36.0	453	19.8	534	25.0
373	36.0	454	23.1	535	25.0
374	36.0	455	26.4	536	25.6
375	36.0	456	27.8	537	25.8
376	36.0	457	29.1	538	26.0
377	36.0	458	31.5	539	25.6
378	36.1	459	33.0	540	25.2
379	36.4	460	33.6	541	25.0
380	36.5	461	34.8	542	25.0
381	36.4	462	35.1	543	25.0
382	36.0	463	35.6	544	24.4
383	35.1	464	36.1	545	23.1
384	34.1	465	36.0	546	19.1
385	33.5	466	36.1	547	16.8
386	31.4	467	36.2	548	13.5
387	29.0	468	36.0	549	9.2
388	26.7	469	35.7	550	6.9
389	23.0	470	36.0	551	3.6

APPENDIX I—Continued

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
552	0.0	629	0.0	706	18.2
553	0.0	630	0.0	707	19.2
554	0.0	631	0.0	708	20.1
555	0.0	632	0.0	709	21.5
556	0.0	633	0.0	710	22.5
557	0.0	634	0.0	711	22.5
558	0.0	635	0.0	712	23.1
559	0.0	636	0.0	713	22.7
560	0.0	637	0.0	714	23.3
561	0.0	638	0.0	715	23.5
562	0.0	639	0.0	716	22.5
563	0.0	640	0.0	717	21.6
564	0.0	641	0.0	718	20.5
565	0.0	642	0.0	719	18.0
566	0.0	643	0.0	720	16.0
567	0.0	644	0.0	721	12.0
568	0.0	645	0.0	722	9.0
569	3.3	646	2.0	723	6.2
570	6.6	647	4.5	724	4.5
571	9.9	648	7.8	725	3.0
572	13.0	649	10.2	726	2.1
573	14.6	650	12.5	727	0.5
574	16.0	651	14.0	728	0.5
575	17.0	652	15.3	729	3.2
576	17.0	653	17.5	730	6.5
577	17.0	654	19.6	731	9.6
578	17.8	655	21.0	732	12.5
579	17.7	656	22.2	733	14.0
580	17.7	657	23.3	734	16.0
581	17.5	658	24.5	735	18.0
582	17.0	659	25.3	736	19.6
583	16.9	660	25.6	737	21.5
584	16.6	661	26.0	738	23.1
585	17.0	662	26.1	739	24.5
586	17.1	663	26.2	740	25.5
587	17.0	664	26.2	741	26.5
588	16.6	665	26.4	742	27.1
589	16.5	666	26.5	743	27.6
590	16.5	667	26.5	744	27.9
591	16.6	668	26.0	745	28.3
592	17.0	669	25.5	746	28.5
593	17.6	670	23.6	747	28.6
594	18.5	671	21.4	748	28.3
595	19.2	672	18.5	749	28.2
596	20.2	673	16.4	750	28.0
597	21.0	674	14.5	751	27.5
598	21.1	675	11.6	752	26.8
599	21.2	676	8.7	753	25.5
600	21.6	677	5.8	754	23.5
601	22.0	678	3.5	755	21.5
602	22.4	679	2.0	756	19.0
603	22.5	680	0.0	757	16.5
604	22.5	681	0.0	758	14.9
605	22.5	682	0.0	759	12.5
606	22.7	683	0.0	760	9.4
607	23.7	684	0.0	761	6.2
608	25.1	685	0.0	762	3.0
609	26.0	686	0.0	763	1.5
610	26.5	687	0.0	764	1.5
611	27.0	688	0.0	765	0.5
612	26.1	689	0.0	766	3.0
613	22.8	690	0.0	767	0.0
614	19.5	691	0.0	768	6.3
615	16.2	692	0 0	769	9.6
616	12.9	693	0.0	770	12.9
617	9.6	694	1.4	771	16.8
618	6.3	695	3.3	772	17.5
619	3.0	696	4.4	773	18.4
620	0.0	697	6.5	774	19.5
621	0.0	698	9.2	775	20.7
622	0.0	699	11.3	776	22.0
623	0.0	700	13.5	777	23.2
624	0.0	701	14.6	778	24.0
625	0.0	702	16.4	779	26.6
626	0.0	703	16.7	780	27.5
627	0.0	704	16.5	781	28.0
628	0.0	705	16.5	782	28.3

APPENDIX I—Continued

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
783	28.9	860	29.0	937	24.3
784	28.9	861	29.1	938	24.6
785	28.9	862	29.0	939	25.0
786	28.8	863	28.1	940	25.0
787	28.5	864	27.5	941	24.6
788	28.3	865	27.0	942	24.6
789	28.3	866	25.8	943	24.1
790	28.3	867	25.0	944	24.5
791	28.2	868	24.5	945	25.1
792	27.6	869	24.8	946	25.6
793	27.5	870	25.1	947	26.1
794	27.5	871	25.8	948	24.0
795	27.5	872	25.7	949	22.0
796	27.5	873	26.5	950	20.1
797	27.5	874	26.9	951	16.9
798	27.5	875	27.5	952	13.6
799	27.6	876	27.8	953	10.3
800	28.0	877	28.4	954	7.0
801	28.5	878	29.0	955	3.7
802	30.0	879	29.2	956	0.4
803	31.0	880	29.1	957	0.0
804	32.0	881	29.0	958	0.0
805	33.0	882	28.9	959	0.0
806	33.0	883	28.5	960	2.0
807	33.6	884	28.1	961	5.0
808	34.0	885	28.0	962	8.6
809	34.3	886	28.0	963	11.9
810	34.2	887	27.5	964	15.2
811	34.0	888	27.2	965	17.5
812	34.0	889	26.6	966	18.6
813	33.9	890	27.0	967	20.0
814	33.6	891	27.5	968	21.1
815	33.1	892	27.8	969	22.0
816	33.0	893	28.0	970	23.0
817	32.5	894	27.8	971	24.5
818	32.0	895	28.0	972	26.3
819	31.9	896	28.0	973	27.5
820	31.5	897	28.0	974	28.1
821	31.5	898	27.7	975	28.4
822	30.6	899	27.4	976	28.5
823	30.0	900	26.9	977	28.5
824	29.9	901	26.6	978	28.5
825	29.9	902	26.5	979	27.7
826	29.9	903	26.5	980	27.5
827	29.9	904	26.5	981	27.2
828	29.6	905	26.3	982	26.8
829	29.5	906	26.2	983	26.5
830	29.5	907	26.2	984	26.0
831	29.3	908	25.9	985	25.7
832	28.9	909	25.6	986	25.2
833	28.2	910	25.6	987	24.0
834	27.7	911	25.9	988	22.8
835	27.0	912	25.8	989	21.5
836	25.5	913	25.5	990	21.5
837	23.7	914	24.6	991	21.8
838	22.0	915	23.5	992	22.5
839	20.5	916	22.2	993	23.6
840	19.2	917	21.6	994	22.8
841	19.2	918	21.6	995	22.8
842	20.1	919	21.7	996	23.6
843	20.9	920	22.6	997	22.7
844	21.4	921	23.4	998	22.7
845	22.0	922	24.0	999	22.7
846	22.6	923	24.2	1,000	23.5
847	23.2	924	24.4	1,001	24.0
848	24.0	925	24.9	1,002	24.6
849	25.0	926	25.1	1,003	24.5
850	26.0	927	25.2	1,004	26.1
851	26.6	928	25.3	1,005	26.5
852	26.6	929	25.5	1,006	26.6
853	25.8	930	25.2	1,007	26.5
854	27.0	931	25.0	1,008	26.6
855	27.2	932	25.0	1,009	24.1
856	27.8	933	25.0	1,010	22.7
857	28.1	934	24.7	1,011	23.3
858	28.5	935	24.5	1,012	22.6
859	28.9	936	24.3	1,013	22.5

APPENDIX I—Continued

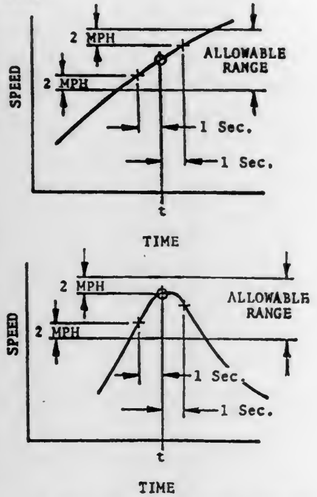
Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
1,014	22.0	1,091	9.0	1,168	0.0
1,015	21.6	1,092	8.7	1,169	2.1
1,016	20.8	1,093	8.6	1,170	5.4
1,017	17.8	1,094	8.0	1,171	8.7
1,018	14.2	1,095	7.0	1,172	12.0
1,019	10.8	1,096	5.0	1,173	15.3
1,020	7.6	1,097	4.2	1,174	18.6
1,021	4.2	1,098	2.6	1,175	21.1
1,022	1.0	1,099	1.0	1,176	23.0
1,023	0.0	1,100	0.0	1,177	23.5
1,024	0.0	1,101	0.1	1,178	23.0
1,025	0.0	1,102	0.6	1,179	22.5
1,026	0.0	1,103	1.6	1,180	20.0
1,027	0.0	1,104	3.6	1,181	16.7
1,028	0.0	1,105	6.9	1,182	13.4
1,029	0.0	1,106	10.0	1,183	10.1
1,030	0.0	1,107	12.8	1,184	6.8
1,031	0.0	1,108	14.0	1,185	3.5
1,032	0.0	1,109	14.5	1,186	0.2
1,033	0.0	1,110	16.0	1,187	0.0
1,034	0.0	1,111	18.1	1,188	0.0
1,035	0.0	1,112	20.0	1,189	0.0
1,036	0.0	1,113	21.0	1,190	0.0
1,037	0.0	1,114	21.2	1,191	0.0
1,038	0.0	1,115	21.3	1,192	0.0
1,039	0.0	1,116	21.4	1,193	0.0
1,040	0.0	1,117	21.7	1,194	0.0
1,041	0.0	1,118	22.5	1,195	0.0
1,042	0.0	1,119	23.0	1,196	0.0
1,043	0.0	1,120	23.8	1,197	0.2
1,044	0.0	1,121	24.5	1,198	1.5
1,045	0.0	1,122	25.0	1,199	3.5
1,046	0.0	1,123	24.9	1,200	6.5
1,047	0.0	1,124	24.8	1,201	9.8
1,048	0.0	1,125	25.0	1,202	12.0
1,049	0.0	1,126	25.4	1,203	12.9
1,050	0.0	1,127	25.8	1,204	13.0
1,051	0.0	1,128	26.0	1,205	12.6
1,052	0.0	1,129	26.4	1,206	12.8
1,053	1.2	1,130	26.6	1,207	13.1
1,054	4.6	1,131	26.9	1,208	13.1
1,055	7.3	1,132	27.0	1,209	14.0
1,056	10.6	1,133	27.0	1,210	15.5
1,057	13.9	1,134	27.0	1,211	17.0
1,058	17.0	1,135	26.9	1,212	18.6
1,059	18.6	1,136	26.8	1,213	19.7
1,060	20.0	1,137	26.8	1,214	21.0
1,061	21.8	1,138	26.5	1,215	21.5
1,062	23.0	1,139	26.4	1,216	21.8
1,063	24.0	1,140	26.0	1,217	21.8
1,064	24.8	1,141	25.8	1,218	21.8
1,065	25.6	1,142	24.6	1,219	21.2
1,066	26.8	1,143	23.0	1,220	21.5
1,067	26.5	1,144	21.5	1,221	21.8
1,068	27.4	1,145	20.0	1,222	22.0
1,069	27.9	1,146	17.5	1,223	21.9
1,070	28.3	1,147	16.0	1,224	21.7
1,071	28.0	1,148	14.0	1,225	21.5
1,072	27.5	1,149	10.7	1,226	21.5
1,073	27.0	1,150	7.4	1,227	21.4
1,074	27.0	1,151	4.1	1,228	20.1
1,075	26.3	1,152	0.8	1,229	19.5
1,076	24.5	1,153	0.0	1,230	19.2
1,077	22.5	1,154	0.0	1,231	19.6
1,078	21.5	1,155	0.0	1,232	19.8
1,079	20.6	1,156	0.0	1,233	20.0
1,080	18.0	1,157	0.0	1,234	19.8
1,081	15.9	1,158	0.0	1,235	17.5
1,082	12.8	1,159	0.0	1,236	15.5
1,083	11.1	1,160	0.0	1,237	13.0
1,084	10.6	1,161	0.0	1,238	10.0
1,085	10.0	1,162	0.0	1,239	8.0
1,086	9.5	1,163	0.0	1,240	6.0
1,087	9.1	1,164	0.0	1,241	4.0
1,088	8.7	1,165	0.0	1,242	2.5
1,089	8.6	1,166	0.0	1,243	0.7
1,090	8.5	1,167	0.0	1,244	0.0

JUN 28 77
UM

APPENDIX I—Continued

Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)	Time (sec.)	Speed (m.p.h.)
1,245	0.0	1,288	24.0	1,330	0.0
1,246	0.0	1,289	24.1	1,331	0.0
1,247	0.0	1,290	24.5	1,332	0.0
1,248	0.0	1,291	24.7	1,333	0.0
1,249	0.0	1,292	25.0	1,334	0.0
1,250	0.0	1,293	25.4	1,335	0.0
1,251	0.0	1,294	25.5	1,336	0.0
1,252	1.0	1,295	25.7	1,337	0.0
1,253	1.0	1,296	26.0	1,338	1.5
1,254	1.0	1,297	26.2	1,339	4.8
1,255	1.0	1,298	27.0	1,340	8.1
1,256	1.0	1,299	28.8	1,341	11.1
1,257	1.5	1,300	27.3	1,342	13.4
1,258	3.0	1,301	29.0	1,343	15.2
1,259	4.0	1,302	29.1	1,344	16.1
1,260	5.0	1,303	29.0	1,345	18.8
1,261	6.3	1,304	28.0	1,346	19.3
1,262	8.0	1,305	24.7	1,347	20.5
1,263	10.0	1,306	21.4	1,348	21.3
1,264	10.5	1,307	18.1	1,349	21.3
1,265	9.5	1,308	14.8	1,350	23.9
1,266	8.5	1,309	11.5	1,351	22.4
1,267	7.6	1,310	8.2	1,352	22.0
1,268	8.8	1,311	4.9	1,353	21.6
1,269	11.0	1,312	1.6	1,354	21.1
1,270	14.0	1,313	0.0	1,355	20.5
1,271	17.0	1,314	0.0	1,356	20.0
1,272	19.5	1,315	0.6	1,357	19.6
1,273	21.0	1,316	0.0	1,358	18.5
1,274	21.8	1,317	0.0	1,359	17.5
1,275	22.2	1,318	0.0	1,360	16.5
1,276	23.0	1,319	0.0	1,361	15.5
1,277	23.5	1,320	0.0	1,362	14.0
1,278	24.1	1,321	0.0	1,363	11.9
1,279	24.5	1,322	0.0	1,364	8.8
1,280	24.5	1,323	0.0	1,365	5.2
1,281	24.0	1,324	0.0	1,366	2.5
1,282	23.5	1,325	0.0	1,367	0.0
1,283	23.5	1,326	0.0	1,368	0.0
1,284	23.5	1,327	0.0	1,369	0.0
1,285	23.5	1,328	0.0	1,370	0.0
1,286	23.5	1,329	0.0	1,371	0.0
1,287	23.5				

The diagrams below show the range of acceptable speed tolerances for typical points. The curve on the left is typical of portions of the speed curve which are increasing or decreasing throughout the 2 second time interval. The curve on the right is typical of portions of the speed curve which include a maximum or minimum value.



(b) EPA Urban Dynamometer Driving Schedule for Light-Duty Vehicles, Light-Duty Trucks, and Motorcycles with engine displacements equal to or greater than 170 cc (10.4 cu. in.).

Speed Versus Time Sequence

Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
0	0	37	31.9	74	40.9	111	51.2
1	0	38	27.4	75	40.1	112	51.8
2	0	39	24.0	76	40.2	113	52.1
3	0	40	24.0	77	40.9	114	51.8
4	0	41	24.6	78	41.8	115	51.0
5	0	42	24.9	79	41.8	116	46.0
6	0	43	25.7	80	41.4	117	40.7
7	0	44	27.5	81	42.0	118	35.4
8	0	45	30.7	82	43.0	119	30.1
9	0	46	34.0	83	44.3	120	24.8
10	0	47	36.5	84	46.0	121	19.5
11	0	48	36.9	85	47.2	122	14.2
12	0	49	36.5	86	48.0	123	8.9
13	0	50	36.4	87	48.4	124	3.5
14	0	51	34.7	88	48.0	125	0
15	0	52	30.6	89	49.4	126	0
16	0	53	27.5	90	49.4	127	0
17	0	54	25.4	91	49.1	128	0
18	0	55	25.4	92	48.0	129	0
19	0	56	28.5	93	48.8	130	0
20	0	57	31.9	94	48.9	131	0
21	4.8	58	34.8	95	49.6	132	0
22	9.5	59	37.3	96	48.9	133	0
23	13.8	60	38.9	97	48.1	134	0
24	18.5	61	39.6	98	47.5	135	0
25	23.0	62	40.1	99	48.0	136	0
26	27.2	63	40.2	100	48.8	137	0
27	27.8)	64	39.6	101	49.4	138	0
28	29.1	65	39.4	102	49.7	139	0
29	33.4	66	39.5	103	49.0	140	0
30	34.9	67	39.9	104	49.7	141	0
31	36.0	68	39.8	105	48.9	142	0
32	36.2	69	39.6	106	48.0	143	0
33	35.0	70	39.6	107	48.1	144	0
34	34.0	71	40.4	108	48.6	145	0
35	33.0	72	41.2	109	49.4	146	0
36	32.8	73	41.4	110	50.2	147	0

Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)	Time (seconds):	Speed (kilometres per hour)
148	0	234	88.7	320	44.3	406	20.1
149	0	235	89.3	321	39.9	407	25.4
150	0	236	89.6	322	34.6	408	30.7
151	0	237	90.3	323	32.3	409	36.0
152	0	238	90.6	324	30.7	410	40.2
153	0	239	91.1	325	29.8	411	41.2
154	0	240	91.2	326	27.4	412	44.3
155	0	241	91.2	327	24.9	413	46.7
156	0	242	90.9	328	20.1	414	48.3
157	0	243	90.9	329	17.4	415	48.4
158	0	244	90.9	330	12.9	416	48.3
159	0	245	90.9	331	7.6	417	47.8
160	0	246	90.8	332	2.3	418	47.2
161	0	247	90.9	333	0	419	46.3
162	0	248	90.8	334	0	420	45.1
163	0	249	90.3	335	0	421	40.2
164	5.3	250	89.8	336	0	422	34.9
165	10.6	251	88.7	337	0	423	29.6
166	15.9	252	87.9	338	0	424	24.3
167	21.2	253	87.2	339	0	425	19.0
168	26.6	254	86.9	340	0	426	13.7
169	31.9	255	86.4	341	0	427	8.4
170	35.7	256	86.3	342	0	428	3.1
171	39.1	257	86.7	343	0	429	0
172	41.5	258	86.9	344	0	430	0
173	42.5	259	87.1	345	0	431	0
174	41.4	260	87.1	346	0	432	0
175	40.4	261	86.6	347	1.6	433	0
176	39.8	262	85.9	348	6.9	434	0
177	40.2	263	85.3	349	12.2	435	0
178	40.6	264	84.7	350	17.5	436	0
179	40.9	265	83.8	351	22.9	437	0
180	41.5	266	84.5	352	27.8	438	0
181	43.8	267	83.7	353	32.2	439	0
182	42.6	268	83.5	354	36.2	440	0
183	38.6	269	83.2	355	38.1	441	0
184	36.5	270	82.9	356	40.6	442	0
185	31.2	271	83.0	357	42.8	443	0
186	28.6	272	83.4	358	45.2	444	0
187	27.7	273	83.8	359	48.3	445	0
188	29.1	274	84.5	360	49.6	446	0
189	29.9	275	85.3	361	50.9	447	0
190	32.2	276	86.1	362	51.7	448	5.3
191	35.7	277	86.9	363	52.8	449	10.6
192	39.4	278	88.4	364	54.1	450	15.9
193	43.9	279	89.2	365	55.5	451	21.2
194	49.1	280	89.5	366	55.7	452	26.6
195	53.9	281	90.1	367	56.2	453	31.9
196	58.5	282	90.1	368	56.0	454	37.2
197	60.0	283	89.8	369	55.5	455	42.5
198	63.2	284	88.8	370	55.8	456	44.7
199	65.2	285	87.7	371	57.1	457	46.8
200	67.6	286	86.3	372	57.9	458	50.7
201	70.0	287	84.5	373	57.9	459	53.1
202	72.8	288	82.5	374	57.9	460	54.1
203	74.0	289	82.9	375	57.9	461	56.0
204	75.3	290	82.9	377	57.9	462	56.5
205	76.4	291	82.2	376	57.9	463	57.3
206	76.4	292	80.6	378	58.1	464	56.1
207	76.1	293	80.5	379	58.6	465	57.9
208	76.0	294	80.6	380	58.7	466	58.1
209	75.6	295	80.5	381	58.6	467	58.3
210	75.6	296	79.8	382	57.9	468	57.9
211	75.6	297	79.7	383	56.5	469	57.9
212	75.6	298	79.7	384	54.9	470	57.9
213	75.6	299	79.7	385	53.9	471	57.9
214	76.0	300	70.0	386	50.5	472	57.3
215	76.3	301	78.2	387	46.7	473	57.1
216	77.1	302	77.4	388	41.4	474	57.0
217	78.1	303	76.0	389	37.0	475	56.9
218	79.0	304	74.2	390	32.7	476	56.6
219	79.7	305	72.4	391	28.2	477	56.6
220	80.8	306	70.5	392	23.3	478	56.8
221	81.4	307	68.6	393	19.3	479	56.6
222	82.1	308	66.2	394	14.0	480	56.6
223	82.9	309	64.9	395	8.7	481	56.3
224	84.0	310	62.0	396	3.4	482	56.5
225	85.6	311	59.5	397	0	483	56.6
226	87.1	312	56.6	398	0	484	57.1
227	87.9	313	54.4	399	0	485	56.6
228	88.4	314	52.3	400	0	486	56.3
229	88.5	315	50.7	401	0	487	56.3
230	88.4	316	49.2	402	0	488	56.3
231	87.9	317	49.1	403	4.2	489	56.9
232	87.9	318	48.3	404	9.5	490	55.7
233	88.2	319	46.7	405	14.8		

VOL 42 NO 124 JUN 28 77 UM

Time (seconds)	Speed (kilometres per hour)
401	44.8
402	43.8
403	41.0
404	48.4
405	45.1
406	41.0
407	36.3
408	31.9
409	26.0
500	21.2
501	16.6
502	11.6
503	6.4
504	1.6
505	0
506	0
507	0
508	0
509	0
510	0
511	1.0
512	5.6
513	8.9
514	10.6
515	13.7
516	16.4
517	16.9
518	19.2
519	22.5
520	25.7
521	28.6
522	30.8
523	32.3
524	33.8
525	35.4
526	37.0
527	38.3
528	39.4
529	40.1
530	40.2
531	40.2
532	40.2
533	40.2
534	40.2
535	40.2
536	41.2
537	41.5
538	41.5
539	41.2
540	40.6
541	40.2
542	40.2
543	40.2
544	39.3
545	37.3
546	31.9
547	26.6
548	21.2
549	15.9
550	10.6
551	5.3
552	0
553	0
554	0
555	0
556	0
557	0
558	0
559	0
600	0
601	0
602	0
603	0
604	0
605	0
606	0
607	0
608	0
609	0
610	0
611	0
612	0
613	0
614	0
615	0
616	0
617	0
618	0
619	0
620	0
621	0
622	0
623	0
624	0
625	0
626	0
627	0
628	0
629	0
630	0
631	0
632	0
633	0
634	0
635	0
636	0
637	0
638	0
639	0
640	0
641	0
642	0
643	0
644	0
645	0
646	3.2
647	7.2
648	12.8
649	16.4
650	20.1
651	23.8
652	24.6
653	28.2
654	31.5
655	33.8
656	36.7
657	37.8
658	38.4
659	40.7
660	41.2
661	41.8
662	42.4
663	42.4
664	42.4
665	42.4
666	42.4
667	42.4
668	42.4
669	42.4
670	42.4
671	42.4
672	42.4
673	42.4
674	42.4
675	42.4
676	42.4
677	42.4
678	42.4
679	42.4
680	42.4
681	42.4
682	42.4
683	42.4
684	42.4
685	42.4
686	42.4
687	42.4
688	42.4
689	42.4
690	42.4
691	42.4
692	42.4
693	42.4
694	42.4
695	42.4
696	42.4
697	42.4
698	42.4
699	42.4
700	42.4
701	42.4
702	42.4
703	42.4
704	42.4
705	42.4
706	42.4
707	42.4
708	42.4
709	42.4
710	42.4
711	42.4
712	42.4
713	42.4
714	42.4
715	42.4
716	42.4
717	42.4
718	42.4
719	42.4
720	42.4
721	42.4
722	42.4
723	42.4
724	42.4
725	42.4
726	42.4
727	42.4
728	42.4
729	42.4
730	42.4
731	42.4
732	42.4
733	42.4
734	42.4
735	42.4
736	42.4
737	42.4
738	42.4
739	42.4
740	42.4
741	42.4
742	42.4
743	42.4
744	42.4
745	42.4
746	42.4
747	42.4
748	42.4
749	42.4
750	42.4
751	42.4
752	42.4
753	42.4
754	42.4
755	42.4
756	42.4
757	42.4
758	42.4
759	42.4
760	42.4
761	42.4
762	42.4
763	42.4
764	42.4
765	42.4
766	42.4
767	42.4
768	42.4
769	42.4
770	42.4
771	42.4
772	42.4
773	42.4
774	42.4
775	42.4
776	42.4
777	42.4
778	42.4
779	42.4
780	42.4
781	42.4
782	42.4
783	42.4
784	42.4
785	42.4
786	42.4
787	42.4
788	42.4
789	42.4
790	42.4
791	42.4
792	42.4
793	42.4
794	42.4
795	42.4
796	42.4
797	42.4
798	42.4
799	42.4
800	42.4
801	42.4
802	42.4
803	42.4
804	42.4
805	42.4
806	42.4
807	42.4
808	42.4
809	42.4
810	42.4
811	42.4
812	42.4
813	42.4
814	42.4
815	42.4
816	42.4
817	42.4
818	42.4
819	42.4
820	42.4
821	42.4
822	42.4
823	42.4
824	42.4
825	42.4
826	42.4
827	42.4
828	42.4
829	42.4
830	42.4
831	42.4

Time (seconds)	Speed (kilometres per hour)
832	42.4
833	42.4
834	42.4
835	42.4
836	42.4
837	42.4
838	42.4
839	42.4
840	42.4
841	42.4
842	42.4
843	42.4
844	42.4
845	42.4
846	42.4
847	42.4
848	42.4
849	42.4
850	42.4
851	42.4
852	42.4
853	42.4
854	42.4
855	42.4
856	42.4
857	42.4
858	42.4
859	42.4
860	42.4
861	42.4
862	42.4
863	42.4
864	42.4
865	42.4
866	42.4
867	42.4
868	42.4
869	42.4
870	42.4
871	42.4
872	42.4
873	42.4
874	42.4
875	42.4
876	42.4
877	42.4
878	42.4
879	42.4
880	42.4
881	42.4
882	42.4
883	42.4
884	42.4
885	42.4
886	42.4
887	42.4
888	42.4
889	42.4
890	42.4
891	42.4
892	42.4
893	42.4
894	42.4
895	42.4
896	42.4
897	42.4
898	42.4
899	42.4
900	42.4
901	42.4
902	42.4
903	42.4
904	42.4
905	42.4
906	42.4
907	42.4
908	42.4
909	42.4
910	42.4
911	42.4
912	42.4
913	42.4
914	42.4
915	42.4
916	42.4
917	42.4
918	42.4
919	42.4
920	42.4
921	42.4
922	42.4
923	42.4
924	42.4
925	42.4
926	42.4
927	42.4
928	42.4
929	42.4
930	42.4
931	42.4
932	42.4
933	42.4
934	42.4
935	42.4
936	42.4
937	42.4
938	42.4
939	42.4
940	42.4
941	42.4
942	42.4
943	42.4
944	42.4
945	42.4
946	42.4
947	42.4
948	42.4
949	42.4
950	42.4
951	42.4
952	42.4
953	42.4
954	42.4
955	42.4
956	42.4
957	42.4
958	42.4
959	42.4
960	42.4
961	42.4
962	42.4
963	42.4
964	42.4
965	42.4
966	42.4
967	42.4
968	42.4
969	42.4
970	42.4
971	42.4
972	42.4
973	42.4
974	42.4
975	42.4
976	42.4
977	42.4
978	42.4
979	42.4
980	42.4
981	42.4
982	42.4
983	42.4
984	42.4
985	42.4
986	42.4
987	42.4
988	42.4
989	42.4
990	42.4
991	42.4
992	42.4
993	42.4
994	42.4
995	42.4
996	42.4
997	42.4
998	42.4
999	42.4
1,000	42.4
1,001	42.4
1,002	42.4
1,003	42.4
1,004	42.4
1,005	42.4
1,006	42.4
1,007	42.4
1,008	42.4
1,009	42.4
1,010	42.4
1,011	42.4
1,012	42.4
1,013	42.4
1,014	42.4
1,015	42.4
1,016	42.4
1,017	42.4
1,018	42.4
1,019	42.4
1,020	42.4
1,021	42.4
1,022	42.4
1,023	42.4
1,024	42.4
1,025	42.4
1,026	42.4
1,027	42.4
1,028	42.4
1,029	42.4
1,030	42.4
1,031	42.4
1,032	42.4
1,033	42.4
1,034	42.4
1,035	42.4
1,036	42.4
1,037	42.4
1,038	42.4
1,039	42.4
1,040	42.4
1,041	42.4
1,042	42.4
1,043	42.4
1,044	42.4
1,045	42.4
1,046	42.4
1,047	42.4
1,048	42.4
1,049	42.4
1,050	42.4
1,051	42.4
1,052	42.4
1,053	42.4
1,054	42.4
1,055	42.4
1,056	42.4
1,057	42.4
1,058	42.4
1,059	42.4
1,060	42.4
1,061	42.4
1,062	42.4
1,063	42.4
1,064	42.4
1,065	42.4
1,066	42.4
1,067	42.4
1,068	42.4
1,069	42.4
1,070	42.4
1,071	42.4
1,072	42.4
1,073	42.4
1,074	42.4
1,075	42.4
1,076	42.4
1,077	42.4
1,078	42.4
1,079	42.4
1,080	42.4
1,081	42.4
1,082	42.4
1,083	42.4
1,084	42.4
1,085	42.4
1,086	42.4
1,087	42.4
1,088	42.4
1,089	42.4
1,090	42.4
1,091	42.4
1,092	42.4
1,093	42.4
1,094	42.4
1,095	42.4
1,096	42.4
1,097	42.4
1,098	42.4
1,099	42.4
1,100	42.4
1,101	42.4
1,102	42.4
1,103	42.4
1,104	42.4
1,105	42.4
1,106	42.4
1,107	42.4
1,108	42.4
1,109	42.4
1,110	42.4
1,111	42.4
1,112	42.4
1,113	42.4
1,114	42.4
1,115	42.4
1,116	42.4
1,117	42.4
1,118	42.4
1,119	42.4
1,120	42.4
1,121	42.4
1,122	42.4
1,123	42.4
1,124	42.4
1,125	42.4
1,126	42.4
1,127	42.4
1,128	42.4
1,129	42.4
1,130	42.4
1,131	42.4
1,132	42.4
1,133	42.4
1,134	42.4
1,135	42.4
1,136	42.4
1,137	42.4
1,138	42.4
1,139	42.4
1,140	42.4
1,141	42.4
1,142	42.4
1,143	42.4
1,144	42.4
1,145	42.4
1,146	42.4
1,147	42.4
1,148	42.4
1,149	42.4
1,150	42.4
1,151	42.4
1,152	42.4
1,153	42.4
1,154	42.4
1,155	42.4
1,156	42.4
1,157	42.4
1,158	42.4
1,159	42.4
1,160	42.4
1,161	42.4
1,162	42.4
1,163	42.4
1,164	42.4
1,165	42.4
1,166	42.4
1,167	42.4
1,168	42.4
1,169	42.4
1,170	42.4
1,171	42.4
1,172	42.4
1,173	42.4
1,174	42.4
1,175	42.4
1,176	42.4
1,177	42.4
1,178	42.4
1,179	42.4
1,180	42.4
1,181	42.4
1,182	42.4

V 42 N 124 JUN 28 77 UM

Time (seconds):	Speed (kilometres per hour)
1,183	16.3
1,184	10.9
1,185	5.8
1,186	0.3
1,187	0
1,188	0
1,189	0
1,190	0
1,191	0
1,192	0
1,193	0
1,194	0
1,195	0
1,196	0
1,197	0.3
1,198	2.4
1,199	5.6
1,200	10.5
1,201	15.8
1,202	19.3
1,203	20.8
1,204	20.9
1,205	20.3
1,206	20.0
1,207	21.1
1,208	21.1
1,209	22.5
1,210	24.9
1,211	27.4
1,212	29.9
1,213	31.7
1,214	33.8
1,215	34.6
1,216	35.1
1,217	35.1
1,218	34.6
1,219	34.1
1,220	34.6
1,221	35.1
1,222	35.1
1,223	35.2
1,224	34.9
1,225	34.6
1,226	34.6
1,227	34.1
1,228	32.3
1,229	31.4
1,230	30.9
1,231	31.5
1,232	31.9
1,233	32.2
1,234	31.4
1,235	28.2
1,236	24.9
1237	20.6
1238	16.1
1239	12.9
1240	9.7
1241	6.4
1242	4.0
1243	1.1
1244	0
1245	0
1246	0
1247	0
1248	0
1249	0
1250	0
1251	0
1252	1.6
1253	1.6
1254	1.6
1255	1.6
1256	1.6
1257	2.6
1258	4.8
1259	6.4
1260	8.0
1261	10.1
1262	12.9
1263	16.1
1264	16.9
1265	15.3
1266	13.7
1267	12.2
1268	14.2
1269	17.7
1270	22.5
1271	27.4
1272	31.4
1273	33.8
1274	35.1
1275	35.7
1276	37.0
1277	38.0
1278	38.8
1279	39.4
1280	39.4
1281	38.6
1282	37.8
1283	37.8
1284	37.8
1,285	37.8
1,286	37.8
1,287	37.8
1,288	38.6
1,289	39.8
1,290	39.4
1,291	39.8
1,292	40.2
1,293	40.9
1,294	41.2
1,295	41.4
1,296	41.8
1,297	42.2
1,298	43.5
1,299	44.7
1,300	45.5
1,301	46.7
1,302	46.8
1,303	46.7
1,304	45.1
1,305	39.8
1,306	34.4
1,307	29.1
1,308	23.8
1,309	18.5
1,310	13.2
1,311	7.9
1,312	2.6
1,313	0
1,314	0
1,315	0
1,316	0
1,317	0
1,318	0
1,319	0
1,320	0
1,321	0
1,322	0
1,323	0
1,324	0
1,325	0
1,326	0
1,327	0
1,328	0
1,329	0
1,330	0
1,331	0
1,332	0
1,333	0
1,334	0
1,335	0
1,336	0
1,337	0
1,338	2.4
1,339	7.7
1,340	13.0
1,341	18.3
1,342	21.2
1,343	24.3
1,344	27.0
1,345	29.5
1,346	31.4
1,347	32.7
1,348	34.3
1,349	35.2
1,350	35.6
1,351	36.0
1,352	35.4
1,353	34.8
1,354	34.0
1,355	33.0
1,356	32.2
1,357	31.6
1,358	29.8
1,359	28.2
1,360	26.8
1,361	24.9
1,362	23.5
1,363	17.7
1,364	12.0
1,365	8.4
1,366	4.0
1,367	0
1,368	0
1,369	0
1,370	0
1,371	0

(c) EPA Urban Dynamometer Driving Schedule for motorcycles with engine displacements less than 170 cc (10.4 cu. in.).

Speed Versus Time Sequence

Time (seconds):	Speed (kilometres per hour)
1	0
2	0
3	0
4	0
5	0
6	0
7	0
8	0
9	0
10	0
11	0
12	0
13	0
14	0
15	0
16	0
17	0
18	0
19	0
20	0
21	4.8
22	9.5
23	13.8
24	18.5
25	23.0
26	27.3
27	27.8
28	29.1
29	33.3
30	34.9
31	36.0
32	36.2
33	35.6
34	34.9
35	33.8
36	32.8
37	31.9
38	27.4
39	24.9
40	24.0
41	24.5
42	24.9
43	25.7
44	27.5
45	30.7
46	34.0
47	36.5
48	36.9
49	36.5
50	36.4
51	34.3
52	30.6

Time (seconds):	Speed (kilometres per hour)
53	27.6
54	25.4
55	25.4
56	26.5
57	31.9
58	34.8
59	37.3
60	38.9
61	39.6
62	40.1
63	40.2
64	39.6
65	39.4
66	39.8
67	39.9
68	39.8
69	39.8
70	39.8
71	40.4
72	41.2
73	41.4
74	40.9
75	40.1
76	40.2
77	40.9
78	41.8
79	41.8
80	41.4
81	42.9
82	43.0
83	44.3
84	46.0
85	47.2
86	48.0
87	48.4
88	48.9
89	49.4
90	49.4
91	49.1
92	48.9
93	48.8
94	48.9
95	48.8
96	48.9
97	48.1
98	47.5
99	46.0
100	48.8
101	49.4
102	49.7
103	49.9
104	49.7
105	48.9
106	48.9
107	48.1
108	48.6
109	49.4
110	50.2
111	51.2
112	51.6
113	52.1
114	51.8
115	51.6
116	48.9
117	49.7
118	35.4
119	30.1
120	24.8
121	19.5
122	14.2
123	8.8
124	3.6
125	0
126	0
127	0
128	0
129	0
130	0
131	0
132	0
133	0
134	0
135	0
136	0
137	0
138	0
139	0
140	0
141	0
142	0
143	0
144	0
145	0
146	0
147	0
148	0
149	0
150	0
151	0
152	0
153	0
154	0
155	0
156	0
157	0
158	0
159	0
160	0
161	0
162	0
163	0
164	3.4
165	6.8
166	10.3
167	13.7
168	17.1
169	20.5
170	23.9
171	26.2
172	26.7
173	27.4
174	26.6
175	26.0
176	25.6
177	25.9
178	26.1
179	26.3
180	26.7
181	26.2
182	27.5
183	24.9
184	23.6
185	20.1
186	16.8
187	17.8
188	18.5
189	19.2
190	20.7
191	23.0
192	25.4
193	26.2
194	31.6
195	34.7
196	37.5
197	38.6
198	40.7
199	43.0
200	43.6
201	45.1
202	46.7
203	47.7
204	48.5
205	49.2
206	49.2
207	49.0
208	48.9
209	48.7
210	48.7
211	48.7
212	48.7
213	48.7
214	48.9
215	49.1
216	49.6
217	50.3
218	50.9
219	51.3
220	51.9
221	52.4
222	52.8
223	53.4
224	54.1
225	55.1
226	56.0
227	56.8
228	56.9
229	57.0
230	56.9
231	56.6
232	56.6
233	56.8
234	57.1
235	57.5
236	57.7
237	58.1
238	58.3
239	58.8
240	58.7
241	58.7
242	58.6
243	58.5
244	58.6
245	58.6
246	58.5
247	58.5
248	58.4
249	58.1
250	57.8
251	57.1
252	56.6
253	56.2
254	55.9
255	55.8
256	55.6
257	55.8
258	55.9
259	56.0
260	56.0
261	55.7
262	55.3
263	54.9
264	54.5
265	54.0
266	54.3
267	53.9
268	53.8
269	53.6
270	53.4
271	53.5
272	53.7
273	54.0
274	54.4
275	54.9
276	55.4
277	55.9
278	56.3
279	57.4
280	57.6
281	58.0
282	58.0
283	57.8
284	57.2
285	56.5
286	55.5
287	54.4
288	53.4
289	53.4
290	53.4
291	52.9
292	51.9
293	51.8
294	51.9
295	51.8
296	51.4
297	51.3
298	51.3
299	51.3
300	50.9
301	50.3
302	49.8
303	48.9
304	47.8
305	46.6
306	46.4
307	44.1
308	43.0
309	41.6
310	39.9
311	38.2
312	36.5
313	35.0
314	33.7
315	32.6
316	31.7
317	31.6
318	31.1
319	30.9
320	28.6
321	26.7
322	22.3
323	20.8
324	19.9
325	19.2
326	17.6
327	16.1
328	13.9
329	11.2
330	8.2
331	4.9
332	1.6
333	0
334	0
335	0
336	0
337	0
338	0
339	0
340	0
341	0
342	0
343	0
344	0
345	0
346	0
347	1.6
348	6.9
349	12.2
350	17.5
351	22.9
352	27.8
353	32.2
354	36.2
355	38.1
356	40.6
357	42.8
358	45.2
359	48.2
360	49.6
361	50.9
362	51.7
363	52.8
364	54.1
365	55.5
366	56.7
367	56.2
368	56.0
369	55.5
370	55.6
371	57.1
372	57.9
373	57.8
374	57.9
375	57.9
376	57.8
377	57.8
378	56.1
379	56.6
380	56.7
381	56.6
382	57.9
383	56.5
384	54.9
385	53.9
386	50.6
387	46.7
388	41.6

V 42 N 124 JUN 28 77 UM

Time (seconds):	Speed (kilometres per hour)
389	37.0
390	32.7
391	28.2
392	23.3
393	19.3
394	14.0
395	8.7
396	3.4
397	0
398	0
399	0
400	0
401	0
402	0
403	4.2
404	9.5
405	14.8
406	20.1
407	25.4
408	30.7
409	36.0
410	40.2
411	41.2
412	44.3
413	46.7
414	48.3
415	48.4
416	48.3
417	47.8
418	47.2
419	46.3
420	45.1
421	40.2
422	34.9
423	29.6
424	24.3
425	19.0
426	13.7
427	8.4
428	3.1
429	0
430	0
431	0
432	0
433	0
434	0
435	0
436	0
437	0
438	0
439	0
440	0
441	0
442	0
443	0
444	0
445	0
446	0
447	0
448	5.3
449	10.6
450	15.9
451	21.2
452	26.6
453	31.9
454	37.2
455	42.5
456	44.7
457	46.8
458	50.7
459	53.1
460	54.1
461	56.0
462	56.5
463	57.3
464	58.1
465	57.9
466	58.1
467	58.3
468	57.9
469	57.5
470	57.9
471	57.9
472	57.3
473	57.1
474	57.0
475	56.6
476	56.6
477	56.6
478	56.6
479	56.6
480	56.6
481	56.3
482	56.5
483	56.6
484	57.1
485	56.6
486	56.3
487	56.3
488	56.3
489	56.0
490	56.7
491	55.6
492	53.9
493	51.5
494	48.4
495	45.1
496	41.0
497	36.2
498	31.9
499	26.6
500	21.2
501	16.6
502	11.6
503	6.4
504	1.6
505	0
506	0
507	0
508	0
509	0
510	0
511	1.9
512	5.6
513	8.9
514	10.5
515	13.7
516	15.4
517	16.9
518	19.2
519	22.5
520	25.7
521	28.5
522	30.6
523	32.3
524	33.8
525	35.4
526	37.0
527	38.3
528	39.4
529	40.1
530	40.2
531	40.2
532	40.2
533	40.2
534	40.2
535	40.2
536	41.2
537	41.5
538	41.8
539	41.2
540	40.6
541	40.2
542	40.2
543	40.2
544	39.3
545	37.2
546	31.9
547	26.6
548	21.2
549	15.9
550	10.6
551	5.3
552	0
553	0
554	0
555	0
556	0
557	0
558	0
559	0
560	0
561	0
562	0
563	0
564	0
565	0
566	0
567	0
568	0
569	5.3
570	10.6
571	15.9
572	20.9
573	23.5
574	25.7
575	27.4
576	27.4
577	27.4
578	28.2
579	28.5
580	28.5
581	28.2
582	27.4
583	27.2
584	26.7
585	27.4
586	27.5
587	27.4
588	26.7
589	26.6
590	26.6
591	26.7
592	27.4
593	28.2
594	29.8
595	30.9
596	32.5
597	33.8
598	34.9
599	34.1
600	34.8
601	35.4
602	36.0
603	36.2
604	36.2
605	36.2
606	36.5
607	36.1
608	40.4
609	41.8
610	42.6
611	43.5
612	42.0
613	36.7
614	31.4
615	26.1
616	20.8
617	15.4
618	10.1
619	4.8
620	0
621	0
622	0
623	0
624	0
625	0
626	0
627	0
628	0
629	0
630	0
631	0
632	0
633	0
634	0
635	0
636	0
637	0
638	0
639	0
640	0
641	0
642	0
643	0
644	0
645	0
646	3.2
647	7.2
648	12.6
649	18.4
650	20.1
651	22.5
652	24.6
653	28.2
654	31.5
655	33.6
656	35.7
657	37.5
658	39.4
659	40.7
660	41.2
661	41.8
662	42.0
663	42.2
664	42.2
665	42.5
666	42.6
667	42.6
668	41.8
669	41.0
670	38.0
671	34.4
672	29.8
673	26.4
674	23.3
675	18.7
676	14.0
677	9.3
678	5.6
679	3.2
680	0
681	0
682	0
683	0
684	0
685	0
686	0
687	0
688	0
689	0
690	0
691	0
692	0
693	0
694	2.3
695	5.3
696	7.1
697	10.5
698	14.8
699	18.2
700	21.7
701	23.5
702	26.4
703	26.9
704	26.6
705	26.6
706	29.3
707	30.9
708	32.3
709	34.6
710	35.2
711	36.2
712	35.6
713	36.5
714	37.5
715	37.8
716	36.2
717	34.8
718	33.0
719	29.0
720	24.1
721	19.3
722	14.8
723	10.0
724	7.2

Time (seconds):	Speed (kilometres per hour)
725	4.8
726	3.4
727	0.6
728	0.8
729	5.1
730	10.5
731	15.4
732	20.1
733	22.5
734	25.7
735	29.0
736	31.5
737	34.6
738	37.2
739	39.4
740	41.0
741	42.6
742	43.6
743	44.4
744	44.9
745	45.5
746	46.0
747	46.0
748	45.6
749	45.4
750	45.1
751	44.3
752	43.1
753	41.0
754	37.8
755	34.6
756	30.6
757	26.6
758	24.0
759	20.1
760	16.1
761	10.0
762	4.8
763	2.4
764	2.4
765	0.8
766	0
767	4.8
768	10.1
769	15.4
770	20.6
771	25.4
772	28.2
773	29.6
774	31.4
775	33.3
776	35.4
777	37.3
778	40.2
779	42.6
780	44.3
781	45.1
782	45.5
783	46.5
784	46.5
785	46.5
786	46.3
787	45.9
788	45.5
789	45.5
790	45.5
791	45.4
792	44.4
793	44.3
794	44.3
795	44.3
796	44.3
797	44.1
798	44.3
799	44.4
800	45.1
801	45.9
802	46.3
803	46.9
804	51.5
805	53.1
806	53.1
807	54.1
808	54.7
809	55.2
810	55.0
811	54.7
812	54.7
813	54.6
814	54.1
815	53.3
816	53.1
817	52.3
818	51.5
819	51.3
820	50.9
821	50.7
822	49.2
823	48.3
824	48.1
825	48.1
826	48.1
827	48.1
828	47.6
829	47.5
830	47.5
831	47.2
832	46.6
833	45.4
834	44.6
835	43.5
836	41.0
837	38.1
838	35.4
839	33.0
840	30.9
841	30.9
842	32.3
843	33.6
844	34.4
845	35.4
846	36.4
847	37.3
848	38.6
849	40.2
850	41.6
851	42.8
852	42.8
853	43.1
854	43.5
855	43.8
856	44.7
857	45.2
858	46.3
859	46.5
860	46.7
861	46.8
862	46.7
863	45.2
864	44.3
865	43.5
866	41.5
867	40.2
868	39.4
869	39.9
870	40.4
871	41.0
872	41.4
873	42.2
874	43.8
875	44.3
876	44.7
877	45.7
878	46.7
879	47.0
880	46.8
881	46.7
882	46.5
883	45.9
884	45.2
885	45.1
886	45.1
887	44.4
888	43.5
889	42.9
890	43.5
891	44.3
892	44.7
893	45.1
894	44.7
895	45.1
896	45.1
897	45.1
898	44.6
899	44.1
900	43.3
901	42.8
902	42.6
903	42.6
904	42.6
905	42.3
906	42.2
907	42.2
908	41.7
909	41.2
910	41.2
911	41.7
912	41.5
913	41.0
914	39.6
915	37.8
916	35.7
917	34.8
918	34.8
919	34.9
920	36.4
921	37.7
922	38.6
923	38.9
924	39.3
925	40.1
926	40.4
927	40.6
928	40.7
929	41.0
930	40.6
931	40.2
932	40.2
933	40.2
934	39.8
935	39.4
936	39.1
937	39.1
938	39.4
939	40.2
940	40.2
941	39.6
942	39.6
943	38.8
944	39.4
945	40.4
946	41.2
947	40.4
948	38.6
949	35.4
950	32.2
951	27.2
952	21.9
953	16.6
954	11.3
955	6.0
956	0.6
957	0
958	0
959	0
960	3.2
961	8.5
962	13.8
963	19.2
964	24.5
965	28.3
966	29.9
967	32.2
968	34.0
969	35.4
970	37.0
971	39.4
972	42.3
973	44.3
974	45.2
975	46.7
976	45.9
977	45.8
978	46.9
979	46.6
980	44.3
981	43.6
982	43.1
983	42.6
984	41.8
985	41.4
986	40.6
987	38.8
988	36.4
989	34.8
990	34.6
991	35.1
992	36.2
993	37.0
994	36.7
995	36.7
996	37.0
997	36.5
998	36.5
999	36.5
1,000	37.6
1,001	38.6
1,002	39.6
1,003	39.9
1,004	40.4
1,005	41.0
1,006	41.2
1,007	41.0
1,008	40.2
1,009	38.8
1,010	36.1
1,011	37.3
1,012	36.9
1,013	36.2
1,014	35.4
1,015	34.8
1,016	33.0
1,017	28.2
1,018	22.8
1,019	17.5
1,020	12.2
1,021	6.9
1,022	1.6
1,023	0
1,024	0
1,025	0
1,026	0
1,027	0
1,028	0
1,029	0
1,030	0
1,031	0
1,032	0
1,033	0
1,034	0
1,035	0
1,036	0
1,037	0
1,038	0
1,039	0
1,040	0
1,041	0
1,042	0
1,043	0
1,044	0
1,045	0
1,046	0
1,047	0
1,048	0
1,049	0
1,050	0
1,051	0
1,052	0
1,053	1.9
1,054	6.4
1,055	11.7
1,056	17.1
1,057	22.4
1,058	27.4

JUN 28 77
UM

Time (seconds):	Speed (kilometre per hour)	Time (seconds):	Speed (kilometre per hour)	Time (seconds):	Speed (kilometre per hour)	Time (seconds):	Speed (kilometre per hour)
1,059	29.8	1,141	41.9	1,224	34.9	1,298	43.5
1,060	32.2	1,142	39.6	1,225	34.6	1,299	44.7
1,061	35.1	1,143	37.8	1,226	34.6	1,300	45.5
1,062	37.9	1,144	34.6	1,227	34.4	1,301	46.7
1,063	38.6	1,145	32.2	1,228	33.3	1,302	46.8
1,064	39.9	1,146	28.2	1,229	31.4	1,303	46.7
1,065	41.2	1,147	25.7	1,230	30.9	1,304	45.1
1,066	42.5	1,148	22.5	1,231	31.5	1,305	39.6
1,067	43.1	1,149	17.2	1,232	31.9	1,306	34.4
1,068	44.1	1,150	11.9	1,233	32.2	1,307	29.1
1,069	44.9	1,151	6.6	1,234	31.4	1,308	23.8
1,070	45.5	1,152	1.3	1,235	28.3	1,309	18.5
1,071	45.1	1,153	0	1,236	24.9	1,310	13.2
1,072	44.3	1,154	0	1,237	20.9	1,311	7.9
1,073	43.5	1,155	0	1,238	16.1	1,312	2.6
1,074	43.6	1,156	0	1,239	12.9	1,313	0
1,075	42.3	1,157	0	1,240	9.7	1,314	0
1,076	39.4	1,158	0	1,241	8.4	1,315	0
1,077	36.2	1,159	0	1,242	4.0	1,316	0
1,078	34.8	1,160	0	1,243	1.1	1,317	0
1,079	33.2	1,161	0	1,244	0	1,318	0
1,080	29.0	1,162	0	1,245	0	1,319	0
1,081	24.1	1,163	0	1,246	0	1,320	0
1,082	19.8	1,164	0	1,247	0	1,321	0
1,083	17.9	1,165	0	1,248	0	1,322	0
1,084	17.1	1,166	0	1,249	0	1,323	0
1,085	18.1	1,167	0	1,250	0	1,324	0
1,086	16.3	1,168	0	1,251	0	1,325	0
1,087	14.8	1,169	3.4	1,252	1.6	1,326	0
1,088	14.0	1,170	8.7	1,253	1.6	1,327	0
1,089	13.8	1,171	14.0	1,254	1.8	1,328	0
1,090	14.2	1,172	19.3	1,255	1.6	1,329	0
1,091	14.5	1,173	24.6	1,256	1.6	1,330	0
1,092	14.0	1,174	29.9	1,257	2.6	1,331	0
1,093	13.8	1,175	34.0	1,258	4.8	1,332	0
1,094	12.9	1,176	37.0	1,259	6.4	1,330	0
1,095	11.3	1,177	37.8	1,260	8.0	1,334	0
1,096	8.0	1,178	37.0	1,261	10.1	1,335	0
1,097	6.8	1,179	36.2	1,262	12.9	1,336	0
1,098	4.2	1,180	32.2	1,263	16.1	1,337	0
1,099	1.6	1,181	26.9	1,264	16.0	1,338	2.4
1,100	0.9	1,182	21.6	1,265	15.3	1,339	7.7
1,101	0.2	1,183	16.3	1,266	13.7	1,340	13.0
1,102	1.0	1,184	10.9	1,267	12.2	1,341	16.3
1,103	2.6	1,185	5.6	1,268	14.2	1,342	21.2
1,104	5.8	1,186	0.3	1,269	17.7	1,343	24.3
1,105	11.1	1,187	0	1,270	22.5	1,344	27.0
1,106	16.1	1,188	0	1,271	27.4	1,345	29.5
1,107	20.8	1,189	0	1,272	31.4	1,346	31.4
1,108	22.5	1,190	0	1,273	33.8	1,347	32.7
1,109	23.3	1,191	0	1,274	35.1	1,348	34.3
1,110	25.7	1,192	0	1,275	35.7	1,349	35.2
1,111	29.1	1,193	0.0	1,276	37.0	1,350	35.6
1,112	32.2	1,194	0.0	1,277	38.0	1,351	36.0
1,113	33.8	1,195	0.0	1,278	38.8	1,352	35.4
1,114	34.1	1,196	0.0	1,279	39.4	1,353	34.8
1,115	34.3	1,197	0.3	1,280	39.4	1,354	34.0
1,116	34.4	1,198	2.4	1,281	38.6	1,355	33.0
1,117	34.9	1,199	5.8	1,282	37.8	1,356	32.2
1,118	36.2	1,200	10.5	1,283	37.8	1,357	31.5
1,119	37.0	1,201	15.8	1,284	37.8	1,358	29.8
1,120	38.3	1,202	19.3	1,285	37.8	1,359	28.2
1,121	39.4	1,203	20.8	1,286	37.8	1,360	26.6
1,122	40.2	1,204	20.9	1,287	37.8	1,361	24.9
1,123	40.1	1,205	20.3	1,288	36.6	1,362	22.5
1,124	39.9	1,206	20.6	1,289	36.8	1,363	17.7
1,125	40.2	1,207	21.1	1,290	39.4	1,364	12.9
1,126	40.9	1,208	21.1	1,291	39.8	1,365	8.4
1,127	41.5	1,209	22.5	1,292	40.2	1,366	4.0
1,128	41.8	1,210	24.9	1,293	40.9	1,367	0
1,129	42.5	1,211	27.4	1,294	41.2	1,368	0
1,130	42.8	1,212	29.9	1,295	41.4	1,369	0
1,131	43.3	1,213	31.7	1,296	41.8	1,370	0
1,132	43.5	1,214	33.8	1,297	42.2	1,371	0
1,133	43.5	1,215	34.6				
1,134	43.5	1,216	35.1				
1,135	43.3	1,217	35.1				
1,136	43.1	1,218	34.6				
1,137	43.1	1,219	34.1				
1,138	42.8	1,220	34.6				
1,139	42.5	1,221	35.1				
1,140	41.8	1,222	35.4				
		1,223	35.2				

APPENDIX II—PROCEDURE FOR DYNAMOMETER ROAD HORSEPOWER CALIBRATION

This appendix describes the method for determining the road horsepower absorbed by a chassis dynamometer. The measured absorbed road horsepower includes the dynamometer friction as well as the power absorbed by the power absorption unit. The dynamometer is driven above the test speed range. The device used to drive the dynamometer is then disengaged from the dynamometer and the roll(s) is allowed to coast down. The kinetic energy of the system is dissipated by the dynamometer friction and absorption unit. This method neglects the variations in roll bearing friction due to the drive axle weight of the vehicle. The difference in coast down time of the free (rear) roll relative to the drive (front) roll may be neglected in the case of dynamometers with paired rolls.

These procedures shall be followed:

1. Devise a method to determine the speed of the drive roll if not already measured. A fifth wheel, revolution pickup or other suitable means may be used.

2. Place a vehicle on the dynamometer or devise another method of driving the dynamometer.

3. Engage inertia flywheel for the most common vehicle weight class for which the dynamometer is used.

4. Drive dynamometer up to 50 m.p.h.

5. Record indicated road horsepower.

6. Drive dynamometer up to 60 m.p.h.

7. Disengage the device used to drive the dynamometer.

8. Record the time for the dynamometer drive roll to coast down from 55 m.p.h. to 45 m.p.h.

9. Adjust the power absorption unit to a different level.

10. Repeat steps 4 to 9 above sufficient times to cover the range of road horsepower used.

11. Calculate absorbed road horsepower from:

$HP_d = (1/2)(W_i/32.2)\ (V_1^2 - V_2^2)/(550t)$

$HP_d = 0.06073\ (W_i/t)$

Where:

W_i = Equivalent inertia in lb.

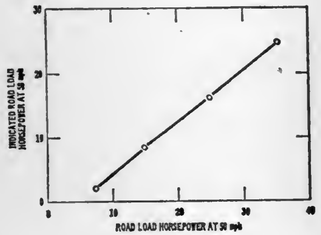
V_1 = Initial velocity in ft./sec. (55 m.p.h. = 80.67ft./sec.).

V_2 = Final velocity in ft./sec. (45 m.p.h. = 66 ft./sec.).

t = Elapsed time for rolls to coast from 55 m.p.h. to 45 m.p.h.

12. Plot indicated road load horsepower at 50 m.p.h. versus road load horsepower at 50 m.p.h.

13. The road load horsepower reported in § 86.177–11 is obtained by entering the plot at the indicated road load horsepower determined in § 86.177–(e) (1).



EXAMPLE: Dynamometer calibration curve [Int. No. CR-236-76 F-PR-43]

14. Once the road load horsepower at 50 m.p.h. is known for a vehicle, it may be tested on other dynamometers using a similar calibration.

APPENDIX III—CONSTANT VOLUME SAMPLER FLOW CALIBRATION

The following calibration procedure outlines the equipment, the test setup configuration, and the various parameters which must be measured to establish the flow rate of the constant volume sampler pump. All the parameters related to the pump are simultaneously measured with the parameters related to a flowmeter which is connected in series with the pump. The calculated flow rate (ft^3/rev @ pump inlet absolute pressure and temperature) can then be plotted versus a correlation function which is the value of a specific combination of pump parameters. The linear equation which relates the pump flow and the correlation function is then determined. In the event that a CVS has a multiple speed drive, a calibration for each range should be performed.

This calibration procedure is based on the measurement of the absolute values of the pump and flowmeter parameters that relate the flow rate at each point. Three conditions must be maintained to assure the accuracy and integrity of the calibration curve. First, the pump pressures should be measured at

taps on the pump rather than at the external piping on the pump inlet and outlet. Pressure taps that are mounted at the top and bottom center of the pump drive headplate are exposed to the actual pump cavity pressures, and therefore reflect the absolute pressure differentials. Secondly, temperature stability must be maintained during the calibration. The laminar flowmeter is sensitive to inlet temperature oscillations which cause the data points to be scattered. Gradual changes (± 2°F) in temperature are acceptable as long as they occur over a period of several minutes. Finally, all connections between the flowmeter and the CVS pump must be absolutely void of any leakage.

During a CVS emissions test the measurement of these same pump parameters enables the user to calculate the flow rate from the calibration equation.

After the calibration curve has been obtained, a verification test of the entire system can be performed by injecting a known mass of gas into the system and comparing the mass indicated by the system to the true mass injected. An indicated error does not necessarily mean that the calibration is wrong, since other factors can influence the accuracy of the system.

Equipment:

The following list of equipment will be needed to perform this calibration procedure. Figure 1 illustrates a typical equipment arrangement used for calibration. All of the equipment involved should conform to the range and accuracy as specified in Figure 1.

Equipment List:

1. LFE—Laminar Flowmeter
2. Micromanometer
3. Thermometer
4. Timer
5. U-Tube Manometers
6. Temperature Indicator with type J Thermocouples
7. A variable flow restrictor with appropriate piping to connect the CVS pump and LFE.

After the system has been connected as shown in Figure 1, set the variable restrictor in the wide open position and run the CVS pump for twenty minutes. Record the calibration data.

CALIBRATION DATA MEASUREMENTS

Parameter	Symbol	Units	Tolerance
Barometric pressure (corrected)	Pa	"Hg	±.01 "Hg.
Ambient temperature	T_A	°F	±.5° F.
Air Temperature into LFE	ETI	°F	±.1° F.
Pressure depression upstream of LFE	EPI	"H20	±.1"H20.
Pressure drop across the LFE matrix	EDP	"H20	±.005"H20.
Air temperature at CVS pump inlet	PTI	°F	±.5° F.
Pressure depression at CVS pump inlet	PPI	"Fluid	±.05"Fluid.
Specific gravity of manometer fluid	Sp. Gr.		
Pressure head at CVS pump outlet	PPO	"Fluid	±.05"Fluid.
Air temperature at CVS pump outlet (optional)	PTO	°F	±.5° F.
Pump revolutions during test period	N	Revs	None.
Elapsed time for test period	t	Seconds	±.05 Seconds.

Note.—The fluid level in the manometer tube should stabilize before the reading is made and the elapsed time for revolution counting should be greater than 120 seconds.

Reset the restrictor valve to a more restricted condition in an increment of pump inlet depression (aout 4" H_2O) that will yield a minimum of six data points for the total calibration.

Allow the system to stabilize for 3 minutes and repeat the data acquisition.

Data Analysis:

The data recorded during the calibration are to be used in the following calculations.

1. The air flow rate at each test point is calculated in standard cubic feet per minute (Qs) from the flowmeter data using the manufacturer's prescribed method.

2. The air flow rate is then converted to pump flow, Vo, in cubic feet per revolution at absolute pump inlet temperature and pressure.

$$V_o = \frac{Q_s}{n} \times \frac{T_p}{530} \times \frac{29.92}{P_p}$$

Where:

Qs = Meter air flow rate in standard cubic feet per minute (flowmeter standard conditions are 70°F, 29.92 "Hg).

n = Pump speed in revolutions per minute.

P_p = Absolute pump inlet pressure, in ("Hg).

$P_p = P_B - PPI\ (SP.G.R./13.57)$, $T_p = PTI + 460$.

ΔP_p = The pressure differential from pump inlet to pump outlet in ("Hg).

$$\Delta P_p = P_e - P_p$$

P_e = Absolute pump outlet pressure, in ("Hg).

$$P_e = P_B + PPO\ (Sp.\ Gr./13.57)$$

See § 86.177–22 for other definitions.

4. A linear least squares fit is performed to generate the calibration equations which have the forms

$$V_o = D_o - M(X_o)$$

$$n = A - B(\Delta P_p)$$

Do, M, A, and B are the slope-intercept constants describing the lines.

A CVS system that has multiple speeds should be calibrated on each speed used. The calibration curves generated for the ranges will be approximately parallel and the intercept values, D_o, will increase as the pump flow range decreases.

If the calibration has been performed carefully, the calculated V_o values from the equation will be within ±.50% of the measured value of V_o. Values of M will vary from one pump to another, but values of D_o for pumps of the same make, model, and range should agree within ±3 percent of each other. Particulate influx from use will cause the pump slip to decrease as reflected by lower values for M. Calibrations should be performed at 0, 50, 100, 200, 400, etc. hours of pump operation to assure the stability of the pump slip rate. Analysis of mass injection data will also reflect pump slip stability.

3. The correlation function at each test point is then calculated from the calibration data, as follows:

$$X_o = \frac{1}{n}\sqrt{\frac{\Delta P_p}{P_e}}$$

CVS System Verification:

The following technique can be used to verify that the CVS and analytical instruments can accurately measure a mass of gas that has been injected into the system.

1. Obtain a small cylinder that has been charged with pure propane or carbon monoxide gas (caution—carbon monoxide is poisonous!). Critical flow orifice devices can also be used for constant flow metering.

2. Determine a reference cylinder weight to the nearest 0.01 gram.

3. Operate the CVS in the normal manner and release a quantity of pure propane or carbon monoxide into the system during the sampling period.

4. The calculations of § 86.177–22 are performed in a normal way except, in the case of propane, the density of propane (17.30 grams/cu./ft./carbon atom) is used in place of the density of exhaust hydrocarbons. In the case of carbon monoxide, the density of 32.97 grams/cu. ft. is used.

5. The gravimetric mass is subtracted from the CVS measured mass and then divided by the gravimetric mass to determine the percent accuracy of the system.

6. The cause for any discrepancy greater than±2 percent should be found and corrected.

The following list of parametric errors may assist the operator in locating the cause of large errors.

Positive Error (Indication is higher than true value):

1. Calculated V_o is greater than actual V_o.

a. Original calibration in error.

2. Pump inlet temperature recorder is reading low. A 6° F. discrepancy will give a 1 percent error.

3. Pump inlet pressure indicator is reading high. A 3.5 in. H_2O high reading will give 1 percent error.

4. Background concentration reading is too low. Check analyzer zero. Check leakage at floor inlet.

5. Analyzer is reading high. Check span.

6. Barometer reading is in error (too high). Barometric pressure reading should be gravity and temperature corrected.

7. Revolution counter is reading high (Check pump speed and counters.)

8. Mixture is stratified causing the sample to be higher than the average concentration in the mixture.

Negative Error (Indication is lower than true value):

1. Calculated V_o is less than actual V_o.

a. Original calibration in error.

b. Pump clearances decreased due to influx of some surface adherent material. Recalibration may be needed.

2. Pump inlet temperature recorder is reading high.

3. Pump inlet pressure indicator is reading low.

4. Background concentration reading is too high.

5. Analyzer is reading low.

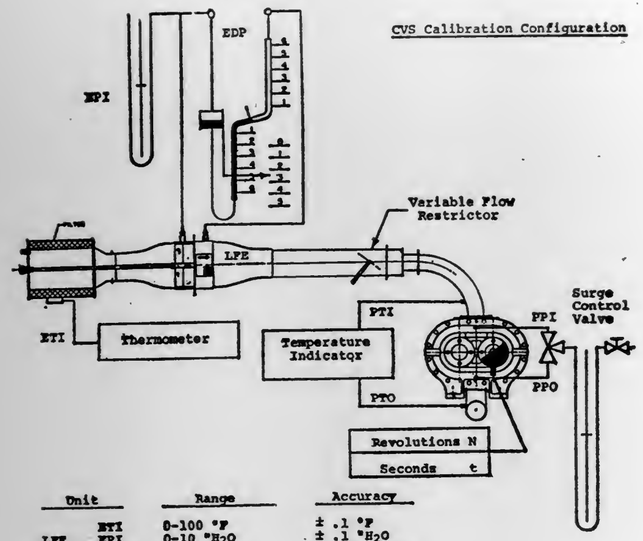
6. Barometer reading is in error (too low).

7. Revolution counter is reading low.

8. There is a leak into the sampling system. Pressure check the lines and fittings on the intake side of sample transfer pumps on both the CVS and analyzer console.

V421124 JUN 28 77 UM

CVS Calibration Configuration



Unit		Range	Accuracy
LFE	ETI	0-100 °F	± .1 °F
	EPI	0-10 "H_2O	± .1 "H_2O
	EDP	0-10 "H_2O	± .005 "H_2O
Pump	PTI	0-250 °F	± .5 °F
	PPI	0-36 "Fluid	± .05 "Fluid
	PPO	0-36 "Fluid	± .05 "Fluid
	PTO	0-250 °F	± .5 °F
	N	0-100,000	± 0
	t	0-10,000 secs.	± .05 secs.

Note: Fluid used in 36 inch manometer should extend range to at least 0-60 "H_2O. Separate manometers for PPI and PPO may be used during calibration.

Figure I—CVS Calibration Configuration

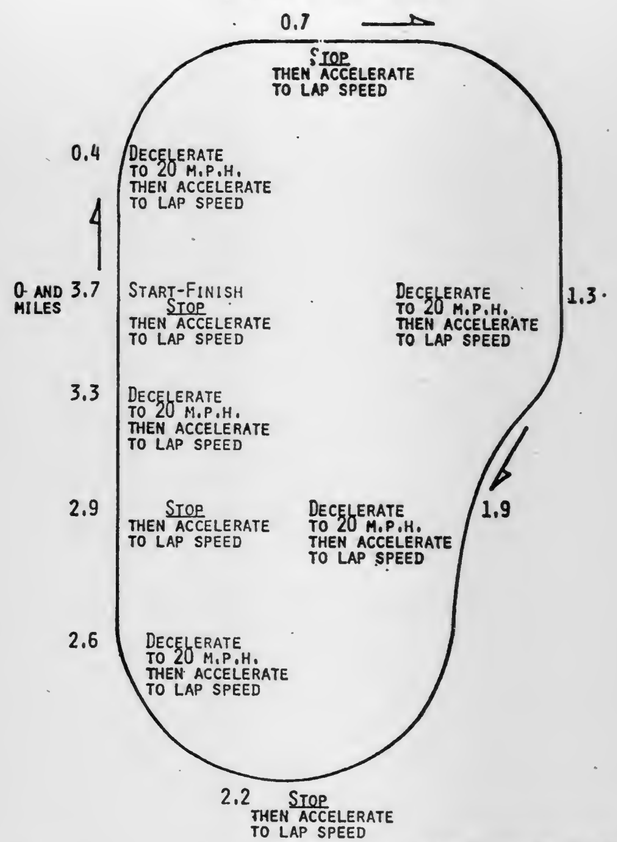
APPENDIX IV—DURABILITY DRIVING SCHEDULES

(a) Durability Driving Schedule for Light-Duty Vehicles and Light-Duty Trucks.

The schedule consists basically of 11 laps of a 3.7 mile course. The basic vehicle speed for each lap is listed below:

Lap:	*Speed miles per hour*
1	40
2	30
3	40
4	40
5	35
6	30
7	35
8	45
9	35
10	55
11	70

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 20 m.p.h. followed by light accelerations to the base speed.



ALL STOPS ARE 15 SECONDS

The 10th lap is run at a constant speed of 55 m.p.h.

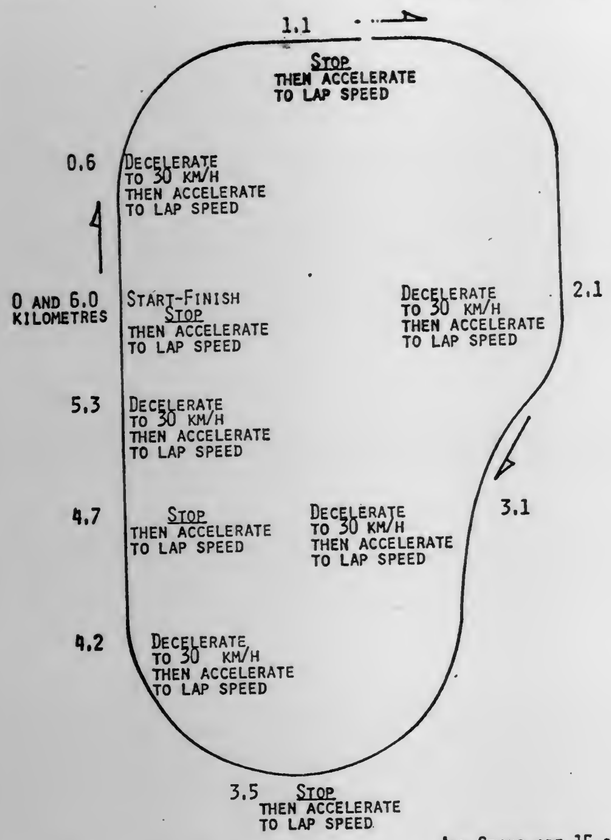
The 11th lap is begun with a wide open throttle acceleration from stop to 70 m.p.h. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.

(b) Durability Driving Schedule for Motorcycles. The Durability Driving Schedule for Class III Motorcycles may be used for Light-Duty Vehicles and Light-Duty Trucks.

The schedule consists basically of 11 laps of a 6.0 km (3.7 mi) course. The basic vehicle speed for each lap is listed below:

Speed (kilometers per hour)

Lap	Class I	Class II	Class III
1	65	65	65
2	45	45	45
3	65	65	65
4	65	65	65
5	55	55	55
6	45	45	45
7	55	55	55
8	70	70	70
9	55	55	55
10	70	90	90
11	70	90	110



ALL STOPS ARE 15 SECONDS

During each of the first nine laps there are 4 stops with 15 second idle. Normal accelerations and decelerations are used. In addition, there are 5 light decelerations each lap from the base speed to 30 km/h followed by light accelerations to the base speed.

The 10th lap is run at a constant speed.

The 11th lap is begun with a wide open throttle acceleration from stop. A normal deceleration to idle followed by a second wide open throttle acceleration occurs at the midpoint of the lap.

This schedule may be modified with the advance approval of the Administrator if it results in unsafe operation of the vehicle.

APPENDIX V—[RESERVED]

APPENDIX VI—VEHICLE AND ENGINE COMPONENTS

(a) Light-Duty Vehicles, Light-Duty Trucks, Motorcycles, and Gasoline-Fueled Heavy-Duty Engines.

I. Basic Mechanical Components—Engine.
(1) Intake and exhaust valves.
(2) Drive belts.
(3) Manifold and cylinder head bolts.
(4) Engine oil and filter.
(5) Engine coolant.
(6) Cooling system hoses and connections.
(7) Vacuum fittings, hoses, and connections.
(8) Oil injection metering system.

II. Fuel System.
(1) Fuel specification-octane rating, lead content.
(2) Carburetor-idle RPM, mixture ratio.
(3) Choke mechanism.
(4) Fuel system filter and fuel system lines and connections.
(5) Choke plate and linkage.

III. Ignition Components.
(1) Ignition timing and advance systems.
(2) Distributor breaker points and condenser.
(3) Spark plugs.
(4) Ignition wiring.
(5) Operating parts of distributor.

IV. Crankcase Ventilation System.
(1) PCV valve.
(2) Ventilation hoses.
(3) Oil filler breather cap.
(4) Manifold inlet (carburetor spacer, etc.).

V. External Exhaust Emission Control System.
(1) Secondary air injection system hoses.
(2) Air system manifolds
(3) Control valves and air pump.
(4) Manifold reactors.
(5) Catalytic converters.
(6) Exhaust recirculation.
(7) Water injection.

VI. Evaporative Emission Control System.
(1) Engine compartment hose connections.
(2) Carbon storage media.
(3) Fuel tank pressure-relief valve operation.
(4) Fuel vapor control valves.

VII. Air Inlet Components.
(1) Carburetor air cleaner filter.
(2) Hot air control valve.

(b) Diesel Light-Duty Vehicles, Diesel Light-Duty Trucks, and Diesel Heavy-Duty Engines.

I. Engine Mechanical Components.
(1) Valve train.
(2) Cooling system.
a. Coolant.
b. Thermostat.
c. Filter.
(3) Lubrication.
a. Oil filter.
b. Lubricant.

II. Fuel System.
(1) Fuel type.
(2) Fuel pump.
(3) Fuel filters.
(4) Injectors.
(5) Governor.

III. Air Inlet Components.
(1) Air cleaner.
(2) Inlet ducting.

IV. External Exhaust Emission Control System.
(1) Rack limiting devices (aneroid, throttle delay, etc.).
(2) Manifold reactors.
(3) Catalytic converters.
(4) Exhaust recirculation.
(5) Water injection.

[FR Doc.77-17673 Filed 6-27-77;8:45 am]

federal register

TUESDAY, JUNE 28, 1977

PART IV

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

V 42 124 JUN 28 77 UM

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 160f—WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

AGENCY: Office of Education (OE), HEW.

ACTION: Final regulations.

SUMMARY: This document amends the regulations as required by the Education Amendments of 1974 to simplify the language, simplify the preapplication process, eliminate priority areas for general grants and adjust evaluation criteria and the basis for award decisions.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), this regulation has been transmitted to the Congress concurrently with its publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions thereof concerning congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Dr. Mary Jane Smalley, U.S. Office of Education, Room 2145, 400 Maryland Avenue SW., Washington, D.C. 20202 (202–245–2181).

SUPPLEMENTARY INFORMATION:

BACKGROUND.

The Women's Educational Equity Act Program is a discretionary program in the Office of Education authorized by the Education Amendments of 1974, Pub. L. 93–380, with a stated purpose to provide educational equity for women. This is defined in the regulation as including both the elimination of inequity which prevents full and fair participation by women in educational programs and in American society generally and the achievement of responsiveness by educational leaders and other personnel to the special educational needs, interests, and concerns of women arising from inequitable education policies and practices.

The Act authorizes activities at all levels of education: Preschool, elementary and secondary education, higher education, and adult education. The Act provides likewise for an extremely broad range of program activities: The development, evaluation, and dissemination of curricula, textbooks, and other educational materials; training for educational personnel; research and development; guidance and counseling activities; educational activities for adult women; educational programs for women in vocational education; career education, physical education, and educational administration.

Both grants and contracts may be awarded in the areas listed above. In addition to general grants in these areas, the statute authorizes a program of small grants, not to exceed $15,000, in order to support innovative approaches to the achievement of educational equity for women. In the first year of program operation, contracts were awarded for two major national activities: technical assistance in the implementation of Title IX of Pub. L. 92–318 and a communications network to provide a wide range of information services to individuals and institutions.

The law specifies that public agencies, private non-profit organizations, and individuals are eligible for awards under the program.

PUBLIC RESPONSE TO THE NOTICE OF PROPOSED RULEMAKING

In contrast to the large numbers of comments received on the Advance Notice of Proposed Rulemaking published on October 21, 1976 (41 FR 46576–78), only eight written comments were received on the Notice of Proposed Rulemaking. Hearings were conducted in ten locations across the country. They were generally well attended (a total of 350 persons) and provided an opportunity for extensive dialogue between the Office of Education and participants. Two issues were raised quite frequently: (1) The unrealism of the deadlines for preapplications and applications, and (2) the disastrous effect of making grant awards as late as September or October to projects which work in or with educational systems. Neither can be remedied in the regulation. The Office of Education plans to address them in administering the program. Some formal comments on the regulations were made at the meetings and are considered with the written comments in this preamble. The National Advisory Council on Women's Educational Programs reviewed the proposed rule and provided its comments in writing to the Commissioner.

The overall reaction to the regulation was that it was a substantial improvement over the regulation used in the first year of the program. Commenters praised the increased flexibility, the elimination of priorities, reduction of jargon, addition of definitions, and simplification of the preapplication process.

The following specific comments were made either in writing or at the hearings. After the summary of each comment, a response follows stating changes which have been made in the regulation, or the reasons why no change is deemed appropriate. The comments appear in the order of the sections of the final regulation. There are no significant differences from the Notice of Proposed Rulemaking which was published in the FEDERAL REGISTER on April 1, 1977 (42 FR 17700–11).

GENERAL

Comment. Concern was expressed about the difficulty in coping with Government regulations and forms for persons and organizations which have had no previous experience. Although the WEEA regulation was commended for its improvement over the previous regulation in this regard, some commenters indicated that the problem still exists. One commenter asked that the regulation be simplified into one page. Another commentor recommended various outreach efforts to reduce fear of the application process and commended the regional hearing in which the comment was made for helping to do just that. One commenter differed in attitude to the regulation and the criteria and described herself as a "satisfied customer," though by no means a professional grantsperson.

Response. Several steps have already been taken to respond to these concerns. First, the revision of last year's regulation was deemed imperative, though it meant a late announcement of the competition, minimum time before application deadlines, and no awards possible before September—all serious issues. Secondly, hearings were conducted at ten locations throughout the country and were judged helpful in providing technical assistance. In addition, other efforts to deal more specifically with the problem are currently being planned to enable persons to work with regulations with greater ease. At the hearings, persons working for educational equity for women repeatedly made requests for assistance to gain expertise in both project and application development.

SECTION 160f.1(e) TEXTBOOKS AND CURRICULAR MATERIALS

Comment. One commenter noted that this paragraph had been altered slightly in punctuation and wording. Although advised by legal counsel that the revision did not change the substance, the commenter requested confirmation in the preamble that the change was technical only, was not meant to be substantive, and should not be interpreted as signifying a dilution of the provision's original intent.

Response. The commenter is absolutely correct. The change was solely editorial and has no impact on the intent or meaning of the statement.

SECTION 160f.2 DEFINITIONS

Comment. One commenter asked for clarification between "target population" and "population groups."

Response. A definition of "target population" was included in § 160f.2 of the regulation. Population groups are defined in § 160f.3(d) where the regulation states that a project may focus on the approach to educational equity for women relating to one or more population groups based on race, ethnic origin, age, socioeconomic status, or residence (e.g., rural, urban, Southwestern, Appalachian). "Target population" appears in §§ 160f.7(c)(2)(ii)(B), 160f.8(c)(2)(iii) and (3)(ii); "Population group(s)" appears in §§ 160f.3(d), 160f.8(c)(2)(iii) and (3)(iii), and 160f.10(a)(2)(i)(B) and (ii).

Comment. One comment indicated that the use of "validation procedures" in the regulation is difficult for persons not familiar with such terminology.

Response. A definition of validation as it is used in the WEEA Program has been added. It includes both a general and a more technical description.

SECTION 160f.3 NATURE OF PROJECTS

Comment. Several commenters welcomed the use of a synonym for "capacity building." With two exceptions, the continuation of the concept was endorsed by all who commented. One commenter questioned whether any model can be replicated and whether anyone will ever use anyone else's materials. One comment raised the issue of continued advisability of emphasizing "products" with a potential "future impact" instead of supporting projects likely to have a broad immediate impact, regional or nationwide.

Response. Projects likely to have a broad immediate impact, regional or nationwide, would appear to meet the requirements for the "development of model programs and products." In view of the scope of the Act, the extent of the need, and the limited funds available, the Office of Education is not prepared to change this policy in order to provide assistance funds for the benefit of individuals and local groups. No change has been made in the regulation.

Comment. A number of commenters addressed the issue of dissemination. They cited the priority it must be given in this program if national needs in the area of educational equity for women are to be met and if the purpose of the program requirement for the development of model programs and products which can be used in other places is to be fulfilled.

One commenter requested the addition and clarification of information on the role and responsibilities of the grantee and of the Office of Education regarding dissemination.

Response. The importance of dissemination is well understood. A contract to manage the dissemination of programs and products developed under WEEA has been issued. A reference to it appears in § 160f.14(b)(3). References to "applicants and others" have been deleted in §§ 160f.8(c)(3)(v) and 160f.10(a)(2)(iii)(B).

SECTION 160f.5 DURATION OF PROJECTS

Comment. A few commenters asked why all the grants were not multi-year awards. Two reasons for the comment were given: the need to provide greater opportunities for new people to start new things as well as the fact that projects concerned with the deeply embedded beliefs and practices related to sex bias require time to develop and test.

Response. The policy decision that a substantial proportion of the awards would be for single-year projects was made to ensure that new funds would be available in subsequent years to start new projects. The encouragement of one-year projects also reflects recognition by the Office of Education that many individuals and organizations had already been doing excellent work in educational equity for women and WEEA funds for one year might complete these efforts and make their results available as quickly as possible. The demand for quick, demonstrable results comes from people throughout the country as well as from the Congress, the Department, and other officials in the Executive Branch.

SECTION 160f.7 PREAPPLICATIONS

Comment. Many commenters endorsed the three-page preapplication and simplified information required. One comment questioned the validity of using the preapplication process unless all applicants are required to use it as a condition for submitting an application. Several commenters expressed negative views on the preapplication, its usefulness to applicants, and its costs to the Government.

Response. The policy of the Department of Health, Education, and Welfare presently does not allow the Office of Education to reject or prejudice an application if it is submitted on time for a published closing date for applications solely because the applicant did not previously submit a preapplication. Nor does the Department of HEW permit the rejection or prejudice of an application if the preapplication was considered to lack potential to compete successfully with other applicants. Within these constraints, the Women's Program Staff responsible for this program found last year that most applicants did use the preapplication process and did follow the advice about whether or not to submit a full application. Some applicants who did not submit preapplications and some who were not encouraged to submit an application did submit applications, and some of both types were funded. The Commissioner believes that the purposes of the preapplication process, so heavily endorsed by the public in the comments received last fall on the Advance Notice of Proposed Rulemaking, can still be achieved within the present constraints.

All previous commenters have viewed the preapplication process as a method to save resources for applicants as well as for the Government. The Commissioner will consider the new comments in decisions for future years about using the preapplication. No change has been made in the regulation. It does not require preapplications, but only describes the conditions which apply in any fiscal year if the Commissioner exercises the option to include use of the preapplication in the competitive process.

On the basis of this year's experience, the final regulation provides that the program narrative of a preapplication may not exceed five pages.

SECTIONS 160f.7(d) AND 10 EVALUATION CRITERIA)

Comment. In general, most commenters expressed the view that the evaluation criteria were clear and would reasonably measure factors important to the success of projects in this program.

Several commenters, however, believed that too many points were assigned to the previous experience in educational equity for women either of the applicant or of the proposed director and staff. One comment noted that this practice would defeat the purpose of the Act "because not that many people or institutions can have experience at this time." Other commenters expressed the view that the emphasis on previous experience, in addition to the quantity of one-year-only projects, made it impossible for new people with new ideas to compete successfully. One commenter said that the weight given to applicant qualifications placed school districts at a competitive disadvantage and denied them the opportunity for staff development. One commenter stated that the points awarded for applicant qualifications were particularly out of balance to the minimal weight given to evaluation, a very important element in the success of the project and of the national program.

Other commenters took the opposite view: that people and organizations which have been working for a number of years in this field would be more efficient and therefore more productive and should be rewarded for previous efforts by this program.

Response. The number of points awarded for previous experience in educational equity for women of the applicant and of the proposed director and staff is consistent with the program's major goal of developing and disseminating model programs and programs which are tested for effectiveness. Logically, the program must seek the most competent and committed applicants and personnel to undertake such tasks.

The weight given to these factors is also consistent with the advice which has been received in the Office of Education since the early formulation of the WEEA Program emphases. Individuals and organizations have repeatedly recommended that previous efforts in educational equity for women be considered.

Applicants and personnel who are inexperienced in this area are not excluded from competition. Applications may obtain high scores, despite weaknesses in experience, if the application is strong in the many other factors which are considered in the evaluation criteria.

Comment. One comment identified an area of concern regarding the evaluation of applicant qualifications by reviewers. The commenter recommended that every effort be made to eliminate stereotypes of professional fields or disciplines, stating: "Some professional fields which have historically been composed mostly of women have had to battle such subtle and unrecognized forms of discrimination associated with stereotyping. We are not asking that special consideration be given any field. We encourage special efforts to see that stereotypes do not get in the way of accurate interpretation of information in proposals."

Response. The point is well taken. In the future, the instructions to reviewers will include a reminder to them to be alert to possibilities of such stereotyping and to honor fully the diversity of approaches to educational equity for women which is recognized by the program regulation.

Every effort is made to obtain knowledgeable reviewers who are sensitive to aspects of discrimination and stereotyping in this field. Under the Office of Edu-

cation's procedures for the review of grant applications, reviewers must score applications in accordance with priorities and critera, explanations and instructions, and solely on the content in the application. Further, the reviewers are to score solely on the basis of their best judgment and to the degree to which the application meets the criteria.

No changes have been made in the regulation on the number of points awarded for applicant qualifications.

Comment. Two respondents objected to the proposed criterion for review of applications in § 160f.10(a)(vi). The criterion concerns the applicant's commitment to the project, through in kind or direct financial contributions or through procedures to use all or parts of the program or products developed under the grant in the continuing activities of the applicant. The respondents argued that (1) the level of cost sharing is not relevant to an applicant's qualifications; (2) the criterion sought to do indirectly what the Government could not do directly; i.e., influence indirect cost rates; and (3) cost competition is inconsistent with the purpose of grants because it gives an unfair advantage to wealthier institutions.

Response. The sole purpose of the subject criterion is to permit consideration of an applicant's commitment to the project. OE has found this to be an important ingredient in predicting a project's success. Moreover, cost sharing is not the only measure of the applicant's commitment to the project. An applicant which proposed no financial contribution to the project could still earn the maximum number of points assigned to this criterion by demonstrating procedures to use all or parts of the program or products developed under the grant in the continuing activities of the applicant.

Further, funds available for the program are severely limited. Under these circumstances it is entirely appropriate in weighing equally meritorious applications to consider and give some weight to the Department's share of the costs and therefore the number of projects that can be funded. If a wider variety of projects can be supported, the Federal assistance has potential for a greater impact in carrying out the program's purposes.

In order to make it clear that the ability to cost share is not one of the applicant's "qualifications," the subject criterion has been deleted from § 160f.10(a)(1) Applicant Qualifications and inserted in § 160f.10(a)(2) Need and Impact. Also, the objection to language designed to influence indirect cost rates is well taken. No such intent is expressed in the final rule.

Comment. Several comments addressed the issue of geographical distribution of awards in § 160f.10(a)(4): Were there State allocations? Why did so many awards go to the South and West last year? Will funds be available on a regional basis as last year or is it going to where the best request comes from?

Response. There are no State or regional allocations. The law requires "appropriate" geographical distribution, but not any specific distribution according to population. The "South" and the "West" did not receive a disproportionate number of grants last year.

The provision in the regulation states that up to 20 points may be awarded in order to have an appropriate geographical distribution of project awards. If an application receives a low score, however, the addition of 20 points based on geography would not bring it into the competitive range. No change has been made in the regulation.

SEC. 160f.12 GENERAL GRANTS

Many commenters endorsed the elimination of priority areas. One commenter, however, did not understand how the program could have changed its plans after publishing the Advance Notice of Proposed Rulemaking last October which identified the preschool level and rural and minority populations as proposed priorities. One comment expressed understanding of the rationale for not identifying rural populations as a program priority but expressed concern that in all areas of program decisions, particularly dissemination, attention should be given to the special problems of rural areas. The commenter also noted that the HEW regional offices are all in urban areas and do not always communicate adequately with their rural constituents.

One commenter asked if all projects had to focus on poor, rural, or minority women, an impression the person has received from the description of projects in last year's annual report.

Several commenters expressed concern that with no priorities, the program gives no credence to the fact that educational equity for women impacts on different women in different ways. A comment recommended that the program set priorities on the needs of some women.

One comment repeated its recommendation submitted last December in response to the Advance Notice of Proposed Rulemaking which strongly endorsed the identification of priorities for WEEA and recommended sports, textbooks, dissemination, incentives for change, and minority and rural populations.

One commenter recommended that priority be given to women over 40, post high school graduates, and average women. Other commenters recommended that the program should provide funds to help women in need instead of giving grants to higher education. A comment recommended that the grant program be reduced and that more contracts should be awarded for specific projects which the Government identified as most necessary.

Response. Although support for the elimination of priorities this year was substantial, an absence of unanimity regarding the establishment of priorities in this program continues. No change has been made in this final regulation to impose priorities for fiscal year 1977. The kinds of applications received this year will be analyzed carefully by the Office of Education and by the National Advisory Council on Women's Educational Programs. As a result of this analysis, a decision will be made regarding this issue for fiscal year 1978. The final regulation provides for the possible publication of priorities in an Appendix on the basis of annual decisions.

Although applications addressing special population groups based on race, ethnic origin, age, socioeconomic status, or residence do not receive additional points, there is a specific provision in § 160f.3(d) for applicants to develop projects which focus on one or more of these groups. The program has not set priorities on the needs of different girls and women. The degree of need and potential impact of projects are elements in the evaluation criteria for all applications, and in this way the factor of relative needs among groups may be considered.

The Advance Notice of Proposed Rulemaking invited public comments before a rule was formally proposed. The Office of Education did not go forward with its proposal for three new priorities on the basis of those public comments. An analysis of the comments and the rationale for the decisions ultimately made were described in some detail in the preamble to the Notice of Proposed Rulemaking. The change was surprising to some, like the commenter who did not understand how the three proposed new priorities could disappear. If the process of public discussion of issues before a rule is proposed is honored, however, the results must not be predetermined.

Some of the recommendations for a priority to provide funds to address the most urgent needs of women would not meet the program requirement for the development of model programs and products. The amount of funds available to the WEEA Program precludes the provision of direct services and benefits to individuals and groups throughout the country who need help. Further, this program provides educational equity for women and cannot address all the needs which women have related to health, legal rights, credit, transportation, child care. It cannot support projects to provide equity in areas outside education where inequities exist.

The Office of Education will continue to identify areas which are not being covered in the grant program, or which cannot be covered there, and will issue contracts.

No change has been made in the regulation regarding general grants.

SECTION 160f.13 SMALL GRANTS

Comment. Several comments were made on the small grant program. With one exception, they continue to be positive. A comment recommended that the small grant program continue the requirement that projects develop model programs or products and not be designed primarily to provide direct services or benefits to individuals or groups. Commenters asked whether small grant applications are subject to the application requirements for general grants and whether the dissemination contract will serve small grants also.

A commenter did question the validity of small grants, since they seemed to differ from general grants only in the amount of money. An alternative suggested was the support of WEEA coordinators in the Regional Offices of Education or in the State departments of education. The commenter recommended a study in the cost efficiency of small grants compared to general grants.

Response. Small grants must meet the same application requirements and are reviewed by the same evaluation criteria as general grants. Appropriate consideration to the scope and amount of the proposed award ($15,000 or under) is made. References to this factor appear in §§ 160f.8(d) and 160f.10(c). The contract for dissemination covers small grants.

The Office of Education is following the progress of small grants, which are specifically mandated in the authorizing legislation. To date, the indicators are promising. Most commenters have praised small grants and recommended that their number be increased. WEEA Program funds could not be used to pay salaries of Federal employees working in Regional Offices of Education. Because of the three year authorization of the Women's Educational Equity Act and its designation as a demonstration program, the support of positions in all State Departments of Education would not be appropriate.

No change has been made in the regulation.

SECTION 160f.15 ALLOWABLE COSTS

Comment. Two comments objected to the inclusion of specific provisions regarding allowable costs in proposed § 160f.15. The comments expressed the view that some of the provisions merely restated in different words general OMB, Department, and Office of Education cost policies, while others were at variance with the general policies. The comments recommended that the final regulation merely cross-reference the general cost principles.

One comment suggested that a ceiling of 20% be placed upon indirect costs so that a greater proportion of funds could be used for product development and dissemination. Another asked that a summary of provisions on indirect costs be included.

Response. No change has been made in the regulation. The regulation already does cross-reference general cost policies of the Office of Education (which reflect the OMB and Department policies) in § 160f.15(a). However, a limited number of specific provisions on costs are set forth in § 160f.15(a) for the purpose of providing additional guidance to applicants. Many applicants under this program, including individual persons and informal nonprofit groups, are inexperienced in Federal grant matters. The subject provisions relate to specific cost items on which there are recurring questions and serve to give extra guidance to these persons and groups. With respect to the items concerning depreciation and use allowances and memberships, subscriptions, and professional activities, § 160f.15(a) requires specific approval for inclusion of these items. (The general cost principles do not require specific approval.) Specific approval is required because of the very limited funds available for the program. The Commissioner deems it important to maintain some control over the extent of these costs in specific projects. Absent the requirement for prior approval, it is possible that substantial funds would go for these activities which would not directly further the purposes of the program. As a result, the potential program impact would be diluted.

With respect to the issue of limiting indirect costs, uniform rates for these costs are established in negotiations by Department representatives with award recipients. Individual programs are not free to establish by regulation separate limits on these costs. Indirect costs are summarized in the appendices to the OE General Provisions regulation (Subchapter A of this chapter, 45 CFR Parts 100, 100a, 100b) and in supplementary materials issued by the Department. Applicants interested in obtaining these materials may write to the Women's Program Staff at the address given above.

In addition to the changes noted above, a number of typographical and editorial changes have been made.

(Section 408 of the Education Amendments of 1974 (Pub. L. 93-380), as amended by section 501(a)(8) of the Education Amendments of 1976 (Pub. L. 94-482).)

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.565, Women's Educational Equity Act Program.)

Dated: June 3, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

Sec.
160f.1 Scope and Purpose.
160f.2 Definitions.
160f.3 Nature of projects to provide educational equity for women.
160f.4 Types of projects.
160f.5 Duration of projects.
160f.6 Eligible applicants.
Sec.
160f.7 Preapplications.
160f.8 Application, proposal, and project requirements.
160f.9 Award decisions.
160f.10 General evaluation criteria.
160f.11 [Reserved]
160f.12 General grant awards.
160f.13 Small grant awards.
160f.14 Contract activities.
160f.15 Allowable costs.

AUTHORITY: Sec. 408, Pub. L. 93-380 (20 U.S.C. 1866)

§ 160f.1 Scope and purpose.

(a) *Scope.* The regulations in this part govern projects awarded with funds appropriated under the Women's Educational Equity Act of 1974, section 408 of Pub. L. 93-380, or with funds made available for expenditure under the Women's Educational Equity Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(20 U.S.C. 1866 and 1861.)

(b) *Purpose.* The purpose of the program carried out under this part is to provide, through grants and contracts, educational equity for women in the United States.

(20 U.S.C. 1866 (c) and (f).)

(c) *Other pertinent regulations.* (1) *Grant awards.* Grant awards under this part, including awards to individuals, are subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters, 45 CFR Parts 100, 100a et seq.).

(2) *Contract awards.* Contract awards under this part, including awards to individuals, are subject to applicable provisions contained in 41 CFR Chapters 1 and 3.

(20 U.S.C. 1866.)

(d) *Participation by men; nondiscrimination.* (1) Award recipients may not discriminate on the basis of sex in employment or in the admission of participants to training, validation, or other activities funded under this part.

(2) The selection of persons to participate in training, validation, and other activities funded under this part must be based upon criteria which measure the extent to which the persons:

(i) Will benefit from the activities; and

(ii) Can contribute to the project's purposes.

(20 U.S.C. 1866.)

(e) *Textbooks and curricular materials.* Nothing in this part shall be interpreted as requiring, prohibiting, or abridging the use of particular textbooks or curricular materials.

(20 U.S.C. 1866(d)(1)(A); 20 U.S.C. 1232a.)

§ 160f.2 Definitions.

As used on this part: (a) "Act" means the Women's Educational Equity Act of 1974, section 408 of Pub. L. 93-380.

(20 U.S.C. 1866.)

(b) "Capacity building" or "development of model programs and products" means that projects develop model programs and products to be used by organizations, agencies, and individuals other than the award recipient and thereby have a substantial national impact in furthering the purpose of providing educational equity for women.

(1) The primary goal of projects is not provision of services or benefits to particular organizations, agencies, or individuals, although these services or benefits may occur as an indirect effect.

(2) The use of the word "national" with the development of model programs and products (or capacity building) does not mean that all school systems, or

JUN 28 77
UM

all adult women, or all institutions of higher education in the Nation must be able to use the programs or products developed. Section 160f.3(d) explicitly authorizes projects which focus on one or more diverse population groups. "National" is used primarily to make a distinction from purely local projects. Examples of target populations for projects which would contribute to national capacity are: administrators of urban school systems, employers and counselors who work with adults entering the job market in rural areas, directors of women's centers, teachers at the elementary level, rural educators in the Southeast, State directors of vocational education, and curriculum specialists for bilingual projects in the Southwest.

(3) While a number of education programs use the term "capacity building" to refer to the use of Federal funds as seed money to build the capacity of a recipient institution to change or reform itself and thereby respond to national priorities, those kinds of programs are often characterized by limitation to only one or two types of applicants, for example, only local educational agencies or institutions of higher education, or by limitation to one level of education, such as postsecondary education. On the other hand, the Women's Educational Equity Act (WEEA) Program authorizes activities at all levels of education and permits all public agencies, nonprofit organizations, and individuals to compete for funds. Further, there are few models presently available to the thousands of institutions and agencies which are undertaking certain changes either because of the effect of Title IX or because of other factors, such as the desire of certain institutions to meet the needs of new kinds of students. The WEEA program, therefore, is building capacity at the national level to respond to needs throughout the country. The program emphasizes those aspects of program operations which can produce evidence of effectiveness so that the results can be disseminated for use in many institutions and agencies.

(4) Examples and an indication of whether they meet the program requirement may be useful. An application from a school system for the purpose of training its own administrators, teachers, and counselors to be aware of and to change differential treatment of students on the basis of sex would not meet the requirement for capacity building or development of model programs and products. An application to develop and test a program for training administrators, teachers, and counselors to be aware of and to change differential treatment of students on the basis of sex with plans for field testing in school systems and a plan for dissemination through school associations is an example of capacity building. The objective of the first is the training of several hundred administrators, teachers, and counselors to benefit a specific school system. The objective of the second is to develop and test a model program so that it can be made available to others who need it. In the school systems where it is tested, the administrators, teachers, and counselors who participate in the validation would receive benefits as an indirect effect.

(5) A second example would be an application to establish a Women's Center to provide and coordinate activities affecting educational equity for women and to develop a more extensive program to meet the needs of adult students at a particular institution. Such an application does not meet the requirement for capacity building, since it is designed to serve a particular institution. Applications addressing aspects of the operations of women's centers which are being researched, developed, or analyzed for the use of many similar centers could meet the requirements of capacity building. One may use the test of how the need is expressed to determine whether the program's requirement would be met. For example, in the first, the institution needs a better women's center. The project would meet the institution's and its individual client's needs. In the second, there is a need to learn what structure, activities, or personnel in women's centers are most productive and cost-effective. The project meets the need to solve a problem affecting many institutions. Again, side benefits may occur within a project for the individuals involved.

(6) A third example is an application to provide funds for the special costs of an existing program to train and place 12 unemployed adult women. The measure of effectiveness would be the completed training and successful placement of the 12 persons. This would not be an effort to develop national capacity building.

(7) Scholarships and fellowships to serve the needs of an individual would not qualify, nor would the construction of facilities for athletics, for example, be permissible.

(20 U.S.C. 1866 (b), (d), and (e).)

(c) "Council" means the National Advisory Council on Women's Educational Programs established pursuant to subsection (f) of the Act.

(20 U.S.C. 1866 (c) and (f).)

(d) "Educational equity for women" means:

(1) The elimination of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization in educational institutions, programs, and curricula which prevent full and fair participation by women in educational programs and in American society generally; and

(2) The achievement of responsiveness of educational institutions, programs, curricula, policy makers, administrators, instructors, counselors, and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

(3) Educational equity for women involves the elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities. Educational equity for women does not imply the development of new stereotypes for men and women.

(e) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided, as determined under State law.

(f) "Local educational agency" or "LEA" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(g) "Man" or "men" may include, as appropriate, boys.

(h) "Nonprofit," as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earning of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(i) "Public agency" means a legally constituted organization of government under public administrative control and direction, including Indian tribes which exercise municipal functions, but does not include agencies of the United States.

(j) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(k) "Sex role socialization" refers to the differential processes and experiences used to prepare males and females for the roles that society defines as being appropriate for their sex.

(l) "Sex role stereotypes" involve assumptions that females or males, because they share a common gender, also share common abilities, interests, values, and/or roles.

(m) "Socialization" is the process by which children and adults are prepared to occupy various roles. It is achieved through the provision and accumulation of life experiences that transmit knowledge, attitudes, and skills to perform functions necessary for these roles. Socialization for young children is often deliberate and readily observable as children are being prepared to carry out a complex collection of economic, social, physical, political, and psychological

roles as adults. Much of adult socialization is subtle and unnoticed because it consists of continued reinforcement for already learned roles. In situations where the learning of new roles or skills is necessary, adult socialization may become extremely focused and explicit.

(n) "State educational agency" or "SEA" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(o) "Target population" means the persons for whose needs the project is designed, with whom the project is validated (tested) and among whom are found the future users of the model program or product.

(1) The target population may include both intermediate and ultimate beneficiaries or solely ultimate beneficiaries.

(2) For example, in a project designed to develop a retraining program for high school counselors in techniques and procedures for providing sex fair counseling for use by counselors across the country, the target population is high school counselors, the intermediate beneficiaries. The ultimate beneficiaries are high school students across the country. In the same type project designed for use by high school counselors of native American youth, the intermediate target population is still high school counselors but the ultimate target population is native American high school youth.

(3) Another example would be a program designed for adult women who desire to reenter the labor force or continue their education. The target population is adult women. Adult women are the population upon which the program is validated, and they are the ultimate beneficiaries. There may be no intermediate beneficiaries. If the project were designed for employers and counselors of adult women, the employers and counselors would be the intermediate beneficiaries and the adult women the ultimate beneficiaries.

(p) (see page 6a)

(q) "Woman" or "women" may include, as appropriate, girls.

(20 U.S.C. 1866.)

(p) "Validation" means testing or trying out materials and programs with persons similar to the users for whom they are designed. It is a process that takes place while a program or product is being developed. It has two purposes: to identify problems which should be corrected in subsequent versions and to assess effectiveness. The terms field-testing or pilot-testing are also sometimes used.

(1) Since the WEEA Program is supporting projects that are developing model programs and products to be widely used by others with similar needs, populations, level of education, and the like, the question to be answered by validation is: "How sure (certain) are we that programs and products are truly doing what we said they would do (validity) and that they do what we say they do consistently (reliability)?"

(2) This is not easy to answer, and validation is a strenuous, exacting procedure or set of procedures planned from the inception of the project and involving such things as sample populations, pre-post tests, statistical analysis, control groups.

(3) The results of sound validation usually indicate under what circumstances and with whom the programs or products can be used and with what degree of certainty and consistency the same original results will be obtained.

§ 160f.3 Nature of projects to provide educational equity for women.

(a) *General.* (1) Educational equity for women, as used in this part, means:

(i) The elimination of discrimination on the basis of sex and of those elements of sex role stereotyping and sex role socialization in educational institutions, programs, and curricula which prevent full and fair participation by women in educational programs and in American society generally; and

(ii) The achievement of responsiveness of educational institutions, programs, curricula, policy makers, administrators, instructors, counselors, and other personnel to the special educational needs, interests, and concerns of women arising from inequitable educational policies and practices.

(2) Educational equity for women, as used in this part, involves the elimination of stereotyping by sex, so that both men and women can choose freely among and benefit from opportunities in educational institutions and programs with limitations determined only by each individual's interests, aptitudes, and abilities. Educational equity for women does not imply the development of new stereotypes for men and women.

(b) *Capacity building: development of model programs and products.* (1) (i) Projects supported under this part must contribute to capacity building in the area of educational equity for women, as defined in § 160f.2.

(ii) The primary goal of projects is not provision of services or benefits to particular organizations, agencies, or individuals, although these services or benefits may occur as an indirect effect.

(2) Projects supported under this part may not develop products which are so expensive to use or adopt that extensive dissemination will be inhibited.

(20 U.S.C. 1866 (b), (d), and (e).)

(c) *Approaches to educational equity for women.* Each project funded under this part must be designed to develop model programs, materials, or other products in order to promote educational equity for women in one or more of the following ways:

(1) *Focus on systemic change.* The elimination of those elements of sex role stereotyping and sex role socialization in educational institutions and agencies which separately and together limit over time the aspirations, experiences, and options of women and men for full participation in American society;

(2) *Focus on institutional change.* Assistance in the process of eliminating discriminatory policies and practices in educational agencies, organizations, and programs which may be contrary to Federal statutes, executive orders, or regulations; or

(3) *Focus on supplementary activities for individuals.* The provision of special educational activities and support services designed to overcome limitations on the opportunities of women resulting from past or continuing discrimination, sex role stereotyping, or sex role socialization.

(20 U.S.C. 1866; Committee on Education and Labor, Hearing on H.R. 208, July 25, 1973, pp. 4–6; S. Rept. No. 763, 93rd Cong. 2d Sess. 78–79 (1974))

(d) *Diverse approaches to educational equity for women among various population groups.* (1) In recognition of the diverse approaches to the provision of educational equity for women among different groups, projects funded under this part may focus on approaches to educational equity for women relating to one or more population groups based on race, ethnic origin, age, socioeconomic status, or residence (e.g., rural, urban, Southwestern, Appalachian).

(2) If the proposed project does focus on an approach relating to one or more population group(s) above, the project application must:

(i) Identify the population group(s);

(ii) Show understanding and awareness of the goals, values, and priorities of the population group(s); and

(iii) Explain the applicability or limitations of the use of the programs or products with other population groups. The relevance of the project's materials, strategy, and goals to the cultural and other values of the population group(s) must be clearly demonstrated. Extensive research or data is not required in the project application.

(3) Projects under this paragraph are subject to the nondiscrimination provisions of § 160f.1(d).

(20 U.S.C. 1866.)

§ 160f.4 Types of projects.

(a) The Act authorizes the Commissioner to award grants and contracts for activities at all levels of education designed to carry out the purpose of providing educational equity for women, including the following activities related to educational equity:

(1) The development, evaluation, and disseminatoin of curricula, textbooks, and other educational materials;

(2) Preservice and inservice training for educational personnel, including guidance and counseling personnel;

(3) Research, development, and other educational activities;

(4) Guidance and counseling activities, including the development of tests which are nondiscriminatory on the basis of sex;

(5) Educational activities to increase opportunities for adult women, including continuing educational activities for

JUN 28 77
UM

underemployed and unemployed women; and

(6) The expansion and improvement of educational programs and activities for women in vocational education, career education, physical education, and educational administration.

(20 U.S.C. 1866(d)(1).)

(b) In implementing the activities authorized by the Act and described in paragraph (a) of this section, the Commissioner will:

(1) Make awards for general grants, as described in § 160f.12.

(20 U.S.C. 1866(d).)

(2) Make small grants, not to exceed $15,000 each, to support innovative approaches to the provision of educational equity for women, as described in § 160f.13; and

(20 U.S.C. 1866(e).)

(3) Solicit proposals for and make awards of procurement contracts in the program areas described in § 160f.14.

(20 U.S.C. 1866(d).)

§ 160f.5 Duration of projects.

(a) While grant applications may be filed proposing multi-year projects, it is expected that a substantial proportion of projects funded by the Commissioner in any fiscal year will have a project duration of only one year.

(b) Applications proposing multi-year projects must be accompanied by an explanation of the need for multi-year support, an overview of the objectives and activities proposed, and budget estimates to attain these objectives in any proposed subsequent year.

(c) If the application demonstrates to the Commissioner's satisfaction that multi-year support is needed to carry out the proposed project, the Commissioner may, in the initial notification of grant award for the project, indicate an intention to assist the project on an appropriate multi-year basis through continuation grants.

(d) Continuation awards may be made to projects described in paragraph (c) of this section, subject to the availability of funds and to the following provisions:

(1) Continuation applications will not be competitive with applications for new grant awards, but will be competitive with other applications for continuation awards;

(2) The program narrative of a continuation application must contain a detailed plan of operation (consistent with the general scope of work approved at the time of the original grant award), a management plan, and a detailed budget for the following fiscal year. Any changes in staff members, or their duties, in the validation procedures, the evaluation design, or approaches to dissemination must be explained. Requests for modifications in project objectives or the final results, programs, or products must be justified and the basis explained in detail; and

(3) Applications for continuation awards will be reviewed to determine:

(i) If the grantee has complied with the grant terms and conditions, the Act, and any applicable regulation;

(ii) The project's effectiveness to date, or the constructive changes proposed as a result of the ongoing evaluation;

(iii) The extent to which the project is meeting applicable priorities; and

(iv) The extent to which continuation of Federal assistance to the project is in the best interests of educational equity for women.

(20 U.S.C. 1221e-3(a)(1), 1866)

§ 160f.6 Eligible applicants.

The Commissioner may make grants to, or enter into contracts with, public agencies, private nonprofit organizations, or individuals to carry out projects under this part.

(20 U.S.C. 1866(d)(1) and (e))

§ 160f.7 Preapplications.

(a) *General.* (1) The Commissioner may invite prospective applicants for grants under this part in any given fiscal year to submit preapplications in accordance with § 100a.41 of this chapter by publishing a closing date for preapplications in the FEDERAL REGISTER. Either general or small grants, or both, may be included.

(2) (i) The preapplication process is used to avoid the investment of substantial time and effort by applicants in the preparation of applications for projects which might not be responsive to program policy and criteria and therefore have little chance of being funded. This process permits a preliminary review of shortened, simplified preapplications, with advice to applicants as to whether proposed projects are likely to have a chance for funding.

(ii) The preapplication process also may conserve limited resources of the Government by reducing the staff time and consultant funds required to process and review a large number of full applications. When the preapplication process is used, the Government can forecast the approximate number of applications which will be submitted and plan accordingly.

(3) When preapplications are invited, applicants are encouraged to use the process. Preapplications will be reviewed and those identified as having potential to compete will be invited to submit full applications. Applicants that are not invited may also submit full applications at their option. Also, any applicant may submit a full application by the published closing date for full applications without having previously submitted a preapplication. No application would be treated preferentially, and all would be reviewed against the published evaluation criteria.

(b) *State review of local educational agency (LEA) preapplications.* (1) A copy of a preapplication from a local educational agency must be submitted to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review and comment on that preapplication. A copy of the transmittal letter to the State agency must be attached to the preapplication.

(2) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on a local educational agency's preapplication. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of the State educational agency's opportunity to comment on that preapplication.

(c) *Preapplication requirements.* (1) Prepplications under this part must include a program narrative statement as required by the preapplication forms provided for in § 100a.41 of this chapter. The narrative statement may not exceed three (3) to five (5) pages of readable size print plus attached short and relevant vitae. Lengthy appendices and exhibits will not be reviewed by the Commissioner.

(2) The preapplication must include the following information in the program narrative to permit its review according to the evaluation criteria in paragraph (d). If applicants omit some of the required information, the preapplications will be reviewed and points will be deducted where appropriate. The program narrative of a preapplication must:

(i) *Applicant qualifications.* (A) Include either names and duties of projected staff members or brief job descriptions and required qualifications for the director and other key personnel, as well as methods to be used in recruitment and hiring. Vitae may be attached to the program narrative; and

(B) Include a statement of applicant qualifications in the substantive area of the proposed project and its experience in and commitment to the area of women's educational equity;

(ii) *Need and impact.* (A) Provide a brief description of the project and its approach, the needs addressed, and specific results, programs, or products to be developed by the proposed project;

(B) Indicate the target population which will utilize the results of the project and the possible means for encouraging their use; and

(C) State briefly how the proposed project will contribute to the national capacity to respond to needs in educational equity for women through the development of model programs and/or products which are designed and tested to be disseminated nationwide;

(iii) *Plan.* (A) State the specific objectives of the proposed projects;

(B) Provide a brief statement on how the project will be managed; and

(C) If the applicant proposes a project with a duration in excess of one year, include in the program narrative an explanation of the need for multi-year support, and budget forms must be completed for the first budget period of one year and for the balance of the proposed project.

(3) In the program narrative, applicants may explain any large items which have an impact on the total budget figure.

(d) *Preapplication evaluation criteria.* Preapplications for grants which meet the requirements in paragraph (c)(1) of this section will be evaluated on the basis of the following criteria and weighted according to the indicated points (maximum of 100 points):

(1) *Applicant qualifications.* (i) The extent to which the education and experience of the proposed project director and staff, or, where staff are not named, the job descriptions and required qualifications as well as methods for recruitment and hiring, are related to the programmatic focus of the proposed project (10 points);

(ii) The extent to which the information about the proposed project director and staff evidence knowledge and experience in the area of women's educational equity (10 points);

(iii) The extent to which the applicant has demonstrated experience in the programmatic focus of the proposed project (10 points); and

(iv) The extent to which the applicant has demonstrated experience in and commitment to women's educational equity as evidence in the preapplication (10 points);

(2) *Need and impact.* (i) The degree to which the project addresses a critical need in the area of educational equity for women (10 points);

(ii) The degree to which the project describes a promising approach to provide educational equity for women (10 points);

(iii) The potential quality of the results, programs, or products to be developed and the viability of the method for use by others (10 points); and

(iv) The degree to which the proposed project will contribute to the national capacity to respond to the needs in the area of women's educational equity through the development of model programs or products (10 points);

(3) *Plan of operation.* (i) The extent to which proposed project objectives are clearly stated and capable of being attained and evaluated (5 points); and

(ii) The extent to which the preapplicant's statement on project management indicates potential for quality control (5 points);

(4) *Budget.* The reasonableness of the proposed total budget figure in relation to the accomplishment of the objectives and the relative importance of the needs addressed (10 points).

(20 U.S.C. 1221e-3(a)(1), 1232c(b)(3), 1866(d)(2) and (e).)

§ 160f.8 Application, proposal, and project requirements.

(a) *Introduction.* A grant or a contract under this part will be awarded only upon a grant application (in accordance with § 100a.40 of this chapter) or a contract proposal submitted to the Commissioner.

(b) *General.* (1) Unsolicited applications or proposals will not be accepted under this part. Grant applications will be accepted for review only if they are filed in response to a notice of closing date published in the FEDERAL REGISTER in accordance with 45 CFR 100a.15 concerning application submissions to the Commissioner.

(2) Lengthy appendices or exhibits attached to applications or proposals will not be reviewed.

(c) *Application requirements.* The requirements set forth in this paragraph cover the information needed by the Commissioner to evaluate an application in accordance with the criteria in § 160f.10. The requirements correspond to the evaluation criteria, and applicants are encouraged, in preparing their applications, to follow this order to facilitate review of the application. An application for a grant under this part must:

(1) *Nature and purpose.* Provide information sufficient to satisfy the Commissioner that the proposed project holds promise of making a substantial contribution toward attaining educational equity for women and will comply with the provisions of § 160f.3;

(2) *Applicant qualifications.* Contain sufficient information about the applicant to enable the Commissioner to determine both its qualifications for receiving an award and its commitment to the provision of educational equity for women, including information about:

(i) The applicant's staffing pattern and experience in the area of educational equity for women, as well as in the programmatic focus of the proposed project;

(ii) The proposed project director and staff, including their education, training, awards, publications, and experience in the areas of educational equity for women and in the programmatic focus of the proposed project, and existing or planned commitments to other projects;

(iii) The extent to which the staff will be representative of the target population and, where applicable, the special population group(s);

(iv) Job descriptions and required qualifications as well as methods of recruitment and hiring, where staff members are not yet named;

(v) Commitment through in kind or direct financial contributions or procedures to use results of projects in ongoing activities of the applicant; and

(vi) Available facilities and other resources for the project;

(3) *Need and impact.* (i) Identify the need to be addressed by the proposed project and supply relevant documentation of the need;

(ii) Specify the nature of the program, product, or final results of the proposed project and the specific target population, as defined in § 160f.2.

(iii) Specify the population group(s), if any, to which the project is related (as described in § 160f.3(d)), demonstrate understanding of the goals, values, and priorities of the group(s), and explain the applicability or limitations on the use of the project's results with other population group(s);

(iv) Document how the project will contribute to the development of model programs and products (capacity building) in the area of educational equity for women, including a description of likely users of the results, programs, and products of the projects, and rough projections of the cost to others of implementing or using the products; and

(v) Describe the procedures and plans for validation by the applicant and possible approaches and strategies for dissemination and utilization of the programs or products developed by the project. The description of validation procedures must set forth criteria consistent with § 160f.1(d) for the selection of participants in validation under the project, the types and numbers of persons expected to be involved, the location(s), time schedules, and specific expectations for the various activities in the validation procedures:

(4) *Plan of operation.* (i) State project objectives with specific outcomes for the project;

(ii) Provide a project evaluation design to measure the extent to which the objectives are accomplished by the project and which indicates the approach, the status of planning, methodology, extent of experience in the development and use of such designs and need for procuring outside expertise;

(iii) Provide a statement on management which describes the project's decision-making process and its rationale and include a management plan, which references objectives, operational activities, schedules, resources, products, and evaluation;

(iv) Describe a plan for cooperative development of the project with representative groups in the field of the project and in educational equity for women, such as practitioners (both at the policy and implementation levels), theoreticians, potential participants in the validation, and the community; and

(v) Include a detailed budget.

(5) *Relationship to other activities.* Reference is made in § 160f.3(d) to the diverse approaches to the achievement of women's educational equity among various racial, ethnic, socioeconomic, age, and residence groups. If the applicant is carrying out other activites concerned with issues of discrimination, counseling, stereotyping, socialization, or the cultural values and heritage of social, ethnic, regional, or socioeconomic groups, the application must explain the specific relationship of the proposed project to these other activities.

(20 U.S.C. 1866(d)(2).)

(d) *Small grants.* Applications for small grants under § 160f.13 are subject to the applicable requirements in this section, with appropriate consideration to the scope and amount of the proposed award.

(e) *State review of local educational agency (LEA) applications.* (1) The Commissioner will not approve an application submitted by a local educational agency for a grant under this part unless the

State educational agency of the State in which that local educational agency is located has been given an opportunity to review and comment on the application.

(2) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission to the Commissioner of the application, which must contain a copy of the transmittal letter to the State agency.

(3) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(20 U.S.C. 1866(e).)

(f) *Dissemination of effective materials and programs.* Project awards under this part will be subject to the condition that materials and programs developed and validated under the project shall not be disseminated without review for effectiveness by the Commissioner. Therefore, each application for an award under this part must contain provisions for review of materials and programs, prior to dissemination in accordance with the requirement of this paragraph.

(g) *Evaluation.* Project awards under this part will be subject to the condition that the award recipient collect and make available information required by the Commissioner or by the Council, in accordance with the time constraints the Commissioner or Council may designate for purposes of carrying out program evaluation, including that provided for under subsection (f) of the Act.

(h) *Nondiscrimination.* Project awards under this part will be subject to the condition that the grantee or contractor reflect the nondiscrimination provisions set forth in subparagraphs (1) and (2) of § 160f.1(d) in any public announcements about the project relating to employment and participation by persons in the project activities.

(20 U.S.C. 1866.)

§ 160f.9 Award decisions.

Decisions on whether or not to make awards under this part will be made by the Commissioner based upon:

(a) With respect to contracts;

(1) The specific evaluation criteria included in each Request for Proposal (RFP) solicitation; and

(2) The procedures for selection required by the regulations for Procurement Contracts, 41 CFR Chapters 1 and 3 and by Departmental or agency policy.

(b) With respect to grants:

(1) Applicable criteria set forth in § 160f.10;

(2) The need to support projects which collectively address all levels of education; and

(3) The need to support:

(i) A variety of projects which collectively represent to the extent possible the diversity of needs and concerns in educational equity for women;

(ii) A variety of strategies for addressing needs;

(iii) A variety of delivery systems, such as community organizations, public agencies, and private nonprofit organizations, as well as traditional educational institutions; and

(iv) Demographic diversity.

(20 U.S.C. 1866 (b), (d), (e), (f) (3).)

§ 160f.10 General evaluation criteria for grants.

(a) *General criteria.* Applications for grants which meet the requirements in § 160f.8 will be evaluated on the basis of the following criteria, weighted according to the indicated points (maximum of 220 points):

(1) *Applicant qualifications.* (65 points)

(i) The extent and quality of the applicant's relevant experience in the area of educational equity for women as evidenced in the application (10 points);

(ii) The extent and quality of the applicant's relevant experience in the programmatic focus of the project (10 points);

(iii) The extent to which the staffing pattern of the project and of the applicant agency or organization as summarized in the application reflects evidence of commitment to equity for women, including women from minority groups (15 points);

(iv) The extent to which the qualifications of the project director and staff include demonstrated relevant experience of high quality in the area of educational equity for women (10 points);

(v) The extent to which the qualifications of the project director and staff include demonstrated relevant experience of high quality in the programmatic focus of the project as evidenced in the application (10 points); and

(vi) The extent to which the applicant has the capability to conduct the proposed project, including necessary facilities and resources as evidenced in the application (10 points);

(2) *Need and impact.* (65 points)

(i) The degree to which the proposed project is likely to make a substantial qualitative contribution toward attaining the provision of educational equity for women, and to this end:

(A) Clearly identifies a critical need to be addressed (10 points); and

(B) Specifies the substantive nature of the program, product, or final results which have potential for use as a model throughout the Nation or throughout population groups based on race, ethnic origin, age, socioeconomic status, or residence (10 points);

(ii) The degree to which the applicant, where applicable, shows understanding of the goals, values, and priorities of special population group(s), as described in § 160f.3(d), *and* the degree to which the application demonstrates an appropriate understanding of the applicability or limitations of the use of the results or products of the project with other populations (15 points);

(iii) The extent to which the intended results of the proposed project can be used by others and thus the extent to which the application specifies:

(A) Well-designed validation procedures (10 points); and

(B) Approaches for dissemination and utilization of the intended results (10 points); and

(iv) The extent to which the applicant demonstrates commitment through in kind or direct financial contributions or through procedures to use all or parts of the program or products developed under the grant in the continuing activities of the applicant (10 points);

(3) *Plan of operation* (70 points). (i) The extent to which the application sharply defines and clearly states objectives for the proposed project which are capable of being achieved by the proposed procedures and capable of being assessed upon attainment (15 points);

(ii) The extent to which the application ensures adequate evaluation of the activities through the description of a project evaluation design which would measure the extent to which the objectives have been accomplished by the project and would describe an eventual evaluation report containing sufficient data, information, and direction to permit and encourage replication (15 points);

(iii) The quality of the statement on management that describes the project's decision-making process and its rationale and the quality of the management plan which references objectives, operational activities, schedules (including the amount of time to be spent on the project by the proposed staff members), resources, products, and the project evaluation design (15 points);

(iv) The extent to which the program to be developed under the project will be developed in cooperation with representative groups in the field of the project and of educational equity for women, such as practitioners (both at the policy and implementation levels), theoreticians, potential participants in the validation, and the community (15 points); and

(v) The extent to which the application presents a budget that is reasonable in relation to anticipated results and reflects the management design (10 points).

(4) *Geographical distribution of awards.* (20 points) The extent to which approval of an application will contribute to an appropriate geographical distribution of project awards throughout the Nation. The Commissioner will apply this criterion to individual applications after taking into account relevant recommendations of the Council.

(b) *General provisions criteria.* Evaluation criteria set forth in § 100a.26(b) of this chapter will not apply to applications or proposals submitted under this part.

(c) *Small grants.* Applications for small grants will be evaluated in accordance with the criteria specified in paragraph (a) of this section with appropriate consideration given to the scope and amount of the proposed award.

(20 U.S.C. 1866 (d) and (e).)

§ 160f.11 [Reserved]

§ 160f.12 General grant awards.

(a) *General.* In awarding new grants under this part (except with respect to small grants described in § 160f.13), the Commissioner may establish priorities by publishing them in an Appendix to this regulation. Whether or not there are priorities, applicants may propose projects in any area authorized by the Act. Applicants may find guidance by examining the six activities which are listed in the Act and quoted in § 160f.4(a).

(b) *Number and size of general grant awards.* (1) Contingent upon the availability of funds, it is expected that 30 to 50 new general grants will be awarded per fiscal year.

(2) It is anticipated that the size of general grant awards will range from about $35,000 to $175,000, depending on the scope of the proposed project. Nothing in this paragraph shall be construed as a limitation on the amount of funds which may be available to a particular grantee.

(20 U.S.C. 1866(d).)

§ 160f.13 Small grant awards.

(a) Grants under this section will support the development and implementation of innovative approaches to the attainment of equity in education for women. The innovative approaches need not be original but may include practices that:

(1) Are similar to present practices but are not widely known or used;

(2) Expand on present practices; or

(3) Are new to a specific target population.

(b) Applications for grants under this section may focus on any of the six programmatic areas outlined in § 160f.4(a) or other areas of need in the provision of educational equity for women.

(c) Projects supported under this section must be designed to contribute to the development of model programs and products (capacity building) in the area of educational equity for women as provided in § 160f.3(b), with appropriate consideration to the scope and amount of the grant award. The Commissioner may also use the small grant program for further testing of programs and products developed and validated by previous projects supported under this part when they become available.

(d) Contingent upon the availability of funds, it is expected that 20 to 30 grants will be made under this section per fiscal year for amounts not to exceed $15,000.

(20 U.S.C. 1866(e).)

§ 160f.14 Contract activities.

(a) *General.* Contingent upon the availability of funds, contracts will be awarded on the basis of separate solicitations setting forth appropriate specifications in the areas described in paragraph (b) of this section.

(b) *Funding areas.* It is expected that contracts will be awarded in the following areas:

(1) Technical assistance for Title IX of the Education Amendments of 1972 (Pub. L. 92–318);

(2) Operation of a communications network in the field of educational equity for women;

(3) Dissemination of tested programs and products developed under the Act to organizations and agencies which wish to use or adapt them; and

(4) Those other areas of women's educational equity where the Commissioner determines that specific procurements would further the purpose of the Act.

(20 U.S.C. 1866(d)(1).)

§ 160f.15 Allowable costs.

(a) *General.* (1) Allowable costs under projects to which funds are awarded pursuant to this part shall be determined in accordance with cost principles set forth in:

(i) Appendix B of subchapter A of this chapter with respect to grants to public agencies;

(ii) Appendix C of subchapter A of this chapter with respect to grants to nonprofit educational institutions;

(iii) Appendix D of subchapter A of this chapter with respect to grants to other nonprofit institutions and individuals; and

(iv) 41 CFR Part 1–15 with respect to contracts.

(2) The costs of nonexpendable personal property with an acquisition cost of $1,000 or more per unit, depreciation or use allowances, automatic data processing, memberships, subscriptions, and professional activities will be allowable if they have been specifically authorized by the Commissioner in the notification of grant award.

(3) Facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this part, and will be allowed only where specially justified by the applicant and specifically authorized by the Commissioner.

(4) Funds supplied under grants awarded under this paragraph usually will not be available to pay the general costs of overall education, training, or career employment preparation programs. Rather, funds will be available for payment of the incremental costs such as the costs necessary for effective planning, development, evaluation, testing, validation, and in some cases, dissemination, directly related to educational equity for women.

(b) *Long-term training projects.* (1) Grants for training projects designed to provide individual participants with full-time post-baccalaureate training with a duration of at least one academic year may include provision for the payment to:

(i) Grantees of tuition and fees; and

(ii) Participants of stipends, dependency allowances, and other costs, including child care, as the Commissioner may determine to be consistent with prevailing practices under comparable Federal programs.

(2) Provision for payments described in subparagraph (1) of this paragraph will be included in grant award documents at the discretion of the Commissioner, and only when the applicant requests these payments and provides sufficient information and justification in the application to satisfy the Commissioner that the payments would contribute substantially to the realization of the project objective to develop, test, and prepare for dissemination a successful model training program.

(3) If provisions for the payment of tuition and fees are included in a grant pursuant to this paragraph, the grantee may not charge participants in the training program for tuition and fees.

(c) *Payments for participation in validation of materials and programs.* (1) Projects may include in the grant or contract a provision for payments to non-educational participants (including parents, students, and others) and to educational personnel participants (including administrators, counselors, teachers, and others), whose participation is necessary for the validation of the programs or products developed by the project and who are not otherwise compensated for their time while participating.

(2) (i) Payments to non-educational participants may be made at rates not lower than the current Federal minimum wage rate nor higher than the rate set forth for educational personnel in subdivision (ii) of this subparagraph.

(ii) Except as provided under subdivision (iii) of this subparagraph, payments to educational personnel under this paragraph would be at the rate of $30 for each full day of participation up to $150 a week. For partial days involving less than 5 hours of attendance, the payments for this attendance would be at the rate of $6 per hour, subject to the weekly limit of $150.

(iii) Where participating educational personnel are ordinarily paid for their work at a salary scale determined by a collective bargaining agreement in which the minimum hourly rate for any individual is more than $6 per hour, the individual would be compensated at the minimum hourly rate provided for under the collective bargaining agreement.

(3) Where a local educational agency or other educational agency or institution compensates teachers or other educational personnel whom it employs for their time in receiving training or participating in other activities under this paragraph and must also hire a substitute for the participant during the time of that participation, reimbursement may be made under the grant or contract which includes the component to the local educational agency or other educational agency or institution for the costs of hiring the substitute.

(4) No travel or dependency allowances will be paid for participation in any component under this paragraph.

(5) Participants in any short-term training may receive payments at the same rates as set forth in subparagraph (2) of this paragraph.

(6) Provision for payments described in this paragraph will be included in grant award documents or contracts at the discretion of the Commissioner, and only when the applicant requests these payments and justifies that the payments to the specific classes or groups of recipients to participate in the validation or training are necessary to carry out the program objective.

(d) *Indirect costs.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, indirect costs will be allowed under projects funded under this part in accordance with the applicable indirect cost rate allowances set out in Appendices B through D of subchapter A of this chapter.

(2) Indirect costs for training grants will be allowed at the lesser of:

(i) The level of indirect costs determined under subparagraph (1) of this paragraph; or

(ii) In grants where the Commissioner approves payments for stipends and dependency allowances under paragraph (b) (1) (ii) of this section, eight percent of the total direct costs, including stipends and dependency allowances.

(3) Indirect costs shall not be allowed under grants to individuals under this part.

(20 U.S.C. 1231c(b), 1232c(b)(2).)

[FR Doc.77-18449 Filed 6-27-77;8:45 am]

federal register

TUESDAY, JUNE 28, 1977

PART V



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Grant Administration, and Other Program Requirements

V 42 N 124
JUN 28 77
UM

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Grant Administration, and Other Program Requirements

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This final rule amends Department regulations to add new material regarding the closeout of discretionary grants and the Lead-Based Paint Poisoning Prevention Act, delete material specifically designed for Fiscal Year 1975, correct certain technical errors, and provide greater detail and clarity in accordance with our experience with the program.

EFFECTIVE DATE: June 28, 1977.

FOR FURTHER INFORMATION CONTACT:

David J. Pollack, Financial Analyst, Office of Community Development Programs, HUD/Community Planning and Development, Room 7178, 451 7th Street, SW., Washington, D.C. 20410. 202-755-6330.

SUPPLEMENTARY INFORMATION: On November 30, 1976, the Department of Housing and Urban Development published a proposed rule (41 FR 52626) to amend Subparts F and G of 24 CFR Part 570. Interested persons were given until December 30, 1976, to submit written comments. All comments with respect to the proposed rulemaking were given due consideration. As a result of the comments received, the following changes were made:

1. In response to several comments, the language in § 570.503(b) has been revised to make it more precise and to indicate that to the maximum extent practicable program income shall be disbursed for approved community development activities prior to making additional draws from the letter of credit.

2. Included in the proposed rulemaking was § 570.503(c) concerning the timing and amount of cash disbursements for rehabilitation loan and grant activities. Because additional time is needed to evaluate all of the factors involved, a final rule on this subject is not being adopted at this time.

3. The language of § 570.506(c) has been modified to indicate that receipts derived from the operation of a public work or facility constructed with block grant funds do not constitute program income, regardless of the use to which such receipts will be put. This section has been further modified to provide that proceeds received from special assessments levied to recover the cost of constructing a public work or facility, do constitute program income to the extent such cost was initially paid with block grant funds. Additionally, the reference to the provisions of §§ 570.305 and 570.402(f) has been deleted as unnecessary.

4. A new paragraph (j) has been added to § 570.512 to cover the situation in which both the recipient and HUD agree to terminate all or part of a discretionary grant because continuation of the program is unfeasible or would not produce beneficial results.

5. Several comments requested a clarification of whether § 570.606, regarding compliance with design standards for making buildings accessible and usable for the physically handicapped, applies to private buildings and facilities as well as public buildings and facilities. Accordingly, § 570.606 has been modified to indicate that the design standards apply to every building and facility (other than privately owned residential structures) designed, constructed, or altered with funds made available under this part, subject to the exceptions contained in 41 CFR Subpart 101-19.604.

The Secretary has determined that good cause exists for making this rule effective on June 28, 1977, since the new material contained in the rule regarding discretionary grant closeouts is urgently needed in order to close out projects in which all activities have been completed.

In connection with the environmental review of these amendments to the regulations, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of these amendments have been carefully evaluated in accordance with OMB Circular A-107, Executive Order 11821.

Accordingly, 24 CFR Part 570 is amended as follows:

1. Section 570.503 is revised to read as follows:

§ 570.503 Cash withdrawals.

(a) The timing and amount of cash withdrawals from the U.S. Treasury by the recipient for activities which are free from all conditions specified pursuant to §§ 570.306(e) or 570.402(d)(5)(iii) shall be in accordance with U.S. Department of the Treasury regulations on withdrawal of cash from the Treasury for advances under Federal programs (31 CFR Part 205), as incorporated in HUD Handbook 1900.23 REV, Letter of Credit Procedures-Treasury Regional Disbursing Office System.

(b) To the maximum extent practicable, program income shall be disbursed prior to making additional draws from the letter of credit to finance approved community development activities (including local option activities) as follows:

(1) Program income in the form of repayments to a revolving fund, established to carry out an approved activity, shall be substantially disbursed from such fund before additional draws are made from the letter of credit for the same activity.

(2) All other program income shall be substantially disbursed for any approved activity before additional draws are made from the letter of credit.

2. Section 570.504 is revised to read as follows:

§ 570.504 Restrictions on Fund Commitment and Expenditure.

When the letter of credit method of payment is used, a recipient's letter of credit will normally be issued (or amended if previously issued) in the full amount of all grant funds approved in the grant agreement, except for amounts deducted pursuant to § 570.802, amounts reserved and withheld pursuant to § 570.702, and amounts voluntarily budgeted by the recipient for repayment of urban renewal loans. However, the obligation or utilization of funds shall be subject to any restriction imposed as a result of conditional approvals pursuant to § 570.306(e) for entitlement grants or § 570.402(d)(5)(iii) for discretionary grants.

3. Section 570.506 is amended by revising paragraph (c) and by adding a new paragraph (e) as follows:

§ 570.506 Program income.

* * * * *

(c) All other program income earned during any period under which the recipient is assisted under this Part shall be retained by the recipient and used, in accordance with the provisions for cash withdrawals under § 570.503(b), for activities with respect to which the unconditional obligation and utilization of funds made available under this Part have been approved. Included in the category of other program income are proceeds from the disposition of real property, payments of principal and interest on rehabilitation loans, interest earned on revolving funds, and proceeds from special assessments levied to recover the cost of constructing a public work or facility to the extent such cost was initially paid with funds provided under this part. Receipts derived from the operation of a public work or facility, the construction of which was assisted under this part (e.g., admission fees paid by persons using recreational facilities constructed with grant funds; service fees paid by households using a water facility constructed with grant funds), do not constitute program income.

* * * * *

(e) The disposition of program income received subsequent to the closeout of a grant shall be governed by the provisions of § 570.512(c).

4. Section 570.509 is amended by revising paragraph (b) to read as follows:

§ 570.509 Audit.

* * * * *

(b) The recipient financial management systems shall provide for audits to be made by the recipient or at his direction, in accordance with audit guidelines prescribed by HUD. The recipient will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years. In accordance with § 570.512(g), HUD may determine that a final audit of the recipient's discretionary grant program is not required. Audit reports shall be used in conjunction with the performance review procedures of § 570.909. Payment for the audit may be made from community development block grant funds but the responsibility for such payment rests with the recipient.

5. Section 570.510 is amended by adding a new paragraph (d) as follows:

§ 570.510 Retention of records.

* * * * *

(d) Records pertaining to each real property acquisition shall be retained for three years after settlement of the acquisition, or until disposition of the applicable relocation records in accordance with paragraph (c) of this section, whichever is later.

6. Section 570.512 is revised to read as follows:

§ 570.512 Discretionary grant closeouts.

(a) *Applicability.* The policies and procedures contained herein apply to the closeout of discretionary grants made pursuant to Subpart E of this part, including general purpose funds for metropolitan and nonmetropolitan areas, urgent needs funds and Secretary's discretionary funds.

(b) *Initiation of closeout.* HUD will advise the recipient to initiate closeout procedures when HUD determines, in consultation with the recipient, that there are no impediments to closeout and that the following criteria have been met or will be shortly:

(1) All costs to be paid with discretionary grant funds have been incurred, with the exception of (i) closeout costs such as payment for the final audit; and (ii) any unsettled third-party claims against the recipient. Costs are incurred when goods and services are received and contract work is performed. With respect to activities (such as rehabilitation of privately owned properties) which are carried out by means of revolving loan accounts, loan guarantee accounts, or similar mechanisms, costs shall be considered as incurred at the time funds for such activities are drawn from the recipient's letter of credit and initially used for the purposes described in the approved Community Development Program.

(2) With the exception of new communities and innovative project grants, the recipient has submitted a grantee performance report. If a performance report was previously submitted with a subsequent discretionary grant application, as required by § 570.400(h), it shall be updated and resubmitted upon completion of the activities carried out with the discretionary grant.

(3) Other responsibilities of the recipient under the grant agreement, applicable law and regulations appear to have been carried out satisfactorily, or there is no further Federal interest in keeping the grant agreement open for the purpose of securing performance, such as a good faith effort by the recipient to achieve its housing assistance plan goals for the grant period. A final review of the recipient's compliance with the grant agreement, applicable law and regulations will be made during the final audit or HUD review in lieu of final audit pursuant to § 570.512(g).

(c) *Program income.* Subject to the requirements of paragraphs (d) and (e) of this section, program income received subsequent to grant closeout may be treated by the recipient as miscellaneous revenue, the use of which is not governed by the provisions of this part: *Provided*, The recipient has no other discretionary or entitlement grant program under this part which is active at the time the first grant is closed out. If the recipient has another such grant program, the program income received subsequent to the discretionary grant closeout shall be treated as program income of the active grant program.

(d) *Disposition of tangible personal property.* The recipient shall account for any tangible personal property acquired with grant funds in accordance with Attachment N of Federal Management Circular 74-7, "Property Management Standards."

(e) *Disposition of real property.* Proceeds derived after the discretionary grant closeout from the disposition of real property acquired with grant funds shall be subject to the program income requirements of paragraph (c) of this section: *Provided*, That where such income may be treated as miscellaneous revenue pursuant to paragraph (c), it shall be used by the recipient for community development activities eligible under § 570.200 to further the general purposes and objectives of the Act. The use of income subject to this proviso is not governed by any other requirements of this Part.

(f) *Status of housing assistance plan after closeout.* After closeout of a discretionary grant requiring a housing assistance plan, the housing assistance plan will remain in effect until one of the following occurs:

(1) The recipient submits, and HUD approves, a revised housing assistance plan.

(2) Another unit of general local government with overlapping jurisdiction over the same territory (e.g., an urban county, a county discretionary applicant, or any other such applicant) submits, and HUD approves, a housing assistance plan covering the territory of the original housing assistance plan.

(3) Three years elapse since the date of approval of the current housing assistance plan.

(g) *Audit.* Upon notification from HUD to initiate closeout procedures, the recipient shall arrange for a final audit to be made of its grant accounts and records in accordance with HUD Handbook IG 6505.2, "Audit Guide and Standards for Community Development Block Grant Recipients," § 570.509, and any other audit requirements of HUD hereafter in effect. HUD may determine that, due to the nature of the recipient's program or the relatively small amount of funds which have not been audited, a final audit is not required. In such instances, HUD will notify the recipient that HUD will perform necessary reviews of documentation and activities to determine that claimed costs are valid program expenses and that the recipient has met its other responsibilities under the grant agreement.

(h) *Certificate of completion and final cost.* Upon resolution of any findings of the final audit, or if the final audit is waived, after HUD has performed the review of documentation described in paragraph (g) of this section, the recipient shall prepare a certificate of completion and final cost, in a form prescribed by HUD, and submit it to the appropriate HUD Office.

(i) *Refund of excess grant funds.* Recipient shall refund to HUD any cash advanced in excess of the final grant amount, as shown on the certificate of completion approved by HUD.

(j) *Termination of grant for mutual convenience.* Grant assistance provided under this part may be cancelled, in whole or in part, by HUD or the recipient, prior to the completion of the approved community development program, when both parties agree that the continuation of the program is unfeasible or would not produce beneficial results commensurate with the further expenditure of funds. HUD shall determine whether an environmental review of the cancellation is required, and if such review is required, shall perform it pursuant to HUD Handbook 1390.1 and/or specific guidelines issued by the Secretary. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. HUD shall allow full credit to the recipient for the noncancelable obligations properly incurred by the recipient in carrying out the program prior to termination. The closeout policies and procedures contained in this section shall apply in all such cases except where the total grant is cancelled in its entirety, in which event only the provisions of § 570.512 (h) and (i) shall apply.

§ 570.602 [Amended]

7. Section 570.602 is amended by revising paragraph (d) to read as follows:

* * * * *

(d) The recipient may provide relocation payments and assistance in connection with displacement resulting from activities assisted under this Part which are not subject to § 570.602(a). The recipient may also provide relocation payments and assistance at levels above those established under the Uniform Act in connection with any displacement

V 42 N 124 JUN 28 77 UMI

resulting from activities assisted under this part. Unless such payments and assistance are made pursuant to State or local law, the recipient shall adopt a written policy available to the public setting forth the relocation payments and assistance it elects to provide and providing for equal payments and assistance within each class of displaced persons.

8. Section 570.606 is revised to read as follows:

§ 570.606 Architectural Barriers Act of 1968.

Every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds made available under this part, shall comply with the requirements of the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A-117.1—R 1971, subject to the exceptions contained in 41 CFR Subpart 101-19.604, issued pursuant to the Architectural Barriers Act of 1968, 42 U.S.C. 4151.

9. Section 570.607 is revised to read as follows:

§ 570.607 Activities for which other Federal funds must be sought.

A recipient may use community development funds for the provision of public services as described in § 570.200(a)(8) for activities (other than those previously approved under the model cities program and described in § 570.200(b)); or for flood or drainage facilities as described in § 570.200(a)(2): *Provided, That:*

(a) An application or written inquiry has been made to the Federal agency or agencies, if any, which conduct a program or programs most likely to meet the needs for which community development funds are being considered, or of the State or local agency or agencies, if any, which customarily receive funds from such programs and administer them within the recipient's jurisdiction.

(b) One of the following responses has been received: (1) A written statement of rejection from such Federal, State or local agency, if any; (2) a written statement that funds cannot be made available for at least 90 days after the request; or (3) no written response from the Federal, State or local agency, if any, within a 45-day period from the date of application or inquiry which states that funds can be made available within 90 days from the date of the response.

(c) The recipient has notified HUD of the results of the application or inquiry and has received authorization from HUD to incur costs for such activities.

10. Section 570.610 is amended as follows:

§ 570.610 Clean Air Act and Federal Water Pollution Control Act.

The recipient must comply with the provisions of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and the regulations thereunder (40 CFR Part 15 and 40 CFR Part 61).

11. Section 570.611 is added to read as follows:

§ 570.611 Lead-Based Paint Poisoning Prevention Act.

The recipient must comply with the Department's Lead-Based Paint Regulations (24 CFR Part 35) issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.) requiring prohibition of the use of lead-based paint, whenever assistance under this Part is used directly or indirectly by the recipient for construction, rehabilitation, or modernization of residential structures; elimination of immediate lead-based paint hazards in residential structures assisted under this part; and notification of the hazards of lead-based paint poisoning to purchasers and tenants of residential structures constructed prior to 1950 and assisted under this part.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d).)

Issued at Washington, D.C., June 20, 1977.

ROBERT C. EMBRY, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.77-18526 Filed 6-27-77;8:45 am]

Vol.42—No.125
6-29-77

PAGES
33021-33253

federal register

WEDNESDAY, JUNE 29, 1977

highlights

OFFICE OF THE FEDERAL REGISTER LEGAL DRAFTING WORKSHOPS

The Office of the Federal Register announces two additional four-day legal drafting workshops.

WHAT: The workshop covers the following areas:
1. Legal drafting techniques—Preferred usage, Organization. Clarity.
2. Legal drafting exercises—Regulations, Preambles.
3. Review and discussion of documents for the use of legal drafting techniques and for substance.
4. How to comply with new preamble requirements.
5. The regulatory process—Where has it been, Where is it going.

WHY: The workshop aims to improve the participant's ability to design and draft clear, usable documents for publication in the FEDERAL REGISTER.

WHO: Any person drafting or reviewing documents for publication in the FEDERAL REGISTER.

WHERE: 1100 L Street, NW, Room 9409, Washington, DC

WHEN: August 18, 19, 22, 23, 1977 or
September 15, 16, 19, 20, 1977.

FOR MORE INFORMATION: Write to: Ms. Rose Anne Lawson, NARS, Office of the Federal Register, Washington, DC 20408. Reservations required.

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for August are being accepted for the free Wednesday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L St. N.W., Washington, D.C. in Room 9409, from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, 202–523–5282.

OUT OF TOWN WORKSHOPS PREVIOUSLY ANNOUNCED
Atlanta, Ga., 7–13, 7–14.
(Details: 42 FR 30015, 6–10–77.)

For reservations call: Dave Conner at (404) 881–4661.

CONTINUED INSIDE

JUN 29 77
UM

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

SUNSHINE ACT MEETINGS 33112

PRESIDENT'S COMMISSION ON MILITARY COMPENSATION
Executive order establishing 33021

DROUGHT STRICKEN AREAS
USDA/FHA provides special assistance for short-term measures; comments by 7–29–77 33024

ENERGY AUDITS
FEA establishes procedures for determining potential savings from a modification in a building or industrial plant; effective 6–20–77 (Part IV of this issue) 33157

ACCOUNTING PRACTICES OF OIL AND GAS PRODUCERS
SEC requests comments by 7–29–77 on development of disclosure rules (Part II of this issue) 33135

OIL AND GAS LEASE OPERATIONS
Interior/GS proposes standardized National Orders for Outer Continental Shelf; comments by 7–29–77 33044

PRIVACY ACT OF 1974
HEW issues notice of proposed routine uses of systems of records; comments by 7–29–77 33075
Justice/INS amends forms used by public in requesting information; effective 6–29–77 33024

SPECIAL CRISIS INTERVENTION PROGRAM
CSA publishes memorandum on information, application procedures, and post grant requirements (Part VII of this issue) 33239

BLUE SIGNAL PROTECTION OF WORKMEN
DOT/FRA postpones effective date until 9–30–77; effective 6–29–77 33037

CARRIAGE OF ALASKAN OIL BY CDS VESSELS
Commerce/MA establishes eligibility requirements; effective 6–30–77 33035

OCCUPATIONAL EXPOSURE TO ACRYLONITRILE
Labor/OSHA requests information by 7–29–77 33043

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA lists communities eligible for sale of flood insurance and identifies special hazard areas (2 documents) (Part VI of this issue) 33202, 33203

FOLLOW THROUGH PROGRAM
HEW/OE adopts final provisions (Part III of this issue) 33145

RESEARCH AND DEVELOPMENT PROJECTS ON AGING
HEW/HDO announces closing date of 8–19–77 for receipt of applications 33068

DEVELOPMENTAL DISABILITIES PROGRAM
HEW/HDO notice of intent to reallot funds; comments by 7–29–77 33067

PESTICIDES
HEW/CDC solicits information concerning manufacture and formulation; comments by 9–27–77 33066

FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS
HEW/HDO announces closing date of 8–1–77 for receipt of applications 33067

VAN
JUN 29 77
UM

AGRICULTURAL COMMODITIES
USDA/Secy proposes new requirements applicable to purchases made on the basis of invitations for bids; comments by 7–29–77 33038

ALCOHOL, TOBACCO AND FIREARMS
Treasury/Secy permits attorneys, certified public accountants, and "enrolled practitioners" to represent individuals, partnerships or corporations before the Bureau; effective 9–27–77 33026

MEETINGS—
Commerce/NOAA: Caribbean Fishery Management Council, Scientific and Statistical Committee and its Advisory Panel, 7–18 thru 7–21–77 33050
Western Pacific Fishery Management Council's Scientific and Statistical Committee, 7–13 and 7–14–77 33051
DOD/AF: USAF Scientific Advisory Board (2 documents), 6–20 and 6–21–77 33053
Secy: Defense Science Board Task Force on Counter-Communications, Command and Control, 7–14 and 7–15–77 33054
FEA: Industry Advisory Board, 7–12 and 7–13–77 33054
HEW/OE: National Advisory Council on Women's Educational Programs, 7–15–77 33066
NIH: Clinical Applications and Prevention Advisory Committee, 7–14 and 7–15–77 33071
Mental Retardation Research Committee, 8–4 and 8–5–77 33071
National Arthritis, Metabolism, and Digestive Diseases Advisory Council, 8–18 and 8–9–77 33071
Interior/Reclamation: Colorado River Basin Salinity Control Advisory Council, 7–15–77 33087

SEPARATE PARTS OF THIS ISSUE
Part II, SEC 33135
Part III, HEW/OE 33145
Part IV, FEA 33157
Part V, ICC 33189
Part VI, HUD/FIA 33201
Part VII, CSA 33239

contents

THE PRESIDENT
Executive Orders
President's Commission on Military Compensation; establishment 33021

EXECUTIVE AGENCIES
AGRICULTURAL MARKETING SERVICE
Rules
Pears, plums, and peaches (fresh) grown in Calif 33023
Proposed Rules
Milk marketing orders: Indiana 33040

AGRICULTURAL RESEARCH SERVICE
Proposed Rules
Poultry improvement plan, National, auxiliary provisions; General Conference Committee and Plan Conference terminated 33041

AGRICULTURE DEPARTMENT
See also Agricultural Marketing Service; Agricultural Research Service; Farmers Home Administration; Forest Service.
Proposed Rules
Exports under Agricultural Trade Development and Assistance Act; financing 33038

AIR FORCE DEPARTMENT
Notices
Meetings: Scientific Advisory Board (2 documents) 33053

ALCOHOL, TOBACCO AND FIREARMS BUREAU
Rules
Practice before Bureau; attorneys, certified public accountants and enrolled practitioners 33026

CIVIL AERONAUTICS BOARD
Notices
Fares, domestic passenger; increase; various carriers 33047
Hearings, etc.:
International Air Transport Association (2 documents) 33047

COMMERCE DEPARTMENT
See also Economic Development Administration; Maritime Administration; National Oceanic and Atmospheric Administration.
Notices
Organization and functions:
Economic Development, Assistant Secretary (2 documents) 33051, 33052
Executive Secretariat 33052

COMMUNITY SERVICES ADMINISTRATION
Notices
Crisis Intervention Program, Special; information, application procedures and post grant requirements 33239

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Hazardous substances and articles; administration and enforcement:
Exemptions for small packages, minor hazards, and special circumstances; CFR correction 33025

DEFENSE DEPARTMENT
See also Air Force Department; Navy Department.
Notices
Meetings:
Science Board task forces, Counter - Communications, Command and Control 33054

DISEASE CONTROL CENTER
Notices
Pesticides, manufacture and formulation; inquiry 33066

DRUG ENFORCEMENT ADMINISTRATION
Notices
Registration applications, etc.; controlled substances:
Cilento, Raphael C., M.D 33100

ECONOMIC DEVELOPMENT ADMINISTRATION
Notices
Import determination petitions: Theodor Manufacturing Corp 33050

EDUCATION OFFICE
Rules
Follow Through program 33145
Notices
Meetings: Women's Educational Programs National Advisory Council 33066

ENVIRONMENTAL PROTECTION AGENCY
Rules
Grants, State and local assistance: Editorial changes, etc 33034
Grants; subagreements:
Procurement under EPA grants; minimum standards; extension of time 33033

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Proposed Rules
Procedural regulations:
Charges, deferral designation, certain State and local agencies designated as 706 agencies 33043

FARMERS HOME ADMINISTRATION
Rules
Drought stricken areas; special assistance 33024
Notices
Disaster and emergency areas: Kentucky 33050

FEDERAL COMMUNICATIONS COMMISSION
Rules
Cable television relay service:
Transmitting facility on USDA and Interior Department lands, correction 33036
Proposed Rules
FM broadcast stations; table of assignments:
Georgia; extension of time 33045
Oregon; extension of time 33045
Notices
Satellite communications services; applications accepted for filing 33054

FEDERAL ELECTION COMMISSION
Notices
Advisory opinion requests 33054

FEDERAL ENERGY ADMINISTRATION
Rules
Energy conservation:
Energy audit procedures 33157
Notices
Meetings:
International Energy Agency Industry Advisory Board 33054

FEDERAL INSURANCE ADMINISTRATION
Rules
Flood Insurance Program, National:
Communities eligible for sale of insurance 33202
Special hazard areas 33203

FEDERAL MARITIME COMMISSION
Notices
Freight forwarder licenses:
Metro Freight Forwarding Services 33055
Joseph A. Paredes & Co 33055
Shipping, U.S. foreign trade; rates and transportation of property; investigation 33055

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Arizona Electric Power Cooperative, Inc. et al 33055
Bobcat Oil Co. et al.; correction 33059
Columbia Gulf Transmission 33059
Columbia Gulf Transmission Co. et al 33060
Columbia Gulf Transmission Co. et al.; correction 33060
Detroit Edison Co.; correction 33060
El Paso Natural Gas Co 33061
Electric Energy, Inc 33060
Florida Power & Light Co.; correction 33061
Nevada Power Co 33061
Northwest Pipeline Corp 33062
Pacific Gas Transmission Co.; correction 33063
Potomac Electric Power Co 33063
Public Service Co. of New Hampshire; extension of time 33063
Public Service Co. of Oklahoma 33063
Public Utility District No. 1 of Snohomish County and City of Everett, Wash 33063
Sea Robin Pipeline Co 33064
Southern California Edison Co 33064
Tennessee Gas Pipeline Co. et al 33064

FEDERAL RAILROAD ADMINISTRATION
Rules
Operating rules:
Workmen, blue signal, protection; effective date postponed 33037
Notices
Preference share financing applications:
Illinois Central Gulf Railroad Co 33100

FEDERAL RESERVE SYSTEM
Notices
Applications, etc.:
American State Financial Corp 33065
Equitable Bancorporation 33065
First Glenrock Corp 33065
First Security National Corp 33065
Metropolitan Bank & Trust Co. et al.; correction 33066

FEDERAL TRADE COMMISSION
Rules
Procedures and practice rules:
Adjudicative procedures; interlocutory appeals; correction 33025
Proposed Rules
Sunshine Act; implementation 33041

FISH AND WILDLIFE SERVICE
Notices
Endangered and threatened species permits; applications (8 documents) 33087–33096

FOREST SERVICE
Notices
Environmental statements; availability, etc.:
Umpqua National Forest, 10-Year Timber Management Plan; extension of time 33050

GEOLOGICAL SURVEY
Proposed Rules
Outer Continental Shelf; oil, gas, and sulphur operations:
Regulatory process; National OCS orders 33044
Notices
Outer Continental Shelf; oil and gas lease operations, National orders:
Wells, platforms, structures, and subsea objects; identification, etc 33097

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Disease Control Center; Education Office; Human Development Office; National Institutes of Health.
Notices
Organization, functions, and authority delegations:
Health Care Financing Administration 33071
Privacy Act; systems of records 33075

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Insurance Administration.

HUMAN DEVELOPMENT OFFICE
Notices
Aging, research and development projects grants program; applications and closing dates 33068
Developmental disabilities program:
Funds, intention to reallot 33067
Native American program:
Financial assistance grants; applications and closing date 33067

IMMIGRATION AND NATURALIZATION SERVICE
Rules
Immigration regulations:
Service officers, powers and duties; availability of service records 33024

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Geological Survey; Land Management Bureau; National Park Service; Reclamation Bureau.
Notices
Robinson Rancheria, Calif.; Federal supervision over property, termination revoked 33099

INTERSTATE COMMERCE COMMISSION
Rules
Practice rules:
Republication; effective date corrected 33037
Notices
Abandonment of railroad services, etc.:
Chicago, Rock Island & Pacific Railroad Co 33189
Oregon Electric Railway Co., et al 33110
Car service rules, mandatory; exemptions (4 documents) 33107, 33108
Hearing assignments 33106

JUN 29 1977 UM

Petitions filing:
Perkins Furniture Transport, Inc ---- 33110
Rerouting of traffic:
Western Maryland Railway Co. 33111

JUSTICE DEPARTMENT

See Drug Enforcement Administration; Immigration and Naturalization Service.

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico (3 documents) ---- 33087
Authority delegations:
Nevada State Office; Management Services Division, Records and Data Management Branch Chief ---- 33086
Opening of public lands:
Utah ---- 33086

MARITIME ADMINISTRATION

Rules

Subsidized vessels and operators:
Oil carriage from Alaska in domestic trade ---- 33035

NATIONAL INSTITUTES OF HEALTH

Notices

Meetings:
Arthritis, Metabolism, and Digestive Diseases National Advisory Council ---- 33071
Clinical Applications and Prevention Advisory Committee 33071
Mental Retardation Research Committee ---- 33071

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Endangered species parts or products; certificates of exemption (2 documents) ---- 33051
Meetings:
Caribbean Fishery Management Council, Scientific and Statistical Committee, and Advisory Panel ---- 33050
Western Pacific Fishery Management Council, Scientific and Statistical Committee ---- 33051

NATIONAL PARK SERVICE

Notices

Historic Places National Register; additions, deletions, etc ---- 33099

NAVY DEPARTMENT

Notices

Patent licenses, exclusive:
Zimmer, U.S.A., Inc ---- 33053

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rules

Health and safety standards:
Acrylonitrile; exposure to ---- 33043

RECLAMATION BUREAU

Notices

Meetings:
Colorado River Basin Salinity Control Advisory Council ---- 33087

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Accounting practices; oil and gas producers; inquiry ---- 33135

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices

Leather articles containing textiles; temporary suspension from restraints; extension of time ---- 33053
Man-made and wool textiles:
Romania; corrections (2 documents) ---- 33053

TRANSPORTATION DEPARTMENT

See Federal Railroad Administration.

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.

Rules

Currency and foreign transactions; financial recordkeeping and reporting, supervisory responsibility ---- 33033

UNITED STATES RAILWAY ASSOCIATION

Notices

Loan applications:
Consolidated Rail Corp ---- 33106

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

EXECUTIVE ORDERS:
11998 ---- 33021

7 CFR

917 ---- 33023
1888 ---- 33024

PROPOSED RULES:
17 ---- 33038
1049 ---- 33040

8 CFR

103 ---- 33024

9 CFR

PROPOSED RULES:
447 ---- 33041

10 CFR

450 ---- 33158

16 CFR

3 ---- 33025
1500 ---- 33025

PROPOSED RULES:
4 ---- 33041

17 CFR

PROPOSED RULES:
Ch. II ---- 33136

24 CFR

1914 ---- 33202
1915 ---- 33203

29 CFR

PROPOSED RULES:
1601 ---- 33043
1910 ---- 33043

30 CFR

PROPOSED RULES:
250 ---- 33044

31 CFR

8 ---- 33026
103 ---- 33033

40 CFR

33 ---- 33033
35 ---- 33034

45 CFR

158 ---- 33146

46 CFR

250 ---- 33035

47 CFR

78 ---- 33036

PROPOSED RULES:
73 (2 documents) ---- 33045

49 CFR

218 ---- 33037
1100 ---- 33037

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11995) ---- 29841
11905 (Amended by EO 11994) ---- 28869
11968 (Revoked by 11997) ---- 31759
11985 (See EO 11994) ---- 28869
11994 ---- 28869
11995 ---- 29841
11996 ---- 30489
11997 ---- 31759
11998 ---- 33021
September 3, 1867 (Revoked in part by PLO 5618) ---- 30370
July 19, 1915 (See PLO 5619) ---- 30180
November 21, 1916 (See PLO 5620) ---- 32539
December 20, 1916 (See PLO 5619) ---- 30180
February 25, 1919 (See PLO 5619) ---- 30180
April 22, 1919 (See PLO 5619) ---- 30180

PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) ---- 30829
4477 (See Proc. 4509) ---- 30829
4505 ---- 29471
4506 ---- 30143
4507 ---- 30351
4508 ---- 30353
4509 ---- 30829
4510 ---- 32430
4511 ---- 32747

MEMORANDUMS:
June 2, 1977 ---- 29843

5 CFR

213 ---- 28515, 28989, 29845, 29846, 29879, 30355 30831, 31455, 31456, 31604, 32250, 32251, 32761
294 ---- 32252
752 ---- 28516
754 ---- 28516
771 ---- 28516
831 ---- 29846

PROPOSED RULES:
831 ---- 29880

7 CFR

2 ---- 32254
26 ---- 30145
68 ---- 30599
270 ---- 32254
908 ---- 30600
210 ---- 30355
271 ---- 28516, 30831
401 ---- 28871–28873, 28989
402 ---- 31427
411 ---- 28873
413 ---- 28141
724 ---- 29847
730 ---- 30355
905 ---- 27875
908 ---- 28144, 29487, 31761, 32513
910 ---- 28516, 29848, 30831, 32255
911 ---- 30147
916 ---- 30491
917 ---- 33023
918 ---- 29487
922 ---- 30492
923 ---- 32761
932 ---- 31761
967 ---- 32762

7 CFR—Continued

1004 ---- 29848
1207 ---- 29295
1427 ---- 29849
1446 ---- 28989, 30832
1464 ---- 32513
1472 ---- 29854
1474 ---- 30832
1488 ---- 30833
1701 ---- 32255
Ch. XXVIII ---- 32514
1809 ---- 31762
1832 ---- 31762
1872 ---- 31762
1888 ---- 33024

PROPOSED RULES:
17 ---- 33038
51 ---- 30626
53 ---- 29313
270 ---- 32256
271 ---- 28546
275 ---- 32256
905 ---- 30198
911 ---- 30513
915 ---- 30513
916 ---- 27911, 30206, 32553
917 ---- 28146, 30513, 30514, 30626, 32802
921 ---- 29489, 31797
922 ---- 30514
923 ---- 27912, 31797
924 ---- 32256, 32802
989 ---- 27913
1006 ---- 30627
1011 ---- 31797
1012 ---- 30627
1013 ---- 30627
1030 ---- 27921
1040 ---- 29881
1049 ---- 33040
1065 ---- 28897
1094 ---- 30627
1096 ---- 30627
1205 ---- 29313
1435 ---- 30409
1446 ---- 32257
1701 ---- 29012, 31457
1822 ---- 29885, 32803
1933 ---- 29885

8 CFR

103 ---- 33024
223 ---- 28113
238 ---- 28990, 29871

PROPOSED RULES:
100 ---- 28547
244 ---- 30845

9 CFR

1 ---- 31022, 31561
2 ---- 31022, 31561
3 ---- 31561
73 ---- 32223
78 ---- 28517, 32223
105 ---- 31430
112 ---- 28519, 29854

PROPOSED RULES:
94 ---- 30844
95 ---- 30844
113 ---- 28548, 28549
447 ---- 33041

10 CFR

2 ---- 28893
21 ---- 28893
31 ---- 28896
34 ---- 28896
35 ---- 28896
40 ---- 28896
70 ---- 28896
Ch. II ---- 31143
211 ---- 27908
212 ---- 27908
214 ---- 29295
430 ---- 27896, 30401
440 ---- 27899
450 ---- 33158
745 ---- 30492

PROPOSED RULES:
2 ---- 31167
70 ---- 28147
73 ---- 28147
202 ---- 28147
211 ---- 27936
212 ---- 27936, 29490
430 ---- 27941, 27951, 30206, 30210, 30401, 30627, 32553
450 ---- 29906

12 CFR

207 ---- 29299
210 ---- 31763
226 ---- 28520, 30148, 31430
264 ---- 27876
265 ---- 28521, 30601
268 ---- 28522
526 ---- 32764
545 ---- 29473, 32765
561 ---- 29473
571 ---- 32766
611 ---- 32226
615 ---- 32226
618 ---- 32227
748 ---- 30493

PROPOSED RULES:
340 ---- 27955
543 ---- 29511
545 ---- 29512
550 ---- 31803
566 ---- 31803
584 ---- 29512
611 ---- 31167
614 ---- 31167
615 ---- 31167

13 CFR

107 ---- 31767
112 ---- 28530
121 ---- 29300

PROPOSED RULES:
113 ---- 29317
116 ---- 32257

14 CFR

23 ---- 30601
39 ---- 28873, 29474, 30603–30605, 31151–31156, 31767–31770, 32519–32528
71 ---- 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157, 31771, 31772, 32528, 32529

JUN 29 77 UM

14 CFR—Continued

73 ... 29475
75 ... 30149, 30611
91 ... 30601, 32531
95 ... 28115
97 ... 28120, 29477, 31158, 32530
133 ... 32531
152 ... 32630
154 ... 32630
221 ... 28874–28876, 32227
372a ... 28121
378a ... 28122
384 ... 32228

PROPOSED RULES:

1 ... 28148
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513, 31171, 31172
71 ... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174, 31805–31808, 32553–32555
73 ... 30642
77 ... 30642
107 ... 30766
Ch. II ... 28898
298 ... 28150
378 ... 30376
1241 ... 31605

15 CFR

379 ... 28998

16 CFR

3 ... 31591, 33025
4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493, 31164, 32532, 32533, 32766, 32767
25 ... 31591
42 ... 31591
132 ... 31591
158 ... 31592
176 ... 31592
182 ... 31592
186 ... 31592
194 ... 31592
201 ... 31592
207 ... 31592
1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060, 31773, 33025

PROPOSED RULES:

4 ... 33041
13 ... 28550, 29516, 29915, 30515, 30516, 32258, 32803
23 ... 29916, 31457, 32804
26 ... 31457, 32804
34 ... 31457, 32804
36 ... 31457, 32804
40 ... 31457, 32804
41 ... 31457, 32804
46 ... 31457, 32804
54 ... 31457, 32804
56 ... 31457, 32804
57 ... 31457, 32804
60 ... 31457, 32804
61 ... 31457, 32804
62 ... 31457, 32804

16 CFR—Continued

PROPOSED RULES—Continued

67 ... 31457, 32804
74 ... 31457, 32804
103 ... 31457, 32804
114 ... 31457, 32804
117 ... 31457, 32804
118 ... 31457, 32804
131 ... 31457, 32804
143 ... 31457, 32804
146 ... 31457, 32804
150 ... 31457, 32804
152 ... 31457, 32804
154 ... 31457, 32804
157 ... 31457, 32804
160 ... 31457, 32804
162 ... 31457, 32804
165 ... 31457, 32804
175 ... 31457, 32804
192 ... 31457, 32804
197 ... 31457, 32804
205 ... 31457, 32804
209 ... 31457, 32804
210 ... 31457, 32804
214 ... 31457, 32804
215 ... 31457, 32804
216 ... 31457, 32804
221 ... 31457, 32804
223 ... 31457, 32804
224 ... 31457, 32804
441 ... 28551
444 ... 32259
456 ... 29917
502 ... 32804
1026 ... 31458
1500 ... 31808

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999
240 ... 27879, 27880, 31774, 31778, 32404, 32534
241 ... 31780
270 ... 31781
271 ... 28999
275 ... 29300

PROPOSED RULES:

1 ... 31740, 32261
9 ... 30472
Ch. II ... 33136
200 ... 30378
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716
240 ... 29918, 30845, 31810, 32415, 32418
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215
274 ... 29716

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001

18 CFR—Continued

201 ... 30159
204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:

201 ... 30846
260 ... 30846

19 CFR

1 ... 32534
159 ... 28531, 28532, 31449
210 ... 31783

PROPOSED RULES:

210 ... 31811

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855, 32769
73 ... 32228
81 ... 32228
101 ... 31449
155 ... 30358, 30359, 31449, 31812
173 ... 29856, 32229
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450, 32229
539 ... 29003
555 ... 29859
558 ... 28535, 32770
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450
650 ... 29859
660 ... 29859
701 ... 30361, 32229
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:

15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014, 32805
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
193 ... 32262

21 CFR—Continued

PROPOSED RULES—Continued

201 ... 30867
510 ... 29928
558 ... 29928
561 ... 32262
808 ... 30383
820 ... 32805
1308 ... 32805
1309 ... 28560
1316 ... 31460

22 CFR

41 ... 32535
42 ... 32535
123 ... 32770

PROPOSED RULES:

123 ... 28551, 29929, 30391, 32806
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304
221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
279 ... 31752
570 ... 31783, 33018
1914 ... 29428–29431, 30304, 31254–31257, 33202
1915 ... 29433, 30305, 33203
1916 ... 29307, 30344
1917 ... 31259–31271
1920 ... 28878–28882, 29859–29870, 30160–30174
1930 ... 29479
1931 ... 29479

PROPOSED RULES:

1908 ... 29692
1911 ... 29692
1912 ... 29692
1913 ... 29692
1914 ... 29692
1917 ... 31272–31280, 31546–31553, 31708–31720, 31952–31960
1921 ... 29692
1922 ... 29692
1923 ... 29692

25 CFR

114 ... 32229
191 ... 30367
192 ... 30367
193 ... 30367
194 ... 30367
195 ... 30367
196 ... 30367
197 ... 30367
198 ... 30367
199 ... 30367
200 ... 30367
201 ... 30367
221 ... 28538, 30367
256 ... 31450

PROPOSED RULES:

54 ... 30647
221 ... 30867
258 ... 28552
260 ... 30216

26 CFR

1 ... 30496, 32536
11 ... 27881
54 ... 27882, 31159, 32384

PROPOSED RULES:

1 ... 29517, 31462
301 ... 30868

27 CFR

250 ... 30835

PROPOSED RULES:

4 ... 30517

28 CFR

0 ... 29003, 32537
2 ... 31784
15 ... 32770
17 ... 29307

PROPOSED RULES:

2 ... 29934

29 CFR

29 ... 30836
90 ... 32771
97 ... 30367
775 ... 32253
1952 ... 30368
2550 ... 32389
2610 ... 32777

PROPOSED RULES:

1601 ... 31174, 33043
1910 ... 29021, 32263, 33043
1952 ... 29024
2530 ... 32807
2610 ... 29318

30 CFR

55 ... 29418
56 ... 29420
57 ... 29422
211 ... 30175, 32777

PROPOSED RULES:

55 ... 30772
56 ... 30772
57 ... 30772
70 ... 28151
221 ... 32801
250 ... 33044

31 CFR

8 ... 33026
51 ... 27883
103 ... 33033
530 ... 31453

32 CFR

353 ... 32537

PROPOSED RULES:

276 ... 27963
286b ... 29935
643 ... 31032

33 CFR

1 ... 31159
110 ... 30618
114 ... 28882
115 ... 28882
117 ... 30178, 30179
127 ... 30179
161 ... 29480
205 ... 30368
266 ... 31159
401 ... 29308

PROPOSED RULES:

117 ... 30216–30218
154 ... 32670
155 ... 32670
156 ... 32670
157 ... 32684
209 ... 29025

36 CFR

2 ... 30501
7 ... 31453
200 ... 32230
211 ... 32780
221 ... 28252
222 ... 30836
223 ... 28252
231 ... 30836
261 ... 30503, 31788

PROPOSED RULES:

223 ... 32808

37 CFR

3 ... 27883, 31159

PROPOSED RULES:

1 ... 30522, 31812
3 ... 31812
5 ... 31812

38 CFR

36 ... 28883

PROPOSED RULES:

8a ... 30392

39 CFR

10 ... 29488
111 ... 27892, 29308, 29488, 31592
224 ... 29308
601 ... 29488
952 ... 30504
954 ... 30504
958 ... 30504

PROPOSED RULES:

111 ... 28153
3001 ... 32809

40 CFR

33 ... 33033
35 ... 29481, 33034
52 ... 27892, 28122, 28539, 28883, 29004, 30369, 30504, 31812
60 ... 32426
61 ... 29005
85 ... 28123
86 ... 28130, 31159, 32906
180 ... 28540, 32782
416 ... 29871
1516 ... 32537

PROPOSED RULES:

Ch. I ... 32811
52 ... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609, 32811
60 ... 32264
61 ... 28154
85 ... 31813
86 ... 28970
162 ... 31284, 31813
173 ... 31284
211 ... 31722, 31730
600 ... 28970
761 ... 32555

41 CFR

3–3 ... 29871
3–30 ... 30190
4–2 ... 28871, 32230
4–8 ... 32783
4–50 ... 31454
7–7 ... 28540
7–30 ... 30619
8–1 ... 28541
9–1 ... 32232
9–5 ... 29873, 31160
9–7 ... 32232
9–51 ... 29308
9–55 ... 29308
Ch. 14 ... 30196
15–19 ... 30509
101–38 ... 31454
101–45 ... 31455
101–47 ... 31455
114–1 ... 30196, 32783

PROPOSED RULES:

3–4 ... 29872, 29937, 32264
5B–2 ... 27966
29–1 ... 31462
29–2 ... 31462
29–3 ... 31462
29–12 ... 31462
29–61 ... 31462
105–65 ... 29319
110–26 ... 28556

42 CFR

51e ... 28692
66 ... 29482
110 ... 29400, 32234

PROPOSED RULES:

67 ... 29518

43 CFR

7 ... 32538
29 ... 31789
2360 ... 28720

PROPOSED RULES:

422 ... 29682

43 CFR—Continued

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) ... 30180
5607 (corrected by PLO 5620) ... 32539
5618 ... 30370
5619 ... 30180
5620 ... 32539

45 CFR

144 ... 31794
158 ... 33146
160f ... 33006
175 ... 31794
176 ... 31794
177 ... 29009
185 ... 32783
187 ... 32784
188 ... 32797
201 ... 28884
249 ... 28700
304 ... 28885
1067 ... 29873

PROPOSED RULES:

12 ... 27966
85 ... 32264
122a ... 28706
136 ... 28899
163 ... 28159
163a ... 28159
171 ... 32812
191 ... 30290
1067 ... 29523

46 CFR

Ch. I ... 32539
1 ... 31160
2 ... 28886
5 ... 31160
31 ... 28886
151 ... 28886
187 ... 29483
250 ... 33035
401 ... 30619, 31160
549 ... 31161

PROPOSED RULES:

Ch. I ... 32700
30 ... 30220
32 ... 30220
34 ... 30649
50 ... 29026, 30220
54 ... 29026, 30220
56 ... 29026, 30220
58 ... 29026, 30220
61 ... 29026, 30220
76 ... 30649
95 ... 30649
107 ... 29026, 30220
108 ... 29026, 30220
109 ... 29026, 30220
162 ... 30649, 32686
167 ... 30649
193 ... 30649
507 ... 29524
536 ... 30399
543 ... 30584, 31175

47 CFR

0 ... 30370
1 ... 27894, 28887, 30180, 31794
2 ... 31006, 31594, 32234
21 ... 27894
23 ... 27894
68 ... 29010, 32234

47 CFR—Continued

73 ... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622, 32539, 32800
74 ... 27895, 29483
78 ... 33036
81 ... 27895, 28542, 31008, 32540
83 ... 29309, 31012, 32540
87 ... 27895, 29483, 32540, 32800
89 ... 27895
89 ... 27895, 30511, 31594
91 ... 27895, 30511
93 ... 27895, 30512
95 ... 27895
97 ... 27895, 29485, 30623
99 ... 27895

PROPOSED RULES:

0 ... 32268
43 ... 31175
61 ... 32556
64 ... 27971
67 ... 30220, 30221
68 ... 28559, 32269
73 ... 27971, 27973, 29027, 30400, 31813, 32813, 33045
76 ... 30222, 30401
83 ... 28164
87 ... 30222
89 ... 27974
91 ... 27974
93 ... 27974
95 ... 27974

49 CFR

Ch. I ... 28888
172 ... 28132
173 ... 28133
174 ... 28135
178 ... 28135
179 ... 28135
218 ... 33037
228 ... 27895
258 ... 28976, 30840
567 ... 31161
568 ... 31161
571 ... 28135, 30188, 30620, 31162
804 ... 31794
1002 ... 31163
1003 ... 31163
1033 ... 28542, 28543, 28888, 30840, 30841, 31163
1043 ... 31163
1045A ... 31163
1048 ... 31795
1063 ... 29309
1100 ... 29311, 33037
1104 ... 32541
1109 ... 31602
1124 ... 31795
1307 ... 28889 30190, 31795

PROPOSED RULES:

173 ... 31815
174 ... 31815
178 ... 31815
179 ... 31815
258 ... 32277
260 ... 32277
571 ... 30653
575 ... 30655
581 ... 30655
Ch. X ... 28560
1124 ... 29526

49 CFR—Continued

PROPOSED RULES—Continued

1207 ... 32814
1241 ... 32819

50 CFR

10 ... 32377
13 ... 32377
17 ... 28052, 28136, 28543, 32377
26 ... 29312
32 ... 28545, 30373, 30621, 32248, 32552, 32801
33 ... 29312, 30621, 32248
217 ... 28137
222 ... 28137
255 ... 32249

50 CFR—Continued

258 ... 30621
280 ... 32249
285 ... 30373
371 ... 30841
651 ... 29876
661 ... 29485, 32250

PROPOSED RULES:

17 ... 28165, 28903, 29527
18 ... 30659
32 ... 30524
91 ... 30524
216 ... 28904, 29533
255 ... 32557
611 ... 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
27875–28112	June 1	29841–30142	10	31427–31590	21
28113–28513	2	30143–30350	13	31591–31758	22
28515–28868	3	30351–30487	14	31759–32221	23
28869–28987	6	30489–30598	15	32223–32512	24
28989–29293	7	30599–30827	16	32513–32759	27
29295–29470	8	30829–31141	17	32761–33020	28
29471–29840	9	31143–31426	20	33021–33253	29

JUN 29 77
UM

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT
- Agricultural Marketing Service—
  - Fresh plums grown in California; Plum Commodity Committee's expenses and rate of assessment for 1977–78; comments by 7–5–77. 30626; 6–16–77
- Animal and Plant Health Inspection Service—
  - Animal products and materials; transiting through the U.S. (2 documents); comments by 7–5–77. 30844; 6–17–77
- Food and Nutrition Service—
  - Food stamp program; state agencies and eligible household participation; comments by 7–5–77. 28546; 6–3–77
- Food Safety and Quality Service—
  - Carcass beef; grade standards; comments by 7–8–77..... 29313; 6–8–77
- Rural Electrification Administration—
  - Contract construction of distribution and transmission facilities; closeout procedures; comments by 7–7–77..... 29012; 6–7–77

COMMERCE DEPARTMENT
- National Oceanic and Atmospheric Administration—
  - Fishery conservation and management; salmon fishery; Washington, California, Oregon; comments by 7–8–77..... 26580; 5–24–77

CONSUMER PRODUCT SAFETY COMMISSION
- Environmental Review; interim rule; comments by 7–5–77.... 25494; 5–18–77
- Power lawn mowers; safety standard; comments by 7–5–77..... 23052; 5–5–77

ENVIRONMENTAL PROTECTION AGENCY
- Air pollution control; new motor vehicles and engines; emission standards and fuel economy, 1978 and later models; comments by 7–5–77..... 28970; 6–6–77
- Air quality implementation plans; various states:
  - Arizona; comments by 7–5–77. 28553; 6–3–77
  - California; comments by 7–5–77. 28555; 6–3–77
  - Massachusetts; comments by 7–5–77. 28554; 6–3–77
  - Pennsylvania; comments by 7–5–77. 30393; 6–14–77
- Standards of performance for new stationary sources; lime manufacturing plants; comments by 7–5–77. 22506; 5–3–77

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
- Employment discrimination; deferral designation of agencies; comments by 7–5–77..... 31174; 6–20–77

FEDERAL COMMUNICATIONS COMMISSION
- Cable television annual financial report (FCC form 326); reply comments extended to 7–8–77.. 30401; 6–14–77
- Definition and creation of classes of cable television systems; reply comments by 7–6–77.... 19492; 4–14–77
- Digital transmission systems; modifying low pass audio filtering requirements; reply comments extended to 7–7–77. 27974; 6–1–77
  - [First published at 42 FR 21142, Apr. 25, 1977]
- External radio frequency power amplifiers; 24 to 35 MHz; amateur radio service; reply comments extended to 7–6–77..... 27628; 5–31–77
- FM broadcast stations; Washington; reply comments by 7–5–77.... 23165; 5–6–77
- FM broadcast stations; table of assignments:
  - Rice Lake, Wis.; comments by 7–5–77. 27973; 6–1–77
- Maritime services; shipboard stations; aircraft use of maritime mobile VHF frequencies; comments by 7–5–77. 28164; 6–2–77
- Ship radio stations operating on frequencies in 1605–3500 kHz band; channel operation requirements; reply comments by 7–7–77.... 25880; 5–20–77
- Type acceptance of equipment requirement; amateur radio service; reply comments extended to 7–6–77. 27628; 5–31–77

FEDERAL ENERGY ADMINISTRATION
- Freedom of Information Act; implementation; comments by 7–5–77. 28147; 6–2–77
- Middle distillate prices; post-exemption monitoring; comments by 7–6–77. 27936; 6–1–77

FEDERAL TRADE COMMISSION
- Consent agreements with analysis to aid public comment; comments by 7–7–77 (4 documents)..... 23843–9; 5–11–77

GENERAL SERVICES ADMINISTRATION
- National Archives and Records Service—
  - National Historical Publications and Records Commission; grant procedures; comments by 7–8–77. 29319; 6–8–77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
- Education Office—
  - Career education and development; additional programs; comments by 7–5–77..... 28159; 6–2–77
  - Guidance and counseling programs; criteria for award of grants; comments by 7–5–77..... 25881; 5–20–77
  - Indochinese refugee children; public educational services grants to state educational agencies; comments by 7–5–77..... 28706; 6–3–77
- Food and Drug Administration—
  - Radioactive drugs for research; comments by 7–5–77.. 23161; 5–6–77
- Public Health Service—
  - Buy Indian Act; procurement; comments by 7–7–77..... 26314; 5–23–77
  - Indian health; health professions recruitment and scholarship grant programs; comments by 7–7–77. 26306; 5–23–77
  - National Health Service Corps Program; proposed modification; comments by 7–5–77..... 25992; 5–20–77

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
- Federal Insurance Administration—
  - Flood insurance; sale and servicing; comments by 7–7–77..... 29692; 6–9–77

JUSTICE DEPARTMENT
- Immigration and Naturalization Service—
  - Closing of various Wisconsin ports of entry; comments by 7–5–77. 28547; 6–3–77

LABOR DEPARTMENT
- Occupational Safety and Health Administration—
  - Beryllium; occupational exposure; comments by 7–7–77..... 29021; 6–7–77
  - Puerto Rico state plan; availability; comments by 7–7–77..... 29024; 6–7–77

NUCLEAR REGULATORY COMMISSION
- Human uses of byproduct material in teletherapy units; comments by 7–5–77..... 25743; 5–19–77
- Rules of practice facility license application review and hearing process; comments extended to 7–5–77. 31167; 6–20–77
  - [First published at 42 FR 22168, May 2, 1977]

PENSION BENEFIT GUARANTY CORPORATION
- Employee Retirement Income Security Act; valuation of plan benefits; comments by 7–8–77..... 29318; 6–8–77

POSTAL SERVICE
- Second-class mail; novelty pages; deletion; comments by 7–5–77.... 28153; 6–2–77

STATE DEPARTMENT
- International arms traffic; major sales proposals; approval; comments by 7–5–77..... 28551; 6–3–77

TRANSPORTATION DEPARTMENT
- Coast Guard—
  - Lifesaving equipment; lights and retroreflective material; comments by 7–4–77..... 26229; 5–23–77
  - Qualifications of persons in charge of oil transfer operations; comments by 7–7–77 ..... 21190; 4–25–77
  - Tankerman requirements; comments by 7–7–77..... 21190; 4–25–77
- Federal Aviation Administration—
  - Transition area:
    - Camp McCoy Army Airfield, Ft. McCoy, Wis.; comments by 7–8–77..... 29514; 6–9–77
    - Delta County Airport, Escanaba, Mich.; comments by 7–8–77. 29513; 6–9–77
    - Goldsboro, N.C.; comments by 7–5–77..... 26692; 5–26–77
    - Lada Airport, Petersburg, Mich.; comments by 7–8–77.... 29515; 6–9–77
    - Madera, Calif.; comments by 7–5–77..... 28149; 6–2–77
    - Marathon, Fla.; comments by 7–5–77..... 26992; 5–26–77
    - Pulaski, Wis.; comments by 7–8–77..... 29516; 6–9–77

Next Week's Meetings

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD
- Accessible Environment, National Advisory Committee, Oakland and Berkeley, Calif. (open), 7–8 and 7–9–77..... 31473; 6–21–77

ARTS AND HUMANITIES, NATIONAL FOUNDATION
- Education Programs Panel, Washington, D.C. (closed), 7–7 and 7–8–77. 30556; 6–15–77
- Federal Graphics Evaluation Advisory Panel, Washington, D.C. (open with restrictions), 7–7 and 7–8–77. 31200; 6–20–77
- Visual Arts Policy Panel, Washington, D.C. (open with restrictions), 7–6 thru 7–8–77..... 31200; 6–20–77

CIVIL RIGHTS COMMISSION
- Advisory Committees:
  - Louisiana, Rouge, La. (open), 7–9–77. 30881; 6–17–77
  - Maryland, Baltimore, Md. (open), 7–9–77..... 26236; 5–23–77
  - New Jersey, New Brunswick, N.J. (open), 7–7–77.... 29942; 6–10–77

COMMERCE DEPARTMENT
- National Oceanic and Atmospheric Administration—
  - Fishery Management Councils:
    - Gulf of Mexico, Billfish/Pelagic Shark Advisory Panel, Tampa, Fla. (open with restrictions), 7–8–77..... 30232; 6–13–77
    - New England Fishery Management Council; Newport, R.I. (open), 7–5 thru 7–6–77..... 21307; 4–26–77

DEFENSE DEPARTMENT
- Air Force Department—
  - USAF Scientific Advisory Board, Washington, D.C. (open), 7–5–77. 30531; 6–15–77
- Army Department—
  - Armed Forces Epidemiological Board, Washington, D.C. (open with restrictions), 7–7 and 7–8–77. 31480; 6–21–77
- Office of the Secretary—
  - Wage Committee, Washington, D.C. (closed), 7–5–77..... 24077; 5–12–77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
- Alcohol, Drug Abuse, and Mental Health Administration—
  - Community Alcoholism Services Review Committee, Bethesda, Md. (open), 7–9–77.... 25916; 5–20–77
- National Institute of Education—
  - Education Research National Council, Washington, D.C. (open), 7–7 and 7–8–77..... 31644; 6–22–77
- National Institutes of Health—
  - Carcinogenesis Program Scientific Review Committee A, Bethesda, Md. (open-closed), 7–7–77..... 27305; 5–27–77
  - Commission for the Control of Huntington's Disease and its Consequences, Pacific Grove, Calif. (open), 7–8 thru 7–10–77.. 31840; 6–23–77
- Office of the Secretary—
  - National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Bethesda, Md. (open with restrictions), 7–8 and 7–9–77.... 31839; 6–23–77

INTERIOR DEPARTMENT
- Land Management Bureau—
  - California Desert Conservation Area Advisory Committee, Riverside, Calif. (open), 7–7 thru 7–9–77. 28627; 6–3–77

NATIONAL CAPITAL PLANNING COMMISSION
- Washington, D.C. (open), 7–7–77. 20865; 4–22–77

NATIONAL SCIENCE FOUNDATION
- Advisory Council Task Group No. 4, Washington, D.C. (open), 7–7–77. 30954; 6–17–77
- Advisory Panel:
  - Oceanography Project Support, West Greenwich, R.I. (closed), 7–7 and 7–8–77..... 30955; 6–17–77
  - Science Education Projects, Subpanel for Science for Citizens Program, Washington, D.C. (closed), 7–8 and 7–9–77..... 31179; 6–20–77
  - Science Education Advisory Committee, Washington, D.C. (open), 7–7 and 7–8–77..... 31664; 6–22–77

NUCLEAR REGULATORY COMMISSION
- Reactor Safeguards Advisory Committee, Reactor Safety Research Subcommittee Working Group No. 1, Washington, D.C. (open-closed), 7–7 and 7–8–77. 31204; 6–20–77
- Reactor Safeguards Advisory Committee Subcommittee on the North Anna Power station, Washington, D.C. (open), 7–6–77 ..... 31203; 6–20–77

SCIENCE AND TECHNOLOGY POLICY OFFICE
- Space Systems Advisory Group, Washington, D.C. (closed), 7–6 and 7–7–77..... 30455; 6–14–77

STATE DEPARTMENT
- Ocean Affairs Advisory Committee, Kodiak, Alaska (open-closed), 7–6 and 7–7–77..... 30959; 6–17–77

Next Week's Public Hearings

FEDERAL ENERGY ADMINISTRATION
- Consumer appliances energy conservation program; procedural regulations; 7–6–77..... 30206; 6–13–77
- Test procedures for unvented home heating equipment, Washington, D.C., 7–6–77..... 23860; 5–11–77

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
- Food and Drug Administration—
  - Miscellaneous Internal Drug Products Panel, Rockville, Md. (open), 7–9–77..... 30888; 6–17–77

STATE DEPARTMENT
- International arms traffic; major sales proposals; approval, Washington, D.C. (open with restrictions), 7–7–77. 28551; 6–3–77

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 3416.....Pub. L. 95–54
To amend section 316(c) of the Agricultural Adjustment Act of 1938 to provide that leasing of fine-cured tobacco acreage-poundage marketing quotas after June 15 of any year be permitted only between farms on which at least 80 per centum of the farm acreage allotment was planted for such year. (June 25, 1977, 91 Stat. 251) Price $.35.

H.R. 7606.....Pub. L. 95–55
To authorize the Secretary of Agriculture to permit general recreational access and geothermal explorations for six months within a portion of the Bull Run Reserve, Mount Hood National Forest, Oregon. (June 25, 1977, Stat. 251) Price $.35

JUN 29 77 UM

presidential documents

Title 3—The President

Executive Order 11998 • June 27, 1977

President's Commission on Military Compensation

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

SECTION 1. (a) There is established the President's Commission on Military Compensation, hereinafter referred to as the Commission, which shall be composed of not more than nine members who shall be appointed by the President.

(b) The President shall designate a Chairman from among the members.

SEC. 2. (a) The Commission shall review at least the analyses, findings, and recommendations related to military compensation which have been completed by the Quadrennial Reviews of Military Compensation, the Comptroller General, the Interagency Committee Study of Uniformed Services Retirement and Survivor Benefits, the Department of Defense Retirement Study Group, and the Defense Manpower Commission.

(b) The Commission shall identify, study, and make recommendations on critical military compensation issues, specifically addressing the following issues:

(1) What form of military compensation is the most effective for meeting the needs of the Nation in peace and war? Is the present pay and allowances system appropriate? If not, what changes (such as some form of military salary) offer greater potential to serve the national purpose?

(2) Are specific standards appropriate and necessary for setting and adjusting military compensation? If so, what should the standards be? What elements of compensation should be based on such standards?

(3) What provisions are appropriate for differential compensation (such as special and incentive pays) and what are the appropriate criteria for using them?

(4) What are the purposes of the military retirement system? Is the present system effective in achieving these purposes? What changes are appropriate?

(5) Should the unique characteristics of military service be reflected in the compensation system, and, if so, how?

(c) The Commission shall submit a report to the President through the Secretary of Defense by March 15, 1978. The report shall recommend how the military compensation system can best be structured to serve the national interest. If changes are recommended, the Commission should estimate their cost and propose an implementation plan and timetable.

V 42 N 125 JUN 29 77 UM

SEC. 3. In performing its functions the Commission shall conduct such studies, reviews, and inquiries as may be necessary. In addition to conducting open meetings in accordance with the Federal Advisory Committee Act, the Commission shall conduct public hearings to identify critical issues and possible solutions related to the structure of military compensation.

SEC. 4. The Commission is authorized to request from any Executive agency such information that may be deemed necessary to carry out its functions under this Order. Each Executive agency shall, to the extent permitted by law, furnish such information to the Commission in the performance of its functions under this Order.

SEC. 5. Each member of the Commission who is not otherwise employed in the Federal Government may receive, to the extent permitted by law, compensation for each day he or she is engaged in the work of the Commission at a rate not to exceed the maximum daily rate now or hereafter prescribed by law for GS–18 of the General Schedule, and may also receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

SEC. 6. The Chairman of the Commission is authorized to establish such additional advisory committees as may be deemed appropriate to carry out the purposes of this Order.

SEC. 7. All necessary administrative staff services, support, facilities, and expenses of the Commission shall, to the extent permitted by law, be furnished by the Department of Defense.

SEC. 8. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Commission, shall be performed by the Secretary of Defense in accordance with guidelines and procedures established by the Office of Management and Budget.

SEC. 9. The Commission shall terminate thirty days after submitting its report.

Jimmy Carter

THE WHITE HOUSE,
June 27, 1977.

[FR Doc.77–18772 Filed 6–27–77;4:42 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Peach Reg. 9, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amended regulation continues through May 31, 1978, current minimum grade and size requirements applicable to fresh California peach shipments except that it (1) specifies a larger minimum size for unlisted varieties shipped from July 3, 1977, through October 31, 1977, and (2) specifies a larger minimum size for 8 named varieties shipped from April 1, 1978, through May 31, 1978. The amended regulation recognizes the marketing situation facing the industry and is necessary to assure that the peaches shipped will be of suitable quality and size in the interest of consumers and producers.

EFFECTIVE DATE: July 3, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–3545.

SUPPLEMENTARY INFORMATION: Notice was published in the FEDERAL REGISTER issue of June 2, 1977 (42 FR 28146), that the Department was giving consideration to a proposal to amend § 917.443 (Peach Regulation 9; 42 FR 24230), effective pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, to: (1) continue through May 31, 1978, the U.S. No. 1 minimum grade requirement applicable to all varieties of California peaches in fresh shipments, (2) continue through such date specified minimum size requirements except that from July 3, 1977, through October 31, 1977, size 80 would be the minimum size for varieties not listed in the regulation and from April 1, 1978, through May 31, 1978, size 96 would be the minimum size for Armgold, Desertgold, Golden Supreme, Pat's Pride, Royal April, Royal Gold, Springold, and Springtime varieties of peaches. The notice allowed interested persons until June 17, 1977, to submit data, views, or arguments for consideration relative to such proposed extension. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the notice, the recommendations and information submitted by the Peach Commodity Committee, established under the amended marketing agreement and order, and other available information, it is found that the limitation of handling of California peaches, as provided, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) shipments of such peaches are currently in progress and this amendment should be applicable to all peach shipments occurring during the effective periods specified in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice; (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time; and (4) this amendment was unanimously recommended by the Peach Commodity Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of Peach Regulation 9 (§ 917.443; 42 FR 24230) are revised to read as follows:

§ 917.443 Peach regulation 9.

Order. (a) During the period July 3, 1977, through May 31, 1978, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Armgold, Desertgold, Pat's Pride, Royal April, Royal Gold, Springold, Springtime or Golden Supreme variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 108 peaches in the box: *Provided*, That during the period April 1, 1978, through May 31, 1978, such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 108 peaches: *Provided*, That during the period April 1, 1978, through May 31, 1978, such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of Robin, any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, Gold Dust, June Lady, Merrill Gemfree, Royal May, Early Coronet, Flavorcrest, Springcrest, Early Royal May, or May Lady variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the box:

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 83 peaches.

(4) Any package or container of Aurora, Coronet, Indian Red, Merril Gem, Peterson Elberta, Redhaven, Regina, or Redtop variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (4) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Alamar, Angelus, Belmont, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Forty-

JUN 29 77 UM

niner, Franciscan, Halloween, John Gee, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), Madera Gem, Mardigras, Merricle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Regular Elberta, Redglobe, Red Lady, Rio Oso Gem, Scarlet Lady, Summerset, Summertime, Suncrest, Toreador, July Lady, Windsor, Gem Crest, Autumn Gem, Cal Red, Early Fairtime, Early O'Henry, Fire Red, Red Cal, or Sparkle Variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box:

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(b) During the period July 3 through October 31, 1977, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4) or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded froms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(3) Such peaches in any container when packed other than as specified in subparagraphs (1) or (2) of this paragraph (b) are of a size that a 16 pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated, June 23, 1977, to become effective July 3, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77–18578 Filed 6–28–77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLAENOUS REGULATIONS

[FmHA Instruction 440.3]

PART 1888—SPECIAL ASSISTANCE TO DROUGHT STRICKEN AREAS

Short Term Measures

AGENCY: Farmers Home Administration (FmHA), USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration issues amended regulations to provide assistance for short-term measures, including initial operating and maintenance expenses attributable to problems resulting from water shortages due to the drought.

DATES: Effective on June 29, 1977. Comments must be received by July 29, 1977.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Dwight O. Calhoun (202) 447–7287

SUPPLEMENTARY INFORMATION: Part 1888 of Chapter XVIII Title 7, Code of Federal Regulations, Subchapter G, "Miscellaneous Regulations," is amended. The purpose of this amendment is to provide additional assistance for short-term measures necessary to augment community water supplies where there are severe problems resulting from water shortages due to the drought. This provision includes initial operating and maintenance expenses attributable to such measures, and is contained in the new § 1888.13, "Loans and Grants to Rural Communities for Water Supply Assistance." It is the policy of this department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553. This amendment however, is not published for proposed rulemaking since its purpose is to provide needed financial assistance to communities in rural areas which may have suffered losses and extreme privation as a result of abnormal drought conditions, and any delay in administering this assistance would be contrary to the public interest. However, comments will be accepted and material thus submitted will be evaluated and acted upon in the same manner as if the document were a proposal. However, this addition will remain effective until amended in order to permit the public business to proceed expeditiously. As amended, § 1888.13(c) reads as follows:

§ 1888.13 Loans and grants to rural communities for water supply assistance.

* * * * *

(c) For those projects determined to meet the requirements of paragraph (b) of this section, assistance may be provided to the extent necessary for the construction, enlargement, extension improvement, or any other appropriate community water facility purpose for ameliorating drought caused problems. Such assistance may include, but not be limited to. deepening an existing well, developing a new water source by digging a new well, or extending water supply lines to other water sources. Additionally, assistance may be provided for short term measures necessary to augment community water supplies where there are severe problems resulting from water shortages due to the drought, including initial operation and maintenance expenses attributable to such measures. However, increased operation and maintenance expenses on existing facilities attributable to the drought are not items for which assistance may be provided. Eligibility is limited to those project measures which can be completed by November 30, 1977. Under special circumstances or hardships, an extension of completion time may be granted by the FmHA Administrator.

* * * * *

(7 U.S.C. 1980; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: June 24, 1977.

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77–18851 Filed 6–28–77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Privacy Act Forms; Accounting for Disclosures

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The amendments contained in this order pertain to the forms to be used by the public in requesting information from Service records under the Privacy Act. The amendment also revises Service regulations pertaining to accounting for disclosure under the Privacy Act. Finally, the amendment deletes from the fee schedule reference to Form I–550, since that form is no longer used due to the Immigration and Nationality Act Amendments of 1976. These amendments are being published to advise the public of the existence of these Privacy Act forms and to bring the fee schedule into line with the abolishment of Form I–550 which is no longer used. It is intended that the use of the Privacy Act forms set forth in these regulations will expedite the furnishing of information to requests by individuals under the Privacy Act.

EFFECTIVE DATE: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536. Telephone: 202–376–8373.

SUPPLEMENTARY INFORMATION: These amendments are being published in accordance with section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1.

In these amendments 8 CFR 103.7(b)(1) is being amended by deleting the reference to the fee for filing an application on Form I–550 for Verification of Lawful Permanent Residence of an Alien. This information may now be obtained by filing Form G–641, "Application for Verification of Information from Immigration and Naturalization Service Records". The fee remains the same. Also, 8 CFR 103.21(a) is revised by including instructions pertaining to the use of Form G–657, "Privacy Act Information Request". 8 CFR 103.21(b)(3) is being revised by substituting for the existing last sentence, new instructions for use of G–652, "Affidavit of Identity". Finally, the requirement at 8 CFR 103.30(a) pertaining to the accounting for disclosure provisions is being revised to provide that an accounting of each disclosure of information for which accounting is required shall be attached to the alien's record and a copy of Form G–657, "Privacy Act Information Request," Form G–658, "Record of Information Disclosure (Privacy Act)" or other disclosure document shall be used for this accounting. The regulation is being further revised to provide that the system manager shall advise individuals promptly of the persons or agencies outside the Department of Justice to which records concerning them have been disclosed in accordance with requests under 8 CFR 103.24.

Since the amendments to the regulations prescribed in this order relate to agency procedure, compliance with the provisions of section 553 of Title 5 of the United States Code respecting notice of proposed rule making or delayed effective date is unnecessary.

In the light of the foregoing, the following amendments are hereby prescribed to Title 8 of Chapter I of the Code of Federal Regulations:

§ 103.7 [Amended]

In § 103.7(b)(1), Amounts of fees, the fee "For filing application on Form I–550 for verification of lawful permanent residence of an alien * * * $5.00" is deleted.

In § 103.21 paragraph (a) is revised by adding a new last sentence to the paragraph, and paragraph (b)(3) is revised by replacing the existing second sentence. As revised § 103.21 (a) and (b)(3) read as follows:

§ 103.21 Access by individuals to records maintained about them.

(a) *Access to available records.* An individual seeking access to records about himself in a system of records, which have not been exempted from access pursuant to the Privacy Act of 1974, shall present his request in person or in writing to the manager of the particular system of records to which he seeks access. Systems managers are identified in the "Notice of Systems of Records" published by the National Archives and Records Service, General Services Administration. Access to records in multiple systems of records shall be addressed to the Office of the Associate Commissioner, Management, which shall assist the requester in identifying his request more precisely and shall be responsible for forwarding the request to the appropriate system managers. The use of Form G–657, Privacy Act Information Request, is recommended for rapid identification and to insure expeditious handling.

(b) *Verification of identity.* * * *

(3) An individual seeking access to records about himself by mail or in person who cannot provide the necessary documentation of identification may provide a notarized statement swearing or affirming to his identity and to the fact that he understands the penalties for false statements pursuant to 18 U.S.C. 1001. Form G–652, "Affidavit of Identity," may be obtained on request from the office of the system manager of a system of records at a system location listed in the "Notice of Systems of Records" published in the FEDERAL REGISTER.

* * * * *

Section 103.30(a) is revised as set forth below.

§ 103.30 Accounting for disclosures.

(a) An accounting of each disclosure of information for which accounting is required (see § 103.24 of this part) shall be attached to the relating record. A copy of Form G–657, "Privacy Act Information Request," Form G–658, "Record of Information Disclosure (Privacy Act)," or other disclosure document shall be used for this accounting. The system manager shall advise individuals, promptly upon request as described in § 103.24, of the persons or agencies outside the Department of Justice to which records concerning them have been disclosed.

* * * * *

(Sec. 103; 66 Stat. 173; (8 U.S.C. 1103).)

Effective date: The amendments contained in this order become effective on June 29, 1977.

Dated: June 23, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77–18559 Filed 6–28–77;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Interlocutory Appeals

Correction

In FR Doc. 77–17671 appearing at page 31591 in the issue for Wednesday, June 22, 1977, in the middle column, paragraph (b), in the twenty sixth line, the word "porties" should be corrected to read "portions."

The authority citation appearing at the end of the document should be corrected to read as follows:

(Authority: 15 U.S.C. § 46(g).)

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES, ADMINISTRATION AND ENFORCEMENT REGULATIONS

Exemptions for Small Packages, Minor Hazards, and Special Circumstances; Correction

AGENCY: Consumer Product Safety Commission.

ACTION: Correction of a regulation.

SUMMARY: On September 23, 1973, the Commission revised and transferred to its own jurisdiction the existing regulations under the Federal Hazardous Substances Act. In that transfer document an editorial error appeared in one provision of a regulation. In this notice the Commission corrects the error.

DATES: The correction is effective immediately.

FOR FURTHER INFORMATION CONTACT:

Carole Roth, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207 (202–634–7770).

JUN 29 77
UM

CORRECTION

In FR Doc. 73-20429 appearing at page 27012 in the FEDERAL REGISTER of September 27, 1973 (38 FR 27012), paragraph (a)(34) of section 1500.83 appearing on page 27025 is corrected in the sixth line of that paragraph by changing the reference "§ 1500.14(b)(3)(ii)" to "§ 1500.14(b)(4)."

Dated: June 22, 1977.

RICHARD RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-18482 Filed 6-27-77;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

[T.D. ATF-44; Re. No. 306]

PART 8—PRACTICE BEFORE THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Treasury Department is adopting regulations which permit attorneys, certified public accountants, and other persons, referred to as "enrolled practitioners" to represent individuals, partnerships, or corporations before the Bureau of Alcohol, Tobacco and Firearms (ATF). Formerly, rules governing the representation of persons before ATF were contained in rules which applied to representation (or "practice") before the Internal Revenue Service. These regulations will insure that persons enrolled to practice before ATF will be knowledgeable in Federal laws and regulations concerning alcohol, tobacco, firearms, and explosives matters.

EFFECTIVE DATE: These regulations are effective September 27, 1977. The reason for this time period is to allow persons currently enrolled to practice before the Internal Revenue Service to apply for enrollment to practice before ATF if they wish to do so.

FOR FURTHER INFORMATION CONTACT

Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226, or by telephone at 202-566-7626.

FOR ENROLLMENT INFORMATION CONTACT:

Assistant Director (Regulatory Enforcement), Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The recognition and practice of persons before the Bureau of Alcohol, Tobacco and Firearms are now governed by regulations in 31 CFR Part 10, "Practice before the Internal Revenue Service." Since July 1, 1972, ATF has been a Treasury bureau separate from IRS. ATF's primary functions are to administer and enforce Federal laws relating to the alcohol, tobacco, firearms, and explosives industries. Although ATF collects excise taxes on beer, wine, liquors, cigars, and cigarettes, its function is also regulatory in nature and concerned with law enforcement. Logically, persons practicing before ATF should be knowledgeable in Federal laws and regulations concerning alcohol, tobacco, firearms, and explosives matters. Conversely, although knowledge of excise taxes in these areas is essential, the expert knowledge of income tax matters required of IRS enrolled agents is unnecessary. Therefore, Treasury finds it inappropriate for persons practicing before ATF to be governed by the regulations applying to IRS.

On December 13, 1976, the Treasury Department published a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 54191) which would establish a new Part 8 in Title 31 CFR, "Practice before the Bureau of Alcohol, Tobacco and Firearms." Interested persons were given 30 days in which to submit written comments on the proposed regulations.

DISCUSSION OF COMMENTS

Several comments were received in response to the proposed regulations. These comments are discussed below according to the subject areas they addressed.

SOLICITATION

Two comments suggested that proposed § 8.41 which prohibits solicitation of employment by all persons practicing before ATF, be deleted in light of recent developments concerning the advertising of services by attorneys.

The Treasury Department is aware of the present scrutiny which restrictions on professional advertising are undergoing by the courts and by various professional associations. Nevertheless, few changes in restrictions on advertising or solicitation have as yet come about. In almost all states, attorneys are still prohibited from advertising. Treasury expects, however, that some changes regarding solicitation and advertising will eventually occur. Since at this time it is impossible to know the scope or exact nature of future changes in the prohibition on advertising, Treasury is not deleting or modifying §8.41 because its provisions are still widely endorsed by various professional societies and in most states.

Future changes by State legislatures, professional associations or as the result of court decisions in the area of professional solicitation will be carefully monitored by the Treasury Department. Section 8.41 will be reexamined at a later date in view of future developments regarding advertising and solicitation by professionals.

FURNISHING INFORMATION TO ATF

Proposed § 8.31(a) requires any attorney, certified public accountant or enrolled practitioner practicing before ATF to furnish promptly to ATF information requested by ATF unless the practitioner believes the information is privileged or the request is not legal. One commentor requested that this section be deleted because it would prohibit the practitioner from advising his or her client not to produce information if the practitioner believed this action to be in the best interests of the client. This commentor also questioned the meaning of the term "promptly" and questioned who would determine the legality for an information request, the client's respresentative or ATF.

The Treasury Department does not feel proposed § 8.31(a) restricts the right of a practitioner to advise his or her client. The section contains an exemption for requests which the practitioner believes to be of doubtful legality, or for information which the practioner believes is privileged. In these cases, the practitioner could advise a client not to produce the requested information and if the Treasury Department insisted that the request was valid, a competent tribunal would make the ultimate decision. This regulation is identical to 31 CFR 10.20 as it applies to persons practicing before IRS.

The term "promptly" cannot be as easily defined as suggested by this comment. Since "promptly" is dependent entirely upon the kind of information requested, its volume and its accessibility, a separate determination of the time allowed for the production of information must be made in each case. Therefore, "promptly" cannot be defined more specifically; any time period requested will be reasonable under the specific circumstances.

KNOWLEDGE OF CLIENT'S OMISSION

One comment suggested deleting proposed § 8.34, "Knowledge of client's omission." This section would require an attorney, certified public accountant, or enrolled practitioner to inform a client of the client's noncompliance with law or of an error or omission in any return or document which the client is required to file. The commentor felt this proposed section would interfere with the client's guaranteed right to counsel.

Treasury disagrees with this comment and is adopting § 8.34 as proposed. Moreover, Treasury feels this section guarantees the client's right to counsel since it insures that the client, who may be unfamiliar with the requirements of the law or regulations, will be informed by the practitioner of their requirements. This section, of course, only requires the practitioner to inform his or her client of illegal behavior or of errors; it does not penalize the practitioner if the client chooses not to comply with those requirements.

PREPARATION OF TAX RETURNS

One comment questioned if preparation of tax returns is considered "practice" under the proposed regulations. Section 8.11 specifically excludes preparation of tax returns from the definition of "practice," yet § 8.52(b) includes the giving of false or misleading information (including Federal tax returns) as "disreputable conduct" for which the Director of Practice may take disciplinary action against an attorney, certified public account, or enrolled practitioner.

Sections 8.11 and 8.52(b) do not conflict with respect to preparation of tax returns. Preparation of a tax return does not by itself constitute "practice" and a person may prepare tax returns for taxpayers without that person being an attorney, certified public accountant or enrolled to practice. However, when a practitioner represents a client before ATF and also prepares Federal tax returns for that client, preparation of those returns would be a portion of his or her "practice." Consequently, giving false or misleading information on these Federal tax returns would be considered "disreputable conduct" and could subject the practitioner to disciplinary action.

OTHER COMMENTS

One comment claimed that the proposed prohibition at § 8.2(c) on other Government employees practicing before ATF is broader than the restrictions imposed on Government employees by law. Treasury disagrees with this comment since we feel that § 8.2(c) as written is entirely consistent with the restrictions imposed by 18 U.S.C. 203 and 205. Another comment noted that attorneys are permitted to act as their own notaries in at least some states but that proposed § 8.23 prevents attorneys, certified public accountants, or enrolled practitioners from acting as their own notaries in matters before ATF. While the Treasury Department realizes that attorneys may act as their own notaries in some states, this practice is prohibited in most states. Therefore, Treasury is retaining this restriction because it remains a general prohibition.

A final comment questioned the wisdom of establishing a new class of "enrolled practitioners" who may practice before ATF. This comment further suggested that enrolled agents before IRS be "grandfathered" to practice before ATF and that no new practitioners before ATF be recognized to practice.

Treasury believes it is impractical for IRS enrolled agents to continue to practice before ATF because of the vast difference in the types of taxes and regulations administered by the two bureaus. Agents enrolled to practice before IRS, however, may apply to practice before ATF if they desire to do so and can establish their expertise in ATF matters.

CHANGES SINCE THE NOTICE

No substantive changes in the regulations as proposed have been made and Treasury is adopting the regulations as set forth below. A large number of editorial changes have been made to clarify the regulations, to improve their readability and to correct several citations to sections within the part.

DRAFTING INFORMATION

The principal author of this regulation is Charles N. Bacon of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the regulation in matters of substance.

AUTHORITY AND ISSUANCE

Except when otherwise noted, these regulations are issued under the authority contained in sec. 3, 23 Stat. 258 (31 U.S.C. 1026); 5 U.S.C. 500, 551-559; and Reorganization Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, as amended.

In view of the above, the Secretary of the Treasury is amending Title 31 Code of Federal Regulations by adding a new Part 8 as set forth below.

Subpart A—General Requirements

Sec.
8.1 Scope.
8.2 Persons who may practice.
8.3 Conference and practice requirements.
8.4 Director of practice.
8.5 Records.
8.6 Special orders.

Subpart B—Definitions

8.11 Meaning of terms.

Subpart C—Enrollment Procedures

8.21 Eligibility for enrollment.
8.22 Applicant for enrollment.
8.23 Denial of enrollment; appeal.
8.24 Enrollment cards.
8.25 Renewal of enrollment card.
8.26 Change in enrollment.
8.27 Enrollment registers.
8.28 Termination of enrollment.
8.29 Limited practice without enrollment.

Subpart D—Duties and Restrictions Relating to Practice

8.31 Furnishing of information.
8.32 Prompt disposition of pending matters.
8.33 Accuracy.
8.34 Knowledge of client's omission.
8.35 Assistance from disbarred or suspended persons and former Treasury employees.
8.36 Practice by partners of Government employees.
8.37 Practice by former Government employees.
8.38 Notaries.
8.39 Fees.
8.40 Conflicting interests.
8.41 Solicitation.
8.42 Practice of law.

Subpart E—Disciplinary Proceedings

8.51 Authority to disbar or suspend.
8.52 Disreputable conduct.
8.53 Initiation of disciplinary proceedings.
8.54 Conferences.
8.55 Complaint.
8.56 Service of complaint and other papers.
8.57 Answer.
8.58 Supplemental charges.
8.59 Proof; variance; amendment of proceedings.
8.60 Motions and requests.
8.61 Representation.
8.62 Administrative Law Judge.
8.63 Hearings.
8.64 Evidence.
8.65 Depositions.
8.66 Transcript.
8.67 Proposed findings and conclusions.
8.68 Decision of Administrative Law Judge.
8.69 Appeal to the Secretary.
8.70 Decision of the Secretary.
8.71 Effect of disbarment or suspension.
8.72 Petition for reinstatement.

AUTHORITY: The provisions of this Part 8 issued under sec. 3, 23 Stat. 258 (31 U.S.C. 1026); 5 U.S.C. 301, 500, 551-559; and Reorganization Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, as amended; unless otherwise noted.

Subpart A—General Requirements

§ 8.1 Scope.

This part contains rules governing the recognition of attorneys, certified public accountants, enrolled practitioners, and other persons representing clients before the Bureau of Alcohol, Tobacco and Firearms.

§ 8.2 Persons who may practice.

(a) *Attorneys.* Any attorney who is not currently under suspension or disbarment from practice before the Bureau of Alcohol, Tobacco and Firearms, may practice before the Bureau upon filing a written declaration with the Bureau, that he or she is currently qualified as an attorney and is authorized to represent the particular party on whose behalf he or she acts.

(b) *Certified public accountants.* Any certified public accountant who is not currently under suspension or disbarment before the Bureau of Alcohol, Tobacco and Firearms, may practice before the Bureau upon filing a written declaration with the Bureau, that he or she is currently qualified as a certified public accountant and is authorized to represent the particular party on whose behalf he or she acts.

(c) *Enrolled practitioners.* Any person enrolled as a practitioner under the provisions of Subpart C of this part and who is not under suspension or disbarment from enrollment may practice before the Bureau.

(d) *Limited practitioners.* Any person qualified for limited practice without enrollment under the provisions of § 8.29 may practice before the Bureau.

(e) *Restrictions on Government officers and employees.* Any officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, who is otherwise eligible to practice under the provisions of this part, may represent parties before the Bureau when doing so in the conduct of his or her official duties. A Government officer or employee may not otherwise practice before the Bureau except that, subject to the requirements of 18 U.S.C. 205, he or she may represent a member of his or her immediate family or a person or estate for which he or she serves as guardian, executor, administrator, trustee or other personal fiduciary. Members of Congress or Resident Commissioners (elect or serving) may not practice before the Bureau in connection with any matter for which they directly or indirectly seek any compensation.

(f) *Restrictions on State officers and employees.* No officer or employee of any State, or subdivision thereof, whose official responsibilities require him or her to pass upon, investigate, or deal with any State law or regulation concerning alcohol, tobacco, firearms, explosives matters or wagering, may practice before the Bureau if his or her official responsibility may disclose pertinent facts

JUN 29 77
UM

or information relating to matters administered by the Bureau.

(g) *Customhouse brokers.* Customhouse brokers, licensed by the Commissioner of Customs according to 19 CFR Part 111, may represent a party for whom they have acted as a customhouse broker before the Bureau with respect to matters relating to the importation or exportation of merchandise under customs or internal revenue laws.

(18 U.S.C. 203, 205.)

§ 8.3 Conference and practice requirements.

Conference and practice requirements of the Bureau of Alcohol, Tobacco and Firearms, including requirements for powers of attorney are set forth in—

(a) 26 CFR Part 601, Subpart E (or those regulations as recodified in 27 CFR Part 71 subsequent to the effective date of these regulations, 31 CFR Part 8) with respect to all representations before the Bureau except those concerning license or permit proceedings;

(b) 27 CFR Part 200 with respect to proceedings concerning permits issued under the Federal Alcohol Administration Act or the Internal Revenue Code;

(c) 27 CFR 47.44 with respect to proceedings concerning licenses issued under the Arms Export Control Act (22 U.S.C. 2778);

(d) 27 CFR Part 178, Subpart E, with respect to proceedings concerning licenses issued under the Gun Control Act of 1968 (18 U.S.C. Chapter 44); and

(e) 27 CFR Part 181, Subpart E, with respect to proceedings concerning licenses or permits issued under the Organized Crime Control Act of 1970 (18 U.S.C. Chapter 40).

§ 8.4 Director of Practice.

(a) *Appointment.* The Secretary shall appoint the Director of Practice. In the event of the absence of the Director of Practice or a vacancy in that office, the Secretary shall designate an officer or employee of the Treasury Department to act as Director of Practice.

(b) *Duties.* The Director of Practice, Office of the Secretary of the Treasury, shall: act upon appeals from decisions of the Director denying applications for enrollment to practice before the Bureau; institute and provide for the conduct of disciplinary proceedings relating to attorneys, certified public accountants, and enrolled practitioners; make inquiries with respect to matters under his or her jurisdiction; and perform other duties as are necessary or appropriate to carry out his or her functions under this part or as are prescribed by the Secretary.

§ 8.5 Records.

(a) *Availability.* Registers of all persons admitted to practice before the Bureau, and of all persons disbarred or suspended from practice, which are required to be maintained by the Director under the provisions of § 8.27, will be available for public inspection at the Office of the Director. Other records may be disclosed upon specific request in accordance with the disclosure regulations of the Bureau (27 CFR Part 71) and the Office of the Secretary.

(b) *Disciplinary proceedings.* The Director, may grant a request by an attorney, certified public accountant, or enrolled practitioner to make public a hearing in a disciplinary proceeding, conducted under the provisions of Subpart E of this part concerning the attorney, certified public accountant or enrolled practitioner, and to make the record of the proceeding available for public inspection by interested persons, if an agreement is reached by stipulation in advance to prevent disclosure of any information which is confidential, in accordance with applicable laws and regulations.

§ 8.6 Special orders.

The Secretary reserves the power to issue special orders as he or she may deem proper in any cases within the scope of this part.

Subpart B—Definitions

§ 8.11 Meaning of terms.

As used in this part, terms shall have the meaning given in this section. Words in the plural shall include the singular, and vice versa. The terms "include" and "including" do not exclude things not enumerated which are in the same general class.

Administrative Law Judge. The person appointed pursuant to 5 U.S.C. 3105, designated to preside over any administrative proceedings under this part.

Attorney. A person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia.

Bureau. The Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

Certified public accountant. Any person who is qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia.

CFR. The Code of Federal Regulations.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Enrolled practitioner. Any person enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms pursuant to Subpart C of this part.

Practice before the Bureau. This comprehends all matters connected with presentation to the Bureau or any of its officers or employees relating to a client's rights, privileges, or liabilities under laws or regulations administered by the Bureau. Presentations include the preparation and filing of necessary documents, correspondence with and communications to the Bureau, and the representation of a client at conferences, hearings, and meetings. Preparation of a tax return, appearance of an individual as a witness for any party, or furnishing information at the request of the Bureau or any of its officers or employees is not considered practice before the Bureau.

Sceretary. The Secretary of the Treasury.

U.S.C. The United States Code.

Subpart C—Enrollment Procedures

§ 8.21 Eligibility for enrollment.

(a) *General qualifications.* The Director may grant enrollment to practice to any person who has not engaged in conduct which would justify the disbarment or suspension of any attorney, certified public accountant, or enrolled practioner. Each person shall demonstrate to the satisfication of the Director that he or she possesses the necessary technical qualifications to enable him or her to render valuable service before the Bureau, and that he or she is otherwise competent to advise and assist in the presentation of matters before the Bureau.

(b) *Technical qualifications.* The Director may grant enrollment to practice only to persons possessing technical knowledge of the laws and regulations administered by the Bureau.

(1) Minimum criteria required of an enrolled practitioner will consist of: 5 years employment with the Treasury Department in a responsible position which cable laws and regulations; or 5 years employment in a regulated industry in a responsible position which would familiarize the person with applicable laws and regulations; or possession of a law degree; or other significant experience such as the prior representation of persons before the Internal Revenue Service or the Bureau of Alcohol, Tobacco and Firearms.

(2) An enrolled practitioner may demonstrate technical knowledge in one or more of the several areas of laws and regulations administered by the Bureau (alcohol, tobacco, firearms, or explosives matters).

(c) *Natural persons.* Enrollment to practice may only be granted to natural persons who have become 18 years of age.

(d) *Attorneys, certified public accountants.* Enrollment is not available to persons who are attorneys or certified public accountants who qualify to practice without enrollment under § 8.2 (a) or (b).

§ 8.22 Application for enrollment.

(a) *Information to be furnished.* An applicant for enrollment to practice shall state his or her name, address, and business address, citizenship, and age on the application. The applicant shall also state if he or she has ever been suspended or disbarred as an attorney or certified public accountant, or if the applicant's right to practice has ever been revoked by any court, commission, or administrative agency in any jurisdiction. The applicant shall set forth his or her technical qualifications as required by § 8.21(b) which enable him or her to render valuable service before the Bureau. The applicant shall indicate which area or areas of Bureau matters in which he or she desires to practice (alcohol, tobacco, firearms, or explosives matters).

(b) *Fee.* Each application for enrollment will be accompanied by a check or money order in the amount of $25, payable to the Bureau of Alcohol, Tobacco and Firearms. This fee will be retained by the United States whether or not the applicant is granted enrollment. Agents who are enrolled to practice before the Internal Revenue Service prior to September 27, 1977, need not include this fee and should indicate their enrollment number on the application.

(c) *Execution under oath.* All applications for enrollment will be executed under oath or affirmation.

(d) *Filing.* Applications for enrollment will be filed with the Assistant Director, Regulatory Enforcement, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

(e) *Additional information.* The Director, as a condition to consideration for enrollment, may require the applicant to file additional information as necessary to determine if the applicant is qualified. The Director shall, upon written request, afford an application the opportunity to be heard with respect to his or her application for enrollment.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U. S. C. 483a).)

§ 8.23 Denial of enrollment; appeal.

(a) The Director, in denying an application for enrollment, shall inform the applicant as to the reasons. The applicant may, within 30 days after receipt of the notice of denial, file a written appeal together with reasons in support thereof, with the Director of Practice. The Director of Practice shall render a decision on the appeal as soon as practicable.

(b) An applicant may, within 30 days after receipt of the decision of the Director of Practice in sustaining a denial of enrollment, appeal the decision to the Secretary.

§ 8.24 Enrollment cards.

The Director shall issue an enrollment card to each practitioner who is enrolled to practice before the Bureau. Each enrollment card is valid for a period of 5 years as long as the holder remains enrolled and in good standing before the Bureau. Unless advised to the contrary by the Director, any officer or employee of the Bureau may consider the holder of an unexpired enrollment card to be authorized to practice before the Bureau in the subject area or areas indicated upon the card (alcohol, tobacco, firearms, or explosives matters).

§ 8.25 Renewal of enrollment card.

(a) *Period of renewal.* An enrolled practitioner may apply for renewal of his or her enrollment card during a 12-month period prior to the expiration of the enrollment card.

(b) *Application.* Each enrolled practitioner applying for a renewal of enrollment shall apply to the Director. The enrolled practitioner shall include in the application all information required by § 8.22 except information relating to technical qualifications unless the enrolled practitioner is applying for enrollment in a subject area or areas in which he or she was not previously qualified to practice.

(c) *Fee.* Each application for renewal of enrollment will be accompanied by a check or money order in the amount of $5.00, payable to the Bureau of Alcohol, Tobacco and Firearms.

§ 8.26 Change in enrollment.

(a) *Change in area of practice.* At any time during a period of enrollment, an enrolled practitioner may apply to practice in a subject area or areas in which he or she was not previously qualified to practice (alcohol, tobacco, firearms, or explosives matters).

(b) *Application.* Each enrolled practitioner applying for a change in enrollment shall apply to the Director. The enrolled practitioner shall include in the application all information required by § 8.22 but shall include information relating to technical qualifications only in those additional subject areas in which he or she is applying to practice.

(c) *Fee.* Each application for change in enrollment will be accompanied by a check or money order in the amount of $5, payable to the Bureau of Alcohol, Tobacco and Firearms.

§ 8.27 Enrollment registers.

The Director shall maintain, for public inspection, a register of all persons enrolled to practice before the Bureau and the subject, areas in which each person is enrolled to practice, a register of all persons disbarred or suspended from practice, and a register of all persons whose applications for enrollment before the Bureau have been denied.

§ 8.28 Termination of enrollment.

(a) *Attorneys, certified public accountants.* The enrollment of a practitioner to whom an enrollment card has been issued will terminate when that person becomes eligible to practice without enrollment under § 8.2 (a) or (b), and that person shall surrender his or her enrollment card to the Director for cancellation.

(b) *Expiration of enrollment.* The enrollment of any person will automatically terminate after the date indicated on the enrollment card unless, during the 12-month period prior to the expiration date, that person applies for renewal of enrollment with the Director as provided in § 8.25. In this case, the person may continue to practice before the Bureau until his or her application has been finally determined.

§ 8.29 Limited practice without enrollment.

(a) *General.* Individuals may appear on their own behalf and may otherwise appear without enrollment, providing they present satisfactory identification, in the following classes of cases:

(1) An individual may represent another individual who is his or her regular full-time employer, may represent a partnership of which he or she is a member or a regular full-time employee, or may represent without compensation a member of his or her immediate family.

(2) Corporations (including parent corporations, subsidiaries or affiliated corporations), trusts, estates, associations, or organized groups may be represented by bona fide officers or regular full-time employees.

(3) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators, executors, or their regular full-time employees.

(4) Any government unit, agency, or authority may be represented by an officer or regular employee in the course of his or her official duties.

(5) Unenrolled persons may participate in rulemaking as provided in 5 U.S.C. 553.

(b) *Special appearances.* The Director, subject to conditions he or she deems appropriate, may authorize any person to represent a party without enrollment, for the purpose of a particular matter.

Subpart D—Duties and Restrictions Relating to Practice

§ 8.31 Furnishing of information.

(a) *To the Bureau.* No attorney, certified public accountant, or enrolled practitioner may neglect or refuse promptly to submit records or information in any matter before the Bureau, upon proper and lawful request by an authorized officer or employee of the Bureau, or may interfere, or attempt to interfere, with any proper and lawful effort by the Bureau or its officers or employees, to obtain the requested record or information, unless he or she believes in good faith and on reasonable grounds that the record or information is privileged or that the request for, or effort to obtain, that record or information is of doubtful legality.

(b) *To the Director of Practice.* It is the duty of an attorney or certified public accountant, who practices before the Bureau, or enrolled practitioner when requested by the Director of Practice, to provide the Director of Practice with any information he or she may have concerning violation of the regulations in this part by any person, and to testify thereto in any proceeding instituted under this part for the disbarment or suspension of an attorney, certified public accountant, or enrolled practitioner, unless he or she believes in good faith and on reasonable grounds that that information is privileged or that the request is of doubtful legality.

§ 8.32 Prompt disposition of pending matters.

No attorney, certified public accountant, or enrolled practitioner may unreasonably delay the prompt disposition of any matter before the Bureau.

§ 8.33 Accuracy.

Each attorney, certified public accountant, and enrolled practitioner shall exercise due diligence in—

(a) Preparing or assisting in the preparation of, approving, and filing returns,

JUN 29 77 UM

documents, affidavits, and other papers relating to Bureau matters;

(b) Determining the correctness of any representations made by him or her to the Bureau; and

(c) Determining the correctness of any information which he or she imparts to a client with reference to any matter administered by the Bureau.

§ 8.34 Knowledge of client's omission.

Each attorney, certified public accountant, or enrolled practitioner who knows that a client has not complied with applicable law, or has made an error in or omission from any document, affidavit, or other paper which the law requires the client to execute, shall advise the client promptly of the fact of such noncompliance, error, or omission.

§ 8.35 Assistance from disbarred or suspended persons and former Treasury employees.

No attorney, certified public accountant, or enrolled practitioner may, in presentation of any matter before the Bureau, knowingly and directly or indirectly—

(a) Employe or accept assistance from any person who is under disbarment or suspension from practice before any agency of the Treasury Department, or who, to the knowledge of the attorney, certified public accountant, or enrolled practitioner, solicits business, obtains clients, or otherwise conducts his or her practice in a manner forbidden under the regulations in this part;

(b) Accept employment as an employee, associate, correspondent, or subagent of, or share fees with any such person; or

(c) Accept assistance in a specific matter from any person who participated personally and substantially in that matter as an employee of the Treasury Department.

§ 8.36 Practice by partners of Government employees.

No partner of an officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may represent anyone in any matter administered by the Bureau in which the Government employee participates or has participated personally and substantially as a Government employee, or which is the subject of that employee's official responsibility.

§ 8.37 Practice by former Government employees.

(a) *Violation of law.* No former officer or employee of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may represent anyone in any matter administered by the Bureau if the representation would violate any of the laws of the United States.

(b) *Personal and substantial participation.* No former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may represent anyone with respect to any matter under the administration of the Bureau, if he or she participated personally and substantially in that matter as a Government employee.

(c) *Official responsibility.* No former officer or employee of the executive branch of the U.S. Government, of any independent agency of the United States, or of the District of Columbia, may within one year after his or her employment has ceased, appear personally as a practitioner before the Bureau with respect to any matter administered by the Bureau if that representation involves a specific matter under the former employee's official responsibility as a Government employee, within a one-year period prior to the termination of that responsibility.

(d) *Aid or assistance.* No former officer or employee of the Bureau, who is eligible to practice before the Bureau, may aid or assist any person in the representation of a specific matter in which the former officer or employee participated personally and substantially as an officer or employee of the Bureau.

(18 U.S.C. 207.)

§ 8.38 Notaries.

No attorney, certified public accountant, or enrolled practitioner may, with respect to any matter administered by the Bureau, take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he or she is employed as counsel, attorney, or practioner, or in which he or she may be in any way interested before the Bureau.

(26 Op. Atty. Gen. 236.)

§ 8.39 Fees.

No attorney, certified public accountant, or enrolled practitioner may charge an unconscionable fee for representing a client in any matter before the Bureau.

§ 8.40 Conflicting interests.

No attorney, certified public accountant, or enrolled practitioner may represent conflicting interests in practice before the Bureau, except by express consent of all directly interested parties after full disclosure has been made.

§ 8.41 Solicitation.

No attorney, certified public accountant, or enrolled practitioner may solicit employment, directly or indirectly, in matters relating to the Bureau. For purposes of this section, solicitation includes, but is not limited to: the advertising of professional attainments or services; the employment of, or the forming of an association or partnership with, any person, partnership, corporation or other organization which solicits in a manner prohibited to attorneys, certified public accountants, and enrolled practitioners by the provisions of this part; or the use of signs, printing, or other written matter indicating some past or present connection with, or relationship to, the Bureau. In the case of an enrolled practitioner, the phrase "enrolled to practice before the Bureau of Alcohol, Tobacco and Firearms," when appearing on the stationery, letterhead, or professional card of the enrolled practitioner, is not considered to violate this prohibition. Customary biographical inserts in approved law lists and in reputable professional directories and journals, as well as the use of professional cards and announcements, are permissible providing that they do not violate the standards of ethical conduct adopted by the American Bar Association, the American Institute of Certified Public Accountants, and the National Society of Public Accountants.

§ 8.42 Practice of law.

Nothing in the regulations in this part may be construed as authorizing persons not members of the bar to practice law.

Subpart E—Disciplinary Proceedings

§ 8.51 Authority to disbar or suspend.

The Secretary, after due notice and opportunity for hearing, may suspend or disbar from practice before the Bureau any attorney, certified public accountant, or enrolled parctitioner shown to be incompetent, disreputable or who refuses to comply with the rules and regulations in this part or who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any client or prospective client, by word, circular, letter, or by advertisement.

(Sec. 3, 23 Stat. 258 (31 U.S.C. 1026).)

§ 8.52 Disreputable conduct.

Disreputable conduct for which an attorney, certified public accountant, or enrolled practitioner may be disbarred or suspended from practice before the Bureau includes, but is not limited to—

(a) Conviction of any criminal offense under the revenue laws of the United States; under any other law of the United States which the Bureau enforces pursuant to Treasury Department Order No. 221 (37 FR 11696) effective July 1, 1972; or for any offense involving dishonesty or breach of trust.

(b) Giving false or misleading information, or participating in any way in the giving of false or misleading information, to the Bureau or any officer or employee thereof, or to any tribunal authorized to pass upon matters administered by the Bureau in connection with any matter pending or likely to be pending before them, knowing the information to be false or misleading. Facts or other matters contained in testimony, Federal tax returns, financial statements, applications for enrollment, affidavits, declarations, or any other document or statement, written or oral, are included in the term "information".

(c) Solicitation of employment as prohibited under § 8.41, the use of false or misleading representations with intent to deceive a client or a prospective client in order to procure employment, or intimating that the practitioner is able improperly to obtain special consideration or action from the Bureau or an officer or employee thereof.

(d) Willfully failing to make a Federal tax return in violation of the revenue laws of the United States, or evading, attempting to evade, or participating in any way in evading or attempting to evade any Federal tax or payment thereof; knowingly counseling or suggesting to a client or prospective client an illegal plan to evade Federal taxes or payment thereof, or concealing assets of himself or herself, or of another in order to evade Federal taxes or payment thereof.

(e) Misappropriation of, or failure properly and promptly to remit funds received from a client for the purpose of payment of taxes or other obligations due the United States.

(f) Directly or indirectly attempting to influence, or offering or agreeing to attempt to influence, the official action of any officer or employee of the Bureau by the use of threats, false accusations, duress or coercion, by the offer of any special inducement or promise of advantage or by the bestowing of any gift, favor, or thing of value.

(g) Disbarment or suspension from practice as an attorney or certified public accountant by any duly constituted authority of any State possession, Commonwealth, the District of Columbia, or by any Federal court of record.

(h) Disbarment or suspension from practice as an attorney, certified public accountant, or other person admitted to practice before the Internal Revenue Service.

(i) Knowingly aiding and abetting another person to practice before the Bureau during a period of suspension, disbarment, or ineligibility of the other person. Maintaining a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practice before the Bureau or the Internal Revenue Service is presumed to be a violation of this provision.

(j) Contemptuous conduct in connection with practice before the Bureau, including the use of abusive language, making false accusations and statements knowing them to be false, or circulating or publishing malicious or libelous matter.

(k) Willful violation of any of the regulations contained in this part.

§ 8.53 Initiation of disciplinary proceedings.

(a) *Receipt of information.* If an officer or employee of the Bureau has reason to believe that an attorney, certified public accountant, or enrolled practitioner has violated any of the provisions of this part or engaged in any disreputable conduct as defined in § 8.52, the employee shall promptly make a report thereof which will be forwarded to the Director of Practice. Any other person possessing information concerning violations or disreputable conduct may make a report thereof to the Director of Practice or to any officer or employee of the Bureau.

(b) *Institution of proceeding.* When the Director of Practice has reason to believe that any attorney, certified public accountant, or enrolled practitioner has violated any provisions of the laws or regulations governing practice before the Bureau, he or she may reprimand the person or institute a proceeding for the disbarment or suspension of that person. The proceeding will be instituted by a complaint which names the respondent and is signed by the Director of Practice and filed in his or her office. Except in cases of willfulness, or when time, the nature of the proceeding, or the public interest does not permit, the Director of Practice may not institute a proceeding until he or she has called to the attention of the proposed respondent, in writing, facts or conduct which warrant institution of a proceeding, and has accorded the proposed respondent the opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 8.54 Conferences.

(a) *General.* The Director of Practice may confer with an attorney, certified public accountant, or enrolled practitioner concerning allegations of misconduct whether or not a proceeding for disbarment or suspension has been instituted. If a conference results in a stipulation in connection with a proceeding in which that person is the respondent, the stipulation may be entered in the record at the instance of either party to the proceeding.

(b) *Resignation or voluntary suspension.* An attorney, certified public accountant, or enrolled practitioner, in order to avoid the institution or conclusion of a disbarment or suspension proceeding, may offer his or her consent to suspension from practice before the Bureau. An enrolled practitioner may also offer a resignation. The Director of Practice, at his or her discretion, may accept the offered resignation of an enrolled practitioner and may suspend an attorney, certified public accountant, or enrolled practitioner in accordance with the consent offered.

§ 8.55 Contents of complaint.

(a) *Charges.* A complaint will give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint will be deemed sufficient if it fairly informs the respondent of the charges so that he or she is able to prepare a defense.

(b) *Demand for answer.* The complaint will give notification of the place and time prescribed for the filing of an answer by the respondent; that time will be not less than 15 days from the date of service of the complaint. Notice will be given that a decision by default may be rendered against the respondent if the complaint is not answered as required.

§ 8.56 Service of complaint and other papers.

(a) *Complaint.* A copy of the complaint may be served upon the respondent by certified mail or by first-class mail. The copy of the complaint may be delivered to the respondent or the respondent's attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, attorney or agent, or the complaint may be delivered in any manner which has been agreed to by the respondent. If the service is by certified mail, the post office receipt signed by or on behalf of the respondent will be proof of service. If the certified matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him or her by first-class mail, addressed to the respondent at the address under which he or she is enrolled or at the last address known to the Director of Practice. If service is made upon the respondent or the respondent's attorney or agent in person, or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, will be proof of service.

(b) *Service of other papers.* Any paper other than the complaint may be served upon an attorney, certified public accountant, or enrolled practioner as provided in paragraph (a) of this section, or by mailing the paper by first-class mail to the respondent at the last address known to the Director of Practice, or by mailing the paper by first-class mail to the respondent's attorney or agent of record. This mailing will constitute complete service. Notices may be served upon the respondent or his attorney or agent by telegram.

(c) *Filing of papers.* When the filing of a paper is required or permitted in connection with a disbarment or suspension proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the papers will be filed with the Director of Practice, Treasury Department, Washington, D.C. 20220. All papers will be filed in duplicate.

§ 8.57 Answer.

(a) *Filing.* The respondent shall file the answer in writing within the time specified in the complaint or notice of institution of the proceeding, unless on application the time is extended by the Director of Practice or the Administrative Law Judge. The respondent shall file the answer in duplicate with the Director of Practice.

(b) *Contents.* The respondent shall include in the answer a statement of facts which constitute the grounds of defense, and shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he or she knows to be true, or state that he or she is without sufficient information to form a belief when in fact the respondent possesses that information. The respondent may also state affirmatively special matters of defense.

JUN 29 77 UM

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer is deemed to be admitted and may be considered as proven, and no further evidence in respect of that allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Director of Practice or the Administrative Law Judge, will constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make a decision by default without a hearing or further procedure.

(d) *Reply by Director of Practice.* No reply to the respondent's answer is required, and new matter in the answer will be deemed to be denied, but the Director of Practice may file a reply at his or her discretion or at the request of the Administrative Law Judge.

§ 8.58 Supplemental charges.

If it appears that the respondent in his or her answer, falsely and in bad faith, denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief, when he or she in fact possesses that information, or if it appears that the respondent has knowingly introduced false testimony during proceedings for his or her disbarment or suspension, the Director of Practice may file supplemental charges against the respondent. These supplemental charges may be tried with other charges in the case, provided the respondent is given due notice and is afforded an opportunity to prepare to a defense to them.

§ 8.59 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence. The party who would otherwise be prejudiced by the amendment will be given reasonable opportunity to meet the allegation of the pleading as amended, and the Administrative Law Judge shall make findings on an issue presented by the pleadings as so amended.

§ 8.60 Motions and requests.

Motions and requests may be filed with the Director of Practice or with the Administrative Law Judge.

§ 8.61 Representation.

A respondent or proposed respondent may appear in person or be represented by counsel or other representative who need not be enrolled to practice before the Bureau. The Director of Practice may be represented by an attorney or other employee of the Treasury Department.

§ 8.62 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by 5 U.S.C. 3105, shall conduct proceedings upon complaints for the disbarment or suspension of attorneys, certified public accountants, or enrolled practitioners.

(b) *Responsibilities.* The Administrative Law Judge in connection with any disbarment or suspension proceeding shall have authority to—

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests; these rulings may not be appealed prior to the close of the hearing except at the discretion of the Administrative Law Judge in extraordinary circumstances;

(3) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(4) Take or authorize the taking of depositions;

(5) Determine the time and place of hearing and regulate its course and conduct;

(6) Hold or provide for the holding of conferences to settle or simplify the issues by consent of the parties;

(7) Receive and consider oral or written arguments on facts or law;

(8) Make initial decisions;

(9) Adopt rules of procedure and modify them from time to time as occasion requires for the orderly disposition of proceedings; and

(10) Perform acts and take measures as necessary to promote the efficient conduct of any proceeding.

§ 8.63 Hearings.

(a) *Conduct.* The Administrative Law Judge shall preside at the hearing on a complaint for the disbarment or suspension of an attorney, certified public accountant, or enrolled practitioner. Hearings will be stenographically recorded and transcribed and the testimony of witnesses will be received under oath or affirmation. The Administrative Law Judge shall conduct hearings pursuant to 5 U.S.C. 556.

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice has been sent, the Administrative Law Judge may deem them to have waived the right to a hearing and may make a decision against the absent party by default.

§ 8.64 Evidence.

(a) *Rules of evidence.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* Depositions of witnesses taken pursuant to § 8.65 may be admitted as evidence.

(c) *Government documents.* Official documents, records, and papers of the Bureau of Alcohol, Tobacco and Firearms and the Office of the Director of Practice are admissible in evidence without the production of an officer or employee to authenticate them. These documents, records and papers may be evidenced by a copy attested or identified by an officer or employee of the Bureau or the Treasury Department.

(d) *Exhibits.* If any document, record, or other paper is introduced in evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject to any conditions he or she deems proper.

(e) *Objections.* Objections to evidence will be in short form, stating the grounds of objection and the record may not include arguments thereon, except as ordered by the Administrative Law Judge. Rulings on objections will be a part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 8.65 Depositions.

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken by either the Director of Practice or the respondent or their authorized representatives. Depositions may be taken upon oral or written questioning, upon not less than 10 days' written notice to the other party before any officer authorized to administer an oath for general purposes or before an officer or employee of the Bureau authorized to administer an oath pursuant to 27 CFR 70.35. The written notice will state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days' notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed to by the parties. When a deposition is taken upon written questioning, any cross-examination will be upon written questioning. Copies of the written questioning will be served upon the other party with the notice, and copies of any written cross-interrogation will be mailed or delivered to the opposing party at least 5 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party on whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reproduction of depositions will be borne by the party at whose instance the deposition is taken.

§ 8.66 Transcript.

In cases in which the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. If the hearing is stenographically reported by a regular employee of the Bureau, a copy of the hearing will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a).)

§ 8.67 Proposed findings and conclusions.

Except in cases when the respondent has failed to answer the complaint or when a party has failed to appear at the hearing, the Administrative Law Judge, prior to making his or her decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and their supporting reasons.

§ 8.68 Decision of Administrative Law Judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision will include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (b) an order of disbarment, suspension, or reprimand or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Director of Practice and shall transmit a copy to the respondent or the respondent's attorney of record. In the absence of an appeal to the Secretary, or review of the decision upon motion of the Secretary, the decision of the Administrative Law Judge will, without further proceedings, become the decision of the Secretary of the Treasury 30 days from the date of the Administrative Law Judge's decision.

§ 8.69 Appeal to the Secretary.

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Secretary. The appeal will be filed with the Director of Practice in duplicate and will include exceptions to the decision of the Administrative Law Judge and supporting reasons for those exceptions. If the Director of Practice files the appeal, he or she shall transmit a copy of it to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Director of Practice. If the Director of Practice files the reply brief, he or she shall transmit a copy of it to the respondent. Upon the filing of an appeal and a reply brief, if any, the Director of Practice shall transmit the entire record to the Secretary.

§ 8.70 Decision of the Secretary.

On appeal from or review of the initial decision of the Administrative Law Judge, the Secretary shall make the agency decision. In making this decision, the Secretary shall review the record or those portions of the record as may be cited by the parties in order to limit the issues. The Director of Practice shall transmit a copy of the Secretary's decision to the respondent.

§ 8.71 Effect of disbarment or suspension.

(a) *Disbarment.* If the final order against the respondent is for disbarment, the respondent will not thereafter be permitted to practice before the Bureau unless authorized to do so by the Director of Practice pursuant to § 8.72.

(b) *Suspension.* If the final order against the respondent is for suspension, the respondent will not thereafter be permitted to practice before the Bureau during the period of suspension.

(c) *Surrender of enrollment card.* If an enrolled practitioner is disbarred or suspended, he or she shall surrender the enrollment card to the Director of Practice for cancellation, in the case of disbarment, or for retention during the period of suspension.

(d) *Notice of disbarment or suspension.* Upon the issuance of a final order for suspension or disbarment, the Director of Practice shall give notice of the order to appropriate officers and employes of the Bureau of Alcohol, Tobacco and Firearms and to interested departments and agencies of the Federal Government. The Director of Practice may also give notice as he or she may determine to the proper authorities of the State in which the disbarred or suspended person was licensed to practice as an attorney or certified public accountant.

§ 8.72 Petition for reinstatement.

The Director of Practice may entertain a petition for reinstatement from any person disbarred from practice before the Bureau after the expiration of 5 years following disbarment. The Director of Practice may not grant reinstatement unless he or she is satisfied that the petitioner is not likely to conduct himself or herself contrary to the regulations in this part, and that granting reinstatement would not be contrary to the public interest.

Dated: June 21, 1977.

HENRY C. STOCKELL, JR.,
Acting General Counsel.

[FR Doc.77-18557 Filed 6-28-77;8:45 am]

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Supervisory Responsibility

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Department is amending the regulations relating to enforcement responsibilities for financial recordkeeping and reporting of currency and foreign transactions. The amendments are being made to reflect changes made in the organization of the Office of the Secretary.

EFFECTIVE DATE: June 14, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stankey, Jr., Assistant to the Director, (Financial Crimes and Frauds), Office of Law Enforcement, Department of the Treasury, Washington, D.C. 20220, 202-566-5630.

SUPPLEMENTARY INFORMATION: Existing Department regulations provide that the Assistant Secretary (Enforcement, Operations and Tariff Affairs) shall have the overall responsibility for coordinating the procedures and efforts of the agencies which have responsibility for assuring compliance with Part 103. Treasury Department Order No. 190 (Revision 13) dated May 17, 1977, transferred supervision of certain Treasury bureaus and offices which had previously reported to the Assistant Secretary (Enforcement, Operations and Tariff Affairs) to the Under Secretary. In order to clarify the enforcement responsibility for 31 CFR Part 103, it is necessary to amend § 103.46. Enforcement, to substitue the title of Under Secretary for the title of Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations), in subsection (b) of that section.

The Department also finds that, since this amendment involves a matter relating to agency management, notice and public procedure with respect to the amendment is unnecessary under the provisions of 5 U.S.C. 553(b) and that good cause exists for making it effective less than 30 days after publication.

Accordingly, § 103.46(b) of Title 31 of the Code of Federal Regulations is amended by striking "Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations)" and inserting in lieu thereof "Under Secretary". As amended, § 103.46(b) will read as follows:

§ 103.46 Enforcement.

. . . . . .

(b) Overall responsibility for coordinating the procedures and efforts of the agencies listed herein and assuring compliance with this part is delegated to the Under Secretary. Periodic reports shall be made by each such agency to the Under Secretary, with copies to the General Counsel of the Treasury and to the Commissioner of Internal Revenue.

Dated: June 14, 1977.

W. M. BLUMENTHAL,
Secretary of the Treasury.

[FR Doc.77-18530 Filed 6-28-77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS AND OTHER FEDERAL ASSISTANCE

[FRL 753-1]

PART 33—SUBAGREEMENTS

Minimum Standards for Procurement Under EPA Grants; Interim Rule

AGENCY: Environmental Protection Agency.

ACTION: Interim rule.

SUMMARY: This amendment changes the effective date of the interim subagreement regulations to allow addi-

JUN 29 1977

tional time to review comment received and consider alternatives.

EFFECTIVE DATE: October 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Alexander J. Greene, Director, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460 (202-755-0850).

Interim subagreement regulations were promulgated by the Environmental Protection Agency on February 8, 1977 (42 FR 8089) with an effective date of March 31, 1977, which was subsequently extended to June 30, 1977 (42 FR 16777 and 22144). By this action, the effective date is changed as follows:

Effective date: These interim Part 33 subagreement regulations shall become effective on October 1, 1977, and shall govern all procurement actions under grants awarded on or after that date. Procurement actions taken under grants awarded prior to October 1, 1977, are subject to these regulations if the grant (1) includes a special condition requiring compliance with proposed or interim 40 CFR Part 33, or (2) is a Section 208 FWPCA grant subject to EPA Program Guidance Memorandum SAM-14 (published April 27, 1976, at 41 FR 17702).

Dated: June 24, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77-18656 Filed 6-28-77;8:45 am]

[FRL 748-5]

PART 35—STATE AND LOCAL ASSISTANCE

Technical Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This document is issued to make technical amendments and correct minor errors in 40 CFR Part 35. It makes no substantial changes in the regulations, but corrects minor errors, adds authority statements where necessary, and deletes §§ 35.150, 35.150-1, and 35.150-2 from the Code of Federal Regulations.

EFFECTIVE DATE: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Alexander J. Greene, Director, Grants Administration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460 (202-755-0850).

SUPPLEMENTARY INFORMATION: The provisions of §§ 35.150, 35.150-1, and 35.150-2 remain applicable to all grants awarded under the authority of Section 8 of the Federal Water Pollution Control Act prior to the enactment of the Federal Water Pollution Control Act Amendments of 1972. The regulations in Subpart C which govern grants awarded under Section 8 are being revised to reflect this fact and to correct typographical errors.

The reference to § 131.11(j) through (l) in § 35.230 is being corrected to read § 131.11 (j) and (k). Section 208(b)(4) of the Federal Water Pollution Control Act Amendments of 1972 allows the Governor of the State to preempt the areawide agencies from the requirements of Section 208(b)(2)(F)-(K). Sections 131.11 (j) and (k) include a "note" which is consistent with the provisions of the Act. It is not the intent of the Act or § 131.11(l) that urban and industrial stormwater systems needs be preempted by the State.

The revision to § 35.218-2 is to correct a typographical error in the second and third sentences.

Sections 35.903, 35.913, 35.915 and 35.917 are being revised to correct references. The regulations referred to were revised on April 27, 1976 but these technical amendments were inadvertently not made at that time.

Section 35.939 is being revised to add certain clarifying language regarding timeliness and other procedural requirements for protests.

Dated: June 24, 1977.

BARBARA BLUM
Acting Administrator.

40 CFR Part 35 is amended by making the following corrections:

1. By deleting the authority statement following the table of sections of Part 35 which reads "Authority: Authorities cited in §§ 35.201, 35.301, 35.403, 35.801."

§ 35.150 [Deleted]

§ 35.150-1 [Deleted]

§ 35.150-2 [Deleted]

2. By deleting the authority statement; the centered heading which reads: "Water Pollution Control Planning Requirements;" the source statement; and §§ 35.150, 35.150-1, and 35.150-2 immediately following the centered heading which reads: "Subpart A—Planning Grants."

3. By inserting the following statement after the centered heading "Grants to State and Designated Areawide Planning Agencies—Conditions, Policies, and Procedures" and preceding § 35.200:

AUTHORITY: Sec. 208, Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1288).

4. By revising § 35.218-2(b) to read as follows:

§ 35.218-2 Advance payments—letter of credit.

* * * * * * *

(b) The letter of credit may be issued for the entire award or any part thereof, with subsequent amendments for the balance as the Regional Administrator determines. An initial fund letter of credit will be issued to State and areawide planning agencies to the extent that the grantees demonstrate the need for such funds. For areawide agencies, this initial fund will generally not exceed five percent (5%) of the total grant award and will be earmarked for work plan development. Subsequent amendments for the balance of the grant amount will be approved only after approval of the work plan by the Regional Administrator. Withdrawal of cash through the letter of credit will be monitored by EPA through the payment vouchers and quarterly financial reports submitted pursuant to § 35.232-2.

§ 35.230 [Amended]

5. In § 35.230 by changing the phrase "requirements of § 131.11 (j) through (l)" in the first sentence to read: "requirements of § 131.11 (j) and (k)."

6. By inserting the following statement immediately following the centered heading "Solid Waste Planning Grants," which precedes § 35.300:

AUTHORITY: Sec. 207, Solid Waste Disposal Act (42 U.S.C. 3254a).

7. By revising the authority statement immediately following the centered heading (which precedes § 35.400) "Subpart B—Program Grants" to read:

AUTHORITY: Authorities cited in § 35.403.

8. By inserting the following statement immediately following the centered heading "Air Pollution Control Program Grants" (which precedes § 35.501):

AUTHORITY: Secs. 105, 301(b), Clean Air Act, as amended (42 U.S.C. 1857(c), 1857(g)).

9. By inserting the following statement immediately following the centered heading "Water Pollution Control State and Interstate Program Grants" (which precedes § 35.551):

AUTHORITY: Secs. 106, 501, Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256, 1361).

10. By inserting the following statement immediately following the centered heading "Grants for State Public Water System Supervision Programs" (which precedes § 35.600):

AUTHORITY: Secs. 1443, 1450, Safe Drinking Water Act (42 U.S.C. 300j-2, 300j-9).

11. By inserting the following statement immediately following the centered heading "Subpart C—Grants for Construction of Wastewater Treatment Works" (which precedes § 35.800):

AUTHORITY: Sec. 8, Federal Water Pollution Control Act, as amended (33 U.S.C. 1158).

§ 35.835-2 [Amended]

12. In § 35.835-2 by changing the phrase "requirements set forth in § 35.105-1." in the last sentence to read "requirements set forth in § 35.150-1 in effect at the time of grant award."

§ 35.835-3 [Amended]

13. In § 35.835-3 by changing the phrase "requirements set forth in § 35.105-2." in the last sentence to read "requirements set forth in § 35.150-2 in effect at the time of grant award."

§ 35.903 [Amended]

14. By revising § 35.903(o)(1) to change the phrase which reads "pursuant to §§ 35.556 and 35.915:" to read "pursuant to §§ 35.564 and 35.915:".

§ 35.913 [Amended]

15. By revising § 35.913(d) to change the reference which reads "§ 35.559." to read "§ 35.555."

§ 35.915 [Amended]

16. By revising § 35.915(b) to read as follows:

* * * * * * *

(b) *State municipal discharge inventory.* Pursuant to § 131.11 of this chapter, the State agency shall prepare a municipal discharge inventory which sets forth for the entire State a ranking of all significant municipal discharges (including, for example, eligible municipal septic systems). Such list must be submitted as part of the annual State program for the approval of the Regional Administrator under § 35.565. This State municipal discharge inventory shall be updated annually and submitted with the State program pursuant to § 35.562.

17. By revising § 35.915(c) to change the phrase "the approval procedures of § 35.555" in the last sentence preceding subparagraph (1) to read "the approval procedures of §§ 35.563 and 35.566."

18. By revising § 35.915(d) to change the phrase "and may be amended pursuant to § 35.555 and § 35.557" to read "and may be amended pursuant to §§ 35.563 and 35.566."

19. By revising § 35.915(e) to change the phrase "pursuant to §§ 35.555 and 35.557" in the last sentence to read "pursuant to §§ 35.563 and 35.566."

§ 35.917-2 [Amended]

20. By revising § 35.917-2(b) to change the reference which reads "35.544-3(a)(1)" to read "35.563."

21. By revising § 35.939(b)(1), (f)(7), (j)(3) and (k) to read as follows:

§ 35.939 Protests.

* * * * * * *

(b) *Time limitations.* (1) A protest pursuant to paragraph (d) of this section should be made as early as possible during the procurement process (for example, immediately after issuance of a solicitation for bids) to avoid disruption of or unnecessary delay to the procurement process. A protest authorized by paragraph (d) of this section must be received by the grantee within one week after the basis for the protest is known or should have been known, which ever is earlier (generally, in the case of formally advertised procurement, within one week after bid opening, if the basis for the protest is, or should have been, then known). However, in the case of an alleged violation of the specification requirements of § 35.936-13 or other requirements of this subpart, the grantee may resolve the protest prior to receipt of bids or proposals, if, by earlier written or other formal notice to any party with a direct financial interest, the grantee has stated its position concerning a procurement requirement (e.g., that a product fails to qualify as an "or equal"), and, thereafter, the protest was received by the grantee within one week from the date of receipt of its written or other formal notice. In addition, where an alleged violation of the specification requirements of § 35.936-13 or other requirements of this subpart, first arises subsequent to the receipt of bids or proposals, the grantee must decide the protest: *Provided*, That the protest was received by the grantee within one week of the time that the grantee's written or other formal notice is first received.

* * * * * * *

(f) * * *

(7) A protest may be dismissed for failure to comply with procedural requirements of this section.

* * * * * * *

(j) * * *

(3) Issues primarily determined by State or local law or ordinances and as to which the Regional Administrator, upon review, determines that there is no contravening Federal requirement;

* * * * * * *

(k) *Summary disposition.* The Regional Administrator may summarily dismiss a protest, without proceedings under paragraph (d) or (e) of this section, if he determines that the protest is untimely, frivolous or without merit—for example, that the protested action of the grantee primarily involves issues of State or local law. Any such determination shall refer briefly to the facts substantiating the basis for the determination.

[FR Doc.77-18655 Filed 6-28-77;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 250—PARTICIPATION BY VESSELS BUILT WITH CONSTRUCTION-DIFFERENTIAL SUBSIDY IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Eligibility for CDS Vessels To Carry Alaskan Oil

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule sets forth the eligibility and other requirements for the carriage of Alaskan oil in the domestic trade of the United States by tank vessels which were built with construction-differential subsidy (CDS). This action is taken to satisfy carriage requirements for Alaskan oil in the domestic trade after utilization of suitable vessels built without CDS.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

James S. Dawson, Jr., Secretary, Maritime Subsidy Board, Washington, D.C. 20230. Tel. 202-377-2188.

SUPPLEMENTARY INFORMATION: On April 29, 1977, there was published in the FEDERAL REGISTER (42 FR 21821) a Notice of Proposed Rulemaking prescribing new regulations relating to eligibility and other requirements for the carriage of Alaskan oil in the domestic trade of the United States by tank vessels which were built with CDS. Under section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), commonly cited as the "Jones Act," merchandise may be carried in such trade, either directly or via a foreign port, only on vessels built in the United States and owned by United States citizens. However, vessels constructed with CDS, pursuant to Title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101-1294), "to be used in the foreign commerce of the United States," may operate in the domestic trade only with the written consent of the Secretary of Commerce, and for a temporary period not to exceed six months in any year. The purpose of these regulations is to prescribe conditions of eligibility for the temporary employment of CDS vessels in the carriage of Alaskan oil in the domestic trade. All comments received in response to the notice of proposed rulemaking have been considered. A careful analysis has been made of these comments and all information available with respect to the present and projected availability of United States-flag tank vessels of various capacities and the carriage requirements for the three distinct segments of the Alaskan oil trade, namely, the Alaska-West Coast trade, Alaska-Panama Canal trade, and the Panama Canal-Atlantic/Gulf Coast trade (defined). The Maritime Administration has determined that suitable tank vessels built without CDS appear to be available to serve the Alaska-West Coast trade and Panama Canal-Atlantic/Gulf Coast trade, but that CDS vessels appear to be required to serve the Alaska-Panama Canal trade. A further determination has been made that a suitable vessel for the Alaska-Panama Canal trade is one of at least 100,000 deadweight tons. Accordingly, the regulations contain specific procedures and considerations only with respect to the participation of CDS vessels of that size in the carriage of Alaskan oil in the Alaska-Panama Canal trade. Provision is made for protest by a "competitor" (defined) of an application for participation in the trade by a CDS vessel, after publication of notice of the application in the FEDERAL REGISTER. Operation in the Alaskan-Panama Canal trade may not exceed six months in any consecutive period of twelve months, commencing with the date of entry in the trade. The applicant may request advance approval of participation in that trade for second and third periods, if each intervening period is at least six months. Should an application be received to operate a CDS vessel in the Alaska-West Coast or Panama Canal-Atlantic Coast trades, the Assistant Secretary will make a determination by applying the standard set forth in section 506 of the Act.

Part 250 has been reviewed in accordance with Executive Order 11821 and OMB Circular A-107, and it has been determined to have no major inflationary impact.

JUN 29 77
UM

In consideration of the foregoing, Part 250 of Chapter II, Title 46 of the Code of Federal Regulations is adopted, effective on June 30, 1977, as follows:

Sec.
250.1 Purpose.
250.2 Definitions.
250.3 Applications.
250.4 Approval.
250.5 Extent of participation.
250.6 CDS repayment.

AUTHORITY: Secs. 204(b), 506, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114 (b) and 1156). Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1973).

§ 250.1 Purpose.

This part prescribes regulations implementing section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156), with respect only to the conditions for approval of participation by vessels over 100,000 dwt built with CDS, pursuant to authority of Title V of that Act, in the carriage of Alaskan oil in the Alaska-Panama Canal trade, which do not apply to the Alaska-West Coast trade or the Panama Canal-Atlantic/Gulf Coast trade.

§ 250.2 Definitions.

For the purpose of this part—

(a) "Act" means the Merchant Marine Act, 1936, as amended (46 USC 1101–1294).

(b) "CDS" means construction-differential subsidy, as provided for in Title V of the Act.

(c) "Competitor" means any owner or operator of an American-flag vessel, that has been built or is being constructed without CDS, and is eligible for operation in the domestic trade, pursuant to section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883).

(d) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs, or his authorized representative to whom is duly delegated the authority, from time to time, to perform the functions of the Assistant Secretary.

(e) "Alaska-West Coast trade" means the carriage of Alaskan oil by United States-flag tank vessels from Alaska to receiving facilities or vessels in ports or offshore the States of California, Oregon and Washington.

(f) "Alaska-Panama Canal trade" means the carriage of Alaskan oil by United States-flag tank vessels from Alaska to receiving facilities or vessels located in waters on the Pacific Ocean side of the entry to the Panama Canal for transshipment to United States-flag tank vessels for carriage through the Panama Canal to receiving facilities or vessels in ports or offshore on the Atlantic or Gulf Coasts of the United States.

(g) "Panama Canal-Atlantic/Gulf Coast trade" means the carriage of Alaskan oil by United States-flag tank vessels through the Panama Canal from receiving facilities or vessels on the Pacific Ocean side of the entry to the Panama Canal to receiving facilities or vessels in ports or offshore on the Atlantic or Gulf Coasts of the United States.

(h) "Suitable vessel" means a tank vessel that is in compliance with all applicable requirements of United States law and of at least 100,000 deadweight tons, if engaging in the carriage of Alaskan oil in the Alaska-Panama Canal trade.

§ 250.3 Applications.

The owner or bareboat charterer of a tank vessel of at least 100,000 deadweight tons built with CDS may make application to the Assistant Secretary for permission to carry oil in the Alaska-Panama Canal trade. A separate application with respect to each vessel for which such approval is requested shall be submitted and shall disclose the following information:

(a) The name and description of the vessel and the MA/MSB Contract numbers relating to CDS;

(b) The number of voyages and length of time the vessel would operate in the trade, as limited by the provision of § 250.5;

(c) The name of the existing time charterer, if any;

(d) All available information to support the applicant's assertion that suitable vessels of a competitor would not be available for the prospective voyage or voyages.

§ 250.4 Approval.

The Assistant Secretary shall publish in the FEDERAL REGISTER notice of all applications to participate in the Alaska-Panama Canal trade, and shall consider a protest in writing by a competitor, if received within five working days after the date of publication in the FEDERAL REGISTER. The Assistant Secretary shall advise the applicant of the protest by telephone or telegram and shall allow the applicant three working days to make a response in any manner acceptable to the Assistant Secretary. Within five working days of the due date for the applicant's response, the Secretary shall advise the applicant, as well as those submitting protests, of the action taken, with a concise explanation of such action in writing.

§ 250.5 Extent of participation.

Pursuant to section 506 of the Act, the Assistant Secretary shall not approve an application where the result would be to allow a vessel of the applicant to participate in the trade for a period exceeding six months in any consecutive 12-month period, commencing with the entry date of the applicant's vessel for the carriage of Alaskan oil in the Alaska-Panama Canal trade. The application may include a request for advance approval for participation in that trade for a second and third period, if there is an interval of at least six months between periods of operation in the domestic trade.

§ 250.6 CDS repayment.

Pursuant to section 506 of the Act, the owner of each vessel subject to the provisions of this Part 250 shall pay to the Assistant Secretary an amount which bears the same proportion to the CDS paid by the Secretary of Commerce as the temporary period of operation in the trade bears to the entire life of the vessel. The temporary period of operation in the trade is the time a tank vessel is actually under charter, pursuant to the terms of the charter agreement. Arrangements for the repayment of CDS must be made with the Maritime Administration prior to the granting of any approval under this part.

Dated: June 24, 1977.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Subsidy Board.

[FR Doc.77-18726 Filed 6-27-77;1:08 pm]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-337]

PART 78—CABLE TELEVISION RELAY SERVICE

Elimination of Coordination Procedures With the U.S. Department of Agriculture and U.S. Department of Interior; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum to Commission Order.

SUMMARY: Section 78.19 of the Commission's Rules was inadvertently omitted from a listing of the Commission rule sections affected by the Order. This error is corrected by its addition to the list of rule sections affected.

DATE: The effective date of this change is June 29, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT:

Mr. Eugene C. Bowler, Industrial and Public Safety Rules Division, Safety and Special Radio Services Bureau, Federal Communications Commission, Washington, DC 20554.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Parts 1, 21, 23, 73, 74, 78, 81, 87, 89, 91, 93, 94, 95, 97, and 99 of the Commission's Rules and Regulations to eliminate the coordination procedure with the U.S. Department of Agriculture and the U.S. Department of the Interior when proposing to install or modify transmitting facilities on certain lands under the jurisdiction of these Departments.

Released: June 22, 1977

In the Order, FCC 77-337, adopted May 18, 1977, and released May 27, 1977, the appendix is corrected by the addition of § 78.19 of the Commission's Rules to the list of rule parts affected by deletion

of the above-referenced coordination requirement. Part 78 is amended as follows:

Section 78.19 is amended by the deletion of subparagraph (d) and the substitution of [Reserved].

§ 78.19 Interference.

* * * * *

(d) [Reserved]

* * * * *

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-18611 Filed 6-28-77;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3, Notice 9]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

AGENCY: Federal Railroad Administration, DOT.

ACTION: Grant of Petition for Reconsideration: Postponement of Effective Date.

SUMMARY: On January 11, 1977, the Federal Railroad Administration (FRA) issued a final rule amending existing regulations concerning blue signal protection of railroad workmen (42 FR 2318). These amendments were chiefly in response to the Federal Railroad Safety Authorization Act of 1976 (Pub. L. 94-348) which required the Secretary of Transportation to issue regulations within 180 days of the Act's effective date to assure that manually operated switches providing access to tracks on which workmen are working are lined against movement to that track and locked with an effective locking device. On April 7, 1977, the FRA received correspondence from the Association of American Railroads (AAR) which identified several problems with the regulation, and several provisions which needed additional clarification in order to assure uniform understanding throughout the industry and consistent interpretation and application by FRA. AAR requested that its letter be considered a petition for reconsideration requesting postponement of the July 1, 1977 effective date of the amendment to January 1, 1978. The FRA has decided to grant a more limited postponement of the effective date, until September 30, 1977.

EFFECTIVE DATE: This postponement is effective on June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Principal authors: Principal Program Person: John A. McNally, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-9178.

Principal author: Principal Program land, Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, 202-426-8836.

SUPPLEMENTARY INFORMATION: The final rule issued by FRA addressed the statutory provision requiring the lining and locking of manually operated switches providing access to tracks on which workmen were working on rolling equipment, as well as some areas in need of special treatment, such as locomotive servicing facilities and car repair tracks. The regulation requires individual railroads to issue rules implementing the substance of the FRA rules. According to the AAR petition, as individual carriers attempted to develop implementing instructions applying the FRA's general rules to specific installations within the industry, they discovered several difficulties. These included the need to interpret the rule with respect to certain track configurations, as well as the identification of locations at which the rules could not be implemented without resulting in widespread disruption of rail operations. These difficulties have lead to the filing of numerous petitions for waiver of certain provisions of the FRA rules in relation to specific locations or operations.

FRA rules of practice applicable at the time of this proceeding required petitions for reconsideration to be filed within 20 days of the issuance of the final rule (41 FR 54181). However, because of the complexity of the rules in question, and the necessity of attempting to apply them to specific rail facilities in order to assess their overall impact, the FRA believes that good cause exists for the late filing of this AAR petition for reconsideration. In light of the problems of application which have arisen, and the now apparent potential for numerous waivers for certain facilities, the FRA believes that the original six month period provided for railroads to implement the FRA rules was inadequate and that adherence to the July 1, 1977 effective date will only serve to increase the confusion which exists over the rules. Therefore, the FRA has decided to postpone the effective date of the amendments issued on January 11, 1977 (42 FR 2318) so as to allow an additional three months for the industry and the FRA to assure that there is a uniform interpretation, application and enforcement of the rules. This additional period of time will also permit FRA to address the petitions for waiver, and other problems which have been identified both by the FRA and the industry.

In light of the foregoing, the effective date of the amendments to Part 218 issued by the FRA on January 11, 1977 (42 FR 2318) is postponed. Those amendments will become effective on September 30, 1977. Earlier compliance with the standards contained in that notice is authorized.

Issued in Washington, D.C., on June 22, 1977.

BRUCE M. FLOHR,
Deputy Administrator.

[FR Doc.77-18562 Filed 6-28-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 24)]

PART 1100—RULES OF PRACTICE

Postponement of Effective Date

AGENCY: Interstate Commerce Commission.

ACTION: Modification of effective date of rules of practice.

SUMMARY: The order of the Commission, dated April 28, 1977 (42 FR 23806, May 11, 1977; 42 FR 25862, May 20, 1977), is being modified to change the effective date of the Revised Rules of Practice from July 1, 1977 to July 19, 1977. This action is necessary as the required 60 calendar days of continuous session of the Congress after submission to the Congress of the Revised Rules of Practice will not occur until July 19, 1977.

EFFECTIVE DATE: July 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak (Rates) (202-275-7693). Philip Israel (Finance) (202-275-7245). Michael Erenberg (Operating Rights) (202-275-7292), Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy of the attached notice with the Director, Office of the Federal Register.

Issued at Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18634 Filed 6-28-77;8:45 am]

JUN 29 1977 UM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 17]

FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES

Proposed Requirements

AGENCY: Office of the General Sales Manager, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would amend the Title I, Pub. L. 480, financing regulations to establish several new requirements applicable to purchases made on the basis of invitations for bids (IFB's). In addition, for food commodities, the proposal would require that importers purchase on the basis of IFB's and that commissions to selling agents would not be eligible for financing.

The proposed rule on eligibility and approval of suppliers and agents, published at 41 FR 9892 on March 8, 1976, has been extensively revised and is included in this proposed rule.

New provisions are added covering appeal by persons denied approval or conditionally approved as suppliers, shipping agents or purchasing agents.

The intended effect of this proposal is to hold the cost of the program to the United States Government as low as possible and to insure that all persons who want to sell commodities or provide ocean transportation have an adequate opportunity to participate under the program.

DATES: Written comments in duplicate should be submitted on or before July 29, 1977.

ADDRESSES: Written comments: General Sales Manager, Office of the General Sales Manager, U.S. Department of Agriculture, Room 4069 South Agriculture Building, 14th and Independence, S.W., Washington, D.C. 20250.

Comments available for public inspection during business hours (8:15 a.m. to 4:45 p.m., Monday through Friday): Room 4085, South Agricture Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

George Pope, Room 4085, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250, Tel: (202) 447-5693.

SUPPLEMENTARY INFORMATION:

USDA Approval of Purchasing Agents and Shipping Agents

On March 8, 1976, a document was published in the FEDERAL REGISTER (41 FR 9892) proposing an amendment of the regulations governing the financing of the sale and exportation of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701 et seq.), referred to herein as "Title I, Pub. L. 480." In Order to prevent conflicts of interest that amendment proposed conditions for eligibility which persons would be required to meet in order to obtain the approval of the United States Department of Agriculture, referred to herein as "USDA", for their participation in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480.

As a result of comments received and further internal review, extensive changes have been made in the proposed amendment. Consequently, the amendment is again being published as a Proposed Rule. The basic purpose of the amendment remains as stated at 41 FR 9892 on March 8, 1976: To increase competition and eliminate conflicts of interest so that the costs of the Title I, Pub. L. 480, program to the United States Government will be held as low as possible and that all persons desiring to participate in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480, including small business, receive fair and equitable treatment.

Situations in which there could be conflicts of interest are varied. For example, suppliers with economic ties and interests in firms acting as agents in the shipping or purchasing of commodities financed under Title I, Pub. L. 480, may have an advantage in the bidding or negotiation for contracts stemming from advance knowledge or collaboration not enjoyed by other suppliers.

The provisions of the earlier proposed amendment would have required persons desiring to participate as suppliers and selling agents, as well as shipping or purchasing agents, in Title I, Pub. L. 480, transactions to meet certain conditions of eligibility deemed necessary to prevent conflicts of interest. This has been determined to be unnecessary; therefore, the present proposal with respect to meeting such conditions of eligibility is placed on shipping and purchasing agents. Accordingly, persons would be approved by USDA to act as purchasing and shipping agents only after it has been determined that the participation of such persons as purchasing or shipping agents in Title I, Pub. L. 480, transactions would not result in conflicts of interest with suppliers, selling agents, or ships brokers participating in any such transactions.

As an aid in this determination, which will be made by Assistant General Sales Manager, Pub. L. 480 Programs, persons nominated to act as shipping or purchasing agents are required to submit certain information together with a certification that no prohibited affiliation exists.

Comments received in response to the earlier proposal strongly opposed the denial of approval of a person to act as shipping agent for the reason that he had acted as, or had been an affiliate of, a supplier or supplier's agent prior to the effective date of any final rule. Under the proposed rule, such affiliations which had ceased to exist prior to the effective date of any final rule would not, in themselves, result in disapproval. In addition, the present proposal incorporates a proceeding for appeal providing the opportunity for persons disapproved as purchasing or shipping agents to present to the General Sales Manager additional information bearing on the determination.

In order to prevent the use of unapproved shipping or purchasing agents, the proposed regulations would enable USDA to withhold sales or vessel approval if an unapproved purchasing or shipping agent is used. In the case of an unapproved shipping agent, USDA may deduct such agent's commission from the ocean freight differential financed in connection with the shipment.

Required Procedures—Invitations for Bids for Commodity Purchases

This proposed rule would add new requirements that IFB's for commodity purchases be approved by USDA, that they be issued in the United States, and that all offers received be publicly opened in the United States. Also, USDA would not approve a sale for financing if the offer accepted did not comply with IFB terms. These proposals should make it easier for commodity suppliers to participate in IFB's and potentially reduce commodity prices by increasing the number of bidders.

The lowest commodity price would be required to be accepted whenever IFB's were used, unless the importer demonstrated to USDA that acceptance of a higher bid would result in a lower "total landed cost" of the commodity (when the commodity and ocean freight costs are added together). This is designed to reduce the costs of the program to the U.S. Government while allowing the importer an alternative if higher freight rates from certain ports would negate the benefits if concessional commodity financing.

Furthermore, this proposal establishes a requirement that IFB's must be issued in the purchasing of food commodities and that selling agent's commissions would not be eligible for financing whenever food commodities were purchased. This should allow U.S. Government funds to finance more of the commodity and also reduce possible conflicts of interest.

Since marketing practices for non-food commodities purchased under the program (primarily cotton and tobacco) are significantly different from those for food commodities, IFB's will not be required for these commodities. However, if an IFB is used, to purchase a non-food commodity, it must conform to the general requirements provided for purchases made on the basis of an IFB.

Miscellaneous

The transfer of authority for the administration of the Title I, Pub. L. 480 program to the Office of the General Sales Manager (41 FR 14170) is reflected by changing "Export Marketing Service" to "Office of the General Sales Manager" wherever it appears in the regulations.

The definitions are updated to reflect changes in agencies and functions made by reorganization. The definition of "importer" is revised to state that the importer may be either the participant or a legal entity to which the participant has issued a subauthorization. Four new definitions are added relating to the proposal on USDA approval of shipping and purchasing agents, and a new definition is included, "invitation for bids," in connection with the new IFB requirements.

A new hearing provision would also be applicable, under this proposal, to approval of commodity suppliers and selling agents by the Administrator, ASCS, or the General Sales Manager, as appropriate, under the applicable criteria of § 17.6(a) of the Title I regulations. Because of the time constraints which may be imposed by situations involving this approval, and the fact that more than one agency is involved, it is not feasible to establish any time limit for appeal, or designate herein the official responsible for the final decisions.

Accordingly, it is proposed that 7 CFR Part 17 Subpart A be amended as follows:

1. The terms "Export Marketing Service" and "EMS" are changed to read "Office of the General Sales Manager" and "OGSM," respectively, wherever they appear in the regulations and Appendices A and B.

2. Section 17.2 is amended by revising paragraphs (a) (1) and (6), renumbering paragraphs (a) (7) through (10) as paragraphs (a) (8) through (11), adding a new paragraph (a)(7), revising paragraphs (a) (8) and (10) as renumbered, revising paragraph (c)(12), and adding paragraphs (c) (22) through (26) as follows:

§ 17.2 Definition of terms.

(a) *Terms relating to the United States, its agencies, and officials.* (1) "AMS" means the Agricultural Marketing Service, U.S. Department of Agriculture.

• • • • • •

(6) "FGIS" means the Federal Grain Inspection Service, U.S. Department of Agriculture.

(7) "OGSM" means the Office of the General Sales Manager, U.S. Department of Agriculture.

(8) "USDA" means the U.S. Department of Agriculture and includes all or any of the offices mentioned in subparagraphs (1) through (7) of this paragraph.

(9) "Secretary" means the Secretary of Agriculture of the United States, or his designee.

(10) "General Sales Manager" and "GSM" means the General Sales Manager, OGSM, or his designee.

(11) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

• • • • • •

(c) *Other terms.* • • •

(12) "Importer" means the legal entity which contracts with the supplier for the importation of the commodity. The importer may be the participant or any legal entity to which a participant has issued a subauthorization.

• • • • • •

(22) "Shipping agent" means any person engaged by a participant to arrange ocean transportation.

(23) "Ships broker" means any person engaged by a supplier of ocean transportation to arrange employment of vessels.

(24) "Purchasing agent" means any person engaged by a participant to procure agricultural commodities.

(25) "Person" means an individual or other legal entity.

(26) "Invitation for bids" and "IFB" mean an open public request for offers.

• • • • • •

3. Section 17.6 is amended by revising paragraph (a)(4), adding a new paragraph (a)(7), revising paragraph (b), and by deleting and reserving paragraph (c) as follows:

§ 17.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* • • •

(4) Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by USDA of the supplier, the selling agent if any, the contract price, and, whenever purchases are made on the basis of an IFB, responsiveness to IFB terms.

• • • • • •

(7) A supplier or selling agent who is not approved, or is approved upon any conditions established under applicable criteria of this section, shall be notified of such determination promptly. The notification shall state the reasons for the action taken or conditions established and indicate that such person has the right to appeal such action to a designated USDA official and submit further information, orally or in writing, bearing on such determination.

(b) *Contracting procedures.*—(1) *Purchasing—general.* Importers may purchase through negotiation with a supplier or suppliers of the importer's choice except when the regulations § 17.6 (b)(2)) or the purchase authorization specifies that purchases must be made on the basis of IFB's.

(2) *Purchasing—food commodities.* The importer shall purchase food commodities on the basis of IFB's.

(3) *IFB's—general.* Whenever purchases are made on the basis of IFB's the following conditions shall apply:

(i) The terms of the IFB must be approved by the GSM prior to issuance.

(ii) The IFB shall be issued in the United States and all offers shall be opened in public in the United States at the time and place specified in the IFB.

(iii) The IFB shall permit submission of offers from all suppliers who meet the requirements of this section.

(iv) The IFB shall not preclude offers for shipment from any United States port(s) unless the purchase authorization limits exportation to certain ports.

(v) The IFB shall not establish minimum quantities to be offered or which will be considered.

(vi) The IFB shall be in compliance with the regulations, the purchase authorization, and sound commercial standards.

(4) *Contract awards.* Whenever purchases are made on the basis of an IFB, the importer shall consider only offers which are responsive to the IFB and shall make awards on the basis of the lowest commodity price(s) offered, unless the importer determines and the GSM agrees that acceptance of a higher commodity price would result in a lower total landed cost of the commodity. Announcement of awards shall be made in the United States. The importer shall promptly submit to OGSM copies of all offers received with a copy of the final IFB. No sale can be approved for financing until this information has been received by OGSM. The decision of the GSM shall be final regarding the responsiveness of offers to IFB terms and the awarding of contracts.

(c) [Reserved]

• • • • • •

4. Section 17.8 is amended by revising paragraphs (c)(1) and (c)(2) and adding a new paragraph (e).

§ 17.8 Fees, discounts, commissions, brand names, purchasing agents, selling agents.

• • • • • •

(c) *Commissions.* (1) (i) For non-food commodities, a commission to a selling agent as defined in § 17.2(c)(19), employed or engaged by the supplier to obtain a contract, is eligible for financing to the extent that such commission is included in the contract price, except as stated in this paragraph.

(ii) For food commodities, a commission to a selling agent as defined in § 17.2(c)(19), employed or engaged by the supplier to obtain a contract, is not eligible for financing.

(2) If the supplier of the commodity has employed any person or firm, other than a selling agent, to obtain a contract, the sale is not eligible for financing.

• • • • • •

JUN 29 77
UM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 17]

FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES

Proposed Requirements

AGENCY: Office of the General Sales Manager, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed rule would amend the Title I, Pub. L. 480, financing regulations to establish several new requirements applicable to purchases made on the basis of invitations for bids (IFB's). In addition, for food commodities, the proposal would require that importers purchase on the basis of IFB's and that commissions to selling agents would not be eligible for financing.

The proposed rule on eligibility and approval of suppliers and agents, published at 41 FR 9892 on March 8, 1976, has been extensively revised and is included in this proposed rule.

New provisions are added covering appeal by persons denied approval or conditionally approved as suppliers, shipping agents or purchasing agents.

The intended effect of this proposal is to hold the cost of the program to the United States Government as low as possible and to insure that all persons who want to sell commodities or provide ocean transportation have an adequate opportunity to participate under the program.

DATES: Written comments in duplicate should be submitted on or before July 29, 1977.

ADDRESSES: Written comments: General Sales Manager, Office of the General Sales Manager, U.S. Department of Agriculture, Room 4069 South Agriculture Building, 14th and Independence, S.W., Washington, D.C. 20250.

Comments available for public inspection during business hours (8:15 a.m. to 4:45 p.m., Monday through Friday): Room 4085, South Agricultulre Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

George Pope, Room 4085, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250, Tel: (202) 447-5693.

SUPPLEMENTARY INFORMATION:

USDA Approval of Purchasing Agents and Shipping Agents

On March 8, 1976, a document was published in the FEDERAL REGISTER (41 FR 9892) proposing an amendment of the regulations governing the financing of the sale and exportation of agricultural commodities made available under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701 et seq.), referred to herein as "Title I, Pub. L. 480." In Order to prevent conflicts of interest that amendment proposed conditions for eligibility which persons would be required to meet in order to obtain the approval of the United States Department of Agriculture, referred to herein as "USDA", for their participation in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480.

As a result of comments received and further internal review, extensive changes have been made in the proposed amendment. Consequently, the amendment is again being published as a Proposed Rule. The basic purpose of the amendment remains as stated at 41 FR 9892 on March 8, 1976: To increase competition and eliminate conflicts of interest so that the costs of the Title I, Pub. L. 480, program to the United States Government will be held as low as possible and that all persons desiring to participate in the procurement, supplying and shipping of commodities financed under Title I, Pub. L. 480, including small business, receive fair and equitable treatment.

Situations in which there could be conflicts of interest are varied. For example, suppliers with economic ties and interests in firms acting as agents in the shipping or purchasing of commodities financed under Title I, Pub. L. 480, may have an advantage in the bidding or negotiation for contracts stemming from advance knowledge or collaboration not enjoyed by other suppliers.

The provisions of the earlier proposed amendment would have required persons desiring to participate as suppliers and selling agents, as well as shipping or purchasing agents, in Title I, Pub. L. 480, transactions to meet certain conditions of eligibility deemed necessary to prevent conflicts of interest. This has been determined to be unnecessary; therefore, the present proposal with respect to meeting such conditions of eligibility is placed on shipping and purchasing agents. Accordingly, persons would be approved by USDA to act as purchasing and shipping agents only after it has been determined that the participation of such persons as purchasing or shipping agents in Title I, Pub. L. 480, transactions would not result in conflicts of interest with suppliers, selling agents, or ships brokers participating in any such transactions.

As an aid in this determination, which will be made by Assistant General Sales Manager, Pub. L. 480 Programs, persons nominated to act as shipping or purchasing agents are required to submit certain information together with a certification that no prohibited affiliation exists.

Comments received in response to the earlier proposal strongly opposed the denial of approval of a person to act as shipping agent for the reason that he had acted as, or had been an affiliate of, a supplier or supplier's agent prior to the effective date of any final rule. Under the proposed rule, such affiliations which had ceased to exist prior to the effective date of any final rule would not, in themselves, result in disapproval. In addition, the present proposal incorporates a proceeding for appeal providing the opportunity for persons disapproved as purchasing or shipping agents to present to the General Sales Manager additional information bearing on the determination.

In order to prevent the use of unapproved shipping or purchasing agents, the proposed regulations would enable USDA to withhold sales or vessel approval if an unapproved purchasing or shipping agent is used. In the case of an unapproved shipping agent, USDA may deduct such agent's commission from the ocean freight differential financed in connection with the shipment.

Required Procedures—Invitations for Bids for Commodity Purchases

This proposed rule would add new requirements that IFB's for commodity purchases be approved by USDA, that they be issued in the United States, and that all offers received be publicly opened in the United States. Also, USDA would not approve a sale for financing if the offer accepted did not comply with IFB terms. These proposals should make it easier for commodity suppliers to participate in IFB's and potentially reduce commodity prices by increasing the number of bidders.

The lowest commodity price would be required to be accepted whenever IFB's were used, unless the importer demonstrated to USDA that acceptance of a higher bid would result in a lower "total landed cost" of the commodity (when the commodity and ocean freight costs are added together). This is designed to reduce the costs of the program to the U.S. Government while allowing the importer an alternative if higher freight rates from certain ports would negate the benefits if concessional commodity financing.

Furthermore, this proposal establishes a requirement that IFB's must be issued in the purchasing of food commodities and that selling agent's commissions would not be eligible for financing whenever food commodities were purchased. This should allow U.S. Government funds to finance more of the commodity and also reduce possible conflicts of interest.

Since marketing practices for non-food commodities purchased under the program (primarily cotton and tobacco) are significantly different from those for food commodities, IFB's will not be required for these commodities. However, if an IFB is used, to purchase a non-food commodity, it must conform to the general requirements provided for purchases made on the basis of an IFB.

Miscellaneous

The transfer of authority for the administration of the Title I, Pub. L. 480 program to the Office of the General Sales Manager (41 FR 14170) is reflected by changing "Export Marketing Service" to "Office of the General Sales Manager" wherever it appears in the regulations.

The definitions are updated to reflect changes in agencies and functions made by reorganization. The definition of "importer" is revised to state that the importer may be either the participant or a legal entity to which the participant has issued a subauthorization. Four new definitions are added relating to the proposal on USDA approval of shipping and purchasing agents, and a new definition is included, "invitation for bids," in connection with the new IFB requirements.

A new hearing provision would also be applicable, under this proposal, to approval of commodity suppliers and selling agents by the Administrator, ASCS, or the General Sales Manager, as appropriate, under the applicable criteria of § 17.6(a) of the Title I regulations. Because of the time constraints which may be imposed by situations involving this approval, and the fact that more than one agency is involved, it is not feasible to establish any time limit for appeal, or designate herein the official responsible for the final decisions.

Accordingly, it is proposed that 7 CFR Part 17 Subpart A be amended as follows:

1. The terms "Export Marketing Service" and "EMS" are changed to read "Office of the General Sales Manager" and "OGSM," respectively, wherever they appear in the regulations and Appendices A and B.

2. Section 17.2 is amended by revising paragraphs (a) (1) and (6), renumbering paragraphs (a) (7) through (10) as paragraphs (a) (8) through (11), adding a new paragraph (a)(7), revising paragraphs (a) (8) and (10) as renumbered, revising paragraph (c)(12), and adding paragraphs (c) (22) through (26) as follows:

§ 17.2 Definition of terms.

(a) *Terms relating to the United States, its agencies, and officials.* (1) "AMS" means the Agricultural Marketing Service, U.S. Department of Agriculture.

• • • • •

(6) "FGIS" means the Federal Grain Inspection Service, U.S. Department of Agriculture.

(7) "OGSM" means the Office of the General Sales Manager, U.S. Department of Agriculture.

(8) "USDA" means the U.S. Department of Agriculture and includes all or any of the offices mentioned in subparagraphs (1) through (7) of this paragraph.

(9) "Secretary" means the Secretary of Agriculture of the United States, or his designee.

(10) "General Sales Manager" and "GSM" means the General Sales Manager, OGSM, or his designee.

(11) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

• • • • •

(c) *Other terms.* • • •

(12) "Importer" means the legal entity which contracts with the supplier for the importation of the commodity. The importer may be the participant or any legal entity to which a participant has issued a subauthorization.

• • • • •

(22) "Shipping agent" means any person engaged by a participant to arrange ocean transportation.

(23) "Ships broker" means any person engaged by a supplier of ocean transportation to arrange employment of vessels.

(24) "Purchasing agent" means any person engaged by a participant to procure agricultural commodities.

(25) "Person" means an individual or other legal entity.

(26) "Invitation for bids" and "IFB" mean an open public request for offers.

• • • • •

3. Section 17.6 is amended by revising paragraph (a)(4), adding a new paragraph (a)(7), revising paragraph (b), and by deleting and reserving paragraph (c) as follows:

§ 17.6 Contracts between suppliers and importers.

(a) *Eligibility for financing.* • • •

(4) Contracts between suppliers and importers made subject to the applicable purchase authorization shall be deemed to be conditioned on the approval by USDA of the supplier, the selling agent if any, the contract price, and, whenever purchases are made on the basis of an IFB, responsiveness to IFB terms.

• • • • •

(7) A supplier or selling agent who is not approved, or is approved upon any conditions established under applicable criteria of this section, shall be notified of such determination promptly. The notification shall state the reasons for the action taken or conditions established and indicate that such person has the right to appeal such action to a designated USDA official and submit further information, orally or in writing, bearing on such determination.

(b) *Contracting procedures.*—(1) *Purchasing—general.* Importers may purchase through negotiation with a supplier or suppliers of the importer's choice except when the regulations § 17.6 (b)(2)) or the purchase authorization specifies that purchases must be made on the basis of IFB's.

(2) *Purchasing—food commodities.* The importer shall purchase food commodities on the basis of IFB's.

(3) *IFB's—general.* Whenever purchases are made on the basis of IFB's the following conditions shall apply:

(i) The terms of the IFB must be approved by the GSM prior to issuance.

(ii) The IFB shall be issued in the United States and all offers shall be opened in public in the United States at the time and place specified in the IFB.

(iii) The IFB shall permit submission of offers from all suppliers who meet the requirements of this section.

(iv) The IFB shall not preclude offers for shipment from any United States port(s) unless the purchase authorization limits exportation to certain ports.

(v) The IFB shall not establish minimum quantities to be offered or which will be considered.

(vi) The IFB shall be in compliance with the regulations, the purchase authorization, and sound commercial standards.

(4) *Contract awards.* Whenever purchases are made on the basis of an IFB, the importer shall consider only offers which are responsive to the IFB and shall make awards on the basis of the lowest commodity price(s) offered, unless the importer determines and the GSM agrees that acceptance of a higher commodity price would result in a lower total landed cost of the commodity. Announcement of awards shall be made in the United States. The importer shall promptly submit to OGSM copies of all offers received with a copy of the final IFB. No sale can be approved for financing until this information has been received by OGSM. The decision of the GSM shall be final regarding the responsiveness of offers to IFB terms and the awarding of contracts.

(c) [Reserved]

• • • • •

4. Section 17.8 is amended by revising paragraphs (c)(1) and (c)(2) and adding a new paragraph (e).

§ 17.8 Fees, discounts, commissions, brand names, purchasing agents, selling agents.

• • • • •

(c) *Commissions.* (1) (i) For non-food commodities, a commission to a selling agent as defined in § 17.2(c)(19), employed or engaged by the supplier to obtain a contract, is eligible for financing to the extent that such commission is included in the contract price, except as stated in this paragraph.

(ii) For food commodities, a commission to a selling agent as defined in § 17.2(c)(19), employed or engaged by the supplier to obtain a contract, is not eligible for financing.

(2) If the supplier of the commodity has employed any person or firm, other than a selling agent, to obtain a contract, the sale is not eligible for financing.

• • • • •

JUN 29 77
UM

(e) *Purchasing agents; shipping agents.* (1) A participant is not required to use a purchasing agent or shipping agent; however, if a purchasing or shipping agent is to be used, the participant shall submit the nomination(s) to the GSM in writing along with a copy of the proposed agency agreement. No person may act as purchasing or shipping agent, or as both, unless approved by the Assistant Sales Manager, Pub. L. 480 Programs.

(2) A person will not be approved to act as a purchasing or shipping agent if such person is a ships broker or ocean transportation supplier, or an approved commodity supplier, or selling agent, or is an affiliate of a ships broker, ocean transportation supplier, or of an approved commodity supplier, or selling agent, unless the Assistant Sales Manager, Pub. L. 480 Programs, determines that permitting such person to act as purchasing agent or shipping agent, or both, would not result in conflicts of interest or reduced competition.

(3) The term "affiliate" shall have the meaning as provided in § 17.2(c) (1) and, in addition, persons will also be deemed to be affiliates if any of the following conditions are met:

(i) Such persons have any common officers or directors.

(ii) There is any investment by ships brokers, ocean transportation suppliers, approved commodity suppliers, or selling agents, or their officers, or directors in the purchasing agents or shipping agents.

(iii) There is any investment by the purchasing agent or shipping agent, or their officers or directors in ships brokers, ocean transportation suppliers, or approved commodity suppliers, or selling agents.

These conditions include those cases in which investment has been concealed by the utilization of any scheme or device to circumvent the purposes of this section but does not include investment in any mutual fund.

(4) A person whose nomination has been submitted to act as a purchasing agent or shipping agent, or both, shall furnish to the GSM the following information:

(i) The names of all incorporators of the firm;

(ii) The names and titles of all officers and directors;

(iii) The names and proportionate share interest of all stockholders;

(iv) If the beneficial interest in the firm is held by persons other than the named shareholders, the names of the holders of the beneficial interest and the proportionate share of each;

(v) The amount of the subscribed capital of the firm;

(vi) A certification that such person is not a ships broker, ocean transportation supplier, approved commodity supplier, or selling agent and that none of the affiliations described in § 17.8(e) (3) exists; and that the person has not arranged to give or receive an unauthorized benefit in connection with his selection as agent.

(vii) Such other information about the person and the business relationships thereof as the Assistant Sales Manager, Pub. L. 480 Programs, finds necessary to make a determination under this part. Any change in the information submitted hereunder shall be immediately reported to the GSM.

(5) In addition to the information furnished under subparagraph (4) of this paragraph, when considering approval of a purchasing agent or shipping agent, the Assistant Sales Manager, Pub. L. 480 Programs will review the experience, business reputation and any other factors with respect to the capability of such person to perform the responsibilities required. Approval of a nomination for purchasing agent or shipping agent may be withheld for a period not to exceed 30 days pending completion of any investigation deemed appropriate.

(6) Approval of a purchasing agent or shipping agent shall be coextensive with the term of the agency agreement or such shorter period as the Assistant Sales Manager, Pub. L. 480 Programs, may determine: *Provided, however,* That such approval may be terminated upon 30 days notice to the participant for whom the agent is acting if the Assistant Sales Manager, Pub. L. 480 Programs, determines that the agent does not meet the criteria set out in this section.

(7) If a participant uses a purchasing agent not approved by the Assistant Sales Manager, Pub. L. 480 Programs, in the procurement of commodities made available under Title I, Pub. L. 480, sales approval may be withheld.

(8) If a participant uses a shipping agent not approved by the Assistant Sales Manager, Pub. L. 480 Programs, in the shipping of commodities made available under Title I, Pub. L. 480, vessel approval may be withheld or the amount of the shipping agent's commission in connection with the shipment may be deducted from the ocean freight differential to be paid.

(9) Upon his consideration of the information submitted pursuant to subdivisions (i) through (vii) of subparagraph (4) and the criteria of subparagraph (5) of this paragraph the Assistant Sales Manager, Pub. L. 480 Programs, shall promptly notify persons seeking approval as purchasing or shipping agents of his determination pursuant to subparagraph (1) of this paragraph or of the need for further investigation.

(10) If such person is not approved, the notification shall state the reasons therefore and indicate that such person shall have an opportunity, within 30 days, to present to the General Sales Manager any reasons, orally or in writing, as to why the determination of the Assistant Sales Manager, Pub. L. 480 Programs should not stand. The determination of the Assistant Sales Manager shall be effective immediately and shall continue in effect until a contrary determination is made by the General Sales Manager. Nothing herein shall be construed as to prohibit a shipping agent or purchasing agent, once disapproved, from being nominated at a later time.

(Sec. 101–111, Pub. L. 83–480, as amended (7 U.S.C. 1701–1711); E.O. 10900, 26 FR 143, as amended.)

GEORGE S. SHANKLIN,
Acting General Sales Manager, Office of the General Sales Manager, United States Department of Agriculture.

JUNE 24, 1977.

[FR Doc.77-18558 Filed 6-28-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 1049]

[Docket No. AO–319–A28]

MILK IN THE INDIANA MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider changes in the order that has been proposed by a dairy farmer cooperative and a milk distributor in the market. The proposals would enlarge the marketing area by adding four Michigan counties and would make a limited change in the classification of milk. Proponents contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: July 26, 1977.

ADDRESS: Hilton Inn, Weir Cook Airport, Indianapolis, Indiana.

FOR FURTHER INFORMATION CONTACT:

Irving E. Sutin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–4829).

SUPPLEMENTAL INFORMATION: Notice is hereby given of a public hearing to be held at the Hilton Inn, Weir Cook Airport, Indianapolis, Indiana, beginning at 9:30 a.m., on July 26, 1977, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Indiana marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MCDONALD COOPERATIVE DAIRY

PROPOSAL NO. 1

Add the Michigan counties of Branch, Berrien, Cass and St. Joseph to the marketing area of the Indiana order.

PROPOSED BY DEAN FOODS COMPANY

PROPOSAL NO. 2

Change § 1049.40(c)(6) to read as follows:

(c) * * *

(6) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1049.15, plus the fluid equivalent of loss of nonfat milk solids occurring in the process of modification in any case where determination of the quantity of added nonfat milk solids disposed of in such products is based upon laboratory analysis by the market administrator, such loss allowable pursuant to this subparagraph not to exceed 2 percent of the fluid equivalent of the quantity of added nonfat milk solids so determined to be added; and

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 3

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, M. C. Jenkins, 5130 North Brouse Avenue, P.O. Box 55527, Indianapolis, Indiana 46205; or from the Hearing Clerk, Room 1077–S, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 22, 1977.

IRVING W. THOMAS,
Acting Administrator.

[FR Doc.77-18556 Filed 6-28-77;8:45 am]

Agricultural Research Service

[9 CFR Part 447]

AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

General Conference Committee and Plan Conference—Proposal to Terminate

AGENCY: Agricultural Research Service, USDA.

ACTION: Proposed Rule.

SUMMARY: The proposed rule would terminate the General Conference Committee and the Plan Conference of the National Poultry Improvement Plan. As part of a Government-wide effort to reduce reliance on formal advisory committees, the Department believes it is in the public interest to terminate the General Conference Committee and the Plan Conference of the National Poultry Improvement Plan.

DATE: Comments must be received on or before July 30, 1977.

ADDRESS: Send comments to: Raymond D. Schar, Animal Physiology and Genetics Institute, Room 31A, Building 265, Beltsville Agricultural Research Center, Beltsville, Maryland 20705. All written submissions made pursuant to this notice will be made available for public inspection at the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Raymond D. Schar (301–344–2227).

SUPPLEMENTARY INFORMATION: The General Conference Committee of the National Poultry Improvement Plan and the Plan Conference serve as vehicles for conveying the views and recommendations of participating industry members to the Department with respect to interpretations of and changes to the National Poultry Improvement Plan. While the General Conference Committee and the Plan Conference have aided the Department in keeping the Plan program geared to the needs of the poultry industry, it is believed that this function can be better performed if there is greater public participation in the decision-making process. This will be accomplished by soliciting views on proposed changes in the Plan from the industry, cooperating State agencies and the general public.

Accordingly, as part of a Government-wide effort to reduce reliance on formal advisory committees, the Department believes it is in the public interest to terminate the General Conference Committee and the Plan Conference of the National Poultry Improvement Plan.

In consideration of the above, it is proposed to amend 9 CFR Part 447 by repealing Subpart E.

(Sec. 101(b), P.L. 425, 78th Cong., 58 Stat. 734, as amended (7 U.S.C. 429).)

Dated: June 23, 1977.

T. W. EDMINSTER,
Administrator, Agricultural Research Service.

[FR Doc.77-18592 Filed 6-28-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 4]

RULES OF PRACTICE

Restrictions on Ex Parte Communications

AGENCY: Federal Trade Commission.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend § 4.7 of the Commission's Rules of Practice to reflect the provisions of section 4 of the Government in the Sunshine Act, Pub. L. 94–409, and to clarify the coverage of the rule with respect to communications between Commission decisionmakers and Commission staff.

DATE: Comments must be received by July 29, 1977.

ADDRESS: Comments should be addressed as follows: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION, CONTACT:

Jerome A. Tintle, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580 (202–523–3487).

SUPPLEMENTARY INFORMATION:

COMMUNICATIONS BETWEEN COMMISSION DECISIONMAKERS AND PERSONS OUTSIDE THE COMMISSION

Section 4 of the recently enacted Government in the Sunshine Act, Pub. L. 94–409 (the "Sunshine Act"), amends the Administrative Procedure section of seq., by adding provisions, applicable to adjudicative and formal rulemaking proceedings, which prohibit certain ex parte communications between agency decisionmakers and interested persons outside the agency. Such communications shall, for convenience, be called "outside" ex parte communications. Existing § 4.7 of the Commission's Rules of Practice prohibits "outside" ex parte communications, but lacks some of the provisions of the Sunshine Act, and expresses other provisions of the Act in language different from the Act's language. It is desirable, therefore, to bring § 4.7 into conformity with the Act.

It is proposed that § 4.7 be amended to conform to Section 4 of the Sunshine Act, except that the present rule would retain the phrase "no person not employed by the Commission" instead of adopting the term "interested person" of the Act. This approach would not conflict with the Act's requirements, and would facilitate administering the rule.

COMMUNICATIONS BETWEEN COMMISSION DECISIONMAKERS AND COMMISSION STAFF

Existing § 4.7, which applies in adjudicative proceedings, restricts ex parte communications between Commission decisionmakers and Commission employees and agents who take part in the investigation or prosecution of the proceeding, which communications are hereinafter referred to as "inside" ex parte communications. The restrictions on "inside" ex parte communications are based upon the "separation of functions" provision of 5 U.S.C. 554(d) (formerly section 5(c) of the Administrative Procedure Act) which provides:

An employee or agent engaged in the performance of investigative or prosecuting

functions for an agency in a case may not, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review pursuant to section 557 of this title, except as witness or counsel in public proceedings.

Although the Sunshine Act applies only to "outside" ex parte communications, it is proposed that the amended rule be made applicable, where appropriate, to "inside" ex parte communications as well.

It is further proposed that § 4.7 be amended to extend the class of Commission employees and agents to whom the restrictions of the rule would apply. Thus, rather than limit the rule's restrictions to those who are participants in the investigation or trial of an adjudicative proceeding, as does existing § 4.7, the restrictions would be made to apply to all employees and agents of the Commission who perform investigative or prosecuting functions in adjudicative proceedings, except an employee directed by the Commission or requested by an individual Commissioner or the Administrative Law Judge to assist in the decision of a proceeding. This approach, although not mandated by 5 U.S.C. § 554(d), reflects what is regarded as sound policy within the Commission.

It should be noted, however, that neither the proposed amendment nor 5 U.S.C. § 554(d) bars a staff member who transfers from a bureau or regional office to the Office of General Counsel, or to the staff of a Commissioner, from participating in the decision of an adjudicative proceeding—provided, of course, that he had not taken part in the investigation or the proceeding (or a factually related one); nor does the proposed exception, which would permit Commission decisionmakers in a proceeding to avail themselves of the advice of staff members who played no role in the matter (or a factually related one), violate 5 U.S.C. 554(d). See Attorney General's Manual on the Administrative Procedure Act (1947), pp. 55–57.

Finally, it is proposed that § 4.7 be amended to make clear that the prohibitions on ex parte communications between the Commission and its staff do not restrict communications on matters which are not in adjudicative status, but that to the extent such communications relate to a fact in issue in a pending adjudicative proceeding, such portion will be placed in the docket binder of the proceeding to which it pertains. Such matters include those which, although they may directly or indirectly concern one who is a respondent in a pending proceeding, arise independently of the proceeding. Thus, while a matter is in adjudication, it may be necessary for the Commission and its staff to confer about, e.g., a proposal to investigate, or to issue a complaint against, respondent's competitors on charges similar to those of the proceeding; a proposal to investigate, or to issue complaint against, respondent on charges unrelated to or tangentially related to those of the proceeding; an offer of consent settlement by co-respondents who have been permitted to withdraw from adjudication while the proceeding against respondent remains in active adjudicative status; a proposal to initiate a court action against respondent; or a request for access to materials about the respondent in the Commission's files. In situations such as these, neither the proposed rule nor 5 U.S.C. 554(d) would bar ex parte communications between the Commission and its staff. 5 U.S.C. 554(d)(C); Attorney General's Manual on the Administrative Procedure Act (1947), p. 58. To avoid any appearance of unfairness, however, the proposed rule calls for placement on the public record of such portions of a communication as relate to a fact in issue in a pending adjudicative proceeding.

Accordingly, it is proposed that 16 CFR 4.7 be amended to read as follows:

§ 4.7 Ex parte communications.

(a) *Definitions.* For purposes of this section, "ex parte communications" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding.

(b) *Prohibited ex parte communications.* While a proceeding is in adjudicative status within the Commission, except to the extent required for the disposition of ex parte matters as authorized by law, (1) no person not employed by the Commission, and no employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, shall make or knowingly cause to be made to any member of the Commission, or to the Administrative Law Judge, or to any other employee who is or who reasonably may be expected to be involved in the decisional process in the proceeding, an ex parte communication relevant to the merits of that or a factually related proceeding; and (2) no member of the Commission, the Administrative Law Judge, or any other employee who reasonably may be expected to be involved in the decisional process in the proceeding, shall make or knowingly cause to be made to any person not employed by the Commission, or to any employee or agent of the Commission who performs investigative or prosecuting functions in adjudicative proceedings, an ex parte communication relevant to the merits of that or a factually related proceeding.

(c) *Procedures.* A Commissioner, the Administrative Law Judge or any other employee who is or who may reasonably be expected to be involved in the decisional process who receives or who makes or knowingly causes to be made, a communication prohibited by paragraph (b) of this section shall promptly provide to the Secretary of the Commission (1) all such written communications; (2) memoranda stating the substance of and circumstances of all such oral communications; and (3) all written responses, and memoranda stating the substance of all oral responses, to the materials described in paragraphs (1) and (2) of this paragraph. The Secretary shall make relevant portions of any such materials of the public record of the Commission, pursuant to § 4.8, and place them in the docket binder of the proceeding to which it pertains, but they will not be considered by the Commission as part of the record for purposes of decision unless introduced into evidence in the proceeding. The Secretary shall also send copies of the materials to or otherwise notify all parties to the proceeding.

(d) *Sanctions.* (1) Upon receipt of an ex parte communication knowingly made or knowingly caused to be made by a party and prohibited by paragraph (b) of this section, the Commission, Administrative Law Judge, or other employee presiding over the proceeding may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the Commission, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, or disregarded, or otherwise adversely affected on account of such violation. The Commission may take such action as it considers appropriate, including but not limited to, action under § 4.1(e)(2) and 5 U.S.C. 556(d).

(2) A person, not a party to the proceeding who knowingly makes or causes to be made an ex parte communication prohibited by paragraph (b) of this section shall be subject to all sanctions provided herein if he subsequently becomes a party to the proceeding.

(e) The prohibitions of this section shall apply from the time the Commission votes to issue a complaint in an adjudicative proceeding or votes to conduct adjudicative hearings on issues arising in rulemaking proceedings under the Fair Packaging and Labeling Act.

(f) The prohibitions of paragraph (b) of this section do not apply to communications between Commissioners and employees or agents of the Commission who perform investigative or prosecutorial functions in adjudicative proceedings, when such communications are occasioned by and concern (1), the initiation, conduct, or disposition of a separate investigation or adjudicative proceeding, whether or not it involves a party already in an adjudicative proceeding; (2) proceedings outside the scope of § 3.2, including matters in state or federal courts and before other governmental agencies (3) nonadjudicative functions of the Commission, including but not limited to obligations under § 4.11 or communications with Congress, or (4) the disposition of a consent settlement under § 3.25 executed by some but not all respondents. Provided however, that to the extent such communications relate to a fact in issue in a pending adjudicative proceeding, such portions will be placed in the docket binder of the proceeding to which it pertains. The prohibitions of paragraph (b) of this section also do not apply to communications between Commissioners, the Administrative Law Judge, or any other employee who is involved in the decisional process, and any employee who has been directed by the Commission or requested by an individual Commissioner or Administrative Law Judge, to assist in the decision of an adjudicative proceeding. Such employee shall not, however, have performed an investigative or prosecutorial function in that or a factually related proceeding.

(15 U.S.C. 46(g).)

By direction of the Commission, dated May 24, 1977.

CAROL M. THOMAS,
Secretary.

[FR Doc.77-18612 Filed 6-28-77;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed Designation.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation of certain State and local agencies so that they may handle employment discrimination charges filed with Commission. Proposed is a State agency that requested deferral designation as provided under the authority of the Civil Rights Act of 1964, as amended. The proposal would authorize the agency listed to process charges deferred to it by the Commission.

DATES: Comments must be received on or before July 14, 1977. Proposed effective date July 15, 1977.

ADDRESS: Comments should be sent to:

Equal Employment Opportunity Commission State and Local Division Office of Compliance Programs Washington D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Paul Lindsay 202/634-6040, Desk Officer, Equal Employment Opportunity Commission, State and Local Division, Office of Compliance Programs, 2401 E Street NW., Room 4050, Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.12(i), Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 40 FR 3210N, January 20, 1975, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that the agency listed below be designated as a "706 Agency" (§ 1601.12(c)). There are three (3) purposes for such designation: First, that the agency receives charges deferred by the Commission pursuant to Section 706 (c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "susbstantial weight" to the final findings and orders of the agency pursuant to § 1601.19b(e); and third, to commence the 15-day period within which any person or organization may file written comments as provided for under § 1601.12(i) (1). At the expiration of the 15-day period, the Commission may effect designation of the agency by publishing it as amendment to § 1601.-12(m).

The proposed "706 Agency" is a follows:

Hawaii[1] Department of Labor and Industrial Relations.

Written comments pursuant to this notice must be filed with the Commission on or before July 14, 1977.

Signed at Washington, D.C., this 14th day of June 1977.

ELEANOR HOLMES NORTON,
Chairman, Equal Employment Opportunity Commission.

[FR Doc.77-18584 Filed 6-28-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-108]

OCCUPATIONAL EXPOSURE TO ACRYLONITRILE

Request for Information

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on acrylonitrile.

SUMMARY: This notice requests information on acrylonitrile (AN), a chemical used in manufacturing acrylic fibers, synthetic rubbers and plastics. OSHA has recently received data which indicates that the present standard for AN, Table Z-1, 29 CFR 1910.1000, may not be sufficiently protective of exposed employees. In light of the potential cancer hazard involved, the possibility of issuing an Emergency Temporary Standard for AN is being considered. OSHA is therefore seeking information on the manufacture and use of AN monomer, polymers and various copolymers, health effects, medical surveillance, respiratory protection, and the technological and economic aspects of controlling employee exposures to these substances. OSHA is also requesting views on the appropriate regulatory response to the new information received on AN.

DATE: The information requested in this notice must be submitted on or before July 29, 1977.

ADDRESS: The information requested in this notice should be submitted to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor–OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-7894).

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Office of Public Affairs, Room N3641, OSHA, Third Street and Constitution Avenue NW., Washington, D.C., 20210 (202-523-8151).

SUPPLEMENTARY INFORMATION:

ACRYLONITRILE: RECENT INFORMATION RECEIVED BY OSHA

In January, 1977 OSHA received information from the Manufacturing Chemists Association (MCA) regarding their investigation of the potential long-term toxic effects of exposure to acrylonitrile (AN). Their interim report of feeding and inhalation studies indicated that laboratory rats exposed to AN developed "masses", "lesions", "tumors" and other pathologic changes in various organs (*1,2,3*). Additional animal studies examining the possible teratogenic effects of AN indicated the potential for the AN monomer to cause fetal malformation when given to pregnant rats by gavage (*4*). On May 23, 1977, OSHA received a communication from E.I. Dupont de Nemours and Company reporting the preliminary results of an epidemiologic study conducted at their Camden, South Carolina textile fibers plant. This study indicated that workers in this plant were subject to statistically significant excess risk of dying of lung cancer and colon cancer (*5*).

BACKGROUND

Acrylonitrile ($CH_2=CHCN$; CAS No. 000107131) (AN) is a widely used chemical intermediate in the manufacture of acrylic fibers, synthetic rubbers and plastics (*6*). Its use in the manufacture of a number of acrylic fibers and copolymer resins accunts for most of the 1.5 billion pounds of AN produced annually in the United States (*7*). AN is a clear, colorless (when pure) or yellowish liquid with a characteristic odor and a molecular weight of 53.06. It is very reactive and polymerizes violently in the presence of strong bases. Pure AN is subject to self-polymerization with rapid pressure development (the commercial product is inhibited and not subject to this reaction). AN is a volatile (vapor pressure 83 mm Hg at 68° F.), flammable liquid with a flash point of 30° F. (closed cup), is easily ignited and may release cyanide gases when burned, especially where the supply of oxygen is limited. Its vapors are heavier than air, and when diffused over a considerable range of concentrations in air (3 percent to 17 percent by volume), are highly explosive (*8*).

AN is highly toxic by ingestion, inhalation of the vapor or by absorption of the liquid through the intact skin, and repeated skin contact with the liquid may result in dermatitis. Until recently the toxicity of AN was thought to be primarily due to the inhibition of cellular

[1] The Hawaii Department of Labor and Industrial Relations shall be designated as a Notice Agency with regard to charges filed against units of the State and local government.

JUN 29 77
UM

respiration by the in vivo release of cyanide ions (similar in its action to inorganic cyanide), and producing no permanent physiological damage. There is now considerable evidence indicating that while the in vivo decomposition of AN may release some cyanide within the body, the primary toxic effect of this substance is a result of its own chemical composition (8).

Occupational exposure to AN is currently limited by the Occupational Safety and Health Administration (OSHA) to an 8-hour time weighted average of 20 ppm (or approximately 45 mg/M^3) as found in Table Z-1 of 29 CFR 1910.1000.

Information Requested on Acrylonitrile

The data recently received by OSHA suggests that current regulation of worker exposure to AN may not be sufficiently protective, and that more information in a number of areas is necessary before a reassessment of the hazards of AN exposure can be made. OSHA is therefore requesting information pertaining to the AN monomer, polymers and various copolymers, individually or collectively (as well as any finished products containing any or all of these), including but not limited to the following:

1. Metabolism, including intermediate as well as final metabolites.
2. Toxicity, tumorogenicity, carcinogenicity, teratogenicity and/or mutagenicity, including the effects of potential co-factors as related to each of these.
3. Human epidemiology (employee populations and those otherwise exposed).
4. Appropriate medical surveillance procedures.
5. Appropriate respiratory protection.
6. Uses and production technologies.
7. Employee exposures (actual or potential) in each use and production facility, including: (a) The levels and specific conditions of such exposures, (b) the numbers of employees involved in each exposure situation.
8. Technological and economic feasibility of reducing employee exposure.
9. Analytical and sampling methods used and evidence of their precision and accuracy.
10. Whether issuance of an Emergency Temporary Standard is appropriate.

Submittals of Information Requested in This Notice

Interested persons are invited to submit written data, views and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate, by July 29, 1977, to the Docket Officer, Docket H-108, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210 (202-523-7894). Timely written submissions will be considered in any action taken by this agency.

References

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Technical Data Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(1) Communication from A. C. Clark of MCA to Douglas Costle of the Environmental Protection Agency, dated April 11, 1977.

(2) Norris, J. M. "Status Report on the 2-year Study Incorporating Acrylonitrile in the Drinking Water of Rats," (an MCA-sponsored study done by Dow Chemical), dated January 12, 1977.

(3) Quast, J. F. et al. "Toxicity of Drinking Water Containing Acrylonitrile (AN) in Rats: Results After 12 Months," (an MCA-sponsored study done by Dow Chemical), dated March, 1977.

(4) Murray, F. J. et al. "Teratologic Evaluation of Acrylonitrile Monomer Given to Rats by Gavage," (an MCA-sponsored study done by Dow Chemical), dated November 3, 1976.

(5) O'Berg, M. T. "Epidemiologic Study of Workers Exposed to Acrylonitrile: Preliminary Results," May, 1977 (Dupont).

(6) Kirk-Othmer Encyclopedia of Chemical Technology, 2nd Edition, A. Stauden (Executive Editor) 1972, p. 319.

(7) National Institute of Occupational Safety and Health (NIOSH) memo from Roscoe M. Moore, Jr., Chief, Technological Evaluation and Review Branch, Office of Extramural Coordination and Special Projects, on the carcinogenic potential of acrylonitrile in rats, dated May 11, 1977.

(8) Manufacturing Chemists Association (MCA) Chemical Safety Data Sheet SD-31 (1974).

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

(Sec. 6, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C., this 23rd day of June, 1977.

Eula Bingham,
Assistant Secretary of Labor.

[FR Doc.77-18504 Filed 6-27-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 250]

OIL AND GAS AND SULPHUR OPERATIONS IN OUTER CONTINENTAL SHELF

Proposed Modifications of Regulations To Provide for Issuance of National Outer Continental Shelf (OCS) Orders

AGENCY: Department of the Interior, Geological Survey.

ACTION: Proposed rule.

SUMMARY: A Department of the Interior regulatory improvement review indicates that a majority of the requirements of existing OCS orders are common to all areas of the OCS. In order to simplify the regulatory process, this proposal would allow the issuance of National OCS Orders combining common requirements in a single document.

DATE: Coments must be received on or before July 29 1977.

ADDRESS: Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT:

Richard B. Krahl, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, Mail Stop 620, Reston, Virginia 22092 (703-860-7531).

SUPPLEMENTARY INFORMATION: The Department of the Interior has undertaken a complete review of applicable regulations and lease terms to determine what changes could be made to improve the regulation of exploration, development, and production of oil and gas from OCS lands under lease. This review indicated that the majority of the requirements of the existing OCS Orders are common to all areas of the OCS, and that only a minority of the requirements arise from environmental, geological, geophysical, or geographical differences between the various areas.

It was determined that the implementation of requirements which are common to all areas of the OCS could be covered in a set of National OCS Orders with appendices to cover the specific local requirements of each area of the OCS.

This review indicated that the Department has sufficient authority to issue National Orders for the OCS under section 5(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1334(a)(1)). However, it became apparent that clarification of some of the regulations in 30 CFR Part 250 is needed. In order to accomplish this, it is proposed to amend 30 CFR 250.2(j), 250.11, and 250.12(a) and to add a new Section, 30 CFR 250.3.

Upon adoption of the amended regulations, a set of National OCS Orders will be issued with appendices covering specific local requirements which vary among the geographic regions.

The proposed National OCS Orders Nos. 1, 3, and 4 are being published concurrently as a Notice with an invitation to comment.

It is proposed to amend 30 CFR Part 250 in the manner set forth below.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 23, 1977.

Joan M. Davenport,
Assistant Secretary of the Interior.

In § 250.2, paragraph (j) is amended to read as follows:

§ 250.2 Definitions.

* * * * * *

(j) *OCS order.*—(1) *National OCS order.* A formal numbered Order issued by the Chief, Conservation Division, Geological Survey, that implements the regulations in this part and applies to all Areas of the Outer Continental Shelf.

National OCS Orders are supplemented by Area OCS Orders for specific local requirements which vary among the geographic areas.

(2) *Area OCS order.* A formal numbered Order issued by the Supervisor and available in his office, with the prior approval of the Chief, Conservation Division, Geological Survey, that implements the regulations in this part and applies to operations in a region or major portion thereof. Area OCS Orders supplement National OCS Orders by providing for specific local requirements which vary among the geographic areas.

* * * * *

A new § 250.3 is added to read as follows:

§ 250.3 Issuance of OCS orders.

In order to implement the requirements of the regulations of this part, the Area Oil and Gas Supervisor and the Chief of the Conservation Division, Geological Survey, may issue Area OCS Orders and National OCS Orders as defined in § 250.2(j) and as prescribed below:

(a) *Issuance of National OCS orders.* The Chief, Conservation Division, Geological Survey, may issue National OCS Orders implementing the requirements of the regulations of this part when such implementations apply to all regions of the Outer Continental Shelf. Prior to the issuance of National OCS Orders, the Chief, Conservation Division, Geological Survey, may consult with, and receive comments from, lessees, operators, and other interested parties.

(b) *Issuance of Area OCS orders.* Subject to the approval of the Chief, Conservation Division, Geological Survey, the Supervisor may issue Area OCS Orders implementing the requirements of the regulations of this part when such implementation applies to an entire region or a major portion thereof. Prior to the issuance of Area OCS Orders, the Supervisor may consult with, and receive comments from, lessees, operators, and other interested parties.

Section 250.11 is amended to read as follows:

§ 250.11 General functions.

The Supervisor is authorized and directed to act upon the requests, applications, and notices submitted under the regulations in this part and to require compliance with applicable statutes, lease terms, applicable regulations, and OCS Orders to the end that all operations shall be conducted in a manner which will protect the natural resources of the Outer Continental Shelf and result in the maximum economic recovery of the mineral resources in a manner compatible with sound conservation practices. Subject to the approval of the Chief, Conservation Division, Geological Survey, the Supervisor may issue Area OCS Orders implementing the requirements of the regulations of this part when such implementations apply to an entire region or a major portion thereof. The Supervisor may issue written or oral orders to govern lease operations. Oral orders shall be confirmed in writing by the Supervisor as promptly as possible. The Supervisor may issue other orders and rules to govern the development and method of production of a pool, field, or area. Prior to the issuance of Area OCS Orders and other orders and rules, the Supervisor may consult with, and receive comments from, lessees, operators, and other interested parties. Before permitting operations on the leased land, the Supervisor may require evidence that a lease is in good standing, that the lessee is authorized to conduct operations, and that an acceptable bond has been filed.

Paragraph (a) of § 250.12 is amended to read as follows:

§ 250.12 Regulation of operations.

(a) *Duties of supervisor.* The Supervisor, in accordance with the regulations in this part, shall inspect and regulate all operations and is authorized to issue Area OCS Orders and other orders and rules necessary for him to effectively supervise operations and to prevent damage to, or waste of, any natural resource, or injury to life or property. The Supervisor shall receive and shall, when in his judgment it is necessary, consult with or solicit advice from lessees, field officials of interested Departments and Agencies, including the Bureau of Land Management, Coast Guard, Corps of Engineers, Council on Environmental Quality, Department of Commerce, Department of Defense, Environmental Protection Agency, Federal Power Commission, Fish and Wildlife Service, Materials Transportation Bureau, and representatives of State and local Governments.

* * * * * *

[FR Doc.77-18590 Filed 6-28-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21200; RM-2784]

FM BROADCAST STATION IN FLORENCE, OREGON

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action herein extends the time for filing comments and reply comments to a petition filed by Gentle Shepherd Broadcasting Company to assign Channel 284 to Florence, Oregon. Engineer for petitioner states additional time is necessary so that engineering information requested by Commission can be prepared and submitted.

DATES: Comments must be filed on or before June 22, 1977; reply comments must be filed on or before July 1, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTAL INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: June 22, 1977.
Released: June 24, 1977.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Florence, Oregon), Docket No. 21200, RM-2784.

1. Notice of proposed rule making in this proceeding was adopted on April 15, 1977, 42 FR 21628.

2. On May 23, 1977, George M. Frese, engineer for Gentle Shepherd Broadcasting Company, proponent in this proceeding, filed a request seeking an extension of time to and including July 31, 1977, in which to file engineering information requested in the Notice. Mr. Frese states he was on vacation during most of the time granted for the comment period.

3. On June 9, 1977, Mr. Frese submitted the requested engineering information. Because the additional material has been filed, we see no reason in granting Mr. Frese's request to July 31, 1977, thereby delaying the proceeding. *Accordingly, it is ordered*, That the motion for extension of time for filing comments and reply comments in Docket 21200 is granted to the extent that the present deadline for filing comments and reply comments is extended to June 22, 1977, and July 1, 1977, respectively, and is denied in all other respects.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission,
Wallace E. Johnson,
Chief, Broadcast Bureau.

[FR Doc.77-18624 Filed 6-28-77; 8:45 am]

[47 CFR Part 73]

[Docket No. 20337; RM-2296]

FM Broadcast Stations

Order Extending Time for Filing Comments and Reply Comments; Baxley, Ga.

AGENCY: Federal Communications Commission.

ACTION: Order extending time

SUMMARY: This action is taken to extend the time for filing comments and reply comments to a Further Notice of Proposed Rule Making proposing the assignment of FM Channel 240A to Baxley, Georgia. WHAB, Inc., states the additional time is necessary so that it can prepare an engineering showing. (42 FR 25342.)

DATES: Comments must be filed on or before July 7, 1977, and reply comments must be filed on or before July 28, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING COMMENTS AND REPLY COMMENTS

Adopted: June 22, 1977.

Released: June 24, 1977.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Baxley, Georgia); Docket No. 20337, RM-2296 (42 FR 25342).

1. A Further Notice of Proposed Rule Making was adopted on May 10, 1977, 42 FR 25342, in the above-entitled proceeding. The dates for filing comments and reply comments are June 24, and July 14, 1977, respectively.

2. On June 16, 1977, counsel for WHAB, Inc., filed a request seeking an extension of time for filing comments and reply comments to and including July 7 and July 28, 1977, respectively. Counsel states that the additional time is necessary in order that an engineering showing, requested by the Commission, can be prepared.

3. We are of the view that the requested extension of time is warranted. Accordingly, *it is ordered*, That the dates for filing comments and reply comments in Docket No. 20337, are extended to and including July 7 and July 28, 1977, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-18613 Filed 6-28-77;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 29123 Agreement C.A.B. 26671 R-1 and R-2; Order 77-6-98]

IATA

Agreement Relating to Passenger Fares; Order

Issued under delegated authority June 20, 1977.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

In general, the agreement would amend the resolutions governing first-class and economy-class fares between various Mideast points, to reflect the institution of scheduled services between Tehran and Sharjah via Shiraz, Iran and Bandar Abbas, Iran. The agreement has indirect application in air transportation insofar as the fares established under this agreement are combinable with fares to/from the United States, and it will herein be approved.

Pursuant to authority duly delegated by the Board's regulations 14 CFR 385.14, it is not found that Resolutions 200 (Mail 144) 052 and 200(Mail 144) 062, incorporated in Agreement C.A.B. 26671, are adverse to the public interest or in violation of the Act insofar as they have indirect application in air transportation as defined by the Act.

Accordingly, *it is ordered*, That:

Agreement C.A.B. 26671, R-1 and R-2, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days of the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18636 Filed 6-28-77;8:45 am]

[Docket 29123, Agreements C.A.B. 26658 and 26659; R-1 and R-2; Order 77-6-99]

IATA

Agreements Relating to Passenger Fare Matters; Order

JUNE 20, 1977.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted, respectively, by mail vote and at a meeting on Resolution 015 held May 10-11, 1977, in New York, have been assigned the above C.A.B. agreement numbers.

Insofar as air transportation is concerned, the effect of Agreement C.A.B. 26658 is to provide for year-round application of the 45-day excursion fares specified from points in the United States to points in South America, which presently are available only during the period September 15-March 31 of each year. Agreement C.A.B. 26659 amends certain resolutions specifying proportional fares to be used to construct through fares between interior U.S. points and foreign points. Specifically, several erroneous North Atlantic proportional fares would be corrected and other adjustments made as needed to enable the carriers to remain competitive with certain low fares available from Canada to Europe. Also, inasmuch as through normal first- and economy-class fares over the South Pacific are required by the Board to be no greater than the sum of the local sector fares over Hawaii, South Pacific proportional fares have been revised to reflect a recent increase in domestic mainland-Hawaii fares.

We will approve the agreements as proposed subject, of course, to conditions previously imposed by the Board. The carriers contend that the change in application of the 45-day excursion fare to year-round is brought about by the need to offer an appropriate long-duration promotional fare during the April-September period in the face of the recent cancellation of the affinity/own use/group fares in the U.S.-South American market.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in Agreements C.A.B. 26658 and C.A.B. 26659 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to all conditions previously imposed by the Board:

	IATA resolution
Agreement: CAB 26658	100(Mail 137)071f.

Agreement CAB	IATA No.	Title	Application
26659:			
R-1	015	North American Proportional Fares—North Atlantic (Amending)	1/2.
R-2	015a	North American Proportional Fares—South Pacific (Amending)	3/1.

Accordingly, *it is ordered*, That:

Agreements C.A.B. 26658 and C.A.B. 26659, R-1 and R-2 be and hereby are approved subject, where applicable, to conditions previously imposed by the Board.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

By JAMES L. DEEGAN,
Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[FR Doc.77-18511 Filed 6-28-77;8:45 am]

[Docket 31030; Order 77-6-109]

VARIOUS CARRIERS

Proposed Domestic Passenger-Fare Increase; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1977.

JUN 29 77
UM

By tariff revisions [1] marked to become effective either on June 22 or July 1, 1977, various carriers propose a seven-tenths of one-percent increase in the level of passenger fares within the 48 States and the District of Columbia.[2] In addition, Western Air Lines, Inc. (Western) has requested a one-percent increase effective July 1, 1977. Delta Air Lines, Inc. (Delta), Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), and Northwest Airlines, Inc. (Northwest), have so far made no similar filings.

In justification, the carriers reiterate the need to offset continuing escalation in expenses incurred throughout the industry, and again allege that the utilization adjustment is unwarranted since there is nothing abnormal about the current utilization levels. Irrespective of this latter contention, however, the proposed increase of seven-tenths of one percent is justified using the Board's ratemaking methodology, based on data for the year ending December 31, 1977, projected to the respective tariff effective dates.

The National Passenger Traffic Association (NPTA) has filed a complaint stating that any fractional increase has not and cannot be justified by the carriers, and that approval of any increase will burden full-fare-paying business travelers. NPTA urges that carriers intensify their efforts toward economical and efficient management in lieu of frequent fractional increases. Finally, NPTA alleges that there is no vested guarantee that the carriers are entitled, at any particular point in time to achieve a 12-percent return on investment.

American, TWA, and Eastern have answered the complaint alleging, inter alia, that the proposed 0.7-percent increase has been fully justified on the basis of the Board's ratemaking methodology; that the carriers are entitled to achieve a 12-percent return on investment; and that, while a possible inconvenience to the public, fractional increases are not only lawful, but the only method by which the carriers can attempt to keep abreast of cost inflation.

Upon consideration of the proposals, the complaint and answers thereto, and all relevant matters, the Board concludes that the proposal may be unjust, or unreasonable, or unjustly discriminatory, or unduly prejudicial, or otherwise unlawful, and should be investigated The Board further concludes that the proposal should be suspended pending investigation.

The Board has analyzed the industry's earnings status on the basis of the latest data available, that for the year ended March 31, 1977. After adjustments for utilization, standard seating, the 55-percent load-factor standard, removal of discount fairs, and annualization of past fare and cost increases, the ROI adjusted to July 1, 1977, is 11.6 percent before adjusting for the proposed seven-tenths of one-percent fare increase, and rises to 12.4 percent with the increase. See Appendix A. Since this is well above the 12-percent ratemaking standard, and since the carriers have offered no new arguments which would warrant change in the Board's ratemaking methodology, the proposed fares will be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix B attached hereto, and rules and regulations and practices affecting such fares and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including September 19, 1977, unless otherwise ordered by the Board; and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 30962 is hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order will be filed with the aforesaid tariff and served upon all scheduled certificated carriers operating between points within the 48 contiguous States and the District of Columbia.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

Concurring statements of Chairman Kahn, Vice Chairman O'Melia and Members Minetti and West filed as part of the original document.

APPENDIX A.—*Domestic trunk industry rate of return on investment; 48-State scheduled passenger service for the 12 mo ended March 1977 as adjusted to July 1, 1977*

[Dollar amounts in thousands]

	Actual	Belly cargo and utilization	55 pct standard load factor [1]	Removal of all discount fares [2]	Annualization of past fare increases and 1.0434 pct cost escalation	Column 5 including a .7 pct fare increase
	(1)	(2)	(3)	(4)	(5)	(6)
RPM's—millions	119,513.6	119,513.6	119,513.6	112,917.2	110,248.4	109,711.2
ASM's—millions	217,579.3	225,887.9	217,297.4	205,241.4	200,451.4	199,474.4
Load factor	54.93	52.91	55.00	55.02	55.00	55.00
Yield cents/RPM	8.31724	8.31724	8.31724	8.69437	9.02390	9.08670
Passenger revenue	$9,940,238	$9,940,238	$9,940,238	$9,817,443	$9,948,703	$9,969,128
Other revenue	164,842	164,842	164,842	164,842	164,842	164,842
Operating revenue	10,105,080	10,105,080	10,105,080	9,982,285	10,113,545	10,133,970
Capacity expense	7,435,303	7,416,105	7,155,684	6,839,142	6,976,381	6,942,953
Noncapacity expense	2,202,026	2,202,026	2,202,026	2,105,317	2,124,225	2,109,685
Operating expense	9,637,329	9,618,131	9,357,710	8,944,463	9,100,611	9,052,641
Operating profit	467,751	486,949	747,368	1,037,823	1,012,934	1,081,327
Interest	216,567	210,947	204,334	193,272	187,938	186,941
Earnings before tax	251,184	276,002	543,034	844,551	824,995	894,386
Tax at 48 pct	120,568	132,481	260,656	405,384	395,998	429,305
Net income	130,616	143,521	282,377	439,166	428,997	465,081
Return element	347,183	354,468	486,712	632,438	616,936	652,022
Investment	6,089,617	5,952,996	5,748,824	5,441,831	5,301,831	5,274,659
R.O.I. (percent)	5.7	6.0	8.5	11.6	11.6	12.4

[1] Includes standard seats
[2] Excluding children and military fares.

NOTE.—The details of the board's analysis will be available for public inspection in the public reference room.

[1] Revisions to Airline Tariff Publishing Company, Agent, C.A.B. No. 259.
[2] American Airlines, Inc. (American), Braniff Airways, Inc., Continental Air Lines, Inc., Trans World Airlines, Inc. (TWA), United Air Lines, Inc., (United), Frontier Airlines, Inc., and Southern Airways, Inc., propose to increase fares in this amount effective June 22. Pan American World Airways, Inc., Allegheny Airlines, Inc., Air Midwest Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., and Texas International Airlines, Inc., have filed for a tariff effective date of July 1, 1977.

APPENDIX B

TARIFF C.A.B. NO. 259 ISSUED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT

All increased fares and fares which are reissues of such increased fares on the following pages:

4th Revised Page 16–B
3rd Revised Page 16–C
23rd Revised Pages 23 and 24
17th and 18th Revised Pages 24–A and 24–B
20th Revised Pages 25 and 26
16th Revised Pages 27 and 28
19th Revised Pages 29, 30, 31 and 32
20th Revised Pages 33 and 34
25th and 26th Revised Pages 35 and 36
21st Revised Pages 37 and 38
11th Revised Pages 38–A and 38–B
25th Revised Pages 39 and 40
18th Revised Pages 41 and 42
20th and 21st Revised Pages 43 and 44
23rd and 24th Revised Pages 45 and 46
25th and 26th Revised Pages 47 and 48
19th Revised Pages 49 and 50
21st Revised Pages 51 and 52
18th Revised Pages 52–A and 52–B
19th Revised Pages 53 and 54
23rd and 24th Revised Pages 55 and 56
20th Revised Pages 57 and 58
18th Revised Pages 59 and 60
19th Revised Pages 61, 62, 63 and 64
15th and 16th Revised Pages 65 and 66
20th Revised Pages 67 and 68
16th Revised Pages 68–A and 68–B
19th Revised Pages 69, 70, 71, 72, 73 and 74
18th and 19th Revised Pages 75 and 76
24th Revised Pages 77 and 78
21st Revised Pages 79 and 80
17th Revised Pages 80–A and 80–B
22nd Revised Pages 81, 82, 83 and 84
23rd Revised Pages 85 and 86
18th Revised Pages 86–A and 86–B
21st Revised Pages 87 and 88
17th Revised Pages 89 and 90
18th Revised Pages 91 and 92
17th Revised Page 93
50th, 51st and 52nd Revised Page 106
23rd, 24th and 25th Revised Pages 107 and 108
34th, 35th and 36th Revised Pages 109 and 110
29th, 30th and 31st Revised Pages 111 and 112
25th, 26th and 27th Revised Pages 113 and 114
40th and 41st Revised Pages 115 and 116
24th and 25th Revised Pages 117 and 118
23rd and 24th Revised Pages 119 and 120
32nd, 33rd and 34th Revised Pages 121 and 122
24th, 25th and 26th Revised Pages 123 and 124
21st and 22nd Revised Pages 125 and 126
29th and 30th Revised Pages 127 and 128
31st and 33rd Revised Pages 129 and 130
23rd and 24th Revised Pages 131 and 132
22nd, 23rd and 24th Revised Pages 133 and 134
35th, 36th and 37th Revised Pages 135 and 136
30th, 31st and 32nd Revised Pages 137 and 138
24th, 25th and 26th Revised Pages 139 and 140
30th and 31st Revised Pages 141 and 142
25th, 26th and 27th Revised Pages 143 and 144
28th and 29th Revised Pages 145 and 146
21st, 22nd and 23rd Revised Pages 147 and 148
8th and 9th Revised Page 148–A
27th Revised Pages 155 and 156
34th Revised Pages 157 and 158
30th Revised Pages 159 and 160
36th Revised Pages 161 and 162
26th Revised Pages 163 and 164
32nd Revised Pages 165 and 166
31st Revised Pages 167 and 168
24th Revised Pages 169 and 170
31st and 32nd Revised Pages 177 and 178
33rd, 34th and 35th Revised Pages 179 and 180
36th, 37th, 38th and 39th Revised Pages 181 and 182
45th, 46th, 47th and 48th Revised Pages 183 and 184
32nd, 34th and 35th Revised Pages 185 and 186
32nd and 34th Revised Pages 187 and 188
31st and 32nd Revised Pages 189 and 190
27th and 28th Revised Pages 191 and 192
20th and 21st Revised Pages 192–A and 192–B
13th and 14th Revised Pages 192–C and 192–D
20th Revised Pages 357 and 358
27th and 28th Revised Pages 359 and 360
20th Revised Pages 361 and 362
24th and 25th Revised Pages 363 and 364
22nd and 23rd Revised Pages 365 and 366
25th and 26th Revised Pages 367 and 368
20th and 21st Revised Pages 369 and 370
25th Revised Pages 371 and 372
24th and 25th Revised Pages 373 and 374
23rd and 24th Revised Pages 375 and 376
26th and 27th Revised Pages 377 and 378
34th and 36th Revised Pages 379 and 380
30th and 31st Revised Pages 381 and 382
20th and 21st Revised Pages 383 and 384
23rd and 24th Revised Pages 385 and 386
24th Revised Pages 387 and 388
22nd Revised Pages 389 and 390
17th Revised Pages 391 and 392
23rd, 24th and 24th Revised Pages 393 and 394
18th and 19th Revised Pages 394–A and 394–B
21st and 22nd Revised Pages 395 and 396
20th and 21st Revised Pages 397 and 398
26th and 27th Revised Pages 399 and 400
22nd and 23rd Revised Pages 400–A and 400–B
26th and 27th Revised Pages 400–C and 400–D
21st Revised Pages 400–E and 400–F
13th and 14th Revised Pages 400–G and 400–H
17th and 18th Revised Pages 400–I and 400–J
15th and 16th Revised Pages 400–K, and 400–L, 400–M and 400–N
12th Revised Pages 400–O and 400–P
14th and 15th Revised Pages 400–Q and 400–R
10th and 11th Revised Pages 400–S and 400–T
5th Revised Pages 400–U
20th Revised Page 456
13th Revised Pages 457, 458, 459 and 460
7th Revised Pages 460–A and 460–B
14th Revised Pages 461 and 462
13th Revised Pages 463 and 464
12th Revised Pages 465 and 466
16th Revised Pages 467 and 468
12th Revised Pages 469, 470, 471, 472, 473, and 474
13th Revised Pages 475, 476, 477 and 478
12th Revised Pages 479 and 480
13th Revised Pages 481 and 482
12th Revised Pages 483 and 484
14th Revised Pages 485 and 486
11th Revised Pages 487 and 488
12th Revised Pages 489 and 490
9th Revised Pages 490–A and 490–B
18th Revised Pages 513, 514, 515 and 516
20th Revised Pages 517 and 518
21st Revised Pages 519 and 520
17th Revised Pages 521 and 522
22nd Revised Pages 523 and 524
20th Revised Pages 525 and 526
21st Revised Pages 527 and 528
8th Revised Page 528–A
16th Revised Pages 529, 530, 531 and 532
19th Revised Pages 533 and 534
18th Revised Pages 535 and 536
16th Revised Pages 537 and 538
17th Revised Pages 539 and 540
16th Revised Pages 541 and 542
15th Revised Pages 543, 544, 545, and 546
16th Revised Pages 547, 548, 549 and 550
10th Revised Page 550–B
18th and 19th Revised Pages 553 and 554
14th and 15th Revised Pages 555 and 556
13th Revised Pages 557 and 558
14th and 15th Revised Pages 559 and 560
13th and 15th Revised Pages 561 and 562
14th and 15th Revised Pages 653 and 654
17th Revised Pages 565 and 566
12th and 13th Revised Pages 567 and 568
14th and 15th Revised Pages 569 and 570
15th Revised Pages 571 and 572
12th and 13th Revised Pages 573 and 574
15th and 16th Revised Pages 575 and 576
11th and 12th Revised Pages 577 and 578
15th Revised Pages 579 and 580
18th and 19th Revised Pages 581 and 582
15th Revised Pages 583 and 584
12th Revised Pages 585 and 586
15th Revised Page 594
12th Revised Pages 595 and 596
15th Revised Pages 597 and 598
14th Revised Pages 599 and 600
11th Revised Pages 601 and 602
12th Revised Pages 603 and 604
17th and 18th Revised Pages 605 and 606
15th and 16th Revised Pages 607 and 608
12th Revised Pages 609 and 610
14th Revised Pages 611 and 612
10th Revised Pages 613 and 614
12th and 14th Revised Page 615
12th, 13th, and 14th Revised Page 616
13th Revised Pages 617 and 618
12th and 13th Revised Pages 619 and 620
4th Revised Page 622–C
38th Revised Pages 623 and 624
8th Revised Pages 624–A and 624–B
34th Revised Pages 625 and 626
29th Revised Pages 627 and 628
30th, 31st and 32nd Revised Pages 629 and 630
8th and 9th Revised Pages 630–A and 630–B
43 Revised Pages 631 and 632
24th Revised Pages 633 and 634
43rd Revised Pages 631 and 632
37th Revised Pages 636 and 636
6th Revised Pages 636–A and 636–B
25th Revised Pages 637 and 638
14th, 25th and 26th Revised Pages 651 and 652
28th and 29th (issued May 24, 1977) Revised Pages 653 and 654
14th, 25th and 26th Revised Pages 651 and 652
28th and 29th (issued May 24, 1977) Revised Pages 653 and 654
33rd and 34th (issued May 24, 1977) Revised Pages 655 and 656
28th and 29th (issued May 24, 1977) and 30th Revised Pages 657 and 658
3rd and 4th Revised Page 658–A
23rd and 24th (issued May 24, 1977) Revised Pages 659 and 660
28th and 29th (issued May 24, 1977) Revised Pages 661 and 662
25th and 26th Revised Pages 663 and 664
29th and 30th Revised Pages 665 and 666
37th and 38th Revised Pages 667 and 668
30th, 31st and 32nd Revised Pages 669 and 670
23rd, 24th and 25th Revised Pages 671 and 672
30th and 31st Revised Pages 673 and 674
23rd, 24th and 25th Revised Pages 675 and 676
22nd and 23rd Revised Pages 723 and 724
25th Revised Pages 725 and 726
22nd Revised Pages 727 and 728
21st Revised Pages 729 and 730
28th and 29th Revised Pages 731 and 732
27th Revised Pages 733 and 734
35th and 36th Revised Pages 735 and 736
32nd Revised Pages 737 and 738
27th Revised Pages 739 and 740
33rd Revised Pages 741 and 742
20th Revised Pages 743 and 744
31st Revised Pages 745 and 746
29th Revised Pages 747, 748, 749 and 750
30th Revised Pages 750–A and 750–B
31st Revised Pages 750–C and 750–D
25th Revised Pages 750–E and 750–F
13th Revised Pages 750–G

22nd Revised Pages 687, 688, 689 and 690
20th Revised Pages 691 and 692
29th Revised Pages 693 and 694
24th Revised Pages 695 and 696
36th Revised Pages 697 and 698
26th Revised Pages 699 and 700
28th Revised Pages 701 and 702
3rd Revised Pages 702–A and 702–B
24th Revised Pages 703 and 704
14th Revised Pages 705 and 706
34th and 35th Revised Pages 707 and 708
37th Revised Pages 709 and 710
26th Revised Pages 711 and 712
28th Revised Pages 713 and 714
36th Revised Pages 715 and 716
28th Revised Pages 717 and 718
18th Revised Pages 719 and 720
20th Revised Pages 721 and 722
26th Revised Page 756
24th Revised Pages 757 and 758
48th and 49th Revised Pages 759 and 760
40th Revised Pages 761 and 762
26th, 27th and 28th Revised Pages 762–A and 762–B
50th and 51st Revised Pages 763 and 764
25th Revised Pages 764–A and 764–B
46th Revised Pages 765 and 766
34th Revised Pages 767 and 768

[FR Doc.77–18512 Filed 6–28–77;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A483]

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Kentucky Counties as a result of extremely cold weather and snow during January and February 1977:

Edmonson McCracken

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than August 8, 1977, for physical losses and March 9, 1978, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 23rd day of June 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–18578 Filed 6–28–77;8:45 am]

Forest Service

UMPQUA NATIONAL FOREST 10-YEAR TIMBER MANAGEMENT PLAN

Availability of Draft Environmental Statement; Extension of Review Period

The notice of availability of the draft environmental statement on the Timber Management Plan for the Umpqua National Forest USDA–FS–R6–DES(Adm)–77–8, which appeared in Volume 42, Number 48, Friday, March 11, 1977, is corrected to extend the review comment period through August 8, 1977.

CURTIS L. SWANSON,
Regional Environmental Coordinator, Planning, Programing and Budgeting.

JUNE 21, 1977.

[FR Doc.77–18479 Filed 6–27–77;8:45 am]

DEPARTMENT OF COMMERCE

Economic Development Administration

THEODOR MANUFACTURING CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Theodor Manufacturing Corporation, 15401 S. Figueroa Street, Gardena, California 90248, a producer of handbags, was accepted for filing on June 22, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of July 11, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77–18527 Filed 6–28–77;8:45 am]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL, SCIENTIFIC AND STATISTICAL COMMITTEE AND ITS ADVISORY PANEL

Public Meeting

Notice is hereby given of a meeting of the Caribbean Fishery Management Council, established by section 302, and the Council's Scientific and Statistical Committee, and Advisory Panel, established by section 302(g), of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Caribbean Fishery Management Council has authority, effective March 1, 1977, over fisheries within the fishery conservation zone adjacent to Puerto Rico and the Virgin Isalnds. The Councils will, among other things, prepare and submit to the Secretary of Commerce fishery management plans with respect to fisheries within its area of authority, prepare comments on applications for foreign fishing, and conduct public hearings.

The Council meeting will be held Monday through Thursday, July 18 to July 21, 1977, at the Condado Holiday Inn, 999 Ashford Avenue, Condado, San Juan, Puerto Rico. The meeting will convene at 1 p.m. on July 18 and adjourn at about noon on July 21, 1977. Daily sessions will normally start at 9 a.m. and adjourn at 5 p.m., except as otherwise noted. The meeting may be extended or shortened depending upon progress on the agenda.

Proposed agenda:

1. Educational campaigns for Council constituency—Report by a special committee.
2. Budget for Year 1978.
3. Consideration of SOPPs.
4. Status report on draft fishery management plan for spiny lobster and shallow water reef fish.
5. Status of boundary limits and negotiations.
6. Presentation of foreign longline fishing in the Caribbean.

Meeting concurrently, and perhaps in conjunction with the Council at times, will be the Council's Scientific and Statistical Committee and Advisory Panel. The Scientific and Statistical Committee will assist the Council in development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of any fishery management plan. The Advisory Panel contains broad representation from interests affected by Council activities in order to assist the Council in carrying out its functions under the Act.

The Committee and the Panel will meet separately but will utilize the same agenda.

Proposed agenda:

1. Consideration of internal program matters.
2. Review of fishery management plan issues.
3. Appropriate recommendations to the Council.
4. Other management business.

These meetings will be open to the public, and there will be seating for a limited number of public members available on a first come, first served basis. Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meetings. To receive information on changes, if any, made to the agenda, interested members of the public should contact, on or about July 8, 1977:

Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, Puerto Rico 00919.

At the discretion of the Council, the Committee, or the Panel, as appropriate, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by addressing the Executive Director at the above address. To receive due consideration and to facilitate inclusion of these comments in the record of the meetings, typewritten statements should be received within 10 days after the close of the meetings.

Dated: June 24, 1977.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.77–18603 Filed 6–28–77;8:45 am]

CERTIFICATE OF EXEMPTION

Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under Pub. L. 94–359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: Western Novelty Co., 124 West Burnside, Portland, Oregon 97209.

Period of Exemption: The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted: (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibitions, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of a commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted: Finished scrimshaw products made from sperm whale teeth consisting of approximately 798 jewelry items, 2,598 items etched with designs, scenes or figures and 4,508 carved figures or designs. Fnished scrimshaw products to be made from approximately 800 pounds of whole sperm whale teeth and 3,800 pounds of scrap and pieces of sperm whale teeth.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 by July 29, 1977.

Dated: June 22, 1977.

MORRIS M. PALLOZZI,
Acting Deputy Associate Director for Fisheries Management.

[FR Doc.77–18620 Filed 6–28–77;8:45 am]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificates of Exemption

On May 19, 1977, notice was published in the FEDERAL REGISTER (42 FR 25749) that Albert Medeiros of Mattapoisett, Massachusetts, and Robert J. Honis of Seminole, Florida, each had applied for a Certificate of Exemption to engage in certain commercial activities with respect to Pre-Act endangered species parts or products. Notice is hereby given that on June 27, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (P.L. 94–359) and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued Certificates of Exemption permitting the above activities to Albert Medeiros, d/b/a Koch & Son Scrimshaw, 88 North Street, Mattapoisett, Massachusetts 02739 and Robert J. Honis, 8390 Kumquat Avenue, Seminole, Florida 33540.

The Certificates of Exemption are available for review during normal business hours in the Office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: June 23, 1977.

WINFRED H. MEIBOHM,
Associate Director, NMFS.

[FR Doc.77–18619 Filed 6–28–77;8:45 am]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

Notice is hereby given of a meeting of the Western Pacific Fishery Management Council's Scientific and Statistical Committee established in accordance with section 302(g)(1) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265).

The Western Pacific Fishery Management Council has authority over fisheries within the fishery conservation zone adjacent seaward of Hawaii, Guam, and American Samoa. The Council's functions are, among other things, to prepare and submit to the Secretary of Commerce fishery management plans with respect to the fisheries within its area of authority, and conduct public hearings. The Scientific and Statistical Committee assists the Council in the development, collection, and evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's development and amendment of fishery management plans.

The meeting, the Committee's third, will be held on July 13 and 14, 1977, in the conference room of the National Marine Fisheries Service, Honolulu Laboratory, at 2570 Dole Street, Honolulu, Hawaii, from 9 a.m. to 4:30 p.m. each day. The meeting may be extended or shortened depending upon progress of the meeting.

Proposed agenda:

1. Consideration of the minutes of the second meeting of the Committee.
2. Report on administrative arrangements and responses to legal and policy questions.
3. Report on status of advisory panel organization.
4. Report on decisions and recommendations of the fourth Council meeting.
5. Report on the national Optimum Yield Workshop.
6. Review of Progress of fishery management plan development.
7. Application of decision-making methods to a draft management plan for precious corals.
8. Other Management Business.

This meeting is open to the public, and there will be seating for approximately 15 members of the public on a first-come, first-served basis.

Members of the public having an interest in specific items for discussion are also advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact, on or about July 5, 1977:

Mr. W. G. Van Campen, Executive Director, Western Pacific Fishery Management Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone 808–532–1368.

At the discretion of the Committee, interested members of the public may be permitted to speak at times which will allow the orderly conduct of official business. Interested members of the public who wish to submit written comments should do so by submitting them to Mr. Van Campen at the above address. To receive due consideration and facilitate inclusion of these comments in the record of the meeting typewritten statements should be received within 10 days after the close of the Committee meeting.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

JUNE 24, 1977.

[FR Doc.77–18604 Filed 6–28–77;8:45 am]

Office of the Secretary

[Dept. Organization Order 10–4, Amdt. 4; Transmittal 340]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Delegation of Authority

This order effective May 23, 1977 further amends the materials appearing at 40 FR 56703 of December 4, 1975, 40 FR

JUN 29 77 UM

58878 of December 19, 1975, 41 FR 37829 of September 8, 1976, and 42 FR 1064 of January 5, 1977.

Department Organization Order 10–4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary to administer Title I of the Public Works Employment Act of 1976, P.L. 94–369, as amended by P.L. 95–28, to the Assistant Secretary for Economic Development (subparagraphs 4.01g. and 5.o.).

1. Section 4. Delegation of Authority. Subparagraph .01g. is revised to read as follows:

g. The Local Public Works Capital Development and Investment Act of 1976, which is Title I of the Public Works Employment Act of 1976 (Public Law 94–369, 42 U.S.C. 6701 et seq.), as amended by Pub. L. 95–28.

2. Section 5. General Functions. Subparagraph o. is revised to read as follows:

o. Assure the adequate and effective administration of Title I of the Public Works Employment Act of 1976, as amended by Pub. L. 95–28, including the monitoring and servicing of grants.

ELSA C. PORTER,
Assistant Secretary for Administration.

[FR Doc.77–18513 Filed 6–28–77;8:45 am]

[Dept. Organization Order 10–4, Amdt. 5: Transmittal 341]

ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT

Delegation of Authority

This order effective May 23, 1977 further amends the materials appearing at 40 FR 56703 of December 4, 1975, 40 FR 58878 of December 19, 1975, 41 FR 37829 of September 8, 1976, and 42 FR 1064 of January 5, 1977.

Department Organization Order 10–4 of September 30, 1975, is hereby further amended as shown below. The purpose of this amendment is to delegate the authority of the Secretary to administer the Community Emergency Drought Relief Act of 1977, P.L. 95–31, to the Assistant Secretary for Economic Development (subparagraphs 4.01i. and 5.q.).

1. Section 4. Delegation of authority. A new subparagraph .01i. is added to read as follows:

i. The Community Emergency Drought Relief Act of 1977, P.L. 95–31.

2. Section 5. General Functions. a. A new subparagraph .05q. is added to read as follows:

q. Assure the effective administration of loans and grants provided under the Community Emergency Drought Relief Act of 1977, P.L. 95–31.

b. In pen and ink reletter the current subparagraph q. as r., respectively.

Effective: May 23, 1977.

ELSA C. PORTER,
Assistant Secretary for Administration.

[FR Doc.77–18514 Filed 6–28–77;8:45 am]

[Dept. Organization Order 15–1]

EXECUTIVE SECRETARIAT

Functions and Responsibilities

Section 1. *Purpose.* .01 The purpose of this order is to describe the functions and responsibilities of the Executive Secretariat.

.02 This revision clarifies and expands the functions and responsibilities of the Executive Secretariat, including certain protocol duties and the use of the Secretary's dining room.

Sec. 2. *General.* The Executive Secretariat is a staff office in the immediate Office of the Secretary. The Executive Secretariat shall be headed by a Director who shall report directly to the Secretary, but shall work closely with the Executive Assistant to the Secretary in carrying out the functions and responsibilities of the office described in Section 3.

Sec. 3. *Functions and responsibilities.* The Executive Secretariat shall be the central coordinating unit of the Department responsible for performing the following specific duties:

a. Providing effective direction and control over incoming correspondence addressed to the Secretary or Under Secretary. This includes use of a record control system bringing proper items to their immediate attention, assigning action and information copies to appropriate persons or units, and setting due dates for replies and by whom.

b. Reviewing all material which comes to the Secretary or Under Secretary for approval and/or signature to assure that such materials are procedurally or otherwise in accordance with the rules, instructions and standards of the Department.

c. Serving as the focal point for coordination of the volume of official material which requires the attention of the Secretary or Under Secretary. In this regard, the Executive Secretariat shall ensure that Secretarial Officers and heads of operating units are informed of, and given an opportunity to comment on, material affecting their organizations or functions.

d. Maintaining an accurate and current correspondence suspense system including timely follow up with Department officials on overdue correspondence. The Executive Secretariat shall keep the Secretary or Under Secretary informed concerning the status of high priority documents. The Executive Secretariat shall also ensure that reports to Congress which require the attention of the Secretary or Under Secretary reach them in ample time for the review. (DAO 218–3 prescribes procedures and responsibilities for statutory reports to Congress.)

e. Advising principal officials of the Department of Secretarial actions or decisions affecting their area of responsibility, and sharing applicable information with them that has been provided to the Secretary.

f. Maintaining the Secretary's and Under Secretary's files to ensure that correspondence, files, and other data are properly categorized and secured in compliance with Department procedures, are effectively retrievable, and are retired or otherwise disposed of in accord with law.

g. Providing administrative support services to the immediate Office of the Secretary pertaining to functions such as office coverage, preparation of personnel actions, maintaining time and attendance records and records covering the participation in politically related activities.

h. Coordinating the scheduling and conduct of official functions hosted by the Secretary and Under Secretary, in accord with Department Administrative Order 203–3.

i. Making arrangements related to the hosting of official functions, including greeting and escorting of guests as appropriate and obtaining approval of the Assistant Secretary for Administration for use of funds. The Executive Secretariat shall also assure that the applicable paper work is prepared.

j. Coordinating the use of the Secretary's dining room and managing the dining room fund, making disbursements and collections as appropriate, in accord with Department Administrative Order 203–3. The Executive Secretariat shall also maintain control over the obtaining and use of the official supply of beverages used at official functions.

k. Purchasing or providing gifts and maintaining records on official gift giving and inventories and disposition of received gifts, in accord with applicable law, for the immediate office of the Secretary.

l. Perform such other functions as the Secretary and Under Secretary may assign.

Sec. 4. *Cooperation by operating units.* .01 Operating units of the Department shall cooperate to the fullest extent with the Executive Secretariat in carrying out its central coordinating functions in the areas of Secretarial correspondence and protocol as prescribed in this order.

.02 Correspondence and other materials directed to addressees within or outside the Department which are submitted for the attention or action of the Secretary or Under Secretary shall be routed through the Executive Secretariat for coordination and control.

Sec. 5. *Effect on other orders.* This order supersedes Department Organization Order 15–1 (formerly Department Order 176) of November 2, 1962.

This order is effective May 23, 1977.

ELSA C. PORTER,
Assistant Secretary for Administration.

[FR Doc.77–18515 Filed 6–28–77;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN APPAREL PRODUCTS IN CHIEF VALUE LEATHER AND CHIEF WEIGHT TEXTILE MATERIALS

Extension of Exemption From Bilateral Textile Agreements

JUNE 24, 1977.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Extending until August 1, 1977 the exemption from the bilateral textile agreements of certain apparel products which are in chief weight textile materials and chief value nontextile materials.

SUMMARY: A notice published in the FEDERAL REGISTER on March 21, 1977 (42 FR 15359) announced establishment of TSUS 791.74 to cover "certain wearing apparel of leather which is: In part of textile materials, the aggregate weight of which exceeds the weight of any individual nontextile material contained therein," and delayed its inclusion under the textile import restraint program until May 1, 1977. The exemption was subsequently extended through June 30, 1977 (42 FR 27668). The purpose of the present notice is to announce a further extension of the exemption through July 31, 1977.

EFFECTIVE DATE: July 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–4212).

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements, United States Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
June 24, 1977.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On May 27, 1977 there was published in the FEDERAL REGISTER (42 FR 15359) a notice temporarily suspending from textile agreement restraints certain articles which are in chief value of leather containing textile materials, imported into the United States prior to May 1, 1977. On March 16, 1977, the Committee for the Implementation of Textile Agreements wrote to you cancelling the visa requirement for merchandise entered under TSUS 791.74 for the period extending through April 30, 1977. On April 25, 1977, that exemption was extended through May 31, 1977, and on May 26, 1977 it was further extended through June 30, 1977.

This letter extends through July 31, 1977 the authorization to release merchandise entered under TSUS 791.74 without such merchandise being subject to the visa requirements or being charged to the levels of restraint. Enclosed is a copy of a notice which will appear in the FEDERAL REGISTER in the near future. This notice will extend the temporary suspension as published on March 21, 1977, through July 31, 1977.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.77–18618 Filed 6–28–77;8:45 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Establishing Import Restraint Levels; Correction

In FR Doc. 77–18020, appearing at page 31825 in the issue of Thursday, June 23, 1977, the parenthetical description given for man-made fiber textile Category 237 in the body of the notice should read: "(suits, not knit)".

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements, United States Department of Commerce.

[FR Doc.77–18679 Filed 6–28–77;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM THE SOCIALIST REPUBLIC OF ROMANIA

Establishing Import Restraint Levels

Correction

In FR Doc. 77–18020, appearing at page 31825 in the issue of Thursday, June 23, 1977, the footnote in the fourth line of the lefthand column of the table on page 31826 under the heading "Category", should read [2] instead of [3].

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 15, 1977.

The meeting of the USAF Scientific Advisory Board ad hoc Committee on Test and Evaluation scheduled for June 21, 1977 at Kirtland Air Force Base, New Mexico, as published in 42 FR 24766, May 16, 1977, has been cancelled. This meeting will be rescheduled at a later date.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–18480 Filed 6–27–77;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JUNE 10, 1977.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold meetings on July 20, 1977 from 8:30 a.m. to 5:00 p.m. and July 21, 1977 from 8:30 a.m. to 5:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Room 222, Building 14, Area B.

The Group will receive classified briefings and hold classified discussions on selected programs and projects relating to the missions of the Aeronautical Systems Division.

The meetings concern matters listed in Section 552b(c), Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202–697–8845.

FRANKIE E. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc.77–18481 Filed 6–27–77;8:45 am]

Department of the Navy

ZIMMER, U.S.A., INC.

Intent to Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of title 32, Code of Federal Regulations (41 FR 55711–55714, December 22, 1976), the Department of the Navy announces its intention to grant to Zimmer, U.S.A., Inc., a corporation of the State of Delaware, a revocable, nonassignable, limited exclusive license for a period of ten years under United States Patent Number 3,842,841, entitle "Constant Current Power Pack for Bone Healing and Method of Use", issued October 22, 1974, to inventors, Carl T. Brighton, Zachary B. Friedenberg and William Redka.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217 and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 within 60 days from the publication of this notice. Also copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, DC 20231.

For further information concerning this notice, contact:

Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Va. 22217. Telephone No. 202–692–4005.

Dated: June 22, 1977.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc.77-18606 Filed 6-28-77;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON COUNTER-COMMUNICATIONS, COMMAND AND CONTROL (C³)

Advisory Committee Meeting

The Defense Science Board Task Force on Counter-Communications, Command and Control (Counter-C³) will meet in closed session on July 14 and 15, 1977 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The Task Force will provide an analysis of the communications, command and control (C³) employed by potentially hostile forces and identify countermeasures that might be of significant help if the Department of Defense were required to counter those forces.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

JUNE 24, 1977.

[FR Doc.77-18617 Filed 6-28-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. I-360]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted For Filing

JUNE 24, 1977.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. (Section 309(d)(1).)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Satellite Communications Services: GAO clearance to request supplemental information from applicants for small diameter earth station antennas.

By Declaratory Ruling and Order (FCC 76–1169) released January 7, 1977, the Commission decided that applications filed for authority to construct domestic satellite earth stations employing small diameter antennas would be acceptable for filing if certain supplemental information were submitted with the application. Pursuant to Title 44 of the U.S. Code, Section 3512(c), clearance was obtained from the General Accounting Office to collect such information on June 6, 1977. The following clearance information is applicable:

APPROVED BY GAO
B–180227 (RO450)

[FR Doc.77-18607 Filed 6-28-77;8:45 am]

FEDERAL ELECTION COMMISSION

[Notice 1977–36, AORs 1977–28 1977–29 and 1977–30]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Requests 1977–28 through 30 have been made public at the Commission. Copies of these requests were made available on June 23, 1977. These copies of the advisory opinion requests were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of General Counsel, Advisory Opinion Section at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Pub. L. citations.

A description of the requests recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977–28: May a State Democratic Party Committee contract with a nonprofit membership corporation called the Democratic Benefit Association to share the Committee's facilities, membership lists, and other services in exchange for a percentage of the money raised by the Association through membership fees and the sale of products or services to individual members, which percentage will be treated as contributions from the individual members to the Committee?

Requested by Vance Hartke, Washington, D.C. on behalf of the Indiana Democratic State Central Committee.

AOR 1977–29: May funds on credit for a Member of Congress in a corporate enterprise, which include an original deposit for campaign traveling when the Congressman was a State Governor plus accrued interest, be either returned to the Congressman with the interest reported as personal income, or returned to an official of the prior campaign for Governor and then transferred to the Congressman's campaign committee?

Requested by Representative Richardson Preyer, House of Representatives, Washington, D.C. 20515.

AOR 1977–30: If a Senator provides an organization he is appearing or speaking before with a list of charitable organizations the Senator particularly supports, and allows the organization to make a direct contribution to a charitable organization on that list, would the charitable organization be considered to have been selected by the contributing organization or by the Senator, for purposes of the honoraria limitations in the Federal Election Campaign Act of 1971, as amended?

Requested by Senator Bob Dole, U.S. Senate, Washington, D.C. 20510.

Dated: June 23, 1977.

THOMAS E. HARRIS,
Chairman for the Federal Election Commission.

[FR Doc 77-18570 Filed 6-28-77;8:45 am]

FEDERAL ENERGY ADMINISTRATION

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94–163), notice is hereby provided of a meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) to be held in Paris on July 12 and 13, 1977, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris, France, beginning at 10 a.m. on July 12. The purpose of this meeting is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which will take place on July 12 and 13, 1977. The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed and that the representatives of the IAB will be invited to join the meeting during discussion of Items 6–12 of the agenda.

1. Approval of draft agenda.
2. Summary Record of the Sixteenth Meeting.

3. Oil Pricing in an Emergency (Note by the Secretariat on Final Draft Text for the Manual).
4. Extraordinary Costs (Note by the Secretariat).
5. Quarterly Oil Forecast.
6. Demand Restraint (Interim Report by Chairman of Working Group).
7. Emergency Management Manual—
(a) Final draft texts for Governing Board on.
Date of inclusion of demand restraint in allocation calculations;
Supplies available to the Group;
(b) German and French translations;
(c) Numerical examples of allocation calculations;
(d) Outline of further updating under consideration (Oral statement by the Secretariat).
8. Base Period Final Consumption (Draft SEQ Document for Governing Board).
9. Special Section of the Information System:
(a) Questionnaires A and B Reporting Instructions;
(b) Current issues of Quarterly Oil Statistics and Base Period Final Consumption;
(c) Status of emergency reserves;
(d) Autumn 1977 Data Test.
10. National Emergency Sharing Organizations:
(a) Presentation by the U.K. Delegation;
(b) Oral Report by Secretariat on Bilateral Discussions.
11. EEC Antitrust Questions (Oral Statement by the Chairman).
12. Allocation Systems Test-Spring 1978: Provisional Outline (Note by the Secretariat).
13. Contacts with Traders' Organizations (Oral Report by the Secretariat).
14. Any other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., June 23, 1977.

ERIC J. FYGI,
Acting General Counsel, Federal Energy Administration.

[FR Doc.77-18573 Filed 6-28-77;8:45 am]

FEDERAL MARITIME COMMISSION

FACTFINDING INVESTIGATION NO. 9—POSSIBLE REBATES AND SIMILAR MALPRACTICES IN U.S. FOREIGN COMMERCE

Designation of Assistant Investigative Officer

Notice is hereby given that the Commission on June 15, 1977, designated Mr. Harry C. de Venoge as Assistant Investigative Officer in this proceeding, instituted by a notice published in the FEDERAL REGISTER on July 21, 1976 (41 FR 33062).

By the Commission, June 15, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18638 Filed 6-28-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 1810]

METRO FREIGHT FORWARDING SERVICES

Order of Revocation

By letter dated May 25, 1977, Mr. Paul W. Chipman, President, Metro Freight Forwarding Services, 21120 Trolley Industrial Dr., Taylor, Michigan 48180, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1810 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 22, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Metro Freight Forwarding Services has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated June 30, 1975:

It is ordered, That Independent Ocean Freight Forwarder License No. 1810, issued to Metro Freight Forwarding Services, be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1810 be and is hereby revoked effective June 22, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Metro Freight Forwarding Services.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-18639 Filed 6-28-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 596]

JOSEPH A. PAREDES & CO.

Order of Revocation

By letter dated May 24, 1977, Mr. Ernest B. Cota, President, Joseph A. Peredes & Co., 22 Battery Street, San Francisco, CA 94111, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 596 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 22, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Joseph A. Paredes & Co. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 596, issued to Joseph A. Paredes & Co., be returned to the Commission for cancellation.

It is further ordered, Independent Ocean Freight Forwarder License No. 596 be and is hereby revoked effective June 22, 1977.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Joseph A. Paredes & Co.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-18640 Filed 6-28-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-38]

ARIZONA ELECTRIC POWER COOPERATIVE, INC., ET AL.

Declaratory Order on Complaint and Order Instituting Investigation

JUNE 21, 1977.

On November 6, 1975, Arizona Electric Power Cooperative Inc. and the City of Willcox, Arizona (AEPCO) filed with the Commission a formal complaint alleging, inter alia, that El Paso Natural Gas Company (El Paso) is, and has since December 15, 1972, been in violation of its effective interim curtailment plan.[1] In particular AEPCO alleges that El Paso has unlawfully classified as Priority 2 requirements under the effective order of priorities in the interim plan the volumes of gas delivered to its California distributor customers to be injected into their respective underground storage facilities. It is said, therefore, that El Paso has violated its obligations under the Natural Gas Act and the pertinent Commission regulations by virtue of its knowing deviation from the effective interim curtailment plan imposed by the Commission in Opinion No. 634, 48 F.P.C. 931 (1972), modified, Opinion No. 634–A, 48 F.P.C. 1369 (1972), rev'd in part and remanded, *American Smelting & Refining Co.* v. *FPC*, 494 F. 2d 925 (D.C. Cir. 1974), cert.

[1] "Complaint of Arizona Electric Power Cooperative, Inc. and City of Willcox against El Paso Natural Gas Company," *Arizona Electric Power Coop., et al.* v. *El Paso Natural Gas Co.* Docket No. RP76–38, November 6, 1975 ("Complaint").

denied sub nom., *Southern California Gas Co. v. FPC*, 419 U.S. 882 (1974).

The approved order of priorities set forth in Opinion No. 634 makes no mention of the treatment of customer storage injection requirements during periods of curtailment on the El Paso system, even though the Commission's declared policy has been to treat customer storage injection requirements as Priority 2 requirements in the curtailment programs filed by jurisdictional natural gas pipelines. See, Order No. 467–B 49 F.P.C. 583 (1973), codified, 18 CFR 2.78. El Paso's Answer [2] to the instant complaint relies upon this statement of Commission policy to support the propriety of its sua sponte treatment of its customers' storage injection requirements. Additionally, El Paso notes that the Commission itself approved prioritization of customer storage injection requirements as Priority 2 requirements in Opinion No. 697, 51 F.P.C. 2053 (1974), modified, Opinion No. 697–A, 52 F.P.C. 1876 (1974), which decisions established a permanent curtailment plan for the El Paso system.[3] While Opinion No. 697 was a final Commission adjudication of the merits of the appropriate curtailment program to be employed on the El Paso system, this curtailment plan was only made effective on an interim basis by the Commission's acceptance of compliance tariffs implementing this latter plan by order issued June 1, 1977. Therefore, until June 1, 1977, El Paso has been obligated to curtail deliveries according to its interim curtailment program established in Opinion Nos. 634 and 634–A.[4]

Subsequent to the filing of AEPCO's formal complaint in this docket, Presiding Administrative Law Judge William Jensen addressed the identical legal issue presented by this complaint in the context of a proceeding to determine whether certain of El Paso's storage and storage-like arrangements should be certificated as required by the public convenience and necessity.[5] Realizing this situation, the Commission, by order issued November 15, 1976, deferred action on the instant complaint pending the Commission's consideration of the merits of the Presiding Judge's decision on exceptions.[6] On May 23, 1977, in El Paso Natural Gas Co., Opinion No. 800, ___ F.P.C. ___ (1977), the Commission determined that Presiding Judge Jensen improperly reached the merits of the legal question presented by AEPCO,[7] finding that the appropriate proceeding in which to decide the question was the instant complaint proceeding.[8]

The contours of the instant controversy are defined by the pleadings in this docket, both El Paso and AEPCO agreeing that the question presented is one of the law upon stipulated facts such that no evidentiary proceeding is required. It is important, therefore, for the Commission to set out these stipulated facts upon which our declaratory decision herein is predicated. These pertinent facts are as follows:

(1) Nominations submitted to El Paso by its California distributors, Southern California Gas Co. (SoCal) and Pacific Gas & Electric Co. (PG&E), prioritized customer storage injection requirements as Priority 2.

(2) El Paso knew that its California customers' nominations included customer storage injection requirements in Priority 2. See, Answer, pg. 6.

(3) El Paso honored the tendered nominations of PG&E and SoCal in allocating its available supplies on and after the effective date of its interim curtailment (Opinion Nos. 634 and 634–A) plan.

(4) The order of priorities established in Opinion No. 634, and held to be reasonable by the Commission, does not provide for prioritized treatment of customer storage injection requirements.

(5) El Paso has never formally filed with the Commission any modification or proposed change in the curtailment plan established by the Commission in Opinion Nos. 634 and 634–A, reflecting a different order of priorities from that established by the Commission.

On the basis of these pertinent facts, AEPCO argues that El Paso has clearly violated its statutory obligation to strictly observe its filed tariff and has ignored Commission regulations which require jurisdictional companies to file any change in an operative tariff in advance with the Commission and seek approval for such change.[9] El Paso argues that Commission silence as to the appropriate treatment of customer storage injection requirements in Opinion Nos. 634 and 634–A cannot be read as a disallowance of all prioritized deliveries for such requirements. The company states that in lieu of explicit Commission directions as to the proper treatment of these requirements, it relied upon articulated Commission policy in classifying such requirements as Priority 2. It is contended that this is permissible under the Act and Commission regulations.

AEPCO's complaint actually is predicated upon two distinct grounds. First, AEPCO argues that El Paso is liable under the Act for making unauthorized deliveries, when actual deliveries are measured against the effective allocation scheme of Opinion No. 634. Second AEPCO argues that the effect of such unauthorized deliveries was to propound an undue discrimination against lower priority consumers by diverting volumes of

[2] "Answer of El Paso Natural Gas Company to AEPCO Complaint," *Arizona Elec. Power Coop. et al.* v. *El Paso Natural Gas Co.*, Docket No. RP76–38, December 19, 1975. ("Answer"). On December 31, 1975, AEPCO responded to El Paso's Answer. "Response of Arizona Electric Power Cooperative, Inc. and City of Willcox to Answer of El Paso Natural Gas Company" Docket No. RP76–38.

On February 3, 1976, SoCal petitioned the Commission for permission to respond to AEPCO's Complaint and El Paso's Answer, also tendering a pleading. "Response of Southern California Gas Company," Docket No. 76–38, February 3, 1976. On February 9, 1976, AEPCO answered SoCal's Response. "Answer of Arizona Electric Power Cooperative, Inc. and City of Willcox to Petition of Southern California Gas Company, et cet." Docket No. RP76–38.

[3] Neither Opinion No. 697 nor Opinion No. 697–A implemented a permanent curtailment plan for the El Paso System. Section 4(d) of the Act, 15 U.S.C. § 717c(d), requires that "[u]nless the Commission otherwise orders, no change shall be made by any natural gas company in any rate, charge, classification, or service, * * * except after thirty days' notice to the Commission and to the public." Opinion Nos. 697 and 697–A cannot reasonably be construed as a Commission order implementing the plan therein found reasonable, resulting in a continuing obligation upon El Paso to observe the 634 and 634–A curtailment plans.

[4] See, "Order Denying Rehearing and Accepting Tariff Sheets," El Paso Natural Gas Co., Docket No. 72–6, issued June 1, 1977, wherein the curtailment program established by the Commission as just and reasonable in Opinion Nos. 697 and 697–A, as subsequently clarified, was made effective. El Paso's prospective servicing of its California customers' storage injection requirement will, of course, be permissible as allowed by this modified interim curtailment plan.

[5] "Presiding Administrative Law Judge's Initial Decision Upon Certificate Applications for Operation of Rhodes Reservoir Storage Project and for Effectuation of Certain Special Operating Arrangements," El Paso Natural Gas Co., Docket Nos. CP74–289, et al. (June 7, 1976), rev'd, El Paso Natural Gas Co., Opinion No. 800, ___ F.P.C. ___ (May 23, 1977).

[6] "Order Deferring Commission Action Pending Issuance of Opinion," *Arizona Elec. Power Coop.* v. *El Paso Natural Gas Co.*, Docket No. RP76–38, November 15, 1976.

[7] See, Opinion No. 800, supra, at Slip Op. pp. 11–12 and n. 10.

[8] In *Fort Pierce Util. Authority* v. *FPC*, 526 F. 2d 993, 999 (5th Cir. 1976), the court stated that "[a]s long as the Commission provides an adequate forum in which all interested parties may present their positions, the Commission has broad discretion in determining in what proceeding an issue will be decided." In Opinion No. 800, supra, the Commission determined that El Paso's past administration of its curtailment program was of marginal relevance on the issue of the need for additional storage capacity (Slip Op. pp. 12–13) and concluded that the issue should appropriately be decided on the AEPCO Complaint filed in the instant docket.

[9] AEPCO charges El Paso with violating Section 4(c) of the Act, 15 U.S.C. § 717c(c), and Section 154.21 of the Commission's Rules and Regulations under the Act, 18 C.F.R. § 154.21. Because El Paso could have, at any time, filed with the Commission to modify or amend its effective interim curtailment plan, we think Section 4(d) of the Act, 15 U.S.C. § 717c(d), which governs the timing of changed rates or services, to be the more pertinent statutory provision.

gas to which these customers would have been rightfully entitled had El Paso strictly observed its effective allocation program. We note at the threshold, however, that the fact of unauthorized deliveries by El Paso does *not* establish that the effect of such unauthorized conduct was unduly discriminatory. The latter question turns upon proof of a differential treatment as between similarly situated customers, an entirely different question than that posed by measuring admitted conduct against the backdrop of effective Commission authorizations.

I

We turn first to an examination of El Paso's conduct under the governing curtailment program establishd in Opinion No. 634, *et cet.* Both El Paso and AEPCO have stipulated the pertinent facts, each in support of their respective (and divergent) legal conclusions on this issue. El Paso states in its Answer (pg. 6) that:

> El Paso does, through system-wide data requests and frequent individual contacts, monitor and counsel with its customers regarding their reported requirements on each priority of service. * * * El Paso thus became aware in December of 1972 that SoCal believed that its storage injection requirements were properly includable in Priority 2. . . . Definitive confirmation that PGandE had the same intention was received by El Paso in November, 1973. * * * *El Paso agreed that such classification of customer storage injection requirements was reasonable and proper under Opinion Nos. 634 and 634–A.* (emphasis supplied).

It is, therefore, clear that El Paso knew that its customers were prioritizing these "requirements" and honored all such requirements in implementing the curtailment program under Opinion Nos. 634 and 634–A. El Paso took no formal steps to acquire Commission approval for such service even though it is quite obvious that the definition of Priority 2 established in Opinion Nos. 634 and 634–A does not explicitly refer to customer storage injection requirements. Compare, Order No. 467–B, 49 F.P.C. 583 (1973), codified as amended, 18 CFR 2.78, where such storage requirements were explicitly listed in the definition of Priority 2 end use.

Under the then effective interim curtailment plan for the El Paso system, Priority 2 was defined as:

> Large commercial requirements and industrial requirements for plant protection, feedstock and process needs. (Opinion No. 634, 48 F.P.C. at 939.)

By no reasonable construction can customer storage injection requirements be fitted within this definition. Reliance upon Order No. 467–B's general recommendation for ordered Priorities is, moreover, of no assistance to El Paso's argument in this regard. *See, Pacific Gas & Elec. Co. v. FPC*, 506 F. 2d 33 (D.C. Cir. 1974). We conclude that El Paso's sua sponte "agreement" that its California customers' storage injection were properly classified as Priority 2 under Opinion Nos. 634 and 634–A, and its subsequent honoring of such classification in the administration of its effective allocation program, is not supportable conduct under the terms of the effective plan or any reasonable interpretation thereof. These deliveries must be considered unauthorized and the pipeline is liable for a purposeful deviation from the effective plan, in violation of Section 4(d) of the Natural Gas Act, 15 U.S.C. 717c(d), and certain Commission regulations promulgated under the Act.

At best, El Paso's arguments in defense of its unauthorized conduct constitute excuses or rationalizations for an admitted deviation from its governing tariff and curtailment plan.

By its *sua sponte* action in construing and deviating, pursuant to such construction, from its authorized allocation program, El Paso assumed the risk that its actual deliveries would fail to conform with the plan found reasonable by the Commission and imposed pursuant to Section 5(a) of the Act, 15 U.S.C. 717d(a), in Opinion Nos. 634 and 634–A. Jurisdictional companies are not at liberty to initiate sua sponte, substantive alterations in their governing curtailment program without filing for permission from the Commission to do so. El Paso has never come before the Commission to request revision of its interim plan to authorize prioritization of customer storage requirements. Such prioritization has never been permissible under effective tariffs or Commission orders, regardless whether one might rationally hypothesize that they might have been authorized had El Paso acted to set in motion the statutory machinery necessary to effectuate a change in its interim curtailment program.

Fundamentally, this case is reduced to the question of the range of a pipeline's prerogatives in interpretation of its effective curtailment plan in its daily administration of that plan. El Paso states that it relied upon Order No. 467–B, supra, when a question as to how to prioritize customer storage injection requirements under the effective curtailment plan which is silent on the subject, arose. Order No. 467–B was a general statement of policy by the Commission. As the Circuit Court of Appeals for the District of Columbia has held.

> A general statement of policy is the outcome of neither a rulemaking nor an adjudication; it is neither a rule nor a precedent but is merely an announcement to the public of the policy *which the agency hopes to implement in future rulemakings or adjudications.* (*Pacific Gas & Electric Co. v. FPC*, 506 F. 2d 33, 38 (D.C. Cir. 1974) (emphasis supplied).

Under the current scheme of regulations, the Commission processes curtailment plans under Sections 4 and 5 of the Act. In such proceedings the filing pipeline bears the burden of proving that its tendered plan is reasonable and fair. In the case of El Paso, the Commission, after hearing, determined that its proffered interim curtailment plan was unreasonable and in Opinion No. 634 establish a just and reasonable interim plan pursuant to Section 5 of the Act. This interim plan was not immutable. *See, e.g., Louisiana Power & Light Co. v. FPC*, 526 F. 2d 898, 906–907 (5th Cir. 1976). If in its daily administration, El Paso determined that the effective interim plan was unreasonable or discriminatory in its failure to prioritize customer storage injection requirements, it was fully empowered to file a tariff change with the Commission. This was not done, nor even attempted.

Moreover, it is clear that the Order No. 467 priorities are not to be observed either piecemeal or blindly. In ruling on the merits of any particular curtailment plan, the Commission is bound by the record evidence, even as to the appropriateness of treating customer storage injections as Priority 2 requirements. See, e.g., *Arkansas Power & Light Co. v. FPC*, 517 F. 2d 1223, 1235 (D.C. Cir. 1975). In effect, therefore, El Paso placed unwarranted reliance upon the suggested order of priorities outlined in Order No. 467–B, and such reliance cannot excuse the company's deviation from its filed, effective interim curtailment plan's implementing tariff.

II

Our finding of El Paso's violation of both its statutory obligations and of the Commission's regulations does not remove the fact that private injury, as well as a clear public injury, may have resulted from the disregard of applicable regulatory requirements by a public utility. Consequently, there are two aspects to be considered in the remedial facet of this proceeding. First, it must be determined whether El Paso's violation is sufficiently serious that the United State Department of Justice should be apprised of the circumstances. Secondly, because some of El Paso's customers may have been injured or prejudiced in some degree as a result of conduct herein held to have been outside the law, such customers [10] should be afforded the opportunity to establish through an evidentiary proceeding their respective entitlements to any claimed relief.

(A) *Enforcement of the act.* Section 21 of the Natural Gas Act, 15 U.S.C. § 717t, sets forth the general penalties against "[a]ny person who willfully and knowingly does, or causes, or suffers to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this act required to be done * * *" Section 20(a) of the Act, 15 U.S.C. § 717s (a), states that "[t]he Commission may transmit such evidence as may be available concerning such [willful and knowing] acts or practices * * * to the Attorney General, who, in his discretion, may institute the necessary criminal proceed-

[10] Publication of this order in the FEDERAL REGISTER shall constitute notice to any interested party of the proceeding to be instituted hereunder. A reasonable time shall be afforded any party to file for intervention in such hearing.

ings." The question presented is whether the clear violation of the Act herein found, should be referred to the Attorney General for possible criminal prosecution.

Recently in *Bill J. Graham, et al.*, Opinion No. 793, ---- F.P.C. ---- (April 13, 1977, the Commission had occasion to discuss the "willfully and knowingly" standard set forth in Section 21 of the Act.

The terms "wilfully" and "knowingly" when read together require a degree of culpability between mistakenly on the one hand and intentionally on the other.[1] They appear to us to require some degree of specific (i.e., result-directed) intent. (Opinion No. 973, supra, Slip Op. at pg. 5).

The essence of the Commission's responsibility under the Natural Gas Act is to ensure that actions undertaken by natural gas companies that are within its jurisdiction are carried out according to the Rules and Regulations of this agency. Thus, the primary purpose of enforcement is to procure prospective compliance with the provisions of the Natural Gas Act and the Commission Regulations enacted thereunder. This goal has been achieved in this proceeding. In the future, El Paso is to comply with its effective curtailment plan. With respect to the past period, we are instituting a hearing to determine what equitable remedies may be required in the public interest. El Paso has been notified of the nature of its violation, the matter is being ameliorated, and its ongoing operations will henceforth comply with the Natural Gas Act and the Commission's Regulations. We therefore conclude that in our discretion referral to the Department of Justice of El Paso's past violation would at this time serve no useful purpose. Matters may appear in the hearing herein ordered, however, that would require a reassessment of this conclusion. El Paso is moreover on notice that a future violation of the Act in this matter will, of course, be dealt with much more stringently by this Commission.

(B) *Hearing on AEPCO's complaint.* As previously noted, AEPCO's complaint additionally argues that it is entitled to relief in some unspecified degree from the consequences of El Paso's unauthorized deviation from its effective curtailment program. In essence, AEPCO claims that El Paso's conduct has resulted in undue discrimination against itself, among other lower priority customers. As the Commission views this claim, however, it does not follow ipso facto that payback of diverted volumes of natural gas is required in this case. The claim of undue discrimination presents a question of fact and involves questions which have not been specifically addressed in the pleadings before us at this time. It is appropriate, therefore, that the Commission institute an investigation and hearing upon this facet of AEPCO's complaint. In this investigatory hearing those claiming entitlement to relief shall bear the burden of proving the legal basis and the quantum of such claimed entitlement.

The basis of the instant declaratory order is that El Paso consciously failed to observe duties imposed upon the company by the Act and Commission regulations. This failure does not necessarily support a finding that natural gas volumes were actually allocated in an unduly discriminatory or preferential fashion. This is especially the case because the diversion found to be unauthorized in the instant declaratory order involves volumes to be conserved in storage. Storage is not itself an end use of natural gas; the prioritization of storage injection volumes is based upon the anticipated end use of such volumes upon their withdrawal. It is, therefore, impossible to say whether prioritized deliveries for storage injection were unduly discriminatory or preferential unless, or until, it has been determined what end use has been, or will be, made of such gas upon withdrawal. Rationally, the discriminatory or preferential character of El Paso's past deliveries to its California customers' storage fields turns upon a finding that the actual end uses protected by the storage gas in California, attributable to El Paso deliveries, were the same or inferior to those end uses which were curtailed to make volumes available in Priority 2 for storage injections. In other words, the investigation herein instituted is charged with the complex task of reconstructing the actual impact of El Paso's unauthorized delivery of its California customers' respective storage injection requirements.

To the extent that lower priority consumers in California derived a benefit from Priority 2 customer storage injection volumes, other lower priority customers in the EOC market may have been injured through discriminatory "misallocation" of supplies caused by El Paso's unauthorized prioritization of such volumes. If this is shown to be the case, the injured parties are entitled to adequate relief. We emphasize, however, that such relief turns upon the finding of discrimination, not upon the conclusion that El Paso has violated its statutory duties and the Commission's Regulations under the Act. The appropriate relief for this latter liability presents a separate and severable problem from that to which we addressed ourselves in Part II (A), supra.

The general public served by El Paso has a considerable interest in the ultimate disposition of the volumes of gas at issue in this proceeding. An appropriate remedy to any discriminatory "misallocation" of natural gas supplies, as distinguished from an adequate remedy to redress any injury found to have been imposed, must necessarily be guided by the public's convenience and needs in the highest and best use of this scarce and increasingly dwindling resource. AEPCO's complaint requests that the Commission "order El Paso to correct the injustice already suffered by east-of-California customers by reducing future deliveries to its California distributors in the amount of the storage volumes unlawfully provided and thereby return such volumes to the customers from whom they have been unlawfully diverted." Complaint, pg. 5. The task of the hearing instituted will be to determine the extent, if any, of any "injustice" resulting from allegedly discriminatory or preferential allocations as well as the formulation of a remedy which is both adequate and appropriate in light of the public's paramount interest in the disputed volumes and their prospective use.

In instituting this hearing, the Commission does not presume that the chore of reconstructing the actual distribution pattern upon withdrawal of customer storage injections attributable to El Paso will be easy. On the contrary, an actual tracing of storage withdrawals by the California customers is well nigh impossible. Of course, the parties and the Administrative Law Judge which presides will, of necessity, be required to indulge certain assumptions, one of which almost certainly must be that storage withdrawals be "considered . . . as a source of gas supply identical to producer purchases in the winter." *Northern Natural Gas Company*, Docket No. CP74-236, order issued March 10, 1975. That is to say, in the absence of any proven limitations upon the utilization of intrastate storage volumes,[11] it must be assumed that the volumes withdrawn from storage on any given day contribute proportionately to every customer served by the distributor on that day.

The Commission does not express any opinion at this time as to the merits of the discrimination question now set for hearing. Nor does the Commission express any judgment as to the appropriate form or quantum of relief which may ultimately be required in this case, except to note that any relief must accord with the public's interest in the end use of natural gas.

The Commission further finds: (1) El Paso Natural Gas Company has failed pursuant to Section 4(d) of the Natural Gas Act, 15 U.S.C. 717c(d), to notify the Commission of a change in its service under its effective tariff and failed to procure Commission approval in advance of implementing such change.

[1] See, e.g., letter dated February 3, 1977, from Richard L. Thornburgh, Assistant Attorney General, Criminal Division, to Drexel D. Journey, Federal Power Commission General Counsel, setting forth appropriate guidelines for Federal Power Commission referral of cases to the Department of Justice for criminal prosecution.

[11] Once delivered into storage, the volumes of gas attributable to prior El Paso deliveries may be controlled in their ultimate use by state regulatory authorities as the California storage is intrastate in character. To the extent that limitations upon withdrawal and use are imposed by state authorities, such limitations may be a useful guide in reconstruction of the actual operations of these facilities.

(2) El Paso Natural Gas Company has failed, pursuant to Section 154.21 of the Commission's Regulations, to procure an order of this Commission before imposing a classification different from those prescribed in its effective tariff on file with the Commission.

(3) Certain interstate customers of El Paso may have been injured by the unauthorized conduct of El Paso described in (1) and (2), supra.

(4) A public hearing is required to determine the extent and magnitude of possible private injuries and to afford such relief as is equitable and consistent with the public convenience and necessity.

The Commission orders: (A) A hearing is instituted in this Docket for the purpose of determining whether, and to what extent, any undue discrimination resulted from the unauthorized allocation of natural gas caused by El Paso's failure to properly observe its filed and effective interim curtailment plan and effectuating tariffs; the extent to which such misallocation, if any, is contrary to the public convenience and necessity in the highest and best use of natural gas; and the entitlement of parties injured by such misallocation, if any, to relief.

(B) The Secretary of the Commission is ordered to make prompt publication of this declaratory decision in the FEDERAL REGISTER, publication of which shall serve as notice to all interested parties of the hearing herein ordered.

(C) Petitions to intervene or protests shall be filed with the Commission on or before July 15, 1977.

(D) The Chief Administrative Law Judge shall designate an Administrative Law Judge to preside at such hearing, the scheduling pertaining to which shall remain within the discretion of such designatee, *Provided*, That a prehearing conference be noticed and convened by such designatee on or before August 15, 1977, to address questions of procedure.

(E) El Paso Natural Gas Company shall immediately and forthwith cease and desist from further violations of its statutory duties under Section 4(d) of the Act and Section 154.21 of the Commission's Regulation. In the future El Paso shall strictly observe the allocation of available volumes of natural gas in accordance with its then-effective curtailment plan. See, n. 4, supra.

(F) Nothing herein shall be construed as limiting this Commission's power or authority to alter, modify or amend, upon appropriate findings at the completion of the hearings in Docket No. RP72-6, El Paso's revised interim curtailment plan, once instituted, as may be required to effect a just and reasonable permanent curtailment plan for the El Paso system.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18553 Filed 6-28-77;8:45 am]

[Docket Nos. CS75-380, et al.]

BOBCAT OIL CO., ET AL.

Erratum Notice

JUNE 3, 1977.

NOTICE OF APPLICATIONS FOR "SMALL PRODUCER" CERTIFICATES

MAY 10, 1977.

Tabulation opposite Docket No. CS77-512 change "R.S. Petroleum" to "R & S Petroleum."

Published in the FEDERAL REGISTER on May 19, 1977, 42 FR (25355).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-18554 Filed 6-28-77;8:45 am]

[Docket No. CP73-70]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

JUNE 21, 1977.

Take notice that on June 9, 1977, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-30 a petition to amend the Commission's order of May 2, 1977, issued in the instant docket (57 FPC ------) pursuant to Section 7 of the Natural Gas Act so as to authorize Petitioner to change the point at which gas is redelivered for Amoco Production Company's (Amoco) account, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by its application filed September 12, 1972, as amended April 22, 1974, and supplemented on November 1, 1976, it requested authorization to exchange gas with and transport gas for Amoco and to redeliver such gas to Florida Gas Transmission Company (Florida Gas) for Amoco's account at a redelivery point near Judice, Lafayette Parish, Louisiana. In order to deliver such gas to Florida Gas at such point, Petitioner would be required to construct and operate interconnecting piping, a meter station, and compression facilities as an estimated cost of $845,500, it is said.

It is stated that by an application filed October 26, 1976, in Docket No. CP77-31 as supplemented on December 6, 1976, and amended on December 7, 1976, Petitioner and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), requested authorization to transport gas for Amoco and to redeliver such gas to Florida Gas for Amoco's account at either of two points at Amoco's option.

1. Vermillion Parish, Louisiana; and

2. St. Landry Parish, Louisiana, where the pipelines of Petitioner and Florida Gas intersect.

It is indicated that pursuant to the Commission's order issued May 2, 1977, in Docket Nos. CP73-70 and CP77-31, Petitioner and Tennessee were authorized to exchange and transport and to construct and operate the proposed facilities.

Recognizing that redelivery of gas to Amoco would be more efficient and less expensive and could commence at an earlier data if accomplished without compression, Amoco and Petitioner reveiwed their arrangement as set out in the application in the instant docket, it is said. Petitioner states that this review resulted in an agreement to move the Florida Redelivery Point from the Judice area to the St. Landry redelivery point eliminating the necessity to expend funds for compression facilities and allowing commencement of deliveries at the earliest date possible.

Petitioner indicates that pursuant to a letter agreement dated May 27, 1977, Petitioner and Amoco have further amended their gas exchange and transportation agreement to provide that Petitioner would redeliver the exchange and transport gas to Florida Gas for Amoco's account at the intersection of Petitioner's and Florida Gas' systems in St. Landry Parish, Louisiana rather than at the intersection of their pipelines near Judice, Lafayette Parish, Louisiana. Petitioner states that the letter agreement also provides an alternate point at which Amoco may deliver to Petitioner the gas from the Lake Boudreaux Field in the event such gas is available at the tailgate of the Lirette Plant operated by Exxon Company, U.S.A.

As a result of the additional transportation service for Amoco by Petitioner, the charge to Amoco has increased by the contract amount of 0.02 cent, it is said. It is stated that the additional mileage is 24 miles and results in an additional charge of 0.48 cent (24 x 0.02 cent). Consequently, the rate for transporting the Lake Boudreaux gas would be 2.76 cents per Mcf and the rate for transporting the uncommitted volume and transport volume received from the Sea Robin delivery point and the Henry delivery point would be 0.914 cent per Mcf, it is indicated. Petitioner states that Amoco would also pay Petitioner for constructing and operating the measuring and interconnecting facilities the sum of 0.01 cent per Mcf of gas redelivered to Amoco at the Florida Redelivery Point. This latter charge is reduced from the original 1.25 cents per Mcf as a result of the savings derived from not constructing nor having to operate the compressor facilities at Judice, it is said.

Petitioner asserts that the proposed point at which such gas would be delivered for Amoco's account would result in more efficient operation of the pipelines involved and negates the expenditure of funds for compression.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in ac-

JUN 29 77

cordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18543 Filed 6-28-77;8:45 am]

[Docket Nos. RP74-81 and RP74-82]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Certification of Settlement Agreement on Cost Classification and Rate Design; Erratum Notice

JUNE 10, 1977.

The above-referenced notice incorrectly listed Docket No. RP74-87 instead of Docket No. RP74-81 in the caption.

Published in the FEDERAL REGISTER on 6-17-77, 42 FR (30905).

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18537 Filed 6-28-77;8:45 am]

[Docket No. CP77-438]

COLUMBIA GULF TRANSMISSION CO., ET AL.

Notice of Petition for Waiver and Extension of Time

JUNE 21, 1977.

Take notice that on June 8, 1977, Columbia Gulf Transmission Company (Columbia), P.O. Box 683, Houston, Texas 7701, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O Box 2511, Houston, Texas 77001, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP77-438 a petition for waiver of the requirements of Section 157.22 of the Regulations under the Natural Gas Act (18 CFR 157.22) and for an extension of time in which to render service contemplated by said regulation, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioners state that Northern is currently purchasing gas from Block 332, Eugene Island Area, offshore Lousiana, and Block 616, West Cameron Area, offshore Louisiana, from Exxon Corporation. The gas is being delivered offshore through the Blue Water facilities to the onshore facilities of Tennessee near Egan, Louisiana, and delivered by Tennessee to Midwestern Gas Transmission Company at Portland, Tennessee, for redelivery to Michigan Wisconsin Pipe Line Company for Northern's storage account, all within the contemplation of Section 157.22 of the Regulations under the Natural Gas Act except that delivery by Columbia at Egan is under authorization in Docket No. CP77-8. It is stated that the transportation of such gas commenced April 5, 1977.

It is stated that it is planned that Northern's Block 616 gas will continue to be transported to Egan through the Blue Water System by Columbia until Stingray Pipeline Company (Stingray) completes construction of a pipeline to Block 616. It is stated further that Northern and Trunkline are in the process of finalizing certificate applications for permanent authorization to move the gas to Northern's system via Trunkline's capacity in the Stingray system.

During the extended period for which authorization is sought in the instant petition, Tennessee would transport Northern's Block 332 and Block 616 gas from Egan to Kinder, Louisiana, where it would deliver such gas to Trunkline. Trunkline would transport the gas from Kinder to Trunkline's Longville, Louisiana, compressor station in Beauregard Parish, Louisiana. From Longville the gas would be transported by Trunkline and Panhandle Eastern Pipe Line Company (Panhandle) and redelivered to Northern near Northern's Mullinville, Kansas, compressor station pursuant to a temporary certificate issued in Docket No. CP77-17. Petitioners state that Northern and Trunkline are currently finalizing a long-term agreement for the transportation of Block 332 gas from Kinder to Longville.

The petition states that as partial consideration for the onshore transportation of Northern's gas by Trunkline and Panhandle, Northern would sell 20 percent of the gas delivered to Trunkline at Kinder to Panhandle.

The transportation services outlined above are said to be the only available means of transporting Northern's gas onshore from Blocks 331 and 616. Accordingly, Petitioners request that Columbia and Tennessee be permitted to continue the revised transportation services beyond the 60-day period provided by Section 157.22, that Tennessee and Trunkline be permitted to perform the service for which certificate applications have been or are about to be filed, and that Northern be permitted to sell to Panhandle 20 percent of the gas delivered to Trunkline.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 12, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18544 Filed 6-28-77;8:45 am]

[Docket No. ER-77-264]

DETROIT EDISON CO.

Order Accepting for Filing in Part Rejecting for Filing in Part, Suspending Proposed Rate Schedules in Part, Granting Intervention and Establishing Procedures; Erratum Notice

JUNE 1, 1977.

The first sentence of paragraph (G) under the section "The Commission orders:" should be changed to read as follows:

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in the proceeding on a date certain within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Published in the FEDERAL REGISTER on 5-10-77, 42 FR (23624).

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18535 Filed 6-28-77;8:45 am]

[Docket No. ER77-430]

ELECTRIC ENERGY, INC.

Notice of Filing

JUNE 21, 1977.

Take notice that on June 9, 1977, Electric Energy, Inc. (EEI)., tendered for filing the Second Amendment to Exhibit B to its former rate schedule FPC No. 4 (since revised and redesignated as FPC No. 8). Exhibit B is a contract dated July 10, 1953 between (EEI) and its Sponsoring Companies (Central Illinois Public Service Co., Illinois Power Co., Kentucky Utilities Co. and Union Electric Co.), and St. Louis Union Trust Company in its capacity as Trustee under EEI's corporate mortgage).

EEI states that the Second Amendment has been executed in connection with a proposed issuance of mortgage bonds and that it renders unconditional the obligations of the Sponsoring Companies to make certain payments to EEI as specified in Exhibit B. EEI further states that Exhibit B has been assigned to St. Louis Union Trust Company, as Trustee, as security for EEI's mortgage bonds. EEI indicates that the Sponsoring Companies have never been billed for any payments pursuant to Exhibit B, and that in the opinion of EEI and the Sponsoring Companies it is unlikely that the Second Amendment will have any economic consequences.

EEI further states that copies of the Second Amendment have been sent to

all of its parties, to the Missouri Public Service Commission, Jefferson City, Missouri, the Illinois Commerce Commission, Springfield, Illinois, the Kentucky Public Service Commission, Frankfort, Kentucky, and to the United States Energy Research and Development Administration.

EEI requests that the Second Amendment be permitted to become effective on July 12, 1977, which is the proposed issuance date of said mortgage bonds.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be considered on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18541 Filed 6-28-77;8:45 am]

[Docket No. CP76-410]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

JUNE 21, 1977.

Take notice that on June 2, 1977, El Paso Natural Gas Company (El Paso) tendered for filing Substitute Original Sheet No. 767 to its FPC Gas Tariff, Third Revised Volume No. 2.

El Paso states that on June 28, 1976, it filed with the Commission Original Sheet Nos. 744 through 771 to its FPC Gas Tariff, Third Revised Volume No. 2, which, when accepted for filing and permitted to become effective, will establish initial special Rate Schedule T-5 as a part of said tariff. Said initial rate schedule is comprised of the Gas Transportation Agreement (Transportation Agreement) dated April 13, 1976, between El Paso and Southern Union Supply Company (SUSCO) providing for the best efforts transportation of natural gas for the account of SUSCO by means of El Paso's gathering and interstate gas transmission systems from a receipt point located in Lea County, New Mexico, to existing delivery points on El Paso's interstate transmission system within the states of Texas, New Mexico and Arizona.[1]

El Paso states that the Transportation Agreement as filed June 28, 1976, provided for El Paso to accept those quantities of natural gas tendered each day by SUSCO at the tailgate of Phillips Petroleum Company's Lusk Plant identified in Exhibit A attached to said Transportation Agreement. El Paso further states that during the consolidated hearings on such original proposal, SUSCO and Western Gas Interstate Company (WGI) jointly filed a Settlement Proposal[2] which, inter alia, has the effect of changing El Paso's receipt point under the aforementioned Transportation Agreement from the outlet of Phillips Lusk Plant to a proposed interconnection point on El Paso's Lusk-to-Caprock pipeline. On May 4, 1977, El Paso and SUSCO executed a revised Exhibit A to the subject Transportation Agreement reflecting such proposed new delivery point. Accordingly, El Paso is tendering Substitute Original Sheet No. 767 which contains said revised Exhibit A dated May 4, 1977, in order to implement the change in delivery point discussed above. El Paso has requested that said tariff sheet be substituted for its counterpart tendered as a part of El Paso's related tariff filing on June 28, 1976, and included in Docket No. CP76-410, currently pending before the Commission.

Concurrent with the instant tender, El Paso filed an amendment to application in Docket No. CP76-410 necessary for the implementation of the settlement proposal approved by the Commission on April 20, 1977, in Docket Nos. RI76-138, et al. El Paso has requested, pursuant to Section 154.51 of the Commission's Regulation, that waiver be granted of the notice and certificate requirements of Section 154.22 of said Regulations and that the Commission accept the tendered tariff sheet for filing in lieu of its counterpart tendered on June 28, 1976, and permit it to become effective on a date coincident with the date El Paso receives certificate authority to initiate exchange deliveries under proposed special Rate Schedule T-5.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 30, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protect in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18550 Filed 6-28-77;8:45 am]

[Docket No. ER77-356]

FLORIDA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rates and Services for Interchange Service, and Consolidating Procedures; Errata Notice

JUNE 16, 1977.

Docket Nos. ER77-216, ER77-218, and ER77-219 as mentioned twice on page 2 and once on page 3 of the Order issued on June 1, 1977, should be changed to Docket Nos. ER76-216, ER76-218, and ER76-219, respectively. Published in the FEDERAL REGISTER on 6-9-77, 42 FR (29550).

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18538 Filed 6-28-77;8:45 am]

[Docket No. E-9306]

NEVADA POWER CO.

Order Deferring Review of Initial Decision Pending Outcome of Agreement To Exchange Facilities

JUNE 21, 1977.

Nevada Power Company (Nevada) tendered for filing on March 3, 1975, a notice of cancellation of wholesale electric service to its sole jurisdictional customer, California-Pacific Utilities Company (Cal-Pac), at the Henderson, Nevada delivery point. Cancellation of service was to occur as of June 1, 1975. Cal-Pac intervened and protested. Thereafter by order of May 30, 1976, the Commission accepted this notice of cancellation for filing, suspended it for the full five month statutory period to become effective on November 1, 1975, and set the matter for hearing.

Subsequently, on October 24, 1975, Nevada and Cal-Pac filed a Stipulation and Agreement for Continuation of Service in which Nevada agreed to continue service until May 31, 1977, and Cal-Pac agreed to look for alternate sources of supply. The Commission by Order of November 28, 1975, accepted this Stipulation and Agreement.

Following hearings held from October 6 through 9, 1975, Presiding Admin-

[1] El Paso concurrently filed an application for a certificate of public convenience and necessity and for temporary authorization to transport and deliver natural gas, on a best efforts basis, for the account of SUSCO, pursuant to the terms and conditions of the subject Transportation Agreement. On July 19, 1976, the Commission issued its related Notice of Application in Docket No. CP76-410.

istrative Law Judge Curtis L. Wagner issued his initial decision in this proceeding on December 15, 1976. Essentially, he found that, while cancellations of wholesale electric service must first receive Commission approval, the instant cancellation of service is in the public interest. Briefs on exception were thereafter filed on January 21, 1977, by Nevada, Staff and Cal-Pac.

Because of the precedential potential of this case, several wholesale electric customers not served by Nevada moved to intervene out of time and file briefs on exceptions: North Carolina Electric Membership Corporation and Four County Electric Membership Corporation (N.C.E.M.C.) on January 18, 1977, the City of Anderson, Indiana on January 21, 1977, and the ElectriCities of North Carolina (ElectriCities) also on January 21, 1977. By order of February 9, 1977, the Commission denied all three motions to intervene out of time due to the complete absence of direct or indirect interest, but the Commission nonetheless accepted all three briefs on exceptions as amici curiae.

Briefs opposing exceptions were filed on March 1, 1977, by Nevada, Cal-Pac and Staff.

The Commission was to review the initial decision at its May 18, 1977 meeting but deferred deliberation as a result of receiving a telegram from the Vice-President of Nevada just prior to the meeting. The telegram stated that Nevada had agreed with Cal-Pac to acquire the Henderson service area from Cal-Pac in exchange for its Elko Division and that Nevada would continue service to Cal-Pac's service area at Henderson until the acquisition is consummated. The Commission, in a letter to Nevada dated May 26, 1977, requested more formal verification of the agreement. A copy of this letter was sent to Cal-Pac. Nevada reiterated the facts of its telegram in a letter to the Secretary of the Commission, dated June 1, 1977, stating that Nevada will continue service to Cal-Pac provided that the closing date of acquisition occurs prior to December 31, 1977.

In light of these facts, the Commission will defer action on the matter of cancellation of service pending the outcome of the proposed exchange of facilities between Nevada and Cal-Pac.

The Commission finds: (1) Good cause exists to defer review of the initial decision in this docket pending the outcome of the proposed exchange of facilities between Nevada and Cal-Pac.

The Commission orders: (A) Review of the initial decision in this docket is hereby deferred pending the outcome of the proposed exchange of facilities between Nevada and Cal-Pac.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18548 Filed 6-28-77;8:45 am]

[Docket No. CP76-389]

NORTHWEST PIPELINE CORP.

Amendment to Application

JUNE 21, 1977.

Take notice that on June 2, 1977, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP76-389 an amendment to its application filed in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the construction and operation of certain facilities necessary to enable Northwest to provide natural gas storage service utilizing the Clay Basin Storage Field, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is indicated that in its original application filed in the instant docket on June 10, 1976, it requested authorization inter alia to utilize the Dakota Formation of the Clay Basin Field (Dakota Formation) for the storage of natural gas during off peak hours for redelivery as a base load gas supply during the period November 1 of each year through the next succeeding March 31. It is stated that Mountain Fuel Resources, Inc. (Resources) filed on March 3, 1976 its application in Docket No. CP76-285, as amended on June 10, 1976, and November 8, 1976, requesting the authorization necessary to construct and operate certain natural gas facilities in order to provide Applicant natural gas storage service utilizing the Dakota Formation.

Applicant states that in its application filed herein on June 10, 1976, it requested inter alia authorization to construct and operate 44.4 miles of 22 and 26-inch loop pipeline and the addition of 6 mainline compressor units totaling 18,640 horsepower at three new and one existing compressor stations. Applicant further states that its gas supply has changed substantially since the submittal of June 10, 1976 thereby reducing the facilities required for the 1978-79 heating season and thereafter.

By this amendment, Applicant request authorization to construct and operate the following facilities:

(a) 5.5 miles of 26-inch loop pipeline on the suction side of the Green River Compressor Station.

(b) 1-3830 horsepower compressor unit at an existing compressor station near Green River, Wyoming.

(c) 2-1170 horsepower compressor units at a new compressor station to be constructed in the vicinity of Opal, Wyoming.

(d) 1-3830 horsepower compressor unit and 1-1170 horsepower compressor unit at a new compressor station to be located in the vicinity of Pegram, Idaho.

(e) 1-3830 horsepower compressor unit at a new compressor station to be located in the vicinity of Lava Hot Springs, Idaho.

(f) Miscellaneous piping and valves at two existing compressor stations to permit directional control of gas flow and,

(g) Miscellaneous appurtenant facilities.

Applicant estimates that the cost of the facilities proposed to be constructed would be $13,362,000 and that it would finance the cost of these facilities through short term borrowings to be repaid later from funds generated from permanent financing.

Applicant indicates that the authorization requested by this amendment is in lieu of that requested in the June 10, 1976 application as such request pertained to facilities to be constructed during 1978 to be in operation for the 1978-79 heating season, and that its second amendment filed in the instant docket sets forth the working gas and cushion gas requirements for 1978 and requests such authorizations as are necessary for the injection and withdrawal of natural gas into and from Clay Basin commencing May 1, 1978 and thereafter.

Applicant states that the facilities contemplated in its original filing were predicated on Applicant's then best estimate of its available gas supply, particularly, the gas supply available to Applicant from Westcoast Transmission Company Limited (Westcoast) at the Sumas Import Point, and that in scheduling the gas to be available at the Sumas Import Point, Applicant consistently projected the Sumas shortfall at an average 240,000 Mcf per day during the period October 1 through the next succeeding April 30. The estimated 240,000 Mcf per day shortfall was utilized in the gas balance included in the June 10, 1976 application and therefore was an important factor in establishing the facility configuration required for the 1978-79 heating season and thereafter, it is said.

Applicant indicates that Westcoast has entered into two agreements each dated March 29, 1977 with Pan Alberta Gas Company Limited (Pan Alberta) which would ultimately result in Westcoast purchasing up to 200,000 Mcf per day (at 14.65 psia) in the Province of Alberta, and that it is not a party to either of the Westcoast-Pan Alberta contracts. Applicant further indicates that the additional Alberta volumes would be exported by Westcoast pursuant to their existing Export License GL-41, and that the additional gas would be to the benefit of Applicant and its customers and would be imported pursuant to existing import authorizations.

Applicant asserts that the effect of the additional availability of gas at the Sumas Import Point would be to reduce the system wide level of curtailment which applicant would otherwise have had to impose on its customer companies, and that the resulting increased deliveries to Applicant's customers south of Applicant's Mountain Home Compressor Station primarily Colorado Interstate Gas Company and Mountain Fuel Supply Company would have the effect of reducing the volumes of natural gas which have to be transported in a northerly direction between Applicant's Green River and Mountain Home Compressor Station, thus reducing the facility requirement on that portion of Applicant's transmission system.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have hereto filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18549 Filed 6-28-77;8:45 am]

[Docket Nos. CP77-389 and CP77-390]

PACIFIC GAS TRANSMISSION CO.

Notice of Applications; Erratum Notice

JUNE 10, 1977.

Page 29049, line 7: Change "$33.665" to "$333.665."

Published in the FEDERAL REGISTER on June 7, 1977, 42 FR 29049.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18536 Filed 6-28-77;8:45 am]

[Docket No. ER-77-429]

POTOMAC ELECTRIC POWER CO.

Proposed Change in Rates and Charges

JUNE 21, 1977.

Take notice that Potomac Electric Company (Pepco), on June 9, 1977, tendered for filing proposed changes in its elective resale rate schedule, in the form of a fixed rate Agreement between Pepco and its sole resale customer, Southern Maryland Electric Cooperative, Inc. (Smeco). Pepco states that the proposed rate schedule would supersede the presently effective fixed-rate contract for its remaining term expiring August 5, 1978, and would provide for full-requirements service to Smeco through December 31, 1979. Pepco also states that the fuel clause would be amended to comply with FPC Order No. 517.

According to Pepco based on the test period (calendar year 1977) and the present level of fixed rates, the proposed rate schedule would provide a 12 percent increase in revenues for the 10 months ended December 1977 plus an additional 12 percent increase for each of the 12 months ended December 1978 and December 1979. The compound effect of this is a 41 percent increase to produce $15,902,000 more revenue over the 34 month period than would have been produced by the present rates if extended over the same period.

Pepco requests a proposed effective date of March 1, 1977, and request that the Commission waive the prior notice requirement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18546 Filed 6-28-77;8:45 am]

[Docket No. ER76-505]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Extension of Time

JUNE 22, 1977.

On June 16, 1977, New Hampshire Electric Cooperative, Inc., the Towns of Ashland and Wolfboro, New Hampshire, and the Village Precinct of New Hampton, New Hampshire, filed a request for an extension of time in which to file petitions to intervene or protests to the rate schedule supplements tendered for filing in the above indicated docket on April 19, 1977, and noticed June 8, 1977. The request states that Staff Counsel, counsel for the Public Service Company of New Hampshire, and counsel for Exeter and Hampton Electric Company and Concord Electric Company have no objection to an extension.

Upon consideration, notice is hereby given that the date for filing petitions to intervene or protests in the above proceeding is extended to and including July 7, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18522 Filed 6-28-77;8:45 am]

[Docket No. ER77-341]

PUBLIC SERVICE CO. OF OKLAHOMA

Rate Schedule Change

JUNE 21, 1977.

Take notice than on June 3, 1977, the Public Service Company of Oklahoma (PSO) tendered for filing a letter agreement dated April 1, 1977, between PSO and West Texas Utilities Company (WTU) amending Schedule RE, as a supplement to the Interconnection Agreement between PSO and WTU which is on file with the Commission as Supplement No. 6 to Rate Schedule FPC No. PSO 148. PSO states that Schedule RE provides for replacement energy transactions between the systems of the two companies.

PSO also tendered for filing a letter agreement dated April 1, 1977, between PSO and WTU providing for Schedule ES, a supplement to the Interconnection Agreement between PSO and WTU which is on file with the Commission as Rate Schedule FPC No. PSO 148. PSO indicates that Schedule ES provides for emergency service transactions between the systems of the two companies.

PSO states that the change being made in the proposed amendatory Schedule RE is the add-on portion of the rate when energy being supplied by the seller is purchased from another supplier and passes through the seller's system to the buyer. PSO further states that the proposed Schedule ES fills a need for energy purchases and sales not presently filled by existing service schedules. PSO indicates that the proposed rate is a reciprocal type arrangement between the companies and is identical to the rates which have been established for emergency service with other utilities in the area.

PSO requests waiver of the Commission's notice requirements to allow the proposed changes to become effective as of April 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 28, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18547 Filed 6-28-77;8:45 am]

[Project No. 2157 (Phase II)]

PUBLIC UTILITY DISTRICT NO. 1 OF SNOHOMISH COUNTY AND CITY OF EVERETT, WASH.

Extension of Time

JUNE 22, 1977.

On June 13, 1977, the Public Utility District of Snohomish County and the City of Everett, Washington, filed a request for a continuance of time in which to begin construction of Stage II of the above indicated project and to report to the Commission on the power availability situation and plans for future development of the hydroelectric facilities of the project, as ordered by the Initial Decision issued December 31, 1969, in this proceeding, and affirmed, as modified, by Commission Order issued April

30, 1970. The request sought an extension until October 31, 1977.

Upon consideration, notice is hereby given that an extension of time is granted to and including August 22, 1977, within which to commence construction of Stage II of Project No. 2157 and to report to the Commission the required information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18551 Filed 6-28-77;8:45 am]

[Docket No. CP77-440]

SEA ROBIN PIPELINE CO.

Notice of Pipeline Application

JUNE 21, 1977.

Take notice that on June 15, 1977, Sea Robin Pipeline Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP77-440, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act as implemented by § 157.7(g) of the Commission's Regulations thereunder (18 CFR 157.7(g) for a certificate of public convenience and necessity authorizing (1) abandonment of field compression and related metering and appurtenant facilities, (2) construction of new or additional field compression and related metering and appurtenant facilities and (3) removal and relocation of existing field compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system capacity or service from that authorized prior to the filing of the instant application.

The total cost of the proposed facilities to be constructed hereunder and the abandonment of facilities will not exceed $3,000,000 with no single project to exceed $500,000. Applicant plans to finance these costs from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 12, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18545 Filed 6-28-77;8:45 am]

[Docket No. ER77-428]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Filing of Initial Rate Schedule

JUNE 21, 1977.

Take notice that Southern California Edison Company (Edison), on June 8, 1977, tendered for filing a letter agreement dated March 4, 1977, for temporary service arrangements between the State of California Department of Water Resources and certain parties to the Contract Between California Suppliers and the State of California for the Sale, Exchange, and Transmission of Electric Capacity and Energy for the Operations of State Water Project Pumping Plants (Suppliers' Contract). Edison states that the present agreement is to provide for required energy flows in order to accommodate a temporary water exchange program brought about by drought conditions affecting California. Edison further states that energy requirements overall will be reduced by virtue of this arrangement.

Edison indicates that it is necessary that service be initiated under this temporary agreement on or about July 1, 1977. For that reason, Edison requests that the notice provisions of the Commission's regulations be waived and the filing be permitted to become effective as of July 1, 1977.

Any person desiring to be heard or to protest this application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 29, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18542 Filed 6-28-77;8:45 am]

[Docket No. CP75-301]

TENNESSEE GAS PIPELINE CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application To Amend

JUNE 21, 1977.

Take notice that on June 10, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, collectively referred to below as Applicants, filed in Docket No. CP75-301 an application to amend the Commission's order issued November 21, 1975, in Natural Gas Pipeline Company of America, et al. Docket Nos. CP76-14, et al., to (1) grant to Michigan Wisconsin, in addition to Tennessee, a certificate of public convenience and necessity for the construction of facilities authorized by said order, to (2) grant to Tennessee additional authorization to transport gas for Michigan Wisconsin and to (3) grant to Tennessee and Michigan Wisconsin authorization to exchange gas, as more fully set forth in their application which is available for public inspection.

By Ordering Paragraph (A) of said 1975 order, the Commission authorized Tennessee to construct facilities necessary to attach to its system gas supplies from South Marsh Island Blocks 249 and 250. Subsequent to acceptance of authorization to sell gas to Tennessee by producers having an interest in such supplies, Tennessee commenced construction of said facilities, which construction is expected to be completed on or before July 1, 1977.

Michigan Wisconsin has contracted to purchase gas to be produced from Blocks 249 and 250, as well as other blocks located in the immediate vicinity, which production will be available for delivery simultaneously with that of Tennessee's producers. Tennessee and Michigan Wisconsin have entered into a letter agreement which provides for the joint ownership of the aforementioned facilities. The Agreement further provides that Tennessee will receive Michigan Wisconsin's gas at the terminus of such facilities located at Pecan Island, Vermilion Parish, Louisiana (Receipt Point) and will cause a firm volume up to 33 MMcf per day of such gas to be transported to a point on Tennessee's Muskrat Line near Egan, Acadia Parish, Louisiana (Egan Exchange Point). At the Egan Exchange Point Tennessee will receive such gas as exchange volumes and will redeliver to Michigan Wisconsin, at the outlet side of Placid Oil Company's Patterson Plant located in St. Mary Parish, Louisiana (Patterson Exchange Point), volumes equivalent to the volumes so received by Tennessee at the Egan Exchange Point.

Tennessee and Michigan Wisconsin will share the cost of construction, operation, and maintenance of the jointly-owned facilities, as well as the actual capital investment associated therewith and capacity rights therein.

With respect to the aforementioned transportation, the charge to Michigan Wisconsin by Tennessee will be Tennessee's applicable system average transportation cost per Mcf miles times the distance in miles each Mcf is transported times the distance in miles such gas is transported subject to such rates as may be authorized from time to time by the Commission.

Applicants maintain that their proposal will make available to Michigan Wisconsin gas which is dedicated to it without the duplication of facilities.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 11, 1977, should file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18539 Filed 6-28-77;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN STATE FINANCIAL CORP.

Formation of Bank Holding Company

American State Financial Corporation, Lubbock, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to American State Bank, Lubbock, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than July 22, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18464 Filed 6-27-77;8:45 am]

EQUITABLE BANCORPORATION

Acquisition of Bank

Equitable Bancorporation, Baltimore, Maryland, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, less directors' qualifying shares, of the voting shares of New University National Bank, Rockville, Maryland, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 20, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18463 Filed 6-27-77;8:45 am]

FIRST GLENROCK CORPORATION

Acquisition of Bank

First Glenrock Corporation, Glenrock, Wyoming, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 64.5 percent of the voting shares of First National Bank of Glenrock, Glenrock, Wyoming. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 20, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18462 Filed 6-27-77;8:45 am]

FIRST SECURITY NATIONAL CORP.

Proposed Acquisition of FSN Life Insurance Company

First Security National Corporation, Beaumont, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of FSN Life Insurance Company, Beaumont, Texas. Notice of the application was published on June 2, 1977, in the Beaumont Journal and the Dallas Morning News, newspapers circulated in Beaumont, Texas, and Dallas, Texas, respectively.

Applicant states that the proposed subsidiary would engage in the activities of acting as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the member banks in the holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 20, 1977.

Board of Governors of the Federal Reserve System, June 22, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-18461 Filed 6-28-77;8:45 am]

METROPOLITAN BANK AND TRUST CO., ET AL.

Formation of Bank Holding Companies; Correction

In FR document 77-16087 appearing at page 29052 of the issue for Tuesday, June 7, 1977, the percentage of shares of International Bank of California to be acquired should have read "up to 35 per cent".

Board of Governors of the Federal Reserve System, June 21, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc 77-18465 Filed 6-28-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

MANUFACTURE AND FORMULATION OF PESTICIDES

Request for Information

AGENCY: National Institute for Occupational Safety and Health, Center for Disease Control, Public Health Service, HEW.

ACTION: Request for Information.

SUMMARY: This notice solicits information concerning the manufacturing and formulating of pesticides. The information will be used in the development of criteria for a recommended standard for occupational exposures in the manufacture and formulation of pesticides.

DATES: Comments concerning this notice should be submitted by September 27, 1977.

ADDRESSES: Comments and recommendations should be submitted in writing to: Dr. Vernon E. Rose, Director, Division of Criteria Documentation and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane (Park Bldg. Rm. 3-18), Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Jimmy L. Perkins, Project Administrator, Priorities and Research Analysis Branch, NIOSH. (301-443-2100).

SUPPLEMENTARY INFORMATION: Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health (NIOSH) to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act.

In this particular process-oriented standard, NIOSH does not plan to recommend workplace environmental limits for pesticides or intermediates involved in the manufacturing or formulating process. Because of the vast number of pesticides, their varying toxicities, and because percutaneous absorption of pesticides is an exceedingly important consideration, work practices designed to limit occupational exposure, engineering controls, methods to educate the employee and employer, and methods of biological monitoring will be recommended in lieu of specific environmental limits.

The criteria document will include among other items an evaluation of available information relative to the areas listed below. Any person having information or data in any of these areas or in other areas considered relevant to the establishment of a safe and healthful occupational environment in pesticide manufacturing and formulating processes is requested to submit such information, with accompanying documentation.

1. Establishment of biologic standards i.e., the level of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration: (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biologic systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

2. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

3. Specifications for the conditions under which personal protective devices should be required.

4. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale of their selection.

5. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when emergency or unusual situations occur.

6. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

7. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning the manufacture and formulation of pesticides, except that information which is trade secret and protected by section 15 of the Act, will be available for public inspection at the foregoing address.

Dated: June 22, 1977.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.77-18583 Filed 6-28-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Meeting

AGENCY: Office of Education National Advisory Council on Women's Educational Programs.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of forthcoming meeting of the Executive Committee of the National Advisory Council on Women's Educational Programs. It also describes the functions of the Council. Notice of the meeting is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: July 15, 1977, 9 a.m. to 4 p.m.

ADDRESS: The Herbage, Room A-7, Steamboat Springs, Colorado.

FOR FURTHER INFORMATION CONTACT:

Kathy Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Washington, D.C. 20036 (202-382-3862).

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380 § 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Section 408 of Pub. L. 93-380.

The meeting of the Executive Committee will be open to the public. It will be held on July 15 from 9 a.m. to 4 p.m. at the Herbage, Room A-7, Steamboat Springs, Colorado. The proposed agenda includes planning for the remainder of fiscal year 1977 and for fiscal year 1978.

Records will be kept of all Council proceedings nad will be available for public inspection at the Council offices at Suite 821, 1832 M Street NW., Washington, D.C.

Signed at Washington, D.C. on June 24, 1977.

JOY R. SIMONSON,
Executive Director.

[FR Doc.77-18596 Filed 6-28-77;8:45 am]

Office of Human Development

DEVELOPMENTAL DISABILITIES PROGRAM

Intention to Reallot Funds

Section 132(d) of the Developmental Disabilities Services and Facilities Construction Act, as amended by P.L. 94-103, provides that the amount of a State's fiscal year allotment (as determined in accordance with Section 132(a)(1)(A)) which will not be required by such State shall be available for reallotment to other States in proportion to the original allotment of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period, with the total of such reductions being similarly reallotted among the States whose proportionate amounts were not so reduced.

Section 132(d) further provides that such reallotments shall not be made until 30 days after notice has been published in the FEDERAL REGISTER.

Notice is hereby given that the following allotments reserved for American Samoa and Trust Territory will not be required.

1977 ALLOTMENT

Basic Support, $100,000.

Protection and Advocacy, $40,000.

It is the intention of the Secretary that the above amounts will be reallotted as follows:

State:	*Basic support*	*Protection and advocacy*
Arizona	1,330	2,869
Arkansas	1,703	1,333
Connecticut	1,641	1,442
Hawaii	712	1,580
Illinois	6,152	961
Indiana	3,493	961
Iowa	2,015	5,881
Kansas	1,419	2,629
Kentucky	2,860	961
Louisiana	2,874	3,303
Maine	845	961
Maryland	2,233	961
Massachusetts	3,402	3,753
Michigan	5,565	6,460
Missouri	3,211	1,416
Nebraska	1,060	961
New Hampshire	712	961
New Jersey	3,910	2,606
New Mexico	846	
New York	10,055	
Ohio	6,684	
Oklahoma	1,945	
Oregon	1,414	
Pennsylvania	7,953	
Tennessee	3,220	
Texas	7,919	
Utah	836	
Virginia	3,246	
Washington	2,011	
West Virginia	1,712	
Wisconsin	3,165	
Wyoming	712	
Puerto Rico	2,909	
Virgin Island	237	

Consideration will be given to any comments on this proposed reallotment of funds if received by July 29, 1977. Comments must be in writing and submitted to the Director, Developmental Disabilities Office, Department of Health, Education, and Welfare, 330 C Street SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.630 Developmental Disabilities—Basic Support)

Dated: June 24, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-18614 Filed 6-28-77;8:45 am]

FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS

Announcement of Grants for FY 1977 (Program Announcement No. 13612-773)

The Office of Native American Programs, (ONAP), Office of Human Development, announces that applications will be accepted until August 1, 1977, from Indian tribes and Indian organizations in rural, non-reservation areas, in the States listed in Section B, which are not presently funded by ONAP and who wish to compete for grants in Fiscal Year 1977, authorized by Section 803 of the Native American Programs Act of 1974, Title VIII, Headstart, Economic Opportunity, and Community Partnership Act of 1974, Pub. L. 93-644.

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for a grant award.

Regulations applicable to Native American Project grants were published in the FEDERAL REGISTER in 45 CFR 1336, on January 19, 1977.

A. Program Objectives. The purpose of this program announcement, consistent with the legislative objectives of the Office of Native American Programs, is to promote the goal of social and economic self-sufficiency of Native Americans by supporting projects which, if successfully implemented, would result in significant improvements in the communities of the ONAP grantees.

Financial assistance under this program announcement is to:

(1) Support projects for locally determined human services priorities which fill a critical gap and which are not available elsewhere.

(2) Support projects to strengthen the administrative capacities of the grantee, particularly with regard to planning and management. These projects may include the development of the appropriate systems, capacities and instruments for, and the implementation of, needs assement and prioritization, resource assessment and allocation, comprehensive planning, program and project development, project monitoring and self-evaluation, as well as the coordination of planning, programming, budgeting and control functions. Also, projects focusing on the initiation or improvement of record keeping and information systems, budget formulation and financial management, personnel management and staff development, as well as the development of special management skills.

B. Eligible applicants. The governing bodies of tribes, public and private nonprofit Indian organizations and Indian consortia in the States listed below will be deemed eligible to apply for a Native American Project grant if they are not presently funded or served by the Office of Native American Programs:

New York	Mississippi
New Jersey	Alabama
Pennsylvania	Georgia
Maryland	Florida
West Virginia	Louisiana
Virginia	Arkansas
Tennessee	Ohio
North Carolina	Indiana
South Carolina	Illinois
Kentucky	Michigan

Governing body means those duly elected or appointed representatives who have the authority to provide services to, and enter into contracts, agreements, and grants on behalf of their constituency.

For the purposes of this program announcement, ONAP has established a minimum service population requirement of 350. Indian tribes or organizations who have a service population of less than 350 may consider joining with other small groups to submit one application to serve the consortium.

C. Available funds. An estimated $300,000 is available for new grantees pursuant to this program announcement during Fiscal Year 1977. It is anticipated that six (6) grant awards will be made with a range of $30,000 to $70,000 per award. The project period for a grant may be up to three (3) years. Refunding on a non-competitive basis beyond the first year will depend upon the grantee's satisfactory performance of the project, upon availability of funds, and upon the grantee's compliance with the Native American Programs Rules and Regulations.

D. Grantee Share of Project. It is expected that grantees will provide 20 percent of the approved cost of the project.

Grantee contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services, and must be allowable under the Department's applicable cost principles in 45 CFR Part 74, Subpart Q.

Under certain circumstances, some or all of the non-Federal share of the project may be waived by ONAP. Further explanation is contained in § 1336.52 of ONAP's Program Rules.

E. The Application Process.—A–95 Clearinghouse Notice.—In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A–95 Revised (interim procedures at 41 FR 3160, July 29, 1976), applicants, with the exception of Federally recognized tribes, who request grant support must, prior to submission of an application, notify both the State and Areawide A–95 Clearinghouse of the intent to apply for Federal assistance. Some State and Area Clearinghouses provide their own form for the notification of intent and others use the face-sheet of the standard application form. Applicants should contact the appropriate State Clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can meet the A–95 requirements.

Application Submission. In order to be considered for a grant under this program announcement, all applications must be submitted on the Standard forms enclosed in the ONAP Application Kit.

The application shall be executed by an individual authorized to act for the applicant agency and to assume obligations imposed by the terms and conditions of the grant award, including the Office of Native American Programs Final Regulations.

One signed original and two copies of the application including all attachments, are required.

Application consideration. The Director of the Office of Native American Programs determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement or are late or are not complete will not be accepted and applicants will be notified accordingly. Otherwise, all applicants will be considered for funding.

All accepted grant applications are subjected to a competitive review and evaluation conducted by qualified persons outside of the Office of Native American Programs. The results of the competitive review supplement and assist the Director's consideration of the competing applications. The Director's consideration also takes into account the comments of the A–95 clearinghouse, the headquarters program office, and other interested organizations.

After the Director has reached a decision either to disapprove or approve a competing grant application, the applicant will be notified of that decision.

Grant Awards. The Director makes grant awards consistent with the purpose of the Act, the regulations, and program announcement within the limits of Federal funds available. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantees the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given and the amount of grantee financial participation. The initial award also specifies the total project period for which support is contemplated.

F. Criteria for review and evaluation of applications. Competing grant applications will be reviewed and evaluated by the independent panel against the following criteria: (100 points total)

Clear identification of problems and needs facing the applicant (i.e., social, economic, administrative), with regard to achieving successful completion of the applicant's long range goals. (10 points)

Specific, quantifiable objectives and procedures for the first year and a clear outline of the objectives and procedures for the following two years, if applicable, including a time frame for the achievement of specific project objectives of the entire project period. (20 points)

That insofar as practicable, the proposed procedures, if well executed, are capable of attaining project objectives. (12 points)

That the project objectives include, are identical with, or are capable of achieving the specific objectives in the program announcement. (7 points)

That the estimated cost to the Government of the project is reasonable considering the anticipated results. (8 points)

That (1) project personnel are well qualified and (2) the applicant organization has adequate facilities and resources to carry out the project. (8 points)

The system proposed by the applicant to monitor and evaluate the project is reasonable and consistent with the management system to the applicant. (15 points)

The application as a whole clearly demonstrates the applicant's capability to achieve project objectives. (20 points)

G. Closing date for receipt of applications. The closing date for receipt of applications for Program Announcement No. 13612–773 is August 1, 1977. Applicants must be mailed or hand delivered to: Receiving Office, Division of Grants and Contract Management; Office of Human Development, DHEW; Room 1427, Mary E, Switzer Building; 330 C Street, SW., Washington, D.C. 20201 (Attention: 13612–773). Hand delivered applications are accepted during normal working hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

An application will be considered to have arrived by the closing date if: (1) The application is at the OHD Receiving Office on or before the closing date, or (2) the application is postmarked at least two days prior to the closing date.

H. Late applications. Late applications will not be accepted and applicants will be notified accordingly.

I. Availability of application forms. Application Kits which contain the prescribed forms and information for the applicant may be obtained by writing or calling:

Office of Native American Programs, Office of Human Development, DHEW, Room 357G, South Portal Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 426–8390, Janice B. Phalen, (Attention: 13612–773).

J. Notice of open meetings for potential applicants. In order to provide supplemental information relative to the ONAP application and funding process and to enhance potential applicants' understanding of the types of projects ONAP will consider funding, ONAP invites potential applicants under this program announcement to attend any of the meetings in the cities listed below:

Monday, July 11: Lansing, Michigan, Manty Conference Room, 1st Floor, Baker-Olin Complex Building, 3423 N. Logan Street.
Tuesday, July 12: New York, New York, Two World Trade Center, 34th Floor, Room 3426.
Wednesday, July 13: Richmond, Virginia, James Madison Building, First Floor Conference Room, 109 Governor Street.
Thursday, July 14: Columbia, South Carolina, Department of Parks, Recreation, and Tourism Conference Room, Room 252, Edgar Allen Brown Building, 1205 Pendleton Street.
Friday, July 15: Baton Rouge, Louisiana, Attorneys' Building, Second Floor Conference Room, 300 Louisiana Street.
Monday, July 18: Benson, North Carolina, Dutch Inn Conference Room, Corner, I–95 and N.C. 55.

All meetings will be held in two sessions: 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.

(Catalog of Federal Domestic Assistance Program Number: 13.612 Native American Programs)

Dated: June 15, 1977.

DOMINIC J. MASTRAPASQUA,
Acting Director, Office of Native American Programs.

Approved: June 24, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77–18615 Filed 6–28–77;8:45 am]

RESEARCH AND DEVELOPMENT PROJECTS ON AGING

Announcement of Grants for Fiscal Year 1977 (Program Announcement No. 13636.771)

The Administration on Aging, Office of Human Development, announces that applications will be accepted until August 19, 1977 from public and private nonprofit agencies or organizations wishing to compete for grants in Fiscal Year 1977 under the Research and Development Projects on Aging Program authorized by Title IV, Part B of the Older Americans Act of 1965, as amended (42 U.S.C. 3001, et seq.).

All applications received by the closing date which are complete and conform to the requirements of this program announcement will be accepted for review and consideration for an award.

Regulations applicable to this program include the Administration on Aging general regulations, 45 CFR Part 901, and the regulations governing Research and Development Projects on Aging, 45 CFR Part 904.

SCOPE OF THIS PROGRAM ANNOUNCEMENT

This program announcement identifies the general program objectives and a portion of the funding priorities of the Research and Development Projects on Aging Program for Fiscal Year 1977. This program announcement emphasizes research relevant to the development of service delivery systems for the elderly. Another program announcement with additional funding priorities will be issued later during Fiscal Year 1977. That second program announcement will emphasize research relevant to modifying public and private policies affecting the elderly.

A. Program purpose. Title IV–B of the Older Americans Act authorizes the Administration on Aging to make grants and contracts for:

Study of current patterns and conditions of living of older persons and identification of factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

Development or demonstration of new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

Development or demonstration of approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

Evaluation of these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of the Nation.

Support for collection and dissemination through publications and other appropriate means of information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under Title IV; and

Support for conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of Title IV.

B. Eligible applicants. Any public or private nonprofit agency or organization may apply for a grant under this announcement. However, AoA particularly encourages and will give preference to applications by minority researchers for study of minority elderly within the framework of the priorities for research identified herein. AoA also encourages and will give preference to applications proposing collaborative arrangements between investigators in research organizations and State Units on Aging, Area Agencies on Aging, or Nutrition Project Agencies.

C. Program objectives, research priorities, and available funds. The Research and Development Program authorized in Title IV–B of the Older Americans Act is primarily intended to build knowledge for use in solving problems in developing service delivery systems, increasing Federal resources to serve the needs of older persons, and modifying public or private policies. AoA has identified five (5) Strategy Areas relevant to the objective of developing service delivery systems in which it will award grants pursuant to this notice.

In each of these Strategy Areas, AoA has identified researchable questions that delineate topics about which AoA believes that more knowledge should be generated. These researchable questions constitute AoA funding priorities in each Strategy Area. The researchable questions are described in a Guidelines document which is included in the application kit and can be obtained from AoA as described below in Part K.

An applicant may wish to submit a proposal addressing a question not specified by AoA which the researcher considers as important or more important than the researchable questions specified. Such proposals may include, among others, further development of research currently or previously supported by AoA. So long as such proposals fall within one or more of the five (5) Strategy Areas, they may be submitted. In such cases, the applicant must demonstrate convincingly that the proposed research will be equally or more significant, as well as equally or more policy relevant, than research responsive to the researchable questions within the Strategy Area(s) to which the proposed research pertains.

Of the $8.5 million appropriated by the Congress for Research and Development Projects on Aging in Fiscal Year 1977, the Administration on Aging expects to award under this program announcement at least $2 million for new and competing extension grants in the Strategy Areas identified below. A new grant is the initial grant made in support of a project requested in an application. A competing extension is to continue a project beyond the project period for which the grant was made and is awarded based on a successful competition with other competing extension grantees and applicants for new grants.

It is expected that approximately 20–30 grants will be awarded pursuant to this announcement. The range of funds per grant is expected to be from $10,000 to $225,000 with the average award expected to range from $80,000–$150,000. Generally, projects will be supported for periods of one to three years. The funds currently available will sustain the budget for the first year of the project. Support for any additional time remaining in the project period depends on funds available, the grantee's satisfactory performance on the project for which the grant was awarded, and the grantee's continued promise of contributing to the priorities of the Research and Development Projects on Aging Program.

Each Strategy Area, including the number of researchable questions falling within the Area, is set forth below:

Strategy Area A: *The needs of the older person.* This Strategy Area is concerned with information about the needs of the elderly which may cause them to require services. (3 questions)

Strategy Area B: *Ways of meeting needs other than through the provision of services.* This Strategy Area is concerned with ways in which the needs of older persons can be met other than by means of services. It is especially concerned with how families, neighbors, and friends can provide support and assistance to the elderly and how they can be better equipped to provide such support. (1 question)

Strategy Area C: *Conditions which influence how the needs of the older person are met.* This Strategy Area is concerned with information about how such conditions as racism, migratory and age distribution trends, rates of inflation and other economic conditions, and social and political attitudes of the general public affect their needs. (3 questions)

Strategy Area D: *Providing services to the older person.* This Strategy Area is concerned with information about systems for providing services as well as the services provided. It also is concerned with information about methods of service delivery and the practice associated with the occupations and professions of personnel who provide such services. (5 questions)

Strategy Area E: *The role of state units on aging and area agencies on aging in providing services to the older person.* This Strategy Area is concerned with information about the functioning of: State Units and their respective Area Agencies as planning and coordinating systems; State Agencies on Aging; and Area Agencies on Aging. (7 questions)

D. Set-asides. The Administration on Aging has established a set-aside to be awarded for research on the minority elderly. This set-aside will fund proposals responding to the specific researchable questions about the minority elderly as well as proposals focusing more general researchable questions on the minority elderly.

Assuming that a sufficient number of technically acceptable proposals are received, a minimum of fifteen percent of the funds available for new starts will be awarded to such projects. To be eligible for this set-aside, the applicant must offer assurances that the sponsorship, research staff, and advisory council of the proposed project appropriately reflects sensitivity to and first hand awareness of the needs and circumstances of the minority elderly being studied.

This set-aside applies with reference to the following four minority groups: Black, Spanish heritage, Asian-American, and American Indian.

The Administration on Aging has established a second set-aside to be awarded for research conducted under collaborative arrangements between investigators in research organizations and

State Units, Area Agencies, or Nutrition Projects. Proposals should respond to the researchable questions in the Guidelines. Assuming that a sufficient number of technically acceptable proposals are received, a minimum of four (4) grants will be awarded under this set-aside.

E. *Grantee share of project.* It is generally expected that grantees will provide at least five (5) percent of total project costs. Grantee contributions must be project-related and allowable under the Department's applicable cost principles in 45 CFR Part 74 Subpart Q.

F. *The application process.* In order to be considered for a grant under the Research and Development Projects on Aging Program, all applications must be submitted on standard forms provided for this purpose by the Commissioner in accordance with guidelines established by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to commit the applicant agency to the terms and conditions of the grant award, including the regulations for Research and Development Projects on Aging.

One (1) signed original and two (2) copies of the grant application, including all attachments, are required for submission. The original and one (1) copy are to be submitted to the receiving office of the Office of Human Development. One (1) copy is to be submitted concurrently to the cognizant State Agency on Aging.

Applications which do not conform to this announcement or are late or are not complete will not be accepted and applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

G. *Review and evaluation of grant applications.* All grant applications accepted for consideration under this program are subjected to a competitive review panel evaluation process conducted by qualified persons outside of the Federal government. The review panel will consist of not less than three (3) persons. The review will be conducted against the following criteria:

All grant applications must meet two (2) different minimal scores of acceptability. First, with respect to the criterion, "Program and Policy Relevance," proposals must receive a score of at least 35 points out of a possible 50 points. Second, proposals must receive an overall score of 100 points out of a possible 140 points. Only those proposals which meet both minimal levels will be considered technically acceptable are ranked by score as a basis for funding decisions by the Commissioner on Aging.

Criterion I. *Program and policy relevance* (0–50 points). That the proposed project will make a significant contribution to building knowledge immediately relevant to the formulation or implementation of policy, including:

(A) That the proposed project adequately responds to a researchable question as set forth in the AoA FY 1977 Research Program Guidelines, or demonstrates convincingly that the proposed research will be eqoally or more significant as well as equally or more policy relevant in that the projected results have a significant potential for assisting in solving problems either in developing service delivery systems or increasing Federal resources to serve the needs of older persons or modifying public or private policies; (0–25 points)

(B) That the application contains a suitable plan for dissemination and utilization of its projected findings which concretely specifies who will disseminate what, to whom, for what purpose, and how the information so disseminated is expected to be used; (0–20 points) and

(C) That the proposed project contains an appropriate focus on low-income and minority older persons (0–5 points)

Criterion II, *Technical Merit* (0–50 points). (A) That the application demonstrates a clear understanding of the problem to be addressed.

This criterion includes the following elements: (1) Clear statement of the problem. (2) Adequate discussion and application of relevant literature to the problem. (3) Explicit identification of the assumptions and value judgments upon which the study is based.

This criterion also includes, where appropriate, these additional elements: (4) Clear specification of its hypotheses. (5) Clear definition of main concepts and analytical models. (6) Clear exegesis of its dependent, intervening, and independent variables (0–25 points).

(B) That the proposed research design or plan of work, if well executed, will be capable of attaining the objectives of the proposed project.

This criterion includes, where appropriate, that the research design or plan of work, for all applications: is clearly described; is appropriate for the objectives of the proposed project; is feasible within the proposed project period.

For applications involving data collection and/or analysis: specifies appropriate comparisons upon which valid conclusions can be drawn; identifies appropriate sources of data; describes a method of data collection that is scientifically sound and avoids bias in its results, including a suitable sample size and sampling procedures when sampling is to be carried out; proposes an appropriate method of data analysis which is both methodologically sound, given the nature of the data, and maximizes the explanatory usefulness of the data collected or analyzed. (0–25 points)

Criterion III, *Qualification of the project personnel* (0–15 points). That the proposed project personnel are qualified to carry out the project.

Criterion IV, *Project management capability* (0–15 points). That the applicant organization has adequate facilities, resources, and experience to carry out the tasks of the proposed project.

Criterion V. *Budget appropriateness and reasonableness* (0–10 points). That the proposed budget is commensurate with the level of effort needed to accomplish the project objectives, and that the cost of the project is reasonable in relation to the value of the anticipated results.

H. *Grant awards.* The Commissioner on Aging determines the final action to be taken with respect to each grant application. The Commissioner makes grant awards consistent with the purposes of the Act, the regulations, the program announcement, and the Guidelines within the limits of Federal funds available for the purpose of supporting research and development projects. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner's consideration also takes into account the comments of the State Agencies on Aging, the HEW Regional Offices, and the Division of Research and Analysis, AoA. Comments on the applications may also be requested from appropriate specialists and consultants inside and outside of the Government. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted; the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, and the total grantee participation, if any. The initial award also specifies the total project period for which support is contemplated.

After the Commissioner has reached a decision either to disapprove or not to fund a competing grant application, the unsuccessful applicant is notified of that decision.

I. *Closing date for receipt of applications.* The closing date for receipt of applications under this program announcement is August 19, 1977. Applications may be mailed or hand delivered to: Receiving Office, Division of Grants and Contracts Management; Office of Human Development, Department of Health, Education, and Welfare, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201 (Attention: 13.636–771). Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

An application will be considered to have arrived by the closing date if:

1. The application is at the OHD Receiving Office on or before August 19, 1977, or

2. The application is postmarked no later than August 17, 1977.

J. *Late application.* Late applications are not accepted and applicants are notified accordingly.

K. *Availability of application forms.* Application kits which contain the prescribed application forms, the Guidelines document, and other information for the applicant may be obtained by contacting:

Division of Research and Analysis, Administration on Aging, OHD, Room 4640, DHEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201, Telephone 202–245–0004, Attention: 13636–771.

(Catalog of Federal Domestic Assistance Program Number: 13.636 Research and Development Projects on Aging.)

Dated: June 13, 1977.

ARTHUR S. FLEMMING,
Commissioner on Aging.

Approved: June 24, 1977.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development.

[FR Doc.77-18616 Filed 6-28-77;8:45 am]

National Institutes of Health

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, July 14–15, 1977, Landow Building, Room C418, Bethesda, Maryland.

This meeting will be open to the public on July 14, from 8:30 a.m. to 10 a.m. to discuss the current progress of the Hypertension Detection and Follow-Up Program and the Aspirin Myocardial Infarction Study. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on July 14, from 10 a.m. to adjournment, and on July 15, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20014, phone: 301–496–4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Landow Building, Room C809, Bethesda, Maryland, 20014, phone: 301–496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: June 21, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-18585 Filed 6-28-77;8:45 am]

MENTAL RETARDATION RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on August 4–5, 1977, in the Landow Building, Room C–418, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on August 4, from 8:30 p.m. to 10 p.m. to discuss items relative to the Committee's activities including announcements by the Chief of the Mental Retardation and Developmental Disabilities Branch and the Executive Secretary of the Committee. The Committee will review the Branch contracts program including concept clearance of any new contract areas not previously cleared by an outside review group.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on August 5 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual grant applications.

The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. Lyle Lloyd, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room C–704, National Institutes of Health,, Bethesda, Maryland, Area Code 301, 496–1383, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health.)

Dated: June 21, 1977.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.77-18586 Filed 6-28-77;8:45 am]

NATIONAL ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES ADVISORY COUNCIL

Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the special meeting of the National Arthritis, Metabolism, and Digestive Diseases Advisory Council on August 18 and 19, 1977, in Conference Room 6, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 8:30 a.m. to 9 a.m. on both days to discuss administrative matters. Attendance by the public will be limited to space available.

In accordance with the provisions set forth under sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463 the meeting of the Council will be closed to the public from 9 a.m. to 5 p.m. both days for the review, discussion, and evaluation of individual Centers applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Messrs. James N. Fordham or Leo E. Treacy, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, 301–496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13–846 through 13.850, National Institutes of Health.)

Dated: June 21, 1977.

SUZANNE FREMEAU,
Commitee Management Officer, National Institutes of Health.

[FR Doc.77–18587 Filed 6–28–77;8:45 am]

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION

Statement of Organization Function and Delegation of Authority

Under the Reorganization Order (42 FR 13262–13263 dated March 9, 1977), the Secretary established the Health Care Financing Administration. The statement of organization, functions and delegation of authority of the Department of Health, Education, and Welfare, is amended to add a new Part F, "Health Care Financing Administration" (HCFA). Health Care Financing Administration contains the Medicaid Program formerly administered by the Medical Services Administration of the former Social and Rehabilitation Service (40 FR 4670 dated January 31, 1974, as amended). It also contains the Medicare Program formerly administered by the Bureau of Health Insurance (33 FR 5834 dated April 16, 1968) of the Social Security Administration. In addition, it contains the Office of Long Term Care (39 FR 31680 dated August 30, 1974, as amended) and the Bureau of Quality Assurance (39 FR 10467 dated March 30, 1974) formerly with the Public Health Service. It also is responsible for the activities of the Office of Long Term Care Standards Enforcement formerly associated with the HEW Regional Offices:

Region I—40 FR 44179, dated September 25, 1975.
Region II—40 FR 16127, dated April 9, 1975.
Region III—40 FR 16133, dated April 9, 1975.
Region IV—40 FR 1539, dated January 8, 1975.

31-10—90 29 1122
Region V—40 FR 2603, dated January 14, 1975.
Region VI—40 FR 4666, dated January 31, 1975.
Region VII—40 FR 1727, dated January 9, 1975.
Region VIII—40 FR 1545, dated January 8, 1975.

Region IX—40 FR 16121, dated April 9, 1975.
Region X—40 FR 41162, dated September 5, 1975.

The Secretary's Reorganization Order disestablished the Social and Rehabilitation Service (45 FR 8712 dated June 4, 1970 as amended) and Part W, of the Statement of Organization, Functions and Delegations of Authority of the Department is deleted. Certain staff elements were transferred to the Social Security Administration and the Office of Human Development and will be reflected in their revised functional statements. Certain Social and Rehabilitation Service staff elements have been incorporated into the Health Care Financing Administration organization. The functional statements for the Health Care Financing Administration read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH CARE FINANCING ADMINISTRATION

STATEMENT OF ORGANIZATION, FUNCTION AND DELEGATION OF AUTHORITY

F.00 *Mission.* The overall mission of the Health Care Financing Administration (HCFA) is to provide direction and technical guidance for nationwide administration of the Federal effort to plan, develop, manage and evaluate health care financing programs and policies. To accomplish this mission, HCFA operates the hospital and supplementary medical insurance programs (Medicare), the State-Federal Medicaid program, the Professional Standards Review Organizations (PSRO) program, and the End-Stage Renal Disease program, plus a variety of related programs designed to control program costs, assure appropriate utilization of these health services by eligible recipients, and eliminate provider fraud and abuse. Through these programs and related health quality and standards programs, HCFA seeks to ensure that the best possible care is delivered in the most economical manner to the eligible beneficiaries. HCFA provides national policy planning for health care financing and for delivery of health services within the above operating programs. In these efforts, HCFA coordinates with the Assistant Secretary for Health in such areas of Public Health Service responsibility as: Health, facilities planning, health care delivery research; health maintenance organization development; and, formulation of general policy on health care standards. Through its financing policies and prudent management of health care funds, HCFA promotes the accessibility and availability of quality health care. Through its planning, research and evaluation activities, the agency enhances the future quality and utilization of health services.

F. 10 *Organization.* The Health Care Financing Administration (HCFA) is a Principal Operating Component of HEW. It is headed by an Administrator, HCFA, who reports to the Secretary and consists of the following organizational elements:

Office of the Administrator (FA):
- Office of Congressional Affairs (FAL)
- Office of Public Affairs (FAN)
- Provider Reimbursement Review Board (FAH)[1]
- Office of Policy, Planning, and Research (FAR)
- Office of Management and Budget (FAM)
- Office of Personnel (FAP)
- Office of Regional Affairs (FAF)
- Office of Systems and Organizational Integration (FAS)

Office of the Deputy Administrator for Operations (FP)
- Medicare Bureau (FPH)
- Medicaid Bureau (FPM)
- Office of Reimbursement Practices (FPR)
- Office of Program Integrity (FPQ)

Health Standards and Quality Bureau (FQ):
- Office of Standards and Certification (FQS)
- Office of PSRO (FQP)

OFFICE OF THE ADMINISTRATOR (OA)

The Administrator directs the planning, coordination and implementation of the programs under Titles XI, XVIII, and XIX of the Social Security Act and related statutes as amended, and directs the development of effective relationships between these programs and other private and Federally supported health related programs. Within broad Department of Health, Education, and Welfare policy and guidelines, the Administrator oversees the establishment of program goals and objectives and the development of policies, standards and guidelines to accomplish stated goals; evaluates progress in administration of HCFA programs; and ensures that required actions are taken to direct or redirect efforts to achieve program objectives. The Administrator works with the States, other Federal agencies and non-governmental organizations in administering health care financing programs. Additionally, the Administrator assures the coordination of HCFA activities and programs with other concerned organizations. The Administrator is assisted by a general deputy, who functions with full authority during the Administrator's absence.

OFFICE OF CONGRESSIONAL AFFAIRS (OCA)

The Office of Congressional Affairs serves as a principal advisor to the HCFA Administrator in HCFA's relations with the Legislative Branch of government; keeps the Administrator informed on the status of pending or proposed legislation; maintains agency-wide responsibility for keeping Congress informed of HCFA operations and activities; and provides information on HCFA programs to individual Members of Congress and committees as requested. OCA serves as HCFA's principal contact point with the Office of the Assistant Secretary (Legislation), and coordinates its activities and contacts with members through that office.

[1] The Provider Reimbursement Review Board is assigned to HFCA for administrative support purposes only.

OFFICE OF PUBLIC AFFAIRS (OPA)

The Office of Public Affairs plans, directs and coordinates the public affairs program of the Health Care Financing Administration, including: The implementation of all activities involving media relations; the development and production of radio, television, and film products; and the preparation of publications, both single issuance and periodicals, to meet public and internal information needs. OPA provides guidance and counsel to all HCFA elements in matters involving public affairs. OPA maintains liaison with external groups, including the health care industry and intergovernmental organizations, to provide information about HCFA programs, policies, and activities. OPA administers Freedom of Information Act responsibilities for HCFA.

PROVIDER REIMBURSEMENT REVIEW BOARD (PRRB)[1]

The Provider Reimbursement Review Board conduct hearings and renders decisions on appeals from Medicare providers under circumstances described in Section 1878 of the Social Security Act.

OFFICE OF POLICY, PLANNING, AND RESEARCH (OPPR)

The Office of Policy, Planning, and Research provides leadership and executive direction within HCFA for health care financing policy, planning and research activities, directing and coordinating statistical/data collection; financial/actuarial and policy analysis; legislative planning; and research, demonstration, and evaluation pertaining to HCFA programs. OPPR works closely with the Administrator, other Associate Administrators, and high-level staff outside HCFA to assure that the agency's broad goals are accomplished. OPPR develops and manages the HCFA research and statistical publications programs; reviews and approves "forward planning" documents; and suggests alternative ways to accomplish HCFA objectives. OPPR represents the Administrator in policy development both in and outside the Federal government.

OFFICE OF MANAGEMENT AND BUDGET (OMB)

The Office of Management and Budget provides policy direction and coordination of HCFA's financial management program, including preparation, justification, and execution of the total HCFA budget and auditing and fiscal management necessary to control all HCFA accounting operations. In addition, OMB analyzes and responds to HCFA audits performed by such agencies as the Office of the Inspector General and the General Accounting Office. OMB conducts and coordinates the HCFA internal management studies to insure that available resources are allocated and utilized to accomplish the Agency's health care objectives. OMB plans and directs the HCFA manpower management system. OMB coordinates, reviews, and implements studies prepared by the Office of Systems and Organizational Integration. In coordination with the Office of Personnel, OMB maintains official manpower ceilings and monitors grade levels. OMB provides leadership, direction, and control of a variety of administrative management services for HCFA, including those pertaining to procurement, project grants and contract awards; personal and real property and facilities management; mail distribution and control; records, directives and other paperwork management programs; printing and reproduction services; and maintenance and protection of records under the Privacy Act. OMB provides executive secretariat services to the Administrator. These services include: advising headquarters and field components concerning adequacy and quality of policy documents; facilitating the movement and coordination of policy documents within HCFA and of written communications between HCFA and the Office of the Secretary; and reviewing, analyzing, and insuring coordination of memoranda and other written communications directed to the Office of the Administrator. OMB provides data processing services to HCFA Central Office components.

[1] The Provider Reimbursement Review Board is assigned to HCFA for administrative support purposes only.

OFFICE OF PERSONNEL (OP)

The Office of Personnel serves as the principal advisor to the HCFA Administrator on the operation of HCFA's personnel system. OP provides overall direction to, and coordinates the personnel system with, HCFA components, including the following specific activities: (1) Recruitment and placement; (2) postion classification and management; (3) maintenance of official personnel records for data control, payroll, and program evaluation purposes; (4) employee and labor relations; and (5) employee development and training, including upward mobility, retirement and career counseling; and (6) equal employment opportunity activities.

OFFICE OF REGIONAL AFFAIRS (ORA)

The Office of Regional Affairs coordinates and monitors HCFA regional operations; assures that HCFA instructions, directives, and policies requiring implementation by Regional Administrators are carried out; provides general guidance to Regional Administrators; coordinates for the Administrator periodic evaluations of the HCFA regional office performance; and represents regional office needs and concerns regarding the development, review, and clearance of program policies, procedures, and instructions.

OFFICE OF SYSTEMS AND ORGANIZATIONAL INTEGRATION (OSOI)

The Office of Systems and Organizational Integration reviews all major existing and proposed management and operating systems and units to assure compliance with HCFA goals. OSOI provides leadership in the coordination and integration of systems and operating methodologies where more than one component is involved; develops plans and priorities for HCFA data systems; develops HCFA-wide data policy and standards. OSOI provides technical staff to HCFA components for the evaluation of systems and hardware proposals and acts as the HCFA reports clearance coordinator. OSOI monitors ongoing activities of the Medicare and Medicaid programs and other operational components to identify those activities which might be performed more effectively and/or efficiently if consolidated. OSOI evaluates the impact on HCFA of integrating similar activities, prepares studies that reflect these evaluations, and presents to the Administrator alternatives and recommended actions concerning future integration. OSOI plans and directs the HCFA operational planning and work planning systems. Planning activities are coordinated with and reviewed and implemented by the HCFA Office of Management and Budget.

OFFICE OF THE DEPUTY ADMINISTRATOR FOR OPERATIONS (ODAO)

The Office of Operations provides for the accomplishment of all major HCFA program objectives by directing the planning, coordination, and execution of Medicaid, Medicare, and End-Stage Renal Disease program operations under Titles XVIII and XIX, and related statutes as amended. It establishes operational priorities and coordinates agency staff services with ongoing program operations to maximize efficiency and operational economy, and oversees Medicaid and Medicare program integration wherever feasible, for best utilization of agency resources for program operation. The Office of Operations establishes operational planning and resource utilization priorities between Medicaid and Medicare; directs and coordinates activities to insure program integrity and cost containment; evaluates operational information to provide data for program planning, evaluation, budgeting, and control, and it coordinates operational requirements, problems, and initiatives with other HCFA program offices.

THE MEDICARE BUREAU (MAB)

The Medicare Bureau provides direction and technical guidance for nationwide administration of the hospital and supplementary medical insurance programs. The Medicare Bureau develops, recommends, and issues, to HCFA components and to State agencies and intermediaries, day-to-day program policies, procedures, and interpretations; develops and helps to modify conditions of participation by providers of services; and develops operating criteria for reimbursing providers for their costs, as well as operating criteria for determining charges for physicians' and related medical services. The Medicare Bureau negotiates agreements and contracts with, and monitors performance of, State agencies and intermediaries in administering certain health insurance provisions; directs reimbursement of providers who choose to receive payment directly from HCFA; and appraises the quality and effectiveness of health insurance administration. The Medicare Bureau develops special programs to improve health care of beneficiaries; among these programs are those designed to improve the use of services, in non-institutional settings, for the medical care of the aged and the disabled and to assure that medical care under Medicare is appropriate and necessary. The Medicare Bureau coordinates with the HCFA PSRO staff, advising Federal administrators, intermediaries, carriers, and States concerning the interrelationships between PSRO and Medicare activities; and with the HCFA Standards and Certification staff regarding survey and certification of Medicare nursing home facilities. The Medicare Bureau maintains liaison with medical and other health care professional groups concerning Medicare matters.

THE MEDICAID BUREAU (MMB)

The Medicaid Bureau directs the planning, coordination, and development of programs under Title XIX of the Social Security Act, and the coordination between these programs and other federally supported health and health related programs; establishes program goals and objectives; and provides leadership and direction in instituting, developing, promulgating, and interpreting Medicaid program policies (day-to-day), standards and directives to accomplish these goals including those pertaining to reimbursement and eligibility. The Medicaid Bureau provides leadership in developing Federal initiatives for special programs—in particular, initiatives to improve access of needy children to preventive and comprehensive health care. The Medicaid Bureau develops programs to improve the quality of care in long-term care institutions, including skilled nursing facilities, intermediate care facilities, and mental hospitals; to improve the use of services, in non-institutional, community-based settings, for the care of the needy aged, disabled, and other chronically ill persons; to assure that medical care under Medicaid is appropriate and necessary; and to assure more economical financing for delivery of health services, particularly with regard to the reimbursement of providers (e.g., prospective reimbursement, capitation, cost-related reimbursement). The Medicaid Bureau coordinates with Professional Standards Review Organizations (PSRO) program officials and advises Federal administrators on the interrelationships of PSRO and Medicaid activities and advises States on the implications of PSRO activities for medical programs. The Medicaid Bureau provides staffing support for the Maximum Allowable Cost (MAC) drug program and the Pharmaceutical Reimbursement Board.

JUN 29 77
UM

OFFICE OF REIMBURSEMENT PRACTICES (ORD) (AND COST CONTAINMENT)

The Office of Reimbursement Practices develops alternatives for reimbursement practices of health care financing programs under existing statutes and ensures consistency of reimbursement policies among the various HCFA programs to the extent allowed by statutory requirements. Specifically, ORP performs the following activities:

(1) Examines reimbursement mechanisms and practices utilized by HCFA programs and other organizations, in and out of government, to ascertain potential alternatives for HCFA reimbursement processes and analyzes the impact of such alternatives upon the health care community and upon the objectives and financing of the programs.

(2) Examines existing and proposed Medicare and Medicaid reimbursement policies to determine adherence to established reimbursement philosophy, impact upon present and future program financing, and consistency with overall HCFA objectives.

(3) Coordinates with the Medicare Bureau, the Medicaid Bureau, and the HCFA Office of Policy, Planning, and Research the development and evaluation of appropriate legislative and policy changes in reimbursement.

(4) Examines the instructional system by which the reimbursement practices of the Medicare and Medicaid Programs are implemented to minimize differences and ensure consistency.

(5) Provides information to Medicare and Medicaid policy components on alternative reimbursement mechanisms for consideration in development of program policy.

(6) Examines policy implementation, special initiatives implementation, and legislative implementation affecting both programs to determine impact upon present and future program financing and consistency with overall HCFA objectives.

(7) Develops and articulates the operating instructions for implementation of hospital cost containment regulations.

OFFICE OF PROGRAM INTERGRITY (OPI)

The Office of Program Integrity plans, administers, and oversees programs designed to prevent the improper expenditure of funds through the Medicaid and Medicare programs, and assures that titles X–VIII and X–I–X pay only for services delivered, only on behalf of eligible recipients, only at the amount allowed by existing reimbursement schedules, and only at a level indicated by a recipient's medical condition. In conjunction with line management, OPI develops and applies systems designed to measure and analyze the level and nature of improper expenditures attributable to fraud and abuse. OPI deploys and directs Central Office and Regional review staffs responsible for ascertaining the overall level of fraud and abuse in Medicaid and Medicare, as well as for pursuing investigations of specific cases of abuse brought to the attention of program management. OPI refers cases of suspected fraud to the Office of the Inspector General for investigation; makes available to the Inspector General technical and programmatic expertise as requested, and participates in investigations at the latter's request. OPI works with State Medicaid agencies and Medicare contractors to install and maintain systems for detecting and eliminating abuse; fosters to the maximum extent the effective prevention, detection, and investigation of abuse at State and contractor levels; and works with States in developing their capacity to investigate and prosecute fraud. OPI provides quantifiable and objective sources of information to line management and the Administrator on improper program expenditures; provides central focus in charting HCFA's progress in reducing the levels of funds attributed to fraud, abuse and waste; recommends corrective action to line management with respect to improper expenditures; provides feedback from the improper expenditure measurement system for the purpose of improved program operations; and coordinates communications and joint activities with the Office of the Inspector General, the Department of Justice, and other organizations (Federal, State, and local) interested in issues related to program integrity.

HEALTH STANDARDS AND QUALITY BUREAU (HSQB)

The Health Standards and Quality Bureau directs activities to assure that health care services provided under Medicare and Medicaid are furnished in the most economical manner consistent with recognized professional standards of care, and serves as the national focus for assuring accountability to health care consumers for the quality of health care services. To this end, HSQB performs the following activities: Develops, interprets, and implements health quality and safety standards and evaluates their impact on the utilization, quality, and cost of health care services. These functions are performed in coordination with the Assistant Secretary for Health who has responsibility for generating broad policy guidelines on issues of quality of care and of health care financing. Basic technology input as developed through the knowledge development activities of the Public Health Service will be provided to the Health Care Financing Administration for their use in establishing standards for the providers who want to be qualified for Medicare and Medicaid. Develops, interprets, implements, and evaluates the conditions and standards of participation by, and monitors and validates certification activities for, providers and suppliers of health services under the Medicare and Medicaid programs. Develops, interprets, implements, and evaluates policies for professional standards review, related peer review, utilization review, and utilization control programs under Medicare and Medicaid, including responsibility for entering into agreements with Professional Standards Review (PSR) State Councils. Develops and manages contracts/agreements with PSROs and PSR State Councils and develops policies regarding operational aspects of peer and utilization review programs, including their monitoring and evaluation. Develops, interprets, and evaluates health care and health-related policies related to implementation of the End-Stage Renal Disease (ESRD) provision of the Social Security Act and coordinates with Medicare the implementation and monitoring of these policies. Determines information and data reporting, collection and systems requirements for PSRO provider certification and the ESRD program. HSQB serves as the HCFA focal point in the Agency's interface with the Public Health Service on medical care standards, quality assurance, and other health-related policy matters.

THE HEALTH STANDARDS AND QUALITY BUREAU (HSQB) OFFICE OF STANDARDS AND CERTIFICATION (OSC)

The Office of Standards and Certification develops, interprets, and implements health and safety standards and other related policies for providers and suppliers of health services under Medicare and Medicaid and other Federal programs; administers and monitors the nationwide Medicare and Medicaid provider and supplier certification program established and maintained under formal agreements with State survey agencies; develops policies, procedures, and guidelines for Regional Offices and State agencies relating to their standards and certification responsibilities under Medicare and Medicaid, to include the State agency budget program; monitors and validates the application of health and safety standards and the adherence to Medicare and Medicaid policies by State agencies and other approved accrediting bodies; reviews on a continuing basis, the validity and effectiveness of existing standards, initiating revisions and developing standards for new types of facilities or services recognizing advances in medical practice and technology; develops and analyzes national data on the administration of the Medicare and Medicaid standards and certification program and develops methods for improvement; conducts training, informational, and other initiatives for improving the performance of State survey agencies and the providers and suppliers under the Medicare and Medicaid programs; maintains working relationships with other components of the Department which contribute to the standards and certification program; participates as the HCFA focal point in policy, procedural, and certification matters relative to provider standards activities.

HEALTH STANDARDS AND QUALITY BUREAU, OFFICE OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS (OPSRO)

The Office of Professional Standards Review Organizations coordinates the implementation and ongoing operational activities of Federal programs, including Medicare and Medicaid, with respect to peer and utilization programs and other quality assurance policies. OPSRO implements and applies policies relating to fiscal management of peer review programs, including the principles of reimbursement for PSROs and PSR State Councils, and to the budgeting, accounting, reports management, statistical reporting, and auditing requirements applicable to such peer review organizations and PSR State Councils. OPSRO directs the administration and evaluation of peer review and quality assurance program management policies, including application of policies and guidelines relating to organization, membership, and management of PSROs and State Councils, and the negotiation of PSRO agreements. OPSRO provides advice and assistance to Regional Office staffs, PSROs and State Councils concerning fiscal and program management activities; and prepares issues for OGC review relating to legal aspects of peer review and quality assurance.

Dated: June 19, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc.77-18574 Filed 6-28-77;8:45 am]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed Routine Uses Therefor

Pursuant to the Privacy Act of 1974 (Pub. L. 93-579) as prescribed in 5 U.S.C. 552a(e)(4), the following modifications to notices of systems of records that the Department of Health, Education, and Welfare plans to implement are published as set forth below. The modifications consist of new routine use disclosures and other additional information for the notices. The modifications are indicated by italics.

In addition, for those systems listed in Appendix II, all of which are maintained by the Center for Disease Control, National Institute for Occupational Safety and Health (CDC/NIOSH), the proposed routine use disclosure of certain records (name, social security number (if known), date of birth, and last known address) may be made to one or more sources listed in Appendix I. The purpose of such disclosure would be to ascertain whether an individual has died and to determine the cause of death. The cause of death will enable CDC/NIOSH to evaluate whether excess occupationally related mortality is occurring. The complete notices for these systems of records for which this routine use is proposed were last published in the September 20, 1976, issue of the FEDERAL REGISTER on pp. 40813–40880.

Consideration in accordance with the requirements of 5 U.S.C. 552a(e)(11) will be given to comments which are submitted in writing on or before July 29, 1977. Comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 526–E, South Portal Building, at the above address. The routine uses will be adopted as of the closing date of the comment period unless comment resulting in a contrary determination is received and a revised notice published.

Dated: June 22, 1977.

JOHN D. YOUNG,
Assistant Secretary for Management and Budget.

APPENDIX I

POTENTIAL SOURCES FOR DETERMINATION OF VITAL STATUS

Military Records.
Appropriate State Motor Vehicle Registration Departments.
Appropriate State Drivers License Departments.
Appropriate State Government Divisions of: Assistance Payments (Welfare), Social Services, Medical Services, Food Stamp Program, Child Support, Board of Corrections, Aging, Indian Affairs, Workman's Compensation, Disability Insurance.
Retail Credit Association Follow up.
Veteran's Administration Files.
Appropriate employee union or association records.
Appropriate company pension or employment records.
Company group insurance records.
Appropriate State Vital Statistics Offices.
Life Insurance Companies.
Railroad Retirement Board.
Area Nursing Homes.
Area Indian Trading Posts.
Mailing List Correction Cards (U.S. Postal Service).
Letters and telephone conversations with relatives.
Letters and telephone conversations with former employees of the same establishment as cohort member.
Appropriate local newspaper (obituaries).

APPENDIX II

LIST OF NIOSH SYSTEMS REQUIRING ADDITION OF A NEW "ROUTINE USE"

CDC NIOSH:	*Federal Register Number*	
0002.02	Study of Workers Exposed to Talc
0003.02	Study of Workers Exposed to Bladder Carcinogens
0004.02	Beta-Napthylamine Workers Study
0005.02	Study of Columbus Coated Fabrics Workers
0006.01	Study of Phosphate Fertilizer Industry
007.02	Study of Union Carbide, Charleston, West Virginia Plant
0008.01	Coal Miner Workers' Study
0009.02	Study of Workers Exposed to Methyl Butyl Ketone
0010.02	Study of Mineral Wool Workers
0011.02	Study of Methyl Mine Workers
0012.01	Study of Colloids, Inc. Workers
0013.01	Gold Mine (home stake) Silicosis Study
0014.02	Respirable Insulation Fibers Study
0015.02	Bakers (white lung) Study
0016.01	Study of Bakers and Confection Workers, and Other Associated Industries
0017.02	Silicosis (brick layers) Study—North Carolina
0020.02	Workers Exposed to Bis (chloromethyl) Ether and Chloromethyl Methyl Ether
0021.01	Study of Workers Exposed to Benzine
0022.01	Uranium Miner's Study in Far West
0023.01	Bureau of Mines Study in Morgantown, West Virginia
0024.01	Workers Exposed to Benzidine—(Bladder Cancer)
0025.01	Mine Enforcement Safety Administration Dust Measurement
0026.01	Respiratory Infections Disease in Guyan Valley, West Virginia
0028.01	Silicosis Study in 30 Metal Mines 1958 to 1962
0029.01	Byssinosis Study at Cordova, North Carolina, Klopman Steele Plant
0030.01	Byssinosis Research at Burlington Industries in Ashville, North Carolina
0031.01	Histocompatibility Association of Pheumoconiosis (black lung) in Coal Workers
0032.01	National Coal Miners Study
0038.02	Epidemiological Study of United States Surface Coal Miners
0039.01	Study of Workers in Tyler, Texas Asbestos Plants
0040.01	Pennsylvania Coal Miners Study
0041.01	Purseglove Mine, West Virginia Shift Study
0042.02	Study of Workers Exposed to Chlorinated Hydrocarbons
0043.02	Pre-test Cosmetology Convention Study
0044.02	Study of Cincinnati Fire Workers
0045.02	Study of Pottstown, Pennsylvania Chemical Plant Workers
0046.02	Union Pacific Railroad Workers—Carbon Monoxide Study
0047.02	Study of Workers In Asbestos Related Industries
0048.02	Study of Workers Exposed to Fibrous Glass
0049.02	Workers Exposed to Cotton Dust (Byssinosis)
0050.02	Appalachian Coal Miners Study (1973–1966)
0051.02	Kaiser Aluminum Employees at Ravenswood, West Virginia Study
0052.02	West Virginia Pulp and Paper Co. Study
0054.02	New Mexico Potash Miners Study
0057.02	Kennecott Sulphur Dioxide Study
0060.02	Study of Metals Industry Workers
0061.01	Cosmetology Workers Study (Thesaurosis)
0062.01	Study of Workers Exposed to Polyvinyl Chloride in the Plastics Industry at Ashtabula, Ohio; Avon Lake, Ohio; and Louisville, Kentucky
0063.01	Biochemical Data System
0068.02	Individuals Listed in the 1960 American Dental Association Directory
0069.01	Coal Miners Study in Charleston, Beckley, West Virginia
0070.01	Study of New Jersey Motor Vehicle Examiners Exposed to Carbon Monoxide
0075.01	Hardrock Miner Mortality Study
0076.01	Uranium Mill Worker Study in Colorado

JUN 29 77
UM

0077.01 Survey of Arizona Asbestos Miners and Mill Workers (1969)
0078.01 Beryllosis/Sarcoidosis Study of Beryllium Plant Workers
0080.01 Miner/Neighbor Study in Pineville, West Virginia
0083.01 Diagnostic Methods for Identification of Occupational Diseases through Biopsy and/or Autopsy Specimens
0084.01 Metal Mining Mortality Survey System
0085.01 Childrens Pulmonary Function Study
0111.01 Machinists Exposed to Cutting Oil Mist 1938–1967
0119.01 Study of Workers Exposed to Heavy Metals, (Lead, Cadmium, etc.)
0122.01 Mortality and Morbidity among Oil Shale Workers
0124.01 Mortality of Dairymen
0125.01 Study of Workers Exposed to Inorganic Chemicals
0126.02 Study of Workers Exposed to Airborne Carcinogens in Woodworking Shops
0129.01 Study of Workers Exposed to Organic Chemicals
0130.00 Mortality Study of Tennessee Valley Authority (TVA) Workers Exposed to Coal Handling Processes
0132.01 Health Effects Study of Dust and Diesel Exhaust on Noncoal underground Miners
0133.01 Study of Workers Exposed to Mineral Fibers
0134.01 Study of Health Hazards in Animal Confinement Housing
0135.01 Early Warning Indicators of Pesticides Exposure
0136.01 Alaska Pipeline Cold Stress Study
0137.01 Byssinosis Study

CDC BSS 0097.01

System name:

Studies of the Effects of BCG Vaccinations for Tuberculosis—HEW/CDC/BSS.

Security classification:

None.

System location:

TB Control Division and *TB Control Division, Research & Development Branch, Bldg. 6—Room 222, CDC, Atlanta, GA 30333*, 819 27 S. Street, Las Lomas, Rio Piedras, Puerto Rico.

Categories of individuals covered by the system:

Persons who received BCG vaccinations at county public health clinics in Muscogee County, Georgia, and Russell County, Alabama, and the local public health clinic in Las Lomas, Rio Piedras, Puerto Rico. Health Department Patients.

Categories of records in the system:

Medical Records.

Authority for maintenance of the system:

Public Health Service Act, Section 301 (42 U.S.C. 241).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual. Disclosure may be made to the Department of Justice or other appropriate Federal agencies in defending claims against the United States when the claim is based upon an individual's mental or physical condition and is alleged to have arisen because of activities of the Public Health Service in connection with such individual. (Departmental Regulations (45 CFR, Part 5b) Appendix B, Item 100), *and disclosure may be made to individuals and organizations deemed qualified by the Secretary to carry out specific research solely for the purpose of carrying out such research.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Cards and file folders.

Retrievability:

Statistical aggregate use. To test the effect of BCG vaccinations in reducing the incidence of tuberculosis in nonreactors to the tuberculin skin tests. *Information from these records will be used by the National Cancer Institute to determine any relationship between BCG vaccination and cancer.* Records are retrievable by name.

Safeguards:

All *records of data are* kept in a locked room during non-business hours.

Retention and disposal:

Number years held at CDC: 30. Number years held at Federal Records Center before disposal: 10. How destroyed: Shredded or burned.

System manager(s) and address:

Director, Bureau of State Services, Building 1, Room 2047, CDC, Atlanta, GA 30333.

Notification procedure:

Center for Disease Control.
Attention: Privacy Act Coordinator, Management Analysis Office.
Atlanta, Georgia 30333. To determine if a file exists, write the Privacy Act Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333, and provide the following information: (1) approximate date(s) and place of treatment or questionnaire administration, (2) name of study, if known; (3) an individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion (these notification and access procedures are requirements of the Department Regulations, 45 CFR, Part 4.6, FEDERAL REGISTER, October 8, 1975, page 47411). A parent or guardian who requests notification of or access to a minor's record shall at the time the request is made designate a family physician or other health professional (other than a family member) to whom the record, if any, will be sent. The designee will receive the record in all cases and upon review will determine whether the record should be made available to the parent or guardian.

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Part 5b.5(a)(2) FEDERAL REGISTER, October 8, 1975, page 47410).

Contesting record procedures:

Write the Privacy Coordinator, Management Analysis Office, Center for Disease Control, Atlanta, Georgia 30333. Reasonably identify the record and specify the information to be contested in accordance with Department Regulations, FEDERAL REGISTER, October 8, 1975, page 47411 (45 CFR, Part 5.b.7).

Record source categories:

State Health Departments of Alabama and Georgia and Territorial Health Department of Puerto Rico.

SSA PP RSO 1075.04

System name:

Continuous Work History Sample (Statistics) HEW SSA.

Security classification:

None.

System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.
Bureau of Census, Washington, D.C. 20233.

Categories of individuals covered by the system:

A sample of person with social security numbers issued through the cutoff date of the file. Included are those working for the Federal government and those covered by the Railroad Retirement Act, as well as those covered under social security.

Categories of records in the system:

Demographic characteristics; employer information; type of work information; earnings information; self-employment information; insured status information; benefit status; geography information (residence).

Authority for maintenance of the system:

Section 702 of the Social Security Act. (42 USC Sec. 902).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Disclosures are made to: (1) Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure;
(2) Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies on the effectiveness of training programs to combat poverty;
(3) Civil Service Commission for the study of the relationship of civil service annuities to minimum social security benefits; and the effects on the trust fund;
(4) Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act;
(5) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual;
(6) *A Federal or State agency (or its agent) lawfully charged with the administration of a Federal or State unemployment compensation law or contribution or tax levied in connection therewith, for the purpose of such administration but solely for use in compiling statistics to be used in aggregated or anonymous forms.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data are stored on magnetic tape.

Retrievability:

The file is indexed with social security numbers.

Safeguards:

Initial processing is performed by Census Bureau. During the matching steps which occur at the Social Security Administration, identifiable data is under the control of a limited number of social security employees who have sworn to uphold the Census statute. For computerized records, safeguards established in accordance with Department standards and National Bureau of Standards guidelines (e.g., security codes) will be used, limiting access to authorized personnel.

Retention and disposal:

This is a longitudinal sample. Records with identifiers will be retained as long as needed to permit addition of future earnings and other Social Security Administration program data for individuals in sample.

System manager(s) and address:

Assistant Commissioner, Office of Research and Statistics, Social Security Administration, Room 1121, 1875 Connecticut Avenue, NW., Washington, D.C. 20009.

Notification procedure:

For purposes of access, write the systems manager; he will require name of system, social security number, and for verification purposes, name (woman's maiden name, if applicable), address, date of birth and sex, and to ascertain whether the individual's record is in the system, years during which covered earnings were reported and years of self-employment, if any.

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record content being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record source categories:

Master beneficiary record; earnings summary record; quarterly earnings items file; employer identification file; 'Notification of Personnel Action' (SF-50); Railroad Retirement Board master file; Internal Revenue Service name, and address file.

Systems exempted from certain provisions of the act:

None.

SSA PO RSI 0975.05

System name:

Program Integrity Case Files HEW SAA.

Security class:

None.

System location:

Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235, and its program centers (see Appendix A—FEDERAL REGISTER, Sept. 20, 1976 page 41048).
Bureau of Disability Insurance, Baltimore, Maryland 21231, its regional office locations (see Appendix B—FEDERAL REGISTER, Sept. 20, 1976, page 41048).
Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235, or the Health Insurance Regional Office locations (see Appendix C—FEDERAL REGISTER, Sept. 20, 1976. page 41053).
Office of Management and Administration, Quality Assurance Field Staffs, 6401 Security Boulevard, Baltimore, Maryland, 21235 (see Appendix D-4—FEDERAL REGISTER, Sept. 20, 1976, page 41059). or the Supplemental Security Income Regional Office locations (see Appendix D—FEDERAL REGISTER, Sept. 20, 1976, page 41058).

Categories of individuals covered by the system:

Persons suspected of having violated the criminal provisions of the Social Security Act where substantial basis for criminal prosecution exists, and defendants in criminal prosecution cases.

Categories of records in the system:

Information maintained in each record includes the identity of the suspect, the nature of the alleged offense, documentation of the investigation into the alleged offense, and the disposition of the case by the Social Security Administration or the United States Attorney.

Authority for maintenance of the system:

Sections 206, 208, 221, 222, 1106, 1107, 1631(d)(3), 1632, 1633, 1816, 1842, 1872, 1974, 1976, 1877 of the Social Security Act, and sections 413 and 427 of the Federal Coal Mine Health and Safety Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material in this system of records is routinely used by SSA staff to determine if a violation of the penal provisions of the Social Security Act or related provisions of the United States Code has been committed. If so, such material is used as the basis for referral of the case to the Department of Justice for consideration of prosecution, and is disclosed to that agency. The material is also used to determine the direction of investigatio of potential fraud situations, which includes contact with third parties for the purpose of establishing or negating a violation. Some such information is disclosed to officers or employees of State governments as well as the CHAMPUS program for use in conducting investigations of possible fraud or abuse against the title XIX or CHAMPUS programs, as well as States Attorneys in connection with State programs involving the Social Security Administration. Cases involving fraudulent tax returns or forgery of social security checks are disclosed to the Treasury Department. (See also 45 CFR, Part 5B). *Disclosure may also be made to: The U.S. Postal Service for investigating alleged forgery or theft of social security checks; State and local police authorities for the purpose of investigating the loss, theft, and/or forgery of Medicare checks;* to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual system, records maintained in manila folders and stored in filing cabinets.

Retrievability:

Records are indexed and retrieved by social security number or by name of the subject of the investigation. The information in this record system pertains to suspected violations and fraud investigations. Cases may move through several levels of the Social Security Administration organization at the district, regional and/or central office locations during the course of documenting a suspected fraudulent situation.

JUN 29 77 UM

Safeguards:

Records are maintained in locked filing cabinets and are accessed only by employees with a job-related need for the information.

Retention and disposal:

Records may be retained 3–6 years after final disposition of the case. At the end of the retention period, the records are destroyed by shredding. (Supplemental security income cases are scheduled for 6 year retention, all others 3 years; once experience has been gained with the former types of cases, it may be possible to reduce it to 3 years.)

System manager(s) and address:

Director, Office of Quality Assurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Disability Insurance, Baltimore, Maryland 21241.

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

An individual can determine if this system contains a record pertaining to him by requesting such information in writing from the appropriate program service center for retirement and survivors cases (see Appendix A); Bureau of Disability Insurance for disability, black lung, or Supplemental Security Income disabled or blind cases; the appropriate Health Insurance Regional Offices for health insurance cases (see Appendix C); or the appropriate Quality Assurance Field Staff for supplemental security income cases (see Appendix D3). The request should include the individual's name and social security number, any social security number on which he has filed for or received benefits, the type of such claim, and current claim status. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

Per 5 United States Code 552a(k)(2), the records in this system are exempt from access by the individual named in the records. However, access to information which is a matter of public record or documents furnished by the individual will be permitted.

Contesting record procedures:

Same.

Record source categories:

The information contained in this record system is the result of criminal investigation and may be derived from such sources as the suspect, witnesses, or Social Security Adminstration employees with a knowledge of the case.

Systems exempted from certain provisions of the Act:

Exemption of this system to the access provisions is claimed under section k(2) of the Privacy Act inasmuch as these records are investigatory materials compiled for program (law) enforcement in anticipation of a criminal proceeding. (See page 47413 of FEDERAL REGISTER of 10–8–75, Vol. 40, No. 196, Part V.)

SSA PO DI 0275.03

System name:

Initial and Continuing Disability Determination File HEW SSA.

Security classification:

None.

System location:

Each Disability Determination Services office. The name and address for each State is shown in Appendix B.

Categories of individuals covered by the system:

Applicants for disability insurance and black lung benefits and applicants for Supplemental Security Income alleging a disability on whom the Disability Determination Services had made an initial determination and all such beneficiaries on whom the Disability Determination Service has made a determination of continuance (or noncontinuance) of disability.

Categories of records in the system:

Name and social security number of wage earner, claimant's name and address, sex, date of birth, race, marital status, number of children (if applicable), alleged onset date of disability, diagnosis, beginning and ending of prescribed period of disability, quarters of coverage under Social Security Act, basis for determination, vocational background information, number of years in occupation, education level, reexamination date (if applicable), and date of application. Also, name and title of persons making or reviewing the determination, and certain administrative data. These records are snap-out type forms having multiple carbon copies. One of these copies, designated as the "State Agency Copy" is retained by the Disability Determination Service (formerly known as State agencies).

Authority for maintenance of the system:

5 U.S.C. 301, 30 U.S.C. 923(b) Sections 221, 1633, or 1634 of the Social Security Act, and 42 U.S.C. 421, 1833, 1934 under which each State may enter into an agreement with the Secretary of Health, Education, and Welfare to make determinations as to disability with respect to individuals within that State.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Disability Determination Services claims personnel after the claims file itself has left the possession of the Disability determination Service, for responding to subsequent inquiries from the claimant, a treating physician, or a component of the Social Security Administration.

b. *State Vocational Rehabilitation agency or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d.*

c. State audit agencies utilizing this information for verifying proper expenditure of Federal funds by the State in support of the Disability Determination Service (DDS).

d. *Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits, or verifying other information with respect thereto.*

e. *Railroad Retirement Board for administering the Railroad Unemployment Contributions Act.*

f. Congressional offices from the record of an individual response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Carbon copies of Forms SSA–831 and SSA–833 are maintained in sectionalized files.

Retrievability:

Filed by social security number or alphabetically by the claimant or beneficiary's name depending on Disability Determination Service preference.

Safeguards:

Accessible only to Disability Determination Service personnel and subject to the restrictions on disclosures under 5 U.S.C. 552(b)(6), 21 U.S.C. 1175, 42 U.S.C. 1306.

Retention and disposal:

May vary from State to State according to the preference, but generally each State destroys its files over a period varying from 6 months to 36 months unless held in an inactive storage under security measures for a longer period.

System manager(s) and address:

Assistant Regional Commissioner, Disability Insurance, at the address shown in Appendix B, *Federal Register, September 20, 1976, page 41049.*

Notification procedure:

Disability Determination Services Administrator, Disability Determination Services, c/o State in which the individual resides and/or information is likely to be maintained. See Appendix B, *Federal Register, September 20, 1976, page 41049.* Requester should furnish

identifying information: name, social security number, address. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

These records summarize information contained in the file Folder, which was obtained from the individual or someone acting on the individual's behalf and from the individual's physician, or a physician performing a consultative examination or from hospitals and other treatment sources.

Systems exempted from certain provisions of the act:

None.

SSA HI INT 0175.04

System name:

Intermediary Medicare Claims Records HEW SSA.

Security classification:

None.

System location:

Intermediaries under contract to the Social Security Administration (see Appendix C. *Section 3, Federal Register, September 30, 1976, page 41053*).

Categories of individuals covered by the system:

Recipients of Part A (hospital insurance) Medicare services.

Categories of records in the system:

Inpatient hospital and extended care admission and other health services; inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing, and other documents used to support payments to providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, provider name, physician's name, date of admission and discharge, other health insurance and a statement of services rendered.

Authority for maintenance of the system:

Sections 1816 and 1874 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

b. Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

e. The United States Postal Service for investigating alleged forgery or theft of social security checks.

f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

g. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

h. Professional Standards Review Organization for utilization review (PSRO).

i. State Licensing Boards for review of unethical practices or nonprofessional conduct.

j. Providers and suppliers of services directly dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

k. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

l. State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments *for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for quality control studies and for determining eligibility of grants-in-aid recipients under titles IV and XIX of the Social Security Act.*

m. A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

n. State audit agencies in connection with the audit of Medicaid eligibility considerations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained on paper forms, magnetic tape and microfilm.

Retrievability:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The paid bills are forwarded to the Social Security Administration, Bureau of Data Processing, Baltimore, Maryland, where they are microfilmed and used to assist in responding to individual inquiries.

Safeguards:

Disclosure of records is limited. The file area is closed to unauthorized personnel.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to Federal Records Center and destroyed after another 6 years.

System manager(s) address:

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the social security office nearest the requester's residence (see *Appendix F, Federal Register, September 20, 1976, page 41062*), or to

JUN 29 77
UM

the Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

Systems exempted from certain provisions of the act:

None.

SSA HI CAR 0175.05

System name:

Carrier Medicare Claims Records HEW SSA.

Security classification:

None.

System location:

Carriers under contract to Social Security Administration (See Appendix C, *section 4, Federal Register, September 20, 1976, page 41056*).

Categories of individuals covered by the system:

Recipients of Part B (Supplementary Medical) Medicare benefits.

Categories of records in the system:

Request for Payment; Provider Billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

b. Third-party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capacity to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third-party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. The Treasury Department for investigation alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

e. The United Staes Postal Service for investigating alleged forgery or theft of social security checks.

f. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

g. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

h. Professional Standards Review Organization for utilization review (PSRO).

i. State Licensing Boards for review of unethical practices or nonprofessional conduct.

j. Providers and suppliers of services directly dealing through fiscal intermediaries or carriers for administration of provisions of the title XVIII.

k. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

l. State welfare departments pursuant to agreements with the Social Security Administration for administration of State supplementation payments *for determinations of eligibility for Medicaid. for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, and for quality control studies and for determining eligibility of grants-in-aid recipients under titles IV and XIX of the Social Security Act.*

m. A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

n. State audit agencies in connection with the audit of Medicaid eligibility considerations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained on paper.

Retrievability:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by the carriers to determine amount of and entitlement to Part B benefits. The bills are retained by the carriers. The record is also used to update the Part B Physician/Supplier 25,000 listing. Disclosures of physician's customary charge data are made to state audit agencies in order to ascertain the correctness of Title XIX charges and payments.

Safeguards:

Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal:

Close out at the end of the calendar year in which paid, two additional years, transferred to Federal Records Center and destroy after another two years.

System manager(s) and address:

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office or to Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235. The individual should furnish his or her health insurance claim number and as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record access procedures:

The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office or from Social Security Administration, Bureau of Health Insurance, Health Insurance Inquiries Branch, Baltimore, Maryland 21235.

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record source categories:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

Systems exempted from certain provisions of the act:

None.

SSA PO RSI 0175.06

System name:

Claims Folders and Post-Adjudicative Records of Applicants and Beneficiaries for Social Security Administration Benefits HEW SSA.

Security class:

None.

System location:

Retirement and Survivors Insurance Claims; Claims folders are maintained primarily in the Retirement and Survivors Insurance Program Service Centers and the Division of International Operations (see Appendix A). Disability Insurance Claims; Bureau of Disability Insurance (see Appendix B) or Division of International Operations (see Appendix A), Black Lung Claims; Bureau of Disability Insurance (see Appendix B). Supplemental Security Income Claims: Claims for benefits based on age—Retirement and Survivors Insurance Program centers (see Appendix A). Claims for Disability or Blind Benefits—Bureau of Disability Insurance (see Appendix B). In addition, claims folders are transferred to numerous other locations throughout the Social Security Administration, and infrequently may be temporarily transferred to other Federal agencies (Department of Justice, or Office of the General Counsel, Department of Health, Education, and Welfare). The disability claims folders are also transferred to State agencies for disability and vocational rehabilitation determinations (see Appendix B). The claims folders are generally set up in district or branch offices when claims for benefits are filed. They are retained there until all development has been completed, then are transferred to the appropriate reviewing office as set out above. Supplemental security income claims folders are held in district or branch offices pending establishment of a payment record, or until the appeal period, in a denied claim situation, has expired. The folders are then transferred to the reviewing office. For district or branch office information, see Appendix F. Appendixes A, B, and F were last published in the FEDERAL REGISTER on September 20, 1976, volume 41, number 183, page 41048ff.

Categories of individuals covered by the system:

Claimants for retirement, survivors, disability, health insurance, or black lung benefits or supplemental security income payments.

Categories of records in the system:

The claims folder is established when a claim for benefits is filed. It contains applications for benefits, earnings record information established and maintained by the Social Security Administration, documents supporting factors of entitlement and continuing eligibility, payment documentation, and correspondence to and from claimants and/or representatives. It may also contain data collected as a result of inquiries or complaints; and evaluation and measurement study of effectiveness of claims policies. Separate files may be maintained of certain actions which are entered directly into the computer processes. These relate to report of changes of address, work status, and other post-adjudicative reports.

Authority for maintenance of the system:

Payment of benefits is directed by the following sections: Section 202(a)–(1), 223, 226, 228, and 1611 of the Social Security Act and Section 411 of the Federal Coal Mine and Health Safety Act.

Routine uses of records maintained in the system, including categories of user and the purposes of such use

Routine uses for disclosure may be to:

a. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

b. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representatives payees or payee applicants.

c. A person (or persons) on the rolls when a claim is filed by an individual which is adverse to the person on the rolls; that is:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; only for information concerning the facts relevant to the interests of each party in a claim.

d. Employers or former employers for correcting or reconstructing earnings records and for social security tax purposes only.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including social security number verification services), for investigating alleged theft, forgery, or unlawful negotiation of social security checks, and for purposes of garnishment to provide child support or alimony in accordance with a properly executed garnishment action in accordance with 47 U.S.C. 659.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad

JUN 29 1977 UM

Retirement and Social Security Act relating to railroad employment *and for administering the Railroad Unemployment Insurance Act.*

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act.

l. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

m. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earnings.

n. The Civil Service Commission for study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

o. State social security administrators for administration of agreements pursuant to section 218 (State and local).

p. State welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes only.

q. State Welfare Department pursuant to agreements with the Social Security Administration for administration of State supplementation payments, for determinations of eligibility for Medicaid per section 1634, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies and determining eligibility of grants-in-aid recipients under Titles IV and XIX of the Social Security Act, and for conducting independent quality assurance reviews of supplemental security income recipient records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

r. State Vocational Rehabilitation agency, or State crippled children's service agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382 d.

s. State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

t. Professional Standards Review Organizations (PSRO) and State Licensing Boards for review of unethical practices or nonprofessional conduct as provided in section 1165.

u. Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

v. Private medical and vocational consultants for use in making preparation for, or evaluating the results of, consultative medical examinations or vocational assessments which they were engaged to perform by the Social Security Administration or a State agency acting in accord with sections 221 or 1633.

w. Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure.

x. Specified business and other community members and Federal, State, and local agencies for verification of eligibility for benefits under section 1631(e).

y. Institutions or facilities approved for treatment of drug addicts or alcoholics as a condition of the individual's eligibility for payment under section 1611e and as authorized by regulations issued by the Special Action Office for Drug Abuse Prevention.

z. Contractors under contract to the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

aa. Applicants, claimants, prospective applicants or claimants, other than the data subject, their authorized representative or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

bb. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

cc. State audit agencies for verifying proper expenditures of Federal funds by the State in support of the Disability Determination Service (DDS).

dd. The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Claims folders are maintained in file cabinets by service area as set out in Location above.

Retrievability:

Filed in numerical sequence by social security number. The folders are used throughout the Social Security Administration for the purposes of determining, organizing, and maintaining documents for making normal determinations as to eligibility to benefits, the amount of benefits, reviewing containing documents for making normal administrative review processes, and to ensure that proper adjustments are made based on events affecting entitlement. The folder may be referred to State Disability Determination Sections or Vocational Rehabilitation Agencies in disability cases. They may also be used for quality review, evaluation, and measurement studies, and other statistical and research purposes.

The claims folder constitutes the basic record for payments and determinations under the Social Security Act and the Federal Coal Mine Health and Safety Act (black lung). Data are used to produce and maintain the master beneficiary record system (see Systems Notice) which is the automated payment system for retirement, survivors, and disability benefits; the supplemental security income automated system for the aged, blind, and disabled payments; the black lung payment process for black lung claims; and the Health Insurance and Billing and Collection Master record system for Hospital and supplementary medical (medicare) insurance benefits.

Tsis paper file is controlled by the Social Security Administration Claims Control System while the claim is pending development for adjudication in the district or branch office, and by the Case Control System once the folder has been transferred to the reviewing office (program centers, Division of International Operations, or the Bureau of Disability Insurance).

Safeguards:

Claims folders are protected through limited access to Social Security Administration records, limited employee access to need to know. All employees are instructed in Social Security Administration confidentiality rules as a part of their initial orientation training.

Retention and disposal:

The claims folder is maintained in the reviewing office until the social security number becomes inactive (no one is entitled to benefits). It is then transferred for storage to the Federal Archives and Records Center to await destruction based on predetermined destruction dates; 5-year retention-no record of surviving potential beneficiaries; 20-year retention-withdrawn claims, claims disallowed or lump-sum death payments only; and 55-year retention-potential future claimants indicated in the file. When a subsequent claim is filed on the social security number the claim is recalled from the Records Center. Similarly, the claims files may be recalled from the Records Center at any time by the Social Security Administration as necessary in the administration of the social security programs.

System manager(s) and address:

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau og Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Disability Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Director, Bureau of Health Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Contact the most convenient social security office (see Appendix F for address and telephone information).

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notifications and access procedures are in accordance with Department Regulations (45 CFR 5b.6) FEDERAL REGISTER, October 8, 1975, page 47410.)

Record access procedures:

In order to find out if this system contains information about him, an individual may contact the most convenient social security office in person or in writing. The inquirer should provide his name, social security number, identify the type of claim he filed (retirement, survivors, disability, health insurance, black lung, special minimum payments, or supplemental security income) (if more than one claim was filed, each should be identified); whether he is or has been receiving benefits; whether payments are being received under his own social security number, and if not, the name and social security number under which received; if benefits have not been received, the approximate date and place the claim was filed; and his return address or his telephone number.

Contesting record procedures:

If upon review of the record, the individual wishes to contest any part of it, he may do so at the same office where he accessed the record. Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Sec. 5b.7, FEDERAL REGISTER, October 8, 1975, page 47411).

Record source categories:

This information is obtained from the claimants, accumulated by the Social Security Administration from reports of employers or self-employed individuals, various local, State, and Federal agencies, claimant representatives and other sources to support factors of entitlement and continuing eligibilities.

Systems exempted from certain provisions of the Act:

None.

SSA PO RSI 0275.05

System name:

Master Beneficiary Record HEW SSA.

Security classification:

None.

System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Categories of individuals covered by the system:

All social security beneficieries currently entitled to receive retirement, survivors, disability, and special minimum social security benefits; records for beneficiaries whose entitlement has been terminated because of a termination event as defined in the Social Security Act; and denied and disallowed cases.

The master beneficiary data contains data applicable to all beneficiaries maintained on the record within a particular account and reflects the social security number under which benefits are awarded, the primary insurance amount (insured) or quarters of coverage required and earned (uninsured); provides information regarding benefit computation, insured status, use of railroad or military credits, and information for statistical and control purposes; contains the effective date of onset of disability for disability cases or date and proof of death for death cases; contains information pertinent to all beneficiaries receiving payment on the record and the name and address (including ZIP Code) of the payee, the servicing social security district office code and the amount of the monthly check payable; reflects any special status of a payment being made; contains statistical and identifying information for each individual on the record such as the beneficiary subscript, beneficiary name, date of birth, date of entitlement, sex, race, and benefit payment status; contains information for those beneficiaries enrolled in the health or supplemental medical insurance provision of the Social Security Act; contains information relating to annual reports of earnings, representative payee data, and cross-reference data pertinent to any other account on which the beneficiary may be entitled to benefits; and a chronological sequence of payment history for each beneficiary. The records may be in the following form. Master Beneficiary Record Computer File; Online Data Base (Query and Response); Various Microform Files as follows: Master File—a master record in account number order, Alpha File—an alphebetic list of beneficiaries, Transaction File—monthly supplement (accretions, deletions, and changes) to the master file, in account number order, Offline Query and Response, Treasury Payment Tape Files and Related Transaction Files, Various One-Time Work Tape Files used in computer sorting of records and in subsystems processing of the master beneficiary records. After use they are returned to stock, Payment Reference Listing.

Authority for maintenance of the system:

Payment of benefits is directed by the following sections: Sections 202a–i, 223, 226, 228, and 1611 of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Routine uses for disclosure may be to:

a. Applicants or claimants, prospective applicants or claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue social security claims and receive and account for benefit payments.

b. Third party contacts by the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have, information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the social security programs when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under a social security program; the amount of a benefit payment; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement system activities.

c. Third party contacts by the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

d. A person (or persons) on the rolls when a claim is filed by another individual which is adverse to the person on the rolls:

(1) An award of benefits to a new claimant precludes an award to a prior claimant; or

(2) An award of benefits to a new claimant will reduce the benefit payments to the individual(s) on the rolls; but only for information concerning the facts relevant to the interests of each party in a claim.

e. The Treasury Department for collecting social security taxes or as otherwise pertinent to tax and benefit payment provisions of the Social Security Act (including social security number verification services) and for investigating alleged theft, forgery, or unlawful negotiation of social security checks.

f. The United States Postal Service for investigating alleged forgery or theft of social security checks.

JUN 29 77
UM

g. The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

h. The Department of State and the Veterans' Administration Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agencies.

i. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment *and for administering the Railroad Unemployment Insurance Act.*

j. The Veterans' Administration for the purpose of administering 38 U.S.C. 412 (special payments to certain survivors of uninsured persons who die after 1956 while on active duty, active duty for training, or inactive duty training, or who die after 1956 due to a service-connected disability incurred after September 15, 1940).

k. The Bureau of Census when it performs as a collecting agent or data processor for research and statistical purposes directly relating to the Social Security Act.

l. The Department of the Treasury, Office of Tax Analysis, for studying the effects of income taxes and taxes on earning.

m. The Civil Sevice Commission for the study of the relationship of civil service annuities to minimum social security benefits, and the effects on the trust fund.

n. State social security administrators for administration of agreements pursuant to section 218 (State and local).

o. State Welfare Departments for administering Sections 205(c)(2)(B)(i)(II) and 402(a)(25) of the Social Security Act requiring information about assigned social security numbers for Aid to Families with Dependent Children program purposes and for determining a recipient's eligibility under the AFDC and Medicaid programs.

p. Energy Resources Development Administration for their study of the long-term effects of low-level radiation exposure. (See also 45 CFR, Part 5b).

q. A congressional office for the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

r. Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

s. *Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic tape, magnetic disk, microfilm, and paper.

Retrievability:

Based on social security number on magnetic tape, microfilm readers and printers, listings, and online computer terminals. Master beneficiary record data are used by a broad range of social security employees for responding to inquiries, generating followups on beneficiary reporting events, computer exception processing, statistical studies, conversion of benefits, and to generate payment records for Treasury. Data are channelled from this system to State Welfare Department's, with consent of the individual, for Aid to Families with Dependent Children program purposes; and data are received from States regarding health insurance third party premium payment/buy-in information.

Safeguards:

All magnetic tapes and discs are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized personnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock passwork system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal:

Magnetic tape records are used to update the disc files and then are retained up to 90 days; the majority of magnetic tape reels are erased and returned to stock after processing is completed, while the disc files are continuously updated and retained indefinitely. Microfilm is disposed of by shredding after periodic replacement of a complete file. Paper records are usually destroyed after use, by shredding, except where needed for documentation of the claims folder, in which case they are retained therein indefinitely (see notices for claims folders and post-adjudicative records of applicants and beneficiaries for social security benefits).

System manager(s) and address:

Director, Bureau of Retirement and Survivors Insurance, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Contact the most convenient social security office (see Appendix F). The social security claim number (social security number plus alphabetic symbols), and name and address must be furnished with proper identification. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.).

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The information for the master beneficiary record comes primarily from the claims folder and/or is furnished by the beneficiary at the time of filing for benefits, via the application form and necessary proofs, and during the period of entitlement when notices of events such as changes of address, work, marriage, are given the Social Security Administration by the beneficiary; from States regarding health insurance buy-in cases.

Systems exempted from certain provisions of the act:

None.

SSA PO SSI 0175.05

System name:

Supplemental Security Income Record HEW SSA.

Security class:

None.

System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235, District Offices, Branch Offices and BSSI Regional Offices, (See Appendixes D and F in the FEDERAL REGISTER, September 20, 1976, pages 41058 ff, and pages 41062 ff.)

Categories of individuals covered by the system:

This file contains a record for each aged, blind, or disabled individual who has applied for supplemental security income payments.

Categories of records in the system:

This file contains data regarding eligibility, citizenship, residence, eligibility for other benefits, alcoholism or drug addiction data (if applicable), income data, resources, payment amounts and living arrangements for all persons who have applied for SSI payments.

Authority for maintenance of the system:

Section 1631 of title XVI of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information from this file is used by the Treasury Department to prepare supplemental security income benefit checks, and by the States to establish the minimum income level for computation of State supplement. Minimum information necessary to identify SSI applicants and recipients to the following Federal and State agencies for their use in preparing information for verification of eligibility for benefits under section 1631(e): Bureau of Indian Affairs; Civil Service Commission; Department of Agriculture; Department of Labor; Immigration and Naturalization Service; Internal Revenue Service; Railroad Retirement Board; State Pension Funds; State Welfare Offices; State Workmen's Compensation; Department of Defense; United States Coast Guard; and, Veterans Administration. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual; State Vocational Rehabilitation agency, or State crippled children's agency (or another agency providing services to disabled children) for the consideration of rehabilitation services per 42 U.S.C. 422 and 1382d; Contractors under contract to the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act; State audit agencies for auditing State supplementation payments and Medicaid eligibility consideration. *The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto; the Railroad Retirement Board for administering the Railroad Unemployment Insurance Act.*

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Magnetic Tape, microfiche.

Retrievability:

Magnetic tape and Microfiche indexed by social security number. Supplemental security income records begin in the social security district office where an individual files an application for supplemental security income payments. This application contains data which may be used to prove the identity of the applicant, determine his eligibility for SSI payments and in cases where eligibility is determined, to compute the amount of the payment. Information from the application in addition to data used internally to control and process SSI cases is used to create the Supplemental Security Income Record. The Supplemental Security Income Record is also used as a means of providing a historical record of all activity on a particular individual. In addition, statistical data is derived from the Supplemental Security Income Record for actuarial and management information purposes.

Safeguards:

All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving that enclosure must have special badges which are only issued to authorized personnel. All authorized personnel having access to the magnetic tape records are subject to the penalties of the Privacy Act. The microfiche are stored in locked *cabinets.*

Retention and disposal:

Original input transaction tapes received which contain initial claims and posteligibility actions are retained indefinitely although these are processed as received and incorporated into processing tapes which are updated to the master supplemental security income tape file on a monthly basis. All magnetic tapes appropriate to SSI information furnished specified Federal, State, and local agencies for verification of eligibility for benefits and under section 1631(e) are retained, in accordance with the Privacy Act accounting requirements, for at least 5 years or the life of the record, whichever is longer.

System manager(s), and address:

Director, Bureau of Supplemental Security Income, 6401 Security Boulevard, Baltimore, Maryland 21235.

Social Security District Offices and Branch Offices (See Appendix F).

Notification procedure:

Social Security District Offices and Branch Offices (See Appendix F).

An individual who requests notification of or access to a medical record shall, at the time the request is made, designate a responsible representative in writing who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR Sec. 5b6 FEDERAL REGISTER, October 3, 1975, page 47411)).

Record access procedures:

Same. Same as notification procedures. Requesters should also reasonably specify the record contents being sought.

Contesting record procedures:

Same. Contact the system manager at the address specified under Notification Procedure above: reasonably identify the record and specify the information to be contested, in accordance with Department Regulations, FEDERAL REGISTER, October 8, 1975, page 47411 (45 CFR Sec. 5b7).

Record source categories:

The information contained within the Supplemental Security Record is obtained for the most part from the applicant for SSI payments and is derived from the claims folder.

Systems exempted from certain provisions of the act:

None.

SSA PO DP 0275.04

System name:

Earnings Recordings and Self-Employment Income System HEW SSA.

Security classification:

None.

System location:

Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Categories of individuals covered by the system:

Any person who has been issued a social security number and who may or may not have earnings under social security or self-employment income.

Categories of records in the system:

This contains records of all social security number holders, their name, date of birth, sex, race, a summary of their yearly earnings, quarters of coverage, special employment codes (i.e., self-employment, military, agriculture, and railroad, benefit status and employer identification).

Authority for maintenance of the system:

Section 205(a) of the Social Security Act and section 205(c)(2) of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security tax purposes; the Treasury Department a. for collection of social security taxes; b. for verification of taxpayers' identification numbers; c. for administering or identifying violations of the Social Security Act, the Federal Insurance Contributions Act, the Self-Employment Contributions Act, and the Federal Unemployment Tax Act; d. for administering or investigating violations

JUN 29 77
UM

of any Federal income tax law; e. for investigating alleged theft, forgery, or unlawful negotiation of social security checks; and f. for Office of Tax Analysis studies of the effects of income taxes and taxes of earnings; the Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment *and for administering the Railroad Unemployment Insurance Act;* the Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act; the Department of Justice (Immigration and Naturalization Service) for the identification and location of aliens; The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for national security matters and in connection with threats on the life of the President or other dignitaries; State Departments of Public Welfare for quality control studies of grants-in-aid recipients; Energy Research and Development Administration for their study of the long-term effects of low-level radiation exposure; the Department of Labor for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act and for studies of the effectiveness of training programs to combat poverty, a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual. The Department of State and the VA Regional Office Philippines for administering provisions of the Social Security Act in foreign countries through facilities and services of those agences. The Veterans Administration for validation of the social security numbers of compensation/pensioners in order to provide the release of accurate pension/compensation data by the Veterans Administration for social security program purposes.

The Veterans Administration of information requested for purposes of determining eligibility for or amount of VA benefits or verifying other information with respect thereto.

State audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records in this system are maintained as paper forms, paper lists, punchcards, microfilm and magnetic tape files.

Retrievability:

Records in this system are indexed by social security number and name. This information is used for the following purposes: As a primary working record file of all social security number holders; as a quarterly earnings record detail file to provide full data in wage investigation cases; to provide information for determining amount of benefits; to record all incorrect or incomplete earnings items; to reinstate incorrectly or incompletely reported earnings items; to record the latest employer of a wage earner; for statistical studies; for identification of possible overpayments of benefits; for identification of individuals entitled to additional benefits; workers and self-employed individuals in the form of earnings statements or quarters of coverage statements; to provide information to Social and Rehabilitation Service/Health, Education and Welfare for locating deserting parents; to provide information to Health, Education and Welfare Audit Agency for auditing benefit payments under social security programs; to provide information to National Institute of Occupational Safety and Health for epidemiological research studies required by the Occupational Health and Safety Act of 1974; to provide information to Social and Rehabilitation Service (HEW) for administering Cuban refugee assistance payments.

Safeguards:

All magnetic tapes are within an enclosure attended by security guards. Anyone entering or leaving this enclosure must have special badges which are issued only to authorized peronnel. All microfilm and paper files are accessible only by authorized personnel with a need to know. For computerized records, electronically transmitted between Central Office and field office locations (including organizations administering SSA programs under contractual agreements), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal:

All paper forms and cards are retained until they are filmed or are entered on tape and the accuracy verified, then they are destroyed by shredding. All tapes and microfilm files are updated periodically. The out of date magnetic tapes are erased. The out of date microfilm is shredded.

System manager(s) and address:

Director, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Notification procedure:

Any individual may present a request for information as to whether this system contains records pertaining to himself by providing his social security number, name, signature, or other personal identification and referring to this system to Assistant Bureau Director, Systems, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Maryland 21235.

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) Federal Register, October 8, 1975, page 47410.)

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) Federal Register, October 8, 1975, page 47411.)

Record source categories:

Social security number applicants, employers, self-employed individuals, Department of Justice (Immigration and Naturalization Service), Department of Treasury (Internal Revenue Service) master beneficiary record of Social Security Administration.

Systems exempted from certain provisions of the act:

None.

[FR Doc.77-18448 Filed 6-23-77;2:22 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT DIVISION OF MANAGEMENT SERVICES NEVADA STATE OFFICE

Redelegation of Authority

Pursuant to the authority contained in section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action under section 2.6(k) as to mining claim instruments filed for record with BLM under 43 CFR 3833, as follows: (1) Accept and record instruments meeting recording requirements; (2) Notify owners to take curative actions to complete defective filings; (3) Reject instruments and void claims not filed within the prescribed time periods; and (4) Reject filings and void claims located on lands not available for mineral location on dates of location.

Dated: June 9, 1977.

Roger J. McCormack,
Acting State Director, Nevada.

Approved: June 20, 1977.

George L. Turcott,
Associate Director.

[FR Doc.77-18571 Filed 6-28-77;8:45 am]

[U-33711]

UTAH

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 43 Stat. 1272, as amended and supplemented, 43 U.S.C. 315(g) (1964), the following described lands have been reconveyed to the United States:

Salt Lake Meridian, Utah

T. 12 N., R. 7 E.
Sec. 27, NW¼SW¼NE¼, SE¼NW¼.
Containing 50 acres in Rich County.

2. The subject lands are located in the northeast corner of Utah. Access to the area is by State Highway 16 approximately six miles northeast of the town of Randolph. Vegetation consists primarily of forage hay and small grains which are fed to locally raised livestock. In the past, the lands have been used for livestock grazing purposes, and they will be managed, together with adjoining public lands, for multiple use.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open to operation of the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10:00 a.m. August 29, 1977, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Paul L. Howard,
State Director.

[FR Doc.77-18572 Filed 6-28-77;8:45 am]

Bureau of Reclamation

COLORADO RIVER BASIN SALINITY CONTROL ADVISORY COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of a meeting of the Colorado River Basin Salinity Control Advisory Council at 8:30 a.m. on July 15, 1977, at the Environmental Protection Agency Region IX offices, Conference Room B, 100 California Street, San Francisco, California.

Purpose of Meeting. Council members will be briefed on the status of salinity control activities, and will discuss Colorado River Basin Total Water Management studies and future program and funding requirements for salinity control activities.

Proposed Agenda. The Bureau of Reclamation and Soil Conservation Service will each present a progress report on the salinity control activities in the Colorado River Basin. The Council will discuss proposed Total Water Management studies in the Colorado River Basin and future program and funding requirements for Colorado River Basin salinity control activities.

The meeting of the Advisory Council is open to the public.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council chairman may allow public presentation of oral statements at the meeting.

All communications regarding this meeting should be addressed to Mr. John W. Keys, Chief, Colorado River Water Quality Office, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, Denver, Colorado 80225.

Dated: June 22, 1977.

R. Keith Higginson,
Commissioner of Reclamation.

[FR Doc.77-18529 Filed 6-28-77;8:45 am]

Bureau of Land Management

[NM 30636 AND 30637]

NEW MEXICO

Applications

June 21, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for two plant sites across the following lands:

New Mexico Principal Meridian, New Mexico

T. 24 S., R. 26 E.,
Sec. 35, SW¼SW¼.
T. 23 S., R. 31 E.,
Sec. 24, SW¼SW¼.

The plant sites will occupy 1.11 acres of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18608 Filed 6-28-77;8:45 am]

[NM 30931 and 30932]

NEW MEXICO

Applications

June 21, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridan, New Mexico

T. 20 S., R. 33 E.,
Sec. 30, SE¼NW¼;
Sec. 31, SE¼NW¼.
T. 19 S., R. 34 E.,
Sec. 7, S½NE¼;
Sec. 8, SW¼NE¼ and S½NW¼.

These pipelines will convey natural gas across 1.304 miles of public lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18609 Filed 6-28-77;8:45 am]

[NM 30941 and 30942]

NEW MEXICO

Applications

June 22, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 28 N., R. 8 W.,
Sec. 3, W½SE¼.
T. 30 N., R. 8 W.,
Sec. 33, E½SE¼.

These pipelines will convey natural gas across 0.219 of a mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Fred E. Padilla,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18610 Filed 6-28-77;8:45 am]

Fish and Wildlife

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have ben received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, Don D. Farst, Director.

JUN 29 1977 UM

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Permit to move one pair of Jaguar to Monterrey, N.L., Mexico as a gift from Gladys Porter Zoo to the Monterrey Zoo.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Gladys Porter Zoo
500 Ringgold Street
Brownsville, Texas 78520
(512) 546-7187

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING.
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Gladys Porter Zoo is a public facility owned by the City of Brownsville, Texas, and operated by the Valley Zoological Society. The Monterrey Zoo is a public zoo operated by the municipal government of Monterrey, N.L., Mexico.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Don D. Farst, D.V.M., Zoo Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Texas

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Brownsville, Texas
to Monterrey, N. L. Mexico

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
PRT 2-192 AQ

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
N/A

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
Immediately

11. DURATION NEEDED
Until completed.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF SUBCHAPTER B UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) Don D. Farst — DATE 5/13/77

3-200 16-734 GPO 870-042

SUPPLEMENTAL ATTACHMENT FOR ENDANGERED SPECIES PERMIT

GLADYS PORTER ZOO, BROWNSVILLE, TEX.

50 CFR 17.22

1. This permit is requested for the purpose of moving one male and one female Jaguar (*Panthera onca*) from the Gladys Porter Zoo to the Monterrey, Mexico, Zoo. Both of these animals were born on April 30, 1976.

2. These animals were both born at the Gladys Porter Zoo, Brownsville, Texas.

3. We wish to move these animals to Monterrey, Mexico, for purposes of breeding and public exhibition so the zoo there does not have to remove any further animals from the wild.

4. The animals were both born in Brownsville, Texas, U.S.A.

5. The Monterrey, Mexico, Zoo is an internationally known zoological park. Their address is Monterrey Zoo, Direccion de Ornato y Forestacion, Parque Espana, Monterrey, N.L. Mexico.

6. (i) The animals will be housed in a chain link enclosure comprising over 400 square feet.

(ii) The Director of the Monterrey Zoo is Armando Gonzalez Lewis, a qualified administrator, and the Zoologist at the zoo is Ramon Jaime. We have been fortunate enough to work with Mr. Jaime and personally know him to be a qualified zoologist and quite capable in caring for Jaguars, both adults and juveniles. He is a professional in the zoo field and quite competent.

(iii) The Monterrey Zoo will participate in an active breeding program and will contribute data to a studbook if one is formed on Jaguars. Their long-range breeding goals include returning Jaguars to their native habitat in Mexico.

(iv) The animals will be transported in individual containers measuring 24 inches wide, 48 inches long, and 36 inches in height. These crates will be metal-lined so that there is no possibility for escape by the animals and the crates will have adequate ventilation. A representative from either the Monterrey Zoo or the Gladys Porter Zoo will accompany the animals which will be transported by truck.

Due to the close proximity of the two cities involved, the transportation should not exceed six hours during which time, it should not be necessary to water or feed the animals. Provisions will be made, however, to feed and water the animals at least once every 12 hours if there should be some unforseen delay during shipment.

(v) The only mortalities of Jaguar at the Monterrey Zoo that I know of in the past five years are two young animals that died from infectious rhinotracheitis in 1975. Since this is an infectious disease caused by a virus, I do not feel that there is evidence of mishandling or mismanagement involved with the deaths of these two animals.

7. A letter from the Director of the Monterrey Zoo, Armando Gonzalez Lewis, is attached stating their agreement to receive this pair of Jaguars.

8. (i) Permission is requested to move one pair of Jaguars from the Gladys Porter Zoo in Brownsville, Texas, to the Monterrey Zoo in Monterrey, N.L., Mexico.

(ii) These animals will be moved by surface carrier.

(iii) The two Jaguars are a gift from the Gladys Porter Zoo to the Monterrey Zoo. The Gladys Porter Zoo currently has three male and three female Jaguars so this pair is not required for our breeding program. The Monterrey Mexico Zoo, at the present time, has no Jaguar and are desirous of staring a breeding program at that zoo.

(iv) These animals will remain at the Monterrey Zoo for the forseeable future and would be moved to another recognized zoological park if the breeding program at the Monterrey Zoo would be terminated.

Most of the major United States zoos have sufficient Jaguars to carry on all breeding programs and, in fact, most U.S. zoos are overpopulated with this species. The Gladys Porter Zoo has instituted a program to control conception so that we do not have births of any more Jaguars until such time as we can dispose of what we consider to be surplus animals. Almost all of the Jaguars in the United States have been born in zoos and U.S. zoos have the capability to produce all of the Jaguars that we could properly house in the forseeable future. Therefore, the permit requested would not hamper or jeopardize the U.S. breeding program and would in fact help the breeding program for this Mexican Zoo.

DON D. FARST,
DVM, Director,
Gladys Porter Zoo.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-877-C07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-18598 Filed 6-28-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 45220, Edward J. Maruska, Director.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R1670

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Exchanging one male Snow Leopard Panthera uncia (captive born) now at San Diego Zoo for one female Snow Leopard Panthera uncia from the Helsinki Zoo, Helsinki, Finland. Purpose of this exchange is to obtain a young female for our breeding program and introduce a new blood line for the Helsinki breeding stock.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Zoological Society of Cincinnati
3400 Vine Street
Cincinnati, Ohio 45220
(513-281-4700)

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Cincinnati Zoo is owned by the City of Cincinnati & managed & operated by the non-profit corporation known as the Zoological Society of Cincinnati. Purpose is for exhibiting animals for public and for conservation, education, & research purposes.
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
(513)
Edward J. Maruska, Director 281-4700
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Ohio

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Zoological Society of Cincinnati, Ohio
in exchange with
Helsinki Zoo, Helsinki, Finland

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number(s))
End. Species Permit No. ES-85
End. Species Permit No. ES-105

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Animals are all captive born

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE
as soon as possible

11. DURATION NEEDED
Permanent exchange

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 13

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink) — DATE May 19, 1977

3-200 16-734

MAY 19, 1977.

Director (FWS/LE),
U.S. Fish and Wildlife Service, Wildlife Permit Office, Washington, D.C.

Dear Sir: The Cincinnati Zoo is applying for an Endangered Species Permit to exchange captive born Snow leopards *Panthera uncia* with the Helsinki Zoo. We would like to send a male born 27 June 1973 in exchange for a female born 12 May 1974 at the Helsinki Zoo.

1. Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit.

One male Snow leopard "Kara" I.S.I.S. Number M9578 born at the Cincinnati Zoo on 27 June 1973. Both parents were wild-caught, with the male I.S.I.S. Number M9575 arriving at the Cincinnati Zoo 21 April 1961 and the female I.S.I.S. Number M9576 arriving at the Cincinnati Zoo 28 March 1963. "Kara" is to be exchanged for a female "Virpi", born 12 May 1974 at the Helsinki Zoo. Parents of "Virpi" are "Charlie" born 6 October 1971 at the Lincoln Park Zoo in Chicago, Illinois, U.S.A., and "Venla", born at the Helsinki Zoo 29 April 1971. Common and scientific names: Snow leopard, *Panthera uncia.*

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.

Attached are copies of correspondence from Dr. Leif Blomqvist of the Helsinki Zoo in which he states the proposed exchange of these animals and correspondence from Mr. Maruska in agreement with this proposal.

3. A full statement of justification for the permit including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

The Cincinnati Zoo is one of the few zoos in this country breeding this lovely and rare species at this time. The pair of snow leopards we now hold at the Zoo are quite old, and we probably have seen the last successful breeding. The male of this pair I.S.I.S. Number M9575 was purchased from Fred J. Zeehandelaar and arrived at the Cincinnati Zoo 21 April 1961, age unknown. The female I.S.I.S. Number M9576 was also purchased from Fred J. Zeehandelaar and arrived at the Zoo 28 March 1963, age unknown. We have been quite successful in propagating this species with five viable births between May 1969 to the present. We have had excellent success with other leopard species. As an example, we have a trio of African leopards *Panthera pardus pardus,* that have produced sixty offspring since 1962, of which 56 survived. We also have a pair of black leopards *Panthera pardus fusca* that have produced seventeen offspring since 1962. Our Persian leopards, *Panthera pardus saricolor,* have produced seven viable births. In all, we have successfully bred 20 of the 36 known species of cats, and our feline collection and successful breeding is world renown.

It is desirable at this time to obtain a young female snow leopard in order to continue our breeding program. We have a male at the Bronx Zoo New York, who has sired cubs, and we are anxious to keep him in this situation. We have a female snow leopard in Columbus, Ohio, on breeding loan. We have two young males in San Diego, and I would be most anxious to exchange one of these males (I.S.I.S. M9578 born 27 June 1973 and I.S.I.S. M9579 born 27 June 1973) for a female from the Helsinki Zoo, since there actually seems to be a preponderance of males in U.S. collections. The remaining male in San Diego would be shipped back to the Cincinnati Zoo for the breeding program with the Helsinki Zoo female. As surplus animals become available through propagation of this species, specimens will be made available to qualified zoological parks that have professed interest in acquiring and propagating this rare species. Upon the demise of any cats in this stock, Dr. Robert J. Izor, Division of Mammals, Field Museum of Natural History, Chicago, Illinois, has expressed interest in obtaining specimens for the Museum.

4. A description and the address of the institution or other facility where the wildlife will be used or maintained.

The female snow leopard will be held at the Cincinnati Zoo. The Zoological Park is owned by the City of Cincinnati and managed and operated by the non-profit corporation known as the Zoological Society of Cincinnati. The postal address is Cincinnati Zoo, 3400 Vine Street, Cincinnati, Ohio, U.S.A. 45220. The telephone number is 513-281-4700.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.

As documented in Mr. Maruska's and Dr. Blomqvist's letters, these animals are captive born.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild.

The animals are zoo born and constitute no drain on the population.

(v) For the five years preceding the date of this application provide a detailed description of all mortalities involving the species covered in the application and held by the

JUN 29 77 UM

applicant, if any (or any other wildlife of the same genus or family held by the applicant), including the causes of such mortalities and the steps taken to avoid or decrease such mortalities.

The following is a list of all our births from the past ten years and all our deaths from the past five years for the genus *Panthera*. This list does not include animals that were born and did not survive.

Species	Births	Deaths (5 yrs)
African Lion, *Panthera leo*	15	1 (Mar. 24, 1972).
Bengal Tiger, *Panthera tigris tigris*	9	1 (June 1974).
Siberian Tiger, *Panthera tigris altaica*	8 (August 1969 to present)	1 (Aug. 27, 1975).
African Leopard, *Panthera pardus pardus*	48 (July 1967 to present)	
Persian Leopard, *Panthera pardus saxicolor.*	11	4 (Sept. 1, 1973, Nov. 30, 1975, Dec. 1, 1975).
Black Leopard, *Panthera pardus fusca*	5 (December 1967 to present)	
Snow Leopard, *Panthera uncia*	5 (May 1969 to present)	1 (Sept. 11, 1973).

Cause of Death Information: 18 June 1974, Bengal Tiger *Panthera tigris tigris*—Renal Hepatic disease; renal failure.

27 Aug. 1975, Siberian Tiger, *Panthera tigris altaica*—Euthanized; renal failure, 14½ years old.

27 Aug. 1975, Persian Leopard, *Panthera pardus saxicolor*—(senile)—old animal, euthanized, 19½ years old.

1 Dec. 1975, Persian Leopard, *Panthera pardus saxicolor*—No gross lesions, 11 days old.

30 Nov. 1975, Persian Leopard, *Panthera pardus saxicolor*—cause unknown, 12 days old.

1 Sept. 1973, Persian Leopard *Panthera pardus saxicolor*—mechanically induced ruptured lung; milk inhalation; skull injured by mother, 4 days old.

11 Sept. 1973, Snow Leopard *Panthera uncia*—ruptured bladder; neurological disorder; pneumonia, 75 days old.

24 Mar. 1972, African Lion *Panthera leo*—euthanized, old animal.

7. (i) A complete description including photographs or diagrams, of the area and facilities in which the wildlife will be housed.

Our leopards are presently housed in a series of five cages, each cage has dimensions of 7 ft. x 8 ft. x 10 ft. Presently under construction are a series of large, spacious outdoor exhibit areas for our Persian and snow leopards. This cat complex is funded and a copy of the drawing of the exhibit area is enclosed. (Drawings enclosed for the Chairman of the Conservation/Management of Wildlife Committee of the American Association of Zoological Parks and Aquariums, Mr. Dennis Meritt, Jr., Lincoln Park Zoo, 2200 N. Cannon Dr., Chicago, Illinois 60614) The dimensions for the outdoor facilities are 34 ft. long, 26 ft. wide, and 18 ft. high. These large enclosures will have rocky ledges, and trees which will provide the cats with ample exercise. The present inside cages will be retained as breeding dens. As previously mentioned, the outdoor exhibit is presently under construction and the exhibit will be completed by July, 1977.

(ii) A brief resume of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported.

See enclosed personnel resume.

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook.

Dr. Leif Blomqvist, Directorial Assistant of the Helsinki Zoo, is the studbook keeper for snow leopards. Correspondence is enclosed, and we wholeheartedly support his efforts in maintaining a studbook on the snow leopard.

7. (iv) A detailed description of the type, size and construction of the container: arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

The cats will be crated according to the International Air Transport Association (IATA) Live Animals Regulations, although the exact air routing has not been arranged. However, we have had recent experience in routing with the successful exchange of *Panthera pardus saxicolor* (Persian leopard) with the Leipzig Zoo in Germany. The shipment will be coordinated by our brokers, Henry Wess and Associates, 602 Main Street, Cincinnati, Ohio 45202, phone number 513–721–6110. This firm has been associated with the Cincinnati Zoo for 25 years and is well experienced in handling animal shipments.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

EDWARD J. MARUSKA,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–894–C07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77–18599 Filed 6–28–77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Staten Island Zoological Society, Staten Island Zoo, 614 Broadway, Staten Island, New York 10310, William H. Summerville, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate one)
[X] EXPORT LICENSE [ ] PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Endangered species permit for the enhancement of propagation requested to export (1/1) one male and one female jaguar to the Biological Institute - Beth Pinhas, Educational Zoo, 124, Hatishbi St., Haifa, Israel. There is no commercial activity, both animals are to be a gift to the Haifa Zoo to initiate a breeding program.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Staten Island Zoological Society, Inc.
614 Broadway
Staten Island, N.Y. 10310
Phone: 212-442-3101

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
[ ] MR. [ ] MRS. [ ] MISS [ ] MS.
HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
The Staten Island Zoo is a non-stock, non-profit organization corporation organized for scientific and educational purposes.
Dr. Norbert Leeseberg, President
212-GI. 7-6278
Mr. Albert Coggins, Director 212-442-3101
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
As Above
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED
Incorporated in New York

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Animals to be exported from Staten Island Zoo to The Biological Institute. - Beth Pinhas, Haifa, Israel

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? [ ] YES [X] NO
(If yes, list license or permit number(s))

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? [X] YES [ ] NO
(If yes, list jurisdictions and type of document(s))
Israeli import permit # (003137) 10458-8 secured. New York State Endangered Species Permit applied for

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$

10. DESIRED EFFECTIVE DATE: June 1, 1977
11. DURATION NEEDED: two months

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17-22

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: A. Coggins | DATE: 5/4/77

3-200 5/741 GPO 839-042

The Staten Island Zoological Society, Inc. requests an Endangered Species Permit for the enhancement of propagation to export one male jaguar (Panthera onca) born at Staten Island Zoo, December 6, 1972, and one female jaguar (Panthera onca) born at Staten Island Zoo, May 16, 1974. Jaguars to be exported to The Biological Institute—Beth Pinhas, 124, Hatishbi St., Haifa, Israel, an educational zoo and pedagogical Center of Natural Sciences. They shall be housed in an enclosure 6 meters wide, 10m. long with metals bars 14mm in diameter. In it there is a small pool 1.5 x 0.7. A second compartment 4x6 m. is attached to it, with a layer of sand on the floor. The sleeping cells are 2x1.5 m. made of stones with a wooden floor. The height is 2,7,5 m. The entire cage is covered with metal net 4 mm. (Diagrams enclosed)

The persons who will care for them are two veterinarians, Dr. L. Kamenetz and Dr. D. Prihar. Both have experience with tigers and local feline species as jungle cat and caracal. Personnel at Haifa Zoo have close connections with Dr. M. Avram, Director of the Tel-Aviv Zoo who has much experience with the care of closely related species, and some experience with jaguars. The Director of The Biological Institute to which the jaguars shall go, A. Lourie, is willing to participate in a cooperative breeding program and to contribute to or maintain a studbook. Please see Xeroxed copy of Lourie's letters attached.

Jaguars shall be shipped via ElAl Airlines individually crated in cages 41'' long, 30'' high, 30'' wide. Each weighs 125 pounds and is constructed of ⅜'' plywood lined with sheet metal. One end on each crate is constructed of heavy gauge diamond wire, allowing more than adequate ventilation. There is provision for water, and water may be added without opening crates. Jaguars shall be fed immediately prior to shipment; they would require no additional feeding in transit.

In the last five years we have suffered no mortality of jaguars or any other specimens in the same genus or family.

Justification for Obtaining Permit. Objective is to enhance the propagation of the species for which the permit is sought by placing them in a zoo situation where captive breeding is possible. The Staten Island Zoo cannot accommodate additional jaguars, therefore they are kept individually to prevent their breeding. At the same time, the cages in which they are housed are too small to accommodate even one adequately—each is six feet square. Should they not be moved soon to larger living quarters, serious medical problems will result. Too, we could be in violation of the Animal Welfare Act. Please note enclosed documentation from the Veterinary Medical Officer for the New York City area, and from Frank Borzio, V.M.D., and Andrew Major, V.M.D.

The urgency of our need to transfer these two jaguars is obvious; with this in mind the Staten Island Zoological Society respectfully requests that an *interim letter of authority* be issued to permit shipment prior to receipt of endangered species permit.

WILLIAM H. SUMMERVILLE,
General Curator,
for the S. I. Zoological Society.

Enclosures.
1. Israeli import permit.
2. Diagrams of facility where jaguars will be housed.
3. Veterinarian's letter of documentation.
4. Letters of correspondence from Haifa Zoo Director.

THE BIOLOGICAL INST.-BETH PINHAS, PEDAGOGICAL CENTER OF NATURAL SCIENCES, EDUCATIONAL ZOO
Haifa, Israel, April 22, 1977.

Dr. W. H. SUMMERVILLE,
Staten Island Zoological Society, Inc.,
614 Broadway, Staten Island, N.Y.
U.S.A.

DEAR DR. SUMMERFIELD: Sorry for the late answer due to a short holiday. Hereby are details concerning the Jaguars accommodations as was requested:

1. The main cage is about 6'm' wide, 10 m' long, with metal bars 14 m'm diameter. In it there is a small pool 1.5 x 0.7 m'. A second compartment 4 x 6 m' is attached to it, with a layer of sand on the floor. The sleeping cells is 2 x 1.5 m made of stones with wooden floor. The height is 2, 7, 5m, the whole cage is covered with metal net 4 m'm.

2. The persons who will care for them are two vets, Dr. L. Kamenetz and Dr. D. Prihar both have some experience with Tigers and local species such as Jungle cat and Caracal. We have tight connections with Dr. M. Avram, director of the Tel-Aviv Zoo, who has a lot of experience with the caring of closely related species and a short experience on the old pair Jaguars.

Any further information from you in this subject will be highly appreciated.

3. We will be willing to participate in a cooperative breeding program and to contribute to, or maintain a studbook.

Thanking you again with best wishes.

A. LOURIE,
Director.

P.S. Sorry for the poor scheme.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–305–07; please refer to this number when

JUN 29 77 UM

submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-18602 Filed 6-28-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: St. Louis Zoological Park, Forest Park, St. Louis, Missouri 63110, Richard D. Schultz, Director.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To purchase one male captive-born Black Leopard, Panthera pardus from Dallas Zoo, 621 E. Clarendon, Dallas, Texas 75203 for display, propagation and zoological purposes.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☐ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT	WEIGHT
DATE OF BIRTH	COLOR HAIR	COLOR EYES
PHONE NUMBER WHERE EMPLOYED	SOCIAL SECURITY NUMBER	
OCCUPATION		

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
City and county owned public zoo, USDA licensed, engaged in conservation and propagation of wildlife, education, exhibits, research and recreation.

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Richard D. Schultz, Director
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
St. Louis Zoological Park
Forest Park
St. Louis, Missouri 63110
1-314-781-0900

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number.) ☒ YES ☐ NO
ES-14, ES-311, ES-156, ES-331, 6-SP-77, PRT-7-172-P-2 (K.C.), 6-SC-78, PRT-2-29

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO (If yes, list jurisdictions and type of document.)
N.A.

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N.A.

10. DESIRED EFFECTIVE DATE

11. DURATION NEEDED
Until Terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR, Section 17.22: Exhibit #'s 1,2 & 3, listed under items 2, 6 (i.), 6 (v.), 7, 8 (ii.) and Form 3-200

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (To sign) Richard D. Schultz DATE April 26, 1977

3-200
16/74

DIRECTOR,
U.S. Fish & Wildlife Service,
P.O. Box 19183, Washington, D.C. 20036.

APRIL 26, 1977.

DEAR SIR: The St. Louis Zoological Park hereby applies for an Endangered Species Permit under Section 10(A) of the Endangered Species Act of 1973.

We submit the following information pursuant to 50 CFR 17, Section 17.22 (published October, 1976).

1. The request is for a permit to purchase one (1) male captive-born Black Leopard (*Panthera pardus*) born May 12, 1974.

2. The one (1) male black leopard sought to be covered by this permit was captive born on May 12, 1974 at the Dallas Zoo, Dallas, Texas as documented in the correspondence from the Dallas Zoological Society (Exhibit No. 1). The leopard is currently on breeding loan to the St. Louis Zoological Park.

3. Not applicable.

4. Captive born at: Dallas Zoo, 621 E. Clarendon, Dallas, Texas 75203.

5. The black leopard will be maintained at the St. Louis Zoological Park, St. Louis, Missouri 63110. A current zoo album, an annual report and other appropriate materials are on file with the U.S. Fish and Wildlife Service, Law Enforcement Division. (Please consult Endangered Species Application and materials submitted June 18, 1975.)

6. (i) The black leopard is currently on breeding loan to the St. Louis Zoo and is housed at Big Cat Country. (Photos and information enclosed). (Exhibit #2)

(ii) The curatorial and veterinary staff are recognized by their peers as knowledgeable in the captive maintenance and breeding of wild animals in captivity. The St. Louis Zoological Park has a long and successful history of maintaining and breeding members of the cat family. A partial list of births includes lions, tigers, pumas, leopards, snow leopards, Geoffroy's Cat and servals.

(iii) The St. Louis Zoo is currently involved in cooperative breeding programs, studbook maintenance as well as the International Species Inventory System, in an effort to enhance captive propagation of zoo species, especially those of rare and endangered status.

(iv) Not applicable—the leopard is currently on breeding loan to the St. Louis Zoo.

(v) Enclosed find necropsy reports: (Exhibit #3)

7. See Exhibit No. 1.

8. (i) The black leopard will be maintained for educational display, propagation and behavioral study purposes.

(ii) The male black leopard is currently housed with a female in Big Cat Country, a naturalistic outdoor enclosure for large cats. (See Exhibit #2)

(iii) Big Cat Country is a large outdoor exhibit which presents the cats in a positive manner. Educational graphics are used to help the visitor understand the cat family, their habits, and the need for conservation of wildlife. Progeny resulting from propagational efforts will be available to cooperating institutions to insure future captive populations, thus relieving pressures on wild populations.

(iv) Autopsies will be performed on deceased specimens and, if desirable, the remains will be made available to appropriate public educational facilities.

A completed form 3-200 as well as other documents regarding this request are enclosed. We sincerely hope that we can receive your consideration on our request at your earliest convenience.

Sincerely yours,

CHARLES H. HOESSLE,
General Curator, Deputy Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-811-07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-18597 Filed 6-28-77;8:45]

ENDANGERED SPECIES PERMIT

Receipt of Application

A permit authorizing to observe, band, radio-tag, and collect addled or broken eggs of Southern bald eagles was issued on March 23, 1977, to the Arizona State University, Tempe, Arizona (Dr. Ronald Alvarado, Department Chairman).

A notice containing the application for the permit was published in the FEDERAL REGISTER on December 13, 1976 (41 FR No. 240 54235-36-37), soliciting public comments for a period of 30 days.

Under date of June 6, 1977, the Arizona State University submitted a request for changes in the condition of this permit. Published herewith is a copy of the terms for these changes which will be considered as an amendment to this permit. This request is being considered pursuant to § 13.23, Title 50 Code of Federal Regulations (see 39 FR 1162).

JUNE 6, 1977.

Re: Permit No. PRT 2-375.
Mr. DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Fish and Wildlife Service,
Department of the Interior,
Federal Wildlife Permit Office,
Washington, D.C.

DEAR MR. DONAHOO: In response to my amendment of the endangered species permit PRT 2-375 on 3 May 1977, would you please modify the trapping and marking period of bald eagles to read as follows: To trap and mark free-flying eagles year around. Also to protect both of us from public concern, please restrict trapping from December to July in areas of known nesting within the last five years.

I restricted the trapping initially to avoid trapping during the breeding season, and the idea to restrict trapping in breeding areas did not occur to me until I talked with Mr. Erv Boeker. Our heaviest wintering concentrations of eagles are in January and February when our breeding birds are in the height of incubation.

Thanking you in advance for your help in this modification, I remain,

Sincerely yours,

ROBERT D. OHMART, Ph. D.,
Associate Professor of Zoology.

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Amend PRT 2-375 to include trapping of eagles in Arizona from the month of July through November. Individuals would be marked with a US Fish and Wildlife Service bands and colored leg bands plus a trailing herculite numbered streamer from the Fish and Wildlife Service band.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Dr. Robert D. Ohmart (Prin. Invest.)
Dept. Zoology
Arizona State University
Tempe, AZ 85281

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 5'11"	WEIGHT 160
DATE OF BIRTH 2 January 1938	COLOR HAIR Blnd	COLOR EYES Blue
PHONE NUMBER WHERE EMPLOYED FTS 766-2932	SOCIAL SECURITY NUMBER 525-72-9628	
OCCUPATION Assoc. Prof. Wildlife Ecology		

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
Educational and research

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, OR DIRECTOR, ETC. (Dept. Chairman)
Dr. Ronald Alvarado 965-3571 (ASU)
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of Arizona

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO (If yes, list license or permit number.)
9775 PRT 2-375
2-479NO

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO (If yes, list jurisdictions and type of document.)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ N/A

10. DESIRED EFFECTIVE DATE
As soon as possible

11. DURATION NEEDED
Until PRT 2-375 expires.

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See attached.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (To sign) Robert D. Ohmart DATE 5/31/77

3-200
16-74

OBJECTIVES OF PROPOSED STUDY

I. Examine movements of adult wintering birds. Gain insight into duration of time that wintering individuals stay in Arizona. And possibly determine where our wintering birds return in the spring to breed.

II. Increase weight limitations of future radio backpacks so that each unit can be hermetically sealed in a can and the life expectancy be retained at 16 to 20 months. Present limitation is 110 grams; desired weight is 185 grams.

17.23. Possibly only northern Bald Eagles will be marked, but our own breeding birds may winter in the state and be trapped as well. July to November was selected because our breeding birds are through nesting and moving about with their fledglings. Should they be trapped, it would be far enough past the nesting season so that no connection with breeding site would be established with the trapping site.

Mr. Tom Hildebrandt and I wish to use cannon nets, steel traps with weakened springs and padded jaws, and attractant

V 42 N 125 JUN 29 77 UM

baits with nylon nooses to catch the feet as permitted trapping tools. All traps will be monitored continually and birds removed shortly after capture.

To seal radio backpacks on birds that forage in the water is almost impossible unless placed in sealed cans. Transmitters weighing 186 gm would represent about 4 percent of the body weight on a bird weighing 4.55 kg. This is well beow percentages considered safe, and Dr. Dunson (pers. comm.) felt that even 200 gm could be safety applied to eagles.

This permit has the support of the Southern Bald Eagle Recovery Team and a copy of the permit has been sent to the team leader, Mr. Erv Boeker.

In keeping with the spirit of the Endangered Species Act of 1973 this notice is being published to allow public comment on the request for an amendent. Interested persons may comment on this amendment by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-375-07; Please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc.77-18593 Filed 6-28-77;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Regional Director, Region 1, U.S. Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon, William H. Meyer.

OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Conduct artificial propagation operations and research studies intended to restore the endangered cui-ui (Chasmistes cujus).

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Regional Director, Region 1
U.S. Fish and Wildlife Service
P.O. Box 3737
Portland, Oregon 97236

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
N/A
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED: FTS 429-4041 | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
U.S. Fish and Wildlife Service
Endangered Species Program
Department of the Interior

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Pyramid Lake Paiute Indian Tribe
Nevada Department of Fish and Game

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: R. Kahler Martinson, Regional Director, FTS 429-4041

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: N/A

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Pyramid Lake and Lower Truckee River
Nevada

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit number(s))
Reference former permit PRT 8-120-C, as amended.

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
Agreements with Bureau of Indian Affairs 4/30/75 & Pyramid Lake Paiute Indian Tribe 1972 & 1977

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ N/A

10. DESIRED EFFECTIVE DATE: 5/27/77

11. DURATION NEEDED: Through FY 1982

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
50 CFR 17.22 - see attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): [signature] DATE: MAY 25 1977

3-200
10/70

Acting Regional Director

17.22, CUI-UI PERMIT APPLICATION—ATTACHMENT

(1) Cui-ui Lakesucker (*Chasmistes cujus*). Capture alive, up to 800 adult male and female Cui-ui for spawning, egg taking. Propagate 2 million fry each year. Return of adults and progency to Pyramid Lake. To cover trapping, transporting, propagating, holding, researching, and releasing.

(2) Native fish—not imported.

(3) *Chasmistes cujus* was declared an endangered species in 1967 and recovery plans include artificial propagation, habitat rehabilitation, and population assessment. Subpopulation relocation to insure species survival is included within the recovery plan.

In the early spring, sexually mature Cui-ui adults gather near the mouth of the Truckee River attempting to pass upstream to spawn. Low waterflows within the river have prevented the relatively poor swimming Cui-ui from moving upstream and up to 800 adults will be netted, transported to nearby holding ponds, artificially spawned, then released back into Pyramid Lake. Eggs taken from the adults will be incubated and reared to swim-up size and released into the lake and the Truckee River. A portion of the progency will be retained for various types of nutritional and life history studies.

The Marble Bluff Fishway leading to reestablishing spawning runs into the Truckee River was completed in 1976. If successful this fishway will provide a means for population assessment and will obviate the necessity for artificial propagation. In the interests of species survival, however, artificial propagation should be continued until the fishway has proved successful and it is certain spawning grounds in the Lower Truckee River formerly used by the Cui-ui are suitable.

(4) (a) Spawning and incubating facilities are located on Hardscrabble Creek, a small, freshwater stream approximately 1 mile west of Sutcliffe, Nevada, which is on the western shores of Pyramid Lake. This facility is operated by the Fish and Wildlife Service under a lease agreement with the Pyramid Lake Paiute Indian Tribe. A small dam on the stream provides water for incubating and rearing units and a well has been drilled to provide supplemental water in the event of stream failure. Water from the dam flows into 30 hatching jars (1.5 million eggs can be incubated at one time); from the jars the water flows into 12 shallow rearing troughs; from the troughs the water flows into two large tanks which serve as spawning tanks and later as fry-rearing tanks; from these tanks the water flows into a small earthen pond which serves as a holding pond for ripening spawners and later as a nursery pond for fry. The water returns to the stream from the pond. The Fish and Wildlife Service office facilities for staff members are in Reno, Nevada, approximately 40 miles from the field site. The office address is:

U.S. Fish and Wildlife Service, Room 4005, 300 Booth Street, Reno, Nevada 89502, Phone 702-784-5227 or 702-784-5606.

(4) (b) Research facilities for determining the effects of increased concentrations of total dissolved solids (TDS) are located in a newly constructed building on the shore of Pyramid Lake, within the Pyramid Lake Plaute Indian Reservation. A pumping system delivers water from the lake to the building. This water provides temperature control for twenty (20) individual closed-system units which will house replicated groups of juvenile Cui-ui (*Chasmistes cujus*). These groups will be maintained in Pyramid Lake water of various TDS levels. Periodic measurements of growth, comparative blood chemistry, and histological evaluation of tissue development will be made. Final evaluation of gonadal development (occurring within five (5) years for Cui-ui) will culminate this study.

(4) (c) It has been observed that Cui-ui eggs will not water harden (nor presumably develop normally) in full strength Pyramid Lake water. This observation implies that if Cui-ui are unable to ascend the Truckee River to spawn, successful in-lake spawning could only occur in areas of fresh water entry into the lake. This would greatly reduce the size of the spawning habitat for Cui-ui from that formerly believed to be suitable. We wish to evaluate incubation of Cui-ui eggs in Pyramid Lake water and at various concentrations less than the current TDS level in an effort to establish parameters for mapping spawning habitat for management purposes.

Item 4(b) will require two thousand (2,000 Cui-ui juveniles coming from artificially cultured stocks. As these fish grow and as the sample populations must be reduced, the surplus will be sampled for measurements and the remainder stocked in Pyramid Lake.

Item 4(c) will require 16,000 Cui-ui eggs to be stripped from captured females. After incubation (10–14 days, depending on water temperature) the resulting fry will be stocked in Pyramid Lake. This study will be conducted at the Pyramid Lake Research Center using methods that have proved successful in incubating Cui-ui eggs previously.

We expect no mortalities in these studies beyond the small numbers of specimens to be sacrificed for tissue evaluation and the expected failure of eggs to develop properly in the higher TDS concentrations of Pyramid Lake water.

(5) All of the Cui-ui are existing as wild fish in Pyramid Lake Nevada and associated on-site research and propagation facilities.

(6) There is no other source of these fish than the remaining wild population.

(7) See (3) and (4).

(8) See (3) and (4).

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2-953-07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc.77-18594 Filed 6-28-7;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: Willow Park Aviary, City of Logan, 61 West First North, Logan, Utah 84321, Douglas Eames, Director.

Initial | Date
OMB NO. 42-R1570

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Purchasing two pair of Laysan Ducks from:
Arthur C. Searles
88 Robinson Avenue, E.
Patchogue, N.Y. 11772

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
City of Logan
61 West First North
Logan, Utah 84321

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
City of Logan, State of Utah
Parks Department

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Arthur C. Searles
Telephone No. 516-475-7738

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.: Douglas Eames, Director, Parks Dept. 801-752-3060

IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED: Utah

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Willow Park Aviary
Logan, Utah

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit number(s))
6-LA-2
6-SC-149

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of document)
State Fish and Game Permits of Utah
PWF-NR-143

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: Immediately

11. DURATION NEEDED: Two pair Laysan Ducks

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (see 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED. Douglas Eames, Director of Parks Department, City of Logan, State of Utah
Telephone No. 801-752-3060 (To comply with 13.12) (17.21 & 17.22)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): [signature] DATE: Feb 1, 19

RECEIVED
FEB 7 '77
FISH AND WILDLIFE SERVICE

ATTACHMENT

17.22

1. Permit to cover two pair (two male, two female) Laysan Teal Ducks, age one year, for shipment to Logan City Aviary for display and breeding purposes.

2. The four ducks covered by this permit were born in captivity.

3. Since the ducks were born in captivity, the chances of their survival in the wild are slim. The park and aviary provide a natural atmosphere for the birds and also protection from predators.

4. The birds were born under the care of Arthur C. Searles, 88 Robinson Avenue, East Patchogue, N.Y. 11772.

5. For the past six years, the City of Logan has been slowly adding to a small but growing waterfowl collection developed in conjunction with a ten acre city park. The park is in a quiet section of the city with fresh water ponds and natural ground cover for the birds on display.

6. (i) See Exhibit "A"—City of Logan, Willow Park Aviary, 6th South and 6th West.

(ii) Douglas Eames, Director of Parks, has worked for the Parks Department for 15 years and has cared for birds all his life. Has obtained federal permits allowing the aviary to house injured or sick birds. In cooperation with the U.S. Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife, birds and animals that cannot survive in the natural environment have been placed under his care. Because of his supervision and experience with birds and animals, many injured birds have been healed and returned to the wild.

Ernest Myiroie, full-time park attendant has had 20 years of experience raising and caring for waterfowl and pheasants.

Russell Williams, full-time park attendant, has raised doves and pigeons for most of his life and has had years of experience raising and caring for waterfowl.

Full-time staff is supplemented by university students majoring in animal science working on a part-time basis at the park.

V 42 N 125 JUN 29 77 UM

(iii) The City of Logan would be willing to participate in a cooperative breeding program and to maintain or contribute data to a studbook.

(iv) Birds will be shipped to Salt Lake City, Utah, air freight and will be picked up in Salt Lake by City of Logan Parks employees. Present owner has had experience in shipping birds, and although we are not certain of the type of containers that will be used, we are sure the birds will be shipped and handled with care prior to their arrival in Salt Lake when they will be brought to Logan by truck.

(v) The City of Logan has never had any of the species for which the permit is requested under its care.

7. Copies of correspondence and purchase order attached. (Exhibit "B").

8. (i) The ducks will be used for display and breeding purposes only.

(ii) Birds will be displayed at aviary on fresh water ponds with other waterfowl.

(iii) At present the Willow Park Aviary is a refuge for birds and animals that cannot survive in the wilderness. Some stay until they can be released to a normal life. Some are free to come and go as they desire and for many, the aviary is a permanent home. Approximately twenty-five peacocks, one-hundred rare pheasants, twenty swans, have been donated to the aviary. About twenty Canadian geese call Willow Park their home. About two hundred ducks, many are rare, are allowed to swim or fly without restriction. Many of the birds are difficult to raise in captivity, but they are given as much freedom as possible and yet, the ground cover is kept as protective as nature will allow. The park is free of charge and busloads of school children visit during the year. The Laysan ducks would join the other waterfowl at the aviary, many of whom delight the children because they are so tame they will eat bread from their hands. For some time we have been watching for a pair of Laysan ducks that we would be able to obtain. We feel they would be a good addition to our aviary and would be enjoyed by those who visit the park.

(iv) We are hopeful the birds will be on display for an indefinite period of time, and since they are an endangered species, that they will reproduce and the species will be upgraded.

CITY OF LOGAN,
Logan, Utah, April 11, 1977.

Re FWS/WPO PRT2-663.

DONALD G. DONAHOO,
Federal Wildlife Permit Office, Fish and Wildlife Service, Washington, D.C.

DEAR MR. DONAHOO: In reply to your letter of March 21, 1977 regarding the completion of our endangered species permit application to purchase four Laysan ducks, we submit the following:

1. Scientific name of species: *Anas Laysanensis.*

2. Description of bird enclosure: Two photographs of the pond on which the birds will be kept at Willow Park Aviary are enclosed. The ponds at the aviary are fenced, and the one pictured is approximately 150 ft. by 100 ft.

3. Description of shipping containers. New York to Utah: Wooden box, well-ventilated, 24 inches long, 16 inches wide, 10¼ inches high. Birds would be shipped air freight.

4. Justification for issuance of permit based on 50 CFR 17.22(8) (iii): Our record with a variety of types of waterfowl indicates that we have been very successful in enhancing propagation of various species. Part of this is due to the professional care the birds receive—they are fed properly and regularly. The eggs of the species are incubated (by using Bantam Hens), thus assuring as high a percentage of life hatch as possible. We have been very successful in increasing the number of rare pheasants at the aviary each year and feel we could do the same with the Laysan duck. The birds are in a controlled, natural environment which also enhances their ability to survive and propagate the species. We definitely feel that under our care the chance for survival of the Laysan duck would be enhanced.

Please contact me if the application needs further clarification.

Sincerely,

DOUGLAS EAMES,
Director, Parks Department.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–663–07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-18600 Filed 6-28-77;8:45 am]

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

OMB NO. 42-R163

1. APPLICATION FOR (Mark only one): ☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED: Permit is needed to cover field investigations carried on by the Maryland Darter Recovery Team.

3. APPLICANT: Dr. Leslie W. Knapp
Smithsonian Oceanographic Sorting Center
U.S. National Museum of Natural History
Washington, D. C. 20560

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: ☐ MR. ☐ MRS. ☐ MS. HEIGHT 5'11" WEIGHT 175; DATE OF BIRTH 17 November 1929; COLOR HAIR Brown; COLOR EYES Brown; PHONE NUMBER WHERE EMPLOYED 381-5642; SOCIAL SECURITY NUMBER 128-30-5290; OCCUPATION Ichthyologist; ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT: Maryland Darter Recovery Team

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY OR INSTITUTION; NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.; IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED: lower Susquehanna River - upper Chesapeake Bay drainages in Cecil, Harford, Baltimore, Ann Arundel and Calvert Counties, Maryland

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO (If yes, list license or permit number): PRT 8-23-C

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☒ YES ☐ NO (If yes, list jurisdictions and type of documents): State of Maryland Scientific Collector's Permit

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF:

10. DESIRED EFFECTIVE DATE: May 30, 1977

11. DURATION NEEDED: 2 or 3 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED: 17.22 (1,2,3,7,8)

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS TRUE, COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE: Leslie W. Knapp — DATE: March 7, 1977

3-200
15-73

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant: Maryland Darter Recovery Team, Smithsonian Oceanographic Sorting Center, National Museum of Natural History, Washington, D.C. 20560, Leslie W. Knapp.

ATTACHMENT—KNAPP PERMIT APPLICATION

17.22:

(1) a. Collecting with seines of the Maryland darter, *Etheostoma sellare* including various ages and sexes. All to be released alive.

b. Collecting with electric shocker in Susquehanna River between mouth of Deer Creek and Havre de Grace, Maryland. Specimens of the Maryland darter would presumably be killed by such collecting but the shocking operations would be terminated immediately after a single specimen was collected from the Susquehanna River.

(2) All Maryland darters sought under this permit are still in the wild.

(3) Collections of the Maryland darter from its known habitat are taken with great care. Riffle substrate is disturbed as little as possible and specimens are released back into the water as quickly as possible. To my knowledge, no Maryland darters have been injured by seining. However, possibility for such injury does exist.

Considerable efforts have been made to seine areas of the Susquehanna River below the mouth of Deer Creek. However no Maryland darters have ever been taken from the Susquehanna River. Seining such areas is extremely ineffective due to rocky nature of the river bottom. The Maryland Darter Recovery Team feels that the need to establish whether or not Maryland darters inhabit the Susquehanna River is of sufficient importance to risk killing a specimen by shocker operations. Our rationale is that if one specimen is taken in the river, there are probably others living there and the loss of one would not be disastrous.

(7) Collecting activities will be supervised by Leslie W. Knapp. Other collectors will include Recovery Team members John Sheridan (USFWS), Charles Frisbie (Maryland Department of Nature Resources) and various individuals employed by USFWS, State of Maryland and Smithsonian Institution.

(8) (i) Permission is requested to use seines to collect and release Maryland darters in the area described in Form 3–200(b) and to use an electric shocker to attempt to collect a Maryland darter from the Susquehanna River.

(ii) Collections will be made at various times throughout the year in 1977 and 1978, as weather and water levels permit.

(iii). Since 1960, the Maryland darter has only been recorded from restricted localities in two Harford County, Maryland streams, Deer Creek and Gasheys Run. Single specimens of the darter were taken in Gasheys Run in 1962 and 1965 but the main population appears to be in Deer Creek. Numerous collections from Gasheys Run indicate that the two specimens taken there were not part of a resident population, but had moved in from some outside source. It is possible that the two had moved from the mouth of Deer Creek, down the Susquehanna River and along the western shore of the Upper Bay to the mouth of Gasheys Run, a distance of about 13 miles. Another possibility is that an undetected population of the darter exists in the lower Susquehanna River and the two Gasheys Run specimens came from there.

The Recovery Team feels that additional information about the distribution and biology of the Maryland darter is needed before sound recommendations can be made concerning a "recovery plan" and "critical habitat" for the darter. Further, the Recovery Team has been requested by USFWS to monitor the Maryland darter population for an indefinite period and this will require periodic sampling.

(iv) Any specimens of the Maryland darter that are accidentally killed during collecting activities, will be preserved and placed in the collection of the Division of Fishes, U.S. National Museum of Natural History, 10th & Constitution, Washington, D.C. 20560.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Room 512, 1717 H Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/WPO), U.S. Fish and Wildlife Service, Washington, D.C. 20240. This application has been assigned File Number PRT 2–670–07; please refer to this number when submitting comments. All relevant comments received on or before July 29, 1977, will be considered.

Dated: June 24, 1977.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, United States Fish and Wildlife Service.

[FR Doc.77-18601 Filed 6-28-77;8:45 am]

Geological Survey

OUTER CONTINENTAL SHELF (OCS)

Proposed National Orders Governing Oil and Gas Lease Operations

Notice is hereby given that, pursuant to revisions of 30 CFR 250.2(j), 250.3, 250.11, and 250.12, National Orders for the Outer Continental Shelf governing oil and gas lease operations are proposed as set forth below. The proposed revisions of these regulations are published concurrently in the Proposed Rules Section of the FEDERAL REGISTER.

As a result of the efforts of the Conservation Division task force for reviewing the OCS Operations Safety Program, it was determined that the existing Orders for individual areas of the OCS should be standardized. The task force concluded that the majority of the requirements of the existing OCS Orders are common to all areas of the OCS and that only a minority of the requirements arise from environmental, geological, geophysical, or geographical differences between the various areas.

The standardization of OCS Orders will be accomplished by the issuance of National OCS Orders which contain the requirements that are common to all areas of the OCS and Appendices which contain specific local requirements for each area. The National OCS Orders Nos. 1, 3, and 4, as proposed below, do not constitute additional requirements over the existing OCS Orders other than revisions to the existing requirements to incorporate new technological advances and improvements or changes in the regulations.

The proposed National OCS Order Nos. 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 are currently being developed and will be published at a later date. The existing OCS Orders will remain in effect until such time as all of the proposed National Orders are published in final form in the FEDERAL REGISTER.

Interested persons may submit written comments and suggestions on the proposed National OCS Orders to the Acting Chief, Conservation Division, U.S. Geological Survey, MS600, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before July 29, 1977.

NOTE.—The Geological Survey has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

V. E. McKELVEY,
Director.

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

CONSERVATION DIVISION

NATIONAL ORDER

OCS ORDER NO. 1

Effective ----------

IDENTIFICATION OF WELLS, PLATFORMS, STRUCTURES, AND SUBSEA OBJECTS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.37.

The operator shall comply with the following requirements. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Identification of Fixed Platforms or Structures.* Platforms and structures shall be identified at two diagnol corners by a sign with letters and figures not less than 30 centimeters (12 inches) in height with the following information: The name of lease operator, the area name shown on OCS Official Protraction Diagrams (or, where no name has been assigned, the Protraction Diagram number), the block number in which the platform or structure is located, and the platform or strucure designation. The information shall be abbreviated as in the following example:

The Blank Oil Company operates "C" platform on Block 999 of the Salisbury Area.

The identifying sign on the platform would indicate: BOC–SAL–999–C.

2. *Identification of Nonfixed Platforms or Structures.* Floating semi-submersible platforms, bottom-setting mobile rigs, and drilling ships shall be identified by one sign with letters and figures not less than 30 centimeters (12 inches) in height affixed to the derrick so as to be visible from off the vessel and containing the following information: The name of the lease operator, the area designation based on OCS Official Leasing Maps, the block number, the OCS lease number, and the well number.

3. *Identification of Wells.* The OCS lease and well number shall be painted on, or a sign affixed to, each singly completed well. In multiple completed wells, each completion shall be individually identified at the well head. All identifying signs shall be maintained in a legible condition.

4. *Identification of Subsea Objects.* All subsea objects resulting from lease opera-

JUN 29 1977 UM

tions, and presenting a hazard to navigation or to deployment of commercial fishing devices, shall be identified with navigational markings. Such identification shall be in accordance with an approved Coast Guard design. These navigational markings shall be maintained on-site and operable at all times as long as the obstruction remains.

Approved: ----------

Acting Chief, Conservation Division.

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY
CONSERVATION DIVISION

NATIONAL ORDER

OCS ORDER NO. 3

Effective ----------

PLUGGING AND ABANDONMENT OF WELLS

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.15. The operator shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations must not be commenced prior to obtaining approval from an authorized representative of the Geological Survey. Oral approvals shall be in accordance with 30 CFR 250.13. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Permanent Abandonment.*

1.1 *Isolation in Uncased Hole.* In uncased portions of wells, cement plugs shall be spaced to extend 30 meters (100 feet) below the bottom to 30 meters (100 feet) above the top of any oil, gas, and fresh water zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata. Additional cement plugs may be required to protect other minerals or to prevent migration of fluids in the well bore.

1.2 *Isolation of Open Hole.* Where there is open hole below the casing, a cement plug shall be placed in the deepest casing string by methods (a) or (b) below or, in the event lost circulation conditions exist or are anticipated, the plug may be placed in accordance with (c) below:

(a) A cement plug placed by displacement method so as to extend a minimum of 30 meters (100 feet) above and 30 meters (100 feet) below the casing shoe.

(b) A cement retainer with effective back pressure control set not less than 15 meters (50 feet), nor more than 30 meters (100 feet), above the casing shoe with a cement plug calculated to extend at least 30 meters (100 feet) below the casing shoe and 15 meters (50 feet) above the retainer.

(c) A permanent type bridge plug set within 45 meters (148 feet) above the casing shoe with 15 meters (50 feet) of cement on top of the bridge plug. This plug shall be tested prior to placing subsequent plugs.

1.3 *Plugging or Isolating Perforated Intervals.* A cement plug shall be placed opposite all open perforations (perforations not squeezed with cement) extending a minimum of 30 meters (100 feet) above and 30 meters (100 feet) below the perforated interval or down to a casing plug, whichever is less. In lieu of the cement plug, the following two methods are acceptable, provided the perforations are isolated from the hole below:

a. A cement retainer with effective back pressure control set not less than 15 meters (50 feet) nor more than 30 meters (100 feet) above the top of the perforated interval with a cement plug calculated to extend at least 30 meters (100 feet) below the bottom of the perforated interval and 15 meters (50 feet) above the retainer.

b. A permanent type bridge plug set within 45 meters (148 feet) above the top of the perforated interval with 15 meters (50 feet) of cement on top of the bridge plug.

1.4 *Plugging of Casing Stubs.* If casing is cut and recovered thereby leaving a stub inside the next larger string, a cement plug will be set so as to extend 30 meters (100 feet) above and 30 meters (100 feet) below the stub, or a retainer set 15 meters (50 feet) above the stub with 45 meters (150 feet) of cement set below and 15 meters (50 feet) above. A permanent bridge plug set 15 meters (50 feet) above the stub and capped with 15 meters (50 feet) of cement shall be used if the foregoing methods cannot be used. However, if the stub is below the next larger string, plugging must be accomplished in accordance with subparagraphs 1.1 and 1.2 above.

1.5 *Plugging of Annular Space.* No annular space that extends to the ocean floor shall be left open to drilled hole below. If this condition exists, the annulus shall be plugged with cement.

1.6 *Surface Plug Requirement.* A cement plug of at least 45 meters (148 feet), with the top of the plug 45 meters (148 feet) or less below the ocean floor, shall be placed in the smallest string of casing which extends to the surface.

1.7 *Testing of Plugs.* The setting and location of the first plug below the top 45-meter (148-foot) plug will be verified by either (1) placing a minimum pipe weight of 6,800 kilograms (15,000 pounds) on the plug or, where this plug is placed utilizing a cement retainer or bridge plug, it is only necessary that the setting of the retainer or bridge plug be verified by placing at least 6,800 kilograms (15,000 pounds) on it prior to placing cement on top, or (2) testing with a minimum pump pressure of 6,900 kPa (1,000 psi) with no more than a 10-percent pressure drop during a 15-minute period.

1.8 *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling such interval.

1.9 *Clearance of location.* All casing and piling shall be severed and removed to a depth of at least 5 meters (16 feet) below the ocean floor or at a depth as approved by the District Supervisor after a review of data on the ocean bottom conditions. The operator shall verify that the location has been cleared of all obstructions.

2. *Temporary abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for requirements 6 and 9 of section 1 above. When casing extends above the ocean floor, a mechanical bridge plug (retrievable or permanent) shall be set in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

Approved: ----------

Acting Chief, Conservation Division.

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

CONSERVATION DIVISION

NATIONAL ORDER

OCS ORDER NO. 4

Effective ----------

SUSPENSION AND DETERMINATION OF WELL PRODUCIBILITY

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d)(1). An OCS lease provides for extension beyond its primary term for as long as oil or gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production in quantities sufficient to yield a return in excess of operating costs. An OCS lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved in accordance with OCS Order No. 14. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

To provide data necessary to determine that a well may be capable of producing in paying quantities, the following are minimum requirements:

1. *Oil Wells.* A production test of at least 2-hour duration, following stabilization of flow.

2. *Gas Wells.* A deliverability test of at least 2-hour duration, following stabilization of flow, or a four-point back-pressure test.

3. *Production Capability.* All pertinent engineering, geologic, and economic data shall be submitted to the District Supervisor and will be considered in determining whether a well is capable of being produced in paying quantities. Refer to Appendix I for specific well data requirements for the Gulf of Mexico Area.

4. *Witnessing and Results.* All tests must be witnessed by an authorized representative of the Geological Survey. Test data accompanied by operator's affidavit, or third-party test data, may be accepted in lieu of a witnessed test provided prior approval is obtained from the District Supervisor.

Approved: ----------

Acting Chief, Conservation Division.

APPENDIX I

OCS ORDERS GOVERNING OIL AND GAS LEASE OPERATIONS IN THE OUTER CONTINENTAL SHELF

GULF OF MEXICO AREA

OCS ORDERS

UNITED STATES DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY CONSERVATION DIVISION

UNITED STATES DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

CONSERVATION DIVISION

GULF OF MEXICO AREA

OCS ORDER NO. 4

Effective ----------

SUSPENSION AND DETERMINATION OF WELL PRODUCIBILITY

The preamble to this Order is common to all areas of the Outer Continental Shelf. Refer to National OCS Order No. 4.

1. *Oil wells.* Refer to National OCS Order.

2. *Gas wells.* Refer to National OCS Order.

3. *Production capability.* The following may be considered as acceptable evidence that a well is capable of producing in paying quantities:

A. A resistivity log of the well showing a minimum of 15 feet of producible sand in one section which does not include any interval which appears to be water saturated. All of the section counted as producible shall exhibit the following properties:

(1) Electrical spontaneous potential exceeding 20 negative millivolts beyond the shale base line. If mud conditions prevent a 20 negative millivolt reading beyond the shale base line, a gamma ray log deflection of at least 70 percent of the maximum gamma ray deflection in the nearest clean water-bearing sand may be substituted.

(2) A minimum true resistivity ratio of the producible section to the nearest clean water sand of at least 5:1.

(3) A porosity log indicating porosity in the producible section.

B. Sidewall cores and core analysis which indicates that the section is producible.

C. The aforementioned criteria will absolutely ascertain that a well is producible. However, recognizing the fact that rocks in the Gulf of Mexico Area do not possess the same physical properties and therefore do not lend themselves to one single method of log analysis, the Geological Survey may, at its discretion, accept sound log interpretation techniques which conclusively demonstrate that a well would produce water-free hydrocarbons in its particular area, even though it might not qualify under A and B. The operator can support its interpretation by submitting further evidence such as wireline formation tests and/or mud logging analysis.

4. *Witnessing and results.* Refer to National OCS Order.

D. W. SOLANAS,
Area Oil and Gas Supervisor.

Approved: ----------

Acting Chief, Conservation Division.

[FR Doc.77-18426 Filed 6-28-77;8:45 am]

National Park Service

GREEN SPRINGS HISTORIC DISTRICT, LOUISA COUNTY, VA.

Reconsideration of Designation as National Historic Landmark and Listing on the National Register

It has been brought to the attention of the Secretary that several persons consider that inadequate public notice was given of the listing of the Green Springs Historic District on the National Register of Historic Places on March 7, 1973, after state nomination and the subsequent designation of the district as a National Historic Landmark on May 13, 1974. Although it is considered that all procedures applicable to the National Park Service and the Department were followed in these actions, the Secretary wishes to allow interested persons the opportunity to comment on these actions as a matter of public policy in the course of deciding on acceptance of proposed preservation easements applicable to portions of the historic district. Specifically, the Secretary will reconsider in light of the public comments to be received whether the Green Springs Historic District is of national historic significance and thus properly designated as a National Historic Landmark and listed on the National Register.

The Secretary will also reconsider the listing of the district on the National Register by state nomination and will remove the district from the National Register as a state nomination if it is determined that interested persons were not given notice of the proposed action by the state in the nomination process or that the district does not meet National Register criteria as described in 36 CFR 60.6. Interested persons may comment in writing on or before July 29, 1977 to the Chief, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. 20240. In addition, there will be a public hearing on these matters in or near Louisa County on July 27, 1977, at a place and time to be announced later. In the FEDERAL REGISTER of June 21, 1977, a notice of a July 27, 1977, public meeting on the environmental assessment of proposed acceptance of Green Springs preservation easements was announced. It is intended that the public hearing on the designation and listing will take place in the morning of July 27 and the meeting on the environmental assessment in the afternoon. A representative of the Secretary will be present to hear the public comments. As a direct public hearing is being provided, the reconsideration of the designation of Green Springs Historic District as a National Historic Landmark will not be resubmitted to the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

In order to provide necessary information on these matters, a copy of the National Park Service's landmark designation study and a copy of the nomination of the Green Springs Historic District to the National Register will be sent to interested persons upon written request to the address mentioned above. In addition, copies of such documents are being forwarded to the Louisa County Public Library for public reference.

Dated: June 23, 1977.

DAVID F. HALES,
Acting Assistant Secretary, Fish, Wildlife, and Parks.

[FR Doc.77-18534 Filed 6-28-77;8:45 am]

Office of the Secretary

ROBINSON RANCHERIA

Revocation of Termination Proclamation and Restoration of Federal Status

On March 22, 1977, a Final Declaratory Judgment and Decree was issued in *Mabel Duncan, et al.* v. *Andrus, et al.*, Nos. C-71-1572 and C-71-1713 by the United States District Court for the Northern District of California. The district court revoked the termination of Robinson Rancheria under the California Rancheria Termination Act, as amended (72 Stat. 619; 78 Stat. 390), because of failure to meet conditions precedent to such termination as provided by Section 3(c) of the Act, namely, the Secretary's failure to undertake certain action with respect to the Rancheria's water systems before conveying the land in fee to the Indians.

Notice is hereby given, pursuant to the order in the above case, that the Robinson termination proclamation (30 FR 11330) is revoked and that all distributees and dependent members of their immediate families named in that proclamation, as set forth below, are unterminated, retain their status as Indians under federal law, and are eligible for services and benefits provided by the United States to Indians because of their status as Indians. Furthermore, all statutes of the United States which apply to Indians because of their special status as Indians shall hereafter be applicable to the Indians of the Robinson Rancheria.

Detailed implementing procedures with regard to the return of land to trust status for individual Indians of the Rancheria and for the community properties held by the trustees of the Robinson Pomo Association will be published by the Department in the FEDERAL REGISTER, will be posted in two conspicuous places on the Rancheria and in a newspaper of general circulation within Lake County, and will be sent to each individual named in this notice.

Name	Birth date	Address
Clara Anderson	Oct. 15, 1895	Died Dec. 31, 1968.
Herbert Anderson, Jr.	Feb. 5, 1950	309 Malone St., Madera, Calif. 93637.
Don Anderson	Mar. 2, 1952	c/o Herbert Anderson, Jr., 309 Malone St., Madera, Calif. 93637.
Solomon Moore	July 20, 1888	Died Jan. 28, 1962.
Elmer Moore	Sept. 25, 1900	1324 Bruce St., Chico, Calif. 95926.
Hazel Gorbett	Mar. 2, 1897	Died Sept. 8, 1960.
Milton Gorbett	Aug. 7, 1953	2526 Shawnee St., Santa Rosa, Calif. 95401.
Evelyn Peake, formerly Evelyn Gorbett Crandell.	Mar. 2, 1935	2546 34th Ave., Oakland, Calif. 94601.
James Crandell, Jr.	Oct. 28, 1956	San Bruno, Calif. 94066.
Susan Crandell	Jan. 24, 1958	Do.
Marcus Anderson	Mar. 8, 1939	Box 3765, Chico, Calif. 95926.
Curtis Anderson	Jan. 4, 1917	Died Oct. 9, 1960.
Rosita Anderson	Dec. 12, 1919	Box 3765, Chico, Calif. 95926.
Charlotte Anderson	Oct. 9, 1942	Do.
Marie Wilson, formerly Marie Anderson.	May 2, 1944	Do.
Curtis Anderson, Jr.	Nov. 1, 1946	Do.
Patsy Anderson	Nov. 24, 1947	Do.
Judy Anderson	June 2, 1949	Do.
Robert Anderson	Jan. 8, 1952	P.O. Box 206, Tehama, Calif. 96090.
Debra Anderson	June 15, 1953	Box 3765, Chico, Calif. 95926.
Steven Anderson	Sept. 27, 1954	Do.
Ross Anderson	June 30, 1956	Do.
Herbert Anderson	Sept. 4, 1922	P.O. Box 1271, Lakeport, Calif. 95453.
Earl Duncan	Mar. 27, 1920	9021 Hillside St., Oakland, Calif. 94603.
Mildred Duncan	Jan. 29, 1929	Do.
Clayton Duncan	Apr. 16, 1930	Do.
Alfretta Boggs Mix	July 6, 1915	1304 Hemlock St., Chico, Calif. 95926.

JUN 29 77
UM

Name	Birth date	Address
Mabel Knight	Sept. 1, 1910	Route 1, Box 881, Lakeport, Calif. 95453.
Dixie Duncan	July 10, 1942	P.O. Box 274, Upper Lake, Calif. 95485.
Myrtle Quintero, formerly Myrtle Duncan.	Aug. 16, 1944	P.O. Box 722, Lakeport, Calif. 95453.
Dwight Smith	Sept. 15, 1951	P.O. Box 274, Upper Lake, Calif. 95485.
Wanda Smith	Nov. 30, 1953	Do.
Coleen Tripp Poe	Mar. 20, 1922	2526 Shawnee St., Santa Rosa, Calif. 95401.
Rosalie Pena, formerly Rosalie Tripp	Jan. 18, 1943	15713 Mascott Ave., Sacramento, Calif. 95824.
Eleanor Mallcay, formerly Eleanor Tripp.	May 4, 1948	2526 Shawnee St., Santa Rosa, Calif. 95401.
Marylin Poe	July 30, 1956	Do.
Audrey Poe	July 28, 1957	Do.
Virgil Poe	Sept. 12, 1958	Do.
Severine Mitchell	Aug. 25, 1934	P.O. Box 492, Upper Lake, Calif. 95485.
Eugene Mitchell	Dec. 18, 1953	Do.
Emmeline Mitchell	Apr. 17, 1956	Do.
Cheryl Mitchell	Mar. 26, 1957	Do.
Dennis Mitchell	Dec. 20, 1959	Do.
Fred[a] Duncan	Aug. 24, 1927	3815 East 14th St., Okland, Calif. 94601.
Coleen Sanders, formerly Coleen Duncan.	Nov. 27, 1949	2391 Church St., Oakland, Calif. 94605.
Dwayne Duncan	Feb. 22, 1952	3815 East 14th St., Oakland, Calif. 94601.
Laverne Duncan	July 9, 1954	Do.
Douglas Duncan	Aug. 10, 1955	Do.
Pearl Wilson	Jan. 30, 1936	P.O. Box 415, Upper Lake, Calif. 95485.
Carl Anderson	Dec. 25, 1954	Do.
Sharon Anderson	July 20, 1956	Do.
Clara Anderson, formerly Clara Wilson	Dec. 30, 1958	Do.
Alice Peters	Feb. 27, 1935	P.O. Box 967, Lakeport, Calif. 95453.
Mathew Peters, Jr.	June 18, 1955	Do.
Audrey Peters	Nov. 19, 1956	Do.
Jean Peters	Nov. 24, 1958	Do.
Sanchez Boggs	May 16, 1915	Died Apr. 4, 1962.
Gertrude Mitchell, formerly Gertrude Boggs.	June 18, 1941	1951 Foothill Blvd., apartment 106, Oakland, Calif. 94606.
Ivan Anderson	July 12, 1915	Box 371, Upper Lake, Calif. 95485.
Lottie Anderson	July 19, 1917	Do.
Alvin Anderson	May 11, 1911	Upper Lake, Calif. 95485.
Lovenia Faught	Feb. 6, 1904	Died Aug. 30, 1962.
Barbara White	Sept. 16, 1928	731 4th St., Woodland, Calif. 95695.
Jerome Knight	May 29, 1946	Do.
Ronald Anderson	Apr. 29, 1948	Do.
Arvid White, Jr.	Oct. 8, 1950	Do.
Bruce White	July 4, 1952	P.O. Box 1271, Lakeport, Calif. 95453.
Wendell White	Sept. 30, 1953	731 4th St., Woodland, Calif. 95695.
Winifred White	Feb. 23, 1955	Do.
Merlin Snyder	Aug. 9, 1959	Do.
Elsie Wilson	Feb. 24, 1930	P.O. Box 415, Upper Lake Calif. 95485.
Nathan Boggs	Aug. 15, 1919	1372 East 10th St., Chico Calif. 95926.
Bernadine Connor, formerly Bernadine Tripp Duncan.	Apr. 20, 1941	5526 Cranbrook Way, Fair Oaks, Calif. 95628.
Maud Boggs	June 6, 1889	1372 East 10th St., Chico, Calif. 95926.
Wilbur Augustine	Apr. 15, 1931	P.O. Box 142, Arcata, Calif. 95521.
Carston Duncan	June 27, 1933	General delivery, Upper Lake, Calif. 95485.
Lila Duncan	July 16, 1934	Do.
Eugene Duncan	Mar. 16, 1955	Do.
Alvira Duncan	Feb. 14, 1957	P.O. Box 1571, Santa Rosa, Calif. 95403.

This notice becomes effective June 29, 1977.

JAMES A. JOSEPH,
Acting Secretary.

JUNE 17, 1977.

[FR Doc.77-18397 Filed 6-28-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-13]

RAPHAEL C. CILENTO, M.D., MIAMI, FLORIDA

Hearing

Notice is hereby given that on April 1, 1977, the Drug Enforcement Administration, Department of Justice, issued to Raphael C. Cilento, M.D., Miami, Florida, an Order to Show Cause as to why the Drug Enforcement Administration Certificate of Registration (AC5728146) issued to Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, July 12, 1977, in the U.S. Tax Court Courtroom, Room 1524, 51 SW. First Avenue, Miami, Florida.

Dated: June 21, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-18591 Filed 6-28-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. RFA 505-77-5]

ILLINOIS CENTRAL GULF RAILROAD CO.

Purchase of Redeemable Preference Shares

AGENCY: Federal Railroad Administration, DOT.

ACTION: Receipt of application.

SUMMARY: The Illinois Central Gulf Railroad Company ("ICG") has filed an application with the Administrator of the Federal Railroad Administration ("Administrator") under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210) ("4R Act"), as amended, to obtain funds through the purchase by the Administrator of redeemable preference shares issued by the ICG, for financing railroad rehabilitation projects and new track construction. A long term program is proposed as well as a 1977 work-season program. The ICG states that the purpose of the requested financial assistance is to enable it to maintain and improve essential freight services. The intended effect of the proposed federally funded projects is to rehabilitate approximately 382 route miles of mainline track, install secondary trackage in the Baton Rouge area, and permit rerouting of traffic over the improved lines and abandonment or downgrading of other lines.

DATE: Comments must be received on or before July 29, 1977.

ADDRESS: Comments should be submitted to Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal Attorney: Sander M. Bieber, Office of Chief Counsel, 202-426-8220.
Principal Program Person: R. E. Kleist, Office of National Freight Assistance Programs—Rail Freight Service Division, 202-426-4950.

SUPPLEMENTARY INFORMATION:

I. DESCRIPTION OF PROJECT AREAS

A. BLUFORD LINE

The main line cut-off between Edgewood, Illinois and Fulton, Kentucky, known as the Bluford Line, would be completely rehabilitated to Federal Railroad Administration ("FRA") class four track standards under applicant's plan. Installation of a centralized traffic control ("CTC") system is proposed for 40 miles of automatic block signals ("ABS") controlled line. Applicant projects rehabilitation of the 168 mile line would take four years and cost $67.2 million.

B. TALLAHATCHIE-YAZOO LINE

The second project area is the freight main line between Memphis, Tennessee and Jackson, Mississippi via Gwin, Mississippi. Involved are 205 miles of single-tracked, unsignalled main line with 25 passing tracks and 8 miles of CTC double track approaching Memphis. Applicant states that this line is part of a major Consolidated Rail Corporation ("Conrail")/ICG coordinated route between the Northeast and the South, and is a principal link between the Gulf ports and points in the Pacific Northwest and Canada. Most ICG traffic between Memphis and Jackson moves over this route. Applicant's proposed full rehabilitation of this line to FRA class four track standards with CTC installation is projected to take five years to complete and cost $72.5 million.

C. BATON ROUGE TERRITORY

Applicant proposes to install secondary trackage in the Baton Rouge territory. Applicant states that this project will enable ICG to better serve the major area of industrial growth encompassing Baton Rouge and the east bank of the Mississippi River to New Orleans. Applicant contends that the amount of secondary trackage is inadequate to service three rapidly growing commodity groups—chemicals, farm products, and paper products—and that current traffic demands require extensive re-switching. The proposed project would increase the 83 miles of secondary track that now exist by 49 miles, at a cost of $16 million.

II. DESCRIPTION OF PROPOSED PROJECTS

A. TRACK REHABILITATION PROJECTS

Track rehabilitation is planned from Edgewood, Illinois to Fulton, Kentucky (Bluford Line) and Memphis, Tennessee to Jackson, Mississippi (Tallahatchie-Yazoo line). Bluford line rehabilitation consists of 5 sub-projects and the Tallahatchie-Yazoo Line consists of four subprojects. Applicant states that all completed track will surpass track standards necessary to handle anticipated increase volume at 60 miles per hour. Total track rehabilitation will consist of 303 miles of new 136-pound continuous welded rail, 419,600 new 7"x9"x8'-6" cross ties, and 375 miles of undercutting, plus soil stabilization, drainage, and other related work.

B. TRACK EXTENSION PROJECTS

1. *Siding Extensions.* Siding extension work is planned by applicant for the Tallahatchie-Yazoo line. Applicant states that completion of this work will enable it to efficiently handle traffic volumes projected for routes to be rehabilitated.

2. *New Secondary Main Track.* New secondary main track is proposed by applicant. One stretch, known as the Memphis "run-around" track, involves 2.5 miles of new construction in addition to 0.7 miles of track rehabilitation. Applicant states this work will enable through trains to avoid the Johnston Yard congestion, and thus expedite traffic. A second project involves linking three pieces of existing side trackage at the north approach to the Jackson, Mississippi yard. With 3.6 miles of planned new construction, a 6.5 mile stretch of second main will be created which applicant contends will enable it to hold arriving or departing trains clear of other yard or main-line movements.

The total new construction for track extension projects involves 22.6 miles of new or secondhand rail, 60,370 crossties, and various quantities of grading, bridge work, and other similar work.

C. SIGNAL AND COMMUNICATION PROJECTS

There are three sub-projects in this category. The work is planned on both the Bluford line and on the Tallahatchie-Yazoo districts. Applicant proposes to install a medium-density, single-track CTC system in order to improve speed and reliability and to give the centralized dispatching facility in Chicago efficient and reliable control over all train operations on these lines. To avoid the present terminal congestion at both ends of the Tallahatchie-Yazoo line, signalled double track is proposed. In order to realize significant maintenance and reliability benefits, applicant plans to install 362 line miles of buried cable and to construct a new microwave station at Edgewood, Illinois.

Signal and communication work is scheduled to begin in 1978 on the Tallahatchie-Yazoo line and part of the Bluford line, and in 1979 on the remaining (central and southern) parts of the Bluford line. The projects allot three years to the Tallahatchie-Yazoo track and two years elsewhere.

D. BRIDGE PROJECTS

Bridge work is proposed for the Bluford line and the Tallahatchie-Yazoo line. On the Bluford line, applicant states that bridge renewal projects will reduce the average bridge age by 17.8 years and eliminate all structures of open-deck construction. Renewal of a number of overhead highway bridges is also planned. Applicant states that an estimated $1,018,440 of machinery, including a 40-ton capacity pile-driving crane and two smaller cranes is required for the Bluford program and is included in the cost of the Bluford bridge project's cost.

E. BATON ROUGE TERRITORY

Applicant proposes massive trackage work in the Baton Rouge area. Of the 15 proposed sub-projects, 13 deal with upgrading, extending, or constructing secondary trackage. The remaining two sub-projects are mechanical facilities. Applicant contends that these projects will improve ICG's capacity to classify and hold cars destined to and from industries in the Baton Rouge territory. The major portion of the Baton Rouge projects consists of a $16 million program for increasing the 83 miles of secondary track by approximately 49 miles with the construction of a second 10-track hump yard at Geismar, with the upgrading and/or expansion of existing flat yards (without humps) at Baton Rouge, Reserve, Good Hope and Destrehan, and by increasing the number and length of sidings and storage tracks at key collection and distribution points.

III. SUMMARY OF LONG-TERM PROGRAM

Two documents from applicant's application appear as a part of this notice as an attempt to provide convenient summaries of the $156 million proposal. Schedule 1 is a summary of all 30 projects which indicates the applicant's relative priority ranking of each project, the cash costs of each project by year, and the total cash costs of the projects. Schedule 4 provides a summary of the rehabilitation work to be performed, by project, indicating details concerning the type and extent of rehabilitation work to be performed. Taken together, Schedules 1 and 4 present a reasonable outline of the long-term program.

JUN 29 77 UM

SUMMARY OF CASH COSTS FOR PROJECTS AND SUB-PROJECTS BY YEAR

Schedule 1

Priority Order	Project Designation	Project Name	1977		1978		1979		1980		1981		Totals	
			1-1-78 ($)	1977 ($)	1-1-78 ($)	Inflated ($)	1-1-78 ($)	Inflated ($)	1-1-78 ($)	Inflated ($)	1-1-78 ($)	Inflated ($)	1-1-78 ($)	Inflated ($)
6	A-1	Bluford North Track	5,317,645	5,256,907	6,034,424	6,221,153							11,352,069	11,478,060
4	A-2	Bluford Central Track-A	6,665,829	6,587,099	2,002,848	2,060,922	128,198	144,746					8,796,675	8,792,767
5	A-3	Bluford Central Track-B	17,300	17,279	7,445,845	7,671,466	3,789,022	4,179,275					11,252,167	11,868,020
7	A-4	PAI Track					2,964,179	3,249,100					2,964,179	3,249,100
3	A-5	Bluford South Including Maxon, CR and Fulton	1,990,970	1,970,814	7,224,936	7,445,405	5,706,424	6,234,590					14,922,330	15,650,809
10	A-6	Bluford All Bridges	319,643	316,776	4,414,673	4,547,114	3,771,219	4,117,417	3,612,562	4,180,817			12,118,097	13,162,124
29	A-7	Bluford North Signal and Communications			552,066	568,628	1,157,013	1,263,226					1,709,079	1,831,854
20	A-8	Bluford Central and South Signal and Communication					1,742,503	1,902,465	2,391,185	2,767,319			4,133,688	4,669,784
1	B-1	Yazoo Track-A	9,857,422	9,742,885	2,451,679	2,528,829	599,051	654,044					12,908,152	12,925,758
2	B-2	Yazoo Track-B	570,623	564,244	5,508,765	5,696,041	2,225,348	2,408,265					8,304,736	8,668,550
8	B-3	Tallahatchie Track-A	1,909,230	1,888,851	4,931,160	5,079,957	762,308	832,288	879,245	1,017,582			8,481,943	8,818,678
9	B-4	Tallahatchie Track-B	1,268,931	1,252,278	2,785,616	2,987,176	10,054,377	9,085,149	4,713,031	5,450,919			18,821,955	18,775,522
11	B-5	Tallahatchie-Yazoo Bridge			1,598,573	1,646,531	746,545	815,077					2,345,118	2,461,608
25	B-6	Tallahatchie-Yazoo Signal and Communication					2,457,203	2,682,775	3,978,177	4,603,945	2,915,410	3,576,335	9,350,790	10,863,055
19	B-7	Tallahatchie-Yazoo New Siding			3,507,671	3,678,839	3,998,745	4,681,618	4,812,118	5,281,291			12,318,734	13,641,748
12	C-1	Upgrade Scale-Geismar	163,136	162,017									163,136	162,017
13	C-2	Upgrade Laddors-Baton Rouge	953,480	945,044									953,480	945,044
14	C-3	New Main-Geismar	878,587	869,267									878,587	869,267
15	C-4	New Storage Tracks-Reserve	686,771	678,902									686,771	678,902
16	C-5	New Storage Tracks-Sellers			166,787	171,791	101,669	112,520					268,456	284,311
17	C-6	Siding Extension-Sharp			314,578	324,902							314,578	324,902
18	C-7	Yard Expension-Geismar			1,216,212	1,256,525	1,673,673	1,841,185	3,840,135	4,489,946			6,730,020	7,585,656
21	C-8	Siding Extension-Garyville			149,106	153,894							149,106	153,894
22	C-9	Siding Extension-Bruns					810,945	885,390	1,078,915	1,272,172			1,889,860	2,157,562
23	C-10	Lead Extension-Geismar/Burnside					219,725	239,896	183,975	217,192			403,700	457,088
24	C-11	Upgrade Body Track-Baton Rouge Yard					292,168	318,989	936,383	1,128,607			1,228,551	1,447,596
26	C-12	New Storage Tracks-Geismar							113,072	132,324			113,072	132,324
27	C-13	Upgrade Laddors and Leads-Destrehan							383,423	456,942			383,423	456,942
28	C-14	Upgrade Existing Yard-Geismar							923,580	1,141,711			923,580	1,141,711
30	C-15	Locomotive Service Facility-Geismar							300,164	349,048	608,391	746,313	908,559	1,095,361
		Total	$30,599,367	$30,252,363	$50,305,139	$52,037,173	$43,200,315	$45,648,015	$28,145,965	$32,489,815	$3,523,801	$4,322,648	$155,774,587	$164,750,014

Source: Schedule 1, Application for Federal Financial Assistance under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, submitted by Illinois Central Gulf Railroad Company, May 2, 1977, p.38.

SUMMARY OF REHABILITATION WORK

PROJECTS

Schedule 4
Sheet 1 of 5

Project Designation	Project Name	From M.P.	To M.P.	Total Route Miles	Track Miles of Main Line Rail Replaced	Type of Replacement Rail	Track Miles of Rail Replaced in Existing Secondary Track	No. of Cross Ties Replaced	Miles of Track Undercut	No. of Cars of Ballast-Track Upgrading	No. of Turnouts Installed	Miles of Subgrade Stabilized	Miles of CTC Installed	Bridge Renewal (Lin. ft.)	Miles of CTC Modified	NEW TRACK CONSTRUCTION: Miles of New Secondary Track Const.	NEW TRACK CONSTRUCTION: No. of Cross Ties Laid	NEW TRACK CONSTRUCTION: No. of Cars of Ballast
A	Bluford Line	0 1	- 123 - 23.95 0 - 43	178.95	163.25	136# CWR	39.11	706,301	159.99	7,244	109	24.3	44.2	9,485	120.7	0.0	0.0	0.0
B	Yellahatchie-Yazoo	5.48	- 218.57	217.89	139.76 3.62	136# CWR 115# CWR	17.21	213,300	214.76	9,850	195	24.0	200.4	3,014	12.5	26.74	85,568	1,533
C	Baton Rouge Territory	-	-	-	-	-	23.92	82,825	-	1,643	220	-	-	-	-	24.86	79,552	1,425

Source: Schedule 4, Application for Federal Financial Assistance under Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, submitted by Illinois Central Gulf Railroad Company, May 2, 1977, p. 50.

IV. 1977 Work Season Program

At the request of the FRA, applicant has submitted a proposed 1977 work season program to be funded through the purchase of the Administrator of preference shares issued by the ICG. All elements of this 1977 program are contained in the application. The program focuses on completion of a limited number of projects rather than on commencement of all 1977 projects shown in the application. Applicant states that this work season's program concentrates on its most essential rehabilitation projects and is designed to accelerate the completion of projects so that public benefits will accrue to the maximum extent possible by the close of 1977.

A. Projects Completed by July 1, 1977

Rehabilitation projects estimated to cost $14.6 million are scheduled to be completed on or about July 1, 1977. Applicant seeks reimbursement funded through the purchase by the Administrator of preference shares issued by Applicant for the following expenditures on sub-projects:

Project designation	Project name	Estimated amounts[1] (in millions[2]
A-2	Bluford Central Track-A	$4.9
A-3	Bluford Central Track-B	.5
A-5	Bluford South including Mazon-CR and Fulton.	.1
A-6	Bluford Bridge	.1)
B-1	Yazoo Track-A	8.2
B-2	Yazoo Track-B	.2
B-4	Tallahatchie Track-B	.5
B-5	Tallahatchie-Yazoo Bridges	.08
C-1	Upgrade Scale-Geismar	.01
C-2	Upgrade Ladders—Baton Rouge.	.03
	Total	14.6

[1] For reimbursement through June 30, 1977.
[2] Costs are on a cash basis consistent with schedule 1 in the application. The value of secondhand material used in the subprojects has been excluded and there is no deduction for the value of salvage released.

Source: Exhibit 1, letter, H. S. Meislahn, director of Carporate Planning, Illinois Central Gulf Co. to Charles Swinburn, associate administrator for Federal assistance, FRA, May 18 ,1977.

In summary, the ICG anticipates completion of the following work by July 1, 1977:

On the Yazoo District, applicant states it will have installed 41.5 track miles of 136-pound continuous welded rail, 46,-000 ties, and 39 switches, as well as added 380 carloads of ballast. ICG will also have installed 33 track miles of 136-pound continuous welded rail, inserted about 10,000 ties, and added approximately 384 carloads of ballast on the central part of the Bluford line. Finally, ICG will have installed an estimated 12,730 ties on Bluford South.

B. Rehabilitation Projects Proposed for July 1 Through End of 1977 Work Season

Applicant proposes five distinct subprojects for the 1977 interim program to be undertaken during the period from July 1, 1977 through the end of the 1977 work season.

Rehabilitation of Bluford North is the highest priority project in the 1977 program. Applicant now believes that it can compress two years of work into one on Bluford North provided that ICG receives early approval for this project. Applicant plans to complete both the 1977 and the 1978 programs shown in the application. The only exclusion from the program is purchased work machinery. However, applicant states that other machinery will be available from other work projects and through leasing.

Additional track rehabilitation on the Yazoo District is ICG's second highest priority for the summer work program. In conjunction with Yazoo District work scheduled for completion prior to July 1, this program anticipates replacement of Yazoo District main-line rail. The program also contemplates completion of the Yazoo tie program plus 21 miles of undercutting. The program anticipates no further installation of switches because of long lead times for delivery.

Exhibit 2

PREFERENCE-SHARE FUNDED ICG REHABILITATION PROJECTS PROPOSED FOR JULY 1 THROUGH END OF 1977 WORK SEASON

Priority	Sub-project Designation	Sub-project Name	From M.P.	To M.P.	Total Main Line Miles	Track Miles of Main Line Rail Replaced	Type of Welded Rail Laid	No. of Cross Ties Inserted	Miles of Subgrade Stabilized	Bridge Removal (Lin. Ft.)	New Secondary Track Constr.	No. of Cross Ties Inserted	No. of Cars Ballast	No. of New Turnouts	Cost (1)
						NEW TRACK CONSTRUCTION:									
1	Entire A-1	Bluford North Track	0	40	40	40.0	New 136#	45,300	17.3	0	0	0.	0	0	$ 9,889,486
2	Portions B-1 and B-2	Yazoo District Track	147.82	218.57	70.75	30.3	New 136#	5,560	21.7	0	0	0	0	0	7,404,801
3	-	Jackson-Vicksburg Track & Bridges (Preliminary)	159.7 74.6 69.2	68.4 3.1	185	99.8	S.H. 115#	164,500	93	0	864	3.0	9,750	150	4+	12,349,129
4	Portions B-1 and B-4	Tallahatchie District Track	5.68	147.82	142.14	9.3	New 115#	24,640	0	0	0	0	0	0	2,058,213
5	Entire C-1 C-4	Baton Rouge Territory Track & Scale	-	-	-	-	-	2,464	0.83	-	133	46	-	-	2,582,057
TOTALS	-	-	-	-	-	179.4		242,464	133.83	864	6.83	11,340	178	9	$34,284,686

(1) Computed consistently with schedule 1 of ICG application for federal financial assistance under 4-R Act

SOURCE: Letter, H. S. Meislahn, Director of Corporate Planning, Illinois Central Gulf Railroad Company, to Charles Swinburn, Associate Administrator for Federal Assistance, Federal Railroad Administration, May 18, 1977.

ICG's third priority for the summer program is rehabilitation of the Jackson-Mobile route, which applicant states is essential to consolidation of the former Illinois Central and Gulf, Mobile and Ohio, and to its participation in a unit train movement beginning in 1978 between Memphis and Evanston, Mississippi.

The balance of the additional materials which ICG management believes it can obtain for work in 1977 has been designated by applicant to be applied to the Tallahatchie District track work and to several Baton Rouge projects.

Exhibit 2 provides a summary of the proposed 1977 work season program:

V. COMMENTS

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than the comment closing date indicated in this notice. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

The application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA, subject to the regulations of the office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations, and the applicable regulations and rules of the FRA.

The comments will be taken into consideration by the Federal Railroad Administration in evaluating the application. However, formal acknowledgement of the comments will not be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein. The FRA has no obligation to reimburse an applicant for work performed before the FRA approves an application submitted to it under title V of the 4R Act.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: July 24, 1977.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc.77-18561 Filed 6-27-77;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-14]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (ConRail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 1, 1976, ConRail submitted a preliminary application for a loan under the provisions of Section 211(h) in the amount of $230,000,000. Notice of this application was published in the FEDERAL REGISTER dated March 19, 1976. On March 29, 1976, ConRail supplemented its preliminary application by filing the certifications and exhibits required by "Procedures for Applications for Loans to Pay Obligations of Railroads in Reorganization", 49 CFR Sec. 922 (Loan Procedure), and requested an initial borrowing of $34,024,000. On April 1, 1976, ConRail and the Association entered into a loan agreement which authorized initial borrowings by ConRail of $34,024,000. On April 12, 1976, ConRail further supplemented its loan application with a request that the aggregate amount of the initial borrowings be increased to $51,157,000. On April 15, 1976, the Board of Directors of the Association approved that request.

On July 12, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $35,778,533.21 and an increase of the maximum amount reserved to $230,000,000. On July 29, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $8,182,352.21.

On November 18, 1976, ConRail filed a Borrowing Application pursuant to Subsection 211(h) of the Act requesting, among other things, new borrowings of $143,804,396.39 and a request for amendment of Section 3.01 of the Loan Agreement to increase the Maximum Borrowing to $203,143,749.60. This application included the certification and exhibits required by the Loan Procedures. On December 6, 1976 the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $11,251,396.39.

On February 1, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting, among other things, new borrowings of $107,761,877.76. This application included the certification and exhibits required by the Loan Procedures. On February 17, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $107,761,877.76.

On March 16, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $25,333,400. This application included the certification and exhibits required by the Loan Procedures. On March 31, 1977, the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $25,333,400.

On April 25, 1977, ConRail filed a Borrowing Application pursuant to Sec. 211(h) of the Act requesting new borrowings of $25,888,400. This application included the certification and exhibits requested by the Loan Procedures. On April 29, 1977, the Executive Committee of the Board of Directors of the Association approved an additional loan to ConRail in the principal amount of $7,825,000, to be effective May 10, 1977.

On June 6, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $10,137,739.43. This application included the certification and exhibits required by the Loan Procedures.

On June 22, 1977, ConRail filed a Borrowing Application pursuant to Section 211(h) of the Act requesting new borrowings of $15,060,000. ConRail states that it will apply $14,002,000 of the new borrowings to the payment of certain non-employee related pre-conveyance obligations of the Reading Company, and $1,058,000 of the new borrowings to payment of certain employee-related pre-conveyance obligations of the Reading Company.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, Room 2222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20595, on or before July 11, 1977, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays expected) between 8.30 a.m. and 5 p.m.

Dated at Washington, D.C., this 24th day of June 1977.

EDWIN RECTOR,
Assistant Secretary United States Railway Association.

[FR Doc.77-18637 Filed 6-28-77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 424]

ASSIGNMENT OF HEARINGS

JUNE 24, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 142614, Van Rees Trucking, Inc., now being assigned September 12, 1977 (2 days), for hearing in Omaha, Nebraska, in a hearing room to be later designated.

MC 136168 (Sub-No. 5), Wilson Certified Express, Inc., now being assigned September 14, 1977 (3 days), for hearing in Omaha, Nebraska, in a hearing room to be later designated.

MC 142554, Custom Carriers, Inc., now assigned July 8, 1977, at Seattle, Wash., is advanced to July 7, 1977 (2 days), in Room 1844, Federal Office Building, 1915 2nd Avenue, Seattle, Wash.

MC 63973 (Sub-No. 17), Kaler Freight Lines, Inc., now being assigned September 19, 1977 (1 week), for hearing in Des Moines, Iowa, in a hearing room to be later designated.

MC 133095 (Sub-114), Texas Continental Express, Inc., now assigned July 26, 1977, at Minneapolis, Minnesota, is canceled and reassigned July 26, 1977 (2 days), in Court Room 584, Federal Building, 5th Floor, 316 North Robert Street, St. Paul, Minnesota.

MC 29120 (Sub-198), All-American, Inc.; MC 111812 (Sub-525), Midwest Coast Transport, Inc.; MC 114569 (Sub-153), Shaffer Trucking, Inc.; MC 114632 (Sub-93), Apple Lines, Inc.; MC 117940 (Sub-195), Nationwide Carriers, Inc.; MC 129387 (Sub-29), Payne Transportation, Inc.; MC 133689 (Sub-80), Overland Express, Inc.; MC 134477 (Sub-117), Schanno Transportation, Inc.; and MC 135874 (Sub-65), LTL Perishables, Inc., now assigned July 28, 1977 at Minneapolis Minnesota, is canceled and reassigned July 28, 1977 (2 days), in Court Room 584, Federal Building, 5th Floor, 316 North Robert Street, St. Paul, Minnesota.

MC 138367 (Sub-3), TMI Transport Corp., now assigned August 1, 1977, at Minneapolis, Minnesota, is canceled and reassigned August 1, 1977 (1 week), in Court Room 584, Federal Building, 5th Floor, 316 North Robert Street, St. Paul, Minnesota. W-1314 (Sub-1), A. Wallace Lane and Belva D. Kerby, a partnership d.b.a. Idaho Pacific Navigation, now being assigned August 8, 1977 (1 week), in Room 103, Pioneer Courthouse, 555 South West Yamhill Street, Portland, Oregon.

MC 29613 (Sub-No. 8), Jayne's Motor Freight, Inc., now assigned June 29, 1977, at New York, N.Y., is canceled and application dismissed.

MC 142766 (Sub-3), White Tiger Transportation, Inc., now being assigned July 18, 1977 (1 day), in Room No. E-2222, Federal Building, 26 Federal Plaza, New York, New York.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18629 Filed 6-28-77;8:45 am]

[Rule 19, Ex Parte 241, Exemption No. 139; 2nd rev.]

BURLINGTON NORTHERN, INC., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. narrow-door, plain boxcars; that under present conditions there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 403, issued by W. J. Treizise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, equipped with doors less than 9 ft. wide; and bearing reporting marks assigned to the railroads namel below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS.
Chicago, Milwaukee, St. Paul and Pacific Railroad Company.
Reporting Marks: MILW.
St. Louis-San Fracisco Railway Company.[1]
Reporting Marks: SLSF.
Soo Line Railroad Company.
Reporting Marks: SOO.

• • • • •

Effective 11:59 p.m., June 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

NOTE.—Southern Railway Company deleted.

[FR Doc.77-18631 Filed 6-28-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 129; 9th rev.]

CHICAGO, WEST PULLMAN & SOUTHERN RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 403 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Chicago, West Pullman & Southern Railroad Company.
Reporting Marks: CWP.
Chicago, Rock Island and Pacific Railroad Company.[1]
Reporting Marks: RI-ROCK.
Detroit and Mackinac Railway Company.
Reporting Marks: D&M-DM.
Illinois Terminal Railroad Company.
Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company.
Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Company.
Reporting Marks: MKT.
Missouri Pacific Railroad Company.
Reporting Marks: CEI-MI-MP-TP.
New Hope and Ivyland Railroad Company.
Reporting Marks: NHIR.
Southern Railway Company.[1]
Reporting Marks: CG-NS-SA-SOU.

Effective 12:01 a.m., June 15, 1977, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-18630 Filed 6-28-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 90; 29th Rev.]

CLARENDON AND PITTSFORD RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

[1] Addition.

[1] Addition.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C.–R.E.R. No. 403, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

The Clarendon and Pittsford Railroad Company.
Reporting Marks: CLP.
Green Mountain Railroad Corporation.
Reporting Marks: GMRC.
Greenville and Northern Railway Company.
Reporting Marks: GRN.
Greenwich & Johnsonville Railway Company.
Reporting Marks: GJ.
Lake Erie, Franklin & Clarion Railroad Company.
Reporting Marks: LEF.
Louisville and Wadley Railway Company.
Reporting Marks: LW.
Louisville, New Albany & Corydon Railroad Company.
Reporting Marks: LNAC.
McCloud River Railroad Company.
Reporting Marks: MR.
Missouri-Kansas-Texas Railroad Company.[1]
Reporting Marks: BKTY–MKT.
Ogdensburg Bridge and Port Authority.
Reporting Marks: NSL.
Pearl River Valley Railroad Company.
Reporting Marks: PRV.
The Pittsburgh and Lake Erie Railroad Company.
Reporting Marks: P&LE.
Providence and Worcester Company.
Reporting Marks: PW.
Raritan River Rail Road Company.
Reporting Marks: RR.
Sacramento Northern Railway.
Reporting Marks: SN.
St. Johnsbury & Lamoille County Railroad.
Reporting Marks: SJL.
Sierra Railroad Company.
Reporting Marks: SERA.
Tidewater Southern Railway Company.
Reporting Marks: TS.
Toledo, Peoria & Western Railroad Company.
Reporting Marks: TPW.
Vermont Railway, Inc.
Reporting Marks: VTR.
WCTU Railway Company.
Reporting Marks: WCTR.
Yreka Western Railroad Company.
Reporting Marks: YW.

Effective June 15, 1977, and continuing in effect until further order of this Commission.

[1] Addition

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc.77-18632 Filed 6-28-77;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption No. 138; 2d Rev.]

MISSOURI PACIFIC RAILROAD CO. AND NATIONAL RAILWAYS OF MEXICO

Exemption Under Provision of Mandatory Car Service Rules

It appearing, That there are substantial shortages of plain gondola cars on the lines of the Missouri Pacific Railroad Company (MP); that there is an available supply of such cars on the National Railways of Mexico (NDM); that the NDM has consented to use by the MP of certain of these cars; and the MP has secured clearance from the United States Customs Service for use of these cars provided they are interchanged from and to the NDM exclusively by the MP; and that use of these cars by the MP will substantially relieve gondola car shortages on the MP.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars owned by the National Railways of Mexico (NDM) identified herein may be used by the Missouri Pacific Railroad Company (MP) without regard to the requirements of Car Service Rules 1 and 2.

It is further ordered, That NDM plain gondola cars identified herein available empty on lines other than the MP must be returned to the MP either loaded or empty and may not be returned to the NDM by any line other than the MP, regardless of the requirements of Car Service Rules 1 and 2; and

It is further ordered, That this exemption is applicable to freight cars owned by the NDM identified in Appendix A hereto.

Effective June 13, 1977, and continuing in effect until further order of this Commission.

Issued in Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

APPENDIX A TO SECOND REVISED EXEMPTION NO. 138

REPORTING MARKS NDM

055800 055064 055222 055237 055305 055315 055500 055520 055567 055577
055598 055816 055826 055845 055908 055992 056106 056189 056406 082083
082784 083544 083606 083673 083708 083716 084102 084218 084607 084751
084782 084797 084884 085132 085514 086045 086056 086737 086749 086753
086762 086786 086790 086793 086797 086798 086804 086806 086807 086813
086815 086824 086830 086855 086861 086862 086872 086875 086879 086901
086907 086910 086923 086925 086946 086949 086950 086956 086965 086982
086989 087010 087027 087066 087072 087081 087088 087089 087090 087113
087121 087132 087150 087152 087166 087172 087173 087176 087197 087199
087230 087234 087244 087254 087256 087258 087262 087266 087267 087270
087274 087279 087281 087289 087300 087314 087320 087325 087327 087351
087362 087364 087374 087378 087390 087394 087403 087409 087410 087422
087423 087434 087438 087449 087450 087452 087455 087458 087462 087465
087466 087469 087480 087492 087495 087498 087513 087529 087533 087543
087546 087551 087571 087577 087582 087583 087590 087591 087603 087649
087657 087660 087664 087668 087676 087682 087683 087703 087705 087712
087713 087716 087726 087749 087755 087762 087774 087777 087779 087794
087795 087807 087810 087819 087827 087828 087837 087841 087846 087847
087851 087853 087854 087856 087861 087865 087909 087910 087912 087913
087925 087926 087931 087935 087938 087939 087940 087957 087964 087973
087975 087977 087990 087997 088000 088002 088004 088005 088059 088061
088071 088076 088078 088079 088083 088087 088091 088097 088103 088107
088123 088131 088149 088150 088156 088157 088158 088162 088175 088176
088265 088213 088215 088217 088220 088221 088222 088225 088228 088234
088248 088253 088266 088271 088286 088291 088299 088318 088324 088328
088331 088340 088346 088356 088363 088373 088379 088395 088397 088404
088418 088420 088428

TOTAL=0263

055028 055067 055073 055131 055262 055296 055313 055318 055510 055523
055555 055589 055600 055626 055636 055771 055775 055779 055780 055806
055833 055843 055880 055928 055961 056000 056024 056055 056193 056271
056321 056415 056457 056480 056499 083182 083382 083573 083697 083872
083896 083941 084004 084029 084143 084290 084301 084544 084634 084799
084856 084982 085040 085191 085257 085319 085342 085450 085451 086725
086772 086777 086805 086812 086826 086885 086902 086978 086987 086988
086990 086996 086997 087009 087021 087054 087076 087111 087165 087168
087199 087202 087269 087280 087292 087298 087301 087332 087366 087384
087399 087412 087416 087425 087528 087532 087580 087597 087613 087625
087685 087686 087698 087697 087714 087728 087746 087753 087756 087797
087805 087814 087877 087896 087950 087991 087995 088027 088036 088060
088082 088108 088125 088126 088133 088165 088181 088191 088203 088312
088322 088342 088347 088406 088417 088567 088627

TOTAL=0137

[FR Doc.77-18628 Filed 6-28-77;8:45 am]

JUN 29 77

[AB 116]

OREGON ELECTRIC RAILWAY CO., ET AL.

Abandonment and Related Trackage Rights

JUNE 23, 1977.

City of Hillsboro—Abandonment of line-in Washington County, Oregon, Finance Docket No. 28378, Oregon Electric Railway Company—trackage rights—over The Southern Pacific Transportation Company between Banks and Hillsboro, Washington County, Oregon, Finance Docket No. 28379, Oregon Electric Railway Company—trackage rights—over The Spokane, Portland and Seattle Railway Company, between Bowers Junction and Banks, Washington County, Oregon, Finance Docket No. 28380, Oregon Electric Railway Company construction and operation—of connecting track at Banks and Hillsboro, between Southern Pacific Transportation Company and Spokane, Portland and Seattle Railway Company, Washington County, Oregon.

The Interstate Commerce Commission hereby gives notice that its Section of Energy and Environment has concluded that the proposed abandonment and related trackage rights and construction proposals by the Oregon Electric Railway Company within and adjacent to the cities of Hillsboro and Banks, Oreg., if approved by the Commission, do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), and that preparation of a detailed environmental impact statement will not be required.

It was concluded, among other things, that abandonment of 1.3 miles of track in the city of Hillsboro would eliminate safety problems at 14 grade crosings and the rail bridge at East Main Street. Trackage rights over alternative rail lines and construction of 2,219 feet of spur and interchange track would enable continued rail service to all local industries served by the Oregon Electric Railway. The actions would result in only minor, short term adverse energy, noise, and ecological impacts.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before August 5, 1977.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the present or future public convenience and necessity permit discontinuance of the line proposed for abandonment. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of environmental impacts and reasonable alternatives.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18626 Filed 6-28-77;8:45 am]

[No. MC 102817 (Sub-No. 22)]

PERKINS FURNITURE TRANSPORT, INC.

Extension-Pianos and Organs; Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Commodity Interpretation.

SUMMARY: The captioned proceeding involves a question of whether pianos and organs are, or should be, embraced within the commodity description, "furniture," or reasonable variants thereof. Representations are, therefore, solicited concerning industry, or public, usage and practice as to the nature of these musical instruments, for transportation purposes.

DATE: Comments must be received on or before: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg, Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7292.

SUPPLEMENTARY INFORMATION: Applicant is a motor common carrier of specified commodities, primarily involved in the transportation of "new furniture" as pertinent from two specified points in Indiana to points in 30 States and the District of Columbia. It assertedly engaged in the transportation of pianos and organs from and to these points until being advised that the decision in Julius Bumb Piano Movers, Inc., Ext.-Additional States, 66 M.C.C. 519 (1956), may preclude such operations. Thereupon it initiated this proceeding seeking specified rights to transport pianos and organs and certain related items, but requesting interpretation of its "new furniture" authority so as to render this proceeding unnecessary as alternative relief.

The Commission, Review Board Number 3, by order entered April 9, 1976, granted authority as sought in the application, but specifically declined to rule on the question of whether "new furniture" (or variants thereof) may embrace the involved items. Inasmuch as such course of action could give the appearance of reaffirming the Bumb decision, it was determined on petition that this proceeding should be reopened for reconsideration of the commodity description issue.

Provision is made in the Administrative Procedure Act for this Commission to issue declaratory orders to terminate controversey or remove uncertainty. 5 U.S.C. Sec. 554(e). Usually the occasion for such action by the Commission is the filing of a petition by a party seeking relief of this nature. Cf. Petition for Declaratory Order-Peat, 119 M.C.C. 494 (1974). There is no reason, however, why such action may not occur in the context of an application proceeding such as the present one. The parties have submitted evidence indicating that both carriers and shippers of new pianos and organs may consider these articles to be furniture. If this position reflects industry usage and practice, little reason exists to require separate authority to move them. Others, however, may be able to present reasons which would warrant finding the involved pianos and organs to be beyond the scope of the referenced "new furniture" commodity description. Because these matters cannot be resolved on the record as made, non-party carriers and interested members of the public should be afforded an opportunity to present their views on this classification question.

Oral hearings do not appear necessary at this time, and none are contemplated with regard to the issue described above. Anyone wishing to participate in the development of the record herein may, however, do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such submissions shall be filed with this Commission on or before 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions will be available for public inspection during regular business hours at the offices in the Interstate Commerce Commission, 12th Street and Constitution Ave., NW., Washington, D.C. 20423.

This notice is issued under authority of sections 553 and 554 of the Administrative Procedure Act (5 U.S.C. 553, and 554), and sections 204, and 207 of the Interstate Commerce Act (49 U.S.C. 304, and 307).

By the Commission, Division 1, Acting as an Appellate Division, Commissioners, Stafford, Gresham, and Christian.

H. G. HOMME, Jr.
Acting Secretary.

At a Session of the Interstate Commerce Commission, Division 1, Acting as an Appellate division, held at its office in Washington, D.C., on the 25th day of April, 1977.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of North American Van Lines, Inc., protestant, filed May 19, 1976, for reconsideration;

(2) Reply by applicant, filed June 10, 1976; and good cause appearing therefor:

It appearing, That applicant and petitioner both hold appropriate authority to transport "new furniture (although petitioner is restricted to the movement of such commodities only when "uncrated")"; that applicant avers that it had engaged in transporting pianos and organs pursuant to its authority, until advised that such commodities may be excluded from its rights by reason of the decision in Julius Bumb Piano Covers, Inc., Ext.-Additional States, 66 M.C.C. 519 (1956); that in an order entered April 9, 1976, the Commission, Review Board Number 3, granted applicant authority to transport pianos and organs, and certain related items from and to numerous points; but that it specifically declined to rule as to whether such items should be found embraced within the description "furniture," or "new furniture," as both applicant and petitioner argue; and good cause appearing therefore:

It is ordered, That this proceeding be, and it is hereby reopened for determination of whether pianos and organs are embraced within the commodity-category "new furniture,".

It is further ordered, That based on the reasons set forth in the attached notice, the general public shall be invited to submit representations concerning the issue here involved, within the time period specified in such notice; that to advise potentially interested parties of this action a copy of this order, and attached notice will be served on each party of record and deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C.; and that a copy of the attached notice shall be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to others which may have an interest concerning the matters involved in this Proceeding on Reconsideration.

By the Commission, Division 1, Acting as an Appellate Division, Commissioners Stafford, Gresham, and Christian.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18627 Filed 6-28-77;8:45 am]

[I.C.C. Order No. 31, Under Service Order No. 1252]

WESTERN MARYLAND RAILWAY CO.

Rerouting Traffic

In the opinion of Joel E. Burns, Agent, the Western Maryland Railway Company, (WM) is unable to transport traffic over its lines east of Hagerstown, Maryland, because of bridge damage.

It is ordered, That: (a) *Rerouting traffic.* The WM being unable to transport traffic over its lines east of Hagerstown, Maryland, because of bridge damage, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:45 p.m., June 13, 1977.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1977, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division as agent of all railroad subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 13, 1977.

INTERSTATE COMMERCE COMMISSION
JOEL E. BURNS,
Agent.

[FR Doc.77-18633 Filed 6-28-77;8:48 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Consumer Product Safety Commission	1
Federal Communications Commission	3, 4
Federal Power Commission	5, 7
International Trade Commission	2
Postal Rate Commission	6

1

AGENCY HOLDING THE MEETING: Consumer Product Safety Commission.

"FEDERAL REGISTER" CITATION: June 23, 1977 (42 FR 31897).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., June 30, 1977.

CHANGES IN THE MEETING: The Commission by majority vote decided to add the following matter to its agenda of June 30, 1977. This matter is scheduled for consideration during the morning session.

Asbestos Cement.—The Commission will consider the jurisdictional issues arising from a possible petition concerning the use of asbestos cement in schools and home in Puerto Rico.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th St. NW. Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-763-77 Filed 6-24-77; 1:16 pm]

2

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: 9:30 a.m., July 7, 1977.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC:

1. Reorganization.
2. Agenda.
3. Minutes.
4. Ferrochrome (Inv. TA-201-20)—vote.
5. Status of self-initiated projects.
6. Petitions and complaints (if necessary): (a) Teak windows.
7. Training and career development for new analysts—see action jacket ID-77-38.
8. Report by the General Counsel on the Justice Department's proposal on the Customs Court.
9. Any items left over from previous agenda.

PORTIONS CLOSED TO THE PUBLIC:

1. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161).

[S-764-77 Filed 6-24-77; 3:29 pm]

3

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Thursday, June 30, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Safety and Special Radio Services—1—Notice of Proposed Rule Making relating to revision of Subpart D of Part 95 of the Commission's Rules, Citizens Band (CB) Radio Service.

Common Carrier—1—Amendment of Part 63 of the rules to specify the contents of petitions to deny applications filed pursuant to Section 214 of the Communications Act.

Common carrier—2—Petitions for reconsideration and clarification of the Memorandum Opinion, Order and Authorization (Activation Order) authorizing activation of circuits in the Hawaii-3/Transpac-2 Cable System, filed by the American Telephone and Telegraph Company, ITT World Communications Inc., RCA Global Communications, Inc., and Western Union International, Inc.

Common Carrier—3—Petitions to reject and suspend Western Union International Inc.'s revision to Tariff F.C.C. No. 4.

Cable Television—1—Application for review filed November 21, 1975, by Spokane Television, Inc. (KTHI-TV, Fargo, North Dakota) directed against Bureau's action of October 23, 1975, which denied Spokane's petition for reconsideration of the dismissal of its petition to deny Cable Television Relay Service applications of Meyer Broadcasting Company.

Cable Television—2—Request for issuance of cease and desist order filed by XYZ Television, Inc., licensee of Station KREZ-TV, Durango, Colorado.

Cable Television—3—Petitions for special relief filed by XYZ Television, Inc., licensee of Stations KREY-TV, Montrose, Colorado and KREZ-TV, Durango, Colorado.

Assignment of License, Transfer of Control—1—Application (BAL-8908) for consent to the voluntary assignment of license of AM station WJW, Cleveland, Ohio, from Storer Broadcasting Company to Lake Erie Radio Company; petition to deny application or alternatively grant a hearing, filed by the National Association of Broadcast Employees and Technicians; and petition to deny application, to intervene in proceedings and to request hearing, filed by American Federation of Television and Radio Artists, Cleveland Local.

Assignment of License, Transfer of Control—2—Application (BALCT-598) for consent to assignment of License of Screen Gems Stations, Inc., of Television Station WVUE, New Orleans, Louisiana, to Gaylord Broadcasting Company; petition to deny application filed by Larry Jones, et al., and the Southern Media Coalition.

Renewal—1—Informal objection of the Kansas City Branch of the National Association for the Advancement of Colored People against the renewal applications of Meredith Corporation for Stations KCMO-AM-TV, Taft Broadcasting Corporation for Stations WDAF, KYYS-FM, and WDAF-TV, and Metromedia, Inc., for Station KMBC-TV.

Renewal—2—Petitions to deny the applications of Meredith Corporation for renewal of licenses for KCMO, KCEZ-FM, and KCMO-TV, Kansas City, Missouri, filed by the City of Kansas City, Missouri and the National Welfare Rights Organization.

Aural—1—Request for modification of conditions and extension of temporary waiver, filed December 2, 1976, on behalf of WANV, Inc., licensee of AM station WREL, Lexington, Virginia, seeking modification of the two conditions placed upon the grant of the assignment application granted September 30, 1976, by which WANV, Inc., acquired station WREL.

Aural—2—Request for declaratory ruling with respect to the application of Section 1.522(a) (2) of the Commission's Rules and for an extension of time within which to file pleadings to specify issues pursuant to Section 1.584 of the Rules filed by Indianapolis Broadcasting, Inc., on January 17, 1977, in the Indianapolis, Indiana proceeding for the deleted facilities of WIFE-FM.

Television—1—Applications (BPCT-4980 and BSTV-30) of Buford Television of Ohio, Inc., for construction permit for a new commercial television station on Channel 64, Cincinnati, Ohio, and for authority to install subscription television equipment.

Complaints and Compliance—1—Complaint filed on behalf of Washington Community Broadcasting Company regarding a change in the program formats of radio stations WOOK-FM and WFAN-AM, Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 23, 1977.

[S-765-77 Filed 6-24-77; 3:29 pm]

4

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: Follows 9:30 a.m., Open Meeting, Thursday, June 30, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Supreme Court review of adverse decision in *Western Union International, Inc.* v. *FCC*, 544 F. 2d 87 (2d Cir. 1976).

General—2—*American Civil Liberties Union* v. *FCC* (Case No. 76-1695).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 23, 1977.

[S-766-77 Filed 6-24-77; 3:29 pm]

5

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-743-77, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 29, 1977.

CHANGE IN THE MEETING: The above meeting has been changed to June 28, 1977, at 1 p.m. and will resume on Wednesday, June 29, 1977, at 10 a.m.

KENNETH F. PLUMB, *Secretary.*

[S-767-77 Filed 6-24-77; 3:55 pm]

6

AGENCY HOLDING THE MEETING: Postal Rate Commission.

TIME AND DATE: 9:30 a.m., Friday, June 24, 1977.

PLACE: Conference Room, Room 500, 2000 L St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Draft letter to OMB concerning Commission comments on H.R. 7700.

By the recorded vote of Chairman DuPont and Commissioners O'Doherty and Saponaro, it has been determined that notice cannot be given at least one week prior to the meeting since Commission business requires that the meeting be called at an earlier time.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, telephone 202-254-5614.

[S-770-77 Filed 6-27-77; 11:10 am]

7

AGENCY HOLDING THE MEETING: Federal Power Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-743-77, 42 FR 32614, June 27, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 1 p.m., June 28, 1977.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

P-22.—E-7736 and E-7784, Boston Edison Company.

P-23.—Project No. 2146, Alabama Power Company.

P-24.—Project No. 553, City of Seattle, Department of Lighting.

P-25.—ER76-20, Superior Water, Light & Power Company.

P-26.—ER76-536, Georgia Power Company.

P-27.—E-9068, E-9118, and E-9497, Ohio Edison Company.

P-28.—ER76-785, Monongahela Power Company.

P-29.—ER76-331, Wisconsin Power & Light Company.

P-30.—ER76-494, Delmarva Power & Light Company and Subsidiaries.

P-31.—E-8947, Delmarva Power & Light Company.

P-32.—E-9420 and E-9421, Yankee Atomic Electric Company and Public Service Company of New Hampshire.

P-33.—E-9591, Puget Sound Power & Light Company.

P-34.—DA-618-Idaho, Idaho Department of Highways, Lands Withdrawn in Power Site Reserve No. 91.

P-35.—Project No. 2485, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company.

M-9.—RM74-16, Natural Gas Companies Annual Report of Proved Domestic Gas Reserves: FPC Form No. 40.

G-24(B).—RP76-90, Kansas-Nebraska Natural Gas Company.

G-47.—RP74-25, Texas Gas Transmission Corporation.

G-48.—RP73-102 and RP73-14 (PGA 75-1), Michigan Wisconsin Pipe Line Company.

G-49.—RP75-74, Transwestern Pipeline Company.

G-50.—RP76-26, *Orange and Rockland Utilities, Inc.* v. *Algonquin Gas Transmission Company;* RP76-56, *New Bedford Gas & Edison Light Co.* v. *Algonquin Gas Transmission Company.*

G-51.—RI76-35, et al., Continental Oil Company, et al.

G-52.—CP76-256, Natural Gas Pipeline Company of America.

G-53.—CI77-95, CI77-96, CI77-97, Gulf Oil Corporation.

G-54.—CP77-325, Consolidated Gas Supply Corporation; CP77-392, Texas Eastern Transmission Corporation.

G-55.—CP77-176, Kansas-Nebraska Natural Gas Company.

G-56.—CI77-246, The Gordon Oil Company.

G-57.—Getty Oil Company, FPC Gas Rate Schedule No. 228.

G-58.—RP77-98, Natural Gas Pipeline Company of America.

G-59.—CP77-267, Mid Louisiana Gas Company and Transcontinental; Gas Pipe Line Corporation.

G-60.—CP77-378, Northwest Pipeline Corporation; CP77-381, Pacific Interstate Transmission Company; CP77-407, El Paso Natural Gas Company.

G-61.—CP77-304, Sabine Pipe Line Company; CI77-329, Texaco Inc.

KENNETH F. PLUMB, *Secretary.*

[S-769-77 Filed 6-27-77; 3:49 pm]

JUN 29 77 UM

federal register

WEDNESDAY, JUNE 29, 1977

PART II



SECURITIES AND EXCHANGE COMMISSION

ACCOUNTING PRACTICES—OIL AND GAS PRODUCERS

Solicitation of Comments

JUN 29 1977
UM

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Chapter II]

[Release Nos. 33-5837, 34-13647, 35-20080]

ACCOUNTING PRACTICES—OIL AND GAS PRODUCERS

Solicitation of Comments

AGENCY: Securities and Exchange Commission.

ACTION: Request for comments from interested persons.

SUMMARY: The Energy Policy and Conservation Act (Pub. L. 94-163) requires that the Commission assure the development and observance of accounting practices to be followed by persons engaged in the production of crude oil or natural gas in the United States. The accompanying release contains a discussion of a number of issues relating to the development of accounting practices pursuant to the Act. Although the Act pertains directly to reporting certain financial and operating data to the Federal Energy Administrator, the Commission is considering revising its disclosure requirements relating to these types of data in filings under the Securities Acts. Comments from interested parties are requested to provide assistance to the Commission in formulating proposed rules for reporting under both the Energy Policy and Conservation Act and the Securities Acts.

DATE: Comments on or before August 12, 1977.

ADDRESS: Comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments will be available for public inspection. (File No. S7-708.)

FOR FURTHER INFORMATION CONTACT:

Richard C. Adkerson, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. (202-755-1671).

SUPPLEMENTARY INFORMATION: The Commission's responsibilities under the Energy Policy and Conservation Act (the "Act")[1] may be divided between two related areas: (1) Financial reporting standards applicable to general-purpose financial statements of entities involved in oil and gas production and (2) accounting practices necessary for oil and gas producers to report the financial and operating data required by the Act to the Federal Energy Administrator. In carrying out its responsibilities, the Commission is authorized by the Act to prescribe rules or to determine to rely on accounting practices developed by the Financial Accounting Standards Board (the "FASB"), if the Commission is assured that such practices will be observed to the same extent as would result if the Commission had prescribed rules for the accounting practices.

BACKGROUND

THE FASB'S EXTRACTIVE INDUSTRIES PROJECT

The FASB is now engaged in a project addressing financial accounting and reporting in the extractive industries. In that project, the FASB is considering financial accounting standards applicable to oil and gas producers, including issues involving disclosure in financial statements of supplemental financial and operating data similar to those specified in the Act. While the Commission has expressed previously in Securities Act Release No. 5801 (42 FR 8237) that it contemplates the FASB will provide leadership in establishing financial accounting principles and standards in this area, the Act requires producers to report data beyond those the FASB will likely require for inclusion in financial statements.

The FASB has published a discussion memorandum describing the financial reporting issues involved in this project,[2] received written submissions from approximately 140 parties in response to the discussion memorandum, and heard 39 oral presentations during four days of public hearings. The Commission's staff has reviewed the submissions to the FASB and attended the public hearings as an observer. The FASB is now deliberating the issues involved in its project, and an exposure draft presenting its tentative conclusions is expected in the near future. This release is being issued to solicit additional comments to supplement the matters addressed in response to the FASB's discussion memorandum.

SEC REPORTING CONSIDERATIONS

In May, 1976, the Commission, in Securities Act Release No. 5706 (41 FR 21764), required disclosure of reserves and operating data in the text of filings with the Commission. In connection with the development of accounting practices pursuant to the Act, the Commission is considering whether the functional financial and operating data addressed by the Act should be included in filings with the Commission in a manner which would require independent public accountants reporting on registrants' financial statements to be associated with the data.

The Commission recognizes that the FASB is considering for inclusion in its proposed standard the disclosure of functional financial data and information on oil and gas reserves. The Commission will be cognizant of the FASB's conclusions in this area and will attempt to coordinate the reporting requirements pursuant to the Act and any revisions proposed to the disclosure requirements under the Securities Acts with the disclosures required in financial statements by the FASB. Reporting pursuant to the Act and any changes to the Commission's disclosure rules may encompass matters data in addition to or in greater detail than those required by the FASB.

The FASB's tentative conclusions will be announced in an exposure draft which is anticipated to be published prior to the expiration date for the submission of comments in response to this release. The Commission welcomes comments to assist it in coordinating its disclosure efforts with the disclosure requirements proposed in the FASB's exposure draft.

REQUIREMENTS OF THE ENERGY DATA BASE

In Subsection 503(c) of the Act, the Commission is required to "* * * assure that accounting practices developed pursuant to (the Act), to the greatest extent practicable, permit the compilation, treating domestic and foreign operations as separate categories, of an energy data base * * *."

ACCOUNTING PRACTICES

The accounting practices required to be developed by the Act include (1) financial accounting standards, i.e., accounting principles, practices and methods used in the preparation of financial statements, and (2) accounting practices needed to compile and report the information to be included in the energy data base. Accounting practices for the energy data base will be comprised of the definitions and related guidelines necessary to assure reliable and uniform reporting, to the extent practicable, of the specified energy information.

ENERGY DATA BASE

Parts (1) and (2) of subsection 503(c) of the Act require that certain types of information be included in the energy data base, as follows:

1. A tabulation of costs by function, including those charged to expense as incurred as well as those capitalized.
2. Disclosure of revenues from oil and gas production.
3. Disclosure of oil and gas reserves.
4. Disclosure of operating statistics.
5. A classification of financial statement data by function—which would involve reporting of financial statement data according to exploration, discovery and production activities to facilitate interpreting the physical results shown by reserves and other operating statistics.

Part (3) of subsection 503(c) of the Act provides that the data base may include "such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base." In all cases, the Act requires separation of data between foreign and domestic activities.

The Act's energy data base concept can be traced directly to an issue of continuing controversy in financial reporting in the extractive industries. The issue involves whether financial statments prepared by companies in the extractive industries in accordance with generally accepted accounting principles should be supplemented by reserves and other statistical data of an operating nature. Proponents of such disclosure argue that historical cost financial presentations without supplemental information cannot adequately reflect the financial position and results of operations of producers of oil and gas.

This point of view was articulated in the disclosure recommendations of "Accounting Research Study No. 11," a research study commissioned by the AICPA and published in 1969. Subsequently, at the conclusion of its extended deliberations in 1973, the Accounting Principles Board Committee on Extractive industries indicated its support for these disclosure recommendations, and the FASB is considering them in its current project.

The Act, with certain modifications, reflects three of the recommendations of "ARS No. 11":

Recommendation 17. Reserves and operating activities should be sufficiently disclosed to facilitate evaluation of effort and result.

Recommendation 18. Financial data should be classified by function to facilitate correlation with reserve and operating statistics.

Recommendation 19. A tabulation of exploration, acquisition, and development program expenditures combining both capital and expense items should be presented.

COORDINATION WITH OTHER FEDERAL AGENCIES

As required by the Act, the Commission has consulted and will continue to consult with the Federal Energy Administration, the General Accounting Office, and the Federal Power Commission concerning the development of accounting practices. In particular, the Federal Energy Administration, the agency responsible for collecting reports of the energy data required by the Act, has informed the Commission of certain of its data needs relating to oil and gas production.

FEA is currently engaged in a broad project involving financial reporting by petroleum companies. In connection with this project, FEA is further assessing its data needs relating to oil and gas production. As those needs are determined, FEA has indicated that it will inform the Commission so that they can be considered in relation to the development of accounting practices pursuant to the Act.

INSTRUCTIONS TO RESPONDERS

The Commission requests that those wishing to submit comments on the matters discussed in this release consider the following:

1. In addition to the issues identified specifically in the following discussion, responders are encouraged to identify and comment on other general and specific issues which relate to the Commission's responsibilities under the Act.

2. The Commission is interested in minimizing, to the extent possible, the burden of reporting by fulfilling the requirements of the Act with information being compiled by oil and gas producers at the present time. The data to be reported pursuant to the Act are similar in many respects to those currently being reported to Federal agencies and elsewhere. In developing definitions and guidelines, the Commission wishes to use existing practices where they are appropriate.

3. The Commission considers functional financial and operating data as necessary to assist investors in evaluating the operations of oil and gas producers. Evaluations by investors and by the energy regulatory agencies are often similar; however, differences in objectives may result in different data needs. A number of responders to the FASB Discussion Memorandum advocated disclosure in financial statements of the data described in subsection 503(c) of the Act. The Commission specfically requests that comments on the issues presented in this release discuss the data in terms of (1) compiling these data for reporting to the Federal Energy Administrator pursuant to the Act and (2) disclosure of these data in filings under the Securities Acts.

MATTERS FOR PUBLIC COMMENT

TABULATION OF COSTS BY CLASSIFICATION

Part (1) of subsection 503(c) of the Act requires "[t]he separate calculation of capital, revenue, and operating cost information pertaining to (A) prospecting, (B) acquisition, (C) exploration, (D) development, and (E) production * * *." Disclosure of capital and operating cost information is discussed below in this section and disclosure of revenue information is discussed in the following section.

Reporting pursuant to the Act will require disaggregation of certain data for entities with vertically integrated operations. The FASB in its Statement No. 14, "Financial Reporting for Segments of a Business Enterprise," did not require the disaggregation of financial data pertaining to the vertically integrated operations of an enterprise. However, the Commission considers certain aspects of Statement No. 14 to be appropriate for guidance in this regard, specifically, the FASB's conclusions expressed in paragraph 79 of Statement No. 14 that "certain items of revenue and expense do not relate to segments or cannot always be allocated to segments on the basis of objective evidence * * *. Those items are revenue earned at the corporate level and not derived from operations of any industry segment, general corporate expenses, interest expense, domestic and foreign income taxes, and equity in income or loss from unconsolidated subsidiaries and other unconsolidated investees."

For purposes of reporting capital and expense cost data pursuant to the Act, the Commission proposes to follow the concepts contained in paragraphs 10d and 10e, respectively, of Statement No. 14 relating to (1) operating expenses used to determine operating profit or loss of an industry segment and (2) identifiable assets of an industry segment. These concepts are proposed to be applied to the exploration, development and production operations of an oil and gas producer as if those operations were an industry segment under Statement No. 14.

Statement No. 14 describes operating expenses as all expenses related to both revenue from sales to unaffiliated parties and to intersegment sales or transfers. Operating expenses may include expenses not directly traceable to an industry segment but exclude the types of expenses described in paragraph 79 of Statement No. 14, as quoted above. The nature of the expense rather than the location of its incurrence determines whether it is an operating expense; accordingly, some expenses incurred at an enterprise's central administrative office may not be general corporate expenses.

Costs of the identifiable assets of an industry segment, according to Statement No. 14, include those tangible and intangible enterprise assets that are used by the industry segment. Costs of assets maintained for general corporate purposes (i.e., those not used in the operations of any industry segment) would not be allocated to the segment.

Costs incurred in oil and gas exploration, development, and production may be reported as either capital costs or current period expenses depending on the method of accounting followed by the entity incurring the expenditures. The FASB is considering how these costs should be reported in the entities' balance sheets, statements of income, and statements of changes in financial position. Irrespective of the treatment of these costs in the basic financial statements, it has been suggested that disclosure of all costs by function would be beneficial to (1) assist in relating the basic financial statements and supplemental data on reserves and operating activities, (2) present the total costs of exploration, development and production activities classified by function, and (3) indicate the nature and volume of current operations.[3]

The Act's classification of information corresponds with the description in "ARS No. 11" of the five operational phases or functions in the process of finding and recovering minerals. In the FASB Discussion Memorandum, definitions of the costs to be associated with these five phases were provided (see Appendix 2).

Response to inquiries in the FASB Discussion Memorandum indicated that the descriptions of the five stages of operations contained in Appendix 2 are accurate. However, as identified in both "ARS No. 11" and in the FASB Discussion Memorandum and as commented on by a number of respondents to the latter, a major problem in classifying costs by the above five stages is that certain types of costs, particularly geological and geophysical costs, cannot be distinguished as between prospecting and exploration except on some arbitrary basis, such as defining all costs incurred prior to acquiring ownership

[1] A copy of sections 503 and 505 of Title V of Pub. L. 94-163 is included as Appendix 1 to this release.

[2] FASB Discussion Memorandum: An Analysis of Issues Related to Financial Accounting and Reporting in the Extractive Industries, Dec. 1976. Copies may be obtained from Publications Division, File Reference 1015, Financial Accounting Standards Board, High Ridge Park, Stamford, Connecticut 06905.

[3] Additional support for such disclosure is given in Chapter 8 of "Accounting Research Study No. 11" in support of its Recommendation 19 and in the FASB's Discussion Memorandum, beginning with paragraph 636.

rights as prospecting costs. In "ARS No. 11" the five stages are used to describe the extractive process; however, the disclosure recommendations of "ARS No. 11" are based on the three major functions.

The classification of costs used most commonly is based on three major functions: (1) Exploration, (2) development and (3) production. This classification would involve combining the prospecting (this term is generally considered to be more applicable to mining than to oil and gas operations), acquisition and exploration functions presented above. An example of this classification, together with categories of costs incurred in the basic functions, is used in Schedule 1 of the proposed Federal Power Commission Form 64, which, together with its related instructions, is included in Appendix 3 for illustrative purposes.

Many responders to the FASB Discussion Memorandum stated that a classification on the basis of the three major functions would be more meaningful than one using the five stages set forth in the Act, since the problem of costs overlapping functions could be largely avoided.

In this connection, comments on the following questions are requested:

(1) Which functional classification system for cost data would achieve the most meaningful presentation?

(2) If classification by function were required according to the five stages of operations provided in the Act, what specific problems would be encountered in reporting costs based on the descriptions provided in Appendix 2? What guidelines would be necessary to assure uniform and reliable reporting?

(3) If functional cost data were reported based on a classification system similar to that presented in Appendix 3, what problems would be encountered in compiling and reporting specific types of costs by the subcategories presented, based on the instructions provided?

(4) Should the Commission follow the operating expense and identifiable assets concepts from FASB Statement No. 14 for purposes of reporting pursuant to the Act and should operating profit or loss (revenues, as discussed in the following section, less operating expenses) from oil and gas production should be reported?

(5) The instructions to FPC Form 64 permit, but do not require, allocation to major functions of general and administrative overhead not directly identified with specific functions. For purposes of reporting costs related to major functions pursuant to the Act, the Commission proposes that expenses be limited to operating expenses as that term is used in Statement No. 14. Should overhead included in operating expenses but not directly traceable to a function be allocated to specific functions? If so, explain the need for the allocations and the basis for making the allocations.

(6) Reporting of cost data on a geographical basis may be necessary. For instance, domestic data may be required to be divided between Alaska and the lower 48 states, with the latter further divided between offshore and onshore. Foreign data may be required to be reported by country or groups of countries. What allocation or other problems would be encountered if geographic reporting of costs were required?

Disclosure of Revenues

A literal reading of the Act would appear to require reporting of revenue classified on a functional basis similar to that for costs as discussed in the immediately preceding section. This issue was raised in the FASB Discussion Memorandum. No practicable basis for such an allocation of revenue has been identified. Accordingly, the Commission proposes to develop accounting practices which would permit the separate reporting of revenue from production, including sales to outside parties and to affiliates and transfers to other petroleum operations in which the producer may be engaged, such as refining, chemical processing, or transportation.

The major problem in reporting these revenues is the pricing of products transferred to producers' other operations or to affiliates. The most meaningful basis for pricing such transfers would be the price at which the products could be sold at the point of transfer in an arm's-length transaction with an unaffiliated party.

Several recommendations were made in response to an inquiry on this matter included in the FASB Disclosure Memorandum, three of which are listed below:

1. Transfers should be priced domestically on the basis of field posted prices for crude oil and condensate and negotiated purchase and sale contracts for natural gas. Foreign production, depending on arrangements governed by contract with or through the host government, generally should be equated to free world market prices. Use of market prices to value production is required to make settlements with royalty owners and to pay production and severance taxes.

2. Transfers should be calculated using an arm's-length value of the oil and gas based on market conditions, adjusted to reflect such factors as guaranteed prices resulting from contractual arrangements or limitations established by law or regulatory agencies.

3. A single method should not be specified for pricing oil and gas production transferred to other phases of an entity's operations. However, a conceptual guideline could be established requiring companies to determine transfer prices as though each transaction were made in a competitive, arm's-length environment.

Comments on the following questions regarding the pricing of transfers of oil and gas are requested:

1. On what basis can market prices be estimated in those areas of the world where no market transactions or sales of products occur or where quantities sold to unaffiliated parties are substantially less than the producer's transfers?

2. What other specific problems would be encountered in adopting a standard which would require pricing of transfers at estimated market value?

3. What guidelines are needed to achieve, to the extent practicable, uniform reporting of revenues from production?

Classification of Revenue

Revenue and volumes of production are reported in the 1971 Joint Association Survey[4] using the following classifications:

(a) Crude oil and condensate
(b) Natural gas
(c) Plant product—liquids recovered from cycling operations and/or under processing type contracts
(d) Royalties
(e) Other lease revenues

Instructions for classifying revenue in this manner are included in Appendix 4.

The Commission requests comments on the following questions relating to reporting revenue from oil and gas by type:

1. What specific problems would be encountered in compiling and reporting revenues on a basis similar to that presented above? Is this classification the most meaningful?

2. What guidelines would be necessary to achieve, to the extent practicable, uniform reporting?

3. Would the disclosure of revenues by type of production (similar to the Joint Association Survey categories presented above) be useful to investors if disclosed in filings with the Commission?

Oil and Gas Reserves

In May, 1976, the Commission adopted amendments to certain registration and annual report forms to require disclosure of proved developed and proved undeveloped net recoverable oil and gas reserves by registrants where oil and gas operations are material to the registrant's business operations or financial position (see Securities Act Release No. 5706 (41 FR 21764)).

The definition of proved reserves adopted in that release is included in Appendix 5.

The Act, in subsection 503(c), Part (2)(A), requires "disclosure of reserves and operating activities, both domestic and foreign, to facilitate evaluation of financial effort and result * * *."

A substantial majority of responders to the FASB Discussion Memorandum who advocated the disclosure of oil and gas reserves indicated that disclosure should be limited to proved reserves and some felt that only proved developed reserves should be disclosed. The imprecision in estimating reserves other than those meeting the criteria for proved reserves and the absence of established definitions and guidelines for estimating other than proved reserves were the reasons given by those advocating limiting disclosure to proved reserves or proved developed reserves.

[4] This survey is an annual undertaking to collect data from the petroleum industry through the joint efforts of three oil and gas industry trade associations, the American Petroleum Institute, the Independent Petroleum Association of America, and the Mid-Continent Oil and Gas Association.

Many respondents to the FASB Discussion Memorandum indicated that the FASB should adopt the SEC definition of proved reserves for purposes of financial reporting. A few indicated that the definition of proved reserves contained in Technical Report No. 1, "Definitions for Petroleum Statistics," of the American Petroleum Institute should be used rather than that of the SEC. The Commission views the definition of proved reserves adopted in Securities Act Release No. 5706 to be essentially the same as the API's definition, with the Commission's definition expressly limiting estimates of reserves to those which are commercially recoverable at current prices and costs.[5] Some have indicated that the Commission's definition was worded in such a manner which would permit registrants to include in estimates of proved reserves certain amounts in excess of those which would be included using the API's definition. In the Commission's view, use of either the SEC or the API definition of reserves should result in substantially the same estimates of reserves, provided the current price and cost assumption is applied.

The Commission believes that disclosure of changes in reserves on at least an annual basis is necessary to facilitate evaluation of financial effort and result. Several examples of schedules analyzing changes in reserve estimates were suggested in the responses to the FASB Discussion Memorandum. A proposed format for such a schedule is included in Appendix 6.

Comments on the following questions relating to disclosure of quantities of oil and gas reserves are requested:

1. Is the definition of proved reserves adopted by the Commission in Securities Act Release No. 5706 appropriate for purposes of reporting pursuant to the Act?

2. Should information on quantities of oil and gas other than estimates of proved reserves be required for reporting pursuant to the Act and/or disclosure in filings with the Commission? Should such disclosure be permitted in filings with the Commission? If so, indicate the nature of the data for such disclosure and the definitions and guidelines to be used in estimating them.

3. Is the proposed format presented in Appendix 6 for annual reporting of changes in estimated reserves appropriate? Identify specific problems which could be encountered in analyzing changes in estimates of reserves in this manner.

4. Should changes in reserves be presented separately for developed and undeveloped reserves and/or for producing and nonproducing reserves?

Operating Statistics

As indicated, the Act provides for disclosure of certain operating statistics. In Securities Act Release No. 5706, the Commission required the presentation of certain operating statistics, as described in Appendix 7.

Many responders to the FASB Discussion Memorandum indicated that data required in Securities Act Release No. 5706 was sufficient to accomplish the objectives of the Act. Others suggested additions and/or reductions to these data. In addition, the Commission has requested that the consulting Federal agencies inform the Commission of their needs for operating statistical information.

The Commission solicits any comments from those who did not respond to or who wish to supplement their responses to the FASB Discussion Memorandum on the disclosure of operating statistics needed to facilitate evaluation of financial information.

Other Matters

Subsection 503(c) indicates that the energy data base specified by the Act is also comprised of "[s]uch other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base."

In this regard the following questions, derived from suggestions made by respondents to the FASB Discussion Memorandum, are listed for comment:

1. When undeveloped reserves are disclosed, should disclosure of estimated future costs to develop proved reserves be required?

2. Should disclosure be required of (1) estimated future exploration and development expenditures and/or (2) estimated future quantities of production from existing proved reserves together with related revenue and expenses? If so, for what periods?

3. Should there be disclosure regarding the status of major projects in progress including expenditures to date, estimated expenditures to complete, and estimated expenditures for the next fiscal year?

Quarterly Reporting

In section 505 of the Act, the Federal Energy Administrator is required to "file quarterly reports with the President and the Congress compiled from accounts kept in accordance with (accounting practices developed pursuant to) Section 503 and (reports by producers) submitted to the Administrator * * *."

The Commission solicits comments on the current availability of the data (including costs, reserves, and operating statistics) discussed in the preceding sections of this release on a quarterly basis and on specific problems which could result from quarterly reporting. If accounting practices in addition to those developed for annual reporting are needed to compile and report the functional cost, reserve and operating data on a quarterly basis, the Commission is interested in receiving suggestions on the matters to consider in developing such practices. Some respondents to the FASB Discussion Memorandum indicated that it would be impracticable to expend quarterly reporting for operating data beyond disclosing significant changes in the data from that reported on an annual basis. Comments are requested on this point of view and how it could be implemented.

Reporting Foreign Operations

The Act requires that all data be reported treating domestic and foreign operations as separate categories. It also requires separate disclosure of reserves and operating activities and classification of financial information by function for domestic and foreign operations.

In recent years, significant changes have occurred in the arrangements under which oil and gas producers operate in countries outside the United States. Many producers which previously owned equity interests in reserves or in production now operate under long-term supply, purchase, or similar agreements. Recent changes in the nature of these agreements make difficult the development of guidelines for reporting pursuant to the Act and the Securities Acts.

The Commission solicits comments on criteria which would be useful to distinguish the different types of arrangements under which companies operate in their foreign operations and on the effects these arrangements would have on reporting under the Act. In particular, information is requested on the differences in risks between operations in different countries or areas of the world under equity and other types of operating arrangements with host countries.

Proposed Management's Analysis of Oil and Gas Operations

Many responders to the FASB Discussion Memorandum indicated that disclosure of oil and gas reserves, operating statistics, and functional costs and financial data would be inherently misleading because of the complexities involved in assessing the operations of producers of oil and gas. Their position was based on the inability to precisely relate costs and changes in reserves on any meaningful basis because of the time lag between incurring and knowing the results of expenditures and because of the inability to associate unproductive exploration costs with specific reserve activity.

Many other factors affect the assessment of operations of an oil and gas producer, including the following:

1. Uncertainties in estimating quantities of oil and gas result from inherent imprecisions in engineering techniques used for estimating reserves. Reliability of reserve estimates is also dependent on the number and relative size of the producers' properties (estimates of reserves by producers with a large number of properties are likely to be more accurate than those with relatively large portions

[5] Current prices include consideration of changes in existing prices provided by contractual arrangements, by law, or by regulatory agencies, where applicable; and for changes in prices for gas to be produced subsequent to termination or expiration of existing contracts, which latter prices should be based on current prices plus escalation for similar production subject to the entity's or other entities' recent contracts.

of their reserves concentrated in a small number of properties). In addition, the risk of estimating errors is greater for reserves determined using volumetric techniques compared with those determined on production data. Other factors could be cited which result in significant uncertainties in estimating reserves of oil and gas.

2. The likelihood of potential recoverable reserves from discoveries during the year being substantially in excess of proved reserves added during the year could make presentations of proved reserves and current expenditures not representative of current operations.

3. Significant investments in and plans to undertake improve recovery programs could affect an evaluation of a producer's operations.

4. Major changes in management philosophy regarding its exploration and development activities would be important factors in assessing operations.

5. The effects of changing prices resulting from inflation and other factors, the impact of government regulation, and changes in relationships with host governments are other factors which could require consideration in evaluating supplemental data.

Because of the complexities involved in assessing financial effort and result and in attempting to correlate functional financial information with reserve and operating statistics, as required by the Act, the Commission is considering requiring a narrative analysis by management of its oil and gas operations to assist users in interpreting the disclosure of reserves, operating statistics, and functional cost and financial date. This analysis, if required, is contemplated to be similar in concept to "Management's Discussion and Analysis of the Summary of Earnings" as discussed in Accounting Series Release No. 159 (39 FR 31894).

Comments are requested on the advisability of requiring such an analysis and for suggested guidelines to make the analysis a meaningful technique.

USE OF SCHEDULES OF OIL AND GAS DISCLOSURES IN COMMISSION FILINGS

The Commission is considering developing schedules for disclosure of data on oil and gas reserves, operating statistics, and functional cost and financial statement data for use in filings with the Commission. The disclosure of these data appear to be susceptible to presentation in schedule format, and the use of schedules would seem to facilitate uniform reporting for comparative purposes. To attempt to minimize the burden of compliance for registrants, discussions have been held with the staff of the Federal Energy Administration concerning the designing of schedules on a joint basis. Conceivably, identical or similar schedules could be used both in reporting to FEA pursuant to the Act and in reporting to the Commission for those data required to be reported to both agencies.

Comments are requested on the feasibility of (1) the Commission's prescribing schedules for disclosure of oil and gas reserves, operating statistics, and functional financial data for inclusion in filings with the Commission, and (2) the use of identical or similar schedules for reporting of such data to the SEC and to the FEA. Suggested formats for these schedules would be welcomed for consideration by the Commission.

AVAILABILITY OF DATA FOR PAST YEARS

In "ARS No. 11," the following comment is made concerning disclosure of comparative data:

Short-term effects can disguise long-term trends unless data are given for a relatively long period of years. Mineral reserve data for individual years or for only a few years are not very significant because many years are usually involved both in realizing profits from mineral reserves and properties and in assessing the cumulative effects of expenditures. Comparative data for a period of time corresponding to the typical cycle from exploration to production should be given (say 10 to 20 years). The intent of disclosing reserve and operating data should be to indicate the pattern of physical effort and achievement as an aid to interpretation of current financial reports.

The following questions are raised concerning disclosure of comparative data:

1. Is disclosure of financial and operating information for a relatively long period of years necessary to facilitate evaluation of financial effort and result and correlation of financial information by function with reserve and operating statistics? If so, for how many years should reporting be required?

2. To what extent are data such as those discussed in earlier sections of this release available in companies' records for past years? Indicate the number of past years for which such data are available.

CURRENT VALUE AND CURRENT COST DATA

In March 1976, the Commission adopted in Accounting Series Release No. 190 a new rule which requires certain large, nonfinancial registrants to disclose in their financial statements filed with the Commission information about the replacement costs of their inventories and fixed assets. In connection with the adoption of this rule, a one year exemption was granted to registrants' mineral resource assets, i.e., those assets which are directly related to and which derive value for mineral reserves. During this year, an independent research study has been sponsored by the American Petroleum Institute to consider alternative approaches in applying the replacement cost concept to mineral resource assets in the oil and gas industry. The Commission's staff has recently received, and is currently reviewing, the results of the research study together with recommendations of the American Petroleum Institute. No comments are being solicited on the disclosure of current value and current cost data until the evaluation of the American Petroleum Institute project is completed.

COMMENTS

All comments on the matters discussed in this release should be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7-708 and will be available for public inspection.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 20, 1977.

APPENDIX 1—SECTIONS 503 AND 505 OF TITLE V FROM PUBLIC LAW 94-163, ENERGY POLICY AND CONSERVATION ACT

ACCOUNTING PRACTICES

SEC. 503. (a) For purposes of developing a reliable energy data base related to the production of crude oil and natural gas, the Securities and Exchange Commission shall take such steps as may be necessary to assure the development and observance of accounting practices to be followed in the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States. Such practices shall be developed not later than 24 months after the date of enactment of this Act and shall take effect with respect to the fiscal year of each such person which begins 3 months after the date on which such practices are prescribed or made effective under authority of subsection (b)(2).

(b) In carrying out its responsibilities under subsection (a), the Securities and Exchange Commission shall—

(1) Consult with the Federal Energy Administration, the General Accounting Office, and the Federal Power Commission with respect to accounting practices to be developed under subsection (a), and

(2) Have authority to prescribe rules applicable to persons engaged in the production of crude oil or natural gas, or make effective by recognition, or by other appropriate means indicating a determination to rely on, accounting practices developed by the Financial Accounting Standards Board, if the Securities and Exchange Commission is assured that such practice will be observed by persons engaged in the production of crude oil or natural gas to the same extent as would result if the Securities and Exchange Commission had prescribed such practices by rule.

The Securities and Exchange Commission shall afford interested persons an opportunity to submit written comment with respect to whether it should exercise its discretion to recognize or otherwise rely on such accounting practice in lieu of prescribing such practices by rule and may extend the 24 month period referred to in subsection (a) as it determines may be necessary to allow for a meaningful comment period with respect to such determination.

(c) The Securities and Exchange Commission shall assure that accounting practices developed pursuant to this section, to the greatest extent practicable, permit the compilation, treating domestic and foreign operations as separate categories, of an energy data base consisting of:

(1) The separate calculation of capital revenue, and operating cost information pertaining to—

(A) Prospecting,
(B) Acquisition,
(C) Exploration,
(D) Development, and
(E) Production,

including geological and geophysical costs, carrying costs, unsuccessful exploratory drill costs, intangible drilling and development costs on productive wells, the cost of unsuccessful development wells, and the cost of acquiring oil and gas reserves by means other than development. Any such calculation shall take into account disposition of capitalized costs, contractual arrangements involving special conveyance of rights and joint operations, differences between book and tax income, and prices used in the transfer of products or other assets from one person to any other person, including a person controlled by controlling or under common control with such person.

(2) The full presentation of the financial information of persons engaged in the production of crude oil or natural gas, including—

(A) Disclosure of reserves and operating activities, both domestic and foreign, to facilitate evaluation of financial effort and result; and

(B) Classification of financial information by function to facilitate correlation with reserve and operating statistics, both domestic and foreign.

(3) Such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base.

AMENDMENT TO ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

SEC. 505 (a) Section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 is amended by adding at the end thereof the following:

"(3) In order to carry out his responsibilities under subsection (a) of this section, the Federal Energy Administrator shall require, pursuant to subsection (b)(1)(A) of this section, that persons engaged, in whole or in part, in the production of crude oil or natural gas—

"(A) Keep energy information in accordance with the accounting practices developed pursuant to section 503 of the Energy Policy and Conservation Act, and

"(B) Submit reports with respect to energy information kept in accordance with such practices.

The Administrator shall file quarterly reports with the President and the Congress compiled from accounts kept in accordance with such section 503 and submitted to the Administrator in accordance with this paragraph. Such reports shall present energy information in the categories specified in subsection (c) of such section 503 to the extent that such information shall be compiled from such accounts. Such energy information shall be collected and such quarterly reports made for each calendar quarter which begins 6 months after the date on which the accounting practices developed pursuant to such section 503 are made effective."

(b) The amendment made by subsection (a) to section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 shall take effect on the first day of the first accounting quarter to which such practices apply.

APPENDIX 2—DEFINITION OF THE FIVE PHASES IN THE PROCESS OF FINDING AND RECOVERING MINERALS [1]

A. PROSPECTING COSTS

Direct and indirect costs incurred to identify areas of interest that may warrant detailed exploration. Such costs include those incurred for the following: Topographical, geological, and geophysical studies; rights of access to properties in order to conduct such studies; salaries, equipment, instruments, and supplies for geologist, geophysical crews, and others conducting such studies; and overhead that can be identified with these activities.

B. ACQUISITION COSTS

Direct costs and indirect costs incurred to acquire legal rights to wasting natural resources. Direct costs include costs incurred to obtain options to lease or purchase mineral rights and costs incurred for the actual leasing (e.g., lease bonuses) or purchasing of the rights. Indirect costs included such costs as the following: Brokers' commissions and expenses; abstract and recording fees; filing and patenting fees; and costs of legal examination of title and documents.

C. EXPLORATION COSTS

Direct and indirect costs incurred in order to examine in detail a specific area that shows evidence of containing mineral reserves. Although most exploration costs are usually incurred after the acquisition stage, some exploration costs may be incurred prior to the acquisition stage in probing a specific area of probable mineralization located in the prospecting stage. Exploration costs include, but are not limited to, the costs of geological and geophysical studies and the costs of drilling wells or cores. Exploration costs also include the costs of labor, administrative overhead, depreciation of drilling equipment, supplies, and some access or support facilities, such as housing for crews in remote areas.

D. DEVELOPMENT COSTS

Direct and indirect costs incurred after the exploration stage, in an attempt (whether or not successful) to obtain access to known minerals-in-place and to prepare appropriate facilities for production. Development costs include the costs of drilling wells, and installing or constructing roads, dikes, and field storage facilities. Development costs also include the costs incurred in relocating public roads, gas lines, power lines, etc., required to develop reserves. Such exploratory facilities as wells frequently are extended or augmented by incurring additional development costs during the development and, possibly, production stages of operations.

E. PRODUCTION COSTS

All direct and indirect costs incurred to physically extract oil and gas. Those include the following: royalties (other than those that relate to revenue that is excluded from the producer's gross revenue); exhaustion of capital facilities provided during the exploration and development phases; depreciation of production equipment; maintenance of facilities and properties; costs of improved recovery operations; waste disposal costs; temporary storage facility costs; direct and indirect labor, supplies, attendant supervisory and administrative overheads; and restoration costs.

[1] These definitions were obtained from Appendix D, "Glossary of Terms," of the FASB Discussion Memorandum, An Analysis of Issues Related to Financial Accounting and Reporting in the Extractive Industries, December 1976. References to mining costs contained in the definitions presented in the FASB Discussion Memorandum have been deleted.

APPENDIX 3—CLASSIFICATION OF EXPENDITURES PROPOSED FPC FORM 64

A. EXPLORATION

01. Drilling and equipping exploratory wells.
02. Dry exploratory holes.
03. Acquiring undeveloped acreage.
04. Lease rentals and related expenditures.
05. Geological and geophysical.
06. Contributions toward test wells.
07. Land department, leasing, and scouting.
08. Other including direct overhead.
09. Total exploration.

B. DEVELOPMENT

10. Drilling and equipping developmental wells.
11. Dry developmental holes.
12. Lease equipment.
13. Improved recovery programs.
14. Other including direct overhead.
15. Total development.

C. PRODUCTION

16. Production expenditures.
17. Direct overhead.
18. Production or severance taxes.
19. Ad valorem taxes.
20. Total production.

D. G&A OVERHEAD NOT REPORTED ELSEWHERE

21. Allocated to exploration.
22. Allocated to development.
23. Allocated to production.
24. Total G & A overhead.

Extracts of the instructions for completing Schedule No. 1 of FPC Form 64 follow:

GENERAL INSTRUCTIONS

In this schedule, the classification of exploratory and development well expenditures should be based on the AAPG well classifications as follows:

(1) Exploratory wells which include new field wildcats, new-pool wildcats, deeper-pool tests, shallower-pool tests, and outposts (extensions).

(2) Development wells which are those wells drilled to produce oil or gas from pools discovered by previous drilling.

Report only expenditures for your net working interest, whether for company operated or non-operated properties. Report expenditures for dry holes as exploratory or development on Line Nos. 02 or 11 in accordance with the above classification. Because service wells do not fall necessarily within any one category of expenditures, see definitions below for Line Nos. 13 and 14 for treatment of expenditures for service wells.

INSTRUCTIONS FOR SPECIFIC ITEMS—DRILLING AND EQUIPPING EXPLORATORY WELLS (INCLUDING PLATFORM COSTS) AND DRY HOLES—LINE NOS. 01 AND 02

Report all expenditures made during the report year (reduced by the amount of outside cash contributions such as bottom hole or dry hole) for drilling exploratory wells which include only successful wells and dry holes completed during the report year. Include: (a) Expenditures for casing, tubing, and wellhead fittings associated with exploratory wells; (b) expenditures for roads, grading, etc.; (c) expenditures for drilling platforms; and (d) all other expenditures incident to exploratory drilling. Reduce cost of exploratory dry holes by salvage of equipment capable of re-use. Exclude all expenditures for equipment beyond the Christmas tree and expenditures for all downhole pumping and artificial lift equipment which should be reported on Line No. 12. In addition, exclude all expenditures related to wells still drilling or not completed at the end of the report year.

ACQUIRING UNDEVELOPED ACREAGE—LINE NO. 03

Report expenditures incurred during the year for acquiring undeveloped acreage including lease bonuses, advance initial rentals which because of unusual circumstances are actually in the nature of a bonus, and any other outlays necessary to acquire leases, mineral rights, and fee lands incident to oil and gas exploration. Exclude annual rentals and other lease-carrying expenditures which should be reported on Line No. 04.

LEASE RENTALS AND RELATED EXPENDITURES—LINE NO. 04

Report expenditures made during the year for lease rentals and other expenditures for carrying leases, such as shut-in royalties and annual payments. Omit land department, leasing, and scouting expenditures, which should be reported on Line No. 07.

GEOLOGICAL AND GEOPHYSICAL—LINE NO. 05

Report all expenditures for geological and geophysical exploration. Include expenditures for capital equipment identifiable with G & G and for core drilling (such as some types of slim hole stratigraphic tests) where the intention in advance of drilling is not to complete the well as a producing well, and/or when such tests are drilled in such a manner that productive completion is not possible.

CONTRIBUTIONS TOWARD TEST WELLS—LINE NO. 06

Report all contributions toward test wells, including dry hole money, bottom hole money, etc. Do not include the cost of acreage contributions.

LAND DEPARTMENT, LEASING, AND SCOUTING—LINE NO. 07

Report all land department, scouting, and lease acquisition expenditures except the actual outlays for purchase or land leasing reported under Line Nos. 03 and 04 above.

OTHER, INCLUDING DIRECT OVERHEAD—LINE NO. 08

Report all expenditures not listed above, which relate to exploration for oil and gas, whether such expenditures are capitalized or expensed on the books of account. Include expenditures for exploratory capital equipment constructed or purchased, not included on Line Nos. 01 through 07 above. Include direct overhead, especially at district and field levels, where such overhead can be identified with the exploratory function: E.g., district supervisory salaries; ad valorem taxes on non-producing leases; and taxes on buildings and equipment used for exploratory purposes. Report exploration overhead costs which cannot be directly identified with exploratory activities undertaken during the year on Line No. 21.

DRILLING AND EQUIPMENT DEVELOPMENT WELLS (INCLUDING PLATFORM COSTS) AND DRY HOLES—LINE NOS. 10 AND 11

Report all expenditures made during the report year for drilling development wells which include only successful wells and dry holes completed during the report year. Include: (a) Expenditures for casing, tubing, and wellhead fittings associated with development wells; (b) expenditures for roads, grading, etc.; (c) expenditures for drilling platforms; and all expenditures incident to development drilling. Exclude all expenditures for equipment beyond the Christmas tree and all expenditures for downhole pumping and artificial lift equipment which should be reported on Line No. 12. In addition, exclude all expenditures related to wells still drilling or not completed at the end of the report year.

LEASE EQUIPMENT—LINE NO. 12

Report all lease equipment expenditures beyond the Christmas tree installation, including flow lines, flow tanks, field separators, heater-treaters, and related field facilities. Include expenditures for all normal pumping and other artificial life equipment, including downhole installations required for primary production.

FLUID INJECTION AND IMPROVED RECOVERY PROGRAMS—LINE NO. 13

Fluid injection and improved recovery programs include gas injection, water injection, steam injection, miscible phase, in situ combustion, etc., associated with oil and gas production. Report expenditures for procuring and installing all facilities and for drilling service wells, or converting existing wells to service wells, associated with such programs. Facilities should include pumps, compressors, engines, tankage, gathering and injection lines, treating facilities, special downhole and surface equipment, etc. Service wells include wells used for gas injection, water injection, steam injection, air injection, and water supply for injection. Do not include expenditures for observation wells, salt water disposal wells, water supply wells, or other wells required for primary production operations which should be reported on Line No. 14.

OTHER, INCLUDING DIRECT OVERHEAD—LINE NO. 14

Report all other development expenditures, including such items as: Access facilities to district installations (as opposed to individual wells) such as roads, bridges, canals, and other improvements; camp and district facilities; fuel gas systems; observation wells, salt water disposal wells, and water supply wells other than reported on Line No. 13; directly assignable overhead expenditures; and expenditures for capital equipment used for development not otherwise accounted for. Exclude expenditures for equipment and buildings used by personnel engaged in general producing and administrative activities as distinguished from development operations.

Report overhead expenditures which cannot be directly identified with development activities during the year on Line No. 22.

PRODUCTION EXPENDITURES AND DIRECT OVERHEAD—LINE NOS. 16 AND 17

Report lifting expenditures and all other expenditures which are directly applicable to the production of oil and gas, as distinguished from exploratory and development activities. Include expenditures for: Labor; supervision in the field; repair and maintenance including workovers; production platforms; fuel; power and water; small tools and supplies; cost of treating oil; teaming and trucking; insurance; taxes (not including production and ad valorem taxes, and federal and state income taxes); bailing, shooting, fracturing, and acidizing, when not part of original completion work; abandonments; and expenditures for maintaining field offices. Include direct overhead, especially at district and field levels, where such overhead can be directly identified with the production function. Do not include expenditures applicable to gas processing plants or gas systems.

PRODUCTION OR SEVERANCE TAXES—LINE NO. 18

Report here the total payments for production or severance taxes to state and local governments. Do not reduce the value of crude oil and natural gas produced at the wellhead by such amounts.

AD VALOREM TAXES—LINE NO. 19

Report expenditures for ad valorem taxes on producing properties or equipment thereon, buildings, lease or field facilities, and other property used in production operations. Exclude: Ad valorem taxes on undeveloped properties and property taxes on buildings and equipment used for exploratory purposes, which should be included on Line No. 08; ad valorem taxes on office buildings or other facilities used for general and administrative purposes, which should be included on Line Nos. 21–24 to the extent that they are applicable to the operations covered by this report.

GENERAL AND ADMINISTRATIVE OVERHEAD NOT REPORTED ELSEWHERE—LINE NOS. 21 THROUGH 24

Report all general operating and administrative expenditures above the field level, which are applicable to exploration, development, and production activities, excluding only those items which have been directly classified on Line Nos. 08, 14 and 17. Include salaries and office expenditures and "depreciation charges" for office buildings, etc.

If engaged in activities other than the production of oil and gas, include under this heading only that portion of general and administrative expenditures allocable to the oil and gas exploration and production departments. Do not include interest on investment or state and federal income taxes.

General and administrative overhead reported in total on Line No. 24 may be distributed to exploration, Line No. 21, development, Line No. 22, and production Line No. 23, in accordance with company practice. If allocations are not customarily made, report under Line No. 24.

APPENDIX 4

INSTRUCTIONS FOR CLASSIFYING REVENUE BY TYPE

The following are instructions for reporting revenues classified by type in the JAS Survey: [1]

CRUDE OIL AND LEASE CONDENSATE:

Report the net company working interest in crude oil and lease condensate produced. The volume should be the net company working interest in liquids produced from all wells in which all or part of the working interest is owned, including unitized projects. The volume reported should not include liquid products derived from gas processed under casinghead or percentage type contracts, from cycling operations and/or under processing type contracts.

The value reported should be the amount of revenue credited to the lease (after royalty payments, production payment disbursements, and net profit disbursements. Do not include the lease sales value of liquid products derived from gas processed under a casinghead or percentage type contract, which is to be reported as natural gas sales or from cycling operations and/or under processing type contracts which is to be reported as natural gas sales or plant product sales, depending on the basis recorded in company accounts. Do not deduct production or severance taxes since these should be reported as expenditures.

NATURAL GAS SALES

Volume—Report the volume of net company working interest in gas produced from oil and gas wells, and subsequently sold, including:

(1) The volume of gas delivered to respondent's own gas processing plants or gas systems. For cycling operations and/or under processing type contracts, if the sale of residue gas and liquid products is recorded on a separate basis, report only the leases' share of the net company working interest in residue gas sold by the plant. If recorded on a raw gas basis, as under a casinghead contract, report the net working interest raw gas volume.

(2) The volume of gas used in drilling or producing operations, if the value of such gas is credited to lease revenue with a corresponding charge to lease operations.

EXCLUDE THE FOLLOWING

(1) The volume of residue gas sold (or returned for lease operations) where such residue gas (or proceeds therefrom) represents all or part of the consideration received from the sale of casinghead gas, as under a casinghead or percentage type gas contract. (The inclusion of residue gas volume would amount to duplication, since residue volume is included in the volume of raw gas sold to the gas processing plant.)

(2) The volume of gas returned to the producing reservoir.

The volumes reported should be at the pressure base reflected in the accounts of the reporting producers, and such volumes need not be adjusted to any uniform pressure base, such as 14.65 psi. However, indicate the pressure base used.

Value—The value of net company working interest in gas produced from oil and gas wells and credited to lease revenues should include:

(1) Revenue received from sale of gas. This value should include (a) the revenue derived from the sale of liquids and residue gas extracted from gas processed under casinghead or percentage type contracts, and (b) the revenue received from the sale of residue gas from cycling operations or under processing type contracts if so recorded in company accounts. If recorded on a raw gas basis, report the revenue from both residue gas and liquids.

(2) The value of gas delivered to respondent's own gas processing plants or gas systems which is credited to the lease.

(3) The value of gas used in drilling or producing operations, including residue gas returned from plants, if the value of such gas is credited to lease revenue with a corresponding charge to operations.

LEASES' SHARE OF LIQUIDS RECOVERED FROM CYCLING OPERATIONS AND/OR UNDER PROCESSING TYPE CONTRACTS

Report the leases' share of the net company working interest in the volume and value of liquids recovered from cycling operations and/or under processing type contracts, if recorded separately on company records. If not separated, report the volume and value of the leases' share of liquids sold from such operations (on a raw gas basis) as natural gas sales.

OIL AND GAS ROYALTY REVENUE

Report oil and gas revenue from royalties owned plus revenue from oil payment interests received, net profit interests received, etc.

OTHER LEASE REVENUES FROM PRODUCING OPERATIONS

Report any other lease revenues strictly incidental to oil and gas operations; such as equipment rentals; receipts from services performed for others; sales of water or steam; etc. Do not include revenue attributable to operations of gas processing plants or gas systems, or receipts from sale of assets, producing properties, etc. Do not include revenue applicable to mined sulfur, oil, shale, uranium, or other mineral operations.

[1] These guidelines were extracted from the 1975 Joint Association Survey, an annual undertaking to collect data from the petroleum industry through the joint efforts of three oil and gas associations, the American Petroleum Institute, the Independent Petroleum Association of America, and the Mid-Continent Oil and Gas Association.

APPENDIX 5—DEFINITION OF PROVED OIL AND GAS RESERVES FROM SECURITIES ACT RELEASE 5706

The following definition of proved reserves is included in Securities Act Release No. 5706 [41 FR 21764]:

Estimates of future recoverable oil and gas shall be limited to proved developed and proved undeveloped future net recoverable reserves. For purposes of this instruction "proved reserves" are defined to be those quantities of crude oil, natural gas, and natural gas liquids which, upon analysis of geologic and engineering data, appear with reasonable certainty to be recoverable in the future from known oil and gas reservoirs under existing economic and operating conditions. Proved reserves are limited to those quantities of oil and gas which can be expected, with little doubt, to be recoverable commercially at current prices and costs, under existing regulatory practices and with existing conventional equipment and operating methods. Depending upon their status of development, such proved reserves shall be subdivided into the following classification:

(a) *Proved Developed Reserves.* These are proved reserves which can be expected to be recovered through existing wells with existing equipment and operating methods. This classification shall include:

(i) *Proved Developed Producing Reserves.* These are proved developed reserves which are expected to be produced from existing completion interval(s) now open for production in existing wells; and

(ii) *Proved Developed Non-Producing Reserves.* These are proved developed reserves which exist behind the casing of existing wells, or at minor depths below the present bottom of such wells, which are expected to be produced through these wells in the predictable future, where the cost of making such oil and gas available for production should be relatively small compared to the cost of a new well.

Additional oil and gas expected to be obtained through the application of fluid injection or other improved recovery techniques for supplementing the natural forces and mechanisms of primary recovery should be included as "Proved Developed Reserves" only after testing by a pilot project or after the operation of an installed program has confirmed through production response that increased recovery will be achieved.

(b) *Proved Undeveloped Reserves.* These are proved reserves which are expected to be recovered from new wells on undrilled acreage or from existing wells where a relatively major expenditure is required for recompletion. Reserves on undrilled acreage shall be limited to those drilling units offsetting productive units, which are reasonably certain of production when drilled. Proved reserves for other undrilled units can be claimed only where it can be demonstrated with certainty that there is continuity of production from the existing productive formation.

Under no circumstances should estimates for proved undeveloped reserves be attributable to any acreage for which an application of fluid injunction or other improved recovery technique is contemplated, unless such techniques have been proved effective by actual tests in the area and in the same reservoir. If warranted, however, a narrative discussion can be provided to point out those areas where future drilling or other operations may develop oil and gas production which at the time of filing is considered too uncertain to be expressed as numerical estimates for proved reserves.

The reserves disclosed in SEC filings must be reported by "appropriate geographic area(s), such as by continent or by country, except that United States reserves shall be shown separately." As to foreign reserves, the following is provided:

(a) Consideration should be given to the effect on ownership of reserves of any takeover or nationalization by foreign governments of properties owned by the registrant, including any possible change of a property interest into a long-term supply, purchase, or similar agreement.

(b) The amounts of oil and gas subject to purchase under long-term supply, purchase or similar agreements with foreign governments or authorities should be disclosed separately * * * when such agreements cover all or part of the registrant's reserves under a previous equity interest, or when the registrant has invested monies in foreign prospects, or has some special arrangement.

(c) When any foreign government restricts the disclosure of estimated reserves for properties under their governmental authority, or amounts under long-term supply, purchase, or similar agreements to be disclosed pursuant to ([(b) above]), the registrant need not disclose such estimates or amounts but should identify the country and state that the reported reserve estimates or amounts do not include figures for the named country.

APPENDIX 6.—SCHEDULE OF ANNUAL CHANGES IN ESTIMATES OF PROVED RESERVES

An example of the lines of a schedule analyzing changes in estimates of reserve is presented below:

ESTIMATE—BEGINNING OF YEAR

Revisions to previous estimate

ESTIMATE—BEGINNING OF THE YEAR, AS ADJUSTED

Additions:
- New reserves discovered in new fields
- Extensions of old reservoirs
- New reserves discovered in new reservoirs in old fields
- Reserves added through improved recovery techniques
- Purchases of recoverable reserves

Deductions:
- Production
- Sales of recoverable reserves

ESTIMATE—END OF YEAR

The following definitions [1] would apply:

1. Revisions to previous estimates—changes in earlier estimates, either upward or downward, resulting from new information (except from an increase in proved acreage) obtained from development drilling and production history.

2. New reserves discovered in new fields—proved reserves credited to new fields as the result of successful exploratory drilling and associated development drilling during the current year.

3. Extensions of old reservoirs—increases in estimates resulting from the drilling of wells in years subsequent to the discovery of a reservoir which add to the proved area of previously discovered reservoirs.

[1] The general source of these definitions is Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada as of December 31, 1975. This publication is issued annually by the American Petroleum Institute, the American Gas Association, and the Canadian Petroleum Association.

JUN 29 77 UM

4. New reserves discovered in new reservoirs in old fields—proved reserves credited to new reservoirs in old fields as the result of successful exploratory drilling and associated development drilling during the current year.

5. Reserves added through improved recovery techniques—proved reserves added through any method for supplementing natural reservoir forces and energy, or otherwise increasing ultimate recovery from a reservoir.

Separate presentation would be required for quantities of liquid hydrocarbons (crude oil and natural gas liquids) and natural gas. Some have suggested that separate reporting be required for crude oil, condensate, and other natural gas liquids.

APPENDIX 7.—OPERATING STATISTICS

In Securities Act Release No. 5706 (41 FR 21764), the Commission required registrants with significant oil and gas operations to disclose the following operating statistics:

1. Net oil and gas production for oil in barrels and gas in MCF for each of the last five years, by areas no larger than the geographic areas used for estimated reserves.

2. Total gross and net productive wells, expressed separately for oil and for gas, and the total gross and net producing areas.

3. The availability of oil and gas from the present reserve or contract supply for at least one year from the "as of" date of the reserve estimate.

4. As of a reasonably current date, the amounts of undeveloped acreage, both leases and concessions, if any, expressed in both gross and net acres by state, country, or other appropriate geographic area, together with an indication of acreage concentrations, and, where material, the minimum remaining terms of leases and concessions.

5. Present activities, such as the number of wells in process of drilling, waterfloods in process of installation, pressure maintenance operations, and any other related operations of material importance.

[FR Doc.77-18252 Filed 6-28-77;8:45 am]

federal register

WEDNESDAY, JUNE 29, 1977

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FOLLOW THROUGH PROGRAM

JUN 29 1977 UM

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 158—FOLLOW THROUGH PROGRAM

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This document amends the final regulation governing the Follow Through program. The amendments make three substantive changes:

(a) The provisions authorizing the Commissioner of Education to increase the Federal share of local project costs have been modified.

(b) The Commissioner is authorized to award additional funds to selected local project grantees for the purpose of demonstrating to interested persons educational practices found to have been successfully implemented in the program.

(c) The Commissioner is authorized to increase on a case by case basis the prescribed funding levels for grants and contracts for technical assistance.

These substantive amendments are prompted by changing economic conditions and by the availability of additional program funds.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232 (d)), this regulation has been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of that transmission, subject to the provisions in that section concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Ms. Rosemary C. Wilson, Director, Division of Follow Through, U.S. Office of Education, 400 Maryland Avenue SW., Room 3624, ROB-3, Washington, D.C. 20202. (Telephone: 202-245-9846.)

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the FEDERAL REGISTER on November 30, 1976 (41 FR 52488), and the public was given 45 days following publication of that notice to submit written comments, suggestions, or objections to the proposed amendments. In addition, copies of the notice of proposed rulemaking were distributed to Follow Through Project Coordinators, Chairpersons of the Policy Advisory Committees for local Follow Through projects, State Follow Through Coordinators, and other State contact persons. One written comment was received in response to the notice. That comment and the Commissioner's response is discussed below under the heading "Summary of Comment and Response".

The following discussion may help the reader to better understand the program and the reasons for these amendments.

A. BACKGROUND

Follow Through is a community services program established in 1967 under an amendment to the Economic Opportunity Act of 1964 for children in kindergarten and the primary grades who are from low-income families. The program was designed to sustain and expand on the gains made by children in Head Start or similar preschool programs. The majority of the children served by the program are from low-income families, and the majority of the children served were previously enrolled in Head Start or a similar preschool program. The program emphasizes community and parental involvement and encourages the focusing of available local, State, private, and Federal resources on low-income persons.

Follow Through has been implemented as an experimental program based on the concept of "planned variation," the purpose of which is to explore the effects of several different approaches to education of low-income children in kindergarten and the primary grades and to provide documentation on the various approaches. These approaches have been developed by several community agencies or institutions of higher education, designated as "sponsors."

Three types of awards are made:

(A) Grants for local Follow Through Projects (Subpart B); (B) Grants and Contracts for Technical Assistance (Subpart C); and (C) Grants and Contracts for Demonstration (Subpart D).

The grants for local projects under Subpart B are awarded primarily to local educational agencies which must provide comprehensive services to participating low-income children. The activities of the local projects include instruction, medical, and dental services, nutrition services, social services, staff development, and career advancement for instructional staff. All of these components must be systematically evaluated. Local projects implement one of the "sponsored" approaches or one that they have developed themselves. Most of the Subpart B local project grantees are sponsored and agree to carry out their projects in cooperation with the "sponsors."

The grants and contracts for technical assistance under Subpart C allow State educational agencies and/or other appropriate agencies to provide technical assistance to local projects and to disseminate information to other communities in their States. The grants and contracts for demonstration under Subpart D fund the "sponsors" to enable them to assist the local projects implementing their approaches.

At this time all grants made under Subpart B and D are continuations: i.e., grants are made only to grantees which have satisfactorily operated projects under Subpart B or Subpart D in the immediate prior year.

The enabling statute authorizes $60,000,000 for the fiscal years 1975–1977. Congress has appropriated $55,000,000 for the program in fiscal year 1975 and $59,000,000 in both fiscal years 1976 and 1977. The program currently is serving approximately 75,700 low-income children.

B. CHANGES TO EXISTING REGULATION

The change with respect to increase in the Federal share affects only the relative percentage of the project costs contributed by the grantee and by the Federal government to the projects which provide services to eligible children—the so-called "Subpart B" projects.

The statute governing Follow Through (Title V of the Economic Opportunity Act, section 552(b), 42 U.S.C. 2929a(b)), provides that Federal financial assistance for providing services to eligible children shall not exceed 80 percent of the approved costs of the assisted programs or activities. The statute however authorizes the Secretary to increase the Federal share of a Follow Through Project "if he (the Secretary) determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of this part" (referring to the Subpart B projects). The current Follow Through regulation pertaining to increase of the Federal share (45 CFR 158.65, "Waiver of Non-Federal share) permits increase of that share based on the amount of per capita income in the geographic area where the project is located, or, if the project serves migratory children or Indian children residing on reservations, based on the per capita income of the group being served. This amendment to the regulation revises upward the minimum per capita income required to a figure which is realistic in light of cost of living increases which have occurred since the present regulation was issued. Also, in connection with increase of the Federal share, the regulation adds a definition of a "major disaster"; and, in light of the financial difficulties being experienced by some local educational agencies, adds a new standard permitting increase in instances where the Follow Through project is located in a community recognized by Federal law as presently being unable to obtain or in danger of obtaining seasonal or current financing. The amendment deletes language in the present regulation which authorizes increase of the Federal share in cases where the grantee has ceased to qualify for this increase on other grounds and, at the same time, the cost of the project has significantly increased. Based on program experience, it appears that this provision is unnecessary.

The changes affecting the Federal share conform closely to the proposed regulations governing the Head Start program (45 CFR 1301.4–2, published as notice of proposed rulemaking in the FEDERAL REGISTER on May 5, 1976 (41 FR 18608–18609)). A similar statutory requirement governing the Federal share applies to the Head Start program.

School year 1977–1978 is the first year for which additional funds for conducting expanded demonstration activities will be available. Grantees will be selected for funding under this section based on their project's ranking with respect to past implementation of the instructional component required by § 158.26(a); their effectiveness to date as measured by the criteria in § 158.24(b), and their capability of demonstrating educational practices to large numbers of persons.

The change in § 158.64 concerning the percent of the non-Federal share of a Subpart B project are clarifying, not substantive. The percent figures stated in the present regulation are computed against the approved Federal cost of the project, not the total (combined Federal and non-Federal) approved cost. The percent figures substituted by the amendment would be computed against the total (combined Federal and non-Federal) approved cost. Mathematically the result is the same. This revision is being made because the present regulation has caused confusion, being interpreted by some as being inconsistent with the governing statutory provisions which, as noted above, generally require a non-Federal share of not less than 20 percent of the total (combined Federal and non-Federal) approved cost of the project.

C. SUMMARY OF COMMENT AND RESPONSE

With respect to the additional funds for demonstration, a commenter recommended that the first priority for use of additional funds should instead be to provide a cost of living increase to all local "Subpart B" projects to enable the continued provision of comprehensive services to eligible children.

The regulation has not been changed. The Commissioner has decided that the limited amount of additional funds should be used for the demonstration of successful educational practices, because this use is in keeping with the experimental nature of the program. The Office of Education will however review on a case-by-case basis requests from local grantees for funds to carry out adequately the comprehensive intent of the Follow Through program.

The final regulation is published in its entirety for clarity and includes the amendments published as a notice of proposed rulemaking on November 30, 1976 (40 FR 52488). Technical errors have also been corrected.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order No. 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance Program Number 13.433, Follow Through.)

Dated: April 6, 1977.

WILLIAM F. PIERCE,
Acting U.S. Commissioner of Education.

Approved: June 15, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education, and Welfare.

Subpart A—Purpose and Definitions

Sec.
158.1 Program purpose.
158.2 Definitions.
158.3 Planned variation.

Subpart B—Grants for Local Follow Through Projects

ELIGIBILITY REQUIREMENTS AND PROCEDURES

Sec.
158.11 Eligible applicants.
158.12 Eligible children.
158.13 Selections of grantees and application procedures.
158.15 Criteria for refunding of projects.
158.15a Additional funds for demonstration.
158.16 Financial support of projects.

PROJECT MANAGEMENT

158.18 Project coordinator.
158.19 Policy advisory committee.
158.20 Employment of low-income persons.
158.22 Parent-implemented projects.
158.24 Evaluation of program effectiveness.

PROJECT IMPLEMENTATION

158.25 Project design and development.
158.26 Program components.

PARTICIPATION OF PRIVATE SCHOOL CHILDREN

158.28 Numbers of private school children to be served.
158.29 Manner of service.
158.30 Provision of services.

Subpart C—Grants and Contracts for Technical Assistance

158.41 Grants and contracts with State educational agencies and other appropriate organizations for technical assistance and leadership.
158.42 Criteria for approval and funding of grants or contracts.
158.43 Joint applications for technical assistance grants and contracts.

Subpart D—Grants and Contracts for Demonstration

158.51 Eligible projects.
158.53 Funding criteria.

Subpart E—Federal Financial Participation

158.63 Federal share of expenditures.
158.64 Non-Federal share.
158.65 Criteria for increase in Federal share.
158.65a Applications for increase in Federal share and review of applications.
158.66 Use of funds for sectarian purposes.
158.67 Prohibition against supplanting.
158.68 Salary and wage limitations.

Subpart F—General Provisions

158.84 Suspension, termination and refusal to refund.
158.85 Nondiscrimination provisions.
158.86 Limitation with respect to certain unlawful activities.
158.87 Political activities.

AUTHORITY: Title V, Pub L. 88–452, 78 Stat. 516, as amended by Pub. L. 93–644, sec. 8(a), 88 Stat. 2306 (42 U.S.C. 2929 et seq.) except as otherwise noted.

Subpart A—Purpose and Definitions

§ 158.1 Program purpose.

The Follow Through Program implemented by these regulations is an experimental community services program designed to assist, in a research setting, the overall development of children enrolled in kindergarten through third grade from low-income families, and to amplify the educational gains made by such children in Head Start and other similar quality preschool programs by (a) implementing innovative educational approaches, (b) providing comprehensive services and special activities in the areas of physical and mental health, social services, nutrition, and such other areas which supplement basic services already available within the school system, (c) conducting the program in a context of effective community service and parental involvement, and (d) providing documentation on those models which are found to be effective.

(Economic Opportunity Act, Title V, sec. 551, 554 (Pub. L. 93–644 sec. 8(a)))

§ 158.2 Definitions.

As used in this part:

"Act" means the Economic Opportunity Act of 1964, Pub. L. 88–452, (42 U.S.C. 2701 et seq.) as amended.

"Follow Through children" means all children in public or private school who have been enrolled in a Follow Through project in accordance with § 158.12.

"Follow Through parents" means all parents of children enrolled (or to be enrolled) in a Follow Through project, including the parents of private school children participating in the project.

"Head Start Agency" means an organization funded in whole or in part by the Office of Child Development, HEW, pursuant to Title V, Part A of the Act.

(Economic Opportunity Act, Title V, sec. 514 (Pub. L. 93–644 sec. 8(a)))

"Inservice training" means such specialized training as may be required or recommended for project staff during the course of employment in the Follow Through project.

"Local educational agency" means a public school board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Low-income children" or "low-income person" means children or persons from families whose annual income falls at or below the official poverty line as defined by the Office of Management and Budget and as revised periodically by the Department of Health, Education, and Welfare pursuant to section 625 of the Act.

"Paraprofessional" means a person who does not have a baccalaureate or equivalent degree of certification, but who directly assists persons in the performance of educational, social service, medical, or other duties of a professional nature in a Follow Through project, (e.g., teacher's aide, nurse's aide, or social worker aide).

"Preservice training" means workshops, courses, seminars, and other forms of specialized training which precede, and are required or recommended for, employment as a member of a Follow Through project staff.

"Primary grades" means grades 1 through 3 inclusive.

"Project sponsor" means a college, university, regional education laboratory, or other agency, organization or institution which receives a grant or contract to undertake some or all of the activities listed in § 158.51 and which maintains a contractual relationship with one or more local Follow Through projects for the purpose of conducting such activities in conjunction with such projects.

"Project area" means the local community or the smaller geographic area within such community (defined by school attendance zones or other similar neighborhood boundaries) in which a Follow Through project operates.

"Project staff" means all persons who work (full time or part time) directly in the Follow Through project, either on public or private school premises, whether or not such persons are paid with funds made available under the Act.

"Rural" as applied to a geographic area, means an area which is not included within a Standard Metropolitan Statistical Area (as defined by the U.S. Bureau of Census) and which is not within or coterminous with a city, town, borough, or village or other subcounty political unit, the population of which exceeds 2,500.

"State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(Economic Opportunity Act, Title V, sec. 571(2) (Pub. L. 93–644 sec. 8(a)))

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or State law.

"Supplementary training" means the training of paraprofessionals and nonprofessionals in programs leading to college level degrees, particularly in the field of early childhood education.

(Economic Opportunity Act, Title V, sec. 551 (a); 553(a)(1)(3) (Pub. L. 93–644 sec. 8(a)))

§ 158.3 Planned variation.

(a) Follow Through project grants are made to local educational agencies and other public or non-profit private agencies, organizations, or institutions in order to explore the effects of a number of promising approaches to the education of children from low-income families in the early elementary grades. Most grantees must agree to carry out the project in cooperation with project sponsors who have developed such approaches in affiliation with the U.S. Office of Education.

(b) In order to assess the effectiveness of each approach, evaluation data is being collected by the U.S. Office of Education. Because the collection of data will continue for a number of years, project and sponsor grantees are required to work together in the development and implementation of the sponsor's approach for the period of their participation in the Follow Through program except if the Commissioner determines otherwise.

(Economic Opportunity Act, Title V, secs. 551, 553(a)(1), (2) (Pub. L. 93–644 sec. 8(a)))

Subpart B—Grants for Local Follow Through Projects

Eligibility Requirements and Procedures

§ 158.11 Eligible applicants.

(a) Except as provided in paragraph (b) of this section, the Commissioner will provide financial assistance under this subpart, in the form of grants, only to local educational agencies.

(b) Whenever the Commissioner determines that (1) a local educational agency receiving assistance under paragraph (a) of this section is unable or unwilling to serve private school children as required by § 158.28 or (2) it is otherwise necessary in order to best fulfill the purposes of Follow Through as set forth in § 158.1, he may provide financial assistance to be used for this purpose to a Head Start agency or other public or appropriate non-profit private agency, organization, or institution.

(Economic Opportunity Act, Title V, section 551(a)(1), (2) (Public L. 93–644 sec. 8(a)))

§ 158.12 Eligible children.

(a) *Low-income children.* Subject to the provisions of paragraph (b) of this section, only low-income children enrolled in the early elementary grades may participate in projects funded under this subpart. At least 50 percent of the children in each entering class shall be children who have previously participated in a full-year Head Start or similar quality preschool program and who were low-income children at the time of enrollment in such preschool program; except that the Commissioner may reduce this percentage requirement in special cases where he determines that its enforcement would prevent the most effective use of Follow Through funds (e.g., where the grantee is implementing a racial desegregation plant).

(b) *Non-low-income children.* If the Commissioner determines (1) that participation in the project of children from diverse socio-economic backgrounds would enhance the development of the low-income children to be served and would benefit the community in which the project is located, or (2) that such socio-economic diversity in a particular project will produce evidence concerning how best to fulfill the purposes of Follow Through as set forth in § 158.1, he may require or permit the inclusion of a specified percentage of children other than low-income children in the project. The inclusion of such other children in a project shall not in any case dilute or interfere with the services designed for low-income children. In order to prevent such dilution, families of such other children may be required to pay (to the extent that the family's financial situation makes payment appropriate), or have payment made in their behalf from some other source, e.g., by the grantee, for all or part of the identifiable costs of the services such children receive.

(c) *Procedures for selection.* Agencies proposing to operate or continue projects under this subpart shall establish procedures for identification and selection of eligible children which comply with the requirements of this section and shall set forth such procedures in the project proposal. Such procedures shall assure that every reasonable effort will be made (1) to serve first the poorest children enrolled under paragraph (a) of this section, and (2) to determine an equitable basis on which payment shall be made with respect to children enrolled under paragraph (b) of this section.

(d) *Records.* Each project shall maintain records establishing that its identification and selection of eligible children complied with the requirements in this section.

(Economic Opportunity Act, Title V, secs. 551(a), 553(a)(1), (2) (Pub. L. 93–644 sec. 8(a)))

§ 158.13 Selection of grantees and application procedures.

(a) In order to provide the necessary continuity for evaluation of the planned variation approaches provided for in § 158.3, grants will be given only to applicants who are successfully conducting Follow Through projects during the current fiscal year and who demonstrate the capability to continue to so operate projects in accordance with the planned variation approach.

(b) Project proposals will be disposed of by the Commissioner in accordance with § 100a.27 of this chapter, and negotiated in a process of consultation with the applicant and low-income parents of Follow Through children as needed.

(Economic Opportunity Act, Title V, secs. 551(a)(1), (3); 553(a)(1) (Pub. L. 93–644 sec. 8(a)))

§ 158.15 Criteria for refunding of projects.

In accordance with the provisons of § 158.13(b) and the criteria set forth in § 100a.26(b) of this chapter, the Commissioner reviews funding for projects under this subpart on the basis that the applicant has satisfactorily operated a federally-funded Follow Through project in the immediate prior year consistent with the purposes of the program as set forth in § 158.1. In order to determine whether the applicant has satisfactorily operated a Follow Through project in the immediate prior year in accordance with the purposes of the program as set forth in § 158.1, the following criteria shall be used (each of the criteria shall be rated on the following scale: unsatisfactory, satisfactory, above average, outstanding):

(a) The proportion of children enrolled in the schools of the project who are low-income according to the official poverty line as defined by the Office of Management and Budget;

(b) The proportion of children enrolled in the schools of the project who are graduates of Head Start or similar preschool programs as required by § 158.12(a);

(c) The provision for parental and community involvement as required by § 158.26(b);

(d) The participation of Follow Through parents in the development and operation of the project as required by § 158.19 (a) and (d);

(e) The role of the Policy Advisory Committee in recommending the filling of staff positions as required by § 158.19 (d) (3) and (4);

(f) The extent to which the membership of the Policy Advisory Committee is composed of low-income parents elected by such parents as required by § 158.19(b);

(g) The extent to which the Policy Advisory Committee participates in the decision-making process in respect to important aspects of the project in accordance with § 158.19(d);

(h) The extent to which priority is given to low-income parents in the employment of nonprofessionals and paraprofessionals as required by § 158.20;

(i) If appropriate, the extent to which the supplementary training program is serving nonprofessional and paraprofessional staff of the project in accordance with § 158.26(h)(3);

(j) The role of the Career Development Committee as required by § 158.19(d)(9);

(k) The provision for staff training as required by § 158.26(g);

(l) The extent to which the instructional component is implemented as required by § 158.26(a);

(m) The provision and coordination of comprehensive services as required by §§ 158.26 and 158.26(b):

(1) Nutrition;
(2) Medical and dental services;
(3) Social services;
(4) Psychological services;
(5) Career development;

(n) The use or the coordination, or both, of other resources and programs with the project in accordance with § 158.25(b); and

(o) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(Economic Opportunity Act, Title V, secs. 551(a)(1), (3), 554(a) (Pub. L. 93–644 sec. 8(a)).)

§ 158.15a Additional funds for demonstration.

For the purpose of conducting expanded demonstration activites, the Commissioner may make additional funds available to certain applicants which have been selected for funding in accordance with § 158.15 for the same year for which the additional funds are to be made available. These applicants must have received a satisfactory rating with respect to all the funding criteria listed in § 158.15, and must have received an outstanding rating with respect to the funding criteria listed in § 158.15 paragraphs (l) and (o). The following additional criterion will be applied in making awards under this section: the extent to which, the applicant has the capability of demonstrating educational practices to large numbers of interested persons. Factors to be used in determining this capability include the following: geographic location, ease of accessibility, availability of transportation and lodging facilities for large numbers of persons, and personnel resources. The requirements imposed by § 158.64 of this part with respect to non-Federal share do not apply to funds made available under this section.

(42 U.S.C. 2929b(a)(1).)

§ 158.16 Financial support of projects.

The grantee shall support project activities conducted under this subpart through the following combination of resources:

(a) The normal effort (in funds and services) which the grantee is required to maintain under § 158.67 and upon which the project builds;

(b) The Federal funds appropriated under the Act and distributed under this subpart; and

(c) The non-Federal contribution required by §§ 158.64 and 158.65.

(42 U.S.C. 2929, 2929a)

Project Management

§ 158.18 Project coordinator.

(a) *Position.* Each grantee receiving funds under this subpart shall, with the approval of the Policy Advisory Committee described in § 158.19, appoint a project coordinator to be responsible for overall project management. The position of project coordinator shall be a full-time position, unless the Commissioner, in individual cases, specifies otherwise.

(b) *Duties.* The project coordinator's duties shall include: (1) supervising all project staff; (2) serving as liaison between the project and Federal, regional, State, and local agencies involved in the Follow Through program; (3) working with the program sponsor to implement the program approach selected; (4) attending all relevant Follow Through meetings, workshops, and training sessions sponsored by the Commissioner or by the project's program sponsor; (5) ensuring that project components and activities are interrelated so that children are not served in a fragmented manner; and (6) maintaining communication and cooperation among the program sponsor, Follow Through parents, Policy Advisory Committee members, project staff, administrative and other school staff, and the various community agencies and organizations which serve low income persons.

(Economic Opportunity Act, Title V, secs. 551(1), (2) (Pub. L. 93–644 sec. 8(a)).)

§ 158.19 Policy Advisory Committee.

(a) *Purpose.* Each grantee shall, upon the identification of Follow Through project children, establish a Policy Advisory Committee, selected in accordance with paragraphs (b) and (c) of this section, to assist with the planning and operation of project activities and to actively participate in decision making concerning these activities.

(b) *Membership.* (1) More than one-half of the Policy Advisory Committee members shall be low-income Follow Through parents who are elected (or re-elected) by such parents in elections held at least annually.

(2) The remaining members shall be chosen by the parent members, elected under paragraph (b)(1) of this section, from among the various persons and representatives of agencies and organizations in the community who have manifested concern in the interests of low-income persons.

(3) In no case shall an officer of the Policy Advisory Committee serve for more than two consecutive years as an officer.

(c) *Advisors.* At the request of the Policy Advisory Committee, elected or appointed officials and employees of the local educational agency (including project staff) in whose jurisdiction the project is located and any group contracted to work for such agency may serve in an advisory capacity to the Committee, but shall in no case have the right to vote.

(d) *Duties.* The Policy Advisory Committee's duties shall include: (1) developing by-laws which define the purposes and procedures of the Committee; (2) helping to develop all components of the project proposal and approving them in their final form; (3) assisting in the development of criteria for selection of professional staff and recommending the selection of such staff; (4) assisting in the development of criteria for the selection of nonprofessional and paraprofessional staff, exercising primary responsibility in recommending the selection of such staff for participation in the project and for participation in supplementary training programs which the Commissioner may from time to time sponsor; (5) exercising the primary role in developing criteria for selection and recruiting of eligible children which are required by § 158.12; (6) contributing to the continued effectiveness of the project coordinator; (7) establishing and operating a procedure of petition and discussion under which complaints of parents and other interested persons can be promptly and fairly considered; (8) mobilizing community resources and securing the active participation of Follow Through parents in the projects (9) supervising a Career Development Committee to provide direction and initiative for the career development component as required by § 158.26(h). The members of the Career Development Committee shall be appointed by the Policy Advisory Committee from among the following groups in numbers adequate to assure their effective representation: (i) The low-income Follow Through parents, including low-income parent members of the Policy Advisory Committee; (ii) para-professionals and nonprofessionals working in the project, and (iii) the professional members of the project staff. The Career Development Committee's duties shall include: (i)

devising a career development plan in accordance with § 158.26(h), (ii) assisting the Policy Advisory Committee to fulfill its responsibilities under subparagraph (4) of this paragraph for selecting paraprofessionals and nonprofessionals to participate in supplementary training programs which the Commissioner may from time to time sponsor.

(e) *Funding.* (1) In order to facilitate the functioning of the Policy Advisory Committee, (i) the committee shall submit a proposed budget of its projected operational costs for each budget period to the grantee for inclusion in the grantee's application, and on the basis of such budget and the negotiations held pursuant to § 158.13(b), and in accordance with local laws and regulations, shall at the beginning of each grant period allocate to the Committee a sum sufficient to allow it effectively to fulfill its responsibilities under paragraph (d) of this section.

(2) Funds allocated to the Policy Advisory Committee under paragraph (e) (1) of this section shall not be used for: (i) The purchase of classroom equipment, (ii) classroom instructional purposes, (iii) personal loans or expenditures.

(3) Policy Advisory Committee members may be compensated for attending a negotiation workshop, special conference or board of education meeting directly related to the Follow Through project at a rate not less than the Federal minimum wage nor more than the wages he would otherwise earn during such time, but in no event shall payments be made to members if no wages are actually lost.

(Economic Opportunity Act, Title V, secs. 551(a)(3), 554(a) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

§ 158.20 Employment of low-income persons.

Whenever an opening exists in project staff positions for nonprofessionals or paraprofessionals, the grantee shall actively solicit applications from low-income persons and give preference to such persons in hiring. The highest priority shall be accorded to low-income persons who are parents of Follow Through children. The grantee shall establish hiring procedures which assure that the Policy Advisory Committee will be primarily responsible for recommending the filling of nonprofessional and paraprofessional positions in accordance with § 158.19(d)(4).

(Economic Opportunity Act, Title V, sec. 554(a) (Pub. L. 93-644 sec. 8(a))

§ 158.22 Parent-implemented projects.

(a) *Eligible projects.* The Commissioner may designate certain of the projects funded under this subpart as parent-implemented projects. Both projects operated directly by nonprofit, private agencies or organizations constituted by parent groups to whom grants are awarded under § 158.11(b)(2) and projects operated by other grantees who delegate significant operating authority to a parent group are eligible for such a designation.

(b) *Functions of parents.* In a parent-implemented project, the parents (as defined in paragraph (c) of this section) shall assume at least the following functions in regard to project management: (1) All functions of the Policy Advisory Committee set forth in § 158.19(d); (2) all functions of the Career Development Committee set forth in § 158.19(d)(9); (3) primary responsibility and authority for selecting the project coordinator and other project staff.

(c) *Definition.* For purposes of this section, "parents" means all parents of children enrolled or to be enrolled in the project or their duly elected representatives, except that, where the grantee is itself a parent group, it may choose to define "parents" to include the entire body of parents which it represents. In the latter case, the Follow Through parents shall be equitably represented on all boards or committees performing the functions specified in paragraph (b) of this section.

(Economic Opportunity Act, Title V, sec. 551(a)(3) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

§ 158.24 Evaluation of program effectiveness.

(a) *General.* Grantees shall participate to the extent requested by the Commissioner in periodic evaluations of the Follow Through Program. Grantees shall comply with all evaluation procedures that the Commissioner from time to time may require unless, after consultation with a particular grantee, he determines that compliance with one or more such procedures would not be in the best interest of the project. Such procedures shall include making available upon request any records or other information which may be reasonably necessary to the conduct of evaluation activities. General program evaluation data may be collected through testing of children, interviews, and questionnaires.

(b) *Evaluation criteria.* In the evaluations referred to in the preceding paragraph, program effectiveness will be evaluated on the basis of criteria established by the Commissioner, such as:

(1) Comparisons of cognitive and affective development of the children served with non-Follow Through children;

(2) Comparison of the cognitive and affective development of Follow Through children, who participated in Head Start and other quality preschool programs with the cognitive and affective development of Follow Through children who did not;

(3) Extent of parent involvement in the project, including participation in the decision-making process and participation in the classroom as paid employees or volunteers, and the effect of the project upon parental attitudes concerning the school and education in general;

(4) Extent of medical and dental care, of psychological services, and of social services available to low-income Follow-Through children:

(5) Evidence of changes in school programs and in institutional rules and practices which increase the responsiveness of the educational system to low-income children and their parents;

(6) Evidence of positive changes in attitudes of program participants towards themselves and the community; and

(7) Evidence of coordination of community services (e. g., medical services) with the participating schools and their responsiveness to the needs of low-income persons.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3), 553(a)(2) (Pub. L. 93-644 sec. 8(a)))

Project Implementation

§ 158.25 Project design and development.

(a) *Services and activities.* Each Follow Through project assisted under this subpart shall be designed to fulfill the special purposes of Follow Through set forth in § 158.1 by providing services and activities which focus upon all aspects of child learning and development. The services and activities incorporated into the project proposal shall include all of the program components set forth in § 158.26.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3))

(b) *Coordination.* In designing and developing the project, the grantee shall provide for coordination among the various program components set forth in § 158.26 to prevent fragmentation of services, and for coordination of each such program component with related community agencies and resources to prevent duplication of existing services. Each program component shall be developed with the participation of (1) the Policy Advisory Committee established under § 158.19; (2) interested community agencies and organizations, including the Head Start agency; and (3) to the extent appropriate, the projects program sponsor.

(c) *Policy Advisory Committee approval.* No program proposal shall be approved or funded by the Commissioner without the prior approval of all program components by the Policy Advisory Committee, unless the Commissioner determines that the basis of the Committee's refusal to approve the proposal is inconsistent with these regulations.

(Economic Opportunity Act, Title V, sec. 551(a)(3) (Pub. L. 93-644 sec. 8(a)); 20 U.S.C. 1231d)

§ 158.26 Program components.

Unless the Commissioner in particular cases specifies otherwise, each Follow Through project shall include at least the following program components:

(a) An instructional component which generally through association with a program sponsor, implements a particular innovative approach to the education and development of low-income children;

(b) A parent and community involvement component which actively involves parents and other interested persons in the community in all aspects of the project through such activities as (1) participation in the work of the Policy Advisory Committee and other parent groups; (2) participation in the classroom as observers or volunteers, or as paid employees under § 158.20; (3) regular home visits and other contacts initiated by project staff; and (4) participation in educational and community activities, developed through other program components;

(c) A health component, developed with the direct assistance of health professionals, which responds to both short- and long-range needs by providing (1) screening, referral, and corrective treatment services for all low-income Follow Through children; (2) preventive activities such as health education for Follow Through children and their families; and (3) activities designed to encourage and improve related community health services and maximum opportunities for their continuation even after conclusion of the Follow Through project;

(d) A social services component designed to aid families of low-income Follow Through children in identifying and solving family problems and to assist in the development of more effective community social services for low-income families;

(e) A guidance and psychological services component which (to the extent consistent with the program approach of the project's program sponsor) utilizes trained psychological personnel to assist the psychological development of low-income Follow Through children through (1) classroom observation followed by consultation with teachers, teacher aides, and other staff members; (2) staff development of pertinent Follow Through personnel; (3) work with Follow Through parents; and (4) testing and appropriate follow-up for Follow Through children where necessary;

(f) A nutrition component which provides for (1) a daily type-A lunch (as defined by the U.S. Department of Agriculture); (2) breakfast and snack where necessary; (3) nutrition education and counseling for Follow Through children and their parents; and (4) training in nutrition for Follow Through staff members;

(g) A training component which includes: (1) Pre-service and in-service training, developed with the assistance of the project sponsor, for the Follow Through staff members including parent coordinator, social services aides and other ancillary personnel, (2) orientation activities for non-Follow Through personnel who have responsibilities relating to the Follow Through project;

(h) A career development component for paraprofessionals and nonprofessionals coordinated with other education opportunities which includes: (1) The implementation of a career development plan which is established for the purpose of providing for increases in both salary and job responsibility on the basis of job experience, academic background, and other relevant factors; (2) the provision for guidance and counseling in career development; (3) the provision of supplementary training; and (4) the provision of other education opportunities through such means as high school equivalency programs and vocational training programs.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (3) (Pub. L. 93-644 sec. 8(a)))

Participation of Private School Children

§ 158.28 Numbers of private school children to be served.

(a) Local educational agencies receiving assistance under this subpart, and other agencies, organizations, and institutions receiving such assistance for projects in which one or more local educational agencies participate, shall serve public and private school children in equitable proportions. Such proportions shall approximate the relative proportions of low-income children enrolled at the entering grade level served by the project in the public and private schools in the local education agency's school district who are graduates of a full-year Head Start or similar quality pre-school program.

(b) If a grantee is unwilling or unable to serve public and private school children in equitable proportions as required by paragraph (a) of this section, the Commissioner may appropriately reduce the funds to which such grantee would otherwise be entitled and award another contract or grant under § 158.11(b) for the purpose of serving that proportion of private school children which such grantee would otherwise have served. In determining the amount to be withheld from the latter grantee, the Commissioner will take into account (1) the number of private school children who are excluded from effective participation in the Follow Through project, and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of staff that would reasonably have been required to serve such children, and (3) the nature and extent of services being provided to public school children by the project from which private school children are excluded.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 sec. 8(a)))

§ 158.29 Manner of service.

(a) Private school children may be served pursuant to § 158.28: (1) on public school premises through dual enrollment or shared-time programs; (2) on private school premises, in accordance with § 158.30, or (3) on a neutral site donated or rented for use in the project. If private school children are served under subparagraphs (2) or (3) of this paragraph, they shall be concentrated in as few sites as possible, and such sites shall be located, to the extent practical, in a public school project area or in reasonable proximity thereto.

(b) The grantee shall involve private school officials and the parents of private school children in planning all phases of the project, including the selection of the method for serving private school children under paragraph (a) of this section and the selection of the program sponsor.

(c) Private school children shall participate to the maximum feasible extent in all phases of the project, and services provided for such children shall be comparable to those provided for public school children in terms of quality, scope, and opportunity.

(d) Any project to be carried out in public facilities and involving a joint participation of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(e) The applicant shall be required to inform the Commissioner of the number of private school children to be served and the manner in which and places at which they will be served. If the services differ in type or extent from those to be provided for public school children, the project application shall indicate how and why such services will differ. Letters from private school officials describing their participation in the planning of the project shall be attached to the project proposal.

(Economic Opportunity Act, Title V, sec. 551(a) (1), (2) (Pub. L. 93-644 sec. 8(a))

§ 158.30 Provision of services.

(a) Services shall be provided to private school children by the grantee, directly or through a third party contractor (other than the private school whose children are served). In providing such services, the grantee shall: (1) Maintain custody of funds and exercise control over their expenditure, (2) retain title to equipment, textbooks, and other materials acquired with project funds or donated (by other than the private school) as a non-Federal contribution to the project, (3) ensure that project funds are not used to provide services for private school children which would, in the absence of the project, have been provided by the private school in which such children are enrolled and (4) ensure that none of the Follow Through services received by private school children in any way involve religious worship or instruction or religious proselytization.

(b) In complying with paragraph (a)(4) of this section, the grantee shall establish procedures for insuring compliance with the following requirements:

(1) Facilities renovated or rented for use in the project shall be devoid of sectarian or religious symbols, decoration, or other identification. Other facilities used primarily for the project shall, to the maximum feasible extent, also be devoid of sectarian or religious symbols, decoration, or other identification;

(2) Textbooks and other instructional materials used in the project shall be only those which are used in, or approved by an appropriate State or local educational agency or authority for use in, the public schools, or which have been specifically recommended by the program sponsor; and

(3) Project funds shall not be used to pay the salaries of teachers or other employees of a private sectarian school.

(c) The grantee shall describe in the project proposal the method by which it will provide services to private school children in compliance with the requirements of this section.

(Economic Opportunity, Title V, sec. 551(a)(1), (2) (Pub. L. 93-644 Sec. 8(a)); *Lemon v. Kurtzman*, 403 U.S. 602 (1971))

Subpart C—Grants and Contracts for Technical Assistance

§ 158.41 Grants and contracts with State educational agencies and other appropriate organizations for technical assistance and leadership.

The Commissioner may make grants to State educational agencies and contracts with other appropriate agencies, organizations, or institutions to enable them to provide technical assistance to local Follow Through projects and otherwise exercise leadership in regard to Follow Through activities in the State. Activities undertaken for such purpose may include, but need not be limited to, familiarizing State educational agency personnel with the Follow Through program and with the projects in their States through on-site visits and other means; promoting the coordination of Follow Through with other State and local programs having similar objectives; assisting local projects to identify and make maximum use of available public and private resources which can contribute to the development of comprehensive projects; assisting local projects to improve school-community relationships; assisting local projects to evaluate project activities and to disseminate information regarding project activities and their evaluation; and assisting local projects with staff training and developmental programs.

(Economic Opportunity Act, Title V, Sec. 553(a)(3) (Pub. L. 93-644 Sec. 8(a)))

§ 158.42 Criteria for approval and funding of grants or contracts.

(a) *Level of funding.* The amount of a grant or contract awarded under this subpart may not exceed the total of:

(1) $4,000, which is the base rate;

(2) $2,000, for each Follow Through project expected to be in operation during the period for which the application is being made; and

(3) An amount arrived at by multiplying the relative incidence of children from low-income families in the State by the amount remaining after subtraction of the total amount computed for all States under subparagraphs (1) and (2) from the total amount available for funding grants and contracts under this subpart. The Commissioner may increase the amounts stated in subparagraph (2) on a case by case basis.

(b) *Application approval criteria.* The Commissioner will select and fund projects eligible under this section (subject to the provisions of paragraph (a) and (b) of this section) in accordance with the following criteria:

(1) *Programmatic.* (Unsatisfactory, satisfactory, above average, outstanding).

(i) The extent to which the applicant has shown or will show familiarity with the Follow Through program and the projects in its State through site visits and other means;

(ii) The extent to which the applicant will promote coordination of Follow Through with other State and local programs having similar objectives;

(iii) The extent to which the applicant will assist local projects in identifying and making the maximum use of available public and private resources which can contribute to the development of comprehensive projects;

(iv) The extent to which the applicant will assist local projects in improving parent-school-community relationships;

(v) The extent to which the applicant will assist local projects in evaluating project activities and disseminating information regarding project activities and their evaluation;

(vi) The extent to which the applicant will assist local projects with staff training and development programs.

(2) *Organizational.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the staffing for administering the grant is adequate to carry out the objectives.

(3) *Management.* (Unsatisfactory, satisfactory, above average, outstanding). The extent to which the applicant will seek information from the local project sites to meet their project needs for technical assistance.

(Economic Opportunity Act, Title V, sec. 553(a)(3) Pub. L. 93-644 sec. 8(a)))

§ 158.43 Joint applications for technical assistance grants and contracts.

In order to more effectively carry out the purpose of this subpart, applicants which are eligible to receive a technical assistance grant under § 153.41 may submit applications which either in whole or in part envision a joint technical assistance program undertaken in cooperation with other eligible agencies pursuant to § 100a.19 of this chapter. Such joint applications shall clearly delineate the responsibilities of each separate agency in administering the program, and a separate grant will be awarded to each agency to administer its portion of the joint program. No agency receiving funds under this section may be the fiscal or administrative agent for a technical assistance grant or contract for another such agency.

(Economic Opportunity Act, Title V, sec. 553(a)(3) Pub. L. 93-644 sec. 8(a)))

Subpart D—Grants and Contracts for Demonstration

§ 158.51 Eligible projects.

(a) *Activities.* The Commissioner may make awards in the form of grants or contracts, to public and private agencies, organizations, and institutions for the purpose of developing and implementing approaches to the education and development of disadvantaged children, which approaches can serve as models for use in Follow Through and similar programs. Activities undertaken with such assistance may include:

(1) The implementation of classroom instructional techniques and approaches:

(2) The implementation of methods for enlisting and utilizing the parents of disadvantaged children in the educational process;

(3) The implementation of methods for enlisting and utilizing members of the community (other than the parents referred to in paragraph (a)(2) of this section) in the educational process;

(4) The development and application of methods for the evaluation of educational programs designed for disadvantaged children, and for the use and dissemination of information derived from such evaluation; and

(5) The development of techniques for, and the provision of, specialized training for teachers and other personnal (both professional and nonprofessional) involved in the education of low-income children.

(Economic Opportunity Act, Title V, sec. 553(a)(1) (Pub. L. 93-664 sec. 8(a))).

(b) *Special problems.* In addition to the assistance provided under paragraph (a) of the section, the Commissioner may also, where he has determined that projects of the type funded under paragraph (a) of this section can benefit therefrom, make grants or contracts for research pertaining to special problems encountered in the education of disadvantaged children.

(Economic Opportunity Act, Title V, sec. 553(a)(1) (Pub. L. 93-664 sec. 8(a))).

§ 158.52 Funding criteria.

In order to provide the necessary continuity for evaluation of the planned variation approach provided for in § 158.3, the Commissioner will provide financial assistance under this subpart only to those applicants who sponsor educational approaches currently being implemented in the Follow Through Program. The Commissioner shall in accordance with the criteria set forth in Title 45 CFR 100a.26(b), and subject to the requirement of paragraph (c) of § 158.51, renew funding for projects under this subpart on the basis that an applicant has satisfactorily operated a federally funded project under this subpart in the immediate prior year. In order to determine whether the applicant has satisfactorily operated a federally funded project under this subpart in the immediate prior year, the following critera shall be used, rated on the scale unsatisfactory, satisfactory, above average, outstanding:

(a) The extent to which the evaluations conducted to date indicate program effectiveness according to criteria such as those defined by § 158.24(b).

(b) The extent to which the sponsor's objectives have been clearly stated.

(c) The extent to which the strategies for achieving the objectives have been clearly delineated in at least the following areas:

(1) Administration;

(2) Field services and training;

(3) Development of previously unused or unpublished materials;

(4) Evaluation;

(d) The extent to which parents have been and will be involved in sponsor activities.

(e) The extent to which the sponsor has provided and will provide for the training of:

(1) Administrators;

(2) Teachers;

(3) Teacher aides and other paraprofessionals;

(4) Parents;

(5) Others;

(f) The extent to which the sponsor has provided and will provide for the evaluation of the educational approach.

(g) The extent to which indicators of effective management have been present including:

(1) Staffing pattern and percent of time allocated;

(2) Qualifications of key personnel.

(h) The extent to which the sponsor has provided and will provide for monitoring the implementation of the model in the projects.

(Economic Opportunity Act Title V, sec. 553(a)(1) (Pub. L. 93-644 sec. 8(a)))

Subpart E—Federal Financial Participation

§ 158.63 Federal share of expenditures.

The Federal share of expenditures incurred under Follow Through grants and contracts made pursuant to this part, up to the total specified in the award document, shall be:

(a) For local projects under Subpart B of this part (excluding Supplementary Training and the additional funds for demonstration awarded under § 158.15(a)), the difference between the non-Federal share required by § 158.64 and total expenditures;

(b) for Supplementary Training under Subpart B and for technical assistance under Subpart C of this part, 100 percent of expenditures; and

(c) For demonstration programs under § 158.15(a) of Subpart B and Subpart D of this part, 100 percent of expenditures.

(Economic Opportunity Act, Title V, secs. 551, 552(b), 553(a)(1), (3) (Pub. L. 93-644 sec. 8(a)))

§ 158.64 Non-Federal share.

Subject to the provisions of § 158.63, the grantee shall share part of the costs of a Follow Through project funded under Subpart B of this part. That share (hereinafter, "non-Federal share") is an amount equal to not more than:

(a) 20 percent of the total (combined Federal and non-Federal approved cost of the project if the project comprises one grade level;

(b) 18.5 percent of that cost if the project comprises two grade levels;

(c) 14.5 percent of that cost if the project comprises three grade levels; and

(d) 12.5 percent of that cost if the project comprises four or more grade levels.

Once the project has reached its highest grade level (at least four grades, unless no kindergarten is in operation in the school district) and has operated at that level for a period of two project years, the non-Federal share increases again up to the maximum 20 percent, rising in the same increments (one per year) in which it decreased to its lowest point. Criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying the non-Federal share are set forth in Subpart H of Part 100a of this chapter.

(Economic Opportunity Act, Title V, sec. 552(b) (Pub. L. 93-644 sec. 8(a)))

§ 158.65 Criteria for increase in Federal share.

The Commissioner is authorized to increase the Federal share of the cost of a project indicated in § 158.63(a) under the following circumstances:

(a) *Minimum per capita income of area which project serves.* (1) Where the total per capita personal income in 1973 in the county which the Follow Through project serves was less than $3,000 per year as stated in the April 1975 edition of "Survey of Current Business" published by the U.S. Department of Commerce (tables on pages 36–53); or

(2) If based on: recent reliable data, the total per capita personal income of the county which the Follow Through project serves was less than $3,000 per year in a year later than 1973; or

(3) If the recipient can demonstrate, using reliable data, that the total per capita personal income of the political subdivision of the county which the Follow Through project serves, or of the project area, was less than $3,000 in 1973 or any later year; or

(4) If, in the case of a project serving migratory children or Indian children on reservations, it is demonstrated, based on reliable data, that the total per capita personal income of the group being served by that project was less than $3,000 in 1973 or any later year.

(b) *Major disaster in project area.* Where a major disaster has occurred in the area served by the Follow Through project and that major disaster affects the capability of the applicant to operate the project unless the Federal share of the total approved cost is increased above 80 percent. For purposes of this paragraph "major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other natural catastrophe.

(c) *Inability of local support agency to obtain current financing.* If the Follow Through grantee is being supported wholly or in part by local funds and the county or city (or political subdivision of the county or city) which provides local funds to the grantee is recognized under Federal law as being eligible for Federal financial assistance during the fiscal year in which the project is carried out, because of the inability or threatened inability of that county, city, or political subdivision to obtain current or seasonal financing from its customary sources;

(d) *Unusual circumstances.* If the financial or human resources which would otherwise be available for use in the Follow Through project have been significantly reduced by unusual circumstances (other than those referred to in paragraphs (b) and (c) of this section) affecting the city, county, or political subdivision of the city or county being served by the project.

(42 U.S.C. 2029a(b).)

§ 158.65a Application for increase in Federal share and review of applications.

(a) *Contents of application.* An applicant which desires an increase in the Federal share of a Follow Through project as authorized by § 158.65 shall request this increase in writing and in this request include the following:

(1) A statement of the applicant's reason for requesting the increase, supported by information sufficient to enable the Commissioner to determine the validity of the reason for the request. This information shall indicate, where relevant, the total per capita personal income of the county, city, or political subdivision of the county or city served by the project, or the total per capita personal income of the group being served by the project, and the source or sources of this information concerning total per capita personal income;

(2) Information showing that the applicant has made a reasonable effort to provide the non-Federal share required by § 158.64:

(3) A statement of the amount of the non-Federal share which the applicant is able to provide, and the extent to which this contribution is in kind.

(b) *Projects serving more than one area.* An applicant whose project serves more than one county, city, or political subdivision of a county or city, may apply for financial assistance in excess of 80 percent of the total (combined Federal and non-Federal) approved cost of that portion of the project serving the county, city or political subdivision which is eligible for an increase in the Federal share under § 158.65.

(c) *Review of applications.* Based on the Commissioner's review of an application submitted under paragraph (a) of this section and such additional evidence as may be required, the Commissioner may approve the application for a reason specified in § 158.65 in any amount up to 100 percent of the total approved cost of the project, or may disapprove the application. The Commissioner shall render a decision in writing and shall include a statement of the facts and the reasons for the decision.

(d) *Period of increase.* The Commissioner may not approve an increase in the Federal share for any period in excess of one year, but may renew approval upon resubmission of a written application that complies with this section.

(42 U.S.C. 2929a(b))

§ 158.66 Use of funds for sectarian purposes.

Funds appropriated under the Act and distributed under this part shall not be used for any purpose which involves religious worship or instruction or religious proselytization.

(*Lemon* v. *Kurtzman*, 403 U.S. 602 (1971))

§ 158.67 Prohibition against supplanting.

Services and activities provided with funds made available under Subpart B of these regulations shall be in addition to, and not in substitution for, services and activities previously provided without Federal assistance.

(Economic Opportunity Act, Title V, Sec. 552(c) (Pub. L. 93-644 sec. 8(a)))

§ 158.68 Salary and wage limitations.

To the extent paid from Federal funds or matching non-Federal funds, the rate of compensation of persons engaged in activities funded under this part shall not be less than the prevailing Federal minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, nor more than the average rate paid to a substantial number of the persons providing substantially comparable services in the community where the project is located or, if higher, the average rate paid for such services in the area of the employee's immediately preceding employment.

(Economic Opportunity Act, Title V, sec. 573(a) (Pub. L. 93-644 sec. 8(a)))

Subpart F—General Provisions

§ 158.84 Suspension, termination, and refusal to refund.

(a) (1) Assistance under the program may be terminated in whole or in part if the Commissioner determines after affording the recipient reasonable notice and an opportunity for a full and fair hearing, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the program. Assistance under this program may be suspended during the pendency of a termination proceeding initiated pursuant to this paragraph but only in emergency situations, e.g., where there is evidence of flagrant misuse of funds by the recipient, or evidence of unauthorized activity by the recipient which poses a threat of harm to children participating in the program.

(2) Proceedings with respect to the termination of a grant shall be initiated by the mailing to the recipient of a notice by certified mail, return receipt requested, informing the recipient of the Government's request for termination and the specific grounds therefor, together with information regarding the time, place, and nature of the hearing to be held and such other information with respect to the conduct of such proceedings as the Commissioner may determine. If the Commissioner determines for the reason specified in subparagraph (1) that suspension of assistance during the pendency of such proceedings is necessary, he shall afford the recipient reasonable notice of such determination. Such notice shall: (i) Inform the recipient of such determination, (ii) advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) offer the recipient an opportunity to show cause why such action should not be taken.

(3) A notice of suspension of assistance shall advise the recipient, in addition to the matters described in paragraph (a)(2) of this section, that any new expenditures or obligations made or incurred in connection with the program during the period of the suspension will not be recognized by the Government in the event the assistance is ultimately terminated. Expenditures to fulfill legally enforceable commitment made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, shall not be considered new expenditures.

(4) Termination of assistance shall be effected by the delivery to the recipient of a final order of termination, signed by the Commissioner or his designee, or where the recipient invokes the procedures available under paragraph (b)(2) of this section, upon an initial decision of an administrative law judge becoming final without appeal to or review by the Commissioner. If an initial decision of the administrative law judge is appealed to or reviewed by the Commissioner pursuant to paragraph (b)(2) of this section, then termination of assistance shall be effective upon a decision by the Commissioner holding that such termination is appropriate.

(5) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended pursuant to paragraph (a)(1) of this section and no obligations incurred in anticipation of suspension or termination will be allowed. Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any amounts found due.

(b) (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(2) Hearings respecting the termination of assistance pursuant to this section shall be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within 20 days of the conclusion of the hearing.

(3) The initial decision of an administrative law judge regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt by the party requesting such appeal or review of the decision of the administrative law judge. A request for appeal or review under this section shall be accompanied by exception to the administrative law judge's decision, proposed findings, supporting reasons and briefs. The adverse party shall submit its reply no later than 15 days after the submission of such request for appeal or review. The Commissioner shall issue a final decision in the case of such appeal or review no later than 30 days after the final submission of the above materials by the parties. The Commissioner may delegate his functions under this subparagraph to an appellate review council established and appointed by him.

(c) The procedures established by this section shall not preclude the Commissioner from pursuing any other remedies authorized by law. Proceedings pursuant to Part 30 of this title with respect to the eligibility of an applicant for assistance under Title VI of the Civil Rights Act (42 U.S.C. 2000d) shall be governed by the regulations in that part and Part 81.

(d) The Commissioner may not deny applications for refunding under this part unless the applicant has been given reasonable notice and opportunity to show cause why this action should not be taken.

(Economic Opportunity Act, Title V, sec. 554(b), (c) (Pub. L. 93-644 sec. 8(a)))

§ 158.85 Nondiscrimination provisions.

(a) The Secretary shall not provide financial assistance for any program, project, or activity under this part unless the grant or contract with respect thereto specifically provides that no person with responsibilities in the operation thereof will discriminate with respect to any such program, project, or activity because of race, creed, color, national origin, sex, political affiliation or beliefs.

(Economic Opportunity Act, Title V, sec. 574(a) (Pub. L. 93-644 sec. 8(a)))

(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the

benefits of, be subject to discrimination under, or be denied employment in connection with any program or activity receiving assistance under this part. Section 603 of the Civil Rights Act of 1964 shall apply to any action taken by the Secretary to enforce this paragraph.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

(c) This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program, project, or activity receiving assistance under this part.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

§ 158.86 Limitation with respect to certain unlawful activities.

No individual employed or assigned by any agency assisted under this part shall, pursuant to or during the performance of services rendered in connection with any program or activity conducted or assisted under this part by such agency, plan, initiate, participate in, or otherwise aid or assist in the conduct of any unlawful demonstration, rioting, or civil disturbance.

(Economic Opportunity Act, Title V, sec. 574(b) (Pub. L. 93-644 sec. 8(a)))

§ 158.87 Political activities.

(a) For purposes of clauses (1) and (2) of section 1502(a) of title 5 of the United States Code, any agency receiving assistance under this part shall be deemed to be a State or local agency.

(b) Programs assisted under this part shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity.

(Economic Opportunity Act, Title V, sec. 576(a), (b) (Pub. L. 93-644 sec. 8(a)))

[FR Doc.77-18282 Filed 6-28-77;8:45 am]

federal register

WEDNESDAY, JUNE 29, 1977

PART IV



FEDERAL ENERGY ADMINISTRATION

■

ENERGY AUDIT PROCEDURES

JUN 29 77
UNIV

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 450—ENERGY AUDITS

AGENCY: Federal Energy Administration.

ACTION: Final rule.

SUMMARY: This document designates types of, and requirements for, energy audits as required by the Energy Conservation and Production Act. Energy audits are procedures to be used in determining energy and cost savings likely to result from the purchase and installation of a particular modification in a building or industrial plant. This document also contains projections of future energy prices to be used in calculating these savings and includes certain criteria for determining whether a particular modification meets certain requirements prescribed by law for either an energy conservation measure or a renewable-resource energy measure.

DATE: Effective date: June 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Sydney D. Berwager, Office of Program Development, Office of Conservation, Federal Energy Administration, Washington, D.C. 20461, 202–566–7472.

SUPPLEMENTARY INFORMATION:

1. Introduction.
2. Section 450.2 Uses of Energy Audits.
3. Section 450.3 Definitions.
4. Section 460.4 Qualifying Conditions.
A. Primary Purpose.
B. Ineligible Fuel Conversion.
C. Energy Price Projections.
5. Information Audits:
A. Section 450.12 Contents.
B. Section 450.13 Auditors.
C. Section 450.14 Costs.
6. Verification Audits:
A. Section 450.21 Contents.
B. Section 450.22 Auditors.
C. Section 450.23 Costs.

1. Introduction

On April 8, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking, 42 FR 20012 et seq., April 15, 1977, to add a new Part 450 to Chapter II of Title 10, Code of Federal Regulations (CFR), to designate, by rule, types of, and requirements for, energy audits under Section 432(d), 42 U.S.C. 6325(e)(2), of the Energy Conservation and Production Act (Act), Pub. L. 94–385, 90 Stat. 1125 et seq.

Comments on the proposed rules were invited from interested persons by May 13, 1977, and public hearings were held in Washington, D.C. on May 10, 1977, and in San Francisco, California on May 13, 1977. In addition, FEA accepted oral comments on the proposed rules at the public hearings it scheduled in each of the ten FEA regions on its proposed supplemental State energy conservation plan guidelines. In response to the notice of proposed rulemaking, 19 persons presented oral testimony and 31 written comments were received by FEA. These final rules contain revisions to the proposed rule which reflect FEA's consideration of the comments as well as other information available to FEA.

Some comments reflected a general lack of understanding of the nature of the rules. Three noted they found the rules confusing. Six comments confused the conduct of energy audits with programs under which an industry regularly reports to the Federal Government on the characteristics of its energy use. Two other comments recommended that the energy audits be used after the purchase and installation of a modification to assure that anticipated energy and cost savings are achieved. To correct the misunderstandings evidenced by these comments, FEA has revised certain sections of the rules to make clear that these rules cover energy audits which are undertaken voluntarily by building and industrial plant owners and operators to identify cost-effective opportunities for reducing energy costs.

Seven comments recommended changes contrary to the enabling legislation or recommended that the rules be revised to reflect adoption of requirements in legislative proposals being considered by the Congress, with particular reference to those submitted by the President under his recommended National Energy Plan and various proposed amendments to the Clean Air Act. This regulation implements provisions of the Act pertaining to energy audits and energy measures and cannot legally create by rule requirements not authorized by enabling legislation enacted at this time.

Eight comments were received concerning the need for certain FEA administrative actions to enable States to conduct energy audit programs which they feel would be more effective than those developed under current guidelines. Examples of this type of comment are the five received regarding FEA's restrictions on the use of Federal financial assistance to pay auditors to perform Class A energy audits. While these comments have some relevance to the energy audit rules, they have already been addressed in developing FEA's supplemental State energy plan guidelines, 42 FR 26413, May 24, 1977.

A number of specific comments were received advocating various actions which are outside the purview of the energy audit rules. Two comments recommended specific equipment for designation as energy measures. These comments will be considered by FEA along with other comments to be received in response to the proposed energy measures list, 42 FR 29906, which was published on June 10, 1977. Five comments contained observations regarding areas for reducing energy waste. Three pointed out that parties other than States could carry out information audits and one strongly protested that government activity in the conduct of energy audits was inappropriate.

2. Section 450.2 Uses of Energy Audits

FEA received eight comments on the uses of energy audits. Three comments concerned the applicability of energy audits to major energy consuming industries required to report to FEA on their progress in improving energy efficiency under Part D, Title III, of the Energy Policy and Conservation Act 42 U.S.C. 6345. One comment suggested they be applicable only when used voluntarily. Two comments recommended the guidelines be sufficiently flexible so as not to render ineligible for qualification as information audits existing energy audit programs.

Two comments also revealed uncertainty concerning the differences between uses of information and verification audits. They expressed concern that the only differences appeared to be in the amount of detail required and that there seemed to be no specific use for the verification audit.

This regulation does not change proposed § 450.2. However, some further clarification may prove useful. An energy audit provides a process to identify an energy measure and to establish the energy and cost savings likely to result from the purchase and installation of an energy measure.

The information audit procedures provided by this rulemaking will be used by States participating in the program for supplemental State energy conservation plans. To be eligible for financial assistance, Section 432 of the Act (42 U.S.C. 6326), provides that a supplemental plan shall include procedures to encourage energy audits. As discussed above, final guidelines for supplemental plans were published by FEA, and Congress has appropriated $12 million for this program.

A verification audit may be used by FEA to identify an energy measure which may be eligible for Federal financial assistance under Section 451 of the Act, 42 U.S.C. 6881. Additionally, FEA may require a verification audit to verify the effectiveness of a renewable-resource energy measure selected to receive financial assistance under Section 509 of the Housing and Urban Development Act of 1970, as amended (Section 441 of the Act; 12 U.S.C. 1701z–8). No funds have been appropriated to provide financial assistance for implementation of either of these programs.

3. Section 450.3 Definitions

FEA received eleven comments on the definition of energy audits. Two considered the definition so narrow as to inhibit State creativity and innovation. Three expressed the view that the definition is too limited because it does not require analysis of non-capital and operational changes such as lowering thermostats, cleaning exhaust filters and lubricating motors and bearings.

The statutory definition of energy audits is restricted to a process for identifying the energy and costs savings likely to result from the purchase and installation of an energy measure. An energy measure is a specific change made to a building, industrial plant or industrial process and which involves a measurable purchase and installation cost. The Act's definition is thus too narrow to provide for an energy audit of operational changes such as new management systems for repairs, replacements and maintenance. Moreover, the definition does not include procedures for identifying either inefficient energy consuming conditions, practices or procedures or techniques for evaluating cost-effective combinations of energy conservation techniques to remedy deficient conditions. At the present time, FEA is confined by the restrictions imposed by the statutory definitions although it encourages the use of procedures similar to energy audits for these other purposes.

One comment observed that the proposed rules allowed energy measures an unreasonably long period within which to recover the costs of purchase and installation. Another recommended adding the word "source" after the word "energy" each time it appeared in the definition of energy conservation measure. In both these cases, FEA will use the statutory wording.

Two comments were received on the definitions of fuels. As a result, changes have been made to the definitions of "Distillate Fuel" and "Liquefied Petroleum Gas" to make them consistent with the definitions used in the Project Independence Evaluation System to project the prices for each as shown in Appendix A.

One comment suggested that peat be specified as a non-fossil fuel. FEA has not made this revision because it has not determined that peat is not a fossil fuel.

FEA revised the definition of "Modification" to provide that it must not only constitute a change to a building or industrial plant but must also be capable of being purchased and installed and of producing energy and cost savings.

To provide greater clarity and precision, this rulemaking also changes the definitions for "British Thermal Unit," "Energy Audit," "Energy Conservation Measure," and "Renewable-Resource Energy Measure." Moreover, to provide clarity of drafting, the following definitions have been added—"Act," "FEA" and "Regional Administrator."

4. Section 450.4 Qualifying Conditions

Proposed § 450.4 stated the criteria FEA would use to determine whether a particular modification meets certain requirements of the Act for designation as an energy measure.

A. Primary Purpose

FEA received seven comments on the "primary purpose" requirement for an energy conservation measure as set forth in proposed § 450.4(a). Four of the comments did not properly interpret the relationship between proposed § 450.4(a), which pertained to "primary purpose," and proposed § 450.21(b)(5)(i) and (ii), which required an evaluation of any increased energy efficiency. Only if there is an increase in the energy efficiency index with the use of a modification will FEA find an improvement in the efficiency of energy use. The final rulemaking provides this clarification in § 450.4(a). Only if a modification would produce an increase in the energy efficiency index, as required in § 450.21(b)(6)(i) and (ii), will FEA find an improvement in the efficiency of energy use.

Two comments suggested that, if not less than 50 percent of the purchase and installation costs of a modification were recovered from energy cost savings, the primary purpose requirement should be considered met because there may be cost savings other than those considered in proposed § 450.4(a).

FEA believes complete cost recovery should be shown because the regulation, as revised, now requires the consideration of the cost savings associated with a modification's operating and maintenance costs in § 450.21(b)(2). However, the audit procedures do not consider other types of cost savings which might result from the modification because such savings are beyond the scope of this rulemaking.

Two comments indicated that specifying the energy value of electricity at 3,412 Btu per kilowatt-hour unduly promoted the utilization of electrically powered modifications. Another comment stated that the consequences of electrical energy use were not well defined because of the diversity of fuels and methods used for electrical energy generation. A fourth comment advocated using a value which would reflect the loss of energy both at the point of electric power generation and during transmission to the point of use.

To account for these losses, § 450.21(b)(5) now provides for a conversion factor of 10,500 Btu per kilowatt-hour of electricity. However, the lower conversion factor is retained for use in § 450.21(d)(2) as it represents the energy content of a kilowatt-hour of electricity at the point of use after the generation and transmission losses have occurred.

B. Ineligible Fuel Conversion

FEA received fifteen comments on various aspects of fuel conversions. Seven comments recommended adopting the procedure prescribed in Chapter 12 of ASHRAE Standard 90–75, for computation of primary source energy use. FEA has determined that the limited applicability of ASHRAE 90–75 makes it unsuitable for these guidelines, but has identified no other generally applicable process that will permit accurate computation of primary source energy use. While a technique for evaluating the impact of a modification on the consumption of imported fuel at the point of generation would be ideal, FEA knows of no such technique which is sufficiently accurate and efficient to adopt in these guidelines.

One comment recommended that a conversion to natural gas be an eligible conversion, citing the fact that since the proposed guidelines for energy audits were published prior to release of the President's proposed National Energy Plan the guidelines did not properly reflect provisions of that plan relating to natural gas. FEA finds that National policy has been consistently directed at reducing the demand for natural gas, and that § 450.4(b) is consistent with this policy by discouraging conversions to natural gas.

C. Energy Price Projections

FEA received twenty-one comments on various issues related to the FEA price projections published in proposed § 450.4 (d) and (e) and Appendix A.

One comment focused on the various assumptions used to develop the Project Independence Energy System (PIES) price projections. Specific criticisms were made regarding the capital cost, high capacity utilization and implicit Federal subsidy factors used in projecting electricity rates. Four comments recommended that the price projections reflect proposed energy and environmental legislation being considered by the Congress although none took issue with FEA's judgment that they are reasonable reflections of existing laws and policies.

Two comments were received regarding possible revision of the price projections. One recommended that significant changes—either based on better information and forecasting techniques or on revised energy and environmental policies—undergo public hearings. Another recommended that FEA's official projections be revised no more than once a year so that analyses and analytical models would not have to undergo revision too frequently.

FEA intends to revise its projections when appropriate and may hold public hearings when significant changes are made to these projections. FEA will endeavor to provide up-to-date projections but not with such frequency as to cause undue burdens, uncertainty, and confusion for energy auditors.

One comment criticized the Reference Case assumption that imported oil prices would remain constant because of rising exploration and development costs. However, the price projections are based, in part, on the fact that production costs, particularly in the Middle East, are much lower than the price being charged for the exported oil.

One comment recommended the use of marginal energy prices to better reflect the social costs of energy consumption. However, FEA's projected prices reflect the actual costs which FEA believes the consumer will have to pay.

Another comment pointed out the lack of projected prices for residential and commercial consumers of coal. FEA projects that such consumption will be extremely small, even into the 1990's. Additionally, a disproportionate share of the costs of coal to these users would consist of local transportation and distribution costs which might vary greatly within a region and State. Therefore, until such time as FEA has reason to believe that residential and commercial coal consumption will make up a signifi-

cant share of the energy market, it will not attempt to project these costs.

A number of nonspecific comments on the energy price projections were received. Two criticized their reliability. Three asserted that the use of escalation rates would provide a better basis for investment decisions. Three comments stated that the price projections should be further differentiated to account for declining block rates or for differences between utilities within a region or State. FEA considers that its approach, which differentiates between regions and types of customers while allowing optional use of an adjustment formula to account for sub-regional or specific user differences, is the most effective approach for evaluation of the influence of major factors on future energy prices.

Two comments pointed out a technical error in the formula which allows an applicant to adjust the non-electricity prices in Appendix A to better reflect the applicant's individual conditions. The formula in § 450.4(d)(2)(i) has been corrected.

Finally, the prices in Appendix A of this final rule are slightly different from those included in the proposed rule. They reflect the April 19, 1977, PIES Base Case results. This is based on a recent forecast of future growth in the gross national product by the President's Council of Economic Advisers and is the case used as a reference for evaluating the initiatives included in the National Energy Plan announced by the President on April 20, 1977. In addition, a few minor technical changes were made in the forecasting model.

5. INFORMATION AUDITS

FEA received forty-one comments concerning both information and verification audits. Several pertained to guidelines in Subpart E, of Part 420, Chapter II of Title 10, CFR, which prescribe rules for supplemental State energy conservation plans. Seven of these concerned the use of Federal funds in conducting State-sponsored information audits.

Section 420.106 of Subpart E, which prescribes guidelines for allocation and uses of Federal financial assistance funds in the development, implementation, and modification of State supplemental plans, provides that grant funds may not be used to pay auditors to perform Class A energy audits. However, FEA expects that almost all States will charge fees to perform Class A energy audits of commercial buildings and industrial plants, which fees may be used to compensate persons who carry out Class A energy audits. This provision does not prohibit a State from using grant funds to employ a person to plan or supervise the implementation of a Class A information audit program measure or to develop Class A information audit materials.

Five comments referred to the funding, availability, or applicability of information audit materials, such as Class C workbooks, and to the conduct of Class B audits. These matters are beyond the scope of this rulemaking and were considered in the final rulemaking for supplemental plans.

A. SECTION 450.12 CONTENTS

Three comments were received to the effect that the guidelines for the contents of information audits were too strict. One of these comments recommended that the regulation should specify only that a State should be required to submit a plan to FEA for approval. Another advocated that the regulation should only specify energy audit and related energy savings goals for each State to use in devising its program strategy.

FEA has basically retained the approach contained in the proposal. FEA has been prescriptive with respect to contents to assure a certain minimum level of performance and quality. However, one important change has been made in § 450.12(d) that permits a simplified approach to an information audit of a dwelling unit. A State may use either the Project Conserve Questionnaire and related computer program, which is a Class B information audit package available from FEA; the Home Energy Savers Workbook, which is a Class C information audit workbook prepared by FEA; or an approach determined by the Regional Administrator to meet or exceed the standards set by the questionnaire and the Workbook.

B. SECTION 450.13 AUDITORS

One comment supported, and two disagreed with, the concept that an audit should be performed only by an auditor who is independent of the building or industrial plant that is the subject of the audit in order to prevent mismanagement and to achieve the most cost-effective results. One comment suggested that proposed § 450.11(a)(1) be amended to require that a Class A information audit be performed by a person meeting qualifications of auditors as prescribed for verification audits in proposed § 450.22 (a) or (b) as appropriate.

FEA has determined to retain proposed § 450.13 in this rulemaking in its entirety. FEA believes that precluding an otherwise qualified person from conducting an information audit because of a financial interest such as ownership of or employment in a building or industrial plant could, in fact, be counter-productive. A person with a financial interest may frequently have comprehensive knowledge of conditions in the building or industrial plant that is the subject of an information audit.

C. SECTION 450.14 COSTS

FEA received twenty comments applicable to information audit costs. Seventeen of the comments dealt specifically with the amount proposed to be allowed. One comment said that the effect of prescribing a maximum fee would actually result in that amount becoming a "floor" for audit fees. Six of the comments stated that the 7 percent figure was unfair or inapplicable because 7 percent of the year's energy costs for a separate single family residence or a small commercial building would not be sufficient to pay the costs of a Class A energy audit while the same percentage would exceed the costs of conducting a Class A information audit of a larger facility. Two comments suggested using either a formula or a ceiling value per hour of effort in performing an audit. One comment recommended using a 3 percent upper limit with certain exceptions, and another recommended that the only limit imposed should be for government reimbursement. Three comments recommended using an approach which FEA has decided to follow.

FEA has considered these comments and other information available and concludes that § 450.14(b) should be revised. In § 450.14(b) where total annual energy costs for the preceding 12 months are less than $40,000, the fee must be less than 10 percent of those energy costs; where total annual energy costs are more than $40,000 but less than 1 million dollars, the fee must be less than 5 percent or $4,000 (whichever is greater); where annual energy costs exceed 1 million dollars, it must be less than 2.5 percent or $50,000 (whichever is greater). A State's supplemental plan may include provision for exceptions to the cost guidelines for those isolated cases where a building or an industrial plant possesses unique or unusually complex characteristics in the use of energy. A State may prescribe lower fees in its supplemental plan.

One comment stated that basing audit costs on energy costs was unfair as energy prices vary significantly among regions, and an audit in one region is allowed to cost substantially more than an audit for a similar installation in another region. FEA does not intend to prescribe the proper fee but to set some easily identifiable upper limit. Moreover, this approach is the most reasonable since the scope of work necessary for an audit will vary with each specific case.

One comment asserted that the person for whose benefit the audit is conducted should be required to pay a portion of its cost so that he will have a financial incentive to use the information obtained to conserve energy. FEA believes that energy audits are to be encouraged by a State's supplemental plan and FEA will not require cost sharing by persons benefiting from the audit. Moreover, the Act requires that an audit impose no direct costs on individuals who are occupants of dwelling units in any State having a supplemental plan.

6. VERIFICATION AUDITS

Twenty-seven parties commented on one or more aspects of the analytical approach proposed in Subpart C, Verification Audits. Many of the general comments indicated a misunderstanding of the use of verification audits. This issue has been discussed above.

Five general comments were received. Three recommended, on the one hand, that FEA prescribe more technical detail. On the other hand, one comment suggested that it was premature to issue energy audit rules at this time because techniques for conducting energy audits are constantly being improved. FEA is under statutory requirement to develop the types of, and requirements for, energy audits. FEA intends to provide additional approaches and improve the techniques prescribed as experience is gained in the use and evaluation of energy audits.

A. SECTION 450.21 CONTENTS

Fourteen comments were received regarding the possible inclusion of operating and maintenance costs in the cost recovery calculations. One agreed with the FEA proposal to ignore such costs. Thirteen disagreed and recommended that operating and maintenance costs which are attributable to the use of a modification be included in the cost of purchase and installation. Upon consideration, FEA agrees with this recommendation and has accordingly added § 450.21(d)(1)(iii) to require the inclusion of operating and maintenance costs. FEA believes such costs can be accurately identified and should be considered.

Eight comments were received on the net present value approach in proposed § 450.21(d) for comparing the costs and savings to be derived over the attributed life of the measure. One comment stated that the 10 percent discount rate in proposed Appendix B was too high; two indicated their view that it was too low and one suggested the use of the investor's desired internal rate of return as a discount rate. FEA, however, still believes that the 10 percent discount rate represents an appropriate balance among the somewhat competing requirements for standardization, equity, and financial soundness the discount rate attempts to meet.

On a further issue related to proposed § 450.21(d), three comments noted that, on the one hand, principal and interest payments were expressed in current dollars not adjusted for inflation and, on the other hand, projected energy cost savings were expressed in constant dollars, in which such an adjustment is implicit. According to these comments, the effect is similar to trying to compare different currencies for which no rate of exchange has been established. One comment recommended using an 8 percent inflation rate to convert from inflated to constant dollars; another suggested 5 percent.

FEA cannot accurately predict an inflation factor for the economy. However, the disequilibrium created by comparing current dollars for purchase and installation costs with constant dollars for energy savings cannot be ignored. Accordingly, in § 450.21(d)(1)(i), FEA requires the use of correction factors set forth in Appendix C. This effects a technical adjustment to make projected principal and interest payments comparable with projected energy cost savings.

As FEA develops further experience in the use of energy audits, it will continue to consider and evaluate the consequences of this approach and, where appropriate, make allowances and adjustments to ensure requisite comparability between projected principal and interest payments and projected energy cost savings.

Seven comments emphasized the need to strengthen the audit's ability to ensure that Federal assistance is not provided for one measure where another, more cost-effective, measure is available. How an audit will be used in a Federal program which provides financial assistance for an energy measure is at this time an important but premature concern which is expected to be fully considered in the context of the specific Federal program.

Two comments recommended both the modification to be purchased and installed and any modification which could be a reasonable substitute undergo detailed assessment; another recommended that the regulation require that the most cost-effective measure available be chosen. One recommended that an audit demonstrate that all cost-effective, low capital measures for reducing energy use will be taken. Finally, one suggested that the applicant show reasons for rejection of other modifications.

After considering these comments, FEA has revised its proposed rules to require the identification of all modifications and energy conservation actions that were considered but rejected. Under § 450.21(b)(3), a verification audit must explain the reasons for choosing not to implement the modifications and energy conservation actions which were rejected. This avoids a cumbersome requirement for detailed, costly assessment of all alternative modifications but still provides information on the analysis which preceded the selection of a modification.

Eleven comments suggested that FEA allow combinations of modifications to qualify as an energy measure, even if certain specific modifications do not meet each requirement for separately qualifying as an energy measure. In § 450.21(b), FEA requires that the analysis incorporate all other modifications and energy actions to be undertaken in combination with the principal modification.

One comment recommended the use of time versus energy consumption displays as an effective means for isolating energy waste in a verification audit. While FEA agrees that such displays can be extremely valuable, it does not consider them essential to the conduct of a sound audit and has, therefore, chosen not to require their use.

Two comments recommended including the tax ramifications of purchasing and installing a modification in the verification audit procedure. However, since the Act specifically prohibits such effects from being considered in the cost-recovery calculation upon which a measure's eligibility will be assessed, FEA has not adopted this recommendation.

B. SECTION 450.22 AUDITORS

FEA received forty-three comments dealing with proposed § 450.22 concerning the qualifications of auditors, conflicts of interest, and the certification of a verification audit report. One stated the requirements were too vague; two contended the requirements may prove too restrictive and would preclude residential verification audits owing to the high cost involved; another indicated that there may not be enough qualified auditors for all the different types of buildings, industrial plants and industrial processes. Nineteen comments bore directly on the qualifications required for an auditor.

There were several recommendations that persons other than a professional engineer, licensed architect, or graduate engineer should be permitted, with certain limitations, to conduct verification audits. One comment advocated that persons with a reasonable amount of training provided by experience in the employ of a utility company should be deemed qualified to conduct audits of "smaller commercial and industrial" buildings and plants, particularly where lighting and heating, ventilation and air conditioning are concerned. Another comment recommended a determination that journeymen in the electrical, heating, air conditioning or other related trades are qualified to conduct energy audits concerning non-design and non-process modifications such as installing insulation or replacing equipment with equivalent, but more efficient, equipment. Two comments claimed that a certified Test and Balance Engineer or Supervisor has unique qualifications in the performance of building verification audits, and one comment stated that a Certified Public Accountant, in conjunction with other qualified personnel, also possesses capabilities that will enhance the conduct of verification audits and expand significantly the number of persons qualified.

FEA has taken these comments into consideration along with other available information in revising proposed § 450.22 (a). A Certified Public Accountant in association with a Test and Balance Engineer who is certified by the Associated Air Balance Council, or a Testing, Adjusting, and Balancing Supervisor who is certified by the National Environmental Balancing Bureau, shall be qualified to conduct a building verification audit. Further, § 450.22 adds a new paragraph (b) to provide that, for a residential building having less than three dwelling units, a Federal agency which is administering a program using an energy audit may prescribe other qualifications, subject to FEA approval.

Four comments recommended that training procedures or courses be established to ensure that qualified persons are available to conduct verification audits. FEA has elected not to take this approach for several reasons. A national system of training courses would require expenditure of funds for which no authorization or appropriation has been made by the Congress; the persons who have been included in § 450.22 as qualified to perform verification audits are expected to provide a sufficient supply of auditors to meet program needs; and the professional status of such licensed, certified and registered persons will ensure that only those persons who meet the qualifications prescribed in this section actually perform audits.

JUN 29 77
UM

FEA received one comment pertaining to adherence by auditors to laws, rules, and regulations of State and local jurisdictions where, for example, it may be required that any plans or specifications for buildings or industrial plants must be certified by a professional engineer licensed in that State. It is not the intent of this regulation that such requirements be contravened. One comment advocated amending § 450.22(a)(2) to insert before the word "accredited" the words "Engineers Council for Professional Development," FEA agrees with this and has revised pertinent paragraphs of § 450.22 to this effect.

Six comments concerned the possibility of confict of interest on the part of persons conducting verification audits. Two of the comments indicated apparent confusion with respect to the voluntary nature of a verification audit in that both said the auditor should be required to reveal his employer or his background. Three comments advocated either that an auditor should be required to disclose all energy interests and that any conflict of interest should be ground for disqualification, or that anyone with a financial interest in the subject of the audit should be disqualified. As with the proposed regulation, FEA believes the procedures prescribed in § 450.22 of this final regulation will accelerate the adoption of energy conservation measures. At the same time, required disclosure will alert the person for whom the audit is performed and any Federal agency which may consider the audit report to the possibility that an auditor's findings may be influenced by personal interests. However, because an auditor with a financial interest may still be well qualified to perform an audit, this may encourage the use of, and reduce the costs of, energy audits.

There were three comments concerning certification of a verification audit report. One comment stated that since the auditor was merely projecting energy and cost savings, he should not be required to guarantee future events if he has used the "best professional judgment." FEA believes that the certification requirements do not impose so stringent a burden. The auditor must certify that he has followed the procedures of this regulation and accurately reported his findings. However, he does not certify the correctness or accuracy of these findings themselves.

C. SECTION 450.23 COSTS

FEA received a number of comments that pertained to the costs of both information and verification audits which have been discussed above. Section 450.23 establishes a range of verification audit costs identical to that provided for information audits and authorizes the Regional Administrator to grant an exception to these limitations if he determines unique circumstances merited such treatment.

One comment indicated uncertainty with respect to the procedure for determining audits costs where the owner, occupant, or operator of a particular building or industrial plant is planning to make a substantial change in use or process, has no prior energy consumption experience, or is in the process of moving to a new location. FEA believes the regulation adequately provides for an unusual situation by permitting a case-by-case review of applications with unique or unusually complex energy use characteristics, as in § 450.22, and for estimates of energy consumption where actual data are not available, as in § 450.21(a)(3).

The proposed regulation was reviewed in accordance with Executive Order 11821 and OMB Circular A-107 issued November 7, 1974, by Executive Order 11949 and has been determined not to be a major proposal requiring an evaluation of its inflationary impact.

(Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; also issued under Part C of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 69 Stat. 871 et seq. (42 U.S.C. 6321 et seq.); Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended (15 U.S.C. 761 et seq.); Executive Order 11790, 39 FR 23185.)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., June 20, 1977.

ERIC FYGI,
Acting General Counsel,
Federal Energy Administration.

Subchapter D, Chapter II of Title 10 Code of Federal Regulations, is amended by establishing Part 450 as follows—

Subpart A—General Provisions

Sec.
450.1 Purpose and scope.
450.2 Uses of energy audit procedures.
450.3 Definitions.
450.4 Qualifying conditions.

Subpart B—Information Audits

450.10 Purpose and scope.
450.11 Classes of, and requirements for, information audits.
450.12 Contents of information audits.
450.13 Auditors.
450.14 Cost of information audits.

Subpart C—Verification Audits

450.20 Purpose and scope.
450.21 Contents of verification audits.
450.22 Auditors.
450.23 Cost of verification audits.

AUTHORITY: Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq.; also issued under Part C of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 69 Stat. 871 et seq. (42 U.S.C. 6321 et seq.); Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended (15 U.S.C. 761 et seq.); Executive Order 11790, 39 FR 23185.

Subpart A—General Provisions

§ 450.1 Purpose and scope.

This part designates the types of, and requirements for, energy audits as required by the Federal Energy Administration, pursuant to section 432(d) of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq., which adds section 365(e)(2), 42 U.S.C. 6325(e)(2), to the Energy Policy and Conservation Act, 42 U.S.C. 6201 et seq. This part also contains the projections of future energy prices, which shall be used in calculating the changes in energy costs which will result from installation of a particular modification in a building or industrial plant, and includes the criteria for determining whether the installation of a particular modification meets certain requirements of the Act for designation as an energy measure.

§ 450.2 Uses of energy audit procedures.

The requirements of this part shall be used—

(a) To establish minimum requirements for the type of energy audit to be carried out under a supplemental plan;

(b) To provide a process to measure the energy and cost savings to be derived from the installation or implementation of an energy measure; and

(c) To provide a process to identify a modification as an energy measure for purposes of the Act.

§ 450.3 Definitions.

As used in this part—

"Act" means the Energy Conservation and Production Act, Pub. L. 94-385, 42 U.S.C. 6325.

"Administrator" means the Administrator of the Federal Energy Administration.

"Appliance" means an energy consuming article or device designed for household use, the primary purpose of which is labor saving or personal convenience and which, although connected to public utilities servicing a building, is not attached to the building in such a way that it would be considered part of the building or building system; for example, room air-conditioners, room heat pumps, room heaters, refrigerators, refrigerator-freezers, clothes washers and dryers, dishwashers, kitchen ranges and ovens, and television sets. Energy consuming articles or devices not classified as an appliance and considered part of a building or building system include, but are not limited to, water heaters, central heat pumps, central air-conditioners, and central heating units.

"Approved" means, with respect to an energy measure, any modification which is included on the list of energy measures published by FEA pursuant to Section 365(e)(1), 42 U.S.C. 6325(e)(1), of the Energy Policy and Conservation Act.

"Attributed Life" means, with respect to an energy conservation measure, the time period which is equal to either the useful life or 15 years, whichever is less or, with respect to a renewable-resource energy measure, the time period which is equal to either the useful life or 25 years, whichever is less.

"Auditor" means any person who conducts an energy audit and certifies it to be in conformance with this regulation.

"British Thermal Unit" means the amount of heat required to raise the temperature of one pound of water from 59.5 to 60.5 degrees Fahrenheit at one atmosphere of pressure.

"Btu" means British thermal unit or units.

"Building" means any structure which includes provisions for a heating or cooling system, or both, or a hot water system, and which was constructed prior to August 14, 1976.

"Building Envelope" means all external building surfaces, such as walls, doors, windows, roof, and floors in contact with the ground, which are affected by weather.

"Depletable Energy Resource" means a fossil fuel or nuclear fission fuel.

"Distillate Fuel" means those light and middle fuel oil derivatives from petroleum, such as kerosene, home heating oil, range oil, stove oil, diesel fuel, kerosene-type jet fuel, including Numbers 1, 2, 3, and 4 fuel oils.

"Dual-Purpose Power Plant" means an equipment configuration which produces both electricity and useful thermal energy and which consumes, exclusive of the fuel required to produce the useful thermal energy, less than 7,500 Btu of fuel per kilowatt-hour of electricity produced.

"Dwelling Unit" means a house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

"Energy Audit" means a process, carried out in accordance with this part, which identifies and specifies the energy and cost savings which are likely to be realized through the purchase and installation of an energy measure.

"Energy Conservation Measure" means a modification which has been determined by means of an energy audit or by FEA, by rule, to be likely to improve the efficiency of energy use and to reduce energy costs in an amount sufficient to enable a person to recover the total cost of purchasing and installing such measure, without regard to any tax benefit or Federal financial assistance applicable thereto, within the period of—

(1) The useful life of the modification involved; or

(2) Fifteen years after the purchase and installation of the modification, whichever is less.

The term does not include the purchase or installation of any appliance, any conversion from one fuel or source of energy to another which FEA, by rule, determines is ineligible on the basis that such type of conversion is inconsistent with national policy with respect to energy conservation or reduction of imports of fuels, or any measure or type of measure which does not have as its primary purpose an improvement in efficiency of energy use.

"Energy Measure" means an energy conservation measure or a renewable-resource energy measure.

"FEA" means the Federal Energy Administration.

"Industrial Plant" means any fixed equipment or facility which is used in connection with, or as part of, any process or system for industrial production or output and which was constructed prior to August 14, 1976.

"Industrial Process" means an action or series of actions in connection with, or part of, a process or system contributing to the production or output of an industrial plant.

"Liquefied Petroleum Gas" means propane, butane, propane/butane mixes, ethylene and ethane.

"LPG" means liquefied petroleum gas.

"Modification" means a change which can be purchased and installed in a building or industrial plant, and which can result in energy and cost savings.

"Nondepletable Energy Resource" means a type of energy resource other than a depletable energy resource.

"Regional Administrator" means a Regional Administrator of the Federal Energy Administration.

"Renewable-Resource Energy Measure" means a modification which has been determined by means of an energy audit or by FEA, by rule, to—

(1) Involve changing, in whole or in part, the fuel or source of energy used to meet the requirements of such building or plant from a depletable source of energy to a nondepletable source of energy; and

(2) Be likely to reduce energy costs in an amount not less than the total cost of purchasing and installing such measure, without regard to any tax benefit or Federal financial assistance applicable thereto, within the period of—

(i) The useful life of the modification involved, or

(ii) Twenty-five years after purchase and installation of the modification, whichever is less. The term does not include the purchase or installation of any appliance.

"Residual Fuel" means Numbers 5 and 6 fuel oils, heavy diesel, Navy diesel, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F in the American Society for Testing Materials D-86 standard distillation test, as reapproved in 1972.

"Supplemental Plan" means a supplemental State energy conservation plan which is eligible for financial assistance under Part 420, Subchapter E, Chapter II of Title 10, Code of Federal Regulations.

"Useful Life" means that period of time for which a modification used under specified conditions is able to fulfill its intended function, and which does not exceed the period of remaining use of the building or that element of the industrial plant which is being modified.

§ 450.4 Qualifying conditions.

(a) The primary purpose of a modification shall be an improvement in energy use efficiency only if the cost of the purchase and installation of the modification will be recovered, during its attributed life, by its projected energy cost savings; and results in an increase, with the use of the modification, in the energy efficiency index computed as required by § 450.21(b)(6).

(b) A modification shall result in an ineligible conversion if its implementation would result in an increase, expressed in Btu, at the building or industrial plant, in the consumption of petroleum products, natural gas, or a combination of the two.

(c) An increase in the consumption of petroleum products at a building or industrial plant shall not be an ineligible conversion, as provided by paragraph (b) of this section, if the increase will result from the installation of dual-purpose power plant equipment and FEA determines this modification would produce an off-setting reduction elsewhere in the consumption of petroleum products, natural gas, or a combination of the two.

(d) Projected prices for electricity, natural gas, distillate, residual fuel, LPG, and coal shall be derived from either—

(1) The projected energy prices set forth in Appendix A, Tables 1-20; or

(2) The following adjustment formulas—

(i) For petroleum products, coal, and natural gas—

$PA_t = PR_t - ((1985-t)\cdot(PR_b - PA_b)/(1985-b))$, for $t<1985$
$PA_t = PR_t$, for $t \geq 1985$; and

(ii) for electricity:
$PA_t = PR_t \cdot PA_b/PR_b$, for all years;

(iii) where:
PA_t = projected fuel price for future year t;
PA_b = fuel price actually paid in base year b;
PR_b = regional fuel price for base year as set forth in Appendix A;
PR_t = projected regional fuel price for future year t as set forth in Appendix A;
t = future year for which fuel price is being projected;
b = base year used in current FEA projection of fuel price, as shown in Appendix A.

Subpart B—Information Audits

§ 450.10 Purpose and scope.

This subpart establishes the classes of, and requirements for, the conduct of information audits, the qualifications of persons conducting Class A information audits and the allowable cost of information audits. Provisions for encouraging and carrying out information audits are required in a supplemental State energy conservation plan for which financial assistance is provided under Part 420, Subpart E, Chapter II of Title 10, Code of Federal Regulations.

§ 450.11 Classes of, and requirements for, information audits.

(a) A Class A information audit shall consist of—

(1) An on-site visit at the building or industrial plant by an auditor who has qualifications considered appropriate by a State; and

(2) An evaluation by an auditor of the building or industrial plant's energy consumption and energy systems, consisting of—

(i) An analysis of the energy and cost savings likely to result from the purchase and installation of one or more modifications selected by a State, or

(ii) General recommendations and a workbook, manual, or other instructional material enabling an owner, operator, or occupant of a building or industrial plant to calculate the energy and cost savings resulting from the purchase and installation of one or more modifications selected by a State.

(b) A Class B information audit shall consist of—

(1) A completed questionnaire, containing information provided by an owner, operator, or occupant of a building or industrial plant, which has been developed and distributed by a State; and

(2) An evaluation which analyzes the information obtained pursuant to paragraph (b)(1) of this section to identify the energy and cost savings likely to result from not less than two modifications selected by a State, taking into account such factors as heating and cooling degree days, fuel cost, and other data considered appropriate by a State, which evaluation shall be sent to the person who provided the information.

(c) A Class C information audit shall consist of—

(1) A workbook provided by a State, which will enable the owner, operator, or occupant of the building or industrial plant to identify the energy and cost savings for each of not less than four modifications selected by a State, which calculation shall take into account factors such as heating and cooling degree days, fuel prices, and other data considered appropriate by a State; and

(2) Pamphlets, books, brochures, or similar data, provided by a State, to be used in conjunction with the workbook referred to in paragraph (c)(1) of this section, regarding the purchase and installation of the modifications in the type of building or industrial plant for which the workbook is to be used.

§ 450.12 Contents of information audits.

(a) All three classes of information audits shall include an energy consumption description containing the following—

(1) For a building—

(i) Actual energy consumption by type of fuel by month for the preceding 12 months, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(ii) Cost of energy by type of fuel for the preceding 12 months;

(iii) Building profile, including description of—

(A) Location, climatic context, and immediate site conditions;

(B) Configuration, envelope, construction, and condition; and

(C) Heating, ventilating air conditioning, hot water and lighting systems;

(2) For an industrial plant—

(i) Actual energy consumption for both the industrial plant's building operations and its industrial processes, by type of fuel by month for the preceding 12 months, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates;

(ii) Cost of energy by type of fuel for the preceding 12 months;

(iii) Description of the industrial plant's building characteristics, providing the information required by paragraph (a)(1)(iii) of this section;

(iv) Profile of the industrial plant's industrial processes, including a description of—

(A) The process layout and conditions within which it operates;

(B) material storage, handling, and processing; and

(C) All mechanical, electrical, hydraulic, and pneumatic systems, including those for waste handling; and

(v) Energy consumption of each process system by type of fuel.

(b) Each information audit shall identify and describe a modification sufficiently to enable the determination of the effects of the modification or combination of modifications on a building or industrial plant's energy consumption.

(c) Each information audit shall—

(1) Identify and describe, by the procedures set forth in § 450.21 or other appropriate procedures as prescribed by a State, subject to approval by FEA in the review of a State's supplemental plan, the total costs of purchasing and installing at least one modification, and the related energy and cost savings; and

(2) State whether or not projected energy cost savings attributable to the modification(s) are sufficient to recover the total cost of purchasing and installing the modification(s) within the attributed life of the modification(s).

(d) An information audit of an individual dwelling unit need not meet the requirements of paragraphs (a), (b), or (c) of this section if—

(1) The information audit uses the Project Conserve Questionnaire and related computer program, as revised from time to time by FEA, which FEA will make available to a State upon request;

(2) The information audit uses the Home Energy Savers Workbook (FEA Publication FEA/D-77/117), as amended by FEA from time to time; or

(3) A State develops an audit procedure which is determined by the Regional Administrator to meet or exceed the requirements of the material referred to in paragraphs (d)(1) and (d)(2) of this section.

§ 450.13 Auditors.

Subject to the approval of the Regional Administrator, a State shall establish in its supplemental plan procedures for—

(a) Ascertaining that a person conducting a Class A information audit is qualified;

(b) Assuring full disclosure by an auditor of his or her financial interests relating to an audit or any modifications assessed by the audit; and

(c) Providing certification by the auditor to assure that each audit has been conducted in accordance with this regulation.

§ 450.14 Cost of information audits.

(a) An information audit conducted under a supplemental plan shall—

(1) For an individual dwelling unit, be conducted at no direct cost to the occupants of that dwelling unit; and

(2) For any building or industrial plant, not referred to in paragraph (a) of this section, be conducted at a cost which is less than—

(i) 10 percent of the building's or industrial plant's total energy costs for the preceding 12 months, when such energy costs were less than $40,000;

(ii) $4,000 or 5 percent of the building's or industrial plant's total energy costs for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than $40,000 but less than $1,000,000; or

(iii) $50,000 or 2.5 percent of the building's or industrial plant's total energy cost for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than $1,000,000.

(b) Subject to FEA review and approval, a State may establish procedures to permit information audit costs to exceed the limitations set forth in paragraph (a)(2) of this section in those cases where the State finds that buildings or industrial plants exhibit unique or unusually complex characteristics relating to energy use.

Subpart C—Verification Audits

§ 450.20 Purpose and scope.

This subpart prescribes guidelines for building and industrial process verification audits, which provide a detailed analysis of the changes in energy use and costs likely to result from the purchase and installation of an energy measure.

§ 450.21 Contents of verification audits.

(a) A verification audit shall contain an analysis of the actual or estimated energy consumption of the one or more building systems or industrial processes to be affected by the purchase and installation of a modification. The actual energy consumption of the building or industrial process shall be computed by type of fuel by month for a consecutive 12 months period; if available. Information in a verification audit shall include—

(1) Location, and immediate site conditions;

(2) Operating characteristics, which shall include—

(i) For a building, a description of the building configuration, construction and condition, and daily hours of use; and

(ii) For an industrial process, a description of the plant, process, and system layout, and operating conditions; and

(3) Actual energy consumption of the building or industrial process, by type of fuel per month, for the representative year selected, except that where actual energy consumption data are not available, estimates of actual energy consumption and an explanation of the derivation of the estimates.

(b) A verification audit shall identify and describe—

(1) The modification which is the subject of the audit, including when appropriate—

(i) The model and manufacturer;

(ii) Method of application to the building or industrial process;

(iii) Performance specifications, which may include engineering drawings;

(iv) Useful life; and

(v) For a modification under consideration as a renewable-resource energy measure, a description of the process by which the modification will convert one or more nondepletable energy resources to useful energy;

(2) All other modifications and energy conservation actions, including non-capital and operational changes such as reduced thermostat settings and changes in maintenance procedures and hours of operation, that are anticipated to be implemented by an owner, operator, or occupant of the building or industrial plant;

(3) All alternative modifications and energy conservation actions, including non-capital and operational changes, considered but rejected in favor of those modifications identified in paragraphs (b)(1) and (b)(2) of this section and a brief explanation for the rejection;

(4) Future energy consumption for each year of the attributed life of the modification, by type of energy, in terms of both physical units, such as kilowatt-hours of electricity or barrels of distillate fuel, and equivalent Btu of energy resources consumed using the conversion factors specified in paragraph (b)(5) of this section under each of the following conditions—

(i) Without implementation of the modification identified in paragraph (b)(1) of this section, but including implementation of all of the modifications and energy conservation actions identified in paragraph (b)(2) of this section, if any; and

(ii) With implementation both of the modification identified in paragraph (b)(1) of this section and of all of the modifications and energy conservation actions identified in paragraph (b)(2) of this section, if any;

(5) For the purposes of paragraph (b)(4) of this section, the following conversion factors shall be used to convert physical units of energy used at the building or industrial plant site to equivalent Btu of energy resources consumed—

(i) Electricity—10,500 Btu per kilowatt-hour;

(ii) Natural gas—1,030 Btu per cubic foot;

(iii) Distillate—5.825 million Btu per barrel;

(iv) Residual fuel—6.287 million Btu per barrel;

(v) Coal—22.5 million Btu per standard short ton;

(vi) LPG—4.01 million Btu per barrel;

(6) Whether or not the energy efficiency index, for a modification under evaluation as an energy conservation measure, computed with respect to paragraph (b)(4)(ii) of this section exceeds the energy efficiency index computed for paragraph (b)(4)(i) of this section, where the energy efficiency index is computed—

(i) For a building, by dividing the size of the building, expressed in terms of net square feet, by the number of Btu used in its operation; or

(ii) For an industrial process, by dividing the amount of production, consistently expressed in units, weight, or volume, achieved by the industrial process being modified, by the number of Btu used in its operation; and

(7) Whether the number of Btu of depletable energy resources, estimated to be consumed by a modification under evaluation as a renewable-resource energy measure, computed with respect to paragraph (b)(4)(ii) of this section is less than the number of Btu of depletable energy resources estimated to be consumed computed for paragraph (b)(4)(i) of this section.

(c) Costs and savings shall be presented in terms of constant dollars using the same base year as in the most current FEA projection of fuel prices set forth in Appendix A.

(d) A verification audit shall contain a finding that a modification will reduce energy costs sufficiently to recover purchase and installation costs within the attributed life of the modification if the net present value is either zero or a positive value. The net present value of implementing the modification shall be computed by subtracting the present value of purchase and installation costs calculated in accordance with paragraph (d)(1) of this section from the present value of energy cost savings calculated in accordance with paragraph (d)(2) of this section.

(1) The present value of purchase and installation cost shall be calculated by—

(i) Establishing the costs of purchasing and installing the modification, including the annual principal and interest payments on debt incurred, converted to base year dollars using the adjustment factors set forth in Appendix C: *Provided, however,* That the principal amount of indebtedness shall be used instead where it exceeds the sum of such adjusted principal and interest costs, and the costs of engineering design, less any salvage value of the existing equipment replaced by the modification;

(ii) Establishing future purchase and installation costs for normal replacement of significant components and parts of the modification, less the normal replacement costs of the equipment replaced by the modification and significant components of the equipment;

(iii) Deriving the yearly costs of operating and maintaining the modification less the costs that would be incurred for operating and maintaining the equipment replaced by the modification for the attributed life of the modification;

(iv) Computing the present value of the purchase and installation costs for each year of the attributed life of the modification by multiplying the costs derived in paragraphs (d)(1)(i), (ii), and (iii) of this section by the factors set forth in Appendix B; and

(v) Establishing the present value of the purchase and installation costs for the attributed life of the modification by adding together the yearly costs computed in paragraph (d)(1)(iv) of this section.

(2) The present value of energy cost savings, assuming no change in building size or production level, shall be calculated by—

(i) Deriving fuel prices by type of fuel for each year of the attributed life of the modification using projected energy prices provided in § 450.4(d);

(ii) Establishing annual fuel costs for each year of attributed life of the modification by multiplying the fuel prices determined in paragraph (d)(2)(i) of this section by future energy consumption for each year, with and without the modification, as referred to in paragraph (b)(4)(ii) and (i) of this section, respectively, except that the conversion factor to be used for electricity for Tables 11–20 in Appendix A shall be 3412 useable Btu per kilowatt-hour;

(iii) Computing the net annual fuel costs for each year of the attributed life of the modification by subtracting the annual fuel cost with the modification from the annual cost without the modification, as provided in paragraph (d)(2)(ii) of this section;

(iv) Computing the present value of energy cost savings for each year of the attributed life of the modification by multiplying the values derived in paragraph (d)(2)(iii) of this section by the factors set forth in Appendix B; and

(v) Establishing the present value of energy costs savings for the attributed life of the modification by adding together the yearly savings computed in paragraph (d)(2)(iv) of this section.

(e) The contents of a verification audit shall be reduced to writing in the form of an audit report which shall contain the information and supporting documentation required by this section.

§ 450.22 Auditors.

(a) A person who conducts a building verification audit shall—

(1) Be a licensed professional engineer or architect;

(2) Have an engineering degree from a college or university accredited by the Engineers Council for Professional Development in addition to 4 years of subsequent experience in one or more of the following—

(i) Heating, ventilating and air conditioning installation or design work;

(ii) Building operations, including operation of the environmental systems;

(iii) Design of the building systems which are to be modified; or

(3) Be a Certified Public Accountant in the State in which the audit is performed and use building and building systems data provided by—

(i) A Test and Balance Engineer as certified by the Associated Air Balance Council; or

(ii) A Testing, Adjusting, and Balancing Supervisor who is qualified by, and employed by a firm that is certified by, the National Environmental Balancing Bureau.

(b) A person who conducts a verification audit of a residential building having less than three dwelling units shall meet—

(1) The requirements specified in paragraph (a) of this section; or

(2) Subject to the approval of FEA, other requirements which shall be pre-

JUN 29 77
UM

scribed by a Federal agency whose program utilizes such audits.

(c) A person who conducts an industrial process verification audit shall—

(1) Be a licensed professional engineer, or

(2) Have an engineering degree from a college or university accredited by the Engineers Council for Professional Development in addition to 4 years of subsequent experience with a relevant industrial process.

(d) Prior to conducting a verification audit, the auditor shall disclose in writing to the person for whom the audit is to be performed any significant financial interest held by the auditor, the auditor's spouse, or any child of the auditor, in a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, including manufacturing of major components marketing, installing, or servicing, of the modification which is the subject of an audit, or in the ownership or operation of the building or industrial plant which is the subject of an audit. A copy of the disclosure statement shall be signed by the auditor and shall accompany submission of the energy audit report or any portion thereof to FEA or any other agency, department or other instrumentality of the Federal Government.

(e) A financial interest shall be significant for the purposes of this section if it is one of the following—

(1) Employment, including employment as a consultant, by a partnership, corporation, sole proprietorship, or other business enterprise engaged in the manufacturing, marketing, installing, or servicing of the modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(2) Ownership of 10 or more percent of the stock, including options to purchase stock, or other securities issued by a corporation, or of a 10 percent or more financial interest in any other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(3) A position as a director or officer of a corporation or partner in a partnership or active principal in a consortium or any other business enterprise engaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit;

(4) Participtionin the profit-sharing program of a partnership, corporation, or other business enterprise enaged in the manufacturing, marketing, installing, or servicing of a modification which is the subject of an audit or in the ownership or operation of the building or industrial plant which is the subject of an audit; or

(5) Ownership of patent rights or other industrial property interests or the receipt of royalties therefrom for the manufacturing, installing, or servicing of a modification which is the subject of an audit.

(f) Each verification audit report shall include a statement signed by the auditor certifying that—

(1) The auditor meets the applicable qualifications set forth in this section;

(2) The auditor has made a full written disclosure of any significant financial interests in accordance with paragraph (d) of this section;

(3) The audit was conducted in accordance with the requirements of Subpart C of this part;

(4) The audit report required by § 450.-21(e) and accompanying documentation accurately describe the audit findings; and

(5) The auditor understands that the report will be submitted to a department or agency of the United States which may rely on the contents of the material prepared by the auditor.

§ 450.23 Cost of verification audits.

(a) A verification audit shall be conducted without cost to the occupant of a dwelling unit.

(b) For any building or industrial plant not referred to in paragraph (a) of this section, a verification audit shall be conducted at a cost which is less than

(1) 10 percent of the building's or industrial plant's total energy costs for the preceding 12 months, when such energy costs were less than $40,000;

(2) $4,000 or 5 percent of the building's or industrial plant's total energy costs for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than $40,-000 but less than $1,000,000; or

(3) $50,000 or 2.5 percent of the building's or industrial plant's total energy costs for the preceding 12 months, whichever is greater, when such energy costs were equal to or greater than $1,000,000;

(c) The Regional Administrator may grant exceptions to the limitations set forth in paragraph (b) of this section, when requested, if he determines upon specific review of a proposed audit that the audited building or plant exhibits unique or unusually complex characteristics relating to energy use and that the audit will therefore be unusually costly to perform.

APPENDIX A—ENERGY PRICE PROJECTIONS

1. Tables 1–10 show energy prices by fuel unit.

2. Tables 11–20 show energy prices per million useable Btu.

3. For the years following 1991, use 1991 prices.

4. FEA regions are comprised of the following:

REGION I—NEW ENGLAND

Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Massachusetts

REGION II—NEW YORK/NEW JERSEY

New York, New Jersey, Puerto Rico,[1] Virgin Islands [1]

REGION III—MID-ATLANTIC

Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia

REGION IV—SOUTH ATLANTIC

North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Canal Zone [1]

REGION V—MIDWEST

Michigan, Ohio, Indiana, Wisconsin, Minnesota, Illinois

REGION VI—SOUTHWEST

Arkansas, Louisiana, Oklahoma, Texas, New Mexico

REGION VII—CENTRAL

Iowa, Missouri, Nebraska, Kansas

REGION VIII—NORTH CENTRAL

North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah

REGION IX—WESTERN

Nevada, Arizona, California, Hawaii, American Samoa,[1] Guam,[1] Trust Territory of the Pacific Islands [1]

REGION X—NORTHWESTERN

Idaho, Washington, Oregon, Alaska

5. Column heading abbreviations mean as follows:

RES.—Residential Customer.
COMM.—Commercial Customer.
IND.—Industrial Customer.
ELECT.—Electricity.
N. GAS—Natural Gas.
Dist.—Distillate Fuel.
RESID.—Residual Fuel.
LPG—Liquefied Petroleum Gas.
$/MKWH—Dollars per thousand kilowatt-hours.
$/MCFT—Dollars per thousand cubic feet.
$/BBL—Dollars per barrel.
$/MEST—Dollars per standard short ton (22.5 million Btu per ton).

[1] Price projections not yet available. Until such time as they are made available, prices by the region indicated shall be applicable.

TABLE 1
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
PEA REGION I NEW ENGLAND
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. DIST. $/BBL	RES. RESID. $/BBL	COMM. RESID. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	0.058	0.027	35.32	3.07	2.06	2.44	20.06	17.75	17.73	15.61	14.66	14.73	13.32	13.32	28.46
1976	0.043	0.022	35.83	3.00	2.00	2.56	20.05	17.94	17.94	15.80	15.16	15.28	13.39	13.39	30.74
1977	0.026	0.017	36.34	3.51	2.00	2.69	20.05	18.13	18.12	15.19	15.66	15.83	13.46	13.46	33.02
1978	0.013	0.013	36.85	3.53	2.00	2.82	20.04	18.32	18.31	14.98	16.16	16.39	13.53	13.53	35.29
1979	0.006	0.006	37.36	3.54	2.01	2.94	20.04	18.51	18.50	14.77	16.66	16.94	13.60	13.60	37.57
1980	0.003	0.004	37.87	3.56	2.01	3.07	20.03	18.70	18.69	14.56	17.16	17.49	13.67	13.67	39.85
1981	0.75	0.06	38.38	3.72	3.07	3.09	20.22	18.89	18.88	14.75	17.20	17.53	13.87	13.87	40.19
1982	0.67	0.08	39.11	3.88	3.23	3.10	20.41	19.08	19.07	14.94	17.24	17.57	14.06	14.06	40.54
1983	0.60	0.10	39.73	4.04	3.39	3.12	20.61	19.27	19.26	15.14	17.28	17.61	14.26	14.25	40.89
1984	0.52	0.12	40.35	4.20	3.55	3.14	20.80	19.47	19.45	15.33	17.32	17.65	14.45	14.45	41.23
1985	0.46	0.15	40.97	4.36	3.71	3.16	20.99	19.66	19.65	15.53	17.36	17.69	14.64	14.64	41.56
1986	0.88	0.66	42.10	4.52	3.87	3.32	21.29	19.94	19.95	15.74	17.68	18.01	14.85	14.85	41.76
1987	0.31	0.21	43.23	4.69	4.04	3.49	21.59	20.24	20.28	15.95	18.00	18.33	15.05	15.05	41.98
1988	0.74	0.74	44.36	4.85	4.20	3.65	21.89	20.55	20.58	16.16	18.31	18.66	15.25	15.25	42.17
1989	0.17	0.27	45.48	5.02	4.37	3.82	22.19	20.85	20.88	16.37	18.63	18.98	15.46	15.46	42.37
1990	0.60	0.80	46.62	5.18	4.53	3.98	22.49	21.15	21.18	16.58	18.95	19.28	15.66	15.66	42.57
1991	0.06	0.86	46.62	5.18	4.53	3.98	22.49	21.15	21.18	16.58	18.95	19.28	15.66	15.66	42.57

JUN 29 77

TABLE 2
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION II NEW YORK/NEW JERSEY
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	55.70	56.00	30.33	2.83	2.30	1.71	18.26	14.32	12.92	11.65	23.76
1976	55.12	55.95	30.21	2.92	2.30	1.76	18.67	15.12	13.29	12.06	26.48
1977	54.53	55.91	30.09	3.02	2.46	1.84	19.09	15.92	13.65	12.47	29.20
1978	53.95	55.87	29.98	3.11	2.58	1.91	19.50	16.72	14.01	12.89	31.93
1979	53.37	55.82	29.86	3.20	2.62	1.97	19.91	17.52	14.37	13.30	34.65
1980	52.79	55.78	29.74	3.29	2.71	2.05	20.33	18.33	14.73	13.72	37.37
1981	52.33	55.86	29.74	3.43	2.84	2.17	20.55	18.57	14.95	13.94	37.72
1982	51.86	55.93	29.83	3.56	2.98	2.31	20.76	19.41	15.17	14.16	38.07
1983	51.40	56.01	29.66	3.70	3.12	2.44	20.98	19.44	15.39	14.38	38.41
1984	50.94	56.09	29.92	3.83	3.25	2.56	21.20	19.48	15.61	14.60	38.76
1985	50.48	56.17	29.96	3.97	3.39	2.72	21.42	19.52	15.84	14.82	39.10
1986	50.56	56.78	30.55	4.09	3.51	2.84	21.72	19.84	16.05	15.03	39.30
1987	50.64	57.40	31.15	4.21	3.63	2.95	22.02	19.16	16.26	15.24	39.50
1988	50.72	58.02	31.71	4.33	3.74	3.07	22.31	19.48	16.47	15.46	39.70
1989	50.80	58.64	32.30	4.45	3.86	3.19	22.61	19.80	15.67	15.67	39.90
1990	50.87	59.26	32.88	4.56	3.98	3.31	22.91	20.12	16.88	15.88	40.09
1991	50.87	59.26	32.88	4.56	3.98	3.31	22.91	20.12	16.88	15.88	40.09

TABLE 3
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION III MID-ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	41.77	38.85	27.36	2.19	1.87	1.22	17.01	16.53	14.04	11.65	10.98	10.32
1976	41.57	38.74	27.65	2.31	1.97	1.43	18.52	17.06	15.30	12.40	11.68	21.66
1977	41.36	38.64	27.94	2.44	2.07	1.63	19.23	17.60	16.36	13.34	12.38	25.05
1978	41.15	38.53	28.22	2.57	2.17	1.84	19.94	18.13	17.41	14.19	13.07	28.41
1979	40.94	38.43	28.51	2.70	2.27	2.04	20.64	18.66	18.47	15.03	13.77	31.76
1980	40.73	38.32	28.80	2.83	2.38	2.24	21.35	19.19	19.52	15.86	14.47	35.14
1981	40.98	38.66	29.57	2.95	2.50	2.31	21.56	19.40	19.93	16.11	14.70	35.49
1982	41.23	39.04	30.35	3.07	2.62	2.38	21.77	19.61	20.14	16.34	14.93	35.84
1983	41.47	39.40	31.12	3.20	2.75	2.45	21.98	19.82	20.35	16.57	15.16	36.18
1984	41.72	39.76	31.90	3.32	2.87	2.52	22.19	20.03	20.56	16.80	15.39	36.53
1985	41.96	40.12	32.67	3.45	2.99	2.58	22.40	20.24	20.77	17.03	15.61	36.88
1986	42.30	40.56	33.53	3.54	3.09	2.66	22.70	20.54	21.07	17.23	15.82	37.03
1987	42.63	41.00	34.39	3.63	3.18	2.74	22.99	20.84	21.37	17.43	16.02	37.17
1988	42.96	41.44	35.24	3.73	3.28	2.84	23.29	21.14	21.67	17.64	16.22	37.32
1989	43.29	41.86	36.10	3.82	3.37	2.97	23.59	21.44	21.98	17.84	16.43	37.47
1990	43.63	42.32	36.96	3.92	3.46	3.07	23.89	21.74	22.26	18.04	16.63	37.62
1991	43.63	42.32	36.96	3.92	3.46	3.07	23.89	21.74	22.26	18.04	16.63	37.62

JUN 29 77
UM

TABLE 4
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
PEA REGION IV SOUTH ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	IND. LPG $/BBL	COMM. DIST. $/BBL	IND. COAL $/MEST
1975	30.74	32.20	19.82	1.69	1.34	0.98	17.98	10.15	16.53	21.78
1976	31.66	33.02	21.30	1.81	1.43	1.04	18.70	11.04	17.07	25.24
1977	32.59	33.85	22.78	1.94	1.53	1.15	19.46	11.93	17.61	20.71
1978	33.51	34.67	24.26	2.07	1.63	1.25	20.22	12.82	18.14	32.17
1979	34.44	35.49	25.74	2.19	1.73	1.35	20.98	13.71	18.66	35.64
1980	35.36	36.31	27.22	2.32	1.83	1.45	21.75	14.60	19.22	39.10
1981	35.46	36.30	27.90	2.45	1.95	1.61	21.96	14.85	19.43	39.50
1982	35.56	36.29	28.58	2.57	2.06	1.76	22.16	15.09	19.63	39.90
1983	35.66	36.28	29.25	2.70	2.20	1.92	22.37	15.34	19.86	40.29
1984	35.75	36.27	29.93	2.82	2.33	2.08	22.58	15.59	20.05	40.69
1985	35.85	36.26	30.60	2.95	2.45	2.23	22.79	15.84	20.26	41.08
1986	35.97	36.27	31.30	3.07	2.58	2.33	23.00	16.02	20.56	41.23
1987	36.09	36.29	32.00	3.19	2.70	2.44	23.39	16.21	20.66	41.38
1988	36.21	36.31	32.70	3.32	2.82	2.54	23.69	16.39	21.16	41.53
1989	36.33	36.33	33.40	3.44	2.95	2.64	23.99	16.58	21.46	41.68
1990	36.45	36.34	34.10	3.56	3.07	2.74	24.29	16.76	21.76	41.83
1991	36.45	36.34	34.10	3.56	3.07	2.74	24.29	16.76	21.76	41.83

TABLE 5
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
PEA REGION V MIDWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	IND. LPG $/BBL	COMM. DIST. $/BBL	IND. COAL $/MEST
1975	36.37	35.58	21.99	1.73	1.46	1.21	16.92	9.79	15.95	21.78
1976	36.61	35.90	22.83	1.85	1.57	1.31	17.32	10.46	16.35	24.30
1977	36.86	36.22	23.66	1.97	1.66	1.40	17.72	11.17	16.74	20.63
1978	37.11	36.53	24.49	2.09	1.79	1.49	18.12	11.86	17.13	29.35
1979	37.35	36.85	25.33	2.20	1.89	1.59	18.53	12.54	17.52	31.86
1980	37.60	37.17	26.14	2.32	2.00	1.68	18.93	13.23	17.91	34.40
1981	37.95	37.50	27.12	2.43	2.12	1.83	19.22	13.68	18.19	34.65
1982	38.31	38.02	28.09	2.54	2.24	1.97	19.50	14.36	18.46	34.90
1983	38.66	38.44	29.05	2.64	2.36	2.11	19.79	13.97	18.77	35.14
1984	39.01	38.87	30.01	2.75	2.48	2.25	20.07	14.22	19.05	35.39
1985	39.37	39.29	30.98	2.86	2.60	2.40	20.36	14.47	19.34	35.64
1986	39.63	39.63	31.85	3.04	2.76	2.56	20.66	14.65	19.64	35.89
1987	39.90	39.96	32.72	3.21	2.93	2.68	20.96	15.02	19.94	36.13
1988	40.16	40.30	33.58	3.38	3.09	2.82	21.26	15.21	20.24	36.38
1989	40.42	40.65	34.45	3.56	3.26	2.96	21.56	15.39	20.55	36.63
1990	40.69	40.96	35.33	3.74	3.42	3.10	21.86	15.39	20.85	36.88
1991	40.69	40.96	35.33	3.74	3.42	3.10	21.86	15.39	20.85	36.88

TABLE 6
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION VI SOUTHWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	29.69	25.93	15.91	1.53	1.03	0.80	17.43	9.92	41.03
1976	33.13	29.56	19.90	1.60	1.14	1.05	17.94	10.62	39.75
1977	36.57	33.18	24.07	1.66	1.24	1.30	18.45	11.32	37.67
1978	40.00	36.80	29.15	1.73	1.34	1.54	18.96	12.02	35.59
1979	43.44	40.42	32.22	1.79	1.45	1.79	19.47	12.71	33.51
1980	46.88	44.04	36.30	1.86	1.55	2.03	19.98	13.41	31.43
1981	46.48	43.82	36.55	1.93	1.73	2.06	20.18	13.65	31.73
1982	46.08	43.60	36.80	2.00	1.91	2.09	20.39	13.89	32.03
1983	45.68	43.38	37.05	2.06	2.09	2.11	20.60	14.12	32.32
1984	45.28	43.16	37.29	2.13	2.27	2.14	20.81	14.36	32.62
1985	44.88	42.94	37.54	2.20	2.45	2.17	21.02	14.60	32.92
1986	45.27	43.52	38.58	2.34	2.67	2.36	21.32	14.79	33.41
1987	45.66	44.09	39.62	2.47	2.89	2.60	21.62	14.97	33.91
1988	46.05	44.66	40.66	2.61	3.11	2.82	21.92	15.16	34.40
1989	46.44	45.23	41.71	2.75	3.32	3.04	22.22	15.34	34.90
1990	46.83	45.80	42.75	2.88	3.50	3.26	22.52	15.53	35.39
1991	46.83	45.80	42.75	2.88	3.50	3.26	22.52	15.53	35.39

TABLE 7
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION VII CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	IND. LPG $/BBL	IND. COAL $/MEST
1975	33.40	31.00	21.28	1.46	1.10	0.76	17.11	9.79	28.46
1976	34.73	32.22	22.79	1.52	1.15	1.19	17.36	10.40	29.40
1977	36.05	33.44	24.30	1.57	1.21	1.63	17.61	11.01	30.34
1978	37.38	34.66	25.81	1.63	1.26	2.06	17.87	11.62	31.28
1979	38.70	35.88	27.32	1.68	1.31	2.49	18.12	12.23	32.22
1980	40.03	37.10	28.83	1.74	1.36	2.93	18.37	12.84	33.16
1981	39.92	37.41	29.59	1.79	1.80	2.90	18.66	13.09	33.36
1982	39.80	37.71	30.35	1.84	2.23	3.03	18.94	13.35	33.56
1983	39.69	38.01	31.11	1.90	2.66	3.08	19.25	13.60	33.76
1984	39.58	38.32	31.86	1.95	3.09	3.13	19.51	13.86	33.96
1985	39.47	38.62	32.64	2.00	3.52	3.18	19.80	14.12	34.15
1986	39.12	38.69	33.16	2.18	3.57	3.23	20.10	14.34	34.45
1987	38.77	38.76	33.68	2.36	3.61	3.27	20.40	14.56	34.75
1988	38.42	38.83	34.20	2.54	3.66	3.32	20.70	14.76	35.05
1989	38.07	38.89	34.72	2.72	3.70	3.36	21.00	15.00	35.34
1990	37.72	38.96	35.24	2.90	3.75	3.41	21.30	15.22	35.64
1991	37.72	38.96	35.24	2.90	3.75	3.41	21.30	15.22	35.64

JUN 29 77
UM

TABLE 8
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
PEA REGION VIII NORTH CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	30.78	25.86	13.96	1.33	1.11	0.68	17.94	17.17	10.72	20.54
1976	30.86	26.16	14.97	1.41	1.24	0.97	18.26	17.39	11.15	21.86
1977	30.94	26.46	15.98	1.50	1.37	1.26	18.57	17.60	11.58	23.22
1978	31.01	26.76	16.98	1.59	1.49	1.55	18.88	17.82	12.02	24.55
1979	31.09	27.07	17.99	1.67	1.62	1.84	19.20	18.03	12.45	25.89
1980	31.17	27.37	19.00	1.76	1.75	2.13	19.51	18.25	12.88	27.22
1981	31.08	27.50	19.05	1.81	1.97	2.18	19.78	18.52	13.13	27.42
1982	30.99	27.62	20.70	1.86	2.19	2.24	20.05	18.79	13.37	27.62
1983	30.90	27.75	21.54	1.91	2.41	2.29	20.32	19.05	13.62	27.82
1984	30.81	27.88	22.39	1.95	2.63	2.34	20.59	19.32	13.87	28.02
1985	30.72	28.01	23.24	2.00	2.85	2.39	20.86	19.59	14.12	28.21
1986	31.06	28.56	24.52	2.17	3.02	2.55	21.16	19.89	14.33	28.56
1987	31.40	29.11	25.79	2.34	3.18	2.72	21.45	20.19	14.54	28.91
1988	31.74	29.67	27.07	2.51	3.35	2.88	21.75	20.49	14.75	29.25
1989	32.08	30.22	28.35	2.68	3.52	3.06	22.05	20.79	14.96	29.60
1990	32.42	30.78	29.62	2.85	3.68	3.22	22.35	21.09	15.17	29.95
1991	32.42	30.78	29.62	2.85	3.68	3.22	22.35	21.09	15.17	29.95

TABLE 9
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
PEA REGION IX WESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	COMM. DIST. $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	36.97	31.11	23.76	1.73	1.42	1.12	19.16	17.56	11.29	41.33
1976	38.87	33.30	26.10	1.84	1.54	1.53	19.50	17.71	11.67	39.90
1977	40.77	35.48	28.45	2.06	1.66	1.94	19.45	17.87	12.05	38.44
1978	42.67	37.66	30.79	2.22	1.79	2.36	19.59	18.03	12.45	37.05
1979	44.56	39.84	33.18	2.38	1.91	2.77	19.75	18.19	12.81	35.56
1980	46.46	42.02	35.49	2.54	2.03	3.18	19.88	18.35	13.19	34.15
1981	46.06	41.90	35.56	2.79	2.28	3.06	20.09	18.57	13.43	34.50
1982	45.66	41.78	35.64	3.04	2.53	2.95	20.31	18.78	13.67	34.85
1983	45.26	41.66	35.71	3.29	2.78	2.83	20.53	19.00	13.90	35.19
1984	44.86	41.53	35.79	3.54	3.03	2.71	20.75	19.22	14.14	35.54
1985	44.46	41.43	35.86	3.78	3.28	2.60	20.97	19.44	14.38	35.89
1986	44.07	41.71	36.34	3.72	3.22	2.71	21.30	19.77	14.61	36.38
1987	44.67	42.00	36.81	3.66	3.15	2.83	21.63	20.10	14.84	36.88
1988	44.68	42.29	37.29	3.60	3.09	2.95	21.96	20.43	15.07	37.37
1989	44.68	42.58	37.77	3.54	3.03	3.06	22.29	20.76	15.30	37.87
1990	44.68	42.87	38.25	3.48	2.97	3.18	22.62	21.09	15.53	38.36
1991	44.68	42.87	38.25	3.48	2.97	3.18	22.62	21.09	15.53	38.36

JUN 29 1977
UM

TABLE 10
ENERGY PRICES IN 1977 DOLLARS PER FUEL UNIT
FEA REGION X NORTHWESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT. $/MKWH	COMM. ELECT. $/MKWH	IND. ELECT. $/MKWH	RES. N. GAS $/MCFT	COMM. N. GAS $/MCFT	IND. N. GAS $/MCFT	RES. DIST. $/BBL	IND. DIST. $/BBL	COMM. DIST. $/BBL	IND. RESID. $/BBL	COMM. RESID. $/BBL	RES. LPG $/BBL	IND. LPG $/BBL	IND. COAL $/MBTU
1975	15.91	16.66	6.16	2.37	1.78	1.17	18.77	17.17	17.17	17.11	17.77	11.91	10.90	24.01
1976	17.27	17.93	7.65	2.59	2.00	1.36	18.99	17.41	17.41	17.36	17.65	12.35	11.42	24.55
1977	18.62	19.20	9.55	2.80	2.22	1.59	19.22	17.64	17.64	17.60	17.53	12.79	11.87	25.10
1978	19.97	20.47	11.24	3.02	2.44	1.80	19.44	17.86	17.86	17.85	17.41	13.23	12.31	25.64
1979	21.32	21.74	12.94	3.24	2.66	2.01	19.66	18.11	18.10	18.10	17.29	13.67	12.75	26.19
1980	22.67	23.01	14.63	3.45	2.88	2.22	19.88	18.35	18.35	18.35	17.17	14.12	13.19	26.73
1981	22.62	22.87	14.92	3.46	2.89	2.23	20.09	18.57	18.57	18.57	17.21	14.35	13.43	28.56
1982	22.56	22.73	15.22	3.46	2.89	2.23	20.31	18.78	18.78	18.78	17.25	14.59	13.67	30.39
1983	22.51	22.60	15.51	3.47	2.90	2.24	20.53	19.00	19.00	19.00	17.29	14.83	13.90	32.22
1984	22.45	22.46	15.80	3.47	2.90	2.24	20.75	19.22	19.22	19.22	17.33	15.07	14.14	34.06
1985	22.40	22.32	16.09	3.46	2.90	2.24	20.97	19.44	19.44	19.44	17.37	15.31	14.36	35.89
1986	22.76	22.60	16.80	3.41	3.22	2.56	21.30	19.77	19.77	19.77	17.69	15.54	14.61	36.93
1987	23.12	22.86	17.51	3.34	3.54	2.88	21.63	20.10	20.10	20.10	18.01	15.76	14.84	37.97
1988	23.46	23.16	18.22	3.26	3.86	3.20	21.96	20.43	20.43	20.43	18.33	15.99	15.07	39.01
1989	23.84	23.45	18.92	3.19	4.18	3.52	22.29	20.76	20.76	20.76	18.64	16.22	15.30	40.05
1990	24.20	23.73	19.65	3.12	4.50	3.84	22.62	21.09	21.09	21.09	18.96	16.45	15.53	41.08
1991	24.20	23.73	19.65	3.12	4.50	3.84	22.62	21.09	21.09	21.09	18.96	16.45	15.53	41.08

TABLE 11
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION I NEW ENGLAND
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. RESID.	COMM. RESID.	RES. LPG	IND. LPG	IND. COAL
1975	14.53	14.15	10.35	3.37	2.79	2.36	3.44	3.44	3.05	2.34	2.33	3.09	3.32	1.26
1976	14.49	14.13	10.50	3.38	2.80	2.46	3.44	3.44	3.08	2.43	2.41	3.64	3.34	1.37
1977	14.44	14.12	10.65	3.40	2.81	2.61	3.44	3.44	3.11	2.52	2.49	3.79	3.36	1.47
1978	14.40	14.11	10.80	3.42	2.82	2.71	3.44	3.44	3.14	2.61	2.57	3.74	3.37	1.57
1979	14.35	14.09	10.95	3.44	2.82	2.86	3.44	3.44	3.16	2.69	2.65	3.66	3.39	1.67
1980	14.31	14.08	11.10	3.46	2.83	2.96	3.44	3.44	3.21	2.78	2.73	3.63	3.41	1.77
1981	14.26	14.06	11.26	3.61	2.96	3.00	3.47	3.45	3.24	2.79	2.74	3.66	3.46	1.79
1982	14.27	14.09	11.46	3.77	3.14	3.01	3.50	3.50	3.27	2.79	2.74	3.73	3.51	1.80
1983	14.24	14.10	11.65	3.92	3.29	3.03	3.54	3.54	3.31	2.80	2.75	3.78	3.54	1.82
1984	14.22	14.10	11.83	4.06	3.45	3.05	3.57	3.57	3.34	2.81	2.75	3.82	3.57	1.83
1985	14.20	14.11	12.01	4.23	3.60	3.07	3.60	3.60	3.37	2.81	2.76	3.87	3.60	1.85
1986	14.32	14.27	12.34	4.39	3.76	3.23	3.65	3.65	3.42	2.86	2.81	3.92	3.70	1.86
1987	14.45	14.42	12.67	4.55	3.92	3.39	3.71	3.71	3.48	2.91	2.86	3.98	3.75	1.87
1988	14.58	14.58	13.00	4.71	4.08	3.55	3.76	3.76	3.53	2.97	2.91	4.03	3.80	1.87
1989	14.70	14.73	13.33	4.87	4.24	3.71	3.81	3.81	3.56	3.02	2.96	4.08	3.85	1.88
1990	14.83	14.89	13.66	5.03	4.40	3.87	3.86	3.86	3.63	3.07	3.01	4.14	3.90	1.88
1991	14.83	14.89	13.66	5.03	4.40	3.87	3.86	3.86	3.63	3.07	3.01	4.14	3.90	1.89

TABLE 12
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION II NEW YORK/NEW JERSEY
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. LPG	IND. COAL
1975	16.32	16.41	8.09	2.75	2.23	1.66	3.13	2.85	2.84	2.90	1.06
1976	16.15	16.40	8.05	2.84	2.31	1.72	3.21	2.93	2.92	3.01	1.18
1977	15.98	16.39	8.02	2.93	2.39	1.79	3.20	3.01	3.00	3.11	1.30
1978	15.81	16.37	8.79	3.02	2.47	1.85	3.35	3.09	3.07	3.21	1.42
1979	15.64	16.36	8.75	3.10	2.55	1.91	3.42	3.17	3.15	3.32	1.54
1980	15.47	16.35	8.72	3.19	2.63	1.98	3.49	3.25	3.23	3.42	1.66
1981	15.34	16.37	8.73	3.33	2.76	2.11	3.53	3.29	3.27	3.46	1.68
1982	15.20	16.39	8.74	3.46	2.89	2.24	3.56	3.32	3.31	3.53	1.69
1983	15.07	16.42	8.76	3.59	3.02	2.37	3.60	3.36	3.35	3.59	1.71
1984	14.93	16.44	8.77	3.72	3.16	2.51	3.64	3.40	3.38	3.64	1.72
1985	14.79	16.46	8.76	3.86	3.29	2.64	3.68	3.44	3.42	3.70	1.74
1986	14.82	16.64	8.95	3.97	3.40	2.75	3.73	3.49	3.47	3.75	1.75
1987	14.84	16.82	9.12	4.09	3.52	2.87	3.78	3.54	3.52	3.80	1.76
1988	14.86	17.00	9.29	4.20	3.64	2.98	3.83	3.59	3.57	3.85	1.76
1989	14.89	17.19	9.47	4.32	3.75	3.10	3.88	3.63	3.63	3.91	1.77
1990	14.91	17.37	9.64	4.43	3.87	3.21	3.93	3.68	3.68	3.96	1.78
1991	14.91	17.37	9.64	4.43	3.87	3.21	3.93	3.69	3.68	3.96	1.78

TABLE 13
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION III MID-ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. LPG	IND. COAL
1975	12.24	11.38	8.02	2.12	1.81	1.19	3.06	2.84	2.82	2.74	0.81
1976	12.18	11.35	8.10	2.25	1.91	1.30	3.18	2.93	2.93	2.91	0.96
1977	12.12	11.32	8.19	2.37	2.01	1.58	3.30	3.02	3.04	3.09	1.11
1978	12.06	11.29	8.27	2.50	2.11	1.70	3.42	3.11	3.16	3.26	1.26
1979	12.00	11.26	8.36	2.62	2.21	1.90	3.54	3.20	3.27	3.43	1.41
1980	11.94	11.23	8.44	2.74	2.31	2.16	3.67	3.30	3.39	3.61	1.56
1981	12.01	11.34	8.67	2.86	2.43	2.24	3.70	3.33	3.42	3.67	1.58
1982	12.08	11.44	8.89	2.98	2.55	2.31	3.74	3.37	3.46	3.72	1.59
1983	12.15	11.55	9.12	3.10	2.67	2.38	3.77	3.40	3.49	3.78	1.61
1984	12.23	11.65	9.35	3.22	2.79	2.44	3.81	3.44	3.53	3.84	1.62
1985	12.30	11.76	9.58	3.34	2.90	2.51	3.84	3.47	3.57	3.89	1.64
1986	12.40	11.89	9.83	3.45	3.00	2.60	3.90	3.53	3.62	3.94	1.65
1987	12.49	12.02	10.06	3.53	3.09	2.70	3.95	3.58	3.67	4.00	1.65
1988	12.59	12.14	10.33	3.62	3.18	2.79	4.00	3.63	3.72	4.05	1.66
1989	12.69	12.27	10.56	3.71	3.27	2.89	4.05	3.68	3.77	4.10	1.67
1990	12.79	12.40	10.83	3.80	3.36	2.98	4.10	3.73	3.82	4.15	1.67
1991	12.79	12.40	10.83	3.80	3.36	2.98	4.10	3.73	3.82	4.15	1.67

JUN 29 77
UM

TABLE 14
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION IV SOUTH ATLANTIC
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. RESID.	RES. DIST.	IND. DIST.	COMM. RESID.	IND. LPG	IND. COAL
1975	9.01	9.44	5.81	1.64	1.30	2.05	2.74	2.53	2.02	2.53	0.97
1976	9.28	9.68	6.24	1.76	1.39	2.18	2.99	2.75	2.17	2.75	1.12
1977	9.55	9.92	6.66	1.88	1.49	2.32	3.24	2.97	2.32	2.97	1.26
1978	9.82	10.16	7.11	2.01	1.58	2.45	3.48	3.20	2.46	3.20	1.43
1979	10.09	10.40	7.54	2.13	1.68	2.59	3.73	3.42	2.61	3.42	1.56
1980	10.36	10.64	7.98	2.25	1.77	2.72	3.98	3.64	2.75	3.64	1.74
1981	10.39	10.64	8.18	2.34	1.80	2.73	4.04	3.70	2.76	3.70	1.76
1982	10.42	10.64	8.36	2.50	2.02	2.74	4.10	3.76	2.77	3.76	1.77
1983	10.45	10.63	8.57	2.62	2.14	2.75	4.16	3.83	2.78	3.83	1.79
1984	10.44	10.63	8.77	2.74	2.26	2.75	4.22	3.89	2.78	3.89	1.81
1985	10.51	10.63	8.97	2.86	2.38	2.76	4.28	3.95	2.79	3.95	1.83
1986	10.54	10.63	9.17	2.94	2.50	2.81	4.33	4.00	2.84	4.00	1.85
1987	10.58	10.64	9.36	3.10	2.62	2.86	4.37	4.04	2.89	4.04	1.84
1988	10.61	10.64	9.56	3.22	2.74	2.91	4.42	4.09	2.94	4.09	1.85
1989	10.65	10.65	9.70	3.34	2.86	2.96	4.46	4.13	3.00	4.13	1.85
1990	10.66	10.65	9.89	3.46	2.94	3.01	4.51	4.16	3.05	4.16	1.86
1991	10.68	10.65	9.89	3.46	2.94	3.01	4.51	4.18	3.05	4.18	1.86

TABLE 15
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION V MIDWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. RESID.	RES. DIST.	IND. DIST.	COMM. RESID.	IND. LPG	IND. COAL
1975	10.66	10.43	6.45	1.66	1.42	2.43	2.60	2.44	2.44	2.44	0.97
1976	10.73	10.52	6.69	1.90	1.52	2.53	2.77	2.61	2.54	2.61	1.08
1977	10.80	10.61	6.93	1.91	1.63	2.63	2.94	2.79	2.65	2.87	1.19
1978	10.88	10.71	7.18	2.03	1.73	2.73	3.11	2.96	2.75	2.94	1.30
1979	10.95	10.80	7.42	2.14	1.84	2.83	3.28	3.13	2.85	3.01	1.42
1980	11.02	10.89	7.67	2.25	1.94	2.93	3.45	3.30	2.95	3.07	1.53
1981	11.12	11.02	7.95	2.36	2.06	2.94	3.52	3.36	2.96	3.12	1.54
1982	11.23	11.14	8.23	2.46	2.17	2.94	3.58	3.42	2.97	3.17	1.55
1983	11.33	11.27	8.51	2.57	2.29	2.95	3.65	3.48	2.97	3.22	1.56
1984	11.43	11.39	8.80	2.67	2.41	2.96	3.71	3.55	2.98	3.27	1.57
1985	11.54	11.52	9.08	2.78	2.52	2.97	3.77	3.61	2.99	3.32	1.58
1986	11.62	11.61	9.33	2.95	2.68	3.02	3.82	3.65	3.04	3.37	1.59
1987	11.69	11.71	9.59	3.12	2.84	3.07	3.87	3.70	3.10	3.42	1.61
1988	11.77	11.81	9.80	3.29	3.00	3.12	3.91	3.75	3.15	3.47	1.62
1989	11.85	11.91	10.10	3.46	3.16	3.18	3.96	3.79	3.20	3.53	1.63
1990	11.93	12.01	10.36	3.63	3.32	3.23	4.00	3.84	3.25	3.58	1.64
1991	11.93	12.01	10.36	3.63	3.32	3.23	4.00	3.84	3.25	3.58	1.64

JUN 29 1977
UM

TABLE 16
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION VI SOUTHWEST
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. LPG	IND. COAL
1975	9.70	7.60	4.66	1.48	1.00	0.78	2.99	2.74	2.74	2.47	1.86
1976	9.71	8.66	5.06	1.55	1.10	1.02	3.08	2.85	2.82	2.65	1.77
1977	10.72	9.72	7.05	1.41	1.20	1.26	3.17	2.92	2.92	2.82	1.67
1978	11.32	10.79	8.25	1.46	1.30	1.50	3.25	3.01	2.98	3.00	1.58
1979	12.73	11.85	9.44	1.74	1.40	1.74	3.34	3.10	3.04	3.17	1.49
1980	13.74	12.91	10.64	1.80	1.51	1.96	3.43	3.19	3.11	3.34	1.40
1981	13.82	12.84	10.71	1.87	1.68	2.00	3.47	3.22	3.16	3.40	1.41
1982	13.51	12.78	10.78	1.94	1.86	2.03	3.50	3.26	3.19	3.46	1.42
1983	13.34	12.72	10.86	2.00	2.03	2.05	3.50	3.30	3.21	3.52	1.44
1984	13.27	12.85	10.93	2.07	2.21	2.08	3.57	3.33	3.24	3.56	1.45
1985	13.15	12.59	11.00	2.14	2.36	2.10	3.61	3.37	3.26	3.64	1.46
1986	13.27	12.75	11.31	2.27	2.59	2.32	3.66	3.42	3.29	3.69	1.48
1987	13.36	12.92	11.61	2.40	2.80	2.53	3.71	3.47	3.33	3.73	1.51
1988	13.50	13.00	11.92	2.53	3.02	2.74	3.76	3.52	3.38	3.78	1.53
1989	13.61	13.26	12.22	2.67	3.23	2.95	3.81	3.57	3.43	3.83	1.55
1990	13.72	13.42	12.53	2.80	3.44	3.16	3.87	3.62	3.48	3.87	1.57
1991	13.72	13.42	12.53	2.80	3.44	3.16	3.87	3.62	3.48	3.87	1.57

TABLE 17
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION VII CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	IND. LPG	IND. COAL
1975	9.79	9.09	6.24	1.42	1.07	0.74	2.98	2.75	2.75	2.44	1.26
1976	10.18	9.44	6.68	1.47	1.12	1.16	2.98	2.80	2.79	2.59	1.31
1977	10.57	9.80	7.12	1.53	1.17	1.56	3.02	2.84	2.84	2.75	1.35
1978	10.96	10.16	7.56	1.58	1.22	2.00	3.07	2.89	2.88	2.90	1.39
1979	11.38	10.52	8.01	1.63	1.27	2.42	3.11	2.94	2.93	3.05	1.43
1980	11.73	10.87	8.45	1.69	1.32	2.88	3.15	2.99	2.98	3.20	1.47
1981	11.70	10.96	8.67	1.74	1.74	2.69	3.20	3.04	3.03	3.26	1.48
1982	11.67	11.05	8.90	1.79	2.16	2.94	3.25	3.09	3.08	3.33	1.49
1983	11.65	11.14	9.12	1.84	2.56	2.99	3.30	3.13	3.13	3.39	1.50
1984	11.60	11.23	9.34	1.89	3.00	3.04	3.35	3.16	3.16	3.46	1.51
1985	11.57	11.32	9.57	1.94	3.42	3.09	3.40	3.23	3.23	3.52	1.52
1986	11.46	11.34	9.72	2.12	3.46	3.13	3.45	3.28	3.28	3.57	1.53
1987	11.36	11.36	9.87	2.29	3.51	3.18	3.50	3.34	3.33	3.63	1.54
1988	11.26	11.36	10.02	2.47	3.55	3.22	3.55	3.39	3.38	3.68	1.56
1989	11.16	11.40	10.18	2.64	3.60	3.27	3.60	3.44	3.43	3.74	1.57
1990	11.05	11.42	10.33	2.82	3.64	3.31	3.66	3.49	3.48	3.79	1.58
1991	11.05	11.42	10.33	2.82	3.64	3.31	3.66	3.49	3.48	3.79	1.58

JUN 29 77

TABLE 18
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION VIII NORTH CENTRAL
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	RES. LPG	IND. LPG	IND. COAL
1975	9.02	7.58	4.09	1.29	1.08	0.66	3.08	2.95	2.95	2.87	2.67	0.91
1976	9.04	7.67	4.39	1.37	1.20	0.94	3.13	2.98	2.99	2.98	2.78	0.97
1977	9.07	7.76	4.68	1.46	1.33	1.22	3.19	3.02	3.04	3.09	2.89	1.03
1978	9.09	7.84	4.98	1.54	1.45	1.51	3.24	3.06	3.08	3.19	3.00	1.09
1979	9.11	7.93	5.27	1.62	1.57	1.79	3.30	3.10	3.12	3.30	3.10	1.15
1980	9.14	8.02	5.57	1.71	1.70	2.07	3.35	3.13	3.17	3.41	3.21	1.21
1981	9.11	8.06	5.82	1.76	1.91	2.12	3.40	3.16	3.21	3.47	3.27	1.22
1982	9.08	8.10	6.07	1.80	2.13	2.17	3.44	3.23	3.26	3.53	3.34	1.23
1983	9.06	8.13	6.31	1.85	2.34	2.22	3.49	3.27	3.31	3.59	3.40	1.24
1984	9.03	8.17	6.56	1.90	2.55	2.27	3.53	3.32	3.35	3.66	3.46	1.25
1985	9.00	8.21	6.81	1.94	2.77	2.32	3.56	3.36	3.40	3.72	3.52	1.25
1986	9.10	8.37	7.19	2.11	2.93	2.46	3.65	3.41	3.45	3.77	3.57	1.27
1987	9.20	8.53	7.56	2.27	3.09	2.64	3.68	3.47	3.50	3.82	3.63	1.28
1988	9.30	8.70	7.93	2.44	3.25	2.80	3.73	3.52	3.55	3.86	3.66	1.30
1989	9.40	8.86	8.31	2.60	3.42	2.97	3.79	3.57	3.60	3.93	3.73	1.32
1990	9.50	9.02	8.68	2.77	3.58	3.13	3.84	3.62	3.66	3.98	3.78	1.33
1991	9.50	9.02	8.68	2.77	3.58	3.13	3.84	3.62	3.66	3.98	3.78	1.33

TABLE 19
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTUS
FEA REGION IX WESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	COMM. DIST.	IND. DIST.	RES. LPG	IND. LPG	IND. COAL
1975	10.83	9.12	6.96	1.68	1.37	1.09	3.29	3.01	3.01	3.07	2.82	1.84
1976	11.39	9.76	7.65	1.84	1.50	1.40	3.31	3.04	3.04	3.16	2.91	1.77
1977	11.95	10.40	8.34	2.00	1.62	1.89	3.34	3.07	3.07	3.25	3.01	1.71
1978	12.50	11.00	9.03	2.15	1.74	2.29	3.36	3.10	3.10	3.34	3.10	1.65
1979	13.06	11.60	9.71	2.31	1.86	2.69	3.39	3.12	3.12	3.43	3.19	1.58
1980	13.62	12.32	10.40	2.47	1.98	3.09	3.41	3.14	3.14	3.52	3.29	1.52
1981	13.50	12.28	10.42	2.71	2.22	2.97	3.45	3.19	3.19	3.58	3.35	1.53
1982	13.38	12.25	10.44	2.95	2.46	2.86	3.49	3.22	3.22	3.68	3.41	1.55
1983	13.27	12.21	10.47	3.19	2.70	2.75	3.52	3.26	3.26	3.70	3.47	1.56
1984	13.15	12.18	10.49	3.43	2.94	2.63	3.56	3.30	3.30	3.76	3.53	1.56
1985	13.03	12.14	10.51	3.67	3.18	2.52	3.60	3.34	3.34	3.82	3.59	1.56
1986	13.03	12.23	10.65	3.61	3.12	2.63	3.66	3.39	3.39	3.87	3.64	1.62
1987	13.03	12.31	10.79	3.55	3.06	2.75	3.71	3.45	3.45	3.93	3.70	1.64
1988	13.03	12.39	10.93	3.49	3.00	2.86	3.77	3.51	3.51	3.99	3.76	1.66
1989	13.04	12.48	11.07	3.43	2.94	2.97	3.83	3.56	3.56	4.05	3.81	1.68
1990	13.04	12.56	11.21	3.37	2.88	3.09	3.88	3.62	3.62	4.10	3.87	1.70
1991	13.04	12.56	11.21	3.37	2.88	3.09	3.88	3.62	3.62	4.10	3.87	1.70

TABLE 20
ENERGY PRICES IN 1977 DOLLARS PER MILLION BTU
FEA REGION X NORTHWESTERN
(PRICES ASSUMED CONSTANT FROM 1990 ONWARD)

	RES. ELECT.	COMM. ELECT.	IND. ELECT.	RES. N. GAS	COMM. N. GAS	IND. N. GAS	RES. DIST.	IND. LPG	RES. LPG	IND. COAL	COMM. DIST.	IND. DIST.	COMM. RESID.	IND. RESID.
1975	4.66	4.88	1.80	2.30	1.73	1.13	3.22	2.74	2.97	1.07	2.95	2.94	2.83	2.85
1976	5.06	5.26	2.30	2.51	1.94	1.34	3.26	2.85	3.08	1.09	2.99	2.98	2.81	2.85
1977	5.46	5.63	2.60	2.72	2.16	1.54	3.30	2.96	3.19	1.12	3.03	3.02	2.79	2.85
1978	5.85	6.00	3.29	2.93	2.37	1.75	3.34	3.07	3.30	1.14	3.07	3.06	2.77	2.85
1979	6.25	6.37	3.79	3.14	2.58	1.95	3.37	3.16	3.41	1.16	3.11	3.11	2.75	2.85
1980	6.64	6.74	4.29	3.35	2.80	2.16	3.41	3.26	3.52	1.17	3.15	3.15	2.73	2.85
1981	6.63	6.70	4.37	3.36	2.80	2.16	3.45	3.35	3.50	1.27	3.19	3.19	2.78	2.85
1982	6.61	6.66	4.46	3.36	2.81	2.16	3.49	3.41	3.48	1.35	3.22	3.22	2.74	2.84
1983	6.60	6.62	4.55	3.37	2.81	2.17	3.52	3.47	3.76	1.43	3.26	3.26	2.75	2.87
1984	6.58	6.58	4.63	3.37	2.82	2.17	3.56	3.55	3.76	1.51	3.30	3.30	2.76	2.87
1985	6.56	6.54	4.72	3.37	2.82	2.18	3.60	3.61	3.82	1.59	3.34	3.34	2.76	2.86
1986	6.67	6.62	4.92	3.31	3.13	2.49	3.66	3.67	3.87	1.64	3.39	3.39	2.81	2.93
1987	6.78	6.71	5.13	3.24	3.44	2.80	3.71	3.70	3.93	1.69	3.45	3.45	2.86	2.98
1988	6.86	6.79	5.34	3.17	3.75	3.11	3.77	3.76	3.99	1.75	3.51	3.51	2.91	3.03
1989	6.99	6.87	5.55	3.10	4.06	3.42	3.83	3.81	4.05	1.76	3.56	3.56	2.97	3.08
1990	7.09	6.95	5.76	3.03	4.37	3.73	3.88	3.87	4.10	1.83	3.62	3.62	3.02	3.13
1991	7.09	6.95	5.76	3.03	4.37	3.73	3.88	3.87	4.10	1.83	3.62	3.62	3.02	3.13

84

Appendix B - Discount Factors
(Discounting Rate of 10 Percent)

Year since Implementation	Discount Factors*
1	0.909091
2	0.826446
3	0.751315
4	0.683013
5	0.620921
6	0.564474
7	0.513158
8	0.466507
9	0.424098
10	0.385543
11	0.350494
12	0.318631
13	0.289664
14	0.263331
15	0.239392
16	0.217629
17	0.197845
18	0.179859
20	0.148644
21	0.135131
22	0.122846
23	0.111678
24	0.101526
25	0.092296

*The discount factors presented in the table above assume end-of-year lump-sum costs and returns. When costs and returns occur in a steady stream, applying mid-year discount factors may be appropriate. Present value cost and benefit computed from this table can be converted to a mid-year discounting basis by multiplying them by the factor 1.048809. (For example, if the present value cost of a series of annual expenditures computed from the above table is $1,200.00, the present value cost on a mid-year discounting basis is $1,200.00 x 1.048809 or $1,258.57.)

JUN 29 77

85

Appendix C - Factors to Adjust Future Principal and Interest Payments to Base Year Equivalent Values

Year since Base Year	Adjustment Factor
1	0.9524
2	0.9070
3	0.8638
4	0.8227
5	0.7835
6	0.7462
7	0.7107
8	0.6768
9	0.6446
10	0.6139
11	0.5847
12	0.5568
13	0.5303
14	0.5051
15	0.4810
16	0.4581
17	0.4363
18	0.4155
19	0.3957
20	0.3769
21	0.3589
22	0.3418
23	0.3256
24	0.3101
25	0.2953

[FR Doc.77- Filed 6-28-77;10:52 am]

federal register

WEDNESDAY, JUNE 29, 1977

PART V



INTERSTATE COMMERCE COMMISSION

■

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

System Diagram Map

V 42 N 125 JUN 29 77 UM

INTERSTATE COMMERCE COMMISSION

[AB 46 (SDM)]

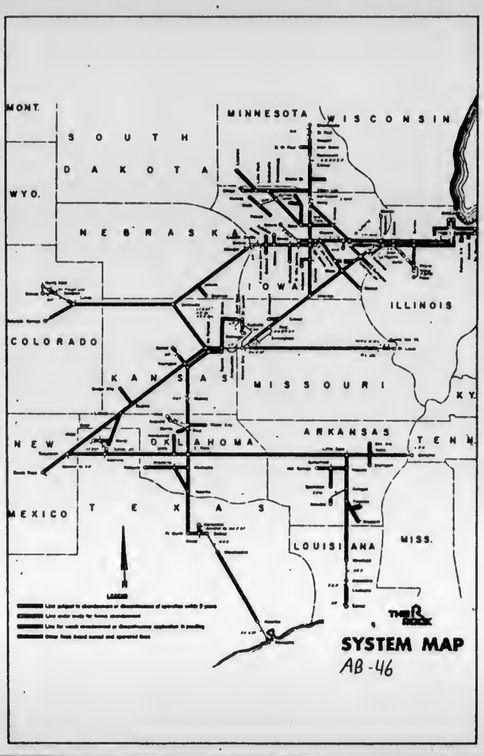
WILLIAM M. GIBBONS, TRUSTEE OF THE PROPERTY OF CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY, DEBTOR

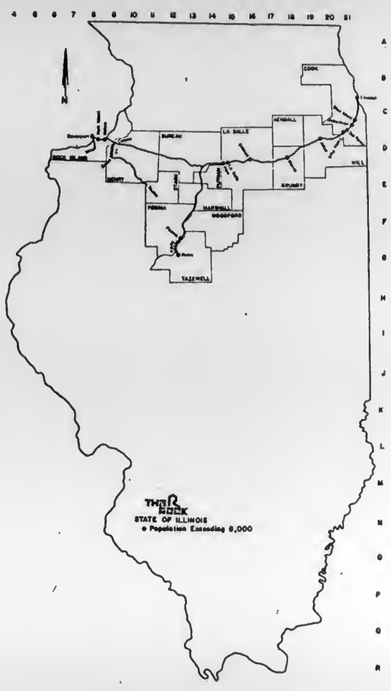
System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.22, that the Chicago, Rock Island and Pacific Railroad Company, has filed with the Commission its color-coded system diagram map in docket No. AB 46 (SDM). The maps reproduced here in black and white are reasonable reproductions of that system map and the Commission on June 16, 1977, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

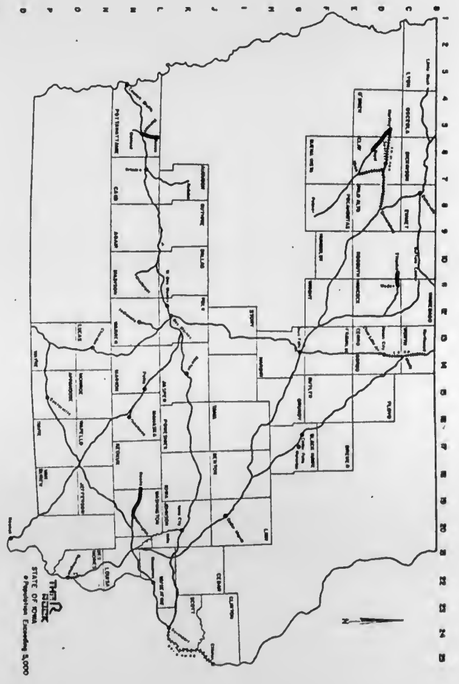
Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 46 (SDM).

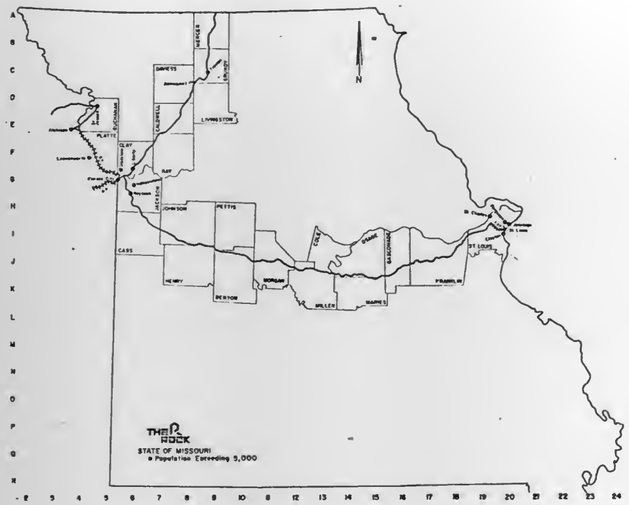
H. G. Homme, Jr.
Acting Secretary.

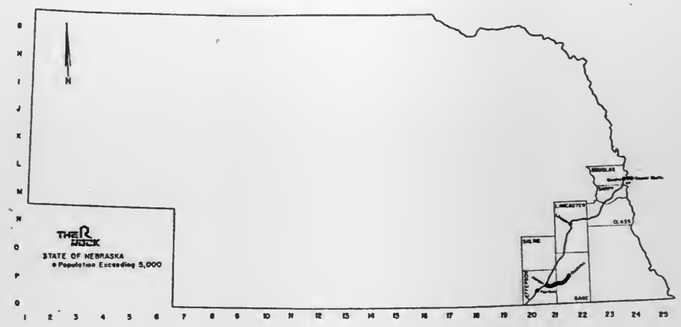




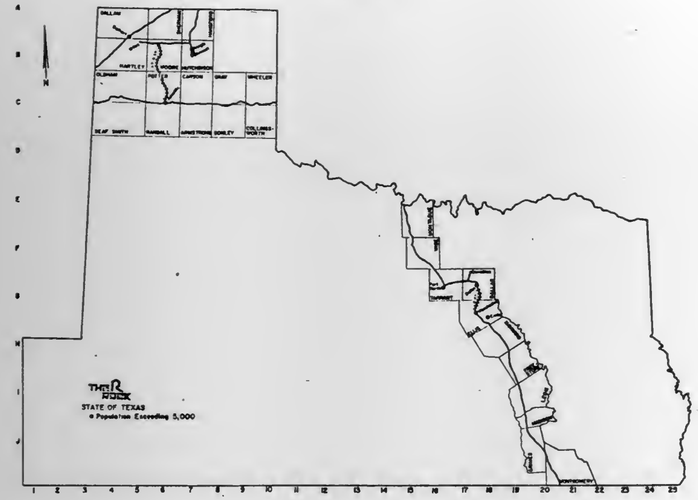


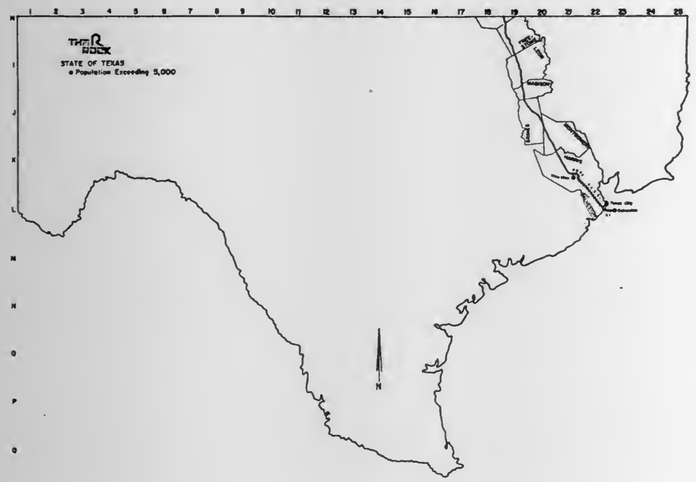


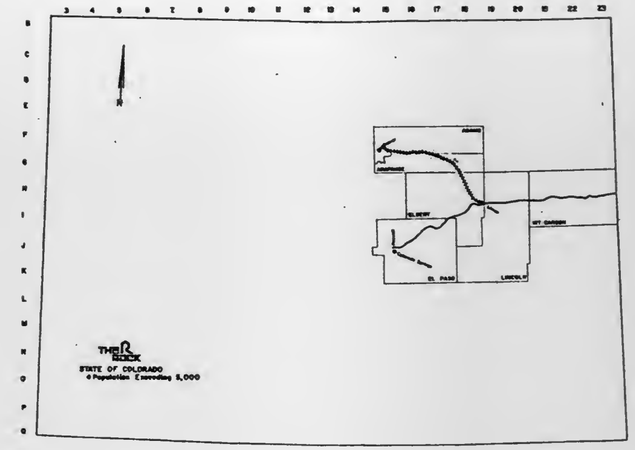


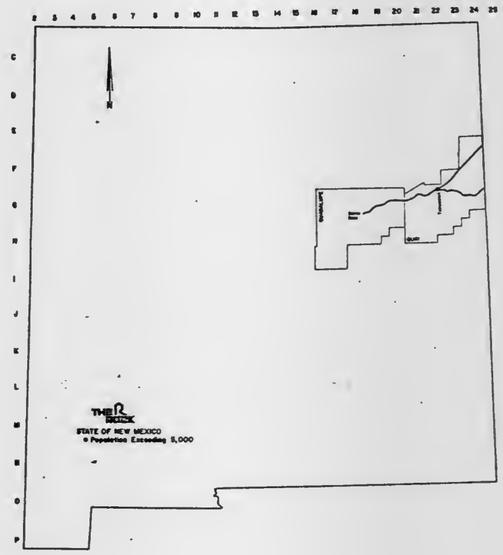


V 42 125 JUN 29 77 UM

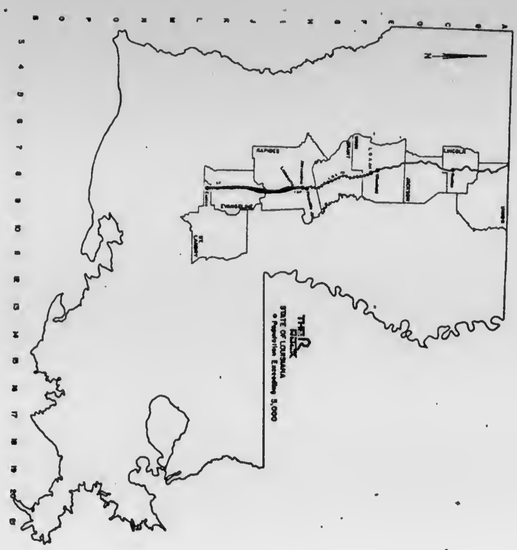


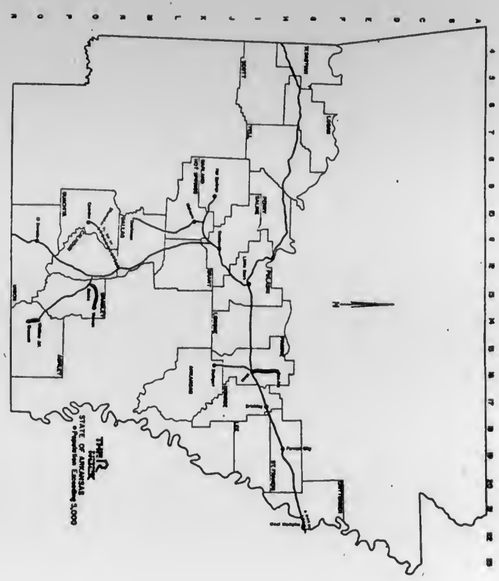






V 42 N 125 JUN 29 77 UM





ARKANSAS

Category 1: Line subject to abandonment or discontinuance of operation within 3 years

Mesa to Des Arc in Prairie County

Terminal Points

Mesa	M.P. 0.00
Des Arc	M.P. 14.98

Category 3: Lines for which abandonment or discontinuance application is pending

Whitlow Jct. to Crossett in Ashley County

Terminal Points

Whitlow Jct.	M.P. 38.50
Crossett	M.P. 43.10

Warren & Ouachita Valley Railway Company: AB-133
Banks to Warren in Bradley County

Terminal Points

Banks	M.P. 15.66
Warren	M.P. 0.00

IOWA

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Woden to Titonka in Kossuth and Hancock Counties

Terminal Points

Woden	M.P. 166.50
Titonka	M.P. 172.80

Royal to (but not including) Hartley in Clay and O'Brien Counties

Terminal Points

Royal	M.P. 501.80
Hartley	M.P. 515.00

Washington to Keota in Washington and Keokuk Counties

Terminal Points

Washington	M.P. 248.20
Keota	M.P. 263.65

Hancock to Avoca in Pottawattamie County

Terminal Points

Hancock	M.P. 6.40
Avoca	M.P. 0.00

KANSAS

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Troy to North Topeka in Doniphan, Atchison, Jackson and Shawnee Counties

Terminal Points and Agency Stations

Troy	M.P. 13.50
Bendena	M.P. 19.20
Denton	M.P. 24.10
Horton	M.P. 40.80
Holton	M.P. 60.10
Mayetta	M.P. 69.40
Hoyt	M.P. 75.80
North Topeka	M.P. 85.30

LOUISIANA

Category 3: Line for which abandonment or discontinuance application is pending

Alexandria to Eunice in Rapides and Evangeline Counties

Terminal Points and Agency Stations

Alexandria	M.P. 246.80
Lamouri Jct.	M.P. 257.70
Lecompte	M.P. 261.00
Turkey Creek	M.P. 276.00
Pine Prairie	M.P. 282.40
Easton	M.P. 284.50
Mamou	M.P. 292.80
Eunice	M.P. 302.60

MINNESOTA

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Worthington to Lismore in Nobles County

Terminal Points and Agency Stations

Worthington	M.P. 254.70
Reading	M.P. 261.90
Wilmont	M.P. 269.10
Lismore	M.P. 275.77

Clarks Grove to Maple Island in Freeborn County

Terminal Points and Agency Stations

Clarks Grove	M.P. 0.00
West Side	M.P. 3.60
Hollandale	M.P. 6.70
Maple Island	M.P. 8.70

Rake, Iowa (state line) to Albert Lea in Faribault and Freeborn Counties

Terminal Points and Agency Stations

Iowa-Minnesota State Line	M.P. 51.48
Bricelyn	M.P. 57.20
Walters	M.P. 66.00
Conger	M.P. 73.40
Albert Lea	M.P. 82.86

NEBRASKA

Category 1: Line subject to abandonment or discontinuance of operation within 3 years

Jansen to Beatrice in Jefferson and Gage Counties

Terminal Points and Agency Stations

Jansen	M.P. 149.00
Harbine	M.P. 143.20
Ellis	M.P. 137.60
Beatrice	M.P. 128.40

TEXAS

Category 1: Line subject to abandonment or discontinuance of operation within 3 years

Pringle to Stinnett in Hutchinson County

Terminal Points

Pringle	M.P. 67.30
Stinnett	M.P. 57.00

OKLAHOMA

Category 1: Lines subject to abandonment or discontinuance of operation within 3 years

Enid to Warren in Garfield and Major Counties

Terminal Points and Agency Stations

North Enid	M.P. 4.50
Lahoma	M.P. 12.10
Hano	M.P. 17.10
Ringwood	M.P. 20.80
Warren	M.P. 24.10

Okeene to Homestead in Blaine County

Terminal Points

Okeene	M.P. 37.30
Homestead	M.P. 42.80

[FR Doc.77-18287 Filed 6-28-77;8:45 am]

federal register

WEDNESDAY, JUNE 29, 1977

PART VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Communities Eligible for Sale of Insurance; Special Hazard Areas

V 42 N 125 JUN 29 77 UM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3061]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to list those communities where the sale of flood insurance is authorized under the National Flood Insurance Program. Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state.

DATES: The date that appears in the fourth column of the table is the effective date of authorization for the sale of flood insurance.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh St., SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The addresses of the National Flood Insurers Association servicing companies, where flood insurance policies can be obtained, are published at § 1912.5 (24 CFR Part 1912).

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.6 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 1914.6 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Arizona.	Yavapai.	Prescott, City of.	February 25, 1972. February 2, 1977. February 15, 1977. June 3, 1977.	Emerg. Reg. Susp. Rein.	5-17-74	04098A
California.	San Diego.	Carlsbad, City of.	July 2, 1975. June 14, 1977.	Emerg. Reg.	5-31-74	060285A

(24 CFR § 1914.6)

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Maine.	Somerset	Jackman, Town of.	June 15, 1977	Emerg.	1-24-75 & 1-14-77	230362A

State	County	Location	Effective date of authorization of sale of flood Insurance for area		Hazard area Identified	Community Number
Michigan.	Monroe.	Monroe, City of.	December 29, 1972. June 15, 1977.	Emerg. Reg.	3-3-74	260153A
New York.	Tioga.	Owego, Town of.	December 29, 1972. June 15, 1977.	Emerg. Reg.	11-1-74 & 8-6-76	360839B
Pennsylvania.	Schuylkill.	Blythe, Township of.	March 30, 1973. June 15, 1977.	Emerg. Reg.	8-30-74	420767B
Do.	Butler.	Clearfield, Township of.	June 15, 1977.	Emerg.	1-10-75	422344
Do.	Carbon.	East Penn, Township of.	October 19, 1973. June 15, 1977.	Emerg. Reg.	1-16-74	421013A
Do.	Montgomery.	Hatboro, Borough of.	February 16, 1973. June 15, 1977.	Emerg. Reg.	8-9-74 & 5-28-76	420697B
Do.	York.	Spring Garden, Township of.	August 27, 1973. June 15, 1977.	Emerg. Reg.	5-10-74 & 3-5-76	420937B
Do.	Luzerne.	Swoyersville, Borough of.	January 26, 1973. June 15, 1977.	Emerg. Reg.	5-16-77	420627
Do.	Delaware.	Upper Providence, Township of.	December 3, 1971. June 15, 1977.	Emerg. Reg.	2-20-73 & 4-13-73	420441B
Do.	Crawford.	West Mead, Township of.	April 14, 1972. June 15, 1977.	Emerg. Reg.	8-31-73 & 3-29-74	420356C
Do.	York.	York, City of.	October 6, 1972. June 15, 1977.	Emerg. Reg.	2-1-74 & 3-26-76	420945B
Wisconsin.	Milwaukee & Ozaukee.	Bayside, Village of.	August 7, 1973. June 15, 1977.	Emerg. Reg.	2-22-74 & 6-16-77	550270B

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended 39 FR 2787, Jan. 24, 1974.)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18138 Filed 6-28-77;8:45 am]

[Docket No. FI-3012]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Communities With Detailed Engineering Data (Flood Insurance Rate Maps)

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide a cumulative list of communities for which the Federal Insurance Administrator has published a Flood Insurance Rate Map (FIRM), usually providing water surface elevations for Special Flood Hazard Areas. The engineering data on the FIRM is used by local community officials as the basis for flood plain management measures to reduce future flood losses; it is also the basis for actuarial rates for flood insurance.

EFFECTIVE DATE: The effective date of the most recent revision is listed in the fifth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line, 800–424–8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The effective date of the most recent revision of the FIRM for the communities listed will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

1915.4 List of communities with detailed engineering data (FIRM's).

VANDERBILT UNIVERSITY JUN 29 77 UM

MAY 18,1977 PAGE 1

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AK	UNORGANIZED	BETHEL, CITY OF	020104	760316
AK	MULTIPLE	NENANA, CITY OF	025010	760409
	WRANGELL-P			
AK	KENAI PENINSULA	SKAGWAY, CITY OF	025011	770301
AK	NO. STAR BORO.	FAIRBANKS & VICINITY	025009	751003

MAY 18,1977 PAGE 2

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AL	BALDWIN	BALDWIN COUNTY #	015000	761008
AL	MOBILE	BAYOU LA BATRE, CITY OF	015001	760402
AL	LOWNDES	BENTON, TOWN OF	015002	751017
AL	MOBILE	CHICKASAW, CITY OF	015003	751024
AL	CULLMAN	CULLMAN, CITY OF	010209	770114
AL	COFFEE	ELBA, CITY OF	015004	760507
AL	LAUDERDALE	FLORENCE, CITY OF	010140	770502
AL	BALDWIN	GULF SHORES, TOWN OF	015005	760514
AL	WINSTON	HALEYVILLE, CITY OF	010303	760625
AL	JEFFERSON	HOMEWOOD, CITY OF	015006	760806
AL	MOBILE	MOBILE COUNTY #	015008	740701
AL	MOBILE	MOBILE, CITY OF	015007	760507
AL	LAMAR	SULLIGENT, TOWN OF	010138	760625

MAY 18,1977 PAGE 3

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AR	LOGAN	BOONEVILLE, CITY OF	050472	760625
AR	LAFAYETTE	BUCKNER, CITY OF	050115	760625
AR	LAWRENCE	COLLEGE CITY, CITY OF	050316	760625
AR	BAXTER	COTTER, CITY OF	050011	760625
AR	ASHLEY	CROSSETT, CITY OF	050471	760625
AR	YELL	DARDANELLE, CITY OF	050233	751107
AR	NEVADA	EMMET, CITY OF	050411	760625
AR	SEBASTIAN	FORT SMITH, CITY OF	055013	760507
AR	MISSISSIPPI	GOSNELL, CITY OF	050144	760507
AR	CLAY	KNOBEL, TOWN OF	050032	760625
AR	MISSISSIPPI	LEACHVILLE, CITY OF	050147	760625
AR	WHITE	MC RAE, CITY OF	050228	760625
AR	MISSISSIPPI	OSCEOLA, CITY OF	050151	760625
AR	CRAWFORD	RUDY, TOWN OF	050052	760625
AR	POPE	RUSSELLVILLE, CITY OF	050178	751121
AR	JEFFERSON	SHERRILL, TOWN OF	050110	751121
AR	COLUMBIA	TAYLOR, CITY OF	050042	751121
AR	MILLER	TEXARKANA, CITY OF	050137	761231
AR	MISSISSIPPI	WILSON, CITY OF	050153	760625

MAY 18,1977 PAGE 4

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
AZ	COCHISE	BENSON, TOWN OF	040013	760625
AZ	COCHISE	HUACHUCA, CITY OF	040016	760514
AZ	YUMA	PARKER, TOWN OF	040100	760514
AZ	MARICOPA	SCOTTSDALE, CITY OF	045012	760109
AZ	APACHE	SPRINGERVILLE, TOWN OF	040011	760625
AZ	YAVAPAI	PRESCOTT, CITY	040098	770517

MAY 18,1977 PAGE 5

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
CA	PLACER	AUBURN, CITY OF	060240	760625
CA	MARIN	BELVEDERE, CITY OF	060429	770502
CA	RIVERSIDE	BLYTHE, CITY OF	060248	770502
CA	SANTA CLARA	CAMPBELL, CITY OF	060338	770502
CA	SANTA BARBARA	CARPINTERIA, CITY OF	060332	770315
CA	SAN BERNARDINO	CHINO, CITY OF	060272	770315
CA	COLUSA	COLUSA, CITY OF	060023	770315
CA	SAN MATEO	FOSTER CITY, CITY OF	060318	770107
CA	LOS ANGELES	GLENDORA, CITY OF	065031	770107
CA	LOS ANGELES	HAWAIIAN GARDENS, CITY OF	065032	770107
CA	IMPERIAL	IMPERIAL, CITY OF	060071	770107
CA	SAN DIEGO	LA MESA, CITY OF	060292	760625
CA	LOS ANGELES	PARAMOUNT, CITY OF	065049	750502
CA	LOS ANGELES	SAN DIMAS, CITY OF	060154	770401
CA	LOS ANGELES	SAN FERNANDO, CITY OF	060628	770401
CA	LOS ANGELES	SAN GABRIEL, CITY OF	065055	760416
CA	RIVERSIDE	SAN JACINTO, CITY OF	065056	751212
CA	LOS ANGELES	SOUTH EL MONTE, CITY OF	060162	760220
CA	LOS ANGELES	SOUTH PASADENA, CITY OF	065061	760220
CA	SAN BERNARDINO	VICTORVILLE, CITY OF	065068	740701
CA	IMPERIAL	WESTMORLAND, CITY OF	060072	740701
CA.	CONTRA COSTA	EL CERRITO, CITY OF	065027	770601
CA.	MARIN	TIBURON, CITY OF	060430	770516

VA 2NH 25 JUN 29 77 UM

MAY 18,1977 PAGE 6

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
CO	MULTIPLE	ARVADA, CITY OF	085072	760423
	JEFFERSON			
CO	BOULDER	BROOMFIELD, CITY OF	085073	750822
CO	MONTEZUMA	CORTEZ, CITY OF	080121	770415
CO	ARAPAHOE	ENGLEWOOD, CITY OF	085074	750411
CO	CONEJOS	LA JARA, TOWN OF	080038	750411
CO	JEFFERSON	LAKEWOOD, CITY OF	085075	740701
CO	BOULDER	LOUISVILLE, CITY OF	085076	750725
CO	OTERO	MANZANOLA, TOWN OF	080134	750725
CO	OURAY	RIDGWAY, TOWN OF	080138	750725
CO	ARAPAHOE	SHERIDAN, CITY OF	080018	760713
CO	BACA	WALSH, TOWN OF	080021	760713
CO	JEFFERSON	WHEAT RIDGE, CITY OF	085079	740701
Co.	PUEBLO	PUEBLO, CITY OF	085077	760402
Co.	GARFIELD	RIFLE, CITY OF	085078	760312

MAY 18,1977 PAGE 7

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
CT	FAIRFIELD	DANBURY, CITY OF	090004	770502
CT	NEW LONDON	GROTON, TOWN OF	090097	770415
CT	HARTFORD	HARTFORD, CITY OF	095080	740701
CT	NEW LONDON	NEW LONDON, CITY OF	090100	770502
CT	NEW HAVEN	PROSPECT, TOWN OF	090151	770204
CT	LITCHFIELD	TORRINGTON, CITY OF	095081	760305
CT	HARTFORD	WEST HARTFORD, CITY OF	095082	740701
CT	HARTFORD	WETHERSFIELD, TOWN OF	090040	770502
CT.	HARTFORD	AVON, TOWN OF	090021	770516
CT	FAIRFIELD	NEW CANAAN, TOWN OF	090010	770516
CT	HARTFORD	SIMSBURY, TOWN OF	090035	770516

MAY 18,1977 PAGE 8

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
DE	SUSSEX	BETHANY BEACH, TOWN OF	105083	760213
DE	SUSSEX	BRIDGEVILLE, TOWN OF	100032	770107
DE	KENT	CHESWOLD, TOWN OF	100004	770107
DE	NEW CASTLE	DELAWARE CITY, CITY OF	100022	770216
DE	NEW CASTLE	ELSMERE, TOWN OF	100023	761231
DE	KENT	FELTON, TOWN OF	100008	770107
DE	SUSSEX	FENWICK ISLAND, TOWN OF	105084	750926
DE	SUSSEX	LEWES, CITY OF	100041	770315
DE	NEW CASTLE	MIDDLETOWN, TOWN OF	100024	770107
DE	NEW CASTLE	NEW CASTLE COUNTY *	105085	751226
DE	NEW CASTLE	NEW CASTLE, CITY OF	100026	751226
DE	NEW CASTLE	NEWARK, CITY OF	100025	751226
DE	SUSSEX	REHOBOTH BEACH, CITY OF	105086	760312
DE	SUSSEX	SOUTH BETHANY, TOWN OF	100051	761006
DE	SUSSEX	SUSSEX COUNTY #	100029	761006
DE	NEW CASTLE	WILMINGTON, CITY OF	100028	770502
DE	KENT	CLAYTON, TOWN OF	100005	770601
DE	KENT	HARRINGTON, CITY OF	100010	770601
DE	KENT & SUSSEX	MILFORD, CITY OF	100042	770601
DE	KENT	SMYRNA, TOWN OF	100017	770601

JUN 29 77

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
FL	MANATEE	ANNA MARIA, CITY OF	125087	760220
FL	DUVAL	ATLANTIC BEACH, CITY OF	120075	770315
FL	DUVAL	BALDWIN, TOWN OF	120076	770315
FL	PINELLAS	BELLEAIR BEACH, CITY OF	125089	751128
FL	PINELLAS	BELLEAIR SHORE, TOWN OF	125090	751017
FL	PINELLAS	BELLEAIR, TOWN OF	125088	760813
FL	MANATEE	BRADENTON BEACH, CITY OF	125091	760220
FL	BREVARD	BREVARD COUNTY #	125092	760806
FL	BROWARD	BROWARD COUNTY #	125093	760730
FL	SUMTER	BUSHNELL, CITY OF	120297	760625
FL	BREVARD	CAPE CANAVERAL, CITY OF	125094	750815
FL	CHARLOTTE	CHARLOTTE COUNTY #	120061	750919
FL	PINELLAS	CLEARWATER, CITY OF	125096	740701
FL	HENDRY	CLEWISTON, CITY OF	120108	770315
FL	BREVARD	COCOA BEACH, CITY OF	125097	751226
FL	DADE	DADE COUNTY #	125098	770318
FL	BROWARD	DAVIE, TOWN OF	120035	760713
FL	VOLUSIA	DAYTONA BEACH SHORES, CITY OF	125100	750926
FL	VOLUSIA	DAYTONA BEACH, CITY OF	125099	740701
FL	BROWARD	DEERFIELD BEACH, CITY OF	125101	760430
FL	PALM BEACH	DELRAY BEACH, CITY OF	125102	760716
FL	PINELLAS	DUNEDIN, CITY OF	125103	761022
FL	COLLIER	EVERGLADES, CITY OF	125104	751128
FL	NASSAU	FERNANDINA BEACH, CITY OF	120172	770114
FL	BROWARD	FORT LAUDERDALE, CITY OF	125105	760514
FL	OKALOOSA	FORT WALTON BEACH, CITY OF	120174	770401
FL	ALACHUA	GAINESVILLE, CITY OF	125107	760319
FL	PALM BEACH	GULF STREAM, TOWN OF	125109	750926
FL	PINELLAS	GULFPORT, CITY OF	125108	751226
FL	BROWARD	HALLANDALE, CITY OF	125110	750829
FL	PALM BEACH	HIGHLAND BEACH, TOWN OF	125111	760109
FL	VOLUSIA	HOLLY HILL, CITY OF	125112	751031
FL	BROWARD	HOLLYWOOD, CITY OF	125113	760423
FL	MANATEE	HOLMES BEACH, CITY OF	125114	760806
FL	BREVARD	INDIALANTIC, TOWN OF	125115	760507
FL	BREVARD	INDIAN HARBOUR BEACH, CITY OF	125116	750926
FL	PINELLAS	INDIAN ROCKS BEACH, CITY OF	125117	760813
FL	PINELLAS	INDIAN SHORES, TOWN OF	125118	750606
FL	DUVAL	JACKSONVILLE BEACH, CITY OF	120078	770315
FL	PALM BEACH	JUPITER INLET COLONY, TOWN OF	125120	760416

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
FL	MARTIN	JUPITER ISLAND, TOWN OF	120162	770202
FL	PALM BEACH	JUPITER, TOWN OF	125119	760514
FL	MONROE	KEY COLONY BEACH, CITY OF	125121	760105
FL	MONROE	KEY WEST, CITY OF	120168	761029
FL	PALM BEACH	LANTANA, TOWN OF	120214	761001
FL	PINELLAS	LARGO, CITY OF	125122	761022
FL	BROWARD	LAUDERDALE-BY-THE-SEA, TOWN OF	125123	760430
FL	MONROE	LAYTON, CITY OF	120169	760123
FL	BROWARD	LIGHTHOUSE POINT, CITY OF	125125	760430
FL	MANATEE	LONGBOAT KEY, TOWN OF	125126	760220
FL	PINELLAS	MADEIRA BEACH, CITY OF	125127	751017
FL	PALM BEACH	MANALAPAN, TOWN OF	120215	761001
FL	MANATEE	MANATEE COUNTY #	120153	760220
FL	BREVARD	MELBOURNE BEACH, TOWN OF	125128	751003
FL	MONROE	MONROE COUNTY #	125129	760702
FL	COLLIER	NAPLES, CITY OF	125130	760213
FL	ESCAMBIA	NAVARRE BEACH	125131	751226
FL	DUVAL	NEPTUNE BEACH, CITY OF	120079	770315
FL	VOLUSIA	NEW SMYRNA BEACH, CITY OF	125132	740701
FL	PINELLAS	NORTH REDINGTON BEACH, TOWN OF	125133	770107
FL	PALM BEACH	OCEAN RIDGE, TOWN OF	125134	751205
FL	OKALOOSA	OKALOOSA ISLAND BEACHES	125135	751205
FL	PINELLAS	OLDSMAR, CITY OF	120250	761112
FL	VOLUSIA	ORMOND BEACH, CITY OF	125136	740701
FL	PALM BEACH	PALM BEACH SHORES, TOWN OF	125137	740701
FL	ESCAMBIA	PENSACOLA BEACH, CITY OF	125138	761126
FL	PINELLAS	PINELLAS COUNTY #	125139	740701
FL	VOLUSIA	PONCE INLET, TOWN OF	120312	761008
FL	CHARLOTTE	PUNTA GORDA, CITY OF	120062	750919
FL	PINELLAS	REDINGTON BEACH, TOWN OF	125140	750926
FL	PINELLAS	REDINGTON SHORES, TOWN OF	125141	751017
FL	PALM BEACH	RIVIERA BEACH, CITY OF	125142	751024
FL	PINELLAS	SAFETY HARBOUR, CITY OF	125143	761022
FL	SARASOTA	SARASOTA COUNTY #	125144	760402
FL	SARASOTA	SARASOTA, CITY OF	125150	760220
FL	BREVARD	SATELLITE BEACH, CITY OF	120028	760213
FL	BROWARD	SEA RANCH LAKES, VILLAGE OF	120056	770216
FL	VOLUSIA	SOUTH DAYTONA, TOWN OF	120314	761008
FL	PINELLAS	SOUTH PASADENA, CITY OF	125151	751031
FL	ST. JOHNS	ST. AUGUSTINE BEACH, TOWN OF	125146	751031
FL	ST. JOHNS	ST. AUGUSTINE, CITY OF	125145	751128

JUN 29 77
UM

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
FL	ST. JOHNS	ST. JOHNS COUNTY #	125147	760528
FL	PINELLAS	ST. PETERSBURG BEACH, CITY OF	125149	751017
FL	PINELLAS	ST. PETERSBURG, CITY OF	125148	761217
FL	LEON	TALLAHASSEE, CITY OF	120144	761206
FL	PINELLAS	TARPON SPRINGS, CITY OF	120259	770107
FL	PALM BEACH	TEQUESTA, VILLAGE OF	120228	761008
FL	BREVARD	TITUSVILLE, CITY OF	125152	760430
FL	PINELLAS	TREASURE ISLAND, CITY OF	125153	750928
FL	OKALOOSA	VALPARAISO; CITY OF	120176	770401
FL	SARASOTA	VENICE, CITY OF	125154	760220
FL	VOLUSIA	VOLUSIA COUNTY #	125155	740701
FL	HARDEE	WAUCHULA, CITY OF	120105	760625
FL	BROWARD	WILTON MANORS, CITY OF	125156	751017
FL	LEVY	YANKEETOWN, TOWN OF	120147	760227
FL	BROWARD	COOPER CITY, CITY OF	120032	770601
FL	BROWARD	DANIA, CITY OF	120034	760514
FL	DUVAL	JACKSONVILLE, CITY OF	120077	770315
FL	BAY	LYNN HAVEN, CITY OF	120009	770601
FL	SANTA ROSA	MILTON, CITY OF	120276	770601
FL	BAY	PANAMA CITY BEACH, CITY OF	120013	770601
FL	VOLUSIA	PORT ORANGE, CITY OF	120313	770516
FL	HILLSBOROUGH	TEMPLE TERRACE, CITY OF	120115	770315

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
GA	MULTIPLE	ATLANTA, CITY OF	135157	761112
GA	GORDON	CALHOUN, CITY OF	130095	770401
GA	MUSCOGEE	COLUMBUS, CITY OF	135158	740701
GA	DEKALB	DECATUR, CITY OF	135159	751128
GA	FULTON	EAST POINT, CITY OF	130087	770315
GA	PEACH	FORT VALLEY, CITY OF	130148	760625
GA	FULTON	FULTON COUNTY #	135160	760903
GA	CHATHAM	GARDEN CITY, CITY OF	135161	760319
GA	COLUMBIA	GROVETOWN, CITY OF	130265	770128
GA	COLUMBIA	HARLEM, CITY OF	130266	770128
GA	RICHMOND	HEPHZIBAH, TOWN OF	130442	760625
GA	DOOLY	PINEHURST, CITY OF	130071	760625
GA	CHATHAM	PORT WENTWORTH, CITY OF	135162	751226
GA	BERRIEN	RAY CITY, TOWN OF	130009	770401
GA	CHATHAM	SAVANNAH BEACH, TOWN OF	135164	750905
GA	CHATHAM	SAVANNAH, CITY OF	135163	740701
GA	CHATHAM	VERNONBURG, TOWN OF	135165	751031
GA	TALBOT	WOODLAND, CITY OF	130397	760625
GA.	CLAYTON & FULTON	FOREST PARK, CITY OF	130042	770516
GA	THOMAS	THOMASVILLE, CITY OF	130170	770516

HAWAII

HI	HAWAII	HILO & VICINITY	155166	740701

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
IA	FLOYD	CHARLES CITY, CITY OF	190128	770202
IA	DUBUQUE	DUBUQUE, CITY OF	195180	751031
IA	MULTIPLE	DURANT, CITY OF	190922	751031
	CEDAR, SCO			
IA	WEBSTER	FORT DODGE, CITY OF	195181	770102
IA	JOHNSON	IOWA CITY, CITY OF	190171	770502
IA	CLAYTON	MARQUETTE, CITY OF	195182	751003
IA	CLAYTON	MC GREGOR, CITY OF	195183	751017
IA	BUCHANAN	INDEPENDENCE, CITY OF	190031	770516
IA	SCOTT		190239	770601

JUN 29 77

MAY 18,1977 PAGE 14

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
ID	POWER	AMERICAN FALLS, CITY OF	160109	751017
ID	BONNEVILLE	AMMON, CITY OF	160028	751017
ID	BOUNDARY	BONNERS FERRY, CITY OF	160031	770422
ID	VALLEY	DONNELLY, CITY OF	160121	770415
ID	GEM	EMMETT, CITY OF	160063	770415
ID	BONNEVILLE	IONA, CITY OF	160030	770415
ID	ADA	KUNA, CITY OF	160174	770415
ID	MINIDOKA	PAUL, CITY OF	160100	770415
ID	POWER	ROCKLAND, CITY OF	160110	770401
ID	KOOTENAI	WORLEY, CITY OF	160085	770401

MAY 18,1977 PAGE 15

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
IL	MC LEAN	CHENOA, CITY OF	170492	770401
IL	PEORIA	CHILLICOTHE, CITY OF	170535	770202
IL	MC LEAN	COOKSVILLE, VILLAGE OF	170494	770202
IL	MOULTRIE	DALTON CITY, VILLAGE OF	170522	770202
IL	JO DAVIESS	GALENA, CITY OF	175168	750905
IL	VERMILION	GEORGETOWN, CITY OF	170665	750905
IL	COOK	HILLSIDE, VILLAGE OF	170104	750905
IL	MCLEAN	HUDSON, VILLAGE OF	170498	750905
IL	PIKE	HULL, VILLAGE OF	170553	750905
IL	FULTON	IPAVA, VILLAGE OF	170756	750905
IL	COOK	LEMONT, VILLAGE OF	170117	750905
IL	COOK	MARKHAM, CITY OF	175169	750912
IL	MC LEAN	MCLEAN, VILLAGE OF	170501	750912
IL	COOK	PALATINE, VILLAGE OF	175170	760319
IL	KENDALL	PLANO, CITY OF	170346	760319
IL	OGLE	POLO, CITY OF	170531	760319
IL	ROCK ISLAND	ROCK ISLAND, CITY OF	175171	750912
IL	ST. CLAIR	SMITHTON, VILLAGE OF	170892	760625
IL	KANE	SUGAR GROVE, VILLAGE OF	170333	760625
IL	WILL	SYMERTON, VILLAGE OF	170714	760625
IL	STEPHENSON	FREEPORT, CITY OF	170640	770516
IL	HENRY	GENESEO, CITY OF	170284	770516

MAY 18,1977 PAGE 16

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
IN	DEARBORN	AURORA, CITY OF	185172	751226
IN	PORTER	BEVERLY SHORES, TOWN OF	185173	751017
IN	BROWN	BROWN COUNTY #	185174	760116
IN	VERMILLION	DANA, TOWN OF	180260	760116
IN	JASPER	DEMOTTE, TOWN OF	180100	760116
IN	KNOX	EDWARDSPORT, TOWN OF	180324	760116
IN	HAMILTON	FISHERS, TOWN OF	180423	760116
IN	CLINTON	FRANKFORT, CITY OF	180030	760116
IN	DE KALB	GARRETT, CITY OF	180048	760116
IN	POSEY	GRIFFIN, TOWN OF	180305	760116
IN	LAKE	GRIFFITH, TOWN OF	185175	750530
IN	JEFFERSON	HANOVER, TOWN OF	180326	750530
IN	LAKE	HIGHLAND, TOWN OF	185176	751010
IN	ST. JOSEPH	LAKEVILLE, TOWN OF	180226	751010
IN	LA PORTE	LONG BEACH, TOWN OF	185177	751121
IN	BROWN	NASHVILLE, TOWN OF	180018	760124
IN	FLOYD	NEW ALBANY, CITY OF	180062	761217
IN	JAY	PORTLAND, CITY OF	185178	751107
IN	ST. JOSEPH	ROSELAND, TOWN OF	185179	750815
IN	PERRY	TELL CITY, CITY OF	180197	770301

MAY 18,1977 PAGE 17

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
KS	SEDGWICK	ANDALE, CITY OF	200322	770301
KS	HARVEY	BURRTON, CITY OF	200130	770301
KS	MONTGOMERY	COFFEYVILLE, CITY OF	200232	760312
KS	JOHNSON	COUNTRYSIDE, CITY OF	200160	760312
KS	FORD	DODGE CITY, CITY OF	205184	760430
KS	BUTLER	EL DORADO, CITY OF	200039	760305
KS	JOHNSON	FAIRWAY, CITY OF	205185	760109
KS	FINNEY	GARDEN CITY, CITY OF	205186	750411
KS	JOHNSON	GARDNER, CITY OF	200164	770415
KS	ELK	HOWARD, CITY OF	200507	770408
KS	ELLSWORTH	KANOPOLIS, CITY OF	200511	770408
KS	KEARNY	LAKIN, CITY OF	200182	770408
KS	DONIPHAN	LEONA, CITY OF	200082	770107
KS	BARTON	PAWNEE ROCK, CITY OF	200021	770114
KS	JOHNSON	ROELAND PARK, CITY OF	200176	770114
KS	SHAWNEE	TOPEKA, CITY OF	205187	751010
KS	SEDWICK	VALLEY CENTER, CITY OF	200327	770114
KS	JOHNSON	WESTWOOD, TOWN OF	200179	760625

V 42 N 25 JUN 29 77 UM

MAY 18,1977 PAGE 18

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
KY	MARSHALL	BENTON, CITY OF	210163	770315
KY	HARLAN	CUMBERLAND, CITY OF	210100	770315
KY	PERRY	HAZARD, CITY OF	215188	760220
KY	RUSSELL	JAMESTOWN, CITY OF	210206	760625
KY	JEFFERSON	JEFFERSONTOWN, CITY OF	210121	760305
KY	HARLAN	LOYALL, CITY OF	215189	751107
KY	MASON	MAYSVILLE, CITY OF	210168	751107
KY	BELL	MIDDLESBORO, CITY OF	215190	751114
KY	HOPKINS	MORTONS GAP, CITY OF	210116	751114
KY	PERRY	PERRY COUNTY #	215191	760813
KY	HARLAN	WALLINS CREEK, CITY OF	215192	750523
KY	JEFFERSON	ST. MATTHEWS, CITY OF	210123	760305

MAY 18,1977 PAGE 19

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
LA	TANGIPAHOA	AMITE CITY, TOWN OF	220207	750523
LA	EAST BATON ROUGE	BAKER, CITY OF	225193	760102
LA	CAMERON	CAMERON PARISH #	225194	740701
LA	ST LANDRY	CANKTON, VILLAGE OF	220167	760625
LA	AVOYELLES	COTTONPORT, TOWN OF	220021	760625
LA	ACADIA	CROWLEY, CITY OF	225195	750404
LA	LAFOURCHE	GOLDEN MEADOW, TOWN OF	225196	750711
LA	ST. LANDRY	GRAND COTEAU, TOWN OF	220169	750711
LA	JEFFERSON	GRANDE ISLE, TOWN OF	225197	750418
LA	JEFFERSON	GRETNA, CITY OF	225198	760213
LA	JEFFERSON	HARAHAN, CITY OF	225200	750711
LA	JEFFERSON	JEAN LAFITTE, VILLAGE OF	220371	760326
LA	IBERIA	JEANERETTE, TOWN OF	220080	760326
LA	JEFFERSON	JEFFERSON PARISH #	225199	740701
LA	JEFFERSON	KENNER, CITY OF	225201	750822
LA	AVOYELLES	MANSURA, TOWN OF	220255	760625
LA	VERMILION	MAURICE, VILLAGE OF	220227	760625
LA	ASSUMPTION	NAPOLEONVILLE, TOWN OF	220018	760625
LA	ORLEANS	ORLEANS PARISH #	225203	750414
LA	EVANGELINE	PINE PRAIRIE, VILLAGE OF	220068	760625
LA	ST. BERNARD	ST. BERNARD PARISH #	225204	750206
LA	WEST FELICIANA	ST. FRANCISVILLE, TOWN OF	220246	770502
LA	ST. TAMMANY	ST. TAMMANY PARISH #	225205	740701
LA	TERREBONNE	TERREBONNE PARISH #	225206	761119
LA	JEFFERSON	WESTWEGO, CITY OF	220094	770311
LA	WEST BATON ROUGE	ADDIS, VILLAGE OF	220240	770815
LA	WEST. BATON ROUGE	BRUSLY, TOWN OF	220241	770815

MAY 18,1977 PAGE 20

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MA	MIDDLESEX	BEDFORD, TOWN OF	255209	760227
MA	BARNSTABLE	BOURNE, TOWN OF	255210	760507
MA	NORFOLK	BROOKLINE, TOWN OF	250234	770502
MA	BARNSTABLE	DENNIS, TOWN OF	250005	761006
MA	PLYMOUTH	DUXBURY, TOWN OF	250263	770502
MA	BRISTOL	FAIRHAVEN, TOWN OF	250054	760316
MA	FRANKLIN	HEATH, TOWN OF	250350	760316
MA	NORFOLK	HOLBROOK, TOWN OF	255212	760102
MA	PLYMOUTH	MARION, TOWN OF	255213	760102
MA	PLYMOUTH	MATTAPOISETT, TOWN OF	255214	760109
MA	ESSEX	NAHANT, TOWN OF	250095	760719
MA	NORFOLK	NEEDHAM, TOWN OF	255215	760319
MA	BRISTOL	NEW BEDFORD, CITY OF	255216	760709
MA	ESSEX	NEWBURY, TOWN OF	250096	770315
MA	NORFOLK	NORFOLK, TOWN OF	255217	761029
MA	BARNSTABLE	PROVINCETOWN, TOWN OF	255218	760309
MA	NORFOLK	QUINCY, CITY OF	255219	760730
MA	ESSEX	SALEM, CITY OF	250102	770315
MA	ESSEX	SALISBURY, TOWN OF	250103	770502
MA	BRISTOL	SOMERSET, TOWN OF	255220	760423
MA	ESSEX	SWAMPSCOTT, TOWN OF	250105	760903
MA	BRISTOL	SWANSEA, TOWN OF	255221	760730
MA	PLYMOUTH	WAREHAM, TOWN OF	255223	760521
MA	BRISTOL	WESTPORT, TOWN OF	255224	760514
MA	NORFOLK	WESTWOOD, TOWN OF	255225	760130
MA	SUFFOLK	WINTHROP, TOWN OF	250289	740719
MA	BARNSTABLE	YARMOUTH, TOWN OF	250015	770502
MA	BARNSTABLE	FALMOUTH, TOWN OF	255211	750808
MA	BRISTOL	MANSFIELD, TOWN OF	250057	770401
MA	BARNSTABLE	TRURO, TOWN OF	255222	751212

MAY 18,1977 PAGE 21

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MD	DORCHESTER	BROOKVIEW, TOWN OF	240097	770107
MD	FREDERICK	BRUNSWICK, CITY OF	240028	770107
MD	MULTIPLE	FEDERALSBURG, TOWN OF	240013	770315
MD	HOWARD	HOWARD COUNTY #	240044	770315
MD	WORCESTER	OCEAN CITY, TOWN OF	245207	760206
MD	CECIL	PERRYVILLE, TOWN OF	240024	770301
MD	CECIL	PORT DEPOSIT, TOWN OF	240025	770216
MD	PRINCE GEORGE	PRINCE GEORGE'S COUNTY #	245208	760828
MD	HARFORD	HAVRE DE GRACE, CITY OF	240043	770315
MD	CARROLL	UNION BRIDGE, TOWN OF	240017	770801

JUN 29 77

MAY 18,1977 PAGE 22

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
ME	OXFORD	HEBRON, TOWN OF	230335	760828

MAY 18,1977 PAGE 23

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MI	OAKLAND	CLAWSON, CITY OF	260170	760828
MI	WAYNE	GROSSE POINTE WOODS, CITY OF	260231	760828
MI	OAKLAND	LATHRUP VILLAGE, CITY OF	260297	760828
MI	INGHAM	MERIDIAN, CHARTER TOWNSHIP OF	260093	770202
MI	MUSKEGON	NORTH MUSKEGON, CITY OF	260164	770502
MI	MONROE	PETERSBURG, CITY OF	260288	760625
MI	TUSCOLA	VASSAR, CITY OF	260208	770401
MI	EMMET	HARBOR SPRINGS, CITY OF	260272	770516
MI	MONROE	LASALLE, TOWNSHIP OF	260148	770815
MI	MONROE	MONROE, CITY OF	260153	770615
MI	MUSKEGON	MUSKEGON, CITY OF	260161	770601
MI	MENOMINEE	STEPHENSON, CITY OF	260139	770516
MI	LEELANAU	SUTTONS BAY, VILLAGE OF	260283	770601

MAY 18,1977 PAGE 24

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MN	WASHINGTON	AFTON, CITY OF	275226	760102
MN	ANOKA	ANOKA, CITY OF	275227	760227
MN	MOWER	AUSTIN, CITY OF	275228	751128
MN	WASHINGTON	BAYPORT, CITY OF	275229	760213
MN	HENNEPIN	BLOOMINGTON, CITY OF	275230	760312
MN	BLUE EARTH	BLUE EARTH COUNTY #	275231	760507
MN	WILKIN	BRECKENRIDGE, CITY OF	275232	760220
MN	CARVER	CARVER, CITY OF	275233	760326
MN	CARVER	CHASKA, CITY OF	275234	760326
MN	CLAY	CLAY COUNTY #	275235	760611
MN	ST. LOUIS	COOK, CITY OF	270420	770301
MN	ANOKA	COON RAPIDS, CITY OF	270011	770315
MN	WASHINGTON	COTTAGE GROVE, CITY OF	270502	760430
MN	SHERBOURNE	ELK RIVER, CITY OF	270436	770502
MN	MULTIPLE	GRANITE FALLS, CITY OF	270068	770401
MN	HOUSTON	LACRESCENT, CITY OF	275237	751128
MN	WASHINGTON	LAKE ST. CROIX BEACH, CITY OF	275240	750905
MN	WASHINGTON	LAKELAND SHORES, CITY OF	275239	750905
MN	WASHINGTON	LAKELAND, CITY OF	275238	750606
MN	DAKOTA	LILYDALE, CITY OF	275241	751114
MN	BLUE EARTH	MANKATO, CITY OF	275242	760312
MN	CHIPPEWA	MONTEVIDEO, CITY OF	275243	750829
MN	CLAY	MOORHEAD, CITY OF	275244	740927
MN	NICOLLET	NORTH MANKATO, CITY OF	275245	751017
MN	OLMSTED	ROCHESTER, CITY OF	275246	760213
MN	WASHINGTON	STILLWATER, CITY OF	275249	751121
MN	MULTIPLE	ST. CLOUD, CITY OF (STEARNS)	270456	770401
MN	WASHINGTON	ST. MARY'S POINT, CITY OF	275247	750926
MN	RAMSEY	ST. PAUL, CITY OF	275248	760227
MN	RAMSEY	VADNAIS HEIGHTS, CITY OF	270385	760227
MN	WINONA	WINONA, CITY OF	275250	760213
MN	HENNEPIN	CHAMPLIN, CITY OF	270153	770718
MN	STEARNS	COLD SPRING, CITY OF	270444	770801
MN	HENNEPIN	ST. LOUIS PARK, CITY OF	270184	770601

JUN 29 77

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MO	CLARK	ALEXANDRIA, CITY OF	290080	770502
MO	CLAY	AVONDALE, CITY OF	290087	761026
MO	PIKE	BOWLING GREEN, CITY OF	290288	770502
MO	TANEY	BRANSON, CITY OF	290436	761026
MO	LEWIS	CANTON, CITY OF	290204	770202
MO	BARRY	CASSVILLE, CITY OF	290022	770415
MO	CALLAWAY	CEDAR CITY, CITY OF	290050	770202
MO	BOONE	CENTRALIA, CITY OF	290035	770415
MO	ST. LOUIS	CLARKSON VALLEY, VILLAGE OF	290340	770408
MO	PIKE	CLARKSVILLE, CITY OF	290289	770401
MO	ST. LOUIS	CLAYTON, CITY OF	290341	760723
MO	BOONE	COLUMBIA, CITY OF	290036	760116
MO	PEMISCOT	COOTER, TOWN OF	290603	760116
MO	ST. LOUIS	CRESTWOOD, CITY OF	290343	770502
MO	JEFFERSON	DE SOTO, CITY OF	295263	750718
MO	CASS	DREXEL, CITY OF	290064	770408
MO	LINCOLN	ELSBERRY, CITY OF	290209	770502
MO	MULTIPLE	EMMA, CITY OF	290587	770502
MO	SALINE AND MULTIPLE	EXCELSIOR SPRINGS, CITY OF	290090	770315
MO	JEFFERSON	FESTUS, CITY OF	290191	760214
MO	ST. FRANCOIS	FLAT RIVER, CITY OF	295264	750905
MO	CASS	GARDEN CITY, CITY OF	290067	770415
MO	SCOTT	HAYWOOD CITY, CITY OF	290598	770415
MO	GASCONADE	HERMANN, CITY OF	290141	760423
MO	CAPE GIRARDEAU	JACKSON, CITY OF	295265	760102
MO	MULTIPLE	JOPLIN, CITY OF	290183	761208
MO	LEWIS	LA GRANGE, CITY OF	290205	760713
MO	ST. LOUIS	LADUE, CITY OF	290363	760316
MO	ST. LOUIS	MAPLEWOOD, CITY OF	295266	750502
MO	AUDRAIN	MEXICO, CITY OF	295267	760514
MO	PHELPS	NEWBURG, CITY OF	295268	760220
MO	CLAY	NORTH KANSAS CITY, CITY OF	290099	760305
MO	MULTIPLE	PACIFIC, CITY OF	290134	770315
MO	MONROE	PARIS, CITY OF	290241	760305
MO	CASS	PLEASANT HILL, CITY OF	295269	751226
MO	ST. CHARLES	PORTAGE DES SIOUX, CITY OF	290317	770401
MO	MERCER	PRINCETON, CITY OF	290225	760514
MO	HARRISON	RIDGEWAY, CITY OF	290543	760514
MO	NEWTON	SENECA, CITY OF	290269	770315
MO	NEW MADRID	SIKESTON, CITY OF	295270	770429
MO	CLAY	SMITHVILLE, CITY OF	295271	760423

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MO	CRAWFORD	STEELVILLE, CITY OF	290114	760214
MO	ST. LOUIS	ST. JOHN, CITY OF	290384	770415
MO	STE. GENEVIEVE CO.	ST. MARY'S,CITY OF	290326	770415
MO	PEMISCOT	WARDELL, VILLAGE OF	290632	770415
MO	PULASKI	WAYNESVILLE, CITY OF	290300	761006
MO	ST. LOUIS	WINCHESTER, CITY OF	290397	761006
MO	ST. LOUIS	WOODSON TERRACE, CITY OF	290398	761006
MO	MISSISSIPPI	WYATT, CITY OF	290236	760625
MO	ST. LOUIS	BRENTWOOD, CITY OF	290338	770516
MO.	CLAY	CLAYCOMO, VILLAGE OF	290089	770801
MO	ST. LOUIS	COOL VALLEY, VILLAGE OF	290342	770516
MO	MARION	————	290222	770516
MO	RANDOLPH	MOBERLY, CITY OF	290305	770601
MO	ST. LOUIS	RICHMOND HEIGHTS, CITY OF	290380	770516
MO	ST. LOUIS	ROCK HILL, CITY OF	290382	770516
MO	ST. CHARLES	ST. CHARLES, CITY OF	290318	770315

V 42 N 125 JUN 29 77 UM

MAY 18,1977 PAGE 27

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
MS	PANOLA	BATESVILLE, TOWNSHIP OF	280126	760625
MS	HANCOCK	BAY ST. LOUIS, CITY OF	285251	751031
MS	BOLIVAR	BEULAH, TOWN OF	280014	760625
MS	HARRISON	BILOXI, CITY OF	285252	760416
MS	LOWNDES	COLUMBUS, CITY OF	280108	760713
MS	HARRISON	GULFPORT, CITY OF	285253	760220
MS	BOLIVAR	GUNNISON, TOWN OF	280018	760625
MS	MULTIPLE	HATTIESBURG, CITY OF	280053	761112
MS	HARRISON	LONG BEACH, CITY OF	285257	751017
MS	COAHOMA	LYON, TOWN OF	280043	760625
MS	JACKSON	MOSS POINT, CITY OF	285258	760409
MS	JACKSON	OCEAN SPRINGS, CITY OF	285259	760514
MS	JACKSON	PASCAGOULA, CITY OF	285260	760514
MS	HARRISON	PASS CHRISTIAN, CITY OF	285261	751017
MS	HANCOCK	WAVELAND, CITY OF	285262	760416
MS	LINCOLN	BROOKHAVEN, CITY of	280107	770718
MS	HANCOCK	———	285254	740701
MS.	HARRISON	———	285255	740701
MS	JACKSON	———	285256	740701

MAY 18,1977 PAGE 28

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NB	PLATTE	COLUMBUS, CITY OF	315272	760227
NB	DAWSON	COZAD, CITY OF	310059	760227
NB	LANCASTER	LINCOLN, CITY OF	315273	760903
NB	DOUGLAS	OMAHA, CITY OF	315274	760521
NB	SARPY	PAPILLION, CITY OF	315275	751010
NB	RICHARDSON	SALEM, VILLAGE OF	310185	770408
NB	DOUGLAS	WATERLOO, VILLAGE OF	310079	770114

MAY 18,1977 PAGE 29

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NC	CARTERET	ATLANTIC BEACH, TOWN OF	370044	770315
NC	CARTERET	BEAUFORT, TOWN OF	375346	750829
NC	HAYWOOD	CANTON, TOWN OF	370121	770202
NC	CARTERET	CAPE CARTERET, TOWN OF	370046	770401
NC	NEW HANOVER	CAROLINA BEACH, TOWN OF	375347	750502
NC	ORANGE	CARRBORO, VILLAGE OF	370275	760625
NC	GRANVILLE	CREEDMOOR, CITY OF	370107	760625
NC	CARTERET	EMERALD ISLE, TOWN OF	370047	770401
NC	HALIFAX	ENFIELD, TOWN OF	370115	760625
NC	FORSYTH	FORSYTH COUNTY #	375349	760514
NC	MACON	FRANKLIN, TOWN OF	375350	760813
NC	GATES	GATESVILLE, TOWN OF	370104	770513
NC	GUILFORD	GREENSBORO, CITY OF	375351	760521
NC	CABARRUS	HARRISBURG, TOWN OF	370038	760521
NC	BRUNSWICK	HOLDEN BEACH, TOWN OF	375352	740701
NC	DARE	KILL DEVIL HILLS, TOWN OF	375353	760305
NC	BRUNSWICK	LONG BEACH, TOWN OF	375354	751226
NC	DARE	MANTEO, TOWN OF	375355	760910
NC	CARTERET	MOREHEAD CITY, TOWN OF	370048	770216
NC	DARE	NAGS HEAD, TOWN OF	375356	751017
NC	BRUNSWICK	OCEAN ISLE BEACH, TOWN OF	375357	751205
NC	TRANSYLVANIA	ROSMAN, TOWN OF	375358	760319
NC	BRUNSWICK	SOUTHPORT, CITY OF	370028	770415
NC	BRUNSWICK	SUNSET BEACH, TOWN OF	375359	760220
NC	PENDER	SURF CITY, TOWN OF	370186	770502
NC	BEAUFORT	WASHINGTON PARK, TOWN OF	370268	761122
NC	BEAUFORT	WASHINGTON, CITY OF	370017	770202
NC	FORSYTH	WINSTON-SALEM, CITY OF	375360	760709
NC	NEW HANOVER	WRIGHTSVILLE BEACH, TOWN OF	375361	750905
NC	BRUNSWICK	YAUPON BEACH, TOWN OF	370030	770216
NC	BEAUFORT	BELHAVEN, TOWN OF	370015	770516
NC.	DARE	———	375348	740701

MAY 18,1977 PAGE 30

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
ND	RANSOM	ENDERLIN, CITY OF	385363	760430
ND	CASS	FARGO, CITY OF	385364	760423
ND	STUTSMAN	JAMESTOWN, CITY OF	385366	760409
ND	WARD	MINOT, CITY OF	385367	751114
ND	HETTINGER	MOTT, CITY OF	380038	761208
ND	PEMBINA	PEMBINA, CITY OF	385368	760430
ND	BURKE	POWERS LAKE, CITY OF	380016	760430
ND	STARK	STARK COUNTY #	385369	760730
ND	WARD	WARD COUNTY #	385370	761015

JUN 29 77

MAY 18,1977 PAGE 31

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NH	COOS	LANCASTER, TOWN OF	335277	751212

MAY 18,1977 PAGE 32

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NJ	ATLANTIC	ABSECON CITY , CITY OF	340001	760305
NJ	ATLANTIC	ATLANTIC CITY, CITY OF	345278	760109
NJ	CAPE MAY	AVALON, BOROUGH OF	345279	751031
NJ	OCEAN	BARNEGAT LIGHT, BOROUGH OF	345280	760514
NJ	OCEAN	BAY HEAD, BOROUGH OF	345281	760319
NJ	OCEAN	BEACH HAVEN, BOROUGH OF	345282	750926
NJ	MONMOUTH	BELMAR, BOROUGH OF	345283	760227
NJ	CAMDEN	BERLIN, BOROUGH OF	340125	770513
NJ	PASSAIC	BLOOMINGDALE, BOROUGH OF	345284	760709
NJ	OCEAN	BRICK, TOWNSHIP OF	345285	740701
NJ	ATLANTIC	BRIGANTINE, CITY OF	345286	770128
NJ	BURLINGTON	BURLINGTON, CITY OF	345287	760220
NJ	CAPE MAY	CAPE MAY CITY, CITY OF	345288	760213
NJ	CAPE MAY	CAPE MAY POINT, BOROUGH OF	345289	760213
NJ	MORRIS	CHATHAM, BOROUGH OF	340338	760214
NJ	UNION	CLARK, TOWNSHIP OF	345290	760514
NJ	HUNTERDON	CLINTON, TOWN OF	340233	770202
NJ	UNION	CRANFORD, TOWNSHIP OF	345291	760130
NJ	MONMOUTH	DEAL, BOROUGH OF	340292	760305
NJ	BURLINGTON	DELRAN, TOWNSHIP OF	340094	770502
NJ	MORRIS	DENVILLE, TOWNSHIP OF	345292	751205
NJ	OCEAN	DOVER, TOWNSHIP OF	345293	760423
NJ	MIDDLESEX	DUNELLEN, BOROUGH OF	340259	770401
NJ	ESSEX	EAST ORANGE, CITY OF	340191	770202
NJ	UNION	ELIZABETH, CITY OF	345523	760827
NJ	MERCER	EWING, TOWNSHIP OF	345294	760130
NJ	ESSEX	FAIRFIELD, BOROUGH OF	345295	760716
NJ	UNION	GARWOOD, BOROUGH OF	340464	770201
NJ	SOMERSET	GREEN BROOK, TOWNSHIP OF	340435	770315
NJ	CAMDEN	HADDONFIELD, BOROUGH OF	340501	770415
NJ	ATLANTIC	HAMILTON, TOWNSHIP OF	340009	770315
NJ	OCEAN	HARVEY CEDARS, BOROUGH OF	345296	760213
NJ	BERGEN	HASBROUCK HEIGHTS, BOROUGH OF	340041	760213
NJ	MONMOUTH	HIGHLANDS, BOROUGH OF	345297	760630
NJ	MERCER	HIGHTSTOWN, BOROUGH OF	340247	770315
NJ	MERCER	HOPEWELL, TOWNSHIP OF	345298	760521
NJ	OCEAN	LAKEWOOD, TOWNSHIP OF	340378	770315
NJ	CAMDEN	LAUREL SPRINGS, BOROUGH OF	340547	770513
NJ	OCEAN	LAVALLETTE, BOROUGH OF	340379	760416
NJ	HUNTERDON	LEBANON, BOROUGH OF	345299	760416
NJ	MORRIS	LINCOLN PARK, BOROUGH OF	345300	760806
NJ	UNION	LINDEN, CITY OF	340467	761124

MAY 18,1977 PAGE 33

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NJ	ESSEX	LIVINGSTON, TOWNSHIP OF	340185	770315
NJ	OCEAN	LONG BEACH, TOWNSHIP OF	345301	760305
NJ	MONMOUTH	LONG BRANCH, CITY OF	340307	760505
NJ	ATLANTIC	LONGPORT, BOROUGH OF	345302	750822
NJ	MONMOUTH	MANASQUAN, BOROUGH OF	345303	760116
NJ	ATLANTIC	MARGATE CITY, CITY OF	345304	760213
NJ	MIDDLESEX	MIDDLESEX, BOROUGH OF	345305	760109
NJ	UNION	MOUNTAINSIDE, BOROUGH OF	340468	770216
NJ	MONMOUTH	NEPTUNE, TOWNSHIP OF	340317	770216
NJ	BERGEN	NEW MILFORD, BOROUGH OF	340054	770401
NJ	UNION	NEW PROVIDENCE, BOROUGH OF	345306	760903
NJ	SOMERSET	NORTH PLAINFIELD, BOROUGH OF	345307	760213
NJ	CAPE MAY	NORTH WILDWOOD, CITY OF	345308	751219
NJ	ESSEX	NUTLEY, TOWN OF	340191	770415
NJ	BERGEN	OAKLAND, BOROUGH OF	345309	760723
NJ	CAPE MAY	OCEAN CITY, CITY OF	345310	751226
NJ	MONMOUTH	OCEANPORT, BOROUGH OF	340320	770216
NJ	BERGEN	OLD TAPPAN, BOROUGH OF	340059	770415
NJ	BERGEN	ORADELL, BOROUGH OF	340060	770315
NJ	PASSAIC	PATERSON, CITY OF	340404	770216
NJ	MERCER	PENNINGTON, BOROUGH OF	340251	760625
NJ	CAMDEN	PENNSAUKEN, TOWNSHIP OF	340142	770415
NJ	MORRIS	PEQUANNOCK, TOWNSHIP OF	345311	760903
NJ	CAMDEN	PINE HILL, BOROUGH OF	340143	770513
NJ	UNION	PLAINFIELD, CITY OF	345312	750613
NJ	OCEAN	POINT PLEASANT, BOROUGH OF	345313	760409
NJ	PASSAIC	POMPTON LAKES, BOROUGH OF	345528	761015
NJ	UNION	RAHWAY, CITY OF	345314	750905
NJ	BERGEN	RIDGEFIELD, BOROUGH OF	340065	770315
NJ	BURLINGTON	RIVERTON, BOROUGH OF	340114	770415
NJ	MORRIS	ROCKAWAY, BOROUGH OF	345315	750926
NJ	MONMOUTH	RUMSON, BOROUGH OF	345316	760423
NJ	MONMOUTH	SEA BRIGHT, BOROUGH OF	345317	760423
NJ	MONMOUTH	SEA GIRT, BOROUGH OF	340325	760305
NJ	CAPE MAY	SEA ISLE CITY, CITY OF	345318	751226
NJ	OCEAN	SEASIDE PARK, BOROUGH OF	345319	760319
NJ	OCEAN	SHIP BOTTOM, BOROUGH OF	345320	750829
NJ	MONMOUTH	SPRING LAKE, BOROUGH OF	340329	760305
NJ	UNION	SPRINGFIELD, TOWNSHIP OF	345321	760109
NJ	HUNTERDON	STOCKTON, BOROUGH OF	345322	751114
NJ	CAPE MAY	STONE HARBOR, BOROUGH OF	345323	751114
NJ	UNION	SUMMIT, CITY OF	340476	770202
NJ	OCEAN	SURF CITY, BOROUGH OF	345324	751107

JUN 29 77

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NJ	MERCER	TRENTON, CITY OF	345325	760102
NJ	CAPE MAY	UPPER, TOWNSHIP OF	340159	761208
NJ	ATLANTIC	VENTNOR, CITY OF	345326	751226
NJ	MONMOUTH	WALL, TOWNSHIP OF	340333	770216
NJ	PASSAIC	WAYNE, TOWNSHIP OF	345327	761119
NJ	ESSEX	WEST ORANGE, TOWN OF	340197	770502
NJ	CAPE MAY	WEST WILDWOOD, BOROUGH OF	345328	751017
NJ	CAPE MAY	WILDWOOD CREST, BOROUGH OF	345330	751226
NJ	CAPE MAY	WILDWOOD, CITY OF	345329	751219
NJ	MIDDLESEX	WOODBRIDGE, TOWNSHIP OF	345331	760430
NJ	BERGEN	BERGENFIELD, BOROUGH of	340020	770601
NJ	MIDDLESEX	HIGHLAND PARK, BOROUGH of	340263	770601
NJ	BERGEN	HO HO KUS, BOROUGH OF	340044	770601
NJ	CAPE MAY	MIDDLE, TOWNSHIP OF	340154	770516
NJ	MONMOUTH	MONMOUTH BEACH, BOROUGH of	340315	770516
NJ	BERGEN	SADDLE RIVER, BOROUGH of	340073	770516
NJ	BERGEN	WYCKOFF, TOWN OF	340084	770801

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NM	DONA ANA	LAS CRUCES, CITY OF	355332	770506

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
NY	SUFFOLK	ASHAROKEN, VILLAGE OF	365333	751010
NY	ERIE	BLASDELL, VILLAGE OF	361489	760625
NY	SUFFOLK	BROOKHAVEN, TOWN OF	365334	760611
NY	LEWIS	CASTORLAND, VILLAGE OF	360359	760611
NY	BROOME	DICKINSON, TOWN OF	360044	770415
NY	ERIE	EAST AURORA, VILLAGE OF	365335	751205
NY	SUFFOLK	EAST HAMPTON, TOWN OF	360794	760930
NY	NASSAU	FREEPORT, VILLAGE OF	360464	760214
NY	CHAUTAUQUA	HANOVER, TOWN OF	365336	751031
NY	ORANGE	HIGHLAND FALLS, VILLAGE OF	361453	760625
NY	NASSAU	ISLAND PARK, VILLAGE OF	360471	760214
NY	SUFFOLK	ISLIP, TOWN OF	365337	760326
NY	ESSEX	LAKE PLACID, VILLAGE OF	361492	760326
NY	NASSAU	LONG BEACH, CITY OF	365338	751031
NY	WAYNE	NEWARK, VILLAGE OF	360894	751031
NY	NASSAU	NORTH HEMPSTEAD, TOWN OF	360482	770415
NY	FULTON	NORTHVILLE, VILLAGE OF	361484	770415
NY	SUFFOLK	OCEAN BEACH, VILLAGE OF	365339	751017
NY	LEWIS	OSCEOLA, TOWN OF	360374	751017
NY	BROOME	PORT DICKINSON, VILLAGE OF	360053	770502
NY	ROCKLAND	RAMAPO, TOWN OF	365340	760514
NY	SCUYLER	READING, TOWN OF	361205	760514
NY	SUFFOLK	SALTAIRE, VILLAGE OF	365341	760206
NY	SUFFOLK	SOUTHAMPTON, TOWN OF	365342	760903
NY	SUFFOLK	SOUTHAMPTON, VILLAGE OF	365343	750912
NY	ROCKLAND	SPRING VALLEY, VILLAGE OF	365344	750926
NY	ERIE	WEST SENECA, TOWN OF	360262	770202
NY	SUFFOLK	WESTHAMPTON BEACH, VILLAGE OF	365345	760206
NY	SULLIVAN	WOODRIDGE, VILLAGE OF	361475	760625
NY	BROOME	BINGHAMTON, CITY OF	360038	770601
NY	CAYUGA	CAYUGA, VILLAGE OF	360107	770705
NY	ERIE	COLLINS, TOWN OF	360234	770516
NY	BROOME	CONKLIN, TOWN OF	360042	770516
NY	ERIE	ELMA, TOWN OF	360239	770601
NY	CATTARAUGUS & ERIE	GOWANDA, VILLAGE OF	360075	770601
NY	MONROE	HONEOYE FALLS, VILLAGE OF	360421	770930
NY	BROOME	KIRKWOOD, TOWN OF	360048	770601
NY	OSWEGO	OSWEGO, CITY OF	360656	770516
NY	TIOGA	OWEGO, TOWN OF	360839	770615
NY	TIOGA	OWEGO, VILLAGE OF	360840	770516
NY	SUFFOLK	QUOGUE, VILLAGE OF	360806	770516
NY	BROOME	VESTAL, TOWN OF	360057	770705

JUN 29 77

MAY 18,1977 PAGE 37

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
OH	LORAIN	BROWNHELM, TOWNSHIP OF	395371	751114
OH	CUYAHOGA	CLEVELAND HEIGHTS, CITY OF	390105	760625
OH	CUYAHOGA	GARFIELD HEIGHTS, CITY OF	390109	760116
OH	CUYAHOGA	MAYFIELD, VILLAGE OF	390116	761224
OH	HAMILTON	MONTGOMERY, CITY OF	390228	760625
OH	CLERMONT	MOSCOW, VILLAGE OF	390070	770315
OH	LICKING	NEWARK, CITY OF	390335	770415
OH	LAKE	PAINESVILLE, CITY OF	390319	770202
OH	WAYNE & MEDINA	RITTMAN, CITY OF	390578	761231
OH	CUYAHOGA	ROCKY RIVER, CITY OF	395372	751031
OH	MULTIPLE	VERMILION, CITY OF	395374	751003
OH	WAYNE	WOOSTER, CITY OF	390579	770202
OH	GREENE	BELLBROOK, CITY OF	390194	770601

MAY 18,1977 PAGE 38

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
OK	ROGERS	CLAREMORE, CITY OF	405375	751003
OK	STEPHENS	COMANCHE, CITY OF	405376	750725
OK	CANADIAN	EL RENO, CITY OF	405377	761008
OK	ELLIS	GAGE, TOWN OF	400060	760625
OK	KINGFISHER	KINGFISHER, CITY OF	400082	760625
OK	NOBLE	MORRISON, TOWN OF	400133	760625
OK	MULTIPLE	OKLAHOMA CITY, CITY OF	405378	740701
OK	ROGERS	ROGERS COUNTY #	405379	760910
OK	PAYNE	STILLWATER, CITY OF	405380	760109
OK	MULTIPLE	TULSA, CITY OF	405381	750528
OK	LEFLORE	WISTER, TOWN OF	400095	760414

MAY 18,1977 PAGE 39

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
OR	MARION	AURORA, CITY OF	410156	760414
OR	JACKSON	BUTTE FALLS, TOWN OF	410091	760414
OR	YAMHILL	CARLTON, CITY OF	410251	760414
OR	MARION	DETROIT, CITY OF	410157	760414
OR	CLACKAMAS	ESTACADA, CITY OF	410016	760414
OR	MARION	GERVAIS, CITY OF	410160	760414
OR	CLACKAMAS	GLADSTONE, CITY OF	410017	770315
OR	WASHINGTON	KING CITY, CITY OF	410269	770315
OR	MARION	MOUNT ANGEL, CITY OF	410165	770315
OR	UMATILLA	PENDLETON, CITY OF	410211	760713
OR	COOS	POWERS, CITY OF	410049	760713
OR	CLACKAMAS	WEST LINN, CITY OF	410024	770315
OR	DOUGLAS	WINSTON, CITY OF	415593	750822
OR	DOUGLAS	ROSEBURG, CITY OF	410067	770601

JUN 29 77

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	LEBANON	ANNVILLE, TOWNSHIP OF	420570	770415
PA	BRADFORD	ATHENS, BOROUGH OF	420167	770315
PA	NORTHAMPTON	BANGOR, BOROUGH OF	420716	770202
PA	CENTRE	BELLEFONTE, BOROUGH OF	420257	770202
PA	BERKS	BOYERTOWN, BOROUGH OF	420128	760625
PA	DELAWARE	BROOKHAVEN, BOROUGH OF	420403	760214
PA	UNION	BUFFALO, TOWNSHIP OF	421237	770401
PA	CUMBERLAND	CAMP HILL, BOROUGH OF	420357	770315
PA	CUMBERLAND	CARLISLE, BOROUGH OF	425382	751010
PA	CAMBRIA	CARROLLTOWN, BOROUGH OF	422267	751010
PA	CLINTON	CASTANEA, TOWNSHIP OF	420322	770202
PA	BUCKS	CHALFONT, BOROUGH OF	420184	761228
PA	MONTGOMERY	CHELTENHAM, TOWNSHIP OF	420696	761122
PA	LACKAWANNA	CLARKS GREEN, BOROUGH OF	422454	761122
PA	LEBANON	CLEONA, BOROUGH OF	420571	770401
PA	DELAWARE	COLLINGDALE, BOROUGH OF	420408	770202
PA	DELAWARE	COLWYN, BOROUGH OF	420409	770502
PA	LUZERNE	CONYNGHAM, TOWNSHIP OF	420600	770216
PA	LEHIGH	COPLAY, BOROUGH OF	421807	760625
PA	MONTOUR	DANVILLE, BOROUGH OF	420714	770502
PA	DAUPHIN	DAUPHIN, BOROUGH OF	420375	770415
PA	CHESTER	DOWNINGTOWN, BOROUGH OF	420275	770415
PA	LYCOMING	DUBOISTOWN, TOWNSHIP OF	420639	770301
PA	CLINTON	DUNNSTABLE, TOWNSHIP OF	420325	770301
PA	CHESTER	EAST BRADFORD, TOWNSHIP OF	420276	770415
PA	CLARION	EAST BRADY, BOROUGH OF	421501	770415
PA	UNION	EAST BUFFALO, TOWNSHIP OF	421011	770202
PA	MONTGOMERY	EAST GREENVILLE, BOROUGH OF	421901	760625
PA	CUMBERLAND	EAST PENNSBORO, TOWNSHIP OF	420359	770415
PA	NORTHAMPTON	EASTON, CITY OF	425383	760206
PA	CAMBRIA	EBENSBURG, BOROUGH OF	422260	760206
PA	DELAWARE	EDDYSTONE, BOROUGH OF	420413	770202
PA	LUZERNE	EDWARDSVILLE, BOROUGH OF	420604	770415
PA	DAUPHIN	ELIZABETHVILLE, BOROUGH OF	420378	770415
PA	ALLEGHENY	ELIZABETH, TOWNSHIP OF	420033	770315
PA	WARREN	ELK, TOWNSHIP OF	422119	770315
PA	VENANGO	EMLENTON, BOROUGH OF	422107	770315
PA	YORK	FAWN GROVE, BOROUGH OF	422570	760625
PA	CENTRE	FERGUSON, TOWNSHIP OF	420260	760625
PA	CLINTON	FLEMINGTON, BOROUGH OF	420326	770202
PA	LUZERNE	FORTY FORT, BOROUGH OF	420607	770401
PA	ALLEGHENY	FOX CHAPEL, BOROUGH OF	420036	770415

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	SCHUYLKILL	GILBERTON, BOROUGH OF	421007	770502
PA	ERIE	GIRARD, BOROUGH OF	422413	770502
PA	ERIE	GIRARD, TOWNSHIP OF	421353	770502
PA	FRANKLIN	GREENCASTLE, BOROUGH OF	420470	770502
PA	MERCER	GREENE, TOWNSHIP OF	422478	770502
PA	LEHIGH	HANOVER, TOWNSHIP OF	422261	760625
PA	DAUPHIN	HARRISBURG, CITY OF	420380	770502
PA	BUTLER	HARRISVILLE, BOROUGH OF	422351	770502
PA	DAUPHIN	HIGHSPIRE, BOROUGH OF	420381	770415
PA	WAYNE	HONESDALE, BOROUGH OF	420864	770301
PA	DAUPHIN	HUMMELSTOWN, BOROUGH OF	420382	770315
PA	CAMBRIA	JACKSON, TOWNSHIP OF	421442	770315
PA	YORK	JACOBUS, BOROUGH OF	420928	770315
PA	WASHINGTON	JEFFERSON, TWP	422557	770315
PA	LYCOMING	JERSEY SHORE, BOROUGH OF	420642	760305
PA	CAMBRIA	JOHNSTOWN, CITY OF	420231	770415
PA	UNION	KELLY, TOWNSHIP OF	422103	770301
PA	CLEARFIELD	KNOX, TOWNSHIP OF	421527	770301
PA	BERKS	KUTZTOWN, BOROUGH OF	420136	770502
PA	MERCER	LACKAWANNOCK, TOWNSHIP OF	422482	770502
PA	MC KEAN	LAFAYETTE, TOWNSHIP OF	421858	770502
PA	ERIE	LAKE CITY, BOROUGH OF	422414	770502
PA	LUZERNE	LARKSVILLE, BOROUGH OF	420614	770401
PA	UNION	LEWISBURG, BOROUGH OF	420831	770202
PA	ADAMS	LITTLESTOWN, BOROUGH OF	421244	760625
PA	CLINTON	LOCK HAVEN, CITY OF	420328	770202
PA	LEHIGH	LOWER MACUNGIE, TOWNSHIP OF	420589	770202
PA	NORTHAMPTON	LOWER MOUNT BETHEL, TOWNSHIP OF	420724	770301
PA	BUCKS	LOWER SOUTHAMPTON, TOWNSHIP OF	420192	770315
PA	DAUPHIN	LOWER SWATARA, TOWNSHIP OF	420385	770415
PA	LUZERNE	LUZERNE, BOROUGH OF.	420616	770415
PA	MONTOUR	MAHONING, TOWNSHIP OF	421234	770415
PA	MERCER	MERCER, BOROUGH OF	420676	770315
PA	DAUPHIN	MIDDLETOWN, BOROUGH OF	420388	761228
PA	DAUPHIN	MIFFLIN, TOWNSHIP OF	421596	760625
PA	CENTRE	MILESBURG, BOROUGH OF	420264	770202
PA	CLINTON	MILL HALL, BOROUGH OF	420330	770216
PA	NORTHUMBERLAND	MILTON, BOROUGH OF	425384	751128
PA	SNYDER	MONROE, TOWNSHIP OF	421020	770202
PA	SUSQUEHANNA	MONTROSE, BOROUGH OF	422070	760625
PA	MCKEAN	MOUNT JEWETT, BOROUGH OF	420670	760625
PA	ALLEGHENY	MT. LEBANON, TOWNSHIP OF	421272	760625

JUN 29 77
UM

MAY 18,1977 PAGE 42

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	LYCOMING	MUNCY, BOROUGH OF	420649	770216
PA	LUZERNE	NANTICOKE, CITY OF	420617	770415
PA	ALLEGHENY	NEVILLE, TOWNSHIP OF	425385	750905
PA	CUMBERLAND	NEW CUMBERLAND, BOROUGH OF	420366	770216
PA	MONTGOMERY	NORRISTOWN, BOROUGH OF	425386	751205
PA	YORK	NORTH YORK, BOROUGH OF	420933	770502
PA	NORTHUMBERLAND	NORTHUMBERLAND, BOROUGH OF	420739	770202
PA	LYCOMING	OLD LYCOMING, TOWNSHIP OF	420652	770415
PA	NORTHAMPTON	PALMER, TOWNSHIP OF	420728	761228
PA	WAYNE	PALMYRA, TOWNSHIP OF	420865	770315
PA	WAYNE	PAUPACK, TOWNSHIP OF	421023	770301
PA	NORTHAMPTON	PEN ARGYL, BOROUGH OF	421926	760625
PA	CHESTER	PENNSBURY, TOWNSHIP OF	420265	761228
PA	BUCKS	PERKASIE, BOROUGH OF	420198	770301
PA	CLINTON	PINE CREEK, TOWNSHIP OF	420332	770401
PA	LUZERNE	PITTSTON, CITY OF	420620	770502
PA	LUZERNE	PLYMOUTH, BOROUGH OF	420622	770401
PA	LUZERNE	PLYMOUTH, TOWNSHIP OF	420623	770415
PA	CHESTER	POCOPSON, TOWNSHIP OF	420266	770415
PA	LYCOMING	PORTER, TOWNSHIP OF	420656	770114
PA	LUZERNE	PRINGLE, BOROUGH OF	420624	770502
PA	CLINTON	RENOVO, BOROUGH OF	420334	761228
PA	ALLEGHENY	RESERVE, TOWNSHIP OF	420068	770415
PA	SCHUYLKILL	RINGTOWN, BOROUGH OF	425505	770415
PA	NORTHUMBERLAND	RIVERSIDE, BOROUGH OF	420740	770415
PA	DELAWARE	Rose VALLEY, BOROUGH OF	420431	770202
PA	DAUPHIN	ROYALTON, BOROUGH OF	420394	770415
PA	NORTHUMBERLAND	RUSH, TOWNSHIP OF	421943	770128
PA	BRADFORD	SAYRE, BOROUGH OF	420175	770415
PA	BEDFORD	SCHELLSBURG, BOROUGH OF (BEDFORD CO.)	421329	770415
PA	SNYDER	SELINSGROVE, BOROUGH OF	425387	751031
PA	SNYDER	SHAMOKIN DAM, BOROUGH OF	420809	770301
PA	LUZERNE	SHICKSHINNY, BOROUGH OF	420626	761231
PA	HUNTINGDON	SMITHFIELD, TOWNSHIP OF	420494	770315
PA	BUCKS	SOLEBURY, TOWNSHIP OF	420202	770415
PA	SOMERSET	SOMERSET, BOROUGH OF	420803	761129
PA	DAUPHIN	SOUTH HANOVER, TOWNSHIP OF	420345	770502
PA	CLINTON	SOUTH RENOVO, BOROUGH OF	420335	770202
PA	LYCOMING	SOUTH WILLIAMSPORT, BOROUGH OF	420658	770415
PA	WESTMORELAND	SOUTHWEST GREENSBURG, BOROUGH OF	420901	770415

MAY 18,1977 PAGE 43

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
PA	MONTGOMERY	SPRINGFIELD, TOWNSHIP OF	425388	760102
PA	CENTRE	SPRING, TOWNSHIP OF	420269	770415
PA	CENTRE	STATE COLLEGE, BOROUGH OF	420270	770415
PA	DAUPHIN	STEELTON, BOROUGH OF	420396	770415
PA	MONROE	STROUDSBURG, BOROUGH OF	420694	761231
PA	MONROE	STROUD, TOWNSHIP OF	420693	770415
PA	SCHUYLKILL	ST. CLAIR, BOROUGH OF	420786	770315
PA	LUZERNE	SUGAR NOTCH, BOROUGH OF	421820	770315
PA	DAUPHIN	SUSQUEHANNA, TOWNSHIP OF	420397	770415
PA	ALLEGHENY	SWISSVALE, BOROUGH OF	420075	770415
PA	SCHUYLKILL	TAMAQUA, BOROUGH OF	425389	751031
PA	SUSQUEHANNA	THOMPSON, BOROUGH OF	422582	751031
PA	CHESTER	THORNBURY, TOWNSHIP OF	420290	770301
PA	DELAWARE	THORNBURY, TOWNSHIP OF	425390	751017
PA	WASHINGTON	UNION, TOWNSHIP OF	420860	770202
PA	DELAWARE	UPLAND, BOROUGH OF	420438	761208
PA	NORTHUMBERLAND	UPPER AUGUSTA, TOWNSHIP OF	420745	770502
PA	LUZERNE	WARRIOR RUN, BOROUGH OF	422270	760625
PA	WASHINGTON	WEST BROWNSVILLE, BOROUGH OF	425391	750822
PA	NORTHUMBERLAND	WEST CHILLISQUAQUE, TOWNSHIP OF	421033	770415
PA	CUMBERLAND	WEST FAIRVIEW, BOROUGH OF	420373	770216
PA	LEBANON	WEST LEBANON, TOWNSHIP OF	421166	770415
PA	LUZERNE	WEST PITTSTON, BOROUGH OF	420628	770415
PA	BERKS	WEST READING, BOROUGH OF	420156	760316
PA	ALLEGHENY	WEST VIEW, BOROUGH OF	420086	760316
PA	CHESTER	WEST WHITELAND, TOWNSHIP OF	420295	770502
PA	LUZERNE	WEST WYOMING, BOROUGH OF	420629	770415
PA	CUMBERLAND	WORMLEYSBURG, BOROUGH OF	420374	770212
PA	SCHUYLKILL	BLYTHE, TOWNSHIP OF	420767	770615
PA	DELAWARE	CLIFTON HEIGHTS, BOROUGH OF	420407	770516
PA	BERKS	EARL, TOWNSHIP OF	420132	770718
PA	CARBON	EAST PENN, TOWNSHIP OF	421013	770615
PA	LUZERNE	EXETER, BOROUGH OF	420605	770516
PA	DELAWARE	FOLCROFT, BOROUGH OF	420415	770801
PA	CAMERON	GROVE, TOWNSHIP OF	421128	770718

MAY 18,1977 PAGE 44

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
RI	BRISTOL	BARRINGTON, TOWN OF	445392	751017
RI	BRISTOL	BRISTOL, TOWN OF	445393	751017
RI	PROVIDENCE	CENTRAL FALLS, CITY OF	445394	750822
RI	WASHINGTON	CHARLESTOWN, TOWN OF	445395	760820
RI	PROVIDENCE	CRANSTON, CITY OF	445396	760521
RI	KENT	EAST GREENWICH, TOWN OF	445397	760618
RI	PROVIDENCE	EAST PROVIDENCE, CITY OF	445398	751114
RI	NEWPORT	JAMESTOWN, TOWN OF	445399	760227
RI	PROVIDENCE	LINCOLN, TOWN OF	445400	751010
RI	NEWPORT	MIDDLETOWN, TOWN OF	445401	760116
RI	WASHINGTON	NARRAGANSETT, TOWN OF	445402	761203
RI	NEWPORT	NEWPORT, CITY OF	445403	751121
RI	WASHINGTON	NORTH KINGSTOWN, TOWN OF	445404	760109
RI	PROVIDENCE	PAWTUCKET, CITY OF	440022	760611
RI	NEWPORT	PORTSMOUTH, TOWN OF	445405	760910
RI	PROVIDENCE	PROVIDENCE, CITY OF	445406	760723
RI	PROVIDENCE	SMITHFIELD, TOWN OF	440025	770301
RI	WASHINGTON	SOUTH KINGSTOWN, TOWN OF	445407	770204
RI	NEWPORT	TIVERTON, TOWN OF	440012	770502
RI	BRISTOL	WARREN, TOWN OF	445408	751031
RI	KENT	WARWICK, CITY OF	445409	760618
RI	WASHINGTON	WESTERLY, TOWN OF	445410	751226
RI	PROVIDENCE	WOONSOCKET, CITY OF	445411	760116

MAY 18,1977 PAGE 45

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
SC	GEORGETOWN	ANDREWS, TOWN OF	450086	760116
SC	BEAUFORT	BEAUFORT, CITY OF	450026	770502
SC	CHARLESTON	CHARLESTON COUNTY #	455413	761112
SC	CHARLESTON	CHARLESTON, CITY OF	455412	760903
SC	BAMBERG	DENMARK, TOWN OF	450021	760625
SC	CHARLESTON	EDISTO BEACH, TOWN OF	455414	760820
SC	CHARLESTON	FOLLY BEACH, TOWNSHIP OF	455415	751003
SC	CHESTER	GREAT FALLS, TOWN OF	450049	760625
SC	WILLIAMSBURG	GREELEYVILLE, TOWN OF	450188	760625
SC	CHALESTON	ISLE OF PALMS, CITY OF	455416	751003
SC	FLORENCE	JOHNSONVILLE, CITY OF	450208	760625
SC	KERSHAW	KERSHAW, TOWN OF	450119	760625
SC	PICKENS	LIBERTY, TOWN OF	450168	760625
SC	MCCORMICK	MCCORMICK, TOWN OF	450152	760625
SC	CHARLESTON	MOUNT PLEASANT, TOWN OF	455417	760903
SC	AIKEN	NEW ELLENTON, CITY OF	450006	760903
SC	PICKENS	PICKENS, TOWN OF	450169	760625
SC	BEAUFORT	PORT ROYAL, TOWN OF	450028	770415
SC	CHARLESTON	SULLIVAN'S ISLAND, TOWNSHIP OF	455418	751031
SC	HORRY	SURFSIDE BEACH, TOWN OF	450111	761217
SC	HORRY	MYRTLE BEACH, CITY OF	450109	770705
SC	CHARLESTON	NORTH CHARLESTON, CITY OF	450042	761008

MAY 18,1977 PAGE 46

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
SD	STANLEY	FORT PIERRE, CITY OF	465419	760123
SD	FALL RIVER	HOT SPRINGS, CITY OF	460027	760123
SD	DAVISON	MOUNT VERNON, CITY OF	460022	760123
SD	PENNINGTON	RAPID CITY, CITY OF	465420	740701
SD	BUTTE	BELLE FOURCHE, CITY OF	460052	770601
SD	MEADE	STURGIS, CITY OF	460055	770601

MAY 18,1977 PAGE 47

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
TN	BLOUNT	ALCOA, CITY OF	475421	770415
TN	HAMILTON	COLLEGEDALE, CITY OF	475422	760827
TN	MAURY	COLUMBIA, CITY OF	475423	760430
TN	GIBSON	DYER, TOWN OF	470058	760430
TN	HAMILTON	EAST RIDGE, CITY OF	475424	770301
TN	CARTER	ELIZABETHTON, CITY OF	475425	740701
TN	SEVIER	GATLINBURG, CITY OF	475426	770218
TN	ROANE	HARRIMAN, CITY OF	475427	760903
TN	CAMPBELL	JACKSBORO, TOWN OF	475428	760528
TN	MARION	JASPER, TOWN OF	475429	770107
TN	JEFFERSON	JEFFERSON CITY, TOWN OF	475430	740701
TN	CAMPBELL	JELLICO, CITY OF	475431	751003
TN	WASHINGTON	JOHNSON CITY, CITY OF	475432	740701
TN	KNOX	KNOX COUNTY *	475433	770318
TN	KNOX	KNOXVILLE, CITY OF	475434	770211
TN	CAMPBELL	LAFOLLETTE, CITY OF	475435	761022
TN	ANDERSON	LAKE CITY, TOWN OF	475436	761126
TN	LAWRENCE	LAWRENCEBURG, CITY OF	475437	760305
TN	LOUDON	LENOIR CITY, CITY OF	475438	760611
TN	BLOUNT	MARYVILLE, CITY OF	475439	760806
TN	COCKE	NEWPORT, TOWN OF	475440	760723
TN	ANDERSON	NORRIS, CITY OF	470003	760625
TN	MULTIPLE	OAK RIDGE, CITY OF	475441	760723
TN	ROANE	ROCKWOOD, CITY OF	475443	770114
TN	SEVIER	SEVIERVILLE, TOWN OF	475444	760827
TN	HAMILTON	SODDY-DAISY, CITY OF	475445	770211
TN	OBION	SOUTH FULTON, CITY OF	475446	751219
TN	MARION	SOUTH PITTSBURG, CITY OF	475447	770218
TN	RHEA	SPRING CITY, TOWN OF	475448	761112
TN	CLAIBORNE	TAZEWELL, CITY OF	475449	760723
TN	SEVIER	PIGEON, CITY OF	475442	761001

MAY 18,1977 PAGE 48

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
TX	MULTIPLE	ABILENE, CITY OF	485450	740701
TX	NUECES	AGUA DULCE, CITY OF	480504	751212
TX	BRAZORIA	ALVIN, CITY OF	485451	760611
TX	ARANSAS	ARANSAS COUNTY *	485452	750926
TX	MULTIPLE	ARANSAS PASS, CITY OF	485453	751107
TX	TARRANT	ARLINGTON, CITY OF	485454	760305
TX	MATAGORDA	BAY CITY, CITY OF	485455	760305
TX	JEFFERSON	BEAUMONT, CITY OF	485457	751114
TX	BRAZORIA	BRAZORIA COUNTY *	485458	710507
TX	MULTIPLE	BURLESON, CITY OF	485459	760416
TX	CALHOUN	CALHOUN COUNTY *	480097	740701
TX	GALVESTON	CLEAR LAKE SHORES, CITY OF	485461	750418
TX	JOHNSON	CLEBURNE, CITY OF	485462	750912
TX	BRAZORIA	CLUTE, CITY OF	480068	761207
TX	COMAL	COMAL COUNTY *	485463	760514
TX	NUECES	CORPUS CHRISTI, CITY OF	485464	751031
TX	GALVESTON	CRYSTAL BEACH, TOWN OF	480243	760930
TX	MEDINA	DEVINE, CITY OF	480690	770415
TX	HIDALGO	EDINBURG, CITY OF	480338	770502
TX	JACKSON	EDNA, CITY OF	485465	750418
TX	HARRIS	EL LAGO, CITY OF	485466	750711
TX	ANDERSON	ELKHART, CITY OF	480002	760625
TX	BRAZORIA	FREEPORT, CITY OF	485467	751013
TX	GALVESTON	FRIENDSWOOD, CITY OF	485468	751219
TX	GALVESTON	GALVESTON COUNTY *	485470	740701
TX	GALVESTON	GALVESTON, CITY OF	485469	751003
TX	DALLAS	GARLAND, CITY OF	485471	751003
TX	MULTIPLE	GRAND PRAIRIE, CITY OF	485472	760910
TX	HUNT	GREENVILLE, CITY OF	485473	750411
TX	JEFFERSON	GRIFFING PARK, TOWN OF	485474	760514
TX	JEFFERSON	GROVES, CITY OF	485475	760514
TX	LAVACA	HALLETTSVILLE, CITY OF	485476	751205
TX	CAMERON	HARLINGEN, CITY OF	485477	751017
TX	HARRIS	HARRIS COUNTY *	480287	760730
TX	BRAZORIA	HILLCREST VLLLAGE, CITY OF	485478	750411
TX	GALVESTON	HITCHCOCK, CITY OF	485479	751031
TX	SAN PATRICIO	INGLESIDE, CITY OF	485480	750502
TX	GALVESTON	KEMAH, CITY OF	485481	750822
TX	KARNES	KENEDY, CITY OF	485482	750912
TX	KLEBERG	KINGSVILLE, CITY OF	480424	761208
TX	KLEBERG	KLEBERG COUNTY *	480423	760618
TX	DAWSON	LA MESA, CITY OF	480191	760430
TX	HARRIS	LA PORTE, CITY OF	485487	750822
TX	HARRIS	BAYTOWN, CITY OF	485456	751114
TX	TARRANT	BEDFORD, CITY OF	480585	770718
TX	MONTGOMERY	CONROE, CITY OF	480484	770516
TX	BEXAR	LEON VALLEY, CITY OF	480042	770601
TX	BEXAR	LIVE OAK, CITY OF	480043	770516
TX	TOM GREENE	SAN ANGELO, CITY OF	480623	770516
TX	ERATH	STEPHENVILLE, CITY OF	480220	770705
TX	BRAZORIA	SURFSIDE BEACH, VILLAGE OF	481266	770601
TX	BEXAR	UNIVERSAL CITY, CITY OF	480049	770516

VOL 42 NO 125 JUN 29 77 UM

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
TX	CAMERON	LAGUNA VISTA, VILLAGE OF	485483	760611
TX	BRAZORIA	LAKE JACKSON	485484	750725
TX	JEFFERSON	LAKEVIEW, TOWN OF	485485	760514
TX	GALVESTON	LAMARQUE, CITY OF	485486	751017
TX	GALVESTON	LEAGUE CITY, CITY OF	485488	750912
TX	MULTIPLE	LYTLE, CITY OF	480692	770202
TX	MATAGORDA	MATAGORDA COUNTY #	485489	760305
TX	DALLAS	MESQUITE, CITY OF	485490	750926
TX	HARRIS	NASSAU BAY, CITY OF	485491	760723
TX	JEFFERSON	NEDERLAND, CITY OF	485492	760514
TX	COMAL	NEW BRAUNFELS, CITY OF	485493	760507
TX	NUECES	NUECES COUNTY #	485494	760903
TX	BRAZORIA	OYSTER CREEK, VILLAGE OF	481255	761119
TX	MATAGORDA	PALACIOS, CITY OF	485495	750711
TX	HARRIS	PASADENA, CITY OF	480307	760423
TX	JEFFERSON	PEAR RIDGE, CITY OF	485497	760514
TX	NUECES	PORT ARANSAS, CITY OF	485498	770108
TX	JEFFERSON	PORT ARTHUR, CITY OF	485499	761008
TX	CAMERON	PORT ISABEL, CITY OF	480109	761006
TX	CALHOUN	PORT LAVACA, CITY OF	480099	750905
TX	JEFFERSON	PORT NECHES, CITY OF	485500	761112
TX	REFUGIO	REFUGIO COUNTY #	485501	740701
TX	REFUGIO	REFUGIO, CITY OF	480540	761006
TX	TARRANT	RICHLAND HILLS, CITY OF	480608	770216
TX	BRAZORIA	RICHWOOD, CITY OF	485502	760116
TX	NUECES	ROBSTOWN, CITY OF	485503	750418
TX	ARKANSAS	ROCKPORT, CITY OF	485504	751107
TX	HARDIN	ROSE HILL ACRES, CITY OF	480846	770415
TX	HAYS	SAN MARCOS, CITY OF	485505	761105
TX	SAN PATRICIO	SAN PATRICIO COUNTY #	485506	760903
TX	HARRIS	SEABROOK, CITY OF	485507	750822
TX	CALHOUN	SEADRIFT, CITY OF	480100	750502
TX	GUADALUPE	SEGUIN, CITY OF	485508	760625
TX	GRAYSON	SHERMAN, CITY OF	485509	751205
TX	HARRIS	SHOREACRES, CITY OF	485510	750912
TX	SAN PATRICIO	SINTON, CITY OF	485511	760709
TX	HARRIS	SOUTHSIDE PLACE, CITY OF	480312	760709
TX	BRAZORIA	SWEENY, CITY OF	485512	750822
TX	HARRIS	TAYLOR LAKE, VILLAGE OF	485513	750905
TX	GALVESTON	TEXAS CITY, CITY OF	485514	761105
TX	LIVE OAK	THREE RIVERS, CITY OF	485515	750926
TX	THROCKMORTON	THROCKMORTON, CITY OF	480693	770415
TX	VICTORIA	VICTORIA, CITY OF	480638	750822
TX	HARRIS	WEBSTER, CITY OF	485516	740701

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
UT	UTAH	ALPINE, CITY OF	490228	740701

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
VA	INDEPENDENT CITY	ALEXANDRIA, CITY OF	515519	761022
VA	WISE	BIG STONE GAP, TOWN OF	515521	740701
VA	INDEPENDENT CITY	CHESAPEAKE, CITY OF	510034	770202
VA	RUSSELL	CLEVELAND, TOWN OF	515522	760514
VA	FAIRFAX	CLIFTON, TOWN OF	510186	770502
VA	FAIRFAX	FAIRFAX COUNTY *	515525	760514
VA	INDEPENDENT CITY	FAIRFAX, CITY OF	515524	751031
VA	ROCKBRIDGE	GLASGOW, TOWN OF	515526	751212
VA	INDEPENDENT CITY	HAMPTON, CITY OF	515527	760611
VA	INDEPENDENT CITY	NEWPORT NEWS, CITY OF	510103	770502
VA	NORTHAMPTON	NORTHAMPTON COUNTY *	510105	760811
VA	INDEPENDENT CITY	NORTON, CITY OF	510108	770216
VA	APPOMATTOX	PAMPLIN, TOWN OF	510228	770216
VA	INDEPENDENT CITY	PORTSMOUTH, CITY OF	515529	751121
VA	WISE	ST. PAUL, TOWN OF	515530	760723
VA	INDEPENDENT CITY	VIRGINIA BEACH, CITY OF	515531	761008
VA	INDEPENDENT CITY	WAYNESBORO, CITY OF	515532	751205
VA	ARLINGTON	———	515520	761231
VA	ACCOMACK	CHINCOTEAGUE, TOWN OF	510002	770301
VA	INDEPENDENT CITY	POQUOSON, CITY OF	510183	770516

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
VT	ORANGE	CORINTH, TOWN OF	500071	751205
VT	WASHINGTON	MONTPELIER, CITY OF	505518	740701

VA 42 125 JUN 29 77 UM

MAY 18,1977 PAGE 53

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WA	GRAYS HARBOR	MONTESANO, CITY OF	530063	770510
WA	PEND OREILLE	NEWPORT, CITY OF	530137	770510
WA	FRANKLIN	PASCO, CITY OF	530046	770510
WA	OKANOGAN	PATEROS, TOWN OF	530258	770510
WA	BENTON	PROSSER, CITY OF	530012	770510
WA	GRANT	QUINCY, CITY OF	530054	770510
WA	BENTON	RICHLAND, CITY OF	535533	751114
WA	CLALLAM	SEQUIM, CITY OF	530301	751114
WA	YAKIMA	ZILLAH, CITY OF	530232	751114

MAY 18,1977 PAGE 54

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WI	BUFFALO	ALMA, CITY OF	555540	760312
WI	LANGLADE	ANTIGO, CITY OF	555541	751031
WI	MULTIPLE	APPLETON, CITY OF	555542	751226
WI	PIERCE	BAY CITY, VILLAGE OF	555543	751017
WI	ROCK	BELOIT, CITY OF	555544	760423
WI	WOOD	BIRON, VILLAGE OF	555545	740701
WI	BUFFALO	BUFFALO COUNTY #	555547	760309
WI	BUFFALO	BUFFALO, CITY OF	555546	751017
WI	GRANT	CASSVILLE, VILLAGE OF	555548	751128
WI	CHIPPEWA	CHIPPEWA COUNTY #	555549	760903
WI	BUFFALO	COCHRANE, VILLAGE OF	555550	750523
WI	CRAWFORD	CRAWFORD COUNTY #	555551	760123
WI	EAU CLAIRE	EAU CLAIRE COUNTY #	555552	760514
WI	CRAWFORD	FERRYVILLE, VILLAGE OF	555553	751031
WI	JEFFERSON	FORT ATKINSON, CITY OF	555554	760312
WI	BUFFALO	FOUNTAIN, CITY OF	555555	750829
WI	VERNON	GENOA, VILLAGE OF	555556	751010
WI	GRANT	GRANT COUNTY #	555557	760820
WI	ST. CROIX	HUDSON, CITY OF	555558	751003
WI	IRON	HURLEY, CITY OF	555559	751114
WI	ROCK	JANESVILLE, CITY OF	555560	751219
WI	JEFFERSON	JEFFERSON, CITY OF	555561	750905
WI	LA CROSSE	LA CROSSE, CITY OF	555562	760514
WI	CRAWFORD	LYNXVILLE, VILLAGE OF	555563	751128
WI	MANITOWOC	MANITOWOC, CITY OF	550240	770415
WI	OZAUKEE	MEQUON, CITY OF	555564	760326
WI	LINCOLN	MERRILL, CITY OF	555565	751128
WI	MANITOWOC	MISHICOT, VILLAGE OF	555566	751017
WI	MARATHON	MOSINEE, CITY OF	555567	751114
WI	FOND DU LAC	MT. CALVARY, VILLAGE OF	550137	751114
WI	MULTIPLE	NEW LONDON, CITY OF	550308	770315
WI	ST. CROIX	NORTH HUDSON, VILLAGE OF	555568	750822
WI	PEPIN	PEPIN COUNTY #	555570	760102
WI	PEPIN	PEPIN, VILLAGE OF	555569	750502
WI	PIERCE	PIERCE COUNTY #	555571	760109
WI	WOOD	PORT EDWARDS, VILLAGE OF	555572	770225
WI	CRAWFORD	PRAIRIE DU CHIEN, CITY OF	555573	751128
WI	PIERCE	PRESCOTT, CITY OF	555574	760227
WI	RACINE	RACINE, CITY OF	555575	760102
WI	RICHLAND	RICHLAND CENTER, CITY OF	555576	760227
WI	MARATHON	ROTHSCHILD, VILLAGE OF	555577	770121
WI	MARATHON	SCHOFIELD, CITY OF	555579	760312
WI	SHEBOYGAN	SHEBOYGAN, CITY OF	550430	770315
WI	CRAWFORD	STEUBEN, VILLAGE OF	555580	760305
WI	PEPIN	STOCKHOLM, VILLAGE OF	555581	750328
WI	VERNON	STODDARD, VILLAGE OF	555582	760123

JUN 29 77

MAY 18,1977 PAGE 55

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WI	TREMPEALEAU	STRUM, VILLAGE OF	555583	750829
WI	ST. CROIX	ST. CROIX COUNTY #	555578	760326
WI	TREMPEALEAU	TREMPEALEAU COUNTY #	555585	760326
WI	TREMPEALEAU	TREMPEALEAU, VILLAGE OF	555584	751107
WI	CRAWFORD	WAUZEKA, VILLAGE OF	555586	760305
WI	WOOD	WISCONSIN RAPIDS, CITY OF	555587	740701
WI	MILWAUKEE & OZAUKEE	BAYSIDE, VILLAGE OF	550276	770615
WI	PEPIN	DURAND, CITY OF	550320	770601
WI	EAU CLAIRE & CHIPPEWA	EAU CLAIRE, CITY OF	550128	770601
WI	MILWAUKEE	FOX POINT, VILLAGE OF	550274	770516
WI	WAUPACA	FREMONT, VILLAGE OF	550496	770615
WI	WINNEBAGO	OSHKOSH, CITY OF	550511	770516
WI	OZAUKEE	——— — ———	550310	770516

MAY 18,1977 PAGE 56

LATEST FIRM MAP

(24 CFR 1915.4)

STATE	COUNTY	LOCATION	COMMUNITY NUMBER	EFFECTIVE DATE OF LATEST REVISION (YYMMDD)
WV	LOGAN	CHAPMANVILLE, TOWN OF	540092	760820
WV	MINGO	DELBARTON, TOWN OF	540134	770315
WV	MINGO	GILBERT, TOWN OF	540135	770502
WV	LOGAN	LOGAN COUNTY #	545536	760206
WV	LOGAN	LOGAN, CITY OF	545535	751219
WV	LOGAN	MAN, TOWN OF	545537	751226
WV	MINGO	MATEWAN, TOWN OF	545538	751216
WV	LOGAN	MITCHELL HEIGHTS, TOWN OF	540095	760827
WV	LOGAN	WEST LOGAN, TOWN OF	545539	751128

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001–4128, and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: June 3, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-18101 Filed 6-28-77;8:45 am]

federal register

WEDNESDAY, JUNE 29, 1977
PART VII



COMMUNITY SERVICES ADMINISTRATION

■

SPECIAL CRISIS INTERVENTION PROGRAM

General Information, Application Procedures and Post Grant Requirements

V 42 N 125
JUN 29 77
UM

COMMUNITY SERVICES ADMINISTRATION

SPECIAL CRISIS INTERVENTION PROGRAM

Information, Application Procedures, and Post Grant Requirements for the Special Crisis Intervention Program

Notice is hereby given that the Governor of each State, Puerto Rico, and the Virgin Islands, and the Mayor of the District of Columbia were notified by a letter and a memorandum from Graciela (Grace) Olivarez, Director, Community Services Administration that the funds for the Special Crisis Intervention Program are now available. The correspondence also provides details of the Program, procedures required for funding, and allocation for each State and other eligible jurisdictions. The texts of the letter and memorandum are printed below.

Interested persons should note that the memorandum contains a notice of procedural variation from normal A–95 procedures accorded by the Office of Management and Budget. This variation was granted due to the fact that the Special Crisis Intervention Program funded under section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, has a short life-span necessitated by the need to improve the financial condition of the poor and the near-poor before the return of cold weather and, therefore, the Program must become operational on the earliest possible date. Therefore, the Office of Management and Budget has approved a procedural variation of OMB Circular A–95, Part I: Project Notification and Review System, which limits the entire review process by State and areawide clearinghouses of applications for funds under this Program to seven (7) days.

GRACIELA (GRACE) OLIVAREZ,
Director.

DEAR GOVERNOR: On May 5, 1977, the President signed the Fiscal Year 1977 Supplemental Appropriation Bill containing a $200 million appropriation to the Community Services Administration for a Special Crisis Intervention Program to be carrier out through the States.

The purpose of this appropriation is to relieve part of the burden that high energy costs and last winter's unusual weather has placed on the poor and the near-poor, and to improve their financial condition before the return of cold weather. The program will run through August 31, 1977, after which any unexpended funds may be reprogrammed to support weatherization activities in your State.

Allocations among the States were made using a formula provided by the Congress. The formula included population-weighted heating degree days, number of elderly persons with incomes below 125% of the poverty guideline, number of poor and near-poor households and the relative costs of fuel. The allocation for ---------- is $---------.

Attached is a memorandum describing the program in detail and explaining the steps you should take to request the funds. Also attached is a copy of the Special Conditions which will be part of the grant. Please note that the carrying out of this program will involve specific commitments by the State and that as part of the funding process you will be asked to certify personally to your State's agreement to undertake these commitments. Important among them is the provision of administrative support by the State to local administering agencies, which has been mandated by the Congress.

We are all very conscious of the difficulties involved in successfully disbursing such a large amount of money in such a short timeframe. CSA appreciates the help it has received from State Offices through the National Governors' Conference in planning and reviewing the details of the operation. A Briefing Session has been scheduled in Washington, D.C. next week for representatives of all of the States and the CSA Regional Offices, at which time we will try to answer all questions and deal with any that are foreseen by the States.

I do not underestimate the job you have ahead of you. You may be sure that we will help in every way we can.

Sincerely,

GRACIELA (GRACE) OLIVAREZ,
Director.

Enclosures.

MEMORANDUM

MAY 25, 1977.

To: All Governors.

From: Graciela (Grace) Olivarez, Director.

Special Crisis Intervention Program funds amounting to $200 million are now available for relieving part of the energy cost burden which has fallen most heavily on the poor and near-poor as a result of the recent severe weather and escalating energy prices. The President signed the Fiscal Year 1977 Supplemental Appropriations bill containing the funds on Wednesday, May 4, 1977.

These funds have been appropriated to the Community Services Administration under provisions of Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended, and will be administered under the Crisis Intervention activity of the Emergency Energy Conservation Program authorized by that Act.

Allocations among the States were made using a formula provided by the Congress. The formula included population-weighted heating degree days, number of elderly persons with incomes no higher than 125% of the poverty guideline (see Attachment 1), number of poor and near-poor households, and the cost of fuel. The allocation for your State is shown on Attachment 2.

Since all the outstanding energy/fuel bills of the poor and near-poor cannot be paid with these funds, priority shall be given to eligible elderly persons (age 65 and over).

Because this is an emergency program of very short lifespan, the Community Services Administration will make one grant in each State, preferably to an existing grantee such as the State Economic Opportunity Office, so as to avoid time-consuming procedures required before new grantees can be funded.

As the Senate report which accompanied the Supplemental bill states,

Governors shall administer this program by utilizing Community Action Agencies and other appropriate State and local public or private agencies. These agencies shall, in allocating emergency assistance funds, give particular consideration to those cases in which emergency assistance can be coordinated with weatherization assistance. Wherever possible, the emergency assistance funds should be allocated so as to contribute to the agency's long-term goal of promoting energy conservation in the homes of low-income and near-poor families and individuals.

Consequently, it is desirable to give priority consideration in your designation of Local Administering Agencies to Community Action Agencies which have effectively administered CSA Emergency Energy Conservation programs.

The Senate report also calls on Governors to "assure that the greatest household needs are met first." For this reason, where Community Action Agencies are not selected, particular care should be taken to select agencies which will be able to provide effective services to the elderly, to persons not on welfare, and in remote rural areas. Households receiving assistance must have incomes no higher than 125% of the 1977 CSA poverty guideline.

As described by Congress, the Special Crisis Intervention Program funds may be used only for: 1) payments directly to eligible households and/or 2) payments to utility companies and fuel dealers on behalf of eligible households for energy/fuel supplies. In this connection the Senate report states:

Governors shall make available to local administering agencies such non-Federal support as the local agencies deem necessary, not to exceed an amount up to ten percent of the Federal funds, to provide for proper certification of the eligibility and need of recipients.

In rare instances where administrative costs may exceed 10%, the State may require the Local Administering Agency to absorb the extra costs. We do not believe it is the intent of Congress to limit the nature of the administrative assistance supplied to the Local Administering Agencies by Governors for determination of income and program eligibility to resources not funded by the Federal government; rather that the term "non-Federal support" is intended merely to isolate and safeguard the $200 million in Special Crisis Intervention Program funds from being spent for administrative costs.

The expiration date for this program is August 31, 1977. Funds granted to your State but which cannot be effectively obligated for crisis intervention by the expiration date will be reprogrammed after August 31, 1977, for support of weatherization activities in your State. Reprogrammed funds should be spent in a manner consistent with an approved State Emergency Energy Conservation Funding Plan for carrying out the CSA-funded Weatherization Program under Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended. Any funds reprogrammed for weatherization would be subject to existing CSA non-Federal share requirements.

PROGRAM DESIGN

Two categories of eligible households may be served by the Special Crisis Intervention Program:

(1) Those who, because of large unpaid energy/fuel bills, have had their utilities shutoff, are threatened with shutoff or are threatened with inability to obtain delivery of heating fuel. For this category, a one-time payment of up to $250.000 may be made on behalf of the household. Payments must be made directly to utility companies and fuel suppliers.

(2) Those who can prove dire financial need at time of application as a result of having paid large energy/fuel bills in whole or in part:

A one-time payment of up to $50.00 may be made directly to eligible households in this category. In addition, a one-time payment, not to exceed the balance of the allowable $250.00, may be made on behalf of the household as a credit toward future deliveries; these payments must be made directly to utility companies and fuel dealers.

LIMITATION ON PAYMENTS

The sum of all payments made to and/or on behalf of any eligible household described in (1) or (2) above may not exceed the total

of the actual household energy/fuel bills incurred after October 1, 1976 and before the date of application for assistance, or $250.00, whichever is less.

No payment made under this program shall be considered income for the purpose of determining eligibility or benefits under any income transfer program including, but not limited to, public assistance, veterans' benefits, food stamps, or Supplemental Security Income.

MAINTENANCE OF EFFORT

In addition, please note carefully the following Special Condition:

Maintenance of Effort. Grantee gives assurance that services under this program will be in addition to, not in substitution for, services previously provided without Economic Opportunity Act assistance.

HOW TO APPLY FOR FUNDS

If you decide to apply for Special Crisis Intervention Program funds for your State, you may request a sum up to the allocated amount indicated on the attachment. To make your request, it is necessary only to submit a REQUEST FOR FUNDS following the format attached (Attachment 3) and submit it to the CSA Regional Office serving your State (see Attachment 4). This will begin the formal grant process.

In submitting the REQUEST FOR FUNDS, you will be agreeing to:

1. Provide administrative support in amounts up to ten per cent of the amount of the grant as deemed necessary by the local administering agencies;

2. Waive the thirty (30) day review and disapproval period which you have under Section 242 of the Economic Opportunity Act of 1964, as amended, and

3. Carry out the provisions of the program, including an audit of the program by November 30, 1977. This requirement contained in CSA Instruction 6800–12, Grant Closeout Procedures (Uniform Federal Standards), is the CSA requirement that implements Attachment K of OMB Circular A–110 and Attachment L of FMC 74–7.

Independent audits for Local Administering Agencies may be required and accepted for the purpose of meeting this requirement, provided costs of such audit are not borne by the Local Administering Agencies. Audits by State Auditors will also be accepted, and we encourage the State Auditors to rely on audits performed by county auditors to the extent consistent with professional auditing standards and the judgment of the state auditors.

Upon receiving your Request for Funds, CSA will process and send to your State's grantee the Statement of CSA Grant (CSA Form 314). CSA intends that the process outlined above take no more than 10 working days.

Upon receiving the CSA Form 314, the grantee must sign it and return it to the CSA Regional Office. Simultaneously your State Funding Plan for the Special Crisis Intervention Program should be in preparation. One copy of this Plan must be submitted to CSA Headquarters and one copy to the CSA Regional Office. No funds can actually be released to you until this Plan is received and approved by the CSA Regional Office.

A–95 CLEARINGHOUSE REVIEW

CSA has requested and received from OMB a procedural variation for State and areawide clearinghouses which will limit their review period to seven (7) days. Before submission of your State Funding Plan to CSA you must submit the Plan to State and areawide clearinghouses which will have seven days for review and comment, starting with the time they receive copies of the Plan. Clearinghouse comments will be sent to the Governor. Only after the expiration of the seven days may the Plan be submitted to CSA.

To expedite completion of this grant and funding process, CSA is prepared to move documents between its Washington, D.C. Headquarters and the Regional Offices by courier. Similar handling is encouraged on the part of States.

THE STATE FUNDING PLAN

CSA intends that this be a brief document which must include but is not limited to the following elements:

1. *Allocation of funds by sub-state area.* This is accomplished by following the attached format (Attachment 5). Please do not include administrative costs; enter only Federal grant dollars.

2. *Disbursement mechanism and safeguards.* The Plan must include a description of the mechanism by which you propose to disburse the funds to ensure that:

A. No coin or currency will be exchanged;

B. No eligible household will receive assistance in excess of $250;

C. Certification for payment will be made to utilities and fuel dealers only after verification of amounts owed or paid;

D. Certification for payment by the local administering agency will be final and will constitute obligation of funds unless duplication or fraud is evidenced;

E. Local administering agencies do not certify assistance in excess of the total sum which you authorize them to obligate;

F. No payments are made under this program to households having access to direct assistance through other supportive service networks, such as welfare, except in cases when such other networks cannot respond in an effective and timely manner;

G. All Local Administering Agencies will notify, inform, contact and, where appropriate, certify eligible households with persons unable to leave their residences due to handicap, infirmity;

H. Households in remote rural areas will receive timely notification of the program and will be provided ample opportunity for full participation.

3. *Assistance to American Indians, Alaska Natives and Migrant Farmworkers.* A. American Indians and Alaska Natives. Allocations of funds within the State shall make provision for assistance to eligible households in identifiable Indian reservations, pueblos, rancherias, communities, Alaska Native villages, Indian trust lands, other Indian lands and Indian Country on the basis of their number and distribution and in accordance with the eligibility criteria and priorities established for the Special Crisis Intervention Program as a whole. If it is not possible to serve such eligible households within this population due to operation of State Law or other legal barrier(s), the Governor must, in the State Funding Plan, identify from the funds allocated to the State a proportionate share of those funds to assist these eligible households and must request the CSA Regional Office to grant that proportionate share of the funds directly to a grantee(s) which can and will serve such households within the State.

B. Migrant Farmworkers. The Plan must include a mechanism for providing assistance to eligible migrant farmworker households. It is suggested that Farmworker organizations be consulted in developing this part of the plan.

4. *Monitoring.* A description of the State's methods which you will require for monitoring of the program at the local level, for initial and immediate investigation of charges involving poor administration of the program, faulty or inadequate certification, failure of energy suppliers to provide relief, and duplication and/or fraud. Specify which agency (agencies) will have this responsibility. Provide the mailing address and telephone number of the contact person in the responsible agency or agencies. Please include a procedure for notifying the appropriate CSA Regional Office of the initiation of an investigation and of the outcome of all such investigations.

5. *Certification of agreements reached.* Completion of a Certification, following the enclosed format (Attachment 6), that agreements have been reached with participating utility companies and fuel suppliers to ensure that in each case where payment is certified:

(1) The outstanding bill is reduced by the full amount of the Special Crisis Intervention Program payment:

(2) For any remaining balance, the customer is offered a deferred payment arrangement;

(3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;

(4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977, and where required by State Law or explicit State Regulation, the deposit is included in a deferred payment arrangement; and finally,

(5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

6. *Information as to Need.* State and local governments, as well as Federal agencies were handicapped in their efforts to assist the poor and the elderly last winter by a severe lack of information as to the extent of the rapidly developing crisis. Accurate data about just what is happening to low and fixed income energy consumers, the size of their energy bills, their ability to pay them, the number that fall seriously behind in payments and by how much, and the number whose utilities are disconnected, was and still are very hard to come by. Knowing that energy prices are going to continue to rise and that the poor, the near-poor and the eldrly are going to be faced with ever greater difficulty in paying these energy bills, we are most concerned that continuing current information be available to State governments and at the Federal level so that planning for the needs to the poor can go forward.

The Senate Committee Report states:

Wherever possible the emergency assistance funds should be allocated so as to contribute to the agency's long-term goal of promoting energy conservation in the homes of low-income and near-poor families and individuals.

A more thorough knowledge of the size of the problems facing the low-income and the near-poor in meeting their energy bills will enable the States and local communities to define better the energy conservation programs which will meet their needs.

Consequently, please complete an Agreement following the enclosed format (Attachment 7) to provide the information below to CSA Headquarters on a monthly basis regarding each utility company participating in the Special Crisis Intervention Program for the months of July 1977 through June 1978. Each report is due not later than the end of the month following the month reported on, e.g., the data for July 1977 is due by August 31, 1977. It its our understanding that in almost every case this information is already required to be filed with State regulatory commissions. To the degree it is filed with a State agency, or can be readily obtained; the following information is requested for each month reported on:

JUN 29 77
UM

(1) The total number of service disconnections for nonpayment;

(2) The total dollar amount of delinquent bills represented by these disconnections for non-payment;

(3) The total number of reconnections;

(4) The total number of final disconnect notices issued due to non-payment;

(5) The total dollar amount of the bills represented by these final disconnect notices;

(6) The total number of customers in arrears more than sixty (60) days;

(7) The total dollar amount of such arrearages owed by these customers;

(8) The total number of Security Deposits received during the month;

(9) The average Security Deposit received during the month in dollars;

(10) In the first report, and thereafter only if there is significant change, the total number of residential customers served by each participating utility company.

To the degree that similar information can be obtained about the non-regulated fuel supply network through trade associations, its submission would be of great value.

CSA is negotiating an agreement with the leading energy and fuel trade associations whereby they will collect selected data from utilities and dealers relating specifically to areas of heavy concentration of low-income customers. We believe the aggregate monthly information which you have been requested to provide, along with this more specific sample data will help States, the Federal Government and the energy/fuel suppliers respond more quickly in the months ahead to the energy related problems of the poor.

Review and Approval of State Funding Plans by CSA

Review and Approval of State Plans by CSA will be limited to making sure that Plans include all required elements, and that they are in accord with applicable law and regulations. You may be sure CSA will do everything possible to expedite the release of funds.

Reporting

Please note carefully the Special Condition number 12, Reporting Requirement. It is important that plans be made to collect this information in a manner which will permit efficient compilation of these State reports and for later use in the program evaluation.

Program Evaluation

CSA will be evaluating this program. Your cooperation and that of the participating utility companies, fuel dealers, and Local Administering Agencies will be essential. We will, of course, share with you both the results of the evaluation and summary data from the monthly reports.

ALLOCATION OF SPECIAL ENERGY FUNDS BY STATES

CODE NO.	STATES	200 M - (000)
	TOTAL	
01	ALABAMA	2,380
02	ALASKA	1,200
04	ARIZONA	560
05	ARKANSAS	1,980
06	CALIFORNIA	3,380
08	COLORADO	2,680
09	CONNECTICUT	3,020
10	DELAWARE	840
11	DIST. OF COLUMBIA	980
12	FLORIDA	1,540
13	GEORGIA	2,840
15	HAWAII	300
16	IDAHO	1,380
17	ILLINOIS	13,640
18	INDIANA	5,740
19	IOWA	4,300
20	KANSAS	2,120
21	KENTUCKY	4,600
22	LOUISIANA	1,420
23	MAINE	3,141
24	MARYLAND	2,540
25	MASSACHUSETTS	5,120
26	MICHIGAN	13,260
27	MINNESOTA	8,500
28	MISSISSIPPI	1,820
29	MISSOURI	5,800
30	MONTANA	1,481
31	NEBRASKA	2,340
32	NEVADA	520
33	NEW HAMPSHIRE	1,881
34	NEW JERSEY	5,080
35	NEW MEXICO	1,160
36	NEW YORK	21,140
37	NORTH CAROLINA	4,020
38	NORTH DAKOTA	1,760
39	OHIO	13,300
40	OKLAHOMA	2,180
41	OREGON	2,080
42	PENNSYLVANIA	14,160
44	RHODE ISLAND	1,620
45	SOUTH CAROLINA	1,640
46	SOUTH DAKOTA	1,620
47	TENNESSEE	3,480
48	TEXAS	4,080
49	UTAH	1,280
50	VERMONT	1,680
51	VIRGINIA	3,280
53	WASHINGTON	2,860
54	WEST VIRGINIA	2,920
55	WISCONSIN	2,980
56	WYOMING	540
60	AMERICA SAMOA	
66	GUAM	
72	PUERTO RICA	830
78	VIRGIN ISLANDS	50

FOOTNOTES:

DSO FORM 0-315a JAN 74

ATTACHMENT #2

CSA POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII - 100%

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	$2,970	$3,713	$2,550	$3,188
2	3,930	4,913	3,360	4,200
3	4,890	6,113	4,170	5,213
4	5,850	7,313	4,980	6,225
5	6,810	8,513	5,790	7,238
6	7,770	9,713	6,600	8,250

For family units with more than 6 members, add $960 for each additional member in a non-farm family and $810 for each additional member in a farm family.

CSA POVERTY GUIDELINES FOR ALASKA

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	$3,720	$4,650	$3,200	$4,000
2	4,920	6,150	4,210	5,263
3	6,120	7,650	5,220	6,525
4	7,320	9,150	6,230	7,788
5	8,520	10,650	7,240	9,050
6	9,720	12,150	8,250	10,313

For family units with more than 6 members, add $1,200 for each additional member in a non-farm family and $1,010 for each additional member in a farm family.

CSA GUIDELINES FOR HAWAII

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	$3,430	$4,288	$2,940	$3,675
2	4,530	5,663	3,870	4,838
3	5,630	7,038	4,800	6,000
4	6,730	8,413	5,730	7,163
5	7,830	9,788	6,660	8,325
6	8,930	11,163	7,590	9,488

Attachment #1

REQUEST FOR FUNDS
Special Crisis Intervention Program

I, _____ Governor of the State of _____, hereby apply for funds in the amount of _____, to conduct crisis intervention activities for the purpose of relieving part of the increased energy/fuel cost burden falling on the poor and near-poor as a result of the recent severe weather.

I agree and am prepared to provide administrative support costs for this effort as deemed necessary by The Local Administering Agencies disgnated by me, up to ten per cent (10%) of the amount allocated to each Agency.

I hereby waive the thirty day review and disapproval period set out in Section 242 of The Economic Opportunity Act of 1964 as amended.

I agree that the State will complete an audit of the program by no later than November 30, 1977. This audit is required by CSA Instruction 6800-12, The Grant Close-out Procedures (Uniform Federal Standards). Completion of this requirement will implement Attachment K of OMB Circular A-110 and Attachment L of FMC 74-7.

I understand that independent audits for Local Administering Agencies may be performed in order to meet the audit requirements of CSA Instruction 6800-12, so long as the costs of such audits are not borne by The Local Administering Agencies. Audits performed by State and County Auditors will also be accepted, to the extent that they remain consistent with professional auditing standards.

_____
(signature of Governor)

_____
(Date)

Attachment #3

Boston Regional Office - I
John F. K. Federal Building - Rm. 400
Boston, Mass. 02203 -- (617)-223-4019

STATES SERVED: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island

New York Regional Office - II
26 Federal Plaza, 32nd Fl. Rm. 3227
New York, N.Y. 10007 -- (212)-264-3960

STATES SERVED: New York, New Jersey, Puerto Rico, and the Virgin Islands

Philadelphia Regional Office - III
3535 Market Street - Rm. 2400
Phila. Pa. 19104 -- (215)-596-6022

STATES SERVED: Pennsylvania, Maryland, Delaware, Virginia, West Virginia and the District of Columbia

Atlanta Regional Office -IV
730 Peachtree Street, N.E.
Atlanta, Ga. 30308

STATES SERVED: Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi and Florida

Chicago Regional Office - V
300 S. Wacker Drive, 24th Floor
Chicago, Ill. 60606 --(312)-353-5988

STATES SERVED: Illinois, Wisconsin, Minnesota, Michigan, Indiana and Ohio

Dallas Regional Office - VI
1200 Main Tower Building
Dallas, Texas 75202 --(214)-749-1381

STATES SERVED: Texas, Oklahoma, Louisiana, Arkansas and New Mexico

Kansas City Regional Office - VII
911 Walnut Street
Kansas City, Mo. 64106--(816)-374-3561

STATES SERVED: Missouri, Kansas, Iowa and Nebraska

Denver Regional Office - VIII
1961 Stout Street
Federal Bldg. - 12th Floor
Denver, Col. 80202 --(303)-837-4923

STATES SERVED: Colorado, Utah, Wyoming, Montana, North Dakota and South Dakota

San Francisco Regional Office - IX
450 Golden Gate Avenue
Federal Building
San Francisco, Cal. 94102

STATES SERVED: California, Nevada, Arizona, Hawaii

Seattle Regional Office - X
Arcade Plaza Building
1321 Second Avenue
Seattle, Washington 98101
(206-442-0183

Attachment #4

Attachment #5

STATE OF _____ REQUEST FOR EMERGENCY ENERGY/FUEL INTERVENTION PROGRAM FUNDS

Please Indicate:

(1) CITY/COUNTY TO BE SERVED	(2) NAME OF DELEGATE AGENCY OR SUBCONTRACTOR TO OPERATE PROGRAM	(3) ADDRESS AND TELEPHONE NO. OF CONTACT PERSON	(4) PER CENT OF FUNDS FROM GRANT TO BE USED IN EACH AREA

CERTIFICATION OF AGREEMENTS MADE BETWEEN GOVERNOR AND FUEL COMPANIES/SUPPLIERS

I, _____ Governor of the State of _____, do hereby certify that, pursuant to the terms of The CSA Crisis Intervention Program, the following agreements with participating utility companies and fuel suppliers have been reached:

I. In each case where payment to a fuel customer is certified:

1) The outstanding bill of the fuel customer reduced by the full amount of the Special Crisis Intervention Program payment;

2) For any remaining balance, the customer is offered a deferred payment arrangement;

3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;

4) No Security Deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977 and where required by State Law, or explicit State Regulation, the deposit is included in a deferred payment arrangement;

5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

_____
(signature of Governor)

_____
(Date)

Attachment #6

CERTIFICATE OF AGREEMENT TO
PROVIDE INFORMATION

I, _____, Governor of the State of _____, agree to provide monthly information regarding utility companies participating in The Special Crisis Intervention Program, as outlined below. I realize that effective assistance for the poor and elderly is difficult to formulate without basic information pertaining to actual need in the area of energy. Accordingly, to the degree that it is filed with State agency, or is readily obtainable. I agree to provide a monthly report containing the following information:

1) The total number of service disconnections for non-payment;

2) The total dollar amount of delinquent bills represented by the disconnections for non-payment;

3) The total number of reconnections;

4) The total number of final disconnect notices issued due to non-payment;

5) The total dollar amount of the bills represented by these final disconnect notices;

6) The total number of customers in arrears more than sixty (60) days;

7) The total dollar amount of such arrearages owed by these customers;

8) The total number of Security Deposits received during the month;

9) The average Security Deposit received during the month in dollars;

10) In the first report, and thereafter only if there is significant change; the total number of residential customers served by each participating utility company.

The preceding information regarding the participation of each utility company in The Special Crisis Intervention Program will be provided monthly for the months of July 1977 through June 1978.

Attachment #7, page 1

I agree to provide this information on a delayed monthly basis, so that by the close of one month, the preceding month's report will be filed. To the degree that similar information can be obtained about the non-regulated fuel supply network through trade associations, I also agree to provide that information.

_____
(signature of Governor)

_____
(Date)

Attachment #7, page 2

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION page 1 of 14

1. NAME OF GRANTEE	2. GRANT NO. PROGRAM YR. ACTION NO.
	- /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

1. ELIGBLE ACTIVITIES

Funds made available through this grant shall be used to:

A. Provide emergency financial assistance to eligible households which, because of large unpaid energy/fuel bills have had their utilities shut-off, and/or are threatened with inability to obtain delivery of heating fuel; and

B. Provide emergency financial assistance to eligible households which can prove dire financial need at the time of application as a result of having paid large energy/fuel bills in whole or in part.

2. ELIGIBLE HOUSEHOLDS

All households assisted by this program must meet both income eligibility and program eligibility requirements.

A. Income Eligibility - Only households with income no higher than 125% of the Community Services Administration (CSA) Poverty Guidelines listed below may be assisted by this program. In instances where a Governor imposes any reduction in income eligibility ceilings because of limitations on available funds, grantee shall apply such reductions uniformly to all households statewide.

B. Determination of Income Eligibility Required of Grantee

Proof of income eligibility is required. When unavailable, applicant must sign a declaration of income eligibility; in such cases, Local Administering Agencies must make a reasonable number of spot checks to verify income eligibility.

CSA POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII- 100%

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	$2,970	$3,713	$2,550	$3,188
2	3,930	4,913	3,360	4,200
3	4,890	6,113	4,170	5,213
4	5,850	7,313	4,980	6,225

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29a, 29b, 29c, 29d, DATED MAR 66 AND CAP FORM 29e, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 69-1729

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION page 2 of 14

1. NAME OF GRANTEE	2. GRANT NO. PROGRAM YR. ACTION NO.
	- /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

5	6,810	8,513	5,790	7,238
6	7,770	9,713	6,600	8,250

For family units with more than 6 members, add $960 for each additional member in a non-farm family and $810 for each additional member in a farm family.

CSA GUIDELINES FOR ALASKA

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	$3,720	$4,650	$3,200	$4,000
2	4,920	6,150	4,210	5,263
3	6,120	7,650	5,220	6,525
4	7,320	9,150	6,230	7,788
5	8,520	10,650	7,240	9,050
6	9,720	12,150	8,250	10,313

For family units with more than 6 members, add $1,200 for each additional member in a non-farm family and $1,010 for each additional member in a farm family.

CSA GUIDELINES FOR HAWAII

Family Size	Non-Farm Family		Farm Family	
	100%	125%	100%	125%
1	$3,430	$4,288	$2,940	$3,675
2	4,530	5,663	3,870	4,830
3	5,630	7,038	4,800	6,000
4	6,730	8,413	5,730	7,163

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29a, 29b, 29c, 29d, DATED MAR 66 AND CAP FORM 29e, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 69-1729

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 3 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO. - /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

5	7,830	8,788	6,660	8,325
6	8,930	11,163	7,590	9,488

For family units with more than 6 members, add $1,100 for each additional member in a non-farm family and $930 for each additional member in a farm family.

C. Program Eligibility - Two categories of income eligible households may be assisted by this program:

(1) Those households which, because of large unpaid energy/fuel bills have had their utilities shut-off, are threatened with shut-off, or are threatened with inability to obtain delivery of heating fuel. For this category, a one-time payment of up to the allowable maximum (see special condition #4) may be made on behalf of the household. Payments in this category shall be made directly to utility companies and to fuel dealers on behalf of the household.

(2) Those households which can provide proof of dire financial need at the time of application as a result of having paid large energy/fuel bills in whole or in part. A one-time payment of up to $50.00 may be made directly to eligible households in this category. In addition, a one-time payment not to exceed the balance of the allowable maximum (see special condition #4) may be made as a credit toward future utility service/fuel deliveries; such a payment shall be made to utility companies and fuel dealers on behalf of the household. In the alternative, such payments may be made by vouchers. In that event, funds to the exact amount of each voucher shall be reserved to cover these vouchers; these funds shall be exempted from the provision of special condition #14 requiring payout of all obligated funds before October 1, 1977. Vouchers may be redeemed in successive fractional amounts; they shall state on their face that they are void if funds obligated by them are not claimed by submission of proper utility or fuel bill by a date to be set by the grantee which shall not be later than April 1, 1978.

In the event that grantees do not elect the voucher system, they shall have the responsibility to devise a mechanism to ensure that funds paid to utility/fuel dealers are applied

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND CAP FORM 29E, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 69-12299

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 4 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO. - /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

only to payment of the bills of certified households and to assure recovery of funds not so used by April 1, 1978. Any reserve funds from unused vouchers or any funds recovered from utility/fuel dealers shall be returned to CSA by July 1, 1978 by check payable to the Community Services Administration. Whichever method of payment is elected, the grantee shall provide a mechanism for transfer of the unused balance of the voucher or payment to a new utility/fuel supplier in the event that the certified household moves before incurring bills equal to that balance.

D. Determination of Program Eligibility Required by Grantee

Proof of need is required.

(1) Households in category 2.C. (1), above, must present unpaid energy/fuel bills and/or notice of shut-off and any additional documents which may be required by the Governor and are set forth in directions provided to Local Administering Agencies. Unpaid energy/fuel bills and notices of shut-off shall be verified with the utility companies and fuel dealers prior to certification for payment.

(2) Households in category 2.C. (2), above, must present paid bills, cancelled checks, or receipts and any additional documents which may be required by the Governor and which are set forth in directions provided to Local Administering Agencies. In addition, such households must show proof of having made payments for energy/fuel at great personal sacrifice leading to dire financial need; elements of such proof shall be determined by the Governor and set forth in directions provided to Local Administering Agencies. When such proof is not available, the applicant must sign a declaration to that effect; in such cases, Local Administering Agencies must make a reasonable number of spot checks to verify program eligibility. The fact that energy/fuel bills have been paid, in whole or in part, shall be verified with the utility companies and fuel dealers prior to certification for payment.

E. Priority - Priority shall be given to elderly persons (age 65 and over) who meet all eligibility requirements.

3. PAYMENT COMPUTATION

Payment shall be made consistent with priorities and payment schedules established by the Governor and in accordance with the requirements set forth in these Special Conditions.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND CAP FORM 29E, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 69-12299

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 5 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO. - /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

4. LIMITATION OF PAYMENTS

The sum of all one-time payments made to and/or on behalf of any income-and program-eligible household described in 2., above, may not exceed the total of the actual household energy/fuel costs incurred after October 1, 1976, and before the date of application for assistance, or $250, whichever is less.

5. USE OF FEDERAL FUNDS

The entire amount of Federal funds made available through this grant action shall be used exclusively to provide payment to and/or on behalf of eligible households for the purposes set forth herein.

6. ADMINISTRATIVE COSTS

No delegate agency or sub-contractor of the grantee will be required to absorb any part of the administrative costs incurred under the grant action unless such costs exceed ten per cent of the amount of the grant. In no case shall costs of any independent audit of this program conducted for Local Administering Agencies be borne by the Local Administering Agency.

7. MAINTENANCE OF EFFORT

Grantee gives assurance that the program account services will be in addition to, not in substitution for, services previously provided without Economic Opportunity Act assistance.

8. EXPIRATION OF PROGRAM

No funds under this grant may be obligated for Special Crisis Intervention after August 31, 1977. For the purpose of this grant, "obligation" shall mean certification for payment by a Local Administering Agency of a specific eligible household. Funds under this grant which are not obligated for Special Crisis Intervention by August 31, 1977, will be reprogrammed after that date for support of weatherization in a manner consistent with an approved State Emergency Energy Conservation Funding Plan for carrying out the CSA-funded Weatherization Program under Section 222(a)(12) of the Economic Opportunity Act of 1964, as amended. Any funds reprogrammed for weatherization will be subject to existing CSA non-federal share requirements.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND CAP FORM 29E, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 69-12299

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 6 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO. - /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S) _____

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

9. RELEASE OF FUNDS

No funds shall be released to the grantee until CSA has approved a STATE FUNDING PLAN which includes the following elements:

A. Allocation of funds by sub-state area;

B. Description of a mechanism to implement Special Condition #11;

C. Description of a mechanism to provide assistance to eligible migrant farmworker households;

D. Description of a mechanism to disburse funds with safeguards which insure that:

(1) No coin or currency will be exhanged;

(2) No eligible household will receive assistance in excess of $250;

(3) Certification for payment will be made only after verification with the utility companies and fuel dealers of amounts owed and/or paid by the eligible household;

(4) Certification for payment by the Local Administering Agency will be final and will constitute obligation of funds unless duplication or fraud is evidenced;

(5) Local Administering Agencies do not certify assistance in excess of the total sum which they are authorized by the grantee to obligate;

(6) No payments are made under this program to households having access to direct assistance through other supportive service networks, such as welfare, except in cases when such other networks cannot respond in an effective and timely manner;

(7) All Local Administering Agencies will notify, inform, contact, and where appropriate certify eligible households with persons unable to leave their residences due to handicap, or fear of assault or victimization;

(8) Households in remote rural areas will receive timely notification of the program and will be provided ample opportunity for full participation.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND CAP FORM 29E, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 69-12299

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION page 7 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

E. Description of mechanism to implement Special Condition 2.C.(2).

F. Description of monitoring and investigating methods that will provide effective and prudent management of the funds and initial and immediate investigation of charges involving poor administration of the program, faulty or inadequate certification, failure of energy/fuel suppliers to provide relief, duplication and/or fraud, and procedures for notifying the appropriate CSA Regional Office of the initiation of an investigation and the outcome of all such investigations.

G. Certification of agreements reached with participating utility companies and fuel dealers to ensure in each case where payment is certified, that:

(1) The outstanding bill is reduced by the full amount of the Special Crisis Intervention Program payment;

(2) For any remaining balance, the customer is offered a deferred payment arrangement;

(3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;

(4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977; in such cases the deposit is included in a deferred payment arrangement;

(5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

H. Agreement that the State will provide CSA Headquarters, to the degree it is filed with a State Agency or can be readily obtained, data regarding each utility company participating in the Special Crisis Intervention Program for the months of July, 1977, through June, 1978. Such reports shall be on a monthly basis and are due not later than the end of the month following the month reported on, e.g. the data for July, 1977, is due by August 31, 1977. Subject to availability as noted above, monthly reports shall include the following data:

(1) The total number of service disconnections for non-payment;

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND CAP FORM 29C, DATED AUG 67, WHICH ARE OBSOLETE GSA DC 68-1139

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION page 8 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(2) The total dollar amount of delinquent bills represented by these disconnections for non-payment;

(3) The total number of reconnections;

(4) The total number of final disconnect notices issued due to non-payment;

(5) The total dollar amount of the bills represented by these final disconnect notices;

(6) The total number of customers in arrears more than sixty (60) days;

(7) The total dollar amount of such arrearages owed by these customers;

(8) The total number of Security Deposits received during the month ;

(9) The average Security Deposit received during the month in dollars;

(10) In the first report, and thereafter only if there is significant change, the total number of residential customers served by each participating utility company.

To the degree that similar information can be obtained about the fuel supplier network through trade associations or other means, its submission is encouraged.

Review and approval of State Plans by CSA will be limited to making sure that plans include all required elements, and that they are in accord with applicable law and regulations.

10. DISBURSEMENT AND CONTROL

Funds awarded under this grant action shall be disbursed in accordance with approved STATE FUNDING PLAN.

FUNDS:

A. Shall be disbursed so that:

(1) No coin or currently will be exchanged;

(2) No eligible household will receive assistance in excess of $250;

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION page 9 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(3) Certification for payment will be made only after verification with the utility companies and fuel dealers of amounts owed and/or paid by the eligible household;

(4) Certification for payment by the Local Administering Agency will be final and will constitute obligation of funds unless duplication or fraud is evidenced;

(5) Local Administering Agencies do not certify assistance in excess of the total sum which they are authorized by the grantee to obligate;

(6) No payments are made under this program to households having access to direct assistance through other supportive service networks, such as welfare, except in cases when such other networks cannot respond in an effective and timely manner;

(7) All Local Administering Agencies will notify, inform, contact and where appropriate certify eligible households with persons unable to leave their residences due to handicap, or fear of assault or victimization;

(8) Households in remote rural areas will receive timely notification of the program and will be provided ample opportunity for full participation.

B. Shall not be paid to a utility company or fuel dealer unless:

(1) The outstanding bill is reduced by the full amount of the Special Crisis Intervention Program payment;

(2) For the remaining balance, the customer is offered a deferred payment arrangement;

(3) A reconnection charge, to be paid by the customer, is made only where such a charge was company practice prior to May 5, 1977;

(4) No security deposit is required to be paid except where such a deposit was required by State Law or explicit State Regulation prior to May 5, 1977; in such cases the deposit is included in a deferred payment arrangement.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION page 10 of 14

1. NAME OF GRANTEE | 2. GRANT NO. PROGRAM YR. ACTION NO.

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Conditinn below, in addition to the applicable General Conditinns governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(5) Reconnection of service is made upon certification for payment and satisfaction of the above requirements.

C. Shall be subjected to monitoring and investigation as required by the Governor to provide effective and prudent management of the funds and initial and immediate investigation of charges involving poor administration of the program, faulty or inadequate certification, failure of energy/fuel suppliers to provide relief, and duplication and/or fraud. CSA Regional Offices shall be apprised of agency (agencies) which will have responsibility for such monitoring and investigation. CSA Regional Offices shall be notified of the initiation of an investigation and the outcome of all such investigations.

11. ASSISTANCE TO AMERICAN INDIANS AND ALASKA NATIVES

American Indians and Alaska Natives - Allocations of funds within the State shall make provision for assistance to eligible households in identifiable Indian reservations, pueblos, rancherias, communities, Alaska Native villages, Indian trust lands, other Indian lands and Indian Country on the basis of their number and distribution and in accordance with the eligibility criteria and priorities established for the Special Crisis Intervention Program as a whole.

If it is not possible to serve such eligible households within this population due to operation of State Law or other legal barrier(s), the Governor must, in the STATE FUNDING PLAN, identify from the funds allocated to the State a proportionate share of those funds to assist these eligible households and must request the CSA Regional Office to grant that proportionate share of the funds directly to a grantee(s) which can and will serve such households within the State.

12. REPORTING

A. Financial Reporting - Consistent with CSA Instruction 8800-8, Financial Reporting Requirement (Uniform Federal Standards), the grantee must submit an SF 269 Financial Status Report no later than November 30, 1977.

B. Program Progress - Consistent with OEO Instruction 7031-1, Grantee Program Progress Review, the grantee must complete and submit to the appropriate CSA Regional Office a Form 440 not later than November 30, 1977. Either on the Form 440, itself, or as an attachment to the Form 440, the grantee shall cover the following items both (a) by Local Administering Agency and (b) aggregated for the entire State:

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29A, 29B, 29C, 29E, DATED MAR 66 AND GSA DC 68-1139

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 11 of 14

1. NAME OF GRANTEE	2. GRANT NO. PROGRAM YR. ACTION NO.
	- /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

PAYMENT INFORMATION

(1) Total number of requests actually certified for payment;

(2) Total dollar amount of payments certified;

(3) Total number of assisted households whose outstanding energy bills:

(a) were greater than $250; and of these, the number that:

(b) were greater than $500;

(4) Total number of requests for assistance (regardless whether the household was assisted or not).

PROGRAM INFORMATION

(The following items refer only to households actually certified for payment)

(1) Age of those certified for payment (head of household):

(a) number under 65 years of age;

(b) number 65 years of age and over;

(2) Number of those certified for payment (head of household):

(a) Black (not Hispanic);

(b) White (not Hispanic);

(c) Asian or Pacific Islander;

(d) American Indian or Alaska Native;

(e) Hispanic.

(3) Numerical breakdown of income source of those certified for payment (all sources):

(a) Employment;

(b) Unemployment Compensation;

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29a, 29b, 29c, 29d, DATED MAR 66 AND GSA DC 68-12744

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 12 of 14

1. NAME OF GRANTEE	2. GRANT NO. PROGRAM YR. ACTION NO.
	- /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

(c) Social Security;

(d) Supplemental Security Income (SSI);

(e) Retirement;

(f) AFDC;

(g) General Local Relief;

(h) Other;

(i) Of those reported in (a) as employed, how many were migrant farmworkers.

13. PROGRAM EVALUATION

Grantee shall participate in any evaluation of this program. Grantee shall provide any information that may be requested during the course of the evaluation.

14. LIMITATION ON PROGRAM EXPENDITURES

Program expenditures may be made only during the grant period as set forth on the Statement of CSA Grant. Expenditures made before or after these dates will be disallowed. Funds obligated but not disbursed at the end of the grant period shall be liquidated (paid out) within 30 days after August 31, 1977.

Funds remaining unobligated after August 31, 1977, cannot be transferred by the grantee to another grant. The amount of the free or unobligated cash balance remaining with the grantee and its delegate agencies at the close of the grant period shall be accounted for in the required financial report (see special condition 12.A.). If savings occur in the liquidation of obligations outstanding at the end of the grant period, these become part of the unobligated balance.

If the grantee incurs expenditures in excess of the total amount of the approved grant, the amount of the over-expenditure must be absorbed by the grantee.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29a, 29b, 29c, 29d, DATED MAR 66 AND GSA DC 68-12809

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 13 of 14

1. NAME OF GRANTEE	2. GRANT NO. PROGRAM YR. ACTION NO.
	- /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

15. ASSURANCE OF CIVIL RIGHTS COMPLIANCE

The applicant AGREES that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and the Regulations of the Community Services Administration issued pursuant to that Title (45.C.F.R. Part 1010), to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Applicant received Federal financial assistance either directly or indirectly from the Community Services Administration: and HEREBY GIVES ASSURANCE THAT it will immediately, in all phases and level of program and activities, install an affirmative action program to achieve equal opportunities for participation, with provisions for effective periodic self-evaluation.

In the case where the Federal financial assistance is to provide or improve or is in the form of personal property, or real property, or interest therein or structures thereon, this assurance shall obligate the Applicant, or, in the case of a subsequent transfer, the transferee, for the period during which the property is under for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar service and benefits, or for as long as the Applicant retains ownership or possession of the property, whichever is longer. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it.

THIS ASSURANCE is given in consideration of and for the purpose obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, the referral or assignment of VISTA volunteers, or other Federal financial assistance extended after the date hereof to the Applicant by the Community Services Administration including installment payment after such date on account of applications for Federal financial assistance which were approved before such date.

The applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on CSA Form 314 are authorized to provide assurance on behalf of the Applicant. Applicant also agrees that if any part or all of a project is delegated that the delegate agency(s) will be required to complete OEO Form 11, Assurance of Compliance with Civil Rights Act.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29a, 29b, 29c, 29d, DATED MAR 68 AND CAP FORM 29f, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 68-12799

OFFICE OF ECONOMIC OPPORTUNITY - COMMUNITY ACTION PROGRAM
SPECIAL CONDITION
page 14 of 14

1. NAME OF GRANTEE	2. GRANT NO. PROGRAM YR. ACTION NO.
	- /

3. SPECIAL CONDITION APPLIES TO:

a. ☐ ALL PROGRAM ACCOUNTS IN GRANT ACTION b. ☐ ONLY PROGRAM ACCOUNT NUMBER(S)

This grant is subject to the Special Condition below, in addition to the applicable General Conditions governing grants under Title II or III-B of the Economic Opportunity Act of 1964 as amended.

16. AUDIT REQUIREMENT

Grantee must complete and submit an audit of Special Crisis Intervention Program by December 31, 1977. Within 15 days of acceptance of the grant, the grantee must have entered into an engagement contract with a Certified Public Accountant, a licensed public accountant or made an arrangement with the State Auditor for a final audit of this grant. Separate accountability for program costs under this grant must be established and grantee is advised that this may require revision of accounting systems. Regular auditing guidelines, CSA Manual 2401-1, Accounting Systems Survey and Audit Guide for CSA Grants, will be followed.

If project activities have been delegated, the grantee will impose the same audit requirements on its delegate agencies. However, the grantee is reminded that it remains responsible to CSA for the proper expenditure of and accounting for all grant funds whether or not delegated to other agencies.

Five copies of the audit will be submitted by the auditor to the appropriate CSA Regional Auditor concurrent with his/her submission to the grantee.

17. INCOME DISREGARD

No payment made under this program shall be considered income for the purpose of determining eligibility or benefits under any income transfer program including, but not limited to, public assistance, veterans benefits, food stamps, or Supplemental Security Income.

18. DISTRIBUTION OF CONDITIONS

Grantee shall provide a copy of these Special Conditions to each Local Administering Agency.

CAP FORM 29 (REV. AUG 68) REPLACES CAP FORMS 29, 29a, 29b, 29c, 29d, DATED MAR 68 AND CAP FORM 29f, DATED AUG 67, WHICH ARE OBSOLETE. GSA DC 68-12799

[FR Doc.77-18443 Filed 6-28-77;8:45 am]

V
4
2
1
2
5
JUN 29
7
7
UM

V
4
2
1
2
5
JUN 29 77
UM

Advance Orders are now being Accepted
for delivery in about 6 weeks

CODE OF FEDERAL REGULATIONS

(Revised as of April 1, 1977)

Quantity	Volume	Price	Amount
_____	Title 18—Conservation of Power and Water Resources (Part 150 to end)	$4.00	$_____
_____	Title 21—Food and Drugs (Parts 100 to 199)	4.75	_____
_____	Title 21—Food and Drugs (Parts 200 to 299)	2.10	_____
_____	Title 26—Internal Revenue (Part 600–end)	2.40	_____
		Total Order	$_____

[A Cumulative checklist of CFR issuances for 1977 appears in the first issue of the Federal Register each month under Title 1]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find $..... (check, money order, or Supt. of Documents coupons) or charge to my Deposit Account No. ..... Please send me ..... copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name _____

Street address _____

City and State _____ ZIP Code _____

FOR USE OF SUPT. DOCS.

____Enclosed
____To be mailed later
____Subscription
Refund
Coupon refund
Postage
Foreign Handling

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

U.S. GOVERNMENT PRINTING OFFICE
ASSISTANT PUBLIC PRINTER
(SUPERINTENDENT OF DOCUMENTS)
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE BOOK

Name _____

Street address _____

City and State _____ ZIP Code _____

Vol.42—No.126
6–30–77
BOOK 1:
PAGES
33255–33570
BOOK 2:
PAGES
33571–33705

Federal Register

BOOK 1 OF 2 BOOKS

THURSDAY, JUNE 30, 1977

highlights

SUNSHINE ACT MEETINGS..... 33438

CLASSIFICATION OF NATIONAL SECURITY INFORMATION
Presidential memorandum..... 33257

EXECUTIVE SCHEDULE
Executive order placing certain positions in level V..... 33255

AIR FREIGHT FORWARDERS
CAB terminates special standards governing entry of long-haul motor carriers and railroad carriers as air freight forwarders (2 documents); effective 8–26–77.... 33274, 33275

ATOMIC ENERGY SAFETY
NRC announces availability of International Atomic Energy Agency Draft Safety Guide; comments by 8–31–77 33386

AVERAGE FUEL ECONOMY
DOT/NHTSA establishes standards for 1981–84 passenger automobiles..... 33533

AVIATION CERTIFICATION
DOT/FAA proposes requirement of line check for pilot flight crewmembers and approval for use by certificate holder of advanced flight monitoring system; comments by 9–28–77..... 33345

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM
HEW/OE amends family contribution schedules for 1977–78 academic year (Part V of this issue)..... 33501

DEHYDRATED APPLES
USDA/FSQS amends grade standards; effective 7–31–77 33259

GAS SHIPS
DOT/CG proposes amendments for self-propelled vessels carrying bulk liquefied gases; comments by 8–11–77.... 33359

GRAZING LIVESTOCK ON NATIONAL FOREST SYSTEM LANDS
USDA/FS amends grazing permit system and grazing advisory board regulations; comments by 8–29–77 (Part II of this issue)..... 33469

CONTINUED INSIDE

JUN 30 77
UM

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The six-month trial period ended August 6. The program is being continued on a voluntary basis (see OFR notice, 41 FR 32914, August 6, 1976). The following agencies have agreed to remain in the program:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/OHMO	CSC		DOT/OHMO	CSC
DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington. D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing **202–523–5240.**

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	202–783–3238
Subscription problems (GPO)	202–275–3050
"Dial · a · Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202–523–5022
Scheduling of documents for publication.	523–5220
Copies of documents appearing in the Federal Register.	523–5240
Corrections	523–5286
Public Inspection Desk	523–5215
Finding Aids	523–5227
Public Briefings: "How To Use the Federal Register."	523–5282
Code of Federal Regulations (CFR)	523–5266
Finding Aids	523–5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523–5233
Weekly Compilation of Presidential Documents.	523–5235
Public Papers of the Presidents	523–5235
Index	523–5235

PUBLIC LAWS:

Public Law dates and numbers	523–5237
Slip Laws	523–5237
U.S. Statutes at Large	523–5237
Index	523–5237
U.S. Government Manual	523–5230
Automation	523–5240
Special Projects	523–5240

HIGHLIGHTS—Continued

GUARANTEED LOAN PROGRAMS
USDA/FmHA amends procedures for paying holders guaranteed portion of loan for default or servicing problems; effective 6–30–77 33363

GUARANTEED STUDENT LOAN PROGRAM
HEW/OE allows health professions students to borrow up to $10,000 annually 33290

HIGHWAY LIGHTING
DOT/FHA notice of voluntary program for changing existing mercury lighting to high pressure sodium lighting on Federal-aid system 33404

HOUSING ASSISTANCE PAYMENTS PROGRAM
HUD establishes Fair Market Rents applicable to new construction and substantial rehabilitation for all market areas (Part VIII of this issue); effective 4–1–77 33571

LOW INCOME HOUSING
HUD provides prototype costs be determined annually (Part IX of this issue); effective 6–30–77 33633

MINIATURE CHRISTMAS TREE LIGHTS
CPSC announces decision to develop safety standard for fire and shock hazards 33359

MOTOR VEHICLE SIGNALING DEVICES
DOT/NHTSA proposes color specifications conforming to OSHA requirements; comments by 8–15–77 33354

NATIONAL DIRECT STUDENT LOAN COLLEGE WORK-STUDY
HEW/OE announces annual revision of sample cases and benchmark figures; effective 6–30–77 33290

NATIONAL FLOOD INSURANCE PROGRAM
HUD/FIA determines base flood elevations for various communities (44 documents) (Part III of this issue) 33476–33495

NATIONAL SECURITIES EXCHANGES
SEC proposes limiting or conditioning ability of members to effect transactions over-the-counter in listed securities; comments by 8–10–77 (Part VI of this issue) .. 33509

NUCLEAR FACILITIES AND MATERIALS
NRC proposes standards and procedures for licensing export and import; comments by 8–15–77 33317

NUCLEAR POWER REACTORS
NRC amends interpretation of requirements for physical protection against industrial sabotage; effective 6–30–77 33264

PACIFIERS SAFETY REQUIREMENTS
CPSC issues mandatory requirements and bans hazardous pacifiers from interstate commerce 33276

PROPERTY INSURANCE
USDA/FmHA amends insurance coverage and reporting requirements; effective 6–30–77 33362

REFINERY INVESTMENT
FEA proposes to insure regulatory disincentives are minimized; comments by 8–3–77 33338

RESTRICTED USE PESTICIDES
EPA proposes to conduct Federal program for certification of applicators where there is no approved State or Indian certification plan; comments by 8–1–77 33352

RURAL RENTAL HOUSING
USDA/FmHA clarifies use of applicant's attorney in closing loans; effective 6–30–77 33363

VOL 42 NO 126 JUN 30 77 UM

SECURITIES CONFIRMATIONS
SEC proposes to amend existing confirmation delivery and disclosure requirements; comments by 8–10–77.... 33348

SECURITIES TRANSACTIONS
SEC restricts exemption for cash settlements of stock appreciation rights; effective 6–30–77..... 33283

TAXI CLEARANCES AT AIRPORTS
DOT/FAA proposes clarification of specific authorization from operating control towers for persons taxiing an aircraft prior to crossing or taxiing on assigned takeoff runway; comments by 9–28–77..... 33344

TEMPORARY INCOME TAX REGULATIONS
Treasury/IRS provides information reporting requirements on certain gambling winnings..... 33286
Treasury/IRS amends certain requirements relating to ruling requests in respect of certain exchanges involving a foreign corporation..... 33286

MEETINGS—
EPA: Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel; 7–20 thru 7–22–77.. 33362
HEW/OE: National Advisory Council on Ethnic Heritage Studies, 7–21 and 7–22–77..... 33381
Justice: U.S. Circuit Judge Nominating Commission, 10th Circuit Panel, 7–15, 7–22, and 7–25–77..... 33385
NRC: Reactor Safeguards Advisory Committee; 7–14 thru 7–16–77..... 33387
Hypothetical Core Disruptive Accident for Fast Reactors Working Group; 7–21 and 7–22–77.... 33389
Reactor Safety Research Subcommittee and Emergency Core Cooling Systems Subcommittee; 7–13–77 33386
Reactor Safety Research Subcommittee; 7–18–77.. 33388
Regulatory Activities Subcommittee; 7–13–77..... 33387
Waste Management Subcommittee; 7–19–77..... 33388
State: Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee, 7–21–77 33404

HEARING—
SEC: Off-Board Trading Restrictions, 8–1–77 (Part VI of this issue)..... 33509

SEPARATE PARTS IN THIS ISSUE:
Part II, USDA/FS.. 33469
Part III, HUD/FIA..... 33475
Part IV, HUD/CARF..... 33497
Part V, HEW/OE..... 33501
Part VI, SEC..... 33509
Part VII, DOT/NHTSA..... 33533
Part VIII, HUD..... 33571
Part IX, HUD..... 33633

contents

THE PRESIDENT

Executive Order
Executive Schedule; placement of certain positions in level V.. 33255

Memorandums
National security information; classification by Office of Drug Abuse Policy officials..... 33257

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE
Rules
Apples, dehydrated; grade standards 33259
Proposed Rules
Grapefruit; imported..... 33316
Grapefruit, oranges, tangelos, and tangerines grown in Fla.. 33316

AGRICULTURE DEPARTMENT
See Agricultural Marketing Service; Farmers Home Administration; Federal Crop Insurance Corporation; Forest Service.

CIVIL AERONAUTICS BOARD
Rules
Charters:
Cooperative shippers associations and air freight forwarders 33274
Policy statements:
Air freight forwarders; long-haul motor carriers or rail carriers, application processing 33275
Notices
Hazardous materials; transportation by various air carriers..... 33356
Hearings, etc.:
Florida-Atlanta competitive non-stop service case..... 33356
Guyana Airways Corp..... 33358

COAST GUARD
Rules
Security zones:
New York..... 33289
Proposed Rules
Tank vessels:
Inspection and certification; self-propelled vessels carrying bulk liquefied gases; standards 33353

COMMERCE DEPARTMENT
See Economic Development Administration; National Oceanic and Atmospheric Administration.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY
Notices
Community development block grants:
Areawide programs; applications and closing dates; extension of time..... 33382

CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, OFFICE OF ASSISTANT SECRETARY
Rules
Mobile homes; consumer manual requirements; effective date delayed 33497

CONSUMER PRODUCT SAFETY COMMISSION
Rules
Pacifiers; banning and safety standards 33276
Notices
Christmas tree lights, miniature; acceptance of offer to develop safety standard..... 33359

ECONOMIC DEVELOPMENT ADMINISTRATION
Notices
Import determination petitions:
Pauker Corp..... 33359

EDUCATION OFFICE
Rules
Basic educational opportunity grant programs; family contribution schedules..... 33501
Higher education and vocational students, low interest loans:
Health professions students, annual loan limits..... 33290
National direct student loan, college-work study, and supplemental educational opportunity grant; annual revision of sample cases and benchmark figures 33290
Notices
Meetings:
Ethnic Heritage Studies National Advisory Council..... 33381

ENVIRONMENTAL PROTECTION AGENCY
Rules
Water pollution; effluent guidelines for certain point source categories:
Steam electric power generating; availability of document; extension of time..... 33289
Proposed Rules
Pesticide programs:
Certification of pesticide applicators; States or Indian reservations without State plans; inquiry 33352
Notices
Marine sanitation device standards:
Minnesota 33362
Meetings:
FIFRA Scientific Advisory Panel 33362
Pesticide chemicals; tolerances, exemptions, etc.; petitions:
Mobay Chemical Corp..... 33363
Pennwalt Corp..... 33363
Pesticide registration:
Applications 33360
Pesticides; specific exemptions and experimental use permits:
Johnson, Mitchell A., Co., et al.. 33362

FARMERS HOME ADMINISTRATION
Rules
Guaranteed loans:
Loan note guarantees; payment to holder..... 33363
Insurance:
Real property; coverage and reporting requirements..... 33362
Rural housing loans and grants:
Loan closing, use of attorney.. 33363

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Agusta 33266
Boeing 33267
Marvel-Schebler/Tillotson 33269
McCauley 33270
Rolls Royce Viper..... 33266
Societe Nationale Industrielle Aerospatiale Alouette..... 33269
Societe Nationale Industrielle Aerospatiale Puma..... 33268
Control zones (3 documents)..... 33271–33273
Standard instrument approach procedures 33273
Transition area..... 33272
Proposed Rules
Air carriers certification and operations:
Line check requirements and advanced flight monitoring system 33345
Air traffic operating and flight rules:
Taxi clearances, airports with operating control towers..... 33344
Airworthiness directives:
Bell (2 documents)..... 33341, 33342
Transition areas (2 documents).. 33343, 33344

FEDERAL COMMUNICATIONS COMMISSION
Rules
Organization and functions:
Field Operations Bureau, Chief 33293
Notices
Program log analysis; 1978 composite week dates for AM and FM licensees..... 33364

FEDERAL CROP INSURANCE CORPORATION
Proposed Rules
Crop insurance; various commodities:
Citrus 33310
Oranges 33313

FEDERAL ENERGY ADMINISTRATION
Proposed Rules
Petroleum allocation and price regulations; mandatory; domestic refineries investment regulatory disincentives minimized; inquiry 33338

FEDERAL HIGHWAY ADMINISTRATION
Notices
Lighting; changing existing mercury to high pressure sodium lighting; Federal-aid highways.. 33404

FEDERAL INSURANCE ADMINISTRATION
Rules
Flood Insurance Program, National:
Flood elevation determinations, etc. (44 documents)..... 33475–33495

FEDERAL MARITIME COMMISSION
Notices
Oil pollution; certificates of financial responsibility..... 33364
Agreements filed, etc.:
North Atlantic Continental Freight Conference..... 33364
Seatrain International S.A. et al 33365

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Algonquin Gas Transmission Co 33365
Blandin Paper Co. et al..... 33366
Central Louisiana Electric Co.. 33366
Colorado Interstate Gas Co..... 33367
Dorchester Gas Producing Co. et al..... 33367
El Paso Natural Gas Co..... 33369
Ferguson, Philip C..... 33370
Georgia Power Co..... 33370
Gulf Oil Corp..... 33370
Interstate Power Co..... 33371
Kentucky Utilities Co..... 33371
Maloney, Gerald P..... 33371
Midwest Natural Gas Corp. et al 33371
Public Service Co. of Indiana, Inc. (4 documents)..... 33372
Public Service Co. of North Carolina, Inc., et al..... 33373
Puget Sound Power & Light Co.. 33373
Sea Robin Pipeline Co..... 33373
South Carolina Electric & Gas Co 33373
Southern Indiana Gas & Electric Co 33374
Tennessee Gas Pipeline Co..... 33374
Transcontinental Gas Pipe Line Corp. (2 documents)..... 33375, 33376
Tucson Gas & Electric Co..... 33375
Vaughn, John W..... 33375
Wisconsin Michigan Power Co. et al..... 33376

FEDERAL RAILROAD ADMINISTRATION
Notices
Petitions for exemptions, etc.:
Chicago, Milwaukee, St. Paul & Pacific Railroad..... 33404

FEDERAL RESERVE SYSTEM
Notices
Federal Open Market Committee:
Domestic policy directives..... 33377
Applications, etc.:
Banco de Bogota et al..... 33378
Preferred Management Co..... 33379

FISH AND WILDLIFE SERVICE
Rules
Hunting:
Salyer, J. Clark, National Wildlife Refuge, N. Dak..... 33309
Proposed Rules
Migratory bird hunting:
Toxic shot in non-toxic shot zones; use for waterfowl hunting 33354

FOREIGN ASSETS CONTROL OFFICE
Rules
Rhodesian sanctions:
Import prohibitions; strategic and critical materials; ferrochromium and chromium steel products from any country; correction..... 33289

FOREIGN-TRADE ZONES BOARD
Notices
Foreign-trade zone applications:
Niagara, N.Y..... 33379

FOREST SERVICE
Proposed Rules
Grazing:
Livestock on National Forest System lands..... 33469

GENERAL SERVICES ADMINISTRATION
Notices
Property management regulations, temporary:
Authority delegation to Defense Department Secretary et al. (2 documents)..... 33380, 33381
Public utilities; hearings, etc.:
Baltimore Gas & Electric Co..... 33380
Pacific Gas & Electric Co..... 33380

VOL 42 NO 126 JUN 30 77 UM

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Health Care Financing Administration; Health Resources Administration.

HEALTH CARE FINANCING ADMINISTRATION

Rules

Medical and public assistance programs:
Personnel administration; merit system ---- 33292

HEALTH RESOURCES ADMINISTRATION

Notices

Health service areas:
Pennsylvania and New York, redesignation ---- 33381

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary; Consumer Affairs and Regulatory Functions, Office of Assistant Secretary; Federal Insurance Administration.

Rules

Low income housing:
Fair market rents and contract rent automatic annual adjustment factors ---- 33571
Public housing program; development phase; prototype cost limits ---- 33633

INDIAN AFFAIRS BUREAU

Rules

Enrollment:
Grand River Ottawa Indians ---- 33285

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.

INTERNAL REVENUE SERVICE

Rules

Income taxes:
Bingo, keno, and slot machine winnings; information reporting requirements; effective date postponed ---- 33286
Foreign corporations; ruling requests respecting certain exchanges and transfers ---- 33286

INTERSTATE COMMERCE COMMISSION

Rules

Accounts, uniform system:
Railroad and pipeline companies, refrigerator car lines, motor carriers, maritime and waterways carriers, and freight forwarders ---- 33294

Notices

Hearing assignments (2 documents) ---- 33408
Motor carriers:
Transfer proceedings (3 documents) ---- 33408
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications ---- 33409

JUSTICE DEPARTMENT

Notices

Meetings:
U.S. Circuit Judge Nominating Commission ---- 33385

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
Colorado ---- 33383
New Mexico (6 documents) ---- 33383, 33384
Wyoming ---- 33385
Withdrawal and reservation of lands, proposed, etc.:
California (2 documents) ---- 33382, 33383

MATERIALS TRANSPORTATION BUREAU

Rules

Exemptions, individual; conversion to regulation of general applicability; correction ---- 33293

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Rules

Metal and nonmetallic mine safety:
Fire prevention and control, personal protection, etc.; correction ---- 33289

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Citizen participation and intergovernmental liaison:
Meeting, agenda items ---- 33385

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Rules

Organization and operations; share draft programs; extension of time ---- 33341

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Fuel economy standards, 1981–1984 passenger cars ---- 33533
Motor vehicle safety standards:
Brake systems, air ---- 33293

Proposed Rules

Motor vehicle safety standards:
Lighting; color specifications for signaling devices ---- 33354

Notices

Motor vehicle safety standards; exemption, petitions, etc.:
General Motors Corp.; seat belt labeling ---- 33406

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Marine mammals:
Endangered species parts and products; certificates of exemption for pre-Act prohibition; sperm whale oil and scrimshaw; correction ---- 33309

NATIONAL PARK SERVICE

Notices

Historic Places National Register; additions, deletions, etc ---- 33385

NATIONAL TRANSPORTATION SAFETY BOARD

Notices

Safety recommendations and accident reports; availability, responses, etc ---- 33391

NUCLEAR REGULATORY COMMISSION

Rules

Byproduct and source material licensing; reporting dates changed ---- 33265
Conduct standards:
Employment and financial interest statements; copy ---- 33264
Interpretations:
Nuclear power reactors; protection against industrial sabotage; illumination and physical search requirements ---- 33264

Proposed Rules

Export and import of nuclear facilities and materials, etc ---- 33317

Notices

Authority delegation:
Executive Director for Operations ---- 33390
International Atomic Energy Agency codes of practice and safety guides; availability of drafts (2 documents) ---- 33386
Meetings:
Reactor Safeguards Advisory Committee (4 documents) ---- 33387–33389
Regulatory guides; issuance and availability ---- 33387
Applications, etc.:
Metropolitan Edison Co. et al ---- 33387
Potomac Electric Power Co ---- 33386
Yankee Atomic Electric Co ---- 33387

PIPELINE SAFETY OFFICE

Notices

Petitions for waiver; pipelines:
Michigan Wisconsin Pipeline Co ---- 33406

REVENUE SHARING OFFICE

Notices

Entitlement data:
Final date of allocations and data definitions; correction ---- 33407

SECURITIES AND EXCHANGE COMMISSION

Rules

Interpretative releases:
Accounting bulletins, staff ---- 33282
Securities Exchange Act:
Stock appreciation rights ---- 33283

Proposed Rules

Investment Company Act:
Annual reports; filing in 90 days; correction ---- 33352
Investment Company Act and Securities Act:
Registration, report forms, and reporting requirements; correction ---- 33348
Securities Exchange Act:
Off-board trading restrictions ---- 33509
Securities confirmations; disclosure of additional information ---- 33348

Notices

Securities Exchange Act; clearing agencies; applications for registration:
New England Securities Depository Trust Company ---- 33394
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc ---- 33394
Chicago Board Options Exchange, Inc ---- 33400
National Association of Securities Dealers, Inc ---- 33396
New York Stock Exchange, Inc ---- 33396
Pacific Stock Exchange, Inc. 33400
Hearings; etc.:
Pacific Air Transport International, Inc ---- 33398
Pacific Resources, Inc. (2 documents ---- 33398, 33402
Philadelphia Stock Exchange, Inc ---- 33400
United American Life Insurance Co ---- 33400

SOCIAL AND REHABILITATION SERVICE

See Health Care Financing Administration.

STATE DEPARTMENT

Notices

Meetings:
International Radio Consultative Committee, U.S. National Committee; Study Group 1 ---- 33404

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration; Pipeline Safety Operations Office.

TREASURY DEPARTMENT

See Foreign Assets Control Office; Internal Revenue Service; Revenue Sharing Office.

VOL 42 NO 126 JUN 30 1977 UM

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11999) ---- 33255
11999 ---- 33255
MEMORANDUMS:
June 27, 1977 ---- 33257

7 CFR

52 ---- 33259
1806 ---- 33262
1822 ---- 33263
1980 ---- 33263
PROPOSED RULES:
406 ---- 33313
409 ---- 33310
905 ---- 33316
944 ---- 33316

10 CFR

0 ---- 33264
8 ---- 33264
30 ---- 33265
40 ---- 33265
150 ---- 33265
PROPOSED RULES:
2 ---- 33317
30 ---- 33317
31 ---- 33317
32 ---- 33317
33 ---- 33317
36 ---- 33317
40 ---- 33317
50 ---- 33317
70 ---- 33317
110 ---- 33317
211 ---- 33338
212 ---- 33338

12 CFR

PROPOSED RULES:
701 ---- 33341

14 CFR

39 (7 documents) ---- 33266–33270
71 (4 documents) ---- 33271–33273
97 ---- 33273
296 ---- 33274
399 ---- 33275

14 CFR—Continued

PROPOSED RULES:
1 ---- 33345
39 (2 documents) ---- 33341, 33342
71 (2 documents) ---- 33343, 33344
91 ---- 33344
121 ---- 33345

16 CFR

1500 ---- 33276
1511 ---- 33276

17 CFR

211 ---- 33282
231 ---- 33282
240 ---- 33283
241 ---- 33282
251 ---- 33282
271 ---- 33282
PROPOSED RULES:
239 ---- 33348
240 (2 documents) ---- 33348, 33510
270 (2 documents) ---- 33348, 33352
274 ---- 33348

24 CFR

841 ---- 33634
888 ---- 33572
1917 (44 documents) ---- 33476–33495
3283 ---- 33498

25 CFR

43n ---- 33285

26 CFR

7 (2 documents) ---- 33286

30 CFR

57 ---- 33289

31 CFR

530 ---- 33289

33 CFR

127 ---- 33289

36 CFR

PROPOSED RULES:
231 ---- 33470

40 CFR

423 ---- 33289
PROPOSED RULES:
171 ---- 33352

45 CFR

144 ---- 33290
175 ---- 33290
176 ---- 33290
177 ---- 33290
190 ---- 33502
205 ---- 33292
246 ---- 33292

46 CFR

PROPOSED RULES:
31 ---- 33353
34 ---- 33353
38 ---- 33353
40 ---- 33353
54 ---- 33353
98 ---- 33353
154 ---- 33353

47 CFR

0 ---- 33293

49 CFR

173 ---- 33293
531 ---- 33534
571 ---- 33293
1201 ---- 33295
1202 ---- 33296
1204 ---- 33297
1205 ---- 33298
1206 ---- 33299
1207 ---- 33301
1208 ---- 33303
1209 ---- 33304
1210 ---- 33306
PROPOSED RULES:
571 ---- 33354

50 CFR

32 ---- 33309
222 ---- 33309
PROPOSED RULES:
20 ---- 33354

CUMULATIVE LIST OF PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11861 (Amended by EO 11995, 11999) ---- 29841, 33255
11905 (Amended by EO 11994) ---- 28869
11968 (Revoked by 11997) ---- 31759
11985 (See EO 11994) ---- 28869
11994 ---- 29841
11995 ---- 30489
11996 ---- 31759
11997 ---- 33021
11998 ---- 33255
11999 ---- 33255
September 3, 1867 (Revoked in part by PLO 5618) ---- 30370
July 19, 1915 (See PLO 5619) ---- 30180
November 21, 1916 (See PLO 5620) ---- 32539
December 20, 1916 (See PLO 5619) ---- 30180
February 25, 1919 (See PLO 5619) ---- 30180
April 22, 1919 (See PLO 5619) ---- 30180
PROCLAMATIONS:
4445 (Revoked in part by Proc. 4509) ---- 30829
4477 (See Proc. 4509) ---- 30829
4505 ---- 29471
4506 ---- 30143
4507 ---- 30351
4508 ---- 30353
4509 ---- 30829
4510 ---- 32430
4511 ---- 32747
MEMORANDUMS:
June 2, 1977 ---- 29843
June 27, 1977 ---- 33257

5 CFR

213 ---- 28515, 28989, 29845, 29846, 29879, 30355 30831, 31455, 31456, 31604, 32250, 32251, 32761
294 ---- 32252
752 ---- 28516
754 ---- 28516
771 ---- 28516
831 ---- 29846
PROPOSED RULES:
831 ---- 29880

7 CFR

2 ---- 32254
26 ---- 30145
52 ---- 33259
68 ---- 30599
270 ---- 32254
908 ---- 30600
210 ---- 30355
271 ---- 28516, 30831
401 ---- 28871–28873, 28989
402 ---- 31427
411 ---- 28873
413 ---- 28141
724 ---- 29847
730 ---- 30355
905 ---- 27875
908 ---- 28144, 29487, 31761, 32513
910 ---- 28516, 29848, 30831, 32255
911 ---- 30147
916 ---- 30491
917 ---- 33023
918 ---- 29487

7 CFR—Continued

922 ---- 30492
923 ---- 32761
932 ---- 31761
967 ---- 32762
1004 ---- 29848
1207 ---- 29295
1427 ---- 29849
1446 ---- 28989, 30832
1464 ---- 32513
1472 ---- 29854
1474 ---- 30832
1488 ---- 30833
1701 ---- 32255
Ch. XXVIII ---- 32514
1806 ---- 33262
1809 ---- 31762
1822 ---- 33263
1832 ---- 31762
1872 ---- 31762
1888 ---- 33024
1980 ---- 33263
PROPOSED RULES:
17 ---- 33038
51 ---- 30626
53 ---- 29313
270 ---- 32256
271 ---- 28546
275 ---- 32256
406 ---- 33313
409 ---- 33310
905 ---- 30198, 33316
911 ---- 30513
915 ---- 30513
916 ---- 27911, 30206, 32553
917 ---- 28146, 30513, 30514, 30626, 32802
921 ---- 29489, 31797
922 ---- 30514
923 ---- 27912, 31797
924 ---- 32256, 32802
944 ---- 33316
989 ---- 27913
1006 ---- 30627
1011 ---- 31797
1012 ---- 30627
1013 ---- 30627
1030 ---- 27921
1040 ---- 29881
1049 ---- 33040
1065 ---- 28897
1094 ---- 30627
1096 ---- 30627
1205 ---- 29313
1435 ---- 30409
1446 ---- 32257
1701 ---- 29012, 31457
1822 ---- 29885, 32803
1933 ---- 29885

8 CFR

103 ---- 33024
223 ---- 28113
238 ---- 28990, 29871
PROPOSED RULES:
100 ---- 28547
244 ---- 30845

9 CFR

1 ---- 31022, 31561
2 ---- 31022, 31561
3 ---- 31561
73 ---- 32223

9 CFR—Continued

78 ---- 28517, 32223
105 ---- 31430
112 ---- 28519, 29854
PROPOSED RULES:
94 ---- 30844
95 ---- 30844
113 ---- 28548, 28549
447 ---- 33041

10 CFR

0 ---- 33264
2 ---- 28893
8 ---- 33264
21 ---- 28893
30 ---- 33265
31 ---- 28896
34 ---- 28896
35 ---- 28896
40 ---- 28896, 33265
70 ---- 28896
150 ---- 33265
Ch. II ---- 31143
211 ---- 27908
212 ---- 27908
214 ---- 29295
430 ---- 27896, 30401
440 ---- 27899
450 ---- 33158
745 ---- 30492
PROPOSED RULES:
2 ---- 31167, 33317
30 ---- 33317
31 ---- 33317
32 ---- 33317
33 ---- 33317
36 ---- 33317
40 ---- 33317
50 ---- 33317
70 ---- 28147, 33317
73 ---- 28147
110 ---- 33317
202 ---- 28147
211 ---- 27936, 33338
212 ---- 27936, 29490, 33338
430 ---- 27941, 27951, 30206, 30210, 30401, 30627, 32553
450 ---- 29906

12 CFR

207 ---- 29299
210 ---- 31763
226 ---- 28520, 30148, 31430
264 ---- 27876
265 ---- 28521, 30601
268 ---- 28522
526 ---- 32764
545 ---- 29473, 32765
561 ---- 29473
571 ---- 32766
611 ---- 32226
615 ---- 32226
618 ---- 32227
748 ---- 30493
PROPOSED RULES:
340 ---- 27955
543 ---- 29511
545 ---- 29512
550 ---- 31803
566 ---- 31803

V 42 N 6
JUN 30 7
UM

12 CFR—Continued

PROPOSED RULES—Continued

584 ... 29512
611 ... 31167
614 ... 31167
615 ... 31167
701 ... 33341

13 CFR

107 ... 31767
112 ... 28530
121 ... 29300

PROPOSED RULES:

113 ... 29317
116 ... 32257

14 CFR

23 ... 30601
39 ... 28873, 29474, 30603–30605, 31151–31156, 31767–31770, 32519–32528, 33266–33270
71 ... 28113–28114, 28874, 29475, 29476, 30149, 30606–30610, 31157, 31771, 31772, 32528, 32529, 33271–33273
73 ... 29475
75 ... 30149, 30611
91 ... 30601, 32531
95 ... 28115
97 ... 28120, 29477, 31158, 32530, 33273
133 ... 32531
152 ... 32630
154 ... 32630
221 ... 28874–28876, 32227
296 ... 33274
372a ... 28121
378a ... 28122
384 ... 32228
399 ... 33275

PROPOSED RULES:

1 ... 28148, 33345
23 ... 29688
25 ... 29688
27 ... 29688
29 ... 29688
33 ... 29688
39 ... 28897, 29513, 31171, 31172, 33341, 33342
71 ... 28129, 29513–29516, 30210–30213, 30638–30642, 31173, 31174, 31805–31808, 32553–32555, 33343, 33344
73 ... 30642
77 ... 30642
91 ... 33344
107 ... 30766
121 ... 33345
Ch. II ... 28898
298 ... 28150
378 ... 30376
1241 ... 31605

15 CFR

379 ... 28998

16 CFR

3 ... 31591, 33025
4 ... 30150
13 ... 27877, 28531, 29012, 29478, 30493, 31164, 32532, 32533, 32766, 32767
25 ... 31591
42 ... 31591
132 ... 31591

16 CFR—Continued

158 ... 31592
176 ... 31592
182 ... 31592
186 ... 31592
194 ... 31592
201 ... 31592
207 ... 31592
1025 ... 31431
1026 ... 31446
1201 ... 31164
1301 ... 30296
1500 ... 28060, 31773, 33025, 33276
1511 ... 33276

PROPOSED RULES:

4 ... 33041
13 ... 28550, 29516, 29915, 30515, 30516, 32258, 32803
23 ... 29916, 31457, 32804
26 ... 31457, 32804
34 ... 31457, 32804
36 ... 31457, 32804
40 ... 31457, 32804
41 ... 31457, 32804
46 ... 31457, 32804
54 ... 31457, 32804
56 ... 31457, 32804
57 ... 31457, 32804
60 ... 31457, 32804
61 ... 31457, 32804
62 ... 31457, 32804
67 ... 31457, 32804
74 ... 31457, 32804
103 ... 31457, 32804
114 ... 31457, 32804
117 ... 31457, 32804
118 ... 31457, 32804
131 ... 31457, 32804
142 ... 31457, 32804
146 ... 31457, 32804
150 ... 31457, 32804
152 ... 31457, 32804
154 ... 31457, 32804
157 ... 31457, 32804
160 ... 31457, 32804
162 ... 31457, 32804
165 ... 31457, 32804
175 ... 31457, 32804
192 ... 31457, 32804
197 ... 31457, 32804
205 ... 31457, 32804
209 ... 31457, 32804
210 ... 31457, 32804
214 ... 31457, 32804
215 ... 31457, 32804
216 ... 31457, 32804
221 ... 31457, 32804
223 ... 31457, 32804
224 ... 31457, 32804
441 ... 28551
444 ... 32259
456 ... 29917
502 ... 32804
1026 ... 31458
1500 ... 31808

17 CFR

200 ... 30833, 30834
210 ... 27879
211 ... 28999, 33282
231 ... 33282
240 ... 27879, 27880, 31774, 31778, 32404, 32534, 33283
241 ... 31780, 33282
251 ... 33282

17 CFR—Continued

270 ... 31781
271 ... 28999, 33282
275 ... 29300

PROPOSED RULES:

1 ... 31740, 32261
9 ... 30472
Ch. II ... 33136
200 ... 30378
211
230 ... 30378, 30379
231 ... 31458
239 ... 29012, 29716, 33348
240 ... 29918, 30845, 31810, 32415, 32418, 33348, 33510
241 ... 30066
249 ... 29918, 30845
270 ... 29716, 29228, 30215, 33348, 33352
274 ... 29716, 33348

18 CFR

1 ... 30356
2 ... 30612
33 ... 30613
34 ... 30613
35 ... 30155, 30613
101 ... 30156, 30613
104 ... 30614
125 ... 30614
131 ... 30615
141 ... 30157, 30615
154 ... 30157, 30615
157 ... 29001
201 ... 30159
204 ... 30616
260 ... 30160, 30617

PROPOSED RULES:

201 ... 30846
260 ... 30846

19 CFR

1 ... 32534
159 ... 28531, 28532, 31449
210 ... 31783

PROPOSED RULES:

210 ... 31811

20 CFR

260 ... 29302
320 ... 29302
337 ... 29486
404 ... 30357
416 ... 30357
656 ... 29855

21 CFR

Ch. I ... 31449
5 ... 28533, 29855, 32769
73 ... 32228
81 ... 32228
101 ... 31449
155 ... 30358, 30359, 31449, 31812
173 ... 29856, 32229
177 ... 28533
193 ... 29857
369 ... 31449
436 ... 29857, 31449
452 ... 29858
501 ... 31449
505 ... 31449
510 ... 29858, 31450
520 ... 28534, 29003
522 ... 28535, 31450, 32229

21 CFR—Continued

539 ... 29003
555 ... 29859
558 ... 28535, 32770
561 ... 29857
610 ... 29859
620 ... 29859
630 ... 29859
640 ... 29859, 31450
650 ... 29859
660 ... 29859
701 ... 30361, 32229
740 ... 31449
801 ... 31449
1306 ... 28877, 30495
1308 ... 30495

PROPOSED RULES:

15 ... 30383
25 ... 30383
131 ... 29919
137 ... 30389
155 ... 29014, 32805
166 ... 30389
172 ... 30389, 30390
173 ... 30389
175 ... 30389
176 ... 30389
177 ... 30389
178 ... 30389
180 ... 30389
181 ... 30389
182 ... 29925, 30389, 30390, 30865
184 ... 29925, 30390, 30865
186 ... 30390, 30865
193 ... 32262
201 ... 30867
510 ... 29928
558 ... 29928
561 ... 32262
808 ... 30383
820 ... 32805
1308 ... 32805
1309 ... 28560
1316 ... 31460

22 CFR

41 ... 32535
42 ... 32535
123 ... 32770

PROPOSED RULES:

123 ... 28551, 29929, 30391, 32806
124 ... 28551, 29929, 30391
127 ... 29929
128 ... 29929

23 CFR

635 ... 30835
645 ... 30835
646 ... 30835
650 ... 30835
720 ... 30835
740 ... 30835
750 ... 30835
771 ... 30835
922 ... 28535

24 CFR

16 ... 29479, 30617
25 ... 30361
203 ... 28538, 29303
204 ... 29303
209 ... 29303
211 ... 29303
213 ... 28538, 29303
220 ... 29304

24 CFR—Continued

221 ... 29304
222 ... 29304
226 ... 29304
227 ... 29304
228 ... 29304
233 ... 29305
234 ... 25838, 29305
235 ... 29306
237 ... 29306
240 ... 29307
279 ... 31752
570 ... 31783, 33018
841 ... 33634
888 ... 33572
1914 ... 29428–29431, 30304, 31254–31257, 33202
1915 ... 29433, 30305, 33203
1916 ... 29307, 30344
1917 ... 31259–31271, 33476–33495
1920 ... 28878–28882, 29859–29870, 30160–30174
1930 ... 29479
1931 ... 29479
3283 ... 33498

PROPOSED RULES:

1908 ... 29692
1911 ... 29692
1912 ... 29692
1913 ... 29692
1914 ... 29692
1917 ... 31272–31280, 31546–31553, 31708–31720, 31952–31960
1921 ... 29692
1922 ... 29692
1923 ... 29692

25 CFR

43n ... 33285
114 ... 32229
191 ... 30367
192 ... 30367
193 ... 30337
194 ... 30367
195 ... 30367
196 ... 30367
197 ... 30367
198 ... 30367
199 ... 30367
200 ... 30367
201 ... 30367
221 ... 28538, 30367
256 ... 31450

PROPOSED RULES:

54 ... 30647
221 ... 30867
258 ... 28552
260 ... 30216

26 CFR

1 ... 30496, 32536
7 ... 33286
11 ... 27881
54 ... 27882, 31159, 32384

PROPOSED RULES:

1 ... 29517, 31462
301 ... 30868

27 CFR

250 ... 30835

PROPOSED RULES:

4 ... 30517

28 CFR

0 ... 29003, 32537
2 ... 31784
15 ... 32770
17 ... 29307

PROPOSED RULES:

2 ... 29934

29 CFR

29 ... 30836
90 ... 32771
97 ... 30367
775 ... 32253
1952 ... 30368
2550 ... 32389
2610 ... 32777

PROPOSED RULES:

1601 ... 31174, 33043
1910 ... 29021, 32263, 33043
1952 ... 29024
2530 ... 32807
2610 ... 29318

30 CFR

55 ... 29418
56 ... 29420
57 ... 29422, 33289
211 ... 30175, 32777

PROPOSED RULES:

55 ... 30772
56 ... 30772
57 ... 30772
70 ... 28151
221 ... 32801
250 ... 33044

31 CFR

8 ... 33026
51 ... 27883
103 ... 33033
530 ... 31453, 33289

32 CFR

353 ... 32537

PROPOSED RULES:

276 ... 27963
286b ... 29935
643 ... 31032

33 CFR

1 ... 31159
110 ... 30618
114 ... 28882
115 ... 28882
117 ... 30178, 30179
127 ... 30179, 33289
161 ... 29480
205 ... 30368
266 ... 31159
401 ... 29308

PROPOSED RULES:

117 ... 30216–30218
154 ... 32670
155 ... 32670
156 ... 32670
157 ... 32684
209 ... 29025

36 CFR

2 ... 30501
7 ... 31453
200 ... 32230

V42N126 JUN 30 77 UM

36 CFR—Continued

211 ... 32780
221 ... 28252
222 ... 30836
223 ... 28252
231 ... 30836
261 ... 30503, 31788

PROPOSED RULES:

223 ... 32808
231 ... 33470

37 CFR

3 ... 27883, 31159

PROPOSED RULES:

1 ... 30522, 31812
3 ... 31812
5 ... 31812

38 CFR

36 ... 28883

PROPOSED RULES:

8a ... 30392

39 CFR

10 ... 29488
111 ... 27892, 29308, 29488, 31592
224 ... 29308
601 ... 29488
952 ... 30504
954 ... 30504
958 ... 30504

PROPOSED RULES:

111 ... 28153
3001 ... 32809

40 CFR

33 ... 33033
35 ... 29481, 33034
52 ... 27892, 28122, 28539, 28883, 29004, 30369, 30504, 31812
60 ... 32426
61 ... 29005
85 ... 28123
86 ... 28130, 31159, 32906
180 ... 28540, 32782
416 ... 29871
423 ... 33289
1516 ... 32537

PROPOSED RULES:

Ch. I ... 32811
52 ... 28553–28555, 29937, 30218, 30219, 30393–30369, 30648, 31174, 31609, 32811
60 ... 32264
61 ... 28154
85 ... 31813
86 ... 28970
162 ... 31284, 31813
171 ... 33352
173 ... 31284
211 ... 31722, 31730
600 ... 28970
761 ... 32555

41 CFR

3–3 ... 29871
3–30 ... 30190
4–2 ... 28871, 32230
4–8 ... 32783
4–50 ... 31454
7–7 ... 28540

41 CFR—Continued

7–30 ... 30619
8–1 ... 28541
9–1 ... 32232
9–5 ... 29873, 31160
9–7 ... 32232
9–51 ... 29308
9–55 ... 29308
Ch. 14 ... 30196
15–19 ... 30509
101–38 ... 31454
101–45 ... 31455
101–47 ... 31455
114–1 ... 30196, 32783

PROPOSED RULES:

3–4 ... 29872, 29937, 32264
5B–2 ... 27966
29–1 ... 31462
29–2 ... 31462
29–3 ... 31462
29–12 ... 31462
29–61 ... 31462
105–65 ... 29319
110–26 ... 28556

42 CFR

51e ... 28692
66 ... 29482
110 ... 29400, 32234

PROPOSED RULES:

67 ... 29518

43 CFR

7 ... 32538
29 ... 31789
2360 ... 28720

PROPOSED RULES:

422 ... 29682

PUBLIC LAND ORDERS:

5604 (amended in part by PLO 5619) ... 30180
5607 (corrected by PLO 5620) ... 32539
5618 ... 30370
5619 ... 30180
5620 ... 32539

45 CFR

144 ... 31794, 33290
158 ... 33146
160f ... 33006
175 ... 31794, 33290
176 ... 31794, 33290
177 ... 29009, 33290
185 ... 32783
187 ... 32784
188 ... 32797
190 ... 33502
201 ... 28884
205 ... 33292
246 ... 33292
249 ... 28700
304 ... 28885
1067 ... 29873

PROPOSED RULES:

12 ... 27966
85 ... 32264
122a ... 28706
136 ... 28899
163 ... 28159
163a ... 28159
171 ... 32812
197 ... 30290
1067 ... 29523

46 CFR

Ch. I ... 32539
1 ... 31160
2 ... 28886
5 ... 31160
31 ... 28886
151 ... 28886
187 ... 29483
250 ... 33035
401 ... 30619, 31160
549 ... 31161

PROPOSED RULES:

Ch. I ... 32700
30 ... 30220
31 ... 33353
32 ... 30220
34 ... 30649, 33353
38 ... 33353
40 ... 33353
50 ... 29026, 30220
54 ... 29026, 30220, 33353
56 ... 29026, 30220
58 ... 29026, 30220
61 ... 29026, 30220
76 ... 30649
95 ... 30649
98 ... 33353
107 ... 29026, 30220
108 ... 29026, 30220
109 ... 29026, 30220
154 ... 33353
162 ... 30649, 32686
167 ... 30649
193 ... 30649
507 ... 29524
536 ... 30399
543 ... 30584, 31175

47 CFR

0 ... 30370, 33293
1 ... 27894, 28887, 30180, 31794
2 ... 31006, 31594, 32234
21 ... 27894
23 ... 27894
68 ... 29010, 32234
73 ... 27894, 29011, 29483, 29874, 29875, 30180, 30371, 30622, 32539, 32800
74 ... 27895, 29483
78 ... 33036
81 ... 27895, 28542, 31008, 32540
83 ... 29309, 31012, 32540
87 ... 27895, 29483, 32540, 32800
89 ... 27895
89 ... 27895, 30511, 31594
91 ... 27895, 30511
93 ... 27895, 30512
95 ... 27895
97 ... 27895, 29485, 30623
99 ... 27895

PROPOSED RULES:

0 ... 32268
43 ... 31175
61 ... 32556
64 ... 27971
67 ... 30220, 30221
68 ... 28559, 32269
73 ... 27971, 27973, 29027, 30400, 31813, 32813, 33045
76 ... 30222, 30401
83 ... 28164
87 ... 30222
89 ... 27974
91 ... 27974

47 CFR—Continued

PROPOSED RULES—Continued

93 ... 27974
95 ... 27974

49 CFR

Ch. I ... 28888
172 ... 28132
173 ... 28133, 33293
174 ... 28135
178 ... 28135
179 ... 28135
218 ... 33037
228 ... 27895
258 ... 28976, 30840
531 ... 33534
567 ... 31161
568 ... 31161
571 ... 28135, 30188, 30620, 31162, 33293
804 ... 31794
1002 ... 31163
1003 ... 31163
1033 ... 28542, 28543, 28888, 30840, 30841, 31163
1043 ... 31163
1045A ... 31163
1048 ... 31795
1063 ... 29309
1100 ... 29311, 33037

49 CFR—Continued

1104 ... 32541
1109 ... 31602
1124 ... 31795
1201 ... 33295
1202 ... 33296
1204 ... 33297
1205 ... 33298
1206 ... 33299
1207 ... 33301
1208 ... 33303
1209 ... 33304
1210 ... 33306
1307 ... 28889 30190, 31795

PROPOSED RULES:

173 ... 31815
174 ... 31815
178 ... 31815
179 ... 31815
258 ... 32277
260 ... 32277
571 ... 30653, 33354
575 ... 30655
581 ... 30655
Ch. X ... 28560
1124 ... 29526
1207 ... 32814
1241 ... 32819

50 CFR

10 ... 32377
13 ... 32377
17 ... 28052, 28136, 28543, 32377
26 ... 29312
32 ... 28545, 30373, 30621, 32248, 32552, 32801, 33309
33 ... 29312, 30621, 32248
217 ... 28137
222 ... 28137, 33309
255 ... 32249
258 ... 30621
280 ... 32249
285 ... 30373
371 ... 30841
651 ... 29876
661 ... 29485, 32250

PROPOSED RULES:

17 ... 28165, 28903, 29527
18 ... 30659
20 ... 33354
32 ... 30524
91 ... 30524
216 ... 28904, 29533
255 ... 32557
611 ... 30875

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*
27875–28112	June 1
28113–28513	2
28515–28868	3
28869–28987	6
28989–29293	7
29295–29470	8
29471–29840	9
29841–30142	10
30143–30350	13
30351–30487	14
30489–30598	15
30599–30827	16
30829–31141	17
31143–31426	20
31427–31590	21
31591–31758	22
31759–32221	23
32223–32512	24
32513–32759	27
32761–33020	28
33021–33253	29
33255–33705	30

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Commerce/PTO—Patent cases; forms. 27883; 6–1–77
DOT/CG—Licensing and registration; officers, motorboat officers and staff officers..... 12173; 3–3–77
FAA—Air carriers certification and operations; additional weather information.....27572; 5–31–77
27572; 5–31–77
Standard instrument approach procedures..... 26971; 5–26–77
Standard instrument approach procedures (2 documents)....24725; 5–16–77, 26203, 5–23–77
EPA—Minimum standards for procurement under grants..... 22144; 5–2–77
Textile industry point source categories; pretreatment standards..... 26979; 5–26–77
FRS—Adoption of revised forms required under regulation G..... 29299; 6–8–77
HUD/CA&RF—Mobile home consumer manual requirements.. 17294; 3–31–77
SEC—FOCUS reporting system.... 23786; 5–10–77
USDA/FCIC—Sugarcane; crop insurance. 28873; 6–6–77

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

V 42 N 126 JUN 30 77 UM

presidential documents

Title 3—The President

Executive Order 11999 • June 27, 1977

Relating to Certain Positions in Level V of the Executive Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, and as President of the United States of America, Section 2 of Executive Order No. 11861, as amended, placing certain positions in level V of the Executive Schedule, is further amended by adding thereto "(14) Assistant to the Secretary and Land Utilization Adviser, Department of the Interior." and "(15) Executive Assistant and Counselor to the Secretary, Department of Labor.".

Jimmy Carter

THE WHITE HOUSE,
June 27, 1977.

[FR Doc.77-18834 Filed 6-28-77;12:38 pm]

V 42 N 126 JUN 30 77 UM

Memorandum of June 27, 1977

Classification of National Security Information

Memorandum for the Director, Office of Drug Abuse Policy, the Deputy Director, Office of Drug Abuse Policy, the Associate Director for Organization, Management and International Affairs, Office of Drug Abuse Policy

THE WHITE HOUSE,
Washington, June 27, 1977.

Pursuant to the provisions of paragraph (A), section 2 of Executive Order No. 11652, I hereby designate the following officials to originally classify national security information or material as "Top Secret":

1. The Director, Office of Drug Abuse Policy

2. The Deputy Director, Office of Drug Abuse Policy

3. The Associate Director for Organization, Management and International Affairs, Office of Drug Abuse Policy

This designation shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc.77-18835 Filed 6-28-77;12:39 pm]

V 42 N 126 JUN 30 77 UM J

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples [1]

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule changes the grade standards for dehydrated (low-moisture) apples. This action was taken at the request of producers of the product. The effect of the change is to improve the U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples.

EFFECTIVE DATE: July 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Dale C. Dunham, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–4693).

SUPPLEMENTARY INFORMATION: On page 3178 of the FEDERAL REGISTER of January 17, 1977 (42 FR 3178), there was published a notice of proposed rulemaking to revise the United States Standards for Grades of Dehydrated (Low-Moisture) Apples.

The proposed changes included:

1. Designating the grades as U.S. Grades A, U.S. Grade B, and Substandard, dropping the descriptive names of Fancy and Choice.

2. Eliminating the 500 parts per million limit for sulfur dioxide in the finished product.

Interested persons were given until March 31, 1977, to submit data, views, or arguments regarding the proposed revision.

Seventeen (17) comments were received as a result of the notice of proposed rulemaking.

All respondents favored the change in the grade designations.

Nine (9) comments from consumers expressed dissatisfaction with the proposed elimination of the limit for sulfur dioxide in the finished product. Two (2) consumer responses offered no comment about sulfur dioxide, two (2) stated the existing levels were satisfactory, and one concurred with the proposed eliminations of the limit.

The respondents associated with the food industry either concurred in the elimination of the limit for sulfur dioxide or recommended that an upper limit of one thousand (1,000) parts per million be placed on any sulfur dioxide present. The easing of the limit on sulfur dioxide will permit the manufacture of a better colored product and one that can be prepared from readily available raw materials rather than those that are prepared especially for the manufacture of dehydrated apples. The use of sulfur dioxide in the processing of dried and dehydrated fruits is an old, established practice that is permitted under Food and Drug regulations. Their regulations permit its use, "* * * in such amounts as may be necessary * * *" The amount used in processing is self-limiting because too great an amount of sulfur dioxide will impart an off-flavor to the product. When used in adequate amounts, all traces of the sulfur dioxide are eliminated from the dehydrated applies during cooking.

In addition, one (1) major processor suggested that the present 2.5 percent limit for moisture in U.S. Grade A is unduly restrictive and increases production costs and energy requirements without improving the product. The processor recommended that the moisture limit for U.S. Grade A be increased from 2.5 percent to 3 percent. Other processors were canvassed by telephone as to their opinion about raising the moisture limit to 3 percent. All concurred that it would be desirable. It could well be noted, at this point, that the allowance for moisture in dehydrated apricots and peaches is 7.5 percent.

After considering all of the data, views and arguments presented that are germane, including the proposal set forth in the aforesaid notice, the Department has concluded that:

1. The grades will be designated U.S. Grade A, U.S. Grade B, and Substandard.

2. The presence of sulfur dioxide in the finished product will be limited to 1,000 parts per million.

3. The maximum percentage for moisture in U.S. Grade A will be raised to 3 percent.

4. Editorial changes that will enhance the understanding of the standards will be incorporated.

The proposed revision to the U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples is adopted as set forth below.

Effective date: The revised U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples shall become effective July 31, 1977.

7 CFR Part 52 is amended by revising §§ 52.2341–52.2352 as follows:

Subpart—U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples

Sec.
52.2341 Product description.
52.2342 Styles.
52.2343 Grades.
52.2344 Determining the grade.
52.2345 Determining the rating for the factors which are scored.
52.2346 Color.
52.2347 Uniformity of size.
52.2348 Defects.
52.2349 Texture.
52.2350 Explanation of methods and analyses.
52.2351 Determining the grade of a lot.
52.2352 Score sheet.

AUTHORITY: §§ 52.2341 to 52.2352 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

Subpart—U.S. Standards for Grades of Dehydrated (Low-Moisture) Apples

§ 52.2341 Product description.

Dehydrated (low-moisture) apples, hereinafter referred to as "dehydrated apples," are prepared from clean and sound fresh or previously dried (or evaporated) apples from which the peels and cores have been removed and which have been cut into segments. The dried (or evaporated) apple segments may be cut further into smaller segments in preparation for dehydration whereby practically all of the moisture is removed to produce a very dry texture and are prepared to assure a clean, sound, wholesome product. The sulfur dioxide content of the finished product may not exceed 1,000 parts per million. No other additives may be present.

§ 52.2342 Styles.

(a) *Pie pieces.* Pie pieces consist predominantly of parallel-cut, irregularly shaped pieces, approximating $\frac{1}{5}$-inch (5 mm) or less in thickness and $\frac{3}{4}$-inch (19 mm) or longer in their longest dimension.

(b) *Flakes.* Flakes consist predominantly of parallel-cut, irregularly shaped pieces, approximating $\frac{1}{5}$-inch (5 mm) or less in thickness and less than $\frac{3}{4}$-inch (19 mm) in their longest dimension.

(c) *Wedges.* Wedges are fairly thick sectors, approximating no more than $\frac{5}{8}$-inch (16 mm) at their greatest thickness.

(d) *Sauce pieces.* Sauce pieces are small popcorn-like units of varying

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State Laws and regulations.

V 42 N 126 JUN 30 77 UM

shapes and sizes, not otherwise conforming to the style of flakes, and in which practically all of the units when free-flowing will pass through 0.446-inch (11.3 mm) square openings. Sauce pieces of this style are considered "finely-cut" when practically all of the units will pass through ⅜-inch (9.5 mm) square openings.

§ 52.2343 Grades.

(a) "U.S. Grade A" is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3 percent, by weight; that have a normal flavor and odor, that have a good color, that are reasonably uniform in size, that are practically free from defects, that have a good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points.

(b) "U.S. Grade B" is the quality of dehydrated apples in which the moisture content of the finished product is not more than 3.5 percent, by weight; that have a normal flavor and odor, that have a reasonably good color, that are fairly uniform in size, that are reasonably free from defects, that have a reasonably good texture, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "Substandard" is the quality of dehydrated apples that fail to meet the requirements of U.S. Grade B.

§ 52.2344 Determining the grade.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) Factors not rated by score points:

(1) Moisture content.

(2) Flavor and odor.

(b) Factors rated by score points: The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Score points
Color	20
Uniformity of size	20
Defects	40
Texture	20
Total score	100

(c) The factors of flavor and odor, color, and texture are determined both upon the dehydrated apples and the cooked product as outlined in this subpart.

(d) "Normal flavor and odor" means that the dehydrated apples and the cooked product have a characteristic flavor and odor that is free from objectionable flavors or objectionable odors of any kind. A flavor and odor in the dehydrated apples indicative of proper sulfur treatment is not considered objectionable.

§ 52.2345 Determining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be determined for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2346 Color.

(a) (*A*) *classification.* Dehydrated apples that have a good color may be given a score of 17 to 20 points. "Good color" means that the dehydrated apples have a reasonably uniform, reasonably bright, light yellow to yellow-white characteristic color which, upon cooking, is a reasonably bright color typical of cooked dehydrated apples that have been properly prepared and processed.

(b) (*B*) *classification.* If the dehydrated apples have a reasonably good color, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the dehydrated apples have a fairly uniform, fairly bright, light yellow-amber or light yellow to yellow-white characteristic color and which, upon cooking, may be variable in color but is typical of cooked dehydrated apples that have been properly prepared and processed.

(c) (*SStd*) *classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2347 Uniformity of size.

(a) (*A*) *classification.* Dehydrated apples that are reasonably uniform in size may be given a score of 17 to 20 points. "Reasonably uniform in size" means that the dehydrated apples comply with the requirements of Table I of this paragraph.

TABLE I—*Uniformity of size—U.S. grade A*

[In percent]

Sizes	Pie pieces	Flakes	Wedges	Sauce
Pieces less than ¾ in (19 mm) in longest dimension		95 or more		
Pieces ¾ in (19 mm) or more in longest dimension	75 or more			
Pieces 1 in (25.4 mm) or more in longest dimension	35 or more		95 or more	
Pieces 3/16 in (5 mm) or less at greatest thickness	98 or more	98 or more		
Pieces ¾ in (16 mm) or less at greatest thickness			98 or more	
Pass through No. 4 sieve	10 or less			
Pass through No. 8 sieve	5 or less	10 or less		10 or less.
Pass through No. 16 sieve		2 or less		2 or less.
Pass through .446-in sieve				95 or more.

NOTE.—All percentages are percent by weight.

(b) (*B*) *classification.* If the dehydrated apples are fairly uniform in size a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that the dehydrated apples comply with the requirements of Table II of this paragraph.

TABLE II—*Uniformity of size—U.S. grade B*

[In percent]

Sizes	Pie pieces	Flakes	Wedges	Sauce
Pieces less than ¾ in (19 mm) in longest dimension		85 or more.		
Pieces ¾ in (19 mm) or more in longest dimension	60 or more.			
Pieces 1 in (25.4 mm) or more in longest dimension	25 or more		85 or more.	
Pieces 3/16 in (5 mm) or less at greatest thickness	98 or more	98 or more.		
Pieces ¾ in (16 mm) or less at greatest thickness			98 or more.	
Pass through No. 4 sieve	15 or less.			
Pass through No. 8 sieve	5 or less.			
Pass through No. 16 sieve		5 or less		5 or less.
Pass through .446-in sieve				85 or more.

NOTE.—All percentages are percent by weight.

(c) (*SStd*) *classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2348 Defects.

(a) *Definitions of defects.* The factor of defects refers to the degree of freedom from carpel tissue; from units damaged by pieces of peel, bruises, or other discoloration, bitter pit or corky tissue, water core, or damaged by other means; from units damaged by calyxes and stems; and from defects not specifically mentioned as defined in this paragraph.

(1) *Practically free from carpel tissue.* "Practically free from carpel tissue" means that for each 1¾ ounces (49.6 g) of dehydrated apples any carpel tissue that may be present does not exceed in the aggregate an area equil to ½-square inch (3.25 cm²).

(2) *Reasonably free from carpel tissue.* "Reasonably free from carpel tissue" means that for each 1¾ ounces (49.6 g) of dehydrated apples any carpel tissue that may be present in the aggregate exceeds an area equal to ½-square inch (3.25 cm²) but does not exceed an area equal to 1-square inch (6.5 cm²).

(3) *Damaged by pieces of peel.* "Damaged by pieces of peel" means pieces of peel, regardless of color, which in their greatest dimension exceed ¼-inch (6.35 mm).

(4) *Damaged by bruises or other discoloration; bitter pit or corky tissue, water core, and other similar defects.* "Damaged by bruises or other discoloration, bitter pit or corky tissue, water core, and other similar defects" means the appearance or eating quality of the unit is materially affected by such defects.

(5) *Damaged by other means.* "Damaged by other means" means defects not specifically mentioned which materially affect the appearance or edibility of the piece so damaged.

(6) *Damaged by calyxes and stems.* "Damaged by calyxes and stems" means the appearance or eating quality of the unit is materially affected by such defects including portions thereof.

(7) *Defects not specifically mentioned.* "Defects not specifically mentioned" include but are not limited to such apple materials as excessive loose seeds or loose stems which are not considered as damaged units and which singly or collectively materially affect the appearance or edibility of the product.

(b) (*A*) *classification.* Dehydrated apples that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that dehydrated apples of any style are practically free from carpel tissue and defects not specifically mentioned and, in addition, the defects present do not exceed the allowances set forth in Table III.

(c) (*B*) *classification.* If the dehydrated apples are reasonably free from defects, a score of 28 to 33 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the dehydrated apples of any style are reasonably free from carpel tissue and defects not specifically mentioned and, in addition, the defects present do not exceed the allowances set forth in Table III.

TABLE III—*Defects*

Defects	U.S. grade A		U.S. grade B	
	Pie pieces, wedges (percent by weight)	Flakes, sauce pieces (percent by weight)	Pie pieces, wedges (percent by weight)	Flakes, sauce pieces (percent by weight)
Pieces of peel	10	5	15	8
Bruises or other discolorations				
Bitter pit or corky tissue				
Water core				
Other similar defects				
Damaged by other means				
Calyxes and stems				
Provided this maximum is not exceeded: Calyxes and stems	1	1½	2	1

(d) (*SStd*) *classification.* Dehydrated apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2349 Texture.

(a) (*A*) *classification.* Dehydrated apples that have a good texture may be given a score of 17 to 20 points. "Good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there is no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are reasonably uniform in tenderness and texture; are practically free from any tough (or "leathery") units; and there may be considerable disintegration of the pieces but not to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a reasonably uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce, practically without any hard particles.

(b) (*B*) *classification.* If the dehydrated apples have a reasonably good texture, a score of 14 to 16 points may be given. Dehydrated apples that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good texture" means with respect to the dehydrated product that the units are brittle; and, upon cooking in accordance with the methods outlined in this subpart, the textures of the respective styles are as follows:

(1) *Pie pieces; wedges.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and there may be no more than moderate disintegration except for small pieces that may have been present.

(2) *Flakes.* The units are fairly uniform in tenderness and texture but moderately free from any tough (or "leathery") units; and the pieces may have become disintegrated to the degree of a grainy applesauce consistency.

(3) *Sauce pieces.* The mass has a fairly uniform texture and finish ranging from that of a coarse, grainy applesauce to a fine, grainy applesauce; and hard particles may be noticeable but not objectionable.

(c) (*SS td*) *classification.* Dehydrated apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2350 Explanations of methods and analyses.

(a) *Moisture method.* "Moisture" in dehydrated apples is determined in accordance with the official method applicable to dried fruits as outlined in the "Official Methods of Analysis of the Association of Official Analytical Chemists."

(b) *Cooking procedures.* A representative sample of not less than 2-ounces avoirdupois (about 55 g) to approximately 4-ounces avoirdupois (about 110 g) is recommended for purposes of the cooking procedures in this paragraph. The procedures for cooking to determine compliance with requirements for colar and texture are as follows for the respective styles:.

(1) *Pie pieces.* Add 1 part, by weight, of pie pieces to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 20 minutes.

(2) *Flakes.* Add 1 part, by weight, of the flakes to 5 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(3) *Wedges.* Add 1 part, by weight, of the wedges to 6 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 30 minutes.

(4) *Sauce pieces.* Add 1 part, by weight, of the sauce pieces to 8 parts, by weight, of water just below the boiling point; cover, bring to a boil, and simmer for 15 minutes.

(c) *Sifting methods.* The technique for determining compliance with the requirements for pieces that pass through U.S. Standard No. 4, No. 8, and No. 16 sieves is as follows:

(1) *Pie pieces.* (i) From a 4-ounce (about 110 g) representative sample of dehydrated apple "pie pieces," remove all pieces which are ¾-inch (19 mm) or more in ther longest dimension;

(ii) Place the remainder of the sample on a U.S. Standard No. 4, 8-inch (20.3 cm) diameter, full-height sieve nested on top of a U.S. Standard No. 8, 8-inch (20.3 cm) diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20-inches (50 cm) in a straight line and return to its original position, repeating the movement 20 times;

V 42 N 126 JUN 30 77 UM

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under paragraph (c) (1) (i) of this section) as the percentage which passed through the No. 8 sieve; and

(v) Weigh the material sifted through the No. 4 sieve and remaining on the No. 8 sieve; calculate on the basis of the original sample (under paragraph (c) (1) (i) of this section) and add the percentage which remained on the No. 8 sieve to the percentage which passed through the No. 8 sieve (under paragraph (c) (1) (iv) of this section) as the total percentage which passed through the No. 4 sieve.

(2) *Flakes.* (i) From a 4-ounce (about 110 g) representative sample of dehydrated apple "flakes" remove all pieces which are ¾-inch (19 mm) or more in their longest dimension;

(ii) Place the remainder of the sample on a U.S. Standard No. 8, 8-inch (20.3 cm) diameter, full-height sieve nested on top of a U.S. Standard No. 16, 8-inch (20.3 cm) diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20-inches (50 cm) in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under paragraph (c) (2) (i) of this section) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under paragraph (c) (2) (i) of this section) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under paragraph (c) (2) (iv) of this section) as the total percentage which passed through the No. 8 sieve.

(3) *Sauce pieces.* (i) From a 4-ounce (about 110 g) representative sample of dehydrated apple "sauce pieces" remove all pieces which in their smallest dimensions will not pass readily through 0.446-inch (11.3 mm) square openings by gentle hand pressing;

(ii) Place the remainder of the sample on a U.S. Standard No. 8, 8-inch (20.3 cm) diameter, full-height sieve nested on top of a U.S. Standard No. 16, 8-inch (20.3 cm) diameter, full-height sieve to which a bottom pan has been attached;

(iii) Place the assembly on a smooth level surface and with a steady, fairly rapid sieving motion, move the assembly approximately 20-inches (50 cm) in a straight line and return to its original position, repeating the movement 20 times;

(iv) Weigh the fine material sifted through to the bottom pan and calculate on the basis of the original sample (under paragraph (c) (3) (i) of this section) as the percentage which passed through the No. 16 sieve; and

(v) Weigh the material sifted through the No. 8 sieve and remaining on the No. 16 sieve; calculate on the basis of the original sample (under paragraph (c) (3) (i) of this section) and add the percentage which remained on the No. 16 sieve to the percentage which passed through the No. 16 sieve (under paragraph (c) (3) (iv) of this section) as the total percentage which passed through the No. 8 sieve.

§ 52.2351 Determining the grade of a lot.

The grade of a lot of dehydrated apples covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.83).

§ 52.2352 Score sheet.

Size and kind of container ------
Container mark or identification ------
Label (including SO_2 content, if any) ------
Net weight ------
Moisture content (percent) ------
Style ------

Factors		Score points
Color	20	(A) 17 to 20. (B) 14 to 16.[1] (SStd) 0 to 13.[1]
Uniformity of size	20	(A) 17 to 20. (B) 14 to 16.[1] (SStd) 0 to 13.[1]
Defects	40	(A) 34 to 40. (B) 28 to 33.[1] (SStd) 0 to 27.[1]
Texture	20	(A) 17 to 20. (B) 14 to 16.[1] (SStd) 0 to 13.[1]
Total score	100	

Normal flavor and odor ------
Grade ------

[1] Indicates limiting rule.

Dated: June 23, 1977.

IRVING W. THOMAS,
Acting Deputy Administrator, Commodity Services, FSQS.

[FR Doc.77-18575 Filed 6-29-77;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 426.1]

PART 1806—INSURANCE

Subpart A—Real Property Insurance

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations concerning insurance. This action is required because of changes in Agency policy regarding insurance coverage and reporting requirements. The intended effect is to clarify a regulation by providing that an endorsement loan existing insurance policy is sufficient coverage and to limit internal reporting requirements.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Agnes M. Copeland (202-447-4572).

SUPPLEMENTARY INFORMATION: Various paragraphs in §§ 1806.2, 1806.4, and 1806.6 of Part 1806, Chapter XVIII, Title 7, Code of Federal Regulations (41 FR 34571) are amended. The specific amendments are as follows:

1. § 1806.2(c) is amended to clarify that an endorsement to an existing policy is sufficient coverage for subsequent loans for property improved.

2. § 1806.4(a) is amended to change the date to notify borrowers prior to expiration of insurance from "30 days" to "tenth month."

3. § 1806.6(d) is amended to delete "Incidence of Borrower Failure to Maintain Insurance in Force" and to require that "Losses not covered by insurance" be reported.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since one change merely clarifies a regulation and additional changes are procedural and editorial.

Accordingly, various paragraphs of §§ 1806.2, 1806.4 and 1806.6 are amended to read as follows:

§ 1806.2 Companies and policies.

* * * * * * *

(c) *Evidence of premium payment.* (1) When Form FmHA 426-2 is attached to or the provisions thereof are printed in the policy, or a blanket letter from an insurance company incorporating the provisions of Form FmHA 426-2 in all policies in which the FmHA has a mortgagee interest in effect, in accordance with paragraph (b) (ii) of this section, no evidence of premium or assessment payment is required except for the first year of the loan. When a subsequent FP or Section 502 RH loan is made to build, buy or rehabilitate essential buildings, an endorsement to the existing policy including coverage for the property improved will be sufficient.

* * * * * * *

§ 1806.4 Examining and general servicing of insurance.

(a) * * *

(2) * * *

(ii) FP and Section 502 RH borrowers will be informed during the tenth month after the date of loan closing of their responsibility to carry insurance. Form FmHA 426-4 will be sent to these borrowers, regardless of whether there is evidence that the insurance has been renewed. Thereafter, the County Supervisor will not be required to further determine whether the borrower has adequately maintained insurance; however, if a further notice of expiration is received in the County Office, the County Supervisor will again notify the borrower by using Form FmHA 426-4 of his responsibility.

* * * * * * *

§ 1806.6 Failure of borrower to provide insurance.

* * * * * * *

(d) *Reporting.* (1) The County Supervisor will complete Form FmHA 426-6, "Uninsured Real Property Loss Report," for each known FP and Section 502 RH uninsured loss. Monitoring of insurance is not required for completing this report. This report will be completed within 30 days of the date the property was damaged. If information required by Form FmHA 426-8 is not available within 30 days, the County Supervisor should use his best judgment in completing all form sections.

(2) * * *

(ii) A transmittal memorandum that includes the following tabulation:

Real property insurance report for (Month) ..... (Year) .....

Loan program	Losses			
	Losses covered by insurance		Losses not covered by insurance	
	Number	Estimated amount	Number	Estimated amount
Farmer programs		$		$

(3) The State Director is responsible for reviewing Form 426-8 received for reasonableness; computing a State summary of insured and noninsured losses; and transmitting the State summary and Forms FmHA 426-8 to the National Office, ATTN: Program Evaluation Staff, by the 10th of the following month.

* * * * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 P.L. 93-357, 88 Stat 392; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO 29 FR 14764, 33 FR 9850.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 17, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-18767 Filed 6-29-77;8:45 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

LOAN CLOSING

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: This change is made to clarify the use of an applicant's attorney in closing a rural rental housing loan. The circumstances requiring this action are those faced when the loan closing attorney is a member of the applicant entity. The intended effect of this action is to correct an inconsistency within FmHA regulations so that a nonprofit eligible entity which uses an attorney member as a closing attorney is still eligible for FmHA RRH assistance.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, (202-447-7207).

SUPPLEMENTARY INFORMATION. Paragraph (a) of § 1822.95, Subpart D, Part 1822 of Title 7, Code of Federal Regulations is amended to make it consistent with other FmHA regulations and with the intention of the Farmers Home Administration as noted in the Summary section. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is to correct an inconsistency within FmHA regulations and, therefore, publication for prior rulemaking is unnecessary.

As amended, paragraph 1822.95(a) reads as follows:

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans will be closed in accordance with applicable provisions of Part 1807 of this chapter and supplementing State Instructions. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to the OGC for additional closing instructions. A profit or limited profit organization applicant may use its attorney to close the loan in accordance with applicable loan closing instructions: *Provided,* The attorney is not a member, officer, director, trustee, stockholder or partner of the applicant entity. Nonprofit organizations may use an attorney who is a member of their organization. The cost incurred by the organization for legal services must be in accordance with § 1822.85(k). The applicant's qualified, eligible attorney may be a designated attorney or a private attorney.

* * * * * * *

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 3, 1977.

GORDON CAVANAUGH,
Administrator, Farmers Home Administration.

[FR Doc.77-18766 Filed 6-29-77;8:45 am]

SUBCHAPTER N—OTHER LOAN PROGRAMS

[FmHA Instruction 1980-A]

PART 1980—GUARANTEED LOAN PROGRAMS

Subpart A—General

MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulation to include procedures for paying Holder(s) their guaranteed portion of the loan in event of default or servicing problems. These procedures are similar to the methods used for the Business and Industrial Loan Program under Part 1980-E and would apply to all guaranteed loan programs under Part 1980-A. The amendment is intended to provide uniformity in handling the repurchase of guarantee portions from Holder(s). Also, this amendment is intended by adding a new section, to clarify the procedures for lenders requesting termination of the Loan Note Guarantee and/or notification that a loan has been paid in full.

DATES: Effective date: This amendment is effective on June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Darryl H. Evans (202-447-4150).

SUPPLEMENTARY INFORMATION: Section 1980.61(f), and § 1980.63 of Subpart A of Part 1980, Title 7, Code of Federal Regulations (41 FR 47462) are amended; § 1980.67 is added.

Section 1980.61(f) is amended to clarify the requirement that a lender will prepare a Guarantee Fee Report for "each loan requested." This change is necessary administratively to process loans. Section 1980.63 is amended to include the procedures for paying Holder(s) their guaranteed portion of the loan in the event of a default or servicing action. The FmHA County Supervisor will prepare a Form FmHA 449-37, "Request for Check Issuance FmHA's Purchase of Guaranteed Portion," to effect the payment to the Holder(s). Section 1980.67 is added to provide the procedures to be followed by the lender and FmHA if a loan has been paid in full and/or the lender requests FmHA to terminate the Loan Note Guarantee in the event the

JUN 30 1977 UM

lender no longer desired or required the guarantee. The regulations under paragraph 12 of form FmHA 449–34, "Loan Note Guarantee," simply indicates the three options when the guarantee terminates, but does not indicate the procedure to effect the termination.

NOTE.—The Table of Sections is being amended to remove § 1980.67 from the Reserved area.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking, such procedure being unnecessary since the purpose of the changes is clarification, and the changes are procedural and do not impose any additional burden on the applicants and lenders.

As amended and added, the various sections of Subpart A of Part 1980 read as follows:

1. In the Table of Sections "§ 1980.67" is removed from the present group of reserved Sections:

Sections 1980.67–1980.79 [Reserved]. This group is redesignated §§ 1980.68–1980.79 [Reserved]. This change reads as follows:

Sec.

* * * * *

1980.67 Lender's request to terminate loan note guarantee.

1980.68–1980.79 [Reserved]

* * * * *

2. In § 1980.61, paragraph (f) is revised to read as follows:

§ 1980.61 Issuance of lender's agreement, loan note guarantee and assignment guarantee agreement.

* * * * *

(f) *Payment of guarantee fee.* The lender will prepare and deliver a Form FmHA 449–19, "Guarantee Fee Report," for each loan to be guaranteed and deliver the guarantee fee to the County Supervisor who concurrently delivers the Loan Note Guarantee(s).

* * * * *

3. Section 1980.63 is revised to read as follows:

§ 1980.63 Default by borrowers.

Refer to paragraph XI of Form FmHA 449–35. FmHA may be required to purchase the guaranteed portion of a loan(s) from holder(s) in the event of default or servicing problems. The County Supervisor will coordinate any requests from holder(s) located in close proximity to the local lender. If several holders are located outside the area, the State Director will handle the transaction and notify the County Supervisor. The County Supervisor will prepare a Form FmHA 449–37, "Request for Check Issuance FmHA's Purchase of Guaranteed Portion," for each holder(s) and follow the processing procedures outlined in the FMI.

4. A new § 1980.67 is added to read as follows:

§ 1980.67 Lender's request to terminate loan note guarantee.

The Lender may request FmHA to terminate the Loan Note Guarantee(s) provided the lender holds all the guaranteed portions of the loan. (See paragraph 12 of Form FmHA 449–34.) The lender will provide the County Supervisor with a written notice that the loan is paid in full and/or termination of the Loan Note Guarantee(s) enclosing the original Form(s) FmHA 449–34 for cancellation. Within 30 days, the County Supervisor will forward a memorandum to the Finance Office through the State Director. The memorandum will indicate that "the loan(s) is paid in full," and/or "the Loan Note Guarantee(s) has been canceled at the request of the lender."

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10, Pub L. 93–357; 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70; delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9650.)

NOTE.—The Farmers Home Administration has determined this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 17, 1977.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc.77–18765 Filed 6–29–77;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 0—CONDUCT OF EMPLOYEES

Employment and Financial Interest Statements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Nuclear Regulatory Commission is making minor amendments to its regulation "Conduct of Employees." Certain employees are required to submit to the appropriate reviewer two copies of statements of employment and financial interest. The Commission has determined that the submission of two copies of the statement is unnecessary. The amendments will require that an employee submit only one copy of the statement.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301–492–7211).

SUPPLEMENTARY INFORMATION: Because these amendments relate to minor matters, good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendments relieve from restrictions under regulations currently in effect, they may become effective without the customary 30-day notice. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 0 are published as a document subject to codification.

1. Section 0.735–28 of Part 0 is amended by revising paragraphs (e)(1), (e)(5), (e)(7), and (e)(11) to read as follows:

§ 0.735–28 Confidential statements of employment and financial interests.

* * * * *

(e) *Reviewing statements and reporting conflicts of interest.* (1) The employee shall prepare the statement in duplicate, retain one copy, and submit one copy to the appropriate reviewer (see paragraph (h) of this section).

* * * * *

(5) The reviewer shall in all cases record his opinion as to the presence or absence of a conflict on the statement and forward same to the NRC counselor or deputy counselor.

* * * * *

(7) If the NRC counselor or deputy counselor believes that the statement evidences no question of conflict of interest, he shall record his opinion on the statement, and notify the reviewer.

* * * * *

(11) Upon completion of processing, the statement shall be filed in the office of the counselor or deputy counselor, in a special file maintained for that purpose. If an NRC reviewer subsequently requires a copy of a statement for purposes of carrying out responsibilities under this part, he may request same from the counselor or deputy counselor.

* * * * *

(E. O. 11222; 3 CFR 1964–1965 Comp.; 5 CFR 735.104)

Dated at Bethesda, Md., this 22d day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77–18800 Filed 6–29–77;8:45 am]

PART 8—INTERPRETATIONS

Interpretation by the General Counsel of 10 CFR 73.55. Illumination and Physical Search Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission's regulation "Interpretations" is amended by adding an interpretation by the General Counsel of the requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage set out in the Commission's regulation "Physical Protection of Plants and Materials." The interpretation clarifies the illumination and physical search requirements of the regulation.

EFFECTIVE DATE: This rule becomes effective on June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. C. W. Reamer, Office of the General Counsel, Nuclear Regulatory Commission, Washington, D.C. 20555. Tel. 301–492–8155.

SUPPLEMENTARY INFORMATION: Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 8, is published as a document subject to codification.

A new § 8.5 is added to read as follows:

§ 8.5 Interpretation by the General Counsel of § 73.55 of this Chapter. Illumination and Physical Search Requirements.

(a) A request has been received to interpret 10 CFR 73.55(c)(5) and 73.55(d)(1).

10 CFR 73.55(c)(5) provides:

Isolation zones and all exterior areas within the protected area shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (c)(3), (c)(4), and (h)(4) of this section, but not less than 0.2 footcandle measured horizontally at ground level.

(b) The requester contends that the regulation is satisfied if 0.2 footcandle is provided only at the protected area boundary and the isolation zone. The language of the regulation is clearly to the contrary. It requires not less than 0.2 footcandle for "all exterior areas within the protected area." This regulation helps effectuate the monitoring and observation requirements of 10 CFR 73.55. For example, 10 CFR 73.55(c)(4) states that "(a) 11 exterior areas within the protected area shall be periodically checked to detect the presence of unauthorized persons, vehicles, or materials." In the absence of illumination, such checking could not be fully effective.

(c) The requester also asks whether the illumination requirement extends to the tops and sides of buildings within the protected area. To effectuate the monitoring and observation requirements cited above, illumination must be maintained for the tops and sides of all accessible structures within the protected area. This interpretation is consistent with that given by the Commission's staff to affected licensees and applicants at a series of regional meetings held in March of 1977 and will be reflected in forthcoming revisions to NUREG 0220, Draft Interim Acceptance Criteria for a Physical Security Plan for Nuclear Power Plants (March 1977).

(d) 10 CFR 73.55(d)(1) provides in pertinent part: The search function for detection of firearms, explosives, and incendiary devices shall be conducted either by a physical search or by use of equipment capable of detecting such devices.

(e) The requestor contends that until "equipment capable of detecting such devices" is in place, a licensee need not comply with the search requirement, but can utilize instead previous security programs. This contention is based on the first sentence of 10 CFR 73.55 which provides in pertinent part that the requirements of paragraph (d) of that section shall be met by May 25, 1977, "except for any requirement involving construction and installation of equipment not already in place expressed in (paragraph) (d)(1) * * *" Under this sentence only those requirements of paragraph (d) which involve "construction and installation of equipment" do not take effect on May 25, 1977. Because a "physical search" does not require "construction and installation of equipment", implementation of such searches is required on May 25, 1977. The regulation provides alternatives: "the search function * * * shall be conducted either by a physical search or by use of equipment * * *." Thus when appropriate equipment is in place, the search function need not involve a physical search.

(f) The paragraphs above set forth interpretation of regulations; they do not apply those regulations to particular factual settings. For example, no effort is made to state what lighting system might be used for a given facility; all that is stated is that a system must provide not less than 0.2 footcandle for all exterior areas within the protected area. Similarly, no effort is made to define what is an adequate "physical search"; all that is stated is that, in the absence of appropriate equipment, such searches must begin on May 25, 1977.

Effective date: This amendment becomes effective on June 30, 1977.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201.)

Dated at Washington, D.C., this 17th day of June 1977.

For the Nuclear Regulatory Commission.

JAMES L. KELLEY,
Acting General Counsel.

[FR Doc.77–18473 Filed 6–29–77;8:45 am]

CERTAIN REPORTING DATES CHANGED

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to change reporting dates to correspond to the new Federal fiscal year. The NRC data system is maintained on the fiscal year basis. Statements of tritium inventory are changed from December 31 and June 30 to March 31 and September 30 and statements of source material inventory from June 30 to September 30. The only effect of the amendment is that NRC licensees will submit statements of inventory on a different date than at present.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Eugene Sparks, NRC Division of Safeguards, NMSS, Washington, D.C. 20555, FTS 492–7090 or commercial area code 301.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission is amending 10 CFR 30.55(b), "Tritium reports" (By-product material); 10 CFR 40.64(b), "Reports" (Source material); 10 CFR 150.17(b), "Submission to Commission of source material reports" (Agreement States); and 10 CFR 150.19(b), "Submission to Commission of tritium reports" (Agreement States) to change reporting dates. Statements of tritium inventory are changed from December 31 and June 30 to March 31 and September 30 of each year and statements of source material inventory from June 30 to September 30 of each year.

The first reporting date under this change is September 30, 1977. Within 30 days after September 30, 1977 statements shall be made for: (1) Tritium inventory for the period January 1, 1977, through September 30, 1977, a nine month period; and (2) source material inventory for the period July 1, 1976, through September 30, 1977, a fifteen month period. Thereafter, statements for tritium inventory would be submitted for each successive 6 months and statements for source material inventory for each fiscal year, or each successive 12 months.

This change is made because the U.S. Federal Government changed its fiscal year from July 1 through June 30 to October 1 through September 30 and the NRC computer data retrieval system is maintained on a fiscal year basis. Also, the data system is common to both the Energy Research and Development Administration (ERDA) and the NRC. ERDA has changed accordingly. Thus, facilities under the cognizance of both agencies will avoid different dates for record keeping and reporting.

Inasmuch as the amendments set forth below are of a minor nature, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary and for making the amendments effective on June 30, 1977.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regula-

JUN 30 77
UM

tions, Parts 30, 40 and 150 are published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

1. In § 30.55 of 10 CFR Part 30, the first sentence of paragraph (b) is amended by deleting "June 30 and December 31" and inserting in lieu thereof "March 31 and September 30".

PART 40—LICENSING OF SOURCE MATERIAL

2. In § 40.64 of 10 CFR Part 40, the first sentence of paragraph (b) is amended by deleting "June 30" and inserting in lieu thereof "September 30".

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

3. In § 150.17 of 10 CFR Part 150, the first sentence of paragraph (b) is amended by deleting "August 29, 1970, and within thirty (30) days after June 30 of each year thereafter," and inserting in lieu thereof "September 30 of each year".

4. In § 150.19 of 10 CFR Part 150, the first sentence of paragraph (b) is amended by deleting "June 5, 1972, and within thirty (30) days after June 30 and December 31 of each year thereafter," and inserting in lieu thereof "March 31 and September 30 of each year".

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201; Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 17th day of June 1977.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc.77-18801 Filed 6-29-77;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15785; Amdt. 39-2945]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls Royce Viper Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires as inspection and, if necesary, relocation of the ident/data tags on the fuel tubes and realignment of the fuel tubes on Rolls Royce Viper MK. 522 and MK. 601-22 engines installed, or being held for installation, on Hawker Siddeley Model DH/BH-125 series airplanes to prevent interference with the fuel shutoff mechanism.

DATE: Effective August 1, 1977.

ADDRESSES: The applicable Rolls Royce alert service bulletins may be obtained from Rolls Royce (1971), Ltd., Bristol Engine Division, P.O. Box 3, Filton, Bristol BS12 7QE, England. Copies of the alert service bulletins are contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection and, if necessary, relocation of ident/data tags on the fuel tubes and realignment of the fuel tubes on Rolls Royce Viper MK. 601-22 engines installed on Hawker Siddeley Model DH/BH-125 series airplanes was published in the FEDERAL REGISTER at 41 FR 24608. The proposal was prompted by reports of inability to actuate the engine fuel shutoff valve because of interference between the shutoff valve and the engine throttle control rod. This could result in unwanted thrust.

Interested persons have been afforded an opportunity to participate in the making of the amendment with respect to the MK. 601-22 engines. Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted.

Although the notice pertained only to Rolls Royce MK. 601-22 engines, the FAA has determined that the AD should also apply to the Rolls Royce MK. 522 engines because of the identical problem. Since a situation exists that requires the immediate adoption of this regulation with respect to the MK. 522 engines, it is found that notice and public procedure hereon are impracticable and that good cause exists for including the MK. 522 engines in the amendment.

DRAFTING INFORMATION

The principal authors of this document are Mr. F. J. Karnowski, Europe, Africa, and Middle East Region, Mr. J. F. Zahringer, Flight Standards Service, and Mr. K. May, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

ROLLS ROYCE (1971), LTD. Applies to Bristol Viper MK. 522 and MK. 601-22 engines installed, or being held for installation, on Hawker Siddeley Model DH/BH-125 series airplanes, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent interference between the engine throttle control rod and the high pressure fuel shutoff valve that could result in inability to actuate fuel shutoff, accomplish the following:

(a) For installed engines, within the next 500 hours engine time in service after the effective date of this AD, accomplish the following in accordance with paragraph 2.A of Rolls Royce Alert Service Bulletin 73-A98 (MK. 522 engines) or 73-A13 (MK. 601-22 engines), both dated October 1975, or an FAA-approved equivalent:

(1) Relocate the ident/data tags fitted to the fuel tube, P/N DF-21-389.

(2) Check for adequate clearance between the fuel tube, P/N DF-21-389, and the H.P. cock control rod, P/N 25CX53-25A.

(3) If the clearance is found not to be adequate during the inspection specified in paragraph (a)(2) of this paragraph, realign the fuel tube to provide adequate clearance.

(b) For other engines, prior to installation on a Model DH/BH-125 airplane, ascertain the location of the ident/data tags on fuel tube P/N DF-21-389 and if it is found to be within 8 inches or less of the union nut, at the b.f.c.u. connection, remove the tags and refit to a lower position on the tube in accordance with the instructions contained in paragraph 2.B of Rolls Royce Alert Service Bulletin 73-A98 (MK. 522 engines) or 73-A13 (MK. 601-22 engines), both dated October 1975, or an FAA-approved equivalent.

NOTE.—The accomplishment instructions contained in Rolls Royce Alert Service Bulletins 73-A13 and 73-A98 are identical.

This amendment becomes effective on August 1, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 22, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18415 Filed 6-29-77;8:45 am]

[Docket No. 16988; Amdt. 39-2949]

PART 39—AIRWORTHINESS DIRECTIVES

Agusta A-109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires replacement and recurring inspection of the main rotor hub flap hinge bearings on certain serial numbers of Agusta Model A-109A helicopters. The AD is needed because failure of one or more bearings would affect control of the rotor flaps and jeopardize continued safe flight of the helicopter.

DATE: Effective July 15, 1977. Compliance schedule.—As prescribed in the body of the AD.

ADDRESSES: The applicable Technical Bulletin may be obtained from Costruzioni Aeronautiche Giovanni AGUSTA 21017 Coscina Costa Varese, Italy (Customer Service Division). A copy of the Technical Bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Paul A. Cormaci, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: The FAA has determined that main rotor flap hinge bearings P/N SJ7355/IR7355 installed on Agusta Model A-109A helicopters may be subject to premature failure which could prevent proper operation of the main rotor flaps and jeopardize safe flight of the helicopter. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires replacement of main rotor hub flap hinge bearings on certain serial number Model A-109A helicopters and periodic inspection of these flap hinge bearings on all Model A-109A helicopters after initial bearing replacement.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of this document are Mr. P. A. Cormaci, Europe, Africa, and Middle East Region, Mr. F. Kelley, Flight Standards Service, and Mr. J. Jeffrey, Office of the Chief Counsel.

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

AGUSTA. Applies to Model A-109A helicopters equipped with main rotor hub flap hinge bearings P/N SJ7355/IR7355.

Compliance is required as indicated, unless already accomplished.

To prevent possible improper operation of the main rotor flaps due to premature failure of any one of the main rotor hub flap hinge bearings, accomplish the following:

(a) For helicopters with serial numbers up to and including S/N 7120, except S/N 7119:

(1) Within the next 10 hours time in service after the effective date of this AD, replace the main rotor hub flap hinge bearings P/N SJ7355/IR7355 in accordance with Part I of Agusta Technical Bulletin No. 109-3, dated May 4, 1977, or an FAA-approved equivalent; and

(2) Within 100 hours time in service after complying with paragraph (a)(1) of this AD, and thereafter at intervals not to exceed 100 hours time in service, or any time abnormal oil leaks occur from flap hinges, perform inspections and replace bearings, as necessary, in accordance with Part II of Agusta Technical Bulletin No. 109-3, dated May 4, 1977, or an FAA-approved equivalent.

(b) For helicopters with serial numbers S/N 7119, S/N 7121 and up, within the next 25 hours time in service after the effective date of this AD, except for those which have been inspected within the previous 75 hours, and thereafter at intervals not to exceed 100 hours time in service or any time abnormal oil leaks occur from flap hinges, perform inspections and replace bearings, as necessary, in accordance with Part II of Agusta Technical Bulletin No. 109-3, dated May 4, 1977, or an FAA-approved equivalent.

(c) Equivalent methods of complying with this AD must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa and Middle East Region, c/o American Embassy, APO, New York, N.Y. 09667.

This amendment becomes effective July 15, 1977.

(Secs. 313(a), 601, and 603 Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 23, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18646 Filed 6-29-77;8:45 am]

[Docket No. 77-NW-9-AD; Amdt. 39-2944]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive to require inspections of the Body Station (B.S.) 910 floor beam lower flanges on Boeing Model 727 series airplanes.

Cracking has occurred at the lower flange-to-web radii of the B.S. 910 floor beam on two airplanes. One in-flight depressurization incident occurred as a result of the cracking.

DATE: Effective date August 5, 1977. Compliance times: As prescribed in the body of the AD.

ADDRESSES: Federal Aviation Administration, Northwest Region, Engineering and Manufacturing Branch, 9010 East Marginal Way South, Seattle, Wash. 98108.

Boeing service bulletin(s) specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Mack, Airframe Field Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making (NPRM) (42 FR 18861) was published on April 11, 1977, proposing that a new Airworthiness Directive be issued to require inspections of the B.S. 910 floor beam lower flanges on affected Boeing Model 727 series airplanes. Since the B.S. 910 floor beam is located over the main landing gear wheel well and the pressure web is attached to the lower flanges of the beam, cracking can result in loss of pressure.

In response to the proposal, the Air Transport Association (ATA) submitted comments from its member airlines. One comment was that the initial threshold of 20,000 pressurization cycles was not justified since both airplanes which experienced the cracked floor beams had accumulated approximately 28,000 landings. Further, associated comments were made that the initial inspection within 750 pressurization cycles of airplanes with 20,000 pressurization cycles would impose an economic burden. Therefore, the ATA requested the AD require the initial inspection within 1,000 cycles on all airplanes with 25,000 or more total cycles. One operator requested that 1,600 cycles be considered for the initial inspection since the proposed 750 cycle initial inspection is unreasonably severe and may result in flight delays and cancellations. One commentator suggested if the 25,000-cycle threshold was not acceptable to the FAA, that a higher initial inspection time of 2,000 cycles be considered for airplanes with less than 25,000 cycles total time. The FAA does not concur with the comments regarding a higher threshold. Metallurgical examination of two failed flanges, left and right side, indicated that considerable cracking initiated as stress corrosion. The crack on one side propagated completely as the result of fatigue. The crack on the other side possessed sites of both stress corrosion and fatigue, with stress corrosion as the dominant mechanism. Since the propagation rate of stress corrosion cracking is not predictable, the FAA believes a substantial margin is necessary for the threshold. Therefore, the 20,000 pressurization cycle threshold has been retained. After review of the available data and comments received, the FAA has determined that an initial inspection compliance time of 1,000 pressurization cycles will provide sufficient protection.

Several commentators objected to the time intervals of the proposed repetitive inspections of 1,000 and 2,000 pressurization cycles for the low frequency eddy current method and conventional eddy current or dye penetrant methods, respectively, stating that the times were too restrictive and not justified based on the failures thus far. The FAA does not

V 42 N 126 JUN 30 77 UMI

agree. The proposed times were established from results of examining actual in-service, failed beams and known capabilities of the inspection methods.

A comment was received regarding proposed paragraph F which would allow the number of pressurization cycles to be considered identical to the number of landings, subject to acceptance by the assigned FAA maintenance inspector. The commentator stated that operators have used landings as pressurization cycles for some time without FAA approval for individual cases, and therefore, suggested either the word "landing" be used in lieu of pressurization cycles or the words "subject to acceptance by the assigned FAA maintenance inspector" be deleted. Since the number of landings will always equal or exceed the number of pressurization cycles, the FAA concurs that approval by an FAA maintenance inspector is not necessary.

DRAFTING INFORMATION

The principal authors of this document are Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

BOEING. Applies to all Model 727 series airplanes listed in Boeing Service Bulletin No. 727-53-134, Revision 3, or later FAA approved revisions, and certificated in all categories. Compliance required as indicated.

To detect cracking in the Body Station 910 floor beam, accomplish the following:

A. Within the next 1,000 pressurization cycles for airplanes with more than 20,000 pressurization cycles on the effective date of this AD, or prior to the accumulation of 21,000 pressurization cycles for airplanes with less than 20,000 pressurization cycles on the effective date of this AD, inspect the lower flanges of the B.S. 910 floor beam for cracks per paragraph B below. If inspected within the last 1,000 pressurization cycles prior to the effective date of this AD per paragraph B.2, reinspect in accordance with paragraph E. Beams found cracked are to be repaired per paragraph C.

B. Inspect the B.S. 910 floor beam in accordance with one of the following:

1. Low frequency eddy current inspection procedures of Figure 3 of Boeing Service Bulletin No. 727-53-134, Revision 3 or later FAA approved revisions.

2. Eddy current or dye penetrant inspection procedures of Figure 2 of Boeing Service Bulletin No. 727-53-134, Revision 3, or later FAA approved revisions.

3. A manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. If cracks are detected in the beam, repair in accordance with Boeing Service Bulletin No. 727-53-134, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, prior to further flight except that the airplane may be flown unpressurized in accordance with FAR 21.197 to a base where the repair can be accomplished.

D. Airplanes which have had the straps or repair doubler installed in accordance with Boeing Alert Service Bulletin No. 727-53-124, or FAA approved equivalent, must be inspected once in accordance with paragraph B of this AD within 3,000 pressurization cycles from the effective date of this AD, in lieu of compliance with the compliance times specified in paragraphs A and E, unless already accomplished. Beams found cracked are to be repaired in accordance with paragraph C.

E. Repeat the inspections per paragraph B.1 at intervals not to exceed 1,000 pressurization cycles or per paragraph B.2 at intervals not to exceed 2,000 pressurization cycles.

F. Terminating action of this AD consists of inspection per paragraph B and installation of the preventive modification straps or repair doubler in accordance with Boeing Alert Service Bulletin No. 727-53-124, Revision 1, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

G. For the purpose of complying with this AD, the number of pressurization cycles may be considered to be identical to the number of landings.

H. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective August 5, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (U.S.C. 1354(a), 1421, and 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on June 22, 1977.

C. B. WALK, JR.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77-18645 Filed 6-29-77;8:45 am]

[Docket No. 15046; Amdt. 39-2950]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Puma Model SA 330 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires periodic inspection of the formed sheet beams under the forward engine mount attachment fittings for cracks, and for repair and modification, as necessary, on certain Aerospatiale Puma SA 330F and SA 330G helicopters to preclude failure of the forward engine mount support structure.

DATES: Effective August 1, 1977. Compliance is required within the next 50 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service since the last inspection.

ADDRESSES: The applicable service bulletins may be obtained from Aerospatiale Helicopter Corporation, 1701 West Marshall Drive, Grand Prairie, Tex. 75050.

A copy of each of the applicable service bulletins is contained in the Rules Docket for this amendment in Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspection of the formed sheet beams under the forward engine mount attachment fittings for cracks, and for repair and modification, as necessary, on certain Aerospatiale Puma SA 330F and SA 330G helicopters was published in the FEDERAL REGISTER at 40 FR 48519. The proposal was issued as a result of cracks occurring in the formed sheet beams.

Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted without change.

DRAFTING INFORMATION

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. N. S. Dobi, Flight Standards Service, and Mr. Richard J. Burton, Office of Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive.

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE. Applies to Puma Model SA 330F and SA 330G helicopters that have not been modified in accordance with Puma Service Bulletin No. 53.13.

Compliance is required within the next 50 hours time in service after the effective date of this AD and thereafter at intervals not to exceed 50 hours time in service since the last inspection, until accomplishment of Puma Service Bulletin No. 53.13, dated May 29, 1974, or an FAA-approved equivalent.

To prevent possible failure of the forward engine mount support structure, accomplish the following:

(a) Inspect for cracks in beams under attachment fittings for the forward engine mounts located between frames 3245 and 3550 in accordance with subparagraph 1C(1) of Puma Service Bulletin No. 05.35, dated April 9, 1974, or an FAA-approved equivalent.

(b) If cracks are found which exceed the criteria for continued service set forth in subparagraph 1C(2) of Puma Service Bulletin No. 05.35, before further flight, except that the helicopter may be flown in accordance with FAR §§ 21.197 and 21.199, to a base where the work can be performed, replace the beams in accordance with Puma Service Bulletin No. 53.13, dated May 29, 1974, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO, New York, N.Y. 09667.

This amendment becomes effective August 1, 1977.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c)); 14 CFR § 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 23, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18647 Filed 6-29-77;8:45 am]

[Docket No. 15120; Amdt. 39-2951]

PART 39—AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale Alouette III Helicopter Models SE3160 and SA316B

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive which requires replacement or modification of the Houdaille AV4S2 hydraulic dampers in the directional control system on the Aerospatiale Alouette III helicopter Models SE3160 and SA316B to preclude possible binding in the tail rotor directional control.

DATES: Effective August 1, 1977. Compliance required within the next 100 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESS: The applicable service bulletin may be obtained from Aerospatiale Helicopter Corporation, 1701 West Marshall Drive, Grand Prairie, Texas 75051.

A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100; Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Tel. 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement or modification of the Houdaille AV4S2 hydraulic dampers in the directional control system on Aerospatiale Alouette III helicopter Models SE-3160 and SA316B was published in the FEDERAL REGISTER at 40 FR 50726. The proposal was issued as a result of reports that binding of the AV4S2 hydraulic dampers causes discontinuities in the control force required for tail rotor directional control and thereby jeopardizes safe operation.

Although no objections were received, the FAA has reevaluated the need for the proposed amendment and determined that it should be adopted. Accordingly, the proposal is adopted without substantive change.

DRAFTING INFORMATION

The principal authors of this document are Mr. M. E. Gaydos, Europe, Africa, and Middle East Region, Mr. C. A. Christie, Flight Standards Service, and Mr. Richard J. Burton, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly SUD AVIATION). Applies to Alouette III Helicopter Model SE 3160 and SA 316B, certificated in all categories.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Alouette Service Bulletin No. 05.38, as revised June 14, 1971.

To prevent possible binding of the tail rotor directional control, either replace the Houdaille type AV4S2 hydraulic damper with type AV4S3, or modify the type AV4S2 hydraulic damper by incorporating Houdaille Kit 10.338, in accordance with subparagraph 1C(2)(b) of Alouette Service Bulletin 05.38 as revised June 14, 1971, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

This amendment becomes effective August 1, 1977.

(Secs. 313(a) 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR § 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 23, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18648 Filed 6-29-77;8:45 am]

[Docket No. 77-GL-14; Amdt. 39-2942]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel-Schebler/Tillotson Division Model HA-6, Part Number A10-5200 Carburetor

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires a modification to provide positive retention of the idle needle assembly of Marvel-Schebler/Tillotson Division Model HA-6, Part Number A10-5200 carburetor. Inadequate retention of the idle needle assembly has resulted in engine failure. The modification required by this AD is intended to prevent the idle needle's movement from its proper position.

DATES: Effective date: July 6, 1977.

Compliance schedule: Compliance required within the next 25 hours time in service, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the modification can be performed.

ADDRESS: Copies of Marvel-Schebler service documents incorporated herein may be obtained from Marvel-Schebler/Tillotson Division, Borg-Warner Corp., 2195 South Elwin Road, Decatur, Illinois 62525.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Gary L. Killion, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 E. Devon Avenue, Des Plaines, Illinois 60018. Telephone: 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: A recent engine failure has been attributed to loss of the idle needle assembly

V 421 26 JUN 30 77 UM

from a Marvel-Schebler/Tillotson HA–6 carburetor. A second idle needle assembly was found loose on another aircraft with the same model carburetor.

Since this condition is likely to exist or develop in other carburetors of this design an airworthiness directive is being issued to provide positive retention of the idle needle assembly.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final rule is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are Gary L. Killion, Flight Standards Division, Great Lakes Region, and Joseph K. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following Airworthiness Directive:

MARVEL-SCHEBLER/TILLOTSON DIVISION. Applies to Model HA–6, Part Number A10–5200 carburetors, serial numbers CS–( )–100 through CS–( )–345, inclusive, installed on, but not limited to, Rockwell International Commander 112TC and 112TCA aircraft certificated in all categories.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 to a base where the modification can be performed.

To provide positive retention of the idle needle assembly, incorporate Marvel-Schebler/Tillotson Kit No. 666–817 in accordance with Marvel-Schebler/Tillotson Form No. MST–683.

Equivalent modifications may be approved by the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Marvel-Schebler/Tillotson Division, Borg Warner Corp., 2195 South Elwin Road, Decatur, Illinois 62525. These documents may also be examined at FAA Great Lakes Region, 2300 E. Devon Avenue, Des Plaines, Illinois 60018 and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

This amendment becomes effective July 6, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Des Plaines, Illinois on June 20, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77–18565 Filed 6–29–77;8:45 am]

[Docket No. 77–GL–15; Amdt. 39–2943]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers Two and Three Bladed Full Feathering and Non-Feathering Models

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection of certain McCauley two and three bladed propeller models, and as necessary, rework or replacement of the affected ferrules, blade actuating pins and washers in accordance with the manufacturer's service instructions. This action is considered necessary to preclude failure of the blade actuating pin that has resulted in excessive vibration and loss of propeller control in flight. Due to improper modification procedures used by the propeller repair station concerned, this condition is likely to develop in some other propellers it previously reworked.

DATES: Effective date: July 6, 1977.

Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: Copies of McCauley Service Bulletin Nos. 99, 99–1, 99–2, and 99–3 may be obtained from McCauley Accessory Division, Cessna Aircraft Corporation, Box 7, Roosevelt Station, Dayton, Ohio 45417.

Copies of the service information incorporated in this AD are contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois 60018 and Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Henry L. Weiss, Engineering and Manufacturing Branch, Flight Standards Division, AGL–214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. Telephone: 312–694–4500, extension 308.

SUPPLEMENTARY INFORMATION: AD 76–19–04: Amendment 39–2727, effective September 27, 1976, requires inspection and rework of certain two bladed constant speed McCauley propellers which were inadvertently modified to McCauley Service Bulletin No. 99 by Hoosier Aircraft Accessory, Inc., Indianapolis, Indiana. The AD was issued after the discrepancy was discovered, because the propeller repair station was unable to recover, inspect, and, as necessary rework the ferrules, blade actuating pins and washers of the affected propellers in accordance with the appropriate manufacturer's service instructions.

In view of the foregoing developments, it was determined that sampling inspections of certain other propeller models, which were required to comply with McCauley Service Bulletin No. 99, be conducted. These were also modified by the aforementioned propeller repair station during the period of December 8, 1972 through June 30, 1975. Since the latter inspections likewise disclosed instances of improper compliance, this AD is considered necessary to ensure that all such propellers have been modified properly in accordance with the correct service instructions.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In accordance with Departmental Regulatory Reform, dated March 23, 1976, we have determined that the expected impact of this final regulation is so minimal that it does not warrant an evaluation.

DRAFTING INFORMATION

The principal authors of this document are H. L. Weiss, Flight Standards Division, Great Lakes Region, and J. K. McLaughlin, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

MCCAULEY PROPELLERS. Applies to the following two-bladed and three-bladed constant speed "Non-Feathering" and "Full Feathering" type McCauley propellers, which were modified by Hoosier Aircraft Accessory, Inc., Indianapolis, Indiana during the period of December 8, 1972 through June 30, 1975. These propellers are installed on, but not limited to the aircraft models listed below.

Constant speed "nonfeathering" propellers

Model (note 1)	Hub serial No. (note 2)	Aircraft model (note 3)
(A) 2 bladed:		
2A34C22*.....	713477	Maule M–5–220C:
	714270	M–4–180C, S, T.
D2A34C67*.....	692205	Cessna R172 E, F, G, and H; F R172 E, F, G, and H.
		Maule M–4–210C, –210S, –210T; M–5–210C.
(B) 3 bladed:		
D3A32C77*.....	661184	Cessna P206A,
	726348	TP206A, 210F, and T210F.
D3A32C88*.....	724926	Cessna P206, P206 A, B, C, D, E; Cessna TP206 A, B, C, D, E; T U206F (S/N U20902200 and up).
		Cessna 210 F, G, H, J, K, L; T210 G, H, J, K, and L.

Constant speed "full feathering" propellers

(A) 2 bladed:		
D2AF34C30* or 2AF34C30.*	700468	Beech 48, 58A.
	701342	
	705241	
	705242	
D2AF34C52*.....	728611	Cessna 310I.
	730034	
	730556	
2AF34C55*.....	682935	Beech 95–55, 95–A55,
	684789	95–B55, 95–B55A,
	697330	95–B55B, 95–C55,
	713643	95–C55A, D–55,
	726670	D–55A, E–55,
	728131	E–55A series.
	728141	
D2AF34C59* or 2AF34C59.*	642020	Cessna 337; 337 A, B,
	723964	C, D, E, and F series;
		Burns B A42.
D2AF34C61* or 2AF34C61.*	66394	Cessna 336; 337, 337 A,
	675836	B, C, E, and F Series;
	683257	T337 B, C, D, E,
	684839	and F series; F337E,
	686708	F337F.
	691475	
	727098	
	736922	
	741911	
	745073	
	750643	
D2AF34C71*.....	685300	Cessna 310 P, Q, and
	694684	R; T310 P and Q; 320 D, E, and 340.
D2AF34C81*.....	651926	Cessna 310J, E310J,
	671750	310K, 310L, and
	672239	310N.
	673494	
	682298	
	741088	
	741102	
D2AF34C91*	722029	Cessna T337B, T337C, T337D, T337E, and T337F; and FT337E, FT337F.
(B) 3 bladed:		
3AF34C74*.....	661086TR	Cessna 411, 411A.
	662363TR	
	692379	
3AF32C75*.....	702947	Beech 95–C55, 95–C55A, D55, D55A, E55, and E55A.
	702951	
D3AF32C80* or 3AF34C80.*	66986	Cessna 310 K, L, and N.
	661000	
	665633	Colemill Executive 600 (STC SA518SO—Cessna 310 J, K, L, and N conversion).
	738455	
	738586	
	744076	
3AF32C87*.....	68588	Cessna 310 P, Q, and R; TP310 P, Q, and R; 320 D, E, and F; 340 Colemill Executive 600 (STC SA518SO—Cessna 310I Conversion); Riley (STC SA1181SW—Cessna 340 Conversion).
	683600	
	683602	
	685410	
	692770	
	694218	
	705807	
	710281	
	712311	
	713792	
	723589	
	737625	
	737974	
	739577	
	743892	
	743893	
	744411	
	746318	
	748219	

Model (note 1)	Hub serial No. (note 2)	Aircraft model (note 3)
3AF34C92* or 3AF32C92.*	682034	Cessna 421, 421 A, and B.
	682054	
	685899	
	686191	
	720668	
	721301	
	733370	
	734880	
3AF32C93.....	722256	Cessna 414.
	722257	

*Denotes suffix letter(s). Some models have 1 or more suffix letter designations, others have none.

NOTES.—(1) and (2)—Propeller model and hub serial numbers are stamped on the side of the propeller hub. The listing of hub serial numbers refers to specific hub serial numbers not series. In the event a spinner is installed, the spinner should be removed to check the model and hub (S/N) designations. The aircraft's records should likewise be checked to ensure that the model and hub serial number coincide with the records. In the event an error is noted, the records should be corrected accordingly. Prior to further flight, spinners should be reinstalled where applicable. (3)—If no listing of aircraft serial numbers is indicated, applies to all applicable serial numbers of a particular aircraft model or series.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To preclude the possibility of blade actuating pin failures resulting from using an incorrect actuating pin, or improper rework of the ferrules and installation of the blade actuating pins and washers (i.e., a blind actuating pin hole not tapped to the proper depth can cause stripped threads on the ends of the actuating pin resulting in severe stress and may prevent actuating pin from seating properly on the washer), accomplish the following:

A. Disassemble the propeller and inspect the blade actuating pins, washers and ferrules for proper conformity and installation in accordance with McCauley Service Bulletins No. 99 dated December 8, 1972, No. 99–1 dated December 14, 1972, No. 99–2 dated April 23, 1973, and No. 99–3 dated August 11, 1975, or later Federal Aviation Administration approved revisions.

B. Prior to further flight repair or replace as necessary, any improperly installed blade actuating pins, washers and ferrules, and reassemble the propeller in accordance with McCauley Service Bulletins No. 99 dated December 8, 1972, No. 99–1 dated December 14, 1972, No. 99–2 dated April 23, 1973, No. 99–3 dated August 11, 1975, and Service Manuals 710930 and 720415, or later Federal Aviation Administration approved revisions.

C. When the above propellers are released for service, compliance with this Airworthiness Directive shall be noted in the Aircraft's Records.

D. The responsible propeller repair station will notify the Federal Aviation Administration, Chief, Engineering and Manufacturing Branch, AGL–210, 2300 East Devon Avenue, Des Plaines, Illinois 60018, by certified mail of the results of these inspections. The disposition of the affected propeller(s) including the blade and hub serial numbers of the propellers (as received and where applicable, as returned to service) must be reported. (Reporting approved by the Office of Management and Budget under OMB No. 04–R–174).

The manufacturer's specifications and procedures identified in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Corporation, Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Illinois 60018, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and the Great Lakes Region.

This amendment becomes effective: July 6, 1977.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Des Plaines, Illinois, on June 20, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.77–18566 Filed 6–29–77;8:45 am]

[Docket No. 77–SO–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone, Rocky Mount, North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Rocky Mount, North Carolina, Control Zone to coincide with the hours of operation of the Rocky Mount Flight Service Station. The hours of the Flight Service Station are being reduced from continuous to 0600 to 2200 hours local time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: 0901 GMT, August 11, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Rocky Mount Control

JUN 30 77

Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicated insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0545 to 2200 hours local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division and Richard L. Faber, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 GMT, August 11, 1977, as follows:

§ 71.171 [Amended]

In Subpart F, § 71.171 (42 FR 355), the Rocky Mount, South Carolina, Control Zone is amended by adding the following:

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c):(14 CFR 11:69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 20, 1977.

PHILLIP M. SWATEK,
Director, Southern Region,

[FR Doc.77-18567 Filed 6-29-77;8:45 am]

[Airspace Docket No. 77-GL-02]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace, a transition area, near Bucyrus, Ohio, to accommodate a new instrument approach procedure into the Port Bucyrus-Crawford County Airport.

EFFECTIVE DATE: August 11, 1977.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: This rule making action is necessary to insure segregation of aircraft using the new instrument approach procedure into Port Bucyrus-Crawford County Airport in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200' above ground to 700' above ground. The development of the proposed instrument procedure necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude authorized from this procedure may be established below the floor of the 700' controlled airspace. Aeronautical maps and charts will also reflect this action.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 14884 of the FEDERAL REGISTER dated March 17, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Bucyrus, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective August 11, 1977, as follows:

In § 71.181 (42 FR 440), the following transition area is added:

BUCYRUS, OHIO

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Port Bucyrus Airport (latitude 40°46'30" N, longitude 82°58'15" W).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.81, Federal Aviation Regulations (14 CFR 11.81))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on June 16, 1977.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.77-18412 Filed 6-29-77;8:45 am]

[Docket No. 77-SO-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone at Anderson, S.C.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Anderson, South Carolina, Control Zone to coincide with the hours of operation of the Anderson Flight Service Station. The hours of the Flight Service Station are being reduced from continuous to 0600 to 2200 hours local time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station hours of operation.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Anderson Control Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicated insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0545 to 2200 hours local time daily. This will necessitate a similar reduction in the control zone hours of operation.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division and Richard L. Faber, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 11, 1977, as follows:

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) (14 CFR 11:69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 20, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-18411 Filed 6-29-77;8:45 am]

[Docket No. 77-SO-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Control Zone at Valdosta, Ga. (Valdosta Municipal Airport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the effective hours of the Valdosta, Georgia, Control Zone to coincide with the hours of operation of the Valdosta Flight Service Station and Airport Traffic Control Tower. The hours of the Flight Service Station are being reduced from continuous to part time. This reduces the availability of weather observations and necessitates the change in control zone hours of operation to conform to the Flight Service Station and Airport Traffic Control Tower hours of operation.

EFFECTIVE DATE: 0901 G.m.t., August 11, 1977.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Harlen D. Phillips, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: In Subpart F, § 71.171 (42 FR 355) of FAR, Part 71, the Valdosta Control Zone is designated as continuous (through the omission of any reference to specific dates and times of operation). This conforms with the Flight Service Station hours of operation. Weather observations are provided by the Flight Service Station on a 24-hour basis, which is one of the requirements for a continuous control zone operation.

A review of the Flight Service Station workload indicates insufficient activity to retain the 24-hour operation. On August 11, 1977, the Flight Service Station hours of operation will be reduced to 0600 to 2200 hours local time daily. This necessitates a reduction in the control zone hours of operation. The Airport Traffic Control Tower will continue to operate from 0700 to 2300 hours local time daily.

The aforementioned action will reduce the constraints and, in effect, the impact on the user imposed by the control zone operation. Consequently, we have elected to omit circularization of the change for comment.

DRAFTING INFORMATION

The principal authors of this document are Harlen D. Phillips, Airspace and Procedures Branch, Air Traffic Division and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., August 11, 1977, as follows:

This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) (14 CFR 11:69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 20, 1977.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-18410 Filed 6-29-77;8:45 am]

[Docket No. 16986; Amdt. No. 1079]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed weekly, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The current annual subscription price is $150; add $30 for each additional copy mailed to the same address.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730) Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 9) prescribes new, amended, suspended,

JUN 30 77
UM

or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260–3, 8260–4 and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR–VOR/DME SIAPs identified as follows:

* * * *Effective August 18, 1977.*

Auburn, AL—Auburn-Opelika, VOR Rwy 28, Amdt. 5
Auburn, AL—Auburn-Opelika, VOR/DME–A, Amdt. 4
Kankakee, IL—Greater Kankakee, VOR Rwy 4, Amdt. 1
Kankakee, IL—Greater Kankakee, VOR Rwy 22, Amdt. 1
Columbus-West Point-Starkville, MS—Golden Triangle Regional, VOR–D, Amdt. 2
Columbus-West Point-Starkville, MS—Golden Triangle Regional, VOR/DME–E Amdt. 2
West Milford, NJ—Greenwood Lake, VOR–A, Original
Lexington, TN—Franklin-Wilkins, VOR Rwy 33, Amdt. 7
Shelbyville, TN—Bomar Field, Shelbyville Muni., VOR Rwy 18, Original
Shelbyville, TN—Bomar Field, Shelbyville Muni., VOR Rwy 36, Amdt. 11

* * * *Effective August 11, 1977.*

Frankfort, IL—Frankfort, VOR Rwy 27, Amdt. 2
Gardner, MA—Gardner Muni., VOR–A, Amdt. 3
Orange, MA—Orange Muni., VOR–A, Amdt. 5
Ann Arbor, MI—Ann Arbor Municipal, VOR Rwy 6, Amdt. 6
Ann Arbor, MI—Ann Arbor Municipal, VOR Rwy 24, Amdt. 5
Big Rapids, MI—Roben-Hood, VOR–A, Amdt. 1
Charlotte, MI—Fitch H. Beach, VOR Rwy 20, Amdt. 4
Lancaster, OH—Fairfield County, VOR–A, Amdt. 1
Logan, UT—Logan-Cache, VOR Rwy 17, Original
Logan, UT—Logan-Cache, VOR–A, Amdt. 2
Logan, UT—Logan-Cache, VOR–B, Amdt. 1, cancelled
Salt Lake City, UT—Salt Lake City International, VOR Rwy 16L (TAC) Amdt. 6
Salt Lake City, UT—Salt Lake City International, VOR Rwy 16R (TAC) Amdt. 17
Kenosha, WI—Kenosha Municipal, VOR Rwy 14, Amdt. 3

2. By amending § 97.25 SDF–LOC–LDA SIAPs identified as follows:

* * * *Effective August 11, 1977.*

Rockford, IL—Greater Rockford, LOC BC Rwy 18, Amdt. 9

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective August 18, 1977.*

Kankakee, IL—Greater Kankakee, NDB Rwy 4, Amdt. 4

* * * *Effective August 11, 1977.*

Apalachicola, FL—Apalachicola Muni., NDB Rwy 13, Amdt. 7, cancelled
Rockford, IL—Greater Rockford, NDB Rwy 36, Amdt. 18
Fitchburg, MA—Fitchburg Muni., NDB–A, Amdt. 6
Orange, MA—Orange Muni., NDB–B, Amdt. 3
Charlevoix, MI—Charlevoix Municipal, NDB Rwy 8, Amdt. 2
Charlevoix, MI—Charlevoix Municipal, NDB Rwy 26, Amdt. 2
Jasper, TX—Jasper County-Bell Field, NDB Rwy 17, Amdt. 3
Jasper, TX—Jasper County-Bell Field, NDB–A, Amdt. 1
Logan, UT—Logan-Cache, NDB–B, Amdt. 1
Kenosha, WI—Kenosha Municipal, NDB Rwy 14, Amdt. 6

* * * *Effective July 28, 1977.*

Clarksville, AR—Clarksville Municipal, NDB–A, Original

4. By amending § 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective August 11, 1977.*

Rockford, IL—Greater Rockford, ILS Rwy 36, Amdt. 21

5. By amending § 97.31 RADAR SIAPs identified as follows:

* * * *Effective August 11, 1977.*

Salt Lake City, UT—Salt Lake City International, RADAR–1, Amdt. 13

6. By amending § 97.33 RNAV SIAPs identified as follows:

* * * *Effective August 18, 1977.*

Auburn, AL—Auburn-Opelika, RNAV Rwy 36, Amdt. 1

* * * *Effective August 11, 1977.*

Lancaster, OH—Fairfield County, RNAV Rwy 10, Original
Houston, TX—Hull Field, RNAV Rwy 17, Amdt. 1
Houston, TX—Hull Field, RNAV Rwy 35, Original

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354 (a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 1161, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Washington, D.C., on June 24, 1977.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.77–18644 Filed 6–29–77;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 26907 et al.; ER–1003, Amdt. 2]

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment terminates the special standards previously governing entry of long-haul motor carriers of general commodities and railroad carriers as air freight forwarders (monitored entry) as set forth in Subpart H of Part 296. Instead, it treats entry by such persons in the same manner as all other applicants for entry (free entry) except that the period for which the license is granted is limited to a period of ten years from the effectiveness of the Board's decision in *Long-Haul Motor/Railroad Carrier Air Freight Forwarders Authority Case*, Docket 26907, decided June 27, 1977, Order 77–6–126. This rule implements a part of the Board's decision.

DATES: Effective: August 26, 1977. Adopted: June 27, 1977. Petitions for Reconsideration by July 20, 1977.

ADDRESSES: Petitions for Reconsideration should be sent to Docket 26907, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202–673–5206).

SUPPLEMENTARY INFORMATION: In *Motor Carrier Air-Freight Forwarder Investigation*, Order 69–4–100, the Board authorized long-haul motor carriers of general commodities to engage in air freight forwarding and international air freight forwarding on a trial basis for a period of five years under a plan of monitored entry designed to assure that their participation would benefit rather than harm air transportation. The program was extended to railroad carriers in *Southern Pacific-Sante Fe Air Freight Forwarder Case*, Order 70–10–100. The provisions establishing the program were incorporated in Part 296 by ER–593 (November 12, 1969, 34 FR 19341) and ER–791 (October 12, 1970, 36 FR 20155). They are codified in 14 CFR 296.80 et seq.

In *Long-Haul Motor/Railroad Carriers Air Freight Forwarder Authority Case, supra*, we undertook a review and appraisal of the efficacy of the experiment we had instituted. In our opinion issued simultaneously herewith (which incorporated and relied upon the initial decision of the administrative law judge) we concluded that the monitored entry program and the special reports called for by the program should be terminated. We concluded further that long-haul motor and railroad carriers should be permitted free entry the same as all other applicants. However, we did determine that the licenses granted to such surface or affiliated carriers either through renewal in the proceeding or through later proceedings would be limited to a period of ten years from the effectiveness of our decision.

For the reasons stated in our decision, and the record upon which it was made, the Board is amending Subpart H of Part 296 in the manner set forth below. The changes made in the regulation were clearly at issue in the proceeding referred to and were fully litigated. This amendment, therefore, will take the form of a final rule. However, interested persons will be afforded a period of 20 days from the date of publication of this amendment in the FEDERAL REGISTER within which to file petitions for reconsideration. The effective date of this amendment shall, like the decision upon which it is based, be 60 days after its adoption.

The Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective August 26, 1977, as follows:

1. Amend the Table of Contents by revising the description of sections listed under Subpart H to read as follows:

Subpart H—Authorization of Long-Haul Motor Carriers of General Commodities or Railroad Carriers as Air Freight Forwarders and International Air Freight Forwarders

* * * * * * *
§ 296.82 * * *
§§ 296.83–296.87 [Reserved]
§ 296.88 * * *
* * * * * * *

2. Amend § 296.80 to read as follows:

§ 296.80 Applicability of subpart.

This subpart sets forth the limited duration of authorizations to long-haul motor carriers, as defined in § 296.1(h), and railroad carriers, as defined in § 296.1(i), to operate in their own names as air freight forwarders or as international air freight forwarders. The regulation does not govern requests of motor carriers and railroad carriers for Board approval of control relationship created when they apply through subsidiaries or other affiliates for authorization as forwarders. Action on such applications for approval of control shall be governed by section 408 of the Act and by § 399.20 of the Board's policy statement in this chapter.

3. Amend § 296.81 to read as follows:

§ 296.81 Applicability of other subparts.

The provisions of subparts A through C and E through G of this Part shall be applicable to the processing of applications of long-haul motor carriers or railroad carriers for authority to operate as air freight forwarders and as international air freight forwarders, and to the conduct of such operations.

4. Amend § 296.82 to read as follows:

§ 296.82 Applicability of policy statement.

The provisions of § 399.20 of the Board's policy statements in this chapter (14 CFR Part 399) shall be applicable to the processing of applications of long-haul motor carriers and railroad carriers and other persons owned or controlled by or owning and controlling such carriers which seek or possess authority to operate as air freight forwarders or international air freight forwarders for approval of such control relationships under section 408 of the Act.

§§ 296.83–296.87 [Reserved]

5. Delete and reserve §§ 296.83, 296.84, 296.85, 296.86, and 296.87.

6. Amend § 296.88 to read as follows:

§ 296.88 Duration.

Unless sooner suspended or revoked, an authorization of a long-haul motor carrier or railroad carrier will continue in effect until it expires by its terms or until this subpart is terminated or revoked: *Provided*, That in no event shall such an authorization pursuant to this subpart extend past August 26, 1987.

7. Amend § 296.89 to read as follows:

§ 296.89 Revocation or suspension.

The Board may institute proceedings to revoke the authorizations of one or more long-haul motor carriers or railroad carriers if it has cause to believe that the continued operations of such carrier or carriers will be inconsistent with the public interest. Pending completion of revocation proceedings, the Board may without hearing suspend or limit the authorization of one or more of such motor carriers or railroad carriers, in accordance with procedures specified by § 296.62.

(Secs. 101(3), 102, 204(a), and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 743, and 771 (49 U.S.C. 1301, 1302, 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–18769 Filed 6–29–77;8:45 am]

SUBCHAPTER F—POLICY STATEMENTS

[Docket No. 26907 et al.; Reg. PS–74, Amdt. 53]

PART 399—STATEMENTS OF GENERAL POLICY

Processing of Applications of Long-Haul Motor Carriers or Railroad Carriers for Authority as Air Freight Forwarders or International Air Freight Forwarders

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment to § 399.20 of the Board's Statements of General Policy reflects the termination of the special standards and policies previously governing entry of long-haul motor carriers and railroad carriers as air freight forwarders and international air freight forwarders (monitored entry) as previously set forth in § 399.20. Instead, this amendment establishes a policy of treating and processing applications for entry by such persons in the same manner as all other applicants for entry (free entry) pursuant to the provisions of Part 296, as amended simultaneously herewith. In addition, this amendment makes clear that approval of control of an air freight forwarder or an international air freight forwarder by a long-haul motor carrier or railroad carrier will normally be granted, and that changes in the extent of the operating authority of the affiliated surface carriers need not be submitted for approval. This rule implements a part of the Board's deci-

sion in the *Long-Haul Motor/Railroad Carrier Authority Case*, Order 77–6–126.

DATES: Effective August 26, 1977. Adopted: June 27, 1977. Petitions for Reconsideration by July 20, 1977.

ADDRESSES: Petitions for Reconsideration should be sent to Docket 26907, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428 (202–673–5205).

SUPPLEMENTARY INFORMATION: In the preamble to ER–1003, which amended Part 296 to terminate the monitored entry program, and in the *Long-Haul Motor/Railroad Carrier Authority Case*, Order 77–6–126, both of which were adopted today, we traced briefly the development of the monitored entry program and the reasons for its termination.[1] We shall not repeat that material here. By our present action, for the reasons there stated, we are disclosing the policies we will follow in these proceedings in the future. These statements appear in the Code of Federal Regulations and will facilitate public knowledge of the course that will be followed in a given case and minimize the burdens of the administrative process.

The changes now being made in the statement of policy were at issue in the proceeding referred to and were fully litigated. This amendment, therefore, will take the form of a final rule. However, interested persons will be afforded a period of 20 days from the date of publication of this amendment in the FEDERAL REGISTER within which to file petitions for reconsideration. The effective date of this amendment shall, like the decision upon which it is based, be 60 days after its adoption.

The Civil Aeronautics Board hereby amends Part 399 of the Board's Statements of Policy (14 CFR Part 399) effective August 26, 1977, as follows:

Amend § 399.20 by revising paragraphs (a), (c), and (d) and deleting and reserving paragraphs (e) and (f), to read as follows:

§ 399.20 Processing of applications of long-haul motor carriers or railroad carriers for authority as air freight forwarders or international air freight forwarders.

(a) *General.* This policy statement indicates the procedures the Board will use in processing applications of long-haul motor carriers of general commodities and railroad carriers for authorization as air freight forwarders or international air freight forwarders. It will also apply to such carriers' applications for Board approval of the acquisition of such forwarders.

* * * * *

(c) *Applications for forwarding authority.* Where a long-haul motor carrier or railroad carrier applies for authority as an air freight forwarder or an international air freight forwarder its application will be processed in conformity with Part 296 of this chapter in the same manner as the application of any other person.

(d) *Applications for acquisition of control.* Where a long-haul motor carrier applies for Board approval to acquire control of an air freight forwarder or international air freight forwarder, the Board's policy in ordinary circumstances will be as follows:

(1) * * *

(2) The Board will not deem the size, geographical extent, or general commodity rights of the long-haul motor carrier's surface transport authorization and operations, or the size or geographical extent of the railroad carrier's surface transport authorization and operations, of themselves, as factors indicating that the carrier's control of the air freight forwarder or international air freight forwarder will result in creating a monopoly or monopolies, and thereby restrain competition or jeopardize another air carrier not a party to the consolidation, merger, purchase, lease, operating contract, or acquisition of control, or will otherwise be inconsistent with the public interest, and will normally approve such acquisition.

(3) Changes in the extent of the surface authorization or operations of a long-haul motor or railroad carrier arising from certificate changes, leases, acquisitions or other transactions need not be resubmitted to the Board for approval if the underlying relationship has previously been approved by the Board.

(4) Determinations of applications for acquisitions of control referred to in this section are delegated to the Director, Bureau of Operating Rights, pursuant to § 385.13 of the Board's Organization Regulations.

(e) [Reserved]

(f) [Reserved]

(Secs. 101(3), 102, 204(a), 408, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 740, 743, 767 (as amended), and 771 (49 U.S.C. 1301, 1302, 1324, 1378, and 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77–18768 Filed 6–29–77;8:45 am]

[1] Our opinion in the cited case incorporates the 100-page opinion of an administrative law judge which was based in turn on a lengthy record of an evidentiary hearing.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1511—REQUIREMENTS FOR PACIFIERS

Banning of Hazardous Articles and Establishment of Safety Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues mandatory safety requirements for pacifiers in the form of a regulation banning from interstate commerce pacifiers not meeting the safety requirements. The regulation is designed to address choking and strangulation hazards associated with pacifiers.

EFFECTIVE DATE: February 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301–492–6453).

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of October 20, 1976 (41 FR 46347), the Consumer Product Safety Commission (CPSC) proposed for public comment a regulation (16 CFR Part 1511) prescribing safety requirements for pacifiers and a regulation (16 CFR 1500.18(a)(8)) banning from interstate commerce, pacifiers not meeting such safety requirements.

The Commission proposed banning and safety requirements for hazardous pacifiers pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261). Section 2(f)(1)(D) provides for the classification of any toy or other article intended for use by children as a hazardous substance upon a determination by regulation, in accordance with section 3(e)(1) of the FHSA (15 U.S.C. 1262), that it presents a mechanical hazard. In addition, section 2(q)(1)(A) of FHSA provides that such toy or article be termed a banned hazardous substance.

The need for this regulation was demonstrated by injury data and death reports. Eight deaths, and seven choking incidents which did not result in death, associated with pacifiers were reported between 1970 and 1975. They were mentioned in the October 20, 1976, proposal. Two of the deaths were due to choking and six to strangulation. Since that time, it has been determined that there were two additional choking deaths that occurred in 1966 and 1971, which were not indicated in the October 1976 proposal.

The regulation has five parts. The first part requires a guard or shield on the pacifier of sufficient size so that the pacifier cannot be drawn through a test fixture with dimensions similar to a baby's mouth. In addition, the guard or shield is required to have at least two ventilation holes. These holes are intended to provide an emergency oxygen supply as well as a rapid means of removing the pacifier from the child's throat. The second part prescribes a protrusion limitation requirement designed to address the hazard pattern of a child falling forward or rolling over with the pacifier in his/her mouth. The regulation also has a test for the structural integrity of the pacifier and its component parts. Any components or fragments of the pacifier released when subjected to the structural integrity tests are then subject to a small parts test. The last two sections of the regulation address the strangulation hazard that results from tying a pacifier around a child's neck with ribbons, string, or similar attachments. A required warning label would alert parents and others to this hazard. A prohibition against selling pacifiers with ribbons, string, cords, and similar items also addresses this hazard.

The test procedures in the regulation describe the tests which the Commission will perform on pacifiers for compliance and enforcement purposes. Manufacturers, of course, are free to test their own products by more stringent procedures than those prescribed in the standard.

DISCUSSION OF MAJOR COMMENTS

The proposal of October 20, 1976, invited interested persons to submit comments on or before November 19, 1976. A total of 10 comments were received: seven from manufacturers (6 domestic and one foreign), one from a retailer, one from a domestic manufacturer's association and one from a foreign Trade Commission.

The major criticisms concerned the definition of a pacifier, the guard or shield requirements, particularly the requirement for ventilation holes, and the cautionary labeling statement.

The principal issues and criticisms raised in the comments and the Commission's response to these points are as follows:

A. Section 1511.2 Definitions. One commentor suggested that the definition of a pacifier be reworded to exclude products that have a nipple but do not have a guard or shield. The Commission does not agree to make the change because the change might allow the sale of products such as hybrid teether/pacifiers that can present the hazards the pacifier regulations is designed to prevent. Ordinary teething rings, however, are excluded by definition from the regulation. Orthodontic pacifiers are included.

The Commission did not intend that regulation to include nipples intended for dispensing liquids from bottles. Therefore, the Commission has changed the definition of pacifier at section 1511.2(a) to make this clear.

B. Section 1511.3 Guard or shield requirements. The proposal provided for an atttempt to pull the pacifier through a 43 mm. (1.70 in.) circular fixture with two pounds of force. The placement of the pacifier in the fixture was required to be in the most adverse orientation, i.e., that which would result in the lowest force to cause the pacifier to be drawn through the aperture. Several commentors criticized these proposed requirements for guards or shields. The commentors stated (1) that the diameter of the opening (43 mm.) in the test fixture in figure 1(a) is too large, (2) that the regulations should define the minimum area measurements and widths of shields, since large oval or eliptical shields could slide through the circular fixture, and (3) that the testing of pacifiers in the most adverse orientation is excessively rigorous.

Commentors recommended reducing the diameter of the opening to various sizes. The Commission finds that the fixture opening diameter is not excessively large since its size is based on sample measurements of children's mouths taken by the Maryland State Department of Health and Mental Hygiene. The Commission believes that a reduction in the dimensional requirements to those recommended by the commentors may not be adequate in preventing entry of the pacifier into a child's mouth and would not reduce or eliminate the risk of injury or death by asphyxiation.

However, the Commission agrees that the requirement that the pacifier be placed in the fixture in the most adverse orientation may be unnecessarily stringent. Tests of pacifiers performed by the Commission's staff showed that many pacifiers with non-circular shields of a generous size such as some orthodontic pacifiers could not comply with the proposed requirement. These same pacifiers, when centered on the opening of the fixture, would comply. Lack of inquiry data on these pacifiers indicates that presently they may not present an unreasonable risk of injury.

Therefore, the regulation has been changed so that the nipple of the pacifier is centered in the circular opening of the fixture and there are slots on either side of the opening. The purpose of the slots is to ensure that pacifiers which have a simple bar at right angles to the nipple axis do not meet the regulations. In the opinion of the Commission such a bar would not be an effective substitute for a guard or shield.

The fixture for testing guard or shield performance, shown in figure 1(a) of the regulation below, is similar to an existing requirement in a Canadian regulation for pacifiers. (P.C. 1974–1102). To relieve manufacturers and distributors from the burden of complying with two regulations with essentially similar requirements, the Commission has reduced the diameter of the circular opening from 1.70 inches (43 mm.) to 1.68 inches (42.7 mm.). The Commission believes the reduction is insignificant and will provide adequate protection. In addition, since the dimensions in the two regulations will be the same, the Commission believes that compliance efforts in the U.S. and Canada could mutually support each other.

One commentor asked that the test force of 2 pounds on the pacifier nipple in the guard or shield performance requirements be reduced to 1 pound because children are not as strong as adults and cannot develop the suction which adults attain. Although the suction of adults was initially used in determining this force, a report of a fatality led the Commission to consider the force that could develop if a child should fall or roll over with a pacifier in it's mouth. The weight of the child's head resting partially on the pacifier can reasonably be expected to develop a force of 2 pounds. Therefore, the Commission finds that a 2 pound force is necessary to allow for a margin of safety.

Two commentors said that the 43 mm dimensional requirement would force pacifier guards or shields to be so large that they could cover a child's nostrils and impair breathing. The Commission is aware of pacifiers currently on the market that meet the dimensional requirements of the proposed guard or shield test and is not aware of any complaints or reports of injuries as a result of the large size of guards or shields on these pacifiers. In addition, the Commission believes the 42.7 mm size is appropriate based on limited data it has obtained from the Maryland Chief Medical Examiner which pertain to the size of infants' mouths. Based on a sample of 25 subjects up to four months of age, the sizes were found to be between 22 mm and 40 mm. Thus, the size requirement of 42.7 mm seems reasonable and the the Commission has not substantially changed the dimensional requirement.

One commentor felt that there is an inconsistency between the guard or shield requirements and the small parts test in section 1511.5(d) because a guard of a certain size would pass the small parts test, and yet fail the 43 mm requirement. The Commission points out that the two tests are designed to address separate hazards. The guard or shield requirement is designed to prevent impaction of the entire pacifier in the child's mouth. The use of the small parts test is intended to insure that if a pacifier should break, the parts would not be readily aspirated, ingested or cause choking. Therefore, the Commission sees no inconsistency in the two provisions.

C. Section 1511.3(b) Ventilation holes. The proposed regulation required the pacificer shield or guard to contain at least two holes, symmetrically located, at least 0.20 inches in minor dimension. No hole is to be closer than 0.20 inches to the perimeter of the pacifier shield or guard. Commentors on this proposed requirement said that (1) it is ineffective, (2) it is unhygienic because the holes are "dirt traps", (3) it will prevent sucking and thus would destroy the utility of the pacifier, (4) it will weaken the shield thereby increasing the potential of the shield entering the mouth, and (5) it will provide holes by which to attach strings

to fasten the pacifier around a child's neck thereby increasing the hazard rather than reducing it. One commentor recommended that other means of providing air flow, like "V" or "U" notches, be permitted instead of ventilation holes; and another suggested that if there had to be holes, 4 holes would assure alignment with a child's breathing passages.

The Commission's medical staff states that the purpose of the ventilation holes are to (1) provide an auxiliary pathway for air to the lungs to reduce the possibility of anoxia, resulting in death, if a pacifier shield occludes the airway; (2) provide a partial airway through which oxygen can be administered enroute to a medical facility; and (3) provide a means to remove a pacifier impacted in the throat.

The Commission believes the requirement for at least two ventilation holes could reduce the chance for a tragic suffocation death. If one hole is closed by throat tissue, the second hole could still be open to provide an auxiliary air passage or to facilitate removal of the pacifier. If both holes are blocked, oxygen could be administered by inserting a nasal catheter.

Dirt and bacteria trapped in the holes should prove no more harmful than dirt and bacteria found on the pacifier surface or in junctions, as between the nipple and shield of a multipiece pacifier. This dirt and bacteria should be removed regardless of where it is on the pacifier: surface, junctions, or ventilation holes. Therefore, the Commission believes the holes are not "unhygienic."

As for the comment that the ventilation holes would prevent sucking, the Commission points out that the child sucks the nipple and not the shield. If the child should be able to get a substantial portion of the shield into its mouth, the Commission's Office of the Medical Director believes the holes will assist in preventing the child from sucking the pacifier into the oral pharynx, since negative pressure would not be generated.

Some commentors stated the holes will weaken the shield or guard. The Commission's Engineering Science laboratory punched or drilled ventilation holes in several shields to see if they would weaken the shield and found that the strength of the shield was not measurably affected.

The Commission believes the cautionary labeling required on pacifiers by § 1511.7 will adequately address the possible danger of adults tying strings through ventilation holes to fasten the pacifier around the child's neck. The labeling warns of the strangulation hazard from such action.

As for the suggestion that the Commission permit the use of notches instead of ventilation holes, the Commission medical staff believes it does not have the data at this time to develop performance requirements. In addition, since the ventilation holes could serve as a method for removing the pacifier in an emergency, it may be helpful to emergency personnel to know there is a standardized opening for which they are searching. Therefore, the Commission does not make the change suggested.

In regard to the suggestion for 4 holes to assure alignment with breathing passages, the Commission believes that 2 holes will adequately accomplish the intended purpose. The regulation at § 1511.3(b) states that the guard or shield shall contain at least two holes, and therefore four holes could be used if they are symmetrically located.

D. Section 1511.4 Protrusion test. The proposed regulation required that no protrusion from the face of the guard or shield opposite the nipple greater than .63 inches (16 mm) be permitted when measured by applying 2 pounds of force to the protrusion. The comments on this requirement were that it is: (1) unnecessary, (2) unclear, and (3) that the allowed protrusion dimension be increased from 16 to 18 millimeters. One commenter felt that this requirement is necessary. The Commission believes this requirement is necessary to prevent pacifiers from being forcibly pushed into a child's throat by a child rolling face down on a firm surface, while sucking on a pacifier. Therefore, the Commission finds that increasing the permissible protrusion from 16 to 18 mm would only decrease the margin of safety. However, the Commission finds that the wording of the test procedure in this requirement of the proposal may be unclear. Accordingly, § 1511.4 below has been changed to read that during the test, flexible or hinged handles are allowed to buckle or freely rotate during the application of the plane surface. A further change has been made to clarify the distance to be measured when testing a pacifier with a curved shield. The provision now reads: "Measure the distance from the plane surface to the guard or shield at the base of the nipple."

One commentor said that a nipple length of no longer than 30 mm should be required. The Commission has no hazard information or medical information at this time to require that the nipple length be no longer than 30 mm.

E. Section 1511.6 Ribbons, strings, cords or other attachments. The proposed regulation stated that no pacifier could be sold or distributed which featured a ribbon, string, cord or other means of attachment which could fit around a child's neck. The Commission's staff noted that the wording of this requirement is ambiguous. It could be read as qualifying the length of the ribbon, string or cord when its intention is to prohibit entirely such attachments to a pacifier. Therefore, the Commission has changed the wording of this section for clarity.

F. Section 1511.5 Structural integrity tests. The proposed regulation included structural integrity tests in which the nipples and handles or rings are pulled within 10 pounds of force before and after boiling them. Any pacifier components or fragments released as a result of the structural integrity tests are then required to undergo a small parts test designed to determine whether they could be lodged in a child's throat.

The boiling procedure involves six boiling and cooling cycles of 5 minutes each. One commentor said that the boiling test time of the structural integrity test should be no less than 5 minutes, and another said it should be reduced to 3 minutes. A third commentor said he was in agreement with the proposed test requirements. The boiling test time of 5 minutes is based on common sterilizing techniques used by parents and institutions. Accordingly, the Commission has not changed the time for boiling in the heat cycle deterioration test.

The Commission draws attention to the change in the Small Parts Gage shown in figure 2 of the regulation below. The gage in the proposed regulation had included tolerance ranges for gage dimensions and had specified an angle dimension for the cylinder. The Commission has determined to drop the tolerance ranges and delete the angle dimension in the final regulation in order to make the gage dimensions consistent with the previous dimensions of the same cylinder as they appear in the proposed small parts regulation (38 FR 2180, January 23, 1973), a voluntary standard for toys, and a foreign standard for pacifiers. The Commission points out that the dimensions of the gage used for compliance testing shall be no greater than those shown in figure 2.

As a result of federal energy conservation guidelines, published subsequent to the date of the proposal, the Commission believes it is desirable to change the 68° to 78° F temperature range specified in the proposal for room temperature in the heat cycle deterioration test. The Commission has therefore changed the temperature range to 60° to 80° F (16° to 27° C) to allow testing in a typical laboratory, winter or summer, without violating federal energy conservation guidelines.

G. Section 1511.7 Labeling. The proposed regulation required pacifiers to be labeled with the following statement: Warning: Strangulation Danger—Do Not Tie Pacifier Around Child's Neck With Ribbon or String. Some commentors stated that this requirement was not necessary or that it should be worded differently. Several different warning statements were suggested. The Commission believes a warning label is important to alert parents and others caring for children of the hazard. Of the warning statements suggested by commentors, the Commission agrees that the wording: Warning—Do Not Tie Pacifier Around Child's Neck As It Presents A Strangulation Danger is a more appropriate label than that previously proposed since it is the tying of the pacifier that creates the strangulation danger and not the pacifier itself. Accordingly, section 1511.7 has been changed to adopt this suggested labeling requirement.

A retailer suggested that the warning statement on the individually packaged pacifiers should be required to be on the front panel in at least $\frac{3}{16}$-inch type. The Commission believes that the requirement that the warning be conspicuous is sufficient to address the hazard, and therefore does not make the suggested change.

H. Section 1500.18(a)(8) Effective date. The proposed effective date was 180 days following the date of publication in the FEDERAL REGISTER of the final form of the regulation. One commentor requested a full year to comply. Other commentors suggested that domestic manufacturers could comply with the proposed regulation within six months.

The Commission recognizes that domestic manufacturers can make the changes necessary to comply with the proposed regulation within 6 months but notes that it would take importers 1 or 2 months longer than domestic manufacturers to comply because of the added time for transoceanic shipping. The Commission therefore believes that the effective date of the regulation should be 240 days after publication, to ensure foreign manufacturers are not at an unfair competitive disadvantage.

ENVIRONMENTAL EFFECTS

The Commission has concluded that the Pacifier Regulation will have no significant effects on the environment and that no environmental impact statement is necessary. The factors leading to this determination are set forth in an environmental assessment of the regulation which is on file with and available from the Commission's Office of the Secretary.

ECONOMIC IMPACT ANALYSIS

The Commission estimates that some 15 million pacifiers are sold annually in the U.S. Most if not all new production will have to be modified to meet the regulation.

Substantial retooling costs may be incurred by some manufacturers to comply with the guard and ventilation hole requirements. These costs are primarily those associated with modification or replacement of injection molding equipment.

The Commission estimates that retail prices of some pacifier models may rise from 2 to 10 cents each. For other models, retail prices will probably not show any increase. Some models of pacifiers may be discontinued, or replaced with other models which can more easily meet the regulation. One manufacturer has indicated that, should major mold changes be required, it may discontinue all pacifier production. It also appears that some wholesale and retail buyers intend to delay buying pacifiers until the regulation is published and complying merchandise is available.

METRIC CONVERSION

Domestic pacifier manufacturers generally produce other children's products. For consistency with previous CPSC regulations for children's products which acknowledge the current measurement practice of the industry, compliance tests prescribed by the regulation below shall be conducted by the Commission staff using the English units of measurement. The metric approximations are provided in the regulation for convenience and information only.

EFFECTIVE DATE AND APPLICABILITY

The effective date will be February 28, 1977. The regulation applies to (1) those pacifiers manufactured outside of the United States that are first brought within a U.S. port of entry after the effective date and (2) those pacifiers manufactured in the U.S. that are first sold interstate after the effective date or are first sold intrastate, if one or more components and/or raw materials were received interstate, after the effective date.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), a new paragraph (a)(8) is added to section 1500.18 and a new Part 1511 is added to Title 16, Chapter II, as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) *Toys and other children's articles presenting mechanical hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of section 2(s) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

• • • • • •

(8) Any pacifier that does not meet the requirements of 16 CFR Part 1511 and that is introduced into interstate commerce after February 28, 1978.

• • • • • •

PART 1511—REQUIREMENTS FOR PACIFIERS

Sec.

1511.1 Scope of Part 1511.
1511.2 Definitions.
1511.3 Guard or shield requirements.
1511.4 Protrusions.
1511.5 Structural integrity tests.
1511.6 Ribbons, strings, cords, or other attachments.
1511.7 Labeling.
1511.8 Metric references.

AUTHORITY: Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended 80 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262.

§ 1511.1 Scope of Part 1511.

This Part 1511 sets forth the requirements whereby pacifiers (as defined in section 1511.2(a)) are not banned articles under section 1500.18(a)(8) of this chapter.

§ 1511.2 Definitions.

(a) A "pacifier" is an article consisting of a nipple that is intended for a young

JUN 30 77

child to suck upon, but is not designed to facilitate a baby's obtaining fluid, and usually includes a guard or shield and a handle or ring.

(b) "Guard or shield" means the structure located at the base of the nipple used to prevent the pacifier from being completely drawn into the child's month.

(c) "Handle or ring" means the structure usually located adjacent to the guard or shield used for holding or grasping the pacifier. A hinged handle or ring is one that is free to pivot about an axis parallel to the plane of the guard or shield.

§ 1511.3 Guard or shield requirements.

(a) *Performance requirements.* Place the pacifier in the opening of the fixture illustrated in Figure 1(a) of this part so that the nipple of the pacifier is centered in the opening and protrudes through the back of the fixture as shown in Figure 1(b). For pacifiers with non-circular guards or shields, align the major axis of the guard or shield with the major axis of the opening in the fixture. Apply a tensile force to the pacifier nipple in the direction shown. The force shall be applied gradually attaining but not exceeding 2.0 pounds (8.9 newtons) within a period of 5 seconds and maintained at 2.0 pounds for an additional 10 seconds. Any pacifier which can be completely drawn through an opening with dimensions no greater than those of Figure 1(a) by such a force shall fail the test in this part.

(b) *Ventilation holes.* The pacifier guard or shield shall contain at least two holes symmetrically located and each being at least 0.20 inches (5 millimeters) in minor dimension. The edge of any hole shall be no closer than 0.20 inches (5 millimeters) to the perimeter of the pacifier guard or shield.

§ 1511.4 Protrusions.

(a) *Protrusion limitation.* No protrusion from the face of the guard or shield opposite from the nipple shall exceed 0.63 inches (16mm) when measured in accordance with the procedure specified in paragraph (b) of this section.

(b) *Protrusion test.* Secure the pacifier by clamping the nipple with its axis horizontal. For pacifiers with hinged handles or rings the orientation of the hinge axis shall be horizontal. A plane surface shall be applied to any protrusion from the guard or shield with a force gradually attaining but not exceeding 2.0 pounds (8.9 newtons) applied in a direction along the axis of the nipple. The normal of the plane surface shall be maintained parallel to the axis of the nipple. Any protrusion shall be allowed to flex or rotate about its hinge as the plane surface is applied to it. Measure the distance from the plane surface to the guard or shield at the base of the nipple.

§ 1511.5 Structural integrity tests.

(a) *Nipple.* Hold the pacifier by the shield or guard, grasp the nipple end of the pacifier and gradually apply a tensile force to the pacifier nipple in any possible direction. The force shall be applied gradually, attaining but not exceeding 10.0 pounds (44.5 newtons) within a period of 5 seconds and maintained at 10.0 pounds for an additional 10 seconds.

(b) *Handle or ring.* Hold the pacifier by the shield or guard or base of the nipple, and push or pull on the handle or ring in any possible direction. The force shall be applied gradually attaining but not exceeding 10.0 pounds (44.5 newtons) within a period of 5 seconds and maintained at 10.0 pounds for an additional 10 seconds.

(c) *Heat cycle deterioration.* After the testing prescribed in paragraphs (a) and (b) of this section, all pacifiers shall be subject to the following: Submerge the pacifier in boiling water for 5 minutes and then remove the pacifier and allow it to cool for 5 minutes in room temperature air, 60° to 80° F. (16° to 27° C). After the cooling period, resubmerge the pacifier in the boiling water for 5 minutes. The process shall be repeated for a total of 6 boiling/cooling cycles. After the sixth cycle, the pacifier shall again be subjected to the structural tests in paragraphs (a) and (b) of this section and section 1511.3.

(d) *Small parts.* Any components or fragments which are released as a result of the tests specified in (a), (b) and (c) shall be placed in the truncated cylinder shown in Figure 2, such that the component or fragment is in the lowest position in the cylinder. If the uppermost edge of the component or fragment is below the plane of the top of the cylinder, the pacifier shall fail the test in this section.

§ 1511.6 Ribbons, strings, cords, or other attachments.

A pacifier shall not be sold or distributed with any ribbon, string, cord, chain, twine, leather, yarn or similar attachments.

§ 1511.7 Labeling.

(a) As required by (b) and (c) below, pacifiers shall be labeled with the statement: "Warning—Do not Tie Pacifier Around Child's Neck as it Presents a Strangulation Danger."

(b) The labeling statement required by paragraph (a) of this section shall appear legibly and conspicuously on any retail display carton containing two or more pacifiers.

(c) Each individually packaged pacifier shall bear the labeling statement required in paragraph (a) of this section on the package legibly and conspicuously.

§ 1511.8 Metric references.

For purposes of compliance with the test procedure prescribed by this section 1500.46, the English figures shall be used. The metric approximations are provided in parentheses for convenience and information only.

Dated: June 27, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

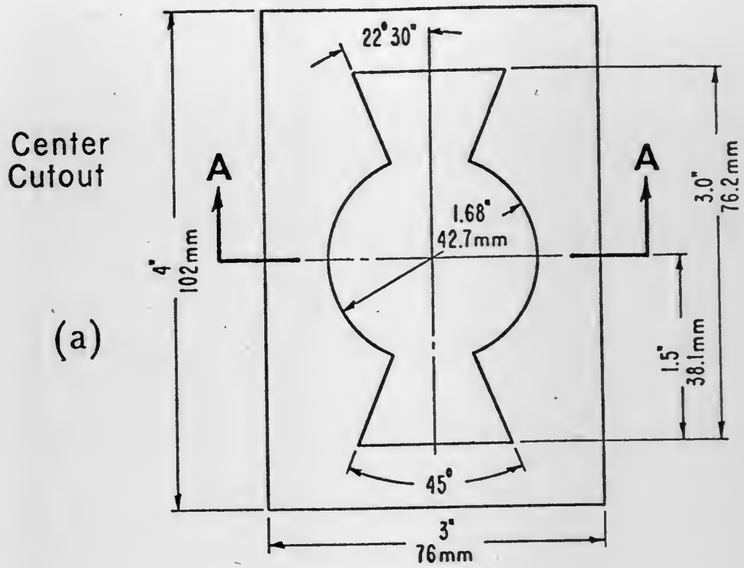
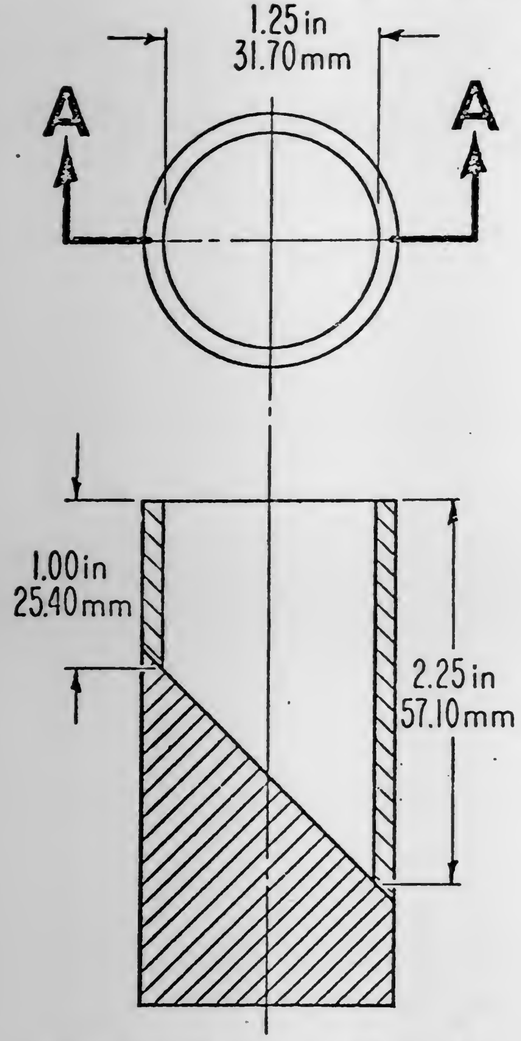


FIG 1 - PACIFIER TEST FIXTURE



Section A-A

FIG 2-SMALL PARTS GAGE

[FR Doc.77-18778 Filed 6-29-77;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5835, 34-13630, 35-20077, IC-9817, AS-220]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Rescission of Certain Accounting Series Releases

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of accounting series releases.

SUMMARY: Thirty-six releases in the accounting series and a related Securities Act release which preceded the institution of that series are being rescinded on the basis of a review and determination that the pronouncements and policies stated in the releases have no current application or have been superseded by other pronouncements, rules or standards and are no longer necessary in the administration of the Commission's current rules and regulations. This action will eliminate the need for registrants and other users to retain the releases for reference purposes and will enable the Commission to cease to maintain the releases in its records as well as to omit them from a new compilation of releases in the accounting series currently being prepared.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Robert R. Love, Office of the Chief Accountant, 500 North Capitol Street, Washington, D.C. 20549 (202) 755-1773.

SUPPLEMENTAL INFORMATION: The new compilation of the releases in the accounting series, which will include all of the releases through No. 195 which remain in effect, is expected to be published in the near future by the United States Government Printing Office. The publication must be ordered from and remittance made payable to:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

COMMISSION ACTION: The Commission hereby rescinds the following releases in the accounting series, Parts 211, 231, 241, 251 and 271 of Title 17, Chapter II, of the Code of Federal Regulations.

The following releases were listed in Part 211 and, in some instances, in additional Parts as indicated.

Release No.:
33-1210; AS-1, 6, 7, 9, 10, 11, 13, 14, 15, 16, 17, 23, 26, 30, 32, 35, 38, 42, 45, 50, 52, 53, 55, 85, 86, 96 (also: Part 231, No. 4574; Part 241, No. 6990; Part 251, No. 14787; Part 271, No. 3611); 107 (also: Part 241, No. 8024); 133 (also: Part 231, No. 5341; Part 241, No. 9910); 134 (also: Part 231, No. 5345; Part 241, No. 9923); 137 (also: Part 231, No. 5352; Part 241, No. 9938; Part 271, No. 7617).

The following releases were not listed under any of the above cited Parts, but except for Nos. 140 and 145 were included in the prior Compilation of Accounting Series Releases, Nos. 1 through 112.

Release No.:

14	Feb. 20, 1940.
61	May 15, 1947.
63	Aug. 5, 1947.
65	June 21, 1948.
69	July 12, 1950.
140	Jan. 18, 1973.
145	Aug. 2, 1973.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 15, 1977.

[FR Doc.77-18678 Filed 6-29-77;8:45 am]

[Release Nos. 34-13659, 35-20088, IC-9822]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Stock Appreciation Rights

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending the rule which exempts certain acquisitions of securities from the law allowing an issuer to recover the profits made by its insiders on short-term securities transactions. Henceforth, the exemption provided by the rule for cash settlements of stock appreciation rights will not be available unless all exercises of such rights for cash (other than those exercises occurring on certain fixed or automatic maturity dates) are made during a specified ten-day period each quarter following the release of financial information by the issuer. The amendments are intended to further reduce the possibility of misuse of confidential information by corporate insiders in connection with transactions that are exempt under the rule.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-1240.

SUPPLEMENTARY INFORMATION: The Commission today announced the adoption of amendments to paragraphs (e)(2) and (e)(3) of Rule 16b-3 (17 CFR 240.16b-3) under the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 77a et seq., as amended by Pub. L. 94-29 (June 4, 1975)). Rule 16b-3 relates to section 16(b) of the Exchange Act and corresponding provisions of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)).

Section 16(b) is designed to prevent insiders from unfairly using confidential information to profit from short-term trading in an issuer's securities. The section is applicable to every person who beneficially owns, directly or indirectly, more than 10 percent of any class of equity security which is registered under section 12 of the Exchange Act, or who is a director or officer of the issuer of any such security. Section 16(b) states in general that any profit realized by such insiders from any purchase and sale, or any sale and purchase, of any equity security of such issuer within any period of less than six months shall inure to and be recoverable by the issuer. It further provides the Commission with the authority to exempt by rule any transaction not comprehended within that section. Rule 16b-3 was adopted by the Commission pursuant to that authority in order to exempt certain acquisitions of securities from the consequences of section 16(b).

BACKGROUND

On December 22, 1976 the Commission published Release No. 34-13097 (42 FR 754) announcing the adoption of certain amendments to Rule 16b-3. The amendments were intended primarily to provide a "safe harbor" from the short-swing profit recovery provisions of section 16(b) for certain transactions involving stock appreciation rights ("SARs"). The Commission indicated at the time that the amendments would become effective on June 30, 1977, although they could be relied upon prior to that date if affected persons could comply with their requirements.

Subsequent to the adoption of the amendments referred to above, the Commission became aware of the need to modify them in certain respects. Accordingly, on March 17, 1977 the Commission published for comment in Release No. 34-13385 (42 FR 15921) certain proposed changes to them. In essence, the changes were intended to reflect the Commission's view that the conditions of paragraph (e)(3) of the rule should be applicable to the exercise of SARs.

The Commission received many helpful comments from the public in connection with the proposed changes and has given careful consideration to them in formulating the final revisions. In addition, the Commission has determined, in response to the requests of some commentators, to include in this release responses t certoain interpretative problems that have arisen in connection with the amendments relating to SARs.

EXERCISES OF STOCK APPRECIATION RIGHTS

In its initially adopted form, paragraph (e)(3) of Rule 16b-3 provided, among other things, that any election by a participant in an SAR plan to receive cash in full or partial settlement of a stock appreciation right had to satisfy two conditions if the exemption provided by the rule were to be available: (1) The election had to be made during a specified ten-day "window" period each quarter commencing shortly after the release of financial data by the issuer; and (2) the election had to be approved by the administrators of the plan. In formulating that paragraph, the Commission had intended that the two conditions noted above be applicable not only to the election by a participant to receive cash in settlement of his stock appreciation right, but also to his exercise of that right. The paragraph, however, was silent as to its applicability to exercises of SARs, with the result that it reasonably could be construed not to be applicable thereto.

In order to implement its original intention, the Commission proposed to amend paragraph (e)(3) to provide specifically that exercises of SARs are subject to the conditions of that paragraph. The Commission took this action because it believed that the conditions of the paragraph would have little purpose insofar as preventing the misuse of inside information was concerned unless they also were deemed applicable to exercises of SARs.

Several commentators expressed doubt as to whether it was necessary or appropriate to require all exercises of stock appreciation rights for cash to be approved by the plan administrators. Among other things, these persons stated that: (1) Such a condition would place a considerable burden on participants and administrators without adding very much to the other protections of the rule, which appear adequate to prevent the misuse of inside information in connection with SARs; (2) it would make SARs unattractive and perhaps render them useless as a form of executive compensation, due to the fact that other forms of such compensation (e.g., stock options) generally do not require approval for their exercise; and (3) it could create uncertainty in financial planning by participants, since they would be unsure whether their exercises of SARs would be effective on the dates they desired.

In light of the foregoing comments, the Commission has reconsidered the impact of the proposed requirement discussed above and concluded that the benefits which might accrue from it

JUN 30 77
UM

would not exceed its potential adverse consequences. Accordingly, it has deleted from the revised rule proposed paragraph (e)(3)(iv) thereof, which would have incorporated the requirement into the rule.

Although exercises of stock appreciation rights for cash will not be subject to the approval of others, the Commission has determined that they should nevertheless be subject to the ten-day window period requirement. The Commission's view in this regard is based on its belief that the window period is the most effective means available for preventing the misuse of confidential information by insiders without unduly burdening those involved in an SAR plan. Accordingly, paragraph (e)(3)(iii) of the revised rule specifically provides that such exercises must be made during the window period.

EXCEPTION FOR FIXED OR AUTOMATIC MATURITY DATES

A number of persons who commented on the proposed amendments expressed concern that they might have the effect of destroying the 16b–3 exemption for many stock appreciation rights that have fixed or automatic maturity dates. For example, some SAR plans provide that stock appreciation rights issued thereunder may be exercised only on the dates that related stock options expire. In those circumstances where the options do not expire on dates that fall within a window period, it would not be possible to comply with the window period requirement, with the result that the 16b–3 exemption would be rendered unavailable.

The commentators referred to above pointed out that fixed or automatic maturity dates generally are set well in advance (one to five years in many cases) and are beyond the control of the participant. Thus, they provide little or no opportunity for an insider to misuse confidential information. Accordingly, these commentators expressed the opinion that some relief from the window period requirement should be provided for SARs that are exercisable on such dates.

The Commission agrees generally with the views described above. As a result, it has added at the end of paragraph (e)(3)(iii) of the revised rule a sentence which provides that exercises of SARs which occur on fixed or automatic maturity dates shall not be subject to the window period requirement if the date of exercise is at least six months beyond the date of grant of the SAR and is outside the control of the participant.

OTHER REVISIONS

In addition to the changes already discussed, the Commission has amended paragraph (e) of Rule 16b–3 in certain other respects. The first of these changes involves paragraph (e)(3)(iii). That provision has been revised to make it clear that the window period requirement is applicable both to elections by a participant "to receive cash" in full or partial settlement of his stock appreciation right and to exercises of rights "for such cash," but not to elections and exercises that involve stock or other securities only. This change has been made in order to dispel the concern of some commentators that the broad language used in the proposed version of (e)(3)(iii) (particularly the references therein to "any" election as to the form of payment and "any" exercise of an SAR) reflected an intention on the Commission's part to subject all settlements of SARs, including those involving stock only, to the window period and other requirements of paragraph (e). As noted subsequently in this release, the Commission never has intended to apply the conditions of paragraph (e) to settlements of SARs that involve stock only, inasmuch as the exemption provided by that paragraph is not available for the receipt of stock upon such settlements under any circumstances. Thus, since the exemption is not available for stock settlements, there is no need to comply with its conditions, and the revisions to paragraph (e)(3)(iii) are intended to make this clear.

A second change which has been made involves paragraph (e)(2) of the rule. As initially adopted, that paragraph provided that "[n]either the stock appreciation right nor any related stock option shall be exercisable during the first six months of its term * * *" Several commentators noted that the above language implied that all SARs and related options had to contain a specific prohibition against their being exercised for the first six months of their terms. They pointed out that it is not possible to include such a prohibition in options and SARs granted prior to the adoption of paragraph (e)(2) in December 1976, and that the requirement therefore has an unwarranted ex post facto effect in such circumstances. Moreover, they stated that no real purpose would seem to be served by requiring a specific prohibition in the option or SAR itself. Instead, it should be sufficient that the option or SAR simply not have been exercised for six months. Since the Commission believes there is merit to the above views, it has revised paragraph (e)(2) so that it now reads that "[n]either the stock appreciation right nor any related stock option shall have been exercised during the first six months of their respective terms * * *"

INTERPRETATIVE MATTERS

In reviewing the various comment letters on the proposed amendments, the Commission has become aware of the need to provide guidance to the public on certain recurring interpretative questions that have arisen in connection with the amendments. These interpretative problems and the Commission's views thereon are set forth below.

1. *Applicability of Rule 16b–3(e) to Non-Insiders.* Several commentators indicated that they were unsure whether the conditions of paragraph (e) of Rule 16b–3 must be complied with by persons who are not insiders within the meaning of section 16(b). Because the introductory paragraph of Rule 16b–3 expressly indicates that the exemption provided by the rule is available only for transactions involving an issuer's officers and directors, the Commission believes it is clear that the requirements of paragraph (e) need not be complied with by non-insiders who participate in an SAR plan. Thus, a plan which is bifurcated in its treatment of insiders and non-insiders will be in compliance with Rule 16b–3 as long as all cash settlements of SARs involving officers and directors satisfy the applicable conditions of the rule.

2. *Applicability of Rule 16b–3(e) to Non-Cash Settlements of SARs.* As previously noted herein, some commentators were concerned that the Commission intended to subject all settlements of stock appreciation rights, included those involving securities only, to the requirements of paragraph (e) of the rule. In this regard, the Commission had thought it was clear from the caption to paragraph (e), which reads "Cash Settlements of Stock Appreciation Rights," that non-cash settlements of SARs were not exempt under the paragraph and therefore not subject to its conditions. Moreover, paragraph (e)(5) of the rule specifically states that "[n]othing in this paragraph (e) provides an exemption from Section 16(b) for the acquisition of stock upon the exercise of a stock appreciation right * * *." However, in order to resolve any continuing doubt in this area, the Commission wishes to state that the conditions of paragraph (e) are applicable only when the settlement of a stock appreciation right involves the payment of cash to, or on behalf of, an officer or director of the issuer.

In connection with the foregoing, one commentator inquired whether the 16b–3 exemption would be available for a transaction in which a participant exercises several SARs and elects to receive cash for some rights and securities for others. The Commission's view in this regard is that those exercises of SARs involving cash can be made in reliance upon the exemption provided by the rule if all of its conditions are satisfied, but that any stock acquired upon the exercise of such SARs involves a purchase of securities for which the exemption is unavailable. Those exercises of SARs that involve stock only need not comply with the rule, since it does not provide an exemption for the acquisition of stock upon such exercises.

3. *Inclusion of the Conditions of Rule 16b–3(e) in the Plan Document.* Some commentators questioned whether Rule 16b–3 requires that the conditions of paragraph (e) thereof be specifically set forth in the written document describing the SAR plan. In this regard, it is the Commission's view that while it is preferable to incorporate the conditions of paragraph (e) into the plan document itself, Rule 16b–3 (particularly paragraph (d)(1)(i) thereof) does not require that this be done.

TEXT OF THE REVISIONS

Rule 16b–3 is revised to read as follows:

§ 240.16b–3 Exemption from section 16(b) of acquisitions of shares of stock and stock options and stock appreciation rights under certain stock incentive, stock option or similar plans.

* * * * *

(e) * * *

(2) *Limitation on the right and any related option.* Neither the stock appreciation right nor any related stock option shall have been exercised during the first six months of their respective terms, except that this limitation shall not apply in the event death or disability of the grantee occurs prior to the expiration of the six-month period.

(3) *Administration of the Plan.* (i) The plan shall be administered by either the board of directors, a majority of which are disinterested persons and a majority of the directors acting on plan matters are disinterested persons, or by a committee of three or more persons, all of whom are disinterested persons.

(ii) The board or committee shall have sole discretion either

(A) To determine the form in which payment of the right will be made (i.e., cash, securities, or any combination thereof) or

(B) To consent to or disapprove the election of the participant to receive cash in full or partial settlement of the right. Such consent or disapproval may be given at any time after the election to which it relates.

(iii) Any election by the participant to receive cash in full or partial settlement of the stock appreciation right, as well as any exercise by him of his stock appreciation right for such cash, shall be made during the period beginning on the third business day following the date of release of the financial data specified in paragraph (e)(1)(ii) of this section and ending on the twelfth business day following such date. This paragraph (e)(3)(iii), however, shall not apply to any exercise by the participant of a stock appreciation right for cash where the date of exercise:

(A) Is automatic or fixed in advance under the plan;

(B) Is at least six months beyond the date of grant of the stock appreciation right; and

(C) Is outside the control of the participant.

* * * * *

(Secs. 16(b), 23(a), 48 Stat. 896, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 18, 89 Stat. 155; (15 U.S.C. 78p(b), 78w(a)). Sec. 17(b), 20(a), 49 Stat. 830, 833; (15 U.S.C. 79q(b), 79t(a)). Secs. 30(f), 38, 54 Stat. 836, 841; (15 U.S.C. 80a–29, 80a–37).)

AUTHORITY

The Commission has adopted the amendments to paragraphs (e)(2) and (e)(3) of Rule 16b–3 discussed herein pursuant to the Securities Exchange Act of 1934, particularly sections 16(b) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 17(b) and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 30(f) and 38 thereof.

OPERATION OF THE AMENDMENTS

The amendments to paragraphs (e)(2) and (e)(3) of Rule 16b–3 adopted today will become effective on June 30, 1977. This is the same date on which the amendments to the rule adopted on December 22, 1976 will become fully effective. With respect to the prior amendments, it should be noted that some of them (specifically, those relating to paragraphs (e)(2) and (e)(3) of the rule) will be superseded by the amendments adopted today.

In arriving at the effective date noted above, the Commission gave consideration to the views of some commentators that a grace period of considerable length should be permitted before the amendments become operative. Such persons appear to assume erroneously that issuers will have to engage in the time-consuming process of soliciting and receiving shareholder approval of any revisions to their SAR plans designed to conform to the requirements of the new amendments. In fact, approval by shareholders will not be required for revisions of that nature. In this regard, paragraph (a) of Rule 16b–3 states that the only types of amendments to existing plans that require shareholder approval are those that materially increase a plan's benefits, or materially increase the number of securities issuable under a plan, or materially modify the eligibility requirements for a plan. Since the newly-adopted amendments to Rule 16b–3 will not involve any of these matters, shareholder approval of conforming plan amendments will not be necessary. Accordingly, such revisions could be implemented immediately by the plan administrators, assuming they had the authority to do so. In any event, the Commission does not believe there is a sufficient basis for deferring the effectiveness of the new amendments beyond June 30.

It should be noted that the amendments adopted today are not intended to operate retroactively. Accordingly, cash settlements of stock appreciation rights occurring during the period December 22, 1976 to June 29, 1977 will not be affected by the new amendments.

Finally, because the amendments adopted today generally represent a relaxation or clarification of amendments previously published for comment pursuant to the Administrative Procedure Act (5 U.S.C. 553), the Commission believes that none of them need to be republished for comment under the Act.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 22, 1977.

[FR Doc.77–18680 Filed 6–29–77;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER F—ENROLLMENT

PART 43n—PREPARATION OF A ROLL OF PERSONS OF GRAND RIVER OTTAWA INDIAN BLOOD TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS—AMENDMENT

Filing of Application and Deadline for Filing

JUNE 23, 1977.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Amendment of § 43n.4 and waiver of 30-day deferred effective date.

SUMMARY: The purpose of this amendment is to extend the deadline for filing applications for enrollment to share in the judgment funds awarded the Grand River Ottawa Indians and waive the 30-day deferred effective date of the regulations. This extension is necessary to ensure that to the extent possible interested individuals have adequate time to file applications for enrollment to share in these judgment funds.

DATE: These regulations shall become effective June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Miss Janet L. Parks, Division of Tribal Government Services, telephone: 202–343–2985.

SUPPLEMENTARY INFORMATION: The primary author of this document is Dorothy C. Sherwood, Tribal Enrollment Specialist, Bureau of Indian Affairs, telephone 202–343–6921. Beginning on page 26652 of May 25, 1977, FEDERAL REGISTER (43 FR 26652), there was published a notice of final rulemaking. To ensure that to the extent possible interested individuals have adequate time to file applications for enrollment to share in these judgment funds, § 43n.4 is being amended to extend the filing deadline to November 1, 1977.

Since these regulations govern preparation of the roll to distribute judgment funds awarded the Grand River Ottawa Indians the 30-day deferred effective date would serve no purpose and the waiver of the 30-day deferred effective date will be to the advantage of persons of Indian ancestry who want to file applications. The 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations as amended will become effective June 30, 1977.

The authority for the Commissioner to amend these regulations is contained in 5 U.S.C. 301, and sections 463 and 465 of the revised statutes (25 U.S.C. 2 and 9), and 230 DM 1 and 2.

Section 43n.4 of Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is hereby amended to read as follows:

JUN 30 77

§ 13n.4 **Filing of applications and deadline for filing.**

(a) Application forms may be obtained from the Superintendent, Michigan Agency, Bureau of Indian Affairs, Sault Ste. Marie, Michigan 47983. Completed applications must be received by the Superintendent by close of business on November 1, 1977.

(b) Applications received after that date will be denied for failure to file in time regardless of whether the applicants otherwise meet the requirements for enrollment.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.77-18643 Filed 6-29-77;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7492]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Information Reporting Requirements on Certain Winnings From Bingo, Keno, and Slot Machines

AGENCY Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides an amendment to temporary income tax regulations relating to information reporting requirements on certain winnings from bingo, keno and slot machines. These regulations are issued pursuant to a provision of the Tax Reform Act of 1976. These amended regulations apply to all persons engaged in a trade or business and making any payment in the course of that trade or business of winnings of $1,200 or more from a bingo game or slot machine play or $1,500 or more from a keno game.

DATE: The regulations apply to payments made on or after May 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Leonard T. Marcinko of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION: This Treasury decision postpones from February 1, 1977, to May 1, 1977, the effective date of regulations which were published under section 6041 of the Internal Revenue Code of 1954. In addition, this Treasury decision changes from $600 to $1,200 the threshold for the requirement that the payor report payments of winnings from a bingo game or slot machine play to the Internal Revenue Service. The threshold amount for the requirement of reporting the winnings from a keno game has been changed from $600 to $1,500 and may be determined by reducing the amount won in one game by the amount wagered in that one game. The amendments promulgated in this Treasury decision were announced by the Internal Revenue Service in Reno, Nevada, by a news release dated May 2, 1977.

DRAFTING INFORMATION

The principal author of this regulation was Leonard T. Marcinko of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENT TO THE REGULATIONS

In order to postpone the effective date and to change the threshold reporting requirement in temporary income tax regulations under section 6041 of the Internal Revenue Code of 1954, published in the FEDERAL REGISTER for January 7, 1977 (42 FR 1471), paragraphs (a) and (b) of § 7.6041-1 of the Temporary Income Tax Regulations under the Tax Reform Act of 1976 (26 CFR Part 7) are amended to read as follows:

§ 7.6041-1 Return of information as to payments of winnings from bingo, keno, and slot machines.

(a) *In general.* On or after May 1, 1977, every person engaged in a trade or business and making a payment in the course of such trade or business of winnings (including winnings which are exempt from withholding under section 3402(q)(5)) of $1,200 or more from a bingo game or slot machine play or of $1,500 or more from a keno game shall make an information return with respect to such payment.

(b) *Special rules.* For purposes of paragraph (a) of this section, in determining whether such winnings equal or exceed the $1,200 or $1,500 amount—

(1) In the case of a bingo game or slot machine play, the amount of winnings shall not be reduced by the amount wagered;

(2) In the case of a keno game, the amount of winnings from one game shall be reduced by the amount wagered in that one game;

(3) Winnings shall include the fair market value of a payment in any medium other than cash;

(4) All winnings by the winner from one bingo or keno game shall be aggregated; and

(5) Winnings and losses from any other wagering transaction by the winner shall not be taken into account.

* * * * *

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved:

LAURENCE N. WOODWORTH
Assistant Secretary of the Treasury.

JUNE 25, 1977.

[FR Doc.77-18779 Filed 6-28-77;8:45 am]

[T.D. 7494]

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

Certain Requirements Relating to Ruling Requests in Respect of Certain Exchanges Involving a Foreign Corporation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations relating to ruling requests in respect of certain transfers involving a foreign corporation. It also contains temporary regulations relating to certain exchanges for which a ruling was required but was not obtained. Changes to the applicable tax law were made by the Tax Reform Act of 1976.

DATE: The regulations relating to ruling requests in respect of certain transfers involving a foreign corporation apply to transfers beginning after October 9, 1975. The regulations relating to the special relief provision apply to certain exchanges occurring in any taxable year beginning after December 31, 1962, and before October 4, 1976.

FOR FURTHER INFORMATION CONTACT:

Katherine A. Newell of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3740).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains temporary income tax regulations (26 CFR Part 7) under section 367 of the Internal Revenue Code of 1954, as added by section 1042(a) of the Tax Reform Act of 1976 (the "Act") (90 Stat. 1635) in order to prescribe rules relating to ruling requests in respect of certain transfers involving a foreign corporation. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject.

RULING REQUESTS IN RESPECT OF CERTAIN TRANSFERS INVOLVING A FOREIGN CORPORATION

Section 367 (a)(1) provides that if, in connection with any exchange described in section 332, 351, 354, 355, 356, or 361, there is a transfer of certain property by a United States person to a foreign corporation, for purposes of determining the extent to which gain will be recognized on such transfer, a foreign corporation shall not be considered to be a corporation unless it is established to the satisfaction of the Secretary that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. The determination that such exchange is not in pursuance of such a plan must be made pursuant to a request filed not later than the close of the 183d day after the beginning of any such transfer of property made in connection with such exchange in such form and manner as may be prescribed by regulations.

Under the transitional rule provided in section 367(d), section 367(a)(1) shall apply in the case of any exchange beginning before January 1, 1978, without regard to whether or not there is a transfer of property described in section 367(a)(1), and section 367(b) shall not apply.

Paragraph (c) of § 7.367-1 of the temporary regulations provides rules relating to the form, time, and manner for filing a request under section 367(a)(1). Paragraph (e) of § 7.367-1 provides rules in the case of an exchange to which section 367(a)(1) applies where there is more than one transfer of property, and a request for ruling is filed in a timely manner with respect to some but not all of such transfers Under paragraph (f) of § 7.367-1, it is provided that failure of the taxpayer to apply for a ruling under section 367(a)(1) with respect to a prior transfer may not always result in recognition of gain because such failure may not be used by the taxpayer to its advantage. These rules relating to nonrecognition of gain follow the Report of the Committee of Conference, H.R. Rep. No. 1515, 94th Cong., 2d Sess. 464 (1976). Paragraph (g) of § 7.367-1 sets forth rules for determining when a transfer begins for purposes of ascertaining when the 183-day period begins to run for timely filing of a request with respect to a transfer.

The provisions of section 367 as amended and of § 7.367-1 are applicable to transfers beginning after October 9, 1975. However, the effective date of section 367, as amended by the Act, does not override the necessity for filing a ruling request under section 367(a)(1), no later than 183 days after the beginning of a transfer.

RELIEF PROVISION

Section 1042(e)(2) of the Act provides that in the case of any exchange described in section 367 of the Code (as in effect on December 31, 1974) in any taxable year beginning after December 31, 1962, and before October 4, 1976, which does not involve the transfer of property to or from a United States person, a taxpayer shall have, for purposes of such Code section, until 183 days after October 4, 1976 (the date of enactment of the Act) to file a ruling request seeking to establish to the satisfaction of the Secretary of the Treasury or his delegate that such exchange was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

Temporary regulations § 7.367-2 provides that an exchange which involves a transfer of property to or from a United States person includes one in connection with which a United States person, as a shareholder, is deemed to have received stock, even if such United States person has not actually received any stock.

DRAFTING INFORMATION

The principal author of this regulation was Katherine A. Newell of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF REGULATIONS

In order to prescribe temporary Income Tax Regulations (26 CFR Part 7) relating to ruling requests in respect of certain transfers involving a foreign corporation pursuant to section 367 of the Internal Revenue Code of 1954, as added by section 1042 of the Tax Reform Act of 1976 (90 Stat. 1634) (the "Act") and pursuant to section 1042(e)(2) of the Act, the following temporary regulations are hereby adopted:

§ 7.367-1 Ruling requests under section 367 relating to certain transfers involving a foreign corporation.

(a) *Scope.* This section prescribes temporary regulations with respect to the application of section 367(a)(1) as amended by section 1042(a) of the Tax Reform Act of 1976 (90 Stat. 1634). Under section 367(d), as amended, in the case of any exchange which begins before January 1, 1978, section 367(a) applies (without regard to whether or not there is a transfer of property described in section 367(a)(1)), and section 367(b) does not apply. Accordingly, the provisions of this section apply to exchanges described in section 367(b) which begin before January 1, 1978.

(b) *General rule.* (1) In the case of an exchange described in section 332, 351, 354, 355, 356, or 361 and to which section 367(a)(1) applies, for purposes of determining the extent to which gain shall be recognized, a foreign corporation shall not be considered to be a corporation unless it is established to the satisfaction of the Commissioner of Internal Revenue that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes. A determination (i) that such exchange is not in pursuance of such a plan, or (ii) of the terms and conditions pursuant to which such exchange will be determined to be not in pursuance of such a plan, shall be made only pursuant to a request for ruling which is filed in the form, time, and manner specified in paragraph (c) of this section. A letter setting forth the Commissioner's determination with respect to such exchange will be forwarded to the taxpayer. If the exchange is not carried out in accordance with the plan submitted, or if the terms and conditions imposed under the Commissioner's letter are not met, the determination by the Commissioner that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes will not be given effect.

(2) In the case of a determination by the Commissioner (i) that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes, or (ii) of the terms and conditions pursuant to which such exchange will be determined to be not in pursuance of such a plan, the taxpayer must retain a copy of the Commissioner's letter as authority for treating the foreign corporation as a corporation in determining the extent to which gain is recognized on such exchange.

(3) In the case of an exchange to which section 367(a)(1) applies which has been consummated in full or in part, if prior to the filing of a return with respect to any such exchange—

(i) The taxpayer receives a ruling letter in respect of such exchange, the taxpayer must attach to the return a copy of the ruling letter and any decision on a protest thereto.

(ii) The taxpayer has filed a ruling request in respect of such exchange but has not received a ruling letter pursuant thereto, the taxpayer must attach to the return a statement that such request for ruling has been filed, and the date of such filing.

(iii) The taxpayer has not filed a ruling request in respect of such exchange, the taxpayer must attach to the return a statement that (A) the exchange is one to which section 367(a)(1) applies, (B) no ruling request has been filed with respect to such exchange, (C) the date of the beginning of any transfer in connection with such exchange, which is relevant for determining whether or not a request is filed within the time limit specified in paragraph (c)(4) of this section, and (D) whether the taxpayer intends to file a ruling request within such time limit.

(c) *Form, time, and manner of filing.* A request for a ruling under section 367(a)(1) with respect to an exchange must—

(1) Set forth the facts and circumstances relating to the plan under which the exchange is to be made and be accompanied by a copy or a complete description of such plan;

(2) Be filed in accordance with all applicable procedural rules set forth in the Statement of Procedural Rules (26 CFR Part 601) and in any revenue procedures which relate to submission to the Internal Revenue Service of requests for ruling which are applicable with respect to the date that such request is filed.

(3) Be executed under penalties of perjury by the taxpaver, whether such requirement is imposed under § 1.367–1 of this chapter or § 601.201(e), of this chapter.

(4) Be filed in compliance with paragraph (c) (1), (2), and (3) of this section at any time before or after, but not later than the close of the 183d day after, the date of the beginning of—

(i) In the case of an exchange described in section 367(a) (1), any transfer of property described in section 367(a) (1) (as defined in paragraph (d) of this section), or

(ii) In the case of an exchange described in section 367(b) to which section 367(a) (1) applies by reason of section 367(d), any transfer of property which is made in connection with such exchange.

Notwithstanding the provisions of this paragraph, or of any other provision relating to procedures for the filing, with the Internal Revenue Service, of a request for ruling, a request for ruling under section 367(a) (1) shall not be deemed filed within the time specified in paragraph (c) (4) of this section unless within such time limit the taxpayer files such a request which meets certain minimum standards. To meet such minimum standards the request must set forth the facts and circumstances relating to the plan under which the exchange is to be made in sufficient detail to appraise the Commissioner of the nature of the exchange and the purpose for which such request is filed, and be executed under penalties of perjury as required in paragraph (c) (3) of this section. However, in the event of a failure to comply exactly with the provisions of paragraph (c) (1) and (2) of this section, the Service may decline to rule on such request until such time as there is such compliance.

(d) *Transfer of property described in section 367(a) (1).* A "transfer of property described in section 367(a) (1)" is a transfer made by a United States person (as defined in section 7701(a) (30)) to a foreign corporation in connection with an exchange described in section 332, 351, 354, 355, 356, or 361, which transfer consists of property other than stock or securities of a foreign corporation which is a party to the exchange or which is a party to the reorganization (as defined in section 368(b)). However, a transfer of such stock or securities by a United States person to a foreign corporation is a transfer of property made in connection with an exchange described in section 367(b), and as such is subject to the requirements of this section if such exchange begins before January 1, 1978.

(e) *Multiple transfers in connection with one exchange.* (1) A foreign corporation will be treated as a corporation with respect to gain realized on any transfer pursuant to an exchange if all the following conditions are met:

(i) The exchange is one to which section 367(a) (1) applies,

(ii) A request for ruling is filed in the form, time, and manner specified in paragraph (c) of this section,

(iii) Pursuant to the ruling request, it is established to the satisfaction of the Commissioner that such exchange, and all transfers described in such ruling request pursuant to such exchange, are not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes,

(iv) Any terms and conditions to which the Commissioner's determination are subject are satisfied, and

(v) The exchange is consummated in accordance with all relevant details of the plan as described in the ruling request.

(2) If all the conditions specified in paragraph (e) (1) of this section were not met solely because there was a prior transfer pursuant to the exchange made more than 183 days before the request was filed, and such prior transfer was not the subject of a request filed in the form, time, and manner specified in paragraph (c) of this section, then—

(i) Except as provided in paragraph (f) of this section, gain shall be recognized on such prior transfer if a ruling request is required with respect to such prior transfer, and

(ii) Such conditions will be considered met if it is established to the satisfaction of the Commissioner that the exchange in its entirety (taking into account the gain recognized that is described in paragraph (e) (2) (i) of this section) is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

(3) If all the conditions specified in paragraph (e) (1) of this section were not met because subsequent to the filing of the original ruling request referred to in paragraph (e) (1) of this paragraph, a subsequent transfer which is not described in the original request is made pursuant to such exchange, then a foreign corporation shall not be considered to be a corporation with respect to gain realized on all transfers made in connection with the exchange. However, if another ruling request is timely filed in the form, time, and manner specified in paragraph (c) of this section with respect to such subsequent transfer, and the conditions specified in paragraph (e) (1) (iii), (iv), and (v) of this section are met with respect to the subsequent request (taking into account all transfers described in the original request and those to which, if applicable, paragraph (e) (2) (i) of this section applies), non-recognition will be afforded with respect to all transfers described in both requests made pursuant to the exchange (other than those to which such paragraph (e) (2) (i) applies).

(f) *Exception.* Under certain circumstances, failure of the taxpayer to apply for a ruling under section 367(a) (1) will not result in recognition of gain because such failure may not be used by the taxpayer to its advantage. In those situations in which the Commissioner deems appropriate, a foreign corporation may be treated as a corporation even in the absence of a ruling.

(g) *Beginning of transfer.* For purposes of section 367(a) (1), a transfer of property made in connection with an exchange shall be considered to begin, not with a board of directors or similar decision, but on the earliest date as of which title, possession of or right to the use of stock, securities, or property passes from one party to the exchange to another party to the exchange. A transfer shall be deemed to have begun even though it is made subject to a condition subsequent that, if there is a failure to obtain a determination that there is no tax avoidance purpose, the transaction will not be completely consummated and, to the extent possible, the assets transferred are to be returned.

(h) Effective date: The provisions of this section apply to transfers beginning after October 9, 1975.

§ 7.367–2 Ruling requests under section 367 as in effect on December 31, 1974.

A transfer of property to or from a United States person will be considered to have occurred in connection with a reorganization even if a United States person, as a shareholder, has not actually transferred or received stock pursuant to such reorganization, if the reorganization is described in section 368 (a) (1) (D).

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat 917; 26 U.S.C. 7805).

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved:

LAURENCE N. WOODWORTH,
Assistant Secretary of the Treasury.

JUNE 24, 1977.

[FR Doc.77–18773 Filed 6–28–77;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE SAFETY

METAL AND NONMETAL MINING OTHER THAN COAL AND LIGNITE MINING

Health and Safety Standards

Correction

In FR Doc. 77–16180 appearing at page 29418 in the issue of Wednesday, June 8, 1977, the following corrections should be made:

1. On page 29423, paragraph 10 should read:

10. Advisory standard 57.19–62 is made mandatory and revised to read as follows:

57.19–62 *Mandatory.* Maximum normal operating acceleration and deceleration shall not exceed 6 feet per second per second. During emergency braking, the deceleration shall not exceed 16 feet per second per second.

2. On page 29424, the third column, paragraphs 8, 10 and 11 should read as follows:

8. Mandatory standard 57.21–34 is revised to read as follows:

57.21–34 *Mandatory.* The quantity of air coursed through the last open crosscut in pairs or sets of entries or through other ventilation openings nearest the face, shall be at least 6,000 cubic feet per minute, or 9,000 cubic feet per minute in longwall and continuous miner sections.

* * * * *

10. Mandatory standard 57.21–39 is revised to read as follows:

57.21–39 *Mandatory.* If methane gas in excess of 1.0 percent is detected in the air not less than 12 inches from the back, face, or rib of an underground working place or places, adjustments shall be made in the ventilation immediately so that the concentration of methane gas in such air is reduced to 1.0 percent or less. While such changes or adjustments are underway and until they have been achieved, power to electric equipment located in such place shall be cut off, no other work shall be permitted in such place, and due precautions shall be carried out under the direction of the operator or his agent so as not to endanger other areas of the mine.

11. Mandatory standard 57.21–40 is revised to read as follows:

57.21–40 *Mandatory.* If 1.5 percent or higher concentration of methane gas is present in air returning from an underground working place or places, or is present in the air not less than 12 inches from the back, face, or rib of an underground working place, all men other than those persons referred to in section 8(a) of the Federal Metal and Nonmetallic Mine Safety Act shall be withdrawn from the area of the mine endangered by such methane gas until the concentration of methane in such areas is reduced to 1.0 percent or less.

3. On page 29425, the second column, paragraphs 18 and 19 should read as follows:

"18. Mandatory standard 57.21–76 is revised to read as follows:

57.21–76 *Mandatory.* Diesel-powered equipment shall not be taken into or operated in places where methane exceeds 1.0 percent at any point not less than 12 inches from the back, face, or rib.

19. Mandatory standard 57.21–77 is revised to read as follows:

57.21–77 *Mandatory.* Trolley wires and trolley feeder wires shall be on intake air and shall not extend into the last open crosscut or other ventilation opening. Such wires shall be kept at least 150 feet from pillar recovery workings."

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 530—RHODESIAN SANCTIONS REGULATIONS

Extension of Interim Procedures for In-Transit Shipments and Certification of Chromium Materials

Correction

In FR Doc. 77–17759, appearing in the issue of Tuesday, June 21, 1977 on page 31453, the heading should read as it appears above.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3–77–4–R]

PART 127—SECURITY ZONE

Lower Hudson River, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a portion of the Hudson River, New York as a security zone. This security zone is needed because of the presence of five barges carrying fireworks and the presentation of a fireworks display which will create a hazard to navigation. No person or vessel may enter or remain in a security zone without the permission of the Captain of the Port.

EFFECTIVE DATE: This amendment is effective from 8:45 p.m. to 9:45 p.m., Edst, July 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Cdr. R. W. Doherty, Captain of the Port, New York, Governors Island, New York 10004, (212–264–8753).

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rule making and is effective in less than 30 days from the date of publication, because good cause exists and public procedures are impracticable due to insufficient advance notice.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are LTJG Bruce, Project Manager, Office of the Captain of the Port, New York, and LT Smith, Office of the District Legal Officer, Third Coast Guard District, Project Attorney.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.535 to read as follows:

§ 127.353 Lower Hudson River, New York.

The waters within the following boundary is a security zone: a line beginning at 40°49'10" N. latitude, 73°-58'35.2" W. longitude; thence southeasterly to 40°48'51.5" N. latitude, 73°-57'56" W. longitude; (Extensions of this line pass through White Stacks, N.J., and Grant's Tomb, Manhattan) thence southwesterly along the shoreline to 40°47'11" N. latitude, 73°59'06.2" W. longitude; (79th St. Marina) thence northwesterly to 40°47'29" N. latitude, 73°59'47.7" W. longitude; thence northeasterly along the shoreline to the beginning.

(46 Stat. 220, as amended, (§ 1, 63 Stat. 503), § 6(b), 80 Stat. 937; 50 U.S.C. § 191, 14 U.S.C § 91), 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: June 3, 1977.

J. L. FLEISHELL,
Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc.77–18775 Filed 6–29–77;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 753–4]

PART 423—STEAM ELECTRIC POWER GENERATING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources; Availability of Document and Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Interim Final Regulation.

SUMMARY: On March 23, 1977, the Environmental Protection Agency promulgated an interim final regulation which establishes pretreatment standards for pollutants introduced to publicly owned treatment works from existing power plants.

The Agency encouraged public participation in the rulemaking and stated that it would consider all comments received not later than May 23, 1977. In order to assist in the development of comments on the interim final regulation the Agency called attention to a document entitled "Supplement for Pretreatment to the Development Document for the Steam Electric Power Generating Point Source Category" which it intended to make available for public distribution in late March. Unfortunately, public availability of this document has been delayed.

"Supplement for Pretreatment to the Development Document for the Steam Electric Power Generating Point Source Category" is now available from EPA

upon request. Copies will be sent to all persons who have previously requested the document. In order to insure the fullest possible opportunity for public comment the comment period is hereby extended and all comments received not later than August 1, 1977, will be considered.

DATE: June 10, 1977.

ADDRESS: Written comments may be submitted in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Attention: Distribution Officer, WH–552.

"Supplement for Pretreatment to the Development Document for the Steam Electric Power Generating Point Source Category" is available upon request from the Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460. Attention: Distribution Officer, WH–552.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Coughlin, 202–426–2560.

Dated: June 13, 1977.

ANDREW J. BREIDENEACH,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.77–18654 Filed 6–29–77;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT

Annual Revision of Sample Cases and Benchmark Figures

AGENCY: Office of Education, HEW.

ACTION: Notice of publication of Annual Revision of Sample Cases and Benchmark Figures.

SUMMARY: The Office of Education announces the annual revision of sample cases and benchmark figures for approval of need analysis systems for academic year 1978–79 for use with the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs.

EFFECTIVE DATE: June 30, 1977.

ADDRESS: Send descriptions of systems and the family contribution figures to Mr. Hubert S. Shaw, Chief, Program Development Branch, Division of Student Financial Aid, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202; 202–245–9717.

FOR FURTHER INFORMATION CONTACT:

Mr. Hubert S. Shaw, Chief, Program Development Branch, Division of Student Financial Aid, Bureau of Student Financial Assistance, 400 Maryland Avenue SW., Washington, D.C. 20202. (202–245–9717.)

SUPPLEMENTARY INFORMATION:

GENERAL

The Commissioner of Education is revising Appendix A to § 144.13 of the National Direct Student Loan program regulations (45 CFR 144.13), § 175.13 of the College Work-Study program regulations (45 CFR 175.13) and § 176.13 of the Supplemental Educational Opportunity Grant program regulations (45 CFR 176.13) to establish sample cases and benchmark figures for academic year 1978–79. These sections set forth procedures for an annual review and approval by the Commissioner of need analysis systems for dependent students for use in those programs. As a part of this review the Commissioner must publish a set of sample cases and benchmark figures. In order to be approved, a system must generate expected parental contributions for at least 75 percent of the sample cases which are within $50 of the benchmark figures published by the Commissioner for those cases.

Paragraph (b)(2)(v) of each of such sections requires the Commissioner to revise the set of sample cases annually for inflation, in such a way as to maintain, over time, a constant expected parental contribution for families with equal income and asset positions, measured in constant dollars. The original set of sample cases and benchmark figures was published in the FEDERAL REGISTER on October 21, 1975, as Appendix A at page 49273, and was used to approve need analysis systems for dependent students for academic year 1977–78.

Appendix A for 1978–79 has been computed by assuming the rate of inflation for 1977 to be 6 percent.

Appendix A, as set forth below, shall be effective immediately with respect to the approval of need analysis systems for dependent students. Such systems shall be used for making awards to students for academic year 1978–79 and with respect to the filing of institutional applications for Federal funds for that year pursuant to §§ 144.13, 175.13 and 176.13 of Title 45 of the Code of Federal Regulations.

(20 U.S.C. 1087dd, 42 U.S.C. 2754, and 20 U.S.C. 1070b–1 and 1070b–2.)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program.)

Dated: June 16, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Accordingly, §§ 144.13, 175.13, and 176.13 are amended by revising Appendix A as follows:

APPENDIX A

Net assets	$10,000				$20,000				$30,000				$40,000			
Family size	3	4	5	6	3	4	5	6	3	4	5	6	3	4	5	6
Income before taxes:																
$8,000	$50	$0	$0	$0	$300	$10	$0	$0	$560	$270	$0	$0	$830	$540	$260	$0
$12,000	650	360	90	0	900	610	340	40	1,190	870	600	300	1,520	1,160	870	570
$16,000	1,290	950	690	390	1,610	1,240	940	640	2,030	1,580	1,230	910	2,530	1,990	1,580	1,200
$20,000	2,210	1,740	1,380	1,030	2,680	2,130	1,700	1,300	3,250	2,650	2,140	1,670	3,810	3,210	2,660	2,100
$24,000	3,400	2,810	2,280	1,800	3,900	3,320	2,770	2,200	4,460	3,880	3,330	2,780	5,080	4,450	3,890	3,290

NOTE.—The figures above are parental contribution figures which assume:

1. 2 parents, 1 with income.
2. 1 dependent in postsecondary undergraduate education.
3. No business and/or farm assets.
4. Age of main wage earner is equal to 45 yr.
5. 1976 U.S. income tax schedules; joint return, standard deduction.
6. No social security benefits for education.
7. No unusual medical, dental, casualty, theft expenses.
8. No other unusual circumstances.

[FR Doc.77–18896 Filed 6–29–77;8:45 am]

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Annual Loan Limits for Health Professions Students Under the Guaranteed Student Loan Program

AGENCY: Office of Education (OE), HEW.

ACTION: Interim final regulation.

SUMMARY: In Title IV of the Health Professions Educational Assistance Act of 1976 is a new "Federal Program of Insured Loans to Graduate Students in Health Professions Schools," which authorizes the Secretary to insure Loans of up to $10,000 annually to health professions students. In order to meet the contingency that the program is not operational by October 1, 1977, the regulations for the Guaranteed Student Loan Program are being amended to allow health professions students to borrow up to $10,000 annually under that program for the coming academic year.

EFFECTIVE DATE: As required by section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject to it become effective on the forty-fifth day following transmission, subject to the provisions in that section concerning Congressional action and adjournment.

ADDRESSES: Written comments concerning this rule should be sent to the Acting Associate Commissioner, Office of Guaranteed Student Loans, Room 4636, 7th and D Streets SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Robert F. Carmody, Jr. (202–472–2758).

SUPPLEMENTARY INFORMATION: Title IV of the Health Professions Act of 1976 (Pub. L. 94–484) establishes a "Federal Program of Insured Loans to Graduate Students in Health Professions Schools," under which the Secretary is authorized to insure loans made to health professions students from non-Federal sources in amounts up to $10,000 annually. By law, the program becomes effective on October 1, 1977. Responsibility for administration of the program was delegated to the Commissioner of Education by the Secretary on March 9, 1977. A task force has been organized within the Office of Education and is now working on implementation of the program. It is presently uncertain, however, whether the program will be operational by October 1, 1977. The Guaranteed Student Loan Program (Title IV–B of the Higher Education Act of 1965, as amended; 20 U.S.C. 1073 et seq.) is a similar program under which the Commissioner of Education reinsures student loans insured by guarantee agencies, and directly insures those student loans not covered by a guarantee agency program. Unlike the health loan program, the Guaranteed Student Loan Program additionally provides special allowance payments and, in certain cases, Federal interest benefit payments to holders of loans made to eligible undergraduate and graduate students.

Sections 425(a) and 428(b) of the Higher Education Act (20 U.S.C. 1075(a) and 1078(b)) provide that under the Guaranteed Student Loan Program, a graduate or professional student may receive insured loans of up to $5,000 per academic year. The aggregate insured unpaid principal amount (including loans made at the undergraduate level) that a graduate or professional student may have outstanding is $15,000. However, section 425(a)(1)(C) and 428(b)(1)(A)(iii) of the Higher Education Act (20 U.S.C. 1075(a)(1)(C) and 1078(b)(1)(A)(iii)) additionally authorize the Commisssioner to prescribe, by regulation, exceptions to the $5,000 annual lending limit in the case of students engaged in specialized training requiring exceptionally high education costs.

Because of the possibility that the Federal Program of Insured Loans to Graduate Students in Health Professions Schools may not be operational on October 1, 1977, the Commissioner has decided to exercise his authority to prescribe exceptions to the $5,000 annual loan limitation for graduate students under the Guaranteed Student Loan Program on behalf of graduate students in the health professions. The exceptions contained in these regulations are identical to the annual loan maximums which would otherwise be applicable to these students under the Federal Program of Insured Loans to Graduate Students in Health Professions Schools and will be available only until that program becomes fully operational. Specifically, these regulations provide that a graduate student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or public health is eligible for a loan of up to $10,000 per academic year and a student enrolled in a school of pharmacy is eligible for a loan of up to $7,500 per academic year.

This regulation is being issued as a final rule in accordance with the Administrative Procedure Act (5 U.S.C. 553(b)). The delay associated with affording an opportunity for comment makes publication as a proposed rule impracticable and contrary to the public interest. The delay would make it impossible to implement the proposed change prior to the opening of the 1977–1978 academic year, which is the period for which additional benefits to health professions students are needed.

The $15,000 maximum aggregate principal permitted under the Guaranteed Student Loan Program is set by statute and is not changed by this regulation. Since graduate students in health professions typically need a much larger aggregate total than other students, it is likely that this regulation will only benefit those health professions students who have not already borrowed extensively under the Guaranteed Student Loan Program.

(NOTE.—The current compilation of Guaranteed Student Loan Program regulations state that a student many only borrow up to $1,500 per academic year under the program. This provision has been superseded by statutory amendments to the Higher Education Act of 1965, which have set, as a general rule, annual lending limits of $2,500 for undergraduate students and $5,000 for graduate students. These revised figures are reflected, where applicable, in these regulations. These regulations have not been revised in any other respect. They will be fully updated during the course of the comprehensive revision of all Guaranteed Student Loan Program regulations currently being undertaken. See notice of proposed rulemaking, 41 FR 48862, Nov. 5, 1976.)

(Catalog of Federal Domestic Assistance Number 13.460, Guaranteed Student Loan Program.)

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A–107.

Dated: June 20, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: June 21, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

1. 45 CFR 177.12 is amended by revising paragraphs (a)(1) introductory text, (a)(1)(i), (a)(1)(ii) and (a)(2) and adding a new paragraph (a)(1)(xv) as follows:

§ 177.12 Agreements for Federal payments to reduce student interest costs for insured loans.

(a) (1) Except as provided for in § 177.13, interest benefits under insured loan programs shall be available only insofar as the loans to which they relate are covered under an agreement between the guarantee agency and the Commissioner pursuant to section 428(b) of the Act. The Commissioner may enter into such an agreement if he determines that the loan insurance program of the guarantee program:

(i) Authorizes the insurance of not less than $1,000 nor more than $2,500 in the case of a student who has not successfully completed a program of undergraduate education or, except as provided in § 177.12(a)(1)(xv), $5,000 in the case of a graduate or professional student, except:

(A) That the program may not authorize the insurance of a loan which is made by an eligible lender as described in section 435(g)(1)(D) of the Act or which is made or originated (as defined in section 433(b) of the Act) by an eligible institution to a student who has not successfully completed a program of undergraduate education in an amount in excess of $2,500 or 50 per centum of the estimated cost of attendance (calculated in accordance with section 428(a)(2)(C)(i)), and

(B) That the program may not authorize the insurance of loan in excess of $1,500 for an academic year which is made or originated (as defined in section 433(b) of the Act) by an eligible institution, and is made to a student for his first academic year of postsecondary education, unless the loan is to be disbursed in two or more installments, none of which exceeds one-half of the loan, with the interval between the first and second of such installments being not less than one-third of the period or enrollment for which the student received the loan.

The annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any year in excess of the annual limit;

(ii) Provides that the aggregate insured unpaid principal amount for all loans made under programs covered by this part and Part 178 of this chapter to any student shall not at any time exceed $7,500, in the case of any student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (including any loans made to such person before he became a graduate or professional student);

* * * * * *

(xv) Authorizes the insurance of up to $10,000 in the case of a student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or public health; and $7,500 in the case of a student enrolled in a school of pharmacy who has satisfactorily completed three years of training.

(2) The conditions of paragraph (a) (1) (i) and (xv) of this section will be met if the student loan insurance program (i) authorizes advances of not more than the applicable approved amount to a student during any 12-month school period, after taking into account other loans covered by this part which the student has received during such period, or authorizes advances to any student during such 12-month period of not more than an amount which bears the same ratio to the number of credit hours for which a full-time or half-time student borrower is registered during any such 12-month period as the applicable approved amount set forth in paragraph (a) (1) (i) or (ii) of this section minus other loans covered by this part which the student has received during such period multiplied by the sum of the academic years or their equivalent leading to the degree certificate bears to the total sum credit hours required to each such degree or certificate; and (ii) authorizes advances up to at least $1,000 to a full-time student and (if the program includes half-time students) up to at least $500 to a half-time student during any 12-month school period.

2. A new § 177.15 is added which reads as follows:

§ 177.15 Supplemental guarantee agreements.

State and private non-profit student loan insurance programs which have entered into agreements with the Commissioner pursuant to section 428A to the Act may authorize loan insurance to health profession students in the amounts described in § 177.12(xv). (20 U.S.C. 1078A.)

3. 45 CFR 177.43 (a) and (b) are amended to read as follows:

§ 177.43 Limitations governing maximum amount of federally insured loans.

(a) *Annual amounts.* The Commissioner will not insure loans in an academic year of study.

(1) To a student who has not successfully completed a program of undergraduate study in an amount in excess of $2,500, except:

(i) That in the case of a loan to a student who is or will be in his first year of a program of undergraduate education and who has not previously enrolled in such a program which is made by an eligible lender as described in section 435 (g) (1) (D) of the Act or which is made or originated (as defined in section 433 (d) of the Act) by an eligible institution, the loan may not exceed the lesser of $2,500 or 50 per centum of the estimated cost of attendance (calculated in accordance with the provisions of section 428 (a) (2) (C) (i) of the Act),

(ii) That in the case of a loan made or originated (defined in section 433(b) of the Act) by an eligible institution which is made to a student for his first academic year of postsecondary education, the loan may exceed $1,500 only if it is to be disbursed in two or more installments none of which exceed one-half of the loan, with interval between the first and second of such installments being not less than one-third of the period of enrollment for which the student received the loan.

(2) To a student enrolled in a school of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, or public health in an amount in excess of $10,000;

(3) To a student who has satisfactorily completed three years of training and is enrolled in a school of pharmacy in an amount in excess or $7,500; and

(4) To any other graduate or professional student in an amount in excess of $5,000.

(b) *Aggregate amounts.* The Commissioner will not insure any amount of a loan which, together with the outstanding principal on all other loans covered under this part exceeds $7,500 in the case of a student who has not successfully completed a program of undergraduate education, and $15,000 in the case of any graduate or professional student (including any loans insured under this part made to such student before he became a graduate or professional student).

* * * * *

[FR Doc.77-18249 Filed 6-29-77;8:45 am]

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

PART 246—STATE ORGANIZATION—MEDICAL ASSISTANCE PROGRAMS

Standards of Personnel Administration

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: The regulation clarifies the merit system policies and simplifies procedures in 45 CFR 205.200, Standards of Personnel Administration, as they apply to the Medicaid program (title XIX of the Social Security Act). The regulation is revised at the request of State agencies and the U.S. Civil Service Commission (CSC) to eliminate unnecessary administrative requirements.

EFFECTIVE DATE: September 28, 1977, or earlier at State option.

FOR FURTHER INFORMATION, CONTACT:

Evelyn Greene, 202-245-0202.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A revision of 45 CFR 205.200 was published on February 18, 1976 (41 FR 7393), to reflect changes in Federal merit system laws and regulations. The Intergovernmental Personnel Act of 1970 (Pub. L. 91-648) transferred from this Department to the U.S. Civil Service Commission (CSC) the authority to prescribe and administer the standards of personnel administration. The instructions developed for a preprinted State plan, based on the revised regulation, revealed two problems. First, the requirement for CSC review of the list of documents attached to the State plan was unnecessary because the documents themselves had been reviewed by the CSC. Second, there was a discrepancy between the regulation and the instructions for the preprinted State plan. The regulation implied that statements of acceptance must be obtained from all local jurisdictions, and the instructions provided that such statements need be obtained only when the State changed from a State-administered to a State-supervised, locally-administered system.

BASIS AND PURPOSE

The purpose of the revision is to clarify policies and simplify procedures. The basis is the request from State agencies and the CSC and the Department's desire to eliminate all unnecessary administrative requirements.

SPECIFIC CHANGES

These regulations have been revised to simplify the language and the merit system procedures as follows:

1. The statement that merit system materials "are part of the State plan" is deleted.

2. States are relieved of the requirement to submit a list of State merit system laws, regulations and policy statements as part of the State plan. Instead, the plan must provide assurance that current merit system materials have been found adequate by the CSC and that any changes will be submitted to them for review.

3. State plan requirements regarding statements of acceptance by local jurisdictions are clearly specified.

4. The statement prohibiting any action by the Secretary regarding selection, tenure, or compensation of State or local employees is deleted because it is not applicable to anyone outside the Department.

RECODIFICATION

Prior to March 8, 1977, the financial assistance, medical assistance, and social services programs (titles I, IV-A, X, XIV, XVI, XIX and XX of the Social Security Act) were under the administration of the Social and Rehabilitation Service (SRS). Many of the policies governing the three programs were issued as single regulations. 45 CFR 205.200 is that kind of regulation. The abolishment of SRS and the transfer of the programs to three separate agencies in the Department, accomplished by Reorganization Order published in the FEDERAL REGISTER on March 9, 1977 (42 FR 13262), require issuance of separate regulations for each program. Revised regulations applicable to the financial assistance and social services programs will be published soon.

Accordingly § 205.200, is amended to delete reference to title XIX; and a new § 246.160 is adopted.

The Department finds that there is good cause to dispense with proposed rule making. The regulations have been developed in cooperation with the Civil Service Commission, and respond to requests for clarification and simplification. The changes do not affect applicants or recipients of the programs or employees of the agencies that administer these programs, or the general public.

45 CFR Chapter II is amended as set forth below:

§ 205.200 [Amended]

1. Paragraph 205.200(a) is amended by deleting "XIX" from line two.

2. Part 246 is amended by adding a new § 246.160 to read as follows:

§ 246.160 Standards of personnel administration.

(a) *Basic requirement* A State plan under title XIX of the Social Security Act shall comply with all the requirements of paragraphs (b) through (g) of this section.

(b) *Methods of personnel administration.* The State plan shall provide that methods of personnel administration will be established and maintained, in the State agencies administering or supervising administration of the program and in local agencies administering the program, in conformity with:

(1) The standards for a Merit System of Personnel Administration, Part 70 of this title, and any standards prescribed by the U.S. Civil Service Commission in accordance with section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding these standards; and

(2) The regulation, Administration of the Standards for Merit System of Personnel Administration, 5 CFR Part 900, Subpart F.

(c) *Compliance of local jurisdictions.* The State plan shall provide that the State agency has in effect methods to assure compliance by local jurisdictions included in the plan.

(d) *Review and adequacy of State laws, regulations, and policies.* The State plan shall provide assurance that current State laws, regulations, and policy statements that effect methods of personnel administration in conformity with the standards specified in paragraph (b) of this section have been determined adequate by the U.S. Civil Service Commission, and provide that any changes to them will be submitted to the Commission for review.

(e) *Statements of acceptance by local agencies.* The State plan shall provide that statements of acceptance of the standards will be obtained from all official local agencies if the State agency changes from a State-administered to a State-supervised, locally-administered, program.

(f) *Affirmation action plan.* The State plan shall provide that the State agency has in effect an affirmative action plan for equal employment opportunity, which includes specific action steps and timetables to assure that opportunity, and meets all other requirements of § 70.4 of this title.

(g) *Submittal of requested materials.* The State plan shall provide that the State agency will submit to the Department of Health, Education, and Welfare, upon request, copies of the affirmative action plan and of the State and local materials which assure compliance with the standards specified in paragraph (b) of this section.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 31, 1977.

DON WORTMAN,
Acting Administrator, Health Care Financing Administration.

Approved: June 25, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc.77-18771 Filed 6-29-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Editorial Amendment Concerning Delegation of Authority to Chief, Field Operations Bureau

AGENCY: Federal Communications Commission.

ACTION: Editorial Amendment.

SUMMARY: This amendment provides editorial changes to Part 0 of the rules; subsection(s) of § 0.314 which delegates authority to Chief, Field Operations Bureau. Specifically, the required change applies to section numbers of Part 95 referenced within § 0.314 which should have been renumbered in accordance with a Commission Order adopted December 14, 1976.

EFFECTIVE DATE: July 5, 1977.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Sylvia Sternstein, Field Operations Bureau, 632-7591.

SUPPLEMENTARY INFORMATION:

Adopted: June 20, 1977.

Released: June 22, 1977.

Order. In the matter of editorial amendment of § 0.314 of the Commission's rules and regulations.

1. The Commission has before it the desirability of making certain editorial changes in Part 0 of its rules and regulations.

2. On December 14, 1976, the Commission adopted an Order revising §§ 95.1 through 95.67 of the rules and regulations concerning stations in the Personal Radio Service (FCC 76-1133, 42FR8326, Docket 20120). These revisions were erroneously omitted from subsection (s) of § 0.314, which deals with the delegation of authority to the Chief, Field Operations Bureau and references several of the amended sections.

3. *Accordingly, it is ordered,* Effective July 5, 1977, that Subpart (s) of § 0.314 of the rules and regulations is amended as set forth below. Authority for the amendment is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendment is editorial in nature, the prior notice and effective date provisions of 5 USC 553 do not apply.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
R. D. LICHTWARDT,
Executive Director.

Section 0.314(s) is amended to read as follows:

§ 0.314 Additional authority delegated.

* * * * * *

(s) Make determination and notification of incurrence of forfeitures under the provisions of section 510 of the Communications Act, as amended, with reference to violation of §§ 95.501(b), 95.471(c), 95.455(a), 95.437(a) and 95.613 (b) of this Chapter.

* * * * * *

[FR Doc.77-18782 Filed 6-29-77;8:45 am]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139; Amdt. Nos. 172-36, 173-105, 174-28, 178-41, 179-18]

HAZARDOUS MATERIALS, CARRIAGE, AND SHIPPING SPECIFICATIONS

Conversion of Individual Exemptions to Regulations of General Applicability

Correction

In FR Doc. 77-15653 appearing at page 28132 in the issue for Thursday, June 2, 1977, in § 173.304(a)(2), in the table under the heading "Kind of gas" the entry "Vinyemethyl * * *" should read "Vinylmethyl * * *"

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-16; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

AIR BRAKE SYSTEMS

Agricultural Commodity Trailers

AGENCY: National Highway Traffic Safety Administration.

ACTION: Final rule.

SUMMARY: The amendment extends indefinitely an existing option for specialized agricultural trailers under Standard No. 121, Air Brake Systems, of meeting the parking brake requirements of the standard or the air-actu-

ated "breakaway" requirements of the Bureau of Motor Carrier Safety. The option exists because the working environment of the trailers can lead to disabling of the parking brakes, and a solution to the underlying technical problems has not been perfected.

DATES: Effective date June 27, 1977.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be submitted to: Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Scott Shadle, Office of Crash Avoidance, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-0852).

SUPPLEMENTARY INFORMATION: Standard No. 121 (49 CFR 571.121) permitted some bulk agricultural commodity trailers the option, until June 30, 1977, of meeting the parking brake requirements of the standard (actuation by an energy source unaffected by air loss in the service brake system) (S5.6.3) or the air-actuated "breakaway" system that complies with Bureau of Motor Carrier Safety (BMCS) requirements (49 CFR 393.43). Most manufacturers use the stored energy of a compressed spring to apply and maintain the required braking force required by S5.6.3.

Manufacturers petitioned for modification of this parking brake requirement in the case of some agricultural trailers because they often are dropped off near the fields by highway tractors and then towed into the fields by farm tractors. The farm tractors do not have air compressors to recharge the air supply and release the brakes in order to move the vehicles. When the spring brakes are mechanically released to allow movement they may not be re-engaged for highway operation, permitting the trailer to operate on the highway without a secondary means of braking. To avoid the hazard of on-highway operation with disengaged spring brakes, the agency adopted the option for a limited period.

Wesco Truck and Trailer Sales petitioned for extension of the option to December 31, 1978, and Utility Trailer Manufacturing Company petitioned for its indefinite continuation. The agency has an outstanding proposal to broaden the available means to meet the parking and emergency brake requirements for all trailers (40 FR 56920; December 5, 1975). However, because of the comprehensive nature of the proposed revision, it will not be acted on in the immediate future.

Until the broad proposal is made final or until another solution is available, the agency decided that the exclusion for these specialized trailers from the parking and emergency braking requirement should continue, as long as the vehicles are manufactured to comply with the BMCS requirements noted earlier. Accordingly, the agency proposed that the temporary exclusion contained in § 5.6 and § 5.8 of the standard be made permanent.

All comments received on the proposal supported continuation of the option. In the absence of a satisfactory solution to the underlying technical problems, the agency has decided to make final the changes as proposed.

In consideration of the foregoing, the last sentence in paragraphs S5.6 and S5.8 of Standard No. 121 (49 CFR 571.121) are amended by deletion of the phrase "manufactured before June 30, 1977,".

NOTE.—The economic and inflationary impacts of this rulemaking have been evaluated in accordance with OMB Circular A-107, and an Economic Impact Statement is not required.

The agency finds that this amendment may become effective immediately, because the continuation of the option relieves a restriction.

The program official and lawyer principally responsible for the development of this amendment are Scott Shadle and Tad Herlihy, respectively.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued on June 27, 1977.

JOAN CLAYBROOK,
Administrator.

[FR Doc.77-18783 Filed 6-28-77;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[No. 36511]

ACCOUNTING FOR MARKETABLE EQUITY SECURITIES

AGENCY: Interstate Commerce Commission.

ACTION: Amended rule.

SUMMARY: The Interstate Commerce Commission adopted certain technical changes in the uniform system of accounts for all modes (except express companies). These changes align the systems with generally accepted accounting principles as announced in Financial Accounting Standards Board Statement No. 12, "Accounting for Certain Marketable Securities." The changes were adopted to improve financial reporting to the Commission and to reduce the need for duplicate recordkeeping by carriers who prepare financial statements to shareholders and to the Commission.

EFFECTIVE DATE: January 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John A. Grady, Director, Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423. Phone No. 202-275-7565.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In December 1975, the Financial Accounting Standards Board (FASB) issued Statement No. 12, "Accounting for Certain Marketable Securities," requiring that marketable equity securities should be carried at the lower of aggregate cost or market value, as determined at each balance sheet date.

The FASB stated that, except for certain industries such as investment companies, broker-dealers, stock life insurance companies and fire and casualty insurance companies:

1. The carrying amount should be the lower of the aggregate cost or market value, determined at the balance-sheet date.

2. Any excess of aggregate cost over market value at the balance-sheet date is accounted for as a valuation allowance.

3. Realized gains and losses and changes in the valuation allowance related to current asset securities should be included in determining net income in the period in which they occur.

4. Accumulated changes in the valuation allowance relating to noncurrent asset securities (including those presented in an unclassified balance sheet) should be included as a separate item in the equity section of the balance sheet.

5. The cost of any security to which 4 above applies should be written down to market value by a charge to income if a market value decline is judged to be other than temporary. The amount to which the security is written down becomes its new cost basis for subsequent application of the Statement. Recoveries in market value in excess of new cost may not be recognized.

Currently, carriers subject to our accounting rules are specifically not permitted to record fluctuations in market values of securities. Cost is the basis of recordation except that the ledger value of securities is written down to the extent of permanent impairment in value or written off entirely if there is no reasonable prospect of realizing any value. In accordance with the standards set forth in FASB Statement No. 12, fluctuations in the market value of certain marketable securities are recorded. However, unrealized gains are only recorded to the extent that unrealized losses on the same portfolio have been previously recorded.

CHANGES IN RULE

We believe the standards set forth in FASB Statement No. 12 will improve financial reporting to the Commission. Accordingly, we have amended the uniform system of accounts for all modes (except express companies) subject to our regulations. These changes clarify the texts of certain accounts as they pertain to FASB Statement No. 12 and they align our accounting rules with generally accepted accounting principles (GAAP) as expressed in the Statement.

Because the changes conform our regulations with GAAP as announced in FASB Statement No. 12, they are anticipated by the industry. Many companies which prepare financial statements to shareholders have already made the changes for those purposes. Thus the changes should be welcomed as they will reduce the need for duplicate bookkeeping. In addition, the changes themselves only require minor revisions in recordkeeping. Small carrier's (with gross operating revenues less than $10 million) would not be required to complete the annual report schedule. Therefore, the impact of such changes on the industry will be minor and a rulemaking proceeding under sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559), for good cause, is not necessary.

Issued at Washington, D.C., June 8, 1977

H. G. HOMME, Jr.
Acting Secretary.

Parts 1201-1210 (except 1203) of Chapter X of Title 49 of the Code of Federal Regulations are amended as follows:

PART 1201—RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Balance Sheet Accounts" line item 724, "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is added immediately after line item 723 "Reserve for adjustment of investment in securities—Cr." and line item 798.1 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after 798 "Retained income; unappropriated".

* * * * *

General Balance Sheet Accounts

* * * * *

724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

* * * * *

798.1 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

REGULATIONS PRESCRIBED

Under "(ii) Definitions" the following definitions are added: (ii) *Definitions.*

* * * * *

26. (a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the later case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

Instruction 6-2 "Recorded value of securities owned." is revised to read:

6-2 *Recorded value of securities owned.* (a) (1) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value, at the time of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 702 "Temporary Cash Investments", 721 "Investments in Affiliated Companies", and 722 "Other Investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 26) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 702 shall be considered the current portfolio and the marketable equity securities in accounts 721 and 722 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 26.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 702 "Temporary Cash Investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 724 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr." is the valuation allowance for the marketable equity securities recorded in account 721 "Investments in Affiliated Companies" and 722 "Other Investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in the determination of net income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 702 shall be charged to account 551 "Miscellaneous Income Charges" or credited to account 519 "Miscellaneous Income", as appropriate, with a contra entry to the valuation allowance contained within account 702. Changes in the valuation allowance for marketable equity securities included in accounts 721 and 722 shall be recorded in equity account 798.1 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" with a contra entry to valuation account 724.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as realized loss by a charge to account 551 "Other Income Charges" and a credit to account 723 "Reserve for Adjustment of Investment in Securities." The new cost basis shall not be changed for subsequent recoveries in value.

(b) * * *

* * * * *

INCOME ACCOUNTS

Ordinary Items

519 [Amended]

The text of account 519 "Miscellaneous Income" is amended by adding the item, "Decreases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets", at the end of the items list in paragraph (a).

551 [Amended]

The text of account 551 "Miscellaneous Income Charges" is amended by adding

JUN 30 77
UM

the item "Increases in the valuation allowance (contained within account 702) for the marketable equity securities included in current assets" at the end of the items list in paragraph (a).

GENERAL BALANCE SHEET ACCOUNTS

The text of account 702 "Temporary Cash Investments" is amended by adding the following paragraph:

702 Temporary Cash Investments.

* * * * *

This account shall be subdivided to reflect the marketable equity securities portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 6–2.)

Account 724 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr." number, title, and text is added immediately after the text of account 723 "Reserve for Adjustment of Investment in Securities—Cr." to read:

724 Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 721 and 722. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 6–2.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 723.)

Account 798.1 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" number, title, and text is added immediately after the text of account 798 "Retained Income; Unappropriated" to read:

798.1 Net Unrealized Loss on Noncurrent Marketable Securities.

This account shall include the accumulated changes in account 724 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

799 [Amended]

In account 799 "Form of General Balance Sheet Statement" line item 724 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Cr." is added immediately after line item 723 "Reserve for Adjustment of Investment in Securities—Cr." and line item 798.1 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately after account 798 "Retained Income; Unappropriated".

PART 1202—ELECTRIC RAILWAYS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Balance Sheet Accounts" line item 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 406–1 "Reserve for adjustment of investment in securities" and line item 452 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 451 "Unsegregated surplus".

* * * * *

General Balance Sheet Accounts

* * * * *

406–2 Allowance for net unrealized loss on noncurrent marketable equity securities.

* * * * *

452 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

DEFINITIONS

Section 00–2 "Definitions" is amended by adding the following definitions:

00–2 Definitions.

* * * * *

"Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

"Marketable" as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the later case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

"Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

"Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

* * * * *

INCOME ACCOUNTS

ORDINARY ITEMS

212 [Amended]

The text of account 212 "Miscellaneous income" is amended by adding the item, "Decreases in the valuation allowance (contained within account 413) for the marketable equity securities included in current assets", at the end of the items list.

225 [Amended]

The text of account 225 "Miscellaneous debits" is amended by adding the item, "Increases in the valuation allowance (contained within account 413) for marketable equity securities included in current assets", at the end of the items list.

General Balance Sheet

General instruction 05–7 "Recorded value of securities owned" is revised to read:

05–7 Recorded value of securities owned.

(a)(1) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 413 "Other current assets", 405 "Investments in affiliated companies", and 406 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see 002—Definitions) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 413 shall be considered the current portfolio and the marketable equity securities in accounts 405 and 406 (combined) shall be considered the noncurrent portfolio. The net ledger values of each portfolio shall be the lower of its aggregate cost or market value. (See 002—Definitions.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 413 "Other current assets" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 405 "Investments in affiliated companies", and 406 "Other investments". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determine aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 413 shall be charged to account 225 "Miscellaneous debits" or credited to account 212 "Miscellaneous income", as appropriate, with a contra entry to the valuation allowance contained within account 413. Changes in the valuation allowance for marketable equity securities included in account 405 and 406 shall be recorded in equity account 452 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 406–2.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 225, "Miscellaneous debits" and a credit to account 406–1, "Reserve for adjustment of investment in securities". The new cost basis shall not be changed for subsequent recoveries in value.

(b)(1) * * *

* * * * *

05–8 [Amended]

General instructions 05–8 "Form of general balance sheet statements" is revised by adding line item 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" immediately after line item 406–1 "Reserve for adjustment of investment in securities' and by adding line item 452 "Net unrealized loss on marketable equity securities" immediately after line 451 "Unsegregated surplus."

Account 406–2 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 406–1 "Reserve for adjustment of investment in securities" to read:

406.2 Allowance for net unrealized or loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 405 and 406. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference (Refer to Instruction 05–7).

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 406–1.)

Account 452 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text are added immediately after the text of account 451 "Unsegregated surplus" to read:

452 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 406.2 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

PART 1204—PIPELINE COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions," line item 1–15 "Accounting for marketable equity securities owned" is added immediately after line item 1–14 "Charges to be just and reasonable."

Under "Balance Sheet Accounts," line item 24 "Allowance for net unrealized loss on noncurrent marketable equity securities—Credit" is added immediately after line item 23 "Reductions in security values—Credit" and line item 75.5 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 75 "Unappropriated retained income."

* * * * *

GENERAL INSTRUCTIONS

* * * * *

1–15 Accounting for marketable equity securities owned.

* * * * *

BALANCE SHEET ACCOUNTS

24 Allowance for net unrealized loss on noncurrent marketable equity securities—Credit.

* * * * *

75.5 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

The following definitions are added:

Definitions. * * *

35. "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

"Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (*Provided*, in the later case, That quotations are available from at least three dealers.) Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

"Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

"Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

General Instructions

General instruction 1–15 "Accounting for marketable equity securities owned" is added immediately after general instruction 1–14 "Charges to be just and reasonable," to read:

1–15 Accounting for marketable equity securities owned.

(a) Accounts 11 "Temporary investments," 20 "Investments in affiliated companies," and 21 "Other investments" shall be maintained in such a manner as to reflect the marketable equity se-

JUN 30 77
UM

curities' portion (see definition 35) and other securities or investments.

(b) For the purpose of determining net ledger value, the marketable equity securities in account 11 shall be considered the current portfolio and the marketable equity securities in accounts 20 and 21 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 35.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 11 "Temporary investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 24 "Allowance for net unrealized loss on noncurrent marketable equity securities—Credit" is the valuation allowance for the marketable equity securities included in accounts 20 "Investments in affiliated companies" and 21 "Other investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(c) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 11 shall be charged to account 660 "Miscellaneous income charges" or credited to account 640 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 11. Changes in the valuation allowance for marketable equity securities included in accounts 20 and 21 shall be recorded in equity account 75.5 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 24.

(d) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(e) For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 660 "Miscellaneous income charges" and a credit to account 23, "Reduction in security values—Credit." The new cost basis shall not be changed for subsequent recoveries in value.

Balance Sheet Accounts

The text of account 11 "Temporary investments" is amended by adding the following paragraph:

11 Temporary investments.

* * * * *

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments (See Instruction 1–15).

Account 24 "Allowance for net unrealized loss on noncurrent marketable equity securities—Credit" number, title, and text is added immediately after the text of account 23 "Reduction in security values—Credit" to read:

24 Allowance for net unrealized loss on noncurrent marketable equity securities—Credit.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 20 and 21. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 1–15.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 23.)

Account 75.5 "Net unrealized loss on noncurrent marketable equity securities" number, title and text is added immediately after the text of account 75 "Unappropriated retained income" to read:

75.5 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 24 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

INCOME ACCOUNTS

Ordinary Items

The text of account 640 "Miscellaneous income" is revised to read:

640 Miscellaneous income.

(a) This account shall include income not provided for elsewhere creditable to income accounts for the current year, such as unclaimed wages written off, profit on sales of land and noncarrier, property, profit on sales of investment securities, profit from company bonds reacquired, and decreases in the valuation allowance (contained within account 11) for the marketable equity securities included in current assets.

(b) * * *

The text of account 660 "Miscellaneous income charges" is revised to read:

660 Miscellaneous income charges.

(a) This account shall include income charges not provided for elsewhere chargeable to income accounts for the current year, such as amortization of debt expense, losses on sale or disposition of land and noncarrier property, losses on sales or reductions in value of investment securities (including increases in the valuation allowance within account 11 for the marketable equity securities included in current assets), bad debts, losses on company bonds reacquired, taxes (other than Federal income taxes) on investment securities, trust management expenses, amortization of intangibles which are not restricted to a fixed term, and the difference between the premium and the added cash surrender value of life insurance on officers and employees when the carrier is beneficiary.

(b) * * *

* * * * * *

797 [Amended]

In account 797, Form of Balance Sheet Statement, line item 24, "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities—Credit" is added immediately after line item 23, "Reductions in Security Values—Credit" and line item 75–5 "Unrealized Loss on Noncarrier Marketable Equity Securities" is added immediately after line item 75 "Unappropriated Retained Income."

PART 1205—REFRIGERATOR CAR LINES

List of Instructions and Accounts

Under "General Balance Sheet Accounts Texts," line item 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is added immediately after line item 723, "Reserve for adjustment of investment in securities—Cr." and line item 798.1 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 798 "Retained Income—Unappropriated".

* * * * * *

General Balance Sheet Accounts Texts

* * * * * *

724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

* * * * * *

798.1 Net unrealized loss on noncurrent marketable equity securities.

* * * * * *

General Instructions

Under "2 Definitions" the following definitions are added:

2 Definitions.

* * * * * *

(dd) (1) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(2) "Marketable," as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (*Provided*, in the later case, That quotations are available from at least three dealers.) Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(3) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(4) "Cost," as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

Income and Balanced Sheet Accounts Instructions

Instruction 37 is revised to read:

37 Book value of securities owned.

(a) (1) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 702 "Temporary cash investments", 721 "Investments in affiliated companies", and 722 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition (dd)) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 702 shall be considered the current portfolio and the marketable equity securities in accounts 721 and 722 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition (dd)). The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 702 "Temporary cash investment" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is the valuation allowance for the marketable equity securities included in accounts 721 "Investments in affiliated companies" and 722 "Other investments." Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 702 shall be charged to account 551 "Miscellaneous income charges" or credited to account 519 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 702. Changes in the valuation allowance for marketable equity securities included in accounts 721 and 722 shall be recorded in equity account 798.1 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 724.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 551 "Miscellaneous income charges" and a credit to account 723, "Reserve for adjustment of investment in securities—Cr." The new cost basis shall not be changed for subsequent recoveries in value.

(b) * * *

* * * * * *

Income Accounts Text

519 [Amended]

The text of account 519, "Miscellaneous income" is amended by adding the item "Decreases in the valuation allowance (contained within account 702) for the marketable equity securities' portfolio included in current assets," at the end of the items list.

551 [Amended]

The text of account 551, "Miscellaneous income charges" is amended by adding the item "Increases in the valuation allowance (contained within account 702) for marketable equity securities' portfolio included in current assets," at the end of the items list.

General Balance Sheet Accounts

The text of account 702 "Temporary cash investments" is amended by adding the following paragraph:

702 Temporary cash investments.

* * * * * *

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 37.)

Account 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." number, title, and text is added immediately after the text of account 723 "Reserve for adjustment of investment in securities—Cr." to read:

724 Allowance for net unrealized loss on noncurrent marketable equity securities—Cr.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in account 721 and 722. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 37.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 723.)

Account 798.1, "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 798, "Retained Income—Unappropriated" to read:

798.1 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 724 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

799 [Amended]

In account 799, "Form of general balance sheet statement" line item 724 "Allowance for net unrealized loss on noncurrent marketable equity securities—Cr." is added immediately after line item 723, "Reserve for adjustment of investment in securities—Cr." and line item 798.1 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 798 "Retained income—Unappropriated."

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

List of Definitions, Instructions and Accounts

Under "Definitions," line item 1–45 "Terminology relative to accounting for marketable equity securities" is added immediately after line item 1–44 "Termi-

JUN 30 77
UM

nology relative to compensating balances".

Under "Balance Sheet Accounts," line item 1676 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 1675 "Reserve for adjustment of investment in securities," and line item 2946.5 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after 2946 "Other debits to surplus."

* * * * *

DEFINITIONS

* * * * *

1–45 Terminology relative to accounting for marketable equity securities.

* * * * *

BALANCE SHEET ACCOUNTS

* * * * *

1676 Allowance for net unrealized on noncurrent marketable equity securities.

* * * * *

2946.5 Net unrealized loss on noncurrent marketable equity securities.

* * * * *

DEFINITIONS

Definition 1–45 "Terminology relative to accounting for marketable equity securities" is added to read:

* * * * *

1–45 Terminology relative to accounting for marketable equity securities.

(a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable" as applied to an equity security means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

INSTRUCTIONS

The text of paragraph (b) of Instruction 2–15 "Book cost of securites owned" is revised to read:

2–15 Book cost of securities owned.

(a) * * *

(b) (1) Accounts 1060 "Temporary cash investments", 1600 "Investments and advances—Associated Companies", and 1650 "Other investments and advances" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 1–45) and other securities or investments.

(2) For the purpose of determining net ledger value, the marketable equity securities in account 1060 shall be considered the current portfolio and the marketable equity securities in accounts 1600 and 1650 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value (see definition 1–45). The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 1060 "Temporary cash investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 1676 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 1600 "Investments and advances—Associated companies" and 1650 "Other investments and advances". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(3) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 1060 shall be charged to account 7500 "Other deductions" or credited to account 6500 "Other nonoperating income" as appropriate, with a contra entry to the valuation allowance contained within account 1060. Changes in the valuation allowance for marketable equity securities included in account 1600 and 1650 shall be recorded in equity account 2946.5 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 1676.

(4) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(5) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 7500 "Other deductions" and a credit to account 1675 "Reserve for adjustment of investment in securities". The new cost basis shall not be changed for subsequent recoveries in value.

* * * * *

BALANCE SHEET ACCOUNTS

The text of account 1060, "Temporary cash investments", is amended by adding the following paragraph:

1060 Temporary cash investments.

* * * * *

(c) This account shall also be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 2–15.)

Account 1676, "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 1675, "Reserve for adjustment of investments in securities" to read:

1676 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 1600 and 1650. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 2–15.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 1676.)

Account 2946.5 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 2946 "Other debits to surplus", to read:

2946.5 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 1676 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

Account 2999 "Form for balance sheet statements" is revised to read:

2999 Form for balance sheet statements.

* * * * *

1650	Other investments and advances		$
	(a) Pledged	$	
	(b) Unpledged		
	Less:		
	(a) Reserve for adjustment of investments in securities		
	(b) Allowance for net unrealized loss on noncurrent marketable equity securities		
	Total investment securities and advances		
	* * *		
2930	* * *		
2946.5	Net unrealized loss on noncurrent marketable equity securities		( )
2957	Treasury stock		( )
	Total unappropriate surplus		
	Total liabilities and equity		
	Contingent liabilities (not included above)		

INCOME ACCOUNTS

The text of account 6500, "Other nonoperating income", is amended by adding the following sentence to the current text:

6500 Other non-operating income.

* * * * *

This account shall also include the current unrealized gain on the marketable equity securities in account 1060, only to the extent the gain is represented by a decrease in the valuation allowance. (See Instruction 2–15.)

NOTE: * * *

The text of account 7500, "Other deductions", is amended by adding the following item:

7500 Other deductions.

* * * * *

(h) Unrealized losses on the marketable equity securities in account 1060 to the extent these losses are represented by an increase in the valuation allowance. (See instruction 2–15.)

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

The following definitions are added:

* * * * *

45. (a) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferrred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(b) "Marketable", as applied to any equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rule of the Securities and Exchange Commission, is not considered restricted.

(c) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, those contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(d) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned on recognition of an impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

Paragraph (b) of Instruction 18 "Book cost of securities owned" is revised to read:

18 Book cost of securities owned.

(a) * * *

(b) (1) Accounts 1031, 1032, 1411, 1413, 1419, 1431, 1433, and 1439 (for class I carriers) or accounts 1030, 1410 and 1430 (for class II carriers) shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definition 1–45) and other securities and investments.

(2) For the purpose of determining net ledger value, the marketable equity securities in accounts 1031 and 1032, combined (for class I carriers) or account 1030 (for class II carriers) shall be considered the current portfolio. The marketable equity securities in accounts 1411, 1413, 1419, 1431, 1433, and 1439, combined, (for class I carriers) or account 1410 and 1430, combined, (for class II carriers) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definition 1–45.) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities (class I)" is the valuation allowance for current marketable equity securities included in accounts 1031 and 1032 (for class I carriers). Class II carriers shall subdivide account 1030 to include the valuation allowance for the current portfolio of marketable equity securities contained therein. Account 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" is the valuation allowance for the noncurrent marketable equity securities included in accounts 1411, 1413, 1419, 1431, 1433, and 1439 for class I carriers or 1410 and 1430 for class II carriers. Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(3) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for the current portfolio of marketable equity securities shall be charged to income account 8429/9429 (class I) or 8400/9400 (class II), or credited to account 8410/9410 (class I) or 8400/9400 (class II), as appropriate, with a contra entry to valuation account 1033 (class I) or the valuation account contained with

account 1030 (class II). Changes in the valuation allowance for the noncurrent portfolio of marketable equity securities shall be recorded in equity account 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" with a contra entry to valuation allowance account 1449 (for both class I and II carriers).

(4) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall be accounted for as if it were a realized loss and included in the determination of net income.

(5) The carrier may write down the book cost of any security in recognition of a decline in the value thereof. Securities shall be written off if there is no reasonable prospect of substantial value. A permanent impairment in the value of securities recorded in Account 1410—Investments and Advances—Affiliated Companies (class II), and in accounts 1411 through 1421, inclusive (class I), shall be reflected in Account 1428—Adjustments—Investments and Advances, Affiliated Companies (classes I and II) with concurrent debits to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8429/9429—Other (nonoperating deductions) (class I). A permanent decline in the value of securities recorded in Account 1430—Other Investments and Advances (class II), and in accounts 1431 through 1441, inclusive (class I) shall be reflected in Account 1448—Adjustments—Other Investments and Advances (classes I and II) with debits to Account 8400/9400—Other Nonoperating Income (net) (class II), and Account 8429/9429—Other (nonoperating deductions) (class I). For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 8429/9429 (class I) or 8400/9400 (class II) and a credit to account 1428. The new cost basis shall not be changed for subsequent recoveries in value.

CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS

• • • • •

BALANCE SHEET—ASSETS

Under Class I Accounts, "Current Assets" section, line item 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities" is added immediately after line item 1032 "Temporary Cash Investments; Other".

Under Class II Accounts, "Investment Securities and Advances" section line item 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately after line item 1448 "Adjustments—Other Investments and Advances".

Under Class I Accounts, "Investment Securities and Advances" section, line item 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately after line item 1448 "Adjustments—Other Investments and Advances".

BALANCE SHEET—LIABILITIES AND EQUITY

Under Class II Accounts, "Stockholders' Equity" section, line item 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities", is added immediately after line item 2652 "Retained Earnings—Unappropriated".

Under Class I Accounts, "Stockholders' Equity" section, line item 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities", is added immediately after line item 2652 "Retained Income—Unappropriated".

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNT EXPLANATIONS

Assets

The text of account 1030 "Temporary Cash Investments" (class II) is amended by adding the following paragraph:

1030 Temporary Cash Investments (class II).

• • • • •

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 18.)

Account 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities (class I)" number, title, and text is added immediately after the text of account 1032 "Temporary Cash Investments; Other (class I)" to read:

1033 Allowance for Net Unrealized Loss on Current Marketable Equity Securities (class I).

This account shall reflect the amount by which aggregate cost exceeds market value for the current marketable equity securities found in accounts 1031 and 1032. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (See Instruction 18.)

Account 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" number, title, and text is added immediately after the text of account 1448 "Adjustments—Other Investments and Advances (classes I and II)" to read:

1449 Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II).

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 1411, 1413, 1419, 1431, 1433 and 1439 for class I carriers, or 1410 and 1430 for class II carriers. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (See Instruction 18.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 1428 or 1448, as appropriate.)

Liabilities and Equity

Account 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II)" number, title, and text is added immediately after the text of account 2652 "Retained Earnings—Unappropriated (classes I and II)" to read:

2655 Net Unrealized Loss on Noncurrent Marketable Equity Securities (classes I and II).

This account shall include the accumulated changes in account 1449 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

CLASS I AND CLASS II MOTOR CARRIERS OTHER INCOME AND EXPENSE ACCOUNT EXPLANATIONS

The text of account 8400/9400—"Other Nonoperating Income (net) (classes I and II)" is revised to read:

8400/9400 Other Nonoperating Income (net) (classes I and II).

(c) • • •

• • • • •

(8) Changes in the valuation allowance (account 1033 for class I carriers or within account 1030 for class II carriers) for the marketable equity securities' included in current assets.

(9) Other deductions from gross income.

• • • • •

The text of account 8410/9410—"Other Nonoperating Income (class I)" is revised to read:

8410/9410 Other Nonoperating Income (class I).

This account • • • in the profits of others, decreases in the valuation allowance (account 1033) for the marketable equity securities included in current assets, and all other nonoperating income not provided for in accounts 8110/9110, 8210/9210, and 8220/9220.

The text of account 8429/9429—"Other (nonoperating deductions) (class I)" is amended by adding the following sentence:

8429/9429 Other (nonoperating deductions) (class I).

• • • • •

This account shall also include increases in the valuation allowance (account 1033) for the marketable equity securities included in current assets.

CLASS I AND CLASS II MOTOR CARRIERS CONVERSION TABLES

TABLE I–A—CLASS I MOTOR CARRIERS BALANCE SHEET ACCOUNT NUMBERS CONVERSION TABLE [AMENDED]

Under the column entitled "System of accounts effective January 1, 1974:"

Line item 1033 "Allowance for Net Unrealized Loss on Current Marketable Equity Securities" is added immediately above line item 1428 "Adjustments—Investments and Advances—Affiliated Companies".

Line item 1449 "Allowance for Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately below line item 1448 "Adjustments—Other Investments and Advances".

Line item 2655 "Net Unrealized Loss on Noncurrent Marketable Equity Securities" is added immediately below line item 2961 "Other Debits to Retained Earnings".

• • • • •

PART 1208—MARITIME CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Balance Sheet Accounts" line item 329.5 Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 329 "Decline in value of investments" and line item 592 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 591 "Treasury stock".

• • • • •

Balance Sheet Accounts

• • • • •

329.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

• • • • •

592 Net unrealized loss on noncurrent marketable equity securities.

• • • • •

General Instructions

Under (A) "Definitions" the following definitions are added:

(A) Definitions.

• • • • •

(39) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(40) "Marketable" as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(41) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(42) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of any impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

Under (M) "Recorded value of securities owned," paragraphs (1) and (4) and the note at the end are revised to read as follows:

(M) Recorded value of securities owned.

(1) Investments in the securities of any company other than those issued or assumed by the accounting company, where the investment does not represent 20 percent or more of the outstanding voting common stock of the company should be recorded at cost (except see paragraph (4)) and should not be stated in excess of cost. Exceptions to this rule may be approved by the Commission in special circumstances where an investment of less than 20 percent gives the accounting company power to significantly influence the financial and policy making decisions of the investee.

• • • • •

(4) (i) Accounts 120 "Marketable securities," 316 "Securities of related companies," and 328 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definitions (39) and (40)) and other securities or investments.

(ii) For the purpose of determining net ledger value, the marketable equity securities in account 120 shall be considered the current portfolio and the marketable equity securities in accounts 316 and 328 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definitions (41) and (42).) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 120 "Marketable securities" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 329.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 316 "Securities of related companies" and 328 "Other investments." Marketable equity securities accounted for by the equity method (see paragraphs (2) and (3) above) shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(iii) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 120 shall be debited or credited to account 690, "Miscellaneous other income" as appropriate, with a contra entry to the valuation allowance contained within account 120. Changes in the valuation allowance for marketable equity securities included in accounts 316 and 328 shall be recorded in equity account 592 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 329.5.

(iv) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(v) For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 690 "Miscellaneous other income" and a credit to account 329 "Decline in value of investments." The new cost basis shall not be changed for subsequent recoveries in value.

(vi) For other investments in securities (not classified as marketable equity securities) the accounting company shall write down the cost of any investment to the extent of impairment in values; however, mere fluctuations in market value shall not be recorded. Write downs for impairment shall not be delayed beyond the year in which a loss is claimed for

income tax purposes. The loss may be recorded in the accounts by establishing a reserve for such loss through credits to account 329, "Decline in value of investments." Losses attributable to write downs or write offs shall be charged to account 690 "Miscellaneous other income."

(5) • • •

NOTE.—For purposes of this instruction, cost (other than when a new cost basis has been assigned for marketable equity securities—see definition 42) is cash or fair market value of the consideration given at the time of acquisition but excluding amounts of accrued interest and accrued dividends.

Balance Sheet Accounts

The text of account 120 "Marketable securities" is revised by adding the following sentence to paragraph (b):

120 Marketable securities.

• • • • • •

(b) • • • However, this account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other marketable securities. (See Instruction (M).)

Account 329.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 329 "Decline in value of investments" to read:

329.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 316 and 328. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction (M).)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 329.)

The text of account 580 "Owners' equity" is revised to read:

580 Owners' equity.

This account shall be divided into the following subaccounts: 581, 585, 587, 590, 591, 592, 593, 598 and 599.

Account 592 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 591 "Treasury stock" to read:

592 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 329.5 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

Revenue Accounts

The text of account 690 "Miscellaneous other income" is amended by adding the following sentence at the end of the current text:

690 Miscellaneous other income.

• • • • • •

This account shall also include the changes in the valuation allowance for the marketable equity securities in account 120.

FINANCIAL STATEMENTS

(A) BALANCE SHEET

Under "Assets", subheading "Investments" is revised to read:

Investments:	
316	Securities of related companies.
319	Noncurrent notes receivable—affiliated companies.
320	Noncurrent accounts receivable—affiliated companies.
325	Cash value of life insurance.
328	Other investments.
	Subtotal.
	Less: Decline in value of investments. Allowance for unrealized loss on noncurrent marketable equity securities.
	Total investments.

Under "Liabilities", subheading "Retained earnings" is revised to read:

Account No.	*Liabilities*
•	• • • • •
Retained earnings:	
593	Prior period adjustments to beginning retained income accounts.
598	Restricted.
599	Unrestricted.
	Total retained earnings.
592	Less: Net unrealized loss on noncurrent marketable securities.
591	Treasury stock.
	Total owner's equity.
	Total liabilities and equity.

• • • • • •

PART 1209—INLAND AND COASTAL WATERWAYS CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Balance Sheet Accounts" line item 132.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 132 "Reserve for revaluation of investments" and line item 280–2 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 280–1 "Treasury stock".

• • • • • •

Balance Sheet Accounts

• • • • • •

132.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

• • • • • •

280–2 Net unrealized loss on noncurrent marketable equity securities.

• • • • • •

General Instructions

Under "2 Definitions" the following definitions are added:

2 Definitions.

• • • • • •

(ccc) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(ddd) "Marketable" as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or where the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(eee) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(fff) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of any impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

The text of paragraph (b) of Instruction 23 "Book cost of securities owned" is revised to read:

23 Book cost of securities owned.

(a) • • •

(b)(1) Accounts 103 "Marketable securities", 130 "Investments in affiliated companies" and 131 "Other investments" shall be maintained in such a manner as

to reflect the marketable equity securities' portion (see definitions (ccc) and (ddd)) and other securities or investments.

(2) For the purpose of determining net ledger value, the marketable equity securities in account 103 shall be considered the current portfolio and the marketable equity securities in accounts 130 and 131 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definitions (eee) and (fff).) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 103 "Marketable securities" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 132.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 130 "Investments in affiliated companies" and 131 "Other investments". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(3) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 103 shall be charged to account 527 "Miscellaneous income charges" or credited to account 507 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 103. Changes in the valuation allowance for marketable equity securities included in accounts 130 and 131 shall be recorded in equity account 280–2, "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 132.5.

(4) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(5) The accounting company shall write down the book cost of any securities to the extent of permanent impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. The amount of the permanent impairment should be charged to account 527 "Miscellaneous income charges" with a corresponding credit to account 132 "Reserve for revaluation of investments".

(6) For long term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 527 "Miscellaneous income charges" and a credit to account 132 "Reserve for revaluation of investments". The new cost basis shall not be changed for subsequent recoveries in value.

• • • • • •

Balance Sheet Accounts

The text of account 103 "Marketable securities" is amended by adding the following paragraph to the current text:

103 Marketable securities.

• • • • • •

This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other marketable securities. (See Instruction 23.)

NOTE A: • • •
NOTE B: • • •

Account 132.5 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 132 "Reserve for revaluation of investments" to read:

299 Form of balance sheet statement.

ASSET SIDE

• • • • •

III. INVESTMENTS

130	Investments in affiliated companies	$
131	Other investments	
132	Reserve for revaluation of investments	
132.5	Allowance for net unrealized loss on noncurrent marketable equity securities	$
133	Cash value of life insurance	
	Total investments	

• • • • •

XIV. CAPITAL AND SURPLUS

•

RETAINED INCOME

260	Retained income—appropriated	
280	Retained income—unappropriated	
	Total retained income	
	Total capital and surplus	
	Total liabilities	
280–2	Net unrealized loss on noncurrent marketable equity securities	
280–1	Treasury stock	
	Total capital and surplus	

NOTE.— • • •

132.5 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 130 and 131. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such differences. (Refer to Instruction 23.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 132.)

Account 280–2 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 280–1 "Treasury stock".

280–2 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 132.5 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

BALANCE SHEET STATEMENT

Account 299 "Form of balance sheet statement" is revised to read:

INCOME ACCOUNTS

507 [Amended]

The text of account 507 "Miscellaneous income" is amended by adding the item, "10. Decreases in the valuation allowance (contained within account 103) for the marketable equity securities' portfolio included in current assets", at the end of the items list.

527 [Amended]

The text of account 527 "Miscellaneous income charges" is amended by adding the item, "15. Increases in the valuation allowance (contained within account 103) for the marketable equity securities' portfolio included in current assets", at the end of items list.

PART 1210—FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "GENERAL BALANCE SHEET ACCOUNTS" line item 133 "Allowance for net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 132 "Reserve for adjustment of investments in securities" and line item 279 "Net unrealized loss on noncurrent marketable equity securities" is added immediately after line item 270 "Earned surplus; unappropriated".

• • • • •

General Balance Sheet Accounts

• • • • •

133 Allowance for net unrealized loss on noncurrent marketable equity securities.

• • • • •

279 Net unrealized loss on noncurrent marketable equity securities.

• • • • •

GENERAL INSTRUCTIONS

Instruction 2, "Definitions" is amended by adding the following definitions:

2 Definitions.

• • • • •

(kk) "Equity security" encompasses any instrument representing ownership shares (e.g., common, preferred, and other capital stock), or the right to acquire (e.g., warrants, rights, and call options) or dispose of (e.g., put options) ownership shares in an enterprise at fixed or determinable prices. The term does not encompass preferred stock that by its terms either must be redeemed by the issuing enterprise or is redeemable at the option of the investor, nor does it include treasury stock or convertible bonds.

(ll) "Marketable", as applied to an equity security, means an equity security as to which sales prices or bid and ask prices are currently available on a national securities exchange (i.e., those registered with the Securities and Exchange Commission) or in the over-the-counter market. In the over-the-counter market, an equity security shall be considered marketable when a quotation is publicly reported by the National Association of Securities Dealers Automatic Quotations System or by the National Quotations Bureau, Inc. (provided, in the latter case, that quotations are available from at least three dealers). Equity securities traded in foreign markets shall be considered marketable when such markets are of a breadth and scope comparable to those referred to above. This definition is not met by restricted stock (securities for which sale is restricted by a governmental or contractual requirement except where such requirement terminates within one year or when the holder has the power to cause the requirement to be met within one year). Any portion of the stock which can reasonably be expected to qualify for sale within one year, such as may be the case under Rule 144 or similar rules of the Securities and Exchange Commission, is not considered restricted.

(mm) "Market value" refers to the aggregate of the market price of a single share or unit times the number of shares or units of each marketable equity security in the portfolio. When an entity has taken positions involving short sales, sales of calls, and purchases of puts for marketable equity securities and the same securities are included in the portfolio, these contracts shall be taken into consideration in the determination of market value of the marketable equity securities.

(nn) "Cost", as applied to a marketable equity security, refers to the original cost unless a new cost basis has been assigned based on recognition of any impairment of value that was deemed other than temporary or as the result of a transfer between current and noncurrent classifications. In such cases, the new cost basis assigned shall be considered cost.

GENERAL BALANCE SHEET INSTRUCTIONS

The text of paragraph (a) of Instruction 28 "Recorded value of securities owned" is revised to read:

28 Recorded value of securities owned.

(a) (1) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends.

(2) Accounts 102 "Temporary cash investments", 130 "Investments in affiliated companies", and 131 "Other investments" shall be maintained in such a manner as to reflect the marketable equity securities' portion (see definitions (kk) and (ll)) and other securities or investments.

(3) For the purpose of determining net ledger value, the marketable equity securities in account 102 shall be considered the current portfolio and the marketable equity securities in accounts 130 and 131 (combined) shall be considered the noncurrent portfolio. The net ledger value of each portfolio shall be the lower of its aggregate cost or market value. (See definitions (mm) and (nn).) The amount by which aggregate cost exceeds market value shall be accounted for as the valuation allowance. Account 102 "Temporary cash investments" shall be subdivided to include the valuation allowance for the marketable equity securities included therein. Account 133 "Allowance for net unrealized loss on noncurrent marketable equity securities" is the valuation allowance for the marketable equity securities included in accounts 130 "Investments in affiliated companies" and 131 "Other investments". Marketable equity securities accounted for by the equity method shall not be combined with other marketable equity securities when determining aggregate cost and market value.

(4) Realized gains and losses (the difference between net proceeds from sale and cost) shall be included in income of the period in which they occur. Changes in the valuation allowance for marketable equity securities included in account 102 shall be charged to account 414 "Miscellaneous income charges" or credited to account 403 "Miscellaneous income" as appropriate, with a contra entry to the valuation allowance contained within account 102. Changes in the valuation allowance for marketable equity securities included in accounts 130 and 131 shall be recorded in equity account 279 "Net unrealized loss on noncurrent marketable equity securities" with a contra entry to valuation account 133.

(5) If there is a change in the classification of a marketable equity security between current and noncurrent, the security shall be transferred at the lower of its cost or market value at date of transfer. If market value is less than cost, the market value shall become the new cost basis, and the difference shall be accounted for as if it were a realized loss and included in the determination of net income.

(6) The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom. From long-term investments in marketable equity securities, when the decline in market value below cost is judged to be other than temporary, the cost basis of the individual security shall be written down to a new cost basis. The amount of the write-down shall be accounted for as a realized loss by a charge to account 414 "Miscellaneous income charges" and a credit to account 132 "Reserve for adjustment of investments in securities". The new cost basis shall not be changed for subsequent recoveries in value.

(b) • • •

• • • • •

Instruction 29, "Form of general balance sheet statement" is revised to read:

29 Form of general balance sheet statement.

ASSET SIDE

• • • • •

INVESTMENT SECURITIES AND ADVANCES

130 Investments in affiliated companies.
Pledged
Unpledged

131 Other investments.
Pledged
Unpledged
Less:
Reserve for adjustment of investments in securities.
Allowance for net unrealized loss on noncurrent marketable equity securities.
Total investment securities and advances.

TANGIBLE PROPERTY

• • • • •

CAPITAL AND SURPLUS

• • • • •

270 Earned surplus—Unappropriated:
——— balance.
Surplus prior to January 1, 1943:
——— balance.

279 Net unrealized loss on noncurrent marketable equity securities.

280 Treasury stock
Pledged
Unpledged

• • • • •

General Balance Sheet Accounts

The text of account 102 "Temporary cash investments" is amended by adding a paragraph (c) to read:

102 Temporary cash investments.

• • • • •

(c) This account shall be subdivided to reflect the marketable equity securities' portion (and its corresponding valuation allowance) and other temporary investments. (See Instruction 28.)

NOTE: • • •

Account 133 "Allowance for net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 132 "Reserve for adjustment of investments in securities" to read:

133 Allowance for net unrealized loss on noncurrent marketable equity securities.

This account shall reflect the amount by which aggregate cost exceeds market value for the noncurrent marketable equity securities found in accounts 130 and 131. This account shall be debited or credited so that the balance at the balance sheet date shall reflect such difference. (Refer to Instruction 28.)

This account shall not include amounts by which aggregate cost exceeds market value if such differences are judged to be other than temporary. (Such differences should be charged to account 132.)

Account 279 "Net unrealized loss on noncurrent marketable equity securities" number, title, and text is added immediately after the text of account 270 "Earned surplus; unappropriated" to read:

279 Net unrealized loss on noncurrent marketable equity securities.

This account shall include the accumulated changes in account 133 to the extent that these changes represent a net unrealized loss (aggregate cost exceeds market value).

• • • • •

Income Accounts

403 [Amended]

The text of account 403 "Miscellaneous income" is amended by adding the item, "Decreases in the valuation allowance (contained within account 102) for the marketable equity securities included in current assets", at the end of the items list.

414 [Amended]

The text of account 414 "Miscellaneous income charges" is amended by adding the item "Increases in the valuation allowance (contained within account 102) for the marketable equity securities included in current assets", at the end of the items lists.

• • • • •

JUN 30 77

NOTES TO FINANCIAL STATEMENTS

Marketable Equity Securities - to be completed by companies with $10.0 million or more in gross operating revenues

1. Changes in Valuation Accounts

		Cost	Market	Dr. (Cr) to Income	Dr. (Cr) to Stockholders Equity
(Current Yr.) as of / /	Current Portfolio				XXXXX
	Noncurrent Portfolio			XXXXX	
(Previous Yr.) as of / /	Current Portfolio			XXXXX	XXXXX
	Noncurrent Portfolio			XXXXX	XXXXX

2. At / / , gross unrealized gains and losses pertaining to marketable equity securities were as follows:

	Gains	Losses
Current	$_____	$_____
Noncurrent	_____	_____

3. A net unrealized gain (loss) of $_____ on the sale of marketable equity securities was included in net income for _____(year). The cost of securities sold was based on the _____(method) cost of all the shares of each security held at time of sale.

Significant net realized and net unrealized gains and losses arising after date of the financial statements but prior to their filing, applicable to marketable equity securities owned at balance sheet date shall be disclosed below:

NOTE: / /.- date = Balance sheet date of the current year unless specified as previous year.

SAMPLE

[FR Doc.77-18635 Filed 6-29-77;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of the J. Clark Salyer National Wildlife Refuge, North Dakota, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of J. Clark Salyer National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: (November 11, 1977, through November 20, 1977).

FOR FURTHER INFORMATION CONTACT:

Jon M. Malcolm, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak. 58789, Telephone No. 701-768-3223.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Hunting of deer is permitted on the J. Clark Salyer National Wildlife Refuge, North Dakota, from 12:00 noon to sunset November 11, 1977, and from sunrise to sunset November 12, 1977 through November 20, 1977, on the entire refuge except the headquarters area posted as closed to hunting. This open area is delineated on maps available at the refuge headquarters and from the office of the Regional Director, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. A Special Federal Refuge Permit for antlered deer only is required from November 11 through 13, 1977, and may be obtained by applying to the North Dakota Game and Fish Department, 2121 Lovett Avenue, Bismarck, North Dakota 58505.

2. After November 13, 1977, any person, other than those with gratis landowner licenses, having a license and permit for State Unit IIIA ' to hunt deer may do so without a special refuge permit.

3. All hunters must exhibit their Special Federal Refuge Permit, hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executvie Order 11949 and OMB Circular A-107.

Dated: June 23, 1977.

JON M. MALCOLM,
Refuge Manager.

[FR Doc.77-18776 Filed 6-29-77;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 222—ENDANGERED FISH OR WILDLIFE

Certificates of Exemption for Pre-Act Endangered Species Parts and Products Held in United States on December 28, 1973, in Course of Commercial Activity; Correction

AGENCY: National Marine Fisheries Service.

ACTION: Correction.

SUMMARY: This document corrects a final rule that appeared at page 28137 in the FEDERAL REGISTER of Thursday, June 2, 1977, (FR Doc.77-15602).

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Eugene A. Bennett, Special Agent in Charge, Enforcement Division, National Marine Fisheries Service, Washington, D.C. 20235. 202-634-7265

SUPPLEMENTARY INFORMATION: In FEDERAL REGISTER Doc. 77-15602 of June 2, 1977, appearing on page 28141 make the following corrections.

1. In the second line of § 222.13, the first word should read "from".

2. In the second line of § 222.13-1, the reference to § 222.12-9 should read "222.13".

Issued and dated June 24, 1977.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc.77-18621 Filed 6-29-77;8:45 am]

JUN 30 77

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[7 CFR Part 409]

ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Proposed Revision of Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This rule would revise the the Arizona-Desert Valley Citrus Crop Insurance Regulations effective with the 1977 and succeeding crop years. The proposed rule would restructure the document by placing the meaning of terms at the beginning, eliminating the application section, and making minor editorial changes for clarity. The proposed revisions are not considered substantive and will not affect the intent or force of these regulations.

DATE: Comments must be received on or before July 20, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250 (202-447-3197).

SUPPLEMENTARY INFORMATION: Under the authority of the Federal Crop Insurance Act, as amended, (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation is proposing to revise the Arizona-Desert Valley Citrus Crop Insurance Regulations for the 1974 and Succeeding Crop Years (39 F.R. 23045), 7 CFR 409.30 through 409.35, in their entirety.

The regulations, as written, place the "Meaning of Terms," as found in § 409.35, subsection 22, paragraphs (a) through (i), at the end of the document thereby making it difficult for the reader to follow the language of the document. It is felt that placing this section at the beginning of the document will facilitate the reading of the document. In addition, § 409.35, as it is currently written, contains both the application and the policy for Arizona-Desert Valley Citrus Crop Insurance. It is proposed that the application portion of § 409.35 be removed from the document entirely and that the Standard Application Form (FCI-12) be used in its place as is the practice with other crops. The use of the Standard Application Form will facilitate the processing of applications for this type of insurance since they will be processed in the same manner and by the same method as applications for other crops. With the exception of minor editorial changes to clarify the language, the intent and force of the regulations will remain the same. In accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), regarding the procedure for notice and public participation, the Federal Crop Insurance Corporation invites the public to submit written data, comments, or views for consideration in connection with the proposed amendment to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions must be delivered or postmarked not later than July 20, 1977, to be sure of consideration. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1.27(b)).

Accordingly, the Federal Crop Insurance Corporation proposes to amend the Arizona-Desert Valley Citrus Crop Insurance Regulations, effective with the 1977 crop year, by revising 7 CFR Part 409 to read as follows:

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

Sec.

409.30 Availability of Arizona-Desert Valley Citrus Crop Insurance.
409.31 Premium rates and amounts of insurance.
409.32 Application for insurance.
409.33 Public notice of indemnities paid.
409.34 Creditors.
409.35 The policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516).

§ 409.30 Availability of Arizona-Desert Valley Citrus Crop Insurance.

Citrus crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of §§ 409.30 through 409.35 in counties in Arizona and the Desert Valley within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation for citrus crop insurance. The counties designated by the Manager for citrus crop insurance under this subpart for the 1977 and succeeding crop years are as follows: Arizona-Maricopa.

§ 409.31 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and the amounts of insurance per standard box which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provisions of section 8 of the Policy set forth in § 409.35 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in the continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines such person is operating only land formerly operated by the dissolved enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 409.32 Application for insurance.

An application for insurance on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. Prior to the closing date for the filing of applications, the Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive or to limit the amount of insurance. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by amendment to the regulations, upon his determination that no adverse selectivity exists: *Provided however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

§ 409.33 Public notice of indemnities paid.

The Corporation shall provide for the posting annually at each county courthouse a listing of the indemnities paid in the county.

§ 409.34 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Policy set forth in § 409.35.

§ 409.35 The policy.

The provisions of the policy for Arizona-Desert Valley Citrus Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of the insured's citrus crop due to freeze. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on citrus the terms:

(a) "Acreage report" means the form prescribed by the Corporation for initially reporting and revising (if necessary) all of the insured's acreage and share therein of citrus in the county, the location of acreage by types of citrus, the age of trees, and the estimated production by boxes.

(b) "Actuarial table" means the forms and related material approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information regarding citrus crop insurance in the county.

(c) "Box" or "Boxes" means a standard field box as prescribed in the Agricultural Code of California.

(d) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(e) "Contract" means the application, this policy, and the actuarial table.

(f) "County" means the county shown on the application and any additional insurable land located in a local producing area bordering on the county, as shown on the actuarial table.

(g) "Crop Year" means the period beginning October 1 and extending through September 30 of the following year and shall be designated by the calendar year in which the insurance period begins.

(h) "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

(i) "Insurable acreage" means the acreage of citrus as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, grown on the following: (1) Land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list or (2) land owned or operated by a person to whom a grove classification is assigned by the Corporation or as otherwise provided on the actuarial table.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Potential" means the production which would have been produced before freeze damage occurred and shall include citrus which (1) was picked before the freeze damage ocurred; (2) remained on the trees after the freeze damage occurred; (3) was lost from freeze; and (4) was lost from an uninsured cause. The potential shall not be less than 150 boxes per acre and shall not include citrus lost before insurance attaches for any crop year or citrus lost by normal dropping.

(m) "Share" means the share of the insured as landlord, owner-operated, or tenant in the insured citrus as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the citrus crop shall be deemed to be insurable.

(n) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(o) "Time of loss" means the earlier of (1) the date harvest is completed on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(p) "Types of citrus" means any of the following six types of fruit: Type I, Navel oranges; Type II, Orlando tangeloes and sweet orangts; Type III, Valencia oranges; Type IV, Grapefruit; Type V, Lemons; and Type VI, Kinnow mandarins and Minneloa tangelos.

(q) "Unit" means all insurable acreage in the county of any of the six citrus types refered to in subsection (p) of this section located on contiguous land, on the date insurance attaches for the crop year, (1) in which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other thau a share in the crop on such land only shall be considered as owned by the lessee. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Cause of loss.* (a) The insurance provided is against unavoidable freeze loss occurring within the insurance period to the citrus fruit which is set from the annual bloom.

(b) The contract shall not cover any loss or damage (1) to the blossoms or trees; (2) due to neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (3) due to failure to follow recognized good grove management practices; or (4) due to any cause other than freeze.

3. *Citrus insured.* (a) The citrus insured shall be any of the type(s) of citrus as defined in section 1(p), and not excluded by the following provisions of this section, which is located on insurable acreage as shown on the actuarial table, and in which the insured has a share on the date insurance attaches: *Provided,* That (1) the citrus fruit can be expected to mature each crop year in the normal maturity period for the variety and (2) the trees have reached at least the sixth growing season after being set out.

(b) Upon approval of the Corporation, the insured may elect to insure or exclude from insurance for any crop year any reported, described, and designated insurable acreage which has a potential of less than 150 boxes per acre. If the insured elects to insure such acreage, the Corporation will, in determining the amount of loss, increase the per acre potential on such acreage to 150 boxes per acre. If the insured elects to exclude such acreage, the Corporation will disregard such acreage for all purposes of this contract. If the insured does not report, exclude, describe, and designate any such acreage, the Corporation will disregard such acreage if the production is less than 150 boxes; however, if the production from such acreage is 150 or more boxes per acre, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit, but will not permit the percent of damage for the unit to be increased by including the undesignated acreage.

(c) The Corporation reserves the right for any crop year to exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

4. *Life of contract and contract changes.* (a) The contract shall be in effect for the crop year specified on the application, and may not be cancelled for such crop year. Thereafter, either party may cancel insurance on any type of citrus for any crop year by giving written notice to the other by the July 31 immediately preceding such crop year. In the absence of such notice to cancel, and subject to the provisions of subsections (b), (c), and (d) of this section, the contract shall continue in force for each succeeding crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(c) If the premium for any crop year is not paid by the September 30 following the calendar year in which the insurance period begins, the contract shall terminate for the succeeding crop year: *Provided,* That the date of payment for a premium (1) deducted from a loss claim shall be the date the insured signs such claim, or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at

JUN 30 77

the office for the county by the July 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in subsection (a) of this section.

(f) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre from among those shown on the county actuarial table. For any crop year, the insured may with the consent of the Corporation change the amount of insurance per acre which was previously elected by notifying the Corporation in writing not later than the closing date for filing applications for such crop year.

5. *Responsibility of the insured to report acreage data.* (a) The insured at the time of filing the application shall also file on a form prescribed by the Corporation a report of all the acreage of citrus in the county in which the insured has a share and show the share therein. Such report shall also include a designation of (1) the location of the acreage by types of citrus, (2) age of trees, (3) estimated production by boxes, and (4) any acreage which is uninsurable or excluded under the provisions of section 3 above. This report shall be revised by the insured for any crop year before insurance attaches if the acreage to be insured or share therein has changed, and the latest report filed shall be considered as the basis for continuation of insurance from year to year.

(b) If the insured does not submit an acreage report for any crop year in accordance with the provisions of subsection (a) of this section, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage for any unit(s) to be "zero."

6. *Insurance period.* Insurance attaches each crop year on October 1, except that for the first crop year if the application is accepted by the Corporation after that date, insurance shall attach on the tenth day after the application is received in the office for the county, as as to any portion of the citrus crop, shall cease upon the earlier of harvest or January 31 for Types I, II, and V and March 31 for Types III, IV, and VI, of the crop year.

7. *Amount of insurance.* The amount of insurance for any crop year for any unit shall be determined by multiplying the estimated production in boxes for the unit for that crop year as reported by the insured or as determined by the Corporation, whichever is smaller, by the applicable amount of insurance per box and multiplying the product thereof by the insured's share: *Provided, however,* That the amount of insurance for any crop year for any unit shall not exceed the product of the insured acreage thereon times the maximum amount of insurance per acre shown on the actuarial table times the insured's share; and, the amount of insurance per acre shall be based on not less than 150 standard field boxes per acre.

8. *Annual premium.* (a) The annual premium for each insurance unit is earned and payable on the date insurance attaches and shall be determined by multiplying the higher of (1) the estimated production in boxes reported by the insured for that crop year for the unit or (2) 150 boxes times the number of acres in the unit, times the applicable amount of insurance per box, times the applicable premium rate, times the insured's share at the time insurance attaches and, where applicable, applying the premium reduction or adjustment herein provided. There will be no revision in premium if the actual production differs from the estimated production applicable for the crop year as provided in section 5 above.

(b) In counties where the actuarial table does not provide for adjustments in premium, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss or which an indemnity was paid on any unit hereunder (eliminating any year in which a premium was not earned): 5 percent after one and two years; 10 percent after three and four years; 15 percent after five years; 20 percent after six years; and 25 percent after seven or more years. However, if the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made: *Provided,* That if at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, or 15 percent premium reductions in this subsection shall not thereafter apply until such cumulative premiums equal or exceed such cumulative indemnities.

(c) In counties where the actuarial table provides for adjustments in premium, the provisions of subsection (b) of this section shall not apply.

(d) If there is no break in the continuity of participation, any premium reduction or adjustment applicable under subsection (b) or (c) of this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same grove or groves, if the Corporation finds that such transferee had previously actively participated in the grove operation involved; or (3) the contract of the same insured who stops operating a grove in one county and starts operating a grove in another county.

(e) If there is a break in the continuity of participation, subsection (b) of this section or any reduction in premium earned under subsection (c) of this section shall not thereafter apply.

9. *Notice of damage or loss.* (a) The insured shall give notice to the office for the county immediately after freeze damage to the citrus becomes apparent, giving the date(s) of such damage so that an inspection and determination of the extent of damage can be made prior to harvest.

(b) If a loss is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest.

(c) If a loss is to be claimed on any unit and if damage occurs within the seven-day period prior to the start of harvest or during harvest, notice of damage must be given immediately to the office for the county.

(d) Notwithstanding any other provision of this section, no insured freeze damage shall be deemed to have occurred on any acreage unless a notice of the damage therefor is given to the office for the county within 30 days after the end of the insurance period.

(e) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(f) There shall be no abandonment of the citrus crop to the Corporation.

10. *Claim for loss.* (a) Any claim for loss for any unit shall be submitted to the Corporation on a form prescribed by the Corporation within 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the amount of insurance for the unit by the average percent of insured damage in excess of 10 percent (i.e. average damage 45%—10%=35% payable); and (2) multiplying this product by the insured share: *Provided,* That for the purpose of determining the amount of loss, the insured share shall not exceed the insured's share in the citrus crop at the time of loss or the beginning of harvest, whichever is earlier.

(c) The average percent of damage to the citrus for any unit shall be the ratio of the number of boxes of citrus lost from freeze to the potential. In determining the number of boxes of citrus lost, the average percent of damage shall be applicable only to fruit which was not or could not be packed as fresh fruit.

(d) Any citrus which (1) is or could be marketed as fresh fruit or (2) is harvested prior to an inspection by the Corporation shall be considered as undamaged.

(e) The determination of serious freeze damage to citrus will be made by the Corporation in accordance with the state laws for the county, and such determination shall be the actual citrus lost as shown by cuts made of representative samples of fruit in the grove, regardless of whether or not damaged fruit can be separated from undamaged fruit without cutting.

(f) Any fruit on the ground as a result of freeze which is not picked up and marketed shall be considered as damaged the greater of 70 percent or the percent of damage determined from cuts of representative samples of fruit in the grove.

(g) A final grove inspection to determine the extent of serious freeze damage to fruit which is unharvested at the end of the insurance period shall be made within 30 days after the end of the insurance period or as soon thereafter as possible.

(h) It shall be a condition precedent to payment of any claim that the insured furnish production records and any other information required by the Corporation regarding the manner and extent of damage, including authorizing the Corporation to examine and obtain any records pertaining to the production and/or marketing of the citrus insured under this contract from the packing-house and the Navel Orange, Valencia Orange, Grapefruit and Lemon Administrative Committees established under orders issued by the U.S. Department of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. The Corporation has the right to delay the final determination of the average percent of damage and the settlement of any claim until the insured makes available to it complete records of the marketing of the citrus for the crop year.

(i) If the Corporation determines that frost protection equipment was not properly utilized or properly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction allowed for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record by dates showing each use of frost protection equipment including the starting and ending times for the period of use.

(j) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

11. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

12. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

13. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity for any crop year and the assignee shall have the right to submit the loss notices and forms as required by the contract.

14. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy to the transferee for such crop year with respect to the transferred share and the transferee shall have the same rights and responsibilities under the contract as the transferor for the current crop year.

15. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

16. *Records and access to grove.* The insured shall keep or cause to be kept for two years after the time of loss, separate records of the harvesting, storage, shipments, sale, and other disposition of all citrus produced on each unit and on any uninsured acreage of such citrus in the county in which the insured has a share. Any persons designated by the Corporation shall have access to such records and the grove for purposes related to the contract.

17. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE.—The Federal Crop Insurance Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.77-18694 Filed 6-29-77;8:45 am]

[7 CFR Part 406]

CALIFORNIA ORANGE CROP INSURANCE

Proposed Revision of Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: This rule would revise the California Orange Crop Insurance Regulations, effective with the 1977 and succeeding crop years. The proposed rule would restructure the document by placing the meaning of terms at the beginning, eliminating the application section, authorizing the Manager to extend closing dates for the taking of applications, and making minor editorial changes for clarity. The proposed revisions are not considered substantive and will not affect the intent or force of these regulations.

DATES: Comments must be received on or before July 20, 1977.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250 (202–447–3197).

SUPPLEMENTARY INFORMATION: Under the authority of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation is proposing to revise the California Orange Crop Insurance Regulations for the 1963 and Succeeding Crop Years, (28 FR 6528, June 26, 1963) as amended, 7 CFR 406.1 through 406.6 in their entirety effective with the 1977 crop year. The regulations, as written, place the "Meaning of terms," as found in § 406.6, subsection 22, paragraphs (a) through (h), at the end of the document thereby making it difficult for the reader to follow the language of the document. It is felt that placing this section at the beginning of the document will facilitate the reading of the document. In addition, § 406.6, as it is currently written, contains both the application and the policy for California Orange Crop Insurance. It is proposed that the application portion of § 406.6 be removed from the document entirely and that the Standard Application Form (FCI–12) be used in its place as is the practice with other crops. The use of the Standard Application Form will facilitate the processing of applications for this type of insurance since they will be processed in the same manner and by the same method as applications for other crops. The current regulations also contain no provision to authorize the Manager to extend the closing date for the taking of applications. The proposed revision of these regulations would correct this. With the exception of minor editorial changes to clarify the language, the intent and force of the regulations will remain the same. In accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), regarding the procedure for notice and public participation, the Federal Crop Insurance Corporation invites the public to submit written data, comments, or views for consideration in connection with the proposed amendment to James D. Deal, Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be delivered or postmarked not later than July 20, 1977, to be sure of consideration. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Manager during regular business hours, 8:15 a.m. to 4:45 p.m., Monday through Friday (7 CFR 1.27 (b)).

In accordance with the above, the Federal Crop Insurance Corporation proposes to amend the California Orange Crop Insurance Regulations, effective with the 1977 crop year, by revising 7 CFR Part 406 to read as follows:

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1977 and Succeeding Crop Years

Sec.
406.1 Availability of California orange crop insurance.
406.2 Premium rates and amounts of insurance.
406.3 Application for insurance.
406.4 Public notice of indemnities paid.
406.5 Creditors.
406.6 The policy.

AUTHORITY: Secs. 506, 516, 52 Stat. 73, 77 (7 U.S.C. 1506, 1516.).

§ 406.1 Availability of California orange crop insurance.

Orange crop insurance shall be offered for the 1977 and succeeding crop years under the provisions of §§ 406.1 through 406.6 in counties in California within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from a list of counties approved by the Board of Directors for orange crop insurance. The counties designated by the Manager for orange crop insurance under this subpart for the 1977 and succeeding crop years are as follows: California: Fesno, Kern, and Tulare.

§ 406.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance per acre which shall be shown on the county actuarial table on file in the office for the county. Such premium rates and amounts of insurance may be changed from year to year.

(b) The following shall apply to the transfer of any premium reduction earned under the provision of section 7 of the Policy set forth in § 406.6 if the insured is a partnership, corporation, or any other joint enterprise and there is no break in the continuity of participation. Upon dissolution of such enterprise, such premium reduction may be credited to the contract of any member or stockholder thereof if the Corporation determines that such person is operating only land formerly operated by the dissolved

enterprise. Upon formation of a joint enterprise, the smallest premium reduction (zero if none), which the Corporation determines would have been applicable to any insurable acreage brought into the enterprise if the enterprise had not been formed, may be credited to the joint enterprise contract.

§ 406.3 Application for insurance.

An application for insurance, on a form prescribed by the Corporation, may be submitted at the office for the county for the Corporation. Prior to the closing date for the filing of applications, the Corporation reserves the right to discontinue the taking of applications in any county upon its determination that the insurance risk involved is excessive, or to limit the amount of insurance. Such closing date shall be the September 30 immediately preceding the beginning of the crop year. The Corporation further reserves the right to reject any application or to exclude any definitely identified acreage for any crop year of the contract if upon inspection it deems the risk on such acreage is excessive. If any such acreage is to be excluded, the insured shall be notified of such exclusion before insurance attaches for the crop year for which the acreage is to be excluded. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by amendment to the regulations upon his determination that no adverse selectivity exists: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

§ 406.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually at each county courthouse a listing of the indemnities paid in the county.

§ 406.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract other than as provided in the Policy set forth in § 406.6.

§ 406.6 The policy.

The provisions of the policy for California Orange Crop Insurance for the 1977 and Succeeding Crop Years are as follows:

CALIFORNIA ORANGE CROP INSURANCE POLICY

Subject to the regulations of the Federal Corp Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person against unavoidable loss of production of the insured's orange crop due to freeze. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

TERMS AND CONDITIONS

1. *Meaning of terms.* For purposes of insurance on oranges the terms:

(a) "Acreage report" means the form prescribed by the Corporation for initially reporting and revising (if necessary) all of the insured's acreage and share therein of oranges in the county.

(b) "Actuarial table" means the forms and related materials approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, and related information regarding orange crop insurance in the county.

(c) "Box" or "Boxes" means a standard field box as prescribed in the Agricultural Code of California.

(d) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(e) "Contract" means the application, this policy, and the actuarial table.

(f) "County" means the county shown on the application and any additional insurable land located in a local producing area bordering on the county, as shown on the actuarial table.

(g) "Crop Year" means the period beginning October 1 and extending through September 30 of the following year and shall be designated by the calendar year in which the insurance period begins.

(h) "Harvest" means any severance of oranges from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable oranges from the ground.

(i) "Insurable acreage" means the acres of oranges as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, grown on the following: (1) Land classified as insurable by the Corporation and shown as such on the actuarial map or appropriate land identification list or (2) land owned or operated by a person to whom a grove classification is assigned by the Corporation or as otherwise provided on the actuarial table.

(j) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(k) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(l) "Potential" means the production which would have been produced before freeze damage occurred, and shall include oranges which: (1) Were picked before the freeze damage occurred; (2) remained on the trees after the freeze damage occurred; (3) were lost from freeze; and (4) were lost from an uninsured cause. The potential shall not be less than 200 boxes per acre and shall not include oranges lost or harvested before insurance attaches for any crop year, or oranges lost by normal dropping.

(m) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured oranges as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share in the orange crop shall be deemed to be insurable.

(n) "Tenant" means a person who rents land from another person for a share of the crop or proceeds therefrom.

(o) "Time of loss" means the earlier of: (1) The date harvest is completed on the unit, or (2) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(p) "Unit" means all insurable acreage in the county of either Navel or Valencia oranges located on contiguous land, on the date insurance attaches for the crop year: (1) In which the insured has a 100 percent share; (2) which is owned by one person and operated by the insured as a tenant; or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land only shall be considered as owned by the lessee. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Cause of loss.* (a) The insurance provided is against unavoidable freeze loss occurring within the insurance period to oranges which are set from the annual bloom.

(b) The contract shall not cover any loss or damage: (1) To the blossoms or trees; (2) due to neglect or malfeasance of the insured, any member of the insured's household, tenants, or employees; (3) due to failure to follow recognized good grove management practices; or (4) due to any cause other than freeze.

3. *Oranges insured.* (a) The oranges insured shall be either or both Navel and Valencia varieties as designated on the insured's application for insurance, and not excluded by the following provisions of this section, which are located on insurable acreage as shown on the actuarial table, and in which the insured has a share on the date insurance attaches: *Provided,* That (1) the oranges can be expected to mature each crop year in the normal maturity period for the variety and (2) the trees have reached at least the sixth growing season after being set out.

(b) Upon approval of the Corporation, the insured may elect to insure or exclude from insurance for any crop year any reported, described, and designated insurable acreage which has a potential of less than 200 boxes per acre. If the insured elects to insure such acreage, the Corporation will, in determining the amount of loss, increase the potential on such acreage to 200 boxes per acre. If the insured elects to exclude such acreage, the Corporation will disregard such acreage for all purposes of this contract. If the insured does not report, exclude, describe, and designate any such acreage, the Corporation will disregard such acreage if the production is less than 200 boxes per acre; however, if the production from such acreage is 200 or more boxes per acre, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit, but will not permit the percent of damage for the unit to be increased by including such acreage.

(c) The Corporation reserves the right for any crop year to exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year.

4. *Life of contract and contract changes.* (a) The contract shall be in effect for the crop year specified on the application, and may not be canceled for such crop year. Thereafter, either party may cancel insurance on either variety of oranges for any crop year by giving written notice to the other by the July 31 immediately preceding such crop year. In the absence of such notice to cancel, and subject to the provisions of subsections (b), (c), and (d) of this section, the contract shall continue in force for each succeeding crop year.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(c) If the premium for any crop year is not paid by the September 30 following the calendar year in which the insurance period begins, the contract shall terminate for the succeeding crop year; *Provided,* That the date of payment for a premium (1) deducted from a loss claim shall be the date the insured signs such claim or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) The Corporation reserves the right to change the terms and conditions of the contract from year to year. Notice thereof shall be mailed to the insured or placed on file and made available for public inspection at the office for the county by July 15 immediately preceding the crop year for which such changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in subsection (a) of this section.

(f) At the time the application for insurance is made, the applicant shall elect an amonut of insurance per acre from among those shown on the county actuarial table. For any crop year, the insured may with the consent of the Corporation change the amount of insurance per acre which was previously elected by notifying the Corporation in writing not later than September 30 immediately preceding such crop year.

5. *Responsibility of the insured to report acreage and share.* (a) The insured at the time of filing the application shall also file on a form prescribed by the Corporation a report of all the acreage of insured oranges in the county in which the insured has a share and show the share therein. Such report shall also include a designation of any acreage which is uninsurable or excluded under the provisions of section 3 above. This report shall be revised by the insured for any crop year before insurance attaches if the acreage to be insured or share therein has changed, and the latest report filed shall be considered as the basis for continuation of insurance from year to year.

(b) If the insured does not submit a report for any crop year in accordance with the provisions of subsection (a) of this section, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage for any unit(s) to be "zero."

6. *Insurance period.* Insurance attaches each crop year on October 1, except that for the first crop year if the application is accepted by the Corporation after that date, insurance shall attach on the tenth day after the application is received in the office for the county, and as to any portion of the orange crop, shall cease upon the earlier of harvest or March of the crop year.

7. *Annual premium.* (a) The annual premium for each insurance unit is earned and payable on the date insurance attaches and shall be determined by multiplying the applicable amount of insurance per acre times the applicable premium rate, times the insured's share at the time insurance attaches and, where applicable, applying the premium reduction or adjustment herein provided.

(b) In counties where the actuarial table does not provide for adjustments in premium, the total annual premium on all units shall be reduced as follows after consecutive years of insurance without a loss for which an indemnity was paid on any unit hereunder (eliminating any year in which a premium was not earned): 5 percent after one and two years; 10 percent after three and four years; 15 percent after five years; 20 percent after six years; and 25 percent after 7 or more years. However, if the insured has a loss for which an indemnity is paid hereunder, the number of such consecutive years of insurance without a loss shall be reduced by three years, except that where the insured has seven or more such years, a reduction to four shall be made and where the insured has three or less such years, a reduction to zero shall be made: *Provided,* That if at any time, the cumulative indemnities paid hereunder exceed the cumulative premiums earned hereunder from the start of the insuring experience through the previous crop year, the 5, 10, or 15 percent premium reductions in this subsection shall not thereafter apply until such cumulative premiums equal or exceed such cumulative indemnities.

(c) In counties where the actuarial table provides for adjustments in premiums, the provisions of subsection (b) of this section shall not apply.

(d) If there is no break in the continuity of participation, any premium reduction or adjustment applicable under subsection (b) or (c) of this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured; (2) the contract of the person who succeeds the insured as the insured's transferee in operating only the same grove or groves, if the Corporation finds that such transferee had previously actively participated in the grove operations involved; or (3) the contract of the same insured who stops operating a grove in one county and starts operating a grove in another county.

(e) If there is a break in the continuity of participation, subsection (b) of this section or any reduction in premium earned under subsection (c) of this section shall not thereafter apply.

8. *Notice of damage or loss.* (a) The insured shall give notice to the office for the county immediately after freeze damage to the oranges becomes apparent, giving the date(s) of such damage so that an inspection and determination of the extent of damage can be made prior to harvest.

(b) If a loss is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest.

(c) If a loss is to be claimed on any unit and if damage occurs within the seven-day period prior to the start of harvest or during harvest, notice of damage must be given immediately to the office for the county.

(d) Notwithstanding any other provisions of this section, no insured freeze damage shall be deemed to have occurred on any acreage unless a notice of damage therefor is given to the office for the county within 30 days after the end of the insurance period for Navel oranges and 60 days after the end of the insurance period for Valencia oranges.

(e) The Corporation reserves the right to reject any claim if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(f) There shall be no abandonment of the orange crop to the Corporation.

9. *Claim for loss.* (a) Any claim for loss for any unit shall be submitted to the Corporation on a form preescribed by the Corporation within 60 days after the time of loss, but no later than July 31 for Navel oranges and September 30 for Valencia oranges of the crop year. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) Losses shall be adjusted separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the amount of insurance for the unit by the average percent of insured damage in excess of 10 percent (i.e, average damage 45%−10%=35% payable); and (2) multiplying this product by the insured share: *Provided,* That for the purpose of determining the amount of loss, the insured share shall not exceed the insured's share in the orange crop at the time of loss or the beginning of harvest, whichever is earlier.

(c) The average percent of damage to the oranges for any unit shall be the ratio of the number of boxes of oranges lost from freeze to the potential. In determining the number of boxes of oranges lost, the average percent of damage shall be applicable only to fruit which was not or could not be packed as fresh fruit.

(d) Any oranges which (1) are or could be marketed as fresh fruit or (2) are harvested prior to an inspection by the Corporation shall be considered as undamaged.

(e) The determination of serious freeze damage to oranges will be made by the Corporation in accordance with the Agricultural Code of California, and such determination shall be the actual oranges lost as shown by cuts made of representative samples of fruit in the grove, regardless of whether or not damaged fruit can be separated from undamaged fruit without cutting: *Provided,* That for any portion of the Navel orange crop which has 55 percent or less damage, the percent so determined shall be increased one additional percentage point for each full percent of damage in excess of 30 percent; however, the total allowable percent of damage shall not exceed 80 percent. If the actual percent of damage as determined by such cuts is in excess of 80, the percent of damage so determined shall be allowed.

(f) Any oranges on the ground as a result of freeze which are not marketed shall be considered as damaged the greater of 70 percent or the percent of damage determined by cuts made of representative samples of oranges in the grove, including any increased percentage in the case of Navels; however, if over 90 percent of the potential production on any acreage is on the ground as a result of freeze, the percent of damage for such oranges shall be considered 90 percent.

(g) A final grove inspection to determine the extent of serious freeze damage to oranges which are unharvested at the end of the insurance period shall be made within 30 days after the end of the insurance period for Navels and 60 days for Valencias, or as soon thereafter as possible.

(h) It shall be a condition precedent to payment of any claim that the insured furnish production records and any other information required by the Corporation regard-

ing the manner and extent of damage, including authorizing the Corporation to examine and obtain any record pertaining to the production and/or marketing of the oranges insured under this contract from the packinghouse and the Naval Orange and Valencia Orange Administrative Committees established under orders issued by the U.S. Department of Agriculture, pursuant to the Agricultural Marketing Agreement Act of 1937, as amended. The Corporation has the right to delay the final determination of the average percent of damage and the settlement of any claim until the insured makes available to it complete records of the marketing of the oranges for the crop year.

(i) If the Corporation determines that frost protection equipment was not properly utilized or properly reported, the indemnity otherwise computed for the unit shall be reduced by the percentage of premium reduction allowed for frost protection equipment. It is the responsibility of the insured to provide the Corporation a record of dates showing each use of frost protection equipment, including the starting and ending times for the period of use.

(j) If any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided*, That the same be brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

10. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for loss is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

11. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right or remedy including the right to collect any unpaid premiums if at any time, either before or after any loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

12. *Collateral assignment.* Upon submission and approval of forms prescribed by the Corporation, the insured may assign the right to an indemnity for any crop year and the assignee shall have the right to submit the loss notices and forms as required by the contract.

13. *Transfer of insured share.* If the insured transfers all or any part of the insured share in any crop year, the Corporation will, upon submission and approval of forms prescribed by the Corporation, continue to provide protection according to the provisions of the policy to the transferee for such crop year with respect to the transferred share and the transferee shall have the same rights and responsibilities under the contract as the transferor for the current crop year.

14. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made and shall execute all papers required and take appropriate action to secure such rights.

15. *Records and access to grove.* The insured shall keep or cause to be kept for two years after the time of loss, separate records of the harvesting, storage, shipments, sale, or other disposition of all insured variety(s) of oranges produced on each unit and on any uninsured acreage of such oranges in the county in which the insured has a share. Any persons designated by the Corporation shall have access to such records and the grove for purposes related to the contract.

16. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NOTE.—The Federal Crop Insurance Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PETER F. COLE,
Secretary, Federal Crop Insurance Corporation.

[FR Doc.77-18695 Filed 6-29-77;8:45 am]

Agricultural Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Minimum Diameter Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The proposed amendment would increase the minimum diameter requirements applicable to domestic shipments of Florida pink seeded and pink seedless grapefruit to 312/16 inches and 39/16 inches, respectively. The proposed action is consistent with the size composition of the estimated crop of Florida pink seeded and pink seedless grapefruit. The proposal is designed to maintain orderly marketing conditions in the interest of producers and consumers.

DATE: Comments must be received by July 25, 1977. Proposed effective dates: August 15, 1977, through September 25, 1977.

ADDRESS: Send comments to: Hearing Clerk, Room 1077, South Building, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-3545.

SUPPLEMENT INFORMATION: The proposed amendment was recommended by the Shippers Advisory Committee and Growers Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) which regulate the handling of orange, grapefruit, tangerines, and tangelos grown in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment published herein shall file the same, in duplicate, with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than July 25, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

This proposed action reflects the committees' appraisal of the prospective demand for Florida pink seeded and pink seedless grapefruit by fresh domestic outlets. The minimum size requirements proposed herein for pink seeded and pink seedless grapefruit are designed to prevent the handling of smaller size grapefruit when more than ample supplies of the more desirable sizes of such fruit are available to serve consumers' needs.

Under the proposal, the provisions of paragraph (a) of § 905.565 (Grapefruit Regulation 77; 41 F.R. 42177, 49474, 51029, 54917; 42 F.R. 9663, 10833, 14865, 18271, 21469, 24715) are revised to read as follows:

§ 905.565 Grapefruit Regulation 77.

Order. (a) During the period August 15, 1977, through September 25, 1977, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) • • •

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 1/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit;

(3) • • •

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3 9/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted as specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit.

• • • • •

Dated: June 27, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18698 Filed 6-29-77;8:45 am]

[7 CFR Part 944]

IMPORTS OF GRAPEFRUIT

Minimum Diameter Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This proposed amendment would increase the minimum diameter requirements applicable to imported pink seeded and pink seedless grapefruit to 312/16 inches 39/16 inches, respectively, to coincide with requirements proposed for Florida grapefruit. If such requirements are made effective on Florida grapefruit, Federal law requires a conforming amendment to the import requirements.

DATES: Comments must be received by July 25, 1977.

ADDRESS: Send comments to: Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-3545.

SUPPLEMENTARY INFORMATION: Consideration is being given to the following proposal which would regulate the importation of pink seeded and pink seedless grapefruit into the United States pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944). The proposel would fix the same minimum size requirements on imported pink seeded and pink seedess grapefruit as are proposed under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The amendment of the import regulation would be effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed amendment shall file the same, in duplicate, wtih the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than July 25, 1977. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b).

Under the proposal, the provisions of paragraph (a) of § 944-113 (Grapefruit Regulation 17; 41 FR 42181, 49109; 42 FR 9664, 10835, 14867, 18271, 21469, 24717) are revised to read as follows:

§ 944.113 Grapefruit Regulation 17.

(a) During the period August 15, 1977, through September 25, 1977, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least least U.S. No. 1 and be of a size not smaller than 3 1/16 inches in diameter except that a tolerance for seeded grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3 3/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in § 51.761 of the United States Standards for Grades of Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

Dated: June 27, 1977.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.77-18697 Filed 6-29-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 2, 30, 31, 32, 33, 36, 40, 50, 70, and 110]

EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amending its regulations by adding a new part providing for standards, procedures, and rules of practice for licensing the export and import of utilization facilities, source, byproduct, and special nuclear materials. Certain other conforming changes would be made to other parts of the Commission's regulations relating to export and import matters. The new part, which is designed to codify in one place substantive and procedural export and import licensing regulations, deals principally with the standards for grant or denial of license applications; the information required to be submitted in license applications; the general procedures followed for Commission review and for obtaining Executive Branch views on license applications; public notification of applications; the conduct of public procedures, including oral hearings modelled on a legislative format on export and import license applications; and enforcement actions and rule making relating to such licenses. Beginning in January of 1976 the Commission undertook a comprehensive examination of its export and import licensing regulations. The proposed rule is a result of this study.

DATE: Comment period expires August 15, 1977.

ADDRESSES: WRITTEN COMMENTS should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Thomas F. Dorian, Esq., Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7437, or Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7984.

SUPPLY INFORMATION: Under the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (Commission) is responsible for licensing the export and import of nuclear utilization families (nuclear reactors), and source, byproduct, and special nuclear materials.

During its first year as an independent regulatory agency, the Commission, in conjunction with the Executive Branch, developed procedures for obtaining the views of appropirate Executive Branch agencies on pending export and import license applications. These procedures were made formal for the Executive Branch in early 1976 by issuance of Executive Order 11902. Also, the Commission has undertaken a comprehensive examination of its export and import licensing provisions, beginning in January of 1976. The proposed rules here are a result of this study.

The Commission, Executive Branch, and Congress are examining the substantive standards and criteria for granting or denying export license applications to be added to Part 110. Any changes to the substantive standards and criteria set forth in the rules here will be the subject of a separate FEDERAL REGISTER notice.

SUMMARY OF PROPOSED REGULATIONS

The proposed rules would be set forth in a new Part 110 entitled "Export and Import of Nuclear Facilities and Materials". Conforming changes would be made to other parts of the Commission's rules.

The basic purposes of the new Part 110 are twofold: First, to reflect in its procedures the basic differences between, on the one hand, the Commission's export and import licensing functions and, on the other hand, its domestic licensing functions; and second, to consolidate all of the Commission's export and import licensing provisions, presently scattered throughout the Commission's regulations, into one part for the convenience of persons, organizations, and companies concerned with nuclear exports and imports.

Briefly, the new Part 110 would include:

(1) Requirements for the contents of export and import license applications;

(2) General procedures to be followed by the Commission's staff in its review of export and import license applications;

(3) Exemptions and grant of general licenses for exports and imports;

JUN 30 1977
UM

(4) Substantive standards for grant or denial of export and import license applications;

(5) The Commission's relationship to the activities of Executive Branch agencies in nuclear export and import matters;

(6) Provisions for public notification of the receipt of export and import applications;

(7) Details regarding the procedures for public participation in the Commission's export and import licensing review process, including provisions for granting or denying requests for hearings and petitions for leave to intervene, and provisions for the hearings themselves;

(8) Provisions regarding access to classified information in hearings;

(9) Procedures for rulemaking on nuclear export and import matters;

(10) Conditions and recordkeeping and reporting requirements for export and import licensees; and

(11) Enforcement actions concerning export and import licenses.

Most of the substantive provisions are incorporated, with minor revisions, from other parts of the Commission's regulations on nuclear exports and imports in 10 CFR Parts 30, 31, 32, 33, 36, 40, 50, and 70. However, the provisions in the new Part 110 regarding public participation in the Commission's nuclear export and import licensing review process are different from the procedures used in the Commission's domestic licensing review process, and deserve further explanation.

PUBLIC PARTICIPATION IN EXPORT AND IMPORT LICENSING

On March 2, 1976, the Commission received for the first time in its history or the history of its predecessor, the Atomic Energy Commission (AEC), a petition for leave to intervene and request for a hearing on an export license application. The Commission held that the petitioners lacked standing to intervene in the case, but decided as a matter of discretion that the conduct of a legislative-type hearing would be in the public interest. Edlow International Company, CLI–76–6 NRCI–76/5 at 563, 568 and 580 (May 7, 1976).

The Commission adopted procedures which afforded the petitioners in that proceeding an opportunity to make their views known in a manner and under a procedural format compatible with the orderly conduct of the licensing process and the nature of the issues, including sensitive foreign relations and national security considerations involved in the case. Id., at 568, 580, 590–591. The procedural aspects of the Commission's decision in Edlow are presently under judicial review by the U.S. Court of Appeals for the D.C. Circuit.

In a subsequent opinion on another export license application, the Commission discussed its export license procedures, the sensitive and policy-oriented character of the issues involved, and the Commission's treatment of these matters. Westinghouse Electric Corporation, CLI–76–9, NRCI–76/6, 739 (1976).

The Commission is authorized by the Atomic Energy Act to issue a license for a particular export or import only after determining that issuance would not be inimical to the common defense and security of the United States, or the health and safety of the United States public, and, in the case of nuclear facilities and certain nuclear materials, after determining that the export would be within the scope of and consistent with an agreement for cooperation in the civil uses of atomic energy between the United States and another nation or group of nations.

Pursuant to section 123 of the Atomic Energy Act, agreements for cooperation become effective only after: (1) They are approved and authorized by the President of the United States, who is required to make a determination in writing that "the performance of the proposed agreement will promote and will not constitute an unreasonable risk to the common defense and security"; and (2) they have been submitted to the Congress of the United States for congressional review.

The statutory finding which the Commission must make before issuing an export or import license often requires consideration of highly sensitive foreign policy and national security matters, some of which may have an impact well beyond the specific nuclear export or import being proposed. On exports, for example, the Commission must examine, among other matters, the safeguards and assurances provided by the recipient government to insure that U.S.-supplied facilities and materials are not diverted to unauthorized uses, and the relationship of the Commission's grant or denial of an export license application to overall U.S. policies on the proliferation of nuclear weapons. In contrast, domestic licensing usually involves factual matters, relating to the domestic public health and safety and the environment associated with discrete applications for the construction and operation of nuclear power plants.

Moreover, the Commission's export and import licensing review process must reflect the fact that the Commission's export and import licensing activities constitute only one part of this country's broader nuclear import and export control program—a program which itself is only part of this country's broader nuclear nonproliferation efforts. The Energy Research and Development Administration (ERDA) and the Department of State, in consultation with other agencies, including the Commission, negotiate agreements for cooperation with countries which wish to purchase nuclear research or power facilities and nuclear materials. ERDA is the lead agency for controlling the export of nuclear technology, the foreign retransfer of U.S.-supplied nuclear material abroad, and for negotiating nuclear fuel enrichment contracts with foreign governments and entities. Exports of nuclear facility components are licensed by the Department of Commerce in consultation with the Commission and under the terms of an agreement between the Commission and that Department.

In light of such reasons as those noted here, the procedures applicable to domestic licensing are not in general well-suited to the Commission's conduct of its export and import licensing functions. In case of material covered by import licensing proceedings, if certain domestic health, safety, environmental, and safeguards issues are raised which are similar to issues commonly raised in domestic licensing proceedings, these issues may be properly addressed using domestic licensing procedures.

The Commission has statutory discretion to formulate appropriate procedures for export and import licensing. Section 189a. of the Atomic Energy Act provides:

> In any proceeding under this Act, for the granting suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, • • • the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit such person as a party to such proceeding.

This language does not by its terms provide for an "on-the-record" hearing calling into play the formal adjudicatory requirements of sections 5, 7, and 8 of the Administrative Procedure Act, in each and every context in which a hearing is required. For example, such requirements do not apply where the Commission engages in rulemaking. *Siegel* v. *AEC*, 400 F. 2d 778 (D.C. Cir. 1968). What the language requires in each instance is to be settled by reference to congressional intent, established practice, and sound policy.

It is clear from the legislative history of the provision, consistent agency practice, and indeed the general structure and conduct of government that formal adjudicatory procedures are required for controversies arising out of domestic licensing. Id. at 785. There is no similar indication concerning export or import licensing. During its 20-year administration of the Atomic Energy Act, the AEC did not once conduct a public or formal export or import licensing proceeding. The legislative history of the Energy Reorganization Act is equally devoid of any hint that Congress expected the Commission to follow formal adjudicatory procedures in export or import licensing.

Indeed, Congress' first explicit consideration of export procedures came in 1975, after enactment of the Energy Reorganization Act. Thus, neither congressional expectation nor established practice requires on-the-record adjudication of export or import licensing matters.

The absence of congressional concern over the informal nature of AEC export or import reviews is particularly significant in light of the unique relationship the Siegel court recognized between the Commission and the Congress, one designed to keep Congress constantly aware of this agency's views and actions.

400 F. 2d at 783. See also *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069, 1079 (D.C. Cir. 1974). Congress was fully aware of the Commission's export and import licensing procedures, under the Commission's legal obligation to keep the Joint Committee on Atomic Energy "fully and currently informed with respect to all • • • (its) activities" including its export licensing practices. See section 202a of the Atomic Energy Act. The Commission's understanding of section 189 is also supported by more general considerations touching the nature of the issues, the practices of other federal agencies, and the appropriateness of adopting procedures other than adjudicatory hearings for nuclear export and import licensing.

As indicated before, the statutory finding which the Commission must make for an export or import and the statutory context in which that finding is made, often requires consideration of highly sensitive foreign policy and national security issues. An attempt to resolve these issues in the format of a formal adjudicatory hearing could seriously impair the conduct of United States foreign relations. It could appear to place on trial a foreign government's intentions on matters concerning its own vital national interests. Moreover, application of the statutory standard requires sensitive evaluation of the actions and intentions of foreign governments. These are inherently policy decisions, committed to agency discretion, and singularly inappropriate for resolution in a formal adjudicatory context.

Finally, to the Commission's knowledge, no other agency holds adjudicatory hearings on such sensitive foreign policy issues.

Indeed, even if section 189 itself were to be construed to require formal adjudicatory procedures on all Commission licensing proceedings, Section 5 of the Administrative Procedure Act permits modification of those formal procedures where the conduct of foreign affairs functions is involved. Thus, regardless of the precise interpretation to be accorded the term "hearing" in section 189, a similar result obtains under Section 5 of the Administrative Procedure Act—formal adjudicatory procedures are not required and are inappropriate for Commission export and import licensing, except for limited domestic issues if associated with material subject to import licensing.

"It is part of the genius of the administrative process that its flexibility permits adoption of approaches subject to expeditious adjustment in the light of experience." *American Airlines, Inc.* v. *Civil Aeronautics Board*, 359 F. 2d 624, 633 (D.C. Cir. 1966). The Commission has endeavored in the proposed Part 110 to provide for procedures that will facilitate effective public participation in export and import licensing—procedures that are designed to be fair and consistent with the nature of the issues involved. Also, the Commission has endeavored to provide a structure for public participation that is sufficiently comprehensive so as to eliminate or substantially decrease the need for time consuming case-by-case development of procedures for export and import license applications.

ELEMENTS OF PUBLIC PARTICIPATION ON EXPORT AND IMPORT LICENSING MATTERS

In brief, the proposed new Part 110 would establish the following procedures for public participation in export and import licensing matters:

(1) Public notice would be given for all export and import license applications, either by publication of a notice of receipt of the application in the FEDERAL REGISTER, or by placing a copy of the export or import license application in the Commission's Public Document Room, or both.

(2) In keeping with the nature of the issues, the initial means for public participation would be through hearings conducted in the form of written comments to the Commission. While written comments on issues raised by pending export and import license applications have always been possible, specific provision would be made in the new part for such comments.

(3) In addition, provision would be made for oral hearings, modelled on those used by legislative bodies, where the Commission believes this would be in the public interest and of assistance in making its export and certain import licensing determinations. At such hearings, participants would be subject to questioning by the presiding officer (normally the Commission itself). Also, participants to the hearing could submit proposed questions to the presiding officer that they wish to be answered by others, at the discretion of the presiding officer. Special provision would be made to deal with certain limited domestic issues associated with material subject to import licensing.

(4) The Commission would give careful consideration to all written comments received, and the record of any hearings, in making its decision. However, the Commission could draw on material not included in the hearing record and could consult freely with its staff, Executive Branch agencies, and other persons in reaching a decision.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 2, 30, 31, 32, 33, 36, 40, 50, and 70 and the addition of a new Part 110 are contemplated. All interested persons who desire submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by August 15, 1977. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

The proposed amendments would read as set forth below:

PART 2—RULES OF PRACTICE

10 CFR Part 2 is amended as follows:

1. The title of 10 CFR Part 2 is changed to read, "Rules of Practice for Domestic Licensing Proceedings";

§ 2.1 [Amended]

2. In § 2.1 of 10 CFR Part 2, the phrase, ", other than export and import licensing proceedings described in Part 110," is inserted after the words "all proceedings";

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

10 CFR Part 30 is amended as follows:

3. The title of 10 CFR Part 30 is changed to read, "Rules of General Applicability to Domestic Licensing of Byproduct Material";

§ 30.1 [Amended]

4. In § 30.1 of 10 CFR Part 10, the word "domestic" is inserted before the word "licensing" in both places where the latter word appears;

§ 30.3 [Amended]

5. In § 30.3, the word "or" is inserted before the word "use" and the phrase "import or export" is deleted;

§ 30.4 [Amended]

6. In § 30.4(b), the term "Parts 31–36" is changed to read, "Parts 31–35";

7. In § 30.4(i), the phrase "part and Parts 31–35 of this" is inserted before the word "chapter";

8. In § 30.4(q), the term "Parts 31–36" is changed to read, "Parts 31–35";

§ 30.5 [Amended]

9. In § 30.5, the term "Parts 31–36" is changed to read, "Parts 31–35";

§ 30.6 [Amended]

10. In § 30.6, the term "Parts 31–36" is changed to read, "Parts 31–35";

§ 30.11 [Amended]

11. In § 30.11, the term "Parts 31–36 is changed to read, "Parts 31–35" and the footnote is deleted;

§ 30.12 [Amended]

12. In § 30.12, in the first and last sentences, the word "or" is inserted between the words "possesses," and "uses" and the phrase ", imports, or exports" is deleted in these sentences;

§ 30.13 [Amended]

13. In § 30.13, the term "Parts 31–36" is changed to read "Parts 31–35";

§ 30.14 [Amended]

14. In § 30.14(a) the term "Parts 31–36" is changed to read "Parts 31–35";

VA-2-H-2 JUN 30 77 UM

15. In § 30.14(c), the word "and" is inserted before the number "34" and the term "and 36" is deleted;

§ 30.15 [Amended]

16. In § 30.15(a), the word "import" is deleted and the word "transfer" is inserted in its place, the word "exports" is deleted, and the term "30–36" is changed to read, "30–35";

17. In § 30.15(b), the word "import" is deleted and the word "transfer" is inserted in its place;

§ 30.16 [Amended]

18. In § 30.16, the term "30–36" is changed to "30–35", the word "exports," is deleted, and the word "imported" is deleted and replaced with the word "transferred";

§ 30.18 [Amended]

19. In § 30.18(c), the phrase "for purposes of commercial distribution" is inserted after the word "authorized" and deleted after the phrase "import of byproduct material" and the word "transfer" is inserted after the word "repackaging";

§ 30.19 [Amended]

20. In § 30.19(a), the word "or" in the phrase "process, or produce" is deleted and the phrase ", or transfer for sale or distribution" is inserted after the former phrase; the words "exports" and "imported" are deleted; and the term "30–36" is changed to read, "30–35";

21. In § 30.19(b), the phrase "or to import" is deleted;

§ 30.20 [Amended]

22. In § 30.20(a), the word "or" in the phrase "process, or produce" is deleted and the phrase ", or transfer for sale or distribution" is inserted after the former phrase; the phrase "or who import such products" and the words "exports," and "imported," are deleted; and the term "30–36" is changed to read, "30–35";

23. In § 30.20(b), the phrase "to import or" is deleted;

§ 30.31 [Amended]

24. In § 30.31, the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.32 [Amended]

25. In § 30.32(d), the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.33 [Amended]

26. In § 30.33(a)(4), the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.34 [Amended]

27. In § 30.34, the term "Parts 31–36" is changed everywhere it occurs to read, "Parts 31–35";

28. In § 30.34(c), the word "and" is inserted after the word "own," and the words ", and import" are deleted;

§ 30.39 [Amended]

29. In § 30.39, the term "Parts 32–36" is changed to read, "Parts 32–35";

§ 30.51 [Amended]

30. In § 30.51, the term "Parts 31–36" is changed everythere it occurs to read, "Parts 31–35";

31. In § 30.51(a) and (c), the word "export," is deleted;

32. In § 30.51(c), paragraph (c)(2) is deleted and reserved;

§ 30.53 [Amended]

33. In § 30.53, the term "parts 31–36" is changed to read, "Parts 32–35";

§ 30.54 [Amended]

34. In § 30.54(a), the words "or export" are deleted;

35. In § 30.54(b), the word "and" is inserted before paragraph (2), a period is inserted to replace the semicolon in the word "use" at the end of paragraph (2), and paragraphs (3) and (4) are deleted and reserved;

§ 30.55 [Amended]

36. In § 30.55(c), the phrase ", import, or export" is deleted;

37. In § 30.55(e), a period is inserted to replace the semicolon after the word "use" in paragraph (1) and paragraphs (2) and (3) are deleted and reserved;

§ 30.61 [Amended]

38. In § 30.61(a), the term "Parts 31–36" is changed to read, "Parts 31–35";

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

10 CFR Part 31 is amended as follows:

§ 31.2 [Amended]

39. In § 31.2 of 10 CFR Part 31, the comma is deleted after the term "parts 19", the word "and" is inserted before the number "20", and the term "and 36" is deleted;

§ 31.5 [Amended]

40. In § 31.5(b), the words "or imported" are deleted;

41. In § 31.5(c)(9), the terms "Parts 30 and 36" are deleted and the term "Part 110" is inserted to replace these terms"

§ 31.7 [Amended]

42. In § 31.7(a), the word "imported" is deleted and replaced with the word "transferred";

43. In § 31.7(d), the number "36" is deleted and the number "110" is inserted to replace it;

§ 31.8 [Amended]

44. In § 31.8(b), the words "or importer" are deleted;

45. In § 31.8(c)(2), the words "manufacturer or importer" are deleted and the words "specific licensee" are inserted to replace these words;

§ 31.10 [Amended]

46. In § 31.10(a), the words "or imported" are deleted;

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

10 CFR Part 32 is amended as follows:

47. The title of 10 CFR Part 32 is changed to read, "Specific Domestic Licenses to Manufacture or Distrbute Certain Items Containing Byproduct Material";

48. In the index to Part 32, in § 32.14 the word "import" is deleted and replaced with the word "transfer";

49. In the index to Part 32, in § 32.16 the words "import or" are deleted;

50. In the index to Part 32, in § 32.17 the word "import" is deleted and the word "transfer" is inserted to replace it;

51. In the index to Part 32, in § 32.22, the word "import" is deleted;

52. In the index to Part 32, § 32.25 the words "import or" are deleted;

53. In the index to Part 32, in § 32.26 the word "import" is deleted;

54. In the index to Part 32, in § 32.29 the words "import or" are deleted;

55. In the index to Part 32, in § 32.51, the word "import" is deleted and replaced with the word "transfer";

56. In the index to Part 32, in § 32.53, the word "import" is deleted and replaced with the word "transfer";

57. In the index to Part 32, in § 32.57, the word "import" is deleted and replaced with the word "transfer";

58. In the index to Part 32, in § 32.61 the word "import" is deleted and replaced with the word "transfer";

§ 32.1 [Amended]

59. In § 32.1(a) of 10 CFR Part 32, the word "import" is deleted and replaced with the word "transfer" and the words "sale or" are inserted before the word "distribution";

§ 32.14 [Amended]

60. In the title of § 32.14, the word "import" is deleted and replaced with the word "transfer";

61. In § 32.14, the word "import" is deleted and the phrase "transfer for sale or distribution" is inserted to replace the word;

§ 32.15 [Amended]

62. In § 32.15(d), the phrase "manufacturer or importer" is deleted and the words "specific licensee" are inserted to replace the phrase;

§ 32.16 [Amended]

63. In the title of § 32.16, the words "import or" are deleted;

64. In § 32.16, the word "imported" in the phrase "imported for sale or distribution" is deleted and replaced with the word "transferred", and the words "imported or" and "imports or" are deleted everwhere they occur;

§ 32.17 [Amended]

65. In the title of § 32.17, the word "import" is deleted and replaced with the word "transfer";

66. In § 32.17, the word "import" is deleted and replaced with the word "transfer";

67. In § 32.17(c)(1), the word "imported" is deleted and replaced with the word "transferred";

§ 32.18 [Amended]

68. In § 32.18, the word "import," in the introductory sentence is deleted;

§ 32.22 [Amended]

69. In § 32.22, the word "import," in the title is deleted;

70. In § 32.22(a), the phrase "or to import" is deleted;

71. In § 32.22(a)(2)(x), the phrase "manufacturer or importer" is deleted and replaced with the words "specific licensee";

§ 32.25 [Amended]

72. In § 32.25, the words "import or" in the title are deleted;

73. In § 32.25(b), the phrase "manufacturer, processor, producer, or importer" is deleted and replaced with the words "specific licensee";

74. In § 32.25(c), the word "imported" appearing in the phrase "imported for sale" is deleted and replaced with the word "transferred", the words "imported or" in the numbered subparagraphs are deleted, and the words "imports or" are deleted;

§ 32.26 [Amended]

75. In § 32.26, the word "import," in the title is deleted;

76. In § 32.26, the phrase "or to import" in the introductory sentence is deleted;

77. In § 32.26(b)(10), the phrase "manufacturer or importer" is deleted and replaced with the words "specific licensee";

§ 32.29 [Amended]

78. In § 32.29, the words "import or" in the title are deleted;

79. In § 32.29(b) the phrase "manufacturer or importer" is deleted and replaced with the words "specific licensee";

80. In § 32.29(c), the word imported appearing in the phrase "imported for sale" is deleted and replaced with the words "products transferred", the words "imported or" in the numbered subparagraphs are deleted, and the words "imports or" are deleted;

§ 32.40 [Amended]

81. In § 32.40, the word "inport" is deleted in the introductory sentence and replaced with the word "transfer";

§ 32.51 [Amended]

82. In § 32.51, the word "import" in the title is deleted and replaced with the word "transfer";

83. In § 52.51(a), the word "import" is deleted and replaced with the word "transfer";

84. In § 32.51(a)(3)(iii) the words "manufacturer, importer, or distributor" are deleted and replaced with the words "specific licensee";

§ 32.53 [Amended]

85. In § 32.53, in the title and in the introductory sentence, the word "import" is deleted and replaced with the word "transfer";

§ 32.54 [Amended]

86. In § 32.54 (a) and (b), the word "import" is deleted and replaced with the word "transfer" and everywhere the phrase "manufacturer, assembler, or importer" occurs it is deleted and replaced with the words "specific licensee";

§ 32.57 [Amended]

87. In § 32.57, the word "import" is deleted in the title and the introductory sentence and replaced with the word "transfer";

§ 32.58 [Amended]

88. In § 32.58, the words "manufacturer or importer" are deleted and replaced with the words "specific licensee";

§ 32.61 [Amended]

89. In § 32.61, the word "import" is deleted from the title and the introductory sentence and replaced with the word "transfer";

§ 32.62 [Amended]

90. In § 32.62, the word "imported" is deleted from the introductory sentence and replaced with the word "transferred";

PART 33—SPECIFIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

10 CFR Part 33 is amended as follows:

91. The title of 10 CFR Part 33 is changed to read, "SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL";

§ 33.11 [Amended]

92. In § 33.11(a), (b) and (c) of 10 CFR Part 33, the word "and" is inserted between the words "use" and "transfer" and the words ", and import" are deleted;

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL [DELETED]

93. 10 CFR Part 36 is deleted in its entirety;

PART 40—LICENSING OF SOURCE MATERIAL

10 CFR Part 40 is amended as follows:

94. The title of 10 CFR Part 40 is changed to read, "DOMESTIC LICENSING OF SOURCE MATERIAL";

95. In the index to Part 40, § 40.23 is deleted;

96. In the index to Part 40, § 40.24 is deleted;

97. In the index to Part 40, § 40.33 is deleted;

§ 40.1 [Amended]

98. In § 40.1(a) of 10 CFR Part 40, the word "or" is inserted before the word "deliver" and the phrase ", or import into or export from the United States" is deleted;

§ 40.3 [Amended]

99. In § 40.3, the word "or" is inserted before the word "deliver" and the phrase ", or import into or export from the United States" is deleted;

§ 40.11 [Amended]

100. In § 40.11, the word "or" is inserted before the words "transfers" and "delivers" in both places where these words appear and the phrase ", or imports into or exports from the United States" is deleted in both places where it appears;

§ 40.13 [Amended]

101. In § 40.13(a) the word "or" is inserted before the word "delivers" and the phrase ", or imports into or exports from the United States" is deleted;

102. In § 40.13(b), the word "or" is inserted before the word "deliver", the phrase ", or imports into the United States" is deleted, and the last sentence is deleted;

103. In §40.13(c), in the introductory sentence the word "or" is inserted before the word "transfers" and the phrase ", or imports into the United States" is deleted, and in subparagraph (7)(ii) the word "or" is inserted before the word "transfer" and the phrase ", or import into the United States" is deleted;

104. In § 40.13(d), the word "or" is inserted before the word "transfers" and the phrase ", or imports into the United States" is deleted;

§ 40.21 [Amended]

105. In § 40.21, the words "import, export" are deleted;

§ 40.22 [Amended]

106. In § 40.22(a), the last sentence beginning with the words "; and provided further" is deleted and a period is inserted to replace the semicolon after the word "year";

§ 40.23 [Amended]

107. § 40.23 is deleted in its entirety and reserved:

§ 40.24 [Amended]

108. § 40.24 is deleted in its entirety and reserved;

§ 40.25 [Amended]

109. In § 40.25(b), the words "or imported" and "or importer" are deleted;

110. In § 40.25(c), paragraph (5) is deleted and reserved;

§ 40.31 [Amended]

111. In § 40.31(a), the phrase "or on Form NRC–7, 'Application for License to Export Byproduct or Source Material,' as appropriate,") is deleted;

§ 40.32 [Amended]

112. In § 40.32, in the introductory sentence, the phrase "for purposes other

VOL 42 NO 126 JUN 30 77 UMI

§ 40.33 [Amended]

113. § 40.33 is deleted in its entirety and reserved;

§ 40.34 [Amended]

114. In § 40.34(a), the words "import," and "or to import" are deleted;

§ 40.35 [Amended]

115. In § 40.35(a)(2)(i), the words "manufacturer or importer" are deleted and replaced with the words "specific licensee", and the word "imported" is deleted and replaced with the word transferred;

§ 40.41 [Amended]

116. In § 40.41(c), the word "and" is inserted between the words "possess" and "use" and the words "and import" are deleted;

117. In § 40.41(e), the word "and" is inserted after the word "use" and the phrase ", import and export" is deleted;

§ 40.45 [Amended]

118. In § 40.45, a "§" sign before the number "40.32" is deleted and the term "and 40.33" is deleted;

§ 40.61 [Amended]

119. In § 40.61(a), the word "export," is deleted;

120. In § 40.61(c), the word "export," is deleted from paragraph (1) and paragraph (2) is deleted and reserved;

§ 40.64 [Amended]

121. In § 40.64(a), the phrase "and except for exports of unimportant quantities of source material specified in § 40.13 (b), (c) and (d)," is deleted;

§ 40.90 [Amended]

122. § 40.90 and the word "SCHEDULE" above it are deleted;

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

10 CFR Part 50 is amended as follows:

123. The title of 10 CFR Part 50 is changed to read, "DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES";

124. In the index to Part 50, § 50.65 and the words "EXPORT LICENSES" above it are deleted;

§ 50.2 [Amended]

125. In § 50.2 of 10 CFR Part 50 paragraph (d) is deleted and reserved.

§ 50.10 [Amended]

126. In § 50.10(a), the word "or" is inserted before the word "use" and the phrase ", import, or export' 'is deleted;

§ 50.21 [Amended]

127. In § 50.21, in the introductory sentence the word "or" is inserted before the word "use" and the phrase ", import, or export under the terms of an agreement for cooperation" is deleted;

§ 50.22 [Amended]

128. In § 50.22, paragraph sign (a) is deleted, the word "or" is inserted between the words "possess" and "use", and the phrase ", import, or export under the terms of an agreement for cooperation," is deleted;

§ 50.38 [Amended]

129. In § 50.38, the phrase "except a license authorizing export only pursuant to an agreement for cooperation" is deleted;

§ 50.53 [Amended]

130. In § 50.53, the phrase "except insofar as the export of production or utilization facilities is authorized" is deleted;

§ 50.65 [Amended]

131. § 50.65, the words "EXPORT LICENSES" above it, and the footnotes in it are deleted and the section is reserved;

PART 70—SPECIAL NUCLEAR MATERIAL

10 CFR Part 70 is amended as follows:

132. The title of 10 CFR Part 70 is changed to read, "DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL";

133. In the index to Part 70, in § 70.39, the words "or import" are deleted;

§ 70.1 [Amended]

134. In § 70.1 of 10 CFR Part 70, the word "and" is inserted after the word "possess" and the phrase ", import, and export" is deleted;

§ 70.3 [Amended]

136. In § 70.3, the word "or" is inserted before the word "transfer" and the phrase ", import or export" is deleted;

§ 70.11 [Amended]

136. In § 70.11, the word "or" is inserted between the words "uses" and "transfers" in the introductory sentence and in subsection (c) and the phrase ", imports or exports" is deleted in the introductory sentence and in subsection (c);

§ 70.19 [Amended]

137. In § 70.19(b), the words "or importer" are deleted;

138. In § 70.19(c)(2), the words "or Importer" are deleted;

§ 70.22 [Amended]

139. In § 70.22, in subsection (a) the phrase ", other than an application authorizing export only" is deleted, and subsection (c) is deleted and reserved;

§ 70.23 [Amended]

140. In § 70.23(a), the phrase ", other than a license for export," is deleted;

§ 70.31 [Amended]

141. In § 70.31, subsection (e) is deleted and reserved;

§ 70.32 [Amended]

142. In § 70.32(b), in the introductory sentence the word "and" is inserted before the word "transfer" and the phrase ", import and export" is deleted;

§ 70.39 [Amended]

143. In § 70.39, in the title and in subsection (a) the words "or import" are deleted;

144. In § 70.39(b), the words "or Importer" are deleted;

§ 70.41 [Amended]

145. In § 70.41(c), the phrase ", except pursuant to the terms of an agreement for cooperation made in accordance with section 123 of the Act" is deleted;

§ 70.51 [Amended]

146. In § 70.51(b), in paragraph (1) the words "import, export," are deleted; in paragraph (3) the word "or" is added before the word "physical" and the words, "or import" and "or export" are deleted; and paragraph (4) is deleted and reserved.

147. A new Part 110 is added:

PART 110—EXPORT AND IMPORT OF NUCLEAR FACILITIES AND MATERIALS

Subpart A—General Provisions

Sec.
110.1 Purpose and scope.
110.2 Definitions.
110.3 Interpretations.
110.4 Communications.
110.5 License requirements.

Subpart B—Exemptions From Export and Import Licensing Requirements

110.10 Specific exemptions from license requirements.
110.11 Department of Defense.
110.12 Certain Administration contractors.
110.13 Carriers.
110.14 Export of byproduct material.
110.15 Export of unimportant quantities of source material.

Subpart C—General Licenses for Exports and Imports

110.20 Export of byproduct material.
110.21 Export of source material.
110.22 Export of special nuclear material (reserved).
110.23 Reporting requirements.
110.24 Schedule A.
110.25 General license for import.

Subpart D—Applications for Specific Licenses

110.30 Filing license applications.
110.31 General requirements for contents of all export license applications.
110.32 Additional requirements for contents of license applications for export of utilization facilities.
110.33 Additional requirements for contents of license applications to export special nuclear material, source material, or by-product material.
110.34 Requirements for contents of import license applications.
110.35 Further information from applicants and licensees.
110.36 United States address for license applicants.
110.37 Fees.
110.38 Withdrawal of applications.

Subpart E—Review of License Applications

110.40 Commission review.
110.41 Procedures for obtaining executive branch views.
110.42 Standards for export and import licenses.

Subpart F—Specific Export and Import Licenses

110.50 Terms and conditions of licenses.
110.51 Amendments.

Sec.
110.52 Revocation, suspension, modification, or termination of a license.
110.53 Records.

Section

Subpart F—Specific Export and Import Licenses (Cont'd)

110.54 Reports for special nuclear material, source material and byproduct material.
110.55 Inspections.

Subpart G—Enforcement

110.60 Violations.
110.61 Notice of violation.
110.62 Order to show cause.
110.63 Order for modification, suspension, or revocation of license.
110.64 Civil penalties.
110.65 Settlement and compromise.

Subpart H—Public Notification and Availability of Information and Official Records

110.70 Notice of export and import license applications.
110.71 Availability of information.
110.72 Availability of documents in public document room.

Subpart I—Public Participation Procedures Concerning Pending Export and Import License Applications

WRITTEN COMMENTS AND INITIATION OF A HEARING

110.80 Commission consideration of written comments.
110.81 Petitions for leave to intervene and/or requests for hearing.
110.82 Answers.
110.83 Commission action on petitions for leave to intervene and/or requests for a hearing.
110.84 Notice of hearing.
110.85 Notice of oral hearing.
110.86 Responses and replies.
110.87 Orders granting hearings or permitting interventions.

GENERAL RULES FOR PROCEEDINGS

110.90 Consideration of rules and regulations in licensing proceedings.
110.91 Filing documents under this subpart and Subpart J.
110.92 Docket.
110.93 Formal requirements for acceptance of documents under this subpart and Subpart J.
110.94 Computation of time.
110.95 Extension and reduction of time limits.
110.96 Service of papers, methods, proof.
110.97 Authority of the secretary or assistant secretary to rule on procedural matters.

Subpart J—Hearings and Commission Decisions

110.100 Hearings to be public.
110.101 Designation of presiding officer, disqualification, and unavailability.
110.102 Commencement and termination of jurisdiction of presiding officer.
110.103 Power of presiding officer.
110.104 Participation in a hearing.
110.105 Presentations of testimony in oral hearings.
110.106 Appearance and practice before the commission in oral hearings.
110.107 Motions, requests, appeals, during hearings.
110.108 Default.
110.109 Official reporter and official transcript.
110.110 Commission decision.

Subpart K—Special Procedures Applicable to Export and Import Licensing Hearings Involving Classified Information

Sec.
110.120 Scope.
110.121 Obligation of participants with respect to the introduction of classified information.
110.122 Access to security clearances for classified information.
110.123 Classification assistance.
110.124 Notice of intent to introduce classified information.
110.125 Re-arrangement or suspension of proceedings.
110.126 Unclassified statements required.
110.127 Weight to be attached to classified evidence.
110.128 Protection of classified information.

Subpart L—Rulemaking Concerning the Regulations in This Part

110.130 Initiation of rulemaking.
110.131 Petition for rulemaking.
110.132 Determination of petitions.
110.133 Notice of proposed rulemaking.
110.134 Participation.
110.135 Commission action.
110.136 Effective date.

AUTHORITY: Secs. 51, 53, 62, 63, 64, 65, 81, 82, 103, 104, 161, 181, 182, 183, 189, Pub. L. 83–703, 68 Stat. 929, 930, 932, 933, 936, 937, 948, 953, 954, 956, as amended (42 U.S.C. 207, 2073, 2092, 2093, 2094, 2095, 2111, 2112, 2133, 2134, 2201, 2231, 2232, 2233, 2239); Secs. 201, as amended, 202, 206, Pub. L. 93–438, 88 Stat. 1242, 1244, 1246, Pub. L. 94–79, 89 Stat. 413–414, (42 U.S.C. 5841, 5842, 5846).

Sec. 110.50 also issued under Sec. 184, Pub. L. 83–703, 68 Stat. 954, as amended (42 U.S.C. 2234); Sec. 110.52 also issued under Sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of Sec. 223, Pub. L. 83–703, 68 Stat. 958, as amended (42 U.S.C. 2273), Secs. 110.50 and 110.120–110.128 also issued under Sec. 1611, Pub. L. 83–703, 68 Stat. 948 (42 U.S.C. 2201(i), and Secs. 110.53 and 110.55 also issued under Sec. 161o, Pub. L. 83–703, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

Secs. 110.80–110.110 also issued under 5 U.S.C. 552, 554; Secs. 110.130–110.136 also issued under 5 U.S.C. 553.

Subpart A—General Provisions

§ 110.1 Purpose and scope.

(a) The regulations in this part prescribe procedures and standards, pursuant to the Atomic Energy Act of 1954, as amended, (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974, as amended (88 Stat. 1242), for:

(1) Granting, amending, suspending, revoking, or taking any other licensing action regarding the export or import of ultilization facilities, special nuclear material, source material, and byproduct material;

(2) Imposing civil penalties under section 234 of the Atomic Energy Act in connection with such export and import licenses;

(3) Public notification and participation, including hearings in connection with export and import licensing; and

(4) Rulemaking concerning export and import licensing.

(b) The regulations in this part apply to all persons in the United States, and establish terms and conditions upon which the Commission will issue general and specific export and import licenses.

§ 110.2 Definitions.

Terms defined in section 11 of the Atomic Energy Act have the same meaning when used in this part, except to the extent they are redefined in this part. As used in this part:

(a) "Administration" means the Energy Research and Development Administration or its duly authorized representatives, or any agency succeeding to the Administration's nuclear export and import responsibilities and that agency's duly authorized representatives.

(b) "Agreement for cooperation" means any agreement with another nation or group of nations concluded pursuant to the terms of section 123 of the Atomic Energy Act.

(c) "Agreement State" means any state with which the Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Act.

(d) "Atomic energy" means all forms of energy released in the course of nuclear fission or nuclear transformation.

(e) "Atomic Energy Act" or "Act" means the Atomic Energy Act of 1954, as amended (68 Stat. 919).

(f) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or using special nuclear material.

(g) "Classified information" means National Security Information classified pursuant to Executive Branch Order 11652 and Restricted Data.

(h) "Commission" means the United States Nuclear Regulatory Commission or its duly authorized representatives.

(i) "Common defense and security" means the common defense and security of the United States

(j) "Depleted uranium" means the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

(k) "Effective kilograms of special nuclear material" means:

(1) For plutonium and uranium-233, their weight in kilograms;

(2) For uranium with an enrichment in the isotope U–235 of 0.01 (1%) and above, its element weight in kilograms multiplied by the square of its enrichment expressed as a decimal weight fraction; and

(3) For uranium with an enrichment in the isotope U–235 below 0.01 (1%), by its element weight in kilograms multiplied by 0.0001.

(l) "Energy Reorganization Act" means the Energy Reorganization Act of 1974, as amended (88 Stat. 1242).

(m) "Executive Branch" means those Federal government agencies, other

than the Commission, which are not part of the Legislative or Judicial Branches.

(n) "Export" means export from the United States.

(o) "General license" means an export or import license effective without the filing of an application with the Commission or the issuance of licensing documents to a particular person.

(p) "Government agency" or "Federal government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the Executive Branch of the Government.

(q) "Import" means import into the United States.

(r) The phrase "introduced into a proceeding" means the introduction or incorporation of testimony or documentary matter into any part of the record of a written or oral hearing conducted pursuant to Subpart K.

(s) "License," except where otherwise specified, means a general or specific export or import license issued under the regulations in this part.

(t) "Licensee" means a person authorized by a specific or a general license to export or import under the regulations in this part.

(u) "Non-nuclear-weapon State" means any state not a nuclear-weapon state as defined in the Treaty on the Non-Proliferation of Nuclear Weapons. "Nuclear-weapon State" means any state which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

(v) "NRC records and documents" means any book, paper, map, photograph, brochure, punch card, magnetic tape, paper tape, sound recording, pamphlet, slide, motion picture, or other documentary material regardless of form or characteristics, made by, in the possession of, or under the control of the Commission under Federal law or in connection with the transaction of public business as evidence of Commission organizations, functions, policies, decisions, procedures, operations, programs, or other activities. "NRC records and documents" do not involve objects or articles such as structures, furniture, tangible exhibits or models, or vehicles and equipment.

(w) "Nuclear reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

(x) "Participant" means any person taking part in a hearing conducted by the Commission under this part, including any person who is granted a hearing and/or leave to intervene in an export or import licensing hearing, either as a matter of right or as a matter of discretion by the Commission.

(y) "Person" means:

(1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission or the Administration, any State or any political subdivision of, or any political entity within a State, any foreign government or nation, or any political subdivision or other entity of any such government or nation; and

(2) Any legal successor or authorized representative, agent, or agency of the preceding.

(z) "Public Document Room" means the place at 1717 H Street, N.W., Washington, D.C. where public records of the Commission will ordinarily be made available for inspection.

(aa) "Public health and safety" means the public health and safety of the United States.

(bb) "Reactor coolant pressure boundary" means all those pressure-containing components of boiling and pressurized water-cooled nuclear power reactors, such as pressure vessels, piping, pumps, and valves, which are:

(1) Part of the reactor coolant system; or

(2) Connected to the reactor coolant system, up to and including the outermost containment isolation valve in system piping which penetrates primary reactor containment; and second of two valves normally closed during normal reactor operation in system piping which does not penetrate primary reactor containment; and the reactor coolant system safety and relief valves.

(3) For nuclear power reactors of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valve in the main steam and feedwater piping.

(cc) "Research reactor" means a nuclear reactor licensed by the Commission under subsection 104c. of the Atomic Energy Act and this part for operation at a thermal power level of 10 megawatts or less, and which is not a testing facility as described in § 50.21(c) of Part 50 of this chapter.

(dd) "Restricted Data" means all data concerning:

(1) Design, manufacture, or utilization of atomic weapons;

(2) The production of special nuclear material; or

(3) The use of special nuclear material in the production of energy; but

(4) Does not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act.

(ee) "Sealed source" means any special nuclear material or byproduct material encased in a capsule designed to prevent leakage or escape of that nuclear material.

(ff) "Secretary" means the Secretary of the Commission.

(gg) "Source material" means:

(1) Uranium or thorium, or any combination of these, in any physical or chemical form; or

(2) Ores which contain by weight one-twentieth of one percent (0.05%) or more of uranium or thorium, or any combination of these;

(3) Source material does not include special nuclear material.

(hh) "Special nuclear material" means plutonium, uranium-233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to section 51 of the Atomic Energy Act, determines to be special nuclear material; or

(1) Any material artificially enriched by any of the preceding;

(2) Special nuclear material does not include source material.

(ii) "Specific license" means an export or import license issued to a named person upon an application filed under the regulations in this part.

(jj) "United States," when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone, and Puerto Rico.

(kk) "Utilization facility" means any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

NOTE.—Pursuant to subsection 11cc. of the Atomic Energy Act, the Commission may from time to time add to, or otherwise alter, this definition of utilization facility. It may also, under section 109 of the Atomic Energy Act, include as a utilization facility an important component part especially designed for such a facility. The Commission has not at this time determined any component part to be a utilization facility under this definition.

§ 110.3 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 110.4 Communications.

Except where otherwise specified in the regulations in this part, all communications and reports concerning the regulations in this part and applications filed under the regulations should be addressed to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C., or at 7735 Old Georgetown Road, Bethesda, Maryland.

§ 110.5 License requirements.

(a) No person within the United States shall export or import any utilization facility, special nuclear material, byproduct material, or source material, except as authorized by an exemption from licensing requirements or in a license issued by the Commission pursuant to the regulations in this part.

(b) Persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the export or import of any utilization facility, or of special, source, or byproduct material.

(c) An export or import license does not authorize any person to receive title to, acquire, receive, possess, deliver, use, or transfer, while in the United States, a utilization facility, special nuclear material, source material, or byproduct material.

(d) *Re-export.* No person shall export a utilization facility or source, byproduct, or special nuclear material from the United States knowing or having reason to believe that it is to be re-exported directly or indirectly, in whole or in part, from the country of ultimate destination shown on the export license, shipper's export declaration, bill of lading, or commercial invoice, unless either:

(1) The re-export information has been included in the license application considered by the Commission; or

(2) At the time of export, the material may be exported directly from the United States to the new country of ultimate destination under the authority of an exemption from licensing requirements or under the terms of one of the general licenses established in Subpart C.

Subpart B—Exemptions From Export and Import Licensing Requirements

§ 110.10 Specific exemptions from license requirements.

The Commission may, upon application or upon its own initiative, grant for exports and imports such exemptions from the requirements of the regulations in this part as it detremines are authorized by law, provided that it determines that an exemption is in the public interest; that it will not endanger the common defense and security; and that it will not cause an unreasonable risk to the public health and safety. The granting of a specific exemption by the Commission does not relieve any person from complying with the requirements and regulations of the Department of Commerce, or any other agency of the United States Government, applicable to the export or import of commodities under such other agency's export or import control authority.

§ 110.11 Department of Defense.

The Department of Defense is exempted from export or import licensing to the extent authorized by section 91 of the Atomic Energy Act.

§ 110.12 Certain Administration contractors.

Except to the extent that Administration facilities or activities of the types subject to licensing pursuant to section 202 of the Energy Reorganization Act are involved, any prime contractor of the Administration is exempt from the requirements for an export or import license set forth in sections 53, 54, 57, 62, 63, 64, 81, and 82 of the Act, and from the regulations in this part, to the extent that such contractor, under his prime contract with the Administration, exports or imports special nuclear material, source material, or byproduct material for:

(a) The performance of work for the Administration at a United States Government-owned or controlled site;

(b) Research in, or development, manufacture, storage, testing or transportation of, atomic weapons or their components;

(c) The use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel.

§ 110.13 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the requirements for an export or import license set forth in sections 53, 54, 57, 62, 63, 64, 81, and 82 of the Act, and from the regulations in this part, to the extent that they transport special nuclear material, source material, or byproduct material in the regular course of carriage for another or store such material incident to that carriage.

§ 110.14 Export of byproduct material.

(a) Any person is exempt from the requirements for an export license set forth in section 81 of the Act and from the regulations in this part to the extent that such person exports the following:

(1) Timepieces or hands or dials containing not more than the following specified quantities of byproduct material and not exceeding the following specified levels of radiation:

(i) 25 millicuries of tritium per timepiece;

(ii) 5 millicuries of tritium per hand;

(iii) 15 millicuries of tritium per dial (bezels will be considered as part of dial);

(iv) 100 microcuries of promethium-157 per watch hand or 200 microcuries of promethium-147 per any other timepiece;

(v) 20 microcuries of promethium-147 per watch hand or 40 microcuries of promethium-147 per other timepiece hand;

(vi) 60 microcuries of promethium-147 per watch dial or 120 microcuries of promethium-147 per other timepiece dial (bezels will be considered as part of the dial);

(vii) The levels of radiation from hands and dials containing promethium-147, when measured through 50 milligrams per square centimeter of absorber will not exceed 0.1 millirad per hour at 10 centimeters from any surface for wrist watches; 0.1 millirad per hour at 1 centimeter from any surface for pocket watches; and 0.2 millirad per hour at 10 centimeters from any surface for any other timepiece;

(2) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber;

(3) Balances of precision containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part;

(4) Automobile shift quadrants containing not more than 25 millicuries of tritium;

(5) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas;

(6) Thermostat dials and points containing not more than 25 millicuries of tritium per thermostat;

(7) Electron tubes,[1] provided that no tube has a level of radiation exceeding 1 millirad per hour at 1 centimeter from any surface, when measured through 7 milligrams per square centimeter of absorber, and that no tube contains more than one of the following specified quantities of byproduct material:

(i) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;

(ii) 1 microcurie of cobalt-60;

(iii) 5 microcuries of nickel-63;

(iv) 30 microcuries of krypton-85;

(v) 5 microcuries of cesium-137;

(vi) 30 microcuries of promethium-147; and

(8) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of byproduct material not exceeding the applicable quantity set forth in § 30.71, Schedule B. of this chapter.

(9) Synthetic plastic resins containing scandium-46 which are designed for sand-consolidation in oil wells, and which have been manufactured or otherwise obtained, in accordance with a specific license issued pursuant to § 32.17 of this chapter, or equivalent regulations of an Agreement State.

(10) Tritium, krypton-85, or promethium-147 in self-luminous products manufactured, processed, produced, or transferred in accordance with a specific license issued pursuant to § 32.22 of this chapter, provided that the tritium, krypton-85, or promethium-147 is not used in products primarily for frivolous purposes or in toys or adornments.

(11) Byproduct material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, and manufactured, processed, produced, or transferred, in accordance with a specific license issued pursuant to § 32.26 of this chapter.

§ 110.15 Export of unimportant quantities of source material.

Any person is exempt from the requirements for an export license set forth in section 62 of the Act and from the regulations in this part to the extent

[1] For purposes of this subparagraph "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pickup tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.

JUN 30 1977
UM

that such person exports source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than one-twentieth of one (1) percent (0.05 percent) of the mixture, compound, solution or alloy.

Subpart C—General Licenses for Exports and Imports

§ 110.20 Export of byproduct material.

(a) General license NRC–GL–3621 is hereby issued authorizing any person to export the following to any foreign country except Southern Rhodesia or countries or destinations listed in § 110.24:

(1) Byproduct material having an atomic number from 3 to 83, inclusive; or

(2) Tritium contained in luminous safety devices installed in aircraft as generally licensed items pursuant to § 31.7 of this chapter.

(b) General license NRC–GL–MED is hereby issued authorizing any person to export byproduct material having an atomic number from 3 to 83, inclusive, to Southern Rhodesia to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators, or appliances designed for use in medical diagnosis or therapy.

(c) General license NRC–GL–3622 is hereby issued authorizing any person to export five thousand (5,000) curies of tritium and five thousand (5,000) curies of polonium-210 in a calendar quarter to any foreign country except Southern Rhodesia, Poland, or Rumania or countries or destinations listed in § 110.24, provided that not more than one thousand (1,000) curies of tritium may be exported by any person to any one country or destination in a calendar quarter; that no more than one hundred (100) curies of tritium may be exported by any person in a single shipment under this general license; and that the material is in one or more of the following forms or products:

(1) Tritium activated luminous paint;

(2) Tritium labeled organic compounds;

(3) Tritiated accelerator targets;

(4) Polonium-210 static eliminators;

(5) Polonium-210 neutron sources;

(6) Tritium or polonium-210 calibration standards;

(7) Luminiscent light sources;

(8) Tritium sources for chromatography instruments;

(9) Electron tubes; or

(10) Tritium as a contaminant of helium-3 in a concentration not to exceed 2.5 millicuries of tritium per liter of helium-3.[3]

[3] Export shipments of helium gas are subject to the licensing authority and regulations of the Department of Commerce. Issuance of a specific or general license by the Commission for tritium contained in helium-3 does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce.

(d) General license NRC–GL–TPM is hereby issued authorizing any person to export byproduct material of the kinds or forms specified in paragraph (c) of this section to Southern Rhodesia to the extent that the byproduct material is contained in medicinals or pharmaceutical preparations or in devices, applicators or appliances designed for use in medical diagnosis or therapy.

(e) General license NRC–GRO–BMG is hereby issued authorizing any person to export americium-241 from the United States to any foreign country except Southern Rhodesia, Poland, or Rumania or countries or destinations listed in § 110.24.

(f) General license NRC–GL–3624a is hereby issued authorizing any person to export byproduct material having an atomic number 3 to 83, inclusive, in labeled organic or inorganic compounds in quantities not to exceed one curie per shipment, to any foreign country or destination listed in § 110.24, except North Korea, Vietnam, Cambodia, Cuba, and Souhern Rhodesia.

(g) General license NRC–GL–3624b is hereby issued authorizing any person to export tritium in labeled organic compounds to Rumania and Poland and to any foreign country or destination listed in § 110.24, except North Korea, Vietnam, Cambodia, Cuba, and Southern Rhodesia, provided that no single shipment shall exceed one hundred (100) curies.

§ 110.21 Export of source material.

(a) General license NRC–GRO–SMA is hereby issued authorizing the export at any one time of up to three (3) pounds of source material to any foreign country or destination except Southern Rhodesia or countries or destinations listed in § 110.24.

(b) General license NRC–GRO–SMB is hereby issued authorizing the export of incandescent gas mantles containing thorium, without regard to quantity, to any foreign country or destination except Southern Rhodesia or countries or destinations listed in § 110.24.

(c) General license NRC–GRO–SMC is hereby issued authorizing the export of uranium, in the form of counterweights installed in aircraft, rockets, projectiles, or missiles, to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 110.24, provided that such counterweights have been manufactured under a specific license issued by the Commission or the Atomic Energy Commission and have been impressed with the following statement, clearly legible after plating: "Depleted Uranium".

(d) General license NRC–GRO–SMD is hereby issued authorizing the export of thorium contained in finished aircraft engine parts containing nickel-thoria allow to any foreign country or destination except Southern Rhodesia or countries or destinations listed in § 110.24, provided that:

(1) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(2) The thorium content in the nickel-thoria alloy does not exceed four (4) percent by weight.

(e) General license NRC–GRO–SME is hereby issued authorizing the export of depleted uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, X-ray units, radioactive thermoelectric generators, or packaging for the transportation of radioactive materials, in quantities not to exceed one thousand (1,000) kilograms per shipment to any foreign country or destination, except Southern Rhodesia or countries or destinations listed in § 110.24.

(f) General license NRC–GRO–MED is hereby issued authorizing the export of uranium, when fabricated as shielding and contained in radiographic exposure or teletherapy devices, in quantities not to exceed five hundred (500) pounds per device, to Southern Rhodesia, to the extent that such devices are for use in medical diagnosis or therapy.

§ 110.22 Export of special nuclear material. [Reserved]

§ 110.23 Reporting requirements.

(a) Each person exporting byproduct or source material pursuant to § 110.20 (c) through (g) and § 110.21(a), (e) and (f) shall file with the U.S. Collector of Customs or the U.S. Postmaster one copy, in addition to those otherwise required, of the Shipper's Export Declaration covering each export, and mark such copy for transmittal to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b In addition to such other information as may be required, the following information shall be included in the Shipper's Export Declaration for byproduct material:

(1) Identification of the material;

(2) The quantity in curies;

(3) The chemical compound; and

(4) The ratio of tritium to the total quantity of hydrogen if the material is tritium activated lumious paint.

§ 110.24 Schedule A.

(a) Albania.
(b) Bulgaria.
(c) Cambodia.
(d) Cuba.
(e) Czechoslovakia.
(f) Estonia.
(g) German Democratic Republic (including East Berlin).
(h) Hungary.
(i) Laos.
(j) Latvia.
(k) Lithuania.
(l) North Korea.
(m) Outer Mongolia.
(n) Peoples Republic of China.
(o) Union of Soviet Socialist Republics.
(p) Vietnam.

§ 110.25 General license for import.

A general license is hereby issued authorizing any person to import byproduct material and source material, which he is authorized to possess or transfer for sale or distribution in the United States under a specific or general license issued by the Commission or an Agreement State.

Subpart D—Applications for Specific Licenses

§ 110.30 Filing license applications.

Each application for a specific license pursuant to this part or amendment or renewal of that license, or inquiries concerning such applications, shall be filed with the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or delivered in person at the Commission's offices at 1717 H Street, N.W., Washington, D.C. or at 7735 Old Georgetown Road, Bethesda, Maryland.

§ 110.31 General requirements for contents of all export license applications.

(a) Each application for any export license shall state:

(1) Name of applicant;

(2) Address of applicant;

(3) Name and address of supplier or persons or organizations who are arranging for export, if different from the applicant;

(4) Name and address of ultimate consignee;

(5) Name and address of intermediate consignee(s);

(6) Date of proposed first shipment;

(7) Date of proposed completion of shipment;

(8) Contractual delivery dates, if established;

(9) Planned dates of use or installation at foreign site;

(10) Proposed expiration date of export license; and

(11) End-use of material or equipment by all consignees, intermediate and ultimate, involved in the transaction, with sufficient detail to permit accurate evaluation of the justification for the proposed export.

(b) Information contained in previous applications, statements, or reports filed with the Commission may be incorporated by reference, provided that the references are clear and specific.

§ 110.32 Additional requirements for contents of license applications for export of utilization facilities.

Each application for a license to export a utilization facility shall contain the following information in addition to the general requirements in § 110.31:

(a) *General information.* (1) Type of facility;

(2) Design power level, if a nuclear reactor, in terms of thermal and (where appropriate) electrical watts;

(3) Name by which the facility is or will be known, if available;

(4) Location where the facility is to be installed or built;

(5) Proposed criticality date or date of start of operation;

(6) Total value of all items under the proposed export.

(b) A list of structures, systems, or components to be exported which are associated with the construction, maintenance, and operation of the utilization facility proposed for export and which fall within the categories described in paragraphs (b)(1) through (b)(6) of this section. Except for those items with a value exceeding $100,000, such list need only identify the items by appropriate category titles instead of specifically item-by-item.

(1) *Reactor coolant pressure boundary.* Those structures, systems, and components of a nuclear reactor located within or forming a part of the reactor coolant pressure boundary as defined in the definitions section of this part.

(2) *Instrumentation:* Instrumentation systems for indication, control, and protection of a nuclear reactor, including their associated equipment, which are directly associated with structures, systems, and components located within or forming part of the reactor coolant pressure boundary and which are normally required for routine startup, power operation, or shutdown of the reactor, or for periodic testing. Portions of other instrumentation systems of the facility mounted in a common panel with the covered systems are included in this category.

(3) *Fuel handling equipment.* Fuel handling equipment used to load new or recycled fuel into a reactor core, to unload fuel from a reactor core, or to transfer fuel with a reactor facility and place it into a facility provided for onsite storage or into fuel shipping equipment.

(4) *Experimental facilities.* Experimental facilities whose primary purpose is the irradiation or activation of material by radiation from a nuclear reactor, or which are used with a reactor to provide a source of nuclear radiation for tests or experiments.

(5) *Spare or replacement components.* Spare or replacement components or parts for items in paragraphs (b)(1) through (b)(4) of this section, which are furnished during duration of the export license as part of the initial purchase or under a warranty from the vendor.

(6) *Equipment or tools.* Special equipment or tools needed to service, maintain, or replace items in paragraphs (b)(1) through (b)(6) of this section. If equipment or tools falling under this category are not intended by the applicant to remain with the facility being exported but are intended to be reexported, resold, retransferred, disposed of, or returned to the United States, such action(s) shall be described.

(c) An itemized list of other structures, systems, or components to be exported which are associated with the construction, maintenance, and operation of the utilization facility proposed for export but which do not fall within the categories listed in paragraph (b) of this section. The itemized list should identify the specific items to be exported and should reflect the commodity control list numbers set forth in the regulations of the Office of Export Administration, U.S. Department of Commerce (see 15 CFR Part 399).

(d) Identification of any application filed with the Department of Commerce for components of the same facility.

§ 110.33 Additional requirements for contents of license applications to export special nuclear material, source material, or byproduct material.

Each application for a license authorizing export of special nuclear material, source material, or byproduct material shall contain the following in addition to the general requirements required in § 110.31:

(a) Any applicable contract number of special nuclear material, source material, or byproduct material supplied under an Administration enrichment, lease, or sale contract;

(b) Where materials are intended for use in a utilization facility, date of first intended use by ultimate or intermediate consignee;

(c) Shipping and packaging procedures, to the extent required by the regulations in Parts 71 and 73 of this chapter, including, where applicable, package identification and IAEA Certificate of Competent Authority numbers;

(d) Chemical and physical form of the special, source, or byproduct material including, for enriched uranium, the weight percentage of isotopic enrichment, and, for plutonium, the percentage of fissile content; and

(e) Quantity of the material in grams or kilograms (also curies for byproduct material) including the total weight of (1) the material in the form exported, (2) the contained uranium or plutonium, and (3) the contained U–235 in enriched uranium.

(f) For exports of uranium enriched to 20 percent or more U–235 by weight, uranium–233, or plutonium, for use as fuel for nuclear reactors:

(1) Current amount of such special nuclear material (unirradiated) in the importing country and assigned for use in the reactor (in kilograms);

(2) Current amount of such special nuclear material (irradiated) at the reactor site (in kilograms);

(3) Current core loading of such special nuclear material in the reactor (in kilograms);

(4) Average core life and current power level in megawatts thermal of the reactor.

§ 110.34 Requirements for contents of import license applications.

(a) Each application for an import license shall state:

(1) Name of applicant;

(2) Address of applicant;

(3) Exporting country and facility from which material is exported;

(4) Owner of material;
(5) Destination and ultimate disposal of material (e.q., will material be re-exported);
(6) Date of proposed first shipment;
(7) Date of proposed completion of shipment;
(8) Chemical and physical form of the material including, for enriched uranium, the weight percentage of enrichment, and, for plutonium, the percentage of fissile content;
(9) Quantity of the material in grams or kilograms including the total weight of (i) the material in the form imported, (ii) the contained uranium or plutonium, and (iii) the contained U–235 in enriched uranium.
(10) Confirmation as to how receiver will provide for sufficient measurements to substantiate the quantities of material measured and the associated limits of error (see § 70.58(e) of this chapter).
(11) Shipping and packaging procedures, to the extent required by the regulations in Parts 71 and 73 of this chapter, including package identification number of packages, mode of transport, and IAEA Certificate of Competent Authority number.

§ 110.35 Further information from applicants and licensees.

(a) The Commission may at any time after the filing of the original application and before the expiration of the license, require further statements from the applicant or licensee in order to enable it to determine whether the application should be granted or denied, or whether the license should be modified, conditioned, suspended, or revoked. These statements shall be in written form, signed by the applicant or licensee or one of its corporate officers, and, if specified by the Commission, under oath or affirmation.

(b) Each applicant for a license and each licensee shall request or file an amendment to his application or license whenever there is any substantive change with respect to any of his obligations or the information described in his application.

§ 110.36 U.S. address for license applicants.

Each applicant for a license under this part must have an address in the United States, or engage an agent with an address in the United States, where papers may be served and where records, reports, and documents required by the Commission will be maintained.

§ 110.37 Fees.

No application filing fees, license fees, or annual fees are required for an export or import license.

§ 110.38 Withdrawal of applications.

(a) An applicant may withdraw an application at any time.

(b) An applicant shall withdraw an application when it is superseded by his new application or when he no longer intends to use his license if issued.

(c) The withdrawal of an application does not authorize the removal of any document from the files of the Commission.

Subpart E—Review of License Applications

§ 110.40 Commission review.

(a) Export and import license applications will be distributed to appropriate Commission office(s) for such analysis as may be required by the Commission.

(b) Except as the Commission may provide otherwise, the following export and import license applications will normally be reviewed by the Commissioners after the Commission receives the views of the Executive Branch and prior to issuance of a license:

(1) Any application for a utilization facility;

(2) Any application for:

(i) One (1) kilogram or more of plutonium or U–233;

(ii) One (1) effective kilogram or more of uranium–235; and

(iii) Ten thousand (10,000) kilograms or more of source material;

(3) Any other license application which the Office of International Programs decides to forward for review by the Commissioners or which a Commissioner requests to review.

(c) If, after receipt of Executive Branch views, as described in § 110.41 of this subpart, and review by the Commissioners, where appropriate, the Commission finds that issuance of the license:

(1) Would be in accord with the applicable law, it will issue a license; or

(2) Would not be in accord with the applicable law, the Commission may issue a notice of proposed denial or a notice of denial of the application, with or without prejudice to renew the application, and shall inform the applicant in writing of the reason for the denial or proposed denial.

§ 110.41 Procedures for obtaining executive branch views.

(a) The Commission will forward export license applications to the Department of State (designated by the President under an Executive order as lead agency for Executive Branch review) requesting Executive Branch views on:

(1) Whether or not the proposed export would be inimical to the common defense and security of the United States, along with relevant supporting information or documentation;

(2) Where applicable, whether the proposed export would be under the terms of an agreement for cooperation made pursuant to section 123 of the Atomic Energy Act; and

(3) Whether the proposed export involves any special circumstances which should be considered in the Commission's licensing determination.

(b) The Commission will forward to the Department of State import license applications involving subsequent re-export, or such others as the Commission may decide, requesting the Department's preliminary views on whether it foresees any obstacles relating to the re-export that would affect the decision on issuance of the import license or whether there are any other circumstances which should be considered in the Commission's licensing determination. No decision allowing import will prejudge the review for any subsequent re-export.

(c) In addition to a request for Executive Branch views, the Commission may request the Executive Branch to provide the Commission with specific or general information and briefings, both classified and unclassified, as necessary.

§ 110.42 Standards for export and import licenses.

A license authorizing the export or import of a utilization facility, or special, source, or byproduct material may be issued by the Commission upon determining:

(a) For any proposed export or import, that it would not be inimical to the common defense and security of the United States, and would not constitute an unreasonable risk to the health and safety of the public;

(b) That the proposed export of a utilization facility, or of special nuclear material other than that exempted pursuant to section 57d. of the Act, would be under the terms of an agreement for cooperation made pursuant to section 123 of the Atomic Energy Act.

Subpart F—Specific Export and Import Licenses

§ 110.50 Terms and conditions of licenses.

(a) *General provisions for export and import.* (1) Each license issued pursuant to the regulations of this part shall be subject to all applicable provisions of the Atomic Energy Act, as amended, and to all applicable rules, regulations, and orders of the Commission.

(2) All licenses shall be subject to amendment, suspension, or revocation by reason of amendments of the Atomic Energy Act or other applicable law, or by reason of rules, regulations, or orders issued in accordance with the terms of that Act or other applicable law.

(3) The Commission may incorporate in any license at the time of issuance, or after issuance, by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's export or import as it deems appropriate or necessary in order to:

(i) Promote the common defense and security and public health and safety;

(ii) Guard against loss or diversion of special nuclear material, source material, or byproduct material;

(iii) Protect classified information;

(iv) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Atomic Energy Act or other applicable law and applicable Commission regulations.

(4) No license issued pursuant to the regulations in this part shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission finds that the transfer is in accordance with the provisions of all applicable laws and regulations and gives its consent in writing in the form of a license amendment.

(5) Until the Commission makes the certification provided for by Pub. L. 94–79 a licensee shall not export or import by passenger or cargo-carrying aircraft plutonium in any form, except if the plutonium is contained in a medical device designed for individual human application.

(6) No licensee shall export or import by passenger-carrying aircraft any special nuclear, source, or byproduct material, except for material:

(i) For use in, or incidental to, research, or medical diagnosis or treatment; or

(ii) Meeting the requirements of the Department of Transportation described in § 173.391 of Chapter 49 of the Code of Federal Regulations.

(b) *General provisions for export.* (1) No licensee shall dispose of or use any items under the license for any purpose other than that stated in the application unless the Commission approves in writing of the disposition or use.

(2) Each licensee shall file with the U.S. Collector of Customs or the U.S. Postmaster five (5) copies, in addition to those otherwise required, of the Shipper's Export Declaration covering each export and mark one of the copies for transmittal to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The following statement shall accompany or be placed on the Shipper's Export Declaration for such exports:

This shipment is being made pursuant to specific license number (specific license number) filed at (location of customs office where license is filed) on (date license was filed). This license expires on (expiration date of license), and the unshipped balance remaining on this license is sufficient to cover the shipment described in this export declaration.

(3) Each licensee shall surrender his license to the U.S. Collector of Customs or U.S. Postmaster, as appropriate, upon completion of shipment of the quantity licensed.

(4) Each licensee shall return immediately any license that is revoked, expired, or unused or partially unused and will not be used, to the Director of the Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(c) *Export of utilization facilities.* (1) No license shall confer any authority to export special nuclear material, source material, or byproduct material.

(2) No licensee shall export under the license any item unless specifically required for the utilization facility licensed for export.

(d) *Export of special nuclear material, source material, and byproduct material.* (1) Each license authorizes only the export of the nuclear content of the material.

(2) Each licensee shall make arrangements for the completion and distribution of an Form NRC–741 for each shipment of tritium, source material, or special nuclear material meeting the reporting requirements of § 110.54.

(3) Each licensee shall advise the Commission, at least three (3) weeks prior to the scheduled date of the export, if there is any change:

(i) In the designation of the company which will package the material to be exported under its license; or

(ii) In the location of the packaging operation.

(4) Each license authorizes export only and does not authorize the receipt, physical possession, or use of the material.

(5) Each licensee authorized to export special nuclear material shall make arrangements to assure compliance with the physical protection requirements specified in Part 73 of this chapter.

(6) All special nuclear material authorized for export is subject to the right of recapture as specified in section 108 of the Atomic Energy Act.

(e) *Import of special nuclear material.* (1) Each licensee shall make arrangements for the completion and distribution of an Form NRC–741 for each shipment of special nuclear material meeting the reporting requirements of § 110.54 of this subpart.

(2) Each licensee shall notify the Division of Safeguards Inspection, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, immediately, by telephone or telegram, if entry of any import shipment authorized by his license is refused by the U.S. Customs Service.

(3) Each time material is imported, the licensee shall show the original of the license to U.S. Customs as authority for the import. The original of the license showing the imported quantity shall be surrendered to U.S. Customs when the final transaction under the license is completed. Except for the final transaction, a copy of the license showing the imported quantity shall be surrendered to U.S. Customs for each shipment. All surrendered documents shall be marked for immediate transmittal to the appropriate Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter).

(4) For each import shipment of 0.3 effective kilograms or more of special nuclear material, the licensee shall promptly notify the appropriate Inspection and Enforcement Regional Office by telephone, telegram, or teletype, upon receiving notification that an import shipment has entered the country, giving the date that the import entered and the estimated time of arrival at the stated destination.

(5) Each licensee shall notify the appropriate Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter) of the anticipated time of arrival at the port of entry at least 48 hours prior to any import shipment authorized by his license.

(6) Each licensee authorized to import special nuclear material shall make arrangements to assure compliance with the physical protection requirements specified in Part 73 of this chapter.

(7) Each license authorizes import only and does not authorize the receipt, physical possession, or use of the material.

§ 110.51 Amendments.

(a) An application for amendment, including renewal, of a license shall:

(1) Be filed in accordance with the procedures described in this part for original applications;

(2) Specify the grounds for amendment; and

(3) Specify the respects in which the licensee desires his license to be amended.

(b) If, at least thirty (30) days prior to the expiration of an existing license authorizing any activity of a continuing nature, a licensee files an application for an amendment to extend the expiration date, the existing license will not be deemed to have expired until the application for amendment for a new license has been finally determined by the Commission.

(c) In determining whether an amendment of a license will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of an initial license, to the extent applicable and appropriate.

§ 110.52 Revocation, suspension, modification, or termination of a license.

(a) A license may be revoked, suspended, or modified in whole or in part:

(1) Because of conditions which would warrant the Commission to refuse to grant a license on an original application;

(2) For any material false statement, including a material omission, in the application for license or in the supplemental or other statement of fact required of the applicant;

(3) For the licensee's violation of, or failure to observe, any of the terms and provisions of the Atomic Energy Act or the Energy Reorganization Act, or any rule, regulation, license condition, or order of the Commission promulgated under these Acts.

(b) Except where the public interest requires otherwise, no license shall be modified, suspended, or revoked before the licensee is informed in writing of the reasons for such action and afforded the opportunity to reply.

(c) The Commission may terminate a specific export or import license prior to its expiration upon the licensee's written request to the Commission.

JUN 30 1977
UM

§ 110.53 Records.

(a) Each licensee shall keep records showing export of a utilization facility, or export or import of special nuclear material, source material, or byproduct material, regardless of the origin or method of acquisition.

(b) Records of export of a utilization facility, or export or import of special nuclear material, or source material shall be maintained for five (5) years after the export, unless otherwise specified in a license condition or Commission order.

(c) Records of export or import of byproduct material shall be maintained for two (2) years after the export or import, unless otherwise specified in a license condition or Commission order.

(d) Records which must be maintained pursuant to this section may be the original, or reproduced copy or microfilm if the reproduced copy or microfilm is duly authenticated by authorized personnel of the licensee and provides a clear and legible copy after storage for the period specified by Commission regulations.

§ 110.54 Reports for special nuclear material, source material, and byproduct material.

(a) With the exceptions specified in paragraph (f) of this section, each licensee shall make arrangements for the completion and distribution of a Nuclear Material Transaction Report on Form NRC–741, in accordance with the printed instructions for completing the form, when that licensee exports or imports at any one time:

(1) One (1) gram or more of contained uranium–235, uranium–233, or plutonium;

(2) One (1) kilogram or more of uranium or thorium, or any combination of these; or

(3) One hundred (100) curies or more of tritium.

(b) The completed copies of Form NRC–741 shall be submitted to the U.S. Energy Research and Development Administration, Post Office Box E, Oak Ridge, Tennessee 37830, and shall include the NRC license number and, where applicable, the Reporting Identification Symbol (RIS) assigned by the Commission to the shipper or receiver.

(c) Except as specified in paragraph (f) of this section, each licensee who exports or imports material under paragraph (a) shall report immediately to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter), by telephone, mailgram or facsimile, any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion, or any theft or unlawful diversion of:

(1) One (1) gram or more of contained uranium–235, uranium–233, or plutonium;

(2) Fifteen (15) pounds or more of uranium or thorium, or more than ten (10) curies of tritium, at any one time; or

(3) One hundred fifty (150) pounds or more of uranium or thorium, or one hundred (100) curies or more of tritium, in any one calendar year.

(d) Within fifteen (15) days the licensee shall follow up the initial report with a written report setting forth the details of the incident and its consequences and shall end the report to the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter).

(e) After the submission of the written report required by paragraph (d) of this section, the licensee shall immediately inform the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office (see Appendix A, Part 73 of this chapter) by written report of any substantive additional information which becomes available to him.

(f) The reports described in this section are not required for:

(1) Unimportant quantities of source material described in § 110.15 of this part;

(2) Processed ores containing less than five (5) percent of uranium or thorium, or any combination of these by dry weight;

(3) Thorium contained in magnesium-thorium and tungsten-thorium alloys, provided that the thorium content in the alloys does not exceed (four) 4 percent by weight;

(4) Chemical catalysts containing uranium depleted in the U–235 isotope to 0.4 percent or less, provided that the uranium content of the catalyst does not exceed fifteen (15) percent by weight;

(5) Byproduct material other than tritium; or

(6) Tritium possessed under a general license provided under Part 31 of this chapter or for tritium contained in spent fuel.

§ 110.55 Inspections.

(a) Each licensee shall permit inspection by the Commission of his records, premises, and activities, as may be necessary to effectuate the purposes of the Atomic Energy Act or any other applicable law.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him under the regulations in this part.

Subpart G—Enforcement

§ 110.60 Violations.

(a) Any person who willfully violates any provision of the Act or any regulation or order issued under that Act may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both, as provided by law.

(b) An injunction or other court may be obtained prohibiting any violation of any provision of the Act or the Energy Reorganization Act, or any regulation or order issued under these Acts.

(c) A court order may be obtained for payment of a civil penalty imposed pursuant to section 234 of the Act or section 206 of the Energy Reorganization Act.

§ 110.61 Notice of violation.

(a) Before instituting any proceeding to modify, suspend, or revoke a license issued under this part or to take other action for alleged violation of any provision of the Act or a rule or regulation issued under the Act or the conditions of export or import licenses, the Commission will serve on the licensee a written notice of violation, except as provided in paragraph (c) of this section. The notice of violation will concisely state the alleged violation and will require that the licensee submit, within twenty (20) days of the date of the notice or other specified time, a written explanation or statement in reply, including:

(1) Corrective steps taken by the licensee, and the results achieved;

(2) Corrective steps which will be taken; and

(3) The date when full compliance will be achieved.

(b) The notice may provide that, if an adequate reply is not received within the time specified in the notice, the Commission may issue an order to show cause why the license should not be modified, suspended, or revoked, or such other action be taken as may be proper.

(c) When the Commission determines that the public interest so requires, the notice of violation may be omitted and an order to show cause issued.

§ 110.62 Order to show cause.

(a) An order to show cause will:

(1) Allege the violations with which the licensee is charged, or other facts or issues deemed to be sufficient ground for the proposed action;

(2) Provide that the licensee may file a written answer to the order under oath or affirmation within twenty (20) days of its date, or such other time as may be specified in the order;

(3) Inform the licensee of his right, within twenty (20) days of that date of the order, or such other time as may be specified in the order, to a hearing conducted pursuant to Subpart J of this part, and

(4) State the effective date of the order.

(b) If the licensee's answer requests a hearing, the Commission will issue an order designating the time and place of hearing.

(c) An answer or stipulation may consent to the entry of an order in substantially the form proposed in the order to show cause.

(d) The consent of the licensee to the entry of an order shall constitute a waiver by the licensee of a hearing, further consideration of the isues, and of all right to seek Commission and judicial review or to contest the validity of the order in any forum. The order shall have the same force and effect as an order made after hearing by the Commission.

(e) When the Commission finds that the public interest so requires, the order to show cause may be made effective immediately, with reason stated, pending further hearing and order.

§ 110.63 Order for modification, suspension, or revocation of license.

(a) The Commission may modify, suspend, or revoke a license issued under this part by issuing an order or notice to the licensee (1) that he may request a hearing with respect to all of any part of the order within twenty (20) days from the date of the notice or such other period as the notice may provide, and (2) that any such hearing shall be conducted pursuant to Subpart J of this part.

(b) The order will become effective on the expiration of the period during which the licensee may request a hearing, or, in the event that he requests a hearing, on the date specified in an order made following the hearing.

(c) When the Commission finds that the public interest so requires, the order may be made effective immediately, with reason stated, pending further hearing and order.

§ 110.64 Civil penalties.

(a) Before instituting any proceeding to impose a civil penalty under section 234 of the Act, the Commission shall serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to § 110.61. The notice of violation shall:

(1) Specify the date or dates, facts, and the nature of the alleged act or omission with which the person is charged;

(2) Identify specifically the particular provision or provisions of the law, rule, regulation, license, or cease and desist order involved in the alleged violation;

(3) State the amount of each penalty which the Commission proposes to impose;

(4) Advise the person charged that civil penalty may be paid in the amount specified in the notice of violation, or that the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation, or showing extenuating circumstances; and

(5) Advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission, if any, the penalty may, unless compromised, remitted or mitigated, be collected by civil action pursuant to section 234c of the Act.

(b) Within twenty (20) days of the date of a notice of violation or other time specified in the notice, the person charged may either pay the penalty in the amount proposed or answer the notice of violation. The answer to the notice of violation shall state any facts, explanations, and arguments, denying the charges of violation, or demonstrating any extenuating circumstances, error in the notice of violation, or other reason why the penalty should not be imposed and may request remission or mitigation of the penalty.

(c) If the person charged with a violation fails to answer within the time specified in paragraph (b) of this section, the Commission will issue an order imposing the civil penalty in the amount set forth in the notice of violation described in paragraph (a) of this section.

(d) If the person charged with a violation files an answer to the notice of violation, the Commission upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within twenty (20) days of the date of the order or other time specified in the order, request a hearing.

(e) If the person charged with violation requests a hearing, the Commission will issue an order designating the time and place of hearing. Any such hearing shall be conducted pursuant to Subpart G, "Rules of General Applicability.", of Part 2 of this chapter.

(f) If a hearing is held, an order will be issued after the hearing by the Commission dismissing the proceeding or imposing, mitigating, or remitting the civil penalty.

(g) The Commission may compromise any civil penalty, subject to the provisions of § 110.65 of this subpart.

(h) The Commission may refer the matter to the Attorney General for collection if:

(1) The civil penalty is not compromised or is not remitted by the Commission; and

(2) Payment is not made within ten (10) days following either the service of the order described in paragraph (c) or (f) of this section, or no request for a hearing is made within the time specified in paragraph (d) of this section.

(i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act shall be made by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(j) A proceeding to impose a civil penalty under this section does not have the effect of modifying, suspending, or revoking any license under this part.

§ 110.65 Settlement and compromise.

At any time after the issuance of an order designating the time and place of hearing in a proceeding to modify, suspend, or revoke a license issued under this part, or for other action, a stipulation may be entered into for the settlement of the proceeding or the compromise of a civil penalty. The settlement or compromise shall be subject to approval by the Commission. The Commission may order such further consideration of the issues as it may deem to be required in the public interest to dispose of the proceeding. If approved, the terms of the settlement or compromise shall be embodied in a decision or order settling and discontinuing the proceeding.

Subpart H—Public Notification and Availability of Information and Official Records

§ 110.70 Notice of export and import license applications.

(a) *Notice of receipt of applications.* (1) The Commission will notice the receipt of each application for a license to export or import special nuclear material, source material, or byproduct material by placing the application, subject to the provisions in § 110.72, in the Public Document Room.

(2) The Commission will publish in the FEDERAL REGISTER notice of receipt of each application for a license to export or import a utilization facility, and will place the application, subject to the provisions in § 110.72, in the Public Document Room.

(3) If the Commission determines that special circumstances require Commission action in less than (30) days, a notice to this effect will be placed in the Public Document Room. Otherwise, within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, or the date of first placement of the application in the Public Document Room, as applicable, or such other period which the Commission in its discretion may specify:

(i) Any person may file written comments on the application with the Commission; and

(ii) Any person may file a request for permission to intervene and/or a request for a hearing.

(4) Anyone who wishes to receive a periodic summary of receipt of export and import license applications, or anyone wishing to provide written comments on any application, should write the Director, Office of International Programs, Attention: Assistant Director for Export/Import and International Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(b) *Notice of withdrawal of export and import license applications.* (1) The Commission will publish in the FEDERAL REGISTER a notice of the withdrawal of an export or import license application for a utilization facility.

(2) The Commission will place all requests for withdrawal in the Public Document Room.

(c) *Notice of issuance of export or import license for a utilization facility.* The Commission will publish in the FEDERAL REGISTER notice of the issuance of a license to export or import a utilization facility.

§ 110.71 Availability of information.

Except for the records available under § 110.72 and Part 9 of this chapter, no other procedures shall be available to obtain information for use in or in preparation for a hearing or a license application under this part, unless the Commission in its discretion may otherwise order.

JUN 30 77
UM

§ 110.72 Availability of documents in Public Document Room.

Except for documents or portions of documents exempt from disclosure under Part 9 of this chapter, the following documents on applications for export and import of utilization facilities, special nuclear material, source material, and by-product material will be made available in the Public Document Room:

(a) License application and supplements or requests for amendments;

(b) Commission correspondence to and from the applicant related to the application;

(c) For utilization facility applications, FEDERAL REGISTER notice of receipt of application and of issuance of license;

(d) Letter from the Commission to State Department requesting Executive Branch views on the application;

(e) Letter from State Department to the Commission with Executive Branch comments and views on the application;

(f) Letters from foreign governments, embassies, and organizations regarding use in the foreign country of the materials or facilities which are the subject of the application;

(g) Written comments received pursuant to § 110.80 and Commission responses, if any;

(h) A statement of staff conclusions for appplications reviewed by the Commissions;

(i) License as issued.

Subpart I—Public Participation Procedures Concerning Pending Export and Import License Applications

WRITTEN COMMENTS AND INITIATION OF A HEARING

§ 110.80 Commission consideration of written comments.

The Commission will consider any relevant written comments filed with it regarding a pending export or import license application whether or not they are accompanied by a petition for leave to intervene or a request for a hearing. If the circumstances warrant, the Commission may provide a reasonable opportunity for an appropriate response to be made by the applicant and others to the written comments. All such relevant written comments and any Commission responses to them become part of the record of any hearing that may be held on the application.

§ 110.81 Petitions for leave to intervene and/or requests for a hearing.

(a) Any person who petitions for leave to intervene and/or requests a hearing shall file a written petition and/or request which:

(1) Identifies the specific aspect(s) of the subject matter of the application as to which he bases his request;

(2) Sets forth the issue(s) which he seeks to raise;

(3) Sets forth how intervention and/or a hearing would contribute to a sound licensing decision; and

(4) When a person asserts that his interest may be affected by grant or denial of the application, sets forth with particularity both the facts pertaining to his interest and how it will be affected with particular reference to the factors specified in § 110.83.

(b) The petition and/or request shall be considered timely only if filed not later than thirty (30) days after the Commission has given public notice of a pending export or import license application, or filed within such other time as may be provided by the Commission.

(c) The Commission may deny an untimely petition or request unless the Commission determines that the petitioner has made a substantial showing of good cause for failure to file on time, with particular reference to the following factors in addition to those set out in § 110.83:

(1) The availability of other means by which the petitioner's interest, if any, will be protected;

(2) The extent to which the petitioner's participation may reasonably be expected to provide information useful to the Commission in making its licensing decisions under this part;

(3) The extent to which the petitioner's interest, if any, will be or has been represented; and

(4) The extent to which the petitioner's participation will broaden the issues or delay action on the application.

(d) A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

§ 110.82 Answers.

Any person may file an answer to a petition for leave to intervene and/or request for a hearing within thirty (30) days after the petition or request is filed, with particular reference to the factors set forth in § 110.83(a). The Commission staff and the Executive Branch may file an answer thirty (30) days after the petition or request is filed or fifteen (15) days after the Executive Branch views on the merits of the license application are placed in the Public Document Room, in accordance with § 110.72, whichever is later. The Commission staff and the Executive Branch may file an earlier answer if appropriate.

§ 110.83 Commission action on petitions for leave to intervene and/or requests for a hearing.

(a) If a petition for leave to intervene and/or request for a hearing is filed which asserts an interest which may be affected, Commission action on the petition or request will be based upon consideration of all relevant factors, including:

(1) The nature of the petitioner's alleged interest in the subject matter of the application;

(2) How that interest relates to the issuance or denial of the export or import license;

(3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest(s); and

(4) Whether the relief requested is within the Commission's authority, and, if so, whether granting relief would redress the injury alleged by the petitioner.

(b) If a petition for leave to intervene and/or request for a hearing does not assert or establish an interest which may be affected, Commission action on the petition and/or request will be based on consideration of all relevant factors, including:

(1) The effect on the public interest of the conduct of the hearing; and

(2) Whether and to what extent a hearing is likely to provide relevant information useful to the Commission in carrying out its responsibilities on the application.

(c) In response to a petition for leave to intervene and/or request for a hearing the Commission may:

(1) Request further information from the petitioner, requestor, the Commission's staff, the Executive Branch, or others, which the Commission deems to be relevant and useful to the exercise of its responsibility on the pending application;

(2) Grant the petition and/or request for a hearing (with the hearing to be held under Subpart J); or

(3) Deny the petition and/or request.

(d) The Commission will not grant a request for a hearing on a specific license application prior to receipt and evaluation of Executive Branch views on the application.

(e) If the Commission denies a request for a hearing and/or petition for leave to intervene, the Secretary will issue a notice of the Commission's decision, setting forth the reasons for denial and dissenting Commission views, if any.

§ 110.84 Notice of hearing.

(a) If the Commission decides that public proceedings should be held on a pending export or import license application, the Secretary will issue a notice to this effect. The notice of hearing will be published in the FEDERAL REGISTER thirty (30) days, or such other period as the Commission may specify, prior to the date set for hearing.

(b) A notice of hearing required by paragraph (a) will:

(1) State the specific issues to be considered;

(2) Provide the names and addresses of participants to the public proceeding;

(3) Describe the opportunities available to persons other than participants to express their views on the issues specified in the notice;

(4) Provide thirty (30) days, or such other time as may be specified, for the submission of written comments to the Secretary on the issues specified in the notice and for the submission of such other written information relating to the license application as participants or others may wish or as the Commission may require; and

(5) State any instructions which the Commission deems appropriate to the participants or other persons regarding any subsequent actions on their part after the time for any written comments and any responses and replies has expired.

(c) The notice required by paragraph (a) will normally provide that participants may file, within a time specified, an appropriate response to the written comments or information provided by any other participant or by any other person who has filed written comments or information on the application.

(d) The Secretary will give notice of hearing under this section and § 110.85 to any person who requests. When a communication bears more than one signature, the Secretary will give the notice to the person first signing unless the communication clearly indicates otherwise.

§ 110.85 Notice of oral hearing.

(a) If the Commission grants an oral hearing, either in the initial notice of hearing under § 110.84 or subsequent to receipt and evaluation of written comments, the notice of oral hearing will be published in the FEDERAL REGISTER and will state:

(1) The time, place, and purpose of the oral hearing and the specific issues to be considered and

(2) Whether the oral hearing will be conducted before the Commission or a presiding officer designated by the Commission. Normally, the Commission itself will conduct any oral hearing.

(b) If the Commission designates a presiding officer to conduct an oral hearing, the notice of oral hearing will state:

(1) When the jurisdiction of the presiding officer commences and terminates;

(2) The powers of the presiding officer; and

(3) Instructions to the presiding officer to certify the record to the Commission promptly after completion of the hearing without preliminary decision or findings, unless the Commission otherwise directs, and any other instructions the Commission deems appropriate regarding the conduct of the hearing.

§ 110.86 Responses and replies.

Within such time as may be specified in a notice of hearing under § 110.84 or § 110.85, or applicable Commission order, a participant other than the Commission staff or the Executive Branch, shall respond to the notice of hearing by indicating whether he wishes to present his views.

§ 110.87 Orders granting hearings or permitting interventions.

(a) An order granting a hearing or permitting intervention may be conditioned on such terms as the Commission may direct in the interests of:

(1) Restricting irrelevant, duplicative, or repetitive evidence and argument;

(2) Having common interests represented by a single spokesman; and

(3) Retaining authority to determine priorities and control the proceeding.

(b) In any case in which, after consideration of the factors set forth in §§ 110.81(a) and 110.83 (a) or (b), the Commission finds that a participant's interest is limited to one or more of the issues involved in the proceeding, an order may limit his participation accordingly.

(c) Unless otherwise expressly provided in the order allowing a hearing, the granting of participation does not change or enlarge the issues specified in the notice of hearing.

GENERAL RULES FOR PROCEEDINGS

§ 110.90 Consideration of rules and regulations in licensing proceedings.

(a) Except as provided in paragraphs (b) to (e) inclusive of this section, any rule or regulation of the Commission, or any provision of any rule or regulation, shall not be subject to attack by any means in any licensing proceeding under this part.

(b) A participant in a licensing proceeding under this part may petition that the application of a specified Commission rule or regulation, or any provision of that rule or regulation, be waived or an exception made for the proceeding, provided that:

(1) The sole ground for a petition for waiver or exception shall be that special circumstances with respect to the subject matter of the proceeding are such that application of the rule or regulation (or any provision of that rule or regulation) would not serve the purposes for which the rule or regulation was adopted; and

(2) The petition shall be accompanied by:

(i) An affidavit that specifically identifies the aspect(s) of the subject matter of the proceeding affected by the rule or regulation (or any provision of that rule or regulation) for which waiver or exception is sought and describes why the rule or regulation as applied would not serve the purpose(s) for which it was adopted; and

(ii) A detailed statement describing the special circumstances alleged to justify the waiver or exception requested.

(c) Any other participant may file a response to such a petition, by counter-affidavit or otherwise.

(d) The Commission may, among other choices, on the basis of the petition, affidavit, and any responses to these:

(1) Determine whether the application of the specified rule or regulation (or any provision of that rule or regulation) should be waived or an exception made; and

(2) Direct such further proceedings as it deems appropriate to aid its determination.

(e) If the Commission has designated a presiding officer in the hearing, he shall certify the matter of granting a waiver or exception directly to the Commission for decision.

(f) Whether or not the procedure in paragraph (b) of this section is available, a participant in a licensing proceeding may file a petition for rulemaking pursuant to Subpart L of this part.

FILING OF DOCUMENTS AND RELATED MATTERS

§ 110.91 Filing of documents under this subpart and Subpart J.

(a) Documents shall be filed with the Commission either (1) by delivery to the Public Document Room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) All documents offered for filing shall be accompanied by proof of service upon the participants or their authorized representatives, as set forth in the notice of hearing or a subsequent order of the Commission.

(c) Filing by mail or telegram will be deemed to be complete as of the time of deposit in the U.S. mail or with a telegraph company.

§ 110.92 Docket.

In connection with each licensing proceeding subject to this subpart and subpart J, the Secretary will maintain a docket, commencing with receipt of a petition for leave to intervene and/or request for a hearing and including the transcripts of testimony and exhibits, and all papers, correspondence, decisions and orders filed or issued.

§ 110.93 Formal requirements for and acceptance of documents under this subpart and Subpart J.

(a) Each document filed shall bear the docket number, license application number, and title of the proceeding.

(b) Each document shall be bound on the left side, clearly legible, and capable of being reproduced.

(c) The original of each document shall be signed by the individual or entity filing or an authorized representative. The capacity of the individual or entity signing, his address, and the date shall be stated. The signature is a representation that the document has been subscribed in the capacity specified with full authority; that the signator has read it, knows the contents; and that, to the best of his knowledge, the statements made in it are true.

(d) Except as otherwise provided by this part or by order, any document other than correspondence shall be filed in an original and twenty (20) conformed copies.

(e) A document which fails to conform to the requirements of this section may be refused acceptance for filing and may be returned with an indication of the reason for nonacceptance. Any matter so tendered but not accepted for filing shall not be entered on the Commission's docket.

§ 110.94 Computation of time.

(a) In computing any period of time, the day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period so computed is included unless it is a Saturday, Sunday, or legal

JUN 30 77
UM

holiday at the place where the action or event is to occur, in which case the period runs until the end of the next day which is neither Saturday, Sunday, nor holiday.

(b) When the period of time is ten (10) days or less, intermediate Saturdays, Sundays, and holidays are excluded.

(c) Whenever an action in a public proceeding is to take place within a prescribed period after the service of a notice or other paper, five (5) days shall be added to the prescribed period if the notice or other paper is served by mail.

(d) An interpretation of this section is contained in § 83 of this chapter.

§ 110.95 Extension and reduction of time limits.

(a) The Commission (or a presiding officer designated by the Commission) may for good cause extend or shorten the time fixed or the period of time prescribed for actions in a licensing proceeding.

(b) In any instance in which this part does not prescribe a time limit for an action to be taken in a public proceeding, the Commission (or a presiding officer designated by the Commission) may set a time for that action.

§ 110.96 Service of papers, methods, proof.

(a) The Commission will serve all orders, decisions, notices, and other papers issued by it upon all participants or their authorized representatives, as specified in the notice of hearing or subsequent Commission order.

(b) Service may be made as authorized by law and directed by the Commission. The Commission may make special provision regarding the service of papers when circumstances so warrant.

(c) Service upon a participant or his authorized representative is complete:

(1) By personal delivery, either on handing the paper to the participant or his authorized representative or to some person of suitable age and discretion at the participant's (or representative's) office or usual place of residence, or by leaving the paper in a conspicuous place in the participant's (or representative's) office;

(2) By telegraph, when deposited with a telegraph company, properly addressed and with charges prepaid;

(3) By mail, on deposit in the United States mail, properly stamped and addressed; or

(4) When service cannot be effected in a manner provided by subparagraphs (1) to (3) inclusive of this paragraph, in any other manner authorized by law.

(d) Proof of service, stating the name and address of the person on whom served and the manner and date of service, shall be shown for each document filed, and may be made by:

(1) Written acknowledgement of the participant served or his authorized representative; or

(2) The certificate or affidavit of the person making the service.

§ 110.97 Authority of the Secretary or Assistant Secretary to rule on procedural matters.

When documents are submitted to the Commission in a licensing proceeding under this subpart or Subpart J, the Secretary or the Assistant Secretary is authorized to:

(a) Prescribe schedules for the filing of papers where such schedules may differ from those elsewhere prescribed in these rules or where these rules do not prescribe a schedule;

(b) Rule on motions for extensions of time and similar procedural motions;

(c) Reject papers filed with the Commission later than the time prescribed by him or established by an order, rule, or regulation of the Commission, unless good cause is shown for the late filing; and

(d) Prescribed procedural arrangements relating to the proceeding.

Subpart J—Hearings and Commission Decisions

§ 110.100 Hearings to be public.

All hearings subject to this part will be public unless otherwise directed by the Commission.

§ 110.101 Designation of presiding officer, disqualification, and unavailability.

(a) The Commission will normally preside at all hearings.

(b)(1) The Commission may provide in a notice of hearing that one or more members of the Commission, or any other person authorized under applicable law, will preside.

(2) If any person designated by the Commission to preside at a hearing deems himself disqualified, he shall withdraw by notice on the record and shall notify the Commission.

(3) If a participant deems any person designated by the Commission to preside at a hearing to be disqualified, he may move that the person disqualify himself. The motion shall be supported by affidavit setting forth the alleged grounds for disqualification. If the presiding officer does not grant the motion or the person does not disqualify himself, the Commission will determine the sufficiency of the grounds alleged.

(4) If any person designated by the Commission to preside at a hearing becomes unavailable during the course of that hearing, the Commission will designate another person to serve.

(5) In the event of substitution of a person to preside at a hearing for any person originally designated by the Commission, any motion predicated upon the substitution shall be made within five (5) days after the designation.

§ 110.102 Commencement and termination of jurisdiction of presiding officer.

If one or more members of the Commission, or another person appointed by the Commission, preside in an oral hearing, unless otherwise ordered by the Commission, the jurisdiction of the presiding officer, including jurisdiction over motions and procedural matters, commences when the Commission designates the presiding officer in the notice of hearing consisting of written comments or notice of oral hearing. The presiding officer's jurisdiction will terminate upon certification of the record to the Commission for final decision, or when the presiding officer shall have withdrawn himself from the case upon considering himself disqualified, or been disqualified, whichever is earlier.

§ 110.103 Power of presiding officer.

(a) The Commission or other presiding officer in any oral hearing shall conduct a fair and impartial hearing, develop a record that will contribute to informed decisionmaking, and have the power to take appropriate action to avoid unnecessary delay and maintain order. Within the framework of the Commission's notice of oral hearing or relevant order, the presiding officer shall have all the power necessary to these ends, including the power to:

(1) Control the overall course of the oral hearing and the conduct of the participants;

(2) Dispose of procedural requests or similar matters;

(3) Question witnesses;

(4) Order Consolidation of participants;

(5) Establish an order of presentation by the participants which, if appropriate, may provide for an order of presentation on the basis of subject matter;

(6) Hold conferences before or during the oral hearing for consolidation of participants, establishing an order of presentation, or any other proper purpose;

(7) Establish reasonable time limits for the conduct of the proceeding;

(8) Entertain suggestions as to questions which the presiding officer should ask of witnesses;

(9) Limit the number of witnesses whose presentations may be cumulative;

(10) Strike or reject cumulative or irrelevant presentations; and

(11) Where the Commission itself does not preside, the presiding officer may certify questions or refer rulings to the Commission for its determination, on his own initiative, or in his discretion on request, or on direction of the Commission.

(b) The Commission may issue orders and take otherwise proper administrative action with respect to an application and pending licensing proceeding under this part.

(c) Where the Commission itself does not preside, any order of the pending hearing may be modified by the Commission as appropriate.

(d) Where the Commission itself does not preside, upon certification of a hearing record by a presiding officer the Commission in its discretion may provide that additional written or oral testimony, on the issues set forth in a notice of oral hearing or in a related order, may be presented before the Commission.

§ 110.104 Participation in a hearing.

Subject to the conditions and limitations set forth in this part or in the notice of a hearing consisting of written comments or applicable Commission order:

(a) Persons or organizations who participate in a hearing consisting of written comments may:

(1) Make a written statement of position in the issues or respond to written statements of other participants;

(2) Provide written questions to the Commission which they wish other participants to address in writing; and

(3) Provide written concluding statements of position for the Commission's consideration.

(b) Persons or organizations who participate in an oral hearing may:

(1) Make an oral or written statement of position on the issues;

(2) Present written or oral rebuttal testimony, or both;

(3) Suggest questions to the presiding officer which they wish other participants to address, either orally or in writing; and

(4) Make written or oral concluding statements of position, or both, for the Commission's consideration.

(c) Persons or organizations establishing in an import licensing proceeding that they have an interest which may be affected, may be accorded additional procedural rights in accordance with Subpart G of Part 2:

(1) In the resolution of factual issues regarding protection of the U.S. public health, safety, and environment, and protection of the U.S. public against domestic theft, diversion, or sabotage; and

(2) To the extent that such factual issues are separable from other issues associated with issuance or denial of the license.

§ 110.105 Presentations of testimony in oral hearings.

(a) All direct testimony on behalf of a participant in an oral hearing shall be filed in writing seven (7) days in advance of the oral hearing, or within such other time as may be ordered or allowed by the Commission or other presiding officer in a notice of hearing or order. The Commission may require that rebuttal testimony on behalf of participants be filed in writing in advance. Written testimony will be received into evidence in exhibit form.

(b) Participants and witnesses will be questioned only by the presiding officer, either orally at the hearing or in writing, or both. Questions may be addressed to individual participants or witnesses or to panels of participants or witnesses.

(c) Participants may submit questions to the Commission which they would like to have answered by other participants. The Commission may refer the questions to the other participants for response, either in writing, orally, or both.

(d) No subpoenas will be granted for attendance and testimony of participants or witnesses or the production of evidence.

(e) Testimony by Commission staff and representatives of the Executive Branch shall be presented only by persons designated for that purpose by their respective agencies and departments.

(f) The Commission may, for good cause, accept as testimony in an oral hearing a written statement of a participant or witness who is unable to appear at the hearing, and may request that the person respond to its written questions.

§ 110.106 Appearance and practice before the Commission in oral hearings.

(a) A person may appear on his own behalf or be represented by an authorized representative.

(b) Any person appearing in a representative capacity shall file with the Commission a written notice of appearance which shall state his name, address, and telephone number; the basis of his eligibility; and the name and address of the person on whose behalf he appears.

(c) A participant or other person may be barred from participation in a hearing if he engages in dilatory tactics or disorderly or contemptuous conduct.

(d) Before any person is suspended or barred from participation he shall be informed of the grounds for this action and afforded an opportunity to respond.

§ 110.107 Motions, requests, and appeals during hearings.

(a) Unless otherwise directed by the Commission, and except for procedural requests or similar matters related to the conduct of an oral hearing, all motions or requests shall be addressed to the Commission. Unless otherwise directed by the Commission, procedural requests or similar matters related to the conduct of an oral hearing shall be addressed to the presiding officer. All written motions or requests shall be filed with the Secretary and served on the participants in the hearing as provided in this part.

(b) Any participant in the hearing may submit an answer, in support of or in opposition to the motion or request, within ten (10) days after service of a written motion, or such other time as may be fixed by the Commission.

(c) When the Commission itself does not preside:

(1) No interlocutory appeal may be taken to the Commission from a ruling of the presiding officer.

(2) When in the judgment of the presiding officer prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense, the presiding officer may on his own initiative, or in his discretion on request by a participant, refer the ruling or certify the question promptly to the Commission, and notify the participants either by announcement on the hearing record or by written notice if the hearing is not in session.

(d) Unless otherwise ordered by the Commission, neither the filing of a motion nor the certification of a question or referral of a ruling shall stay any aspect of the proceeding or extend the time for the performance of any act.

§ 110.108 Default.

On failure of any participant to act within the time specified in this part, in the notice of hearing, or in related orders or rulings issued by the Commission, the participant may be considered in default. If so, the Commission shall make such ruling or issue such order in regard to the defaulting participant as may be appropriate, and may proceed with the conduct of the hearing without further notice to the defaulting participant.

§ 110.109 Official reporter and official transcript.

(a) An oral hearing will be reported stenographically, or by other means, by an official reporter who may be designated from time to time by the Commission or who may be a regular employee of the Commission.

(b) The transcript prepared by the reporter shall be the sole official transcript of the proceeding, and will be open for inspection in the Public Document Room.

(c) Copies of transcripts will be available to participants and to the public from the official reporter or from the Commission on payment of the charges fixed for copies.

(d) Corrections of the official transcript may be made only in the manner provided by the Secretary.

§ 110.110 Commission decision.

(a) While the Commission will take the hearing record into full account, the decision on a license application(s) on which a hearing has been held will be based on all information which the Commission considers necessary, including information which might go beyond the record developed by the participants in the hearing.

(b) If the Commission considers information not in the hearing record in reaching its decision, the participants to the hearing will be so informed and, if such information is not classified information or otherwise privileged, it may be furnished to the participants upon request and placed in the Public Document Room.

(c) While the Commission may consult with any member of the Commission staff or Executive Branch, or other person, on a license application under this part, where public comment is sought by the Commission on procedural questions (involving grant or denial of petitions for leave to intervene and similar matters), the views of the Commission staff and the Executive Branch will be expressed through their public reponses except to the extent that classified information is involved.

(d) The Commission may act at any time on a pending export or import license application prior to completion of any hearing if it finds that:

(1) The export or import meets all the applicable statutory and regulatory requirements;

(2) Prompt issuance of the license is required in the interest of common defense and security; and

(3) In cases where the Commission has determined that a participant has established an interest that may be affected, he has been provided a fair opportunity to present his views.

(e) The Commission retains the discretion to:

(1) Defer any oral hearing or any hearing consisting of written comments;

(2) Consolidate for hearing or for other purposes two or more applications;

(3) Narrow or broaden the issues specified in a notice of hearing composed of written comments or notice of oral hearing; and

(4) Taken any similar procedural action.

Subpart K—Special Procedures Applicable to Export and Import Licensing Hearings Involving Classified Information

§ 110.120 Scope.

This subpart provides for special procedures applicable to export and import licensing hearings involving classified information and does not in any way apply to the exchange of information between the Commission and the Executive Branch as a part of the licensing review process that occurs outside the hearing context.

§ 110.121 Obligation of participants with respect to the introduction of classified information.

(a) It is the obligation of all participants to oral hearings or hearings consisting of written comments conducted pursuant to this part to introduce information in unclassified form wherever possible, and to declassify, to the maximum extent feasible, any classified information that is introduced into the hearing. This obligation rests on each participant whether or not all other participants have the required security clearance.

(b) The public statements of the Commission staff and Executive Branch shall not be inconsistent with any classified information with respect to the subject of the hearing.

§ 110.122 Access to and security clearances for classified information.

(a) The Commission will not grant access to classified information to any participant, other than the Commission staff, unless the Commission has first determined that the available unclassified information is inadequate on the subject matter involved. An appropriate security clearance shall be required for access to classified information.

Any access to classified information will only be granted up to the level for which the participant is cleared and only upon an adequate commitment by the participant not to disclose such information subject to penalties as provided by law.

(b) *Access to classified information introduced into a hearing.* (1) Except as provided in paragraph (g) of this section, classified information introduced into a hearing composed of written comments or an oral hearing subject to this part will be made available to:

(i) Any participant or his authorized representative, or both, having the required security clearance; and

(ii) Such other persons having the required security clearance as the Commission determines are needed by the participant to adequately prepare or present his position in the hearing.

(2) Where the interest of a participant will not be prejudiced, the Commission (or other presiding officer) may postpone action upon an application for access under this paragraph.

(c) *Access to classified information not introduced into a hearing.* (1) On application showing that access to classified information may be required to prepare a participant's position in a hearing consisting of written comments or an oral hearing under this part, and except as provided in paragraph (g) of this section, the Commission may issue an order granting access to such classified information to:

(i) The participant or his authorized representative, or both, upon his obtaining the required security clearance;

(ii) Such other persons as the Commission determines may be needed by the participant to adequately prepare and present his position in the hearing upon their obtaining the required security clearances.

(2) Where the interest of the participant applying for access will not be prejudiced, the Commission (or other presiding officer) may postpone action on an application for access under this paragraph.

(d) The Commission will consider requests for appropriate security clearances in reasonable numbers. Security clearances will be conducted and granted or denied in accordance with the procedures set forth in Part 10 of this Chapter.

(e) A reasonable charge will be made by the Commission for costs of any security clearance granted pursuant to this section.

(f) *Application granting access to classified information.* (1) An application under this section for orders granting access to classified information will be acted upon only by the Commission.

(2) To the extent practicable, an application for an order granting access under this section shall describe the subjects of classified information to which access is desired and the level of classification (confidential, secret or other) of the information; the reasons why access to the information is requested; the names of individuals for whom clearances and requested and the reasons why security clearances are being requested for those individuals.

(3) On the conclusion of a proceeding, the Commission will terminate all orders issued in the proceeding for access to classified information and all security clearances are requested; and the readers. The Commission may issue such orders requiring the disposal of classified matter received pursuant to these orders, or requiring the observance of other procedures to safeguard such classified matters, as it deems necessary to protect classified information.

(g) *Refusal to grant access to classified information.* The Commission will not grant access to classified information:

(1) Unless it determines that the grant is not inimical to the common defense and security; and

(2) Which it has received from another Government agency, without the consent of the originating agency.

§ 110.123 Classification assistance.

On request of any participant in a hearing consisting of written comments or an oral hearing or of the presiding officer (if other than the Commission), the Commission will designate a representative to advise and assist the presiding officer or the participants with respect to security classification of information and the protective requirements to be observed.

§ 110.124 Notice of intent to introduce classified information.

(a) If, at the time of publication of a notice of hearing consisting of written comments or a notice of oral hearing, it appears to a participant filing that it will be impracticable for him to avoid the introduction of classified information, into the proceeding he shall file with the secretary a notice of intent to introduce classified information into the hearing.

(b) If, at any later stage of a hearing, it appears to any participant that it will be impracticable to avoid the introduction of classified information into the hearing, he shall give to the other participants and the presiding officer prompt written notice of intent to introduce classified information into the hearing.

(c) A participant shall not introduce classified information into a proceeding after publication of a notice of a hearing consisting of written comments or a notice of oral hearing unless a notice of intent has been filed in accordance with this section, except as permitted in the discretion of the Commission when it is clear that the public interest will not be prejudiced.

(d) The notice of intent shall be unclassified and, to the extent consistent with classification requirements, shall include the following:

(1) The subject matter of the classified information, which it is anticipated will be involved;

(2) The highest level of classification of the information (confidential, secret, or other);

(3) The stage of the proceeding at which it is anticipated that the information would be needed; and

(4) The relevance and materiality of the information to the issue in the proceeding.

§ 110.125 Rearrangement or suspension of hearings.

In a hearing consisting of written comments or oral hearing conducted pursuant to this part, where a participant gives notice of intent to introduce classified information and the Commission determines that any other participant does not have required security clearance(s), the Commission may in its discretion:

(a) Re-arrange the normal order of the hearing in a manner which gives him an opportunity to obtain the required security clearance(s) with minimum delay in the conduct of the hearing;

(b) Upon a determination that suspension of the hearing or a portion of it would not be contrary to the public interest, suspend the hearing or any portion of it until all participants have had opportunity to obtain required security clearances; or

(c) Take such other action as it determines to be in the best interest of all participants and the public.

§ 110.126 Unclassified statements required.

(a) Whenever classified information is introduced into a hearing consisting of a written comments or an oral hearing conducted pursuant to this part, the participant offering it shall (to the extent consistent with classification requirements) submit to the Commission (or the presiding officer, if one has been designated by the Commission) and all participants an unclassified statement setting forth the information in the classified matter as accurately and completely as possible.

(b) In accordance with such procedures as may be agreed upon by the participants or prescribed by the Commission, and after notice to all participants and opportunity to be heard on the notice, the Commission shall determine whether the unclassified statement or any portion of it, together with any appropriate modifications suggested by any participant may be substituted for the classified matter or any portion of it in the hearing record without prejudice to the interest of any participant or to the public interest.

(c) If the Commission determines that the unclassified statement (together with such unclassified modifications as it finds are necessary or appropriate to protect the interest of other participants and the public interest) adequately sets forth information in the classified matter which is relevant and material to the issues in the proceeding, it will direct that the classified matter be excluded from the record of the hearing.

(d) The Commission may postpone all or part of the procedures established in this section until the reception of all other evidence has been completed. Service of any unclassified statement required in paragraph (a) of this section shall not be postponed if any participant does not have access to classified information.

§ 110.127 Weight to be attached to classified information.

In considering the weight and effect of any classified information to which a participant has not had opportunity to receive access, the Commission shall, in making its decision pursuant to § 110.110, give to such evidence such information as is appropriate under the circumstances.

§ 110.128 Protection of classified information.

Nothing in this subpart shall relieve any person from safeguarding classified information in accordance with the applicable provisions of laws of the United States and rules, regulations or orders of any Government agency.

Subpart L—Rulemaking Concerning the Regulations in This Part

§ 110.130 Initiation of rulemaking.

Rule making may be initiated by the Commission itself, on the recommendation of another agency of the United States Government, or on the petition of any person.

§ 110.131 Petition for rulemaking.

(a) Any person may petition the Commission to issue, amend, or rescind any regulation in this part. The petition should be addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch.

(b) The petition shall state the substance or text of any proposed regulation or amendment, or shall specify which regulation the petitioner wishes to have rescinded or amended, and shall state the basis for the request.

(c) The petition may request the Commission to suspend all or part of any licensing proceeding under this part, in which the petitioner is a participant, pending disposition of the petition for rule making.

(d) The Secretary will assign a docket number to the petition, deposit a copy in the Public Document Room, and publish in the FEDERAL REGISTER notice of the filing of the petition.

(e) Publication may be limited by order of the Commission to the extent that the requirements of Section 181 of the Act and Subpart K of this part must be met.

§ 110.132 Determination of petitions.

(a) No hearing will be held on the petition unless the Commission deems it advisable.

(b) If the Commission determines that sufficient reason exists, it will publish a notice of proposed rule making in the FEDERAL REGISTER. In any other case, it will deny the petition and will notify the petitioner with a statement of the grounds for denial.

(c) The Commission, in exercising the discretion which is authorized by section 4(a)(1) of the Administrative Procedure Act for rule making on the subject matter of this part, will decide for each petition what, if any, public rule making procedures will be followed.

(d) Commission action on each petition under this subpart will normally follow after the Commission receives and evaluates the views of the Executive Branch as may be appropriate for the subject matter of the petition.

§ 110.133 Notice of proposed rulemaking.

(a) When the Commission proposes to adopt, amend, or repeal a regulation, it will normally cause to be published in the FEDERAL REGISTER a notice of proposed rule making:

(1) Unless all persons subject to the notice are named and either are personally served or otherwise have actual notice in accordance with applicable law; or

(2) Unless the Commission in its discretion determines that public rule making procedures are inappropriate.

(b) The notice will include:

(1) Either the terms of substance of the proposed rule, or a specification of the subjects and issues involved;

(2) The manner and time within which the public may comment, and a statement that copies of comments may be examined in the Public Document Room;

(3) The authority under which the rule is proposed;

(4) The time, place. and nature of the public hearing, if any;

(5) If a hearing is to be held by other than the Commission, designation of any presiding officer and any special directions for the conduct of the hearing; and

(6) Such explanatory statement as the Commission may consider appropriate.

(c) The publication or service of notice will be made not less than fifteen (15) days prior to the time fixed for hearing, if any, unless the Commission for good cause stated in the notice provides otherwise.

§ 110.134 Participation.

(a) The Commission may afford any person an opportunity to participate in rule making through the submission of statements, information, opinions, and arguments in the manner stated in the notice or, as the Commission may order, in any other reasonable manner.

(b) The Commission may provide an opportunity for oral presentations by petitioners or members of the public, adopting procedures which in the Commission's judgment will best serve the purpose of the hearing.

§ 110.135 Commission action.

The Commission will incorporate in the notice of adoption of a regulation a concise statement of its basis and purpose, including any variation from the regulation initially proposed before public participation, and will publish in the FEDERAL REGISTER or serve upon affected persons the notice and regulation.

JUN 30 1977 UM

§ 110.136 Effective date.

The notice of adoption of a regulation will specify the effective date. Publication or service of the notice and regulation, other than one granting or recognizing exemptions or relieving from restrictions, will be made not less than thirty (30) days prior to the effective date unless the Commission directs otherwise on good cause found and published in the notice of rule making.

(Sec. 161, as amended, Pub. L., 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 27th day of June 1977.

For the U.S. Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-18780 Filed 6-27-77;5:10 p.m.]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211 and 212]

REGULATORY IMPACTS ON REFINERY INVESTMENT

Advance Notice of Proposed Rulemaking

AGENCY: Federal Energy Administration.

ACTION: Notice of inquiry; Advance notice of proposed rulemaking.

SUMMARY: The Federal Energy Administration ("FEA") is considering what amendments to its price and allocation regulations, if any, may be necessary to insure that regulatory disincentives to investment in domestic refineries are minimized. This notice of inquiry is being issued in order to obtain preliminary comments from interested persons with respect to whether there is a need for regulatory changes in this area, specifically about which disincentives currently in the regulations should be removed and what additional incentives permissible under current regulatory authorities may be provided.

DATES: Comments by August 3, 1977, 4:30 p.m.; Requests to speak by July 26, 1977, 4:30 p.m.; Public Hearing August 8, 1977, 9:30 a.m.

ADDRESSES: Comments and requests to speak to: Executive Communications, Room 3317, Federal Energy Administration, Box NI, Washington, D.C. 20461.

Public Hearing: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFOMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street, N.W., Room 2214B, Washington, D.C. 20461. (202-254-5201).

Ed Vilade (Media Relations), 12th & Pennsylvania Avenue, N.W., Room 3104, Washington, D.C. 20461. (202-566-9833).

Norman Breckner (Program Office), 2000 M Street, N.W., Room 2310, Washington, D.C. 20461. (202-254-7477).

Susan Pearce (Office of General Counsel), 12th & Pennsylvania Avenue, N.W., Room 7134, Washington, D.C. 20461. (202-566-2087).

SUPPLEMENTARY INFORMATION:

I. Background.
II. Refinery investment issues.
III. Types of regulatory impact on refinery investment.
IV. Additional questions for refiners.
V. Comment procedure.

I. BACKGROUND

A. *Introduction.* The FEA is concerned that investment in domestic refineries be adequate in amount and appropriately balanced. Although this is a question not dealt with directly in the regulations, the FEA is aware of the potential indirect impact of its allocation and price regulations on investment decisions.

Because of changing market forces, investment planning inevitably involves uncertainty. Government regulations, the prospects of changes in them, and the uncertain nature of such changes, all add to the basic uncertainty of the market. Some types of regulations (for example, mandatory environmental standards) intentionally channel and constrain investment planning. Other regulations (FEA cost passthrough regulations), having a different principal objective, nevertheless alter the relative incentives for different investments. FEA is aware of and concerned with the possible effects of price and allocation regulations on refiners' investments in both primary refining capacity and particular product processing capability.

When price controls were initially imposed on the petroleum industry, first as part of a generally applicable wage and price stabilization program and later under a program specifically designed for the industry, it was not anticipated that they would be in place for an extended period of time. Although the FEA has made many modifications in the structure of the price regulations to adapt them to a less temporary situation, it may be that additional amendments are needed in order to minimize disincentives to refinery investment at the present time.

B. *History of Refiner Pricing Regulations under the Economic Stabilization Act and Emergency Petroleum Allocation Act.* On August 15, 1970, in an attempt to "stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar" Congress enacted the Economic Stabilization Act of 1970 ("ESA," Pub. L. 91-139). In order to meet these goals, the ESA authorized control of prices, rents, wages, salaries, dividends and interest. The ESA as amended and extended provided such price control authority until its expiration on April 30, 1974.

Pursuant to this authority, in August 1971, the President ordered a comprehensive "freeze" of all prices (Executive Order 11615, 36 FR 15727, August 15, 1971). This freeze lasted until November 13, 1971, and came to be known as Phase I. Beginning on November 14, 1971, a system of flexible price controls was developed and administered (during Phases II, III, IV) by the Price Commission and the Cost of Living Council ("CLC"). The specific regulatory concepts developed during this period included the principle of allowable price increases over a base price calculated on the basis of increased costs and subject to a profit margin limitation. The regulations implementing this principle of cost-justified price increases applied to many industries, and there were no comprehensive regulations specifically designed for the petroleum industry until Phase IV. On August 17, 1973, the Cost of Living Council issued its Phase IV petroleum price regulations which adopted a similar flexible system of controls and provided for a dollar-for-dollar passthrough of the increased costs of crude oil and purchased petroleum products (38 FR 22536, August 22, 1973). Increased non-product costs could be passed through only after prenotification of the proposed price increase and only provided that the base period profit margin was not exceeded. In addition, increased costs were required to be applied equally to the prices charged to each class of purchaser.

At the time of the oil embargo of October 17, 1973 to March 18, 1974, the Emergency Petroleum Allocation Act of 1973 ("EPAA") was enacted (Pub. L. 13-159, November 27, 1973; 15 U.S.C. § 751 *et seq.*, as amended). The EPAA contained broad petroleum allocation and price control authority, and subsequent to its enactment all petroleum price control functions were transferred from the CLC to the Federal Energy Office ("FEO") and its successor agency, the Federal Energy Administration.

The statutory mandate of the EPAA was to control prices of crude oil and petroleum products so as to maintain a balance between providing a sufficient price incentive for adequate production and protecting the consumer from unjustified increases in the prices of petroleum products. With respect to refiners, pursuant to the competing EPAA goals of providing increased incentives while maintaining inflation controls, the FEO and FEA retained the basic Phase IV cost-justification system of price increases, but provided additional flexibility in order to facilitate the recovery of increased costs.

Since the original implementation of the price control regulations, the FEO and FEA have made many regulatory changes which specifically impact on the incentives for refinery investment. The CLC prenotification restriction on the passthrough of increased non-product

costs was removed and an automatic passthrough of certain increased non-product costs was substituted, effective December 1, 1974 (39 FR 42368, December 5, 1974). The CLC "special product rule" which restricted the passthrough of increased costs on gasoline, diesel fuel, and heating oil was removed with respect to gasoline on November 1, 1974 (39 FR 39259, November 6, 1974), as was the once-a-month restriction on price increases, effective January 1, 1976 (41 FR 1267, January 7, 1976). Increased flexibility with respect to the profit margin limitation was provided by the "repurification" amendment (40 FR 32734, August 4, 1975), and the profit margin limitation itself was eliminated effective January 1, 1876 (41 FR 9087, March 3, 1976). Beginning February 1, 1976, the FEA provided the additional flexibility of banking unrecovered increased non-product costs (41 FR 15330, April 12, 1976). Further, with respect to class of purchaser restrictions, effective August 1, 1976, refiners were permitted the "regional pricing" flexibility of a disproportionate application of costs among purchasers of gasoline (the only major product remaining under controls at the time) in different PAD districts (41 FR 30021, July 21, 1976). Finally, in order to provide further incentive for capital investment and refinery construction and expansion, the FEA, effective January 1, 1977 (42 FR 5023, January 27, 1977), expanded the categories of allowable non-product costs. Depreciation cost is one of the most important new categories for which a passthrough is now permitted. To protect previous reliance on the refinery fuel conservation incentive, that computation of increased refinery fuel costs was retained as an optional method (provided certain adjustments to the increased depreciation cost computation are made).

Despite these regulatory changes, designed to permit a normalization of refiner decision-making and encompassing those items stressed as necessary by refiners, the FEA is concerned that some of the issues involved in refinery investment have not been adequately addressed or analyzed. The purpose of this notice of inquiry is to discuss some of those issues and to solicit information upon which to base a thorough analysis of the entire question.

II. REFINERY INVESTMENT ISSUES

The adequacy and balance of domestic refining capability in future years will be tested in several principal connections. One relates to the capability to cushion a potential supply interruption. The Strategic Petroleum Reserve is intended to provide an emergency supply of crude oil. If imports of products as well as of crude oil declined in an emergency, an effective cushion would require a domestic refining capacity adequate to accommodate flexibility in crude oil runs to provide the desired degree of response to reduced product imports.

Any other test involves the need to produce lower-sulfur products (residual fuel oil, heating oil, etc.) from relatively high-sulfur crude oil, and higher octane clear-pool gasoline to compensate for the decline in lead as a gasoline additive. Many refineries cannot significantly increase the use of higher-sulfur crude oil without, for example, metallurgical improvements that provide resistance to corrosion. At the same time, increased downstream desulfurization will be required for products produced to more stringent sulfur specifications from relatively higher-sulfur feedstocks. Refinery expansions completed in 1976, particularly on the West Coast, provided significant additional desulfurization capacity for distillates and residual fuel oil. With the relative increase in the use of higher-sulfur crude oil, however, the FEA believes that still more capacity will be needed.

Notwithstanding the decline in use of higher-performance automobile engines and the predicted decline in the rate of increase in gasoline consumption, new gasoline specifications will require substantial upgrading of downstream processing capability. With reduced use of lead as an additive, and reductions in other additives such as manganese (if environmental regulations should require them), compensations are necessary to achieve a desired octane level. More crude oil could be run, and clear octane ratings of the gasoline pool increased. To economize on crude oil and increase the clear octane of the gasoline blending streams, additional investments are required in a variety of downstream processes such as hydrocracking, coking, catalytic reforming, alkylation, and isomerization.

It will also be essential in the future for refineries to reduce their consumption of natural gas and refinery gas as refinery fuels and to turn increasingly toward the conversions necessary to permit the burning of heavier fuels in the refinery and to extract greater proportions of propane and butane from refinery gas streams. In view of the importance of reducing refinery consumption of natural gas (combined with the obvious utility of heavy ends as a refinery fuel, especially in the west and upper mid-continent), and of the need for increasing volumes of propane and butane that will be needed for gasoline blending, FEA attaches substantial importance to the removal of any disincentives to accomplish these purposes.

FEA is concerned that any inability of refiners to recover a return on new investment may have inhibited such investments in refinery expansion and conversion.

FEA is also concerned with the development of new storage capability, both for crude oil and products, commensurate with demand growth. The availability of terminal and secondary product storage is a further concern, especially in light of the experiences of the last winter in the inability of distribution systems to accommodate extreme seasonal demand surges. FEA specifically requests comments on the impact of its regulations on the development of adequate primary and secondary product storage.

The concern of the Federal Energy Administration with the investment climate for domestic refiners is that regulations in petroleum pricing and allocation, and import controls, should not unnecessarily contribute to diminished incentives and uncertainty of expectations and thus threaten the development of necessary capacity additions and upgrading. One regulatory objective should be a more certain environment in which to plan investments without simultaneously dampening or distorting the competition in the market that is the essential source of benefits to users of petroleum products as a whole.

III. TYPES OF REGULATORY IMPACT ON REFINERY INVESTMENT

The FEA requests comment on the specific nature and extent of investment disincentives found in the following and other regulations. Suggested remedies and specific proposals for implementing remedies are encouraged.

A. *Cost passthrough—Maximum lawful product prices.* Refiners have long maintained that under the cost passthrough regulations there is a disincentive to incur capital investments. Although the inclusion of depreciation cost (with interest cost, which was already included) in the categories of allowable increased non-product costs has at least greatly improved, and perhaps totally alleviated, this situation, the regulations do not provide for the passthrough of an additional return on equity (usually expressed as an annual percentage of return on total equity) which over the long-run may be required to attract investment in refining. It may be that an effect of the current regulations in some instances is to restrict rates of return in such a way that effective rates of return have been below the May 15, 1973 level owing to the effects of inflation.

At the same time, the passthrough regulations may lead to a reduction in maximum lawful price if the investment benefit takes the form of capability to process lower-cost (e.g., lower-gravity and higher-sulfur) feedstocks. If a refiner invests in improved desulfurization capability or in improved processing facilities for its lighter products, and then runs a higher-sulfur or lower-gravity crude oil, the maximum lawful prices of products must be lower to the extent that the decrease in feedstock acquisition costs is greater than the increase in depreciation cost. The passthrough regulation denies to the refiner the increased profit potential, based on cost reduction, that a competitive market would permit as an incentive to an efficient investment. Comments are requested on the extent to which changes are necessary in this area and on the extent to which such changes would be consistent with the requirements of § 401(a) of the Energy Policy and Conservation Act (Pub. L. 94-163).

JUN 30 77

B. *Crude oil entitlements.* Under crude oil allocation and price regulations, the entitlements program is intended to distribute the benefits of price-controlled domestic crude oil among all refiners and consumers by approximately equalizing the net acquisition costs of crude oil to domestic refiners. However, the entitlements program may also operate to affect refiner investment incentives in unexpected or undesirable ways. Two examples of potential impact may be given.

The first possible effect involves residual fuel oil, which in volume terms is by far the most important imported petroleum product. Partial entitlements are now given to imports of residual fuel oil on the East Coast while the benefit of full entitlements is withheld from domestic refiners in other regions who market residual fuel oil on the East Coast. This raises the question of the adequacy of incentives to invest in an appropriate amount of primary distillation capacity for flexibility in producing more residual fuel oil domestically and distributing more domestically-produced residual fuel oil to the East Coast in the event the flow of residual fuel oil imports should be restricted or curtailed.

Another example concerns the incentives for refiners to use heavier and higher-sulfur domestic crude oils relative to lighter and lower-sulfur oils, particularly imports. The former historically have sold for less, reflecting their lower refinery value for a given product slate. Crude oil price controls and the entitlements system may, however, have altered refiner incentives to use different crude oils.

There are now two determinants of the relative incentives for refiners to use different crude oils. One is the relative value of each oil in producing the product slate. The other determinant is the effect of entitlements on the net acquisition cost. Calculated on the basis of differences between national average refiner acquisition costs of crude oils in the different price tiers, entitlements constitute a system of per-unit charges and credits levied on crude oil use, the amount varying only with the price tier. The size of the effective charge or subsidy, as the case may be, is a determinant of the maximum price a refiner will pay in the market for each type of crude oil. That price varies inversely with the size of the charge and directly with the size of the subsidy.

There is some, but not conclusive, evidence that net acquisition costs to refiners, including the entitlements effect, of the same quality crude oil varies inversely with the price tier, with heavy high sulfur crude oil in the lower tier having the highest net acquisition cost. The FEA requests additional information on these questions that would help to determine if these cost differentials do occur and, if so, how widespread they may be.

The FEA also specifically requests comments with respect to whether the entitlements program operates in such a way as to discourage production of lower tier, high-sulfur crude oil and, if so, whether and in what respect this potential curtailment of supply impacts on refinery conversions.

IV. Additional Questions for Refiners

Comment is particularly requested in response to the following specific questions.

1. If gasoline is exempted from price controls, thus removing any existing specific regulatory disincentives for refinery investment, would it still serve a useful purpose to amend the "stand-by" regulations?

2. For a refiner which runs crude oils of approximately the same gravity and sulfur content, but subject to two or more pricing tiers for entitlements purposes under current regulations, is there a difference between the two tiers in refiner acquisition costs including the entitlement effect and, if so, what is the difference?

3. Under current crude oil price and entitlement regulations, what are the relative costs of and incentives to run the following crude oil categories: (1) high-sulfur, lower tier domestic; (2) high-sulfur, imported; (3) low-sulfur, lower tier domestic; (4) low-sulfur, imported?

4. For refiners who have invested in improved desulfurization or processing capacity, what is the exact nature of the improvement; what was the original and what is the incremental capacity; what is the estimated investment cost (related to some quantity like annual output from that refinery); what is the estimated effect on feedstock cost per barrel; what are the operating costs, excluding capital amortization, before and after the improvement?

5. What alternative types of investments would be involved in equipping the facility or facilities of refiners commenting on this notice in order to meet the current Environmental Protection Agency lead phase-down schedule? What will be the effect on the amount of crude oil runs to meet gasoline specifications and on the octane ratings of gasoline produced?

6. What are estimated per-barrel processing costs for a high-conversion, sour crude oil refinery compared to a refinery designed to process sweet crude oil?

7. How significant is the impact on refiner investment incentives of current FEA price and allocation regulations compared to market uncertainties, including the still developing international price structure for crude oil of different qualities?

8. Are there some refiners to which the availability of domestic crude oil would increase if the crude oil supplier/purchaser regulations were withdrawn but the price ceilings were retained? If so, how? What would be the incentive for crude oil producers to seek new purchasers?

9. What types of refinery construction/expansion projects would be initiated if certain regulatory constraints were removed, and what are the constraints? Would emphasis be on increasing the total yield, or increasing the amount of higher yields by upgrading processing capability? When would construction be commenced, and when would the new facility be one line?

10. What would be the effect on investment if some additional return on equity were allowed to be passed through in calculating maximum lawful prices in 10 CFR Part 212 Subpart E?

V. Comment Procedures

a. *Written comments.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposals set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Refinery Investment," Box NI. Fifteen copies should be submitted. All comments received by FEA will be available for public inspection in the FEA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue, N.W., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

b. *Public hearings.* 1. *Request procedure.*—The time and place for the hearings are indicated in the dates section of this preamble. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the date of the hearing.

Any person who has an interest in the proposed amendments issued today, or who is a representative of a group or class of persons that has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned, if appropriate, to state why he or she is a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where he or she may be contacted through the day before the hearing.

Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., July 28, 1977 and must submit 100 copies of his or her statement to Regulations Management, Room 2214, 2000 M Street, N.W., Washington, D.C., before 4:30 p.m., e.d.t., August 4, 1977.

2. *Conduct of the hearings.* The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearings, to Executive Communications, Box NI, FEA, before 4:30 p.m., e.d.t., August 3, 1977. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In the event that it becomes necessary for the FEA to cancel a hearing, FEA will make every effort to publish advance notice in the Federal Register of such cancellation. Moreover, FEA will notify all persons scheduled to testify at the hearings. However, it is not possible for FEA to give actual notice of cancellations or changes to persons not identified to FEA as participants. Accordingly, persons desiring to attend a hearing are advised to contact FEA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

Because this Notice does not propose the adoption by FEA of a rule, regulation, or policy affecting the quality of the environment, it has not been submitted to the Administrator of the Environmental Protection Agency for his comments.

NOTE: Because this notice does not propose the adoption by FEA of a rule or regulation, FEA has determined that this document does not require preparation of an Economic Impact Evaluation under Executive Order 11821 and OMB Circular A-107.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185.)

Issued in Washington, D.C., June 27, 1977.

ERIC J. FYGI,
Acting General Counsel,
Federal Energy Administration.

[FR Doc.77-18770 Filed 6-29-77;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Share Draft Programs; Extension of Comment Period

AGENCY: National Credit Union Administration.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comments on the proposed share draft rule, which prescribes the requirements for the establishment and implementation of share draft programs for Federal credit unions, in order to allow interested parties an opportunity to comment on the specific sections of the Federal Credit Union Act relied upon by the National Credit Union Administration as authority for the proposed rule.

DATES: Comments must be received on or before August 1, 1977.

ADDRESSES: National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

Joseph Bellenghi, Assistant Administrator for Examination and Insurance, at the above address. Telephone: (202) 254-8760.

SUPPLEMENTARY INFORMATION: On February 28, 1977, the National Credit Union Administration published a proposed rule (42 FR 11247) which would prescribe the requirements for the establishment and implementation of share draft programs for Federal credit unions. The public was advised that the major issue was whether or not Federal credit unions could legally permit their members to make withdrawals by means of drafts.

Comments submitted by the Independent Bankers Association of America pointed out that the National Credit Union Administration inadvertently failed to cite the specific sections of the Federal Credit Union Act (12 U.S.C. 1751, et seq.) relied on as authority for the proposed rule. Notice is hereby given that the authority for the proposed rule is found in sections 101(1), 107(1), 107(6), 107(15) and 120(a) of the Federal Credit Union Act as amended through April 19, 1977 (12 U.S.C. 1752(1), 1757(1), 1757(6), 1757(15), and 1766(a)).

Because most of the parties who submitted comments addressing the National Credit Union Administration's authority to issue the proposed rule did in fact discuss these sections of the Federal Credit Union Act, the National Credit Union Administration has decided that a reasonable extension of the comment period will cure any administrative defect by affording an additional opportunity for interested parties to submit comments regarding the issue of authority. Therefore, the comment period is hereby extended to August 1, 1977.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

C. AUSTIN MONTGOMERY,
Administrator.

JUNE 27, 1977.

[FR Doc.77-18730 Filed 6-29-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-69]

AIRWORTHINESS DIRECTIVE

Bell Models 204B, 205A-1, 212, 214B, and 214B-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice is a proposal to issue an Airworthiness Directive (AD) requiring adjustment of the emergency exit latch pins and requiring inspection holes for the exit latch pin engagement in Bell Models 204B, 205A-1, 212, 214B, and 214B-1 helicopters. An exit may be lost in flight if the latch pins are not properly engaged.

DATES: Comments and letters must be received by July 28, 1977. Proposed effective date of the AD will be September 18, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, ASW-7, Attn. Docket No. 75-SW-69, Southwest Region, Federal Aviation Administration, P.O. 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, and Joseph Kovarik, ASW-7, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817-624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: Amendment 39-2451 (40 FR 57784) AD 75-26-03, issued as a result of inflight loss of emergency exits, improves the identification of the emergency exit handle and main sliding door handle on Bell Models 204B, 205A-1, and 212 helicopters. Bell Helicopter Textron subse-

JUN 30 1977 UM

quently issued several service bulletins to require adjustment of the emergency exit latch pins and installation of interior inspection holes for inspection of the exit latch pin engagement and identification of these holes on the Models 205A–1, 212, 214B, and 214B–1 helicopters, and installation of longer spacers for the internal and external exit handle covers on the Bell Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters.

The agency believes that the adoption of these changes will improve the safety of these helicopters as well as the Model 204B by providing for proper engagement of the exit latch pins. Since Amendment 39–2451, AD 75–26–03, was issued, a few additional reports have been received in which an exit was lost in flight. In the interest of safety, the agency proposes to issue a new AD, to complement AD 75–26–03, requiring compliance with the various Bell Helicopter Textron service bulletins that require adjustment of the exit latch pins, inspection holes for the latch pins, identification of these holes and proper length spacers for the exit handle covers on Bell Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters. Compliance would be initially required within 100 hours' time in service after the effective date of the AD and thereafter at intervals not to exceed 300 hours.

Interested persons are invited to participate in the development of the final rule by submitting written and oral comments as they desire. All comments will be recorded and considered by the Director before taking final action, and the proposal may be changed as a result of comments received. All comments will be available for examination before and after the closing dated for comments in the Office of the Regional Counsel, FAA, Southwest Region, 440 Blue Mound Road, Fort Worth, Texas 76101.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and Joseph Kovarik, Regional Counsel, Southwest Region, FAA.

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BELL: Applies to Models 204B, 205A–1, 212, 214B, and 214B–1 helicopters, certificated in all categories.

Compliance required as indicated.

To assure emergency exit latch pin engagement and to provide inspection holes for each exit retractable pin, accomplish the following:

(a) Within 100 hours' time in service after the effective date of this AD, accomplish the following one-time inspection and modification unless already accomplished.

(1) Inspect each exit internal and external handle cover installation and determine that NAS 43DD3–8 spacers, .12 inches long, are installed as illustrated in Bell Helicopter Textron Service Bulletin Nos. 204–77–2, 214–77–1, 212–77–11, or 205–77–9 or any revisions thereof.

(2) Add one-inch diameter inspection holes and provide a clear view of those holes through any interior lining in the right and left side passenger door assemblies in accordance with BHT Service Bulletin Nos. 205–77–6, 212–77–9, and 214–77–4 or later revision for the appropriate model helicopters.

For the Model 240B, locate the one-inch inspection hole center near the end of the fully-engaged latch pin, cut and debur the hole in the interior skin, and cut a one-inch hole in any interior lining, if installed.

(3) Label each of these inspection holes using stencils as noted in the service bulletins listed in paragraph (a) (2) of this AD; or use FAA approved equivalent placcards, labels, or stencils located adjacent to each hole on the interior skin lining, if installed.

(b) Within 100 hours' time in service after the effective dated of this AD and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, accomplish the following:

(1) Inspect the latch mechanism of each passenger exit and adjust as necessary to make each pin end flush with the exit frame edge, when the mechanism is in the fully unlatched position, as prescribed in Bell Helicopter Textron (BHT) Service Bulletin Nos. 205–76–12, 212–76–9, and 214–76–4 or later revision for the appropriate model helicopter. For the Model 204B, inspect and adjust the latch mechanism as noted but use appropriate procedures specified in Service Bulletin No. 205–76–12 or later revision.

(2) Inspect for and add as necessary a painted stripe around the cylinder part of each pin using white or other suitable color.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(d) The manufacturer's instructions identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(Sections 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Section 6(c)), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Fort Worth, Texas, on June 16, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77–18568 Filed 6–29–77;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 77–SW–26]

AIRWORTHINESS DIRECTIVE

Bell Models 205A–1 and 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making (NPRM).

SUMMARY: This notice proposes to issue an Airworthiness Directive requiring repetitive inspections of certain tail rotor pitch horns that are susceptible to stress corrosion cracks. Failure of the pitch change horn as a result of a crack may result in loss of control of a tail rotor blade with loss of control of the helicopter.

DATES: Comments and letters must be received by July 20, 1977. Proposed effective date of the AD will be September 29, 1977.

ADDRESSES: Send comments on the proposal in triplicate to: Regional Counsel, ASW–7, Attn. Docket No. 77–SW–26, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT:

James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW–212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number 817–624–4911, Extension 516.

SUPPLEMENTARY INFORMATION: Bell Helicopter Textron received a tail rotor pitch change horn that had a stress corrosion crack running from the barrel nut hole to the bushing. Failure of the pitch horn as a result of a stress corrosion crack may result in loss of control of one of the tail rotor blades. These pitch change horns are used on the Bell Model 212 type of tail rotor blades that are used on all Model 212 and some Model 205A–1 helicopters. Bell Helicopter Textron issued Service Bulletin Nos. 205–77–5 and 212–77–7 for a one-time inspection for cracks and replacement of horns, P/N 212–010–716 –5 and –9, with new horns, P/N 212–010–716–11, at the next scheduled overhaul. Horns, P/N 212–010–716–11, are made using a new manufacturing process and are less susceptible to stress corrosion cracks. In the interest of safety, the agency believes that a repetitive inspection for cracks, at 100-hour intervals, for horns, P/N 212–010–716 –5 and –9, is warranted to maintain airworthiness of the Models 212 and 205A–1 helicopters, but that installation of the new horns, P/N 212–010–716–11, is not mandatory; however, if the new pitch change horns, P/N 212–010–716–11, are installed on the Models 212 and 205A–1 helicopters, repetitive inspections will not be required.

Interested persons are invited to participate in the development of the final rule by submitting written and oral comments as they desire. All comments will be recorded and considered by the Director before taking final action and the proposal may be changed as a result of comments received. All comments will be available for examination before and after the closing date for comments in the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76101.

DRAFTING INFORMATION

The principal authors of this document are James H. Major, Aerospace Engineer, Flight Standards Division, and James O. Price, General Attorney, Southwest Region, FAA.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BELL: Applies to Model 212 helicopters, S/N 30502 through 30804, 30806 through 30810, 30812, 30814, 30815, 30817, 30818, 30820 through 30825, 30827, 30828, 30829, and to Model 205A–1 helicopters, S/N 30001 through 30247, equipped with tail rotor blades, P/N 212–010–750, certificated in all categories.

Compliance required within 25 hours' time in service after the effective date of this AD unless already accomplished and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

To detect possible cracks in each tail rotor blade pitch change horn, P/N 212–010–716 –5 and –9, accomplish the following:

(a) Remove the bolt and barrel nut of the control rod and clean the external surfaces of the pitch change horns.

(b) Inspect the horns for cracks, particularly in the barrel nut and bushing area using a dye penetrant or equivalent inspection method.

(c) If a crack is found, replace the affected pitch change horn before further flight in accordance with the Model 212 Overhaul Manual, paragraphs 65–58 and 65–63, or Models 205A/205A–1 aMintenance and Overhaul Instructions, paragraphs 3–41 and 3–43, as appropriate.

(d) Install the blade's control rod bolt and barrel nut as specified in the instructions in paragraphs 65–57 Model 212 Maintenance Manual or 3–40 Models 205/205A–1 Maintenance and Overhaul Instructions, as appropriate.

(e) After installation of pitch change horns, P/N 212–010–716–11, this AD is no longer applicable.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

(g) The manufacturer's instructions identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(Bell Helicopter Textron Service Bulletin Nos. 212–77–7 and 205–77–5, dated March 11, 1977, pertain to this subject.)

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; section 6 (c)), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A–107.

Issued in Fort Worth, Texas, on June 16, 1977.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.77–18569 Filed 6–29–77;8:45 am]

[14 CFR Part 71]

[Docket No. 77–SO–26]

TRANSITION AREA AT MARCO ISLAND, FLA.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: A public use instrument approach procedure is being developed for the Marco Island, Florida, Airport, and additional controlled airspace is required for containment of IFR operations. This proposed rule will designate the Marco Island, Florida, transition area and will lower the base of controlled airspace in the vicinity of the airport from 1,200 to 700 feet to accommodate the anticipated IFR operations.

DATES: Comments must be received on or before: August 9, 1977.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; Telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before August 9, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Marco Island, Fla., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Marco Island Airport.[1]

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division and Ronald R. Hagadone, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

THE PROPOSED AMENDMENT

§ 71.181 [Amended].

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

MARCO ISLAND, FLORIDA

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Marco Island Airport (Lat. 25°59'46" N., Long. 81°40'22" W.); within 3 miles each side of the 174° bearing from the Marco Island RBN (Lat. 26°00'01" N., Long. 81°40'30" W.); extending from the 6.5 mile radius area to 8.5 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring

[1] Map filed as part of the original document.

JUN 30 1977 UM

preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on June 20, 1977.

PHILIP M. SWATEK,
Director, Southern Region.

[FR Doc.77-18413 Filed 6-29-77;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 77-GL-22]

BELVIDERE, ILLINOIS

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace, a transition area, near Belvidere, Illinois, to accommodate a new instrument approach procedure to the Belvidere Airport.

DATES: Comments must be received on or before July 28, 1977.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk. Docket No. 77-GL-22, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The circumstance which created this action was a request form the Belvidere Airport officials to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 77-GL-22, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before July 28, 1977, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Belvidere, Illinois. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1977 (42 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

§ 71.181 [Amended]

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In § 71.181 (42 FR 440), the following transition area is added:

BELVIDERE, ILLINOIS

That airspace extending upward from 700' above the surface within a five statute mile radius of the Belvidere Airport (latitude 42°19'25" N., longitude 88°50'25" W.), Belvidere, Illinois, and within two statute miles either side of a 255° bearing from the airport, extending from the five-mile radius area to six and one-half statute miles southwest of the airport.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.81 of the Federal Aviation Regulations (14 C.F.R. 11.61).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Illinois, on June 16, 1977.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.77-18414 Filed 6-29-77;8:45 am]

[14 CFR Part 91]

[Docket No. 16987; Notice No. 77-10]

TAXI CLEARANCES AT AIRPORTS WITH OPERATING CONTROL TOWERS

Proposed Clarification of Certain Taxi Clearances

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to make it clearer that a clearance to "taxi to" an assigned runway prior to taking off on that runway does not authorize the aircraft to cross that same runway where it intersects the taxi route; to rephrase the rule to apply to "persons," rather than "pilots;" and to extend the rule to points on an airport other than the takeoff runway. The intended effect of this proposal is to make it clearer that persons taxiing an aircraft must receive a specific authorization from ATC prior to crossing or taxiing on the assigned takeoff runway at any point but may cross other runways that intersect the taxi route. The need for this proposal is created by experience that suggests that the current rule may be read as permitting taxiing across the assigned takeoff runway under a clearance to "taxi to" that runway.

DATES: Comments must be received on or before September 28, 1977.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16987, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Maurice Taylor, Air Traffic Rules Branch, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3128.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received by the FAA on or before September 28, 1977, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rule making will be filed in the docket.

AVAILABILITY OF NPRMS

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-12 which describes the application procedure.

DISCUSSION OF PROPOSED RULE

Paragraph 91.87(h) provides that no pilot may, at an airport with an operating control tower, taxi an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. It states that a clearance to "taxi to" the runway is a clearance to cross all intersecting runways but is not a clearance to "taxi on" the assigned runway. In cases in which the taxi route crosses the assigned runway at some point prior to the pre-takeoff position, the current rule has been read by some persons as permitting operation across that runway even though other air traffic may be landing or taking off on that runway. This is not the intent of the rule. The FAA believes that this could cause an unsafe condition in cases in which the assigned takeoff runway is also an "intersecting runway."

In order to prevent this, this notice proposes to amend the rule to make it more clear that a clearance to "taxi to" a runway prior to takeoff on that runway is a clearance to cross all runways intersecting the assigned taxi route but is not a clearance to cross, or taxi on, the takeoff runway at any point along its length.

In addition, the FAA believes that the rationale that supports the rule with respect to runways intersecting the taxi route to the assigned takeoff runway also applies to clearances to "taxi to" a destination other than the takeoff runway. For this reason, this notice also proposes to amend the rule to provide that a clearance to "taxi to" any point on an airport other than a takeoff runway is a clearance to cross all runways intersecting the taxi route.

Finally, to achieve stylistic conformity with other sections of Subpart B of Part 91, the words "no person may * * * taxi" would be substituted for the words "no pilot may * * * taxi."

DRAFTING INFORMATION

The principal authors of this document are Maurice Taylor, Air Traffic Service, and Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED RULE

Accordingly, the Federal Aviation Administration proposes to amend Part 91 of the Federal Aviation Regulations (14 CFR Part 91) by amending § 91.87(h) to read as follows:

§ 91.87 Operation at airports with operating control towers.

* * * * *

(h) *Clearances required.* No person may, at an airport with an operating control tower, operate an aircraft on a runway or taxiway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. A clearance to "taxi to" the takeoff runway assigned to the aircraft is not a clearance to cross that assigned takeoff runway, or to taxi on that runway at any point, but is a clearance to cross other runways that intersect the taxi route to that assigned takeoff runway. A clearance to "taxi to" any point other than an assigned takeoff runway is a clearance to cross all runways that intersect the taxi route to that point.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348 and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.45.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 20, 1977.

RAYMOND G. BELANGER,
Director, Air Traffic Service.

[FR Doc.77-18650 Filed 6-29-77;8:45 am]

[14 CFR Parts 1, 121]

[Docket No. 16985; Notice No. 77-9]

CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Proposed Line Check Requirements and Use of Advanced Flight Monitoring System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to amend the Federal Aviation Regulations to require a line check for all pilot flight crewmembers and to provide for the approval for use by a certificate holder of an advanced flight monitoring system. The FAA believes that this proposal is justified because the state of the art of airplane simulators has progressed to a point where most proficiency training and checking can be accomplished in them.

DATE: Comments must be received on or before September 28, 1977.

ADDRESS: Send comments on the proposals to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 16985, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Raymond E. Ramakis, Regulatory Projects Branch, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

All interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number (Docket No. 16985, Notice No. 77-9) and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before September 28, 1977, will be considered by the Administrator before taking any action on the proposed rules. However, interested persons are urged to submit their comments as early as possible to facilitate rapid resolution of any issues raised. Comments received after the above date will be considered, as far as possible, without incurring expense or delay. The proposals contained in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rule making will be filed in the public regulatory docket.

AVAILABILITY OF NPRM

Interested persons may examine this notice of proposed rule making in the Rules Docket, AGC-24, Docket No. 16985. Copies of this notice may be obtained by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications should identify the notice number.

JUN 30 1977 UM

DISCUSSION OF PROPOSED RULE

Part 121 permits a substantial amount of flight crewmember training and checking to be accomplished in training devices and simulators. The state of the art of airplane simulators with motion and visual systems has progressed to a point where proficiency training and checking on most required maneuvers may be effectively accomplished in them.

In light of this the FAA believes that there is a need for revision of the present line check requirement to provide for more frequent observation of pilot flight crewmembers in flight. Section 121.440 presently provides that no certificate holder may use any person, nor may any person act, as pilot in command of an airplane unless, within the preceding 12 calendar months, that person has passed a line check in which he satisfactorily performs the duties and responsibilities of a pilot in command in one of the types of airplanes he is to fly. The FAA believes that § 121.440 should be amended to require that each pilot in command receive a line check every six months in one of the types of airplanes in which he serves, and every 12 months in each type of airplane in which he serves. Moreover, the FAA believes that a line check should be required for all required pilot flight crewmembers. Accordingly, it is proposed to revise § 121.440 to require that each required pilot flight crewmember, other than pilot in command, pass a line check every 12 months in one type of airplane in which he serves. During that check he would be required to satisfactorily perform his required duties and responsibilities.

The FAA is aware of a substantial variation in the manner in which line checks are conducted by certificate holders. For this reason the FAA believes that the specific content of these checks should be prescribed in § 121.440. Accordingly, it is proposed to require that during each line check a pilot in command make two takeoffs and two landings and a required pilot flight crewmember, other than pilot in command, make one takeoff and one landing. A new paragraph (c) would be added to specify those items with respect to which the pilot being checked must satisfactorily perform his duties and responsibilities. Each person conducting a line check would be required to prepare a report on a form acceptable to the Administrator showing the performance of the pilot being checked with respect to each item.

In recent years systems have been under development that are designed to provide continuous monitoring of certain aspects of the performance of pilot flight crewmembers in the operational environment. In each of these "advanced flight monitoring systems" (AFMS) equipment in the aircraft continuously collects information on the aircraft's operation on the ground and during all phases of flight. For example, during takeoff and climb the equipment might monitor, among other things, the rotation speed, landing gear retraction, takeoff flap settings and flap retraction speeds, climb speed, rate of climb, altitude, heading changes, and altimeter changeover. During cruise the equipment might monitor indicated airspeed and mach, altitude and heading. During descent and landing the equipment might monitor speed brake actuation, flap extension speed, rate of descent, ILS course deviation, approach speeds, and "G" loads.

This information is subjected to computer analysis which is designed to alert the certificate holder to any deviation from predetermined operating standards. These deviations are then reviewed to determine whether the matter merits discussion with the pilot. In some cases additional training tailored to the individual crewmembers may be in order. In addition, the system may reveal deviations involving a number of pilots which may dictate that emphasis be placed on specific operating procedures during training for all pilots.

The FAA has encouraged the development and testing of these advanced flight monitoring systems. In this connection, on August 30, 1971, the FAA issued Exemption No. 1428 to American Airlines, Inc., to allow for the operational evaluation of a system of this nature developed specifically for that certificate holder's BAC 1–11 airplanes. That exemption allowed American Airlines to monitor the pilots in command of its BAC 1–11 airplanes under a flight monitoring system in lieu of, among other things, the line check required by § 121.440 and proficiency check required by § 121.441. The program was terminated when the certificate holder discontinued the use of BAC 1–11 airplanes.

Based on the experience gained in connection with Exemption No. 1428 the FAA believes that it is feasible to design an AFMS specifically for the operations and equipment of the individual certificate holder. Such a system could provide sufficient information upon which a determination could be made as to whether pilots are satisfactorily performing their duties with respect to those aspects of the aircraft's operation that the AFMS is designed to monitor, and are maintaining a level of proficiency equivalent to that required by § 121.441 with respect to specific maneuvers and procedures. Moreover, the FAA believes that an AFMS, used in conjunction with an appropriate simulator course of training, could justify the elimination of the entire proficiency check.

In view of this, it is proposed to adopt a new § 121.455 to provide for the approval of AFMS's for individual certificate holders. To obtain initial and final approval of an AFMS or a revision to an approved AFMS, the certificate holder would be required to submit to the Administrator an outline of the proposed system or revision for preliminary evaluation and any additional relevant information as may be requested by the Administrator. If the Administrator determines that the certificate holder has shown that the proposed or revised AFMS would provide a feasible and effective means of monitoring the performance of its pilot flight crewmembers, he would grant initial approval in writing. The Administrator would then observe pilot flight crew performance during operations under Part 121, and evaluate the AFMS by comparing those observations with the information obtained by the AFMS. After this evaluation, he would advise the certificate holder of the deficiencies, if any, that would have to be corrected before final approval.

New § 121.455 would provide that the Administrator, in his initial or final approval of an AFMS, could permit, for each pilot being monitored under the system, the omission of the line check provided the certificate holder has an approved procedure for sampling line operations conducted by a check pilot. He could also permit the omission of specific maneuvers and procedures from the proficiency check or, when justified, the omission of the entire proficiency check. Whenever the initial or final approval includes permission to omit the entire proficiency check, the certificate holder would be required to provide training in accordance with an approved simulator course of training for each pilot being monitored under the system.

Final approval of the AFMS would be granted if the certificate holder could show that the system provides sufficient information upon which a determination can be made as to whether each pilot being monitored is satisfactorily performing his duties and is maintaining a level of proficiency equivalent to that required by § 121.441 with respect to each normal maneuver and procedure omitted from the proficiency check. Before final approval the certificate holder would also have to show that the system provides acceptable quality control procedures for comparing observed pilot performance in operations under Part 121 with the information provided by the AFMS.

Finally, the FAA believes that, when a pilot is being monitored under an AFMS that allows the elimination of the entire proficiency check, the recurrent flight training required by § 121.433 is unnecessary. However, the pilot should receive the training requiring by proposed §121.455(e) with the same degree of frequency that he is required to receive recurrent training under § 121.433. Accordingly, §121.433 would merely be revised to allow the substitution of the training required by proposed § 121.455(e) for the required recurrent training.

EVALUATION OF IMPACTS

In accordance with the Department of Transportation Regulatory Reform Policy, an evaluation of the anticipated impacts of this proposal has been made. It has been determined that a minimal cost increase in manpower requirements will be necessary for certificate holders not installing the AFMS to comply with increased line check requirements. Certificate holders exercising the option to install the AFMS will bear initial installation and systems operation costs; however, this expense will be more than offset by resultant savings in the reduction of airframe hours, maintenance, and personnel costs no longer required for proficiency and line checks. Accordingly, it has been determined that this amendment is expected to be neither costly nor controversial, and will not impose a significant burden on the private sector, on consumers, or on the Federal state, or local governments.

DRAFTING INFORMATION

The principal authors of this document are Joseph N. Cate, Jr., Air Carrier Regulations Branch, Flight Standards Service, and Peter J. Lynch, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend Parts 1 and 121 of the Federal Aviation Regulations as follows:

1. By amending § 1.2 by adding the following abbreviation before "ALS" to read as follows:

§ 1.2 Abbreviations and symbols.

* * * * *

"AFMS" means advanced flight monitoring system.

* * * * *

2. By adding a new § 121.433(c)(3) to read as follows:

§ 121.433 Training required.

* * * * *

(c) * * *

(3) For a pilot being monitored under an AFMS approved in accordance with § 121.455 when omission of the entire proficiency check required by § 121.441 (a) has been approved in accordance with § 121.455(d), the training required by § 121.455(e) may be substituted for the recurrent flight training required by this section.

3. By amending § 121.440 to read as follows:

§ 121.440 Line checks.

(a) Except as provided in § 121.455(d), no certificate holder may use any person, nor may any person serve, as pilot in command for an airplane unless he has passed a line check in which he satisfactorily performs the duties and responsibilities specified in paragraph (c) of this section—

(1) Within the preceding six calendar months, in one of the airplane types in which he serves; and

(2) Within the preceding 12 calendar months, in each airplane type in which he serves.

(b) Except as provided in paragraph (d) of this section, no certificate holder may use any person, nor may any person serve, as a required pilot flight crewmember other than pilot in command unless, within the preceding 12 calendar months, he has passed a line check in which he satisfactorily performs the duties and responsibilities specified in paragraph (c) of this section in one of the airplane types in which he serves as a required flight crewmember.

(c) Except as provided in paragraph (d) of this section, during each line check the pilot being checked must satisfactorily perform the duties of pilot in command or second in command, as appropriate, with respect to the following:

(1) Preflight preparation, including—

(i) Weather analysis;

(ii) Aircraft performance analysis; and

(iii) Loading and dispatching procedures.

(2) Preflight.

(3) Ground handling.

(4) Takeoff.

(5) Climb.

(6) Cruise.

(7) Navigation.

(8) Descent.

(9) Approach.

(10) Landing.

(11) Altitude awareness.

(12) Judgment.

(13) Crew discipline and coordination.

(14) Compliance with safe operating procedures.

(15) Checklists.

(16) Traffic alertness.

(17) Terminal area procedures.

(18) Exercise of pilot in command or second in command duties and responsibilities.

(d) When a certificate holder has an AFMS approved in accordance with § 121.455, the Administrator may approve, for a pilot being monitored under the system, the omission of a line check provided the certificate holder has an approved procedure for sampling line operations conducted by a check pilot.

(e) Each person conducting a line check shall prepare a record which shall be maintained as required by § 121.683 showing the performance of the pilot being checked with respect to each of the items listed in paragraph (c) of this section.

(f) Line checks for domestic and flag air carrier pilots must:

(1) Be administered by a pilot check airman who is currently qualified on both the route and the airplane (a pilot in command may observe and certify the satisfactory accomplishment of these landings by a second in command); and

(2) Consist of at least one scheduled flight over representative segments of the air carrier's route to which the pilot is normally assigned, but not less than the number of scheduled flights necessary to accomplish the takeoffs and landings required by paragraph (h) of this section.

(g) Line checks for supplemental air carriers and commercial operators must:

(1) Be administered by a pilot check airman who is currently qualified on both the route and the airplane (a pilot in command may observe and certify the satisfactory accomplishment of those landings by a second in command); and

(2) Consist of at least one flight over a part of the federal airways, foreign airways, or advisory routes over which the pilot may be assigned, but not less than the number of flights necessary to accomplish the takeoffs and landings required by paragraph (h) of this section.

(h) A line check conducted in accordance with this section must include the following takeoffs and landings in operations under this Part:

(1) For a pilot in command, at least two takeoffs and two landings.

(2) For a pilot other than a pilot in command, at least one takeoff and one landing.

4. By amending § 121.441 by amending paragraph (a) by deleting the word "No" in the lead-in portion thereof and substituting therefor the phrase "Except as provided in paragraph (g) of this section, no"; by amending paragraph (b) by deleting the phrase "and (d)" and substituting therefor the phrase (d) and (g)"; by deleting the flush paragraph at the end of the section; and by adding new paragraphs (f) and (g) to read as follows:

§ 121.441 Proficiency checks.

* * * * *

(f) The entire proficiency check (other than the initial second-in-command proficiency check) required by paragraph (a) of this section may be conducted in an approved visual simulator if the pilot being checked accomplishes at least two landings in the appropriate airplane during a line check or other check conducted by a pilot check airman (a pilot-in-command may observe and certify the satisfactory accomplishment of these landings by a second-in-command). If a pilot proficiency check is conducted in accordance with this paragraph, the next required proficiency check for that pilot must be conducted in the same manner, or in accordance with Appendix F of this Part, or a course of training in an airplane visual simulator under § 121.409 may be substituted therefor.

(g) When a certificate holder has an AFMS approved in accordance with § 121.455, the Administrator may approve, for a pilot being monitored under the system, the omission of a proficiency check or the omission of specific procedures and maneuvers set forth in Appendix F to this Part from the proficiency check required by paragraph (a) of this section.

5. By adding a new § 121.455 to read as follows:

§ 121.455 Advanced flight monitoring systems.

(a) To obtain initial and final approval of an AFMS or a revision to an approved AFMS, the certificate holder must submit to the Administrator—

(1) An outline of the proposed system or revision for a preliminary evaluation; and

(2) Any additional relevant information as may be requested by the Administrator.

(b) If the Administrator determines that the certificate holder has shown that the proposed or revised AFMS will provide a feasible and effective means of

JUN 30 77
UM

monitoring the performance of its pilot flight crewmembers, he grants initial approval in writing. The Administrator then evaluates the AFMS and advises the certificate holder of deficiencies, if any, that must be corrected before final approval.

(c) The Administrator grants final approval of the AFMS or revised AFMS if the certificate holder shows that the system provides—

(1) Sufficient information upon which a determination can be made as to whether each pilot being monitored under the system is—

(i) Satisfactorily performing the duties and responsibilities of a pilot in command or second in command, as appropriate, required by § 121.440; and

(ii) Maintaining a level of proficiency equivalent to that required by § 121.441 (a) with respect to each normal maneuver and procedure omitted from the proficiency check required by that section.

(2) Acceptable quality control procedures for comparing observed pilot performance in operations under this Part with the information provided by the AFMS.

(d) In his initial or final approval of an AFMS, the Administrator may permit, for a pilot being monitored under the system—

(1) The omission of the line check required by § 121.440(a); and

(2) The omission of the proficiency check required by § 121.441(a) or the omission from the proficiency check of specific maneuvers and procedures set forth in Appendix F to this part.

(e) Whenever the initial or final approval of an AFMS includes permission to omit the entire proficiency check, the certificate holder shall provide training in accordance with an approved simulator course of training for each pilot being monitored under the system.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 23, 1977.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.77-18649 Filed 6-29-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 239, 270 and 274]

[Rel. Nos. 33-5829; IC-9782; File No. S7-697]

INVESTMENT COMPANY REGISTRATION AND REPORT FORMS AND REPORTING REQUIREMENTS

Revision of Forms, Reports and Regulations; Corrections

AGENCY: Securities and Exchange Commission.

ACTION: Corrections.

SUMMARY: This document corrects FR Doc. 77-15958, 42 FR 29716, June 9, 1977.

DATE: No change from original document.

FOR FURTHER INFORMATION CONTACT:

Glen Payne, Special Counsel, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202-755-0230).

SUPPLEMENTARY INFORMATION:

(1) On page 29718:

(a) First column, first line of first full paragraph, should read, "Revised Form N-1R is a blank form to be:"

(b) Second column, third line of third full paragraph: "my" should be "by;"

(c) Third column, paragraph (c) should be paragraph (C).

(2) (a) From pages 29810 through 29816, under "Form N-2: Part I", beginning under "-6-," Items 5 through 21 should be changed to read Items 4 through 20 consecutively.

(b) On page 29811, under "-8-," "Form N-2: Part III" should be changed to read "Form N-2: Part I."

(3) On page 29818, Item 6 appearing under "Form N-2; Part II" should appear under "Form N-1: Part II."

(4) On page 29821, under Item 16, "Director" should read "Direct."

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

[FR Doc.77-18683 Filed 6-29-77;8:45 am]

[17 CFR Part 240]

[Release Nos. 34-13661, IC-9824; File No. S7-654]

SECURITIES CONFIRMATIONS

Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Securities and Exchange Commission proposes to amend the existing confirmation delivery and disclosure requirements to provide for the disclosure of additional information on confirmation forms broker-dealers deliver to their customers in connection with securities transactions. The proposed amendments would also modify existing requirements for the use of quarterly written statements in lieu of immediate confirmations for certain transactions in securities issued by investment companies. The amendments are part of the Commission's current effort to review the confirmation delivery and disclosure requirements under the federal securities laws in light of changes in the securities markets.

DATES: Comments by August 10, 1977.

ADDRESSES: All comments should refer to File No. S7-654 and should be sent with three copies to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Jeffrey L. Steele, Esq., Office of the Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202-755-8746).

SUPPLEMENTARY INFORMATION: Rule 10b-10 under the Securities Exchange Act of 1934 (the "Act") [1] requires any broker or dealer effecting transactions in securities for or with the account of a customer to make certain written disclosures to that customer.[2] The Commission announced on September 16, 1976, the proposal to adopt Rule 10b-10 and to rescind Rule 15c1-4 (17 CFR 240.15c1-4), which then set forth the Commission's basic confirmation requirements.[3] The views and comments of interested persons were requested, and after considering those comments, the Commission determined to adopt Rule 10b-10 with certain revisions and announced again its intention to rescind Rule 15c1-4. At the same time, the Commission concluded that it would be appropriate to publish for further comment certain additional revisions announced in this release.

DISCLOSURES TO BE MADE BY DEALERS

In the initial publication of Rule 10b-10 for comment, the Commission proposed to require any broker, dealer, or municipal securities dealer, acting as principal, to disclose on its customer confirmation (1) the source and amount of any "special remuneration" received or to be received by him, (2) whether it acted as a "market maker" [4] in the security being purchased or sold and (3) if it did not act as a market maker, the mark-up, mark-down or other remuneration received if the broker-dealer, with knowledge of a customer's order, purchased the security from a market maker for resale to the customer or purchased the security from the customer for resale to a market maker.[5]

[1] 15 U.S.C. 78a et seq.

[2] See Securities Exchange Act Release No. 13508 (May 5, 1977), 42 FR 25318 (May 17, 1977), announcing the adoption of Rule 10b-10.

[3] See Securities Exchange Act Release No. 12806 (Sept. 16, 1976), 41 FR 41432 (Sept. 22, 1976).

[4] See Section 3(a)(38) of the Act, 15 U.S.C. 78c(a)(38).

DISCLOSURE OF MARK-UP OR MARK-DOWN

Under Rule 10b-10 as originally proposed, and under the amendments proposed today, disclosure of mark-up or mark-down would be required in transactions that have generally been referred to as "riskless" principal transactions. Such transactions may be characterized for some purposes as those in which a dealer acts as principal for his own account and trades with his customer (rather than acting as a broker, or agent, for the customer); in effecting such transactions, however, the dealer generally does not bear the market risks that commonly attend acting as a principal and carrying dealer inventories. As the Commission noted in its original proposal to adopt Rule 10b-10, the proposed mark-up disclosure requirement is intended to place dealers effecting such transactions on a more equal regulatory footing for disclosure purposes with brokers acting as agents. A broker must, of course, disclose brokerage commissions, and it would appear that customers should generally be entitled to receive equivalent information concerning the transactional costs they incur regardless of variations in the techniques employed in structuring substantially similar transactions.

Some commentators believed the proposed mark-up or mark-down disclosure requirement would have unfortunate consequences, particularly in the context of the markets for certain thinly traded securities. It was predicted, for example, that such a disclosure requirement would have an adverse impact on liquidity, as well as on the viability of small, regional broker-dealers who offer their services to small investors. Some commentators suggested that dealers should not be required to disclose their mark-ups under any circumstances since their customers would be confused or would challenge mark-ups if they appeared to exceed commissions charged for effecting transactions in securities traded on an exchange. A number of commentators suggested that the existing mark-up rules of the National Association of Securities Dealers, Inc. (the "NASD"), already offer investors enough protection.[6]

The Commission intends to give further consideration to those views, as well as to reported compliance and enforcement difficulties that might arise under the rule. At the same time, the Commission has determined to revise and publish the requirements in order to explore other disclosure approaches, reflecting the underlying economic realities, while reducing to some extent compliance difficulties perceived by commentators in the initial proposal. The proposed amendments to Rule 10b-10 would require a person acting as dealer (other than a market-maker) to disclose the mark-up, or mark-down, when it, after receiving a customer's order, purchases a security from any person for resale to the customer or purchases the security from such customer for delivery against a sale to another person.[7]

In fashioning the specific proposed disclosure requirement, the Commission drew certain distinctions in proposed Rule 10b-10 among different types of market participants. For example, as proposed, Rule 10b-10 would have required the "riskless" principal disclosures only when a broker-dealer purchased a security from (or sold a security to) a market maker in contemplation of selling to (or purchasing from) a customer. A number of commentators suggested, however, that there would be practical difficulties in determining whether a particular dealer was a market maker, particularly in the case of securities, such as debt securities, in which there are generally not any broker-dealers maintaining continuous two-sided quotations. Commentators also suggested that the initial proposal would be problematical, especially for large retail firms, since the disclosure requirement would depend on the firm's "knowledge" of a customer's order and that such knowedge might be imputed to a firm in situations where different branch offices or securities traders had in fact added independently of one another in causing the firm to execute as principal for the firm's customers separate orders that fortuitously matched each other. The initial proposal has been revised in light of those perceived difficulties.

The sending of a confirmation may, of course, afford each customer an important opportunity to assess the performance of the broker or dealer in meeting its obligations to that customer. Accordingly, the Commission believes that it should periodically consider the feasibility of providing customers with new information, and in particular "market" information, which can further assist them in evaluating and choosing among the services offered by competing broker-dealers. In that connection, the Commission is proposing an additional disclosure provision in Rule 10b-10, as discussed below, in order to provide investors with more detailed information concerning the quality of execution services rendered by the broker or dealer and the total level of transaction charges incurred.[8]

DISCLOSURE OF MARKET MAKING

As originally proposed, Rule 10b-10 would have required a dealer to disclose whether it was acting as a market maker in the security being purchased or sold. The proposed amendments to Rule 10b-10 would require a dealer to make that disclosure only in the case of transactions in equity securities. One commentator has suggested that the Commission should not impose any such requirement without refining the statutory definition of the term "market maker" (see section 3(a)(38) of the Act, 15 U.S.C. 78c(a)(38)). A dealer could, however, satisfy the rule's requirement by disclosing on a customer confirmation whether it is acting as a block positioner, exchange specialist, or other type of statutory market maker.

PAYMENTS TO DEALERS BY THIRD PARTIES

Proposed Rule 10b-10 would have required a dealer to disclose "the amount and source of any special remuneration paid or to be paid to him" in connection with a transaction. Numerous commentators objected to the provision because they found it too vague, or found it unnecessary, in light of the explanation of its purpose provided in the Commission's release announcing the proposal.

In view of the comments received, the Commission has reexamined the basis for requiring the disclosure. As a result of that review, the Commission continues to believe that a disclosure of special third party payments should be required, but that the requirement should be framed more precisely in order to exclude certain customary fee arrangements. In that regard, the Commission has revised the original proposal to require disclosure by a dealer of "the source and amount of any remuneration (other than a customary dealer reallowance, selling concession or syndicate manager's fee) received or to be received by him from any person." As the Commission observed in proposing Rule 10b-10, the fundamental purpose of such a provision would be to require disclosure of special and irregular inducements offered to a dealer for effecting transactions with its customers. Although the payments which would be required to be disclosed could raise questions under other provisions of the federal securities laws or other statutes, and while the Commission recognizes that a disclosure requirement may not by itself act as an effective further deterrent to behavior

[5] See paragraph (a)(3)(ii) of proposed Rule 10b-10 (Securities Exchange Act Release No. 12806 (Sept. 16, 1976)).

[6] See NASD Rules of Fair Practice, Article III, Section 4.

[7] At the moment, these disclosure requirements would not apply to municipal securities transactions since Rule 10b-10 in the form adopted provides an exemption for municipal securities in anticipation of a comprehensive rule being adopted by the Municipal Securities Rulemaking Board. In proposing that approach, the Commission expects that the Board will concurrently give similar consideration to ways of adapting to the municipal securities markets an equivalent riskless principal disclosure requirement. Should the Board not resolve to develop such adaptations as may be necessary in the application of the riskless principal requirement, the Commission plans to revisit the question of including municipal securities transactions generally under Rule 10b-10 at the time it determines whether to adopt the amendments proposed today.

[8] See discussion under *DISCLOSURE OF PREVAILING MARKET PRICES.*

which may otherwise be illegal, that would not appear to outweigh the benefit of requiring that customers be informed of such payments, particularly in cases where the dealer receiving such payments has affirmatively solicited, or recommended the transaction. In reviewing the proposed requirement, however, commentators are invited to consider whether there are other types of normal and customary arrangements (in addition to dealer reallowances, selling concessions and syndicate manager's fees) that might appropriately be excluded from the disclosure requirement.

DISCLOSURE OF ODD-LOT DIFFERENTIALS

Rule 10b–10 is also proposed to be amended to require that brokers and dealers disclose any fee to be paid by a customer in connection with the execution of an odd-lot order (i.e., any odd-lot differential) unless such amount is included in the disclosed commission charge. Currently, no Commission rule explicitly requires disclosure of an odd-lot differential. Nevertheless, New York Stock Exchange ("NYSE") Rule 409(c) requires its members to include on customers' confirmations "a notation or legend which will enable the customer to determine the amount of any odd-lot differential" assessed for execution of the customer's order.[9] While, in practice, the same confirmation forms are generally used for executions by those members in other markets, the NYSE has suggested that, if a specific odd-lot disclosure is appropriate, a uniform standard should apply to all brokers and dealers.

The odd-lot differential traditionally has been added to, or subtracted from, the price at which an odd-lot may be purchased from or sold to an odd-lot dealer and it has generally been viewed as included within the purchase or sale price. Currently, specialists acting as odd-lot dealers on the NYSE generally charge either an eighth differential on odd-lot executions (12½ cents per share) or no differential at all. The Commission understands that an odd-lot differential is not charged, for example, on odd-lot portions of combined odd-lot and round-lot market orders, on odd-lot market orders executed on some regional exchanges, or by some broker-dealers who execute such orders as principal otherwise than through the facilities of the NYSE. Odd-lot differential charges are no longer fixed by exchanges and varying amounts may thus be charged by odd-lot dealers.

The process of fashioning a suitable disclosure policy with respect to odd-lot differentials is complicated by several factors. If an odd-lot differential is, in practice, a non-negotiable amount added to or subtracted from the round-lot price for a security, it may be more appropriate to continue to permit customers to be aware of the precise amount of the differential. If, on the other hand, the odd-lot differential is viewed as a service fee, it might appear similar to other costs incurred by brokers in providing services to their customers, such as two-dollar brokerage and clearance charges, and it should, therefore, be ultimately reflected in the commission paid by a customer (rather than as an adjustment to the securities price paid or received by the broker's customer).

While exchanges fixed the odd-lot differential at an eighth of a point, the assessment of the differential was easily adaptable to computer programs, which included the differential in the calculation of the price of a stock. It is unclear, however, whether all dealers will continue to charge an odd-lot differential or whether varying amounts will be charged. As a result, disclosure of the amount of any such differential on a confirmation may involve technical changes in a broker-dealer's business operations and other costs. The Commission invites interested persons to submit their views concerning the benefits, if any, to be derived from disclosure on the confirmation of the exact amount of the differential charged and the nature of any operational changes and costs which may be necessary to comply with the proposed amendment.

DISCLOSURE OF PREVAILING MARKET PRICES

In addition to providing customers with essential and timely information concerning their securities transactions, the confirmation may also afford many customers an opportunity to assess the source and amount of costs incurred in effecting transactions and also the relative quality of service provided by the broker-dealer. While the Commission's Rule 15c1–4, as well as section 11(d)(1) of the Act, have traditionally focused on disclosure of capacity and the source and amount of remuneration, both of which may enable investors to make appropriate judgments, it now appears that the Commission may be able to provide for even more useful information to guide investors in evaluating the services they receive and pay for. In particular, the development of systems for reporting securities quotations by market makers and others on a real-time basis, and the possibility of making technical adjustments to existing systems in order to permit brokers and dealers to capture and print such information on confirmation slips, may now make it feasible to give customers a more precise indication of how the prices they pay or receive in their securities transactions relate to the best prices available to securities professionals. Many registered representatives routinely advise their customers orally concerning prevailing market prices, at the time of inducing transactions, although in some cases the information disclosed may be only the "representative" bid and ask prices shown on Level 1 of the NASDAQ system. Since information concerning the best available bid and offer prices would prove useful to customers in deciding whether to order transactions, such information should be made available in a permanent, written form.

In view of the desirability of providing information concerning market prices to securities customers, and particularly retail customers, the Commission is proposing a requirement that brokers and dealers disclose on the confirmation the "inside" market in the security, that is to say, the highest bid and lowest offer prices for 100 shares which are reported on Level 2 of the NASDAQ inter-dealer quotation system at the time the transaction is effected.[10] The proposal contemplates disclosure of the highest bid price and the lowest offer price for 100 shares regardless of whether such prices are entered by the same or different broker-dealers. The requirement would, however, apply only to transactions in securities not listed on a national securities exchange. In the context of its consideration of the rules of the exchanges restricting off-board trading by members, the Commission is proposing a similar requirement with respect to listed equity securities reported in the consolidated transaction reporting system.[11]

In reviewing the proposed disclosure requirement, commentators may wish to focus on the broad question whether such a disclosure would make any existing or currently proposed disclosure requirements less essential from the point of view of investor protection and fairness to customers. Also, commentators may wish to address the question whether the proposed disclosure requirement would facilitate (or impede) competition in market making. To the extent adjustments may have to be made to the computer hardware and software systems available to most brokers and dealers in order to comply with the proposed requirement, commentators are invited to present data concerning the feasibility under existing technology, and the costs, of such anticipated changes as well as the lead time that would be required to prepare for compliance with the requirement upon its adoption.

INVESTMENT COMPANY PLANS

In 1974 the Commission amended Rule 15c 1–4 to add a paragraph (b) affording brokers and dealers an opportunity to use quarterly statements in lieu of immediate confirmations for certain classes of transactions in securities issued by open-end investment companies and unit investment trusts registered under the Investment Company Act of 1940 (15 U.S.C. 80a et seq.).[12] Upon proposing Rule 10b–10 in September, 1976, the Commission decided to restate the substance of that 1974 amendment but also invited interested persons to suggest revisions in view of the Commission's understanding that the quarterly procedure was not being used.

Several comments were received concerning the provisions of proposed Rule 10b–10 and Rule 15c1–4 applicable to the use of quarterly statements for investment company securities, confirming that for a variety of reasons the quarterly statement procedure was not being used. Some suggested expanding the types of transactions that would qualify for the quarterly statement procedure. Others suggested revisions to specific requirements governing the use of that procedure. It was further suggested that certain costs associated with the administration of confirmation procedures generally outweighed the benefit of establishing new procedures for using quarterly statements.

Based in part upon those comments, the Commission proposed amendments which would alter in certain respects existing requirements of Rule 15c1–4(b). The revisions are intended to make some requirements less restrictive but would also establish new procedures. The Commission has not substantially expanded the types of arrangements that would qualify for the use of the quarterly statement procedure although it will, of course, consider additional suggestions.[13] The proposed amendments to Rule 10b–10 would continue to require prior written disclosure of the intention to send quarterly statements in lieu of the statements described in paragraph (a) of the rule.[14] Other requirements dealing with methods of payment including specifications with respect to holding periods [15] and the use of so-called "negative confirmations" (confirmations indicating that no payments were received during the quarter) have also been modified.[16]

Specifically, paragraph (d)(5)(iii) of the proposed amendments provides, in the case of an investment company plan contemplating periodic purchases by a group of two or more participants through a person designated by the group, that any such arrangement will require the investment company or its agent (1) to give or send to the designated person a receipt for the total amount paid, (2) to send to any person who was a participant in the preceding quarter and on whose behalf payment has not been received during the current quarter the quarterly written statement reflecting that no payment was received during the quarter, and (3) to terminate the arrangement and advise all participants of that fact if the group's payment is not received from the designated person within ten days of the date specified in the arrangement for such payment to be made.

The amendments to Rule 10b–10 are proposed to be adopted pursuant to the Act, particularly section 3, 9, 10, 11, 15, and 23 thereof (15 U.S.C. 78c, 78i, 78j, 78k, 78o and 78w). It is also proposed that, upon the adoption of the proposed amendments to Rule 10b–10, Rule 15c1–4 would be rescinded.

PROPOSED AMENDMENT TO § 240.10b–10

(In the text of the following sections, "[ ]" indicates material to be deleted and "►◄" indicates new material.)

§ 240.10b–10 Confirmation of transactions.

(a) It shall be unlawful for any broker or dealer to effect for or with the account of a customer any transaction in, or to induce the purchase or sale by such customer of, any security (other than U.S. Savings Bonds or municipal securities) unless such broker or dealer, at or before completion of such transaction, gives or sends to such customer written notification disclosing:

(1) Whether he is acting as agent for such customer, as agent for some other person, as agent for both such customer and some other person, or as principal for his own account; and

(2) The date and time of the transaction (or the fact that the time of the transaction will be furnished upon written request of such customer) and the identity, price and number of shares or units (or principal amount) of such security purchased or sold by such customer; and

► (3) The amount of any odd-lot differential or equivalent fee paid directly or indirectly by such customer in connection with the execution of an order for an odd-lot number of shares or units (or principal amount) of a security, unless such amount is included in the remuneration disclosed pursuant to paragraph (a)(5)(ii) of this section; and

(4) The highest bid and lowest offer prices for 100 shares that have been entered by any broker or dealer in, and are displayed on, Level 2 of the NASDAQ, or an equivalent, electronic interdealer quotation system at the time the transaction is effected, unless the security being purchased or sold is listed on a national securities exchange; and ◄

[(3)] ►(5)◄ if he is acting as agent for such customer, for some other person, or for both such customer and some other person,

(i) The name of the person from whom the security was purchased, or to whom it was sold, for such customer or the fact that such information will be furnished upon written request of such customer; and

(ii) The amount of any remuneration received or to be received by him from such customer in connection with the transaction unless remuneration paid by such customer is determined, pursuant to a written agreement with such customer, otherwise than on a transaction basis; and

(iii) The source and amount of any other remuneration received or to be received by him in connection with the transaction: *Provided, however,* That if, in the case of a purchase, the broker was not participating in a distribution, or in the case of a sale, was not participating in a tender offer, the written notification may state whether any other remuneration has been or will be received and that the source and amount of such other remuneration will be furnished upon written request of such customer [.]► and ◄

► (6) if he is acting as principal for his own account.

(i) The source and amount of any remuneration (other than a customary dealer reallowance, selling concession, or syndicate manager's fee) received or to be received by him from any person, other than such customer, in connection with the transaction; and

(ii) The amount of any mark-up, mark-down, or similar remuneration received, an order to buy from such customer, he purchased the security from another person for resale to such customer or, after having received an order to sell from such customer, he sold the security to another person and purchased the security from such customer for delivery against such sale; and

(iii) In the case of a transaction in an equity security, whether he is a market maker in that security.◄

(b) A broker or dealer may effect transactions for or with the account of a customer without giving or sending to such customer the written notification described in paragraph (a) of this section (until January 1, 1978, § 240.15c1–4(a)) if

(1) Such transactions are effected pursuant to a periodic plan [; and] ►or an investment company plan; and ◄

(2) Such broker or dealer gives or sends to such customer within five days after the end of each quarterly period a

[9] On September 13, 1976, the NYSE filed with the Commission pursuant to section 19(b) of the Act, a proposed rule change which would, if approved, rescind its Rule 409(c). See Securities Exchange Act Release No. 12803 (Sept. 16, 1976), 41 FR 41974 (Sept. 24, 1976). The NYSE stated in its proposed rule filing that Rule 409(c) was adopted in 1967 at a time when certain member firms performed all odd-lot dealer functions on the NYSE. At that time, the amount of the applicable differential and the determination of its applicability were set by NYSE rule. As long as uniform differentials were charged, member organizations complied with Rule 409(c) by printing on their confirmations legends which set forth the prevailing fixed rates.

[10] Currently all quotations reported on Level 2 of the NASDAQ inter-dealer quotation system must be firm for 100 shares.

[11] See proposed Rule 15c–1(C) announced in Securities Exchange Act Release No. 13662 (June 23, 1977).

[12] See Securities Exchange Act Release No. 11025 (Sept. 24, 1974), 39 FR 35345 (Oct. 1, 1974).

[13] In adopting Rule 10b–10 the Commission also introduced a new element of flexibility by providing for the possibility of specific exemptions to Rule 10b–10; see Securities Exchange Act Release No. 13508 (May 5, 1977).

[14] Currently, the rule specifies that disclosure is required to be included in the prospectus delivered pursuant to section 5 of the Securities Act of 1933. To afford greater flexibility, the Commission is proposing to delete the references to prospectus disclosure and delivery in the rule although it may well be appropriate in most instances to continue to include information with respect to the use of quarterly statements in the current prospects delivered to purchasers.

[15] Rule 15c1–4(b) specifies that the "designated person" in the case of "group plans" may not hold customer funds for longer than 35 days. See also Securities Act Release No. 4790 (July 13, 1965).

[16] Rule 15c1–4(b) requires the delivery of negative confirmations for at least two consecutive quarters when payments have not been received for a participant in the plan.

JUN 30 77 UM

written statement disclosing each purchase or sale, effected for or with, and each dividend or distribution credited to, or reinvested for, the amount of such customer (pursuant to the plan) during the period; the date of each such transaction; the identity, number and price of any securities purchased or sold by such customer in each such transaction; the total number of shares of such securities in such customer's account; any remuneration received or to be received by the broker or dealer in connection therewith; and that any other information required by paragraph (a) of this section will be furnished upon written request: *Provided, however*, That the quarterly written statement may be delivered to some other person designated by the customer for distribution to the customer[.]; ►and◄

►(3) In the case of transactions effected pursuant to an investment company plan

(i) Payments for the purchase of securities by such customer or by such customer's designated agent are made directly to, or made payable to, the registered investment company, or the principal underwriter, custodian, trustee, or other designated agent of the registered investment company; and

(ii) the intention to give or send to the customer the written statement referred to in paragraph (b)(2) of this section, in lieu of the written notification required by paragraph (a) of this section, is disclosed in writing to such customer.◄

(c) A broker or dealer shall give or send to a customer information requested pursuant to this rule within five business days of receipt of the request: *Provided, however*, In the case of information pertaining to a transaction effected more than 30 days prior to receipt of the request, the information shall be given or sent to the customer within 15 business days.

(d) For the purposes of this rule,

(1) "Customer" shall not include a broker or dealer;

(2) "Completion of the transaction" shall have the meaning provided in Rule 15c1–1 under the Act;

(3) "Time of the transaction" means the time of execution, to the extent feasible, of the customer's order;

(4) "Periodic plan" means any written authorization for a broker acting as agent to purchase or sell for a customer a specific security or securities (other than securities issued by an open end investment company or unit investment trust registered under the Investment Company Act of 1940), in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commissions or charges to be paid by the customer in connection therewith (or the manner of calculating them) [.] ►; and◄

►(5) "Investment company plan" means any plan under which securities issued by an open-end investment company or unit investment trust registered under the Investment Company Act of 1940 are purchased or sold by a customer pursuant to

(i) An individual retirement or pension plan qualified under the Internal Revenue Code; or

(ii) A contractual or systematic agreement under which the customer purchases at the applicable public offering price, or redeems at the applicable redemption price, such securities in specified amounts (calculated in security units or dollars) at specified time intervals and setting forth the commissions or charges to be paid by such customer in connection therewith (or the manner of calculating them); or

(iii) Any other arrangement involving a group of two or more participants and contemplating periodic purchases of such securities by each participant through a person designed by the group; *Provided*, That such arrangement requires the registered investment company or its agent

(A) To give or send to the designated person a written notification of the receipt of the toal amount paid at or before the completion of the transaction for the purchase of such securities;

(B) To send to any one who was a participant in the prior quarter and on whose behalf payment has not been received in the current quarter a quarterly written statement reflecting that no payment was received; and

(C) To terminate the arrangement and advise all participants of that fact if no payment is received from the designated person on behalf of the group within 10 days of a date certain specified in the arrangement for delivery of that payment by the designated person. ◄

(e) The Commission may exempt any broker or dealer from the requirements of paragraphs (a) and (b) of this section with regard to specific transactions or specific classes of transactions for which the broker or dealer will provide alternative procedures to effect the purposes of this section; any such exemption may be granted subject to compliance with such alternative procedures and upon such other stated terms and conditions as the Commission may impose.

* * * * *

All interested persons are invited to submit three copies of written views, data and arguments on the proposed amendments to Rule 10b–10 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than August 10, 1977. Reference should be made to File No. S7–654. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77–18681 Filed 6–29–77;8:45 am]

[17 CFR Part 270]

[Release No. IC–9783, File No. S7–698]

INVESTMENT COMPANY ANNUAL REPORTS

Revision of Regulations; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 77–15959, 42 FR 29828, June 9, 1977. The bracket should read as set forth above.

DATE: No change from original document.

FOR FURTHER INFORMATION CONTACT:

Glenn Payne, Special Counsel, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549 (202–775–0230).

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 24, 1977.

[FR Doc.77–18684 Filed 6–29–77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 171]

[FRL 747–2; OPP–40004]

FEDERAL CERTIFICATION OF PESTICIDE APPLICATORS IN STATES OR ON INDIAN RESERVATIONS WITHOUT AN EPA APPROVED CERTIFICATION PLAN

Advance Notice of Proposed Rulemaking

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: The Environmental Protection Agency intends to amend Part 171 of the Protection of Environment Regulations by adding a § 171.11 to enable EPA to conduct a Federal program for the certification of applicators of restricted use pesticides in those States and on those Indian Reservations where there is no approved State or Indian Certification Plan in effect on October 21, 1977. This advance notice of proposed rulemaking is being issued pursuant to EPA's policy for the early institution of rulemaking procedures.

DATE: Interested persons are invited to participate in the development of the proposed rules by submitting such written data, views, or arguments as they may desire. All communications received on or before August 1, 1977, will be considered by the Administrator before taking action on the proposed rules.

ADDRESS: Communications should bear the identifying notation OPP–40004 and be submitted in duplicate to Lois W. French, Acting Chief, Regional Support Branch, Operations Division, Office of Pesticide Programs (WH–570), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202–755–0356).

FOR FURTHER INFORMATION CONTACT:

Lois W. French, at the above address.

SUPPLEMENTARY INFORMATION: On October 21, 1972, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., was amended. The amended act requires, among other things, EPA to register all pesticides and to classify them into "general use" or "restricted use" categories. It also mandates that after October 21, 1977, those pesticides classified as "restricted use" may only be used by or under the direct supervision of a certified applicator. The applicator certification program is designed to ensure safe use of pesticides to prevent injury to humans and the environment.

Section 4(a)(1) of the amended FIFRA requires EPA to "prescribe standards for the certification of applicators of pesticides." On October 9, 1974 (39 FR 36446), EPA published standards for the certification of applicators of restricted use pesticides at 40 CFR Part 171. The same section of the Act also provides that if a State desires to certify applicators, then the Governor of such State shall submit to EPA for approval a State plan. On March 12, 1975 (40 FR 11698), EPA published regulations to govern State plans at 40 CFR Part 171.

It is EPA's position that Congress intended that the States be primarily responsible for the certification of pesticide applicators. However, EPA has no authority to compel a State to pass enabling legislation or submit a State plan for the certification of applicators.

It is also EPA's position that Congress intended the Agency to certify applicators if a State did not. Therefore, if a State does not have an EPA approved State plan, EPA will establish a Federal certification program in that State in order to meet the requirements of the amended FIFRA. Further, it is the view of the Agency that it is not required to carry out a program identical to one which may conceivably have been carried out by the State itself, nor must the program be structured or enforced so as to only satisfy minimally the national standards.

Implementation of this course will require two major actions by the Agency: (1) Development and implementation of Federal certification plans; and (2) promulgation of regulations to provide the full legal base for the Federal plans. The plans, like the regulations, will undergo public review and comment. However, the plans will proceed essentially independently and on a timetable likely in advance of the regulations, in order to enable the Agency to conduct the certification processes prior to the date the restricted pesticide use provisions of the amended FIFRA become effective. Implementation of Federal certification on Indian Reservations will follow a similar course.

This advance notice of proposed rulemaking is issued under the authority of Sections 4 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq.

Dated: June 23, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77–18652 Filed 6–29–77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 31, 34, 38, 40, 54, 98, 154]

[CGD 77–069]

CONSTRUCTION AND EQUIPMENT OF EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

Development of New Standards

AGENCY: Coast Guard, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements of the "IMCO Code for Existing Ships Carrying Liquefied Gasese in Bulk", adopted in London by the Inter-Governmental Maritime Consultative Organization (IMCO) that exceed current standards contained in 46 CFR Subchapters D, F, I, and J. This advance notice invites the public to participate in the rulemaking at an early stage in the process. The adoption of the substantive requirements of the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk" would be beneficial in that it would increase the level of safety of existing gas ships.

DATE: Comments must be received by August 11, 1977.

ADDRESS: Comments should be submitted to the Commandant (G–CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202 426–1477).

SUPPLEMENTARY INFORMATION:

On October 4, 1976, the Coast Guard published in the FEDERAL REGISTER (41 FR 43822) a Notice of Proposed Rulemaking entitled "Self-Propelled Vessels Carrying Bulk Liquefied Gases." That Notice was based on the "IMCO Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk." Both the Code and the Notice were limited to "new" ships. In October, 1976, IMCO adopted the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk." This latter Code contains standards for upgrading existing gas ships; that is, those gas ships not covered by the Notice of Proposed Rulemaking of October 4, 1976, and the IMCO Code for new gas ships. Some of these standards exceed current Coast Guard requirements for gas ships. Existing vessels are required to meet certain of those standards 2 years after the effective date of October 31, 1976, while other modifications are required 6 years after the effective date. The Coast Guard plans to make any amendments to current gas ship regulations effective on these same dates.

The proposed rulemaking would apply to a self-propelled vessel that has on board a bulk liquefied gas as a cargo, cargo residue or vaper and that—

a. Is constructed under a building contract awarded before November 1, 1976;

b. In the absence of a building contract, has the keel laid or is at similar stage of construction before January 1, 1977;

c. Is delivered before July 1, 1980; or

d. Has undergone a major conversion for which—

(1) The building contract is awarded before November 1, 1976;

(2) In the absence of a building contract, conversion is begun before January 1, 1977; or

(3) Conversion is completed before July 1, 1980.

Any proposed rules would be derived from the requirements in the "IMCO Code for Existing Ships Carrying Liquefied Gases in Bulk" that exceed current gas ship requirements in 46 CFR Subchapters D, F, I, and J.

Interested persons may obtain a copy of the "IMCO Code For Existing Ships Carrying Liquefied Gases in Bulk" from the following:

1. New York Nautical Instrument and Service Co., 140 West Broadway, New York, New York 10013, phone (212) 962–4522.
2. Southwest Instrument Co., 235 West 7th St., San Pedro, California 90731, phone (213) 832–0358.
3. IMCO Secretariat, Publications Section, 101–104 Piccadilly, London WIV OAE, England.

The purpose of this advance notice is to learn as much as possible from the public and industry regarding the following:

1. The estimated amount of new equipment or material that would be required for existing gas ships.

2. The current purchase price of the equipment or material.

3. The availability of the equipment or material.

4. The length of time needed for the delivery of the equipment or material to the vessel.

5. The length of time needed to install the equipment or material.

6. The cost to install the equipment or material.

DRAFTING INFORMATION: The principal persons involved in drafting this document are: Lieutenant Commander Thomas R. Dickey, Project Manager, Office of Merchant Marine Safety, and Mr. Stanley M. Colby, Project Attorney, Office of the Chief Counsel.

This advance notice of proposed rulemaking is issued under the following authority:

Regulations for dangerous cargoes issued under R.S. 4472, as amended (46 U.S.C. 170) except those for flammable and combustible liquids issued under sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a); the functions, powers, and duties relating to the Coast Guard under R.S. 4472, as amended, transferred to the Department under sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); 46 U.S.C. 170 delegated to the Coast Guard under 49 CFR 1.46 (b) and (t), (n)(4).

Dated: June 24, 1977.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.77-18774 Filed 6-29-77;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 77-05; Notice 1]

MOTOR VEHICLE LIGHTING

Notice of Proposed Rulemaking

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposed rulemaking.

SUMMARY: This document proposes amended color specifications for motor vehicle signaling devices. This change is proposed to facilitate manufacturer conformance to OSHA requirements. This proposal would slightly modify the acceptable color coordinates for yellow (amber).

DATES: Deadline for submission of comments: August 15, 1977. Proposed effective date: March 1, 1978, with optional compliance permitted as of date of amendment.

ADDRESS: Submit comments to Docket No. 77-05; Notice 1, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Bill Eason, Office of Crash Avoidance, Motor Vehicle Programs (202-426-2720), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: On October 25, 1976, the General Electric Company (GE) petitioned for initiation of rulemaking to amend Federal Motor Vehicle Safety Standard No. 108 to substitute SAE Standard J578b, "Color Specification for Electric Signal Lighting Devices", September 1974, as the color standard for motor vehicle lighting equipment. GE had been confronted with an OSHA proposal to lower the maximum permissible level of arsenic used in glass making, and on that basis intended to eliminate arsenic entirely from its production. Clear glass made with a substitute for arsenic apparently absorbs yellow dye in a manner that differs from glass made with arsenic, with the result that yellow light emitted through it no longer conforms to the color coordinates for yellow (amber) of SAE J578a, but would be within those for J578b. The NHTSA deferred immediate action because of the imminence of SAE J578c which contains color coordinates that are internationally accepted. On February 10, 1977, GE modified its petition, asking only for a definition of the color yellow (amber) identical to that specified in J578c.

Under the proposal, J578c would become the standard upon amendment of S4.1.5 which would also allow optional compliance with J578a through February 28, 1978.

In consideration of the foregoing it is proposed that paragraph S4.1.5 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 be amended as follows:

§ 571.108 [Amended]

S4.1.5 The color in all lighting equipment covered by this standard shall comply with SAE Standard J578c, February 1977, "Color Specification for Electric Signal Lighting Devices," except that the color in lighting equipment manufactured on or before February 28, 1978, may comply with SAE Standard J578a, April 1965.

In accordance with Department of Transportation policy encouraging adequate analysis of the costs and other consequences of regulatory actions (41 FR 16201, April 16, 1976), the NHTSA has evaluated the economic and other consequences of this proposal on the public and private sectors and has concluded that there is no cost increase required by a change from J578a to J578c.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The program official and lawyer principally responsible for the development of this proposal are Bill Eason and Taylor Vinson, respectively.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1302, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 23, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-18507 Filed 6-29-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Possession of Shotshells Loaded With Toxic Shot While Taking Waterfowl In Areas Designated as Non-Toxic Shot Zones

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to amend waterfowl hunting regulations, 50 CFR 20.21(j), on the use of toxic shot in non-toxic shot zones. Presently Section § 20.21(j) permits the use of toxic shot in guns with bores smaller than 12 gauge in zones designated for non-toxic shot. Also, the present wording allows the possession of illegal shells provided they are not placed in the gun. This proposed amendment would allow toxic shot of any gauge other than 12 gauge to be used in non-toxic shot zones, and it would make possession of 12 gauge shells loaded with toxic shot illegal while hunting waterfowl in the zones.

DATES: Comments on this proposed rulemaking will be accepted until July 20, 1977.

ADDRESS: Submit comments to Director (FWS/MBM), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert I Smith, Special Projects Coordinator, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-343-8827).

SUPPLEMENTARY INFORMATION: On July 28, 1976, the Fish and Wildlife Service published a final rule, 50 CFR 20.21(j), which restricted the taking of waterfowl with shotshells loaded with toxic shot (41 FR 31388). This rule related to hunting of waterfowl in areas

designated in 50 CFR 20.108 (42 FR 21614-18) as non-toxic shot zones. On September 13, 1976, in recognition of the fact that shotshells loaded with non-toxic shot had not been manufactured for all gauges of shotguns, an amendment to § 20.21(j) was published (41 FR 38772). That amendment went into effect at the time of its publication, and it permitted the use of shotshells loaded with toxic shot in areas designated as non-toxic shot zones, provided the toxic shot was used in shotguns with bores smaller than 12 gauge. That amendment was for one year only.

On December 23, 1976, the Service proposed for public comment an amendment to § 20.21(j), which would have permitted, if adopted, toxic shot in gauges smaller than 12 gauge to be used in non-toxic shot zones for a second year (41 FR 55903-4). Pubic comment on the proposal dealt primarily with two issues. First, waterfowl hunters who use 10-gauge shotguns requested that they be allowed to use shotshells loaded with toxic shot until such time as shells loaded with non-toxic shot are manufactured in 10 gauge. Most other comments related to the difficulty in enforcing § 20.21(j) as it is now worded and as it was proposed to be amended. This wording specifies that a gun loaded with illegal shells constitutes a violation, but illegal shells in possession of the hunter do not in themselves constitute a violation. Those commenting on this subject expressed the view that illegal shotshells should not be permitted in possession of the hunter while hunting waterfowl in non-toxic shot zones. Both of the above suggestions represent significant changes in § 20.21(j) as it is presently worded and as it was proposed to be amended; therefore, a reworded proposed amendment incorporating the above suggestions is offered below for further public comment.

The continued deposition of lead shot by waterfowl hunters using shotguns of the less popular gauges limits efforts of the Service to reduce the problem of lead poisoning in waterfowl. While it is not the intent of the Service to place an undue hardship on those who use these gauges, the Service believes that a time limit must be placed on exceptions to the toxic shot restrictions. Prior to the waterfowl hunting seasons commencing in 1978 the availability of shotshells in various gauges will be reviewed. At that time § 20.21(j) will be amended accordingly. However, in the waterfowl hunting seasons commencing in 1979 the Service plans to terminate all amendments which permit shotshells loaded with toxic shot to be used by waterfowl hunters in zones designated for non-toxic shot.

The Proposed Ruling:

For the waterfowl hunting seasons commencing in 1977 and terminating in 1978 the Service proposes to amend 50 CFR 20 by deleting the present (j) under § 20.21 and replacing it with the following:

§ 20.21 Hunting methods.

* * * * * *

(j) While possessing 12-gauge shotshells loaded with any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: Provided, that this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in areas described in § 20.108 as non-toxic shot zones during waterfowl hunting seasons commencing in 1977 and terminating in 1978.

This proposed rule was authored by Robert I. Smith, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202-343-8837).

NOTE.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: June 24, 1977.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.77-18653 Filed 6-29-77;8:45 am]

JUN 30 77
UM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL AERONAUTICS BOARD

[Docket 30679]

FLORIDA-ATLANTA COMPETITIVE NONSTOP SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding (formerly styled the *Atlanta-Daytona Beach/Sarasota-Brandenton Nonstop Proceeding*) will be held on August 16, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Ave., N.W., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 26, 1977, and the other parties on or before August 9, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

The submissions shall cover the Atlanta-Tallahassee market as well as those markets set out in Order 77–3–167, March 30, 1977.

Dated at Washington, D.C., June 23, 1977.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc.77–18734 Filed 6–29–77;8:45 am]

[Order No. 77–6–116; Docket Nos. 30478, et al.]

AIR TRANSPORT ASSOCIATION, ET AL.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of June 1977; Dockets 30478, 30520, 30784, 30562, 30633, 28001, 31044.

Multiple revisions to restricted articles tariff No. 6–D, C.A.B. No. 82, proposed by members of the Air Transport Association and other participating carriers. Effective tariff provision of United Air Lines, Inc., regarding shipments of exempt radioactive materials. Nonacceptance of ORM shipments in containers proposed by United Air Lines, Inc. Surcharge per shipment of restricted articles proposed by American Airlines, Inc. Hazardous articles rules and practices investigation.

By tariff revisions[1] bearing various posting and issue dates and marked to become effective June 25, 1977, members of the Air Transport Association, and other participating carriers, propose a thorough revision of the hazardous materials tariff. The proposed tariff, which adopts the Hazardous Materials Regulations (49 CFR 170–189) of the Department of Transportation (DOT) by reference, would cancel all tariff provisions reflecting DOT regulations, and would publish only the more restrictive carrier-imposed regulations on the transportation of hazardous articles.

A complaint requesting investigation of the proposal has been submitted by the Council for Safe Transportation of Hazardous Articles (COSTHA).[2] The complaint contends, inter alia, that safety regulation has been delegated by Congress to DOT; that DOT's rulemaking procedures provide for shipper and carrier input; that the proposed tariff rules have been developed by the Restricted Articles Board (RAB) of the Air Traffic Conference of America, a carrier organization; that the RAB in many instances has relied on erroneous or outdated sources in determining the hazards of various commodities; and that the RAB has issued the tariff rules without shipper input.

COSTHA also alleges that the proposed tariff rules for consumer commodities, ORM–D, violate DOT regulations in that they require marking the package with a different hazard class in addition to DOT's "ORM–D–AIR" marking requirement; that such rules are inimical to safety since they increase confusion; and that such markings are incompatible with other modes of transport, including motor transportation to and from the airport. The complaint further asserts that DOT would permit one quart of carbon tetrachloride per package aboard passenger aircraft, whereas the tariff would prohibit transportation of this material on passenger aircraft altogether, despite the fact that its toxicity is insufficient to warrant such a ban; that the proposed shipper's certification forms for radioactive and non-radioactive restricted articles shipments are incompatible with those for other modes, making it impossible for a shipper to use the same document to deliver his shipment to the airport; and that many poisonous articles are refused transportation by the tariff despite the fact that DOT has not found them to require such total prohibition.

In support of the proposal, and in answer to the complaint, the RAB, on behalf of the filing carriers, asserts, inter alia, that the proposed tariff complies with the Board's suggestion in Order 77–2–59 that restricted articles tariffs contain only provisions that deviate from DOT regulations; that the Court of Appeals, in *Delta Air Lines, Inc., et al.* v. *Civil Aeronautic Board* (*Delta* v. *C.A.B.*), U.S.C.A., D.C. Circuit, Nos. 74–1984 *et al.*, held that air carriers have the authority to file tariffs that are more restrictive than DOT regulations; and that carriers have a statutory obligation to provide safe and adequate service. The RAB further contends that its organization and functions were approved by Board order;[3] that, in fashioning tariff rules governing hazardous articles, it has consulted with representatives of shipper groups, including COSTHA, thus complying with the conditions of the Board's approval; and that COSTHA's objections to the role played by the RAB are totally without merit.

Finally, the RAB claims that the proposed parenthetical hazard classifications for ORM–D shipments (e.g., "Flammable Liquid") are necessary to give carrier personnel adequate information in the event of an incident such as a spill, and are therefore required to ensure safety; that the ban on transportation of carbon tetrachloride in passenger aircraft is justified in light of its highly toxic nature, which has led to its prohibition in household use by the Food and Drug Administration, and because of the possibility that volatile vapors may be carried into cabin or cockpit; that the use of a shipper's certification form that is compatible with that required for international shipments will facilitate ease of shipment by eliminating duplicative paperwork; and that the tariff prohibitions on the carriage of poisons have already been effective for some time, and a complaint at this time is therefore inappropriate.

Third-party answers to the complaint in support of the proposal have also been filed by the Air Line Pilots Association (ALPA) and the Aviation Consumer Action Project (ACAP). The answers, which contain most of the points brought forth by the RAB, stress the statutory obligation of air carriers to provide safe and adequate service, and their right to promulgate tariff provisions more restrictive than DOT regulations. ACAP also claims that COSTHA's complaint is too vague under the provisions of section 502(a) of the Board's Rules of Practice in that it nowhere states on what basis the tariff provisions are unlawful.

In view of the foregoing and all other relevant factors, the Board concludes that the proposed revisions may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and should be investigated. The Board further believes that certain provisions of the domestic rules and rates tariffs affecting hazardous materials should also be investigated. We will also consolidate two other proceedings, Docket 28001, *Surcharge per shipment of restricted articles proposed by American Airlines, Inc.*, and Docket 30633, *Nonacceptance of ORM shipments in containers proposed by United Air Lines, Inc.*, into the proceeding herein instituted. Finally, the lawfulness of all other restricted article surcharges will be considered.

The instant filing replaces one issued February 1 for March 3, 1977, effectiveness, purportedly reflecting new DOT regulations that became effective January 1, 1977. Both DOT and COSTHA filed complaints against that proposal, alleging numerous conflicts with and violations of DOT regulations. In response to the complaints, the carriers postponed effectiveness of the tariff until April 15, 1977. Postponement of the February 1 revisions, however, left effective tariffs unchanged. Because of the massive revision involved in DOT's new regulations, however, the carriers' tariff was in some respects in serious conflict with DOT regulations. As a result, carriers in many instances could not offer air transportation to shipments of hazardous materials without violating either the regulations, on the one hand, or the tariff, on the other hand.

In recognition of the plight of shippers, the Board[4] granted all direct and indirect U.S. air carriers and exemption from section 403 of the Federal Aviation Act of 1958 and Part 221 of the Board's Economic Regulations to the extent necessary to permit them to offer air transportation of shipments of hazardous articles tendered in conformity with DOT regulations. In that order, the Board suggested that a tariff that published only carrier-imposed regulations would be clearer for both shippers and carrier personnel by eliminating duplication of the DOT regulations. At the time the instant revisions were filed, the Board, by Order 77–4–71, granted the carriers' concurrent request for an extension of the exemption granted in Order 77–2–59, until the effective date of the revisions. At the same time, the carriers again postponed effectiveness of the original proposal to June 25. The instant filing, therefore, supersedes the February 1 revisions.

While the Board considers the proposed tariff a significant improvement over the current chaotic situation, we are still concerned that shippers of hazardous materials may be denied air transportation to which they are lawfully entitled. Both the RAB and the third-party answers stress the carriers' statutory obligation to provide safe and adequate service, emphasizing safety. The Board agrees with this concern. Congress, however, has assigned DOT the responsibility for promulgating rules and regulations relating to air safety. The Board, nevertheless, has the responsibility under the Federal Aviation Act of 1958 (the Act) for the economic regulation of air carriers.

In *Delta* v. *C.A.B.*, *supra*, the Court of Appeals held, inter alia, that carriers have the right to file hazardous materials tariffs that are more restrictive than DOT regulations subject to the noted Board regulation. The Board may finds such tariffs unlawful, but only after notice and hearing, and thereupon may prescribe the lawful rules, regulations, and practices pursuant to section 1002 (d) of the Act.

The Court further ruled that "the Board fulfills its responsibilities with respect to safety questions when it determines that all FAA/DOT safety requirements have been satisfied • • •"[5] but added that the Board has the responsibility to consider the issues of "economic costs, safety hazards (accepting the outer limits of safety as found by the FAA), common carrier responsibilities, and other factors affecting the transportation of hazardous cargo • • •," and that the Board, after conducting a full hearing, has the power to enforce carriage of materials permitted by DOT.[6] In light of these considerations, the Board concludes that all carrier-imposed restrictions on hazardous articles should be subjected to the scrutiny of the hearing process, wherein such issues may be considered. We will, therefore, institute an investigation of the entire restricted articles tariff.

In addition to the provisions of the carriers' hazardous materials tariffs proper, the Board also believes that several provisions of the domestic rules and rates tariffs should be investigated, specifically the surcharges per shipment of restricted articles levied by many carriers and restrictions on the acceptance of hazardous materials in containers.

The investigation will, therefore, also include the lawfulness of surcharges levied by the carriers on restricted articles. Although the issue of lawful charges for restricted articles is now pending in the *Domestic Air Freight Rate Investigation* (*DAFRI*), Docket 22859, that issue is different from a consideration of the relationship between the surcharges and the new DOT regulations, which can be explored in the instant investigation without interfering with the pending decision of the Board in *DAFRI*.[7] All restricted articles surcharges will be included, and the separate investigation of American's surcharge already instituted in Docket 28001 will be consolidated herein.

By Order 77–3–110 the Board ordered an investigation of the non-acceptance of ORM–D commodities in containers proposed by United. We will consolidate that proceeding, as well, into the present investigation, which will extend to the provisions for nonacceptance of other hazardous materials in containers in effect for most carriers.

On March 1, 1977, Miles Laboratories, Inc., filed a complaint asking for investigation of an effective hazardous item tariff provision of United Air Lines, Inc. Since the provision in question has been canceled by the new tariff filings, the Board will dismiss the complaint as moot.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the charges and provisions described in Appendix A[8] insofar as such charges apply in domestic and overseas transportation, and rules, regulations, and practices affecting such charges and provisions, including subsequent reissues or revisions thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful charges, provisions, and rules, regulations, or practices affecting such charges and provisions;

2. This proceeding shall be designated the *Hazardous Articles Rules and Practices Investigation*, Docket 31044, and shall be assigned before an administrative law judge of the Board at a time and place hereafter to be designated;

3. Dockets 28001 and 30633 are hereby consolidated into Docket 31044.

4. Except to the extent granted herein, the complaints of the Council for Safe Transportation of Hazardous Articles in Dockets 30478 and 30784, the Department of Transportation in Docket 30520, and Miles Laboratories, Inc., in Docket 30562 are dismissed; and

5. Copies of this order shall be served upon the Council for Safe Transportation of Hazardous Articles, the Department of Transportation, the Air Transport Association, the Restricted Articles Board, the Air Line Pilots Association,

---

[1] Revisions to Airline Tariff Publishing Company, Agent, Tariff C.A.B. No. 82.

[2] A group consisting of associations of shippers of hazardous articles.

[3] Order 76–3–136, March 22, 1976 (Agreement No. 25598).

[4] Order 77–2–59, February 11, 1977.

[5] Opinion, June 22, 1976, at p. 22, footnotes omitted.

[6] Ibid., pp. 24–25.

[7] The revisions of DOT regulations implemented after close of the record in *DAFRI* should not affect the Board's determinations in that proceeding. Administrative finality requires that proceedings be resolved on the basis of facts existing at the time the record is closed subject to matters which can be officially noticed. In the proceeding instituted herein, we will be considering, as recognized by the Court in *Delta* v. *C.A.B.*, the effect on carrier economics of DOT regulations.

[8] Appendix A, Tariff CAB No. 82 filed as part of original document.

the Aviation Consumer Action Project, and all certificated U.S. air carriers, which are hereby made parties to Docket 31044.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-18736 Filed 6-29-77;8:45 am]

[Order 77-6-121; Docket 30871]

GUYANA AIRWAYS CORP.

Statement of Tentative Findings and Conclusions and Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of June, 1977.

Guyana Airways Corporation (GAC) is the holder of a foreign air carrier permit[1] authorizing: (a) foreign air transportation of property and mail between a point or points in the Republic of Guyana; the intermediate points Port of Spain, Trinidid, Bridgetown, Barbados, and San Juan, Puerto Rico; and the terminal point Miami, Florida; and (b) the performance of charter trips of property pursuant to Part 212 of the Board's Economic Regulations.

By application filed on May 11, 1977,[2] GAC requests renewal of its existing foreign air carrier permit. GAC also requests that its application be handled by show cause procedures.

In Order 72-7-103 the Board found that GAC was substantially owned and effectively controlled by nationals of Guyana. The information provided in the instant application for renewal continues to support this finding. Accordingly, it is tentatively found from the foregoing that GAC is owned and controlled by nationals of Guyana.

It is tentatively found that GAC is fit, willing, and able to continue providing the service for which renewed authority is sought. In Order 72-7-103 the Board previously found that GAC met the fitness standards of the Act, and that the service proposed was in the public interest. GAC has no history of formal violations of Board Regulations. An opportunity for reciprocity exists for U.S. air carriers seeking to perform similar operations to Guyana.

On the basis of the record before us, GAC has demonstrated that the renewal of its foreign air carrier permit is in the public interest, and that it possesses the necessary fitness, willingness, and ability to continue providing these services and to conform to the provisions and requirements of the Act and the Board's Regulations.

In view of the foregoing and all the facts of record, the Board tentatively finds:

1. That GAC is substantially owned and effectively controlled by nationals of Guyana;

2. That it is in the public interest to renew the foreign air carrier permit of Guyana Airways Corporation authorizing the carrier, for a period of five years: (a) to engage in foreign air transportation with respect to property and mail between the Republic of Guyana, the intermediate points Port of Spain, Trinidad, Bridgetown, Barbados, and San Juan, Puerto Rico, and the terminal point Miami, Florida; and (b) to engage in charter trips of property in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations; [3]

3. That the public interest requires that the exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

4. That Guyana Airways Corporation is fit, willing, and able properly to perform the above-described foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

5. That an evidentiary hearing is not required in the public interest; and

6. That the renewal of Guyana Airways Corporation's foreign air carrier permit is not a "major federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969,[4] and will not be inconsistent with the policy objectives of the Energy Policy and Conservation Act of 1975 (EPACA).[5]

ACCORDINGLY, *it is ordered*, that:

1. All interested persons be and they hereby are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and why the foreign air carrier permit issued to Guyana Airways Corporation by Order 72-7-103, should not, subject to the approval of the President pursuant to section 801 of the Act, be renewed for a period of five years;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections, supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board; [6]

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Guyana Airways Corporation, Pan American World Airways, Inc., and the Ambassador of Guyana in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

PERMIT TO FOREIGN AIR CARRIER
(AS AMENDED)

SPECIMEN

Guyana Airways Corporation is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to property and mail, as follows: Between a point in the Republic of Guyana; the intermediate points Port-of-Spain, Trinidad; Bridgetown, Barbados; and San Juan, Puerto Rico; and the terminal point Miami, Florida.

The holder shall be authorized to engage in charter trips of property in foreign air transportation subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder shall not provide foreign air transportation under this permit unless (1) there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, (2) there is in effect minimum liability insurance coverage for bodily injury to or death of cargo handlers in the amount of $75,000 per cargo handler, and (3) there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the insurance provided under (1) and (2) above. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and address of the member insurers.

The holder shall conform to the airworthiness and airmen competency requirements prescribed by the Government of the Republic of Guyana for Guyanese international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Republic of Guyana shall be parties.

This permit shall be subject to the condition that in the event any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto, and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The holder shall not commence any service authorized herein, except pursuant to an initial tariff setting forth rates, fares, and charges no lower than the lowest rates, fares, or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

By accepting this permit the holder waives any right it may posses to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted herein shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ----------, and shall terminate five years thereafter: *Provided, however*, That if in the aforesaid period during which this permit shall be effective, the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Guyana are or shall become parties, then and in that event this permit is continued in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------.

(SEAL) *Secretary.*

Issuance of this permit
to the holder approved by the
President of the United States
on ----------
in ----------

[FR Doc.77-18735 Filed 6-29-77;8:45 am]

---

[1] Issued pursuant to Order 72-7-103, approved July 28, 1972.

[2] A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] The authority to perform off-route charters pursuant to Part 212 of the Board's Economic Regulations extends only to the class of traffic authorized in the permit for on-route foreign air transportation (*i.e.*, property), but does not include mail. See, *Sociedad Aeronautica de Medellin, Permit Transfer* 41 CAB 27, 28, n. 4 (1964); *Americana de Aviacion*, Foreign Permit, 48 CAB 489, 490, n. 3 (1968) *Aerotransportes Entre Rios S.R.L.*, Order 72-4-84, n. 2 *Caribwest Airways Limited*, Order 73-5-49, n. 5; *Servicio Aereo de Transportes Comerciales (SATCO)*, Order 73-5-141, n. 4; *Compania de Aviacion "Faucett," S.A.*, Order 73-7-150, n. 1; *ARGO, S.A.*, Order 73-8-90, n. 1; and *Turks Air Limited*, Order 74-6-12, n. 8.

[4] Our tentative finding is based upon the fact that the applicant is seeking renewal of existing authority. Section 312.9 of the Board's Regulations does not require that an environmental evaluation be made in such cases.

[5] Since no new services are to be performed, there will be no material increase in the utilization of fuel.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

DEPARTMENT OF COMMERCE

Economic Development Administration

PAUKER CORP.

Petition for a Determination of Eligibility To Apply for Trade Adjustment Assistance

A petition by Pauker Corporation, 2840-D Pine Road, Huntingdon Valley, Pennsylvania 19006, a producer of sweaters, was accepted for filing on June 23, 1977, pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated an investigation to determine whether increased imports into the United States of articles like or directly competitive with those produced by the firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of July 11, 1977.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc.77-18756 Filed 6-29-77;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

MINIATURE CHRISTMAS TREE LIGHTS

Acceptance of Offer To Develop Safety Standard; Summary of Terms of Acceptance

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of acceptance of offer to develop a safety standard; summary of terms of acceptance; invitation to interested persons to participate.

SUMMARY: In this document, the Consumer Product Safety Commission announces that it has accepted an offer from the National Consumers League (NCL), Washington, D.C., to develop a recommended consumer product safety standard for the fire and shock hazards of miniature Christmas tree lights and similar miniature decorative lights. The period for developing the recommended standard begins June 20, 1977 and ends November 16, 1977. This notice summarizes the terms of acceptance of the offer and invites interested persons to participate in the NCL's development of the recommended standard.

FOR FURTHER INFORMATION CONTACT:

At CPSC: Carl Blechschmidt, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C., (301) 492-6557.

At NCL: David Swankin, NCL Project Director, Swankin and Turner, 1625 Eye Street, N.W., Room 923, Washington, D.C. 20006, (202) 872-8660; or Sandra Willett, Executive Director, National Consumers League, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 797-7600.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 31, 1977 (42 FR 17154) the Consumer Product Safety Commission initiated a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) to develop a consumer product safety standard for the fire and shock hazards associated with miniature Christmas tree lights and similar miniature decorative lights. The notice invited any person to submit to the Commission, on or before May 2, 1977, either of the following:

(1) One or more existing standards as a proposed consumer product safety standard in this proceeding; or,

(2) An offer to develop one or more proposed consumer product safety standards applicable to miniature Christmas tree lights to reduce or eliminate any or all of the unreasonable risks of injury associated with miniature Christmas tree lights identified in this notice.

In response to the March 31 FEDERAL REGISTER notice, the Commission received two offers to develop a recommended standard applicable to miniature Christmas tree lights, from Underwriters Laboratories, Inc., Long Island, New York and from National Consumers League, Washington, D.C. The Commission also received a submission as an existing standard from the National Ornament and Electric Lights Christmas Association (NOEL), New York.

ACCEPTANCE OF OFFER

The Commission has accepted the offer of the National Consumers League (NCL), 1028 Connecticut Avenue, N.W., Washington, D.C. 20036 to develop a recommended consumer product safety standard applicable to miniature Christmas tree lights. The Commission has determined that NCL (1) is technically competent, (2) is likely to develop an appropriate standard within the 150 day development period, which begins June 20, 1977 and ends November 16, 1977, and (3) will comply with the regulations issued by the Commission under section 7 of the Consumer Product Safety Act (16 CFR 1105; 39 FR 16206) applicable to the development of the standard.

NCL has agreed to develop a recommended standard applicable to miniature Christmas tree lights in accordance with the terms of the Commission's March 31, 1977 notice of proceeding (42 FR 17154); the Commission's regulations for devel-

oping consumer product safety standards (16 CFR 1105; 39 FR 16206); section 7 of the Consumer Product Safety Act, as amended Pub. L. 94–284, May 11, 1976 (15 U.S.C. 2056); and the terms of its agreement with the Commission.

The Commission has agreed to contribute $163,842.00 toward the total cost of developing the standard. The cost contribution will be allocated to offeror personnel salaries, consumer participation expenses, travel and per diem for offeror and consumer participants, meetings expenses, and office expenses.

As provided in section 7(b) of the CPSA, 15 U.S.C. 2056, as amended, the standards development period shall be 150 days commencing on the effective date of the agreement, June 20, 1977, the date the NCL offer was formally accepted by the Commission, and ending on November 16, 1977. If the Commission finds, for good cause, that a longer period of time is appropriate, notice of this finding shall be published in the FEDERAL REGISTER.

Copies of the NCL offer, dated May 2, 1977, with modifications dated May 20, 1977, and a copy of the agreement entered into between the Commission and NCL are available for inspection in the Office of the Secretary, Third Floor, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

METHOD OF DEVELOPMENT

The NCL Executive Committee will retain overall responsibility for assuring performance of the offer. The NCL Executive Committee will appoint a Review Panel, comprised equally of NCL directors and industry members, which will have the authority to make final decisions as to the recommended standard(s) to be submitted to the CPSC at the end of the 150 day development period (November 16, 1977). The Project Director will be Chairman of the Review Panel, and will have administrative responsibility for carrying out the project. The Review Panel, with technical assistance from the Project Staff, will make decisions based on alternative submissions by the Standard Development Committee (SDC) and Cost-Benefit Analysis Committee (CBAC).

Assisted by the Project Director and Project Staff, the SDC, chaired by a person appointed by the NCL Executive Committee, will be responsible for developing alternative standards and test methods to be presented to the Review Panel for final decision. After being briefed by the Project Staff and presented with a risk analysis prepared by the Project Staff, the SDC will review the CPSC staff analysis of the strengths and weaknesses of existing voluntary standards, and the statement of promising regulatory approaches prepared by the CPSC staff, and will develop alternative standards and test methods for each of the identified risks. The SDC will then develop alternative standards and test methods accompanied by a technical rationale to address each of the identified risks. Only if there is unanimity after the initial briefing and presentations would a single standard and test method be developed.

In order to take into account economic consequences of the recommended standards(s), the NCL plan also involves the creation of a Cost-Benefit Analysis Committee (CBAC), chaired by a person designated by the NCL Executive Committee. The CBAC will monitor all meetings of the SDS and will analyze the economic consequences of each alternative. When the alternative recommendations of the SDC are presented to the Review Panel, the CBAC will also present the Review Panel with an analysis of the economic consequences of each alternative.

In the process of developing the recommended standards and test methods, the offeror will employ laboratory facilities provided by participants in the standards development process, independent laboratory facilities, or government laboratory facilities. During the course of the standards development program, each draft of the standard will be submitted to the Standard Development Committee, the Cost-Benefit Analysis Committee, the CPSC monitor, and Review Panel members.

The proceedings of the offeror will be monitored by the Commission. The offeror will prepare monthly progress reports for the Commission and will provide the Commission with a mid-term briefing, approximately halfway through the 150 day standard development period.

All meetings of the Review Panel, Standard Development Committee and Cost-Benefit Analysis Committee will be open. Full transcriptions of the Review Panel meetings will be made. Meetings of other committees will be taped.

In its technical approach, the offeror will undertake a detailed study of available injury information, and will evaluate the effectiveness of the existing voluntary standards. The offeror will then justify the use of parts of the existing standards. In developing a recommended standard(s), the offeror will examine current manufacturing and quality assurance programs. The offeror will also develop a technical rationale and test methods to accompany the recommended standard(s).

The National Consumers League has subcontracted with Weiner Associates of Baltimore, Maryland, to serve as project engineers. Persons with technical questions should contact Mr. Robert Weiner, directly, at 1717 York Road, Lutherville, Maryland 21093 (301) 252–8500.

PARTICIPATION BY CONSUMERS AND OTHER INTERESTED PERSONS

The first meeting of the SDC will take place Tuesday and Wednesday, July 12 and 13, 1977 beginning at 8:30 a.m. at the Mayflower Hotel, 1127 Connecticut Avenue, N.W., Washington, D.C.

In accordance with the Commission's regulations and the terms of the offer, all persons are invited to participate in the standard development process. In order to ensure this participation the offeror will contact directly producer and consumer groups with direct interest in the standard development process. Professional and technical societies will also be contacted. NCL will also distribute a press release announcing the beginning of the standard development process and inviting participation.

NCL will send an announcement to all known consumer groups in the United States on the national, state, and local level seeking participation on the SDC and CBAC. NCL has also sent a letter to consumers with technical backgrounds who have indicated to CPSC an interest in participating in standards development. NCL has stated in its offer that the Virginia Citizens Consumer Council (VCCC) and the Consumer Affairs Committee, Greater Washington Chapter, Americans for Democratic Action (CAC–ADA) will participate on the SDC and the CBAC. All consumer participants on the SDC will have adequate technical support, either from persons NCL learns of from the survey of professional and technically supported by an independent cost/benefit consultant.

NCL has also indicated that it will consider written comments as a form of participation in the standard development process.

All persons interested in participating in the development of the recommended standard applicable to miniature Christmas tree lights should contact David Swankin, NCL Project Director, Swankin and Turner, 1625 Eye Street, N.W., Room 923, Washington, D.C. 20006; (202) 872–8660; or Sandra Willett, Executive Director, National Consumers League, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036, (202) 797–7600.

Dated: June 27, 1977.

RICHARD E. RAPPS,
Secretary, Consumer Product Safety Commission.

[FR Doc.77-18757 Filed 6-29-77;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 753-8; OPP-33000/511]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ["Interim Policy Statement"]. On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the recent amendments to FIFRA on November 28, 1975 [Pub. L. 94–140], and the new regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street, S.W., Washington DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755–9315
PM 21 and 22—202/426–2454
PM 24—202/755–2196
PM 31—202/426–2635
PM 33—202/755–9041
PM 15, 16, and 17—202/426–9425
PM 23—202/755–1397
PM 25—202/755–2632
PM 32—202/426–9486
PM 34—202/426–9490

The Interim Policy Statement requires that claims for compensation be filed on or before August 29, 1977. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended should be made on or before August 1, 1977.

Dated: June 20, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP–33000/511)

EPA File Symbol 16–RRE. Dragon Chemical Corp., 7033 Walrond Dr., N.W., PO Box 7311, Roanoke VA 24019. DRAGON DIPEL WETTABLE. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of Potency per mg (1.96 billion International Units per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 239–2211. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use pattern. PM21

EPA Reg. No. 239–2211. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. DIFOLATAN 4 FLOWABLE. Active Ingredients: Captafol 39%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Changed use pattern. PM21

EPA Reg. No. 352–342. E. I. DuPont De Nemours & Co., (Inc.), Biochemicals Dept., 6054 DuPont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE WATER SOLUBLE POWDER. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 352–342. E. I. DuPont De Nemours & Co. (Inc), Biochemicals Depart., 6054 DuPont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE, WATER SOLUBLE POWDER. Active S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 352–370. E. I. DuPont De Nemours & Co., (Inc.), Biochemicals Dept., 6054 DuPont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 352–370. E. I. DuPont de Nemours & Co. (Inc.), Biochemicals Dept., 6054 Dupont Bldg., Wilmington DE 19898. LANNATE L METHOMYL INSECTICIDE. Active Ingredients: S-methyl N-[(methylcarbamoyl)oxy]thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA File Symbol 464–LUA. Dow Chemical Co., PO Box 1706, Midland MI 48640. GARLON 3A HERBICIDE. Active Ingredients: Triclopyr (3,5,6-trichloro-2-pyridinyloxyacetic acid), as the triethylamine salt 44.4% Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA File Symbol 1964–ER. New South Manufacturing Co., PO Box 10025, Atlanta GA 30319. LC608B–H. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1964–EE. New South Manufacturing Co., PO Box 10025, Atlanta GA 30319. LC608B–L. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 6.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1964–EG. New South Manufacturing Co., PO Box 10025, Atlanta GA 30319. LC608B–M. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 3125–280. Chemagro Mobay Chemical Co., Hawthorn Rd., Kansas City MO 64120. MONITOR 4 LIQUID INSECTICIDE. Active Ingredients: O,S-Dimethyl phosphoramidothioate 40%. Method of Support: Application proceeds under 2(b) of interim policy. Amendment. PM16

EPA Reg. No. 10182–7. ICI United States Inc., Agricultural Chemicals Div., Wilmington DE 19897. PIRIMAR–50WP. Active Ingredients: 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate 50%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 10650–E. Monarch Chemicals, Inc., 37 Meadow St., Utica NY 13502. MON–O–CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 13900–A. Delta Water Laboratories, 4206 Quirt, Lubbock TX 79404. DELTA WATER TREATMENT MICROBIOCIDE K–164. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 40601–R. Bill Wells Pool Supply, 3235 Vassar Drive, N.E., Albuquerque NM 87107. ALGAE-CONTROL CONCENTRATE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40601–E. Bill Wells Pool Supply, 3235 Vassar Drive, N.E., Albuquerque NM 87107. ALGAE-CONTROL. Active Ingredients: Poly [oxyethylene (dimethyliminio) -ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40602–R. Cooper-Griffin Water Services, 2512 Rio Grande Blvd., N.W., Albuquerque NM 87104. MICROBIOCIDE #300. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene-(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

[FR Doc.77-18661 Filed 6-29-77;8:45 am]

JUN 30 77
UM

ENVIRONMENTAL PROTECTION AGENCY

[FRL 754–2; OPP–50302]

EXPERIMENTAL USE PERMITS

Issuance

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 37889–EUP–1. Mitchell A. Johnson Co., Taylorsville, North Carolina 28681. This experimental use permit allows the use of 100 pounds of the insecticide heptachlor under foundation footings and piers, applied to soil surface where concrete is to be poured and around pipes that will extend through concrete to evaluate control of termites. A total of 25 structural sites is involved; the program is authorized only in the State of North Carolina. The experimental use permit is effective from April 29, 1977, to April 29, 1978. This use is consistent with allowed subsurface treatment using heptachlor (see FEDERAL REGISTER of 2/19/76, p. 7552).

No. 21138–EUP–2. Aldine Products Company, Birmingham, Michigan 48010. This experimental use permit allows the use of 1,800 pounds of the fungicide dichlorophene on trees to evaluate control of Dutch Elm disease. A total of 711 trees is involved; the program is authorized only in the States of Illinois, Indiana, Maine, Michigan, Ohio, Pennsylvania, and Wisconsin. The experimental use permit is effective from April 29, 1977, to April 29, 1978.

No. 241–EUP–63. American Cyanamid Company, Princeton, New Jersey 08540. This experimental use permit allows the use of 240 pounds of the herbicide N-(1-ethylpropyl)-3, 4-dimethyl-2,6-dinitrobenzenamine on corn (except sweet and pop) to evaluate control of annual grasses and broadleaf weeds. A total of 238 acres is involved; the program is authorized only in the States of Alabama, Colorado, Kansas, Georgia, Illinois, Maryland, Nebraska, Tennessee, and Virginia. The experimental use permit is effective from April 29, 1977, to April 29, 1978. Permanent tolerances for residues of the active ingredient in or on corn have been established (40 CFR 180.361).

Interested parties wishing to review the experimental use permits are referred to Room E–315, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755–4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

STATUTORY AUTHORITY: Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) *et seq.*).

Dated: June 22, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.77–18659 Filed 6–29–77;8:45 am]

[FRL 753–7; OPP–00055]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Meeting

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: There will be a three-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:30 a.m. to 4:30 p.m. daily on Wednesday, July 20, Thursday, July 21, and Friday, July 22, 1977. The meeting will be held in Room 1112A, Crystal Mall, Building Number 2, 1921 Jefferson Davis Highway, Arlington, Virginia, and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH–566), Rm. 1026, Crystal Mall, Building 2, 1921 Jefferson Davis Highway, Arlington, Virginia, telephone 703–557–7560.

SUPPLEMENTARY INFORMATION: In accordance with Section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact on health and the environment of regulatory actions under sections 6(b) and 25 (a) prior to implementation. The purpose of this meeting is to discuss the following topics:

1. Formal review of the following sections of the Guidelines for Registering Pesticides inthe United States: (a) Subpart B, Introduction to the Guidelines; (b) Subpart D, Chemistry Requirements; (c) Subpart E, Hazard Evaluation: Wildlife and Aquatic Organisms.

2. The Agency may present background information on changes anticipated in its basic regulatory approach to pesticides. Such a presentation would involve a discussion of a generic chemical standards approach to regulation.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above. Interested persons are permitted to file written statements before or after the meeting, and may upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit four copies of a summary no later than July 15, 1977.

Individuals who wish to file written statements are advised to submit ten copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the Panel.

Dated: June 24, 1977.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.77–18662 Filed 6–29–77;8:45 am]

[FRL 748–7]

MINNESOTA

Marine Sanitation Device Standard

On January 5, 1977, notice was published that the State of Minnesota had petitioned the Administrator, U.S. Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, for the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota, for the St. Croix River from the Wisconsin Border to Taylors Falls, and for all other interstate waters except Lake Superior, Superior Bay, and St. Louis Bay, the Lower Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, the waters of the Lower St. Croix River, and the Boundary Waters Canoe Area (42 FR 15079, March 18, 1977). The petition was filed pursuant to Section 312(f)(3) of Pub. L. 92–500.

Section 312(f)(3) states, "After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply."

The information submitted to me certifies that there are five stationary pumpout facilities and eighteen septic tank pumpers available to service vessels on the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, and for vessels on the Lower Minnesota River from the mouth to the end of the commercial channel near Shakopee, Minnesota. All five pump-out facilities cited by the State are on the Mississippi River; four of the five facilities (Hastings Marina, Kings Cove Marina, Jolly Roger Marina, and Hidden Harbor Marina) service ony recreational craft, while the fifth facility (Twin City Barge and Towing in St. Paul, Minnesota) services commercial vessels primarily. Of the eighteen septic tank pumpers cited by the State, thirteen are

in municipalities that are either directly on or border on the Mississippi River. Of the remaining five septic tank pumpers cited, one (Anoka Sewer Service in Anoka Minnesota) is on the Mississippi River but is approximately four miles north of the northern limit of the Mississippi addressed by the application; the second (A&B Sanitation in White Bear Lake, Minnesota) is approximately twelve miles east of the Mississippi; the third (Marty Sewer Service, in Lake Elmo, Minnesota) is approximately twelve miles northeast of the Mississippi River; the fourth (Roger F. Wierke, in Rosemount, Minnesota) is between the Mississippi and Minnesota Rivers, and is approximately six miles from the Mississippi River and an estimated eight miles from the Minnesota River; and the fifth (Bob Freiermuth Sanitation Service, in Hampton, Minnesota) is located between the Mississippi and Minnesota Rivers, and is approximately twelve miles from the Mississippi and an estimated twenty miles from the Minnesota River. The State has certified that the combination of stationary pump-out facilities and septic tank pumpers will exclude no vessel because of water depth. The distance covered by this application on the Mississippi River is 54 miles and on the Minnesota River is 22 miles.

The State of Minnesota has certified that all vessel wastes removed at either stationary pump-out facilities or by septic tank pumpers are required to be disposed of at a National Pollutant Discharge Elimination System permitted facility or applied on land in conformance with applicable Federal, State and local requirements. The seasonal and daily operating times of the stationary pumpout facilities, as certified by the State, are adequate.

The Agency has received no comments in opposition to the Minnesota petition that are based on scientific or technical merits.

Following a consideration of the fact that the discharge of sewage from all vessels will be prohibited when the Federal Marine Sanitation Device Standard is fully implemented in 1980, the State of Minnesota withdrew its petitions for the Upper St. Croix River from the Wisconsin Border to Taylors Falls, because such water is incapable of navigation by vessels with installed marine sanitation devices, and for all other interstate water, where ingress or egress to standing waters or interstate navigation by vessels subject to the regulation are physically not possible. Thus, the applicable portions of the Mississippi and Minnesota rivers are the remaining waterways from the January 5 FEDERAL REGISTER notice requiring a determination pursuant to Section 312(f)(3).

Following an examination of the petition and supporting information, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Middle Mississippi River from Lock and Dam No. 2 at Hastings, Minnesota to the Coon Rapids Dam, and for the Minnesota River from its mouth to the end of the commercial channel near Shakopee, Minnesota, both within the State of Minnesota.

Dated: June 23, 1977.

BARBARA BLUM,
Acting Administrator.

[FR Doc.77–18657 Filed 6–29–77;8:45 am]

[FRL 754–1; PF73]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Mobay Chemical Corp., Chemagro Agricultural Div., P.O. Box 4913, Hawthorne Rd., Kansas City MO 64120, has submitted a petition (PP 7F1951) to the Environmental Protection Agency which proposes that 40 CFR 180.320 be amended by establishing a tolerance for residues of the insecticide Mesurol, 3,5-dimethyl-4-(methylthio) phenyl methylcarbamate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities artichokes at 0.1 part per million (ppm), beans (lima) at 0.1 ppm, beans (snap) at 1.0 ppm, cabbage at 20 ppm, cauliflower at 5.0 ppm, strawberries at 7.0 ppm and tomatoes at 0.5 ppm. The proposed analytical method for determining residues is by using gas chromatography utilizing a flame photometric detector.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 12, Registration Division (WH–567), Office of Pesticide Programs, at the above address, or by telephone at 202–426–9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All writtten comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: June 22, 1977.

DOUGLAS D. CAMPT,
Director,
Registration Division.

[FR Doc.77–18660 Filed 6–29–77;8:45 am]

[FRL 753–6; PP 5G1586/T118]

PESTICIDE PROGRAMS

Renewal of Temporary Tolerances; Thiophanate-methyl

On October 15, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 48390) that in response to a pesticide petition (PP 5G1586) submitted to the Agency by Pennwalt Corp., Agricultural Div., Three Parkway, Philadelphia PA 19102, temporary tolerances were established for combined residues of the fungicide thiophante–methyl (dimethyl [(1,2 – phenylene) bis(iminocarbonothioyl)]bis[carbamate]) and its benzimidazole-containing metabolites in or on the raw agricultural commodities celery at 3 parts per million (ppm), beans (snap) at 2 ppm, and pecans at 0.2 ppm. These temporary tolerances expired October 6, 1976.

Pennwalt Corp. requested a one-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Pennwalt Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire May 11, 1978. Residues not in excess of 3 ppm remaining in or on celery, 2 ppm in or on beans (snap), and 0.2 ppm in or on pecans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Section, Registration Division (WH–567), Office of Pesticide Programs, Room 315, East Tower, 401 M St., SW., Washington DC 20460 (202/755–4851).

(Section 408(j) of the Federal Food, Drug and Cosmetic Act [21 U.S.C. 346a(j)])

Dated: June 22, 1977

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.77–18658 Filed 6–29–77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 77-453]

1978 COMPOSITE WEEK DATES FOR AM AND FM LICENSEES FOR PROGRAM LOG ANALYSIS

JUNE 24, 1977.

The following dates will constitute the composite week for use in the preparation of: (1) Program log analysis submitted with renewal applications for commercial AM and FM station licenses which have expiration dates in calendar year 1978; and (2) assignment of license and transfer of control applications for AM and FM stations which are filed in calendar year 1978.

Sunday, September 26, 1976.
Monday, April 18, 1977.
Tuesday, May 10, 1977.
Wednesday, January 19, 1977.
Thursday, November 11, 1976.
Friday, August 6, 1976.
Saturday, February 26, 1977.

Commercial television licensees and permittees with license expiration dates of February 1 and April 1, 1978 will use, in answering Questions 5, 11 and 12 of revised Section IV of FCC Form 303, the composite week dates previously used in preparing the 1977 Annual Programming Report. Stations whose licenses expire on June 1 and thereafter during calendar year 1978 will use a composite week that will be issued in November, 1977. The composite week dates to be used in the preparation of the 1977 Annual Programming Report (FCC Form 303-A), required to be filed February 1, 1978 will also be issued in November, 1977.

Action by the Commission June 23, 1977. Commissioners Wiley (Chairman), Lee, Hooks, Quell, Washburn, Fogarty and White.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-18732 Filed 6-29-77;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01190---	A/S Gerrards Rederi & A/S Gerrards Rederi II: *Georgia.*
01383---	Rederiaktiebolaget Gustaf Erikson: *Degero, Eckero, Norro.*
01658---	Compania Achilles de Navegacion S.A.: *Nea Tyhi.*
01935---	Partnership between steamship company Svendborg Ltd. and Steamship Company of 1912 Ltd.: *Maersk Boulder, Maersk Breaker.*
01986---	Aktiebolaget Transmarin: *Bernhardina.*
02163---	J. Lauritzen A/S: *Olau Nord.*
02241---	Cape Continent Shipping Company (Proprietary) Ltd.: *Transvaal.*
02471---	P. T. Djakarta Lloyd: *Djatibaru.*
02601---	Caraibische Scheepvaart Maatschappij N.V.: *Cartago.*
02649---	Schiffahrtsgesellschaft Friesecke K.G.: *Helga Friesecke, Mar Tierra.*
02930---	Compania Sud-Americana De Vapores: *Copiapo, Imperial, Aconcagua, Maipo.*
03371---	Compania De Navegacion "Anderson" S.A.: *Sincerity.*
03387---	Deutsche Shell Tanker GMBH: *Caprella.*
03505---	Showa Yusen Kabushiki Kaisha: *Yamanashi Maru.*
03614---	A/S Kristian Jebsens Rederi: *Birknes.*
03733---	Great Lakes Dredge & Dock Company: *No. 53.*
04128---	Skips A/S Westray: *Brunhild.*
04172---	Ekiof Marine Corp.: *Reliable.*
04404---	Lars Rej Johansen: *Jotina.*
04357---	Koninklijke Nedlloyd B. V.: *Kapelle, Karakorum, Nedlloyd Kyoto, Laarderkerk, Lelykerk, Nedlloyd Delft, Bovenkerk, Sinoutskerk, Spaarnekerk, Steenkerk, Streefkerk, Schelde Lloyd, Nedlloyd Kingston, Nedlloyd Kimberley, Amstelstad, Zuiderkerk, Banggai, Batjan, Batu, Bengkalis, Wonosobo, Nijkerk, Zaankerk, Zonnekerk, Nedlloyd Dejima, Nedlloyd Katwijk, Nedlloyd Kembla, Nedlloyd Rockanje, Leiderkerk, Merwe Lloyd, Mississippi Lloyd, Musi Lloyd, Neder Ebro, Neder Eems, Madison Lloyd, Main Lloyd, Marne Lloyd, Mersey Lloyd, Maas Lloyd, Loire Lloyd, Leuve Lloyd, Abel Tasman, Seine Lloyd, Neder Linge, Neder Lek, Neder Rhone, Neder Rijn, Simonskerk, Serooskerk, Waalekerk, Westerkerk, Willemskerk, Wissekerk, Schie Lloyd, Neder Weser, Neder Waal, Neder Elbe.*
04625---	American Commercial Lines, Inc.: *Chem 36, Chem 7, Chem 33, Chem 8.*
05168---	Transcontinental Navigation Corporation: *Western Eagle.*
05520---	Union Carbide Corp.: *NMS 1602, DXE 1105, TCB 68, DXE 1104.*
05617---	Maritima Del Norte, S.A.: *Sierra Espuna, Sierra Escudo.*
05770---	C.A. Venezolana De Navegacion: *Yaracuy, Guarico.*
05874---	Sonoda Kisen K. K.: *Itohamu Maru No. 3, Yukizono Maru.*
05998---	Navarino Shipping & Transport Company Ltd.: *Prosperity.*
06063---	Belcher Towing Company: *Barge No. 22, Barge No. 21, Barge No. 20, Barge No. 19, Barge No. 18, Barge No. 10, Barge No. 11. CTCO 172.*
06384---	Mercury Shipping Co., Ltd.: *Mercury Bay.*
06400---	Searoute Shipping Co. Ltd.: *Elna.*
06476---	United International Carriers Ltd: *Chu Fujino.*
06680---	The Great Fortune Navigation (Singapore) Private Ltd.: *Great Faith.*
06712---	Chang An Marine Corp.: *Ever Lasting.*
06854---	United International Ore Carriers Ltd: *Trentwood.*
07019---	Allied Shipping International Corp.: *Pennant.*
07149---	United International Bulk Carriers Ltd.: *Roberts Bank.*
07360---	Hokuyo Suisan Kabushiki Kaisha: *Hoyo Maru No. 21, Hoyo Maru No. 2, Hoyo Maru No. 3.*
07407---	United International Cargo Carriers, Ltd.: *Chalmette.*
07530---	Riverside Tank Corp.: *Udomar.*
07643---	Nebula Shipping Ltd.: *Nebula.*
07729---	Estell S. A.: *Doctor Lello.*
07808---	Fleet Towing Co., Inc.: *Van Powell.*
07842---	United International Alumina Carriers Ltd.: *Gene Trefethen.*
07951---	Aquarella Navigation Co. Ltd.: *Marivic.*
08234---	Burmah Oil Tankers Ltd.: *Burmah Cameo.*
08289---	River Towing, Inc.: *L 14.*
08516---	Condor Navigation Inc.: *Stolt Condor.*
08692---	Rita Shipping Co., Inc.: *Rita.*
09021---	Daeyang Shipping Corp. Ltd.: *Aeneas.*
09137---	Arne Teigens Rederi A/S: *Ryttertind.*
09371---	Bilbo E. Williamson: *GTC-5.*
09451---	Kimolos Shipping Co. S.A. of Panama: *Nema.*
09467---	Reederei Hans Beiken OHG: *Seol Independent.*
10423---	Merry Shipping Co. Inc.: *No. 128, No. 137.*
10759---	Indo Pacific Carriers Inc.: *Hawaiian Patriot.*
11295---	Maroco Tankers, S.A.: *Barabara Massey.*
11484---	Thomas and Hall Trading Co. Ltd.: *Walka.*
11489---	Maritime Shipping Corp.: *Ytai.*
11659---	West Indies Oil Co. Ltd.: *Bunker Antigua.*
12023---	Kokusai Shipping K.K.: *Sanko Maru.*
12362---	Konpiramaru Gyogyo Kabushiki Kaisha: *Konpiramaru No. 7.*
12374---	Bayard Line (Maldives) Ltd.: *Yukize Maru.*
12378---	Antietam Tankers Inc.: *Antietam.*
12603---	Sea Containers Atlantic Ltd.: *Aqaba Crown.*

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18755 Filed 6-29-77;8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 20, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9214-22, among the member lines of the above named conference, provides that the parties may appoint the Chairman or other staff member of the equivalent Westbound Conference (Continental North Atlantic Westbound Freight Conference) as resident representative in Europe to perform such functions authorized by Articles X and XI of the Agreement as the Chairman may designate; including attending and chairing meetings in Europe, attending to shippers requests and complaints in Europe, and various administrative functions.

By Order of the Federal Maritime Commission.

Dated: June 24, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18753 Filed 6-29-77;8:45 am]

SEATRAIN INTERNATIONAL S.A. AND PRUDENTIAL LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 20, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Paul D. Coleman, Esquire, Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.

Agreement No. 10299, a cooperative working arrangement between Seatrain International, S.A. ("Seatrain") and Prudential Lines, Inc. ("Prudential"), would provide for the establishment of an arrangement for the interchange of cargo containers and related equipment for use in connection with the operation of Seatrain's services among ports in the Caribbean, including ports in Puerto Rico, and Prudential's services between ports in the Dominican Republican and ports in South America in accordance with the terms of the agreement.

By Order of the Federal Maritime Commission.

Dated: June 24, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-18754 Filed 6-29-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP77-425]

ALGONQUIN GAS TRANSMISSION CO.

Application

JUNE 22, 1977.

Take notice that on June 7, 1977, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP77-425 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and deliver of up to 3 billion Btu's per day equivalent of natural gas to Boston Gas Company (Boston Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver to Boston Gas, for liquefaction and redelivery and ultimate use in the Providence Tank, up to 70 billion Btu's per month of natural gas at a rate not to exceed 3 billion Btu's for the period ending October 31, 1977. Applicant states that such gas would ultimately be returned to Applicant for delivery to one of its customers, Providence Gas Company (Providence Gas), under existing rate schedules and certificate authorizations.

Specifically, Applicant indicates that it would loan gas to its wholly owned subsidiary, Algonquin LNG and that the subject gas would be liquefied by Boston Gas upon delivery by Algonquin Gas, and redelivered by Boston Gas in liquefied form for transportation and delivery by truck to the Providence Tank where it would be used to maintain the cold required by such tank. Applicant states that when such LNG vaporizes through the normal boil-off process in the Providence Tank, Algonquin Gas would receive it so that it once again would become a part of system supply, and that such gas would then be delivered to Providence Gas under Algonquin Gas existing rate schedules.

Applicant states that it has entered into an agreement, dated May 11, 1977 with Boston Gas for the liquefaction service and that under the terms of such agreement, Boston Gas would liquefy the necessary volumes of natural gas for Applicant for $1.115 per million Btu's, plus $20.00 for each truck loaded (approximately 2.5 cents per million Btu's). After such liquefaction, Boston gas would deliver the gas into an LNG truck for transportation and delivery to the Providence Tank at an estimated cost of approximately 40.0 cents per million Btu's, bringing the liquefaction and trucking costs for the LNG, when delivered to the Providence Tank, to approximately $1.54 per million Btu's.

Applicant states that it requires the LNG in order to maintain the Providence Tank at the proper temperature for storing LNG during the months of April through October, and that the need for such gas during the summertime occurs because during the winter the remaining portions of the Providence Tank are expected to be leased to others, with boil-off responsibility being assumed by such other customers as part of the storage arrangements with them. Applicant further states that it could avoid compensation to Providence Gas by allowing the LNG from another source to be put in the tank for purposes of "boil-off liquid" by these direct arrangements with Boston Gas.

Applicant asserts that the net cost of such alternative arrangement would be less, and Applicant can loan gas to Algonquin LNG at no economic or other cost to the customers of Applicant. The instant proposal can be implemented with existing facilities of Boston Gas, Algonquin Gas and Algonquin LNG, it is said.

It is stated that under present procedures, boil-off gas from the Providence Tank is provided by Providence Gas. Consequently, Providence Gas had to acquire a supply of LNG in excess of its actual requirements in order to maintain Algonquin LNG's tank cold, it is said. Applicant indicates that the instant pro-

posal would alter existing arrangements from, the standpoint that, whereas in past summers Algonquin LNG was obliged to compensate Providence Gas for Algonquin LNG's share of boil-off at costs ranging up to $1.62 per million Btu's, the present proposal would allow Algonquin LNG to borrow gas to be liquefied, and thus provide its own source of cold and to relieve Providence Gas of the burden of making arrangements for the LNG cooling effect needed by Algonquin LNG. The results would be to reduce Algonquin LNG's cooling cost from $1.62 per million Btu's to approximately $1.54 per million Btu's (liquefaction and trucking costs only).

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18717 Filed 6-29-77;8:45 am]

[Docket No. E-7671]

BLANDIN PAPER CO., ET AL.

Order Approving Settlement

JUNE 23, 1977.

This proceeding involves a proposed settlement of payments for headwater benefits due the United States from owners of 12 hydroelectric facilities located on the Upper Mississippi River between the source of the river at Lake Itaska and Minneapolis, St. Paul, pursuant to provisions of Section 10(f) of Part I of the Federal Power Act.[1] The settlement offer which fixes the sum due for headwater benefits for the period 1925 to 1965 for facilities operated by Blandin Paper Company, et al.[2] The six federally owned headwater improvements which provide benefits are: Winnibigoshish Lake, Leech Lake, Pokegama Lake, Sandy Lake, Pine River Reservoir, and Gull Lake. The settlement is sponsored or not opposed by all parties to the proceeding except for Staff.

Although staff raises a number of issues concerning methodology in assessment of headwater benefits, the basic issue in this proceeding is whether or not to accept the offer of settlement of $201,358 which includes the payment for cost of studies provided under Section 10(f), or Staff's final determination of $631,000, including $63,600 for the cost of studies. In approving this settlement we are mindful of the fact that staff has produced, since May 1971, four or five studies each changing and each increasing the amount of the assessment and charge for making the assessment.

The following contained in pg. 4 of the memorandum of Blandin Paper Company, Minnesota Power and Light Company, The Potlach Corporation and The Ford Motor Company in support of the settlement is worthy of attention.

In the circumstances, we believe the offer of settlement to yield an equitable apportionment of the headwater benefits.

In view of the length of time which has passed and the delays and costs already incurred by all parties, the purpose of the statute would not be served if further proceedings were ordered or if the amounts staff seeks were assessed.

The Commission orders: (A) The proposed settlement of payments for headwater benefits due the United States certified to this Commission by the presiding Administrative Law Judge on July 19, 1976, is incorporated herein by reference, approved and made effective.

(B) The payments specified in the proposed offer of settlement shall be paid within 60 days of the date of this order.

By the Commission.[3] Commissioner Smith dissenting, filed a separate statement appended hereto.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18725 Filed 6-29-77;8:45 am]

[Docket Nos. ER76-229, ER76-633, and ER76-661]

CENTRAL LOUISIANA ELECTRIC CO.

Certification of Settlement Agreement

JUNE 22, 1977.

Take notice that on June 7, 1977, the Presiding Administrative Law Judge certified to the Commission a settlement agreement filed by Central Louisiana Electric Company on June 3, 1977, which would dispose of all issues in these consolidated dockets.

As set forth in the Settlement Agreement, CLECO has agreed to modify its Rate Schedule WR-1 as filed on April 23, 1976, which is applicable to service to the Towns of Boyce and Elizabeth, Louisiana, Gulf States Utilities Company (Gulf States) and to Southwest Louisiana Electric Membership Corporation (SLEMCO) at Melville, Louisiana. CLECO has also agreed to modify its Service Schedule C—Supplemental Power to the Electric System Interconnection Agreement between CLECO and Cajun Electric Power Cooperative, Inc. (Cajun) as filed on April 30, 1976.

The only customer to intervene in this proceeding, SLEMCO, withdrew as an intervenor before settlement negotiations began. Cajun, although not a party, participated in the final settlement conference between CLECO and Staff. CLECO states that the Settlement Agreement rates if collected throughout the year ending April 30, 1977, would have provided CLECO with additional revenues of $1,233,255 from service to the affected wholesale customers. (CLECO had agreed not to collect the full amount of the rate increase requested with respect to Boyce, Elizabeth, Gulf States and SLEMCO at Melville until May 31, 1977.)

The Settlement Agreement includes an increase in the composite depreciation rate on electric production plant from 2.73% to 3.31%.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 8, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18707 Filed 6-29-77;8:45 am]

[Docket No. RP72-122]

COLORADO INTERSTATE GAS CO.

Petition

JUNE 22, 1977.

Take notice that on June 13, 1977, Colorado Interstate Gas Company (CIG) filed in Docket No. RP72-122 a Petition pursuant to Section 1.7 of the Federal Power Commission's Rules of Practice and Procedure and Order No. 7 of the Administrator, Emergency Natural Gas Act of 1977 (ENGA), issued in Docket No. E77-92 on April 22, 1977. By its Petition, CIG seeks Commission approval to recover the cost of gas purchased by CIG pursuant to Section 6 of the ENGA through the normal operation of CIG's tariff PGA clause.

CIG avers that it has contracted for two purchases of natural gas pursuant to Section 6 of the ENGA and consistent with orders of the Administrator, ENGA. CIG states that it agreed to make the purchases in February, 1977 to:

(1) Aid its negotiations for the long term dedication of such gas to CIG after the emergency sale,

(2) Provide for readily available supplies of gas should CIG be ordered to deliver gas to other pipelines under Section 4 of the ENGA,

(3) Help restore CIG's storage gas inventory, and

(4) Protect service to CIG's higher priority customers should the weather in its markets at that time take a turn for the worse.

CIG also avers that by his Order No. 7, the Administrator, ENGA, authorized an interstate pipeline company to seek Commission approval to use its effective PGA tariff provision to flow through the allocable jurisdictional costs of purchases under Section 6, ENGA, if the purchases are 2.0 percent or less of the pipeline's total forecasted monthly sales. CIG states that its purchases pursuant to Section 6, ENGA, have never approached 2.0 percent of its projected sales for the four months of actual experience to date. CIG further avers that it does not anticipate contracting for any additional Section 6 purchases between now and July 31, 1977 which would cause CIG to exceed the 2.0 percent limit. CIG requests that its Petition be granted and that it be permitted to recover the cost of gas purchased by it pursuant to Section 6, ENGA, through the normal operation of its tariff PGA clause.

CIG states that it served copies of its Petition on all parties in Docket No. RP-72-122.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 12, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceesding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18699 Filed 6-29-77;8:45 am]

[Docket Nos. G-4907 and CP76-431]

DORCHESTER GAS PRODUCING CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Order Granting Application To Amend Certificate of Public Convenience and Necessity and Making Determination on Petition for Declaratory Order

JUNE 21, 1977.

Preliminary statement. On November 9, 1976, Dorchester Gas Producing Company (Dorchester) filed an application requesting that the Federal Power Commission amend the certificate of public convenience and necessity issued June 22, 1955, in Docket No. G-4907,[1] authorizing the sale by Dorchester of natural gas to Natural Gas Pipeline Company of America (Natural), pursuant to a contract with Natural dated December 1, 1946. The application seeks authorization for Dorchester to continue the sale under the terms of the base contract, as amended on May 6, 1976, to provide for an increase in the quantity of hydrocarbons extracted from the gas stream in the form of liquids by means of modernization of an existing extraction plant, provided that the Commission finds an application to be required. It is Dorchester's position that it needs no authorization to so increase its extractions. It states it filed for the above authorization in order to avoid delay in its plant modernization program.

Background. Dorchester sells gas to Natural under the above-mentioned certificate and its related FPC Gas Rate Schedule No. 2 at a price of 17.9022 cents per Mcf at 14.65 psia plus tax reimbursement (the minimum rate under Opinion No. 749, as amended). The gas involved is produced from approximately 78,000 acres in Texas County, Oklahoma.

Subject to certain limitations, the 1946 base contract permits Dorchester "to extract from the gas to be delivered hereunder nitrogen, helium, and also natural gasoline, butane, propane and other hydrocarbons other than methane, together with any methane necessarily removed from the gas in the process of recovering such other constituents." The contract further provides that gas delivered at the metering equipment of Natural (at the plant outlet) shall contain at least 950 Btu's per cubic foot, except as Natural may at its option accept gas of lower quality. However, Dorchester is required to refrain from permanantly removing hydrocarbons from the gas to the extent that their removal may reduce the heating value of the gas below 950 Btu's per cubic foot.

By the amendment of May 6, 1976, to their 1946 contract, Dorchester and Natural have agreed as follows:

(1) They have deleted from the gas purchase contract the provision requiring Dorchester to refrain from permanently removing reserved hydrocarbons from the gas stream entering the plant to the extent that their removal might reduce the heating value of the residue gas below 950 Btu's per cubic foot. In lieu thereof, they have substituted a provision limiting to 25 percent of the Btu's in the gas stream entering the gasoline plant the Btu's which Dorchester may remove in extracting its reserved hydrocarbons, including processing fuel.

(2) They have deleted from the gas purchase contract the paragraphs which reduce by 10 percent the price to be paid Dorchester for gas delivered to Natural containing less than 960 Btu's per cubic foot, and by 20 percent the price to be paid for gas containing only 950 Btu's. They have substituted in lieu of the deleted paragraphs a provision proportionally adjusting the price to be paid for gas containing more or less than 965 Btu's per cubic foot.

(3) They have agreed that if an applicable minimum price is ever established by order, decision, or legislation the minimum price to be paid shall be adjusted downward if the gas delivered by Dorchester to Natural contains less than 965 Btu's per cubic foot.

(4) They also have agreed that the amendment shall not become effective

---

[1] Section 10(f) provides in pertinent part as follows:

"(f) That whenever any licensee hereunder is directly benefited by the construction work of another licensee, a permitee, or of the United States of a storage reservoir or other headwater improvement, the Commission shall require as a condition of the license that the licensee so benefited shall reimburse the owner of such reservoir or other improvements for such part of the annual charges for interest, maintenance and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by any licensee shall be determined by the Commission. The licensees or permitees affected shall pay to the United States the cost of making such determination as fixed by the Commission. [41 Stat. 1070; 49 Stat. 848-844; 16 U.S.C. 803(f)] • • •

Whenever any power project not under license is benefited by the construction work of a licensee or permitee, the United States or any other agency thereof, the Commission, after notice to the owner or owners of such unlicensed project, shall determine and fix a reasonble and equitable annual charge to be paid to the licensee or permitee on account of such benefits, or the United States if it be the owner of such headwater improvement [49 Stat. 844; 16 U.S.C. 803(f)-]"

[2] Blandin Paper Company, Minnesota Power & Light Company, Potlatch Corporation, St. Regis Paper Company, Northern States Power Company, General Mills, Inc., and Ford Motor Company.

As this proceeding drags into its sixth (and for Companies its costliest) year, there is no present prospect of an early conclusion. The Staff position, which has undergone a continuing evolution for five years, has steadily enlarged the Companies' exposure in this proceeding. If Companies had made no protest whatsoever in their comments on the original May 1971 Report, but had merely requested a final bill from the Commission in the amount then recommended by the Staff, not only would the amount of time devoted as well as the litigation expenses have been greatly reduced, but their 10(f) charges would have been approximately one-third of the amount now claimed by the Staff. All of Companies' comments and objections to the Staff's various reports in this proceeding have been relevant, material, and made in good faith, but the expense of continued litigation would make Pyrrhic even a total victory by the Companies. Companies' interest in an offer of settlement, therefore, developed not for any lack of confidence in their legal position, but because the mounting costs of litigation will surely soon surpass the original controversy.

[3] Dissenting statement of Commissioner Smith filed as part of the original document.

[1] The certificate was issued to Dorchester's predecessor, Dorchester Corporation, but was amended by order issued May 29, 1963, to substitute Dorchester as the certificate holder.

until receipt of all requisite Commission approval deemed necessary in either party's sole judgment, and that either party may terminate the amendment at any time prior to receipt of such approval by giving written notice to the other.

On June 9, 1976, Dorchester filed the May 6, 1976, amendment as a proposed supplement to its Rate Schedule No. 2.

The extraction plan involved is Dorchester's Hooker Gasoline Plant in Texas County, Oklahoma. It has historically removed, and presently removes, 15.5 percent of the gas stream's total Btu's by removing 54 percent of the stream's propane, 85.7 percent of its butane, and 95.4 percent of its heavier-than-butane hydrocarbons, plus processing fuel. This changes the stream's Btu's from 1,064 to 982 per cubic foot.

Dorchester's preferred plan is, by means of its proposed improved extraction facilities, to remove 25 percent of the stream's Btu's by removing nearly 83 percent of its ethane and virtually a hundred percent of all the heavier-than-ethane hydrocarbons, plus processing fuel. Stream Btu would go from 1,064 to 912. In order to be effectuated, this plan would require the contract amendment of May 6, 1976, referred to previously. (This plan is sometimes hereinafter referred to as Plan I.)

Dorchester has an alternate plan which it would want to utilize if it were unable to utilize its preferred plan (Plan I). Under the alternate plan Dorchester would remove approximately 32 percent of the stream's Btu's but would, in essence, restore the 912 Btu gas to 982 Btu quality by removing part of the inert nitrogen. This plan would result in the removal of 4.7 percent of the inlet stream's methane, 96 percent of its ethane, and virtually 100 percent of all the heavier-than-ethane hydrocarbons, plus processing fuel. Stream Btu under this plan would go from 1,064 to 982. Since this plan does not lower stream Btu below the 950 Btu minimum of the 1946 contract, it could be effectuated without amendment of such contract. (This plan is sometimes hereinafter referred to as Plan II.)

The Natural petition. The shrinkage volumes involved in this proceeding are from the gas, previously described, sold to Natural by Dorchester. Dorchester transports the gas from the wells to Natural's Compressor Station No. 101. From there, Natural transports the gas 1/5 of a mile to Dorchester's extraction plant. After liquids extraction, the gas flows back into Natural's line where it is received by Natural for its general system use. A certificate for the construction and operation of Natural's facilities necessary for this purchase was issued to Natural on January 28, 1947, in Docket No. G–771. On July 2, 1976, Natural filed with the Commission in Docket No. CP76–431 a petition for an order declaring and confirming that it has authority under such existing certificate to transport the increased shrinkage volumes contemplated by Dorchester's proposed increased extraction activities. This will be discussed infra.

The Dorchester proposal. Dorchester's sale of gas by its December 1, 1946, contract to Natural is made expressly subject to a right of Dorchester to extract nitrogen, helium, natural gasoline, butane, propane, and "other hydrocarbons other than methane, together with any methane necessarily removed from the gas in the process of recovering such other constituents." In the Commission's view, the dedication of this gas to interstate commerce, as evidenced by the certificate of public convenience and necessity issued to Dorchester in June of 1955, is subject to these extraction rights to the extent that Dorchester may exercise them. It follows, therefore, that Dorchester may increase its extraction activities without application to the Commission, so long as such activities are within the scope of the extraction rights provided for in its 1946 contract.

It is often said in the decided cases that extraction of liquids is a non-jurisdictional activity and Dorchester relies on such language to support its position that the extent of its extractions from the gas it sells to Natural is a private contractual matter beween itself and Natural.

The Commission agrees that extraction of liquids is a non-jurisdictional activity. To the extent it is provided for in the contract originally dedicating gas to interstate commerce, the hydrocarbons liquefied pursuant to the contract are considered as having been reserved from the interstate sale, and as not being dedicated to interstate commerce.

This is illustrated in *Phillips Petroleum Company*, 24 FPC 537 (1960), cited by Dorchester, a proceeding to determine just and reasonable jurisdictional rates applicable to Phillips under Sections 4(e) and 5(a) of the Natural Gas Act. A Phillips witness described the company contracts as follows, 24 FPC p. 680:

Most contracts that we have for delivery of gas from our plants do not require any degree of liquid removal. It is usually the other way, in that the removal is limited, which is accomplished by limiting or setting a minimum on the Btu that can be delivered.

In practice all of those contracts, [sic] it is known at the time that we enter into the contract that the gas will be processed, and that residue gas is the gas that will be delivered from the plant, so it is within the contemplation of both parties at the time the contract is entered into that the gas will be processed.

It was in this context, i.e., that of liquefiable hydrocarbons reserved from interstate gas sales contracts, that the Commission held that Phillips' gasoline plant operations were non-jurisdictional.

No certificate amendments are required to initiate and maintain these extraction operations, or to increase them, so long as they are kept within the scope of the original contract. Of course, an increase in extraction operations would result in less gas and less Btu's being delivered to the interstate sale. But this can happen only where extractions were not up to the level authorized in the contract in the first place. Therefore, no gas previously dedicated to interstate commerce without reservation is diverted from interstate commerce.

We do not view the rule in *Sunray Mid-Continent Oil Co.* v. *FPC*, 364 U.S. 137 (1960), that gas once dedicated to interstate commerce cannot be withdrawn without Commission approval, as applicable to gas dedicated subject to a reservation not inconsistent with the certificate.

However, in the case of that portion of a natural gas stream not subject to reserved extraction rights, the situation is different. Such gas cannot be made available for liquid extraction without Commission approval. This is illustrated in *Panhandle Eastern Pipe Line Co.* v. *FPC*, 359 F. 2d 675 (1966) where Panhandle proposed to divert its gas stream from one existing extraction plant to a new plant in the same immediate vicinity in order to extract helium and a greater amount of liquid hydrocarbons. The old plant could not extract helium. No construction of jurisdictional transportation facilities was involved, since such facilities as were necessary were already in existence. Panhandle sought certificate authority only for transportation of fuel volumes of gas to the new plant, but the Commission required it to obtain a certificate for transportation of the entire shrinkage volumes including the fuel volumes. The Court affirmed, holding that while the Commission had no jurisdiction over the helium, by virtue of the Helium Amendments Act, 50 U.S.C. § 167*l*, it was not prevented from exercising jurisdiction over helium-bearing natural gas. The Court expressly held that the Commission has certificate jurisdiction over transportation of the hydrocarbon portion of shrinkage volumes of gas to a non-jurisdictional facility for removal of hydrocarbons.

Certificate jurisdiction of the Commission over transportation of natural gas for non-jurisdictional purposes is well settled. *Panhandle Eastern Pipeline Co.* v. *FPC supra*, (liquids extraction); *FPC* v. *Louisiana Power & Light Co.*, 406 U.S. 621 (1971) (direct sales); *FPC* v. *Transcontinental Gas Corp.*, 365 U.S. 1 (1961) (direct sales).

While Dorchester's Plan II does come within the scope of its rights under the original contract and certificate, its Plan I clearly does not, since it would violate the provision of the 1946 contract requiring that extraction activities not lower the Btu of the remaining stream below 950 Btu's per cubic foot. Therefore, the rule in *Sunray, supra*, would require Commission authorization for Plan I to be implemented, since it would represent a change in service from that authorized under the certificate. However, if we were to find that the extraction plan requiring Commission approval would be more in the public interest than the plan not requiring approval, then we believe it would be our duty, nothing else

appearing, to approve the former plan on that basis alone. The question, therefore, is whether Plan I is better than Plan II. If authorization for Plan I is withheld, Dorchester can still implement Plan II.

The trade-off between these two plans from the standpoint of Natural and the consumers on its system is more gas and more total Btu's at a lower Btu per cubic foot with Plan I; or less gas and less total Btu's at a higher Btu per Mcf with Plan II. From Dorchester's point of view, the trade-off is smaller plant investment and expense for fewer saleable liquids versus greater extraction investment and expense for more saleable liquids. Both Dorchester and Natural support Plan I.

As discussed above, Dorchester's principal argument for Plan I is that it takes less total Btu's from the stream to Natural than the maximum that could be taken under Plan II. Dorchester's filing, as well as an analysis thereof by the Staff, indicates that Plan I would bring a 25 percent reduction in total stream Btu's with delivered gas having a heating value of 912 Btu's per cubic foot, as against Plan II which would bring a 32 percent reduction in total stream Btu's with delivered gas having a heating value of 982 Btu's per cubic foot. Staff's study indicates that these figures take into consideration that Dorchester gas comprises 58 percent of the stream sold to Natural, the balance being sold by approximately fourteen other producers who are not parties to this proceeding. Both of Dorchester's plans allocate to these other producer sales the minimum Btu's per Mcf, 1,000, called for in their contracts.

Our study of this matter leads us to conclude that Plan I should be made available for use by the parties hereto because it delivers more gas and more Btu's to the interstate market than Plan II. True, the total stream would be 912 instead of 982 Btu's per cubic foot, but the effect of this on a system the size of Natural's should be minimal. Gas of lower Btu than 912 is commonly bought and sold for pipeline purposes throughout the industry. In any case, we do not believe a question exists in this regard of sufficient importance to justify setting this matter for formal hearing. It will be recalled that under the May 6, 1976, contract amendment, Natural and its consumers will get a reduction in purchase price proportionate to the lowering in Btu per cubic foot for whatever lower Btu gas they take from Dorchester.

Upon consideration, the Commission has determined to grant Dorchester's application insofar as Plan I is concerned. It needs no authorization beyond its original certificate to proceed with Plan II.

Need for certification on the part of Natural. Natural needs no additional certificate autority to transport shrinkage volumes to the Dorchester plant so long as Dorchester's extraction activities are within the scope of its present certificate, that is, as long as they remain as they are or as they would be under Plan II, but additional certificate authorization will be required for Natural if Dorchester exceeds the scope of its original contract and present certificate authorization by proceeding with Plan I. This latter would hold even if Natural were transporting no volumes which it is not already transporting, because it would be transporting them for a different extraction operation which required new Commission authorization. See *Panhandle Eastern Pipe Line Co.* v. *FPC*, supra.

Interventions. After due notice of Dorchester's application in Docket No. G–4907 and Natural's petition for decalaratory order, no intervention petitions or notices were filed, except that Natural petitioned to intervene in Dorchester's docket. Natural did not request a hearing or oppose the granting of Dorchester's application.

The Commission finds: At a hearing held on June 16, 1977, the Commission on its own motion received and made a part of the record in Docket No. G–4907, all evidence, including the application, affidavits, and exhibits thereto, submitted in support of the authorization sought herein, and upon consideration of the record.

The Commission finds: (1) Dorchester is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Amendment of Dorchester's certificate of public convenience and necessity in Docket No. G–4907 in the manner set forth hereinafter is required by the public convenience and necessity.

(3) Participation by Natural in the proceeding in Docket No. G–4907, according to its petition to intervene, may be in the public interest.

The Commission orders: (A) The certificate of public convenience and necessity heretofore issued to the predecessor in interest of Dorchester Gas Producing Company on June 22, 1955, in Docket No. G–4907, as amended, authorizing the sale by Dorchester of gas to Natural Gas Pipeline Company of America (Dorchester's FPC Gas Rate Schedule No. 2), is hereby further amended to permit delivery of lower Btu gas to Natural than provided for in the base contract for such sale (dated December 1, 1946), to the extent necessary to effectuate an amendment to the base contract entered into by Dorchester and Natural on May 6, 1976, providing for different hydrocarbon extraction operations than were possible under the base contract, all as described in the body of this order.

(B) Natural will be required to obtain authorization to transport to the liquefication point any hydrocarbons which may be extracted by Dorchester as contemplated by Ordering Paragraph (A), pursuant to the May 6, 1976, contract amendment between Dorchester and Natural.

(C) Natural is permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That its participation shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition to intervene; and *Provided further*, That the admission of Natural shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77–18715 Filed 6–29–77;8:45 am]

[Docket No. CP77–289]

EL PASO NATURAL GAS CO.

Amendment to Application

JUNE 21, 1977.

Take notice that on June 6, 1977, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP77–289 an amendment to its application filed in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the operation of certain facilities for the injection of gas into Clay Basin Field for Northwest Pipeline Corporation (Northwest), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on March 8, 1977, at Docket Nos. CP77–289 and CP76–285, Applicant and Mountain Fuel Resources, Inc. (Resources), respectively, filed a joint telegraphic request for authorization to install certain facilities necessary to permit injections of gas volumes for Applicant's account into Resources' Clay Basin Field commencing May 1, 1977, pursuant to certain storage arrangements involving Applicant, Resources and Northwest for the protection of service to its east-of-California (EOC) customers' Priority 1 and 2 requirements. It is further stated that applications in support of the telegraphic request, with a request for temporary authorization, were filed by Resources on March 10, 1977, and Applicant on March 11, 1977.

Applicant states that in the telegraphic request and its supporting application in the instant docket, it requested authorization to install two compressor units, with a combined total of 4,990 horsepower, and appurtenances thereto, at the intersection of Northwest's mainline system and Resources' Clay Basin Lateral located near Dutch John, in Dagget County, Utah. It is indicated that on March 17, 1977, in the instant docket and Docket No. CP76–285, the Commission granted Applicant and Resources temporary authorization to install the proposed facilities.

It is stated that the immediate commencement of installation of the subject facilities was required in that the parties anticipated that Applicant would be able to store and preserve up to 26,000,000 Mcf of gas in the Clay Basin Field if those facilities were installed and ready to commence operation by May 1, 1977. Applicant indicates that pursuant to the authorizations granted by the Commis-

sion on March 17, 1977, the installation of those facilities has been substantially completed and they are now ready for operation. However, for reasons unrelated to the installation or operability of those facilities, Applicant has not been able, to date, to finalize certain other arrangements necessary to the effectuation of its storage arrangements with Resources and Northwest, it is said. Consequently, those facilities, although ready for operation upon the receipt of requisite authorizations, are presently standing idle, it is indicated. It is stated that Northwest advised Applicant and Resources that it understands that as a result of the installation of the subject facilities, the daily injection capability in the Clay Basin Field would be increased to approximately 250,000 Mcf which is 100,000 Mcf per day greater than the initial injection rate contemplated for Northwest, and that it desire that those facilities be beneficially utilized pending the effectuation of Applicant's own Clay Basin storage arrangements in order to maximize injections of gas into Clay Basin Field for Northwest's account during the 1977 injection season pursuant to the existing storage arrangements between Resources and Northwest set forth in the agreement which constitutes Resources' presently effective storage service Rate Schedule S-1. It is indicated that Northwest requested that Applicant and Resources seek authorization to permit the use of the subject facilities to facilitate injections of gas for Northwest's account until such time as those facilities are required for Applicant's use.

Applicant states that the use of the subject facilities for the injection of Nortwest's gas into Clay Basin Field would permit Northwest to achieve its maximum storage inventory at an earlier date than would be possible if those facilities were not so utilized, with the result that upon finalization of the remaining outstanding arrangements respecting Applicant's own Clay Basin storage project, Northwest and Resources would each be able to utilize existing transport and storage facilities to a much greater extent than would otherwise be the case to accommodate the quantities of Applicant's gas available for injection into the Clay Basin Field.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 11, 1977 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18716 Filed 6-29-77;8:45 am]

[Docket No. RI77-101]

PHILLIP C. FERGUSON

Petition for Special Relief

JUNE 22, 1977.

Take notice that on May 17, 1977, Phillip C. Ferguson (Ferguson), P.O. Box 68, Woodward, Oklahoma 73801, filed a petition for special relief in Docket No. RI77-101 pursuant to Section 2.76 of the Commission's General Policy and Interpretations (18 C.F.R. 2.76).

Ferguson seeks authorization to charge $1.42 per Mcf for the sale of gas from two wells located in Woodward County, Oklahoma. Ferguson states that it is no longer economical to continue producing the subject gas at the current rates. The purchaser of the gas is Northern Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18706 Filed 6-29-77;8:45 am]

[Docket No. ER77-451]

GEORGIA POWER CO.

Change in Rate Schedule

JUNE 22, 1977.

Take notice that on June 15, 1977, Georgia Power Company (Georgia) tendered for filing a proposed change in its Interchange Contract with Savannah Electric and Power Company (Savannah). Georgia states that the proposed change in rate schedule does not change the level of the rate at which it and Savannah purchase and sell capacity, and that the proposed change is merely a modification of the amount of capacity purchases and sales between Georgia and Savannah to reflect revised estimates of Savannah's load and generating capability.

Georgia requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1977 to be assigned to the proposed modification since, according to Georgia, both parties have agreed upon that date, and because Savannah requires the revised quantity of capacity effective on that date.

Georgia states that copies of the proposed modification have been mailed to Savannah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18714 Filed 6-29-77;8:45 am]

[Docket Nos. CI75-173, CI77-131, CI77-149, CI77-199, CI77-255, CI77-266]

GULF OIL CORP.

Certification of Proposed Settlement Agreement

JUNE 22, 1977.

Take notice that on June 15, 1977, Presiding Administrative Law Judge Allen C. Lande certified to the Commission for its consideration a Settlement Proposal in the above-entitled proceedings.

Gulf Oil Corporation (Gulf) has filed applications for abandonment authorization in each of the above-mentioned dockets. Gulf proposes to terminate the present sales as certificated and instead deliver gas from the supplies involved to Texas Eastern Transmission Corporation (Texas Eastern) under Gulf's warranty contract that has been the subject of proceedings in Docket No. CI64-26.

The above-entitled proceedings were consolidated and set for hearing by Commission orders issued February 28 and March 14, 1977. Pursuant to an order of the Presiding Administrative Law Judge issued April 28, 1977, a prehearing and settlement conference was held on June 14, 1977, during which Gulf presented the instant settlement proposal.

Under the terms of the settlement proposal, Gulf and the current pipeline purchasers will promptly execute short-term renewal contracts which will permit Gulf to collect the applicable renewal contract rate in accordance with the Commission's Regulations for the sales of gas involved in these proceedings. The renewal contracts will provide for a primary term to run until the conclusion of the proceedings in

Docket Nos. CI77-95, *et al.*,[1] and any judicial review thereof, and thereafter the contracts will be in effect for successive secondary monthly terms, subject to termination by either party at the conclusion of the primary term. Upon Commission approval of the settlement proposal Gulf's abandonment applications will be withdrawn without prejudice. If Gulf prevails on its abandonment applications in Docket Nos. CI77-95, *et al.*, then Gulf may terminate the short-term renewal contracts and refile its abandonment applications in the instant proceedings to be heard *de novo*. If Gulf does not prevail on its applications in Docket Nos. CI77-95, *et al.*, then Gulf and the current pipeline purchasers will enter into new five-year-term renewal contracts if the short-term contracts are terminated.

In accordance with the date for comments agreed upon by all parties in attendance at the prehearing and settlement conference, all comments on the proposed settlement agreement shall be filed on or before June 24, 1977.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18708 Filed 6-29-77;8:45 am]

[Docket No. ER76-555]

INTERSTATE POWER CO.

Filing of Settlement Agreement

JUNE 21, 1977.

Take notice that on June 10, 1977, Interstate Power Company (Interstate) submitted for filing for approval by the Commission a proposed stipulation and settlement agreement for electric transmission service from Interstate to seven municipal wheeling customers in Minnesota. Interstate states that this settlement has been reached by Interstate, and the seven municipalities affected, to-wit, Adrian, Jackson, Lakefield, Luverne, Westbrook, Windom, and Worthington, Minnesota as a result of a settlement conference held at the Federal Power Commission on October 19, 1976. Interstate states that this settlement agreement provides for settlement of all issues arising in this rate proceeding.

Interstate states the following:

The settlement allows Interstate an annual increase of $301,653. Interstate had sought an annual increase of $361,794. The settlement includes a revised cost of service of 4.34 mills per kwh, and revised Interstate Power Company Rate Schedule Supplement No. 2 to Interstate's Rate Schedules FPC Nos. 101, 103 and 105 and Supplement No. 3 to FPC No. 108. As to Interstate Rate Schedules FPC Nos. 38, 40, and 67 for the communities of Jackson, Windom and Lakefield, respectively, it is agreed that the rate for transmission service of 4.34 mills per kwh will apply to service to those communities upon expiration of the fixed rate provisions of their respective contracts which expire August 2, 1978, April 6, 1979 and March 16, 1979, respectively. Interstate in its settlement agreement proposes to refund any excess collected under its proposed rate, as provided by Commission Order 513-A.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, on or before July 6, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18722 Filed 6-29-77;8:45 am]

[Docket No. ER77-449]

KENTUCKY UTILITIES CO.

Voltage Level Upgrading

JUNE 22, 1977.

Take notice that on June 14, 1977, Kentucky Utilities Company (Kentucky) tendered for filing a change in its Rate Schedule FPC No. 69 as relates to Electric and Water Plant Board of the City of Frankfort (Customer) to include an upgrading of delivery voltage from 34.5 KV to 69 KV. Kentucky states that this delivery voltage upgrading will improve the quality and increase the reliability of service to the electric systems of both Kentucky and city.

Kentucky requests waiver of the Commission's notice requirements to allow said service to become effective as of May 3, 1977.

Kentucky states that copies of the tendered filing have been sent to Customer and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18711 Filed 6-29-77;8:45 am]

[Docket No. ID-1549]

GERALD P. MALONEY

Application

JUNE 22, 1977.

Take notice that on June 13, 1977, Gerald P. Maloney, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Ohio Valley Electric Corporation, Electric Utility.
Vice President, Indiana-Kentucky Electric Corporation, Electric Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 11, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18705 Filed 6-29-77;8:45 am]

[Docket No. CP77-424]

MIDWEST NATURAL GAS CORP., AND TEXAS GAS TRANSMISSION CORP.

Application

JUNE 22, 1977.

Take notice that on June 7, 1977, Midwest Natural Gas Corporation (Applicant), 19 N.E. Third Street, Washington, Indiana 47501, filed in Docket No. CP77-424 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corporation (Respondent) to connect its natural gas transmission facilities with the proposed facilities of Applicant at a point near Edwardsport, Indiana, situated in Knox County, Indiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that Applicant presently distributes natural gas purchased from Respondent in the communities of Salem, Scottsburg, Austin and Crothersville, all situated in Washingon County, Indiana, and that Applicant also owns and operated distribution facilities in the communities of Plainville, Odon and Elnora, situated in Daviess County, and Newberry, situated in Greene County, all in Indiana which communities are presently being served with natural gas produced from wells owned and operated by Natural Gas Processors, Inc., also situated in Daviess County, Indiana.

[1] Gulf filed similar applications for abandonment authorization in Docket Nos. CI77-95, *et al.*, in which Gulf proposed to terminate presently-certificated sales and instead deliver the gas involved to Texas Eastern under the warranty contract. The Commission denied those abandonments in Opinion No. 799, issued May 10, 1977. The proceedings in Docket Nos. CI77-95, *et al.*, are currently pending Commission action on Gulf's application for rehearing of Opinion No. 799.

Applicant indicates that its contract demand with Respondent for service to the Salem-Scottsburg service area is 8,562 Mcf per day, and that Applicant owns and operates a propane-air plant located in Scottsburg, which plant has a peak day capacity of 2,000 to 2,400 Mcf per day. Consequently, while Applicant has peak requirements in the Salem-Scottsburg area of 8,575 Mcf, it is able to provide peak day services in this area by use of its peak shaving plant in Scottsburg, it is said.

Applicant states that the subject interconnection would be used as an additional delivery point at Edwardsport, Indiana for previously authorized allocated contract volumes of natural gas. Applicant further states that no increase in its summer season quantity entitlement of 449,832 Mcf and/or its winter season entitlement of 808,882 Mcf is requested. It is stated that the natural gas wells supplying the Plainville service area are becoming depleted and Applicant desires to avoid cutoff of service to the Plainville service area. Consequently, Applicant states that it seeks only deliveries for Plainville by displacement of volumes not needed in the Salem-Scottsburg area. Applicant states that no new customers would be added in Plainville and only high priority uses would be served.

Specifically, Applicant proposes to construct and operate the following facilities:

1. 3 inch I.D. Welded Steel, Coated and Wrapped Pipe
2. 6 inch Casing (R.R. Crossing)
3. 3 inch Valves and Boxes (Weld End)
4. 3 inch Valves and Boxes (Weld End-Flange)
5. 3 inch Insulating Kits
6. Odorizer
7. Regulator Station and Appurtenances
8. Cathodic Protection

Applicant states that it proposes to finance the cost of the required facilities out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18718 Filed 6-29-77;8:45 am]

[Docket No. ER77-307]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and Louisville Gas and Electric Company a Fourth Supplemental Agreement.

PSCI indicates that said Supplemental Agreement provides for an increase in the demand charge for Short Term Power from 45¢ per kilowatt per week to 60¢ per kilowatt per week.

PSCI requests a proposed effective date of May 13, 1977, and requests that the Commission waive the 30 day notice requirement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18712 Filed 6-29-77;8:45 am]

[Docket No. ER77-351]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and Northern Indiana Public Service a Fourth Supplemental Agreement.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 50¢ per kilowatt per week to 60¢ per kilowatt per week.

PSCI requests a proposed effective date of June 1, 1977. and requests that the Commission waive the 30 day notice requirement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18703 Filed 6-29-77;8:45 am]

[Docket No. ER77-349]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

JUNE 22, 1977.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on June 6, 1977, tendered for filing pursuant to the Interconnection Agreement between PSCI and The Cincinnati Gas & Electric Company a Fourth Supplemental Agreement.

PSCI states that said Supplemental Agreement increases the demand charge for Short Term Power from 50c per kilowatt per week to 60c per kilowatt per week.

PSCI requests a proposed effective date of June 1, 1977, and requests that the Commission waive the 30 day notice requirement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection at the Federal Power Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18710 Filed 6-29-77;8:45 am]

[Docket No. RP77-102]

PUBLIC SERVICE CO. OF NORTH CAROLINA, INC., ET AL.

Complaint and Petition for Order To Show Cause

JUNE 21, 1977.

Take notice that on June 6, 1977, Public Service Company of North Carolina, Inc., Piedmont Natural Gas Company, Inc., and North Carolina Natural Gas Corporation (Complainants) filed in Docket No. RP77-102 a complaint and petition for order to show cause pursuant to Section 1.6 of the Commission's Rules of Practice and Procedure (18 CFR 1.6) and Sections 4, 5, 7 and 16 of the Natural Gas Act.

Complainants request that the Commission immediately order Transcontinental Gas Pipe Line Corporation (Transco) to purchase available volumes of emergency gas to the extent necessary to offset curtailment of Priority 1 and 2 loads on its system, and such volumes be "rolled-in" to Transco's system supply and priced on such a rolled-in basis to Transco's customers. In the alternative, Complainants urge that the Commission direct Transco to show cause why such an order should not be issued.

Complainants state that Transco's present pricing and allocation of emergency gas has resulted in an untenable situation in North Carolina and that the extreme curtailment situation on the Transco system makes Complainants' requested purchase and pricing procedure for emergency gas "particularly appropriate and necessary."

Any person desiring to be heard or to make any protest with reference to said complaint should on or before July 6, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18723 Filed 6-29-77;8:45 am]

[Docket No. ER77-432]

PUGET SOUND POWER & LIGHT CO.

Agreement

JUNE 22, 1977.

Take notice that Puget Sound Power and Light Company (Puget) on June 10, 1977 tendered for filing a Service Agreement dated April 1, 1977, between Puget and Seattle City Light (Seattle).

Puget states that under said agreement service was provided to Seattle by Puget's Whitehorn Combustion Turbine Generating Station at incremental costs of $11,260.00 and replacement fuel costs of $191,785.44. Puget further states that no portion of fixed costs was included in the charges to Seattle.

Puget indicates that service under said agreement commenced on April 1, 1977, and fuel consumption and costs were not determined until after deliveries were completed. Puget requests waiver of the Commission's notice requirements to allow an effective date of April 1, 1977 for said agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before July 1, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18709 Filed 6-29-77;8:45 am]

[Docket No. CP76-418]

SEA ROBIN PIPELINE CO.

Filing of Original Tariff Sheets

JUNE 21, 1977.

Take notice that on June 14, 1977, Sea Robin Pipeline Company tendered for filing Original Sheet Nos. 172 through 192 to its FPC Gas Tariff, Original Volume No. 2, being a transportation agreement between Sea Robin Pipeline Company and Natural Gas Pipeline Company of America dated June 24, 1977. It is proposed that these tariff sheets become effective May 4, 1977.

The Company states that copies of the tariff sheets have been mailed to Natural Gas Pipeline Company of America.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 18, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18724 Filed 6-29-77;8:45 am]

[Project No. 516; Docket No. E-7791]

SOUTH CAROLINA ELECTRIC & GAS CO.

Offer of Settlement

JUNE 21, 1977.

Public notice is hereby given that on June 7, 1977, pursuant to Sections 1.18 (e), 1.27(b) and 1.30 of the Commission's Rules of Practice and Procedure, 18 CFR §§ 1.18(e), 1.27(b) and 1.30 (1976), the Presiding Administrative Law Judge certified to the Commission an offer of settlement and certain portions of the record respecting the construction of a new ash disposal pond for the existing 250MW coal-fired McMeekin Steam Electric Generating Station, located within the boundary of Project No. 516. The Offer of Settlement states that no party to the proceeding has expressed opposition to the settlement.

Any person desiring to be heard or to protest the said Offer of Settlement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before August 1, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the Offer of Settlement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18721 Filed 6-29-77;8:45 am]

[Docket No. ER77-450]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Proposed Change in Rates

JUNE 22, 1977.

Take notice that on June 15, 1977, Southern Indiana Gas and Electric Company (Southern Indiana) filed a proposed increased rate in the service provided to Henderson-Union Rural Electric Cooperative Corporation. Southern Indiana indicates that the proposed rate is its standard resale rate with its standard fuel cost adjustment. The proposed effective date is August 1, 1977.

According to Southern Indiana the increased revenues from the rate as proposed would amount to $18,675 annually.

Any person desiring to be heard or to make protest with reference to said filing should on or before July 1, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18713 Filed 6-29-77;8:45 am]

[Docket No. CP77-431]

TENNESSEE GAS PIPELINE CO.

Application

JUNE 22, 1977.

Take notice that on June 9, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP77-431 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render a natural gas storage service for 3 years for East Tennessee Natural Gas Company (East Tennessee) and to serve permanently East Tennessee under Applicant's CD-1 Rate Schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to render a limited-term natural gas storage service for East Tennessee during each of three consecutive twelve-month periods in 1977-78, 1978-79 and 1979-80. Applicant proposes to receive during each summer of such three-year period daily volumes from East Tennessee to permit it to store up to its total storage volume of 500,000 Mcf and to deliver such stored volumes to East Tennessee during the winter of such three-year period. This storage service would be rendered only when in Applicant's sole opinion its operating conditions so permit, it is said. It is stated that East Tennessee's total storage volume of 500,000 Mcf under this limited-term storage service would be available to Applicant from East Tennessee's purchases from Applicant or from volumes of natural gas which East Tenhessee may purchase from sources other than Applicant.

It is stated that pursuant to a letter agreement dated April 20, 1977 between Consolidated Gas Supply Corporation (Consolidated) and Applicant, Consolidated would provide Applicant, during each of the three periods, a storage capacity of 500,000 Mcf and a daily volume of 3,300 Mcf which storage service would enable Applicant to resell a similar service to East Tennessee. Applicant states that in order to render such storage to East Tennessee, it would utilize the storage service which Consolidated has recently agreed to sell to Applicant together with the available capacity of its existing pipeline and storage facilities which is not required by Applicant to render previously authorized firm services.

It is indicated that on days when the total daily volume requested for delivery by Applicant is less than the daily volume available to Applicant from Consolidated, Applicant would, whenever in its sole opinion, its operating conditions permit, inject into its own storage facilities the volume of gas received from Consolidated but not delivered to East Tennessee. It is further indicated that on days when the total daily volume requested for delivery by East Tennessee exceeds the daily volume available to Applicant from Consolidated, Applicant would, whenever in its sole opinion, its operating conditions permit, withdraw natural gas from its own storage facilities to enable it to deliver the requested daily volume to East Tennessee. Consequently, to provide the daily deliverability proposed would at no time jeopardize Applicant's storage balances or its firm services to other customers, it is said.

Applicant states that the limited-term storage service which it proposes to render would be rendered pursuant to a Limited-Term Storage Service Contract proposed to be entered into by Applicant and East Tennessee, and also pursuant to Applicant's proposed Limited-Term Storage Service Rate Schedule (LTSS-1).

It is indicated that the proposed LTSS-1 storage service is substantially identical to Applicant's former LTSS-1 storage service to East Tennessee certificated by the Commission's order of December 2, 1975, as amended by order of October 15, 1976, in Docket No. CP76-2. Applicant states that its former LTSS-1 storage service commenced on December 2, 1975, and under the terms of the certificate and of Applicant's Limited-Term Storage Service Contract with East Tennessee, such service is scheduled to terminate on October 15 of this year. East Tennessee has and will have volumes of gas remaining in storage under the previous LTSS-1 storage service, which volumes are not needed by East Tennessee to serve its firm markets during the 1977 summer but would urgently be needed during the 1977-78 winter, it is said. Applicant states that in order to avoid the requirements that East Tennessee physically remove all gas remaining in storage for its account under the former LTSS-1 storage service prior to the termination of such service on October 15, Applicant requests authorization to carry over such remaining LTSS-1 storage gas and to include such volumes among the Total Storage Volume to be made available to East Tennessee under the LTSS-1 Rate Schedule.

It is stated that in order to enable East Tennessee, which is presently served under Applicant's Rate Schedule G-1 to be eligible to receive the proposed storage service, it is necessary that East Tennessee be served under Applicant's Rate Schedule CD-1 in lieu of under its Rate Schedule G-1. The availability provisions of Applicant's Rate Schedule G-1 provide, in part, that such service is available to any Buyer "which does not have available to it underground gas storage", it is said. Applicant states that this provision prevents a customer from purchasing natural gas form Applicant under the Rate Schedule G-1 when such customer obtains underground natural gas storage. Consequently, Applicant seeks authorization to render natural gas service to East Tennessee under Applicant's Rate Schedule CD-1 on a permanent basis.

It is stated that Applicant is willing to grant East Tennessees' request to decrease East Tennessee's maximum daily contract quantity (MDQ) from its presently authorized MDQ of 333,065 Mcf to the requested new MDQ of 325,719 Mcf, and that such volume (325,719 Mcf) is the sum of East Tennessee's firm service authorizations. But utilizing its system flexibility and the new Contract Demand of 325,719, East Tennessee's ability to serve its firm service authorization would not be impaired, it is said.

It is indicated that the compensation to be paid each month by East Tennessee to Applicant for service under this Rate Schedule would consist of the sum of the following monthly charges:

PURCHASE STORAGE SERVICE CHARGE

A Purchased Storage Service Charge which would be a sum equal to the monthly amount billed to Applicant by Consolidated for the Purchased Storage Service applicable thereto.

ADDITIONAL STORAGE SERVICE CHARGE

An Additional Storage Service Charge which would be a product equal to the Additional Storage Service Rate of 51.13 cents multiplied by the total daily Actual Withdrawal Volumes during the month.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure 18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 77-18708 Filed 6-29-77; 8:45 am]

[Docket No. CP77-435]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 22, 1977.

Take notice that on June 10, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-435 an appliction pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for United Gas Pipe Line Company (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that United will purchase natural gas produced in Vermilion Area Block 22, offshore Louisiana and delivered in a daily contract demand quantity of up to 90,000 Mcf into Applicant's existing Central Louisiana Gathering System onshore in the Pecan Island area of Vermilion Parish. Applicant will transport and deliver equivalent MMBtu, less attributable MMBtu used for fuel and shrinkage if the gas is processed and a pro rata share of any gas lost and unaccounted for, to or for the account of United at the existing point of interconnection between such systems to be located near Crowley, Acadia Parish, Louisiana, and the existing point of interconnection between Transco's system and the system of Tennessee Gas Pipeline Company also located near Crowley, Acadia Parish, Louisisana.

Applicant avers that no additional facilities will be required to render this transportation service, for which Applicant will initially charge United an amount per month equal to 3.50¢ per Mcf times the applicable contract demand quantity times the number of days in such month.

Any person desiring to be heard or to make any protest with reference to said application, on or before July 11, 1977, should file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18719 Filed 6-29-77;8:45 am]

[Docket No. ER77-439]

TUCSON GAS & ELECTRIC CO.

Filing of Tucson-APS 1977 Energy Agreement

JUNE 22, 1977.

Take notice that Tucson Gas & Electric Company ("Tucson") on June 13, 1977 tendered for filing the Tucson-APS 1977 Energy Agreement (the "Agreement") dated June 3, 1977 between Tucson and Arizona Public Service Company ("APS").

Tucson indicates that the primary purpose of this Agreement is to establish terms and conditions between the parties for the delivery by Tucson to APS of a guaranteed amount of oil-fired energy for resale during the term provided in the Agreement. Tucson further indicates that the parties desire that this Agreement shall extend as an initial rate schedule until August 31, 1977.

Tucson requests waiver of the Commission's notice requirements to allow the Agreement to become effective as of July 1, 1977.

Any person desiring to be heard or to make application with reference to said Agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 6, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18702 Filed 6-29-77;8:45 am]

[Docket No. ID-1692]

JOHN W. VAUGHAN

Application

JUNE 22, 1977

Take notice that on June 9, 1977, John W. Vaughan, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following position: Director, Ohio Valley Electric Corporation, Electric Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Proctice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18704 Filed 6-29-77;8:45 am]

[Docket No. E-9596]

WISCONSIN MICHIGAN POWER CO. AND WISCONSIN ELECTRIC CO.

Joint Application for Authority to Merge

JUNE 21, 1977.

Take notice that Wisconsin Michigan Power Company (Wisconsin Michigan) and Wisconsin Electric Power Company (Wisconsin Electric) on June 10, 1977 tendered for filing a Joint Application for approval, pursuant to Section 203 of the Federal Power Act, of the merger of all of the facilities of Wisconsin Michigan with all of the facilities of Wisconsin Electric.

Wisconsin Michigan and Wisconsin Electric propose that the merger become effective at midnight on December 31, 1977. Wisconsin Michigan and Wisconsin Electric indicate that Wisconsin Electric owns all of the outstanding shares of common stock of Wisconsin Michigan.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 8, 1977. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18720 Filed 6-29-77;8:45 am]

[Docket No. CP77-421]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 22, 1977.

Take notice that on June 3, 1977, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP77-421 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 18,000 Dekatherms (dt) equivalent of natural gas per day on an interruptible basis for Carolina Pipeline Company; Delmarva Energy Company, an affiliate of Delmarva Power & Light Company; Eastern Shore Natural Gas Company; NCNG Exploration Corporation, an affiliate of North Carolina Natural Gas Corporation; Pennsylvania Gas and Water Company; Phila-Electric Company; Piedmont Exploration Company, Inc., an affiliate of Piedmont Natural Gas Company, Inc.; Rockingham Exploration Company, an affiliate of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company; South Jersey Gas Company; Tar Heel Energy Corporation, an affiliate of Public Service Company of North Carolina, Inc.; United Cities Gas Company, North and South Carolina Division; Owens-Corning Fiberglass Corporation; Burlington Industries, Inc.; and Deyco Enterprises, Inc., an affiliate of Cherokee Brick Company of North Carolina, Inc., (Customers); all of which are existing direct or indirect customers of Applicant, or affiliates of such customers, who have working interests entitling them to share in the gas production discovered through three exploration and development programs to which these customers have made substantial financial commitments, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that in 1975, through Applicant's initiative, two joint venture exploration and development programs were established under the management of independent oil and gas producers, and that certain of Applicant's existing distribution customers, certain industrial customers served by the distributors and Applicant's one direct customer were asked to join by making commitments to the financing of the proposed drilling budgets for these programs. Applicant states that incentive for the customers to join was their expectation that participation would earn them a working interest in any successful gas discoveries which could be taken in kind and Applicant committed itself to arrange for the transportation of the participants' gas to their market areas of their plants.

The Transmac Exploration and Development Program (Transmac), managed by McMoran Exploration Co., was established as a three-year program with a total drilling budget of $36 million, and the program is in the process of being revised and expanded with a proposed annual budget of $20 million beginning in September 1977, increasing to $22.5 million and $2.5 million annually in the next two succeeding years, it is said.

It is stated that the Robert Mosbacher/Transco Exploration Company Joint Venture (Mosbacher), under the management of Robert Mosbacher, was established in May 1975, with an initial drilling budget of $9 million, and that this program is also being revised and expanded for a three-year period, beginning May 1977, with annual budgets of $12, $13.5 and $15 million, respectively. Applicant asserts that both programs are under the immediate management of experienced operators with an established record of successful oil and gas operations; each operator has, at the time the programs were put together, an inventory of leases on drilling prospects in the Gulf Coast area which were transferred to the programs and which allowed the programs to begin drilling operations at an accelerated pace.

Transco Exploration Company (TXC), Applicant's exploration and production affiliate, is and would continue to be a contributing participant in both the Transmac and Mosbacher drilling programs, it is said. It is stated that TXC's working interest in wells would be sold to Applicant, unless prior dedications interfere, or unless the site and location of the discovery would make delivery into Applicant's system infeasible. Applicant states that it has a right of first refusal to purchase the operators' working interest in successful gas wells.

The third drilling program in which Applicant's customers have participated was established by Enterprise Resources, Inc., a subsidiary of Stone and Webster, Inc., and an independent producer with experience in organizing investments in oil and gas drilling ventures and managing producing properties, it is said. Applicant indicates that this program was established as a partnership: Enterprise Resources is the general partner, and the participating customers are limited partners. It is stated that the first year expenditures, beginning October 1975, were $3.3 million; the second year budget is $3.7 million and it is proposed to expand the program to a $15 million three-year program, beginning October 1977.

Applicant states that over $30 million in risk money has been expended so far through these three programs for exploration and that substantial additional expenditures have been made by the participants to complete discoveries into producing wells. It is stated that results of these programs, as of May 1, 1977, are as follows:

	Transmac	Mosbacher	Enterprise
Wells drilled	51	57	10
Number of fields or areas with discoveries	7	5	4
Gas wells completed	16	12	5

Applicant states that most of its resale customers who have joined the programs elected to participate through affiliates which have qualified as "small producers", and that in most cases where the resale customer is represented in the programs through a small producer affiliate, the transportation service proposed would be rendered for the account of affiliate with deliveries being made to the principal at existing delivery points on Applicant's system.

It is stated that two industrial customers participated through affiliates; one participated directly, and that deliveries to the indirect industrial customers who have participated would be made at existing delivery points to Applicant's distributors serving such customers.

The following are said to be customers for which transportation service is proposed indicating, where appropriate, the relationship explained above:

(a) *Resale Customers*

Carolina Pipeline Company, Delmarva Energy Company, affiliate of Delmarva Power & Light Company

Eastern Shore Natural Gas Company [1]
NCNG Exploration Corporation, affiliate of North Carolina Natural Gas Corporation
Pennsylvania Gas and Water Company
Philadelphia Electric Company [2]
Piedmont Exploration Company, Inc., affiliate of Piedmont Natural Gas Company, Inc.
Rockingham Exploration Company, affiliate of North Carolina Gas Service Division of Pennsylvania & Southern Gas Company
South Jersey Gas Company [3]
Tar Heel Energy Corporation, affiliate of Public Service Company of North Carolina, Inc.
United Cities Gas Company, North and South Carolina Divisions [4]
(b) *Direct Sale Customer*
Owens-Corning Fiberglas Corporation [5]
(c) *Indirect Customers*
Burlington Industries, Inc.[6]
Devco Enterprises, Inc., affiliate of Cherokee Brick Company of North Carolina, Inc.[6]

Applicant states that under these agreements which are for one year primary terms and year-to-year thereafter, the transportation customers undertake to have their gas delivered to Applicant's system at no expense to Applicant, and it is understood that no facilities are to be constructed to effectuate deliveries to them.

Applicant indicates that the current rates it proposes to charge for the proposed transportation service, depending on location of the delivery point on Applicant's system are: Zone 1 deliveries, 28.2 cents per dt; Zone 2 deliveries, 29.8 cents per dt; and Zone 3 deliveries, 31.6 cents per dt. Applicant states that the agreements provide that it would retain a percentage of the gas delivered to its system by the transportation customers for compressor fuel and line loss make-up, such percentage to be the same as Applicant retains for other interruptible transportation deliveries in the same zone where delivery is made under the transportation service proposed.

It is stated that in the case of distributors who would receive the transportation gas, the daily quantity transported (less the quantities retained for compressor fuel and line loss make-up), when combined with the quantities the distributor is scheduling under Applicant's Contract Demand (CD) Rate Schedule, other transportation agreements with Applicant, and any quantities being scheduled for transportation by industrial and commercial customers of the distributor, shall not exceed the distributor's authorized daily entitlement under its Rate Schedule CD. Similar limitations apply to the transportation deliveries made to distributors for the account of the indirect industrial customers and to the one direct industrial customer, it is said.

Applicant states that the transportation gas would be utilized by the principals who have participated in the drilling programs to moderate the impact on their high-priority end uses of Applicant's curtailments of gas deliveries under CD service agreements and its one direct sales contract.

As of May 1, 1977, the three drilling programs in the aggregate have discovered gas in 16 fields or areas and that 33 wells have been completed in these fields, it is said. It is stated that of the 16 productive areas in which the transportation customers have interests entitling them to gas, gas is immediately available for transportation from 8 fields:

Program/field:	*Estimated average daily quantity (1,000³ per day at 14.73)*
Transmac:	
Loisel Field, Iberia Ph., La	337
Kawitt area, Karnes and DeWitt Counties, Tex	82
West Mermentau area, Acadia Ph., La	443
Mosbacher: Southwest Gibson area, Terrebonne Ph., La	427
Enterprise:	
South Gist fFeld, Newton County, Tex	85
East Hordes Creek Field, Goliad County, Tex	995
North Jefferson Island Field, Iberia Ph., La	408
South Tomball Field, Harris County, Tex	995
Total	3,772

The volumes shown are estimated initial delivery rates for all participants in the program, it is stated.

Applicant requests authority to transport up to 18,000 dts equivalent of natural gas per day for its proposed transportation customers from all sources in which they now have or would have entitlements to gas discovered through the three drilling programs. Applicant states that gas is available to the customers presently in eight fields or areas, that additional drilling, testing and development is going on in eight others where initial discovery wells have been drilled and 12 wells are still in the drilling stage. Applicant further states that the authority it requests would allow flexibility and expedition in transporting through its system additional gas for the drilling program participants as it becomes available to them up to the total daily volume for all the transportation service proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 11, 1977, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-18693 Filed 6-29-77;8:45 am]

FEDERAL RESERVE SYSTEM

Federal Open Market Committee

DOMESTIC POLICY DIRECTIVE OF MAY 17, 1977

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's

[1] Eastern Shore Natural Gas Company participates in the Enterprise Resources program through its producer affiliate, Dover Exploration Company; the affiliate would sell its working interest gas to the parent company at the wellhead.

[2] Philadelphia Electric Company participates in the Transmac and Mosbacher programs through its small producer affiliate, Eastern Pennsylvania Exploration Company, Inc.; the affiliate will sell its working interest gas to the parent company at the wellhead.

[3] South Jersey Gas Company participates in the Enterprise Resources program through its small producer affiliate, South Jersey Exploration Company; the affiliate would sell its working interest gas to the parent company at the wellhead.

[4] United Cities Gas Company, North and South Carolina Division, participates in the Transmac and Enterprise Resources programs through its small producer affiliate, U.C.G. Energy Corporation; the affiliate would sell its working interest gas to the parent company at the wellhead.

[5] Owens-Corning Fiberglas Corporation participated in the Transmac program through its affiliate Karlcorp; Karlcorp would sell its working interest in production to Owens-Corning at the point of production and Transco's transportaton service would be for the account of Owens-Corning.

[6] Burlington Industries owns plant facilities which are served by the following Transco distributors: Carolina Pipeline Company, North Carolina Natural Gas Corporation, Piedmont Natural Gas Company, Inc., Public Service Company of North Carolina, Inc., Public Service Electric & Gas Company, and Virginia Pipeline Company.

Cherokee Brick Company is served by Public Service Company of North Carolina, Inc.

Deliveries to Burlington and Cherokee would be made to the Transco distributors serving their plants.

Domestic Policy Directive issued at its meeting held on May 17, 1977.[1]

The information reviewed at this meeting suggests that real output of goods and services is growing at a rapid rate in the current quarter. In April industrial output and employment continued to expand at a substantial pace, and the unemployment rate declined from 7.3 to 7.0 percent. Total retail sales remained at the advanced level reached in March. The wholesale price index for all commodities rose substantially in April for the third consecutive month; increases again were particularly sharp among farm products and foods, and they remained sizable for industrial commodities.

The average value of the dollar against leading foreign currencies has changed little on balance over the past month. The U.S. foreign trade deficit widened further in March; for the first quarter as a whole, the deficit was twice as large as for the preceding quarter.

The increase in M–1, which had been moderate in the first quarter, was exceptionally large in April. Inflows of the time and savings deposits included in the broader aggregates were slower than earlier in the year, but because of the rapid expansion in M–1, growth in M–2 and M–3 accelerated. Business short-term borrowing expanded sharply while corporate financing in the capital markets was reduced. Market interest rates have risen in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will encourage continued economic expansion and help resist inflationary pressures, while contributing to a sustainable pattern of international transactions.

At its meeting on April 19, 1977, the Committee agreed that growth of M–1, M–2, and M–3 within ranges of 4½ to 6½ per cent, 7 to 9½ per cent, and 8½ to 11 per cent, respectively, from the first quarter of 1977 to the first quarter of 1978 appears to be consistent with these objectives. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M–1 and M–2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the May-June period to be within the ranges of 0 to 4 per cent for M–1 and 3½ to 7½ per cent for M–2. In the judgment of the Committee such growth rates are likely to be associated with a weekly average Federal funds rate of about 5¾ per cent. If, giving approximately equal weight to M–1 and M–2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 5¼ to 5¾ per cent.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

[1] The Record of Policy Actions of the Committee for the meeting of May 17, 1977, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee, June 24, 1977.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.77-18670 Filed 6-29-77;8:45 am]

BANCO DE BOGOTA AND BANBOGOTA, INC.

Order Approving Formation of Bank Holding Companies

Banco de Bogota, Bogota, Colombia, and its proposed wholly owned subsidiary, Banbogota, Inc., New York, New York ("Banbogota"), have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of bank holding companies through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Banco de Bogota Trust Company, New York, New York ("Trust Company"). Banbogota was organized solely for the purpose of acquiring and holding shares of Trust Company and has engaged in no business activities and has no subsidiaries. Accordingly, the applications of Banco de Bogota and Banbogota have been considered together and this Order contains the Board's findings and conclusions with respect to both such applications.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Banco de Bogota (deposits of approximately $464 million), a Colombian commercial bank, is the largest of twenty-three private commercial banks in Colombia. Banco de Bogota operates 254 branches in Colombia and has subsidiary banks in Equador and Panama, in addition to being a major shareholder in several financial and nonfinancial institutions in South America. None of these institutions conducts any business in the United States. Banco de Bogota presently operates a branch in New York City with total deposits of approximately $22 million.[1]

A recently enacted Colombian law requires that all banks operating in Colombia be Colombian corporations and be at least 51 percent owned by Colombian nationals. As a result of that law, United States banks are precluded from establishing branches in Colombia. New York State banking law provides that a foreign banking corporation organized under the laws of a foreign country may be licensed to maintain a branch or branches in New York if, under the laws of the foreign country, a New York bank or trust company may be authorized either to maintain a branch or agency or to own all of the shares of a banking organization organized under the laws of the foreign country.[2] Banco de Bogota has been informed by the New York Banking Department that, as a result of the recently enacted Colombian law prohibiting branches of foreign banks and foreign control of local banks, Banco de Bogota will have to close its New York branch. It is, however, permissible under New York law for Banco de Bogota to maintain an agency in New York and to acquire a separately chartered subsidiary bank. Upon consummation of the proposed transaction, Banco de Bogota would operate both an agency and a subsidiary bank in the State.

Trust Company would acquire all of the demand deposits of Banco de Bogota's New York branch and would rank 108th out of 121 banking organizations in the relevant banking market.[3] As indicated above, the proposed transaction represents a reorganization of Banco de Bogota's New York banking operations from a branch to a subsidiary bank and an agency. Accordingly, it does not appear that consummation of the proposed transactions would result in the elimination of any existing or potential competition in the relevant market. Competitive considerations, therefore, are consistent with approval of the applications.

The financial and managerial resources of Banco de Bogota, Banbogota and Trust Company are considered satisfactory and the future prospects for each appear favorable. Banco de Bogota has committed that it will make available to Trust Company up to $15 million in additional equity capital during the first three years of Trust Company's operations. Thus, the banking factors are consistent with approval of the applications. Trust Company would conduct a wholesale commerical banking business that would promote trade between the United States and South America. The considerations relating to the convenience and needs of the community to be served are consistent with approval of the applications. It is the Board's judgment that the proposed transaction would be consistent with the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) Trust Company shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[4] effective June 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18669 Filed 6-29-77;8:45 am]

[1] All banking data are as of December 31, 1976.

[2] N.Y. Bank Law § 202-a (McKinney 1971).

[3] The relevant geographic market is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

[4] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

PREFERRED MANAGEMENT CO.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Preferred Management Company, Omaha, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of an additional 30,000 shares or 60 percent of the voting shares of North Side Bank, Omaha, Nebraska ("Bank"). Applicant presently owns 10,000 shares or 20 percent of the outstanding voting shares of Bank.[1] The factors that are considered in acting on this application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to act as agent or broker with respect to the sale of decreasing term credit life insurance, credit accident and health disability insurance and property damage insurance directly related to extensions of credit by Bank. Such activities have been determined by the Board to be closely related to banking (12 CFR §§ 225.4(a)(9)(ii)).[2]

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (42 FR 20664). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Bank, with deposits of $40.2 million,[3] is the thirteenth largest of forty-one banks in the relevant banking market[4] and controls 2 percent of the total market deposits. Upon acquisition of control of Bank, Applicant would control the 29th largest banking organization in Nebraska, holding 0.6 percent of the total commercial bank deposits in the State.[5] The proposed transaction is merely a restructuring of the ownership interest of Applicant's principal in Bank, and the Board finds that consummation of the proposal would not eliminate existing or potential competition or increase the concentration of banking resources in the relevant market. Accordingly, competitive considerations are consistent with approval of the application.

The financial resources of Applicant, which are dependent upon those of Bank, are considered to be satisfactory, and future prospects appear favorable. While Applicant would incur a sizable acquisition debt as a result of this proposal, it appears that Applicant will be able to meet its debt service requirements without adversely affecting the financial position of Bank. Furthermore, the managerial resources of Applicant and Bank are regarded as satisfactory. Thus, considerations relating to banking factors are consistent with approval.

While no major changes are contemplated in Bank's services and it appears that the needs of Bank's customers are being adequately met, considerations relating to convenience and needs of the community to be served are consistent with approval. Accordingly, it is the Board's judgment that Applicant's proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

In connection with its application to become a bank holding company, Applicant has also applied to continue to act as an agent or broker with respect to the sale of decreasing term life insurance, credit accident and disability insurance, and property damage insurance directly related to extensions of credit by Bank. Since Applicant presently engages in such activity, it does not appear that approval of Applicant's proposal would have any significant effect on existing or potential competition. On the other hand, approval of the application would assure customers of Bank of the continuation of a conventional source of such insurance services. Furthermore, there is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8) of the Act, that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects and that the application to engage in credit-related insurance activities should be approved.

Accordingly, the appplications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The approval of Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[6] effective June 22, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-18668 Filed 6-29-77;8:45 am]

[1] Applicant registered as a bank holding company in 1972, apparently on the premise that Applicant controlled Bank by virtue of the fact that it owned 20 percent of Bank's outstanding voting shares, and had the right to purchase an additional 27 percent of Bank's shares. Although a rebuttable presumption that Applicant controls Bank exists under § 225.2(b) of the Board's Regulation Y (12 CFR § 225.2(b)) the Board has made no formal determination that Applicant controls Bank.

[2] Applicant also provides management consulting and investment advice to Bank and leases real and personal property to Bank. Upon consummation of the acquisition of additional shares of Bank by Applicant, these activities will be exempt from the prohibitions of § 4 under § 4(c)(1)(A) and § 4(c)(1)(C) of the Act (12 U.S.C. § 1843(c)(1)(A) and (C)).

[3] All banking data are as of December 31, 1976.

[4] The relevant banking market is approximated by Douglas and Sarpy Counties in Nebraska and Pottawattamie County in Iowa.

[5] One of Applicant's principals and largest shareholder is also a director and member of the Executive Committee of First National of Nebraska, Inc., Omaha, Nebraska, as well as its subsidiary bank, The First National Bank of Omaha, Omaha, Nebraska. The Board has received a commitment that Applicant's principal will resign his positions as director, officer and employee of Applicant prior to consummation of Applicant's acquisition of Bank so that a violation of the provisions of the Board's Regulation L (12 CFR 212) will not occur.

[6] Voting for this action: Vice Chairman Gardner and Governors Wallich, Coldwell, Jackson, Partee, and Lilly. Absent and not voting: Chairman Burns.

FOREIGN-TRADE ZONES BOARD

[Docket No. 6–77]

COUNTY OF NIAGARA, NEW YORK

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Niagara, State of New York, requesting a grant of authority

for the establishment of a foreign-trade zone in the Township of Porter, Niagara County, adjacent to the Buffalo/Niagara Falls consolidated Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 23, 1977. The applicant is authorized to make this proposal under Chapter 190, of the 1977 Session Laws of New York (approved June 1, 1977).

The proposal calls for the creation of a 50 acre general-purpose foreign-trade zone within the 130 acre Lew-Port Industrial Park located in the Townships of Porter and Lewiston, approximately eight miles north of the City of Niagara Falls, New York. The proposed foreign-trade zone site is zone for industrial purposes and is the subject of a contract between the County of Niagara and the Somerset Group, Inc., which owns the land and will be the zone operator. The site is served by rail and interstate highway connections, including bridges to Canada. Both the Niagara Falls and Greater Buffalo International Airports serve the area.

The application contains economic data and information concerning the need for zone services to serve various firms in the Niagara County area. Several firms have indicated their intention to use the zone for assembly, packaging, warehousing and distribution activities. Among the products initially involved are cosmetics, industrial vacuum cleaners, plastic moldings, tires, electronic components, scientific instruments and power tools.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Service, Region I, 100 Summer Street, Boston, Massachusetts 02110; and Colonel Daniel D. Ludwig, District Engineer, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

In connection with its investigation of the proposal, the Examiners Committee will hold a public hearing on July 21, 1977, beginning at 9:00 a.m., in Meeting Rooms 3 and 4, Niagara Falls International Convention Center, 300 Fourth Street, Niagara Falls, New York. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by July 15, notify the Board's Executive Secretary in writing at the address below of their desire to be heard. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through August 22, 1977. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Niagara County Economic Development and Planning Department, Room 250, Niagara County Office Building, 59 Park Avenue, Lockport, New York 14094.

Office of the Director, U.S. Department of Commerce District Office, Room 1312 Federal Building, 111 West Huron Street, Buffalo, New York 14202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886–B 14th and E Streets NW., Washington, D.C. 20230.

Dated: June 27, 1977.

JOHN J. DA PONTE, JR.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.77-18729 Filed 6-29-77;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice No. 33]

BALTIMORE GAS & ELECTRIC CO.

Proposed Participation in Electric and Gas Rate Increase Proceeding

The General Services Administration seeks to participate in a proceeding before the Maryland Public Service Commission concerning the application of the Baltimore Gas & Electric Company for an increase in electric and gas utility rates. The GSA represents the interests of the executive agencies of the United States Government.

The Baltimore Gas & Electric Company filed an application with the Maryland Public Service Commission for authority to increase electric revenues by $102 million, with a proopsed 18 percent return on equity, and gas revenues by $18 million with a proposed 8 percent return on equity. The impact of this proposed increase on the Federal Government would be approximately $1.5 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, 18th & F Streets NW., Washington, D.C. 20405, telephone (202) 566–0750, on or before August 1, 1977 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: June 21, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-18738 Filed 6-29-77;8:45 am]

[Intervention Notice No. 32]

PACIFIC GAS AND ELECTRIC COMPANY

Proposed Participation in Electric and Gas Rate Increase Proceeding

The General Services Administration seeks to participate in a proceeding before the California Public Utilities Commission concerning the application of the Pacific Gas & Electric Company for an increase in electric and gas utility rates. The GSA represents the interests of the executive agencies of the United States Government.

The Pacific Gas & Electric Company filed an application with the California Public Utilities Commission for authority to increase annual revenues by $292 million, with a proposed 15 percent return on equity. The impact of this proposed increase on the Federal Government would be approximately $3.5 million annually.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets NW., Washington, D.C. 20405, telephone (202) 566–0750, on or before August 1, 1977, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: June 21, 1977.

JOEL W. SOLOMON,
Administrator of General Services.

[FR Doc.77-18737 Filed 6-29-77;8:45 am]

[Temporary Reg. F-429]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Mexico Public Service Commission involving an application by the El Paso Electric Company for increases in their electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator of General Services.

JUNE 21, 1977.

[FR Doc.77-18739 Filed 6-29-77;8:45 am]

[Temporary Reg. F-430]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Utilities Commission of Texas involving an application by the El Paso Electric Company for increases in their electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JOEL W. SOLOMON,
Administrator of General Services.

JUNE 21, 1977.

[FR Doc.77-18740 Filed 6-29-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

PENNSYLVANIA

Redesignation of Health Service Areas 5 and 8

In accordance with section 1511(b)(4) of the Public Health Service Act as amended by Pub. L. 93–641, the Secretary of Health, Education, and Welfare has determined that Pennsylvania Health Service Areas 5 and 8 should be revised to include Tioga County in Health Service Area 5, and delete Tioga County from Health Service Area 8. This revision constitutes approval of a redesignation request initiated by the Governor of Pennsylvania on April 5, 1976. The request compiled with all of the requirements of the Health Service Area Redesignation Guidelines published in the FEDERAL REGISTER, Vol. 41, No. 180, September 15, 1976.

Accordingly, Health Service Areas 5 and 8, approved by the Secretary on August 21, 1975, are revised as follows:

PENNSYLVANIA

Health Service Area 5 is the geographic area comprised of the following counties:

Centre	Mifflin
Clearfield	Montour
Clinton	Northumberland
Columbia	Union
Jefferson	Snyder
Juniata	Tioga
Lycoming	

Health Service Area 8 in Pennsylvania and Health Service Area 4 in New York constitute a single interstate health service area comprised of the following counties:

In Pennsylvania:	
Bradford	Susquehanna
Sullivan	
In New York:	
Broome	Tioga
Chenango	

Dated: June 24, 1977.

HAROLD MARGULIES,
Deputy Administrator,
Health Resources Administration.

[FR Doc.77-18726 Filed 6-29-77;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON ETHNIC HERITAGE STUDIES

Meeting

AGENCY: National Advisory Council on Ethnic Heritage Studies.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda on the forthcoming meeting of the National Advisory Council on Ethnic Heritage Studies. It also describes the functions of the Council. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1.10 (a)(2)). This document is intended to notify the general public of their opportunity to attend.

DATES: Meetings July 21, 22, 1977, 9:00 a.m. to 4:30 p.m.

ADDRESS: Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT:

Dr. William H. Martin, Chief, Ethnic Heritage Studies Branch, Office of Education, 7th and D Streets, SW., ROB No. 3, Room 3919, Washington, D.C. 20202. Telephone (202) 245–9506.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Ethnic Heritage Studies was established under section 906(a) of the Elementary and Secondary Education Act of 1965 as added by section 504(a) of the Education Amendments of 1972, Pub. L. 92–318 (20 U.S.C. 900a–4).

The Council is directed to: (1) Advise the Secretary, the Assistant Secretary for Education, and the Commissioner of Education on the implementation of Title IX of the Elementary and Secondary Education Act of 1965 in order to provide assistance designed to afford students the opportunity to learn about their own cultural heritage and the contributions of the other ethnic groups of the Nation.

(2) Perform specific functions as follows:

a. Make recommendations to the Commissioner, the Assistant Secretary, and the Secretary regarding the collection of data to facilitate program planning and evaluation; e.g., recommend a survey of needs to determine or modify program priorities, or suggest national or regional reviews of intercultural curriculum and personnel development.

b. Suggest innovations or program changes as the program evolves and develops toward improving ethnic heritage studies.

c. Suggest promising areas of inquiry to give direction to research; e.g., recommend ethnographic studies as required for substantial intercultural curriculum materials development.

d. Provide such administrative and legislative proposals as may be appropriate.

e. Not later than March 31 of each year, submit to the Congress a report of its activities, findings, and recommendations.

The meeting will open to the public beginning at 9:00 a.m. and ending at 4:30 p.m. each day. The meeting will be held at Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C. 20202, Room 4173.

The proposed agenda includes:

(1) Action on minutes of previous meeting.

(2) Committee reports.

(3) Discussion: Developing Methods of Evaluating Advisory Councils.

(4) Discussion: Inter-Council Cooperation.

(5) Discussion: Developing Recommendations for New Legislation.

(6) Public testimony.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Ethnic Heritage Studies Branch, Office of Education, Room 3919, Regional Office Building No. 3, 7th and D Streets,

SW., Washington, D.C. 20202, on June 27, 1977.

Signed at Washington, D.C.

WILLIAM H. MARTIN,
Chief,
Ethnic Heritage Studies Branch.

[FR Doc.77-18733 Filed 6-29-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-77-635]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Closing Date for Submission of Applications for Areawide Programs

AGENCY: Office of Community Planning and Development, Department of Housing and Urban Development.

ACTION: Notice extending closing date for submission of applications for Areawide Programs.

SUMMARY: The purpose of this Notice is to extend the submission deadline for CDBG applications in support of the Areawide Housing Opportunities Plans from April 13, 1977 to July 29, 1977; and to clarify ambiguities in the previous Notice, including ranking procedures.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Bernard Manheimer, telephone (202) 755-6234, Room 7149, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On April 18, 1977, HUD published final regulations in the FEDERAL REGISTER with respect to Community Development Block Grant (CDBG) discretionary funding in support of selected Areawide Housing Opportunity Plans (42 FR 20254). A notice also appeared in the FEDERAL REGISTER on December 17, 1976, pertaining to the closing date for submission of applications for areawide programs (41 FR 55243). The December 17 Notice stated that in order to receive consideration for funding pursuant to 24 CFR Part 570.404(b), applications for CDBG from Participating Jurisdictions located in the geographical area covered by an Areawide Housing Opportunity Plan selected for supplemental Section 8 housing assistance pursuant to 24 CFR Part 891 must be received from the Areawide Planning Organizations (APOs) with rankings and comments to the HUD Assistant Secretary for Community Planning and Development by 5:00 p.m. (Washington, D.C. time) on April 13, 1977.

The purpose of this Notice is to extend the submission deadline and to clarify ambiguities in the previous Notice including ranking procedures.

Clarification of previous notice and extension of closing date. The deadline for receipt of complete CDBG application packages, including APO rankings and comments, and evidence of A-95 review, is hereby changed from April 13, 1977 to July 29, 1977. All material must be postmarked on or before July 29, 1977 or received in the Office of the Assistant Secretary for Community Planning and Development on or before that date.

In order to receive consideration for funding under the program, activities proposed must be eligible for funding in accordance with CDBG regulations 24 CFR Part 570, subpart C. Technical advice and assistance as to eligible CDBG activities and application requirements is available from HUD Field Offices.

As indicated in CPD Notice 76-28, eligible applications will be reviewed by HUD with respect to (1) the degree to which they meet the objective of the HOP program to provide a broader geographical choice of housing opportunities for lower income households outside of areas and jurisdictions containing undue concentrations of low income or minority households; and (2) the numerical ranking assigned by the APO. In connection with factor (1), consideration will be given to the degree to which the proposed activities increase geographic choice of housing opportunities for lower income households outside areas and jurisdictions of low income or minority concentration; the degree to which lower income persons will benefit; and the extent to which the activities are related to an increase in the supply of housing available to lower income persons.

All materials shall be addressed to:

Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, 451 7th Street, SW., Room 7149, Washington, D.C. 20410.

In addition, two copies of new or amended applications, rankings or comments shall be addressed to the HUD Area Office serving the APO and applicant's jurisdictions, and one copy to the HUD Regional Office.

APOs shall assign funding priorities to each application by a rank order which reflects the degree to which the proposed application aids and furthers the objectives of their Areawide Housing Opportunity Plan.

All applications, rankings and comments received by the Assistant Secretary prior to the publication of this Notice will be judged as received unless amended prior to the extended deadline.

Issued at Washington, D.C., June 24, 1977.

ROBERT C. EMBRY, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.77-18696 Filed 6-29-77;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 250]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 22, 1977.

The Bureau of Sports Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, filed application Serial No. CA 250 on March 12, 1973, for a withdrawal in relation to the following described lands:

All of the unreserved islands, rocks, and reefs in Federal ownership offshore from the coast of California, lying above the mean high tide from Oregon to the Mexican border, for establishment of the California island National Wildlife Refuge.

To facilitate a more precise identification of the areas affected by the proposed withdrawal, detailed USGS quadrangle maps are on file and available for public inspection at the California State Office, Bureau of Land Management, at Sacramento, California. The majority of the islands, rocks, and reefs are unsurveyed, therefore, the maps are a reference in lieu of a legal description and a total acreage is also unavailable.

The applicant desires that the land be reserved for protection of specialized island ecosystems capable of supporting animal life, thereby assuring the continued availability of an undisturbed environment necessary to maintain wildlife populations. The islands are used by a variety of waterfowl during migration. Shorebirds and waterbirds nest, feed, and rest, and use the islands for shelter. Some of the islands with connecting reefs provide resting habitats for sea lions and seals. Other islands are used by endangered species such as the California brown pelican.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 4, 1974, page 1080, FR Doc. 74-125.

Pursuant to Sec. 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 1, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 1, 1977.

The above described area is temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc.77-18663 Filed 6-29-77;8:45 am]

[CA 881]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

JUNE 22, 1977.

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, filed application Serial No. CA 881 on December 26, 1973, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIF.

T. 47 N., R. 3 E.,
Sec. 19, Lots 1, 2, 3, 4, and 5, and SE¼SE¼;
Sec. 20, Lots 1 and 2, fractional SW¼NE¼, E½NE¼, and NW¼SW¼;
Sec. 30, Lot 1 and NE¼NW¼.

The area aggregates 428.18 acres in Siskiyou County, California.

The applicant desires that the land be reserved for the management of migratory birds and other wildlife as part of the existing Lower Klamath National Wildlife Refuge.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on February 13, 1974, pages 5521 and 5522, FR Doc. 74-3542.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 State. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the State Director, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, on or before August 1, 1977. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before August 1, 1977.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws (30 U.S.C., Ch. 2), to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 77-18664 Filed 6-29-77; 8:45 am]

[Colorado 093629-A]

WESTERN SLOPE GAS CO., INC.

Notice of Pipeline Application

JUNE 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Company, Inc., Box 840, Denver, Colorado 80201 has applied for a right of way for a 45 inch o.d. gasoline products pipeline, access road and loading dock. The proposed pipeline is 950 feet long and the access road approximately 840 feet long. All of the proposed facilities, if authorized, will be located on the following National Resource Lands: Sixth Principal Meridian, Rio Blanco County, Colorado, T. 3 S., R. 101 W., Sec. 5: SW¼.

The proposed pipeline will parallel on existing natural gas pipeline. The proposed facilities will enable the applicant to eliminate a hazardous condition existing at its west Douglas Compressor Station by permitting the loading of tank trucks with gasoline products to occur at a safe distance from the compressor station.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right of way to file their objections in this office.

Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

THOMAS HARDIN,
Chief, Branch of Adjudication.

[FR Doc.77-18741 Filed 6-29-77;8:45 am]

[NM 30951, 30962, 30963, and 30969]

NEW MEXICO

Notice of Applications

JUNE 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for seven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 25 S., R. 26 E.,
Sec. 1, lots 3, 4, SW¼NW¼ and NW¼SW¼;
Sec. 11, E½NE¼ and SW¼NE¼.

T. 18 S., R. 28 E.,
Sec. 13, S½NE¼ and NE¼SE¼.

T. 18 S., R. 29 E.,
Sec. 18, lot 3 and NE¼SW¼.

T. 26 S., R. 30 E.,
Sec. 27, N½SW¼.

T. 18 S., R. 31 E.,
Sec. 20, SE¼NW¼, NE¼SW¼ and NW¼SE¼.

These pipelines will convey natural gas across 2.849 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Man-

ager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18742 Filed 6-29-77;8:45 am]

[NM 30939, 30940, 30954, 30956, 30957, 30961, 30966, and 30968]

NEW MEXICO

Notice of Applications

JUNE 24, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eight 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 29 N., R. 7 W.,
Sec. 29, W½SW¼.

T. 29 N., R. 8 W.,
Sec. 11, SW¼NE¼ and S½NW¼.

T. 30 N., R. 8 W.,
Sec. 22, SW¼SW¼;
Sec. 27, N½NW¼ and SE¼NW¼;
Sec. 28, NW¼SE¼.

T. 30 N., R. 10 W.,
Sec. 13, lots 6 and 7;
Sec. 15, lots 9 and 16;
Sec. 22, lot 1.

T. 31 N., R. 11 W.,
Sec. 11, NW¼SE¼.

T. 25 N., R. 12 W.,
Sec. 11, SE¼SE¼;
Sec. 14, NE¼NE¼.

These pipelines will convey natural gas across 2.316 miles of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

RAUL E. MARTINEZ,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18743 Filed 6-29-77;8:45 am]

[NM 30950]

NEW MEXICO

Notice of Application

JUNE 23, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 12, S½NW¼.

This pipeline will convey natural gas across 0.205 miles of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with considerations of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Branch of Lands and Minerals Operations.

[FR Doc.77-18744 Filed 6-29-77;8:45 am]

[NM 30935, 30936, 30943 and 30947]

NEW MEXICO

Notice of Applications

JUNE 23, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for two 4-inch and two 6-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 18 S., R. 25 E.,
Sec. 7, lot 3.
T. 18 S., R. 27 E.,
Sec. 20, SE¼SE¼;
Sec. 21, SW¼NW¼.
T. 20 S., R. 28 E.,
Sec. 9, E½SE¼;
Sec. 15, W½W½ and SE¼SW¼;
Sec. 22, E½W½ and SW¼SE¼.
T. 24 S., R. 26 E.,
Sec. 19, NE¼SE¼, NW¼SE¼ and SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, N½NE¼.

These pipelines will convey natural gas across 3.90 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18745 Filed 6-29-77;8:45 am]

[NM 30934]

NEW MEXICO

Notice of Application

JUNE 22, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Liano, Inc. has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 25 E.,
Sec. 34, N½SE¼, SW¼SE¼, and SE¼SW¼;
Sec. 35, S½NW¼ and NW¼SW¼.
T. 22 S., R. 25 E.,
Sec. 3, lots 5, 6, 7, 10, and 11;
Sec. 4, S½SE¼;
Sec. 9, E½NE¼ and SW¼SE¼.

This pipeline will convey natural gas across 3.58 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18746 Filed 6-29-77;8:45 am]

[NM 30944]

NEW MEXICO

Notice of Application

JUNE 22, 1977.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 3 W.,
Sec. 34, SE¼NW¼ and NE¼SW¼.

The cathodic protection station will be used in connection with natural gas pipeline operations across 0.212 of a mile of public land in Dona Ana County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001.

FRED E. PADILLA,
Chief Branch of Lands and Minerals Operations.

[FR Doc.77-18747 Filed 6-29-77;8:45 am]

[Wyoming 59516]

WYOMING

Notice of Application

JUNE 24, 1977.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 10¾ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.
Secs. 9, 16, 17, 20, 29, 31, and 32.
T. 24 N., R. 112 W.
Secs. 29, 30, 33, 34 35, and 36.
T. 24 N., R. 113 W.
Secs. 22, 25, 26, and 27.

These pipelines are proposed additions to an existing gathering system in Sweetwater and Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyoming 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77-18748 Filed 6-29-77;8:45]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before June 28, 1977. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by July 11, 1977.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ARIZONA

Pinal County

Oracle vicinity, *American Flag Post Office/Ranch*, 5 mi. SE of Oracle.

ILLINOIS

Cook County

Chicago, *Gold Coast Historic District*, roughly bounded by North Ave., Lake Shore Dr., Clark, and Oak Sts.

INDIANA

DeKalb County

Auburn, *Auburn Automobile Company Administration Building*, 1600 S. Wayne St.

MASSACHUSETTS

Hampshire County

Amherst, *Dickinson Historic District*, Kellogg Ave., Main, Gray, and Lessey Sts.

Middlesex County

Lexington, *Sherburne, Warren E., House*, 11 Percy Rd.

Plymouth County

Brockton, *Central Fire Station*, 40 Pleasant St.

MICHIGAN

Alger County

Grand Marais vicinity, *Au Sable Light Station*, W of Grand Marais.
Munising vicinity, *Schoolcraft Furnace Site*, NE of Munising off MI 94.

Leelanau County

Leland vicinity, *Hutzler's Barn*, W of Leland on S. Manitou Island.

NEW MEXICO

Bernalillo County

Albuquerque, *Superintendent's House, Atlantic and Pacific Railroad*, 1023 S. 2nd St.

NEW JERSEY

Essex County

Newark, *Clark, William, House*, 346 Mt. Prospect Ave.
Newark, *Essex County Park Commission Administration Building*, 115 Clifton Ave.

Warren County

Columbia vicinity, *Warrington Stone Bridge*, NE of Columbia off NJ 94.

NEW YORK

Kings County

Brooklyn, *Rankin, John, House*, 440 Clinton St.

New York County

New York, *Hotel Chelsea*, 222 W. 23rd St.

TEXAS

Erath County

Bluff Dale, *Bluff Dale Suspension Bridge*, Berry's Creek Rd.

Harris County

Houston, *Union Station*, 501 Crawford St.

WASHINGTON

Clallam County

Pysht, *Hoko River Archeological Site*, W of Pysht.

Lewis County

Centralia, *Borst, Joseph, House*, 302 Bryden Ave.

Pacific County

Ilwaco, *Colbert House*, Quaker and Lake Sts.
South Bend, *Pacific County Courthouse*, Cowlitz and Vine Sts.
South Bend, *Russell House*, 902 E. Water St.

Pierce County

Tacoma, *Old City Hall Historic District*, roughly bounded by St. Helens Ave., Court C, the freeway apur, and 7th and 9th Sts.

Wahkiakum County

Altoona, *Columbia River Gillnet Boat*, Altoona Cannery.

[FR Doc.77-18799 Filed 6-29-77;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION TENTH CIRCUIT PANEL

Meeting

Chairman: Alfred Pence.

The revised schedule of meetings for the nominating panel of the Tenth Circuit of the United States Circuit Judge Nominating Commission, for the second, third, and fourth meetings, is as follows:

(1) The second meeting will be held on Friday, July 15, 1977, at 1:00 p.m. in the Federal Court Building, Circuit Court Rooms, Denver, Colorado. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6))

(2) The third meeting will be held on Friday, July 22, 1977, at 10:00 a.m. in the Circuit Court Rooms, Wichita, Kansas. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6))

(3) The fourth meeting will be held on Monday, July 25, 1977, at 10:00 a.m. in the Circuit Court Rooms, Salt Lake City, Utah. The purpose of this meeting will be to interview candidates and will not be open to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b(c)(6))

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

JUNE 8, 1977.

[FR Doc.77-18749 Filed 6-29-77;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

SHAW SCHOOL URBAN RENEWAL AREA

Tentative Agenda Item

The District of Columbia Department of Housing and Community Development has submitted to the National Capital Planning Commission and requested its addition to the list of agenda items tentatively scheduled for consideration by the Commission at its meeting on July 7 and 14, 1977, the following:

File No.:	Item
UR07--	Shaw School urban renewal area: Disposition lot 21, site development plan for easement area (Commission action requested: approval pursuant to par. 637.66 of the urban renewal plan).

The Commission will afford interested and affected organizations and individuals an opportunity to present their views on this item in writing prior to and/or in person at the meeting at which the item is considered, with such limitations on the number and length of oral presentations as the item and the length of the agenda appear to warrant.

Organizations and individuals desiring to make a statement or otherwise communicate their views on this item should advise Samuel K. Frazier, Jr., Chief, Office of Public Affairs, National Capital Planning Commission, Washington, D.C. 20576, telephone 382-1161. Copies of the Executive Director's Recommendation on the item may be obtained from Mr. Frazier on or after July 5. If no organization or individual has advised Mr. Frazier by Thursday, June 30, 12:00 Noon, of a desire to present views *in person* to the Commission and the Executive Director recommends approval or a favorable report, this item may be placed on the "consent calendar" and acted upon by the Commission, without presentation or discussion, at the beginning of the Commission meeting on July 7. To insure that written comments on the item are placed before the Commission prior to Commission action thereon, written statements must be received by Mr. Frazier by Wednesday, July 6, 12:00 Noon.

DANIEL H. SHEAR,
Secretary.

JUNE 21, 1977.

[FR Doc.77-18751 Filed 6-29-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-488, 50-449]

POTOMAC ELECTRIC POWER COMPANY (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Cancelling the Evidentiary Hearing Scheduled for July 5, 1977

On June 9, 1977 the Applicant announced that Douglas Point Unit 1 and Unit 2 were both indefinitely deferred. The Applicant requested the Board to proceed with the hearing on site suitability issues scheduled for July 5, 1977. The view was expressed that the conclusion of this phase of the proceeding is sanctioned expressly by the NRC's regulations on early site reviews.

On June 21, 1977, the Board received a letter from counsel for Intervenors Wojciechowiez and D.C. P.I.R.G. Counsel stated that the Board had no jurisdiction to proceed, the matter is now an academic, hypothetical question, proposed legislation for early site review by Congress has not been enacted, to proceed now would deny any future intervenors due process of law, and the Board should direct Applicant to withdraw its application.

Also on June 21, 1977, the Board received a letter from the NRC Staff which requested the Board to:

1. Postpone the site suitability hearings;
2. Solicit the views of all the parties on:

a. whether the early site review regulations are applicable; and

b. whether there are other factors to be taken into account in determining whether hearings should be held.

The Board has determined that the requests of the Staff are reasonable and therefore cancels the July 5, 1977 hearing date and solicits the views of the parties in accordance with the Staff's second request. The Board will expect responses from the parties by July 25, 1977.

It is so ordered.

Dated in Bethesda, Maryland, this 22nd day of June, 1977.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.77-18474 Filed 6-29-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by Member Countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member States. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-D6, "Ultimate Heat Sink and Directly Associated Heat Transport System(s)," has been developed. An IAEA Working Group, consisting of Mr. R. D. Harden, United Kingdom of Great Britain and Northern Ireland and Mr. E. P. O'Donnell (Ebasco Services, Incorporated), United States of America developed this draft from an IAEA collation during a meeting on January 21, 1977, and we are soliciting public comment on it. Comments on this draft received by August 30, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18476 Filed 6-29-77;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT SAFETY GUIDE

Notice of Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will be developed in the following five areas: Government Organization, Siting, Design, Operation, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the Member State. The Senior Advisory Group then considers the Member State comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide, SG-D4, "Protection Against Internally Generated Missiles and Their Secondary Effect in Nuclear Power Plants," has been developed. The Working Group draft of this Safety Guide was modified by the IAEA Technical Review Committee on Design which met in March 1977, and we are soliciting public comments on this modified draft. Comments on this draft received by August 31, 1977 will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Maryland this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18478 Filed 6-29-77;8:45 am]

REGULATORY GUIDE 1.119 SURVEILLANCE PROGRAM FOR NEW FUEL ASSEMBLY DESIGNS

Withdrawal

The Nuclear Regulatory Commission staff has withdrawn Regulatory Guide 1.119, "Surveillance Program for New Fuel Assembly Designs," which was issued for comment in June 1976. In order to broaden the scope and data base to include existing fuel assembly designs, the staff now believes that fuel surveillance programs for nuclear power plants should be plant specific and handled on a case-by-case basis rather than in a detailed generic manner. Therefore, the staff's need for data from fuel surveillance programs for both existing and new fuel designs will be included in the planned update of Regulatory Guide 1.70, "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," and reflected in the planned revision to NUREG-75/087, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants."

Regulatory guides are developed to describe and make available to the public methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems. Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable and approved codes and standards, or when changing methods and techniques have made them obsolete.

(5 U.S.C. 552(a).)

Dated at Rockville, Maryland this 20th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.

[FR Doc.77-18477 Filed 6-29-77;8:45 am]

[Dockets Nos. 50-29, 50-271 and 50-309]

YANKEE ATOMIC ENERGY CO. ET AL.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 40, 36, and 30 to Facility Operating Licenses Nos. DPR-3, DPR-28 and DPR-36, issued to Yankee Atomic Electric Company, Vermont Yankee Nuclear Power Corporation and Maine Yankee Atomic Power Company, respectively, which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) located in Rowe, Franklin County, Massachusetts; Vermont Yankee Nuclear Power Station located near Vernon, Vermont; and Maine Yankee Atomic Power Station located in Lincoln County, Maine. These amendments are effective as of their date of issuance.

These amendments revise the provisions in the Technical Specifications relating to controlled entry into high radiation areas.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For futher details with respect to these actions, see (1) the applications for amendments dated March 9, 1977 (filed by Yankee Atomic Electric Company), March 30, 1977 (filed by Vermont Yankee Nuclear Power Corporation), and March 3, 1977 (filed by Marine Yankee Atomic Power Company), (2) Amendment No. 40 to License No. DPR-3 (3) Amendment No. 36 to License No. DPR-28, and (4) Amendment No. 30 to License No. DPR-36, and (5) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. The above items related to Yankee-Rowe are available at the Greenfield Public Library, 422 Main Street, Greenfield, Massachusetts; those items related to Vermont Yankee are available at the Brooks Memorial Library, 244 Main Street, Brattleboro, Vermont; and those items related to Maine Yankee are available at the Wiscasset Public Library Association, High Street, Wiscasset, Maine.

A copy of items (2) through (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 16th day of June 1977.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc.77-18475 Filed 6-29-77;8:45 am]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL.

Hearing

In the Matter of Metropolitan Edison Co., Jersey Central Power & Light Co. and Pennsylvania Electric Co. (Three Mile Island Nuclear Station, Unit No. 2).

The evidentiary hearing in this matter (originally announced at 42 FR 2139, Jan. 10, 1977) will resume on Tuesday, July 5, 1977 at 9:00 a.m. in the Nuclear Regulatory Commission Hearing Room, Fifth Floor, 4350 East-West Highway, Bethesda, Maryland.

So Ordered.

Dated at Bethesda, Maryland this 23rd day of June 1977.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.77-18802 Filed 6-29-77;8:45 am]

ADVISORY COMMITTTE ON REACTOR SAFEGUARDS

Notice of Meetings

EDITORIAL NOTE.—The following meetings were originally announced in the FEDERAL REGISTER of Tuesday, June 28, 1977 (42 FR 32856, 32858):

Name of committee unit	Meeting dates	Announced in FR Document No.
Advisory Committee on Reactor Safeguards.	July 14 to 16, 1977--	77-18470
ACRS Subcommittee on Regulatory Activities.	July 13, 1977-----	77-18467
ACRS Reactor Safety Research Subcommittee, Working Group No. 1, and Emergency Core Cooling Systems Subcommittee.	----do-----	77-18472

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WASTE MANAGEMENT SUBCOMMITTEE

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Waste Management Subcommittee will hold an open meeting on July 19, 1977, at Hanford House Thunderbird, 802 George Washington Way, Richland, WA 99352. The purpose of this meeting is to review current Energy Research and Development Administration Waste Management Plans and to be briefed on the American Physical Society Report on Radioactive Waste Management.

The agenda for subject meeting shall be as follows:

TUESDAY, JULY 19, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will meet to hear presentations by and hold discussions with representatives of the Energy Research and Development Administration, the American Physical Society, and their contractors.

At the conclusion of this session, the Subcommittee may caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 12, 1977 to Mr. Ragnwald Muller, ACRS, NRC, Washington, DC 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Subcommittee will receive oral statements on topics revelant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 18, 1977 to the Office of the Executive Director of the Committee (telephone 202/634-1413, Attn: Mr. Ragnwald Muller) between 8:15 a.m. and 5:00 p.m. EDT.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recordings will be permitted only during those sessions of the meeting when a transcript is being made.

(f) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 26, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 19, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 24, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18803 Filed 6-29-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP NO. 2 OF THE REACTOR SAFETY RESEARCH SUBCOMMITTEE

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), Working Group No. 2 of the Reactor Safety Research Subcommittee will hold a meeting on July 18, 1977 in Room 1046, 1717 H St NW., Washington, D.C. 20555. The purpose of this meeting is to review safety research pertaining to metallurgy and materials used in light water reactors.

The agenda for subject meeting shall be as follows:

MONDAY, JULY 18, 1977

8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will hear presentations by and hold discussions with representatives of the NRC Staff, and its consultants, and with representatives of other organizations participating in safety research pertaining to metallurgy and materials used in light water reactors.

At the conclusion of these sessions, the Working Group may caucus to determine whether the matters identified in the Executive Sessions have been adequately covered and whether the project is ready for review by the full Committee.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matterms involving proprietary inforamtion.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide

for oral or written statements to be considered as a part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety and Licensing Board as part of the Commission's licensing process. ACRS meetings do not normaly treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing a readily reproducible copy to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 11, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 15, 1977 to the Office of the Executive Director of the Committee (telephone 202-634-1374, attention: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., E.D.T.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recording will be permitted only during those open sessions of the meeting when a transaction is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 25, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 18, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 28, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18877 Filed 6-29-77;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON HYPOTHETICAL CORE DISRUPTIVE ACCIDENT FOR FAST REACTORS

Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Working Group on Hypothetical Core Disruptive Accident for Fast Reactors will hold a meeting on July 21-22, 1977, in the Red Room, located at the Science Museum of the Los Alamos Scientific Laboratory, Los Alamos, NM. The purpose of this meeting is to review the development of the SIMMER Code (Sn Implicit Multified Multi-component Eulerian Recriticality Code) and its ability to model hypothetical core disruptive accidents for advanced reactor designs.

The agenda for subject meeting shall be as follows:

THURSDAY, JULY 21: 9 A.M. UNTIL CONCLUSION OF BUSINESS

FRIDAY, JULY 22: 8:30 A.M. UNTIL CONCLUSION OF BUSINESS

The Working Group may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Working Group will hear presentations by and hold discussions with representatives of the NRC Staff, the Energy Research and Development Administration, the Los Alamos Scientific Laboratory, and their consultants.

At the conclusion of these sessions, the Working Group may caucus to determine whether the matters identified in the Executive Sessions have been adequately covered.

It may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Working Group is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

The Advisory Committee on Reactor Safeguards is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements to be considered as part of the Committee's information gathering procedure concerning the health and safety of the public, they are not adjudicatory type hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safety & Licensing Board as part of the Commission's licensing process. ACRS meetings do not normally treat matters pertaining to environmental impacts outside the radiological safety area.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda may do so by providing 15 readily reproducible copies to the Working Group at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof in time for consideration at this meeting. Comments postmarked no later than July 14, 1977 to Mr. Thomas G. McCreless, ACRS, NRC, Washington, D.C. 20555, will normally be received in time to be considered at this meeting.

(b) Persons desiring to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be

made. The Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on July 20, 1977 to the Office of the Executive Director of the Committee (telephone 202–634–1374, attention: Mr. Thomas G. McCreless) between 8:15 a.m. and 5 p.m., e.d.t.

(d) Questions may be propounded only by members of the Working Group and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session. Recording will be permitted only during those open sessions of the meeting when a transcript is being kept.

(f) Persons with agreements or orders permitting access to proprietary information may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to Mr. Thomas G. McCreless, of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion(s) of the meeting where factual information is presented will be available for inspection on or after July 28, 1977 at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555.

A copy of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Washington, D.C. 20555 after October 24, 1977.

Copies may be obtained upon payment of appropriate charges.

Dated: June 28, 1977.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.77-18878 Filed 6-29-77;8:45 am]

AUTHORITY DELEGATION TO EXECUTIVE DIRECTOR FOR OPERATIONS

STATEMENT OF CONSIDERATIONS

Section 201 of the Energy Reorganization Act, 42 U.S.C. 5841, provides that a quorum for transactions of business by the United States Nuclear Regulatory Commission shall be three members present. Upon expiration of Chairman Rowden's term of office June 30, 1977, the Commission will lack a quorum of qualified members. This will continue until the Commission regains a quorum. Unless accommodated by an expansion of existing delegations of authority to staff officers, a partial lapse in the Commissions' ability to transact its business would result and could lead to uncertainty in the conduct of the Commission's responsibilities.

Accordingly, the Commission has determined that it is necessary to make an expanded delegation of authority to the Executive Director for Operations ("EDO") to take effect upon July 1, 1977, and to continue until a Commission quorum is constituted. The Commission's intent, and the Executive Director for Operations' understanding, is that this authority has been delegated and will be exercised with restraint essentially for the purposes of stewardship pending reconstitution of a Commission quorum. This delegation, with the exceptions noted below, is to be supplemental to all previously made delegations of authority which have been published in 10 CFR Part 1, in the NRC Manual and elsewhere. Copies of all such documents are available in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Commission's regional offices. Those prior delegations are hereby reaffirmed and ratified.

The delegations made herein embrace all of the previously undelegated authority of the Commission, subject to specified exceptions and limitations. The delegated authority shall be exercised by the EDO where, in his discretion, the public interest makes it inappropriate for action to be delayed pending qualification of a quorum. The EDO shall exercise the authority delegated herein only after consulting with the remaining members of the Commission. With respect to the heads of major administrative units, the EDO would, after consultation with the Commissioners, have authority to make an appointment on an acting basis should a vacancy occur, and to remove incumbent officials. The officials designated in section 209(b) of the Energy Reorganization Act would, as provided therein, have authority to communicate directly with the Commission.

Currently, the EDO is the Commission's senior staff officer. He has delegated authority to discharge the operational and administrative functions of the Commission on a day-to-day basis, including authority to supervise and coordinate the policies and activities of all NRC offices except those that report directly to the Commission and those with quasi-judicial responsibilities. He recommends or approves recommendations for significant proposed rules to the Commission and can issue on his own authority corrective or minor rules or rules of a non-policy nature. It has been the EDO's practice, which we expect him to continue, to inform the Commission in advance of issuance of such rules. Under his present delegation, he can also issue final rules where there have been no significant adverse comments on the notice of proposed rulemaking. This rule would require him to consult with the Commissioners before issuing such final rules. The EDO has also been delegated authority to carry out a variety of other administrative, managerial and supervisory functions.

As stated above, this Rule delegates to the EDO most of the previously undelegated authority of the Commission, subject to the constraints and limitations discussed above. The EDO and the Director of the Office of International Programs would retain their present authority to act upon applications for import and export licenses, except that they would be required to consult with the Commissioner before taking action with respect to export license applications that have been subject to prior Commission approval under the criteria set forth in "In the Matter of Edlow International Co.", 3 NRC 563, 593 (1976). Routine applications not falling within these criteria would continue to be acted upon by the EDO or the Director without prior consultation with the Commissioners. In addition, other functions performed by the Commission with respect to import and export license applications would be delegated to the EDO, including the authority to rule on a petition for intervention. However, action on such matters could only be taken following consultation with the Commissioners. None of the other quasi-judicial functions of the Commission is being delegated to the EDO. Except for the functions described in section 2 of the rule, those functions, which have previously been delegated to the Administrative Law Judge, the Atomic Safety and Licensing Boards and the Atomic Safety and Licensing Appeal Boards shall continue to be exercised by those bodies as before. The only change made to the Commission's quasi-judicial organization is that all petitions for review of decisions or actions of the Atomic Safety and Licensing Appeal Board that are now pending or that are properly filed hereafter pursuant to 10 CFR 2.786 shall not be deemed to be denied until 20 days after a quorum of the Commission is reconstituted and the time for the Commission to review such decision or actions on its own motion is extended until 30 days after a quorum is reconstituted. Neither change is intended, however, to have any effect on the finality of those decisions or actions for purposes of judicial review. Requests for stays of decisions of Atomic Safety and Licensing Appeal Boards may still be made to those Boards. 10 CFR 2.788.

Because this notice relates to matters of agency organizations and practice, general notice of proposed rulemaking and public procedure thereon are unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following Rule is hereby adopted.

RULE

1. Beginning July 1, 1977, and continuing for so long as the number of members of the Commission remains insufficient to constitute a quorum for the transaction of business, all functions of the Commission (including functions pertaining to applications for import and export licenses) except its quasi-judicial functions which have been previously delegated to the Atomic Safety and Licensing Board Panel, the Atomic Safety and Licensing Appeal Panel and the Chairmen thereof, and except the functions described in section 2 hereof, which are not excepted from delegation pursuant to section 161(n) of the Atomic Energy Act, 42 U.S.C. 2201(n), or other provision of law, are delegated to the Executive Director for Operations ("EDO"), subject to the following provisions:

(a) Prior delegations of functions by the Commission or the Chairman to other officers of the Commission which are in effect, are ratified and shall remain in effect, except as provided in subsections (d) and (e) of this section.

(b) The delegation of authority herein shall be exercised by the EDO where in his discretion the public interest makes it inappropriate for the contemplated action to be delayed until a quorum of Commissioners is again constituted. No action shall be taken solely pursuant to the authority delegated herein until after the EDO has consulted with the Commissioners concerning the proposed action. The new authority delegated to the EDO herein cannot be redelegated by him, except that following consultation with the Commissioners, the EDO may designate in writing an official of the Commission to serve as Acting EDO for any period of time that the EDO will be absent or unable to carry out the duties of that office.

(c) Appointments made by the EDO, pursuant to new authority herein, of heads of major administrative units under the Commission shall be on an acting basis only, following consultation with the Commissioners. The EDO may remove the incumbent heads of major administrative units under the Commission, but only following consultation with the Commissioners.

(d) Nothing herein shall enlarge the authority of the EDO to adopt effective rules. The EDO may exercise his present authority to adopt an effective rule only if (1) he first consults with the Commissioners, or (2) he finds that it is a corrective amendment or of a minor or nonpolicy nature.

(e) The EDO and the Director of the Office of International Programs shall consult with the Commissioners with respect to export license applications that have been subject to prior Commission consultation, before exercising their present authority to act upon such an application. The EDO shall consult wih the Commissioners before acting upon a petition to intervene with respect to an application for an import or export license.

2. Pursuant to 10 CFR 2.786(b)(5), the Commission extends the time for consideration of all pending or hereafter filed petitions for review of decisions or actions by an Atomic Safety and Licensing Appeal Board. Any such petition properly filed in accordance with 10 CFR 2.786 shall not be deemed denied until 20 days after the Commission again has three members. The time in which the Commission may on its own motion review pursuant to 10 CFR 2.786(a) any decision or action of an Atomic Safety and Licensing Appeal Board presently subject to such review or hereafter issued is hereby extended until thirty days after the Commission again has three members. However, neither this extension of time for review on the Commission's own motion nor the extension of time for Commission consideration of a petition for review shall affect the finality of the decision or action in question for purposes of judicial review nor, pursuant to 10 CFR 2.786(b)(3), shall they act to stay the effectiveness of the decision or action.

Dated at Washington, D.C., this 29th day of June 1977.

For the Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.77-18988 Filed 6-29-77;10:30 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 77-26]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Pipeline Accident Report.—The National Transportation Safety Board has released its report following investigation of the pipeline accident which occurred last August 9 near Cartwright, Louisiana.

The report, No. NTSB–PAR–77–1, reveals that a road grader ruptured a 20-inch United Gas Pipe Line Company transmission line; natural gas at 770 psig escaped and ignited within seconds. The resulting flames engulfed the area and killed six persons, injured one person, and caused extensive property damage.

Probable cause of the accident, according to the Safety Board, was the ignition of natural gas that was escaping from a pipeline which has been ruptured by a road grader whose operator was unaware of the pipeline's existence. Contributing to the accident was the previous construction of a road over the pipeline right-of-way which reduced the pipeline's cover, and the failure of the Jackson Parish Policy Jury to notify the pipeline's operator of the road maintenance work.

Last October 27, the Safety Board issued nine safety recommendations to United, to the pipeline industry, and to Louisiana and Jackson Parish officials seeking action to prevent recurrence of the Cartwright accident. (See 41 FR 48616, November 4, 1976.)

Aviation Safety Recommendations A–77–43 and 44.—Investigation of the August 3, 1976, crash of a Beechcraft Baron 58 at Chillicothe (Missouri) Municipal Airport has revealed that the left engine, a Teledyne Continental IO–520, failed after takeoff when the aircraft was between 50 and 100 feet above the runway. The engine failed when the crankshaft broke at the No. 7 short crankcheek after a fatigue crack, originating below the surface had propagated almost through the section. The six persons aboard the aircraft died in the crash.

Postaccident metallurgical examinations failed to disclose any preexisting defects in the crankcheek which could account for the fatigue. The Board noted that as of last August over 15,000 crankshafts, part No. 633453, were installed in IO–520 engines since engine certification in 1963; 12 other of these crankshafts have fractured at the No. 7 crankcheek because of a subsurface fatigue crack. The failures were randomly distributed with regard to engine operating time. The cause of fatigue was not determined in any of these occurrences.

Although none of the other failures resulted in a fatal accident, the Safety Board is concerned that the repetition of this type of failure is indicative of a continuing problem. Accordingly, the Board on June 20 recommended that the Federal Aviation Administration—

Issue a maintenance alert bulletin to advise engine overhaul and repair facilities to inspect the IO–520 series crankshafts for incipient or developed cracks, preferably using an inspection means capable of detecting subsurface cracks, in the vicinity of the short crankcheeks any time that the crankshafts are available for inspection. (A–77–43)

Conduct a directed safety investigation consisting of a review of overhaul and repair facility inspection results to determine if the frequency and distribution of detected fatigue cracks indicates a deficiency in the IO–520 engine. (A–77–44)

Both recommendations are designated Class II—Priority Followup.

Aviation Safety Recommendations A–77–45 through 47.—The failure to locate a Piper PA–28 until six days after it crashed last November 26 some 33 miles northeast of Farmington, New Mexico, has prompted the Safety Board to ask the Federal Aviation Administration to provide air traffic controllers with more definitive instructions in finding lost aircraft.

Before the crash, the pilot had contacted the Farmington Flight Service Station and stated that he was lost. Shortly thereafter, radio contact was lost, and search and rescue personnel

JUN 30 77

were unable to find the aircraft until the afternoon of December 3. Both occupants had died on impact; the aircraft's emergency locator transmitter also was destroyed on impact.

According to rescue personnel, if the efforts expended during the first two days of search had been expended near the area of the updated coordinates furnished by the Denver Air Route Traffic Control Center, the aircraft would have been located sooner. To insure the best possible search and rescue efforts, the Board stated, the most accurate information on an aircraft's last known location should be transmitted to search and rescue personnel as soon as it is available.

Accordingly, the Safety Board on June 24 forwarded to FAA the following Class II recommendations:

Alert all ATC personnel of the circumstances of this accident and emphasize to them the importance of transmitting to search and rescue personnel all available information on the last known location of a missing aircraft. (A–77–45)

Revise the Air Traffic Controller's Handbook, Chapter 8, to include specific instructions to relay to the National Rescue Coordination Center at Scott Air Force Base, Illinois, information on the last known location of a missing aircraft obtained from the computer-stored radar information. (A–77–46)

Inform the National Rescue Coordination Center of the NAS radar system computer capabilities and advise them to include in their procedures provisions for updating more rapidly information on last known positions of missing aircraft. (A–77–47)

Aviation Safety Recommendation A–77–48.—Last February 10 a twin engine airplane, operating on an instrument flight rules flight plan at 10,000 feet m.s.l. along Victor Airway 456 near Mt. Iliamna, Alaska, presumably crashed. No wreckage has been found.

Investigation revealed that a current Notice to Airman (NOTAM) read "AKN BAK–12 CNTR 11/29 OTS," indicating that an arresting system at King Salmon Airport, Alaska, the destination airport, was out of service. The remarks section of the pilot's IFR flight plan read "AKN BC 12 OTS," indicating that he believed a localizer (back course) for runway 12 at King Salmon Airport was out of service. Based on the disparity between the NOTAM and the pilot's remarks, the Board believes that the pilot's misunderstood the NOTAM. The Board further believes that some aviation contractions are ambiguous because various segments of the aviation community use contractions which are not standardized.

Although the pilot's apparent misinterpretation of the NOTAM was not a causal factor in this accident, the Board believes that commonly used contractions should be standardized and should have precise meanings. Accordingly, the Safety Board on June 24 recommended that the Federal Aviation Administration—

Standardize word and phrase contractions contained in Federal Aviation Administration publications, or in interagency publications approved by the Federal Aviation Administration, to assure that there are no authorized abbreviations with dual meanings, or different abbreviations with the same meanings, used for air traffic control, communications, or associated services. (A–77–48)

The recommendation is designated Class III Longer-term Followup.

Pipeline Safety Recommendations P–77–9 through 14.—Six recommendations were issued by the Safety Board on June 24 following investigation into the March 26, 1977, death of two gas company servicemen in Buffalo, New York. The men were asphyxiated from carbon monoxide inhalation after they entered a manhole to check out a gas leak. The repairmen had not used the respiratory devices which were on the gas company truck. The gas company's maintenance and operations manual specified that:

(a) No one shall be permitted to enter a vault or manhole unless a test has been made for the presence of gas and for oxygen deficiency.

(b) Workmen entering a vault containing gas concentrations or oxygen deficiencies shall use an approved respiratory device and have a lifeline attached to their body.

The day after the accident, a 12-inch-diameter, bare steel gas main, which transported manufactured (coke-oven) gas under the street, was excavated. A leak was found in the pipe 200 feet away from the manhole. The coupling components, including many of the bolts used to join the pipe lengths had rusted; this gas main was not protected cathodically in accord with 49 CFR 192.457. Gas, escaping a 10 psig pressure, had entered the telephone conduit through a joint in the clay telephone duct located six inches from the gas main. Gas had traveled through this conduit and into the manhole and vault.

Corrective recommendations were forwarded by the Safety Board on June 24 to:

National Fuel Gas Company of Buffalo, New York—

Reemphasize to all supervisory and operating personnel the importance of carefully following established procedures for working in vaults and manholes. (P–77–9) (Class I, Urgent Followup)

Excavate, on a random sample basis acceptable to the New York Public Service Commission, to determine if other bolted couplings have deteriorated on this 12-inch gas main and make the necessary repairs or replacements. (P–77–10) (Class I)

Coordinate with local electric companies, telephone companies, water and sewer departments, and other street facility owners to install signs at manholes alerting persons to the hazards of entering before checking for gas content and oxygen deficiency along the route of this manufactured gas pipeline. (P–77–11) (Class II, Priority Followup)

Protect cathodically this 12-inch bare steel gas main so that continuing corrosion will not result in a condition that is detrimental to public safety. (P–77–12) (Class I)

Occupational Safety and Health Administration, U.S. Department of Labor—

Amend regulations for testing of atmospheres to include all underground vaults and manholes and to include safety standards for workers from other industries who may have occasion to enter these potentially dangerous areas. (P–77–13) (Class III, Longer Term Followup)

Amend regulations to include all possible toxic substances or hazardous materials that might reasonably be found in vaults and manholes and to require that persons entering these areas be provided with appropriate devices to test the atmosphere before entering to insure their safety. (P–77–14) (Class III)

In its letter to OSHA, the Safety Board notes that OSHA has standards for testing for combustible gases and for oxygen deficiency in vaults and manholes operated by the telecommunication and power industries but not for vaults and manholes operated by the gas industry. Carbon monoxide and methane, two of the main constituents of coke-oven gas, are not listed under the hazardous materials section of the OSHA standards.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A–72–1.—Federal Aviation Administration's letter of June 20 provides an update on information contained in FAA letter of February 24, 1972, wherein FAA indicated that it had initiated a study to reevaluate the NOTAM System. Comments from FAA regions and other outside sources have been evaluated by a Headquarters team. As a result, FAA issued Handbook 7930.2, National Notice to Airmen (NOTAM) System, effective May 1, 1977, prescribing NOTAM System procedures and providing guidance for all personnel who originate, issue, and disseminate Notice to Airmen data. In addition, FAA issued Advisory Circular No. 210–4, effective concurrent with Order 7930.2 on May 1, 1977, and reflecting the contents of the Order. FAA states, "The term AIRAD was replaced by NOTAM (L) which is included in the Order and Advisory Circular."

FAA believes it has satisfactorily fulfilled the intent of recommendation A–72–1 and plans no further action.

Aviation: A–74–13 and 14.—The Federal Aviation Administration provides by letter of June 10 information on the current status of these recommendations, as requested by the Safety Board's letter of May 19, 1977.

FAA states re A–74–13 that as a result of the Board's recommendation to develop and install terminal air traffic (ATC) radar capable of locating severe weather and displaying convective turbulence, the Systems Research and Development Service has designed a modification to be installed and tested on the New Orleans terminal radar system this July–August. The test will detect and record weather returns, using the standby ATC radar channel and simultaneously recording the weather returns using a nearby National Weather Service radar. The recorded data from the two radars will be reduced for computer analysis to determine the effectiveness and improvement derived from the modification, according to FAA.

Re A–77–14, FAA states that the Board's recommendation to implement, in cooperation with the National Weather Service, a system to relay severe thunderstorm and tornado warning was explored during June-October, 1976. Test procedures required the National Weather Service weather radar observers, upon detecting a strong weather return, to notify the FAA Central Flow Control Facility (CFCF) advising of the location, intensity, and movement of the storm; CFCF would then alert the appropriate air traffic control facility. FAA states that the results of this test were inconclusive; a similar test is to be conducted during July and August 1977.

On completion, test results will be forwarded to the Board, FAA said.

Highway: H–76–22.—Federal Highway Administration's letter of June 14 follows up FHWA's April 13 letter (42 FR 21677, April 28, 1977) regarding this recommendation, which asked FHWA to provide assistance to the States in their review of safety at railroad grade crossings.

FHWA reports that it has issued interim instructions pending revision of the Federal-Aid Highway Program Manual directive. These instructions (a copy is attached to FHWA's June 14 letter to the Board) were issued June 7 to all FHWA Regional Administrators. The instructions cover the development of priority schedules for grade crossing improvements.

Intermodal: I–76–6.—Letter of June 13 from the Materials Transportation Bureau, U.S. Department of Transportation, addresses the issues raised by the Safety Board in its letter of April 28 (42 FR 21678, April 28, 1977) requesting that the Department reconsider its decision not to act upon recommendation I–76–6.

MTB, in reply, provides the following information:

(1) The statement quoted by the Safety Board from the Federal Highway Administration Operations Manual, HMC–12.1, is taken from Volume II, Chapter 3, paragraph 2(b) of the Bureau of Motor Carrier Safety Operations Manual. This statement addresses the general difficulty field staff personnel have in identifying all motor carriers and/or shippers; it does not specifically address itself to, nor does it override the reporting requirements in, § 177.824(f) (DOT's Hazardous Materials Regulations).

(2) MTB disagrees that the reporting required under § 177.824f only provides for the "registration of vehicle cargo tanks and not of carriers." The reports required to be filed identify the carrier who owns and/or operates the MC 330 and 331 cargo tanks listed in the body of the report. Since the reports are indexed by carrier, they do in fact identify those motor carriers that transport pressurized liquefied petroleum gases in bulk. Information reported under § 177.824(f) is sufficient, even though the locations of each activity handling pressurized liquefied gases are not shown on the reports. That information is available from carrier's ICC certificate.

(3) The difficulty the Board sees in enforcing the reporting provisions of § 177.824(f), under section 106(c) of the Act, is a moot point. Failure to file reports under § 177.824(f) is enforceable in the same manner as any other violation of the Hazardous Materials Regulations.

(4) Concerning the Safety Board's comments as to revocation of safety registrations under section 106(b) of the Act, the Safety Board appears to agree with MTB that such action cannot be taken.

MTB states, "In summary, we feel that present reporting provisions of Section 177.824(f) makes available sufficient information as to which carriers transport pressurized liquefied petroleum gases, and that imposing an additional registration requirement under Section 106(b) of the Act would not in this case contribute an additional safety benefit commensurate with the efforts required."

Marine: M–74–9: U.S. Coast Guard letter of June 14 concerns a recommendation which issued as a result of the investigation into the foundering of the M/V MARYLAND in Albermarle Sound, North Carolina, December 18, 1971. The recommendation asked Coast Guard to structure the results of its towing vessel stability study into operating information which could be used as a guide by the operators of towing vessels.

Coast Guard states that it has included comments on operational safety regarding proper stability in a draft publication, "A Guide to Safety in Towing." Publication is expected by December 1, next, at which time Coast Guard promises further response to this recommendation.

Marine: M–75–25 and 26.—Coast Guard responded initially to these recommendations on January 29 last year (41 FR 6336, February 12, 1976). On June 6, 1977, Coast Guard provided a further response. The recommendations were issued following investigation into the explosion in the pumproom abroad the tankship TEXACO NORTH DAKOTA while the ship was en route from Tampa, Florida, to Port Arthur, Texas, October 3, 1973.

Re M–75–25, which asked Coast Guard to use formal hazard analysis during the next annual tankship inspection to identify pumproom explosion risks, Coast Guard reports in its June 6 letter that the following programs have been initiated in response:

(1) The Tentative Operating Requirement, requesting funding for the Office of Research and Development to conduct a hazard analysis study of pumproom explosion risks on existing tank vessels, has been approved. The study will be included in a combined Office of Merchant Marine Safety/Office of Marine Environment and Systems system analysis contract to evaluate total marne safety systems, the study to be completed by mid 1979.

(2) An inspection program for U.S. flag tankships and tank barges during transfer operation was initiated by Commandant Notice 16711, dated October 29, 1976 (copy attached to Coast Guard's letter).

(3) Examination of cargo venting and handling systems and transfer procedures aboard both U.S. and foreign flag tankships in U.S. ports was initiated by Commandant Notice 16711, January 21, 1977, ALDIST 016/77 (copy attached).

Re M–75–25, recommending use of formal hazard analysis to evaluate the possibility of an explosion before approval is given for the design or modification of tank vessels, Coast Guard states that the Tentative Operating Requirement, approved to conduct a hazard analysis study of pumproom explosion risks on existing tank vessels, is responsive to this recommendation.

Coast Guard does not consider further response to either recommendation to be necessary.

Marine: M–76–2.—Another Coast Guard letter dated June 6 provides a second response to this recommendation, issued following investigation of the collision and fire involving the SS C. V. SEA WITCH–SS ESSO BRUSSELS (Belgium) on June 2, 1973, in New York Harbor. Coast Guard's initial response of June 2, 1976, was reported at 41 FR 24639, June 17, 1976.

M–76–2 recommended that Coast Guard establish a requirement for ocean-going vessels in designated restricted waters such as New York Harbor to have the emergency steering station manned; this should also apply to foreign vessels.

Coast Guard notes that a requirement for the manning of steering engine rooms in certain waters of the United States was published as a proposed regulation in the FEDERAL REGISTER of May 6, 1976. As a result of comments received, this particular requirement was withdrawn for further study and was not included in the final rules published on January 31, 1977. However, Coast Guard states, the proposed rules for oil tankers, which were published at 42 FR 24869 on May 16, do include requirements for rapid recovery of rudder control. "A vessel may meet these requirements by means of control systems and/or procedures and associated equipment for manning steering gear spaces and emergency steering stations as necessary," Coast Guard stated.

Also, Coast Guard recognizes that problems of steering failure are not limited to oil tankers, and in the future will consider application of these rules to other types of vessels.

Marine: 69–M–53, 70–M–2, 71–M–4, and 76–M–10.—Coast Guard's letter of June 14 is in further response to recommendations issued following investigations, respectively, into these marine casualties: SS PANOCEANIC FAITH, foundering in North Pacific Ocean, October 9, 1967 F/V FENWICK ISLAND, capsizing in Atlantic Ocean, December 7, 1968; MV THERESA F., capsizing in Gulf of Mexico, January 9, 1969; and SS CV SEA WITCH—SS ESSO BRUSSELS (Belgium), collision and fire in New York harbor, June 2, 1973. Each recommendation called for equipping life preservers with a waterproof, battery-powered light.

Coast Guard provides a copy of the notice of proposed rulemaking, concerning the requirement for lights and retro-reflective material on life preservers and other lifesaving equipment, which was published at 42 FR 26229 on May 23. The Safety Board on June 24 formally commented on the proposed rulemaking, noting that the proposal appears to meet the intent of these recommendations.

Railroad: R–77–6 through 8.—Federal Railroad Administration's letter of June

9 is in response to recommendations issued following investigation of the derailment of an Amtrak train on the Illinois Central Gulf Railroad near Goodman, Mississippi, June 30, 1976 (42 FR 21677, April 28, 1977).

Recommendations R–77–6 and 7 sought amendment of track geometry standards, 49 CFR 213.55 (Alignment) and 49 CFR 213.63 (Track Surface), to include definitions of "uniformity" and "uniform profile," respectively. FRA reports that it is reviewing the Federal Track Safety Standards to determine the need to make justified modifications; these recommendations will be considered during that review.

Re R–77–8, which asked FRA to include, in reviewing its track safety regulations, investigation and testing to determine whether minimum track conditions required for FRA classes of track by 49 CFR 213.9 are adequate for all types of trains and for the maximum allowable speed for each class, FRA reports that is involved in a research project that directly addresses 49 CFR 213.9, Classes of Track: Operating Speed Limits. FRA states:

> The near-term activity is an industry/government pilot study that will look at limiting, interrelated values of track geometry, car response and speed for typical vehicles. The results of this pilot study will be used as the basis for the long-term activity. This will involve the safety categorization of major elements of the national car fleet in terms of allowable train speed and/or track displacement.

From this, according to FRA, the Rail Systems Dynamic parametric study, being conducted by FRA's Office of Research and Development, will produce recommended modifications to the form and content of the standards.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and safety recommendation responses received, during the week preceding publication of this notice in the FEDERAL REGISTER. The accident report and the safety recommendation letters in entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations and any Board correspondence concerning recommendations may be obtained at a cost of $4.00 for service and 10¢ per page for reproduction. All requests must be in writing, identified by the recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 27, 1977.

[FR Doc.77–18781 Filed 6–29–77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 18660; File No. SR–Amex–77–3]

AMERICAN STOCK EXCHANGE, INC.

Order Extending the Period for Presentation of Data, Views and Arguments in Conjunction With the Maintenance of Disapproval Proceedings

JUNE 22, 1977.

On March 14, 1977 the American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006 ("Amex") filed, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), and Rule 19b–4 thereunder, 17 CFR 240.19b–4, a proposed rule change which would add Section 117 to Part 1 and Section 1003A to Part 10 of the Amex *Company Guide*. Section 117 sets forth alternate criteria for the original listing of common stock, and Section 1003A provides for the prospective application of certain delisting criteria with respect to issues which may be listed pursuant to the alternate criteria. Notice of the proposed changes together with the Amex's statement of the basis and purpose thereof was published in the FEDERAL REGISTER on March 24, 1977 (42 FR 15994).

Proceedings to Determine Whether to Disapprove Proposed Amendments to Part 1 and Part 10 of the Amex Company Guide (SR–Amex–77–3)

On May 13, 1977 the Commission issued on order (Release No. 13542) instituting proceedings under Section 19(b)(2) of the Act to determine whether proposed additions to Parts 1 and 10 of the Exchange's *Company Guide* should be disapproved. The Commission deemed institution of such proceedings appropriate in view of the substantial legal and policy issues raised as a result of the above-mentioned rule change. Specifically, the Commission referred to Sections 6(b)(5) and 6(b)(8) of the Act as providing the grounds under consideration for disapproval.

Procedure. In the release which announced the institution of disapproval proceedings with regard to SR–Amex–77–3, the Commission provided an opportunity for the presentation of data, views and arguments in conjunction with these proceedings. Interested persons were invited to submit written data, views and arguments within 30 days from the date of the release, and parties wishing to respond to any other person's submission were requested to file a written response within 45 days thereof.

At the request of the Amex, the Commission has determined to provide an additional 30 days, from the issuance of the instant release, for interested persons to submit written data, views and arguments on this matter; parties who wish to respond to any other person's submission should file a written response within 45 days hereof. Copies of SR–Amex–77–3 and of all submissions will be available for inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the Amex's submissions are also available at the principal office of the Amex. Persons desiring to make written statements should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18685 Filed 6–29–77;8:45 am]

[Rel. No. 34–13664]

NEW ENGLAND SECURITIES DEPOSITORY TRUST CO.

Clearing Agencies; Institution of Proceedings

JUNE 23, 1977.

Notice of institution of proceedings by the Securities and Exchange Commission, pursuant to Sections 17A and 19 of the Securities Exchange Act of 1934 and Section 240.17Ab2–1 thereunder, to determine whether to grant or deny the registration of New England Securities Depository Trust Company ("NESDTC").

The Securities and Exchange Commission hereby announces the institution of proceedings to determine whether to grant or deny the registration of NESDTC at the expiration of the registration previously granted to NESDTC pursuant to subsection (c) of 17 CFR Section 240.17Ab2–1 under the Securities Exchange Act of 1934 (the "Act"). In the proceedings, which are being instituted pursuant to subsections 17A (a) and (b) and subparagraph 19(a)(1)(B) of the Act and Section 240.17Ab2–1 thereunder, the Commission will consider the issues and grounds described herein. At the conclusion of the proceedings, the Commission, by order, will grant or deny registration as a clearing agency to NESDTC at the expiration of the registration previously granted to NEDSTC pursuant to subsection (c) of Section 240.17Ab2–1 under the Act.

DESCRIPTION OF NESDTC

NESDTC, a wholly owned subsidiary of the Boston Stock Exchange, Inc., was incorporated under Massachusetts law as a limited purpose trust company to engage in the business of holding, receiving, and delivering securities and making book entries with respect to the transfer and pledge thereof as a clearing corporation and as a custodian bank for other clearing corporations.

BACKGROUND

On May 11, 1976, the Commission noticed the filing of NESDTC's application for registration as a clearing agency.[1] On September 23, 1976, the Commission granted NESDTC registration[2] which, pursuant to subsection (c) of Section 240.17Ab2–1, was effective for not more than eighteen months. The approach to registration incorporated in subsection (c) of Section 240.17Ab2–1 was intended to permit clearing agencies to be registered in compliance with the Act, upon a finding that their operations were safe, while affording the Commission sufficient time to make the other determinations required by subparagraphs (A)—(I) of paragraph 17A(b)(3) of the Act ("Subparagraphs (A)—(I)"), including determinations pertinent to the establishment of a national clearing and settlement system, following full consideration of the issues involved.

The Commission has instituted these proceedings in order to obtain the views of interested persons concerning NESDTC's compliance with the standards which the Commission is required to apply under the Act in making determinations in connection with the registration of clearing agencies.

STANDARDS TO BE APPLIED IN DETERMINING WHETHER TO GRANT OR DENY REGISTRATION

Paragraph 17A(a)(1) of the Act sets forth the Congressional finding that:

> (A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.
>
> (B) Inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors.
>
> (C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.
>
> (D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Paragraph 17A(a)(2) of the Act directs the Commission to " * * * use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities * * *." Paragraph 17A(a)(2) of the Act directs the Commission, in carrying out its responsibilities under Section 17A, to have:

> "Due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents * * *."

Subsection 17A(b) of the Act makes it unlawful for a clearing agency to perform the functions of a clearing agency with respect to any security (other than an exempted security) unless the clearing agency has been registered with the Commission.

In the exercise of its authority under Section 17A of the Act, on November 3, 1975, the Commission adopted Section 240.17Ab2–1 and related Form CA–1 for the registration of clearing agencies. Although paragraph 17A(b)(3) of the Act requires the Commission to make a number of determinations with respect to the applicant's operations, capabilities and rules[3] before granting registration, paragraph (c)(1) of Section 240.17Ab2–1 provides that, if requested by an applicant for registration as a clearing agency, the Commission may register the applicant for eighteen months without making all the determinations called for by Subparagraphs (A)–(I).

In the case of a clearing agency registered in accordance with paragraph (c)(1) of Section 240.17Ab2–1, the Commission is required, not later than nine months from the date such registration is made effective, either to grant registration in accordance with subsection 17A(b) and paragraph 19(a)(1) of the Act, without exempting the registrant from the requirements of one or more of the Subparagraphs (A)–(I) determinations, or to institute proceedings in accordance with subparagraph 19(a)(1)(B) of the Act to determine whether to grant or deny registration.

NESDTC applied for registration under paragraph (c)(1) of Section 240.17Ab2–1, thereby requesting that registration be granted while it was exempted, temporarily, from having to satisfy one or more of the requirements as to which the Commission is directed to make a determination pursuant to Subparagraphs (A)–(I). The Commission registered NESDTC in accordance with paragraph (c)(1) of Section 240.17Ab2–1, upon the Commission's finding: that NESDTC was so organized and had the capacity to safeguard securities and funds in its custody or control or for which it was responsible; that NESDTC's rules did not impose any schedule of prices; or fix rates or other fees, for services rendered by participants; and that NESDTC's rules assured the safeguarding of securities or funds which were in NESDTC's custody or control or for which it was responsible.

At the conclusion of these proceedings, the Commission, by order, will grant or deny registration as a clearing agency to NESDTC at the expiration of the

[1] Securities Exchange Act Release No. 34–12428 (May 11, 1976), 42 FR 20627 (May 19, 1976).

[2] Securities Exchange Act Release No. 34–12829 (September 24, 1976), 42 FR 43785 (October 4, 1976).

[3] The determinations are set forth in subparagraphs (A) through (I) of paragraph 17A(b)(3) of the Act. Paragraph 17A(b)(3) provides:

> A clearing agency shall not be registered unless the Commission determines that—
>
> (A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.
>
> (B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.
>
> (C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)
>
> (D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.
>
> (E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.
>
> (F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.
>
> (G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to, Section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.
>
> (H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.
>
> (I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

registration previously granted to NESDTC pursuant to subsection (c) of Section 240.17Ab2–1 under the Act unless the Commission, for good cause, extends the time for conclusion of these proceedings and publishes its reasons for so doing or NESDTC agrees to an extension of the time for the conclusion of these proceedings.

ISSUES AND GROUNDS FOR DENIAL UNDER CONSIDERATION

In deciding whether to grant or deny registration, the Commission must consider whether NESDTC satisfies the requirements of Section 17A of the Act, including the determinations required by Subparagraphs (A)–(I). Of particular concern to the Commission in making its decision are whether NESDTC's organization and rules (i) are consistent with the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities; (ii) continue to provide for the protection of investors and the safeguarding of securities and funds in NESDTC's custody or control; and (iii) will enable it to reduce unnecessary costs and establish efficient, effective and safe procedures for clearance and settlement by taking advantage of new communications and data processing techniques.

The Commission would like to receive written data, views and arguments from interested persons on the appropriateness of registering NESDTC with particular reference to the compliance of its organization and rules with the objectives of the Act described above, including the determinations called for by Subparagraphs (A)–(I).[4]

All interested persons are invited to submit written data, views and arguments concerning the foregoing application on or before September 28, 1977. Such written data, views and arguments will be considered by the Commission in determining whether registration should be granted or denied in accordance with Sections 17A(b) and 19(a)(1)(B) of the Act and paragraph (c)(2) of Section 240.17Ab2–1 thereunder. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 600–16.

Copies of the applications and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, N.W., Washington D.C. 20006.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18682 Filed 6–29–77;8:45 am]

[4] In formulating their comments, interested persons may wish to read Securities Exchange Act Release No. 34–13584 (June 1, 1977), 42 FR 30066 (June 10, 1977), in which the Commission published proposed standards to be applied by the Commission in making the Subparagraphs (A)–(I) determinations in connection with the registration of clearing agencies.

[Rel. No. 13646; SR–NASD–77–7]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Filing of Proposed Rule Change and Order Approving Proposed Rule Change

JUNE 17, 1977.

The National Association of Securities Dealers, Inc. ("NASD") submitted, on June 7, 1977, a proposed rule change pursuant to Rule 19b–4 under the Securities Exchange Act of 1934 (the "Act") to amend the NASD's qualification requirements applicable to members and their associated persons. The proposed amendment provides that in order to qualify to become registered as a principal of an NASD member, an individual not already qualified to become registered as a representative must take and pass the NASD's Qualification Examination for Registered Representatives (Series 7) as well as the NASD's Qualification Examination for Principals (Series 40), with certain exceptions.[1]

Publication of notice of the proposed rule change is expected to be made in the FEDERAL REGISTER during the week of June 20, 1977. Interested persons are invited to submit written data, views and arguments concerning the proposed rule change. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR–NASD–77–7.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered securities associations, and in particular, the requirements of Section 15A of the Act and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. The NASD's qualification requirements for registered personnel contemplate that member firm principals are qualified as representatives as well as principals. The proposed rule change will prevent possible evasion of this purpose by ensuring that principals will be subject to examination requirements at least comparable to those imposed on representatives. Moreover, the proposed rule change will eliminate an apparent disparity between the examination requirements for principals and representatives.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on June 7, 1977, and subsequently amended on June 17, 1977, be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–18686 Filed 6–29–77;8:45 am]

[1] The subject proposal provides that the proposed requirements would not apply "to persons required to register and qualify as 'Financial Principals' or whose functions will relate solely and exclusively to: (1) mutual funds and variable annuities or (2) direct participation programs."

[Rel. No. 34–13666; File No. SR–NYSE–77–18]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94–29, 16 (June 4, 1975), notice is hereby given that on June 8, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance:

The proposed rule changes discussed herein will rescind (1) certain filing and reporting requirements of members who propose to operate in international arbitrage, and (2) a specific prohibition against members' association with any bucket-shop, with any person dealing on differences in market quotations, and with any person making a profit of taking the side of the market opposite to that of customers for whom transactions are effected.

The rule concerning international arbitrage is being rescinded by the Exchange as obsolete in view of recent developments in the securities industry. The filing and reporting requirements were originally designed to protect the Exchange's fixed commission structure which has since been abolished. Furthermore, recently adopted amendments to Exchange rules, removing barriers to foreign access and ownership in addition to eliminating certain restrictions on off-board trading, further accentuate the rule's obsolescence.

The rule which prohibits members' association with bucket shops, written near the turn of the century, is, in the Exchange's view, unnecessary given the current scope of securities regulation which provides the Exchange with sufficient basis for prohibiting bucket shop and related activities.

Other sections of the rule, also written well before the passage of the Securities Exchange Act of 1934, prohibit variations of practices by which firms failed to establish positions which they confirmed to customers, sold speculations on arbitrage type transactions without establishing the arbitrage positions, or "bet against their customers" by offsetting customer transactions with opposite firm trades.

The continued protection of customers and members of the Exchange community is, the Exchange believes, assured by the other Exchange rules which prohibit illegal acts and provide the Exchange with the authority to discipline for such activities.

Basis Under the Act for Proposed Rule Change: The proposed rescissions of Rules 403 and 437 are deemed by the Exchange to be consistent with Sections 6(b)(1), 6(b)(2), 6(b)(5), 6(b)(8), and 11A(a)(1)(C) of the Act as follows:

(i) The proposed rescissions do not infringe upon the Exchange's ability to enforce compliance with the Act by members and persons associated with members.

(ii) The proposed rescissions carry out the purpose of the Act by removing restrictions on business associations which may be a burden on competition among brokers and dealers or between securities markets.

(iii) The proposed rescissions would in no way affect the protection of investors or others as continued protection is assured by an adequate system of surveillance and other rules which both prohibit illegal acts and provide the Exchange with the authority to prosecute offenders. The proposed rescissions will also facilitate transactions in international arbitrage by eliminating unnecessary application and reporting requirements.

Text of Proposed Rescissions:

PROPOSED RESCISSION OF RULE 403

Deleted language [bracketed].

[Bucket Shops, etc.

Rule 403. No member, allied member, or member organization or employee therein shall be directly or indirectly interested in or associated in business with, or have his or its office directly or indirectly connected by public or private wire or other method or contrivance with, or transact any business directly or indirectly with or for:

(1) Any bucket-shop; or

(2) Any organization, firm or individual making a practice of dealing on differences in market quotations; or

(3) any organization, firm or individual engaged in purchasing or selling securities for customers and making a practice of taking the side of the market opposite to the side taken by customers.]

PROPOSED RESCISSION OF RULE 437

Deleted language [bracketed].

Rule 437. Members and member organizations which proposed to operate in international arbitrage shall first obtain the permission of the Exchange.

. . . Supplementary Material:

INFORMATION REGARDING THE CONDUCT OF INTERNATIONAL ARBITRAGE

.10 Definition.—The term "International Arbitrage in Securities" means the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual but contains the element of continuity.

.11 Permission.—Members and member organizations which propose to engage either in international joint account arbitrage or in international arbitrage for their own account shall, before initiating any transaction in connection therewith, secure the permission of the Exchange. Application for permission shall be made to Regulation & Surveillance for own account.

.12 Notice of Discontinuance.—Members and member organizations discontinuing dealings in international arbitrage shall give prompt notice of such discontinuance to the Department.

.13 Accounting.—Separate accounts shall be kept by the member or member organization for each arbitrage authority granted by the Exchange and he or it shall require from his or its correspondents copies of similar special, separate accounts, at least monthly, and daily transaction slips describing purchases, sales and collateral entries thereto. Said accounts shall show all debits and credits relating to said business and no others.

The member or member organization shall retain in his or its American office these accounts, together with copies of all communications relating to the account, for a period of at least three years, which shall be available at all times for inspection by the Exchange.

14. Agreements.—Copies of all agreements, and subsequent changes therein, between the member or member organization and his or its correspondents relating to the arbitrage for which authority is requested, or has been granted, shall be filed with Regulation & Surveillance.

15. Arbitrage accounts carried in dollar currency.—Foreign arbitrage accounts carried in dollar currency on the correspondent's books or carried in foreign currencies on the books of the member or member organization (other than control accounts) shall be closed out by reasonably prompt payment of debit balances.

16. Participations in international arbitrage joint accounts.—Only the registered parties to an international arbitrage joint account shall in any way participate therein; except that a participation in the net profit resulting from a particular transaction may be permitted to an outside party to such transaction, provided prompt report thereof is made to Regulation & Surveillance.

.17 Reporting transactions.—Members and member organizations shall require their correspondents to report to them, as promptly as reasonably possible, all transactions made for their account.

All securities purchased or sold by a party to the account shall be reported at the actual price at which the transaction occurred.

.18 Written agreement from non-members.—Members and member organizations operating in joint account with allied members or non-members shall file with Regulation & Surveillance a letter from each correspondent reading:

"I/We have read 'Information Regarding the Conduct of International Arbitrage' as contained in ¶2437.10–2437.19 of the New York Stock Exchange Guide, and understand that all arbitrage business to which you are a party must be conducted in accordance therewith."

.19 Registration of international arbitrage non-member correspondents.—A foreign non-member correspondent of a member organization may be registered as an International Arbitrage Correspondent upon compliance with the following requirements:

(1) The member organization shall file with Regulation & Surveillance a letter to the effect:

(A) That it requests registration of the correspondent, whose name, business address, and the name of the stock exchange of which said correspondent is a member, shall be stated;

(B) That the correspondent conducts an international arbitrage business, in which the member organization has no interest as a principal, but for which said organization executes orders and carries positions in securities;

(C) That the account is such as may be properly described as international arbitrage because the correspondent is engaged in the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual but contains the element of continuity;

(D) That all transactions pertaining to said described business, and no others, will be entered in a special account which shall be designated as Special International Arbitrage Account of the correspondent and on which account reference shall be made to the date on which the registration of such correspondent was approved by the Exchange;

(E) That the member organization has secured the assurance of the correspondent and believes that the account is not to be used for the purpose of evading or circumventing the provisions of Regulation T of the Board of Directors of the Federal Reserve System, but only for bona fide international arbitrage transactions in securities;

(F) That the member organization will report to Regulation & Surveillance quarterly, whether or not it has received monthly statements, as described in paragraph (2)(C) of the agreement of the non-member, from each non-member vostro arbitrage correspondent and whether or not it has found that all transactions effected through it in such account have been countered or offset within five full business days, as specified in paragraph (2)(B) of the agreement of the nonmember;

(G) That the applicant member organization agrees that, should the nature of the Special International Arbitrage Account alter at any time, prompt notice will be given to Regulation & Surveillance.

(2) With its application the member organization shall file a letter from the correspondent to the applicant, stating in effect

(A) That the account shall be used only for bona fide international arbitrage transactions, and that for this purpose international arbitrage shall be deemed to be the business of buying or selling securities in one market with the intent of reversing such transactions in a market in a country different from that in which the original transaction has taken place, in order to profit from price differences between such markets, and which business is not casual but contains the element of continuity;

(B) That he also agrees that if, at any time, securities bought or sold for the Special International Arbitrage Account have not, within the period of five full business days thereafter, been sold or bought (in order that each transaction shall be offset by a counter transaction and the position thereby balanced or made even) such transaction shall not be deemed to be of the nature of bona fide arbitrage transactions, and he

JUN 30 77
UM

will give instructions to the member organization to remove such transaction from the Special International Arbitrage Account;

(C) That he also agrees to furnish to the member organization monthly statements showing in each instance the date on which each transaction effected through the international arbitrage vostro account with the member organization has been countered or offset, the name of the security, the number of shares or bonds involved and the name of the counter party; except that if the counter party to such a transaction is a member of an established stock exchange, in lieu of reporting the name of such counter party on said monthly statement, it may be reported that such counter party is a member of ---------- stock exchange.

(D) That he agrees to supply at least the minimum margin which members and member organizations of the Exchange are required to demand on such accounts.]

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

No comments were solicited or received with respect to the proposed rule rescissions.

BURDEN ON COMPETITION

There will be no burden on competition.

On or before August 4, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the abovementioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 "L" Street, NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 21, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77-18691 Filed 6-29-77;8:45 am]

[File No. 500-1]

PACIFIC AIR TRANSPORT INTERNATIONAL, INC.

Suspension of Trading

JUNE 23, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Pacific Air Transport International, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 12:45 p.m. (EDT) on June 23, 1977 through July 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18687 Filed 6-29-77;8:45 am]

[Rel. No. 13657; File No. 1-6884]

PACIFIC RESOURCES, INC.

Order Granting Application

JUNE 22, 1977.

Order granting application to withdraw from listing and registration subject to certain terms and exempting certain persons and securities from the provisions of Rule 17a-15.

On April 1, 1977, the Securities and Exchange Commission published notice that Pacific Resources, Inc. ("PRI") had filed an application with the Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2-2(d) thereunder to withdraw PRI's common stock from listing and registration on the Pacific Stock Exchange ("PSE").[1] PRI's stated reason for the application is that it believes the interests of its shareholders will be better served if the common stock were traded in the over-the-counter ("OTC") market and quoted through the NASDAQ system. PRI also stated that its board has concluded that OTC trading will provide greater market depth and liquidity, greater exposure of the common stock to generally available quotations and facilitate the trading participation of market-makers in national brokerage firms.

By letter dated April 13, 1977, the PSE filed a written submission requesting that a hearing be held if we were disposed to permit the delisting to become effective prior to our resolution of a pending application of that exchange for a grant of unlisted trading privileges in PRI common stock under Section 12(f)(1)(C) of the Act.[2] PSE argues that investors would be disadvantaged if PRI were to be delisted at that earlier time and urges us not to grant the delisting prior to the PSE's obtaining unlisted trading privileges in PRI stock. Since the issuer's application for delisting appears to be in compliance with the rules of the exchange—a conclusion not disputed by the exchange—we are prepared to grant it.[3] Section 12(d) of the Act, however, provides that we may, in granting a delisting application, prescribe such "terms" as we find are necessary for the protection of investors.[4]

In this regard, PSE points to the possibility that a temporary disruption in trading of PRI stock on the PSE might result if we grant the delisting application now, before acting on its unlisted trading application. The PSE believes that there would be significant disadvantages to investors, which would not

[1] Securities Exchange Act of 1934 Release No. 13422 (April 1, 1977); 42 FR 18470 (April 7, 1977). The PRI application was received by the Commission on March 24, 1977.

[2] The PSE filed its application for unlisted trading privileges on March 25, 1977. The impetus for PSE's application for unlisted trading was PRI's request to delist its securities from the PSE. Absent a grant of unlisted trading privileges, PSE members would be unable to continue trading in PRI on the PSE after its delisting. The PSE application for unlisted trading privileges is currently the subject of a hearing ordered by the Commission. (Securities Exchange Act of 1934 Release No. 13658, (June 22, 1977).)

[3] Rule 12d2-2(d) (17 CFR§ 240.12d2-2(d)) provides that: The issuer of a security listed and registered on a national securities exchange may file an application to withdraw such security from listing and registration on such exchange in accordance with the rules of such exchange. Notice of the filing of such an application shall be published by the Commission in the FEDERAL REGISTER, and such notice shall provide that any interested person may, on or before a date specified, submit to the Commission in writing, all facts bearing upon whether the application to withdraw the security from listing and registration has been made in accordance with the rules of the exchange and what terms should be imposed by the Commission for the protection of investors. An order disposing of the matter will be issued by the Commission on the basis of the application and any other information furnished to the Commission unless prior thereto the Commission orders a hearing on the matter."

[4] This provision has been viewed as a grant of broad discretion to the Commission to determine which terms are appropriate on a case-by-case basis. Under that authority the Commission has, in the past, delayed the effectiveness of delisting (where found appropriate). See, for example, *Texas Hydro-Electric Corporation*, 28 SEC 27, 28 (1947); and *Shawmut Association*, 15 SEC 1028, 1035-36 (1944) aff'd sub nom., *Shawmut Association v. SEC*, 146 F. 2d 791 (1st Cir. 1945). In affirming the Commission's action in the latter case, Judge Wyzanski, speaking for the Court, noted that: "the Commission has wide discretion in the choice of what 'terms' it shall impose for the protection of investors and ordinarily a court should not undertake to substitute its judgment of what would be appropriate terms for the administrative judgment."

be present if there were no likelihood that PRI stock might continue trading on PSE after delisting or if the securities were registered on another national securities exchange. We have concluded that several of PSE's objections present an appropriate case for an exercise of our authority to impose terms upon the proposed delisting:

1. As a "registered" security, PRI common stock has been a marginable security pursuant to Federal Reserve Board Regulations.[5] Although there are indications that PRI common stock will qualify for inclusion on the Board's list of marginable OTC securities,[6] under current Board procedures a time lag of approximately six months after delisting would probably occur before the Board's list of marginable OTC securities would be revised to include PRI common stock. In the meantime, PRI common stock would not be marginable, and this temporary lack of marginability could result in adjustments and readjustments in customer accounts of broker-dealers, banks and other persons. Also, if PRI is thereafter admitted to unlisted trading on any national securities exchange, marginability would automatically reattach.[7] This "on and off" status of margin requirements could be confusing to brokers, dealers and investors.

2. A temporary disruption in trading in PRI stock on the PSE would also result in a lessening of potential competition among dealers and between exchange markets during any interim period after delisting but before unlisted trading privileges are (if at all) granted.[8]

In considering whether it is necessary to impose terms upon the delisting of PRI stock, we note that PSE has taken steps to lessen the burdens on competition among dealers and between markets. In particular, the PSE has amended its rules to permit its members to engage freely in trading PRI stock in the OTC market, thus fostering a competitive environment. PSE members will be permitted to trade off-board as principal in 1) OTC securities admitted to unlisted trading and 2) securities solely-listed on the PSE whenever such securities become the subject of a delisting application by the issuer and the exchange has applied for unlisted trading privileges with respect to such securities pursuant to Section 12(f)(1)(C) of the Act.[10] If the PRI delisting application were made effective at this time, continued trading in PRI stock on the PSE would be interrupted and competition by market makers on the PSE floor would be restricted, although a possibility exists that such interruption would only be temporary. Further, we note that, as described above, a temporary disruption in the PSE market in PRI stock poses other disadvantages to current and potential investors in the security. We therefore find that it is necessary for the protection of investors to permit continued trading in PRI common stock on the PSE until such time as we have had a reasonable opportunity to act on the unlisted trading privileges application.[11]

PRI is currently an "eligible security" within the meaning of the joint industry plan governing the consolidated transaction reporting system (the "consolidated system").[12] As a result, so long as PRI is traded on the PSE, all transactions in that stock must, absent an exemption from Rule 17a-15, be reported on a current basis in the consolidated system, whether they take place on the PSE or over the counter.[13]

Rule 17a-15 provides that

[t]he Commission may exempt from the provisions of [Rule 17a-15], either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer * * * or specified type of security if the Commission determines that it is not necessary in the public interest or for the protection of investors that such exchange, association, broker, dealer * * * or type of security be subject to the provisions of the [Rule].[14]

We have not yet determined whether or not to grant the application of the PSE for unlisted trading privileges in PRI common stock once the delisting application is effective. Therefore, there will be uncertainty for the time being as to whether real-time reporting in PRI stock will be required as a general matter (since if the unlisted trading privileges aplication of the PSE is denied, PRI will be traded solely over-the-counter and, therefore, will not be subject to current reporting under Rule 17a-15).[15] In light of these considerations, we do not believe it is necessary in the public interest or for the protection of investors to require members of the PSE (who will be permitted to enter into transactions in the over-the-counter market in PRI common stock as a result of the action taken today) and other brokers and dealers to develop and implement reporting procedures for this single security for the short time frame between our action today and the time we make a determination as to the PSE's application for unlisted trading privileges. Accordingly, we have determined to, and hereby, exempt, until such time as the Commission makes a determination with respect to the PSE's application for unlisted trading privileges in PRI common or until the expiration of the 120 day period referred to below, whichever is earlier, the NASD, and all brokers and dealers from the requirements of Rule 17a-15 relating to last sale reports of over-the-counter transactions in the common stock of PRI.[16]

We wish to emphasize that the granting of an exemption from the reporting requirements of Rule 17a-15 in this situation does not represent any change in the Commission's view (reflected in that Rule) that real-time reporting of eligible exchange-traded securities is important to the protection of investors and is an integral element of a national market system. Our action with respect to PRI common stock represents a response to a temporary and highly unusual situation and should not be considered as an indication of possible Commission actions with respect to reporting of transactions under other circumstances.

Further, we hereby prescribe, as a term of removal from listing and registration, that such delisting will become effective at the time of our determination with

[5] Section 220.2(f) of Federal Reserve Board Regulation T (12 CFR 220.2(f)), which governs the extension of credit by brokers and dealers, defines "margin security" as "any registered security or OTC margin stock" and paragraph (d) of that Section states that "registered security" means, among other things, "any security which (1) is registered on a national securities exchange; or (2) in consequence of its having unlisted trading privileges on a national securities exchange is deemed, under the provisions of section 12(f) of the Act (15 U.S.C. 781), to be registered on a national security exchange; * * *" Similar definitions are used in Regulation U (12 CFR 221.3(v)), governing the extension of credit by banks for the purpose of purchasing or carrying margin stocks, and Regulation G (12 CFR 207.2(d)), governing securities credit by persons other than banks, brokers or dealers.

[6] As noted above, the Board's definitions of "margin security" include "OTC margin stock." The Board periodically revises its "List of OTC Margin Stocks" pursuant to Section 207.2(f) of Regulation G (12 CFR 207.2(f)) and Section 221.3(d) of Regulation U (12 CFR 221.3(d)).

[7] A security which is admitted to unlisted trading privileges is deemed to be registered by Section 12(f)(6) of the Act.

[8] Section 11A(a)(1)(C) of the Act states that: "It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure—

* * * * *

(ii) Fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets; * * *"

[9] SR-PSE-76-17 and 77-14. We approved SR-PSE-77-14 by Securities Exchange Act Release No. 13656, June 22, 1977.

[10] SR-PSE-77-14.

[11] In view of the foregoing and our disposition of the PSE request resepecting the timing of the delisting, we have concluded that further hearings in this matter would serve no useful purpose.

[12] See "Plan submitted pursuant to Rule 17a-15 of the Securities and Exchange Commission under Securities Exchange Act of 1934" (the "CTA Plan"), Section VI.

[13] Rule 17a-15(a) (17 CFR 240.17a-15(a)); CTA Plan, Section VII. Section VI(c) of the CTA Plan provides, however, that if during a twelve month period less than 25 percent of the transactions in a security effected in the United States through brokers and dealers have been executed on a national securities exchange, such security shall cease to be an "eligible security."

[14] Rule 17a-15(h) (17 CFR 240.17a-15(h)).

[15] See Rule 17a-15(a); CTA Plan Section VI and VII; although real-time reporting for over-the-counter stocks is not currently required, the Commission is continuing to study whether, under some circumstances (e.g., where the over-the-counter stock underlies standardized put and call options issued by the Options Clearing Corporation), such reporting may be necessary in the public interest or for the protection of investors.

[16] This exemption does not prohibit those persons individually from voluntarily complying with Rule 17a-15 so long as such broker or dealer complies with the Rule in a uniform manner.

respect to the PSE's application for unlisted trading privileges in PRI common stock, but in no event later than 120 days from the date of this order.

Having considered the facts stated in the application, and having due regard for the public interest and protection of investors:

It is ordered, That said application be, and it hereby is, granted, subject to the aforementioned terms.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 77-18676 Filed 6-29-77;8:45 am]

[Rel. No. 13656; SR-PSE-77-14]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JUNE 22, 1977.

On June 6, 1977, the Pacific Stock Exchange, Inc., 618 South Spring Street, Los Angeles, California 90014 ("PSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Rule XIII, its rule imposing restrictions on off-board trading. The proposed amendments would add exemptions for transactions in securities not listed and registered on any national securities exchange but which are traded on PSE pursuant to unlisted trading privileges;[1] and for securities listed solely on PSE if the issuer of such securities applies for delisting and PSE applies for unlisted trading privileges with respect to such securities.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 13618 (June 10, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

Further, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. These rule changes will promote competition by allowing PSE members to trade in the OTC market (1) those securities which are admitted to unlisted trading on the PSE pursuant to Section 12(f)(1)(C) of the Act and, (2) in certain instances, those securities which are solely listed on PSE and in which the issuer has applied to withdraw from listing. This latter provision will currently apply to the common stock of Pacific Resources, Inc. ("PRI"), which has applied for delisting from the PSE and for which PSE has applied for unlisted trading privileges.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18675 Filed 6-29-77;8:45 am]

[1] This portion of the proposal was previously filed as part of SR-PSE-76-17, which is pending before the Commission, and was published for comment in Securities Exchange Act Release No. 12539 (June 11, 1976), 41 FR 24787 (June 18, 1976).

PHILADELPHIA STOCK EXCHANGE, INC.

Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 24, 1977.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Sola Basic Industries, Inc., Common Stock—$1.00 par value; file No. 7-4953.
Webb, (Del. E) Corporation, Common Stock—no par value; file No. 7-4954.

Upon receipt of a request, on or before July 9, 1977 from any interested person, the Commission will determine whether the application with respect to the company named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to the particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18688 Filed 6-29-77;8:45 am]

[File No. 500-1]

UNITED AMERICAN LIFE INSURANCE CO.

Suspension of Trading

JUNE 23, 1977.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of United American Life Insurance Company being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:55 p.m. (EDT) on June 23, 1977 through July 2, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18689 Filed 6-29-77;8:45 am]

[Release No. 34-13663; File No. SR-CBOE-1977-11]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 17, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

CBOE's STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Brackets indicate deletions; italics, new material.

FLOOR PROCEDURE COMMITTEE

Rule 2.6 [(a)] The Floor Procedure Committee shall consist of at least five members of the Exchange, a majority of whom shall be regularly engaged in business on the Exchange Floor. [Members of the Floor Procedure Committee shall be known as Floor Officials.] The presence of a majority of the members of the Committee shall constitute a quorum for the transaction of business.

[(b) The Floor Procedure Committee may appoint other members who are regularly engaged in business on the Exchange Floor to act as Floor Officials for the purpose of maintaining a fair and orderly market. Floor Officials so appointed shall not be members of the Floor Procedure Committee and shall not have authority to restrict trading under Rule 6.3 and 6.6 or to impose fines under Rule 6.20 without the consent of a member of the Floor Procedure Committee, and shall be subject to such other restrictions as may be imposed by the Floor Procedure Committee.]

Floor Officials Committee

Rule 2.10[1] *The Floor Officials Committee shall consist of at least nine members of the Exchange, all of whom shall be regularly engaged in business on the trading floor. Members of the Committee shall be designated Floor Officials. Any application or interpretation of Rules relating to trading on the Exchange Floor shall be agreed upon by at least two Floor Officials.*

Trading Rotations

Rule 6.2 No Change

* * * Interpreations and Policies

.01 No Change

(a) Opening Rotations. The opening rotation in each class of options shall be held promptly following the opening *transaction in* [of] the underlying security on the principal exchange where it is traded. As a rule, a Board Broker acting in more than one class of options should open them in the same order in which opening transactions are reported in the underlying securities. In conducting each such opening rotation, the Board Broker should first open the one or more series of options of a given class having the nearest expiration, then proceed to the series of options having the next most distant expiration, and so forth, until all series have been opened. Except as otherwise provided by the Floor Procedure Committee, if both puts and calls covering the same underlying security are traded, the Board Broker shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

In the event [an underlying security has not opened] *an opening transaction in the underlying security has not been reported* within a reasonable time after 9:00 a.m. (Chicago time), the Board Broker acting in option contracts on such security sall report the delay to a Floor Official and an inquiry shall be made to determine the cause of the delay. The opening rotation for option contracts in such security shall be delayed until [the underlying security has opened] *an opening transaction is reported in the underlying security* unless two Floor Officials determine that the interests of a fair and orderly market are best served by opening trading in the option contracts.

(b) No Change.

Bids and Offers in Relation to Units of Trading

Rule 6.44 [All bids] *Bids* or offers made on the floor shall be deemed to be for one option contract unless a specific number is expressed in the bid or offer. A bid or offer for more than one option contract *which is not made all-or-none* shall be deemed to be for that amount or any lesser number of option contracts. *An all-or-none bid or offer shall be deemed to be made only for the amount stated.*

** * * Interpretation and Policies:*

.01 A bid or offer may be made and a transaction executed on an all-or-none basis if the all-or-none bid or offer represents the only bid or offer available at the best price in the market at the time the all-or-none bid or offer is executed. An all-or-none order may not be crossed with another all-or-none order unless all bids or offers at the same price at which the cross is to be effected have been filed. If two or more all-or-none bids or offers represent *the only bids or offers at the best price in the market, priority shall be afforded to such all-or-none bids or offers in the sequence in which they are made.*

.02 The Floor Procedure Committee has determined that all-or-none bids or offers will not be disseminated by the Exchange as market quotes for any option series. Furthermore, any number of transactions of any size may appear on the tape at the same price as specified on an all-or-none order without the all-or-none order participating, and any number of transactions of a size less than the size of an all-or-none order, may appear on the tape at a price better than the bid or offer of the all-or-none order.

.03 The Floor Procedure Committee may restrict the entry of all-or-none orders in one or more classes or series of options whenever, in its judgment, the interests of maintaining a fair and orderly market are best served.

Priority of Bids and Offers

Rule 6.45

(a) No Change

(b) No Change

(c) No Change

(d) *Not withstanding anything in paragraphs (a) and (b) to the contrary, when a member holding a spread order or a straddle order and bidding or offering on the basis of a total credit or debit for the order has determined that the order may not be executed by a combination of transactions with or within the bids and offers displayed by the Board Broker, then the order may be executed as a spread or straddle at the total credit or debit with one other member without giving priority to bids or offers of the Board Broker that are no better than the bids or offers comprising such total credit or debit.*

* * * Interpretations and Policies:

[.01 In order to clarify the status of spread orders under the priority rules, the Floor Procedure Committee has established the following guidelines regarding execution of spread orders:

[If a member holds a spread order and bids or offers on the basis of a price difference, or if a member holds a straddle order and bids or offer on the basis of a total bid or offer, the order may be executed on the basis of the most favorable price difference or total bid or offer, as applicable, notwithstanding that the Board Broker may be displaying a bid or offer equal to the bid or offer on one side of such spread or straddle, without giving priority to the equal bid or offer of the Board Broker: *Provided*, That the member executing the order on this basis has first determined that the order cannot be executed by accepting such bids or offers displayed by the Board Broker.]

[Example: With the Board Broker bidding 5¼ for XYZ July/50 and offering 6¾ for XYZ October/50, a spread order enters the market to buy XYZ October/50 and XYZ July/50 at a price difference of 1⅜. If no other broker or Market-Maker is bidding higher for July/50 or offering lower for October/50, and the spread order therefore cannot be executed by accepting either the Board Broker's bid or his offer, the order may be executed as a spread at a purchase price of 6¾ for October/50 (sale price of 5⅜ for July/50) or at a sale price of 5¼ for July/50 (purchase price of 6⅝ for October/50).]

.01 [.02] No Change

Certain Types of Orders Defined

Rule 6.53

(a) No Change

(b) No Change

(c) No Change

(d) Spread Order. A spread order is an order to buy a stated number of option contracts and to sell the same number of option contracts, *or contracts representing the same number of shares at option*, of the same class of options.

(e) No Change

(f) No Change

(g) No Change

(h) *All-or-None Order. An all-or-none order is a market or limit order which is to be executed in its entirety or not at all.*

(i) *Immediate-or-Cancel Order. An immediate-or-cancel order is a market or limit order which is to be executed in whole or in part as soon as such order is represented in the trading crowd. Any portion not so executed is to be treated as cancelled.*

(j) *Opening Rotation Order. An opening rotation order is a market order which is to be executed in whole or in part during the opening rotation of an option series or not at all. Any portion not so executed is to be treated as cancelled.*

Obligations for Orders

Rule 7.4 (a) Acceptance. A Board Broker shall ordinarily be expected, for all option contracts of the class or classes to which his appointment extends, to accept and maintain a written record of orders that are placed in his custody. Such orders shall include market orders (as defined in Rule 6.53(a)), limit orders (as defined in Rule 6.53(b) and such orders as may be designated by the Floor Procedure Committee. A Board Broker shall not accept orders of any

[1] In the Form 19b-4A (SR-CBOE-1977-6) filed with the Commission on March 28, 1977, a new Rule 2.9 was set forth which outlined the composition of the Appointments Committee.

other type or from any source other than a member. *For the purposes of this rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a person associated with a member, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book or (ii) an order to sell at a price equal to or above the lowest offer in the Board Broker's book.*[2] *The Floor Procedure Committee may modify or suspend such associated persons' ability to place any or all orders on the Board Broker's book whenever, in its judgment, the interest of maintaining a fair, orderly and efficient market are best served.* No member shall place, or permit to be placed, an order with a Board Broker for an account in which such member, any other member or any non-member broker/dealer has an interest.[3]

(b) No Change

(c) No Change

* * * Interpretations and Policies:

.01–.04 (No Change)

[.05 For purposes of this Rule, an order shall be deemed to be from a member if the order is placed with a Board Broker by a person associated with a member, provided that the order is either (i) an order to buy at a price equal to or below the highest bid in the Board Broker's book or (ii) an order to sell at a price equal to or above the lowest offer in the Board Broker's book.]

CBOE'S STATEMENT OF BASIS AND PURPOSE

Rule 2.6. The purpose of the proposed change is to reflect that the members of the Floor Procedure Committee no longer function in the capacity of Floor Officials.

Rule 2.10. New Rule 2.10 reflects the composition and minimum number of the Floor Officials Committee.

Rule 6.2. The purpose of the proposed change is to clarify that opening rotation in Exchange traded options classes is to commence only after the first transaction in the security underlying the option class has been reported as having occurred in the primary market for such security. Such an amendment will preserve, however, the ability of two Floor Officials to determine that the interests of a fair and orderly market will best be served by commencing opening rotation on the Exchange in an options class when only a quote is disseminated from the primary market for such underlying security and a transaction in such security has not occurred thereon.

Rule 6.44. The purpose of the proposed amendment is to allow for all-or-none orders to be recognized as orders which may be executed on the Exchange.

Rule 6.45. The purpose of the proposed change to this Rule is to add a further exception to the priority rules specified therein for spread and straddle orders. Such an exception will be applicable only in those circumstances when a spread or straddle order could not be executed by accepting the bid and offer or either of them exhibited by the Board Broker.

Rule 6.53. The purpose of the proposed amendment to this Rule is to provide a more specific definition of a spread order as well as to define all-or-none, immediate-or-cancel and opening rotation orders. The latter three types of orders reflect, in the case of all-or-none and immediate-or-cancel orders, standard industry definitions, and in the case of opening rotation orders, a definition of a type of order unique to the Exchange.

Rule 7.4. The purpose of the proposed revision of Rule 7.4(a) is to extend to the Floor Procedure Committee the same type of control, as extended in various other Exchange rules, to initiate or suspend various activities when, in its judgment, the interests of a fair and orderly market would best be served.

The statutory basis for the above proposed rules changes is derived from Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, which provides, among other things, that the Exchange prevent fraudulent and manipulative practices and protect investors and the public interest.

No comments have been solicited, nor have any comments been received from members on the proposed rules changes.

The proposed rule changes will not impose any burden upon competition.

On or before August 4, 1977, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 21, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77-18690 Filed 6-29-77;8:45 am]

[Release No. 13658; File No. 7-4933]

PACIFIC STOCK EXCHANGE, INC.

Order Directing a Hearing Regarding Application for Unlisted Trading Privileges in Common Stock of Pacific Resources, Inc.

JUNE 22, 1977.

I. *Application for unlisted trading privileges.* On March 23, 1977, Pacific Resources, Inc. ("PRI") filed an application to withdraw its common stock from listing and registration on the Pacific Stock Exchange, Incorporated ("PSE"). If the Commission determined, as it has,[1] to grant that application, PSE members would be unable to continue trading in the stock on the PSE, absent a grant, under section 12(f)(1)(C) of the Securities Exchange Act of 1934 (the "Act"), of unlisted trading privileges upon the effectiveness of the delisting. For that reason, on March 25, 1977, the PSE filed an application for unlisted trading privileges in the common stock of PRI. The National Association of Securities Dealers ("NASD") filed a written submission dated April 22, 1977, in which it requested a hearing on the PSE application. In addition, submissions were received from PRI and potential over-the-counter ("OTC") market-makers in the stock in opposition to the application.

II. *Statutory provisions.* The 1975 Amendments added new Section 12(f)(1)(C) to the Act, permitting exchanges to obtain, upon standards also newly set forth in Section 12(f)(2) of the Act, unlisted trading privileges in securities traded solely over the counter. Section 12(f)(2) provides that no application for unlisted trading privileges "shall be approved unless the Commission finds, after notice and opportunity for hearing, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors." As noted above, the NASD requested a hearing pursuant to section 12(f)(2).

In considering an application for the extension of unlisted trading privileges to a security not listed and registered on a national securities exchange, section 12(f)(2) requires that:

* * * the Commission shall, among other matters, take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impedi-

[2] This sentence is the subject of a Rule 19b-4 filing pursuant to Section 19(b)(3)(A) (SR-CBOE-1977-3) which was filed with the Securities and Exchange Commission on February 24, 1977, as Interpretation .05 to Rule 7.4.

[3] This sentence contains word changes that are reflected in a Rule 19b-4 filing (SR-CBOE-1976-26) filed with the Securities and Exchange Commission on December 20, 1976.

[1] See, Securities Exchange Act of 1934 Release No. 13657, June 22, 1977 ("Order Granting [PRI] Application to Strike From Listing and Registration [on PSE] Subject to Certain Terms and Exempting Certain Persons and Securities from the Provisions of Rule 17a-15").

ments to and the progress that has been made toward the development of a national market system and shall not grant any such application if any rule of the national securities exchange making application under this subsection would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of marketmakers who are specialists and such dealers who are not specialists.

III. *Issues to be addressed in a hearing.* Submissions with respect to the PSE application question whether sufficient progress has been made toward the development of a national market system to support the granting of unlisted trading privileges in PRI stock.[2] While the statute requires the Commission to take account of that progress, it does not spell out what developments would be sufficient to support a grant of unlisted trading privileges in any particular instance. It appears from section 12(f)(2) and its legislative history that the Congressional intent was for the Commission to assure itself that such progress had been made so that the grant of an unlisted trading application in an OTC security would not decrease competition in the markets for the security.[3]

The PSE has amended its rule [4] which imposes restrictions on members' off-board trading to exempt OTC securities admitted to unlisted trading from the applicability of that rule. Interested persons should thus address whether such exemption by the applicant exchange constitutes sufficient progress within the context of current developments toward a national market system for the Commission to grant the PSE application. This issue has several related subissues:

(1) If the Commission approves unlisted exchange trading under circumstances currently in effect on PSE, exchange specialists would be permitted to compete in a wide range of OTC securities, while member OTC dealers would be unable to compete (in principal trading) in exchange-traded securities to which the off-board restrictions continued to apply. To what extent, if any, does this reflect insufficient progress toward a national market system under section 12(f)(2)? A further question in this regard is whether Commission approval of the unlisted trading application would foster unfair discrimination among dealers in contravention of section 6(b)(5) of the Act.

(2) The NASD also questions whether a sufficient unity of the so-called auction and dealer markets has occurred to enable broker-dealers, if the PSE application is granted, to seek best execution in a manner consistent with their agency duties and NASD rules which require members to use "reasonable diligence to ascertain the best inter-dealer market for the subject security and buy or sell in such market so that the resultant price to the customer is as favorable as possible under existing market conditions." [5] The NASD indicates that although exchange members would be able to respond directly, as brokers or dealers, to quotes in NASDAQ, integrated OTC market-makers and other brokers who are exchange members would not be able to respond to quotas from the PSE floor without going through a member firm. Thus, another aspect of this initial issue is whether there is a lack of adequate direct communications capability and, if so, whether it constitutes a barrier of such magnitude that Commission approval of this application would inhibit, rather than promote, competition contrary to the objectives of the development of a national market system.

A second overall issue is the role of last sale transaction reporting with respect to the subject securities. The characteristics of this security are such that transactions in PRI common stock would continue to qualify for reporting on Network B of the consolidated tape if exchange trading were permitted.[6] (Transactions in PRI are currently required to be reported on Network B, but, in fact, virtually no OTC trading in PRI occurs.) Last sale reporting also raises several subissues.

(1) The submission by the NASD questions whether the requirement of such real-time reporting of transactions will impose an unfair burden on OTC market-makers. The NASD submission asserts that that obligation imposed upon OTC market-makers will discourage market making interest and, as a consequence, reduce market liquidity in the subject securities.

(2) The NASD questions whether reporting on Network B will be meaningful in light of the differing broker-dealer pricing policies (mark-up vs. commission) [7] prevalent in the exchange and OTC markets.

(3) Finally, it is possible that PRI securities may not continue to be eligible for listing on the consolidated tape after the first year if less than 25 percent of the transactions in such securities during that year take place on a national securities exchange.[8] In that event the only last sale information that would be available would be that which would appear on the exchange ticker.[9]

In light of these questions concerning the appropriateness of last sale reporting on Network B in the subject securities, interested parties should address whether such reporting in these securities is consistent with continued progress toward a national market system.

Accordingly, *it is hereby ordered*, Pursuant to the provisions of section 12(f)(2) of the Act, that a hearing shall be held according to the following procedure. Interested persons are invited to submit written data, views and arguments concerning the foregoing issues and any other relevant matters. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. All submissions should refer to the file number referenced in the caption above and

[2] With respect to the amendment of Section 12(f)(2), the Senate Report (Senate Committee on Banking, Housing and Urban Development, S. Rep. No. 94-75, 94th Cong., 1st Sess. 20 (1975)) stated that: "the approach to unlisted trading in S. 249 would be an important step toward a national market system in which investors obtain the benefits and protections of both the 'auction' and 'dealer' systems to the extent each is appropriate under the circumstances to any particular security."

[3] Conference Report to Accompany S. 249, H.R. Report No. 94-229, 94th Cong., 1st Sess. 95 (1975). The House accepted the Senate version of Section 12(f) with an amendment to make clear that unlisted trading privileges may not be granted if the effect would be to restrict rather than increase competition. In that regard the Senate Report stated at 20 that: "[u]ntil substantial progress has been made toward the development of such a national market system, the ability of an exchange to commence unlisted trading in an OTC security might well decrease rather than increase competition. This result would be directly contrary to the Committee's intention, and therefore Section 12(f)(2) directs the SEC to consider carefully the progress that has been made toward the development of a national market system."

[4] PSE Rule XIII, Section 4; see Securities Exchange Act Release No. 13656, June 22, 1977.

[5] NASD Rules of Fair Practice, Art. III, Sec. 1, Interpretation .03; "Execution of Retail Transactions in the Over-the-Counter Market," Para. 2151.

[6] See, "Plan submitted pursuant to Rule 17a-15 of the Securities and Exchange Commission under Securities Exchange Act of 1934" (the "CTA Plan"). The Commission declared the plan effective by Securities Exchange Act Release No. 10787 (May 10, 1974).

[7] In the OTC market, if a broker-dealer buys or sells for his own account in a transaction with its retail customer (a principal transaction), it may adjust the price to the customer to include remuneration to the broker-dealer (a mark-up). The consolidated tape would reflect this marked-up price. Orders of this kind executed on an exchange and agency orders executed in the OTC market generally would reflect the current market price for the security, and the broker's remuneration would be the commission charged for handling and executing that order. Such commission would not be reflected in the price reported on the transaction tape.

[8] Section VI(c)(C) of the CTA Plan provides that a security ceases to be an Eligible Security whenever: "during the immediately preceding twelve-month period less than 25% of the transactions in that security effected in the United States through brokers or dealers have been executed on national securities exchanges (in the aggregate), provided however that this standard shall not apply to Eligible Securities which have been listed for less than twelve months * * *"

[9] In respect of its application for unlisted trading privileges in PRI stock, however, PSE asserts that, in general, it is in the interests of investors (who are accustomed to last sale reporting in PRI stock) to make last sale transaction prices available in securities admitted to trading under section 12(f)(1)(C) and that consolidated last sale reporting constitutes a significant element of progress toward development of a national market system.

should be submitted on or before July 29, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-18677 Filed 6-29-77;8:45 am]

DEPARTMENT OF STATE

[CM-7/83]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 21, 1977, in Conference Room B-841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to review the status of work under way in U.S. Study Group 1 in preparation for the international meeting in January 1978.

Members of the general public may attend the meeting and join in the discussions subject to instruction of the Chairman. Admittance of public members will be limited to the seating available.

Dated: June 21, 1977.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.77-18752 Filed 6-29-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

CHANGING EXISTING MERCURY LIGHTING TO HIGH PRESSURE SODIUM LIGHTING

Notice of Program

Notice is hereby given of the Federal Highway Administration's voluntary program for changing existing mercury lighting to high pressure sodium lighting on the Federal-aid system.

1. *Purpose.* To establish a policy permitting conversion of existing mercury luminaires in up to 50-foot conventional lighting installations located on the Federal-aid systems, to high pressure sodium luminaires as an energy conservation and maintenance economy measure.

2. *Definition.* "Luminaire"—a complete lighting unit consisting of a lamp and ballast together with the parts designed to distribute the light, to position the lamp, and to connect the lamp to the power supply.

3. *Background.* The severe and continuing escalation of electrical energy costs in recent years has made it difficult for some States, cities, and counties to provide the necessary funds for the operation and maintenance of highway lighting. Replacing the approximately 282,000 mercury luminaires on a one-for-one basis, on the Interstate System alone with high pressure sodium luminaires (except those used for sign lighting and, in some cases, rest area lighting) would result in a reduction in energy consumption of about 50 percent, an approximate savings of 300 to 350 million kilowatt hours (kwh) of electrical energy per year.

4. *Policy.* (a) The cost of replacement of existing mercury luminaires with high pressure sodium luminaires located on the Federal-aid systems is eligible for Federal-aid participation with the appropriate class of funds apportioned under 23 U.S.C. 104(b)(1), (2), (5), and (6). The Federal Highway Administrator finds it to be in the public interest for a State highway agency or local government to use its own forces to do lighting installation conversions, if the State so requests.

(b) Where replacement of mercury luminaires has been authorized, further Federal-aid projects in that urban area will not provide for use of mercury luminaires.

(c) Lighting levels on freeways should be uniform and constant through the hours of darkness.

5. *Replacement.* (a) Lighting systems illumination levels should be maintained not lower than minimum AASHTO[1] recommendations. However, where the alternative of turning off lights is being seriously considered, existing mercury lighting installations should be reviewed for possible replacement. While the replacement program is voluntary at this time, State participation is encouraged to maintain an effective level of safety while achieving maximum economics in electrical energy costs.

(b) The AASHTO publication "An Informational Guide for Roadway Lighting"[2] provides the necessary level and uniformity requirements of illumination to follow in assuring the final lighting design developed through a replacement program is effective.

Issued on June 21, 1977.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc.77-18665 Filed 6-29-77;8:45 am]

[1] American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

[2] This booklet was published March 1976 by the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Washington, D.C. 20001, Order No. GL-4 at a price of $1.25.

Federal Railroad Administration

RAILROAD OPERATING RULES

Waiver Petitions

Pursuant to 45 U.S.C. 431(c), notice is hereby given that six railroads have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the railroad be granted a permanent waiver of compliance with certain safety standards contained in the Railroad Operating Rules (49 CFR Part 218).

FRA issued new provisions to the safety regulations concerning Railroad Operating Rules on January 27, 1977. These additional regulations require railroads to have certain carrier operating rules in effect to protect railroad empolyees engaged in the operation of trains, locomotives and other rolling equipment. These provisions will become effective on August 1, 1977.

One of the carrier operating rules, that FRA has required, prescribes the actions that a train crew must take to alert the crew of a following train that the track ahead of that following train is currently occupied. This provision of the FRA regulation is similar in some respects to Rule 99 of the Standard Code of Operating Rules of the Association of American Railroads. These protective measures also are commonly referred to in the railroad industry as "flagging" or providing "flag protection."

Each of the railroads which are identified below are seeking a waiver of compliance with specific provisions of these standards. A brief description of the particular facts involved in each request as well as the particular regulatory provision has been provided.

Interested persons are invited to participate in these proceedings. All communications concerning these petitions must identify the appropriate docket number (e.g., FRA Waiver Petition Docket Number RSOR-77-6) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before July 30, 1977, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered as far as practicable. Detailed information concerning each petition is on file with the Federal Railroad Administration and is available for examination by interested persons. Any comments received will also be on file. This material is available for examination during regular business hours in Room 5101, Nassif Building, 400 Seventh SW., Washington, D.C.

The Railroad Safety Board (Board) of FRA, which has been delegated authority to determine whether to grant these waiver requests, has decided to hold a public hearing before entering a decision in these proceedings. Accordingly, a public hearing is hereby set for 10 a.m. on July 26, 1977, in Room 3619, of the John C. Kluczynski Building located at 230 South Dearborn Street in Chicago, Illinois.

The hearing will be an informal one and will be conducted in accordance with the provisions of Section 211.25 of the FRA Rules of Practices (49 CFR Part 211). A representative designated by the Board will conduct this hearing.

The hearing will not be an adversary proceeding and, consequently, there will be no cross-examination of persons making statements. The Board's representative will make an opening statement outlining the scope of the hearing and will provide interested parties with an opportunity to make statements or rebuttal statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD

[Waiver Petition Docket RSOR-77-4]

The Chicago, Milwaukee, St. Paul and Pacific Railroad (Milwaukee) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The Milwaukee proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage. The timetables are furnished to the affected train crews and therefore would provide written notification for those crew members.

The waiver sought by the Milwaukee would be applicable to the eighty-five subdivisions on that railroad where only one train per day is operated. The Milwaukee indicates that compliance with the regulation would require some six dispatchers on the Minensota and Dakota Divisions of the railroad to issue roughly thirty-five additional train orders each day. This additional work would place a heavy burden on these people without providing any additional benefit for the crew members in the view of the Milwaukee. The Milwaukee urges that ten years of safe operations have been experienced by conducting operations in accordance with the method proposed in this waiver request.

The Milwaukee indicates that, if this waiver is granted and for some reason it becomes necessary to operate a second train on that subdivision, the Milwaukee will issue a train order to both trains. In those instances the Milwaukee would require both trains to provide flag protection by an explicit provision in the train orders.

MISSOURI PACIFIC RAILROAD

[Waiver Petition Docket RSOR-77-5]

The Missouri Pacific Railroad (MOPAC) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The MOPAC proposes to relieve the train crew of this flagging responsibility by either general orders or special instructions in the railroad's timetables. The general orders and special instructions will advice all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the MOPAC would be applicable to approximately thirty branchlines where only one train per day is normally operated. The MOPAC indicates that compliance with the regulation will increase the cost of operation primarily to restate in a train order information that is provided in the general order or the special instructions.

The MOPAC indicates that, if the waiver is granted and for some reason MOPAC decides to operate a second train on one of these branchlines, a train order will be issued. That train order will require the trains to provide flag protection.

BURLINGTON NORTHERN RAILROAD

[Waiver Petition Docket RSOR-77-6]

The Burlington Northern (BN) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The BN proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage. These special instructions would be applicable only to those lines where a single train is operated at any given time.

The BN does not indicate how many subdivisions or branchlines would be affected by this proposal. However, the BN states that review of the operations on its Dakota Division indicates that compliance with the regulation would require the issuance of at least sixteen train orders each day which would consume four hours of a dispatcher's time.

The BN urges that its component lines have operated safely for periods of 10 to 15 years by the use of special instructions as proposed in this waiver request. The BN indicates that it does not operate a second train on these lines unless a derailment has occurred in which instance train orders would be issued to cover this emergency situation.

SOO LINE RAILROAD

[Waiver Petition Docket RSOR-77-12]

The Soo Line Railroad (Soo Line) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The Soo Line proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage. These special instructions would be applicable only to those lines where a single train is operated at any given time.

The Soo Line does not indicate how many subdivisions or branchlines would be affected by this proposed. Furthermore, the Soo Line does not indicate that it has conducted any review to determine the impact of compliance with the regulation.

The Soo Line indicates that it has operated safely for many years, by the use of special insstructions, as proposed in this waiver request. The submission of the Soo Line also indicates that if it is necessary to operate a second train on these lines train orders will be issued which will require that each train provide the proper rear end protection.

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD

[Waiver Petition Docket RSOR-77-13]

The Chicago, Rock Island and Pacific Railroad (Rock Island) seeks a permanent waiver of compliance with the provisions of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The Rock Island proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special insructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the Rock Island would be applicable to seven subdivisions on that railroad where only one train per day is normally operated. The Rock Isand states that operations of these lines has been conducted safely since 1950 using the operational approach proposed in this waiver request.

The Rock Island also indicates that, if this waiver is granted and for some reason it becomes necessary to operate a second train on that subdivision, the Rock Island will issue a train order or a work order. That train order or work order will be furnished to all train crews on that line and will specify how flag protection is to be provided.

LOUISVILLE AND NASHVILLE RAILROAD

[Waiver Petition Docket RSOR-77-14]

The Louisville and Nashville Railroad (L&N) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The L&N proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The L&N does not indicate how many subdivisions or branchlines would be affected by this proposal. However the L&N does indicate that this proposal would be limited to lines where a single train is normally operated at any given time.

The L&N indicates that any second train operated on that line would require the issuance of a train order. The train order issued to that second train would contain some provision concerning flag protection which would conform to the L&N's present practices.

SEABOARD COAST LINE RAILROAD

[Waiver Petition Docket RSOR-77-17]

The Seaboard Coast Line Railroad (SCL) seeks a permanent waiver of compliance with the provision of section 218.37(a)(2)(iv) of the flag protection portion of the regulation.

JUN 30 77
UM

That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the insurance of a train order.

The SCL proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the SCL would be applicable to approximately thirty lines where only one train per day is normally operated. The SCL states that operations on such lines has been conducted safely for almost ten years using the operational approach suggested in this waiver request.

The SCL also indicates that, if this waiver is granted and for some reason it becomes necessary to operate a second train on that line, the SCL will issue a train order. That train order will be furnished to all train crews on that line, prior to the movement of the second train, and will specify how flag protection is to be provided.

(Authority: Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431), as amended by Sec. 5(b) of the Federal Railroad Safety Authorization Act of 1976, Pub. L. 94-348, 90 Stat. 817, July 8, 1976: § 1.49(n) of the regulations of the Office of the Secretary, 49 CFR 1.49 (n)).

Issued in Washington, D.C. on June 24, 1977.

DONALD W. BENNETT,
Chairman,
Railroad Safety Board.

[FR Doc.77-18667 Filed 6-29-77;8:45 am]

National Highway Traffic Safety Administration

[Docket No. IP77-5; Notice 2]

GENERAL MOTORS CORP.

Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants the petition by General Motors Corporation of Warren, Michigan ("GM" herein) to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Crash Protection*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 7, 1977 (42 FR 12941), and an opportunity afforded for comment.

Paragraph S4.1.2.3.1(c) of Standard No. 208 requires that each rear designated seating position in a passenger car shall have a Type 1 (lap belt) seat belt assembly that conforms to 49 CFR 571.209, Motor Vehicle Safety Standard No. 209, *Seat Belt Assemblies*. Paragraph S4.1(k) of Standard No. 209 requires each seat belt assembly to "be permanently and legibly marked or labeled with year of manufacture, model and name or trademark of manufacturer or distributor * * *." GM has discovered that the right rear seat belt assemblies in approximately 34,000 1977-model Pontiac, Oldsmobiles, Buick, and Cadillac passenger cars lack the required label, while the center rear seat belt assemblies have two labels. The company argues that the noncompliance is inconsequential as the seat belt assemblies comply in all other respects.

One comment was received on the petition, from American Motors Corporation, which supported it, pointing out in effect, that the missing information could be significant were the belts sold on the aftermarket, but date of manufacture and name of manufacturer is of virtually no significance when used in vehicles of a specified model year produced by a specific vehicle manufacturer. Of primary importance, of course, is the fact that the belts appear to meet all the performance requirements of the standard.

Accordingly petitioner has met its burden of convincing the agency that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 22, 1977.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.77-14340 Filed 6-29-77;8:45 am]

Office of Pipeline Safety Operations

[Docket No. 76-4W]

MICHIGAN WISCONSIN PIPELINE CO.

Grant of Waiver

By a petition dated March 28, 1977, Michigan Wisconsin Pipeline Company (MWPLC) requested reconsideration of a Denial of Waiver. The original petition, dated April 9, 1976, requested a waiver from compliance with the welding requirements of § 192.245 of the Federal gas pipeline safety standards (49 CFR Part 192) regarding repair of 56 defective girth welds. The request was denied by the Office of Pipeline Safety Operations (OPSO). The Denial of Waiver was published in the FEDERAL REGISTER (42 FR 2149) on January 10, 1977. The history and analysis of the request and OPSO's reasons for denying the request are set forth therein.

The denial was without prejudice to the petitioner's right to petition for rulemaking based on sound technical information. In its Petition for Reconsideration, MWPLC reports its evaluation of the viability of instituting a petition for rulemaking. It is MWPLC's contention that a rulemaking proceeding could not be completed within the limited time available, since the welds in question are in loops to be used to inject gas into, and withdraw gas from, storage fields in central Michigan. Gas is injected into these fields during summer months, and withdrawn in the winter months to meet market requirements. When the loops are placed in service, MWPLC's ability to transfer gas into storage will be increased by approximately 100 MMcf/d which, over a 200-day injection cycle, will result in increased storage of 20 Bcf. MWPLC states that to avoid winter curtailment of service they must have a storage balance of 153.6 Bcf above and beyond the volume injected during the summer of 1976, which can only be accomplished by placing the Michigan delivery loop in service by June 1, 1977, and therefore, has requested reconsideration of its waiver petition.

MWPLC further argues that several points raised in the Denial of Waiver seemed to indicate an apparent failure to communicate to OPSO all of the considerations underlying its determination to repair the welds; that OPSO concluded that ambiguities existed in MWPLC's position regarding compliance with Part 192; and that MWPLC's sole reason for not replacing the welds, once exposed, was based on relative cost.

To support its petition, MWPLC presented several arguments that had not been communicated to OPSO with the original petition. Primary among these were: First, that to cut out and replace the defective welds which had been backfilled could result in welds possessing something less than desired qualities. While 6 feet of exposed pipe is sufficient to facilitate a weld repair, substantially greater lengths of exposed pipe are required to provide the "breakover" or elastic deflections necessary to cut out a weld. Although the terrain has a pronounced influence on that length, in the case of 42" x 0.458 wall pipe, the length of exposed pipe required for a tie-in would be of the order of magnitude of 120 to 200 feet. Secondly, the process of raising the pipe and cutting out a defective weld frequently results in distortion of the cylindrical cross section of the pipe, resulting in extreme difficulties in rewelding the joint. Finally, it is obviously necessary to place substantial stress on the buried line in order to bring together the two ends of the joint such that the longitudinal alignment of the two ends is on the same axis and that the spacing between the two levels is precisely correct and is uniform for the entire circumference. This requires the ability to move one or both of the ends axially and to adjust the root space by simultaneously regulating the amount of "slack" generated in the "break-over." MWPLC asserts that given the high risk and doubtful results involved in the replacement of the buried welds as required by Section 195.245, its decision to develop and implement a procedure to repair the welds in accordance with API 1104 was appropriate at the time.

In further support of its request for reconsideration, MWPLC submitted the following documentation to support the validity of the repair procedures and the safety integrity of the repaired pipeline.

1. "Consideration Underlying Development of Crack Repair Procedures Used on Michigan Wisconsin Pipeline Company's 1975 Bridgman and Hamilton Loop Line Project," Jack Baker, Welding Consultant, Omaha, Nebraska.

2. Research report, "Evaluation of Repair Welding of Girth Welds in API-5LS-X-65 Pipe," D. G. Houden, Battelle Columbus Laboratories, Columbus, Ohio.

3. "Technical Report, Repair of Cracks in Weldments," Teledyne Engineering Services, Waltham, Massachusetts.

4. "Assessment of the Effect on Serviceability of 42-inch Hamilton Loop Line of Girth Weld Repair Using a Specific Procedure," Southwest Research Institute, San Antonio, Texas.

5. "Cyclic Life Investigation of Bridgeman and Hamilton Loops," Austin W. Stangel, P.E., Detroit, Michigan.

It is the policy of OPSO not to grant waivers from safety standards of general applicability unless cogent reasons are presented why a standard is inappropriate for a particular situation or why some alternative safety standard would be more appropriate in that situation. Therefore, it is incumbent upon the petitioner to show that the use of alternate methods, procedures, or application of other techniques are more appropriate than following a prescribed safety standard and will not reduce the level of safety. When a petitioner does so, it is not inconsistent with OPSO's policy to grant a waiver. These waivers are granted on a case by case basis and do not have general applicability to industry. If the alternate methods, procedures, or techniques are proven to have general applicability to industry, OPSO will consider them for future rulemaking.

After considering the arguments presented in MWPLC's Petition for Reconsideration, technical analysis of the documentation submitted in support of those arguments, review of other available relevant information and data, and consultation with the National Bureau of Standards, OPSO has determined that:

1. MWPLC has demonstrated through duration response testing that the pipeline strength and reliability would not be impaired by the repaired welds.

2. The 56 repaired girth welds do not contain any unacceptable defects.

3. The 56 repaired girth welds are acceptable according to Section 6 of API Standard 1104 (13th edition).

4. The relevant mechanical and metallurgical properties of the 56 repaired welds are equivalent to those of the original welds.

5. The hydrostatic testing of the pipeline further attested to the functional safety of the welds.

6. The repaired girth welds provide a level of safety equivalent to that required by Part 192.

7. Requiring the replacement of the welds could reasonably result in other unavoidable and possibly undetectable damage to the pipeline that could reduce the safety and integrity of the pipeline.

In consideration of the foregoing, OPSO finds that the procedures for repairing the 56 welds in question, developed by MWPLC, will maintain the integrity and reliability of the pipeline and will not lessen public safety. Further, OPSO is of the opinion that MWPLC has presented sufficient reasons why the requirement of § 192.245 for removal of cracked welds should be waived. Considering MWPLC's need to increase its amount of gas in storage and the limited time in which to do it, in order to avoid curtailment of winter service, and the time involved in promulgating a new rule, OPSO is of the opinion that the granting of a waiver, instead of rulemaking, is appropriate.

Therefore, effective June 1, 1976, MWPLC's petition for Reconsideration of the Denial of Waiver is granted, and MWPLC may operate the pipelines containing the 56 welds for which a waiver was sought without removal of the welds as required by § 192.245.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721, 49 U.S.C. 1672, 40 FR 43901, 49 CFR 1.53.)

Issued in Washington, D.C., on June 22, 1977.

CESAR DELEON,
Acting Director, Office of
Pipeline Safety Operations.

[FR Doc. 77-18671 Filed 6-29-77;8:45 am]

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

ENTITLEMENT PERIOD NINE

Final Date of Allocations and Data Definitions

Correction

In FR Doc. 77-16649 appearing at page 30261 the issue for Monday, June 13, 1977, on page 30262, the signature should be corrected to read as follows:

"Bernadine Denning,
Director, Office of
Revenue Sharing."

JUN 30 77

INTERSTATE COMMERCE COMMISSION

[Notice No. 425]

ASSIGNMENT OF HEARINGS

JUNE 27, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of concellation or postponements of hearings in which they are interested.

MC 139495 Sub No. 187 National Carriers, Inc., now assigned July 26, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E., Atlanta, GA.

MC 106674 Sub No. 220 Schilli Motor Lines, Inc. now assigned July 27, 1977, in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 109397 Sub No. 347 Tri-State Motor Transit Co., now assigned July 28, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 138157 Sub No. 33 Southwest Equipment Rental, Inc., DBA Southwest Motor Freight, now assigned July 29, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 140010 Sub No. 7 Joseph Moving & Storage Co., Inc., DBA St. Joseph Motor Lines, now assigned August 1, 1977 in Atlanta, GA, it will be held in Room 556, Federal Building 275 Peachtree Street, N.E. Atlanta, GA.

MC 128273 Sub No. 243 Midwestern Distribution, Inc., now assigned August 2, 1977 in Atlanta, GA, it will be held in Room 556, Federal Building, 275 Peachtree Street, N.E., Atlanta, GA.

MC 139468 Sub No. International Contract Carrier, Inc., now assigned August 4, 1977 in Atlanta, GA, it will be held in Room 556 Federal Building, 275 Peachtree Street, N.C., Atlanta, GA.

MC 9644 Sub 5, B.T.L., Inc. now assigned July 11, 1977 at Lincoln, Nebraska is cancelled and transfered to Modified Procedure.

MC 113678 (Sub-630), Curtis, Inc., now assigned September 12, 1977 at Omaha, Nebraska is postponed to October 17, 1977 (1 week) at Omaha, Nebraska, in a hearing room to be later designated. AB-19 (Sub-27), Baltimore and Ohio Railroad Company Abandonment Between Flora and Sangamon Junction, in Clay, Effingham, Fayett, Shelby, Christian and Sangamon Counties, Illinois, continued to August 16, 1977, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 142999, Transport Management Service Corporation, now assigned July 18, 1977 at New York, New York, hearing canceled and transferred to Modified Procedure.

MC 138762 (Sub No. 1) Municipal Tank Lines Limited, now being assigned October 25, 1977 for continued hearing at Interstate Commerce Commission in Washington, D.C.

MC-C 9361 Central Motor Express, Inc., ET AL V. Smith's Transfer Corporation, and MC 110683 (Sub No. 112) Smith's Transfer Corporation, now being assigned October 31, 1977 (3 weeks) for hearing in Frankfort, Kentucky, in a hearing room to be later designated.

MC 114211 SubNo. 291 Warren Transport, Inc., now being assigned September 20, 1977 (1 day) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 128030 Sub No. 109 The Stout Trucking Co., Inc., now being assigned September 21, 1977 (3 days) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 117815 Sub No. 260 Pulley Freight Lines, Inc., now being assigned September 26, 1977 (2 days) for hearing in Chicago, Illinois, in a hearing room to be later designated.

MC 141084 Sub No. 5 National Freight Lines, Inc., now being assigned September 28, 1977 (3 days) for hearing in Chicago, Illinois, in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 77-18761 Filed 6-29-77; 8:45 am]

[Notice No. 426]

ASSIGNMENT OF HEARINGS

JUNE 27, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 2860 (Sub-No. 152), National Freight, Inc., now assigned for Pre-Hearing Conference on July 13, 1977, at Washington, D.C. has been advanced to July 8, 1977, at the Offices of the Interstate Commerce Commission. Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18764 Filed 6-29-77;8:45 am]

[Notice No. 185]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77185. By application filed June 21, 1977, WALTERS ENTERPRISES, INC., 16935 Hummel Road, Brookpark, OH 44142, seeks temporary authority to transfer the operating rights of Custom Motor Freight Co., 150 East Broad Street, Columbus, OH 43215, under section 210a(b). The transfer to Walters Enterprises, Inc., of the operating rights of Custom Motor Freight Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18758 Filed 6-29-77;8:45 am]

[Notice No. 186]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 30, 1977.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77187. By application filed June 21, 1977, MCE TRANSPORTATION CO., INC., 1640 Penfield Road, Rochester, NY 14625, seeks temporary authority to transfer the operating rights of Sterritt Trucking, Inc., P.O. Box 367, West Coxsackie, NY 12192, under section 210a(b). The transfer to MCE Transportation Co., Inc., of the operating rights of Sterritt Trucking, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18759 Filed 6-29-77;8:45 am]

[Notice No. 187]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before August 1, 1977. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to

why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77109, filed June 8, 1977. Transferee: THOMAS B. BILLING, doing business as Jordan Freight, Box 130, Jordan, Montana 59337. Transferor: Lloyd A. Cox, doing business as Cox Freight Line, Box 92, Jordan, Montana 59337. Transferee's representative: Thomas B. Billing, Box 130, Jordan, Montana 59337. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-135491, issued September 22, 1972, as follows: *General commodities*, with normal exceptions, over specified regular routes, from Billings, Mont., to Jordan, Mont., serving the intermediate and offroute points of Winnett, Cat Creek, and Mosby, Mont. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77116, filed May 10, 1977. Transferee: ALICE DUNCAN, doing business as Duncan Moving and Storage, 603 South Bishop, Rolla, Missouri 65401. Transferor: Oscar Duncan (Alice Duncan, Administrix), 603 S. Bishop, Rolla, Missouri 65401. Applicants' representative: Thomas F. Kilroy, P.O. Box 2069, Springfield, Va. 222150. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-22285, issued October 23, 1973, as follows: *Household goods*, over irregular routes, between Rolla, Mo., and points within 15 miles of Rolla on the one hand, and on the other, points in Illinois. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77145, filed May 22, 1977. Transferee: BUESING BROS. TRUCKING, INC., North 520 Tamarac Ave., Long Lake, Minn. 55356. Transferor: Ueland Trucking, Inc., Route 2, Box 1130, Shakopee, Minn. 55379. Applicants' representative: Val M. Higgins, 100 1st National Bank Bldg., Minneapolis, Minn. 55402. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC-133713 (Sub-No. 1), MC-133713 (Sub-No. 4), and MC-133713 (Sub-No. 6), issued November 20, 1970, August 9, 1971, and August 9, 1974, respectively, as follows: Dry bulk fertilizer, from the plant sites of and storage facilities utilized by St. Paul Ammonia Products, Inc., and Occidental Chemical Company, at Savage, Roseport, and Pine Bend, Minn., to points in Minnesota, Iowa, North Dakota, South Dakota, and Wisconsin; Salt from Pine Bend, Minn., to points in North Dakota, South Dakota, Iowa, and Wisconsin; and ammonium nitrate, from Pine Bend, Minn., to points in the Upper Peninsula of Michigan. Transferee is presently authorized to operate as a common carrier under Certificate No. MC-140273. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77165 filed May 23, 1977. Transferee: THEATRICAL FILM SERVICE, INC., 105 Chapman Road, Stoughton, Mass. 02072. Transferor: Harry F. Richards, doing business as Theatrical Film Service, 61 Greenfield Street, Lawrence, Mass. 01843. Transferee's representative: Henry J. Lane, 174 Church Street, Whitinsville, Mass. 01588. Transferor's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-92168, issued November 28, 1973, as follows: Motion picture films and apparatus, during the season extending from the 15th day of June to the 15th day of September, inclusive, over specified regular routes, from Boston, Mass., to Rye Beach, N.H., serving no intermediate points, but serving the off-route point of Hampton Beach, N.H.; return from Rye Beach over unnumbered highway to junction U.S. Highway 1 and thence over Highway 1 to Boston; and Motion picture films and theater supplies, over specified regular routes, between Boston, Mass., and Rochester, N.H., serving all intermediate points in New Hampshire and the off-route points of Somerville and Cambridge, Mass., and Newmarket, Durham, and Somersworth, N.H. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77180, filed June 20, 1977. Transferee: GILBERT E. KAER, JR., doing business as Northwest Truck Corp., 8910 N. Syracuse, Portland, Oreg. 97203. Transferor: Northwest Truck Corp., 8910 N. Syracuse, Portland, Oreg. 97203. Applicants' representative: Seymour L. Coblen, Attorney-at-Law, 510 Corbett Bldg., Portland, Oreg. 97204. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permit No. MC-136298 (Sub-No. 1), issued April 3, 1973, as follows: Shakes and shingles, from Forks and Amanda Park, Wash., to points in California, limited to a transportation service to be performed under a continuing contract, or contracts, with Justus Shake Mill, and North Shore Shake Mill. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc.77-18760 Filed 6-29-77;8:45 am]

[Volume No. 23]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

JUNE 24, 1977.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247)[1] and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 107882 (Sub Nos. 1 and 2), M1 (Notice of filing of petition to modify permits), filed May 25, 1977. Petitioner: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Petitioner's representative: HERBERT ALAN DUBIN, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Petitioner holds motor *contract carrier* permits in MC 107882 Subs 1 and 2 dated July 15, 1947 and January 9, 1953, respectively, authorizing the transportation, over irregular routes, of: Currency, securities, gold, silver bullion, negotiable and non-negotiable instruments, valuable documents, jewelry, and precious stones; between points and places in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points and places in Pennsylvania within 10 miles of Trenton, N.J.; currency, securities, gold, and silver coin, negotiable and non-negotiable instruments, and valuable documents; between Carteret, N.J., and points within three miles thereof, on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa.; between Irvington, N.J., and points within four miles thereof, on the one hand, and, on the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

other, New York, N.Y.; currency, securities, gold, silver, bullion, negotiable and non-negotiable instruments, and valuable documents; between points in New Jersey (except Carteret and points within three miles thereof and Irvington and points within four miles thereof and those in Mercer, Hudson, Passaic, Bergen, Morris, Union and Somerset Counties), on the one hand, and, on the other, New York, N.Y.; between points in New Jersey (except Carteret and points within three miles thereof and those in Mercer County), on the one hand, and, on the other, Philadelphia, Pa.

By the instant petition, petitioner seeks to modify the commodity descriptions of these permits to read as follows: currency, securities, gold, silver, bullion, negotiable and non-negotiable instruments, valuable documents, data processing documents, jewelry, and precious stones; between points and places in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y., Philadelphia, Pa., and points and places in Pennsylvania within 10 miles of Trenton, N.J.; currency, securities, gold and silver coin, negotiable and non-negotiable instruments, valuable documents, and data processing documents; between Carteret, N.J., and points within three miles thereof, on the one hand, and, on the other, New York, N.Y., and Philadelphia, Pa.; between Irvington, N.J., and points within four miles thereof, on the one hand, and, on the other, New York, N.Y.; currency, securities, gold, silver, bullion, negotiable and non-negotiable instruments, valuable documents, and data processing documents; between points in New Jersey (except Carteret and points within three miles thereof and Irvington and points within four miles thereof and those in Mercer, Hudson, Passaic, Bergen, Morris, Union and Somerset Counties), on the one hand, and, on the other, New York, N.Y.; between points in New Jersey (except Carteret and points within three miles thereof and those in Mercer County), on the one hand, and, on the other, Philadelphia, Pa.

No. MC 140262 M1, petition to modify existing operating authority in docket No. MC 140262, filed: May 15, 1977. Petitioner: VIKING TRANSPORT, INC., 1384 East F Street, Oakdale, Calif. 95361. Petitioner's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to add "sulfur" as a listed commodity to be transported under the petitioner's existing Certificate of Public Convenience and Necessity in docket No. MC 140262, issued July 28, 1976, authorizing the following operations as a *common carrier*, by motor vehicle, over irregular routes: Crude and concentrated mine ores and minerals (except coal or salt), volcanic cinders, volcanic rock and volcanic ash, lime, soda ash, and potash, in bulk, in dump vehicles; between points in California, on the one hand, and, on the other, points in Nevada, restricted against the transportation of shipments having an immediately prior or subsequent movement by rail.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 1515 (Sub-No. 221) (Republication), filed December 13, 1976, published in the FEDERAL REGISTER issue of January 21, 1977, and republished this issue. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). An Order of the Commission, Review Board Number 1, dated May 24, 1977, and served June 6, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage, express, and newspapers* in the same vehicle with passengers as follows: (1) between Cleveland, Ohio, and the junction of New Ohio Highway 2 and old Ohio Highway 2 west of Port Clinton, Ohio, over New Ohio Highway 2 (portions of which are also designated Interstate Highway 90), serving all intermediate points; (2) between the junction of Interstate Highway 90 and New Ohio Highway 2 and the junction of Interstate Highway 90 and Interstate Highway 80 over Interstate Highway 90, serving no intermediate points; (3) between Lorain, Ohio, and the junction of Ohio Highway 58 and New Ohio Highway 2 over Ohio Highway 58, serving all intermediate points; (4) between Sandusky, Ohio, and the junction of Ohio Highway 4 and New Ohio Highway 2 over Ohio Highway 4, serving all intermediate points; and (5) between the junction of U.S. Highway 6 and old Ohio Highway 2 west of Sandusky, Ohio, and the junction of U.S. Highway 6 and New Ohio Highway 2 over U.S. Highway 6 serving no intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the additional service named in parts (4) and (5) above.

No. MC 106398 (Sub-No. 756) (Republication), filed October 18, 1976, published in the FEDERAL REGISTER issue of November 18, 1976, and republished this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). An Order of the Commission, Review Board Number 3, dated May 20, 1977, and served June 8, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Giles and Maury Counties, Tenn., to points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Giles County as an origin point in lieu of Lincoln County.

No. MC 113908 (Sub-No. 388) (Republication), filed November 15, 1976, published in the FEDERAL REGISTER issue of December 23, 1976, and republished this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). An Order of the Commission, Review Board Number 2, dated April 19, 1977, and served May 6, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *pasteurized grape juice*, in bulk, in tank vehicles, from Madera, Calif., to the ports of entry on the international boundary line between the United States and Canada located at Detroit, Mich., and Champlain, Niagara Falls, and Buffalo, N.Y., restricted to the transportation of traffic destined to Windsor and Toronto, Ontario, and Montreal, Quebec, Canada; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the modification of commodity description and to indicate the addition of service into Canada.

No. MC 127784 and No. MC 127784 (Sub-No. 3) (Republication), filed September 30, 1976, published in the FEDERAL REGISTER issue of December 23, 1976, and republished this issue. Petitioner: R & G AIRFREIGHT, INC., R.D. No. 4, Allentown, Pa. 18102. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. An Order of the Commission, Review Board Number 2, dated May 26, 1977, and served June 8, 1977, finds that the present and future public convenience and necessity require the modifications of petitioner's Certificate Nos. MC-127784 and MC-127784 (Sub-No. 3), issued June 25, 1969, and June 6, 1975, respectively; Certificate No. 127784 should be modified so as to authorize service over irregular routes, in the transportation of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between the Philadelphia International Airport, Philadelphia, Pa., and the Allentown-Bethlehem-Easton Airport in Hanover Township, Lehigh County, Pa., on the one hand, and, on the other, points in Lehigh, Northampton, Monroe Schuylkill and Carbon Counties, Pa., restricted to the transportation of traffic having a prior or subsequent movement by air, and

(2) between the Newark Airport, Newark, N.J., the John F. Kennedy International Airport, New York, N.Y., and the LaGuardia Airport, New York, N.Y., on the one hand, and, on the other, points in Monroe, Schuylkill, and Carbon Counties, Pa., restricted to the transportation of traffic received from or delivered to connecting air, motor, or water carriers; and Certificate No. MC 127784 (Sub-No. 3) should be modified so as to authorize service over irregular routes, in the transportation of (1) *general commodities* (except classes A and B explosives, households goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (a) between La Guardia Airport, N.Y., Kennedy International Airport, N.Y., Newark Airport, N.J., and Teterboro Airport, N.J., on the one hand, and, on the other, points in Northampton and Lehigh Counties, Pa., and Warren and Hunterdon Counties, N.J. (except Flemington, Frenchtown, Lambertville, and Neshanic, N.J.) and (b) between Teterboro Airport, N.J., on the one hand, and, on the other, points in Somerset County, N.J. (except Rocky Hill, N.J.) and (2) *general commodities* (except articles of unusual value, classes A and B explosives, households goods as defined by the Commission, commodities in bulk, and commodities which require special equipment), between Allentown-Bethlehem-Easton Airport (Northampton and Lehigh Counties, Pa.), on the one hand, and, on the other, points in Warren and Hunterdon Counties, N.J., restricted in (1) (a) and (b) above to the transportation of traffic received from or delivered to connecting air, motor, or water carriers, and further restricted in (2) above to the transportation of traffic having an immediately prior or subsequent movement by air; that petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the deletions of the restriction "to the transportation of traffic having a prior or subsequent movement by air" in part (2) in No. MC 127784 and in parts (1) (a) and (b) in No. MC 127784 (Sub-No. 3).

No. MC 135185 (Sub-No. 22) (Republication), filed March 10, 1975, published in the FEDERAL REGISTER issue of April 3, 1975, and republished this issue. Applicant: COLUMBINE CARRIERS, INC., 5925 East Evans Ave., P.O. Box 22198, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 646 Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. An Order of the Commission, Review Board Number 3, dated November 21, 1975, and served March 18, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of *cleaning scouring and washing compounds, polishing and buffing compounds, disinfectants, deodorants, drugs and toilet preparations, insecticides, other houshold cleaning supplies, chemicals, hydraulic cement, sand, coal tar, adhesive tape, plastic synthetics, paint solvents, rubber cement, caulking and brazing compounds, varnish, paints, phosphoric acid, and titanium dioxide*, and *materials, equipment and supplies* used in the manufacture and distribution of the above described commodities from the facilities of Lehn and Fink Products Co., at or near Lincoln and Decatur, Ill., to points in Wyoming, Montana, Arizona, Utah, Nevada, Idaho, Washington, Oregon, California, Colorado, and New Mexico, restricted against the transportation of commodities in bulk, under a continuing contract, or contracts, with Lehn & Fink Products Co., a Division of Sterling Drugs, Inc., of Montvale, N.J., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the additional origin point of Decatur, Ill.

No. MC 136086 (Sub-No. 5 (Republication) filed November 8, 1976, published in the FEDERAL REGISTER issue of December 9, 1976, and republished this issue. Applicant: BACIL GUILEY, doing business as, GUILEY TRUCKING, 8615 Pecan Avenue, Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. An Order of the Commission, Review Board Number 2, dated May 20, 1977, and served June 7, 1977, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: *Uncrated mobile home and travel trailer chassis components*, from Los Angeles, Calif., to Phoenix and Casa Grande, Ariz., under a continuing contract, or contracts, with Zieman Manufacturing Co., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the substitution of Los Angeles, Calif., as an origin point, in lieu of the Los Angeles Harbor Commercial Zone.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247 (f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

JUN 30 77
UM

No. MC 200 (Sub-No. 289), filed May 17, 1977.

Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Missouri 64142. Applicant's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Missouri 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Foodstuffs*, in vehicles equipped with mechanical refrigeration, (except commodities in bulk) from the plant sites and/or warehouse facilities of Kraft, Inc. at Champaign, Illinois to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Virginia, Maryland, and District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri or Chicago, Illinois.

No. MC 1824 (Sub-No. 75), filed May 19, 1977. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Maryland 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodity in bulk) in vehicles equipped with mechanical refrigeration from the plant site and storage facilities owned and/or utilized by J. H. Filbert, Inc., in Baltimore City, Anne Arundel, Baltimore, Howard, and Prince Georges Counties, Maryland, to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Baltimore, Md.

No. MC 2052 (Sub-No. 11), filed May 17, 1977. BLAIR TRANSFER, INC., 203 South 9th Street, Blair, Nebr. 68008. Applicant's Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln. Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *materials, equipment, and supplies* utilized in crafts, art, and hobbies (except commodities in bulk), between the facilities of Artex Hobby Products, Inc. located at or near Lima, Ohio, on the one hand, and, on the other, the facilities of Artex Hobby Products, Inc. located at or near Blair, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 2428 (Sub.-No. 29), filed May 23, 1977. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Phillipsdale, R.I., to points in New Jersey and Delaware, and to points in Pennsylvania on and east of U.S. Highway 15, under contract with Bird & Son, Inc. located at E. Walpole, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 2428 (Sub-No. 30), filed May 23, 1977. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* (except in bulk) used in the manufacturing, sale, and distribution of roofing, roofing materials and supplies, paint, shingles, asbestos products, felt, cement, asphalt, and insulation from points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia to the plant site of The Celotex Corporation in Perth Amboy, N.J., under a continuing contract or contracts with The Celotex Corporation located at Tampa, Fla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 4405 (Sub-No. 556), filed May 16, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Oklahoma 74103. Applicant's Representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Fiberglass support structures* from the plant site of Antennas for Communications, Inc., located at or near Ocala, Florida, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Florida or Atlanta, Georgia.

No. MC 4405 (Sub-No. 558), filed April 28, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Oklahoma 74103. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Trailers, semi-trailers* and *trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from Stoughton, Wisconsin to points in the United States (except Alaska and Hawaii); (2) *tractors*, in secondary movements, in driveaway service when drawing trailers, semi-trailers, and trailer chassis in initial movements from Stoughton, Wisconsin, to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wisconsin, or Chicago, Illinois.

No. MC 5227 (Sub-No. 26), filed May 20, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebraska 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain handling equipment and related parts and accessories*, and *equipment, materials and supplies* used in the manufacture and distribution thereof, between the plantsite and storage facilities of Sweet Manufacturing Company, located at or near West Point, Nebraska, on the one hand, and, on the other, points in Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, California, Nevada, Illinois, Ohio, Michigan, and Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Lincoln, Nebraska, or Omaha, Nebraska.

No. MC 11620 (Sub-No. 30), filed May 16, 1977. Applicant: ARROW TRANSFER, INC., Rural Route 2, P.O. Box 327, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, and salad dressings in packages*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Miami Margarine Company located at St. Bernard, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and return of returned shipments to the above origin, under a continuing contract or contracts with Miami Margarine Company, located at St. Bernard, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 19157 (Sub-No. 40), filed May 23, 1977. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, New York 12306. Applicant's representative: Paul Montarello (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except foodstuffs, commodities in bulk, those which because of size or weight require the use of special equipment, household goods as defined by the Commission, articles of unusual value and Classes A and B explosives) Between the Yellow Creek Port Terminal and Industrial Area located in Tishomingo County, Mississippi and Hamilton, Alabama.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the Applicant requests it be held at Albany, New York or Washington, D.C.

No. MC 28060 (Sub-No. 35), filed May 23, 1977. Applicant: WILLERS, INC., 1400 North Cliff Avenue, Post Office Box 944, Sioux Falls, South Dakota 57101. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, N.E., Suite 375, Atlanta, Georgia. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen potatoes and potato products*, from the warehouse facilities of Midwest Foods at or near Sioux Falls, South Dakota to points in Iowa, Minnesota, Wisconsin, Illinois, Nebraska, Kansas, Missouri, North Dakota, Colorado, Oklahoma, Texas, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Sioux Falls, South Dakota.

No. MC 28068 (Sub-No. 28), filed May 25, 1977. Applicant: NORTH & SOUTH LINES, INCORPORATED, 2710 S. Main Street, Harrisonburg, VA 22801. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from New Kensington, Pa., Horseheads, N.Y., and Whiskey Island, OH to Harrisonburg, Va. Restricted to the transportation of shipments moving to Harrisonburg for in-transit storage.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Harrisonburg, Va.

No. MC 50069 (Sub-No. 523), filed May 23, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Cairo and Toledo, Ohio, to points in Kentucky, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 52704 (Sub-No. 145), filed May 23, 1977. Applicant: GLENN McCLENDON TRUCKING CO. INC., P.O. Drawer H, Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground clay, floor sweeping compounds and absorbents* (except in bulk), from Ripley, Miss., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Indiana, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 60014 (Sub-No. 49), filed May 23, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between the facilities of Nucor Steel Corp., at or near Darlington, S.C. on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 67450 (Sub-No. 60), filed May 26, 1977. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Mr. Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from plant site of Salerno McGowen Biscuit Co. in Niles, Ill. to plant site of Salerno McGowen Biscuit Co. in Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill. Common control may be involved.

No. MC 73165 (Sub-No. 406), filed May 23, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker, P.O. Box 11086, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Aluminum and aluminum articles;* and (2) *Materials, equipment, machinery and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), between points in Hancock and Webster Counties, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky., or Birmingham, Ala.

No. MC 80653 (Sub-No. 4), filed May 23, 1977. Applicant: DAVID GRAHAM CO., a corporation, P.O. Box 115, Croydon, Pa. 19020. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and articles* requiring special equipment by reason of size or weight between Philadelphia, Pa., and points in Pennsylvania within 170 miles thereof, on the one hand, and, on the other, points in Bedford, Breezewood, Carlisle, and Milesburg, Pa., restricted to the transportation of traffic interchanged at Bedford, Breezewood, Carlisle, and Milesburg.

NOTE.—Applicant presently holds authority to serve the above-described Pennsylvania area, on the one hand, and, on the other, points in West Virginia, among other States. The purpose of this application is to enable applicant to serve the named Pennsylvania points as alternative interchange points at times in lieu of points in West Virginia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 82492 (Sub-No. 156), filed May 18, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Bradford, Oil City, Petrolia, Reno, and Rouseville, Pa., to points in Michigan, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 392), filed May 17, 1977. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Singlewide mobile homes*, in initial movements, from points in Hillsborough, Marion, and Polk Counties, Fla., to points in the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., and thence along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 95084 (Sub-No. 117), filed May 16, 1977. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the facilities of Sioux City Cold Storage located

JUN 30 77
UM

at or near Sioux City, Iowa, on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Washington, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 983), filed May 18, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's repersentative: Benjy W. Fincher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Extracts, flavoring compounds, imitation flavors, bottlers flavoring compounds* (other than commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Hickory Specialities, Inc., located at or near Crossville, Tenn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin point.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Washington, D.C., or Tampa, Fla.

No. MC 98952 (Sub-No. 45) filed April 26, 1977. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, Illinois 62526. Applicant's representative: Paul E. Steinhour, 918 East Capitol Avenue, Springfield, Illinois 62701. Authority sought to operate as a *common carrier*, by motor vehicle, overirregular routes, transporting: foodstuffs, candy and confectionery in vehicles equipped with mechanical refrigeration (except in bulk) from Bensenville and Carol Stream, Illinois, and points within the Chicago, Illinois Commercial Zone to points in Ohio and Kentucky, restricted to the transportation of traffic originating at the plantsite and storage facilities of E. J. Brach and Sons, M & M/Mars, Inc., and Standard Brands, Inc., located at the above named origin points and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Springfield or Chicago, Ill., or St. Louis, Mo.

No. MC 99069 (Sub-No. 4), filed May 24, 1977. Applicant: SOUTHGATE CORPORATION, doing business as SOUTHGATE TRUCKING COMPANY, 315 Dunomre Street, Norfolk, Virginia 23510. Applicant's representative: Harry C. Ames, Jr., Suite 805 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint* from Alexandra and Richmond, Va., to Norfolk, Va., restricted against the movement of traffic from points in the Alexandria, Va. commercial zone located in Maryland and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Norfolk, Va., or Washington, D.C.

No. MC 99685 (Sub-No. 5), (Correction), filed March 14, 1977, published in the FEDERAL REGISTER issue of May 12, 1977, and republished as corrected in this issue: Applicant: G.I. TRUCKING COMPANY, a Corporation, 14727 Alondra Boulevard, La Mirada, Calif. 90638. Applicant's representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and motor vehicles), between points in California, as follows: (1) Within an area bounded by and on a line beginning at Topanga Beach, thence north along California Highway 27 to the northernmost junction with the corporate limits of Los Angeles, thence along the northern corporate boundary of Los Angeles to junction with the southern boundary of the Angeles National Forest, thence along the southern boundary of the Angeles National Forest to junction with the San Bernardino National Forest, thence along the southern boundary of the San Bernardino National Forest to junction U.S. Highway 395, thence south along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to Redlands, thence along an imaginary line to junction U.S. Highway 395 and California Highway 60, thence along U.S. Highway 395 to junction Cajalco Drive, thence along Cajalco Drive to junction Mockingbird Canyon Road, thence along Monkingbird Canyon Road and Van Buren Blvd., to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to the Pacific coastline to Topanga Beach, Calif.; and

(2)(a) Chula Vista, Calif. and intermediate points on Interstate Highway 5, and San Diego and El Cajon and intermediate points on Interstate Highway 8 and points intermediate thereto or within 10 miles thereof, (b) Santa Maria and points on and within 10 miles of U.S. Highway 101 between Santa Maria and junction U.S. Highway 101 and California Highway 27 (except Saticoy), (c) Lompoc, points within 10 miles thereof, and points on and within 10 miles of California Highway 1 between Lompoc and Santa Maria, (d) San Fernando, points within 10 miles thereof, Ventura, and points between San Fernando and Ventura on and within 10 miles of California Highway 126 and Interstate Highway 5 (except Saticoy and Castaic), (e) Points between Ventura and San Fernando on and within 10 miles of California Highway 118 (except Saticoy), (f) Riverside and points between San Diego and Riverside on and within 10 miles of Interstate Highway 15, (g) Points on and within 15 miles of U.S. Highway 101, between and including Santa Maria and Paso Robles; and (h) Points on and within 15 miles of California Highway 14 between and including junction Interstate Highway 5 and Mojave, on the one hand, and, on the other, points on and within 15 miles of Interstate Highway 10 at and west of Indio in iRverside County, Calif., and on and within 15 miles of California Highways 86 and 111 in Riverside and Imperial Counties, Calif.

NOTE.—The purpose of this correction is to indicate the correct authority. If a hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar application as Los Angeles, Calif.

No. MC 103993 (Sub-No. 892), filed, May 16, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representatives: Paul D. Borghesani, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) trailers, designed to be drawn by passenger automobiles, (except recreational vehicles), in initial movements, from points in Arkansas, California, Colorado, Louisiana, Maryland, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Virginia and Wisconsin, to points in the United States, (except Alaska and Hawaii), and (2) buildings and sections of buildings on undercarriages, (except modular and/or prefabricated buildings), from Colorado, Maryland, New Hampshire, New Mexico, New York, North Carolina, South Carolina, and Virginia, to points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, Applicant requests it be held at Washington, D.C., Raleigh, North Carolina, Chicago, Illinois, Dallas, Texas or Los Angeles, California.

No. MC 103993 (Sub-No. 893), filed May 20, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28641 U.S. 20 West, Elkhart, Indiana 46514. Applicant's representatives: Paul D. Borghesani and James B. Buda, 28651 U.S. 20 West, Elkhart, Indiana 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: trailers, designed to be drawn by passenger automobile, in initial movements and buildings and sections of buildings on undercarriages, from points in Laramie County, Wyoming to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, Applicant requests it be held at Denver, Colorado.

No. MC 105375 (Sub-No. 70), filed May 19, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Authority sought as a *common carrier over irregular routes* to transport: (1) *Such commodities as are dealt in by retail gasoline/general merchandise stores* (except commodities in bulk), from the facilities of Ashland Oil, Inc. at St. Paul, Minnesota to Ashland Oil, Inc. retail facilities located in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, North Dakota, Ohio, South Dakota and Wisconsin. (2) *Such commodities as are dealt in by retail gasoline/general merchandise stores*, and *material, parts and supplies* needed for the conduct of such businesses (except commodities in bulk), from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin, to facilities of Ashland Oil, Inc. located in Illinois, Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Paul, Minn., or Columbus, Ohio.

MC 106195 (Sub-No. 15), filed May 23, 1977. Applicant: CLARK BROS. TRANSFER, INC., P.O. Box 388, 800 North First, Norfolk, Nebraska 68701. Applicant's Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *modular homes and buildings when moving on shipper-owned trailers*, from Norfolk Homestead Housing, Inc. at or near Norfolk, Nebraska to points in Iowa, South Dakota and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 106398 (Sub-No. 775), filed May 23, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Oklahoma 74103. Applicant's representative: Irvin Tull, 525 South Main, Tulsa, Oklahoma 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, paneling and accessories* from Franklin Park, Illinois; Jacksonville, Florida; and Middletown, Pennsylvania, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 776) filed May 23, 1977. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites and warehouse facilities of Ambassador Steel Corp. located at Auburn, N.Y.; Mt. Airy, N.C.; Toledo, Ohio; Gary, Ind.; and Chicago, Ill.; to points east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 106509 (Sub-No. 23), filed May 16, 1977. Applicant: YOUNGER TRANSPORTATION, INC., 4904 Griggs Road (P.O. Box 14066), Houston, TX 77021. Applicant's representative: Wray E. Hughes, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts and *machinery, materials, equipment and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Virginia and Pennsylvania, on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii. Note: Applicant requests handling on consolidated record with similar applications (Wales Transportation, Inc., Docket MC 83835, Sub 136; E. L. Farmer & Company, Docket MC 11087, Sub 22. Common control may be involved.

MC 106674 (Sub-No. 237), filed May 25, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Construction materials* (except commodities in bulk), from the plantsite and warehouse facilities of the Celotex Corporation, located at or near Charleston, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Georgia, Florida, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, restricted to traffic originating at the above named origin and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 106748 (Sub-No. 12), filed May 20, 1977. Applicant GODDARD'S TRANSPORTATION, INC., P.O. Box 185, Fair Haven, VT 05743. Applicant's representative: John P. Monte, 61 Summer Street, P.O. Box 568, Barre, VT 5641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of ground limestone slurries, in bulk in insulted tank vehicles, from Rutland County and New Haven Junction, Vermont to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont and points on the International Boundary Line between the United States and Canada located at or near Highgate Springs and Derby Line, Vt. and Champlain, Alexandria Bay, Rooseveltown, Buffalo and Niagara Falls, N.Y. for furtherance into the Canadian provinces of Quebec and Ontario.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt.

No. MC 107295 (Sub No. 854) filed May 23, 1977. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Panels*, from Evansville, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill.

MC 107496 (Sub-No. 1083), filed: May 20, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Corn products and blends thereof, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, Wisconsin, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either St. Paul, Minn. or Chicago, Ill.

MC 107496 (Sub-No. 1084), Filed May 20, 1977. Applicant: RUAN TRANSPORT CORPORATION, 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vapona (dichlorovinyl dimethyl phosphate)*, in bulk, from Denver, Colorado to points in Arkansas, Mississippi, and Texas: and

JUN 30 1977 UM

(2) *lime*, in bulk from Springfild, Missouri to points in Illinois, New Jersey, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant would like it to be held at Kansas City, Missouri. Common control may be involved.

No. MC 108341 (Sub-No. 61), Filed May 17, 1977. Applicant: MOSS TRUCKING COMPANY, INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mining machinery and equipment; and* (2) *attachments and parts of mining machinery and equipment*, between points in Washington County, Va., on the one hand, and, one the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC 109124 (Sub-No. 30), filed May 23, 1977. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, Ohio 43619. Applicant's representative: James M. Burtch, 100 E. Broad Street, Columbus, Ohio 43215. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Gypsum, gypsum products and building materials and materials and supplies used in the manufacture, installation or distribution thereof, between the plantsite and facilities of the United States Gypsum Company at River Rouge, Michigan, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Illinois.

MC 109533 (Sub-No. 91), filed May 25, 1977. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1000 Semmes Avenue, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Fernandina Beach and Yulee, Florida as off-route points in connection with carrier's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Jacksonville, Fla. or Atlanta, Ga.

No. MC 110325 (Sub-No. 78), filed May 23, 1977. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, California 90009. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Midland Building, Kansas City, Missouri 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Houston Lighting & Power Company, located at or near Wallis (Austin County), Texas, as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either at Houston or Dallas, Texas.

No. MC 111672 (Sub-No. 11), filed May 23, 1977. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, Iowa. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Calcium chloride (except in bulk), from Midland, Mich., to points in Iowa and Missouri.

NOTE.—If hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Kansas City, Mo.

No. MC 112304 (Sub-No. 121), filed May 19, 1977. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, and *pipe making machinery*, between the plantsites and facilities of Interpace Corporation, Lock Joint Products Division, located at Wharton and Hillsborough, N.J.; Perryman, Md.; Columbia, S.C.; Lacoochee, Fla.; Kansas City, Kans.; South Beloit, Ill.; Solon, Ohio, and Romeo, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 367), filed May 23, 1977. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P. O. Box 21395, Louisville, Kentucky 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *salt*, in bulk, in tank or hopper type vehicles. From Louisville, Kentucky, to points in Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky. or Washington, D.C.

No. MC 112750 (Sub-No. 343), filed May 12, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: Microfilm, microfiche, microforms and related items, used in the business of banks and banking institutions, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Mississippi, and Missouri, under a continuing contract or contracts with Banks and Banking Institutions.

NOTE.—Applicant holds motor common carrier authority in MC 111729 and Sub Numbers thereunder, and therefor dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Jackson, Miss., or Washington, D.C.

MC 113382 (Sub-No. 18), filed May 16, 1977. Applicant's name: NELSEN BROS., INC., P.O. Box 613, River Bridge, Nebraska City, Nebraska 68410. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebraska 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food*, from Nebraska City, Nebraska, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment and supplies* used in the manufacture, production and distribution of pet food, from points in the United States (except Alaska and Hawaii), to Nebraska City, Nebraska. Restricted to a transportation service to be performed under a continuing contract, or contracts, with Thomas J. Lipton, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebraska.

No. MC 113651 (Sub-No. 221), filed May 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Post Office Box 552, Muncie, Indiana 47305. Applicant's representative: George E. Batty, Post Office Box 552, Muncie, Indiana 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, laboratory equipment, furnishings and supplies* (except commodities, in bulk, in tank vehicles) from the plantsite and storage facilities of Fisher Scientific Co., at or near Somerville, New Jersey to Chicago, Illinois; Cincinnati and Cleveland, Ohio; St. Louis, Missouri; and points in their respective commercial zones as defined by the Commission.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Pittsburgh, Pennsylvania or Washington, D.C.

No. MC 113651 (Sub-No. 222), filed May 18, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., Post Office Box 552, Muncie, Indiana 47305. Applicant's representative: George E. Batty, Post Office Box 552, Muncie, Indiana 47305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionary products, and foodstuffs*, when in shipments with candy and/or confectionery products in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plantsite and storage facilities of Standard Brands, confectionery division of Standards Brands, Inc., located at or near Chicago, Ill., to points in Florida, Georgia, Louisiana, North Carolina, South Carolina, and Cincinnati, Ohio, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois or Washington, D.C.

No. MC 113855 (Sub-No. 378), filed May 18, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Recreational vehicles* and *equipment; parts* and *accessories* of, and *paraphernalia* used in connection with, recreational vehicles and equipment from Los Angeles and Orange Counties, California and Seattle, Washington, to Lincoln, Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco or Los Angeles, California.

No. MC 113855 (Sub-No. 379), filed May 18, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) *Hydraulic hammers, road building, construction* and *mining machinery* and *parts* and *accessories* therefor, between Adams County, Colorado, on the one hand, and, on the other, points in the United States, including Alaska (excluding Hawaii); and (2) *materials, equipment*, and *supplies* used in the manufacture of the commodities named in part (1) above (except commodities in bulk) between points in the United States including Alaska (excluding Hawaii), on the one hand, and, on the other, Adams County, Colorado.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colorado or Salt Lake City, Utah.

No. MC 113855 (Sub-No. 380), filed May 19, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minnesota 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Boiler systems* and *parts* and *attachments* for boiler systems, from Lebanon, Pennsylvania, to points in the United States in and west of Wisconsin, Illinois, Missouri, Oklahoma, and Texas, including Alaska (but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 400) filed May 20, 1977. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Beverage Base, Beverages, Beverage Concentrate, Fruit Emulsions*, and *Fruit Juice*, in bulk, from Chicago, Illinois and the Commercial Zone thereof, to Vincentown, New Jersey and Muskogee, Oklahoma and their respective Commercial Zone thereof.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Kansas City, Mo.

No. MC 114211 (Sub-No. 304), filed, May 24, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Singer & Sullivan, Suite 1600, 10 South La Salle, Chicago, Illinois 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: Such *commodities* as are dealt in, or used by, agricultural machinery, industrial and construction equipment dealers (except commodities in bulk), between Delaware County, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii) including the Ports of Entry between the United States and Canada.

NOTE.—If an oral hearing is deemed necessary, we request it be held at either Chicago, Illinois or Des Moines, Iowa.

No. MC 114211 (Sub-No. 306), filed May 26, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel C. Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: *Pre Cut Log Homes*, from points in Polk County, Ark., to points in Illinois, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Wisconsin, Minnesota, Texas, Oklahoma, Kansas, South Dakota, Nebraska, and New Mexico.

NOTE.—If a hearing is deemed necessary we request it be held at either Little Rock or Fort Smith, Ark.

No. MC 114890 (Sub-No. 75), filed May 18, 1977. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Missouri 64801. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, from Tulsa and Bartlesville, Oklahoma, to points in Alabama, Illinois, Indiana, Kentucky, Louisiana, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Oklahoma City or Tulsa, Okla., or Washington, D.C.

No. MC 114896 (Sub-No. 52), filed May 17, 1977. Applicant: PUROLATOR SECURITY, INC., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and securities*, between Denver, Colo. on the one hand, and, on the other, points in Kansas, under contract with Federal Reserve Bank of Kansas City, located at Kansas City, Mo.

NOTE.—Applicant holds common carrier authority in No. MC 140345 (Sub No. 1), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo. or Washington, D.C.

No. MC 115162 (Sub-No. 365), filed May 24, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Alabama 36401. Applicant's Representative: Robert E. Tate, Post Office Drawer 500, Evergreen, Alabama 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, wrapping paper, paper bags, paper and paper products* (except commodities in bulk in tank vehicles) from the facilities of Gilman Paper Company at or near St. Marys, Georgia to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, Texas, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at either Jacksonville, Florida or Washington, D.C.

No. MC 115311 (Sub-No. 222), filed May 16, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular* routes transporting: (1) *Plywood and particle board* from the warehouse and plant facilities of the Day Companies, Inc., located in Randolph County, Ga., to points in the United States, in and east of Colorado, Nebraska, New Mexico, North Dakota, and South Dakota; and (2) *Veneer* from points in Chatham County, Ga., to points in Randolph County, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Savannah or Atlanta, Ga.

No. MC 115311 (Sub-No. 223), filed May 23, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (A) *Building paper, roofing cement, roofing paper, roofing asphalt, prepared roofing, prepared shingles, asphaltum, filter felt, and materials and supplies* used in the manufacture and installation thereof (except liquids, in bulk, in tank vehicles), (1) From Tuscaloosa, Ala., to points in Georgia, Kentucky, Tennessee,

JUN 30 1977 UM

Mississippi, Florida, and Arkansas; and (2) from points in Georgia, Kentucky, Tennessee, Mississippi, Florida, and Arkansas, to Tuscaloosa, Ala.; and (B) *Materials and supplies* used in the manufacture of commodities stated above (except liquids, in bulk, in tank vehicles), from points in Georgia, Florida, Kentucky, Tennessee, Mississippi, and Arkansas, to Tuscaloosa, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Birmingham or Montgomery, Ala.

No. MC 115322 (Sub-No. 135), filed May 19, 1977. Applicant: REDWING REFRIGERATED, INC., Post Office Box 10177, Taft, Fla. 32809. Applicant's representative: L. W. Fincher, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, and except frozen foods), from plantsite and storage facilities of American Home Foods, Division American Home Products Corp. at Milton, Pa., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 115491 (Sub-No. 134), filed May 16, 1977. Applicant: COMMERCIAL CARRIER CORP., P.O. Drawer 67, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, from the plant sites of International Paper Co., located at or near Mobile, Ala., and Moss Point, Miss., to points in Florida on, east and south of Interstate Highway 75 beginning at the Florida-Georgia State boundary line and south to its intersection with State Road 24 to Cedar Key, Fla.; and (2) *building and construction material* and such material, equipment, and supplies as are used in the manufacture, packaging, distribution, or installation of building and construction material, between Mobile, Ala., on the one hand, and, on the other, points in Florida on, east and south of Interstate Highway 75 beginning at the Florida-Georgia State boundary line and south to its intersection with State Road 24 near Gainesville, Fla., thence west on State Road 24 to Cedar Key, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Mobile, Ala.

No. MC 115496 (Sub-No. 51), filed May 19, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: (1) (A) *Air conditioners, air coolers, air conditioning equipment, heaters, furnaces, and heating equipment;* and (B) *related parts, accessories, materials, and supplies* for the commodities named in (1) (A) above, from the plantsite and warehouse facilities of Rheem Manufacturing Co. located in Baldwin County, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials, parts, and supplies* used in the manufacture, production, and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Rheem Manufacturing Co. located in Baldwin County, Ga., and Fort Smith, Ark., restricted in parts (1) and (2) above against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC 115496 (Sub-No. 52), filed May 20, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Lumber*, from the facilities of Continental Can Co. at or near Hazelhurst and Statesboro, Ga., to points in North Carolina, South Carolina, Virginia, and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga.

No. MC 115730 (Sub-No. 33), filed May 23, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 Southwest Sixth Street, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of: *Wrought steel pipe and tubing and related fabricating structures*, from Hazelwood, Mo., and Staunton, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 116763 (Sub-No. 380), filed May 13, 1977. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, P.O. Box 81, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Building materials and supplies; building mortar; concrete surface curing compounds;* and *adhesives;* and (2) *equipment, materials* and *supplies* used in the installation or application of commodities named in item (1) above, from Conyers, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to the transportation of traffic originating at the facilities of UPCO Co. located at or near Conyers, Ga.

NOTE.—If hearing is deemed necessary the applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 631), filed May 25, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: M. M. Geffon, P.O. Box 154, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Acids, chemicals, and plastic materials*, in vehicles equipped with mechanical refrigeration (except in bulk), from Metuchen, N.J., and Marcus Hook, Pa., to California and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either New York, N.Y., or Washington, D.C.

No. MC 117119 (Sub-No. 632), filed May 23, 1977. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: M. M. Geffon, P.O. Box 154, Willingboro, N.J. 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Confectionery, cocoa, chocolate, and products related thereto, materials, supplies, and equipment* used in the manufacture, production, distribution, and sale of the above named commodities, from the plantsites and storage facilities of Hershey Foods Corp. at Derry Township, Dauphin County, Pa., to points in and west of Wisconsin, Illinois, Missouri, Arkansas, and Texas, and Memphis, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117165 (Sub No. 42), filed May 19, 1977. Applicant: St. Louis Freight Lines, Inc. 1000 Michigan Avenue, St. Louis, Michigan 48880. Applicant's Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Michigan 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* from St. Louis, Michigan to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Chicago, Illinois.

No. MC 117676 (Sub-No. 6), filed May 18, 1977. Applicant: Herms Trucking, Inc., 58–64 Ward Avenue, Trenton, N.J. 08609. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pressed fireplace logs and charcoal* from the facilities of P & M Lumber Products, Inc. in Falls Township, Bucks County, Pa. to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, South Carolina, Tennessee and West Virginia; (2) *Materials* used in the manufacture of pressed logs and charcoal from points in

Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Va. to the facilities of P & M Lumber Products, Inc. in Falls Township, Bucks County, Pa.

NOTE.—Applicant holds motor contract carrier authority in No. MC 140806 Sub 2 therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 117820 (Sub No. 13), filed May 23, 1977. Applicant: AURELIA TRUCKING CO., a Corporation, 2136 Pine Grove Avenue, Port Huron, Michigan 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Michigan 48013. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: (1) *Frozen fruits and frozen berries*, from points in the Lower Peninsula of Michigan and points in Door, Kewaunee, and Brown Counties, Wisconsin, to the facilities of Jeno's, Inc. at or near Duluth, Minnesota; (2) *Foodstuffs, except in bulk*, from the facilities of Jeno's, Inc. at or near Duluth, Minnesota to points in Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia; and (3) *Paper and paper products*, from the facilities of Northwest Paper Division of Potlatch Corporation at or near Cloquet, Minnesota to points in Michigan (except Dewitt and points in Sanilac County, Michigan) and points in Ohio (except Maumee, Ohio); restricted in (1), (2), and (3) above to the transportation of shipments originating at the named origins and destined to the named destinations. Note: This is an application for conversion of contract carrier authority in Permit No. MC 141918 to a common motor carrier operating authority in Certificate No. MC 117820.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Chicago, Ill. or Washington, D.C.

No. MC 118089 (Sub-No. 22), filed May 24, 1977. Applicant: Robert Heath Trucking, Inc., 2909 Avenue C, P.O. Box 2501, Lubbock, TX 79408. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought as a *common carrier* by motor vehicle, over irregular routes transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C to Appendix I to the report in *Descriptions In Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk). From: the plantsite and storage facilities of Glover Packing Co. at or near Amarillo, Texas to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. A carrier affiliated with Applicant holds contract carrier authority in MC 139309 and Subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, Applicant requests that it be held at Amarillo, Texas.

No. MC 118535 (Sub-No. 100), filed May 18, 1977. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Missouri, 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center 3535 N.W. 58th, Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasporting: Dry Soybean Products and Soybean By-Products; Dry Mixtures of Corn and Soybean Products; Dry Corn Products in containers, from Kansas City, Missouri to points in Alabama, Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 118535 (Sub-No. 101), filed May 18, 1977. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Missouri 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 N.W. 58th St., Oklahoma City, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* from (a) Ft. Collins, Colorado to points in Arizona, Arkansas, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin; (b) La Junta, Colorado to points in Arkansas, Illinois, Kansas, Missouri, Oklahoma and Wisconsin; (c) Hutchinson, Kansas to points in Arizona, Arkansas, Colorado, New Mexico, Oklahoma and Texas, and (2) *Materials and supplies* used in food processing and packaging from points in Arizona, Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin to Ft. Collins, Colorado; La Junta, Colorado; and Hutchinson, Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Missouri.

No. MC 118739 (Sub-No. 13), filed May 23, 1977. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, Minn. 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minnesota 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned Goods*, from Arlington and Ortonville, Minnesota, to points in Colorado and Illinois, under a continuing contract, or contracts, with Big Stone, Incorporated located at Chaska, Minn.

NOTE.—Applicant holds common carrier authority in No. MC 140549 (Sub-No. 3), therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 119555 (Sub-No. 14), filed May 25, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., P.O. Box 3500, Calgary, Alberta T2P 2P9 Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Montana 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* in bulk, in tank vehicles, from Green River, Wyoming, to the port of entry on the United States/Canada boundary line at International Falls, Minnesota, for furtherance in foreign commerce to Shebandowan, Ontario.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at any city in Montana. Common control may be involved.

No. MC 119726 (Sub-No. 91), filed May 20, 1977. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Container, container accessories, closures, cartons, and pharmaceutical accessories*, from the facilities of Owens-Illinois at or near Berlin, Ohio, and warehouse facilities within 15 miles thereof, to points in Tennessee, Mississippi, Louisiana, Alabama, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Illinois, or Indianapolis, Indiana.

No. MC 119726 (Sub-No. 95), filed May 19, 1977. Applicant: N. A. B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container accessories, and materials* used in the the manufacture and distribution of containers and container accessories, between the plant and warehouse facilities of the Kerr Glass Manufacturing Corporation located in Wilson County, North Carolina, on the one hand, and, on the other, points in the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, Mississippi, Alabama, West Virginia, Maryland, Virginia, South Carolina, Georgia, Florida, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa, Okla., or Indianapolis, Ind.

No. MC 119789 (Sub-No. 351), filed May 17, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex., 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Meat products, Meat byproducts, and articles distributed by Meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) (1) from Plainview, Tex., to points in Connecticut, Delaware, Florida, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and (2) From Friona, Tex., to points in Connecticut, Kentucky, Maine, Massachusetts, and Rhode Island.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Wichita, Kans., or Kansas City, Mo.

Docket No. MC 119974 (Sub-No. 68), filed May 19, 1977. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Green Bay, Wisconsin 54304. Applicant's representative: L. F. Abel, P.O. Box 949, Green Bay, Wisconsin 54305. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber and Plastic Articles*, when moving in mixed shipments with foodstuffs requiring refrigeration, from the facilities of Ross Laboratories at Milwaukee, Wisconsin to points in the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 120646 (Sub-No. 19), filed May 17, 1977. Applicant: BRADLEY FREIGHT LINES, INC., 35 Garfield St., Asheville, N.C. 28803. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture and furniture parts*, from the plant sites and warehouse facilities of Broyhill Industries, located at or near Arcadia, La., to points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, supplies and equipment*, used in the manufacture of new furniture and furniture parts, from points in the United States (including Alaska, but excluding Hawaii), to the origin points named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either at Asheville, N.C., or Washington, D.C.

No. MC 123407 (Sub-No. 378), filed May 19, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Indiana 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe fittings, and couplings;* and (2) *Materials and supplies* used in the installation of the commodities in (1) above from Albany, Indiana, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124211 (Sub-No. 293), filed May 19. 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Printed matter, and materials, equipment and supplies used in the manufacture, sale and distribution of printed matter (except commodities in bulk), from points in Cook, DuPage, Lake and Will Counties, Ill., Lake and Marion Counties, Ind., Fayette and Woodford Counties, Ky., Bristol County, Mass., Westchester County, N.Y., and Davidson County, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If an oral hearing is deemed necessary, the applicant requests it be held on a consolidated record with similar applications at Chicago, Ill.

No. MC 124887 (Sub-No. 34), filed May 19, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Lumber and crossties, between points in Alabama, Georgia, Florida, Mississippi and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 125169 (Sub-No. 5), filed May 23. 1977. Applicant: C. R. WINTERS, INC., 590 Winters Avenue, Paramus, N.J. 07652. Applicant's representative: Edward F. Bowes, P.O. Box 1409, 167 Fairfield, Rd., Fairfield, N.J. 07706. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waylite*, in bulk, in dump vehicles, from the plantsite of Bethlehem Steel Corporation, Bethlehem, Pa., to the plantsites of Faber Cement Block Co., at Paramus, N.J., and Monsey, N.Y., under a continuing contract with Faber Cement Block Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 125978 (Sub-No. 9), filed May 23, 1977. Applicant: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 West 42nd Street, New York, New York 10036. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger automobiles and baggage, sporting equipment and personal effects of the owners thereof, when moving with used passenger automobiles, in secondary movements, in truckaway service*, between points in New York, New Jersey, Connecticut, and Pennsylvania, on the one hand, and, on the other, points in Florida, restricted against the transportation of traffic having a prior or subsequent movement by rail.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Miami, Fla.

No. MC 126118 (Sub-No. 38), filed March 28, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal food* (except fresh, edible meat from points in Ariz., New Mexico and Texas to Crete, Nebr.), from Crete, Nebr., to points in Arizona, Kansas, Minnesota, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin, and points in that part of Colorado on and south of U.S. Highway 50 (2) *supplies and materials* used in the manufacture of animal food, from points in Arizona, Kansas, Minnesota, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin and from points in that part of Colorado on and south of U.S. Highway 50, to Crete, Nebr.

NOTE.—The purpose of (1) and (2) above is to convert a permit held by applicant in MC 128375 (Sub-No. 1) to a certificate of public convenience and necessity.

(3) *Animal food*, from Crete, Nebr., to points in Arkansas, Indiana, Kentucky, Michigan, Missouri, Ohio and Tennessee; and (4) *supplies and materials* used in the manufacture of animal food, from points in Arkansas, Indiana, Kentucky, Michigan, Missouri, Ohio, and Tennessee, to Crete, Nebr.

NOTE.—The purpose of (3) and (4) above is to convert a permit held by applicant in MC 128375 (Sub-No. 2) to a certificate of public convenience and necessity.

(5) *Animal, poultry, and fish feed* (except commodities in bulk and fresh edible meats), from Los Angeles, Calif., to points in Arizona, Kansas, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, Texas, Washington, and Wyoming.

(6) *Animal, poultry, and fish feed and feed ingredients*, and *supplies and materials* used in the manufacture of animal, poultry, and fish feed (except commodities in bulk and fresh edible meats), from points in Arizona, Iowa, Idaho, Nevada, New Mexico, Oklahoma, Oregon, Texas, Washington, Wisconsin, and Wyoming, to Los Angeles, Calif.

NOTE.—The purpose of (6) above is to convert a permit held by applicant in MC 128375 (Sub-No. 4) to a certificate of public convenience and necessity.

(7) *Inedible meat* and *meat by-products* for use in animal food, from points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin, to Allentown, Pa., with no transportation for compensation on return except as otherwise authorized, (2) *pet food* and *supplies, ingredients, and materials* used in the manufacture of pet food, between Allentown, Pa., and Crete, Nebr.

NOTE.—The purpose of (7) and (8) above is to convert a permit held by applicant in MC 128375 (Sub-No. 8) to a certificate of public convenience and necessity.

(9) *Animal food, and ingredients, materials, and supplies* used in the manufacture of animal food (except petroleum and petroleum products, acids, chemicals, vegetable and animal oil, in bulk, in tank vehicles), between Cleveland, Ohio, on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE.—The purpose of (9) above is to convert a permit held by applicant in MC 128375 (Sub-No. 10) to a certificate of public convenience and necessity.

(10) *Pet food and supplies, materials, and ingredients* used in the production of pet food (except liquid commodities in bulk, in tank vehicles), (A) between Crete, Nebr., on the one hand, and, on the other, points in Illinois and Iowa; and (B) between points in Illinois within the Chicago, Ill. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Iowa.

NOTE.—The purpose of (10) above is to convert a permit held by applicant in MC 128375 (Sub-No. 11) to a certificate of public convenience and necessity.

(11) *Pet food*, and *ingredients and materials*, used in the manufacture of pet food, (A) between Allentown, Pa., and Crete, Nebr., on the one hand, and, on the other, Buffalo, N.Y., points in Florida, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, and Virginia, restricted against the transportation to Crete, Nebr., of manufactured animal and poultry feeds, fish meal, and meat scraps moving (a) from the plant or warehouse sites of Mayer Fish & Oyster Company at Biloxi, Miss., Hi-Life Packing Company, at Gulfport, Miss., and Usen Products, Inc., at Golden Meadow and Lockport, La., and (b) from storage facilities used by and for the account of Usen Products, Inc., at New Orleans, La., (B) between Crete, Nebr., and points in Pennsylvania (except Allentown); and (C) from Allentown, Pa., to points in Kentucky, Tennessee, and West Virginia.

NOTE.—The purpose of (11) above is to convert a permit held by applicant in MC 128375 (Sub-No. 20) to a certificate of public convenience and necessity.

(12) *Animal feed* and *animal feed ingredients* (except in bulk), (A) between points in Pennsylvania, and Princess Anne, Md., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Iowa, Georgia, Kansas, Maine, Massachusetts, Missouri, North Dakota, New Jersey, New Mexico, New York, New Hampshire, Nebraska, Oklahoma, Rhode Island, South Dakota, Texas, Vermont, and the District of Columbia, (except between Allentown, Pa. and Buffalo, N.Y., and between points in Pennsylvania, on the one hand, and, on the other, Crete, Nebr.), (B) from points in Pennsylvania, and Princess Anne, Md., to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Tennessee, West Virginia, and Wisconsin, (C) from points in Arkansas, Illinois, Indiana, Kentucky, Michigan, (except Detroit, Flint and Plainwell), Minnesota, Ohio, Tennessee, West Virginia, Wisconsin, to points in Pennsylvania (except Allentown, Pa.) and Princess Anne, (D) between points in Pennsylvania (except Allentown, Pa.), and Princess Anne, Md., on the one hand, and, on the other, points in Florida, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, and Virginia, restricted against the transportation of dry animal feed ingredients between Bucks, Cumberland, Dauphin, Lancaster, Lebanon, Lehigh, and York Counties, Pa., and Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, and Virginia.

NOTE.—The purpose of (12) above is to convert a permit held by applicant in MC 128375 (Sub-No. 24) to a certificate of public convenience and necessity.

(13) *Ingredients, materials, and supplies* used in the manufacture and production of animal feed and animal feed ingredients (except chemicals in bulk), (A) from points in California, New Jersey, New York, Oregon, and Washington, to points in Maryland, Nebraska, and Pennsylvania; and (B) from points in Arizona, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, to points in Nebraska (except Crete, Nebr.).

NOTE.—The purpose of (13) above is to convert a permit held by applicant in MC 128375 (Sub-No. 25) to a certificate of public convenience and necessity.

(14) *Animal feed* and *animal feed ingredients*, and *related advertising and promotional material* in mixed loads with animal feed and animal feed ingredients, from St. Paul, Minn., to points in Connecticut, Kansas, Massachusetts, and Pennsylvania, restricted against the transportation of commodities in bulk.

NOTE.—The purpose of (14) above is to convert a permit held by applicant in MC 128375 (Sub-No. 51) to a certificate of public convenience and necessity.

(15) *Animal feed* and *animal feed ingredients* and *equipment, materials, and supplies* used in the manufacture and production of animal feed and animal feed ingredients (except commodities in bulk), between Turner, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of (15) above is to convert a permit held by applicant in MC 128375 (Sub-No. 53) to a certificate of public convenience and necessity.

(16) *Animal food* (except in bulk, and meat or meat by-products), and *materials and supplies* used in the production and distribution of animal food. (A) between Camp Hill and Allentown, Pa., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio (except Cleveland), Tennessee, and Wisconsin; and (B) between Dublin, Pa., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Minnsota, Ohio (except Cleveland), Virginia, west Virginia and Wisconsin.

(17) *Animal food* (except in bulk) and *materials and supplies* used in the production of animal food, between points in Nebraska, on the one hand, and, on the other points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, West Virginia, and the District of Columbia.

NOTE.—The purpose of (16) and (17) above is to convert a permit held by applicant in MC 128375 (Sub-No. 103) to a certificate of public convenience and necessity.

(18) *Animal feed* and *animal feed ingredients* (except in bulk), between points in Saline County, Nebr., on the one hand, and, on the other, points in California.

NOTE.—The purpose of (18) above is to convert a permit held by applicant in MC 128375 (Sub-No. 111) to a certificate of public convenience and necessity.

(19) *Animal food*, and *materials and supplies* used in the manufacture and distribution of animal food (except commodities in bulk in tank or hopper vehicles), between Crete, Nebr., on the one hand, and, on the other, points in Alabama, Georgia, Idaho, Montana, (except Billings), Nevada, Utah, Wyoming, and points in that part of Colorado north of U.S. Highway 50.

NOTE.—The purpose of (19) above is to convert a permit held by applicant in MC 128375 (Sub-No. 89) to a certificate of public convenience and necessity.

(20) *Animal food ingredients* (except in bulk, in tank or hopper vehicles), from points in the United States (except Alaska, Hawaii, Billings, Mont.; St. Louis, Mo.; Decatur and Peoria, Ill.; Indianapolis and Terre Haute, Ind.; and Dayton, Columbus, and Springfield, Ohio.), to Mattoon, Ill., restricted against the transportation of defluorinated phosphate feed supplements from North Little Rock, Ark.

NOTE.—The purpose of (20) above is to convert a permit held by applicant in MC 128375 (Sub-No. 88) to a certificate of public convenience and necessity.

(21) *Pet food* and those *commodities* used in the manufacture and distribution of pet food (except in bulk), between Chicago, Ill., on the one hand, and, on the other, points in Colorado, Kansas (except Kansas City), Kentucky, Montana (except Billings), Nebraska, Nevada, North Dakota, South Dakota, Tennessee, and Wyoming; (22) *pet food*, between Chicago, Ill., on the one hand,

JUN 30 77 UM

and, on the other, points in Arizona, Arkansas, California, Mississippi, and New Mexico, restricted to traffic originating at or destined to facilities utilized by the Liggett Group, Inc. and its corporate subsidiaries and divisions including Allen Products Co., Inc.

NOTE.—The purpose of (21) and (22) above is to convert a permit held by applicant in MC 128375 (Sub-No. 112) to a certificate of public convenience and necessity.

NOTE.—By instant application, applicant seeks to convert its Certificate of Registration No. MC 128375 (Subs 1, 2, 4, 8, 10, 11, 20, 24, 25, 51, 53, 88, 89, 103, 111, and 112) to a Certificate of Public Convenience and Necessity. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Lincoln, Nebr.

No. MC 126539 (Sub-No. 31), filed May 19, 1977. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from the storage and terminal facilities of Allied Chemical Corp., located at or near Durant, Iowa, to points in Arkansas, Illinois (except points in the St. Louis, Mo., E. St. Louis, Ill. commercial zone), Iowa, Indiana, Kansas, Kentucky, Minnesota, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin.

NOTE.—Applicant holds motor contract carrier authority in No. MC 129135 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Houston, Texas, or Des Moines, Iowa.

No. MC 127897 (Sub-No. 3), filed May 23, 1977. Applicant: TAG, INC., 1816 Grand Street, Sioux City, Iowa 51107. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer solutions*, in bulk, in tank vehicles, from LaCrossee, WI, to points in Illinois, Iowa, Minnesota, and North Dakota; (2) *anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles; (A) Between points in Iowa, Minnesota, Nebraska, and South Dakota, on the one hand, and, on the other, points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; (B) From points in Iowa, and Minnesota to points in Wisconsin.

Restrictions: (1) Restricted against the transportation of liquid fertilizer, liquid fertilizer solutions and anhydrous ammonia fertilizer solutions, in bulk, in tank vehicles, between the plant sites and warehouse facilities of the Nutra-Flo Chemical Co., at Sioux City, Iowa, on the one hand, and, on the other, points in Nebraska, South Dakota, North Dakota, Minnesota, and points in Kansas on and north of U.S. Highway 36; (2) Restricted in (1) and (2) above to traffic originating at the plant sites, distribution sites, or pipe line terminals utilized by and, for the account of Nutra-Flo Chemical Co.; (3) Restricted in (1) and (2) above to a transportation service performed under a continuing contract, or contracts, with Nutra-Flo Chemical Co., Sioux City, IA.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Sioux City, IA., or Omaha, NE.

No. MC 128639 (Sub-No. 12), filed May 24, 1977. Applicant: CURRIER TRUCKING CORPORATION, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Massachusetts 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residue, wood waste, bark, wood shavings, wood bolts, wood slabs, and sawdust*, in bulk, (1) from points in Maine and New Hampshire to Gilman, Vt.; and, (2) from ports of entry on the International Boundary Line between the United States and Canada at or near Beecher Falls, Canaan, Norton and Derby Line, Vt. to Gilman, Vt.

NOTE.—If a hearing is deemed necessary, applicant requests that it bt held at Concord, N.H.

No. MC 129994 (Sub No. 23), filed May 23, 1977. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and supplies, and brick*, from points in Colorado to points in Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Denver, Colorado.

No. MC 129994 (Sub-No. 24), filed May 23, 1977. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, Utah 84107. Applicant's representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick* (1) from West Jordan, Utah, to points in California, Arizona, New Mexico, Nevada, Wyoming, Idaho, and Oregon; (2) from points in Utah, Arizona, and Nevada, to points in California; and (3) from points in Utah and Nevada to points in Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah, or Los Angeles, California.

No. MC 133095 (Sub-No. 159), filed May 16, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Georgia 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Hair care toiletries and equipment* from Camarillo, Calif. to Portland, Oreg.; and (2) *Materials, supplies and ingredients* used in the packaging, manufacture, and distribution of toiletries and toiletry equipment (except in bulk) in vehicles equipped with mechanical refrigeration from Stamford, Conn. to Camarillo, Calif.

Restriction: (1) and (2) above restricted to the transportation of traffic originating at and destined to the plant site or warehouse facilities utilized by Clairol, Inc.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136032 and Sub Nos. thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at: New York, N.Y. or Los Angeles, Calif.

No. MC 133095 (Sub-160), filed May 23, 1977. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from San Antonia, Tex. and Galveston, Tex., to points in Louisiana, Arkansas, and Arizona.

NOTE.—Applicant holds motor contract carrier authority in No. MC 136032 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Dallas, Tex.

No. MC 133689 (Sub-No. 129), filed May 20, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 5512. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by fabric stores and in connection therewith materials and supplies used in the conduct of such business, (1) from Charlotte, N.C., to points in Michigan, Pennsylvania, Ohio, Wisconsin, Missouri, Indiana, Illinois, and Minnesota; (2) from points in Massachusetts, Connecticut, New Jersey, and New York, to Charlotte, North Carolina; and (3) from points in Massachusetts, Connecticut, New Jersey, and New York, to points in Pennsylvania, Illinois, Ohio, Wisconsin, Indiana, Minnesota, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133689 (Sub.-No. 130), filed May 20, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First St., SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Floor coverings, stair treads, wall tile, counter top coverings, mouldings, plumbers goods, kitchen fixtures and accessories, kitchen and bathroom cabinets and cabinet tops;* and (2) *materials and supplies* used in the installation, maintenance and repair of the commodities described in (1) above, from points in Connecticut, Illinois, Maine, Maryland, Massachusetts, New

Jersey, New York, North Carolina, Ohio, Pennsylvania, and Vermont, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134467 (Sub-No. 19) filed May 6, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 75764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour mixes and frosting mixes*, from the plantsite and storage facilities of Chelsea Milling Co. at or near Chelsea, Michigan, to points in Louisiana, Mississippi, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Detroit, Michigan.

No. MC 135170 (Sub-No. 19), filed May 25, 1977. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *plastic containers*, from points in New Jersey, to Frederick, Md. under a continuing contract or contracts with The Clorox Company.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Washington, D.C.

No. MC 135195 (Sub-No. 3), filed May 18, 1977. Applicant: STOVER AIR CARGO, INC., 3830 Wiseman Lane, Quincy, Ill. 62301. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except commodities in bulk, those of unusual value, Classes A and B Explosives, Household Goods as defined by the Commission), between points in Des Moines, Henry, Jefferson, Johnson, Lee, Linn, Louisa, Muscatine, Wapello, and Washington Counties, Iowa; Adams, Cook, DuPage, Hancock, Henderson, Henry, Knox, McDonough, Peoria, Pike, Tazewell, Warren, and Woodford Counties, Illinois; Lincoln, Lewis, Marion, Pike, Ralls, St. Louis, and Shelby Counties, Mo.; and St. Louis, Missouri.

Restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Illinois or St. Louis, Missouri.

No. MC 135283 (Sub-No. 23), filed May 20, 1977. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 So. Stuhr Road, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in Section A of Appendix I to the report of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Swift Fresh Meats Company, located at or near Grand Island, Nebraska, to points in Kentucky, Ohio, and points in Maryland, New York, Pennsylvania, and West Virginia on and west of Interstate Highway 81, and Orwigsburg, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Lincoln, Nebraska, or Chicago, Illinois.

No. MC 135874 (Sub-No. 88), filed May 23, 1977. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street, So., So. St. Paul, Minn. 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street, So., So. St. Paul, Minn. 55075. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Spencer Foods, Inc. at or near Fremont and Schuyler, Nebraska and Fort Dodge, Hartley and Spencer, Iowa to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at the plantisite and storage facilities utilized by Spencer Foods, Inc. at or near the named origins and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Minneapolis, Minn.

No. MC 135874 (Sub-No. 90), filed May 20, 1977. Applicant: LTL Perishables, Inc., 550 E. 5th Street So., So. St. Paul Minn. 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street So., So. St. Paul, Minn. 55075. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Foodstuffs* (except in bulk), from the plantsite and storage facilities utilized by Creamettes Company in Minneapolis and New Hope, Minnesota to points in Montana, Idaho, Washington, Oregon, Wyoming, Colorado, Utah, Nevada, California, Arizona, New Mexico, and Texas, restricted to traffic originating at the plantsite and storage facilities of Creamettes Company, Minneapolis and New Hope, Minnesota and destined to points in the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at St. Paul, Minn.

No. MC 136285 (Sub-No. 21), filed May 20, 1977. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 143, Thomasville, Ga. 31792. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from points in Mississippi, Georgia, Alabama, and Tennessee, to Charleston, S.C., Savannah, Ga., and Jacksonville, Fla.

Restriction: Restricted to the transportation of shipments having a subsequent movement by water, in marine cargo containers. (2) *Marnie cargo containers, and chassis therefor*, from Charleston, S.C., Savannah, Ga., and Jacksonville, Fla., to points in Mississippi, Georgia, Alabama, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Georgia. Common control may be involved.

No. MC 136545 (Sub-No. 9), filed May 23, 1977. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 929 Railroad Street, Prentice, Wis. 54556. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Hydraulic loading equipment, and component parts of hydraulic loading equipment*, between the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C.; (2) *Hydraulic loading equipment*, from the plantsites of Omark Industries, Inc. located at or near Prentice, Wis. and Zebulon, N.C., to points in the United States (except Alaska, Hawaii, Zebulon, N.C., and Prentice, Wis.); and (3) *Materials, supplies and equipment* used in the manufacture of hydraulic loading equipment (except in bulk), from points in Illinois, Indiana, Ohio, and points in the Lower Peninsula of Michigan, to the plantsites of Omark Industries, Inc., located at or near Prentice, Wis. and Zebulon, N.C., restricted in parts (1), (2), and (3) above to traffic originating at and destined to the involved points, and further restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—Applicant states the purpose of this application is to convert Permit No. MC 124121 (Sub-Nos. 6 and 8) to a Certificate of Public Convenience and Necessity. Applicant holds contract carrier authority in No. MC 124121 (Sub-No. 1) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Madison, Wis.; Minneapolis-St. Paul, Minn; Milwaukee, Wis.; or Chicago, Ill.

No. MC 136669 (Sub-No. 13), filed May 19, 1977. Applicant: PROCESSED BEEF EXPRESS, INC., P.O. Box 522, Dakota City, Nebr. 68731. Applicant's representative: Jerry T. Ratledge, P.O. Box 522, Dakota City, Neb. 68731. Authority

JUN 30 77 UM

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) From the plant sites and/or storage facilities utilized by Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Nampa, Idaho; Wallula, Walla Walla, Washington to points in the United States (except Alaska and Hawaii), (b) From points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nevada, Nebraska, Oregon, Texas, Utah, Washington, Wyoming, to the plant sites of Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Idaho and Wallula, Washington; and (2) *Materials, supplies and equipment* used in the conduct of business by meat packinghouses and hide companies (except commodities in bulk) from points in the United States (except Alaska and Hawaii) to the plant sites of Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc., at or near Boise, Idaho and Wallula, Washington, under a continuing contract, or contracts, in (1) and (2) above, with Columbia Foods, Inc., a subsidiary of Iowa Beef Processors, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebraska or Kansas City, Missouri.

No. MC 136814 (Sub-No. 4), filed May 23, 1977. Applicant: JESSE E. MATLOCK, doing business as MATLOCK TRANSPORTATION, 456 Valley Blvd., Rialto, Calif. 92376. Applicant's representative: Jerry Solomon Berger, 433 North Camden Drive, 6th Floor, Beverly Hills, Calif. 90210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, used, dealt in, and distributed by the graphic arts industry (other than bulk), (1) Between points in California, Colorado, and Tennessee on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Illinois, Indiana, Louisiana, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Utah, and Washington; (2) Between points in California and Colorado on the one hand, and, on the other, points in California, Colorado, Idaho, Iowa, Kansas, Nebraska, New Mexico and Tennessee; (3) Between points in California and Tennessee on the one hand, and, on the other, points in Florida, Georgia, Maryland, Michigan, Minnesota, and Wis.; (4) Between points in California on the one hand, and, on the other points in West Virginia; (5) Between points in Tennessee and Colorado on the one hand, and, on the other, points in Kentucky; and (6) Between points in Tenn. on the one hand, and, on the other, points in Massachusetts, North Carolina, South Carolina, and Va., under a continuing contract, or contracts, with Arcata Graphics and Baird-Ward Printing, operating divisions of Arcata National Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rialto, Calif.

No. MC 136828 (Sub-No. 17), filed May 4, 1977. Applicant: COOK TRANSPORT, INC., U.S. Highway 79, Gilmer Industrial Park, P.O. Drawer O, Pinson, Ala. 35126. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailer converter collies, packers, refuse compactors, cargo containers, refuse containers, storage containers, material handling equipment, and parts*, from Lamar County, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and parts* (except commodities in bulk) used in the manufacture, assembly, and servicing of commodities in (1) above, from points in the United States (except Alaska and Hawaii) to points in Lamar County, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 138126 (Sub-No. 17), filed May 23, 1977. Applicant: Williams Refrigerated Express, Inc., Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foodstuffs*, from Salisbury, Maryland to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 138308 (Sub-No. 29), filed May 19, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, hand, and parts* from the facilities of Ames Distribution Center at or near Parkersburg, West Virginia to points in Arizona, California, Oregon, Washington, Idaho, Wyoming, Nevada, Utah, Colorado, New Mexico, Montana, Texas, Nebraska, Kansas, and Oklahoma.

NOTE.—Applicant holds motor contract authority pending in MC 128592 (Sub-No. 5), therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 138308 (Sub-No. 30), filed May 18, 1977. Applicant: KLM, INC., 2102 Old Brandon Road (P.O. Box 6098), Jackson, Miss. 39208. Applicant's Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic yarn* from points in Cherokee and Pickens Counties, Ga., to points in Arizona, California, and Texas.

NOTE.—Applicant holds contract authority in No. MC 128592 and subnumbers thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga. or Washington, D.C.

No. MC 138322 (Sub-5), filed May 20, 1977. Applicant: BHY TRUCKING, INC., 9231 Whitmore, El Monte, California 91733. Applicant's representative: John W. Carlisle, 4100 Greenbriar, Suite 215, Houston, Texas 77006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel channels, angles, and pipe together with nails and bolts for the assembling thereof;* from plant sites of Triangle Steel and Supply Company at Torrance, California to Salt Lake City and Cedar City, Utah and to points in Idaho on the South of U.S. Highway 80 and 25 and State Highway 26; (2) *Rebars, reinforcing steel, and hardware accompanying same;* from Plant sites of Soule Steel Company at Carson, California to Salt Lake City, Utah; Phoenix, Arizona; Las Vegas, Nevada, and Winnemucca, Nevada for fabrication and delivery; (3) *Steel channels, beams and bars and hardware* from plant sites of Soule Buildings, Inc. at Geneva, Utah, to Los Angeles, California; (4) *Steel Buildings*, from plant sites of Soule Buildings, Inc. at Geneva, Utah to points in California, Colorado, Nevada, New Mexico, and Arizona; (5) *Sheet Steel; a. Hot roll plate, b. Cold sheets and c. Galvanized sheets slit coil and structural steel;* from plant sites of Rich Steel Company at Commerce, California to points in Arizona, Utah, and Colorado; (6) *Sheet steel consisting of plates and slit coils*, from plant sites of Lafayette Metals, Inc. at Long Beach, California to points in Arizona, Colorado, Utah, New Mexico, and Nevada; (7) *Steel Pipe and piling;* from plant sites of L. B. Foster Company, Long Beach, California to points in Arizona, Nevada, Utah, Colorado, New Mexico, and that portion of Southern Idaho on the South of U.S. Highway 80 and 25 and State Highway 26.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, California.

No. MC 139460 (Sub-No. 23), filed May 24, 1977. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, New York 12828. Applicant's representative: J. Fred Relyea, Route 9, Saratoga Road, Fort Edward, New York 12828. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles from Howes Cave, New York to Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in either New York City or Washington, D.C.

No. MC 139460 (Sub-No. 24), filed May 27, 1977. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, New York 12828. Applicant's representative: J. Fred Relyea, Route 9, Saratoga Road, Fort Edward, New York 12828. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum Gas*, in bulk, in tank vehicles, from Everett, Massachusetts to Connecticut, Maine, New Hampshire, New York, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in either New York City of Washington, D.C.

No. MC 139853 (Sub-No. 5), filed May May 25, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: HERBERT ALAN DUBIN, Suite 1030, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *crayon plaster*, from Blue Rapids, Kans., to Easton, Pa.; and (2) *corrugated cases*, from Baltimore, Md., to Winfield, Kans.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139853 (Sub-No. 5), filed May 6, 1977. Applicant: Marten Transport, Ltd., Route 3, Mondovi, Wisconsin 54755. Applicant's Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minnesota 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products* (except commodities in bulk and hides) between the plantsite of Landy of Wisconsin, Inc. at or near Eau Claire, Wisconsin on the one hand, and, on the other, points in and west of Ohio, Kentucky, Tennessee, Georgia, and Florida (except Alaska and Hawaii) under a continuing contract, or contracts, with Landy of Wisconsin.

NOTE.—Applicant holds common carrier authority in No. MC 103796; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Minneapolis, Minn.

No. MC 139999 (Sub-No. 24), filed May 19, 1977. Applicant: Redfeather Fast Freight, Inc., 2606 North 11th Street, Omaha, Neb. 68110. Applicant's Representative: Arlyn L. Westergen, Suite 530 Univac Building, 7100 West Center Road, Omaha, Neb. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodites in bulk), from the plantsite and facilities of Great Plains Beef Packers Co. at Omaha, Nebraska, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, New Jersey and Massachusetts; restricted to the transportation of traffic originating at the named origin and destined to points in the named states.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Omaha, Nebraska.

No. MC 140010 (Sub-No. 10), filed May 25, 1977. Applicant: Joseph Moving & Storage Co., Inc., d/b/a St. Joseph Motor Lines, 573 Dutch Valley Road, N.E., Atlanta, Ga. 30324. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road, N.E., Atlanta, Ga. 30324. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed sensitized photographic materials, equipment*, used in the exposure, processing and mounting thereof, and photographic chemicals, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from the facilities of E. I. du Pont de Nemours & Co., Inc., located at or near Doraville, Ga., to Corinth, Miss., and points in its Commercial Zone, under a continuing contract or contracts with E. I. du Pont de Nemours & Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 140024 (Sub-No. 71), filed May 18, 1977. Applicant: J. B. Montgomery, Inc., 5565 East 52nd Avenue, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock, 5565 East 52nd Avenue, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Unfinished blanks and stampings, iron or steel, from the plant site and facilities of The Cornwall & Patterson Company located at Bridgeport, Conn. to Colorado Springs, Colo., restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 140205 (Sub-No. 1), filed May 25, 1977. Applicant: MOUW TRANSPORTATION INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polypopylene agricultural baler twine*, from Albert Lea, Minn., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 140339 (Sub-No. 4), filed May 23, 1977. Applicant: TONY'S TERMINAL TRK, INC., 77 Paterson Avenue, Wallington, N.J. 07057. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tansporting: (1) *Such commodities as are dealt in by a distributor or manufacturer of stereo equipment*, and (2) *materials, supplies and equipment* used in the production, sale and distribution of the commodities named in (1) above, between Edison, N.J., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, Ohio, Indiana, Kentucky, Tennessee, North Carolina, South Carolina, Alabama, Florida, and Georgia, under continuing contract or contracts with Lloyds Electronics, located at Edison, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 140587 (Sub-No. 3) (partial correction), filed April 25, 1977, published in the FEDERAL REGISTER issue of May 26, 1977 as No. MC 133492 (Sub-No. 15), and republished in part as corrected this issue. Applicant: CECIL CLAXTON, Box 7, Route 3, Wrightsville, Ga. 31096. Applicant's representative: Ronald K. Kolins, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007. The purpose of this republication in part is to indicate the correct docket number assigned in this proceeding as No. MC 140587 (Sub-No. 3) in lieu of No. MC 133492 (Sub-No. 15) as previously published in error. The rest of the publication remains the same as previously published.

No. MC 140786 (Sub-No. 2) (correction), filed January 21, 1977, published in the FEDERAL REGISTER issue of March 10, 1977, and republished as corrected this issue. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE INCORPORATED, P.O. Box 1169, Columbus, Ohio 43216. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, and equipment and supplies* used in the manufacture or repair of mining machinery, between Columbus, Ohio, and points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, West Virginia, and Wyoming, in non-radial movement, under a continuing contract or contracts with Jeffrey Mining Machinery Company, a division of Dresser Industries, Inc.

NOTE.—The purpose of this republication is to specify non-radial movement in the territorial description. Applicant states it presently holds contract authority to provide the service sought in 11 states, and seeks herein only to add the states of Tennessee, Alabama, Georgia, Arkansas, South Carolina and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141076 (Sub-No. 10), filed May 23, 1977. Applicant: ROGERS MOTOR LINES, INC., R.D. #2, P.O. Box 388D2, Hackettstown, N.J. 07848. Applicant's representative: Eugene M.

JUN 30 77 UM

Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of The Pillsbury Company at or near East Greenville, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) *Equipment, materials and supplies* (except in bulk), used in the manufacture and distribution of foodstuffs, from the destination States in (1) above to the plant site and warehouse facilities of The Pillsbury Company at or near East Greenville, Pa.

NOTE.—Applicant holds motor contract authority in MC-140781, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 141356 (Sub-No. 4), filed May 18, 1977. Applicant: LONE PINE TRUCKING COMPANY, A Corporation, 11831 Vose Street, North Hollywood, Calif. 91605. Applicant's Representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expanded shale and bentonite*, in bulk, from the mine and plant sites of Lightweight Processing Co., located at or near Lake of the Woods, Frazier Park and Ventura, Calif., to points in Arizona, Nevada, and New Mexico; and (2) *perlite*, in bulk, from the plant sites of American Perlite Company, located at or near Fish Springs and Los Angeles, Calif., to points in Arizona, Nevada, New Mexico, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141742 (Sub-No. 2), filed May 23, 1977. Applicant: FLOWERS TRANSPORTATION, INC., Post Office Box B, Station A, Auburn, Calif. 95603. Applicant's represenative: Randall M. Faccinto, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Reno, Nev., to points in Colorado, Wyoming, and Utah. If a hearing is deemed necessary, applicant requests that it be held in San Francisco, Calif., or Sacramento, Calif.

No. MC 141804 (Sub-No. 59), filed May 10, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 81849, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, motorcycles, outboard motors, and related parts and accessories* from Orange and Los Angeles Counties, Calif., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, restricted to traffic originating at the plantsites and storage facilities utilized by U.S. Suzuki Motor Corp. and Suzuki International, U.S.A.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Lincoln, Nebr.

No. MC 141804 (Sub-No. 60), filed May 19, 1977. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Michael J. Norton, Suite 404, Boston Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Juvenile furniture and baby care products and parts and supplies* used in the manufacture thereof (except food, clothing, commodities in bulk and which because of size or weight require special handling or equipment), between North Hollywood, Calif. on the one hand and on the other points in the United States in and east of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi, restricted to traffic originating at or destined to the plantsites and storage facilities utilized by Peterson Baby Products.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Memphis, Tenn.

No. MC 141804 (Sub-No. 61), filed May 18, 1977. Applicant: WESTERN EXPRESS, division of Interstate Rental, Inc., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Michael J. Norton, Suite 404, Boston Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dental, medical, and surgical supplies, and parts and supplies* used in the manufacture thereof (except commodities in bulk and which because of size or weight require special handling or equipment), between Irwindale, Calif. on the one hand and on the other points in the Untied States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at or destined to the plantsites and storage facilities utilized by Pharmaseal.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif. or Memphis, Tenn.

No. MC 141849 (Sub-No. 5), filed May 17, 1977. Applicant: RAY LOCKRIDGE TRUCKING, INC., 95 Lawrenceville Industrial Park Circle NE., Lawrenceville, Ga. 30345. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of: *Adhesive cement, advertising materials, racks, stands, nails, rims, or strips, and tools*, from the facilities of Taylor Industries, located at or near Conyers, Ga., to points in the United States on and east of U.S. Highway 85, under contract with Taylor Industries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 142178 (Sub-No. 1) (correction), filed February 15, 1977, published in the FEDERAL REGISTER issue of April 7, 1977, republished as corrected this issue. Applicant: KENNETH J. PRENGER, doing business as Cherken Truck Lines, P.O. Box 1302, Columbia, Mo. 65201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the construction of heating and ventilating systems, from the plantsite of Semco Mfg., Inc., located at Salisbury, Mo., to points in the United States (except points in Alaska, Hawaii, and Missouri), under a continuing contract or contracts with Semco Mfg., Inc.

NOTE.—The purpose of this republication is to correct the territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City or Columbia, Mo.

No. MC 142359 (Sub-No. 2), filed May 23, 1977. Applicant: PORT EAST TRANSFER, INC., 1404 South Clinton Street, Baltimore, Md. 21224. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting (1) *Trailers* (except those designed to be drawn by passenger automobiles), *containers, hitchboxes, and chassis for containers*, between Baltimore, Md., and Norfolk, Va., on the one hand, and, on the other, points in the United States on and east of the Mississippi River; (2) *trailers*, designed to be drawn by passenger automobiles (except recreational vehicles), *and buildings*, in sections (except prefabricated buildings), in initial movements, in truckaway service, from Baltimore, Md., to points in the United States, on and east of the Mississippi River; and (3) *Office trailers and special purpose trailers* in truckaway service between Baltimore, Md., on the one hand, and, on the other, points in the United States, on and east of the Mississippi River.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md. Common control may be involved.

No. MC 142761 (Sub-No. 1) (partial correction), filed April 22, 1977, published in the FEDERAL REGISTER issue of June 9, 1977, as MC 2761 (Sub-No. 1) and republished as corrected this issue. Applicant: GERTRUDIZ RODRIGUEZ, doing business as, Rodriguez Delivery, 19110 Northwest 42nd Avenue, Miami, Fla. 33178. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. The purpose of this partial correction is to indicate the correct docket number of No. MC 142761 (Sub-No. 1) in lieu of No. MC 2761 (Sub-No. 1) which was published in error. The rest of the publication remains the same.

No. MC 142875 (partial correction), filed January 21, 1977, published in the FEDERAL REGISTER issue of March 17, 1977, and republished as corrected this issue. Applicant: A. L. GOMES, doing business as A. Gomes Bus Lines Co., 30 Prospect Street, Bristol, R.I. 02809. Applicant's representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Rd., Harwich, Mass. 02645.

NOTE.—The purpose of this partial correction is to indicate the correct restriction to read: Restricted to groups and individuals in groups accompanied by an interpreter, the rest remains the same.

NOTE.—A hearing is deemed necessary, and will be held at Providence, R.I.

No. MC 142994 (Sub-No. 2), filed May 24, 1977. Applicant: VIRGINIA COURIER SERVICE, INC., P.O. Box 287, Harrisonburg, Va. 22801. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, notes, checks, records, and audit and accounting media* between Rockingham County, Va., on the one hand, and, on the other, points in Hampshire, Mineral, Grant, Hardy, Pendleton Preston, Taylor, Barbour, Upshur, Webster, Berkley, Jefferson, Pocahontas, Randolph, Greenbrier, Tucker and Morgan Counties, W. Va., and Allegany, Garrett, and Washington Counties, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 143238, filed May 16, 1977. Applicant: The COTE CORPORATION, 211 Broad Street, Auburn, Maine 04210. Applicant's representative: John G. Feehan, One Canal Plaza, Portland, Maine 04112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *telephone equipment, materials, and supplies*, used in the installation, maintenance, and repair of such equipment, from Auburn, Maine to points in Androscoggin, Franklin, and Oxford Counties, Maine, under a continuing contract or contracts with New England Telephone Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Maine.

No. MC 143285, filed May 12, 1977. Applicant: MONROE'S GARAGE & WRECKER SERVICE, Route No. 1, Surgoinsville, Tenn. Applicant's representative: Wayne S. Monroe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles* and *trailers and operative motor vehicles* to replace wrecked or disabled motor vehicles, from Kingsport, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kingsport, Tenn.

No. MC 143287, filed May 20, 1977. Applicant: HOLMES AND HOLMES, INC., 316 South 10th Avenue, Mt. Vernon, N.Y. 10550. Applicant's Attorney: James E. Mahoney, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, to points in Ohio, Pennsylvania, and West Virginia; and (2) *general commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, accompanied baggage, commodities in bulk, commodities requiring special equipment, automobiles, trucks, and buses), from Baltimore, Maryland, to points in Allegheny, Beaver, Butler, Lawrence, Mercer, and Westmoreland Counties, Pennsylvania. The authority sought in Parts 1 and 2 above is restricted to traffic moving on bills of lading issued by P.O.W. Freight Systems, Inc., a freight forwarder regulated under Part IV of the Interstate Commerce Act. The authority sought in Part 2 above is further restricted to the transportation of import traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass., or New York, N.Y.

No. MC 143289 (Sub. No. 1), filed May 18, 1977. Applicant: BERNARD SHAPIRO AND DANIEL KUYKENDALL, a Partnership doing business as FEDERATED TRANSPORT SYSTEMS, 800 South McGary Street, Los Angeles, California 90021. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive, Los Angeles, California 90014. Federated Transport Systems seeks authority as a *contract carrier* by motor vehicle, over irregular routes, in the transportation of: (1) *Finished and unfinished piece goods*, from points in North Carolina, South Carolina and Georgia to points in California, and (2) *finished piece goods*, from points in California to points in North Carolina, South Carolina, and Georgia, under a continuing contract or contracts with Concord Fabrics, Inc. located in New York, N.Y.

NOTE.—An affiliate of applicant holds a Certificate of Registration in No. MC 120784 and therefore dual operations may be involved. Common control may be involved. If a hearing is demeed necesary, applicant requests that it be held at Los Angeles, California.

No. MC 143297, filed May 23, 1977. Applicant: GARN TRUCKING CO., INC., 1083 Columbus Road, Wooster, Ohio 44691. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *recyclable and recycled materials, scrap automobiles, scrap metals, and materials* processed therefrom, and *equipment, materials, and supplies* used or useful in the manufacture, processing, sale, and distribution of the described commodities, between points in Indiana, Illinois, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia under continuing contract or contracts with Wooster Iron & Metal Company, Wooster, Ohio; Auto Baling Company, Masury, Ohio; Q.C.P., Inc., Orville, Ohio; and Advance Bronze, Inc., Lodi, Ohio.

NOTE.—If a hearing is deemed necessary, aplicant requests that it be held at Columbus, Ohio or Washington, D.C.

No. MC 143298, filed May 23, 1977. Applicant: METER TANK SERVICE, INC., 569 W. Lancaster Avenue, Haveford, Pa. 19041. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in tank vehicles equipped with meters and hose reels from Claymont, Del., Delair, Pennsauken, Gloucester City, and Paulsboro, N.J. and Philadelphia, Twin Oaks, Tullytown, Malvern, Willow Grove, and Marcus Hook, Pa. to points in Delaware, points in the counties of Baltimore (except city of Baltimore), Carroll, Frederick, Harford, and Cecil, Md., and those in that part of Maryland east of the Chesapeake Bay; points in New Jersey south of the northern boundaries of the counties of Mercer and Monmouth and points in Pennsylvania east of the western boundaries of the counties of York, Dauphin, Northumberland, Montour, Sullivan, and Bradford, under continuing contracts with Kirschner Bros. Oil Co., Kirschner Bros. of New Jersey, Inc., and Service Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Washington, D.C. or Philadelphia, Pa.

No. MC 143313, filed May 11, 1977. Applicant: WORLD-WIDE MOVERS, INC., P.O. Box 3126, Anchorage, Alaska 99501. Applicant's representative: John M. Stern, Jr., P.O. Box 1672, Anchorage, Alaska 99510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and personal effects* as defined by the Commission, between points in Alaska, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Anchorage, Alaska or Seattle, Wash.

No. MC 143328, filed May 13, 1977. Applicant: EUGENE TRIPP TRUCKING, P.O. Box 2730, Missoula, MT 59801. Applicant's representative: David A. Sutherlund, Suite 400, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Fairfield, CA, to points in Montana, and (2) *empty containers*, from points in Montana, to Fairfield, CA.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, WA.

No. MC 143337, filed May 13, 1977. Applicant: HANNIFEN BODY & PAINT COMPANY, INC., 5329 Second Avenue, Des Moines, Iowa 50313. Applicant's Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *wrecked, disabled, and repossessed motor vehicles*, including trailers, between points in Polk County, Iowa, on the one hand, and, on the other, points in N.D., S.D., Nebr., Colo., Kan., Okla., Minn., Iowa., Mo., Ark., Wisc., Ill., Mich., Ind., and Ky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Des Moines, Iowa or Kansas City, Missouri.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 230), filed May 23, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, (1) between the junction of U.S. Highway 61 and Interstate Highway 55 north of New Madrid, Missouri and the junction of U.S. Highway 51 and Interstate Highway 155 north of Dyersburg, Tennessee serving all intermediate points: From the junction of U.S. Highway 61 and Interstate Highway 55 over Interstate Highway 55 to its junction with Interstate Highway 155, thence over Interstate Highway 155 to its junction with U.S. Highway 51 and return over the same route; (2) between the junction of Interstate Highway 55 and Missouri Highway 84 west of Caruthersville, Missouri and the junction of Interstate Highway 155 and Missouri Highway 84 south of Caruthersville, Missouri serving all intermediate points; from the junction of Interstate Highway 55 and Missouri Highway 84 over Missouri Highway 84 to its junction with Interstate Highway 155 and return over the same route; and (3) between the junction of Interstate Highway 155 and Tennessee Highway 78 north of Dyersburg, Tennessee and Dyersburg, Tennessee serving all intermediate points; from the junction of Interstate Highway 155 and Tennessee Highway 78 over Tennessee Highway 78 to Dyersburg, Tennessee and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tennessee.

No. MC 1515 (Sub-No. 233), filed May 20, 1977. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: W. L. McCracken (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: Passengers and their baggage, in special operations, in sightseeing and pleasure tours, (1) in round trips from points in Jefferson, Spencer, Nelson, Washington, Marion, Taylor, Green, Adair, Bullitt, Meade, Hardin, Hart, Barren, Allen, Edmonson, Warren, Simpson, McCracken, Graves, Hickman, Breckenridge, Hancock, Daviess, Henderson, Union, Crittenden, Livingston, Webster, Hopkins, Christian, Todd, Kenton, Boone, Gallatin, Carroll, Trimble, Henry, Oldham, Fayette, Woodford, Franklin, Shelby, Campbell, Pendleton, Harrison, Bourbon, Grant, Scott, Anderson, Mercer, Boyle, Garrard, Lincoln, Pulaski, McCreary, Madison, Rockcastle, Jessamine, Laurel, Knox, Bell, Whitley, Harlan, Clark, Powell, Wolfe, Breathitt, Perry, Montgomery, Menifee, Morgan, Magoffin., Johnson, Bath, Rowan, Carter, Boyd, Lawrence, and Fulton Counties, Kentucky; Obion, Dyer, Lauderdale, Tipton, Shelby, Fayette, Haywood, Madison, Gibson, Carroll, Henry, Benton, Humphreys, Dickson, Cheatham, Davidson, Montgomery, Robertson, Sumner, Williamson, Maury, Giles, Lawrence, Rutherford, Coffee, Franklin, Grundy, Marion, Hamilton, Cannon, Warren, White, Cumberland, Roane, Loudon, Anderson, Knox, Wilson, DeKalb, Scott, Morgan, Campbell, Clairborne, Union, Rhea, Grainger, Hawkins, Sullivan, Sevier, Jefferson, and Cocke Counties, Tennessee; Jackson, Lafayette, Saline, Howard, Boone, Callaway, Montgomery, Warren, Lawrence, Jefferson, Perry, Scott, Pemiscot, St. Charles, St. Louis, Franklin, Crawford, Phelps, Pulaski, Laclede, Webster, Greene, Jasper, Ste. Genevieve, Cape Girardeau, Newton, Cooper, Caly, Clinton, Platte, Buchanan, New Madrid, and Mississippi Counties, Missouri; to points in the United States, including Alaska but excluding Hawaii, and return; (2) in one way operations: (a) from points in the Counties of Kentucky, Tennessee, and Missouri named in (1) above, to points in the United States, including Alaska but excluding Hawaii; and (b) from points in the United States, including Alaska but excluding Hawaii, to points in the Counties in Kentucky, Tennessee, and Missouri named in (1) above. Restriction: The authority sought in 2(b) above is limited to those passengers or groups of passengers who originated at points in the Counties in Kentucky, Tennessee, and Missouri named in (1) above, and whose transportation from named counties was by means of air or rail carrier.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at St. Louis, Mo., Kansas City, Mo., Nashville, Tenn., Memphis, Tenn., or Lexington, Kentucky.

No. MC 1934 (Sub-No. 40), filed May 25, 1977. Applicant: THE ARROW LINE, INC., 105 Cherry Street, E. Hartford, Conn. 06108. Applicant's representative: Frank Daniels, 15 Court Sq., Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Passengers and their baggage in the same vehicle with passengers, in special operations, over irregular routes; and (2) passengers' automobiles in secondary movement in truckaway service, between Framingham, Mass., Hartford, Conn. and Bridgeport, Conn. on the one hand, and, on the other, Jacksonville, Fla., Cocoa Beach, Fla. and West Palm Beach, Fla. restricted to the transportation of passengers having an immediately prior movement in a passenger automobile tendered to the carrier for transportation on separate automobile transporters.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass., Hartford, Conn. or Jacksonville, Fla.

No. MC 143288 (Sub-No. 1), filed May 23, 1977. Applicant: THE CAPPS COMPANY, a corporation, R. R. No. 1, Hedrick, Iowa 52563. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Train crews and baggage of such crews* in the same vehicle with train crews, between points in Iowa, Illinois, Missouri, and Kansas City, Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Des Moines, Iowa.

No. MC 143315, filed May 18, 1977. Applicant: RENT-A-BUS, INC., Highway 17 South, Myrtle Beach, S.C. 29577. Applicant's representative: L. C. Major, Jr., Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at points in Georgetown and Horry Counties, S.C., and extending to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Myrtle Beach, S.C.

No. MC 143336, filed May 13, 1977. Applicant: BAY RAPID TRANSIT COMPANY, INC., 700 Munras Avenue, Post Office Box 1709, Monterey, California 93940. Applicant's representative: Randall Ward, 134 Wildcat Canyon Road, Pebble Beach, California 93953. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *passengers and their baggage*, (1) from points in Monterey, San Benito, and Santa Cruz Counties, California, to points in California, Nevada, Washington, Oregon, Arizona, New Mexico, Wyoming, Idaho, Montana, Utah, and Colorado, and (2) from the destination points in (1) above to points in Monterey, San Benito, and Santa Cruz Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either San Francisco, or Monterey, or San Jose, Calif.

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rules 240 (c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13243. Authority sought for merger by A & B TRANSPORTATION SERVICES, INC., 2645 Nevin Avenue, Los Angeles, CA., 90011, with (B) GARMENT CARRIERS, INC., 2645 Nevin Avenue, Los Angeles, California, 90011, and (BB) A & B GARMENT DELIVERY OF SAN FRANCISCO, INC., 690 24th Street, San Francisco, CA., 94108, and for acquisition by NELSON RESOURCES, INC., 20 Enterprise Ave., Syracuse, N.J., 07094, of control of such rights and property through the merger. Applicant's attorneys: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J., 07006, and Arthur Liberstein, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J. Operating rights sought to be merged: (B) Hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacture, thereof, as defined in 61 M.C.C. 288 and 289 (except natural furs and natural fur on fur-trimmed garments), handbags and costume jewelry, as a common carrier over regular routes (a) between North Sacramento, Calif., and San Francisco, Calif., serving all intermediate points, (b) between Sacramento, Calif., and Oakland, Calif., serving all intermediate points, (c) between junction Interstate Highway 80 and California Highway 29, east of Vallejo, Calif., and junction California Highways 29 and 37, north of Vallejo, Calif. serving all intermediate points, (d) between junction California Highways 29 and 37, near Vallejo, Calif., and junction California Highway 37 and U.S. Highway 101 at Ignacio, Calif., serving all intermediate points, and the off-route points of Novato, Sonoma, Napa, Ignacio, Junction, Waldo and Black Point, Calif., (e) between Richmond, Calif., and San Jose, Calif., serving all intermediate points, (f) between Oakland, Calif., and Pittsburg, Calif., serving all intermediate points, and the off-route point of Moraga, Calif., (g) between junction California Highway 4 and Interstate Highway 80, near Rodeo, Calif., and Stockton, Calif., serving all intermediate points, and the off-route points of Port Chicago and Byron, Calif., (h) between Martinez, Calif., and Warm Springs, Calif., serving all intermediate points, (i) between Tracy, Calif., and Modesto, Calif., serving all intermediate points, (j) between Wheeler Ridge, Calif., and San Juan Capistrano, Calif., serving all intermediate points between San Fernando and San Juan Capistrano, Calif., inclusive, and all points in the Los Angeles "Basin Territory", as described in Appendix A hereafter, as intermediate and off-route points.

(k) Between Santa Monica, Calif., and junction Interstate Highways 405 and 5, serving all intermediate points: (1) between Ignacio, Calif., and Los Angeles, Calif., serving (1) all intermediate points between Ignacio and San Jose, Calif.; (2) Santa Barbara and Ventura, Calif., and Oxnard, Calif., as an off-route point; (3) Belvedere, Tiburon, Mill Valley, San Anselmo, Fairfax, Fort Berry, Fort Cronkhite, Fort Baker, Sausalito, Marin City, Corte Medera Larkspur, Kentfield, San Rafael, Terra Linda, San Benetia, Marinwood, and Hamilton Air Force Base, as off-route points; and (4) all points in the San Francisco Territory as described in Appendix B hereafter, as intermediate and off-route points; (m) between Sacramento, Calif, and Los Angeles, Calif., serving (1) all intermediate points between Sacramento and Modesto; and (2) the intermediate points of Fresno and Bakersfield; (n) between Santa Monica, Calif., and Tucson, Ariz., serving (1) all intermediate points between Santa Monica and Redlands, Calif., inclusive; (2) all intermediate points between Phoenix and Tucson, Ariz., inclusive; and (3) Casa Grande, Ariz., as an off-route point; (o) between Tucson, Ariz., and Nogales, Ariz., serving all intermediate points; (p) between Avondale, Ariz., and Mesa, Ariz., serving all intermediate points, and the off-route points of Alhambra, Chandler Glendale and Scottsdale, Ariz.; (q) between Los Angeles, Calif., and Las Vegas, Nev., serving (1) all intermediate points between the California-Nevada State line and Las Vegas; and (2) all points in Clark County, Nev., as off-route points, with restrictions; ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: Hanging or cartoned garments, clothing and wearing apparel and component parts used in the manufacture thereof, as defined in 1 M.C.C. 288 and 289 (except natural furs and natural fur or fur-trimmed garments), handbags, and costume jewelry, between junction U.S. Highway 99 and California Highway 152, near Chowchilla, Calif., and Gilroy, Calif., serving no intermediate points, between Wheeler Ridge, Calif., and Tracy, Calif., serving no intermediate points, between junction California Highway 86 and Interstate Highway 10, near Indio, Calif., and junction Interstate Highways 8 and 10, near Casa Grande, Ariz., serving no intermediate points, Los Angeles "Basin Territory", Calif., includes all points in Los Angeles and Orange Counties, Calif., points in San Bernardino County, Calif., south of California Highway 138 and west of U.S. Highway 395, and points in Riverside County, Calif., north and west of California Highway 91. San Francisco "Territory", Calif., includes all points in San Francisco County, Calif., points in San Mateo County, Calif., east of California Highway 280, points in Santa Clara County, Calif., east of Interstate Highway 280 and west of California Highway 17, points in Alameda County, Calif., west of Interstate Highway 680, and points in Contra Costa County, Calif., west of Interstate Highway 680.

(BB) (1) Wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas; and (2) general commodities not named in (1) above when transported: (a) to or from retailers of garments not including retailers which sell garments incidentally such as (but not limited to) Hardware stores, drug stores, and grocery stores, as a common carrier over regular routes, (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, between San Francisco, Calif., and Santa Rosa, Calif., serving all intermediate points; Service is authorized at the off-route points of Fairfax, San Anselmo, Two Rocks, Petaluma, Graton, Ft. Cronkhite, Ft. Barry, Ft. Baker, Greenbrae, Daly City, Sebastopol, Fulton, Windsor, Kenwood, Marinwood, Tiburon, Black Point, Ross, Belvedere, Pacifica, Brisbane, Terra Linda, Santa Venetia, Corte Madera, Kentfield, Larkspur, Mill Valley, Hamilton AF Base, Waldo, Strawberry Point, and South San Fransico, between Ignacio, Calif., and Napa, Calif., serving all intermediate points, service is authorized at the off-route points of Ignacio, Novato, Schellville, Sonoma, and Black Point, between San Francisco, Calif., and North Sacramento, Calif., serving all intermediate points, service is authorized at the off-route points of Daly City, Brisbane, Alameda, Piedmont, Crockett, Mare Island, Vallejo, Del Paso, Sulsun City, Davis, Pacifica, Albany, Kensington, El Cerrito, Benicia, Bryte, Rockville, Vacaville, Elmira, Dixon, South San Francisco, El Sobrante, Pinole, Rodeo, Roosevelt Terrace, Sacramento, Broderick, West Sacramento, McClellan AF Base, and Allendale, between Napa, Calif., and junction California Highway 29 and U.S. Highway 40, serving all intermediate points, between San Francisco, Calif., and Sacramento, Calif., serving all intermediate points, service is authorized at the off-route points of Daly City, Pacifica, Bethany, Lathrop, French

Camp, Franklin, Perkins, Fruit Ridge, Banta, Parks AF Base, Brisbane, Pleasanton, Piedmont, Lodi, Galt, Sheldon, Bryte, Broderick, Dublin, Mt. Eden, South San Francisco, Berkeley, Hayward, Livermore, Herald, Elk Grove, North Sacramento, West Sacramento, Castro Valley, and Russell City, between Stockton, Calif., and junction California Highway 4 and U.S. Highway 40, serving all intermediate points, service is authorized at the off route points of Crockett, Martinez, Avon, Concord, Port Chicago, Pittsburg, West Pittsburg, Antioch, Knightsen, Byron, Pinole, Rodeo, Pacheco, Camp Stoneman, Clayton, Pleasant Hill, and Collinsville. Between Oakland, Calif., and Pittsburg, Calif., serving all intermediate points.

Service is authorized at the off-route points of Lafayette, Richmond, Moraga, Sparkle, Alameda, El Cerrito, Avon, Orinda, Saranap, Piedmont, Port Chicago, Antioch, and Orinda Village. Between Warm Springs, Calif., and Martinez, Calif., serving all intermediate points. Service is authorized at the off-route points of Palo Alto, Fremont, Avon, Benicia, Concord, Pleasanton, Vallecitos, and Milpitas. Between Stockton, Calif., and Modesto, Calif., serving all intermediate points. Service is authorized at the off-route points of Ceres, Empire, Riverbank, Manteca, Lathrop, Simms, French Camp, and Collegeville. Between junction California Highway 33 and U.S. Highway 50 near Tracy and junction U.S. Highway 50 and California Highway 132 at Vernalis, serving all intermediate points. Service is authorized at the off-route point of Banta, between Vernalis, Calif., and Modesto, Calif., serving all intermediate points. Service is authorized at the off-route points of Ceres, Empire, Grayson, and Salida, with restrictions. Between San Francisco, Calif., and San Jose, Calif., serving all intermediate points. Between San Jose, Calif., and Emeryville, Calif., serving all intermediate points. (1) Wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas, and (2) general commodities not named in (1) above when transported: (a) to or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, between points within 10 miles of Stockton.

Between points within 10 miles of Sacramento. Between points within 5 miles of Santa Rosa. Between all points within the San Francisco Territory as hereinafter described and the points of Dale City, Pacifica, Rockaway Beach, San Mateo, Hillsborough, Allerton, El Sobrante, Ft. Baker, Thornton Beach, Pinehurst, Menlo Park, Woodside, Palo Alto, Mountain View, Los Altos Hills, Ft. Barry, Colina, Canyon, Sunnyvale, Monta Vista, Campbell, Cupertino, El Camino Real, Santa Clara, Tiburon, Ft. Cronkhite, Baden, San Jose, Milpitas, Fremont, Irvington, Moraga, Berkeley, Sausalito, Belverdere, Vallemar, Castro Valley, Orinda, Rheem Valley, Lafayette, Albany, Kensington, Marin City, Waldo, Decota, and San Pablo. San Francisco Territory includes that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway No. 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway No. 101 to its intersection with the corporate boundary of the City of San Jose: southerly, easterly and northerly along said corporate boundary to its intersection with State Highway No. 17; northerly along State Highway No. 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estate Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway No. 40 (San Pablo Avenue); northerly along U.S. Highway No. 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco water front at the foot of Market Street; westerly along said water front and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

NOTE.—The control relationship between Transferee and Transferor was previously approved by an order served October 1, 1969, in Docket No. MC–F–10377.

No. MC–F–13245. Authority sought for purchase by HOLLEBRAND TRUCKING, INC., Route 350, P.O. Box 164, Ontario Center, N.Y. 14520, of the operating rights of FRED CARPENTIER, AN INDIVIDUAL, 1415 Luzerne Street, Scranton, Pa. 18504. Applicants' attorneys: S. Michael Richards and Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Operating rights sought to be transferred: *Bananas*, as a *common carrier* over irregular routes from port facilities in New Jersey within the New York, N.Y., harbor area as defined by the Commission in Ex Parte No. 140, Determination of the Limits of New York Harbor and Harbor Contiguous Thereto, to Scranton, Pa.; from Albany, N.Y., to points in New York, New Jersey and Pennsylvania; from Baltimore, Md., to Scranton, Pa., with no transportation for compensation on return except as otherwise authorized. Applicant is authorized to operate as a *common carrier* in New York, Virginia, West Virginia, New Jersey, Pennsylvania, Ohio, Maryland, Massachusetts, Connecticut, Florida, Illinois, Iowa, Indiana, Kansas, Missouri, Kentucky, Michigan, Nebraska, North Carolina, Oklahoma, District of Columbia, Georgia, South Carolina, Delaware, and Vermont. Application has not been filed for temporary authority under Section 210a(b).

No. MC–F–13251. Authority sought for purchase by CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Indiana 46405, of the operating rights of MURPHY TRANSPORTATION, INC. (Charles Johnson, Trustee-In-Bankruptcy, Suite 11, Commerce National Bank, Anniston, Alabama 36201), and for acquisition by GEORGE A. REDIEHS COMPANY, INC., 79th Street & Joliet Road, Hinsdale, Illinois 60521 of control of such rights through the purchase. Applicants' attorney: James C. Hardman, 33 N. LaSalle Street, Chicago, Illinois 60602. Operating rights sought to be transferred: *Asbestos-cement pipe and pipe fittings, and plastic pipe and pipe fittings*, when transported in mixed loads with asbestos-cement pipe and pipe fittings, over regular routes, from the plant site of Orangeburg Manufacturing Company, located near Ravenna, Ohio, to points in Tennessee, Florida, and Georgia, restricted against the transportation of pipe used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and restricted against the transportation of articles which, because of size or weight, require the use of special equipment or special handling; *cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, from Holt, Alabama, to points in West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 219; *conduit and pipe, and fittings and attachments for such conduit and pipe* (except such commodities as require special equipment which is furnished by the carrier), all in flatbed trailers, from Glen Dale, Marshall County, West Virginia, to points in Alabama, Arizona, Florida, Georgia, Louisiana, and Mississippi; *fibre conduit and fibre pipe, in nonreturnable shipping racks, and fittings and couplings for such pipe*, from Orangeburg, New York, to points in Alabama, Georgia, and Florida; *fibre conduit and fibre pipe, in nonreturnable shipping racks, and couplings and fittings for such conduit and such pipe*, from Orangeburg, New York, to points in Arizona, Louisiana, and Mississippi.

Metal bleachers, pipe, and pipe fittings, from Demopolis, Alabama, to points in Georgia and Florida; *lumber*, from points in Sumter, Greene, and Marengo Counties, Alabama, to points in Florida,

Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, Tennessee, and West Virginia; *plastic pipe and fittings*, from the plant-site of the Central Foundry Company, at or near Holt, Alabama, to points in Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia; *iron and steel articles*, from the facilities of Continental Steel Corporation, at or near Kokomo, Indiana, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, Ohio, and extending northerly along U.S. Highway 23 to Columbus, Ohio, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219; *conduit, pipe and cable, and fittings and attachment therefor*, from Glendale (Marshall County), West Virginia, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia. Vendee is authorized to operate as a common carrier in Illinois, Indiana, Iowa, Missouri, and Wisconsin. Application has been filed for temporary authority under Section 210a(b).

NOTE.—Portions of the above operating rights are subject to term limitations which applicants will seek to have removed upon transfer. MC 43963 (Sub No. 11) is a directly related matter.

No. MC–F–13252. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, Mass. 01746, of a portion of the operating rights of Evans Delivery Company, Inc., P.O. Box 268, Pottsville, Pa., 17901, and for acquisition by S.J.T., Inc., 87 Jeffrey Avenue, Holliston, Mass. 01746, of control of such rights through the purchase. Applicants' attorneys: Francis P. Barrett, John F. O'Donnell, Barrett and Barrett, P.O. Box 238, 60 Adams St., Milton, Mass. 02187. Abe Frumkin, 100 S. Centre St., Pottsville, Pa: 17901, and A. David Millner, John Tynan, P.O. Box 1409, 167 Fairfield Rd., Fairfield, N.J. 07006. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Pottsville, Pa., and Easton, Pa., serving all intermediate points, and off-route points within 5 miles of Pottsville: From Pottsville over U.S. Highway 209 to Lehighton, Pa., thence over Pennsylvania Highway 248 (portions formerly Pennsylvania Highway 29 and 45) via Nazareth and Wilson, Pa., to Easton, and return over the same route. General commodities, with exceptions as a common carrier over irregular routes between Pottsville, Pa., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Pottsville; between Allentown, Bethlehem, Walnutport, Lehigh Gap, Weissport, Easton, Emmaus, Catasauqua, Northampton and Slatington, Pa. Vendee is authorized to operate as a common carrier in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Ohio, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13256. Authority sought for purchase by HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa, 51102, of a portion of the operating rights of Minn.-Cal., Inc., P.O. Box E, 104 3rd Avenue Northwest, Mandan, North Dakota, 58554, and for acquisition by Raymond C. Hirschbach and George L. Hirschbach, both of 5000 S. Lewis Blvd., Sioux City, Iowa, 51102, of control of such rights through the purchase. Applicants' attorney: Robert A. Wichser, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa, 51102. Operating rights sought to be transferred: Such merchandise as is dealt in by mail order houses and materials and supplies used in conducting such business, as a contract carrier over irregular routes between the facilities of the Fingerhut Corporation, at St. Cloud, Minn., on the one hand, and, on the other, points in that part of the United States in west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii), with restrictions. Vendee is authorized to operate as a common carrier in Arizona, California, Colorado, Idaho, Iowa, Kansas, Texas, Utah, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Washington, and Wyoming. Application has been filed for temporary authority under section 210a(b).

No. MC–F–13257. Authority sought for control by Wm. H. P., Inc., 1342 North Howard Street, Philadelphia, PA., 19122, of Burgmeyer Bros., Inc., 50 North Fifth Street, Reading, Pa., 19601, through management for a period of up to one year pursuant to an option to acquire ownership of stock. Applicants' attorneys: A. David Millner and Arthur Liberstein, % Bowes, Millner, Rodgers & Liberstein, P.O. Box 1409, 167 Fairfield New Jersey 07006, and Henry Koch, Jr., P.O. Box 639, 217 North Sixth Street, Reading, Pennsylvania 19603. Operating rights sought to be controlled: General commodities, with certain specified exceptions, and other specified commodities, as a common carrier over regular routes and irregular routes, from, to, and between specified points in the States of New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, West Virginia, Illinois, Maryland, Ohio Indiana, and the District of Columbia, with certain restrictions, serving various intermediate and off-route points, over alternate routes for operating convenience only, as more specifically described in Docket No. MC 29684 and Subs numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. Wm. H. P., Inc. is authorized as a motor common carrier of general commodities over regular routes primarily in Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia under MC 39821 and sub numbers thereunder.

NOTE.—In MC–F–13112 (pending) Wm. H. P., Inc. seeks to acquire control of Interstate Trucking Corp. with regular route authority in the States of Connecticut, New Jersey, and New York. Common control is involved. Application for temporary authority under Section 210a(b) has been filed.

No. MC–F–13258. Authority sought for purchase by DART TRUCKING COMPANY, INC., P.O. Box 158, 61 Railroad Street, Canfield, Ohio 44406, of the operating rights of E. J. Miller Trucking Co., 4588 State Route 82, Mantua, Ohio 44255, and for acquisition by James R. Soda, 61 Railroad Street, P.O. Box 158, Canfield, Ohio, 44406, of control of such rights through the purchase. Applicant's attorneys: Paul F. Beery, 275 E. State Street, Columbus, Ohio 43215, and James Duvall, 220 Westbridge Street, P.O. Box 97, Dublin, Ohio 43017. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121381 (Sub-No. 1), covering the transportation of Property as a common carrier from and to Atwater, Ohio. Coal, builders supplies, farm equipment, farm supplies, farm commodities, lumber, logs, sawmill equipment from and to any point in Portage County, Ohio. Lumber, logs and sawmill equipment from and to any point in Columbiana, Mahoning, Trumbull, Stark, and Summit Counties, Ohio, with restrictions. Vendee is authorized to operate as a common carrier in Ohio, Pennsylvania, West Virginia, Michigan, and Kentucky. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–121420 (Sub-No. 8) is a directly related matter.

Finance Docket Nos. 26482 and 26483 (Petition for Modification) (AUTO-TRAIN CORP., operation rail passenger and automobile transport service, between Alexandria, Va., and Sanford, Fla.). Petitioner Auto-Train Corporation, 1801 K Street NW., Washington, D.C. 20006, represented by Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005, holds authority as a railroad for combined rail passenger-automobile transport service between Alexandria, Virginia, on the one hand, and, on the other, Sanford, Florida. By petition filed June 16, 1977, petitioner seeks to modify the above authority so as to permit the joint booking for substantially simultaneous transportation of an automobile by Auto-Train and of its owner or driver by another common carrier such as an airline.

Auto-Train has entered into an agreement with Eastern Airlines permitting it to offer "package plans" for passenger

JUN 30 1977 UM

transportation by air and automobile transport by Auto-Train and inclusive of lodging, entertainment, transfers and the like.

Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Finance Docket Nos. 27508 and 27525 (Petition for Modification) (Auto-Train Corp., operation between Louisville, Ky., and Sanford, Fla.). Petitioner: AUTO-TRAIN CORP., 1801 K Street NW., Washington, D.C. 20006. Representative: Edward K. Wheeler, 704 Southern Building, Washington, D.C. 20005. Holds authority as a railroad for combined rail passenger-automobile transport service between Alexandria, Va., on the one hand, and, on the other, Sanford, Fla.; and between Louisville, Ky., on the one hand, and on the other Sanford, Fla. By petition filed June 16, 1977, petitioners seeks to modify the above authority so as to permit the joint booking for substantially simultaneous transportation of an automobile by Auto-Train and of its owner or driver by another common carrier such as an airline. Auto-Train has entered into an agreement with Eastern Airlines permitting it to offer "package plans" for passenger transportation by air and automobile transport by Auto-Train and inclusive of lodging, entertainment, transfers and the like. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2253 (Sub-No. 74), filed May 16, 1977. Applicant: CAROLINA FREIGHT CARRIERS CORP., North Carolina Highway No. 150 East, Cherryville, N.C. 28021. Applicant's representative: William A. Gray, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Charleston, W. Va., and Williamson, W. Va., from Charleston over U.S. Route 119 to Williamson, and return over the same route; (2) between Charleston, W. Va., and Welch, W. Va., from Charleston over U.S. Route 60 to junction U.S. Route 119, thence over U.S. Route 119 to junction West Virginia State Route 3 to Beckley, thence over U.S. Routes 19 and 21 to Princeton and Bluefield, and thence over U.S. Route 52 to Welch, and return over the same routes; (3) between Charleston W. Va., and the junction of the West Virginia Turnpike (Interstate Highway 77) and U.S. Highways 19 and 21 at or near Camp Creek, W. Va., from Charleston over the West Virginia Turnpike (Interstate Highway 77) to junction. U.S. Highways 19 and 21 at or near Camp Creek, W. Va., and return over the same route; (4) between Charleston, W. Va. and Parkersburg, W. Va., fom Charleston over U.S. Route 115 to junction West Virginia State Route 16, thence over West Virginia State Route 16 to junction West Virginia State Route 5, thence over West Virginia State Route 5 to junction West Virginia State Route 14 to Parkersburg, and return over the same routes; (5) between Charleston, W. Va., and Parkersburg, W. Va., from Charleston over U.S. Route 119 to junction West Virginia State Route 14, thence over West Virginia State Route 14 to Parkersburg, and return over the same routes; (6) between Charleston, W. Va., and Parkersburg, W. Va., from Charleston over Interstate Route 77 to Parkersburg, and return over the same route (7) between Charleston, W. Va., and Huntington, W. Va., from Charleston over U.S. Route 60 to Huntington and return over the same route; (8) between Charleston, W. Va., and Huntington, W. Va., from Charleston over Interstate Route 64 to Huntington, and return over the same route; (9) between Charleston, W. Va., and White Sulpher Springs, W. Va., from Charleston over U.S. Route 60 to White Sulpher Springs, and return over the same route; (10) between Charleston, W. Va., and White Sulpher Springs, W. Va., from Charleston over Interstate Route 64 to White Sulpher Springs, and return over the same route. Service is requested to and from all intermediate points on the above specified routes 1 through 10 and service is requested to and from all off-route points within 25 miles of the above specified routes 1 through 10.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5(2) proceeding in MC-F-13222 which was noticed in the FEDERAL REGISTER issue of May 26, 1977. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 41432 (Sub-No. 149), filed March 21, 1977. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: Wyman C. Knapp, 825 City National Bank Bldg., 606 S. Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, in the transportation of: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, livestock, logs, automobiles, trucks, buses, and automobile, truck and bus chassis), (1) between junction Interstate Highways 10 and 395 near Colton, Calif., and the San Diego territory as described in Appendix A, over Interstate Highway 15 (U.S. Highway 395), serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory as described in Appendix B; (2) between the Los Angeles territory, and the San Diego territory, over Interstate Highway 5 (U.S. Highway 101) and California Highway 1, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory;

(3) Between junction Interstate Highway 5 and California Highway 78, and Escondido, Calif., over California Highway 78, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory; (4) between junction Interstate Highway 15 (U.S. Highway 395), and Oceanside, Calif., over California Highway 76, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory; (5) between Vista, and Fallbrook, Calif., over San Diego County Road S–13, serving all intermediate points, and serving those off-route points located in the Los Angeles basin territory; and (6) serving points in the Los Angeles basin territory as intermediate and off-route points in connection with applicant's presently authorized regular route operations; restricted against the transportation of (a) sodium (soda) hypochlorite solution; cleaning compounds; dry laundry bleach; animal litter; chopped alfalfa pellets; liquid cooking or salid oil (cooking grease); bread crumbs; granulated cereal; dry dip mixes, in boxes; canned or preserved mushrooms, liquid, in containers in boxes; salad dressing preparations, in boxes; table sauce, in boxes; charcoal briquettes or charcoal pellets, in paper bags, in boxes; wood chips, not charred, in packages; Bar-h-q base (Verniculite), except crude, in packages; and lighter fluid (naphtha) fuel distillate, in boxes, originating at Vernon, Calif., and (b) pallets used in the transportation of the commodities listed in (a) next above destined to Vernon, Calif.

NOTE.—This application seeks to convert a Certificate of Registration docketed at MC 98194 (Sub-No. 2) into a Certificate of Public Convenience and Necessity. The request herein is restated to conform with customary Commission terminology. This is a matter directly related to a finance proceeding docketed at MC-F-13171 which appeared in the FEDERAL REGISTER issue of March 31, 1977. If a hearing is deemed necessary, applicant requests it be held at either Los Angeles, Calif., or Washington, D.C.

APPENDIX A

SAN DIEGO TERRITORY

The San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67; thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning.

APPENDIX B

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; Northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Memet; southerly, westerly and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

APPENDIX C

LOS ANGELES TERRITORY:

The Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to State Highway 118 at San Fernando (including the City of San Fernando); thence southeasterly along State Highway 118 to and including the City of Pasadena; thence easterly along Foothill Boulevard from the intersection of Foothill Boulevard and Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northerly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue and the prolongation thereof to the west side of Sawpit Wash; southerly on Sawpit Wash to the intersection of Mountain Avenue and Royal Oaks Drive; easterly along Roal Oaks Drive to Buena Vista Street, south on Buena Vista Street and due south on a prolongation thereof of the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the City of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway (State Highway 90); westerly on Imperial Highway to Lakewood Boulevard (State Highway 19); southerly along Lakewood Boulevard to its intersection with State Highway 1 at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1; thence northerly along an imaginary line to point of beginning.

No. MC 43963 (Sub-No. 11), filed June 10, 1977. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, IN 46405. Applicant's representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, which require specialized handling and rigging because of size and weight, from Chicago, IL and points in Illinois and Indiana within 50 miles of Chicago to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(2) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, from Chicago and Joliet, IL, Burns Harbor, IN, and Minneapolis, MN to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(3) *Iron and steel articles* (except such commodities as are usually transported in dump trucks and commodities which, because of their size or weight, require the use of special equipment), from Centerville, IA to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(4) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing strip, structurals, tank parts, tubing and wire in coils*, which, because of size or weight, require specialized handling or rigging, from points in Wisconsin to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

(5) *Iron and steel angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils* (except articles requiring specialized handling or rigging because of size or weight), from points in Lake, Cook, DuPage, Kane, Kendall, McHenry, and Will Counties, IL within 40 miles of Grant Park, Chicago, IL to points in Alabama, Florida, Georgia, Louisiana, Mississippi, West Virginia, those in that part of Ohio on and bounded by a line commencing at Portsmouth, OH, and extending northerly along U.S. Highway 23 to Columbus, OH, and thence easterly along U.S. Highway 40 to the Ohio-West Virginia State line, and those in that part of Pennsylvania on and west of U.S. Highway 219, with no transportation for compensation on return except as otherwise authorized.

NOTE.—This is a matter directly related to a Section 5(2) finance proceeding in MC-F-13251 which is noticed in a prior section of this issue. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Illinois or Washington, D.C.

No. MC 59583 (Sub-No. 162), filed June 10, 1977. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, Post Office Box 969, Kingsport, Tennessee 37662. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in North Carolina.

NOTE.—Common control may be involved. This application is directly related to the control and merger application filed May 12, 1977 in docket No. MC–F–13220 and noticed in the FEDERAL REGISTER of June 3, 1977. By this application, Mason and Dixon seeks to convert the certificate of registration issued General Motor Lines, Inc. in MC–120766 (Sub-No. 1) to one of public convenience and necessity. If a hearing is deemed necessary, applicant requests that it be held at Charlotte, North Carolina.

No. MC 63871 (Sub-No. 5), filed June 3, 1977. Applicant: ANDREWS & PIERCE, INC., 1431 Bedford Street, North Abington, Massachusetts 02351. Applicant's attorney: James E. Mahoney, 84 State Street, Boston, Massachusetts 02109. Authority is sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matters is directly related to a Section 5(2) finance proceeding in No. MC–F–13246, published in the FEDERAL REGISTER issue of June 16, 1977. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 68656 (Sub-No. 3), filed May 26, 1977. Applicant: CHICAGO EXPRESS CO., INC., 2418 S. Loomis Avenue, Chicago, Illinois 60608. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street, N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Stoves, refrigerators, and household appliances, between points in the state of Illinois; (2) general commodities (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight) and household appliances, between points in McHenry, Lake, DeKalb, Kane, DuPage, Cook, Kendall, Grundy, Will, and Kankakee Counties, Illinois and that portion of Iroquois County on and north of U.S. Highway 45 and U.S. Highway 52; and (3) between points in the above named counties on the one hand, and on the other, points in Illinois.

NOTE.—The purpose of this application is to convert a certificate of registration issued in MC–68656 (Sub-No. 2) to a certificate of public convenience and necessity. This is a matter directly related to No. MC–F–13172 which was noticed in the FEDERAL REGISTER issue of April 7, 1977. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 84242 (Sub-No. 1), filed June 6, 1977. Applicant: ORIGINAL HALL LANE MOVING & STORAGE CO., INC., 67 Mall Drive, Commack, New York 11725. Applicant's representative: Robert J. Gallagher, Esq., Suite 1200, 1000 Connecticut Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of Household Goods as defined by the Commission, between points in Connecticut, New Jersey, New York, Ohio, and Pennsylvania on the one hand, and, on the other, points in Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, Maryland, West Virginia, Delaware, Rhode Island, Ohio, and the District of Columbia, removing the gateway of New York, New York.

NOTE.—This application is directly related to MC–FC–76962 wherein the Transferee is Original Hall Lane Moving & Storage Co., Inc. and the Transferor is Oliver E. Cote. The purpose of this application is to remove the gateway of New York, New York. If a hearing is deemed necessary, applicant requests that it be held in Commack, New York, however, modified procedure is requested. The request for authority in MC–FC–76962 was noticed in the FEDERAL REGISTER issue of April 21, 1977.

No. MC 120761 (Sub-No. 21), filed, June 15, 1977. Applicant: NEWMAN BROS. TRUCKING COMPANY, 6559 Midway Road, P.O. Box 13302, Fort Worth, Texas 76118. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Texas 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and *Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, (except the stringing or picking up of pipe in connection with main or trunk pipelines); and *Heavy machinery*, and *heavy or cumbersome commodities*, which because of size and weight, require the use of special equipment, and *parts* threof; (1) between points in Texas; and (2) between points in Texas, on the one hand, and, on the other, points in New Mexico, Oklahoma, and Kansas; and (II) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *Machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up of pipe in connection with main or trunk pipelines), between all points in Texas, on the one hand, and, on the other, points in Colorado and Wyoming.

NOTE.—This is a Gateway Elimination Application, directly related to MC–F–13182. The purpose of this application is as follows: To eliminate gateways with respect to Part (I) of the application, between points in that part of Texas west of a line beginning at the Texas-Oklahoma State line, and extending along U.S. Highway 81 to Fort Worth, Texas, and north of a line beginning at Fort Worth, and extending along U.S. Highway 80 to El Paso, Texas, including points on the indicated portions of the highways specified, and between points in Texas north of a line beginning at the Texas-New Mexico State line, and extending along the southern boundaries of Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Texas, to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line, to the Texas-Oklahoma State line; and to eliminate gateways with respect to Part (II) of the application, between points in Texas north of a line beginning at the Texas-New Mexico State line, and extending along the southern boundaries of Parmer, Castro, Swisher, Brisco, Hall, and Childress Counties, Texas, to junction of Hardeman County line, thence west of a line extending along the Childress-Hardeman County line, to the Texas-Oklahoma State line; and to eliminate gateways in the State of Kansas. The request for authority in MC–F–13182 was noticed in the FEDERAL REGISTER issue of April 21, 1977. If a hearing is deemed necessary, applicant requests it be held in Houston or Dallas, Texas.

ABANDONMENT APPLICATIONS, NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act that orders have been entered in the following abandonment applications which are administratively final and which found that subject to conditions the present and future public convenience and necessity permit abandonment.

A Certificate of Abandonment will be issued to the applicant carriers 30 days after this FEDERAL REGISTER publication unless the instructions set forth in the notices are followed.

[Docket No. AB–37 (Sub-No. 6)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION COMPANY ABANDONMENT AND ABANDONMENT OF OPERATION—BY UNION PACIFIC RAILROAD COMPANY OF "UMATILLA BRANCH" BETWEEN UMATILLA AND IRRIGON IN UMATILLA AND MORROW COUNTIES, OREGON

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on May 10, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Oregon-Washington Railroad and Navigation Company, and abandonment of operation by Union Pacific Railroad Company, over a portion of Oregon-Washington Railroad and Navigation Company branch line trackage known as the "Umatilla Branch" extending from railroad milepost 10.63 near Umatilla, Oregon, in a westerly direction to railroad milepost 18.15 near Irrigon, Oregon, a distance of 7.52 miles in Umatilla and Morrow Counties, Oregon. A certificate of abandonment will be issued to the Oregon-Washington Railroad and Navigation Company and Union Pacific Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

[Docket No. AB–132]

AKRON & BARBERTON BELT RAILROAD COMPANY ABANDONMENT OF ITS FAIRLAWN BRANCH NEAR NORTON, IN SUMMIT COUNTY, OHIO

NOTICE OF FINDINGS

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on April 29, 1977, a finding, which is administratively final, was made by the Commission, Commissioner Brown, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Chicago, B. & Q. R. Co., Abandonment*, 257 I.C.C. 700, the present and future public convenience and necessity permit the abandonment by the Akron & Barberton Belt Railroad Company of its line of railroad extending from railroad milepost 3.4 near Wadsworth Road, State Route 261, Norton, Ohio, in a northerly direction to the end of the line at railroad milepost 6.8 near Frank Boulevard, Okron, Ohio, a distance of 3.4 miles in Summit County, Ohio. A certificate of abandonment will be issued to the Akron & Barberton Belt Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

MOTOR CARRIER ALTERNATE ROUTES DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 75320 (Deviation No. 66), CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801, filed June 9, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Irving, Tex., thence over Belt Line Road to junction Texas Highway 121, thence over Texas Highway 121 to McKinney, Tex., thence over U.S. Highway 380 to Greenville, Tex., thence over Interstate Highway 30 to junction Arkansas Highway 5 near Benton, Ark., thence over Arkansas Highway 5 to junction Interstate Highway 430, thence over Interstate Highway 430 to junction Interstate Highway 40, thence over Interstate Highway 40 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction U.S. Highway 64 near Bald Knob, Ark., thence over U.S. Highway 64 to junction Arkansas Highway 147, thence over Arkansas Highway 147 to Lehi, Ark., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Irving, Tex., over City streets to U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 69 near Dennison, Tex., thence over U.S. Highway 69 to junction Oklahoma Highway 51, near Wagoner, Okla., thence over Oklahoma Highway 51 to the Oklahoma-Arkansas State line, thence over Arkansas Highway 244 to junction Arkansas Highway 59, thence over Arkansas Highway 59 to Van Buren, Ark., thence over U.S. Highway 71 to Fort Smith, Ark., thence over U.S. Highway 71 to junction Arkansas Highway 10, thence over Arkansas Highway 10 to Little Rock, Ark., thence over U.S. Highway 70 to Lehi, Ark., and return over the same route.

No. MC 80430 (Deviation No. 21), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed June 16, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 41 and Indiana Highway 63 near Carbondale, Ind., south over Indiana Highway 63 to junction U.S. Highway 41 in Terre Haute, Ind., and return over the same route for operating convenience only. The notice indicates that carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Carbondale, Ind., over U.S. Highway 41 to Terre Haute, Ind., and return over the same route.

No. MC 111231 (Deviation No. 57), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed June 8, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wis. Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to Beatrice, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently autrorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Kansas Highway 15E, thence over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to Beatrice, Nebr., and return over the same route.

No. MC 111231 (Deviation No. 58), JONES TRUCK LINES, INC., 610 E. Emma Ave., Springdale, Ark. 72764, filed June 9, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wis. Ave., Washington, D.C. 20014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 73, thence over U.S. Highway 73 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Kansas Highway 15E, thence over U.S. Highway 36 to junction U.S. Highway 77, thence over U.S. Highway 77 to Beatrice, Nebr., and return over the same route.

No. MC 111231 (Deviation No. 59), JONES TRUCK LINES, INC., 610 E. Emma Ave, Springdale, Ark. 72764, filed June 9, 1977. Carrier's representative: Kim D. Mann, Suite 1010, 7101 Wis. Ave., Washington, D.C. 10014. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 64 to junction Cimarron Turnpike, thence over Cimarron Turnpike to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Interstate Highway 35W, thence over Interstate Highway 35W to junction U.S. Highway 81, thence over U.S. Highway 81 to Belleville, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 81, thence over U.S. Highway 81 to Belleville, Kans., and return over the same route.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on the quality of human environment resulting from approval of its request.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Deviation No. 96), AMERICAN BUSLINES, INC., 1501 S. Central Ave., Los Angeles, Calif. 90021, filed June 15, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Los Angeles, Calif., over Interstate Highway 10 to junction Interstate Highway 15W, thence over Interstate Highway 15W to junction U.S. Highway 395 (Interstate Highway 15E) near Devore, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 395 to junction U.S. Highway 66, and return over the same route.

No. MC 29957 (Deviation No. 17), CONTINENTAL SOUTHERN LINES, INC., 1785 Highway 80 West, Jackson, Miss. 39204, filed June 14, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Tuscaloosa, Ala., over combined Interstate Highways 20 and 59 to Meridian, Miss., thence over Interstate Highway 20 to Jackson, Miss., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Tuscaloosa, Ala., over U.S. Highway 82 to Starkville, Miss., thence over Mississippi Highway 25 to Carthage, Miss., thence over Mississippi Highway 16 (formerly Mississippi Highway 25) to Canton, Miss., thence over U.S. Highway 51 (formerly Mississippi Highway 25) to Jackson, Miss., and return over the same route.

No. MC 74761 (Deviation No. 9), TAMIAMI TRAIL TOURS, INC., 525 Madison St., Tampa, Fla. 33602, filed June 17, 1977. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From West Palm Beach, Fla., over Interstate Highway 95 to junction PGA Blvd., thence over PGA Blvd. to junction Florida's Turnpike, thence over Florida's Turnpike to junction Interstate Highway 4, thence over Interstate Highway 4 to Orlando, Fla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From West Palm Beach, Fla., over combined U.S. Highways 98 and 441 to junction U.S. Highway 98, thence over U.S. Highway 98 to Canal Point, Fla., thence over combined U.S. Highways 98 and 441 to Okeechobee, Fla., thence over U.S. Highway 441 to junction Florida Highway 15, thence over Florida Highway 15 to Orlando, Fla., and return over the same route.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A57362, filed June 2, 1977. Applicant: AUTO FAST FREIGHT, INC., 194 W. Benedict Street, San Francisco, Calif. 92402. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of Public Convenience and Necessity sought to operate a freight service as a highway *common carrier* as defined in Section 213 of the Public Utilities Code for the transportation of *general commodities*, between all points and places within the Los Angeles basin territory described in note A, on the one hand, and, (1) points and places on California Highway 62 west of Ironage Road, on the other hand; (2) all points within 10 miles of the above route; (3) through routes and rates may be established between any any all points described above in connection with presently certificated authority and with other certificated carriers, at convenient points of interchange (except that pursuant to the authority herein granted, carrier shall not transport any shipments, of: (1) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses, and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.

(5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped mechanical mixing in transit. (7) Logs. (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60;

Southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corproate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102 and should not be directed to the Interstate Commerce Commission.

Alaska Docket No. 77–206–MF, O, filed June 6, 1977. Applicant: ST. ELIAS TRUCKING COMPANY, 4717 Business Park Blvd., Anchorage, Alaska 99503. Applicant's representative: Harris Saxon, Ely, Guess & Rudd, 510 L St., Anchorage, Alaska 99501. Certificate of Public Convenience and Necessity sought to operate a freight service as a *motor freight common carrier*, non-scheduled service over irregular routes transporting: *General commodities*, between all points and places within a one hundred and thirty miles radius of Yakutat, Alaska, including Yautat, Alaska. Intrastate, interstate and foreign commerce authority sought. *HEARING:* Date, time, and place not yet fixed. Requests for procedural information should be addressed to the Alaska Public Utilities Commission, 1000 Mackay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc.77-18625 Filed 6-29-77;8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board	1
Commodity Futures Trading Commission	2
Federal Trade Commission	3
Indian Claims Commission	4
International Trade Commission	5
Nuclear Regulatory Commission	6, 7
Postal Rate Commission	8
Securities and Exchange Commission	9

1

[MA–11 Amending M–25]

AGENCY HOLDING THE MEETING: Civil Aeronautics Board.

NOTICE OF ADDITION OF ITEM TO JUNE 28, 1977, MEETING AGENDA

TIME AND DATE: 10 a.m.—June 28, 1977.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 1. Ratification of Items Adopted by Notation. 2. Docket 30929, Tariff filed by Hughes Air Corporation d.b.a. Hughes Airwest proposing round-trip excursion fares in the Yuma-Los Angeles and Yuma-Phoenix markets. 3. Docket 30714, Application of Braniff Airways Inc. for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958 to provide free transportation for transportation for travel agents to attend the TravelAge MidAmerica Sales Seminar, Trade Show and Familiarization Program in Houston, Texas, between September 16 and 18, 1977. 4. Docket 30362, Petition of Air Freight Forwarders Association to amend Part 296 to permit the payment of commissions on international consolidated shipments or, in the alternative, the issuance of a Policy Statement by the Board recognizing that freight forwarders may be compensated for delivering freight shipments to the Direct Carriers "ready for carriage."

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary (202–673–5068).

SUPPLEMENTARY INFORMATION: The effective date of the tariff proposed by Hughes Airwest in Docket 30929 is July 1, 1977. If the Board desires to suspend the tariff pending investigation it must act by June 30, 1977, or lose the authority to do so under section 1002(g) of the Federal Aviation Act of 1958. The tariff in question was posted on April 18, 1977 for effectiveness June 2, 1977.

The effective date was subsequently postponed until July 1, 1977. A late-filed complaint was received on May 26, 1977, which was answered on June 10, 1977. The Board's staff analyzed the tariff filing, the complaint and answer, and all other relevant matters, and submitted its recommendation to the Board on June 24, 1977. In order to permit discussion of the issues involved in this tariff filing before its proposed effective date, the following Members have voted that agency business requires the addition of this matter as Item 2 to the agenda of the June 28, 1977, meeting and that no earlier announcement of the change was possible:

Chairman Alfred E. Kahn
Vice Chairman Richard J. O'Melia
Member Lee R. West

Member G. Joseph Minetti was not here.

NOTE.—The ratification process provides an entry in the Board's Minutes of items already adopted by the Board through the written Notation process (memoranda circulated to the Members sequentially). A list of items ratified at this meeting will be available in the Board's Public Reference Room, Room 710, 1825 Connecticut Avenue NW., Washington, D.C. 20428, following the meeting.

[S–771–77 Filed 6–27–77;3:41 pm]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., July 1, 1977.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254–6126.

[S–774–77 Filed 6–28–77;8:57 am]

3

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: July 4, 1977.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: The Commission has scheduled no meetings for the week of July 4, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Leonard J. McEnnis, Jr., Office of Public Information 202–523–3830; Recorded Message 202–523–3806.

[S–776–77 Filed 6–28–77;10:14 am]

4

AGENCY HOLDING THE MEETING: Indian Claims Commission.

TIME AND DATE: 10:15 a.m., July 7, 1977.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public. Docket 83, Sac and Fox.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, Tel. 202–653–6184.

[S–773–77 Filed 6–27–77;4:14 pm]

5

AGENCY HOLDING THE MEETING: United States International Trade Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: S–764–77; June 29, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., July 7, 1977.

CHANGES IN THE MEETING: Delete the following agenda item, which is the only one listed as closed to the public: "1. Reorganization (portions respecting the selection of personnel)."

[S–775–77 Filed 6–28–77;10:02 am]

6

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Volume 42, page 32616.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Monday, June 27, and Wednesday, June 29.

CHANGES IN THE MEETING: Meeting titled "Discussion of Tarapur Export License" (Monday, June 27, 10 a.m.) (closed meeting) is postponed to 11 a.m., Tuesday, June 28. Meeting titled "Briefing on Containment Safety" (Wednesday, June 29, 3 p.m.) (public meeting) is postponed to a date to be announced. Affirmation of "Policy Statement on Standardization of Nuclear Power

Plants" is rescheduled from Wednesday, June 29, to Monday, June 27, at 11:15 a.m.

By unanimous vote on June 24, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. Immediate affirmation is required because timely consideration of issues requires handling at this time.

The Commission approved the tentative scheduling of the following items in the affirmation session scheduled Wednesday, June 29, at 3 p.m.:

Petition of rulemaking from the Public Interest Research Group, et al. (Docket No. PRM–50–16), and Pennsylvania Public Utility Commission (Docket No. PRM–50–16A) regarding physical security at multi-unit reactor plants.

Detroit Edison and Public Service Company of Indiana petition for the issuance of a rule concerning regulatory authority over transmission lines and related equipment.

Report of the NRC Task Force on Naturally Occurring and Accelerator-Produced Radioactive Materials (NARM).

Petition for rulemaking by the State of Alaska concerning labels on empty containers, PRM 20–8.

Petition by Central Maine Power Company (CMP) for a rulemaking concerning the definition of a capable fault (PRM–100–3).

Publication of effective amendments to 10 CFR Part 71 to establish more stringent quality assurance requirements for transport packages and to phase out a grandfather clause for irradiated nuclear fuel casks.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

JUNE 27, 1977.

[S–778–77 Filed 6–28–77;10:48 am]

7

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: 2:30 p.m., Friday, June 24, 1977.

APPROVAL: By unanimous vote on June 24, 1977, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business requires that this agenda item be held on less than one week's notice to the public. On June 23, Senator Hart requested the meeting as soon as possible. June 24th is the first day on which a quorum of Commissioners was available to participate in the meeting or to vote to hold it on short notice.

PLACE: Room 254, Russell Building, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Meeting with Senator Hart on Proposed NRC delegation of authority.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202–634–1410).

Dated: June 24, 1977.

WALTER MAGEE,
Chief, Operations Branch,
Office of the Secretary.

[S–777–77 Filed 6–28–77;10:48 am]

8

AGENCY HOLDING THE MEETING: Postal Rate Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 31898; June 23, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Wednesday, June 29, 1977.

STATUS: Closed meeting.

CHANGES IN THE MEETING: Additional matters to be considered: 4. Discussion of incorporation of phased rates into Mail Classification Schedule, Docket No. MC76–5. 5. Tenative Decision Concerning Proposals for Local and Nationwide Subclasses Within First-Class Mail, Docket No. MC76–1. (This item was previously considered at the meeting held June 22, 1977, but no action was taken.

Further requests for information should be directed to Mr. Ned Callan, Information Officer for the Postal Rate Commission by calling 202–254–5614.

[S–772–77 Filed 6–27–77;4:13 pm]

9

AGENCY HOLDING THE MEETING: Securities and Exchange Commission.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 5, 1977, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Wednesday, July 6, 1977, at 10 a.m. An open meeting will be held on Wednesday, July 6, 1977, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioners Loomis, Pollack, and Evans voted to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, July 6, 1977, will be:

Formal orders of investigation.

Amendment of formal order of investigation.

Institution of injunctive actions.

Settlement of injunctive actions.

Institution of administrative proceedings.

Settlement of administrative proceedings.

Simultaneous institution and settlement of injunctive actions and/or administrative proceedings.

Referral of investigative files to Federal, State, or self regulatory authorities.

Referral of transcript to Federal, State, or self regulatory authorities.

Regulatory matters arising from or bearing enforcement implications.

Other litigation matters.

The subject matter of the open meeting scheduled for Wednesday, July 6, 1977, will be:

1. Consideration of Chicken Unlimited Enterprises, Inc.'s petition for Commission review of staff denial of an application, pursuant to Rule 12b–25 under the Securities Exchange Act, requesting an exemption of time in filing its quarterly report on Form 10–Q for the period ending March 31, 1977.

2. Consideration of application of The Vanguard Group, Inc. and the Vanguard Funds for an order which would permit the investment companies to assume the responsibility for and the expenses of the distribution of their shares.

FOR FURTHER INFORMATION CONTACT:

Angela M. Desmond (202–755–1173) or Linda W. Jarett (202–755–1183).

JUNE 28, 1977.

[S–779–77 Filed 6–28–77;11:12 am]

federal register

THURSDAY, JUNE 30, 1977

PART II



DEPARTMENT OF AGRICULTURE

Forest Service

GRAZING LIVESTOCK ON NATIONAL FOREST SYSTEM LANDS

Proposed Rulemaking

JUN 30 77

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 231]

GRAZING LIVESTOCK ON NATIONAL FOREST SYSTEM LANDS

Proposed Rulemaking

AGENCY: Forest Service (FS), USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Land Policy and Management Act of 1976 (Pub. L. 94-579) directs that changes be made in the manner grazing is administered on the National Forest System. To implement the act, it is necessary to amend grazing regulations. The proposal would make substantive changes in the regulations covering the grazing permit system and grazing advisory boards. In addition, the proposal includes new sections on compensation for permittees' interest in authorized permanent improvements and on the range betterment fund.

DATES: Comments must be received on or before August 29, 1977.

ADDRESSES: Send comments to the Chief, Forest Service (2200), P.O. Box 2417, Washington, D.C. 20013. All written submissions made pursuant to this notice will be available for public inspection in room 610, Rosslyn Plaza Building E, 1621 North Kent Street, Arlington, Virginia, 8:15 a.m. to 4:45 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Don D. Seaman, Assistant Director, Range Management Staff, Forest Service, P.O. Box 2417, Washington, D.C. 20013, telephone 703-235-8139.

SUPPLEMENTARY INFORMATION: This proposed rulemaking would make several changes in the way grazing is administered. If adopted as herein proposed, part 231 would:

(1) Establish standard 10-year term grazing permits as the regular permit issuance for conducting livestock grazing operations on National Forest System lands.

(2) Outline those cases when, by exception, shorter than 10-year term permits could be issued on National Forests in the 11 contiguous western States.

(3) Establish conditional grazing permits where, under authority of the Organic Act of 1897 and title III of the Bankhead-Jones Farm Tenant Act, grazing permits without priority for reissuance and subject to specific terms and conditions would be issued.

(4) Allow special livestock permits for terms of not to exceed one year to cover those cases where the purpose of the permitted use is for other than livestock production.

(5) Clarify how and when changes are made in grazing permits. It would also outline notification of impending cancellation and modification when such is anticipated.

(6) Include a new § 231.6 outlining compensation for permittees' interest in authorized permanent improvements when the permit is canceled in whole or in part, in order to devote the lands covered by the permit to another public purpose, including disposal.

(7) Include a new § 231.10 governing the administration of the range betterment fund as authorized by the Federal Land Policy and Management Act of 1976.

(8) Authorize in § 231.11 recognition of grazing advisory boards where petition from the livestock permittees is received. Such petition, to qualify for establishment, would be by a simple majority of the livestock permittees under the jurisdiction of a National Forest headquarters office in the 11 contiguous western States having jurisdiction over more than 500,000 acres of land subject to commercial livestock grazing.

(9) Withdraw authority in § 231.10 for grazing advisory boards established under the Federal Advisory Committee Act. This action is part of a Government-wide effort to reduce reliance on formal advisory committees except those established under statutory authority.

In connection with this proposal, some of the text is being reorganized and redesignated. This is intended to make the regulations clearer. The following table shows the relationship before and after the proposed reorganization and redesignation:

Old section	*New section*
§ 231.1 Range resource development and administration.	§ 231.1 Authority and definitions.
§ 231.2 Range planning and management.	§ 231.2 Management of the range environment.
§ 231.3 Grazing permits and grazing agreements.	§ 231.3 Issuance of grazing permits.
§ 231.4 [Vacant] --	§ 231.4 Changes in grazing permits.
§ 231.5 Fees, payments, and refunds or credits.	§ 231.5 Fees, payments, and refunds or credits.
§ 231.6 Revocation and suspension of grazing permits.	§ 231.6 Compensation for permittees' interest in authorized permanent improvements.
§ 231.7 Cooperation in management.	§ 231.7 Cooperation in management.
§ 231.8 Cooperation in control of estray or unbranded livestock, animal disease, noxious farm weeds, and use of pesticides.	§ 231.8 Cooperation in control of estray or unbranded livestock, animal disease, noxious farm weeds, and use of pesticides.
§ 231.9 Range improvements.	§ 231.9 Range improvements.
§ 231.10 Grazing advisory boards.	§ 231.10 Range betterment fund.
§ 231.11 Wild free-roaming horses and burros.[1]	§ 231.11 Grazing advisory boards.

[1] Regulations pertaining to wild free-roaming horses and burros have been published in 36 CFR 222, Subpart B.

When these regulations are issued in final form, they will be recodified together with the unamended portions of part 231 as part 222, subpart A.

The Department of Agriculture has determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required.

It is proposed to amend Title 36 CFR Chapter II, Part 231 as follows:

1. By revising the table of contents and authority citation to read as follows:

Sec.
231.1 Authority and definitions.
231.2 Management of the range environment.
231.3 Issuance of grazing permits.
231.4 Changes in grazing permits.
231.5 Fees, payments, and refunds or credit.
231.6 Compensation for permittees' interest in authorized permanent improvements.
231.7 Cooperation in management.
231.8 Cooperation in control of estray or unbranded livestock, animal diseases, noxious farm weeds, and use of pesticides.
231.9 Range improvements.
231.10 Range betterment fund.
231.11 Grazing advisory boards.

AUTHORITY: Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551); sec. 1, 33 Stat. 628 (16 U.S.C. 472); sec. 32, 50 Stat. 525, as amended (7 U.S.C. 1011); sec. 19, 64 Stat. 88 (16 U.S.C. 5801); Title IV, Pub. L. 94-579, 90 Stat. 2771 (43 U.S.C. 1751), et seq., unless otherwise noted.

2. By revising § 231.1, to read as follows:

§ 231.1 Authority and definitions.

(a) *Authority.* The Chief, Forest Service, shall develop, administer and protect the range resources and permit and regulate the grazing use of all kinds and classes of livestock on all National Forest System lands and on other lands under Forest Service control. He may redelegate this authority.

(b) *Definitions.* (1) An "allotment" is an area of land designated and managed for the grazing of livestock under an allotment management plan.

(2) An "allotment management plan" is a document that specifies the program of action designed to reach a given set of objectives. It is prepared in consultation with the permittee(s) involved and:

(i) Prescribes the manner in, and extent to, which livestock operations will be conducted in order to meet the multiple-use, sustained yield, economic, and other needs and objectives as determined for the lands involved; and

(ii) Describes the type, location, ownership, and general specifications for the range improvements to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and

(iii) Contains such other provisions relating to livestock grazing and other objectives as may be prescribed by the Chief, Forest Service, consistent with applicable law.

(3) "Base property" is land and improvements owned and used by the permittee for a farm or ranch operation and specifically designated by him to qualify for a ten-year or short-term grazing permit.

(4) "Cancel" means action taken to permanently invalidate a term grazing permit in whole or in part.

(5) "Conditional grazing permit" means permits issued for grazing livestock under authority of the Organic Act of 1897 or Title III of the Bankhead-Jones Farm Tenant Act.

(6) A "grazing permit" is any document authorizing use of National Forest System or other lands under Forest Service control for the purpose of grazing livestock.

(7) "Land subject to commercial livestock grazing" means National Forest System lands within established allotments.

(8) "Livestock" includes all cattle, sheep, and goats raised for food and other animal products, and horses raised for work, riding, or pleasure.

(9) "Modify" means to revise the terms and conditions of the permit including: number of livestock, season of use permitted, kind or class of livestock, and allotted range.

(10) "Lands within National Forests in the 11 contiguous western States" means lands designated as National Forest within the boundaries of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming (National Grasslands are excluded).

(11) "National Forest System lands," are the National Forests, National Grasslands, Land Utilization Projects, and other Federal lands for which the Forest Service has administrative jurisdiction.

(12) "Nonstructural range improvements" are those practices and treatments undertaken which do not involve structures, such as range seeding, herbicle treatment, and fertilization.

(13) "On-the-ground expenditure" means the direct project costs of implementing an improvement or development, including, but not limited to survey and design, equipment, labor and material (or contract) costs, and on-the-ground supervision.

(14) "Other lands under Forest Service control" are those other public and private lands for which the Forest Service has been given control of use through lease, agreement, waiver, or otherwise.

(15) "Permittee" means any person who has been issued a grazing permit.

(16) "Permitted livestock" is livestock authorized by a written permit.

(17) "Person" means any individual, partnership, corporation, association, organization, or other private entity, but does not include Government Agencies.

(18) "Range betterment" means installation and maintenance of range improvement measures to arrest range deterioration and/or improve forage conditions.

(19) "Range betterment fund" means the fund established by Title IV, section 401(b)(1), of the Federal Land Policy and Management Act of 1976. This consists of 50 percent of all monies received by the United States as fees for grazing livestock on the National Forests in the 11 contiguous western States.

(20) "Short term grazing permit" means a permit issued for a term shorter than 10 years where the Chief, Forest Service, determines that:

(i) The land is pending disposal;

(ii) The land will be devoted to a public use prior to the end of 10 years; or

(iii) It will be in the best interest of sound land management to specify a shorter term.

(21) "Special livestock permit" means a permit issued for not to exceed one year where the primary use is for other than grazing livestock.

(22) "Ten-year term grazing permit" means a permit issued to carry out livestock operations for a term of 10 years.

(23) "Structural range improvements" are those facilities constructed or installed which involve structures, such as fences, water developments, corrals, buildings, and pipelines.

(24) "Suspend" means temporary withholding of term grazing permit privilege, in whole or in part.

(25) "Term period" means the period for which term permits are issued, the maximum of which is 10 years.

(26) "Transportation livestock" is livestock used as pack and saddle stock for travel on the National Forest System.

3. By revising § 231.2 to read as follows:

§ 231.2 Management of the range environment.

(a) Allotments will be designated on the National Forest System and on other lands under Forest Service control where there is suitable land for grazing and forage is available. Associated private and other public lands should, but only with the consent of the landowner or leasee, be considered in such designations to form logical range management units.

(b) Each allotment will be analyzed and an allotment management plan developed, approved, and implemented. The analysis and plan will be updated as needed.

(c) National Forest System lands will be allocated for livestock grazing and the allotment management plans will be prepared consistent with land management plans.

4. By revising § 231.3 to read as follows:

§ 231.3 Issuance of grazing permits.

(a) Unless otherwise specified by the Chief, Forest Service, all grazing by livestock on National Forest System lands and on other lands under Forest Service control must be authorized by grazing permit.

(b) A grazing permit conveys no right, title, or interest held by the United States in any lands or resources. It is a privilege for the exclusive benefit of the permittee.

(c) The Chief, Forest Service, is authorized to issue permits for livestock grazing and other use by livestock of the National Forest System and on other lands under Forest Service control as follows:

(1) Grazing permits authorized by the Federal Land Policy and Management Act of 1976 and the Granger-Thye Act of 1950. Two kinds of permits may be issued under these authorities: Ten-year term permits and short-term permits. On National Forests in the 11 contiguous western States ten-year term permits will be issued unless the land is pending disposal, or will be devoted to other uses prior to the end of ten years, or it will be in the best interest of sound land management to specify a shorter term. On National Forest System lands outside National Forests in the 11 contiguous western States, the permit term shall be that determined appropriate by the Chief, Forest Service. Ten-year and short-term grazing permits in the form of grazing agreements may be issued to cooperative grazing associations or similar organizations incorporated or otherwise established pursuant to State law. Such an agreement will make National Forest System lands and improvements available to the association for grazing purposes. Permits issued under this paragraph are subject to the following:

(i) Paid term permits will be issued to persons who own both the livestock to be grazed and such base ranch property as may be required, provided the land is determined to be available for grazing purposes by the Chief, Forest Service, and he finds that capacity exists to graze specified numbers of animals.

(ii) A term permit holder has first priority for receipt of a new permit at the end of each period provided he has fully complied with the terms and conditions of the expiring permit.

(iii) In order to update terms and conditions, 10-year term permits may be cancelled at the end of the permitted grazing season immediately preceding the midyear of the decade (1985, 1995, etc.), provided they are reissued to the existing permit holder for a new term of 10 years.

(iv) New term permits may be issued to the purchaser of a permittee's permitted livestock and/or base property, provided the purchaser is otherwise eligible and qualified and provided the permittee waives his term permit to the United States.

(v) If the permittee chooses to dispose of all or part of his permitted livestock or base property, but does not choose to waive his term permit, the Forest Supervisor may give written notice that he no longer is qualified, provided he is given up to one year to reestablish his qualifications before cancellation action is final.

(vi) The Chief, Forest Service, shall prescribe provisions and requirements under which term permits will be issued, renewed, and administered, including:

(A) The amount and character of base property and livestock the permit holder shall be required to own to be eligible to hold a term grazing permit.

JUN 30 77
UM

(B) Specifications outlining how the base property will be used in order to qualify for a term grazing permit.

(C) Acquisition of base property and/or permitted livestock;

(D) Conditions for the approval of nonuse of permit for specified periods;

(E) Upper limits governing the total number of livestock for which a person is entitled to hold a permit; and

(F) Conditions whereby waiver of grazing privileges may be confirmed and new applicants recognized.

(2) Grazing permits under authority of the 1897 Organic Act and Title III of the Bankhead-Jones Farm Tenant Act. Two kinds of permits may be issued without priority for reissuance, and are subject to terms and conditions as the Chief, Forest Service, may prescribe. Permits issued under these authorities are as follows:

(i) Conditional grazing permits may be issued, or existing permits modified:

(A) To use other available, forage while resting or otherwise improving the range normally used by a term permit holder.

(B) To use forage created by unusually favorable climatic conditions.

(C) To use the forage available when the permit of the normal user's livestock is in nonuse status for reasons of personal convenience.

(D) To allow a person to continue to graze livestock for the remainder of the grazing season where base property has been sold, the permit waived, and a new term permit issued.

(E) To allow grazing use in the event of drought or other emergency of National or Regional scope where such use would not result in permanent resource damage.

(ii) Special livestock permits for not to exceed one year may be issued under terms and conditions prescribed by the Chief, Forest Service, as follows:

(A) Paid permits for transportation livestock to persons engaged in commercial packing, dude ranching, or other commercial enterprises which involve transportation livestock including mining and logging activities.

(B) Paid permits for research purposes and administrative studies.

(C) Paid permits to trail livestock across National Forest System lands.

(D) Free permits to persons who reside on ranch or agricultural lands within or contiguous to National Forest System lands for not to exceed 10 head of livestock owned or kept and whose products are consumed or whose services are used directly by the family of the resident, and who distinctly need such National Forest System lands to support such animals.

(E) Free permits to campers and travelers for the livestock actually used during the period of occupancy. This may be authorized without written permit.

5. By adding a new § 231.4, consisting in part of text presently in § 231.6, to read as follows:

§ 231.4 Changes in grazing permits.

The Chief, Forest Service, is authorized to cancel, modify, or suspend grazing permits in whole or in part as follows:

(a) Cancel permits where lands grazed under the permit are to be devoted to another public purpose inclding disposal. In these cases, except in an emergency, no permit shall be cancelled without two years prior notification.

(b) Cancel the permit in the event the permittee:

(1) Refuses to accept modification of the terms and conditions of an existing permit,

(2) Refuses to comply with eligibility or qualification requirements,

(3) Waives his permit back to the United States,

(4) Fails to restock the allotted range after full extent of approved personal convenience and non-use has been exhausted.

(5) Fails to pay grazing fees within established time limits.

(c) Cancel or suspend the permit if the permittee does not comply with provisions and requirements in the grazing permit or the regulations of the Secretary of Agriculture on which the permit is based.

(d) Cancel or suspend the permit if the permittee knowingly and willfully makes a false statement or representation in the grazing application or amendments thereto.

(e) Cancel or suspend the permit if the permittee violates, or does not comply with, Federal laws or regulations or State laws relating to protection of air, water, soil and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit.

(f) Modify the terms and conditions of a permit to conform to current situations brought about by changes in law, regulation, executive order, development or revision of an allotment management plan, or other management needs.

(g) Modify the seasons of use, numbers, kind, and class of livestock allowed or the allotment to be used under the permit, because of resource condition, other uses of the land, or permittee request. One year's notice will be given of such modification, except in cases of emergency.

6. By including new text in § 231.6 to read as follows:

§ 231.6 Compensation for permittees' interest in authorized permanent improvements.

(a) Whenever a term permit for grazing livestock on National Forest land in the 11 contiguous western States is canceled in whole or in part to devote the lands covered by the permit to another public purpose, including disposal, the permittee shall receive from the United States a reasonable compensation for the adjusted value of his interest in authorized permanent improvements placed or constructed by him on the lands covered by the canceled permit. The adjusted value is to be determined by the Chief, Forest Service. Compensation received shall not exceed the fair market value of the terminated portion of the permittee's interest therein.

(b) In the event a permittee waives his grazing permit in connection with sale of his base property or permitted livestock, he is not entitled to compensation.

7. By amending paragraphs (b), (c) and (d) of § 231.9 as follows:

§ 231.9 Range improvements.

* * * * *

(b) Such improvements may be constructed or installed and maintained, or work performed by individuals, organizations or agencies other than the Forest Service subject to the following:

(1) All improvements must be authorized by cooperative agreement or memorandum of understanding, the provisions of which become a part of the grazing permit(s).

(2) Title to structural improvements shall vest in the United States, except that title may be retained by the cooperator in the case of portable improvements such as water troughs, pumps, and electric fences, and for places of habitation, such as line camps, which are needed for effective management of the range and permitted livestock where no part of the cost for the improvement is borne by the Government.

(3) Title to nonstructural improvements shall vest in the United States.

* * * * *

(c) A user of the range resource on National Forest System lands and other lands under Forest Service control may be required by the Chief, Forest Service, to maintain improvements to specified standards.

(d) Grazing fees or the number of animal months charged shall not be adjusted to compensate permittees for range improvement work performed on National Forest System lands: *Provided*, That, in accordance with section 32(c), Title III, Bankhead-Jones Farm Tenant Act, the cost to grazing users in complying with requirements of a grazing permit or agreement may be considered in determining the annual grazing fee on National Grasslands if it has not been used in establishing the grazing base value.

8. By redesignating § 231.10 as § 231.11, revising the text and adding a new § 231.10 as follows:

§ 231.10 Range betterment fund.

In addition to range development which is accomplished through funds from the rangeland management budget line item and the Granger-Thye Act, and deposited and nondeposited cooperative funds, range development may also be accomplished through use of the range betterment fund as follows:

(a) On National Forest land within the 11 contiguous western States, the Chief, Forest Service, shall implement range improvement programs to arrest continuing range deterioration and improve forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. One-half of the available funds will be expended on the National Forest where derived. There will be consultation with grazing permittees who will be affected by the range rehabilitation, protection and improvements, and other interested persons or organizations. The remaining one-half of the fund will be allocated for range rehabilitation, protection and improvements on National Forest lands within the Forest Service Regions where they were derived.

(b) Range betterment funds shall be utilized only for on-the-ground expenditure for range land betterment, including, but not limited to, seeding and reseeding, fence construction, water development, weed and other plant control, and fish and wildlife habitat enhancement within allotments.

§ 231.11 Grazing advisory boards.

(a) *Establishment.* Grazing permittees holding permits to graze livestock on National Forests with headquarters office in the 11 contiguous western States having jurisdiction over more than 500,000 acres of land subject to commercial livestock grazing may petition the Forest Supervisor for establishment of a statutory grazing advisory board in accordance with provisions of the Federal Land Policy and Management Act of 1976.

(1) Upon being properly petitioned by a simple majority (more than 50 percent) of grazing permittees under the jurisdiction of such headquarters office, the Secretary shall establish and maintain at least one grazing advisory board.

(2) The Chief, Forest Service, shall determine the number of such boards, the area to be covered, and the number of advisers on each board.

(3) *Processing Petitions.* Upon receiving a proper petition from the grazing permittees, the Forest Supervisor will request the Chief, Forest Service, through the Regional Forester, to initiate action to establish grazing advisory boards in accordance with regulations of the Secretary of Agriculture. Grazing advisory boards will comply with the provisions of the Federal Advisory Committee Act.

(b) *Membership.* Grazing advisory boards established under this authority shall consist of members, who are National Forest System permittees under the jurisdiction of a National Forest headquarters office in the 11 contiguous western States, provided board members shall be elected by grazing permittees in the area covered by the board.

(c) *Elections.* The Forest Supervisor of the headquarters office shall prescribe and oversee the manner in which permittees are nominated and board members are elected. Nominations will be made by petition with all permittees under the jurisdiction of such headquarters office being eligible for membership on the board. All members of the board will be at-large members and will be elected by secret ballot with each permittee in the area covered by the board being qualified to vote for the total number of advisers for which the board is constituted. No person shall be denied the opportunity to serve as a grazing advisory board member because of race, color, sex, religion or national origin. No board member shall concurrently serve on another USDA advisory committee. The Forest Supervisor shall determine and announce the results of the election of the members of the board and shall recognize the duly elected board as representing National Forest System grazing permittees in the areas for which it is established. Board members will be elected to terms not to exceed 2 years.

(d) *Charter and bylaws.* (1) The Forest Supervisor will prepare a charter to be filed with the Department and the Congress as required by Section 9(c) of the Federal Advisory Committee Act.

(2) A duly recognized grazing advisory board may, with the concurrence of a majority of its members and the Forest Supervisor, adopt bylaws to govern its proceedings.

(e) *Function.* The function of grazing advisory boards will be to offer advice and make recommendations concerning the development of allotment management plans and the utilization of range betterment funds. Consideration of permittee grievances, except in reference to the above, will not be a function of these boards.

(f) *Meetings.* The Forest Supervisor shall call at least one meeting of each board annually, and call additional meetings as needed to meet the needs of the permittees and the Forest Service. Each meeting shall be conducted in accordance with an agenda approved by the Forest Supervisor and in the presence of a Forest officer.

(g) *Termination.* (1) Grazing advisory boards established under the Federal Land Policy and Management Act of 1976 shall continue until December 31, 1985, unless terminated earlier.

(2) The Forest Supervisor may withdraw recognition of any board whenever:

(i) A majority of the permittees for the area which the board represents requests that the board be dissolved.

(ii) The board becomes inactive and does not meet at least once each calendar year.

(86 Stat. 770 (5 U.S.C., App. 1).)

M. RUPERT CUTLER,
Assistant Secretary.

JUNE 21, 1977.

[FR Doc.77-18228 Filed 6-29-77;8:45 am]

JUN 30 1977

federal register

THURSDAY, JUNE 30, 1977

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

■

NATIONAL FLOOD INSURANCE PROGRAM

Final Flood Elevation Determinations

V 42 N 126 JUN 30 77 UM

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-2764]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Cashmere, Chelan County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Cashmere, Chelan County, Washington. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Cashmere, Chelan County, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Cashmere, Chelan County, Washington.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Cashmere, Chelan County, Washington, are available for review at the lobby of City Hall, 101 Woodring Street, Cashmere.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mission Creek	Pioneer Ave.	810
	Angier Ave.	800
	Chapel St. extended	792
Wenatchee River	Vine St. extended	763
	Elberta Ave. extended.	761
	Cottage Ave.	760
	East Parkhill extended.	755

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 1, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-18143 Filed 6-29-77;8:45 am]

[Docket No. FI-2737]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Sinclairville, Chautauqua County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Sinclairville, Chautauqua County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Sinclairville, Chautauqua County, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Village of Sinclairville, Chautauqua County, New York.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Sinclairville, Chautauqua County, New York, are available for review at the Village Hall, on the bulletin board, 30 Main Street, Sinclairville.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mill Creek	Northern corporate limit (Sinclairville Street Bridge).	1,400
	Andrews Rd. extended.	1,393
	Water Street Bridge	1,383
	Prospect Street Bridge.	1,376
	Reed Street extended.	1,367
	Mill Street extended.	1,360
	Sinclair Drive Bridge	1,348
	Town of Gerry/Town of Charlotte Corporate Limits.	1,343
	Route 60 Bridge	1,322
	Bloomer Road Bridge	1,320
	Southern corporate limits.	1,319

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18144 Filed 6-29-77;8:45 am]

[Docket No. FI-2767]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bandera, Bandera County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Bandera, Bandera County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Bandera, Bandera County, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Bandera, Bandera County, Texas.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bandera, Bandera County, Texas, are available for review at the County Courthouse, Main Street, Bandera.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Medina River	State Highway 173	1,221
	1st St.	1,229
	1st St. (extended north from Pecan St.).	1,231
	6th St. extension	1,240
	West corporate limits.	1,244

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator,

[FR Doc.77-18145 Filed 6-29-77;8:45 am]

[Docket No. FI-2685]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mineral Wells, Palo, Pinto, and Parker Counties, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Mineral Wells, Palo, Pinto and Parker Counties, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Mineral Wells, Palo, Pinto and Parker Counties, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Mineral Wells, Palo, Pinto and Parker Counties, Texas.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mineral Wells, Palo, Pinto and Parker Counties, Texas, are available for review on the Bulletin Board in the main hallway of City Hall, Mineral Wells, Texas.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Pollard Creek	SW. 10th St.	860.8
	West Hubbard	874.7
	NW. 21st St. extended	908.7
	NE. Oak Ave.	926.1
Pollard Creek Tributary No. 1.	Ferguson St.	870.0
Pollard Creek Tributary No. 2.	Corporate limits north of Hubbard St.	882.9
Pollard Creek Tributary No. 3.	Western corporate limits.	953.0
Pollard Creek Tributary No. 4.	NE. 23d St.	1,030.0
Pollard Creek Tributary No. 5.	do.	1,051.3
Crystal Creek	SW. 5th Ave.	841.9
	SW. 25th St.	849.9
	U.S. Route 281	856.0
	SE. 15th St.	862.0
	SE. Oak Ave.	866.1
	SW. 3d St.	877.5
	West Hubbard St.	884.0
	NW. 5th St.	892.7
	NW. 12th St.	908.2
	NW. 20th St.	929.2
	NE. Oak Ave.	933.4
	NE. 4th Ave.	957.8
	NE. 6th Ave.	991.5
Crystal Creek Tributary No. 2.	SE. 4th Ave.	864.8
	SE. 9th Ave.	868.8
	SE. 12th Ave.	871.8
Crystal Creek Tributary No. 3.	SE. 4th Ave.	865.5
	SE. 12th Ave.	870.7
	SE. 7th St.	874.0
	Jefferson Ave.	882.5
Crystal Creek Tributary No. 4.	Confluence with Crystal Creek Tributary No. 3.	873.0
Crystal Creek Tributary No. 5.	NW. 1st Ave.	919.2
	NE. Oak Ave.	922.2
	NE. 16th St.	929.6
Rock Creek Tributary No. 1.	FM 1195	846.7
	U.S. Route 180	869.7
	NE. 5th St.	886.9
	FM 1821	923.0
	NE. 23d St.	955.0
Rock Creek Tributary No. 2.	FM 1195	845.3
	FM 1821	875.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18146 Filed 6-29-77;8:45 am]

[Docket No. FI-2766]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Poth, Wilson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Poth, Wilson County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

JUN 30 77

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Poth, Wilson County, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Poth, Wilson County, Texas.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Poth, Wilson County, Texas, are available for review at City Hall, Main Plaza, Poth.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Poth Creek	Downstream corporate limits.	371
	Confluence with east branch of Poth Creek.	391
	Westmeyer Rd.	396
	Dmilk Processing Plant Rd.	419
	Upstream corporate limits.	426
East branch of Poth Creek.	Mesquite Rd. low water crossing.	397
	Westmeyer Rd.	403
	Limit of detailed study.	409

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18147 Filed 6-29-77;8:45 am]

[Docket No. FI-2768]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Waelder, Gonzales County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Waelder, Gonzales County, Texas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Waelder, Gonzales County, Texas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Waelder, Gonzales County, Texas.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Waelder, Gonzales County, Texas, are available for review at the City Office, Waelder, Texas.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Baldridge Creek	U.S. Route 90	364
	Southern Pacific RR.	366
	A Ave.	366
	C Ave. extended	366
	State Highway 97	362
	F Ave. extended	358
	H Ave. extended	356
	Downstream corporate limits.	350
Waelder Branch	Upstream corporate limits.	392
	North 5th St.	370
	North 4th St.	372
	North 3d St.	371
	North 2d St.	372
	North 1st St.	370
	Southern Pacific RR.	368
	South Railroad St.	364
	H Ave.	362
	South 1st St.	359
	Downstream corporate limits.	348

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18148 Filed 6-29-77;8:45 am]

[Docket No. FI-2772]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of McMinnville, Warren County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of McMinnville, Warren County, Tennessee. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of McMinnville, Warren County, Tennessee.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of McMinnville, Warren County, Tennessee.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban

Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of McMinnville, Warren County, Tennessee, are available for review at the Engineer's office, City Hall, Morford Street, McMinnville.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Barren Fork River	Upstream Corporate limits.	914
	Louisville and Nashville RR.	899
	Beersheba St.	894
	Downstream Corporate limits.	903
Pepper Creek	Upstream corporate limits.	903
	Pepper Rd.	901
	Chancery St.	901
	Old Viola Rd. (extended)	899

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18149 Filed 6-29-77;8:45 am]

[Docket No. FI-2674]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of North Sioux City, Union County, S. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of North Sioux City, Union County, South Dakota. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of North Sioux City, Union County, South Dakota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of North Sioux City, Union County, South Dakota.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of North Sioux City, Union County, South Dakota, are available for review at City Hall, on the window, North Sioux City, South Dakota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Big Sioux River	Upstream zoning limits.	1,110
	Upstream corporate limits.	1,109
	Chicago, Milwaukee, St. Paul and Pacific RR.	1,107
	U.S. Route 77	1,105
	Lloyd Ave. extended	1,104
	Downstream corporate limits.	1,103
	Downstream zoning limits.	1,102

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18150 Filed 6-29-77;8:45 am]

[Docket No. FI-2618]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of East Vincent, Chester County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of East Vincent, Chester County, Pennsylvania. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of East Vincent, Chester County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Township of East Vincent, Chester County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone

areas and the final elevations for the Township of East Vincent, Chester County, Pennsylvania, are available for review at the Township Building, 55 Ridge Road, Spring City, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
French Creek	Pughtown Rd.	191
	Hoffecker Rd.	177
	Hickory Grove Rd. extended.	160
	West Seven Stars Rd.	148
Schuylkill River	Northwestern corporate limits.	127
	Locust Grove Rd. extended.	126
	Dunlap Rd. extended.	118
	Northeast corporate limits.	118

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18151 Filed 6-29-77;8:45 am]

[Docket No. FI-2213]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Schuylkill Haven, Schuylkill County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Borough of Schuylkill Haven, Schuylkill County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Borough of Schuylkill Haven, Schuylkill County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Schuylkill Haven, Schuylkill County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Schuylkill Haven, Schuylkill County, Pennsylvania are available for review at the Borough Manager's Office, Borough Hall, 39 Dock Street, Schuylkill Haven.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Schuylkill River	Penn St. (extended)	509	1,630	20
	Union St. (extended)	511	780	10
	Railroad St. (extended)	515	80	20
	Paxson St. (extended)	518	20	110
	8,000 ft upstream of corporate limit	524	80	25
Long Run Creek	Berne St.	510	60	220
	Lincoln St. (extended)	510	50	80
	Stover St. (extended)	514	50	160
Willow Creek	Coal St.	521	230	35
	Willow St.	529	240	90
	Center Ave.	544	170	80
	750 ft downstream of corporate limit	567	70	70
Tributary No. 1	Dock St.	521	140	10
	Haven St.	524	120	65

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18152 Filed 6-29-77;8:45 am]

[Docket No. FI-2774]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Portage, Cameron County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Portage, Cameron County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Portage, Cameron County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Township of Portage, Cameron County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Portage, Cameron County, Pennsylvania, are available for review at the home of Mr. Salsgiver, R.D. 2, Box 400, Portage.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Sinnemahoning Portage Creek.	Downstream corporate limits.	1,124
	Driveway Bridge	1,128
	Conrail Bridge	1,163

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18153 Filed 6-29-77;8:45 am]

[Docket No. FI-2649]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Whitemarsh, Montgomery County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Whitemarsh, Montgomery County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Whitemarsh, Montgomery County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Township of Whitemarsh, Montgomery County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Whitemarsh, Montgomery County, Pennsylvania are available for review at the Township Building, Whitemarsh Township, Joshua Road, LaFayette Hill, Pennsylvania.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Schuylkill River	Downstream Corporate limits.	56.7
	Harts Lane (extended).	58.0
	Andorra Creek (confluence).	61.6
	Upstream corporate limits.	64.0
Wissahickon Creek	Downstream corporate limits.	141.1
	Stenton Ave.	142.8
	Reading R.R. (Conrail bridge).	148.7
	Skippack Pike	155.8
	Pa. Turnpike (route 276).	158.0
	Morris Rd.	164.8
	Upstream corporate limits.	165.3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974).)

Issued: June 2, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18154 Filed 6-29-77;8:45 am]

[Docket No. FI-2220]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Williamsport, Lycoming County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Williamsport, Lycoming County, Pennsylvania.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Williamsport, Lycoming County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Williamsport, Lycoming County, Pennsylvania.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Williamsport, Lycoming County, Pennsylvania are available for review at the Township Building, 2501 East Third Street, Williamsport, Pennsylvania.

The final 100-year flood elevations for selected locations are:

JUN 30 77 UM

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Loyalsock Creek	U.S. 220	529	460	
	4 Mile Dr	533	40	
	Walters Rd. (extended)	588	740	
	Corporate limits	566	20	
West Branch Susquehanna River.	Canfields Lane	524		2,100
	Westminister Dr	525		720
	Sherman St	527		140
Lycoming Creek	Corporate limits	536	10	
	U.S. Route 15	538	140	
	Corporate limits	535	160	80
	Memorial Ave	535	40	100
	4th St	534	60	80
	West 3d St	534	70	110
	Williamsport Beltway	534	1,160	180

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18155 Filed 6-29-77;8:45 am]

[Docket No. FI-2623]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mentor, Lake County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Mentor, Lake County, Ohio.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Mentor, Lake County, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Mentor, Lake County, Ohio.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mentor, Lake County, Ohio are available for review at the City Hall, 8500 Civic Center Boulevard, Mentor.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Marsh Creek	Lake Shore Blvd	581
	Confluence Wasson Ditch.	583
	Hendricks Rd	601
	Hopkins Rd downstream.	608
	Hopkins Rd upstream	628
	State Route 2	626
	Munson Rd	630
	Con Rail tracks	648
	Norfolk & Western tracks.	656
	Jackson St	664
Wasson ditch	South Shandle Blvd	605
	State Route 2	626
	Heisley Rd	636
	Con Rail tracks	647
Heisley Creek	(Mouth) confluence with Marsh Creek.	593
	State Route 2	622
	Heisley Rd	630
	Con Rail tracks	647
	Norfolk and Western tracks.	662
	Mentor corporate limits.	666
West Branch Marsh Creek.	(Mouth) confluence Marsh Creek.	630
	Twinbrook Rd	641
	East Ave	648
	Norfolk & Western tracks.	656
	Jackson St	658
Reservoir outlet	Corporate limits	618
	Culver Blvd	618
	Reynolds Rd	626
	Hayes Blvd	629
Lake Erie	Entire shore line	576

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18156 Filed 6-29-77;8:45 am]

[Docket No. FI-2777]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bay Village, Cuyahoga County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Bay Village, Cuyahoga County, Ohio. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Bay Village, Cuyahoga County, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Bay Village, Cuyahoga County, Ohio.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bay Village, Cuyahoga County, Ohio are available for review at the City Hall, 350 Dover Center, Bay Village.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Porter Creek (Huntington Creek).	Lake Rd	585
	Huntington Blvd	586
	Wolf Rd	599
	Bassett Rd	609
	Ashton Rd	616
	Bradley Rd	622
	Naigle Rd	623
	South corporate limits	625
Cahoon Creek	West Lake Rd	581
	Wolf Rd	603
	West Oviatt Rd	623
	South corporate limits	633
Wischmeyer Creek	West Lake Rd	611
	West Glen Park Dr	622
	Wolf Rd	628
	Normany Rd	634
	Midland Rd	637
	Osborn Rd	640
	Henry Rd	641
	East Oviatt Rd	643
	Knickerbocker Rd	645
	South corporate limits	649

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18157 Filed 6-29-77;8:45 am]

[Docket No. FI-2779]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Corning, Steuben County, New York

AGENCY: Federal Insurance Administration, HUD

ACTION: Final rule

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Corning, Steuben County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Corning, Steuben County, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Corning, Steuben County, New York.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Corning, Steuben County, New York are available for review at the City Hall, Corning.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chemung River	South corporate limits	925
	New York Route 17	926
	Commerce St. (extended).	928
	Steuben St. (extended).	931
	Pearl St. (extended)	932
	Cedar St. (extended)	934
	Pine St	935
	Con Rail bridge	936
	Bridge St	937
	Dodge Ave. (extended).	939
	New York Route 17	940
	West corporate limits	940

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18158 Filed 6-29-77;8:45 am]

[Docket No. FI-2743]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Cassadaga, Chautauqua County, N.Y.

AGENCY: Federal Insurance, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100–year flood) are listed below for selected locations in the Village of Cassadaga, Chautauqua County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Cassadaga, Chautauqua County, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Village of Cassadaga, Chautauqua County, New York.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Cassadaga, Chautauqua County, New York, are available for review at the Village Office, 18, Petit Place, Cassadaga.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cassadaga Creek	Maple Ave. Bridge	1,307
	Southern corporate limits.	1,305
Lower Cassadaga Lake.	Petit Pl. (extended)	1,308
	Le Roy Rd. (extended).	1,308
Middle Cassadaga Lake.	Northern corporate limits.	1,308

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 6, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18159 Filed 6-29-77;8:45 am]

[Docket No. FI-2739]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Mamaroneck, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Mamaroneck, Westchester County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Mamaroneck, Westchester County, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Village of Mamaroneck, Westchester County, New York.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Floood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Mamaroneck, Westchester County, New York, are available for review at the Village Hall in the Public Meeting Room, Mamaroneck, New York.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mamaroneck Harbor.	Taylor Lane extension.	14
	Shore Rd.	14
	Bleeker Ave.	14
	Rushmore Ave.	14
Long Island Sound.	Skibo Lane	14
	Seven Oaks Lane	14
	Constable Dr. (north and south).	14
	Flagler Dr.	14
Larchmont Harbor.	Greachen Point Rd.	14
	Hommocks Rd.	14
	Cove Rd. (north, south and east).	14
	Toni Lane	14
Sheldrake River.	Rockland Ave.	31
	Fenimore Rd.	30
Mamaroneck River.	Jefferson Ave.	28
	North Barry Ave.	29
	Louis St. (extended)	31
	Chestnut St.	36
	Valley Pl.	24
	Conrail	28
Beaver Swamp Brook (flooding contained within the channel).		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18160 Filed 6-29-77;8:45 am]

[Docket No. FI-2780]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Clayton, Jefferson County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Village of Clayton, Jefferson County, New York. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Village of Clayton, Jefferson County, New York.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the Village of Clayton, Jefferson County, New York.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Clayton, Jefferson County, New York, are available for review at the Village Clerk's Office, Municipal Building, Jane Street, Clayton.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
St. Lawrence River.	State St.	248
	Union St. (extended)	250
	John St. (extended)	251
	Hinganin St. (extended).	250
	Mary St. (extended)	249
	Gardner St.	250
	Rivershore Dr. (extended).	250

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18161 Filed 6-29-77;8:45 am]

[Docket No. FI-1033]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Passaic, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevation (100-year flood) are listed below for selected locations in the Township of Passaic, Morris County, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Passaic, Morris County, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Passaic, Morris County, New Jersey.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Passaic, Morris County, New Jersey, are available for review at the meeting room, Town Hall, Township of Passaic, 1805 Long Hill Road, Millington, New Jersey.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Passaic River	Downstream side of White Bridge Rd.	230	1,200	
	Basking Ridge Rd.	227	150	
	Stone House Rd.	222	50	
	Passaic Valley Rd.	217	130	
	South Main Ave.	216	4,650	
	Plainfield Rd.	215	130	
	Mountain Ave.	215	600	
	Downstream corporate limits.	213	1,050	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 3, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-18162 Filed 6-29-77;8:45 am]

[Docket No. FI-2745]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Kearney, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Town of Kearney, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Kearney, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Kearney, New Jersey.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–348), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Kearney are available for review at Town Hall, 402 Kearney Avenue, Kearney, New Jersey.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Belleville Turnpike	10
	Pulaski Skyway	10
	Lincoln Highway	10
	Penn Central RR.	10
Hackensack River	Pulaski Skyway	10
	Lincoln Highway	10
	Penn Central R.R.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18163 Filed 6-29-77;8:45 am]

[Docket No. FI-2781]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lawrence, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Lawrence, Mercer County, New Jersey. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Lawrence, Mercer County, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Lawrence, Mercer County, New Jersey.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lawrence, Mercer County, New Jersey are available for review at Municipal Square, Lawrenceville, New Jersey.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Assunpink Creek	Interstate Route 295	52
	Carnegie Rd.	50
	Whitehead Rd.	48
Shabakunk Creek	Lawrenceville Rd.	60
	Princeton Pike	58
	U.S. Route 1	54
West Branch Shabakunk Creek.	Spruce St.	64
Little Shabakunk Creek.	Lawrenceville Rd.	78
	Princeton Pike	64
	U.S. Route 1	51
Shipetaukin Creek	Cold Soil Rd.	144
	Carter Rd.	98
	Farm Rd.	80
	Brunswick Pike	56
Sand run	Farm Run	58
	Interstate Route 295	56
Tributary B	Lawrenceville Rd.	107
Tributary C	Vankirk Rd.	152
Stony Brook	Carter Rd.	132
	Province Line Rd.	115

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18164 Filed 6–29–77;8:45 am]

[Docket No. FI–2589]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Hanover, Morris County, New Jersey

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Hanover, Morris County, New Jersey.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Hanover, Morris County, New Jersey.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street Southwest, Washington, D.C. 20410.

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Hanover, Morris County, New Jersey.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hanover, Morris County, New Jersey are available for review at the General Office at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Whippany River	Route 10	182
	Whippany Rd.	198
	Parsippany Rd.	207
	Eden Lane	245
	Cedar Knolls Rd.	253
	Hanover Ave.	268
Stoney (Malapardis) Brook.	Parsippany Rd.	206
	Mount Pleasant Ave.	212
	State Highway 10	236
	Jefferson Rd.	259
Unnamed (tributary to Whippany River.	Morristown and Erie RR.	245
	East Fredrick Pl.	267
	do.	270
	Ridgedale Ave.	272

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18165 Filed 6–29–77;8:45 am]

[Docket No. FI–2748]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Weeping Water, Nebraska

AGENCY: Federal Insurance Administration.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Weeping Water, Nebraska, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at 206 South Elm Street, Weeping Water, Nebraska 68463.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755–5581 or Toll Free Line (800) 424–8872, Room 5270, 451 Seventh Street, Southwest, Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under § 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Weeping Water Creek.	Missouri Pacific R.R.	1,069
	Quarry St.	1,073
	East St.	1,081
	Randolph St.	1,084
	Section Line Rd. (upstream side).	1,098

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–18166 Filed 6–29–77;8:45 am]

[Docket No. FI–2699]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Excelsior, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Excelsior, Minnesota. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Excelsior, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Excelsior.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Excelsior are available for review at City Administrative Office, 339 Third Street, Excelsior, Minnesota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka	Chicago and North Western R.R. bridge.	931
College Lake		946
Mud Lake		946
Galpin Lake		946

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18167 Filed 6–29–77;8:45 am]

[Docket No. FI–2545]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sauk Rapids, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Sauk Rapids, Minnesota. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Sauk Rapids, Minnesota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Sauk Rapids.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of

JUN 30 77 UM

1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sauk Rapids, are available for review at City Hall, 104 North Benton Drive, Sauk Rapids, Minnesota.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi	Highway 152 bridge	993
	10th St. North	988
County ditch No. 3	River Ave	989
	2d Ave. South	1,019
	3d Ave. South	1,020
	7th St. South	1,021

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18168 Filed 6–29–77;8:45 am]

[Docket No. FI–2775]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sapulpa, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Sapulpa, Oklahoma. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Sapulpa, Oklahoma.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sapulpa, Oklahoma.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sapulpa are available for review at City Hall, Sapulpa, Oklahoma.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Polecat Creek	Oklahoma Highway 117.	692
	St. Louis and San Francisco R.R.	695
	U.S. Alternate Highway 75.	667
Rock Creek	do	672
	Hickory St	674
	Taft St	675
	Oklahoma Highway 33	677
	I–44	684
Biven Creek	Oklahoma St	675
Enchee Creek	I–44	698

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended (39 F.R. 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18169 Filed 6–29–77;8:45 am]

[Docket No. FI–2688]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Caseville, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Caseville, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Caseville, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Caseville, Michigan.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Caseville are available for review at Township Hall, 6667 Main Street, Caseville, Michigan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay, Wildfowl Bay.	Lake Shoreline	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 1, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77–18170 Filed 6–29–77;8:45 am]

base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hagar are available for review at Town Hall, Riverside, Michigan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Paw Paw River	Bundy Rd	604
	Coloma Rd	601
	Interstate 196–U.S. Route 31.	597
Granger drain	Pier Rd	639
	Riverside Rd	619
Granger drain tributary.	C&O RR	637

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18171 Filed 6–29–77;8:45 am]

[Docket No. FI–2752]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Royalton, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the Township of Royalton, Michigan. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Royalton, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Royalton, Michigan.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Royalton, Michigan, are available for review at Route 3, Box 168, Berrien Springs, Michigan.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joseph River	Overhead power line	590
	U.S. 31	590
	I–94	589
Yellow Creek	John Beers Rd	626
	Yellow Creek Dr	622
	Tilly Rd	620
	Marquette Woods Dr	612
	U.S. 33	597
	U.S. 31	592

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77–18172 Filed 6–29–77;8:45 am]

[Docket No. FI–2761]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Westminister, Carroll County, Md.

AGENCY: Federal Insurance Administrator, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Westminster, Carroll County, Maryland.

V 42 N 126 JUN 30 77 UM

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Westminster, Carroll County, Maryland.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Westminster, Carroll County, Maryland.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Westminster, Carroll County, Maryland, are available for review at the office of Public Works, City Hall, Westminster, Maryland.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cranberry Branch	Old Manchester-Westminster Rd.	648
	3,000 ft above mouth	668
	8,000 ft above mouth	702
	9,000 ft above mouth	709
Big Pipe Creek II tributary No. 1.	1,400 ft above mouth	626
	Royer Rd.	647
	4,800 ft above mouth	670
Copps Branch tributary No. 1.	200 ft above mouth	589
	3,000 ft above mouth	663

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787 January 24, 1974).)

Issued: June 1, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-18173 Filed 6-29-77;8:45 am]

[Docket No. FI-2719]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Barbourville, Knox County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Barbourville, Knox County, Kentucky. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Barbourville, Knox County, Kentucky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Barbourville, Knox County, Kentucky.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in floodprone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the floodprone areas and the final elevations for the City of Barbourville, Knox County, Kentucky, are available for review at the Bulletin Board, City Building, Barbourville.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Cumberland River	Upstream corporate limit.	990
	Kentucky Route 11	989
	Richland Creek - confluence.	988
	Downstream corporate limit.	988
Richland Creek	Pitzer St. Bridge	988
	North Main St. Bridge.	988
	Upstream corporate limit.	988

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18174 Filed 6-29-77;8:45 am]

[Docket No. FI-2666]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Marysville, Marshall County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Marysville, Marshall County, Kansas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Marysville, Marshall County, Kansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Marysville, Marshall County, Kansas.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR

Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Marysville, Marshall County, Kansas, are available for review at the lobby of the City Building, 209 North 8th Street, Marysville, Kansas.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Big Blue River	North St.	1,157
	Center St.	1,156
	Jackson St.	1,155
	Downstream corporate limits.	1,155

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18175 Filed 6-29-77;8:45 am]

[Docket No. FI-2501]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Dyersville, Dubuque and Delaware Counties, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Dyersville, Dubuque and Delaware Counties, Iowa. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Dyersville, Dubuque and Delaware Counties, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Dyersville, Dubuque and Delaware Counties, Iowa.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Dyersville, Dubuque and Delaware Counties, Iowa, are available for review at the Bulletin Board, City Hall, 340 First Avenue, East Dyersville, Iowa.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
North Fork of Maquoketa River.	Upstream corporate limits.	949
	Hewitt Creek confluence.	946
	C & G. W. R.R.	944
	3d Ave.	940
	Downstream corporate limits.	939
Bear Creek	Upstream corporate limits.	947
	1st Ave. West	941
	3d St. Southwest	939
	North Fork of Maquoketa River confluence.	939
Hewitt Creek	Upstream corporate limits.	948
	State Highway 136	946
Unnamed creek	Upstream corporate limits.	958
	County road	948
	Hewitt Creek confluence.	947

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18176 Filed 6-29-77;8:45 am]

[Docket No. FI-2722]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Peachtree City, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Peachtree City, Georgia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Peachtree City, Georgia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Peachtree City, Georgia.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Peachtree City are available for review at City Hall, Peachtree City, Georgia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Line Creek	Rockway Rd.	751
	State Highway 54	819
Camp Creek	Ebenzer Rd.	818

JUN 30 1977 UM

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Flat Creek	State Route 74	752
	State Highway 54	790
	Peachtree Parkway	821
Gin Branch	do	849
Tributary 2	do	792
Tributary 5	North Lake Dr	795
Tributary 6	Pinegate Rd	805

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18177 Filed 6-29-77;8:45 am]

[Docket No. FI-2721]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Austell, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Austell, Georgia. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in affect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Austell, Georgia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Austell, Georgia.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community..

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Austell are available for review at City Hall, 2722 Broad Avenue, Austell, Georgia.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sweetwater Creek	Westside Rd	897
	Perkerson Mill Rd	891
Buttermilk Creek	Collins Blvd	902
	Maxham Rd	888

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18178 Filed 6-29-77;8:45 am]

[Docket No. FI-2727]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Oakland Park, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator hereby gives notice of his final determinations of flood elevations for the City of Oakland Park, Florida, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). Final base flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 3650 Northeast 12th Avenue, Oakland Park, Florida 33334.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

DATES: In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community. The effective date of the Flood Insurance Rate Maps will be published in the FEDERAL REGISTER under Part 1915.4.

SUPPLEMENTARY INFORMATION: The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the community must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Floodwater ponding areas.	Oakland Park Blvd. west of Interstate 95.	8
	Northwest 38th St., east of Interstate 95.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 16, 1977.

RICHARD W. KRIMM,
Acting Federal Insurance Administrator.

[FR Doc.77-18179 Filed 6-29-77;8:45 am]

[Docket No. FI-2726]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Fort Pierce, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Fort Pierce, Florida. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Fort Pierce, Florida.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Fort Pierce.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Fort Pierce are available for review at City Hall, Fort Pierce, Florida.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Edwards Rd. Canal.	Oleander Blvd.[1]	20
	Emil Dr	20
Cortez Blvd. Canal.	Sunrise Blvd	21
Mayflower Rd. Canal.	Gardenia Ave	19
	Azalea Ave	20
Virginia Ave. Canal.	South 29th St.[1]	19
	South 19th St	20
Canal 5A	Gardenia Ave	17
	Oleakder Blvd	20
	South 13th St	21
19th St. Canal	Virginia Ave.[1]	21
	Quincy Ave	21
	Havana Ave	21
Moore Creek	U.S. 1[1]	9
	North 17th St.[1]	19
	North 25th St	21
	North 29th St	22
North 33d St. Canal.	Avenue D	22
	Avenue Q	22
Atlantic Ocean	Ocean Dr	7
	Seaway Dr	7
	Coconut Dr	7
Indian River	Indian River Dr	8

[1] Upstream side of road.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18180 Filed 6-29-77;8:45 am]

[Docket No. FI-2728]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Miramar, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Miramar, Florida. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Miramar, Florida.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Miramar, Florida.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Miramar are availble for review at City Hall, Miramar, Florida.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Floodwater ponding.	U.S. Highway 27—entire length within corporate limits.	6
	Palm Ave.—entire length.	7
	Hallandale Beach Blvd. west of the point 270 ft east of the intersection with Southwest 66th Ter.	7
	State Rd. No. 7 (southwest 60th Ave.) south of Southwest 35th Ct.	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18181 Filed 6-29-77;8:45 am]

[Docket No. FI-2714]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Brush, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Brush, Colorado. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Brush, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Brush.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L.

JUN 30 77

90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Brush are available for review at City Hall, Brush, Colorado.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	Ellsworth and Clayton St.	4,239
	Colorado and Edison St.	4,236
	Turner and Eaton St.	4,234
	Howard and Curtis St.	4,232
	Cameron and Emerson St.	4,233

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-18182 Filed 6-29-77;8:45 am]

[Docket No. FI-2707]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Rangely, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the town of Rangely, Colorado. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Town of Rangely, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Rangely, Colorado.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Rangely are available for review at Town Hall, Rangely, Colorado.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dragon Wash	White Ave.	5,260
	Ball Park Rd.	5,234
White River	Douglas Creek	5,221
	Water treatment plant	5,218
	Colorow St. (extended)	5,213
	Fair grounds	5,212
	White Ave.	5,204
	State Highway 64	5,201

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18183 Filed 6-29-77;8:45 am]

[Docket No. FI-2709]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of San Anselmo, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of San Anselmo, California. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of San Anselmo, California.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of San Anselmo, California.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of San Anselmo are available for review at Town Hall, San Anselmo, California.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Anselmo Creek	Saunders Ave.	62
	Madrone Ave.	53
Sleepy Hollow Creek	Arroyo Ave.	97
	Mountain View Ave.	77

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: May 25, 1977.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.77-18184 Filed 6-29-77;8:45 am]

[Docket No. FI-2412]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Van Buren, Crawford County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Van Buren, Crawford County, Arkansas. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Van Buren, Crawford County, Arkansas.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The Federal Insurance Administrator given notice of his final determinations of flood elevations for the City of Van Buren, Crawford County, Arkansas.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Van Buren, Crawford County, Arkansas, are available for review at the Mayor's Office, 1000 Main Street, Van Buren, Arkansas.

The final 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Left	Right
Arkansas River	Upstream corporate limits	413	80	(1)
	Broadway	410	260	(1)
	Scott	409	500	(1)
	Route 540	409	1,000	(1)
	Field Rd.	408	850	(1)
	Downstream corporate limits	408	1,170	(1)
Lee Creek	Upstream corporate limits	412	1,100	(1)
	County Rd.	412	650	(1)
	Route 40	412	40	(1)
	Lover's Lane	412	10	2,000
	Missouri Pacific RR	412	60	1,750
Town Branch	North 24th	460	620	730
	Alma	442	190	140
	North 20th	420	70	300
	Chestnut	415	130	230
	South 13th	412	100	500
	Scott	406	200	800
	Field Rd.	403	240	1,300
	Corporate limits	398	2,750	500
Flat Rock Creek	Rudy	444	(1)	760
	Downstream edge of Route 540	416	50	930
	Upstream edge of Route 162	412	100	340
	Downstream corporate limits	405	(1)	1,450

[1] Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4011–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc 77-18185 Filed 6-29-77;8:45 am]

[Docket No. FI-2731]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Tuscumbia, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year flood) are listed below for selected locations in the City of Tuscumbia, Alabama. These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the City of Tuscumbia, Alabama.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202–755–5581 or Toll Free Line 800–424–8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Tuscumbia.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tuscumbia are available for review at City Hall, Tuscumbia, Alabama.

The final 100-year flood elevations for selected locations are:

JUN 30 77 UM

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek	U.S. Highway 72 bypass.	435
	U.S. Highway 72	432
Unnamed tributary to Spring Creek (north).	Blackwell Rd.	429
Throckmorton Branch.	Lamar St.	433
	Old Lee Highway	432
Unnamed tribn-tary to Throck-morton Branch.	Lamar St.	440
	Volunteer Dr.	432

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: June 4, 1977.

HOWARD B. CLARK,
Acting Federal Insurance Administrator.

[FR Doc.77-18186 Filed 6-29-77;8:45 am]

federal register

THURSDAY, JUNE 30, 1977

PART IV

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Consumer Affairs and Regulatory Functions

■

MOBILE HOME CONSUMER MANUAL REQUIREMENTS

Delay of Effective Date

V 42 126 JUN 30 77 UM

Title 24—Housing and Urban Development

CHAPTER XX—OFFICE OF ASSISTANT SECRETARY FOR CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-390]

PART 3283—MOBILE HOME CONSUMER MANUAL REQUIREMENTS

Delay of Effective Date

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment delays until July 31, 1977, the effective date of the rule governing Mobile Home Consumer Manuals issued on March 31, 1977, at 42 FR 17294. The original effective date was June 30, 1977. This amendment is necessary, because the Department feels some manufacturers may need additional time to comply with the Mobile Home Consumer Manual requirements.

EFFECTIVE DATE: June 30, 1977.

FOR FURTHER INFORMATION CONTACT:

Russell H. Dawson, Director, Mobile Home Standards Division, Office of the Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, Washington, D.C. 20410 (202-755-7970).

SUPPLEMENTARY INFORMATION: Several manufacturers have commented to the Department that they need more time in order to comply with the consumer manual rule. The Department is issuing this as a final rule without opportunity for public comment because the Department finds that it would not be in the public interest to require compliance with the regulation where compliance cannot realistically be expected. Because the regulations would otherwise go in effect on June 30, 1977, it is necessary to issue this rule without public comment and to make this rule effective on June 30, 1977.

A finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. It is available for public inspection in the Office of the Rules Docket Clerk, Room 5218, U.S. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, during normal business hours.

NOTE.—It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, Chapter XX of 24 CFR, Part 3283 is amended as follows:

1. By revising § 3283.1 to read as follows:

§ 3283.1 Scope.

This part sets out the requirements that shall be met by mobile home manufacturers and dealers in order to assure that consumer manuals containing appropriate information are provided to mobile home purchasers as required by section 617 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5416. This subpart sets out the definitions applicable to the Part and the requirement that a consumer manual be provided with each mobile home that enters into the first stage of production or or after July 31, 1977.

2. By revising § 3283.3 to read as follows:

§ 3283.3 Manual requirement: effective date.

A consumer manual shall be provided by the manufacturer with each mobile home that enters the first stage of production on or after July 31, 1977. The manual shall be provided as set out in Subpart B of this part.

3. By revising paragraph (a) of § 3283.52 to read as follows:

§ 3283.52 Manual distribution.

(a) Each manufacturer shall provide a consumer manual with each mobile home that enters the first stage of production on or after July 31, 1977, by placing a manual in each such mobile home before the mobile home leaves the manufacturing plant. The manual shall be placed in a conspicuous location in a manner likely to assure that it is not removed until the purchaser removes it.

* * * * *

(Secs. 617 and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5416 and 5424, and sec. 7(d) of the Department of Housing and Urban Development Act, (42 U.S.C. 3535 (d).))

Issued at Washington, D.C., on June 27, 1977.

GENO C. BARONI,
Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc.77-18788 Filed 6-29-77;8:45 am]

V 42 126 JUN 30 77 UM

federal register

THURSDAY, JUNE 30, 1977

PART V



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

V42N126
JUN 30 77
UMI

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedules

AGENCY: Office of Education, HEW.

ACTION: Final regulation.

SUMMARY: This final rule amends current regulations dealing with the Family Contribution Schedules for the Basic Educational Opportunity Grant Program for the 1977–78 academic year. The amendments (a) require that the income and assets of the step-parent be reported as available to the applicant in cases where the student is residing with the parent and that parent's spouse, and (b) increase the amount of the family size offsets to reflect inflation during 1976, as measured by the 1976 Consumer Price Index.

EFFECTIVE DATE: Pursuant to section 431(d) of the General Education Provision Act, as amended, (20 U.S.C. 1232 (d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Ernest Becker (202–245–1744).

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking was published in the FEDERAL REGISTER on August 11, 1976 (41 FR 33962), to amend Subparts C and D of Part 190 of Title 45 of the Code of Federal Regulations. Interested persons were given the opportunity to submit comments, suggestions, or objections regarding the proposed rule.

Comments received from the public primarily concerned the new treatment of step-parent income and assets. Of the ten written responses which were received, all expressed the view that the step-parent's income should not be used in computing the income of the student's "family" because the step-parent is not legally responsible for the step-child. However, the regulation was not changed for the following reasons. The general objective of the authorizing legislation for the Basic Grant Program is to provide Federal financial aid to a student if his own resources and the financial support that should reasonably be expected from his family are insufficient to pay his costs of education. The determination of who can reasonably be expected to contribute to a student's education is not based upon legal responsibility for the student. The statute provides in Section 411(a)(3)(b)(iii) that family income for these purposes is that "received by the parents or guardian of that student (or the person or persons having an equivalent relationship to such student) * * *" Therefore the purpose of the regulation is not to determine the legal responsibility of the step-parent towards the student, but rather to determine whether or not the step-parent has a financial relationship with the student equivalent to that of a parent or guardian. The student's residence with the step-parent is the determining factor upon which the equivalency of this relationship is based.

Secondly, the proposed regulation, which would include the income of the spouse of a "responsible" parent if the student is living in the same household, is consistent with the practice adopted by the need analysis system used by over 90 percent of the schools, the College Scholarship Service (CSS) and the American College Testing Program (ACT) as well as with the common methodology of need analysis adopted by the National Task Force on Student Aid Problems. This approach provides equity of treatment to students in similar economic situations since it includes only those step-parents whose financial relationship to the student is essentially equivalent to that of the student's natural parents.

A step-parent situation would also exist in those cases where a parent is a widow or widower and has remarried. The regulations have been amended to include a step-parent's income and assets in the calculation of the family contribution in these situations.

In addition to the amendments submitted in the notice of proposed rulemaking, the regulations also contain modifications not included under the proposed rulemaking procedure.

The Education Amendments of 1976 include modifications in the family contribution schedule which require regulatory action. Primarily, the new law specifies that the educational expenses of other dependent children must be considered in the determination of expected family contribution. Since situations where more than one student is enrolled in postsecondary education are presently provided for in the calculation of the family contribution, the amendments to the regulations incorporate an offset for the tuition paid by the parents for those dependent students enrolled in elementary and secondary education only. Similar provisions are included for independent students. The amended regulations provide that tuition paid for the elementary and secondary education of other dependent children shall be treated as an additional offset against the effective family income.

The new legislation also includes an amendment which repeals the provision dealing with the effective income of the student. For this reason, the definition of "effective income of the student" has been deleted, and the definition of "annual adjusted family income" has been amended to include any amount paid under the Social Security Act to, or on account of, the student for educational purposes, or one-half of any Veterans Educational Benefits received by the student. This is a technical adjustment which will have no effect on the actual calculation of the family contribution.

Other amendments and changes, as follows, are primarily of a technical nature and are not dictated by the new legislation. The definition of parent is amended to exclude legal guardians. Under the law a legal guardian is not responsible to maintain his ward with his own funds but is generally charged only with administering his ward's estate. Therefore, a legal guardian would be considered a "parent" for Basic Grant purposes only if that person did, or will, provide more than one-half of the student's support during the year for which aid is requested. This amendment provides more equitable treatment in those cases where a legal guardian relationship exists, and would no longer automatically treat a legal guardian as a parent.

The regulations are also amended to exclude from the calculation of expected family contribution any income or assets received by Indian and Native American families or students as a result of judgment claims; or property which may not be sold or encumbered without the consent of the Secretary of the Interior; or any other property held in trust by the United States Government. This provides compatibility with the proposed treatment of these income and assets by the campus-based student aid programs administered by the Office of Education, specifically the Supplemental Educational Opportunity Grant, the College Work-Study and National Direct Student Loan Programs. A notice of proposed rulemaking was published in the FEDERAL REGISTER on August 27, 1976 (41 FR 36322), by the campus-based programs concerning this new treatment of Indian and Native American income and assets and a final regulation for these programs is expected to be published in the near future.

As stated in the notice of proposed rulemaking, the 6 percent figure for the rise in the cost of living was used as an estimate to determine the family size offsets with the expectation that it would need to be adjusted. In actuality, the Consumer Price Index rose only 5.3 percent and family size offsets have been altered to reflect that figure.

It should be further noted that in view of the pressing need to incorporate the provisions dealing with the treatment of legal guardians and of the settlement claims of Native and Indian Americans as part of the application process for the 1977–78 academic year, it has been determined in accordance with 5 U.S.C. 553(b) that to resort to proposed rulemaking procedures with respect to this provision would be impractical and contrary to public interest. Since the Family Contribution Schedules are required to be submitted annually for Congressional approval and public comments, there will be additional opportunity to make further modifications if subsequent program

experience and public comments warrant such changes.

The Family Contribution Schedules as published also contained some technical inaccuracies and omissions. These inaccuracies and omissions have been corrected in this publication of the regulations.

In light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended by the revision of Subpart C and D as set forth below.

Effective date: These regulations are effective July 1, 1977. In addition, pursuant to section 431(d) of the General Education Provision Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

Dated: March 9, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: June 22, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

1. Subparts C and D of Part 100 of Title 45 of the Code of Federal Regulations are revised to read as follows:

Subpart C—Expected Family Contribution for Dependent Students

Sec.
190.31 Indicators of financial strength.
190.32 Special definitions.
190.32a Annual adjusted family income.
190.33 The expected family contribution for dependent students from effective income.
190.34 [Reserved]
190.35 Computation of standard expected contribution from parents' assets.
190.36 Computation for expected contribution from parents' income, and assets, adjusted for number of family members attending institutions of postsecondary education.
190.37 Computation of expected contribution from student's assets.
190.38 Computation of the total expected family contribution.
190.39 Extraordinary circumstances affecting the expected family contribution determination for dependent students.

Subpart D—Expected Family Contribution for Independent Students

Sec.
190.41 Indicators of financial strength.
190.42 Special definitions.
190.42a Annual adjusted family income.
190.43 The expected family contribution for independent students from annual adjusted family income.
190.44 [Reserved]
190.45 Computation of expected contributions from the assets of the independent student and his or her spouse.
190.46 Computation for expected contribution from annual adjusted family income and assets adjusted for number of family members attending institutions of postsecondary education.
190.47 Computation of total expected family contribution.
190.48 Extraordinary circumstances affecting the expected family contribution determination for the independent student.

AUTHORITY: Sec. 431(d), General Education Provision Act, as amended (20 U.S.C. 1232 (d)).

Subpart C—Expected Family Contribution for Dependent Students

§ 190.31 Indicators of financial strength.

"Expected family contribution" with respect to each dependent student means the amount which the family of that student may reasonably be expected to contribute toward the cost of his education for an acedemic year. Each of the following elements of financial strength will be considered in determining the family contribution for dependent students:

(a) The amount of effective income of the student's parent(s).

(b) The number of dependents of the student's parent(s).

(c) The number of dependents of the student's parent(s) who are in attendance, on at least a half-time basis, in a program of postsecondary education.

(d) The assets of the student.

(e) The assets of the student's parent(s).

(f) Unusual expenses of the student and the unusual expenses of the student's parent(s). Such unusual expenses shall be limited to medical and dental expenses and expenses arising from a catastrophe.

(g) The additional expenses incurred in providing an income when two parents are employed or when a family is headed by a single parent.

(h) The amount of unreimbursed expenses incurred for tuition by the student's parents for other dependent children enrolled in an elementary or secondary school.

(20 U.S.C. 1070a(a)(3)(B)(ii).)

§ 190.32 Special definitions.

For purposes of this subpart:

(a) The definition of "annual adjusted family income" is set forth in § 190.32a.

(b) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, any other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the student's parents and by the student. However, for Indian or Native American students, any property received pursuant to an award under the Distribution of Judgement Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), any property which may not be sold or encumbered without the consent of the Secretary of Interior, or any other property held in trust for the student or his family by the United States Government shall not be considered as an asset of the student or his family for purposes of determining his expected family contribution.

(c) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(d) "Business Assets" means property that is used in the operation of a trade or business including real estate inventories, buildings, machinery and other equipment inventories, patents, franchise rights, and copy rights.

(e) "Dependent student" means any student who does not qualify as an independent student as defined in § 190.42(a).

(f) "Effective family income" of a student's parents means the annual adjusted family income received for the base year minus the Federal income tax paid or payable with respect to such income during the base year.

(20 U.S.C. 1070a(a)(3)(B)(iii).)

(g) "Employment expenses offset" means an allowance to meet expenses relating to employment where both parents are employed or where one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(h) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(20 U.S.C. 1070a(a)(3)(B)(ii)(V).)

(i) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of a family. For purposes of this part the "Weighted Average Threshold at the Low Income Level," as developed by the Social Security Administration shall be used as a basis to determine the amount for the family size offset.

(j) "Farm Assets" means any property owed and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, but some income is derived from incidental sales.

(k) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii).)

V 42 N 6
JUN 30 77
UM

(l) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(m) "Net assets" means the current market value of the assets included in paragraph (b) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(n) (1) For purposes of this Subpart and Subpart D, "parent" means the mother or father of a student unless any other person, except the student or the student's spouse, during the base year provided more than one-half of the student's support and claimed or was eligible to claim the student as an exemption for Federal income tax purposes.

(2) Notwithstanding the provisions of paragraph (n)(1) of this section, the student's mother or father will be considered the student's parent (i) if, for the calendar year(s) for which aid is received or the calendar year prior to the school year for which aid is requested, either claimed or will claim the student as an exemption for Federal income tax purposes, or contributed or will contribute more than $600 to the student in any of such years, or (ii) if the student has lived or will live for more than two consecutive weeks in their home during such years.

(3) If neither the student's mother or father qualify, for purposes of this part, as the student's parent under paragraphs (n) (1) and (2) of this section, the person, other than the student's spouse, who provides or will provide more than one-half of the student's support for the first calendar year in which assistance is requested shall be considered the student's parent.

(4) If neither the student's mother or father qualifies, for purposes of this part as the student's parent under paragraph (n) (1) and (2) of this section, and if no person, except the student's spouse, provides more than one-half of the student's support in the first calendar year in which assistance is requested, the person other than the student's spouse who provided more than half of the student's support in the base year shall be considered the student's parent.

(o) "Student's parents' dependents" means any of the following persons for whom the parents provide or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one-half of support: (1) Any other children of the student's parents; (2) any other persons related to the student's parents by blood or marriage; or (3) any person living with the parents.

(20 U.S.C. 1070a(a)(3)(B) unless otherwise noted.)

§ 190.32a Annual adjusted family income.

(a) "Annual adjusted family income" for any base year includes, except as provided in paragraph (b) of this section—

(1) The sum received in the base year by the student's parents' from:

(i) Adjusted gross income as defined by section 62 of the Internal Revenue Code, regardless of whether the parent filed an income tax return;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on State and municipal bonds; and

(iii) Other income upon which no Federal income tax need be paid. Examples of such income include child support payment, income from income maintenance programs such as welfare benefits and social security benefits.

(2) Any Social Security benefits paid to or on account of the student in the base year; and

(3) One-half of any amount to be paid to a student under chapters 34 and 35 of the United States Code (veteran's benefits) in the academic year for which aid is requested;

(b) For an Indian or other Native American student, the income received by the student or his family pursuant to an award made under the Distribution of Judgment Funds Act (25 U.S.C. 1401 et seq.) or the Alaska Native Claims Settlement Act, (43 U.S.C. 1601, et seq.) will not be included in determining the annual adjusted family income.

(c) For a student whose parents are divorced or separated, only the income as described in paragraph (a) of this section of the parent who provides more than one-half of the student's support in the base year shall be considered in determining the annual adjusted family income. If no parent provides more than one-half of the student's support only the income as described in paragraph (a) of the section of the parent who provided the greater amount of the student's financial support in the base year shall be considered in determining the annual adjusted family income.

(d) For the student whose parents are married, not separated and file separate returns for Federal income tax purposes, the income as described in paragraph (a) of this section of both parents shall be combined to determine the annual adjusted family income for that student.

(e) If a parent whose income is taken into account under paragraph (c) of this section has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student has resided during the base year or will reside during the calendar year subsequent to the base year with that parent and that parent's spouse.

(f) If a parent whose income is taken into account under paragraph (a) of this section was a widow or widower and that parent has remarried, the income of that parent's spouse shall also be considered in determining the annual adjusted family income of the student if the student has resided during the base year or will reside during the calendar year subsequent to the base year with that parent and that parent's spouse.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.33 The expected family contribution for dependent students from effective income.

The expected family contribution for dependent students from effective income shall be an amount determined in the following manner:

(a) Determine the effective family income of the student's parents.

(b) Determine discretionary income by deducting from the amount calculated in paragraph (a) of this section the following:

(1) *Family size offset.* A family size offset in the amount specified in the following table. Family members include the student, the student's parents and the student's parents' dependents. If the parents are divorced or separated, family members shall include the student, any parent whose income is taken into account for the purpose of computing the annual adjusted family income and that parent's dependents. If the parents are divorced and the parent whose income is taken into account for the purpose of computing the annual adjusted family income, has remarried or if the parent was a widow or widower who has remarried, family members shall also include any dependents of that spouse if the new spouse's income is taken into account in determining the annual adjusted family income.

FAMILY SIZE OFFSETS

Family members:	*Dollar amounts*
2	3,850
3	4,650
4	5,900
5	6,950
6	7,900
7	8,750
8	9,650
9	10,550
10	11,450
11	12,300
12	13,200

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses and losses resulting from catastrophes incurred in the base year and not compensated by insurance exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the student, the student's parents and/or the student's parents' dependents.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by the parent earning the lesser income if both parents are employed, or 50 percent of the adjusted gross income earned in the base year of a parent qualifying as surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500. The expense may be claimed only if the income of both parents or the income of the surviving spouse or head of household is taken into account for the purposes of computing the annual adjusted family income.

(4) *Educational expenses offset.* The amount of mandatory and unreimbursed tuition paid during the base year by the student's parents for other dependent children enrolled in an elementary or secondary school.

(c) To determine the expected family contribution from parental income the following rates shall be applied to discretionary income:

$0	(No contribution expected.)
$1 to 4,999	20 percent of Discretionary Income.
$5,000 or more	$1,000 plus 30 percent of Discretionary Income in excess of 5,000.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.34 [Reserved]

§ 190.35 Computation of standard expected contribution from parents' assets.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from parental assets shall be an amount determined in the following manner:

(1) Determine the net assets owned by the parents.

(2) If the net assets determined in paragraph (a)(1) of this section include farm assets or business assets as defined in § 190.32(d) and (j), deduct an asset reserve of $25,000 from the net assets, except that an asset reserve of no more than $12,500 may be deducted from nonfarm and/or non-business assets owned by the parents. If the net assets determined in paragraph (a)(1) of this section do not include farm or business assets, deduct an asset reserve of $12,500 from the net assets.

(3) The contribution from parental assets shall be an amount equal to 5 percent of the remainder obtained in subparagraph (2) of paragraph (a) of this section.

(b)(1) Where the calculations required by § 190.33(b) produce an amount of negative discretionary income as defined in subparagraph (2) of this paragraph, the expected contribution from parents' assets, calculated in subparagraph (3) of paragraph (a) of this section, shall be reduced by the amount of such negative discretionary income.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.33(b)(1) through § 190.33(b)(4) exceeds the amount of income determined in § 190.33(a).

(c)(1) If the student's parents are separated, or divorced and not remarried, only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(2) If the student's parents are divorced and the parent whose income is taken into account pursuant to § 190.32a has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also taken into consideration pursuant to § 190.32a, the assets of that parent's spouse shall also be considered.

§ 190.36 Computation for expected contribution from parents' income, and assets, adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from parents' income as determined in § 190.33 shall be added to the amount expected from parents' assets as determined in § 190.35.

(b) (1) For each grant the combined expectation determined in paragraph (a) of this section shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education:	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

(2) Family members include the student, the student's parents and the student's parents' dependents.

(3) If the student's parents are separated, or divorced and not remarried, family members shall include the student, any parent whose income is taken into account for the purpose of computing annual adjusted family income and that parent's dependents.

(4) If the student's parents are divorced and the parent whose income is taken into account has remarried, or if the parent was a widow or widower and has remarried, and if the parent's spouse's income is taken into account for the purpose of computing the annual adjusted family income, family members shall also include any dependents of that parent and/or spouse.

§ 190.37 Computation of expected contribution from student's assets.

For each grant the contribution from the student's assets shall be an amount equal to 33 per centum of his net assets as defined in § 190.32(m).

(20 U.S.C. 1070a (a) (3) (B).)

§ 190.38 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from discretionary income and parents' assets as determined in § 190.36, and

(b) The expected contribution from the student's assets as determined in § 190.37.

(20 U.S.C. 1070a.)

§ 190.39 Extraordinary circumstances affecting the expected family contribution determination for dependent students.

(a) An applicant may submit an application to the Commissioner, for determination of the applicant's expected family contribution, (or, if such an application has previously been submitted, may submit a new application) which shall use as the base year for this purpose the tax year subsequent to the base year established by the Commissioner if:

(1) A parent whose income was included in the calculation of expected family contribution as determined in § 190.33 has died in the base year or the tax year subsequent to the base year, or

(2) A parent whose income was included in the calculation of the expected family contribution as determined in § 190.33 has experienced loss of employment of at least ten (10) weeks during the tax year subsequent to the base year, or

(3) A parent whose income was included in the calculation of the expected family contribution as determined in § 190.33 has been unable to pursue normal income-producing activities for a period of at least ten (10) weeks during the tax year by reason of: (i) disability or, (ii) loss or damage to income-producing property as a result of natural disaster, or

(4) The parents of a dependent student applicant have become separated or divorced since the time the student submitted his application.

(b) An application submitted pursuant to paragraph (a) of this section shall include the annual adjusted family income received for the newly established base year, i.e., the tax year subsequent to the original base year. If necessary, an estimate of the annual adjusted family income shall be provided for the remainder of such year.

(20 U.S.C. 1070a(a)(3)(B)(i)(V).)

Subpart D—Expected Family Contribution for Independent Students

§ 190.41 Indicators of financial strength.

"Expected Family Contribution" with respect to each independent student means the amount which that student, and his or her spouse, if any, may reasonably be expected to contribute toward the cost of his or her education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for independent students:

(a) The amount of annual adjusted family income of the independent student and the independent student's spouse.

(b) The number of persons whom the independent student can claim as an exemption.

(c) The number of dependents of the independent student who in addition to the student will be in attendance, on at least a half-time basis, in a program of postsecondary education.

(d) The amount of the assets of the independent student and his or her spouse.

(e) The unusual expenses of the independent student, and his or their dependents. Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophic

(f) The additional expenses incurred in providing an income where both the independent student and his spouse are employed or where the independent student qualifies as a surviving sponse or as head of a household under section 2 of the Internal Revenue Code.

(g) The amount of unreimbursed expenses incurred for tuition by the student or his spouse for dependent children enrolled in an elementary or secondary school.

(20 U.S.C. 1070a(a) (3) (C).)

§ 190.42 Special definitions.

For the purposes of this subpart:

(a) (1) A student shall qualify as an independent student if his parent, pursuant to § 190.32(n), is his mother or father and if he:

(i) Has not and will not be claimed as an exemption for Federal income tax purposes by his parent for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

(ii) Has not and will not receive financial assistance of more than $600 per year from his parent in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(iii) Has not lived or will not live for more than 2 consecutive weeks in the home of his parents during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(2) A student shall qualify as an independent student if, pursuant to § 190.32 (n) the student's parent is the person, other than the student's spouse, who provided more than one-half of his support in the base year, and if that parent does not or will not provide one-half support during the first calendar year for which aid is requested.

(3) A student may not be considered an independent student if, pursuant to § 190.32(n), his parent is the person, other than the student's spouse, who provided or will provide more than half of his support for the first calendar year in which aid is requested.

(b) The definition of "annual Adjusted Family Income" is set forth in § 190.42a.

(c) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, and other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the independent student and/or his spouse. However, for Indian or Native American students, any property received pursuant to an award under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), any property which may not be sold or encumbered without the consent of the Secretary of Interior, or any other property held in trust for the student or the student's spouse by the United States Government as an asset of the student or his spouse shall not be considered as an asset for purposes of determining his expected family contribution.

(d) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(e) "Dependent" means the independent student's spouse and any of the following persons for whom the student or his spouse provides or will provide during the calendar year in which the student applies to have his expected family contribution determined more than one-half of support:

(1) Any children of the student or his spouse; (2) any other persons related to the student or his spouse by blood or marriage; or (3) any person living with the student and his spouse.

(f) "Effective family income" means the annual adjusted family income received during the base year minus the Federal income tax paid or payable with respect to such income.

(g) "Employment expense offset" means an allowance to meet expenses relating to employment where both the independent student and his or her spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(h) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred by the independent student and his dependents during the base year.

(i) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of the independent student and his dependents. For purposes of this part the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration, shall be used as a basis to determine the amount for the family size offset except in the case of a single independent student, where an amount estimated to be equal to living expenses during periods of nonenrollment shall be utilized.

(j) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a) (3) (B) (iii).)

(k) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code, which were incurred by the independent student and his dependents during the base year.

(l) "Net assets" means the current market value at the time of application of the assets included in paragraph (c) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a) (3) (C).)

§ 190.42a Annual adjusted family income.

(a) "Annual adjusted family income" for any base year includes, except as provided in paragraph (b) of this section—

(1) The sum received in the base year by the student and his spouse from:

(i) Adjusted gross income as defined by section 62 of the Internal Revenue Code, regardless of whether the student or his spouse filed an income tax return;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on State and municipal bonds; and

(iii) Other income upon which no Federal income tax need be paid. Examples of such income include child support payment, income from income maintenance programs such as welfare benefits and social security benefits.

(2) Any Social Security benefits paid to the student in the base year; and

(3) One-half of any amount to be paid to a student under chapters 34 and 35 of the United States Code (veteran's benefits) in the academic year for which aid is requested;

(b) For an Indian or other Native American student, the income received by the student or his spouse pursuant to an award made under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) need not be included in determining the annual adjusted family income.

(c) In the case of the student who is divorced or separated, only the student's own income shall be considered in determining the annual adjusted family income.

(d) In the case where the student and his spouse are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (a) of this section of both the applicant and spouse shall be combined to determine the annual adjusted family income for that student.

(20 U.S.C. 1070a(a) (3) (B).)

§ 190.43 The expected family contribution for independent students from annual adjusted family income.

The expected family contribution of the independent student from annual adjusted family income shall be an amount determined in the following manner:

(a) Determine effective family income by subtracting from the annual adjusted family income the amount of Federal income tax paid or payable with respect to such income.

(b) Determine discretionary income by deducting from the amount calculated in paragraph, (a) of this section the following:

(1) *Family size offset.* A family size offset is the amount specified in the following table. Family members include the student and his dependents. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

FAMILY SIZE OFFSETS

Family members:	*Dollar amounts*
2	3,850
3	4,650
4	5,900
5	6,950
6	7,900
7	8,750
8	9,650
9	10,550
10	11,450
11	12,300
12	13,200

An offset of $1,050 shall be made for the single independent student.

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses, and losses resulting from catastrophes incurred in the base year and not compensated by insurance, exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the independent student and his dependents during the base year.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by either a married independent student or the student's spouse, whichever is less, or 50 percent of the adjusted gross income earned during the base year by an independent student qualifying as a surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code but in no case shall such an offset exceed $1,500.

(4) *Educational expense offset.* The amount of mandatory and unreimbursed tuition paid during the base year by the independent student and his or her spouse for dependent children enrolled in an elementary or secondary school.

(c) Determine the expected family contribution from the family income of the independent student and his or her spouse by applying the following rates to discretionary income:

(1) 75 percent of discretionary income for the single independent student with no dependents;

(2) 50 percent of discretionary income for the married independent student with no dependents other than spouse; and

(3) 40 percent of discretionary income for the independent student who has dependents other than spouse.

(20 U.S.C. 1070a(a) (3) (C).)

§ 190.44 [Reserved]

§ 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.

(a) Except as provided for in paragraph (b) of this section, the expected contribution from the assets of the independent student and his or her spouse shall be determined in the following manner:

(1) Determine the total amount of net assets owned by the student and the student's spouse.

(2) The contribution from assets shall be an amount equal to 33 percent of the amount determined in subparagraph (1) of paragraph (a) of this section.

(b) (1) If the calculations required by § 190.43(b) produce an amount of negative discretionary income as defined in subparagraph (2) of this paragraph the expected contribution from the assets of the student and his spouse calculated in paragraph (a) of this section shall be reduced by the amount of such negative discretionary income.

(2) The amount of negative discretionary income is the amount by which the sum of deductions for offsets and expenses set forth in § 190.43(b) exceeds the amount of income determined in § 190.43(a).

§ 190.46 Computation for expected contribution from annual adjusted family income and assets adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from family income as determined in § 190.43 shall be added to the amount expected from assets as determined in § 190.45.

(b) For each grant the combined expectation determined in paragraph (a) of this section shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her dependents.

§ 190.47 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the expected contribution from discretionary income and assets, as determined in § 190.46.

§ 190.48 Extraordinary circumstances affecting the expected family contribution determination for the independent student.

(a) An applicant may submit an application to the Commissioner, for determination of the applicant's expected family contribution, (or, if such an application has previously been submitted, may submit a new application) which shall use as the base year for this purpose the tax year subsequent to the base year established by the Commissioner if:

(1) A spouse whose income was included in the calculation of expected family contribution as determined in § 190.43 has died in the base year or the tax year subsequent to the base year, or

(2) A spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has experienced loss of employment of at least ten (10) weeks during the tax year subsequent to the base year, or

(3) An applicant or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.43 has been unable to pursue normal income-producing activities for a period of at least 10 weeks during the tax year subsequent to the base year by reason of: (i) Disability or (ii) loss or damage to income-producing property as a result of natural disaster, or

(4) The applicant has become separated or divorced since the time he submitted his application, or

(5) The applicant was employed for at least 35 hours per week for a minimum of 30 weeks during the base year and will not be comparably employed during the tax year subsequent to the base year.

(b) An application submitted pursuant to paragraph (a) of this section shall include the annual adjusted family income received for the newly established base year, i.e., the tax year subsequent to the original base year. If necessary, an estimate of the annual adjusted family income shall be provided for the remainder of such year.

(20 U.S.C. 1070a(a) (3) (B) (i) (V).)

[FR Doc.77-18456 Filed 6-29-77;8:45 am]

JUN 30 77

federal register

THURSDAY, JUNE 30, 1977

PART VI



SECURITIES AND EXCHANGE COMMISSION

■

OFF-BOARD TRADING RESTRICTIONS

V 42 126 JUN 30 77 UM

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34–13662; File No. 4–180]

OFF-BOARD TRADING RESTRICTIONS

AGENCY: Securities and Exchange Commission.

ACTION: Notice of Proceeding and Proposed Rulemaking.

SUMMARY: The operating legislating of the Commission requires review of off-board trading restrictions and the elimination of those restrictions imposing burdens on the competition not necessary or appropriate. The Commission has given notice of a proceeding, including public hearings, to consider the amendment of rules of national securities exchanges which limit or condition the ability of members to effect transactions over-the-counter in listed securities and to consider the adoption of certain Commission rules to accompany any such action.

DATES: Public hearing: August 1, 1977. Comments by August 10, 1977. Reply comments by August 24, 1977.

ADDRESSES: Public hearings will be held in Room 776, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. 4–180 and be delivered, together with 30 copies, to George A. Fitzsimmons, Secretary, Room 892, at the above address. Copies of all written submissions and hearing transcripts will be made available at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

George T. Simon, Division of Market Regulation, Room 390, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (202–376–7470).

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced a proceeding, pursuant to Section 19(c) (15 U.S.C. 78s (c)) of the Securities Exchange Act of 1934 ("Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), to consider rulemaking to: (i) amend existing rules of national securities exchanges ("exchanges") which limit or condition the ability of members to effect, as principal or as agent, transactions in securities listed or admitted to unlisted trading privileges on an exchange ("listed securities") otherwise than on such exchanges ("off-board trading restrictions"); and (ii) govern, in the event off-board trading restrictions are amended, over-the-counter transactions in listed securities between dealers and certain categories of persons.

In connection with this proceeding, the Commission will conduct public hearings commencing August 1, 1977, at the Commission's headquarters in Washington, D.C. In addition, interested persons are invited to submit written presentations of views, data, and arguments concerning the rules proposed and issues discussed in this release, as well as written presentations responding to written or oral presentations of others.

The exchange rules upon which this proceeding will focus have previously been the subject of Commission and Congressional studies, as well as prior public proceedings involving both the Commission's investigatory and rulemaking responsibilities under the Act (including adoption in 1975 of Rule 19c–1 under the Act (17 CFR §240.19c–1), removing certain off-board trading restrictions).[1] Indeed, since 1968, the Commission has been giving continuous consideration to appropriate steps to assure the efficiency, fairness, and integrity of trading markets for securities through the establishment of a national market system. The present stage of this extensive deliberation with respect to market structure emanates from the actions, deliberations, and proceedings which have preceded the proceeding announced today. Accordingly, the attention of interested persons is directed to these materials, cited or referred to elsewhere in this release, copies of which are available at the Commission's Public Reference Room (File No. 4–180).

The information contained in these materials is relevant to and was relied upon in the formulation of the rules proposed and issues discussed in this release. While a restatement of views previously expressed and considered is, therefore, not necessary, persons wishing to participate in this rulemaking proceeding may, of course, refer to any materials previously considered (and may articulate relevant views previously presented) in connection with this proceeding.

The Commission will also consider the written submissions to the Commission by the National Market Advisory Board ("NMAB"), together with written submissions to the NMAB by interested persons, received to date (and any others which may be forthcoming prior to the conclusion of this proceeding) concerning off-board trading restrictions and other issues relating to the development and implementation of a national market system. Persons interested in inspecting any of these NMAB materials should also consult File No. 4–180 at the Commission's Public Reference Room.

I. Introduction and Background

Section 11A(c)(4) of the Act (15 U.S.C. 78k–1(c)(4)), as amended by the Securities Acts Amendments of 1975 ("1975 Amendments") (Pub. L. No. 94–29, 89 Stat. 97 (June 4, 1975)), directed the Commission to review all exchange rules "which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges." That Section further directed the Commission to report the results of its review to the Congress and to commence a proceeding, pursuant to Section 19(c) of the Act, "to amend any such rule imposing a burden on competition which does not appear to the Commission to be necessary or appropriate in furtherance of the purposes of (the Act)." On September 2, 1975, the Commission reported the results of its initial review pursuant to Section 11A(c)(4) to the Congress.[2] In that report, the Commission stated that certain off-board trading restrictions impose burdens on competition which the Commission was not prepared to conclude were necessary or appropriate in furtherance of the purposes of the Act. Accordingly, the Commission simultaneously issued a release instituting a proceeding, pursuant to Section 19(c) of the Act, to determine whether to modify or eliminate those off-board trading restrictions.[3]

The September Release proposed, and solicited comment on, three alternative forms of a Commission rule amending (to various degrees) exchange rules imposing off-board trading restrictions on members and announced that the proceeding would seek to determine:

(i) The extent to which existing off-board trading restrictions engendered significant anti-competitive effects;

(ii) Whether, although such restrictions were anti-competitive, there were countervailing considerations which outweighed the need to eliminate or limit such restrictions at that time; and

(iii) Whether such restrictions could be appropriately modified so as to further the purposes of the Act.[4]

The Commission held eight days of public hearings concerning its proposals to amend off-board trading restrictions during October, 1975, and received numerous written submissions concerning these proposals and related issues from representatives of the securities industry, the public and government agencies ("October Hearings").[5] On December 19, 1975, the Commission announced the results of its rule making in the December Release and adopted, effective March 31, 1976, Rule 19c–1 under the Act.[6]

[1] See Securities Exchange Act Release No. 11942 (December 19, 1975), 41 FR 4507 (1976) ("December Release").

[2] SEC, Report of the Securities and Exchange Commission on Rules of National Securities Exchanges Which Limit or Condition the Ability of Members to Effect Transactions Otherwise Than on Such Exchanges (September 2, 1975) ("September Report").

[3] Securities Exchange Act Release No. 11628 (September 2, 1975), 40 FR 41808 (1975) ("September Release").

[4] Id. at 3.

[5] See December Release, supra note 1, at 60–61, nn. 9 & 10. File No. 4–180 includes copies of the transcript of and written submissions made in connection with the October Hearings. For a bibliography of certain source materials relating to off-board trading restrictions, see September Release, supra note 3, at 51–57. See also December Release, supra note 1, at 61–62, nn. 11 & 12. Additional source materials which have become available since publication of the December Release are cited infra. In addition to materials relating directly to the proceeding, File No. 4–180 includes copies of the written views of the NMAB furnished to the Commission and certain written submissions made to the NMAB.

[6] See note 1 supra.

Rule 19c–1 amended exchange rules which theretofore prevented exchange members from effecting over-the-counter agency transactions in listed securities which are equity securities ("listed equity securities") with third market makers[7] and non-member block positioners.[8] Although the Commission determined that other off-board trading restrictions, precluding members from executing over-the-counter transactions in listed securities as agent "in-house," by crossing customer orders or otherwise ("remaining off-board agency restrictions"), or as principal ("off-board principal restrictions"), have anti-competitive effects, effects the Commission believed were significant in the case of off-board principal restrictions, the Commission determined at that time to allow those restrictions to remain in effect pending further review.[9]

In particular, although the Commission found that off-board principal restrictions deprive the markets of "the benefits which the Commission believes would be derived from improved market maker competition."[10] the Commission decided that further study was necessary concerning the "timing of [the] elimination of these restrictions, and the need for implementation of additional regulatory and technological changes to ensure that [market maker] competition develops in a fair and orderly manner," prior to amending or abrogating those restrictions.[11] The Commission stated, however, that it would:

> [R]econsider this decision • • • after it has had the benefit of the conclusions and advice of the National Market Advisory Board and progress by that date toward establishment of a national market system, and, if it still appears appropriate, will establish a firm date for elimination of exchange rules governing off-board principal transactions, after which over-the-counter market making by member firms will be permitted.[12]

As to remaining off-board agency restrictions, the December Release recognized that it remained for the Commission to determine whether those restrictions are anti-competitive "in significant ways,"[13] and what, if any, action should be taken with respect to them. The Commission, however, promised to devote further study to those restrictions and solicited comment on them from the NMAB.[14] The NMAB's views with respect to remaining off-board agency restrictions applicable to "in-house" crosses were supplied to the Commission in September, 1976.[15]

On February 25, 1977, the NMAB expressed its tentative conclusions with respect to off-board trading restrictions as follows:

> The Commission having found that off-board trading restrictions are basically anti-competitive, the Board concludes that the purposes of the • • • [Act] do not justify exchanges maintaining such restrictions generally and indefinitely. However, the Board favors removing such restrictions gradually and with caution.[16]

The NMAB further advised the Commission that it would elaborate upon its recommendation in May, 1977.

On May 19, 1977, the NMAB delivered to the Commission a full statement of its recommendations with respect to off-board trading restrictions, including an extensive discussion of various issues associated with their removal.[17] The NMAB affirmed its tentative conclusion that the purposes of the Act do not justify maintenance of off-board trading restrictions generally and indefinitely. However, the NMAB also expressed its belief that:

> • • • [R]emoval of these restrictions may have a profound effect on the manner in which listed securities are traded, and therefore • • • such restrictions should be removed only after certain additional facilities and rules are in place. There are divergent views among Board members • • • as to whether and when particular restrictions should be removed, and as to which facilities and rules must be in place prior to such removal.[18]

In particular, the NMAB Off-Board Letter identified as appropriate collateral steps:

(i) Implementation of an effective composite quotation system;

(ii) Consideration of the need to adopt rules and develop facilities to enhance limit order protection "to the maximum practical extent;"

(iii) Examination of the need to adopt rules to protect retail customers in their transactions with dealers;

(iv) Revision of Commission and self-regulatory rules to achieve "equal regulation" of exchange, specialists and off-board market makers;

(v) Review of brokers' "best execution" responsibilities; and

(vi) Reconsideration of the current practice of reporting last sale prices without giving effect to commissions, commission equivalents or differentials in the consolidated transaction reporting system ("consolidated system") contemplated by Rule 17a–15 under the Act (17 CFR § 240.17a–15).[19]

The NMAB recommended that the Commission solicit public comment on these matters in this release. Finally, the NMAB expressed its belief that, with appropriate Commission action, all prerequisites to removal of off-board trading restrictions could "be accomplished without significant delay."[20]

II. Remaining Off-Board Trading Restrictions and Progress Toward a National Market System

A. Remaining Off-Board Trading Restrictions

Following adoption of Rule 19c–1 under the Act, certain exchanges made conforming revisions of their off-board trading restrictions. These rule changes were filed with the Commission pursuant to Rule 19b–4 under the Act (17 CFR § 240.19b–4) and published by the Commission for comment.[21] No exchange has

[7] Rule 19c–1 defined the term "third market maker" to mean a "market maker" as defined in Rule 15c3–1(c)(8) under the Act (17 CFR § 240.15c3–1(c)(8)) who makes markets over-the-counter in listed equity securities and who maintains the minimum net capital required of a market maker by Rule 15c3–1 under the Act (17 CFR § 240.-15c3–1).

[8] Rule 19c–1 defined the term "nonmember block positioner" as defined in Rule 17a–17 under the Act (17 CFR § 240.17a–17) who is not a member of the particular exchange involved. In addition, until January 2, 1977, Rule 19c–1 permitted exchange rules to require members effecting such transactions to satisfy limit orders on the specialist's book or in any other limit order mechanism of the exchange. See, with respect to the Commission's determination to restrict the application of Rule 19c–1 to listed equity securities, September Release, supra note 3, at 12–13.

[9] September Release, supra note 3, at 27, 28, 40.

[10] December Release, supra note 1, at 2.

[11] Id.

[12] Id. at 28. The December Release expressed the Commission's conclusions with respect to offboard principal restrictions in terms calculated to inform the securities industry and the public that the Commission would permit, at a minimum, exchange members to engage in over-the-counter market making in listed securities at some specific future date. See id. at 18, 25, 27, 28.

[13] Id at 40.

[14] The NMAB was established by the Commission in September, 1975, pursuant to Section 11A(d)(1) of the Act (15 U.S.C. 78k–1(d)(1)). The Act proides that the NMAB, among other things, shall furnish its views on significant regulatory proposals made by the Commission and generally shall make recommendations to the Commission as to appropriate steps to facilitate the establishment of a national market system. The NMAB is composed of fourteen members (with terms currently scheduled to expire in September, 1977), a majority of whom are associated with brokers and dealers (as prescribed by Section 11A(d)(1) of the Act), and has met monthly since its inception.

[15] Letter from the NMAB to the Chairman and the Commissioners of the Securities and Exchange Commission, dated September 24, 1976 ("NMAB Agency Letter").

[16] Letter from the NMAB to the Chairman and the Commissioners of the Securities and Exchange Commission, dated February 25, 1977, at 2–3 (footnote omitted).

[17] Letter from the NMAB to the Chairman and the Commissioners of the Securities and Exchange Commission, dated May 19, 1977 ("NMAB Off-Board Letter").

[18] Id. at 3.

[19] See id. at 5–6.

[20] Id. at 6 (footnote omitted).

[21] Amex (File No. SR–Amex–76–10), noticed in Securities Exchange Act Release No. 12200 (March 12, 1976), 41 FR 11896 (1976), approved by order of the Commission in Securities Exchange Act Release No. 12243 (March 23, 1976), 41 FR 13419 (1976); Boston Stock Exchange (File No. SR–BSE–76–4), noticed in Securities Exchange Act Release No. 12132 (February 23, 1976), 41 FR 8840 (1976), approved by order of the Commission in Securities Exchange Act Release No. 12248 (March 23, 1976), 41 FR 13420 (1976); Chicago Board Options Exchange, Inc. (File No. SR–CBOE–76–5), noticed in Securities Exchange Act Release No. 12165 (March 4, 1976), 41 FR 10498 (1976), approved by order of the Commission in Securities Exchange Act Release No. 12247 (March 23, 1976), 41 FR 13421 (1976); Midwest Stock Exchange (File No. SR–MSE–76–5), noticed in Securities Exchange Act Release No. 12209 (March 16, 1976), 41 FR 11906 (1976), approved by order of the Commission in Securities Exchange Act Release No. 12246 (March 23, 1976), 41 FR 13422 (1976); NYSE (File No. SR–NYSE–76–2), noticed in Securities Exchange Act Release No. 12042 (January 23, 1976), 41 FR 5155 (1976), approved

JUN 30 77 UM

to date eliminated any of its off-board principal or remaining off-board agency restrictions.[23] Certain regional exchanges however, have special rules permitting members who are also third market makers to effect transactions in listed securities directly on the exchange floor without affecting the ability of these members to continue to make two-sided markets in those securities over-the-counter.[24] Finally, certain exchanges have separate off-board trading restrictions for different categories of listed securities.[25]

B. DEVELOPMENTS FOLLOWING ADOPTION OF RULE 19c–1

As noted above, the Commission announced in the December Release that it would reconsider its 1975 decision to permit exchanges to retain off-board principal restrictions this year in the context of progress in the interim toward a national market system.[26]

While Section 11A(a)(2) of the Act (15 U.S.C. 78k–1(a)(2)) directs the Commission to facilitate the establishment of a national market system in accordance with specified Congressional findings and to carry out certain enumerated statutory objectives, the term "national market system" is not specifically defined in the Act, and the Act does not explicitly require implementation of any specific elements as part of such a system.[27] Rather, the term national market system is used as a comprehensive reference to those regulatory and technological steps which the Commission and the securities industry must take in order to integrate the mechanisms for trading qualified securities [28] and the trading behavior of investors and securities professionals in order to achieve a nationwide interactive market system.[29] In this regard a number of events affecting the development of a national market system have occurred since the December Release. These developments are discussed below.

1. *Rule 19c–1 experience.* Since March 31, 1976, the effective date of Rule 19c–1 under the Act, exchange members have been permitted to effect over-the-counter transactions as agent in listed equity securities. Until January 2, 1977, however, the Rule permitted each exchange to continue to require its members to satisfy public limit orders on that exchange at prices equal or superior to the over-the-counter transaction price as a condition to effecting any such transaction.[30] Rule 19c–1, however, appears to have had little impact on the historical patterns of market selection by exchange members acting as brokers.[31]

2. *Consolidated system.* The consolidated system, which disseminates last sale prices from all reporting markets for equity securities listed on the NYSE and for equity and certain debt securities listed on the Amex (plus certain regional listings) nationally on a current and continuous basis, became fully operational on April 30, 1976.[32] Completion of the final stage of the consolidated system made last sale information included in that system available through interrogation devices on a real-time basis regardless of transmission delays in the consolidated system low speed ticker network caused by high volume. Developments and implementation of the consolidated system, achieved through the joint action of the self-regulatory organizations, has provided a useful experience in successful collective industry action to implement national market system facilities.[33]

by order of the Commission in Securities Exchange Act Release No. 12242 (March 23, 1976), 41 FR 13422 (1976) and (File No. SR–NYSE–76–19), noticed in Securities Exchange Act Release No. 12215) (March 16, 1976), 41 FR 12101 (1976), approved by order of the Commission in Securities Exchange Act Release No. 12244 (March 23, 1976), 41 FR 13423 (1976); Pacific Stock Exchange, Incorporated (File No. SR–PSE–76–10), noticed in Securities Exchange Act Release No. 12176 (March 18, 1976, 41 FR 10975 (1976), approved by order of the Commission in Securities Exchange Act Release No. 12245 (March 23, 1976), 41 FR 13424 (1976); Philadelphia Stock Exchange, Inc. (File No. SR–PBWSE–76–11), noticed and approved by order of the Commission in Securities Exchange Act Release No. 12281 (March 29, 1976), 41 FR 14800 (1976).

[23] See Amex Rule 5; Boston Stock Exchange Rules, Chapter II, Section 23; Chicago Board Options Exchange Rule 6.49; Cincinnati Stock Exchange By-Laws, Section 26; Midwest Stock Exchange Rules, Article XVII, Rule 9; NYSE Rule 390; Pacific Stock Exchange Rule XIII; Philadelphia Stock Exchange Rule 132.

[24] See, e.g., Boston Stock Exchange Constitution, Article XXV; Cincinnati Stock Exchange By-Laws, Section 26(g); Philadelphia Stock Exchange By-Laws, Article XXIII; Pacific Stock Exchange Rule XII, Section 7(a) and Rule XIII, Section 1(c). See also September Report, supra note ----, Appendix C, at C–20—C–29.

[25] See, e.g., Amex Rule 5 (stocks and rights) and Rule 6 (bonds); NYSE Rule 390 (stocks), Rule 395 (rights) and Rule 396 (bonds). See also September Report, supra note 3, Appendix B, at B–63—B–68; Appendix C, at C–1—C–9.

In addition, the Commission recently approved a rule proposal of the Pacific Stock Exchange (File No. SR–PSE–77–14) rescinding its off-board principal restrictions with respect to securities not listed on any exchange as to which unlisted trading privileges are extended by that exchange pursuant to Section 12(f)(1)(C) of the Act (15 U.S.C. 781(f)(1)(c)). See Securities Exchange Act Release Nos. 13618 (June 10, 1977), -- FR ------- (1977), and 13656 (June 22, 1977), -- FR ------- (1977), respectively. Whether rescission of those restrictions is sufficient to meet the standards of Section 12(f)(2) of the Act is among the issues to be addressed by interested persons in hearings on whether an application by that exchange for such unlisted trading privileges should be granted. See Securities Exchange Act Release No. 13658 (June 22, 1977), -- FR ------ (1977). See also Securities Exchange Act Release No. 13657 (June 22, 1977), -- FR ------ (1977).

[26] December Release, supra note 1, at 28.

[27] See S. Rep. No. 94–75, Report to Accompany S. 249, 94th Cong., 1st Sess. 8–9 (1975).

[28] Section 11A(a)(2) of the Act (15 U.S.C. 78k–1(a)(2)) provides that "[t]he Commission, by rule, shall designate the securities or classes of securities qualified for trading in the national market system from among securities other than exempted securities."

The Commission has not yet proposed or adopted a rule designating any securities or classes of securities as "qualified" within the meaning of this section, but is actively studying this area. The Commission notes, however, that listed equity securities included in the consolidated system, for the most part, seem to possess characteristics (including, in most cases, national investor interest, multiple forum trading and substantial assets and earnings histories) which many persons believe justify their inclusion in the "qualified" category. In addition, listed equity securities serve as a good study model for the Commission's ultimate determination of which securities or classes of securities should be defined as "qualified" for inclusion in the national market system.

[29] The Act contemplates a linking of securities market centers through communications and data processing facilities that foster efficiency, enhance competition, increase the availability of information, facilitate the offsetting of investor orders and contribute to the best execution of such orders. See Section 11A(a)(1)(D) of the Act (15 U.S.C. 78k–1(a)(1)(D)).

[30] See note 8 supra.

[31] Reports furnished to the Commission by the New York Stock Exchange, Inc. ("NYSE") indicate that, for the period from March 31 through December 31, 1976, NYSE members effected only 89 transactions, involving an aggregate of approximately 500,000 shares of NYSE-listed securities, over-the-counter. During the same period, reports furnished by the American Stock Exchange, Inc. ("Amex") indicate that its members effected approximately 1,600 agency transactions (including approximately 400 odd-lot executions), involving an aggregate of approximately 1,900,000 shares, over-the-counter. These reports are included in Commission File No. 4–180.

While a substantial number of the off-board transactions reported by the NYSE exceed 1,000 shares, 75 percent of the off-board transactions reported by the Amex involved 500 shares or less. Following January 2, 1977, when the limit order book clearance requirement permitted by Rule 19c–1 expired, exchanges generally ceased compiling member reports of such transactions and, accordingly, the Commission has no detailed information as to the extent of over-the-counter agency trading by exchange members after that date. While the Commission has no reason to believe that there has been any substantial increase in such trading since January 2, 1977, the Commission specifically invites exchanges and others to comment or supply any relevant data they may have in this regard to the Commission for its consideration in connection with this proceeding.

In addition, in conjunction with rule changes necessary to comply with Rule 19c–1, certain exchanges clarified the scope of their remaining off-board trading restrictions to indicate that such restrictions do not apply to transactions in listed securities, as either principal or agent, effected on any foreign exchange, or outside of exchange trading hours, over-the-counter in any foreign country. See, e.g., NYSE Rule 390, Supplemental Material, at paragraph .10. As a result of this clarification, NYSE members apparently have increased their participation in foreign trading markets for listed securities. See NYSE letter of comment on proposed Rule 17a–3 (a)(9) (April 29, 1977) at 8, in Commission File Nos. S7–613 and 4–180.

[32] See Securities Exchange Act Release No. 12138 (February 25, 1976).

[33] Section 11A(a)(3) of the Act (15 U.S.C. 78k–1(a)(3)) authorizes the Commission, in furtherance of the statutory directive to facilitate the establishment of a national market system, by rule or order "to authorize or

3. *Composite quotation system.* Since 1972, the Commission has encouraged industry development of a nationwide system for comprehensive disclosure of quotations in listed securities from all markets on a current and continuing basis ("composite quotation system"). Limited prototypes of such a system are available and in some use today.[34] On June 14, 1977, the Commission published a revised form of proposed Rule 11Ac1–1 under the Act [17 CFR § 240.11Ac1–1] to require self-regulatory organizations to collect from their members bids, offers and quotation sizes with respect to all listed equity securities reported in the consolidated system ("reported securities").[35] Proposed Rule 11Ac1–1, if adopted, would require quotation information to be disseminated in accordance with the Rule by January 1, 1978. Accordingly, the Commission anticipates that various competitive composite quotation services utilizing the information required to be made available pursuant to the Rule will be offered to market professionals promptly after that date.

4. *National system for clearance and settlement.* Complementing the national market system mandate of Section 11A of the Act, Section 17A [15 U.S.C. 78q–1] directs the Commission to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions.[36] The Commission recognizes that the existence of such a system is a prerequisite to full operation of a national market system.

Since December 1, 1975, the Commission has granted limited registration to 11 clearing agencies and approved clearing agency rule submissions establishing satellite facilities and interfaces between clearing agencies and expanding the list of issuers eligible for clearance and settlement through clearing agencies. In granting registration as a clearing Corporation ("NSCC"), the Commission has imposed, as a condition to registration, NSCC's establishment of full interfaces (without interface fees) with other clearing agencies and depositories.[37] Recently, the Commission requested comment on proposed standards to be applied by the Commission in granting full registration to clearing agencies [38] and adopted rules governing the performance of transfer agent functions.[39]

The Commission believe that, as a result of actions taken to date and currently being taken, the absence in the immediate future of a nationwide clearance and settlement network is not central to our consideration of whether to take steps now to require removal of remaining off-board trading restrictions. Fulfillment of the conditions to the NSCC registration, completion of other clearing agency registrations in accordance with the Commission's proposed registration standards and the assurance of predictable and timely transfer agent performance, however, should enable a broker or dealer to clear and settle, promptly and efficiently, all its securities transactions through the clearing agency of its choice, regardless of the market in which the transaction occurs or the identity of the other party to the transaction. Accordingly, while the elements of a national system for clearance and settlement are not yet fully in place, the Commission anticipates that brokers and dealers will be able in the near future to route their orders in pursuit of the best price offered in any market for listed equity securities without incurring significantly different clearance and settlement costs.

5. *Market center competition.* Since before issuance of the December Release, market centers have engaged in increasingly intense competition for order flow, competition the Commission believes has been enhanced by removal of exchange rules fixing rates of commissions and floor brokerage effective May 1, 1975, and May 1, 1976, respectively.[40] In addition to the direct impact of that action on rates charged to customers for brokerage services (and on floor brokerage rates), removal of fixed commission rates seems to have spurred exchanges to experiment with various new kinds of automated order routing and execution services to better serve their members agency to the National Securities Clearand attract new business." These services represent a response to increasing competitive pressure on market centers to offer cheaper and more flexible facilities for executing securities transactions in the most efficient way.

In a separate development, the NYSE and the Amex rescinded their "New York City" rules (which, in substance, prohibited members of each exchange from trading listed securities of that exchange on the other exchange),[41] and today those exchanges compete directly in several dually traded issues. In addition, competition between two specialist units developed at one post on the floor of the NYSE during 1976,[42] and that exchange has indicated that it is actively engaged in considering steps to encourage additional market making competition on its floor. Finally, the NYSE is considering certain access proposals which would modify the existing "seat" concept of membership permitting electronic and physical access to the NYSE trading floor to any broker-dealer willing to pay an annual fee.[43]

6. *Industry market linkage initiatives.* In the December Release, the Commission indicated its belief that the securities industry would take prompt steps to develop any facilities considered necessary to minimize or eliminate any adverse consequences of subsequent Commission action requiring removal of off-board principal restrictions.[44] Responding to this charge, the National Market Association ("NMA")[45] has, since September 1976, sought industry support for a proposal to construct an electronic inter-market order routing facility, called the Intermarket Execution System ("IME"). The IME would permit orders

require self-regulatory organizations to act jointly with respect to matters as to which they share authority under [the Act] in planning, developing, operating, or regulating a national market system (or a subsystem thereof) or one or more facilities thereof . . . ."

[34] The National Association of Securities Dealers, Inc. ("NASD"), commencing in January, 1977, has offered a composite quotation service for multiply traded NYSE-listed securities as an adjunct to its NASDAQ quotation collection and dissemination service for over-the-counter securities. The NASD composite quotation service provides a montage of bid and offer prices (without size) from most exchanges and some third market makers. Institutional Networks Corporation, in conjunction with its "Instinet" block trading system, provides a montage of bid and offer prices from exchange markets. GTE Information Systems, Inc. provides composite quotation information of a more illimted nature (e.g., the best bid price and best offer price from any market included in its system).

[35] Securities Exchange Act Release No. 13626 (June 14, 1977), ---- FR ---- (1977). See also Securities Exchange Act Release No. 12670 (July 29, 1976), 41 FR 32856 (1976).

[36] See Section 17A(a)(2) of the Act (15 U.S.C. 78q–1(a)(2)).

[37] See Securities Exchange Act Release No. 13584 (June 1, 1977), 42 FR 30065 (1977).

[38] Securities Exchange Act Release No. 13636 (June 16, 1977), ---- FR ---- (1977).

[39] See Section 6(e) of the Act (15 U.S.C. 78f(e)). See also Rule 19b–3 under the Act (17 CFR § 240.19b–3), adopted in Securities Exchange Act Release No. 11203 (January 23, 1975), 40 FR 7394 (1975), and the five Commission reports to the Congress, pursuant to Section 6(e)(3) of the Act, concerning the effect of the absence of fixed rates of commissions, cited infra.

[40] E.g., automated order routing systems are operating on the Amex ("PER") and NYSE ("DOT"); such systems are also operating on the Pacific ("COMEX") and Philadelphia ("CENTRAMART") Stock Exchanges. The Midwest Stock Exchange operates a proprietary order routing system ("Signet 80"), which interfaces both with its floor and the NYSE. COMEX and CENTRAMART also provide execution of orders introduced to those systems in accordance with a specified formula. The Midwest Stock Exchange also makes available a formula pricing mechanism ("MAX"). For other developments, see market linkage discussion infra.

[41] See Securities Exchange Release Nos. 12717 (SR–AMEX–76–17, August 19, 1976), 41 FR 36094 (1976), and 12859 (SR–NYSE–76–47, October 4, 1976), 41 FR 47121 (1976).

[42] Certain allegations, however, that this development occurred for reasons which are anti-competitive are presently before the Commission. See In the Matter of Kingsley, Boye & Southwood, Inc., Commission File No. 3–5146.

[43] See Report by the NYSE Committee on Access, Achieving Greater Access to the New York Stock Exchange (December 1976).

[44] See December Release, supra note 1, at 28.

[45] The NMA is an informal industry group, comprised of representatives of the principal exchanges and the NASD, brought together under the sponsorship of the Securities Industry Association.

[46] See Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916 (1977). NSCC is the successor to the Amex, NASD and NYSE clearing corporations.

VAN PELT JUN 30 1977 UM

to be routed directly from one market to another.[46] The Commission understands that the proposed IME is intended to enhance competition among market centers for reported securities and provide a means for increased protection of limit orders. While discussion continues, the NMA has been unable thus far to secure agreement among self-regulatory organizations with respect to trading rules to be applicable to the IME system. Unless such agreement is forthcoming, it would appear unlikely that any such system will be implemented on a voluntary basis without Commission intervention. In addition to the NMA's deliberations, certain regional exchanges are discussing possible applications of the technology developed for the Weeden Holding Automatic Market ("WHAM")[47] to a linkage of at least those exchanges into an integrated electronic trading system.

The Commission has considered whether the developments described above (and related charges in the markets) have reduced the burdens on competition represented by off-board principal and remaining off-board agency restrictions, or in any way have demonstrated that the purposes of the Act would be furthered by permitting such restrictions to remain in effect for a transitional period pending full implementation of a national market system. In particular, the Commission has considered whether securities industry efforts to develop new facilities for trading listed securities in a manner calculated to speed progress toward a national market system have proceeded in such a way as to warrant further delay in removing remaining off-board trading restrictions.

Although the developments discussed above indicate that some progress toward the realization of a national market system has occurred since adoption of Rule 19c–1 under the Act in December 1975, it appears that, with the exception of the substantial achievements in the area of clearance and settlement, efforts by the private sector to achieve the type of linking of markets, integration of order flow and enhanced competition envisioned by the Congress when it enacted the 1975 Amendments have not yet succeeded to the extent anticipated by Congress.[48] Certainly, the steps taken thus far by the securities industry have not demonstrated that elimination of remaining off-board trading restrictions should be further deferred in the hope that, under current circumstances, self-regulatory organizations and market professionals will, without further economic or regulatory compulsion, subordinate what they believe to be their separate and private interests and work collectively, utilizing and building upon the systems initiatives discussed above, to achieve the kind of market linkage contemplated by Section 11A of the Act. However, the Commission continues to believe that future development of such linkage would substantially eliminate any remaining concern that removal of those restrictions might have adverse consequences.[49]

Elimination of burdens on competition, particularly those which impede progress toward the implementation of a national market system, is an essential task of the self-regulatory organizations and the Commission.[50] Accordingly, while questions continue to be raised concerning certain possible adverse consequences of eliminating remainnig off-board trading restrictions,[51] the Commission believes that, because those restrictions represent burdens on competition which do not appear necessary or appropriate in furtherance of the purposes of the Act, it must now establish a firm date for elimination of those restrictions.

Persons believing that progress since adoption of Rule 19c–1 toward greater competition in the securities industry or toward a national market system demonstrates either that off-board trading restrictions no longer represent burdens on competition or that such restrictions should be retained to further the purposes of the Act, including the development of a national market system, should present views, data and arguments for the Commission's consideration.

III. Commission Determination to Commence a Proceeding

The Commission continues to believe that exchange off-board trading restrictions impose burdens on competition. Off-board principal restrictions impose significant burdens on competition by effectively preventing exchange members other than specialists from competing with specialists and over-the-counter market makers in the business of making two-sided, round-lot markets in exchange-listed securities.[52] Consequently, as presently in effect, off-board principal restrictions deprive the securities markets of the benefits which might otherwise accrue from enhancement of competition among market makers and the commitment of additional capital and professional skill to the market making function.[53]

Off-board principal restrictions also impose burdens on competition by preventing exchange members from executing their customers' orders in-house as principal, by simply filling customers' orders from investory accumulated as a result of market making or otherwise.[54] In addition, these restrictions also preclude members from executing orders periodically for their own accounts off-board with third market-makers, with institutions or with other members, either for investment purposes or in connection with positioning a portion of a larger block transaction.[55]

Remaining off-board agency restrictions impose burdens on competition by precluding persons other than third market makers or non-member block positioners—such as third market brokers—from competing for order flow in listed equity securities.[56] In addition, the existing prohibition on "in-house" agency crosses prevents certain firms, and their customers, from realizing benefits from possible efficiencies in order execution and from the development for new trading strategies advantageous to customers.[57]

The determination that exchange off-board trading restrictions constitute burdens on competition creates a presumption under the Act favoring their removal.[58] As indicated above,[59] the Act, as amended by the 1975 Amendments, contains explicit prohibitions against adoption of any Commission rule or retention or approval of any rule of a self-regulatory organization which imposes a burden on competition "not necessary or appropriate in furtherance of the purposes of [the Act]."[60] In addition, as indicated above, the 1975 Amendments directed the Commission to focus specifically on the possible effects on competition of exchange off-board trading rules and to commence a proceeding in accordance with the provisions of Section 19(c) of the Act to "amend any such rule imposing a burden on competition which does not appear to the Commission to be necessary or appropriate in furtherance of the purposes of [the Act]."[61] Accordingly, in light of the Commission's prior determination and continuing belief that remaining exchange off-board trading restrictions impose burdens on competition, the Act requires that, absent an affirmative demonstration that retention of such restrictions is necessary or appropriate to further the purposes of the Asct, (i) off-board principal restrictions and remaining off-board agency restrictions on "in-house" agency cross transactions applicable to reported securities,[62] and (ii) all other remaining off-board agency restrictions applicable to listed equity securities, must be eliminated.[63]

[46] See NMA, Intermarket Execution System Discussion Paper (April, 1977).

[47] WHAM is an electronic trading system in use on the Cincinnati Stock Exchange with respect to a limited number of utility securities. The WHAM facility has many of the characteristics of a composite limit order book. See December Release, supra note 1, at 47 et seq., and Securities Exchange Act Release No. 12159 (March 2, 1976). Institutional Networks Corporation also has developed a prototype system, designated "Unimart," contemplating automated intermarket trading.

[48] See Sections 11A(a)(1)(C) and (D) of the Act (15 U.S.C. 78k–1(a)(1)(C), 78k–1(a)(1)(D)).

[49] See December Release, supra note 1, at 27. See also discussion infra.

[50] Sections 6(b)(8) and 15A(b)(9) of the Act (15 U.S.C. 78f(b)(8), 78o–3(b)(9)) provide that no exchange or association of brokers and dealers (as the case may be) may be registered with the Commission as a national securities exchange or national securities association unless the Commission determines that the rules of the exchange or assocation (as the case may be) "do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act]." In addition, among the Congressional findings underlying the Act's directive to the Commission to facilitate the establishment of a national market system, is that [i]t is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure— • • • (ii) fair competition among brokers and dealers, among exchange markets and between exchange markets and markets and other than exchange markets; • • •

Section 11A(a)(1)(C)(ii) of the Act (15 U.S.C. 78k–1(a)(1)(C)(ii)). See also Section 11A(c)(4) of the Act (15 U.S.C. 78k–1(c)(4)).

With respect to the ways in which competition is impeded by exchange off-board trading rules, the Commission's determination that such rules impose burdens on competition, and objectives of the Act, see December Release, supra note 1, at 5–12, 17, 29–30; September Release, supra note 3, at 3, 14–32. See also discussion infra.

[51] See discussion infra.

[52] See December Release, supra note 1, at 17; September Release, supra note 3, at 21.

[53] See December Release, supra note 1, at 17.

[54] See id.

[55] See id.

[56] See discussion infra.

[57] See December Release, supra note 1, at 7, 38–39; discussion infra. With respect to remaining off-board agency restrictions, the Commission tentatively found in the December Release that the "in-house" cross prohibitions imposed by remaining off-board agency restrictions may not be significantly anticompetitive. Upon further review, however, the Commission is inclined to conclude that the burdens on competition imposed by those prohibitions are sufficient, in view of the purposes of the Act, to require removal, at least with respect to reported securities.

[58] See, e.g., Sections 6(b), 11A(a) and 11A(c) of the Act (15 U.S.C. 78f(b), 78k–1A(a) and 78k–1A(c)). Having determined that off-board trading restrictions do represent a significant burden on competition, the legal question posed by Section 11A(c)(4)(A) of the Act is whether, nevertheless, those restrictions "appear to the Commission to be necessary or appropriate in furtherance of the purposes of" the Act. The December Release specifies numerous possible consequences of removing off-board principal restrictions which might adversely affect the fairness and orderliness of the markets for listed securities (e.g., fragmentation, increased potential for overreaching, etc.). The Commission's task is to balance the benefits which may be expected to accrue from removal of remaining off-board trading restrictions against any possible risks of adverse consequences flowing from that action in the context of the Act's standards and purposes. See Section 23(a)(2) of the Act (15 U.S.C. 78w(a)(2)) and S. Rep. No. 94–75, Report to Accompany S. 249, 94th Cong., 1st Sess. 12–14 (1975). See also discussion of the Act's regulatory objectives in the context of off-board trading restrictions in the December Release, supra note 1, at 7–13.

[59] See note 58 supra.

[60] See Sections 6(b)(8), 15A(b)(9) and 23(a)(2) of the Act (15 U.S.C. 78f(b)(8), 78o–3(b)(9), 78w).

[61] Section 11A(c)(4)(A) of the Act (15 U.S.C. 78k–1(c)(4)(A)).

[62] See definition of "reported securities" supra at 25; note 156 infra. See also discussion infra as to the Commission's reasons for its current belief that it may be appropriate to confine removal of off-board principal and remaining off-board agency restrictions applicable to "in-house" cross transactions to reported securities.

[63] Rule 19c–1 under the Act, which removed certain off-board trading restrictions applicable to agency transactions, only requires exchanges to permit members to effect agency transactions in listed equity securities off-board with third market makers and non-member block positioners.

[64] See the proposed amendments to Rule 19c–1 and proposed Rule 19c–2 infra. Remaining off-board agency restrictions which preclude members from effecting "in-house" agency crosses in reported securities and all off-board principal restrictions applicable to such securities would be eliminated as of January 1, 1978, if proposed Rule 19c–2 is adopted; all other remaining off-board agency restrictions applicable to listed equity securities would be eliminated immediately upon the effectiveness of the proposed amendments to Rule 19c–1.

Accordingly, the Commission is publishing for comment, in connection with the proceeding, proposed amendments to Rule 19c–1 and proposed Rule 19c–2, to be adopted pursuant to Section 19(c) of the Act, which would eliminate all off-board principal restrictions and remaining off-board agency restrictions with respect to reported securities and would eliminate those remaining off-board agency restrictions applicable to transactions other than "in-house" cross transactions for all listed equity securities.[64]

Persons commenting on the proposed amendments to Rule 19c–1 and proposed Rule 19c–2 should note that, in light of the burdens on competition apparently represented remaining off-board trading restrictions, the burden is on those who would retain such restrictions to demonstrate that such restrictions are "necessary or appropriate in furtherance of the purposes of [the Act)." Persons attempting to so demonstrate should indicate with particularity the ways in which the purposes of the Act are furthered by off-board trading restrictions and the relative merits of off-board trading restrictions as a means of fulfilling those purposes, in light of any burdens on competition which such restrictions represent, compared to other available alternatives (including those discussed below in connection with concerns over fragmentation and overreaching).

As discussed in the December Release, questions continue to be raised concerning the need for and the practicability of implementing measures which, after off-board trading restrictions are removed, would (i) preclude or minimize the possibility that member firms may take advantage of their customers when they effect transactions in listed securities with them as principal ("overreaching") and (ii) minimize any adverse consequences which might occur as a result of such dispersion of order flow away from existing market centers as may reasonably be expected ("fragmentation"). The Commission, however, is of the view that any adverse impact on the markets or on investors resulting from any increase in fragmentation or any new temptation to engage in overreaching can be minimized or eliminated either through the operation of competitive forces or additional Commission regulatory action (or a combination of both), and that these concerns do not necessarily preclude prompt removal of off-board trading restrictions to the extent contemplated by the Commission's proposed amendments to Rule 19c–1 and proposed Rule 19c–2.

Nevertheless, the Commission is particularly interested in receiving comment on (i) the expected consequences of any such additional fragmentation as may reasonably be expected to occur as a result of removing off-board trading restrictions, and the ways in which those consequences should be addressed, assuming they can be demonstrated to be adverse;[65] and (ii) feasible steps commentators believe should be taken to assure that, following the elimination of off-board trading restrictions, there will exist a trading environment, subject to adequate surveillance and governed by appropriately equal regulation, affording a fair field of competition among market centers, market makers and customers.[66] Finally, with respect to overreaching, the Commission is proposing for comment four alternative versions of Commission rules imposing express obligations on dealers who effect over-the-counter principal transactions in reported securities with certain categories of persons.[67]

A. Fragmentation

In the December Release, the Commission indicated that it intended to devote further study to whether removal of off-board principal restrictions would contribute substantially to fragmentation of the markets, and, if so, whether Commission action to require development of a composite limit order book ("composite book") or some other Commission regulatory initiative would be appropriate to ameliorate the effects of such increased fragmentation.[68] Potential fragmentation resulting from removal of off-board principal restrictions was discussed in the December Release in several contexts in light of the likelihood that increased over-the-counter market making would divert order flow in listed securities from existing market centers (including, particularly, the primary exchanges). The Commission gave particular attention to (i) the possibility that such a diversion of order flow, combined with an increase in the number of over-the-counter market makers in listed securities, would impair pricing efficiency, and (ii) the possibility that the quality of brokerage services generally, in terms of brokers' ability to seek out and achieve "best execution" of customer orders, would be adversley affected by the proliferation of market centers to which orders might be directed.[69]

In addition, while the December Release focused on the problem of diminishing the opportunity for public orders to be executed without the participation of a dealer [70] (and the correlative problem of

[65] See discussion of fragmentation infra.

[66] See discussion of equal regulation and surveillance infra.

[67] For the reasons discussed infra at 131–132, the Commission's proposed alternative forms of overreaching rules would apply only to reported securities.

[68] December Release, supra note 1, at 27–28.

[69] See December Release, supra note 1, at 19, 20, 24.

[70] See Section 11A(a)(1)(C)(v) of the Act.

JUN 30 77 UM

limit order protection) primarily in the context of liberalizing off-board agency restrictions,[71] similar concerns were expressed in the Commission's analysis of off-board principal restrictions.[72]

The Commission has devoted further study to the question of fragmentation in light of the continuing evolution of the trading markets (and the particular developments discussed above) and the views of interested commentators—including those of the NMAB—concerning a composite quotation system, a composite book, and related matters.[73]

While the possibility of further fragmentation of the markets remains a matter of concern, it has not been demonstrated to the Commission's satisfaction that a significant increase in fragmentation is an unavoidable by-product of Commission action to free the trading markets of the burdens on competition represented by off-board principal restrictions. In addition, if a significant increase in fragmentation is indeed more than a mere theoretical possibility, the Commission does not yet perceive why, as discussed below, the adverse effects of any such increase would not be prevented or ameliorated as a natural consequence of competitive forces in the market place. Finally, if competitive forces alone (considered in light of evolving information and order routing systems) are insufficient to combat those effects, regulatory initiatives, such as rules imposing new duties on brokers and dealers[74] or compelling development of a composite book, would presumably be adequate to address that problem. Moreover, the purposes of the Act to be fulfilled by eliminating off-board principal restrictions and the benefits which would be conferred on the markets by encouraging additional market making competition appear sufficiently clear to outweigh such adverse effects of increased fragmentation as may reasonably be expected to occur.

Concerns over increased market fragmentation, in the Commission's view, continue to fall generally into two broad categories—the adverse impact of such a development on market efficiency and on the "fairness" of our existing market mechanisms. These concerns seem to proceed from the assumption that, since removal of off-board principal restrictions will increase opportunities for upstairs market making by member firms, these opportunities will be seized by at least some of them (particularly well-capitalized integrated firms), and a significant portion of the order flow presently directed to exchange markets, especially the primary markets will be withheld from those markets and internalized by firms electing to trade against that order flow as dealers.[75]

With respect to both market efficiency and "fairness," it is argued by some that the dispersion of order flow resulting from removal of off-board principal restrictions will adversely affect the manner in which orders are excuted and the pricing mechanism afforded by the markets in their present form.[76] First, because of an anticipated proliferation of market centers in which transactions could be effected, it is suggested that brokers seeking to execute customer orders will find it more difficult to discover and obtain the most favorable price for their customers. A consequence of that greater difficulty, some believe, will be to force brokers either to incur, and pass on to customers, increased costs in the conduct of their execution activities (generated, for example, by the need to utilize new and complex communication facilities to monitor and attain rapid access to the various new market centers), or to ignore certain types of market centers. As a result, it is argued, either brokerage costs for execution of small retail orders will rise or certain kinds of orders, particularly orders of retail customers, may not be executed at the most favorable prices obtainable (and, indeed, may be executed at less favorable prices than is the case today).

In addition, it is argued that prices for listed securities will be less likely to reflect a prompt and complete assessment of current value by all buying and selling interest if order flow in those securities is further dispersed and, therefore, that such prices would be determined in a less efficient manner than is now the case. A related concern is that the existing price leadership role performed by the primary exchange markets would be lost or diminished, resulting in wider price variations in securities transactions (particularly as to transactions occurring in the smaller regional exchange markets) and in wider "spreads" between bid and asked prices generally.

Finally, there is concern that removal of off-board principal restrictions and the resulting dispersion of order flow would eliminate market efficiencies which result today from the interaction of orders collected principally on the floor of the primary exchange markets and executed in accordance with priorities based for the most part upon time and price. A parallel concern is based on the premise that, upon removal of those restrictions, brokers and dealers (regardless of size) will lose their present ability to participate in national order flow in multiply traded listed sceurities by outbidding or outoffering other buying or selling interests represented in the single forum to which the overwhelming majority of that order flow is now directed. These auction-type features of today's exchange markets are considered by many to be essential elements of an efficient market mechanism.

Increased dispersion of order flow in listed securities, it is argued, could also diminish the likelihood (or the perception of investors) that the trading markets function in a "fair" manner, particularly with respect to the participation of nonprofessional users of those markets (i.e., persons other than brokers, dealers and institutional investors). In this regard, there is concern that, if exchange members are permitted to make markets and otherwise to effect principal transactions in listed securities over-the-counter, public orders are less likely to meet without the intervention of a dealer and that buying and selling interest expressed as limit orders held by specialists (for the most part, primary exchange specialists) will be by-passed more frequently.[77] Under such circumstances, it is argued, unless additional means are developed for ensuring the interaction of limit orders with orders executed in-house by upstairs market makers, limit order protection (a desirable objective achieved today only because most limit orders are either held for execution in the primary exchange markets or, if held elsewhere, are granted "primary market protection") would be diminished.[78] Finally, as indicated above,[79] it is argued by some that smaller brokers and dealers would be less able to compete on an equal basis with larger firms for executions (through the bidding and offering process), and, thus, that they and their customers would be unfairly disadvantaged.[80]

In considering these concerns, it should be noted that the elimination of off-board principal restrictions may not result in the degree of additional fragmentation or dispersion of order flow feared by some commentators. The elimination of such restrictions will certainly provide new market making opportunities for primary and regional exchange member firms,[81] and the Commission has no basis upon which to conclude, at this point, that firms will not avail themselves of those opportunities—at least to some degree. However, the extent to which upstairs market making or "internalization" of order flow will occur is not at all clear. Market making, whether over-the-counter or on exchanges, requires capital and expertise and involves additional costs and considerable risk. In addition, the Commission would anticipate that exchange markets (and members on exchange floors) will attempt to develop new services and more efficient methods of operation in order to retain their present levels of order flow, making entry by members into market making less attractive than is now the case.

[71] December Release, supra note 1, at 34, 43–44, 46.

[72] Id. at 25, 27.

[73] See discussion supra; see also letter from the NMAB to the Chairman and the Commissioners of the Securities and Exchange Commission, dated January 28, 1977 ("NMAB CLOB Letter"); comments contained in Commission File No. S7–619. Requests for comment regarding the development and implementation of a composite book were made in the December Release, supra note 1, at 52, and in Securities Exchange Act Release No. 12159 (March 2, 1976).

[74] See discussion infra.

[75] See NMAB Off-Board Letter, supra note 17, at 4, 7.

[76] See id. at 4.

[77] See id., at 4, 7.

[78] See id., at 9.

[79] See text supra, at 51.

[80] NMAB Off-Board Letter, supra note 17, at 11.

[81] See December Release, supra note 1, at 27; see also September Report, supra note 2, at 16–20 and Appendix C thereto.

Firms will have to determine for each listed security, based on their own particular client mix and cost structure, whether the profit potential and risks associated with upstairs market making in that security are such they they are willing to discontinue routing of orders to exchange markets for execution as agent (except where the customer so directs) and, instead, execute those orders as principal in a market making capacity. The factors discussed above may limit the speed with which additional upstairs market making will develop, and dictate that, at least initially, firms will continue to route most orders in many listed securities to the various exchange markets for execution as they have in the past.[82] The Commission does not, however, believe that the question of how rapidly or the extent to which upstairs market making will develop should be critical to our decision with respect to off-board principal restrictions.

In addition, the possibility of wider dispersion of order flow, in and of itself, would not appear sufficient to justify the retention of off-board principal restrictions or to demonstrate that market efficiency will be impaired. For example, with respect to diversion of order flow from the primary exchanges, the Commission has previously noted that preservation of any market's present share of national order flow is not, in and of itself, an appropriate regulatory concern (such that it would outweigh the anti-competitive effects of off-board principal restrictions),[83] and that loss of order flow by the primary exchanges could occur under existing circumstances regardless of whether off-board principal restrictions are retained.[84] Similarly, the Commission has indicated its belief that, even if off-board principal restrictions are removed, pricing efficiency would be preserved by real-time disclosure of last sale information in the consolidated system, particularly when coupled with disclosure of quotations from all markets in a composite quotation system.[85] The Commission has also recognized that a composite quotation system should ensure that brokers are apprised, on a current and continuing basis, of those markets offering the most favorable execution opportunities (at least for orders of modest size) so that they have the opportunity to direct customer orders appropriately, in accordance with their professional obligations and responsibilities.[86]

With respect to the importance of small order interaction based on time and price priorities and the displacement principle (whereby brokers and dealers can intercept order flow by bettering existing bid and offer prices), it is difficult to consider these features as predominant characteristics of the markets considered as a whole today. First, various exchanges afford execution precedence based on size rather than time (according priority to the largest bid or offer at a given price), and provide that such time priorities as may be established between and among orders are eliminated in any event after each transaction (placing all orders outstanding after completion of a transaction on an equal time basis regardless of the time of entry).[87] In addition, each exchange market operates independently without regard to time or price priorities in other markets. Finally, brokers and dealers which are members of more than one exchange may avoid displacement today, as a practical matter, by diverting transactions to less active regional market centers whenever it is in their interest or their customers' interest to do so.[88]

If member firms acting as dealers are permitted to "internalize" their order flow in reported securities (i.e., to execute their customer's orders in those securities as principal over-the-counter), such dealers would be able to insulate those orders from direct exposure to the buying and selling interest of other market participants (since such participants would lose the ability to intercept and achieve executions against such order flow by outbidding or outoffering prices offered by such dealers).[89] While such a result might be regarded as "unfair," for the reasons discussed above, it does not necessarily follow as some might suggest, that internalization of order flow in reported securities would adversely affect pricing efficiency, since disclosure of last sale prices and quotations should discipline, to a significant degree, the prices charged by dealers in effecting transactions against their internalized order flow. Moreover, it may well be that competition among markets and among dealers for order flow will be sufficiently intense to ensure that the incidence of order interaction is maintained at an appropriate level even though such interaction might occur in different ways (e.g., as a result of an increase in inter-dealer trades) and for different reasons (e.g., to "lay off" unwanted long and short positions) than is now the case.[90] In particular, such enhanced competition under condition permitting relatively easy entry into market making may not only preserve existing levels of pricing efficiency, but elevate them, exerting greater discipline on price levels (in view of real-time national disclosure of quotations and completed transaction prices) than is possible in an environment where such competition is impeded by, among other things, off-board principal restrictions.

If order interaction based on price and time priority deteriorates in a significant way after removal of off-board principal restrictions, or if efficient pricing of such orders is not otherwise maintained, the Commission may have to take special action to counteract those developments (e.g., by requiring development of a composite book). Such a decision, however, must take into account arguments to the effect that, whatever benefits may be perceived as flowing from the queuing of orders based on auction principles (i.e., time and price priority), nonprofessional use of and access to present exchange systems which maintain such queues,

[82] In this regard, it should be noted that members are now free to take agency orders either to another exchange or to a third market maker without restriction and to execute transactions as principal on any other exchange. In spite of the latitude permitted members of the NYSE in executing orders in other markets, the NYSE nevertheless has continued to attract the vast majority of order flow to its floor and may well continue to do so after off-board principal restrictions are removed. See note 30 supra.

[83] December Release, supra note 1, at 35.

[84] Id. at 20.

[85] Id. at 18–19, 37. In this regard, the NMAB has concluded that "rules and facilities comprising an effective composite quotation system should be in place prior to the removal of off-board trading restrictions." NMAB Off-Board Letter, supra note 17, at 4.

As indicated supra, the Commission has recently republished for comment proposed Rule 11Ac1–1 under the Act, governing the dissemination of quotations in listed securities from exchanges and third market makers. See Securities Exchange Act Release No. 13626 (June 14, 1977), ... FR ..... (1977). That rule, if adopted, would improve quotation information to a significant degree, and thereby facilitate the development of an effective composite quotation system and the advent of a national market system. The Commission, however, solicits the views of interested persons as to the importance of a composite quotation system to the maintenance of pricing efficiency in reported securities (in view of the existence of the consolidated system) and as to whether such persons view the absence of the type of real-time quotation information contemplated by Rule 11Ac1–1 as justifying any delay in the removal of off-board principal restrictions with respect to such securities. See discussion infra.

[86] December Release, supra note 1, at 24, 27, 45.

[87] See, e.g., NYSE Rule 721(c), (e).

[88] A buyer or seller does have the opportunity today to displace an order brought to any exchange market by stationing an agent at the trading post for the security on each exchange trading the security to be bought or sold. However, few brokers or dealers are apparently staffed sufficiently to permit such an effort, and few (if any) circumstances would justify the expense of doing so in any event.

[89] Commission or self-regulatory organization rules and new trading facilities which would preserve this ability may prove to be necessary. See discussion infra.

[90] Competition among dealers and markets today seems to be most intense only when it is possible for dealers to attract more orders (i.e., to influence brokers' decisions in selecting among markets and, thus, decisions as to where they send their order flow) by offering better prices or demonstrating greater depth and liquidity, or offering lower execution costs. Under current circumstances, however, market professionals apparently believe that once brokers have selected a market for execution of orders (particularly small orders) that decision will not be changed merely because, at some subsequent time, another market occasionally offers more favorable prices. Competition for order flow among the regional exchanges, the third market and the NYSE seems to demonstrate that price competition, under the current market environment, has had only a limited influence on broker behavior; commentators with contrary views should present the bases for those views in the course of this proceeding.

JUN 30 77
UM

and, very possibly, more elaborate electronic queuing systems which may be needed to perfect such queuing, may involve such heightened transaction costs, compared to the transaction costs inherent in a competitive dealer system not burdened by the expenses associated with maintenance of an auction queue, that the economic value of those apparent benefits is immaterial or nonexistent.

Quite independent of the need for the Commission to take special steps to preserve auction principles and efficient pricing, the Commission expects that, since efficient pricing of small orders and fair treatment of customers is important to serving customers of market professionels, the securities industry itself, acting alone or in concert with the various self-regulatory organizations, will be able and will have the incentive to develop appropriate means of preserving or enhancing those principles and ensure continued efficient pricing of orders after off-board principal restrictions are removed (if such action is necessary).[91] Certain market linkage proposals, such as the NMA's IME order routing mechanism, and prototype electronic trading systems, such as WHAM and Unimart, represent at least initial steps toward industry development of one or more systems to capture and achieve interaction among both professional and non-professional orders in listed securities on a national basis (with varying degrees of importance being accorded notions of time and price priority). If these initiatives are perceived generally by brokers, dealers and investors as valuable contributions to the trading markets of the future (as the Commission would anticipate), the Commission would expect that they will be improved and used on an increasingly frequently basis by those in the business of attracting order flow as dealers or of serving others as brokers, as a general business matter as well as in response to perceptions of professional responsibility.

Similar considerations, in the Commission's view, apply to concerns about the protection of public limit orders. The Commission has previously stated that:

> [P]ublic limit orders and the intended function of the specialist's limit order book have important roles in our securities markets, and that displacement of proposed transactions between securities customers (or their brokers) and market makers by such orders, under certain circumstances, is appropriate in the public interest and for the protection of investors to ensure the fairness of the markets and an opportunity for public orders to meet without the participation of a dealer.[92]

In addition, many commentators have deemed protection of limit orders an important objective. In this regard, the NMAB commented that

> [L]imit orders, which constitute a significant portion of the orders placed with respect to listed securities, not only serve a useful purpose for investors but also contribute to the strength and orderliness of the market. They provide depth and liquidity (1) by facilitating stabilizing trades (sales in rising markets and purchases in falling markets) at prices reasonably related to preceding trades, (ii) by facilitating the assembly of the opposite side of "block transactions," and (iii) by narrowing the spread between the bid and asked * * *. Providing * * * protection of limit orders would also help to reduce market "fragmentation" * * * and could serve to enhance competition by affording wider access to information about limit orders and a greater opportunity for specialists and market makers to compete in providing the other side of limit orders.[93]

Notwithstanding the desirability of limit order protection, the Commission does not currently view any diminution in such protection which is likely to occur from elimination of off-board principal restrictions as a reason either to retain such restrictions or defer their removal, and believes that the Act requires those who would urge their retention (and the burdens on competition they represent) to demonstrate why, under existing circumstances, such additional loss of limit order protection would justify that action.[94] First, although existing exchange mechanisms for the storage and execution of limit orders provide a substantial degree of protection for such orders, those mechanisms (and exchange rules which require use of those mechanisms by restricting off-board trading activity) are unable to provide full protection for such orders.[95]

More importantly, however, the Commission is not yet convinced that, in an environment without restrictions on off-board trading, brokers, dealers and self-regulatory organizations will fail to take steps to afford protection for limit orders equal or superior to that available today. In such an environment, market centers may develop new means of financing (or, simply, may be more willing to grant) guarantees of limit orders against executions in other market centers.[96] Retail firms which determine to begin market making and attempt to "internalize" their order flow may choose, or find it necessary as a competitive or public relations matter, for instance, to provide some degree of primary market or consolidated system protection for their limit order customers (particularly small retail customers) against transactions at interior prices.[97] Such a development, in turn, could encourage primary market specialists to provide similar protection to orders which they hold.

Finally, certain of the initiatives described above, aimed at improving order interaction among market centers, offer the prospect of enhanced limit order protection. For example, the NMA's proposed IME system, as the Commission understands its proposed characteristics, would ensure that public limit orders in all markets are executed in the event transactions of block size take place at prices outside certain parameters, regardless of where those blocks are traded.[98] In addition, the WHAM electronic trading system, currently operating on a pilot basis through the facilities of the Cincinnati Stock Exchange, includes storage, display and automatic execution capability for limit orders.[99]

Those who believe that limit order protection necessarily will diminish if off-board principal restrictions are removed should be prepared to demonstrate the bases for that belief in this proceeding. Although the Commission is not inclined at this time to view concerns regarding order interaction based on time or price priority or the need for limit order protection as a basis for either refraining from removal of off-board principal restrictions or delaying their removal, the Commission wishes to reemphasize that it is prepared to take action in these areas if the need for such action becomes apparent. In particular,

[91] To date, however, efforts by the NMA or by the regional exchanges acting in concert to develop new systems capable of improving order interaction among market centers have not proven completely successful, and the NMAB has suggested that direct Commission action may be needed. NMAB CLOB Letter, supra note 73, at 5–6.

[92] December Release, supra note 1, at 49.

[93] NMAB CLOB Letter, supra note 73, at 7–8.

[94] See discussion of the objectives of the Act and of the Commission's responsibilities in connection with removal of off-board trading restrictions in December Release, supra note 1, at 5–13, 27–28, 46.

The Commission notes that a substantial number of members of the NMAB believes that:

> rules and facilities protecting limit orders to the maximum extent practical in a fair and equitable manner should be in place prior to the removal of off-board trading restrictions [and that] * * * the Commission should take affirmative action to ensure that such rules and facilities are in place prior to removal.

NMAB Off-Board Letter, supra note 17, at 4. On the other hand, some members of the NMAB appear to be opposed to a Commission mandated limit order protection system (and doubt whether any such system is needed). Id. at 9. The Commission has considered the viewpoints of the NMAB members in arriving at its present view of the need for limit order protection and has concluded that consideration of this issue, and the need for Commission regulatory action, should proceed promptly—concurrently with, but independent of, any action to amend or abrogate existing off-board trading restrictions.

[95] For example, as noted supra at 58, limit orders may be avoided, in whole or in part, as a practical matter, by number of techniques, including the execution of a transaction on a regional exchange or as agent with a third market maker or non-member block positioner. In addition, dual members are not required to satisfy orders on the books of all the exchanges of which they are members before they execute a trade on any particular exchange, and existing technology would make such a requirement, if imposed, wholly impracticable. Finally, existing exchange rules regarding priority and precedence and renewal of the "auction" after each transaction have not, in the Commission's view, provided an ideal framework for the protection of public orders (especially those of small size). See December Release, supra note 1, at 49.

[96] See NMAB Off-Board Letter, supra note 17, at 9–10.

[97] See id.

[98] See NMA, Intermarket Execution System Discussion Paper (April, 1977).

[99] The system also provides that limit orders entered by persons other than dealers receive execution priority over dealer bids and offers at the same price. See discussion supra.

If the Commission should determine that both order interaction of the type occurring today (in an environment requiring the physical presence of brokers and market makers in the same location) and nationwide limit order protection should be fostered, and that private initiatives are not adequate to ensure such interaction or protection, the Commission will consider further affirmative steps to compel development of a composite book (or a similar system),[100] or other types of regulatory action designed to achieve those goals.

For example, should exchanges (or brokers and dealers) determine to publicize the contents of their individual order books electronically, and to afford some ready means of reaching the orders entered in those books, the Commission might determine to require brokers and dealers to give recognition to such published limit orders in dealing with others as agent or as principal. Other possible approaches include (but are not limited to): (i) requiring brokers to direct customers' orders on the basis of quotations displayed electronically in a composite quotation system (if those quotations are firm in size equal to or greater than the order size); (ii) permitting limit orders not entered in an electronic composite book system meeting certain specified characteristics to be held only by persons who would undertake to execute those orders, as principal, at the limit price in the event a transaction inferior to the limit price is reported in the consolidated system; or (iii) prohibiting any person, whether acting as principal or agent, from accepting a market order unless such person undertakes to provide an execution for such order at least as favorable as the best composite quotation price (in sizes equal to or greater than the order size).[101]

B. OVERREACHING

Another consideration in the Commission's determination to defer amendment or abrogation of off-board principal restrictions in December, 1975, was the possibility that small customers would be exposed to increased risks of overreaching by dealers in an environment characterized by an absence of those restrictions.[102] In particular, the Commission was concerned that retail firms would effect off-board transactions with customers accustomed to dealing with them as agents at prices less favorable than those which could be obtained for them had those firms acted as agent.

For example, if the market quoted on the NYSE floor for a particular security is 20 bid, 20¼ asked, and a retail member firm engaging in off-board market making in listed securities is quoting 20 bid, 20⅜ asked for that same security for for transactions of approximately the same size as the NYSE quotation, the retail market maker could be tempted to execute a customer's market or "not held" order (in size) to buy at 20⅜ as principal (excluding any mark-up which would be charged the customer) rather than transmitting the order to the NYSE floor, seeking a superior execution at 20¼ (excluding any commission which would be charged).

Under existing circumstances, in which most customers' orders to buy or sell reported securities are directed to the primary exchange market for execution and in which exchange members are prohibited from engaging in dealer activities in those securities otherwise than on exchange floors, opportunities for overreaching are more remote. First, transactions occurring on exchanges are, as discussed earlier, subject to a displacement mechanism which permits any broker or dealer to obtain execution priority by outbidding or outoffering other market participants. Thus, although retail firms which traditionally act as agent in executing customers' orders can deal as principal with customers on the exchange,[103] the ability of other firms to intervene in a proposed transaction if the proposed price varies from the current market price disciplines such retail firms' dealer activities.[104] In addition, the various exchanges impose specific limitations on the ability of members to fill as principal orders accepted by them for execution from other members (although those rules do not seem to apply to trades effected directly with non-member customers, except in the case of specialists' dealings).[105] Similarly, those firms which do act as dealers over-the-counter in listed securities in most cases confine their dealer activities to transactions with brokers and dealers or with institutional investors (who generally are sophisticated and are willing to trade in the third market only in situations where they believe they will receive a price at least as favorable as an exchange execution).

Many believe that removal of off-board principal restrictions would increase significantly the risk of overreaching in transactions in listed securities. In particular, it is feared that, if large retail firms are permitted to integrate their functions as agent and upstairs market maker in particular listed securities (in much the same way as they currently operate in effecting transactions for customers in non-listed securities), the temptations and opportunity for such firms to engage in overreaching will prove irresistible.[106] Of course, the mere fact that a firm will be able to act both as broker and dealer in the same listed security does not necessarily mean that overreaching will occur or that customers will receive less favorable executions than they do today; presumably, most firms will take appropriate steps to ensure that overreaching does not occur. Nonetheless, combining the broker and dealer functions for listed securities in a single entity able to conduct its business over-

[100] In the December Release, the Commission expressly disclaimed any implication that it would tie abrogation of off-board principal restrictions to the achievement of any particular element of a national market system, such as a composite book. The Commission has determined not to include any rule proposal regarding the development and implementation of a composite book in connection with this proceeding. The Commission intends, however, to consider promptly the various issues associated with such a facility. See note 94 supra.

[101] The Commission is interested in receiving specific comments on these approaches.

[102] December Release, supra note 1, at 24.

[103] See note 104 infra.

[104] The extent to which this displacement process functions satisfactorily in a particular exchange market to prevent (or minimize the risk of) abuses by persons dealing directly with their customers, however, is dependent in part on the intensity of activity in that market. Thus, in the case of regional exchange markets, where order flow is not particularly large, or in the case of inactively traded securities in the primary exchange markets overreaching may be disciplined only by willingness of the specialist to intervene in mispriced transactions.

Nevertheless, the Commission is not aware of any evidence that overreaching occurs in exchange markets; accordingly, as more fully discussed infra, the rule proposals designed to deal with the possibility of overreaching in the trading of reported securities are limited in their application to dealer activities over-the-counter. However, as indicated in the discussion of the specific rule proposals, the Commission wishes to solicit the views of commentators on whether such rules should also apply to trading on exchange markets (either to minimize overreaching or to eliminate possible competitive disparities which could result from application of the rules only to over-the-counter dealer activities).

[105] For example, NYSE Rule 91 provides that a member may not take or supply securities as principal which are the subject of an order accepted by him for execution unless (i) he offers or bids for the security in the open market at a price more favorable than his proposed transaction price, (ii) the transaction price is justified by the condition of the market, and (iii) the member who gave him the order, after prompt notification, accepts the trade. See also NYSE Rule 76.

[106] The Commission recognizes that the conflicts of interest of an integrated firm, and the risks of overreaching, are equally present in the case of trading in non-listed securities. Moreover, in certain ways, the markets for over-the-counter securities present an even greater threat of abuse, since (i) there is no system to provide current reporting of transactions (and thereby discipline dealer behavior) and (ii) the quotation system which does provide real-time quotations to brokers and dealers, NASDAQ, provides information only with respect to the most substantial issuers whose securities are traded over-the-counter.

A complete examination of trading practices by dealers in the over-the-counter market and the possible extent of overreaching in that market is beyond the intended scope of this proceeding. Nonetheless, many of the considerations underlying the Commission's overreaching proposals may be equally applicable to the over-the-counter market. Accordingly, as discussed more fully infra, the Commission desires to solicit views of interested persons as to whether any of the overreaching proposals discussed in this release, if adopted for application to trading in listed securities, should be extended to cover dealer activities in non-listed securities.

the-counter could aggravate conflicts between the interests of the integrated firm (in generating profits from its dealer activities) and those of its customers (in receiving the most favorable price), and might increase the risks of abuse.

Conflicts of interest which result from the combination of the broker and dealer function are not limited to the trading function.[107] The extent of these conflicts has, from time to time, generated proposals calling for the complete segregation of the broker and dealer functions.

Indeed, shortly after the passage of the Act, the Commissioner, pursuant to statutory direction (contained in then Section 11(e) of the Act, which was repealed by Section 6(3) of the 1975 Amendments), conducted a study of the feasibility and advisability of the complete segregation of the functions of broker and dealer.[108] Although the Commission concluded that combination of the broker and dealer functions "involves a conflict of interest which is provocative of abuse of the fiduciary relationship inherent in the brokerage function," the Commission recommended that the Congress not enact legislation requiring complete segregation.[109] In so doing, the Commission indicated that, in its view, "the potentialities for flexible control and evolutionary development afforded by the administrative mechanisms" were more appropriate than complete segregation in dealing with conflicts of interest and possible abuses by brokers and dealers.[110]

The case has not yet been made for complete segregation of the broker and dealer function. However, in announcing this proceeding, the Commission has considered whether the possibility of overreaching could be best controlled by complete elimination of conflict situations in those circumstances where abuse is most likely if conflicts of interest are permitted to continue. Accordingly, as more fully discussed below, the Commission is considering, as one alternative to dealing with the overreaching problem through regulatory means, a limited type of segregation proposal prohibiting any person from acting as dealer in any reported security with any person other than a broker, dealer or financial institution. Indeed, Sections 11(b) and 15(c)(5) of the Act [15 U.S.C. 78k(b), 78o(c)(5)] confer ample power on the Commission to require a complete segregation of the broker and dealer function, if that is found "necessary or appropriate in the public interest and for the protection of investors, to maintain fair and orderly markets, or to remove impediments to and perfect the mechanism of a national market system."

To a certain degree, concerns relating to overreaching by integrated firms are mitigated by existing, well-established principles of common and federal securities law governing the relationship between securities professionals and their customers. Where a firm functions as a dealer with a retail customer and, by a course of conduct, has placed itself in a position of trust and confidence with respect to that customer, the firm acts in a fiduciary capacity.[111] The fiduciary duties assumed by such a dealer are in addition to the general duty of all dealers, under the so-called "shingle theory," to deal fairly with the public and to effect transactions in securities as dealer with customers at prices reasonably related to the current market for such securities.[112]

The standards of conduct applicable to a firm in a fiduciary relationship with a customer are well-established. For example, a broker-dealer who is also an investment adviser may not deal as principal with its customer in riskless principal transactions where similar transactions for non-advisory customers normally would be executed on an agency basis at a commission less than the mark-up which would customarily be imposed when executing transactions on a principal basis.[113] In addition, under both common and federal securities law principles, a firm which is in fact in a fiduciary relation to a customer—whether it calls itself a broker or a dealer—may not deal with its customer for its own account without making scrupulously full disclosure of the nature and extent of any adverse interest which the firm may have. [114] This standard requires disclosure not only of the capacity in which the firm is acting,[115] but also, taking into account access to better prices and the costs of achieving such access, any current market price at which the transaction would be effected which is better than the price the dealer affords to the customer.[116]

Under present circumstances, information concerning alternative executions in listed securities generally is not available to brokers and dealers in a convenient and meaningful way. Although the consolidated system does capture information regarding completed transactions in listed securities regardless of the market of execution, quotation information with respect to reported securities disseminated by the various market centers and made available to market professionals on terminals or other display devices continues to be inadequate for purposes of evaluating potential executions in these various centers. This is true for several reasons. First, not all market centers disseminate quotations regularly or on a timely basis.[117] In addition, none of the exchanges currently requires that quotations disseminated by it for machine display purposes be firm. Finally, no exchange or third market maker currently disseminates size for display in any quotation service.

If proposed Rule 11Ac1–1 is adopted, reliable firm quotation information from all market centers effecting transactions in reported securities will be available to brokers and dealers in a current and convenient manner (on terminals or other display devices). Under such circumstances, all market professionals who deal with customers would be obliged to recognize that machine-displayed quotation information (except when the bid and offer prices reflected are known to be inaccurate or there is a reasonable basis for believing that those prices are not currently binding upon persons making those bids and offers [118]) reflects current market prices and indicates the availability of alternative prices for a given security.[119]

Although application of the foregoing principles to transactions in listed securities should reduce the risks of overreaching if off-board principal restrictions are removed, especially in an environment characterized by an operational composite quotation system, reliance on such principles alone may not sufficiently reduce those risks. For example, customers may not be in a position to control adequately the activities of broker-dealers on the basis of these principles because, among other reasons, they lack sufficient market information to realize when those principles have been ignored. Moreover, many average investors are unaware of the distinction between the broker and the dealer relationships and hence disregard the possibility that the advice and service offered by a firm may be affected by an independent interest.[120]

In addition, private enforcement of dealers' obligations in this area may not be particularly effective because it is difficult for the individual to prove, under today's circumstances, that a particular transaction price was less favorable than an available alternative execution, and, in any event, such an effort is costly and time-consuming for an investor.[121] Even available arbitration procedures offered by the self-regulatory organizations do not provide a satisfactory solution to this problem in a typical situation, where the difference between the price received and the best available alternative price may be only ⅛ or ¼ point per share. Finally, in view of the generality of the principles of conduct referred to above, as applied to a great variety of individual transactions, both investors and dealers could benefit from the articulation of more specific and concrete standards.

In light of these factors, the Commission has determined to consider, as part of this proceeding, whether the adoption of prophylactic regulatory measures is necessary to protect investors against overreaching instead of relying exclusively upon traditional fiduciary and fair dealing principles to perform that function. In this regard, the Commission is publishing for comment specific rules governing the conduct of dealers effecting transactions in listed securities otherwise than on exchanges.[122] In considering these proposals in the context of removing off-board principal restrictions, commentators are requested to evaluate them in light of the legal standards discussed above and the impact of current disclosure of last sale information and quotations on overreaching by integrated firms.

C. EQUAL REGULATION AND SURVEILLANCE

Together with addressing concerns as to fragmentation and overreaching, the Commission intends to consider whether additional regulatory action by the Commission is necessary to assure that a trading environment for listed securities characterized by the absence of off-board principal restrictions (if the Commission determines to remove them) would be governed by appropriately equal regulation, affording a fair field of competition among market centers, market makers and customers, and will be subject to adequate surveillance.

1. *Equal regulation.*—In the December Release, the Commission recognized that the removal of off-board principal restrictions would give rise to certain "equal regulation" concerns: [123]

> Finally, it must be acknowledged that the existing scheme of market maker regulation embodied in certain [C]ommission rules, intended to govern specialist behavior, does burden certain market makers while not affecting others. Careful consideration must be given, therefore, to elimination or modification of these rules when a definite date is set for the elimination of exchange barriers to the commencement of over-the-counter two-sided market making in round lots by member firms.[124]

The Commission believes that it may be appropriate to modify or eliminate certain Commission and exchange rules in response to removal of off-board principal restrictions. [125] While the Commission further believes that this rule review, both by the exchanges and the Commission, should proceed expeditiously (and should be continuing), the Commission has not yet been convinced that any Commission or exchange rules must be modified as a prerequisite to elimination of off-board principal restrictions.[126]

Rule 11b–1 under the Act (17 CFR § 240.11b–1) effectively requires the Amex and NYSE to have rules imposing "affirmative" and "negative" trading obligations upon specialists.[127] The Commission is inclined to conclude that retention of certain specialist obligations would be appropriate at this stage of development of the national market system in view of the unique trading position of the primary market specialist (particularly in light of his virtual monopoly and unique knowledge of limit orders). The Commission solicits comment on this issue and will, of course, give careful consideration to such rule changes as exchanges believe they should file under Rule 11b–1 and otherwise to enable their specialists to compete fairly with other market makers in this new trading environment.

Both the Amex and the NYSE have rules prohibiting specialists from accepting orders directly from institutional customers. [128] Such rules could discriminate unfairly against specialists on those exchanges in seeking to compete with other market makers following removal of off-board principal restrictions.[129] It is

---

[107] For a general description of these conflicts, see M. Mayer, Conflicts of Interest: Broker-Dealer Firms (1975).

[108] SEC, Report on the Feasibility and Advisability of the Complete Segregation of the Functions of Dealer and Broker (June 20, 1936 ("Segregation Study").

[109] Segregation Study at 109.

[110] Id.

[111] The Commission believes that retail broker-dealers, in many instances, in fact occupy that fiduciary position of trust and confidence with their customers. See Arleen W. Hughes, 27 SEC 629 (1948), aff'd sub nom. *Arleen W. Hughes* v. *SEC*, 174 F.2d 969 (D.C. Cir. 1949); see Loss, The SEC and the Broker-Deale, 1 Vand. L. Rev. 516 (1948).

[112] See Charles Hughes & Co., 13 SEC 676 (1943), aff'd sub nom. *Charles Hughes* v. *SEC*, 139 F.2d 434 (2d Cir. 1943), cert. denied, 321 U.S. 786 (1944); Duker & Duker, 6 SEC 386 (1939). See also Article III, Section 4 of the NASD's Rules of Fair Practice, requiring members to deal with customers at fair prices in over-the-counter transactions.

[113] Kidder Peabody & Co., Inc., 43 SEC 911 (1968). This prohibition is similar to the prohibition against a broker interpositioning another broker-dealer between himself and a market maker, or an investment adviser interpositioning a broker-dealer between a pool of assets managed by him and a market maker, in situations where that broker or pool of assets could deal directly with the market maker on as favorable a basis and the interpositioned broker performs no bona fide function in connection with the transaction. See Thomson & McKinnon, 43 SEC 785 (1968); Delaware Management Company, Inc., 43 SEC 392 (1967).

[114] Arleen W. Hughes, 27 SEC at 635–36; Restatement (Second) of Agency § 390 (1958).

[115] See Arleen W. Hughes, 27 SEC at 635; Rule 10b–10 [17 CFR § 240.10b–10]; cf. *Opper* v. *Hancock Securities Corp.*, 250 F. Supp. 668, 674 (S.D.N.Y. 1966), aff'd, 367 F. 2d 157 (2d Cir. 1966). In addition, a firm making an over-the-counter market in securities must disclose that fact when dealing with its customers as principal. *Chasins* v. *Smith Barney & Co., Inc.*, 305 F. Supp. 489 (1969).

[116] Arleen W. Hughes, 27 SEC at 636. See, e.g., *Doyen* v. *Bauer*, 211 Minn. 140, 300 N.W. 451 (1941); *Berkeley Sulphur Springs* v. *Liberty*, 10 N.J. Misc. 1066, 162 A. 191 (Ch. 1932); *Van Dusen* v. *Bigelow*, 13 N.D. 277, 100 N.W. 723 (1904); *Ridgeway* v. *McGuire*, 176 Ore. 428, 158 P. 2d. 893 (1945); *Rodman* v. *Manning*, 53 Ore. 336, 99 P. 657 (1909). In addition to these specific disclosures, a fiduciary is required to disclose any other material fact affecting the desirability of the transaction. Restatement (Second) of Agency § 390 (1958). See Section 17(a) of the Securities Act of 1933 [15 U.S.C. 77q]; Sections 10(b) and 15(c)(1) of the Act (15 U.S.C. 78j, 78o(c)(1)); Rules 10b–5 and 15c1–2 under the Act [17 CFR §§ 240.10b–5; 240.15c1–2].

[117] For example, one regional exchange does not currently make its quotations in multiply-traded securities available until after the close of trading in the primary exchange market. In addition, although the NASD has recently implemented a composite quotation service designed to make available all quotations in multiply-traded listed securities in a montage format, several of the largest third market dealers have elected not to insert quotations in that system.

[118] Proposed Rule 11Ac1–1 under the Act would establish specific exceptions from the Rule's general firmness requirements. See Securities Exchange Act Release No. 13626 (June 14, 1977), -- FR ------ (1977) at 13–19. NASDAQ quotations are required, under the rules of the NASAD, to be firm for a normal unit of trading under all circumstances. See NASD By-Laws, Schedule D, Paragraph C(3)(b) of Section I.

[119] Implementation of a composite quotation system and other market improvements can be expected to subject all market professionals to increasingly stringent standards of conduct in their dealings with customers.

[120] Segregation Study, supra note 108, at xv. We noted in the December Release, however, that individual investors may be expected to become increasingly aware of the risks associated with direct dealings with securities professionals on a principal basis. December Release, supra note 1, at 23–24.

[121] Reconstruction of all relevant information concerning the market for a particular security at a particular time is a lengthy, complex task.

[122] See discussion infra.

[123] See Section 3(a)(36) of the Act (15 U.S.C. 78(a)(36)).

[124] December Release, supra note 1, at 25–26 (footnote omitted).

[125] See NMAB Off-Board Letter, supra note 17, at 19–22.

[126] In its letter of comment on off-board trading rules, the NMAB noted that there were a number of areas in which different specialists or market makers in listed equity securities were treated differently. NMAB' Off-Board Letter, supra note 17, at 19–22. For example, the NMAB noted that: [c]ertain existing regulations of the Commission [such as Rules 11b–1 and 10b–6] impose burdens on specialists on the New York and American Stock Exchanges, but on no other specialisst or market makers; or on specialists generally but not on non-exchange market makers. . . . In addition, the rules of each national securities exchange governing the conduct of its specialists differ from those of other exchanges, and from the rules of the National Association of Securities Dealers, Inc. which apply to non-exchange market makers entering quotations in the NASDAQ system.

Id. at 20. With respect to such differences, the NMAB stated that: the Commission should not have, or require that exchanges retain, . . . rules which result in different specialists or market makers in listed securities being treated differently, unless it is clear that the circumstances in which they operate are so different as to require that they have different rules applicable to them.

Id. The NMAB did not, however, recommend any amendments to specific Commission or self-regulatory organization which it believed were necessary to meet this standard. In considering the possible modification of Commission or self-regulatory rules, therefore, the Commission will require a significant amount of additional information in order to determine whether those differences which do exist result in competitive advantages for certain classes of market professionals, and, if so, whether such advantages are unfair and not necessary or appropriate in furtherance of the purposes of the Act.

[127] See Amex Rule 170 and NYSE Rule 104. The Commission, pursuant to Rule 11b–1, has exempted regional specialists, and third market makers are subject to no such obligations. Section 11(b) of the Act itself may be considered to raise an equal regulation question in providing that it is unlawful for a specialist to effect transactions as broker on the exchange except upon a market or limited price order. See NMAB Off-Board Letter, supra note 17, at 20, 22.

[128] See Amex Rule 190(b) and NYSE Rule 113(a).

[129] See Section 6(b)(5) of the Act (15 U.S.C. 78f(b)(5)). Conversely, these rules may discriminate unfairly between institutions and other investors not precluded from dealing directly with the primary market specialists. However, in view of the exclusive access of these specialists to information with respect to the vast majority of limit orders, reten-

JUN 30 1977 UM

also possible that in today's environment, and perhaps more so in an environment without restrictions on off-board trading, the burdens on competition represented by these rules can no longer be justified by reference to the purposes of the Act. The Commission therefore invites comment on whether these rules should be eliminated or, alternatively, whether those rules serve purposes under the Act which warrant their retention, at least for some period of time.

The Commission recognizes that there are additional rules of exchanges and of the Commission which operate to distinguish between specialists and over-the-counter market makers.[130] The Commission intends, and urges each exchange, to examine its rules with a view to assessing their operation in a trading environment characterized by the absence of off-board principal restrictions. The Commission invites comment on any Commission or self-regulatory rules which, in the view of commentators, should be altered after elimination of off-board trading restrictions in view of the equal regulation standards of the Act.

2. *Surveillance.*—The Commission recognizes that, if off-board principal restrictions are removed, the Commission and self-regulatory organizations will be required to review, and possibly to restructure, their market surveillance programs.[131] These programs generally involve market monitoring techniques designed to identify instances of unusual trading activity in a particular security. In a trading environment characterized by the absence of off-board principal restrictions, the Commission and self-regulatory organizations will need to implement new transactional audit trail procedures adequate to carry out their surveillance responsibilities.[132] With respect to surveillance of transactions by exchange members effected over-the-counter, it also would appear that the exchanges and the NASD should proceed to develop appropriate plans for surveillance of off-board trading activity, including, if necessary, plans for the allocation of surveillance functions among self-regulatory organizations, and should be prepared to present those plans in connection with this proceeding.[133]

IV. Removal of Off-Board Trading Restrictions

As indicated above, the proposed amendments to Rule 19c–1 would immediately expand the existing Rule to permit an exchange member to effect over-the-counter agency transactions in listed equity securities with any other person not also represented as agent by that member (i.e., precluding only "in-house" agency cross transactions).[134] Proposed Rule 19c–2 would, after December 31, 1977, permit an exchange member to effect over-the-counter principal and "in-house" agency cross transactions in reported securities.

A. Off-Board Principal Restrictions

The Commission's reasons for concluding that off-board principal restrictions impose burdens on competition which are neither necessary nor appropriate in furtherance of the purposes of the Act, and an analysis of the benefits which would be conferred upon the markets if these restrictions were abrogated, are discussed above and set forth in the December Release.[135] Since that time, no showing has been made that those conclusions and views should be altered. The Commission's proposal to proceed to remove off-board principal restrictions effective January 1, 1978, does warrant, however, further consideration of the potential problems of fragmentation and overreaching, and the Commission anticipates that those issues will be thoroughly explored in the course of this proceeding.[136]

Since one of the chief benefits sought in connection with abrogation of off-board principal restrictions is the addition of market making capital and skill to the markets for listed securities,[137] the Commission has considered whether those restrictions should be removed altogether or only to the extent necessary to permit exchange members to make bona fide continuous, two-sided markets over-the-counter, thus allowing exchanges to continue to prevent their members from effecting other kinds of principal transactions in listed securities otherwise than on the floor of an exchange. The Commission has concluded tentatively that no purpose would be served by limiting the scope of its proposed action with respect to off-board principal restrictions, and is concerned, in any event, that it might not be possible to delineate market making activity from other dealer activity for this purpose and that efforts to restrict the right to effect over-the-counter principal transactions to persons engaging in genuine market making would not be effective.

Self-regulatory organization attempts to define bona fide market making, or regulate those holding themselves out as market makers in various respects (e.g., by imposing requirements as to continuity, depth, competitiveness, etc.), have not been completely successful. For example, there does not appear to be any appropriate way of ensuring that a market maker's bids and offers remain truly "competitive."[138] In the absence of workable requirements as to the competitiveness of quotations, a market maker who

---

tion of these rules, until such information is made available to other market makers, may be appropriate.

[130] E.g., exception (xi) to Rule 10b–6 (governing purchase by certain persons during distributions) under the Act (17 CFR § 240.10b–6) permits purchases by a prospective underwriter otherwise than on an exchange ten or more business days prior to the proposed commencement of the distribution. See NMAB Off-Board Letter, supra note 17, at 20.

[131] See Sections 6(b)(1), 15A(b)(2), and 19(g) of the Act (15 U.S.C. 78f(b)(1), 78o–3(b)(2) and 78s(g)). These provisions require that the exchanges and the NASD have the capacity to and in fact enforce member compliance wiht the Act and the respective organizations' rules.

[132] In this regard, the Commission wishes to receive comment on any alteration in the Commission's existing recordkeeping rules under Section 17(a) of the Act (15 U.S.C. 78q(a)) which commentators believe would be useful in this regard. The Commission is especially interested in receiving proposals from self-regulatory organizations and exchange member firms as to programs which would ensure that, for purposes of self-regulatory organization surveillance and member firm compliance with their legal responsibilities, adequate records of off-board principal transactions are maintained. Such proposals should detail specific kinds of information to be kept for the purpose of enabling firms to demonstrate their compliance with requirements applicable to offboard principal transactions in reported securities. See general discussion of over-reaching supra and discussion of specific overreaching proposals infra.

[133] See Section 17(d) of the Act (15 U.S.C. 78q(d)). Rule 17d–2 under the Act (17 CFR § 240.17d–2) authorizes the filing of plans allocating regulatory responsibility among various self-regulatory organizations. Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (1976). Any such plan should provide for comprehensive review of such trading without causing duplication or undue expense to brokers and dealers who are members of such self-regulatory organizations.

[134] Existing Rule 19c–1 only requires exchange rules to permit members to effect over-the-counter agency transactions in listed equity securities with third market makers and non-member block positioners.

[135] See discussion supra; see also December Release, supra note 1, at 17–28.

[136] See discussion of fragmentation and overreaching supra.

[137] Elimination of off-board principal restrictions, of course, could also yield such other benefits as stimulation of technological innovation by professional participants in the markets and existing market centers (i.e., exchanges and third market makers).

[138] Certain measures could be suggested, such as requiring at least one side of a market maker's quotation to be at least equal in price (and, perhaps, in size) to the best bid or best offer reflected in a composite quotation system, or to be no further "away" from the last sale reported in the consolidated system than, for example, ¼ of a point. The Commission does not believe, however, that it would be practical or useful to impose such mechanical requirements on all market makers.

Self-regulatory efforts to develop criteria in this area have been confined to imposing somewhat vague requirements on market makers, such as: "Each quotation entered by a registered market maker must be reasonably related to the prevailing market." NASD By-Laws, Schedule D ("Schedule D"), paragraph C(3)(b) of Section I. The NASD monitors quotations in NASDAQ and identifies instances in which certain parameters are exceeded by those quotations, but no NASD disciplinary action has ever been based solely upon a market maker's failure to observe the NASD's tests concerning quotations "reasonably related to the prevailing market." See also Schedule D, paragraph C(5) of Section I (limiting the right to re-enter quotations in NASDAQ in the event of an "unexcused withdrawal") and NYSE Rule 104.10(4) (requiring specialist quotations to "bear a proper relation to preçeding transactions and anticipated succeeding transactions").

does not wish to buy or sell securities at any particular time can, as a practical matter, avoid inquiries and the need to effect transactions merely by making certain that his bid and offer are unattractive to potential buyers and sellers. Indeed, non-competitive market maker quotations are not unusual today. Unless a satisfactory test of the competitiveness of quotations can be devised, prohibitions against dealing only on one side of the market (i.e., as a buyer or a seller only), and, possibly, rules requiring dealers to stand ready to buy and sell on a regular and continuous basis for a specified period, can be viewed as unenforceable and unreasonably discriminatory. Moreover, viewed from an economic standpoint, such a prerequisite to publicizing a willingness to buy or sell securities as principal or agent (i.e., that such indications be two-sided), whether by inserting bids or offers in an inter-dealer quotation system or otherwise, seems unjustifiable.[139]

The above discussion is not intended, however, to suggest that affirmative tests of market making (e.g., requirements as to two-sided quotations and that quotations bear a reasonable relation to the current market price) are inappropriate for purposes of determining special or exempt credit status or entitlement to the time and place advantages of proprietary trading on exchange floors, trading forums which, by their nature, cannot be used equally by all persons and are not readily expandable.

In any event, there has been no demonstration to date that non-market maker off-board principal trades present unique regulatory concerns, particularly since (i) overreaching by non-market makers in their dealings with customers is no more difficult to address than overreaching by market makers, and (ii) it has not been shown that the loss of small dealer trades from the primary exchanges to the over-the-counter market, in view of the relatively small percentage of all transactions such trades would seem to represent, would contribute significantly to fragmentation of the markets.[140] Thus, no compelling reasons have been presented to show why off-board principal restrictions should not be eliminated for all categories of transactions in reported securities which exchange members may wish to effect as principal over-the-counter.[141]

B. Remaining Off-Board Agency Restrictions

When the Commission adopted Rule 19c–1 under the Act, it did not express a definitive judgment whether to require exchanges, at some time in the future, to permit members to effect "in-house" cross transactions, acting as agent for both buyer and seller.[142] Thus, Rule 19c–1 was drafted to require changes in exchange rules only to the extent necessary to permit members to effect agency transactions in listed equity securities with third market makers and over-the-counter block positioners. The Commission's analysis in the December Release of the burdens on competition represented by off-board agency restrictions as they existed prior to adoption of Rule 19c–1 focused primarily on two particular effects of those restrictions: (i) the boycott of third market makers (who thus were deprived of an opportunity to compete for agency orders handled by exchange members); and (ii) the impediment represented by those restrictions to exercise of brokerage judgment in seeking favorable execution opportunities for customers. As formulated and adopted, Rule 19c–1 effectively eliminated the third market boycott, at least to the extent that that boycott was the result of off-board agency restrictions theretofore imposed by exchange rules. While Rule 19c–1 does permit brokers greater latitude in exercising judgment as to how best to serve agency customers than previously existed,[143] their exercise of such judgment is still encumbered to some degree by remaining off-board agency restrictions. In addition, other persons, such as third market brokers, still are precluded from effecting transactions in listed equity securities for exchange members seeking the most favorable executions of customer orders in listed securities.[144] In the absence of a showing that these particular remaining off-board agency restrictions should be retained, it would appear that they should be removed promptly.

The problems raised by "in-house" crosses are somewhat more complex than those associated with other types of off-board agency transactions. In the December Release, the Commission noted that, if "in-house" crossing of relatively small customer orders in listed securities were permitted to occur and should occur to a significant extent, that activity might have a fragmenting effect on the markets similar to that feared in connection with the removal of off-board principal restrictions.[145] The Commission expressed considerable doubt, however, in the absence of convincing evidence to the contrary, as to whether "in-house" crossing of small retail orders, if permitted, would occur to any significant degree, and whether "in-house" crossing of block trades would contribute materially to fragmentation of the markets.[146] In addition, the Commission acknowledged that, if firms were permitted to effect "in-house" crosses and found it profitable to do so, certain economic benefits currently denied to firms capable of executing such trades, and denied also to their customers, would be realized.[147]

As noted above,[148] the NMAB submitted its views on "in-house" agency cross transactions to the Commission in September, 1976, before reaching its conclusions with respect to off-board principal restrictions. In that context, a majority of the NMAB's members concluded that existing restrictions on such transactions "do not impose a significant burden on competition or, to the extent that they do, such burden is outweighed by * * * countervailing policy considerations."[149] Four members of the NMAB concluded that those restrictions "are anti-competitive and that the alleged adverse consequences from their removal are speculative and have been exaggerated."[150] Although the Commission continues to question, as it did in December 1975, whether the burdens on competition represented by exchange restrictions prohibiting "in-house" agency cross transactions are significant (at least when compared to off-board principal restrictions),[151] the Commission is inclined to agree that persons favoring retention of those restrictions, at least with respect to reported securities, have not shown why they should be retained, particularly in an environment in which off-board principal trades in those securities are permitted.[152]

---

[139] The NASD requires that quotations entered in NASDAQ be two-sided. See note 118 supra. Proposed Rule 11Ac1–1 under the Act would require continuous disclosure of quotations in reported securities by all exchanges and persons who hold themselves out as market makers, and, subject to certain exceptions, would require those quotations to be firm for at least a normal unit of trading or any larger size indicated. However, exchanges would be required, if proposed Rule 11Ac1–1 were adopted, to include one-sided interest as part of the exchange quotation when such interest constitutes the best bid or offer.

[140] The consolidated system will immediately capture and reflect all over-the-counter trades in reoprted securities in any case. See discussion of fragmentation supra.

[141] Persons who believe that elimination of off-board principal transactions should be limited to certain classes of market professionals should be prepared to demonstrate the bases for those beliefs in connection with this proceeding.

[142] See December Release, supra note 1, at 36–40.

[143] Rule 19c–1, which removed most exchange restrictions on the ability of members to effect over-the-counter agency trades, appears to have had virtually no impact to date on historical patterns of market selection by exchange members acting as brokers. See discussion of experience under Rule 19c–1 supra.

[144] See letter to the Commission from Institutional Networks Corporation, dated February 11, 1977, concerning Rule 19c–1 under the Act.

[145] December Release, supra note 1, at 36–40.

[146] Id. at 37–38. With respect to small orders, there was no meaningful demonstration that the savings to retail firms which could be obtained from executing those orders "in-house" would outweigh the risks inherent in doing so. As to blocks, the Commission noted that, since such trades are regularly executed on regional exchanges under existing circumstances in order to avoid interacting with buying and selling interest in the primary market, little would be lost by permitting "in-house" executions. Id. at 38.

[147] Id. at 38–39.

[148] See note 15 supra.

[149] NMAB Agency Letter, supra note 15, at 2.

[150] Id. at 9.

[151] December Release, supra note 1, at 39–40.

[152] A similar conclusion, apparently, was reached by "[m]any members of the Board" in connection with the NMAB's deliberations concerning off-board principal restrictions. See NMAB Off-Board Letter, supra note 17, at 6 n. 2.

V42N126 JUN 30 77 UM

With respect to "in-house" crossing of relatively small transactions, it would be incongruous to permit an exchange member to effect transactions with non-professional customers as principal at, for example, prices of 20 bid and 20¼ offered, but to preclude that member from acting as agent for such customers by crossing their orders "in-house" at or between those dealer prices.[153] In addition, no persuasive reason has been suggested as to why the removal of remaining off-board agency restrictions applicable to "in-house" crossing of small orders in reported securities is any more likely to result in increased fragmentation of the markets than would removal of off-board principal restrictions. In addition, it appears to the Commission that the theoretical possibility that such transactions would contribute materially to market fragmentation should be discounted.[154]

Finally, the ability to effect "in-house" agency crosses in an environment countenancing "in-house" execution of customers' orders as principal might stimulate development of new trading strategies advantageous to customers: firms prepared to buy stock as principal could, for example, offer to "stop" a purchasing customer at a given price for a period of time and, before executing the order as principal, either (i) hold the order for execution at any better price offered by another customer during that period or (ii) represent the order during that period in a composite quotation system at a price ⅛ of a dollar above the price the dealer is offering to pay.

With respect to "in-house" agency cross transactions of large or block size, the Commission understands that firms which are engaged in block trading permit displacement of the primary market (when they do permit it) only on a voluntary basis and avoid buying or selling interest represented on the primary market floor by transmitting block crosses to exchange markets other than the primary market where circumstances (including costs) suggest that such action would be to their advantage.[155] Thus, prohibitions against "in-house" execution of blocks are not effective today insofar as they attempt to subject blocks to the auction process as it is today conducted on exchanges. Finally, rules requiring agency portions of block trades in reported securities to be effected on an exchange are incompatible with the conclusion that principal transactions in reported securities (including any portion of a block "positioned" by a firm for its own account) may no longer be subjected to such restrictions.

C. LIMITATIONS ON THE SCOPE OF THE PROPOSALS

Proposed Rule 19c–2, removing off-board principal restrictions and remaining off-board agency restrictions applicable to "in-house" agency cross transactions, would apply only to reported securities. Therefore, over-the-counter principal and "in-house" agency cross transactions in listed securities not included in the consolidated system,[156] or which, if they are included, are not equity securities (i.e., debt securities [157]), would continue to be governed by exchange restrictions on such transactions. In addition, the proposed amendments to Rule 19c–1 under the Act would extend, as does existing Rule 19c–1, only to listed equity securities.[158] The Commission's inclination to limit the scope of proposed Rule 19c–2 to reported securities is based primarily on the concern that fragmentation and overreaching may represent more serious problems in connection with removal of off-board principal and "in-house" agency cross restrictions for non-reported securities than is the case with respect to reported securities.[159]

While removal of all remaining off-board trading restrictions applicable to member transactions in listed securities which are not reported securities might improve the depth and liquidity of the markets for those securities,[160] the trading environment for such securities would not be subject, under current circumstances, to the price discipline of continuous and comprehensive disclosure of last sale prices and quotations.[161] Pricing of reported securities, on the other hand, will continue to be subject to the discipline exerted by disclosure of last sale prices in the consolidated system and of current and firm quotation prices, factors which may be essential to efficient and fair over-the-counter trading in listed securities.[162] In addition, if it is necessary to adopt new standards for over-the-counter dealer conduct with retail customers in listed securities in connection with removal of off-board trading restrictions, as some commentators have suggested, certain of the regulatory approaches to the problem of overreaching which rely upon the availability of comprehensive current quotation information might not be capable of adaptation to over-the-counter dealings in listed securities which are not reported securities.[163]

The Commission, however, has not firmly concluded that off-board trading restrictions governing over-the-counter member trading in listed equity securities not included in the consolidated system should be retained, and the Commission intends to revisit this issue.[164]

Accordingly, commentators should address the desirability of, and the special risks attendant to, extending proposed Rule 19c–2 to all listed equity securities.

V. PROPOSED RULES REGARDING OVERREACHING

A. ALTERNATIVES CONSIDERED

Assuming that additional affirmative action is necessary to prevent exchange members from dealing unfairly with customers after off-board principal restrictions are removed with respect to reported securities, the Commission has considered several alternative methods of regulating such transactions to preclude or minimize the possibility of overreaching. These alternatives have been embodied in the following proposed rules:

(i) Rule 15c5–1(A) (17 CFR § 240.15c5–1(A)), which would preclude any dealer from effecting transactions in reported securities over-the-counter as principal with any person other than a broker, dealer or financial institution (the "person limit approach").[165]

(ii) Rule 15c5–1(B) (17 CFR § 240.-15c5–1(B)), which would require any dealer effecting transactions in reported securities over-the-counter with any person other than a broker, dealer or financial institution to do so only at a price at least as favorable to such person as the highest bid (in the event the dealer is buying) or lowest offer (in the event a dealer is selling), in size equal to or greater than the transaction size, reflected in a display of quotation information disseminated pursuant to proposed Rule 11Ac1–1 under the Act (the "price limit approach").[166]

(iii) Rule 15c5–1(C) (17 CFR § 240.-15c5–1(C)), which would require confirmation disclosure of the highest bid price and lowest offer price made available to quotation vendors in accordance with proposed Rule 11Ac1–1 and displayed on a terminal or other display device at the time of any over-the-counter principal transactions in a reported security with any person other than a broker, dealer or financial institution (the "disclosure approach").

(iv) Rule 15c5–1(D) (17 CFR § 240.-15c5–1(D)), which would require dealers effecting transactions in reported securities over-the-counter with any person other than a broker, dealer or financial institution to do so at prices no less favorable to such persons than they know (or reasonably should believe), under all the relevant circumstances, could be obtained for such persons if they were to act for them in an agency capacity (the "fair dealing approach").

1. *The Person Limit Approach.*—The person limit approach would involve a limited segregation of the broker and dealer function and would be designed to avoid the overreaching problem entirely by precluding direct over-the-counter dealings in reported securities between a firm acting as principal and those types of customers which the Commission and others fear either lack the sophistication or the market information necessary to enable them to protect their own interests in such transactions.[167] The person limit approach would also, as a practical matter, substantially reduce any potential for significant fragmentation after removal of off-board principal restrictions by preventing internalization of retail order flow and thereby deterring integrated firms from making over-the-counter markets.[168] While this approach might deter retail firms from making over-the-counter markets in listed securities, the approach might not discourage other well-capitalized non-retail oriented firms, such as block positioning exchange members, from engaging in that activity (to take maximum advantage of their relationships with non-retail customers).[169]

The person limit approach does, however, raise a number of concerns. First, as noted above, the imposition of such a restriction might deter at least one likely class of potential entrants into over-the-counter market making—retail firms—from engaging in that business,[170] thus reducing the degree to which market making competition in listed securities, with its attendant benefits, will be enhanced (unless such firms choose to enter the market making business by developing a specialist operation on an exchange to compete with existing specialists and directing its order flow to that operation).[171] Second, this approach would prevent retail customers from dealing with a firm as principal even if its prices were the best available.[172] Finally, the person limit approach could prevent retail firms from realizing full benefits of their elaborate (and costly)

---

[153] See Section 11A(a)(1)(C)(v) of the Act (15 U.S.C. 78k–1(a)(1)(C)(v)).

[154] A possible fragmentation problem in connection with "in-house" crosses of small agency orders might, however, occur in connection with determination of opening prices particularly in the primary markets). Since primary exchange specialsta today establish opening prices on the basis of their comprehensive knowledge of orders on both sides of the market seeking executions at the opening, less knowledge of such interest (a result of pre-opening orders being withheld for execution "in-house") could result in the establishment of opening prices which less perfectly reflected the true "state of the market'" at the time trading commences. However, this problem, if it develops, might be ameliorated if exchanges were to adopt procedures requiring members, prior to commencement of each trading day, to disclose periodically the aggregate buying and selling interests represented by their customers' pre-opening orders (and of changes in the numbers of such orders during, for example, the fifteen minutes preceding the opening). In any event, it should not be necessary for specialists to hold and execute all pre-opening orders merely to perform the function of opening trading at appropriate prices.

[155] See December Release, supra note 1, at 38.

[156] Listed equity securities which are not reported securities comprise primarily sole listings on the major regional exchanges. The following listed equity securities are "eligible" for inclusion in the consolidated system within the meaning of the joint industry plan ("Plan"), declared effective by the Commission pursuant to Rule 17a–15 under the Act, governing the consolidated system: (i) securities listed on the NYSE, (ii) securities listed on the Amex, and (iii) securities listed on any other exchange meeting the original listing requirements of the NYSE or Amex. See Section VI of the Plan (which also provides that a security ceases to be eligible if less than 25 percent of the transactions in that security occur on exchanges). Network A of the consolidated system carries last sale reports for all NYSE-listed equity securities. Network B of that system carries last sale reports for all Amex-listed equity securities plus approximately 30 listed equity securities of other exchanges. Network B also carries, largely for historical reasons, last sale reports for Amex-listed bonds (plus certain bonds listed on other exchanges except the NYSE). See Section XIV of the Plan. While limiting the removal of certain off-board trading restrictions to listed equity securities included in the consolidated system appears desirable at this time, the Commission questions any continuing validity to the converse notion that inclusion in national market system facilities, such as the consolidated system, should be limited to such securities or otherwise confined by the criteria used in the Plan.

[157] While the Commission doubts that exchange off-board trading restrictions applicable to securities other than equity securities have had a significant effect on competition, comment is invited on that assessment. See September Release, supra note 3, at 12–13. E.g., NYSE Rule 396 and Amex Rule 6, governing off-board trading in bonds, are not applicable to transactions (principal or agency) involving more than nine bonds and, accordingly, may be characterized essentially as odd-lot rules. While such rules should be scrutinized for compliance with the Act, as in taking place in the case of the two cited rules pursuant to Section 31(b) of the 1975 Amendments, it does not appear that those issued need be resolved in this proceeding.

[158] Rule 19c–1 was not confined to reported securities because the Commission did not believe that agency transactions not involving "inhouse" crossing would raise any fragmentation or overreaching concerns.

[159] See discussion of fragmentation supra.

[160] Such a result might ensue if those exchange members which acted as over-the-counter market makers for such securities prior to exchange listing were to resume their market making activities in those securities.

[161] The Midwest and Pacific Stock Exchanges do provide last sale ticker services with respect to their respective sole listings. While over-the-counter principal transactions in such unreported listed securities are not included on those tickers (at least today), it might be argued that the partial last sale information made available by means of those tickers would be sufficient to assure continued efficient pricing and fair over-the-counter dealing even if all off-board trading restrictions applicable to those securities were removed. In addition, if exchange members were permitted to and did trade in unreported listed securities over-the-counter, quotations for at least the more actively traded of these securities presumably would be available on NASDAQ.

[162] See discussion of fragmentation supra.

[163] See discussion infra.

[164] It may be that, notwithstanding the concerns expressed above, competition alone will ensure an appropriate environment for removal of these restrictions.

[165] The term "financial institution" would be defined in Rule 15c5–1(A) (and the other overreaching rules proposed herein) to mean any person (other than a broker or dealer) which (i) is other than a natural person, or (ii) is in the business of exercising investment discretion with respect to the account of any other person.

The proposed definition of financial institution is analogous to the definition of the term "institutional investment manager" in Section 13(f)(5)(A) of the Act (15 U.S.C. 78m(f)(5)(A)).

This formulation of such a definition may not be regarded as providing protection to persons who ought to be protected by any overreaching rule. Commentators are specifically requested to comment on the adequacy of this definition, to suggest ways of avoiding vagueness in defining "financial institution" appropriately, and to formulate any alternative definitions they believe would improve upon the definition the Commission proposes to employ.

[166] For purposes of this approach, prices would be required to be compared on a basis including any commission which would customarily be charged as agent, and any commission equivalent, markup or differential to be charged, so that the aggregate price paid to a seller or paid by a buyer would not be less favorable to the customer than the aggregate amount the customer would have received or paid had the dealer acted as agent and achieved an execution for the customer at the highest bid or offer price reflected in a composite quotation system in a size equal to or greater than the transaction size.

[167] For the same reason, proposed Rules 15c5–1(B), 15c5–1(C) and 15c5–1(D) would also apply only to dealer transactions with retail customers (i.e., persons other than brokers, dealers or financial institutions). Commentators are requested, however, to consider whether application of any of the approaches proposed herein, if adopted, should be extended to dealing with certain persons or entities currently included within the definition of "financial institution" (e.g., because those persons or entities, even though technically included within that definition, are also believed to lack the sophistication or market information necessary to protect themselves from overreaching).

[168] Since a major incentive to engage in off-board market making seems to be the opportunity for large retail firms to internalize their customer order flow and earn both a "jobber's turn" and a commission (or its equivalent) on each transaction, elimination of that possibility might reduce the likelihood that some retail firms, in an environment permitting off-board principal trades only with non-retail customers, would attempt to make markets off-board.

[169] Similarly, third market makers would not appear to be materially affected by this approach, at least insofar as their present businesses are concerned, since the Commission understands that such firms do not, for the most part, deal directly with persons other than brokers, dealers and financial institutions.

[170] This is not to suggest that any greater weight should be given to the need to promote dealer competition than to protect retail customers.

[171] Such an option, of course, if feasible at all, is available today, although rules on the primary exchanges precluding specialists from having institutional customers effectively force firms which have such customers to choose between retaining their institutional customers and becoming specialists on those exchanges.

[172] It is almost inconceivable that a retail firm would ever put itself in a position where, if its prices were the best available, the firm would be obliged to either send its retail customers to another broker or secure inferior executions for those customers. Persons favoring adoption of the person limit approach should consider whether an exception to that approach to permit principal transactions at the most favorable price to the non-professional customer reflected in a composite quotation system might ameliorate this concern. Even with such an exception, however, the person limit approach would require non-professional customers, for the most part, to employ the services of a broker, even when those services are not desired.

JUN 30 1977 UM

systems for handling small order inquiry, relegating such firms who determine to engage in over-the-counter market making in listed securities to a position analogous to that of an exchange specialist, who relies for the most part on brokers to direct order flow to him.

The NMAB, in commenting on off-board trading restrictions, stated that it was "sharply divided" on the question whether principal transactions by firms with their retail customers should be prohibited if off-board principal restrictions are removed.[173] Those members of the NMAB favoring such a prohibition argued that it would (i) reduce fragmentation and facilitate the creation of a national market system,[174] (ii) avoid opportunities for self-dealing and overreaching,[175] and (iii) promote competition and reduce potential concentration in both market making and retail activities by eliminating the "inherent advantage" which, it is argued, large retail firms with the capability to internalize their order flow would have.[176] Those opposing any prohibition on off-board principal transactions with retail customers argued that (i) such a prohibition would represent a burden on competition which would unfairly disadvantage certain market participants (i.e., large retail firms),[177] (ii) there has been no demonstration of actual abuses involving overreaching which would justify such radical action,[178] (iii) there is an inherent difficulty in defining which investors need protection from potential overreaching, and, therefore, that any definition of "retail customer" which would be developed would likely be arbitrary,[179] (iv) retail customers might incur higher execution charges than they would if they were permitted to deal directly with market makers,[180] and (v) it is anomalous to attempt to protect investors in transactions involving securities "with the most competitive markets" but not those with less active markets, about which less information is available.[181]

2. *The Price Limit Approach.*—The price limit approach is designed to assure that, for a substantial volume of principal transactions with non-professional customers, dealers (including integrated firms) would be required to buy and sell at prices established in part by market participants other than themselves, prices which presumably reflect an independent response to current market information and existing supply and demand in the market place. Thus, such dealers would be prevented, to a significant degree, from effecting principal transactions with their own non-professional customers at unfair and unrepresentative prices.

Operation of the price limit approach is illustrated by the following example: Assume Broker-Dealer X, an integrated retail firm, receives an order from a retail customer (i.e., a person who is not a broker, dealer or financial institution) [183] to purchase 500 shares of YZ Corporation ("YZ"), a NYSE-listed company, at the market. In giving the order to Broker-Dealer X, the customer specifies that he wishes to purchase the YZ stock from X acting as principal (since he knows that X makes a market in YZ). At the time the order is received, the last sale for YZ, as reported in the consolidated system, is $20 per share.

The order is transmitted by the customer's registered representative to Broker-Dealer X's trading room, where the trader consults the firm's commission rate schedule and a composite quotation display available to him on a cathode ray tube device. The commission rate schedule indicates that the customer would customarily be charged 25 cents per share for a transaction of the size proposed in the $20 price range. The composite quotation display indicates the following offers and sizes for YZ:

	Offer price	Size
Exchange A	20¼	200
Exchange B	20¼	300
Market Maker C	20¼	600
Market Maker D	20¼	400
Exchange E	20¼	100

Armed with this information, Broker-Dealer X's trader can readily compute the best composite quotation execution (as defined in proposed Rule 15c5–1(B)(c)(1)) against which to compare any execution as principal with that customer: since the order is for 500 shares, the best composite quotation execution would be 20¼ (the lowest offer price in size equal to or greater than the proposed transaction size) plus ¼ (the customary commission charge if X were to act as agent), or 20½. Thus, Broker-Dealer X would be permitted to deal with the customer as principal if the net price to the customer, including any commission equivalent, mark-up, or differential to be charged, is not higher than 20½.[184]

On the other hand, if the order were for only 100 or 200 shares, the permissible net price which Broker-Dealer X could charge the customer would be 20⅜ (i.e., 20⅛, the lowest offer price in size equal to or greater than the proposed transaction size, plus¼, the customary agency commission).[184] If the order were for 700 shares or more, proposed Rule 15c5–1(B) would not apply, since there would be no offer price displayed in size equal to or greater than the proposed transaction size and, therefore, no best composite quotation execution against which to compare the net price of the principal trade.

In commenting on proposed Rule 15c 5–1(B), interested persons are requested to focus specifically on the possible impact of the price limit approach on market making activities and on public investors. First, the Commission requests commentators to evaluate whether restrictions on dealer activities based on machine-displayed quotations are appropriate in light of the fact that those quotations would not always be firm because of the contemplated exceptions to the requirement of firmness contained in proposed Rule 11Ac1–1.[185] The fact that quotations under proposed Rule 11Ac1–1 under the Act will not always be firm may be viewed as so severe a defect in the price limit approach that it should not be adopted. Commentators should also consider the competitive impact of restricting prices at which over-the-counter principal transactions with non-professional customers may occur by reference to bids and offers in a composite quotation system (assuming that those bids and offers, even when not firm, would generally be reflective of the market for a particular security).

Finally, commentators should consider the possibility that, since the price limit approach, as proposed, would not apply to transactions in size greater than the sizes for which bids and offers are entered in a composite quotation system, a material number of sizeable principal transactions (or even medium-sized transactions if exchanges and third market maker quotations are made available only with minimal size) with non-professional customers would not be protected from overreaching by this approach. Commentators should evaluate the effect of such a development on public investors, and, if they believe the coverage of Rule 15c5–1(B) is not sufficient in that regard, suggest alternative proposals for applying the price limit approach to transactions in size above the maximum displayed in a quotation system (including appropriate methods of determining the price levels at which principal transactions should be permitted).

3. *The Disclosure Approach.*—The disclosure approach would operate on the traditional theory underlying the federal securities law that "[s]unlight is * * * the best of disinfectants; electric light the most efficient policeman." [186] Disclosure on the confirmation of the highest bid price and lowest offering price displayed in a composite quotation system at the time of a principal over-the-counter transaction with a non-professional customer is intended to enable the customer to evaluate for himself the quality of principal executions.[187] The disclosure approach is, of course, based on existing principles of common and federal securities law relating to disclosures which must be made by any person in a fiduciary capacity who desires to deal with a customer as principal; [188] the disclosure approach, however, would apply to all dealers effecting transactions in listed securities with non-professional customers regardless of the existence of a fiduciary relationship.

Proposed Rule 15c5–1[C] would require confirmation disclosure to a non-professional customer of the inside machine-displayed quotation (i.e., the highest bid price and lowest offer price) in connection with an over-the-counter principal transaction in a reported security regardless of whether or not the number of shares involved in the transaction is less than or equal to the largest size displayed in a composite quotation system at the time of the transaction. The Commission believes that disclosure of that inside market would still be useful to investors despite the fact that the inside machine-displayed quotation may not indicate actual alternative execution possibilities for that amount of securities if a transaction involves a number of shares greater than that which could be obtained based on bids and offers in a composite quotation system (in reliance on Rule 11Ac1–1). Machine-displayed quotations after adoption of proposed Rule 11Ac1–1 would, in the Commission's view, be a reliable indicator of at least the round lot market for a particular security, even during periods when those quotations would not be required to be firm because of one of the exceptions provided in that rule. As a result, customers would have an effective yardstick against which to measure the price they receive or pay in a principal transaction and a means of preventing firms from dealing at prices which are less favorable than the best alternative execution available if they acted as agent.

Of course, any number of factors, including the size of the transaction, the volatility, depth and liquidity of the security involved, and general market conditions, could cause the price of an individual principal transaction (excluding any commission equivalent or differential charged in connection with that transaction) to be less favorable than the inside machine-displayed quotation (particularly if that inside quotation is for minimum size). For this reason, the Commission believes that disclosure of the inside quotation may be an effective method of deterring overreaching without limiting the price flexibility of firms wishing to deal as principal over-the-counter with their non-professional customers.[189]

4. *The fair dealing approach.*—The fair dealing approach (a variation of the price limit approach discussed earlier) would impose a broad fair dealing obligation on dealers effecting over-the-counter transactions in reported securities with non-professional customers. Under this approach, dealers could not effect principal transactions with such customers at prices which are less favorable to those customers than they know, or reasonably should believe, under all the relevant circumstances, could be obtained for such customers if they were to act as agent in effecting such transactions.

The fair dealing approach would detail certain circumstances to be considered by dealers in establishing prices at which they may deal with non-professional customers.[190] These circumstances would include, but not be limited to, the size of the transaction and the dealer's knowledge of, access to, and costs in obtaining access to, other buying and selling interest in the reported security involved (including communications and clearance and settlement costs), his knowledge of the prices of recently completed transactions in that security and his knowledge of the size of such buying and selling interest and such completed transactions.

Finally, proposed Rule 15c5–1(D) would include a presumption that, with respect to transactions in reported securities, dealers know that, if they act as agent, they can obtain prices for non-professional customers at least as favorable as the highest bid and lowest offer prices, in size equal to or greater than the transaction size, made available in accordance with proposed Rule 11Ac1–1 and displayed by any quotation vendor at the time of any principal trade.[191]

As an alternative to the fair dealing formulation embodied in Rule 15c5–1(D), interested persons should consider the desirability and feasibility of requiring any dealer who effects as principal over-the-counter transactions in reported securities with non-professional customers to have the burden of demonstrating that the price to the customer was at least as favorable as the best alternative execution available under all relevant circumstances, or that the dealer acted under those circumstances in the best interests of the customer.

B. ADDITIONAL CONSIDERATIONS

In considering the specific approaches discussed herein designed to ameliorate concerns regarding overreaching, commentators are also requested to focus on certain additional considerations relating to the scope of the proposals and to the need for additional regulatory action to deal with overreaching in other contexts.

1. *Reported securities.* As discussed earlier, the approaches to overreaching embodied in proposed Rules 15c5–1(A), 15c5–1(B), 15c5–1(C) and 15c5–1(D) are limited in their application to transactions in reported securities. The primary reason for this limitation, as mentioned above in connection with the discussion of proposed Rule 19c–2,[192] is that two of the three approaches proposed herein—the price limit approach and the disclosure approach—rely on the availability of comprehensive, current and reliable quotation information from the various market centers where transactions in listed securities could take place.[193] Since the prime means of ensuring such availability, proposed Rule 11Ac1–1, would be limited in its applica-

[173] NMAB Off-Board letter, supra note 17 at 11.
[174] Id. at 12–13.
[175] Id. at 14–16.
[176] Id. at 16–17.
[177] Id. at 17–18.
[178] Id. at 18.
[179] Id. at 18–19.
[180] Id. at 19.
[181] Id.

[182] See note 165 supra.
[183] Any commission equivalent, mark-up, or differential charged in connection with the transaction must not be excessive. See Shearson Hammill & Co., 42 SEC 811 (1965); Trost & Co., Inc., 12 SEC 531 (1942); F. S. Johns & Co., Inc., 43 SEC 124 (1966); *Charles Hughes v. SEC*, 139 F. 2d 434 (2d Cir. 1943), cert. denied 321 U.S. 786 (1944); *Barnett v. U.S.*, 319 R. 2d 340 (8th Cir. 1963); *SEC v. Seaboard Securities Corp.* (1966–67 Transfer Binder) Fed. Sec. L. Rep. (CCH) ¶ 91,697 (S.D.N.Y. 1966); See also NASD Rules of Fair Practice, Art. III, Sec. 4, in NASD Manual, at 2054; Ross Securities, Inc., 40 SEC 1064 (1962); Gleason d/b/a Sherman Gleason and Co., 15 SEC 639 (1944); Graham & Co., 38 SEC 314 (1958); Boren & Co., 40 SEC 217 (1960); Naftalin & Co., Inc., Securities Exchange Act Release No. 7220 (January 10, 1964); Norman J. Adams & Co., Inc., Securities Exchange Act Release No. 7327 (May 27, 1964); Samuel B. Franklin & Co., 38 SEC 908 (1959), *aff'd sub. nom. Samuel B. Franklin & Co. v. SEC*, 290 F. 2d 719 (9th Cir. 1961), cert. denied 368 U.S. 889 (1959).

[184] This, of course, assumes that Broker-Dealer X would charge the customer the same per share commission rate for executing a 100 or 200-share transaction in a particular security as it would be executing a 500-share transaction in that security.
[185] See Securities Exchange Act Release No. 13626 (June 14, 1977), ____ FR ____ (1977) and Rule 11Ac1–1; note 118 supra. In this regard, the Commission specifically requests comments on whether an alternative formulation of the price limit approach should be developed to cope with periods during which quotations reflected in a composite quotation system are not firm because of high transaction volume or unusual market conditions or for other reasons. See Rule 11Ac1–1(b)(3). For example, commentators should consider the feasibility of requiring, during such periods, adherence to a price limit referenced to bids and offers in the most active market for the security involved obtained by telephone immediatley prior to consummation of a principal transaction. They should also consider whether dealers should be relieved of their obligations when they know that quotations reflected in the composite quotation system are not firm.

[186] L. Brandeis, Other People's Money 92 (1914).
[187] A similar approach to over-the-counter dealer transactions was proposed, but finally rejected by the Commission in 1942. That proposal would have required every dealer executing a purchase or sale in the over-the-counter market to disclose to his customer the best independent bid and asked price available upon the exercise of reasonable diligence, or the fact that no such bid or asked price could be so ascertained. See Securities Exchange Act Release No. 3940 (April 2, 1947).
[188] See discussion supra.

[189] Persons commenting on the disclosure approach should specifically address whether such approach, if adopted, should be limited in its scope to transactions in size equal to or less than the greatest size displayed in a composite quotation system. In addition, commentators should consider whether the required confirmation disclosures should be limited to the side of the market involved in the transaction (i.e., the highest bid price in the case of a sale by a customer or the lowest offer price in the case of a purchase by a customer). In considering these aspects of the disclosure approach, the Commission believes that cost analyses relating to the various alternatives would be helpful in establishing the appropriate degree of disclosure to be sought (assuming this approach is adopted).
[190] Proposed Rule 15c5–1(D)(c) (17 CFR § 240.15c5–1(D)(c)).

[191] Proposed Rule 15c5–1(D)(b) (17 CFR § 240.15c5–1(D)(b)). Commentators are requested to focus on the appropriateness of such a presumption in light of the various exceptions from firmness provided in proposed Rule 11Ac1–1. See Securities Exchange Act Release No. 13626 (June 14, 1977). .. FR ------ (1977).
[192] See discussion supra.
[193] In addition, the presumption contained in paragraph (b) of proposed Rule 15c5–1(D) relies on the type of quotation information contemplated by Rule 11Ac1–1.

V 42 N 126 JUN 30 77 UM

tion to reported securities, adaptation of these approaches to over-the-counter dealings in listed securities which are not reported securities would be extremely difficult.

Nonetheless, the Commission wishes to consider, as discussed above, the appropriateness of removing the remaining off-board principal and agency restrictions for all listed equity securities. Commentators favoring removal of off-board trading restrictions for all listed equity securities should address whether the price limit or disclosure approaches should be modified to adapt them to equity securities which are not reported securities, and, if so, what reference should be used to measure permissible transactions or as the basis for required confirmation disclosure.[104]

2. *Exchange markets.*—The overreaching approaches proposed herein also would not be applicable to transactions in reported securities occurring on national securities exchanges. The principal reason for suggesting such a limitation, as discussed above in the Commission's general consideration of overreaching concerns, is that principal transactions occurring on exchange markets seem less likely to have overreaching implications because of the displacement process and exchange rules limiting dealer activity. It may be argued, however, that application of the overreaching approaches only to over-the-counter tranactions by dealers in reported securities may result in competitive disadvantages to over-the-counter market makers relative to exchange dealers (e.g., exchange specialists). Commentators are requested to assess the competitive impacts of the proposed overreaching rule and to consider the impacts of, and the need for, applying such rules to principal transactions effected on exchange.

3. *Over-the-counter securities.*—As indicated previously, risks of overreaching are also present in the case of trading in non-listed securities.[105] Moreover, in certain ways the markets for non-listed securities present an even greater threat of abuse particularly in light of the absence of current last sale reporting.[106] Commentators are requested therefore, to consider the need for, and the impact of, application of the types of approaches embodied in proposed Rules 15c5–1(A), 15c5–1(B), 15c5–1(C), and 15c5–1(D) to the over-the-counter markets generally.[107]

4. *Agency transactions.* The overreaching rules proposed herein would be applicable only to dealer activity. Certain of the approaches discussed, particularly the confirmation disclosure approach contemplated by proposed Rule 15c5–1(C), appear to be capable of application also to agency transactions in reported securities. Commentators favoring the disclosure approach, therefore, should also consider and comment on the feasibility and desirability of extending that approach to cover agency transactions as well—whether occurring over-the-counter or on exchanges.[108]

VI. Texts of Proposed Rules

The Securities and Exchange Commission hereby proposes to amend Rule 19c–1 under the Act (17 CFR § 240.19c–1) and to adopt Rule 19c–2 under the Act (17 CFR § 240.19c–2) pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), and particularly Sections 2, 3, 6, 11, 11A, 17, 19, and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78k, 78k–1, 78q, 78s, and 78w). These rule changes are intended to amend the rules of national securities exchanges to conform those rules to the requirements of the Act and to further the purposes of the Act, particularly the protection of investors, the maintenance of fair and orderly markets, and the removal of impediments to and the facilitation of the establishment of a national market system. The texts of the proposed amendments to Rule 19c–1 and of Rule 19C–2 are as follows:

1. Rule 19c–1 under the Act (17 CFR 240.19c–1) is amended to read as follows:

§ 240.19c–1 Governing certain off-board agency transactions by members of national securities exchanges.

The Rules of each national securities exchange shall provide as follows:

No rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit or condition or otherwise limit, directly or indirectly, the ability of any member acting as agent to effect any transaction otherwise than on this exchange with another person except (when such member also is acting as agent for such other person in such transaction) in any equity security listed on this exchange or to which unlisted trading privileges on this exchange have been extended.

2. Rule 19c–2 under the Act (17 CFR 240.19c–2) is amended to read as follows:

§ 240.19c–2 Governing off-board agency cross and principal transactions by members of national securities exchanges.

After December 31, 1977, the rules of each national securities exchange shall provide as follows:

(a) No rule, stated policy or practice of this exchange shall prohibit or condition, or be construed to prohibit, condition or otherwise limit, directly or indirectly, the ability of any member acting as agent for both buyer and seller to effect any cross transaction otherwise than on this exchange in any reported exchange security.

(b) No rule, stated policy or practice of this exchange shall prohibit, condition, or be construed to prohibit, condition, or othewise limit, directly or indirectly, the ability of any member acting as principal to effect any transaction otherwise than on this exchange with any person in any reported exchange security.

(c) For purposes of this rule, the term "reported exchange security" shall mean any equity security listed on this exchange or to which unlisted trading privileges on this exchange have been extended as to which last sale information is reported in the consolidated transaction reporting system.

(Secs. 2, 3, 6, 11, 17, 19, 23, Pub. L. 78–291, 48 Stat. 881, 882, 885, 891, 897, 898, 901, as amended by Secs. 2, 3, 4, 6, 14, 16, 18, Pub. L. 94–29, 89 Stat. 97, 104, 110, 137, 146, 155 (15 U.S.C. 78b, 78c, 78f, 78k, 78q, 78s, 78w, as amended by Pub. L. 94–29 (June 4, 1975)); Sec. 7, Pub. L. 94–29, 89 Stat. 111 (15 U.S.C. 78k–1).)

3. The Securities and Exchange Commission hereby proposes Rules 15c5–1(A), 15c5–1(B), 15c5–1(C) and 15c5–1(D) (17 CFR §§ 240.15c5–1(A), 240.15c5–1(B), 240.15c5–1(C), and 240.15c5–1(D)) pursuant to its authority under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94–29 (June 4, 1975)), particularly Sections 2, 3, 6, 9, 10, 11, 11A, 15, 15A, 17, and 23 thereof (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k, 78k–1, 78o, 78o–3, 78q, and 78w). The texts of the proposed rules are as follows:

§ 240.15c5–1(A) Governing off-board dealer transactions.

(a) After December 31, 1977, no dealer shall effect any transaction in any reported security as principal otherwise than on a national securities exchange with any person other than a broker, dealer or financial institution.

(b) For purposes of this section:

(1) The term "financial institution" shall mean any person (other than a broker or dealer) which (i) is other than a natural person, or (ii) is in the business of exercising investment discretion with respect to the account of any other person.

(2) The term "reported security" shall mean any equity security as to which last sale information is reported in the consolidated transaction reporting system.

§ 240.15c5–1(B) Governing off-board dealer transactions.

(a) After December 31, 1977, no dealer shall effect any transaction in any reported security as principal otherwise than on a national securities exchange with any retail customer at a price less favorable to such retail customer than the best composite quotation execution, if any.

[104] In addition, commentators favoring the fair dealing approach embodied in Rule 15c5–1(D) should consider the possible application of that approach (particularly the presumption contained in paragraph (b)) to non-reported securities.

[105] See discussion supra.

[106] See note 106 supra.

[107] The Commission notes in this regard that it is considering, independent of this proceeding, amendment of Rule 10b-10 under the Act (17 CFR § 240.10b-10) to require confirmation disclosure similar to that contemplated by proposed Rule 15c5–1(C) in connection with principal transactions in non-listed securities quoted in NASDAQ. See Securities Exchange Act Release No. 13661 (June 23, 1977) -- FR ------ (1977).

[108] Application of the disclosure approach to agency transactions could be justified even if the disclosure approach as applied to dealers did not cover exchange transactions.

(b) For purposes of paragraph (a) of this section, the price at which a principal transaction with a retail customer is effected shall be deemed to be the transaction price to be reported for inclusion in the consolidated transaction reporting system plus (in the case of an order to buy) or minus (in the case of an order to sell) an amount equal to any commission equivalent or differential to be charged by such dealer in connection with the transaction.

(c) For purposes of this section:

(1) The term "best composite quotation execution" shall mean the lowest offer price (in the case of an order to buy) or the highest bid price (in the case of an order to sell), in a size equal to or greater than the transaction size, made available to quotation vendors pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act) and displayed by any such vendor on a terminal or other display device at the time such transaction is (or reasonably should have been) effected, plus (in case of an order to buy) or minus (in the case of an order to sell).

(i) If the dealer does not act as agent for retail customers in effecting transactions in reported securities, an amount equal to any commission equivalent or differential customarily charged by such dealer to such a retail customer when acting as dealer in effecting transactions in securities in the price range of the security to be purchased or sold in amount equal to the transaction size; or

(ii) If the dealer does act as agent for retail customers in effecting transactions in reported securities, an amount equal to any commission customarily charged by such dealer to such a retail customer when acting as agent in effecting transactions in securities in the price range of the security to be purchased or sold in amounts equal to the transaction size.

(2) The term "retail customer" shall mean any person other than a broker, dealer or financial institution.

(3) The term "financial institution" shall mean any person (other than a broker or dealer) which (i) is other than a natural person, or (ii) is in the business of exercising investment discretion with respect to the account of any other person.

(4) The term "reported security" shall mean any equity security as to which last sale information is reported in the consolidated transaction reporting system.

(5) The term "quotation vendor" shall have the meaning provided in § 240.11Ac1–1 (Rule 11Ac1–1 under the Act).

§ 240.15c5–1(C) Governing off-board dealer transactions.

(a) After December 31, 1977, no dealer shall effect any transaction in any reported security as principal otherwise than on a national securities exchange with any retail customer unless such dealer shall disclose to such retail customer, at or before the completion of the transaction, by means of a written notification meeting the requirements of § 240.10b–10 (Rule 10b–10 under the Act), both the highest bid price and the lowest offer price made available to quotation vendors pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act) and displayed by any such vendor on a terminal or other display device at the time such transaction is (or reasonably should have been) effected.

(b) For purposes of this section:

(1) The term "retail customer" shall mean any person other than a broker, dealer or financial institution.

(2) The term "financial institution" shall mean any person (other than a broker or dealer) which (i) is other than a natural person, or (ii) is in the business of exercising investment discretion with respect to the account of any other person.

(3) The term "reported security" shall mean any equity security as to which last sale information is reported in the consolidated transaction reporting system.

(4) The term "quotation vendor" shall have the meaning provided in § 240.11Ac1–1 (Rule 11Ac1–1 under the Act).

(5) The term "completion of the transaction" shall have the meaning provided in § 240.15c1–1 (Rule 15c1–1 under the Act).

§ 240.15c5–1(D) Governing off-board dealer transactions.

(a) After December 31, 1977, no dealer shall effect a transaction in any reported security with a retail customer as principal otherwise than on a national securities exchange at a price (excluding any commission equivalent or differential customarily charged by such dealer in connection with the transaction), which under all of the relevant circumstances, such dealer knows (or has reason to believe) is less favorable to such customer than could be obtained for such customer by such dealer if he were to act as an agent for such customer in effecting such transaction.

(b) For purposes of paragraph (a) of this section, a dealer shall be presumed to know, in connection with any principal transaction in a reported security with a retail customer, that, if he were to act as an agent for such customer, he could obtain for such customer a price (exclusive of any commission customarily charged by such dealer in connection with the transaction) at least as favorable to him as the highest bid price or the lowest offer price for that reported security, in a size equal to or greater than the transaction size made available to quotation vendors pursuant to § 240.11Ac1–1 (Rule 11Ac1–1 under the Act) and displayed by any such vendor on a terminal or other display device at the time such transaction is (or reasonably should have been) effected.

(c) For purposes of paragraph (a) of this section, relevant circumstances shall include, but not be limited to, the size of the transaction and such dealer's knowledge of, access to, and costs in obtaining access to, other buying and selling interest in such reported security (including communications and clearance and settlement costs), his knowledge of the prices of recently completed transactions in such security and his knowledge of the size of such buying and selling interest and such completed transactions.

(d) For purposes of this section:

(1) The term "reported security" shall mean any equity security as to which last sale information is reported in the consolidated transaction reporting system.

(2) The term "retail customer" shall mean any person other than a broker, dealer or financial institution.

(3) The term "financial institution" shall mean any person (other than a broker or dealer) which (i) is other than a natural person, or (ii) is in the business of exercising investment discretion with respect to the account of any other person.

(4) The term "quotation vendor" shall have the meaning provided in § 240.11 Ac1–1(Rule 11Ac1–1 under the Act).

(Secs. 2, 3, 6, 11, 15, 17, 23, Pub. L. 78–291, 48 Stat. 881, 882, 885, 891, 895, 897, 901, as amended by Secs. 2, 3, 4, 6, 11, 14, 18, Pub. L. 94–29, 89 Stat. 97, 104, 110, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78k, 78o, 78q, 78w, as amended by Pub. L. 94–29 (June 4, 1975)); Secs. 9, 10, Pub. L. 78–291, 48 Stat. 889, 891 (15 U.S.C. 78i, j); Sec. 1, Pub. L. 75–719, 52 Stat. 1070, as amended by Sec. 7, Pub. L. 88–467, 78 Stat. 574 and Sec. 12, Pub. L. 94–29, 89 Stat. 127 (15 U.S.C. 78o–3, as amended by Pub. L. 94–29 (June 4, 1975)); Sec. 7, Pub. L. 94–29, 89 Stat. 111 (15 U.S.C. 78k–1).)

VII. Recent Source Materials and Request for Public Comment

Set forth below is a list of source materials relating to off-board trading restrictions and associated issues which have become available since the September Report.[109]

Commission Releases Under the Act

No. 11628 (September 2, 1975), 40 FR 41808 (1975) Report to Congress regarding exchange off-board trading rules and announcement of rulemaking proceeding.

No. 11689 (September 29, 1975), 40 FR 45203(1975) Postponement of oral hearings and announcement of tentative schedule.

No. 11899 (December 4, 1975) Conclusion of rulemaking proceeding.

No. 11942 (December 19, 1975), 41 FR 4507 (1976) Adoption of Rule 19c–1.

No. 11943 (December 19, 1975), 41 FR 838 (1976) Order disapproving proposed rule change filed by the New York Stock Exchange.

No. 12018 (January 14, 1976), 41 FR 3369 (1976) Effectiveness of amendments to short sale rules.

No. 11943 (December 19, 1975), 41 FR 838 (1976) Order disapproving proposed rule change filed by the New York Stock Exchange.

No. 12018 (January 14, 1976), 41 FR 3369 (1976) Effectiveness of amendments to short sales rules.

No. 12055 (January 27, 1976), 41 FR 8075 (1976) Proposals relating to Section 11(a).

No. 12138 (February 25, 1976) Notice of further clarification of availability of last sale information on a real-time Basis.

No. 12157 (March 2, 1976), 41 FR 10662 (1976) Rules of national securities exchanges relating to membership and association with members.

[109] See note 5 supra for reference to citations of earlier source materials. Also see note 21 supra for citation of exchange rule change filings responding to Rule 19c–1 and Commission orders of approval.

V42N126 JUN 30 77 UM

No. 12159 (March 2, 1976 Request for public comment on issues related to the development of a composite central limit order repository.

No. 12181 (March 11, 1976), 41 FR 11898 (1976) Institution of proceeding to consider certain rule changes filed by the New York Stock Exchange regarding foreign membership (File Nos. SR–NYSE–76–7 and SR–NYSE–76–8).

No. 12249 (March 23, 1976), 41 FR 13679 (1976) Notice of proceeding to consider disapproval of proposed rule change filed by the New York Stock Exchange regarding off-board trading restrictions (File No. SR–NYSE–76–5).

No. 12403 (May 3, 1976) Extension of comment period on issues relating to composite limit order repository.

No. 12664 (July 28, 1976) Notice of withdrawal of proposed rule change filed by the New York Stock Exchange regarding off-board trading restrictions (File No. SR–NYSE–76–5).

No. 12670 (July 29, 1976), 41 FR 32856 (1976) Publication of proposed Rule 11Ac1–1 governing quotations in listed securities.

No. 12717 (August 19, 1976), 41 FR 36094 (1976) Order approving proposed rule change filed by the American Stock Exchange rescinding the "New York City" rule (File No. SR–Amex–76–17).

No. 12806 (September 16, 1976), 41 FR 41432 (1976) Notice of proposed Rule 10b–10 regarding confirmations.

No. 12859 (October 4, 1976), 41 FR 47121 (1976) Order approving proposed rule change filed by the New York Stock Exchange rescinding the "New York City" rule (File No. SR–NYSE–76–47).

No. 12935 (October 28, 1976), 41 FR 49091 (1976) Adoption of Rule 17d–2 authorizing the filing of plans allocating regulatory responsibility among self-regulatory organizations.

No. 13091 (December 21, 1976), 41 FR 56530 (1976) Notice of rulemaking proceeding on short sale regulation.

No. 13092 (December 21, 1976), 41 FR 56542 (1976) Notice of revised proposals regarding short sales in connection with underwritten offerings.

No. 13388 (March 18, 1977), 42 FR 16746 (1977) Proposed rules regarding Section 11(a).

No. 13508 (May 5, 1977), 42 FR 25318 (1977) Adoption of Rule 10b–10 governing confirmations.

No. 13626 (June 14, 1977), -- FR ------ (1977) Publication of revision of proposed Rule 11Ac1–1 governing quotations in listed securities.

COMMISSION REPORTS TO CONGRESS

Securities and Exchange Commission, Report to Congress on Rules of National Securities Exchanges Which Limit or condition the Ability of Members to Effect Transactions Otherwise than on Such Exchanges (September 2, 1975).

Securities and Exchange Commission, Report to Congress on the Effect of the Absence of Fixed Rates of Commissions (December 1, 1975).

Securities and Exchange Commission, Second Report to Congress on the Absence of Fixed Rates of Commissions (March 29, 1976).

Securities and Exchange Commission, Third Report to Congress on the Effect of the Absence of Fixed Rates of Commissions (August 10, 1976).

Securities and Exchange Commission, Fourth Report to Congress on the Effect of the Absence of Fixed Rates of Commissions (January 28, 1977).

Securities and Exchange Commission, Fifth Report to Congress on the Effect of the Absence of Fixed Rates of Commissions (May 26, 1977).

COMMISSION DECISIONS

In re: Application of the Boston Stock Exchange for Unlisted Trading Privileges in the Common Stock of Ludlow Corporation, Securities Exchange Act Release No. 13359 (March 11, 1977), petition for review pending.

As indicated above, interested persons are invited to submit written presentations of views, data and arguments concerning the proposed amendments to Rule 19c–1 under the Act and proposed Rules 19c–2, 15c1–5(A), 15c1–5(B), 15c1–5(C) and 15c1–5(D) thereunder and the issues discussed above (including written presentations responding to written or oral presentations of others). As an aid to persons interested in submitting such presentations, particular items as to which the Commission has specifically requested the submission of comments are set forth below. Each item in the following enumeration has been described below in a cursory manner; for a complete discussion, interested persons should refer to the indicated portions of the text of this release.

1. Comments concerning experience under Rule 19c–1 under the Act since January 2, 1977 (p. 2, n. 30).

2. Comments from persons believing that off-board trading restrictions no longer represent burdens on competition or that, in any event, they should be retained to further the purposes of the Act (pp. 35–36).

3. Comment on proposed amendments to Rule 19c–1 and proposed Rule 19c–2 under the Act.

4. Comments attempting to demonstrate that the purposes of the Act would be furthered by retention of off-board trading restrictions and with respect to the relative merits (if any) of those restrictions as a means of fulfilling those purposes compared to other means (p. 42).

5. Comments on (i) the consequences of any additional market fragmentation believed to result from removal of off-board trading restrictions and ways of addressing those consequences, and (ii) feasible steps following such removal to assure adequate surveillance and equal regulation (pp. 43–44).

6. Comments as to the importance of an operational composite quotation system to maintenance of pricing efficiency and whether absence of such a system would justify delay in removal of off-board principal restrictions.

7. Comments setting forth the bases for any views contrary to the Commission's understanding that price competition, in the current market environment, has had only a limited influence on broker order routing behavior.

8. Comments as to whether (i) limit order protection would necessarily be reduced if off-board principal restrictions are removed, and (ii) any likely diminution in such protection would justify retention of those restrictions.

9. Comments evaluating proposed Rules 15c1–5(A), 15c1–5(B), 15c1–5(C) and 15c1–5(D) in light of current legal standards applicable to dealer conduct and the impact of current last sale and quotation disclosure on overreaching.

10. Comments on specialists' obligations under Rule 11b–1 under the Act.

11. Comments on exchange rules prohibiting specialists from engaging in direct institutional dealings.

12. Comments on other Commission or self-regulatory organization rules which should be altered after elimination of off-board trading restrictions in view of the equal regulation standards of the Act.

13. Comments on appropriate changes in the Commission's recordkeeping rules and proposals from self-regulatory organizations and exchange member firms as to surveillance programs which would ensure that adequate records of off-board principal transactions are maintained.

14. Comments by persons believing that off-board principal restrictions should be removed only to the extent necessary to permit bona fide market making, indicating the reasons for that belief.

15. Comments on the Commission's proposal to limit application of proposed Rule 19c–2 under the Act to reported securities.

16. Comments on the Commission's proposed definition of "financial institution" for purposes of its proposed overreaching rules.

17. Comments on whether the protections contemplated by the Commission's proposed overreaching rules should be extended to certain persons who are included within the proposed definition of "financial institution" for purposes of those rules.

18. Comments on the person limit approach, particularly whether the proposed rule should permit principal transactions with non-professional customers at the most favorable price shown in a composite quotation system.

19. Comments on the price limit approach, particularly with respect to (i) the impact of the approach on market makers and investors, (ii) the consequences of the exceptions to quotation firmness in proposed Rule 11Ac1–1 under the Act, (iii) the competitive impact of restricting prices for over-the-counter principal transactions with non-professional customers, and (iv) the size limitation employed in the proposed rule.

20. Comments on the disclosure approach, particularly with respect to (i) whether application of the proposed rule should be limited to transactions in size equal to or less than the greatest size displayed in a composite quotation system, and (ii) whether only the bid or offer price representing the other side of the market should be required to be disclosed.

21. Comments on the fair dealing approach, particularly with respect to (i) the appropriateness of the presumption as to the availability of bids and offers in a composite quotation system,

and (ii) other formulations of that approach, such as requiring the dealer to demonstrate that the price to the customer was at least as favorable as the best alternative execution available or that he acted in the best interests of the customer.

22. Comments as to whether certain of the Commission's proposed overreaching rules should be modified to apply to all listed securities.

23. Comments with respect to the competitive impacts of the proposed overreaching rules and whether they should be modified to apply to exchange transactions.

24. Comments as to whether overreaching rules of the type proposed should be modified to apply to over-the-counter trading generally.

25. Comments as to whether certain of the Commission's proposed overreaching rules should be modified to apply to agency transactions (regardless of whether they occur over-the-counter or on exchanges).

Persons wishing to appear at the public hearings should contact George T. Simon, Division of Market Regulation, Room 390, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, telephone number 202–376–7470, not later than July 22, 1977. The public hearings will be held, beginning Monday, August 1, 1977, at 10 a.m., in Room 776 at the above address.

Persons intending to appear at the hearings should submit the text of any prepared statements not later than four business days prior to their appearance and are invited, at the time of their appearance, to make copies of their statements available to interested persons attending the hearings. Written presentations of views, data and arguments should be submitted not later than August 10, 1977, and written presentations responding to the written or oral presentations of others should be submitted not later than August 24, 1977. All submissions should refer to Commission File No. 4–180 and be delivered, together with 30 copies, to George A. Fitzsimmons, Secretary of the Commission, Room 892, at the above address. Copies of all written submissions and hearings transcripts will be made available at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 23, 1977.

[FR Doc.77–18642 Filed 6–29–77;8:45 am]

JUN 30 1977 UM

federal register

THURSDAY, JUNE 30, 1977
PART VII



DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

■

PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Final Rule

V 42 N 126 JUN 30 77 UM

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. FE 76–1; Notice 5]

PART 531—PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Final Rule

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice establishes average fuel economy standards for passenger automobiles manufactured in model years 1981–84. These standards are 22 miles per gallon (mpg) for passenger automobiles produced in model year 1981, 24 mpg for 1982, 26 mpg for 1983, and 27 mpg for 1984. These standards are promulgated to satisfy the requirements of section 502(a)(3) of the Motor Vehicle Information and Cost Savings Act, as amended. The establishment of these standards is intended to result in the consumption of approximately 41 billion fewer gallons of gasoline (worth $19 billion, with gasoline valued at 65¢ per gallon) over the life of the vehicles manufactured in 1981–84 than would be the case if the average fuel economy of new passenger automobiles remained at the level of the 1980 fuel economy standard, 20.0 mpg.

DATES: These standards will apply to the model years 1981 through 1984.

FOR FURTHER INFORMATION CONTACT:

Mr. Stanley R. Scheiner, National Highway Traffic Safety Administration, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. (202–472–5906)

SUPPLEMENTARY INFORMATION:

I. Background Information

Title V of the Motor Vehicle Information and Cost Savings Act, as amended (hereafter, "the Act"), establishes average fuel economy standards applicable to manufacturers of passenger automobiles. Title V was added to the Act by Part A of Title III of the Energy Policy and Conservation Act (hereafter, "the Energy Act"). The term "passenger automobiles" generally includes four-wheeled vehicles manufactured primarily for on-road use and for the transportation of ten or fewer passengers, e.g., sedans, coupes, and station wagons. See 15 U.S.C. 2001 (1) and (2), and 41 FR 55368, December 20, 1976. Compliance of a manufacturer with these standards is to be determined by computing the production-weighted fuel economy average of the various model types of passenger automobiles manufactured by the manufacturer in a model year and comparing that number to the fuel economy standard. Fuel economy values for the various model types of passenger automobiles are determined in accordance with procedures established by the Environmental Protection Agency. See 41 FR 38675, September 10, 1976. The Act specifies fuel economy standards of 18, 19, and 20 mpg for model years 1978, 1979, and 1980, respectively, and 27.5 mpg for 1985 and thereafter. Fuel economy standards for model years 1981–84 are to be established administratively by the Secretary of Transportation not later than July 1, 1977. See section 502(a)(3) of the Act. This notice establishes the latter standards.

Section 502(a)(3) imposes two substantive requirements for the 1981–84 standards. That section requires that the standards for each of those model years be set at a level which (1) is the maximum feasible average fuel economy level and (2) will result in steady progress toward meeting the 1985 standard. The statutorily-established standard for 1985 and thereafter of 27.5 mpg may be adjusted either upward or downward by the Secretary of Transportation if he determines that the present standard does not reflect the maximum feasible average fuel economy level for those years. If the Secretary amends the standard for any model year to a level above 27.5 mpg or below 26.0 mpg, that amendment is subject to a veto by either House of the Congress. See section 502(a)(4). In determining maximum feasible average fuel economy, the Secretary must, under section 502(e) of the Act, consider four factors: technological feasibility, economic practicability; the effect of other Federal motor vehicle standards on fuel economy; and the need of the nation to conserve energy.

Responsibility for the automotive fuel economy program was delegated by the Secretary of Transportation to the Administrator of the National Highway Traffic Safety Administration (NHTSA) in 41 FR 25015, June 22, 1976. Rulemaking under section 502(a)(3) was initiated on September 23, 1976, when the NHTSA published an advance notice of proposed rulemaking (ANPRM). See 41 FR 41713. The ANPRM solicited specific information on all subjects relevant to the establishment of 1981–84 standards, with particular emphasis on the four considerations relating to the determination of maximum feasible average fuel economy levels set forth above. Six automobile manufacturers, two industry trade associations, one state and one federal energy agency, and one private individual provided responses to the ANPRM. These responses were considered in developing the notice of proposed rulemaking and supporting materials discussed below. To encourage the representation in the proceeding of interests and points of view which have traditionally been underrepresented due to the high costs of participation, NHTSA invited applications for financial assistance from individuals and groups which were financially unable to participate. See 42 FR 5178, January 27, 1977. Five public interest organizations received funding in this first action under the Department's demonstration program for financial assistance, which was announced in 42 FR 2864, January 13, 1977.

On February 22, 1977, a notice of proposed rulemaking and public hearing (NPRM) was published in 42 FR 10321. This notice discussed in additional detail the issues which were deemed relevant to the establishment of 1981–84 standards. The notice also announced the availability of a document titled "Data and Analysis for 1981–84 Passenger Automobile Fuel Economy Standards" (hereafter, the "Support Document"), which set forth the methodology and data on which fuel economy improvement projection would be based. This document was released on March 1, 1977. As noted in the NPRM, the Support Document projected potentially achievable fuel economy levels which would result in steady progress toward meeting 27.5 mpg by 1985. These projections were based on the use of a limited class of technological improvements, and were therefore not projections of "maximum feasible average fuel economy levels." See 42 FR 10322, and Tr-I, p. 87 (remarks of Dr. Robert Sawyer).[1] However, such projections were useful for demonstrating that average fuel economy levels in the range to be considered in this proceeding were achievable.

The NPRM also announced a public hearing to commence on March 22, 1977, to permit interested parties to make oral presentations in addition to their opportunity to make written submissions. The hearing was not required by the Act, but was held at the discretion of the Secretary to augment the opportunity for public participation in this important informal rulemaking action. The Secretary of Transportation presided over the first day of the hearing, together with the Administrator of the Federal Energy Administration and the Deputy Administrator of the Environmental Protection Agency. Representatives of the latter agencies also participated throughout the remainder of the hearing. Eleven companies, groups and individuals made presentations at the hearing, including five passenger automobile companies and four funded public interest groups. The NPRM established a deadline of April 7, 1977, for the submission of written comments on the NPRM and the Support Document and on issues raised at the hearing. This deadline was extended on April 1, 1977, to April 12, 1977, at the request of Chrysler Corporation[2], to allow additional time for the preparation of responses to questions for which the hearing panel received no answer at the hearing. See 42 FR 18413, April 7, 1977. To assure fully responsive answers to certain important questions asked at the public hearing, "special orders" were issued on April 1, 1977, under section 505(b)(1) of the Act to the five automobile companies which participated in the hearing. DN–7. In addition, on April 21, similar special orders were issued to certain foreign passenger automobile manufacturers to obtain information on their capabilities to achieve high levels of average fuel economy. DN–28. On April 20, special orders were sent to five automobile equipment and material suppliers to obtain information on the fuel economy improvement potential and cost associated with the equipment and material they could supply to passenger automobile manufacturers in the 1981–84 period. DN–27. An additional special order was issued on May 19 to the recipients of the April 1 order to obtain further information on the impact of the Administration's proposed emission standards and energy plan on fuel economy. DN–35. All comments and responses have been considered and the most significant are discussed below.

[1] The abbreviation "Tr" refers to the transcript of the fuel economy public hearing, copies of which are in the fuel enonomy docket. The roman numeral following the abbreviation refers to the transcript volume, "I" being the Tuesday, March 22 volume, "II" being the March 23 volume, and "III" being the March 24 volume. References to the transcript and other materials are intended as an aid to persons dealing with the voluminous materials in this rulemaking, and may not be exhaustive.

[2] DN–25. The abbreviation "DN" followed by a number refers to the docket number of material in NHTSA docket FE 76–01–NO3. This docket is located in Room 5108 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. and is open to the public during normal business hours.

Material contained in the Support Document, as supplemented or revised in light of material submitted in response to the NPRM and special orders, together with other relevant material, were used in the development of the standards promulgated herein. More detailed information including more extensive data and analyses used in the development of these standards is contained in a Rulemaking Support Paper (hereafter, the "RSP"), copies of which will soon be available from the Office of Automotive Fuel Economy (NFE–01), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 or by calling 202–472–5906. The data and analyses in that paper appear to justify average fuel economy standards more stringent than 27.5 mpg by 1985. However, the scope of notice limits this final rule to standards for 1981–84. Thus, the statutory standard of 27.5 mpg for 1985 and thereafter cannot be changed by this rulemaking. Further, standards of 27.5 mpg or higher cannot be set for any year before 1985 so long as the 1985 standard remains at 27.5 mpg. This second limitation results from the statutory requirement that the 1981–84 standards lead to steady progress toward the 1985 standard.

It should be noted that these limitations on the 1981–85 standards are only temporary. Shortly, the Department intends to exercise its authority under section 502(a)(4) of the Act to initiate rulemaking to increase the average fuel economy standards for 1985 and thereafter. At that time, the relation between the new standard for 1985 and the standards for 1981–84 established herein will be considered. A further discussion of this topic is contained in section XII below.

II. Methodology on Which Standards Are Based

A. *The methodological approach.* In view of the statutory requirement for maximum feasible standards and of the nation's need to conserve energy, the Department has attempted to set fuel economy standards at the most stringent possible level, consistent with other statutory requirements. At least two approaches exist for determining such maximum levels. One approach is to evaluate the most fuel efficient passenger automobiles produced today in each of the various market classes of automobiles, and to use that evaluation to set improvement targets for all other automobiles in the same class. This approach has the advantage of providing a clear basis for evaluating current technological capabilities. However, to the extent that the best of the present vehicles, or even existing prototype vehicles, do not employ all available fuel economy-improving technology, this approach does not truly measure even current maximum capabilities. Further, it does not consider technological improvements that will occur in time to be incorporated in the 1981–84 passenger automobiles. Therefore, in developing 1981–84 fuel economy standards, the Department has employed a different approach. The adopted methodology looks at present passenger automobiles and projects the impact of applying current and expected future technology to those vehicles. This approach has the disadvantage that no one has actually built or tested a vehicle that combines the technological attributes of the vehicles postulated in the analysis. However, the Department is convinced that the individual technological improvements considered in this analysis have been sufficiently well demonstrated through engineering analysis and other means that the combined fuel economy projections provide a reliable estimate of the achievable fuel economy of future passenger automobiles.

The Department's analysis started with the detailed schedules for downsizing, weight reduction through materials substitution and matching of engines with vehicles by the four major domestic manufacturers, as contained in the Support Document. Then the schedules for inertia weight reduction over the period 1981–85 were revised to reflect further information. The projected fuel economy results for each manufacturer for each year were then revised to reflect the new weight estimates as well as the Department's assessment that an average 10 percent reduction in acceleration performance could be achieved by the 1981 model year to increase fuel economy by an additional 4 percent.

Next, the percentage increases in fuel economy due to technological improvements in transmissions, aerodynamic drag, rolling resistance, engine and vehicle accessories, and lubricants were evaluated and these technological improvements were projected to be phased-in to the 1981–1985 vehicles at various rates for each manufacturer. The phase-in schedules took into account differences in capability for implementation among the manufacturers.

The technologies and the associated increases in fuel economy are:

	Percent
Improved automatic transmission	10
Improved manual transmission	5
Improved lubricants	2
Reduced accessory loads	2
Reduced aerodynamic drag	4
Reduced rolling resistance	3

In addition, the assessment included a 1 percent fuel economy penalty due to safety standards necessary to assure adequate levels of crash survivability in the automobile fleet of the 1980's. See RSP.

Finally, the distribution of car sizes for each manufacturer was assumed to be approximately the same as in 1976.

The diesel engine was also considered in the assessment. It is available to manufacturers as an alternative way to obtain increased fuel economy and the Department concludes that manufacturers potentially could achieve a 25 percent penetration of diesel engine powered passenger automobiles by 1985. Similarly, the Department considered a shift in size distribution to 10 percent large cars, 25 percent midsize, 25 percent compact, and 40 percent subcompact by 1985 as a way to obtain a further increase in fuel economy. Diesel engines and mix shifts were placed in a "safety margin" category of technologically feasible means for the purposes of this rulemaking.

The economic practicability of the specific technical approach to improving fuel economy was examined in depth. The assessment considered the cost to the manufacturer of the needed capital facilities and the variable costs associated with the various technological improvements in fuel economy. It projected price increases based on those cost estimates. It examined the overall costs to the consumer due to changes in new car prices, improvements in fuel economy, and changes in maintenance costs over the life of the car. It considered the impacts of price and fuel economy changes upon new car sales. It examined in some depth the capability of the four domestic manufacturers to finance the capital facilities and equipment out of revenue.

This approach results in a demonstration of one feasible path for attainment of the fuel economy standards, which, however, is not necessarily the least cost or lowest risk path for each automobile manufacturer to adopt to achieve compliance. Since the fuel economy standards are "performance standards," manufacturers are free to select any alternative path for achieving compliance. Even if the Department had based its fuel economy projections on the use of all known technology, manufacturers would still have the flexibility in achieving compliance. In some cases, the Department's analysis makes an allowance for alternative technologies (e.g., downsizing or material substitution to achieve weight reduction) from which manufacturers may select. In addition, manu-

JUN 30 77
UMI

facturers may increase the percent of their production for which some methods are used and thereby generate flexibility to decrease the usage of some other method. The manufacturers may vary the intensity with which they apply a particular method, for example, achieving a greater or lesser reduction in weight or acceleration capability. Many of the achieveable improvements assumed in the analysis are based on projections of fuel economy improvement potential which the Department considers conservative. If improvements in fuel economy greater than those projected are in fact realized, more flexibility is obtained. Finally, any new technological developments over the intervening years would generate additional flexibility. For these reasons, it is clear that, even excluding the measures comprising the compliance safety margin provided in this analysis, alternate approaches to complying with fuel economy standards will be open to the automobile manufacturers.

B. *Statutory requirements.* Section 502 of the Act provides guidance regarding the analysis to be used in setting the 1981–84 fuel economy standards. The first required step is to determine the "maximum feasible average fuel economy level." The first consideration required under section 502(e) in determining that level is "technological feasibility." The Department interprets the latter phrase, in the context of the "maximum feasible" requirement and the methodological approach discussed above, as presenting the question of whether the various technological options for improving fuel economy are, individually and when used with other options, capable of commercial application in 1981–84. Therefore, the technology considered in the Department's assessment is not limited to that presently in production. If it can be reasonably projected that the technology will become available in time to be applied in a specified model year, its use is technologically feasible in that year. See generally "Chrysler Corp. v. Department of Transportation," 472 F. 2d 659 (6th Cir. 1972), at 671–3; "International Harvester v. Ruckelshaus," 478 F. 2d 615 (D.C. Cir. 1973), at 628–9. Although marketing strategies for encouraging the purchase of fuel efficient passenger automobiles are not items of technology, those strategies have been included in the "mix shift" portion of the discussion of the technology-based average fuel economy projections. Given the use of "maximum", the Act must be construed to require the Department to base its analysis on the use of all feasible methods for improving average fuel economy.

The NPRM, at 42 FR 10322, solicited comment on the second statutory consideration, "economic practicability." Ford Motor Company argued that this consideration, along with the technological feasibility consideration, requires the Department to reject any level of standards which would create even a risk of reductions in industry sales, employment or profits or of restrictions in the mix of automobiles offered for sale. DN–15, Document II, p. 2. Ford suggests basing the standards on a "risk-benefit" analysis. Chrysler Corporation argued that the term means as a minimum that "the various manufacturers are financially capable of taking the necessary steps to insure compliance." DN–30, p. 20. Chrysler goes on to state that the analysis should require a consideration of the impacts of the proposed standards on employment, inflation, and consumers. The Department's view on this issue is more consistent with that of Chryiser than with Ford's.

The dictionary meaning of the word "practicable" is that something is "capable of being put into practice, done or accomplished." Webster's Third New International Dictionary 1780 (1961), 8 Oxford English Dictionary p. 1218 (1970). "Economic practicability" is nowhere defined in the Act. However, similar terms, "economically justified" and "economically feasible," are used in Part B of Title III of the Energy Act, and it is possible to infer the meaning of "economic practicability" from the use of those terms. The word "practicable" is synonymous with "feasible," according to the Oxford definition. This appears to be consistent with the way the term is used in the Act.

Section 325(a)(4)(D) defines "economically justified":

> • • • improvement of energy efficiency is economically justified if it is economically feasible the benefits of reduced energy consumption, and the savings in operating costs throughout the estimated average life of the covered product, outweigh—
>
> (i) Any increase to purchasers in initial charges for, or maintenance expenses of, the covered product which is likely to result from the imposition of the standard.
>
> (ii) Any lessening of the utility or the performance of the covered product, and
>
> (iii) Any negative effects on competition.

It should be noted that "economically feasible the benefits of" is a grammatical error which appears in the Energy Act itself as well as the Conference Report. The legislative history indicates that it should probably be read "economically feasible and if the benefits of."

Section 325 clearly contemplates that a standard must be both economically feasible and justified on a cost-benefit basis. Since Congress used the two concepts separately, it obviously did not intend them to be synonymous, i.e., economically feasible is not the same as cost-beneficial. This is further made clear by the definition of feasibility in the Conference Report:

> The term feasibility is used in section 325 in the strict sense, namely "capable of being carried out". Economic feasibility refers to whether or not a manufacturer has the economic capability to carry out the requirements of an energy efficiency standard. S. Rep. No. 94–516, H.R. Rep. No. 94–700 (94th Cong., 1st Sess.) at 172.

In the dictionary definitions listed above, "feasible" was listed as a synonym for "practicable", and interchanging them would lead to the conclusion that economic practicability is a separate concept from cost-beneficial (the second element of economically justifiable).

In addition, not equating cost-benefit considerations with economic practicability is consistent with the goal of achieving maximum feasible fuel economy by allowing economically and technologically possible standards which will improve fuel economy but which an analysis, subject to many practical limitations, might indicate are not cost-beneficial.

The word "practicable" appears in the other major vehicle regulatory statute that NHTSA administers, the National Traffic nd Motor Vehicle Safety Act. Section 103(a) of the Vehicle Safety Act (15 U.S.C. § 1392(a)) states, in part:

> • • • The Secretary shall establish by order appropriate Federal motor vehicle safety standards. Each such Federal motor vehicle safety standard shall be practicable • • •

Unfortunately, the term is defined neither in the Vehicle Safety Act nor its legislative history. However, the legislative history of the Vehicle Safety Act states that the determination of practicability must include consideration of technological and economic factors. Further, there is a small body of judicial interpretations of the term which outlines its contours.

First, it is clear that the term does not mean cost-beneficial. In *Chrysler Corp. v. Department of Transportation*, 472 F. 2d 659 (6th Cir. 1972), the court noted that the Automobile Manufacturers Association had suggested a number of amendments to the bill from which the Vehicle Safety Act arose, including limiting standards to those at costs commensurate with the benefits to be achieved. Id. at 672, fn. 16. and stated:

> None of these specific restraints sought by the Automobile Manufacturers Association was adopted, and we must decline to write into the Act the very same suggestions which Congress declined to write into the Act. Id. at 672, fn. 16.

Considering the definition of "economically justifiable" that Congress placed in Part B but not Part A of Title III of the Energy Act, the Department must likewise decline any invitation to write such limitation into Part A.

What "practicability" does mean is suggested in the following cases. In *Chrysler Corp. v. Department of Transportation*, 515 F. 2d 1053 (6th Cir. 1975), relating to rectangular headlamps, the court stated:

> A review of the cases in this area suggests the practicability requirement was designed primarily to prevent the NHTSA from establishing mandatory safety standards that are economically or technologically infeasible. (citations omitted). Id. at 1060.

In *Chrysler Corporation v. Department of Transportation*, 472 F. 2d 659 (6th Cir. 1972), relating to passive restraints the court stated:

> We do not intend to suggest that the Agency might impose standards so demanding as to require a manufacturer to perform the impossible, or impose standards so imperative as to put a manufacturer out of business. But it is clear from the Act and its legislative history that the Agency may issue standards requiring future levels of motor vehicle performance which the manufacturers could not meet unless they devoted more of their resources to producing additional safety technology than they might otherwise do.

Id. at 672. It should be noted that this explicitly recognizes the Department's authority to set standards at non-free market dictated levels, i.e., at levels not fully cost justified under traditional free market economic theory.

Finally, in *H & H Tire Co. v. U.S. Department of Transportation*, 471 F. 2d 350 (7th Cir. 1972) the Court said:

> We agree with the Government that "the fact that a government regulation may cause economic hardship to a party does not make such regulation unreasonable." Id. at 354.

Congress was presumably aware of the judicial interpretation of this term. It can be inferred from Congress' use of the same term in the Cost Savings Act as in the Vehicle Safety Act, both of which are overseen by the Commerce Committee and administered by the NHTSA, that Congress intended the same interpretation in both cases.

Considering all these factors, the Department concludes that "economic practicability" should be interpreted as requiring the standards to be within the financial capability of the industry, but not so stringent as to threaten substantial economic hardship for the industry. A cost-benefit analysis would be useful in considering these factors, but sole reliance on such an analysis would be contrary to the mandate of the Act.

The third consideration in determining "maximum feasible average fuel economy" levels is "the effect of other Federal motor vehicle standards on fuel economy." This term is interpreted to call for making a straight-forward adjustment to the fuel economy improvement projections to account for the impacts of other Federal standards, principally those in the areas of emission control, occupant safety, vehicle damageability, and vehicle noise. However, only the unavoidable consequences of compliance with these standards should be accounted for. The automobile manufacturers must be expected to adopt those feasible methods of achieving compliance with other Federal standards which minimize any adverse fuel economy effects of those standards.

The final statutory consideration is the "need of the Nation to conserve energy." The Support Document contains information on this topic, including a discussion of the impact of our national need to import large quantities of petroleum, and the impact of various automotive fuel economy standards schedules on such importation. No participant in the rulemaking proceeding disputed the importance of the need to conserve energy. The magnitude and prominence of this need have increased in the years since Congress' amendment of the Act. It must be recognized that achieving improvements in automobile fuel economy, no matter how great, will not by itself solve the national energy problem. Maximum conservation efforts must be made in all areas of energy consumption if the nation is to begin to solve its overall energy problem. It would jeopardize the overall national conservation effort if individual elements of that effort, such as the automobile fuel economy program, were to fail to require the last increments of feasible fuel savings on the sole ground that such increments are small in comparison to the overall need. Therefore, in considering various fuel economy schedules for 1981–84 passenger automobiles, the Department must select the highest schedule consistent with the other statutory requirements, due to the serious national need to conserve energy. See Federal Energy Administration submission, DN–37 pp. 1–2.

The second substantive statutory requirement for the 1981–84 standards is that they must result in "steady progress" toward meeting the 1985 standard. Although the Act does not define the term "steady progress," some guidance as to the term's meaning can be obtained by reference to the "plain meaning" of the two words, cases construing the two words, and the Act's legislative history. From a review of these materials, it appears that the term requires annual increases in average fuel economy, but with none of the annual increments varying dramatically from the other annual increases. Schedules like those suggested by American Motors Corporation (Tr–I, p. 74) and by Damiler-Benz AG, (DN–10, p. 11) which require increases in average fuel economy in only one year during the 1981–84 period, would be inconsistent with the "steady progress" requirement, even if they met the "maximum feasible" requirement, since they do not require annual progress. On the other hand, a projected maximum feasible average fuel economy level of 26 mpg for 1981 for example, would have to be adjusted downward because of the disproportionately large increment resulting for that year.

III. Determination of Maximum Feasible Average Fuel Economy Levels

A. *Technology-based fuel economy projections.* Participants in the rulemaking proceeding did not seriously challenge the appropriateness of the basic methodological approach used in the Support Document (Docket Number FE 76–01 GR–3) to project fuel economy improvement potential. That methodology assigns an analytically-derived percent average fuel economy improvement to certain options which are technologically feasible and applies that percentage to each of the various manufacturers' present passenger automobile fleets. The same implementation schedule is not used for all manufacturers nor for all automobiles in a given manufacturer's fleet due to the significant differences which exist in the financial capability and in the efficiency of the current automobiles of the various manufacturers. Rather, a maximum appropriate improvement schedule taking those factors into consideration is assigned. The technology considered in the development of the standards established in this notice are discussed in detail below. Because of the qualitative difference in the domestic automobiles and the imports, the fuel economy improvement potential of the imports will be discussed separately.

1. *Weight reduction.* The most obvious method for improving fuel economy is to make the passenger automobile lighter. For analytical purposes, the Support Document divided this option into three sub-options: downsizing; material substitution; and mix shifts. "Downsizing" referred to the reduction of vehicle weight and exterior dimensions by optimizing the vehicle design. The goal of downsizing is to reduce the exterior dimensions of the automobile without reducing significantly the interior passenger and luggage volume of the automobile. According to General Motors, this option "retains the essential characteristics of cars that meet a variety of consumer needs and desires." DN–18, Attachment VIII, p. 3. The Department notes that there is significant variation in the interior space of different passenger automobiles with the same number of seating positions and that tradeoffs between interior space and improved fuel economy are possible. "Material substitution" refers to the substitution of materials with lighter weight for a given strength, such as aluminum, plastics, and high-strength steel, for currently used materials. "Mix shifts" refers to shifting the percentages of the vehicles sold in different market classes (e.g., selling more compacts and fewer midsize automobiles). For explanation of these market classes, see the fuel economy labeling regulations established by E.P.A. in 41 FR 49753 (November 10, 1976). The automobile manufacturers generally argued that they were unable to differentiate between weight savings attributable to downsizing and material substitution, since they are both inseparable parts of the vehicle redesign process. See GM comment, DN–18, p. 11; Chrysler comment, DN–32, p. 11. Therefore, the Rulemaking Support Paper has combined the weight reduction potentials for those two methods. Mix shifts will be dealt with separately in section III.A.10.

The Support Document based its projections of feasible weight reduction through downsizing primarily on the reductions already achieved by General Motors with its large-sized vehicles and on press reports of planned downsizing of the other market classes. See Support Document 2, Volume I, page 2–7. Since these projections were based on current downsizing efforts, they may well understate the maximum potential for downsizing in 1981–84. See DN–11, p. 4, comments of Mr. Thomas Austin. In fact, Ford, in response to the April 1 special order (DN–7) projected greater total weight reduction for its fleet than NHTSA had originally assumed. DN–15, Doc. III, p. 30. GM strongly implied that a second round of downsizing, in addition to the one now underway, was

V42N126 JUN 30 77 UM

both feasible and planned. DN–18, Att. VIII, p. 3. In addition, GM submitted a "hypothetical scenario" of actions it could take to meet a standard of 27.5 mpg in 1985. DN–18, p. 12. Although GM characterizes this scenario as "drastic," the company's main concern appears to be that the scenario assumes the use of diesel engines in 25% of its automobiles and a reduction in average acceleration capability. The projected weight reductions, which are significantly greater than those initially projected by NHTSA, do not appear "drastic," and are generally consistent with Ford's projections. The reasonableness of GM's projections can also be inferred from GM's statement that the reduction assumed no mix shift toward smaller market classes (p. 12) and the fact that its projected average inertia weight for 1984 subcompacts (p. 13) is substantially higher (2690 pounds) than that of many subcompacts built today.

Additional evidence that the Support Document's projections of achievable weight reductions were unduly pessimistic was provided by Alcoa and U.S. Steel Corporation in response to the April 20 special order. See DN–27. Alcoa projected that the use of aluminum in certain vehicle components where that use is expected to be feasible by 1982 could reduce the weight of a present compact car by 415 pounds. Alcoa emphasized that that total was not based on a complete list of all feasible alununum substitutions and that no allowance was made for propagation effects, i.e., the ability to reduce the weight of certain additional components because of weight reductions achieved in other components. DN–27–D.

Alcoa projected a material cost increase of only $33 for its proposed aluminum substitution. U.S. Steel projected a slightly greater weight reduction, at a higher cost, through the substitution of certain steel products for those presently used. DN–27–A. These projected weight reductions, which do not refer to identical lists of vehicle components, are approximately twice as great as those projected in the Support Document, Doc. 2, Vol. I, page 2–7, of 150–250 pounds. Since the Alcoa and U.S. Steel projections were not available at the time of the NPRM, the Department is reluctant at this time to revise upward its projections in this rulemaking of weight-saving potential on the basis of those submissions. However, these submissions do support the feasibility of the original weight reduction projections.

Front engine, front wheel drive power trains offer another technological option for further downsizing of passenger automobiles. GM (DN–18, p. 10) and Chrysler (DN–19, p. 7) each projected use of such power trains in their fleets in 1981–84. Their use allows additional vehicle downsizing through maximizing passenger compartment volume by elimination of the driveline tunnel and rear axle kick-up area. It may also be possible to reduce the length of the engine compartment by transverse mounting of the engine and transmission. The only projection given for fuel economy improvements associated with front wheel drive was the 5 percent figure offered by Dr. Sawyer at the hearing. Tr–III, p. 93. Although no percent improvement is assigned to front-wheel drive for the purposes of this analysis, the use of such power trains is recognized as a feasible method for optimizing vehicle design. The availability of this option, which was not part of the original DOT analysis, tends to confirm the Department's conclusion that the weight reductions projected in the Support Document are conservative estimates of the maximum feasible reductions. There appears to be no technological reason which would prohibit the use of such power trains in all vehicles, particularly if the implementation of this option were phased in concurrently with transmission changes. (See sections 3 and 4).

Therefore, the weight reductions assumed for Ford and GM have been revised to take into account the higher projections made by those companies, but not the submissions by Alcoa and U.S. Steel. In the case of AMC and Chrysler, the original projections in the Support Document have been retained, despite the claims of those two manufacturers that the Department's projections exceed their plans.[3] AMC argues that its vehicles are presently optimally designed, and that the other manufacturers' downsizing plans will merely bring the latter automobiles up to AMC's level of efficiency. DN–14, p. 1. Chrysler argues that DOT projections are 100–200 pounds too optimistic per vehicle. DN–30, p. 9. With respect to both AMC and Chrysler, there is no reason to believe that the improvements associated with material substitution are not as fully applicable to them as to Ford and GM, which did not dispute the projected improvements. Neither AMC nor Chrysler gave any indication that they presently use light-weight materials to a greater extent than their domestic competitors, and a comparison of the weights of their present vehicles confirms that there is no such difference. AMC's claim that absolutely no downsizing of its vehicles is possible must also be rejected. For example, the AMC Gremlin has less interior room than a Honda Accord, but weighs nearly 800 pounds more. See 1977 EPA/FEA Gas Mileage Guide, Second Edition, and Automotive News, 1977 Market Data Book Issue, April 27, 1977, pp. 76, 109. The AMC Hornet weighs nearly 500 pounds more than an Audi 100LS, but has less interior room. The AMC Pacer weighs nearly 600 pounds more than that same Audi model, with equivalent interior roominess. The AMC Matador weighs 168 pounds more than a large size Pontiac, based on a comparison of six-cylinder versions of both cars, but has eight less cubic feet of total interior volume. A similar comparison between present Chrysler and Ford automobiles reveals no significant differences in weight or roominess, yet Ford projects that it will achieve a significantly lower fleet average weight than Chrysler. It is significant that Chrysler engineers have projected that weight reductions of 630 pounds could be achieved through light-weight material substitution alone in a mid-size car, with "moderate changes in design and manufacturing techniques." SAE Paper # 760203, Docket FE–76–01–GR–21.[4] Those engineers project that such weight reduction techniques could be implemented in "two to three years," with a resulting fuel economy improvement of 26 percent. Therefore, the original assessments of weight reduction potential for AMC and Chrysler have been retained. The originally adopted schedule for attaining those reductions allows more time for those two companies to complete the process than in the cases of Ford and GM, in order to take into account differences in economic and product development capabilities (see Support Document, Doc. 4.). These delays provide needed flexibility for the smaller domestic manufacturers without significantly reducing total fuel savings. Table 5.1 of the RSP provides the projected fleet average inertia weights for each manufacturer and the resulting fuel economy values appear in Table 5.9.

2. *Reduction in straight-line acceleration capability.* Over a limited range of engine parameters, it is possible to achieve fuel economy improvements through reducing engine displacement or the ratio of engine speed to vehicle speed (N/V), or some combination of those two items. These reductions, while improving fuel economy, also adversely affect vehicle acceleration capability. Where it is possible to merely substitute one set of gears for another to change the axle ratio or expand the ratio of transmission gearing or where sufficient plant flexibility exists for a manufacturer to increase the production of lower displacement engines, this method of improving fuel economy can be implemented in a highly economical manner. The primary constraint which restricts the use of this method is consumer resistance, at least initially, to significantly reduced levels of vehicle acceleration. A secondary constraint is the increased difficulty of controlling NOx emissions as engine loading increases.

Therefore, in the April 1 special orders, the automobile manufacturers were required to submit estimates of the minimum level of acceleration performance which consumers currently find acceptable. DN–7, Question I.B.2. The responses to this question were relatively consistent. In terms of the time required for vehicles to accelerate from rest to a speed of 60 miles per hour, GM indicated that vehicles which require more than 15 seconds are "currently meeting with unfavorable consumer acceptance," (DN–18, p. 5); Ford judged the same time to be the "minimum performance acceptable without encountering consumer resistance." (DN–15, p. 11); Chrysler estimated a "threshold level" at about 17 seconds, (DN–32, p. 8); and AMC states that times in excess of 20 seconds are "clearly unacceptable" (DN–14, p. 4). However, the specified "thresholds" do not appear to be absolute minima, even at present, which all passenger automobiles must exceed. GM states that 16 percent of its present fleet of passenger automobiles presently have acceleration times poorer than its specified minimum (id., p. 5), Ford states that nearly 26 percent of its fleet is in that class (DN–43, Att. I), and AMC states that 26 percent of its sales are presently near the 20 second threshold (id., p. 4). Eight percent Chrysler's domestic fleet has acceleration times poorer than 17 seconds. DN–32–A. Large portions of all manufacturers' current import fleets have acceleration performance levels poorer than these "thresholds."

In view of these statements, it is concluded that a reduction in average passenger automobile acceleration of approximately 10 percent from the present average baseline acceleration times of approximately 14 seconds can be achieved without incurring substantial consumer resistance. This reduction roughly corresponds to a fleet average "zero-to-sixty" time of 15.4 seconds, and would be phased-in by the 1981 model year. A fuel economy benefit of four percent would result from this change.

It should be noted that several factors combine to mitigate the impact of even this relatively modest reduction. First, it is possible for the manufacturers to achieve this reduction by narrowing the range of offered acceleration characteristics, e.g., by decreasing the acceleration time for its faster automobiles. Even under the GM "Hypothetical Scenario," which assumed a greater performance reduction than the one projected here, the reduction in average acceleration performance is achieved while concurrently improving the performance of the slowest of GM's present passenger automobiles. DN–18, p. 17. In addition, it may be possible for the manufacturers to offset this performance reduction in their passenger automobiles. At the same time that a manufacturer switches from an 8-cylinder engine to a 6-cylinder engine or lowers the N/V ratio, it could increase the acceleration performance of whatever engine is used by using a turbocharger or fuel injection system. The use of this alternate technology may even result in a net fuel economy benefit, in some cases. DN–16, p. 1 (Volkswagen) and DN–27B, p. 2 and Attachment (Bendix). Fuel injection is presently used on a number of passenger automobiles, and at least one manufacturer plans to use turbochargers in the near future. DN–18, p. 9 (GM). Volkswagen, under DOT contract, tested a turbocharged version of the Diesel Rabbit and achieved a fuel economy improvement of up to 18 percent with a concurrent improvement in acceleration performance. The acceleration level of this vehicle is superior to that of approximately 24 percent of General Motors' present passenger automobiles. DN–16, p. 2 (VW) and DN–18, p. 6 (GM). The fuel economy benefit from turbocharging is an indirect one which would typically result from the ability to substitute a smaller displacement engine for the larger one currently used and increasing the smaller engine's horsepower while maintaining its better fuel economy by turbocharging. Therefore, the performance reduction discussed above is adopted in the analysis on which the 1981–84 standards is based. See Rulemaking Support Paper, Section 5.3, for a further discussion of this topic.

3. *Improved automatic transmissions.* The Support Document projected that improvements in automatic transmissions could result in a 10 percent fuel economy improvement in vehicles which use automatic transmissions, or about 85 percent of the domestic fleet. This improvement was based on tests of prototype transmissions under contract for DOT, and several studies presented in papers submitted to the Society of Automotive Engineers. Id. Document 2, Vol. 1. These data indicate that improvements up to nearly 20 percent are achieveable with certain types of improved automatic transmissions. Present automatic transmissions are generally three-speed units with a conventional torque converter. Some data generated by the domestic manufacturers indicate that certain modified versions of the present three-speed transmissions, principally those employing a lock-up clutch on the torque converter in conjunction with a wide gear ratio range, have the potential to achieve the assumed 10 percent improvement. In addition, a four-speed, wide ratio range automatic transmission has the potential to achieve even greater fuel economy improvements, but at significantly higher costs. Ford, GM, and Chrysler each projected fuel economy improvements achieveable through the use of one or more of the above types of automatic transmission of a magnitude either consistent with or very close to the assumed 10 percent figure projected in the Support Document. DN–15, Doc. I, p. 3; DN–18, p. 3; DN–30, p. 11. Volvo also supported the 10 percent improvement projection. DN–28–02, p. 5. Even if the higher cost four-speed unit is necessary to achieve this improvement, none of the four domestic manufacturers claimed that the use of such units is economically impracticable, in response to a specific question in the April 1 special order. DN–7, Questions IIA and B. Indeed, Ford has begun plant modifications to permit the production of a four speed automatic transmission with lock-up torque converter in time for installation in some 1980 model year automobiles. Docket FE–76–01–GR–23. Therefore, the original 10 percent improvement is retained in the final analysis.

GM argued that the 10 percent improvement in automatic transmissions is not applicable to all automobiles which use automatic transmissions. DN–19, p. 3. Lightweight vehicles "with small displacement engines, small automatic transmissions and high axle ratios" are projected to attain a significant share of the market and, according to GM, the fuel economy of such vehicles is not significantly improved by the addition of a lock-up clutch. Id., p. 4. NHTSA cannot accept this argument for several reasons. First, GM addressed itself primarily to the impact of the lock-up clutch, without addressing the impact of increasing the number of geared speeds, which, as was previously noted, is considered both technologically feasible and economically practicable, or of other transmission improvement techniques. Second, none of the other manufacturers raised a similar objection to the assumed across-the-board application, despite their even greater orientation toward smaller market class automobiles. Third, it should be noted that General Motors" engineers have projected fuel economy improvements up to nearly 20 percent, over a wide range of engine sizes and axle ratios. See SAE Paper No. 770418, Docket FE–76–01–GR–21. It may be that GM is implying that its future use of a (presumably new) small automatic transmission with high axle ratio would obviate the need to use a lock-up torque converter on its small cars. If this is true, then the projected 10 percent improvement figure for all automobiles which employ automatic transmissions is still correct, since the new drive train would achieve that improvement. GM is in no way constrained to achieve that improvement in precisely the same manner in which it is postulated in this analysis.

AMC stated that it could only achieve a 2 percent improvement in its automatic transmissions. DN–14, p. 1. However, AMC presently purchases its transmissions from Chrysler and is likely to continue to purchase such technology from outside sources in the future. Therefore, any transmission improvements achieved by the "Big Three" would become available to AMC, albeit on a delayed basis. Implementation delays similar to those assumed for Chrysler and AMC for weight reduction were also assumed for transmission improvements in this analysis. See RSP Tables 5.5–5.8.

4. *Improved manual transmissions.* Another possible area of fuel economy improvement is the use of additional drive gears in manual transmissions. Many domestic manual transmissions have only 3-speeds. Information received on this subject in response to the April 1 (DN–7) and April 21 (DN–28) special orders supports a projected fuel economy improvement of 5 percent for the manual transmission portion of the fleet. DN–18, p. 8 (GM); DN–28–02, p.

[3] Many of the automobile manufacturers' specific objections to the percent improvements projected by the Department for various technological options are phrased in terms of differences between DOT projections and the manufacturer's present "plan." It is clear, however, that under the statute DOT's projections must be based on maximum achievable improvements, notwithstanding any contrary "plans" by the manufacturer.

[4] "SAE Papers" are technical research papers presented before the Society of Automotive Engineers. The papers cited in this notice were prepared by engineers and scientists expert in particular areas of automotive technology.

VOL 42 NO 126 JUN 30 77 UM

6 (Volvo); DN–28–03, p. 5 (Honda). Ford's submission supports the feasibility of this substitution for all present manual transmissions. DN–15, Doc. I, p. 11. No information was submitted which raised any doubts about the technological feasibility or economic practicability of this option. In fact, five-speed manual transmissions have currently achieved substantial market penetrations in the import fleet. Honda projects that the use of five-speed manual transmissions would result in a $50 per vehicle price increase (for those vehicles with manual transmissions). DN–28–03, p. 5. Therefore a 5 percent improvement for all manual transmission vehicles was adopted in the analysis. The percentage of vehicles which use manual transmissions was not projected to increase between the present and 1985, due to the difficulty encountered by certain manual transmission vehicles in attempting to meet more stringent emission standards. The use of manual transmissions with additional drive gears results in a small, but nevertheless significant, increase in average fuel economy.

5. *Improved lubricants and accessories.* Improvements in average fuel economy can also be obtained through the use of synthetic, lower viscosity, or extended viscosity range lubricants and through improvements in the efficiency of vehicle and engine accessories such as pumps, fans, and accessory drives. A total improvement of 4 percent was assigned to these options in the Support Document, 2 percent for each category. See Doc. 2, Vol. I, p. 2–19. Three domestic manufacturers which addressed this issue did not object to the 4 percent improvement projection. DN–18, p. 1 (GM); DN–15, Doc. I, p. 3 (Ford); DN–14, p. 1 (AMC). Improvements up to the assumed 4 percent for lubricant improvements alone have been documented. See SAE Papers 750376 (Docket FE–76–01–GR–21) and 750675 (Docket FE–76–01–GR–21). Therefore, the assumed 4 percent improvement is retained in this analysis.

6. *Reduction of aerodynamic drag and rolling resistance.* Further fuel economy improvements are achievable through reducing the automobile's aerodynamic drag and rolling resistance. The latter term refers to the use of improved radial and other advanced tires and reductions in the frictional losses of bearings and other similar drive line and chassis components. Aerodynamic drag and rolling resistance improvements could be achieved in two ways. The first way is to obtain credit for aerodynamic drag reductions already achieved, through the use of the optional EPA "coast-down" procedure for determining road load dynamometer settings in fuel economy tests. See 40 CFR 86.177–11(e)(2). If the optional procedure is not used, fuel economy test results will be based on current tabulated values of road load power which in certain cases may result in deleterious fuel economy effects. The second way results from future improvement in these two areas. Credit for future aerodynamic drag reductions must also be obtained through the use of the optional EPA procedure. Data indicates that improvements in the first category alone can be of substantial magnitude. See RSP, App. D, Ref. 18.

The automobile manufacturers expressed a major difference of opinion on the magnitude of achievable improvements in this area. GM indicated that improvements up to 4 percent for aerodynamic drag and 4 percent for rolling resistance were achievable. DN–18 p. 5, 10, and ANPRM submission, Docket Number FE 76–01–N01, No. 10, pp. 16a, 21–24. The other manufacturers indicated much lower improvement potential, although apparently not assigning a high research and development priority to these items. DN–14, pp. 4, 5 (AMC); DN–19, p. 3, DN–32, Att. II, (Chrysler); DN–15, Doc. I, p. 11 (Ford). As was frequently the case with the manufacturers' statements, the percent improvements given reflect present plans as opposed to maximum capabilities. Therefore, the Department conducted an investigation to determine which of the disparate projections most closley corresponded to the actual maximum feasible improvement. Available data indicates that improvements in the upper range of GM's projections are in fact feasible for the 1981–84 time period. Volkswagen, for example, has demonstrated how relatively minor changes to automobile exterior design can result in significant reductions in aerodynamic drag, even beyond the GM projections. SAE Paper No. 760185, Docket FE–76–01–GR–21. Methods for reducing aerodynamic drag are discussed further in Appendix D of the Rulemaking Support Paper.

In the case of rolling resistance, it appears that a 5 percent fuel economy improvement can be obtained by switching from bias tires to "first generation" radials, although much of the switching has already occurred. "Second generation" radials which will offer further improvements of 2 to 4 percent are now under development, with GM apparently being the leader in this area among the auto companies. Docket FE–76–01–GR–19, 20, 22. It should be noted that developments in this area will result from the automobile companies working together with the tire manufacturers, since the automobile companies generally do not manufacture their own tires. It is likely that major breakthroughs by one automobile manufacturer would soon become available to all manufacturers, since the tire company which produces the improved tire could market that tire freely. Additional rolling resistance reduction can be obtained through increasing tire inflation pressures while making appropriate changes in the vehicle suspension system. See Appendix D of the Rulemaking Support Paper for further information on reducing rolling resistance. It is concluded that the previously discussed improvements in each of these two areas are feasible in the 1981–84 time frame, on a gradual phase-in basis. See RSP, Tables 5.5–5.8.

7. *Use of alternative engines.* The present fleet of domestically manufactured passenger automobiles is powered exclusively by conventional homogeneous charge spark ignition gasoline engines. However, certain alternative engine types such as the diesel and such stratified charge concepts as the Honda CVCC and the Ford PROCO (programmed combustion) offer the potential for significantly better fuel efficiency than present engines. Many manufacturers plan to use some form of alternative engine in their domestic fleets in the near future, including General Motors with the diesel (DN–18, p. 32), Ford with the PROCO (DN–15, Doc. I, p. 2), and Chrysler with a form of prechamber engine (DN–35–01, Attachment B, p. 6), in addition to the Honda CVCC and Mercedes, VW, and Peugeot diesels aleady on the market. In the case of the diesel, the Support Document projected (Summary Report p. A39), and the domestic manufacturer most actively pursuing the development of diesel engines confirmed in its response to the April 1 special order, that the diesel offers 25 percent better fuel economy than a comparably performing conventional spark ignition engine. DN–18, p. 2 and Attachment V (GM); DN–7, Question I.A. In addition, Volvo supported the 25 percent figure. DN–28–02, p. 4. Ford indicates that the PROCO engine can be expected to provide an improvement in fuel economy of approximately 20 percent. DN–15, Doc. I, p. 3 and Tr–II, p. 38. Honda projects a fuel economy improvement differential of roughly 10 percent for its CVCC engine. DN–28–03, p. 11. This projection may be low. The fuel economy difference between its CVCC and non-CVCC versions of the Civic, as determined in EPA fuel economy tests is approximately 30 percent. The Support Document's projection of a 25 percent improvement in fuel economy for the diesel was based on a comparison of fuel economy differentials actually experienced by GM and VW with their recently certified diesel passenger automobiles.

A number of objections were raised by a variety of participants in the proceeding with respect to the Department's original projections of a market penetration for diesels in the passenger automobile fleet growing linearly from 5 percent in 1981 to 25 percent in 1985. The passenger automobile industry argued that the primary difficulties in achieving those substantial market penetrations involve questions about the marketability of diesels and the ability of diesel engines to meet stringent nitrogen oxides emission standards. Tr–II, P. 105, 126, (GM); DN–19, p. 1 (Chrysler). The marketability problem for diesels is attributed to their higher initial cost and current problems with exhaust smoke, engine noise, cold-starting, fuel availability, and odors. The nitrogen oxide problem results from the diesel's alleged inability to achieve nitrogen oxide standards as low as 1.0 gram-per-mile, the level specified in the Senate and House versions of the Clean Air Act amendments. On the other hand, representatives of some public interest groups argued that the most serious problem with the diesel engine is that it emits certain presently unregulated, but nevertheless dangerous, pollutants such as

particulates and polynuclear aromatics (PNA) and that increased use of diesel engines should therefore be pursued with caution. DN–12, pp. 19–28 (Citizen's for Clean Air); Tr–I, p. 93 (Dr. Sawyer, for Environmental Defense Fund).

In order to obtain more information on the marketability of diesel engines, the Department, in the April 1 special order, required those passenger automobile manufacturers most actively pursuing the diesel option to submit copies of any surveys in their possession relating to the marketability of diesels in the United States. DN–7, question IV. A (GM) and question B (VW). These surveys tended to support the conclusion that a 20 to 25 percent market penetration is potentially achievable. DN–18, Att. IV. It appears that the initial orientation of present passenger automobile buyers toward diesels is improved significantly when potential buyers obtain more information about the diesel's characteristics. In addition, present consumer resistance to diesels is based on perceptions of those diesel vehicles presently on the road. GM reports that "(r)ecent developments have significantly improved some of the factors that have historically detracted from the market acceptance of diesel engines such as noise, odor, cold start time and reduced acceleration." DN–18, p. 2. See also DN–16, p. 1 (VW), with respect to the turbocharged diesel Rabbit. Further improvements in diesel performance can be anticipated as the use of diesels is expanded. Therefore, marketability of diesel engines does not at this time appear to be as serious a problem as the manufacturers have indicated, although questions of the precise extent of future market penetration remain.

Similarly, the nitrogen oxides emission problem does not appear to be beyond solution. Relatively little has been done in the area of research on control of diesel emissions because of their present low market penetration and their ability to meet present emission standards essentially without emission controls external to the combustion chamber. In small diesel passenger automobiles, such as the VW Rabbit, NO_x levels either meeting or closely approaching a 1.0 gram-per-mile standard have been achieved without the use of such NO_x control techniques as exhaust gas recirculation. Tr–III, p. 11. In larger automobiles, GM states that a level of 1.5 grams-per-mile of NO_x is achievable with its 350 V–8 diesel. Tr–II, p. 127. Further, both the recently passed House and Senate amendments to the Clear Air Act provide for some type of NO_x waiver for diesel engines. Ford states that its PROCO alternative has the capability to achieve the 1.0 NO_x standard without encountering the unregulated pollutant problems to the same extent as diesels. Tr–II, pp. 36, 42. The Honda CVCC approach appears to offer significantly better emission control potential than the homogeneous charge engine, without associated unregulated pollutant problems. DN–28–03, Attachment, p. 100. Therefore, the Department has concluded that control of NO_x emissions down to approximately 1.0 gram-per-mile will not present an insurmountable barrier to the increased use of alternative engines, although further development work may be required. See Tr–I, p. 93, (Dr. Sawyer).

The magnitudes of the problem presented by the unregulated pollutants emitted from the diesel and the PROCO and of the potential for reducing those emissions are presently unclear. The particulate emissions from diesels are of concern to EPA because of the potential significant contribution to air quality control regions' particulate problems. EPA is studying the total mass and other aspects of diesel particulates, but as yet no firm guidelines on allowable diesel particulate emissions have been set. Control of diesel particulates, if needed, is expected to be a formidable technical task. See Docket Number FE–76–01–GR–17.

For the reasons specified above, and particularly because the Department desires further information on health effects the Department has not included alternative engines in the analysis forming the basis for maximum feasible average fuel economy projections. The foregoing disposition of the "alternative engine" issue does not preclude the Department from including the use of such engines in projections of maximum feasible average fuel economy in a subsequent proceeding to amend the 1985 standard.

One final point with respect to future use of the diesel engine deserves further discussion. Up to the present, the use of diesel engines has generally been confined to luxury automobiles such as the Mercedes and Peugeot. Recently Volkswagen and General Motors have begun implementation of that engine by dieselizing an existing engine, rather than designing a completely new engine. In view of past applications of the diesel engine, it would not be surprising if the new dieselized versions of the VW and GM engines were marketed as luxury items at a high price mark-up, higher than that justified by the additional cost alone. If this were done, this fuel efficient technology might not get the fair market test which it deserves, because of the high price differential.

Volkswagen has not adopted this approach. Rather, it has offered its diesel engine as a $170 option in the Rabbit (Tr–III, p. 18), and all indications are that the diesel version is selling extremely well, both in the United States and in Europe. Persistent rumors have circulated that the General Motors diesel would be offered at an extremely high mark-up, of up to $1,000. Tr–II, p. 110. This would raise serious questions as to the adequacy of the market test which the GM diesel would receive, if those rumors are in fact true. See TR–II, p. 111 (GM). Despite the differences in size between the VW and GM engines, the Department would be hard pressed to understand such a large price difference between the two engines. See Support Document, Doc. 3, App. B.

8. *Improved spark ignition engines.* The Support Document projected that a fuel economy improvement on the order of 10 percent is achievable through improvements to the conventional spark ignition engine. The use of an integrated electronic control unit for spark advance, fuel metering, and exhaust gas recirculation, optimization of combustion chamber, intake system, and valve timing, and the use of knock sensing and fuel injection were identified as methods for achieving the improvement. See Support Document, Doc. 2, Vol. I, pp. 2–16, 3–7. The percent improvement attributable to each of those options was not specified, although it was stated that 2 percent of the total was assigned to fuel injection, with the remaining 8 percent divided among the others. Id., 3–7.

The Support Document also identifies other spark ignition engine improvements that could occur as a result of that Document's downsizing methodology. As vehicles were downsized, smaller engines were projected to be used in those vehicles, in order to maintain horsepower-to-weight ratios. However, in selecting among a manufacturer's existing engine line, it was anticipated that in those cases where a choice among existing engines was possible, the manufacturer would select the more efficient one and phase out the least efficient. This procedure would result in an improvement in average engine efficiency of 8 to 13 percent. See Support Document, Doc. 2, Vol. 1, p. 3–8.

The Support Document noted further that several of the technological changes to engines for fuel economy improvement might also be used to control engine exhaust emissions. The dual benefits of such engine and emission control technologies is explicitly recognized. It is necessary to avoid double counting of benefits, however, and since the automobile companies and the Environmental Protection Agency (EPA) have generally treated the electronic control unit as part of the emission control system, this analysis is revised accordingly to make it consistent. DN–18, p. 20 (GM); DN–15, Doc. I, p. 17 (Ford); "Analysis of Alternative Motor Vehicle Emission Standards," Docket FE 76–01–GR–17, App. A. Therefore, no separate fuel economy benefit was attributed to the use of electronic control units.

The 2 percent fuel economy improvement assigned to fuel injection was confirmed by Ford, and no participant in the proceeding suggested a lower number. Id., Doc. I, p. 17. Bendix, the major domestic manufacturer of these units, claimed a 15 percent fuel economy benefit, adjusting for comparable emission and horsepower levels. DN–27B, p. 2. Bendix projects the costs of the unit, including the previously discussed electronic control unit and sensors, to be less than $100, about $15 more than the advanced carburetor it would be likely to replace. Several model types now in production employ fuel injection. See 1977 EPA/FEA Gas Mileage Guide.

It appears likely that the precise improvement achievable through the use of the remaining engine improvement techniques will vary from manufacturer to manufacturer, depending on the effi-

JUN 30 1977 UM

ciency of engines presently in use. AMC expressed "no disagreement" with the originally assigned improvement, which was 10 percent. DN–14, p. 1. Chrysler projected up to a 3 percent fuel economy improvement for redesigned cylinder heads, and a total of 7½ percent for engine control optimization. DN–30, 10, 44. Ford did not address the issue except for the impact of electronic control unit.

Therefore, it appears that a fuel economy improvement ranging from 2 to 10 percent, depending on the manufacturer, is achievable by improvements to spark ignition engine efficiency, even beyond that associated with the use of the best of present engines. In the case of the manufacturers with the most efficient engine lines, the 2 percent fuel injection benefit would be available, as a minimum, since present domestic automobiles use that technology only to a negligibly small extent. In the case of the manufacturers with the least efficient engines, even selecting the most efficient engines in their lines would not result in the application of optimally efficient engines. Further techniques would be available to those manufacturers to achieve up to the 10 percent improvement in fuel economy projected in the Support Document.

The Department's assessment of the fuel economy improvements due to improved engines in 1981–1984 is that the detailed matching of specific engines with vehicles in specific inertia weight classes as identified in the Support Document is valid, and that the various engine and emission control technologies discussed above can be used to maintain the fuel economy resulting from that matching process while emission standards are tightened. See Section III. C., however, for further discussion of the relation between fuel economy and emission standards.

A specific engine efficiency improvement device not included in the previous discussion is the variable displace ment engine. This concept involves the use of an electromechanical system which deactivates some of the engine's cylinders during those operating modes which require less power, such as idle, light acceleration, cruising and deceleration. Eaton Corporation, the developer of this technology, projects fuel economy improvements of 10 to 40 percent with its units, depending on the engine operating mode. Some fuel economy benefit would accrue during all operating modes except moderate to heavy acceleration. Ford, which is the automobile company most actively pursuing the implementation of this technology, cites fuel economy benefits to date of 3 to 7 percent on the EPA composite driving cycle. DN–15, Doc. 1, p. 17. It should be noted that this technology has been applied to certain prototype alternative engines, in addition to conventional engines. TR–II, p. 39.

9. *Building "captive imports" domestically.* Section 503 of the Act provides that for purposes of determining compliance with fuel economy standards, the fuel economy ratings of domestically manufactured automobiles may not be averaged after model year 1979 together with automobiles more than 25 percent of whose cost is attributable to value added outside the United States and Canada. Ford, GM, and Chrysler each have subcompact passenger automobiles which fall in the latter category. Thus, if those "captive import" passenger automobiles were manufactured in the United States in the future, they could be included in those manufacturers' averages, resulting in some increase in that average. All three manufacturers disclaimed having present plans to do this, but none claimed this to be infeasible. Therefore, this also presents a possible method for complying with the fuel economy standards, while concurrently increasing domestic employment.

Volkswagen has noted that this provision has the anomalous effect of discouraging a foreign manufacturer from building production facilities in the United States. While it was adopted to prevent an exportation of jobs, the provision, as applied to a foreign manufacturer, discourages the importation of jobs. Although this impact may well not have been intended by Congress, it follows directly from the statutory language and the Department is powerless to change the result administratively. However, Volkswagen, or any other foreign manufacturer, may manufacture automobiles in the United States as long as more than 25 percent of the value added content is foreign, and still average those vehicles together with their imported fleet.

10. *Mix shifts.* A significant fuel economy benefit can be achieved through the use of marketing strategies to increase the sales of smaller automobiles. In addition, some improvement can result from mix shifts even in the absence of any initiatives by the manufacturers, if increases in demand for the smaller market class automobiles can be projected. Such a trend is projected by Ford and Chrysler, relying in part on long-term trends toward the smaller market classes. TR–II, p. 270 (Chrysler) and DN–15, Doc. I, p. 11 (Ford). See also TR–I, p. 89 (Dr. Sawyer), DN–13, p. 4 (Environmental Defense Fund), and DN–21, Attachment (Public Interest Economics Foundation), the latter with respect to the issue of the feasibility of "forcing" mix shifts.

Ford argued that requiring the manufacturers to take actions to shift the mix of passenger automobiles away from that mix which would result from "free market" forces is beyond the Department's statutory authority. DN–15, Doc. IV, p. 3–8. The Department rejects this position as inconsistent with the "maximum feasible" requirements and the legislative history of the Act.

The legislative history of S. 1883, the Senate version of the fuel economy provisions, contains a clear indication of the Congressional intent with regard to the role of market forces and mix shifts in establishing the standards. In explaining the standards set in the bill, the Senate Commerce Committee stated:

> A DOT/EPA report estimated that up to a 63-percent improvement in new car fuel economy could be achieved by 1980. This 63-percent gain was based upon maximum technological improvement through 1980 (weight reduction, aerodynamic drag reduction, transmission improvement, engine resizing and optimization) and a moderate shift in sales mix to 35 percent large and intermediate cars, and 65 percent compact and subcompact cars. Such a shift is within the current capability of the auto industry. By calling for a 50-percent improvement, this legislation provides ample cushion for unforeseen contingencies.

S. Rep. No. 94–179 (94th Cong., 1st Sess.) at 10. The Committee thus seems to have implicitly accepted the necessity or propriety of requiring such a mix shift to achieve the standards it set. In selecting a 50 percent instead of 63 percent improvement, the Committee did not reject any particular identified means of improving fuel economy. It simply provided a cushion against all types of contingencies. One contingency would be the failure of the assumed mix to sell. Another would be the failure of technology to develop at the assumed pace or to yield the anticipated improvement. The Committee's acceptance of the shift is made even clearer a few pages later in the Report:

> Figures obtained from the Recreational Vehicle Industry Association indicate that there will be approximately 2 million travel trailers (homes-on-wheels) and 1.2 million camping trailers (fold-down types) in the hands of the American public in 1976. There are also 3.2 million families in the United States of 7 or more persons. If reasonable assumptions are made about yearly growth in the number of trailers, auto fleet turnover rates, etc., a conservative estimate of the towing and large family demand for big cars is something under 1 million per year over the next few years. Even if the most drastic sales mix shifts necessary to meet the 1980 goal occur, there will still be at least 1 million full size and luxury cars produced, clearly a sufficient number to meet the demand. Special problems could arise in the 1980's if the automakers insist on sticking solely to the internal combustion engine to meet the 1985 goal. However, diesel towing packages could be an answer to this problem, with no sacrifice in fuel economy. Also, light duty trucks, which are not subject to the 1980 or 1985 goals could meet a significant portion of towing demand.

Id. at 14. The Committee clearly anticipated shifts in both sales mix and the type of vehicles offered for given uses. The 1 million figure was apparently obtained by multiplying the 10 percent large car figure used in the mix shift assumed in the DOT/EPA report and 10 million, the total number of passenger automobiles sold annually in the mid-1970's.

The extent of the sales mix shift the Committee contemplated as being possibly required to meet the 27.5 mpg standard, and the means that would be necessary to achieve it, are apparent from the DOT/ETA report cited by the Committee. The potential 63 percent improvement was under "Scenario D", which required:

> Steady technological improvement through the 1980's • • •
> • • • with 1980 sales mix assumed at 10 percent large cars, 25 percent intermediates, 25 percent compact, and 40 percent subcompact.

Potential for Motor Vehicle Fuel Economy Improvements: Report to the Congress, U.S. Department of Transportation and the U.S. Environmental Protection Agency, October 24, 1974, at 66. The DOT/EPA report also states that:

> • • • sales shift in Scenario D would probably not occur "voluntarily" because of market demands for larger cars, i.e., Scenario D would probably require more substantial government pressure on manufacturers and/or consumers than would be the case under Scenarios B and C.

Id. at 64, and that;

> Shift in mix was limited to that possible given the availability of production facilities, but no limitations due to consumer demand were assumed. Some of the technological options considered require further development; however their implementation is deemed feasible by 1980. Technological options were screened for consumer acceptability prior to their inclusion, but once selected, eventual 100 percent application to the new car fleet was assumed.

Id. at 4. The Committee thus explicitly recognized that major shifts in sales mix could be required to meet the standards and implicitly recognized that these shifts might not result voluntarily but could require government pressure on the manufacturers and/or consumers. The only limit on the mix shift that was contemplated was that which was imposed by the availability of production facilities; consumer acceptance was considered only with respect to technological improvements.

The Senate Committee apparently realized that this process would not be without some risks. First, as stated above, it reduced its standard to require only a 50 percent increase, rather than a 63 percent increase, to provide "ample cushion for *unforeseen* contingencies." (emphasis added). Second, the bill itself contained provisions to protect the manufacturers from an "unanticipated retail sales mix" beyond the control of the manufacturer in section 508(b)(3):

> "(3) The Secretary may waive or modify a civil penalty determined under subsection (a)(1) of this section if, and to the extent that the manufacturer involved demonstrates to the Secretary that its failure to comply with an applicable average fuel economy performance standard resulted from an unanticipated retail sales mix among different classes of automobiles or light duty trucks, as appropriate, manufactured by it and that such mix was beyond the control of the manufacturer: *Provided*, That the Secretary may not waive or modify any such penalty unless the manufacturer involved demonstrates to the Secretary that it included in its automobiles or light duty trucks, as appropriate, all of the improvements to increase fuel economy that were technologically feasible, and that it made a good faith effort to produce or stimulate a retail sales mix that would have resulted in compliance with the applicable standards, through advertising, pricing practices, availability of models, and any other means.

In other words, a manufacturer could be let off, but only if it had done everything it could to achieve the required product sales mix.

Finally, the bill provided some additional protection for the manufacturers by allowing for recoupment of penalties in the event of subsequent overachievement (section 508(c)) and for modification of the standards by the Secretary if new information indicated the standards could not be achieved (section 504(b)). It should be noted, however, that downward revision of the 1980 and 1985 standards would be subject to Congressional approval (section 504(b)(2)).

To summarize briefly, the Committee apparently recognized that a major sales mix shift away from current levels would be necessary to meet the standards, and that achieving this shift would require pressure from the government on the manufacturers and by the manufacturers on the consumers. It realized there were risks involved in this, and tried to reduce them first by setting the standards below the maximum achievable level, and then by allowing an escape clause for the manufacturers if the consumers did not accept sales mix necessary to meet that reduced level after every good faith effort to change their preferences. Finally, it provided a mechanism for recoupment of penalties, and for revision of the standards downward, subject to Congressional approval, if the standards could not be met.

There is only one statement in the report which could be claimed to limit this virtual requirement of significant sales mix shifts:

> The fuel economy standards approach adopted in this legislation leaves maximum flexibility to the manufacturer to meet the standards. This should result in a more diverse product mix and wide consumer choice. In meeting the fuel economy standard applicable to any given model year one manufacturer could choose new technology, another could choose to shift more rapidly to lighter weight vehicles, and still another could choose some combination of the two.

S. Rep. No. 94–179, supra, at 6. Arguably, the "more diverse product mix" language limits the extent to which any mix shift could be pushed. However, this argument must be rejected because the language already states that the standards adopted in the bill, which include the significant mix shifts, will satisfy this concern. Rather than limiting the magnitude of the mix shifts necessary, this language seems to indicate that the approach of letting each manufacturer choose its own approach to meeting the standards will result in a more diverse product mix than the alternative legislative solutions that were considered, such as mandating the procedures to be used or forbidding the sales of vehicles getting below a specified fuel efficiency rating.

The legislative history of H.R. 7014, the bill containing the House version of the fuel economy provisions, is less specific in its treatment of product mix and market demand. The first references were in regard to the process of setting the 1980 standards:

> The DOT–EPA study of the potential for motor vehicle fuel economy improvement indicates that with technological improvements and use of smaller engines but without any shift to smaller cars, sales-weighted fuel economy of automobiles sold in 1980 could reach 20.3 MPG in 1980 (a 45 percent increase above 1974). If the maximum feasible shift to small cars occurred, sales-weighted fuel economy could reach 22.2 mpg in 1980 (a 59 percent increase over 1974). The study assumed, for purposes of these projections, that these levels of fuel economy could be achieved without any reduction in the stringency of the statutory hydrocarbon (HC) and carbon monoxide (CO) emission standards which are scheduled to be effective in 1978.

H.R. Rep. No. 94340 (94th Cong., 1st Sess.) at 86, and

> The Committee, in setting the statutory average fuel economy standards for passenger automobiles, gave careful consideration to the EPA–DOT study's conclusion that a 63 percent improvement in average fuel economy levels between 1974 and 1980 (22.2 MPG) was the maximum potential improvement in average fuel economy. This projection was on an industry-wide basis and was not a level which each manufacturer necessarily could be expected to reach; it assumed the maximum shift to smaller cars which was technologically feasible, and it appeared to assume that there would be no reduction in fuel economy associated with more stringent emissions standards. The Committee, in translating this industry-wide potential average fuel economy projection into an average fuel economy standard which each manufacturer must attain, was of the view that any emission standards likely to be in effect in 1980 would involve at least a 5 percent reduction (1 MPG) in average fuel economy in 1980. In addition, because of the likelihood that in that year a number of smaller manufacturers are likely to "overachieve" (have an average fuel economy in excess of the industry-wide target), the Committee felt it could set a standard for each manufacturer which was somewhat lower than the industry-wide target. In light of these considerations the Committee set the average fuel economy standard for each manufacturer at 20.5 MPG for model year 1980. The model year 1978 and 1979 standards were set at 2 MPG and 1 MPG, respetcively,. below the 1980 standard.

Id. at 88.

Taken together, these two passages leave no doubt that the Committee based its standards on the improvement projection that included the significant product mix shift, as discussed above, and thus also implicitly accepted the possibility that mix shifts would be required to meet the standards. Id. at 87. This seems particularly clear from the second statement. The Committee started with one figure and made two adjustments in it to obtain the standard specified in the House bill. Since the starting figure was based on the mix shift assumed in the DOT–EPA report and since neither of the adjustments involved elimination of the mix shifts, the final figure must be based upon those shifts too.

The only other mention of product mix or consumer demand is the following:

> • • • Committee recognizes that the automobile industry has a central role in our national economy and that any regulatory program must be carefully drafted so as to require of the industry what is attainable without either imposing impossible burdens on it or unduly limiting consumer choice as to capacity and performance of

JUN 30 77
UM

motor vehicles. The Committee has devised the regulatory program, which appears in Part A of the bill, * * *

Id. at 87. Again, it is arguable that the "without . . . unduly limiting consumer choice" language could limit the extent of any market shift. However, it is again clear that the Committee believed that the program it had proposed would satisfy this constraint, i.e., that the mix shifts contemplated by the standards would not unduly limit consumer choice. Further, this passage proscribes only "*unduly* limiting consumer choice". (Emphasis added.) That is, consumer choice may not be limited unless it can be justified by resulting improvements in fuel economy.

Finally, the House bill did not contain any provisions allowing modification of any penalties incurred because of unanticipated sales mix. However, the bill contained provisions allowing both the carry-back and carry-forward of penalty credits for overachieving in any model year (section 508(a)(3)) and modification of the standards, subject to Congressional disapproval for decreases below 26 mpg or increases above 27.5 mpg.

The legislative history indicates that both houses of Congress expected that significant shifts in product mix might be required to meet the standards they were setting, and that there would have to be some efforts to induce the market to achieve these shifts. The manufacturers have a panoply of marketing measures, including, pricing, advertising, and dealer incentives, to aid them in such efforts. Both houses of Congress provided some mechanism for reducing penalties if the standards could not be achieved, with the Senate specifically providing for the effects of a failure of a manufacturer to succeed in inducing the market to accept the required mix.

The Act as finally adopted does not contain the Senate unanticipated mix provision, but is basically identical to the House bill in its penalty recoupment provisions. The fact that the Senate provision was eliminated may indicate either that a tougher standard was finally agreed to by the Senate, or that the recoupment and standard modification procedures were believed adequate to handle failures to achieve required product mixes. What is clear is that free market demand and product mix were in no way determinative of the standards finally adopted. If consideration of non-free market mix shifts is appropriate in establishing the 1980 standard, it must also be appropriate for the 1981–84 standards, which are required to result in "steady progress" over the 1980 base toward the 1985 target.

11. *Combining the improvement projections.* To determine the technologically feasible level of average fuel economy for each of the domestic manufacturers, it is necessary to combine the percent improvements assigned to each of the technological options discussed in section III.A, according to the phase-in schedule set forth in Tables 5.5–5.8 of the RSP. The methodology in the Support Document assumed (Doc. 2, Vol. I, p. 2–23), and the manufacturers did not seriously dispute, that the improvement options, including weight reduction, transmissions, engine improvements, and alternative engines could be combined in a straight-forward arithmetically additive manner. Question I.D. of the April 1 special order directed the automobile manufacturers to specify which, if any, of the options for improving fuel economy are not additive, to quantify any negative synergistic effect, and to submit any data relevant to this issue. GM responded that the options it had evaluated are additive. DN–18, p. 11. Ford presented a table showing areas of judged incompatibility between various options but presented no supporting data or rationale. DN–15, Doc. I, p. 14. Most of the areas of questionable additivity involved alternative engines. Chrysler expressed the opinion that the various options are either "additive or very nearly additive" and stated that it relied on the assumption of additivity for its own internal projections. DN–32, p. 12. Chrysler expressed uncertainty about the options related to engine speed, such as some accessory improvements and overdrive transmissions, but was unable to quantify this effect. Therefore, the assumption of additivity has been retained. Options which are mutually exclusive, such as improved automatic and manual transmissions, are of course not additive.

Based upon the technologically feasible weight reduction only, the Department projects that General Motors, Ford, Chrysler, and American Motors will be able to achieve 21.6 mpg, 21.6 mpg, 22.7 mpg, and 21.2 mpg, respectively, by 1981, and 22.2 mpg, 23 mpg, 23.6 mpg, and 24.7 mpg, respectively, by 1985. The following additional average fuel economy gains can be achieved through the use of the other technological options:

TABLE 1

	Percent
Acceleration reduction	10
Automatic transmission with lockup torque converter	10
Five-speed manual transmission	5
Improved lubricants	2
Reduced accessory loads	2
Reduced aerodynamic drag	4
Reduced rolling resistance	3
Diesels (or equivalent alternative engine)	20–25
Further weight reduction (additional material substitution and further downsizing, including front wheel drive)	5
Improved spark ignition engines	2–10
Variable displacement engines	3–7
Turbochargers	0–15
Domestic production of captive imports	0–4
Mix shift to 10 pct large, 25 pct intermediate, 25 pct compact, and 40 pct subcompact	5

B. *Economic practicability.* In considering the economic practicability of implementing the technologically feasible options in 1981–84, the Department examined several different schedules of standards based upon different sets of options. The sets ranged from one that was almost fully comprehensive to one that included only a select number of the options. Excluded from all sets were some spark ignition engine improvements, variable displacement engines, further weight reduction beyond that initially projected in the Support Document or submitted by the manufacturers, and domestic production of captive import passenger automobiles. Due to the lack of complete data for these options and their omission from the NPRM and Support Document, they have been excluded from further consideration in this rulemaking. Efforts will be made to supplement the Department's data base in these areas in future rulemaking proceedings.

The least comprehensive set was that underlying the schedule of standards suggested by Ford: 21 mpg in 1981; 22 mpg in 1982; 23 mpg in 1983; 24 mpg in 1984; and 25 mpg in 1985. Even though that was the highest schedule suggested by any manufacturer, the Department regards it as a low range schedule. It was rejected for several reasons. First, it would not satisfy the maximum feasible requirement. The manufacturers have available to them options that involve little or no engineering or marketing risk that in combination would be economically practicable and would enable them to exceed substantially Ford's suggested schedule. Second, the schedule would violate the requirements that the 1981–84 standards result in steady progress toward the 1985 standard which, unless changed by future rulemaking, is 27.5 mpg, not 25 mpg.

The Department also considered a high range schedule based on all of the options not excluded in the first paragraph of this section.

The Department believes that there are risks associated with substantial mix shifts notwithstanding the historical trend toward smaller passenger automobiles. While that trend may continue, there is no assurance that it will. For reasons including prestige, comfort, and sheer size, there continues to be a strong demand for mid size and large size passenger automobiles. This is true even though most of these automobiles offer no more seating capacity in terms of number of positions than some compacts. Further, as discussed below, the downsizing of passenger automobiles may at least temporarily slow the trend to small cars. Further, the Department lacked sufficient marketing data to justify a lesser shift toward small cars.

Given the overriding purpose of the fuel economy provisions in the Act to conserve fuel, the Department was concerned that the standards be set as high as possible, but not so high as to necessitate the manfacturers' using compliance methods that would result in a substantial sales drop. To the extent that the total passenger automobile population fails to turn over and renew itself at the usual pace because some owners retain their existing vehicles for an extra year or two, the projected fuel savings from a given fuel economy standard would not be fully realized. In addition, a substantial sales drop would have a significant effect on employment in the automobile and related industries and would adversely affect the manufacturers' efforts to raise capital for further fuel economy improvements. See RSP, Chap. 13, Reference 27, Section E.

The Department concluded that the implementation of the schedule of standards resulting from this set was not economically practicable due to the risk posed by substantial mix shifts that a significant number of consumers might defer purchasing new passenger automobiles in 1981–84. Further, implementing all of the options in this set would result in levels of average fuel economy above those permitted under the steady progress requirement, since the 27.5 mpg level would be exceeded prior to 1985.

The Department is also concerned about the possible adverse environmental impacts associated with some alternative engines, notably the diesel. As discussed above, several commenters pointed out that particulate and PNA emissions of these engines may pose a health hazard. If the existence of a health hazard is confirmed by the Environmental Protection Agency, then regulation of those emissions will presumably follow. The stringency of those regulations and their effect on the fuel economy of the alternative engines is indeterminate at this time. As information from that agency and other sources clarifies this question, the Department will begin to consider whether to base fuel economy standards on the use of those engines.

For all of the foregoing reasons, the Department decided not to set the average fuel economy standards so high as to necessitate the use of all options within the limited period of 1981–84.

The Department also considered a medium range schedule of standards based on a less comprehensive set of technological options from which alternative engines and mix shifts had been excluded. In excluding these options as bases for determining the fuel economy standards under this set of options, the Department was particularly mindful that there will be substantial changes in passenger automobiles in the early 1980's due to changes in fuel economy and emission standards. In a later period of less product design and technological flux, the risk associated with mix shifts and alternative engines would be lessened.

The Department regards mix shifts and alternative engines, as well as the options excluded from the high range set of options, as constituting a safety margin for the manufacturers that choose to implement the medium range options to the extent set forth below. If the latter options do not yield the anticipated gains, despite the conservative assessments of those gains, the manufacturers may avail themselves of options in the safety margin. For manufacturers which do not wish to implement the medium range collection of options in the amount described below, these additional options represent alternative options which they can utilize. The Department notes that virtually every option excluded from the high or medium range sets of options will be used by at least one manufacturer and some by several. To the extent that these options are used, the manufacturers will not have to rely so much on the collection of medium range options. Further, all manufacturers can use marketing measures to encourage the purchase of the most fuel efficient vehicles within each carline.

The schedule for implementation of the various middle range technological options or improvements, which are set forth in Tables 5.5–5.8 of the RSP, reflect the differences in economic capability of the various domestic manufacturers. That implementation schedule is in no case more stringent than that in the NPRM Support Document. See Document 2, Volume 1. None of the manufacturers claimed that the proposed implementation schedule is impracticable. However, objections to specific cost assumptions in the Support Document were submitted by some manufacturers. Since these cost numbers affect the projected sales, employment and inflationary impacts of the standards, and thereby economic practicability, these objections have been carefully reviewed. However, the vagueness and unsubstantiated character of the assertions in the manufacturers' comments have impaired the usefulness of the submitted information, here as in the case of the technological issues discussed in section III.A.

General Motors, Ford, and Chrysler all objected to the projected capital investment requirement for downsizing of $150–250 million for an annual production capacity of 400,000 automobiles. All stated that this figure was about half the correct amount. DN–18, p. 18 (GM), DN–43, Att. II, p. 2 (Ford), and DN–30, p. 53 (Chrysler). Therefore, and in view of the fact that GM and Ford already have had substantial experience with implementing this technological option, the capital requirement for downsizing was revised to the $400 million figure. GM and Chrysler both objected to the variable cost savings of $200 assigned to downsizing, but neither submitted a different figure or a detailed critique of the Department's analysis. Ford's discussion of the savings resulting from the introduction of a new, small, future car line is consistent with the Department's assumption, when weight reduction and concurrent product improvements are separated. DN–43, Att. II, p. 3. Therefore, the originally projected savings in variable cost was retained. Chrysler's unquantified objection to the maintenance cost figure is also rejected. The Department's further evaluation of data supporting the original projection of a 35 cents/pound maintenance cost saving reaffirms the original conclusion. See Support Document, Summary Report, p. R–2, #3.

GM, Ford, and Chrysler raised similarly vague objections to the projected capital and variable costs attributable to material substitution. DN–18, p. 19; DN–43, Att. II, p. 4; DN–30, p. 54. Nevertheless, Chrysler conceded that the use of high strength steel would have no appreciable effect on variable costs. Detailed cost information on the use of aluminum and high strength steel was submitted by Alcoa and U.S. Steel Corporation, respectively. DN–27–D, DN–27–A. Both submissions supported the Department's original conclusion about the cost of light-weight material substitution. If components are selected from the lists of feasible material substitutions provided by these two companies, it is possible to achieve the weight reductions projected in the Support Document without increasing variable costs. Further weight reductions could be achieved at slightly higher cost. Similar objections were raised to cost savings attributable to reduced maintenance. However, as noted above, the Department's further study in this area fully supports the Support Document's projected relationship between weight reduction and reduced maintenance expense. This savings results from, as one example, the ability to use smaller tires on lighter automobiles, thereby reducing replacement costs. GM failed to quantify or substantiate its claim that the lighter weight substitute materials would be more damage prone than present materials, DN–18, p. 22. The Department's analysis, together with the Alcoa and U.S. Steel submissions, supports the achievability of the assumed weight reduction by careful matching of a particular substitute material to the particular application desired. Furthermore, GM failed to address the savings associated with the improved corrosion resistance of aluminum or plastic substitutes. DN–27D, p. 2 (Alcoa). Therefore, the original maintenance costs savings estimate has been retained.

The costs associated with improvements in such areas as lubricants, accessories, aerodynamic drag reduction, and rolling resistance reduction are as set forth in Table 7.1 of the Rulemaking Support Paper. No contradictory information was submitted on these costs, in response to a specific question in the April 1 and April 21 special orders. DN–7, DN–28, Question II. A.

No manufacturer challenged the costs attributed to automatic transmission improvements. Chrysler, the only manufacturer to address the issue specifically, found the costs to be within "an acceptable planning range." DN–30, p. 55. For the purposes of the total cost calculation, the upper bound of the cost range for the four speed automatic transmission was used as a "safe" estimate. This probably overstates the total cost impact, since, as previously noted, it is likely that a variant of the three-speed transmission would in fact be used. Capital requirements associated with the four-speed unit are up to twenty times greater than those for the three-speed (less than $10 million vs. $200 million per standard production facility with a capacity of 500,000 units per year), since relatively inexpensive changes can be made to existing transmission production facilities to accommodate improvements to three speed units, while complete new plants are necessary to produce four speed units.

VOL 42 NO 126 JUN 30 77 UM

Reductions in acceleration performance were assumed to be achieved through the substitution of existing smaller displacement engines, up to the maximum level consistent with production flexibility at existing engine plants, at no increased cost. These reductions could also be achieved through axle ratio changes, at negligible cost.

Total required capital expenditure to achieve the postulated fuel economy was generally within the range of planned expenditures for fuel economy improvement over the 1976–85 time period. DN–30 p. 52 (Chrysler); DN–15, Doc. I, p. 20 (Ford); p. I–18, Economic Impact Statement (see sec. VIII infra). However, it is not correct to treat this as a totally "extraordinary" investment required of the automotive industry in order to comply with fuel economy standards. Much of this expense is "integral to the normal cycle of product improvements" which the companies would engage in regardless of the standards. DN–30, p. 55 (Chrysler). The fact that improved fuel economy is itself a highly marketable attribute for passenger automobiles might force th companies to make many of the product improvements discussed in this notice, as a result of competitive market pressures regardless of the fuel economy standards. DN–15, Doc. I, p. 20 (Ford). Conceptually, this means that the automobile companies must, as part of each decision to change a significant component in a passenger automobile, take into account, and possibly reorient their product line in view of, the fuel economy requirements. Therefore, the capital expenditures discussed above have been adjusted to take into account "business-as-usual" reinvestment, which would occur even in the absence of any standards. A further discussion of this topic is contained in the RSP, Reference 27, Chap. 13.

The total cost increases are assumed to be reflected in increased new passenger automobile prices according to the formulas set forth in the Support Document. See Summary Report, p. A–27. Generally, the manufacturers did not object to the total or "bottom line" price changes generated by this methodology, although they did not necessarily agree with all of the details. See, e.g., DN–15, Doc. I, p. 21 (Ford). GM merely noted that price increases are determined by market forces, rather than some arbitrary cost pass through formula. DN–18, p. 24. The Department does not take issue with that statement, but some method must be used to assess price impacts, and no participant in the proceeding suggested a better alternative. Chrysler argued that the methodology did not provide for recovery of the value of the investment itself. DN–32, p. 19. However, it appears that Chrysler has misunderstood the application of the methodology since capital costs are assumed to be recovered by price increases tied to the rate of return on investment. The projected impact on new car prices, as shown in Table 8.1 of the Rulemaking Suport Paper, is an increase of $54 by 1985, as an industry average, relative to 1977 model year automobiles. When gasoline and maintenance savings are considered, net savings to the consumer of approximately $1,000 over the life of the automobile are projected. See Table 8.4, RSP.

The final impacts to be considered in the evaluation of economic practicability are the projected impacts on industry sales and employment. These impacts were projected by using the Wharton Automobile Demand Model. See Support Document, Summary Report, p. A–91. This model is one of the latest and most complex for projecting automobile industry sales and employment. See DN–15, Doc. I, Att. A, p. 176. (Ford); DN–30, p. 38 (Chrysler).

On the basis of this projection, domestic industry sales and employment would attain levels higher than present levels during the 1981–84 period, and would be approximately the same as would be the case if there were no additional costs attributable to fuel economy standards. A sensitivity analysis that assumes a 2 percent per year increase in automobile prices for the 1981–84 model years shows a small decrease in projected sales during those years and a small increase in subsequent years. Since the average change in car prices due to these fuel economy standards for those same model years is only 0.1 percent, the effect on sales is similarly small.

The Department has been unable to quantify the impact of such non-price changes as acceleration capability reductions and exterior downsizing. However, as discussed in section III.A of this notice, these impacts are not expected to be severe. The Department has taken into account any possible adverse impacts in those areas by the provision of a "safety margin" of fuel economy improvement potential and in the discussion of uncertainties in section IV.

The industry generally argued that the uncertainty of consumer acceptance of more fuel efficient vehicles was a major concern in this rulemaking. Tr–I, pp. 19 (Ford), 50 (GM), 78 (AMC), and 104 (Chrysler). However, these statements appear to be more in the nature of fear of the unknown than the result of detailed study and analyses. See Tr–II, pp. 10, 23, 58, 62–64, 121, 146, 161. The Federal Energy Administration's own analyses show that it is the "manufacturer's response to the standards, rather than the consumer demand, that most influences new car fleet average fuel economy under a scenario of little or no market shift." DN–37, p. 2. The provision of a safety margin of technology permits a variety of manufacturer responses.

Improvements in automotive fuel economy, if unaccompanied by adverse impacts on other automobile attributes, are undeniably an aid to marketability. The technological options relied upon are not expected to have such accompanying detriments. Among these options, material substitution, and improvements in accessories, lubricants, aerodynamic characteristics, and rolling resistance are virtually undetectable by consumers, except with respect to price changes, whose impact has been accounted for above. Downsizing, while maintaining or even increasing vehicle interior roominess, has been accomplished without consumer rejection to date, in the case of General Motors' full-size automobiles. Although downsizing of all market classes has yet to be completed, it appears likely that purchasers of the largest size automobiles are the group most concerned about size attributes, and if they are willing to accept downsized vehicles, the purchasers of other market class automobiles would also accept them. With respect to automatic transmission improvements, it appears that past driveability problems with lock-up torque converters are near resolution, in view of some manufacturers near-term implementation plans. Acceleration performance reductions have been limited to those within the manufacturers' stated range of consumer acceptability. Turbochargers could be used to offset even those very modest acceleration reductions. Safety margin technology would permit flexibility in selecting compliance approaches which individual manufacturers find more saleable than the ones projected in this analysis. Further, it is likely that consumer acceptance of fuel efficient automobiles will increase as gasoline prices increase in the future. Therefore, the Department concludes that marketability constraints would not prevent the attainment, in an economically practicable manner, of the standards promulgated herein.

Thus, it appears that the total impact of the fuel economy standards established in this notice is relatively modest, certainly within the "economic capability of the industry." The Department concludes that compliance with these standards is economically practicable.

C. *The effect of other Federal standards.* The next step in calculating the manufacturers' maximum achievable fuel economy is an assessment of the impact of other motor vehicle standards on fuel economy. It is impossible at this time to predict with perfect accuracy even the level of these standards which will be in effect in the 1981–84 period, since all categories of these standards are either subject to future administrative action or are being reviewed by Congress. Nevertheless, for the purposes of this analysis, it is assumed that the applicable automotive emission standards will be those contained in the Administration proposal, i.e., 0.41 gram per mile hydrocarbons, 3.4 grams per mile carbon monoxide, and 1 gram per mile of nitrogen oxides, with waivers for nitrogen oxides up to 1.5 gram per mile for heavier diesel automobiles, if necessary. The same result would apply under either the House or Senate passed emission standard schedules.

The issue of the impact on fuel economy of various proposed emission standards was one of the more controversial ones in this proceeding. Much development work remains to be done in the emission control area between now and

1981, so projections in this rapidly progressing area necessarily involve some degree of uncertainty. However, the Environmental Protection Agency (EPA) has done extensive evaluation of the emission control systems now under development. The Department of Transportation has worked with the EPA in many of these studies.

Among the more recent of these studies are the February, 1977, report titled "Analysis of Effects of Several Specified Alternative Automobile Emission Control Schedules Upon Fuel Economy and Costs," prepared jointly by the Departments of Commerce and Transportation, the Energy Research and Development Administration, EPA, and FEA; an EPA report dated April, 1977, titled "Automotive Emission Control—The Development Status, Trends, and Outlook as of December 1976;" and the May 19, 1977, "Analysis of Alternative Motor Vehicle Emission Standards." (All of these reports are in the General Reference section of the FE 76–01 Docket.) All three reports evaluate the optimal emission control systems for meeting emission standards at minimum fuel economy penalty, and all three conclude that little or no penalty need result from the use of optimal systems at the level of the proposed emission standards, as compared to 1977 levels. This conclusion was supported by those public interest representatives which participated in this proceeding and addressed the issue. DN–11, p. 8 (Mr. Thomas Austin); DN–12, p. 33 (Citizens for Clean Air); DN–13, p. 16 (Environmental Defense Fund).

As identified in Appendix A of the May 19, 1977 DOT–EPA–FEA report, fuel optimal systems to meet standards of 0.41 HC/3.4 CO/1.0 NOx may be expected to include a three-way catalyst, start catalyst, electronic spark advance, electronic control of exhaust gas recirculation, electronic air-fuel ratio control, oxygen sensor, high energy ignition, improved fuel metering, and a complex electronic control unit. In addition, the heavier cars, those weighing more than 3000 lbs., would have an air injection unit.

The passenger automobile manufacturers' views on the issue of emission standard penalties varied rather widely. Ford stated that the proposed emission standards could be achieved without fuel economy penalty through the use of three-way catalyst and full electronic control technology. DN–15, Doc. I, p. 24, Doc. III, p. 4, Tr.–II, p. 93–4. Volkswagen stated that compliance with the emission standards without a fuel economy penalty was possible. DN–28–01, p. 2. Daimler-Benz projected that compliance with the more stringent emission standards would produce a 3 to 5 percent benefit in fuel economy for the portion of its fleet which presently employs fuel injection. DN–28–05, p. 34.

On the other hand, the remaining domestic manufacturers all project substantial emission standards fuel economy penalties. GM claimed to have experienced fuel economy penalties as high as 20 percent on some prototype vehicles (DN–18, p. 27), although it admits that much development work remains to be done. Tr.–II, p. 124. Chrysler projected a penalty of 12 percent (DN–30, p. 62, DN–35–01, Att. B, p. 27), but projects the use of a control system which is apparently less efficient than that assumed by EPA, DN–30, p. 61, in such areas as the use of electronic spark advance, port liners, and start catalysts. Further, Chrysler's projections were apparently based on actual test data from their 1977 California vehicles, adjusted by some arbitrary amount for future system optimization. These vehicles do not employ three-way catalysts and full electronic controls on which EPA's projections are based. Tr–II, p. 258. Likewise, AMC's projected fuel economy penalties were based on their present California technology, not the advanced system assumed by EPA. DN–14, p. 3. GM also assumes a control system less complex than EPA's by not including the use of such technology as electronic exhaust gas recirculation, electronic air-to-fuel ratio control, port liners, and start catalysts. DN–18, p. 27. GM remains hopeful that, given enough development time, the penalty could be eliminated. Tr–II, p. 124.

Ford notes that, even with the three-way catalyst, a clean up catalyst, and a full electronic system to meet the 0.41 HC, 3.4 CO, 1.0 NOx standard, it would expect a 2 percent difference in average fuel economy between the first and third year of the standards. DN–15, Doc. I, p. 15. The May 19, 1977 DOT–EPA–FEA report observes that:

"The development of technology to control emissions and permit good fuel economy calibrations to be maintained is expected to take longer than just the development of technology solely for the purpose of controlling emissions. For example, the use of electronic controls which have the potential to be an important part of future low emission, fuel efficient systems will require the generation and analysis of significant quantities of new engine data in order to determine more optimum calibrations."

Thus, it appears that none of the manufacturers presented any evidence which would directly contradict EPA's findings in this area, and in fact some manufacturers supported the "no penalty" assumption. Therefore, it is concluded that compliance with the specified emission standards in the 1981–84 time period can be achieved with little or no fuel economy penalty, through the use of the advanced control technology postulated by EPA. In the technical analysis contained in the RSP, a fuel economy penalty of zero percent is used for all the 1981–84 models.

One other issue with respect to the emission standards was raised by AMC and Chrysler. Those two companies claim that an emission test procedure change recently proposed by EPA (41 FR 38674, Sept. 10, 1976) would, if adopted, adversely affect the derivative fuel economy data. DN–23, p. 2 and DN–30, p. 30. Chrysler projects a very small impact for this revision on fuel economy, to the order of 0.28 mpg. The change in question involves decreasing the magnitude of inertia weight class increments and modification of the road load horsepower requirements. The proposed changes are intended to permit dynamometer testing of vehicles at inertia weight and road load settings that are more representative of actual vehicle weight and road load, so that the resulting fuel economy value would be a more realistic estimate of on-the-road fuel economy. Since this test procedure change is merely a proposal, it is unnecessary to attempt now to quantify the precise impact of any test procedure revisions which EPA may ultimately adopt. It should be noted further that EPA presently believes that the revisions in question should not result in a systematic change in fuel economy data either upward or downward, but rather that the revisions tend to improve the overall accuracy of the data. DN–20, p. 2.

An adjustment is made to each manufacturer's projected fuel economy capability to allow for the added weight associated with Federal Motor Vehicle Safety Standards. To assure adequate crash survivability in the passenger automobiles of the 1980's, additional safety requirements will be necessary. Those requirements are anticipated to cause an estimated 1 percent fuel economy penalty. See RSP.

The Department has no basis at this time to project the existence of any other motor vehicle standards at a specific level. If these projections are proven erroneous by future events, and if the impact of those future standards would substantially reduce the safety margin provided in this notice, it may be necessary to reconsider the standards promulgated herein.

D. *The need of the Nation to conserve energy.* As discussed in section II.B of this notice, this final consideration in establishing maximum feasible average fuel economy levels requires the establishment of fuel economy standards at the highest level consistent with the other statutory considerations.

When the four statutory considerations are considered together, the fuel economy levels achievable by the four domestic manufacturers, as derived from the above analyses, are as set forth in Table 2 below. These numbers are based on a 0 percent emissions penalty. For the reasons discussed in section III.E below, including consideration of the emissions standards, an adjustment is made in that section to Table 2.

TABLE 2

Manufacturer	1981	1982	1983	1984
American Motors	22.2	22.6	23.1	24.7
Chrysler	23.8	25.1	26.3	28.1
Ford	23.4	24.5	26.1	27.0
General Motors	23.3	24.2	26.5	28.8

E. *Establishing the maximum feasible average fuel economy level.* In determining maximum feasible average fuel economy, the Department cannot simply select the level achievable by the least capable manufacturer in each model year. Instead, an analysis along the lines of that set forth in pages 154–5 of the

V.42 N.126 JUN 30 77 UMI

Conference Report must be carried out. That Report states:

> Such determination should therefore take industrywide considerations into account. For example, a determination of maximum feasible average fuel economy should not be keyed to the single manufacturer which might have the most difficulty achieving a given level of average fuel economy. Rather, the Secretary must weigh the benefits to the nation of a higher average fuel economy standard against the difficulties of individual automobile manufacturers. Such difficulties, however, should be given appropriate weight in setting the standard in light of the small number of domestic automobile manufacturers that currently exist, and the possible implications for the national economy and for reduced competition associated with a severe strain on any manufacturer. However, it should also be noted that provision has been made for granting relief from penalties under Section 508(b) in situations where competition will suffer significantly if penalties are imposed.

It is clear from this admonition that in certain circumstances the standards must not be set at levels which every manufacturer will be able to achieve in every year. Rather, they should be set at some point above those levels. Whether and how far standards should be set above those levels depends on a balancing of the burdens placed on the manufacturers with lower achievable average fuel economy on one hand against the benefits of a higher standard on the other. This in turn requires an analysis of the impacts of civil penalties imposed on the manufacturers at a given standard level. Implicit in this analysis is consideration of the ability of a manufacturer to apply civil penalty "credits" from other years to reduce or eliminate a penalty and of the ability of the Department to compromise penalties where insolvency, bankruptcy, or substantial lessening of competition may occur. See section 508 of the Act. The latter possibility is especially significant in the case of American Motors, which has reported no taxable income over the past ten years and has suffered serious declines in its sales in the past year, DN–14, p. 6 and Attachments, and whose projected maximum achievable fuel economy is substantially less than its domestic competitors. See Table 2.

When this clarifying language in the Conference Report is applied to the projected maximum feasible fuel economy values for each manufacturer as set forth in Table 2, it becomes clear that in establishing these standards the "least capable" manufacturer should not be the limiting, constraint in determining maximum feasible average fuel economy. From that Table, it appears that the projected maximum feasible level for AMC in the years 1981–84 ranges from approximately one to three miles per gallon less than that of the least capable of the "Big Three" in each of those years. In terms of the nation's petroleum import bill, the cost to consumers of setting the fuel economy standards at the level attainable by AMC as opposed to basing it on that attainable by the "Big Three" could be nearly half a billion dollars in 1983 alone. Against the benefit of avoiding that substantial cost through establishing higher standards, the Department must balance the potential civil penalty liability which AMC could be subject to, which could be up to $145 per automobile sold in 1983. Further, the Department must consider AMC's present small market share of under 3 percent of the domestic market and its resulting relatively small impact on industry employment, and the possibility discussed in the previous paragraph that any civil penalty liability might be mitigated by the Department. In view of these considerations, the Department must not base its determination of maximum feasible average fuel economy on the single domestic manufacturer with the lowest projected fuel economy capability.

While the Department believes that the previoous paragraph correctly applies the statutory criteria, it may paint a misleading picture of AMC's ability to meet fuel economy standards. First, as previously discussed, the projected fuel economy values in Table 2 are based on a limited class of available fuel economy improvement methods. AMC could adopt additional measures to improve fuel economy. Second, a number of further measures are available to relatively small manufacturers such as AMC to achieve major improvements in average fuel economy in a short time period. Among these are the discontinuance of sale of poor fuel economy model types and the purchase of high efficiency engines and other technology from outside sources. Both of these options require minimal capital investment and are readily implementable. The Department has no information on AMC's precise product plans over the next several years, but it appears that some significant initiative is planned which would result in major fuel economy improvements for that company's automotive fleet. Recently, AMC's President predicted that their corporate fuel economy average would achieve 27.5 mpg by the early 1980's. "Ward's Auto World," June 1977, p. 30, Docket Number FE–76–01–GR–16. AMC officers also testified that they expect the average fuel economy of their passenger automobiles to remain competitive with that of the other domestic manufacturers, and not fall significantly below that level, as the Table 2 numbers might indicate. Tr–II, p. 220. Thus, it appears that AMC's future average fuel economy levels may be significantly understated in the DOT analysis, and the resulting civil penalty impact correspondingly overstated.

The Conference Report clarification of the "maximum feasible" requirement also has implications for the "Big Three" manufacturers. Although the fuel economy improvement potentials of those three companies were found to be relatively close numerically, some significant fuel savings benefit could be achieved by setting the fuel economy standard at a level higher than that found to be achievable for the least capable of the three. The harm suffered by those companies as a result of a higher standard is measured by the magnitude of the civil penalties generated. If the calculation of manufacturer-specific fuel economy improvements in Table 2 is correct, and if each manufacturer improved its average fuel economy up to those levels in each year, no net civil penalty liability would result for the "Big Three" if the maximum feasible average fuel economy levels were established as follows: 23.3 mpg for 1981, 24.6 mpg for 1982, 26.1 mpg for 1983, and 27.4 mpg for 1984. At those levels, any civil penalty liability for those companies in one of the affected years would be offset by credits obtained for overachievement in prior or subsequent years. The only obvious adverse impact from adopting this approach would be possible bad publicity resulting from the failure to meet standards. In view of the fact that the Act's sanctions are monetary civil penalties, which can be offset from year to year, no major stigma would attach to single year noncompliance. In fact, the Act's unique enforcement scheme appears to be designed to create economic incentives for encouraging compliance rather than harsh sanctions for noncompliance. Therefore, the Department has concluded that any harm to the individual manufacturers from single year noncompliance would be outweighed by the benefits of establishing "maximum feasible average fuel economy" at levels where these manufacturers would pay no net civil penalty, taking into account their ability to carry credits forward or back.

The Department has concluded that the emissions standards expected to be effective in the early 1980's can be achieved with little or no fuel economy penalty. The analysis of average fuel economy potential discussed above was predicated upon a zero penalty. It appears clear, however, that the engineering and manufacturing problems associated with the introduction of complicated emission control technology may well be substantial, particularly since these advancements will have to be implemented simultaneously with other new technology required to meet fuel economy and safety standards. Although the Department has already tried to ensure the soundness of its average fuel economy standards by making generally conservative conclusions at each step in its analysis, no allowance has yet been made for unforeseen contingencies that may arise due to the need for manufacturers to deal simultaneously with the diverse set of manufacturing requirements imposed by the various fuel economy, emissions, and safety standards that will become effective in the early 1980's, particularly in 1981. Allowing for such contingencies is consistent with the approach taken by the Senate Commerce Committee in establishing the 1980 average fuel economy standard in S. 1883. See S. Rep. No. 179, 94th Cong., 1st Sess. 10 (1975). More important, allowance of these contingencies will ensure that the manufacturers can produce and sell cars that meet energy, environmental, and safety needs of the Nation. It is important to recognize that one limitation

on the rate of product innovation is the rate of consumer acceptance of that innovation. Finally, there are some uncertainties, particularly in the later years of the 1981–84 period, associated with the accuracy of the estimates of the average fuel economy to be gained from the combination of the various technological options.

In view of the factors enumerated in the immediately preceding paragraph, the Department has determined it to be prudent to adjust the no net penalty average fuel economy levels to 22 mpg for 1981, 24 mpg for 1982, 26 mpg for 1983, and 27 mpg for 1984. Based upon consideration of the domestic manufacturers, the Department has determined that these are the maximum feasible levels of average fuel economy for those model years.

IV. The Imports

With the possible exceptions of downsizing, mix shifts, straight-line acceleration reductions, and domestic production of captive imports, the same technological improvement options apply to the imported passenger automobiles as to their domestic counterparts. Since the passenger automobiles produced in foreign countries generally start at a much higher fuel economy base, those passenger automobiles can generally meet any level of average fuel economy which the domestics can attain. However, the possible unavailability of the options listed above and the fact that the U.S. market may account for only a small portion of such manufacturers' total sales necessitate an analysis of the impact of fuel economy standards on the foreign manufacturers.

Total sales of imported automobiles has varied between approximately 15 and 20 percent of total U.S. sales for the past four years. The four largest importers in 1976, Toyota, Nissan (Datsun), Volkswagen, and Honda, accouned for approximately two-thirds of the import total. "Automotive News 1977 Market Data Book Issue," p. 70. Each of these four manufacturers either presently has or will have in the near future an average fuel economy exceeding the 1985 standard of 27.5 mpg. DN–9, p. 1 (Toyota); DN–28–03, p. 1 (Honda); DN–28–04, p. 5 (Nissan); DN–16, p. 2 (VW–projections exclude Rabbit). Therefore, the majority of the import market must only maintain or marginally improve their present average fuel economy levels to comply with these fuel economy standards. Another group of importers, accounting for nine percent of import sales, are presently either meeting the 1985 standard or are in close proximity of that goal. This group includes Subaru, and the captive import fleets of Chrysler and GM. See 1977 EPA/FEA Gas Mileage Guide, Second Edition. Of the remaining manufacturers, which account for a total of slightly more than 20 percent of all imports, Volvo, Daimler Benz, and British Leyland are the largest importers which may face difficulties in meeting a fuel economy standard of 27.5 mpg. Volvo and Daimler-Benz each account for approximately 3 percent of the import total, with British-Leyland accounting for nearly 5 percent.

Volvo projects that it could achieve an average fuel economy level not higher than 24.5 mpg by 1985. DN–28–02, p. 9. This level of fuel economy would result in the imposition of a civil penalty of $150 per passenger automobile sold in the U.S. Since Volvo presently sells its passenger automobiles in the $7,000 to $10,000 range and since demand in that price range is relatively inelastic, the added cost would not be likely to reduce sales substantially. Furthermore, NHTSA believes that it may be possible for Volvo to achieve better fuel economy than it has projected. For example, the Volvo projection is apparently based on the assumption that no weight reduction is achieved, although its 244 model weighs nearly 400 pounds more than a comparable Audi 100LS. See DN–28–02, p. 9 and "Automotive News," supra, at 76–7.

Daimler-Benz projects being able to attain levels of fuel economy close to those projected for the domestic manufacturers (DN–28–05, p. 32), primarily by achieving a diesel market penetration of over 60 percent by 1980. DN–10, p. 8. This projection is also based on relatively little weight reduction. For example, Daimler-Benz projects that by 1985 its two-seater sports model will be in the same or a higher inertia weight class as the GM "hypothetical scenario" projects for large-size six-seater passenger automobiles. DN–28–05, p. 31 and DN–18, p. 13. Even if Daimler-Benz' projections reflected the maximum fuel economy improvement achievable by that company, the civil penalties resulting from noncompliance with the fuel economy standards would likely be less than those mentioned above with respect to Volvo and would have a negligible impact on sales of passenger automobiles whose prices are in the $10,000–$20,000 range.

British Leyland's present product mix is split between relatively inexpensive two-seater sports cars and luxury cars in the Mercedes price range. The small sports cars are highly inefficient even by present standards. For example, the MG Midget and Triumph Spitfire weigh about the same as a Volkswagen Rabbit, yet the Rabbit has roughly 50 percent more horsepower and 25 percent better fuel economy. The Toyota Celica weighs 200 pounds more and has 50 percent more horsepower than the MG–B, yet the Toyota has about 18 percent better fuel economy. See "Automotive News," p. 76, and 1977 EPA/FEA Gas Mileage Guide. Therefore, it seems likely that substantial improvements must be made to the smaller British Leyland products just to be competitive in the U.S. market. If such improvements are made, the British Leyland average fuel economy level would be close enough to the standards promulgated herein to allow any required civil penalties to be passed on to consumers of the luxury passenger automobiles which are responsible for bringing down their average.

In summary, it appears that the manufacturers of the less expensive import passenger automobiles are already in compliance with the applicable fuel economy standards through 1985, or are close to that level now and can readily achieve compliance. The manufacturers of the more expensive imports may face some difficulties in meeting the standards. However, if those difficulties prove to be insurmountable, the manufacturers will incur civil penalties that will be small in comparison to the price of their passenger automobiles. Therefore, and in view of the Congressional admonition against basing these standards on the least fuel efficient manufacturer (see pages 154–5 of the conference report on the Act, S. Rep. No. 94–516, 94th Cong., 1st Sess. (1975), and section III.E of this notice), it is concluded that the establishment of these standards is not constrained by the capabilities of these import manufacturers. A more detailed discussion of the capabilities for improving fuel economy of these manufacturers is contained in Appendix E of the Rulemaking Support Paper. Accordingly, the Department has determined that the maximum feasible average fuel economy levels based upon consideration of domestic and foreign manufacturers are the same as the levels set forth at the end of section III.E.

V. The "Steady Progress" Criterion and Setting the Standards

The final step in the standard-setting process is the application of the "steady progress" criterion. As discussed in section II, this provision requires that the standards increase each year, that all standards fall between 20 and 27.5 mpg, and that none of the resulting annual increases be disproportionate to the other increments. The Department has determined that the maximum feasible levels of average fuel economy specified at the end of Section V meet each of these tests and therefore will result in steady progress toward the 1985 standard of 27.5 mpg. Therefore, average fuel economy standards are: 22 mpg for 1981; 24 mpg for 1982; 26 mpg for 1983; and 27 mpg for 1984.

VI. Additional Comments on the NPRM

Most substantive comments received relating to the establishment of 1981–84 fuel economy standards have been discussed above, primarily in section III, as they relate to the development of the standards. However, certain additional comments on the NPRM deserve further discussion.

The single point raised most frequently in the rulemaking proceeding by the automobile industry did not relate to the technological feasibility or economic practicability of any particular level of average fuel economy, but rather involved the uncertainties inherent in the establishment of these standards. Among the uncertainties raised by industry were the precise fuel economy improvements achievable with the various items of technology, consumer acceptance of the more fuel efficient automobiles to be pro-

V42N126 JUN 30 77 UM

duced in the future, the impact of future motor vehicle standards in areas other than fuel economy, and the state of the national economy over the next eight years. Tr–I, p. 106 (Chrysler); Tr–I, p. 53–58 (GM); Doc. IV, pp. 17–35 (Ford). The manufacturers were unable to relate the alleged areas of uncertainty to any particular quantified impacts on sales or to any particular levels of average fuel economy standards. The Department recognizes that areas of uncertainty exist in this proceeding, although not fully agreeing with the manufacturer's assessments of the magnitude of the resulting risks, particularly in the technology area. But cf. Tr–I, p. 53, where GM characterizes the latter uncertainty as "relatively small." The Department also recognizes that in making projections as to future events and capabilities it is not appropriate to engage in a "crystal ball inquiry." "Natural Resources Defense Council v. Morton," 458 F. 2d 827, 837 (D.C. Cir. 1972). Nevertheless, the Act, in requiring that 1981–84 model year fuel economy standards be established by July 1, 1977, necessarily contemplates that standards will be established on the basis of less than perfectly certain information. Nor does the law require such certainty, so long as projections rest on a rational basis, See generally "Ethyl Corp. v. EPA," 541 F. 2d 1, 28 (D.C. Cir. 1976); "National Asphalt Pavement Association v. Train," 539 F. 2d 775, 7834 (D.C. Cir. 1976); "Reserve Mining Co. v. EPA," 514 F. 2d 492, 507 n. 20 (8th Cir. 1975); "Society of the Plastics Industry v. OSHA," 509 F. 2d 1301, 1308 (2d Cir. 1975); "Amoco Oil Co. v. EPA," 501 F. 2d 722, 741 (D.C. Cir. 1974); "Industrial Union Department v. Hodgson," 400 F. 2d 457, 474 (D.C. Cir. 1974). This is especially true in a regulatory program relating to a crucial national need such as energy conservation. "Mobil Oil Co. v. FPC," 417 U.S. 283, 318 (1974).

Substantial efforts have been made to account for the uncertainties involved in establishing these fuel economy standards. For example, as noted in section III, many of the projections of achievable fuel economy improvements are based on conservative estimates of achievable potential. Further, a safety margin of improvement potential is provided to compensate for any unforeseen contingencies. In addition, it is highly likely that some of the uncertainties inherent in this proceeding will operate to the manufacturers' advantage. For example, future technological developments may lead to greater fuel economy improvements than even the most optimistic of the projections made by the Department.

Given that the Department is required to set standards in an area of some uncertainty, it is appropriate to compare the consequences of erring on either the low or the high side in our judgments. This balancing of risks is quite similar to that conducted by the court in "International Harvester Company v. Ruckelshaus," 478 F.2d 615 (D.C. Cir. 1973), involving the EPA Administrator's 1975 automobile emission standards suspension decision. If the Department's projections err on the low side, one obvious consequence is the lost opportunity to conserve energy, the significance of which needs no further discussion. A less obvious consequence is the removal of the "technology forcing" effect of a strict standard. "Union Electric Co. v. EPA," 427 U.S. 246 (1976). Stringent fuel economy standards are likely to encourage the automobile industry to pursue the development and refinement of technology which can reduce fuel consumption. Standards set at easily achievable levels provide no incentive to pursue the development technologies, such as alternative engines, which have substantial fuel economy improvement potential but which may never reach the market in large numbers unless additional technological refinement is accomplished. DN–37, p. 2 (Federal Energy Administration). On the other hand, the danger involved in setting the standards too high is much less than in the "International Harvester" situation. For example, under the Act, the penalty for noncompliance with fuel economy standards is a monetary civil penalty, the magnitude of which is tied to the extent of the violation. On the other hand, violation of Clean Air Act emission standards might result in enjoining the sale of the noncomplying vehicles, conceivably resulting in an industry shutdown. 42 U.S.C. 1857f–4. Fuel economy civil penalties are assessed at a level of five dollars per vehicle per 0.1 mpg of violation, generally within the capability of the automobile companies to either absorb or to pass on to consumers without substantial sales reduction. 15 U.S.C. 2008. In addition, civil penalties incurred in one year can be offset by credits earned in the previous and subsequent years, as previously noted. Penalties large enough to jeopardize a company's continued viability or generated by forces beyond the company's control can be reduced or eliminated. 15 U.S.C. 2008(b)(3). Finally, the Act provides for amending these standards at any time, where the amendment makes the standards less stringent. See section 502(f) of the Act. If some unforeseen contingency arises which makes the attainability of the standards appear dubious, adjustments can be made. The time frame for making these adjustments is much greater than was the case in "International Harvester." All of the technological improvements assumed in this notice are permitted and expected to be phased-in over several years. If problems arise with respect to the marketability or feasibility of the technology, the problem will appear at the start of the phase-in period for the technology, prior to the time when the industry has made irreversible commitments in that area regarding their entire fleets. This contrasts with the "International Harvester" situation where *all* automobiles would have been required to make major technological steps in a single year. Thus, a balancing of the risks involved in setting the standards indicates that less damage is incurred by erring on the high side. In that case, corrections can be made with limited adverse impacts. If the error is on the low side, that error may never become apparent, since additional research efforts would not be fully pursued, and the damage could be irreparable. This counsels against any major reduction in the standards to account for "uncertainties," especially given the safety margin.

VII. Impact of Petroleum Consumption

Section 6 of the Rulemaking Support Paper and section III of the Economic Impact Statement contain discussions of the impacts on petroleum consumption of various fuel economy standards schedules. The RSP concludes that gasoline savings ranging from approximately 9.6 billion gallons per year in 1985 to about twice that amount in the year 1995 are achievable. See Table 6.6, RSP. Over the lives of the passenger automobiles produced in model years 1981–84, gasoline savings of approximately 41 billion gallons would result. These gasoline savings are calculated in relation to a baseline of the gasoline consumption which would have resulted had the new passenger automobile average fuel economy remained at a level of 20 mpg for the year 1980 and thereafter. This baseline was selected because it coincides with the level of the statutory 1980 fuel economy standard. it is consistent with the level of average fuel economy likely to have been voluntarily achieved by the manufacturers, and its use was supported by at least one participant in the proceeding. Tr–II, p. 96; DN–15, Document III, p. 2 (Ford). To put this fuel savings in perspective, the resulting reduction in petroleum consumption could result in a cumulative national savings of approximately 25 billion dollars by the year 1995, at an assumed petroleum price of $13.50 per barrel. See RSP Table 6.7.

VIII. Economic Impact of the Standards

The economic impact of these standards was independently evaluated in accordance with Internal Regulatory Procedures by the NHTSA Office of Planning and Evaluation. This assessment utilizes the assumptions set forth in the RSP and expands upon the analyses in that document. That is, the RSP shows cumulative impacts from 1977 for all fuel economy improvements while the Economic Impact Assessment reflects changes from MY 1980 vehicles due solely to improvements necessary to meet the rule.

To summarize the Economic Impact Assessment, the total change for the Domestic Auto Industry for model years 1981–84 (from a base of MY 1980 and 20 mpg) due to the rule are estimated as follows:

Gasoline consumption for the average vehicle manufactured in MY's 1981–84 will be reduced by approximately 1100 gallons for a total lifetime savings of 1.2 billion barrels; consumer lifetime gasoline costs (at 65 cents per gallon) will be reduced by $640 per car, retail prices will increase by about 3 percent or $175 per car; total consumer costs (that is, retail prices, maintenance costs, and gasoline costs) are anticipated to decrease by about $450 per car or $20 billion nationally. The domestic industry extraordinary capital requirements are anticipated to increase by $3 billion, new car sales may decrease by about .4 percent or a total of 155,000 vehicles, and total industry employment is estimated to rise by 77,000 jobs due to extraordinary capital expenditures. Most of these impacts can be considered insignificant with the exception of the reduction in gasoline consumption and possibly the increase in industry capital requirements, should sales decline for several years due to unforeseen events.

Sensitivity analyses performed on several of the variables used in the analysis show little change in results. Thus, these results are good approximations of the impacts to be expected from the rule.

It is recognized that the economic projections made in the Department's various economic analyses are subject to possible changes in the national economy and in the structure of the industry, which no one is presently able to predict with perfect accuracy.

IX. Environmental Impact

A detailed analysis of the environmental impacts associated with various alternative fuel economy standard schedules for the 1981–84 period was conducted, consistent with the requirements of the National Environmental Policy Act, 42 U.S.C. 4321, et seq. The analysis concluded that the national goals of a better environment and of energy conservation are generally compatible, in that measures which tend to conserve energy also tend to be beneficial to the environment. The most obvious environmental benefits associated with these standards are the conservation of scarce resources such as petroleum and the various metals which presently go into the automobiles, and the reduction of pollution associated with the extraction and processing of those materials. Most areas of possible adverse environmental impacts, such as the pollution associated with the increased use of lightweight materials, are offset by reductions in pollution associated with the items replaced. The most significant possible exception to this is the still unresolved issue of the generation and potential for control of presently unregulated pollutants from diesel and other alternative engines. The Department has not based its standards on the use of alternative engines at this time primarily for that reason. However, the issue of the environmental impacts associated with the various alternative engines is of major importance, and the EPA is pursuing the matter now.

X. Safety Impact

The NPRM raised a question regarding the impact of occupant safety of downsizing passenger automobiles as a result of the fuel economy standards. Depending upon the assumptions made, reasonable conclusions can be made that there will be little net safety impact or, alternatively that there will be a significant adverse safety impact.

A major reason for suggesting that downsizing might have a significant adverse safety impact is the physical law of conservation of momentum, which indicates that when objects of different mass collide, the smaller object will experience a greater change in velocity than the larger one. DN 18, Att. VII, p. 4 (GM). There, in a collision between a small automobile and a large one, the occupants of the smaller one may collide with the vehicle interior with a greater velocity than would be the case for the occupants of the larger automobile, assuming that seat belts were not used. A further advantage which large automobiles may have is that their additional size may provide for additional energy-absorbing crush space outside the occupant compartment, which may allow the energy of a crash to be dissipated in a manner less injurious to the occupants.

On the other hand, accident information appears to indicate that the chance of injury in single car crashes is not appreciably greater in a small car than in a large car. The reduction in vehicle weight and size will apparently be offset to a substantial degree by the reduction in the range of passenger automobile weights which is projected to occur as the larger automobiles are downsized. Further, smaller automobiles may have certain advantages in terms of accident avoidance which tend to offset their possible disadvantages. One such advantage related to the "target-projectile" effect. See Docket No. FE–76–01–GR–7, p. 40–2 (Mr. Stanley Hart). This effect results from the fact that the larger an automobile is in relationship to a road lane, the more likely it is to hit or be hit by anything else within that lane, and the more likely it is to veer outside its assigned lane because of the reduced margin for error. A corollary to this is the increased ability of a small automobile to maneuver within its lane to avoid other automobiles. Docket No. FE–76–01–GR–8, p. 9 (Prof. P. L. Yu, *et al.*). Furthermore, although the shielding effect of vehicular weight may be an indicator of an automobile's protective ability, that same weight also serves as a weapon with respect to other automobiles and pedestrians. Thus, additional weight in vehicles may be a benefit to the occupant of that particular vehicle but a detriment to other drivers and pedestrians.

Available technology provides the means to argue that the downsized automobile fleet of the 1980's will be as safe, or safer, than the fleet of today. The Department has statutory responsibility under the National Traffic and Motor Vehicle Safety Act to issue motor vehicle safety standards that meet the need for motor vehicle safety. The estimates of fuel economy penalties due to Federal motor vehicle safety standards presume the existence of standards that will yield safety improvements which more than offset any net safety impacts due to reduced vehicle size or weight (see RSP)

The above conclusions should not be construed to mean that passenger automobiles are or will be as safe as possible. Among the actions that could be taken to improve the safety characteristics of future automobiles are techniques described in Volvo's response to the May 10, 1977, special order, such as the use of energy-absorbing structural designs. DN–28–02, p. 11 and Attachment. These techniques could be implemented concurrently with the vehicle redesign which occurs as part of the downsizing process. When representatives of the two largest domestic manufacturers were asked at the fuel economy hearing whether their companies planned to incorporate such techniques as part of the redesign process, they responded that they would do whatever was necessary to comply with applicable safety standards, but presumably no more. Tr–II, p. 86 (Ford) and 187 (GM). The Department encourages the various automakers to consider techniques such as those described by Volvo when present passenger automobiles are redesigned.

XI. 1981–1984 Passenger Automobiles

The passenger automobiles produced during the 1981–84 period will differ significantly from those presently produced. These differences will result not only from the requirements of the Motor Vehicle Information and Cost Savings Act, but also from requirements in the areas of safety and emission control and from market and other forces. It is therefore appropriate to discuss in general terms the implications of all these requirements for the driving public with particular emphasis on the energy-related changes.

The President has recently stated that the nation's energy situation will require actions and possible sacrifices on the part of all citizens. In that context, any sacrifices required of the driving public as a result of these fuel economy standards appear insubstantial, mainly requiring the curtailment of wasteful automotive designs and technology. Such measures reduce the need for additional and possibly severe methods of conserving gasoline, such as reducing vehicle usage, and thus preserve the most important value of passenger automobiles, their contribution to public mobility. In fact, the Department believes that passenger automobiles produced in the 1981–84 period have the potential to be superior overall products as compared to their present counterparts. These future vehicles have the potential to be superior not just from the standpoint of fuel economy, but also in such important areas as emission control and occupant safety, and in terms of technological sophistication and overall reliability. Statements to the effect that 1981–84 fuel economy standards would necessarily force the entire new car buying public into cramped, spartan, 4-seat subcompacts are clearly incorrect in the Department's view. For example, the Department projects that if the present General Motors full-size cars with standard engine were modified in accordance with the options listed in section III of this notice in such areas as material substitution (but not downsizing), improved automatic transmission, lubricants, and accessories, and reduced aerodynamic drag and rolling resistance, the fuel economy of those passenger automobiles would be approximately 25 mpg. If some

V 42 126 JUN 30 77 UMI

form of alternative engine were used in those automobiles, their fuel economy could rise to over 30 mpg.

The most obvious adverse impact of the various changes is that the cost to produce new passenger automobiles will increase. However, the manufacturing cost increases and resulting retail price increases can be held within an acceptable range. Further, these initial price increases are expected to be slight and to be recouped over the life of the automobile, in the form of fuel savings, reduced maintenance expenditures, and societal health benefits from improved emission and safety characteristics. Compared to 1977 automobiles, the net benefit for 1984 automobiles over their lifetime should be more than $1,000.

The Department believes that the 1981–84 passenger automobiles can be designed to have better overall performance characteristics than present ones. The term "performance" is often defined very narrowly as a synonym for high acceleration capability on a straightaway. However, straight-line acceleration is only one aspect of overall driving performance. Other important aspects are maneuverability, handling, reliability, and overall economy of operation. Many of today's passenger automobiles leave substantial room for improvement in these aspects of performance. Compliance with fuel economy standards will create the potential to improve these latter aspects, without major reductions in straight-line acceleration, primarily through the elimination of bulk. The Department's analysis shows that these changes can be accomplished without sacrifice in vehicle roominess and utility. Further changes can be made to future engines. There is no reason to believe that consumers' transportation needs would not be satisfied by such automobiles.

XII. IMPLICATIONS FOR THE STANDARDS FOR 1985 AND THEREAFTER

For the purposes of this rulemaking proceeding, the Department was constrained to consider standards within a "steady progress" path between the statutorily imposed 1980 standard of 20 mpg and the standard for 1985 and thereafter of 27.5 mpg. However, section 502(a)(4) of the Act authorizes the Department to amend the standard or standards for 1985 and thereafter if it is determined that the statutory level is not in fact the "maximum feasible average fuel economy level" for those years. Our analysis indicates that levels of average fuel economy in excess of 27.5 mpg are achievable in the 1985 time frame. In addition, several areas of additional fuel economy improvement potential deserve exploration. Among these are the impact of whatever new energy legislation ultimately is signed into law on future product mixes, the potential for additional weight reduction through extensive material substitution, and the potential to shift to alternative engines. Because of the limited scope of the present proceeding and time constraints, it was not possible to explore these issues adequately. However, the significant fuel saving potential associated with these items and the high national priority correctly assigned to the need to conserve energy necessitate a consideration of the level of the standards for 1985 and thereafter. Therefore, in the near future the Department will exercise its discretionary authority under section 502(a)(4) of the Act to initiate rulemaking to amend those standards. As part of this rulemaking, it will also be necessary to reconsider the standards promulgated today, to assure that they are set at levels which are both the maximum feasible average fuel economy levels and will result in steady progress toward the selected standard for 1985. However, it is unlikely that the standards for 1981–83 would be significantly revised as part of the reconsideration, given the diminished lead-time for the manufacturers by the time that rulemaking is completed and the need to provide stable planning targets. See Senate Report, *supra*, at p. 21.

(Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); Sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002)).

The program official and lawyer principally responsible for the development of this regulation are Stanley R. Scheiner and Roger C. Fairchild, respectively.

STANLEY R. SCHEINER,
ROGER C. FAIRCHILD.

Issued on June 27, 1977.

BROCK ADAMS,
Secretary of Transportation.

1. 49 CFR Chapter V is amended by adding a new Part 531 as follows:

Sec.
531.1 Scope.
531.2 Purpose.
531.3 Applicability.
531.4 Definitions.
531.5 Fuel economy standards.
531.6 Measurement and calculation procedures.

AUTHORITY: Sec. 9, Pub. L. 89–670, 80 Stat. 931 (49 U.S.C. 1657); sec. 301, Pub. L. 94–163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.

§ 531.1 Scope.

This part establishes average fuel economy standards pursuant to section 502(a) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles.

§ 531.2 Purpose.

The purpose of this part is to increase the fuel economy of passenger automobiles by establishing minimum levels of average fuel economy for those vehicles.

§ 531.3 Applicability.

This part applies to manufacturers of passenger automobiles.

§ 531.4 Definitions.

(a) *Statutory terms.* (1) The terms "average fuel economy," "manufacture," "manufacturer," and "model year" are used as defined in section 501 of the Act.

(2) The terms "automobile" and "passenger automobile" are used as defined in section 501 of the Act and in accordance with the determination in part 523 of this chapter.

(b) *Other terms.* As used in this part, unless otherwise required by the context—

(1) "Act" means the Motor Vehicle Information and Cost Savings Act, as amended by Pub. L. 94–163.

§ 531.5 Fuel economy standards.

(a) Each manufacturer of passenger automobiles shall comply with the following standards in the model years specified:

Model year:	*Average fuel economy standard (miles per gallon)*
1978	18.0
1979	19.0
1980	20.0
1981	22.0
1982	24.0
1983	26.0
1984	27.0
1985 and thereafter	27.5

§ 531.6 Measurement and calculation procedures.

(a) The average fuel economy of all passenger automobiles that are manufactured by a manufacturer in a model year shall be determined in accordance with procedures established by the Administrator of the Environmental Protection Agency under section 502(a)(1) of the Act and set forth in 40 CFR Part 600.

[FR Doc.77-18787 Filed 6-28-77;9:09 am]

Vol.42—No.126
6–30–77
BOOK 2:
PAGES
33571–33705

federal register

BOOK 2 OF 2 BOOKS
THURSDAY, JUNE 30, 1977
PART VIII

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

■

FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

V42N126 JUN 30 77 UM J

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-311]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule establishes Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for all market areas, in compliance with the requirements that Section 8 Fair Market Rents be established by the Secretary and published in the FEDERAL REGISTER at least annually. The last annual revision of the Fair Market Rents applicable to new construction and substantial rehabilitation was accomplished by the publication in the FEDERAL REGISTER in final form on April 6, 1976, effective April 1, 1976. Since HUD is obligated under Section 8 to publish Fair Market Rents annually, the revised schedule is retroactive to April 1, 1977, one year after the last annual revision.

The amended Fair Market Rents are intended to reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units within each market area since their last annual or special (interim) revision.

EFFECTIVE DATE: April 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 472-4810.

SUPPLEMENTARY INFORMATION: Notice was given on April 25, 1977, at 42 FR 21206 that HUD was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for all market areas.

HUD has received 49 comments in response to the April 25, 1977, publication concerning the Fair Market Rents for 110 of the 516 market areas for which proposed Fair Market Rents were published.

Because of the time required to properly evaluate these comments, and so that program participants may be provided the benefits of amended Fair Market Rents as expeditiously as practicable, it has been determined that it is in the best interest of the public that the Fair Market Rents be made effective, without change, as published on April 25, 1977, at 42 FR 21206.

All 49 of the comments received will be carefully considered and additional amendments will be published at a later date as deemed warranted.

The Fair Market Rents which are currently being reviewed in response to the comments received are those for the following market areas: Portland and Waterville, Maine; Boston, Cape Cod, Pittsfield, Worcester, Fall River, Lowell, and Salem, Massachusetts; Camden, Atlantic City, Burlington, Gloucester, Trenton, Vineland, Newark, Asbury Park, North Bergen, Freehold, New Jersey; New York City, Orange, Nassau, Suffolk, Westchester, Poughkeepsie, New York; Wilmington, Delaware; Beckley, Bluefield, Huntington, Parkersburg, Wheeling, Martinsburg, Point Pleasant, West Virginia; Philadelphia, Allentown, Bellefonte, Harrisburg, Lancaster, York, Pottstown, Reading, Scranton, Bethleham, Wellsboro, New Castle, Pittsburgh, Erie, Sharon, Altoona, Johnstown, Pennsylvania; Richmond, Norfolk, Virginia Beach, Portsmouth, Suffolk, Chesapeake, Roanoke, Lynchburg, Danville, Newport News, Fredericksburg, Harrisonburg, Warrenton, Britsol, Hampton, Virginia; Birmingham, Alabama; Wilmington, North Carolina; Knoxville, Chattanooga, Johnson City, Kingsport, Oakridge, Nashville, Clarksville, Columbia, Memphis, Jackson, Union City, Tennessee; Orlando, Sarasota, St. Petersburg, Fort Lauderdale, Florida; Alamagordo, Artesia, Carisbad, Hobbs, Ruidoso, Mescalero, New Mexico; Abilene, Texas; Council Bluffs, Iowa; Fargo, Bismarck, Grand Forks, Minot, North Dakota; San Jose, San Bernardino, San Francisco, Fresno, Oakland-Marin, Modesto, Santa Ana, San Diego, California; Ontario, Portland, Bend, Coos Bay, Eugene, Medford, West Salem, Oregon.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C.

Accordingly, Schedule A of 24 CFR, Part 888, Subpart A, is revised as set forth at 42 FR 21206 through 21265 (April 25, 1977).

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).)

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM.)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for: (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar; (2) congregate housing dwelling units are the same as for non-congregate units; and (3) single room occupany dwelling units are those for 0-Bedroom units of the same type.

AREA OFFICE Hartford, Conn. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WINDHAM	DETACHED	-	-	396	447	481
	SEMI-DETACHED/ROW		320	376	424	459
	WALKUP	267	315	371	420	455
	ELEVATOR	288	339	396	-	-
STAMFORD	DETACHED	-	-	441	491	527
	SEMI-DETACHED/ROW	-	363	417	468	503
	WALKUP	309	358	414	462	497
	ELEVATOR	333	382	441	-	-
RIDGEFIELD	DETACHED	-	-	441	491	527
	SEMI-DETACHED/ROW	-	363	417	468	503
	WALKUP	309	358	414	462	497
	ELEVATOR	333	382	441	-	-
NORWICH	DETACHED	-	-	419	469	506
	SEMI-DETACHED/ROW	-	341	398	445	481
	WALKUP	288	336	393	442	477
	ELEVATOR	311	360	419	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Hartford, Conn. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HARTFORD	DETACHED	-	-	426	476	512
	SEMI-DETACHED/ROW	-	348	404	453	488
	WALKUP	295	344	400	449	484
	ELEVATOR	318	369	426	-	-
DANBURY	DETACHED	-	-	432	483	519
	SEMI-DETACHED/ROW	-	355	411	459	494
	WALKUP	302	350	407	455	491
	ELEVATOR	324	375	432	-	-
NEW HAVEN	DETACHED	-	-	426	476	512
	SEMI-DETACHED/ROW	-	348	404	453	488
	WALKUP	295	344	400	449	484
	ELEVATOR	318	369	426	-	-
BRIDGEPORT	DETACHED	-	-	432	483	519
	SEMI-DETACHED/ROW	-	355	411	459	494
	WALKUP	302	350	407	455	491
	ELEVATOR	324	375	432	-	-
NEW LONDON	DETACHED	-	-	419	469	506
	SEMI-DETACHED/ROW	-	341	398	445	481
	WALKUP	288	336	393	442	477
	ELEVATOR	311	360	419	-	-
NEW MILFORD	DETACHED	-	-	411	455	491
	SEMI-DETACHED/ROW	-	327	389	433	468
	WALKUP	280	323	385	428	462
	ELEVATOR	303	346	411	-	-

VOL 42 NO 126 JUN 30 1977 UM

INSURING OFFICE Bangor, Me. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
AUGUSTA	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
BANGOR	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
BRUNSWICK	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
CALAIS	DETACHED	-	338	371	455	542
	SEMI-DETACHED/ROW	250	326	357	439	525
	WALKUP	223	294	337	403	469
	ELEVATOR	303	352	453	-	-
LEWISTON	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
PORTLAND	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-

INSURING OFFICE Bangor, Me. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERVILLE	DETACHED	-	340	374	455	542
	SEMI-DETACHED/ROW	273	326	364	440	525
	WALKUP	233	294	337	403	478
	ELEVATOR	326	387	487	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Boston, Mass. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOSTON	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	382	447	567	627
	WALKUP	295	372	404	434	500
	ELEVATOR	316	396	467	-	-
CAPE COD	DETACHED	-	-	463	496	583
	SEMI-DETACHED/ROW	-	-	367	447	498
	WALKUP	256	323	334	372	410
	ELEVATOR	287	364	411	-	-
PITTSFIELD	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	332	415	447	482
	WALKUP	265	308	343	387	446
	ELEVATOR	268	323	398	-	-
SPRINGFIELD	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	313	382	439	498
	WALKUP	199	299	334	387	456
	ELEVATOR	258	323	398	-	-
WORCESTER	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	340	415	520	578
	WALKUP	297	323	374	474	530
	ELEVATOR	299	356	437	-	-
FALL RIVER	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	337	424	467	498
	WALKUP	290	308	374	406	432
	ELEVATOR	-	339	420	-	-

AREA OFFICE Boston REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOWELL	DETACHED	-	-	598	682	722
	SEMI-DETACHED/ROW	-	374	453	520	570
	WALKUP	305	347	396	476	515
	ELEVATOR	309	387	459	-	-
SALEM	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	357	429	487	586
	WALKUP	271	339	374	451	530
	ELEVATOR	316	396	472	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Manchester, N. H. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CONCORD	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
DOVER	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
KEENE	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
MANCHESTER	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
NASHUA	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-
PORTSMOUTH	DETACHED	-	319	378	445	491
	SEMI-DETACHED/ROW	248	311	361	414	468
	WALKUP	221	284	329	390	446
	ELEVATOR	273	339	427	-	-

INSURING OFFICE Providence, R. I. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PROVIDENCE	DETACHED	-	-	443	487	520
	SEMI-DETACHED/ROW	-	350	419	476	515
	WALKUP	256	339	410	465	509
	ELEVATOR	256	361	476	-	-
NEWPORT	DETACHED	-	-	423	461	500
	SEMI-DETACHED/ROW	-	301	355	423	454
	WALKUP	216	285	339	385	415
	ELEVATOR	255	323	369	-	-
WESTERLY	DETACHED	-	-	443	499	528
	SEMI-DETACHED/ROW	-	339	426	476	515
	WALKUP	263	322	416	465	509
	ELEVATOR	268	339	426	-	-
PAWTUCKET	DETACHED	-	-	443	487	520
	SEMI-DETACHED/ROW	-	316	376	445	479
	WALKUP	249	300	368	436	471
	ELEVATOR	256	342	436	-	-
WOONSOCKET	DETACHED	-	-	414	480	512
	SEMI-DETACHED/ROW	-	298	347	414	472
	WALKUP	241	281	347	381	414
	ELEVATOR	263	350	471	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Burlington, Vt. REGION I - Boston

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BENNINGTON	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
BRATTLEBORO-	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
BURLINGTON	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
MONTPELIER	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
RUTLAND	DETACHED	-	314	371	435	526
	SEMI-DETACHED/ROW	265	303	359	427	512
	WALKUP	250	280	338	404	467
	ELEVATOR	334	353	427	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Camden, New Jersey REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CAMDEN	DETACHED	-	-	430	503	561
	SEMI-DETACHED/ROW	-	344	392	467	517
	WALKUP	258	282	361	436	484
	ELEVATOR	295	340	414	-	-
ATLANTIC CITY	DETACHED	-	-	414	496	554
	SEMI-DETACHED/ROW	-	345	393	460	510
	WALKUP	277	301	354	429	477
	ELEVATOR	305	399	498	-	-
BURLINGTON	DETACHED	-	-	430	497	555
	SEMI-DETACHED/ROW	-	344	391	461	511
	WALKUP	268	292	355	430	478
	ELEVATOR	295	340	414	-	-
GLOUCESTER	DETACHED	-	-	430	503	561
	SEMI-DETACHED/ROW	-	344	392	467	517
	WALKUP	258	282	361	436	484
	ELEVATOR	295	340	414	-	-
TRENTON	DETACHED	-	-	452	535	593
	SEMI-DETACHED/ROW	-	355	418	498	549
	WALKUP	291	315	393	468	516
	ELEVATOR	316	384	506	-	-
VINELAND	DETACHED	-	-	397	485	537
	SEMI-DETACHED/ROW	-	327	375	442	493
	WALKUP	254	278	337	412	460
	ELEVATOR	285	330	400	-	-

AREA OFFICE Newark, New Jersey EGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEWARK	DETACHED	-	-	526	612	656
	SEMI-DETACHED/ROW	-	370	456	535	573
	WALKUP	318	349	433	499	536
	ELEVATOR	395	441	551	630	678
ASBURY PARK	DETACHED	-	-	513	598	642
	SEMI-DETACHED/ROW	318	354	443	521	560
	WALKUP	302	333	420	486	522
	ELEVATOR	379	426	538	-	-
NORTH BERGEN	DETACHED	-	-	568	653	697
	SEMI-DETACHED/ROW	-	385	498	576	615
	WALKUP	334	364	475	541	577
	ELEVATOR	411	456	593	672	719
FREEHOLD	DETACHED	-	-	533	621	667
	SEMI-DETACHED/ROW	335	355	464	542	581
	WALKUP	304	334	441	507	543
	ELEVATOR	381	427	559	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Albany, N. Y. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBANY	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
GLEN FALLS	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
MASSENA	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
PLATTSBURGH	DETACHED	-	-	379	445	494
	SEMI-DETACHED/ROW	-	262	334	395	448
	WALKUP	195	247	315	365	418
	ELEVATOR	292	321	393	-	-
SYRACUSE	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
POUGHKEEPSIE	DETACHED	-	-	436	508	546
	SEMI-DETACHED/ROW	-	305	370	440	490
	WALKUP	241	283	341	407	452
	ELEVATOR	314	361	441	-	-

INSURING OFFICE Albany, N. Y. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERTOWN	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
SCHENECTADY	DETACHED	-	-	401	483	528
	SEMI-DETACHED/ROW	-	294	352	429	479
	WALKUP	235	277	332	395	446
	ELEVATOR	299	333	416	-	-
BINGHAMTON	DETACHED	-	-	393	469	522
	SEMI-DETACHED/ROW	-	265	346	421	462
	WALKUP	215	263	318	382	434
	ELEVATOR	296	322	407	-	-
ITHACA	DETACHED	-	-	393	469	522
	SEMI-DETACHED/ROW	-	265	346	421	462
	WALKUP	215	263	318	382	434
	ELEVATOR	296	322	407	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Buffalo, N.Y. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BUFFALO	DETACHED	-	-	386	456	497
	SEMI-DETACHED/ROW	-	348	380	436	481
	WALKUP	259	306	341	391	433
	ELEVATOR	357	399	497	-	-
ELMIRA	DETACHED	-	-	407	465	543
	SEMI-DETACHED/ROW	322	370	405	460	503
	WALKUP	264	323	371	440	475
	ELEVATOR	347	408	481	-	-
JAMESTOWN	DETACHED	-	-	391	448	515
	SEMI-DETACHED/ROW	-	348	386	441	506
	WALKUP	252	293	362	396	431
	ELEVATOR	362	410	509	-	-
ROCHESTER	DETACHED	-	-	405	477	531
	SEMI-DETACHED/ROW	327	341	377	449	504
	WALKUP	253	286	343	387	444
	ELEVATOR	370	409	493	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE NEW YORK, N. Y. REGION II NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW YORK CITY	DETACHED	---	---	588	680	772
	SEMI-DETACHED/ROW	---	429	515	595	675
	WALKUP	354	408	491	567	644
	ELEVATOR	491	593	684	776	873
SUFFOLK	DETACHED	---	---	474	566	664
	SEMI-DETACHED/ROW	321	359	421	505	592
	WALKUP	298	327	395	453	513
	ELEVATOR	366	402	485	---	---
WESTCHESTER	DETACHED	---	---	567	656	750
	SEMI-DETACHED/ROW	---	430	517	597	685
	WALKUP	352	409	493	570	652
	ELEVATOR	415	475	561	699	---
ORANGE	DETACHED	---	---	400	507	576
	SEMI-DETACHED/ROW	---	290	357	449	514
	WALKUP	224	271	334	420	480
	ELEVATOR	298	367	474	573	---
ROCKLAND	DETACHED	---	---	522	621	715
	SEMI-DETACHED/ROW	---	363	465	553	640
	WALKUP	289	342	436	518	596
	ELEVATOR	347	415	524	---	---
NASSAU	DETACHED	---	---	517	622	724
	SEMI-DETACHED/ROW	---	372	460	554	647
	WALKUP	322	348	430	518	603
	ELEVATOR	380	427	529	637	---

AREA OFFICE NEW YORK, N. Y. REGION II NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PUTNAM	DETACHED	---	---	464	540	633
	SEMI-DETACHED/ROW	282	341	415	479	564
	WALKUP	264	319	387	451	528
	ELEVATOR	343	403	493	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE San Juan, P. R. REGION II - New York

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN JUAN	DETACHED	-	-	374	414	515
	SEMI-DETACHED/ROW	-	295	330	381	474
	WALKUP	219	262	300	346	410
	ELEVATOR	332	400	436	474	544
PONCE	DETACHED	-	-	311	373	465
	SEMI-DETACHED/ROW	-	250	282	345	427
	WALKUP	175	224	248	303	360
	ELEVATOR	300	336	378	447	502
MAYAGUEZ	DETACHED	-	-	292	357	441
	SEMI-DETACHED/ROW	-	246	273	330	401
	WALKUP	170	220	251	297	347
	ELEVATOR	267	289	384	431	483
ARECIBO	DETACHED	-	-	292	357	441
	SEMI-DETACHED/ROW	-	246	273	330	401
	WALKUP	170	220	251	297	347
	ELEVATOR	267	289	384	431	483
ST. THOMAS	DETACHED	-	-	535	687	747
	SEMI-DETACHED/ROW	-	397	520	590	610
	WALKUP	228	294	380	417	434
	ELEVATOR	-	-	-	-	-
ST. CROIX	DETACHED	-	-	459	506	529
	SEMI-DETACHED/ROW	-	348	448	493	513
	WALKUP	223	256	331	377	397
	ELEVATOR	-	-	-	-	-

INSURING OFFICE Wilmington, Del. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
Wilmington	DETACHED	-	-	351	388	462
	SEMI-DETACHED/ROW	-	233	290	370	417
	WALKUP	221	229	286	354	-
	ELEVATOR	243	293	389		
Dover	DETACHED	-	-	323	358	406
	SEMI-DETACHED/ROW	-	222	268	340	368
	WALKUP	197	222	268	340	-
	ELEVATOR	225	272	352	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Washington, D. C. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WASHINGTON, D.C.	DETACHED	---	---	---	549	614
	SEMI-DETACHED/ROW	---	---	417	464	548
	WALKUP	251	326	395	464	537
	ELEVATOR	291	373	498	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE BALTIMORE, MD. REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BALTIMORE	DETACHED	---	---	499	586	669
	SEMI-DETACHED/ROW	---	309	340	428	541
	WALKUP	261	294	334	412	536
	ELEVATOR	277	328	413	---	---
ABERDEEN	DETACHED	---	---	409	478	575
	SEMI-DETACHED/ROW	---	267	310	376	492
	WALKUP	227	256	300	368	478
	ELEVATOR	241	282	357	---	---
HAGERSTOWN	DETACHED	---	---	412	475	552
	SEMI-DETACHED/ROW	---	296	312	374	464
	WALKUP	251	282	307	360	459
	ELEVATOR	266	310	365	---	---
SALISBURY	DETACHED	---	---	409	470	533
	SEMI-DETACHED/ROW	---	272	310	378	464
	WALKUP	230	259	305	363	459
	ELEVATOR	244	285	363	---	---
ANNAPOLIS	DETACHED	---	---	499	586	669
	SEMI-DETACHED/ROW	---	309	340	428	541
	WALKUP	261	294	334	412	536
	ELEVATOR	277	328	413	---	---
CAMBRIDGE	DETACHED	---	---	409	470	533
	SEMI-DETACHED/ROW	---	272	310	378	464
	WALKUP	230	259	305	363	459
	ELEVATOR	244	285	363	---	---

AREA OFFICE BALTIMORE, MD REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CUMBERLAND	DETACHED	---	---	412	475	552
	SEMI-DETACHED/ROW	---	296	312	374	464
	WALKUP	251	282	307	360	459
	ELEVATOR	266	310	365	---	---
FREDERICK	DETACHED	---	---	445	507	593
	SEMI-DETACHED/ROW	---	294	337	399	498
	WALKUP	249	280	330	384	493
	ELEVATOR	264	308	393	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Philadelphia REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED	-	-	420	450	483
	SEMI-DETACHED/ROW	240	290	356	424	464
	WALKUP	223	268	337	413	452
	ELEVATOR	322	376	427	-	-
ALLENTOWN	DETACHED	-	-	404	452	536
	SEMI-DETACHED/ROW	240	290	352	425	464
	WALKUP	223	277	335	424	452
	ELEVATOR	287	328	389	-	-
BELLEFONTE	DETACHED	-	-	422	479	524
	SEMI-DETACHED/ROW	224	284	367	403	506
	WALKUP	216	264	338	403	426
	ELEVATOR	227	299	382	-	-
HARRISBURG	DETACHED	-	-	402	459	489
	SEMI-DETACHED/ROW	-	290	336	425	464
	WALKUP	222	280	317	413	452
	ELEVATOR	289	335	383	-	-
LANCASTER	DETACHED	-	-	371	447	489
	SEMI-DETACHED/ROW	-	283	332	413	477
	WALKUP	207	268	322	393	447
	ELEVATOR	246	318	370	-	-
YORK	DETACHED	-	-	349	437	481
	SEMI-DETACHED/ROW	-	259	316	384	436
	WALKUP	202	246	288	360	413
	ELEVATOR	240	300	360	-	-

AREA OFFICE Philadelphia REGION III Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POTTSTOWN	DETACHED	-	-	384	448	477
	SEMI-D TACHED/ROW	-	271	342	401	427
	WALKUP	218	262	300	365	413
	ELEVATOR	260	319	382	-	-
READING	DETACHED	-	-	384	448	477
	SEMI-DETACHED/ROW	-	271	342	401	427
	WALKUP	218	262	300	365	413
	ELEVATOR	260	319	382	-	-
SCRANTON	DETACHED	-	-	395	460	542
	SEMI-DETACHED/ROW	240	289	347	415	491
	WALKUP	240	276	333	404	463
	ELEVATOR	300	348	396	-	-
BETHLEHEM	DETACHED	-	-	404	452	536
	SEMI-DETACHED/ROW	240	290	352	425	464
	WALKUP	223	277	335	424	452
	ELEVATOR	287	328	389	-	-
WELLSBORO	DETACHED	-	-	296	328	356
	SEMI-DETACHED/ROW	204	235	278	309	333
	WALKUP	204	235	265	307	333
	ELEVATOR	245	295	339	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Pittsburgh REGION III - Phildelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW CASTLE	DETACHED	-	-	370	436	506
	SEMI-DETACHED/ROW	-	312	353	414	480
	WALKUP	219	270	318	370	430
	ELEVATOR	255	317	381	-	-
PITTSBURGH	DETACHED	-	-	399	455	525
	SEMI-DETACHED/ROW	-	344	378	434	500
	WALKUP	246	306	360	408	472
	ELEVATOR	270	336	404	-	-
ERIE	DETACHED	-	-	375	406	484
	SEMI-DETACHED/ROW	-	324	356	384	460
	WALKUP	228	281	332	380	442
	ELEVATOR	267	329	396	-	-
SHARON	DETACHED	-	-	370	436	506
	SEMI-DETACHED/ROW	-	312	353	414	480
	WALKUP	219	270	318	370	430
	ELEVATOR	255	317	381	-	-
ALTOONA	DETACHED	-	-	375	428	479
	SEMI-DETACHED/ROW	-	322	354	408	461
	WALKUP	231	278	335	392	451
	ELEVATOR	254	312	375	-	-
JOHNSTOWN	DETACHED	-	-	375	428	479
	SEMI-DETACHED/ROW	-	322	354	408	461
	WALKUP	231	278	335	392	451
	ELEVATOR	254	312	375	-	-

AREA OFFICE RICHMOND, VIRGINIA REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED	---	---	329	381	451
	SEMI-DETACHED/ROW	---	274	311	355	396
	WALKUP	210	245	303	355	396
	ELEVATOR	218	272	317	---	---
NORFOLK	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
VIRGINIA BEACH	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
PORTSMOUTH	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
SUFFOLK	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---
CHESAPEAKE	DETACHED	---	---	327	387	435
	SEMI-DETACHED/ROW	---	262	294	360	397
	WALKUP	217	238	278	350	391
	ELEVATOR	239	262	295	---	---

AREA OFFICE RICHMOND, VIRGINIA REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROANOKE	DETACHED	---	---	309	363	408
	SEMI-DETACHED/ROW	---	239	294	350	390
	WALKUP	188	222	273	345	388
	ELEVATOR	198	253	309	---	---
LYNCHBURG	DETACHED	---	---	309	363	408
	SEMI-DETACHED/ROW	---	239	294	350	390
	WALKUP	188	222	273	345	388
	ELEVATOR	198	253	309	---	---
DANVILLE	DETACHED	---	---	309	363	408
	SEMI-DETACHED/ROW	---	239	294	350	390
	WALKUP	188	222	273	345	388
	ELEVATOR	198	253	309	---	---
NEWPORT NEWS	DETACHED	---	---	316	383	420
	SEMI-DETACHED/ROW	---	252	300	364	400
	WALKUP	201	229	273	347	382
	ELEVATOR	222	240	287	---	---
FREDRICKS-BURG	DETACHED	---	---	340	393	448
	SEMI-DETACHED/ROW	---	246	304	360	407
	WALKUP	195	232	293	360	407
	ELEVATOR	205	246	309	---	---
HARRISONBURG	DETACHED	---	---	293	319	399
	SEMI-DETACHED/ROW	---	233	274	316	359
	WALKUP	176	212	250	306	359
	ELEVATOR	199	231	283	---	---

AREA OFFICE RICHMOND, VIRGINIA REGION III PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WARRENTON	DETACHED	---	---	293	319	399
	SEMI-DETACHED/ROW	---	233	274	316	359
	WALKUP	176	212	250	306	359
	ELEVATOR	199	231	283	---	---
BRISTOL	DETACHED	---	---	253	319	347
	SEMI-DETACHED/ROW	---	194	244	294	338
	WALKUP	180	194	238	291	335
	ELEVATOR	195	251	339	---	---
HAMPTON	DETACHED	---	---	316	383	420
	SEMI-DETACHED/ROW	---	252	300	364	400
	WALKUP	201	229	273	347	382
	ELEVATOR	222	240	287	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Charleston, W. Va. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHARLESTON	DETACHED	---	---	376	413	461
	SEMI-DETACHED/ROW	---	314	355	396	444
	WALKUP	204	260	301	355	400
	ELEVATOR	301	349	392	---	---
BECKLEY	DETACHED	--	--	339	372	415
	SEMI-DETACHED/ROW	--	250	319	349	392
	WALKUP	220	250	284	316	348
	ELEVATOR	267	316	354	--	--
BLUEFIELD	DETACHED	--	--	339	372	415
	SEMI-DETACHED/ROW	--	250	319	349	392
	WALKUP	220	250	284	316	348
	ELEVATOR	267	316	354	--	--
HUNTINGTON	DETACHED	--	--	342	411	447
	SEMI-DETACHED/ROW	--	250	325	389	428
	WALKUP	176	233	307	370	406
	ELEVATOR	267	316	383	--	--
PARKERSBURG	DETACHED	--	--	302	349	383
	SEMI-DETACHED/ROW	--	244	285	329	362
	WALKUP	205	234	277	311	344
	ELEVATOR	260	311	378	--	--
WHEELING	DETACHED	--	--	304	376	426
	SEMI-DETACHED/ROW	--	245	288	361	411
	WALKUP	206	238	280	350	382
	ELEVATOR	263	314	381	--	--

INSURING OFFICE Charleston, W. Va. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MARTINSBURG	DETACHED	---	---	350	389	435
	SEMI-DETACHED/ROW	---	292	330	372	416
	WALKUP	224	272	318	350	395
	ELEVATOR	298	327	364	--	---
FAIRMONT	DETACHED	---	--	350	389	435
	SEMI-DETACHED/ROW	---	292	330	372	416
	WALKUP	224	272	318	350	395
	ELEVATOR	298	327	364	--	--
POINT PLEASANT	DETACHED	---	--	301	347	379
	SEMI-DETACHED/ROW	---	241	284	327	360
	WALKUP	204	233	275	309	342
	ELEVATOR	258	309	345	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Birmingham, Ala. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BIRMINGHAM	DETACHED	-	-	313	382	415
	SEMI-DETACHED/ROW	-	237	274	352	384
	WALKUP	187	221	265	339	369
	ELEVATOR	233	269	387	-	-
DOTHAN	DETACHED	-	-	301	342	372
	SEMI-DETACHED/ROW	-	218	268	327	360
	WALKUP	186	218	268	327	360
	ELEVATOR	246	273	335	-	-
FLORENCE	DETACHED	-	-	296	374	410
	SEMI-DETACHED/ROW	-	233	296	374	410
	WALKUP	190	212	258	323	355
	ELEVATOR	238	265	323	-	-
HUNTSVILLE	DETACHED	-	-	296	368	405
	SEMI-DETACHED/ROW	-	237	296	368	405
	WALKUP	187	225	269	309	339
	ELEVATOR	233	281	336	-	-
MOBILE	DETACHED	-	-	310	372	395
	SEMI-DETACHED/ROW	-	224	286	342	377
	WALKUP	187	216	255	342	377
	ELEVATOR	233	270	319	-	-
MONTGOMERY	DETACHED	-	-	296	387	424
	SEMI-DETACHED/ROW	-	221	281	387	424
	WALKUP	187	212	256	307	337
	ELEVATOR	233	265	320	-	-

AREA OFFICE Birmingham, Ala. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TUSCALOOSA	DETACHED	-	-	305	372	407
	SEMI-DETACHED/ROW	-	208	256	332	364
	WALKUP	187	208	256	332	364
	ELEVATOR	233	266	320	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Jacksonville, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSONVILLE	DETACHED	-	-	273	337	373
	SEMI-DETACHED/ROW	-	241	273	328	345
	WALKUP	191	220	273	328	345
	ELEVATOR	234	285	361	-	-
FORT WALTON BEACH	DETACHED	-	-	260	350	379
	SEMI-DETACHED/ROW	-	221	243	316	337
	WALKUP	185	203	243	316	337
	ELEVATOR	235	273	325	-	-
GAINESVILLE	DETACHED	-	-	301	388	417
	SEMI-DETACHED/ROW	-	256	285	354	369
	WALKUP	218	236	285	354	369
	ELEVATOR	253	295	360	-	-
PANAMA CITY	DETACHED	-	-	260	337	343
	SEMI-DETACHED/ROW	-	219	243	311	325
	WALKUP	185	203	243	311	325
	ELEVATOR	235	273	325	-	-
PENSACOLA	DETACHED	-	-	260	350	379
	SEMI-DETACHED/ROW	-	221	243	316	337
	WALKUP	185	203	243	316	337
	ELEVATOR	235	273	325	-	-
TALLAHASSEE	DETACHED	-	-	337	378	384
	SEMI-DETACHED/ROW	-	247	270	337	351
	WALKUP	205	223	268	337	351
	ELEVATOR	250	290	350	-	-

INSURING OFFICE Coral Gables, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MIAMI	DETACHED	-	-	326	371	435
	SEMI-DETACHED/ROW	-	244	310	378	407
	WALKUP	247	252	327	421	435
	ELEVATOR	264	272	336	-	-
FORT LAUDERDALE	DETACHED	-	-	348	408	437
	SEMI-DETACHED/ROW	-	251	319	402	412
	WALKUP	212	237	307	402	425
	ELEVATOR	217	238	323	-	-
FORT MYERS	DETACHED	-	-	293	345	388
	SEMI-DETACHED/ROW	-	228	260	310	335
	WALKUP	210	235	285	340	363
	ELEVATOR	222	246	288	-	-
KEY WEST	DETACHED	-	-	326	382	459
	SEMI-DETACHED/ROW	-	255	328	388	415
	WALKUP	226	288	365	386	409
	ELEVATOR	243	320	394	-	-
WEST PALM BEACH	DETACHED	-	-	356	392	490
	SEMI-DETACHED/ROW	-	231	278	353	383
	WALKUP	222	237	302	375	398
	ELEVATOR	237	259	361	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Tampa, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TAMPA	DETACHED	-	-	327	361	382
	SEMI-DETACHED/ROW	-	226	261	327	350
	WALKUP	194	220	250	311	350
	ELEVATOR	220	248	283	-	-
COCOA	DETACHED	-	-	302	364	384
	SEMI-DETACHED/ROW	-	200	248	306	335
	WALKUP	183	200	233	263	281
	ELEVATOR	209	227	265	-	-
DAYTONA BEACH	DETACHED	-	-	316	379	400
	SEMI-DETACHED/ROW	-	229	248	308	335
	WALKUP	183	205	239	270	288
	ELEVATOR	209	234	273	-	-
FORT PIERCE	DETACHED	-	-	316	379	400
	SEMI-DETACHED/ROW	-	229	248	308	335
	WALKUP	183	205	239	270	288
	ELEVATOR	209	234	273	-	-
LAKELAND	DETACHED	-	-	301	362	377
	SEMI-DETACHED/ROW	-	264	297	340	365
	WALKUP	224	239	266	330	347
	ELEVATOR	250	267	300	-	-
ORLANDO	DETACHED	-	-	307	364	378
	SEMI-DETACHED/ROW	-	232	285	331	360
	WALKUP	182	212	255	307	324
	ELEVATOR	207	240	288	-	-

INSURING OFFICE Tampa, Fla. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SARASOTA	DETACHED	-	-	312	376	391
	SEMI-DETACHED/ROW	-	251	283	345	375
	WALKUP	205	231	259	343	362
	ELEVATOR	234	261	287	-	-
ST. PETERSBURG	DETACHED	-	-	315	380	400
	SEMI-DETACHED/ROW	-	226	273	333	354
	WALKUP	185	224	266	327	343
	ELEVATOR	210	251	327	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Atlanta, Ga. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ATLANTA	DETACHED	-	-	296	346	384
	SEMI-DETACHED/ROW	-	224	252	297	327
	WALKUP	193	213	244	291	319
	ELEVATOR	241	258	319	-	-
ALBANY	DETACHED	-	-	285	352	379
	SEMI-DETACHED/ROW	-	209	258	323	345
	WALKUP	180	204	252	317	339
	ELEVATOR	248	276	343	-	-
AUGUSTA	DETACHED	-	-	277	350	387
	SEMI-DETACHED/ROW	-	209	241	317	339
	WALKUP	190	204	239	306	328
	ELEVATOR	247	268	314	-	-
BRUNSWICK	DETACHED	-	-	294	349	377
	SEMI-DETACHED/ROW	-	209	252	306	328
	WALKUP	192	204	246	300	323
	ELEVATOR	268	286	349	-	-
COLUMBUS	DETACHED	-	-	304	358	392
	SEMI-DETACHED/ROW	-	221	269	321	356
	WALKUP	197	215	263	316	344
	ELEVATOR	265	287	353	-	-
MACON	DETACHED	-	-	307	327	367
	SEMI-DETACHED/ROW	-	215	261	293	338
	WALKUP	186	209	258	277	310
	ELEVATOR	257	284	353	-	-

AREA OFFICE Atlanta, Ga. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROME	DETACHED	-	-	282	338	371
	SEMI-DETACHED/ROW	-	193	239	295	321
	WALKUP	169	187	235	289	316
	ELEVATOR	241	265	332		
SAVANNAH	DETACHED	-	-	318	379	410
	SEMI-DETACHED/ROW	-	239	277	337	364
	WALKUP	203	226	272	332	358
	ELEVATOR	278	306	373	-	-
VALDOSTA	DETACHED	-	-	267	326	369
	SEMI-DETACHED/ROW		198	248	317	345
	WALKUP	170	193	233	289	323
	ELEVATOR	237	265	322	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Louisville, Ky. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOUISVILLE	DETACHED	-	-	333	399	440
	SEMI-DETACHED/ROW	-	263	303	374	422
	WALKUP	206	244	296	362	408
	ELEVATOR	278	322	395	-	-
LOUISVILLE	MOBILE HOME	-	-	221	257	-
ASHLAND	DETACHED	-	-	329	387	429
	SEMI-DETACHED/ROW	-	263	309	367	410
	WALKUP	210	245	290	347	385
	ELEVATOR	284	326	391	-	-
BOWLING GREEN	DETACHED	-	-	300	363	411
	SEMI-DETACHED/ROW	-	238	289	342	386
	WALKUP	197	222	261	326	391
	ELEVATOR	253	293	354	-	-
CORBIN	DETACHED	-	-	321	395	436
	SEMI-DETACHED/ROW	-	261	305	370	413
	WALKUP	209	243	288	350	389
	ELEVATOR	282	323	388	-	-
COVINGTON	DETACHED	-	-	333	405	447
	SEMI-DETACHED/ROW	-	269	307	382	425
	WALKUP	219	254	287	359	397
	ELEVATOR	290	331	374	-	-

AREA OFFICE Louisville, Ky. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOPKINSVILLE	DETACHED	-	-	316	379	422
	SEMI-DETACHED/ROW	-	238	289	361	403
	WALKUP	198	225	267	330	397
	ELEVATOR	260	301	367	-	-
HOPKINSVILLE	MOBILE HOME	-	-	249	272	-
LEXINGTON	DETACHED	-	-	323	391	430
	SEMI-DETACHED/ROW	-	256	301	376	416
	WALKUP	209	244	295	364	402
	ELEVATOR	275	315	386	-	-
MIDDLESBORO	DETACHED	-	-	320	383	424
	SEMI-DETACHED/ROW	-	250	295	355	412
	WALKUP	198	232	279	341	391
	ELEVATOR	236	270	316	-	-
MURRAY	DETACHED	-	-	324	388	431
	SEMI-DETACHED/ROW	-	255	297	361	405
	WALKUP	198	232	273	335	394
	ELEVATOR	271	312	375	-	-
NEWPORT	DETACHED	-	-	330	404	446
	SEMI-DETACHED/ROW	-	275	307	382	426
	WALKUP	219	254	286	359	397
	ELEVATOR	290	331	385	-	-

AREA OFFICE Louisville, Ky. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OWENSBORO	DETACHED	-	-	334	396	439
	SEMI-DETACHED/ROW	-	247	308	372	416
	WALKUP	199	228	290	352	390
	ELEVATOR	267	307	390	-	-
PADUCAH	DETACHED	-	-	315	380	421
	SEMI-DETACHED/ROW	-	245	290	356	411
	WALKUP	203	233	277	343	391
	ELEVATOR	267	305	369	-	-
FRANKFORT	DETACHED	-	-	317	381	420
	SEMI-DETACHED/ROW	-	244	297	360	403
	WALKUP	197	227	281	343	396
	ELEVATOR	254	293	364	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Jackson, Miss. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
JACKSON	DETACHED	-	-	307	350	418
	SEMI-DETACHED/ROW	-	218	279	338	381
	WALKUP	177	219	283	319	361
	ELEVATOR	247	255	316	-	-
BILOXI	DETACHED	-	-	297	337	358
	SEMI-DETACHED/ROW	-	220	271	326	340
	WALKUP	184	202	249	314	329
	ELEVATOR	233	262	312	-	-
CORINTH	DETACHED	-	-	238	294	340
	SEMI-DETACHED/ROW	-	189	221	278	310
	WALKUP	168	184	210	268	294
	ELEVATOR	233	265	315	-	-
GREENVILLE	DETACHED	-	-	273	323	357
	SEMI-DETACHED/ROW	-	193	221	278	310
	WALKUP	171	187	210	268	294
	ELEVATOR	237	270	315	-	-
GREENWOOD	DETACHED	-	-	273	323	337
	SEMI-DETACHED/ROW	-	198	238	304	317
	WALKUP	171	187	232	290	304
	ELEVATOR	230	268	310	-	-
GULFPORT	DETACHED	-	-	281	330	351
	SEMI-DETACHED/ROW	-	210	256	320	334
	WALKUP	183	204	249	306	320
	ELEVATOR	240	271	312	-	-

AREA OFFICE Jackson, Miss. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HATTIESBURG	DETACHED	-	-	241	286	332
	SEMI-DETACHED/ROW	-	187	218	273	304
	WALKUP	171	182	214	260	286
	ELEVATOR	220	255	303	-	-
SOUTHAVEN	DETACHED	-	-	267	283	319
	SEMI-DETACHED/ROW	-	187	234	269	334
	WALKUP	166	182	228	279	319
	ELEVATOR	215	250	330	-	-
TUPELO	DETACHED	-	-	273	323	343
	SEMI-DETACHED/ROW	-	189	238	304	317
	WALKUP	168	184	232	290	304
	ELEVATOR	226	263	315	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Greensboro, N. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENSBORO	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	190	220	260	310	340
	ELEVATOR	231	252	315	-	-
ASHEVILLE	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	185	215	250	300	335
	WALKUP	185	215	250	300	335
	ELEVATOR	231	252	315	-	-
CHARLOTTE	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	190	220	260	310	340
	ELEVATOR	231	252	315	-	-
DURHAM	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	185	210	250	305	335
	WALKUP	185	210	250	305	335
	ELEVATOR	231	252	315	-	-
GREENVILLE	DETACHED	-	-	275	325	360
	SEMI-DETACHED/ROW	175	195	230	280	305
	WALKUP	175	195	230	280	305
	ELEVATOR	231	252	315	-	-
RALEIGH	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	185	215	255	305	335
	ELEVATOR	231	252	315	-	-

AREA OFFICE Greensboro, N. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WILMINGTON	DETACHED	-	-	285	325	365
	SEMI-DETACHED/ROW	175	195	235	280	310
	WALKUP	175	195	235	280	310
	ELEVATOR	231	252	315	-	-
WINSTON-SALEM	DETACHED	-	-	285	335	375
	SEMI-DETACHED/ROW	190	220	260	310	340
	WALKUP	190	220	260	310	340
	ELEVATOR	231	252	315	-	-
FAYETTEVILLE	DETACHED	-	-	280	325	365
	SEMI-DETACHED/ROW	185	210	245	295	330
	WALKUP	180	205	240	290	325
	ELEVATOR	231	252	315	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Columbia, S. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENVILLE	DETACHED	-	-	324	362	399
	SEMI-DETACHED/ROW	205	220	263	325	364
	WALKUP	205	220	263	325	364
	ELEVATOR	252	274	336	-	-
GREENWOOD	DETACHED	-	-	324	343	399
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	269	330	-	-
MYRTLE BEACH	DETACHED	-	-	330	390	417
	SEMI-DETACHED/ROW	213	226	274	325	364
	WALKUP	213	226	274	325	364
	ELEVATOR	253	274	336	-	-
NORTH AUGUSTA	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	263	330	-	-
ORANGEBURG	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	241	263	314	-	-
ROCKHILL	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	358
	ELEVATOR	242	263	330	-	-

AREA OFFICE Columbia, S. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBIA	DETACHED	-	-	343	383	407
	SEMI-DETACHED/ROW	213	226	274	325	364
	WALKUP	213	226	274	325	364
	ELEVATOR	253	273	330	-	-
AIKEN	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	269	330	-	-
ANDERSON	DETACHED	-	-	324	343	399
	SEMI-DETACHED/ROW	196	213	252	319	358
	WALKUP	196	213	252	319	353
	ELEVATOR	242	269	330	-	-
BEAUFORT	DETACHED	-	-	344	382	410
	SEMI-DETACHED/ROW	202	218	263	330	370
	WALKUP	202	218	263	330	370
	ELEVATOR	249	274	336	-	-
CHARLESTON	DETACHED	-	-	344	382	410
	SEMI-DETACHED/ROW	213	226	263	330	370
	WALKUP	213	226	263	330	370
	ELEVATOR	253	273	330	-	-
FLORENCE	DETACHED	-	-	306	343	381
	SEMI-DETACHED/ROW	196	213	253	319	358
	WALKUP	196	213	253	319	353
	ELEVATOR	252	269	330	-	-

AREA OFFICE Columbia, S. C. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPARTANBURG	DETACHED	-	-	324	364	399
	SEMI-DETACHED/ROW	206	220	263	325	364
	WALKUP	206	220	263	325	364
	ELEVATOR	252	274	336	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Knoxville, Tenn. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KNOXVILLE	DETACHED	-	-	270	330	370
	SEMI-DETACHED/ROW	-	210	260	320	360
	WALKUP	195	205	250	310	345
	ELEVATOR	235	265	325	-	-
CHATTANOOGA	DETACHED	-	-	270	330	370
	SEMI-DETACHED/ROW	-	225	260	320	355
	WALKUP	205	220	255	310	345
	ELEVATOR	235	265	325	-	-
JOHNSON CITY	DETACHED	-	-	255	320	360
	SEMI-DETACHED/ROW	-	210	240	310	345
	WALKUP	185	200	230	290	330
	ELEVATOR	230	260	320	-	-
KINGSPORT	DETACHED	-	-	255	320	360
	SEMI-DETACHED/ROW	-	210	240	310	345
	WALKUP	185	200	230	290	330
	ELEVATOR	230	260	320	-	-
OAKRIDGE	DETACHED	-	-	275	335	375
	SEMI-DETACHED/ROW	-	215	265	325	365
	WALKUP	200	210	255	315	350
	ELEVATOR	240	270	330	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Memphis, Tenn. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MEMPHIS	DETACHED	-	-	312	380	440
	SEMI-DETACHED/ROW	-	258	285	335	387
	WALKUP	191	222	259	291	331
	ELEVATOR	253	290	346	-	-
JACKSON	DETACHED	-	-	260	299	340
	SEMI-DETACHED/ROW	-	220	247	286	330
	WALKUP	178	210	235	266	298
	ELEVATOR	256	292	336	-	-
UNION CITY	DETACHED	-	-	260	299	340
	SEMI-DETACHED/ROW	-	214	257	292	331
	WALKUP	176	193	226	255	282
	ELEVATOR	257	297	352	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Nashville, Tenn. REGION IV - Atlanta

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NASHVILLE	DETACHED	-	-	283	334	364
	SEMI-DETACHED/ROW	-	211	254	313	351
	WALKUP	185	205	243	308	340
	ELEVATOR	197	265	341	-	-
CLARKSVILLE	DETACHED	-	-	283	334	364
	SEMI-DETACHED/ROW	-	211	248	313	341
	WALKUP	185	205	243	308	335
	ELEVATOR	197	265	341		
COLUMBIA	DETACHED	-	-	276	328	361
	SEMI-DETACHED/ROW	-	211	248	309	341
	WALKUP	177	200	243	297	324
	ELEVATOR	197	265	341	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE CHICAGO, ILL. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHICAGO	DETACHED	---	---	550	580	675
	SEMI-DETACHED/ROW	---	425	466	507	569
	WALKUP	308	339	408	494	515
	ELEVATOR	365	419	520	557	---
MOLINE	DETACHED	---	---	502	530	591
	SEMI-DETACHED/ROW	---	406	430	485	512
	WALKUP	297	326	392	469	---
	ELEVATOR	343	378	482	---	---
ROCKFORD	DETACHED	---	---	423	451	511
	SEMI-DETACHED/ROW	---	363	384	403	430
	WALKUP	253	281	334	387	---
	ELEVATOR	298	333	400	---	---
ROCK ISLAND	DETACHED	---	---	502	530	591
	SEMI-DETACHED/ROW	---	406	430	485	512
	WALKUP	297	326	392	469	---
	ELEVATOR	343	378	482	---	---
STERLING	DETACHED	---	---	406	433	492
	SEMI-DETACHED/ROW	---	357	378	396	423
	WALKUP	251	279	330	381	---
	ELEVATOR	293	327	393	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Springfield, Ill. REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
Springfield	DETACHED	-	-	399	447	505
	SEMI-DETACHED/ROW	-	318	374	423	479
	WALKUP	273	311	371	420	467
	ELEVATOR	331	372	444	-	-
Belleville	DETACHED	-	-	347	399	458
	SEMI-DETACHED/ROW	-	269	325	375	432
	WALKUP	222	262	322	372	419
	ELEVATOR	278	315	389	-	-
Carbondale	DETACHED	-	-	364	415	472
	SEMI-DETACHED/ROW	-	287	342	386	446
	WALKUP	242	279	339	388	434
	ELEVATOR	300	339	411	-	-
CHAMPAIGN	DETACHED	-	-	337	387	442
	SEMI-DETACHED/ROW	-	262	316	364	417
	WALKUP	218	255	313	361	405
	ELEVATOR	286	311	382	-	-
Danville	DETACHED	-	-	384	435	494
	SEMI-DETACHED/ROW	-	309	363	411	467
	WALKUP	262	300	360	408	456
	ELEVATOR	321	360	432	-	-
EAST ST. LOUIS	DETACHED	-	-	337	389	448
	SEMI-DETACHED/ROW	-	258	314	365	421
	WALKUP	211	251	312	362	409
	ELEVATOR	278	319	395	-	-

INSURING OFFICE Springfield, Ill. REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LaSalle	DETACHED	-	-	374	427	487
	SEMI-DETACHED/ROW	-	297	353	403	460
	WALKUP	242	272	338	387	432
	ELEVATOR	305	345	419	-	-
Peoria	DETACHED	-	-	413	466	525
	SEMI-DETACHED/ROW	-	336	392	441	498
	WALKUP	288	328	388	439	486
	ELEVATOR	350	389	463	-	-
Quincy	DETACHED	-	-	330	376	431
	SEMI-DETACHED/ROW	-	264	306	352	406
	WALKUP	208	245	302	349	395
	ELEVATOR	264	301	374	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE INDIANAPOLIS, IND. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
INDIANAPOLIS	DETACHED	---	---	370	449	472
	SEMI-DETACHED/ROW	---	253	308	389	410
	WALKUP	223	248	295	383	---
	ELEVATOR	279	317	381	---	---
BLOOMINGTON	DETACHED	---	---	347	404	428
	SEMI-DETACHED/ROW	---	228	285	345	367
	WALKUP	197	222	280	339	---
	ELEVATOR	252	290	367	---	---
EVANSVILLE	DETACHED	---	---	349	404	426
	SEMI-DETACHED/ROW	---	241	295	361	383
	WALKUP	211	236	289	356	---
	ELEVATOR	252	290	360	---	---
FORT WAYNE	DETACHED	---	---	361	418	444
	SEMI-DETACHED/ROW	---	263	303	364	385
	WALKUP	233	257	296	356	---
	ELEVATOR	286	323	380	---	---
GARY	DETACHED	---	---	407	469	491
	SEMI-DETACHED/ROW	---	286	354	412	435
	WALKUP	254	278	345	406	---
	ELEVATOR	308	347	433	---	---
HAMMOND	DETACHED	---	---	407	469	491
	SEMI-DETACHED/ROW	---	286	354	412	435
	WALKUP	254	278	345	406	---
	ELEVATOR	304	342	428	---	---

AREA OFFICE INDIANAPOLIS, IND. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAFAYETTE	DETACHED	---	---	369	425	447
	SEMI-DETACHED/ROW	---	255	309	373	388
	WALKUP	224	249	304	362	---
	ELEVATOR	270	308	389	---	---
SOUTH BEND	DETACHED	---	---	410	468	489
	SEMI-DETACHED/ROW	---	276	352	410	433
	WALKUP	246	271	345	405	---
	ELEVATOR	301	334	434	---	---
TERRE HAUTE	DETACHED	---	---	368	426	448
	SEMI-DETACHED/ROW	---	254	311	369	392
	WALKUP	217	247	304	365	---
	ELEVATOR	268	308	391	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Detroit, Michigan REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DETROIT	DETACHED	-	-	431	450	481
	SEMI-DETACHED/ROW	-	368	399	423	459
	WALKUP	243	277	347	382	409
	ELEVATOR	275	343	447	-	-
ANN ARBOR	DETACHED	-	-	431	450	481
	SEMI-DETACHED/ROW	-	368	399	423	459
	WALKUP	243	277	347	382	409
	ELEVATOR	275	343	447	-	-
FLINT	DETACHED	-	-	379	421	450
	SEMI-DETACHED/ROW	-	284	347	387	424
	WALKUP	226	262	313	355	393
	ELEVATOR	261	326	425	-	-
SAGINAW	DETACHED	-	-	379	421	450
	SEMI-DETACHED/ROW	-	284	347	387	424
	WALKUP	226	262	313	355	393
	ELEVATOR	261	326	425	-	-
YPSILANTI	DETACHED	-	-	431	450	481
	SEMI-DETACHED/ROW	-	368	399	423	459
	WALKUP	243	277	347	382	409
	ELEVATOR	275	343	447	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE GRAND RAPIDS, MICH. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GRAND RAPIDS	DETACHED	---	---	348	392	413
	SEMI-DETACHED/ROW	---	277	315	359	381
	WALKUP	190	223	272	310	---
	ELEVATOR	244	297	340	---	---
BATTLE CREEK	DETACHED	---	---	347	396	418
	SEMI-DETACHED/ROW	---	280	314	358	374
	WALKUP	204	231	270	319	---
	ELEVATOR	263	294	344	---	---
BENTON HARBOR	DETACHED	---	---	350	399	421
	SEMI-DETACHED/ROW	---	284	317	361	399
	WALKUP	208	235	273	339	---
	ELEVATOR	263	301	345	---	---
KALAMAZOO	DETACHED	---	---	355	399	421
	SEMI-DETACHED/ROW	---	289	317	360	377
	WALKUP	213	240	279	312	---
	ELEVATOR	268	298	357	---	---
LANSING	DETACHED	---	---	375	430	451
	SEMI-DETACHED/ROW	---	272	310	381	413
	WALKUP	201	223	272	341	---
	ELEVATOR	261	294	343	---	---
MUSKEGON	DETACHED	---	---	319	372	398
	SEMI-DETACHED/ROW	---	246	283	333	371
	WALKUP	197	228	268	318	---
	ELEVATOR	245	280	321	---	---

INSURING OFFICE GRAND RAPIDS, MICH REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRAVERSE CITY	DETACHED	---	---	392	443	464
	SEMI-DETACHED/ROW	---	289	353	404	422
	WALKUP	211	242	298	350	---
	ELEVATOR	279	312	372	---	---
MARQUETTE	DETACHED	---	---	359	408	430
	SEMI-DETACHED/ROW	---	288	321	364	381
	WALKUP	222	229	275	315	---
	ELEVATOR	263	294	339	---	---
JACKSON	DETACHED	---	---	377	438	459
	SEMI-DETACHED/ROW	---	295	334	377	405
	WALKUP	224	257	317	355	---
	ELEVATOR	278	310	389	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Minneapolis, St. Paul REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MINNEAPOLIS ST. PAUL	DETACHED	-	-	430	484	518
	SEMI-DETACHED/ROW	-	-	364	413	453
	WALKUP	232	285	332	408	431
	ELEVATOR	268	360	413	-	-
DULUTH	DETACHED	-	-	433	486	503
	SEMI-DETACHED/ROW	-	-	366	416	460
	WALKUP	223	265	327	410	432
	ELEVATOR	266	305	385	-	-
MANKATO	DETACHED	-	-	423	476	491
	SEMI-DETACHED/ROW	-	-	344	393	433
	WALKUP	239	257	303	327	350
	ELEVATOR	312	340	404	-	-
ROCHESTER	DETACHED	-	-	438	491	507
	SEMI-DETACHED/ROW	-	-	352	421	463
	WALKUP	232	271	332	394	417
	ELEVATOR	314	361	425	-	-
ST. CLOUD	DETACHED	-	-	426	477	493
	SEMI-DETACHED/ROW	-	-	364	413	453
	WALKUP	232	241	286	389	413
	ELEVATOR	306	323	387	-	-
WORTHINGTON	DETACHED	-	-	405	456	470
	SEMI-DETACHED/ROW	-	-	341	389	429
	WALKUP	237	247	290	330	353
	ELEVATOR	316	336	398	-	-

INSURING OFFICE Cincinnati, Ohio REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CINCINNATI	DETACHED	-	-	476	521	545
	SEMI-DETACHED/ROW	-	333	390	440	468
	WALKUP	229	265	322	376	404
	ELEVATOR	341	379	460	-	-
DAYTON	DETACHED	-	-	467	515	548
	SEMI-DETACHED/ROW	-	314	371	435	463
	WALKUP	277	309	355	417	445
	ELEVATOR	385	423	493	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Cleveland, Ohio REGION V - Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CLEVELAND	DETACHED	-	-	457	498	543
	SEMI-DETACHED/ROW	-	322	375	413	456
	WALKUP	268	297	345	388	423
	ELEVATOR	327	359	423	-	-
AKRON	DETACHED	-	-	419	454	494
	SEMI-DETACHED/ROW	-	311	358	394	438
	WALKUP	258	287	330	371	406
	ELEVATOR	313	343	401	-	-
FINDLAY	DETACHED	-	-	371	405	443
	SEMI-DETACHED/ROW	-	267	322	356	397
	WALKUP	217	244	295	335	368
	ELEVATOR	271	300	366	-	-
LORAIN	DETACHED	-	-	403	439	479
	SEMI-DETACHED/ROW	-	288	344	379	421
	WALKUP	237	265	317	358	392
	ELEVATOR	295	325	391	-	-
MANSFIELD	DETACHED	-	-	365	400	438
	SEMI-DETACHED/ROW	-	264	314	348	390
	WALKUP	215	242	289	330	363
	ELEVATOR	270	301	362	-	-
TOLEDO	DETACHED	-	-	432	462	503
	SEMI-DETACHED/ROW	-	307	362	398	441
	WALKUP	254	283	334	376	410
	ELEVATOR	312	343	409	-	-

INSURING OFFICE Cleveland, Ohio REGION V-Chicago

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YOUNGSTOWN	DETACHED	-	-	397	432	470
	SEMI-DETACHED/ROW	-	291	336	371	413
	WALKUP	241	268	310	351	384
	ELEVATOR	297	327	383	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE COLUMBUS, OHIO REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBUS	DETACHED	---	---	405	460	485
	SEMI-DETACHED/ROW	---	285	350	400	430
	WALKUP	240	270	320	370	390
	ELEVATOR	330	380	430	---	---
ATHENS	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
LIMA	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
MARIETTA	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
NEWARK	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
SPRINGFIELD	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---

AREA OFFICE COLUMBUS, OHIO REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TROY	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
ZANESVILLE	DETACHED	---	---	380	435	465
	SEMI-DETACHED/ROW	---	285	330	385	415
	WALKUP	245	275	300	350	375
	ELEVATOR	310	360	415	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE MILWAUKEE, WIS. REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MADISON	DETACHED	---	---	412	477	507
	SEMI-DETACHED/ROW	---	285	357	414	446
	WALKUP	240	262	319	370	---
	ELEVATOR	277	305	378	---	---
REEDSVILLE	DETACHED	---	---	375	427	456
	SEMI-DETACHED/ROW	---	285	327	388	417
	WALKUP	221	244	299	350	---
	ELEVATOR	249	278	352	---	---
SUPERIOR	DETACHED	---	---	395	466	492
	SEMI-DETACHED/ROW	---	283	338	399	431
	WALKUP	226	256	308	364	---
	ELEVATOR	265	290	366	---	---
MILWAUKEE	DETACHED	---	---	419	486	518
	SEMI-DETACHED/ROW	---	320	368	432	464
	WALKUP	266	291	322	364	---
	ELEVATOR	310	335	395	---	---
EAU CLAIRE	DETACHED	---	---	374	437	464
	SEMI-DETACHED/ROW	---	267	320	377	440
	WALKUP	232	249	295	344	---
	ELEVATOR	255	279	342	---	---
GREENBAY	DETACHED	---	---	353	410	434
	SEMI-DETACHED/ROW	---	270	313	371	399
	WALKUP	214	233	286	333	---
	ELEVATOR	239	267	336	---	---

AREA OFFICE MILWAUKEE, WIS REGION V CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WAUSAU	DETACHED	---	---	373	441	465
	SEMI-DETACHED/ROW	---	277	325	382	409
	WALKUP	215	238	292	342	---
	ELEVATOR	250	291	349	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Little Rock, Arkansas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FAYETTSVILLE	DETACHED	---	---	255	303	366
	SEMI-DETACHED/ROW	166	202	248	296	356
	WALKUP	154	182	226	270	310
	ELEVATOR	239	277	349	---	---
LITTLE ROCK	DETACHED	---	---	281	319	383
	SEMI-DETACHED/ROW	178	217	267	303	364
	WALKUP	171	204	237	293	327
	ELEVATOR	243	295	366	--	---
TEXARKANA	DETACHED	--	--	275	319	394
	SEMI-DETACHED/ROW	168	205	252	300	362
	WALKUP	164	187	237	292	327
	ELEVATOR	237	275	347	--	--
TEXARKANA	MOBILE HOME	---	147	214	274	305
FORT SMITH	DETACHED	---	---	246	292	352
	SEMI-DETACHED/ROW	160	193	239	283	342
	WALKUP	150	173	223	263	306
	ELEVATOR	229	266	337	--	--
JONESBORO	DETACHED	--	--	266	315	380
	SEMI-DETACHED/ROW	170	207	257	304	366
	WALKUP	152	186	239	289	327
	ELEVATOR	243	282	356	---	---

AREA OFFICE New Orleans, La. REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED	---	---	286	338	410
	SEMI-DETACHED/ROW	164	217	272	324	387
	WALKUP	136	196	247	291	336
	ELEVATOR	277	346	439	--	--
LAKE CHARLES	DETACHED	--	--	304	362	438
	SEMI-DETACHED/ROW	183	233	291	345	413
	WALKUP	165	209	263	309	359
	ELEVATOR	318	370	469	--	--
LAFAYETTE	DETACHED	--	--	293	342	422
	SEMI-DETACHED/ROW	170	226	279	332	401
	WALKUP	160	200	254	299	347
	ELEVATOR	307	356	452	--	--
BATON ROUGE	DETACHED	--	--	258	306	370
	SEMI-DETACHED/ROW	152	198	248	294	352
	WALKUP	141	184	224	265	305
	ELEVATOR	266	311	392	--	--
BURAS	DETACHED	--	--	289	346	422
	SEMI-DETACHED/ROW	170	225	279	330	398
	WALKUP	159	200	249	297	349
	ELEVATOR	276	349	447	--	--
HOUMA	DETACHED	--	--	278	330	400
	SEMI-DETACHED/ROW	163	215	268	316	379
	WALKUP	152	193	243	285	333
	ELEVATOR	275	341	432	---	--

INSURING OFFICE Shreveport, La. REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHREVEPORT	DETACHED	---	---	300	353	426
	SEMI-DETACHED/ROW	197	225	281	332	401
	WALKUP	167	196	251	296	341
	ELEVATOR	279	303	390	--	--
ALEXANDRIA	DETACHED	--	--	254	312	374
	SEMI-DETACHED/ROW	175	201	240	295	353
	WALKUP	150	186	228	278	322
	ELEVATOR	248	289	352	--	--
MONROE	DETACHED	--	--	257	330	395
	SEMI-DETACHED/ROW	163	198	243	312	373
	WALKUP	152	188	239	294	340
	ELEVATOR	251	290	370	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Albuquerque REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBUQUERQUE	DETACHED	---	---	289	354	399
	SEMI-DETACHED/ROW	210	240	267	319	378
	WALKUP	172	213	241	285	331
	ELEVATOR	216	253	320	--	--
ALAMOGORDO	DETACHED	--	--	291	345	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR	203	237	299	--	--
ARTESIA	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	205	241	304	--	--
CARLSBAD	DETACHED	---	--	297	353	426
	SEMI-DETACHED/ROW	224	254	283	338	403
	WALKUP	181	228	258	307	352
	ELEVATOR	205	241	305	--	--
CLOVIS	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	205	238	299	--	--
FORT SUMNER	DETACHED	--	--	304	363	435
	SEMI-DETACHED/ROW	231	261	290	345	414
	WALKUP	187	232	262	308	359
	ELEVATOR	213	247	313	--	--

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GALLUP	DETACHED	---	---	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	192	239	269	320	348
	ELEVATOR	220	254	321	--	--
HOBBS	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	345
	ELEVATOR	203	238	299	--	--
LA CRUCES	DETACHED	--	--	291	345	418
	SEMI-DETACHED/ROW	218	248	279	334	397
	WALKUP	183	223	251	301	343
	ELEVATOR	203	238	299	--	--
LAS VEGAS	DETACHED	--	--	305	361	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	232	263	310	359
	ELEVATOR	213	247	313	--	--
LOS ALAMOS	DETACHED	--	--	312	369	447
	SEMI-DETACHED/ROW	238	268	299	356	427
	WALKUP	192	239	269	319	369
	ELEVATOR	218	253	321	--	--
RATON	DETACHED	--	--	305	361	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	232	263	310	359
	ELEVATOR	213	247	313	---	---

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SOCORRO	DETACHED	---	---	291	345	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR	203	237	297	--	--
RUIDOSO	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	239	269	320	371
	ELEVATOR	218	253	321	--	--
DULCE	DETACHED	--	--	318	378	456
	SEMI-DETACHED/ROW	242	272	305	364	434
	WALKUP	195	243	274	325	376
	ELEVATOR	247	288	363	--	--
ISLETA	DETACHED	--	--	283	337	406
	SEMI-DETACHED/ROW	214	244	272	323	386
	WALKUP	173	216	243	290	336
	ELEVATOR	222	258	325	--	--
JEMEZ	DETACHED	--	--	291	346	417
	SEMI-DETACHED/ROW	220	250	279	334	398
	WALKUP	178	223	251	298	345
	ELEVATOR	226	263	334	--	--
LAGUNA	DETACHED	--	--	297	353	426
	SEMI-DETACHED/ROW	224	254	275	339	404
	WALKUP	183	226	256	304	352
	ELEVATOR	231	269	341	---	---

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA FE	DETACHED	---	---	305	361	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	177	232	263	310	359
	ELEVATOR	202	247	313	--	--
SLIVER CITY	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	239	269	320	371
	ELEVATOR	220	254	321	--	--
TRUTH OR CONSEQUENCES	DETACHED	--	--	291	345	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR	203	237	299	--	--
FARMINGTON	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	237	269	320	371
	ELEVATOR	220	254	321	--	--
TERRA AMARILLO	DETACHED	--	--	313	372	448
	SEMI-DETACHED/ROW	238	268	299	356	426
	WALKUP	191	239	269	320	371
	ELEVATOR	218	253	321	--	--
TAOS	DETACHED	--	--	315	373	451
	SEMI-DETACHED/ROW	240	270	303	359	431
	WALKUP	194	241	272	322	373
	ELEVATOR	221	256	323	--	---

INSURING OFFICE Albuquerque, New Mexico REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MESCALERO	DETACHED	---	---	305	363	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	233	263	312	360
	ELEVATOR	238	276	350	--	--
PENASCO	DETACHED	--	--	310	369	444
	SEMI-DETACHED/ROW	236	266	297	354	423
	WALKUP	190	237	267	316	367
	ELEVATOR	241	322	356	--	--
POJOAQUE	DETACHED	--	--	304	363	436
	SEMI-DETACHED/ROW	232	262	291	348	416
	WALKUP	187	233	263	312	360
	ELEVATOR	238	276	350	--	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Oklahoma City, Oklahoma REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OKLAHOMA CITY	DETACHED	---	---	234	259	312
	SEMI-DETACHED/ROW	166	190	223	254	297
	WALKUP	158	168	201	248	290
	ELEVATOR	271	290	317	--	--
ADA	DETACHED	--	--	239	260	325
	SEMI-DETACHED/ROW	151	201	230	255	309
	WALKUP	151	176	207	250	303
	ELEVATOR	249	270	311	--	--
ARDMORE	DETACHED	--	--	249	286	329
	SEMI-DETACHED/ROW	168	213	236	273	313
	WALKUP	165	187	235	265	301
	ELEVATOR	272	292	369	--	--
ENID	DETACHED	--	--	256	321	354
	SEMI-DETACHED/ROW	174	193	243	305	336
	WALKUP	165	181	234	292	313
	ELEVATOR	284	305	402	--	--
GUYMON	DETACHED	--	--	253	321	373
	SEMI-DETACHED/ROW	167	191	242	305	356
	WALKUP	150	181	234	292	313
	ELEVATOR	253	287	370	--	--
LAWTON	DETACHED	--	--	253	311	372
	SEMI-DETACHED/ROW	180	199	241	298	354
	WALKUP	153	187	231	288	323
	ELEVATOR	253	284	351	--	--

AREA OFFICE Oklahoma City REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHAWNEE	DETACHED	---	---	233	288	325
	SEMI-DETACHED/ROW	151	196	221	274	309
	WALKUP	143	173	220	256	292
	ELEVATOR	240	264	337	--	--
STILLWATER	DETACHED	--	--	234	266	304
	SEMI-DETACHED/ROW	153	175	213	260	288
	WALKUP	146	167	197	255	283
	ELEVATOR	243	257	305	--	--
WOODWARD	DETACHED	--	--	238	288	326
	SEMI-DETACHED/ROW	145	173	234	260	319
	WALKUP	132	159	228	276	311
	ELEVATOR	222	250	363	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Tulsa, Oklahoma REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TULSA	DETACHED	---	---	346	399	450
	SEMI-DETACHED/ROW	242	268	322	371	415
	WALKUP	204	226	277	320	346
	ELEVATOR	326	340	422	--	--
BARTLESVILLE	DETACHED	--	--	294	351	399
	SEMI-DETACHED/ROW	199	228	271	330	369
	WALKUP	163	185	224	268	295
	ELEVATOR	257	274	339	--	--
MC ALESTER	DETACHED	--	--	258	313	360
	SEMI-DETACHED/ROW	194	217	238	291	333
	WALKUP	150	171	192	233	259
	ELEVATOR	253	268	303	--	--
MUSKOGEE	DETACHED	--	--	288	345	393
	SEMI-DETACHED/ROW	206	232	276	329	373
	WALKUP	158	179	217	259	285
	ELEVATOR	268	285	341	---	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Dallas, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DALLAS	DETACHED	---	---	313	373	449
	SEMI-DETACHED/ROW	181	215	268	319	384
	WALKUP	175	206	260	308	357
	ELEVATOR	284	330	419	--	--
SHERMAN	DETACHED	--	--	284	339	409
	SEMI-DETACHED/ROW	160	192	239	285	342
	WALKUP	147	177	232	275	320
	ELEVATOR	259	302	381	--	--
TYLER	DETACHED	--	--	286	342	411
	SEMI-DETACHED/ROW	166	199	248	293	354
	WALKUP	147	185	231	272	316
	ELEVATOR	277	324	410	--	--
WACO	DETACHED	--	--	286	340	411
	SEMI-DETACHED/ROW	165	199	246	294	354
	WALKUP	147	157	232	275	319
	ELEVATOR	280	317	400	--	--
MARSHALL	DETACHED	--	--	255	314	376
	SEMI-DETACHED/ROW	167	204	243	300	360
	WALKUP	149	185	226	276	321
	ELEVATOR	238	275	338	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Fort Worth, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FORT WORTH	DETACHED	---	---	280	347	449
	SEMI-DETACHED/ROW	169	199	265	329	424
	WALKUP	147	173	235	290	361
	ELEVATOR	275	303	413	--	--
ABILENE	DETACHED	--	--	314	394	510
	SEMI-DETACHED/ROW	173	216	294	370	480
	WALKUP	139	173	239	299	372
	ELEVATOR	--	330	457	--	--
SAN ANGELO	DETACHED	--	--	290	345	436
	SEMI-DETACHED/ROW	168	208	276	328	417
	WALKUP	141	174	237	279	336
	ELEVATOR	276	339	432	--	--
WICHITA FALLS	DETACHED	--	--	262	323	388
	SEMI-DETACHED/ROW	163	205	247	305	367
	WALKUP	151	190	232	286	331
	ELEVATOR	271	315	386	--	--
JUNCTION	DETACHED	--	--	271	356	402
	SEMI-DETACHED/ROW	173	208	257	339	382
	WALKUP	163	197	247	323	355
	ELEVATOR	280	321	410	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Houston, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOUSTON	DETACHED	---	---	380	461	545
	SEMI-DETACHED/ROW	220	267	334	402	477
	WALKUP	207	239	325	393	445
	ELEVATOR	370	390	479	--	--
BEAUMONT	DETACHED	--	--	354	458	507
	SEMI-DETACHED/ROW	202	250	312	406	447
	WALKUP	183	236	299	387	410
	ELEVATOR	344	413	520	--	--
BRYAN	DETACHED	--	--	395	462	542
	SEMI-DETACHED/ROW	251	277	379	442	540
	WALKUP	196	223	311	364	427
	ELEVATOR	372	390	507	--	--
EL CAMPO	DETACHED	--	--	354	461	508
	SEMI-DETACHED/ROW	181	235	306	396	408
	WALKUP	172	208	286	372	392
	ELEVATOR	317	356	466	--	--
LUFKIN	DETACHED	--	--	328	410	470
	SEMI-DETACHED/ROW	184	223	292	364	416
	WALKUP	157	196	261	325	358
	ELEVATOR	300	348	449	--	--
TEXAS CITY	DETACHED	--	--	335	400	480
	SEMI-DETACHED/ROW	178	225	310	370	425
	WALKUP	170	212	299	355	410
	ELEVATOR	312	362	510	--	--

INSURING OFFICE Lubbock, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LUBBOCK	DETACHED	---	---	291	385	458
	SEMI-DETACHED/ROW	183	224	274	363	431
	WALKUP	171	215	264	352	413
	ELEVATOR	225	269	318	--	--
AMARILLO	DETACHED	--	--	300	395	451
	SEMI-DETACHED/ROW	189	228	281	370	421
	WALKUP	176	217	270	358	402
	ELEVATOR	230	274	323	--	--
EL PASO	DETACHED	--	--	274	366	419
	SEMI-DETACHED/ROW	189	209	264	354	404
	WALKUP	176	198	253	341	385
	ELEVATOR	215	259	308	--	--
MIDLAND	DETACHED	--	--	304	390	440
	SEMI-DETACHED/ROW	199	234	289	381	417
	WALKUP	189	226	281	362	403
	ELEVATOR	235	279	328	--	--
ODESSA	DETACHED	--	--	309	396	442
	SEMI-DETACHED/ROW	199	237	292	375	415
	WALKUP	187	226	281	363	398
	ELEVATOR	235	279	328	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE San Antonio, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN ANTONIO	DETACHED	---	---	271	356	402
	SEMI-DETACHED/ROW	173	208	257	339	382
	WALKUP	163	197	247	323	355
	ELEVATOR	280	321	410	--	--
AUSTIN	DETACHED	--	--	281	346	388
	SEMI-DETACHED/ROW	183	214	267	328	371
	WALKUP	173	200	253	311	339
	ELEVATOR	293	313	403	--	--
CORPUS CHRISTI	DETACHED	--	--	281	346	388
	SEMI-DETACHED/ROW	183	214	267	328	371
	WALKUP	171	200	253	311	339
	ELEVATOR	294	313	404	--	--
EAGLE PASS	DETACHED	--	--	284	377	423
	SEMI-DETACHED/ROW	194	220	270	358	365
	WALKUP	176	195	245	322	350
	ELEVATOR	280	321	410	--	--
HARLINGEN	DETACHED	--	--	305	408	461
	SEMI-DETACHED/ROW	162	212	278	371	420
	WALKUP	140	192	239	318	349
	ELEVATOR	253	296	401	--	--
LAREDO	DETACHED	--	--	284	378	422
	SEMI-DETACHED/ROW	189	220	270	360	400
	WALKUP	176	195	245	322	350
	ELEVATOR	280	323	410	--	--

AREA OFFICE San Antonio, Texas REGION VI - Dallas

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VICTORIA	DETACHED	---	---	278	374	422
	SEMI-DETACHED/ROW	180	210	264	355	402
	WALKUP	161	186	239	321	351
	ELEVATOR	288	310	398	--	--
DEL RIO	DETACHED	--	--	284	378	422
	SEMI-DETACHED/ROW	198	220	270	360	400
	WALKUP	176	195	245	322	350
	ELEVATOR	280	323	410	--	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Des Moines, Iowa REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DES MOINES	DETACHED	-	-	409	455	520
	SEMI-DETACHED/ROW	-	282	366	422	478
	WALKUP	217	243	311	360	394
	ELEVATOR	291	335	398	-	-
BETTENDORF	DETACHED	-	-	398	446	513
	SEMI-DETACHED/ROW	-	286	378	417	474
	WALKUP	234	250	324	368	397
	ELEVATOR	293	336	410	-	-
DAVENPORT	DETACHED	-	-	398	446	513
	SEMI-DETACHED/ROW	-	286	378	417	474
	WALKUP	234	250	324	368	397
	ELEVATOR	293	336	410	-	-
CEDAR RAPIDS	DETACHED	-	-	399	446	513
	SEMI-DETACHED/ROW	-	273	367	404	474
	WALKUP	222	238	314	356	398
	ELEVATOR	288	332	403	-	-
COUNCIL BLUFFS	DETACHED	-	-	362	419	469
	SEMI-DETACHED/ROW	-	267	339	383	442
	WALKUP	207	225	287	336	370
	ELEVATOR	270	311	368	-	-
DUBUQUE	DETACHED	-	-	409	456	522
	SEMI-DETACHED/ROW	-	293	352	396	461
	WALKUP	225	243	288	336	399
	ELEVATOR	294	331	403	-	-

INSURING OFFICE Des Moines, Iowa REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MASON CITY	DETACHED	-	-	381	423	487
	SEMI-DETACHED/ROW	-	275	350	376	437
	WALKUP	223	241	294	343	377
	ELEVATOR	287	331	397	-	-
SIOUX CITY	DETACHED	-	-	412	479	550
	SEMI-DETACHED/ROW	-	308	371	416	483
	WALKUP	234	287	341	380	463
	ELEVATOR	290	333	406	-	-
WATERLOO	DETACHED	-	-	382	423	463
	SEMI-DETACHED/ROW	-	275	329	371	430
	WALKUP	239	257	297	346	380
	ELEVATOR	291	334	407	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Kansas City, Kansas REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KANSAS CITY (Mo. & Kans.)	DETACHED	-	-	339	387	414
	SEMI-DETACHED/ROW	-	246	304	387	414
	WALKUP	197	238	266	347	389
	ELEVATOR	215	298	397	-	-
JOPLIN	DETACHED	-	-	281	325	351
	SEMI-DETACHED/ROW	-	232	275	321	343
	WALKUP	162	186	229	270	292
	ELEVATOR	205	283	377	-	-
ST. JOSEPH	DETACHED	-	-	276	357	391
	SEMI-DETACHED/ROW	-	230	270	357	391
	WALKUP	191	224	267	305	335
	ELEVATOR	215	298	397		
SEDALIA	DETACHED	-	-	262	298	324
	SEMI-DETACHED/ROW	-	209	251	298	324
	WALKUP	173	196	241	284	309
	ELEVATOR	204	282	375	-	-
SPRINGFIELD	DETACHED	-	-	273	324	345
	SEMI-DETACHED/ROW	-	238	278	324	345
	WALKUP	160	187	218	260	287
	ELEVATOR	205	283	377	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Topeka, Kansas REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TOPEKA	DETACHED	-	-	348	403	437
	SEMI-DETACHED/ROW	-	288	340	394	429
	WALKUP	190	242	296	354	406
	ELEVATOR	213	291	368	-	-
GARDEN CITY	DETACHED	-	-	336	388	413
	SEMI-DETACHED/ROW	-	266	327	380	404
	WALKUP	204	236	288	346	388
	ELEVATOR	213	291	368	-	-
PITTSBURG	DETACHED	-	-	328	383	416
	SEMI-DETACHED/ROW	-	268	311	369	393
	WALKUP	199	233	281	346	388
	ELEVATOR	206	286	362	-	-
SALINA	DETACHED	-	-	329	382	423
	SEMI-DETACHED/ROW	-	269	323	371	412
	WALKUP	201	233	283	344	380
	ELEVATOR	213	291	368	-	-
WICHITA	DETACHED	-	-	340	398	427
	SEMI-DETACHED/ROW	-	274	331	388	422
	WALKUP	187	238	290	355	403
	ELEVATOR	213	291	368	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE St. Louis, Mo. REGION VII - Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ST. LOUIS	DETACHED	-	-	359	433	481
	SEMI-DETACHED/ROW	-	268	332	408	475
	WALKUP	193	244	307	380	422
	ELEVATOR	240	289	407	-	-
CAPE GIRARDEAU	DETACHED	-	-	330	397	443
	SEMI-DETACHED/ROW	-	208	278	361	402
	WALKUP	157	196	259	331	367
	ELEVATOR	225	274	375	-	-
COLUMBIA	DETACHED	-	-	355	425	468
	SEMI-DETACHED/ROW	-	229	301	376	419
	WALKUP	185	219	290	364	407
	ELEVATOR	236	288	405	-	-
KIRKSVILLE	DETACHED	-	-	352	422	465
	SEMI-DETACHED/ROW	-	218	282	367	407
	WALKUP	167	205	265	345	381
	ELEVATOR	230	284	402	-	-
ROLLA	DETACHED	-	-	328	394	440
	SEMI-DETACHED/ROW	-	203	263	345	396
	WALKUP	151	188	251	322	355
	ELEVATOR	215	257	370	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Omaha, Nebraska REGION VII- Kansas City

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OMAHA	DETACHED	-	-	381	444	481
	SEMI-DETACHED/ROW	-	274	334	390	450
	WALKUP	184	217	278	336	367
	ELEVATOR	278	320	381	-	-
GRAND ISLAND	DETACHED	-	-	380	431	465
	SEMI-DETACHED/ROW	-	289	354	414	479
	WALKUP	177	197	238	283	307
	ELEVATOR	-	-	-	-	-
LINCOLN	DETACHED	-	-	405	457	489
	SEMI-DETACHED/ROW	-	278	337	395	458
	WALKUP	203	233	276	334	364
	ELEVATOR	285	327	389	-	-
NORFOLK	DETACHED	-	-	389	443	475
	SEMI-DETACHED/ROW	-	266	326	380	440
	WALKUP	205	218	271	334	356
	ELEVATOR	-	-	-	-	-
NORTH PLATTE	DETACHED	-	-	377	428	466
	SEMI-DETACHED/ROW	-	283	346	383	466
	WALKUP	164	236	271	325	351
	ELEVATOR	-	-	-	-	-
SCOTTS BLUFF	DETACHED	-	-	378	430	461
	SEMI-DETACHED/ROW	-	283	337	397	457
	WALKUP	202	222	253	307	337
	ELEVATOR	-	-	-	-	-

INSURING OFFICE DENVER, COLO. REGION VIII-DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DENVER	DETACHED	---	---	344	402	445
	SEMI-DETACHED/ROW	---	---	331	373	402
	WALKUP	---	251	294	361	395
	ELEVATOR	202	251	300	---	---
COLORADO SPRINGS	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	249	283	334
	WALKUP	---	204	235	266	300
	ELEVATOR	176	204	242	--	---
DURANGO	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	229	273	340	393
	WALKUP	193	210	258	318	354
	ELEVATOR	203	222	273	---	---
GRAND JUNCTION	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	325	366	421
	WALKUP	---	254	308	343	378
	ELEVATOR	227	265	327	---	---
GREELEY	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	231	269	331	383
	WALKUP	195	212	254	309	345
	ELEVATOR	214	220	261	---	---
PUEBLO	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	260	293	344
	WALKUP	---	211	248	274	307
	ELEVATOR	191	223	266	---	---

UMI

INSURING OFFICE HELENA, MONT. REGION VIII-DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HELENA	DETACHED	---	---	328	377	413
	SEMI-DETACHED/ROW	---	251	319	370	405
	WALKUP	194	243	311	363	398
	ELEVATOR	208	257	328	---	---
BILLINGS	DETACHED	---	---	347	380	414
	SEMI-DETACHED/ROW	---	250	339	374	407
	WALKUP	202	243	330	367	400
	ELEVATOR	216	256	343	---	---
BOZEMAN	DETACHED	---	---	321	380	413
	SEMI-DETACHED/ROW	---	249	315	372	405
	WALKUP	204	242	308	365	398
	ELEVATOR	217	249	315	---	---
BUTTE	DETACHED	---	---	319	385	418
	SEMI-DETACHED/ROW	---	257	312	378	410
	WALKUP	218	251	305	371	402
	ELEVATOR	231	271	327	---	---
GREAT FALLS	DETACHED	---	---	310	392	425
	SEMI-DETACHED/ROW	---	227	304	385	418
	WALKUP	182	220	286	378	411
	ELEVATOR	213	233	299	---	---
HAVRE	DETACHED	---	---	288	321	353
	SEMI-DETACHED/ROW	---	210	282	314	347
	WALKUP	165	204	275	307	340
	ELEVATOR	190	242	294	---	---

INSURING OFFICE HELENA, MONT. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KALISPELL	DETACHED	---	---	326	392	424
	SEMI-DETACHED/ROW	---	242	319	384	417
	WALKUP	200	235	311	375	409
	ELEVATOR	221	249	326	---	---
MILES CITY	DETACHED	---	---	288	321	353
	SEMI-DETACHED/ROW	---	210	282	314	347
	WALKUP	165	204	275	307	340
	ELEVATOR	190	242	294	---	---
MISSOULA	DETACHED	---	---	341	407	438
	SEMI-DETACHED/ROW	---	255	333	396	429
	WALKUP	187	242	327	385	418
	ELEVATOR	201	262	340	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE FARGO, N.D. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FARGO	DETACHED	---	---	340	376	420
	SEMI-DETACHED/ROW	---	242	275	326	368
	WALKUP	189	226	261	317	357
	ELEVATOR	226	268	315	---	---
BISMARK	DETACHED	---	---	329	378	405
	SEMI-DETACHED/ROW	---	250	293	333	378
	WALKUP	207	242	284	320	358
	ELEVATOR	214	264	314	---	---
DICKINSON	DETACHED	---	---	296	356	387
	SEMI-DETACHED/ROW	---	236	273	334	352
	WALKUP	179	215	254	284	338
	ELEVATOR	212	246	285	---	---
GRAND FORKS	DETACHED	---	---	347	396	420
	SEMI-DETACHED/ROW	---	238	291	338	394
	WALKUP	183	227	275	322	370
	ELEVATOR	226	268	315	---	---
MINOT	DETACHED	---	---	308	369	398
	SEMI-DETACHED/ROW	---	218	280	332	373
	WALKUP	169	207	267	312	353
	ELEVATOR	201	242	286	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SIOUX FALLS, S.D. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SIOUX FALLS	DETACHED	---	---	333	354	384
	SEMI-DETACHED/ROW	---	280	310	339	369
	WALKUP	236	266	295	325	354
	ELEVATOR	244	274	303	333	---
ABERDEEN	DETACHED	---	---	325	354	384
	SEMI-DETACHED/ROW	---	280	310	339	369
	WALKUP	---	266	295	325	354
	ELEVATOR	---	---	---	---	---
PIERRE	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---
RAPID CITY	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	288	318	347	384
	WALKUP	239	271	304	337	369
	ELEVATOR	246	279	311	344	---
MISSION	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---
FORT THOMPSON	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---

INSURING OFFICE SIOUX FALLS, S.D. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MCLAUGHLIN	DETACHED	---	---	333	362	398
	SEMI-DETACHED/ROW	---	284	318	347	384
	WALKUP	236	269	301	334	365
	ELEVATOR	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SALT LAKE CITY, UTAH REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SALT LAKE CITY	DETACHED	---	---	338	373	424
	SEMI-DETACHED/ROW	---	269	286	295	330
	WALKUP	169	236	253	262	293
	ELEVATOR	229	296	338	---	---
PROVO	DETACHED	---	---	296	338	390
	SEMI-DETACHED/ROW	---	236	262	296	338
	WALKUP	187	229	253	288	331
	ELEVATOR	---	---	---	---	---
VERNAL	DETACHED	---	---	353	415	466
	SEMI-DETACHED/ROW	---	288	344	407	458
	WALKUP	178	233	280	332	374
	ELEVATOR	---	---	---	---	---
CEDAR CITY	DETACHED	---	---	282	312	336
	SEMI-DETACHED/ROW	---	217	253	283	300
	WALKUP	162	211	247	277	294
	ELEVATOR	---	---	---	---	---
LOGAN	DETACHED	---	---	276	306	324
	SEMI-DETACHED/ROW	---	192	216	246	282
	WALKUP	150	186	210	240	276
	ELEVATOR	---	---	---	---	---
MOAB	DETACHED	---	---	282	312	336
	SEMI-DETACHED/ROW	---	217	253	283	300
	WALKUP	162	211	247	277	294
	ELEVATOR	---	---	---	---	---

INSURING OFFICE CASPER, WYO. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CASPER	DETACHED	---	---	412	470	527
	SEMI-DETACHED/ROW	---	283	373	470	514
	WALKUP	244	283	373	470	514
	ELEVATOR	320	373	438	---	---
CHEYENNE	DETACHED	---	---	399	470	514
	SEMI-DETACHED/ROW	---	283	347	457	502
	WALKUP	238	283	347	457	502
	ELEVATOR	296	360	412	---	---
CODY	DETACHED	---	---	373	437	489
	SEMI-DETACHED/ROW	---	296	354	429	470
	WALKUP	238	289	354	418	470
	ELEVATOR	302	354	412	---	---
GILLETE	DETACHED	---	---	399	483	540
	SEMI-DETACHED/ROW	---	283	373	476	528
	WALKUP	244	283	373	470	509
	ELEVATOR	309	367	429	---	---
JACKSON	DETACHED	---	---	431	514	566
	SEMI-DETACHED/ROW	---	322	399	483	533
	WALKUP	270	309	386	476	502
	ELEVATOR	334	380	444	---	---
LARAMIE	DETACHED	---	---	373	444	508
	SEMI-DETACHED/ROW	---	296	360	444	489
	WALKUP	238	289	354	444	481
	ELEVATOR	289	354	405	---	---

INSURING OFFICE CASPER, WYO. REGION VIII DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POWELL	DETACHED	---	---	373	437	489
	SEMI-DETACHED/ROW	---	296	354	429	470
	WALKUP	238	289	354	418	470
	ELEVATOR	302	354	412	---	---
RIVERTON	DETACHED	---	---	373	438	489
	SEMI-DETACHED/ROW	---	296	354	425	470
	WALKUP	238	289	354	418	470
	ELEVATOR	296	354	412	---	---
ROCK SPRINGS	DETACHED	---	---	418	476	540
	SEMI-DETACHED/ROW	---	289	386	476	527
	WALKUP	251	289	373	476	514
	ELEVATOR	328	380	431	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE PHOENIX, ARIZ. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHOENIX	DETACHED	---	---	320	375	412
	SEMI-DETACHED/ROW	---	214	261	309	347
	WALKUP	181	198	241	306	341
	ELEVATOR	295	356	407	---	---
CASA GRANDE	DETACHED	---	---	289	304	341
	SEMI-DETACHED/ROW	---	188	238	280	318
	WALKUP	137	170	213	251	287
	ELEVATOR	291	352	400	---	---
FLAGSTAFF	DETACHED	---	---	337	404	441
	SEMI-DETACHED/ROW	---	219	266	314	352
	WALKUP	167	201	258	307	345
	ELEVATOR	---	---	---	---	---
TUCSON	DETACHED	---	---	296	353	390
	SEMI-DETACHED/ROW	---	202	254	298	336
	WALKUP	170	199	249	281	322
	ELEVATOR	301	364	414	---	---
YUMA	DETACHED	---	---	303	352	390
	SEMI-DETACHED/ROW	---	219	269	312	350
	WALKUP	163	195	244	288	325
	ELEVATOR	---	---	---	---	---
KEAMS CANYON	DETACHED	---	---	284	311	349
	SEMI-DETACHED/ROW	---	182	235	272	305
	WALKUP	149	182	211	243	303
	ELEVATOR	---	---	---	---	---

AREA OFFICE LOS ANGELES, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOS ANGELES	DETACHED	---	---	451	542	586
	SEMI-DETACHED/ROW	---	409	435	523	565
	WALKUP	261	285	378	429	467
	ELEVATOR	356	444	544	---	---
BAKERSFIELD	DETACHED	---	---	353	442	486
	SEMI-DETACHED/ROW	---	---	331	414	454
	WALKUP	201	226	300	376	414
	ELEVATOR	286	317	416	---	---
LANCASTER	DETACHED	---	---	387	474	518
	SEMI-DETACHED/ROW	---	282	362	443	483
	WALKUP	232	256	330	403	440
	ELEVATOR	333	363	463	---	---
OXNARD	DETACHED	---	---	409	515	553
	SEMI-DETACHED/ROW	---	359	392	497	533
	WALKUP	245	271	331	418	446
	ELEVATOR	351	384	469	---	---
SANTA BARBARA	DETACHED	---	---	486	523	554
	SEMI-DETACHED/ROW	---	437	469	506	535
	WALKUP	242	268	343	456	487
	ELEVATOR	345	379	478	---	---
SANTA MARIA	DETACHED	---	---	314	347	381
	SEMI-DETACHED/ROW	---	250	298	325	362
	WALKUP	222	244	297	322	350
	ELEVATOR	323	353	430	---	---

AREA OFFICE LOS ANGELES, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VENTURA	DETACHED	---	---	409	515	553
	SEMI-DETACHED/ROW	---	359	392	497	533
	WALKUP	245	271	331	418	446
	ELEVATOR	351	384	469	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SACRAMENTO, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SACRAMENTO	DETACHED	---	---	330	391	427
	SEMI-DETACHED/ROW	---	277	316	376	413
	WALKUP	219	255	281	361	398
	ELEVATOR	287	332	374	---	---
CHICO	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	244	286	347	383
	ELEVATOR	---	---	---	---	---
DAVIS	DETACHED	---	---	330	391	427
	SEMI-DETACHED/ROW	---	280	316	376	413
	WALKUP	210	265	297	361	398
	ELEVATOR	---	---	---	---	---
PLACERVILLE	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	251	286	347	383
	ELEVATOR	---	---	---	---	---
REDDING	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	251	286	347	383
	ELEVATOR	---	---	---	---	---
STOCKTON	DETACHED	---	---	330	391	427
	SEMI-DETACHED/ROW	---	271	316	376	413
	WALKUP	205	255	286	352	398
	ELEVATOR	282	326	369	---	---

UMI

INSURING OFFICE SACRAMENTO, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YREKA	DETACHED	---	---	316	376	413
	SEMI-DETACHED/ROW	---	265	301	361	398
	WALKUP	205	251	286	347	383
	ELEVATOR	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SAN DIEGO, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN DIEGO	DETACHED	---	---	355	396	474
	SEMI-DETACHED/ROW	---	261	312	382	423
	WALKUP	232	261	293	363	392
	ELEVATOR	267	329	379	---	---
EL CAJON	DETACHED	---	---	355	396	474
	SEMI-DETACHED/ROW	---	261	312	382	423
	WALKUP	232	261	293	363	392
	ELEVATOR	267	329	379	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE San Francisco, California REGION IX - San Francisco

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN FRANCISCO	DETACHED	--	---	548	630	700
	SEMI-DETACHED/ROW	--	366	429	532	617
	WALKUP	297	310	394	473	530
	ELEVATOR	332	437	527	--	--
FRESNO	DETACHED	--	--	329	351	388
	SEMI-DETACHED/ROW	--	261	309	340	375
	WALKUP	215	250	279	338	367
	ELEVATOR	277	311	391	--	--
MODESTO	DETACHED	--	--	331	361	381
	SEMI-DETACHED/ROW	--	249	311	324	356
	WALKUP	228	240	287	309	349
	ELEVATOR	263	304	391	--	--
SAN JOSE	DETACHED	--	--	449	471	494
	SEMI-DETACHED/ROW	--	327	375	427	460
	WALKUP	255	275	355	392	422
	ELEVATOR	292	315	396	--	--
OAKLAND - MARIN	DETACHED	--	--	482	521	563
	SEMI-DETACHED/ROW	--	377	437	480	508
	WALKUP	245	263	340	408	427
	ELEVATOR	300	335	411	--	--
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE SANTA ANA, CALIF. REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA ANA	DETACHED	---	---	367	442	525
	SEMI-DETACHED/ROW	---	290	346	410	483
	WALKUP	220	269	326	385	435
	ELEVATOR	328	385	465	---	---
SAN BERNARDINO	DETACHED	---	---	305	368	433
	SEMI-DETACHED/ROW	---	230	290	350	408
	WALKUP	190	228	286	341	384
	ELEVATOR	340	375	471	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Honolulu, Hawaii REGION IX - San Francisco

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HONOLULU	DETACHED	---	---	458	527	555
	SEMI-DETACHED/ROW	---	---	409	498	531
	WALKUP	279	319	391	464	499
	ELEVATOR	302	344	408	--	--
GUAM	DETACHED	---	---	372	487	530
	SEMI-DETACHED/ROW	---	---	--	--	--
	WALKUP	228	291	359	433	--
	ELEVATOR	---	---	--	--	--
HILO	DETACHED	---	---	350	423	466
	SEMI-DETACHED/ROW	---	290	333	406	449
	WALKUP	238	255	300	377	413
	ELEVATOR	---	---	--	--	--
KAUAI	DETACHED	---	---	405	474	515
	SEMI-DETACHED/ROW	---	363	388	457	498
	WALKUP	237	270	296	369	403
	ELEVATOR	---	---	--	--	--
KONA	DETACHED	---	---	384	457	500
	SEMI-DETACHED/ROW	---	324	367	440	483
	WALKUP	257	292	345	422	458
	ELEVATOR	---	---	--	--	--
MAUI	DETACHED	---	---	410	482	524
	SEMI-DETACHED/ROW	---	350	393	465	507
	WALKUP	254	291	357	433	468
	ELEVATOR	---	---	--	--	--

AREA OFFICE Honolulu, Hawaii REGION IX - San Francisco

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRUST TERRITORY	DETACHED	---	---	490	517	583
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE RENO, NEVADA REGION IX SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RENO	DETACHED	---	---	362	438	510
	SEMI-DETACHED/ROW	---	261	342	431	---
	WALKUP	214	255	318	394	---
	ELEVATOR	292	338	420	---	---
LAS VEGAS	DETACHED	---	---	378	447	520
	SEMI-DETACHED/ROW	---	237	368	415	---
	WALKUP	193	224	268	348	---
	ELEVATOR	273	307	357	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Anchorage, Alaska REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ANCHORAGE	DETACHED	-	-	567	615	670
	SEMI-DETACHED/ROW	-	487	542	590	647
	WALKUP	352	399	455	519	575
	ELEVATOR	447	526	590	-	-
FAIRBANKS	DETACHED	-	-	599	654	718
	SEMI-DETACHED/ROW	-	512	575	647	702
	WALKUP	447	487	551	623	687
	ELEVATOR	553	632	706	-	-
JUNEAU	DETACHED	-	-	574	629	683
	SEMI-DETACHED/ROW	-	490	543	598	652
	WALKUP	396	443	497	559	614
	ELEVATOR	474	568	629	-	-
KETCHIKAN	DETACHED	-	-	443	534	552
	SEMI-DETACHED/ROW	-	366	420	474	528
	WALKUP	295	342	396	451	505
	ELEVATOR	364	444	507	-	-
BARTER ISLAND, NORTH COASTAL AREA	DETACHED	-	640	703	773	851
	SEMI-DETACHED/ROW	-	621	683	751	826
	WALKUP	548	603	663	729	802
	ELEVATOR	-	-	-	-	-
COASTAL AREA, NORTH OF ALEUTIANS	DETACHED	-	640	703	773	851
	SEMI-DETACHED/ROW	-	621	683	751	826
	WALKUP	548	603	663	729	802
	ELEVATOR	-	-	-	-	-

AREA OFFICE Anchorage, Alaska REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
INLAND AREA, NORTH OF ALEUTIANS	DETACHED	-	640	703	773	851
	SEMI-DETACHED/ROW	-	621	683	751	826
	WALKUP	548	603	663	729	802
	ELEVATOR	-	-	-	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Boise, Idaho REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BOISE	DETACHED	-	-	383	429	480
	SEMI-DETACHED/ROW	-	282	338	384	440
	WALKUP	215	263	314	380	428
	ELEVATOR	282	347	403	-	-
IDAHO FALLS	DETACHED	-	-	322	368	415
	SEMI-DETACHED/ROW	-	249	294	364	411
	WALKUP	192	240	271	326	370
	ELEVATOR	255	295	357	-	-
McCALL	DETACHED	-	-	306	345	384
	SEMI-DETACHED/ROW	-	234	273	319	358
	WALKUP	176	215	254	306	345
	ELEVATOR	222	273	326	-	-
POCATELLO	DETACHED	-	-	396	448	497
	SEMI-DETACHED/ROW	-	309	358	400	447
	WALKUP	233	283	332	397	448
	ELEVATOR	290	355	421	-	-
TWIN FALLS	DETACHED	-	-	325	368	411
	SEMI-DETACHED/ROW	-	255	297	347	389
	WALKUP	193	231	279	326	378
	ELEVATOR	240	295	352	-	-
LEWISTON	DETACHED	-	-	327	370	407
	SEMI-DETACHED/ROW	-	257	300	331	379
	WALKUP	191	227	265	324	360
	ELEVATOR	251	300	340	-	-

AREA OFFICE Boise, Idaho REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COEUR D'ALENE	DETACHED	-	-	304	355	390
	SEMI-DETACHED/ROW	-	230	271	338	374
	WALKUP	175	210	254	304	340
	ELEVATOR	222	273	332	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Portland, Oregon REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ONTARIO	DETACHED	-	-	290	329	368
	SEMI-DETACHED/ROW	-	231	270	316	357
	WALKUP	178	217	257	309	349
	ELEVATOR	226	277	331	-	-
PORTLAND	DETACHED	-	-	267	338	373
	SEMI-DETACHED/ROW	196	227	260	323	359
	WALKUP	181	214	247	309	346
	ELEVATOR	247	300	354	-	-
BEND	DETACHED	-	-	260	300	340
	SEMI-DETACHED/ROW	-	221	254	288	320
	WALKUP	174	207	241	275	308
	ELEVATOR	242	294	340	-	-
COOS BAY	DETACHED	-	-	267	300	334
	SEMI-DETACHED/ROW	-	221	254	288	320
	WALKUP	174	207	241	274	308
	ELEVATOR	242	294	340	-	-
EUGENE	DETACHED	-	-	279	322	358
	SEMI-DETACHED/ROW	-	220	255	286	319
	WALKUP	165	212	243	277	309
	ELEVATOR	229	295	338		
MEDFORD	DETACHED	-	-	274	331	364
	SEMI-DETACHED/ROW	-	227	260	317	350
	WALKUP	181	214	247	292	325
	ELEVATOR	248	301	347	-	-

AREA OFFICE Portland, Oregon REGION Region X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WEST SALEM	DETACHED	-	-	262	314	349
	SEMI-DETACHED/ROW	-	211	247	299	334
	WALKUP	168	202	237	283	321
	ELEVATOR	239	293	339	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

AREA OFFICE Seattle, Wash. REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SEATTLE	DETACHED	-	-	302	371	405
	SEMI-DETACHED/ROW	-	247	299	340	382
	WALKUP	198	235	285	327	370
	ELEVATOR	254	323	356	-	-
PORT ANGELES	DETACHED	-	-	291	344	381
	SEMI-DETACHED/ROW	-	221	267	323	362
	WALKUP	180	216	266	315	346
	ELEVATOR	213	253	303	-	-
LONGVIEW	DETACHED	-	-	265	316	358
	SEMI-DETACHED/ROW	-	216	245	295	348
	WALKUP	175	203	231	281	323
	ELEVATOR	216	253	281	-	-
ABERDEEN	DETACHED	-	-	272	320	362
	SEMI-DETACHED/ROW	-	216	258	304	348
	WALKUP	191	219	248	297	340
	ELEVATOR	211	236	281	-	-
BELLINGHAM	DETACHED	-	-	267	358	398
	SEMI-DETACHED/ROW	-	220	244	293	330
	WALKUP	181	203	243	288	331
	ELEVATOR	225	241	282	-	-
OLYMPIA	DETACHED	-	-	260	308	347
	SEMI-DETACHED/ROW	-	209	247	287	326
	WALKUP	189	201	248	285	329
	ELEVATOR	221	250	286	-	-

AREA OFFICE Seattle, Wash. REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YAKIMA	DETACHED	-	-	264	303	343
	SEMI-DETACHED/ROW	-	215	246	299	340
	WALKUP	170	205	243	330	370
	ELEVATOR	211	245	278	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

INSURING OFFICE Spokane, Washington REGION X - Seattle

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPOKANE	DETACHED	-	-	262	322	381
	SEMI-DETACHED/ROW	-	220	251	309	368
	WALKUP	174	212	242	299	335
	ELEVATOR	232	300	338	-	-
CHENEY	DETACHED	-	-	262	322	381
	SEMI-DETACHED/ROW	-	220	251	309	368
	WALKUP	174	212	242	299	335
	ELEVATOR	232	300	338	-	-
KENNEWICK	DETACHED	-	-	332	393	432
	SEMI-DETACHED/ROW	-	276	319	378	415
	WALKUP	201	239	289	341	378
	ELEVATOR	281	334	414	-	-
PULLMAN	DETACHED	-	-	326	379	418
	SEMI-DETACHED/ROW	-	254	304	356	395
	WALKUP	195	239	289	341	375
	ELEVATOR	261	334	406	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR					

[FR Doc.77-18406 Filed 6-29-77;8:45 am]

federal register

THURSDAY, JUNE 30, 1977

PART IX



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

■

PUBLIC HOUSING PROGRAM; DEVELOPMENT PHASE

Prototype Cost Limits for Low Income Housing

V 42 N 126
JUN 30 77
UM

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–77–398]

PART 841—PUBLIC HOUSING PROGRAM; DEVELOPMENT PHASE

Appendix A—Prototype Cost Limits for Low Income Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: On June 9, 1976, the Department published prototype per unit cost schedules for low rent public housing. Subsequent to initial publication, the schedules were revised whenever it was found that all or part of the costs for a given area were unworkable. The law provides that the prototype costs be determined at least annually and specifies that the costs are not effective until published in the FEDERAL REGISTER.

DATES: Effective date: June 30, 1977. Timely comments will be considered in preparing a revision of these schedules, which will appear in the FEDERAL REGISTER on or before July 1, 1977.

ADDRESSES: Send comments to Director, Office of Technical Support, HUD Central Office, Room 6160, 451 7th Street SW., Washington, D.C. 20410, and send a copy of comments to Local HUD Office. Addresses of these offices appear below in supplementary information.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert P. Cunningham, Acting Director, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202–755–5730.

SUPPLEMENTARY INFORMATION: These costs, issued pursuant to Section 6(b) of the U.S. Housing Act of 1937 set per unit cost schedules for low rent housing and are required to be published at least annually in the FEDERAL REGISTER. Continuity of contract approvals requires publication of these updated schedules for immediate effectiveness. This update provides those nationwide costs.

We believe also that the need for current prototype cost schedules outweighs, in this instance, the advances of the customary Notice of rule making and comment procedure, particularly since the updating of these costs is based not only upon information developed in HUD Field Offices but upon requests for changes submitted by the public as well. Although these schedules will be effective upon publication, timely written comments will nevertheless be considered in preparing revisions to cost limits for individual areas. Such revisions to be published in the FEDERAL REGISTER on or before July 1, 1977, and at such time thereafter, as the Department finds necessary. Comments with respect to cost limits for a given location should be filed with the Director, Office of Technical Support, HUD Central Office, Room 6160, 451 7th Street SW., Washington, D.C. 20410, and a copy should be sent to the local HUD Office. A list of these offices follow:

REGION I

Connecticut, Hartford, 06105, One Financial Plaza.
Massachusetts, Boston, 02114, Bulfinch Bldg., 15 New Chardon Street.
New Hampshire, Manchester, 03101, Norris-Cotton Federal Building, 5th Floor, 275 Chestnut Street.
Rhode Island, Providence, 02903, 330 Post Office Annex.

REGION II

New Jersey, Camden, 08103, The Parkdale Bldg., 519 Federal Street.
New Jersey, Newark, 07102, 1 Raymond Plaza, Gateway Bldg.
New York, Albany, 12207, Leo W. O'Brien Federal Bldg., North Pearl Street and Clinton Avenue.
New York, Buffalo, 14202, Grant Building, 560 Main Street.
New York, New York, 10019, 666th Fifth Avenue.
Puerto Rico, San Juan, 00936, Caribbean Area Office, New Federal Building and Courthouse Avenue, GPO Box 3869, Hato Rey, P.R. 00917.

REGION III

District of Columbia, Washington, 20009, Universal North Building, 1875 Connecticut Avenue NW.
Maryland, Baltimore, 21201, 2 Hopkins Plaza, Mercantile Bank and Trust Building.
Pennsylvania, Philadelphia, 19106, Curtis Building, 625 Walnut Street.
Pennsylvania, Pittsburgh, 15212, 2 Allegheny Center.
Virginia, Richmond, 23219, 701 East Franklin Street.
West Virginia, Charleston, 25301, New Federal Building, 500 Quarrier Street.

REGION IV

Alabama, Birmingham, 35222, Daniel Building, 15 South 20th Street.
Florida, Jacksonville, 32204, Peninsular Plaza, 661 Riverside Avenue.
Georgia, Atlanta, 30303, Peachtree Center Building, 230 Peachtree Street NW.
Kentucky, Louisville, 40201, Children's Hospital Foundation Building, 601 South Floyd Street.
Mississippi, Jackson, 39213, 101 C Third Floor, Jackson Mall, 300 Woodrow Wilson Avenue West.
North Carolina, Greensboro, 27401, 415 North Edgeworth Street.
South Carolina, Columbia, 29202, 1801 Main Street, Jefferson Square.
Tennessee, Knoxville, 37919, 1 Northshore Building, 1111 Northshore Drive.
Tennessee, Memphis, 38103, 100 N. Main Street, 28th Floor.

REGION V

Illinois, Chicago, 60602, 1 North Dearborn Street.
Illinois, Springfield, 62701, 524 South Second Street, 6th Floor.
Indiana, Indianapolis, 46205, 4720 Kingsway Drive.
Michigan, Detroit, 48226, 15th Floor, McNamara Building, 477 Michigan Avenue.
Michigan, Grand Rapids, 49505, 2922 Fuller Avenue NW.
Minnesota, Minneapolis-St. Paul, 55435, 6400 France Avenue South.
Ohio, Columbus, 43215, New Federal Office Building, 200 North High Street.
Ohio, Cleveland, 44114, 777 Rockwell Avenue, Second Floor.
Ohio, Cincinnati, 45202, 550 Main Street.
Wisconsin, Milwaukee, 53202, 744 North Fourth Street.

REGION VI

Arkansas, Little Rock, 72201, Union National Bank Building, 1 Union National Plaza.
Louisiana, New Orleans, 70113, Plaza Tower, 1001 Howard Avenue.
Louisiana, Shreveport, 71120, New Federal Building, 500 Fannin, 6th Floor.
New Mexico, Albuquerque, 87110, 625 Truman Street NE.
Oklahoma, Oklahoma City, 73102, 301 North Hudson Street.
Texas, Dallas, 75201, 200 Bryan Tower.
Texas, Houston, 77046, Two Greenway Plaza East, Suite 200.
Texas, San Antonio, 78285, Kallison Building, 410 South Main Avenue, P.O. Box 9163.

REGION VII

Iowa, Des Moines, 50309, 210 Walnut Street, Room 259.
Kansas, Kansas City, 66117, 2 Gateway Center, Fourth and State Streets.
Kansas, Topeka, 66683, New Federal Office Building, Room 330, 444 SE. Quincy Street.
Missouri, St. Louis, 63101, 210 North 12th Street.
Nebraska, Omaha, 68106, Univac Building, 7100 West Center Road.

REGION VIII

Colorado, Denver, 80202, Title Building, Fourth Floor, 909 17th Street.

REGION IX

California, Los Angeles, 90057, 2500 Wilshire Boulevard.
California, San Francisco, 94111, 1 Embarcadero Center, Suite 1600.
Hawaii, Honolulu, 96801, Prince Jonah Kuhio Kalanianaole Federal Building, 300 Ala Moana Boulevard, Suite 3318.

REGION X

Alaska, Anchorage, 99501, 334 West 5th Avenue.
Oregon, Portland, 97204, Cascade Building, 520 SW. Sixth Avenue.
Washington, Seattle, 98101, 403 Arcade Plaza Building, 1321 Second Avenue.
Washington, Spokane, 99201, 746 U.S. Courthouse W., 920 Riverside Avenue.

A finding of inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in Office of the Rules Docket Clerk, the Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, the prototype per unit cost schedules, pursuant to 24 CFR, Part 841, Appendix A are amended as follows:

1. At 41 FR 23303 through 23369, delete all prototype per unit cost schedules and substitute the revised cost areas shown on the tables set forth hereinafter entitled "Prototype Per Unit Cost Schedule—Region I through Region X."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3935(d); Sec. 6(b) of the U.S. Housing Act of 1937, 42 U.S.C. 1437d.)

NOTE.—It is hereby certified that the economic and inflationary impacts of the amendment to Part 841 have been carefully evaluated in accordance wth Executive Order No. 11821.

Issued at Washington, D. C., June 24, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

V 42 N 126 JUN 30 77 UM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I							
CONNECTICUT							
HARTFORD:							
DETACHED AND SEMIDETACHED	19,800	23,650	26,000	31,200	37,550	41,800	43,700
ROW DWELLINGS	13,650	16,250	18,150	21,600	25,900	28,900	30,250
WALKUP	14,350	17,700	20,000	23,850	27,500	30,250	31,750
ELEVATOR-STRUCTURE	22,900	26,550	33,700	------	------	------	------
DANBURY:							
DETACHED AND SEMIDETACHED	20,600	24,650	27,200	32,600	39,150	43,500	45,650
ROW DWELLINGS	14,250	17,000	18,950	22,500	27,100	30,150	31,550
WALKUP	14,100	17,350	19,700	23,250	26,850	29,750	31,100
ELEVATOR-STRUCTURE	22,400	26,100	33,000	------	------	------	------
NEW MILFORD:							
DETACHED AND SEMIDETACHED	18,850	22,550	24,950	29,800	35,900	39,900	41,800
ROW DWELLINGS	13,050	15,550	17,300	20,650	24,800	27,650	28,850
WALKUP	13,700	16,900	19,200	22,750	26,150	29,000	30,350
ELEVATOR-STRUCTURE	22,450	26,100	33,000	------	------	------	------
NEW HAVEN:							
DETACHED AND SEMIDETACHED	18,850	22,600	24,850	29,800	35,950	40,000	41,800
ROW DWELLINGS	13,000	15,550	17,300	20,650	24,800	27,650	28,900
WALKUP	13,700	16,900	19,100	22,850	26,300	29,000	30,350
ELEVATOR-STRUCTURE	21,150	24,550	31,200	------	------	------	------
BRIDGEPORT:							
DETACHED AND SEMIDETACHED	18,850	22,550	24,950	29,800	35,900	39,900	41,800
ROW DWELLINGS	13,050	15,550	17,300	20,650	24,800	27,650	28,850
WALKUP	13,350	16,450	18,700	22,100	25,550	28,250	29,550
ELEVATOR-STRUCTURE	20,250	23,550	29,800	------	------	------	------
NEW LONDON:							
DETACHED AND SEMIDETACHED	19,300	23,150	25,550	30,400	36,900	41,000	42,800
ROW DWELLINGS	13,250	15,900	17,750	21,150	25,400	28,350	29,650
WALKUP	13,300	15,700	17,800	21,150	24,450	27,000	28,350
ELEVATOR-STRUCTURE	22,150	25,750	32,800	------	------	------	------
WINDHAM:							
DETACHED AND SEMIDETACHED	19,300	23,150	25,550	30,400	36,900	41,000	42,800
ROW DWELLINGS	13,250	15,900	17,750	21,150	25,400	28,350	29,650
WALKUP	14,600	17,250	19,550	23,200	26,850	29,650	31,100
ELEVATOR-STRUCTURE	21,800	25,350	32,200	------	------	------	------
STAMFORD:							
DETACHED AND SEMIDETACHED	23,650	28,350	31,300	37,450	45,250	50,050	52,550
ROW DWELLINGS	16,300	19,500	21,750	25,850	31,150	34,750	36,300
WALKUP	17,150	21,200	24,050	28,500	33,000	36,350	38,200
ELEVATOR-STRUCTURE	21,750	25,300	32,100	------	------	------	------
RIDGEFIELD:							
DETACHED AND SEMIDETACHED	23,650	28,350	31,300	37,450	45,250	50,050	52,550
ROW DWELLINGS	16,300	19,500	21,750	25,850	31,150	34,750	36,300
WALKUP	17,150	21,200	24,050	28,500	33,000	36,350	38,200
ELEVATOR-STRUCTURE	24,400	28,350	36,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
CONNECTICUT--CONTINUED							
NORWICH:							
DETACHED AND SEMIDETACHED	18,900	22,800	25,150	30,000	36,150	40,200	42,100
ROW DWELLINGS	13,100	15,650	17,500	20,750	24,900	27,850	29,000
WALKUP	13,800	16,950	19,300	22,900	26,350	29,100	30,450
ELEVATOR-STRUCTURE	22,150	25,750	32,800	------	------	------	------
MAINE							
BANGOR:							
DETACHED AND SEMIDETACHED	14,450	17,300	18,250	21,750	26,200	29,050	30,300
ROW DWELLINGS	14,250	17,000	18,850	22,500	27,100	30,100	31,500
WALKUP	13,750	17,000	19,400	22,800	26,550	29,150	30,700
ELEVATOR-STRUCTURE	21,900	25,550	32,250	------	------	------	------
AUGUSTA:							
DETACHED AND SEMIDETACHED	14,900	17,700	19,600	23,550	28,250	31,450	32,800
ROW DWELLINGS	14,650	17,450	19,450	23,250	27,950	31,100	32,450
WALKUP	14,200	17,550	20,050	23,600	27,400	30,150	31,700
ELEVATOR-STRUCTURE	22,700	26,400	33,350	------	------	------	------
BRUNSWICK:							
DETACHED AND SEMIDETACHED	14,800	17,600	19,450	23,250	28,050	31,100	32,600
ROW DWELLINGS	14,500	17,300	19,300	23,050	27,750	30,750	32,200
WALKUP	14,000	17,300	19,850	23,400	27,150	29,700	31,450
ELEVATOR-STRUCTURE	22,350	26,050	32,950	------	------	------	------
CALAIS:							
DETACHED AND SEMIDETACHED	15,850	18,850	20,900	24,900	30,050	33,450	35,000
ROW DWELLINGS	15,300	18,600	20,700	24,800	29,800	33,000	34,550
WALKUP	15,100	18,600	21,300	25,150	29,150	31,900	33,750
ELEVATOR-STRUCTURE	24,000	27,950	35,200	------	------	------	------
LEWISTON:							
DETACHED AND SEMIDETACHED	14,800	17,600	19,450	23,250	28,050	31,100	32,600
ROW DWELLINGS	14,500	17,300	19,300	23,050	27,750	30,750	32,200
WALKUP	14,000	17,300	19,850	23,400	27,150	29,700	31,450
ELEVATOR-STRUCTURE	22,350	26,050	32,950	------	------	------	------
PORTLAND:							
DETACHED AND SEMIDETACHED	14,800	17,600	19,450	23,250	28,050	31,100	32,600
ROW DWELLINGS	14,500	17,300	19,300	23,050	27,750	30,750	32,200
WALKUP	14,250	17,600	20,100	23,750	27,600	30,250	31,900
ELEVATOR-STRUCTURE	22,550	26,200	33,150	------	------	------	------
WATERVILLE:							
DETACHED AND SEMIDETACHED	14,300	17,000	18,800	22,600	27,150	30,100	31,500
ROW DWELLINGS	14,150	16,800	18,650	22,300	26,900	29,850	31,200
WALKUP	13,600	16,900	19,200	22,650	26,250	28,850	30,400
ELEVATOR-STRUCTURE	21,600	25,250	31,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
MASSACHUSETTS							
BOSTON:							
DETACHED AND SEMIDETACHED	18,250	21,650	23,950	28,700	34,450	38,300	40,100
ROW DWELLINGS	14,950	17,850	19,850	23,650	28,550	31,750	33,150
WALKUP	17,700	21,200	23,450	28,050	33,800	37,450	39,300
ELEVATOR-STRUCTURE	24,800	28,800	36,500	------	------	------	------
CAPE COD:							
DETACHED AND SEMIDETACHED	17,400	20,700	22,850	27,350	33,000	36,500	38,300
ROW DWELLINGS	13,900	16,500	18,450	21,950	26,450	29,450	30,750
WALKUP	16,350	19,500	21,800	25,850	31,350	34,800	36,400
ELEVATOR-STRUCTURE	23,600	27,500	34,750	------	------	------	------
PITTSFIELD:							
DETACHED AND SEMIDETACHED	17,200	20,500	22,750	27,200	32,650	36,250	38,000
ROW DWELLINGS	14,150	16,850	18,800	22,350	26,950	29,950	31,250
WALKUP	16,850	19,950	22,200	26,400	31,900	35,400	37,100
ELEVATOR-STRUCTURE	22,450	26,000	33,100	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	17,200	20,500	22,700	27,250	32,700	36,400	38,150
ROW DWELLINGS	13,800	16,450	18,250	21,850	26,250	29,200	30,450
WALKUP	15,850	18,850	20,800	25,000	30,100	33,450	35,050
ELEVATOR-STRUCTURE	24,800	28,950	36,450	------	------	------	------
WORCESTER:							
DETACHED AND SEMIDETACHED	17,500	20,800	23,100	27,550	33,250	36,950	38,700
ROW DWELLINGS	14,450	17,250	19,150	22,800	27,500	30,550	31,900
WALKUP	16,550	19,950	22,150	26,250	31,700	35,200	36,900
ELEVATOR-STRUCTURE	24,100	28,200	35,550	------	------	------	------
FALL RIVER:							
DETACHED AND SEMIDETACHED	17,000	20,350	22,550	26,900	32,400	36,050	37,650
ROW DWELLINGS	13,200	15,700	17,550	20,900	25,100	27,950	29,200
WALKUP	16,400	19,300	21,700	25,850	31,250	34,750	36,350
ELEVATOR-STRUCTURE	23,150	26,950	34,150	------	------	------	------
LOWELL:							
DETACHED AND SEMIDETACHED	17,750	21,250	23,600	28,150	33,850	37,600	39,450
ROW DWELLINGS	14,400	17,100	18,950	22,650	27,200	30,300	31,650
WALKUP	16,950	20,100	22,300	26,700	32,050	35,700	37,450
ELEVATOR-STRUCTURE	24,150	28,250	35,700	------	------	------	------
SALEM:							
DETACHED AND SEMIDETACHED	17,300	20,650	22,800	27,300	32,900	36,450	38,250
ROW DWELLINGS	13,900	16,500	18,400	21,900	26,350	29,350	30,650
WALKUP	16,350	19,550	21,750	26,000	31,350	34,800	36,400
ELEVATOR-STRUCTURE	23,050	26,900	33,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
NEW HAMPSHIRE							
MANCHESTER:							
DETACHED AND SEMIDETACHED	14,400	17,900	19,750	23,700	28,400	31,600	33,250
ROW DWELLINGS	16,000	19,300	21,400	25,400	30,550	34,100	35,550
WALKUP	14,400	17,900	20,350	24,050	27,850	30,550	32,150
ELEVATOR-STRUCTURE	19,750	23,000	29,000	------	------	------	------
CONCORD:							
DETACHED AND SEMIDETACHED	15,500	19,250	21,250	25,350	30,450	33,900	35,600
ROW DWELLINGS	17,050	20,550	22,850	27,100	32,750	36,400	37,950
WALKUP	15,000	18,650	21,200	25,050	29,050	31,850	33,600
ELEVATOR-STRUCTURE	21,100	24,650	31,100	------	------	------	------
DOVER:							
DETACHED AND SEMIDETACHED	14,000	17,250	19,150	22,850	27,400	30,550	32,050
ROW DWELLINGS	15,500	18,600	20,700	24,550	29,550	32,900	34,350
WALKUP	13,900	17,150	19,600	23,200	29,000	32,300	33,250
ELEVATOR-STRUCTURE	19,050	22,100	27,950	------	------	------	------
KEENE:							
DETACHED AND SEMIDETACHED	14,800	18,350	20,250	24,250	29,050	32,300	34,000
ROW DWELLINGS	16,350	19,700	21,900	26,050	31,350	35,050	36,450
WALKUP	14,750	18,250	20,750	24,700	28,550	31,300	32,800
ELEVATOR-STRUCTURE	19,500	23,500	29,700	------	------	------	------
NASHUA:							
DETACHED AND SEMIDETACHED	14,400	17,900	19,750	23,700	28,400	31,600	33,250
ROW DWELLINGS	16,000	19,300	21,400	25,400	30,550	34,100	35,550
WALKUP	14,850	18,300	20,950	24,700	28,600	31,500	33,100
ELEVATOR-STRUCTURE	19,750	23,000	28,950	------	------	------	------
PORTSMOUTH:							
DETACHED AND SEMIDETACHED	15,150	18,700	20,700	24,800	29,800	33,150	34,800
ROW DWELLINGS	16,800	20,150	22,450	26,650	32,000	35,600	37,300
WALKUP	12,950	16,050	18,300	21,650	25,000	27,450	28,850
ELEVATOR-STRUCTURE	20,650	24,000	30,400	------	------	------	------
RHODE ISLAND							
PROVIDENCE:							
DETACHED AND SEMIDETACHED	15,450	18,600	20,600	24,500	29,600	32,850	34,350
ROW DWELLINGS	14,450	17,050	19,050	22,750	27,350	30,400	31,800
WALKUP	15,000	17,750	19,850	23,700	28,600	31,750	33,250
ELEVATOR-STRUCTURE	20,650	24,050	30,250	------	------	------	------
NEWPORT:							
DETACHED AND SEMIDETACHED	15,600	18,700	20,700	24,800	29,800	33,100	34,600
ROW DWELLINGS	14,550	17,150	19,200	22,900	27,700	30,700	32,150
WALKUP	15,200	17,900	20,000	23,950	28,800	32,000	33,700
ELEVATOR-STRUCTURE	20,800	24,350	30,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION I--CONTINUED							
RHODE ISLAND--CONTINUED							
WESTERLY:							
DETACHED AND SEMIDETACHED	15,600	18,700	20,700	24,800	29,800	33,100	34,600
ROW DWELLINGS	14,550	17,150	19,200	22,900	27,700	30,700	32,150
WALKUP	15,250	18,050	20,150	24,100	29,100	32,250	33,850
ELEVATOR-STRUCTURE	20,800	24,350	30,650	------	------	------	------
PAWTUCKET:							
DETACHED AND SEMIDETACHED	15,450	18,600	20,600	24,500	29,600	32,850	34,350
ROW DWELLINGS	14,450	17,050	19,050	22,750	27,350	30,400	31,800
WALKUP	15,000	17,750	19,850	23,700	28,600	31,750	33,250
ELEVATOR-STRUCTURE	20,600	24,000	30,200	------	------	------	------
WOONSOCKET:							
DETACHED AND SEMIDETACHED	15,300	18,300	20,350	24,300	29,250	32,400	33,950
ROW DWELLINGS	14,150	16,900	18,800	22,500	27,050	30,050	31,450
WALKUP	14,750	17,650	19,500	23,300	28,250	31,500	32,900
ELEVATOR-STRUCTURE	20,150	23,500	29,600	------	------	------	------
VERMONT							
BURLINGTON:							
DETACHED AND SEMIDETACHED	15,200	18,250	20,150	24,050	28,950	32,200	33,700
ROW DWELLINGS	15,250	18,050	20,100	23,950	28,650	32,050	33,550
WALKUP	14,350	17,600	20,150	23,850	27,550	30,400	31,950
ELEVATOR-STRUCTURE	18,300	21,300	27,000	------	------	------	------
BENNINGTON:							
DETACHED AND SEMIDETACHED	15,200	18,250	20,150	24,050	28,950	32,200	33,700
ROW DWELLINGS	15,250	18,050	20,100	23,950	28,650	32,050	33,550
WALKUP	14,350	17,600	20,150	23,850	27,550	30,400	31,950
ELEVATOR-STRUCTURE	18,300	21,300	27,000	------	------	------	------
BRATTLEBORO:							
DETACHED AND SEMIDETACHED	15,200	18,250	20,150	24,050	28,950	32,200	33,700
ROW DWELLINGS	15,250	18,050	20,100	23,950	28,650	32,050	33,550
WALKUP	14,350	17,600	20,150	23,850	27,550	30,400	31,950
ELEVATOR-STRUCTURE	18,300	21,300	27,000	------	------	------	------
MONTPELIER:							
DETACHED AND SEMIDETACHED	14,850	17,700	19,650	23,350	28,100	31,250	32,750
ROW DWELLINGS	14,750	17,550	19,500	23,200	27,800	31,100	32,550
WALKUP	13,950	17,150	19,550	23,200	26,650	29,500	30,950
ELEVATOR-STRUCTURE	18,300	21,300	27,000	------	------	------	------
RUTLAND:							
DETACHED AND SEMIDETACHED	15,050	17,900	19,800	23,800	28,450	31,750	33,200
ROW DWELLINGS	15,000	17,800	19,750	23,500	28,150	31,550	32,900
WALKUP	14,100	17,250	19,700	23,450	27,050	29,850	31,450
ELEVATOR-STRUCTURE	18,200	21,200	26,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II							
NEW JERSEY							
CAMDEN:							
DETACHED AND SEMIDETACHED	14,750	17,750	19,650	23,400	28,300	31,400	32,950
ROW DWELLINGS	14,050	16,800	18,600	22,200	26,550	29,700	31,000
WALKUP	14,550	18,000	20,550	24,300	28,250	31,000	32,750
ELEVATOR-STRUCTURE	23,850	27,750	35,150	------	------	------	------
ATLANTIC CITY:							
DETACHED AND SEMIDETACHED	14,750	17,700	19,600	23,350	28,200	31,300	32,850
ROW DWELLINGS	14,100	16,900	18,750	22,300	26,700	29,950	31,150
WALKUP	13,500	16,800	19,100	22,550	26,200	28,850	30,400
ELEVATOR-STRUCTURE	22,750	26,450	33,500	------	------	------	------
BURLINGTON:							
DETACHED AND SEMIDETACHED	14,800	17,800	19,750	23,450	28,350	31,450	33,050
ROW DWELLINGS	14,100	16,850	18,750	22,250	26,600	29,750	31,050
WALKUP	14,900	18,400	20,900	24,700	28,650	31,500	33,200
ELEVATOR-STRUCTURE	23,950	27,950	35,350	------	------	------	------
GLOUCESTER:							
DETACHED AND SEMIDETACHED	14,750	17,750	19,650	23,400	28,300	31,400	32,950
ROW DWELLINGS	14,050	16,800	18,600	22,200	26,550	29,700	31,000
WALKUP	14,100	17,500	19,800	23,400	27,200	30,000	31,550
ELEVATOR-STRUCTURE	23,850	27,750	35,150	------	------	------	------
TRENTON:							
DETACHED AND SEMIDETACHED	15,150	18,000	20,050	23,900	28,800	32,000	33,600
ROW DWELLINGS	14,350	17,050	19,050	22,600	27,100	30,250	31,650
WALKUP	14,950	18,450	20,900	24,850	28,700	31,550	33,250
ELEVATOR-STRUCTURE	26,300	30,450	38,600	------	------	------	------
VINELAND:							
DETACHED AND SEMIDETACHED	16,350	19,550	21,700	25,850	31,200	34,700	36,350
ROW DWELLINGS	15,450	18,550	20,550	24,500	29,300	32,700	34,200
WALKUP	15,000	18,650	21,250	25,050	28,900	31,950	33,700
ELEVATOR-STRUCTURE	24,650	28,600	36,300	------	------	------	------
NEWARK:							
DETACHED AND SEMIDETACHED	19,600	23,250	25,900	30,900	37,150	41,200	43,150
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	17,750	22,100	25,150	29,750	34,500	37,950	40,000
ELEVATOR-STRUCTURE	24,800	28,800	36,400	------	------	------	------
ASBURY PARK:							
DETACHED AND SEMIDETACHED	19,600	23,250	25,900	30,900	37,150	41,200	43,150
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	17,400	21,650	24,600	29,150	33,850	37,200	39,150
ELEVATOR-STRUCTURE	23,750	27,600	34,850	------	------	------	------
NORTH BERGEN:							
DETACHED AND SEMIDETACHED	19,600	23,250	25,900	30,900	37,150	41,200	43,150
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	18,200	22,550	25,650	30,400	35,350	38,850	40,850
ELEVATOR-STRUCTURE	24,350	28,350	35,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW JERSEY--CONTINUED							
FREEHOLD:							
DETACHED AND SEMIDETACHED	19,600	23,250	25,900	30,900	37,150	41,200	43,150
ROW DWELLINGS	13,800	16,400	18,200	21,600	26,050	29,050	30,350
WALKUP	17,350	21,650	24,550	29,100	33,750	37,150	39,100
ELEVATOR-STRUCTURE	23,750	27,600	34,850	------	------	------	------
NEW YORK							
ALBANY:							
DETACHED AND SEMIDETACHED	15,500	18,500	20,400	24,350	29,500	32,650	34,300
ROW DWELLINGS	14,550	17,550	19,550	23,250	27,950	31,150	32,600
WALKUP	15,150	18,850	21,400	25,400	29,400	32,300	34,000
ELEVATOR-STRUCTURE	20,700	23,900	30,450	------	------	------	------
GLEN FALLS:							
DETACHED AND SEMIDETACHED	14,000	16,750	18,600	22,150	26,600	29,600	31,100
ROW DWELLINGS	13,400	16,000	17,750	21,100	25,350	28,300	29,550
WALKUP	14,550	17,850	20,400	24,150	28,050	30,750	32,400
ELEVATOR-STRUCTURE	19,500	22,900	28,950	------	------	------	------
MASSENA:							
DETACHED AND SEMIDETACHED	14,850	17,800	19,650	23,450	28,250	31,350	33,000
ROW DWELLINGS	14,200	16,950	18,850	22,400	26,850	29,950	31,350
WALKUP	14,650	18,150	20,550	24,400	28,250	31,000	32,800
ELEVATOR-STRUCTURE	19,900	23,050	29,200	------	------	------	------
PLATTSBURGH:							
DETACHED AND SEMIDETACHED	14,700	17,550	19,500	23,250	28,050	31,100	32,650
ROW DWELLINGS	14,100	16,800	18,650	22,200	26,600	29,700	31,000
WALKUP	14,550	17,850	20,400	24,150	28,050	30,750	32,400
ELEVATOR-STRUCTURE	18,500	22,900	28,950	------	------	------	------
SYRACUSE:							
DETACHED AND SEMIDETACHED	15,600	18,650	20,500	24,550	29,700	32,950	34,500
ROW DWELLINGS	14,900	17,750	19,700	23,450	28,150	31,450	32,900
WALKUP	15,350	18,950	21,500	25,600	29,650	32,500	34,350
ELEVATOR-STRUCTURE	20,700	24,050	30,450	------	------	------	------
POUGHKEEPSIE:							
DETACHED AND SEMIDETACHED	15,950	19,050	21,100	25,200	30,400	33,750	35,350
ROW DWELLINGS	15,350	18,100	20,200	24,050	28,900	32,250	33,700
WALKUP	15,750	19,550	22,200	26,350	30,450	33,500	35,250
ELEVATOR-STRUCTURE	21,350	24,750	31,400	------	------	------	------
WATERTOWN:							
DETACHED AND SEMIDETACHED	15,400	18,300	20,300	24,200	29,150	32,400	33,950
ROW DWELLINGS	14,650	17,450	19,450	23,050	27,700	30,900	32,350
WALKUP	15,050	18,700	21,300	25,150	29,200	31,950	33,750
ELEVATOR-STRUCTURE	20,350	23,600	29,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK--CONTINUED							
SCHENECTADY:							
DETACHED AND SEMIDETACHED	15,500	18,500	20,400	24,350	29,500	32,650	34,300
ROW DWELLINGS	14,550	17,550	19,550	23,250	27,950	31,150	32,600
WALKUP	15,150	18,850	21,400	25,400	29,400	32,300	34,000
ELEVATOR-STRUCTURE	20,700	23,900	30,450	------	------	------	------
BINGHAMTON:							
DETACHED AND SEMIDETACHED	15,450	18,300	20,350	24,300	29,300	32,550	34,150
ROW DWELLINGS	15,050	18,000	19,950	23,700	28,500	31,850	33,250
WALKUP	15,100	18,750	21,300	25,200	29,250	32,000	33,800
ELEVATOR-STRUCTURE	20,750	24,100	30,500	------	------	------	------
ITHACA:							
DETACHED AND SEMIDETACHED	15,350	18,200	20,250	24,150	29,050	32,300	33,800
ROW DWELLINGS	14,950	17,850	19,800	23,550	28,250	31,550	32,950
WALKUP	15,000	18,650	21,050	25,050	29,150	31,900	33,650
ELEVATOR-STRUCTURE	20,300	23,550	29,900	------	------	------	------
BUFFALO:							
DETACHED AND SEMIDETACHED	15,900	19,000	21,100	25,150	30,300	33,700	35,300
ROW DWELLINGS	15,400	18,400	20,400	24,300	29,150	32,600	33,950
WALKUP	13,800	16,950	19,250	22,800	26,400	29,000	30,550
ELEVATOR-STRUCTURE	21,300	24,850	31,250	------	------	------	------
ROCHESTER:							
DETACHED AND SEMIDETACHED	15,500	18,550	20,500	24,500	29,650	32,750	34,400
ROW DWELLINGS	15,000	17,950	20,000	23,650	28,450	31,700	33,150
WALKUP	13,350	16,450	18,700	22,200	25,700	28,250	29,750
ELEVATOR-STRUCTURE	20,800	24,250	30,550	------	------	------	------
JAMESTOWN:							
DETACHED AND SEMIDETACHED	15,450	18,450	20,450	24,450	29,450	32,700	34,300
ROW DWELLINGS	14,900	17,900	19,800	23,500	28,300	31,650	32,950
WALKUP	13,350	16,450	18,700	22,200	25,700	28,250	29,750
ELEVATOR-STRUCTURE	20,650	24,050	30,400	------	------	------	------
ELMIRA:							
DETACHED AND SEMIDETACHED	16,500	19,750	22,000	26,200	31,550	35,000	36,700
ROW DWELLINGS	16,000	19,200	21,250	25,200	30,300	33,850	35,300
WALKUP	14,350	17,650	20,000	23,750	27,450	30,250	31,850
ELEVATOR-STRUCTURE	22,150	25,800	32,550	------	------	------	------
NEW YORK CITY:							
DETACHED AND SEMIDETACHED	16,350	19,600	21,700	25,950	31,200	34,700	36,350
ROW DWELLINGS	15,700	18,700	20,750	24,700	29,650	33,000	34,600
WALKUP	17,250	21,450	24,250	28,750	33,350	36,600	38,600
ELEVATOR-STRUCTURE	29,600	34,200	38,900	46,650	54,100	57,550	------
NASSAU COUNTY:							
DETACHED AND SEMIDETACHED	17,600	21,050	23,500	27,900	33,700	37,350	39,150
ROW DWELLINGS	16,950	20,150	22,400	26,550	31,900	35,550	37,200
WALKUP	20,350	25,200	28,600	33,850	39,200	43,150	45,450
ELEVATOR-STRUCTURE	24,850	28,700	32,650	39,200	45,400	48,400	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
NEW YORK--CONTINUED							
PUTNAM COUNTY:							
DETACHED AND SEMIDETACHED	15,300	18,300	20,250	24,250	29,200	32,350	33,950
ROW DWELLINGS	14,700	17,450	19,350	23,000	27,650	30,850	32,250
WALKUP	17,700	21,850	24,750	29,400	34,000	37,400	40,600
ELEVATOR-STRUCTURE	22,650	26,150	29,750	35,700	41,350	44,100	------
SUFFOLK COUNTY:							
DETACHED AND SEMIDETACHED	16,550	19,800	21,950	26,200	31,550	35,000	36,700
ROW DWELLINGS	15,900	18,850	21,000	24,950	29,900	33,350	34,900
WALKUP	19,100	23,600	26,900	31,750	36,750	40,500	42,600
ELEVATOR-STRUCTURE	23,150	26,800	30,450	36,500	42,350	45,050	------
WESTCHESTER COUNTY:							
DETACHED AND SEMIDETACHED	15,950	19,100	21,100	25,300	29,900	33,800	35,450
ROW DWELLINGS	15,300	18,200	20,200	24,100	28,850	32,200	33,800
WALKUP	18,400	22,800	25,800	30,550	35,450	39,050	41,150
ELEVATOR-STRUCTURE	22,350	25,800	29,400	35,200	40,800	43,450	------
ORANGE CO.:							
DETACHED AND SEMIDETACHED	16,350	19,550	21,650	25,900	31,150	34,550	36,200
ROW DWELLINGS	15,650	18,600	20,700	24,550	29,550	32,900	34,450
WALKUP	18,800	23,350	26,500	31,400	36,300	40,000	42,150
ELEVATOR-STRUCTURE	24,250	27,950	31,700	38,100	44,250	47,100	------
ROCKLAND COUNTY:							
DETACHED AND SEMIDETACHED	16,200	19,350	21,500	25,650	30,900	34,350	36,000
ROW DWELLINGS	15,500	18,500	20,550	24,400	29,300	32,700	34,250
WALKUP	18,700	23,150	26,300	31,100	36,100	39,650	41,750
ELEVATOR-STRUCTURE	23,750	27,450	31,150	37,400	43,400	46,150	------
PUERTO RICO							
SAN JUAN:							
DETACHED AND SEMIDETACHED	13,800	16,500	18,300	21,850	26,350	29,200	30,700
ROW DWELLINGS	16,950	20,300	22,600	26,600	32,150	35,700	37,450
WALKUP	12,650	15,650	17,750	21,100	24,400	26,850	28,300
ELEVATOR-STRUCTURE	14,200	16,650	21,050	23,400	25,700	------	------
OLD SAN JUAN:							
DETACHED AND SEMIDETACHED	16,500	19,800	21,900	26,200	31,600	35,050	36,800
ROW DWELLINGS	20,350	24,350	27,100	32,000	38,600	42,900	45,000
WALKUP	15,200	18,700	21,300	25,300	29,250	32,250	34,000
ELEVATOR-STRUCTURE	17,050	19,950	25,250	28,100	30,850	------	------
PONCE:							
DETACHED AND SEMIDETACHED	13,850	16,600	18,350	21,950	26,400	29,250	30,750
ROW DWELLINGS	17,050	20,450	22,700	26,650	32,250	35,800	37,500
WALKUP	12,750	15,700	17,850	21,100	24,500	26,900	28,350
ELEVATOR-STRUCTURE	14,350	16,700	21,150	23,500	25,800	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION II--CONTINUED							
PUERTO RICO--CONTINUED							
MAYAGUEZ:							
DETACHED AND SEMIDETACHED	13,850	16,600	18,350	21,950	26,400	29,250	30,750
ROW DWELLINGS	17,050	20,450	22,700	26,650	32,250	35,800	37,500
WALKUP	12,750	15,700	17,850	21,100	24,500	26,900	28,350
ELEVATOR-STRUCTURE	14,350	16,700	21,150	23,500	25,800	------	------
ARECIBO:							
DETACHED AND SEMIDETACHED	13,850	16,600	18,350	21,950	26,400	29,250	30,750
ROW DWELLINGS	17,050	20,450	22,700	26,650	32,250	35,800	37,500
WALKUP	12,750	15,700	17,850	21,100	24,500	26,900	28,350
ELEVATOR-STRUCTURE	14,350	16,700	21,150	23,500	25,800	------	------
VIRGIN ISLANDS							
ST. THOMAS:							
DETACHED AND SEMIDETACHED	16,900	20,250	22,400	26,800	32,250	35,800	37,550
ROW DWELLINGS	20,800	24,800	27,500	32,750	39,300	43,800	45,900
WALKUP	15,750	19,250	21,950	26,000	30,200	33,150	34,900
ELEVATOR-STRUCTURE	16,200	18,850	23,900	26,550	29,200	------	------
ST. CROIX:							
DETACHED AND SEMIDETACHED	16,450	19,650	21,850	26,200	31,400	34,900	36,550
ROW DWELLINGS	20,350	24,300	27,000	32,000	38,400	42,850	44,800
WALKUP	15,150	18,650	21,200	25,100	29,150	32,100	33,750
ELEVATOR-STRUCTURE	15,800	18,400	23,300	25,950	28,500	------	------
REGION III							
DELAWARE							
WILMINGTON:							
DETACHED AND SEMIDETACHED	12,900	15,550	17,200	20,500	24,650	27,500	28,800
ROW DWELLINGS	12,400	14,800	16,300	19,500	23,550	26,150	27,450
WALKUP	11,100	13,600	15,450	18,450	21,400	23,350	24,650
ELEVATOR-STRUCTURE	21,750	25,250	32,200	------	------	------	------
DOVER:							
DETACHED AND SEMIDETACHED	12,950	15,700	17,300	20,650	24,800	27,650	28,950
ROW DWELLINGS	12,450	14,900	16,500	19,600	23,750	26,300	27,600
WALKUP	11,150	13,750	15,600	18,550	21,500	23,600	24,800
ELEVATOR-STRUCTURE	21,900	25,500	32,350	------	------	------	------
WASHINGTON, D.C.							
WASHINGTON, D.C.:							
DETACHED AND SEMIDETACHED	15,350	18,350	20,250	24,250	29,200	32,500	33,950
ROW DWELLINGS	14,600	17,500	19,350	23,050	27,800	30,950	32,250
WALKUP	13,200	16,200	18,650	21,850	25,400	28,050	29,450
ELEVATOR-STRUCTURE	20,350	23,500	29,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
MARYLAND							
BALTIMORE:							
DETACHED AND SEMIDETACHED	13,100	15,750	17,450	20,800	24,950	27,950	29,150
ROW DWELLINGS	12,650	15,250	16,800	20,100	24,100	26,800	28,100
WALKUP	13,700	16,950	19,250	22,800	26,500	29,050	30,600
ELEVATOR-STRUCTURE	20,850	24,200	30,700	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	12,950	15,500	17,250	20,550	24,650	27,550	28,750
ROW DWELLINGS	12,500	15,000	16,550	19,850	23,750	26,450	27,700
WALKUP	13,450	16,600	18,850	22,300	25,850	28,450	30,000
ELEVATOR-STRUCTURE	20,850	24,200	30,700	------	------	------	------
HAGERSTOWN:							
DETACHED AND SEMIDETACHED	13,700	16,350	18,150	21,700	26,050	29,100	30,350
ROW DWELLINGS	13,150	15,800	17,500	20,900	25,050	27,850	29,200
WALKUP	14,400	17,800	20,150	23,950	27,800	30,500	32,200
ELEVATOR-STRUCTURE	20,300	23,600	29,850	------	------	------	------
SALISBURY:							
DETACHED AND SEMIDETACHED	12,900	15,500	17,150	20,450	24,600	27,450	28,650
ROW DWELLINGS	12,500	14,900	16,500	19,750	23,700	26,400	27,600
WALKUP	13,850	17,150	19,400	23,100	26,750	29,350	30,950
ELEVATOR-STRUCTURE	21,100	24,550	31,050	------	------	------	------
ANNAPOLIS:							
DETACHED AND SEMIDETACHED	12,500	14,900	16,550	19,800	23,800	26,550	27,650
ROW DWELLINGS	12,000	14,500	15,950	19,050	22,850	25,550	26,700
WALKUP	13,200	16,350	18,600	21,950	25,450	27,950	29,450
ELEVATOR-STRUCTURE	20,000	23,400	29,550	------	------	------	------
CAMBRIDGE:							
DETACHED AND SEMIDETACHED	12,150	14,600	16,150	19,250	23,150	25,850	27,000
ROW DWELLINGS	11,750	14,050	15,550	18,550	22,300	24,850	26,000
WALKUP	12,400	15,300	17,250	20,600	23,850	26,200	27,650
ELEVATOR-STRUCTURE	20,100	23,400	29,600	------	------	------	------
CUMBERLAND:							
DETACHED AND SEMIDETACHED	12,400	14,850	16,400	19,650	23,550	26,400	27,500
ROW DWELLINGS	11,950	14,350	15,800	18,950	22,750	25,350	26,500
WALKUP	12,950	16,050	18,150	21,550	24,950	27,400	28,900
ELEVATOR-STRUCTURE	19,650	22,850	29,000	------	------	------	------
FREDERICK:							
DETACHED AND SEMIDETACHED	12,650	15,250	16,900	20,150	24,200	27,100	28,200
ROW DWELLINGS	12,300	14,700	16,300	19,400	23,350	26,000	27,200
WALKUP	13,350	16,400	18,700	22,200	25,550	28,100	29,750
ELEVATOR-STRUCTURE	20,300	23,600	29,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA							
PHILADELPHIA:							
DETACHED AND SEMIDETACHED	15,450	18,700	20,300	24,650	29,600	33,000	34,450
ROW DWELLINGS	14,400	17,300	19,100	22,750	27,350	30,500	31,700
WALKUP	14,200	17,650	20,000	23,650	27,450	30,250	31,750
ELEVATOR-STRUCTURE	21,350	24,800	31,450	------	------	------	------
ALLENTOWN:							
DETACHED AND SEMIDETACHED	15,050	18,100	19,950	23,850	28,650	31,950	33,400
ROW DWELLINGS	13,950	16,800	18,500	22,050	26,500	29,550	30,750
WALKUP	13,800	17,100	19,400	22,950	26,550	29,300	30,750
ELEVATOR-STRUCTURE	20,100	23,250	29,500	------	------	------	------
BELLEFONTE:							
DETACHED AND SEMIDETACHED	15,750	19,000	21,050	25,050	30,050	33,600	35,100
ROW DWELLINGS	14,650	17,650	19,500	23,200	27,850	31,100	32,300
WALKUP	14,550	18,000	20,400	24,050	28,000	30,800	32,250
ELEVATOR-STRUCTURE	21,250	24,550	31,300	------	------	------	------
WELLSBORO:							
DETACHED AND SEMIDETACHED	16,800	20,100	22,350	26,650	32,100	35,600	37,350
ROW DWELLINGS	16,000	19,200	21,250	25,200	30,300	33,850	35,300
WALKUP	16,600	20,400	23,100	27,450	31,750	34,950	36,800
ELEVATOR-STRUCTURE	26,050	30,350	38,300	------	------	------	------
HARRISBURG:							
DETACHED AND SEMIDETACHED	15,100	18,250	20,150	24,000	28,850	32,200	33,600
ROW DWELLINGS	14,050	16,850	18,600	22,150	26,650	29,750	30,950
WALKUP	13,850	17,150	19,500	23,050	26,800	29,500	30,900
ELEVATOR-STRUCTURE	20,350	23,650	30,000	------	------	------	------
LANCASTER:							
DETACHED AND SEMIDETACHED	14,700	17,800	19,600	23,350	28,150	31,400	32,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	13,550	16,700	19,000	22,550	26,150	28,800	30,150
ELEVATOR-STRUCTURE	20,100	23,250	29,500	------	------	------	------
YORK:							
DETACHED AND SEMIDETACHED	14,700	17,800	19,600	23,350	28,150	31,400	32,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	13,550	16,700	19,000	22,550	26,150	28,800	30,150
ELEVATOR-STRUCTURE	20,100	23,250	29,500	------	------	------	------
POTTSTOWN:							
DETACHED AND SEMIDETACHED	14,700	17,800	19,600	23,350	28,150	31,400	32,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	13,550	16,700	19,000	22,550	26,150	28,800	30,150
ELEVATOR-STRUCTURE	20,100	23,250	29,500	------	------	------	------
READING:							
DETACHED AND SEMIDETACHED	14,700	17,800	19,600	23,350	28,150	31,400	32,800
ROW DWELLINGS	13,700	16,450	18,150	21,650	26,050	29,000	30,150
WALKUP	13,750	17,000	19,400	22,900	26,550	29,250	30,650
ELEVATOR-STRUCTURE	20,100	23,250	29,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
PENNSYLVANIA--CONTINUED							
SCRANTON:							
DETACHED AND SEMIDETACHED	14,900	18,000	19,800	23,600	28,400	31,700	33,050
ROW DWELLINGS	13,850	16,600	18,300	21,850	26,250	29,300	30,450
WALKUP	12,850	15,850	18,050	21,350	24,750	27,300	28,600
ELEVATOR-STRUCTURE	21,400	24,800	31,550	------	------	------	------
BETHLEHEM:							
DETACHED AND SEMIDETACHED	14,350	17,250	19,000	22,750	27,250	30,450	31,700
ROW DWELLINGS	13,350	16,000	17,550	21,000	25,300	28,100	29,150
WALKUP	13,050	16,300	18,450	21,850	25,300	27,750	29,300
ELEVATOR-STRUCTURE	20,400	23,750	30,100	------	------	------	------
PITTSBURGH:							
DETACHED AND SEMIDETACHED	15,500	18,550	20,500	24,400	29,350	32,700	34,200
ROW DWELLINGS	14,400	17,300	19,000	22,700	27,300	30,500	31,700
WALKUP	13,750	17,100	19,450	23,100	26,750	29,500	30,850
ELEVATOR-STRUCTURE	20,400	23,800	30,100	------	------	------	------
ALTOONA:							
DETACHED AND SEMIDETACHED	14,800	17,750	19,700	23,400	28,050	31,300	32,700
ROW DWELLINGS	13,750	16,600	18,200	21,800	26,200	29,150	30,500
WALKUP	13,250	16,350	18,800	22,200	25,650	28,250	29,700
ELEVATOR-STRUCTURE	19,100	22,200	28,050	------	------	------	------
ERIE:							
DETACHED AND SEMIDETACHED	15,350	18,400	20,350	24,250	29,150	32,450	33,900
ROW DWELLINGS	14,300	17,150	18,850	22,400	27,050	30,250	31,450
WALKUP	13,200	16,300	18,650	22,000	25,500	28,150	29,550
ELEVATOR-STRUCTURE	20,200	23,350	29,600	------	------	------	------
JOHNSTOWN:							
DETACHED AND SEMIDETACHED	14,750	17,700	19,650	23,350	28,000	31,250	32,650
ROW DWELLINGS	13,650	16,350	18,050	21,450	25,950	28,850	30,050
WALKUP	13,200	16,300	18,650	22,000	25,500	28,150	29,550
ELEVATOR-STRUCTURE	19,300	22,450	28,400	------	------	------	------
NEW CASTLE:							
DETACHED AND SEMIDETACHED	14,750	17,700	19,650	23,350	28,000	31,250	32,650
ROW DWELLINGS	13,750	16,450	18,150	21,650	26,100	29,050	30,300
WALKUP	13,200	16,300	18,650	22,050	25,550	28,150	29,550
ELEVATOR-STRUCTURE	19,300	22,450	28,400	------	------	------	------
SHARON:							
DETACHED AND SEMIDETACHED	16,050	19,200	21,400	25,400	30,500	34,000	35,600
ROW DWELLINGS	15,000	18,000	19,800	23,550	28,350	31,650	33,000
WALKUP	13,200	16,300	18,650	22,000	25,500	28,150	29,550
ELEVATOR-STRUCTURE	19,300	22,450	28,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA							
RICHMOND,VA.:							
DETACHED AND SEMIDETACHED	12,700	15,300	18,800	22,500	27,100	30,150	31,450
ROW DWELLINGS	12,850	15,600	19,150	22,900	27,600	30,650	31,950
WALKUP	11,250	14,150	17,750	20,950	24,250	26,650	28,100
ELEVATOR-STRUCTURE	19,150	22,150	28,100	------	------	------	------
NORFOLK:							
DETACHED AND SEMIDETACHED	11,900	14,300	17,500	20,900	25,200	28,100	29,300
ROW DWELLINGS	11,950	14,550	17,850	21,400	25,700	28,550	29,750
WALKUP	10,000	12,400	15,800	18,550	21,450	23,700	24,850
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
VIRGINIA BEACH:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	11,350	13,750	16,950	20,250	24,400	27,150	28,300
WALKUP	10,000	12,400	15,800	18,550	21,450	23,700	24,850
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
PORTSMOUTH:							
DETACHED AND SEMIDETACHED	11,200	13,600	16,600	19,800	23,850	26,600	27,750
ROW DWELLINGS	11,350	13,750	16,900	20,150	24,350	27,100	28,250
WALKUP	9,850	12,200	15,500	18,250	21,100	23,350	24,500
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
CHESAPEAKE:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	11,350	13,750	16,950	20,250	24,400	27,150	28,300
WALKUP	9,700	12,050	15,350	17,950	20,800	23,000	24,100
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
SUFFOLK:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	11,350	13,750	16,950	20,250	24,400	27,150	28,300
WALKUP	10,000	12,400	15,800	18,550	21,450	23,700	24,850
ELEVATOR-STRUCTURE	14,850	17,300	21,800	------	------	------	------
ROANOKE:							
DETACHED AND SEMIDETACHED	11,500	13,900	17,000	20,250	24,350	27,200	28,350
ROW DWELLINGS	11,550	14,100	17,250	20,650	24,900	27,700	28,900
WALKUP	10,000	12,400	15,800	18,550	21,450	23,700	24,850
ELEVATOR-STRUCTURE	14,800	17,100	21,650	------	------	------	------
LYNCHBURG:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	11,350	13,750	16,950	20,250	24,400	27,150	28,300
WALKUP	10,000	12,400	15,800	18,550	21,450	23,700	24,850
ELEVATOR-STRUCTURE	14,800	17,100	21,650	------	------	------	------
DANVILLE:							
DETACHED AND SEMIDETACHED	11,250	13,600	16,600	19,850	23,850	26,650	27,800
ROW DWELLINGS	11,350	13,750	16,950	20,250	24,400	27,150	28,300
WALKUP	10,100	12,550	16,000	18,750	21,750	24,050	25,250
ELEVATOR-STRUCTURE	14,800	17,100	21,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
VIRGINIA--CONTINUED							
NEWPORT NEWS:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,050	24,150	26,800	27,950
ROW DWELLINGS	11,400	13,850	17,050	20,400	24,550	27,300	28,450
WALKUP	10,250	12,750	16,200	19,150	22,150	24,500	25,700
ELEVATOR-STRUCTURE	16,350	19,050	24,000	------	------	------	------
HAMPTON:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,050	24,150	26,800	27,950
ROW DWELLINGS	11,400	13,850	17,050	20,400	24,550	27,300	28,450
WALKUP	10,050	12,500	15,850	18,700	21,700	23,950	25,200
ELEVATOR-STRUCTURE	16,350	19,050	24,000	------	------	------	------
FREDERICKSBURG:							
DETACHED AND SEMIDETACHED	11,450	13,750	17,000	20,250	24,350	27,100	28,350
ROW DWELLINGS	11,450	14,000	17,150	20,550	24,850	27,500	28,600
WALKUP	10,200	12,500	15,900	18,750	21,850	24,000	25,200
ELEVATOR-STRUCTURE	16,200	18,800	23,750	------	------	------	------
WARRENTON:							
DETACHED AND SEMIDETACHED	11,450	13,750	17,000	20,250	24,350	27,100	28,350
ROW DWELLINGS	11,450	14,000	17,150	20,550	24,850	27,500	28,600
WALKUP	10,200	12,500	15,900	18,750	21,850	24,000	25,200
ELEVATOR-STRUCTURE	16,200	18,800	23,750	------	------	------	------
HARRISONBURG:							
DETACHED AND SEMIDETACHED	11,400	13,700	16,850	20,150	24,250	26,950	28,100
ROW DWELLINGS	11,450	13,900	17,100	20,500	24,650	27,450	28,550
WALKUP	10,100	12,550	16,000	18,750	21,850	24,050	25,300
ELEVATOR-STRUCTURE	14,950	17,400	22,000	------	------	------	------
BRISTOL:							
DETACHED AND SEMIDETACHED	11,650	14,100	17,300	20,750	25,000	27,750	28,950
ROW DWELLINGS	11,850	14,350	17,600	21,050	25,400	28,250	29,450
WALKUP	10,200	12,600	16,050	18,800	21,900	24,050	25,250
ELEVATOR-STRUCTURE	15,850	18,350	23,300	------	------	------	------
EASTERN SHORE:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,750	20,050	24,150	26,800	27,950
ROW DWELLINGS	11,400	13,850	17,050	20,400	24,550	27,300	28,450
WALKUP	10,000	12,400	15,800	18,600	21,500	23,800	25,000
ELEVATOR-STRUCTURE	14,950	17,400	22,000	------	------	------	------
CHARLOTTESVILLE:							
DETACHED AND SEMIDETACHED	13,200	15,950	19,600	23,300	28,200	31,350	32,650
ROW DWELLINGS	13,300	16,150	19,850	23,800	28,700	31,900	33,200
WALKUP	11,750	14,600	19,300	21,850	25,350	27,950	29,400
ELEVATOR-STRUCTURE	17,350	20,200	25,600	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION III--CONTINUED							
WEST VIRGINIA							
CHARLESTON:							
DETACHED AND SEMIDETACHED	12,750	15,450	19,150	22,750	27,350	30,600	31,900
ROW DWELLINGS	12,700	15,400	18,900	22,600	27,100	30,150	31,450
WALKUP	12,350	15,350	19,550	23,100	27,050	29,550	31,000
ELEVATOR-STRUCTURE	19,850	22,950	29,200	------	------	------	------
BECKLEY:							
DETACHED AND SEMIDETACHED	12,500	15,100	18,550	22,150	26,700	29,800	31,000
ROW DWELLINGS	12,350	15,000	18,400	22,000	26,400	29,500	30,850
WALKUP	12,050	15,000	19,100	22,500	26,000	28,800	30,150
ELEVATOR-STRUCTURE	19,250	22,450	28,400	------	------	------	------
BLUEFIELD:							
DETACHED AND SEMIDETACHED	12,500	15,100	18,550	22,150	26,700	29,800	31,000
ROW DWELLINGS	12,350	15,000	18,400	22,000	26,400	29,500	30,850
WALKUP	12,050	15,000	19,100	22,500	26,000	28,800	30,150
ELEVATOR-STRUCTURE	19,250	22,450	28,400	------	------	------	------
HUNTINGTON:							
DETACHED AND SEMIDETACHED	12,600	15,200	18,750	22,300	26,950	30,050	31,300
ROW DWELLINGS	12,400	15,050	18,650	22,200	26,600	29,750	31,000
WALKUP	12,200	15,150	19,200	22,750	26,350	29,100	30,500
ELEVATOR-STRUCTURE	19,500	22,600	28,750	------	------	------	------
PARKERSBURG:							
DETACHED AND SEMIDETACHED	12,850	15,500	19,200	22,850	27,550	30,750	32,050
ROW DWELLINGS	12,800	15,450	19,050	22,750	27,200	30,400	31,700
WALKUP	12,200	15,150	19,200	22,750	26,350	29,100	30,500
ELEVATOR-STRUCTURE	19,500	22,600	28,750	------	------	------	------
WHEELING:							
DETACHED AND SEMIDETACHED	12,500	15,100	18,550	22,150	26,700	29,800	31,000
ROW DWELLINGS	12,350	15,000	18,400	22,000	26,400	29,500	30,850
WALKUP	12,050	15,000	19,100	22,500	26,000	28,800	30,150
ELEVATOR-STRUCTURE	19,250	22,450	28,400	------	------	------	------
MARTINSBURG:							
DETACHED AND SEMIDETACHED	11,600	14,100	17,350	20,700	24,850	27,750	28,950
ROW DWELLINGS	11,600	14,000	17,150	20,400	24,650	27,400	28,700
WALKUP	11,050	13,800	17,600	20,700	24,050	26,550	27,900
ELEVATOR-STRUCTURE	19,250	22,450	28,400	------	------	------	------
FAIRMONT:							
DETACHED AND SEMIDETACHED	12,800	15,450	19,100	22,750	27,350	30,600	31,900
ROW DWELLINGS	12,700	15,400	18,900	22,600	27,100	30,150	31,600
WALKUP	11,950	14,800	18,800	22,250	25,700	28,400	29,850
ELEVATOR-STRUCTURE	19,200	22,450	28,350	------	------	------	------
POINT PLEASANT:							
DETACHED AND SEMIDETACHED	11,950	14,500	17,950	21,350	25,650	28,650	29,900
ROW DWELLINGS	11,900	14,400	17,750	21,150	25,400	28,300	29,600
WALKUP	11,650	14,500	18,450	21,650	25,100	27,750	29,100
ELEVATOR-STRUCTURE	19,450	22,550	28,600	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV							
ALABAMA							
BIRMINGHAM:							
DETACHED AND SEMIDETACHED	10,650	12,950	15,900	19,100	23,000	25,500	26,700
ROW DWELLINGS	11,350	13,550	16,750	19,950	24,050	26,750	28,050
WALKUP	9,350	11,500	14,650	17,200	20,050	22,150	23,200
ELEVATOR-STRUCTURE	17,250	20,250	25,450	------	------	------	------
DOTHAN:							
DETACHED AND SEMIDETACHED	10,200	12,350	15,200	18,300	21,950	24,300	25,550
ROW DWELLINGS	10,750	12,950	16,000	18,950	22,900	25,500	26,750
WALKUP	8,800	11,050	13,950	16,600	19,200	21,100	22,250
ELEVATOR-STRUCTURE	16,800	19,600	24,700	------	------	------	------
FLORENCE:							
DETACHED AND SEMIDETACHED	10,300	12,400	15,250	18,400	22,100	24,550	25,700
ROW DWELLINGS	10,800	13,000	16,050	19,300	23,150	25,700	26,900
WALKUP	8,850	11,100	14,000	16,650	19,350	21,200	22,300
ELEVATOR-STRUCTURE	17,100	20,050	25,250	------	------	------	------
HUNTSVILLE:							
DETACHED AND SEMIDETACHED	10,000	12,200	15,050	17,900	21,650	24,050	12,800
ROW DWELLINGS	10,700	12,800	15,900	18,850	22,800	25,350	26,550
WALKUP	8,750	10,950	13,850	16,300	18,900	20,850	21,850
ELEVATOR-STRUCTURE	16,800	19,600	24,750	------	------	------	------
MOBILE:							
DETACHED AND SEMIDETACHED	11,150	13,500	16,700	19,850	23,950	26,600	27,800
ROW DWELLINGS	11,750	14,250	17,550	20,850	25,100	27,900	29,300
WALKUP	9,650	12,050	15,250	18,000	21,000	23,150	24,300
ELEVATOR-STRUCTURE	18,100	21,050	26,500	------	------	------	------
MONTGOMERY:							
DETACHED AND SEMIDETACHED	10,150	12,300	15,150	18,250	21,900	24,250	25,450
ROW DWELLINGS	10,750	12,950	16,000	18,950	22,900	25,500	26,750
WALKUP	8,800	11,000	13,900	16,500	19,100	21,000	22,150
ELEVATOR-STRUCTURE	16,950	19,850	24,950	------	------	------	------
TUSCALOOSA:							
DETACHED AND SEMIDETACHED	10,000	12,200	15,050	17,900	21,650	24,050	25,200
ROW DWELLINGS	10,700	12,800	15,900	18,850	22,800	25,350	26,550
WALKUP	8,750	10,950	13,850	16,300	18,900	20,850	21,850
ELEVATOR-STRUCTURE	16,800	19,600	24,750	------	------	------	------
FLORIDA							
JACKSONVILLE:							
DETACHED AND SEMIDETACHED	10,900	13,100	16,200	19,400	23,250	25,800	27,050
ROW DWELLINGS	11,000	13,300	16,350	19,400	23,350	26,100	27,250
WALKUP	9,800	12,150	15,550	18,300	21,250	23,350	24,450
ELEVATOR-STRUCTURE	17,500	20,250	25,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA--CONTINUED							
FORT WALTON BEACH:							
DETACHED AND SEMIDETACHED	10,750	13,050	16,000	19,150	23,050	25,500	26,800
ROW DWELLINGS	10,950	13,250	16,250	19,300	23,050	25,850	26,950
WALKUP	9,750	12,100	15,400	18,050	21,100	23,100	24,250
ELEVATOR-STRUCTURE	17,350	20,150	25,550	------	------	------	------
GAINESVILLE:							
DETACHED AND SEMIDETACHED	11,250	13,700	16,850	20,150	24,250	26,800	28,100
ROW DWELLINGS	11,350	13,800	17,000	20,150	24,250	27,100	28,300
WALKUP	9,800	12,100	15,550	18,300	21,150	23,350	24,450
ELEVATOR-STRUCTURE	18,200	21,050	26,850	------	------	------	------
PANAMA CITY:							
DETACHED AND SEMIDETACHED	10,750	13,050	16,000	19,150	23,050	25,500	26,800
ROW DWELLINGS	10,950	13,250	16,250	19,300	23,050	25,850	26,950
WALKUP	9,750	12,100	15,400	18,050	21,100	23,100	24,250
ELEVATOR-STRUCTURE	17,350	20,150	25,550	------	------	------	------
PENSACOLA:							
DETACHED AND SEMIDETACHED	10,750	13,050	16,000	19,150	23,050	25,500	26,800
ROW DWELLINGS	10,950	13,250	16,250	19,300	23,050	25,850	26,950
WALKUP	9,500	11,900	15,050	17,750	20,700	22,650	23,700
ELEVATOR-STRUCTURE	17,350	20,150	25,550	------	------	------	------
TALLAHASSEE:							
DETACHED AND SEMIDETACHED	11,150	13,400	16,550	19,850	23,850	26,450	27,700
ROW DWELLINGS	11,200	13,550	16,700	19,950	23,850	26,650	27,900
WALKUP	9,550	11,950	15,350	17,850	20,900	22,900	24,000
ELEVATOR-STRUCTURE	17,850	20,750	26,350	------	------	------	------
MIAMI:							
DETACHED AND SEMIDETACHED	11,900	14,300	17,550	21,050	25,350	28,150	29,500
ROW DWELLINGS	11,250	13,500	16,850	19,950	24,050	26,750	28,050
WALKUP	9,900	12,500	15,850	18,750	21,700	23,900	25,150
ELEVATOR-STRUCTURE	18,400	21,400	27,050	------	------	------	------
FORT LAUDERDALE:							
DETACHED AND SEMIDETACHED	12,100	14,450	17,800	21,350	25,700	28,500	29,950
ROW DWELLINGS	11,400	13,750	17,050	20,300	24,350	27,050	28,400
WALKUP	9,050	11,500	14,650	17,150	19,900	21,900	23,050
ELEVATOR-STRUCTURE	17,550	20,550	25,800	------	------	------	------
FORT MYERS:							
DETACHED AND SEMIDETACHED	10,650	12,750	15,650	18,800	22,650	25,150	27,200
ROW DWELLINGS	10,000	12,100	15,000	17,850	21,400	23,850	25,050
WALKUP	8,650	10,850	13,750	16,300	18,900	20,750	21,800
ELEVATOR-STRUCTURE	17,200	20,050	25,350	------	------	------	------
KEY WEST:							
DETACHED AND SEMIDETACHED	11,900	14,300	17,550	21,050	25,350	28,150	29,500
ROW DWELLINGS	11,250	13,500	16,850	19,950	24,050	26,750	28,050
WALKUP	9,900	12,500	15,850	18,750	21,700	23,900	25,150
ELEVATOR-STRUCTURE	18,400	21,400	27,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
FLORIDA--CONTINUED							
WEST PALM BEACH:							
DETACHED AND SEMIDETACHED	11,150	13,400	16,450	19,750	23,750	26,350	27,600
ROW DWELLINGS	10,550	12,700	15,750	18,700	22,500	24,950	26,250
WALKUP	9,500	11,950	15,200	18,000	20,900	23,000	24,100
ELEVATOR-STRUCTURE	17,950	20,900	26,400	------	------	------	------
TAMPA:							
DETACHED AND SEMIDETACHED	10,050	12,050	14,900	17,850	21,350	23,800	24,900
ROW DWELLINGS	10,150	12,300	15,250	18,050	21,700	24,250	25,300
WALKUP	10,300	12,800	16,300	19,300	22,400	24,550	25,800
ELEVATOR-STRUCTURE	17,900	20,850	26,300	------	------	------	------
COCOA BEACH:							
DETACHED AND SEMIDETACHED	10,000	11,950	14,800	17,650	21,200	23,650	24,700
ROW DWELLINGS	10,100	12,150	15,100	17,850	21,550	24,000	25,100
WALKUP	10,200	12,750	16,150	19,100	22,200	24,300	25,550
ELEVATOR-STRUCTURE	17,800	20,750	26,050	------	------	------	------
DAYTONA BEACH:							
DETACHED AND SEMIDETACHED	11,750	14,050	17,450	20,900	24,950	27,850	29,150
ROW DWELLINGS	11,850	14,350	17,800	21,100	25,350	28,350	29,600
WALKUP	12,000	15,000	18,950	22,500	26,050	28,800	30,050
ELEVATOR-STRUCTURE	17,550	20,450	25,850	------	------	------	------
FORT PIERCE:							
DETACHED AND SEMIDETACHED	10,650	12,700	15,800	18,850	22,650	25,250	26,450
ROW DWELLINGS	10,750	12,900	16,050	19,100	22,900	25,600	26,700
WALKUP	11,000	13,600	17,250	20,450	23,950	26,000	27,400
ELEVATOR-STRUCTURE	19,050	22,100	27,800	------	------	------	------
LAKELAND:							
DETACHED AND SEMIDETACHED	10,100	12,100	15,000	18,000	21,500	24,050	25,050
ROW DWELLINGS	10,200	12,350	15,350	18,250	21,800	24,400	25,550
WALKUP	10,500	12,950	16,400	19,400	22,500	24,800	26,000
ELEVATOR-STRUCTURE	17,900	20,800	26,250	------	------	------	------
ORLANDO:							
DETACHED AND SEMIDETACHED	9,900	11,800	14,650	17,450	20,950	23,300	24,300
ROW DWELLINGS	9,950	11,950	14,900	17,600	21,150	23,600	24,700
WALKUP	9,800	12,250	15,500	18,350	21,200	23,400	24,550
ELEVATOR-STRUCTURE	17,450	20,150	25,550	------	------	------	------
SARASOTA:							
DETACHED AND SEMIDETACHED	10,250	12,350	15,400	18,300	21,950	24,500	25,600
ROW DWELLINGS	10,400	12,650	15,700	18,500	22,300	24,850	26,000
WALKUP	10,700	13,350	16,900	20,100	23,350	25,650	26,950
ELEVATOR-STRUCTURE	18,350	21,350	27,000	------	------	------	------
ST. PETERSBURG:							
DETACHED AND SEMIDETACHED	9,900	11,800	14,650	17,450	20,950	23,300	24,300
ROW DWELLINGS	9,950	11,950	14,900	17,600	21,150	23,600	24,700
WALKUP	10,100	12,650	16,000	18,900	21,900	24,150	25,250
ELEVATOR-STRUCTURE	17,650	20,450	25,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
GEORGIA							
ATLANTA:							
DETACHED AND SEMIDETACHED	10,350	12,500	15,350	18,350	22,100	24,450	25,600
ROW DWELLINGS	10,300	12,400	15,400	18,250	22,000	24,450	25,550
WALKUP	9,900	12,250	15,600	18,350	21,350	23,400	24,650
ELEVATOR-STRUCTURE	17,500	20,250	25,700	------	------	------	------
ALBANY:							
DETACHED AND SEMIDETACHED	10,300	12,450	15,250	18,200	21,800	24,300	25,400
ROW DWELLINGS	10,250	12,350	15,250	18,100	21,750	24,250	25,400
WALKUP	9,800	12,200	15,450	18,150	21,250	23,250	24,500
ELEVATOR-STRUCTURE	17,300	20,150	25,450	------	------	------	------
AUGUSTA:							
DETACHED AND SEMIDETACHED	10,600	12,700	15,800	18,850	22,650	25,100	26,250
ROW DWELLINGS	10,650	12,750	15,700	18,850	22,650	25,100	26,300
WALKUP	9,950	12,250	15,600	18,450	21,350	23,650	24,700
ELEVATOR-STRUCTURE	16,250	18,850	23,900	------	------	------	------
BRUNSWICK:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,350	17,150	20,600	22,900	23,950
ROW DWELLINGS	9,600	11,650	14,350	17,050	20,500	22,850	23,950
WALKUP	9,050	11,200	14,200	16,750	19,500	21,400	22,500
ELEVATOR-STRUCTURE	17,300	20,150	25,450	------	------	------	------
COLUMBUS:							
DETACHED AND SEMIDETACHED	10,050	12,100	15,050	18,000	21,650	23,950	25,150
ROW DWELLINGS	10,200	12,250	15,050	18,000	21,650	24,000	25,100
WALKUP	9,750	12,000	15,300	18,000	20,900	23,100	24,150
ELEVATOR-STRUCTURE	17,200	20,000	25,300	------	------	------	------
MACON:							
DETACHED AND SEMIDETACHED	10,200	12,200	15,250	18,150	21,900	24,200	25,350
ROW DWELLINGS	10,300	12,350	15,150	18,100	21,850	24,200	25,350
WALKUP	9,450	11,700	14,850	17,500	20,350	22,450	23,450
ELEVATOR-STRUCTURE	17,200	20,000	25,300	------	------	------	------
ROME:							
DETACHED AND SEMIDETACHED	9,750	11,700	14,550	17,400	20,850	23,100	24,250
ROW DWELLINGS	9,750	11,750	14,500	17,350	20,750	23,050	24,150
WALKUP	9,150	11,300	14,450	16,950	19,650	21,650	22,800
ELEVATOR-STRUCTURE	17,000	19,800	25,000	------	------	------	------
SAVANNAH:							
DETACHED AND SEMIDETACHED	9,700	11,650	14,350	17,150	20,600	22,900	23,950
ROW DWELLINGS	9,600	11,650	14,350	17,050	20,500	22,850	23,950
WALKUP	9,050	11,200	14,200	16,750	19,500	21,400	22,500
ELEVATOR-STRUCTURE	17,300	20,150	25,450	------	------	------	------
VALDOSTA:							
DETACHED AND SEMIDETACHED	10,000	12,050	14,950	17,900	21,500	23,800	24,900
ROW DWELLINGS	10,050	12,150	14,950	17,800	21,350	23,750	24,900
WALKUP	9,650	11,850	15,150	17,850	20,650	22,800	23,850
ELEVATOR-STRUCTURE	17,000	19,800	25,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY							
LOUISVILLE:							
DETACHED AND SEMIDETACHED	10,950	13,000	16,050	19,250	23,150	25,650	26,950
ROW DWELLINGS	10,350	12,550	15,450	18,350	22,050	24,550	25,650
WALKUP	11,000	13,600	17,300	20,450	23,700	26,000	27,400
ELEVATOR-STRUCTURE	20,250	23,600	29,800	------	------	------	------
ASHLAND:							
DETACHED AND SEMIDETACHED	11,200	13,450	16,600	19,900	23,950	26,600	27,900
ROW DWELLINGS	10,700	12,900	16,000	18,950	22,800	25,350	26,450
WALKUP	11,050	13,700	17,350	20,500	23,850	26,350	27,550
ELEVATOR-STRUCTURE	20,850	24,400	30,800	------	------	------	------
BOWLING GREEN:							
DETACHED AND SEMIDETACHED	10,450	12,600	15,450	18,550	22,400	24,800	26,000
ROW DWELLINGS	10,000	12,050	15,000	17,700	21,400	23,750	24,850
WALKUP	10,150	12,600	16,050	19,050	22,000	24,250	25,500
ELEVATOR-STRUCTURE	19,550	22,750	28,800	------	------	------	------
CORBIN:							
DETACHED AND SEMIDETACHED	10,850	13,000	16,050	19,250	23,150	25,650	26,950
ROW DWELLINGS	10,350	12,550	15,450	18,350	22,050	24,550	25,650
WALKUP	10,500	13,050	16,600	19,600	22,800	25,100	26,400
ELEVATOR-STRUCTURE	20,250	23,600	29,800	------	------	------	------
COVINGTON:							
DETACHED AND SEMIDETACHED	11,650	14,000	17,200	20,600	24,850	27,600	28,900
ROW DWELLINGS	11,050	13,400	16,600	19,650	23,750	26,300	27,550
WALKUP	11,750	14,650	18,550	21,900	25,400	27,900	29,400
ELEVATOR-STRUCTURE	21,350	24,950	31,400	------	------	------	------
FRANKFORT:							
DETACHED AND SEMIDETACHED	10,150	12,100	15,000	18,000	21,700	23,950	25,150
ROW DWELLINGS	9,650	11,650	14,450	17,150	20,650	22,900	23,950
WALKUP	10,200	12,800	16,150	19,150	22,050	24,500	25,650
ELEVATOR-STRUCTURE	18,600	21,800	27,450	------	------	------	------
HOPKINSVILLE:							
DETACHED AND SEMIDETACHED	10,300	12,350	15,200	18,250	21,950	24,400	25,550
ROW DWELLINGS	9,850	11,850	14,700	17,400	20,950	23,350	24,400
WALKUP	9,550	11,900	15,050	17,850	20,700	22,850	24,000
ELEVATOR-STRUCTURE	19,200	22,400	28,300	------	------	------	------
LEXINGTON:							
DETACHED AND SEMIDETACHED	10,500	12,650	15,550	18,700	22,550	25,000	26,150
ROW DWELLINGS	10,050	12,100	15,050	17,800	21,450	23,850	25,000
WALKUP	11,350	14,050	17,800	21,100	24,500	26,900	28,300
ELEVATOR-STRUCTURE	20,250	23,600	29,800	------	------	------	------
MIDDLESBORO:							
DETACHED AND SEMIDETACHED	10,850	13,000	16,050	19,250	23,150	25,650	26,950
ROW DWELLINGS	10,350	12,550	15,450	18,350	22,050	24,550	25,650
WALKUP	10,600	13,150	16,750	19,900	22,950	25,200	26,550
ELEVATOR-STRUCTURE	20,250	23,600	29,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
KENTUCKY--CONTINUED							
MURRAY:							
DETACHED AND SEMIDETACHED	10,300	12,350	15,200	18,250	21,950	24,400	25,550
ROW DWELLINGS	9,850	11,850	14,700	17,400	20,950	23,350	24,400
WALKUP	9,300	11,700	14,700	17,450	20,250	22,400	23,400
ELEVATOR-STRUCTURE	19,200	22,400	28,300	------	------	------	------
NEWPORT:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,300	19,600	23,700	26,150	27,500
ROW DWELLINGS	10,600	12,800	15,800	18,700	22,600	25,050	26,200
WALKUP	10,800	13,400	16,850	20,050	23,200	25,650	26,900
ELEVATOR-STRUCTURE	20,400	23,800	30,100	------	------	------	------
OWENSBORO:							
DETACHED AND SEMIDETACHED	11,050	13,300	16,300	19,600	23,700	26,150	27,500
ROW DWELLINGS	10,600	12,800	15,800	18,700	22,600	25,050	26,200
WALKUP	10,800	13,400	16,850	20,050	23,200	25,650	26,900
ELEVATOR-STRUCTURE	20,400	23,800	30,100	------	------	------	------
PADUCAH:							
DETACHED AND SEMIDETACHED	10,150	12,100	15,000	18,000	21,700	23,950	25,150
ROW DWELLINGS	9,650	11,650	14,450	17,150	20,650	22,950	23,950
WALKUP	10,200	12,800	16,150	19,150	22,050	24,500	25,650
ELEVATOR-STRUCTURE	19,200	22,400	28,300	------	------	------	------
MISSISSIPPI							
JACKSON:							
DETACHED AND SEMIDETACHED	11,100	13,400	16,550	19,750	23,800	26,400	27,700
ROW DWELLINGS	10,150	12,200	14,950	17,900	21,500	23,800	25,050
WALKUP	10,000	12,500	16,000	18,900	21,800	24,100	25,200
ELEVATOR-STRUCTURE	19,150	22,150	28,100	------	------	------	------
BILOXI:							
DETACHED AND SEMIDETACHED	10,850	13,000	16,150	19,150	23,150	25,700	26,900
ROW DWELLINGS	10,050	12,100	14,950	17,850	21,450	23,800	24,950
WALKUP	10,400	13,050	16,600	19,500	22,550	24,900	26,050
ELEVATOR-STRUCTURE	19,550	22,800	28,950	------	------	------	------
CORINTH:							
DETACHED AND SEMIDETACHED	11,300	13,700	16,900	20,200	24,350	27,050	28,250
ROW DWELLINGS	9,900	12,050	14,950	17,750	21,450	23,750	24,900
WALKUP	10,450	12,950	16,500	19,400	22,600	24,750	25,950
ELEVATOR-STRUCTURE	19,500	22,600	28,500	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	11,100	13,400	16,550	19,750	23,800	26,400	27,700
ROW DWELLINGS	10,150	12,200	14,950	17,900	21,500	23,800	25,050
WALKUP	10,000	12,500	16,000	18,900	21,800	24,100	25,200
ELEVATOR-STRUCTURE	18,950	22,050	28,000	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
MISSISSIPPI--CONTINUED							
GREENWOOD:							
DETACHED AND SEMIDETACHED	11,100	13,400	16,550	19,750	23,800	26,400	27,700
ROW DWELLINGS	10,150	12,200	14,950	17,900	21,500	23,800	25,050
WALKUP	10,450	13,050	16,600	19,550	22,650	24,900	26,150
ELEVATOR-STRUCTURE	19,150	22,150	28,100	------	------	------	------
GULFPORT:							
DETACHED AND SEMIDETACHED	11,150	13,500	16,600	19,800	23,850	26,450	27,800
ROW DWELLINGS	10,200	12,250	15,100	17,950	21,550	23,900	25,100
WALKUP	9,850	12,350	15,650	18,400	21,350	23,500	24,550
ELEVATOR-STRUCTURE	19,300	22,500	28,400	------	------	------	------
HATTIESBURG:							
DETACHED AND SEMIDETACHED	11,100	13,400	16,550	19,750	23,800	26,400	27,700
ROW DWELLINGS	10,150	12,200	14,950	17,900	21,500	23,800	25,050
WALKUP	10,000	12,500	16,000	18,900	21,800	24,100	25,200
ELEVATOR-STRUCTURE	19,150	22,150	28,100	------	------	------	------
SOUTHAVEN:							
DETACHED AND SEMIDETACHED	10,950	13,150	16,350	19,400	23,400	25,900	27,250
ROW DWELLINGS	9,950	12,000	14,800	17,550	21,150	23,500	24,600
WALKUP	10,600	13,200	16,850	19,700	22,950	25,400	26,550
ELEVATOR-STRUCTURE	18,700	21,900	27,650	------	------	------	------
TUPELO:							
DETACHED AND SEMIDETACHED	11,100	13,400	16,550	19,750	23,800	26,400	27,700
ROW DWELLINGS	10,400	12,550	15,350	18,400	22,050	24,550	25,750
WALKUP	10,200	12,800	16,450	19,200	22,300	24,550	25,700
ELEVATOR-STRUCTURE	19,150	22,150	28,100	------	------	------	------
NORTH CAROLINA							
GREENSBORO:							
DETACHED AND SEMIDETACHED	10,900	13,000	15,850	18,950	22,600	25,100	26,200
ROW DWELLINGS	10,800	12,700	15,700	18,550	22,250	24,700	25,850
WALKUP	11,300	13,700	17,350	20,400	23,650	25,850	27,200
ELEVATOR-STRUCTURE	18,500	21,550	27,300	------	------	------	------
ASHEVILLE:							
DETACHED AND SEMIDETACHED	11,200	13,350	16,350	19,550	23,350	25,850	27,050
ROW DWELLINGS	11,250	13,400	16,450	19,350	23,300	25,900	27,000
WALKUP	11,900	14,750	18,550	21,750	25,050	27,150	28,950
ELEVATOR-STRUCTURE	19,050	22,050	27,900	------	------	------	------
CHARLOTTE:							
DETACHED AND SEMIDETACHED	11,050	13,200	16,100	19,200	22,900	25,450	26,550
ROW DWELLINGS	10,950	13,050	15,950	18,800	22,500	25,000	26,150
WALKUP	11,900	14,650	18,500	21,700	25,000	27,350	28,800
ELEVATOR-STRUCTURE	18,500	21,550	27,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
NORTH CAROLINA--CONTINUED							
CHEROKEE:							
DETACHED AND SEMIDETACHED	11,400	13,600	16,700	19,950	23,700	26,250	27,450
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
DURHAM:							
DETACHED AND SEMIDETACHED	10,700	12,750	15,600	18,650	22,250	24,700	25,850
ROW DWELLINGS	10,750	12,700	15,600	18,450	22,150	24,550	25,700
WALKUP	11,200	13,150	17,350	20,350	23,450	25,600	27,000
ELEVATOR-STRUCTURE	18,450	21,500	27,250	------	------	------	------
ELIZABETH CITY:							
DETACHED AND SEMIDETACHED	11,700	14,050	17,050	20,350	24,350	27,100	28,250
ROW DWELLINGS	10,700	12,900	15,700	18,750	22,500	24,950	26,000
WALKUP	12,000	14,750	18,650	21,750	25,100	27,750	29,000
ELEVATOR-STRUCTURE	18,800	21,900	27,650	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	10,750	12,850	15,650	18,650	22,350	24,800	25,900
ROW DWELLINGS	10,750	12,750	15,650	18,350	22,100	24,500	25,650
WALKUP	10,900	13,450	17,100	19,900	22,950	25,050	26,450
ELEVATOR-STRUCTURE	18,200	20,650	25,650	------	------	------	------
RALEIGH:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,700	18,750	22,400	24,800	25,900
ROW DWELLINGS	10,750	12,850	15,600	18,450	22,150	24,550	25,700
WALKUP	11,000	13,650	17,150	20,300	23,400	25,650	27,000
ELEVATOR-STRUCTURE	18,450	21,500	27,250	------	------	------	------
WILMINGTON:							
DETACHED AND SEMIDETACHED	10,450	12,600	15,500	18,650	22,400	24,850	25,950
ROW DWELLINGS	10,550	12,500	15,200	17,900	21,350	23,750	24,850
WALKUP	11,750	14,350	18,100	21,100	24,450	26,750	28,050
ELEVATOR-STRUCTURE	18,500	21,300	26,500	------	------	------	------
WINSTON-SALEM:							
DETACHED AND SEMIDETACHED	11,000	13,100	16,000	19,150	22,900	25,300	26,500
ROW DWELLINGS	10,600	12,650	15,450	18,250	21,950	24,300	25,400
WALKUP	11,550	14,200	17,850	20,900	24,050	26,250	27,700
ELEVATOR-STRUCTURE	18,450	21,500	27,250	------	------	------	------
FAYETTEVILLE:							
DETACHED AND SEMIDETACHED	10,750	12,900	15,700	18,750	22,400	24,800	25,900
ROW DWELLINGS	10,650	12,650	15,450	18,250	21,950	24,300	25,400
WALKUP	11,550	14,200	17,900	20,950	24,250	26,450	27,800
ELEVATOR-STRUCTURE	18,050	20,650	25,600	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA							
COLUMBIA:							
DETACHED AND SEMIDETACHED	12,000	14,550	17,850	21,400	25,700	28,550	29,900
ROW DWELLINGS	8,600	10,300	12,700	15,100	18,200	20,200	21,150
WALKUP	9,200	11,400	14,550	17,400	19,800	21,750	23,000
ELEVATOR-STRUCTURE	19,450	22,600	28,450	------	------	------	------
AIKEN:							
DETACHED AND SEMIDETACHED	12,000	14,550	17,850	21,400	25,650	28,600	29,950
ROW DWELLINGS	8,550	10,300	12,700	15,050	18,200	20,150	21,150
WALKUP	9,550	11,950	15,100	17,800	20,650	22,750	24,000
ELEVATOR-STRUCTURE	19,700	22,900	29,050	------	------	------	------
ANDERSON:							
DETACHED AND SEMIDETACHED	11,950	14,350	17,650	21,150	25,450	28,200	29,700
ROW DWELLINGS	8,500	10,150	12,600	14,950	18,000	20,000	20,900
WALKUP	8,900	10,950	14,050	16,600	19,150	21,200	22,300
ELEVATOR-STRUCTURE	19,650	22,750	28,600	------	------	------	------
BEAUFORT:							
DETACHED AND SEMIDETACHED	12,250	14,850	18,250	21,850	26,300	29,200	30,700
ROW DWELLINGS	8,800	10,650	13,000	15,450	18,550	20,700	21,700
WALKUP	9,450	11,700	14,800	17,450	20,300	22,400	23,500
ELEVATOR-STRUCTURE	19,950	23,100	29,200	------	------	------	------
CHARLESTON:							
DETACHED AND SEMIDETACHED	13,200	16,000	19,700	23,600	28,350	31,450	33,050
ROW DWELLINGS	9,450	11,350	14,100	16,750	20,100	22,350	23,350
WALKUP	9,850	12,400	15,650	18,450	21,400	23,550	24,800
ELEVATOR-STRUCTURE	20,400	23,700	29,900	------	------	------	------
FLORENCE:							
DETACHED AND SEMIDETACHED	11,500	13,950	17,100	20,600	24,700	27,550	28,800
ROW DWELLINGS	8,200	9,850	12,150	14,500	17,500	19,400	20,350
WALKUP	8,800	11,050	13,950	16,450	19,050	21,000	22,250
ELEVATOR-STRUCTURE	19,700	22,900	29,050	------	------	------	------
GREENVILLE:							
DETACHED AND SEMIDETACHED	12,050	14,600	17,950	21,450	25,900	28,750	30,100
ROW DWELLINGS	8,650	10,350	12,750	15,200	18,300	20,350	21,300
WALKUP	8,950	11,150	14,100	16,650	19,350	21,350	22,450
ELEVATOR-STRUCTURE	19,700	22,900	29,050	------	------	------	------
GREENWOOD:							
DETACHED AND SEMIDETACHED	12,050	14,600	18,050	21,550	25,850	28,750	30,150
ROW DWELLINGS	8,650	10,350	12,800	15,200	18,300	20,400	21,300
WALKUP	9,250	11,450	14,650	17,250	19,900	22,150	23,250
ELEVATOR-STRUCTURE	19,650	22,750	28,600	------	------	------	------
MYRTLE BEACH:							
DETACHED AND SEMIDETACHED	12,250	14,850	18,250	21,850	26,300	29,200	30,700
ROW DWELLINGS	8,800	10,650	13,000	15,450	18,550	20,700	21,700
WALKUP	9,450	11,700	14,800	17,450	20,300	22,400	23,500
ELEVATOR-STRUCTURE	19,950	23,100	29,200	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
SOUTH CAROLINA--CONTINUED							
NORTH AUGUSTA:							
DETACHED AND SEMIDETACHED	12,800	15,400	19,000	22,750	27,250	30,200	31,750
ROW DWELLINGS	9,000	10,900	13,450	15,950	19,350	21,350	22,350
WALKUP	9,700	12,100	15,400	18,050	20,950	23,200	24,350
ELEVATOR-STRUCTURE	20,600	23,900	30,200	------	------	------	------
ORANGEBURG:							
DETACHED AND SEMIDETACHED	12,000	14,550	17,850	21,400	25,700	28,550	29,900
ROW DWELLINGS	8,600	10,300	12,700	15,100	18,200	20,200	21,150
WALKUP	9,200	11,400	14,550	17,400	19,800	21,750	23,000
ELEVATOR-STRUCTURE	19,450	22,600	28,450	------	------	------	------
ROCKHILL:							
DETACHED AND SEMIDETACHED	12,100	14,750	18,100	21,750	26,050	29,050	30,400
ROW DWELLINGS	8,700	10,450	12,850	15,300	18,450	20,500	21,450
WALKUP	9,350	11,700	14,750	17,400	20,150	22,250	23,450
ELEVATOR-STRUCTURE	19,700	22,900	29,050	------	------	------	------
SPARTANSBURG:							
DETACHED AND SEMIDETACHED	12,400	14,950	18,300	22,000	26,500	29,350	30,750
ROW DWELLINGS	8,800	10,550	13,050	15,550	18,750	20,800	21,750
WALKUP	9,450	11,800	14,850	17,500	20,350	22,450	23,550
ELEVATOR-STRUCTURE	19,700	22,900	29,050	------	------	------	------
TENNESSEE							
KNOXVILLE:							
DETACHED AND SEMIDETACHED	11,200	13,450	16,550	19,900	24,000	26,550	27,800
ROW DWELLINGS	11,350	13,650	16,900	20,100	24,200	26,800	28,150
WALKUP	11,600	14,500	18,400	21,750	25,300	27,800	29,200
ELEVATOR-STRUCTURE	18,200	21,100	26,650	------	------	------	------
CHATTANOOGA:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,050	19,250	23,300	25,600	26,850
ROW DWELLINGS	12,000	14,400	17,900	21,300	25,550	28,450	29,800
WALKUP	12,500	15,650	19,850	23,450	27,250	30,000	31,500
ELEVATOR-STRUCTURE	19,550	22,750	28,550	------	------	------	------
JOHNSON CITY:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,750	18,750	22,750	25,200	26,350
ROW DWELLINGS	10,800	12,950	16,000	19,100	22,950	25,400	26,700
WALKUP	11,600	14,500	18,400	21,750	25,200	27,750	29,200
ELEVATOR-STRUCTURE	18,200	21,100	26,650	------	------	------	------
KINGSPORT:							
DETACHED AND SEMIDETACHED	11,000	13,250	16,300	19,500	23,600	26,050	27,400
ROW DWELLINGS	11,200	13,450	16,600	19,800	23,750	26,350	27,650
WALKUP	11,000	13,650	17,250	20,450	23,750	26,150	27,400
ELEVATOR-STRUCTURE	18,200	21,100	26,650	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IV--CONTINUED							
TENNESSEE--CONTINUED							
OAK RIDGE:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,100	19,250	23,250	25,750	26,950
ROW DWELLINGS	11,050	13,300	16,450	19,550	23,550	26,100	27,400
WALKUP	11,600	14,500	18,400	21,750	25,300	27,800	29,200
ELEVATOR-STRUCTURE	18,200	21,100	26,650	------	------	------	------
MEMPHIS:							
DETACHED AND SEMIDETACHED	12,050	14,650	18,000	21,500	25,950	28,850	30,150
ROW DWELLINGS	11,250	13,650	16,950	20,100	24,150	26,900	28,150
WALKUP	12,400	15,350	19,600	23,100	26,800	29,450	30,950
ELEVATOR-STRUCTURE	20,450	23,700	29,900	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	13,050	15,800	19,400	23,200	28,000	31,100	32,450
ROW DWELLINGS	12,150	14,800	18,250	21,700	26,050	29,050	30,500
WALKUP	13,800	17,000	21,850	25,750	29,750	32,700	34,400
ELEVATOR-STRUCTURE	20,450	23,700	29,900	------	------	------	------
UNION CITY:							
DETACHED AND SEMIDETACHED	13,100	15,900	19,500	23,350	28,200	31,300	32,750
ROW DWELLINGS	12,200	14,850	18,350	21,800	26,300	29,250	30,750
WALKUP	12,150	14,950	19,200	22,700	26,250	28,900	30,400
ELEVATOR-STRUCTURE	22,350	25,900	32,650	------	------	------	------
NASHVILLE:							
DETACHED AND SEMIDETACHED	10,050	12,100	14,950	17,850	21,450	23,900	24,950
ROW DWELLINGS	10,000	12,200	14,900	17,800	21,400	23,850	25,000
WALKUP	9,600	11,950	15,200	17,900	20,850	22,950	24,100
ELEVATOR-STRUCTURE	16,400	19,150	24,200	------	------	------	------
CLARKSVILLE:							
DETACHED AND SEMIDETACHED	9,650	11,700	14,400	17,200	20,750	23,050	24,150
ROW DWELLINGS	9,750	11,700	14,400	17,200	20,650	22,950	24,100
WALKUP	8,800	11,000	14,050	16,500	19,150	21,100	22,150
ELEVATOR-STRUCTURE	17,150	20,000	25,250	------	------	------	------
COLUMBIA:							
DETACHED AND SEMIDETACHED	10,100	12,150	15,000	17,900	21,500	23,950	25,050
ROW DWELLINGS	10,050	12,250	14,950	17,850	21,500	23,900	25,050
WALKUP	9,650	12,050	15,450	18,000	21,000	23,150	24,350
ELEVATOR-STRUCTURE	17,650	20,750	26,250	------	------	------	------
REGION V							
ILLINOIS							
CHICAGO:							
DETACHED AND SEMIDETACHED	16,450	20,100	24,600	29,300	35,250	39,300	41,150
ROW DWELLINGS	13,900	16,800	20,650	24,650	29,650	32,950	34,550
WALKUP	13,650	16,900	21,350	25,350	27,350	32,300	33,900
ELEVATOR-STRUCTURE	16,850	19,600	24,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS--CONTINUED							
AURORA:							
DETACHED AND SEMIDETACHED	16,450	20,050	24,600	29,300	35,200	39,250	41,100
ROW DWELLINGS	13,000	15,700	19,300	23,050	27,700	30,800	32,300
WALKUP	13,600	16,850	21,250	25,250	27,250	32,200	33,800
ELEVATOR-STRUCTURE	16,850	19,600	24,800	------	------	------	------
MOLINE:							
DETACHED AND SEMIDETACHED	15,950	19,400	23,950	28,500	34,350	38,150	39,950
ROW DWELLINGS	12,250	14,800	18,250	21,750	26,200	29,100	30,550
WALKUP	12,800	15,950	20,150	23,900	25,700	30,400	31,800
ELEVATOR-STRUCTURE	15,950	18,450	23,300	------	------	------	------
ROCKFORD:							
DETACHED AND SEMIDETACHED	15,600	18,900	23,200	27,750	33,400	37,050	38,850
ROW DWELLINGS	12,000	14,450	17,850	21,200	25,500	28,400	29,800
WALKUP	12,550	15,550	19,700	23,300	25,100	29,750	31,050
ELEVATOR-STRUCTURE	15,500	17,900	22,750	------	------	------	------
ROCK ISLAND:							
DETACHED AND SEMIDETACHED	15,950	19,400	23,950	28,500	34,350	38,150	39,950
ROW DWELLINGS	12,250	14,800	18,250	21,750	26,200	29,100	30,550
WALKUP	12,800	15,950	20,150	23,900	25,700	30,400	31,800
ELEVATOR-STRUCTURE	15,850	18,450	23,300	------	------	------	------
STERLING:							
DETACHED AND SEMIDETACHED	15,900	19,250	23,750	28,250	34,000	37,900	39,650
ROW DWELLINGS	12,150	14,650	18,250	21,650	25,900	28,900	30,250
WALKUP	12,750	15,850	20,100	23,700	25,650	30,200	31,650
ELEVATOR-STRUCTURE	15,800	18,350	23,150	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	17,450	21,200	26,050	31,150	37,450	41,600	43,600
ROW DWELLINGS	11,650	13,950	17,250	20,550	24,750	27,550	28,800
WALKUP	15,000	18,600	23,600	28,000	32,250	35,800	35,800
ELEVATOR-STRUCTURE	16,000	18,550	23,450	------	------	------	------
BELLEVILLE:							
DETACHED AND SEMIDETACHED	18,150	21,950	27,200	32,350	38,950	43,300	45,450
ROW DWELLINGS	12,150	14,550	18,000	21,400	25,750	28,750	30,000
WALKUP	15,550	19,350	24,550	29,000	33,600	37,200	39,050
ELEVATOR-STRUCTURE	16,100	18,650	23,600	------	------	------	------
CARBONDALE:							
DETACHED AND SEMIDETACHED	17,450	21,200	26,050	31,150	37,450	41,600	43,600
ROW DWELLINGS	11,650	13,950	17,250	20,450	24,750	27,550	28,800
WALKUP	15,000	18,600	23,600	28,000	32,250	35,800	37,400
ELEVATOR-STRUCTURE	16,000	18,550	23,500	------	------	------	------
CHAMPAIGN:							
DETACHED AND SEMIDETACHED	16,750	20,200	25,150	29,900	35,800	39,850	41,850
ROW DWELLINGS	11,250	13,450	16,550	19,850	23,750	26,550	27,650
WALKUP	14,500	17,950	22,750	26,950	31,000	34,250	36,150
ELEVATOR-STRUCTURE	15,400	17,800	22,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
ILLINOIS--CONTINUED							
DANVILLE:							
DETACHED AND SEMIDETACHED	17,600	21,350	26,300	31,350	37,750	41,900	43,800
ROW DWELLINGS	11,700	14,150	17,400	20,700	24,900	27,700	28,950
WALKUP	15,200	18,750	23,750	28,150	32,600	36,050	37,800
ELEVATOR-STRUCTURE	16,100	18,650	23,600	------	------	------	------
EAST ST LOUIS:							
DETACHED AND SEMIDETACHED	17,250	20,750	25,850	30,800	36,900	41,100	43,050
ROW DWELLINGS	11,450	13,700	17,050	20,200	24,300	27,150	28,350
WALKUP	13,850	17,200	21,850	25,800	29,750	32,950	34,550
ELEVATOR-STRUCTURE	17,350	20,150	25,500	------	------	------	------
LA SALLE:							
DETACHED AND SEMIDETACHED	19,000	22,950	28,400	33,850	40,700	45,200	47,500
ROW DWELLINGS	12,650	15,200	18,800	22,350	26,900	29,950	31,350
WALKUP	15,350	19,100	23,950	28,500	32,800	36,400	38,100
ELEVATOR-STRUCTURE	16,800	19,550	24,750	------	------	------	------
PEORIA:							
DETACHED AND SEMIDETACHED	17,750	21,400	26,500	31,650	37,950	42,300	44,300
ROW DWELLINGS	11,800	14,200	17,550	20,850	25,150	28,000	29,300
WALKUP	15,350	18,850	23,950	28,500	32,900	36,350	38,100
ELEVATOR-STRUCTURE	16,300	19,000	23,900	------	------	------	------
QUINCY:							
DETACHED AND SEMIDETACHED	16,600	20,150	24,850	29,750	35,600	39,650	41,550
ROW DWELLINGS	11,100	13,400	16,400	19,600	23,550	26,150	27,500
WALKUP	14,250	17,800	22,450	26,500	30,850	34,050	35,800
ELEVATOR-STRUCTURE	15,200	17,650	22,300	------	------	------	------
INDIANA							
INIANAPOLIS:							
DETACHED AND SEMIDETACHED	13,050	15,700	19,350	23,150	27,750	30,900	32,300
ROW DWELLINGS	10,800	13,100	16,200	19,300	23,100	25,850	26,950
WALKUP	10,200	12,800	16,150	19,100	22,050	24,350	25,550
ELEVATOR-STRUCTURE	17,450	20,300	25,700	------	------	------	------
BLOOMINGTON:							
DETACHED AND SEMIDETACHED	12,800	15,450	19,050	22,800	27,300	30,400	31,800
ROW DWELLINGS	10,700	12,900	15,900	18,850	22,750	25,300	26,450
WALKUP	10,550	13,200	16,650	19,700	22,900	25,200	26,400
ELEVATOR-STRUCTURE	17,750	20,550	26,200	------	------	------	------
EVANSVILLE:							
DETACHED AND SEMIDETACHED	12,400	15,000	18,500	22,100	26,500	28,300	30,900
ROW DWELLINGS	10,400	12,450	15,400	18,300	22,050	24,600	25,700
WALKUP	10,700	13,450	17,000	20,100	23,250	25,600	26,900
ELEVATOR-STRUCTURE	17,150	20,000	25,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
INDIANA--CONTINUED							
FORT WAYNE:							
DETACHED AND SEMIDETACHED	12,600	15,250	18,750	22,350	26,850	30,100	31,300
ROW DWELLINGS	10,550	12,750	15,650	18,700	22,450	25,100	26,200
WALKUP	10,100	12,650	16,050	18,850	21,850	24,100	25,350
ELEVATOR-STRUCTURE	17,400	20,150	25,600	------	------	------	------
GARY:							
DETACHED AND SEMIDETACHED	13,150	15,950	19,650	23,450	28,150	31,250	32,750
ROW DWELLINGS	10,950	13,300	16,400	19,450	23,400	26,200	27,250
WALKUP	11,200	13,900	17,550	20,750	23,950	26,450	27,700
ELEVATOR-STRUCTURE	18,900	21,950	27,800	------	------	------	------
HAMMOND:							
DETACHED AND SEMIDETACHED	13,800	16,850	20,700	24,650	29,600	33,000	34,550
ROW DWELLINGS	11,600	14,050	17,300	20,550	24,700	27,600	28,800
WALKUP	10,400	13,050	16,400	19,450	22,500	24,750	26,000
ELEVATOR-STRUCTURE	17,700	20,550	26,050	------	------	------	------
LAFAYETTE:							
DETACHED AND SEMIDETACHED	13,350	16,150	19,850	23,650	28,300	31,650	33,150
ROW DWELLINGS	11,150	13,450	16,600	19,750	23,700	26,450	27,600
WALKUP	10,450	13,050	16,600	19,550	22,650	24,950	26,200
ELEVATOR-STRUCTURE	17,950	20,800	26,300	------	------	------	------
SOUTH BEND:							
DETACHED AND SEMIDETACHED	13,450	16,250	20,000	23,850	28,600	31,900	33,350
ROW DWELLINGS	11,200	13,600	16,700	19,800	23,850	26,700	27,850
WALKUP	10,700	13,400	16,900	19,950	23,050	25,400	26,700
ELEVATOR-STRUCTURE	18,050	21,000	26,600	------	------	------	------
TERRE HAUTE:							
DETACHED AND SEMIDETACHED	13,750	16,700	20,600	24,550	29,400	32,750	34,250
ROW DWELLINGS	11,550	13,900	17,200	20,450	24,500	27,300	28,600
WALKUP	10,900	13,500	17,100	20,300	23,500	25,850	27,150
ELEVATOR-STRUCTURE	18,300	21,300	27,050	------	------	------	------
MICHIGAN							
DETROIT:							
DETACHED AND SEMIDETACHED	14,350	15,150	18,600	22,250	26,750	29,800	31,100
ROW DWELLINGS	12,150	14,650	18,100	21,550	26,000	28,850	30,200
WALKUP	12,200	15,100	19,200	22,700	26,200	28,950	30,400
ELEVATOR-STRUCTURE	15,950	18,550	23,500	------	------	------	------
ANN ARBOR:							
DETACHED AND SEMIDETACHED	15,450	16,300	20,000	23,900	28,800	32,050	33,450
ROW DWELLINGS	13,050	15,750	19,500	23,150	27,950	31,050	32,500
WALKUP	12,700	15,700	19,900	23,600	27,200	30,100	31,550
ELEVATOR-STRUCTURE	15,950	18,550	23,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN--CONTINUED							
FLINT:							
DETACHED AND SEMIDETACHED	16,050	16,950	20,850	24,900	29,900	33,300	35,000
ROW DWELLINGS	13,650	16,450	20,300	24,100	28,950	32,250	33,900
WALKUP	11,900	14,850	18,750	22,250	25,800	28,400	29,750
ELEVATOR-STRUCTURE	15,300	17,800	22,600	------	------	------	------
SAGINAW:							
DETACHED AND SEMIDETACHED	14,800	15,700	19,250	22,900	27,550	30,700	32,200
ROW DWELLINGS	12,600	15,200	18,650	22,250	26,750	29,750	31,250
WALKUP	12,050	15,050	19,000	22,600	26,200	28,800	30,250
ELEVATOR-STRUCTURE	15,300	17,800	22,600	------	------	------	------
YPSILANTI:							
DETACHED AND SEMIDETACHED	16,300	17,250	21,150	25,150	30,300	33,800	35,350
ROW DWELLINGS	13,900	16,600	20,550	24,500	29,500	32,700	34,350
WALKUP	12,200	15,150	19,100	22,700	26,200	28,950	30,450
ELEVATOR-STRUCTURE	15,750	18,400	23,250	------	------	------	------
GRAND RAPIDS:							
DETACHED AND SEMIDETACHED	13,000	15,700	19,350	23,050	27,750	31,050	32,350
ROW DWELLINGS	11,850	14,300	17,700	21,000	25,200	28,100	29,400
WALKUP	10,450	13,150	16,650	19,600	22,750	25,200	26,350
ELEVATOR-STRUCTURE	18,300	21,350	26,850	------	------	------	------
BATTLE CREEK:							
DETACHED AND SEMIDETACHED	13,350	16,050	19,800	23,650	28,500	31,700	33,100
ROW DWELLINGS	12,150	14,600	18,050	21,500	25,900	28,850	30,150
WALKUP	10,450	13,000	16,550	19,550	22,600	25,000	26,200
ELEVATOR-STRUCTURE	18,700	21,800	27,450	------	------	------	------
BENTON HARBOR:							
DETACHED AND SEMIDETACHED	14,400	17,400	21,350	25,450	30,600	34,250	35,700
ROW DWELLINGS	13,100	15,800	19,500	23,200	27,850	29,650	32,450
WALKUP	11,150	13,900	17,600	20,900	24,000	26,600	27,950
ELEVATOR-STRUCTURE	19,650	22,950	28,900	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	13,800	16,800	20,700	24,600	29,700	33,100	34,600
ROW DWELLINGS	12,700	15,200	18,850	22,450	27,000	30,050	31,450
WALKUP	11,200	14,100	17,750	21,050	24,250	26,900	28,150
ELEVATOR-STRUCTURE	19,550	22,750	28,700	------	------	------	------
KALAMAZOO:							
DETACHED AND SEMIDETACHED	13,100	15,800	19,550	23,200	28,000	31,300	32,550
ROW DWELLINGS	11,950	14,400	17,800	21,150	25,500	28,300	29,700
WALKUP	9,950	12,500	15,850	18,700	21,700	23,950	25,100
ELEVATOR-STRUCTURE	18,450	21,450	27,100	------	------	------	------
LANSING:							
DETACHED AND SEMIDETACHED	15,450	18,600	23,000	27,400	32,900	36,750	38,450
ROW DWELLINGS	14,100	19,900	21,000	24,950	30,000	33,300	34,950
WALKUP	10,900	13,600	17,250	20,400	23,600	26,100	27,350
ELEVATOR-STRUCTURE	19,000	22,300	28,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MICHIGAN--CONTINUED							
MANISTIQUE:							
DETACHED AND SEMIDETACHED	15,100	18,250	22,450	26,700	32,050	35,900	37,350
ROW DWELLINGS	13,800	16,600	20,450	24,300	29,250	32,600	34,100
WALKUP	10,700	13,350	16,850	20,000	23,100	25,600	26,650
ELEVATOR-STRUCTURE	21,000	24,550	30,950	------	------	------	------
MARQUETTE:							
DETACHED AND SEMIDETACHED	12,550	15,250	18,700	22,250	26,900	30,000	31,350
ROW DWELLINGS	11,450	13,800	17,050	20,300	24,350	27,100	28,450
WALKUP	10,100	12,700	16,000	18,900	21,900	24,250	25,400
ELEVATOR-STRUCTURE	17,350	20,250	25,500	------	------	------	------
MUSKEGON:							
DETACHED AND SEMIDETACHED	13,100	15,800	19,550	23,250	28,000	31,300	32,600
ROW DWELLINGS	12,000	14,400	17,800	21,150	25,350	28,300	29,750
WALKUP	9,300	11,600	14,700	17,350	20,050	22,150	23,250
ELEVATOR-STRUCTURE	18,300	21,350	26,850	------	------	------	------
TRAVERSE CITY:							
DETACHED AND SEMIDETACHED	14,350	17,350	21,350	25,450	30,550	34,200	35,600
ROW DWELLINGS	13,100	15,800	19,500	23,100	27,850	31,050	32,500
WALKUP	10,200	12,700	16,050	19,050	22,000	24,400	25,400
ELEVATOR-STRUCTURE	20,050	23,400	29,500	------	------	------	------
MINNESOTA							
MINNEAPOLIS:							
DETACHED AND SEMIDETACHED	15,100	18,250	22,550	26,950	32,350	36,000	37,700
ROW DWELLINGS	13,900	16,900	20,750	24,750	29,750	33,100	34,650
WALKUP	10,700	13,400	16,850	19,850	22,950	25,400	26,600
ELEVATOR-STRUCTURE	18,500	21,400	27,200	------	------	------	------
CASS LAKE:							
DETACHED AND SEMIDETACHED	17,900	21,550	26,600	31,800	38,150	42,550	44,550
ROW DWELLINGS	12,450	14,900	18,400	21,950	26,350	29,400	30,700
WALKUP	10,700	13,250	16,850	19,900	23,000	24,450	26,650
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
DULUTH:							
DETACHED AND SEMIDETACHED	15,350	18,550	22,850	27,350	32,850	36,600	38,300
ROW DWELLINGS	14,250	17,100	21,100	25,150	30,200	33,700	35,200
WALKUP	11,300	14,000	17,800	21,000	24,300	26,900	28,150
ELEVATOR-STRUCTURE	18,750	21,800	27,500	------	------	------	------
MANKATO:							
DETACHED AND SEMIDETACHED	14,350	17,550	21,500	25,700	30,950	34,500	36,000
ROW DWELLINGS	13,400	16,050	19,850	23,650	28,500	31,700	33,100
WALKUP	11,300	13,950	17,750	21,000	24,200	26,700	28,150
ELEVATOR-STRUCTURE	17,650	20,500	25,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
MINNESOTA--CONTINUED							
ROCHESTER:							
DETACHED AND SEMIDETACHED	14,800	17,900	22,050	26,300	31,700	35,200	36,800
ROW DWELLINGS	13,700	16,450	20,300	24,250	29,050	32,300	33,900
WALKUP	10,400	12,950	16,350	19,350	22,400	24,750	25,950
ELEVATOR-STRUCTURE	17,200	20,100	25,500	------	------	------	------
RED LAKE:							
DETACHED AND SEMIDETACHED	16,100	19,400	24,100	28,700	34,350	38,250	40,000
ROW DWELLINGS	11,650	14,050	17,300	20,650	24,750	27,650	28,850
WALKUP	10,150	12,600	16,050	18,950	21,900	24,150	25,350
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
ST CLOUD:							
DETACHED AND SEMIDETACHED	14,350	17,300	21,500	25,600	30,700	34,150	35,750
ROW DWELLINGS	13,350	16,100	19,850	23,650	28,350	31,700	33,050
WALKUP	10,700	13,300	16,950	20,000	23,150	25,500	26,750
ELEVATOR-STRUCTURE	17,050	19,800	25,050	------	------	------	------
WORTHINGTON:							
DETACHED AND SEMIDETACHED	13,750	16,600	20,550	24,550	29,350	32,750	34,250
ROW DWELLINGS	12,800	15,300	18,900	22,500	27,100	30,100	31,550
WALKUP	9,800	12,150	15,450	18,250	21,050	23,250	24,450
ELEVATOR-STRUCTURE	16,900	19,650	24,950	------	------	------	------
OHIO							
CINCINATTI:							
DETACHED AND SEMIDETACHED	11,000	13,200	16,350	19,550	23,400	26,150	27,350
ROW DWELLINGS	10,750	13,000	16,050	19,050	22,850	25,500	26,750
WALKUP	11,100	13,700	17,450	20,700	23,850	26,300	27,650
ELEVATOR-STRUCTURE	23,350	27,100	34,250	------	------	------	------
DAYTON:							
DETACHED AND SEMIDETACHED	11,000	13,250	16,400	19,600	23,450	26,200	27,400
ROW DWELLINGS	10,750	13,000	16,050	19,050	22,850	25,500	26,750
WALKUP	11,100	13,700	17,450	20,700	23,850	26,300	27,650
ELEVATOR-STRUCTURE	23,350	27,100	34,250	------	------	------	------
CLEVELAND:							
DETACHED AND SEMIDETACHED	13,150	16,050	19,650	23,500	28,200	31,450	32,950
ROW DWELLINGS	12,600	15,100	18,700	22,350	26,800	29,950	31,250
WALKUP	13,600	16,800	21,250	25,300	29,250	32,300	33,950
ELEVATOR-STRUCTURE	19,050	22,250	28,150	------	------	------	------
AKRON:							
DETACHED AND SEMIDETACHED	12,950	15,800	19,350	23,150	27,800	30,950	32,450
ROW DWELLINGS	12,400	14,900	18,450	22,050	26,350	29,500	30,800
WALKUP	13,450	16,550	20,950	24,950	28,850	31,800	33,450
ELEVATOR-STRUCTURE	18,800	21,950	27,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO--CONTINUED							
FINDLEY:							
DETACHED AND SEMIDETACHED	12,000	14,650	17,900	21,400	25,700	28,600	29,950
ROW DWELLINGS	11,450	13,750	17,050	20,300	24,400	27,250	28,450
WALKUP	12,400	15,300	19,350	23,050	26,600	29,400	30,850
ELEVATOR-STRUCTURE	17,350	20,250	25,600	------	------	------	------
LORAIN:							
DETACHED AND SEMIDETACHED	13,050	15,900	19,450	23,300	27,950	31,150	32,600
ROW DWELLINGS	12,500	14,950	18,500	22,150	26,500	29,650	30,950
WALKUP	13,500	16,650	21,050	25,050	28,950	31,950	33,550
ELEVATOR-STRUCTURE	18,850	22,050	27,900	------	------	------	------
MANSFIELD:							
DETACHED AND SEMIDETACHED	12,250	14,950	18,300	21,900	26,250	29,250	30,600
ROW DWELLINGS	11,700	14,050	17,400	20,800	24,900	27,850	29,050
WALKUP	12,700	15,650	19,750	23,550	27,250	30,000	31,550
ELEVATOR-STRUCTURE	17,700	20,700	26,200	------	------	------	------
TOLEDO:							
DETACHED AND SEMIDETACHED	13,150	16,050	19,650	23,500	28,200	31,450	32,950
ROW DWELLINGS	12,600	15,100	18,700	22,350	26,800	29,950	31,250
WALKUP	13,600	16,800	21,250	25,300	29,250	32,300	33,950
ELEVATOR-STRUCTURE	19,050	22,250	28,150	------	------	------	------
YOUNGSTOWN:							
DETACHED AND SEMIDETACHED	12,650	15,450	18,850	22,550	27,100	30,200	31,600
ROW DWELLINGS	12,100	14,500	18,000	21,450	25,700	28,750	30,000
WALKUP	13,050	16,150	20,400	24,350	28,100	31,000	32,600
ELEVATOR-STRUCTURE	18,300	21,400	27,000	------	------	------	------
COLUMBUS:							
DETACHED AND SEMIDETACHED	12,100	14,600	18,050	21,500	25,850	28,850	30,100
ROW DWELLINGS	11,550	13,950	17,200	20,450	24,550	27,400	28,700
WALKUP	12,100	15,000	18,950	22,550	25,950	28,700	30,150
ELEVATOR-STRUCTURE	22,050	25,600	32,400	------	------	------	------
ATHENS:							
DETACHED AND SEMIDETACHED	12,250	14,850	18,300	21,750	26,250	29,400	30,550
ROW DWELLINGS	11,350	13,600	16,800	20,050	24,050	26,800	28,050
WALKUP	12,250	15,250	19,300	22,950	26,500	29,200	30,750
ELEVATOR-STRUCTURE	22,300	25,950	32,850	------	------	------	------
LIMA:							
DETACHED AND SEMIDETACHED	12,100	14,600	18,050	21,500	25,850	28,850	30,100
ROW DWELLINGS	11,300	13,600	16,800	20,000	24,050	26,750	28,050
WALKUP	12,200	15,150	19,150	22,800	26,300	28,950	30,450
ELEVATOR-STRUCTURE	22,050	25,600	32,400	------	------	------	------
MARIETTA:							
DETACHED AND SEMIDETACHED	12,250	14,850	18,300	21,750	26,250	29,400	30,550
ROW DWELLINGS	11,750	14,100	17,450	20,750	24,950	27,850	29,150
WALKUP	12,050	14,950	18,900	22,500	25,900	28,550	30,100
ELEVATOR-STRUCTURE	22,300	25,950	32,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
OHIO--CONTINUED							
NEWARK:							
DETACHED AND SEMIDETACHED	11,800	14,300	17,600	20,950	25,250	28,250	29,400
ROW DWELLINGS	11,300	13,600	16,750	19,950	24,000	26,700	27,950
WALKUP	11,800	14,700	18,600	22,100	25,500	28,100	29,500
ELEVATOR-STRUCTURE	21,500	25,050	31,600	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	12,100	14,600	18,050	21,500	25,850	28,850	30,100
ROW DWELLINGS	11,450	13,850	17,050	20,300	24,400	27,150	28,450
WALKUP	12,100	15,000	18,950	22,550	25,950	28,700	30,150
ELEVATOR-STRUCTURE	22,050	25,600	32,400	------	------	------	------
TROY:							
DETACHED AND SEMIDETACHED	11,850	14,450	17,750	21,150	25,400	28,450	29,650
ROW DWELLINGS	11,000	13,250	16,350	19,500	23,350	26,000	27,250
WALKUP	11,950	15,000	18,900	22,500	25,900	28,600	30,000
ELEVATOR-STRUCTURE	21,650	25,200	31,850	------	------	------	------
ZANESVILLE:							
DETACHED AND SEMIDETACHED	12,250	14,850	18,300	21,750	26,250	29,400	30,550
ROW DWELLINGS	11,750	14,100	17,450	20,750	24,950	27,850	29,150
WALKUP	12,050	14,950	18,900	22,500	25,950	28,600	30,100
ELEVATOR-STRUCTURE	22,300	25,950	32,850	------	------	------	------
WISCONSIN							
MILWAUKEE:							
DETACHED AND SEMIDETACHED	14,850	18,050	22,250	26,500	31,850	35,550	37,200
ROW DWELLINGS	12,700	15,200	18,650	22,300	26,850	29,800	31,300
WALKUP	12,750	15,700	19,950	23,500	27,300	30,150	31,550
ELEVATOR-STRUCTURE	16,900	19,600	24,750	------	------	------	------
EAU CLAIRE:							
DETACHED AND SEMIDETACHED	14,450	17,400	21,500	25,750	30,850	34,450	35,950
ROW DWELLINGS	11,950	14,250	17,600	20,950	25,150	28,000	29,350
WALKUP	12,800	15,850	20,150	23,750	27,550	30,250	31,800
ELEVATOR-STRUCTURE	16,450	19,150	24,150	------	------	------	------
GREEN BAY:							
DETACHED AND SEMIDETACHED	13,800	16,650	20,550	24,600	29,400	32,900	34,450
ROW DWELLINGS	11,350	13,600	16,750	20,050	24,000	26,750	28,000
WALKUP	11,850	14,700	18,550	21,950	25,400	28,100	29,350
ELEVATOR-STRUCTURE	15,700	18,250	23,150	------	------	------	------
LAC DU FLAMBEAU:							
DETACHED AND SEMIDETACHED	18,600	22,450	27,650	33,050	39,700	44,300	46,350
ROW DWELLINGS	10,650	12,700	15,650	18,650	22,400	24,950	26,150
WALKUP	10,800	13,400	17,000	20,050	23,250	25,550	26,850
ELEVATOR-STRUCTURE	14,750	17,150	21,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION V--CONTINUED							
WISCONSIN--CONTINUED							
MADISON:							
DETACHED AND SEMIDETACHED	14,600	17,750	21,850	26,100	31,400	35,050	36,600
ROW DWELLINGS	12,150	14,450	17,850	21,300	25,550	28,600	29,800
WALKUP	12,600	15,550	19,750	23,350	27,050	29,850	31,200
ELEVATOR-STRUCTURE	16,750	19,500	24,600	------	------	------	------
PEDCLIFF:							
DETACHED AND SEMIDETACHED	17,850	21,550	26,500	31,700	38,050	42,500	44,450
ROW DWELLINGS	11,050	13,200	16,250	19,450	23,400	26,000	27,250
WALKUP	11,200	13,800	17,500	20,700	23,900	26,400	27,700
ELEVATOR-STRUCTURE	14,750	17,150	21,700	------	------	------	------
REEDSVILLE:							
DETACHED AND SEMIDETACHED	14,100	17,050	20,900	25,100	30,050	33,650	35,200
ROW DWELLINGS	11,600	14,000	17,150	20,550	24,600	27,450	28,800
WALKUP	12,150	15,100	18,950	22,500	26,100	28,700	30,150
ELEVATOR-STRUCTURE	16,100	18,700	23,650	------	------	------	------
SUPERIOR:							
DETACHED AND SEMIDETACHED	15,050	18,150	22,350	26,750	32,100	35,850	37,450
ROW DWELLINGS	12,400	14,800	18,250	21,850	26,300	29,200	30,600
WALKUP	13,250	16,350	20,700	24,500	28,300	31,250	32,800
ELEVATOR-STRUCTURE	17,100	19,900	25,150	------	------	------	------
WAUSAU:							
DETACHED AND SEMIDETACHED	14,100	17,050	20,900	25,100	30,050	33,650	35,200
ROW DWELLINGS	11,550	13,950	17,050	20,500	24,500	27,350	28,700
WALKUP	12,150	15,050	18,900	22,400	25,850	28,600	30,000
ELEVATOR-STRUCTURE	16,050	18,600	23,600	------	------	------	------
REGION VI							
ARKANSAS							
LITTLE ROCK:							
DETACHED AND SEMIDETACHED	11,350	13,750	17,000	20,250	24,350	27,100	28,250
ROW DWELLINGS	10,750	13,050	16,050	19,100	23,000	25,550	26,800
WALKUP	10,900	13,550	17,150	20,350	23,650	26,100	27,300
ELEVATOR-STRUCTURE	20,550	23,700	30,200	------	------	------	------
FAYETTEVILLE:							
DETACHED AND SEMIDETACHED	11,300	13,600	16,900	20,050	24,250	26,850	28,100
ROW DWELLINGS	10,700	13,000	15,950	19,000	22,900	25,400	26,500
WALKUP	9,800	12,300	15,500	18,300	21,300	23,450	24,500
ELEVATOR-STRUCTURE	20,350	23,550	29,700	------	------	------	------
FORT SMITH:							
DETACHED AND SEMIDETACHED	10,650	12,950	16,000	18,950	22,850	25,400	26,500
ROW DWELLINGS	10,250	12,400	15,400	18,250	21,950	24,450	25,550
WALKUP	10,350	12,800	16,200	19,150	22,200	24,500	25,700
ELEVATOR-STRUCTURE	20,700	24,050	30,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

REGION VI--CONTINUED	NUMBER OF BEDROOMS					
	0	1	2	3	4	5	6
ARKANSAS--CONTINUED							
JONESBORO:							
DETACHED AND SEMIDETACHED	10,550	12,700	15,850	18,750	22,600	25,100	26,100
ROW DWELLINGS	10,050	12,200	15,200	17,950	21,600	24,200	25,100
WALKUP	10,150	12,600	15,950	18,850	21,800	24,050	25,250
ELEVATOR-STRUCTURE	20,050	23,250	29,450	------	------	------	------
TEXARKANA:							
DETACHED AND SEMIDETACHED	10,950	13,150	16,300	19,400	23,350	25,900	27,050
ROW DWELLINGS	10,250	12,500	15,400	18,300	22,100	24,550	25,600
WALKUP	10,400	12,950	16,350	19,400	22,500	24,800	26,000
ELEVATOR-STRUCTURE	20,350	23,550	29,700	------	------	------	------
LOUISIANA							
NEW ORLEANS:							
DETACHED AND SEMIDETACHED	12,300	14,900	18,250	21,650	26,250	29,200	30,350
ROW DWELLINGS	9,850	11,950	14,900	17,700	21,200	23,550	24,750
WALKUP	11,100	13,850	17,450	20,550	23,800	26,350	27,450
ELEVATOR-STRUCTURE	18,250	21,100	26,850	------	------	------	------
BATON ROUGE:							
DETACHED AND SEMIDETACHED	13,250	15,900	19,600	23,200	28,000	31,250	32,450
ROW DWELLINGS	10,600	12,800	15,950	18,900	22,650	25,150	26,400
WALKUP	10,650	13,300	16,750	19,800	22,850	25,250	26,400
ELEVATOR-STRUCTURE	18,050	20,900	26,600	------	------	------	------
HOUMA:							
DETACHED AND SEMIDETACHED	12,500	15,100	18,550	22,100	26,600	29,650	31,000
ROW DWELLINGS	10,100	12,150	15,150	18,050	21,650	24,150	25,150
WALKUP	10,600	13,250	16,700	19,800	22,850	25,250	26,450
ELEVATOR-STRUCTURE	18,500	21,500	27,300	------	------	------	------
LAFAYETTE:							
DETACHED AND SEMIDETACHED	12,250	14,750	18,100	21,550	26,050	28,950	30,100
ROW DWELLINGS	9,750	11,900	14,750	17,550	21,050	23,400	24,550
WALKUP	11,050	13,800	17,200	20,400	23,700	26,100	27,300
ELEVATOR-STRUCTURE	18,050	20,900	26,600	------	------	------	------
LAKE CHARLES:							
DETACHED AND SEMIDETACHED	13,200	15,900	19,500	23,200	28,000	31,100	32,450
ROW DWELLINGS	10,550	12,750	15,950	18,900	22,650	25,150	26,400
WALKUP	11,200	14,050	17,750	20,900	24,250	26,850	28,050
ELEVATOR-STRUCTURE	18,250	21,100	26,850	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

REGION VI--CONTINUED	NUMBER OF BEDROOMS					
	0	1	2	3	4	5	6
LOUISIANA--CONTINUED							
SHREVEPORT:							
DETACHED AND SEMIDETACHED	12,500	15,000	18,600	22,050	26,650	29,750	30,950
ROW DWELLINGS	10,300	12,550	15,500	18,450	22,300	24,700	25,800
WALKUP	9,400	11,750	14,850	17,650	20,350	22,550	23,650
ELEVATOR-STRUCTURE	14,600	16,950	21,500	------	------	------	------
ALEXANDRIA:							
DETACHED AND SEMIDETACHED	11,350	13,600	16,900	20,100	24,100	26,950	28,150
ROW DWELLINGS	9,950	11,450	14,150	16,850	20,200	22,550	23,550
WALKUP	9,150	11,350	14,450	17,050	19,750	21,800	22,900
ELEVATOR-STRUCTURE	14,150	16,450	20,750	------	------	------	------
MARSHALL, TEXAS:							
DETACHED AND SEMIDETACHED	11,400	13,650	16,950	20,200	24,200	27,050	28,200
ROW DWELLINGS	9,550	11,650	14,350	17,150	20,600	22,950	23,950
WALKUP	9,100	11,300	14,350	16,950	19,700	21,750	22,700
ELEVATOR-STRUCTURE	13,550	15,700	19,950	------	------	------	------
MONROE:							
DETACHED AND SEMIDETACHED	11,300	13,500	16,700	19,850	23,900	26,800	27,800
ROW DWELLINGS	9,400	11,400	14,050	16,800	20,150	22,450	23,400
WALKUP	9,400	11,650	14,800	17,500	20,250	22,300	23,450
ELEVATOR-STRUCTURE	14,450	16,750	21,350	------	------	------	------
NEW MEXICO							
ALBUQUERQUE:							
DETACHED AND SEMIDETACHED	14,200	17,000	19,000	22,600	27,200	30,400	31,700
ROW DWELLINGS	11,700	14,000	15,600	18,600	22,250	24,800	26,050
WALKUP	10,350	12,800	14,550	17,200	20,000	21,950	23,050
ELEVATOR-STRUCTURE	20,850	24,300	30,750	------	------	------	------
ALAMOGORDO:							
DETACHED AND SEMIDETACHED	14,900	17,750	19,850	23,650	28,500	31,800	33,150
ROW DWELLINGS	12,200	14,550	16,250	19,350	23,100	25,700	27,000
WALKUP	10,750	13,350	15,100	17,850	20,700	22,800	24,000
ELEVATOR-STRUCTURE	19,600	22,750	28,750	------	------	------	------
ARTESIA:							
DETACHED AND SEMIDETACHED	14,900	17,750	19,800	23,600	28,500	31,750	32,900
ROW DWELLINGS	12,200	14,550	16,300	19,500	23,200	25,850	27,100
WALKUP	10,800	13,400	15,150	18,050	20,800	23,000	24,050
ELEVATOR-STRUCTURE	19,900	23,100	29,300	------	------	------	------
CARLSBAD:							
DETACHED AND SEMIDETACHED	15,100	18,150	20,200	24,050	28,950	32,250	33,550
ROW DWELLINGS	12,350	14,900	16,550	19,850	23,600	26,300	27,600
WALKUP	10,700	13,400	15,150	17,850	20,700	22,850	23,950
ELEVATOR-STRUCTURE	19,900	23,100	29,300	------	------	------	------

JUN 30 77 UM

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS					
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
CLOVIS:							
DETACHED AND SEMIDETACHED	14,900	17,750	19,800	23,600	28,500	31,750	32,900
ROW DWELLINGS	12,200	14,550	16,300	19,500	23,200	25,850	27,100
WALKUP	10,700	13,300	14,950	17,850	20,600	22,750	23,800
ELEVATOR-STRUCTURE	19,650	22,800	28,750	------	------	------	------
FORT SUMNER:							
DETACHED AND SEMIDETACHED	15,400	18,550	20,650	24,550	29,650	33,100	34,450
ROW DWELLINGS	12,700	15,250	16,950	20,200	24,200	26,900	28,250
WALKUP	11,250	13,950	15,750	18,700	21,650	23,850	25,050
ELEVATOR-STRUCTURE	20,450	23,850	30,100	------	------	------	------
GALLUP:							
DETACHED AND SEMIDETACHED	16,250	19,500	21,800	25,900	31,250	34,900	36,300
ROW DWELLINGS	13,150	15,700	17,500	20,850	24,900	27,700	29,050
WALKUP	11,500	14,400	16,250	19,300	22,350	24,600	25,750
ELEVATOR-STRUCTURE	21,000	24,500	30,850	------	------	------	------
HOBBS:							
DETACHED AND SEMIDETACHED	14,900	17,750	19,800	23,600	28,500	31,750	32,900
ROW DWELLINGS	12,200	14,550	16,300	19,500	23,200	25,850	27,100
WALKUP	10,800	13,400	15,150	18,050	20,800	23,000	24,050
ELEVATOR-STRUCTURE	19,650	22,800	28,750	------	------	------	------
LA CRUCES:							
DETACHED AND SEMIDETACHED	14,900	17,750	19,800	23,600	28,500	31,750	32,900
ROW DWELLINGS	12,200	14,550	16,300	19,500	23,200	25,850	27,100
WALKUP	11,000	13,700	15,400	18,300	21,200	23,350	24,500
ELEVATOR-STRUCTURE	19,650	22,800	28,750	------	------	------	------
LAS VEGAS:							
DETACHED AND SEMIDETACHED	15,250	18,350	20,450	24,300	29,350	32,700	34,050
ROW DWELLINGS	12,850	15,300	17,000	20,350	24,300	27,050	28,300
WALKUP	11,250	13,950	15,800	18,750	21,650	23,950	25,100
ELEVATOR-STRUCTURE	20,450	23,700	30,100	------	------	------	------
LOS ALAMOS:							
DETACHED AND SEMIDETACHED	15,850	19,050	21,200	25,100	30,400	34,000	35,350
ROW DWELLINGS	13,150	15,700	17,500	20,850	24,950	27,700	29,100
WALKUP	11,600	14,400	16,250	19,250	22,250	24,550	25,750
ELEVATOR-STRUCTURE	20,950	24,450	30,800	------	------	------	------
RATON:							
DETACHED AND SEMIDETACHED	15,150	18,200	20,300	24,100	29,100	32,450	33,800
ROW DWELLINGS	12,850	15,300	17,000	20,350	24,300	27,050	28,300
WALKUP	11,250	13,950	15,800	18,750	21,650	23,950	25,100
ELEVATOR-STRUCTURE	20,450	23,700	30,100	------	------	------	------
SANTA FE:							
DETACHED AND SEMIDETACHED	15,200	18,200	20,400	24,150	29,150	32,550	33,850
ROW DWELLINGS	12,850	15,300	17,000	20,350	24,300	27,050	28,300
WALKUP	11,250	13,950	15,800	18,750	21,650	23,950	25,100
ELEVATOR-STRUCTURE	20,450	23,700	30,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS					
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
SILVER CITY:							
DETACHED AND SEMIDETACHED	15,700	19,000	21,100	25,000	30,300	33,800	35,100
ROW DWELLINGS	12,950	15,550	17,300	20,600	24,700	27,500	28,850
WALKUP	11,450	14,300	16,150	19,000	22,100	24,400	25,550
ELEVATOR-STRUCTURE	20,850	24,200	30,700	------	------	------	------
TRUTH OR CONSEQUENCE:							
DETACHED AND SEMIDETACHED	14,700	17,550	19,700	23,400	28,200	31,400	32,650
ROW DWELLINGS	12,100	14,400	16,200	19,300	23,000	25,650	26,850
WALKUP	10,700	13,300	15,050	17,800	20,650	22,750	23,850
ELEVATOR-STRUCTURE	19,350	22,650	28,550	------	------	------	------
FARMINGTON:							
DETACHED AND SEMIDETACHED	15,850	19,050	21,300	25,300	30,500	34,050	35,450
ROW DWELLINGS	13,150	15,700	17,500	20,850	24,900	27,700	29,050
WALKUP	11,500	14,400	16,250	19,300	22,350	24,600	25,750
ELEVATOR-STRUCTURE	21,000	24,500	30,850	------	------	------	------
TERRA AMARILLO:							
DETACHED AND SEMIDETACHED	15,950	19,050	21,200	25,100	30,400	34,000	35,350
ROW DWELLINGS	13,150	15,700	17,500	20,850	24,950	27,700	29,100
WALKUP	11,600	14,400	16,250	19,250	22,250	24,550	25,750
ELEVATOR-STRUCTURE	20,950	24,450	30,800	------	------	------	------
TAOS:							
DETACHED AND SEMIDETACHED	17,950	21,450	23,950	28,450	34,400	38,350	39,850
ROW DWELLINGS	14,950	17,750	19,800	23,500	28,250	31,350	32,900
WALKUP	12,900	15,950	18,050	21,350	24,750	27,250	28,600
ELEVATOR-STRUCTURE	20,800	24,300	30,650	------	------	------	------
SOCORRO:							
DETACHED AND SEMIDETACHED	14,700	17,550	19,700	23,400	28,200	31,400	32,650
ROW DWELLINGS	12,100	14,400	16,200	19,300	23,000	25,650	26,850
WALKUP	10,700	13,300	15,050	17,800	20,650	22,750	23,850
ELEVATOR-STRUCTURE	19,350	22,650	28,550	------	------	------	------
RUIDOSO:							
DETACHED AND SEMIDETACHED	15,850	19,050	21,200	25,100	30,400	34,000	35,350
ROW DWELLINGS	13,150	15,700	17,500	20,850	24,950	27,700	29,100
WALKUP	11,600	14,400	16,250	19,250	22,250	24,550	25,750
ELEVATOR-STRUCTURE	20,950	24,450	30,800	------	------	------	------
TULCE:							
DETACHED AND SEMIDETACHED	19,550	23,450	26,100	31,150	37,450	41,900	43,650
ROW DWELLINGS	16,450	22,100	24,650	29,350	35,100	39,100	40,900
WALKUP	16,000	19,700	22,400	26,500	30,400	33,850	35,500
ELEVATOR-STRUCTURE	29,000	33,800	42,650	------	------	------	------
ISLETA:							
DETACHED AND SEMIDETACHED	17,900	21,450	24,000	28,550	34,500	38,500	40,100
ROW DWELLINGS	14,450	17,300	19,250	23,050	27,450	30,700	32,050
WALKUP	12,600	15,500	17,600	20,800	24,150	26,450	27,900
ELEVATOR-STRUCTURE	22,700	26,450	33,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
NEW MEXICO--CONTINUED							
LAGUNA:							
DETACHED AND SEMIDETACHED	17,750	21,350	23,750	28,350	34,250	38,100	39,750
ROW DWELLINGS	16,700	19,900	22,200	26,550	31,700	35,300	40,350
WALKUP	14,350	17,800	20,250	24,000	27,800	30,550	32,050
ELEVATOR-STRUCTURE	26,100	30,550	38,550	------	------	------	------
MESCALERO:							
DETACHED AND SEMIDETACHED	18,450	22,250	24,800	29,550	35,600	39,700	41,300
ROW DWELLINGS	17,400	20,950	23,300	27,750	33,150	36,900	38,800
WALKUP	15,100	18,650	21,200	25,150	29,150	32,000	32,400
ELEVATOR-STRUCTURE	27,350	32,000	40,400	------	------	------	------
PENASCO:							
DETACHED AND SEMIDETACHED	19,550	23,550	26,250	31,250	37,700	42,150	43,800
ROW DWELLINGS	19,950	21,550	24,000	28,600	34,200	38,050	39,900
WALKUP	15,550	19,300	21,850	25,900	29,900	33,000	34,600
ELEVATOR-STRUCTURE	28,300	33,000	41,650	------	------	------	------
POJOAQUE:							
DETACHED AND SEMIDETACHED	18,500	22,300	24,850	29,600	35,550	39,750	41,300
ROW DWELLINGS	17,200	20,700	23,000	27,450	32,800	36,500	38,350
WALKUP	15,000	18,500	21,050	24,900	28,900	31,700	33,200
ELEVATOR-STRUCTURE	27,100	31,700	40,050	------	------	------	------
ZUNI:							
DETACHED AND SEMIDETACHED	17,550	21,100	26,100	31,100	37,450	41,650	43,650
ROW DWELLINGS	16,050	19,400	24,100	28,650	34,300	38,350	39,950
WALKUP	14,250	17,800	22,500	26,700	30,750	33,900	35,700
ELEVATOR-STRUCTURE	23,200	26,850	33,950	------	------	------	------
OKLAHOMA							
OKLAHOMA CITY:							
DETACHED AND SEMIDETACHED	12,600	15,150	18,850	22,450	26,900	30,050	31,400
ROW DWELLINGS	9,200	11,100	13,650	16,300	19,550	21,800	22,750
WALKUP	9,900	12,350	15,600	18,450	21,500	23,650	24,850
ELEVATOR-STRUCTURE	16,700	19,400	24,550	------	------	------	------
ADA:							
DETACHED AND SEMIDETACHED	13,300	15,800	19,750	23,500	28,250	31,600	32,850
ROW DWELLINGS	9,600	11,600	14,300	17,050	20,400	22,750	23,800
WALKUP	10,350	13,000	16,300	19,350	22,600	24,800	25,950
ELEVATOR-STRUCTURE	17,050	19,700	24,900	------	------	------	------
ARDMORE:							
DETACHED AND SEMIDETACHED	13,550	16,200	20,250	24,050	28,900	32,300	33,650
ROW DWELLINGS	9,850	11,900	14,650	17,450	20,950	23,350	24,350
WALKUP	10,900	13,550	17,100	20,300	23,600	25,950	27,200
ELEVATOR-STRUCTURE	17,750	20,600	26,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA--CONTINUED							
ENID:							
DETACHED AND SEMIDETACHED	13,400	16,050	19,950	23,850	28,650	31,950	33,200
ROW DWELLINGS	9,750	11,800	14,450	17,250	20,700	23,100	24,150
WALKUP	10,050	12,500	15,700	18,700	21,800	23,950	25,050
ELEVATOR-STRUCTURE	17,650	20,300	25,800	------	------	------	------
GUYMON:							
DETACHED AND SEMIDETACHED	13,600	16,300	20,400	24,200	29,050	32,450	33,850
ROW DWELLINGS	9,950	11,950	14,750	17,550	21,100	23,500	24,500
WALKUP	10,750	13,250	16,800	19,950	23,150	25,550	26,750
ELEVATOR-STRUCTURE	17,850	20,750	26,150	------	------	------	------
LAWTON:							
DETACHED AND SEMIDETACHED	12,850	15,500	19,150	22,850	27,500	30,650	31,950
ROW DWELLINGS	9,400	11,300	13,900	16,600	19,900	22,200	23,200
WALKUP	10,050	12,600	15,900	18,750	21,900	24,050	25,250
ELEVATOR-STRUCTURE	16,450	19,050	24,150	------	------	------	------
SHAWNEE:							
DETACHED AND SEMIDETACHED	13,300	15,800	19,750	23,500	28,250	31,600	32,850
ROW DWELLINGS	9,600	11,600	14,300	17,050	20,400	22,750	23,800
WALKUP	10,350	13,000	16,300	19,350	22,600	24,800	25,950
ELEVATOR-STRUCTURE	17,050	19,700	24,900	------	------	------	------
STILLWATER:							
DETACHED AND SEMIDETACHED	13,300	15,800	19,750	23,500	28,250	31,600	32,850
ROW DWELLINGS	9,600	11,600	14,300	17,050	20,400	22,750	23,800
WALKUP	10,350	13,000	16,300	19,350	22,600	24,800	25,950
ELEVATOR-STRUCTURE	17,050	19,700	24,900	------	------	------	------
WOODWARD:							
DETACHED AND SEMIDETACHED	13,400	16,050	19,950	23,850	28,650	31,950	33,200
ROW DWELLINGS	9,750	11,800	14,450	17,250	20,700	23,100	24,150
WALKUP	10,500	13,150	16,500	19,650	22,850	25,100	26,350
ELEVATOR-STRUCTURE	17,650	20,300	25,800	------	------	------	------
TULSA:							
DETACHED AND SEMIDETACHED	10,850	13,100	16,300	19,350	23,300	25,950	27,050
ROW DWELLINGS	10,550	12,850	15,800	18,750	22,550	25,150	26,300
WALKUP	11,600	14,400	18,200	21,550	25,000	27,550	28,900
ELEVATOR-STRUCTURE	18,400	21,250	26,950	------	------	------	------
BARTLESVILLE:							
DETACHED AND SEMIDETACHED	11,450	13,800	17,100	20,350	24,450	27,200	28,450
ROW DWELLINGS	11,100	13,500	16,600	20,000	23,650	26,350	27,600
WALKUP	11,650	14,550	18,250	21,650	25,300	27,800	29,100
ELEVATOR-STRUCTURE	18,400	21,250	26,950	------	------	------	------
MCALESTER:							
DETACHED AND SEMIDETACHED	11,500	13,750	17,100	20,350	24,400	27,200	28,350
ROW DWELLINGS	11,100	13,400	16,600	19,750	23,650	26,350	27,550
WALKUP	11,350	14,150	17,800	21,050	24,450	26,850	28,200
ELEVATOR-STRUCTURE	17,850	20,800	26,300	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
OKLAHOMA--CONTINUED							
MUSKOGEE:							
DETACHED AND SEMIDETACHED	11,600	13,950	17,300	20,550	24,700	27,500	28,700
ROW DWELLINGS	11,450	13,900	17,300	20,500	24,550	27,450	28,650
WALKUP	11,600	14,400	18,100	21,450	24,950	27,450	28,800
ELEVATOR-STRUCTURE	18,950	21,950	27,850	------	------	------	------
TEXAS:							
DALLAS:							
DETACHED AND SEMIDETACHED	10,450	12,650	15,600	18,600	22,350	24,950	26,000
ROW DWELLINGS	9,000	10,700	13,350	15,900	19,150	21,300	22,250
WALKUP	8,750	10,900	13,800	16,300	18,950	20,750	21,800
ELEVATOR-STRUCTURE	20,100	23,350	29,600	------	------	------	------
SHERMAN:							
DETACHED AND SEMIDETACHED	10,600	12,800	15,800	18,850	22,750	25,200	26,450
ROW DWELLINGS	8,900	10,700	13,300	15,850	19,000	21,200	22,200
WALKUP	8,750	10,900	13,750	16,300	18,950	20,700	21,750
ELEVATOR-STRUCTURE	20,450	23,850	30,100	------	------	------	------
TYLER:							
DETACHED AND SEMIDETACHED	10,100	12,250	15,100	18,050	21,700	24,100	25,150
ROW DWELLINGS	8,750	10,500	13,100	15,500	18,700	20,800	21,750
WALKUP	8,250	10,250	13,000	15,300	17,750	19,500	20,600
ELEVATOR-STRUCTURE	20,800	24,300	30,750	------	------	------	------
WACO:							
DETACHED AND SEMIDETACHED	10,050	12,150	15,050	17,900	21,600	23,950	25,100
ROW DWELLINGS	8,700	10,450	12,950	15,450	18,600	20,700	21,650
WALKUP	8,250	10,300	13,000	15,300	17,900	19,500	20,550
ELEVATOR-STRUCTURE	20,850	23,650	29,900	------	------	------	------
FORT WORTH:							
DETACHED AND SEMIDETACHED	10,300	12,300	15,300	18,250	21,900	24,400	25,500
ROW DWELLINGS	9,600	11,500	14,300	17,050	20,400	22,800	23,850
WALKUP	9,250	11,500	14,550	17,250	20,000	22,050	23,000
ELEVATOR-STRUCTURE	20,500	23,750	30,200	------	------	------	------
ABILENE:							
DETACHED AND SEMIDETACHED	10,650	12,800	15,900	18,950	22,750	25,450	26,500
ROW DWELLINGS	9,900	11,850	14,750	17,550	21,100	23,600	24,550
WALKUP	8,700	10,900	13,750	16,250	18,800	20,800	21,700
ELEVATOR-STRUCTURE	21,250	24,600	31,150	------	------	------	------
SAN ANGELO:							
DETACHED AND SEMIDETACHED	10,500	12,650	15,750	18,800	22,550	25,200	26,300
ROW DWELLINGS	10,000	11,950	14,800	17,650	21,250	23,700	24,800
WALKUP	9,100	11,300	14,250	16,950	19,700	21,650	22,600
ELEVATOR-STRUCTURE	21,400	24,850	31,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
WICHITA FALLS:							
DETACHED AND SEMIDETACHED	10,650	12,750	15,950	18,950	22,700	25,450	26,500
ROW DWELLINGS	10,000	11,950	14,800	17,650	21,250	23,700	24,800
WALKUP	10,100	12,650	15,950	18,900	22,050	24,200	25,300
ELEVATOR-STRUCTURE	21,400	24,850	31,450	------	------	------	------
HOUSTON:							
DETACHED AND SEMIDETACHED	11,150	13,450	16,550	19,700	23,700	26,500	27,600
ROW DWELLINGS	7,800	9,450	11,700	13,900	16,700	18,550	19,450
WALKUP	8,150	10,250	12,850	15,250	17,600	19,450	20,400
ELEVATOR-STRUCTURE	13,800	16,100	20,300	------	------	------	------
BEAUMONT:							
DETACHED AND SEMIDETACHED	11,400	13,800	17,050	20,200	24,400	27,150	28,350
ROW DWELLINGS	8,000	9,650	11,950	14,200	17,100	19,000	19,900
WALKUP	8,300	10,400	13,100	15,500	17,950	19,850	20,750
ELEVATOR-STRUCTURE	14,150	16,500	20,850	------	------	------	------
BRYAN:							
DETACHED AND SEMIDETACHED	13,150	15,900	19,650	23,350	28,200	31,450	32,650
ROW DWELLINGS	8,400	10,200	12,600	14,950	17,950	20,000	20,900
WALKUP	7,500	9,350	11,850	14,050	16,250	17,950	18,800
ELEVATOR-STRUCTURE	13,600	15,850	20,000	------	------	------	------
EL CAMPO:							
DETACHED AND SEMIDETACHED	12,200	14,650	18,050	21,450	25,900	28,850	30,150
ROW DWELLINGS	7,750	9,400	11,600	13,750	16,550	18,400	19,300
WALKUP	8,400	10,500	13,250	15,700	18,150	20,050	21,100
ELEVATOR-STRUCTURE	13,700	15,950	20,150	------	------	------	------
LUFKIN:							
DETACHED AND SEMIDETACHED	12,000	14,450	17,850	21,250	25,600	28,550	29,900
ROW DWELLINGS	8,400	10,200	12,650	15,000	18,000	20,050	20,950
WALKUP	8,150	10,250	12,900	15,300	17,700	19,550	20,500
ELEVATOR-STRUCTURE	13,800	16,100	20,300	------	------	------	------
TEXAS CITY:							
DETACHED AND SEMIDETACHED	11,150	13,450	16,550	19,700	23,700	26,500	27,600
ROW DWELLINGS	7,800	9,450	11,700	13,900	16,700	18,550	19,450
WALKUP	8,500	10,650	13,450	15,900	18,400	20,350	21,350
ELEVATOR-STRUCTURE	13,800	16,100	20,300	------	------	------	------
LUBBOCK:							
DETACHED AND SEMIDETACHED	10,250	12,250	15,200	18,150	21,900	24,300	25,350
ROW DWELLINGS	10,650	12,800	16,000	18,950	22,750	25,400	26,550
WALKUP	10,800	13,600	17,100	20,200	23,450	25,700	26,950
ELEVATOR-STRUCTURE	17,650	20,500	26,000	------	------	------	------
AMARILLO:							
DETACHED AND SEMIDETACHED	10,850	13,050	16,250	19,350	23,350	25,950	27,050
ROW DWELLINGS	11,300	13,600	16,850	20,050	24,100	26,850	27,950
WALKUP	11,400	14,250	18,000	21,300	24,750	27,250	28,550
ELEVATOR-STRUCTURE	18,150	21,100	26,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
EL PASO:							
DETACHED AND SEMIDETACHED	10,250	12,200	15,150	18,050	21,750	24,250	25,300
ROW DWELLINGS	11,900	14,100	17,650	20,950	25,150	28,200	29,300
WALKUP	12,050	14,900	18,850	22,200	25,850	28,400	29,700
ELEVATOR-STRUCTURE	17,200	20,100	25,400	------	------	------	------
MIDLAND:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,550	17,450	20,900	23,300	24,300
ROW DWELLINGS	10,300	12,450	15,400	18,400	22,050	24,600	25,750
WALKUP	10,750	13,550	17,050	20,150	23,400	25,650	26,900
ELEVATOR-STRUCTURE	16,950	19,550	24,850	------	------	------	------
ODESSA:							
DETACHED AND SEMIDETACHED	9,750	11,750	14,550	17,450	20,900	23,300	24,300
ROW DWELLINGS	10,250	12,300	15,250	18,150	21,800	24,350	25,450
WALKUP	10,300	12,850	16,250	19,250	22,300	24,500	25,700
ELEVATOR-STRUCTURE	16,950	19,550	24,850	------	------	------	------
SAN ANTONIO:							
DETACHED AND SEMIDETACHED	11,200	13,400	16,600	19,850	23,900	26,550	27,700
ROW DWELLINGS	12,700	12,350	15,100	18,100	21,750	24,250	25,200
WALKUP	10,650	13,400	16,850	19,900	23,200	25,500	26,700
ELEVATOR-STRUCTURE	16,150	18,800	23,900	------	------	------	------
AUSTIN:							
DETACHED AND SEMIDETACHED	11,600	13,950	17,200	20,550	24,750	27,550	28,700
ROW DWELLINGS	10,550	12,750	15,700	18,700	22,500	25,050	26,100
WALKUP	10,450	13,300	16,550	19,800	22,950	25,100	26,400
ELEVATOR-STRUCTURE	16,050	18,650	23,650	------	------	------	------
CORPUS CHRISTI:							
DETACHED AND SEMIDETACHED	12,100	14,550	18,150	21,600	25,900	28,900	30,050
ROW DWELLINGS	11,100	13,450	16,700	19,850	23,850	26,600	27,600
WALKUP	11,450	14,300	18,100	21,250	24,650	27,150	28,550
ELEVATOR-STRUCTURE	15,000	17,400	22,150	------	------	------	------
DEL RIO:							
DETACHED AND SEMIDETACHED	11,000	13,150	16,300	19,550	23,450	26,100	27,100
ROW DWELLINGS	9,900	12,000	14,850	17,700	21,250	23,650	24,650
WALKUP	10,650	13,350	16,850	19,900	23,200	25,500	26,750
ELEVATOR-STRUCTURE	16,850	19,600	24,950	------	------	------	------
EAGLE PASS:							
DETACHED AND SEMIDETACHED	12,900	15,400	19,100	22,800	27,450	30,450	31,700
ROW DWELLINGS	10,200	12,350	15,200	18,150	21,800	24,300	25,300
WALKUP	10,950	13,900	17,400	20,750	24,050	26,400	27,700
ELEVATOR-STRUCTURE	17,250	20,100	25,450	------	------	------	------
HARLINGEN:							
DETACHED AND SEMIDETACHED	12,100	14,550	18,000	21,600	25,850	28,850	30,050
ROW DWELLINGS	10,550	12,700	15,700	18,800	22,450	25,050	26,100
WALKUP	10,950	13,900	17,450	20,750	24,100	26,500	27,850
ELEVATOR-STRUCTURE	16,000	18,500	23,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VI--CONTINUED							
TEXAS--CONTINUED							
JUNCTION:							
DETACHED AND SEMIDETACHED	12,000	14,500	17,900	21,300	25,700	28,550	29,700
ROW DWELLINGS	10,300	12,500	15,450	18,400	22,150	24,700	25,700
WALKUP	11,150	14,000	17,600	21,000	24,300	26,750	28,100
ELEVATOR-STRUCTURE	17,550	20,400	25,800	------	------	------	------
LAREDO:							
DETACHED AND SEMIDETACHED	12,000	14,400	17,850	21,300	25,550	28,500	29,650
ROW DWELLINGS	10,800	13,150	16,200	19,350	23,200	25,900	26,900
WALKUP	9,700	12,200	15,300	18,150	21,200	23,200	24,400
ELEVATOR-STRUCTURE	16,850	19,600	24,950	------	------	------	------
VICTORIA:							
DETACHED AND SEMIDETACHED	11,300	13,650	16,900	20,150	24,150	26,900	28,000
ROW DWELLINGS	10,250	12,450	15,300	18,250	22,000	24,550	25,550
WALKUP	11,300	14,250	17,900	21,250	24,750	27,150	28,550
ELEVATOR-STRUCTURE	17,450	20,250	25,700	------	------	------	------
REGION VII							
IOWA							
DES MOINES:							
DETACHED AND SEMIDETACHED	11,900	14,400	17,750	21,200	25,550	28,300	29,700
ROW DWELLINGS	12,450	15,000	18,400	21,950	26,400	29,350	30,700
WALKUP	12,600	15,800	20,000	23,700	27,450	30,100	31,700
ELEVATOR-STRUCTURE	20,150	23,350	29,600	------	------	------	------
BETTENDORF:							
DETACHED AND SEMIDETACHED	12,450	15,000	18,500	22,100	26,650	29,600	30,950
ROW DWELLINGS	12,900	15,550	19,100	22,750	27,500	30,650	31,950
WALKUP	13,250	16,450	20,850	24,600	28,600	31,400	33,050
ELEVATOR-STRUCTURE	20,850	24,100	30,550	------	------	------	------
CEDAR RAPIDS:							
DETACHED AND SEMIDETACHED	12,350	14,900	18,400	21,850	26,350	29,300	30,600
ROW DWELLINGS	13,300	16,000	19,650	23,400	28,150	31,400	32,800
WALKUP	13,150	16,350	20,750	25,500	29,500	31,200	32,800
ELEVATOR-STRUCTURE	20,650	23,950	30,400	------	------	------	------
COUNCIL BLUFFS:							
DETACHED AND SEMIDETACHED	10,800	13,050	16,050	19,200	23,150	25,650	26,850
ROW DWELLINGS	11,250	13,500	16,600	19,950	23,850	26,650	27,850
WALKUP	12,100	15,150	19,250	22,800	26,350	29,000	30,450
ELEVATOR-STRUCTURE	18,550	21,600	27,200	------	------	------	------
DAVENPORT:							
DETACHED AND SEMIDETACHED	12,350	14,900	18,400	21,850	26,350	29,300	30,600
ROW DWELLINGS	12,850	15,500	19,000	22,650	27,200	30,400	31,700
WALKUP	13,150	16,350	20,750	25,500	29,500	31,200	32,800
ELEVATOR-STRUCTURE	20,850	24,100	30,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
IOWA--CONTINUED							
DUBUQUE:							
DETACHED AND SEMIDETACHED	12,350	14,900	18,400	21,850	26,350	29,300	30,600
ROW DWELLINGS	12,850	15,500	19,000	22,650	27,200	30,400	31,700
WALKUP	13,150	16,350	20,750	25,500	29,500	31,200	32,800
ELEVATOR-STRUCTURE	20,450	23,800	30,100	------	------	------	------
MASON CITY:							
DETACHED AND SEMIDETACHED	12,350	14,900	18,400	21,850	26,350	29,300	30,600
ROW DWELLINGS	12,850	15,500	19,000	22,650	27,200	30,400	31,700
WALKUP	12,450	15,500	19,700	24,300	28,050	29,700	31,150
ELEVATOR-STRUCTURE	20,450	23,800	30,100	------	------	------	------
SIOUX CITY:							
DETACHED AND SEMIDETACHED	12,350	14,900	18,400	21,850	26,350	29,300	30,600
ROW DWELLINGS	12,750	15,300	18,900	22,550	27,100	30,200	31,500
WALKUP	12,500	15,500	19,700	24,350	28,100	29,750	31,200
ELEVATOR-STRUCTURE	20,450	23,800	30,100	------	------	------	------
WATERLOO:							
DETACHED AND SEMIDETACHED	12,350	14,900	18,400	21,850	26,350	29,300	30,600
ROW DWELLINGS	12,850	15,500	19,000	22,650	27,200	30,400	31,700
WALKUP	13,150	16,350	20,750	25,500	29,500	31,200	32,800
ELEVATOR-STRUCTURE	20,450	23,800	30,100	------	------	------	------
KANSAS							
KANSAS CITY:							
DETACHED AND SEMIDETACHED	13,300	16,100	19,850	23,600	28,450	31,600	33,100
ROW DWELLINGS	12,500	15,000	18,550	22,100	26,600	29,600	30,900
WALKUP	11,150	13,800	17,600	20,750	24,000	26,500	27,850
ELEVATOR-STRUCTURE	19,400	22,450	28,400	------	------	------	------
TOPEKA:							
DETACHED AND SEMIDETACHED	13,100	15,750	19,550	23,200	27,950	31,100	32,550
ROW DWELLINGS	12,400	14,750	18,350	21,800	26,250	29,300	30,600
WALKUP	11,450	14,400	18,300	21,500	24,950	27,600	28,800
ELEVATOR-STRUCTURE	19,400	22,450	28,400	------	------	------	------
HOLTON:							
DETACHED AND SEMIDETACHED	15,050	18,200	22,500	26,700	32,150	35,800	37,500
ROW DWELLINGS	12,950	15,450	19,200	22,800	27,500	30,700	32,000
WALKUP	12,000	15,050	19,100	22,500	26,100	28,850	30,150
ELEVATOR-STRUCTURE	19,250	22,300	28,200	------	------	------	------
GARDEN CITY:							
DETACHED AND SEMIDETACHED	12,250	14,750	18,250	21,750	26,200	29,050	30,450
ROW DWELLINGS	11,600	13,850	17,150	20,400	24,550	27,450	28,600
WALKUP	10,800	13,400	17,000	20,200	23,400	25,750	27,050
ELEVATOR-STRUCTURE	18,200	21,050	26,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
KANSAS--CONTINUED							
PITTSBURG:							
DETACHED AND SEMIDETACHED	12,050	14,500	17,950	21,350	25,750	28,600	29,950
ROW DWELLINGS	11,350	13,600	16,850	20,000	24,150	26,950	28,100
WALKUP	10,550	13,250	16,750	19,700	22,950	25,350	26,500
ELEVATOR-STRUCTURE	17,750	20,600	26,000	------	------	------	------
SALINA:							
DETACHED AND SEMIDETACHED	12,050	14,500	17,950	21,450	25,850	28,650	30,050
ROW DWELLINGS	11,400	13,650	17,000	20,100	24,200	27,050	28,250
WALKUP	10,650	13,300	16,850	19,800	23,050	25,350	26,550
ELEVATOR-STRUCTURE	17,900	20,700	26,100	------	------	------	------
WICHITA:							
DETACHED AND SEMIDETACHED	12,650	15,250	18,950	22,450	27,050	30,100	31,550
ROW DWELLINGS	11,900	14,250	17,750	21,000	25,400	28,300	29,550
WALKUP	11,100	13,900	17,650	20,800	24,150	26,550	27,850
ELEVATOR-STRUCTURE	17,750	20,600	26,000	------	------	------	------
MISSOURI							
KANSAS CITY:							
DETACHED AND SEMIDETACHED	13,300	16,100	19,850	23,600	28,450	31,600	33,100
ROW DWELLINGS	12,450	14,950	18,500	22,000	26,500	29,500	30,800
WALKUP	11,150	13,800	17,600	20,750	24,000	26,500	27,850
ELEVATOR-STRUCTURE	19,400	22,450	28,400	------	------	------	------
JOPLIN:							
DETACHED AND SEMIDETACHED	12,300	14,950	18,450	21,950	26,450	29,450	30,800
ROW DWELLINGS	11,650	13,900	17,300	20,550	24,750	27,500	28,700
WALKUP	10,400	12,850	16,400	19,350	22,400	24,650	25,950
ELEVATOR-STRUCTURE	18,100	21,000	26,550	------	------	------	------
ST. JOSEPH:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,000	22,600	27,300	30,400	31,800
ROW DWELLINGS	12,000	14,350	17,750	21,050	25,400	28,350	29,550
WALKUP	10,700	13,350	16,900	19,950	23,200	25,500	26,850
ELEVATOR-STRUCTURE	18,550	21,550	27,300	------	------	------	------
SEDALIA:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,000	22,600	27,300	30,400	31,800
ROW DWELLINGS	12,000	14,350	17,750	21,050	25,400	28,350	29,550
WALKUP	10,700	13,350	16,900	19,950	23,200	25,500	26,850
ELEVATOR-STRUCTURE	18,550	21,550	27,300	------	------	------	------
SPRINGFIELD:							
DETACHED AND SEMIDETACHED	12,850	15,450	19,150	22,800	27,500	30,600	32,000
ROW DWELLINGS	12,050	14,450	17,850	21,250	25,600	28,550	29,800
WALKUP	10,200	12,650	16,000	18,900	21,950	24,200	25,350
ELEVATOR-STRUCTURE	18,450	21,400	27,100	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
MISSOURI--CONTINUED							
ST. LOUIS:							
DETACHED AND SEMIDETACHED	13,350	16,100	19,850	23,650	28,500	31,700	33,200
ROW DWELLINGS	11,900	14,200	17,650	21,050	25,250	28,200	29,400
WALKUP	10,450	13,050	16,450	19,450	22,650	24,850	26,050
ELEVATOR-STRUCTURE	19,950	23,150	29,250	------	------	------	------
CAPE GIRARDEAU:							
DETACHED AND SEMIDETACHED	12,600	15,250	18,900	22,500	27,150	30,250	31,650
ROW DWELLINGS	11,400	13,600	16,800	20,050	24,000	26,750	27,950
WALKUP	9,950	12,400	15,600	18,550	21,600	23,600	24,850
ELEVATOR-STRUCTURE	19,100	22,150	28,000	------	------	------	------
COLUMBIA:							
DETACHED AND SEMIDETACHED	13,150	15,800	19,550	23,350	28,100	31,200	32,700
ROW DWELLINGS	11,700	14,000	17,300	20,700	24,800	27,650	28,900
WALKUP	10,350	12,850	16,200	19,250	22,350	24,450	25,650
ELEVATOR-STRUCTURE	19,100	22,150	28,050	------	------	------	------
KIRKSVILLE:							
DETACHED AND SEMIDETACHED	13,150	15,800	19,550	23,350	28,100	31,200	32,700
ROW DWELLINGS	11,700	14,000	17,300	20,700	24,800	27,650	28,900
WALKUP	10,400	12,900	16,300	19,350	22,450	24,700	25,900
ELEVATOR-STRUCTURE	19,100	22,150	28,050	------	------	------	------
ROLLA:							
DETACHED AND SEMIDETACHED	11,950	14,350	17,800	21,200	25,500	28,350	29,650
ROW DWELLINGS	10,650	12,750	15,850	18,800	22,600	25,250	26,350
WALKUP	9,350	11,650	14,750	17,450	20,300	22,250	23,350
ELEVATOR-STRUCTURE	17,550	20,350	25,700	------	------	------	------
NEBRASKA							
OMAHA:							
DETACHED AND SEMIDETACHED	11,850	14,300	17,650	21,000	25,300	28,100	29,400
ROW DWELLINGS	11,100	13,350	16,450	19,650	23,700	26,300	27,450
WALKUP	9,750	12,150	15,350	18,150	21,050	23,200	24,300
ELEVATOR-STRUCTURE	18,450	21,400	27,100	------	------	------	------
GRAND ISLAND:							
DETACHED AND SEMIDETACHED	12,450	14,900	18,300	21,850	26,350	29,250	30,650
ROW DWELLINGS	11,750	14,150	17,500	20,900	25,150	27,900	29,150
WALKUP	10,100	12,650	16,050	18,950	22,000	24,200	25,400
ELEVATOR-STRUCTURE	19,050	22,150	27,850	------	------	------	------
LINCOLN:							
DETACHED AND SEMIDETACHED	11,750	14,250	17,500	20,900	25,100	27,900	29,250
ROW DWELLINGS	11,200	13,450	16,500	19,750	23,850	26,400	27,600
WALKUP	9,300	11,550	14,550	17,300	20,050	22,100	23,150
ELEVATOR-STRUCTURE	18,250	21,100	26,550	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VII--CONTINUED							
NEBRASKA--CONTINUED							
MACY:							
DETACHED AND SEMIDETACHED	14,150	17,000	21,050	25,150	30,250	33,850	35,350
ROW DWELLINGS	13,300	16,000	19,800	23,600	28,350	31,600	32,900
WALKUP	11,450	14,200	18,000	21,250	24,700	27,350	27,850
ELEVATOR-STRUCTURE	21,800	25,200	31,900	------	------	------	------
NORFOLK:							
DETACHED AND SEMIDETACHED	12,000	14,450	17,850	21,350	25,700	28,650	29,950
ROW DWELLINGS	11,300	13,550	16,800	20,000	24,050	26,800	27,900
WALKUP	9,600	11,900	15,100	17,850	20,750	22,950	24,000
ELEVATOR-STRUCTURE	19,300	22,300	28,300	------	------	------	------
NORTH PLATTE:							
DETACHED AND SEMIDETACHED	10,900	13,100	16,150	19,350	23,250	25,950	27,150
ROW DWELLINGS	10,100	12,150	15,000	17,900	21,450	23,900	24,950
WALKUP	9,450	11,700	14,900	17,650	20,450	22,650	23,750
ELEVATOR-STRUCTURE	18,550	21,550	27,300	------	------	------	------
SANTEE:							
DETACHED AND SEMIDETACHED	14,150	17,000	21,050	25,150	30,250	33,850	35,350
ROW DWELLINGS	13,300	16,000	19,800	23,600	28,350	31,600	32,900
WALKUP	11,450	14,200	18,000	21,250	24,700	27,350	28,600
ELEVATOR-STRUCTURE	21,800	25,200	31,900	------	------	------	------
SCOTTSBLUFF:							
DETACHED AND SEMIDETACHED	12,250	14,800	18,100	21,600	26,000	28,950	30,200
ROW DWELLINGS	11,400	13,650	16,950	20,200	24,250	27,000	28,150
WALKUP	10,000	12,400	15,800	18,700	21,550	23,850	25,050
ELEVATOR-STRUCTURE	18,750	21,750	26,000	------	------	------	------
WINNEBAGO:							
DETACHED AND SEMIDETACHED	14,150	17,000	21,050	25,150	30,250	33,850	35,350
ROW DWELLINGS	13,300	16,000	19,800	23,600	28,350	31,600	32,900
WALKUP	11,450	14,200	18,000	21,250	24,700	27,350	28,600
ELEVATOR-STRUCTURE	21,800	25,200	31,900	------	------	------	------
REGION VIII							
COLORADO							
DENVER:							
DETACHED AND SEMIDETACHED	13,400	16,100	19,750	23,500	28,350	31,650	33,100
ROW DWELLINGS	11,200	13,450	16,650	19,750	23,800	26,500	27,750
WALKUP	10,950	13,700	17,350	20,500	23,650	26,100	27,350
ELEVATOR-STRUCTURE	15,950	18,650	23,500	------	------	------	------
COLORADO SPRINGS:							
DETACHED AND SEMIDETACHED	13,400	16,100	19,750	23,500	28,350	31,650	33,100
ROW DWELLINGS	11,200	13,450	16,650	19,750	23,800	26,500	27,750
WALKUP	10,950	13,700	17,350	20,500	23,650	26,100	27,350
ELEVATOR-STRUCTURE	15,950	18,650	23,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
COLORADO--CONTINUED							
DURANGO:							
DETACHED AND SEMIDETACHED	14,050	17,000	20,950	24,900	30,050	33,500	35,000
ROW DWELLINGS	11,750	14,100	17,400	20,750	25,000	27,850	29,150
WALKUP	11,500	14,350	18,150	21,400	24,900	27,350	28,800
ELEVATOR-STRUCTURE	16,750	19,500	24,700	------	------	------	------
GRAND JUNCTION:							
DETACHED AND SEMIDETACHED	13,900	16,750	20,650	24,650	29,650	33,000	34,450
ROW DWELLINGS	11,700	13,950	17,200	20,600	24,850	27,450	28,900
WALKUP	11,450	14,200	18,000	21,300	24,600	27,150	28,500
ELEVATOR-STRUCTURE	16,650	19,350	24,400	------	------	------	------
GREELEY:							
DETACHED AND SEMIDETACHED	13,900	16,800	20,700	24,700	29,750	33,150	34,600
ROW DWELLINGS	11,750	14,100	17,400	20,750	25,000	27,850	29,150
WALKUP	11,500	14,350	18,150	21,400	24,900	27,350	28,800
ELEVATOR-STRUCTURE	15,150	17,900	22,500	------	------	------	------
PUEBLO:							
DETACHED AND SEMIDETACHED	13,000	15,600	19,400	23,100	27,700	30,900	32,300
ROW DWELLINGS	10,950	13,200	16,150	19,300	23,250	25,800	27,100
WALKUP	10,600	13,300	16,900	19,950	22,950	25,450	26,650
ELEVATOR-STRUCTURE	15,600	18,150	20,600	------	------	------	------
MONTANA							
HELENA:							
DETACHED AND SEMIDETACHED	14,750	17,800	21,950	26,150	31,550	35,150	36,700
ROW DWELLINGS	12,150	14,450	18,100	21,450	25,900	28,750	30,150
WALKUP	14,650	18,450	23,450	27,600	31,950	35,300	36,850
ELEVATOR-STRUCTURE	17,750	20,600	26,200	------	------	------	------
BILLINGS:							
DETACHED AND SEMIDETACHED	14,400	17,350	21,400	25,500	30,700	34,100	35,700
ROW DWELLINGS	11,800	13,950	17,400	20,650	24,900	27,700	29,000
WALKUP	14,000	17,750	22,550	26,500	30,550	33,900	35,450
ELEVATOR-STRUCTURE	17,300	19,950	25,400	------	------	------	------
BOZEMAN:							
DETACHED AND SEMIDETACHED	15,050	18,100	22,350	26,700	32,100	35,700	37,350
ROW DWELLINGS	12,450	14,750	18,350	21,850	26,350	29,250	30,600
WALKUP	14,850	18,850	23,800	28,150	32,400	35,800	37,600
ELEVATOR-STRUCTURE	18,050	20,950	26,600	------	------	------	------
BUTTE:							
DETACHED AND SEMIDETACHED	15,350	18,500	22,800	27,100	32,600	36,350	38,100
ROW DWELLINGS	12,650	15,100	18,600	22,200	26,850	29,700	31,150
WALKUP	14,950	19,050	23,950	28,300	32,650	36,200	37,700
ELEVATOR-STRUCTURE	18,400	21,300	27,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA--CONTINUED							
GLASGOW:							
DETACHED AND SEMIDETACHED	15,050	18,100	22,350	26,700	32,100	35,700	37,350
ROW DWELLINGS	12,450	14,750	18,350	21,850	26,350	29,250	30,600
WALKUP	14,850	18,850	23,800	28,150	32,400	35,800	37,600
ELEVATOR-STRUCTURE	18,050	20,950	26,600	------	------	------	------
GREAT FALLS:							
DETACHED AND SEMIDETACHED	15,450	18,550	22,950	27,400	32,800	36,600	38,300
ROW DWELLINGS	12,750	15,200	18,750	22,550	27,100	30,050	31,750
WALKUP	15,400	19,350	24,400	28,700	33,250	36,850	38,450
ELEVATOR-STRUCTURE	18,650	21,500	27,400	------	------	------	------
HAVRE:							
DETACHED AND SEMIDETACHED	15,050	18,100	22,350	26,700	32,100	35,700	37,350
ROW DWELLINGS	12,450	14,750	18,350	21,850	26,350	29,250	30,600
WALKUP	14,850	18,850	23,800	28,150	32,400	35,800	37,600
ELEVATOR-STRUCTURE	18,050	20,950	26,600	------	------	------	------
KALISPEL:							
DETACHED AND SEMIDETACHED	14,450	17,500	21,600	25,700	30,800	34,350	36,000
ROW DWELLINGS	11,900	14,250	17,600	21,050	25,350	28,100	29,450
WALKUP	14,450	18,250	23,000	27,200	31,300	34,650	36,250
ELEVATOR-STRUCTURE	17,400	20,200	25,700	------	------	------	------
MILES CITY:							
DETACHED AND SEMIDETACHED	15,050	18,100	22,350	26,700	32,100	35,700	37,350
ROW DWELLINGS	12,450	14,750	18,350	21,850	26,350	29,250	30,600
WALKUP	14,850	18,850	23,800	28,150	32,400	35,800	37,600
ELEVATOR-STRUCTURE	18,050	20,950	26,600	------	------	------	------
MISSOULA:							
DETACHED AND SEMIDETACHED	14,400	17,350	21,400	25,500	30,700	34,100	35,700
ROW DWELLINGS	11,800	13,950	17,400	20,650	24,900	27,700	29,000
WALKUP	14,000	17,750	22,550	26,500	30,550	33,900	35,450
ELEVATOR-STRUCTURE	17,300	19,950	25,400	------	------	------	------
RONAN:							
DETACHED AND SEMIDETACHED	17,150	20,600	25,500	30,250	36,450	40,650	42,600
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
BROWNING:							
DETACHED AND SEMIDETACHED	18,250	21,900	27,100	32,200	38,750	43,250	45,300
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
HARLEM:							
DETACHED AND SEMIDETACHED	17,750	21,300	26,350	31,300	37,650	42,050	44,050
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
MONTANA--CONTINUED							
WOLF POINT:							
DETACHED AND SEMIDETACHED	18,550	22,350	27,450	32,800	39,300	43,850	46,000
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
LODGE GRASS:							
DETACHED AND SEMIDETACHED	16,650	20,000	24,700	29,400	35,350	39,350	41,150
ROW DWELLINGS	11,850	14,100	17,500	20,850	25,200	27,950	29,250
WALKUP	11,100	14,100	17,750	21,000	24,250	26,750	27,950
ELEVATOR-STRUCTURE	19,700	22,750	28,950	------	------	------	------
NORTH DAKOTA							
FARGO:							
DETACHED AND SEMIDETACHED	15,850	19,000	23,500	28,250	33,950	37,550	39,450
ROW DWELLINGS	11,050	13,450	16,500	19,600	23,700	26,250	27,500
WALKUP	12,100	15,150	18,850	22,350	26,150	28,750	30,250
ELEVATOR-STRUCTURE	17,200	20,050	25,300	------	------	------	------
BISMARCK:							
DETACHED AND SEMIDETACHED	16,300	19,600	24,000	28,850	34,800	38,500	40,400
ROW DWELLINGS	11,350	13,700	16,850	20,150	24,350	26,950	28,250
WALKUP	12,400	15,500	19,100	22,800	26,800	29,400	30,950
ELEVATOR-STRUCTURE	17,600	20,450	25,850	------	------	------	------
DICKINSON:							
DETACHED AND SEMIDETACHED	15,600	18,700	23,150	27,750	33,350	37,050	38,900
ROW DWELLINGS	10,850	13,200	16,300	19,350	23,350	25,850	27,000
WALKUP	11,850	14,900	18,450	21,850	25,750	28,300	29,650
ELEVATOR-STRUCTURE	16,900	19,700	24,850	------	------	------	------
GRAND FORKS:							
DETACHED AND SEMIDETACHED	15,350	18,400	22,700	27,300	32,850	36,350	38,150
ROW DWELLINGS	10,850	13,200	16,300	19,350	23,350	25,850	27,000
WALKUP	11,700	14,550	18,100	21,500	25,350	27,800	29,200
ELEVATOR-STRUCTURE	16,900	19,700	24,850	------	------	------	------
MINOT:							
DETACHED AND SEMIDETACHED	15,500	18,550	22,850	27,450	33,100	36,700	38,450
ROW DWELLINGS	10,800	13,100	16,150	19,200	23,100	25,700	26,850
WALKUP	11,700	14,650	18,250	21,750	25,450	28,050	29,500
ELEVATOR-STRUCTURE	16,850	19,550	24,600	------	------	------	------
DEVIL'S LAKE:							
DETACHED AND SEMIDETACHED	21,050	24,100	28,350	32,500	37,850	41,550	43,100
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
SOUTH DAKOTA							
SIOUX FALLS:							
DETACHED AND SEMIDETACHED	17,900	21,500	26,500	31,650	38,000	42,400	44,250
ROW DWELLINGS	11,000	13,300	16,500	19,650	23,700	26,100	27,500
WALKUP	12,000	14,850	18,900	22,350	25,900	28,600	30,050
ELEVATOR-STRUCTURE	16,450	19,200	24,150	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	18,000	21,650	26,700	31,750	38,050	42,700	44,400
ROW DWELLINGS	11,050	13,400	16,600	19,750	23,750	26,300	27,650
WALKUP	12,200	15,250	19,200	22,800	26,350	29,050	30,700
ELEVATOR-STRUCTURE	16,500	19,250	24,350	------	------	------	------
PIERRE:							
DETACHED AND SEMIDETACHED	18,850	22,850	28,050	33,350	40,450	44,900	46,800
ROW DWELLINGS	11,500	13,900	17,150	20,400	24,650	27,300	28,600
WALKUP	12,050	15,100	18,950	22,500	26,100	28,700	30,250
ELEVATOR-STRUCTURE	17,800	20,700	26,200	------	------	------	------
RAPID CITY:							
DETACHED AND SEMIDETACHED	18,050	21,900	26,950	31,950	38,400	42,950	44,750
ROW DWELLINGS	11,100	13,600	16,700	20,000	23,950	26,450	27,900
WALKUP	12,500	15,700	19,850	23,350	27,050	29,900	31,500
ELEVATOR-STRUCTURE	16,500	19,250	24,300	------	------	------	------
MISSION:							
DETACHED AND SEMIDETACHED	18,150	21,900	27,050	32,150	38,750	43,150	44,950
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
FORT THOMPSON:							
DETACHED AND SEMIDETACHED	17,850	21,500	26,550	31,550	38,000	42,350	44,150
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
MCLAUGHLIN:							
DETACHED AND SEMIDETACHED	18,500	22,300	27,550	32,750	39,350	43,950	45,900
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
EAGLE BUTTE:							
DETACHED AND SEMIDETACHED	15,800	19,000	23,500	27,900	33,550	37,500	39,150
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
WAGNER:							
DETACHED AND SEMIDETACHED	17,500	21,100	26,100	31,000	37,300	41,650	43,450
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
SOUTH DAKOTA--CONTINUED							
SISSETON:							
DETACHED AND SEMIDETACHED	18,800	22,650	28,000	33,250	39,950	44,650	46,600
ROW DWELLINGS	14,300	17,400	21,400	25,600	30,800	34,050	35,800
WALKUP	12,900	16,200	20,450	24,200	28,050	30,800	32,650
ELEVATOR-STRUCTURE	19,550	22,800	28,800	------	------	------	------
UTAH							
SALT LAKE CITY:							
DETACHED AND SEMIDETACHED	13,850	16,750	20,700	24,750	29,800	33,050	34,700
ROW DWELLINGS	11,050	13,300	16,450	19,700	23,550	26,150	27,400
WALKUP	10,950	13,600	17,350	20,450	23,750	26,150	27,500
ELEVATOR-STRUCTURE	16,200	18,950	23,950	------	------	------	------
CEDAR CITY:							
DETACHED AND SEMIDETACHED	14,350	17,300	21,300	25,400	30,600	34,100	35,700
ROW DWELLINGS	11,350	13,700	16,850	20,200	24,200	27,000	28,150
WALKUP	11,250	14,100	17,900	21,000	24,450	26,900	28,300
ELEVATOR-STRUCTURE	16,850	19,600	24,800	------	------	------	------
LOGAN:							
DETACHED AND SEMIDETACHED	14,250	17,050	21,000	25,050	30,200	33,650	35,200
ROW DWELLINGS	11,250	13,550	16,650	19,950	24,000	26,650	27,900
WALKUP	11,150	13,850	17,700	20,750	24,150	26,550	28,000
ELEVATOR-STRUCTURE	16,500	19,300	24,350	------	------	------	------
MOAB:							
DETACHED AND SEMIDETACHED	14,400	17,400	21,450	25,550	30,800	34,350	35,950
ROW DWELLINGS	11,400	13,750	17,000	20,250	24,350	27,050	28,400
WALKUP	11,300	14,150	17,950	21,100	24,600	27,000	28,450
ELEVATOR-STRUCTURE	16,900	19,650	24,850	------	------	------	------
PROVO:							
DETACHED AND SEMIDETACHED	13,850	16,750	20,700	24,750	29,800	33,050	34,700
ROW DWELLINGS	11,050	13,300	16,450	19,700	23,550	26,150	27,400
WALKUP	10,950	13,600	17,350	20,450	23,750	26,150	27,500
ELEVATOR-STRUCTURE	16,200	18,950	23,950	------	------	------	------
VERNAL:							
DETACHED AND SEMIDETACHED	14,400	17,350	21,400	25,500	30,750	34,150	35,800
ROW DWELLINGS	11,400	13,750	17,000	20,250	24,350	27,050	28,400
WALKUP	11,300	14,150	17,950	21,100	24,600	27,000	28,450
ELEVATOR-STRUCTURE	16,850	19,600	24,800	------	------	------	------
WYOMING							
CASPER:							
DETACHED AND SEMIDETACHED	16,550	20,050	24,700	29,400	35,350	39,400	41,350
ROW DWELLINGS	10,100	12,150	15,100	17,950	21,550	24,050	25,100
WALKUP	12,100	15,200	19,300	22,650	26,350	29,000	30,400
ELEVATOR-STRUCTURE	16,700	19,450	24,700	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION VIII--CONTINUED							
WYOMING--CONTINUED							
CHEYENNE:							
DETACHED AND SEMIDETACHED	15,650	18,950	23,300	27,800	33,500	37,300	39,100
ROW DWELLINGS	9,550	11,550	14,350	17,800	20,500	22,750	23,750
WALKUP	11,450	14,400	18,250	21,500	24,900	27,550	28,750
ELEVATOR-STRUCTURE	15,850	18,500	23,350	------	------	------	------
CODY:							
DETACHED AND SEMIDETACHED	15,850	19,350	23,750	28,550	34,300	38,100	39,950
ROW DWELLINGS	9,800	11,700	14,550	17,350	20,800	23,100	24,250
WALKUP	11,700	14,700	18,650	21,950	25,300	28,000	29,200
ELEVATOR-STRUCTURE	16,100	18,750	23,750	------	------	------	------
GILLETTE:							
DETACHED AND SEMIDETACHED	17,100	20,650	25,550	30,350	36,700	40,800	42,750
ROW DWELLINGS	10,550	12,550	15,650	18,550	22,250	24,900	25,900
WALKUP	12,450	15,800	19,950	23,500	27,300	30,050	31,450
ELEVATOR-STRUCTURE	17,300	20,050	25,500	------	------	------	------
JACKSON:							
DETACHED AND SEMIDETACHED	16,500	19,900	24,450	29,100	35,150	39,100	40,950
ROW DWELLINGS	10,050	12,050	15,000	17,800	21,400	23,900	24,800
WALKUP	12,000	15,000	19,200	22,450	26,150	28,750	30,100
ELEVATOR-STRUCTURE	16,550	19,350	24,400	------	------	------	------
LARAMIE:							
DETACHED AND SEMIDETACHED	15,800	19,100	23,600	28,100	34,000	37,750	39,650
ROW DWELLINGS	9,750	11,650	14,500	17,200	20,700	23,050	24,100
WALKUP	11,600	14,650	18,550	21,900	25,250	27,850	29,150
ELEVATOR-STRUCTURE	16,000	18,650	23,600	------	------	------	------
POWELL:							
DETACHED AND SEMIDETACHED	15,850	19,350	23,750	28,550	34,300	38,100	39,950
ROW DWELLINGS	9,800	11,700	14,550	17,350	20,800	23,100	24,250
WALKUP	11,700	14,700	18,650	21,950	25,300	28,000	29,200
ELEVATOR-STRUCTURE	16,100	18,750	23,750	------	------	------	------
RIVERTON:							
DETACHED AND SEMIDETACHED	18,200	21,900	27,000	32,100	38,700	43,050	45,100
ROW DWELLINGS	11,100	13,300	16,550	19,650	23,550	26,350	27,400
WALKUP	12,450	15,800	19,950	23,500	27,300	30,050	31,450
ELEVATOR-STRUCTURE	17,300	20,050	25,500	------	------	------	------
ROCK SPRINGS:							
DETACHED AND SEMIDETACHED	15,850	19,350	23,750	28,550	34,300	38,100	39,950
ROW DWELLINGS	9,800	11,700	14,550	17,350	20,800	23,100	24,250
WALKUP	11,700	14,700	18,650	21,950	25,300	28,000	29,200
ELEVATOR-STRUCTURE	16,100	18,750	23,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX							
ARIZONA							
PHOENIX:							
DETACHED AND SEMIDETACHED	12,150	14,600	18,050	21,450	25,850	28,800	30,200
ROW DWELLINGS	11,300	13,650	16,850	20,150	24,150	27,000	28,150
WALKUP	12,050	15,000	19,100	22,500	26,000	28,700	30,150
ELEVATOR-STRUCTURE	23,450	27,200	34,500	------	------	------	------
CASA GRANDE:							
DETACHED AND SEMIDETACHED	12,600	15,200	18,750	22,350	26,950	29,900	31,400
ROW DWELLINGS	11,800	13,650	17,500	20,900	25,100	28,000	29,200
WALKUP	11,600	14,550	18,450	21,850	25,200	27,800	29,150
ELEVATOR-STRUCTURE	23,900	27,750	35,200	------	------	------	------
DOUGLAS:							
DETACHED AND SEMIDETACHED	12,550	15,050	18,650	22,100	26,600	29,700	31,200
ROW DWELLINGS	11,650	14,100	17,400	20,700	24,850	27,800	29,000
WALKUP	12,450	15,550	19,700	23,300	26,800	29,600	31,100
ELEVATOR-STRUCTURE	23,800	27,550	34,900	------	------	------	------
FLAGSTAFF:							
DETACHED AND SEMIDETACHED	12,400	15,000	18,600	22,050	25,900	29,550	31,000
ROW DWELLINGS	11,650	14,100	17,400	20,700	24,850	27,800	29,000
WALKUP	12,400	15,450	19,650	23,150	26,750	29,550	30,950
ELEVATOR-STRUCTURE	25,200	29,150	36,800	------	------	------	------
KAIBAB:							
DETACHED AND SEMIDETACHED	17,750	21,350	26,350	31,450	37,800	42,200	44,100
ROW DWELLINGS	12,800	15,400	19,000	22,750	27,250	30,400	31,750
WALKUP	11,850	14,850	18,950	22,300	25,850	28,450	29,950
ELEVATOR-STRUCTURE	19,150	22,350	28,250	------	------	------	------
KINGMAN:							
DETACHED AND SEMIDETACHED	12,600	15,200	18,750	22,350	26,950	29,900	31,400
ROW DWELLINGS	11,800	13,650	17,500	20,900	25,100	28,000	29,200
WALKUP	12,500	15,700	19,850	23,500	27,100	29,900	31,300
ELEVATOR-STRUCTURE	23,900	27,750	35,200	------	------	------	------
SACATON:							
DETACHED AND SEMIDETACHED	14,750	17,850	21,900	26,150	31,500	35,000	36,700
ROW DWELLINGS	13,350	16,100	19,850	23,650	28,450	31,750	33,150
WALKUP	11,900	14,850	18,700	22,100	25,500	28,150	29,500
ELEVATOR-STRUCTURE	20,100	23,300	29,550	------	------	------	------
SAN CARLOS:							
DETACHED AND SEMIDETACHED	16,100	19,400	24,000	28,500	34,400	38,250	40,100
ROW DWELLINGS	13,400	16,250	20,050	23,900	28,700	31,950	33,350
WALKUP	11,900	14,900	18,750	22,350	25,700	28,400	29,750
ELEVATOR-STRUCTURE	20,250	23,450	29,750	------	------	------	------
SELLS:							
DETACHED AND SEMIDETACHED	15,900	19,250	23,700	28,250	34,050	37,850	39,700
ROW DWELLINGS	13,750	16,650	20,450	24,400	29,300	32,700	34,150
WALKUP	12,150	15,250	19,200	22,750	26,300	29,000	30,400
ELEVATOR-STRUCTURE	20,700	24,000	30,450	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA--CONTINUED							
WHITE RIVER:							
DETACHED AND SEMIDETACHED	16,150	19,350	23,950	28,500	34,300	38,100	40,050
ROW DWELLINGS	13,800	16,650	20,550	24,450	29,400	32,900	34,250
WALKUP	12,150	15,250	19,200	22,800	26,350	29,100	30,450
ELEVATOR-STRUCTURE	20,800	24,100	30,500	------	------	------	------
SAFFORD:							
DETACHED AND SEMIDETACHED	12,800	15,300	19,000	22,600	27,150	30,300	31,800
ROW DWELLINGS	11,900	14,400	17,850	21,200	25,500	28,500	29,700
WALKUP	12,650	15,800	20,100	23,850	27,500	30,300	31,800
ELEVATOR-STRUCTURE	24,050	27,950	35,300	------	------	------	------
CAMP VERDE:							
DETACHED AND SEMIDETACHED	15,800	19,050	23,550	27,900	33,750	37,550	39,400
ROW DWELLINGS	12,900	15,700	19,300	22,950	27,650	30,850	32,200
WALKUP	11,500	14,350	18,150	21,550	24,800	27,300	28,650
ELEVATOR-STRUCTURE	19,550	22,700	28,700	------	------	------	------
KEAMS CANYON:							
DETACHED AND SEMIDETACHED	18,100	21,750	26,950	32,050	38,600	42,900	45,000
ROW DWELLINGS	15,150	18,300	22,700	27,000	32,350	36,150	37,650
WALKUP	13,450	16,800	21,200	25,150	29,000	31,950	33,650
ELEVATOR-STRUCTURE	21,900	25,300	32,000	------	------	------	------
FORT MCDOWELL:							
DETACHED AND SEMIDETACHED	15,200	18,300	22,700	26,900	32,400	36,100	37,850
ROW DWELLINGS	12,800	15,500	19,100	22,700	27,250	30,600	31,850
WALKUP	11,300	14,150	17,950	21,200	24,450	27,100	28,450
ELEVATOR-STRUCTURE	19,300	22,400	28,350	------	------	------	------
PARKER:							
DETACHED AND SEMIDETACHED	16,200	19,650	24,150	28,700	34,650	38,550	40,400
ROW DWELLINGS	13,350	16,100	19,800	23,600	28,350	31,700	33,100
WALKUP	11,950	14,950	18,900	22,350	25,800	28,550	29,900
ELEVATOR-STRUCTURE	20,050	23,250	29,450	------	------	------	------
PEACH SPRINGS:							
DETACHED AND SEMIDETACHED	18,050	21,800	27,050	32,050	38,700	43,100	45,100
ROW DWELLINGS	13,550	16,400	20,200	24,100	28,950	32,250	33,700
WALKUP	12,000	15,000	19,000	22,450	25,900	28,650	30,050
ELEVATOR-STRUCTURE	20,450	23,750	29,950	------	------	------	------
TUCSON:							
DETACHED AND SEMIDETACHED	14,150	17,050	21,050	24,950	30,100	33,600	35,200
ROW DWELLINGS	13,150	15,900	19,650	23,400	28,150	31,450	32,850
WALKUP	13,000	16,250	20,550	24,300	28,000	30,950	32,400
ELEVATOR-STRUCTURE	25,850	30,000	37,900	------	------	------	------
YUMA:							
DETACHED AND SEMIDETACHED	12,850	15,500	19,100	22,700	27,350	30,450	31,950
ROW DWELLINGS	11,950	14,450	17,900	21,250	25,650	28,550	29,750
WALKUP	11,200	13,900	17,600	20,900	24,100	26,550	27,850
ELEVATOR-STRUCTURE	17,850	20,800	26,250	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
ARIZONA--CONTINUED							
SAWMILL:							
DETACHED AND SEMIDETACHED	18,100	21,750	26,950	32,050	38,600	42,900	45,000
ROW DWELLINGS	15,150	18,300	22,700	27,000	32,350	36,150	37,650
WALKUP	13,450	16,800	21,200	25,150	29,000	31,950	33,650
ELEVATOR-STRUCTURE	21,900	25,300	32,000	------	------	------	------
NOGALES:							
DETACHED AND SEMIDETACHED	14,800	17,800	22,000	26,100	31,500	35,150	36,800
ROW DWELLINGS	13,750	16,650	20,550	24,550	29,500	32,850	34,200
WALKUP	14,750	18,300	23,150	27,500	31,750	34,950	------
ELEVATOR-STRUCTURE	27,000	31,400	39,800	------	------	------	------
CALIFORNIA							
LOS ANGELES:							
DETACHED AND SEMIDETACHED	11,950	14,300	17,750	21,200	25,450	28,450	29,750
ROW DWELLINGS	14,800	17,950	22,100	26,300	31,750	35,300	36,850
WALKUP	14,850	18,650	23,300	27,700	31,950	35,250	37,050
ELEVATOR-STRUCTURE	27,850	32,400	40,850	------	------	------	------
BAKERSFIELD:							
DETACHED AND SEMIDETACHED	11,950	14,300	17,750	21,200	25,450	28,450	29,750
ROW DWELLINGS	14,800	17,950	22,100	26,300	31,750	35,300	36,850
WALKUP	14,850	18,650	23,300	27,700	31,950	35,250	37,050
ELEVATOR-STRUCTURE	27,850	32,400	40,850	------	------	------	------
INYOKERN:							
DETACHED AND SEMIDETACHED	12,450	14,800	18,400	21,900	26,400	29,550	30,900
ROW DWELLINGS	15,350	18,650	22,800	27,250	32,800	36,450	38,150
WALKUP	15,400	19,300	24,200	28,750	33,150	36,500	38,350
ELEVATOR-STRUCTURE	28,750	33,500	42,300	------	------	------	------
LANCASTER:							
DETACHED AND SEMIDETACHED	12,000	14,450	17,850	21,300	25,650	28,650	30,050
ROW DWELLINGS	14,900	18,150	22,350	26,600	31,950	35,500	37,150
WALKUP	15,000	18,800	23,500	27,850	32,350	35,500	37,300
ELEVATOR-STRUCTURE	28,000	32,700	41,350	------	------	------	------
LONE PINE:							
DETACHED AND SEMIDETACHED	15,350	18,300	22,700	27,100	32,650	36,500	38,100
ROW DWELLINGS	18,950	23,050	28,350	33,700	40,500	45,100	47,050
WALKUP	18,700	23,300	29,450	34,850	40,350	44,450	46,750
ELEVATOR-STRUCTURE	34,300	39,800	50,400	------	------	------	------
MOJAVE:							
DETACHED AND SEMIDETACHED	12,350	14,700	18,300	21,750	26,250	29,250	30,550
ROW DWELLINGS	15,250	18,500	22,700	27,200	32,700	36,350	37,950
WALKUP	15,350	19,150	24,050	28,400	32,750	36,250	38,000
ELEVATOR-STRUCTURE	28,600	33,350	42,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
OJAI:							
DETACHED AND SEMIDETACHED	10,600	12,700	15,800	18,800	22,600	25,250	26,400
ROW DWELLINGS	13,100	15,900	19,600	23,350	28,050	31,250	32,700
WALKUP	14,100	17,650	22,250	26,450	30,600	33,500	35,350
ELEVATOR-STRUCTURE	26,550	30,900	38,850	------	------	------	------
OXNARD:							
DETACHED AND SEMIDETACHED	11,100	13,300	16,500	19,650	23,600	26,400	27,700
ROW DWELLINGS	13,750	16,700	20,550	24,500	29,450	32,800	34,200
WALKUP	14,600	18,300	23,000	27,200	31,450	34,850	36,500
ELEVATOR-STRUCTURE	27,850	32,400	40,850	------	------	------	------
PASO ROBLES:							
DETACHED AND SEMIDETACHED	11,450	13,700	16,950	20,200	24,250	27,150	28,450
ROW DWELLINGS	14,150	17,200	21,100	25,250	30,200	33,850	35,200
WALKUP	15,350	19,150	24,050	28,400	32,750	36,250	38,000
ELEVATOR-STRUCTURE	28,600	33,350	42,150	------	------	------	------
PIRU:							
DETACHED AND SEMIDETACHED	10,600	12,700	15,800	18,800	22,600	25,250	26,400
ROW DWELLINGS	13,100	15,900	19,600	23,350	28,050	31,250	32,700
WALKUP	14,100	17,650	22,250	26,450	30,600	33,500	35,350
ELEVATOR-STRUCTURE	26,550	30,900	38,850	------	------	------	------
RIDGECREST:							
DETACHED AND SEMIDETACHED	11,500	13,750	17,050	20,300	24,550	27,350	28,650
ROW DWELLINGS	14,250	17,300	21,250	25,300	30,450	33,900	35,350
WALKUP	15,400	19,300	24,200	28,750	33,150	36,500	38,350
ELEVATOR-STRUCTURE	28,750	33,500	42,300	------	------	------	------
SAN BERNARDINO:							
DETACHED AND SEMIDETACHED	11,100	13,300	16,500	19,650	23,600	26,400	27,700
ROW DWELLINGS	13,750	16,700	20,550	24,500	29,450	32,800	34,200
WALKUP	14,850	18,650	23,300	27,700	31,950	35,250	37,050
ELEVATOR-STRUCTURE	27,850	32,400	40,850	------	------	------	------
SANTA BARBARA:							
DETACHED AND SEMIDETACHED	11,150	13,400	16,600	19,750	23,850	26,550	27,850
ROW DWELLINGS	13,800	16,850	20,750	24,650	29,700	33,050	34,400
WALKUP	15,100	18,900	23,750	28,000	32,600	35,850	37,700
ELEVATOR-STRUCTURE	28,000	32,700	41,350	------	------	------	------
SANTA MARIA:							
DETACHED AND SEMIDETACHED	11,450	13,700	16,950	20,200	24,250	27,150	28,450
ROW DWELLINGS	14,150	17,200	21,100	25,250	30,200	33,850	35,200
WALKUP	15,350	19,150	24,050	28,400	32,750	36,250	38,000
ELEVATOR-STRUCTURE	28,600	33,350	42,150	------	------	------	------
TEHACHAPI:							
DETACHED AND SEMIDETACHED	11,450	13,700	16,950	20,200	24,250	27,150	28,450
ROW DWELLINGS	14,150	17,200	21,100	25,250	30,200	33,850	35,200
WALKUP	15,350	19,150	24,050	28,400	32,750	36,250	38,000
ELEVATOR-STRUCTURE	28,600	33,350	42,150	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
VENTURA:							
DETACHED AND SEMIDETACHED	11,100	13,300	16,500	19,650	23,600	26,400	27,700
ROW DWELLINGS	13,750	16,700	20,550	24,500	29,450	32,800	34,200
WALKUP	14,850	18,650	23,300	27,700	31,950	35,250	37,050
ELEVATOR-STRUCTURE	27,850	32,400	40,850	------	------	------	------
SANTA ANA:							
DETACHED AND SEMIDETACHED	10,550	12,650	15,650	18,650	22,500	25,000	26,250
ROW DWELLINGS	12,400	14,950	18,350	21,950	26,400	29,400	30,650
WALKUP	12,300	15,250	19,250	22,700	26,300	28,950	30,350
ELEVATOR-STRUCTURE	25,800	29,900	37,850	------	------	------	------
SACRAMENTO:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,000	22,550	27,200	30,300	31,700
ROW DWELLINGS	10,750	12,950	16,000	19,050	22,950	25,550	26,650
WALKUP	10,550	13,250	16,750	19,700	22,850	25,200	26,400
ELEVATOR-STRUCTURE	21,000	24,400	30,800	------	------	------	------
CHICO:							
DETACHED AND SEMIDETACHED	12,950	15,550	19,250	22,800	27,500	30,650	32,000
ROW DWELLINGS	10,900	13,050	16,250	19,200	23,150	25,750	27,000
WALKUP	9,950	12,450	15,800	18,550	21,500	23,750	24,900
ELEVATOR-STRUCTURE	21,250	24,600	31,100	------	------	------	------
DAVIS:							
DETACHED AND SEMIDETACHED	13,000	15,700	19,400	23,100	27,750	30,850	32,200
ROW DWELLINGS	10,950	13,250	16,350	19,350	23,250	25,900	27,150
WALKUP	10,900	13,550	17,200	20,300	23,500	25,900	27,100
ELEVATOR-STRUCTURE	21,400	24,700	31,400	------	------	------	------
FT RIDWELL:							
DETACHED AND SEMIDETACHED	21,050	25,300	31,350	34,300	37,950	40,300	41,250
ROW DWELLINGS	14,700	17,700	21,950	24,000	26,550	27,600	28,650
WALKUP	13,350	16,050	19,900	21,700	24,050	25,000	26,000
ELEVATOR-STRUCTURE	21,050	24,300	30,700	------	------	------	------
PLACERVILLE:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,150	22,700	27,350	30,400	31,800
ROW DWELLINGS	10,750	13,000	16,050	19,150	23,000	25,650	26,750
WALKUP	10,900	13,550	17,250	20,300	23,500	25,900	27,100
ELEVATOR-STRUCTURE	21,500	25,150	31,700	------	------	------	------
REDDING:							
DETACHED AND SEMIDETACHED	13,150	15,800	19,550	23,250	28,000	31,150	32,600
ROW DWELLINGS	11,050	13,350	16,450	19,600	23,500	26,250	27,450
WALKUP	10,900	13,550	17,250	20,300	23,500	25,900	27,100
ELEVATOR-STRUCTURE	21,500	25,150	31,700	------	------	------	------
STOCKTON:							
DETACHED AND SEMIDETACHED	12,800	15,350	19,000	22,550	27,200	30,300	31,700
ROW DWELLINGS	10,750	12,950	16,000	19,050	22,950	25,550	26,650
WALKUP	10,550	13,250	16,700	19,700	22,850	25,200	26,400
ELEVATOR-STRUCTURE	21,000	24,400	30,800	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
SUSANVILLE:							
DETACHED AND SEMIDETACHED	17,400	20,950	26,000	29,400	32,850	35,000	36,600
ROW DWELLINGS	14,650	17,650	21,850	24,750	27,600	29,450	30,750
WALKUP	14,050	17,000	21,050	23,800	26,550	28,350	29,700
ELEVATOR-STRUCTURE	21,250	24,600	31,100	------	------	------	------
YREKA:							
DETACHED AND SEMIDETACHED	13,200	15,950	19,650	23,400	28,200	31,450	32,750
ROW DWELLINGS	11,100	13,400	16,550	19,700	23,700	26,350	27,600
WALKUP	10,950	13,650	17,300	20,400	23,650	26,050	27,300
ELEVATOR-STRUCTURE	21,700	25,250	31,900	------	------	------	------
SAN FRANCISCO:							
DETACHED AND SEMIDETACHED	16,200	19,550	24,200	28,800	34,700	38,600	40,350
ROW DWELLINGS	16,850	20,300	25,050	29,850	35,800	39,900	41,750
WALKUP	17,550	21,850	27,650	32,650	37,900	41,700	43,700
ELEVATOR-STRUCTURE	29,950	34,800	43,900	------	------	------	------
FRESNO:							
DETACHED AND SEMIDETACHED	11,150	13,300	16,500	19,600	23,650	26,300	27,500
ROW DWELLINGS	11,450	13,850	17,100	20,350	24,450	27,250	28,500
WALKUP	11,800	14,650	18,600	21,850	25,400	27,950	29,350
ELEVATOR-STRUCTURE	26,650	31,000	39,200	------	------	------	------
GRINDSTONE:							
DETACHED AND SEMIDETACHED	20,600	24,900	30,850	34,950	38,950	41,550	43,400
ROW DWELLINGS	13,750	16,550	20,550	23,200	25,900	27,600	28,850
WALKUP	12,050	14,550	18,050	20,400	22,700	24,250	25,400
ELEVATOR-STRUCTURE	17,400	20,100	25,400	------	------	------	------
HOOPA:							
DETACHED AND SEMIDETACHED	21,100	25,350	31,500	34,300	38,050	39,550	41,350
ROW DWELLINGS	15,550	18,700	23,200	25,300	28,100	29,100	30,250
WALKUP	13,700	16,450	20,400	22,250	24,650	25,600	26,600
ELEVATOR-STRUCTURE	19,000	21,950	27,750	------	------	------	------
TULE LAKE:							
DETACHED AND SEMIDETACHED	15,800	18,400	23,400	27,800	33,600	37,800	38,900
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
MODESTO:							
DETACHED AND SEMIDETACHED	11,700	14,200	17,450	20,750	25,000	27,800	29,100
ROW DWELLINGS	12,100	14,600	18,050	21,450	25,750	28,650	30,100
WALKUP	12,000	14,950	18,900	22,200	25,750	28,500	29,650
ELEVATOR-STRUCTURE	24,000	27,750	35,050	------	------	------	------
OAKLAND-MARIN:							
DETACHED AND SEMIDETACHED	11,750	14,200	17,450	20,800	25,000	27,850	29,100
ROW DWELLINGS	12,200	14,600	18,050	21,550	25,850	28,850	30,150
WALKUP	14,650	18,100	22,850	27,000	31,400	34,450	36,250
ELEVATOR-STRUCTURE	24,500	28,500	35,900	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
CALIFORNIA--CONTINUED							
SAN JOSE:							
DETACHED AND SEMIDETACHED	12,400	14,900	18,400	21,950	26,400	29,450	30,750
ROW DWELLINGS	12,800	15,500	19,000	22,700	27,250	30,400	31,700
WALKUP	13,200	16,350	20,700	24,400	28,350	31,200	32,650
ELEVATOR-STRUCTURE	25,000	29,000	36,550	------	------	------	------
SAN DIEGO:							
DETACHED AND SEMIDETACHED	11,300	13,600	16,850	20,000	24,050	26,850	28,000
ROW DWELLINGS	10,800	13,000	16,050	19,050	22,900	25,600	26,800
WALKUP	11,400	14,250	18,100	21,300	24,700	27,200	28,500
ELEVATOR-STRUCTURE	20,600	23,950	30,300	------	------	------	------
EL CAJON:							
DETACHED AND SEMIDETACHED	11,300	13,600	16,850	20,000	24,050	26,850	28,000
ROW DWELLINGS	10,800	13,000	16,050	19,050	22,900	25,600	26,800
WALKUP	11,650	14,650	18,600	21,950	25,450	27,900	29,300
ELEVATOR-STRUCTURE	20,600	23,950	30,300	------	------	------	------
ARROWHEAD:							
DETACHED AND SEMIDETACHED	11,950	14,350	17,800	21,250	25,600	28,500	29,800
ROW DWELLINGS	11,200	13,600	16,650	19,900	23,950	26,600	27,800
WALKUP	12,150	15,150	19,150	22,650	26,300	28,850	30,400
ELEVATOR-STRUCTURE	22,100	26,000	33,000	------	------	------	------
BARSTOW:							
DETACHED AND SEMIDETACHED	11,800	14,100	17,450	20,900	25,050	27,950	29,200
ROW DWELLINGS	11,000	13,250	16,250	19,550	23,450	26,150	27,200
WALKUP	12,000	14,850	18,750	22,150	25,650	28,250	29,700
ELEVATOR-STRUCTURE	21,950	25,500	32,350	------	------	------	------
BIG BEAR:							
DETACHED AND SEMIDETACHED	11,950	14,350	17,800	21,250	25,600	28,500	29,800
ROW DWELLINGS	11,200	13,600	16,650	19,900	23,950	26,600	27,800
WALKUP	12,150	15,150	19,150	22,650	26,300	28,850	30,400
ELEVATOR-STRUCTURE	22,350	26,000	33,000	------	------	------	------
DESERT CENTER:							
DETACHED AND SEMIDETACHED	11,650	13,950	17,300	20,650	24,850	27,700	29,050
ROW DWELLINGS	10,900	13,150	16,150	19,300	23,250	25,850	27,050
WALKUP	11,900	14,700	18,550	22,050	25,500	28,000	29,400
ELEVATOR-STRUCTURE	21,750	25,400	32,100	------	------	------	------
NEEDLES:							
DETACHED AND SEMIDETACHED	11,800	14,100	17,450	20,900	25,050	27,950	29,200
ROW DWELLINGS	11,000	13,250	16,250	19,550	23,450	26,150	27,200
WALKUP	12,000	14,850	18,750	22,150	25,650	28,250	29,700
ELEVATOR-STRUCTURE	21,950	25,500	32,350	------	------	------	------
VICTORVILLE:							
DETACHED AND SEMIDETACHED	11,800	14,100	17,450	20,900	25,050	27,950	29,200
ROW DWELLINGS	11,000	13,250	16,250	19,550	23,450	26,150	27,200
WALKUP	12,000	14,850	18,750	22,150	25,650	28,250	29,700
ELEVATOR-STRUCTURE	21,950	25,500	32,350	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
HAWAII							
HONOLULU:							
DETACHED AND SEMIDETACHED	15,450	18,800	23,200	27,550	35,750	36,950	38,650
ROW DWELLINGS	19,000	22,750	28,200	33,500	40,400	45,000	47,000
WALKUP	19,350	24,100	30,550	36,200	41,800	46,150	48,400
ELEVATOR-STRUCTURE	30,900	36,000	45,600	------	------	------	------
HILO:							
DETACHED AND SEMIDETACHED	17,150	20,650	25,500	30,350	36,500	40,550	42,600
ROW DWELLINGS	20,700	25,100	31,000	36,800	44,350	49,450	51,700
WALKUP	21,400	26,550	33,700	39,850	46,150	50,750	53,300
ELEVATOR-STRUCTURE	34,100	39,050	50,050	------	------	------	------
KAUAI:							
DETACHED AND SEMIDETACHED	17,900	21,800	26,700	31,850	38,450	42,650	44,650
ROW DWELLINGS	21,900	26,350	32,650	38,600	46,600	52,050	54,300
WALKUP	21,900	27,100	34,350	40,650	47,150	51,850	54,400
ELEVATOR-STRUCTURE	34,950	40,450	51,200	------	------	------	------
KONO:							
DETACHED AND SEMIDETACHED	17,400	21,150	26,000	31,000	37,350	41,500	43,400
ROW DWELLINGS	21,250	25,600	31,700	37,550	45,350	50,600	52,750
WALKUP	21,900	27,100	34,350	40,650	47,150	51,850	54,400
ELEVATOR-STRUCTURE	34,950	40,450	51,200	------	------	------	------
MAUI:							
DETACHED AND SEMIDETACHED	16,950	20,550	25,200	30,100	36,300	40,350	42,250
ROW DWELLINGS	20,650	24,950	30,850	36,550	44,100	49,200	51,450
WALKUP	21,200	26,400	33,500	39,450	45,700	50,450	52,900
ELEVATOR-STRUCTURE	33,850	39,350	49,800	------	------	------	------
GUAM:							
DETACHED AND SEMIDETACHED	14,250	17,200	21,200	25,200	30,450	33,850	35,450
ROW DWELLINGS	17,350	20,800	25,800	30,650	37,150	41,100	43,050
WALKUP	17,750	22,000	27,900	33,050	38,300	42,050	44,250
ELEVATOR-STRUCTURE	28,300	33,000	41,800	------	------	------	------
NEVADA							
RENO:							
DETACHED AND SEMIDETACHED	12,700	15,150	18,900	22,350	27,000	30,000	31,450
ROW DWELLINGS	11,550	14,000	17,250	20,500	24,700	27,650	28,750
WALKUP	12,900	15,950	20,400	24,050	27,850	30,750	32,100
ELEVATOR-STRUCTURE	18,350	21,400	27,000	------	------	------	------
LAS VEGAS:							
DETACHED AND SEMIDETACHED	13,100	15,700	19,600	23,300	27,900	31,200	32,650
ROW DWELLINGS	12,000	14,500	17,950	21,200	25,650	28,650	29,900
WALKUP	13,300	16,450	20,900	24,700	28,700	31,600	33,050
ELEVATOR-STRUCTURE	18,950	22,000	27,750	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION IX--CONTINUED							
NEVADA--CONTINUED							
ELKO:							
DETACHED AND SEMIDETACHED	------	------	25,300	29,600	35,350	39,200	41,050
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FALLON:							
DETACHED AND SEMIDETACHED	------	------	25,300	29,600	35,350	39,200	41,050
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
GARDNERVILLE:							
DETACHED AND SEMIDETACHED	------	------	23,300	27,350	32,750	36,150	37,900
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
REGION X							
ALASKA							
ANCHORAGE:							
DETACHED AND SEMIDETACHED	22,200	26,900	33,150	39,650	47,500	52,850	55,400
ROW DWELLINGS	18,400	22,250	27,450	32,600	39,450	43,800	45,750
WALKUP	20,400	25,450	32,150	38,150	44,150	48,550	51,100
ELEVATOR-STRUCTURE	31,350	36,600	46,300	------	------	------	------
FAIRBANKS:							
DETACHED AND SEMIDETACHED	23,750	28,600	35,250	42,200	50,750	56,350	59,050
ROW DWELLINGS	19,650	23,750	29,200	34,700	42,000	46,650	48,800
WALKUP	21,700	27,100	34,300	40,550	47,000	51,800	54,500
ELEVATOR-STRUCTURE	33,250	38,650	48,850	------	------	------	------
JUNEAU:							
DETACHED AND SEMIDETACHED	21,500	26,000	32,000	38,300	45,900	51,150	53,600
ROW DWELLINGS	17,850	21,550	26,650	31,750	38,300	42,500	44,450
WALKUP	20,400	25,450	32,300	38,150	44,150	48,700	51,100
ELEVATOR-STRUCTURE	30,350	35,350	44,600	------	------	------	------
KETCHIKAN:							
DETACHED AND SEMIDETACHED	21,350	25,900	31,900	38,150	45,600	50,950	53,300
ROW DWELLINGS	17,650	21,400	26,400	31,300	37,850	42,000	44,000
WALKUP	20,450	25,500	32,350	38,300	44,250	48,850	51,300
ELEVATOR-STRUCTURE	30,750	35,700	45,150	------	------	------	------
KODIAK:							
DETACHED AND SEMIDETACHED	21,350	25,900	31,900	38,150	45,750	50,950	53,350
ROW DWELLINGS	17,650	21,400	26,400	31,300	37,850	42,000	44,000
WALKUP	20,450	25,500	32,350	38,350	44,250	48,850	51,300
ELEVATOR-STRUCTURE	30,900	35,850	45,400	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
ALASKA--CONTINUED							
SITKA:							
DETACHED AND SEMIDETACHED	21,500	25,950	32,050	38,300	45,900	51,150	53,550
ROW DWELLINGS	17,850	21,500	26,500	31,400	38,000	42,200	44,250
WALKUP	20,700	25,900	32,700	38,850	44,850	49,350	51,800
ELEVATOR-STRUCTURE	31,650	36,850	46,550	------	------	------	------
KENAI:							
DETACHED AND SEMIDETACHED	24,700	29,900	36,900	43,900	52,700	58,950	61,500
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
YAKUTAT:							
DETACHED AND SEMIDETACHED	24,700	29,900	36,900	43,900	52,700	58,950	61,500
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
FORT YUKON:							
DETACHED AND SEMIDETACHED	40,700	49,350	61,050	72,700	88,600	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
GALENA:							
DETACHED AND SEMIDETACHED	43,700	53,150	65,600	78,150	95,200	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
COASTAL AREA, NORTH OF ALEUTIANS:							
DETACHED AND SEMIDETACHED	49,250	59,900	73,950	87,950	107,450	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
TOK JUNCTION:							
DETACHED AND SEMIDETACHED	37,700	45,750	56,450	67,200	81,950	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
BARTER ISLAND, NORTH COASTAL AREA:							
DETACHED AND SEMIDETACHED	50,750	61,600	76,100	90,600	110,600	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	46,550	58,150	73,450	87,100	100,850	110,950	116,700
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
INLAND AREA, NORTH OF ALEUTIANS:							
DETACHED AND SEMIDETACHED	55,900	68,350	84,450	100,600	122,650	------	------
ROW DWELLINGS	------	------	------	------	------	------	------
WALKUP	------	------	------	------	------	------	------
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
IDAHO							
BOISE:							
DETACHED AND SEMIDETACHED	17,600	21,250	26,050	31,250	37,550	41,700	43,800
ROW DWELLINGS	11,550	13,900	17,100	20,450	24,650	27,400	28,750
WALKUP	11,800	14,700	18,700	22,100	25,450	28,150	29,450
ELEVATOR-STRUCTURE	20,500	23,850	30,200	------	------	------	------
IDAHO FALLS:							
DETACHED AND SEMIDETACHED	18,150	22,150	27,100	32,450	39,000	43,300	45,300
ROW DWELLINGS	11,900	14,500	17,800	21,200	25,600	28,500	30,400
WALKUP	12,350	15,300	19,350	22,950	26,400	29,300	30,650
ELEVATOR-STRUCTURE	21,300	24,700	31,350	------	------	------	------
MCCALL:							
DETACHED AND SEMIDETACHED	18,400	22,300	27,250	32,750	39,250	43,650	45,800
ROW DWELLINGS	12,150	14,600	17,900	21,450	25,800	28,750	30,100
WALKUP	12,450	15,450	19,550	23,050	26,700	29,550	30,900
ELEVATOR-STRUCTURE	21,450	24,850	31,600	------	------	------	------
POCATELLO:							
DETACHED AND SEMIDETACHED	19,250	23,500	28,850	34,500	41,550	46,100	48,350
ROW DWELLINGS	12,750	15,450	18,900	22,600	27,150	30,300	31,750
WALKUP	12,950	16,300	20,600	24,450	28,150	31,200	32,700
ELEVATOR-STRUCTURE	22,700	26,350	33,300	------	------	------	------
TWIN FALLS:							
DETACHED AND SEMIDETACHED	19,200	23,250	28,600	34,200	41,250	45,800	48,100
ROW DWELLINGS	12,550	15,300	18,800	22,450	26,950	30,050	31,550
WALKUP	12,900	16,100	20,500	24,200	27,950	30,900	32,400
ELEVATOR-STRUCTURE	22,500	26,200	33,050	------	------	------	------
LEWISTON:							
DETACHED AND SEMIDETACHED	18,800	22,750	28,200	33,400	40,350	44,900	47,000
ROW DWELLINGS	12,400	14,950	18,550	21,950	26,450	29,450	30,850
WALKUP	11,750	14,550	18,500	21,800	25,200	27,850	29,300
ELEVATOR-STRUCTURE	21,100	24,650	31,050	------	------	------	------
COEUR D ALENE:							
DETACHED AND SEMIDETACHED	22,300	26,950	33,300	39,650	47,800	53,200	55,600
ROW DWELLINGS	11,900	14,450	17,800	21,100	25,600	28,350	29,750
WALKUP	12,500	15,500	19,850	23,300	26,950	29,750	31,200
ELEVATOR-STRUCTURE	23,000	26,900	33,900	------	------	------	------
OREGON							
PORTLAND:							
DETACHED AND SEMIDETACHED	15,850	19,050	23,500	28,150	33,800	37,550	39,350
ROW DWELLINGS	12,500	15,200	18,750	22,200	26,850	29,800	31,100
WALKUP	13,150	16,450	20,800	24,550	28,550	31,400	33,000
ELEVATOR-STRUCTURE	20,850	24,050	30,500	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
OREGON--CONTINUED							
PENDLETON:							
DETACHED AND SEMIDETACHED	16,200	19,450	24,000	28,800	34,550	38,350	40,250
ROW DWELLINGS	15,400	18,750	23,100	27,350	33,100	36,750	38,350
WALKUP	13,450	16,900	21,350	25,150	29,300	32,200	33,850
ELEVATOR-STRUCTURE	22,800	26,300	33,350	------	------	------	------
MISSION:							
DETACHED AND SEMIDETACHED	18,150	21,800	26,900	32,250	38,700	43,000	45,000
ROW DWELLINGS	17,250	21,000	25,900	30,600	37,050	41,150	43,000
WALKUP	15,100	18,900	23,900	28,150	32,800	36,050	37,900
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
ONTARIO:							
DETACHED AND SEMIDETACHED	16,800	20,300	24,900	30,000	35,950	40,000	42,000
ROW DWELLINGS	13,400	16,100	19,800	23,550	28,500	31,800	33,300
WALKUP	14,100	17,550	22,150	26,350	30,300	33,550	35,150
ELEVATOR-STRUCTURE	21,800	25,350	32,250	------	------	------	------
REND:							
DETACHED AND SEMIDETACHED	15,400	18,550	22,850	27,450	32,950	36,500	38,350
ROW DWELLINGS	12,100	14,750	18,300	21,600	26,100	29,000	30,250
WALKUP	12,600	15,650	19,850	23,450	27,300	29,900	31,500
ELEVATOR-STRUCTURE	20,850	24,050	30,500	------	------	------	------
WARM SPRINGS:							
DETACHED AND SEMIDETACHED	18,150	21,800	26,900	32,250	38,700	43,000	45,000
ROW DWELLINGS	17,250	21,000	25,900	30,600	37,050	41,150	43,000
WALKUP	15,100	18,900	23,900	28,150	32,800	36,050	37,900
ELEVATOR-STRUCTURE	------	------	------	------	------	------	------
COOS BAY:							
DETACHED AND SEMIDETACHED	15,450	18,750	23,000	27,700	33,150	36,900	38,550
ROW DWELLINGS	12,250	14,800	18,350	21,650	26,250	29,150	30,400
WALKUP	13,550	16,850	21,350	25,250	29,450	32,300	33,950
ELEVATOR-STRUCTURE	21,350	24,750	31,150	------	------	------	------
EUGENE:							
DETACHED AND SEMIDETACHED	14,750	17,850	22,000	26,400	31,600	35,150	36,800
ROW DWELLINGS	11,650	14,200	17,550	20,750	25,050	27,900	29,100
WALKUP	12,100	14,400	19,250	22,700	26,450	29,050	30,550
ELEVATOR-STRUCTURE	20,400	23,650	29,950	------	------	------	------
MEDFORD:							
DETACHED AND SEMIDETACHED	15,000	18,000	22,200	26,650	30,300	35,650	37,200
ROW DWELLINGS	11,850	14,350	17,750	21,000	25,400	28,250	29,400
WALKUP	12,900	16,000	20,350	23,900	27,850	30,700	32,350
ELEVATOR-STRUCTURE	20,600	23,800	30,200	------	------	------	------
WEST SALEM:							
DETACHED AND SEMIDETACHED	15,150	18,400	22,550	27,150	32,550	36,100	37,850
ROW DWELLINGS	12,000	14,600	18,100	21,300	25,850	28,700	29,950
WALKUP	12,600	15,650	19,800	23,350	27,250	29,900	31,500
ELEVATOR-STRUCTURE	20,900	24,400	30,700	------	------	------	------

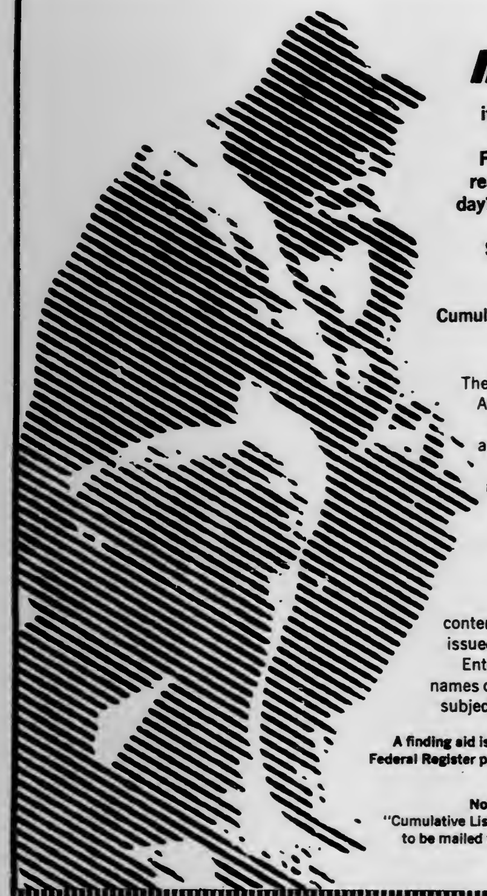
PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
WASHINGTON							
SEATTLE:							
DETACHED AND SEMIDETACHED	12,800	15,500	19,100	22,800	27,350	30,350	31,850
ROW DWELLINGS	11,800	14,250	17,600	20,950	25,200	28,050	29,300
WALKUP	12,200	15,250	19,300	22,800	26,400	29,050	30,500
ELEVATOR-STRUCTURE	17,750	20,600	26,000	------	------	------	------
PORT ANGELES:							
DETACHED AND SEMIDETACHED	13,150	15,850	19,550	23,350	28,100	31,250	32,700
ROW DWELLINGS	12,100	14,650	17,950	21,450	25,900	28,750	30,100
WALKUP	11,950	14,850	18,850	22,250	25,800	28,350	29,850
ELEVATOR-STRUCTURE	18,150	21,150	26,750	------	------	------	------
TAHOLA:							
DETACHED AND SEMIDETACHED	13,800	16,650	20,550	24,500	29,500	32,800	34,350
ROW DWELLINGS	12,700	15,400	18,850	22,550	27,150	30,200	31,650
WALKUP	12,600	15,600	20,000	23,350	27,100	29,800	31,300
ELEVATOR-STRUCTURE	19,100	22,200	28,100	------	------	------	------
LONGVIEW:							
DETACHED AND SEMIDETACHED	13,200	15,950	19,700	23,500	28,300	31,450	32,950
ROW DWELLINGS	12,200	14,850	18,200	21,550	26,100	29,100	30,350
WALKUP	12,650	15,700	19,950	23,600	27,250	30,100	31,500
ELEVATOR-STRUCTURE	18,250	21,350	26,950	------	------	------	------
ABERDEEN:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,200	23,000	27,700	30,700	32,150
ROW DWELLINGS	11,850	14,350	17,750	21,150	25,450	28,250	29,650
WALKUP	12,350	15,350	19,550	22,900	26,600	29,400	30,800
ELEVATOR-STRUCTURE	17,850	20,700	26,300	------	------	------	------
BELLINGHAM:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,200	23,000	27,700	30,700	32,150
ROW DWELLINGS	11,850	14,350	17,750	21,150	25,450	28,250	29,650
WALKUP	12,350	15,350	19,550	22,900	26,600	29,400	30,800
ELEVATOR-STRUCTURE	17,850	20,700	26,300	------	------	------	------
OLYMPIA:							
DETACHED AND SEMIDETACHED	12,950	15,600	19,200	23,000	27,700	30,700	32,150
ROW DWELLINGS	11,850	14,350	17,750	21,150	25,450	28,250	29,650
WALKUP	12,350	15,350	19,550	22,900	26,600	29,400	30,800
ELEVATOR-STRUCTURE	17,850	20,700	26,300	------	------	------	------
YAKIMA:							
DETACHED AND SEMIDETACHED	13,400	16,250	19,900	23,950	28,750	32,050	33,600
ROW DWELLINGS	12,400	15,000	18,550	22,050	26,500	29,500	30,750
WALKUP	12,150	15,150	19,300	22,850	26,400	29,150	30,600
ELEVATOR-STRUCTURE	18,600	21,700	27,450	------	------	------	------
NESPELEM:							
DETACHED AND SEMIDETACHED	13,800	16,700	20,600	24,500	29,500	32,800	34,400
ROW DWELLINGS	12,450	15,000	18,550	22,050	26,650	29,550	30,900
WALKUP	13,150	16,350	20,750	24,450	28,300	31,250	32,800
ELEVATOR-STRUCTURE	18,300	21,250	27,050	------	------	------	------

PROTOTYPE PER UNIT COST SCHEDULE

	NUMBER OF BEDROOMS						
	0	1	2	3	4	5	6
REGION X--CONTINUED							
WASHINGTON--CONTINUED							
SPOKANE:							
DETACHED AND SEMIDETACHED	13,150	15,900	19,600	23,300	28,100	31,250	32,750
ROW DWELLINGS	10,850	13,100	16,200	19,250	23,250	25,800	26,950
WALKUP	14,750	18,300	23,300	27,400	31,750	35,050	36,800
ELEVATOR-STRUCTURE	16,000	18,600	23,600	------	------	------	------
CHENEY:							
DETACHED AND SEMIDETACHED	13,250	16,100	19,900	23,650	28,500	31,750	33,200
ROW DWELLINGS	11,000	13,350	16,400	19,500	23,500	26,100	27,350
WALKUP	13,500	16,750	21,350	25,100	29,050	32,050	33,600
ELEVATOR-STRUCTURE	16,200	18,900	23,850	------	------	------	------
KENNEWICK:							
DETACHED AND SEMIDETACHED	13,400	16,200	20,000	23,800	28,600	31,850	33,350
ROW DWELLINGS	11,300	13,650	16,900	20,150	24,200	26,850	28,150
WALKUP	14,900	18,450	23,500	27,600	32,050	35,300	37,100
ELEVATOR-STRUCTURE	17,450	20,250	25,700	------	------	------	------
PULLMAN:							
DETACHED AND SEMIDETACHED	13,800	16,600	20,500	24,500	29,400	32,750	34,250
ROW DWELLINGS	11,650	14,150	17,300	20,650	24,850	27,650	28,950
WALKUP	15,050	18,650	23,800	28,050	32,550	35,950	37,500
ELEVATOR-STRUCTURE	17,600	20,550	26,000	------	------	------	------

[FR Doc.77-18622 Filed 6-29-77;8:45 am]



would you like to know

if any changes have been made in certain titles of the CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "Cumulative List of CFR Sections Affected," the "Federal Register Index," or both.

Cumulative List of CFR Sections Affected
$10.00
per year

The "Cumulative List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Federal Register Index $8.00
per year

Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR Indexes and the "Cumulative List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

Mail order form to:
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

There is enclosed $_____ for _____ subscription(s) to the publications checked below:

..... **CUMULATIVE LIST OF CFR SECTIONS AFFECTED ($10.00 a year domestic; $12.50 foreign)**
..... **FEDERAL REGISTER INDEX ($8.00 a year domestic; $10.00 foreign)**

Name _____

Street Address _____

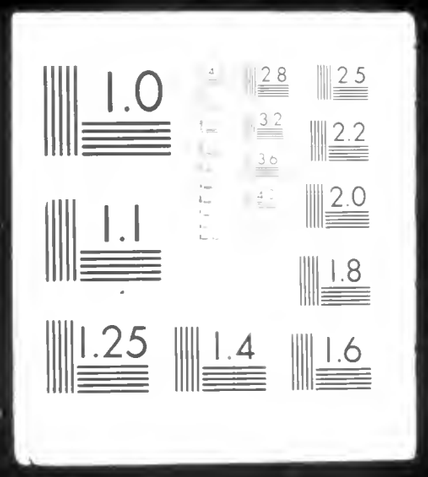
City _____ **State** _____ **ZIP** _____

Make check payable to the Superintendent of Documents

☆ GPO: 1976—O-58-000

V 42 126 JUN 30 77 UMI

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.

THE END

1976 INDEX

INDEX

Federal Register

Index

ANNUAL, 1976

Volume 41, Numbers 1—252

Pages 1—57072



UMI

This INDEX is based on a consolidation of contents entries appearing in the 1976 issues of the FEDERAL REGISTER together with broad subject references. It is published monthly, quarterly, and annually.

A general index to the entire Code of Federal Regulations, the CFR INDEX, is revised as of July 1 each year.

Numerical Finding Aids. A CUMULATIVE LIST OF CFR SECTIONS AFFECTED is published monthly and is cumulated for 12 months, keyed to the revision dates of the various CFR volumes.

All FEDERAL REGISTER publications are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Wash. D.C. 20402.

INQUIRIES may be made to the Finding Aids Unit at area code 202—523–5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

TABLE OF CONTENTS

Agency entries 1
Federal Register Privacy Act Publications I
Federal Register Pages and Dates VI

INDEX

FEDERAL REGISTER INDEX, Annual 1976

THE PRESIDENT

(See also Executive Office of President)

DIRECTIVES
National security information, classification
July 30, 1976, 32693
October 7, 1976, 45535

EXECUTIVE ORDERS
Animal damage control; use of sodium cyanide on certain Federal lands (EO 11917), 22239
Aviation incentive pay, eligibility of enlisted men removed from flight duties (EO 11929), 31159
Citizenship requirements for Federal employment (EO 11935), 37301
Civil Aeronautics Board; establishment of executive branch procedures for Presidential review of decisions submitted by CAB (EO 11920), 23665
Cost of living allowances and post differentials for Federal employees, adjustment (EO 11938), 43383
Defense Superior Service Medal; establishment (EO 11904), 5625
Developing countries, Generalized System of Preferences; amendment (EO 11906, 11934), 8758, 37083
Diplomatic officials in Lebanon, display of flag on death (EO 11923), 24689
Disaster victims, legal services; authority delegation to Secretary of Housing and Urban Development (EO 11910), 15681
East-West Foreign Trade Board; membership (EO 11894), 1041
Economic Policy Board, President's; membership (EO 11903), 4879
Emergency preparedness functions; adjustments for organizational and functional changes in Federal Government (EO 11921), 24293
Emergency Refugee and Migration Assistance Fund, U.S.; allocation of funds (EO 11922), 24573
Endangered species, preservation; assignment of responsibilities under Endangered Species Act and Convention (EO 11911), 15683
Energy policy and conservation; authority delegations (EO 11912), 15825
Energy Research and Development Advisory Council; abolishment (EO 11915), 19195
Executive Schedule; placement of certain positions in levels IV and V (EO 11898, 11908, 11927), 2365, 11805, 30583
Export Administration Review Board; membership, and reservation of certain Presidential authority (EO 11907), 9085
Export controls; continuation (EO 11940), 43707
Federal advisory committees; continuation (EO 11948), 55705
Federal Energy Office
Establishment (EO 11930), 32399
Termination (EO 11933), 36641
Federal personnel, former, employment by Indian tribal organizations, protection of employment rights (EO 11899), 3459
Federal Regional Councils, membership (EO 11892), 751
Foreign intelligence activities, U.S.; reorganization (EO 11905), 7703
Handicapped persons, nondiscrimination in federally assisted programs (EO 11914), 17871
Import relief and adjustment assistance, collection of information (EO 11913), 17721
International energy program, classification of information from advisory bodies (EO 11932), 32691
Labor-management relations, Federal; TVA exclusion (EO 11901), 4807
Management and Budget Office, transfer of functions from General Services Administration (EO 11893), 1040
Mariana Islands, Northern, delegating authority to Secretary of the Treasury to administer social security fund (EO 11944), 47215
Navy and Marine Corps officers, promotions (EO 11925), 26849
Nuclear materials and equipment, procedures for export licensing policy (EO 11902), 4877
Nuclear reactors of U.S. warships, compensation for damages involving (EO 11918), 22329
Olympic Sports, President's Commission on, extension of date for submission of final report (EO 11936), 38153
Parole Commission, U.S.; authority delegation to Attorney General to concur in designations of Commissioners to National Appeals Board (EO 11919), 23663
Pay and allowances for certain Federal employees; increase (EO 11941, 11943), 43889, 47213
Permanent Observers to Organization of American States, diplomatic privileges and immunities (EO 11931), 32689
Physical fitness and sports program, National (EO 11945), 47217
Presidential and Vice Presidential seals; use (EO 11916), 22031
Presidential appointees, training designations, authority delegations to Civil Service Commission Chairman and Attorney General (EO 11895), 1465
Quetico-Superior Committee, appointments (EO 11937), 38755
Retirement, mandatory, exemptions
Barrett, Ashton C. (EO 11942), 46841
Council, Harold (EO 11928), 31157
Flemming, Arthur S. (EO 11924), 26847
Sauer, Walter C. (EO 11909), 14161
Sea duty special pay, entitlement, enlisted men in foreign ports for ship repairs (EO 11897), 2071
Sinai Support Mission, U.S., establishment (EO 11896), 2067
Tax returns, income, estate, and gift, inspection by House Committee on Government Operations (EO 11900), 3461
Trade agreements program, reports and investigations (EO 11947), 49799
Uniformed services, basic allowances for quarters (EO 11939), 43705
Vice Presidential Service Badge, establishment (EO 11926), 29805
White House fellowships (EO 11946), 47219

LETTERS
Citizenship requirements for Federal employment (Sept. 2, 1976), 37303
Mushroom industry, adjustment assistance (May 13, 1976), 20151, 20153
Shrimp industry, expeditious consideration of adjustment assistance petitions (July 1, 1976), 27709, 27711

MEMORANDUMS
African countries, military assistance (June 9, 1976), 25879
Bangladesh, sale of agricultural commodities (May 10, 1976), 21171
Consumer Representation Plans (Sept. 27, 1976), 42763, 47383
Earthenware industry, import relief (April 30, 1976), 18401
Egypt
Military assistance (March 25, 1976), 14163
Tobacco, sale (October 18, 1976), 47225
Wheat, sale (June 5, 1975, and March 2, May 28, September 21, and October 18, 1976), 6235, 21169, 30005, 47221, 47225
Footwear industry, adjustment assistance (April 16, 1976), 16545
Honey, imports (Aug. 28, 1976), 36787
Iron blue pigment, imports (May 31, 1976), 22331
Morocco, sale of wheat and wheat flour (February 17, 1976), 21168
National security information, classification by Intelligence Oversight Board and Office of Science and Technology Policy (October 22, 1976), 47019
Portugal:
Agricultural commodities, sale (April 27, July 19, and Oct. 18, 1976), 21170, 32403, 47223
Rice, sale (February 3, 1976), 21167
Romania, extension of waiver under Trade Act of 1974 (June 2, 1976), 23179
Somalia and Turkey, eligibility for trade preferences (November 10, 1975), 2627
Spain
Military assistance (June 30, 1976), 31161

UMI

Security supporting assistance funds (September 30, 1976), 46579
Stainless and alloy tool steel industry; import relief (March 16, 1976), 11269
Stainless steel flatware industry; adjustment assistance (April 30, 1976), 18403
Sudan; military assistance (November 5, 1976), 50625
Surinam; military assistance (April 14, 1976), 18281
Syria:
Agricultural commodities, sale (May 10, 1976), 21172
Rice, sale (April 16, 1975), 6233
Tunisia; sale of Chaparral air defense missile system (November 5, 1976), 50627
Turkey; military assistance (Aug. 27 and Nov. 19, 1976), 37561, 53315

PROCLAMATIONS

Alloy tool steel, imports; modification of limitations (Proc. 4445, 4477), 24101, 29089, 50969
Brandy, imports; continuation of tariff rates (Proc. 4478, 4480), 52287, 53967
Brooms, imports; modification of tariff rate quota (Proc. 4443), 21757
Ceramic tableware, imports; extension and modification of increased rates of duty (Proc. 4436), 18397
Dry milk mixtures, imports limitation (Proc. 4423), 12875
Japanese-American internment during World War II; termination of authorizing Executive Order; confirmation (Proc. 4417), 7741
Mark Twain National Forest, Mo.; consolidation with Clark National Forest (Proc. 4415), 7481
Meat, imports:
Canada, termination of restrictions (Proc. 4410), 749
Limitation (Proc. 4469), 44995
Oil, imports; license fees and Mandatory Oil Import Program; modification (Proc. 4412), 1037
Special observances:
American Education Week (Proc. 4471), 47203
American Heart Month (Proc. 4414), 3457
Bicentennial Highway Safety Year, National (Proc. 4477), 27309
Bicentennial Independence Day (Proc. 4446), 27023
Bicentennial Year (Proc. 4411), 1035
Bill of Rights Day, Human Rights Day and Week (Proc. 4479), 52977
Cancer Control Month (Proc. 4424), 13577
Captive Nations Week (Proc. 4448), 27707
Child Health Day (Proc. 4464), 41683
Citizenship Day and Constitution Week (Proc. 4460), 39301
Columbus Day (Proc. 4455), 38149
Country Music Month (Proc. 4465), 43381
Drug Abuse Prevention Week (Proc. 4470), 46278
Earth Week (Proc. 4435), 16791
Emergency Medical Services Week (Proc. 4476), 49083
Employ the Handicapped Week, National (Proc. 4462), 41679
Family Week, National (Proc. 4473), 47207
Farm Safety Week, National (Proc. 4421), 10209
Farm-City Week, National (Proc. 4472), 47205
Father's Day (Proc. 4441), 21753
Fire Prevention Week (Proc. 4453), 37759
Flag Day and National Flag Week (Proc. 4442), 21755
Forest Products Week, National (Proc. 4456), 38151
Good Neighbor Day, National (Proc. 4444), 22237
Hispanic Heritage Week, National (Proc. 4459), 39001
Historic Preservation Week, National (Proc. 4438), 19193
Law Day, U.S.A. (Proc. 4420), 9083
Leif Erikson Day (Proc. 4450), 31373
Loyalty Day (Proc. 4431), 15821
Maritime Day, National (Proc. 4432), 15823
Memorial Day, Prayer for Peace (Proc. 4440), 20643
Missing in Action in Southeast Asia, National Day of Prayer for Americans (Proc. 4413), 3455
Mother's Day (Proc. 4437), 18643
Native American Awareness Week (Proc. 4468), 44853
Older Americans Month (Proc. 4426), 14723
Pan American Day and Pan American Week (Proc. 4428), 15395
Poison Prevention Week, National (Proc. 4416), 7739
Prayer, National Day of (Proc. 4422), 11267
Pulaski, General, Memorial Day (Proc. 4457), 38485
Red Cross Month (Proc. 4418), 8331
Rural Health Week, National (Proc. 4425), 14363
Safe Boating Week, National (Proc. 4434), 16789
Save Your Vision Week (Proc. 4419), 8333
School Lunch Week, National (Proc. 4461), 41405
Space Exploration Day (Proc. 4449), 29803
Tennis Week, National (Proc. 4439), 19927
Thanksgiving Day (Proc. 4474), 47209
Thomas Jefferson Day (Proc. 4430), 15819
Transportation Day, National Defense, and National Transportation Week (Proc. 4433), 16133
United Nations Day (Proc. 4454), 38147
Veterans Day (Proc. 4458), 38487, 38999
Volunteer Firemen Week, National (Proc. 4467), 44851
White Cane Safety Day (Proc. 4452), 37089
Women's Equality Day (Proc. 4451), 36639
World Trade Week (Proc. 4427), 14997
Wright Brothers Day (Proc. 4475), 47211
Stainless and alloy tool steel, imports; limitation (Proc. 4445, 4477), 24101, 29089, 50969
Sugars, sirups, and molasses, imports; modification of tariff rates (Proc. 4463, 4466), 41681, 44031

EXECUTIVE AGENCIES

ACCIDENTS

See National Transportation Safety Board.

ACTION

RULES

Clearinghouse requirements and procedures; implementation of OMB Circular A-95, 8791, 21199
Retired Senior Volunteer Program:
Cost sharing provisions, 10229, 18849
Redesignation and republication, 53483
Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE); payment of out-of-pocket expenses; CFR Part deleted, 43150

PROPOSED RULES

Privacy Act; implementation, 19671

NOTICES

Foster Grandparent and Senior Companion Programs; income eligibility levels, 31962
Privacy Act; systems of records, 53940

ACTUARIES, JOINT BOARD FOR ENROLLMENT

RULES

Actuarial services, eligibility requirements to perform, 2080, 49971
Freedom of information, 2080
Privacy Act; implementation, 1493

PROPOSED RULES

Actuarial services, eligibility requirements to perform, 20424, 22101, 25914

NOTICES

Committees; establishment, renewals, etc.:
Joint Board Actuarial Examinations Advisory Committee, 44756
Meetings:
Joint Board Actuarial Examinations Advisory Committee, 55599
Privacy Act; systems of records, 20454, 27786, 54465

ADDITIVES

See Environmental Protection Agency.
Food and Drug Administration.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

See Federal Register Office.

ADMINISTRATIVE CONFERENCE OF UNITED STATES

RULES

Bylaws:
Membership, etc., 29653
Organization and purpose; membership committees, 47909
Privacy Act; implementation, 15321
Recommendations:
Clean air and water laws judicial review provisions and agency rulemaking comment procedures, 56767
Internal Revenue Service procedures, 1868, 3982

Retirement for certain Presidential appointees; Federal Register improvements, etc., 29653, 30319
Statements:
Natural gas, procedures to deal with emergency shortages, 56770

PROPOSED RULES

Privacy Act, implementation, 9188

NOTICES

Antitrust and employment discrimination settlement proceedings; recommendation on public and private interests, 36830
Federal Register; informational and notice giving functions; proposed recommendations, 7984
Interpretative rules and policy statements; agency adoption procedures; recommendation, 28576
Meetings:
Agency Decisional Processes Committee, 43229
Agency Organization and Personnel Committee, 12237, 51053
Agency Plenary Sessions, 20204, 52095
Compliance and Enforcement Proceedings Committee, 8527, 41450, 52095
Grant and Benefit Programs Committee, 9910
Informal Action Committee, 8851, 20615, 52096
Judicial Review Committee, 3520, 37659, 43438, 46508
Licenses and Authorizations Committee, 44207
Ratemaking and Economic Regulation Committee, 4628, 44207
Rulemaking and Public Information Committee, 3336, 12734, 20908, 38545, 44208, 47094, 50016
Privacy Act; systems of records, 40040, 51053

ADVERTISING

See Federal Trade Commission.

ADVISORY COMMITTEE ON FEDERAL PAY

See Federal Pay, Advisory Committee.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

See Historic Preservation, Advisory Council.

AGED

See ACTION.
Aging, Federal Council.
Aging Administration.
Health, Education, and Welfare Department.
Social and Rehabilitation Service.
Social Security Administration.

AGENCY FOR INTERNATIONAL DEVELOPMENT

RULES

Commodity transactions financed by AID:
Bill of lading; complete statement of charges, 48732
Commissions and service payments; Cambodia, Laos, and Vietnam, 48732
Environmental procedures, 26914
Food commodities, transfer for use in disaster relief and economic development, etc., 47919
Procurement, 1914, 4918, 21639, 35067, 39320, 44396
Voluntary foreign aid agencies, registration, 6066

PROPOSED RULES

Environmental procedures, 12896

NOTICES

Appropriate Technology Fund, conference, 41105
Authority delegations:
Argentina, Regional Development Officer, revocation, 10245
Asia, Deputy Assistant Administrator, 30697
Asia Project Development Office Director, 22114
Bahrain, Mission Director, 20717
Bangladesh, Mission Director and Deputy, contracting functions, 48172
Barbados, Caribbean Regional Programs, Affairs Officer, contracting functions, 36044
Bolivia, Mission Director, 12720
Brazil, Mission Director, 12720
Brazil, Representative, 34796
Burundi, Diplomatic Officer, 48171
Central American Programs, Regional Office Director (ROCAP); loan agreements, 47084
Chile, Mission Director, 1927, 12720
Colombia, Ambassador and Mission Director, 29734
Colombia, Mission Director, 12720, 29734, 49688
Contract Management Office, Director; contracting functions, 14199, 39355
Costa Rica, Affairs Officer, 12719
Dominican Republic, Mission Director, 12720, 28805
East Africa, Regional Economic Development Services Office, Director, 48171
Ecuador, Mission Director, 12720
Egypt, Mission Director, 30697, 49688
El Salvador, Mission Director, 12721
Engineering Office, Director; contracting functions, 8083
Guatemala, Mission Director, 12721, 28805, 29734
Guatemala, Regional Office Director (ROCAP), 12719
Guyana, Mission Director, 12721
Haiti, Mission Director, 15878, 47084
Haiti, Port Au Prince, Representative, 12719
Honduras, Mission Director, 12721, 29734, 55959
India, Affairs Officer; contracting functions; correction, 33312
India, Principal Officer, et al., 12239
Italy, American Schools and Hospitals Office Director, 22114
Jamaica, Affairs Officer, 12719
Korea, Representative; contracting functions, 22114
Latin America Bureau, Deputy Assistant Administrator, 48171
Mexico, Regional Technical Aids Center, Director, 12719, 22114
Near East Bureau, Director and Deputy, Capital Development Office, 55959
Nicaragua, Mission Director, 12721, 29734, 55959
Panama, Mission Director, 12721, 29734, 49688
Paraguay, Mission Director, 12722, 29734, 42223, 49688
Peru, Mission Director, 12722, 47084
Philippines, Mission Director, contracting functions, 1927
Program and Management Services, Assistant Administrator, et al., contracting functions, 14199, 34796, 39355
Regional Operations Division, et al., Chief, contracting functions, 1927, 14199
Special Operations Division, et al., Chief, title change, 1927
U.S. Foreign Disaster Assistance Office, Director, 36671
Uruguay, Representative et al., 12719, 33926
Committees, establishment, renewals, etc.:
Engineering, Architectural and Construction Industry Advisory Committee, 19676
Research Advisory Committee, 49208
Environmental statements, availability, etc.:
Pest management activities, 43202, 53384
Foreign assistance determination:
Zaire, 22283
Housing guaranty program:
Botswana, Republic of, 30050
Honduras, 7157
Israel, 5642
Ivory Coast, 30050
Korea, 23985
Peru, Republic of, 46889
Tunisia, 50522
Zambia, Republic of, 30050
Housing guaranty program; interest rate prescription, 50522
Ineligible suppliers, list, 18097
Meetings:
Engineering, Architectural and Construction Industry Advisory Committee, 22602
International Food and Agricultural Development Board, 39053, 49208, 52351, 53730
Research Advisory Committee, 1775, 5839, 16185, 34796, 48172
Voluntary Foreign Aid Advisory Committee, 7794, 16983, 25918, 35078, 51489, 55959
Pest management program; interim procedures, etc., 1297, 43202, 53384
Privacy Act; systems of records, 38900
Voluntary foreign aid agencies; certificates of registration:
American Red Magen David for Israel, 54825
Asia Foundation, Inc., 10454
Friends of the United States of Latin America; terminated, 7157
Holt Adoption Program; terminated, 36671
Holt International Children's Services, Inc., 36671
Rav Tov Committee to Aid New Immigrants, 54580

AGING, FEDERAL COUNCIL

NOTICES

Meetings:
Council on the Aging, 7992, 19152, 48793
Economics of Aging Committee, 30054, 47091

INDEX

UMI

Frail Elderly Task Force, 16999
Gastroenterological and Urological Devices Review Panel, 35548
Research and Manpower Committee, 30375, 41770, 56859
Senior Services Committee, 27436, 44877

AGING ADMINISTRATION

See also Human Development Office.

RULES

Senior centers, multipurpose; acquisition, alteration, or renovation, 38614

PROPOSED RULES

Grant administration, 8496

NOTICES

Elderly, social services for; manpower problems; annual report, 13388
Nursing home ombudsman program, aging-sponsored; hearings, 43219
Utah; FY 1976 plan, 4624

AGRICULTURAL COMMODITIES AND PROGRAMS

See Agricultural Marketing Service.
Agricultural Stabilization and Conservation Service.
Agriculture Department.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Federal Crop Insurance Corporation.
Federal Grain Inspection Service.
Food and Drug Administration.
Packers and Stockyards Administration.

AGRICULTURAL MARKETING SERVICE

RULES

Almonds grown in Calif., 26852, 27827, 37761, 43710, 53651
Apples; grade standards, 11312
Apricots grown in Wash., 28785, 31805
Avocados; imported, 21174
Avocados grown in So. Fla., 3283, 21336, 24977, 34974, 42180, 43154, 44801
Barley; grain standards; correction, 22826, 49473
Beans, canned; dried, baked, and pork and beans; grade standards, 32222
Beef research and information; practice and procedures, 25881
Celery grown in Fla., 31541, 35521
Cherries grown in Mich. et al., 14177, 21762, 36643
Cherries (sweet) grown in Wash., 26851, 30585
Cotton:
  Classification, futures legislation; fees, 20680
  Classing, testing and standards, fees, etc., 20681, 21433, 22923
Cotton research and promotion:
  Practice and procedures; Cotton Board, editorial changes, 37092
  Referenda procedure, 51030
Cranberries grown in Mass. et al., 47457
Dairy products; inspection and grade standards; fees and charges, 48509
Dates (domestic) produced in Calif., 54164
Egg research and promotion order, 22923, 23930
Eggs and egg products; inspection and grading standards, 47255, 48317
Filberts grown in Oreg. and Wash., 34974, 43711, 49476, 54163
Food containers; standards for condition, 42639
Fruits, canned; U.S. standards for grades, 15016, 18673, 20389, 21335, 26674
Fruits and vegetables (fresh); inspection and certification; fees and charges, 46289
Fruits and vegetables (processed); inspection and certification; fees and charges, 46289
Grain standards, 18285, 19951
Grapefruit; imported, 15829, 18674, 19965, 23186, 24577, 34762, 42182, 49109
Grapefruit grown in Ariz. and Calif., 35843, 52887
Grapefruit grown in Fla., 52433, 56625
Grapes and plums, export, 32877
Grapes (Tokay) grown in Calif., 34007, 38495, 42181
Hops of domestic production, 11475, 16945, 41078
Lemons grown in Ariz. and Calif., 1, 1580, 1885, 2371, 3463, 4540, 5400, 6749, 7754, 8487, 9858, 10440, 10597, 11476, 12007, 12679, 14177, 15025, 16158, 16944, 18286, 18428, 18805, 19200, 19966, 20391, 20887, 21761, 22826, 23697, 24697, 25881, 26193, 26675, 27376, 28286, 29408, 29807, 30342, 31804, 32878, 34247, 35156, 35521, 36195, 37306, 38155, 38494, 39735, 40110, 41917, 41918, 43389, 44357, 45569, 46603, 47457, 48720, 49988, 51387, 51583, 52432, 53008, 53464, 53973, 55172, 55845, 56772
Lettuce grown in So. Tex., 10441, 49625, 51388
Limes; imported, 7384, 16548, 54751
Limes grown in Fla., 7383, 15685, 16547, 19299, 22827, 23698, 23929, 24697, 24698, 26194, 27375, 28286, 29409, 30343, 36014, 42180, 45570, 54751
Meat; grading, certification, and standards:
  Beef carcass and slaughter cattle; grades, standards, 2371
  Fees, 45014
  Lamb carcasses and wholesale cuts, official identification, 14171
  Service charges, travel, 2074
Milk marketing orders:
  Appalachian, 36796
  Chattanooga, Tenn., 36796
  Chicago, 43390, 49110
  Duluth-Superior, 18057
  Eastern Ohio-Western Pennsylvania, 18055
  Eastern South Dakota, 18056
  Knoxville, Tenn., 36796
  Louisville-Lexington-Evansville, 47458
  Middle Atlantic, 28785, 29657, 37761, 46449
  Minnesota-North Dakota, 18057
  Nashville, Tenn., 47459
  New England, 8356
  New Orleans, La., 8367
  New York-New Jersey, 8367
  Northern La., 8379
  Ohio Valley, 18806, 36806
  Oregon-Washington, 8189, 15398, 32418, 35843, 41079
  Paducah, Ky., 32575
  Quad Cities-Dubuque, 53317
  Southeastern Minnesota-Northern Iowa, 18057
  Southern Illinois, 54164
  Tennessee Valley, 36796
  Upper Florida, Tampa Bay, and Southeastern Florida, 24337, 30096, 32417, 43155
  Upper Midwest, 18057, 51389
  Western Colorado, 27077
Nectarines grown in Calif., 1043, 18804, 20545, 22070, 24698, 28784, 31179, 32410
Olives grown in Calif., 22551, 38757, 42181, 45996
Onions, imported, 6750, 30014, 51798
Onions grown in Idaho and Oreg., 29135, 30013, 30096, 36196, 45997, 51797
Onions grown in So. Tex., 4252, 13930, 15830, 16815
Orange juice; grade standards, 2367
Oranges, grapefruit, tangerines, and tangelos grown in Fla., 3282, 6362, 7754, 8765, 12215, 15829, 18673, 19965, 23184, 24575, 34248, 42177, 49474, 49801, 51029, 51796, 53007, 53650, 54917
Oranges and grapefruit grown in Tex., 48510, 48719, 48720, 49625
Oranges grown in Fla., 30093
Oranges (navel) grown in Ariz. and Calif., 1489, 2225, 3282, 4252, 4886, 5288, 5289, 5627, 6262, 7483, 7935, 8355, 9356, 10439, 10877, 11313, 11807, 12273, 13928, 14176, 15023, 15831, 16814, 16944, 17912, 18674, 19647, 20158, 20684, 21173, 21643, 22333, 23389, 47021, 49802, 49825, 50803, 51387, 52058, 52432, 52886, 53805, 54163, 54918, 55845, 56625, 56771, 56772
Oranges (Valencia) grown in Ariz. and Calif., 10438, 12273, 13929, 14859, 15024, 16158, 17367, 20545, 22550, 23697, 24109, 24576, 25994, 27076, 27714, 27970, 28784, 29130, 29656, 30093, 31179, 31540, 32230, 32695, 34006, 35053, 35520, 36013, 37091, 37761, 38155, 38757, 39735, 41078, 41709, 42179, 43154, 43709, 44187, 44861, 45014, 46448, 47256, 48510
Papayas grown in Hawaii, 5383, 43909
Peaches grown in Colo., 31804, 35695, 43710
Peaches grown in Ga., 15830, 19201
Peaches grown in Wash., 29807, 31805
Pears, plums, and peaches grown in Calif., 17528, 20547, 21173, 22071, 23185, 24577, 27376, 28287, 28508, 28794, 30013, 31179, 31180, 32410, 32411, 34762, 46290
Pears (Bartlett) grown in Oreg. and Wash., 30094, 36795, 39004, 44357
Pears (Beurre D'Anjou, Beurre Bosc, etc.) grown in Calif., Oreg., and Wash., 31181, 38495, 43389
Peas, field and black-eye (frozen); grade standards, 16811
Pecans; grade standards, 39303, 41917
Perishable Agricultural Commodities Act:
  Administrative law judges; duties and responsibilities, 50803
  Practice rules; determination of responsibly connected licensee, 41075
Plums (canned), grade standards, 54161
Potato research and promotion plan; expenses, 19101, 22072, 36197
Potatoes, hash brown (frozen); grade standards, 43386

Potatoes grown in Southeastern States, 21763, 22071
Potatoes (Irish) grown in Calif. and Oreg., 32230, 32695, 52058
Potatoes (Irish) grown in Colo., 30095, 31541, 31807, 42183
Potatoes (Irish) grown in Idaho and Oreg., 29131, 53008
Potatoes (Irish) grown in Southeastern States, 42184
Potatoes (Irish) grown in Wash., 31806, 36014
Poultry and domestic rabbit products; grading standards, 23681, 24693, 26565, 47254, 48317
Prunes (dried) produced in Calif., 2372, 36644, 37306
Prunes (fresh) grown in Wash. and Oreg., 30585, 31375
Raisins; grade standards, 34751
Raisins, imported, 52646
Raisins produced from grapes grown in Calif., 8944, 11013, 32412, 52646, 53651
Rice:
  Brown, U.S. standards, 13329
  Federal inspection services; fees, 9857
Seed Act regulations; testing seed, certified seed, etc., 20155
Sweetpotatoes, canned; grade standards, 25988
Tobacco, cigar-leaf, grown in Ga. and Fla., 31182
Tobacco inspection:
  Advisory committee; representation, 19960
  Fees and charges, 18425, 53649
  Flue-cured, 19951, 24575, 24693
Tomatoes, grade standards, 11464
Tomatoes; imported, 43910, 50266
Tomatoes grown in Fla., 43910, 50265, 50629
Walnuts, imported, 2074
Walnuts grown in Calif., Oreg., and Wash., 1916, 31541, 51798, 52433, 54475
Walnuts in shell; grade standards, 44187, 46448
Warehouses, grain; safflower seed, triticale, and millet; addition to definition, 7751
Warehouses, licensing of inspectors:
  Broomcorn, 34005
  Cottonseed, 34006
  Dry bean, 34005
  Nut, 37305
  Sirup, 34006
  Tobacco, 34005
Warehouses, nut, 31163, 37305
Wheat; grain standards, 26670, 27969

PROPOSED RULES

Almonds grown in Calif., 15341, 22075, 34647, 36034, 36506, 44191, 44869, 50452, 52478, 54949
Apples; grade standards, 4832
Apricots grown in Wash., 24716, 26576
Avocados; imported, 17558
Avocados grown in So. Fla., 17748, 22075, 37813
Beef research and information; practice and procedures, 34772
Butter; grade standards, 49826
Carrots; domestic, 39772
Celery grown in Fla., 27972, 31558
Cherries grown in Mich. et al., 16818, 32606, 54493
Cherries (sweet) grown in Wash., 22278, 26923
Cotton research and promotion:
  Board membership, determination, 54494, 56821
  Order; hearing, 37337
  Order; recommended decision, 50270
  Referendum, supervisory and administrative costs reimbursement, 53350
Cranberries grown in Mass. et al., 42208
Currants (dried) and raisins (processed); grade standards, 26021
Dates; grade standards, 16969, 53346
Dates (domestic) produced in Calif., 49492
Egg research and promotion order, 15418
Filberts grown in Oreg. and Wash., 29411, 38187, 44407, 45999
Grain standards, 6265, 7415, 39325, 50268
Grapefruit; imported, 28528, 44869
Grapefruit grown in Ariz. and Calif., 32234, 50452, 50695
Grapefruit grown in Fla., 22568, 23973, 24716, 36212, 45844, 48540, 53035
Grapes and plums, export, 24715
Grapes (Tokay) grown in Calif., 34647, 36035
Hops of domestic production, 3093, 11530, 34648
Lemons grown in Ariz. and Calif., 5402, 33922, 35187, 36211
Lettuce grown in So. Tex., 46453, 47058, 55880
Limes grown in Fla., 11841, 15859, 18678, 21786, 28295, 34049, 37812
Milk marketing orders:
  Boston Regional, Connecticut, and New York-New Jersey, 4456
  Central Arizona, 2093, 7768, 9892
  Central Arkansas, 51819
  Chicago, 21787, 40156, 46605
  Des Moines, Iowa, 10612
  Eastern Ohio-Western Pennsylvania, 8498, 15855
  Fort Smith, Ark., 51819
  Greater Louisiana, 49112, 51404
  Louisville-Lexington-Evansville, 31390, 45999
  Memphis, Tenn., 51819
  Middle Atlantic, 18862, 26705, 28308, 34282
  Minneapolis-St. Paul et al., 12436
  Nashville, Tenn., 31559, 46005
  Nebraska-Western Iowa, 40495, 50696
  New England, 46454
  New Orleans, La., 4542
  New Orleans-Mississippi, 49112, 51404
  New York-New Jersey, 2092, 16660, 36668, 53346
  Northern La., 4542
  Ohio valley, 14192, 26577, 29412, 30345, 35194, 47940, 50696
  Oregon-Washington, 27844, 34286
  Paducah, Ky., 14768, 20688, 25909, 31224
  Quad Cities-Dubuque, 49827
  Southern Illinois, 50695
  Southern Michigan, 50453
  St. Louis-Ozarks et al., 19650, 33275, 41427
  Tennessee and Ohio Valley, 11432, 14192, 16660, 34444
  Upper Florida, Tampa Bay, and Southeastern Florida, 21206, 24382, 35187, 40487
  Upper Midwest, 46458
  Wyoming-Montana, 9182
Nectarines grown in Calif., 23207, 26923, 27844
Olives, ripe, canned; U.S. standards for grades, 40152
Olives grown in Calif., 18310, 35722, 36821
Onions, imported, 27387, 47490
Onions grown in Idaho and Oreg., 12040, 23408, 27386, 27387, 47489
Onions grown in So. Tex., 2091, 53807, 54948
Oranges, grapefruit, tangerines, and tangelos grown in Fla., 2091, 28528, 44865, 48366, 49992
Oranges and grapefruit grown in Tex., 44867, 44868
Oranges grown in Fla., 22569
Oranges (navel) grown in Ariz. and Calif., 1600, 44189, 52060, 56821
Oranges (Valencia) grown in Ariz. and Calif., 12229, 17396
Papayas grown in Hawaii, 1077, 53035, 53346, 53672
Peaches grown in Colo., 31390, 32234
Peaches grown in Ga., 16469, 37337, 51818
Peaches grown in Wash., 26576, 26703
Pears, plums, and peaches grown in Calif., 7950, 10231, 14375, 22952, 25017, 26576, 26577, 26703, 26923, 27735, 28794, 30027, 46290, 54948, 55359
Pears (Bartlett) grown in Oreg. and Wash., 32757, 39043
Pears (Beurre D'Anjou, Beurre Bosc, etc.) grown in Calif., Oreg., and Wash., 34050, 38776
Peas, field and black-eye (frozen); grade standards, 3741
Peas (frozen); grade standards, 31843
Pecans; grade standards, 22832
Perishable Agricultural Commodities Act:
  Practice rules, determination of responsibly connected licensee, 32231
Plant variety protection:
  Plant Variety Protection Board proceedings; practice rules and authority citation changes, 54492
Plums (canned), grade standards, 28792
Potato research and promotion plan; expenses, 15858, 18679, 32606
Potatoes, hash brown (frozen); grade standards, 3309
Potatoes for chipping; grade standards, 32896
Potatoes (Irish); imported, 17922
Potatoes (Irish) grown in Calif. and Oreg., 28529, 29411
Potatoes (Irish) grown in Colo., 27386, 28297, 28530, 36821
Potatoes (Irish) grown in Idaho and Oreg., 25017, 26225, 49992
Potatoes (Irish) grown in Southeastern States, 17922, 18090, 34766
Potatoes (Irish) grown in Wash., 28295, 32758
Potatoes (white), canned; grade standards, 53341
Poultry and domestic rabbit products; grading standards, 9982
Privacy Act; systems of records, 13938
Procurement, 16656
Prunes (dried) produced in Calif., 33275
Prunes (fresh) grown in Wash. and Oreg., 26577, 26704
Raisins produced from grapes grown in Calif., 4293, 6268, 7956, 22569, 28979, 45575, 47059, 47491, 48540
Strawberries (frozen); grade standards, 28291, 30136

INDEX

UMI

Tobacco; cigar-leaf, grown in Fla. and Ga., 22579
Tobacco inspection:
Fees and charges, 10068
Flue-cured, 14760, 17396, 18677, 26701
Tomato paste; grade standards, 28527
Tomatoes, (fresh); grade standards, 2090
Tomatoes; imported, 46454
Tomatoes grown in Fla., 46452, 46606
Triticale; grain standards, 39325
Walnuts grown in Calif., Oreg., and Wash., 22084, 28297, 47490, 47491, 49637
Walnuts in shell; grade standards, 30026, 31390
Warehouses; nut, 24594
Wheat; grain standards, 17553, 18310, 20688

NOTICES

Beans, dry; Federal certification; cancellation by Idaho, 18535
Brazil nuts, imported; testing and control program for aflatoxin, 36229
Cherries grown in certain States; order directing referendum, etc., 4306, 14200
Committees; establishment, renewals, etc.:
Flue-Cured Tobacco Advisory Committee, 18535
Grain standards; inspection points:
Arizona, 14451, 21209
California, 13384, 22639
Idaho, 22639, 36055
Illinois, 7437, 17950, 26945
Indiana, 7968, 18535, 24926, 30052
Louisiana, 17950, 22639, 23737, 24743, 30698, 49188, 54208, 56874
Maryland, 32280
Mississippi, 29450, 36055
Nebraska, 35738, 46495
North Dakota, 21496, 29450
Oklahoma, 7797, 8815, 17797, 17950
Meetings:
Distributors' Advisory Committee, 11332
Flue-Cured Tobacco Advisory Committee, 17950, 21387, 26591, 31921, 39364, 43937
Peanut Administrative Committee; 1976 crop year, expenses and rate of assessment, 26591
Perishable Agricultural Commodities Act-Industry Advisory Committee, 2419, 56681
Raisin Advisory Board, 4050, 16189, 22115
Regulatory Programs Advisory Committee, 20431, 41939
Shippers Advisory Committee, 2269, 2652, 5642, 9407, 11845, 15355, 18335, 21209, 22639, 24199, 34086, 40522, 44434, 45890, 47980, 49188, 50706, 52330, 54518
Peaches (fresh) grown in Ga., 45036
Peanuts; 1976 crop; quality regulations, 27406
Rice, grade standards; interpretive line samples, 13384
Tobacco inspection and price support services; hearings, 15722, 48149
Warehouse and warehousemen licensed and bonded under U.S. Warehouse Act; revised list, 11567

AGRICULTURAL RESEARCH SERVICE

RULES

Poultry and turkey improvement plans, National, auxiliary provisions; classification changes and revised criteria, 14256
Poultry improvement plan, National; classification changes, etc., 14256, 48723

PROPOSED RULES

Poultry improvement plan, National; classification changes, etc., 37452

NOTICES

Meetings:
National Plant Genetics Resources Board, 12235, 34086
Poultry Improvement Plan, National, General Conference Committee, 11054, 23442

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

RULES

Cotton, extra-long staple; marketing quotas and acreage allotments, 1580, 31178, 32878, 36193, 45996, 53006, 53463
Cotton, peanuts, rice, and tobacco; closing dates for transfer, and release and reapportionment, 15397, 22550
Cotton, upland; marketing quotas and acreage allotments, 3270, 6262, 9540, 31803, 45995, 53006, 55172
Farms, allotments, and bases; reconstitution, 20390
Feed grains; special programs; 1975-1977 crop years, 9541, 35694
Feed grains; 1977 National allotment and set-aside program determinations, 56298
Fractions; rounding off, for use of electronic desk calculators, 2805
Livestock and poultry quarantine:
Brucellosis, 36644
Marketing quota review regulations; venue areas, 8355, 8487
Peanuts; marketing quotas and acreage allotments, 1885, 14176, 36194, 53007
Program provisions:
Deputy Administrator; position title change, 34247
Reconstitution of farms and allotments:
Landowner-designation of allotments, 27374
Rice; marketing quotas and acreage allotments, 1043, 4011, 13928, 14176, 20390
Rice, payment limitations, 17527
Rural environmental programs, National, 1975 and subsequent years, 15022
Tobacco (burley); marketing quotas and acreage allotments, 4539
Tobacco (cigar-binder); marketing quotas and acreage allotments, 20886
Tobacco (fire-cured, etc.); marketing quotas and acreage allotments, 4881, 15023, 55507
Tobacco (flue-cured); marketing quotas and acreage allotments, 36643, 52431
Wheat; marketing quotas and acreage allotments, 9541, 16158, 35694

PROPOSED RULES

Appeal regulations:
Reconsideration requests and special handling appeals; procedures, 29413
Cotton, extra long staple; marketing quotas and acreage allotments, 31847
Cotton, upland; marketing quotas and acreage allotments, 31848
Cotton; 1977 crop loan and payment programs; determinations, 31850
Farms, allotments, and bases; reconstitution, 12690, 18090
Feed grains; 1977 National allotment and set-aside program determinations, 31849
Peanuts; marketing quotas and acreage allotments, 4021, 49492
Rice; marketing quotas and acreage allotments, 1078, 52060
Tobacco (burley); marketing quotas and acreage allotments, 55551
Tobacco (cigar binder); marketing quotas and acreage allotments, 16558
Tobacco (fire-cured, etc.); marketing quotas and acreage allotments, 7137, 55550
Tobacco (flue-cured); marketing quotas and acreage allotments, 39043, 53035
Tobacco (Maryland, etc.); marketing quotas and acreage allotments, 55549
Wheat; marketing quotas and acreage allotments, 10069, 31849

NOTICES

Authority delegations:
Prairie Village Commodity Office, Chief, Claims and Collections Division; grain export claims project, 47567
Environmental statements; availability, etc.:
Agricultural Conservation Program, 34803
Forestry Incentives Program, 18121
Meetings:
Cotton Advisory Committee, National, 35738
Grains-Wheat, Feed Grains and Soybeans Advisory Committee, 35738
Rice Advisory Committee, National, 38088
Tobacco inspection and price support services; hearing, 48149

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.
Agricultural Research Service.
Agricultural Stabilization and Conservation Service.
Animal and Plant Health Inspection Service.
Commodity Credit Corporation.
Cooperative State Research Service.
Extension Service, USDA.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Grain Inspection Service.
Food and Nutrition Service.
Foreign Agricultural Service.
Forest Service.
Packers and Stockyards Administration.
Rural Development Service.
Rural Electrification Administration.
Soil Conservation Service.

RULES

Authority delegations by Secretary and General Officers:
Administration, Assistant Secretary, et al., 3463, 44185, 45994, 51582
Agricultural Economics, Director, 15322, 49473

Agricultural Economics, Under Secretary, Assistant Secretaries, and Director; acceptance of gifts, 4011
Cheese, certain; import quotas and fees; price determination, 15685, 45994
Congressional and Public Affairs, Deputy Under Secretary; establishment, 16811
Department Counselor; General Counsel, 27827
Economic Research Service Administrator; marketing and consumption of agricultural products, research, 15322
Foreign Agriculture Service, Administrator; foreign buyers inquiries, 22333
International Affairs and Commodity Programs, Assistant Secretary, et al.; establishment of Office of General Sales Manager, 14170, 22333
Marketing and Consumer Services, Assistant Secretary, et al., 3463, 4251, 44186, 50803
Soil Conservation Service, Administrator; designated resource areas for operation, 9355
Statistical Reporting Service Administrator; marketing and consumption of agricultural products, research, 15322
Committee management:
Guidelines and procedures, 36791
Nondiscrimination in selection of members, 8356
Reporting requirements and recommendation solicitations, 53802
Conduct standards, 24107
Contract Appeals Board; FmHA debarment appeals, 8354
Export sales reporting requirements, 19950
Freedom of information, General Sales Manager's Office, 43392
General Sales Manager's Office, freedom of information, 43392
Import quotas and fees; cheese, certain, price determination, 15685, 45994
Meat imports limitation:
Australia, 2805, 56656
Costa Rica, 37091
Foreign-trade zones, meat processed in, 47254, 50264
New Zealand, 2805, 56656
Panama, 41709
Organization, functions, and delegations of authority:
Investigation Office, 1886
Parity index computation, 22333
Privacy Act; implementation, 22333
Procurement, 1742, 21450, 26009, 26902, 36493, 37104

PROPOSED RULES

Adjudicatory proceedings, formal; uniform rules of practice, 24385
Authority delegations by Secretary and General Officers:
Forest Service, Chief; National Forest System, prohibited acts, 45577
Export sales reporting for agricultural commodities; withdrawn, 3744
Exports under Agricultural Trade Development and Assistance Act, financing, 9892, 12304
Meat imports limitation:
Foreign-trade zones, meat processed in, 34777, 34977, 35072, 39045, 41098, 53672
U.S. territories, meat processed in, 53672
Personnel administration, merit promotion system, 52473

NOTICES

Committees; establishment, renewals, etc.:
Agricultural Statistics Advisory Committee, 32933
Animal and Plant Health Inspection Service Consumer Advisory Committee, 35545
Cattle Industry Advisory Committee, 26592
Foreign Animal Diseases Advisory Committee, 35545
National Arboretum Advisory Council, 35006
National Consumer Advisory Committee, 41735
Perishable Agricultural Commodities Act-Industry Advisory Committee, 53497, 55915
Poultry Improvement Plan National General Conference Committee, 3766
Regulatory Programs Advisory Committee, 6082
Rock Creek Advisory Committee, 2419
Soil and Water, Public Advisory Committee, 7969
State and Private Forestry Advisory Committee, 43750
Consumer representation plan, 42841
Federal and federally-assisted programs and projects; evaluation, review, and coordination; grant and agreement policies and procedures, 15464, 23442
Feed grain donations:
Berthold Indian Lands, N. Dak., 44722
Cheyenne River Indian lands, S. Dak., 40523
Crow Creek and Lower Brule Indian Lands, and Lake Traverse Indian Lands, in S. Dak. and N. Dak., 32460
Hualapai Indian reservation, Ariz., 9000
Rosebud Indian lands, S. Dak., 39056
Standing Rock Indian lands, N. Dak. and S. Dak., 37383
Lands, transfer of jurisdiction; joint orders:
Fort Polk Military Reservation, La.; Army Department; correction, 56687
Headwaters Reservoirs, Mississippi River and Remer Administrative Site, Chippewa National Forest, Minn.; Army Department, 43500
Sam Rayburn Dam and Reservoir, Tex.; correction; Army Department, 24916
Superior National Forest, Minn.; National Park Service correction, 791
Meat import limitations:
Country allocations for 1976 quota, 46895
First quarterly estimates, 1095, 56353
Second quarterly estimates, 15355
Third quarterly estimates, 27099
Fourth quarterly estimates, 45601
Meetings:
Agricultural Research National Planning Committee, 6082, 22290, 39365
Agricultural Research Policy Advisory Committee, 6780, 18890, 39364
Boundary Waters Canoe Area, Superior National Forest, 12316
Child Nutrition National Advisory Council, 10694, 28816, 50459
Civil Rights Citizens Advisory Committee, 4050, 27855, 48761
Combined Forest Pest R&D Program Board, 8518, 35006
Foreign Animal Diseases Advisory Committee, 44434
Hog Cholera Eradication Advisory Committee, 41939
Meat and Poultry Inspection National Advisory Committee, 6781, 41126
Modoc National Forest Grazing Advisory Board; closed meeting reports availability, 44876
Poultry Health Advisory Committee, 3110, 9578
Organization, functions, and authority delegations:
Federal Crop Insurance Corporation, 23443, 28332
General Counsel's Office, 5333, 32280, 55217
General Sales Manager, Office of; establishment, 4309
Privacy Act; systems of records, 3495, 3766, 4051, 5412, 8519, 12915, 15816, 16928, 29456, 31247, 34089, 39195, 42688, 44991, 47087, 47398, 47399, 47403, 48714
Rice deficiency payments; calculating procedures, 41444
Statistical reporting, marketing year change for grains, 15047

AIR FORCE DEPARTMENT

RULES

Air Force Academy, appointment; policies and requirements, 47428
Bands; performance criteria, training requirements, etc., 1906
Civil air patrol employment:
Cadet program, 34951
Organization and functions, 46599
Civilian personnel; filling positions, 52672
Claims, administrative, 50420
Conscientious objectors; disposition, 31532
Contract overruns, funding; policies and procedures, 34962, 47431
Desertion and unauthorized absenteeism; policies and procedures, 34952, 46855
Discharge Review Board, 53992
Drug company representatives, policy, 34962
Information security program, 26867
Intelligence, foreign activities; restrictions, 30009
Literature distribution and protest and dissident activities, 47427
Military training and schools:
Medical, dental, and veterinary education programs for officers, 31205
Personnel records amendment, basic identifying data, 49630
Privacy Act; implementation, 17549
Public relations:
Newspapers, base guides, and directories, 31813
Publications and forms, issuing outside Air Force, 47426

PROPOSED RULES

Accounting and finance, survey reports, 38512
Air Force Academy:
Appointment policies and requirements, 26698
Preparatory school, 56336
Civil air patrol employment:
Cadet program, 23971
Organization and functions, 34976

INDEX

UMI

Contract, specified period of time; noncareer officers, 2089
Contract overruns, funding; policy and procedures, 21478
Inventions, Government-owned; licensing, 51615
Military training and schools; man-day management evaluation system, 16463
Organization and functions:
National Defense Transportation Association, Military Airlift Committee, 47056
Privacy Act; implementation, 8390, 55885

NOTICES

Environmental statements; availability, etc.:
Chicago-O'Hare IAP, Air Reserve Forces tankers; negative determination, 52714
Communication Services, relocation; hearings, 27396, 29435, 36224
Craig AFB, Ala., et al.; proposed closure, 43498, 45854
Davis-Monthan AFB, Ariz., 19990
East Coast Weapons Range, N. C., 22388
FALCON Military Operating Area, upstate N.Y., 21799
Kincheloe AFB, Mich., et al., 42681, 47504
McGhee-Tyson Airport, Tenn., 34796
Seibu Leisure Inc., 34990
Tinker Air Force Base, Okla., et al., 16581, 18881
Environmental statements; preparation, 15038
Meetings:
Academy Board of Visitors, 11041, 48563
Air University Board of Visitors, 3108, 43948
Community College Advisory Committee, 16185, 48770
Historical Program Advisory Committee, 16488
JANNAF Monopropellant Advisory Working Group, 30051
Military Airlift Committee, 45591
Scientific Advisory Board, 2265, 4607, 4945, 5138, 6779, 7967, 9247, 10236, 11590, 11591, 12735, 13381, 15038, 16185, 16488, 16489, 18436, 19134, 19356, 19677, 21495, 22963, 23436, 23985, 24916, 25918, 32249, 34084, 35201, 36523, 37611, 37819, 38527, 40192, 41439, 42681, 43202, 44197, 46355, 46626, 49513, 50853, 50854, 51060, 55375, 55929, 56883
Privacy Act; systems of records, 42964, 55928

AIRCRAFT, AIR CARRIERS, AIRPORTS

See Air Force Department.
Civil Aeronautics Board.
Federal Aviation Administration.
National Transportation Safety Board.

ALASKA LAND USE PLANNING COMMISSION, JOINT FEDERAL-STATE

NOTICES

Privacy Act; systems of records, 4979

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

NOTICES

Committees; establishment, renewals, etc.:
Advisory committees; filing of annual reports, 40205, 46498
Alcohol Abuse and Alcoholism National Advisory Council et al., 55941
Alcohol Training Review Committee, 52535
Biological Sciences Training Review Committee, et al., 48392
Clinical Program-Projects Research Review Committee, 42227
Community Alcoholism Services Review Committee, et al., 19362, 46038
Continuing Education Review Committee et al., 50513
Drug Abuse National Advisory Council, 55941
Experimental Psychology Research Review Committee et al., 40205
Mental Health and Illness of Elderly Committee, 17802
Mental Health Services Research Review Committee, 27415
Minority Group Mental Health Programs Review Committee, 36530
Paraprofessional Training Review Committee et al., 18459
Rape Prevention and Control Advisory Committee, 21394
Community mental health center construction projects; Federal percentages, 1975 FY, 5340
Confidentiality, authorization; mental health research; employees of Behavioral Research Institute, Boulder, Colo., 51652
Meetings:
Advisory Committees; June, 18696, 19245, 23222
Advisory Committees; January 1976, 1936
Advisory Committees; February, 3330
Advisory Committees; March, 6106, 8521
Advisory Committees; April, 10940
Advisory Committees; May, 13979, 16492, 16594, 17414, 17589, 17803, 18130, 18696
Advisory Committees; August, 31248
Advisory Committees; September, 31585, 33315, 33316, 33928, 36231, 36530, 38800
Advisory Committees; October, 38537, 41129, 43754
Advisory Committees; November, 44440, 45038, 47272, 48150
Advisory Committees; December, 45603, 49891, 51881, 56858
Advisory Committees; January 1977, 54815, 54993, 55748
National Research Service Awards:
Individual fellowships; criteria and eligibility requirements, 39809
Institutional grants; criteria and eligibility requirements, 39811

ALCOHOL, TOBACCO AND FIREARMS BUREAU

RULES

Beer; tax reduction for small brewers, 56798
Cigars, cigarettes, etc., importation; preparation of form and compilation of statistics, 23951
Distilled spirits, labeling and advertising:
Bottles per shipping case; metric fill standards, 42953
Bottling; metric size standards, 46859
Contents or coverings; required information on packaging, 47426
Liqueurs, identity standards, 48121
Metric fill standards, 10217, 11022, 11497
Distilled spirits; operational loss allowance for cordial, liqueur, cocktail and other compound production, 43718
Distilled spirits plants; registration, supporting information, 36492, 46436
Fruit-flavored concentrates, volatile, production; recodification and transfer, 2642, 10433, 11497, 23399
Liquor dealers; interest on unpaid tax, rate increase, 5103, 6068
Metric fill standards, distilled spirits, 10217, 46860
Practice and procedures:
Seized personal property, disposition; violation of wagering tax laws, 27035
Reorganization; criminal enforcement functions; title changes, 44038
Wine; bottling and tax determination; metric fill standards, 21772
Wine labeling and advertising:
Bottles per shipping case, 1063
Cartons or coverings; required information on packaging, 47425

PROPOSED RULES

Black powder for use in antique firearms or devices; exemptions from regulatory provisions; extension of time, 3877
Cigars, large; taxation, 53055
Distilled spirits, labeling and advertising:
Bottles per shipping case; metric fill standards, 23971
Bottling; metric size standards, 35531
Cartons or coverings; required information on packaging, 36029
Liqueurs, identity standards, 1077
Distilled spirits; operational loss allowance for cordial, liqueur, cocktail and other compound production, 21784
Distilled spirits plants:
Operational records and reports for bottling premises, 40118, 47053
Registration, supporting information, 18676
Metric fill standards, distilled spirits, 36499
Practice before Bureau; attorneys, certified public accountants and enrolled practitioners, 54191
Wine labeling and advertising:
Cartons or coverings; required information on packaging, 36029
Certificates of origin, identity and analysis, 36498
Definitions, appellation of origin, viticultural area and estate bottled; hearings, 8188, 12304, 14522, 50004, 51428, 53055

NOTICES

Authority delegations:
Regional Directors, et al., 26942
Technical and Scientific Services, Assistant Director, 35540, 35541
Technical Services Division, Chief, 14548
Explosives, commerce in; list, 9573

Firearms, granting of relief, 3107, 3487, 7550, 11040, 12310, 17791, 21382, 23435, 29889, 35542, 38787, 45033, 50368, 53156, 56899
Gun control; published firearms laws of political subdivisions and States, 25652
Meetings:
Distilled Spirits Plant Supervision Advisory Committee, 55617
Explosives Tagging Advisory Committee, 19232, 21654, 33312, 34658, 37352
Reports of closed meetings; availability, 2834

ALIENS

See Immigration and Naturalization Service.

AMERICAN BATTLE MONUMENTS COMMISSION

NOTICES

Privacy Act; systems of records, 40043

AMERICAN INDIAN POLICY REVIEW COMMISSION

NOTICES

Proceedings and task force reports; hearings and seminars, 2856, 4962, 5654, 7804, 8095, 8412, 9910, 10249, 10466, 10943, 11068, 11346, 12734, 13655, 13981, 14811, 14812, 15056, 15361, 15440, 16859, 18131, 18469, 18699, 21509, 21667, 21854, 22404, 22858, 24444, 40215

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

RULES

Commemoratives, official, licensing program:
Certain product categories; termination of licenses, 1286
Termination of program, 26219

PROPOSED RULES

Commemoratives, official, licensing program; termination, 21481
Inventory disposition, 52486

NOTICES

Bicentennial Medal, National:
Designs, 2272
Discounts, bulk sales; commercial use, 6118
Sales outside continental U.S., 19750
Bicentennial projects; termination of non-appropriated revenue funding, 50308
Meetings:
American Revolution Bicentennial Advisory Council, 2857, 3770, 26248
Racial, Ethnic and Native American Participation in Bicentennial Advisory Committee, 9586, 10943

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

RULES

Animal and poultry import restrictions:
Birds from Canada, 24701
Horses, 18087
Importation of animals; additions to list of Canadian border ports, Champlain, N. Y., and Opheim, Mont., 3073
Rinderpest and foot-and-mouth disease, 7109, 15000, 23699, 24701
Animal breeds:
Simmental cattle from Canada, 50450
Animal exports:
Honolulu, Hawaii; deletion as airport and ocean port, 4888
Newburgh, N.Y.; addition to list of airports, 27159
Animal fats for export, certification:
Fees and charges, 753
Inspection and certification service; rate increase for base time, overtime, and holidays, 46582
Storage permission, 12637
Dogs, cats, etc., certified products for:
Fees and charges, 753
Inspection and certification service; rate increase for base time, overtime, and holidays, 46582
Livestock and poultry quarantine:
Brucellosis, 753, 2075, 4886, 10059, 12635, 14501, 18084, 18086, 18806, 19929, 21324, 22034, 24338, 26194, 31808, 42642, 47407, 52043, 55173, 56298
Hog cholera, 8944, 9542, 11477, 12008, 15000, 16145, 17534, 17535, 18084, 18807, 19929, 22033, 23699, 30320, 32882, 35156, 35675, 37308, 39006, 40090
Scabies in cattle, 4012, 5383, 7743, 8028, 9542, 10059, 10597, 11017, 14501, 14999, 16931, 20860, 21759, 22556, 26194, 29373, 30320, 32882, 34731, 37307, 42642, 46843, 49969, 55173
Scrapie in sheep, 37308
Screwworms, 32432
Meat and poultry inspection, mandatory:
Arkansas, et al.; special provisions, 49970
Bockwurst, standard of composition, labeling, etc., 18088
California, special provisions, 8945
Cured meat cuts, combination, 21761, 50451
Drawings, information to be furnished, etc.; reduction in amount of copies, 4889
Editorial changes, 23702
Establishments, official, entry; editorial changes, 23702
Exports; certificate, stamps, and marking products, 11531
FD&C Violet No. 1; removal as an approved denaturant, 22929
Hand washing facilities, 6752
Inspection and certification service; rate increase for base time, overtime, and holidays, 46582
Italian sausage products, standard of composition, 2629
Liver sausage and braunschweiger; identity standards, 48722
Marks and certificates; export stamps with rubber device, 11531
Mechanical deboning of meat tissues, 17535
Mechanically deboned meat; definitions and standards of indentify or composition, 48743
Overtime or holiday schedules of operations, 15400
Parasitic liver handling, 23701
Pork-containing meat food products, labeling restrictions relieved, 2225, 48721
Puerto Rico, Guam and Virgin Islands; designation, 50996
Retail stores; exemption on rendering or refining livestock fat; clarification of term, 36198
Sanitary requirements for vehicles, 23701
Sanitation; barrels, second-hand tubs, and other containers, 23700
Shippers' certificate and permit, elimination of distribution, 22557
Small importations for personal use; requirements, 18089
Special provisions for designated States and territories, etc., 18089
Taiwan, Republic of China; importation into U.S., 48722
Transportation; sanitary requirements for vehicles, 23701
Meat and poultry inspection, voluntary:
Disciplinary denials or withdrawals of service, 23714
Fees and charges, 753
Inspection and certification service; rate increase for base time, overtime, and holidays, 46582
Rabbits and products, 23702
Overtime services relating to imports and exports:
Agricultural quarantine inspectors; duty at border ports, seaports, and airports, 45995, 56656
Animals, commuted travel time allowances, 3074, 5145, 20389, 30321, 52434
Animals, overtime at laboratories, border ports, ocean ports and airports, 48721
Plants, commuted travel time allowances, 5804, 8765, 8944, 35693, 50412
Plant pest regulations, emergency:
Citrus blackfly, prevention of infestation, 8943
Mediterranean fruit fly; Los Angeles County; revoked, 32229, 32409
Plant quarantine, domestic:
Citrus blackfly, 15422, 53461, 53462
Fire ant, imported, 30338
Gypsy moth and browntail moth, 18054
Japanese beetle, 19960, 21336
Pink bollworm; Federal regulated areas, 7753
Witchweed, 11467, 13332, 27372
Plants, noxious weed regulations, 49987
Viruses, serums, toxins, etc.:
Biological products; production requirements, 38496, 44687
Biological products; special licenses, 44358, 44359
Definitions; special licenses, 44358
Media formula; fresh yeast extract, 6751
Packaging and labeling; special licenses, 44359
Practice rules; special licenses, 44359
Purified water, used in culture media, 27714
Standard requirements, "No test"; definition, 6751
Standard requirements; special licenses, 44359
Test procedure, use of purified water, etc., 32882
Testing samples, number required, 56626
Tuberculin PPD bovis, intradermic standard requirements, 8471, 21759

INDEX

UMI

PROPOSED RULES

Animal and poultry import restrictions:
- Birds, 50000, 56657
- Horses; extension of time, 2249
- Ruminants and swine products, 18091

Animal exports:
- Inspection and handling requirements, extension of time, 4942

Meat and poultry inspection, mandatory:
- California, designation, 2827
- Canned products; inspection requirements updated, 40156, 41919
- Definitions and standards of identity or composition, 17560
- Importation of undenatured and inedible meat and products; withdrawn, 36215
- Labeling, marking devices, and containers, 17560, 26227
- Livestock lungs and lung lobes; restrictions on importation and movement, etc., 13362

Margarine or oleomargarine; identity standards, 26227

Nitrates, nitrites, and salt; modification of use; extension of time, 1773

Oleo stock and edible tallow; identity standards, 19971

Operators, custom; identification; proposal withdrawn, 28312

Prepackaged products, sale by exempt retail stores to nonhousehold consumers; withdrawn, 1289

Religious dietary laws; exemptions based on, 37592

Returned meat products; uniform reinspection procedures; withdrawn, 39044

Sausages, cooked poultry, 31226, 46625

Sausages and bockwurst; binders and thickeners, 18092

Taiwan, Republic of China; importation into U.S., 34293

Plant pest regulations:
- Inspection of vessels and aircraft; notification and documents presentation requirements, 16970, 21356

Plants, noxious weed regulations, 11028

Veterinary technicians; requirements and standards for use by accredited veterinarians, 44407

Viruses, serums, toxins, etc.:
- Rabies virus vaccines, packaging and labeling, 28311
- Rabies virus vaccines, potency tests, 37338

NOTICES

Animal welfare; lists:
- Dealers, licensed, 13466
- Exhibitors, licensed, 11054
- Exhibitors, registered, 11059

Environmental statements; availability, etc.:
- Boll weevil; trial eradication trial program, 26730
- Citrus blackfly, 21834
- Fleming Key Animal Import Center, Fla., 21388
- Haiku Valley Animal Holding Facility, 31922
- Mediterranean fruit fly barrier program in Latin America, 56346
- Veterinary Biologics Laboratory, Iowa, 21388
- Witchweed eradication program, 51642

Humanely slaughtered livestock, identification of carcasses; list of establishments, 37370, 51054

Meat and poultry products, smoked; inquiry, 18120

Meetings:
- Animal welfare, 19994, 41125
- Foreign Animal and Poultry Diseases Advisory Committee, 20433
- Hog Cholera Eradication Advisory Committee, 20433
- Horse Protection Act, 41125
- Nitrites and Nitrosamines Expert Panel, 15463, 50016
- Poultry Health Advisory Committee, 40202
- Salmonella Advisory Committee, 4050, 20431, 51642

Soil samples; approved laboratories, list, 4615, 7798, 29450, 34331, 56346

Stockyards and slaughtering establishments; specific approval, 26237, 48914

ANIMALS

See Animal and Plant Health Inspection Service.
Fish and Wildlife Service.
Food and Drug Administration.
National Oceanic and Atmospheric Administration.
Packers and Stockyards Administration.

ANTITRUST DIVISION, JUSTICE DEPARTMENT

NOTICES

Competitive impact statements and proposed consent judgments, U.S. versus listed companies:
- AAV Co. et al., 2403
- Addison-Wesley Publishing Co. et al., 32615, 49867
- Air Conditioning & Refrigeration Wholesalers et al., 19134, 35866
- ARA Services, Inc., et al., 21811
- BankAmerica Corp. et al., 19678, 33313
- Certain-teed Produs Corp. et al., 38528
- Copper, Marsh A., et al., 16582
- Crocker, H.S., Inc., et al., 39800
- Crocker National Corp. et al., 3754
- Customs Brokers & Forwarders Association of Miami, Inc., 1800
- DeBeers Industrial Diamond Division (Ireland) Ltd. et al., 28320, 49868
- DuPont de Nemours, E. I., & Co., 52548
- Fur Farm Organization, Inc., National Board, et al., 48384
- Goodpasture, Inc., 52552
- Great Lakes Coal & Dock Co. et al., 18325
- Guardian Industries Corp., 9382
- Halliburton Co., 14440, 20428
- Michigan National Corp. et al., 28323
- Mid-America Dairymen, Inc., 21799, 37353
- Monroc, Inc., et al., 54548
- Morgan Drive Away, Inc., et al., 3758, 18437
- Morris, Norman M., Corp., et al., 5360
- Morrison-Knudsen Co., Inc., et al., 53146
- National Broadcasting Co., Inc., 51992
- Nederlandsche, N.V., Combinatie Voor Chemische Industrie, et al., 18328, 27090, 32441, 38789
- Northwest Collision Consultants, 28550, 42965
- Parker-Han Corp. et al., 27398
- Parker-Hannifin & Purolator, Inc., 38789
- R&G Sloane Manufacturing Co., Inc., et al., 3756
- Reiss, C., Coal Co., et al., 18322
- Saks & Co. et al., 56404
- United Artists Theatre Circuit, Inc., et al., 32445, 54998
- Warner Brothers Pictures, Inc., 14805

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

RULES

Compliance hearings; practice and procedures, 55446

PROPOSED RULES

Compliance hearings; practice and procedures, 23598

NOTICES

Buildings and facilities, Federal and federally-occupied; barrier-free design and construction; compliance system development guidance, 27192

Committees; establishment, renewals, etc.:
- Accessible Environment National Advisory Committee, 10466, 16606

Handicapped persons, recreation; hearing, 44208

Meetings:
- Accessible Environment National Advisory Committee, 16859

ARMED FORCES

See Air Force Department.
Arms Control and Disarmament Agency.
Army Department.
Civil Aeronautics Board.
Defense Civil Preparedness Agency.
Defense Communications Agency.
Defense Department.
Defense Intelligence Agency.
Defense Manpower Commission.
Defense Nuclear Agency.
Defense Supply Agency.
Domestic and International Business Administration.
Navy Department.
Selective Service System.

ARMS CONTROL AND DISARMAMENT AGENCY

RULES

Conduct standards, employee:
- Employment and financial interest statements, 33550
- Redesignation, 8168

Freedom of information, 8168, 53982

Organization and functions, 8168, 9318

Privacy Act; implementation, 19102

NOTICES

Meetings:
- General Advisory Committee, 8205, 17829, 27109, 41738, 54965

Privacy Act; systems of records, 21623, 29012, 55314, 55734

ARMY DEPARTMENT

See also Engineers Corps.

RULES

Personnel; review boards:
- Discharge Review Board; procedural requirements, 34253

Privacy Act; implementation, 1286, 19220, 47046

PROPOSED RULES

Pest control services, facilities engineering; policies, responsibilities and procedures, 34924

Privacy Act; implementation, 34764, 39325

Real property:
- Land, forest, and wildlife management, 32346

NOTICES

Authority delegations:
- Procuring Activities, Heads; contracting functions, 10079

Committees; establishment, renewals, etc.:
- Financial Management Advisory Committee, 4038
- Regional Discharge Review System, 34328
- Tank Production Facility Ad Hoc Advisory Committee, 8513
- U.S. Military Academy Special Commission, 38193

Environmental statements; availability, etc.:
- Chemical Agent Munitions System, Tooele Army Depot, Utah, 37353
- Chemical material transportation from Fort McClellan to Anniston Army Depot, Ala., 50049
- Electronic Research and Development Command, Adelphi, Md., 17405
- Family housing, construction; Fort Belvoir, Va., 21661
- Fuze test area; Blossom Point, Md., 33568
- Military Ocean Terminal, Kings Bay Cumberland Sound, Ga.; dredging, 30140
- Mississippi Army Ammunition Plant, Bay St. Louis, Miss., 47504
- RDX/HMX expansion facility; Dover, N.J., 55930
- Rocky Mountain Arsenal, Colo., 32615
- Tooele Army Depot, Utah, 37353, 53839
- White Sands Missile Range, N. Mex., 9575

Lands, transfer of jurisdiction; joint orders with Agriculture Department:
- Fort Polk Military Reservation, La.; correction, 56687
- Headwaters Reservoirs, Mississippi River and Remer Administrative Site, Chippewa National Forest, Minn., 43500
- Sam Rayburn Dam and Reservoir, Tex.; correction, 24916

Meetings:
- Armed Forces Epidemiological Board, 20592
- Armed Forces Institute of Pathology Scientific Advisory Board, 35201
- Ballistic Missile Defense Technology Advisory Panel, 3884, 19233, 20717, 46488
- Ballistic Research Laboratories Scientific Advisory Committee, 13381, 20592, 31923
- Chief of Engineers Environmental Advisory Board, 35201, 46489
- Coastal Engineering Research Board, 15428, 46032
- Command and General Staff College Advisory Committee, 55738
- Epidemiological Board, Armed Forces, 1300, 12311, 14910, 27854, 46355, 55220, 55221
- Financial Management Advisory Committee, 8513, 12234, 16984, 19678, 21208, 22963
- Great Lakes-St. Lawrence Seaway, Winter Navigation Board, 5139, 51060
- Historical Advisory Committee, 5138
- Judge Advocate General's School Board of Visitors, 11329
- Junior Science and Humanities Symposia Advisory Committee, 11041, 46032
- Medical Research and Development Advisory Panel, 24195
- Military History Research Collection Advisory Committee, 5139
- Promotion of Rifle Practice, National Board, 11189
- ROTC Affairs Advisory Panel, 24915, 50854
- Scientific Advisory Board, 38193
- Scientific Advisory Group, 50854
- Scientific Advisory Panel, 15428, 43202
- Shoreline Erosion Advisory Panel, 46032
- Tank Production Facility Ad Hoc Advisory Committee, 8818
- Tank-Automotive Research and Development Command Scientific Advisory Group, 43948
- U.S. Military Academy, Board of Visitors, 11041, 14805, 31242, 35543
- U.S. Military Academy Special Commission, 38527, 44432, 46626, 50324, 51060, 52715
- Winter Navigation Board on Great Lakes-St. Lawrence Seaway, 5139, 51060

Organization and functions:
- U.S. Military Academy Special Commission, 37352

Privacy Act; systems of records, 28806, 39798

ARTS AND HUMANITIES, NATIONAL FOUNDATION

RULES

Arts and Artifacts Indemnity Act; implementation, 29385

PROPOSED RULES

Arts and Artifacts Indemnity Act; implementation, 16480

NOTICES

Committees; establishment, renewals, etc.:
- Artists-In-Schools Program Advisory Panel, 19383
- Education Panel, 51477
- Fellowships Panel, 55000
- Planning Office Panel, 55001
- Public Programs Panel, 55001
- Research Panel, 51477
- Special Projects Advisory Panel, 12249

Grants, guidelines for:
- Architecture and environmental arts, 21420
- Artists-in-schools program; 1977 FY, 24938
- Challenge Grants program, 46652
- Dance program; 1977 FY; guidelines for grants, 2114
- Dance touring program, 3352, 24462
- Expansion arts program; 1978 FY, 24946
- Federal-State partnership program; 1977 FY and 1978 FY, 2120
- Jazz/folk ethnic music, 21225
- Literature program; 1977 FY, 35233
- Museum program; 1978 FY, 39098
- Music program (composers and librettists), 14949
- Music program (opera companies and orchestras), 28849
- Public media program; 1977 FY, 19783
- Theater program; 1977 FY, 2123
- Visual arts program, 18720
- Work experience internship program, 31429

Meetings:
- Architecture and Environmental Arts Advisory Panel, 2283, 4863, 5680, 24950, 27877, 47289, 50738
- Artists-In-Schools Advisory Panel, 35770, 56421
- Arts National Council, 2447, 3357, 17822, 28848, 36270, 48423, 50358
- Arts Theatre Advisory Panel, National Council, 18558
- Dance Advisory Panel, 5680, 24950, 42246, 50875
- Education Panel Advisory Committee, 5456, 11221, 14601, 15922, 23804, 35101, 49201, 50077, 55613
- Expansion Arts Advisory Panel, 8434, 24468, 42246, 50358
- Federal-State Partnership Advisory Panel, 7998, 24468, 46654, 56421
- Fellowships Panel, 26614, 29042, 29762, 31271, 31272, 35101, 49201, 50875, 53858, 55000
- Graphics Evaluation Federal Advisory Panel, 6128, 10697, 17631, 22864, 27135, 35770, 45625, 53375
- Humanities National Council, 5680, 17823, 30070, 45917
- Literature Advisory Panel, 5680, 16714, 28848, 50738
- Museum Advisory Panel, 827, 7824, 24468, 37678, 56738
- Music Advisory Panel (Folk/Ethnic), 14824, 35034
- Music Advisory Panel (Jazz), 15451, 39390
- Music Advisory Panel (Opera), 38556
- Music Advisory Panel (Orchestra Section), 52346
- Music Advisory Panel (Planning), 11886, 24950, 38828
- Music Advisory Panel (Planning/Orchestra), 5352
- Music Composers/Librettist Advisory Panel, 43965
- Planning Office Panel, 23804, 55000
- Public Media Advisory Panel, 8235, 11083, 12096, 16516, 24951, 25054, 38556, 41759, 56421, 56738
- Public Programs Panel, 10271, 23804, 34833, 35102, 35770, 50077, 50078, 56421
- Research Grants Panel, 18358, 18359, 44079, 45066, 45067, 45626, 49202
- Research Panel, 1546, 9422, 9423
- Science, Technology and Human Values Advisory Committee, 14601, 38222
- Special Projects Advisory Panel, 12249, 29222
- Summer Seminars for College Teachers Panel, 37370
- Theatre Advisory Panel, 11083, 11887, 47290
- Visual Arts Advisory Panel, 2447, 5680, 7824, 9011, 35770, 41166, 50876

Privacy Act; systems of records, 11629, 13891, 55308

INDEX

UMI

Programs and grants; guidelines and deadline dates, 53858

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

RULES
Property management, 16802, 22938, 46297
PROPOSED RULES
Property management, 14196
NOTICES
Meetings:
Remote Terminal Emulation Workshop, 18477

BANKS, BANKING

See Comptroller of Currency.
Export-Import Bank.
Farm Credit Administration.
Farmers Home Administration.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Reserve System.
National Credit Union Administration.

BIOLOGICAL PRODUCTS

See Animal and Plant Health Inspection Service.
Food and Drug Administration.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

RULES
Contracts, Federal, 11515, 11516, 26905, 45565
Freedom of information; procedures, 18079
PROPOSED RULES
Contracts, Federal, 1764, 4604, 21359, 37343, 52323
Freedom of information, 7519
NOTICES
Privacy Act; systems of records, 2429, 9587, 41526, 48711, 54211
Procurement list, 1976; additions and deletions, 815, 1816, 2429, 3502, 3770, 4633, 5425, 6791, 7808, 7809, 8528, 10701, 11624, 12755, 14211, 14212, 15059, 16204, 17008, 18136, 18911, 20009, 20910, 21855, 22296, 22625, 23748, 24758, 24759, 26249, 26950, 27424, 29472, 29473, 30380, 31933, 32943, 34349, 34350, 35210, 36241, 36682, 37393, 38553, 40215, 41943, 43441, 44453, 45619, 45620, 46641, 47509, 48562, 48766, 48767, 50047, 51054, 52900
Procurement list, 1977, 50976
Procurement list, 1977; additions and deletions, 52512, 53126, 54020, 54021, 55220, 56216

BONNEVILLE POWER ADMINISTRATION

NOTICES
Authority delegations:
Acting Administrator, 12723
Contracts Manager; materials, equipment, and other contracts, 2652
Materials and Procurement Branch Chief; materials, equipment, and other contracts, 785
Environmental statements; availability, etc.:
Bonneville Dam integrating transmission, 4607, 4608
Bonneville proposed program for 1976 FY, 23987
Bonneville proposed program for 1977 FY, 8087
Bonneville proposed program for 1978 FY, 22974
Bonneville proposed program for 1979 FY, 50724
Burley, Idaho, facility location supplement, 785
Draft, FY 1978; preparation, 11329
Haymill Service, 10457
Haymill Substation, Idaho, FY 1977 program, meeting, 11591
Northwest Alloys magnesium plant, Addy, Wash., 1977 FY, 56241
Meetings:
Bonneville Dam integrating transmission, 4607
Bonneville Regional Advisory Council, 5409
Draft environmental statement, 23733
Federal Columbia River transmission system; proposed rates, 10454
Solicitations and contracts; procurement actions, legal review, 16490

BRIDGES

See Coast Guard.
Federal Highway Administration.

CANADA AND UNITED STATES-INTERNATIONAL JOINT COMMISSION

NOTICES
Great Lakes; water quality objectives; hearings, 48799
Poplar River, equitable apportionment of waters; hearings, 16986

CANAL ZONE

See Panama Canal.

CENSUS BUREAU

RULES
Age search and citizenship information; fee schedule, 48335
Foreign trade statistics:
Port of lading, foreign, for shipments other than by vessel or air; statistical information, etc.; correction, 2076
Requirement for shipper's export declarations, 29374
Requirements and provisions, 9134
Shipments to American Samoa; shipper's export declaration requirements; deletion of references, 42645
Freedom of information, 3466
Population censuses, special; fee structure, 8767
NOTICES
Committees; establishment, renewals, etc.:
Asian and Pacific Americans Population for 1980 Census Advisory Committee, 22116
Privacy and Confidentiality Census Advisory Committee, 44723
State and Local Area Statistics Advisory Committee, 5163
Meetings:
Agricultural Statistics Census Advisory Committee, 19147, 23222, 50708
American Economic Association Advisory Committee, 42968
American Economic Association Census Advisory Committee, 14913, 46496
American Marketing Association Census Advisory Committee, 12915, 46035
American Statistical Association Advisory Committee, 4311, 37827
Asian and Pacific Americans Population for 1980 Census Advisory Committee, 30151
Black Population for 1980 Census Advisory Committee, 2104, 37139
Housing for 1980 Census Advisory Committee, 47271, 52096
Population Statistics Advisory Committee, 8201, 40203
Spanish Origin Population for 1980 Census Advisory Committee, 2104, 37139
State and Local Area Statistics Census Advisory Committee, 43938
State and Local Governments Statistics Advisory Committee, 11332
Population censuses, special; results, 2654, 2839, 4622, 5336, 10102, 12078, 14817, 19147, 23737, 27414, 33572, 37634, 44722, 49662, 54209
Population counts, 1980 census; State reapportionment and redistricting needs, 13639
STATUS, Chartbook of Social and Economic Trends; publication availability, 26945
Surveys, determinations, etc.:
Canned foods; distributors stocks, 42968, 48149
Company organization; standard statistical establishment list update, 22290, 28564
Manufacturing area, 49510, 54015
Registration and voting statistics, 47271
Voting Rights Act determinations; lists; language minority groups, 783, 8817, 32622, 34329

CENTER FOR DISEASE CONTROL

See Disease Control Center.

CENTRAL INTELLIGENCE AGENCY

RULES
Privacy Act; implementation, 19105
PROPOSED RULES
Privacy Act; implementation, 12622, 13616
NOTICES
Privacy Act; systems of records, 12623, 12624, 12625, 19156, 19157, 37692
Records destruction control; policy and procedures, 51431

CHILD DEVELOPMENT OFFICE

See also Human Development Office.
NOTICES
Head Start programs:
Recruitment and enrollment policies; inquiry, 52788

Meetings:
Child and Family Development Research Review Committee, 18130

CHILD SUPPORT ENFORCEMENT OFFICE

RULES
Audit and penalty, 55348
Federal financial participation:
Availability and rate, 43150
Public sources, State share, 7105
PROPOSED RULES
Audit and penalty, 43414
Inflation impact statement, 34299
Standards for program operation, 43414
State plan requirements:
Paternity establishment or support collection, caretaker relatives, refusal to cooperate, 34298
Program operation, 43414
NOTICES
Child support programs; audit and penalty requirements:
Draft policies availability, 34346
Implementation proposed, 28344
Workshops, 44726

CHILDREN, CHILD PROTECTION

See ACTION.
Child Development Office.
Child Support Enforcement Office.
Education of Disadvantaged Children, National Advisory Council.
Education Office.
Food and Nutrition Service.
Human Development Office.
Social and Rehabilitation Service.
Social Security Administration.

CITIZEN'S ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

See Environmental Quality, Citizen's Advisory Committee.

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

See Women, Status of, Citizens' Advisory Council.

CIVIL AERONAUTICS BOARD

RULES
Accounts, records, and memoranda for air carriers, preservation:
Charters, advance booking; charter operators, 52865
Charters; editorial changes, 52866
Accounts and reports for air freight forwarders and international air freight forwarders; uniform system:
Filing of reports; foreign freight forwarders, 8028
Accounts and reports for certificated air carriers; uniform system:
Accounting provisions, updating, 12286, 27827
Group I air carrier; reclassification of Air New England, 42939
Passenger revenue and traffic data by type of fare, 28269
Reporting requirements; charter information, 12282
Service-segment data; public disclosure, 46584
Air cargo pickup and delivery zones; filing of tariffs, application for authority to file, 17536
Air carriers, certificated:
Agreement filing requirements; exemption; ground services and facilities, etc., 41080
Air taxi operators; Alaskan bush routes, 9306
Air taxi operators, classification and exemption:
Alaskan air taxi size and weight limitations, 44034
Commuter air carrier reports, 37314
Registration filing, notifications of operational changes, and insurance coverage, 25890, 27314, 28786
Reporting requirements, Form 298-C, 28512
Board decisions subject to Presidential review or approval; public release; policy statement, 46291
Board proceedings, conduct rules, 34591, 43715, 48118, 48119, 52050
Charters:
Advance booking, 37769, 42940, 43396, 52987
Foreign air carriers; advance booking, 37763
Foreign air carriers; editorial change, 53652
Inclusive tours; definitions, 20161, 35160
Inclusive tours; quota, 7744
Inclusive tours; tour prospectus; filing procedures, 42941
Military Airlift Command; logair and quicktrans, 29814
One-stop inclusive tours; definition of "itinerary", 20161
One-stop inclusive tours; passenger list filing procedures, 35161
One-stop inclusive tours; tour prospectus; filing procedures, 42942
Overseas military personnel; eligibility changes, 35158
Study groups; conditions and limitations, etc., 54482
Study groups; definitions, 35160
Study groups; quota, 7743
Study groups; statement filing procedures, 42940
Travel groups; passenger list filing procedures, 35158
Travel groups; post-flight accounting reports, 31811
Trips and special services; advance booking, 37762
Commissions for sale of air transportation, 30111, 34249, 52659
Consumer credit protection; implementation, 9304
Fare summaries; publishing and distribution requirements, 55865
Fees and charges; charters, advance booking, 37775
Flight schedules, certificated air carriers:
Domestic passenger flights, designated; schedule arrival performance reporting, 13333, 14367, 16146
Foreign air carriers:
Charters, civil aircraft, reporting data, 12281
Freedom of information:
Public release of Board decisions, 28946, 28947
Requests, written requirements, 32579
Mail transportation; review of Postmaster General's orders, 49479
Military transportation; exemption of air carriers; reasonable level of compensation, etc., 1271, 4898, 14165, 27313, 32209, 44154
Organization and functions:
Associate General Counsel, 51033, 54483
Board members; proxy voting, 20653
Economics Bureau; Chief, Passenger and Cargo Rates Division; authority delegation, 56194
General Counsel Office; Rules Division and Routes Division, 1060
Policy statements:
Commissions or other forms of compensation, unfair practices by air carriers in paying, 30113
Hearing cases; target dates, 41407
Public release of Board decisions, 28947
Rulemaking proceedings, public; petition processing, 10599
Practice and procedure, economic proceedings:
Discretionary review, 38497
Public participation; clarification of intervention in Board activities, 36491
Rulemaking proceedings, public; petition processing, 10598
Tariffs, complaints requesting suspension, 16931
Violations of Board rules; enforcement procedures, 41909
Supplemental air transportation; charters, advance booking, 37762
Tariffs of air carriers and foreign air carriers, construction, publication, etc.:
Explosives and other dangerous or restricted articles; transportation, 28946
Split charters, 11018
PROPOSED RULES
Accounts and reports for certificated air carriers, uniform system:
Business oriented charters, 48371, 52065
CAB/SEC single reporting system established and accounting provisions updated, 46324, 51840
Service-segment data; public disclosure, 10627, 15031
Work force data; Form 41 reporting requirements revised, 13616
Air carriers, certificated:
Agreement filing requirements; exemption, 19975
Fare summaries; publishing and distribution requirements, 25024
No-smoking area provisions aboard aircraft, 44424, 51423
Air carriers and foreign route carriers; freight loss and damage claims data reporting, 55891
Air taxi operators, classification and exemption:
Commuter air carrier reports, 1764
Reporting requirements, Form 298-C, 4602
Airline employment, discrimination; policies and practices; proceeding terminated, 34979

INDEX

UMI

Board proceedings, conduct rules, 34650, 48129, 51036
Charters:
  Advance booking, 7417, 9189, 10916, 14193, 45024, 54776
  Business oriented, 48371, 52065
  Cooperative shippers associations and air freight forwarders, 19227, 20590
  Costs of pro rata charters; announcements to include taxes and services, 46464
  Foreign air carrier permits, conditions and limitations; charges for ferry mileage; Board policies reexamined, 46322
  Foreign air carriers, 48371, 52065
  Inclusive tours; foreign-origin, relief for U.S. citizens, 30027
  Inclusive tours; general operations and licensing of charter operators, 45024, 54776
  Inclusive tours; minimum seat size, "split" charters, 41926
  One-stop inclusive tours; definition of "North American charters", 45029
  One-stop inclusive tours; foreign-origin, relief for U.S. citizens, 30027
  One-stop inclusive tours; general operations and licensing of charter operators, 45024, 54776
  One-stop inclusive tours; minimum seat size, "split" charters, 41926
  One-stop inclusive tours; passenger identifying number, 37342
  Overbooking by carriers; remedies, 47494, 55896
  Overseas military personnel; eligibility changes, 12904
  Overseas military personnel; general operations and licensing of charter operators, 45024, 54776
  Study groups; conditions and limitations, etc., 29426
  Study groups; foreign-origin, relief for U.S. citizens, 30027
  Study groups; general operations and licensing of charter operators, 45024
  Study groups; minimum seat size, "split" charters, 41926
  Supplemental air transportation certificates, conditions and limitations; charges for ferry mileage; Board policies reexamined, 46322
  Travel groups; definition of "North American charters", 45029
  Travel groups; foreign-origin, relief for U.S. citizens, 30027
  Travel groups; general operations and licensing of charter operators, 45024, 54776
  Travel groups; minimum seat size, "split" charters, 41926
  Travel groups; passenger identifying number, 37342
  Travel groups; post-flight accounting reports, requirement eliminated, 20894, 22096
  Trips and special services; carrier charges for ferry mileage; Board policies reexamined, 46322
  Trips and special services; minimum seat size, "split" charters, 41926
  Trips and special services; off-route restrictions, 45024, 50696
  Trips by foreign air carriers; charges for ferry mileage; Board policies reexamined, 46322
Commissions and other forms of compensation; extension of time, 781
Contract bulk inclusive tours; requirements, record-retention and filing-fee provisions established, 24903, 28313, 29709
Energy Policy and Conservation Act implementation; energy supplies conservation, etc., 56669
Fees and charges; charters, business oriented, 48371, 52065
Flight schedules, certificated air carriers:
  On-time arrival standards, 31568
Foreign air carriers:
  Charter trips; minimum seat size, "split" charters, 41926
  Permits authorizing charter transportation only; minimum seat size, "split" charters, 41926
Free and reduced rate transportation:
  FAA personnel; eligibility, 32612
  Foreign air transportation contracts, 45848, 51614
Investigations, informal nonpublic; confidentiality limits, 56669
Mail transportation; review of Postmaster General's orders, 23979
Military transportation; exemption of air carriers; fuel surcharges procedures, 39045, 41940
Overbooking and oversales, deliberate; reexamination of policies, 16478, 22280, 40501, 44424
Policy statements:
  Commissions and other forms of compensation; unfair practices by air carriers; extension of time, 781
  Domestic load-factor standards; use of data, 39329
  Hearings, standards for determining priorities, 52698
  Load factor standards, domestic; postponement of procedural dates, 1500
Practice and procedure, economic proceedings; discretionary review, 12229
Scheduled route service, authorization certificates:
  Local service carriers; "skip-stop" provisions, application procedures, 14787
Supplemental air transportation certificates; minimum seat size, "split" charters, 41926
Tariffs of air carriers and foreign air carriers, construction, publication, etc.:
  Charter tariff publication service, 41928, 47494, 48377, 49151, 52303, 54495
  Overbooking and oversales, deliberate; reexamination of policies, 40500
  Transmission of tariff filings to subscribers, 48376, 53488

NOTICES

Baggage allowances; tariffs on overseas and Foreign air transportation, 24210, 29012, 35015
Certificates of public convenience and necessity; application, 14209, 34812
Charters:
  U.S. and United Kingdom air carriers; waiver from regulations, 32287
Consumer Advocate Office; presentation, airlines customer relations directors, 4059
Credit-card costs; passenger fares; petition for rulemaking, 5419
Emergency air transportation requirements:
  Authority, expiration, 11074
  National Airlines and United Airlines strikes; correction, 3502
Environmental statements, preparation; authority, 37660
Fares, capacity-controlled excursion; discount changes, 22404, 22623, 23995
Fares, domestic common; investigation, 806, 55916
Fares, domestic passenger; increase; various carriers, 5142, 18704, 27109, 28347, 28579, 34679
Fuel surcharges, minimum rates; revised procedures and methodology, 56682
Hazardous materials; transportation by various air carriers, 44732
Mail rates, domestic service priority and nonpriority, 39067, 48558, 52712, 52714, 53682, 55373
Meetings:
  Air Freight Forwarders Association of America, 19250
  Air service problems, Rocky Mountain area; Aspen Airways, Inc., 45897
  Airlines, international; study of compliance problems on North Atlantic, 39377
  Economic Development Administration Regional Commissions, 25923
  National Air Carrier Association, Inc., 25926
  Overbooking and oversales, deliberate, policy reexamination, 18704
  Puerto Rico, Commonwealth of; mainland air transportation and economic impact, 3337, 4847
Military transportation; exemption of air carriers:
  Fuel surcharge procedures, 39045, 41940, 41941
  Interim compensation rates, petition denied, 54011, 54787
  Logair and quicktrans, 29816
Overbooking and oversales, deliberate, policy reexamination, 16496, 18704, 20008, 40542
Practice and procedure:
  Travel agents; ATC agreements, 1510
Privacy Act; systems of records, 5864, 6056, 6789, 40418
Proceedings assigned:
  Garwin, Richard Lawrence, v. Eastern Air Lines, et al., 51644
Rate, local service class subsidy; investigation and inquiry, 17417, 48558
Report, Procedural Reform Advisory Committee; inquiry, 2857
Small communities, service; staff report; inquiry, 20733, 23224, 32640
Hearings, etc.:
  Aeroamerica, Inc., et al., 2426
  Aeromar, C. por A., 10943, 14920, 16606, 22294, 23747
  Aeronaves de Mexico, S.A., 21667
  Aerovias Condor de Colombia, S.A., 43229, 50043
  Aerovias Nacionales de Columbia, S. A. (Avianca), et al., 22976
  Aerovias Quisqueyana, C. por A., enforcement proceedings, 43949
  Air BVI Ltd. et al., 38545, 44881
  Air freight rates, reserved priority, investigation, 24446
  Air Haiti, S.A., 22294, 26248

Air Midwest, Inc., 3502, 44881, 48762, 53835
Air New England, Inc., 38203
Air Panama Internacional, S.A., 34104
Air Traffic Conference of America, 17959, 22295, 22858, 36679, 37660, 40540
Air Transport Association of America et al., 44447, 46368, 55562
Airborne Freight Corp., 49662, 55562
Airlift International, Inc., et al., 21509, 43229, 43760, 46635
Airline Tariff Publishers, Inc., 11596
Airline Tariff Publishing Co., 17592
Airwest Airlines Ltd., 9418, 16496
Alaska air carriers et al., 9414
Alaska Airlines, Inc., et al., 12917, 15361, 18699, 18701, 33318, 34679, 37150, 38812, 54519
Alaska bush route air service, 9414
Alaska fares investigation, 44448, 55373
Alaska International Air et al., 20004, 20438
ALIA-Royal Jordanian Airlines Corp., 12082
Allegheny Airlines, Inc., et al., 5142, 8096, 11596, 13656, 15440, 17419, 32462, 35015, 42229, 43760, 44067, 44208, 44881, 46364, 46898, 47988, 48556, 50043, 52710
Allyn, Arthur C., et al., 31610
Alm Dutch Antillean Airlines, 55563
Aloha Airlines, Inc., et al., 13656, 15735, 18469, 21678, 28822
American Airlines, Inc., et al., 9003, 9415, 11068, 11203, 17592, 18540, 18699, 19366, 24929, 32636, 42232, 43438, 43760, 49189, 49509, 54522, 55735
American Safe System, Inc., 1615, 3502
American Society of Travel Agents, Inc., et al., 10251, 17593, 37390
Argo, S.A., 44882, 49188, 53123
Austin Airways Ltd., 43229, 46508
Aviation Consumer Action Project, 52504
Baltimore-Norfolk service case, 1937
Belize Airways, Ltd., 50849, 56874
Braniff Airways, Inc., 40215, 43760, 43949, 49508
Britannia Airways Ltd., et al., 2110, 2857, 20007
British Airtours Ltd., 2857
British Airways, 44068
British Caledonian Airways, 43760
California-Alberta route proceeding, 9586
Canadian Pacific Air Lines, Ltd., 8412
Caraibische Lucht Transport Maatschappij NV, 7168, 11205, 14920
Category Y fare investigation, 20909
Cathay Pacific Airways Ltd., 2347, 29012
CF Air Freight Inc., 22858
Chicago-Montreal route proceeding, 11069
Chicago-Vancouver route proceeding, 34105, 54011
China Airlines, Ltd., 17594
Compagnie Nationale Air France et al., 28577
Compania Ecuatoriana de Aviacion, S.A., et al., 6118
Condor Flugdienst GmbH, 2427, 16496
Consumers Union of U.S., Inc., 5419
Continental Air Lines, Inc., et al., 2711, 11069, 11860, 12917, 22120, 23995, 24211, 35756, 37839, 39377, 43760, 44068, 44448, 47991
Dallas/Fort Worth-Western Mexico route proceeding, 44882
Dallas/Ft. Worth-Kansas City nonstop service, additional, 4846, 27109
Dan-Air Services Ltd., 22294, 24444, 24756
Davis Agency, Inc., 37151
Delta Air Lines, Inc., et al., 10250, 29207, 36536, 40543, 43760, 43762, 47094, 49661, 52506, 54965
Delta-Northeast merger case, 43229
Des Moines/Milwaukee-Phoenix route proceeding, 4628, 5142
Deutsche Lufthansa Aktiengesellschaft, 17595
DOD contract-eligible certification case, 56681
East African Airways Corp., 44882
Eastern Air Lines, Inc., et al., 11596, 12918, 14575, 15362, 24756, 35106, 36537, 36831, 38548, 39065, 43760, 43949, 44731, 45043, 50461, 50463, 52330, 53124, 56682
El Al Israel Airlines Ltd. et al., 29013, 44451
Emery Air Freight Corp. et al., 1939, 11205, 15440, 18131, 24444
Ephrata-Moses Lake deletion case, 36681
Far Eastern Air Transport Corp., 4059, 8822
Federal Express Corp. et al., 1938, 25923
Finnair OY et al., 3115
Flying Horse Air Freight, Inc., 43949
Flying Tiger Line Inc. et al., 2272, 3115, 3890, 9911, 28347, 31611, 32636, 36065, 38204, 48559, 52711
Flying Tiger Transpacific, 806, 3502, 24445
Foremost International Tours, Inc., et al., 15362
Freight credit billing and collection practices; air carrier agreement, 1114, 2857, 42696
Frontier Airlines, Inc., et al., 5143, 6310, 10698, 14576, 17419, 17960, 21511, 21668, 32637, 43761
Garuda Indonesian Airways, 2272, 5143, 16496, 35209
Germanair Bedarfsluftfahrtgesellschaft, 37840, 48396
Globus-Gateway Tours, Ltd., 29743, 49509
Hawaiian Airlines, Inc., et al., 11074, 11861, 20615, 26740, 35016, 43761
Hazleton, service to, 11597
Hilo service case, 26248
Horbach, Eugene, et al., 3116, 15362, 18469, 55736
Houston/New Orleans-Yucatan route proceeding, 41450, 44882, 56353
Hughes Air Corp., 11209, 20909, 43761, 43949
Hughes Airwest et al., 4628, 7547, 9416, 11074, 11346, 11597, 12083, 13982, 21669, 27421, 28578, 29468, 36066, 56213, 56874
IMM Acceptance Corp. et al., 46508, 52330
International Air Service Co., Ltd., et al., 56354, 56874
International Air Transport Association, 806, 807, 810, 1118, 1119, 1509, 1516, 1809, 1813, 1815, 1939, 2110, 3337, 3502, 3517, 4059, 4319, 4630, 4631, 5144, 5654, 5864, 7443, 8205, 8413, 8822, 9416, 9911, 9912, 10089, 10249, 11202, 11206, 11347, 11595, 11861, 12084, 12635, 12734, 13391, 14209, 14210, 14427, 14576, 14812, 15057, 16685, 16859, 17416, 17417, 17808, 17960, 18133, 18541, 18903, 19248, 19250, 19366, 19750, 19754, 20438, 20731, 20732, 20733, 21400, 21512, 21514, 22294, 22623, 22858, 23995, 23996, 24445, 24758, 24930, 25925, 26248, 27110, 27421, 28348, 28823, 29013, 30206, 30207, 31932, 32289, 32635, 32773, 34679, 38204, 38546, 39058, 39064, 39067, 40540, 41738, 41739, 41941, 43949, 44448, 44732, 45617, 46041, 46364, 46365, 46511, 46636, 47581, 48557, 49188, 49874, 50043, 50459, 50461, 51432, 52505, 52506, 52711, 53123, 53365, 54208, 54786, 54966, 55218, 55916, 55917, 56355
Iscargo, 25036, 30707
Japan-originating group inclusive tour fares, 11346
Japanese airfreight forwarder operations, 56683
Jetsave Ltd., 2427, 18701, 24623
Jugoslovenski Aerotransport, 22121
K & W Air Alaska Co., 17419
Kingston Air Services, Ltd., 3891
KLM Royal Dutch Airlines, 43761
Korean Air Lines Co., Ltd., 46365
Lake Tahoe service investigation, 12919, 43761
Las Vegas-Calgary/Edmonton route proceeding, 4962
Las Vegas-Dallas/Fort Worth nonstop service, 28578, 36240, 46366, 50849
Las Vegas-Reno competitive nonstop service, 52507
Lep Transport, Ltd., 29897, 32939, 46368
Lineas Aereas Costarricenses, S.A., 41739, 49188
Louisville service case, 49509
Lubbock, Tex., service investigation, 36680
Mackey International, Inc., 48165, 50849
McGregor, Swire Air Services, Ltd., 23996, 27862, 44882
Memphis-Tampa/St. Petersburg/Clearwater non-stop service, 19367
Memphis-Twin Cities/Milwaukee case, 18469, 20205, 36682
Midland/Odessa air service investigation, 24210
Midwest-Atlanta competitive service case, 7549
National Airlines, Inc., et al., 7986, 43761
National Carloading Corp. enforcement proceeding, 43231
Nigeria Airways, Ltd., 7549
North Atlantic fares investigation, 49509
North Canada Air Ltd., 14427, 15736
North Central Airlines, Inc., 43232, 43761, 44882
Northwest Airlines, Inc., et al., 10697, 11209, 11862, 21669, 22123, 22859, 37391, 40544, 41740, 43761, 56683
Ohio/Indiana points nonstop service investigation, 7169, 8527, 16606, 19752, 22125, 23996, 36537, 38204
Oklahoma-Denver-Southeast points investigation, 1117, 18541
Olympic Airways, S.A., 22125, 32773
Omega Airways, Ltd., 10943, 14920
Overseas National Airways, Inc., 46638
Ozark Air Lines, Inc., et al., 18701, 26063, 43761, 48558

90-000 O - 77 - 2

INDEX

UMI

Pacific group fares investigation, 20909
Pacific overseas fares investigation, 4963, 10943, 11867, 24931
Pacific Sea Transportation, Ltd., 52507
Pacific Southwest Airlines et al., 11865
Pacific Western Airlines, Ltd., 56684
Pakistan International Airlines Corp., 39377
Pan American World Airways, Inc., et al., 1509, 1615, 9004, 11347, 15736, 16606, 17003, 18541, 20439, 24211, 24758, 26947, 27422, 29469, 29743, 29897, 34349, 35886, 36538, 41744, 43233, 43761, 43762, 44732, 46369, 46636, 47991, 53123, 53835, 54012, 54013
Pandair Freight Ltd., 44882
Peoria service investigation, 19251
Philippine Air Lines, Inc., et al., 18341, 54208
Phoenix-Des Moines/Milwaukee proceeding, 20616
Piedmont Aviation, Inc., et al., 5419, 43762, 47095
Polynesian Airlines Ltd., 18341
Priority reserved air freight rates investigation, 30707
Quantas Airways Ltd., 3116
REA Express, Inc., 24446, 54013
Reeve Aleutian Airways, Inc., et al., 18342, 39064, 42697, 43762
Sacramento-Denver nonstop proceeding, 10944, 19367, 36240
Scandinavian Airlines System, 9004
Seaboard World Airlines, Inc., et al., 23996, 26948, 43762, 51856, 52505
Seattle/Portland-Japan service investigation, 807, 3502, 7444, 24623, 25926
SFO Helicopter Airlines, Inc., et al., 56684
Shulman Air Freight, Inc., 9417, 13982, 15736
Silvas Air Lines, 50850
Singapore Airlines Ltd., 9222, 11209, 13656, 14580
Sitmar Cruises, Inc., 37840, 41941
Smith, Delford M., et al., 23452
Smyth Worldwide Movers Inc., 26741
Societe Anonyme Belge D'Exploration De La Navigation Aerienne (SABENA), 43438
Sole Source Supplier Joint Negotiating and Purchasing Committee, 43438
South Pacific Service, 22126
Southeast Airlines, Inc., et al., 14427, 17808
Southern Airways, Inc., et al., 12238, 53518, 54787, 56355, 56875
Spokane-Montana points service investigation, 12939, 34105, 54967
Sterling Airways A/S, 2110, 4631, 7550
Subsidy rates, local service class; investigation, 7547, 27862
Sullivan County, N.Y., case, 1616
Suntours Ltd., 47095
Surf-Air, Inc., 32638
TACA International Airlines, S.A., et al., 3891, 44882, 48763, 54967
Texas International Airlines, Inc., et al., 3892, 14580, 26948, 28578, 30206, 43762
Thomas Cook Overseas, Ltd., 55565
Tour Travel Enterprises, Inc., 43762
Tourist Enterprises Corp. "ORBIS" et al., 2667, 3337, 16497, 23224, 28823
Tradewinds Aviation, Ltd., 8527
Trans International Airlines, Inc., et al., 20909, 24623, 25926, 54522
Trans World Airlines, Inc., et al., 11598, 11599, 15362, 21401, 22859, 23747, 35888, 39067, 43762, 45618, 56684, 56685
Trans-Mediterranean Airways, S.A.L., 44883
Transatlantic FAK container and charter freight rates investigation, 50849, 56213
Transavia Holland, N.V., 50849, 55736
Transmeridian Air Cargo, Ltd., 29898, 37660
Transportes Aereos Nacionales, S.A., 48396
Transportes Aereos Portugueses S.A.R.L. (TAP), 18131, 20909, 29014, 33578, 53682
Tri-City service case, 12919, 29898
U.S.-Cayman Islands service case, 3337
U.S.-Latin America all-cargo service investigation, 24212, 36538
United Air Lines, Inc., et al., 3116, 5420, 5654, 7988, 10944, 12238, 16860, 23459, 32773, 33319, 43762, 44068, 46638, 51432, 56685
Venezolana Internacional de Aviacion, S.A., 54967
WCT Air Freight, 8207
West Coast-Alaska investigation, 55374
Western Air Lines, Inc., 10944, 21670, 22623, 43762, 50706
Wichita case, improved authority, 7169, 23459, 24931, 34349
Wien Air Alaska, Inc., 5423, 7989, 9417, 18701, 32639, 33578, 43762, 43763
Wits, Inc., et al., 1616
World-Jet Inc., 49189

CIVIL RIGHTS

See Civil Rights Commission.
Education Office.
Equal Employment Opportunity Commission.
Equal Employment Opportunity Coordinating Council.
Federal Contract Compliance Programs Office.
Health, Education, and Welfare Department.
Housing and Urban Development Department.
Justice Department.

CIVIL RIGHTS COMMISSION

NOTICES

Desegregation of public schools, etc., denials of equal protection of law; hearings:
California, 50308
Kentucky, 20009, 20734
Texas, 29472
Meetings; State advisory committees:
Alabama, 8822, 32289, 52714
Arizona, 37840
Arkansas, 37392
California, 6789, 6790, 15057, 16201, 43476, 43477, 51433
Colorado, 2428, 3770, 20439, 28579, 46640
Connecticut, 7445, 13392, 14210, 26605, 34812, 36241, 43950, 50043, 56356
Delaware, 7445, 20440, 21678, 21679, 28823, 34812, 37392, 39830, 51647
District of Columbia, 7989, 20439, 28823, 34812, 37392, 43950, 47991, 50043, 54014, 56356
Florida, 4631, 6790, 8527, 15057, 43950, 46640
Georgia, 1939, 4632, 26605, 34813
Idaho, 39830
Illinois, 10700, 20439, 33320, 38812, 39830, 44733, 50043, 51433, 56356
Indiana, 44733, 51856, 54014
Iowa, 21678, 34813
Kansas, 1939, 4632, 6790, 16985, 20439, 20440, 21678, 33321, 35209, 38812, 44733, 50044, 51433, 55566
Kentucky, 1939, 4632, 24212, 28579, 37840, 46369, 50043
Louisiana, 36241, 48560, 51433
Maine, 7989, 17963, 37392, 44209, 46640, 56356
Maryland, 1940, 7445, 11075, 13392, 17809, 21679, 24212, 30055, 32289, 37392, 43950, 54014
Massachusetts, 2428, 8822, 14210, 22859, 28824, 30055, 35209, 37392, 44733, 51434
Michigan, 1940, 9418, 15057, 18705, 20734, 22406, 25047, 28579, 33321, 35018, 35209, 36241, 44733, 47991, 48560, 51856
Minnesota, 6790, 11075, 13982, 32290, 39830, 44733, 46640, 51434, 55567
Mississippi, 1940, 14210, 27862, 50044
Missouri, 6790, 16201, 16985, 20440, 21678, 33321, 38812, 50044
Montana, 30055, 33321, 34813, 35209, 44733
Nebraska, 14584, 18470, 21679, 30055, 37392, 52714
New Hampshire, 5348, 10700, 16201, 21679, 26605, 28824, 37392, 44733, 51434
New Jersey, 1940, 7445, 15058, 24212, 34813, 37840, 44734, 51434
New Mexico, 22406
New York, 2428, 8822, 10252, 13392, 13656, 20440, 35210, 47992
North Carolina, 1940, 14584, 27863, 30056, 33321, 38240, 47282, 50044
North Dakota, 15058, 16985, 26605, 41452, 50044
Ohio, 1940, 4632, 8823, 17963, 21679, 44733
Oklahoma, 35210, 41745, 46640, 55567
Pennsylvania, 1940, 7445, 16202, 20440, 21679, 37392, 55567
Pennsylvania/Delaware, 27863
Rhode Island, 2429, 16202, 26605, 30056, 37393, 44734, 48560, 55567
South Carolina, 20440, 26605, 54015, 55567
South Dakota, 15058, 16202, 26605, 41452, 50044
Tennessee, 1941, 16202, 16985, 25047, 40215, 55567, 56357
Texas, 4632, 15058, 26606
Utah, 6790, 11347, 39830, 41745, 44734, 52714
Vermont, 6791, 15058, 17964, 22859, 28824, 37393, 46640, 51434, 52714
Virginia, 2429, 33321, 37393, 38240
West Virginia, 1941, 7446, 13392, 36241, 37393, 43950, 46640, 46641, 54015
Wisconsin, 44733
Wyoming, 10700, 36241, 46641

Privacy Act; systems of records, 26950, 53454, 54209

CIVIL SERVICE COMMISSION

RULES

Administrative law judges, interagency transfers, 2074
Adverse actions by agencies:
Employee notice, 22549
Nondiscrimination, age policy, 23667
Agency grievance system; coverage, 22550, 30320, 46866
Allowances and differentials:
Nonforeign areas, cost of living rates and area listing, 51579, 52857, 53461, 53969
Transportation expense rates, certain; increase, 32892
Appeals to Commission:
Choice of representative, employee's; disallowals, 48110
Conduct standards, Federal and CSC employees; filing of financial statements, 28783
Employee grievances:
Choice of representative, employee's; disallowals, 48110
Employment:
Editorial changes, 51579, 52979
Excepted service:
ACTION, 1577, 10609, 11463, 34246, 38490
Agency for International Development, 52429
Agriculture Department, 3073, 5803, 10609, 11463, 29373, 30319, 33545, 38490, 41907, 43385
Air Force Department, 8027
Army Department, 20389, 20859, 29807
Arts and Humanities, National Foundation, 1737, 5803, 8027, 26669, 34247, 38490, 38491, 46581, 53969
Civil Rights Commission, 9533
Commerce Department, 1467, 1737, 4881, 5803, 8027, 11463, 12635, 16547, 23667, 24975, 30319, 38490
Commodity Futures Trading Commission, 10609
Community Services Administration, 7743, 14165, 34731
Consumer Product Safety Commission, 22549, 24107
Defense Department, 1737, 4881, 5803, 8471, 10609, 14999, 19197, 20389, 26669, 35155, 38490, 40089, 46518, 47453, 52429
District of Columbia Government, 6749
Entire executive civil service, 2073, 14999, 20859
Environmental Protection Agency, 11463, 26669, 38490
Executive Office of President, 10609, 38490, 46581, 52429, 52979
Export-Import Bank of United States, 4881, 38490
Farm Credit Administration, 8027, 34246
Federal Deposit Insurance Corporation, 21355
Federal Energy Administration, 10059, 12635, 29807, 31802, 38491, 39003, 44358, 46582, 53969
Federal Home Loan Bank Board, 38490
Federal Maritime Commission, 5803
Federal Power Commission, 5803, 10609, 31802, 38490
General Services Administration, 2073, 10609, 24692, 31802
Health, Education, and Welfare Department, 1577, 2073, 10609, 11463, 12007, 14999, 15397, 16949, 20389, 21761, 22549, 31802, 35155, 38490, 41907, 47453, 50993
Housing and Urban Development Department, 7743, 9533, 10609, 11013, 12007, 14999, 16547, 18053, 20859, 24107, 33545, 37565, 38490, 46581
Inter-American Foundation, 10609, 38490
Interior Department, 1737, 14501, 16145, 19197, 24975, 29807, 33545, 36193, 37565, 41907, 45977, 49969
International Trade Commission, 10609, 12007, 29373, 30319, 32892
Justice Department, 2073, 5103, 5803, 10609, 12007, 20859, 27311, 28255, 31802
Labor Department, 3073, 10609, 14165, 15397, 18405, 24107, 27713, 29373, 30319, 33545, 38489, 38490, 52429
Management and Budget Office, 16547, 22549
National Aeronautics and Space Administration, 5394, 30320, 31163, 38489, 41907
National Center for Productivity and Quality of Working Life, 6749
National Credit Union Administration, 30320, 34246
National Labor Relations Board, 38490
National Transportation Safety Board, 24975
Navy Department, 22549, 40089
Occupational Safety and Health Review Commission, 4881
Overseas Private Investment Corporation, 11463, 19197
Schedule C, GS-15 positions; exceptions revocation, 55507
Securities and Exchange Commission, 4011, 11463, 14501, 18053, 20859, 31802
Small Business Administration, 8027, 10609, 21761, 28255, 36643, 46581
State Department, 10609, 11463, 19197, 26669, 31803, 34246, 35155, 38490, 52430
Temporary Boards and Commissions, 4881
Transportation Department, 1467, 5803, 10609, 35155, 38490, 56297
Treasury Department, 2073, 8471, 11464, 12007, 15397, 17527, 18053, 19197, 24975, 28783, 29373, 38490, 44358, 49473, 56297
Truman, Harry S., Scholarship Foundation, 4881
U.S. Courts Administrative Office, 49969
United States Information Agency, 19197
Veterans Administration, 10609, 16145
Excepted service; republication, 55147
Executive assignment system:
Editorial changes, 51579, 52979
Health benefits, Federal employees:
Application for approval of plans, 40090
Eligibility for coverage, restoration; surviving spouse, 52043
Indian Self-Determination Act, reemployment rights, service in tribal organizations, 27713
Inflation impact statements, 48110
Labor-management relations; operating responsibilities; authority clarification, 39003
Pay administration:
Leave, annual; recrediting under Back Pay Act, 16949
Schedule of pay differentials; hazardous duty, 12635, 14165
Pay classification, etc.; exclusions and stipends, 18053
Personnel records and files:
Editorial changes, 51579
Political activity of Federal employees; "partisan candidate", 49473
Political activity of State or local officers or employees:
Administrative law judge; nomenclature change, 48110
Recruitment and selection; quarterly examinations, applications, 22549
Single gender language, avoidance of; nomenclature changes, 41907, 49473
Temporary and term employment, 46865, 48317
Voting rights programs:
Georgia, 33559
Texas, 16155, 18080, 47938, 48739

PROPOSED RULES

Equal opportunity, employment; administrative processing of class complaints of discrimination, 8079
Health benefits, Federal employees:
Application for approval of plans, 21359, 22096
Personnel administration, merit promotion system, 52473
Sunshine Act; implementation, 55537

NOTICES

Committees; establishment, renewals, etc.:
Administrative Law Judges Advisory Committee, 34349
Private Voluntary Agency Eligibility Committee, 4633, 53520
Employee selection procedures; uniform guidelines, 51752
Intergovernmental Personnel Act; National program; grants:
Allocation of funds, 32940
Applicants, requests for proposals, 47584
Meetings:
Administrative Law Judges Advisory Committee, 36682, 44451, 52096
Federal Employees Pay Council, 814, 1516, 2110, 2429, 3337, 4963, 5864, 8096, 8528, 10089, 11075, 11567, 12755, 14211, 15058, 16606, 17008, 18471, 20441, 20909, 21855, 22625, 22976, 23737, 25047, 26741, 28348, 29472
Private Voluntary Agency Eligibility Committee, 6791, 13392, 56685
Noncareer executive assignments:
Agriculture Department, 16202, 18910, 32942, 35210
Air Force Department, 50044
Army Department, 41943, 50045
Commerce Department, 4963, 7805, 12085, 12755, 14211, 22976, 25047, 26741, 30379, 38548, 48166, 48167, 50045, 52510
Commodity Futures Trading Commission, 33579, 47584

INDEX

UMI

Consumer Product Safety Commission, 38548
Defense Department, 8527, 26741, 44451, 45619, 47584, 56376
District of Columbia Redevelopment Land Agency, 10701
Environmental Protection Agency, 22976
Environmental Quality Council, 32942
Equal Employment Opportunity Commission, 56357
Executive Office of President, 15440, 46641, 52510
Export-Import Bank, 41943
Federal Communications Commission, 28824
Federal Energy Administration, 4633, 5348, 12755, 14211, 20440, 33579, 48167, 50045
Federal Maritime Commission, 16606
Federal Trade Commission, 31250, 31251, 31252
General Services Administration, 16203, 48167
Health, Education, and Welfare Department, 10701, 12755, 17008, 25047, 32462, 38548, 41943, 43439, 47584, 48763, 49510, 56376
Housing and Urban Development Department, 7805, 8527, 12755, 31251, 44451, 45619, 46641, 47584, 50045, 52510, 54015
Interior Department, 5348, 12755, 15440, 17595, 18911, 31251, 47584, 51645, 52510, 56357
Justice Department, 8527, 10701, 16202, 18097, 20440, 30379, 32940, 43439, 54015
Labor Department, 4633, 10701, 14211, 25047, 27774, 31251, 38548, 48763, 55218
National Transportation Safety Board, 33579
Occupational Safety and Health Review Commission, 4633
Personnel Interchange, President's Commission, 47584, 52510
Securities and Exchange Commission, 8528, 56357
Selective Service System, 56213
Small Business Administration, 27774
Telecommunications Policy Office, 33579, 38549
Transportation Department, 7805, 9586, 18910, 24212, 31251, 31252, 38548, 50045, 53125
Treasury Department, 4632, 18910, 34814
United States Information Agency, 4633, 32942
Veterans Administration, 4633, 7829, 31252
White House Fellowships, President's Commission, 53125
Privacy Act; systems of records, 11075, 35757, 42158, 54522, 55568
Private Voluntary Agency Eligibility Committee; availability of report on 1975 activities, 4633
Voluntary health and welfare agencies fund raising manual, proposed changes, etc., 41942, 56357

CLASSIFICATION REVIEW COMMITTEE, INTERAGENCY

RULES
Reports and appeals; submission procedures, 6068, 22268

COAL

See Federal Energy Administration.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Interim Compliance Panel (Coal Mine Health and Safety).
Land Management Bureau.

COAST GUARD

RULES
Anchorage regulations:
Connecticut, 40467
Hawaii, 54176
Massachusetts, 39743
New York, 2086, 36019
Oregon, 27965
Virginia, 55344
Washington, 27965, 39743
Barges, towing; CFR corrections, 23400
Boating safety:
Boats and associated equipment; motors, single, outboard, rated greater than 150 hp, 11290, 12301
Flotation devices, personal; carriage requirements; exception revoked, 23954
State numbering and casualty reporting system, 23401
Vessel numbering and casualty and accident reporting, 23401
Cadets; appointments to Academy; application and admission requirements, 47235
Cargo vessels:
Construction and arrangement; B class bulkheads, 17910
Firefighting equipment; lined fire hose requirements, 43151
Non-international voyages, inspection and certification; emergency carriage of additional persons, 32744
Claims:
Administrative processing, 9328
Appeals, clarifications, authority delegations, procedural changes, etc., 39742
Commercial fishing vessels:
Petroleum products dispensing; cargo tanks; construction, 23401
Petroleum products dispensing; inflammable and combustible cargo in bulk on board, 17910
Construction; inspections; identification markings, 10437
Dangerous cargoes:
Explosives, military; transportation or storage on board vessels; revocations, etc., 28116, 38167
Explosives and combustible liquids; transportation or storage on board vessels; CFR Subparts revoked, 15972
Labeling requirements; nomenclature and editorial changes, etc., 763
Liquids, flammable and combustible; definitions, 2086, 7948
Solids in bulk; hazardous materials carriage; CFR changes and redesignation, 23402, 55352
Sulfur dioxide, 3086
Deepwater ports; site evaluation requirements, 16800
Districts, marine inspection zones, and captain of the port areas:
Texas, 37104
Drawbridge operations:
Alabama, 7945, 30638
California, 10434, 52298
Connecticut, 34034
Florida, 754, 6259, 11290, 23400, 27035, 53325
Idaho, 11289
Illinois, 7946, 11289, 15324
Louisiana, 2385, 7945, 16798, 24585, 35522, 39743
Maine, 48516
Maryland, 5545
Mississippi, 7945, 35522
New Jersey, 26009
New York, 2385, 3857, 11289, 13922
Oregon, 32217
Texas, 31534, 39744
Washington, 2385, 7946, 7947, 10434, 18298, 52299
Electrical engineering, system requirements; cable splicing, 26013
General provisions:
Rulemaking procedures, 7506
Great Lakes pilotage:
Rates; increase, 8776
Inland waters; boundary lines:
Bahia de Guayanilla, Puerto Rico, 5280
CFR corrections, 23400
San Carlos Bay, Fla., 8769
Load lines; domestic and foreign voyages by sea; rail height adjustment, 1470
Marine engineering:
Tests and inspection; tailshaft, 38772
Marine investigation regulations; report, 18655
Marine sanitation devices; certification procedures and design, operation, and construction requirements, 15325
Merchant marine officers and seamen:
Motorboat operators and staff officers, licensing and registration; approval of radar observer training course, 30648
Motorboat operators and staff officers, licensing and registration; first aid certificates, 45842
Temporary grades or service, licenses; revocation of temporary requirements on manning of vessels, 30648
Merchant vessel construction; noncombustible materials; approval procedures, 41701
Navigation aids:
Buoy vessel use costs, 49809
Private alds; Lake Wylie, S. C., 12879
Navigation and inspection laws, waiver; revocation of temporary requirements, 30648, 38769
Oceanographic vessels:
Construction and arrangement; B class bulkheads, 17910
Firefighting equipment; lined fire hose requirements, 43152
Organization and functions:
Board for Correction of Military Records, 17895
Passenger vessels:
Firefighting equipment; lined fire hose requirements, 43151
Operations; fire and boat drills; inclusion of women, 13923

Pollution; protection of marine environment; tank vessels carrying oil in domestic trade:
Design, equipment and operation requirements, 54179
Distribution of required segregated ballast, 1479
Pollution control; oil and hazardous substance liability, 12628
School ships, nautical, public:
Firefighting equipment; lined fire hose requirements, 43152
Manning requirements, 19646
Security zones:
Connecticut, 6260, 27036, 42187
Delaware, 26680, 27036
First Coast Guard District, 27035
Maine, 35067
Massachusetts, 2086, 5634, 26570
Michigan, 32742
New York, 755, 26571, 27377, 27966
Pennsylvania, 22346, 27036, 29378, 29680
Rhode Island, 27965
Texas, 16799
Third Coast Guard District, 27036
Virginia, 12301, 28478, 55872
Specifications:
Lifesaving equipment; inspections; identification markings, 10437
Tank vessels:
Distribution of required segregated ballast, 1479
Firefighting equipment; deck foam system, 3846, 4826
Firefighting equipment; lined fire hose requirements, 43151
Special equipment, machinery, and hull requirements, 3843, 4826, 17910
Structural fire protection requirements, definitions, 3842, 4826
Sulfur dioxide, 3086
Vessel design, equipment and operation for carrying oil, 54179
Warnings, written; by boarding officers, 17894

PROPOSED RULES
Anchorage regulations:
California, 50842, 55366, 55897
Connecticut, 28532
Hawaii, 27975, 34649
Maine, 54199
Massachusetts, 12901, 24901
New York, 8794
Ohio, 54200
Virginia, 27974
Washington, 23419
Benzene carriage requirements; inquiry, 55897
Boating safety:
Boats and associated equipment; electrical systems, standards, 43858, 49838
Distress signals, visual; inquiry, 42218
Flotation devices, personal; information pamphlet, 55478
Gasoline fuel systems standards, 43322
Loading and flotation standards, 18032, 18679, 20590, 21650, 26027
Cadets; appointments to Academy:
Application and admission requirements, 28531
Female applicants; references, medical standards, etc., 47944
Cargo transfer operations, vapor recovery systems:
Equipment requirements, safety and operational, 14391, 21202
Cargo vessels:
Dangerous cargoes, special construction, etc.; self-propelled vessels carrying bulk liquefied gases; standards, 43822
Hopper dredges; damage stability standards, 32237
Dangerous cargoes:
Barges, unmanned; inspection; withdrawn, 55367
Bulk dangerous or flammable liquids; self-propelled vessels; safety standards, 26126
Copper and copper alloys with caustic soda and potash, 10915
Letters of compliance, issuance, etc.; self-propelled vessels carrying bulk liquefied gases; standards, 43822
Ships' stores and supplies; semi-portable carbon dioxide systems, 30654
Unmanned barges; visual identification, 5291, 7961
Diving, commercial; occupational safety and health standards, 29151
Drawbridge operations:
California, 35536, 37119, 47263
Connecticut, 10914, 47945, 53362
Florida, 32238, 37118, 50843, 53362, 55367, 55897
Iowa, 3745
Louisiana, 21649, 23977, 36510
Maine, 32238
Maryland, 37119
Massachusetts, 7516, 41711
Michigan, 35536, 47264
New Jersey, 10
New York, 50842, 52307, 53823
Ohio, 53824
Texas, 10446, 26026
Washington, 37118, 52307
Wisconsin, 16826
General provisions:
Civil penalty procedures, 7516
Inland waters; boundary lines; San Carlos Bay, Fla., 10
Lifesaving equipment:
Flotation devices, personal; labeling, 55480
Great Lakes vessels, requirements, 22840
Marine engineering:
Pressure vessels; self-propelled vessels carrying bulk liquefied gases; standards, 43822
Marine investigation regulations:
CG-NTSB marine casualty investigations, 56833
Measurement of vessels; waste materials deduction, 16826
Merchant vessel construction; noncombustible materials; procedures for approval, 14389
Navigation areas, regulated:
Guam, 20173
Passenger vessels:
Lifesaving equipment; first aid kits; ; requirements, 35072
Machinery installation; diesel fuel tanks, fiberglass reinforced hulls; prohibition, 30654
Pollution; protection of marine environment; tank vessels carrying oil in domestic trade; segregated ballasts, 19672
Ports and waterways, vessel traffic service, establishment; New Orleans, 24604, 32758
Records and document copies; exceptions to fees and charges, 37118
Safety, navigation:
Minimum net bottom clearance, 18771, 19673, 26578
Practices and requirements, 18766, 19673
Tug assistance in confined waters, 18770, 19672, 26578
Tank barges:
Visual identification, 5291, 7961
Tank vessels:
Firefighting equipment; self-propelled carrying bulk liquefied gases; standards, 43822
Foreign flag vessels, shipping paper requirements for, 37119
Inspection and certification; self-propelled vessels carrying bulk liquefied gases; standards, 43822
Loading information; requirements, 44711
Vessel design, equipment and operation for carrying oil, 15859
Towing vessels; stability criteria, 15349
Vessel installations:
Elevators and dumbwaiters; design and construction requirements, 14386

NOTICES
Bridges, highway; proposed construction:
Islamorada, Fla.; hearing, 30705
New Orleans, La.; hearing, 49918
Oak Island Canal, S.C.; hearing, 21215
Skipanon River, Oreg.; hearing, 26061
Citizenship oath filing:
Dow Chemical Co., 22857
Dundee Cement Co., 14919
Nelbro Packing Co., 50885
Shell Oil Co., 26604
Committees; establishment, renewals, etc.:
Boating Safety National Advisory Council, 53881
Chemical Transportation Industry Advisory Committee, 47279
Ship Structure Committee, 23463
Towing Industry Advisory Committee et al.; membership applications, 2426
Deepwater port license applications:
Galveston Wharves, Inc., 36534
Loop, Inc., et al., 3768, 16854, 36534, 39829
Seadock, Inc., 3769, 16857
Diving standards, commercial; memorandum of understanding with OSHA; hearing, 48969, 49208
Drawbridge operations:
Point Pleasant Canal, N.J.; hearing, 29742
Environmental statements; availability, etc.:
Bridge permit actions; procedures for consideration, 10464, 27103
LORAN-C transmitting station; Northern Minnesota, 50884
Equipment, construction, and materials; approvals and terminations, 5341, 5343, 7980, 11343, 14423, 14425, 18698, 23463, 23465, 23469, 23473, 23477, 23479, 24928, 26058, 30704, 37145, 37147, 38808, 39827, 44728, 47985, 48620, 49916, 52929, 55960
International Naval Review; New York, port of; temporary local regulations, 16855, 18339, 19748
Marine sanitation devices; certifications granted, 31682
Meetings:
Boating Safety Advisory Council, National, 14919, 36063, 41736, 52351

INDEX

UMI

Chemical Transportation Industry Advisory Committee, 1111, 2666, 5346, 7980, 13981, 15360, 20203, 23463, 30705, 32772, 50884, 55408
Coast Guard Academy Advisory Committee, 10465, 43223
Design and Equipment SOLAS Working Group, 35554
New York Harbor Vessel Traffic Service Advisory Committee, 15903
Offshore Operations Industry Advisory Committee, National, 5346, 11343, 16854, 24622, 48620
Prince William Sound Vessel Traffic Service, 2426
Research Advisory Committee, 9909, 36064
Rules of the Road Advisory Committee, 2846, 55961
Ship Structure Committee, 20203, 36064, 43224
Towing Industry Advisory Committee, 5347
New York, port of; temporary local regulations, 16855, 18339, 19748
Norfolk Downtown Harbor Regatta; special local regulations, 26060
President's Cup Regatta; special local regulations, 18698
Security zone termination; Governors Island, N.Y., 2109

COMMERCE DEPARTMENT

See also Census Bureau.
Domestic and International Business Administration.
Economic Analysis Bureau.
Economic Development Administration.
Energy Policy and Programs Office, Commerce Department.
Foreign-Trade Zones Board.
Maritime Administration.
National Bureau of Standards.
National Fire Prevention and Control Administration.
National Industrial Energy Council.
National Oceanic and Atmospheric Administration.
National Shipping Authority.
National Technical Information Service.
Patent and Trademark Office.
Regional Action Planning Commissions.
Trade Adjustment Assistance Office.
Travel Service.

RULES
Conduct standards:
Financial interests; exemptions and reporting, 34938
Contract appeals; handling procedures, 1583, 29817
Foreign direct investments; CFR Chapter revoked, 50807
Merchant marine and fisheries capital construction funds, 4257, 5810
National defense regulations, redesignation, 22562
Organization and functions:
Regional Action Planning Commissions; interagency evaluation, review and coordination, 7499
Voluntary laboratory accreditation program, National; procedures, 8164

PROPOSED RULES
Merchant marine and fisheries capital construction funds, 4280

NOTICES
Advisory committees, activities; availability of closed meetings report, 19361
Appliance efficiency, household; voluntary labeling for energy conservation:
Air conditioners, room, 14403
Energy Policy and Conservation Act, status of programs, 14403
Refrigerators, refrigerator-freezers, and freezers; correction, 1309
Coastal Plains Economic Development Region; modification of boundaries, 1803
Committees; establishment, renewals, etc.:
Black Population for 1980 Census Advisory Committee, 20435
East-West Trade Advisory Committee, 6786
Economic Advisory Board, 51861
Eight Regional Fishery Management Councils, 31416
Federal Information Processing Standards Task Group, 1506
Fire Prevention and Control, National Academy for, Board of Visitors, 5414
Housing for 1980 Census Advisory Committee, 10694
International Legal Metrology Advisory Committee, 12915
Product Liability Advisory Committee, 22855
Secretary's Advisory Council, 15900
Technical Advisory Board, 34660
Consumer product information labeling program, voluntary; operation and procedures, 21389, 21666, 22291, 26945
Consumer representation plan, 42845
Economic development regions, designations, etc.:
Four Corners; modification of boundaries, 24927
Southwest Border, 47272
Environmental pollution control at Commerce facilities; policies and procedure, 795
Financing institutions, official U.S. and international; issuance of guide for exporters and investors, 32634
Freedom of information; availability, 31416
Lead and zinc consumption; meeting, 41446
Meetings:
Economic Advisory Board, 1803, 12322, 25921, 42227
Lead and zinc consumption, 41446
National Industrial Energy Council, 5414
Oceans, commercial development, 18696, 21389
Patent and Trademark Office Advisory Committee, 14567
Product Liability Advisory Committee, 37385, 45603, 56687
Secretary's Advisory Council, 22855, 39057, 50323
Technical Advisory Board, 4053, 11334, 20202, 35008, 35547, 36827, 44205, 44206, 49512, 53839, 54796
Travel Advisory Board, 6300
Metric system; interpretation and modification of international system of units for U.S., 54018
Oceans, commercial development; conference, 18696, 21389
Organization and functions:
Administration, Assistant Secretary, 19996, 36058
Administrative Services and Procurement Office, 50319
Automatic Data Processing Management Office, 50320
Census Bureau, 8519, 24205
Chief Economist, 8520
Communications Office, 14567, 16679, 26593
Composition Division, 6299, 7972
Domestic and International Business Administration, Assistant Secretary, 24202, 26593, 55220
Domestic and International Business Administration, Assistant Secretary et al., 5857, 8404, 50314
Economic Analysis Bureau, 8520, 9908
Economic Development Administration, Assistant Secretary, 5858, 35548, 37829
Emergency Readiness Office, 37829
Energy and Strategic Resource Policy Office, 50321
Energy Programs Office, 801
Federal Energy Administration, Administrator, 52331
Field Programs Staff, 8520
Financial Management Services Office, 36058
International Economic Policy and Research Bureau, 50313
Maritime Administration, 31413
Maritime Affairs, Assistant Secretary, 41128, 43753
Minority Business Enterprises Office, 21209, 22291
National Academy for Fire Prevention and Control Site Selection Board; terminated, 47570
National Bureau of Standards, 36058
National Fire Prevention and Control Administration, 8520
National Oceanic and Atmospheric Administration, 795, 36061, 43753, 50317, 50318, 53525
National Technical Information Service, 18536, 31415, 43753
Organization and Management Systems Office et al., 5858, 19996, 50321
Patent and Trademark Office, 37831
Personnel Office, 24208
Policy, Assistant Secretary for, 8519, 24204
Policy Development and Coordination Office, 50322
Printing Division, 6299, 7972
Publications Office, 6299, 7972, 31415
Regional Affairs Office, 45602
Regulatory Economics and Policy Office, 50322
Science and Technology, Assistant Secretary, 18536, 26593
Telecommunications Office, 9260, 37830
Telecommunications Service Center; terminated, 35087
Tourism, Assistant Secretary, 5856
Travel Service, 5859
Privacy Act; systems of records, 23446, 24744, 33315, 34805, 35205, 36827, 38950, 48150
Procurement authority:
ADP equipment and services, 50323
Evaluation services, 24744, 50323

Product Liability Interagency Task Force; study, 40529
Science Court, proposed creation; meeting, 35008
Voting age population estimates for 1975, 5164
Watches and watch movements:
Allocation of quotas; Virgin Islands, Guam, and American Samoa, 16678, 37385, 50852, 56378
New entrants in Guam and Virgin Islands; invitation, 17951, 18459

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

See Executive, Legislative, and Judicial Salaries Commission.

COMMISSION ON FINE ARTS

See Fine Arts Commission.

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

See Gambling, Commission on Review of National Policy Toward.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

See Textile Agreements Implementation Committee.

COMMODITY CREDIT CORPORATION

RULES
Cooperative marketing associations; eligibility requirements for price support, 27077
Loan and purchase programs:
Barley, 35696, 43160, 46858
Corn, 44701, 47459
Cotton, 7755, 16816, 27078, 31182, 31545, 35521
Emergency feed program; livestock, 22552
Grain, 22334, 49476
Gum naval stores, 28288
Honey, 15398, 24337
Milk, price support, 15322, 32882, 48120
Oats, 35698, 43160, 46858
Oils, bulk, 7384
Peanuts, 40472, 46290
Processed agricultural commodities; dry and cold storage warehouses, 6059
Rice, 16816, 23930, 29809, 32879, 38156
Rye, 35701, 43160
Sorghum, 44704, 47459
Soybean, 44707
Tobacco, 27080, 27376, 31183, 36807, 49989, 50412, 52647
Tung nuts support program, 1975 crop, 6059
Wheat, 35702, 43160, 45997, 46858
Wool, 15323, 34248
Rewards; program rescinded, 15398

PROPOSED RULES
Loan and purchase programs:
Cotton, 2097, 31850, 48131, 56204
Feed grain, wheat, and soybeans, 31563
Honey, 4832, 6074
Milk, price support, 775, 19972, 32899, 48540
Rice, 8978
Tobacco, 13363, 22580, 24894, 41711, 41920, 43729, 45575
Tung nuts, price support program, 1976 crop, 40162

NOTICES
Authority delegations:
Assistant Treasurer; grain export claims project, 47567
Bylaws; membership, organization, and responsibilities, 14561
Dairy products, domestic disposition; policy resolution by Board of Directors, 15722
Loan and purchase programs:
Cotton; 1975 crop loan; acquisition, 13972
Farm storage and drying equipment; interest rate announcement, 13971
Grains and similarly handled commodities; warehouse storage loans; repayment date, 18889
Peanuts; 1976 crop warehouse storage loans, 37826
Meetings:
Advisory Board, 3766, 16674, 31922, 34331, 41734
Monthly sales list:
FY ending June 30, 1976, 1094, 2652, 2837, 4307, 9408, 16674, 20902, 26053
July 1 1976 through May 31, 1977, 29198, 47980, 54010

COMMODITY FUTURES TRADING COMMISSION

RULES
Arbitration or other dispute settlement procedures, 27522, 42942, 42946, 42947
Commodity Exchange Act regulations:
Commodity options, purchase and sale through designated trade boards and foreign options systems, 51814
Contract market rules, filing of copies, etc., 40091
Delivery notice, filing of copy, 48112
Futures commission merchants, registration, 44565
General conformity revisions, 3192, 4255
Records, cash commodity and futures transactions, 56143
Registration fees; correction, 28947
Registration of associated persons; applications, 38765
Trading and Markets Division, Executive Director et al.; authority delegation, 40098
Commodity option transactions, 44566, 51814, 53475
Floor brokers and futures commission merchants, trading standards, 56142
Freedom of information, 16290
Headquarters and San Francisco Sub-Office; address changes, 28260
Investigation proceedings, violations, etc., 29799
Organization and functions:
Central and Eastern Regional Offices; address change, 45435
Commission composition and authority, 28474
Conduct standards; adoption, 27511
Headquarters and San Francisco Sub-Office; address changes, 28260
Practice and procedure, 2508
Practice rules:
Commissioner, appeals to, 18071
Prior regulations revoked, 17537
Review of initial decisions, 19932
Public rulemaking procedures, 17537
Records and information:
Central and Eastern Regional Offices; address change, 46436
Reparation proceedings, 3994, 30587
Reports:
Definitions, persons required to report, etc., 48112
Merchants and foreign brokers, 48112
Seal, official, 9552
Suspension or disbarment from appearance and practice, 28471
Wheat; position and trading limits, 35060

PROPOSED RULES
Arbitration or other dispute settlement procedures, 27526
Commodity Exchange Act regulations:
Contract market rules, submission of rules to Commission, etc., 9528, 40167
Delivery notice, filing of copy, 30350
Exchanges designated as contract markets; required notification of pending legal proceedings, 37597
Records, cash commodity and futures transactions, 55887
Commodity option transactions; fraud, 7774, 9189, 9418
Floor brokers and futures commission merchants; dual trading, 3338, 9587, 13393, 15710
Freedom of information, 45706
Futures commission merchants, trading standards, 55887
Merchants, futures commission; application for registration and financial reports, 45706, 53355
Reports:
Definitions, persons required to report, etc., 30350, 30351
Merchants, processors, and dealers, 30351
Merchants and foreign brokers, 30350, 30351
Traders, 30351
Wheat; position and trading limits, 22547

NOTICES
Arbitration or other dispute settlements procedures; hearing, 6120
Committees; establishment, renewals, etc.:
State Jurisdiction and Responsibilities Advisory Committee, 13393
Commodity futures account insurance; form, nature and need for program; hearing, 24931
Commodity option transactions:
Fraud; inquiry; change of location, 9418
Implementation delay; letter to Congress, 16685
Wool, foreign futures contracts; statutory interpretation, 26606
Commodity trading advisors, registration as; changes in 5-R and 6-R Forms, 55375

UMI

Delivery points and locational price differentials, commodity futures contracts; hearing, 3337, 7446
Exchange disciplinary actions, disclosure; interim policy and procedures, 48562
Headquarters; change of location, 14586
Meetings:
Commodity Futures Trading Professionals Advisory Committee, 1816, 4963, 10252, 14212, 21682
Contract Markets and Self-Regulatory Associations, Regulation Advisory Committee, 5429
Contract Markets Economic Role Advisory Committee, 1941, 8208, 11347, 14212, 18911, 22406
Market Instruments Advisory Committee, 814, 3502, 5429, 5654, 7170, 7804, 9418, 10702, 10944, 12332, 15058, 15362, 16861, 17008, 18911
State Jurisdiction and Responsibilities under Commodity Exchange Act Advisory Committee, 19251, 27111
Officers, directors, et al., of exchanges; indemnification; inquiry, 29474, 33321
Platinum futures contract; Chicago Mercantile Exchange; application for contract market designation; inquiry, 38549, 41138
Potato contracts:
Chicago Mercantile Exchange; hearing, 32775
New York Mercantile Exchange, 28824, 29473
Privacy Act; systems of records, 39152
Private litigation referrals; primary jurisdiction; statement, 18471
Registration as associated persons: changes to Form 4-R, 32463

COMMUNICATIONS

See Federal Communications Commission.
National Communications System.
Rural Electrification Administration.
Telecommunications Policy Office.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

RULES
Community development block grants:
Discretionary grants; applications and criteria, 8612, 10592, 36650, 43104, 45970
Eligible activities, 2766, 36899, 43885
Entitlement grants; applications, 4132, 4818, 6726, 12680, 48476
Financial settlement; urban renewal projects, 20524
Fund allocations; metropolitan areas, 46303
Housing assistance plans; application requirements, 7503, 8345, 11128
Reallocated funds; administration, 21750
Inflation impact statements, 36650

PROPOSED RULES
Community development block grants:
Eligible activities, 8797
Environmental review procedures, 6204
Financial settlement; urban renewal projects, 6202
Grant administration and other program requirements, 52626
Housing assistance plans; application requirements, 2348
Program management, 50376
Comprehensive planning assistance:
Land use and housing elements; review and approval process, 44122

NOTICES
Authority delegations:
Regional Administrators et al., 8526, 12733, 28571, 29468
Community development block grants:
Applications and letters of intent for areawide program grants; closing dates, 42692, 51658, 55243
Discretionary grants, general purpose; metropolitan and nonmetropolitan areas; preapplications for 1977 FY, 45975
Regional Administrators; authority delegation, 28571, 29468

COMMUNITY SERVICES ADMINISTRATION

RULES
CFR Part headings revised, 44860
Community Action Programs:
Emergency Energy Conservation Programs, 29125, 52876
Federal Project Notification and Review System procedures, 27359, 28277
Financial management, grantee; additional communities eligible for non-Federal share requirement waivers, 14371
Financial management, grantee; increased non-Federal share; eligibility waiver, 20410
Funding grant applications; CSA Form 314 preparation, 56197
Funding grant applications; policies and procedures, 26685, 26688, 26689
Grantee involvement in news media, 6255
Income poverty guidelines; cost of living increases; revision, 14370, 16445
Personnel management, grantee; political activity restrictions, 15009, 18081
Personnel management, grantee; travel per diem rates for grantees and delegate agencies, 50825
Personnel management, grantee; travel regulations for grantees and delegate agencies, 33268, 50825
Summer Youth Recreation Programs, 20530
Freedom of information; inspection and copying of records, 7750, 41090, 43150, 48739
Privacy Act; implementation, 28497, 41090
VISTA:
Programs and project management; CFR Part removed, 44860
Volunteers; assignment, placement, transfer and supervision; CFR Part removed, 44860

PROPOSED RULES
Community Action Programs:
Federal Project Notification and Review System procedures, 8505, 9376
Food and nutrition program, 49179
Freedom of information; inspection and copying of records, 41104
Privacy Act; implementation, 18871

NOTICES
Community Services Act:
Grant programs, policy statements; deletion of outdated Instructions, 48167
Emergency energy conservation program, 47096, 49513
Privacy Act; systems of records, 19098, 20734, 39684

COMPTROLLER OF CURRENCY

RULES
Annual report to shareholders, form and content, 53978
Application procedures, supplemental, for charters, branches, mergers and relocations:
Customer-bank communication terminals; procedures and fees for branch bank establishment, 48334
Hearing procedures, 47936, 54477
Fees, assessment; National banks and District of Columbia banks:
Customer-bank communication terminals; procedures and fees for branch bank establishment, 48335
Semiannual assessment schedule revision, 3284
Fiduciary powers; National banks and collective investment funds:
Financial reports, annual; filing requirement, 26678
Funds operated by affiliated banks; gift investment to minors, 47937
Office procedures, 47937
Flood hazard areas, special; loans in:
Lending prohibition, delay; conforming to Emergency Housing Act of 1975, 6259
Loans exempted from prohibition, 52979
Investment securities:
Purchase, dealing in, and underwriting eligibility; limitations on bank holdings, 55324, 56193
Office description, procedures, and public information:
Application procedures, 47934
Customer-bank communication terminals; procedures and fees for branch bank establishment, 48334
Forms currently in use; revised list, 52439
Rulings:
Customer-bank communication terminals; rescinded, 36198
Real estate owned by National banks, 15401
Surplus, unimpaired; definition, 10211
Securities Exchange Act disclosure rules, 44824

PROPOSED RULES
Annual report to shareholders, form and content, 46144
Fiduciary powers; National banks and collective investment funds:
Non-public information; communications restrictions, 37812
Registered clearing agencies; applications for stays of disciplinary sanctions and summary actions, 26223
Trust funds held by bank, investment in variable amount notes; authority revision, 55717
Life insurance, income, credit; disposition, 29846, 37812

Rulings:
Bad debts; deduction from profits for dividend payment, 54600
Charitable contributions by national banks; limits, 54600
Letters of credit, 47258
Real estate owned by National banks, 8490
Securities Exchange Act disclosure rules, 9884, 29849
Securities offering disclosure rules, 32864

NOTICES
Authority delegations:
First Deputy Comptroller of Currency et al., 36520
Bank charters, branches, etc.; policy statements, exercise of responsibilities, 47964
Bank charters, branches, etc.; proposed policy statements, exercise of responsibilities, 22602
Insured banks; joint call for report of condition, 1525, 15363, 30057
Meetings; Banking Policies and Practices, Regional Advisory Committees:
First National Bank Region, 17793, 41106
Second National Bank Region, 34328
Third National Bank Region, 32248
Fourth National Bank Region, 32248
Fifth National Bank Region, 16667, 41106
Sixth National Bank Region, 22607, 41106
Seventh National Bank Region, 1298
Eighth National Bank Region, 1502, 44196
Ninth National Bank Region, 39053
Tenth National Bank Region, 41106
Eleventh National Bank Region, 30355
Twelfth National Bank Region, 23985, 47964
Thirteenth National Bank Region, 30355
Fourteenth National Bank Region, 34328
Meetings; Banking Policies and Practices National Advisory Committee, 16488
Securities; over-the-counter trading suspension:
First National Bank of Jefferson Parish, Gretna, La., 35078
Mercantile National Bank, Atlanta, Ga., 20592, 21494, 22607, 24613, 26589, 27854, 29435, 31578, 32930, 34982, 36044
Securities; registration applications:
Chase Manhattan Bank, 32248
First National Bank of Atlanta, 36825

CONSTRUCTION INDUSTRY

See Employment Standards Administration.

CONSUMER AFFAIRS AND REGULATORY FUNCTIONS, OFFICE OF ASSISTANT SECRETARY

RULES
Inflation impact statements, 24970, 24972
Mobile home construction and safety standards, 53627, 56275, 57014
Mobile home procedural and enforcement regulations:
Construction and safety standards, 19852
Consumer complaint handling and remedial actions; delay extension, 24972, 40337, 54597
Definitions, etc., 24970
Imminent safety hazard provisions applicability; modular housing, 57016
Real estate settlement procedures, 22703, 23673

PROPOSED RULES
Mobile home procedural and enforcement regulations:
Construction and safety standards, 41214
Mobile homes; consumer manual requirements, 29072

NOTICES
Authority delegations, SEE MAIN HEADING Housing and Urban Development Department, --
Committees; establishment, renewals, etc.:
Mobile Home Advisory Council, National, 28820
Meetings:
Consumer concerns and opinions; open forum, 36830
Mobile home regulations enforcement, 20908
Mobile home procedural and enforcement regulations:
Interpretative bulletins, 24973, 24974
Mobile home regulations enforcement; meeting, 20908
Real estate settlement costs; special information booklet, 20279

CONSUMER AFFAIRS OFFICE (HEW)

NOTICES
Consumer representation plans; hearings, 5691
Consumer representation plans; memorandum for President, 42767

CONSUMER PRODUCT SAFETY COMMISSION

RULES
Baby cribs, non-full size; banning and safety regulations, 6238
Bicycles; banning and safety regulations, 1061, 4144, 5386, 21631
Committees, advisory; management, 45822, 47422
Conduct standards, employee, 8018, 25891
Confidential information, safeguarding procedures:
Chemical formulations, 36649
Fireworks devices; labeling and safety requirements, 22934
Flammable fabrics:
Children's sleepwear; sizes 0-6x and 7-14; labeling requirements, 9864
Codification and transfer of regulations from FTC; corrections, 1061, 8032
Mattresses; testing exemption for physician prescribed, 37776
New or amended standards, establishment; simplification procedures, 12224
Policy statements; exportation of noncomplying goods, 16797
Hazardous substances and articles, banned; modification or replacement as alternative to repurchase, 55871
Information disclosure and employee testimony in private litigation, policies and procedures, 12300
Oral presentations concerning proposed consumer product safety rules; procedures, 16796, 26575
Petitioning procedures for rulemaking; interim guidelines, 43127
Poison prevention packaging:
Exemption from preemption; applications; interim rules, 37120
Iron preparations; child protection packaging requirements, 22266, 23187
Liquid paint solvent preparations, 16945
Policy or interpretation statements:
Consumer products importation; clarification of "importer", 47915
Priorities for Commission action, establishment, 27960
Privacy Act; implementation, 30323
Substantial product hazards; policy and procedures, 18651
Swimming pool slides, safety standards, 2742, 9307, 10062, 12638, 13911, 15003, 23187

PROPOSED RULES
Architectural glass; safety standards, 6178, 8071, 8798, 15873, 27852
Fireworks; labeling and safety requirements, 9512
Flammable fabrics:
Children's clothing; California, exemption from preemption, 56295
Children's sleepwear; sizes 0 through 6X; labeling, "loop label" placement, 43917
Children's sleepwear; sizes 7 through 14; labeling, "loop label" placement, 43919
Exemption from preemption; application submission and consideration, 31569
Nonadjudicative procedural requirements; investigations, inspections, and inquiries, 22956
Freedom of information, 16572, 49640
Hazardous products, banned:
Paint, lead-based and lead-containing, 33637, 44126
Hazardous substances and articles; administration and enforcement:
Balloon novelty items, plastic; exemption from banned classification, 14790
Pacifiers; banning and safety standards, 46347
Toys bearing lead-based or lead-containing paint, 33640, 44126
Hazardous substances and articles, banned; clarification of permission to modify as alternative to repurchase, 17936
Human subject, protection of; requirements and procedures, 37120
Matchbooks; safety standards, 14112, 19229, 39046
Poison prevention packaging:
Exemption from preemption; applications, 37124
Prescription drugs; child protection packaging requirements, exemptions, 9561, 11555, 18523
Products subject to other Acts under Consumer Product Safety Act:
Paint, lead-based and lead-containing, 33637
Vacuum bottles; proposed ban, withdrawn, 5833

INDEX

UMI

NOTICES
Aluminum, magnesium step, and extension ladders; safety standards; petition denied, 52100
Aluminum wire connections; household systems; safety standards, 23450
Aluminum wire system; subpoenas to various manufacturers; extension of filing time, etc., 48767
Animal hair products contaminated with anthrax spores; petition denied, 38549
Baseball bats, aluminum; enforcement proceedings, inquiry, 9913
Bicycles; safety standards; petition denied, 20441
Blowguns; safety standards; petition denied, 22859
Bookmatches, standards publication; extension of time, 5424
Bottle and jar cutting kits; petition for banning, denied, 8414
Carpets and rugs, flammability; enforcement proceedings:
Northwick Mills, Inc., 35019
Clothing; enforcement proceedings; inquiries, hearings, etc.:
Julius Berger & Co. et al., 44883
Ups 'n Downs, Inc., et al., 27997, 44734
Committees; establishment, renewals, etc.:
Chemical Monograph Referral Center (CHEMRIC), 6121, 7446
Flammable Fabrics Act National Advisory Committee, 11348
Poison Prevention Packaging Technical Advisory Committee, 11348
Contact adhesives, flammability; meeting, 31612
Containers, pull-tab and pull-off lid; safety standards; petition denied, 40216
Electric fan blade exposure; safety standards; petition denied, 7446
Environmental statements; availability, etc.:
Paint, lead-based and lead-containing, 53127
Fluorocarbons, petition for banning, denied, 815
Food, food containers, and food-related articles and equipment; memorandum of understanding with FDA, 34350
Lawn equipment, power; standards publication; extension of time, 9914, 27997
Mattress flammability; enforcement proceedings:
AAA Mattress Co., Inc., 16607
Atlas Bedding Manufacturing Corp. et al., 12919
F & D Associates et al., 16607
Foam-Tex Co., Inc., et al., 16607
Royal Bedding Co. et al., 16608
Slumber King Manufacturing Corp. et al., 5144
Warren, Joseph, 16608
Meetings:
Aluminum wire system subpoenas, enforcement, 55928
Contact adhesives, flammability, 31612
Flammable Fabrics Act National Advisory Committee, 14920, 28349, 42235, 56883
Poison Prevention Packaging Technical Advisory Committee, 21401, 38206, 39831, 56883
Product Safety Advisory Council, 3339, 17009, 31933, 47585, 56681
Ovens, external surface temperature; safety standards; petition denied, 52100
Paint, lead-based and lead-containing; safe level determination; hearing and extension of time, 33636, 36832, 44128
Playground equipment, public; standards publication; extension of time, 8095
Privacy Act; systems of records, 5655, 18279, 32875, 37291, 48398, 55220
Stud drivers, power-actuated; safety standards, 20205
Television receivers; standards publication, extension of time, 27111, 51055
Turf covering, artificial; safety standards; petition denied, 39068
Vinyl chloride; repurchase requirements, 5425
Washing machines, perforated tub; safety standards; petition denied, 7171

CONSUMERS

See Consumer Affairs and Regulatory Functions, Office of Assistant Secretary.
Consumer Affairs Office (HEW).
Consumer Product Safety Commission.
Federal Trade Commission.
National Highway Traffic Safety Administration.

COOPERATIVE STATE RESEARCH SERVICE

NOTICES
Meetings:
Committee of Nine, 10458, 19241, 27098, 49661
Cooperative Forestry Research Advisory Board, 7437, 38535
Cooperative Forestry Research Advisory Committee, 7437
Special grants program, applications closing date, 53119

COPYRIGHT OFFICE, LIBRARY OF CONGRESS

RULES
Records availability, 2230
PROPOSED RULES
Copyright owners and broadcasting entities; license agreements, termination of grants covering extended renewal terms, and use of records for mailing lists, 50300, 51428

COPYRIGHTED WORKS, NEW TECHNOLOGICAL USES NATIONAL COMMISSION

NOTICES
Meetings, 5455, 11629, 17021, 20740, 37678, 44460, 48820, 55392

COSMETICS

See Food and Drug Administration.

COST ACCOUNTING STANDARDS BOARD

RULES
Cost accounting standards:
Allocation costs, consistency in estimating, accumulating, and reporting; interpretation, 52428
Allocation costs incurred for same purpose, consistency; interpretation, 24692
Business unit expenses, general and administrative; final cost objectives; allocation, 16135, 22241, 27311
Compensation; deferral cost, 31799
Definitions; cost input and general administrative expenses, 16141, 22241
Definitions; deferred compensation cost, 31799
Definitions; facilities capital, 22244
Money cost; facilities capital, 22244, 37091
Procurement practices; contract coverage; defense contractors exemptions, 4809
PROPOSED RULES
Cost accounting standards:
Allocation costs incurred for same purpose, consistency; interpretation, 5134, 6121
Compensation; defferal cost, 14788
Home office expenses to segments, allocation; nonexemption to contractors, 52473
Money cost; facilities capital, 9562
Procurement practices; contract coverage; cost estimates, 56657
NOTICES
Cost accounting standards:
Allocation costs incurred for same purpose, consistency; interpretation, 5134, 6121
Consistency in estimating, accumulating, and reporting costs; interpretation, 26065

COUNCIL ON ENVIRONMENTAL QUALITY

See Environmental Quality Council.

COUNCIL ON WAGE AND PRICE STABILITY

See Wage and Price Stability Council.

CUSTOMS SERVICE

RULES
Air commerce regulations:
International airports, list of official names, 39021
Manifest discrepancy, explanation, 10884
Reporting and landing requirements for aircraft owned or chartered by air travel clubs, 5386, 6242
Shipper's export declarations; alternative procedure for filing, 36497
Antidumping:
Acrylic sheet from Japan, 36497
Birch 3 ply doorskins from Japan, 7389
Lead metal, primary, from Australia, 18809
Lead metal, primary, from Canada, 18809
Potassium chloride (muriate of potash), from Canada, 32894
Potassium chloride (muriate of potash), from France, 2820
Power transformers, large, from United Kingdom, 14731
Roller bearings (tapered) and certain components from Japan, 34975
Tuners (type used in consumer electronic products) from Japan, 21185, 32421, 34597
Water circulating pumps, wet motor type, from United Kingdom, 27843
Antidumping Act procedures, 26204

Articles conditionally free, subject to reduced rate, etc.:
Canadian automotive products, 31529
Instruments of international trade, 21185
Carriers, cartmen, and lightermen:
Duration of license, 50822
Customhouse broker license; examination, 53001
Customs bonds:
Alcoholic beverages, landing bond; forms, 41421
Termination; customhouse cartage or lighterage license, 50822
Customs warehouses, merchandise control; specifications for partitions, 42649
Drawback statements:
Signing of documents and powers of attorney, 50419
Drawback verifications, 18071
Entry of merchandise, 56629
Financial and accounting procedure:
Interest rate increases; delinquent payments on imported alcoholic beverages, 38767
Fines, penalties, and forfeitures:
Customs laws; voluntary disclosure of violations, 31529
Freedom of information; availability, 18071, 21444, 22936, 29666
Gold; importation and exportation; enforcement proceedings, 2383
Inspection, search, and seizure; merchandise subject to forfeiture, 17381, 56629
Liquidation of duties; countervailing duties:
Beads, glass, from Canada, 37103
Beef (frozen, boneless) from European community, 16931
Cap screws from Italy, 34250
Castor oil products from Brazil, 11018
Cheese from Austria, 1274, 1275
Cheese from Finland, 24702, 24703
Cheese from Sweden, 27032, 27033
Cheese from Switzerland, 1467, 1468
Cheese (other than Jarlsberg) from Norway, 21767
Float glass from Italy, 1274
Footwear from Korea, 1587, 1588, 42184, 55707
Footwear from Taiwan, 1298, 26035, 42184, 55707
Leather handbags from Brazil, 1741, 8950, 28788
Steel plate, carbon and high strength, from Mexico, 1273
Sugar content of certain articles from Australia, 23669, 32230
Vitamin K from Spain, 50419
X-radial steel belted tires from Canada, 30325
Mail importations:
Duty free gifts from Armed Forces members in combat zones; revoked, 41911
Invoice and value declarations, 14731
Merchandise; classification and appraisement:
Footwear, certain; American selling price, 28786
Merchandise; consumption, appraisement, and informal entries:
Articles imported for public library, institution, and non-profit organization, 21444
Customs forms, 31811
Merchandise, special classes:
Pleasure boats and equipment, foreign-made; importation, 23398
Prohibited articles or matter; seizure and disposition, 39022
Merchandise shipped in bond; package labeling, 5629
Organization and functions; field organization; ports of entry, etc.:
Battle Creek, Mich., 35061
Charleston, S.C.; extension of limits, 21185
Dayton, Ohio; extension of limits, 10212
Erie, Pa.; extension of limits, 55872
Grand Rapids, Mich., 55872
Houston and Laredo, Tex., 10602
Mackinac Island, Mich., 13333
Mobile, Ala.; extension of limits, 38767
Ogdenburg, N. Y., 24702
Orlando, Fla., 47033
Progreso, Tex., 54926
Richmond, N.Y., county of; transfer, 8473
Permits, special, for immediate delivery prior to entry, 10603
Produce, fresh, arriving from Canada or Mexico, 33248
Personal declarations and exemptions:
Crewmember status, certain employees of U.S., 54167
Customs clearance for high government officials, 50996
Relief from duties on merchandise lost, etc.
Produce, fresh, arriving from Canada or Mexico, 33248
Sale provisions, 56629
Vessels in foreign and domestic trades:
Manifest discrepancy, explanation, 10884
Palestine et al.; special tonnage tax and import exemption, deletions and name changes, 55872
Panama; coastwise transportation, 31197
Philippines; special tonnage tax and impost exemption, suspended, 42648
Singapore; coastwise transportation, 42648
Zaire et al.; special tonnage tax and impost exemption, name changes, 42648
Warehouse and rewarehouse entries and withdrawals:
Form 7502; triplicate copy requirement, 11018
PROPOSED RULES
Administrative rulings:
Bobbins; tariff classification, 5826
Air commerce regulations:
Presidio-Lely International Airport; designated airport for arrival of private aircraft, 38187
Antidumping; fair value determination; adjustments for circumstances of sales, 39030
Articles conditionally free, subject to reduced rate, etc.:
Fishing vessels; application procedure for supply withdrawal, 22952
Race horses, temporarily exported; duty free return, 27972
Canada and Mexico, Customs relations with:
Bonded merchandise, transportation, 34271, 43922
Trucks transiting Canada, 53810
Customhouse broker license; examination, 24889
Customs warehouses, merchandise control; specifications for partitions, 14191
Drawback claims, accelerated payment, 49646
Financial and accounting procedure:
Overhead costs, administrative, 9555, 12229
Seals, customs, 12017
Freedom of information; availability; vessel manifests, 16659
Liquidation of duties; countervailing duties:
Procedures, information, etc., 41093, 48132
Merchandise, special classes:
Energy-using consumer products, certain; importation, 31223
Motor vehicles and equipment, importation; correction, 1498
Operations provisions, 34261
Organization and functions; field organization; ports of entry, etc.:
Charleston, S.C.; extension of limits, 8800
Cleveland, Ohio; extension of limits, 53039, 54777
Detroit, Mich., 26225
Erie, Pa.; extension of limits, 39030
Grand Rapids, Mich., 28517, 45015
Louisville, Ky.; extension of limits, 53039
Mobile, Ala.; extension of limits, 26224
Morristown and Waddington, N. Y.; designations revoked, 10230
Orlando, Fla., 34049
Portland, Maine; realignment and redesignation, 27972, 41919
Progreso, Tex., 22952, 46605
Trademarks, trade names, and copyrights; sound recording copyright recording, 54188
Transportation in bond and merchandise in transit:
Bonded merchandise, 34271, 43922
Customs seals, 12017
Vessels in foreign and domestic trades:
Dutiability, vessel equipment, foreign purchases by American fishing vessels, 8490, 14760
Warehouse and rewarehouse entries and withdrawals:
Bonded merchandise, transportation, 34271, 43922
NOTICES
Antidumping:
Round head steel drum plugs from Japan, 23732
Sheet glass, clear, from Romania, 14909, 36520
Authority delegations:
Assistant Commissioner; waiver of erroneous payments, 13380
Assistant Commissioner of Customs, 55764
Regional Commissioners et al.; withholding from compensation due, etc., 7551, 8508
Countervailing duty petitions and preliminary determinations:
Asparagus, processed, from Mexico, 1299
Beads, glass, from Canada, 8988, 51490
Beef (boneless, frozen) from European community, 13957
Bicycles from Republic of China, 22115, 47084
Chains and parts of cast iron, iron or steel from Italy, 49209
Cheese from Sweden, 782
Cordage, man-made fiber, from Republic of Korea, 53882
Cotton yarn from Brazil, 22114, 39053
Electronic products, consumer, from Japan, 1298, 10235
Fasteners from Japan, 23732, 47085
Ferrochrome from South Africa, 1298, 10235
Fish from Canada, 31240, 44196

INDEX

UMI

Float glass from Belgium, 1299, 10235
Float glass from United Kingdom, 10235
Float glass from West Germany, 1300, 10236
Footwear, non-rubber, from Argentina, 782
Footwear from Republic of Korea, 26035, 55707
Footwear from Taiwan, 55707
Handbags from Republic of China, 27979, 52738
Handbags from Republic of Korea, 27979, 52737
Leather wearing apparel from Republic of Korea, 50523
Litharge and red lead from Mexico, 32248
Scissors and shears from Brazil, 14547, 33312
Screws from Italy, 7157
Silicon electrical steel, grain oriented, from Italy, 49922
Steel products from European community, 2834
Tile, glazed ceramic wall, from Philippines, 9245
Tomatoes and tomato concentrates, canned, from Italy, 49922
Vitamin K from Spain, 3755, 19677
Zinc, unwrought, from Spain, 32249, 55765
Customhouse broker license; cancellations:
Hoffnung, Arthur, 43746
Jensen, Norman G., 47268
Customhouse broker license; rescheduling of examination, 24731
Customhouse cartman's license:
Marino Express, Inc.; revoked, 33926
Fines, penalties, and forfeitures; limiation period waiver, 4302
Foreign currencies; certification of rates:
French franc, 15427
Irish pound, 14199, 15427, 16983, 22283, 24731, 27746
Italian lira, 7794, 8508, 8988, 9575, 11589, 12310, 14199, 15427, 16983, 18881, 22283
New Zealander dollar, 27746
Portuguese escudo, 15427, 16983, 27746
Spanish peseta, 8988, 9575, 11589, 12310, 14199, 15427, 16983
Sri Lanka rupee, 24731, 27746
Swiss franc, 27746
United Kingdom pound, 14199, 15427, 16983, 22283, 24731, 27746
Foreign value determinations:
Roller bearings (tapered) from Japan, 47268
Generalized system of preferences; duty-free entry of certain merchandise from designated developing countries, 14547
Atrazine, technical, from Israel, 54828
Importation restrictions:
Chain door locks, 19989
Instruments of international traffic:
Plastic reels for transporting recording tapes, 31240
Polypropylene bags fitted with polyethylene liners, woven, 24731
Stainless steel tanks for transporting liquid chemicals, 24731
Steel racks for transporting lawn mower housings, 31240
Trays of metal and plastic, certain, for transporting bread products, 46626
Meetings:
Joint Strategic Target Planning Staff Scientific Advisory Group, 13381
Reimbursable services; excess cost of preclearance operations, 4945, 17405, 21578, 49560
Tariff classification:
Vegetable oil, fractionated, 13380, 19989
Tariff-rate quotas:
Fish, 7157
Fish, tuna, 20592
Potatoes (white or Irish other than certified seed), 47268
Trade name recordation applications:
Brittania Sportswear, 43923, 50747
Dunlong Freres & Fils, 5324, 12310
Eurotime, 8083
Marketing Planning Associates, Inc., 5324
Offspring Fashions, Inc., 29890, 37609
Pentimento Sportswear, 43923, 50747
Ten Pro, 42680, 50747

DEFENSE CIVIL PREPAREDNESS AGENCY

NOTICES
Meetings:
Design and Construction of Shelters Advisory Committee, 19356

DEFENSE COMMUNICATIONS AGENCY

NOTICES
Meetings:
Scientific Advisory Group, 1942, 19356, 38527

DEFENSE DEPARTMENT

See also Air Force Department.
Army Department.
Defense Civil Preparedness Agency.
Defense Communications Agency.
Defense Intelligence Agency.
Defense Mapping Agency.
Defense Nuclear Agency.
Defense Supply Agency.
Engineers Corps.
Navy Department.

RULES
Air traffic and navigation aids; security control plan (SCATANA), 9322
Contractors receiving negotiated contract awards, $10 million or more, 40466
Freedom of information, 27074
Higher learning institutions barring recruiting personnel from premises, identification, 5821
Ocean transportation service; organizational title and address changes, 15410
Procurement; adoption of ASPR; availability of CFR volumes, 24122
Records, offcial; release and authentication of copies; CFR Part revoked, 26857
Regulations, proposed and adopted, affecting the public; publications, 27074
School of Medicine; Uniformed Services University of Health Sciences; admission policies and procedures, 5389
Security:
Industrial personnel security clearance program, 19303
Separations, administrative; enlisted personnel, 9088
Toxic chemical or combined toxic and explosives hazards, safety standards, 27963

PROPOSED RULES
Air installations compatible use zones, 36030
Ammunition and explosives safety standards:
Toxic chemcial standards, 20686, 36506
Underground storage; quantity-distance standards, 46867, 50009
Conduct standards, 53673
Credit unions serving Defense Department personnel, 53488
Intergovernmental coordination; land and facility plans and projects, 9173
Non-government standards, development and use, 31842
Personnel administration, merit promotion system, 52473
Security:
Industrial personnel security clearance program, 51041
Sunshine Act; implementation, 55724

NOTICES
American Forces radio and television; political broadcast policy, 46489
Civilian Health and Medical Program for Uniformed Services (CHAMPUS); appeal and hearing procedure, 47505
Committees; establishment, renewals, etc.:
Design Awards Jury, 46489
Gravimetric Data Utilization Advisory Group, 10454
Profit '76 Special Advisory Committee, 24613
Consumer representation plan, 42871
Drug and biologics quality assurance; interagency agreement with FDA, 3887
Freedom of information, 36523
Medical care of U.S. employees and dependents overseas; reimbursement rates, 51061
Meetings:
Defense Industry Advisory Group in Europe, 9247, 34329
Defense Intelligence School Board of Visitors, 11041, 47086
Design Awards Jury Committee, 49666
Electron Devices Advisory Group, 791, 1300, 4607, 5139, 8193, 11329, 14548, 16185, 17405, 17406, 18322, 21495, 22389, 22610, 22611, 28550, 33927, 35735, 41121, 41122, 42965, 43948, 47975, 50465, 50466, 55930
Epidemiological Board, 2835, 8400
Gravimetric Data Utilization Advisory Group, 12908
High Energy Laser Review Group, 2102, 3325, 14200, 19678, 27090, 34329, 41932, 55570
Industrial College of Armed Forces, Board of Advisors, et al., 36671
Industry Advisory Group in Europe, 48770
Joint Strategic Target Planning Staff Scientific Advisory Group, 51850
Materials Shortages Steering Committee, 5324
Military Airlift Committee, 15038
Natural Resources Conservation Advisory Committee, 51647
Profit '76 Special Advisory Committee, 27397
Science Board Advisory Committee, 18097
Science Board task forces, 3490, 3754, 4038, 5642, 5839, 8084, 10932, 14440, 15039, 15878, 17405, 17582, 18097, 18322, 18689, 20428, 26235, 28807, 29436, 31578, 32441, 35866, 38193, 44433, 44715, 45854, 46032, 46355, 48563, 50050, 51850, 53525, 54523, 55570
Systems Management College Board of Visitors, 41439
Systems Management School Board of Visitors, 15878
Wage Committee, 5408, 5839, 10454, 15879, 22848, 24613, 24733, 27747, 28550, 33927, 41439, 45034, 49666, 54212
Women in Services Advisory Committee, 11591, 31409, 34991, 44873, 56379
Organization and functions:
Defense Communications Agency, 14910
Privacy Act; systems of records, 1928, 2946, 6779, 9398, 15427, 16185, 27746, 30796, 32249, 32931, 36523, 39356, 43747, 44715, 49960

DEFENSE INTELLIGENCE AGENCY

NOTICES
Meetings:
Scientific Advisory Committee, 1300, 4038, 5408, 9398, 10454, 13381, 17405, 19991, 30051, 35544, 39054, 42682, 44433, 51061, 54972
Meetings, closed; availability of reports, 89880

DEFENSE MANPOWER COMMISSION

NOTICES
Meetings, 1816, 3770, 5429, 5655

DEFENSE MAPPING AGENCY

NOTICES
Privacy Act; systems of records, 8513

DEFENSE NUCLEAR AGENCY

NOTICES
Meetings:
Scientific Advisory Group, 26742

DEFENSE SUPPLY AGENCY

RULES
Freedom of information; availability, 13921
Privacy Act; implementation, 18836, 25897, 39315
Procurement, 9093, 13920

PROPOSED RULES
Privacy Act; implementation, 32231

NOTICES
Affirmative action program, complaints, etc.:
Timken Co., 12735
Authority delegations:
Supply Centers, Commanders, et al.; contracting functions, 8414
Contract debarment, future; proposed cancellation or termination:
Artisan, Inc., 16985
Hahn & Clay, 29436
Warner & Swasey Co., 53129

DELAWARE RIVER BASIN COMMISSION

PROPOSED RULES
Flood plain use; non-tidal areas; standards, 24909

NOTICES
Chemical storage and transfer facilities; construction and operation:
Dow Chemical Co., 31418
Comprehensive plan, floodwater retarding dam project; hearing, 21682
Comprehensive plan, sewage treatment plant projects, etc.; hearings, 2273, 8096, 12085, 15908, 21217, 24762, 30056, 35557, 41746, 46898, 52897, 56883
Environmental statements; availability, etc.:
Delaware River and major tributaries, 24932, 29899
Hoffmann-LaRoche, Inc., 46369, 51436

DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF

See Education of Disadvantaged Children, National Advisory Council.

DISASTER ASSISTANCE

See Agency for International Development.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Disaster Assistance Administration.
Federal Insurance Administration.
Small Business Administration.

DISEASE CONTROL CENTER

RULES
Industrial sound level meter sets, certification, 44397, 49636

PROPOSED RULES
Gas detector tube certification; classification and labeling, 48753
Head protective devices; certification, 1757, 2249

NOTICES
Advisory Committees; annual reports filed, availability, 49675
Authority delegations:
Assistant Secretary for Health et al., 22117
Breathing apparatus, self-contained; feasibility of certifying component parts; meeting, 36530
Coal mine dust sampler units, personal; hearing, 52103
Coal miners, underground; medical examination specifications; draft availability, 47091
Committees; establishment, renewals, etc.:
Drinking Water Disinfection Ad Hoc Advisory Committee, 52535, 53709
Immunization Practices Advisory Committee, 18538
Medical Laboratory Services Advisory Committee, 27415
Gas detector tube units; certification applications, 3497, 24928
Industrial sound level meter sets, certification applications, 46896
Meetings:
American Academy of Pediatrics' Committee on Infectious Diseases, 38539
Breathing apparatus, self-contained; feasibility of certifying component parts, 36530
Coal Mine Health Research Advisory Committee, 8522, 33573, 56859
Drinking Water Disinfection Ad Hoc Advisory Committee, 52536
Immunization Practices Advisory Committee, 2270, 9583, 16847, 22620, 43214, 56716
Occupational Safety and Health Committee, National Institute for, 1309
Safety and Occupational Health Study Section, 16998, 41129
Venereal Disease Control Advisory Committee, 8522
Noise dosimeter sets, personal; availability of draft regulation, 39057
Occupational safety and health standards for certain chemical agents:
Exposure levels, safe standards for employment; inquiries, 802, 1936, 12731, 17590, 31585, 36232, 55941, 55942
Occupational safety and health standards for personal protective equipment, industrial; inquiry, 14404

DISEASES

See Animal and Plant Health Inspection Service.
Disease Control Center.
National Institutes of Health.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

RULES
Adjustment assistance, certification of eligibility for:
Communities and firms; CFR Parts revoked, 54751
Administrative proceedings, confidential, 18068
Appeals procedure; CFR correction, 16161, 19301
Defense materials system; copper and copper-based alloys, set-aside percentages, 37331
Export licensing:
Appeals; CFR correction, 16161, 19301
Clearance, export, 16161
Fertilizer materials subject to monitoring, 22931
General licenses, 16161
Petroleum and petroleum products; continuation of short supply controls, 2076, 15001, 28259, 44157
Policies and provision, special country, 16161
Policy, general, and related information, 16161
Reexports, 16161
Special licensing procedures, 16161, 51033
Trade practices, restrictive, or boycotts:
Boycott related reports, availability, 44861, 46443
Requirement to report, 7089

INDEX

UMI

PROPOSED RULES
Trade practices, restrictive, or boycotts:
Boycott related reports, availability; reporting forms revised, 51424

NOTICES
Authority delegations:
Defense Department Secretary, 13641
Domestic and International Business; Assistant Secretary, 28334
Energy Research and Development Administrator, 13642
General Services Administrator, 13643
Committees; establishment, renewals, etc.:
President's Export Council, 56378
Export privileges, actions affecting:
Abel, Friedrich, et al., 22116
Alsemgeest, Adrianos A.C., et al., 24200
American Hellenic Corp. et al., 20201
Amos, Lionel, Amos (Machinery) Ltd., et al., 19743
Botez, Kathleen, et al., 13386
Brooks Delektro, Inc., et al., 13386
Caramant Gmbh et al., 54787
Engler & Co. et al., 41445
Gahagan, K.J.E., 26053
Goldberg, Albert, A., and National-Tronics Co., 17798
Hoffman, Helmut, et al., 54788
Hughes, Patrick, et al., 35545
Little, Arthur D., Inc., 7536
Lorenz Computer GmbH et al., 29895
Pirani, Badru, et al., 13386
Porn & Dunwoody, Ltd., 35546
Rotavia (Pty.) Ltd., 26053
Sas & Son, T.J., Ltd., et al., 8199
Schifter & Co., et al., 24201
Virginia Institute of Marine Science et al., 24202
Wenzel, Gert, and Wenzel Electronik, 16675
Fertilizers; export monitoring reports:
February, 1976, 26174
January 1976, 18632
July-December 1975, 12198
March 1976, 35146
Meetings:
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 7799, 16996, 30374, 42689, 45602
Computer Systems Technical Advisory Committee, 1611, 3496, 5336, 6298, 6299, 9410, 10461, 14202, 14203, 14914, 18458, 18891, 20603, 21211, 21835, 29457, 30699, 32623, 35546, 35876, 39365, 39808, 46036, 51645, 51857
East-West Trade Advisory Committee, 5643, 16995, 36056, 51646, 51856
Electronic Instrumentation Technical Advisory Committee, 21834, 35006, 37634, 56377
Exporters' Textile Advisory Committee, 1309, 18694, 33928, 49875
Importers' Textile Advisory Committee, 7800, 17589, 22615, 43750, 55921
Management-Labor Textile Advisory Committee, 3496, 22615, 34092, 43751, 50045, 55921
Metal Scrap Problems Industry Advisory Committee, 12078
National Industrial Energy Council, 24440, 28816, 36231, 36676, 49511, 49512
Numerically Controlled Machine Tool Technical Advisory Committee, 4622, 6105, 7166, 7536, 7799, 7800, 7972, 9410, 16594, 29458, 41950
President's Export Council, 2655, 7165, 25919, 29458, 35877, 44204, 46360, 49875, 52510
Scientific Advisory Committee, 1300, 4038, 5408, 9398, 10454, 13381, 17405, 19991, 30051, 35544, 39054, 42682, 44433, 51061, 54972
Semiconductor Manufacturing and Test Equipment Technical Advisory Committee, 4623, 18890, 19357, 20603, 20604, 21663, 32623, 34098, 35740, 36056, 36057, 46037, 46497, 50710, 51860
Semiconductor Technical Advisory Committee, 51860
Telecommunications Equipment Technical Advisory Committee, 7800, 18129, 37636, 47981, 55374
Meetings, closed; availability of reports, 8988
Motor vehicle manufacturers, bona fide; list of names and addresses as of May 1, 1976, 22851
National defense regulations; priority system, 40106
National defense regulations, redesignation, 22562
Nuclear controls; list of countries adhering to Limited Nuclear Test Ban Treaty, additions:
Grenada, 23668
Organization and functions:
Administrative Management Directorate, 20201
Administrative Support Office, 54016
Business Research and Analysis Office, Office of Director, 22619
Domestic and International Business Office, Assistant Secretary, 1935
Domestic Commerce Bureau, 4951
East-West Trade Bureau, 11592, 28335
Field Operations Office, 34334
International Commerce Bureau, 34333
International Economic Policy and Research Bureau, 5412, 26592
Management and Systems Office and Budget Office, 46895
Public Affairs Office, 54971
Service industries domestic and world markets study; inquiry, 12236
Scientific articles; duty free entry:
Administrative Hospital Services, Inc., et al., 1302
Agriculture Department et al., 44434, 48560
Albany Medical Center, 12317
Albert Einstein College of Medicine, 19739
Ames Laboratory, 4311
Aura, Inc., 54788
Baroness Erlanger Hospital et al., 4952
Baylor College of Medicine, 54788
Bellevue Hospital Center, 7970
Bishop Clarkson Memorial Hospital et al., 1611, 15436
Bowdoin College et al., 25042
Brigham Young University, 38196
Brookhaven National Laboratory et al., 1303, 34090, 52096, 53682
Brown University, 24618
California Institute of Technology, 41126
Cardeza Foundation, 8089
Carnegie Institution of Washington et al., 41444
Carnegie-Mellon University et al., 18123
Carney Hospital et al., 34090
Case Western Reserve University et al., 16992, 30374
Children's Hospital Medical Center et al., 18892, 51857
Colorado School of Mines, 16845
Columbia University, 38799
Cornell University et al., 8089, 12317, 15435, 35204, 55218
Creighton School of Medicine, 6103, 15047
Daniel Freeman Memorial Hospital, 1303
Dayton VA Center, 35086, 35087
Department of Health and Mental Hygiene Laboratories Administration et al., 15437
Donald N. Sharp Medical Center et al., 1303
Downstate Medical Center, 16992
Duke University Medical Center, 1303
Ear Research Institutes, 5643
Ellis Fischel State Cancer Hospital et al., 18124
Emory University School of Medicine, 18124
Emory University Yerkes Research Center, 46360
Environmental Protection Agency, 2656, 50309
Food and Drug Administration et al., 37634
Frederick Cancer Research Center et al., 44434, 54969
Geological Survey, 35084, 41126, 43211, 55921
Georgia Institute of Technology, 16993
Georgia Southwestern College et al., 18895, 19243
Georgia State University, 13974
Hartford Hospital, 44435
Harvard Medical School, 18892
Harvard University et al., 10246, 34090
Health, Education, and Welfare Department, et al., 38197
Holy Cross College, 15047
Howard University Hospital, 14565
Hutchinson Cancer Research Center, 29001
Illinois Natural History Survey, 34091
Indiana University et al., 4953, 18892
Interior Department et al., 9906
Iowa State University et al., 32934, 51858
Jewish Hospital of St. Louis, 13974
Johns Hopkins University et al., 1304, 18893, 23738
Kansas State University, 43212
Kentucky Baptist Hospital et al., 18693
Kentucky Department of Agriculture, 16993
Lamont-Doherty Geological Observatory, 38799
Lehman, Herbert H., College of Cuny et al., 45890
Lester E. Cox Medical Center, 6784
Los Angeles County et al., 24619
Louisiana State University Medical Center, 7970
Lowell Technological Institute, 22854
Loyola University Stritch School of Medicine et al., 19740, 35084, 46359
Massachusetts General Hospital et al., 4311, 12318

Massachusetts Institute of Technology, 4313, 5643, 6103, 13975, 29001, 34092
Mayo Foundation, 4313
Medical University of South Carolina, 28335
Merck Institute, 11191
Metropolitan Medical Center et al., 29002
Michigan Cancer Foundation, 9579
Mobile Infirmary Association, Inc., 22615
Montana State University, 4314
National Bureau of Standards, 13975
National Cancer Institute, 5644
National Center for Toxicological Research, 1305
National Institutes of Health, 2656, 8403, 13975, 23739, 24201, 46359
National Oceanic and Atmospheric Administration et al., 18125, 43212
National Radio Astronomy Observatory Associated Universities, Inc., 1305, 2270, 34094, 37635
Naval Regional Medical Center, 38198
New York Hospital, 8090
New York State Department of Health et al., 20433
North Carolina Agricultural and Technical State University et al., 13976, 22854
North Carolina State University et al., 21212, 44435, 46359
Northwestern University, 1306, 8089, 14565
Northwestern University Medical School, 44436
Ohio State University Research Foundation, 34094
Oregon Graduate Center, 18126
Palo Alto Veterans Hospital, 12319
Papanicolaou Cancer Research Institute, 6104
Pennsylvania Hospital, 1306
Pennsylvania Muscle Institute et al., 45891
Pennsylvania State University, 1612, 34094
Public Health Service, 1305
Purdue University et al., 56875
Queens College, 12318
Queen's Medical Center, 6784
Ramapo College, Mahwah, N.J., 13977
Rensselaer Polytechnic, 35085
Research Foundation for Mental Hygiene et al., 50850
Roswell Park Memorial Institute et al., 2656, 7972
Rutgers Medical School, 54789
Salk Institute, 35085, 53683
San Diego State University Foundation, 45891
San Jose State University et al., 29003
Sandia Laboratories et al., 18126, 43751, 44436, 47568, 55921
Scripps Clinic, 10247
Scripps Clinic and Research Foundation et al., 50312
Sepulveda VA Hospital, 48561
Shriners Hospitals for Crippled Children, 19739
Smithsonian Institution, 16993, 45892
South Carolina Medical University, et al., 19741
South Miami Hospital, 21212
Southern Illinois University, 16845
St. John's Hospital et al., 2655
St. Louis University, 5644
St. Luke's Hospital, 41127
St. Luke's Hospital Association, Inc., et al., 18126
Stanford University et al., 21498, 35204, 38198, 49662
State University of New York et al., 16994, 22616, 23739, 24744, 27101, 28336, 37635
Stephen F. Austin State University, 18894
SUNY-Stony Brook, 1306
Temple University, 1307
Temple University School of Medicine et al., 15897, 29005
Tennessee State University, 49664
Texas A&M University, 54789
Texas Christian University et al., 793
Texas College of Osteopathic Medicine, 15899
Texas Tech University, 13978, 32936
UCLA, 22616
UCLA Hospital and Clients et al., 15048
University Hospital of Jacksonville, 51858
University Hospitals of Cleveland, 55922
University of Akron et al., 28336
University of Alabama, 13978
University of Alaska, 13978
University of Arkansas, 14565
University of California et al., 2658, 4314, 4315, 13979, 16846, 18127, 18128, 20728, 22855, 34095, 37636, 43213, 50851
University of Chicago et al., 1307, 32936, 47569, 50309, 50851
University of Cincinnati et al., 22618, 37637
University of Connecticut, 19740
University of Dayton, 18128, 46496
University of Florida et al., 24620, 47087
University of Georgia, 44436
University of Hawaii, 4315, 23740
University of Hawaii School of Medicine et al., 6783
University of Houston, 21213
University of Illinois, 18128
University of Iowa et al., 55923
University of Kansas et al., 28337, 50310
University of Kentucky, 11193
University of Maryland, 9907
University of Miami, 16846, 28337, 44437
University of Michigan, 19741
University of Minnesota, 2658, 15050, 29003
University of Missouri, 8090, 18893, 34095
University of Nebraska, 24621, 49665
University of Nebraska Medical Center, 38800
University of New Hampshire et al., 47088
University of North Carolina, 34096
University of Notre Dame, 5644
University of Oklahoma Health Sciences Center, 36231
University of Oregon, 4315
University of Oregon Health Sciences Center et al., 15049
University of Pennsylvania, 9579, 12318, 29004, 29005, 34096, 35086, 47089
University of Pennsylvania Trustees, 18893
University of Pittsburgh, 29459
University of Richmond et al., 36677
University of Rochester et al., 5645, 16846, 16847, 18693, 46360, 50311, 53683, 54789
University of South Carolina, 1308
University of Tennessee, 8404, 14565, 22617, 29005, 37637
University of Texas et al., 32766, 44438, 50708
University of Texas Health Science Center, 5645, 22617
University of Utah et al., 4315, 10247, 12319
University of Vermont et al., 9580, 23740, 34096, 44438
University of Virginia, 4317, 55924
University of Washington, 8404, 50851
University of Washington Medical School, 5645
University of Wisconsin, 47569
University of Wisconsin et al., 10460
University of Wisconsin-Madison et al., 28338
University of Wisconsin-Milwaukee et al., 6781
University of Wisconsin-Oshkosh, 35086
USC School of Medicine, 16994
Virginia Commonwealth University et al., 43751
Virginia Institute of Marine Science et al., 4316, 9581, 15051, 19741, 21498, 28339
Wake Forest University et al., 34096, 54789
Washington State University, 28339, 50312
Washington University et al., 18894, 19243, 50312, 51859, 55925
Washington University School of Medicine, 1308, 34097, 34098
Wayne State University et al., 1308, 15434, 19742, 22617, 50709
Wellesley College, 9581
West Haven, Conn. VA Hospital et al., 29006
Westinghouse Hanford Co., 28340
William Marsh Rice University et al., 37638
Wistar Institute, 15900, 37639
Yale University et al., 11332, 12310, 21214, 28340, 41127, 52097

DRUG ENFORCEMENT ADMINISTRATION

RULES
Manufacturers, distributors, and dispensers of controlled substances; registration, 16460, 17382, 21448
Organization and functions:
Supervisors and Administrators, 22815
Quotas; procurement certification, 28515, 31812
Registrants, records and reports; procurement certification, 31812
Registration of manufacturers, distributors and dispensers of controlled substances; authorization to purchase for ocean vessels, 9546
Schedules of controlled substances:
Apomorphine, 26568
Dextrorphan; removal from schedules, 43401
Excluded non-narcotic substances, 16552, 53477
Exempt chemical preparations, 3287, 4527, 7747, 14189, 16460, 17382, 21346, 28515, 52867
Nalbuphine; removal from schedules, 43401
Peyote, 4015
Prazepam, 55176

INDEX

UMI

PROPOSED RULES
Importers and exporters of controlled substances, registration, 14399, 16487
Manufacturers, distributors, and dispensers of controlled substances; registration:
Narcotic treatment programs and compounders; burden of proof, hearings, 14885
Samples, complimentary; prohibited distribution, 32756
Papaver bracteatum, production and control, 51036, 55558
Prescriptions:
Controlled substances, partial filling for long term patients; emergency kits computerized refill information, 49505
Quotas:
Manufacturing; application procedures, abandonment, etc., 8078, 8794
Procurement certification, 14398
Records and reports of registrants; controlled substance manufacturing yield correspondence with theoretical yield, 1498
Registrants, records and reports; procurement certification, 14398
Schedules of controlled substances:
Apomorphine; removal from schedule II, 14885
Dextropropoxyphene, 42957
Excepted compounds, stimulant or depressant, 54604
Exempt chemical preparations, 16487
Halazepam, 31553
Loperamide, 31553
Nalbuphine, 19227
Prazepam, 31553
NOTICES
Controlled substances and food, drugs, and cosmetics; memorandum of understanding with FDA, 15039
Narcotic treatment programs; memorandum of understanding with Food and Drug Administration, 28567
Registration applications, etc.; controlled substances:
Abbott Laboratories, 24734, 36525
Anderson, Donald H., M.D., 36524
Applied Science Laboratories, Inc., 14911, 22848, 36524, 44432, 54824
Arenol Chemical Corp., 24734, 36525
Arnar-Stone Laboratories, Inc., 6289
Biomedical Research Branch, National Institute on Drug Abuse, 2835, 9402, 19233
Blanck, David H., & Co., 19137, 43202
Ciba-Geigy Corp., 38194, 50727
Coastal Pharmaceuticals, Inc., 4039
Collaborative Research, Inc., 9403, 17793, 37367, 47268
Collier, Henry M., Jr., M. D., 22848
Drug Abuse Institute, National, 39357, 52344
Eli Lilly & Co., 38194, 50473, 52345
Endo Laboratories, Inc., 6289, 38193, 50473
Fher Corp., Ltd., 37367, 47269
Gakidis, Nicholas G., 52555
Ganes Chemical Works, Inc., 12234, 19992
Gershenfeld, Morton I., 41932
Gipson, E.M., M.D., 22611, 46490
Halpern, B. David, 9403, 15352, 22849, 45854, 54824
Hoffmann-LaRoche, Inc., 45855, 50473, 50726
Hooker, John H. Perry, M.D., 19138, 36524
Hunt, Kenneth I., 7533, 39357
Kauffman-Lattimer Co., 4039
Knauf & Tesch Co., 9403, 17793, 54824
Knoll Pharmaceutical Co., 2265, 9575
Laduron, Jules F., M.D., 2265
Lawrence, Kenneth G., M.D., 26943
Leigh, Henry T., M.D., 22611
Lynnfield Drug, Inc., 43424
Mallinckrodt Inc., 8085, 16489, 19233, 54825
MD Pharmaceutical Inc., 13957
MD Pharmaceutical Inc., 22849
Merck & Co., Inc., 8084, 16489
Nance, John S., Jr., 24613, 46490
New Seabury Pharmacy, 26718
Norman Bridge Drug Co., Inc., 3108
Parke, Davis & Co., 19233, 28553
Penick, S.B., & Co., 17794, 24734
Philadelphia Seed Co., 17793, 56737
Polysciences, Inc., 9403
Regis Chemical Co., 15352, 22849
Sandoz Inc. et al., 15352
Shankwiler, Reed Albert, D.O., 36525
Smithkline Corp., 8084
Stepan Chemical Co., 12234, 20717, 22849
Travenol Labs., Inc., 28553, 54825
Turner, Carlton, 52345
Wagner, Sheldon, D.P.M., 9403
Williams, Don V., 52554
Winthrop Laboratory, 22849, 34658
Wyeth Laboratories, Inc., et al., 9575, 17794, 28553, 37368
York Pharmacy, Inc., 10933
Schedules of controlled substances:
Amobarbital, etc.; 1976 production quotas, 19991, 27980
Amphetamine; 1977 production quota, 47976, 52344, 54550
Dihydrocodeine; 1976 production quota, 35080, 45035
Ecgonine; 1976 interim production quota, 54550
Pethidine; 1976 aggregate production quota, 46033, 52728
Phenmetrazine, etc.; 1977 production quotas, 49873, 52344
Thebaine; production, 26235
2,5 Dimethoxyamphetamine; 1976 production quotas, 6079, 21208, 29890
2-5 dimethoxyamphetamine, etc.; 1977 production quotas, 42965

DRUGS

See Alcohol, Drug Abuse, and Mental Health Administration.
Drug Enforcement Administration.
Food and Drug Administration.

ECONOMIC ANALYSIS BUREAU

RULES
Foreign investment and international receipts and payments of royalties and fees; reports, 23606
Leasing transactions, international; preliminary survey, 23392
PROPOSED RULES
Foreign investment and international receipts and payments of royalties and fees, 8060
Leasing transactions, international; survey, 16559

ECONOMIC DEVELOPMENT ADMINISTRATION

RULES
Economic development districts; private citizen representation, minimum ratio, 45985
Financial assistance requirements:
Construction site signs, posting by applicants; removal of requirement, 1738
Grant and loan program; project modifications, etc., 3286, 45986, 51585
Multijurisdictional areas; clearinghouses project review and planning coordination, 17873, 36808
Firms and communities, certification and trade adjustment assistance; eligibility and application requirements, 52648, 53317
Indian reservations; redevelopment areas; designation, 7085
Inflation impact statement, 23373, 26566, 35670, 49804, 52648
Local public works capital development and investment program, 35670, 36637, 38996, 45128, 46420, 48116, 49804
Organization, description:
Northern Marianna Islands; addition to western regional office, 23373
Property management standards:
Grantee/owner definition and recording of covenants; clarification, 26566
Public works and development; grant and loan program:
Appalachian region; deleted, 5385
Technical assistance, research and information:
Northern Mariana Islands; applicant eligibility, 23373
State and local economic development Planning grants, 41908
NOTICES
Adjustment assistance eligibility, industry producing firm studies:
Asparagus, 6784
Bolts, nuts, and screws of iron or steel, 2840
Ferricyanide and ferrocyanide pigments, 19243
Flatware, stainless steel, 16192
Footwear, non-rubber, 16191
Gloves, certain, 16190
Honey, 35006
Mushrooms, 19995
Shrimp-fishing, 29460
Slide fasteners, 13643
Stainless steel and alloy tool steel, 10938
Wire, round stainless steel, 34804
Import determination petitions:
Allied Chemical Coatings, Inc., 11858
Alta Products Corp., 54522
Andrew Pallack & Co., Inc., 21664
Ball & Chain West, Inc., 50045
Bernard Screen Printing Corp., 54790
Brentwood Sportswear, Inc., 6785
Bridgewater Shoe Corp., 15356
Capital Footwear Corp., 1309
Caprice Handbags Co., 30053

Cardozo Manufacturing Co., Inc., 37140
Chips 'N Twigs, Inc., 35741
Cobblers, Inc., 3886
Cort Industries Corp., 2841, 12321
Dame Belt Co., Inc., 8091, 19243
Dixie Shoe Corp., 18896
Ed White Junior Shoe Co., 6786
Edru Shoe, Inc., 26054
Elfskin Corp., 38199
Excellent Bag Corp., 16675
Fancy Industries, Inc., 26054, 55569
Feather-Mocs Carbide Corp., 21664
Frank H. Guider, Inc., 36528
Halco Industries, Inc., 25042
Howard Stores Corp., 43213
Jacoby-Bender, Inc., 30053
Lisbon Shoes, Inc., 18694, 34098
Loriet Fashions, Inc., 37140
Losito Mushroom Corp., 7536, 14203
Majestic Silver Co., 52330
Mastrippolito, P., & Sons, Inc., 27767
Michaels Stern & Co., Inc., 9001
Midwest Handbag Co., 44876
Mortensen Enterprises, Inc., 1803, 21664
Mrs. Day's Ideal Baby Shoe Co., Inc., 55569
Nyanza, Inc., 40528
Penny Bag, Inc., 56686
Ripco, Inc., 18458
Robin Footwear Corp., 40203
Rosia Shoe Corp., 28340
Rubber Corp. of Arkansas, 43214
Thurlow Leatherworld, 18694
Tiara Footwear, Inc., 46037
Washburn Wire Co., 29461, 41128
Local public works capital development and investment program; applications:
Application closing dates, 51053
Forms availability, 33199
Listing of projects selected subject to clearance, 56146
Regional offices, submission of applications to, 45893
Meetings:
Regional Economic Development, National Public Advisory Committee, 2659
Regional Economic Development National Public Advisory Committee, 27855, 41950, 49875
Winter Olympic 1980 Games, 49190
Winter Olympic 1980 Games, meeting, 49190

ECONOMIC OPPORTUNITY, NATIONAL ADVISORY COUNCIL

PROPOSED RULES
Privacy Act; implementation, 49491
NOTICES
Meetings, 14949, 21224, 45062, 56420
Agency Operations Committee, 35233, 37858
Legislation Committee, 35233, 37858
Privacy Act; systems of records, 49622

ECONOMIC OPPORTUNITY OFFICE

See Community Services Administration.

EDUCATION

See Education of Disadvantaged Children, National Advisory Council.
Education Office.
Food and Nutrition Service.
Health, Education, and Welfare Department.
National Institute of Education.
Veterans Administration.
Wage and Hour Division.

EDUCATION OF DISADVANTAGED CHILDREN, NATIONAL ADVISORY COUNCIL

NOTICES
Meetings:
Adolescence Committee et al., 44232
Advisory Council, 6127, 9421, 11197, 14601, 16229, 18736, 21835, 25042, 26602, 33316, 35233, 37422, 48196, 51887
Legislation Committee, 44232

EDUCATION OFFICE

RULES
Adult education; State administered programs, Federal funding assistance, 1395, 35678
Alcohol and drug abuse prevention program, National, 47163
Arts education program; regulations governing grant awards, 17390
Basic educational opportunity grant program:
Family contribution schedules, 23875
Part-time students; eligibility and method of award calculation, 33869
Bilingual education; implementation of provisions of Act, 23862
Bilingual vocational training; application selection criteria, 16941
Career education program; criteria, requirements and guidelines, 19638
College work-study program, 18660, 36883, 41913
Community service and continuing education; State administered programs, Federal funding assistance, 1395, 35678
Consumers' education program; grants and contracts, 21191
Desegregation of public education; financial assistance, 1876
Disadvantaged students, special services; criteria and guidelines, 20091
Disaster assistance:
School construction, 50777
School expenditures, current, 50781
Dropout prevention program; modified criteria and application procedures, 24886
Educational opportunity centers; funding criteria, 19949
Educationally deprived, handicapped, and delinquent children; financial assistance to State and local educational agencies, 42903
Foreign language training and area studies programs, 10201
Gifted and talented program, 18665
Grant and contract programs, direct project:
Application selection criteria, 16941
Career education program, 19638
Indian educational opportunities, 16440
Professions development, education; mandatory requirements, 15691
Handicapped children:
Early education; State plans, Federal financial assistance, implementation, 33558
State administered programs, Federal funding assistance, 1395, 35678
State administered programs, grants to outlying areas, 11311
State plan provisions, 8608
Handicapped persons regional education programs; grants and contracts; criteria, 24126
Higher education and vocational students, low interest loans:
Emergency insured student loans; special allowances, 4927, 18300, 33268, 44041
Guaranteed student loan program; default claims filing, 4496, 8975
Program eligibility hearings, 54488
Indian children and graduate and professional students; educational opportunities, special programs and projects for improvement, 16440
Libraries:
Research and demonstration; application criteria, 5393
Resources, textbooks, etc.; financial assistance, 1395, 35678, 37576
Services; construction, etc.; State administered programs; Federal funding assistance, 1395, 35678
Meetings (open) by local educational agencies, certification, 10437
Metric education program, 16768
Mining, domestic, and mineral and mineral fuel conservation fellowships, 29123, 44860
National direct student loan program, 18660, 51957
Postsecondary education; support for improvement, 8791
Reading improvement programs, National; grants and contracts, 21460
School assistance in federally affected areas; State equalization programs payment; interim requirements, 26326
Special Projects Act, administrative framework, 29281
State administered programs, Federal funding assistance, 1395
Strengthening instruction in academic subjects in public schools; State administered programs, Federal funding assistance, 1395, 35678
Student incentive grant program, State; FY 1976 allotment procedures, 11311
Supplemental educational opportunity grant program, 51974
Indian students, coordination of awards with Indian Affairs Bureau, 36321, 39324
Sample cases and benchmark figures, 18660
Talent search program; guidelines, 20099
Upward Bound program; interim guidelines, 20082, 34962
Vocational education:
Low-interest loans; program eligibility hearings, 54488
Low-interest loans; special allowances, 44041
Vocational education curriculum; criteria for selection of applications, 5392, 8040, 8477, 51603
Women's Educational Equity Act program; grants and contracts, 6436, 9882
PROPOSED RULES
Alcohol and drug abuse prevention program, National, 20416

90-000 O - 77 - 3

INDEX

UMI

Basic educational opportunity grant program; family contribution schedules; definition, offsets, and computation changes, 33962
Bilingual education:
  Implementation of provisions of Act, 14986, 17771
  Vocational training, 2352
College work-study program; Indian students, financial assistance eligibility, 36322
Disaster assistance:
  School construction, 17763
  School expenditures, current, 17767
Dropout prevention program; modified criteria and application procedures, 15702
Emergency school aid:
  Applications; criteria and procedures, 45702
  Educational television programming; criteria and guidelines, 46317
Evaluations and data gathering, 21491
Follow Through program, 52488
Foreign language and area studies, modern, 34052
Handicapped children:
  Early education; State plans, Federal financial assistance, implementation, 11180
  Incentive grants program, 56966
  State administered programs, Federal funding assistance 52404, 56966
  State-operated and supported schools, 15533
  States, assistance to; annual report of children served, 37813
Handicapped education:
  Personnel training program; priorities, 36822
Higher education and vocational students, low interest loans:
  Guaranteed student loan program; escrow agent disbursement plan, 48910
  Guaranteed student loan program; revised requirements and guidelines, 48862
Libraries:
  Resources, textbooks, etc.; financial assistance, 7111
Mining, domestic, and mineral fuel conservation fellowships; procedures and criteria, 14384, 17397
National diffusion network program; contract awards for installation in elementary and secondary schools, 45962
National direct student loan program; Indian students, financial assistance eligibility, 36322
Reading Academy Program, statutory change and closing dates for applications, 11842
School assistance in federally affected areas; State equalization programs payment; alternate standard, 26330
State administered programs, Federal funding assistance, 56966
Supplemental educational opportunity grant program; Indian students, financial assistance eligibility, 36322
Vocational education curriculum; application selection criteria, 35722, 46608
Vocational training, bilingual education, 2352, 4295
Women's educational equity program, 46576

NOTICES

Accreditation and Institutional Eligibility Advisory Committee; annual report, 27101
Adult Education National Advisory Council; new logo, 6789
Applications and proposals, closing dates:
  Arts education program, 1096
  Basic and advanced institutional development programs, 36062
  Basic educational opportunity grant program, 1614
  Bilingual education, 2843, 14206, 14916, 14917, 35010, 54818, 54819, 54820, 54821, 54822
  Bilingual vocational training, 2270, 50722
  College library resources program, 55748
  College work-study program, 37388
  Community education program, 52107
  Consumers' education program, 1614
  Desegregation of public education, 1884, 50352, 53136
  Disadvantaged students, special services, 19998, 28346
  Dropout prevention program, 15730
  Education professions development, 1506, 54823
  Emergency school aid, 8405, 15055, 19747, 31417, 50353, 53136
  Environmental education program, 52721
  Ethnic heritage studies program, 45038
  Follow Through program, 56859, 56860
  Foreign language and area studies research program, 4318, 4319, 56239
  Fulbright-Hays training grants, 36061
  Gifted and talented model projects, 10694
  Graduate and undergraduate international studies programs, 54227
  Handicapped children, early education for, 11196
  Handicapped children's early education program, 50870
  Handicapped personnel training grants, 41940
  Handicapped research and demonstration, 42691, 43947
  Indian children training programs, 12732
  Indian education, special programs, 2664, 2844
  Indian elementary and secondary school assistance, 53137
  Indian students fellowships, 24441
  Indian students fellowships program, 30054
  International studies centers, 5653
  International studies centers program, 54227
  Learning disabilities, specific, 803, 46363, 50870
  Library research and demonstration program, 52539
  Metric education program, 48793
  Mining, domestic, and mineral and mineral fuel conservation fellowships, 14423
  Modern foreign language and area studies grants, 54228
  National direct student loan program, 37388
  Postsecondary Education Comprehensive Statewide Planning Grants Program, 14207
  Postsecondary education improvement fund, 50723
  Public service education fellowships, 21501, 21503
  Right to Read programs, 7441, 10696, 21666, 34102
  School construction assistance, 5415, 43218
  Special community service and continuing education projects, 9908
  State equalization plans, 35881
  State student incentive grant program, 11342
  Strengthening developing institutions program, 36062
  Supplemental educational opportunity grant program, 37388, 55387
  Talent search program, 19998, 28346
  Teacher Corps projects, 3889, 36062, 42228, 42691
  Television projects, educational, 6111
  Upward bound program, 19998, 28346
  Veteran's cost-of-instruction program, 10941
  Vocational education curricula, 46634
  Vocational education program, 40214
  Vocational education research projects, 54033
  Vocational training, bilingual, 2270
  Women's Educational Equity Act program, 6308, 10236
Audit appeals:
  California, 37658, 37659
  Idaho, 55751
  Illinois, 44727
  Iowa, 27101
  Mississippi, 41797
  North Carolina, 41797
  Pennsylvania, 53853
  West Virginia, 56400
  Wisconsin, 46039
Audit hearing board; procedures, 28568
Broadcasting facilities, noncommercial educational; grants; applications for filing, 10082
College work-study program; approved need analysis systems lists, 27861, 36062
Committees; establishment, renewal, etc.:
  Accreditation and Institutional Eligibility Advisory Committee, 19997
  Advisory councils and committees; 1975 annual reports, 38805
  Education Professions Development National Advisory Council, 44206
  Environmental Education Advisory Council, 7802
Education Amendments of 1976:
  Implementation, 52410, 55749
  Inquiry, 51550
Funding criteria for applications:
  Community service and continuing education programs, 9908, 29895
  Foreign language and area studies, 15437, 18335
  International studies centers, 5651, 18335
  International studies programs, graduate and undergraduate, 12732
  Public service education fellowships, 21502, 21503
Indochinese Refugee Children Assistance Act; inquiry, 51652
Information collection and data acquisition activity, description; inquiry, 56716
Library services and construction; Federal shares to various States, etc., 55943
Meetings:
  Accreditation and Institutional Eligibility Advisory Committee, 9002, 19997, 36679, 49675
  Adult Education National Advisory Council, 6789, 11342, 13387, 13388, 13980, 18336, 21214, 26945, 30701, 37833, 46498, 47092, 55387

Bilingual Education National Advisory Council, 803, 1809, 5142, 8093, 8819, 13647, 14568, 21666, 37833, 46499
Career Education National Advisory Council, 3336, 9029, 18696, 28345, 29742, 37834, 46498
Community Education Advisory Council, 22118, 27860, 36061, 43430, 50352
Developing Institutions Advisory Council, 4058, 38544, 53136
Education Professions Development National Advisory Council, 7440, 8819, 9585, 13388, 16680, 20606, 33578
Environmental Education Advisory Council, 7802, 17957, 25922, 28817, 34805, 38806
Equality of Educational Opportunity National Advisory Council, 4955, 16679, 19364, 22396, 23745, 36063, 38544, 47274, 55240
Ethnic Heritage Studies National Advisory Council, 803, 15902, 23745
Extension and Continuing Education National Advisory Council, 28345, 36679
Financial Aid to Students Advisory Council, 11341, 38199, 48152
Handicapped National Advisory Committee, 1507, 14918, 26055, 37833, 55748
Indian Education National Advisory Council, 10695, 16998, 19998, 21394, 29462, 32939, 35754, 37140, 44727, 51882
Teachers Corps, 21395
Vocational Education National Advisory Council, 36, 8205, 20437, 26602, 29206, 35088, 40530, 48152, 50514, 52343, 55749, 55751
Vocational Education National Advisory Council and State Advisory Councils, 15357
Women's Educational Programs Advisory Council, 36, 2665, 7978, 8404, 10695, 16680, 20729, 22291, 28345, 35880, 37658, 43218, 50074, 55240
National direct student loan program; approved need analysis systems lists, 27861, 36062
Postsecondary education comprehensive statewide planning grants program; allocation formula and guidelines, 9002, 20437
Postsecondary education programs; Education Amendments of 1976, implementation of provisions, 52410, 55749
Supplemental educational opportunity grant program; approved need analysis systems lists, 27861, 36062
Teacher Corps projects; applications; criteria for selection, 17955, 33930
Television program, educational; guidelines, 6111
Vocational education:
  Research and training programs and projects; priorities, 26055
  Research projects; applicant selection criteria, 52540
  Research projects; availability of transition quarter funds, 20908
  State plans and discretionary programs; clarifications and interpretations; inquiry, 49742, 53137
Vocational Education National Advisory Council; 1975 annual report on closed meetings, 21214
Women's Educational Programs Advisory Council; annual report, 18900

ELECTIONS

See Census Bureau.
Civil Rights Commission.
Federal Election Commission.
Justice Department.

ELECTRICITY

See Bonneville Power Administration.
Federal Power Commission.
Reclamation Bureau.
Rural Electrification Administration.
Tennessee Valley Authority.

ELECTRONIC FUND TRANSFERS, NATIONAL COMMISSION

PROPOSED RULES

Freedom of information, 42959

NOTICES

Consumer interests:
  Hearing procedures, 43965
  Hearings, 43966
Electronic fund transfer systems; hearings, 50750, 51150, 53722
Government role, hearings, 46910
Meetings, 2870, 8235, 10271, 12356, 16887, 20740, 23253, 24479, 27424, 35101, 36701, 42710, 44724, 45916, 46529, 49201, 52345, 52922, 56738
Salaries; compensation levels for certain positions; inquiry, 46057
Terminal deployment, hearings, 45625

EMPLOYEE BENEFITS SECURITY OFFICE

See also Pension and Welfare Benefit Programs Office.

RULES

Reporting and disclosure; interpretive bulletins:
  Redesignation; table, 1906
  Seasonal industries guidelines, 3289, 7749, 24999
  Special reliance procedure, 3289
Reporting and disclosure; requirements, 16961, 32529, 37575, 42654, 55511

PROPOSED RULES

Employee pension benefits plans; year of service, definition; hearing, 4298
Fiduciary responsibility:
  Employee benefit plans; indicia of ownership maintenance, 55206
  Employee benefit plans; services and office space exemptions, 31874
  Employee stock ownership plans; loan exemptions, 31870, 46017

NOTICES

Employee benefit plans:
  Advisory opinions, issuance procedures, 36281, 42712
  Filing address for copies of complaints in suits filed under section 502, 39112
  Prohibitions on transactions; exemption proceedings, applications, hearings, etc., 12739, 12740, 15481, 15482, 16642, 20455, 20940, 21383, 22115, 26291, 26292, 29502, 29503, 30414, 34384, 41975, 43976, 45642, 46799, 48200, 50516, 50518, 53076, 53219, 54037, 54080, 55245, 15482 PP 16620
  Reporting and disclosure requirements; compliance, 35243
Meetings:
  Employee Welfare and Pension Benefit Plans Advisory Council, 8551, 18947, 29502

EMPLOYMENT AND TRAINING ADMINISTRATION

RULES

Administrative procedure; editorial changes, 7092
Agricultural workers, housing approval:
  Conditional access to interstate clearance system, 13339, 15004
  Editorial changes, 7092
Comprehensive Employment and Training Act Programs:
  Farmworker programs, designation of potential sponsors, 45987
  Job Corps; title changes, etc., 20884
Employment offices, public, National system, USES/State cooperation:
  Editorial changes, 7092
  Foreign agricultural Labor, temporary; minimum wage rates, 35169
  Symbol change, 10215, 10603
  Veterans services, 48250, 56306
Employment Service, U.S., policies; editorial changes, 7092
Employment service system:
  Veterans services, 48250, 56306
Federal supplemental benefits (emergency unemployment compensation):
  Editorial changes, 7092
  Republication, 12152
Oregon Employment Division; tax credit allowance; hearing, 17037
Policies:
  Labor Secretary; removed, 48250
  Training and Employment Service, U.S.; veterans services, 48250
Summer program for economically disadvantaged youth, 19286
Unemployment compensation and assistance:
  Appeals promptness standard, 6756
  Benefit payment promptness standard, 30465
  Disaster, basic weekly allowance, deductions, 6756
  Ex-servicemen; remuneration schedule, 16967
  Federal civilian employees; hearing rights, 18996, 20582
  Special, 12162
  Temporary compensation program; termination, 3079, 5631
Wagner-Peyser Act State plans of operations; editorial changes, 7092

PROPOSED RULES

Agricultural workers, housing approval; temporary waivers, 3095
Alien permanent employment in U.S.; labor certification, 48938
Comprehensive Employment and Training Act Programs:
  Farmworker grant funds, use, 35724
  Farmworker programs, designation of potential sponsors, 35723

INDEX

UMI

Disaster unemployment assistance, 49608
Employment offices, public, National system, USES/State cooperation:
  Foreign agricultural labor, temporary; minimum wage rates, 25017
  Symbol change, 776
Employment service system:
  Complaint system, monitoring, and enforcement; administrative provisions, 44014, 48746
  General provisions, 44014, 48938
  Migrant and seasonal farmworkers, services, 44014, 48746
Unemployment compensation and assistance:
  Benefit payment promptness, standards, 9559, 10625
  Ex-servicemen; remuneration schedule, 2828, 53048
Veterans; employment services; counseling, training and placement, 4702

NOTICES
Comprehensive Employment and Training Act programs:
  Funds allocation, 21945, 55599
  Grant applications, Title I review guidelines; 1977 FY, 35245
  Grant process, Titles I and II; FY 1977 schedule, 3150
  Sponsor performance, prime; assessment criteria and guidelines, 7831
  Sponsors, prime; designation for 1977 FY, 35771
Employment transfer and business competition determinations; financial assistance applications, 1659, 2882, 3792, 4686, 7186, 8134, 8551, 9634, 11086, 12739, 14220, 15075, 16234, 17022, 18183, 18943, 20038, 20939, 21864, 22654, 23807, 24790, 26292, 27452, 28372, 29501, 30412, 31955, 32915, 34377, 35254, 36280, 37427, 38558, 40241, 41975, 43484, 44479, 45636, 46665, 47612, 48799, 50033, 51133, 52109, 53076, 54037, 55246, 56407
Environmental statements; availability, etc.:
  Job Corps Center, Glenmont, N.Y., 44080, 44480, 46064
Indian and Native American prime sponsors:
  Employment assistance; 1976 temporary allocations, 21376
  Employment assistance; 1977 FY allocations, 34377
  Summer program; allocations of funds, 21375
  Transition quarter; 1976/77 allocations, 23143
Job Corps; experimental project, waiver of readjustment allowance requirements, 46922
Meetings:
  Apprenticeship Federal Committee, 1659, 7834, 18483, 19280, 35775, 46666
  Unemployment Insurance Federal Advisory Council, 9016, 18483, 51133
Migrant and other seasonally employed farmworker programs:
  Federal assistance preapplications; submission for 1977 FY, 33591, 34835
  Fiscal year 1977 State planning estimates and areas, 27452, 31274
  Funding of HEP and CAMP projects, 29500
  Funding requests; list of applicants, 46064
  Funding requests; resolicitation for potential sponsors, 46065
  Oregon; inquiry, 8551
  Organizations; Federal assistance preapplications; notification of regulations change, 33593
  Sponsor designations, potential, 51231
Oregon Employment Division; tax credit allowance; hearing, 22655
Senior Community Service Employment Program; grant applications solicitation from Governors, 56408
Sponsor performance, prime; assessment criteria and guidelines; Comprehensive Employment and Training Act programs, 7831
Tax credit, Federal; reduction and deferral, 53549
Training and employment effort, National; program for selected population segments, 31274
Unemployment compensation, emergency:
  Federal supplemental benefits; application of suitable work criteria, 24788
  Federal supplemental benefits; availability; various States, 1341, 3149, 4686, 15084, 15495, 21863, 22654, 23003, 24789, 24790, 26765, 27799, 29500, 31955, 31956, 35255, 35775, 36281, 37427, 45635, 45636, 47612, 48202, 52556, 53077

EMPLOYMENT STANDARDS ADMINISTRATION

See also Wage and Hour Division.

RULES
Black lung disease; claims for disability or death benefits, 41912
Employee selection procedures; guidelines, 51744

PROPOSED RULES
Black lung disease; claims for disability or death benefits, 18868, 20894, 34792, 36219
Equal employment opportunity, 54500
Longshoremen's and Harbor Workers' Compensation Act:
  Administering Agency; definitions and use of terms; procedural requirements, 34294
  Administration and procedures, 34294

NOTICES
Contractors and subcontractors; affirmative action obligation applications, 16234
Index to general wage determination decisions and modifications, 966, 5573, 9803, 14311, 19045, 22756, 27654, 33193, 37508, 43652, 49012, 53263
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, modifications, and supersedeas decisions, 930, 1690, 2532, 3558, 4732, 5520, 6944, 7882, 8622, 9702, 9718, 10816, 11720, 12844, 14268, 15229, 16299, 17284, 18260, 19000, 20116, 20939, 21021, 21860, 21971, 22714, 23881, 24832, 26422, 27530, 28459, 29594, 30480, 32088, 33124, 34473, 35316, 36359, 37468, 38704, 40364, 42042, 43554, 44588, 45779, 46802, 47612, 48980, 50116, 51235, 52169, 53226, 54100, 55247, 55258, 56548

ENDANGERED SPECIES

See Fish and Wildlife Service.
National Oceanic and Atmospheric Administration.

ENERGY

See Energy Research and Development Administration.
Federal Energy Administration.
Federal Power Commission.
Geological Survey.

ENERGY CONSERVATION

See Commerce Department.
Federal Energy Administration.
General Services Administration.
National Industrial Energy Council.

ENERGY POLICY AND PROGRAMS OFFICE, COMMERCE DEPARTMENT

NOTICES
Meetings:
  Industrial Energy Council, National, 2660, 14914, 16678, 20605

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

RULES
Atomic Energy Commission regulations, former:
  CFR Parts revised, 56776
  CFR Parts revoked, 56627, 56776
Conduct standards:
  CFR Part transferred and redesignated, 34732
  Supplementary statements of employment and financial interests, 22036
Contract Appeals Board; establishment and procedures, 12215
Geothermal energy research, development, demonstration and production; Federal guarantees on loans, 21433
Plutonium, air transportation; National security exemption, 6259
Procurement, 2388, 3293, 4264, 7509, 10435, 10606, 26219, 30011, 30331, 30645, 36021, 50824, 55195
Protection of human subjects; policies and procedures, 52434
Restricted data or National security information; access eligibility criteria and procedures, 48727, 52045
Sanction proceedings; nondiscrimination in employment by Government contractors; hearing rules, 37566, 41080

PROPOSED RULES
Procurement, 50844
Protection of human subjects; policies and procedures, 34778
Restricted data or National security information; access eligibility criteria and procedures, 51420

NOTICES
Advisory committees; closed meetings activities; availability of reports, 41452
Atomic hydrogen bomb, disclosure before Patent Compensation Board; application by Dr. Cornell Joel Grossman, 14586

Award nominations:
  Fermi Award, 1976, 18344
  Lawrence Memorial Award, 13983
Certification; appearance before ERDA:
  Marks, Sidney, 31942
  McNally, Dr. James H., 6121
Committees; establishment, renewals, etc.:
  Demonstration Projects as Commercialization Incentive Task Force, 26607, 47097
  Environmental Advisory Committee, 55221
  Global Environmental Effects of Carbon Dioxide Study Group, 35758
  Laser Isotope Separation Program Review Advisory Panel, 24763, 27427, 53685
  Lignite Advisory Committee, 55221
  Personnel Security Review Board Panel, 51641
  Procurement Policy Advisory Committee, 10944
  University Programs Advisory Panel, 38812
Consumer representation plan, 42763
Energy programs, mandatory patent licensing; public colloquium, 54972
Energy research, development, and demonstration plan, National; meetings, 16207, 32945
Environmental statements; availability, etc.:
  Argonne National Laboratory, 20206
  Coal research and development demonstration program, 24216
  Commercially-generated radioactive wastes, 43446
  Hanford Reservation, 38209
  Hanford Reservation, et al.; high-level radioactive wastes, 45901
  High level waste storage and waste management facilities, S. C., 48398
  High Performance Fuel Laboratory, 44070
  Idaho National Engineering Laboratory, 27778
  Intense neutron source facility, 4065, 34352
  Light water breeder reactor program, 27866
  Liquid metal fast breeder reactor program, 1316
  Livermore Laboratories, 29477
  Los Alamos Scientific Laboratory, 29208
  Mound Laboratory, 28011
  Nuclear power, U.S.; export, 16207
  Nuclear testing program, underground; Nevada test site, 4847, 19761
  Portsmouth Gaseous Diffusion Plant, Ohio, 46369
  Positron-electron storage ring project, 4065
  Savannah River Plant, waste management operations, 47284
  Stanford Linear Accelerator Center, 38209
  Synthetic fuels commercialization program, 2858
  Uranium enrichment capacity program, expansion, 17602
Foreign inventions, ERDA-owned; licensing availability, 16692
Fuels, spent; chemical processing and conversion, 36244, 41949
Geothermal energy research, development, demonstration and production; Federal guaranties on loans, 11076
Grant procedures; interim implementation, 17602
Heavy water; temporary suspension of sales, 35020
Meetings:
  Demonstration Projects as Commercialization Incentive Task Force, 5687, 18472, 23450, 27427, 32777, 35889, 40219
  Energy Research, Development and Demonstration, National Plan, 21406, 32945, 37393, 47097
  General Advisory Committee, 2433, 12239, 20013, 50324, 55930
  General Technical Advisory Committee, 8824, 31252, 36852, 41141, 50712
  Geothermal Energy Advisory Committee, 36688, 55931
  High Energy Physics Advisory Panel, 2667, 23224, 38208, 50050
  Historical Advisory Committee, 46899
  Laser Isotope Separation Program Review Advisory Panel, 46899
  Lawrence Award Nomination-Screening Groups General Advisory Committee, 26607
  Lignite Advisory Committee, 27866
  Procurement Policy Advisory Committee, 47992
  Senior Reviewers Committee, 8097, 40544, 46513, 47992, 51436
Nondiscrimination, employment; proposed sanctions:
  Kerr Glass Co., 37671
  Owens-Illinois Inc., 37672
Patent license, intent to grant:
  Marine Development Group Ltd., 21406
Pipeline application:
  Northern Illinois Gas Co., 35079
Plutonium-238; prices, 53525
Privacy Act; systems of records, 3117, 14498, 14921, 48272, 56884
Profits and fees; policy establishment and negotiation, 15062
Trespassing on administration property:
  Los Alamos Scientific Laboratory sites, 6312
  Shippingport Atomic Power Station site, 45043
Uranium enrichment services agreement; provisions of facilities, 49874
Uranium hexafluoride; charges, enriching services, specifications, and packaging, 8414, 18914, 20014, 31942, 31943
Waiver determinations; public availability of updated record, 52715

ENGINEERS CORPS

RULES
Administrative procedures:
  Navigable or ocean waters; activities permits, 55524
  Public hearings, 28953
  Shipping safety fairways and anchorage areas, Gulf of Mexico, 5391, 9338, 30329, 31820
Aquatic plant control; implementation, 22347
Clearinghouse coordination, A-95, 18038
Continuing authorities program, 56943
Danger zones:
  Delaware, 4918, 6070
  Florida, 17898
  Virginia, 4918, 6070
Drinking water, emergency supplies, 7507
Fishing and hunting; enlarged limits for fish pounds and traps; vicinity of Long Island, N. Y., 38770
Flood control regulations:
  Allocated storage, 20401
  Glen Canyon Dam, Ariz., 24350
  Marshall Ford Dam and Reservior, Tex., 15005
Natural disaster procedures:
  Army and other resources; emergency employment, 20163
Navigation regulations:
  Allocated storage, 20401
  Michigan, 3291, 24123
  New York, 34035
Water resources projects; CFR Part rescinded, 7099

PROPOSED RULES
Administrative procedure; shipping safety fairways and anchorage areas, Gulf of Mexico, 19649
Bridge alterations; cost apportionment, 6127
Clearinghouse coordination, 8618
Danger zones:
  California, 48747
  Pacific Ocean between Point Sal and Point Conception, Calif., 54777
Fishing and hunting; enlarged limits for fish pounds and traps; vicinity of Long Island, N.Y., 27378
Flood control and navigation; allocated storage, 3740
Navigable waters or ocean waters; permits for activities, 16969
Navigation regulations:
  Delaware, 18517
  Florida, 6074
  Illinois, 4292
  Maryland, 18517
  Michigan, 5129, 10068, 56339
  New York, 21786
Water resources policies and authorities, coastal zone management, 29146
Work for others; hydropower projects, investigation and supervision, 47483

NOTICES
Civil works program; environmental policies, objectives, and guidelines, 47475
Dredging of navigation channels; testing-of-market program, 54212
Exploratory drilling operations; guidelines for permits; Gulf of Catalina, Calif., 44715
Land acquisition; Fort Hood, Tex.; hearing, 5408
Meetings:
  Civil Works Advisory Committee, 21661
  Environmental Advisory Board, 11844, 37137
  Shoreline Erosion Advisory Panel, 2652, 20199, 33926

ENVIRONMENTAL PROTECTION AGENCY

RULES
Air pollutants, hazardous; National emission standards:
  Alabama; authority delegation, 40467
  Arizona; authority delegation, 53017
  California; authority delegation, 21450, 27967, 33264, 40108, 48343, 54758
  Connecticut; authority delegation, 11820
  Freedom of information, 36918
  Georgia; authority delegation, 24885

INDEX

UMI

Indiana; authority delegation, 43149
Massachusetts; authority delegation, 19633
Michigan; authority delegation, 1914
New Hampshire; authority delegation, 19633
North Carolina; authority delegation, 56805
North Dakota; authority delegation, 44859
Oregon; authority delegation, 7750
Vinyl chloride, 46564, 53017
Virgin Islands; authority delegation, 34629
Virginia; authority delegation, 8346
Washington; authority delegation, 4264
Air pollution; standards of performance for new stationary sources:
Alabama; authority delegation, 40467
Aluminum industry, primary, 3826
Arizona; authority delegation, 53017
California; authority delegation, 21450, 27967, 33264, 40108, 48342, 54757
Coal preparation plants, 2232
Connecticut; authority delegation, 11820
Emission monitoring, performance testing methods, 35185
Ferroalloy production facilities, 18501, 20659
Fossil fuel-fired steam generators, 51398
Freedom of information, 36918
Georgia; authority delegation, 24885
Indiana; authority delegation, 43148
Iowa; authority delegation, 56806
Massachusetts; authority delegation, 19633
Michigan; authority delegation, 1913
Nebraska; authority delegation, 56805
New Hampshire; authority delegation, 19633
North Carolina; authority delegation, 56805
North Dakota; authority delegation, 44859
Ohio; authority delegation, 55531
Oregon; authority delegation, 7749
Reference methods; fluoride emissions, 52299
Smelters, copper, zinc and lead; primary, 2332, 8346
South Dakota; authority delegation, 17549
Utah; authority delegation, 24124
Virgin Islands; authority delegation, 34629
Virginia; authority delegation, 8346
Washington; authority delegation, 4263
Air pollution control, aircraft and aircraft engines:
JT3D engines; extension of compliance date for emission standards, 54861
Supersonic aircraft; emission standards, 34724
Testing and calculation procedures; corrections and clarifications of standards, 39745
Air pollution control, new motor vehicles and engines:
Automobiles and light duty trucks; 1977, 1978 and 1979 model years, 38681
Emissions standards; selective enforcement auditing procedures, 31482
High altitude vehicle sales, 9878
Light duty vehicles and trucks; evaporative emission test procedures, 35628, 56316
Motorcycles; emissions; extension of time, 2264
Technical changes, 29387
Air programs, energy-related authority:
Georgia, 55194
Iowa, 39316
Kansas, 39317, 43904
Missouri, 39319
New Hampshire, 36810
North Carolina, 55195
Air quality implementation plans:
Gasoline rationing regulations; removed, 45565
Gasoline vapor control, 9340
Gasoline vapor recovery; revised compliance dates for small bulk plants, 56643
Air quality implementation plans; preparation, adoption, and submittal:
Interpretative ruling, 55524
Maintenance of National standards, 18387, 21323, 24709
Nitrogen dioxide; reference and equivalent methods, 52693
Reference and equivalent methods, monitoring, 11253
Reports; CFR correction, 35676
Variance submissions, 18510
Air quality implementation plans; various States, etc.:
Alabama, 19221, 21638, 42674, 55530
Alaska, 49636
Arkansas, 22816, 43904
California, 15328, 45565, 53662
Colorado, 45565
Connecticut, 6765, 38166
Delaware, 12010
District of Columbia, 19309, 53326
Florida, 16461, 19947, 22351
Georgia, 24885, 35185
Idaho, 23202
Indiana, 3475, 18510, 18654, 35677, 42953
Iowa, 43407
Kentucky, 19106
Maryland, 8770, 13583, 23716, 26902, 31535, 45565, 54757, 56804
Massachusetts, 10224, 44395, 56804
Nebraska, 22350, 25898, 52456
New Hampshire, 3085
New Jersey, 3475, 15328, 16949, 18079, 27833, 28492, 43408, 45565, 50823, 55715
New Mexico, 8057, 18077, 34749
New York, 29817, 34259
North Carolina, 25899, 56805
Ohio, 36327, 41692, 52455
Oklahoma, 32890
Oregon, 5280, 8058, 8770, 16949, 24585
Pennsylvania, 18077, 18078, 18079, 42675, 53326
Plan identification, 8957, 16461
Puerto Rico, 24586, 51017
Rhode Island, 2232
South Carolina, 10065
South Dakota, 32744
Tennessee, 1913
Texas, 7509, 9547, 45565, 50446
Utah, 7508
Vermont, 2253, 3085, 11819
Virgin Islands, 28492, 36810, 55530
Virginia; CFR correction, 35676
Washington, 21323
West Virginia, 42673, 51018
Wyoming, 36653
Ambient air monitoring reference and equivalent methods:
Definitions, testing, etc., 11255
Nitrogen dioxide, 52694
Ambient air quality standards, National primary and secondary:
Nitrogen dioxide, atmospheric; measurement principle and calibration procedure, 52688
Reference and equivalent methods, monitoring, 11253
Environmental statements, preparation; cooperation guidance, 20655
Freedom of information, confidentiality of business information, 36902
Fuels and fuel additives:
Administrative procedures; information requests, 10065
Control of lead in gasoline, 42677, 55345, 55646
Freedom of information, 36918
Registration requirements, 21324
Grants; procedures, etc.:
Cooperation guidance, 20656, 20659
Freedom of information, 36918
Institutions of higher education, hospitals, etc., 56196
Grants; research and demonstration:
Cooperation guidance, 20659
Freedom of information, 36918
Grants, State and local assistance:
Air and water pollution, 17695
Conditions, policies, and procedures, 43728
Cooperation guidance, 20659
Treatment works, construction, 9341, 27966, 29817, 41690, 51016, 56633
Information, public; confidentiality of business information, 36902
Motor vehicle fuel economy; 1976 model year, 11506
Motor vehicle fuel economy; 1977, 1978, and 1979 model years, 38685, 49759
Noise abatement programs:
Construction equipment; air compressors, portable, 2162, 8347
Railroad emission standards, 2184
Transportation equipment; trucks, medium and heavy, 15544, 17732
Nondiscrimination; cooperation guidance, 20655, 20656
Oil pollution prevention:
Onshore and offshore facilities, 12657
Organization and functions; republication, 30640
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Asulam, 8969
Bacillus thuringiensis, Berliner, 14514, 24885
Benomyl, 11307, 20408, 21190
Butralin, 13583
Captafol, 15329, 35678
Carbofuran, 762
2-Chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide, 51400
Chlorpyrifos, 20409
2,4-D, 23386, 27356
2,4-Dichlorophenoxyacetic acid, 11514
O,O-Diethyl S-(2-(ethylthio)ethyl) phosphorodithioate, 18511
O,O-Diethyl O-(p-(methylsulfinyl)phenyl) phosphorothioate, 29121
Difenzoquat, 43409
3, 5-Dimethyl-4-(methylthio)phenyl methylcarbamate, 8969

3,5-Dimethyl-4-(methylthio)phenyl methylcarbamate; correction, 763
Dimethyl tetrachloroterephthalate, 27357
2-(Dimethylamino)-5, 6-dimethyl-4-pyrimidinyl dimethylcarbamate, 10605
Editorial changes; glossary, key to abbreviations and terms used, 4537
Endothall, 23717
N1-(1-Ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine, 22937
S-(2-(Ethylsulfinyl) ethyl) O,O-dimethyl phosphorothioate, 28791, 29681, 33265, 34629, 41692
Freedom of information, 36918
Inert ingredients, 8771, 13935, 27356
Leptophos, 51400
N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithiodate), 762
Methomyl, 2822
2-Methyl-4-chlorophenoxyacetic acid, 21190, 27358
Norflurazon, 13936
N-Octyl bicycloheptenedicarboximide, 31207, 32426
2-n-Octyl-4-isothiazolin-3-one, 12012
Oryzalin, 9345
Oxamyl, 20660
Oxytetracycline hydrochloride, 13361
Parathion, 23384
Perfluidone, 8059
Picloram, 19221
Propargite, 23385, 25001
Sodium chlorate, 44396, 56806
Terbacil, 23385, 27036
Terbufos, 2822, 16462
Toxaphene, 22938
Tricyclohexyltin hydroxide, 27358, 31207
Procurement, 19107, 26684, 46601, 50689
Toxic pollutants, effluent standards; hearing procedures, 17902
Waste, solid; management, treatment, etc.:
Beverage container guidelines, 41203
Materials recovery guideline, 16950
Recycled materials, products containing; procurement guidelines, 2356
Resource recovery facilities guidelines, 41209
Storage and collection, 6766
Water pollution; effluent guidelines for certain point source categories:
Carbon black, 20499, 30645, 39320
Chemicals, organic, 902
Coal mining, 10894, 19833, 34440
Electroplating, 53018
Explosives, 10187, 20660
Fertilizer manufacturing, 2386, 20583
Fruits and vegetables, canned and preserved, 16272, 48737
General provisions, 17387, 41913
Grain mills, corn wet milling subcategory, 50823
Gum and wood chemicals, 20511, 27968
Hospitals, 18777, 30645
Inorganic chemicals manufacturing, 51599, 51602
Iron and steel manufacturing, 13004, 21638, 32218
Mineral mining and processing, 10895, 23553, 36653
Minimizing adverse environmental impact; best technology available, 17387, 33265
Nonferrous metal manufacturing, 54854
Oil and gas extraction, onshore segment, 44943, 50446
Ore mining and dressing, 21191
Organic chemicals manufacturing, 13936, 19311, 20409
Pesticide chemicals, 48089, 54181
Pharmaceutical manufacturing, 50677
Phosphate manufacturing, 25975
Photographic processing, 29079, 43409
Plastics and synthetics manufacturing, 32587, 48516
Pulp, paper and paperboard; interim rules, 7673, 12012, 27732
Seafood, canned and preserved; correction, 31821
Timber products processing, 53930
Water pollution control:
Analysis of pollutants; test procedures, 52781
Grants, State public water system, supervision programs, 2912
Marine sanitation devices; performance standards, 4452
Ocean dumping; requirements and criteria, 39320
Oil discharge, 49811
Safe drinking water, interim primary standards, 2916
Safe drinking water; organic chemicals, special monitoring; public water systems designations, 5281
Safe drinking water; primary standards on radionuclides, 28403
Secondary treatment information; domestic wastewater disinfection, 30788
Water pollution control; National discharge elimination system and State program elements: ,
Agricultural activities, 28496
Animal feeding operations, concentrated, 11458
Freedom of information, 36918
Silvicultural activities, 24711
Storm sewers, permit program to separate, 11303
Water quality standards; State programs:
Arizona, 25000
Arizona; correction, 48737

PROPOSED RULES

Air pollution; standards of performance for new stationary sources:
Kraft pulp mills, 42012, 47495, 51621
Petroleum refinery fluid catalytic cracking units, 36600
Petroleum refinery sulfur recovery plants, 43866
Reference methods; 23059, 30029
Steam generators, lignite-fired, 55792
Sulfuric acid mist control; emission guidelines, 48706, 52079
Synthetic organic chemical manufacturing industry, 46618
Air pollution control, new motor vehicles and engines:
Engines, heavy duty; requirements for 1979 and later model years, 21291
Light duty vehicles and trucks; emission control production warranty, 50566
Light duty vehicles and trucks; evaporative emission test procedures, 2022, 4022, 6279, 7966, 8394
Vehicles and trucks, light duty; exhaust emissions test procedures for 1979 model year, 38674
Air programs, energy-related authority:
Georgia, 25025
Iowa, 19651, 19654
Kansas, 19658, 19661, 23980
Missouri, 19664, 19667
New Hampshire, 10071
New York, 13375, 23979
New York; withdrawn, 38191
North Carolina, 25028
Air quality implementation plans:
Preparation, adoption, and submittal; nitrogen dioxide; reference and equivalent methods, 11264
Preparation, adoption, and submittal; preconstruction requirements, 55558
Vapor recovery; gasoline stations, stage II, 48044, 52488
Air quality implementation plans, various States, etc.:
Alabama, 1921, 44194
Alaska, 22845
Arkansas, 15350
California, 34782, 38782, 38783, 38784, 47949, 47950, 47951, 47952, 47953, 47954, 47955, 47956, 51619, 51620
Delaware, 23208
District of Columbia, 26706
Florida, 9376
Georgia, 24913
Idaho, 3320
Iowa, 8071, 48750
Maine, 15424
Maryland, 31573, 56831
Massachusetts, 40502, 48752, 50700, 55561
Montana, 38190, 54956
Nebraska, 8072, 12905, 43920
New Jersey, 1605, 7962, 16972, 20895, 31574, 39329, 47283, 48752, 54954
New York, 21360, 37344, 54955
North Carolina, 55561
North Dakota, 46010
Ohio, 2099
Oregon, 32241, 35725, 41929
Pennsylvania, 13954, 19131
Puerto Rico, 46010
South Dakota, 16662, 19975
Tennessee, 34322
Texas, 49840
Vermont, 46617
Virgin Islands, 19670, 43421
Virginia, 18431, 37343
Washington, 4298
West Virginia, 9377, 20707
Wisconsin, 10069, 17017
Wyoming, 21652
Ambient air monitoring reference and equivalent methods:
Nitrogen dioxide, 11264
Ambient air quality standards, National primary and secondary:
Nitrogen dioxide, atmospheric; measurement principle and calibration procedure, 11258
Photochemical oxidants, atmospheric; measurement principle and calibration procedure, 44049
Grants; environmental financing:
Treatment works construction loan guarantees; inquiry, 51619

INDEX

UMI

Grants, State and local assistance:
Conditions, policies, and procedures, 29867, 31573
Treatment works, construction; mandatory value engineering program, 25912
Underground water source protection programs, 36726
Motor vehicle fuel economy; 1977 model year, 21006, 21791
Motor vehicle fuel economy; 1979 model year, 38674
Noise abatement programs:
Interstate motor carriers, 52320
Railroad emission standards, 52317
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
Bacillus thuringiensis, Berliner, 5291, 17945
Benomyl, 12305
Captafol, 26707
Carbaryl, 25913, 27741
2-Chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide, 38784
2,4-D, 2829, 14899, 15874
O,S-Dimethyl phosphoramidothioate, 28998
Dimethyl tetrachloroterephthalate, 14526
5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole, 43421
S-(2-(Ethylsulfinyl)ethyl) O,O-dimethyl phosphorothioate, 28804
Inert ingredients, 17946, 45029
2-Methyl-4-chlorophenoxyacetic acid, 8798, 22113
Oxytetracycline hydrochloride, 4832
Reformatting, columnar listings; inquiry, 47076
Sodium chlorate, 32899, 46011
Terbacil, 14527
Terbufos, 2830
Thiabendazole, 42678
Thiophanate-methyl, 50843
Toxicology test reports; data submittal requirements, 43920
Tricyclohexyltin Hydroxide, 15873
Pesticide programs; Federal Insecticide, Fungicide, and Rodenticide Act:
Toxicology test reports; data submittal requirements, 43920
Procurement, 31575
Radiation protection standards, environmental, for high-level radioactive waste; inquiry, 53363
Waste, solid; treatment, management, etc.:
Resource recovery facilities; guidelines, 2359
Water pollution; effluent guidelines for certain point source categories:
Carbon black, 20502, 30657, 39330
Cement manufacturing, 45583
Chemicals, organic, 914
Coal mining, 19841
Coal mining; extension of time, 34441
Electroplating, 53070
Explosives, 10186, 20707
Fertilizer manufacturing, 29429
Gum and wood chemicals, 20515, 27976
Hospitals, 18779, 30657
Inorganic chemicals manufacturing; withdrawn, 51621
Iron and steel manufacturing, 13015, 21652, 32242
Mineral mining and processing, 23561, 36669
Oil and gas extraction, onshore segment, 44949, 50458
Plastics and synthetics manufacturing; withdrawal, 32613
Pulp, paper, and paperboard, 7685, 12039, 27741
Seafood, canned and preserved, 44194
Steam electric power, 12694, 14792
Water pollution control:
Effluent standards for toxic pollutants, 23576, 24410, 26706, 27012, 29156, 30468
Effluent standards for toxic pollutants, hearings; practice and procedure, filing, etc., 1765
Effluent standards for toxic pollutants; polychlorinated biphenyls (PCB's), 51048
Ocean dumping; requirements and criteria, 18094, 26644, 34078
Pretreatment standards; availability of reports, 29156
Safe drinking water; organic chemical contaminants; control options, 28991
Safe drinking water; underground injection control programs, 36730, 50701
Secondary treatment information; waste stabilization ponds, 37222
Water pollution control; National discharge elimination system and State program elements:
Agricultural activities, 7963
Hearing procedures and NPDES permit issuances, requirements, 52308
Silvicultural activities, 6281

NOTICES

Agency pollution control and abatement programs:
Draft program strategy documents, availability; inquiry, 49667
Air pollutants, hazardous; National emission standards:
Alabama, 28600
Alabama; authority delegation, 40555
Arizona; authority delegation, 53130
California; authority delegation, 21516, 33324, 40220, 42975, 48399, 54798, 55574
Connecticut, 11874
Georgia, 28600
Georgia; authority delegation, 24932
Indiana; authority delegation, 43237
Kentucky, 28600
Massachusetts; authority delegation, 19759
New Hampshire; authority delegation, 19760
North Carolina, 28600
North Carolina; authority delegation, 56886
North Dakota; authority delegation, 44884
Oregon; authority delegation, 7809
South Carolina, 28600
Tennessee, 28600
Virgin Islands; authority delegation, 34685, 53133
Virginia; authority delegation, 8416
Washington; authority delegation, 22862
Air pollution; ambient air monitoring reference and equivalent methods, 3893, 5145, 11076, 15363, 18708, 23225, 26252, 31614, 32946, 32948, 34105, 34106, 36245, 36538, 42972, 46019, 46647, 53684, 54212
Air pollution; atmospheric fluoride emissions; draft guidelines, availability:
Phosphate fertilizer plants, 19585
Air pollution; emission monitoring requirements; application and approval of alternative requirement procedures, 44838
Air pollution; standards of performance for new stationary sources:
Alabama; authority delegation, 40555
Arizona; authority delegation, 53130
California; authority delegation, 21516, 28006, 33324, 42975, 48399, 54798, 55574
Definitions; public comment summary, 19374
Indiana; authority delegation, 43237
Iowa; authority delegation, 56889
Michigan; authority delegation, 1942
Nebraska; authority delegation, 56890
North Carolina; authority delegation, 56886
North Dakota; authority delegation, 44884
Ohio; authority delegation, 55575
Sewage sludge incinerators, municipal, 7447
South Dakota; authority delegation, 17600
Utah; authority delegation, 24215
Virgin Islands; authority delegation, 34685
Virgin Islands; authority delegation; correction, 53133
Virginia; authority delegation, 8416
Air pollution control:
Calibration standards; trace ability; meeting, 32948
Clean Air Act, administration; nonexempt Federal contracts, grants and loans; list of ineligible violating facilities, 46019, 47282, 55931
Mass transit priority incentives, New Jersey, 50052
Pollutant standards index; guidelines for State and local agencies, 37660
Air pollution control, new motor vehicles and engines:
California, motorcycles, hearing, 11876
California, motorcycles; waiver of Federal preemption, 44209
California, waivers; hearing, 30383
Certification test results for 1976 model year, 10022
Low emission vehicles; certification, 24763
Air pollution control; stationary sources categories; additions:
Kraft pulp mills, 42028
Lead, 14921
Petroleum refineries, 43874
Air programs; energy-related authority:
Progress and impact reports, 7989, 38207
Air quality criteria for atmospheric lead; availability of external review draft, 53684
Air quality implementation plans:
Ambient air quality standards; monitoring reference designations, etc., 8531
Oxidant control; photochemical reactivity of organic compounds; policy statement; availability, 5350
Stack height increase guidelines, 7450
Texas; oxidant control strategy; hearings, 50855
Vapor recovery; gasoline stations, stage II; hearing, 56889

Air quality implementation plans; various States, etc.:
Arizona, 28601, 28603
Arkansas, 29478
California, 28603, 28605, 28607, 28609, 28611, 28612, 34814, 36687
Colorado, 27999
Connecticut, 40544
Delaware, 28630
District of Columbia, 28632
Hawaii, 28615
Idaho, 27864
Illinois, 32302
Indiana, 32304
Iowa, 29479
Kansas, 29480
Kentucky, 19157, 56885
Louisiana, 29481
Maine, 40546
Maryland, 28637
Massachusetts, 40547
Michigan, 32306
Minnesota, 32308
Missouri, 29482
Montana, 28002, 53370
Nebraska, 29485
Nevada, 28616, 28617
New Hampshire, 40549
New Jersey, 28842, 35095, 47283, 48752
New Mexico, 29486
New York, 28618
North Dakota, 28004
Ohio, 32309
Oklahoma, 29488
Oregon, 1316, 27864
Pennsylvania, 28826
Puerto Rico, 28834
Rhode Island, 40554
South Dakota, 28008
Texas, 29488, 39069
Utah, 28009
Vermont, 40558
Virginia, 28643
Washington, 27864
West Virginia, 19759, 28627
Wisconsin, 17017, 32311
Wyoming, 28010
Air quality standards; ambient monitoring applications:
Beckman Instruments, Inc., 6121
Bendix Corp., 7450
N. V. Philips' Gloeilampenfabrieken, 6121, 8531
Thermo Electron Corp., 6121
Carcinogens; health risk and economic impact assessments; interim procedures and guidelines, 21402
Committees; establishment, renewals, etc.:
Air Pollution Control Techniques National Advisory Committee, 54796
Ecology Advisory Committee, 30710, 34353
Environmental Radiation Exposure Advisory Committee, 52101
Leptophos Advisory Committee, 20210
Science Advisory Board, 1625, 14587
Scientific Advisory Panel, 32464, 36682
Consumer representation plan, 42781
Cost-effectiveness analysis; annual review and determination, change of interest rate, 15446
Environmental programs; public participation in regulatory process, 51862
Environmental risk opinions; usage of substitutes:
Chlorakylene fluids, 23225
Polydimethyl siloxane, 23225
Environmental statements; availability, etc.:
Aspen Metro Sanitation District et al., 55221
Automobiles, 1978 model year; evaporative emission requirements, 46648
George Neal Steam-Electric Generating Station, 45900
Greeley Region Wastewater Management Program, 55222
Henderson, N.C., 201 Wastewater Treatment System, 55222
Kraft pulp mills, 45901
Organic Solids Refuse Plan, 47993
Petroleum refinery sulfur recovery plants, 46649
Pittston Oil Refinery and Marine Terminal, 47993
Shell Chemical Co., 48778
Vinyl chloride, 50053
Wastewater Collection and Treatment Facilities, R.I., 47994
Westside Trunk District, 52335
Environmental statements; availability of agency comments, 4059, 4847, 8208, 9210, 11624, 13393, 15442, 17596, 20206, 21682, 25926, 31419, 36070, 36248, 36538, 36832, 36833, 36835, 38206, 40192, 40219, 40220, 48771, 53685, 56688
Federal health care facilities; diagnostic x-ray studies; report, issuance and availability, 10705, 27998
Food additive petitions:
Amchem Products, Inc., 49513
American Cyanamid Co. Inc. et al, 10709, 14924, 43236
Ansul Co., 22979
Chevron Chemical Co., 21689
Ciba-Geigy Corp., 55570
Dow Chemical Corp. et al., 10709
Du Pont de Nemours & Co., E.I., 27112
FMC Corp. et al., 13984, 18709, 23998
Herculite Protective Fabrics Corp., 46645
Mobay Chemical Corp., 24213, 27776, 46020, 46512, 49513, 52513
Monsanto Agricultural Products Co., 11349, 15908, 35216, 39831
Monsanto Chemical Co., Inc.; correction, 15909
Pineapple Growers' Association of Hawaii, 50854
Shell Chemical Co. et al., 32777
Tennessee Valley Authority, 13984
Thompson-Hayward Chemical Co., 19373
Union Carbide Corp., 36834, 50854
Upjohn Co., 2859
Zoecon Corp., 15908, 28651
Fuels and fuel additives; lead in gasoline, suspension of enforcement and regulation, 13984, 28352
Grants, State and local assistance:
Minority business enterprises; architectural and engineering consultants, 37394, 40222, 46512
Health risk and economic impact assessments:
Carcinogens; interim procedures and guidelines, 21402
Industrial facilities; PCB-containing wastes; recommended disposal procedures, 14134, 15062
Industrial plant closings attributable to Federal, State, or local pollution control regulations; inquiry, 54214
Information systems policy (OMB Circular A-90); cooperation with State and local governments utilizing systems, 54212
Marine sanitation device standard:
California, 2274, 21516, 34353
Michigan, 2274
New York, 24624
Meetings:
Administrator's Pesticide Policy Advisory Committee, 5349, 9914, 13397, 17595, 36069, 41142, 50854
Air pollution; calibration standards, traceability, 32948
Air Pollution Control Mobile Source, 6121
Air Pollution Control Techniques National Advisory Committee, 7585, 17595, 29488, 44457
Air Quality Criteria National Advisory Committee, 8415, 18473
Chesapeake Bay Program Policy Advisory Committee, 56888
Chlorofluorocarbon Working Group, 49514
Drinking Water National Advisory Council, 14817, 25048, 32782, 44457, 52102
Drinking Water National Advisory Council., 3894, 6123
Effluent Standards and Water Quality Information Advisory Committee, 22863
Environmental Health Advisory Board, 15912, 16692, 17966, 18473, 26253, 26254
Environmental Health Advisory Committee, 13983, 28006, 29014
Environmental Measurement Advisory Committee, 15363
Environmental Pollutant Movement and Transformation Advisory Committee, 14817, 36682
Environmental Radiation Exposure Advisory Committee, 37394
FIFRA Scientific Advisory Panel, 51436, 55574
Hazardous Materials Advisory Committee, 3117
Leptophos Advisory Committee, 28847
Mineral mining point source category; effluent guidelines and standards, 50713
Municipal Construction Division Management Advisory Group, 53371
Municipal Construction Division Technical Advisory Group, 11880, 32947
Polychlorinated biphenyls, panel discussion, 53692
Polychlorinated Biphenyls Work Group, 53692
Science Advisory Board, 1125, 3118, 4637, 6799, 32947, 34353, 36538, 36539, 42975, 44216, 44456, 47282, 48567, 51068, 52103, 53130, 53841
State-Federal FIFRA Implementation Advisory Committee, 2111, 2274, 5349, 17965, 32313, 34106, 49517, 50855, 52103, 55222
State-Federal Water Programs Advisory Committee, 7991, 8824, 23752, 26746, 40557
Toxic Substances Control Act implementation, 51648, 53567

INDEX

UMI

Treatment works construction; contracts and engineering agreements, 36834
Municipal sludge management; environmental factors; technical bulletin, 22532
Noise abatement programs:
Aircraft noise levels; submittal to FAA of proposed control regulations, 44214
Nuclear power operations; radiation protection; hearing, 1124, 5349
Pest control, structural:
Service containers, use and labeling for transportation or temporary storage of pesticides, 55932
Pest control devices and device producers; consolidation and clarification of FIFRA requirements, 51065, 52513
Pesticide applicator certification and interim certification; State plans:
Alabama, 33322
Arizona, 15910, 19755
Arkansas, 15910, 19755, 31940, 49513
Colorado, 40557
Connecticut, 21219
Delaware, 21219, 34814, 52512
District of Columbia, 36249
Florida, 8211, 19755, 33940
Guam, 36687, 50712
Hawaii, 14592, 28841
Idaho, 16608
Indiana, 26745, 33322, 52101
Iowa, 22412, 29719
Kansas, 8211
Maine, 38814, 42698
Maryland, 8211, 29900, 45620
Michigan, 10253, 14923, 28841
Mississippi, 6122, 56694
Missouri, 22412
Montana, 13398, 28615, 41154, 54214, 54973
Nevada, 19374, 22412, 34815
New Hampshire, 15910, 19755, 22297, 41154
New Jersey, 12759
New Mexico, 35214, 49514
New York, 47283
North Dakota, 21219, 49190, 55932
Ohio, 33324
Oklahoma, 15910, 19755, 52514
Oregon, 13397
Pennsylvania, 8211, 21402
Puerto Rico, 10255, 22410, 26745
South Carolina, 1125
South Dakota, 33324, 46646, 53371
Tennessee, 21218, 31942
Texas, 30714, 49517
Utah, 22412
Vermont, 15910, 19755, 53133
Virgin Islands, 22414, 35097
Virginia, 17015, 29209, 32947
Washington, 7449
West Virginia, 14594, 22412, 26068
Wisconsin, 10253
Pesticide chemicals; tolerances, exemptions, etc.; petitions:
Abbott Laboratories, 18708, 18709
Agricultural Research Service, 18708
Amchem Products, Inc., 49513
American Cyanamid Co., 5655, 9420, 32642, 32777
American Hoechst Corp., 4636
Ansul Co., 31614
Arbo Products Co., Inc., 18545
Avitrol Corp., 20013
BASF Wyandotte Corp. et al., 13983, 18708, 35758, 43236
Buckman Laboratories, Inc., 56705
Chapman Chemical Co. et al., 16497, 22126, 26742, 27998, 36068, 37394
Chevron Chemical Co., 4636
Chevron Chemical Co. et al., 27775, 27776, 29014, 32948, 35096, 53840
CIBA-GEIGY Corp., 2858, 4637, 18140, 18709, 19376
Conrel, 41746
Diamond Shamrock Corp., 13984
Dow Chemical Co. et al., 22409, 23998, 26068, 27776, 36834
DuPont de Nemours, E.I., & Co., 2671, 18707, 29209, 38813
Elanco Products Co., 4852, 18140
Fisons Corp., 10467, 21405
FMC Corp., 8532, 32777, 44735, 46020, 49513, 52101
Mallinckrodt, Inc., 24213
Michigan State University, 37394
Minnesota Mining & Manufacturing Co. et al., 4359
Mobay Chemical Corp. et al., 14812, 19373, 21218, 44213, 46020, 50854
Mobil Chemical Co., 11868
Monsanto Agricultural Products Co., 11868
Monsanto Chemical Co., Inc., 15909, 26743
Monsanto Co., 32949, 40219, 43950
New York State Agricultural Experiment Station, 47588
North Dakota State University Agricultural Experiment Station, 41155
Penwalt Corp., 18707
PPG Industries, Inc., 18141, 19376, 39378
Rhodia, Inc., 13984, 18140
Rohm & Haas Co., 12920, 14588, 17017, 18707, 43237
Sandoz, Inc., 18544, 37396
Shell Chemical Co. et al., 8415, 14587, 29479, 52102
Tahoe Industries, Inc., 18545
Thompson-Hayward Chemical Corp., 23752
Union Carbide Corp., 8823, 36834, 41946, 50854
Uniroyal Chemical, 18709
Uniroyal Inc., 6122
University of Arkansas, 23435
University of Idaho, College of Agriculture, 22863
Upjohn Co., 15363
Velsicol Chemical Co., 32950
Zoecon Corp., 11349, 28002
Pesticide enforcement policy statements:
Agency procedures adopted, 13984, 41142
Preventive pest control treatments in absence of target pests, 28005
Pesticide programs:
FIFRA data compensation provisions, implementation, 51436
Kepone levels in seafood; hearing, 56380
Registering pesticides in U.S., guidelines; future availability from Government Printing Office, 5350
Reregistering pesticides; data requirements, 7218
Water treatment units, bacteriostatic; interim requirements, 32778
Pesticide registration:
Application data consideration, 3339, 4063, 46020
Applications, 2668, 2671, 3117, 3894, 4358, 4359, 4852, 6314, 6318, 7171, 7174, 7447, 7585, 7586, 8097, 8099, 8532, 8823, 9418, 10706, 10710, 11349, 11869, 11870, 11878, 12335, 12759, 12761, 12920, 13658, 13660, 13989, 13991, 14589, 14591, 14592, 14813, 14815, 14925, 14926, 14927, 16610, 16686, 16688, 16690, 16692, 17964, 18141, 18142, 18143, 18144, 19368, 19369, 19371, 19757, 20442, 20443, 20913, 22297, 22408, 23426, 23427, 23429, 23431, 23432, 23433, 23753, 23754, 24214, 26743, 27112, 27114, 27116, 27118, 27120, 27427, 27429, 27431, 27777, 28646, 28648, 28649, 28835, 28837, 30716, 30718, 31936, 31938, 32642, 33579, 33582, 34680, 34682, 35760, 35762, 35765, 36682, 36685, 36834, 37845, 37847, 37848, 40551, 40552, 41147, 41149, 41947, 42972, 42973, 44215, 44457, 44735, 46021, 46022, 48564, 48770, 49514, 49516, 50051, 50466, 51061, 51063, 53131, 53840, 54796, 55570, 55571, 55573
Benzene Hexachloride (BHC), 46024, 46031, 53368
Chlorobenzilate, 29015
Chlorobenzilate; presumption against new and continued registration, 21517, 23753
Chloroform (trichloromethane); presumption against continued registration; inquiry, 14588, 22297
Compounds 1080 and 1081, 52792
Cowley's Original Rat and Mouse Poison; intent to cancel, 1623
Dantoin DMDMH-55, 51648
DDT-containing product, 31253
Dimilin W-25, 22980, 35097
Endrin, 31316, 40551
2-Ethoxy-2-,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, 32641
Flexabar Bacteriostatic Rug Shampoo Concentrate, 53839
Heptachlor and chlordane, 4064, 7552, 20013
Kepone (chlordecone); cancelled, 24624
Kepone (chlordecone); presumption against new and continued registration, 12333, 12334, 16612
Mestranol, 37844
Mirex, 56703
New animal drug products, pesticidal; transferred to FDA; inquiry, 26734
Octamethylpyrophosphoramide, 21859
Ottaform 204, 35096
Petroleum distillate-containing products; policy statement, 41150
Picloram, 8824, 14813
Poly (hydroxyethylene (dimethyliminio)-ethylene (dimethyliminio) methylene dichloride), 32782
Purina Fly Patrol, 22980
Registration data requirements; policy statement, 21685
Sodium cyanide use in M-44 devices for predator control, 11871, 21690
Sperm whale oil, 51067, 56687
Strychnine and strychnine sulfate, 52810
SWARD 50W, 40550, 44456
Terpene polychlorinates, 26607
TM Biocontrol-1, 51067
VISCO 3990, 35216, 44734

Pesticides; specific exemptions and experimental use permits:
Abbott Laboratories, 17964, 22410
Agriculture Department et al., 2274, 18543, 21689, 21691, 22980, 23997, 27120, 28626, 28833, 35760, 43236, 43445, 54213
AGSCO Agricultural Division, 22411
Albany International Co., 18706
Amchem Products, Inc., 10710, 26252
American Cyanamid Co. et al., 4853, 10711, 12758, 30709, 31613, 36245
American Hoechst Corp., 8532
Ansul Co., 27120
Armack Co., 6799, 47992
Army Department, 38814, 43445
Army Environmental Hygiene Agency, 14922
Avitrol Corp., 22411
BASF Wyandotte Corp., 15910, 23998
Bayvet Corp., 10711, 19370
California Department of Food and Agriculture, 31613, 46648
California Department of Health, 22979, 32640, 36250, 46644, 49877
Chemagro, 10711, 22411
Chevron Chemical Co. et al., 4853, 7588, 12085, 21514, 22411, 24763, 36246, 38813
CIBA-Geigy Corp., 4853, 7588, 10253, 27120, 32949
Cities Service Co., 14921, 23751
Clemson University, 35096
Colorado, 30711
Colorado Department of Health, 36833
Creative Sales, Inc., 22411
Delaware Department of Agriculture, 7809, 32946
Diamond Shamrock Corp., 10711, 14921, 18139
Dow Chemical Co. et al., 15910, 35759
DuPont de Nemours, E.I. & Co., 21690, 43237
Elanco Products Co., 7446, 12085, 15909, 15910, 18706, 19754, 20012, 20443, 20913, 21515, 24763, 32949, 36246
Engineers Corps, 35215
Fisons Corp. et al., 23751, 30710, 44213
FMC Corp., 10712, 28614
Forest Service, 4853, 15909, 16609, 16610, 21515, 26254, 26746
GAF Corp., 23751
Guam Department of Public Health and Social Services, 27121
Gulf Oil Chemicals Co., 27121, 27122
Hawaii, 56888
Health, Education and Welfare Department, 36250
Hercules, Inc., 12758, 19754
Hoffman-La Roche Inc., 3894, 26252
ICI United States, Inc., 18544, 20913
Idaho State Department of Agriculture, 15911, 36251, 46645
Interior Department, 8415, 19371, 22414, 30710, 53370
Louisiana, 43444
Lowden, Inc., 22413
Magna Corp., 24764
Massachusetts Department of Environmental Quality Engineering, 38207
Mauget, J. J., Co., Inc., et al., 30711, 38813
Merck & Co. Inc., 14922
Michigan State University Agricultural Experiment Station, 41142
Mississippi Department of Agriculture and Commerce, 10253
Mississippi State University, 19372
Mitchell Manufacturing Corp., 4854
Mobay Chemical Corp., 17964, 23752, 53685
Mobil Chemical Co. et al., 14586, 14587, 17017, 19372, 20012, 21515, 22413, 35759
Monsanto Agricultural Products Co., 19372
Monsanto Co. et al., 13658, 28615, 36246
Montana Department of Livestock, 1623, 22979
Nevada Division of Health, 38208
New Hampshire Division of Public Health Services, 816
New Jersey Department of Environmental Protection, 29899
New Mexico Department of Agriculture, 1625, 19373
New York State Agricultural Experiment Station, 53692
Nor-Am Agricultural Products, Inc., et al., 24764, 44214
North Carolina Department of Agriculture, 37395
North Dakota State University et al., 36247, 46513
Ohio Department of Agriculture, 50053
Oklahoma State Department of Agriculture, 1625
Olin Chemicals, 21515
Oregon Department of Fish and Wildlife, 12085
Oregon Department of Forestry, 28626
Oregon State Department of Agriculture, 11349, 48564
Oregon State University, 17017
Penick, S. B., & Co., et al., 32641, 36247, 38208
Pennsylvania State University, 6122
Pennwalt Corp., et al., 10254, 21690, 36247, 36834
Pfizer Inc., 17964
PPG Industries, Inc., et al., 20443, 20444, 22413, 44214
Rentokil, Inc., 15910
Research Products Co. et al., 41150
Rohm & Haas Co., 16609, 20012, 21691, 44459, 49877
Sandoz, Inc., 20443, 22413, 27122
Sellers Chemical Corp., 22413, 23752
Shell Chemical Co. et al., 14922, 16609, 26253, 35759
South Carolina, 4063, 12086
Stauffer Chemical Co., 8532, 11350, 18140, 26253
Tennessee Valley Authority, 8416, 11877
Texas A & M University, 10712, 21691
Texas Department of Health Resources, 30712
Texas State Department of Agriculture, 22980, 29901, 40221
Thompson-Hayward Chemical Co. et al., 22414, 30713
U.S. Borax Research Corp., 2671, 19754
Union Carbide Corp., 10712, 22414
Uniroyal Chemical Co., 10254, 44214
University of Arizona, 23751, 29014
University of Arkansas, 27120
University of Idaho Cooperative Extension Service, 26253
University of Idaho et al., 28846
Upjohn Co., 19376, 26254
Velsicol Chemical Corp. et al., 10712, 36248
Vermont Department of Agriculture, 30713
Washington Department of Agriculture, 14924, 36835, 37850
Weyerhaeuser Co., 54973
Wyoming Department of Agriculture, 7991, 50855
Zoecon Corp., 13992, 18706
3M Co., 10254, 30713
Pesticides enforcement program; grant availability, 32778
Polychlorinated biphenyls (PCB's):
Industrial facilities, PCB-containing wastes; recommended disposal procedures, 14134, 15062
Meetings, 53692
Privacy Act; systems of records, 39689
Radiation levels:
Carlsbad Caverns; interim recommendations, 22409
Florida phosphate lands; interim recommendations, 26066
State-Federal FIFRA Implementation Advisory Committee; recommendations report and inquiry, 26951
Toxic substances control:
Implementation; meetings, 51648, 53567
Reporting and premarket notification requirements; inquiry, 56688
Waste, solid; treatment, management, etc.:
Alternate techniques for best practicable treatment; supplement, 6190
Hazardous waste management; position statement, 35049
Meeting, 52513
Oxidant control; photochemical reactivity of organic compounds; policy statement; availability, 5350
Vinyl chloride; disposal procedures for aerosol cans, 23226
Water pollution; effluent guidelines for certain point source categories:
Mineral mining and processing; meetings, 50713
Water pollution control:
Categories of sources list; additions, 9915, 18710, 19758, 29015, 47993, 50713
Colorado River system, 13656
Effluent standards for toxic pollutants; availability of reports, 24216, 35217
Federal Water Pollution Control Act, administration; nonexempt Federal contracts, grants, and loans; list of ineligible violating facilities, 4064, 46019, 47282, 55931
Municipal sludge management; environmental factors; technical bulletin, 22532
Secondary treatment information; municipal wastewater disinfection, 30789
Water quality criteria; availability of report, 32947
Water quality management program development; guidelines, 48777, 51436
Water pollution control; discharge of pollutants:
New Mexico, 2858, 17599
New York, 2668
Virgin Islands, 20734, 30383

INDEX

UMI

Water pollution control, marine sanitation device standards:
New York, 11869
Wisconsin, 11869
Water pollution control; safe drinking water; public water systems designations:
Central Fresno County, Calif. groundwater system, 53368
Guam, northern groundwater system, 17419
Montgomery County, Md.; Clarksburg-Boyds aquifer, 22976, 53368
San Antonio, Tex.; Edwards Underground Reservoir, 11876
Water quality management; minimum standards; grants, State and local assistance:, 17702

ENVIRONMENTAL QUALITY, CITIZEN'S ADVISORY COMMITTEE

NOTICES
Meetings, 15059, 35209

ENVIRONMENTAL QUALITY COUNCIL

RULES
Oil and hazardous substances pollution; National contingency plan; coordination of on-scene activities, 12658

PROPOSED RULES
Freedom of information, 54005
Oil and hazardous substances pollution; National contingency plan; coordination of on-scene activities, 2396

NOTICES
Energy research, Federal, and developing technologies; conservation and environmental aspects; transcripts, 1975 hearings; availability, 9914
Environmental protection and energy conservation; aspects of Federal nonnuclear research and development; hearing, 47588
Environmental statements:
Actions requiring preparation, 6794
Analysis of six years' experience of seventy Federal agencies; meetings, etc., 23750, 31935, 38553
Environmental statements; availability, etc., 1123, 1616, 2430, 2432, 3503, 4634, 5425, 6792, 7806, 8528, 9587, 10702, 11601, 12756, 14212, 15059, 16204, 17012, 18136, 18912, 20009, 20910, 21856, 22860, 23748, 24759, 26249, 27424, 28349, 29475, 30380, 31933, 32943, 34350, 35211, 35213, 36241, 37840, 38550, 40216, 41943, 43442, 44453, 45897, 46641, 47585, 48767, 50048, 51055, 52332, 52535, 53127, 54021, 55250, 56216
Environmentally unsatisfactory action determination; Northern Gulf of Alaska Outer Continental Shelf lease sale, 12758
LWR fuel cycle, reprocessing and waste management portion; environmental survey, 45900

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

RULES
Employee selection procedure guidelines, 51984
Procedural regulations:
Employment discrimination; deferral of charges to appropriate State and local agencies; designated 706 agencies, 7098, 30635, 37104, 47426
Region, district; definitions, 34745
Unlawful employment practices; prevention practices, 34745
Records and reports:
Apprenticeship recordkeeping; race/ethnic categories, 33557

PROPOSED RULES
Privacy act; implementation, 49656
Procedural regulations:
Employment discrimination; deferral of charges to appropriate State and local agencies; designated 706 aencies, 55366
Employment discrimination; deferral of charges to appropriate State and local agencies; designated 706 agencies, 26707, 33924, 41431, 43195
Notice agency designation; Raleigh Community Relations Commission, N.C., 56673

NOTICES
Idaho Human Rights Commission:
Proposed withdrawal as 706 agency, 37844
Retention of designation as 706 agency, 55376
Information reports; extension of filing deadlines:
Higher education staff, 8417, 9005
State and local governments, 41452
Privacy Act; systems of records, 27112, 34815, 42170, 46041, 51069
Reports, employer information:
Filing deadline extended, 17601
Filing reports for 1975; waiver, 33579
Race/ethnic categories, new, 17601

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

NOTICES
Employee selection procedures; uniform guidelines, 29016
Policy statements:
Affirmative action programs, State and local government agencies, 38814

EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES COMMISSION

NOTICES
Meetings, 42253, 48197, 49905, 51888

EXECUTIVE OFFICE OF PRESIDENT

See Central Intelligence Agency.
Environmental Quality Council.
Management and Budget Office.
Telecommunications Policy Office.
Trade Negotiations, Office of Special Representative.
Wage and Price Stability Council.
White House Office of Public Liaison.

EXPORT-IMPORT BANK

RULES
Book-entry procedures; securities issued, 15402
Privacy Act; implementation, 19299

PROPOSED RULES
Book entry procedures; securities issued, 1086
Privacy Act; implementation, 11323

NOTICES
Meetings:
Advisory committee, 11350, 42235
Privacy Act; systems of records, 9420, 28011, 50788

EXTENSION AND CONTINUING EDUCATION, NATIONAL ADVISORY COUNCIL

NOTICES
Meetings, 5339, 5690, 6308, 8405, 19148, 20606, 28570, 36679, 40214, 41478, 49536, 55612, 56860

EXTENSION SERVICE, USDA

NOTICES
Organization and functions, availability of information, 1934

FAIR HOUSING AND EQUAL OPPORTUNITY, OFFICE OF ASSISTANT SECRETARY

PROPOSED RULES
Laws, State fair housing; recognition of substantially equivalent laws, 43734

NOTICES
Authority delegations:
Equal Opportunity, Assistant Secretary, 14209
Regional Administrators, 14208
Board of realtors; uniform affirmative fair housing marketing agreement for voluntary use; adoption, 43221
Fair housing agencies, State and local; training conference, 12331
Meetings:
Residential mortgage loans, nondiscrimination; disinvestment and redlining practices, 23993
Nondiscrimination; residential mortgage loans, disinvestment and redlining practices, 23993

FARM CREDIT ADMINISTRATION

RULES
Financing, eligibility and scope; producer voting control of cooperatives, percentage, permissable to borrow from bank, 1269
Funding and fiscal affairs:
Bearer securities, 7085
Retirement of Federal intermediate credit bank class B stock, participation certificates and allocated legal reserve, 33546
General provisions; travel and subsistence expenses; directors, officials and employees of banks, 33547

Lending; nondiscrimination, 16451
Loan policies and operations:
Voluntary employee contribution to System thrift plan, etc., 7085
Organization; district board members; farm credit system, 33546
Organization and functions, 15835
Personnel administration; voluntary employee contribution to System thrift plan, etc., 7085

PROPOSED RULES
Funding and fiscal affairs; retirement of Federal intermediate credit bank class B stock, participation certificates and allocated legal reserve, 24914

NOTICES
Authority delegations:
Deputy Governor, Credit and Operations, 42227
Secretary to Governor et al.; authenticate documents, certify official records, and affix seal, 44070
Privacy Act; systems of records, 16612, 24625, 39693

FARMERS HOME ADMINISTRATION

RULES
Account servicing:
Operating loans, reamortizing and renewing; approval authority, 43161
Operating loans, reamortizing and renewing; eligibility requirements, 49991
Routine; default, liquidation, etc., 32576
Routine; Federal statute of limitations, 31548
Routine; Federal statute of limitations; CFR Subpart deleted, 40111
Routine; loans, transfer of securities, etc., 55846
Routine; reamortization of rural housing accounts, 41710
Routine; transfer of security and assumption of loans; community programs; forms, 7494
Applications, receiving and processing:
Option to appeal rejection requirement, 56773
Privacy of personal information; forms, 6263
Qualifications changes, 14728
Real Estate Settlement Procedures Act; compliance, 26676, 38156
Social Security numbers, use of, 14860
Association, community facility loans:
Bond transcript documents, 50267
Community domestic water/waste disposal facilities; development grants, 53009, 56626
Cooperative loan association policies, authorizations, and procedures, 13930
Disbursing methods; forms, 7488
Editorial changes, 19966
Eligibility, etc., electric and telephone facilities, etc., 1490
Private business enterprises and community water/waste disposal facilities; development grants, 39005, 53009, 56626
Processing loans, applications, etc.; forms, 7488
Procurement, bidding, and contract awards, etc., 5109, 25995
Projects requiring FmHA assistance, evaluation, review, and coordination; CFR Subpart deleted, 53973
Security, reserve requirements, and health care facilities, 47461
Audits and investigations:
Audit reports; procedures, 21176
Borrowers, supervision of; reports and audits requirements, 49104
Business services:
Property and supply; procurement, sales, and leasing authority, 13933
Davis-Bacon Act, etc.:
Cooperative association loan policies, authorizations, and procedures, 13930
Policy and scope, 34583
Rural rental housing loans, 34583
Development work, planning and performing:
Construction complaints, handling, 10441
Editorial changes, 19966
Surety bonds, 8488
Emergency livestock line of credit guarantees:
Environmental impact requirements; reference change, 39005
Loan servicing, 55173
Processing steps and forms, 7494
Program extension, 55321
Emergency loans:
Disbursement system; forms, 7492
Policies, procedures, and authorizations, 3464, 10211, 23390, 23699, 39005, 46450
Environmental statements:
Preparation guidelines; community services programs, 22255, 22256, 23186
Farm purchase and development loans:
Disbursement system; forms, 7483
Ownership loan policies, procedures, and authorizations, 32575, 38157, 39004
Soil and water loan limitations, 56773
Freedom of information, 19966
Grant-in-aid information, 38157
Guaranteed loans:
Business and industrial and emergency livestock loan programs, 13930
Business and industrial loans; administrative provisions, interest rates, etc., 20886
Business and industrial loans; environmental impact assessments and statements; reference change, 39005
Business and industrial loans; lenders, applications, liquidation, and transfer; requirement and eligibility changes, 43390, 47257
Business and industrial loans; repurchase, 11807
Farmer loans; subsidy rates, claims, and payments, 28509
Rural housing loans, 47463, 47473, 49109
Historic preservation, natural; cooperative association loan policies, authorizations, and procedures, 13933
Loan and grant programs(individual):
Borrower account servicing (individual); Federal statute of limitations, 40116
Development planning and performing, individual; complaints, suspension, and debarment proceedings, 10442, 14717, 47462
Rural housing, 56774
Loans, insured RRH and RCH; interest credits, 15831
Management:
Operations review; policies and procedures, 22928
Nondiscrimination:
Civil rights compliance requirements, 40112
Civil rights compliance reviews; CFR Part deleted, 40111
Nondiscrimination in FmHA-financed construction:
CFR Part deleted, 40111
Cooperative association loan policies, authorizations, and procedures, 13933
Operating loans:
Policies and authorizations, 7491, 23390, 24699, 32576, 43160
Processing procedures; forms, 7491, 23390, 23698, 27971, 32697
Program-related instructions:
Certificates of beneficial ownership and insured notes, 51799
Projects; review, evaluation, and coordination; CFR Subpart transferred and redesignated, 53973
Real estate and chattel properties, 32698
Real property insurance:
Clarification of requirements, 49990
Insured and uninsured losses, reporting requirements, 55846
Monitoring loan accounts, 34571
Reclamation project loans:
Management and sale of acquired real estate; editorial change, 32578
Rural and labor housing; waiver of use of county committee; CFR Part rescinded, 19967
Rural housing loans and grants:
Applicants citizenship status, 12274
Conditional commitments program, 2372
Editorial changes, 19966
Fair market housing; CFR Subpart deleted, 40111
Financial assistance eligibility, rural areas; listing, 15686, 25885, 27970
Mortgage insurance programs, State; definitions, etc., 8488
Performance or improper action by persons dealing with FmHA, 10441
Policies, procedures and authorizations; farm labor housing, 20391, 20392, 37307, 53009
Policies, procedures and authorizations; forms, 7484, 7486, 7487
Policies, procedures and authorizations; homes for low and moderate income families, 47459
Policies, procedures and authorizations; maximum adjusted income, 48317
Policies, procedures and authorizations; rental housing, 7486, 13932, 21643, 34578, 39005, 42939, 51031, 51584
Rural areas; definition and financial assistance eligibility listing, 42641
Self-help technical assistance; forms, 7487
Security servicing and liquidations:
Certificates of beneficial ownership and insured loans; CFR Part removed, 51779
Chattel property; auctioneer liability, 51798
Chattel property; transfer eligibility requirements; clarification, 55847
Chattel security; additional security agreements, 23392
Chattel security; assignment of notes instruments, 32577
Chattel security; capital expenditures, subordination, 24700

INDEX

UMI

Chattel security; liquidation sale of repossessed property, 32577
Chattel security; liquidation sales, distribution of proceeds, 5383
Chattel security; paid-in-full loans, 32697
Chattel security; State supplements, 27081
Real estate security; acquired property, management and sale, 1490, 7494
Real estate security; acquired property, management and sale; cooperative loan policies, authorizations, and procedures, 13931
Real estate security; acquired property, management and sale; deletion, 32578
Real estate security; individual loans and note-only cases, 32577
Real estate security; transfer of loan accounts, rural to nonrural, 53010
Timesaving and program improvement; real estate settlement statements, 26677
Title clearance and loan closing:
Attorney designations, 24110
Settlement statement, 16159
Truth in lending; real estate settlement procedures, 16159, 26677, 38157

PROPOSED RULES

Account servicing:
Loans, transfer of securities, etc., 27851
Operating loans, reamortizing and renewing of; eligibility requirements, 35532
Payments, past-due and servicing follow-up actions; notification forms, 33561
Routine; Federal statute of limitations, 18679
Routine; moratorium on payments, 52888
Applications, receiving and processing:
Credit reports; availability and release, 33561
Packager assistance, rural housing loans; personal interviews, 4595, 37340
Association, community facility loans:
Community domestic water/waste disposal system, 37340
Community facilities; development, conservation and utilization, 34767
Community facility loans, 14773
Private business enterprises and community water/waste disposal facilities, 23718
Procurement, bidding, and contract awards, etc., 5129
Bank accounts, supervised; Loan Disbursement System; multiple advance feature, 55359
Borrowers, supervision of; reports and audits requirements, 19342
Development work, planning and performing:
Assistance eligibility for new and existing subdivisions, 42958
Rural rental housing projects; construction contract method, 43179
Emergency loans:
Loan Disbursement System; multiple advance feature, 55359
Farm purchase and development loans:
Loan Disbursement System multiple advance feature, 55359
Freedom of information, 3094, 33922
Guaranteed loans:
Business and industrial lenders, applications, liquidation, and transfer; requirement and eligibility changes, 33561
Rural housing loans, 39776, 39787
Loan and grant programs (group):
Self-help technical assistance, 51404
Loan and grant programs (individual):
Rural housing, 46315
Management assistance to individual borrowers and applicants, 50272
Nondiscrimination; civil rights compliance requirements, 18311
Operating loans:
Capital expenditures, subordination, 16660
Real estate and chattel properties, 12041
Real property insurance; monitoring loan accounts, 23410
Rural housing loans and grants:
Applications, packaging; information required, 4595
Loan Disbursement System; multiple advance feature, 55359
Policies, procedures, and authorizations; transfer and redesignation of CFR Subpart, 46315
Policies, procedures and authorizations; definitions, etc., 47060
Policies, procedures and authorizations; developed sites, conditional commitments for construction of homes, 28795
Self-help technical assistance; redesignated, 51404
Security servicing and liquidations:
Chattel security; auctioneer liability, 18518
Chattel security; capital expenditures, subordination, 16660, 45576, 47944
Chattel security; interest rate action withdrawn, 45576
Chattel security; transfer eligibility requirements; clarification, 45576
Supervision of borrowers; redesignated, 50272
Title clearance and loan closing; attorney designations, 8190

NOTICES

Business and industrial loans; insured loan interest rates, 8403, 8816, 51643
Disaster and emergency areas:
Alabama, 4307, 12315, 27412
Arkansas, 16491, 17950, 21497, 50847, 56352
California, 16674, 26244, 53121
Colorado, 10937
Delaware, 4307, 9249
Florida, 38195
Georgia, 5411, 8816, 14809, 15723, 46495, 48389, 53121
Idaho, 15723, 47087, 49867, 55733
Illinois, 29893, 51643
Iowa, 3494, 6081, 9577, 16674, 27098, 29001, 53834, 56352
Kansas, 51643
Kentucky, 27099
Louisiana, 4307, 9577, 10081, 12315, 14452, 22639, 48760, 53122, 55733
Maine, 47271
Michigan, 6081, 11845, 19995, 30373, 36827, 46633, 52897
Minnesota, 7798, 9249, 37382, 51850
Mississippi, 4621, 6297, 9250, 18535, 27099, 50847, 56681
Missouri, 11845, 16675, 39055, 42967, 50848, 56353
Nebraska, 12076, 16491, 47980
Nevada, 40202
New Jersey, 5141, 5411
New Mexico, 18121
New York, 29893, 36055, 43937, 48760, 53834
North Carolina, 4307, 9250, 11846, 12076, 18536, 22974, 35083, 47087, 48760, 54780
North Dakota, 5411, 9577, 11846, 17589, 37382, 46496, 51643, 55733, 56353
Ohio, 12315, 38535, 54780
Oklahoma, 8816, 22974, 41125
South Carolina, 6081, 42967, 48389
South Dakota, 5411, 8518, 12077, 21497, 37382
Tennessee, 12077, 18457, 52504
Texas, 3886, 7798, 9250, 10245, 11847, 12315, 18536, 24616, 33928, 38195, 48760, 48761, 51644, 55733
Utah, 45601
Virginia, 39055, 48761
West Virginia, 55733
Wisconsin, 9577, 16844, 21497, 35203, 37383
Rural housing, newly constructed, for lower-income families; memorandum of understanding with HUD, 34332

FEDERAL ADVISORY COUNCIL ON REGIONAL ECONOMIC DEVELOPMENT

See Regional Economic Development, Federal Advisory Council.

FEDERAL AVIATION ADMINISTRATION

RULES

Administrative regulations; security information release, 2248
Air carriers certification and operations:
Agricultural aircraft; inspection requirements, 16796
Agricultural aircraft operations; operator certificate requirements, 35060
Air carriers, scheduled, with helicopters; airworthiness review program, 55475
Air taxi and commercial operators of small aircraft; airworthiness review program, 55476
Air taxi and commercial operators of small aircraft; flight recorder and cockpit voice recorder, 56792
Air taxi and commercial operators of small aircraft; ground proximity warning system, 53319
Air travel clubs using large airplanes; ground proximity warning system, 53319
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; aircraft security, 30106
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; airworthiness review program, 55475
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; flight recorders and cockpit voice recorders, 56792
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; ground proximity warning system, 53319
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; security information, 53777
Foreign air carriers, operations; aircraft security, X-ray systems for carry-on aircraft baggage inspection, 30106
Large aircraft; ground proximity warning-glide slope deviation alerting system, 35071
Large aircraft; security; checked baggage, screening, 10911
Operations review program; agenda, etc., 47229
Rotorcraft external-load operatons; airworthiness review program, 55475
Air traffic operating and flight rules:
Airworthiness review program, 55436
Canadian registered amateur-built aircraft; special flight authorizations, 1890
IFR, 17879
Jet advisory areas; revoked, 12279
New York, port of; prohibition, 24582
Noise abatement near airports; turbojet-powered aircraft, 52388, 56055
Operations review program; agenda, etc., 47228
Radio equipment, overwater operations, 16795
Security control, 10419
Turbojets; noise standards compliance, 52388, 56055
Air traffic rules, special:
Alaska, 14879
California, 14879, 15837
Oregon, 5386
Aircraft products and parts, certification:
Engines, etc.; import approvals, 27954
Aircraft registration:
Registry mailing address, 34009
Aircraft security information; withholding from disclosure; release and availability, 53777, 55334
Aircraft titles and security dockets, recording:
Registry mailing address, 34010
Airmen certification:
Editorial changes, 51392
Operations review program; agenda, etc., 47228
Airmen medical standards:
Contact lenses, visual acuity requirements, 46433
Airport aid program; visual approach slope indicator; eligibility, 37102
Airport development actions affecting environment; processing procedures, 46435
Airport security:
Information disclosure; "intrastate", 53777
Airports, National Capital; motor vehicles carrying passengers for hire on Washington National and Dulles International Airports, 19622
Airworthiness directives:
Aer Pegaso, 10416
Aeronautica Macchi, 14883
Air Cruisers Co., 2376, 13906
Airborne Manufacturing Co., 32733
AiResearch Manufacturing Co. of Arizona, 32733
Alexander Schleicher Gliders, 14876, 29662
Armstrong Whitworth, 36014, 43132
Avco Lycoming, 23373
Avions Marcel Dassault, 39736, 40456, 49088
Avions Marcl Dassault-Breguet Aviation, 22049
Beech, 1046, 1054, 7086, 7087, 7936, 8336, 9298, 10878, 17875, 17876, 17877, 21180, 22044, 24789, 25997, 26567, 27026, 27955, 34583, 35059, 40456, 47911, 47912, 54165, 55332
Bell, 1738, 4013, 5385, 9299, 9301, 11271, 12275, 20159, 23374, 23940, 24578, 28509, 29091, 30099, 46431, 53777, 53778
Bellanca Aircraft Corp., 16793, 37095, 44152, 47227, 50805
Bendix, 14882
Boeing, 1581, 3847, 5271, 7086, 8766, 9298, 11272, 14365, 14882, 22343, 25998, 27956, 29092, 32207, 34009, 36487, 37092, 38759, 43713, 49088, 49089, 50805, 53778, 53779, 55860
Brantly, 17371
British Aircraft Corp., 7500, 39737, 48511, 52292
Britten Norman Ltd., 2376, 11272, 27027, 30103, 46430
Canadair Aircraft, 30586
Caproni Vizzola Aeronautiche, 40454
Cessna, 1055, 7936, 7938, 10878, 11811, 14876, 16451, 18647, 20159, 21181, 22045, 24879, 27715, 29093, 29663, 33245, 33246, 34584, 40454, 46432, 49804, 52292, 54165
Collins, 14877
Consolidated Aeronautics, 2631
Curtiss-Wright, 29663
DeHavilland, 14365, 15837, 17368, 27027, 27716, 27717
Dornier, 20646, 22050
Douglas, 10417
Dowty Rotol, 37093
Enstrom, 11272, 13906, 26567, 36015, 37095
Fairchild, 12877, 13907, 20646, 23940, 27027
General Electric Co., 8336, 10878, 25998, 34008, 34584, 36488, 45817
Grumman-American Aviation Corp., 1581, 7936, 7938, 10877, 11273, 14877, 27028, 36015, 39737, 45818, 49089, 50243, 52046
Hamburger Flugzeugbau, 14883, 17368
Hamilton, 10417
Hawker Siddeley Aviation, Ltd., 2375, 10879, 11811, 12276, 12877, 20160, 21181, 23940, 32734, 36015
Hiller, 44153
Hirth, Schempp, et al., 18648
Hughes, 20646, 37093, 40456
Lake Aircraft, 24879, 52046
Learjet, 37095
Leigh, 42184
Let N.P., 2375
Lockheed, 7087, 7088, 8766, 19101, 21181, 22048, 33246, 45818
Lockheed-California Co., 1889, 17875, 18648, 22049, 28510, 30136, 34585, 36488, 36489, 45817, 45818, 48513, 53779
McDonnell Douglas, 1889, 2377, 7087, 7937, 9299, 14366, 18649, 19619, 20647, 27028, 30137, 37096, 43712, 48512
Messerschmitt-Bolkow-Blohm, 7938, 37094, 55860
Michael D. Adams and the Balloon Works, 17877
Mitsubishi, 34009, 44997, 47912
Mooney, 20647, 30099
Morane Saulnier (Socata), 10416, 21181, 52294, 55861
Pilatus Aircraft Ltd. et al., 1270
Piper, 5091, 9300, 10416, 10877, 12275, 17371, 18289, 20647, 21182, 21627, 22048, 22049, 22809, 31522, 31523, 37096, 37571, 40455, 42184, 50243, 53778, 55861
Pitts Aviation Enterprises, Inc., 34585
Pratt & Whitney, 1888, 1889, 19619, 21628, 23374, 23375, 24880, 41685, 43132, 43133, 45817, 52047, 55862
Prestolite, 3847
Raven Industries, 5628
Rockwell International, 24578, 32207, 50244
Rolls-Royce Ltd., 31523, 52294, 55332
Rupert, 46847
Schempp Hirth & Burkhart Grob, 21628
Schiebe Flugzeugbau, 10879
Schweizer, 27029
Scottish Aviation Ltd., 15837, 55862
Semco et al., 44997
SIAI Marchetti, 17367, 48511
Sikorsky, 5091, 10417, 15340, 16452, 18649, 44998
Slingsby Sailplanes, 19620
Societe Nationale Industrielle Aerospatiale, 2376, 2377, 8337, 14878, 36488, 40455
Start & Flug, 19620, 25999
Swearingen, 9301, 43713
Teledyne Continental Motors, 27716, 34585
Transport category airplanes, 8766
Turbomeca Astazou, 17367
United Aircraft of Canada, Ltd., 4507, 9300, 14881
Weatherly, 24880, 49804
Airworthiness standards:
Aircraft engines; airworthiness review program, 55474
Balloons, manned free; airworthiness review program, 55474
Normal utility, and acrobatic category airplanes; airworthiness review program, 55463
Propellers; airworthiness review program, 55475
Rotorcraft, normal category, 5290
Rotorcraft, normal category; airworthiness review program, 55468
Rotorcraft, transport category; airworthiness review program, 5290, 55471
Transport category airplanes; airworthiness review program, 55466
Colored Federal airways, 29094
Control areas, 300, 1467, 27957, 37099, 37572, 38762, 43134, 48514, 56789
Control zones, 2, 300, 1582, 1739, 3074, 3075, 3733, 4013, 4254, 4813, 5091, 5271, 5629, 6237, 8337, 9301, 9859, 10418, 11273, 11812, 12277, 12278, 13907, 14883, 16794, 17372, 17373, 17878, 17879, 18289, 18650, 20160, 20648, 21183, 21628, 21629, 21630, 22051, 24579, 24881, 24882, 26567, 27956, 27957, 27958, 29093, 29664, 31524, 32734, 32735, 33246, 34010, 34011, 34586, 35478, 36016, 36490, 37098, 37099, 38760, 38761, 40457, 43134, 44687, 45819, 46433, 48514, 49805, 50244, 50806, 51392, 52048, 53779, 53780, 54167
Dangerous articles and magnetized materials; transportation; CFR Part revoked, 15972
Definitions and abbreviations; "intrastate air transportation", 53777

Hazardous Materials Transportation Act, enforcement procedures; reports, investigations, penalties, etc., 32206, 54165
IFR altitudes, 1055, 10880, 25999, 34012, 52858, 52861
Jet routes, 300, 1890, 3465, 4255, 4814, 9302, 12278, 12279, 13909, 20651, 24581, 29092, 29098, 44688, 46847, 47227, 47913, 48514, 49090, 52048, 54921, 55863, 55864
Medical exemptions; processing petitions for, 11271
Noise standards:
  Propeller-driven small airplanes, 56064
  Subsonic transports and turbojet airplanes; new type certificates and acoustical change approvals, 35058
Operations review program; agenda, etc., 47230
Procedural rules, enforcement procedures; hazardous materials, 32206, 54165
Reporting points, 300, 15839, 29094, 29095, 34011, 49090
Restricted areas, 1055, 1583, 4812, 6064, 7089, 9302, 9860, 12276, 12278, 13908, 14366, 20651, 21630, 27030, 29091, 29092, 29095, 29096, 29097, 34011, 34587, 37100, 37101, 38763, 45820, 47913, 49091, 52295, 52858, 53318, 56790
Rotorcraft; limited IFR operations study, 1060
Standard instrument approach procedures, 1270, 2247, 3075, 4013, 5092, 7501, 7502, 8338, 9303, 10418, 12279, 12280, 13907, 14880, 15838, 16795, 18651, 19621, 20652, 21630, 22809, 23376, 24882, 26008, 27719, 28511, 29098, 30105, 31524, 32735, 34016, 35478, 36490, 37101, 38764, 40458, 41685, 43714, 44688, 45820, 46433, 47913, 48515, 49806, 50806, 52048, 53318, 54166, 55333, 55864
Technical standards order authorizations:
  Certain approved articles; termination, 27955
  Large aircraft; ground proximity warning-glide slope deviation alerting system, 35071
  Microwave landing system converter equipment, airborne interim standard;, 46845, 48511
Transition areas, 300, 753, 1467, 1582, 1583, 1889, 2075, 2377, 2378, 3074, 3464, 3465, 3848, 4254, 4255, 4814, 5091, 5385, 5386, 5629, 6237, 7939, 8337, 8338, 9302, 11273, 11274, 11275, 12278, 12877, 13951, 13952, 14878, 16452, 16453, 16793, 16794, 17372, 17373, 17878, 17879, 18289, 18650, 19620, 19621, 20160, 20648, 20704, 21182, 21183, 21628, 21629, 22050, 22344, 22809, 23376, 24579, 24580, 24581, 24882, 26567, 27029, 27030, 27718, 27719, 27957, 27958, 28510, 29094, 29664, 30104, 31524, 32735, 33247, 34010, 34586, 34587, 36016, 36489, 36490, 37097, 37098, 37099, 38760, 38761, 38762, 40457, 43134, 43713, 43714, 44153, 44688, 44998, 46433, 46847, 48514, 49090, 49805, 50244, 50245, 50806, 52047, 52048, 52295, 52857, 52858, 53317, 53318, 53779, 53780, 54165, 54921, 55863, 55890, 55891, 56789
VOR Federal airways, 300, 1055, 1890, 4254, 4255, 4507, 7088, 10418, 11275, 12277, 12278, 14883, 15837, 16452, 17372, 17878, 20649, 20650, 24881, 27957, 29091, 29094, 29095, 30104, 34010, 34586, 35059, 37098, 38761, 43134, 44688, 45819, 47227, 47913, 49090, 49805, 53318, 54167, 55863, 56789

PROPOSED RULES

Air carriers certification and operations:
  Air taxi and commercial operators of small aircraft, 13952
  Air travel clubs using large airplanes, 13952
  Domestic, flag, and supplemental air carriers and commercial operators of large aircraft, 13952, 38778
  Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; adverse weather phenomena reports, 50275
  Fleet noise level requirements; proposed regulations submitted by EPA, 52398
  Fluids subject to freezing; in-flight overboard leakage, 14393
  Foreign air carriers; operations; security, X-ray systems for carry-on aircraft baggage inspection, 1085, 2650
  Land airports serving CAB-certificated air carriers; emergency plans, 13953
  Large airplanes, certain; flight recorder and cockpit voice recorder installations, exception, 56827
  Operations review program, 56280
  Proficiency checks; maneuvering with simulated powerplant failure, 36036
  Regulatory review program, 38778, 47266
  Rotorcraft external-load operations, 7517, 8819
  Security; X-ray systems; for carry-on aircraft baggage inspection, 1085, 2650
Air traffic operating and flight rules:
  Agricultural operation and fire fighting propeller-driven small airplanes; noise abatement operating restriction, 56065
  Aircraft fueling; color-coding system for filler openings; withdrawn, 19126
  Aircraft lease agreements, 14897
  Altitude alerting system; required aural warning, 28535
  Fluids subject to freezing; in-flight overboard leakage, 14393
  Noise abatement near airports; turbojet-powered airplanes; delayed landing flap procedure, 52396
  Noise abatement programs; turbojet airplanes in terminal areas, 52393
  Noise limitations, civil transport category airplanes; U.S. airports, 6270, 8797
  Operations review program, 46875, 48371, 56280
  Oxygen systems, replenishing and maintenance, 53354
  Pitot heat warning indicators; transport category airplanes, 16827
  Rotorcraft external-load operations, 7517, 8819
Air traffic rules, special:
  Nellis AFB, 9372, 10449, 19127, 35073
  Terminal area; Jacksonville, Fla., 7518
Aircraft maintenance, preventive, etc.:
  Operations review program, 56280
Aircraft products and parts, certification:
  Agricultural operation and fire fighting propeller-driven small airplanes; noise abatement operating restriction, 56065
Aircraft security; withholding information from disclosure; release and availability, 26579, 27738
Airmen certification:
  Operations review program, 56280
  Pilots and flight instructors; second in command qualifications, 9366
Airport aid program; visual approach slope indicator; eligibility, 15350
Airport noise abatement; regulatory process, 51522
Airport security:
  Foreign air carriers, 17933
Airworthiness directives:
  Airborne, 14894
  Airbus Industries, 8390
  Avions Marcel Dassault-Breguet, 11323
  Beech, 3878, 7116, 9367, 10447, 20174, 44152, 47946, 50838, 50839, 50840
  Bell, 15863, 15864, 15868, 19674, 20703, 36511, 43742, 55365, 55889
  Bendix, 13950, 22842
  Boeing, 8390, 10915, 12305, 23419, 24902, 27084, 27976, 29714, 36511, 41711, 43181
  British Aircraft Corp., 14895, 15349, 17399, 20174, 27738, 30655
  Canadair, 9365
  Cessna, 3483, 7961, 45848
  Collins, 47946
  Douglas, 9366
  Dowty Rotol, 23420
  Fairchild Hiller, 15863, 30655
  General Electric Co., 21202, 23977, 27084, 31567, 50274
  Grumman-American Aviation Corp., 14895, 27975
  Hartzell, 49829
  Hawker Siddeley Aviation, Ltd., 14898, 17400, 18682, 22094, 22842, 26578, 27738, 47264
  Lockheed, 8390
  Lockheed-California Co., 36512
  McDonnell Douglas, 8390, 29714, 34076, 34649, 53353
  Messerschmitt-Bolkow-Blohm et al., 17931, 18681, 18683, 19673
  Mooney, 15865
  Morane Saulnier (Socata), 14898
  Pilatus Aircraft Ltd., 30655
  Piper, 30656
  Pratt & Whitney, 1762, 7519, 19673, 20703, 32238, 32239, 45020, 47947
  Rolls Royce Ltd., 17398, 24608
  Sargent Industries, 18864, 19127
  Societe Nationale Industrielle Aerospatiale, 18681, 49828
Airworthiness standards:
  Aircraft fueling; color-coding system for filler openings; withdrawn, 19126
  Cockpit vision; withdrawn, 24607
  Fluids subject to freezing; in-flight overboard leakage, 14393
  Pitot heat warning indicators; transport category airplanes, 16827
  Transport category airplane fatigue regulatory review program, 50956
Control areas, 10915, 22095, 22844, 27084, 27739, 40499, 46458, 46875, 51423

Control zones, 1763, 3484, 7117, 8392, 9370, 9893, 12902, 12903, 15350, 16827, 17401, 17402, 17403, 18316, 18683, 22843, 24902, 28533, 28534, 28535, 29152, 30656, 35535, 36512, 38776, 38777, 38778, 44193, 46875, 48541, 50841, 54187
Identification and registration marking, aircraft; ID plate data, 34076
Jet routes, 5406, 9372, 14395, 18685, 22095, 22845, 29152, 34077, 42220, 43186, 43187, 46459, 50841
Military Operations Area, 14393
Noise standards:
  Agricultural operation and fire fighting propeller-driven small airplanes, 56065
  Measurement and evaluation specifications, 47342, 55889
  Subsonic transport, turbojet, and transport-category airplanes; alternative noise reduction stages, 5641, 47375, 53807
  Turbojet and transport-category airplanes; noise level limits, 5641, 47358, 53807
Reporting points, 35072
Restricted areas, 4601, 7117, 7516, 9558, 10448, 12904, 14394, 14896, 16477, 16829, 16830, 17933, 20704, 22844, 30138, 34077, 34650, 43186, 44193, 47265, 48541, 49149, 51423, 52065
Schools and other certificated agencies:
  Operations review program, 56280
Special flight permits; air taxi operators of large aircraft, continuing authorization, 14392
Technical standard order authorizations:
  Airborne Omega receiving equipment, 45019
  Microwave landing system converter equipment, airborne interim standard, 776
Terminal control areas, 46875, 48371
Transition areas, 1605, 3311, 3484, 3746, 4021, 4296, 4601, 6270, 7962, 8391, 8392, 8393, 9367, 9368, 9369, 9370, 9371, 9893, 10916, 11323, 11841, 11842, 12901, 12902, 12903, 14394, 15349, 15867, 15868, 15869, 16828, 16829, 17401, 17402, 17403, 17932, 18316, 18317, 18865, 19128, 19674, 20704, 21202, 21203, 21650, 22370, 22843, 24902, 26028, 27085, 28533, 28534, 28535, 29715, 30137, 30138, 31567, 32240, 32758, 32759, 33280, 34077, 36036, 36512, 37120, 38778, 39738, 40498, 40499, 41712, 42219, 42220, 43183, 43184, 43185, 44193, 46459, 46875, 47265, 47948, 48541, 49829, 51422, 52064, 54950, 56826
VOR Federal airways, 2249, 8391, 9368, 9369, 9370, 9371, 10447, 15868, 17933, 18684, 20176, 22095, 22845, 23421, 24608, 26028, 28534, 29152, 32759, 34650, 35073, 42219, 42220, 43182, 43183, 43184, 44193, 47947, 52064, 54187, 54950, 55332, 56826

NOTICES

Advisory circular checklist and status of FAA regulations, 10566, 28124, 48062
Airport development actions affecting environment; processing instructions, 46472
Airport noise abatement; regulatory process; hearing, 51533
Aviation Metrication Consultative Planning Conference, 47986
Aviation Review Conference, 14426
Committees; establishment, renewals, etc.:
  Alaska Region Air Traffic Control Advisory Committee, 36535
  Boston Air Traffic Control Advisory Committee, 36535
  Flight Information Advisory Committee, 29206
  General Aviation Accident Prevention Advisory Committee, 36535
  High Altitude Pollution Program Technical Advisory Committee, 36536
  Microwave Landing System Advisory Committee, 36535
  Obstacle Clearance Requirements Advisory Committee for United States, 36535
  Technical Advisory Committee, 6309
Environmental impact statements; policies and procedures; inquiry, 34222
Meetings:
  Aeronautics Radio Technical Commission, 805, 3111, 3336, 8411, 8412, 9414, 11345, 12332, 12917, 15360, 17958, 19748, 21667, 27104, 30200, 38201, 43224, 44206, 45042, 47280, 50885, 53881, 55016, 55408, 56899
  Air Route Traffic Control Center, 11345
  Air Traffic Procedures Advisory Committee, 7543, 19155, 28857, 29207, 38200, 50885
  Aircraft Separation Assurance Program, 37149
  Aviation, Citizens Advisory Committee, 14426
  Aviation Metrication Consultative Planning Conference, 47986
  Aviation Review Conference, 14426
  Flight Information Advisory Committee, 17958, 35554
  Southern Region Air Traffic Control Advisory Committee, 39829
  Technical Advisory Committee, 20731, 49208
  Terminal Instrument Procedures Advisory Committee, 4846
  Visual Aids to Approach and Landing Advisory Committee, 20204
Noise levels for turbojet aircraft and transport large aircraft; hearing, 47378, 53807
Noise levels for turbojet and large propeller airplanes; hearing, 53807
Noise limitations; civil transport category airplane operations; U.S. airports; hearing, 6310
Operations review program; conference summary, availability, 9413
Organization and functions:
  Airports District Office and Engineering and Manufacturing District Office, Cleveland, Ohio; relocation, 22119
  Control tower, Cedar Rapids, Iowa; partial closing, 34676
  Control tower, Deadhorse, Ala.; decommissioned, 40535
  Control tower, Poughkeepsie-Dutchess County, N.Y.; hours of operatin extended, 31610
  Control tower, Sioux City, Iowa; partial closing, 34676
  Control tower, Springfield, Mo.; partial closing, 34676
  Flight Service Station; Washington National Airport; relocation, 7983
  Flight Service Stations, Cleveland, Ohio; relocation, 22857
  Flight Standards District Office, Cleveland, Ohio; redesignation as general aviation district office, 27774
  Flight Standards District Office, Cleveland, Ohio; relocation, 22119
  Manilla, Phillipines office; closing, 42228
  Station/tower, Pueblo, Colo.; designation change, 32286
Pollution, environmental; prevention and control; policy and procedures, 44728
Restricted area; Kahoolawe, Hawaii; hearing, 15906
Safety reporting program; modification to reflect cooperation with NASA, 15903
VFR flight plan service; proposed policy change withdrawn, 14426

FEDERAL BUREAU OF INVESTIGATION

NOTICES

Computerized criminal history file provisions; National Crime Information Center compliance; policy paper, availability, 56242
Meetings:
  National Crime Information Center Advisory Policy Board, 5139, 14597, 36045, 56870

FEDERAL COMMUNICATIONS COMMISSION

RULES

Amateur radio service:
  Amateur club station; definition, 6261
  Examinations, 11823, 12016
  Frequencies, 2824, 6261, 44183
  License eligibility requirements, extra class; simplification, 1482
  Operator classes, privileges, and requirements, 25014
  Portable and mobile operations; licensing requirements; station identification, 47451, 52685
  Radio Amateur Civil Emergency Service (RACES), 8782, 44042
  Repeater stations, 6261, 11311
  Special call signs available to stations licensed to amateur extra class operators, 17734
Aviation services:
  Flight test, utilization of frequencies assigned, 2389
  Licenses assignment; authorizations for stations, 22066
  Navigational aids, aeronautical; non-Federal security control, 44690
  Radio control of airport lights from aircraft; correction, 22944
  Transmitters operating on maritime frequencies, 2390
  Type acceptance equipment; editorial change, 1598
  Type accepted transmitters; substitution, 21449
Cable television (SEE ALSO Radio broadcast services):
  Access channels; program content control; clarification, 23678
  Amplitude characteristic standard, 53028
  Candidates, legally qualified; cablecasts by, 53798

90-000 O - 77 - 4

INDEX

UMI

Channel capacity and access channel requirements, 20678, 22274, 56200
Cross-ownership; stock held by investors, 25008
Franchise fees; technical changes, 21351
Leap frogging provision; selection of televison signals for carriage, 3860
News programs, network; carriage, 1063, 1742
Recordkeeping and measurement requirements; clarification, 10067
Relay service application (CARS), 3718, 4826, 6071, 32429
Reporting requirements, 53996
Service requirements; public notice, 9551
Service requirements; technical changes, 32429
Specialty stations and specialty format programming, 10902, 30337, 35068
Station operation, maintenance of equipment etc., 29695
Subscriber rates, 34968
Citizens radio service:
Call signs, assignment, 16944
Class A, C, and D stations; operating rules; redesignations, 56074
Class D stations; operating rules, 3300, 32682, 36209, 47450
Definitions, applications, forms, and identification, 15850
Emission modes and operator license requirements, 15413
Commercial radio operators:
Broadcasting reregulation, 44178
Conduct standards:
Commission members and staff, former, 32891
Disaster communications service:
Personal radio services, operating rules; redesignation, 56073
Domestic public radio services:
Filing requirements, general; common carriers, 33895
Form 409; mobile licenses application, 55352
Land mobile services in Chicago region, 47931
Offshore radio telecommunication service, 33885, 37580, 41091
Power limitations of transmitters, 33270
Educational FM broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
California, 31221
Educational FM broadcast stations (SEE ALSO Radio broadcast services):
Program logs, 56649
Experimental broadcast services:
Broadcasting reregulation, 17552
License renewals, 23957, 25905
Personal radio services, operating rules; redesignation, 56072
Remote pickup broadcast stations, 29685, 32429, 32593, 35068, 37334, 48520, 52879
Television translator stations; power limitations, 28267
Experimental nonbroadcast services:
Personal radio services, operating rules; redesignation, 56071
Station authorizations, new or modified (FCC Form 442); applications, 45007
FM broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
Alabama, 56199
Alaska, 8780, 26911, 29681
Arizona, 8777, 26575, 55715
California, 5394, 5635, 23675, 32220, 44404
Colorado, 27362, 37580
Florida, 2389, 20664, 24353, 49097
Georgia, 5637, 27362
Idaho, 27365, 35849
Illinois, 5635
Indiana, 24127, 47931, 48400, 49823, 54801
Iowa, 24127, 26912, 27363, 29137, 52461
Kansas, 47051
Maine, 11516
Maryland, 37581
Massachusetts, 47050
Michigan, 5635, 21349, 47051
Minnesota, 27362, 37334, 44404
Mississippi, 27362, 27364
Missouri, 5635, 24713, 52461
Montana, 5635, 20172
Nebraska, 23956, 49095
Nevada, 37580
New Mexico, 49103
North Carolina, 5635, 10225
Ohio, 24127, 27363, 48400, 54801
Oklahoma, 44403
Oregon, 21782, 23955, 24353
Pennsylvania, 4537, 27363, 28790, 44404, 47051
South Dakota, 49101
Tennessee, 5635, 27363
Texas, 10066, 23957, 36022, 53995
Vermont, 27363
Virginia, 14518, 27362
Washington, 47050, 47051
West Virginia, 4537, 5635, 12015, 14750, 27362
Wisconsin, 29394
Wyoming, 26575, 49095, 51610
Freedom of information, 51610
Frequency allocations and radio treaty matters:
Airborne surface detection equipment; radar operation, 3859
Airport surface detection equipment, 11823
Call signs in amateur radio service, 15850, 16944, 46436, 52458
Citizens radio service, 32680, 36209
Civil Air Patrol land and mobile stations, 22564
Editorial changes, 49820, 54941
Electronic equipment; importation, 25904
Equipment authorization application forms, 19948
Flight test, utilization of frequencies assigned, 2389
Frequency allocations table; collision avoidance functions, 5394
Maritime services mobile channel allocations, 54491
Non-government radiolocation, 11517, 18515
Offshore stations, 33885
Personal radio services, operating rules; redesignation, 56070
Radio Amateur Civil Emergency Service call signs deleted, 44042
Radio frequency devices, marketing, 13360, 47050
Telephone terminal equipment; registration, 8048, 9154, 10065
Industrial radio services:
Control stations, frequency stability, 26222, 26912, 27728
Frequencies available, 32680, 35068, 36209
Frequencies for non-government radiolocation, 11519
Frequencies in 450-470 MHz, secondary fixed use, 44182, 46853, 54940
Intra-urban passenger motor carriers; frequency loading criteria, 19223
Oil spill cleanup operations; frequency allocation, 4827
Personal radio services, operating rules; redesignation, 56072
Southern Louisiana Offshore zone; frequency allocation;, 33889
Transmitter power, frequency, and modulation specifications, annual measurement, etc., 33903, 35522, 48520
International fixed public radiocommunication services:
Personal radio services, operating rules; redesignation, 56071
Land transportation radio services:
Control stations; frequency stability, 26222
Frequencies available, 32682, 36209
Frequencies in 450-470 MHz, secondary fixed use, 44183, 46853, 54941
Personal radio services, operating rules; redesignation, 56073
Transmitter power, frequency, and measurement specifications, annual measurement, etc., 33907, 35522, 48520
Maritime services, land and shipboard stations:
Cargo vessels, new, 1600 gross tons and upwards; exemption from radiotelegraph and radio direction finding provisions, 37582
Editorial amendments; correction, 6260
Great Lakes and Saint Lawrence Seaway; channel assignments for public correspondence, 24915
Houston, port of; protection areas for vessel traffic services, 37335
Intership and ship to coast communications; designated VHF channels, 29395
Lake Mead National Park Service and ship stations; frequencies available, 27727
License applications, interim; authority designated to shipmaster; proceeding terminated, 22818
Licenses assignment; authorizations for stations, 22066
Listening watch requirements, tugboats, 32221
Medium frequency radiotelephone requirements; exemption, 15413
Mobile-satellite service; conformance with Geneva code, 25011, 27365
Public coast radiotelegraph stations; inquiry, 22065
Radiotelephone station log entries, 3299
Ship and coast stations, frequency for public correspondence use; Mobile Ala., 40471
SSB equipped vessels, Alaskan waters; mandatory VHF capabilities exemptions, 56807
Transmitting equipment; station license modification application requirements removed, 47445
Vessel categories; clarification for radio licensing eligibility, 36819
VHF channel 88 available for public correspondence, 54491

VHF limited coast stations; frequency coordinating committee, 53327
Microwave radio service, private operational, fixed
Applications filing, notification requirement deleted, 52463, 56203
Forms 402 and 402-S, 20679, 22274, 50690
Technical standards, 51403, 53028
Organization and functions:
Adjudicatory re-regulation proposals; procedural reform, 14870, 27837
Broadcast Bureau, Chief, 20170
Broadcast Bureau; reorganization of divisions, 21347, 22563
Cable Television Bureau, 48343, 53327, 53995
Chairman and Executive Director, Procurement and contract activities, 49095
Chief Engineer, authority delegation, 26014
Common Carrier Bureau, chief; authority delegation, 7750, 30648, 54766
Defense and emergency preparedness, 31209
Engineer Office, Chief, 7750
Executive Director, Office of,, 16658
Field offices; addresses, 9550
Freedom of information, 51610
Opinions and Review Office, Chief; authority delegation, 41091
Personal radio services, operating rules; redesignation, 56068
Records; fees, 17734
Review Board action on urgent interlocutory matters, 38167
Subscription loose-leaf service, replacement, 21449
Subscription Television Committee, 33272
Telecommunications Committee, 33272
Personal radio services:
Class A, C, and D stations; operating rules; redesignations, 56074
Practice and procedure:
Adjudicatory re-regulation proposals; procedural reform, 14871, 16157, 27837
Applications; consolidation of cases, 33895
Applications, contingent; filing criteria and exceptions, 36815
Briefs, format, 34259
Broadcast station license renewal; application form revision, 19548, 42030
Broadcasting reregulation, 44177
Community problems, ascertainment by broadcast applicants, 1372, 42038
Consolidated system reports; filing procedure, 29394
Corporate broadcast licensees; reporting and disclosure, 25003
Educational broadcast licenses, noncommercial; renewal, 12424, 14750
Emergency broadcast system; updated rules, 52631
Employment policies, broadcast licensees; nondiscrimination, 54934
Fee schedules; requirements suspended, 56647
Form, 15849
Grant fees, exemption; applications filed prior to July 1, 1970, 15699
Hearing proceeding; removal of counsel; appeal, 28789
Indigent persons; participation in Commission proceedings, 53019
Instructional television fixed stations, 29137
License applications, interim; authority designated to shipmaster; proceeding terminated, 22818
Low power communication devices; certification and specifications, 7394, 9345
Motions for extension of time, 9550
Offshore radio telecommunication service, 33885, 37580
Personal radio services, operating rules; redesignation, 56069
Pleadings, length, 34260
Public notice; computation of time, 17911
Radio Amateur Civil Emergency Service license applications and forms, 44042
Radio and television broadcasting, reregulation, 53025, 55531
Reconsideration of actions in rule making procedure, 1286
Rule making proceedings, file copies required, reduction, 50399
Tariff filings, 54766
Public safety radio services:
Control stations; frequency stability, 26222
Fire radio service frequencies; power limitation raised, 52463
Frequencies, 32680
Frequencies in 450-470 MHz band, secondary fixed use, 44181, 46853, 54940
Intra-urban passenger motor carriers; frequency loading criteria, 19223
Personal radio services, operating rules; redesignation, 56072
Police emergency communications channel, nationwide, 3868, 10904, 11824, 19110
Special emergency UHF band frequencies; certain channels, 10904, 19110
Transmitter power, frequency, and modulation specifications, annual measurement, etc., 33902, 35522, 48520
Radio broadcast services (SEE ALSO Cable television; Educational FM; FM stations; Television stations):
Alphabetical index of rule titles, 52678, 55715
AM and FM program duplication, 19319
Antenna monitors; design and installation, 7399
Antenna monitors, type-approval specifications, 32891
Antenna resistance, etc., 22942, 24352, 25906
Antennas, directional; radiation patterns, 24134
Billing practices, fraudulent; clarification and applicability of prohibition, 23673, 23677
Broadcasting reregulation, 44178, 52461, 53025, 55531
Candidates for public office, 32219, 33272, 35068
Clear channel broadcasting; standard broadcast band, 18425, 26573
Contest practices, 40470, 41703, 43152
Emergency broadcast system; updated rules, 52631
Emergency messages on television; visual captioning, 40109
FM stations, field strength, etc., 17551, 19949
Indicating instruments (meters); specifications, 36815, 43152
License renewals and antenna (phase) monitors; editorial changes, 23957, 25904
Multiple ownership; stock held by investors, 25007
Nondiscrimination in employment policies of broadcast licensees, 31221
Personal radio services, operating rules; redesignation, 56072
Political editorials, personal attacks, 17552
Program logs; AM, FM and TV stations, 28501, 30011
Promotional announcements, logging, 22058
Station identification announcements, 7105, 29394
Station license renewal; application form revision, 19548
Radio frequency devices:
CB receiver certification program extension, technical specifications, etc., 32593, 47444, 49095
Equipment authorization application forms, 19948
Low power communication devices; certification and specifications, 7394
Personal radio services, operating rules; redesignation, 56071
Television broadcast reception, all-channel, 52458
Satellite communications:
Personal radio services, operating rules; redesignation, 56071
Telephone companies:
Annual Form M and monthly report Form 901; proceeding terminated, 15699, 24886
Carriers, extension of lines and discontinuance of service, 20661, 22274
Consolidated system reports, filing procedure, 29394
Tariff filings; procedures, 54766
Uniform system of accounts, 46853
Telephone network, connection of terminal equipment:
Message toll and wide area telephone service; interstate and foreign; classes, 8048, 9154, 10065, 10224, 12660, 12665, 14167, 14875, 18419, 37105, 46298, 56648
Standard plugs and jacks, 28699
Television broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
Arkansas, 49103
Florida; correction, 3737
Iowa, 20662
Maryland, 33559
Wisconsin, 33560, 36023
Television broadcast stations (SEE ALSO Radio broadcast services):
Antenna resistance, etc., 22942, 24352
Broadcasting reregulation, 44180, 52461, 53025, 55531
Captioning for deaf; vertical blanking interval, 56325
Field strength, etc., 17551, 19949

UMI

Indicating instruments (meters); specifications, 36817
Television program identification patterns; visual transmission, 5638, 29395
Television programs by non-network suppliers; availability to commercial TV stations and CATV systems, 20172

PROPOSED RULES

Amateur radio service:
Emissions authorization, 17789, 23723
Portable and mobile operations; licensing requirements; station identification, 4604, 8394
Aviation services:
Aeronautical advisory frequencies; utilization and assignment, 22370, 23723
Alaskan air/ground frequency assignment, 4833, 10232
Telemetry transmitters; standards, 32242
Cable television (SEE ALSO Radio broadcast services):
Cable relay service; frequency assignments, 22096
Cable systems; limitation of alien ownership; terminated, 23210
Cable systems; modified technical standards, 15717, 21652
Candidates, legally qualified; cablecasts by, 33281
Channel identification, cablecast; withdrawn, 46466
Compliance certificate applications and Federal-State/local regulatory relationships, 54506
Employment practices; nondiscrimination, 34930, 56211
Frequency channelling requirements and restrictions, and signal leakage monitoring, 54512
Operator name, address, and status changes; information furnished, 54778
Political editorials; notification of opposing candidates, 15425
Subscriber rates, regular, 1606, 5407
Citizens radio service:
Class D stations; operating rules, 14527, 18872
Class D transmitters, spurious and harmonic emissions; operating rules, 52709
Commercial radio operators:
Operating authority, 28800
Radiotelegraphy usage in maritime services, 24155, 32434
Domestic public radio services:
Hawaii; fixed relay and control operations, 45584
One-way signaling, primary basis, 49182
Educational FM broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
California, 47076
U.S.-Mexico FM broadcast agreement, 47956
Educational FM broadcast stations (SEE ALSO Radio broadcast services):
Assignment and operation, 16973
Licenses, 37347
Multiplex channels, uses, 11032
FM broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
Alabama, 27391, 34323
Alaska, 39330
Arizona, 36219
Arkansas, 17788, 44712
California, 1088, 1291, 7428, 7786, 9190, 9567, 17786, 21366, 30353, 34078, 34789, 43196, 49859
Colorado, 7118, 17787, 38520
Florida, 3880, 7786, 44427, 54203
Georgia, 7118
Idaho, 1500
Illinois, 21364, 27389, 33280
Indiana, 7120, 13378, 24186, 32434
Iowa, 1088, 1089, 7430, 7786, 11030, 14899, 33566, 34078, 43922
Kansas, 1088, 7786, 28803, 34078
Kentucky, 29710
Louisiana, 34980, 47496, 52499
Maine, 17783, 37345
Maryland, 20176
Massachusetts, 28801
Michigan, 1088, 5406, 7786, 10917, 12231, 18431, 28803, 34078
Minnesota, 7118, 21366
Mississippi, 7118
Missouri, 7429, 35533, 44713
Montana, 21363, 29869, 38192
Nebraska, 1089, 33566, 49182
Nevada, 11029
New Mexico, 36220
New York, 27389, 27390, 34323
Ohio, 1088, 7786, 11030, 34078, 43922
Oklahoma, 21367, 23209, 37346, 47076
Oregon, 7120
Pennsylvania, 11030, 21366, 28803, 43922
Tennessee, 1088, 7786, 11030, 34078, 43922
Texas, 1088, 7786, 17784, 34078, 38785, 49659, 54778
Utah, 34079, 34787, 47496
Vermont, 11030, 43922
Virginia, 7118, 46350, 56677
Washington, 28802
West Virginia, 7118
Wisconsin, 28803, 35534
Wyoming, 36220, 46465
Frequency allocations and radio treaty matters:
Aeronautical advisory frequencies; utilization and assignment, 22370, 23723
Equipment authorization program; identification system, 19349, 24719
Great Lakes and Saint Lawrence Seaway; channel assignments for public correspondence, 24914
Hawaii; fixed relay and control operations, 45584
Land mobile channel allocations, 3879
Radiobeacons, emergency position indicating, 17572
Radiotelegraphy, usage in maritime services, 24155, 32434
Radiotelephony; changes in frequencies and operating procedures, 9894, 13619
Industrial, scientific, and medical equipment:
Authorization program; identification system, 19349, 24719
Industrial radio services:
MHz band; general access pool, 41719
Land mobile radio service, domestic public:
Frequencies; one-way signaling on primary basis, 39766, 54203
Licensing policies, 29432, 38192
Land transportation radio services:
Land mobile channel allocations, 3879
MHz band; general access pool, 41719
Maritime services, land and shipboard stations:
Alaska waters, SSB equipped vessels operating in; mandatory VHF capability exemptions, 44194, 46888
Equipment authorization program; identification system, 19349, 24719
Great Lakes communication system, operation of very high frequency automated, multi-station radio-communications system, 34791, 43197
Hawaii; fixed relay and control operations, 45584
Houston, Port of; radio protection area, vessel traffic services, 11560, 17576
Interim ship station license applications; designated master, 2397
Intership and ship to coast communications; designated VHF channels, 15719
Listening watch requirements; tugboats, 3321, 8799
Maritime utility stations; operation requirements, 2398
Mobile service, VHF; operational; state control, 33282
Noncompulsory stations; operator requirements, 28800
Public correspondence provided for passengers by vessel licensees, 31235
Radiobeacons, emergency position indicating, 17572
Radiotelegraph log entries, 47497
Radiotelegraphy usage, 24155, 32434
Radiotelephony; changes in frequencies and operating procedures, 9895, 13619
Receiver, tunable single sideband; installation, 42958
San Francisco and Seattle; radio protection areas, vessel traffic services, 45584
Organization and functions:
Adjudicatory re-regulation; procedural reforms; extension of time, 2100
Hybrid services, 33566
Sunshine Act; implementation, 56675
Practice and procedure:
Adjudicatory re-regulation; procedural reforms; extension of time, 2100
Interim ship station license applications; designated master, 2397
Maritime utility stations; operation requirements, 2398
Public interest group; consultancy reimbursement, 2396
Sunshine Act; implementation, 56675
Telephone companies; consolidated system reports; filing, 17571
Public safety radio services:
Fire radio service frequency; input power limitation, 29433
Land mobile radio systems, private; interconnection with public telephone network, 28540, 35863
MHz band; general access pool, 41719
Radio broadcast services (SEE ALSO Cable television; Educational FM; FM stations; Television stations):
Advertising rates combination, and other joint sales practices; termination of proceedings, 24719
Antennas, directional; radiation patterns; extension of time, 1501
Audience ratings; prohibition of distortion, 11556
Candidates for public office, 17575, 27389, 43422

Political editorials; notification of opposing candidates, 15425
Program log maintenance, 37344, 42958, 49858
Standard AM and FM stations; review of network regulation, 9191, 19229, 33281, 36221
Standard broadcast band; clear channel; extension of time, 10916, 22281, 40503
Transmission systems, automatic; usage, 15711, 21793
Radio frequency devices:
Auditory training systems; equipment authorizations, 14193
Biomedical telemetry equipment; design standards, 22280
CB receivers; certification extension, 13375, 16830
Equipment authorization program; identification system, 19349, 24719
Remote control and security devices, provisions for, 52705, 56677
Restricted radiation devices and low power communication devices, 17938, 23723
RF equipment, wide-band swept, 28536, 34323
Television broadcast receiver antennas, 25032
UHF television receiver noise figures, 56210
UHF television tuning; improvement requirements, 9189, 12039
Safety and special radio services; base/mobile frequencies, 22096
Telephone companies:
Annual Form M and monthly report Form 901; revision, 1290
Carriers, extension of lines and discontinuance of service, 33280, 40502
Consolidated system reports; filing procedure, 17571
Data processing services, 33566, 44057
Resale and shared use of services and facilities, 30657, 54505
Tariff filings; adequate notice and availability; inquiry, 7427
Tariffs, interface of International Telex Service with Domestic Telex and TWX Services, 54500
Terminal equipment, customer provision; impact on jurisdictional separations, 50009
Telephone network, connection of terminal equipment:
Message toll and wide area telephone service, interstate and foreign; classes, 4604
PBX, key telephone systems, and main station telephones; extension of time, 778
Standard plugs and jacks, 17306
Television broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
Alabama, 17785, 21367
California, 9568, 15031, 20708, 24188
Florida, 19976
Iowa, 29869
Missouri, 38521, 41929
Nebraska, 47496
New Jersey, 29156
North Carolina, 17782
Wisconsin, 20707
Television broadcast stations (SEE ALSO Radio broadcast services):
Circular or elliptical polarization; use in transmissions, 21362, 27389
Television, emergency messages on; visual captioning; extension of time, 5406, 8799
Television broadcast signal; captioning for deaf; vertical blanking interval, 5834, 10231
Television service adequacy, New Jersey; inquiry, 12697
Transmission systems, automatic; usage, 15711, 21793

NOTICES

Amateur radio services:
CFR volume, availability, 18570
Novice class operators licensing; experimental program, 20735
Antenna standards, private microwave; frequency congested areas, 17817
Billing, fraudulent; notice of rebate to dealers, 55739
Broadcast stations; entertainment format changes, 2859, 8213, 14595, 22129, 32950, 35020, 37153
Cable television:
Broadcast signals and program exclusivity; petition for rulemaking denied, 52903
Certificates of compliance; applications and petitions, etc., 55376
Channel identification; policy statement, 45621
Domestic satellite receive-only earth stations, 31253
Network programming exclusivity, 53168
Program originations; fair doctrine and equal time rules; applicability, 47588
Proposed rulemaking notice requirements; petition for rulemaking denied, 52903
Rates, regular subscriber, establishments; inquiry, 14929
Relay service; unauthorized construction and operation, 47589
Report, Technical Advisory Committee; availability, 3343
Syndicated program exclusivity rules, 50055
Telephone pole space, leasing of, 29490, 35024
Television signals in emergency situations; petition for rulemaking denied, 52901
Canada-U.S. FM agreement (1947); Table A amendment, 8115
Canada-U.S. television agreement (1972); Table A amendment, 8100
Canadian broadcast stations, 3521, 6322, 8827, 11880, 18569, 22883, 26069, 27436, 29744, 43765, 46900, 55936
Citizens radio service:
CFR volume, availability, 18570
Interference problems; expansion of 27 MHZ band; report, 27779
Coast radiotelegraph stations, stay of order, 32317
Commercial radio operators; licenses, temporary authorization, 18475
Committees; establishment, renewals, etc.:
Common Carrier Rules and Procedures Task Force, 12087
Consumer Assistance Office, 16212
Industry Advisory Committee, National, 26953
Personal Use Radio Advisory Committee, 13996
Safety and Special Rules and Procedures Task Force, 12087
Common Carrier Rules and Procedures Task Force; inquiry, 15446
Communications facilities, U.S.; use by foreign entities, 19381
Community problems, ascertainment by broadcast applicants; clarification, 53842
Computer communications technology, American Federation of Information Processing Societies Future Planning Conference, 44885
Conventional radio systems; assignment and licensing; policies, 53692
Disaster communications service, availability of CFR volume, 18570
Domestic private line service; press use, preferential rates; investigation; correction, 1625
Domestic public radio services; applications accepted for filing, 1317, 1516, 1517, 2434, 3901, 4854, 5657, 7458, 8100, 9222, 9600, 10920, 12763, 12764, 13995, 15063, 16209, 16862, 18147, 18918, 20210, 22299, 22301, 22883, 24011, 24765, 26069, 27432, 28580, 29744, 30386, 32467, 33326, 34354, 35557, 36542, 37397, 38815, 39831, 41747, 43765, 44521, 45621, 47995, 49191, 49877, 50057, 52515, 52517, 53165, 54215, 56222, 56224
Dominican Republic broadcasting stations, 33940
Drugs; over-the-counter; television advertising; impact on children, 13661, 55740
Educational FM broadcast stations; allocation and technical standards, 13661
Emergency Broadcast System; closed circuit test, 22983
Fairness Report, reconsideration; public issues handling; proceeding terminated, 13399
FM, Canada-U.S. agreement (1947); Table A amendment, 8115
FM applications; limited closed season, 18570
FM broadcast applications ready and available for processing, 1126, 1518, 8102, 12923, 17813, 17815, 19382, 22626, 25049, 26070, 27434, 34815, 35889, 38817, 41459, 43767, 45901, 53696
FM broadcast stations; table of assignments:
Indiana, 48400, 54801
Ohio, 48400, 54801
FM field strength curves; interim policy, 21407, 23777
FM translator applications ready and available for processing, 3119, 7177, 12922, 33584, 36545, 47996, 50714, 51437, 54801
Industrial, scientific and medical equipment, revision of regulations; inquiry, 11626, 14595, 16613, 17816
International record carriers; scope of operations in continental U.S., 51648
International services; leased channel rates; Pacific Basin, 19381
License revocation; finalization, 8825
Meetings:
American Federation of Information Processing Societies Future Planning Conference, computer communications technology, 44885
Broadcast Bureau International Service Groups et al., 5657, 5867, 14215, 18475, 19157

INDEX

UMI

Cable television systems, leasing of telephone pole space, 35024
Joint Industry/Government Committee, 5657, 5867, 14215, 15736, 21859, 22983
Marine Services Radio Technical Commission, 4856, 5662, 10713, 13997, 15066, 16863, 18146, 22131, 26960, 36075, 43950, 47998
Maritime Mobile Service Advisory Committee, 52335
National Industry Advisory Committee, 23777, 45623, 49667
PBX Technical Standards Subcommittee, 1788, 7811, 10256
Personal Use Radio Advisory Committee, 15737, 23777, 37153, 42977, 55377, 55378, 56707
Private Land Mobile Advisory Committee, 7178, 14818, 20014, 56707
Private Microwave Advisory Committee, 3343, 11210, 14595
Public Land Mobile Advisory Committee, 12765
Radio common carriers, 32319
Wireline telephone companies and RCCs, interconnection, 19253, 20444, 29905, 36836
Metric unit usage; international system; program adoption, 33326
Mexican broadcast stations; table notification list, 3522, 21519
Mexico-U.S. VHF television agreement (4/18/62); Table A amendment, 6123
Motor vehicle ignition systems, spark-type; interference, 1323, 11880, 29746
Organization and functions:
Board of Commissioners, continuity of operations during pre-election period, 44217
Board of Commissioners, establishment, 27779
Denver office, Field Operations Bureau; relocation, 8102
Los Angeles Field Office, relocation, 4856
Overseas communications facilities; future licensing policy and guidelines, 9227, 52715
Political advertising, acceptance by UHF translator licensees, 45043
Political announcements:
Candidate authorization statement, licensee obligation, 33326
Spot announcements on radio; policy statement, 17966
Practice and procedure:
Musical format companies; subscription agreements; termination of proceeding; policy statement, 2111
Overseas message telegraph service; petition for rulemaking, 8826
Rulemaking proceedings, minimum period of time within which to file comments; petition denied, 45620, 46513, 47285, 48167, 49193, 50062, 55223
Rules of evidence, Federal; petition denial, 2861
Privacy Act; systems of records, 26953, 41528
Private line service (TELPAK) termination of proceedings, 44489
Programming report, annual; composite week dates, 29210, 49877
Public Coast Radiotelephone Stations (U.S.) licensees; submission of distress logs, 17816
Radio; 'tone clusters' and other audio attention-getting devices, 28582
Radio operator licensing program; inquiry, 22981, 38210
Radio spectrum management program, regional, 28582
Radiotelephony frequencies:
Coast stations; MF and VHF facilities, 19382
Receiver standards; maritime mobile service; meeting, 4856
Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies, 3118, 4857, 17420, 21408, 24770, 26072, 29743, 32314, 32962, 34107, 35560, 38554, 41459, 41950
Satellite communications services; applications accepted for filing, 9601, 16613, 18569, 21691, 21692, 26608, 28581, 28847, 29209, 29490, 30387, 32317, 34106, 36544, 37399, 37672, 38554, 39831, 41949, 43238, 44523, 45620, 47589, 49878, 49879, 52515, 52902, 53842, 54974, 56222
Satellite stations, construction, etc.; applications, 8825, 21408, 22981, 24011
Satellite user reaction test program; procedures, 8113
Sports programs; "blackout" notice provisions, 43239
Standard applications; limited closed seasons, 18570
Standard broadcast applications; nighttime service area computation, 36836
Standard broadcast applications ready and available for processing, 5429, 7176, 18151, 25932, 36836, 38817, 39832, 41155
Standard broadcast modulation monitor; off-the-air signal; determination, 3342
Tariff filings; temporary procedures, 35098, 37399
Tariff revisions; American Telephone & Telegraph Co.; TELPAK, 4320
Tax certificates; issuance, 17605
"Telecomunications," customer interconnection, jurisdictional separations and rate structures; economic implications, 49216
Telephone companies:
Data processing services; inquiry; list of parties intending to participate, 56226
Tariff revisions; American Telephone & Telegraph Co.; TELPAK, 4320
Telephone network, connection of terminal equipment:
PBX and key telephone systems; standard plugs and jacks; meeting, 16864
Registration program; court stay vacated, 26953
Terminal equipment registration; availability of form, 15446
Wireline and RCC interconnection, 19253, 20444, 27435, 29905, 36836, 40222
Telephone network, National, equipment list requirement, 41949
Telephone recording devices:
Broadcaster use; tariff, 816
Telephone service use ; tariff, 26073
Television:
Amateur repeater stations; waiver, 9607
Broadcast receivers; equipment identification requirements, 8214
Canada-U.S. agreement (1952); Table A amendment, 37396
Canada-U.S. agreement (1972); Table A amendment, 8100
Prime time reruns, 30388
Programming; foreign stations, non-interconnected distribution; inquiry; extension of time, 9229, 13403
"Tone clusters" and other audio attention-getting devices, 28582
VHF, Mexico-U.S. agreement (4/18/62); Table A amendment, 6123
Television broadcast applications ready and available for processing, 2435, 17815, 17966, 22626, 24017, 25049, 27434, 38212, 38554, 43767, 46372, 47589, 50467, 53696, 54801
Television table of assignments, VHF stations; inquiry, extension of time, 5430, 37154, 47097, 49193
Television translator applications ready and available for processing, 3119, 7177, 9607, 12922, 33584, 36545, 47996, 50714, 51437
UHF translator licensees; acceptance of political advertising, 45043
World Administrative Radio Conference, 816, 817, 1128, 1129, 1317, 1321, 1625, 2111, 2678, 4065, 5867, 6123, 9601, 9608, 11626, 12372, 13403, 13662, 13997, 14217, 14818, 16211, 16695, 17420, 20014, 22626, 32962, 34686, 36544, 41949, 43239, 45044, 50467, 54023, 54310, 54523, 55740
World Administrative Radio Conference; closed meetings, annual report availability, 54523
Hearings, etc.:
Airsignal Internations, Inc., et al., 14594
Alabama Citizens for Responsive Public Television, Inc., et al., 18915
All America Cables & Radio, Inc. et al., 5866
Allegan County Broadcasters, Inc., et al., 33941
American Broadcasting Companies, Inc., et al., 18917, 22885
American Telephone & Telegraph Co. et al., 3897, 4320, 5656, 7453, 7810, 8100, 9594, 13992, 13993, 16208, 16613, 19380, 22126, 23760
Andy Valley Broadcasting System, Inc. et al., 1787
Arizona Cable TV Inc., 15737
Associated Telephone Answering Services Systems, Inc., et al., 8212
Atlantic Broadcasting Associates, et al., 50054
Badlands Broadcasting Co. et al., 7456, 32314
Barnes Enterprises, Inc. et al., 50714
Bartell Broadcasting of Florida, Inc., 35020
Basic Media, Ltd., 14929
Baxter, J.A., Jr., et al., 46371
Bedford Improved TV, Inc., 52900
Belo Broadcasting Corp. et al., 47994
Britt, William Henry, 35898
Burden, Don, 39832
Cameron, George E., Jr., Communications, et al., 10256
CBS Inc. et al., 7810
Central Westmoreland Broadcasting Co., 18473

Channel 50, Inc., et al., 30384, 32317
Chapman Radio Television Co. et al., 1318
Chilli Communications, Inc., et al., 10919
Communico Oceanic Corp. et al., 14216, 41453, 41455
Community North Broadcasters, Inc., et al., 10921
Court House Broadcasting Co. et al., 56227
Dayton Communications Corp., 21407
Defense Department et al., 50059
Eastern Microwave, Inc., et al., 44885, 50061, 53696, 55738
Ellis, Robert J., 25049
Empire Mobilcomm Systems Inc. et al., 7459, 15447
Faulkner Radio, Inc., 42975, 44071
Federal Broadcasting System, Inc., 20212
Flint Family Radio, Inc., et al., 15739, 41457
Florida Gospel Network et al., 55738
FM 103, Inc., et al., 35020
Gainesville Media, Inc., et al., 25048
Gilbert Broadcasting Corp. et al., 53696
Golden Peso et al., 46370, 53525
Great Lakes Public Coast Stations, 16614
Great Trails Broadcasting Corp., 24767, 34356
Gross Broadcasting Co. et al., 7460
Hawaii Public Broadcasting Authority, 12242
Henderson All-Channel Cablevision, Inc., 52902
Hill, John L., 15743
Hobbs, Mac E., et al., 13998
Holiday Broadcasting Corp., 4855, 5430
Holt, Albert S., 21859
Howell, Jimmie H., 12240
Independent Television Stations Association, 19253
International Fueling Co., Inc., et al., 27779
International Panorana T.V., Inc., 14818
International Record Carriers, 1524, 1775, 2673, 10923
Iola Cable TV, Inc., 1521
J. B. Broadcasting of Baltimore, Ltd., 54799
Jackson Television Corp. et al., 2675
Janus Broadcasting Co., 47997
Klein, Alexander S., Jr., et al., 3895, 5864, 9596
Klotz, Howard, et al., 46370
KTVO, Inc., 1321, 14216
Lamar Life Broadcasting Co., et al., 9224
Lincoln Television, Inc. et al., 24448
Lorain Electronics Corp., 1788
Louisiana Association of Broadcasters, et al., 4637
Mahaffey Message Relay, Inc., et al., 32644
Major Armstrong Memorial Stereocasters, 8111
Miami County Broadcasting Co., Inc., et al., 1625, 8418
Michigan Tele-Communications Services, Inc., et al., 44886
Microband Corp. of America et al., 15746, 33327, 33584
Microwave Transmission Corp. et al., 50061
Mid-Florida Television Corp. et al., 5659
Midwest St. Louis, Inc., et al., 24015, 38210
Midwestern Relay Co., 22130
Mobile Home Communities, Inc., et al., 35022
Monterey Broadcasting Co., 1522
Multi-Communication Services, Inc., et al., 50062
NASA, 21408
National Association of Business & Educational Radio, 53526
New Jersey, State of, 53170
New Mexico Broadcasting Co. et al., 11076
New York City Municipal Broadcasting System et al., 22302
Overseas Dataphone Service, 3903
Pass Word, Inc., et al., 45904
Patrick, Wade H., 38213
Peoples Telephone Cooperative, Inc., et al., 56705
Port Video Corp., 30387
Prescott, Ross K., 12242
Public Service Enterprises, Inc., 2678
Radio Dispatch Inc. et al., 20219
Radio Paging Service et al., 9226
Radio Ridgefield, Inc., 9601
Radio Telephone Industries, Inc., et al., 44737
RCA Alaska Communications, Inc., et al., 18917
RCA Global Communications, Inc., et al., 11077, 43448, 44736
RCC of Virginia, Inc., 12243
Rhodes, Frances Lanford et al., 49879
Rosenbloom, Michael H., 6323
Rust Communications Group, Inc., 5662
Seward County Broadcasting Co., Inc. et al., 53168
Sherwood, J., Inc., et al., 34107, 56228
Soler, Jose David, et al., 49667
South Sausalito Cable TV, 14818
State College Communications Corp., 10923
Stereo Broadcasters, Inc., 16211, 24770, 26072
Strouth, Howard Steven, et al., 24013
Swan, Oliver W., 8214
Swan Antenna Systems, 8214, 32318
T.L.C. Medical Transportation, 24771
Talton Broadcasting Co., 9603, 19380
Teleprompter of UKIAH, 14819
TM Communications Co., 50062
Town & Country Radio, Inc. et al., 10926
Tra-Mar Communications, Inc., et al., 29746
Tri-Cities Broadcasting Co. et al., 55377
Triad Broadcasting Co., Inc., 5668, 7810
Ultrasonic Industry Association, 19253
United Broadcasting Co. et al., 17605, 29210, 30394
United Video, Inc., et al., 46372, 53700
Universal Enterprises, Inc., et al., 46372
University of Pennsylvania, trustees, 2862, 13661
Vogel-Hendrix Corp., 10928, 35023
Voice of Charlotte Broadcasting Co., 8112, 15066
Vue-Metrics, Inc., et al., 32319
WCAR, Inc., et al., 33328
WFMY Television Corp., 24453
WGUF, Inc., et al., 17613
WTRA Broadcasting Co., 18474
WWLE, Inc., 1525, 30056
Wells, Aaron J., 12240
West Coast Media, Inc., 49879
West Jersey Broadcasting Co. et al., 13997, 20901
West Side Radio, Inc., et al., 24018, 26609
Western Union Telegraph Co., 19377, 20902, 27435
Westinghouse Communications Services, Inc., et al., 8418
Williams, Dennis, 14820
Woodward Broadcasting, Inc., et al., 8114
World Communications Inc. et al., 9589
Zenith Radio Corp. et al., 37400

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

RULES

Employee selection procedures; guidelines, 51744
Handicapped workers, affirmative action obligations of contractors and subcontractors, 16147
State and local requirements for federally-assisted construction:
San Francisco Plan; extention of time, 14517
Veterans, disabled, Vietnam; affirmative action obligations of contractors and subcontractors, 26386

PROPOSED RULES

American Indians; employment on reservations:
Affirmative action programs; establishment of goals and timetables, 26229
Obligations of contractors and subcontractors, 26229
Contractors and subcontractors:
Affirmative action, 54499
Obligations of; State and local government equal employment opportunity requirements; withdrawn, 34298
Equal employment opportunity; CFR Chapter reorganized; hearings, 40340, 42678, 48128, 50015

NOTICES

Committees; establishment, renewal, etc.:
Higher Education Equal Employment Opportunity Programs Federal Advisory Committee, 44480
Contract sanctions:
Honeywell, Inc., 43487
Timken Co., 12738
Uniroyal, Inc., 32916
Equal employment opportunity bid conditions; new format; contracts and subcontracts, 32482
Meetings:
Higher Education Equal Employment Opportunity Programs Federal Advisory Committee, 5880, 15495, 19279, 21720, 21864, 29526, 37683, 46066, 51624
Nonconstruction contracts, Federal; institutions of higher education, nondiscrimination and affirmative action, 2456
State and local requirements for federally-assisted construction:
St. Louis plan; carpenters affirmative action plan, 41977

UMI

FEDERAL COORDINATING COUNSEL FOR SCIENCE, ENGINEERING, AND TECHNOLOGY

See Science, Engineering, and Technology, Federal Coordinating Council.

FEDERAL COUNCIL ON THE AGING

See Aging, Federal Council.

FEDERAL CROP INSURANCE CORPORATION

RULES

Crop insurance; premium rate adjustment factor for 1969 and succeeding crop years; policy guidelines, 5105, 52430
Crop insurance; various commodities:
Apples, 52289, 53803
Barley, 1577, 51582
Beans, dry, 51582
Citrus, 5106, 34973
Corn, 7383, 51582
Cotton, 5104, 51582, 52643
Flax, 51582
Grain sorghum, 51582
Grapes, 36792
Oats, 51582
Peanuts, 51582, 53463
Peas, 51582
Raisins, 22252
Rice, 7383, 51582
Rye, 51582
Soybeans, 5104, 7383, 51582
Sugar beet, 21336, 22251
Sugar beets, 1578, 46448, 51582
Sugarcane, 1578, 8355, 22251, 51582
Sunflowers, 4812, 5104, 51582
Tobacco, 7383, 51582, 53969, 53971
Tomatoes, 51582, 52430
Wheat, 1578, 8355, 23387, 23388, 23389, 51582
Inflation impact statements, 23387, 23388, 23389

PROPOSED RULES

Crop insurance; various commodities:
Grapes, 24382

NOTICES

Authority delegations:
Deputy Manager, et al., 3886
Crop applications, extension of closing dates:
Barley, 39364
Citrus, 33928, 44721
Corn, 14431
Oranges, 44721
Peas, 14432
Rice, 19357
Sugar beets, 18121, 39364
Sugarcane, 35545
Wheat, 39364, 40202

FEDERAL DEPOSIT INSURANCE CORPORATION

RULES

Authority delegations:
Executive Secretary, 31522, 42644
Extension of corporate powers; individual retirement accounts, 2374
Forms, instructions and reports; remote service facilities, 2630, 5385
Freedom of information, 42644
Interest on deposits:
Geographical limits on NOW accounts, 11477
Keogh (HR 10) plans; withdrawal penalty exception, 50804, 52857
Subordinated debt obligations, 24978, 30008
Loans in special flood hazard areas, 55507
Practice and procedure:
Applications, requests, and submittals; Bank Supervision Division Director and Regional Administrators; authority delegation, 12274
Applications, requests, and submittals; branch applications; authority delegation, 43131
Applications, requests, and submittals; procedures, 35157
Records and information, published and unpublished; authority delegation to deny requests, 42644
Securities of insured State nonmember banks, 4889, 25887, 25888, 35477
Unsafe and unsound banking practices:
Insider transactions; recordkeeping requirements, 8946, 18286, 18405

PROPOSED RULES

Bank clearing agencies; application for stay or review of actions, 28544
Deposit insurance coverage, clarification and definition, 49492, 50274
Insider transactions; record keeping requirements, 11563
Interest on deposits:
Maturing time deposits; notice to depositors, 51422
Pooled time deposits; restricted payment, 9896, 14395, 20895
Preauthorized withdrawals from savings to cover insufficient funds items, 11563, 18872
Variable-rate time deposits, 11561
Privacy Act; implementation, 55717
Securities of insured State nonmember banks, 8072
Forms, financial statement, 25033
Trust funds insurance, 49492, 50274

NOTICES

Employees of insured banks convicted of criminal offense; policy statement, 42699
Idaho flood-related losses; forfeiture of interest on deposits, temporary suspension, 26954
Insured banks:
Joint call for report of condition, 1525, 15363, 30057
Reports of condition, time limits for filing; policy statement, 28583
Insured commercial State banks not members of Federal Reserve System:
Annual report of income, call for, 1526
Quarterly report of income, call for, 15364
Insured State banks not members of Federal Reserve System except banks in District of Columbia and mutual savings banks; call for annual report of income, 1526
Privacy Act; systems of records, 40424
Securities trading suspension:
Farmers Bank of State of Delaware, 10713, 12087, 13998, 15067, 16695, 18151, 19382, 20735, 22305, 23228
Unity State Bank, 28583, 30213, 31424

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

RULES

Disaster assistance administration:
Individual and family grants; advance of State share, 48538
Federal agencies; reimbursement, 32359
Private nonprofit facilities, eligibility for reimbursement of debris removal cost; definition of building, 14758

PROPOSED RULES

Disaster assistance administration:
Individual and family grants; advance of State share, 32237
Federal agencies; reimbursement, 16476

NOTICES

Authority delegations:
Assistant Secretary for Housing-Federal Housing Commissioner, 29719
Disaster and emergency areas:
Arkansas, 14918, 54544
California, 42971, 44880
Colorado, 33318, 36239
Georgia, 24755, 26740
Guam, 22119
Idaho, 23745
Illinois, 26246
Kansas, 30055
Maryland, 46508, 52988
Michigan, 12916, 14574
Minnesota, 26246, 27773, 37659, 50474, 56240
Mississippi, 14918
Missouri, 31418, 44067, 50474
Nebraska, 16496, 18131, 19365
New Jersey, 36240
New York, 12916, 14574, 27861, 31418, 32461, 38807
North Dakota, 16496, 17000, 31418, 56240
Northern Mariana Islands, 26057, 33318
Oklahoma, 14919, 23745
Pacific Islands Trust Territory, 17808, 24209
Pennsylvania, 28822, 34103, 47092, 48396
South Dakota, 26246, 27774, 29719, 47279, 56240
Texas, 26247
Vermont, 34103, 35883, 55943
Virginia, 46635, 53855
Washington, 1111, 1507
Wisconsin, 13390, 26247, 32772, 39375, 44206, 56241

FEDERAL ELECTION COMMISSION

RULES

CFR volume, nonpublication, 23373
Federal Election Campaign Act; implementation; 35932
Privacy Act; implementation, 43064

PROPOSED RULES

Campaign funds, Federal; public financing of conventions:
Compliance procedures, 2251, 5350
Corporate and labor organization activity:
Nonpartisan communications; registration and voting information, 38522
Expenditures, limitation, 21598, 22913
Federal Election Campaign Act, implementation:
Candidate and campaign disclosure, expenditures, disbursements, registration, etc., 21572, 21652
Candidate and committee activities; allocation of polling expenses, 28413
Financing, entitlement, certification, records, etc., 26396
Political committees and candidates:
Disclosure of records, 45952
Presidential primary matching fund:
Examination and audits, 45952

NOTICES

Advisory opinion requests, 1153, 1863, 1865, 2803, 2941, 3435, 4875, 27021, 29069, 29795, 33633, 33967, 35831, 38555, 39913, 41521, 43337, 44011, 45125, 46416, 48473, 49619, 51547, 51781, 53223, 53927, 55825
Advisory opinions:
Committee debts and reporting requirements; bankruptcy, 4492
Contribution limitations, individual, 3832
Contributions, maximum individual acceptance by non-major political party, 5752
Contributions and expenditures; political and non-political purposes, 5752
Contributions by construction contractors, 3833
Contributions by partnerships; equal allocation, 5752
Contributions by Republican National Congressional Committee; Republican candidates conference costs, 2940
Contributions to House candidates by State party affiliates, 4492
Contributions to State and local candidates by candidates for Federal offices, 3833
Corporate contributions paid for by candidate, 5752
Expenditures by political committees to defray expenses of delegates and alternates to Presidential nominating convention, 5752
Expenditures on behalf of candidate; flight payments and advertisements, 4492
Freedom of Choice, Inc.; status and reporting requirements, 3834
Honorariums earned though not yet received; treatment, 1862
Reports, Federal election; filed with various Secretaries of State; status, 5752
Simultaneous candidacies, salary expenditure allocations, 1862
Spending limit exemption for fund-raising costs, interpretation, 1862
Volunteer intern programs; contributions-in-kind, 3833
Campaign expenditures and contributions:
Reporting form, sample; inquiry, 9229
Communications costs; reporting requirements, labor organizations and corporations, 45957
Compliance procedures; hearing cancelled, 5350
Contributions:
Family member limits; policy statement, 44131
Federal candidates and committees limits; policy statement, 45954
Political committees making expenditures for identified candidate; policy statement, 44130
Counsel opinions:
Reporting requirements, Federal candidates, 3990
Index of Federal Register notices, 1975:, 6922, 11132, 14476, 19524
Index of Federal Register notices, 1976, 11154, 14491, 19532
Meetings:
Clearinghouse Advisory Panel, 20802, 55077
Multicandidate political committees, index, 44133, 49619
Policy statements:
Contributions; family member limits, 44131
Contributions; Federal candidates and committees limits, 45954
Contributions; political committees making expenditures for identified candidate, 44130
Delegates' travel and subsistence during national nominating conventions; payment, 24511
Political communications, authorization, 45954
Primary elections; Presidential, delegate, Senatorial, and Congressional; filing deadlines, 3708
Privacy Act; systems of records, 54718, 54719
Receipt form 20; acknowledgement for receiving initial filings, 52623
Receipts and expenditures; sample reporting form, inquiry, 11160
Records, public; index to statements and reports, 29286
Voluntary agreements, international; conduct of activities, 2833

FEDERAL ENERGY ADMINISTRATION

RULES

Administrative procedures and sanctions; oil:
Canadian crude oil, mandatory allocation; technical amendment, 4716
Oil import programs, mandatory, guidelines for granting exception relief from, 22343
Penalties, civil and criminal, 19931, 49627
Presidential Proclamations, conforming amendments, 2226, 4857
Profit margin limitations, elimination, 9088
Subpoenas, witness fees, 55323
Temporary stay relief; authority to grant, 4716
Voluntary agreements, international, 36647
Canadian crude oil, mandatory allocation, 4716
Energy conservation plans, State:
Guidelines, 8335, 48326
Environmental Policy Act, National; compliance; preparation of impact statements, 4722
Inflation impact statement, 37310
Oil import regulations:
Allocations for May 1, 1976 through April 30, 1977, 17510
Canadian crude oil, conforming amendments, 18307
Exceptions and appeals, guidelines, 22343
Licenses; sale, 14260
Presidential Proclamations, conforming amendments, 2226, 4857
Petroleum allocation and price rules, general:
Antitrust applicability, 1486
Crude oil, domestic; pricing mechanism, 4931
Naphtha jet fuel, exemption, 40452, 40453
Naphthas, gas, oils, etc., 30098, 44151
No. 1 heating oil, No. 1-D diesel fuel and kerosene; exemption, 24520
No. 2 heating oil and No. 2-D diesel fuel; exemption, 24518
Profit margin limitation, elimination, 9088
Reports, 55324
Residual fuel oil; exemption, 13898
Petroleum allocation regulations, mandatory:
Aviation fuel allocation levels, 49628
Crude oil, domestic; adjustments, 49477
Crude oil, domestic; increased costs, 18647, 22343, 37308
Crude oil, domestic, stripper well; first sale price exemption and modified treatment, 48323
Crude oil buy-sell program, 16448, 21177
Crude oil supplier/purchaser relationships, 7386, 20158, 24339
Entitlement purchase requirements; exemptions for certain refiners, 1044, 1487
Entitlements program; Puerto Rico; naphtha feedstocks, 30323
Middle distillates; set-aside program, 33881
Middle distillates; Special Rule No. 2, 27954
Naphtha jet fuel, exemption, 40452
Naphthas, gas, oils, etc., 30098, 44152
No. 1 heating oil, No. 1-D diesel fuel and kerosene; exemption, 24520
No. 2 heating oil and No. 2-D diesel fuel; exemption, 24518
Old oil allocation; small refiner bias, 20395
Old oil allocation program, 13903
Propane and butane; increased permissible inventory accumulation, 44361
Residual fuel oil; exemption, 13898, 26566
Petroleum price regulations, mandatory:
California and Alaska heavy crude oil, gravity price differential adjustments, 48323
Crude oil, domestic; certification requirements, 37310
Crude oil, domestic; clarification, 36172, 43394
Crude oil, domestic; increased costs, 18647
Crude oil, domestic; pricing adjustments, corrective actions, statutory composite price levels, 53334
Crude oil, domestic; pricing mechanism; monthly adjustments, 4931, 15566, 16450, 27730, 37311, 41080
Crude oil, domestic, stripper well; first sale price exemption and modified treatment, 48323
Crude oil, new; production, 21942

INDEX

UMI

Crude oil; sale of naval petroleum reserves, 21942
Crude oil, transportation; computation of landed costs, 55851
Crude oil buy/sell program, 16448
Export sales deduction, 30323
Gasoline; Alaska, markup on retail sales to reflect increased non-product costs; interim rule extension, 26197, 41080, 43895
Gasoline and No. 2 oils; once-a-month price increase limitation on sales; elimination, 1267
Inventory computations, separate; increased pricing flexibility, 19113
Naphtha jet fuel, exemption, 40453
Naphthas, gas, oils, etc., 30098, 44152
Natural gas liquids and products, 24113
No. 1 heating oil, No. 1-D diesel fuel and kerosene; exemption; covered products, 24520, 34008
No. 2 heating oil and No. 2-D diesel fuel; exemption; covered products, 24518, 34008
Old oil allocation program, 13903
Pricing increased flexibility by refiners, 30024
Profit margin limitations, elimination, 9088
Propane and butane; non-Canadian importation; increased costs, 54920
Refiner, reseller and retailer, prices charged for covered products, 5111
Refiners; order of recoupment of increased costs, 15330, 18068
Resellers and retailers; pricing flexibility, 18305, 42939
Residual fuel oil; exemption, 13898
Petroleum products regulations, low sulfur:
CFR Part revoked, 24518, 24520
Residual fuel oil; exemption, 13898
Privacy Act; implementation, 48318
Rulings:
Retail sales outlet operator's entitlement to motor gasoline, 36647
Synthetic fuels processed from oil shale, etc.; inapplicability of mandatory petroleum and price regulations, 25886
State energy conservation plans:
Report guidelines, 8335, 48326
Voluntary agreements, international; conduct of activities, 6752

PROPOSED RULES

Administrative procedures and sanctions, oil:
Oil import programs, mandatory, guidelines for granting exception relief from, 14900
Penalties, civil and criminal, 2449, 34783
Subpoenas, witness fees, 29868
Voluntary agreements, international, 27976
Energy conservation plans, State:
Guidelines, 4298, 5867, 24410, 26262
Energy conservation program, appliances, 19977, 21368, 31237, 37603
Gasoline and diesel fuel rationing regulations; mandatory:
Environmental impact statement; negative determination, 36823
Establishment; hearings, etc., 21918, 23212, 24724
Inflation impact statement, 54774
Oil import regulations:
Allocations for period beginning May 1, 1976, 15033
Canadian imports, 15035
Conduct standards; financial interests reporting, 14261
Exceptions and appeals, guidelines, 14900
Technical changes, 8497
Petroleum allocation and price rules, general:
Crude oil, domestic, pricing mechanism, 1564
Motor gasoline, exemption; hearings, 51832
Naphtha jet fuel, exemption, 34784
Naphthas, gas, oils, etc., 24188
No. 2 heating oil, No. 2-D diesel fuel, and other middle distillates; exemption, 17512
Reports, 29868
Residual fuel oil exemption, 7122
Petroleum allocation regulations, mandatory:
Aviation fuel allocation levels, 45585
Crude oil, domestic; adjustments, 46011
Crude oil, domestic, stripper well; first sale price exemption and modified treatment; hearing, 37599, 40504
Crude oil buy-sell program; coverage changes, 9198
Crude oil supplier/purchaser relationships, 16662
Crude oil supplier/purchaser rule, 2830
Entitlement purchase requirements, exemptions for certain refiners; modification; hearing, 9391, 14822
Entitlements program; adjustments for imported residual fuel oil; hearing, 56821
Entitlements program; domestic price advantage; hearing, 31575
Entitlements program; expansion and modification, 13903
Entitlements program; Puerto Rico; naphtha feedstocks, 21936
Entitlements program (old oil allocation), 7125
Middle distillates; exemption, 22591
Middle distillates; set-aside program, 28797
Motor gasoline, exemption; hearings, 51832
Naphtha jet fuel, exemption, 34784
Naphthas, gas, oils, etc., 24188
No. 2 heating oil, No. 2-D diesel fuel, and other middle distillates; exemption, 17512
Residual fuel oil exemption, 7122
Petroleum price regulations, mandatory:
California heavy crude oil, gravity price differential adjustments, 39331
Crude oil, domestic; additional incentives, 18873
Crude oil, domestic; clarification, 16179
Crude oil, domestic; pricing adjustments, corrective actions, statutory composite price levels, 50960, 52480
Crude oil, domestic; pricing mechanism; monthly adjustments, 1564, 9381, 14822
Crude oil, domestic; purchaser's monthly report, 16172, 49113
Crude oil, domestic, stripper well; first sale price exemption and modified treatment; hearing, 37599, 40504
Crude oil, domestic and imported; resales, 47077
Crude oil, resale; hearings cancelled, 50455
Crude oil, transportation; computation of landed costs, 10075, 37130
Crude oil buy-sell program; coverage changes, 9199
Entitlement purchase requirements, exemptions for certain refiners; modifications; hearing, 9391, 14822
Entitlements program; expansion and modification, 13903
Gasoline, leaded and unleaded, 54774, 55884
Middle distillates; exemption, 22591
Motor gasoline, exemption; hearings, 51832
Naphtha jet fuel, exemption of, 34784
Naphthas, gas, oils, etc., 21488
Natural gas liquids; class exception, 24609, 34080
No. 2 heating oil, No. 2-D diesel fuel, and other middle distillates; exemption, 17512
Price rule compliance; resellers and retailers; class exception, 21935
Propane and butane; non-Canadian importation; increased costs, 21938, 22959
Refiner, reseller and retailer, prices charged for covered products, 1680
Refiner recoupment of increased costs, 9199, 33282, 39336
Refiners; increased non-product costs, 31863
Refiner's profit margin limitations; hearing, 1295
Residual fuel oil exemption, 7122
Petroleum products regulations, low sulfur:
No. 2 heating oil, No. 2-D diesel fuel, and other middle distillates, exemption, 17512
Power generator fuel; proposed revocation, 22591
Privacy Act; implementation, 39767
Voluntary agreements, international:
Administrative procedures; inquiry, 27976, 34981
Conduct of activities, 1291
Record maintenance, 37128, 41432, 48129

NOTICES

Acquisition of assets:
Atlantic Richfield Co., et al., 14930
Appeals and applications for exception, etc.; cases filed with Exception and Appeals Office:
Conferences, hearings, etc., policy statement, 7589
List of applicants, etc., 1526, 1527, 2770, 2862, 4354, 4963, 7811, 8422, 8533, 8828, 10090, 11605, 12765, 14820, 15067, 16212, 18345, 18710, 18711, 20014, 20736, 21409, 22305, 22307, 22886, 22890, 23805, 26255, 26256, 26257, 27122, 27125, 27436, 27867, 29022, 30212, 31254, 32647, 32651, 32655, 32782, 33585, 34110, 36257, 36539, 36689, 36690, 37641, 37642, 37643, 37648, 37650, 43239, 43453, 43455, 43456, 43457, 45044, 45910, 45913, 46901, 46902, 46906, 48168, 49518, 49520, 50325, 50468, 50469, 50715, 54024, 54802, 54981, 54984, 55223, 55225, 55227, 55743, 56219, 56843
Appliance labeling and energy efficiency; meeting, 3506, 4355
Buzzard's Point; relocation of offices; hearing, 50471
Canadian allocation program, 1976; notices:
January, 10945
January through June, 54217
July through December, 23998, 24772, 26746, 51440
Class exception on pass-through of increased non-product costs by refiners before February 1, 1976; procedures and criteria, 43953
Coal, public forum, 36691, 48401
Committees; establishment, renewals, etc.:
Coal Industry Advisory Committee, 36251, 36252
Construction Advisory Committee, 36251, 36252
Consumer Affairs/Special Impact Advisory Committee, 36251, 36253
Electric Utilities Advisory Committee, 3121, 36251, 36253
Energy Finance Advisory Committee, 14430, 32659
Environmental Advisory Committee, 36251, 36254
Food Industry Advisory Committee, 7992, 36251, 36254
Fuel Oil Marketing Advisory Committee, 36251, 36252, 36255
Gasoline Marketing Advisory Committee, 36251, 36252, 36255
LP-Gas Industry Advisory Committee, 29905, 36251, 36255
Natural Gas Advisory Committee, 55936
Natural Gas Transmission and Distribution Advisory Committee, 36251, 36256
Petroleum and Natural Gas Exploration, Development, and Production Advisory Committee, 14431
State Regulatory Advisory Committee, 12924, 36251, 36256, 49193
Transportation Advisory Committee, 36251, 36257
Consent orders:
Apco Oil Corp., 56218
Charter Oil Co., 26257, 37851
Continental Oil Co., 22309, 31615
Dow Chemical Co., 47285
Fuel Resources Development Co., 29747, 43239
Martin Oil Service, Inc., et al., 36541, 47285
Oil Shale Corp., 10256
Time Oil Co., 34112, 45915
Union Oil Co. of Calif., 39833
Wanda Petroleum Co., 45046, 52519
Consumer product test procedures; labeling, energy consumption; inquiry, 3121
Consumer representation plan, 42787
Corporation information filing requirements, 54977, 56222
Crude oil, domestic, allocation program; exception relief; 1975 adjustments, 36540
Crude oil, domestic, allocation program; recalculation of entitlement notices; November 1974 - August 1975, 31794, 42700
Crude oil, domestic, allocation program; 1976; entitlement notices:
February, 18152
March, 21316
April, 26838
May, 30570
June, 35996
July, 42926
August, 47380
September, 51442
October, 55836
East Coast residual fuel oil market; hearing, 45045
Electric utility rate design; inquiry, 51069
Energy conservation, industrial:
Corporation information filing requirements, 36838, 47285
Efficiency improvement targets; inquiry and hearing, 48169, 51446
Voluntary reporting programs; inquiry, 38819, 51866
Energy conservation; petroleum products; pricing and volume data (Form P302-M-1); inquiry, 53842
Energy conservation contingency plans, emergency; environmental negative declarations:
Boiler combustion efficiency requirements, 44071
Commuter parking management and carpooling incentives, 44071
Heating, cooling, and hot water, 44071
Illuminated advertising and gas lighting restrictions, 44072
Weekend gasoline and diesel fuel retail distribution restrictions, 44072
Energy conservation contingency plans; inquiry, 21908, 24724
Energy conservation guidelines, State:
Hearing cancelled on prior proposal, 5867
Renewable resources, 47999
Energy conservation program for appliances; proposed test procedures; publication delay, 47286
Energy consumption; proposed ranking of manufacturing industries; inquiry, 7992
Environmental review documents; availability, 37652, 52519
Environmental statements; availability, etc.:
Canadian crude oil allocation, 10946, 18346
Powerplant energy sources; coal, use, 27780
Powerplants; notice of effectiveness for certain construction orders, 26954
Public Service Co., 27127, 29905, 35098
Strategic petroleum reserves, 26262, 30394, 38820, 39833, 48401, 55744, 55937
Exception relief applications; guidelines for approval or denial, 50856, 52519
Exchange agreement, Standard Oil Co. of California, 15068
Foreign oil supply agreements; reporting requirements; inquiry, 50331
Freedom of information:
Major fuel burning installation coal conversion report; availability, 17819
Industrial petroleum reserve, establishment; inquiry, 22415
International Energy Program, 6800, 13998, 15576, 16516, 18159, 18919, 19157, 20220, 20221, 20915, 24772, 24773, 30062, 31615, 34112, 38818, 39380, 45591
Liquefied natural gas imports, Federal policy; hearing, 14430, 15576, 44460
Manufacturing industries:
Energy consumption ranking, 12766
Meetings:
Appliance labeling and energy efficiency, 3506, 4355
Coal, expanding role, 36691, 48401
Coal Industry Advisory Committee, 8829, 45045
Construction Advisory Committee, 35098, 44740
Consumer Affairs/Special Impact Advisory Committee, 4727, 8829, 12924, 18151, 22310, 26954, 32291, 42977, 48567, 56221, 56222
Electric Utilities Advisory Committee, 17818
Energy Finance Advisory Committee, et al., 22310, 39380, 55936
Environmental Advisory Committee, 1943, 12089, 20444, 29747, 41749
Food Industry Advisory Committee, 10946, 11077, 18152, 26955, 28583, 35099, 42977, 54802
Fuel Oil Marketing Advisory Committee, 42977
Gasoline Marketing Advisory Committee, 39380, 53843
International Energy Agency Group of Reporting Companies, 37653
International Energy Agency Industry Advisory Board, 15576, 16516, 18919, 19157, 20220, 20221, 20915, 22311, 22983, 24773, 30062, 36261, 36839, 37653, 38214, 41459, 41749, 51438, 52720
International Energy Agency Industry Working Party, 18159, 31615
International Energy Program, voluntary agreement, 6800
LP-Gas Industry Advisory Committee, 18712, 30720, 35099, 36075, 53844
Natural Gas Transmission and Distribution Advisory Committee, 51649, 52905
Oil and gas reserves information, U.S.; development, 18346
Petroleum and Natural Gas Exploration, Development, and Production Advisory Committee, 46649, 49668
Retail Dealers Advisory Committee, 1627, 12089
State Regulatory Advisory Committee, 9005, 18712, 29024, 42236, 49193, 53372
Transportation Advisory Committee, 2435, 6800, 18713, 27871
Voluntary Agreement, International Energy Program, 20220, 20221
Wholesale Petroleum Advisory Committee, 5350, 17818
Middle distillates prices, post exemption monitoring, 41155
Middle distillates set-aside program, guidelines to State energy offices, 46513
National utility residual fuel oil allocation; supplier percentages:
January, 1018
February, 3248
March, 8322
April, 13427
May, 17516
Natural gas:
Import policy, LNG; West Coast; hearing, 18347
Synthetic, enrichment; assignment of base period supplier of butane, 51649

INDEX

UMI

Synthetic, enrichment; assignment of base period supplier of propane, 36839, 45910, 54025
Synthetic, facility; allocation of feedstock; petition for assignment of base period volume and supplier, 1129, 3770, 4727, 36837, 39379, 44887, 54023, 56842
Natural gas, synthetic; pending applications:
Algonquin Gas Transmission Co. et al., 54217
Boston Gas Co., 54980
Naval Petroleum Reserve Number 4 Report; hearing, 12087
Oil and gas reserves information, U.S.; development; meeting, 18346
Oil import program, mandatory; evaluation, hearing and inquiry, 30058
Oil imports:
Incentives for reducing price; inquiry, 4857
Supplemental fees; hearing cancellation, 4857
Old oil allocation program; 1975; entitlement notices:
October; revised, 1323
November, 3123
December, 7461
Old oil allocation program; 1976; entitlement notices:
January, 11210
Old oil entitlement; hearing, application for exemption; New England Petroleum Corp., 3123
Petitions for special redress; cases filed with Private Grievances and Redress Office
List of applicants, 18344, 18712
Petroleum allocation and price regulations, mandatory:
Middle distillate prices; monitoring system; hearings, 30282
Puerto Rico; hearing, 13426
Revaluation; hearing, 4727, 6345, 6803
Separate allocation fractions; exemption, Shell Oil Co., 26261
Separate allocation fractions; exemption, Shell Oil Co.; extension of time, 30721
Petroleum allocation regulations, mandatory; applications for exceptions; hearings, 32290
Petroleum price regulations, mandatory:
Crude oil, domestic; certification requirements; emergency amendments; hearing cancelled, 43954
Powerplant energy sources; coal, use:
Construction orders, 27869, 45909, 54974
Environmental statements, 27780
Powerplant energy sources; prohibition of burning, 22132, 26074, 35099
Price and allocation controls; FEA regulatory enforcement, application after Dec. 15, 1975, 1626
Privacy Act; systems of records, 40076
Refiners buy-sell list; crude oil allocations, 3505, 8216, 20737, 35025, 51438
Refiners buy-sell list; hearing; application for exemption; Gulf Cos., 3121, 6800
Refiners monthly cost allocation report; availability of form, 15577
Refinery recoupment of increased costs; class exception; survey results, 40559
Report forms; extension of expiration dates, 30062
Strategic Petroleum Reserve; program implementation, 15068
Supplier/purchaser relationships terminated; Gulf Oil Corp.; inquiry and hearing, 43952
Trans-Alaska pipeline; priorities assistance for construction, 44476
Wholesale purchasers, reassignment, applications, etc.:
Atlantic Richfield Co. et al., 22309
Gulf Oil Corp., 50862
Phillips Petroleum Co., et al., 2863, 14930

FEDERAL GRAIN INSPECTION SERVICE

NOTICES

Establishment, 54965
Grain standards; inspection points:
Louisiana, 54208, 56874

FEDERAL HIGHWAY ADMINISTRATION

RULES

Bridge toll procedures; order modification, 23957
Civil rights:
Construction contract equal opportunity compliance, 3080, 28270, 34239, 46293
Federal-aid highway program; compliance reviews under Title VI policy and procedures, 53982
Engineering and traffic operations:
Bikeway demonstration program, 8344, 8950, 23380
Bikeways and walkways in conjunction with Federal and Federal-aid programs; purpose; correction, 9321
Bridge decks, concrete, 18297
Carpool demonstration projects, 26215
Certification acceptance, 6914
Construction and maintenance; material requirements, 36204
Construction inspection, Federal-aid projects, 18072
Contract provisions, required; Federal-aid contracts (Appalachian), 8769
Forest Highway Systems; reporting date, 31197
Great River Road, scenic and recreational highway, 21637, 31197, 33280, 52448
Preconstruction procedures; emergency funds, 22813, 24347
Preconstruction procedures; Federal-aid programs approval and authorization, 8168
Preconstruction procedures; project agreements, 33253
Preconstruction procedures; truck weighing stations, 43139
Required contract provisions, 36204
Right-turn-on-red at signalized intersections, 28477, 31532
Secondary road plan, 10430
Speed limit enforcement; certification, 49808
Traffic operations, 10430
Traffic operations; definition of "State," etc., 53003
Traffic operations; traffic control devices; correction, 23380
Vehicle size and weight, State certification, 7095
Equal employment opportunity on Federal and Federal aid highway construction contracts, 3080, 28270, 34239, 46293
Highway safety:
Pavement marking demonstrations program, 52447
Highway safety programs, State:
Political subdivision participation, 23949
Uniform standards; annual work program, 23948
Uniform standards; fatality reduction, interim incentive grant criteria, 54170
Highway traffic noise and construction noise; abatement procedures, 16933
Inflation impact statements, 55176
Motor carrier safety regulations:
Authority delegations, 22355
Commercial zone references; updating, 8175
Driver qualifications; regularly employed by another carrier, 36656
Forfeiture claims, collection and compromise, 22355
Front tires; postponement of marking requirements, 9883
Inspection and maintenance; record retention, 42206
Parts and accessories; addresses for acquiring referenced documents, 53031
Parts and accessories; automatic front-wheel brake limiting device, 29130, 53031
Parts and accessories; front tire marking requirements; effective date postponed, 53032
Photographic copies of records, 34969
Practice rules, 22355
Rule-making procedures, 22356
Speedometers, reasonable accuracy, 12228
Vehicle interior noise levels, 28268
National Highway Institute:
Education and training programs; correction, 6249
State education and training programs, 44034, 50646
Noise emission standards, interstate motor carrier; compliance:
Compliance standards, changes, 10226, 28267
Payment procedures:
Funds, advance, 10430
Reimbursement; bond issue projects, etc., 10430, 15690
Reimbursement; public employees on Federal-aid projects, employment, 45547, 49484
Right-of-way revolving funds, 27962
State fiscal procedures and reports; Federal-aid highway funds transfer, 54169
Planning:
Elderly and handicapped persons; urban transportation planning assistance and standards, 18235
Federal-aid urban systems; realignment requirements deleted, 26856
Highway systems, 51396
Highway systems; realignment requirements deleted, 26856
Program management and coordination, 8476, 10430, 31531, 33441
Public transportation:
Rural highway program; guidelines for proposal submissions, 3080
Reimbursement for railroad work; labor surcharge increase, 48516

Research and development:
Management option, 55177
New studies, 55178
Program management, 55176
Property management, 55176
Special projects, Federal-aid funds without State matching, 55179
Studies, changes and terminations, 55178
Studies, reports, 55179
Work program, annual, 55177
Right-of-way and environment:
Acquisition function; CFR correction, 9321
Acquisition function; right-of-way revolving fund, 24347
Appraisal; CFR correction, 9321
Environmental impact and related statements, content; CFR correction, 9321
Federal-aid highway programs, air quality guidelines; CFR correction, 9321
Highway beautification; CFR correction, 9321
Highway beautification; directional signs; exemption from removal in defined areas, 45827
Highway beautification; outdoor advertising, 31198
Junkyard control and acquisition; CFR correction, 9321
Property management function; CFR correction, 9321
Reimbursement policy; CFR correction, 9321
Relocation assistance, 9321, 48683, 51396, 54756
Tires; special permit vehicles; loading restriction exemption, 36657

PROPOSED RULES

Engineering and traffic operations:
Certification acceptance, 23421, 30027
Construction zone safety; inquiry, 41712
Directional sign standards, 46877
Speed limit enforcement; certification, 32240
Utilities; relocation and adjustments; inquiry, 42220
Value engineering, 56207
Highway safety programs, State; uniform standards:
Fatality reduction, incentive grant criteria, 54188
Motor vehicle inspections, registrations, motorcycle safety, etc., 3315
Pedalcyclist safety, 3317
Inflation impact statement, 56207
Motor carrier safety regulations:
Buses; tachograph installation, 4296
Driver qualifications; interstate commercial service; hearing, 19972
Driver qualifications; minimum physical requirements, 17569, 55898
Driver qualifications; tractor-trailor training standard, 22584
Driver's hours of service, 6275
Driver's 4-day log, 3311
Fuel tanks, nonmetallic; fire resistance test, 52500
Parts and accessories; lamps, semitrailer and full trailer rear sidemarker; location, 47948
Records and documents, photographic copies for retention, 8979
Tire chains; exemption; withdrawal, 4297
Tires; special permit vehicles; loading restriction exemption, 24608
Planning:
Interstate highway system; disposition of Federal funds previously committed to segment withdrawn; inquiry, 42221
Regulation review; inquiry, 52703
Right-of-way and environment:
Highway beautification; directional and official signs, National standards, 27739
Highway beautification; directional sign standards, 46877
Landscape and scenic enhancement; directional sign standards, 46877
Real property acquisition and management; inquiry, 26934

NOTICES

Apportionments certificate, 23483, 30200
Bridge replacement program; 1977 funds allocation, 44880
Bridge tolls, etc.:
Bayonne Bridge et al., 2847, 15734, 18339, 19156, 19749, 22857, 28346, 47280, 54581
New York and New Jersey Port Authority, 15438, 16499, 20004
Engineering and traffic operations:
Bikeway demonstration programs, 18340
Uniform Traffic Control Devices Manual, availability, 46635
Environmental statements; availability, etc.:
Darien Gap Highway, 24929
Federal-aid highway program:
Energy problems, highway needs; inquiry, 37389, 43438
Obligations, 1977 FY, 48621
Skid measurement guidelines, 4956
Highway safety management program study; meeting, 48163
Highway safety program:
Funds, delay in apportionment; agreement with NHwTSA, 805
Policy revision agreement with NHwTSA; revoked, 23995
Standards evaluation; meeting, 28571, 56899
Interstate funding study; inquiry, 35756, 41736
Interstate funds, lapsed, 1974 FY; reapportionment, 51899
Interstate resurfacing, restoration and rehabilitation study; inquiry, 49208, 55616
Meetings:
Highway safety program standards; evaluation of adequacy, 28571, 56899
Special Liaison Panel; highway safety management program study, 48163
Uniform Traffic Control Devices, National Advisory Committee, 24623
Urban system study, 32461
Motorcycle helmets; safety sanctions determinations:
California, 1838
Illinois, 1838
Utah, 1838
National highway transportation policy statement, 54090
Pavement marking demonstration program, funds allocation, 43224

FEDERAL HOME LOAN BANK BOARD

RULES

Federal home loan bank system:
Advances, secured and short term, 10414
Bank organization; Finance Office functions, 55859
Flood disaster protection; certain loan exemptions; members of banks, 43395
Limitations on rate of return; NOW or transaction accounts, exceptions, 9297
Liquid assets, branch applications, bylaw and insurance of accounts; policy statements, 18516
Liquidity; requirements increase; members of banks, 6062
Retirement savings accounts; limitations on rate of return, 50413
Federal Savings and Loan Insurance Corporation:
Accounting requirements; financial statements, form and content, 52982
Auditors of insured institutions; policy statement, 20862
Exclusive leases; policy statement, 2805
Flood disaster protection; certain loan exemptions; operations, 43395
Liquid assets, branch applications, bylaws and insurance of accounts; definitions, 18516
Loans, insurance; operations, 10415
Loans, mortgage insurance; operations, 7497
Loans, slow; definitions, 1888, 37313
Loans to one borrower; operations, 32419
Mergers; policy statement, 9133, 12009
Mergers or consolidations by insured institutions; operations, 9133
Mortgage-futures transactions; policy statement, 20862
Mutual to stock form conversions; securities offers and sale, 50416
NOW or transaction accounts; exceptions; operations, 9297
Officers; conflict of interest and proxy solicitation guidelines; operations, 35821
Officers; conflict of interest and proxy solicitation policies; definitions, 35821
Retirement savings accounts; operations, 50413
Sales commissions; operations, 4541
Scheduled items; definitions, 32419
State housing corporation, investment in; policy statement, 24979
Federal savings and loan system:
Branch offices and mobile facilities; locating in rural areas; policy statement, 6063
Flood disaster protection; certain loan exemptions; operations, 43395
Late charges and due on sale clauses; operations, 18287
Late charges and due on sale clauses; policy statement, 18288
Lending regulations; operations, 6062
Liquid assets, branch applications, bylaws and insurance of accounts; Board rulings, 18516
Liquid assets, branch applications, bylaws and insurance of accounts; operations, 18516
Marketable certificates of deposit; operations, 24979

INDEX

UMI

Merger, dissolution, reorganization, and conversion; applications and policy, 9131
Merger, dissolution, reorganization, and conversion; service corporations, applications and rural branching; correction, 11017
Merger, dissolution, reorganization and conversion; procedure effective date; CFR correction, 48727
Mergers; policy statement, 9133
Mobile home financing; operations, 12009
NOW or transaction accounts; exceptions; operations, 9297
Officers; conflict of interest and proxy solicitation guidelines; operations, 35820
Remote service units; electronic funds transfer; operations, 10452, 21441
Retirement savings accounts; operations, 50413
Service corporations, applications and rural branching; operations; correction, 11017
Suretyship authorization; policy statement, 7497
Third party payments; operations, 21180
Officers designated as agents, 18407
Organization and functions:
Membership and office duties, etc., 55858
Privacy Act; implementation, 18515
Savings and loan holding companies:
Regulated activities; authority delegations, 48729

PROPOSED RULES

Federal Savings and Loan Insurance Corporation:
Accounts, insurance; one borrower loans; operations, 20895
Borrowings; guarantees; operations; withdrawn, 7520
Federal insurance reserve accounts; clarification and management flexibility; Board rulings, 44057, 48377
Federal insurance reserve accounts; clarification and management flexibility; operations, 44057, 48377
Financial statements; form and content, 28545
Loans, slow; definitions, 25035
Pension plans; Board rulings, 27852
Pension plans; operations, 27852
Proxies, solicitation, 35827, 42959
Service corporations; acquisition and development of unimproved land, 26031
Federal savings and loan system:
Alteration, repair, or improvement loans, 49639
Late charges and due on sale clauses; operations, 6283
Mortgage-futures transactions; operations, 20861
Payments to third parties; operations, 8980
Rural locations of branch offices and mobile facilities, 36039
Service corporations, investment; operations, 26031
Privacy Act; implementation;, 14902
Savings and loan holding companies:
Holding company indebtedness, 33566

NOTICES

Applications, etc.:
Ahmanson, H. F., & Co., 4964
American Savings & Loan Association of Florida, 7993
Bass Financial Corp., 24773, 38821, 54987
Biscayne Federal Savings & Loan Association, Fla., 45915
Buckeye Federal Savings & Loan Association, 19382
Camco Financial Corp., 18159
Central City Federal Savings & Loan Association, Calif., 44072
Civic Federal Savings & Loan Association, Calif., 43498, 46373
County Federal Savings & Loan Association of Westport, Conn., 45915
First Federal Savings & Loan Association of Conroe; Conroe, Tex., 5867
First Federal Savings & Loan Association of Fresno, Calif., 1528
First Federal Savings & Loan Association of Sumner County, Kans., 22149, 44073
First Savings & Loan Association, Tex., 22149, 27872
Heizer Corp., 48778
Heritage Financial Corp., 16695
Key Federal Savings & Loan Association, Md., 38555
Metropolitan Federal Savings & Loan Association of Bethesda, 32962
Pat Griffin Co., 11350, 50720
Pioneer Savings & Trust Assoc., N. Mex., 7993, 22149
Prudential Federal Savings & Loan Association, Utah, 7993, 16614, 17615, 17967
Raritan Valley Savings & Loan Association, 48568
Standard Federal Savings & Loan Association, Gaithersburg, Md., 1528
Steiner American Corp., 32962
Uptown Federal Savings & Loan Association of Chicago, 54805
Committees; establishment, renewals, etc.:
Alternative Mortgage Instruments Research Study Advisory Committee, 35560
Idaho disaster area; waiver of premature withdrawal penalties, 26955
Meetings:
Alternative Mortgage Instruments Research Study Advisory Committee, 35561
Federal Savings and Loan Advisory Council, 9608, 24934, 44461, 51649
Privacy Act; systems of records, 25050, 39168

FEDERAL HOME LOAN MORTGAGE CORPORATION

NOTICES

Organization, rules and procedures for access to records, 30721

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

See also Housing Production and Mortgage Credit, Office of Assistant Secretary.

RULES

Authority delegations:
Insuring Offices, Director and Deputy Director, 52450
Multifamily Participation Review Committee, 52450
Regional Administrator, 29141
Housing sponsors planning assistance:
"Seed money" loans; low and moderate income housing, 41870
Low rent public housing; prototype cost limits:
Camden, N.J., 42187
St. Paul, Minn., et al., 42185
Zuni, N. Mex., 55707
Mobile homes:
Construction and safety standards, 53627, 56275, 57014
Mortgage and loan insurance programs:
Coinsurance, State housing finance agencies, 43070
Condominium ownership; experimental financing, 42949
Condominium ownership; maximum mortgage amounts, 41881
Cooperative housing; assurance of completion requirements, 41516, 56793
Cooperative housing; maximum insurable amounts, 41880
Debenture interest rates, 32216
Elderly, housing for; maximum mortgage amounts, 41881
Group practice facilities; assurance of completion requirements, 41518, 56793
Home ownership and project rehabilitation; downpayment requirements, 43140
Home ownership and project rehabilitation; eligibility criteria and contract benefits, 43140
Home ownership and project rehabilitation; experimental financing, 42949
Home ownership and project rehabilitation; maximum mortgage amounts, 51011
Hospitals; assurance of completion requirements, 41517, 56793
Interest rates, 46302
Interest subsidy grants, 34608, 35706, 42951
Low cost and moderate income; assurance of completion requirements, 41517, 56793
Low cost and moderate income; experimental financing, 42949
Low cost and moderate income; maximum mortgage amounts, 41881, 51011
Low cost and moderate income; occupancy requirements, 40465
Maximum mortgage amounts; mortgage insurance and interest reduction payments for rental projects, 41882
Multifamily housing; assurance of completion requirements, 41516, 56793
Multifamily housing; eligibility requirements, 45828
Multifamily housing; maximum mortgage amounts, 41880
Mutual mortgage insurance and insured home improvement loans; experimental financing, 42949
Mutual mortgage insurance and insured home improvement loans; graduated payment mortgages, 42949
Mutual mortgage insurance and insured home improvement loans; servicing requirements, etc., 49734
Nursing homes and intermediate care facilities; assurance of completion requirements, 41517, 56793

Occupancy requirements; mortgage insurance and interest reduction payments for rental projects, 40466
Property improvement loans, Class 3; CFR Part revoked, 44162
Supplementary financing; assurance of completion requirements, 41517, 56793
Urban renewal and insured improvement loans; maximum mortgage amounts, 41880
Utility charges; mortgage insurance and interest reduction payments for rental projects, 42950
Structural defect correction in homes covered by mortgage insurance, 42185
Tenant evictions:
Subsidized projects and HUD-owned projects, 43332

PROPOSED RULES

College housing; financial relief and loan modification, 51988
Inflation impact statement, 55204
Low-income housing:
Fair market rents, new construction and substantial rehabilitation, 55204
Families and other terms, definitions; occupancy by single persons, 55080
Housing assistance payments; new construction, 54856
Housing assistance payments; substantial rehabilitation, 54856, 56829
Public housing program, traditional, 50946
Mortgage and loan insurance programs:
Cooperative housing; mortgage proceeds disbursement, 37226
Elderly, housing for; mortgage proceeds disbursement, 37226
Fire safety equipment in health care facilities, 43098
Group practice facilities; mortgage proceeds disbursement, 37226
Home ownership and project rehabilitation; recovery of assistance, etc., 55484
Hospitals; mortgage proceeds disbursement, 37226
Insured projects, supplementary financing; mortgage proceeds disbursement, 37226
Land development; mortgage proceeds, 37226
Low cost and moderate income; mortgage proceeds disbursement, 37226
Mobile homes; construction and safety standards, 41614
Multifamily housing; mortgage proceeds disbursement, 37226
Nursing homes and intermediate care facilities; mortgage proceeds disbursement, 37226

NOTICES

Authority delegations:
Acting Assistant Secretary for Housing-Federal Housing Commissioner, order of succession, 55243
Property Disposition Committee, 52545
Regional Administrators et al., 52545
Home mortgages in default; acceptance of assignment, 43431, 46501
Minimum property standards; revision availability, 48571
Section 8 housing assistance payments and demonstration rehabilitation programs; allocation availability, 49537, 54994
Solar heating and domestic hot water systems; minimum property standards; publication and availability, 28570
Thermal insulation standards, 47580

FEDERAL INSURANCE ADMINISTRATION

RULES

Crime insurance program, Federal:
Insurance purchases and claims adjustment; list of servicing companies and eligible States, 34618, 56314
Program description; list of servicing companies and eligible States, 34618, 56314
Flood Insurance Program, National:
Administrative hearing procedures, 46990
Communities eligible for sale of insurance, 1470, 1751, 1893, 4819, 4820, 4821, 5089, 6249, 7759, 9150, 9152, 11287, 12681, 12893, 12894, 14756, 15700, 16645, 17539, 17723, 17724, 18653, 20397, 20398, 20399, 21187, 21325, 22277, 22949, 23949, 24584, 24585, 29141, 29142, 29820, 30120, 30649, 31198, 31199, 32216, 32738, 33551, 34943, 35706, 35707, 36492, 37314, 38497, 39022, 41082, 43402, 43716, 44382, 45000, 45986, 46986, 47231, 47232, 49629, 49812, 50642, 51597, 53004, 53478, 53479, 56750, 56751
Communities eligible for sale of insurance; emergency implementation extension, 1062
Flood plain management criteria, 46975
General provisions, 1062, 46969
Insurance coverage and rates, 46981
Insurance sale and claims adjustment, 1062, 46984, 56307
Self-insurance plan; State-owned properties exemption, 46991
Special hazard areas, 1277, 1472, 1751, 2240, 3085, 4901, 5090, 6726, 7760, 8178, 9356, 11485, 12885, 13340, 13346, 13351, 14750, 16646, 17539, 17540, 17725, 17913, 18851, 20549, 20556, 21326, 23187, 26402, 28959, 29396, 29822, 29841, 31199, 33911, 35708, 38498, 45548, 46987, 49813, 53664
Special hazard areas, map corrections, 2645, 2646, 4256, 4531, 4532, 4533, 4534, 4535, 4536, 4825, 4826, 4915, 4916, 4917, 8951, 8952, 8953, 8954, 9153, 10216, 10217, 11819, 12225, 12226, 12227, 12685, 12686, 12687, 13607, 13608, 13609, 13610, 13611, 14757, 14758, 17383, 17384, 17385, 17386, 17431, 17544, 17545, 17546, 20571, 20572, 20573, 20574, 20575, 24347, 24348, 24349, 29667, 29668, 29669, 29670, 29671, 29672, 30017, 30018, 30019, 30020, 33261, 33262, 34611, 34612, 34613, 34614, 34615, 34616, 34617, 34618, 35171, 35173, 35174, 35847, 40102, 40103, 40464, 45829, 45830, 45831, 45832, 45833, 45834, 45835, 45836, 45837, 45838, 45839, 45840, 45841, 46991, 49980, 49981, 49982, 52451, 52452, 53991, 54170, 54171, 54172, 54173, 54175
Flood Insurance Program, National; flood elevation determinations, etc., 46988, 46989
Alabama, 32739, 48733
Alaska, 38503
Arizona, 32739, 33555
Arkansas, 6740, 7168, 7515, 30122, 32729, 45000
California, 12224, 30122, 32739, 38768, 40463, 44388, 46588, 50249
Colorado, 1894, 22036, 30122, 56948
Connecticut, 8950, 22037, 46588, 48734, 50252, 50253, 50254, 50256, 56753
Delaware, 4914, 14511, 14513, 30123, 35484, 47039, 48535, 56752
Florida, 1277, 1895, 1896, 1897, 4531, 6739, 6741, 7168, 7515, 10431, 11019, 12682, 12683, 12684, 22038, 22951, **30124, 30650, 30651, 30652, 32584, 32739, 33253, 33254, 35487, 40463, 44036, 44037, 44384, 44385, 44386, 44387, 52868, 55091, 56313, 56947**
Georgia, 22037, 32739, 44037, 44383, 47036, 49093, 53986, 53989
Idaho, 12225, 30122, 30653, 32739
Illinois, 6746, 7168, 7515, 12224, 30122, **32739, 33553, 45000, 53987**
Indiana, 6746, 7168, 7515, 11200, 11491, **11819, 22038, 30015, 30122, 32739, 38503, 40463, 45000**
Iowa, 13604, 30122, 33553, 47038, 50247, 52873
Kansas, 30122, 32739
Kentucky, 32739, 44389, 45000, 47036
Louisiana, 4527, 4823, 6739, 6741, 7168, 7515, 8951, 14368, 30122, 30125, **32584, 32739, 33921, 35844, 37114, 50255, 56309**
Maryland, 7406, 22037, 33254, 35486, 39025, 44162, 44391, 47037
Massachusetts, 2645, 4823, 9153, 12684, 14511, 14862, 20162, 33920, 39024, 44162, 44163, 45000, 50252, 50256, 50638, 56953, 56955
Michigan, 1894, 30122, 30653, 32739, 35062, 44164, 50248, 53988
Minnesota, 22038, 32739, 35063, 44166, 50247
Mississippi, 1895, 30653, 32739
Missouri, 1898, 11201, 11491, 14509, 16655, 17382, 17383, 17540, 22038, **22950, 30122, 30653, 32739, 35064, 35844, 35845, 39742, 44167, 44168, 44169, 45000, 47040, 50245, 50246, 50250, 50403, 50404, 50632, 50634, 50636, 54487**
Nebraska, 30122, 37113
New Jersey, 4528, 6740, 6742, 7168, 7515, 12685, 16147, 16654, 17541, 17542, 18509, 18510, 21187, 22039, **23382, 30125, 30653, 32585, 32739, 33554, 33556, 33920, 35064, 35481, 35483, 35485, 35487, 35488, 35845, 37112, 37113, 37574, 37575, 40461, 40462, 46307, 46312, 46313, 46314, 46593, 47034, 47043, 48100, 48101, 48535, 50630, 51793, 52869, 53984, 53985, 54486, 55085, 56311, 56313**
New Mexico, 33919
New York, 4529, 13606, **30653, 32739, 33556, 45000, 46310, 46311, 49976, 49979, 49980, 50635, 50642, 51792, 52874, 55088, 55094, 56754, 56953, 56954, 56958**
North Carolina, **23382, 30653, 32585, 32739, 35065, 35066, 35485, 35489, 39025, 46309, 46310, 48102, 50639, 52874**

UMI

North Dakota, 4914, 16654, 17541, 17542, 30122, 30126, 35845, 35846, 50250, 56312
Ohio, 6743, 6747, 7168, 7515, 22039, 30127, 32739, 34948, 35066, 47045, 48102, 52871, 56950, 56951
Oklahoma, 13606, 32585, 39122, 46852
Oregon, 1896, 11201, 11491, 30653, 32739, 46308
Pennsylvania, 4528, 4530, 6743, 6744, 6745, 6748, 7168, 7406, 7407, 7515, 23383, 23384, 30015, 30128, 30129, 30130, 30131, 30132, 30133, 30653, 32739, 33257, 33258, 33259, 33260, 34022, 34023, 34024, 34025, 34944, 34945, 34946, 34947, 35066, 35480, 35482, 35483, 35712, 35714, 37315, 37776, 37777, 37778, 37779, 39026, 40463, 43141, 45000, 46304, 46306, 46589, 46590, 46591, 46592, 46593, 46594, 46595, 46596, 46597, 47033, 47035, 47041, 47043, 47044, 48103, 48104, 48105, 48106, 48107, 48108, 48109, 48110, 48337, 48338, 48339, 48341, 48536, 48537, 48538, 48732, 48734, 48735, 49974, 49978, 50399, 50400, 50401, 50402, 50403, 50405, 50406, 50407, 50408, 50629, 50630, 50631, 50633, 50634, 50640, 51792, 51793, 52870, 52872, 52875, 52876, 53990, 55084, 55085, 55086, 55090, 55092, 55093, 56946, 56948, 56949, 56952, 56956, 56957
Rhode Island, 22814, 32586, 39741, 49974, 49977, 50409, 52868, 56309, 56310
South Carolina, 6745, 7168, 7515, 30016, 32739, 45000, 48341, 50409
South Dakota, 30122, 35846, 55087, 55091
Tennessee, 20571, 21189, 32739, 33919, 39740, 45000, 56312
Texas, 1278, 1279, 4529, 4824, 11201, 11491, 12682, 12683, 13604, 13605, 14510, 14512, 21188, 21189, 22815, 30650, 32586, 32587, 32739, 33255, 33257, 33919, 33920, 35713, 35846, 35847, 37113, 39740, 43140, 47033, 48339, 49973, 49974, 49975, 49976, 50410, 50636, 50637, 52668, 52669, 52869, 55088, 55089, 56309, 56311, 56950
Utah, 11201, 11491
Vermont, 32739
Virginia, 6067, 11200, 11491, 13605, 22037, 33255, 33256, 35712, 39027, 44037, 46588, 50411, 52868, 53320, 55093, 56310
Washington, 11201, 11491, 30653, 32739
West Virginia, 22039, 47041, 50638
Wisconsin, 1280, 21189, 22037, 44390, 45000, 47039, 48340, 49094, 50251, 50641, 52871, 54486, 56752, 56959
Flood Insurance Program, National; revision, 46962
Insurance Development Program, National:
FAIR plan, Statewide; notice to policyholders, 56794
Substantial improvement; definition revised, 12680

PROPOSED RULES

Flood Insurance Program, National:
Claims; Secretary's authority, 36622
Competitive bidding; Administrator's authority, 36622
Insurance coverage and rates; standard policies, 36621
Insurance industry services; Secretary's authority, 36622
Insurance sale and claims adjustment; consumer notice to policy holders, 1500
Subcontracts; NFIA, 36621
Flood Insurance Program, National; flood elevation determinations, etc.:
Alabama, 14890, 20691
Alaska, 17398
Arizona, 12231, 34064, 50697
Arkansas, 6740, 7168, 7515, 48547
California, 14775, 14777, 14781, 14783, 22954, 29861, 30030, 34065, 38188, 47065, 47068, 48546, 55660, 55661
Colorado, 30030, 47069, 47071, 48549, 53051, 55097, 55660, 56960, 56961, 56962
Connecticut, 16562, 17936, 24150, 24394, 28990, 30031, 30032, 30033, 30034, 53052, 56963
Delaware, 15704, 16562, 17935, 30035, 34066, 34069, 34073, 34074
Florida, 6741, 7168, 7515, 9188, 15709, 16563, 17934, 17935, 20692, 20693, 20694, 20695, 21478, 22835, 24149, 30035, 30036, 34063, 34064, 34069, 49155, 50291, 54498, 55098, 55100, 55659
Georgia, 16564, 16570, 17781, 24394, 30037, 34072, 49152, 50284, 54496, 55659
Illinois, 6746, 7168, 7515, 12231, 13615, 14778, 30037, 34065, 47068, 50457, 54499
Indiana, 6746, 7168, 7515, 17780, 30038, 55659
Iowa, 13613, 16564, 30039, 38516, 48544, 48546, 55658
Kansas, 41923, 48545
Kentucky, 14775, 20888, 54497
Louisiana, 6741, 7168, 7515, 16565, 20695, 39765, 53053, 53054
Maine, 50290
Maryland, 14783, 16566, 16571, 17771, 22840, 50297, 55658
Massachusetts, 13614, 17780, 22836, 22837, 22838, 24395, 24396, 24397, 24398, 30040, 47073, 47074, 50298, 53054, 53360, 54496, 54497, 55657
Michigan, 11186, 14786, 17779, 22838, 34067, 34070, 34071, 34075, 41102, 41103, 50286, 53053, 55097, 55100, 55657
Minnesota, 9185, 20696, 20697, 22839, 24398, 34072, 41100, 41102, 47067, 49152, 49154, 49155, 53049, 55096, 55656
Mississippi, 47066
Missouri, 11181, 14777, 14779, 14784, 15710, 16567, 17777, 17778, 17779, 20698, 20699, 24399, 29862, 31234, 31563, 31564, 31565, 31566, 34067, 34070, 38189, 40498, 41100, 41101, 41103, 47067, 47070, 49159, 50289, 50455, 55098, 55654, 55655
Montana, 15705
Nebraska, 53049, 53050
New Jersey, 6742, 7168, 7515, 8978, 9184, 11319, 11320, 13613, 13614, 13941, 13942, 13943, 14776, 14780, 14781, 14782, 14785, 15706, 15707, 16568, 16569, 16570, 17774, 17775, 17776, 20700, 20701, 21479, 21480, 22279, 22839, 22840, 24147, 24400, 31566, 31851, 31852, 31853, 31855, 34063, 34068, 34074, 47075, 49151, 49156, 49158, 50279, 50285, 50292, 50294, 53055, 55102, 56963
New York, 13943, 21481, 24401, 24402, 29863, 29864, 30040, 30049, 34305, 34306, 38518, 41922, 41924, 41925, 41926, 43741, 47073, 48551, 48552, 50456, 50457, 50697, 53051, 55103, 55653, 55654
North Carolina, 11321, 14774, 14787, 15705, 20702, 20888, 24403, 24404, 34307, 43739, 48544, 49153, 49157, 50286, 55100
North Dakota, 16661, 24404
Ohio, 6743, 6747, 7168, 7515, 9364, 11184, 16826, 24405, 41921, 41924, 43737, 48542, 48547, 49156, 49648, 56960, 56964
Oregon, 24406, 34308, 55098
Pennsylvania, 6743, 6744, 6745, 6748, 7168, 7515, 8978, 9183, 9186, 9187, 11182, 11183, 11185, 11322, 13944, 13945, 13946, 13947, 13949, 13950, 14778, 14890, 14891, 14892, 14893, 14894, 15707, 15709, 16819, 16820, 16822, 16823, 17397, 17772, 17773, 20889, 20890, 22365, 22366, 22367, 22368, 22369, 22954, 22955, 23417, 23418, 24137, 24138, 24139, 24140, 24141, 24142, 24143, 24144, 24145, 24148, 24149, 24151, 24152, 24153, 24407, 24408, 24410, 31231, 31232, 31233, 31234, 31235, 31397, 31398, 31399, 31400, 31401, 31402, 31403, 31404, 31405, 31406, 31407, 31852, 31854, 31856, 31857, 31858, 31859, 31860, 34308, 34309, 34310, 34311, 34312, 34313, 34314, 38516, 38519, 41099, 42208, 42210, 42211, 42212, 42213, 42214, 42215, 42216, 42217, 43736, 43741, 48366, 48368, 48369, 48370, 48543, 48548, 48549, 48550, 48551, 49648, 49649, 49650, 49651, 49652, 49653, 49654, 49655, 49830, 49831, 49832, 49833, 49835, 49836, 49837, 50279, 50280, 50281, 50282, 50283, 50284, 50293, 50295, 50296, 50297, 51614, 51615, 52703, 52704, 52705, 55096, 55101, 55102, 55103, 55653, 56960, 24146 24147
Rhode Island, 16824, 29864, 30048, 56962
South Carolina, 6745, 7168, 7515, 30041, 30042, 30047, 43735, 43740
South Dakota, 34315
Tennessee, 43180, 55099, 55101
Texas, 11184, 15708, 20891, 23207, 29865, 29866, 30042, 30044, 30045, 34316, 34317, 34318, 42210, 49834, 50288, 50290
Vermont, 34319, 55661
Virginia, 9185, 13948, 15030, 16821, 30047, 34320, 48368, 55652
Washington, 16825, 48367, 55101, 55652
West Virginia, 16821, 16824, 55099
Wisconsin, 13948, 20892, 20893, 22279, 22369, 30043, 30046, 30049, 34321, 34322, 38517, 42209, 43738, 55097, 56964
Wyoming, 56960
Insurance Development Program, National:
FAIR plan, Statewide; notice to policyholders, 1499

NOTICES

Authority delegations:
Assistant Administrator for Urban Property Insurance et al.; insurance and bonding, 4627
Regional Administrators et al.; insurance and bonding, 4627
Committees; establishment, renewals, etc.:
Insurance Development Program National Advisory Board, 6789, 51471
Flood Insurance Program, National:
Communities subject to prohibition of Federal assistance; list, 1432, 5016, 10319, 15580, 20806, 23092, 33970, 46178
Lending prohibition guidelines, 2426
Negotiations status between FIA and National Flood Insurers Association, 48794
Insurance Development Program, National; reinsurance for aggregate loss from riots or civil disorders, 13648
Meetings:
National Insurance Development Advisory Board, 38545

FEDERAL LABOR RELATIONS COUNCIL

RULES

Privacy Act; implementation, 14725

PROPOSED RULES

Privacy Act; implementation, 1400

NOTICES

Privacy Act; systems of records, 1403, 14822, 54464

FEDERAL LAW ENFORCEMENT TRAINING CENTER

RULES

Conduct standards, 49808

PROPOSED RULES

Conduct standards, 30135

NOTICES

Guard force; appointment as special policemen, 10932
Privacy Act; systems of records, 32614, 33926, 44061

FEDERAL MANAGEMENT POLICY OFFICE

RULES

Disestablished, 52454
Laboratories, Federal; inventory establishment and use, 755

FEDERAL MARITIME COMMISSION

RULES

Agreements, time for filing and commenting on; policy statement, 20589
Conduct standards:
Employment and financial interests statements, 8479
Conference agreement provisions, concerted activities; approval of reporting requirement, 9549
Independent ocean freight forwarders, licensing; approval of reporting requirement, 9549
Policy statement; interpretation; ICC joint rate, international through route tariffs maritime carriers, etc., 16157
Practice and procedure; expedition of formal proceedings, 20587
Privacy Act; implementation, 9153
Rates, fares and charges (freight and passenger); filing for domestic offshore trade; publication and posting; exemption revocation, 4927
Reports, filing by common carriers by water in domestic offshore trade:
Cargo loss and damage claims; quarterly reports; petition denial, 4928
Rate base and income account, 37785, 39324, 53969
Security, protection of public; approval of reporting requirement, 9549
Shipper's requests and complaints; approval of reporting requirement, 9549
Tariffs, filing by common carriers by water in foreign commerce of U.S.:
Exemptions; correction, 24712
Mail rates; exemption, 26573
Military household goods and personal effects; transportation, 27727
Republication; effective date postponed, 765, 4928, 9154, 18655, 32590, 44041
Revenue and cost circumstances, submission of; extension of time, 18655
Tariffs, filings by common carriers by water in domestic offshore trade:
Exemptions; Foss Launch & Tug Co. et al., 6070
Truck detention at Port of New York; effective date postponed, 13358

PROPOSED RULES

Agreements, filing between common carriers by water in foreign commerce of U.S.:
Supporting statements and evidence, 51622, 54778
Oil pollution cleanup financial responsibility, reporting requirements, 39752
Practice and procedure:
Administrative law judges; rulings, filing permission, etc., 51621, 55898
Expedition of formal proceedings; designation of parties; administrative law judges' authority, and unappealed orders, 40504, 44059, 46888
Rate increases, etc., 20419, 24724, 40468
Rates, fares and charges (freight and passenger); filing for domestic offshore trade; publication and posting, 32899, 42959, 53364, 56675
Reports by common carriers by water in domestic offshore trades; financial and operating data, availability, 46352
Sunshine Act; implementation, 55207
Tariffs, filing by common carriers by water in foreign commerce of U.S.:
Submission of revenue and cost circumstances; extension of time, 5292
Tariffs, filings by common carriers by water in intermodal traffic, 14792

NOTICES

Casualty and nonperformance, certificates:
Aktiebolaget Svenska Amerika Linien, 16516
American Express Co., 28012
Canadian National Railway Co. et al., 10947
Compania De Vapores Cerulea S.A. et al., 8217
Flagship Cruises Ltd. et al., 49195
Holland America Cruises, 18921
Kayounides Shipping Co., 50864
Mitsui O.S.K. Lines Ltd. et al., 24774
Monarch Cruise Lines, Inc., 55746
Orient Overseas Line, 18921
Oriental Africa Lines, Inc., et al., 46649
Oriental Latin America Lines, Inc., et al., 54219
Peninsular & Oriental Steam Navigation Co., 46649
People-to-People Health Foundation, Inc., 1131, 30214
Seawise Foundations, Inc., et al., 18921, 18922
Tropical Steamship Cruises, Inc., et al., 16696
Complaints filed:
ACE Machinery Company v. Hapag-Lloyd Aktiengesellschaft, 6323
American Export Lines, Inc. v. Dart Containerline, Inc., 41461
Anchorage, Alaska, City of, v. Sea-Land Service, Inc., 5431
Bethlehem Steel Corp. v. Indiana Port Commission, 2679
Borden Inc. International v. Venezuelan Line, 2275
Business and Economic Development Department et al. v. Tri-State Terminals, Inc., et al., 24774
Capital City Stevedores Inc. v. Greater Baton Rouge Port Commission, 7813
Caterpiller Overseas, S.A., v. South African Marine Corp. (N.Y.), 32470
Commonwealth of Pennsylvania et al. v. Inter-American Freight Conference et al., 7993
CSC International, Inc. v Orient Overseas Container Line, Inc., 1627
Dalton Steamship Corp. v. Port of New Orleans et al., 21221
Eastern Cement Corp. v. Port of Palm Beach District, 36262
Feder, Louis H., v. Elder Dempster Lines, Ltd., 5307
Foss Alaska Line, Inc. v. Northland Marine Lines, Inc., 15364
Georgia Ports Authority v. Inter-American Freight Conference-Sec. A., et al., 14432
H & H Cranes, Inc. v. Port of Houston Authority, Port of Houston, Tex., 46042
Joy Manufacturing Co. v. Lykes Bros. Steamship Co., Inc., 8423
Lakes & Rivers Transfer Corp. v. Indiana Port Commission, 17423
Maryland Port Administration v. Inter-American Freight Conference-Section A et al., 10260
McAllister Brothers v. Norfolk & Western Railway Co., 44740
MSA International v. Chilean Line, 14432
North Carolina State Ports Authority v. Inter-American Freight Conference et al., 15913
Pan American Health Organization v. Prudential Lines, Inc., 22150
Perkins Goodwin Co., Inc. v. American Mail Line Ltd./American President Line, 8218
Pioneer Institutional Trading Co. v. Elder Dempster Lines, Ltd., 5307

90-000 O - 77 - 5

INDEX

UMI

South American Shoe Corp. v. Zim Israel Navigation Co., Ltd., 23228
South Carolina State Ports Authority v. Inter-American Freight Conference, et al., 14432
Trane Co. v. South African Marine Corp., 20016
Tri-State Terminals, Inc. v. Transoceanic Terminal Corp., et al., 34357
United Nations v. Flota Mercante Grancolumbiana, S.A., 18714
Environmental negative declarations:
Houston Port Authority, 20221, 26263
International Paper Co. v. Lykes Brothers Steamship Co. Inc., 24001
New Orleans, Port of, et al. v. Seatrain International, S.A., 37653
New York, Port of; free time on import containerized cargo, 48403
Puerto Rican Forwarding Co. et al., 4356, 10092
Puerto Rico Maritime Shipping Authority; rates increase, 38824, 46373
Foreign commerce carriers, independent; cancellation of inactive tariffs; show cause order:
Arabian Mediterranean Line et al., 51871
Freight forwarder licenses:
A.T.W. Cargo, Inc., 6124
Action Cargo Systems, Inc., 55229
Advance Shipping Co., 44217
Agapito Torres, 7589
Airport Packers, Inc., 13403
Alvarez Shipping Co., Inc., 8830
American Cargo Corp. et al., 15913
Aquino Shipping Co., Inc., 26746
Arrow-Lifschultz Freight Forwarders, Inc., et al., 10947
Atlantic Forwarding Co , Inc., 51453
Axion Air Freight, Inc., 43954
Bucano Traffic Management International et al., 30062
C.S.E. Consolidating Services Inc. et al., 18348
Canales International Services, 1627
Carlos Edmundo Plazas et al., 52897
Cauci Shipping, Inc., 54806
Chimelis, Raymond A., 20915
Ciszon, R. A., & Associates, Inc., 25050
Columbus Express & Shipping Co., Inc., 36076
Comstock & Theakton, Inc., 28012
ConFor International Corp. et al., 8829
Consolidated Cargo Corp., 42237
Crescent Navigation, 12769
Davis Van & Storage, Inc., 24217
Door to Door International, Inc., 6323
E. & T. Forwarding Co., 20221
Eastern Forwarding International Inc., 21221
Eastways Shipping Corp. et al., 22627
El Coqui Shipping Co., 56708
El Faro De Cabo Rojo Shipping Co., Inc., 9916, 16696
Estrella Forwarding Co., 22627, 27127
Export Shipping Service Corp., 16696
Florida-Panama Forwarders, Inc., 10714, 16516
Foot's Transfer & Storage Co., Ltd. et al., 7993
Forwarding Services, Inc., et al., 34817
Frederick Michael Brothers, 56709
Freeport Freight Forwarders, Inc., 54806
Giammetta, Arthur J., 37653
Global Forwarding Co., Inc., 3343
Herman, Jack B., et al., 24459
Hernandez, Cleto, R., 10714
Hopkins Services et al., 50473
Ibertresa U.S.A., Inc., et al., 43955
Inter-Continental Freight Services, Inc., 8830
International Service Group, Inc., et al., 56380
John A. Conkey & Co., 31425
Kaiser, Russ E., et al., 40222
Knopf Shipping Co., Inc., 35217
Lacy, Lynwood L., 22628
Lambert, H. P., Co. Inc., of La., 21222
Landair Corp., 3343, 4858
Lasco Container Service, Inc., 22149
Luckenbach Steamship Co., Inc., 25050
Magna Forwarding, Inc., 1627
Markand Thakar, 54806
Meyer Shipping Co., 7813
Mid-America Overseas, Inc., et al., 46042
Mills International Corp., 2863
Moreno, Gladys C., et al., 35901
Mueller International, 6124
Naar, W. J., 18713
Nationwide Imports Services, 8830
Nittler Forwarding Inc. et al., 14931
Oakland Van & Storage, Inc., et al., 11212
Oland Packing & Crating, Inc. et al., 5309
P & R Forwarding Co., 44217
Pan Inter, 10714
Parry, Lawrence M., Jr., 20738
Quickways Forwarding Services et al., 27873
Robbins, S. K., et al., 41952
Roberts, Reilly & Sons, Inc., et al., 20221
Ros Forwarding, Inc., 3125
Savannah Overseas Forwarders Inc., 10715
Schuldt Atlantic Line GMBH & Co. et al., 2863
Seaways Forwarding Co., Inc., 29494
SFO Airport Packing & Forwarding Co. et al., 16696
Sharrott, Howard, Co., 26746
Ship Service Co., 6125
Steeb, J. T., & Co., Inc., 37656
Transportation International Ltd., 818
Tyson Shipping, 37657
Uni-World Forwarding Services et al., 37154
Valls, Evans & Newton, Inc., et al., 31425
Ven - Air Service, Inc., 22150
Vene-embarques et al., 48173
Warren, Robert A., et al., 40222
Waterway Express, Inc., 39382
Williams Shipping Co., Inc., et al., 41750
Investigations and hearings:
Arctic Lighterage Co., 24457, 36692
Ceres Inc., 48568
Hapag-Lloyd Aktiengesellschaft et al., 33588
Isla Grande Marine Terminal, 34357
Matson Navigation Co., 33589
Sea-land services, Inc., 36546
Trailer Marine Transport Corp., 20738
Trans-Pacific Freight Conference of Japan/Korea et al., 9916
Transconex Inc., 20016, 20915
Military sealift procurement system:
Uniform capacity utilization factors for RFP-1100, 9915, 39070
Oil pollution; certificates of financial responsibility, 2275, 2436, 4858, 4859, 7464, 8830, 9232, 10090, 10713, 11213, 12767, 12768, 14595, 15912, 16864, 18349, 18920, 20444, 21220, 21692, 23778, 26609, 27438, 28353, 29024, 29906, 31943, 33587, 35899, 35900, 37654, 39381, 42236, 43954, 43956, 44461, 46907, 47286, 49668, 51070, 53099, 53100, 53101, 55577, 55744
Privacy Act; systems of records, 5670, 53754, 56707
Rates, increases, etc.:
Berwind Lines, Inc., 7589
Matson Navigation Co., 41162
Transconex Inc., 23228
Shipping, U.S. foreign trade; rates and transportation of property:
ICC regulations approved, 16212, 30062
Tariffs; cancellation of consolidation allowance rule; list of conferences, rate agreements and carriers, 26610, 43243, 43244
Tariffs, inactive; Bureau of Compliance; intent to cancel, 2679
Truck detention at Port of New York; parties responsible for receipt and settlement of claims, 41162, 44888, 51453
Agreements filed, etc.:
Ali-Son International Co., 55937
American Cruise Lines, Inc., 27127
American Export Lines, Inc., et al., 4639, 6124, 8830, 18348, 20221, 24773, 30063, 36840, 41952, 48172
American Importers Association, 5307, 8217
American President Lines, Ltd., et al., 12767, 18713
Anchorage, Alaska, City of, et al., 818, 3125, 18348, 19253, 22311
Associated Latin American Freight Conferences Cooperative Working Agreement, 50862
Associated North Atlantic Freight Conferences, 53527
Association of West Coast Steamship Companies, 7464
Atlantic Container Line, LTD., 30723
Atlantic & Gulf/Indonesia Conference et al., 17422
Atlantic steamship energy conservation agreement, 4355
Atlantica, S.P.A. Consortium, 1326, 44461
Atlantica Containership Service, 28011
Atlantica Line, 10258
Atlantica Line Consortium, 17615
Atlantraffik Express Service Co., 36261
Australia/Eastern U.S.A. Shipping Conference, 16864, 48401, 48402, 51650
Baltic Shipping Co. et al., 15746
Baltimore & Ohio Railroad Co. et al., 45047
Barber Lines A/S et al., 51071
Barber Lines et al., 12924, 12925, 33586
Barber-Blue Sea Line Joint Service, 25933, 50332
Black Ball Transport, Inc., et al., 32784
Blok, H.P., 15747
Brazil/U.S. Gulf Ports Northbound Pooling Agreement, 51869
British Columbia Steamship Co. Ltd., 16615
Calcutta, East Coast of India and Bangladesh/U.S.A. Conference, 49194
California Association of Port Authorities et al., 55937

Canadian-American Working Arrangement et al., 13403
Castle & Cooke Terminals, Ltd., et al., 29906
Celtic Bulk Carriers, 17967, 23999, 33331
Clark, John T., et al., 41952
Columbus Line et al., 24216
Combi Line Joint Service, 45047
Commodore Cruise Line, Ltd., et al., 16696, 47533
Compagnie Generale Transatlantique, S.A., et al., 42236
Compagnie Maritime Des Chargeurs Reunis, S.A., et al., 4964, 18713, 28011
Compagnie Nationale Algerienne De Navigation et al., 21860
Companhia de Navegacao Lloyd Brasileiro et al., 49669
Companhia Maritima Nacional et al., 46908
Conkey, John A., & Co., 35561
Connecticut, State of, et al., 22892, 54807
Consolidated Forwarder Intermodal Corp., 18921
Continental North Atlantic Westbound Freight Conference, et al., 5307, 8217, 10259, 23451, 26262, 26746, 30063, 48402, 51452
Continental/U.S. Gulf Freight Association, 23779
Cruise Lines International Association, 1130
Dart Containerline Co., 35561
Delta Steamship Lines, Inc., et al., 18475, 23451, 37655, 50863
Dumont Shipping Co., Inc., et al., 51650
East Asiatic Co. Ltd. et al., 56233
Euro-gulf Self-policing Agreement, 50472
Euro-Pacific Joint Service, 17420, 51869
Europe Pacific Coast rate agreement, 10259, 12245
Evans Products Co., 16615
Far East Conference et al., 10091, 22311, 25933, 34817, 38821, 49884
Farrell Lines, Inc., et al., 8423, 22311, 24217, 27872, 29025, 31425, 33331, 37851, 38821
Foss Launch & Tug Co. et al., 33586
Galveston Wharves Board of Trustees et al., 2111, 2275, 22892
Germany-North Atlantic Ports Rate Agreement, 29748
Global Terminal & Container Services, Inc., et al., 24000
Gonzales, Thomas P. & Co. A/S Corp. and Westfal Larsen, 14596
Gulf European Freight Assn., 53102
Gulf/Mediterranean Ports Conference, 42701
Gulf/United Kingdom Conference et al., 30724, 46042, 50472, 51869
Gulf/United Kingdom Freight Conference, 5669, 30064
Gulfstream Shipping Co., Inc., et al., 30724
Hamburg-Suedamerikanische Damp-Fschifffahrts-Gesellschaft Eggert and Amsinck, et al., 33587
Harrison, Thos. & Jas., Ltd., et al., 11628
Holt Hauling & Warehousing System, Inc., et al., 29493, 34356
Houston Port Authority et al., 4356
I.T.O. Corp. of Baltimore et al., 37656
Iberia/U.S. Atlantic Discussion Agreement, 30064
Iberian/U.S. North Atlantic Westbound Freight Conference, 12245, 20724, 35562, 50720
Indiana Port Commission et al., 22149
Inter-American Freight Conference, 5431
Intercontinental Transport (ICT) B.V. et al., 45048
International Council of Containership Operators, 54806
International household goods rate agreement, 46908
Italia-Costa Line Joint Service Agreement, 54219
Jamaica Merchant Marine Ltd. et al., 5309
Japan Line, Ltd., et al., 4355, 9917, 10257, 26610, 39382, 56380
Japan/Korea-Atlantic & Gulf Freight Conference, 7590, 9233
Japanese American Discussion Agreement, 43955
Japanese Flag Operator Containerships' and Space Chartering Agreement, 13662
Japanese ports and ports in California, Oregon and Washington; extension of time, 16865
Johnson Seamstar Service Agreement, 48778
Karlander (Australia) Pty. Ltd. et al., 1943
Knutsen Line J/S, 32784, 44740
Kodiak, City of, et al., 35561
Lavino Shipping Co. et al., 31425
Leeward and Windward Islands and Guianas Conference et al., 15913, 20222, 51650
Long Beach, City of, et al., 17819, 27781, 37655, 47098
Los Angeles, City of, et al., 818, 24000, 47098, 47287
Lykes Bros. Steamship Co., Inc., et al., 2111, 4857, 4858, 5669, 5670, 10091, 17420, 17421, 17820, 19762, 24459, 34818, 35562, 49194
Madison Interseas Inc., 16615
Malaysia Overseas Lines, Ltd., 45048
Malaysia-Pacific rate agreement, 11351, 32659
Marseilles North Atlantic U.S.A. Freight Conference, 2276, 41952
Matson Navigation Co., 44462
Matson Terminals, Inc., 49883, 51453
Med-Gulf Conference, 5431, 8423, 11880, 35766, 44073, 51870, 56233
Mediterranean/North Pacific Coast Freight Conference, et al., 10259, 11881, 47098
Milwaukee, City of, et al., 55229
Mississippi Agricultural and Industrial Board et al., 11212
Moller-Maersk Line Joint Service, 30213
Moore-McCormack Lines, Inc., et al., 14931, 32785, 32962, 44073, 44888, 49194, 50333, 50863
Nacirema Operating Co., Inc., et al., 41953
New Orleans, Port of, Board of Commissioners, et al., 3125, 11213, 11214, 41461, 49883
New York Shipping Association, Inc., et al., 41749, 44463
New Zealand-Pacific Coast Rate Agreement, 29907
Noncontainer Carriers Discussion Agreement, 55577
North Atlantic Baltic Freight Conference, 5171, 23451, 23452
North Atlantic Continental Freight Conference, 30064, 48402, 51071
North Atlantic French Atlantic Freight Conference, 23452, 51072
North Atlantic Israel Eastbound Freight Conference, 20222
North Atlantic Mediterranean Freight Conference, 8423, 8829, 32785, 41162
North Atlantic United Kingdom Freight Conference, 51072
North Atlantic Westbound Freight Association, 8115, 30064, 51453
North Atlantic Westbound Freight Conference, 5670
North Atlantic/West Europe Rate Agreement, 23779
North Carolina State Ports Authority et al., 54806, 55229
North Europe/U.S. Pacific Coast Freight Conference, et al., 11628, 17421, 29493, 30394, 41953
Northern Pan-American Lines A/S, et al., 9006
Oakland, City of, et al., 52720, 55378, 55576
Oakland, Port of, et al., 1326, 2680, 37154
Pacific Coast European Conference, 11628, 32470, 32785
Pacific Coast European Freight Conference, 27873
Pacific Coast Ocean Freight Forwarders Conference, 13404
Pacific Coast-Australasian Tariff Bureau, 817, 1943
Pacific Westbound Conference, 14596, 14822, 24774
Pacific-Indonesian Conference et al., 28012
Pacific-Straits Conference, 7993, 22312
Pacific/Indonesian Conference, 18348, 19157
Pan Islamic Steamship Co. Ltd. et al., 10714
Philippines North America Conference, 7994
Portland, Port of, et al., 6124
Prudential Lines, Inc., et al., 29493, 49521
Puerto Rico Marine Management, Inc., et al., 20223, 36262
Puerto Rico Maritime Shipping Authority et al., 819, 29491, 34113, 38823, 47287, 51870, 53372
Puerto Rico Ports Authority et al., 1130, 2680, 6124, 6125, 6323, 31615, 34357, 36077, 47287
Puget Sound Tug & Barge Co. et al., 6125
R.C.D. Shipping Services Agreement, 56233
Rederiaktiebolaget Nordstjernan (Johnson Line) et al., 50863
Refrigerated Express Lines (A/Asia) Pty. Ltd. et al., 29025
Richmond, Calif., et al., 53701
Sacramento-Yolo Port District, 11881
San Francisco, Port of, et al., 819, 2112
San Francisco Port Commission et al., 11351
Scandinavia Baltic/U.S. North Atlantic Freight Conference, 30065
Scandinavia Baltic/U.S. North Atlantic Merchant's Freight Contract, 30065

INDEX

UMI

Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conference, 23452, 51072, 51870
Scandinavia Baltic/U.S. North Atlantic Westbound Merchants Freight Conference, 29216
Sea-Land Service, Inc., et al., 3771, 19158, 20223, 21693, 24459
Seatrain International, S.A., 49521
Seatrain Lines of Puerto Rico, Inc., 38822
Seatrain Terminals of California, Inc., et al., 4356, 48173
Seattle, Port of, et al., 5146, 7813, 10091, 16615, 17967, 39834
Sidarma-Costa Joint Service Agreement, 7994, 8829, 19763
Sidarma-Costa Line Joint Service, 43956
South and East Africa/U.S.A. Conference, 34818, 34819
South Atlantic-North Europe Rate Agreement, 38821
South Carolina State Ports Authority et al., 17967, 33589, 39834
South Jersey Port Corp. et al., 9006
South Louisiana Port Commission et al., 49669
South Sea Islands Rate Agreement, 33590
States Steamship Co., et al., 19382, 55937
States Steamship Co. Far East/USA, 54026
Steamship Operators Intermodal Committee, 819, 29748
Straits/New York Conference, 44888
Thailand/Pacific Freight Conference, 26748, 27872, 51871
Trailer Marine Transport Corp. et al., 31258
Trans Mar Corp., 49523
Trans-Pacific Freight Conference et al., 35562
Trans-Pacific Freight Conference (Hong Kong) et al., 29494
Trans-Pacific Freight Conference of Japan/Korea, 9233
Transconex, Inc. et al., 12925
U.S.-Hawaii/Puerto Rico/Guam household goods rate agreement, 46909
U.S./Guatemala Trade, 42701
U.S. Atlantic & Gulf/Australia-New Zealand Conference, et al., 3344, 16516
U.S. Atlantic ports to ports in United Kingdom, Ireland, Scandinavia and Europe, 28012
U.S. Gulf/Guatemala Trade, 36840
U.S. North Atlantic Spain Rate Agreement, 17820
U.S. West Coast/Japan Trade, et al., 14432, 27127
Unigulf Lines, 9918, 11214
United States Atlantic & Gulf-Haiti Conference, 15914
United States Atlantic & Gulf-Jamaica Conference, 15914
United States Gulf/Japan Cotton Pool, 16615
United States Lines, Inc., et al., 11214, 11215
United States/Europe Discussion Agreement, 18159
Virginia Port Authority and Tidewater Stevedoring Corp., 12767
Wespac Shipping, 15747
West Coast of India and Pakistan/USA Conference, 55230
West Coast of Italy, Sicilian & Adriatic Ports/North Atlantic Range Conference (WINAC), 41749, 48000, 50864
West Coast United States & Canada/India, Pakistan, Ceylon & Burma rate agreement, 11351

FEDERAL MEDIATION AND CONCILIATION SERVICE

RULES
Arbitration services, 50658
PROPOSED RULES
Arbitration services, 16831
NOTICES
Committees; establishment, renewals, etc.:
Arbitration Services Advisory Committee, 4639
Health Care Industry Labor-Management Advisory Committee, 49670
Meetings:
Arbitration Services Advisory Committee, 12925, 44740
Health Care Industry Labor-Management Advisory Committee, 50864
Privacy Act; system of records, 55306

FEDERAL PAPERWORK COMMISSION

NOTICES
Hearings, 1941, 4847, 9233, 12919, 15441, 16606, 20442, 21855, 24935, 34680, 43442, 48403, 50711
Meetings, 1941, 9912, 24447, 29208, 38812, 50711
Organization and functions, 32774
Privacy Act; systems of records, 41524
Records; availability, etc., 32774
Small purchase procedures; inquiry, 37840

FEDERAL PAY, ADVISORY COMMITTEE

PROPOSED RULES
Privacy Act; implementation, 19973
NOTICES
Annual pay increase; inquiry, 31250
Meetings, 28577
Privacy Act; systems of records, 19991, 49080

FEDERAL POWER COMMISSION

RULES
Electric utilities:
Accounts, uniform system; operating expenses, etc., 24993
Accounts, uniform system; tax allowances, 3849, 28474, 39738
Rate schedules filing; applications, obligation to file, 27831, 30590
Rate schedules filing; fixed rate contracts; intervention, 3848
Rate schedules filing; interest rate revision, 30324, 40461
Rate schedules filing; maximum time interval, 3848
Rate schedules filing; tariff changes, 11285, 11482
Statements and reports (schedules); environmental protection facilities and activities, reporting costs; correction, 11286
Statements and reports (schedules); monthly power statements, 3269
Statements and reports (schedules); quarterly electric utility generation and fuel planning, 47423
Statements and reports (schedules); residential electric bill data, 41687
Statements and reports (schedules); steam-electric plant air and water quality control data, 29666
Statements and reports (schedules); tax allowances, 3849, 28474, 39738
Natural gas companies:
Accounts, uniform system; operating expenses, etc., 24993
Accounts, uniform system; tax allowances, 3849, 28474, 39738
Certificates of public convenience and necessity and abandonment; applications; conditions, 32883, 55707
Certificates of public convenience and necessity and abandonment; applications; small producers, exemptions, etc., 32213, 40100, 50242, 56793
Certificates of public convenience and necessity and abandonment; rate schedule analysis, 52443
Forms; rate schedule analysis, 52443
Rate schedules and tariffs; advance payment programs; rehearing, 10424
Rate schedules and tariffs; gas sales, 33399, 38765, 41687
Rate schedules and tariffs; interest rate revision, 30325, 40461
Rate schedules and tariffs; National rates for jurisdictional sales, 50234
Rate schedules and tariffs; rate schedule change, filing, 52443
Rate schedules and tariffs; statements; description, 24995
Statement and reports (schedules); producer expenditures, 17537, 21636
Statements and reports (schedules); alternate fuel demands, filing requirements suspended, 16655, 21443
Statements and reports (schedules); annual gas supply report by certain pipelines, 9867
Statements and reports (schedules); rate schedule analysis, 52443
Statements and reports (schedules); tax allowances, 3849, 28474, 39738
Nondiscrimination, utility companies employment practices; judicial review completion, 30589
Organization, operation, information, etc.:
Alternate fuel demands, Form 69; filing requirements suspended, 16655, 21443
Authority delegation, Secretary of Commission, 21442, 55336
Rate schedule analysis, Form 108, 52443
Reports; clearance of public use forms; gas companies, 3270
Residential electric bill data, 41687
Policy and interpretations:
Alaska Natural Gas Transportation Act; statement of procedures; implementation, 55335, 56195
Certificated obligations, 32883, 55707
Construction work in progress; inclusion in rate base of electric utilities, 51395
Electric service, reliability and adequacy; data reporting, 55174

Hydroelectric project licenses; specified reasonable rate of return, 27032
Natural gas, exportation, 21442
Natural gas dedicated to interstate commerce, National rates for jurisdictional sales, 50231
Natural gas from wells, sales; rate establishment, 2806, 3092, 9866, 31191, 33397, 38766, 41687
Prospective regulatory policy issues and problems, 15003, 21184
Rates; reduced pressures etc.; uneconomical production, 27828
Practice and procedure:
Petitioner; prospective regulatory policy issues and problems; filing date, 21184

PROPOSED RULES
Electric utilities:
Accounts, uniform system; construction work in progress, 4605, 8074, 9569
Accounts, uniform system; tax allowances, 12306
Application for amendment of license; coastal zone management program, 43198, 52480
Energy efficiency and conservation; information required in major regulatory actions, 50276
Facilities interconnection; emergencies; foreign country transmission; coastal zone management program, 43198, 52480
Forms; water quality standard certifications; withdrawn, 36222
Licenses, permits, and project cost determinations; coastal zone management program, 43198, 52480
Licenses, permits, and project cost determinations; water quality standard certifications; withdrawn, 36222
Rate schedules filing; adjustment clauses; denial, 3746
Rate schedules filing; comparative rate information, 50278
Rate schedules filing; construction work in progress, 4605, 8074, 9569
Rate schedules filing; research and development, 25914, 32911
Securities issuance procedures; revisions; withdrawn, 36040
Statements and reports (schedules), 39448, 48130, 48745, 51840
Statements and reports (schedules); corporate and financial reports, 36402, 39448
Statements and reports (schedules); cost and quality of fuels for nuclear plants; withdrawn, 18878
Statements and reports (schedules); generating plant, technical, environmental and operating data, 36926, 46467, 51840
Statements and reports (schedules); industrial generation of electric energy and electric generating capacity, 29179
Statements and reports (schedules); licensed project information data, 31714, 37817
Statements and reports (schedules); monthly report of fuel storage capacity and fuel stores; withdrawn, 18878
Statements and reports (schedules); municipal electric utilities and Federal projects, 31340, 37603, 55120
Statements and reports (schedules); power system energy accounting, etc., 37232, 46467, 51840
Statements and reports (schedules); power system transmission and distribution technical data, 28416, 36823, 51840
Statements and reports (schedules); residential electric bill data, 23723, 30690
Statements and reports (schedules); retail electric bills and rate changes, 28904, 37817
Statements and reports (schedules); tax allowances, 12306
Natural gas companies:
Accounts, uniform system; construction work in progress, 4605, 8074, 9569
Accounts, uniform system; tax allowances, 12306
Certificates of public convenience and necessity and abandonment; applications; coastal zone management program, 43198, 52480
Certificates of public convenience and necessity and abandonment; applications; small producers, 22104
Energy efficiency and conservation; information required in major regulatory action, 50276
Exportation or importation of natural gas, authorization applications; coastal zone management programs, 43198, 52480
Forms; small producers, 22104, 29165
Jurisdictional sales, rates; 31 lease investigation, staff report, 26583
Orders, applications for; coastal zone management program, 43198, 52480
Rate schedules and tariffs, filing; construction work in progress, 4605, 8074, 9569
Rate schedules and tariffs, filing; Form 108, 3096, 4605, 7787
Rate schedules and tariffs, filing; purchased gas adjustment, 20177, 30696
Rate schedules filing; research and development, 25914
Statements and reports (schedules); corporate and financial reports, 33782, 37882, 40506, 48130, 48745
Statements and reports (schedules); gas supply and operations data, 33642, 43743, 48130, 48745
Statements and reports (schedules); rate schedule analysis on continuing current basis, filing, 3096, 4605, 7787
Statements and reports (schedules); tax allowances, 12306
Natural gas importation and storage terminals; site selection and facility operation criteria, 22591
Organization, operation, information, etc.:
Rate schedule analysis, Form 108, 3096, 4605, 7787
Sunshine Act; implementation, 52303
Policy and interpretations:
Electric rate schedule filings; policy statement, 32910, 36221, 36823, 50278
Energy efficiency and conservation; information required in major regulatory actions; policy statement, 50276
Natural gas services; enforcement of delivery, etc., 14531, 40505
Rates of return on equity, just and reasonable, natural gas pipeline companies and public utilities, 46618, 50574, 54777, 56332
Regulatory information system (RIS) data bases, etc.; access, 39046, 48745
Practice and procedure:
Settlement and disposition of issues, 30688, 34324, 39768, 40191
Sunshine Act; implementation, 52303
NOTICES
Committees; establishment, renewals, etc.:
Gas Survey, National, task forces, etc., 22156, 22157, 22158, 22159, 45623, 45624, 50505, 56234
Gas Survey National Advisory Committee, 50729
Gas Survey National Coordinating Committee, 50505
Gas Survey National Executive Advisory Committee, 15364, 20182, 50505
Power Survey National Coordinating Committee, 3140, 5866, 21698, 23246, 35903
Power Survey National Executive Advisory Committee, 5886, 21698, 23246, 35903, 37854
Electric utilities:
Hydroelectric project licenses, specified reasonable rate of return, 30727
Monthly power statement; Form 12E-2, 30066
Rate schedule filings; board member substitution, 41474
"Top sheet"; procedures, 15090
Environmental statements; availability, etc.:
Alabama Power Co., 50728
California Department of Water Resources et al., 26956
Distrigas Corp. et al., 4074
El Paso Alaska Co. et al., 15119
El Paso Eastern Co. et al., 24217, 52336
Nebraska Public Power District, 3138
New York Power Authority, 15116
Northern States Power Co., 22634
Pacific Indonesia LNG Co. et al., 21522
South Carolina Public Service Authority, 42243
Southern California Edison Co., 18349
Texas Gas Transmission Corp., 23486
WESCO Coal Gasification Project, 15451
Lands withdrawn in power site classification, orders vacating, 19769, 34358, 40232, 44464
Meetings:
Conservation-Technical Advisory Task Force, 1098, 1099, 1329, 2869, 32963
Curtailment Strategies-Technical Advisory Committee, 14932, 24217, 32667
Federal Power Bar Association Committee on Certificates and Authorizations under Natural Gas Act, 15451
Finance-Technical Advisory Committee, 8543, 22634, 30401, 42984, 48407
Gas Survey, National, task forces, etc., 3140, 3506, 3780, 4646, 4862, 7156, 7465, 7528, 8128, 8424, 11082, 12090, 14217, 15095, 16213, 16712, 17973, 18716, 20739, 22161, 22631, 24417, 24425, 24774, 25940, 26074, 27448,

INDEX

UMI

28353, 29751, 30401, 31616, 32667, 32668, 33334, 36547, 42708, 43250, 43774, 48002
Gas Survey National Advisory Committees, 2687, 6804
Gas Survey National Executive Advisory Committee, 16711
Research and Development Technical Advisory Committee, 1330, 2869
Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources, 13418
Supply-Technical Advisory Task Force-Synthesized Gaseous Hydrocarbon Fuels, 28847, 50343
Transmission, Distribution, and Storage-Technical Advisory Task Force, 1106, 1330, 2442
Transmission, Distribution, and Storage-Technical Advisory Task Force-Rate Design, 49195
Meetings, Commission:
Procedure changes, 15090
Public attendance, 15095
Natural gas; liquefied, importation and storage terminals, 44469
Natural gas companies:
Accounting; taxes and uniform systems of accounts; extension of time, 15091
Alternate fuels; data procurement forms, 19763
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 42238, 44463, 50864, 52520, 54220, 56709
Exploration, development and production; advance payments program, 2776
Fuel emergency, nationwide; reporting requirements, 32473
Jurisdictional sales, rates, 1794, 1795, 1796, 1797, 1962, 1963, 14137, 15747, 17970, 17972, 22419, 26269, 30727, 33333, 33945, 35229, 42979, 43463, 47595, 50000, 52524, 55235, 56384
Limited-term sales to interstate pipelines; policy statement, 56387
Pipeline agreements for transportation; certification; policy statement, 39071
Rate change filings, various companies, 2687
Rates for sales from wells, 15091
Refund amounts; interest rate, 46517
Small producer certificates, applications, 1791, 1792, 40565, 50737, 55747
Small producer sales rates, 32269, 34826, 40563
"Top sheet"; procedures, 15090
Organization and functions:
Bureau and Office Heads; semiannual report; prospective regulatory issues, 15090
Privacy Act; systems of records, 9010, 33332, 38932
Weather, winter; informal conference, 53851
Hearings, etc.:
Abitibi Corp. et al., 54987
Adams, Roger, et al., 22153
Adobe Drilling Program-1975 Ltd. et al., 7813
Alabama Power Co., 14932, 15096, 15748, 16224, 20445, 20616, 22865, 22866, 23780, 24625, 30725, 30733, 31944, 32470, 36693, 39834, 43458, 45855, 46373, 46374, 48173, 48403, 48778, 50016, 51453
Alabama-Tennessee Natural Gas Co. et al., 1628, 1944, 2681, 7148, 8534, 9006, 9918, 11608, 16865, 18545, 18922, 24024, 26263, 32660, 34357, 39072, 40227, 41751, 44217, 45855, 48779, 50017, 53102, 53701, 54525, 55230, 55578
Alaska Packers Association, 45048
Alcan Pipeline Co. et al., 29035, 32963
Algonquin Gas Transmission Co. et al., 1536, 1944, 2864, 3126, 3132, 3506, 4646, 6324, 8115, 8124, 8218, 10469, 11608, 15096, 17019, 20617, 22983, 25937, 27128, 27877, 28015, 28583, 28590, 29748, 32250, 32660, 32963, 34113, 36076, 36694, 39073, 41461, 41954, 44217, 46042, 46909, 47099, 48000, 48174, 48780, 50017, 51873, 52522, 53102, 53103, 54525, 55231, 55378, 56847
Algonquin Gas Transmission Corp., 47102
Algonquin LNG, Inc., et al., 28584, 47103
Allaun, William E. and Cornelia H., estate of, 36080
Allegheny Power System Group et al., 8219
Allen, Donald G., 26265
Alpha Oil & Gas Co. et al., 26749
Amarex, Inc., et al., 20915
American Electric Power Co., 4359
American Electric Power Service Corp., 17020, 26272, 28015, 29749, 32786, 39073
American Pacific International, Inc., 11882, 12245
American Petrofina Co. of Texas et al., 10260, 51072, 51073
American Thread Co., 55746
Amoco Production Co. et al., 4647, 8128, 15364, 16865, 18714, 22312, 22417, 22866, 35029, 39388, 49672
Anadarko Production Co., 10947, 15447, 28015
Appalachian Exploration & Development, Inc., 29909, 47104
Appalachian Power Co., 1528, 3127, 3906, 4074, 9214, 11353, 16213, 18922, 21523, 23228, 23780, 30733, 32251, 36077, 46374, 47103, 48174, 49670, 50333
Archer, Kenneth D., 40232
Area Rate Proceeding et al., 8534, 14625, 36268, 43772, 48780, 48787, 49527
Arizona Public Service Co., 1945, 9918, 12344, 15087, 18546, 18935, 20916, 22867, 23228, 24417, 24625, 24775, 28583, 43768, 44465, 50499, 51073
Arkansas Louisiana Gas Co. et al., 3906, 4360, 4969, 5431, 5453, 6125, 10260, 11608, 13404, 14607, 15447, 16224, 18160, 18922, 18934, 20446, 21522, 21836, 23229, 24417, 27447, 29026, 32251, 32472, 35026, 36694, 39073, 44741, 44888, 46050, 48174, 48404, 49523, 49524, 51873, 52339, 53844
Arkansas Power & Light Co., 30, 1096, 1945, 3344, 3508, 14003, 19765, 20917, 22984, 23237, 23253, 29749, 33942, 35901, 48174, 51454, 56847
Arkansas-Missouri Power Co., 1109, 3352, 9420, 24020, 55379
Ashland Oil, Inc., 29749, 46043
Atlantic City Electric Co., 3907
Atlantic Refining Co., 9918
Atlantic Richfield Co. et al., 5146, 5432, 7522, 11354, 22313, 22634, 28013, 29216, 43458
Aztec Oil & Gas Co. et al., 30, 7524, 31425, 43956, 53527
Baca Gas Gathering System, Inc., 4647, 7524, 9919, 10471, 12345, 16866, 18349, 24417, 43459, 46043, 53844
Baltimore Gas & Electric Co., 19253, 49527
Bangor Hydro-Electric Co., 2436, 9919, 12090, 12336, 15365, 15748, 16866, 19774, 20446, 24020, 41751
Barkley, Rufus C., Jr., 3778
Barton, Roy G., Jr., 8425
Basin Petroleum Corp., 20185
Bass, Perry R., 1960
Beard, Allen, et al., 21693
Bien, Frank N., 15097
Biglane Operating Co., 11354
Bird, Emily Wilson, et al., 11215
Black Hill Power & Light Co., 33942
Black Marlin Pipeline Co., 23780, 36841
Blackstone Valley Electric Co., 56381
Blanco Oil Co. et al., 40223
Blandin Paper Co. et al., 28015
Blanks, William C., et al., 12346
Blue Dolphin Pipe Line Co., 2866, 55231
Bonneville Power Administration, 34819, 45857
Boston Edison Co. et al., 3344, 3907, 5432, 7524, 8219, 9608, 12769, 16697, 17616, 18350, 21836, 22867, 26612, 28591, 32251, 36262, 38214, 41461, 41462, 42703, 43246, 44218, 48175, 53527, 53528, 53845, 54525, 54526
Boston Gas Co. et al., 3771, 3772, 51073
Bowers Drilling Co., Inc., 42240, 42241, 42704
Branch Investment Corp. et al., 16866
Brenner, Clifford, 29910
Bridwell Oil Co. et al., 45048
Briercrest Oil Co., 10260, 11608, 15097
Bright & Schiff, 2442, 7524, 18350
Brockton Edison Co., 3907
Brosnan, Thomas J., 22153
Brown Co., Eagle-A/Linweave Division, 13408, 15448, 24421, 32258
Brown-New Hampshire, Inc., 25934
Burlington, Vt., city of, 14932
Burmah Oil & Gas Co. et al., 3127
Byron Oil Industries, Inc., 24024
Cabot Corp., 14607, 17619, 28584, 32786, 35563, 40560
Cabot Corp. (SW), 24024
Cady & Beard et al., 12346
California Co. et al., 24936, 41751
California Department of Water Resources, 13405, 43778
California State Air Resources Board et al., 54534
Cambridge Electric Light Co., 1628, 8124, 14003, 14607, 18350, 24935, 37403, 46051
Canal Electric Co., 4970, 21695, 26273, 36262
Cardinal Operating Co., 13405
Carolina Pipeline Co. vs. Southern Natural Gas Co., 55232, 55379
Carolina Power & Light Co., 3133, 3908, 4970, 7522, 7524, 9609, 9920, 11354, 14933, 15097, 16224, 16697, 16698, 20179, 22315, 26272, 28591, 29749, 36077, 39074, 44218, 50017, 53528, 56382, 56847

Cascade Natural Gas Corp., 31, 18160
Cass, Frank W., et al., 1950
Central Hudson Gas & Electric Corp., 18923, 19765, 20917, 34819, 55380
Central Illinois Light Co., 34113, 38214, 46375, 48404
Central Illinois Public Service Co., 1628, 11354, 16224, 19253, 30394, 41464, 43459, 52522, 53528, 55232
Central Kansas Power Co., Inc., 15448, 18923
Central Louisiana Electric Co., Inc., 1946, 4971, 15749, 18924, 20179, 22867, 36263, 53528
Central Maine Power Co. et al., 2276, 4647, 9619, 10471, 25938, 29218, 29750, 30394, 32252, 34820, 35030
Central Power & Light Co., et al., 19158
Central Telephone & Utilities Corp., 5432, 8427, 16877, 17628, 24779, 36842, 41477, 50017
Central Vermont Public Service Corp., 1628, 4647, 5882, 6324, 7149, 7522, 7525, 10947, 10948, 14933, 15097, 20918, 22154, 33331, 37155, 46051, 47104, 47590, 48781
Chambers, Patrick J., 35
Champlin Petroleum Co., 28013
Chattanooga Gas Co., 2866, 15548, 19765, 48176, 55578
CIG Exploration, Inc., et al., 26265, 28015
CIG Gas Supply Co., 32252
Cincinnati Gas & Electric Co., 24417, 27128, 34820, 41464, 42704
Cities Service Gas Co., 2681, 3908, 4648, 5433, 6324, 8116, 9420, 9421, 9619, 13405, 14003, 14004, 17619, 18160, 18546, 19781, 22318, 22870, 23486, 25934, 26749, 29910, 30733, 32253, 32254, 32660, 32786, 34360, 35026, 35217, 35566, 35767, 36078, 36084, 36088, 37155, 37672, 37852, 39074, 39075, 39835, 40227, 41957, 43247, 43460, 43777, 44218, 45049, 45856, 47105, 48175, 48404, 50499, 51455, 51873, 52905, 54526, 54808, 56381, 56382, 56848
Cities Service Oil Co. et al., 2686, 7525, 17423, 19775, 27128
Clark Oil Producing Co., 29750
Cleveland Electric Illuminating Co. et al., 4971, 29750, 33942, 40228
Cliffs Electric Service Co., 48405
Clinton Oil Co., 17425
Coastal States Gas Producing Co. et al., 2437, 21837, 22314, 22418, 53703
Coleve et al., 16214
Colorado Interstate Gas Co. et al., 1097, 1098, 2442, 3508, 3908, 4971, 5670, 7522, 7814, 9920, 13406, 13407, 15099, 15749, 17620, 18924, 22985, 24024, 24418, 26750, 30725, 32254, 32661, 32662, 36263, 37155, 39075, 39076, 40228, 40560, 42704, 44889, 45856, 47099, 48176, 52103, 53845, 55578
Colorado Public Service Co., 36084
Colorado River Water Conservation District, 41752
Colorado-Ute Electric Association, Inc., et al., 13407, 28016, 37155
Columbia Fuel Corp. et al., 22870
Columbia Gas Transmission Corp. et al., 1529, 1536, 1537, 1628, 1629, 1944, 1946, 3127, 3345, 3509, 3908, 4360, 4675, 6324, 6325, 7525, 9214, 9610, 9923, 10476, 10948, 11354, 12347, 13666, 14005, 14934, 15103, 16214, 18935, 19778, 19781, 20617, 24418, 24625, 25938, 27129, 28016, 29910, 32255, 34114, 34820, 36079, 36695, 37852, 39076, 40561, 41752, 42705, 43460, 43779, 44465, 44889, 45056, 46044, 47105, 48782, 49524, 50018, 50334, 50500, 52905, 53104, 53529, 53704, 53845, 54026, 54807, 56853
Columbia Gulf Transmission Co. et al., 1097, 4966, 5433, 12347, 14005, 19779, 22871, 23237, 24025, 25934, 25935, 26753, 28585, 30734, 34114, 35027, 36263, 37672, 40561, 41958, 43769, 44465, 46051, 48405, 50019, 50500, 51074, 52339, 55232, 56381
Columbia LNG Corp. et al., 25935, 35030
Columbus & Southern Ohio Electric Co., 3133, 4650, 12336, 17970, 28591, 37853, 48176, 53704
Comision Federal de Electricidad et al., 7149, 30725
Commercial Pipeline Co., Inc., 3909, 11355, 14607, 21222, 29750, 33942, 40561, 44741, 46375, 55579
Commonwealth Edison Co., 3133, 4650, 28592, 34360, 50501, 56850
Community Public Service Co., 17970, 36079
Compania de Gas de Nuevo Laredo, S.A. et al., 32786, 39835
Connecticut Light & Power Co. et al., 31, 1629, 1946, 1947, 2443, 3127, 3773, 3909, 4971, 10949, 11355, 12337, 14607, 14608, 16698, 20180, 21222, 23238, 24419, 24935, 25938, 27129, 28592, 29751, 30726, 32256, 33942, 35031, 36264, 39076, 43769, 44741, 45056, 46376, 48406, 50501, 56382
Connecticut Valley Electric Co., Inc., 11081
Connecticut Valley Electric Cooperative, Inc., 18546
Consolidated Edison Co. of New York, Inc., et al., 6325, 24020, 24420, 47105, 50501, 52336, 52522, 55380, 56853
Consolidated Gas Supply Corp. et al., 1099, 1630, 3128, 8116, 8535, 9421, 10261, 10472, 10949, 11078, 11882, 13663, 14005, 14608, 15100, 16214, 16866, 17018, 17620, 18351, 19253, 22629, 23238, 24420, 24935, 25935, 26273, 27873, 28592, 29026, 34357, 41464, 43468, 44741, 46051, 47105, 50019, 50501, 51075, 51651, 53104, 53851, 56234, 56383
Consolidated Natural Gas Co., 43460
Consolidated System LNG Co., 42978
Consolidated Water Power Co., 28016, 28017
Consumers Power Co., 1947, 2437, 2681, 6325, 8538, 9214, 9920, 10473, 10950, 11356, 15100, 19254, 22872, 23239, 29026, 29218, 32256, 32663, 35031, 43247, 46052, 47106, 55746
Continental Oil Co. et al., 1788, 3133, 3773, 12246, 15100, 15101, 16699, 18556, 19775, 20617, 28017, 31426, 40236, 46515, 53704
Copper Valley Electric Association, Inc., 24420
Coquina Oil Corp. et al., 29914
Cordova Public Utilities, 4650
CRA, Inc., 42239, 50728
Crisp County, Ga., Power Commission, 48176
Crown Zellerbach Corp., 3773, 23782
Crystal Oil Co., 6326, 27439
Damson Oil Corp. et al., 13665, 54526
Dayton Power & Light Co., 3910, 5883, 40229, 44218, 45057
Delmarva Power & Light Co. et al., 1099, 4651, 7526, 8116, 9620, 9921, 10477, 12337, 15101, 16867, 17019, 19766, 20187, 21222, 22984, 32256, 32257, 32258, 35902, 37403, 40230, 44889, 46045, 49528, 50334, 50501
Delmarva Power & Light Co. of Maryland, 45049, 45057
Dent, Frederick B. et al., 3133
Denver Board of Water Commissioners, 41465
Despot, George J., et al., 32
Detroit Edison Co. et al., 4971, 9006, 15365, 16216, 16867, 18351, 24625, 29751, 29752, 32964, 36264, 41465, 47106, 47592
Devon Corp. et al., 11078, 35562, 35566
Diamond Shamrock Corp., 29752
Dille, Earl K., 36079
Disbrow, R.E., 12350, 25936
Distrigas Corp. et al., 1630, 11356, 11357, 19779, 20618, 21838, 23782, 35100, 35217, 36842, 43460, 49672, 49673
Distrigas of Massachusetts Corp. et al., 14006, 16699, 16700, 17017, 17616, 20918, 24218, 25939, 27440, 41465
Dolan, John E., 11216
Dorchester Gas Producing Co. et al., 4972, 5887, 30734, 55580
Dore Corp. et al., 3774, 11609, 15102
Drake, Francis E., Jr., 18546
Duke Power Co., 3133, 3346, 3775, 4360, 4973, 5883, 7523, 7814, 11081, 13407, 14608, 14609, 16215, 19780, 23239, 23240, 26266, 26612, 28017, 28585, 30395, 33331, 33332, 35218, 35902, 39077, 42705, 42706, 43460, 43769, 47106, 54526, 56850, 56851, 56855
Duquesne Light Co., 3509, 40230
Eascogas LNG, Inc., et al., 2276, 23241, 56234
East Tennessee Natural Gas Co. et al., 1537, 1631, 1948, 3775, 4651, 10261, 11609, 11619, 14609, 14934, 15103, 16216, 18161, 21838, 22315, 27129, 27444, 27873, 28585, 36079, 44219, 46045, 48783, 51075, 53529, 54809
Eastern Shore Natural Gas Co., 31, 1109, 3911, 4651, 4652, 8125, 8126, 9922, 10950, 12350, 12769, 12770, 13408, 13409, 16215, 16216, 19254, 22154, 23241, 23242, 24421, 24626, 26751, 33567, 43461, 44466, 48176, 52339, 52522, 54526, 54809
Edison Sault Electric Co. et al., 28586, 44467
El Dorado County Water Agency, 24020
El Paso Alaska Co. et al., 8538, 13667, 17620, 21695, 22630, 24775, 27874, 30726, 32258, 32787, 41958, 42978, 48177, 52906, 56238
El Paso Eastern Co. et al., 24626, 49529
El Paso Electric Co., 2682, 4973, 5434, 23242, 24026, 26274, 37156, 42241, 46046, 50502, 52906, 53529, 53845, 56383

INDEX

UMI

El Paso Natural Gas Co. et al., 1100, 1631, 1948, 2444, 2682, 2867, 3133, 3134, 3135, 4653, 5890, 6327, 7526, 7814, 9215, 9612, 9621, 9922, 12337, 13410, 14935, 15750, 16216, 16225, 16701, 16867, 16868, 17019, 17426, 17970, 18547, 20919, 20920, 21839, 22986, 23783, 25935, 27129, 28017, 28586, 29752, 29911, 30735, 31946, 32663, 32789, 32964, 33943, 35903, 36264, 36695, 38215, 41465, 41753, 41754, 41958, 44073, 44219, 44890, 45049, 45050, 45057, 46376, 48177, 48178, 48406, 51075, 51873, 52336, 52522, 53529, 54526
Electric Energy, Inc., 5434, 24775
Electric Utility Co. Group, 34830
Elizabeth, La., et al., 39836, 46376
Ellis, William B., 29762, 42244
Elms Brothers & Co., 44742
Empire District Electric Co., 20446, 46052
Endbehr Corp., 4973
Energy Development Corp., 24026, 33943
Energy Pipeline Corp., 51874
Energy Reserves Group, Inc., et al., 47099
Energy Terminal Services Corp., 51874
Entex, Inc., 32262
Equipment, Inc., et al., 41958
Equitable Gas Co. et al., 1631, 29753, 35218
Escanaba Power Co., 26956
Escondido Mutual Water Co., 7527, 23242
Essex Co. et al., 35219
Excelsior Oil Corp., 7523, 13410
Exchange Oil & Gas Corp., 13410
Exxon Corp. et al., 1789, 8126, 10477, 18714, 28013, 34701
Exxon Pipeline Co. of California, 30735
Falfurrias, Tex., city of, 26749, 48178
Felmont Oil Co. et al., 4653, 5890, 9923, 18935
Felmont Oil Corp., 8117
First National Bank in Dallas, 44219
Fitchburg Gas & Electric Light Co. et al., 15752, 20180, 31428
Flambeau Power Co., 51076
Florida Gas Transmission Co. et al., 1101, 1530, 1632, 1634, 2437, 3135, 3352, 3509, 4654, 4966, 7150, 8852, 10472, 11883, 14609, 14936, 16701, 17973, 20446, 20618, 23783, 24422, 28017, 40562, 43462, 44742, 45857, 47100, 53105, 54528, 54809
Florida Power Corp., 1633, 3352, 4360, 4965, 4972
Florida Power & Light Co., 1948, 2444, 4361, 5435, 7527, 9215, 10262, 11216, 17621, 22630, 22872, 25939, 29026, 29753, 30396, 32789, 34821, 35568, 48407, 54528, 54988, 56383
Ford Motor Co., 23784
Forgotson, James M., 32263
Fort Worth National Bank, 11363
Fortune, Robert R.,, 9622
Four Corners Gas Association et al., 43466, 53535
Ft. Pierce Utility Authority et al., 42706, 47106
Gas & Electric Corp., 42243
Gas Gathering Corp., 10262, 39836, 41958, 53106
General American Oil Co. of Texas et al., 2444, 16217, 16225, 22316, 22873
General Motors Corp. et al., 54988
Georgia Power Co. et al., 1537, 2277, 3911, 4361, 8126, 9007, 10950, 11081, 12338, 12770, 14609, 15365, 15449, 18547, 18925, 19255, 19775, 20922, 22154, 22872, 22986, 23784, 27129, 30396, 32472, 39077, 41466, 41755, 42707, 48783, 49524, 54026, 54219, 56856
Gerstner, W. C., 2437, 18351
Getty Oil Co. et al., 1636, 5887, 10468, 10473, 18926, 25939, 35563, 36842
Glasgow, Kent, 14613, 23244
Golden, Colorado & Vidler Tunnel Water Co., 11357
Gorske, Robert H., 26266
Gould, F.E., 1950
Gowdy, George H., 3911
GPU Service Corp., 20618
Grace, W. R., & Co., 36699
Graham, Bill J., 24026, 42240
Grand River Dam Authority, 18551, 26266
Granite State Gas Transmission, Inc., 1950, 2277, 2444, 2683, 2867, 3128, 3346, 11357, 15752, 24422, 45050, 54219, 54989
Great Lakes Gas Transmission Co. et al., 2445, 10953, 14006, 16868, 17621, 18161, 24026, 24027, 25935, 28018, 28586, 29755, 30737, 32472, 37853, 40230, 43778, 45058, 45858, 48784, 52340
Great Northern Nekoosa Corp., 19255
Green Mountain Power Co., 45859
Green Mountain Power Corp., 4361, 7152, 9215, 15103, 16868, 22155, 25935, 33944, 39077, 43770, 45859, 56383
Greenquist, Thomas A., 50344
Gross, L. Jack, Productions, et al., 53372
Gruy Management Service Co., 52340, 53106
Gulf Energy & Development Corp., 19766, 21222, 22987, 32262, 38216
Gulf Energy Producing Co., 48179
Gulf Oil Corp., 7152, 10262, 28018, 39078, 53706, 54807, 55234, 55747, 55938
Gulf Power Co., 32663, 44742, 52721, 53530
Gulf States Utilities Co., 1950, 10953, 15104, 16868, 17020, 18552, 23242, 29218, 32262, 36264, 36265, 37404, 37673, 39837, 43462, 46516, 48784, 50335, 52523, 53106
Haehl, John G., Jr., 25935
Hammermill Paper Co., 22988, 53531
Hampshire Gas Co., 1109, 7527
Hargrove, Joseph L., et al., 49529
Hartford Electric Light Co., 9622, 16701, 16702, 17621, 20446, 22873, 34115, 40231, 55235
Haskell, Robert N., 50728
Hatch, Edwin I., 35218
Hauspurg, Arthur, 21836
Haynes, John M., 22988, 36695
Heller, C. A., 15449, 23785
Helmerich & Payne, Inc., et al., 49889
Hewit and Dougherty, 15104
Hickman, B.J., Oil Operating, 3346
High Island Offshore System et al., 11619, 27130, 43774
Highlands, town of, 30067
Hobbs, James Edwin, 43462
Holyoke, City of, Gas & Electric Department, 13405
Holyoke Water Power Co. et al., 22989, 50336, 54810, 56384, 56856
Hondo Oil & Gas Co. et al., 1790
Honeoye Storage Corp., 3135
Howell Drilling Inc., 11078
Huber, J. M., Corp., et al., 25051
Huffington, Roy M., Inc., 11358
Hughes, Glenn D., et al., 54027
Hunt, H. L., et al., 29756
Hurley Petroleum Corp., 9622
Hurst, C.A., 55232
Hurstak, Robert J., 39090, 44228
Idaho Power Co., 1636, 1951, 3128, 4655, 4973, 5435, 5679, 8425, 8539, 12339, 12350, 14610, 15104, 17020, 18927, 19159, 22630, 23785, 27131, 28019, 32664, 37156, 41959, 45050, 45859, 49530
Illinois Municipal Utilities Association et al., 35221
Illinois Power Co., 1636, 2277, 3346, 3347, 3911, 7152, 10953, 11216, 12248, 14936, 15753, 18161, 19255, 19767, 26274, 27441, 32965, 34821, 37156, 41466, 45860, 49524, 49525, 49884, 50502, 50728, 52523, 54810
Independent Oil & Gas Association of West Virginia et al., 3912, 12351, 14611, 27131, 44743
Indiana Gas Co., Inc., 16869
Indiana & Michigan Electric Co. et al., 1101, 2438, 3510, 3912, 3913, 3914, 14613, 15753, 16869, 17621, 19255, 20447, 23243, 27442, 29756, 30727, 33944, 37157, 37404, 42241, 43770, 43777, 46046, 48179, 49530
Indiana & Michigan Power Co., 3135, 32965, 48179
Indianapolis Power & Light Co., 34360, 43778, 44743, 54528
Industrial Gas Corp., 3136
Inexco Oil Co., 17618, 19768, 27131, 51076
Inland Gas Co., Inc., 50866
Inscol Petroleum Co. et al., 35565
Inter-City Minnesota Pipelines Ltd., Inc., 18552, 21839, 22628, 22989, 42978, 43463
Interior Department et al., 31, 1107, 3347, 3348, 22985, 23783, 30067
Interstate Natural Gas Association of America et al., 23779
Interstate Power Co., 3511, 5435, 11609, 13667, 16217, 20447, 21839, 24027, 32263, 36088, 39079, 48784, 49530
Interstate Transmission Associates et al., 1099
Iowa Electric Light & Power Co., 1951, 2683, 3775, 3914, 4655, 8221, 8540, 12352, 13667, 15365, 16702, 17622, 19256, 21522, 22155, 26274, 41959, 43463, 48179
Iowa Power & Light Co. et al., 15105, 16869, 19768, 19776, 27132, 30737, 36080, 36089, 41467, 41959, 44074, 46377, 47593, 50866, 53107, 56856
Iowa Public Service Co., 1530, 3775, 4974, 8541, 12246, 16702, 18351, 24627, 41467, 44074, 56384
Iowa Southern Utilities Co., 8535, 13412, 17622, 30727, 31944, 34821, 37161, 37404
Iowa-Illinois Gas & Electric Co., 6328, 12245, 12771, 17622, 18161, 54529
Island Park Resorts, Inc., 6329, 45860

Jeffery, Glen E., 23243
Jenkins, William A., et al., 21697, 48180, 56381
Jersey Central Power & Light Co., 33944, 37161, 41960, 48181
JIC Drilling Fund et al., 18715
Jicarilla Apache Tribe et al., 44891
Johnson, Wendell P., 7814
Jupiter Corp., 11216
Kadane, Edward G., et al., 3514
Kaiser Aluminum & Chemical Corp., 45058
Kansas, Nebraska Natural Gas Co., Inc., 54529
Kansas City Power & Light Co., 2683, 2684, 3129, 4656, 5435, 8541, 10473, 11082, 11351, 12246, 13413, 15105, 20619, 23785, 24423, 30727, 35027, 35223, 39080, 42241, 44744, 46047, 56385
Kansas City Star Co. et al., 52340, 56385
Kansas Gas & Electric Co., 1953, 3914, 4362, 4965, 9623, 12339, 14006, 18552, 18927, 26268, 31258, 35230, 37675
Kansas Power & Light Co., 1538, 1543, 1636, 3775, 3776, 4658, 4974, 5883, 5884, 7819, 8117, 8223, 11610, 14937, 15105, 17622, 19256, 19776, 22875, 24775, 25940, 26268, 26275, 26751, 31259, 36080, 40567, 43248, 48785, 49530, 52907
Kansas-Nebraska Natural Gas Co., Inc., et al., 3136, 4362, 4656, 10955, 12340, 16218, 16703, 18352, 24423, 29912, 30728, 35222, 41960, 43770, 47100, 48785, 50337, 53108, 53845, 56851
Kent Glasgow, 30739, 38216
Kentucky Ohio Gas Co., 52340
Kentucky Power Co., 5437, 16218, 18161, 31259, 44745
Kentucky Utilities Co., 10262, 10473, 23244, 24021, 33946, 35223, 45058, 52524, 53531
Kentucky West Virginia Gas Co., 4968, 20180, 22990, 25940, 29027, 32664, 32790, 35028, 36843, 45059, 48181, 50502, 53707
Kerr-McGee Corp. et al., 8541, 11610, 15105, 15106, 20182, 29027
Ketchikan, Alaska, city of, 28016
Kewanee Oil Co., 6329
Keystone Fuel Oil Co., 12090
Koch Industries, Inc., et al., 42702
L & M Oil & Gas Co., Inc., 48195
Lac Vieux Desert Riparian Owners Association, Inc., et al., 52341
Lake Superior District Power Co., 16869, 23244
Lawrenceburg Gas Transmission Corp., 1101, 2445, 4362, 4974, 7815, 10266, 10955, 15106, 17428, 18548, 24021, 24027, 27874, 29907, 35230, 41467, 46047, 54530, 56385
Lehigh Portland Cement Co. et al., 50502, 50503
Lenox, Bedford, Clearfield, and Prescott, Iowa, 36087
Lloyd, Bob M., 51873
Lloyd, Jack, 9623, 14937
Lockhart Power Co., 2438, 10956, 20923
Lone Star Gas Co. et al., 1637, 1953, 3136, 4861, 8126, 9007, 51874, 51875, 54810
Lone Star Gathering Co. et al., 30728, 36696
Long Island Lighting Co., 2277, 41960, 48181
Louisiana Crude Oil & Gas Co., Inc., 24935, 32966, 37404
Louisiana Power & Light Co., 3347, 3511, 16870, 18927, 30728, 37162, 40562, 43775, 54531
Louisiana-Nevada Transit Co., 3347, 7815, 8118, 12771, 20923, 21840, 35231, 48182
Louisville Gas & Electric Co., 6329, 9623, 51455, 51876
Luce, Charles Franklin, 21837
Lynco Oil Corp., 46704
Lyons, William A., 36846
Maguire, Robert E., 1104, 25936, 26753
Maine Electric Power Co., 47594, 51876, 56857
Maine Electric Power Co., Inc., et al., 28586, 28587, 38216, 41755
Maine Public Service Co., 48785, 51876, 54989
MAPCO, Inc., 32
Marathon Oil Co. et al., 5437, 23787
Marine Contractors & Supply, Inc., 28019, 34361, 42242
Marshall, Alton G., 25933
Marshall Exploration, Inc., 41468
Martin, Lauman, 21840
Massena, N.Y., et al., 37855
McBennett, Robert J., 2438
McBride, G.E., et al., 5884
McBride-Silurian, W. C., Oil Co., et al., 16877
McCarthy, Donald W., 4362
McClain, O.G., 16226, 43771
McCormack 1974 Oil and Gas Program et al., 10717
McCulloch Interstate Gas Corp. et al., 2867, 3137, 8535, 11078, 12352, 12772, 14937, 14938, 18162, 19776, 29756, 30397, 40232, 43463, 45059, 46377, 54532, 54811
McCulloch Oil Corp., 39080
McDowell County Consumers Council, Inc., et al., 50338
McGoldrick Joint Venture No. 1-73, 44745
McGuire, T. W., & Associates, Inc., et al., 19256, 51458
Menge, Richard C., 32792
Messena, N.Y., et al., 43469
Metropolitan Edison Co., 5438, 6329, 7527, 8224, 9215, 9612, 15754, 18162, 20923, 24775, 27443, 53372
Metropolitan Water District of Southern California, 27444, 51455
Michigan Consolidated Gas Co. et al., 9923, 17622, 18552, 24423, 29219
Michigan Power Co., 3914, 31944, 35223, 42242
Michigan Wisconsin Pipe Line Co. et al., 1530, 3129, 3137, 3511, 3776, 5438, 5888, 8119, 9215, 9624, 10957, 11216, 12340, 14614, 14823, 15107, 16226, 16870, 18163, 18164, 18165, 18548, 19256, 19769, 19776, 20181, 20447, 20619, 21697, 22875, 22991, 24028, 24424, 24627, 27874, 28019, 30066, 30397, 32667, 33946, 34115, 34361, 35225, 35568, 36080, 37675, 39081, 42979, 43463, 44220, 44467, 45059, 45860, 46047, 46377, 46517, 47100, 50503, 51877, 52337, 53108, 54811, 54990
Mid-Continent Area Power Pool, 47595
Mid-Continent Gas Storage Co., 4658
Mid-Louisiana Gas Co., 2277, 4659, 5438, 5671, 9216, 12341, 15107, 17018, 17971, 22875, 26751, 30397, 32966, 36265, 38216, 41468, 42707, 44745, 53109
Midwestern Gas Transmission Co. et al., 1954, 16870, 27875, 29756, 31260, 32967, 33946, 36081, 39084, 39085, 41960, 44467, 46052, 49884, 50338, 53846, 55580
Mineral Interest Owners, 29027
Minnesota Power & Light Co. et al., 4074, 5439, 5440, 7815, 11611, 16226, 28019, 29028, 32664, 35225, 37405, 40562, 42242, 45860, 49525, 51456, 53109, 54990 56386
Mishawaka, Ind. et al., 37162
Mississippi Power Co., 18548, 23787, 28020, 29912, 43770, 46380, 47100, 48785, 50338, 51877, 55380
Mississippi Power & Light Co. et al., 2445, 14614, 19770, 35903, 38216, 45860, 49530, 52337
Mississippi River Transmission Corp. et al., 1102, 2868, 7994, 9624, 10716, 10958, 15449, 15450, 16219, 18354, 19256, 20448, 22156, 25936, 26753, 27875, 29219, 32263, 32264, 32265, 35224, 35568, 41468, 44221, 44468, 49885, 52103, 53109, 53846, 54532
Missouri Power & Light Co., 8127, 11216, 11217, 18355, 23788, 24021, 36696, 47107
Missouri Public Service Co., 10266, 15107, 19257, 34361, 34822, 36265, 44220
Missouri Utilities Co., 1954, 2445, 3511, 7528, 13414, 17971, 18165, 34822
Mitchell Energy Corp. et al., 32265, 41961, 49531
Mobil Oil Corp. et al., 1792, 24021, 28847, 36081, 39085, 51076, 54991
Monongahela Power Co. et al., 3130, 4659, 8119, 11611, 12339, 14614, 19257, 20181, 29757, 32665, 34822, 35225, 37406
Monroe City, Utah, 7528
Montana Power Co., 2278, 3348, 5440, 7528, 33946, 34358, 36082, 45861, 47101, 54027
Montana-Dakota Utilities Co., 32, 1637, 3137, 9625, 19159, 21840, 22631, 26268, 36265, 40233, 45051, 45861, 49525, 50020, 54219, 54532, 54812
Montaup Electric Co., 3512, 8127, 8128, 8535, 15366, 18165, 18553, 22156, 23246, 24424, 30728, 37854, 41468, 43775, 45051, 45060, 47107, 48182, 50503, 52524, 56386
Mosinee Paper Co., 53846
Mosinee Paper Corp., 18165
Mountain Fuel Resources, Inc., 12340, 28020, 48407, 53110, 53535
Mountain Fuel Supply Co. et al., 4660, 4968, 8119, 11079, 11884, 12090, 15089, 15108, 22316, 28020, 29912, 36696, 36843, 37854, 44745, 48569, 53110
Mueller, Joseph P., 42241
Murphy Oil Corp. et al., 3348, 48183
Nantahala Power & Light Co., 36082, 37675, 48183

INDEX

UMI

National Fuel Gas Distribution Corp., 33947
National Fuel Gas Supply Corp. et al., 1954, 3138, 4661, 5440, 7528, 9216, 11358, 12352, 13414, 14615, 14939, 15366, 15754, 16214, 16704, 18928, 19769, 20621, 20622, 22992, 23246, 24628, 28587, 29031, 29913, 34115, 35028, 39085, 40233, 41470, 43780, 44746, 45051, 46053, 47101, 48407, 49526, 52524, 53707, 54992
Natural Gas Pipeline Co. of America et al., 1102, 1109, 1955, 2445, 3138, 3915, 4662, 4975, 5440, 5884, 6330, 7152, 7529, 7815, 8120, 8127, 8224, 8542, 9007, 9216, 10716, 11217, 11611, 13664, 13668, 14615, 15099, 15450, 15754, 16219, 16226, 16870, 16871, 17623, 17971, 18356, 19257, 20182, 20448, 20449, 22631, 22876, 24028, 24424, 24628, 24776, 26270, 26612, 26751, 28021, 28592, 29757, 29913, 31260, 31945, 32266, 32267, 34361, 35226, 35231, 37406, 39085, 40234, 41472, 41962, 42980, 42981, 43248, 43461, 43770, 43775, 44221, 44468, 44746, 45051, 45868, 45869, 46380, 49531, 50020, 50338, 51877, 53110, 53847, 54027, 54523, 54533, 55235
Nebraska Public Power District, 20187
Nekoosa Papers, Inc., 32267, 41472
Nevada Power Co., 2868, 3512, 3779, 5884, 8225, 16705, 18928, 26270, 32267, 32791, 39086, 43465, 48188, 49532, 50339
New Bedford Gas & Edison Light Co. et al., 4363, 5440, 26271
New England Power Co., 1955, 6330, 7529, 7819, 8120, 9614, 9924, 10474, 11079, 12341, 15108, 15752, 16219, 16705, 24628, 28023, 28024, 29758, 33332, 34116, 35905, 36082, 36843, 37406, 45869, 51877, 53373, 56235
New England Power Pool Agreement, 1531, 1532, 8225, 8424, 10959, 14006, 14616, 26275, 56853
New Jersey Zinc Co., 23789
Niagara Mohawk Power Corp., 1532, 2278, 3512, 7819, 8542, 9625, 11358, 11610, 11612, 12091, 12341, 13414, 23789, 24022, 24776, 28024, 28587, 31261, 41756, 48786
Nissen, Charles Graham, 54987
Noble, Porter, E., 1110
North Counties Hydro-Electric Co., 13414
North Natural Gas Co. et al., 8225
North Penn Gas Co., 2445, 2684, 3139, 11360, 12352, 16705, 20619, 26752, 27133, 30729, 30740, 46048, 48188, 48408, 48786, 52341, 54534
Northeast Utilities, 16705
Northeast Utilities Service Corp., 2278
Northern Electric Cooperative Association, 17623, 18928, 29758, 40562
Northern Illinois Gas Co., 10263, 13415, 15108, 16871, 17623, 24023, 29759, 30398
Northern Indiana Public Service Co., 2438, 9925, 17429, 22316, 34359, 37163, 46380
Northern Michigan Exploration Co. et al., 26613, 34823, 36082, 37409
Northern Natural Gas Co. et al., 1103, 1326, 1533, 1793, 2439, 3130, 3139, 3915, 4667, 4668, 4669, 4975, 5441, 5885, 8122, 8424, 9216, 9217, 11079, 11359, 11620, 12091, 12342, 12352, 12773, 13666, 14007, 15091, 15105, 15109, 15366, 16706, 16872, 17624, 18548, 18553, 18929, 19770, 19771, 19780, 20623, 20924, 22159, 22631, 22632, 24028, 26275, 27133, 27448, 29760, 30729, 30740, 32268, 32278, 32473, 32968, 34116, 34823, 34824, 36697, 37163, 38219, 39086, 39382, 41473, 42707, 42981, 43465, 44221, 44223, 44747, 45052, 45869, 46053, 46380, 46381, 48188, 48189, 48408, 48570, 48787, 49885, 50339, 50867, 53535, 54531, 54812, 55236, 55381, 56386, 56857
Northern States Power Co., 1535, 1958, 2868, 3776, 3915, 4669, 4975, 7156, 7523, 8122, 9925, 10477, 11082, 11612, 12092, 13668, 14007, 15367, 16872, 18549, 20623, 23247, 28587, 29032, 29760, 32278, 34825, 35568, 36083, 46049, 49887, 51878, 54812
Northern States Power Co. (Minnesota), 3915, 15109, 18554, 34359, 37409, 43249
Northern States Power Co. (Wisconsin), 18166
Northwest Alaska Co., 4652
Northwest Pipeline Corp. et al., 1542, 8536, 8542, 9217, 11217, 11613, 13669, 15750, 16873, 19257, 19780, 22316, 24218, 24425, 28587, 28593, 29032, 29219, 30741, 32791, 32968, 34359, 34362, 36089, 37410, 39087, 41473, 42984, 43770, 43772, 44222, 46381, 46382, 48189, 48409, 49532, 51878, 53111, 53847, 56386
Northwestern Public Service Co., 3139, 13664, 21697, 23248
Norwood, Mass., et al., 46383
Nushagak Electric Cooperative, Inc., 25936
Oak Creek Power Co., 53111
O'Connor, Leonard A., 15449
Ohio Edison Co., 1638, 5441, 7529, 17972, 20449, 43249, 43250
Ohio Electric Co., 22877, 49527
Ohio Power Co. et al., 1535, 2439, 2868, 3915, 4969, 8122, 8226, 9217, 14006, 14616, 20623, 24023, 32792, 33332, 50340
Ohio Valley Electric Corp., 22317
Oil Resources, Inc., et al., 9008, 36083
Oklahoma Natural Gas Gathering Corp., 1638, 7523, 16219, 24425, 28024, 47101, 54992
Oleum Inc. et al., 16873
Orange & Rockland Utilities, Inc., et al., 1959, 6330, 11614, 16219, 19768, 20449, 41962, 46384, 48787, 53531
Osborn, W.B., Jr., et al., 13672
Otter Tail Power Co., 1110, 1959, 9926, 14616, 20925, 24023, 46384, 49527, 50503, 50504
Owens-Illinois, Inc., 28025
P.S. & G., Inc., 8425, 9008, 11884
Pacific Alaska LNG Co. et al., 18929, 22319, 28025
Pacific Electric Power & Light Co., 34
Pacific Gas & Electric Co., 3139, 5885, 5889, 9008, 10474, 12773, 13415, 13670, 14217, 14617, 15109, 17618, 21841, 22317, 22877, 23789, 23790, 24628, 24776, 28593, 29033, 33947, 34825, 36266, 36843, 39837, 45870, 48190, 49887, 53112, 53531, 54028
Pacific Gas Transmission Co. et al., 37851, 50867, 56235
Pacific Indonesia LNG Co. et al., 56858
Pacific Interstate Transmission Co., 17620, 41474, 44747, 52907
Pacific Northwest Power Co. et al., 7152, 10263
Pacific Power & Light Co., 1639, 2440, 2684, 3777, 3916, 11360, 12342, 12775, 13670, 15114, 15367, 20619, 20925, 21523, 28027, 29033, 29219, 32269, 36266, 36697, 37164, 43465, 44074, 44469, 48191, 50868
Panhandle Eastern Pipe Line Co. et al., 2445, 2684, 3916, 4669, 4967, 4976, 5885, 8127, 9926, 10959, 11082, 11622, 13664, 13670, 14940, 15115, 16220, 16865, 16874, 18167, 18168, 18172, 20619, 20925, 29034, 29760, 29913, 31945, 32970, 36083, 36089, 36090, 39088, 39096, 41474, 42242, 42707, 43781, 44469, 45052, 45870, 46384, 48189, 48409, 48410, 48788, 49532, 49533, 53847, 54534, 55580
Panhandle Production Co., 48411
Panoak Oil & Gas Corp., 37164
Papago Tribal Utility Authority et al., 51879
Parowan City, Utah, 7819, 54028
Paso Natural Gas Co., 13672
Patrick, R. J., et al., 19773
Patterson, George V., 15450
Payne, Inc., et al., 14618
Pennsylvania Electric Co. et al., 1538, 6330, 7530, 8226, 16220, 17624, 18168, 19772, 36084, 36867, 45870, 50021, 53535, 56237
Pennsylvania Power Co., 3130, 7820, 8123
Pennsylvania Power & Light Co., 2440, 9926, 11360, 17624, 23248, 28027, 32278, 35227, 41756, 44222
Pennsylvania-New Jersey-Maryland Group, 31262, 37411
Pennsylvania-New Jersey-Maryland Interconnection, 18554
Pennzoil Offshore Gas Operators, Inc., 48411
Pennzoil Producing Co., 10263
Penobscot Co., 9926
Peoples Gas Light & Coke Co. et al., 8226
Peoples Natural Gas Division of Northern Natural Gas Co., 53848
Petersburg, Alaska, city of, 45856, 49524
Petroleum, Inc., et al., 7996
Petroleum Corp. of Texas, 17624, 32792, 44224
Philadelphia Electric Co., 4363, 12775, 16220, 44225, 44469, 49533, 50340
Phillips, A.O., estate of, 25939
Phillips Petroleum Co. et al., 1329, 2869, 3780, 8123, 8543, 9010, 11080, 12343, 13415, 16874, 20182, 20449, 23790, 24776, 28027, 28028, 33947
Pierce, Ray A., et al., 52521, 53707
Plant City Natural Gas Co. et al., 6327
Plaquemine, La., city of, et al., 9920, 16225
Portland General Electric Co., 41962, 49888, 53112

Potomac Edison Co., 3349, 8227, 11615, 19776, 22992, 32269, 32970, 41963, 42708, 44226, 47107, 48191, 48789, 51456
Potomac Electric Power Co., 3512, 7152
Power Authority of New York, 17625, 22150
Providence Gas Co., 15116
Public Service Co. of Colorado, 2685, 5442, 11617, 12092, 15117, 20450, 22317, 24777, 30741, 31262, 33948, 44075, 50342
Public Service Co. of Indiana, Inc., 1640, 4675, 9624, 10263, 10474, 12353, 16221, 16874, 18555, 18931, 20623, 22317, 22318, 24029, 28028, 32666, 32792, 43250
Public Service Co. of New Hampshire, 1104, 6331, 8227, 11352, 17625, 22633, 22994, 24425, 28029, 30729, 51076, 51457, 54028
Public Service Co. of New Mexico, 1960, 3130, 4670, 5443, 9217, 15117, 16875, 39089, 48789, 50868
Public Service Co. of North Carolina, Inc., 23248, 45870
Public Service Co. of Oklahoma, 1960, 3512, 4976, 8543, 17972, 20450, 34826, 36697, 39837, 45060, 53531
Public Service Electric & Gas Co., 1540, 8227, 16874, 28029, 33948, 53848
Public Utility District No. 1 of Chelan County, Wash., 3777, 14618, 20623
Public Utility District No. 2 of Grant County, Wash., 46053
Puget Sound Power & Light Co., 8228, 15118, 19160, 24426, 24935, 39090, 44470, 48192, 50021, 54536
Raton Natural Gas Co., 11620, 14007, 29914, 30730, 44075, 46054, 47102, 48192, 55381
Reclamation Bureau, 55579
Reinhart, D. B., 5534
Riegel Textile Corp., 45872
Rochester Gas & Electric Corp., 43778
Rockland Electric Co., 4976, 16875
Rocky Mountain Natural Gas Co., Inc., 43466
Roe, Thomas C., 43250
Royal International Petroleum Corp., 10263
Rumford Falls Power Co., 14618
S.C.C. Gas Producing Co., 56236
Sabine River Authority of Texas & Louisiana, 14940
San Diego Gas & Electric Co., 3130, 3350, 8228, 8536, 16221
Sea Robin Pipeline Co. et al., 1640, 3139, 4670, 10717, 18932, 20926, 22878, 26752, 28029, 28030, 28593, 31947, 32278, 32475, 34362, 44893, 48411, 50343, 50504, 53532, 55236
Seattle, Wash., City of, 10477, 18168, 40227
Sebring, Louis, et al., 30066
Seifried, Dean B., 43248
Shell Oil Co. et al., 3126, 14619, 15450, 16707, 51651
Shepherd Offshore Ventures et al., 23248
Sherrill, N.Y., et al., 47596
Sierra Club et al., 21222
Sierra Pacific Power Co., 2279, 4670, 10264, 18932, 21841, 24029
Skelly Oil Co. et al., 1105, 1961, 8424, 13670, 18549
Smith, Jessie L., 45058
Smith, Ralph H., 45871
Sohio Petroleum Co., et al., 3126, 7153
South Carolina Electric & Gas Co. et al., 2440, 3140, 4976, 9218, 12092, 12353, 14621, 18356, 19258, 20620, 28031, 30730, 40563
South Carolina Public Service Authority et al., 7530, 13664, 14621, 21524, 32476, 39091
South Georgia Natural Gas Co., 4670, 9219, 11219, 12776, 16876, 24029, 29761, 29914, 40234, 44470, 44893, 46385, 49888, 53851
South Louisiana Production Co., Inc., et al., 24937, 51879
South Texas Natural Gas Gathering Co., 3916, 6331, 7531, 8536, 9615, 11618, 12343, 20926, 22878, 24023, 32275, 32666, 43467, 44470, 46386, 47102, 47107, 48571, 50343, 50504, 51880, 52525, 52907, 53532
Southern California Edison Co., 1964, 5885, 7820, 8124, 8228, 13416, 15118, 19258, 19259, 21842, 23790, 25940, 29761, 32275, 33948, 34832, 37164, 39838, 40235, 41474, 43772, 43774, 47596, 51457, 52525, 54536
Southern Company Services, Inc., 55381
Southern Energy Co., 34362, 34826
Southern Gas Co. et al., 15756
Southern Indiana Gas & Electric Co., 1965, 4977, 10959, 35227
Southern Natural Gas Co. et al., 1641, 2869, 3917, 4670, 5444, 7530, 7820, 8229, 8536, 9218, 9219, 14007, 15450, 16221, 16875, 17618, 18549, 19773, 20187, 22633, 22878, 23249, 24426, 25937, 28031, 28032, 28040, 29909, 29914, 30741, 32275, 32792, 34827, 35228, 35905, 36267, 39838, 40235, 40236, 43467, 44228, 44470, 45052, 45053, 46386, 49533, 50021, 51457, 54993
Southern Services, Inc., 1642, 4671, 13416, 18935
Southern Texas Natural Gas Gathering Co. et al., 47592
Southern Transmission Corp., 17625
Southern Union Gas Co. et al., 36267, 55236
Southern Union Supply Co., 33948
Southland Royalty Co., 11218
Southwest, other, area rates, 8534, 14625
Southwest Gas Corp. et al., 1643, 6331, 7820, 10267, 14941, 30730, 32666, 34117, 35228, 39839, 40235, 49533, 51458, 54813, 55581, 56388
Southwestern Electric Power Co., 1642, 3513
Southwestern Power Administration, 7154, 10954, 34828, 35568, 39078, 48407, 50343, 56388
Southwestern Public Service Co., 10959, 18550, 32275, 32276, 43467
St. Joseph Light & Power Co., 41757, 44075
St. Regis Paper Co., 28033
Standard Pacific Gas Line, Inc., 53848
Stark, Jack F., 26271
Stingray Pipeline Co., 4671, 21223, 30399, 48412, 50022
Stone, J. G., 39079
Sullivan, Henry Clay, et al., 11618, 15118
Sullivan, Paul J., 26271
Summit Energy, Inc., 1965
Sun Oil Co. et al., 1797, 4977, 8543, 14623, 15451, 16222, 26271, 29220, 37164, 45054, 48196, 53373, 53707
Superior Oil Co. et al., 40568
Superior Water, Light & Power Co., 16222, 39385, 53533, 56236
Susquehanna Power Co. et al., 5885, 16876
Swanton Village, Vt., 16876
Tacoma, Wash., City of, 10948, 23790, 41475, 48192
Taggart, George K., Jr., et al., 11354
Tampa Electric Co., 18550, 24627, 30731, 35905, 43250
Tenneco Exploration, Ltd., et al., 30731, 41964, 43772, 47108, 49888, 53535
Tenneco Inc. et al., 12354, 17626, 20624, 22879, 32276, 36844, 50022, 50868
Tenneco LNG, Inc., 8229, 52337
Tenneco Oil Co. et al., 1966, 5444, 7153, 10715, 10959, 11623, 30399
Tennessee Gas Pipeline Co. et al., 1540, 1643, 1644, 1645, 1966, 2441, 3140, 3350, 4671, 4967, 5445, 5886, 8124, 8536, 10475, 11081, 11619, 11884, 12246, 12776, 14008, 14009, 15118, 15755, 16223, 16709, 16710, 18357, 19259, 20183, 20927, 24029, 27875, 28033, 29220, 29914, 35031, 35228, 35905, 37411, 39836, 43468, 44471, 45054, 45876, 46054, 48789, 49533, 49888, 50343, 53373, 53533, 54813, 55237
Tennessee Natural Gas Lines, Inc., 1645, 1966, 3131, 17627, 20184, 22880, 24426, 24629, 27448, 28034, 44747, 46054, 51880, 53708, 56388
Tennessee Public Service Commission et al., 15367
Texaco, Inc., et al., 1968, 6804, 10264, 11620, 15450, 36845, 41757
Texas, Inc., 6331
Texas Eastern Transmission Corp. et al., 1105, 1646, 2445, 2869, 3917, 4672, 4966, 8537, 9626, 10264, 10476, 10960, 11361, 12247, 12354, 12926, 13671, 14008, 15118, 16222, 17619, 18168, 20450, 20620, 20621, 22318, 24426, 25940, 28034, 29221, 30731, 30732, 32276, 32277, 34363, 35231, 36085, 39092, 40235, 40564, 41475, 44228, 44748, 45876, 46049, 48790, 50022, 50023, 50504, 51459, 52338, 52342, 53112, 54029, 54536, 56389
Texas Gas Exploration Corp., 16227, 16880, 18168, 32793, 42243
Texas Gas Pipe Line Corp., 1647, 10264, 14624, 16877, 24427, 54814
Texas Gas Transmission Corp. et al., 35, 1105, 1968, 5446, 5447, 7154, 9622, 10264, 10960, 11218, 11621, 13671, 14008, 14009, 16222, 16223, 16227, 18169, 18358, 19259, 21842, 22159, 23249, 24023, 25941, 26752, 28035, 28036, 29761, 30399, 32666, 32971, 34831, 35028, 36268, 37165, 37413, 38220, 39092, 40236, 42982, 43775, 43781, 44076, 44748, 44893, 46054, 46055, 47109, 48412, 50024, 53113, 53114, 53849, 54029, 54814, 56389
Texas Gulf Coast Area et al., 8534, 14625, 36268, 43772
Texas Oil & Gas Corp. et al., 7531, 10715
Tharpe, Jerome K. et al., 4861

INDEX

UMI

Thermalito Irrigation District et al., 23791
Thornbrough, Albert, et al., 9213, 15368
Tidal Transmission Co., 1541
Toledo Edison Co., 1647, 3351, 5447, 16223, 20450, 20926, 24427, 34359, 36085, 39093, 45054, 53849
Transco Exploration Co., 1541
Transco Gas Supply Co., 7531, 46519
Transcontinental Gas Pipe Line Corp. et al., 35, 820, 1535, 1536, 1969, 2685, 3131, 3351, 3917, 3918, 4965, 4968, 4977, 4978, 5447, 5448, 5449, 5450, 5674, 6126, 6331, 6332, 7154, 7821, 9010, 9616, 9617, 9926, 10265, 10267, 10961, 11218, 11361, 14011, 14012, 14625, 14941, 15367, 15756, 17618, 17627, 19773, 20184, 21843, 21844, 22159, 22633, 23791, 24030, 24427, 24629, 24935, 25937, 26272, 27445, 28036, 29916, 30732, 31947, 32277, 32793, 34831, 35032, 35228, 36698, 36845, 37413, 37856, 38221, 39094, 39839, 41475, 41757, 41758, 42982, 43469, 44229, 44471, 44749, 46055, 46056, 48193, 48194, 49890, 50025, 50344, 50505, 51459, 52341, 52907, 53114, 53533, 53849, 54536, 55237, 55581, 56389, 56858
Transwestern Coal Gasification Co. et al., 4672, 4673
Transwestern Pipeline Co. et al., 1648, 2446, 3141, 4364, 4861, 5890, 8127, 8537, 9618, 9927, 9931, 12247, 14942, 16224, 16227, 18550, 18555, 18932, 21844, 21845, 24030, 24629, 27449, 28594, 32277, 37414, 42983, 44749, 48412, 53534, 54537, 54993
Triton Oil & Gas Corp., 48413
Troporo Oil & Gas Co. et al., 14013
Trunkline Gas Co. et al., 2685, 4364, 5451, 9219, 10476, 11352, 11362, 11620, 12343, 14013, 17019, 18169, 18555, 25941, 26613, 32972, 36090, 39840, 40236, 41476, 42708, 44749, 45876, 46386, 48413, 53534, 54537, 55238
Trunkline LNG Co. et al., 28589, 36846
Tucson Gas & Electric Co., 3513, 10961, 16227, 20926, 24778, 29033, 51880, 52908, 53850, 55382
Tuohy, John J., 23791
U-T Offshore System, 14014
UGI Corp., 14943
Union Electric Co., 1541, 3141, 4979, 5886, 7533, 8128, 16227, 20451, 23791, 30399, 32973, 35906, 36085, 36086, 36268, 42244, 45055, 49527, 53534
Union Light, Heat & Power Co., 2441, 39840, 46386
Union Oil Co. of California, 7532, 17968
United Gas Pipe Line Co. et al., 1106, 1107, 1649, 1650, 1797, 1969, 2446, 3141, 3918, 4364, 4673, 5453, 6332, 7823, 8426, 8537, 9626, 9931, 11219, 11622, 11885, 12247, 15119, 15756, 16877, 17619, 18551, 18932, 18933, 19773, 19777, 19778, 20621, 20624, 20927, 22160, 22881, 23250, 24030, 24427, 24778, 24779, 26276, 26752, 27876, 28037, 28589, 29034, 29915, 30399, 30400, 30733, 31947, 34117, 34363, 35032, 35229, 35906, 35907, 36269, 36699, 37414, 39094, 40564, 41476, 41758, 43776, 44218, 44893, 44894, 45060, 46050, 46056, 48194, 48414, 48790, 48791, 49527, 49534, 49889, 50025, 50344, 50505, 51459, 51880, 52338, 53115, 53850
United Illuminating Co., 1110, 1111, 13665, 20186
United Specialties Co., 48414
United Texas Petroleum Co. et al., 9933
United Water Conservation District, 48194
Upper Peninsula Generating Co., 22319, 45055
Upper Peninsula Power Co., 3778, 7156, 20187, 22319, 30733, 36269
Utah Gas Service Co., 4674, 25937, 28590, 35229, 36086, 37856, 44472, 44750, 50505
Utah Power & Light Co. et al., 1111, 3142, 4675, 4979, 5453, 9220, 11619, 12354, 13416, 14944, 19773, 20188, 22881, 25941, 28039, 28594, 29761, 32279, 35029, 36086, 37676, 39095, 40565, 44077, 44230, 45055, 45876
Valley Gas Transmission, Inc., et al., 1650, 1970, 7533, 21698, 22160, 31946, 32277, 34363, 44751, 45055, 50026, 52338, 53534, 54815
Valley Gas Transmission Co., 37856
Vanceburg, Ky., city of, 23237
Vermont Electric Power Co., Inc., 14944, 16877, 20451, 45882
Vermont Gas Systems, Inc., 5889
Virginia Electric & Power Co., 1542, 1971, 2685, 3352, 3778, 8538, 10265, 10267, 13416, 14944, 16710, 17627, 18551, 20451, 20928, 22318, 24630, 27133, 35029, 36090, 38221, 39096, 41477, 43776, 43780, 46387, 55238
Warren Petroleum Co. et al., 6332, 48195
Washington Natural Gas Co., 21698, 43469
Washington Water Power Co., 3778, 13417, 37676, 39096, 45056
Weatherston, Douglas and George, 29752
Weinert, Hilda B., et al., 44467
Weller, Ralph A., 2441
Wells Rural Electric Co., 56390
West Penn Power Co., 12339, 22882, 26272, 29035, 32279, 37676
West Texas Natural Gas Co., 1652
West Texas Utilities Co., 3779, 27876, 27877, 28039, 28040
Western Gas Interstate Co., 12355, 18170, 18171, 42984
Western LNG Terminal Co. et al., 22628, 37415
Western Massachusetts Electric Co., 36, 28039, 33949, 36087, 37415, 40565
Western Power Division, Central Telephone & Utilities Corp., 6333, 18171, 35569, 45882
Western Transmission Corp., 19780, 33949, 41477, 44231, 53535
Westland Oil Development Corp., 12355
White, Willis S., Jr., 12356, 15119
Willamette River Basin, 26752
Wilson, Charles B., Jr., Ltd., 43459
Wisconsin Electric Power Co. et al., 1652, 4675, 7155, 13417, 19160, 46387
Wisconsin Michigan Power Co., 3132, 5452, 9932, 28040, 45061, 47102
Wisconsin Power & Light Co., 1653, 2442, 3132, 9931, 9932, 11219, 16878, 20187, 23253, 41477, 44751, 48195, 52338, 52525
Wisconsin Public Service Corp., 1107, 2442, 3779, 8229, 10717, 15451, 18172, 24428, 28040, 45882, 48791, 48792
Wisconsin River Power Co., 47110
Wiwi, Robert P., 26613
Wolfe, Jack M., 32790
Wyatt, Jack M., 25939
Xetron Minerals, Inc., 52342
Yadkin, Inc., 12344
Yankee Atomic Electric Co. et al., 9933
York, A. C., et al., 19778
York, O. C., et al., 30729
York Haven Power Co., 28040, 48414
Zachary, J.M., et al., 22874

FEDERAL PREPAREDNESS AGENCY

RULES
CFR Chapter retitled, 27722
Energy supplies, domestic; priorities and allocations authority, 43720
Government-owned industrial plant equipment; policy on use by private industry, 51397
National defense regulations, redesignation, 22562

NOTICES
Meetings:
Program Advisory Committee, 17822, 20224
Radiological incident emergency response planning interagency responsibilities; correction, 3918
Stockpile goals, 44231
Trans-Alaska pipeline; priorities assistance for construction, 44476, 53391

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICES
Annual report; availability, 42244
Meetings, 3142, 5890, 10718, 16202, 20223, 24219, 30214, 35099, 39840, 46373, 50721, 54815

FEDERAL PRISON INDUSTRIES

RULES
Inmate accident compensation, 55710

FEDERAL RAILROAD ADMINISTRATION

RULES
Accidents/incidents; reports classification and investigations:
Civil penalties, 30649
Reporting threshold, 50690
Telephonic reports, 15847, 16803
Acquisition and modernization, loan assistance; applications, 2525
Assistance to States and persons, northeast and midwest region; applications and disbursements, 2524, 9693
Employee hours of service; sleeping quarters construction, 53028
Freight car safety standards; initial periodic inspection, 44044
Locomotive inspection; telephonic reports, 15848, 16803
Operating rules and practices:
Civil penalties, 46853, 46854, 48343

Employees; safety measures, minimum standard requirements, 10908
Waivers, safety emergency orders, etc., 54183
Railroad Revitalization and Regulatory Reform Act of 1976:
Applications under section 505, 44573, 46601, 53996
Applications under section 511, 44580, 46601
Safety appliance standards; road and switching locomotives, 37783
Special notice and emergency order procedures; railroad track, locomotives and equipment, 18657, 43153

PROPOSED RULES
Accidents/incidents; reports classification and investigations:
Reporting guidelines and forms, 51428
Assistance to States; in-kind benefits, standards and procedures, 54007, 55898
Employee hours of service; sleeping quarters construction, 53070
Freight car safety standards; initial periodic inspection, 18685
Highway grade crossing warning devices; maintenance, inspection, and testing standards, 26580
Merger and consolidation procedures, 44954, 50014, 50303
Noise emission compliance, 49183
Occupational safety and health standards, railroad, 29155
Operating rules and practices:
Signal indications, observation and communication; minimum requirements, 13369, 19675
Stop-and-proceed procedures; terminated, 56679
Workmen, blue signal, protection, 48126
Power brakes and drawbars; installation, inspection, testing, and maintenance; withdrawn, 56678
Railroad Revitalization and Regulatory Reform Act of 1976:
Applications, guidelines and procedures, 22222, 23423
Guarantee committment or obligation guarantees, procedures, etc., 22228, 23423
Nondiscrimination in railroad financial assistance programs; affirmative action requirement, 46612, 48371, 51052
Rail service assistance to States; applications and disbursements, 33354
Safety appliance standards:
Box and other house cars, 51429
Road and switching locomotives, 18318, 18868
Trains, passenger, commuter and freight; rear end marking devices, 50701
Walkways on bridges, trestles, and similar structures; inquiry, 50302

NOTICES
Capital Needs Study:
Expenditures; submission guidelines, 19749, 25069
Maintenance statement, deferred; submission guidelines, 15439
Employee hours of service; policy statement; inquiry, 42692, 48163, 50522, 52351, 54047
Loan guarantee application; Missouri-Kansas-Texas-Railroad Co., 50746
Locomotive inspection test program; report, etc., 16680
Meetings:
Minority Business Resource Center Advisory Committee, 45617, 48163, 49209, 52569, 56687
Railroad Operating Rules Advisory Committee, 7983, 11860, 21216, 29468
Petitions for exemptions, etc.:
Aroostock Valley Railroad Co., 43759
Atchison, Topeka & Santa Fe Railway Co., 50304
Belfast & Moosehead Lake Railroad Co., 7543
Belt Railway Co. of Chicago, 24209
Boston & Maine Corp., 23484
Consolidated Rail Corp. et al., 53155
Curtis Milburn and Eastern Railroad Co., 22119
Delaware Otsego Corp., 7544
Delta Valley & Southern Railway Co., 13981
Duluth, Winnipeg & Pacific Railway Co., 55616
Duluth & Northeastern Railroad Co., 51077
East Jersey Railroad & Terminal Co. of Bayonne, 49919
East Troy, Wis., municipality of, 4628
Hillside County Railroad Co., 17592
Lehigh Valley Railroad Co., 7544, 7545
Long Island Railroad Co. et al., 15360
Louisiana Southern Railway Co., 11345
Maine Central Railroad Co., 26247
Maryland & Pennsylvania Railroad Co., 3889
McCloud River Railroad Co., 2110
Meridian & Bigbee Railroad Co., 53156
Norfolk & Western Railway Co., 18469, 23485, 46041
Ogdensburg Bridge & Port Authority, 45042
Penn Central Transportation Co., 1312
Port Authority Trans-Hudson Corp., 51077
Southern Railway System, 14811
Texas South Eastern Railroad Co., 19156, 43759
Valley & Siletz Railroad Co., 51077
Vermont Railway, Inc., 55250
Rail lines, classification and designation; guidelines for submission of traffic density analysis, 10727, 17003
State participation programs:
Arizona, 12733, 18340
Minnesota, 17958
Washington, 17958
Voice train control system; Baltimore & Ohio Railroad Co; approval, 22397

FEDERAL REGISTER OFFICE

RULES
CFR Checklist; 1975 issuances, 1, 4809
CFR Checklist; 1976 issuances, 8765, 13895, 18283, 22033, 27025, 32205, 36791, 43385, 47909, 52643
Documents, preparation and transmittal:
Preamble format requirements for proposed or final regulations, 56624

PROPOSED RULES
Documents, preparation and transmittal:
Preamble format requirements for proposed or final regulations, 32861

NOTICES
Acts requiring publication in Federal Register, table, 10092
Armed Services Procurement Regulations:
CFR publication; incorporation by reference denied, 18558
Directory of Federal regional structure, agency maps and tables, 33452
"Federal Register—what it is and how to use it", educational workshops
Atlanta, Ga., 29232
Boston, Mass., 22638
Chicago, Ill., 26083
Kansas City, Mo., 36546
New York, N.Y., 28046
Pittsburgh, Pa., 48423
Washington, D.C., 22997, 46527
Freedom of information:
Agency index material, availability; use of format, 10493
Index requirements: 1975 annual guide to agency material, 4678
Index requirements; 1976 quarterly guides to agency material, 18098, 29720, 47510
Inflation impact statements; publication guidelines, 43476
Legal drafting workshop for publication in Federal Register, 22864
National Fire Codes:
National Fire Protection Association Technical Committee reports; availability, 47295, 48196
Standards, proposed revision; inquiry, 19261
Privacy Act:
Dates and pages of publications, table, 4710
Publications guidelines, 32362
Record Retention Requirements Guide, 1976, 19426
Scheduling program, experimental, agency documents published on assigned days of week; inquiry, 5453, 32914

FEDERAL RESERVE SYSTEM

RULES
Authority delegations:
Board employees and Federal Reserve Banks; specific functions, 27026, 28946, 36198, 38759, 39736, 53775, 54480
Board members, specific functions, 55858
Board of Governors and Federal Reserve Banks; agent registration, transfer, 20395, 26854
Board of Governors and Federal Reserve Banks; application proceedings, 14860
Board of Governors and Federal Reserve Banks; foreign applications, 1738
Bank holding companies:
Corporate practices, 15688
Escrow arrangement involving bank stock resulting in violation, 9859, 12009
Nonbanking activities; automobile leasing; permissible activity, 45977
Nonbanking activities; underwriting for credit insurance, 22260
Stock interests in foreign joint ventures, 7496

INDEX

UMI

Banks foreign activities:
Corporations engaged in foreign banking and financing; stock interests in foreign joint ventures, 7496
Stock interests in foreign joint ventures, 7496
Banks; reserves; cash items; collection process, 26679
Banks, State:
Loans in flood-prone areas, 1269, 10061
Securities, 46427
Clearing and settlement facilities, Federal Reserve; interim policy on access to, 3074
Consumer Advisory Council, organization and procedure, 49802
Credit by banks:
Margin stocks, purchasing or carrying; form revised, 23667, 35477, 48335, 52980
OTC margin stock list, 21608, 28258
Credit by brokers and dealers:
Escrow receipts for option transactions, 34938
Options, writing; uniform margin requirements, 43895
OTC margin stock list, 21608, 28257
Credit by persons other than banks, brokers, or dealers:
Purchasing or carrying margin stocks, 21608, 28257
Registration, reporting requirements, etc., 30007
Credit extensions by Federal Reserve banks:
Rate changes, 4540, 52979
Seasonal credit, 36808
Defense production; loan guarantees, 6765
Equal credit opportunity:
Act modification, 13579
Credit information, furnishing; interpretation, 49087, 51389
Equal credit opportunity, nondiscrimination on basis of sex or marital status:
Application evaluation; interpretation, 55174
Consumer credit protection, 20576, 38759
Penalties and liabilities; interpretations, 28255
Federal Open Market Committee:
Domestic policy directives, 22320
Freedom of information:
Federal Open Market Committee, 22261
Home Mortgage Disclosure Act; implementation, 23931
Interest on deposits:
Definitions, savings deposits withdrawal, 10062
Payment of time deposits before maturity: CFR correction, 32578
Penalty on withdrawal; minimum deposit requirements, 50243
Subordinated notes, 26198, 26200
National defense regulations, redesignation, 22562
Reserves of member banks; balances required to maintain on demand deposits; reserve percentages, 56627
Reserves of nonmember banks; deposits; subordinated notes, 26199, 26201
Securities credit transactions:
OTC margin stock list, 21608
Truth-in-lending:
Consumer Leasing Act; implementation, 45538
Fair credit billing, 5098, 6061
Finance charge identification on periodic statements, credit card issuance, etc.; interpretations, 54477
Mortgage insurance premiums; inclusion in payment computation; interpretations, 56628
Official staff interpretations, 28255, 29809, 41908, 44855, 47409, 51389, 51390
Open end credit accounts; collection program; interpretations, 52980
Open end credit accounts; transactions, 20395, 36662, 55329
Real estate settlement procedures, 5098
Single-component finance charges; disclosures, 28945
Statutory base finance charge and service charge; clarification of definitions; interpretations, 55857
Unfair or deceptive acts or practices, consumer complaint procedures, 44362

PROPOSED RULES

Bank holding companies:
Administration, 26231
Automobile leasing; permissible activity, 4022
Management consulting advice, 33306
Nonbanking activities, 5134, 7121, 47083
Payment instruments issuance, 14902
Banking institutions, State; membership:
Banking practices, 26231
Banks, Federal Reserve; collection of checks and other items and transfer of funds, 3097
Banks; interlocking relationships; minority banks, 46352
Banks, State; securities, 8394
Consumers' rights and credit transactions; unfair or deceptive acts or practices, 7110
Credit by banks; OTC margin stock list, 11326
Credit by brokers and dealers:
Options exchange specialists, credit, 55552
OTC margin stock list, 11325
Credit by Federal Reserve Banks; seasonal credit, 26935
Credit by persons other than banks, brokers or dealers; purchasing or carrying margin stocks, 11324
Equal credit opportunity, nondiscrimination on basis of sex or marital status:
Authority, definitions, etc., 29870, 49123, 51837
Consumer credit protection, 1769, 22592, 38786
Home Mortgage Disclosure Act, implementation, 13619, 15719
Interest on deposits:
Individual retirement accounts, 31576
Savings, withdrawals, 12039, 18523
Time and savings; pooling of funds, 10917, 20590
Member bank deposits at nonmember banks, 50001
Truth-in-lending:
Consumer Leasing Act; implementation, 28313, 30139
Dealer participation, amount, disclosure, 35536
Fair credit billing, open-end credit, 20421
Lease disclosure statements, sample, 56657
Single-component finance charges; disclosures, 10077, 14194
Spanish language disclosures in Puerto Rico, 55198
Variable interest rate loans, disclosure, 47497

NOTICES

Board actions; applications and reports, 22161, 22423, 23756, 24429, 26074, 26753, 28354, 29036, 32291, 34364, 35571, 36547, 37416, 38824, 39840, 39843, 41163, 41965, 42985, 43961, 44894, 47596, 47599, 48415, 50027, 51466, 52525, 53115, 54538, 55938, 56390, 56710
Consumer Advisory Council; membership suggestions, 14599
Equal Credit Opportunity Act Amendments; regulation preparation; inquiry, 14599
Federal Open Market Committee:
Domestic open market operations; authorization, 12926
Domestic policy directives, 2113, 5351, 10478, 15760, 19262, 27782, 32293, 35570, 42990, 48002, 51881
Foreign currency operations; authorization, 8430, 51881
Monetary aggregates, longer-run ranges, 50869
Home Mortgage Disclosure Act exemption applications, 29917, 34701, 43470, 55581
Idaho disaster areas; early withdrawal penalties; temporary waiver, 27134
Insured banks; joint call for report of condition, 1525, 15363, 30057, 46387
Meetings:
Consumer Advisory Council, 47111
Organization and functions; Board of Governors, 50029
Privacy Act; systems of records, 30574, 39702
Securities credit transactions:
OTC margin stock list, 11219
Applications, etc.:
A & K, Inc., 46057
Abilene Co., 7178
Adair Insurance Agency, Inc., 12356, 21410
Agri-Bank Corp., 30401, 43963
Alabama Bancorporation, 1817
Allen Bancshares, Inc., 821
Alpine Bancorporation, Inc., 18476
Ameribanc, Inc., 10093, 43958, 47601, 51460
American Affiliates, Inc., 15368, 26075
American Bancorporation, 14, 5148
American Bancshares of Mankato, Inc., 26076
American National Bancshares, Inc., 13673
American Security Corp., 8543, 31616, 46387, 50869
Americorp., 49673
Ancorp Bancshares, Inc., 1817, 37857, 51460
Associated Bank Corp., 53536
Baldwin, D. H., Co., 20453, 26276, 28356, 50031
Banc-Southwest Corp., 46057
BanCal Tri-State Corp., 2279, 16880, 24630, 36549, 36699
Banco de Santander, S.A., 26076, 32973
Bancohio Corp., 10267
Bancoklahoma Corp., 14597, 28355
Bancook Corp., 27781
Bancorporation of Montana, 35032
Bank Computer Services, Inc., 5351
Bank Land Co., 35231, 49195
Bank of New Orleans & Trust Co., 54540

Bank Shares Inc., 3142, 26756, 26956
Bankamerica Corp., 7178
Bankers Trust Co., 41967
Bankers Trust New York Corp., 9934, 35907
Banks of Iowa, Inc., 13673
Bankshares of Hawley, Inc., 16227, 27782
Bankstock One, Inc., 56392
Barnett Banks of Florida, Inc., 14597
Baybank Newton-Waltham Trust Co., 23758
Benson Bancshares, Inc., 24219
Berlin City Bank, 28356
Bevdale Inc. et al., 39387, 41968
Blair Banco, Inc., 9233
Boatmen's Bancshares, Inc., 5351, 17820, 42987, 52528
Bosshard Banco, Ltd., 36847
Boyden Bancorp, 45915, 55382
Braymer Bankshares, Inc., 43963, 51461
Bren-Mar Properties, Inc., 7179, 17820, 44896
Broward Bancshares, Inc., 10961
Burleson Bancshares, Inc., 18935
BUYA Corp., 3781, 19263
C.I.T. Financial Corp., 21699, 37419, 42988, 56712
C N Banc Holding Corp., 31617
Cameron Bancshares, Inc., 821, 9934
Capital First Corp., 8229
Cardinal Bancorporation, Inc., 5149, 37418
CB&T Bancshares, Inc., 31263, 53536
CBT Co., 7590
CCNB Bancshares Corp., 36700, 51461
Cedar Investment Co., 12356, 26957
Central Bancompany, 51462
Central Bancorp, Inc., 23759
Central Banking System, Inc., 3781
Central Missouri Bancshares, Inc., 6804
Central Mortgage Bancshares, Inc., 821, 20928
Central Trust Co., 15757
Central Wisconsin Bankshares, Inc., 22425
Century Financial Corp. of America, 31262
Century Financial Corp. of Michigan, 44897
Chambanco, Inc., 24630
Chapter Clarendon Bancorporation, Inc., 48417
Charter Clarendon Bancorporation, Inc., 28356
Chemical Financial Corp., 37418
Chemical New York Corp., 10962
Chester Insurance Agency, Inc., 821, 6334
Chittenden Corp., 54540
Citi Bancorp, 12093, 35033
Citicorp, 2687, 13673, 32668, 42989
Citizens Ban-Corp., 18557, 43470
Citizens Bancorporation, 2279, 10268
Citizens Bancshares, Inc., 1818
Citizens Financial Corp., 3142
Citizens National Corp., 35767, 48611
Citizens & Southern Holding Co., 7466, 8833
Clear Bancorp, Inc., 10963
Clevetrust Corp., 2112, 8230, 9233, 20452
CN Banc Holding Co., 18556
Colonial Bancorp, Inc., 29494, 48417
Columbia Bancorporation, 41968
Columbia Holding Corp., 8430, 29495
Columbus Insurance Agency et al., 11363
Commerce Bancshares, Inc., 12093, 51880
Commercial Bankshares Corp., 18557
Commercial National Corp., 12094, 22994, 55940
Community Bancshares, Inc., 26076, 37419
Crawford State Co., 10963, 21845
Crestwood Banking Co., Ltd., 41165, 53536
Crete State Corp., 2112
CU Bank Shares, Inc., 12357
Cubanc Corp., 12356, 34366
Cullen Bankers, Inc., 20625
Daiwa Bank, Ltd., 51462
Dakota Bancorporation, 10478, 11363, 21411, 35091, 55382
Dale Sprague Enterprises, Inc., 24219
Delta Bancorporation, Inc., 41165, 52529
Depositors Trust Co., 41968
Deseret Bancorporation, 31263, 44897
Dorchester State Co., 46057
Dorset Bancshares, Inc., 14598, 16228
Downs Bancshares, Inc., 15757
Dubois Bankshares, Inc., 1330
Edward Bates & Sons, Ltd., 56393
El Dorado Bancshares, Inc., 14432, 25052
Elgin Bancshares, Inc., 15368
Ellis Banking Corp., 2112, 3782, 10268
Empire Bancorp Inc., 1545
Equimark Corp., 31618
Erie Bankshares, Inc., 39387, 52533
European-American Bancorp., 49673
Evans Insurance Agency, Inc., 34701, 53852
Exchange Bancorporation, Inc., 26077, 44898, 48418, 48419
Exchange Bancshares, Inc., 6805, 17821
Falsbuilding, Inc., 30068
FAM Financial Inc., 15368, 39388
Federal Capital Corp., 8231
Federated Capital Corp., 6126
Fiduciary Investment Co. of New Jersey, 26277
Financial General Bancshares, Inc., 5151
First Altus Bancorp, Inc., 18936
First Arabian Corp., 44472, 56394
First Arkansas Bankstock Corp., 827, 28357
First Banc Group Inc., 8430, 19263
First Bancorp, Inc., 6333, 49674, 50345
First Bancshares, Inc., 50869
First Bancshares of Florida, Inc., 822, 46650
First Bank System, Inc., 9935, 41969
First City Bancorporation of Texas, Inc., 18557, 32668, 41970, 46058
First Co., 52530
First Colonial Corp., 23759
First Commercial Banks, Inc., 38824, 52529
First Frederick Building Corp., 46388
First Freeport Corp., 28357, 36700, 49674
First Guaranty Bank, 32293
First Handi-Bankshares, Inc., 41970
First Hanover Park Corp., 34118, 44898
First International Bancshares, Inc., 44898, 46388, 53117
First Lincolnwood Corp., 2688
First Marine Banks, Inc., 14945
First Maryland Bancorp., 36550
First Michigan Bank Corp., 37857, 49195
First Midwest Bancorp., Inc., 35573, 46058
First Missouri Banks, Inc., 20929, 29495, 32294
First National Bancorporation, Inc., 7823, 44472
First National Bancshares, Inc., 2112
First National Bancshares of Dodge City, Inc., 51462
First National Boston Corp., 9935, 12357, 18173, 49674
First National Charter Corp., 4075, 11364, 44473, 55239
First National Cincinnati Corp., 29496
First National Corp., 16616, 29917
First National Financial Corp., 16881, 36550, 47111, 48611, 54540
First National Holding Corp., 46059, 46650
First National Insurance Agency, Inc., 14432
First New Mexico Bankshare Corp., 14433
First Okmulgee Corp., 44473
First Penn Corp., 823
First Progressive Bank, 43958
First Security Corp., 22634, 32973, 35033, 41970, 50345, 51462
First Tennessee National Corp., 8231, 36700
First Tribune Insurance Agency, Inc., 3143, 13674
First Union Corp., 16228, 21700
First United Bancorporation, Inc., 23759
First Virginia Bank of Colonial Heights, 42990
First Virginia Bankshares Corp., 10963
First Wewoka Bancorporation, Inc., 29039, 32668, 42991
First Yukon Bankshares, Inc., 23486, 34366
Fishback Insurance Agency, Inc., 29039, 41971
Flandreau Holding Co., 2688
Florida Bankshares, Inc., 14434, 26077
Florida Coast Banks, Inc., 36847
Florida National Banks of Florida, Inc., 4075, 33334
Florida Shares, Inc., 36847
FM Co., 54541
FMB Corp., 7590
Fort Sam Houston Bankshares, Inc., 23759, 34367
Fredericksburg Financial Corp., 52530
Freeco, Inc., 46059, 56394
Frostbank Corp., 29040, 44899
Gallatin Bancshares, Inc., 822
Gavic Services, Inc., 2688
Gaylord Bancshares, Inc., 31263
Gaylord Bankshares, Inc., 55383
General Financial Systems, Inc., 2113
Georgia Trust Co., 34702
Gilman Corp., 16228
Glencoe Capital Corp., 1818
Great Lakes Financial Corp., 9935
Great Southwest Ban Corp., 52530
Hampton Bankshares Corp. et al., 27133, 43471
Harlan National Co., 26077, 42991
Harvard State Co., 9936, 36701
Hastings State Co., 14946, 31263
Hawaii Bancorp., Inc., 37420
Hawkeye Bancorporation, 51881, 53118
Heller, Walter E., International Corp., 21700, 27785
Henderson State Co., 7179
Horizon Bancorp., 30401, 32668, 48419
Humboldt Bancshares, Inc., 2113
IB & T Corp., 30402, 41165
Illinois Savings & Loan League et al., 43470
Independent Bank Corp., 36847
Indian Head Banks, Inc., 17021, 32668

INDEX

UMI

Indiana National Corp., 50869
Industrial Loan & Investment Co., 35908
International Bancorporation, 6805, 34832
Investment Corp. of America et al., 37857
Iola Bancshares, Inc., 36550
Jacobus Co. et al., 33337
Jan-Mar Corp., 26078
Kaskaskia Bancshares, Inc., 5150, 15758
King Ranch, Inc., 29040, 43960
Labanco, Inc., 10478
Lake View Bancorp, Inc., 46650
Landmark Banking Corp., 12926
Lawrence Bancshares, Inc., 28359, 42992
Leeds Holding Co., 13675, 24631
Liebl Insurance Agency, 5351
Lisco State Co., 30068, 44473
LITCO Corp. of New York, 34368, 47112
LubCo BancShares, Inc., 41165
Lyons Bankshares, Inc., 37857, 50345
M & D Holding Co., 35092
M&S Bancorp, 21411, 42993
Manchester Financial Corp., 54541
Manly State Bancshares, Inc., 48419
Manufacturers Bancorp, Inc., 56395
Manufacturers Hanover Trust Co., 20453
Manufacturers National Corp., 46059
Marine Corp., 41971, 51462
Marion National Corp., 46650
Mark Twain Bancshares, Inc., 10963
Marshall & Ilsley Corp., 11629, 21846
Maryville Bancshares, Inc., 20452
Massachusetts Bay Bancorp, Inc., 1331, 8832
McLean American Bancshares, Inc., 47601
Melcap, Inc., 6126
Mellon National Corp., 31264
Mercantile Texas Corp., 8232, 28359, 33336, 51463
Merrill Bankshares Co., 11629, 22995
Metro Insurance Agency, Inc., 1331, 8546
Metropolitan Investments Co. et al., 35032, 37857
Metropolitan Investments Corp., 43958
Michigan Financial Corp., 47113, 55384
Michigan National Corp., 823, 16228, 36550
Midwest Bancshares, Inc., 44899
Midwestern Services, Inc., 31270
Milco Bancorporation, Inc., 32975, 46059
Millikin, James, estate of, 36550, 50032
Millikin Bancshares, Inc., 36550, 50031
Milwaukee Western Corp., 26958, 37420
Mingo Bancshares, Inc., 49675
Monona Bancorp., 24735
Montgomery Bancorporation, Inc., 23759
Montrose Bancshares, Inc., 1546
Mount Morris Banshares, Inc., 39844
Mountain Financial Services, Inc., 6333, 49675
Mountain Grove Bancshares, Inc., 20453
MPS Investment Co., 24631
Nabach, Inc., 10269, 32294
National Central Financial Corp., 32974, 50346
National City Corp., 15368, 27782
National Detroit Corp., 2689, 4639, 13675, 15368, 43472
NBF Corp., 12358
NCNB Corp., 41165, 51465
Nebraska Banco, Inc., 25052
Nevada Brick & Tile Co., 2689
North Lawndale Economic Development Corp., 3783, 24631
Northeast Bancorp, Inc., 43960, 51465
Northeast United Bancorp, Inc. of Texas, 3782, 50347
Northstream Investments, Inc., 1819
Northwest Arkansas Bancshares, Inc., 31618
Northwest Bancorporation, 39387, 46388
Northwest Ohio Bancshares, Inc., 14, 4075
Offerle Investment Co., Inc., 5351, 16881
Oklahoma State Bancorporation, Inc., 46060
Old Canal Bankshares, Inc., 43473
Old Kent Bank of Kenwood, 7180
Old Kent Financial Corp., 7180
Old National Bancorporation, 35908
Old Stone Corp., 48611, 49890, 52531
ONB Corp., 26078
One Corp., 14434
Orwig & Co., Inc., 3143
Osborn Bancshares, Inc., 52531
Page Bank Holding Co., 55941
Pan National Group, Inc., 51466
Panhandle Bancshares, Inc., 17821
Park Financial Corp., 20625
PBC, Inc., 824, 10269
Peninsula Financial, Inc., 28359, 48611
Peoples Bancshares of Schuyler County, Inc., 53852
Peoples Bankshares, Inc., 4640
Peoples Bankshares, Ltd., 27783
Peoples Credit Co., 1331, 8430, 10269, 19264, 43964, 52534
Philadelphia National Corp., 30068, 34702, 43473, 47601
Platte Valley Bancorp. Inc., 26078, 41971
Popular Bancshares Corp., 824
Putnam National Corp., 53852
Quivira Banc Shares, Inc., 35034
Rainwood Corp., 31270
Reed Street Co., 53853
Republic of Texas Corp., 1331, 8431, 13676, 21412, 24428, 27783, 36269
Ribanco, Inc., 825, 12094
Roaring Fork Bancorporation, 9234
Roger Billings, Inc., 26756, 41972
Rossiter & Matney Insurance Agency, Inc., 7466, 22996
Roxton Bancshares, Inc., 10479
Royal Trust Bank Corp., 31270, 52532
Royal Trust Co. et al., 4641, 13676, 18173, 24428, 24633, 31270, 49196, 52532
Rutland Bancing Corp., 4641
Santa Ana Bancorp., Inc., 44474
Scribner Bancshares, Inc., 22635, 56395
Seattle Trust & Savings Bank, 39388
Security Bancorp, Inc., 1546, 28359, 53853
Security Bancshares, Inc., 36551
Security Pacific Corp., 16616, 26756
Sedalia Enterprizes, Inc., 27784
Seilon, Inc., 34368
Shaw Investment Co., 29040, 47601
Shawnee Mission Bancshares, Inc., 10964
Sheldon Security Bancorporation, Inc., 46060
Sibley Bancorp., 31270
Sidney Holding Co., 33336
Sierra Petroleum Co., Inc., 10964, 24428
Sioux National Co., 32974, 46388
South Dakota Bancshares, Inc., 822, 15759
Southeast Banking Corp., 12094, 48420
Southern Bancorporation, Inc., 2114, 7181, 30068, 50032
Southern Bankshares, Inc., 33337, 46060
Southland Bancorporation, 5150
Southwest Florida Banks, Inc., 12095, 21700
Spalding City Corp., 34368, 45915
Standard Prudential Corp., 36552
Starbuck Bancshares, Inc., 4862, 18476
Stark Bankshares, Inc., 39844, 52532
State Street Boston Financial Corp., 4075
Stepp, Inc., 14434, 48420
Stillwater Holding Co., 49675
Sumner County Bancshares, Inc., 3784, 20929
T.I.C. Inc., 43960
T.N.B. Financial Corp., 47602, 53537, 56715
Tennessee National Bancshares, Inc., 29040, 35092
Texarkana National Bancshares, Inc., 35232, 49197
Texas American Bancshares, Inc., 11364
Texas Commerce Bancshares, Inc., 1331, 2114, 10270, 39389, 44899
Tioga Bank Holding Co., 16228, 25053
Toronto-Dominion Bank, 825
Tower-Soudan Agency, Inc., 32974
Town Financial Corp., 5351, 16881
Trans Texas Bancorporation, Inc., 5679
Trinity Capital Corp., 24220
Trust Co. of Georgia, 46651, 54541, 54542
Union Holding Co., 33337, 48421
Union Trust Bancorp., 23486, 34703
Union Trust Co., 16228
Union-Adams Bancorp., 12095
United Bancorp., 47113
United Bancshares of Nebraska, Inc., 30402
United Bankshares, Inc., 23759
United Counties Trust Co., 8431
United Investments Corp., 10965, 24428
United Jersey Bank/Central, 46061
United Michigan Corp., 47113, 55384
United Missouri Bancshares, Inc., 6127, 6335, 14598
United Rock Construction, Inc., 28360
University Bancshares, Inc., 13676
Utah Bancorp., 56715
Utica Agency, Inc., 24429, 47602
Valley of Virginia Bankshares, Inc., 14434, 19383
Van Diest Financial, Ltd., 2869
Vermillion Bankshares, Inc., 9234, 15760
Washington Bancshares, Inc., 24634
Webb, Byron B., Inc., 53852
Weleetka Bancshares, Inc., 14599
Wellston Bancshares, Inc., 8547
Wesbanco, Inc., 24220
West Point First National Co., 2114, 8232
West Texas Bancorporation, Inc., 48421
Western Michigan Corp., 12358, 28361, 53118
Westland Banks, Inc., 54542
Windsor Bancshares, Inc., 47603
Woodbine Agency, Inc., 12358, 21701
Woodfield Investment Corp., 8831
Worcester Bancorp. Inc., 9936, 29040
Y & S Investment Co., 55239
Yoakum County Bancshares, Inc., 56715

FEDERAL SERVICE IMPASSES PANEL

RULES

Privacy Act; implementation, 14725

PROPOSED RULES

Privacy Act; implementation, 1400

NOTICES

Privacy Act; systems of records, 1403, 54464

FEDERAL SUPPLY SERVICE

RULES

Procurement, 11023, 12013, 27037

PROPOSED RULES

Property management, 16833

NOTICES

Procurement:
  Cost accounting standards administration, 51448, 56238
  Interagency Procurement Policy Committee; functions, membership, etc., 51447, 56238

FEDERAL TRADE COMMISSION

RULES

Administrative opinions and rulings:
  Private association advertising standards, publication, 34594
  Trade association membership, refusal, 34594
  Training school advertising, 34594
Consumers' rights and credit transactions, 4817, 34594
Flammable Fabrics Act; references deleted, 4814
Fur Products Labeling Act; pointing, dyeing, bleaching, or otherwise artificially coloring, 2636
Games of chance in food retailing and gasoline industries; exemption to Fox Grocery Co., 48516
Organization, procedures and practice rules:
  Adjudicative procedures; authority delegations, 54485
  Adjudicative procedures; brief length, 17723
  Administrative law judge, disqualification, 8340
  Conduct standards, redesignation, 54483
  Consent agreements; elimination of time limitation within which agency acts, 9860
  Documents; disclosure, 16453
  Documents; form, filing, and service requirements, 9860, 18407
  Flammable Fabrics Act references deleted, 4814
  Freedom of information requests, 52867
  Nonadjudicative procedures; authority delegations, 54485
  Organization, 54483
  State and local law, rule effect on; consideration, 47230
Prohibited trade practices:
  All Seasons Air Conditioning Corp. et al., 27959
  Almacenes Hernandex Corp. et al., 14501
  American Express Co., 24582
  American Image Corp. et al., 11172
  Anaconda Co., 10419
  Andrex Industries Corp. et al., 37572
  Argonaut Investments, Inc., et al., 8340
  Baltimore Stereo Wholesalers et al., 10420
  Beltone Electronics Corp., 47411
  Benton & Bowles, Inc., 32420
  Bird & Son, Inc., 15688, 17888
  Boverman Fabrics, Inc., et al., 27827
  British Oxygen Co., Ltd., et al., 753
  Busch's Jewelry Co., Inc., et al., 14502
  Carpets "R" Us, Inc., et al., 13909
  Chrysler Corp., 20653
  Circulation Builders, Inc., 11279
  Clark, William R., 35843
  Clover Jewelers Blvd., Inc., et al., 13580
  Coca-Cola Co. et al., 53653
  Colwell & Co. et al., 2633
  Continental Collection Bureau of America, Inc., et al., 19202
  Continental Collection Service et al., 19201
  Cope Enterprises, Ltd., et al., 9860
  Corn, Joseph, & Son, Inc., et al., 53658
  Creative Replacements, Inc., et al., 50807
  Crown Central Petroleum Corp., 36198
  Daby's Furniture Corp. et al., 14503
  Dahlberg Electronics, Inc., 47413
  DiLido Shops, Inc., et al., 4815
  E. & J. Gallo Winery, 46847
  Electronic Computer Programming Institute, Inc., et al., 53653
  Encyclopaedia Britannica, Inc., et al., 17884, 19301
  Food Town Stores, Inc., et al., 50809
  Forest City Enterprises, Inc., 11812
  Forest City Materials Co., 11812
  Fox & Lenkofsky, Inc., et al., 13580
  Frost, Stewart, Inc., et al., 14505
  Furniture Corp. of America, 53655
  G. & A. Industries, Inc., et al., 6719
  Gibson Products Co. et al., 31375
  Gifford-Hill & Co., Inc., 50809
  Great Atlantic & Pacific Tea Co. Inc. et al., 24341
  Guardian Loan Co., Inc., 53656
  Hair Replacement Centers of Boston, Inc., et al., 24979
  Hang Ups Sportswear Ltd. et al., 22810
  Hercules Inc., 4815
  Hertz Corp. et al., 37573, 53780
  Hong Kong Custom Tailors, Inc., et al., 48114
  International Inventors Inc. et al., 51787
  J & J Furniture Corp. et al., 14504
  Johnson Products Co., Inc., et al., 11172
  Kane-Miller Corp. et al., 50643
  Kaufman Carpet Co., Inc., et al., 50416, 50417, 50418
  Kirby of North Providence, Inc., 19624
  Koscot Interplanetary, Inc., et al., 5271, 14728
  Kraftco, Inc., et al., 21442
  Kraftco Corp., 47414
  Kurtz, J., & Sons, Inc., et al., 24981, 26679
  Lafayette United Corp. et al., 53464
  Le Conte Cosmetics, Inc., et al., 24987
  Leesin International, Inc., et al., 2078
  Levitz Furniture Corp., 46848
  Liggett & Myers Inc., 23377
  Lindal Cedar Homes, Inc., et al., 6720
  Lustrasilk Corp. of America, Inc., et al., 7744
  Magnetic Video Corp. et al., 2634
  Maico Hearing Instruments, Inc., 38162, 47415
  Main Street Furniture, Inc., et al., 5124
  Man Products, Inc., et al., 11478
  Marjo Systems, Inc., 11813
  Martinez, Leonel, 2079
  Mayfair Super Markets, Inc., 11814
  McCrory Corp. et al., 24342
  Medalist Industries, Inc., et al., 53782
  Meyer, Fred, Inc., 8340
  Michael Milea/Peter Sinclair, Ltd., 3076
  Mr. Martinez of Miami, Inc., et al., 2079
  Mutual Construction Co., Inc., et al., 18407
  Mutual Home Equipment Co., Inc., et al., 17888
  Nagle, Spillman & Bergman, Inc., 40458
  National Commission on Egg Nutrition et al., 34939
  Nationwide Training Services, Inc., et al., 18505
  New England Tractor Trailer Training of Massachusetts, Inc., et al., 34019, 34742
  New Process Co., Inc., et al., 24989
  Nikko Electric Corp. of America, 34939
  North American Collections, Inc., et al., 19203
  Northerlin Co., Inc., 34941
  Nosoma Systems, Inc., et al., 50810, 52295
  Owens-Corning Fiberglas Corp., 50811, 52295
  Pacific Homes Mortgage & Investment Co., 18507
  Pande, Cameron & Co. of New York, Inc., 53783
  Parker Advertising, Inc., 6065
  Pay Less Drug Stores Northwest, Inc., 24991
  Pay'N Pak Stores, Inc., 9862
  Peacock Buick, Inc., et al., 7388
  Peoples Drug Stores, Inc., 5272
  Perma-Strate Co. et al., 7745
  Porter, Leonard F., Inc., et al., 53659
  Power's Service, Inc., et al., 19204
  Pubco Corp. et al., 14728
  Publishers Service Co. of California et al., 11279
  Qualitone, Inc., 47417
  Radioear Corp., 47419
  Rein, Bernard, 3076
  Relco, Inc., et al., 49480
  Rentex, Inc., et al., 29099
  Richard Foods Corp. et al., 31527
  Rich's, Inc., 27720
  Robertson, Bill J., et al., 11815, 14367
  Rubbermaid, Inc., 20161
  Service Corp. International, 53468
  Shaklee Corp., 11480
  Sherry Manufacturing Co., Inc., et al., 52659
  Shinyei Co., Inc., et al., 53470
  Silton Brothers, Inc., et al., 24583
  Simeon Management Corp. et al., 23377, 27030
  Sinder, Leon, 2078
  Soft Sheen Co., Inc., 7939
  Soloff, A., & Son, Inc., et al., 8342
  Sonotone Corp., 47420
  Sound Alike Music Corp. et al., 22811
  Soundtrack Chevell Industries, Inc., et al., 52660
  Standard Oil Co. (Indiana), et al., 3077
  Stepp, Carl, et al., 48113
  Stereo Equipment Sales, Inc., 10420
  Stern, Walters & Simmons, Inc., 11283
  STP Corp., 11283
  Strawbridge & Clothier, 18409
  Strickland, J., and Co. Inc., et al., 24987
  Sunshine Originals of Miami, Inc., et al., 40460
  Tarra Hall Clothes, Inc., et al., 13581
  Texora International Corp. et al., 11817
  Thrifty Drug Stores Co., Inc., 19624
  Trans National Credit Corp. et al., 19205
  Tri-State Driver Training, Inc., et al., 50812, 52295

90-000 O - 77 - 6

INDEX

UMI

U.S. Marketing Institute et al., 51789
Union Carbide Corp., 5272, 7747
United Audio Products, Inc., 34249
United Compucred Collections, Inc., et al., 19206
Van Schaack & Co., 2635
Virginia Mortgage Exchange, Inc., et al., 11482
Vitamin Education Institute et al., 14729
Walker-Thomas Furniture Co., Inc., et al., 6724
Walter Kidde & Co. Inc., 31376
Warner-Lambert Co., 2381, 53471
Weaver Airline Personnel School, Inc., et al., 23379, 36199
Well & Co., Inc., et al., 14506
Textile Fiber Products Identification Act:
Names and definitions; "Nomex"; CFR correction, 48115
Trade practice rules, various industry guides; obsolete Parts rescinded, 2382
Warranties:
Disclosure of terms and conditions; correction, 4814
Settlement procedures, informal dispute; effective date postponed, 27828, 47914
Written warranty terms, pre-sale availability; microfiche reader system, 53473

PROPOSED RULES

Air conditioners, room; labeling and advertising, 8398
Case law principles; trade regulations, 3322
Consumers' rights and credit transactions, 4833, 5305, 7121, 7789
Drugs, over-the-counter; advertising:
Antacids, 14534, 24724
Hearing dates, etc., 50697
Inquiry, 1501, 39768, 53355
Drugs, prescription; retail price disclosure, 27391
Food advertising, 8980, 10453, 21368, 35725
Funeral industry practices, 7787, 8398
Health spas; extension of time, 14903
Mergers and acquisitions; financial transactions and institutions; transitional policy, 55488
Motor vehicles, used; disclosure and other regulations concerning sale, 1089, 2100, 10233, 20896, 22847, 26032, 39337
Ophthalmic goods and services; advertising, 2399, 14194, 14903, 16183, 33925
Organization, procedures and practice rules:
Adjudicative and nonadjudicative proceedings; Sunshine Act implementation; open meetings, 55885
Adjudicative proceedings, 21793, 24416, 27744
Conduct standards, redesignation, 54922
Consent settlements; disclosure of information, 36823
Protein supplements; advertising and labeling, 10232, 22593
Sunshine Act; implementation, 55885
Textile products and leather wearing apparel; care labeling, 3747, 5641, 35863
Trade practice rules, various industry guides:
Modification of rules, 2399
Obsolete CFR Parts rescinded, 2398
Vocational and home study schools; advertising, disclosure, cooling-off and refund requirements, 47267
Warranties:
Consumer products, refund depreciation deductions, 22099, 32911
Guidelines; implementation policy, 34654

NOTICES

Authority delegations:
Consumer Protection Bureau Director; VA referrals, 5868
Financial Statistics, General Counsel and Assistant Director, 11365, 12372
General Counsel, 40237
Staff members regarding certain Agency requests, 54543
Cigarette testing results; tar and nicotine content, 17429, 24937, 32294, 33337, 47603, 54221
Consumers' claims and defenses; preservation; trade regulation guidelines, 20022
Educational institutions using erroneous, deceptive, or misleading advertising or sales practices; Vietnam era veterans; agreement with VA, 5867
Energy efficiency labeling rules:
Inquiry, 43250, 44231
Postponement, 37677
Environmental statements:
Gasoline octane numbers, minimum; failure to post, 20017, 21412, 33337
Freedom of information:
Staff opinion letters, 11220
Funeral industry guide; meeting, 4076
Grocery products manufacturing; product extension mergers, rescission of enforcement policy, 51076
Interlocking directorates, policy statement, 35573
Line of business reporting program; confidentiality, 28041, 34703
Organization and functions:
Flammable Fabrics Act functions transferred to Consumer Product Safety Commission, 4862
Quorum, Commission action, 25036
Privacy Act; systems of records, 30069, 30087, 31618, 33949, 39711, 41759, 42937
Quarterly financial report; sample size change, 38555
Restaurant franchisors; compliance with FTC regulations; special report availability, 45916
Warranties; applicability of California State law; hearings, inquiry, 28361
Warranties; enforcement policy guidelines., 26757
Warranties, request for waiver:
Coleman Co., Inc., 53708
Harmsco, Inc.; denied, 34368
Sohmer & Co., Inc.; denied, 17821

FINE ARTS COMMISSION

RULES

Privacy Act; implementation, 2385

NOTICES

Meetings, 1971, 6791, 9912, 14429, 18471, 19754, 22320, 29208, 36067, 44904, 49190, 53684
Privacy Act; systems of records, 53767

FIREARMS AND AMMUNITION

See Alcohol, Tobacco and Firearms Bureau.

FISCAL SERVICE

RULES

Bills, Treasury, book entry:
Issue and sale, 44006, 53335
Regulations governing, 53337, 56195
Bonds, U.S. savings:
Series E; offering, 36342
Series H; offering, 36354
Checks and warrants, delivery to addresses outside U.S. and possessions, 15847
Checks drawn on Treasury; indorsement and payment; special arrangements terminated, 43903
Claims pursuant to Government Losses in Shipment Act, 19302
Surety companies doing business with U.S.:
Fee schedule revision, 5634
Reinsurance acceptable on Miller Act bonds, 10605

PROPOSED RULES

Bills, Treasury, book entry:
Regulations governing, 47959
Certificates of indebtedness, notes, and bonds; State and local government series, 56208
Payments through financial organizations, other than by check; collection procedures, 32605, 35855, 37117
Surety companies doing business with U.S.:
Fee schedule revision; correction, 1077
Regulation clarification, fee schedule revision, etc., 56674
Withdrawal of cash from Treasury; letters of credit, 51847

NOTICES

Committees; establishment, renewals, etc.:
Consolidated Financial Statements Federal Advisory Committee, 7794
Meetings:
Consolidated Financial Statements Federal Advisory Committee, 18542, 32437, 49922
Military banking facilities at Guantanamo Naval Base, Cuba; solicitation for operators, 17793
Privacy Act:
Banking facilities on military installations, 6779, 9398
Surety companies acceptable on Federal bonds:
Aetna Casualty & Surety Co. of Illinois, 12908
American Empire Insurance Co., 8508
American Reserve Insurance Co., 21383
Automobile Insurance Co. of Hartford, Conn., 12908
Bankers & Shippers Insurance Co. of New York, 5137
Central National Insurance Co. of Omaha, 26235
Compass Insurance Co., 43423
Constellation Reinsurance Co., 8508
Cosmopolitan Mutual Insurance Co., 26036
Drake Insurance Co. of N.Y., 44196
Farmers Mutual Hail Insurance Co. of Iowa, 17793
Farmland Mutual Insurance Co., 23215
First Financial Insurance Co., 56248
Hallmark Insurance Co., Inc., 55765
IGF Insurance Co., 55409
Leatherby Insurance Co., 3488
Michigan Mutual Insurance Co., 5137
Munich American Reinsurance Co., 43423

National American Insurance Co. of N.Y., 43423
Puritan Insurance Co.; name change, 52949
Reserve Insurance Co., 23985
Royal Insurance Co., Ltd., et al., 18881
Sun Insurance Co. of New York, 26235
Trinity Universal Insurance Co. of Kansas, Inc., 26718
Washington International Insurance Co., 14548
Western National Assurance Co., 15427
Surety companies annual list, 28238

FISH, FISHING

See Fish and Wildlife Service.
Food and Drug Administration
National Oceanic and Atmospheric Administration.
National Park Service.

FISH AND WILDLIFE SERVICE

RULES

Administrative provisions, 9166
Endangered and threatened species; fish, wildlife, and plants:
Bat, gray, 17740
Bat, Indiana, 41916
Blackbird, yellow-shouldered, 51021
Butterflies, Bahama swallowtail and Schaus swallowtail, 17740
Butterflies, lotue blue, et al., 22043
Condor, California, 41915
Crocodile, American, 41915
Dusky seaside sparrow, 53075
Florida everglade kite, 53075
Grizzly bear; hearing, 53075
List of species, 43340, 47180, 51022
Manatee, Florida, 41916
Molluscs, insects, birds and reptiles, 22073
Monk seal, Hawaiian, 51612
Mussels, fish, reptiles, etc., certain, 24064, 26019
Primates; monkeys, etc., 45990
Salamander, red hills, 53033
Snail darter, 13928
State cooperative agreements, 19226
Wolf, Mexican, 17740
Endangered species; fish, wildlife, and plants; conservation; financial assistance, cooperation with States, 15016
Enforcement, penalty, and procedural requirements for violations, 9171
Fishing:
Aleutian Islands National Wildlife Refuge, Alaska, et al., 32755
Ankeny National Wildlife Refuge, Oreg., et al., 53327
Arapaho National Wildlife Refuge, Colo., 55534
Arrowwood National Wildlife Refuge, N. Dak., 14521, 45013
Audubon National Wildlife Refuge, N. Dak., 49987
Bear Lake National Wildlife Refuge, Idaho, et al., 53664
Bear River Migratory Bird Refuge, Utah, 8177, 44048
Big Stone National Wildlife Refuge, Minn., 23204
Blackwater National Wildlife Refuge, Md., 17395, 49824
Bowdoin National Wildlife Refuge, Mont., 10438, 53977
Brigantine National Wildlife Refuge, N.J., 54769
Choctaw National Wildlife Refuge, Ala., et al., 5284
Cibola National Wildlife Refuge, Ariz. and Calif., 32222
Colusa National Wildlife Refuge, Calif., et al., 53486
Crab Orchard National Wildlife Refuge, Ill., 8349
De Soto National Wildlife Refuge, Iowa and Nebr., 52472
Erie National Wildlife Refuge, Pa., 17742, 55358
Flint Hills National Wildlife Refuge, Kans., 37112
Great Meadows National Wildlife Refuge, Mass., 50449
Horicon National Wildlife Refuge, Wis., 13593
Iroquois National Wildlife Refuge, N.Y., 18416, 52886
Kirwin National Wildlife Refuge, Kans., 50828
LaCreek National Wildlife Refuge, S. Dak., 5288, 26693
Lake Ilo National Wildlife Refuge, N. Dak., 18659, 53486
Long Lake National Wildlife Refuge, N. Dak., 14876, 45013
McNary National Wildlife Refuge, Wash., et al., 53486
Medicine Lake National Wildlife Refuge, Mont., 54490
Mingo National Wildlife Refuge, Mo., 51795
Missisquoi National Wildlife Refuge, Vt., 49488
Monomoy National Wildlife Refuge, Mass., 52885
Montezuma National Wildlife Refuge, N.Y., 17741, 47452
Moosehorn National Wildlife Refuge, Maine, 17740, 49824
National Elk Refuge, Wyo., 14373
Necedah National Wildlife Refuge, Wis., 41706
Oyster Bay National Wildlife Refuge, N.Y., 18084, 52697
Parker River National Wildlife Refuge, Mass., 18083, 54769
Pathfinder National Wildlife Refuge, Wyo., 55534
Prime Hook National Wildlife Refuge, Del., 18083
Quivira National Wildlife Refuge, Kans., 4538
Ravalli National Wildlife Refuge, Mo., 23958
Red Rock Lakes National Refuge, Mont., 10438
Rice Lake National Wildlife Refuge, Minn., 11026, 41092
Russell, Charles M., National Wildlife Range, Mont., 32603
Salyer, J. Clark, National Wildlife Refuge, N. Dak., 15417
Sand Lake National Wildlife Refuge, S. Dak., 36496
Seney National Wildlife Refuge, Mich., 41706, 52885
Sheldon, Charles, Antelope Range, Nev., et al., 53487
Sherburne National Wildlife Refuge, Minn., 20589
Squaw Creek National Wildlife Refugee, Mo., 9355
Swan Lake National Wildlife Refuge, Mo., 2240
Tewaukon National Wildlife Refuge, N. Dak., 14876
Tinicum National Environmental Center, Pa., 18416
UL Bend National Wildlife Refuge, Mont., 10438
Union Slough National Wildlife Refuge, Iowa, 4828
Upper Mississippi River Wild Life and Fish Refuge, Ill., et al., 41705
Upper Souris National Wildlife Refuge, N. Dak., 3305
Valentine National Wildlife Refuge, Nebr., 32431
Hunting:
Agassiz National Wildlife Refuge, Minn., 39760
Alamosa National Wildlife Refuge, Colo., 37106, 37107, 43906
Aleutian Islands National Wildlife Refuge, Alaska, et al., 32748
Aransas National Wildlife Refuge, Tex., 21642
Arrowwood National Wildlife Refuge, N. Dak., 34969, 45012, 45013
Audubon National Wildlife Refuge, N. Dak., 41709
Barnegat National Wildlife Refuge, N.J., 44048, 48345
Bear River Migratory Bird Refuge, Utah, 37108, 44047
Benton Lake National Wildlife Refuge, Mont., 32747
Big Stone National Wildlife Refuge, Minn., 31824, 34969, 34970
Bombay Hook National Wildlife Refuge, Del., 38510, 44184, 44693, 44694
Bosque del Apache National Wildlife Refuge, N. Mex.; correction, 47452, 50449
Brigantine National Wildlife Refuge, N.J., 43161
Browns Park National Wildlife Refuge, Colo., 32430, 38775, 51403
Cabeza Prieta National Wildlife Refuge, Ariz., 38184
Chassahowitzka National Wildlife Refuge, et al., Fla., 41707
Chautauqua National Wildlife Refuge, Ill., 39028, 43907
Chincoteague National Wildlife Refuge, Va., 43724
Cibola National Wildlife Refuge, Ariz. and Calif., et al., 35679, 36027, 42670
Clear Lake National Wildlife Refuge, Calif., 34047
Cowboy Lake National Wildlife Refuge, Wash., et al., 32751
Crab Orchard National Wildlife Refuge, Ill., 31382, 31383, 39760, 41425, 43908
De Soto National Wildlife Refuge, Iowa and Nebr., 34047, 41706, 41917
Deer Flat National Wildlife Refuge, Oreg., et al., 32750, 36820
Des Lacs National Wildlife Refuge, N. Dak., 33273
Eastern Neck National Wildlife Refuge, Md., 43177
Erie National Wildlife Refuge, Pa., 37108, 44694

UMI

Eufaula National Wildlife Refuge, Ala., 35069, 41707
Fallon National Wildlife Refuge, Nev., et al., 32749
Fish Springs National Wildlife Refuge, Utah, 38185
Flint Hills National Wildlife Refuge, Kans., 37107, 37108
Great Swamp National Wildlife Refuge, N.J., 43907
Hillside National Wildlife Refuge, Miss., 46314, 47253
Horicon National Wildlife Refuge, Wis., 44406
Iroquois National Wildlife Refuge, N.Y., 43725, 4372(
Kirwin National Wildlife Refuge, Kans., 30120, 31540, 34969, 37112, 39324
Kofa Game Range, Ariz., 37109
Kootenai National Wildlife Refuge, Idaho, et al., 32749
Lacassine National Wildlife Refuge, La., 41708
Lacreek National Wildlife Refuge, S. Dak., 43177
Lake Alice National Wildlife Refuge, N. Dak., 45568, 52884, 52885
Lake Mason National Wildlife Refuge, Mont., 52300
Lake Zahl National Wildlife Refuge, N. Dak., 33273
Long Lake National Wildlife Refuge, N. Dak., 45013
Lostwood National Wildlife Refuge, N. Dak., 33273, 33274
Mark Twain National Wildlife Refuge, Iowa, 34750, 34751, 43908
Mattamuskeet National Wildlife Refuge, N.C., 41709
Mingo National Wildlife Refuge, Mo., 16805, 35069, 51795
Missisquoi National Wildlife Refuge, Vt., 42206, 42207
Monte Vista National Wildlife Refuge, Colo., 37109, 37111, 43907
Montezuma National Wildlife Refuge, N.Y., 43906
Moosehorn National Wildlife Refuge, Maine, 46443
Muscatatuck National Wildlife Refuge, Ind., 43177
National Bison Range, Mont., 37112
National Elk Refuge, Wyo., 34046
Necedah National Wildlife Refuge, Wis., 35681, 41706
Ninepipe and Pablo Refuges, Mont., 37112
Northwestern Montana Wetlands, Mont., 37112
Noxubee National Wildlife Refuge, Miss., 41709
Ottawa National Wildlife Refuge, Ohio, 43724, 43908
Ouray National Wildlife Refuge, Utah, 32431, 36495, 38774, 43907
Parker River National Wildlife Refuge, Mass., 43161
Pathfinder National Wildlife Refuge, Wyo., 36658, 38510
Presquile National Wildlife Refuge, Va., 43726
Prime Hook National Wildlife Refuge, Del., 37109, 38510, 44185, 44694, 44695
Quivira National Wildlife Refuge, Kans., 33272, 33273
Ravalli National Wildlife Refuge, Mont., 33909
Red Rock Lakes National Wildlife Refuge, Mont., 28508
Rice Lake National Wildlife Refuge, Minn., et al., 36659, 41092
Russell, Charles M., National Wildlife Range, Mont., 10438, 31540, 32602, 32603
Salton Sea National Wildlife Refuge et al. Calif., 38185
Salyer, J. Clark, National Wildlife Refuge, N. Dak., 32430, 37589, 37590
Sand Lake National Wildlife Refuge, S. Dak., 36495
Santee National Wildlife Refuge, S.C., 41709
Seedskadee National Wildlife Refuge, Wyo., 32754, 32755, 43162
Seney National Wildlife Refuge, Mich., 34750, 39028, 41706
Sequoyah National Wildlife Refuge, Okla., et al., 43162
Sevilleta National Wildlife Refuge, N. Mex., 39760, 48535
Sherburne National Wildlife Refuge, Minn., 35681, 41092
Shiawassee National Wildlife Refuge, Mich., 38510, 42207
Slade National Wildlife Refuge, N. Dak., 45013
Swan Lake National Wildlife Refuge, Mo., 38511
Swan River Refuge, Mont., 37112
Tamarac National Wildlife Refuge, Minn., 43908, 44185
Trempealeau National Wildlife Refuge, Wis., 41426, 46443
UL Bend-Bowdoin National Wildlife Refuges, Mont., 26692
Upper Mississippi River Wild Life and Fish Refuge, Ill., et al., 41704
Upper Souris National Wildlife Refuge, N. Dak., 36820
Valentine National Wildlife Refuge, Nebr., 32431
Wassaw Island National Wildlife Refuge, Ga., 44047
Wauby National Wildlife Refuge, S.D., 31540
Wheeler National Wildlife Refuge, Ala., et al., 32752, 35849, 41426, 41706, 43726, 55879
Marine mammals:
Hearing procedures on regulations, 5396
Monk seal, Hawaiian; endangered status, 51612
Walrus, Pacific; taking moratorium, waiver, 14373
Migratory bird hunting:
Record-keeping requirement for preservation facilities, 38510, 46854, 48534, 51612
Seasons, limits, and shooting hours establishment, 29388, 30119, 31383, 31535, 34042, 37106, 37582, 43164
Steel shot; use of for waterfowl hunting, 31386, 38772, 38774
Migratory bird permits:
Falconry, 2238, 8053, 56330
Prohibited acts, 9168
Moosehorn National Wildlife Refuge, Maine, 47451
Public access, entry, use, and recreation:
Amagansett National Wildlife Refuge, N.Y., 52696
Back Bay National Wildlife Refuge, Va., 22363, 31537
Barnegat National Wildlife Refuge, N.J., 55357
Blackwater National Wildlife Refuge, Md., 49823
Block Island National Wildlife Refuge, R.I., 52883
Bombay Hook National Wildlife Refuge, Del., 55357
Brigantine National Wildlife Refuge, N.J., 55357
Cabeza Prieta National Wildlife Refuge, Ariz., et al., 52881
Carleton Pond Waterfowl Production Area Maine, 49487
Chincoteague National Wildlife Refuge, Va., 15416
Cibola National Wildlife Refuge, Ariz. and Calif., 56820
Crab Orchard National Wildlife Refuge, Ill., 4020
De Soto National Wildlife Refuge, Iowa and Nebr., 9355
Eastern Neck National Wildlife Refuge, Md., 54767
Erie National Wildlife Refuge, Pa., 51795
Great Meadows National Wildlife Refuge, Mass., 50449
Iroquois National Wildlife Refuge, N.Y., 49487
Izembek National Wildlife Range, Alaska, 20680
Johnston Atoll National Wildlife Refuge, 41091
Kenai National Moose Range, Alaska, 22565, 28508, 50828
Kofa Game Range, Ariz., 35679
Mackay Island National Wildlife Refuge, N.C. and Va., 55358, 55879
Missisquoi National Wildlife Refuge, Vt., 49823
Monomoy National Wildlife Refuge, Mass., 53802
Montezuma National Wildlife Refuge, N.Y., 47451
Moosehorn National Wildlife Refuge, Maine, 49488
Morton National Wildlife Refuge, N.Y., 52696
Nantucket National Wildlife Refuge, Mass., 11026, 53663
Necedah National Wildlife Refuge, Wis., 41706
Ninigret National Wildlife Refuge, R.I., 52883
Oxbow National Wildlife Refuge, Mass., 50449
Parker River National Wildlife Refuge, Mass., 1743, 54768
Petit Manan National Wildlife Refuge, Maine, 49823
Pond Island National Wildlife Refuge, Maine, 55357
Presquile National Wildlife Refuge, Va., 49823
Prime Hook National Wildlife Refuge, Del.; correction, 766
Rachel Carson National Wildlife Refuge, Maine, 54768
Rice Lake National Wildlife Refuge, Minn., et al., 41092

Russell, Charles M., National Wildlife Range, Mont., 32602, 54490
Sachuest Point National Wildlife Refuge, R.I., 40471, 52884
Salt Meadow National Wildlife Refuge, Conn., 52883
Salt Plains National Wildlife Refuge, Okla., 49488
Seney National Wildlife Refuge, Mich., 41706
Tamarac National Wildlife Refuge, Minn., 37106, 41704, 44185
Target Rock National Wildlife Refuge, N.Y., 52697
Tinicum National Environmental Center, Pa., 55357
Trustom Pond National Wildlife Refuge, R.I., 52884, 55879
Upper Mississippi River Wild Life and Fish Refuge, Ill., et al., 41704
Wapack National Wildlife Refuge, N.H., 54768
Wheeler National Wildlife Refuge, Ala., 5284
Wichita Mountains Wildlife Refuge, Okla., 5640, 55531
Public entry, use, and recreation, 9167
PROPOSED RULES
Endangered and threatened species; fish, wildlife, and plants:
Alligator, American, 10912, 14886
Blackbird, yellow-shouldered, 23406
Captive self-sustaining population for various species, etc., 18618
Convention on International Trade in Endangered Species of Wild Fauna and Flora, 24367
Eagle, bald, 28525
Falcon, American peregrine, 36516, 55729
Fauna and flora; hearings, 27381, 28291
Grizzly bear, 10912, 48757, 49859, 51430
Leopard darter, 27735
Marten, Eastern, 35855
Monk seal, Hawaiian, 33922
Palila, 55729
Plants, certain, 22916, 24524
Primates, 16466, 21356
Rat, Morro Bay kangaroo, 36517
Salamander, red hills, 1915, 3877
Salamander, Santa Cruz longtoed, 10912
Snails, 17742, 21206
Sparrow, Cape Sable, 28978, 32896
Totoaba, 56839
Turtles, sea, 24378, 45573
Fish and wildlife restoration, financial assistance, cooperation with States, 6264
Fishing:
Big Stone Wildlife Refuge, Minn., 19649
Cibola National Wildlife Refuge, Ariz. and Calif., 22568
Hunting:
Barnegat National Wildlife Refuge, N.J., 36211
Big Stone National Wildlife Refuge, Minn., 21786
Hillside National Wildlife Refuge, Miss., 44049
Lake Alice National Wildlife Refuge, N. Dak., 36518
Ottawa National Wildlife Refuge, Ohio, 34049
Ouray National Wildlife Refuge, Utah, 27844
Valley County, Mont., 18677
Land use management:
Rights-of-way, 11314
Marine mammals:
Monk seal, Hawaiian; endangered status, 33922
Polar bear; taking moratorium, waiver, 15166, 16818
Sea otter; taking moratorium, waiver, 15166, 16818
Walrus, Pacific; taking moratorium, waiver, 15166, 16818
Migratory bird hunting:
Seasons, limits, and shooting hours establishment, 9181, 19341, 20888, 27382, 27987, 34273
Steel shot, use of for waterfowl hunting in 1976 season, 31395
Steel shot, use of for waterfowl hunting in 1977 season, 55901
Toxic shot material, usage for waterfowl hunting in certain areas, 55903
Migratory bird permits:
Falconry; extension of interim rules, 46873
Rusty blackbirds, 41919
Migratory birds list, 50010
Permit procedures, general:
Endangered plants, 22916
Fauna and flora; hearings, 27381, 28291
Public access, entry, use, and recreation:
Back Bay National Wildlife Refuge, Va., 12690
Johnston Atoll National Wildlife Refuge, 32433
Wildlife; import, export and interstate transportation:
Marking requirements; exception, 22831
NOTICES
Blackbird and starling damage control; policy and guidelines, 48580
Emergency exemption endangered species; Snail Darter, 53142
Endangered species permits; applications, 786, 788, 1619, 1620, 1621, 1801, 2267, 3491, 3492, 3885, 4040, 4041, 4045, 4047, 4048, 4304, 4305, 4840, 5647, 5648, 5649, 6291, 6292, 6293, 7796, 8194, 8198, 8402, 8515, 9576, 9899, 9900, 10103, 10237, 10692, 10693, 10933, 10934, 10936, 11043, 11045, 12073, 12074, 12725, 12908, 12909, 14808, 15040, 15042, 15353, 15879, 16186, 16188, 16585, 16669, 16670, 16671, 16672, 16987, 16988, 17583, 18111, 18113, 18114, 19139, 19143, 19680, 19681, 19682, 20592, 20597, 20719, 20721, 20723, 20724, 21229, 21657, 21658, 21660, 21813, 21814, 21815, 21818, 21819, 21824, 22284, 23439, 23440, 24735, 24737, 24738, 24739, 24740, 24916, 25036, 26038, 26039, 26040, 26041, 26042, 26043, 26044, 26719, 26720, 26721, 26723, 27981, 27983, 27985, 27986, 29441, 29442, 29443, 29444, 29445, 29446, 30355, 30356, 30357, 31242, 31579, 31898, 31899, 31902, 32621, 33569, 34330, 34992, 35081, 36047, 36048, 36049, 36051, 36052, 36225, 37820, 38793, 39804, 40197, 40523, 40525, 40527, 41441, 41442, 41730, 41731, 41932, 41934, 42682, 42684, 43205, 43207, 43209, 43926, 46492, 46493, 46892, 48794, 48795, 48796, 48797, 48798, 49198, 49676, 49677, 49678, 49895, 50476, 50725, 51664, 53139, 53713, 53715, 53717, 54235, 54237, 54238, 54239, 54240, 54241, 54243
Environmental statements; availability, etc.:
Avian stressing agent PA-14 for control of blackbirds and starlings, 15896
Big Lake Wilderness Area, Ark., 7162
Black duck, 27987, 37137
Cabeza Prieta Wilderness Area, Ariz., 11047
Canvasback/redhead, 37137
Mattamuskeet National Wildlife Refuge, N.C., 49200
National Fish and Wildlife Health Research Laboratory, 13384
National Fishery Research and Development Center, Pa., 9000, 49682
National Wildlife Refuge System, 4608, 5650, 15430, 51131
Waterfowl hunting in U.S.; use of steel shot, 1934
Golden eagle protection; depredation order denied, 50355
Marine mammal applications, etc.:
Alaska University, 26724
Aquatic Institute for Research, Inc., 41732
California Department of Fish and Game, 37823, 41123
California State University, 31243
Johnson, Ancel M., 1618
Keegan, Bruce, 11044
Kooyman, G. L., 49199
Martini, Frederic, 36224
McGinnis, Samuel M., 49198
Miami University, 36224
National Fish and Wildlife Laboratory, 5650, 48581
Odell, Daniel K., 12725
Reynolds, John E., III, 16986
Sea World, Inc., 10239, 38195
Seattle Aquarium, 12726
University of Alaska, 48581
University of Miami, 22285
University of Minnesota, 15430, 29447, 49542
Vancouver Public Aquarium, 29449
Marine mammals; status report for 1976, 56718
Meetings:
Klamath Project, 9404
Migratory Shore and Upland Game Birds Annual Regulations Conference, 20901
Migratory bird hunting:
Seasons, limits, and shooting hours establishment; hearing, 27988
Navigable waters, proposals in or affecting; guidelines, 2835
Pipeline applications:
Cities Service Oil Co.; Sabine National Wildlife Refuge, La., 14200
El Paso Natural Gas Co.; Kofa Game Range, Ariz., 11331
Exxon Co.; Catahoula National Wildlife Refuge, La., 29192
Nikiski Alaska Pipeline Co.; Kenai National Moose Range, Alaska, 12
Procurement actions; legal review, 19146
Stamp contest; duck, 47269
Survival action, emergency exemptions:
Gila topminnow, 44874
Walrus regulations, Alaska; hunting with rifle, 44875

INDEX

UMI

FLOOD ASSISTANCE

See Engineers Corps.
Federal Disaster Assistance Administration.
Federal Insurance Administration.

FOOD AND DRUG ADMINISTRATION

RULES

Administrative practices and procedures; hearings, etc., 1891, 2383, 2636, 10216, 10885, 10887, 14179, 14508, 18291, 24262, 26636, 26639, 28261, 32738, 32886, 48261, 51720, 52153
Animal drugs, feeds, and related products:, 51009
Acephate, 28952
Aldicarb, 8768
Amoxicillin tablets, 5093
Ampicillin trihydrate drugs; boluses, tablets, etc., 14189, 18652, 30326
Antibiotic, nitrofuran, and sulfonamide drugs, 8299, 8302, 10216
Bambermycins, amprolium, ethopabate, roxarsone, 16933
Bambermycins-monensin and bambermycins-monensin-roxarsone, 1276, 9150
Benomyl, 11286
Benzathine cloxacillin for intrammary infusion, sterile, 14189
Betamethasone dipropionate and betamethasone sodium phosphate aqueous suspension, 27316
Cambendazole, 1276
Chloramphenicol drugs; injections, tablets, etc., 9150, 30590, 31531, 32583, 33882, 49972, 55175
Chlortetracycline soluble powder, 23947
Chorionic gonadotropin, 5387
Crystailine trypsin, Peru balsam, castor oil, 56307
Decoquinate, 53003
Dexamethasone drugs; tablets, boluses, etc., 28265, 31531, 41913, 43896, 55175
Diatrizoate meglumine injection, 2384, 2821, 14187, 28264, 29667, 30326, 32889, 39022, 51009
2,4-Dichlorophenoxyacetic acid, 11483
Diethlycarbamazine citrate syrup, 28265
Diethylstilbestrol, 52051
N'-(2,4-Dimethylphenyl)-N-(((2,4-dimethylphenyl)imino) methyl)-N-methylmethanimidamide, 15323
Dinoprost tromethamine sterile solution, 4818
Disophenol sodium injection, 43400
Erythromycin thiocyanate, 5094
2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, 10427, 21345
O-Ethyl O-(4-(methylthio) phenyl) S-propyl phosphorodithioate and xylene, 14732
O-Ethyl S,S-diphenyl phosphorodithioate, 21187
S-(2-(Ethylsulfinyl) ethyl)O, O-dimethyl phosphorothioate, 28790
Euthanasia solution, 45547
Fenthion, 8976, 16656
Follicle stimulating hormone-pituitary for injection, 27033
Furosemide drugs;injection, tablets. etc., 10426, 52446
Gentamicin ophthalmic drugs; ointments. solutions, etc., 14188, 14189, 32889
Glyceryl guaiaculate injection, 48732
Glyphosate, 26679, 40101, 43896, 52052
Good manufacturing practices, veterinary drugs, 16933
Griseofulvin capsules, 42948
Hearing procedures, 48268
IMC Chemical Group, Inc.; change of sponsor, 30326
Iron dextran complex injection, 6065
Labeling of animal drugs; misbranding, 8473
Labeling of drugs and devices, 15844
Lasalocid sodium, 44382
Lasalocid sodium with roxarsone, 49484
Levamisole hydrochloride and piperazine dihydrochloride, 48731
Lincomycin, 1061, 26855
Lincomycin, monensin, and roxarsone, 1470
Lincomycin and spectinomycin soluble powder, 1891
Meclofenamic acid granules, 5632
Medicated blocks, 32215, 36650
Medicated feed applications; maintenance of copies, 36203
Medicated feeds, good manufacturing practice, 52617
Methanearsonic acid. 31530
Methoprene, 1590
2-(1-Methylethoxy)phenol methylcarbamate, 47231
Metibiotic foam and metibiotic infusion, 52052
Monensin, 1892, 9875, 41081
Naproxen granules and solution, 14188
New drug applications; submission of advertising and promotional data, 35844
Niclosamide premix, 36810
Nitrodan, 48100
Oleate sodium solution, 27034
Orgotein for injection, 32583, 33882
Oxytetracycline, 1892, 10063, 47425
Oxytetracycline and robenidine, 28514
Oxytetracycline hydrochloride injection, 6065, 8976
Oxytocin injection, 24347
Packaging and labeling; editorial amendments, 38618
Penicillin antibiotic drugs, 9150, 10063
Phenylbutazone injection, 9150, 55175
Picloram, 19211
Prednisone suspension, sterile, 36018
Procaine penicillin G, neomycin, novobiocin, 38768
Procaine penicillin G in oil, 1892
Procyazine, 19301
Promazine hydrochloride, 2821
Propargite, 6066
Prostalene solution, 26854
Pyrantel pamoate, 27722
Pyrantel tartrate, 9150, 15323
Pyrilamine maleate injection, 9150
Reorganization and recodification, 9149, 10886, 10985, 11011, 14367, 16550, 38619, 48100
Sponsors; listing, 34743, 53002
Sulfamethazine sustained release boluses, 6249, 24999
Tetracycline boluses, 37103
Thenium closylate tablets, 53477
Thiabendazole drench or oral paste, 9149, 10603, 47424
Triamcinolone acetonide oral powder, 24884
Trimethoprim and sulfadiazine tablets, 3853, 14187
Tylosin, 5093, 14732, 16656, 21186, 22267, 48732
Tylosin and sulfamethazine, 5633, 6065, 30326, 34943
Virginiamycin, 3079, 9150, 10426
Xylazine hydrochloride injection, 24884, 28265
Zinc bacitracin, 14367
Bakery products; identity standards, 6246, 8039, 45542, 46851
Beans, canned green and wax; identity standards and quality, 16454, 18411
Beverages:
Soda water; nonalcoholic beverages; identity standards; effective date confirmed, 14180
Soft drinks in bottles; packaging and labeling exemptions; effective date postponed, 14178
Biological products:
Blood and blood products; human red blood cells, 18292
Blood and blood products; human source plasma manufacturing, 10768, 14367, 27034
Blood and blood products: labeling requirements for syphillis and hepatitas testing, 35062
Cholera vaccine; standards, 18295, 46587
Collagenase, dating period, 40101
Equipment cleanliness, 10428
Measles-smallpox vaccines, live; potency and safety tests, 51010
Pertussis vaccine; standards, 35480
Pyrogenic substances, test; purity, 41424
Safety test, general, 10891, 15690
Sterility testing; alternative thioglycollate medium; discontinuance, 4015
Sterility testing; methods, 10428
Viral vaccines, safety testing; monkey kidney tissue culture, 43400
Viral vaccines; standards, 10429
Cheeses and cheese related foods:
Reorganization and recodification, 10885
Color additive petitions, deposits, and fees, and certificate requests; current mailing addresses, 9875
Color additives:
Aluminum stearate, etc.; cosmetic use; provisional listing terminated, 41856
Animal drugs, feeds, etc.; editorial amendments, 38618
Carbon black; food, drug, and cosmetic use; provisional listing terminated, 41859
D&C Blue No. 4; externally applied drug and cosmetic use, 52444
D&C Brown No. 1; externally applied cosmetic use, 51594
D&C Green No. 6 for surgical sutures, 4900
D&C Green No. 8; externally applied drugs and cosmetic use, 51006, 55509
D&C Red No. 17; externally applied drugs and cosmetics, 51005
D&C Red No. 31; externally applied drugs and cosmetic use, 51595
D&C Red No. 34; externally applied drugs and cosmetic use, 51593
D&C Violet No. 2; externally applied drugs and cosmetics use, 51007, 51594
D&C Yellow No. 7; externally applied drugs and cosmetics use, 51003

D&C Yellow No. 8; externally applied drugs and cosmetics use, 51004
D & C Yellow No. 11; externally applied drugs and cosmetics use, 51008
FD&C Red No. 2; food, drug, and cosmetic use, 5824, 6774
FD&C Red No. 4; externally applied drugs and cosmetic use, 41854, 56307
FD&C Red No. 4; maraschino cherries and ingested drug use; provisional listing, etc., 41852
Guaiazulene; externally applied cosmetic use, 52444
Hearing procedures, 48265
Iron oxides; cosmetic use, 52445
Manganese violet; externally applied cosmetics, 48731
Reorganization and recodification, 10885
Ultramarines; externally applied cosmetics, 48730
Color additives, provisionally listed; postponement of closing dates, 754, 41857
Color certification:
D&C Blue No. 4, externally applied drug and cosmetic use, 52444
D&C Brown No. 1; externally applied cosmetic use, 51594
D&C Green No. 8; externally applied drugs and cosmetics use. 51006
D&C Red No. 17; externally applied drugs and cosmetics use, 51005
D&C Red No. 31; externally applied drugs and cosmetic use, 51596
D&C Red No. 34; externally applied drugs and cosmetic use, 51593
D&C Violet No. 2; externally applied drugs and cosmetics use, 51007, 51595
D&C Yellow No. 7; externally applied drugs and cosmetic use, 51003, 51592
D&C Yellow No. 8; externally applied drugs and cosmetics use, 51004
D&C Yellow No. 11; externally applied drugs and cosmetics use, 51008
FD&C Red No. 2; food, drug, and cosmetic use, 5825, 6774
FD&C Red No. 4; externally applied drugs and cosmetics use, 41855
Cosmetic products:
Chloroform, 26845
Hypoallergenic products; stay of effective date revoked, 32583
Labeling; designation of ingredients; effective date stayed, 53477
Desserts, frozen, and dairy products; label requirements, exemption, 46584
Dietary foods; identity standards and labeling requirements; vitamin and minerals, 46170
Dressings, mayonnaise, french and salad; identity standards, 21444
Drug producers registration and listing of drugs in commercial distribution, 48099
Environmental considerations, 21768, 24262
Flavor ingredients labeling; effective date extension, 4954
Food additives:
Acacia (gum arabic), 53608
Acrylonitrile copolymers, 23940, 44690
Adhesives, 6775, 35170, 44381, 53475
Alcohols, synthetic fatty, 16798
Animal drugs, feeds, etc.; editorial amendments, 38618
Antibiotic, nitrofuran, and sulfonamide drugs, 8288, 10216
Antioxidants and/or stabilizers for polymers, 18810, 45547
Bambermycins-monensin and bambermycins-monensin-roxarsone, 1276
Benzoic acid and sodium benzoate, 53607
Calcium isostearate and n-decyl alcohol, 31529
Candid guilliermondii, 45546
Cottonseed kernels, glandless, roasted or baked, 19933, 22267
2,4-Dichlorophenoxyacetic acid, 11483
Dill and derivatives, 53615
Dimethyl dialkyl ammonium chloride, 43715
Dimethylamine-epichlorohydrin copolymer, 34742, 39740
Emulsifier in dispersed rosin sizes, 22812
Emulsifiers and/or surface-active agents, 9545
Ethoxylated mono- and diglycerides, 38767
Ethylene copolymer, chlorosulfonated, 3852
Formaldehyde, 9543
Garlic and derivatives, 53617
Guar gum, 53612
Gum ghatti, 53619
Gum tragacanth, 53617
Hyptylparaben, 20874
Ion-exchange resins, 21447
Lincomycin, 1061
Lincomycin, monensin, and roxarsone, 1469
Methanearsonic acid. 31530
Nylon resins, 10887, 12878
Oil of rue, 53620
Olefin polymers, 35170
Paper and paperboard components in contact with aqueous and fatty foods, 34943, 41421
Paper and paperboard components in contact with dry food, 53475
Piperonyl butoxide and pyrethrins as components of bags, 26568
Polyamide-inide resins, 34598
Polyethylene phthalate polymers, 9544
Polyoxymethylene copolymer, 7093, 10888
Polyoxymethylene homopolymer, 14182, 15844
Propyl gallate, 53613
Pulps, 53614
Reorganization and recodification, 10885, 11011
Resinous and polymeric coatings, 9543, 34598, 41421
Safrole, sassafras, etc., 19210
Salt; electrolytic diaphragm process; revocation, 3286
Sanitizing solutions. 14509, 32580, 49482, 53001, 53475
Slimicides, 14180, 55509
Starch-modified, industrial, 16458
Styrene block polymers, 41422, 46587
TBHQ, 53981
Ultra-filtration membranes, 9545
Xaraya gum (sterculia gum), 53610
Food additives; food ingredients; recognition of safety and prior sanctions, 53604
Food products; quality standards, 33252, 36810
Food standards and definitions; temporary permits, 48265
Freedom of information, 9318
Fruits and fruit juices, canned; identity standards:
Apricots, 32287
Figs, 32888
Fruit cocktail, 32887
Lemonade, frozen concentrate, 45545
Peaches, 32887
Pears, 32887
Pineapple, 21770
Plums, 32887
Fruits and fruit juices (various), canned, identity standards, extension of effective date, 1469
Human drugs:
Amikacin sulfate injection, 49482
Amphotericin B, 44381
Ampicillin and sterile sodium ampicillin, 42649
Antibiotic and antibiotic containing drugs; tests and methods of assay, ophthalmic drug dispenser, 46852
Antibiotic and antibiotic containing drugs; tests and methods of assay, Petri dish covers, 34742
Antibiotic certification and labeling exemptions; effective date confirmed, 10603
Antibiotic drugs; certification, facsimile transmission service. 2384, 3735
Antibiotic drugs; certification; fee increase, 18291
Antibiotic drugs, certification; ophthalmic drug dispenser, 46852
Antibiotic drugs, laboratory diagnosis of disease. rifampin discs, 53476
Antibiotic drugs. melting point test procedure, 24883
Antibiotic susceptibility discs, 35061
Carbenicillin indanyl sodium, 18509
Chloroform, 26845
Clindamycin phosphate, 24704
Colistimethate sodium for injection, 48100
Digoxin products; labeling, 43137, 47919, 49482
Doxorubicin hydrochloride, 14183, 15844
Erythromycin ethylsuccinate, 51596
Erythromycin stearate, 24884
Good manufacturing practices, 16933
Gramicidin; melting point test procedure, 24883
Hearing procedures, 48266, 48267
Information confidentiality; new drug application file, 9318
Levodopa, 9546
Methadone, 26854, 28263
Neomycin sulfate, sterile, and polymyxin sulfate solution, 56307
Neomycin sulfate-polymyxin B sulfate-hydrocortisone otic solution, 14186
Over-the-counter drugs; marketing status of recommended ingredients, 32582
Petri dish covers, 34742
Radioactive new drugs and biologics; continued commercial distribution, 7747, 35171, 42947
Reorganization and recodification, 10885, 12878
Tobramycin antibiotic susceptibility discs, 7093
Urokinase, 51588
Vancomycin hydrochloride, 48099
Inflation impact statement, 26639
Information, public; disclosure to contractors, 46585
Jellies, preserves, fruit butters:
Identity standards, 16551
Reorganization and recodification, 10885

INDEX

UMI

Labeling of food and ingredients in package form; oils and fats, etc., 1165, 2636, 5632, 14178
Medical devices:
In vitro diagnostic products for human use; recodification, 6903
Labeling; recodification, 6896
Milk importation:
Hearing procedures, 48269
Oils and fats:
Common or usual names, 1166
Labeling, 1165, 2636, 5632, 14178
Organization and authority delegations:
Grants and service fellowships, 51591
Hearings and review boards, 55509
New animal drug applications, 33249
New drug approval; urokinase, 51589
Recodification and republication, 24262
Redelegation of authority and field structure, 34597
Veterinary Medicine Bureau, organization, 28261
Packaging and labeling; animal drugs, feeds, etc.; editorial amendments, 38618
Packaging and labeling, food, drugs, cosmetics, and devices, 16551, 50420, 51000, 51588
Pesticide tolerances in EPA administered food; recodification of CFR Part, 26568
Pesticide tolerances in food:
Acephate, 28952
Bromide ion and residual bromine, 17893
Chlorpyrifos, 5632
O-Ethyl O-(4-(methylthio) phenyl) S-propyl phosphorodithioate and xylene, 14732
Fenthion, 8976
Glyphosate, 32888
Methoprene, 1590
2-(1-Methylethoxy)phenol methylcarbamate, 47231, 51009
Picloram, 19211
Propylene oxide, 1589
2,4-D, 23379
Privacy protection; editorial changes, 24262
Radiological health:
Hearing procedures, 48269
Laser products; performance standards, 27316
X-ray procedures, diagnostic; guideline for gonad shielding use, 30327, 31812
Reorganization and recodification, 6896, 6907, 10885, 10984, 11011, 12878, 14367, 16550
Restaurant foods; nutrition labeling, 51002
Sweeteners, nutritive; identity standards:
Glucose sirup and dried glucose sirup, 17382, 38497
Lactose; effective date confirmation, 6248
Sweetners, nutritive and nonnutritive, in canned fruits; revocation, 44380
Tea importation; standards, 27317
Tomatoes, canned; identity standards, 24345

PROPOSED RULES

Administrative practices and procedures, authority delegations, etc., 14769, 16819, 26924, 30136, 31228, 35855, 40190, 46606
Animal drugs, feeds, and related products:
Chloroform, 52482
Drug application approvals; policy revision, 50003
Fluorocarbons; inquiry, 52070
Fluorocarbons; self-pressurized containers; warning statement, 52071
Furazolidone, 19906
Furazolidone, nihydrazone, furaltadone, nitrofurazone, 34884, 39329
Good manufacturing practices, veterinary drugs, 6878, 9557
Hexachlorophene, 25911, 32434
New drug applications; submission of advertising and promotional data, 8497
Nonclinical laboratory studies, good laboratory practice, 51206
Penicillin streptomycin powder, 28313
Penicillin-dihydrostreptomycin powder, 28313
Streptomycin/dihydrostreptomycin tablets, 39765
Timed-release dosage form drugs for veterinary use, 34052
Bakery products:
Identity standards, 6269
Sanitary practices in production, 6456, 14526, 19988
Beans, canned green and wax; identity standards and quality, 16475
Beverages:
Soda water; brominated vegetable oil as ingredient; withdrawal, 14193
Biological products:
Blood; label statements distinguishing volunteer from paid donors; definition inquiry, 4955, 8204, 8523
Blood and blood products; recordkeeping requirements, 18095, 19349, 21493
Virus vaccines, safety testing; monkey kidney tissue culture, 17930
Cheese and cheese related foods:
Provolone, mozzarella, etc.; antimycotics and label declaration of optional ingredients, 20690, 24603
Cherries, canned; identity standards; withdrawn, 45582
Color additives:
FD&C Red No. 2; withdrawal of proposal, 5833
Nonclinical laboratory studies, good laboratory practice, 51206
Color additives, provisionally listed; postponement of closing dates, 41860, 50002, 56332
Cosmetic products:
Chloroform; labeling requirements, 15026, 16819
Fluorocarbon propellant ingredients; labeling, establishment of names, 52070, 52078
Fluorocarbons; inquiry, 52070
Fluorocarbons; self-pressurized containers; labeling and warning statements, 52071
Labeling; ingredient declaration, direct mail cosmetic packages, 24899
Labeling; principal display panel, 7514
Diagnostic products, in vitro; manufacturers and producers; registration and product listing, 37458, 46009
Drug producers registration and listing of drugs in commercial distribution:
Annual registration and listing; revision of times, 9183
NDC and UPC codes, 29709
NDC numbers, product codes, etc., 17754, 22835
Emergency permit control:
Pickled, fermented and acidified foods, 30442, 41436
Enforcement policy, practices, and procedures, 14769, 16819
Environmental impact considerations:
Investigational device exemptions, 35282
Erythromycin tablets and erythromycin stearate tablets; testing methods, 27083
Food additives:
Chloroform in contact with food, 15029
GRAS ingredients and intermediate mixes; labeling requirements, 53622
Nonclinical laboratory studies, good laboratory practice, 51206
Rue; GRAS status, 53622
Starch-modified, industrial, 41436, 48125
Food labeling:
Confectionery, individually wrapped pieces, exemption; terminated, 20688
Infant foods; percentage declaration of ingredients, 37595, 49504
Small individual serving size packaged foods, 34051
Foods, pickled, fermented, and acidified; good manufacturing practices, 30457, 41436
Foods, thermally processed low acid, packaged in hermetically sealed containers; good manufacturing practices, 30444, 41436
Fruits and vegetables, processed; drained weight standards and labeling, 4021
Glass and plastic containers, beverages in; type size exemption for container closure labels; withdrawn, 14382
Human drugs:
Ampicillin and sterile sodium ampicillin, 19348
Antibiotic drugs; parenteral use; packaging requirements, 39328
Antibiotic drugs; ph test method, 24899
Bacitracin and zinc-bacitracin-containing drugs, 29413
Benzylpenicilloyl-polylysine injection; minimum shelf-life potency, 27082
Chloroform; labeling requirements, 15026, 16819
Colistimethate sodium for injection, 19349
Diamthazole dihydrochloride preparations, topical; removed, 47492
Digoxin products; labeling, 17755
Epinephrine inhalation preparations; labeling; withdrawal, 38188
Erythromycin pH determination, 48125
Estrogens; labeling requirements, 43108
Fluorocarbons; inquiry, 52070
Fluorocarbons; self-pressurized containers, warning statement, 52071
Good manufacturing practices, 6878, 9557
Gricidin and tyrothricin potency assay, 19348
Halogenated inhalation anesthetic drug products; study requirements, 14888
Histamine test, 26228
Marketing conditions for prescription drugs; withdrawal, 9001
Methadone, conditions for use, 17925, 17928, 20414
Neomycin sulfate, sterile and polymycin B sulfate solution, 29151
Nonclinical laboratory studies, good laboratory practice, 51206
Oral contraceptives; patient labeling requirements; inquiry, 53630, 54495
Over-the-counter drugs; cold, cough, allergy, bronchodilator and antiasthmatic products; monograph establishment, 38312, 46009

Over-the-counter drugs and devices; principal display panel; labeling, 7514
Parenteral drug products; good manufacturing practice regulations, 22202, 25911, 38515
Penicillin, 11535, 14384
Sleep-aid, daytime sedative, and stimulant over-the-counter drugs; monograph establishment; correction, 1498, 3745, 4600
Sterile cefazolin sodium; revision of pH values, 30349
Streptomycin, 20414
Tetracycline antibiotic; updating and technical revisions, 40168, 49504
Vancomycin hydrochloride, 19347
Infant and junior foods; common or usual name, 37593, 42678, 49504
Inflation impact statement, 24897, 27082, 27083
Information:
Contractors, public disclosure, 22581
Investigational device exemptions, 35282
Investigational device exemptions, 35282, 40190
Labeling:
Investigational device exemption, 35282, 40190
Margarine (oleomargarine) or butter substitutes; identity standards, 36509, 47491
Medical devices:
Establishment registration for manufacturers and premarket notification procedures, 37458
Fluorocarbons; inquiry, 52070
Fluorocarbons; self-pressurized containers; warning statement, 52071
Hearing aids; labeling and conditions for sale, 16756, 18862
Milk and cream:
Lowfat and skim; identity standards; use of stabilizers and emulsifiers, 46873, 56333
Sour cream and sour half-and-half; identity standards, 15702
Mushrooms, canned; acidification as processing aid, 18316
Nonclinical laboratory studies, good laboratory practice; requirements established, 51206
Nonstandardized foods, common or usual names; withdrawal, 4599
Nuts; almonds, peanuts, etc.; current good manufacturing practice, 27000, 35532, 43179
Packaging and labeling; food, drugs, cosmetics, and devices:
Display panel, principal; area, 7514
Fats and oils; "hydrogenated", 52481
Fluorocarbons, etc., 52070, 52071
Restaurant foods, nutrition labeling, exemption; proposal withdrawn, 51036
Radiological health:
Electronic product performance standards, 43412
Electronic product reporting guidelines; data, reports, certification labels, etc., 13367
Mercury vapor lamps, radiation safety criteria, 44421
Ultrasonic therapy and surgery products; performance standards, 23973
X-ray equipment, diagnostic; tomographic systems; inquiry, 43180
X-ray facilities, diagnostic; quality assurance programs, 18863
X-ray field limitation and alignment, beam transmission, and exposure reproducibility, 7957
X-ray standards and policy, diagnostic; assembly and reassembly, 13368
Raisin bread, enriched; identity standards, 6269
Shrimp, canned; identity standards and container fill, 16470, 19347
Shrimp, frozen raw breaded; identity standards, 46606
Spreads, fruit-flavored sweetened; common or usual name establishment; extension of time, 4600, 5833, 6269
Vegetables, canned; identity standards, 18316
Water, bottled:
Chemical quality, 24896, 30027
Drinking water; sanitary facilities and controls, 24897, 28990, 30027

NOTICES

Alcoholic beverages:
Labeling; enforcement date postponement, 27102
Labeling manual, availability, 18538
Animal drugs:
Chlortetracycline hydrochloride, drugs containing; approval withdrawn, 31926
Diethylstilbestrol, drugs containing; approval withdrawn, 31926
Diethylstilbestrol; hearing, 1804, 2842, 52105, 52106, 53546
Ferromycin 100 iron dextrin complex with neomycin sulfate; approval withdrawn, 26731
Furaltadone, 34891, 39376, 42691
Furazolidone, 19907, 22292, 34891
Hexederm and Derma Hex shampoos; approval withdrawn, 36063
Intermammary infusion products for treating mastitis, 7141, 9583
Iron-hydrogenated dextran, injectable, 27102
Metibiotic foam and metibiotic infusion; approval withdrawn, 52104
Nihydrazone, 34908, 39376, 43215, 56397
Nitrofurazone, 34899, 39376, 42970
Penicillin-streptomycin-vitamin soluble powder, 28340
Pesticidal new animal drug products; transfered from EPA; inquiry, 26734
Potassium penicillin G tablets; approval withdrawn, 32938
Proban brand of cythioate oral liquid, 51078
PTZ powder, 27102
Stability, availability of guidelines, 48150
Streptomycin; hearing, 39823
Temaril-P granulets; approval withdrawn, 29740
Tetracycline boluses; approval withdrawn, 37142
Tylosin-sulfa premix 20, 13980
Animal feeds:
Radioactive contamination; inquiry, 18897
Bacteriological Analytical Manual for Foods; availability, 35551
Biological product licenses:
A-l Biological of Colorado, Inc., 8522
Georgia Blood Bank; revoked, 16493
Serum Laboratories, Inc.; revoked, 16493
Blood donors; paid and volunteer; definition, inquiry, 4955, 8204, 8523
Brazil nuts, aflatoxins imported; control program; memorandum of understanding with Agricultural Marketing Service, 36232
Chlorine, use in food processing, 27856
Coffee beans, green; defect action level; guidelines availability, 6787
Color additives; petitions filed or withdrawn:
Aluminum stearate, etc.; cosmetic use; provisional listing, terminated, 41868
Carbon black; petition denied, 41867, 50071
D&C Green No. 5, 43754
FD&C Blue No. 1, etc., 33573
FD&C Red No. 2; hearings, 29896, 29897, 36531
FD&C Red No. 2; petition denied, 15053
FD&C Red No. 4; petition denied, 41867
FD&C Red No. 40 working group; formation and meeting, 53546
Logwood for coloring nylon or silk nonabsorbable surgical sutures, 11197
Committees; establishment, renewals, etc.:
Anesthesiology Advisory Committee et al., 15731, 46896
Arthritis Advisory Committee, 16602
Bacterial Vaccines and Antigens Review Panel, 56396
Biometric and Epidemiological Methodology Advisory Committee, 15731
Cardiovascular & Renal Advisory Committee, 36827
Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs Review Panel, 39825
Controlled Substances Advisory Committee, 43215
Dental Drug Products Advisory Committee, 23446
Dentifrice and Dental Care Panel, 56397
Device Good Manufacturing Practice Advisory Committee, 36233
Diagnostic Products Advisory Committee, 35088
Drug Abuse Research Advisory Committee, 23446
Endocrinology & Metabolism Advisory Committee, 36828
Food and Drug National Advisory Committee, 9908, 53135
Gastrointestinal Drugs Advisory Committee, 3334
Internal Analgesic Including Antirheumatic Drugs, Panel on, 37141
Laxative, Antidiarrheal, Antiemetic, and Emetic Panel, 56397
Medical Device Classification Panels, 19363, 24440, 35877, 35878, 43215, 49534
Medical Devices Current Good Manufacturing Practice Regulations Advisory Committee, 28817
Neurologic Drugs Advisory Committee, 23446
Obstetrics and Gynecology Advisory Committee, 3497
Orthopedic Devices Review Panel, 19247
Psychopharmacological Agents Advisory Committee, 23446
Pulmonary-Allergy and Clinical Immunology Advisory Committee, 9237
Radiological health advisory committees, 7977
Reserpine and Breast Cancer Ad Hoc Committee, 53135

INDEX

UMI

Sedative, Tranquilizer, and Sleep Aid Drugs Review Panel, 39825
Tea Experts Board, 56397
Technical Electronic Product Radiation Safety Standards Committee, 56397
Topical Analgesic Panel, 56397
Toxicological Research Center, Science Advisory Board, 23447
Toxicology Advisory Committee, 11197, 53136
Controlled substances and food, drugs, and cosmetics; memorandum of understanding with DEA, 15054
Cosmetic labeling; carbon black, provisional listing terminated, 56396
Cyclamate; food additive petition denied, 43754
Dental device classification; report availability, 16602
Diagnostic products, in vitro:
Information exchange; memorandum of understanding with Disease Control Center, 3334
Quantitative measurement of glucose in serum or plasma, 22394
Drug and biologics quality assurance; interagency agreement with Defense Department, 3877
Drug firms marketing products with bioequivalence problems; availability of list, 5339
Drug manufacturers, repackers, and wholesalers; memorandum of understanding with Delaware Board of Pharmacy, 16848
Ear, Nose, and Throat Devices Review Panel report, availability, 14207
Environmental statements; availability, etc.:
Bottles, plastic, for carbonated beverages and beer, 43944
Diethylstilbestrol, 47572
Fish, freshwater; containing polychlorinated biphenyls (PCB's); FDA policy, 8409
Flavor ingredients labeling; effective date extension, 4954
Food, food containers, and food related articles and equipment; memorandums of understanding:
Consumer Product Safety Commission, 34342
Food additives; petitions filed or withdrawn:
Abbott Laboratories, 10236, 43754; 55240
Airwick Industries, Inc., 38539
American Cyanamid Co., 5861, 9583, 14914, 42969
Ashland Oil, Inc., 10463
Beecham Laboratories, 42969
Borg-Warner Corp., 38539, 45608
Buckman Laboratories, Inc., 42970
Calgon Corp., 19362, 23989
Calor Agriculture Research, 16679
Celanese Coatings & Specialties Co., 54030
Cincinnati Milacron Chemicals, Inc., 24621
Continental Can Co., 5861
Cosmetic, Toiletry and Fragrance Association, Inc., et al., 9584
Dow Chemical Co., 38540
Dow Chemical U.S.A., 2104, 2663, 10236, 51655
Dupont de Nemours, E. I., & Co., 7802, 30700, 48793, 51655
Eastman Chemical Products, Inc., 17953
General Mills Chemicals, Inc., 4626
Goodyear Tire & Rubber Co., 38540, 41940
Heterochemical Corp., 35009
Hoffman-Laroche, Inc., 5861, 53542
Hubinger Co., 38540
ICI United States, Inc., 5862
Kureha Chemical Industry Co., Ltd., 19363
Monsanto Co., 1804, 27995, 42970
Nalco Chemical Co., 30700, 33316, 38540
National Cottonseed Products, Inc., 7148
Olin Chemicals, 16194
Pfizer Inc., 9584
Phelps Dodge Magnet Wire Co., 23223
Purdy Products, N. B., Co., Inc., 37388
Ruminant Nitrogen Products Co., 44442
SCM Corp., 9583, 53135
Southern Sizing Co., 56396
Stauffer Chemical Co., 37388
Toyo Seikan Kaisha, Ltd., 38802
U. S. Industrial Chemicals Co., 16194
Uniroyal Chemical, 32635
Velsicol Chemical Corp., 27995
Warf Institute, Inc., 13646
Whittaker Coatings & Chemicals, 2664
Witco Chemical Corp., 2664
3M Co., 23223
Food labeling; listing of ingredients, 15731, 33573
Food processing and storage facilities; memorandums of understanding:
Delaware Public Health Division, 22856
Virginia Health Department; crabmeat plants, 2424
West Virginia Health Department, 31924
Freedom of information summaries, guidelines; availability, 21498
Gastroenterologic-urologic device classification; report availability, 16603
GRAS or prior-sanctioned ingredients; compilation availability, 3331
GRAS or prior-sanctioned ingredients; hearings, 3332, 5862, 14810, 16848
GRAS status, petitions:
Beeswax, inositol, Japan wax, etc.; hearing, 6787, 9583, 21499
Chlorine, 37658, 43940
Corn syrup, high-fructose, treated with glucose isomerase; Anheuser-Busch, Inc., 17953
Esterase-Lipase from Mucor miehei, 18898
Glucose isomerase enzyme in high fructose corn syrup, 53545
Halazone tablets, 55240
Hickory smoke flavor, natural liquid, 27419
Plant sterols, phytosterols, and sitosterols, 42970
Rhynchosia pyramidalis extract; BNB Trading Co., Inc., 17953
Silica glass, naturally occurring; filter aid for cooking oils, 15357
Sodium sulfate, 37657
Tetrapotassium pyrophosphate, 37657, 54030
Thamnidium elegans mold, 37657
Triglyceride mixture of caprylic and capric acids, 43754
Whey, modified, 33929
Whey, modified; partially delactosed and partially demineralized, etc., 27420, 33929, 36828
Whey fractions, 27420
Whey fractions, ultrafiltered, 27419
Whey protein, modified, 27420
Whey protein concentrate, 27420
Whey protein delactosed and demineralized, 41447
Whey protein phosphates, 27419
Zeolite, greensand and manganese greensand, 30700
Health care and services; meeting, 38802
Human drugs:
Alcohol-dextrose intravenous solutions, 34336
Anadol and codeine tablets, 27769
Anesthetic drugs for parenteral or topical use, 27415
Anticholinergic and antispasmodic drugs; permission to remain on market; correction, 7972
Anticonvulsant drugs, certain, 31588
Antihistamines for parenteral use, 41129
Antihypertensive drugs; efficacy study, 32767, 34337
Antineoplastic radioactive agents, certain, 41131, 46499, 48150
Antispasmodic drugs, single-entity; proposed withdrawal of approval; correction, 7973
Barbituric acid derivatives, certain, 31589
Benylin expectorant; hearing, 52537
Buclizine hydrochloride for oral administration, 31586
Calcium disodium edetate, 40206
Calcium gluceptate injection; hearing, 53538
Carbonic anhydrase inhibitors, 34338
Chlorcyclizine hydrochloride tablets, 31592
Chlordiazepoxide, 27768, 34099
Chlordiazepoxide hydrochloride preparations, 27768, 34099
Chlorprothixene; hearing, 53539
Cyclopentamine hydrochloride nasal solutions; withdrawal of approval, 7801
Dermatologic anti-infective and corticosteroid combination prescriptions, certain, 32937
Dexamyl elixir spansule capsules and tablets; hearing denial and approval refusal, 35741, 41137, 41940
Dextran containing drug products; approval withdrawn, 35877
Diamthazole dihydrochloride; approval withdrawn, 47578
Dihydroergotamine mesylate injection, 27770
Dimercaprol injection; hearing, 53541
Dimethoxanate hydrochloride-containing cough preparation; approval withdrawn, 9412
Diphenhydramine as antitussive, 52536
Dipyrone; hearing on proposed approval withdrawal, 37386
Erythromycin preparations, 40209
Estrogen, physician and patient labeling for general use, 43117, 47573, 48793, 50514
Estrogen-androgen combination drugs (fluoxy-mesterone, ethinyl estradiol, etc.), 43112, 47573
Estrogen-containing drugs for oral or parenteral use, 43114, 47573, 56397
Furazolidone, 34662, 46896
High molecular weight dextran 6 percent, 31594
Hyaluronidase, 54031
Hydralazine hydrochloride, 40210
Hydrocortisone acetate denture powder, 26593, 43944

Hydroxyamphetamine hydrobromide; hearing, 53542
Hydroxydione sodium succinate, 34664, 36063
Intraocular lenses; conditions for marketing, 14570, 16194, 16847
Isocarboxazid tablets, approval withdrawn, 43938
Isoniazid; single-entity and combination products containing; hearing, 44724
Isoproterenol hydrochloride for inhalation, 37836
Levallorphan tartrate injection; hearing, 53543
Lutrexin and trexinest; approval withdrawn, 14406
Mechlorethamine hydrochloride, 40211, 48151
Meperidine hydrochloride injection, etc., 35878
Meperidine hydrochloride tablets and elixer; hearing, 30377, 33573
Meprobamate and chlordiazepoxide; labeling, birth defects warning, 30376, 32461, 32938
Meprobamate oral preparations, 45603
Methadone, 28342, 44442
Methocarbamol-containing injections, 16493
Methotrexate and methotrexate sodium, 38803, 42970
Mineralocorticoid preparations, certain, 29201
Naphazoline hydrochloride, 29204
Naprosyn tablets, 45605, 47579
Neostibmine bromide ophthalmic solution, 27416
New drugs marketed without approved applications; guideline availability, 41770, 50071
Oral contraceptives; physician and patient labeling; inquiry, 53633, 54544
Oral reserpine; hearing, 34806
Organic nitrate-containing combination drugs; withdrawal of approval, 13646
Orphenadrine hydrochloride tablets, 27418, 34665
Papaverine- or ethaverine-containing drugs; safety, effectiveness, and legal status data request, 14405
Parenteral drug products, injectable; inquiry, 22219, 38540
Parenteral mercurial diuretics, 31595
Parenteral protein hydrolysate solutions, certain, 41132, 41133
Pentylenetetrazol-containing drugs, 4625, 5861
Perphenazine, trifluoperazine, triflupromazine, and promazine, preparations containing, 37834
Phenazocine hydrobromide injection, 29203
Phenelzine sulfate; hearing, 43940
Potassium salt products, oral; for prophylaxis or treatment of potassium depletion, 14568, 16493
Pregnenolone succinate cream, 26594, 43945
Preparations containing ethchlorvynol, methyprylon, ethinamate, or glutethimide, 31591
Profenil injection; new drug application, 8523
Propiolactone for sterilization, 34343
Propiomazine hydrochloride injection 31597
Propylthiouracil for oral use, 49535
Protokylol hydrochloride injection and epinephine suspension in oil for injection; approval withdrawn, 9412
Quinethazone, 41135
Quinidine hydrochloride et al., 40207
Radiopharmaceutical drug products, certain, 48792
Sodium acetrizoate and povidone, 34345
Sodium aminohippurate injection, 28343
Sodium iodide I-131, 28800
Sodium tetradecyl sulfate, 22395
Sterile tolbutamide sodium; hearing, 43945
Steroid preparations for ophthalmic and/or otic use, 34340
Succinylcholine chloride injection, 31598
Sulfonamide ophthalmic ointments and solution, certain, 55241
Sulfonamides, long-acting systemic, 34661
Tetracaine hydrochloride and benzocaine topical solution; approval withdrawn, 23989
Theophylline, 54032
Thiazide diuretics; labeling requirements, 23989
Tranylcypromine sulfate; approval withdrawn, 43942
Trifluoperazine hydrochloride; hearing, 53539
Trypsin sterile powder, 27772
Urethan-containing drugs, 8523
Vaginal use preparations; hearing, 43110, 56397
Xanthine derivative-containing drugs, 15051, 15053, 18337
Human food:
Radioactive contamination; inquiry, 18897
Intramammary infusion products for treating mastitis, approval withdrawn, 38805, 47572
Intraocular lenses; conditions for marketing, 14570, 16194, 16847
Laboratory studies, nonclinical; good practices, hearing, 54030
Mammography; voluntary radiation safety recommendations; inquiry, 25447, 25921
Mammography equipment, x-ray field limitation and alignment; meeting, 29739
Medi-Cal Volume Purchasing Plan; memorandum of understanding with California Department of Health, 12236
Medical devices:
Classification panels; voting member nominations requests, 43215
Classification procedures; panel reports; availability, 26245, 31925, 32280, 32938, 40206
Establishments, etc., 56397
Intraocular lenses, marketing conditions, 38802
Performance standards activities, 34099, 43430
Requirements; meetings, 22621
Safety and effectiveness, 22620
Medicated feed mills, food storage warehouses, and livestock producers; memorandums of understanding:
Delaware Department of Agriculture, 21499
West Virginia Department of Agriculture, 21500
Meetings:
Advisory committees, panels, etc., 36, 37, 802, 1807, 2421, 2660, 4624, 4625, 4955, 5415, 6300, 7973, 8407, 8409, 10087, 11334, 13387, 14574, 14810, 15731, 15901, 16595, 16679, 17803, 20202, 20606, 21501, 22292, 23223, 24745, 26245, 27857, 28817, 29462, 31924, 32770, 35548, 37141, 39375, 39814, 41129, 41771, 43215, 43430, 45603, 45608, 46038, 47573, 50066, 50071, 50514, 51077, 51654, 52104, 52536, 53135, 55584, 55587
CT x-ray systems, 31417, 53546
FD&C Red No. 40 working group, 53546
Health care and services, 38802
Histocompatibility Workshop, 46038
Medical devices requirements, 22621
Osteogenetic and Antisteogenetic Agents Clinical Evaluation Guidelines Workshop, 56398
Pneumococcal vaccines; guidelines, 26593
Radiation, laser, biological effects, 22117
Short-lived radionuclides for medical use, production and distribution, 19745
Ultrasound radiation bio-effects measurements, 13387
X-ray field limitation and alignment, mammography equipment, 29739
Methadone treatment program agreements; availability, etc.:
Karkus, Harvey D., M.D., 22396
Milk products, dry; exportation to U.S.; memorandums of understanding:
Denmark, 8406
Narcotic treatment programs; memorandum of understanding with Drug Enforcement Administration, 28567
Orange juice concentrate, temporary permit to market test, 37386
Osteogenetic and Antisteogenetic Agents Clinical Evaluation Guidelines Workshop, 56398
Peaches, canned chunky; temporary permit to market test, 40205
Peaches, canned diced; temporary permit to market test, 13387
Peaches, pears, and fruit cocktail; temporary permit to market test, 23448
Pesticides; new animal drug products; transferred from EPA; inquiry, 26734
Plasma, source; revocation of establishment and product licenses to manufacture:
Orlando Plasma Corp., 11340
Plasma Corp. of Clearwater, 11341, 13387
Pneumococcal vaccines, guidelines; meeting, 26593
Radiation, laser, biological effects; meeting, 22117
Radiology device classification; report availability, 16603
Recall procedures, interim; availability, 8408
Reports, annual, filing by advisory committees, 40530
Shipments of foods, drugs, and cosmetics; information exchange; memorandum of understanding with ICC, 18337
Short-lived radionuclides for medical use, production and distribution; meeting, 19745
Shrimp, fresh or frozen raw headless, peeled or breaded; defect action level; guidelines availability, 6787

INDEX

UMI

Soft drink carriers, incompletely labeled reusable plastic; extension of time for use, 14207
Telecommunications equipment; memorandum of understanding with Maryland Department of Agriculture, 8406
Tomato juice concentrates; identity standard; temporary permit for market testing, 5862, 22620, 26595, 53545
Tomato powder; defect action level; guideline availability, 37142
Ultrasound radiation bio-effects measurements; meeting, 13387
X-ray field limitation and alignment, mammography equipment, 29739
X-ray systems; approvals and extensions of variance:
CGR Medical Corp; diagnostic systems, 9236
Continental X-Ray Corp; diagnostic systems, 11197
Picker Corp; cabinet systems, 3767, 4626
X-ray systems, CT; meetings, 31417, 53546
X-ray trends organ dose index system; memorandum of understanding:
Health Services Administration, 19364
Navy Department, 18459

FOOD AND NUTRITION SERVICE

RULES

Child care food program:
Cost-of-food factors; deductions, 40110
General provisions, 26179
Interim provisions; correction, 2074
Nonfood assistance funds for 1976 FY, 7751, 18054
Child nutrition; nonfood assistance program:
Funds, initial apportionment for 1976 FY, 43388, 45569
Funds, initial apportionment for 1977 FY, 46856
Policies and procedures, 35686
Child nutrition programs:
Administrative expense funds, State; payment and administration, 32405
Cash in lieu of commodities; clarification updating and implementation of new provisions, 46601
Meals and milk in child-care institutions, free and reduced price; eligibility determination; CFR Part revoked, 37305
Meals and milk in schools, free and reduced price; eligibility determination, 26192, 28783, 30012
Editorial changes, etc., 34758, 36013
Food distribution:
Child nutrition programs; availability of donated foods, 24694, 26192, 29408
Commercial facilities processing, 1487, 4539
Commodity distribution, federally donated, financial assistance; CFR Part revoked, 29408
Elderly nutrition programs, 8486
Household members receiving supplemental security income payments, etc.; eligibility, 13331, 55171
Pilot food certificate program; CFR Part revoked, 22070
Food stamp program:
General information and definitions, 18786, 56297
Households, refunds to; restoration of lost benefits, 11466
Indian reservations, distribution of donated foods, 7751
New England Regional Office address, 4539
State agencies, administrative costs; monitoring and reporting program performance, 47455
State agencies, administrative costs; principles for determining, etc., 56297
State agencies, administrative costs; suspension of certain requirements, 31803
State agencies and eligible household participation; coupon distribution, issuance and accounting methods, 34761
State agencies and eligible household participation; effective date, 56297
State agencies and eligible household participation; income standards and coupon issuance, 1268, 1269, 3073, 8027, 18787, 19200, 27365, 28784, 51022, 51023, 51024, 51025, 51026, 51028
State agencies and eligible household participation; Indian reservations, 26193
State agencies and eligible household participation; stores, retail food, whole food concerns, meal services, and banks; participation; CFR correction, 55171
State agencies and eligible household participation; supplemental security income recipients, eligibility and certification, 50411
Inflation impact statement, 27365
Milk program for children, special:
Milk assistance funds for 1976 FY, 7752, 9533
State and local governments, Federal grants-in-aid; uniform administrative requirements, 31173
School breakfast program:
Administrative expense funds, State; payment, 32405
Meal pattern flexibility, 52057
Nonfood assistance funds for 1976 FY, 7752, 18054, 18781, 31803
School lunch program, National:
Food waste reduction procedures, 18426, 19197, 22923
Grant close-out procedures, 43909
Trust Territory of Pacific Islands, 3073
Type A lunch, reimbursement payments, and butter/fortified margarine provisions, 23696
Summer food service program for children, 9533, 35685
Women, infants, and children; supplemental food program, 1744, 3733, 4251, 22070, 48119

PROPOSED RULES

Child nutrition; nonfood assistance program: Policies and procedures, 5826
Child nutrition programs:
Eligibility for free and reduced price meals and milk in schools; Puerto Rico and Virgin Islands, 54493
Milk-based products, formulated fortified; alternate foods for meals, 28796
Food distribution; donation for U.S. and territories, etc.:
Disaster feeding commodities, 23719, 26228, 46873
Food stamp program:
Household eligibility, 8501
Income standards and coupon issuance, 11533
Procurement standards, 11532
Retail food stores, wholesale food concerns, etc., participation; applications, coupon redemption and violation charges, 50454
State agencies; reporting requirements, 17566
State agency acceptance of vouchers; terminated, 20414
State agency costs, 28312
Test project conduction, 23720
School breakfast program, 7138
School lunch program, National:
Food waste reduction procedures, 4596
Reimbursement payments, 2249, 30347
Summer food service program for children, 1078, 2650, 7772, 55539

NOTICES

Child care food program:
Donated foods, value of; July-September 1976, 29893
Payment factors, National average; January-June 1976, 1610
Payment factors, National average; July-December 1976, 29894
Child nutrition programs:
Free and reduced-price meals and free milk; eligibility, 23988, 24199
Funds for cash in lieu of commodities to State agencies for schools; FY 1976, 11587
Funds to States for nonfood assistance; FY 1976, 27412
Elderly nutrition programs; donated foods; level of assistance, 9578, 51644
Meetings:
Maternal, Infant and Fetal Nutrition National Advisory Council, 46035
Nutrition Evaluation Advisory Committee, 37383, 46633, 55216
Milk program, special:
Reimbursement rate; July-September 1976, 29894
School breakfast and lunch programs:
Donated foods, value of; July-September 1976, 29893
Payment factors, National average; January-June 1976, 1610, 2269
Payment factors, National average; July-December 1976, 29893, 29894
School food service programs; nutritional training, education, surveys and studies; availability of funds, 46894

FOREIGN AGRICULTURAL SERVICE

RULES

Freedom of information, 14727

NOTICES

Potatoes, white or Irish; 1976 production estimate, 38535

FOREIGN AID

See Agency for International Development. State Department.

FOREIGN ASSETS CONTROL OFFICE

RULES

Cambodia, South Viet-Nam, etc.; foreign assets and transaction control, 16553, 16556
Foreign fund controls:
Securities, deletion from list, 27963

NOTICES

Organization and functions, 16581

FOREIGN CLAIMS SETTLEMENT COMMISSION

RULES

Privacy Act; implementation, 19641
World War II claims receipt, payment, etc.; protests, filing and procedure, 49094

NOTICES

Privacy Act; systems of records, 2114, 19264, 50721, 56174
World War II war damage losses, awards granted; protests filing, 49197

FOREIGN SERVICE GRIEVANCE BOARD

RULES

Organization, operations, and procedures, 26919

PROPOSED RULES

Organization, operations, and procedures, 22828

FOREIGN-TRADE ZONES BOARD

NOTICES

Foreign-trade zone applications:
Atlanta, Ga., 34118
Boston, Mass., 47604
Broward County, Fla., 28848
Chesapeake, Va., 49890
Dorchester County, S.C., 6805, 7591, 12372
Erie County, N.Y., 14824
Louisville, Ky., 39097
New Bedford, Mass., 47603
New Orleans, La., 22996
Pittston, Pa., 15069, 47288
Portsmouth, Va., 46651
Salt Lake City, Utah, 53708
Seattle, Wash., 19161, 36847
Washington, D.C., 14824
Meat processing operations; investigation, 31618, 35047, 41478

FOREST SERVICE

RULES

Grasslands, National; administration, designation, and development, 38164
Grazing; range planning, permits, etc., 38164
Organization and functions, 24350
Recreation areas; Sawtooth National Area, private lands; reclassification, 29379
Timber sales:
Road construction, transfer of unused effective purchaser credit for, 22815
Sealed bidding, 48539
Trespass; livestock, unauthorized, impoundment and disposal, 38165

PROPOSED RULES

Administration:
Administrative review procedures, 54200
Grasslands, National; administration, designation, and development, 21644, 26578
Grazing:
Fees for 1977; western States, 52485
Livestock on National Forest System lands, 56210
Range planning, permits, etc., 21644, 26578
Land uses; prohibited acts, 45577
Off-road vehicle use; prohibited acts, 45577
Prohibited acts:
National Forest System; requirements, rulemaking procedures, authority delegations, etc., 45577
Public use, sites and areas; prohibited acts, 45577
Recreation areas; Sawtooth National Area, private lands; reclassification, 17397
Timber; export and substitution restrictions, 16558
Timber sales:
Road construction, transfer of unused effective purchaser credit for, 7773, 9363, 14256
Sealed bidding, 50699, 52485
Trespass:
Livestock, unauthorized, impoundment and disposal, 21644, 26578
Occupancy, 12691
Wilderness, primitive areas; land use, etc., 12691

NOTICES

Authority delegations by Chief:
Regional Forester, Alaska, 1611, 3766, 48761
Committees; establishment, renewals, etc.:
Caddo National Grasslands Grazing Advisory Board, 13385
Deschutes National Forest Multiple Use Advisory Committee, 26945
Northeastern Forest Research Advisory Committee, 38536
Ochoco National Forest Grazing Advisory Board, 10245
Orono, Maine,Forest Research Advisory Committee, 26945
Ottawa National Forest Multiple Use Advisory Committee, 4842
Pacific Northwest Forestry Research Advisory Committee, 36827
Sawtooth National Forest Multiple Use Advisory Committee et al., 43937
Tierra Amarilla Division Grazing Advisory Board, 10245
White Mountain National Forest Advisory Committee, 44721
Environmental statements; availability, etc.:
Alaska National Forests, Conecuh Unit Plan, 52710
Alaska National Forests, herbicide use, 4308
Allegheny National Forest, Buzzard Swamp Unit, Pa., 46496
Allegheny National Forest, off-road vehicle policy, Pa., 15355
Allegheny National Forest, Timber Management Plan, Pa., 50848
Arapaho National Forest, Boulder-Grand Divide Unit, Colo., 50308
Ashley National Forest, Flaming Gorge National Recreation Area, Utah and Wyo., 32933
Ashley National Forest, Long Park Reservoir, Utah, 16593, 31583
Bankhead National Forest, Timber Management Plan, Ala., 38535
Bienville National Forest, Timber Management Plan, Miss., 21497, 37633
Bitterroot, National Forest, Selway Bitterroot Wilderness, Mont. 8403, 56874
Bitterroot National Forest, Lower West Fork Planning Unit, Mont., 37138
Bitterroot National Forest, South Planning Unit, Mont., 16991
Bitterroot National Forest, Warm Springs-Medicine Tree Planning Unit, Mont., 47567
Black Hills National Forest, Timber Management Plan revisions, S. Dak., 15897
Blacktail Planning Unit Multiple Use Plan, Idaho, 10459
Boise National Forest, Bogus Basin proposed ski area expansion, 11587
Boise National Forest, proposed Timber Management Plan, Idaho, 22115
Bonner County, Lakeview Planning Unit, Idaho, 35083, 36056
Bridger-Teton National Forest, Big Piney Planning Unit, Wyo., 14563
Bridger-Teton National Forest, Teton Wilderness, Wyo., 38195
Callahan Planning Unit Multiple Use Plan, Kootenai National Forest, Mont., 2653
Caribou National Forest, Diamond Creek Planning Unit, Idaho, 20432
Cascade Head Scenic-Research Area, proposed Management Plan, Oreg., 14201
Challis National Forest, Pioneer Mountains Planning Unit, Idaho, 39807
Chattahoochee-Oconee National Forest, South Slope Unit Plan, Ga., 44204
Chequamegon National Forest, Timber Management Plan, Wis., 45601
Cherokee National Forest, Timber Management Plan, Tenn., 14810
Chugach National Forest, herbicide use, Alaska, 19738
Chugach National Forest, Passage Canal Salvage Timber Sale, Alaska, 4308, 31413
Chugach National Forest, West Chichagof-Yakobi Island Land Use Study, Alaska, 9408
Clearwater National Forest, Lowell Planning Unit Multiple Use Plan, Idaho, 54010
Clearwater National Forest, Selway Bitterroot Wilderness, Idaho, 8403, 56874
Cleveland National Forest, Palomer Mountain Unit, Calif., 28815
Coconino National Forest, Woods Planning Unit, Ariz., 12077, 14563
Colville National Forest, East Deer Creek Planning Unit, Wash., 44203, 52059
Colville National Forest, Kettle Range Planning Unit, Wash., 47567, 55562
Cooperative Fall Cankerworm Suppression, Pa., 1094
Cooperative Gypsy Moth Suppression and Regulatory Program, 15723

INDEX

UMI

Cooperative Spruce Budworm Suppression Project, Maine, 5332, 18122
Cooperative Western Spruce Budworm Pest Management Plan, Oreg. and Wash., 5331, 19241
Coronado National Forest, Santa Catalina Land Planning Unit, Ariz., 32766
Coronado National Forest, Swift Trail, Ariz., 22290
Coronado National Forest, Swift Trail Forest Highway 34, Ariz., 52095
Custer National Forest, Beartooth Plateau Unit, Wyo., 32765
Custer National Forest, Sioux Planning Unit Multiple Use Plan, S. Dak., 14913, 52710
Daniel Boone National Forest, Laurel River Unit, Ky., 6297
Deerlodge National Forest, Basin Planning Unit Multiple Use Plan, Mont., 22391
Deerlodge National Forest, North End Planning Unit Multiple Use Plan, Mont., 54780
Delta National Forest, Unit Plan, Miss., 16844
Dixie National Forest, Markagunt Plateau Planning Unit, Utah, 47568
Dixie National Forest, Timber Management Plan, Utah, 2653
Dolores National Wild and Scenic River, Colo., 49661
Eldorado National Forest, Volcanoville Planning Unit, Calif., 23442
Fishlake National Forest, Salina Planning Unit, Utah, 1095, 31584
Flathead National Forest, Big Mountain Ski Area Master Plan, Mont., 38536
Flathead National Forest, Lake Five Planning Unit, Mont., 26730
Flathead National Forest, oil and gas lease applications, Mont., 18692
Flathead Wild and Scenic River Proposal, Mont., et al., 22640
Gallatin National Forest, Beartooth Plateau Unit, Wyo., 32765
Gallatin National Forest, Buck Creek-Yellow Mule Road, Mont., 41734
Gallatin National Forest, Mount Hebgen management alternatives, Mont., 42688
George Washington National Forest, Massanutten Unit Plan, Va., 29737
Gifford Pinchot National Forest, Clear Creek Planning Unit, Wash., 47568
Gifford Pinchot National Forest, Trapper-Siouxon Planning Unit, Wash., 16593
Gifford Pinchot National Forest, Upper Lewis River Planning Unit, Wash., 49867
Gila National Forest, algaecide treatment of Snow and Quemado Lakes, N. Mex., 53365
Green Mountain National Forest; Deerfield River Area, proposed land use plan, Vt., 6780
Helena National Forest, Colorado-Unionville-Travis Planning Unit, Mont., 49508
Helena National Forest, Elkhorn Planning Unit, Mont., 26244
Helena National Forest, Magpie-Confederate Planning Unit, Mont., 32765
Helena National Forest, Ophir-Doy-MacDonald Pass Planning Unit, Mont., 29895
Homochitto National Forest, Porter Creek Unit Plan, Miss., 4309, 40522
Homochitto National Forest, Timber Management Plan, Miss., 12316, 37634
Humboldt National Forest, Santa Rosa Planning Unit, Nev., 27994
Idaho National Forest, Blacktail Planning Unit, Idaho, 44203
Idaho Panhandle National Forests, Boulder Planning Unit, Idaho, 35875
Idaho Panhandle National Forests, Emerald Creek Planning Unit, Idaho, 36055
Idaho Panhandle National Forests, Lamb-Upper West Branch Planning Unit, Wash., 20432
Kaniku National Forest, Lamb-Upper West Branch Planning Unit, Idaho and Wash., 50706
Kisatchie National Forest, Caney Unit Plan, La., 3327, 34660
Kisatchie National Forest, North Catahoula South Winn Unit Plan, La., 29200
Kisatchie National Forest, Vernon Unit Plan, La., 43211
Klamath National Forest; King Unit, Calif., land use plan, 11588
Kootenai National Forest, Big Swede-Pipe Planning Unit, Mont., 43211
Kootenai National Forest, Dickey-Sunday Planning Unit, Mont., 20726
Kootenai National Forest, O'Brien Planning Unit, et al., Mont., 37383
Kootenai National Forest, West Kootenai Planning Unit, Mont., 35203
Lolo National Forest, Big Hole Planning Unit Multiple Use Plan, Mont., 19738
Lolo National Forest, Ninemile-Mill Planning Unit, Multiple Use Plan, Mont., 32766
Lolo National Forest, Petty Mountain Planning Unit, Mont:, 12236
Lolo National Forest, Prospect Planning Unit, Mont., 36230
Lolo National Forest, Selway Bitterroot Wilderness, Mont. and Idaho, 8403, 56874
Lolo National Forest, Ward-Eagle Planning Unit, Mont., 37139
Los Padres National Forest, Land Management Plan, Calif., 54780
Malheur National Forest, John Day Planning Unit Land Use Plan, Oreg., 9408
Malheur National Forest, South Fork Planning Unit, Oreg., 20726
Manti-LaSal National Forest, Monticello Planning Unit, Utah, 17589
Mark Twain National Forest, Willow Springs Unit Plan, Mo., 41734, 49867
Medicine Bow National Forest, Bears Ears Land Use Plan, Colo., 24764
Medicine Bow National Forest, Huston Park Sub-Unit land management plan, Wyo., 55915
Medicine Bow National Forest, Ryan Park Winter Sport Site, Wyo., 29737
Medicine Bow National Forest, Savage Run Unit, Wyo., 18691
Mt. Baker-Snoqualmie National Forest, Chelan Planning Unit, Wash., 18536
Mt. Hood National Forest, Badger-Jordan Planning Unit, Oreg., 54965
Mt. Hood National Forest, Breitenbush Geothermal Area, Oreg., 48389
Mt. Hood National Forest, Bull Run Planning Unit, Oreg., 36229
Mt. Hood National Forest, Mt. Hood Interagency Planning Unit, Oreg., 10081
Mt. Hood National Forest, Timber Management Plan, Oreg., 34087
Nantahala National Forest, Unit Plan, N.C., 18457
Nezperce National Forest, Horse Creek Administrative-Research Project land use plan, Idaho, 10460
Nezperce National Forest, Mill Creek Planning Unit, Idaho, 16992
Nezperce National Forest, Red River Planning Unit, Idaho, 4842, 18692
Nezperce National Forest, Selway Bitterroot Wilderness, Idaho, 8403, 56874
Nezperce National Forest, Stillman Point Planning Unit, Idaho, 9250
Okanogan National Forest, Twisp-Winthrop-Conconully Planning Unit, Wash., 2838, 10460, 44204
Olympic National Forest, Quinault Planning Unit, Wash., 7437, 32933
Olympic National Forest, Wash.; designating types of travel on trails and areas permitted, restricted or prohibited, 7798, 32459
Ottawa National Forest, timber management plan, Mich., 7438, 34088
Ouachita National Forest, Cossatot-Little Missouri Planning Unit, Ark., 14452, 38536
Ouachita National Forest, South Fourche Planning Unit, Ark., 35876, 38536
Ouachita National Forest, Tiak Unit, Ark., 55915
Ozark National Forest, Ozone Unit Plan, Ark., 36056
Pacific Northern Timber Co., Timber Sale, Alaska, 3494, 22648
Payette National Forest, Meadows Planning Unit, Idaho, 2653, 18692
Payette National Forest, Timber Management Plan, Idaho, 11064
Pisgah National Forest, Curtis Creek Unit Plan, N.C., 7798, 9408, 36676
Plumas National Forest, Mohawk Unit, Calif., 34087, 36827
Prescott National Forest, Clarkdale-Williams Highway, Ariz., 55915
Prescott National Forest, Copper Basin Land Exchange, N. Mex., 14564
Prescott National Forest, Timber Management Program, Ariz., 4842, 29737
Renewable resource program - 1977 to 2020, 9905
Roosevelt National Forest, Boulder-Grand Divide Unit, Colo., 50308
Routt National Forest, Bears Ears Land Use Plan, Colo., 24764
Routt National Forest, Blacktail Unit Land Use Plan, Colo., 51850
Routt National Forest, Mt. Welba Land Use Plan, Colo., 17951, 18692, 25041
Salmon National Forest, Beartrap-Dutchler Planning Unit, Idaho, 791
Salmon National Forest, Twelvemile Planning Unit, Idaho, 5332, 31584
Sam Houston National Forest, Conroe Unit Plan, Tex., 31583

San Juan National Forest, Delores Planning Unit, Colo., 39807
San Juan National Forest, Timber Management Plan, Colo., 22975
Santa Fe National Forest; Gallina Land Use Plan, N. Mex., 32460
Santa Fe National Forest, geothermal leasing, N. Mex., 30151
Sawtooth National Forest, Pioneer Mountains Planning Unit, Idaho, 39807
Sequoia National Forest, Little Kern Unit, Calif., 49661
Sequoia National Forest, Mineral King Recreation Development, Calif., 10458
Shasta-Trinity National Forest, Shasta and Clair Engle-Lewiston Units, Calif., 17951
Shasta-Trinity National Forest, Upper Trinity Unit, Calif., 36676
Shoshone, National Forest, Beartooth Plateau Unit, Wyo., 32765
Shoshone National Forest, Timber Management Plan, Colo., 6298
Sierra National Forest, Rancheria Management Unit, Calif., 35739
Siskiyou National Forest, Mt. Butler-Dry Creek Planning Unit, Oreg., 21662
Siskiyou National Forest, Rogue-Illinois Planning Unit, Oreg., 53834
Siuslaw National Forest, Cascade Head Scenic Research Area, Oreg., 51431
South Lindenberg Peninsula Land Use Plan, Alaska, 1301, 29200
St. Francis National Forest, Unit Plan, Ark., 15464
St. Joe National Forest, Elk River Planning Unit, Mont. and Idaho, 35739
St. Joe National Forest, Siwash Planning Unit-Land Use Plan, Idaho, 13972
Suislaw National Forest, Marys Peak Planning Unit Land Use Plan, Oreg., 10245
Sumter National Forest, Chauga Unit Plan, S. C., 34086
Superior National Forest, proposed land exchange, Minn., 30374
Tahoe National Forest, Mohawk Unit, Calif., 34087, 36827
Tahoe National Forest, Truckee-Little Truckee Rivers Unit, Calif., 2838, 22648
Talladega National Forest, Timber Management Plan, Ala., 20603
Targhee National Forest, West Slope of Tetons Planning Unit, Idaho, 11857
Texas National forests, Sabine Unit Plan, Tex., 52710
Toiyabe National Forest, Alpine Planning Unit, Nev. and Calif., 24438, 35083
Toiyabe National Forest; Buckeye-Round Hill Power Transmission Line, Calif., 10081
Toiyabe National Forest, Central Nevada Planning Unit, Nev., 21388
Toiyabe National Forest, Mt. Charleston Planning Unit, Nev., 10459, 34660
Toiyabe National Forest, Truckee-Little Truckee Rivers Unit, Calif., 22648
Tongass Natioal Forest, Passage Canal Salvage Timber Sale, Alaska, 31413
Tongass National Forest; Alaska Lumber and Pulp Co, timber sale 1976 - 1981 operating period, 9905
Tongass National Forest, Burnett Inlet Fish Hatchery, Alaska, 39806
Tongass National Forest, Deer Island Unit Management Plan, Alaska, 43428
Tongass National Forest, Freshwater Bay Timber Sale, Alaska, 14913
Tongass National Forest, herbicide use, Alaksa, 19738
Tongass National Forest, Karta Unit Management Plan, Alaska, 35738
Tongass National Forest, Long Island Unit Management Plan, Alaska, 27413
Tongass National Forest, North Irish Creek Timber Sale, Alaska, 41734
Tongass National Forest, Southern Chilkat Study Area, Alaska, 2419
Tongass National Forest, Valley Timber Sale, Alaska, 39808
Uinta National Forest, Four Seasons Winter Sports Site, Utah, 16189, 45036
Uinta National Forest, Lone Peak Wilderness Study Area, Utah, 35545
Umatilla National Forest, Oregon Butte Planning Unit, Oreg., 24617
Vegetation management with herbicides, Oreg. and Wash., , 7969
Wallowa-Whitman National Forest, Grande Ronde Planning Unit, Oreg., 34087, 52897
Wasach National Forest, Lone Peak Wilderness Study Area, Utah, 35545
Wasatch National Forest, North Slope Planning Unit, Utah and Wyo., 14562
Wenatchee National Forest, R-6 off road vehicle use and policy, Wash., 22392, 30699
White Mountain National Forest, Evans Notch Unit Plan, Maine, 27855
White Mountain National Forest, Kancamagus Unit Plan, N.H., 19738
White River National Forest, Snake River Land Use Plan, Colo., 27099
White River National Forest, Thompson Creek Land Use Plan, Colo., 35876
White River National Forest, timber management plan, Colo., 7438
Willamette National Forest, Breitenbush Geothermal Area, Oreg., 48389
Winema and Fremont National Forests, Chemult Planning Unit, Oregon, 4308
Environmental statements under preparation as of December 19, 1975, 5758
Environmental statements under preparation as of June 15, 1976, 30143
Environmental statements under preparation as of Sept. 15, 1976, 51850
Management planning workshops: Medicine Lake Highlands, etc., 17796
Meetings:
Bighorn National Forest Grazing Advisory Board, 5141, 5643
Boise National Forest Grazing Advisory Board, 1935, 20725
Caddo National Grassland Grazing Advisory Board, 30052
California Advisory Committee, 6780, 34803, 53682
Caribou National Forest Grazing Advisory Board Committee, 46496
Carson National Forest Tierra Amarilla Grazing Advisory Board, 21661, 27994
Cascade Head Scenic-Research Area Advisory Council, 20902
Challis National Forest Livestock Advisory Board, 39807, 42968
Cibola National Forest Grazing Advisory Board, 4309, 14913
Coconino National Forest Grazing Advisory Board, 48556
Commanche National Grassland Joint Grazing Advisory Boards, 10081
Condor Advisory Committee, 17951, 51856
Coronado National Forest Grazing Advisory Board Committee, 11064
Cradle of Forestry in America Advisory Committee, 5332
Descanso District Grazing Advisory Board, 48556
Deschutes National Forest Advisory Committee, 9000, 13639, 18457, 21662, 29895, 40522, 55562
Deschutes National Forest Cattlemen's and Woolgrowers' Advisory Committee, 2103
Deschutes National Forest Multiple Use Advisory Committee, 2103
Fremont National Forest Grazing Advisory Board, 5141, 43937
Gila National Forest Grazing Advisory Board, 49508
Humboldt National Forest Livestock Advisory Board, 35083
Klamath National Forest Grazing Advisory Board, 9578
Malheur National Forest Grazing Advisory Board, 2269, 4050
Manti Division Grazing Advisory Board, 3886, 35084
Medicine Bow National Forest Grazing Advisory Board, 13385, 53497, 56874
Miguel District Grazing Advisory Board, 2269
Modoc National Forest Grazing Advisory Board, 6081, 37138
National Forest Grazing Advisory Boards, 24617
Nebraska National Forest Livestock Advisory Board, 20200
North Kaibab Grazing Advisory Board, 49661
Northeastern Forestry Research Advisory Committee, 20726
Ochoco National Forest Grazing Advisory Board, 44204
Okanogan National Forest Grazing Advisory Board, 54010
Oregon Dunes National Recreation Area Advisory Council, 1504, 2269, 26053
Ottawa National Forest Multiple Use Advisory Committee, 14913, 41939
Ouray District Grazing Advisory Board, 2837
Pacific Crest National Scenic Trail Advisory Council, 19357, 52504, 53365, 53497
Prescott National Forest Grazing Advisory Board, 16491
Quetico-Superior Committee, 13972
Rio Grande National Forest Grazing Advisory Board, 10938, 39808
Rock Creek Advisory Committee, 791, 3494, 6780, 11191, 15897, 21498
Routt National Forest Grazing Advisory Board, 16845, 37139
Samuel R. McKelvie National Forest Grazing Advisory Board, 23442
Samuel R. McKelvie National Forest Livestock Advisory Board, 21209

INDEX

UMI

San Isabel National Forest Grazing Advisory Board, 50016
San Juan National Forest Grazing Advisory Board, 4309
Santa Fe National Forest Grazing Advisory Board, 53835
Shoshone National Forest Livestock Advisory Board, 18692
South Kaibab Grazing Advisory Board, 23442
Spearfish District Grazing Advisory Board, 2838
Stanislaus Forest-Wide Livestock Advisory Board, 51856
State and Private Forestry Advisory Committee, 17798
Superior National Forest Advisory Committee, 3766, 26244
Taos-Penasco-Questa Division Grazing Advisory Board, 7799, 50849
Tierra Amarilla Grazing Advisory Board, 50849
Tonto National Forest Grazing Advisory Board, 47271
Uinta National Forest Grazing Advisory Board, 2653, 24438
Umatilla National Forest Grazing Advisory Committee, 4950
Union County Grazing Advisory Board, 7162
Wallowa-Whitman National Forest Grazing Advisory Board, 18890
White Mountain National Forest Advisory Committee, 6082, 21662, 39808
Winema National Forest Grazing Advisory Board, 13972
Privacy Act; systems of records, 15816
Recreation management, access, etc.:
Rogue National Wild and Scenic River, Oreg., 24614
Wild and scenic river areas:
Chattooga River, Ga., N.C. and S.C., 11847
Wilderness areas:
Indian Peaks Wilderness Study Area, Arapaho and Roosevelt National Forests, Colo.; hearing, 50706
Teton Wilderness, Bridger-Teton National Forest, Wyo.; proposed addition, hearing, 33928

GAMBLING, COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD

NOTICES
Hearings, 15540, 18911, 38553
Meetings, 6791, 22976
Privacy Act; systems of records, 49897, 52640, 54211

GAS

See Federal Energy Administration.
Federal Power Commission.
Geological Survey.
Land Management Bureau.
Pipeline Safety Operations Office.

GENERAL ACCOUNTING OFFICE

RULES
Bid protest procedures; correction, 2073, 2367
Procedures:
Attorneys and other representatives, recognition, 35155
Transportation:
Advance payment of charges for services furnished U.S.; joint regulations, 53769
PROPOSED RULES
Information collection; clearance of proposals by independent Federal regulatory agencies, 9570
NOTICES
International air transportation; fair competitive practices guidelines, 14946
Regulatory reports review; proposals, approvals, etc., 1972, 2446, 2870, 3784, 4863, 4980, 5151, 7165, 7591, 7823, 8233, 8547, 9234, 9627, 10271, 10718, 11886, 12095, 13677, 14014, 15369, 16616, 16712, 17628, 19161, 20027, 20454, 20625, 21529, 21702, 21846, 22163, 22164, 22635, 24220, 24460, 24779, 24938, 27867, 29041, 29918, 30214, 30743, 33590, 34118, 34369, 35100, 35233, 35909, 35910, 36552, 36701, 37421, 38221, 39389, 39845, 41166, 42245, 42993, 43253, 44753, 45061, 45624, 46062, 46651, 47288, 48003, 48421, 49891, 50869, 51469, 52342, 52534, 53135, 54030, 54223, 55239, 55584, 55742, 56238, 56715

GENERAL SERVICES ADMINISTRATION

See also Automated Data and Telecommunications Service.
Federal Management Policy Office.
Federal Preparedness Agency.
Federal Register Office.
Federal Supply Service.
National Archives and Records Service.
Public Buildings Service.
RULES
Government-owned industrial plant equipment; policy on use by private industry, 51397
Inflation impact statement, 47237
Privacy Act; implementation, 14732, 42954
Procurement:
Federal; 3737, 4918, 19312, 22817, 27723, 31207, 33265, 36654, 38166, 43538, 46295, 47237, 47440, 50687, 52457, 53662
GSA, 27037
Procurement management, management circulars, etc., transferred to OMB; CFR Subchapters recodified, 52454, 54487
Property management:
Federal, 3293, 3739, 3858, 5097, 6772, 6773, 7944, 7945, 8169, 11307, 13353, 14517, 14732, 14865, 16801, 17732, 17733, 22268, 22354, 22938, 23203, 25899, 34629, 34630, 34634, 36206, 36207, 37575, 38167, 38504, 42953, 42954, 43546, 43722, 46296, 48519, 48737, 54762, 56320
GSA, 2235, 14515, 14516, 21451, 47441
PROPOSED RULES
Privacy Act; implementation, 32245
Property management:
Federal, 20708, 29188, 34080, 54202
GSA, 16833
Travel regulations, Federal, 20708
NOTICES
Authority delegations:
Atomic Energy Commission Chairman et al.; revoked, 24634
Attorney General, 1972, 2279
Commerce Department Secretary, 16882
Defense Department Secretary, 1973, 2446, 2447, 4364, 5454, 7823, 8233, 11220, 13418, 14946, 15914, 18557, 19162, 20740, 22164, 22407, 22997, 23253, 24001, 25942, 37422, 37677, 43964, 44077, 52535, 55389
Energy Research and Development Administration Administrator, 827, 13418, 22320, 35910, 56238
Health, Education, and Welfare Department Secretary, 8233, 19162
Housing and Urban Development Department Secretary, 24001
Interior Department Secretary, 7823, 44899
Treasury Department Secretary, 5869, 44900
Automatic data processing equipment (ADPE) and related services; multiple-award schedule type contracts, 56395
Committees; establishment, renewals, etc.:
Archives and Records Centers Protection Advisory Committee, 24460
Consumer representation plan, 42861
Environmental statements; availability, etc.:
U.S. Courthouse project; Madison, Wis.; comment time reduced, 52535
Federal agency housing and community planning; policy revision, 44474
Fiscal year reports submission; reporting period, 3145
Meetings:
Architectural and Engineering Services Regional Public Advisory Panel, 2690, 7467, 10965, 14217, 17973, 18358, 22320, 22864, 25942, 27786, 39098, 42993, 50347
Archives Advisory Council, 38556
Program Advisory Committee, 28042, 37421
Privacy Act; systems of records, 5868, 8548, 18557, 19261, 22164, 22407, 24745, 24938, 32793, 35767, 38088, 39389, 40695, 44756, 50722
Procurement:
Cost accounting standards administration, temporary, 51448, 56238
Interagency Procurement Policy Committee; functions, membership, etc., 51447, 56238
Procurement regulations, temporary:
Small Business Emergency Relief Act, 12927
Property management regulations, temporary:
ADP and telecommunications requirements checklist, 12248, 43253
Authority delegation to Atomic Energy Commission Chairman et al.; revoked, 24634
Authority delegation to Attorney General, 1972
Authority delegation to Commerce Department Secretary, 16882
Authority delegation to Defense Department Secretary, 1973, 2446, 2447, 4364, 5454, 7823, 8233, 11220, 13418, 14946, 15914, 18557, 19162, 20740, 22164, 22407, 22997, 23253, 24001, 25942, 37422, 37677, 43964, 44077, 52535, 55385
Authority delegation to Energy Research and Development Administration Administrator, 827, 13418, 22320, 56238
Authority delegation to Health, Education, and Welfare Department Secretary, 8233, 19162
Authority delegation to Housing and Urban Development Department Secretary, 24001
Authority delegation to Interior Department Secretary, 7823, 44899
Authority delegation to Treasury Department Secretary, 5869, 44900
Money cost, facilities capital; pricing policy for negotiated contracts, 44475
Motor vehicle fuel consumption, reduction, 27134
Motor vehicle reporting requirements, 14600, 43964
Motor vehicles, exempted, 10479
Motor vehicles, passenger, fuel efficient; acquisition by Federal agencies, 44753, 47114
Quality deficiencies reporting procedures, 38556
Supply activity report supplement; reporting requirements cancelled, 3785
Telephone calls, long-distance; Federal Telecommunication Systems identification procedures, 3785
Transportation payments audit, 43964
Travel, government; mileage allowances, 18174, 43253
Public utilities; hearings, etc.:
Baltimore Gas & Electric Co., 31270
Chesapeake & Potomac Telephone Co., 54543
Consolidated Edison Co. of New York, Inc., 31271
Duquesne Light Co., 54544
Florida Power & Light Co., 54543
Michigan Bell Telephone Co., 31271
New York Distribution Exploration Group, 51469
New York Telephone Co., 56239
Potomac Electric Power Co., 35232
Southern Bell Telephone & Telegraph Co., 31271
Southwestern Bell Telephone Co., 40569
Virginia Electric & Power Co., 32793
Washington Gas Light Co., 31271
Public utility contracts, areawide; checklist, 30402
Smoking in GSA-controlled buildings; guidelines, 44476
Travel; increased mileage allowances for use of privately owned automobiles, 18174, 43253
Travel expenses, cost and operation of privately owned vehicles; investigation, 43370

GEOLOGICAL SURVEY

RULES
Coal-mining operating regulations:
Protection of public and Indian lands, 20261
Wyoming, surface reclamation standards, 53793
Government royalty oil; disposal:
Administrative costs, 18073
Outer Continental Shelf:
Geological and geophysical explorations, 25893, 27319
Outer Continental Shelf; oil, gas, and sulphur operations:
Development and production; order and guidelines, 53016
Records inspection, public, 25893, 27319
PROPOSED RULES
Coal-mining operating regulations:
Montana, reclamation laws and requirements, 39036, 43912, 45999, 50008
"Steep slopes," performance standards, 56830
Surface management, 53360
Wyoming, reclamation laws and requirements, 35716, 36826, 53811
Exploration, development, and production; operating regulations:
Definitions, etc., 54004
Royalty computation; value basis, 54003
Government royalty oil; disposal:
Administrative costs, 6264
Outer Continental Shelf; oil, gas, and sulfur operations:
Development and production; order and guidelines; extension of time, 3481
Exploration, development, and production; operations regulations; extension of time, 3481
Unit or cooperative agreements; oil and gas, 53814
NOTICES
Coal land classifications:
Colorado, 26591
Utah, 26591
Coal leasing areas:
Colorado, 26725, 27405, 30358, 31410, 42685, 56863
Montana, 42685
North Dakota, 42685, 56241
Utah, 42685
Wyoming, 26725, 42685
Coal mining; exploration and mining on Federal lands, 34658
Coal-mining operating regulations:
Wyoming; hearing, 36826
Environmental statements; availability, etc.:
California, Santa Barbara Channel, Outer Continental Shelf; oil and gas development, 10116
Coal resources and coal mining operating regulations, surface management, 10244
Codero Mine, Campbell County, Wyo., 18534
Eagle Butte Mine, Wyo., 42687
East Decker and North Extension Mines, Big Horn County, Mont., 45889
Idaho, southeastern; phosphate resources development, 17797, 29736
Montana; regional coal development, 36675
Montana; Westmoreland Resources Absaloka mine, Crow Indian Ceded Area, 50075
Oil shale development; impact of in situ processes on land tracts, 34659
Outer Continental Shelf; geological and geophysical explorations, 18530
Utah; regional coal development, 36675
Geothermal resource areas, operations, etc.:
California, 2418, 35202, 39358
Central and Western Regions, 4842, 20901, 24196, 53498
Idaho, 15432
Nevada, 1933, 4050, 4306, 5651, 6080, 7434, 9405, 21385, 41124
New Mexico, 9903
Oregon, 28331
Utah, 4050, 38195
Inflation impact statement, 55945
Meetings:
Earthquake Studies Advisory Panel, 18116
Water Data for Public Use Advisory Committee et al., 49199
Mineral resources study, joint study with Mines Bureau; New River Gorge Area, W. Va., 26944
Oil and gas operations:
Disposal of Outer Continental Shelf royalty oil, 13, 9405, 29001
Federal and Indian leases; approval applications, 18116
Natural gas; value for royalty purposes; extension of time, 4609
Royalty accounting reports, 8802, 12235
Outer Continental Shelf; oil and gas development:
Coastal States, 46355
Drilling procedures; safety and pollution-prevention standards, 8989
Gulf of Alaska, 10105
Gulf of Mexico, 4306, 5839, 15354, 19685, 23733, 27405, 37614, 37616, 42226, 53144
Gulf of Mexico and Pacific areas; disposal of royalty oil, 46034
Mid-Atlantic area, 28553
North Atlantic area; inquiry, 30142
Operations and production; limited suspension guidelines; extension of time, 3481
Pacific area, 5839, 18530, 19685
Personnel training standards; drilling procedures, 21825, 48135
South Atlantic area, 55945
Outer Continental Shelf; oil and gas operations; safety and pollution-prevention standards program; development of general (generic) quality control system standard for equipment manufacture and testing, 48582
Phosphate leasing areas:
Idaho, 41123
Montana, 41124
Potash leasing areas:
New Mexico, 9405
Power sites; modifications, cancellations, etc.:
American River Basin, Calif., 11189
Green River Basin, Utah, 36826
Snake River Basin, Oreg., 32932
Yampa River Basin, Colo., 52546
Procurement actions; legal review, 36226

GOVERNMENT EMPLOYEES

See Civil Service Commission.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

RULES
Bylaws; Mortgage Disposition Board, 217724/310
Organization and functions:
Attorneys-in-fact; list, 2084, 20874, 34611, 51791

90-000 O - 77 - 7

INDEX

GOVERNMENT PRINTING OFFICE

NOTICES

Meetings:
Depository Library Council to Public Printer, 11365, 42994

HANDICAPPED

See Blind and Other Severely Handicapped, Committee for Purchase from.
Education Office.
Health, Education, and Welfare Department.
Social Security Administration.

HAZARDOUS MATERIALS OPERATIONS OFFICE

RULES

Aircraft, carriage by:
Bulk tanks; approval, 54942
Consolidation clarification, etc., 57072
Recodification, 16106, 40686, 42587
Consolidation of hazardous materials regulations, 15992, 26014, 57020
Hazardous materials list, 15013, 27728
Hazardous materials table and communications regulations, 15996, 37115, 40630, 42369, 57020
Hazardous materials transportation; authority citations, etc., 38179, 56807
Hazardous materials transportation; information, definitions, etc., 15993, 40475, 40629, 41914, 42364, 57020
Highway, carriage by:
Authority citations, etc., 38180, 56807
Placarding of vehicles, 17736
Recodification, 16130, 40476, 40687, 41914, 42613
Vehicles, repair of, 27968
Incorporation by reference, 18656, 52300
Inflation impact statements, 52300, 57018
Liquids, flammable and combustible; definitions, 7948
Non-resident applicants; domestic agents in U.S., 7509
Rail, carriage by:
Authority citations, etc., 38180, 56807
Consolidation clarification, etc., 57071
Recodification, 16092, 40685, 42572
Shippers:
Authority citations, etc., 38180, 56807
Cargo tank certification, 17736
Classification of new explosives and sample shipments, 15013, 27728
Conversion of special permits and exemptions, 50263
Inspection of cylinders manufactured outside U.S., 18415
Packagings; use under exemptions, 3478
Shipment and packaging requirements, 16059, 37115, 40475, 40680, 41914, 42434, 55876, 57068
Tank cars, qualification, maintenance and use, 21476
Shipping container specifications, 3869, 18415, 38180, 42206, 56807
Tank car specifications, 3869, 21476, 38183, 56807
Vessel, carriage by:
Consolidation clarification, etc., 57072
Recodification, 16110, 40687, 42592
Vessels, transportation or storage of military explosives, 28116

PROPOSED RULES

Cargo tanks; location of manhole assemblies and certification plates, 18093
Compressed gases in cylinders; color coding system of identification; inquiry, 43188, 52891
Hazard information systems:
Evaluation criteria for various systems; extension of time, 5347
Hazardous materials table and communications regulations, 52083, 54959
Hazardous materials transportation; authority citations, etc., 9188
Hazardous materials transportation controls; inquiry, 53824
Hazardous materials transportation; information, definitions, etc., 44712
Highway, carriage by:
Blasting agents, 52083, 54959
Vehicles containing hazardous materials, repair and maintenance, 44712
Incorporation by reference, 10627, 44711
Rail, carriage by:
Blasting agents, 52083, 54959
Freight cars placarded 'dangerous', switching; withdrawal, 16661
Shippers:
Blasting agents, 52083, 54959
Conversion of special permits and exemptions, 38779
Etiologic agents, 52086
Exemptions, conversion to regulations of general applicability, 43188, 48553
Inspection of cylinders manufactured outside U.S., 1919, 2829, 11179
Shipment and packaging requirements, 52326, 54958
Shipping container specifications, 1919, 2829, 11179, 18093, 41713, 54958
Tank car specifications, 16571, 52327
Vessel, carriage by:
Blasting agents, 52083, 54959

NOTICES

Applications; exemptions, renewals, etc.:
Air Products & Chemicals et al., 1112
Allied Chemical Corp., 13653
Army Department et al., 54230
Baxter, M.J., Drilling Co., et al., 15056
Carborundum Co. et al., 10088
Defense Department et al., 9220, 54231
Dow Chemical Co. et al., 22399
Ekohwerks Co. et al., 43225
Energy Research and Development Administration et al., 49920
Ethyl Corp. et al., 27104
GAF Corp. et al., 28571
Hercules, Inc., et al., 44730
Martin Marietta Corp. et al., 52117
Matson Navigation Co. et al., 5416
MTMC, Army Department, et al., 38808
Penwalt Corp. et al., 50304
PPG Industries, Inc., et al., 16681
Proctor & Gamble Manufacturing Co. et al., 3501
Raytheon Co. et al., 55018
Rich International Airways Inc. et al., 55017
RMI Titanium Co. et al., 18901
Rockwell International Corp. et al., 30705
Southern Oxygen Supply Co. et al., 38201
State Stove and Manufacturing Co., Inc., et al., 12091
Uniroyal Chemical et al., 16604
Ventron Corp. et al., 24441
Special permits:
FMC Corp. et al., 3501

HAZARDOUS SUBSTANCES

See Coast Guard.
Consumer Product Safety Commission.
Environmental Protection Agency.
Hazardous Materials Operations Office.
Materials Transportation Bureau.
Occupational Safety and Health Administration.

HEALTH

See Alcohol, Drug Abuse, and Mental Health Administration.
Animal and Plant Health Inspection Service.
Disease Control Center.
Food and Drug Administration.
Health, Education, and Welfare Department.
Health Resources Administration.
Health Services Administration.
Interim Compliance Panel (Coal Mine Health and Safety).
Mining Enforcement and Safety Administration.
National Institutes of Health.
Occupational Safety and Health Administration.
Public Health Service.
Social and Rehabilitation Service.
Social Security Administration.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Aging Administration.
Alcohol, Drug Abuse, and Mental Health Administration.
Child Development Office.
Child Support Enforcement Office.
Consumer Affairs Office (HEW).
Disease Control Center.
Education Office.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
Human Development Office.
National Institute of Education.
National Institutes of Health.
Public Health Service.
Rehabilitation Services Administration.
Social and Rehabilitation Service.
Social Security Administration.

RULES

Committee management, 35655
Conduct standards, 14741
Drugs; maximum allowable cost, 16968
Exchange visitor program; request for waiver of foreign residence requirement, 8171
Grants, administration:
Procurement standards; simplification, 44552
Human subjects, protection of:
Subject at risk; Secretary's interpretation, 26572
News media; release of adverse information, 2
Privacy rights of parents and students, 9063, 24670
Procurement, 19106, 19634, 22040, 22351, 27835, 41693, 42188, 44170, 52676, 54930

PROPOSED RULES

Conduct standards:
National Institutes of Health, 32235
Freedom of information, 50846
Grants, administration, human service delivery, improvement; waiver of Departmental requirements by State and local governments, 53412
Native American program; human development, 2046
Nondiscrimination:
Civil rights laws and authorities; consolidated procedural rules for enforcement and administration, 18394
Handicapped in federally-assisted programs, 20296, 29548
Personnel administration, merit system standards, 52473
Procurement, 32607
Respiratory protective devices; permissibility tests:
Gas and vapor respirators, single-use, 44864, 49506

NOTICES

Aged and disabled, monthly hospital insurance premium; uninsured aged, premium rate, 54823
Aged and disabled, supplementary medical insurance:
Actuarial and premium rates, monthly; July 1976 - June 1977, 1310
Actuarial and premium rates, monthly; July 1977 - June 1978, 55751
Items and services subject to lowest charge level criteria, 40533
July 1976 through June 1977 economic index, 37838
Ampicillin; maximum allowable costs, 51085, 54824
Citizen participation; inquiry, 49772
Clinical laboratories, personnel standards; development; meeting, 25043
Committees; establishment, renewals, etc.:
Health Insurance Benefits Advisory Council, 26245
Regulatory Review Office, 7541
Student Financial Assistance Study Group, 36829
Consumer representation plan, 42796
Contract awards:
Abt Associates Inc.; definition and measurement of income, 36828
Aspen Systems Corp.; Project Share research project, 34347
Cooper & Co.; cash equivalent of in-kind income, 50513
Human Services Research Institute; developmentally disabled; deinstitutionalization; conceptual analysis of State organization, 36828
Mathematica, Inc.; analysis of eligible populations for Federal poverty programs, 14208
Mathematica, Inc.; analysis of Gary income maintenance experiment, 9585
MetaMetrics, Inc.; correctional education programs; policy considerations, 36829
National Bureau of Economic Research, Inc.; social insurance literature, review; identification of major analytical and policy issues, 34347
National Council on Crime and Delinquency Research Center; poverty and school crime, 30054
National Voluntary Health and Social Welfare Organizations National Assembly; human services taxonomies evaluation, 50513
Ocean Data Systems; single parent families and family structure; research, 36828
Radd Associates, Ltd.; analytic model and survey instrument design for data on single parent household, 34346
Rand Corp.; empirical description of Federal role in desegregation of Nation's schools, 50513
Social Welfare National Conference; income security policy, 29897
Stanford Research Institute; disadvantaged and migrant children; year-round school program, 36828
Syracuse University; disability insurance applications research, 43431
University of Michigan; income dynamics panel study, 14208
University of Michigan; juveniles; analysis data on status offenders in correctional programs, 16997
University of Wisconsin; school desegregation policy impact on racial and socio-economic characteristics of Nation's schools and residential communities, 50513
Urban Institute; transfer income model, maintenance and development, 36829
Viar & Co., Inc.; health insurance study data processing technical review, 50513
Weiss, Dr. Robert; marital separation; issues for single parents, 36828
Federal and federally-assisted programs and projects; interim procedures, 31600
Grants:
Policy Research Program, FY 1976; assistance prospects, 19748
Grants Administration Manual; discretionary grant programs; availability, 22622
Health service and rehabilitation programs study; results, 53712
Health service areas; designation; correction, 804, 22119, 31600
Home health care; hearings, 35882
Hospital discharge abstract, uniform; implementation plan, 2502
Hospital services, inpatient; 1977 FY, per diem rates deductible, 43220
Human services policy management; inquiry, 52722
Indian health service areas; grant and contract funds availability, 31931, 54544
Information collection and data acquisition activity, description; inquiry, 56716
License, exclusive patent:
Asahi Medical Co. Ltd., 35010
Campbell, Jeptha E., et al., 55387
Kolobow, Theodor, et al., 32772
Tipton, Harold W., 18338
Meetings:
Biomedical Research Panel, President's, 1507, 2271, 4956, 5863, 7441, 7979, 9585, 12331
Child and Family Development Research Review Committee, 29011
Clinical laboratories, personnel standards; development, 25043
Consumer Advisory Council, 19154, 47983
Education Statistics Advisory Council, 2425, 7540, 19364, 35208, 46040, 54993
Fund for Improvement of Postsecondary Education, Board of Advisors, 11067, 23449
Health Insurance Benefits Advisory Council, 8411, 16680, 35755, 45617
Mental Retardation, President's Committee, 7979, 23449, 31250, 49537
National Professional Standards Review Council, 7541, 14918, 24622, 35755, 47278
New Drug Regulation Review Panel, 1937 7803, 13648, 17808, 20908, 24209, 27773, 33939, 38545, 46500, 50354, 53137, 56401
Olympic Sports, President's Commission, 9413, 11342, 21667, 38806, 47579
Pharmaceutical Reimbursement Advisory Committee, 26057, 39827, 51085
Physical Fitness and Sports, President's Council, 46040, 50514
Population Affairs Secretary's Advisory Committee, 9909, 22396
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission, 3499, 16495, 22293, 29896, 34669, 35553, 41449, 46363, 52543, 56239
Protection of Human Subjects of Biomedical and Behavorial Research, National Commission, 12331
Services and Facilities for Developmentally Disabled, National Advisory Council, 12330, 36829, 46500
Student Financial Assistance Study Group, 44879, 46897, 50074, 53853, 56401
Women, Rights and Responsibilities, Secretary's Advisory Committee, 2425, 11342, 18539, 21667, 36829, 40532, 45042, 49676, 51469, 52544, 56716
Nondiscrimination:
Employment at institutions of higher education; affirmative action, 2456
Federally-assisted programs; FY 1977 proposed annual operating plan, 41776
Nonpublic schools participating in Federal programs; report, 35553
Nondiscrimination; equal employment opportunity noncompliance; Federal assistance, proposed ineligibility:
Southern Illinois University, 3497
Organization, functions, and authority delegations:
Accounting Operations Division, 34347
Administration and Management, Office of Assistant Secretary, 2845, 7979, 27103, 38199
Alcohol, Drug Abuse, and Mental Health Administration, 19152, 22292, 24928, 29010, 31249, 50074
Assistance Payments Administration, 11067
Child Support Enforcement Office, 40533
Comptroller, Office of Assistant Secretary, 12331, 16199
Data Management Center, 16198
Disease Control Center, 21506, 23993
Education Office, 7979, 8524, 31931, 36233, 39057
Education Statistics National Center, 52540
Health, Office of Assistant Secretary, et al., 7978, 18697, 18698, 22292, 24928, 43947, 47274, 50515, 53374
Health Resources Administration, 4956, 16999, 17807, 18697, 21504, 23993

INDEX

UMI

Health Services Administration, 1809, 2842, 6788, 11341, 12322, 22622
Human Development Office, 19152, 56400
Investigations Office, Director, 10087
Medical Services Administration, 16199
National Institute of Education, 22621, 23992
National Institute of Mental Health, Community Mental Health Centers, 19362
National Institutes of Health, 1310, 9241, 26246, 29010
Planning and Evaluation, Office of Assistant Secretary, 47275
Public Health Service Regional Offices, 36237
Public Services Administration, 1937
Regional Directors, 26246
Regulatory Review Office, 7541
Rehabilitation Services Administration, Human Development Office, 34807
Social and Rehabilitation Service, 4626, 9242, 53137
Social Security Administration, 18900, 19153, 22622, 36234, 36236, 40531, 43755, 44727, 46040
Special Projects Office, 22292
Standard Administrative Code system; Department redesignations, 52724
Toxicological Research National Center, 9240, 11067
Veterinary Medicine Bureau, 21507
Regional Director's Office; Region IV; Atlanta, Ga., 2845
Regional Director's Office; Region VII; Kansas City, Mo., 51469
Regional Director's Office; Region VIII; Denver, Colo., 15732
Regional Director's Office; Region IX; San Francisco, Calif., 15358
Regional Director's Office; Region X; Seattle, Wash., 3499
Privacy Act; systems of records, 1182, 1405, 1936, 1937, 8524, 16297, 16603, 16999, 17414, 18336, 21320, 26735, 28569, 33874, 33932, 36188, 40707, 44063, 45039, 45617, 48392, 54223
Program results:
Elderly and disabled, evaluation of alternatives to nursing home care, 34346
Marital separation--issues for single parents, 40532
Poverty, relative measure; technical and editorial support, 16997
Social programs, policy analysis source book, 34347
Year round school evaluation design, 34347
Public Health and National Health Service Corps Scholarship Training Program; health specialties designation, 31249
Regulatory policies, memorandum, 34811
Social Security; cost-of-living increase, 19999, 23993
Social Security; uniform review procedures, 9242
Social Security contribution and benefit base; 1977 test exempt amounts, 44878
Student financial assistance programs; hearing and meeting, 56401
Surplus personal property program; adjustment of State entitlements, 16199

HEALTH RESOURCES ADMINISTRATION

RULES
Health planning and resources development:
State health planning and development agencies, 22525
Health systems agencies; designation and funding, 12824, 23386, 31208, 34749, 41090

PROPOSED RULES
Grants:
Medical facilities, public, construction and modernization, 52079, 52891
Health planning and resources development:
Health systems agencies, review of new institutional health services, 11692
State health planning and development agencies, 11694
Health systems agencies; designation and funding, 52079

NOTICES
Committee reports, annual, 46038, 47579
Committees; establishment, renewals, etc.:
Cooperative Health Statistics Advisory Committee, 14423
Federal Hospital Council, 18539
Graduate Medical Education National Advisory Committee, 20612
Health Care Technology Study Section et al., 24755
Long-term Care Advisory Committee, 27996
Nursing Research and Education Advisory Committee, 46499
Vital and Health Statistics, United States National Committee, 31600
Grants:
Health career opportunities, special; applications, 2104, 51883
Health manpower education initiative projects; application cycle and funding preferences, 51657
Health professions schools in financial distress; applications, 51886
Health professions special projects; applications, 49536, 51883
Public health and allied health professions grant programs; applications, 46634
Health professions education assistance; loan repayment agreements, retroactive; availability, 54229
Health service areas:
Arizona, redesignation, 54228, 55242
Designation; correction, 804, 22119, 31600
Population determination, 39825
Redesignation guidelines, 39432
Vermont, designation, 50071, 54229
Health systems agencies; application information, 6306, 18898, 30378
Health systems and annual implementation plan guidelines; availability, 27996
Hospital and medical facility construction and modernization:
Grants, 16194
Loans, 43216
Proposed grants; inquiry, 50514
Loans:
Nursing students; shortage areas list, 26168
Meetings:
Cooperative Health Statistics Advisory Committee, 9413, 10463, 32938, 50347, 52539
Federal Hospital Council, 43755
Health Care Technology Study Section, 44442
Health Planning and Development National Council, 50724, 53374
Health Professions Education National Advisory Council et al., 4054, 16494, 17591
Health Services Developmental Grants Study Section, 24755, 43755, 53136
Health Services Research Study Section et al., 46039
National Advisory Committees, 19745
Nurse Training National Advisory Council, 4054, 32938, 35088
Nursing Research and Education Advisory Committee, 46896, 50347, 51881
Records and Statistics Public Health Conference, 18460
Vital and Health Statistics National Committee, 1808

HEALTH SERVICES ADMINISTRATION

RULES
Health maintenance organizations:
Operating costs, loans and loan guarantees; definition, 33557
Professional standards review:
Membership, organization, and functions, 7878
Physicians, notification and polling, 17865

PROPOSED RULES
Health maintenance organizations, 40292
Professional standards review:
Area designations, 17868
Physicians, notification and polling, 29995

NOTICES
Authority delegations:
Health, Assistant Secretary et al., 34346, 37143
Indian Health Service, Director, 23448
Regional Health Administrators, et al., 39376
Committee reports, annual, 44878
Committees; establishment, renewals, etc.:
Emergency Medical Services Interagency Committee, 19148
Indian Health Advisory Committee, 23742
Maternal and Child Health Research Grants Review Committee, 23742
Grants for community health services; medically underserved areas designation, 31248
Health maintenance organizations, qualified, 805, 4956, 7803, 9413, 15732, 20203, 24622, 30701, 33930, 41137, 47274, 52544, 54823, 56860
Hemophelia diagnostic and treatment centers, grants for, 33929
Indian health service areas, grant and contract funds availability, 31931, 54544
Meetings:
Emergency Medical Services Interagency Committee, 13980, 26245, 41773, 44063, 44878, 56398
Indian Health Advisory Committee, 1809, 56398
Maternal and Child Health Research Grants Review Committee, 3110, 11859, 41773
Migrant Health National Advisory Council, 41773, 56398

Professional Standards Review Organizations; nominations, designations, etc.:
Alabama, 12323, 26595
Alaska, 12323, 26596
American Samoa, 19997, 31930
Arizona, 34665, 35880, 50349
California, 11198, 12323, 12324, 18460, 18461, 26596, 26597, 29740, 31928, 33574, 34667, 41447, 47982, 51655
Colorado, 29740
Connecticut, 11198
Delaware, 12324, 26597
Florida, 20905, 31926
Guam, 19997, 31930
Hawaii, 19997, 31930
Illinois, 35880, 47982
Indiana, 34665, 35880, 50350
Kentucky, 18462, 26598, 41448
Louisiana, 34666, 35880, 50348
Maryland, 11198, 20905, 29740, 31926
Massachusetts, 11199, 12325, 26598, 29741
Minnesota, 12325, 26598, 29741
Mississippi, 29741
Missouri, 12326, 20906, 26599, 31926, 33929, 34667, 44877
Nevada, 26599
New Jersey, 12327, 18899, 22118, 26599, 30700, 31928, 31929, 41448, 46499, 47983
New York, 11199, 20906, 31927, 31929, 31930, 41447, 51655
North Carolina, 34666, 35880, 50347, 51656
North Dakota, 34668, 44878
Ohio, 20907, 26601, 31927, 37142, 41448
Oregon, 29741
Pacific Islands Trust Territory, 19997, 31930
Pennsylvania, 11200, 12328, 12329, 26600, 26601
South Dakota, 12329, 26601
Tennessee, 29742
Texas, 28817, 43430
Utah, 29742
Vermont, 12330, 26601
Virginia, 34666, 35880, 50351, 51656, 51657
Wyoming, 29742
X-ray trends organ dose index system; memorandum of understanding with FDA, 19364

HEARINGS AND APPEALS OFFICE, INTERIOR DEPARTMENT

RULES
Alaska natives; disenrollment, 13354, 15009

PROPOSED RULES
Coal mine health and safety; civil penalty cases, 45574

NOTICES
Applications, etc.:
A & E Coal Co. Inc., 22964
A&K Coal Co., 47528
ABC Coal Co., 31904, 44718
Affinity Mining Co., 19685, 36226
Alabama By-Products Corp., 13959, 51666
Allied Chemical Corp., 17584, 21231
Alrosha Coal Co., 22965
Amigo Smokeless Coal Co., 11049
Amonate Coal Co., Inc., 46494
Apache Bituminous Coal Co., 47528
Apache Coal Co., 21233
Apache Mining Co., 18455, 21232, 21233
Aquaris Coal Co., Inc., 17796
Arkansas Enterprises, 44200
Art Coal Co., Inc., 26944
Artz Coal Co., 48583
Associated Drilling, Inc., 15882
B & B Coal Co., 48584
B. B. & W. Coal Co., Inc., 19686, 54244
B & D Coal, Inc., 39358
B & E Coal Co., 43425
B & G Greenbriar Coal Co., 39359
B & J Coal Co., 44718, 49543
B&K Coal Co., Inc., 50478, 50479
B&M Coal Co., 21235
B. P. & K. Mining, Inc., 24917
B. & Z. Coal Co., 43425
Badger Coal Co., 11050
Bailey Mining Co., Inc., 19686, 48583, 54243
Baker Coal Co., 17406
Baker Energy Corp., 31904
Bald Eagle Coal Co. et al., 30359
Baldwin Coal Co., 38794
Barnes & Tucker Co., 16588, 27988
Bartley & Bartley Coal Co., 12911
Bear Branch Coal Co., 43926
Bearwallow Coal Co., 26045
Beatrice Pocahontas Co., 53501
Beaver Branch Coal Co., 53502
Beaver Dam Fuel, Inc., 22965
Bee Coal Co., Inc., 31905
Bee Coals, Ltd., 21234
Beechtree Coal Co., Inc., 49543
Bent Mountain Coal Co., 19687
Bernitsky Brothers Coal Co., 4609
Beth-Elkhorn Corp., 17407, 19234
Bethlehem Mines Corp., 790, 31905, 34801
Betty B. Coal Co., 31907
Big Blue Coal Co., Inc., 46627
Big Fork Coal Co., Inc., 36227
Big Four Coal Co., 48584
Big Hill Coal Co., 41935
Big Lump Coal Co., 49894
Big Star Coal Co., 19687
Big Ten Corp., 39360
Bigwood Coal Co., 26727
Bill Branch Coal Co., Inc., 4610
Bishop Coal Co., 8805, 52911, 54035, 54244
Black Bear Coal Co., 31907
Black Hawk Coal Co. Inc., 29193
Black Ridge Coal Co., 24918
Blair Brothers Coal Co. et al., 15882
Blankenship and Rife, Inc., 41935
Blue Diamond Coal Co., 31908
Blue Diamond Mining, Inc., 39360
Blue Ribbon Coal Co., 21234
Blue Ridge Coal Corp., 18882
Breeding Brothers Coal Co., 30359
Broad Run Mining Co., Inc., 48584
Broyles & Dotson Coal Co., 48585
Brushy Fork Coal Co., 17408, 44718
Brushy Fork Mining Corp., 18883, 52911
Buccaneer Coal Co., 21236
Buchanan & Sons Coal Co., 21235
Buffalo Coal Co., Inc., 30360
Buffalo Mining Co., 11051, 19236
Bull Run Mining Co., Inc., 15883
Bullion Hollow Coal Co., Inc., 46628, 46629
Burgett Coal Co., 50480
C. B. Coal Co., 31909
C.C.C.—Pompey Coal Co., Inc., 18884
C.S. & S. Coal Corp., 21238
Cabin Knoll Coal Co., 30360, 36228
Calahan-Elkhorn Coal Co., Inc., 21236
Calf Branch Coal Co., Inc., 19688
Camp Coal Co., 21237, 49544
Camp Fork Fuel Co., 49544
Campbell Coal Co., 4610, 46630
Canada Coal Co., Inc., 29891
Carbon Fuel Co., 10111, 19689, 53502
Carmella Coal & Mineral, Inc., 17585
Carol Coal Co., Inc., 41936
Carpentertown Coal & Coke Co., 19236
Central Appalachian Coal Co., 13960
Chafin Coal Co., 21237
Chance Coal Co., 43927
Charles, P.M., Co., 4949
Cherokee Coal Co., 45599
Cheyenne Coal Co., 47529
Chippewa Coal Co., 32621
Christopher Coal Co., 26727, 52912
CL&N Coal Co., 46629
Classic Coal Corp., 26045
Claymon & Abram Adkins Coal Co., 49545
Clear Creek Coal Co., Inc., 18885, 19690
Clevinger Brothers Coal Co., 24918
Clinch Valley Coal Corp., 55388, 55595
Clinchfield Coal Co., 14549, 52913, 56863, 56864
Coal Branch Coal Co., Inc,, 19690
Coal Management, Inc., 22966
Coal Resources Corp., 7434, 9903, 15884
Coleman & Runyon Coal Co., 43748
Columbine Mining Co., 31909
Columbus Hale Coal Co., 50490
Consolidation Coal Co., 4611, 4946, 4947, 4948, 7435, 15884, 17408, 19691, 22966, 26046, 54245
Crescent Industries, Inc., 48585
Cress Coal Co., 19237
Cumberland Coal Co., Inc., 4611
D. C. Wellman Coal Co., 29892
D & D Mining, Inc., 31910
D & N Coal Corp., 50486
Dan Branch Mining Co., Inc., 54246
Daniels Construction Co., 19691
Darby B Coal Co., 39361
Day Coal Co., Inc., 43748
DD&R Coal Co., 18455
Dean Jones Coal Co., Inc., 34994, 36228, 38795
Deep Hollow Coal Co., 8806
Deluxe Coal Co., 50491
Devonia Coal Corp., 50486
Dixie Fuel Co., 19692, 22966
Dixie Fuel of Premium, Inc., 16588
Donna Kay Coal Co. Inc., 29193
Dotson Coal Co., Inc., 19692
Double A Coal Co., 29194
Double E Coal Co., 31911
Double M Coal Co., 24919
Double O Coal Co., 17586
Dyna-Carb Coal Co., 34995
E & C Coal Co., Inc., 48586
E & J Coal Co., 26047
Eagle Coal Co., 19692
Earl & Burl Coal Co., Inc., 50487
Eas Coal Co., 34996
Eastern Associated Coal Corp., 4612, 15885, 19693, 40527, 49545, 51129, 51666, 54247
Eastern Coal Corp., 30361, 34996, 34997, 50487
Eastern Oil Corp., 13961
Eastover Mining Co., 4612, 21238

INDEX

UMI

Edd Potter Coal Co., 22967, 23217
Eddie Coal Co., Inc., 31911
Elkay Mining Co., 12911
Elkins Coal Co., 31911
Elro Coal Corp., 19694
Enduro Coal Co., 5424°
Energy Development Corp., 16842
Energy Fuels Corp., 48586
Epic Coal Co., 26047
Everidge & Nease Coal Co., Inc., 43927
Export Coal Mining Co., 31912
Extractors, Inc., 19237
F & R Coal Co., 8806
Faith Coal Sales, Inc., 50488
Fannin Coal Corp., 17409
Ferguson Coal Corp., 31912
Flat Top Colliery Corp., 50489
Florence Mining Co., 13962
Fonso Stanley Coal Co., 27989
Franklin Police Coal Co., 49546
Fred Banks Coal Co., Inc., 44200
Freeman United Coal Mining Co., 4613
G&A Coal Co., 34997
G. & L. Coal Co., 26047
Gardner Fork Coal Co., 43749
Gay Coal, Inc., 50489, 50490
Gibson Coal Co., 41936
Grays Knob Coal Co., 23217
Grundy Mining Co., 29892
Gum Branch Coal Co., Inc., 31913
H & A Coal Co., Inc., 50491
H. and H. Mining, Inc., 19695
H.C. Bostic Coal Co., Inc., 46495
H. & J. Coal Co. No. 1, 21239
H. & J. Coal Co. No. 2, 26049
H. & T. Coal Co., Inc., 55596
H & W Coal Co., 15886, 19238
Hall Coal Co., 21239
Hamilton Coal Co., Inc., 46630
Hannaline Industries, Inc., 21241
Harlan Central Coal Co., 23218
Harlan No. 4 Coal Co., 21240
Harlan-Cumberland Coal Co., 16842, 23218
Harman Mining Corp., 31913, 34998
Harmony Mining Co., 19238
Harper Valley Coal Co., Inc., 47529
Hawkeye Elkhorn Coal Co., Inc., 19694
Hawkins & Swinney Coal Co., 21241
Hawley Coal Mining Corp., 17410, 21242, 54249
Helen Mining Co., 8515, 13963
Hellier Fuel Co., 44201
Helvetia Coal Co., 5327
Henry B. Coal Co., Inc., 19695
Hi Jacker Coal Co., 34999
High Knob Coal Co., 27990
Highwall Coal Co., 54248
Hite Preparation Co., 19696, 21243, 21829, 21830, 22286, 26048, 26049
Hobbs Brothers Coal Co., Inc., 31914
Honey Camp Coal Co., 23219
Hope Mining Co., 43749
Howard & Johnson Coal Co., Inc., 51129
Hunt Branch Coal Co. Inc., 22968
Imperial Colliery Co., 18886, 21243
Incoal Coal Co., Inc., 12912
Island Creek Coal Co., 4613, 4614, 7436, 9904, 10111, 15886, 17410, 22286, 26727, 46631, 48587, 53503
Itmann Coal Co., 5325
J & D Coal Co., 24919
J. H. Coal Co., 19696
J&IM Coal Co., Inc., 19696
J&J Coal Co., 48587
J.L.B. Coal Co., Inc., 27990
J&L Coal Co., 50480
J. & M. Coal Co., 22146, 52913
J. T. Coal Co., 47269
J & V Walnut Mountain Coal, Inc., 30362
Jackson Branch Coal Co., 19239
JC&P Coal Corp., 46631
Jewell Ridge Coal Corp., 13964, 15887, 50480, 54250, 54251
Jim & Ann Coal Co., Inc., 54251
Jim Walter Resources, Inc., 15887, 22968, 26052, 30362, 31915, 52913
Jim-K Mining, Inc., 34999
Jimmey's Creek Coal Co., 18456
Joeboner Elkhorn Coal Co., 44719
John Brown Harris, Inc., 53504
Johnson Brothers Coal Co., 29194
Jones, Dean, Coal Co., Inc., 11052
Jones & Laughlin Steel Corp., 52914, 52915
Jumacris Mining, Inc., 30363
Justice & Murphy Coal Co., 29195
K.C.B. Coal, Inc., 54252
K. C. Rogers Coal Co., 29195
K & F Coal Co., 41936
K & S Coal Co., 35000
Kaiser Steel Corp., 4614, 54252
Kanawha Coal Co., 4949, 13965
Kay Bob Coal Co., 43425
Kentland-Elkhorn Coal Corp., 11052, 30363, 35000
Kentucky Prince Coal Corp., 48588
Kermit Coal Co., 49546
Kimberly Coal Co., Inc., 38796
King Powellton Mining, Inc., 51667
Kiser Brothers Coal Co., 50492
Kline, C. L., Coal Co., 31909
L. & B. Coal Co., 19697
L & M Coal Co., 26050
L & M Coal Co., Inc., 34802
Lady Jane Collieries, Inc., 48588
Lambert Coal Co., 15888
Lance Hall Coals, Inc., 19697
Laurel Branch Coal Co., Inc., 55389
Laurel Creek Coal Co., 24920
Laurel Fork Mining Co., 50481
Laurel Run Mining Co., 16589
Leah Coal Co., 19698
Leckie Smokeless Coal Co., 48589
Leechburg Mining Co., 24920
Leeco, Inc., 30364, 48590
Lena Coal Co., 47269
Leslie Coal Mining Co., 30364
Lick Fork Coal Co., Inc., 43750
Lick Fork Mining Co. Inc., 22969
Ligon Preparation Co., 19698, 21244, 31915, 48590
Little Bill Coal Co., Inc., 46632
Little Elkhorn Coal Co., Inc., 30365
Little Hackney Creek Coal Corp., 18456
Little Jewell Coal Co., 19687
Little & Mullins Coal Co., 43426
Little Rock Coal Co., 38796, 50482
Little Rosie Coal Co., 50482
Loftis Coal Co., 47530
Logan Lucas Coal Co., 48590
Logan Lucas Coal Corp., 44201
Lone Mountain Coal Co. No. 1, 24921
Looney & Fields Coal Co., 24921, 27991
M & C Coal Co., 22969, 22970, 22971
M. & J. Coal Co., 21245
M & S Coal Co., 38797, 48592
M. S. & M. Coal Co., 21246, 26728
M.S.W. Coal Co., 4615
Maggard Coal Co., Inc., 50492
Maple Meadow Mining Co., 5326
Margaret Peerless Coal Co., 48591
Marie Minning Co., 18887
Mars Coal Co., 48591
Martin County Coal Corp., 47530
Mary E. Coal Corp., 36229
Mathel Coal Co., Inc., 19699
Matoaka Mining Co., Inc., 21244
Maverick Mining Corp., 30365, 30366, 30367
May Branch Coal Co., 26050
May Coal Co., 18887
McClure River Coal Co., Inc., 41937
McCoy Alma Coal Co., 17411, 55389
McCoy Elkhorn Coal Corp., 31916, 35001, 49895
McGlothlin Coal Co., Inc., 31916
Melvin Coal Co., 48592
Mid-Continent Coal & Coke Co., 52915, 52916
Midway Coal Co., 31917
Milburn Colliery Co., 21245
Mill Coal Co., Inc., 39361
Mineral Development Co., 54253
Mink Branch Coal Co., Inc., 47270
Mitchell Branch Coal Corp., 19699
Moccasin Mining Co., Inc., 30368
Modern Mining, Inc., 15888
Mole Coal Co. No. 1, 21246
Mole Coal Co. No. 2, 21247
Morrison-Knudsen Co., Inc., 54035
Mt. Run Coal Co., 49547
Mullins Coal Co. Inc. of Va., 22287
Mullins Coal Co. No. 6, 21247
Musketeer Coal Corp., 26728
Nacco Mining Co., 13965
National Coal Mining Co., 15889
National Mines Corp., 2103, 8807, 22147, 35001, 54254
New Elk Coal Co., 21248
New River Co., 17412, 18887, 19239, 35001
Newsome Coal Co., 12913
Norma A Coal Corp., 35003
North American Coal Corp., 21830
Northstar Mines, Inc., 17413
O. C. Coal Mine, 29195
Oak Leaf Coal Co., 29892
Old Ben Coal Co., 21248
Olga Coal Co., 49547, 49548, 49895
Oliver Coal Co., 26729
Oliver Springs Mining Co., Inc., 50493
Omar Mining Co., 14551
Oneida Mining Co., 13966
Owl Creek Coal Co., Inc., 8516
P & G Coal Co., Inc., 14551
P. & P. Coal Co., 21249, 43928
P & S Coal Co., 31918
Pad Fork Coal Co., 48148
Page Fork Coal Co., Inc., 49548, 49549
Panther Creek Coal Co., 47531
Pathfork Harlan Coal Co., 45599
Peabody Coal Co., 48593, 48594, 48595, 48596, 48597, 48598, 48599, 48600, 48601, 49549, 54254, 54255
Peerless Eagle Coal Co., 29196
Peggs Run Coal Co., 16589
Peggy-O Coal Co., Inc., 30369, 48602
Permac, Inc., 52917
Perry County Coal Corp., 19700
Phillips & West Coal Co., 17413
Pigeon Branch Coal Co., Inc., 55596
Pike Buchanan Coal Co., 35003
Pilot Mountain Coal Co., Inc., 50494
Pioneer Coal Co., Inc., 50483

Pittsburg & Midway Coal Mining Co., 16590
Pittsburgh Coal Co., 19700
Plateau Mining Co., 52917
Pocahontas Supreme Coal Co., 31917
Pond Creek Mining Co., 4950
Pontiki Coal Corp., 50483
Porter Coal Co., 26050
Powellton Co., 15890
Pratt Brothers Coal Co., 16591
Preece Coal Co., Inc., 43426
Premium Elkhorn Coal Corp., 48602
Preston Energy Inc., 54036
Progressive Energies, Inc., 43928
Prospect Coal Co., 27991, 47531
Pyro Mining Co., 38797
Quarto Mining Co., 16842, 21831, 31918, 55597
Queen Anne Coal Co., 790
R & D Coal Co., 48603
R. & E. Coal Co., 24922
R. & H. Coal Co., 21250
R. L. Coal Co., Inc., 41937
R&W Coal Co., Inc., 47532
Ranger Fuel Corp., 11053
Ratliff Brothers Coal Co., 44719
Raven Smokeless Coal Co., 48603
Ray Coal Co., 35003, 35004
Red Ash Sales & Processing Co., 49896
Reece LeMar Coal, Inc., 24923.
Reliable Coal Corp., 55598
Republic Steel Corp., 19701, 21249, 50484
Rex Mining Co., 21249
Rhonda Coal Co., 44720
Richard Coal Co., 26729
Richco Brothers, Inc., 46632
Ridge Land Co., 24923
Rita Coal Co., 19702, 48148
Riverton Coal Co., 24923
Roadside Coal Co., Inc., 35004
Robinson-Phillips Coal Co., 30369, 54255
Rochester & Pittsburgh Coal Co., 5327, 5328
Roger's Coal Co., Inc., 9904
Royal Coal Co., 19703, 22972, 23219
Royal Dean Coal Co., 24924
Rufus Tester T/A R & W Coal Co., 38798
Ryans Creek Coal Co., 24924
S & S Coal Co., Inc., 30370
S & T Coal Co., 50495
Sabrina Sean Coal Co., 16591
Salamander Coal Co., 48604
Scotia Coal Co., 13967, 18888
Scotts Branch Co., 52918
Sentenial Mines, Inc., 48604
Sewell Coal Co., 13968
Sharron Coal Co., 30370
Shell Coal Co., 42685
Sherwood Mining, Inc., 46632
Shrum & Crisp Coal Co., 50484
Skyview Mining, Inc., 43427
Slab Fork Coal Co., 21250
Slate Branch Coal Co., Inc., 44720
Slater Mining Corp., 45600
Smallwood Coal Co., 41938, 54256
Smith Coal Co., 48605, 52918
Smith & Stover Coal Co., 38798
Snap Creek Coal Co., 13969
South Bank Coal Co., Inc., 27991
South East Coal Co., 24925, 48605
South Hopkins Coal Co., 22288
Southern Appalachian Coal Co., 12914
Southern Mining Co., Inc., 50494
Southern Ohio Coal Co., 5328, 16843
Sow Branch Coal Co., 26051
Spring Branch Coal Co., 31919
Spring Hollow Coal Co., Inc., 27992
Spring Ridge Coal Co., 19704
Standard Sign & Signal Co., 18457
Star Coal Co., 29196
Star Coal Co., Inc., 51130
Starlight Mining, Inc., 29197
Stearns Mining Co., 26051
Sterling Smokeless Coal Co., 39362
Steven T. Justus Coal Corp., 41938
Stewart Coal Co., 30371
Stone Coal Mining Co., 48605, 48606
Street & Whited Coal Co. Inc., 48606
Sue Coal Co., Inc., 30371
Sugarloaf Mining Co., 49550
Sunbeam Energy Corp., 48607
Sunrise Coal Co., Inc., 21251
Suzy Q Coal Co., Inc., 42686
T & C Coal Co., Inc., 55598
Tab Coal Co., 19704
Tesoro Coal Co., 15891
Thacker Coal Co., 45600
Thelma Coal Co., Inc., 21252
Thomas Mining Co., 47532
3-B Coal Co., 10112
Threesome Coal Co., 42685
Trash Dump Coal Co., 16592
Triangle Coal Co., 47270
Triangle Enterprises Co., 13969
Trinity Coal Corp., 31920
Triple "G" Coal Co., 48607
Triple T Coal Co., Inc., 50485
Tripod Coal Co., Inc., 19704
Tripple B. Mining Co. Inc., 26730
Tripple R Coal Co., 47532, 47533
Twin Ridge Coal Co., 52919
Two Rose Coal Co., Inc., 17413
United Pocahontas Coal Co., 15892, 17586, 19705
United States Steel Corp., 50485, 51130, 54256
V. and R. Coal Co., 26053
V-B Coal Co., 44721
Valley Camp Coal Co., 5329, 54257
Valley Coal Co., 49551
Vandyke Brothers Coal Co., 48608, 50496
Victory Deep Mine, Inc., 35005
Victory Kennedy Coal Co., 48608
Viking Coal Co., 50496
Virginia Pocahontas Co., 53505
Virginia Pocahontas No. 5 Mining Co., 52919, 52920
W. & C. Coal Co., Inc., 31920
W Coal Co., 24925
W & S Coal Co., 14552
Wasson Coal Mining Corp., 29197
Watson & Cassidy Coal Co., 48609
Webster County Coal Corp., 19706
Wellmore Coal Corp., 50497
Westmoreland Coal Co., 10113, 21252, 21253, 22148, 49552, 52921
White Ash Mining Corp., 21253
Williams Coal Co., 24926
Winjay Coal Co., 49553
Wise Mining, Inc., 21254
Wm. R. Coal Co., 39362
Wolf Creek Collieries Co. et al., 18889, 21254, 55390
Wolfe Coal Co., 30372
Woodman Mining Co., 50497
Woodman Three Mining Co., 21255
Wright Coal Co., 44202
Wright Mining Co., Inc., 50498
Youghiogheny & Ohio Coal Co., 13970, 19706
Youngstown Mines Corp., 49553
Zeigler Coal Co., 49554

HIGHWAYS

See Federal Highway Administration.
Interstate Commerce Commission.
National Highway Traffic Safety Administration.
National Transportation Safety Board.

HISTORIC PRESERVATION, ADVISORY COUNCIL

RULES

Historic and cultural properties, protection procedures, 5910

NOTICES

Historic and cultural properties preservation; memorandums of agreement, 9003, 14584, 22293, 32461, 43948, 48164, 53497
Meetings, 2667, 3111, 7443, 7546, 11202, 11630, 15907, 18540, 20908, 21400, 22120, 28822, 29468, 36552, 47987, 50847, 55941

HISTORY, HISTORIC PRESERVATION

See American Battle Monuments Commission.
American Revolution Bicentennial Administration.
Historic Preservation, Advisory Council.
National Park Service.

HOUSING

See Agency for International Development.
Farmers Home Administration.
Federal Home Loan Bank Board.
Federal Home Loan Mortgage Corporation.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Housing and Urban Development Department.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Community Planning and Development, Office of Assistant Secretary.
Consumer Affairs and Regulatory Functions, Office of Assistant Secretary.
Fair Housing and Equal Opportunity, Office of Assistant Secretary.
Federal Disaster Assistance Administration.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Federal Insurance Administration.
Government National Mortgage Association.
Housing Management, Office of Assistant Secretary.
Housing Production and Mortgage Credit, Office of Assistant Secretary.
Interstate Land Sales Registration Office.
New Communities Administration.
New Community Development Corporation.
Policy Development and Research, Office of Assistant Secretary.

RULES

Authority delegations:
Coral Gables, Memphis, and Tampa; Acting Insuring Office Director, 20438
Nashville, Tenn.; Acting Insuring Office Director, 20438

INDEX

UMI

Community development block grants:
Environmental review procedures, 20522, 26856
Emergency homeowners' relief program:
Direct loans, 23298
Housing assistance; application review; allocation of funds, 35662
Inflation impact statements, 23292, 23298, 25893, 35662, 46994, 55684
Low-income housing:
Annual contributions for operating subsidy; performance funding system, 2344, 55676
Elderly and handicapped, loans for, 8315
Fair market rents and contract rent automatic annual adjustment factors, 2085, 3082, 8054, 8055, 14663, 38698, 49440
Fair market rents for payments programs; existing housing, 3441, 13042, 40328
Housing Act effective dates, 8056
Housing assistance payments; existing housing, 19884, 40328
Housing assistance payments; finance and development agencies; new construction set-aside for rural rental housing projects, 47168
Housing assistance payments; new construction, 17470, 42951
Housing assistance payments; special allocations, 32687
Housing assistance payments; substantial rehabilitation, 17488, 45121, 49485
Housing assistance payments; supplemental allocations, 18626, 25983
Income limits for admission and occupation, 44002
Indian housing, 10154
Multifamily projects, HUD-insured; sale and rehabilitation, 13603
Multifamily projects, HUD-insured and HUD-held mortgages; additional assistance, 12170
PHA acquisition with or without rehabilitation; HUD owned or mortgaged properties, 23292, 27831, 27963, 49629
PHA owned projects; personnel policies and compensation; certification of housng managers, 43090
PHA-owned projects, management; utilities, 20276
PHA-owned projects; proposed rent schedules, notice to tenants, 15845
Waiver of regulatory requirements, etc., 22814
OMB Circular A-95; implementation, 41874
Paint, lead-based, poisoning prevention, 28878
Privacy Act; implementation, 13917, 44556
Procurement, 55796
Real estate settlement procedures:
General revision, 1673
Recodification of CFR Part and transfer of regulations, 22560
Relocation payments and assistance and real property acquisition, 46994
Rule making; policy and procedures, 33910

PROPOSED RULES

Community development block grants:
Environmental review procedures, 7515
Contractors and grantees, debarment, suspension, and ineligibility; administrative sanctions, 54302
Inflation impact statement, 5204
Low-income housing:
Fair market rents, new construction and substantial rehabilitation, 55204
Fair market rents and contract rent automatic annual adjustment factors, 2098, 3094, 8882
Fair market rents for payments programs; existing housing, 6460, 28930
Families and other terms, definitions; occupancy by single persons, 55080
Housing assistance payments; existing housing, 10000
Housing assistance payments; new construction, 9683, 54856, 56829
Housing assistance payments; special allocations, 16542
Housing assistance payments; substantial rehabilitation, 54856
Income limits for admission and occupation, 18494
Lease and grievance procedures and requirements, 10313
PHA-owned projects; modernization program, 32370
Public housing program, traditional, 50946
Procurement, 3220
Real estate settlement procedures, 13032
Relocation payments and assistance and real property acquisition, 18762
Rule making; policy and procedures, 22583

NOTICES

Audit Guide, Nonsupervised Mortgages for Use by Independent Public Accountants; handbook, inquiry, 48153
Authority delegations:
Administration Assistant Secretary et al., 2665, 13980, 26946
Administration Deputy Assistant Secretary, 45895
ADP Operations Office, Director, 11067
Agriculture Department Secretary, 3889
Albany Insuring Office, N. Y., 11202
Assistant Secretary for Housing—Federal Housing Commissioner, 24755
Atlanta, Region IV, Acting Regional Administrator, 21215
Atlanta, Region IV, Area Directors, et al., 41137
Atlanta, Region IV, Assistant Regional Administrator for Equal Opportunity, 41137
Atlanta, Region IV, Equal Opportunity, Director, et al., 44447
Atlanta, Region IV, property disposition committees, 47985
Boston, Region I, Equal Opportunity Compliance and Enforcement Director, et al., 45617
Boston, Region I, Equal Opportunity Division Directors, et al., 45617
Camden Area Office, Region II, Acting Area Director, 23224
Chicago, Region V, Acting Regional Administrator, 21215
Chicago, Region V, Equal Opportunity Assistant Regional Administrator, 40214
Chicago, Region V, Regional Counsel, 21400
Chicago Area Office, Region V, Area Director, 11202
Columbus, Ohio, Acting Area Director, 1615
Community Planning and Development Assistant Secretary et al., 15359, 15360
Consumer Affairs and Regulatory Functions, Assistant Secretary, 12917, 19365
Denver, Region VIII, Assistant Regional Administrator, Housing, et al., 54034
Denver, Region VIII, Indian Programs Assistant Regional Administrator, 4956
Deputy Assistant Secretary for Housing--Deputy Federal Housing Commissioner, 32635
Equal Opportunity Assistant Regional Administrators, 27861, 27862
Fair Housing and Equal Opportunity Assistant Secretary, 15359
Federal Disaster Assistance Administration, Administrator, 19365
General Counsel, 13980
Housing Production and Mortgage Credit, Assistant Secretary and Deputy, 24622
Interstate Land Sales Administrator, 19366
Kansas City, Region VII, Assistant Regional Administrator for Equal Opportunity, 37659
New Communities Administration, Acting Administrator, 49537
New Community Development Corporation, Acting Deputy General Manager, 49537
New Community Development Corporation, Administrator, et al., 15360
New York, Region II, Equal Opportunity Assistant Regional Administrator, 32772
Newark Area Office, Region II, Acting Area Director, 23224
Policy Development and Research Assistant Secretary et al., 15360
Procurement and Contracts Office Director et al., 2666, 2846, 47279
Property Disposition Committees, 26946, 27774, 56718
Regional Administrators et al., 6789, 12177, 13652, 16604, 22622, 22857, 25041, 28821, 29011, 29468, 37659, 38200
Regional Counsel, 27862
Seattle, Region X, Equal Opportunity Assistant Regional Administrator, 40214
Under Secretary, 31418
Consumer representation plan, 42806, 47983
Environmental quality; protection and enhancement procedures; departmental handbook, 17506, 23878
Inflation impact statements, 23878
Lower-income families in rural areas, newly constructed housing, 34348
Meetings:
Mobile Home Construction and Safety, 18131
Mobile Home National Advisory Council, 33317, 42970
Mobile homes; construction and safety standards; interpretative bulletins, 19293, 19295
Privacy Act; systems of records, 16850, 18901, 44557, 50600, 52545
Real estate settlement procedures; special information booklet, 23620
Urban homesteading demonstration program; applications, 50871

HOUSING MANAGEMENT, OFFICE OF ASSISTANT SECRETARY

PROPOSED RULES

Rental projects, utility charges; mortgage insurance and interest reduction payments, 15703
Tenant evictions:
Subsidized projects and HUD-owned projects, 16924

NOTICES

Authority delegations. SEE MAIN HEADING Housing and Urban Development Department, --
Mortgagee handbook and related letter; availability, 18131, 18540

HOUSING PRODUCTION AND MORTGAGE CREDIT, OFFICE OF ASSISTANT SECRETARY

RULES

Authority delegations:
Area Director and Deputy Area Director, 10604
Inflation impact statements, 23302, 24969
Low rent public housing:
Prototype cost limits; schedules, 23302
Low rent public housing; prototype cost limits:
Bend, Colo., 24704
Holton, Kans., 22276
Pine Ridge, S. Dak.; schedule deleted, 14367
Richmond, Va., 2821
Santee et al., Nebr., 3802
Seattle et al., Wash., 11818
Mobile home and property improvement loans, 3267
Mobile homes:
Construction and safety standards; modular homes, 24969
Mortgage and loan insurance programs:
Coinsurance; eligibility requirements, contract rights and obligations, 6448
Fees not required; sale of Secretary-owned property, 14861
Flood insurance coverage, 11484
Homes for lower income families; eligibility, 1168, 3470, 11484
Interest rates, 1277, 4527, 14509
Leasehold estates; determining value or reolacement cost, 11286
Maximum mortgage amount increase, 3081
Mobile home and property improvement loans, 3267
Multifamily housing, eligibility requirements, 19935
Multifamily housing, existing, 12224

PROPOSED RULES

Combination and mobile home lot loans:
Insurance of financial institutions, 32564
Housing assistance; application review; allocation of funds, 18626
Housing sponsors planning assistance:
Loan assistance; low and moderate income housing, 15422
Inflation impact statements, 24678
Mobile home and property improvement loans:
Historic preservation, 19188
Mobile homes:
Construction and safety standards; enforcement and procedures, 3406
Construction and safety standards; manufacturer's certification, 19290
Mortgage and loan insurance programs:
Coinsurance; State housing finance agencies, 22682
Construction or rehabilitation completion requirements assurance, 3481
Contract rights and obligations, 11553
Cooperative ownership housing corporations, 21648
Hospitals; eligibility requirements, 10625
Interest subsidy grants, 24678
Land development; mortgage amount application and commitment procedures, 34977
Mobile home and property improvement loans, 19188
Mutual mortgage insurance, servicing requirements, etc., 36604
Rental projects, utility charges; mortgage insurance and interest reduction payments, 15704
Settlement charges, maximum, 15348

NOTICES

Mobile Home National Advisory Council; request for nominations, 3500
Supplemental allocations; closing date for submission of requests, 25985

HUMAN DEVELOPMENT OFFICE

RULES

Child abuse and neglect prevention and treatment program, 53663, 54763
Runaway youth program and activities, 54297

PROPOSED RULES

Child abuse and neglect prevention and treatment program, 16972, 17761
Developmental disabilities program:
Discretionary grants, 36582
Formula grants, 36582
General administration, 36582
Head Start program:
Enrollment; eligibility requirements, 18614
Grantees; designation, initial funding and refunding, and replacement; policies and procedures, 18612
Program and grants administration; technical assistance, training, research, demonstration, and pilot projects, 18606
Native American program:
Financial assistance to promote economic and social self-sufficiency, 2046

NOTICES

ADP equipment or services and system operations, acquisition approval, 55388
Developmental disabilities program; fund reallocation, 19999, 38544
Florida, 1976 State plan; hearing, 21395
Head Start programs:
Child abuse and neglect identification and reporting, 2936, 5863
Child participation; family income guidelines for use in determining eligibility, 18616
Performance standards; self-assessment/validation instrument, 27198
Recruitment and enrollment policies; inquiry, 52788
Rehabilitation research and evaluation strategy, 1976 FY; availability, 32771
Transportation demonstration grant program, 21505, 23449
Vocational rehabilitation research and demonstrations, 26056
Vocational rehabilitation services; allotment percentages, 47092, 49537
Vocational rehabilitation training, long-term; applications, 7439

HUNTING

See Fish and Wildlife Service. National Park Service.

IMMIGRATION AND NATURALIZATION SERVICE

RULES

Immigration regulations:
Alien classification, petition; relative of U.S. citizen or preference immigrant, 55847
Alien crewman; inspection on tugboats, 24700
Aliens; labor certification requirement exemption, 37566
Authority delegations; Examinations Associate Commissioner, et al., 27312
Contracts with transportation lines, 5110, 11016, 46425
Deportation of aliens in U.S.; advance notice, 38758
Documentary requirements; immigrants; waivers, 55849
Documentary requirements; nonimmigrants; waivers, 22556, 24338, 55850
Fees for services; dishonored checks, 1887, 2629
Forms, 11016, 46425
Information Services Assistant Commissioner; new position establishment, 5110
Nonimmigrant fiancees and fiances of U.S. citizens, 27313
Nonimmigrant students; permission to work part-time because of economic necessity, 5110
Organization; ports of entry; Coral Bay, St. Johns, Virgin Islands, 32419
Organization; ports of entry; San Diego, Calif., et al., 34937
Organization; redesignations, realignments, and relocation of offices, etc., 27311
Organization; suboffices, ports of entry, etc., 46425
Orphan visa petitions; unmarried U.S. citizen petitioner, 11171
Petitions, revocation of approval, 55849
Preference immigrant, petition to classify alien as, 11015
Record request; procedure, 34938
Status adjustment; permanent residence, 55850
Nationality regulations:
Citizenship certificates, 11172, 43393
Fees collected by court clerks, 27313
Forms, 11017, 46425
Naturalization court proceedings, 5110
Residence, physical presence, and absence, 34938, 46426

PROPOSED RULES

Board of Immigration Appeals; suspension or disbarment of attorneys, 47939, 52480

INDEX

UMI

Immigration regulations:
Alien classification, petition; relative of U.S. citizen or preference immigrant, 49994, 52061
Aliens; labor certification requirement exemption, 10231
Asylum; enforced departure following denial of application, 8188
Deportation of aliens in U.S., advance notice, 2647
Documentary requirements; immigrants; waivers, 49994
Documentary requirements; nonimmigrants; waivers, 49994, 52061
Nonimmigrant classes; physicians, nurses, and medical students, 52061
Organization; ports of entry; Coral Bay, St. Johns, Virgin Islands, 23718
Orphan visa petitions; unmarried U.S. citizen petitioner, 5401
Petitions, revocation of approval, 49994
Representation and appearances; suspension or disbarment of attorneys, 47939, 52480
Status adjustment, permanent residence; eligibility, etc., 49994
Status adjustment, permanent residence; Vietnamese, Cambodian and Laotian refugees, 49827
Students; nonimmigrant; requirements for maintenance of status, 29149

NOTICES
Alien documentation, identification and telecommunication system test, 15429
Committees; establishment, renewals, etc.
Hispanic Immigration and Naturalization Advisory Committee, 28327
Immigration and Nationality Act Amendments of 1976; interpretation; questions and answers, 56870
Meetings:
Hispanic Advisory Committee, 52555

IMPORTS AND EXPORTS

See Agriculture Department.
Animal and Plant Health Inspection Service.
Commerce Department.
Customs Service.
Domestic and International Business Administration.
Drug Enforcement Administration.
Export-Import Bank.
Federal Energy Administration.
Federal Maritime Commission.
Foreign Agricultural Service.
Foreign-Trade Zones Board.
International Trade Commission.
Textile Agreements Implementation Committee.
Trade Negotiations, Office of Special Representative.
Treasury Department.

INDIAN AFFAIRS BUREAU

RULES
Business practices and credit operations, etc: on Navajo, Hopi and Zuni Reservations, 3288, 13937, 22937, 45563
Electric power systems, operation and maintenance charges:
Colorado River, Ariz., 53320
Flathead, Mont., 1899
Enrollment:
Alaska natives, 13352, 15004, 17726, 32421
Apache Tribe, Oklahoma, 33556
Cabazon Band of Mission Indians, 19631
Cherokee Band of Shawnee Indians, 52453, 54487
Cherokee Nation of Oklahoma, 5387
Lower Skagit, Kikiallus, Swinomish, and Samish Tribes, 52453
Indian self-determination and education assistance; correction, 5098
Irrigation projects; operation and maintenance charges:
Ahtanum, Wash., 45562
Crow Indian, Mont., 18411
Flathead, Mont., 22560, 28266
Fort Apache, Ariz., 34743
San Carlos, Ariz., 26856, 42177
Toppenish-Simcoe, Wash., 45562
Wapato, Wash., 45563
Wind River, Wyo., 8057
Judgment funds:
Per capita shares handling and protection; Indian minors, legal competents, etc., 48735
Law and order on Indian reservations, 5280, 47234, 51012
Oil and gas mining:
Osage Reservation lands; leasing procedures and operations, 50648
Procurement, 13923

PROPOSED RULES
Business practices and credit operations, etc. on Navajo, Hopi and Zuni Reservations, 3309, 13938
Electric power systems, operation and maintenance charges:
Colorado River, Ariz., 37605
Enrollment:
Alaska natives, 22566, 25911
Apache Tribe, Oklahoma, 26021
Cabazon Band of Mission Indians, 10611
Cherokee Band of Shawnee Indians, 32756
Lower Skagit, Kikiallus, Swinomish, and Samish Tribes, 27082
Forest regulations: trespass, 50299
Irrigation projects, operation and maintenance; consolidation, 39030
Irrigation projects, operation and maintenance charges:
Ahtanum Indians, Wash., 37117
Crow Indian, Mor , 12688
Flathea l, Mont., 16817, 18676
Fort Hall, Idaho, 56830
San Carlos, Ariz., 20688, 32757, 55212
Toppenish-Simcoe Indians, Wash., 37117
Wapato Indians, Wash., 37117
Wind River, Wyo., 5291
Judgment funds:
Per capita shares handling and protection; Indian minors, legal incompetents, etc., 5129
Law and order on Indian reservations, 7413, 11530
Leasing an permitting:
Agua Caliente Indian Reservation, 1915
Oil and gas mining:
Osage Reservation lands; leasing procedures and operations, 17747

NOTICES
Alcoholic beverages, introduction, sale and possession; legalizing:
Chemehuevi Indian Reservation, Calif., 41728
Hannahville Indian Reservation, Mich., 15720
Hoopa Valley Tribe of Calif., 10113
Pueblo of San Ildefonso, N. Mex., 3326, 21813
Washoe Tribe, Calif. and Nev., 5840, 37368
Authority delegations:
Superintendent, Central California Agency, 37368
Superintendent, Rosebud Agency, 28329
Superintendents, Albuquerque area, 8401
Contracts and grants; legal review requirements, 17794
Distribution plan and termination notices:
Guidiville Indian Rancheria; Ambrose Duncan, Jr., et al; status not terminated, 46033
Environmental statements; availability, etc.:
Crow ceded area coal lease development, 35544, 55244
Mancos Canyon Indian Park, Colo., 53719
Navajo Indian Irrigation Project, 22614, 22615, 45592
Navajo-Exxon uranium development, 26590, 51128
Sherwood Uranium Project, Spokane Indian Reservation, 14809, 35738
Federal supervision over property, termination; Cache Creek Rancheria in Calif. and individual members; correction, 50354
Judgment funds; plan for use and distribution:
Angoon Tribe of Alaska, 8400
Cabazon Band of Mission Indians, 1929
Cherokee Nation, 1929
Colville Indians, 26944
Kiowa, Comanche and Apache Tribes, 23827
Mohave Tribe, 20429
Pillager Bands of Chippewa Indians, 21655
Quartz Valley Reservation, Calif., 28328
Salish and Kootenai Tribes, Confederated, of Flathead Reservation, 41728
Samish Tribe, 5140
Shawnee Tribe, Absentee, of Oklahoma, 17582
Swinomish Tribe, 5140
Three Affiliated Tribes of Fort Berthold Reservation, 31897
Western Apache Indians, 1930
Winnebago Indians, 1931
Yakima Indians, 25039
Land records:
Oklahoma; Indian-owned lands; transfer of record custody, 5324
Land transfer:
Choctaw Reservation, Mississippi Band of Choctaw Indians, Miss., 10114
Cochiti Pueblo, N. Mex., 20900
Kiowa, Commanche, and Apache Tribes of Oklahoma, 20199
Nambe Pueblo, N. Mex., 42966
Pueblo of Acoma, N. Mex., 27095
Round Valley Reservation, Covelo Indian Community, Calif., 20717
Turtle Mountain Reservation, N. Dak., 9247
Law and order determinations:
Agua Caliente Indian Reservation, 7523

Colville Reservation Confederated Tribes, Wash., 27095
Eastern Band of Cherokee Indians in North Carolina, 43924
Menominee Indian Reservation, Wis.:
Court of Indian Offenses, establishment, 10114
Jurisdiction, offer to retrocede, 8516
Shoalwater Bay Reservation; Indian Offenses Court; establishment, 31897
Yavapai-Tonto Apache Indian Reservation; administrative direction, 34084

INSURANCE

See Farmers Home Administration.
Federal Crop Insurance Corporation.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Federal Insurance Administration.
Fiscal Service.
Social Security Administration.

INTER-AMERICAN FOUNDATION

RULES
Privacy Act; implementation, 19211
PROPOSED RULES
Sunshine Act; implementation, 56828
NOTICES
Privacy Act; systems of records, 49470

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE

See Classification Review Committee, Interagency.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

NOTICES
Agency terminated, 24779
Applications, etc.:
B & S Coal Co., Inc., 1131
Lane Hollow Coal Co., 5455

INTERIOR DEPARTMENT

See also Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Hearings and Appeals Office, Interior Department.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
Mining Enforcement and Safety Administration.
National Park Service.
Outdoor Recreation Bureau.
Reclamation Bureau.

RULES
Alaska natives; disenrollment, 13354, 15009
Conduct standards:
Employee conduct and responsibilities, 56101
Employees required to file statements, 6253
Departmental proceedings:
Editorial changes, 15850
Employees; interest in lands and resources, 20409
Fire protection; reciprocal agreements and emergency assistance, 51794
Freedom of information, 7393, 19109
Inflation impact statement, 51401
Johnny Horizon, use of name and symbol, 42200
Leases, permits and easements for public works, 20409
Procurement, 763, 5281, 5282, 5283, 8972, 8973, 10435, 11174, 15411, 19221, 20548, 24586, 26571, 39748, 54758
Property management, 2237, 3086, 4927, 5283, 15412, 19947, 24124, 24587, 26572, 29818, 36654, 54487, 55345
Records and testimony, appeals from denials of freedom of information requests, 51404
Recreation fees; single-visit entrance, 22563
Relocation assistance, uniform, and real property acquisition policies, 3086

PROPOSED RULES
Coal mine health and safety; civil penalty cases; summary disposition, 45574
Conduct standards; conflicts of interest; Energy Policy and Conservation Act, 11838
Fire protection; reciprocal agreements and emergency assistance, 7950
Freedom of information, 2826
Hearings and appeals procedures; grazing proceedings, 51048
Minerals management:
Coal leases; development and operations; extension of time, 4831, 9363
Motion pictures; land use for filming, 50845
Pictures, television productions or sound tracks on areas administered by BIA, 12689
Procurement, 12688, 17568

NOTICES
Air transportation cases, international; communications, 31247, 34659
Alaska native claims settlement; reservation of local easements, 6295
Authority delegations:
Geological Survey Director, 22148, 23736
Interior Defense Delegation 1; cancellation, 9406
Reclamation Bureau, Commissioner, 10458, 54547
Trust Territory of Pacific Islands, authorized delegates, 53856
Colorado River Basin; coordinated long-range operation; criteria, 2418
Colorado River Storage Project; proposed allocation of peaking power, 1623, 35874, 55947
Committees; establishment, renewals, etc.:
California Desert Conservation Area Advisory Committee, 55947
Cape Cod National Seashore Advisory Commission, 20725
Coal Mine Safety Research Advisory Committee, 24616
Defense Electric Power Administration Industry Advisory Committee, 54995
Interior Coal Advisory Committee, 44203
National Parks, Historic Sites, Buildings and Monuments Advisory Board, et al., 52548
Water Data for Public Use Advisory Committee et al., 55755
Consumer representation plan, 42769
Energy, fuel, and natural resources transportation in Alaska; reservation of easements, 11331
Environmental statements; availability, etc.:
Acadia National Park, Me., 24926, 31582, 48148
Alibates Flint Quarries National Monument, Tex., et al., 21385
Alunite project; Utah, 46357, 47977
Atmospheric Water Resources Management Program, 10243
Avian stressing agent PA-14 for control of blackbirds and starlings, 15896, 30373
Bandelier National Monument, N. Mex., 11046
Big Lake Wilderness Area, Ark., 7162
Big Thicket National Preserve, Tex., 32765
Biscayne National Monument, Fla., 31581
Bonneville Dam Integrating Transmission, 4607, 4608
Bonneville Power Administration, 8087, 22974, 23987, 50724
Bruneau River, Idaho, 49682
Cabeza Prieta Wilderness Area, Ariz., 11047
Cedar Breaks National Monument, Utah, 53375
Central Valley Project, Calif., 10458
Chaco Canyon National Monument, N. Mex., 56241
Challis Planning Unit, Idaho, 22850, 24196, 29191, 43747
Chief Joseph Dam Project, Wash., 14200, 16841
Coal resources and coal mining operating regulations, surface management, 10244
Colorado, northwest; coal resources development, 22850, 29191
Colorado oil shale plant complex construction and operation, 12
Colorado River Water Quality Improvement Program, 10244
Columbia Basin Project, Wash., 9406
Cordero Mine, Campbell County, Wyo., 18534
Dallas Creek Project, Colo., 10458, 43424
Denver Water Board, Colo.; water treatment facilities, 1932
Dickey/Lincoln School Transmission EIS Project, 47979
Dolores National Wild and Scenic River, Colo., 49682
Dolores Project, Colo., 48579
Eagle Butte Mine, Wyo., 42687
East Decker and North Extension Mines, Big Horn County, Mont., 45889
Emery Power Plant, Utah, 32932
Fort Larned National Historic Site, Kans., 45035
Fort Smith National Historic Site, Ark., 45035
Fort Sumter National Monument, S.C., 47979
Four Corners Powerplant and Navajo Mine, N. Mex., 28332
Fruitland Mesa Project, Colo., 37826
Garrison Diversion Unit, N. Dak., 24437, 27405
Glacier National Park, Mont., 27767
Glen Canyon National Recreation Area, 16674
Grand Canyon National Park, Ariz., 11047, 30358

INDEX

UMI

Greenlee Co., Ariz.; transmission line construction, 7534
Guadalupe Mountains National Park, Tex., 8992, 16991
Gulf Islands National Seashore, Miss., 47979
Gunnison National Monument Wilderness Area, Black Canyon, Colo., 30373
Haymill Service, 10457
Idaho, southeastern; phosphate resources development, 17797, 29736
Independence National Historical Park, Pa., 11046
Kaiparowits Power Project Development, Utah, 9898
Kanopolis Unit, Kans., 45036, 45882
Knife River Indian Villages National Historic Site, N. Dak., 32765
Lewis and Clark Trail, 55390
Los Padres National Forest, Calif.; phosphate lease, 23438
Mammoth Cave National Park, Wilderness, Ky., 21255
Mattamuskeet National Wildlife Refuge, N.C., 49200
McKinley Park, Mount McKinley National Park, Alaska, 19146
Mining regions; surface subsidence control, 51128
Missouri River reservoirs, water for energy; Mont., N. Dak., S. Dak., and Wyo., 45036, 46358
Mount Rainier National Park, Wash., 8403
Narrows Unit, Colo., 20602
National Fish and Wildlife Health Research Laboratory, W. Va., 13384
National Fishery Research and Development Center, Pa., 9000, 49682
National Historic Home Site, Franklin Delano Roosevelt, Hyde Park, N.Y., 5855
National Wildlife Refuge System, 4608, 15430, 51131
Navajo Indian Irrigation Project, 22614, 22615
Navajo-Exxon uranium development, 26590, 51128
New Mexico, eastern, water supply project, 38195
New River Gorge National Wild and Scenic River, 32280
Obed National Wild and Scenic River, 47087
Off-road vehicles on public lands, 30142
Oil, crude; transportation system from Valdez, Alaska to Midland, Tex., 51886
Olympic National Park, Wash., 27988
Orme Dam and Reservoir, Central Arizona Project, Ariz., 21496, 22614, 31582
Oroville-Tonasket Irrigation District, Wash., 55245
Outer Continental Shelf; oil and gas leasing, 21496, 22289
Pacific Power & Light Co., 35737
Penobscot River, Me., 45036
Penobscot Wild and Scenic River Study, 3494
Pictured Rocks National Lakeshore, Mich., 40528
Powder River Reservoir, Wyo., 3765, 9899
Rio Grande River, 19241
Riverfront development project; Des Moines, Iowa, 36826
San Francisco Bay National Wildlife Refuge, 41125
San Juan Powerplant, N. Mex., 37369
Santa Barbara Channel, Outer Continental Shelf, Calif.; oil and gas development, 10116
Santa Margarita Project, Calif., 24438
Savage Rapids Dam, Oreg., 21256
Savery-Pot Hook Project, Colo.-Wyo., 43205
Sherwood Uranium Project, Spokane Indian Reservation, 14809, 35738
South Fork New River, N.C., 10694
Southern Nevada Water Project, Nev., 54036, 55244
Southwestern Power Administration, 4049
St. Croix National Scenic Riverway, Minn. and Wisc., 27988
Sugar Pine Dam, Reservoir, and Conduit, Calif., 21832
Synthetic fuels commercialization program, 2858
Taft, William H., National Historic Site, Ohio, 41733
Timber Management Program, 42966
Transmission lines; Greenlee County, Ariz., to El Paso, Tex., 32622
Transmission lines; Oreana, Nev., to Hunt, Idaho, 45890
Upper Delaware National Scenic and Recreational River, 32280
Waterfowl hunting in U.S.; use of steel shot, 1934
WESCO Coal Gasification Project and expansion of Navajo Mine, 3110
Westmoreland Resources Absaloka mine, Crow Indian ceded area, Mont., 50075
Wilson's Creek National Battlefield, Mo., 53375
Zion National Park, Utah, 30142
Federal and federally-assisted programs and projects; coordination, 8808, 27758
Financial interest statements:
Adams, Gary E., 22391, 51132
Astley, Wayne C., 31583, 54995
Baal, Alvin F., 5478, 31411
Bleiweis, Julius, 49554
Bradford, Von C., 48389
Campbell, Charles A., 12729, 41733
Candelario, William, 31583, 54995
Collins, Harley L., 5478, 31411
Cooper, Winston M., 5478, 31411
Cowles, Edward R., 21660, 48609
Davis, William A., 22391
Dryer, Earl D., 2837, 24198, 54995
Dyer, Frederick B., 34331, 54995
English, John F., 18534, 48609
Garlinghouse, Lester E., 5479, 31411
Glass, Edward C., 22391, 51132
Gregg, Donald B., 22391, 51132
Guthrie, Bill M., 5479, 31411
Hale, Kenneth M., 5479, 31411
Hall, Elmer, 2837
Hayden, Julian R., 18534, 48609
Hayward, David, 2837, 24198, 54996
Heim, Paul R., 12729, 41733
Henne, William P., 5479, 31411
Hoey, Frederick W., 21660, 48610
Hufman, Robert L., 12729, 41733
Hulsey, Bill C., 5479, 31411
Hunt, Herbert H., 18534, 48610
James, Evan W., 22391, 51132
Jeter, David G., 12729
Kay, J. Scott, 21660, 48610
Kent, Maurice H., 5479, 31411
Kepner, Jack W., 12729, 41733
Kerger, Robert E., 12729, 41733
Kline, John H., 21661, 48610
Koester, Glenn L., 30698, 54996
Lentz, Owen A., 12729, 41733
Loveless, Leon, 5479, 31411
Madara, John M., Jr., 1582, 54996
Marchetti, Robert J., 5479, 31412
McLagan, Robert R., 12729, 41733
McMahon, John A., 5479, 31412
Meller, Walter A., 48610
Meyer, Frank J., 31247, 54996
Mochon, Harry H., Jr., 12730, 41733
Mullins, Ross, 31583, 54996
Nichols, Thomas C., Jr., 48389
Pence, William K., 12730, 41734
Petersen, Frederick L., 2837, 24198, 54996
Prekeges, Gregory P., 18534, 48610
Quigley, Martin T., 22391, 51132
Ricci, Nicholas A., 22391, 51132
Rogers, Clifton F., 18534, 48610
Rolfing, John, 22391, 51132
Salo, John V., 21661, 48610
Schultz, Leroy J., 12730, 41733
Schultz, Merrill S., 51475
Shepperd, Samuel Riggs, 5479, 34331
Spencer, Keith E., 5480, 31412
Swanson, Stanley M., 18534, 48610
Timme, E. F., 21661, 48610
Treffinger, Fred M., 5480, 31412
Vogel, John R., Jr., 2837, 24199, 54996
Wallof, Paul G., Jr., 30698, 54996
Whitmire, Charles N., 5480, 31412
Winfree, Robert W., 5480, 31412
Freedom of information index requirements; administrative staff manuals, 37633, 45035
Fryingpan-Arkansas Project; proposed method of power allocation, 10116
Indian irrigation water allocations; Central Arizona Project, 45883
Land class equivalents:
Dallas Creek Project, Colo., 6780
Dolores Project, Colo., 19241
Klamath Project, Oreg. and Calif., 12728
Livestock grazing on public lands; fee schedule, 1976, 13
Meetings:
Defense Electrical Power Administration Industry Advisory Committee, 44202
Dickey/Lincoln School Lakes Hydroelectric Project, 47980
Dickey/Lincoln School Transmission-EIS Project, 23987
Enhanced Recovery Techniques for Oil and Gas in U.S. Committee, 1504, 5141, 5410, 8518, 12914, 12915, 17588, 19147, 19994, 25041, 26236, 27993, 30372, 31582, 36054, 37633, 42227, 42688, 49555
Federal Metal and Nonmetal Mine Safety Advisory Committee, 4615, 20602, 30142, 43427
Fish and Wildlife and Parks Natural Sciences Advisory Committee, 35875
Future Energy Prospects, National Petroleum Council Committee, 13, 10115, 15722, 21229, 35737, 44202, 56404
National Petroleum Council, 50726
Oil Shale Environmental Advisory Panel, 5651, 11592, 23987, 27994, 35083

Outer Continental Shelf Advisory Board, 3765, 15722, 18534, 21661, 31412, 36826, 40202, 44433, 45601
Phosphate mining; Los Padres National Forest, 24743
Teton Dam Failure Review Group, 39055, 44721, 53517
Water Research and Education Advisory Committee, 10244
Mineral exploration and development; Federal lands, availability; hearings, 33572, 35875, 37369
Mining, surface; state reclamation law requirements; inquiry, 27993
National Wild and Scenic Rivers System; inclusions, etc.:
Little Beaver National Scenic River, 8518
Lower Saint Croix National Scenic Riverway, Minn. and Wis., 26236
New River, N.C., 16491
Newlands Reclamation Project, Nev., operational criteria and procedures, 5411
Northern Mariana Islands; governmental authority, 15892
Offshore pipelines; memorandum of understanding with Pipeline Safety Operations Office, Transportation Department, 23746
Oil shale leases; development plans:
Colorado, 7535, 15434
Utah, 24615
Pick-Sloan Missouri Basin Program, Eastern Division; proposed allocation of power, 10117
Privacy Act; systems of records, 2837, 7437, 8087, 8088, 12075, 12235, 15355, 24199, 36752, 41222
Procurement actions, legal review, 32459, 34803
Redwood National Park; boundary modifications, 9904, 34802
Salary adjustment; Administrator; Southwestern Power Administration, 50726
San Juan National Historic Site, P.R.; designation, 51669
Teton Dam Failure Review Group; interim report; hearing, 44721
Trust Territory of Pacific Islands:
Authorized delegates, authority delegation, 53856
Ujelang Atoll, Marshall Islands; title transfer to people of Enewetak, 39363
Watches and watch movements; allocation of quotas; Virgin Islands, Guam, and American Samoa, 16678, 17951, 37370, 50852, 56378

INTERNAL REVENUE SERVICE

RULES

Employment taxes:
Interest repayment; retroactive elections of social security coverage by tax-exempt organizations; temporary, 6759
Railroad retirement taxes; annual filing of returns, 1903
Railroad retirement taxes; use of Government depositaries, 19632
Third parties paying or providing for wages; liability, 35175
Withholding exemption certificates invalid, 26217
Estate and gift taxes:
Annuity interests created by community property laws; exclusion from gross estate, 14514
Exempt organizations; loss of status, 34627, 34628
Lien, Federal tax; validity and priority, 35493
Stocks and bonds; composite listing use in evaluating, 38769
Excise taxes:
Foundations; application of taxes to nonexempt trusts, 35515
Foundations; minimum investment returns, 17726
Highway motor vehicle use tax; extension, 9876
Retirement income plans; pre-1975 prohibited transactions, 32889
Retirement income plans; prohibited transaction provisions; definitions, 32890
Sales by manufacturers; appendix reinstated, 7943, 8769, 28478
Trusts, charitable and split-interest; Form 5227 use, 9321
Freedom of information, 19937, 24704
Income taxes:
Accounting for long-term contracts and advance payments, 2637
Adjusted gross income deductions, 5099
Annuity contracts, special elections, 52296, 53660, 54176
Buildings, demolition on leased property; tax treatment, 55710
Charitable organizations, etc.; reliance period extension, 1063
Churches or parent organizations; Form 990 filing date deferral, 17546
Claims for refund or credit; forms, 11020
Community trusts, 50650, 52454
Corporate reorganizations, 26569
Corporate tax rates and surtax exemptions; changes, 12639
Disability income payments, exclusion; questions and answers, 56630
Domestic international sales corporation; intercompany pricing policies, 43142
Domestic international sales corporations; requirements, 20654, 22267
Exempt organizations, certain war veterans, 44391
Exempt organizations; loss of status, 34619
Expenses to enable individuals to be gainfully employed, 11491, 15404
Farm losses, 18811, 23669
Financial institutions, banks for cooperatives, small business investment companies, reserves for losses on loans, etc., 53480
Foreign life insurance companies; minimum figure percentage revision, 10910, 50649
Foreign trusts; time for filing returns, 33263
Interest deductions of mortgagors; certain assistance payments, 9547
Interest rates; increase, 1280, 2642
Investment credit for movie and television films, 56629
Lien, Federal tax; validity and priority, 35492
Loss deductions of corporate partners in partnership, 55344
Low-income housing projects; gains from dispositions, 5101, 7095
Maximum tax on earned income, 55337
Medical research organizations, 7096
Merchant marine and fisheries capital construction funds, 4258, 5810
Pension, profit-sharing, stock bonus plans, etc.; plan benefits not decreased due to social security increases, 42650
Pension, profit-sharing, stock bonus plans, etc.; retroactive plan changes, etc., 42650
Pension and profit-sharing trusts benefiting owner-employees, nonbank trustees, 55510
Puerto Rico and possession tax credit; definition of qualified possession source investment income, 56794
Real estate investment trusts, 14862
Refund of 1975 income taxes and tax credit for certain personal exemptions, 14369, 15690
Reinsurance transactions; life insurance companies, 5100
Residence replacing for purposes of nonrecognition of gain, extension of period, 6758
Retirement accounts, annuities, and endowment contracts, individual; disclosure statements, 53322
Retirement plans, employee; contributions to H.R. 10 plans, 5633
Retirement plans; minimum funding standards, contributions extensions, 46597
Retirement plans; qualification requirements, 20875, 22561
Returns by fiduciaries; Form 5227 use, 9322
Self-employment tax, 34026
Small business corporations, electing; passive investment income, 13918
Trusts, qualified; commencement of benefits, 42651, 44690
Merchant marine and fisheries capital construction funds, 4258, 5810
Procedural rules:
Alcohol, Tobacco and Firearms Bureau; reorganization; title changes, 44038
Appellate Division authority restored in employee plans and exempt organizations, 40103
Claims for refund or credit; forms, 11021, 12640
Employees' plans and trusts, 20884
Examination of returns, etc., 19215, 20880
Public hearings on proposed regulations, 13611
Public inspection of rulings, determination letters and technical advice memorandums, 48740
Procedure and administration:
Alcohol, Tobacco and Firearms Bureau; reorganization; title changes, 44038
Claims for refund or credit; forms, 11020
Congressional committees' inspection of returns, 6068
Discharge of liens, 35177
Income tax return preparers; requirements, 56631
Lien, Federal tax; validity and priority, 35498, 41690
Return information disclosure for investigation purposes, 56795
Seized personal property disposition, 39312

INDEX

UMI

Self-employment tax, 34025

PROPOSED RULES

Employment taxes:
- Group-term life insurance, wage continuation payments, and moving expenses, 2087, 32231
- Interest repayment; retroactive elections of social security coverage by tax-exempt organizations, 6776
- Nonresident alien individuals and foreign corporations; original issue discount to, 28517, 45571

Estate and gift taxes:
- Exempt organizations; loss of status, 19115
- Transfers for public, charitable, and religious uses; hearing, 8800

Excise taxes:
- Employee benefit plans; exemptions for services, office space, etc., 31838, 56758
- Employee stock ownership plans, 31833, 46017
- Foundation assets valuation, 47053
- Highway vehicles, 768, 14760
- Investment credit; requirements for taxpayers; extension of time, 46017
- Manufacturers and retailers; special provisions, etc., 48346, 49656, 50004
- Retirement income plans; pre-1975 prohibited transactions, 32895

Income taxes:
- Advanced royalties treatment, paid or accrued; mineral property, 48133, 48134
- Bank loans, reserves for losses, 40477, 49656, 53360
- Benefit assignment or alienation, 56334
- Bonds, arbitrage, 47680, 49838, 50698, 51840
- Churches, integrated auxiliary of, 6073, 17553
- Community trusts, 50698, 50699
- Domestic International Sales Corporations (DISC); dividends, source of income, 39761
- Domestic International Sales Corporations (DISC); filing of returns, etc., 39762
- Earned income; credit, 28523
- Election; income from certain aircraft and vessels as income from sources within U.S., 30026
- Employee stock ownership plans, 31833, 46017
- Energy resources; denial of DISC benefits, 24889, 26695, 45571
- Exempt organizations; loss of status, 19115
- Export trade corporations; definition, 39762
- Foreign base company sales; definition limitation, 19970, 28792
- Foreign base company shipping income, 33285, 35855
- Foreign corporate shareholders; distributions of property, 18859
- Foreign corporations; annual accounting period change, 12017, 20590
- Foreign corporations, controlled; dividend treatment, 19970, 28792
- Foreign tax credit for U.S. corporate shareholders in foreign corporations, 24357
- Fringe benefits, 56334
- Gross income; allocation and apportionment of deductions, 49160, 50299
- Interest upon obligations of State, territory, etc., 4829
- Investment credit; computing for property depreciation, 11175
- Investment credit; requirements for taxpayers, 31828
- Merchant marine and fisheries capital construction funds, 4280, 20173
- Nonresident and alien individuals and foreign corporations; original issue discount to, 28517
- Pension, profit-sharing, stock bonus plans, etc.; retroactive plan changes, etc., 1289, 1915
- Political organizations, 51840
- Puerto Rico and possession tax credit; definition of qualified possession source investment income; inquiry and hearing, 56830
- Retirement accounts, annuities, and endowment contract, individual; disclosure statements, 14522, 29411
- Retirement plan, multiemployer plan and plan administrator; definitions, 2647
- Transfers for public, charitable, and religious uses; hearing, 8800
- Tuition remission programs, 48132, 51039, 53681, 55896
- Vesting standards, minimum, 9891

Merchant marine and fisheries capital construction funds, 4280, 20173

Procedural rules:
- Public inspection of rulings and determination letters; withdrawn, 48746

Procedure and administration:
- Domestic International Sales Corporations (DISC); filing of returns, etc., 39762
- Earned income; credit, 28523
- Tax returns, amended; unpaid taxes shown, 49178

NOTICES

Art Advisory Panel; closed meeting reports availability, 38788, 51642

Authority delegations:
- Acting supervisory officials, 22388
- Actuarial Division, Director, et al., 45034
- Assistant Commissioner (Compliance), 20897, 49209
- Assistant Commissioner (Public Affairs) et al., 24916
- Assistant Commissioner (Technical) et al., 29000
- Assistant Regional Commissioner (Appellate) et al., 20897, 40192, 45591
- Deputy Commissioner et al., 36044, 46626
- District Directors et al., 2402, 26036
- Fiscal Management Branch Chief et al., 8192
- Fiscal Management Officer et al., 2402, 8192, 9398, 13637, 19232, 23732
- International Operation, Director, et al., 26036
- Personnel Division, Director, et al., 11589, 55409
- Regional Commissioners et al., 8192, 20897, 20898, 47085
- Special agents and internal security inspectors et al., 39355, 45591

Employee and self-employed benefit plans; reporting forms filing not required, 54581

Employee benefit plans:
- Exemption procedure applications, 12740, 16620, 16642, 20455, 20940, 22115, 26292, 29503, 34328, 41975, 46799, 48200, 50516, 53219, 54080, 55664, 56412, 56760
- Filing address for copies of complaints in suits filed under section 502, 39112

Meetings:
- Art Advisory Panel, 10079, 28805
- Commissioner's Advisory Group, 9245, 40522, 52119
- Professional Conduct Rules, Chief Counsel's Advisory Committee, 2834, 13637
- Small Business Advisory Committee, 4837, 22607, 46889

Merchant Marine and Fisheries Capital Construction Funds; applicable rates of interest on nonqualified withdrawals, 28565

Privacy Act; systems of records, 42680, 44196

Professional Conduct Rules, Chief Counsel's Advisory Committee; report, 13628, 41106

Tax forms review; inquiry, 9398, 16488

Tax Reform Act of 1976; implementation; inquiry, 44062

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

See Mexico and United States, International Boundary and Water Commission.

INTERNATIONAL BROADCASTING BOARD

RULES

Privacy Act; implementation, 10413

PROPOSED RULES

Privacy Act; implementation, 6076

NOTICES

Privacy Act; systems of records, 6118, 47201, 53517

INTERNATIONAL JOINT COMMISSION-UNITED STATES AND CANADA

See Canada and United States-International Joint Commission.

INTERNATIONAL TRADE COMMISSION

RULES

Confidential business information, 28951

Import injury due to trade agreement concessions; investigations, 10212

Nonadjudicative hearings, conduct; general rules, 54168

Privacy Act; implementation, 18810

Unfair import trade practices; investigation procedures, 17710

PROPOSED RULES

Domestic industries, investigations of injury to; duty free imports, subsidized imports, etc., 56205

Domestic industry, investigations of dumping injury to; CFR Part revoked, 56205

Nonadjudicative hearings, conduct; general rules, 34081

Nonadjudicative investigations; economic effects of duty modifications, trade barriers, etc., 55203

Privacy Act; implementation, 7431

Sunshine Act; implementation, 53039

NOTICES

Commodity description and coding system, harmonized:
- Draft chapters; hearings, 19781, 34370; 55948
- U.S. contribution, 18716

Generalized System of Preferences; eligible articles; list, 30404, 41973, 43764, 46910, 53547, 54258, 56869

Import, production and export data, comparability of; enumeration of articles; preliminary drafts availability:
- Aircraft and spacecraft, 51476
- Arms and ammunition, 51476
- Fur and leather articles, 51476
- Furniture, pillows, cushions and mattresses, 53145
- Glass and glass products, 53145
- Locomotives and rolling stock, 48422
- Musical instruments, parts and accessories, 48422
- Pens, pencils, etc., 51476
- Pleasure boats, 53145
- Works of art; antiques, 48422

Import investigations:
- Acrylic sheet from Japan, 19163, 20454, 32294
- Asparagus, 3787
- Birch three-ply door skins from Japan, 2690
- Bismuth molybdate catalysts, 4981, 17976, 18716, 24460, 28367, 46519
- Bootie sets, crocheted from Republic of Korea, 17977, 32793
- Brooms, broom corn, 12096
- Calculators, electronic printing, 2694
- Capacitors, tantalum electrolytic fixed, from Japan, 47604
- Cement, Portland hydraulic; from Mexico, 46062
- Ceramic brick and tile, hollow or cored, from Canada, 19383, 20454, 21224, 27877, 32670
- Chicory root, crude and prepared, 29496, 30743, 33949, 35574, 38826, 43474
- Coffee, Angolan Robusta, 9234, 13418
- Competitive position of U. S. Industries, 29919
- Converters, monolithic catalytic, 5455, 7824, 41478
- Digital movements, overlapping, 12931
- Dry wall screws, 36847, 48422
- Electronic audio and related equipment, 8432, 14949
- Exercising devices, 16617, 26607
- Eye testing instruments incorporating refractive principles, 9627, 14436
- Flatware, stainless steel, 9628, 26607
- Footwear, 8432, 44756, 49897, 51887
- Freezing attachments, ultra-microtome, 14948
- Game tables, convertible, and components, 3785, 4980, 14947
- Gloves, 10965
- Heaters, liquid propane, 12248, 14600
- High fidelity audio and related equipment, 9010
- Honey, 5454, 9936, 27786
- Knitting machines, circular, and throat plates, 50076
- Knitting machines for ladies' seamless hosiery from Italy, 38827, 52726
- Lead metal, primary; from Australia and Canada, 4076, 17628
- Lithographic plates, multimetal; from Mexico, 17977, 21702
- Locks, chain door, 7591, 9235, 14948
- Melamine in crystal form from Japan, 45062, 56865
- Milk mixtures, dried, 17976
- Monosodium glutamate from Korea, 21224, 24461
- Mushrooms, 12358, 44756, 49555
- Optic devices and instruments, glass fiber, 2280, 16712, 32670
- Pianos, electronic, 5455
- Pigments, ferricyanide and ferrocyanide blue, 15069
- Plant hangers, 27449, 32670, 36091, 56868
- Plastic bags, reclosable, 2280, 4076, 8233, 14947, 17822, 18358, 18713, 19163, 26959, 30214, 46520, 48423
- Polymethyl methacrylate, clear; of pellet, powder, flake, granular or similar forms from Japan, 14435, 26278
- Polytetrafluoroethylene in tape form, expanded, unsintered, 7592, 14947
- Portland hydraulic cement from Mexico, 39845, 53719
- Pumps, water circulating, from United Kingdom, 10965, 22635
- Record players incorporating straight line tracking systems, 9629
- Rubber, butadiene acrylonitrile, 2694, 14435
- Shrimp, 3785, 4981, 20224
- Ski bindings from Austria, Switzerland, and West Germany, 24460, 37165
- Slide fasteners and parts, 8433
- Solder removal wicks, 27134, 54998
- Steel; stainless, alloy tool, and silicon electrical, 3786
- Sugar, 43474, 47604
- Swimming pools, above ground, 47289
- Swimming pools, above-ground, 17975, 26958
- Tableware, ceramic, 2279, 14600
- Tantalum electrolytic fixed capacitors from Japan, 33337
- Tappets II, hydraulic, 9235, 14436
- Television receivers, color and monochrome, 50076
- Television receivers from Japan, 14949, 33950, 55949
- Television receiving sets, color, 14014, 22864, 27450, 40569, 50357, 55947, 55948
- Watches and watch movements from insular possessions, 14600
- Wire, round stainless steel, 2280, 10271, 24779
- Zoris footwear from Republic of China, 28594, 42709

Meetings; Sunshine Act, 53856, 54997, 55245, 55391, 55949, 56242, 56736, 56737, 56865

Privacy Act; systems of records, 7477, 40045, 52921

Tariff Schedules (H.R. 14600), probable economic impact and need to protect domestic industry, 44756, 53549, 56736

Temporary entry of certain imports without duty payments; investigation termination, 27450

INTERNATIONAL WOMEN'S YEAR OBSERVANCE, NATIONAL COMMISSION

PROPOSED RULES

Commission establishment; State meetings, financial assistance, 51050

State Meetings, Coordinating committee; establishment, 53495

INTERSTATE COMMERCE COMMISSION

RULES

Accounts, uniform system:
- Express companies, 9157, 9162, 32596
- Freight forwarders, 9160, 9166, 32602, 52471
- Motor carriers, 4930, 8177, 9159, 9164, 30012, 32598, 32599, 52468, 56819
- Pipeline companies, 9158, 9163, 32597, 52467
- Rail carriers, 9157, 9162, 32595, 32596, 32597, 48973, 52466, 52467
- Water carriers, 9159, 9165, 32601, 52470

Claims for loss and damage, scrap iron and steel; net weights for determining losses, 25908

Conduct standards:
- Employees required to submit form, 26018
- Indebtedness, 6071
- Prohibited financial interests, 11312

Environmental policy guidelines, 27839

Express companies:
- Accounts, uniform system, 9157, 9162, 32596

Forms:
- Applications for transfer or change, 13926
- Insurance for cargo liability for motor carriers and freight forwarders, 14875
- Operating authority, revision, 53798

Freedom of information, 2824

Freight forwarders:
- Accounts, uniform system, 9160, 9166, 32602, 52471
- Operating rights; transfer of permits, 1486
- Reports, noncapitalized lease committments, 11521
- Surety bonds and policies of insurance, 10910

Freight tariffs and schedules, 7107, 8050, 9351

Intermodal transportation:
- Motor carriers of property, operational circuity reduction, enlargement of amount; trailer-on-flatcar, 48344

Motor carriers:
- Accounts, uniform system, 4930, 8177, 9159, 9164, 30012, 32598, 32599, 52468, 56819
- Brokers of property, passengers, etc.; transfer of licenses, 1484
- Chartered or special party service, 27838
- Commercial zones; Albany, N.Y., et al., 56653
- Commercial zones; Kansas City, Kans. and Mo., 3305
- Commercial zones; Washington, D.C., 44405
- Control or consolidation of carriers or properties; applications, 3091
- Exemptions; Miami and Fort Lauderdale, Fla. air terminal areas, 45011

INDEX

UMI

Freight and passenger tariffs and schedules, 7107, 8050, 9351, 15415, 22067, 24713, 30591, 34260, 35679, 55716
Household goods transportation; annual performance reports, 53486
Household goods transportation; consumer protection, 1743
Household goods transportation; limitations of liability, 8348, 9552, 11523, 13593
Household goods transportation; vehicle-load manifest use, 52465
Interpretation; certificates and permits, 56653
Lease and interchange of vehicles, 10228, 46438
Reports, annual financial; class III property carriers, 14170
Reports; noncapitalized lease committments, 11521
Smoking on interstate buses; enlargement of seating section, 45843
Surety bonds and policies of insurance, 10910
Temporary authority applications; fitness issues, 43905
Terminal areas, 45011, 56655
Waste product transport for reuse and recycling, 22275
Motor vehicles and operations; State registration requirements, 5395
National defense regulations, redesignation, 22562
Perishable commodities transportation; performance standards, 31824, 32594
Pipeline carriers:
Accounts, uniform system, 9158, 9163, 32597, 52467
Practice rules:
Brokers of property; transfer of licenses, 1485
Energy and Environment Section, Chief; redesignation, 54772
Environmental policy guidelines, 27839
Fees; filing for related or consolidated proceedings, 1484
Operating authority, application for, 53799
Petitions for reconsideration; content requirements and page limitations, 50826
Rail carrier rate increase proceedings, 11824
Rail rates and charges; protests against revisions, 8790
Rail services continuation subsidies, standards for determining, 55691
Railroad divisions of revenue disputes; expeditious handling of cases, 32745, 44183
Temporary operating authorities and approvals, 50827
Privacy Act; implementation, 3087
Rail carriers:
Abandonment of lines and discontinuance of service, 48521
Accounts, uniform system, 9157, 9162, 32595, 32596, 32597, 48973, 52466, 52467
Freight and passenger tariffs and schedules, 7107, 8050, 9351
Rate increase proceedings, 11824
Rates and charges; protests against revisions, 8790
Smoking provisions and restrictions, 34260
Subsidies, rail service continuation; determination standards, 3403, 8469, 12837, 16782, 32554, 56328
Railroad, intercity passenger service, adequacy, 22944, 24887, 34260, 36210, 55052
Railroad car service orders:
Boxcars; substitution of stock cars, 2645, 29386
Car distribution directions; appointment of agents, 45567
Embargo agents; appointment, 45567
Freight cars, distribution, 15014, 22565, 30118, 35069, 38183, 45989, 52695, 55879
Freight cars, ownership, utilization, distribution, etc., 42669
Grain cars; distribution, 10227, 13593, 14520
Hopper cars, return, 4, 3091, 14371, 14372, 21642, 27729, 52695, 52880
Hopper cars, substitution, 36027, 50449
Trailers, return, 21476
Railroad car service orders; various companies:
Atchison, Topeka & Santa Fe Railway Co., et al., 2644, 29386
Baltimore & Ohio Railroad Co., 4538, 54772
Bath & Hammondsport Railroad Co., 29819
Burlington Northern Inc., 4929, 15415, 31382
Central Iowa Railway Co., 4929
Chesapeake & Ohio Railway Co., 14168, 35679
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 17911, 27728
Chicago, Rock Island & Pacific Railroad Co., et al., 2644, 4929, 8480, 13592, 15848, 29387, 31381, 36820, 43723, 45842, 45843
Chicago & Eastern Illinois Railroad Co., 26692, 36209
Chicago & North Western Transportation Co., 15698, 17395, 22274, 27729, 29819, 43723, 48343, 52696
Consolidated Rail Corp., 27729
Delaware & Hudson Railway Co. et al., 15414, 22067, 48122
Erie Lackawanna Railway Co., 10909, 15015
Goodpasture Inc., grain elevator; grain shipment diversions, 8971
Illinois Central Gulf Railroad Co., 8175, 8347, 36209
Kansas City Southern Railway Co., 3090, 18053, 31824, 48344
Lehigh Valley Railroad Co., 8790, 15015
Mendocino Coast Railway, Inc., 37336
Michigan Soo Line Railroad Co. et al., 14520, 15848, 18850, 19223, 22819, 27729, 31382, 42956
Missouri Pacific Railroad Co. et al., 2644, 22067, 29387, 48343, 52696, 56652
Missouri-Kansas-Texas Railroad Co., 13926, 43723
Norfolk & Western Railway Co., 15848, 31222
Octoraro Railway, Inc., 32222, 34608, 50448
Penn Central Transportation Co., 8480, 15414
Providence & Worcester Co. et al., 4929, 15414, 32429, 32430
Reading Co., 8480, 8790, 15015
Soo Line Railroad Co., 27729
St. Louis-San Francisco Railway Co., 19325, 19647, 50448, 56652
Texas & Pacific Railway Co., 8972
Union Pacific Railroad Co., 10227, 12679
Vermont Northern Railroad Co., 48122
Wolfeboro Rail Road Co., 5823, 37582
Records:
Preservation, 28956
Reports:
Annual financial; class III motor carriers of property, 14171
Annual report supplement; motor and water carriers, and freight forwarders, 21354
Motor carriers, classification of, 30012
Noncapitalized lease commitments; motor and water carriers, and freight forwarders, 11521
Rail carriers; demurrage, detention, and other charges; records maintenance, 44045
Rate-making organizations; annual report, 54772
Rerouting of traffic; appointment of agents, etc., 45568, 45990
Water carriers:
Accounts, uniform system, 9159, 9165, 32601, 52470
Certificate transfers and operation permits, 1486
Freight and passenger tariffs and schedules, 7107, 8050, 9351
Reports; noncapitalized lease commitments, 11521

PROPOSED RULES

Accounts, uniform system:
Pipeline companies, 2100
Preservation of records, 11565
Rail carriers, 13740, 23172, 33016, 37603, 43977
Rate bureaus, 46013
Boxcars; charges, incentive per diem, 1968, 6078
Bus industry, intercity; motor carrier revenue proceedings; extension of time, 4082
Freight bill labeling; damage claims; addition of carrier's name, 19230
Freight forwarders:
Surety bonds and policies of insurance; increase of minimum limits, 779
Intermodal transportation:
Fishyback service; Alaskan trade, carrier substitution, 28317
Motor property carriers, circuity limitations, trailor-on-flatcar or piggyback service, 48130, 52754
Motor carriers:
Commercial zones; Beaumont, Tex., et al., 2254, 9397
Commercial zones; Spokane, Wash., 3323
Exemptions; agricultural cooperatives, 52893, 54009, 54517
Fitness flagging procedures, 33307
Freight and passenger tariffs and schedules, 16665, 19353, 28317
Household goods transportation; advertising, 1607, 11326
Household goods transportation; annual performance reports, 1608
Household goods transportation; shipping cost estimate requirement elimination, 37350
Household goods transportation; tariff procedures governing rates and charges, 52501
Surety bonds and policies of insurance; increase of minimum limits, 779
Terminal areas, 2254, 9397
Pipeline carriers:
Accounts, uniform system; valuation, 2100
Practice rules:
Bus industry, intercity; motor carrier revenue proceedings; extension of time, 4082
Energy policy and conservation, 36041, 45076
Forms, application, for operating authority; extension of time, 1923
Household goods; tariff procedures governing rates and charges, 52501
Motor carrier revenue proceedings, 1923
Operating authority, application for, 53832
Railroad divisions of revenue disputes; expeditious handling of cases, 16482, 24192, 32434, 43743
Railroad Revitalization and Regulatory Reform Act procedures, 11034, 12231
Updating, clarification and improvement of rules; inquiry, 49282
Rail carriers:
Abandonment of lines and discontinuance of service, 31878
Accounts, uniform system, 13740, 23173, 33016, 37603, 37689, 43977
Acquisition, control, merger, etc., 21481
Demurrage charges, remittance of, 9202
Freight and passenger tariffs and schedules, 28799, 53680
Subsidies, rail service continuation; determination standards, 7793, 20104, 26936, 35730
Tank car allowance system; investigation, 29712
Railroad, intercity passenger service, adequacy, 7521
Records:
Preservation of, 11565
Reports:
Rail carriers; quarterly and annual reports, 33016
Rate-making organizations; record retention, 11565
Sunshine Act; implementation, 56340

NOTICES

Abandonment and discontinuance of railroad services; procedures, 13691
Abandonment of railroad services, etc.:
Abilene & Southern Railway Co., 12944
Albany Passenger Terminal Co., 14977
Aroostook Valley Railroad, 31627
Atchison, Topeka & Santa Fe Railway Co., 6360
Baltimore & Ohio Railroad Co., 2458, 7629, 7848, 11095, 15496, 18376, 18950, 29925, 42723, 43977
Buffalo, Rochester & Pittsburg Railway Co., et al., 15496, 31436, 50082
Burlington Northern, Inc., 2709, 5689, 10724, 12781, 14977, 16637, 19280, 21532, 24657, 25072, 38241
Central of Georgia Railroad Co., 36853, 48432
Chesapeake & Ohio Railway Co., 1836, 2710, 5689, 21533, 38241, 47125, 56901
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., et al., 851, 2458, 11094, 12781, 13687, 21739, 24657, 29925, 45925, 55767
Chicago, Rock Island & Pacific Railroad Co., 3530, 10725, 24658
Chicago & North Western Transportation Co. et al., 1662, 8011, 10527, 15120, 19388, 24658, 25944, 27806, 29925, 56740
Chicago & Western Indiana Railroad Co. et al., 25073
Clarendon & Pittsford Railroad Co., 5688
Colorado & Wyoming Railway Co., 14235
Consolidated Rail Corp., 56740
Cotton Plant-Fargo Railway Co., 53731
Duluth, Missabe & Iron Range Railway Co., 36853, 48433, 53732
East Washington Railway Co., 42996
Elgin, Joliet & Eastern Railway Co., 10725
Fort Worth & Denver Railway Co., 3530, 19280
Grand Trunk Western Railroad Co., 1837, 29248, 44244
Illinois Central Gulf Railroad Co., 1553, 11094, 19281, 21533, 25074, 32499, 49935, 50083, 54048
Kansas City Southern Railway Co., 35261
Live Oak, Perry & South Georgia Railway Co., 27807
Louisville & Nashville Railroad Co., 1983, 10726, 12944, 17648, 29926, 31629, 44244
Maine Central Railroad Co., 50372, 50773
Missouri Pacific Railroad Co., 2459, 16637, 18951, 21741, 25074, 27807, 42723
Missouri-Kansas-Texas Railroad Co., 1837
Monogahela Railway Co., 40257
Norfolk Southern Railway Co., 53739
Oregon Short Line Railroad Co., 6360
Oregon-Washington Railroad & Navigation Co. et al., 1552, 1553, 5165, 21260, 27812
Penn Central Transportation Co. et al., 52357
Quanah, Acme & Pacific Railway Co., 20459
Salt Lake City Union Depot & Railroad Co., 38241
Seaboard Coast Line Railroad Co., 12945, 21534, 42258, 53739
Soo Line Railroad Co., 40574
Southern Pacific Transportation Co., 3530, 14029, 15123, 29927, 36858, 43977, 44783, 49936, 52357, 52358, 53740, 55768, 56740
Southern Railway Co., 24659, 25074, 36293
Spokane International Railroad Co., 29926
St. Louis Union Station, 34847
St. Louis-San Francisco Railway Co., 11095, 15122, 15123, 34401, 53741
Susquehanna Connecting Railroad Co., 12780
Texas Export Railroad Co., 27812
Texas & Pacific Railway Co. et al., 49935, 51907
Twin Branch Railroad Co., 51164
Union Pacific Railroad Co., 1552, 1553, 5165, 6360, 7629, 7849, 14856, 49936
Wabash Railroad Co. et al., 52358
Waterloo Railroad Co., 29927
Western Maryland Railway Co., 35599, 38242, 53905
Winchester & Potomac Railroad Co., 11095
Administrative process; extension of time requests; general policy, 48205
Administrative ruling; Operations Bureau; sixty-day exemption, 24236
Agreements under sections 5a and b, applications for approval, etc.:
Alaska Rail-Water Association, 26773
Association of American Railroads, 32816
Bulk Carrier Conference, Inc., 26086
Central States Motor Freight Bureau, Inc., 12373, 25072
Columbia River Tariff Bureau, 27476
Eastern Central Motor Carriers Association, Inc., 23260
Eastern Railroads et al., 32981, 35108
Freight Forwarders Conference, 22906
Hawaiian Freight Tariff Bureau, Inc., 23020
Heavy & Specialized Carriers Tariff Bureau, 21740
Household Goods Carriers' Bureau, 14856
Household Goods Forwarders, 23260
Indiana Motor Rate & Tariff Bureau, Inc., 21740
Lower Lakes Coal Demurrage Agreement, 33951
Machinery Haulers Association, 17048
Michigan Mover's and Warehousemen's Association, 27476
Midwest Cement Carriers, 50774
Midwest Household Goods Carriers, 29526
Midwest Oilfield Haulers, 28652
Mississippi Valley Motor Freight Bureau, 44778
Missouri Pacific Railroad Co., 52951
Mobile Housing Carriers Conference, 27808
Mover's & Warehousemen's Association of America, Inc., 20237
National Association of Specialized Carriers, Inc., 22906
National Bus Traffic Association, Inc., 23260
National Equipment Interchange and Interline Agreement, 11095
New England Motor Rate Bureau, Inc., 18595
New York Movers Tariff Bureau, Inc., 21747
Niagara Frontier Tariff Bureau, Inc., 33352
Oilfield Haulers Assn. Inc, 31448
Southern Freight Association, 35035
Southern Motor Carriers Rate Conference, Inc., 20973
Southern Ports Foreign Freight Committee, 35035
Steel Carriers Tariff Association, Inc., 34402
Tidewater Coal Demurrage Committee, 26775
Waterways Freight Bureau, 18491
Western Motor Traffic Bureau, Inc., 24479
Western Railroad Traffic Association, 34720
Western Tank Truck Carriers' Conference, Inc., 23260
Willamette Tariff Bureau, 47126
Wyoming Trucking Association, Inc., 29047
AMTRAK operations:
Rerouting cases; authority delegation, 55618
Car service compensation:
Per diem charges, basic, formula revision, 50752, 55412

90-000 O - 77 - 8

INDEX

UMI

Car service rules, mandatory; exemptions, 850, 851, 852, 3374, 3529, 4082, 6357, 6358, 8011, 8016, 8853, 8854, 9031, 9263, 9462, 10292, 10527, 10528, 10727, 11398, 11399, 11641, 13696, 13697, 14626, 14627, 14854, 14855, 14978, 15120, 15124, 15390, 16920, 17832, 18005, 18570, 18757, 18758, 21738, 21741, 22173, 22174, 22321, 22322, 22472, 25070, 25071, 25073, 27882, 28077, 28078, 28858, 29777, 29926, 30072, 30227, 31628, 31629, 32816, 35046, 35779, 36858, 36859, 37436, 37443, 37865, 38570, 40255, 43262, 43263, 44244, 44523, 44524, 44527, 46073, 46681, 47125, 48621, 50886, 52354, 52950, 52951, 53574, 53731, 53739, 55053, 55766, 55767, 55768, 56740

Commercial zones and terminal areas:
Baltimore, petition, 46353

Corporate disclosure regulations; conference report availability; inquiry, 5381, 9946

Emergency temporary and temporary authority; State registration, 7630

Environmental statements; availability, etc.:
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., et al., 47126
Missouri-Kansas-Texas Railroad Co. et al., 35047

Finance applications, 10273, 11241, 32323

Financial interest statements:
Manion, Raymond R., 5165
Martin, James E., 44904, 45075

Foods, drugs, and cosmetics shipments; information exchange; memorandum of understanding with FDA, 18337

Fourth section applications for relief, 1554, 1663, 1983, 2132, 2458, 2884, 3162, 3531, 3793, 3933, 4082, 5481, 5690, 5882, 7849, 8012, 8247, 8456, 8575, 8854, 9030, 9262, 9464, 9946, 10123, 10977, 12782, 13687, 13694, 14627, 14978, 15124, 15390, 15762, 16538, 18005, 18491, 18570, 19180, 19282, 19733, 20460, 20750, 21261, 21534, 21871, 22906, 24036, 24470, 24805, 24960, 25073, 25946, 26774, 27806, 28377, 28652, 29047, 29778, 30228, 30420, 31629, 32675, 32817, 32981, 33950, 34141, 34395, 34718, 35108, 35596, 35779, 36132, 36707, 36853, 37432, 38570, 38860, 41490, 41798, 41986, 42256, 42723, 42996, 43263, 43786, 44526, 45644, 46073, 46400, 46923, 47302, 48433, 48621, 48832, 49210, 49560, 49690, 50083, 50523, 50773, 50887, 51160, 51491, 52575, 52739, 52951, 53570, 55769, 56250

Hearing assignments, 18, 851, 1352, 1554, 1662, 1838, 1982, 2132, 2294, 2457, 2709, 2883, 2884, 3162, 3374, 3531, 3793, 3933, 4081, 4082, 4384, 4694, 4871, 4988, 5166, 5380, 5480, 5690, 5881, 6082, 6359, 6830, 7190, 7477, 7602, 7849, 8010, 8138, 8245, 8454, 8575, 8852, 9029, 9262, 9463, 9646, 9946, 10123, 10291, 10525, 10724, 10977, 11090, 11222, 11397, 11643, 11911, 12116, 12122, 12249, 12372, 12940, 12943, 13687, 13693, 14029, 14234, 14456, 14627, 14857, 14977, 15124, 15389, 15495, 15763, 15956, 16236, 16537, 16631, 16720, 16895, 17048, 17439, 17832, 18004, 18193, 18377, 18490, 18571, 18759, 18950, 19179, 19282, 19388, 19732, 20049, 20235, 20459, 20628, 20750, 20972, 21261, 21414, 21534, 21738, 21871, 22173, 22321, 22472, 22905, 23019, 23260, 23504, 23822, 24031, 24236, 24470, 24656, 24805, 24960, 25070, 25946, 26086, 26300, 26627, 26774, 26961, 27466, 27473, 27806, 27882, 28077, 28377, 28651, 28858, 29047, 29248, 29526, 29924, 30072, 30227, 30420, 30756, 31287, 31436, 31627, 31962, 32323, 32498, 32674, 32816, 32976, 33349, 33600, 33950, 34141, 34394, 34717, 34845, 35035, 35108, 35261, 35595, 35779, 36099, 36131, 36289, 36556, 36706, 36852, 37431, 37435, 37689, 37864, 38241, 38569, 38860, 39116, 39401, 39861, 40255, 40574, 41176, 41490, 41798, 41986, 42256, 42723, 42995, 43262, 43786, 43788, 43977, 44081, 44244, 44523, 44777, 44905, 45075, 45644, 45924, 46072, 46400, 46533, 46554, 46679, 46923, 47125, 47301, 47534, 48011, 48202, 48432, 48831, 49560, 49689, 49934, 50082, 50371, 50523, 50773, 50886, 51160, 51490, 51671, 51901, 52354, 52569, 52574, 52739, 52950, 53158, 53385, 53570, 53731, 53904, 54048, 54265, 54581, 54830, 55052, 55253, 55411, 55617, 55618, 55766, 55965, 56249, 56426, 56739, 56900, 56901

Meetings:
Pipeline Advisory Committee on Valuation, 14029

Motor carrier, broker, water carrier, and freight forwarder applications, 1555, 2295, 3375, 4390, 5365, 6346, 7837, 8456, 10508, 11377, 14036, 15927, 17987, 19709, 21721

Motor carriers:
Alternate route deviation notices, 1351, 2133, 3162, 4082, 4083, 5195, 6083, 7602, 7603, 8247, 9282, 10275, 10276, 11246, 11248, 14057, 18001

Applications and certain other proceedings, 1349, 2147, 3154, 4083, 5167, 6085, 7624, 8250, 9283, 9436, 14456, 14457, 15121, 38573

Data processing machines or components; classification ratings, 8012, 18571

Household goods; limitations of liability, 20754

Interstate regular-route passenger fares; Manhattan Transit Co., 45925

Interstate services and rates, fares, and charges; passengers in Urban Mass Transportation areas, 13687

Intrastate applications, 1350, 2132, 3170, 5198, 8246, 9263, 9287, 10276, 11248, 26300

Irregular route property carriers; gateway elimination, 18, 2135, 2459, 2710, 4088, 5174, 6089, 7605, 8552, 10277, 11227, 11250, 13697, 14830, 15763, 16720, 17835, 18572, 19389, 20629, 21535, 22435, 23261, 24470, 25949, 27467, 28078, 29047, 30073, 31437, 32817, 35043, 36099, 36853, 38570, 38861, 41490, 42996, 42998, 44085, 45076, 46401, 47302, 48433, 49690, 50524, 51901, 52739, 53732, 54830, 55965, 56741

Lease and interchange of vehicles, 1663, 4988, 8854, 12122, 12133, 13688, 14856, 18593, 23822, 30756, 33951, 34847, 36103, 43788, 53165, 54838

Residential and redelivered shipments; investigation of practices, 15125

Temporary authority applications, 1344, 1664, 1667, 1984, 1987, 2724, 3163, 3167, 3794, 3935, 4385, 4694, 4695, 4696, 4697, 4698, 4989, 4990, 5166, 5172, 5195, 6831, 7191, 7194, 7478, 7850, 7852, 8013, 8141, 8254, 8258, 8261, 8575, 9288, 9456, 9460, 9646, 9947, 10123, 10727, 10978, 11090, 11223, 11644, 11649, 11913, 12116, 12119, 12266, 12270, 12782, 12941, 13689, 13694, 14029, 14033, 14235, 14237, 14847, 14851, 14978, 15390, 16236, 16242, 16540, 16631, 16635, 17042, 17046, 17649, 17654, 17832, 18007, 18194, 18197, 18377, 18593, 18758, 18759, 18951, 19180, 19397, 19398, 19735, 20638, 20750, 21260, 21414, 21418, 21742, 21747, 21872, 21874, 22323, 22472, 22908, 23506, 23509, 23823, 24031, 24962, 25075, 25080, 25947, 25949, 26628, 26633, 26962, 26967, 27473, 27809, 27882, 28086, 28653, 29060, 29062, 29248, 29250, 29253, 29778, 30080, 30756, 30759, 30763, 31288, 31444, 31630, 31963, 32499, 32820, 32824, 32976, 33350, 33601, 34396, 34402, 34718, 35036, 35039, 35261, 35596, 35780, 36104, 36133, 36290, 36558, 36707, 37436, 37438, 37440, 38243, 38246, 39117, 39119, 39402, 39863, 40257, 40259, 40575, 41176, 41987, 42723, 43000, 43500, 43787, 44081, 44088, 44524, 44778, 44905, 45079, 46073, 46076, 46407, 46556, 46926, 46928, 47307, 47534, 48202, 48622, 48832, 49210, 49692, 49695, 50528, 50530, 50890, 51160, 51492, 51495, 51672, 51904, 52570, 52572, 52751, 53158, 53162, 53387, 53571, 54049, 54266, 55054, 55254, 55413, 55415, 56250, 56253

Transfer proceedings, 30, 852, 1349, 1554, 1664, 1837, 1838, 2134, 2135, 2295, 2460, 3375, 3531, 4087, 4989, 5194, 5690, 5882, 6103, 6359, 7190, 8139, 8140, 8260, 8455, 8578, 9032, 9455, 9464, 9650, 9947, 10126, 10273, 10976, 10977, 10978, 11222, 11643, 12122, 12373, 12782, 12940, 12941, 13688, 14033, 14235, 14855, 14856, 15122, 15389, 15496, 15957, 15958, 15959, 16247, 16539, 16638, 16720, 16895, 17042, 17648, 18005, 18006, 18010, 18194, 18378, 18951, 18954, 19183, 19397, 19733, 19734, 20050, 20236, 20460, 20753, 20972, 21260, 21535, 21741, 21742, 21747, 21874, 21875, 22174, 22175, 22472, 22906, 22907, 23020, 23505, 23513, 23823, 24031, 24237, 24470, 24659, 24805, 24961, 24962, 25086, 25947, 26086, 26087, 26774, 27472, 27808, 28090, 28091, 28377, 28652, 29249, 29250, 29780, 30080, 30228, 30765, 31448, 31965, 32326, 32675, 33349, 33600, 34399, 34400, 34846, 34847, 35036, 35108, 35109, 35599, 35782, 36103, 36104, 36132, 36560, 36707, 37432, 38242, 38573, 39402, 39862, 40257, 41176, 41798, 41989, 41990, 42256, 43000, 43263, 43788, 43789, 44527, 44782, 44908, 44909, 45925, 46554, 46556, 46923, 46924, 48011, 48012, 48202, 48625, 48832, 49560, 49700, 49934, 50083, 50372, 50889, 51491, 51671, 51904, 51906, 52355, 52576, 52577, 52952, 53386, 53904, 53906, 54052, 54265, 54838, 55057, 55412, 55418, 55618, 55768, 56426, 56427

Perishable commodities transportation; reasonable dispatch definition; investigation, 44092

Permanent authority petitions and applications; finance matters; intrastate applications, etc., 5380, 8454, 10506, 10507, 11243, 11376, 11377, 12375, 14033, 14961, 15926, 16896, 17986, 18738, 19708, 20754, 21720, 22448, 22656, 23513, 24640, 26087, 27144, 28056, 29234, 29526, 30231, 31633, 32827, 34142, 35109, 36104, 36136, 37175, 38248, 39866, 41800, 43264, 56425

Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications, 44245, 45645, 46533, 47537, 48626, 49936, 50892, 51907, 52953, 53883, 55032, 55971, 56901

Petitions filing:
Broward Airfreight Terminal, Inc., et al., 26962
Consolidated Rail Corp., 30756
Daily Express, Inc., 26972, 30420, 34395
Defense Department, 48831
Denenholtz & Janer, Inc., 20050
Gleason Transportation Co., 34142
Glengarry Transport Ltd., 16538, 16638, 22910
Hammond Yellow & Checker Cab, Inc., 38248
Herman Bros., Inc., 30229, 38267
Indiana Port Commission et al., 23504
Montgomery County, Md., 23504
Northern Kentucky Chamber of Commerce et al., 6346
Roadway Express, Inc., 20459
Roadway Express Co., 11399
Signal Delivery Service, Inc., 47310
Southern Railway Co., 20050
Tuffley & Son, Inc., Motor Express, 42258
Whitfield Tank Lines, Inc., et al., 36293

Pipeline carriers:
Investigations, 8574, 20235
Tentative valuations, 26632, 33352

Privacy Act; systems of records, 40430

Protective services contracts; interim report, 27476, 31437

Rail carriers:
ConRail; authority to operate rail freight service, 10526
Drought areas; carriers transporting hay at reduced rates, 26971
Radioactive materials; environmental statements, 35047
Standards, classification, and designation; hearings, 34400, 37866, 38861

Rail transportation; Delmarva Peninsula study; hearings, 56428

Railroad acquisition, environmental effects:
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., et al., 47126

Railroad freight rates and charges; various States, etc.:
Colorado, 12270, 36131, 52569
Common carriers; proposed rate changes, 7848
Georgia, 11642
Grain shipments for export; distribution and manipulation of rail rolling stock, 8456
Increases, 1976; master tariff, 3933
Increases, 1977; master tariff, 50887
Kansas, 7193
Montana, 55053
Nationwide, 10726
Oklahoma, 5688, 19281
Recyclable or recycled materials, 8855
West and interterritorial increases, 36556

Railroad holding and affiliated companies; management, business inter-relationships, etc.; investigation, 12373, 19180

Railroad reorganization:
Penn Central Transportation Co. et al., 11912

Rerouting of traffic:
American Short Line Railroad Association, 3374
Ann Arbor Railroad Co., 19283
Aroostook Valley Railroad Co., 15780
Association of American Railroads et al., 3374, 3530, 8853, 9262, 16920, 18010, 20642, 28091, 29926, 31288, 37435, 47126
Baltimore & Ohio Railroad Co., 9030, 22910, 46930, 53573
Birmingham Southern Railroad Co., 6359
Burlington Northern, Inc. et al., 15780, 18595, 18758, 19738, 37867, 39116
Canadian Northern Railways, 15780
Chesapeake & Ohio Railway Co., 8139, 9463, 10292, 22322, 25072, 55058
Chicago, Rock Island & Pacific Railroad Co. et al., 46680, 55058
Chicago & North Western Transportation Co., 48013
Detroit & Toledo Shore Line Railroad Co., 16920, 18005
Green Mountain Railroad Corp., 35782, 39122, 44527
Louisville & Nashville Railroad Co. et al., 6359, 9463, 46680, 46931
Middletown & Hummelstown Railroad Co., 22322, 31630, 46556
National Railroad Passenger Corp. (AMTRAK), 55618
New York, Susquehanna & Western Railroad Co., 31632, 46681
New York Railroad et al., 8141
Norfolk & Portsmouth Belt Line Railroad Co., 18010, 19283
Norfolk & Western Railway Co., 44528, 46931
Penn Central Transportation Co., 5381, 9262, 11641, 12374, 13696, 15781
Reading Co., 11642
San Diego & Arizona Eastern Railway Co., 42257, 44244, 46931, 48013
Southern Pacific Transportation Co., 18596
St. Johnsbury & Lamoille County Railroad, 46080, 48013, 48837
St. Louis Southwestern Railway Co., 54269
United States Railway Association, 15781
Vermont Railway, Inc., 30231
Waterloo Railroad Co., 9030, 46932
Western Maryland Railway Co., 46680, 50915

Securities, public offerings; information disclosure, 14983

Transportation property, definition, 19185

Waste product transportation for reuse or recycling, 30421, 30765, 32502, 32980, 34848, 35046, 37434, 38861, 39404, 39882, 40256, 42257, 43978, 44784, 45645, 45926, 48836, 49700, 50524, 53164

Water carriers:
Grain commodities, bulk; in bargelands, 5166

INTERSTATE LAND SALES REGISTRATION OFFICE

RULES

Land registration; State filings; extension of time, 6076

PROPOSED RULES

Land registration; statement of record and property report, 34648

NOTICES

Land developers; investigatory hearings, orders of suspension, etc.:
Almond Heights Park et al., 37144
Alto Village, 35884
Apple Blossom Lake, 18900
Arrowhead Bay, 43757
Aspen Run, 50474
Avon Bend, 47092
Battle Creek and Mountain View, 35010
Beaches of Nosara, 35011
Black Forest, 31250
Blue Mesa, Inc., 10463
Bonadelle Sierra Highlands, 34669
Briarcliff-by-the-Lake, 34670
Bunker Hill Heights, 35011
California Sierra Highlands, 35011, 43756
Calvada Valley and Calvada North, 29012
Camelot, Unit 1, 35884
Carolina Cove Corp., 10463
Cataract Lake Estates, 18900
Central Lake Estates South, 23993
Chateau Chapparral, 6116
Cloud Country West, 28821
Concho Valley, 16200
Continental Country Club Estates et al., 6117
Coquina Ranchettes, 20612
Crescent Lake, 51658
Cripple Creek Mountain Estates, 6117, 14811
Crystal Manor, 50474
Cypress Acres, 34670
Dayton Lake Estates, 7441, 10249
DeCarlo Estates, 25922
Delaware Bay Estates, 56717
Desert Foothills Estates, 15359
Desert Foothills North, 31931
Desert Vista Trails, 15359
Diamondhead Subdivision, 11859

INDEX

UMI

Doodlebug, 13390
Emerald Lakes, 35884
Enchanted Valley Estates, 8093
Estancia Valley Land Co., 47093
Evergreen Meadows, 53855
Flor-a-Mar/Gulf Harbors, 56717
Foothills Country Club Estates, 15359
Forest Hills Estates, 47093
Forest Meadows, 7542
Four Seasons Camping Resort, 10464
Glendale Yearound, 35885
Golden Cycle Land Corporation, 51660
Greene Acres, 35012
Greenwood Acres, 35885
Grenelefe, 31932
Grizzley Park, 35885
Gulf Harbors Woodlands, 21508
Hacienda San Juan, 43759
Haulapai Highlands, 19247, 33939
Hickory Hills Lake, 8093
High Sky, High Sky, Inc., 51659
Hogan, Richard H., 26602
Hogans 28, 26602
Holiday Forest, 10087
Holiday Hill et al., 35012
Hoot Owl Ridge, 43758
Indian Glens of Au Sable, 8094
Indian Mountain Subdivision, 7803
Indian Trails, 34670
Industrial Land Improvement Co., 25923
Kachina Village, 8094
Killearn Acres, 51659
Kingmon Park Estates, 20612
Lake Arrowhead Subdivision, 13391
Lake Creek Subdivision, 1507, 36240
Lake Front Royal et al., 34671, 35012
Lake George Manor, 43757
Lake Mead Rancheros, 17591
Lake Seneca Resort, 50475
Las Lomas Subdivision, 52545
Leisure Lakes, 43758
Lost Creek, 34671
Many Lakes Vacation Village, 6117
Manzanita Hills, 20203
Meadowbrook Campsites, 10464
Meadview, 7442
Miami West Dade Acres, 20613
Mill Quarter Plantation, 4845
Moonridge, 34671
Mountain Run, 28822
Mountain Shadow Lake, 34672
Mt. Pocono Ski Haven Lake Estates, 34672
Natural Lakes, 35013
New Kingman Addition, Unit 11, 43757
North Lake, 47093
Northumberland Plantation, 35013
Northview, 8094
Oakwood et al., 20729
Oakwood Hills, 23994
Ocean-Colony-South, Inc., 38807
Orchid Land Estates et al., 29206, 37839
Palm Beach North, 20613
Paradise Point, 50475
Park Woods of Birch Pointe, 32939
Pebble Beach Townhouses, 34673
Pebble Lake Tract, 30703
Pelican Harbor, 20613
Pescadero Heights, 34673
Pineland Acres, 2108
Piney Woods Estates, 8095
Pocono Acres, 51659
Pocono Highlands Estates, 20730
Pocono Ranchettes, Inc., 34673
Ponderosa Pines, 21509
Potomac Heights and Potomac Hills, 35014
Potomac View Estates, Inc., 51660
Presidential Lakes, 7442
Punto de Vista, 20614
Rainbow Acres, 34674
Ranch Lands in Poconos, 34674
River Hills, 34674, 35013
River Hills Plantation, 26603
Roadrunner Campgrounds, Inc., 4845
Rolling Hills Estates, 7443
Round Head Mountain, 35015
Royal Forest, 7442
Saddleback Ridge Estates, 7542
Sea Island Subdivision, 11859
Sea-Air Estates, 56402
Seven Lakes, 17000
Shenandoah Forest, 35014
Shenandoah River Forest et al., 35014
Simmons, Harold C., 10463
Sky Valley, Inc., 39375
Snow Mountain Farms, 26603
Southeast Florida Properties, 20614
Spyglass Woods, 34675
Stella Maris Estates, 34675
Sun Shadows, 50475
Sunridge Pines et al., 34675
Sunset Valley, 35886
Suwannee River Estates, 26603
Swansboro Country, 38200
Tahoe Keys, 4845
Tampa Highlands, 16849
Tiburon (Caine Woods), 56403
Tierra Berrendo, 50476
Tiki Island, 20730
Timberlake Pines, 2109
Todd Valley Estates, 31932
Tonto Creek Shores, 2109
Townshend Acres, 26604
Triple J. Ranches, Inc., et al., 4140
Twin Forks Ranch, 8095
University Estates, 26604
University Oaks, 25923
Valhalla, 20515
Valley of the Sun Subdivision, 43758
Venice on the Lake, 20730
Virmillion Estates, 28821
Westfield, 23994
Wicomico Shores Yacht and Country Club, 20615
Williams Double Branch Estates, 23994
Willow Valley (Mobile Home) Estates, 35208
Winona Lakes, 34676
Wolf River Ranch Subdivision, 4846, 10249
Woodhaven Lakes, 35208

INVESTMENTS

See Overseas Private Investment Corporation.
Securities and Exchange Commission.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

PROPOSED RULES
Privacy Act; implementation, 49647
NOTICES
Privacy Act; systems of records, 50196

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

See Actuaries, Joint Board for Enrollment.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

See Alaska Land Use Planning Commission, Joint Federal-State.

JUSTICE DEPARTMENT

See also Antitrust Division, Justice Department.
Drug Enforcement Administration.
Federal Bureau of Investigation.
Federal Prison Industries.
Immigration and Naturalization Service.
Law Enforcement Assistance Administration.
National Institute of Corrections.
Parole Board.
Parole Commission.
Prisons Bureau.
RULES
Application procedures; certificates of exemptions under certain Acts:
Employee Retirement Income Security Act of 1974, 3855, 5387
Labor-Management Reporting and Disclosure Act of 1959, 3853
Armed Forces petroleum supply; discrimination investigation, 12302
Authority delegations:
Prisons Bureau, 19220
Civil Aeronautics Board decisions; recommendations to President, 31532
Conduct standards:
Employee selection procedure guidelines, 51735
Financial interests reporting, 27317
Criminal justice information systems; collection, storage, and dissemination of criminal history records, 34949
Freedom of information, 10222
Information disclosure and material production, 20163
Nondiscrimination; equal employment opportunity in federally-assisted programs; grants, 28478, 52669, 53478
Organization, functions, and authority delegations:
Attorney General's Advisory Committee of U.S. Attorneys, 7748
Civil Division; litigation responsibilities transferred from Criminal Division, 54176
Civil Trial Sections, Chiefs; compromise, settlement, and closure of claims, 23198, 53005
Deputy Assistant Attorney General; Land and Natural Resources Division cases, 53660
District of Columbia Correctional Institutions; confinement, 3289, 56802
Executive Office for U.S. Attorneys; U.S. Attorneys' Manual, 46598
Land and Natural Resources Division, 52454
Management and Finance Office; International Criminal Police Organization, U.S. membership, 26857
Parole Commission; duties and powers from U.S. Parole Board, 24349, 35184, 36650
Policy and Planning Office, Consumer Affairs Unit, 5634
Prisons Bureau, Director, 8346, 56802
Privacy and Information Appeals Office, 55179
U.S. District Attorneys; real property, right or redemption, 53005
Parole Commission; duties and powers transferred from U.S. Parole Board, 24349, 35184, 36650
Privacy Act; implementation, 12640, 32423
Procurement, 32426
Property management, 45987
Voting rights; language minority groups, 29998
PROPOSED RULES
Armed forces petroleum supply; discrimination investigation, 4292, 5291
Nondiscrimination; equal employment opportunity in federally-assisted programs; grants, 31550, 51762
Privacy Act; implementation, 23206, 27972, 51089
Property management, 34636
Voting rights; language minority groups, 16774
NOTICES
Authority delegations:
Assistant Attorney General for Administration, 8818
Consumer representation plan, 42853
Employee selection procedures; uniform guidelines, 51734
False Identification Federal Advisory Committee report; proposed findings and recommendations, 24431
Meetings:
False Identification Federal Advisory Committee, 4039, 8514, 12908
Nondiscrimination; equal employment opportunity; selection procedures and testing guidelines, 51736
Pollution control; consent judgments; U.S. versus listed companies:
Central Illinois Light Co., 29190
Exxon Corp., 38788
Guam Power Authority, 33312
Kaiser Steel Corp., 10691
Ketchikan Pulp Co., 51670
Scott Paper Co., 52556
Weymouth, Mass., 3325
Prisons Bureau institutions; designations, 14805, 19233
Privacy Act; systems of records, 23215, 32448, 51089
Voting rights; appointment of examiners:
Fort Bend County, Tex., 18108
Medina County, Tex., 18108
Meriwether County, Ga., 32931
Stewart County, Ga., 32931
Uvalde County, Tex., 18108
Wilson County, Tex., 18108
Voting rights; determinations list, 783, 1503, 32622, 34329

LABOR DEPARTMENT

See also Employee Benefits Security Office.
Employment and Training Administration.
Employment Standards Administration.
Federal Contract Compliance Programs Office.
Labor Management Standards Enforcement Office.
Labor Statistics Bureau.
Occupational Safety and Health Administration.
Pension and Welfare Benefit Programs Office.
Wage and Hour Division.
Workers' Compensation Programs Office.
RULES
Comprehensive Employment and Training Act:
Administrative provisions; Job Corps training for CETA grantees, 44394
Emergency jobs, programs, projects, and activities, 54066
High unemployment areas; manpower program and grants, 26338, 29378
Indian employment and training programs; federally-recognized tribes references, 21773
Indian employment and training programs; OMB A-95 Circular, 50113
Job Corps program; nomenclature changes, 8884
Job Corps program; OMB A-95 Circular, 50114
Migrant and other seasonally employed farmworker programs, 24121
Migrant and other seasonally employed farmworker programs; OMB A-95 Circular, 50114
Special target groups, youth programs, etc., 10775, 11819
State and local plans and programs coordination; OMB A-95 Circular, 50110
Vocational rehabilitation for migrant agricultural workers; CFR Part deleted, 21773
Youth, economically disadvantaged; summer program, 19286
Construction, federally financed and assisted, labor standards; Employment and Training Administration references reflected, 10063
Contracts:
Federal service; labor standards, 5388
Contracts, Federal; veterans' employment; CFR part vacated, 26221
Emergency Employment Act grants; CFR Part removed, 51012
Employee selection procedures; guidelines, 51734
Farm labor contractor registration, 26821, 27318
Immigrant labor certifications:
Household domestic service workers, 8954
Schedule A; geographic limitation, 12654
Labor-management relations; Regional Administrator, et al.; designation of title, 10604
Manpower research and evaluation grants and contracts; CFR Part removed, 51012
Neighborhood Youth Corps Projects; CFR Part removed, 51012
Occupational training of unemployed persons; CFR Part removed, 51012
Procurement, 35186
Records examination and copying; authority delegations; CFR correction, 17546
Senior citizens; community service employment, 9066, 12010
Work incentive programs for recipients of aid to families with dependent children: Corrections, editorial changes, etc., 47701
Work training and experience programs; CFR Part removed, 51012
PROPOSED RULES
Apprenticeship programs; registration standards, 46148
Comprehensive Employment and Training Act:
Emergency jobs, programs, projects, and activities, 46998
High unemployment areas; manpower program and grants, 15182
Migrant and other seasonally employed farmworker programs, 46124, 46617
State and local plans and programs coordination; OMB A-95 Circular, 17682
Farm labor contractors; registration; extension of time, 3486
Immigrant labor certifications:
Aliens seeking permanent employment; CFR Part revised and transferred, 48947
Personnel administration, merit promotion system, 52473
NOTICES
Authority delegations:
Administration and Management Assistant Secretary et al.; audit program, 34387
Employment Standards Assistant Secretary et al., 9016
Occupational Safety and Health Assistant Secretary et al., 25059
Committees; establishment, renewals, etc.:
Employee Welfare and Pension Benefit Plans Advisory Council, 13434, 37684
Higher Education Equal Employment Opportunity Programs Federal Advisory Committee, 4081
Comprehensive Employment and Training Act; financial assistance and request for preapplication, 9643
Consumer price index, all items; U.S. city average, 7829
Consumer representation plan, 42815
Employee selection procedures; uniform guidelines, 51734
Industry study reports for adjustment assistance eligibility:
Asparagus, 8138
Bolts, nuts, and screws, 2707
Flatware, stainless steel, 18490
Footwear, non-rubber, 17041
Gloves, 18485, 20049
Honey, 35257
Mushrooms, 20458
Pigments, iron blue, 24 [illegible]
Shrimp, 30416
Slide fasteners and parts, 17041
Steel, stainless and tool, 10102
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 42713
Occupational Safety and Health National Advisory Committee, 29525, 48201
Veterans' Affairs Committee, 28373, 45642
Women, Advisory Committee, 44904, 45643, 46666
Nondiscrimination:
Contracts, grants, and programs funded by Labor, 21379
Employment at institutions of higher education; affirmative action, 2456
Oregon Employment Division; tax credit allowance; hearing, 17037, 22655
Organization and functions:
Veterans' Affairs, Secretary's Committee, 34390
Privacy Act; systems of records, 3704, 7378, 34388, 54724, 55248
Unemployment compensation:
State laws, certification, 48800

UMI

Worker adjustment assistance; certifying officers, designation and responsibilities, 23819
Adjustment assistance:
A.M.F. Inc., 1827, 17023
A. S. Mines, Inc., 4690
Acme Nipple Manufacturing Co., Inc., 54552
Advance Manufacturing Corp., 20040, 34837
Aetna Pipe Products Co. of Illinois, 54552
Air Products and Chemicals, Inc., 9636
Airco Alloys, 53079
Airco Electronics, 27456
Airco Vacuum Metals, 6817
Al Peters Shirt Co., 23005
Alamo Accessories, Inc., 12750, 27453
Alan John Manufacturing Co., 12113
Alatex, Inc., 15484, 15485, 16620, 24223, 24224, 24231, 25059
Albert Given Manufacturing Co., 25060
Albex Contractors, Inc., 9018
Alcan Western Products, 43488
Alden Shoe, 51627
Allegheny Ludlum Steel Corp., 7187, 12750, 17027, 18184, 20040, 23005, 23006, 23809, 24232, 54553
Allegro Shoe Corp., 48801
Allen-Bradley Co., 5475, 15077
Allied Chemical Coatings, Inc., 38559, 51134
Allis-Chalmers Corp., 17028, 29504
Allivine Knitting Mills, Inc., 10634, 21865
Alpha Carbide, Inc., 53079
Alpha Shoe Co., 53079
Alta Footwear, Inc., 12750, 23014
Alta Products Corp., 12751
Aluminum Co. of America, 47616
Ambassador Clothes, Inc., 3527
Ambroson Gloves, Inc., 14228, 24792
Amerace Corp., 20940, 25060
American Athletic Shoe Co., Inc., 44481, 53080
American Can Co., 6817, 11636, 11637, 11638, 14227, 14228, 15078
American Coat Pad Co., 6817, 12108
American Cyanamid Co., 4690, 17023, 47616
American Girl Fashions, Inc., 10634, 12746
American International Shoe Corp., 47616, 47617
American Motors Corp., 24792, 32917, 32918, 48801, 52558, 56413
American Motors Sales Corp., 38560
American Optical Corp., 51627
American Safety Equipment Co., 6818
American Sportswear, 12751, 20972
American Stamping Co., 38561, 50519
American Steel Co., 20940
American Valve Manufacturing Corp., 54553
Americana Coat Co., Inc., 53080
Ampco-Pittsburgh Corp., 20941, 29505
Ampex Corp., 26767, 41977
Anaconda Co., 4382, 15078
Anita Foundations, Inc., 10634, 20941
APECO Corp., 32485, 53080
Apex Glove Co., Inc., 15485, 23015
Apparel Sportswear, Inc., 34391, 50034
Arctic Distributors, Inc., 55601
Ardmore Fashions, Inc., 51135
Armco Steel Corp., 4382, 16623, 17028, 20941, 23007, 24804, 36285, 51628, 53081
Arrow Clothes, Inc., 3925
Arrow Co., 9636
Arthur Winer, Inc., 15485, 25061
Arvin Industries, Inc., 20040, 31956
ASARCO, Inc., 8134, 18184, 53082
Astor Clothes Co., Inc., 20041, 23819
Atlas Bolt & Screw Co., 26298, 27799, 33593
Atlas Tile & Marble Works, Inc., 8135, 10653, 15079, 23810, 31275
Atlas-Port Morris Marble Co., 42716
Auszmann, Inc., 51135
Auto Terminals Inc., 5881, 23015
AVC Modulus Corp., 32918
AVCO New Idea Farm Equipment, 5881, 18184
B & C West, Inc., 47617
B.I.F., 55601
B & M Shrimp Co., 44482
Babcock & Wilcox Co., 24232, 36285, 53082, 54553
Baganoff Associates, Inc., 12114
Bagatelle Handbag Co. et al., 47617, 55611
Bahia Clipper, 46066
Baker Clothes, Inc., 15079
Barash, P. J., Associates, Inc., 48816
Barry Knitting Mills, 37685, 41978
Bass, J., Co., Inc., 44483
Bata Shoe Co., Inc., 53082
Baxter Stores, Inc., 3926
Beaunit Corp., 24225, 36286
Bell, M., Co., 53093
Belle Counter Co., 20041, 24225
Belmont Manufacturing Corp., 11638, 29505
Bendix Corp., 10653, 23007
Benjamin Flax, Inc., 1660
Bentley Tool, Inc., 4383, 13434
Benzenoid Organics, Inc., 845, 7834
Berger Industries, Inc., 54553
Bergman Knitting Mills, 40243, 45637
Bergman Tool Manufacturing Co., Inc., 6818
Bern Brae Classics, Inc., 51135
Bernard Screen Printing Corp., 51628
Bethlehem Steel Corp., 20942, 21379, 23819, 23820, 24793, 34391, 35256, 36287, 38560, 40243, 42719, 43488, 50035, 51136, 51628, 53083
Bienen-Davis, Inc., 31957, 44481
Billfold Corp. of America, 29506
Birenbaum, Louis, 48813
Birwin Trousers, Inc., 8135, 53083
Blacker, Stanley, Inc., et al., 5466
Bleeker Street, 48804
Bloomberg Leather Goods, 53083
Bombay Slipper Co., 24793, 42713
Bonck, J. H., Co., Inc., 34393, 47624, 53090
Bond Stores, Inc., 4383
Bonnelli, Eduardo, & Co., Inc., 3528
Bonnie Fashions Co., 53554
Boonton Handbag Co., Inc., 53084
Born, M., & Co., 1141
Boss Manufacturing Co., 43970, 56413
Bountiful Clipper, 46666
Brainard Rivet Co., 32486
Brash, A., & Sons, Inc., 12114
Brasscraft Manufacturing Co., Inc., 13435, 23016
Bratti, Peter, Associates, Inc., 12753, 23012
Bridgewater Shoe Corp., 38567, 53084
Briede & Rogovsky, Inc., 50037
Brierwood Shoe Corp., 51136
Bristol Clothing Manufacturing, Inc., 11638, 23811
Bristol Knitting Mills, Inc., 846, 16624
Bristol Laboratories, 11639, 24233
Brookfield Athletic Shoe Co., Inc., 38567, 47618
Brookfield Clothes, Inc., 6819
Brookvale Manufacturing Co., 51136
Brown & Sharpe Foundry, 10635
Brown Shoe Co., 4690, 5473, 6820, 14225, 14228, 16625, 20942, 24225, 24798, 29506, 33594, 34392, 35776, 42721, 46666, 48804, 51137
Bruce, E. L., Co., Inc., 5475, 9638, 15081
Bruce, Robert, Manufacturing Co., Inc., 1141, 37688, 42722
Bryan Manufacturing Co., 28373, 52561
Burndy Corp., 27800, 43971
Burnham, Frederic H., Co., 15487, 27454
Burnham-Edina Manufacturing Co., 15485, 23017
Burroughs, Inc., 28373, 38561
Butte, Anaconda & Pacific Railway Co., 38568, 53551
Byron Clothing Manufacturing Co., 27454
C.C.C. Clothes, 32920, 46671
C-E Cast Equipment Co., 24793, 46067
California Strip Steel Corp., 17644, 24794
Caliper Clothes, Inc., 1827
Canterbury Belts of Puerto Rico, Inc., 29507, 46718
Cape Cod Sportswear, Inc., 9019
Cardinal Shoe Corp., 31275, 44482
Cardozo Manufacturing Co., Inc., 20943, 29507
Caribbean Leather Products, Inc., 52562
Carling National Breweries, Inc., 29508, 47619
Carlisle Tire & Rubber Co., 26294, 27800
Carmen J, 53085
Carpenter Technology Corp., 4383, 12751, 18185, 18192, 23008, 25061
Carr Leather Co., 48805
Carroll Shoe Co., 28373, 41978
Carteret Products, Inc., 32919, 51137
Carthage Marble Corp., 5467
Castle & Cooke, Inc., 43491, 54562
Catania Clothing Corp., 4995
Cayenne Beulah, 46667
Cayenne Borden, 46668
Cayenne Cactus, 46668
Cayenne Diane, 46668
Cayenne Duchess, 46669
Cayenne Elmer, 46669
Cayenne Elsie, 46669
Cayenne Glory, 46670
Cayenne Goddess, 46670
Cayenne Jan Board, 46067
Cayenne Panther, 46670
Cayenne Witch, 46068
Cayenne Youngs, 46068
Central Foundry, 47620, 52562
Central Jersey Repair, 53085
Central Screw Co., 24794, 43489
Central Slipper Co., Inc., 38562, 56414
Champion Clipper, 46068
Champion Commercial Industries, Inc., 20943, 31275
Charles Rabin & Co., Inc., 29508
Chemtron Corp., 55601, 55602
Chester Pants Corp., 51629
Chicago Expansion Bolt Corp., 20943, 30415

Chicago Pneumatic Tool Co., Inc., 20944, 31276
Chickapee Coat, 15486
Chico Sportswear Inc., 14229, 32487
Chicopee Coat Co., 34838
Chips N Twigs, Inc., 1829, 50519
Chromalloy American Corp., 12109, 23017
Chrysler Corp., 1342, 3926, 17024, 24794, 27457, 27801, 31276, 31957, 42714
Cinderella Shoe Corp., 53085
Claremont Woven Label Co., Inc., 1981
Clark, Louis, Inc., 48813
Clayton Shoe Co., 33595
Cliftex Corp., 10636
Clifton Clothing Co., 1828, 9019
Clifton Heights Sportswear, Inc., 53086
Clover Knitting Mills, 37685, 41979
Cluett Peabody & Co., Inc., 846, 17029, 29508
Cobblers, Inc., 9020, 12114
Cohn's Clothing Co., Inc., 2705
Colonna & Co., 1142
Colt Industries, Inc., 23811, 23812, 24799
Columbian Rope Co., 6821, 20944
Comet Manufacturing Co., 10636, 23008
Complete Auto Transit, Inc., 20041, 20458, 40244
Conroy, Joseph P., Inc., 55607
Consolidated Novelty Co., Inc., 38562, 54554
Consolidated Pants Inc., 14229, 29509
Continental Clipper, 46672
Continental Copper, 17029, 21379
Continental Screw Co., Inc., 27465, 43490
Converse Rubber Co., 27465, 40245, 47620, 55602
Copper Range Co., 54554
Copperweld Steel Co., 17029, 24226
Corplex International Corp., 24795, 36287
Crane Co., 54555, 55603
Crescendoe Gloves, Inc., 53086
Crescent, 5475
Crescent de Stasio, Inc., 2706
Crescent Knitting Mills, 37686, 41979
Crescent Machine & Nipple Co., 54555
Crescent Tool, 18186
Crompton & Knowles Corp., 27801, 45638
Cross Country Clothes, Inc., 7835
Crown Clothing Co., 10637, 32920
Crucible Inc., Colt Industries, 7829, 10637, 17030, 18186, 18486, 24226, 24795, 27457
CTS of Berne, Inc., 9021
Cute Togs of New Orleans, 26295, 27800, 42714
Cyclops Corp., 9639, 9640, 10101, 17027, 17030, 17031, 17644, 23009, 23813, 25061, 26767, 27465
Dadson Knitting Mills, Inc., 53086
Dame Belt Co., Inc., et al., 29510
Dana Corp., 23820, 47620
Dartmouth Clothing Co., 10637
DaVal Manufacturing Co., 53087
Davis Box Toe Co., Inc., 51629, 56415
Davjo Manufacturing Co., 48805
Debra Co., Inc., 29510, 42722
Deerfield Manufacturing, Inc., 9021
DeGraff of California, Inc., 10638
Del Lee Dress Co., 48806
Dell Clothing Co., 5467
Delton, Ltd., 3927
Delton Shirt Makers, Inc., 51138, 54555
Deluca Sportswear & Co., 6821
Denton Mills, Inc., 15486, 39114
Detroit Automotive Products, 35776, 50038
Diamond Clipper, 46069
Diebold, Inc., 47621
Dino Clothing Co., Inc., 2706
Dipaola, A., & Co., Inc., 10634
Dirzis Products Co., Inc., 10639, 18187
Dixon Valve & Coupling Co., 55603
Do-All Brassiere Corp., 10639, 24227
Dorado Fabrics, Inc., 10639, 20975
Dorn Shirt Co., 48806
Dow Corning Corp., 4384, 12115
Dr. Scholl Shoe Manufacturing Co., 7830, 20945
Dragger "Brant", 45639
Dubow Manufacturing, 16235
Dumold Co., 48806
Duquesne Mine Supply Co., 20946, 27466
Dynamic International Corp., 1828, 9637
E & W of Dover, Inc., 47621
Eagle Clothes, Inc., 4997
Eagle Pants Co., 8135
Eagle Shirtmakers, Inc., 12752, 20946
East West Leathers, Inc., 41983
East West Musical Instruments Co., Inc., 29511
Eastern Knitting Mills, 37686, 41979
Eastern Stainless Steel Co., 4691, 15080
Eberhard Faber, Inc., 53087
Eckhaus, Abraham, 48801
Edru Shoe, Inc., 38562, 52562
Ehrenberg, M., Sons, Inc., 1832, 9023
Electralloy Corp., 17032, 23009
Electro-Mechanical Products, 29511, 34838
Elkton Fashion Industries, 15081
Ellison Clothes, Inc., 26295, 27800, 48807
Ellwood Knitting Mills, Inc., 20041, 40246
Emerald Clipper, 46672
Empire Shoe Manufacturing Co., Inc., 20042, 31277
Enchantress Foundations, Inc., 10654, 18187
Enflo Corp., 24799, 32488, 53087
Engelhard Mineral & Chemicals Corp., 24799, 32488
Enzel-Arthur Richards Manufacturing Corp., 24800, 43491
Erie Bolt Corp., 20946, 31277
Essex Manufacturing Co., Inc., 14229, 32921
Ettleson of Philadelphia, Inc., 54556
Evans-Aristocrat Industries, Inc. 3492
Excellent Bag Corp., 24795, 38563
Excello Shirt Co., 16621, 18486
Exento, Inc., 38563, 53088
Exxon Co., 47621, 47622
Fairchild Camera & Instrument Corp., 48807
Fairfax Manufacturing Co., 9023
Fairfield Glove Co., Inc., 15486, 15487, 29511
Fairview Manufacturing Co., 15487, 29512
Famous Maid Brassiere Corp., 47622, 55612
Farmington Shoe Co., 51138
Fashion Maid Knitting Mills, Inc., 4997
Fashion Shoe Products, Inc., 40247, 50039
Fashion Tailors, 3527
Fastener Sales Co., 51629
Fieldston Clothes, Inc., 38568
Fiesta Clipper, 46673
Fine Craft Coat Co., Inc., 7836
Fisher Corp., 20947, 32921
Flodar Corp., 55604
Florsheim Shoe Co., 3928, 24800, 47623, 50039
Ford Motor Co., 1342, 4996, 4998, 4999, 5002, 7836, 20042, 23813
Forest Hills Sportswear, 14230, 32488
Four Seasons Fashions, 48808
Fownes Brothers & Co., Inc., 4384, 12747, 20947
Fox Knapp Manufacturing Co., Inc., 5881, 20947
Freeman, B. W., Heel Co., Inc., 24798, 32919
Freetown Screw Manufacturing Co., Inc., 17032, 30415
Freight Consolidation Services, Inc., 54556
Friedman Brothers Inc., 15488, 18947
Friedman Marble & Slate Works, Inc., 10639, 23010
Friedman-Marks Clothing Co., 847, 40247
Fulton Clothes Co., Inc., 3928, 26768
Galaxy Costume Corp., 43974
Galena Glove & Mitten Co., 43972, 54556
Galeton Production Co., 20044, 28374
Galland Henning Nopak, Inc., 55604
Gallant Clipper, 46069
Garland Corp., 33595
Gary Garment Co., 29512, 48808
GE-RIC, Inc., 44483
Gem Art Clothes Corp., 17032, 23011
General Electric Co., 6822, 15081, 17033, 26295, 26768, 27800, 31278, 43493, 53089, 55604, 56415
General Industries Electronics, Inc., 12752, 21866
General Instrument Corp., 24801, 40243
General Last Manufacturing Co., 53089
General Motors Corp. et al., 1342, 1836, 5475, 7836, 18487, 20940, 24227
General Shoe Co., 34392, 50040
Gentry Clothing Co., 1142
Gettysburg Shoe Co., Inc., 30417, 46673
Gibbs Manufacturing & Research Corp., 24795, 40248
Gibson, Inc., 29513
Gilmore Steel Corp., 10655, 20948
Givens, Albert, 16620
Glanzrock, B., Inc., 5468
Glauber Valve Co., Inc., 54557
Gobar Footwear, Inc., 4378, 16625
Golden, M. x, & Sons, Inc., 5000
Golden Clipper, 46674
Goldman, William P., & Bro., Inc., 3932, 53098
Golf Ball, Inc, Dubow Sporting Goods Div., 24233
Goodrich, B. F., Tire Co., 845, 10635
Goodyear Tire & Rubber Co., 17644, 31279
Gotham Fifth Avenue, Inc., 48809, 54557
Grace, W. R., & Co., 29524
Grace Shoe Manufacturing Corp., 31958, 41979
Grandoe Corp., 14230, 29513
Grant, W. T., Co., 20048, 29524
Gray-Premier Marble, C. M., Corp., 27801, 43490
Green River Steel Corp., 17645, 24229
Greenville Tubes Corp., 7830, 16626
Greif, L., & Brothers, 5468
Gross Galesburg Co., 14230, 32489
Grossman Clothing Co., Inc., 6823, 53090
Grove Valve & Regulator Co., 55605
GTE Sylvania, Inc., 10640, 10655, 17033, 17645, 21866, 24230, 30415, 31279, 32490, 48809

INDEX

Guaracino, A., & Sons, 4995
Gulant and Maslin Inc., 9642
Gulf & Western Industries, Inc., 55605
H.I.S., 16621, 16622, 20046, 31280
Haibui Clipper, 46069
Hammond Valve Division, 55606
Harley-Davidson, Inc., 26296, 27800
Harris Corp., 847, 11089
Harrisburg Manufacturing Co., 33596
Hart, Schaffner & Marx Clothes, 1660, 5476, 17025, 18188, 21867
Haskell, William H., Manufacturing Co., 20971, 32497
Haspel Brothers, Inc., 6823, 6824, 16626, 16627
Hathaway Co., C. F., Inc., 17029, 32486
Heller, George, Inc., 3927
Hercules Trouser Co., Inc., 15488, 15489, 16622, 27457, 27458, 27459, 31281
Herda Contracting Co., 7836
Hickey Freeman Co., Inc., 4379, 12109
Hilton Manufacturing Co., 7188
Hochscheid Tailoring Co., 15489, 27460
Holly Dress, 53090
Homestake Copper Co., 54558
Honeycomb, Inc., 48809
Hoover-Seng Co., 27802, 32490
Houdaille Industries, Inc., 12110
Howard Clothes Corp., 6824
Hudson Pants Co., Inc., 3929
Hughes Aircraft Co., 1830, 12747
Hutch Sporting Goods Co., 15489, 28374
Hy-Grade Coat Co., Inc., 2707
Hy-Grade Sportswear Co., Inc., 2707
Hydrill Co., 54558
I.T.T. Higbie Manufacturing Co., Inc., 30417, 51140
Imperial Clipper, 46070
Imperial Clothes Co., 1143
Imperial Pants Co., Inc., 6825
Incopa Industries, Inc., 43972
Indian Head Shoe Co., Inc., 48810
Indiana General Electro-Mechanical Products, 43974, 45639
Industrial Food Service, Inc., 51139, 56416
Industrial Mica Co., 24234, 32922
Infanta Knitting Mills, Inc., 6825
Inselman, Jack L., & Co., 48811
Interlake, Inc., 38563, 51139
International Field Data Corp., 31959, 45639
International Harvester Co., 1343, 10655, 10656, 10657, 10658, 10659
International Hat Co., 1830, 9638
International Resistance Co., 5469
International Shoe Co., 10100, 10640, 21870, 26299, 29514, 33596, 34392, 38564, 38568, 40249, 43493, 46674, 48810, 50041, 51140, 51630, 51631, 54558
International Silver Co., 9024
Interstate Manufacturing Corp., 29514, 47623, 47624
Ion Capacitor Corp., 27460
Ippoliti, Nick, Inc., 1834
Iron Wood Products Corp., 54559
Irwin, Harry, Inc., 7188
Isbell Seafood, Inc., 53554
Island Clipper, 46070
ITT Corp., 20948, 54559, 55606
ITT Harper, 38564
Jackson-Markus Co., 54560
Jacobs, A., & Sons, Inc., 34837, 50034
Jacoby-Bender, Inc., 30418, 46675
Jan, Inc., 44483
Janesville Auto Transport Co., 29515, 37428
Janowitch, M., & Sons, 51632
Jay Garment Co., 14231, 14232, 23820, 32922, 32923
Jay Knitwear, Inc., 848, 10659
Jay-El Dress Co., 48811
Jersey Coat Co., 1143
Jessop Steel Co., 4379, 14226
Jo-Gal Shoe, Inc., 30418, 40249
Johansen Brothers Shoe Co., 33596
Joliet Wrought Washer Co., 20949
Jonell Shoe Co., 31959, 44484
Jones & Laughlin Steel Corp., 10641, 17034, 17035, 18489, 26768, 27455, 27460, 27461, 27462, 43975, 55606
K & D Clothing & Manufacturing Co., 5470
Kaiser Refractories, 45640, 54039
Kaiser Steel Corp., 53091
Kayser Roth, 38565, 50041
Keeley, E. J., Co., 43971, 53550
Kellwood Co., 4379, 16628
Kennecott Copper Corp., 10660, 17025
Kenneth, Malcolm, Co., 3931
Kennett Canning Co., 38565, 48812
Kenosha Auto Transport Corp., 38566, 45640
Kenosha Metal Products, Inc., 54560
Kerotest Manufacturing Corp., 55607
Kessler, William B., Inc., 9025
Keystone Carbon Co., 26296, 27800
Keystone Consolidated Industries, Inc., 20949, 31276
Keystone Uniform Manufacturing Co., Inc., 1831
Knoxville Glove Co., 24801, 33596
Kopp, M., Inc., 3929
Krasno Brothers Glove & Mitten Co., Inc., 43494, 56417
Kwt-Rite Slacks, 38566
L. & W. Brassiere Co., 10643, 23815
La Salle Manufacturing, Inc., 51631
La Toska Fashions, Inc., 29515, 41983
Labiento Clothing Inc., 9026
Lacrosse Rubber Mills Co., 51141
Ladish Co., 54560
Lady Marlene Brassiere Corp., 10641, 21380
Lake Manufacturing Co., Inc., 41980, 47625
Laminated Glass Corp., 53091
Lamson & Sessions Co., 10642, 11640, 20949, 20950, 20951, 20952, 24804
Lanham Clothes, Inc., 20952
Lawrence Clothes, Inc., 20953
Lawrence Garment Co., 15490, 34839
Lawrence Maid Footwear, 41980
Lear Siegler, Inc., 14230, 23018
Lebanon Knitting Mills, 10643, 23018
Lefeton Custom Tailors, 3930
Leight, Irving, Inc., 48810
Leisure Manufacturing Co., 29515, 44485
Leon Clothing Manufacturing, Inc., 1981
LeSande Shoe Co., Inc., 52563
Leverenz Shoe Co., 6826, 43494, 53091
Levinsohn, Everett, Corp., 5471
Lewis, Guy, Inc., 1829
Libby Originals, Inc., 48813
Liberty Trucking Co., 51632
Liebman, Charles H., & Brother, Inc., 5471, 50037
Lish Enterprise, Inc., 5472
Little Lisa Ltd., 38566, 52563
Livermore Shoe Co., 51142
Lockheed-California Co., 51632
London Knitting Mills, 37686, 41981
Lowell Shoe Co., Inc., 30418, 44484
Lowengart Corp., 30419, 40250
Ludlow Typograph Co., 10643
Lycoming Shoe Co., 34845, 47634
Lyn-Flex Freeman, 24802, 32924
M & B Shrimp Co., 44485
Mac Originals Co., Inc., 7830
Mack Shirt Co., 14221, 26769
Magerman Trousers, Inc., 15490, 28375
Magnavox Co., 11639, 25064, 26769
Maidenform, Inc., 51142
Maimon, J., & Sons, Inc., 1830
Majestic Clipper, 46675
Majestic Silver Co., 27802, 42715
Majestic Sweater Mills, Inc., 3528, 37687, 42722
Makress Inc., 1832, 12748
Makress Lingerie, Inc., 1832, 12748, 18188
Mallard Sportswear, Inc., 47625, 54561
Manchester Coat Co., 53092
Mandlebaum Coat Co., 2131
Manhattan Coat Co., 5472
Manhattan Shirt Co., 14222, 15490, 15491, 18489, 25062, 25063, 25064, 29516
Mara Coats, Inc., 53092
Marble Unlimited, Inc., 27802, 42716
Maremont Corp., 43494, 53093
Marilinda Sportswear, Inc., 14223
Marlboro Footwear Corp., 34839, 48814
Marlinda Sportswear, 37429
Marsh Instruments, 55607
Marshall Ray Corp., 14232, 32924
Martial C, 46070
Massillon Spring & Rivet Corp., 20954, 34840
Maxi Manufacturing Co., 54561
May, Otto B., Co., 1834
Mayaguez Leather Products, Inc., 29516, 43972
Mayaguez Shoe Corp., 29516, 51143
Mayflower Coat Manufacturing Co., Inc., 15491, 32491
Mazzeo, F., & Co., Inc., 43493, 53089
MBH Chemical Corp., 848
McDonnell Douglas Aircraft, 4380, 12748
McDonnell Douglas Astronautics Co., 12110
McElwain, J.F., Co., 51141
McKay Manufacturing Corp., 7189
McKenna Industries, Inc., 34393, 42716
McLouth Steel Corp., 4691, 15082
Medalist Redi-Bolt, Inc., 20954
Mel E. Arts Co., 4691, 18948
Melody Bra & Girdle Co., 10644, 21867
Melton Shirt Co., 10644, 23816
Memphis Nipple Co., 54562
Mepco-Electra, 39115
Meramec Industries, Inc., 40250, 50520
Merit Clothing Co., 1661
Mettowee Lumber & Plastics Co. Inc., 20954, 40251
Michael, Inc., 1833
Michaels Stern & Co., Inc., 848
Midwest Footwear, Inc., 12752, 29517, 48814
Midwest Machinery Movers, 41981, 48815
Milford Shoe, Inc., 42722, 50521
Miller, William H. Otte, Co., 20971
Miller Druck Co., Inc., 27803, 46677
Milwaukee Glove Co., 43495
Mini Shoe Co., Inc., 30419, 44486

Minnesota Mining & Manufacturing Co., 20045, 31959
Mirando Manufacturing Co. Inc., 14223, 40251
Miserendino, Inc., 15491, 18489
Miss Minerva, 46071
Miss Quality, Inc., 53093
MLM Sportswear, Inc., 15491, 32925
Mobil Oil Corp., 2708, 12111
Mobilizer Manufacturing Co., 29517
Mobilizer Medical Products, Inc., 41984
Moda Contracting Corp., 10100
Mode Knitting Mills, 37687, 41981
Model Coat Co., 1662
Modern Cloth Sponging Co., 29517, 41984
Modern Coat Co., 1833
Modern Juniors, Inc., 6826, 18189
Modern Shrinking & Refinishing Co., 8136, 23012
Modern Slack Creations, Inc., 14223, 32492
Moderne Glove Co., 15492, 24230
Modulus Corp., 20955, 35257
Mohawk Data Sciences Corp., 43495, 54562
Morehouse Garment Corp., 43495, 53552
Motorola, Inc., 4380, 4692, 16630, 27463, 32925, 53550
Mr. Ned, Inc., 5473
M'Sieur Slacks, Inc., 5000
Murphy, Wallace, Corp., 20048
Murphy's Wholesale Tailor's, 32926, 45641
Murray, Wallace, Corp., 29523, 31284, 50042
My Own Blouse, Incorp., 48815
Mystic Clipper, 46071
N. L. Industries, 10645, 24234, 35258
National Beryllia Corp., 43972, 50521
National Screw & Manufacturing Co., 20955, 31281
National Tailoring Co., 30419
National Tanning & Trading Corp., 48815
National Tea Co., 47626, 51143
Nevada Northern Railway Co., 17645, 26772
New England Bolt Corp., 20956
New Jersey Sportswear Co., Inc., 5001
New York Imperial Foundations, Inc., 51143
Northampton Pants Co., 14232, 31960
Norvelt Clothing Co., 20045, 35776
Novelty Slipper Co., 29518, 47626
Nu-Car Carriers, Inc., 53094
Nu-Car Driveaway, Inc., 12749
Nunn Busch Shoe Co., 43496, 54563
Nyanza, Inc., 20956, 32492, 35257
Oak Industries, Inc., 35777, 47627
Ohio Nut & Washer Co., 20956, 24802
Ohio Steel Tube Co., 17645, 24234
Ollie Moore Manufacturing Co., 4692
Oomphies, Inc., 29518, 43496
Oregon Steel Mills, Inc., 1144
Osgood & Sons, Inc., 12753, 21867
Ottemiller, William H., Co., 32930
Oxford Tile Co., 1835, 10661
Pallack, Andrew, & Co., Inc., 3925
Paris Shoe Co., Inc., 32926, 43497
Park Avenue Industries, 53094
Pattin Manufacturing Co., 20957, 26770
Pawtucket Fasteners, Inc., 20957, 27464
Pawtucket Screw Co., 20957, 31960
Penn Footwear Co., 10661, 23816
Penn State Clothing Corp., 1835
Penn-Birmingham Bolt Co., 20957, 25065
Perfect Textile Mills, Inc., 849, 20958
Perrella, Joseph, Inc., 14221, 24796
Perry Manufacturing Corp., 51144
Peters, Al, Shirt Co., Inc., 14231
Phelps Cooperative Society, 43497, 52564
Philco-Ford Corp., 14233, 23019
Phoenix Clothes, 51144
Piccirillo Pants, 51633
Piher Corp., 51633
Pilgrim Screw Corp., 20958, 24802
Powell, William, Co., 55610
PPG Industries, Inc., 27803, 41985
Premier Clothing Co., Inc., 5002
Primo Coat Corp., 6827
Princess Pat, 39115, 56417
Production Molded Plastics, Inc., 1836, 16628
Progressive Knitting Mills, 10645, 20959
Progressive Sea Products, Inc., 47627, 54564
Progressive Uniform Manufacturing Corp., 24797, 35777
Puritan Co., Inc., 5476
Quaker Knitting Mills, Inc., 34393, 44486
Quality Coat Co., Inc., 10645
Quality Components, Inc., 9026
R & N Co., 53095
R & R Toy Manufacturing Co., Inc., 15492, 23019
R.W.R. Clothing Co., Inc., 12753, 20049
Rabin, Charles, & Co., Inc., 10653
Racine Glove Co., Inc., 43973, 54564
Ratner Clothes Corp., 10646
Rawlings Sporting Goods Co., 47628
Raybestos Manhattan Friction Materials Co., 54565
Raymond International, Inc., 18190
Raymond Metal Products Co., 6827
RCA Corp., 4381, 6827, 10647, 10648, 10660, 18189, 20959, 20960, 21868, 47628, 48816, 53552
Realform Girdle Corp., 10648, 21869
Red Bank Clothing Manufacturing Co., Inc., 2708
Redi-Bolt, Inc., 32927
Reed & Prince Manufacturing Co., 20961, 42717
Republic Corp., 20961, 26770
Republic Steel Corp., 12754, 17035, 17036, 17646, 20045, 20962, 23012, 23817, 25066, 26770, 31282, 33597, 37430
Revere Knitting Mills, Inc., 11089
Rexnord, Inc., 6828, 20962, 40252, 53094
Reynolds Metals Co., 47628
Richards, Arthur, Ltd., 1145
Richards, Jeff, Inc., 48812
Richline Knitting Mills, 33597, 37687, 41981
Richmond Screw Anchor Co., 26299, 35258
Rob-Scot Knitting Mills, 12749
Robert Hall Manufacturing Co., 3931
Roberts, Victor, Inc., 1832
Roberts Tailoring Manufacturing, 4692
Robin Footwear Corp., 47629
Rockwell International, 34394, 43973, 46676, 47629, 51144, 52564, 56418
Rockwell International Corp., 24797, 24803, 26773
Rohr Industries, Inc., 5477, 10648, 18193, 20049, 20963, 31961, 56418, 56419
Rollway Bearing Co., 15492, 25065
Ronson Corp. of Pennsylvania, 5477, 23013
Rothschild, S., & Co., Inc., 48816
Round Stainless Steel Wire, 34394
Roviar Sportswear, Inc., 2457
Royal Clipper, 46071
Royal Clothing Co., Inc., 20045, 46677
Royal Typewriter Co., 53096
Rubber Corp. of Pennsylvania, 4381, 23014
Rud-Shaw Clothing, 17646, 33598
Russell, Burdsall & Ward, Inc., 849, 4381, 10649, 15082, 15493, 20963, 29519, 37430
Rutter-Rex-Mfg., J. H., Co., Inc., 48811
S & S Children's Apparel Corp., 55608
Sabel & Schaps Co., 8136
Saco Tanning Corp., 43975, 54565
Sagamore Shoe Co., Inc., 28857, 48817
Saint Laurie, Ltd., 3932
Saltz, Frank, & Sons, Inc., 1832, 10654
Salvatori Corp., 41982, 54566
San-Toro Manufacturing Co., 16235, 34840
Sand 'N Surf, Inc., 10649, 20963
Satralloy, Inc., 23821, 37431
Scolaro, Frank, Marble Co., Inc., 9024
Scotese Brothers, 10650
Scovill Manufacturing Co., Inc., 20964, 32493
Sebastiana C., Inc., 47629
Seidmann's, D., Sons, Inc., 10654, 21865
Seinsheimer, H. A., 11639, 23011, 51630
Seitchik, W., & Sons, Inc., 6829
Selbern Shoe Co., Inc., 51145
Sette Products Co., 55608
Shaer Shoe Corp., 31961, 42713
Shapiro, Ben, Shoe Co., Inc., 4382, 16623
Sharon Steel Corp., 20046, 31283
Shaw, M. T., Inc., 10645, 20953
Sheller Globe Corp., 26296, 27800
Shop Contracting Corp., 8137
Sidmar Clothing Co., Inc., 18947
Siegel, Henry I., Co., Inc., 16621, 20046, 31280
Simonds Cutting Tools, 51145
Singer Business Machine Co., 11640, 18490, 27456, 28375
SKF Industries, Inc., 12112, 26296, 27800
SKF Textile Products, Inc., 20046, 31285
Skottie Electronics, Inc., 4693, 18191
Slack Fashion, Inc., 20047, 25067
Snyder, H.P., Manufacturing Co., 24796, 36288
Soowal Knitting Mills, Inc., 37688, 41982
South Bend Toy Manufacturing Co., 51633
Southern Screw Co., 20964, 32493
Southwest Steel Rolling Mills, 48817
Sovereign Clipper, 46678
Sperry Univac, 7189, 20047, 30420, 32494, 51145
Sperry Vickers, Inc., 1982
Spilton Brothers, Inc., 9028
Splendorform Brassiere, Inc., 10650, 21380
Sport Fashion, Inc., 850, 10651
Sportables, Inc., 53553
Sportswear Manufacturing Co., Inc., 47630
Springfield Wire of Indiana, Inc., 26297, 27800
Stackpole Carbon Co., 7831, 12115, 27803
Stafford Clothing Manufacturing Co., 15493, 34841
Stagg Zipper Corp., 20964, 26771
Standard Locknut & Lockwasher, Inc., 20965, 32494
Standard Manufacturing Co., Inc., 40253, 53096

INDEX

UMI

Standard Nut & Bolt Co., 20965, 25067
Star Glove Co., 15493, 29519
Star Metal Products Co., Inc., 27804, 43497
Star Sportswear Manufacturing Corp., 14223, 32495
Star Supporter Manufacturing Co., Inc., 14233, 21870
Station Street Corp., 24235, 32927
Stetson Dee Clothes, Inc., 5474
STM Corp., 55608
Stockham Valves & Fittings, Inc., 55609
Stoneart, Inc., 47630
Stride Rite Corp., 39116, 51146
Stride Rite Manufacturing Corp., 29520, 45640, 51146
Stride Rite Shoe Co., 27804, 39115, 44487
Strongwear Pants Co., Inc., 14233, 32929
Strongwear Slacks Co., Inc., 14234, 32928
Stroudsburg Engine Works, Inc., 20965
Stylecraft Clothing Co., 15494, 34841
Sumneytown Pants Shop, 54567
Sun Clothes, Inc., 14234, 24235
Sun Weld Fitting Co., 54567
Sunshine Kiddie Knitwear Co., Inc., 54567
Superb Glove Corp., 53096
Superior Coat Pad Co., 6828, 12112
Superior Plastics, Inc., 26771, 44487
Surrey Knitting Mills, 33598
Sussex Clothes, Ltd., 4381, 12116
Swartz, T.I., & Sons, Inc., 1145
Sweda International, 16623, 32929
Sweetree Mills, Inc., 47630, 47631, 53553
Tabin & Pearlman Clothes, Inc., 24797, 31285
Talon, 26297, 27800
Tara Lou, Inc., 44488
Tarra Hall Clothes, Inc., 12754, 34842
Tarzian, Sarkes, Inc., 6828, 18190
Technitrol, Inc., 5478, 17026
Teledyne, Inc., 17646, 20966, 25067, 29520
Teledyne Efficient Industries, 20047, 20966, 31285, 33599
Teledyne Pittsburgh Tool Steel, 23821, 34843
Teledyne Vasco Co., 9027, 10651, 14224, 20967
Teledyne Wisconsin Motors, 10651, 16629
Teledyne-McKay, 47631
Telescope Folding Furniture Co. Inc., 20968, 40252
Teplick Clothes, Inc., 8137
Terrace Footwear, Inc., 51634
Textron, Inc., 20968, 20969, 21381, 24236, 31286, 31287, 36288, 38569, 41986, 54568
Thermatomic Carbon Co., 9639, 53553
Three B's, 46072
Tischler & Benkel Co., Inc., 4693
Top-O-Mart Clothes, Inc., 10662, 29521
Torrington Co., 23821, 35259
Town & Country Shoes, Inc., 26299, 32495
Tracey Fashions, 20047, 32495
Traverly Manufacturing, Inc., 48818
Trawler Management, Inc., 53555
Triad-Utrad, 38569, 54568
Triangle Knitting Mills, Inc., 850, 6829
Triangle Pipe & Tube Co., 51634
Tropical Clipper, 46678
True Temper Corp., 47632
TRW, Inc., 26771, 51147, 51634
TRW/IRC, 17647, 29521
Tyrol Sportwear Co., 23821, 42717
U.S. Metals Refining Co., 53097
U.S. Pipe & Foundry Co., 30416, 33599
U-Brand Corp., 24798, 47632, 55609
United Screw & Bolt Corp., 38567, 48818
United States Shoe Corp., 3153, 5474, 18192, 28376
United States Steel Corp., 9642, 17036, 17647, 20048, 24803, 25068, 27456, 27804, 27805, 29522, 40242, 40246, 42718, 53097
United Tool & Die, Inc., 24803, 35260
Universal Communication Systems, Inc., 35779, 47633
Universal Cyclops Specialty Steel Co., 10101, 15083, 17027, 24231, 27805, 32496
University Clothing Corp., 15494, 31287
V-M Corp., 26297, 27800
Valiant Clipper, 46679
VCA Corp., 51634
Veeder Industries, Inc., 21381, 28376
Vesuvius Crucible Co., 47633
Vicale-Catania Clothing, Ltd., 9028
Victory Clothes Co., Inc., 11640, 20969
Villager Industries, Inc., 48818
Vulcan Corp., 14224, 21871, 53097, 53098
Vulcan Mold & Iron Co., 29523, 40253
Vulcan Rivet & Bolt Corp., 20969, 36289
W & F Manufacturing Co., Inc., 51147
Warnaco, Inc., 42718
Warnaco Men's Sportswear, 27805, 48819
Warner Gear Corp., 10652, 23818, 55610
Warwick Electronics, Inc., 26298, 27800
Washburn Wire Co., Inc., 24236, 34843
Washington Steel Corp., 10652, 20970
Washington Stove Works, 48819
Wayne-Gossard Corp., 9641
Wear Well Trouser Co., 14224, 32496
Weinbrenner Shoe Co., 7831, 18192
Weiner, Lewis, Industries, Inc., 24801, 32491
Weiss Marble Works, Inc., 6829, 15083
Wesco Industries Corp., 23822, 34844
Western & Cleveland Coat Front Co., Inc., 5478, 12113
Western Clipper, 46679
Western Industries, Inc., 29523, 46671
Western Metal Corp., 41982, 51148
Western Stamping Corp., 7831, 18948, 25069
Westminster Corp., 33599
Wexler Knitting Mills, 33600, 37688, 41982
Weyenberg Shoe Manufacturing Co., 40254, 50521
Wheeling Machine Products Co., 55610
White, Ed., Jr., Shoe Co., 9022
White, Lee, Marble Co., Inc., 4380, 14226
White Pine Copper Co., 17036, 34844
Widen, R. J., Co., 53095
Wilbar's Inc., 43498, 48819
Wilkinson & Son, Inc., 26298, 27800, 35260
Williams Manufacturing Co., 34845, 47634
Williams Manufacturing Corp., 53098
Wilshire Knitting Mills, 37689
Wilson Sporting Goods Co., 26298, 27800
Windsor Waist & Dress Co., 51148
Winer Manufacturing Co., 53099
Wohl Shoe Co., 14225, 23818
Wolverine World Wide, 51148
Worcester Controls Corp., 51635
Wright, E. T., Co., Inc., 53088
Wrought Washer Mfg., Inc., 20971, 32497, 32498
Youthcraft Foundations Co., 10652, 21869
Zenith Electronics Corp., 24804, 29525
Zimmer Manufacturing Industries, Inc., 20049, 26772
Zurn Industries, 55611

LABOR MANAGEMENT SERVICES ADMINISTRATION

See Employee Benefits Security Office.
Pension and Welfare Benefit Programs Office.

LABOR MANAGEMENT STANDARDS ENFORCEMENT OFFICE

RULES

Reports, annual financial, labor organization, 27318

PROPOSED RULES

Reports, annual financial, labor organization, 15032
Reports, information, labor organization, 51040

LABOR STATISTICS BUREAU

NOTICES

Authority delegations:
  Administrative Management Associate Commissioner et al.; contract officers, 40240
Meetings:
  Business Research Advisory Council, 4378, 16235, 16619, 17022, 18183, 18942, 21860, 34377, 38558, 41175, 41975, 47612, 50033, 52728, 53076, 56407
  Labor Research Advisory Council, 16620, 46921

LAND MANAGEMENT BUREAU

RULES

Alaska native selections; procedures, 14734, 17909, 29122, 29818, 33267, 44040, 49487
Exchanges:
  King Range National Conservation Area, Calif., 15851
Forest product sales, 12658, 31381, 39324
Geothermal resources leasing:
  Bond requirements, 23386
Gifts:
  King Range National Conservation Area, Calif., 15851
  Land donations, etc.; authority citation, 29122
Grazing administration:
  District advisory boards, 11822
  Stockmen, local associations; CFR corrections, 3298
Horses and burros, wild free-roaming; protection, management, and control; recodification, 9879, 15009
Land disposition:
  Indian allotments, Alaska occupancy and use, etc., 29122
  Mining Claim Occupancy Act; adjudication and expiration; authority citation, 29122
  Sales, public, 16803
  Transfer, change of use, renewal of leases; applications, 21642

Land use permits, special, 22940
Lands, purchase or condemnation; acquisition of or interest in:
  King Range National Conservation Area, Calif., 15851
Leases:
  Mining Claim Occupancy Act; adjudication and expiration; authority citation, 29122
  Recreation and Public Purposes Act; solid waste processing and disposal, 22939
  Terms and conditions, 29123
Mineral development, multiple:
  Fissionable source materials, 50690
Mineral materials disposal; authority citation, 29122
Minerals leasing:
  Coal leasing, competitive, 22053
  Coal leasing, development and operations, 21780, 56644
  Dating of leases and preference right lease, 36022
  Prospecting permittee, 18847, 43149
Minerals management:
  Environment and safety; coal mining operating regulations, 20252, 43722
Mining, multiple use:
  Coal lands, valuable source material discovery; entry and location, 50257
Mining laws, claims:
  Lands and minerals subject to location; authority citation, 29122
  Mineral patent applications, 21642
Mining laws, special; areas subject to:
  King Range National Conservation Area, Calif., 15852
National Advisory Boards; membership, 14734
Oil and gas leasing:
  Authority citation, 29122
  Bonding procedures, 45566
  Fees, rentals and royalty; fractional interests, 43149
  Fractional or future interest leases and permits, 43149
Outer Continental Shelf; oil and gas leasing:
  Bidders, qualified joint, 3737, 3859, 32891, 48738
  Royalty, rental, lease terms; suspension, 53019
  Suspension of production; effect on royalty, rental, and lease term, 53016
Programs and objectives; authority citation, 29122
Public land orders:
  Alaska, 10895, 14518, 20885, 44041, 51401, 56646
  Arizona, 11820, 12660
  California, 8975, 14370
  Colorado, 9345, 12014, 23672, 26572
  Idaho, 2823, 3859, 4927, 23672, 24588, 28954, 33267, 34035, 51603
  Nevada, 15853, 28954, 32589, 34962
  New Mexico, 33267
  Oregon, 8039, 9548, 27836, 27837
  Utah, 34749, 43149, 45006, 51035, 52300
  Washington, 20169, 31535
  Wisconsin, 22939, 55875
  Wyoming, 8040, 9548, 35067, 46297, 47252
Recreation and public purposes:
  Classification of lands, 1598
Recreation management:
  Coral communities on Outer Continental Shelf, 39749
Rights-of-way:
  Communications; authority citation, 29122
  Damages liability; State or other government agency, 47252
  Roads and highways; FHwA concurrence, 29123
  Tramroads and logging roads; authorized officer, 21642, 29123
Trespass:
  Coal mined not pursuant to lease, 36022
Veterans benefits; scrip; CFR Part deleted, 1597

PROPOSED RULES

Forest product sales, 3877
Geothermal resources leasing:
  Bond requirements, 8794
Grazing administration:
  Alaska, livestock; recodification, 31504, 43912
  Alaska, reindeer; recodification, 31504, 43912
  Exclusive of Alaska; recodification, 31504, 43912
Horses and burros, wild free-roaming; protection, management, and control; recodification, 31504, 43912
Land disposition:
  Airport grants, 16817
Land use permits, special, 50845
Land withdrawals and revocations:
  Petroleum reserves; management and protection, 40484
Minerals leasing:
  Coal exploration licenses, federally-owned deposits, 48754
  Coal leasing, acreage limitations, etc., 48124
  Coal leasing, competitive, 11035, 47258
  Coal leasing, development and operations, 4831, 9363, 45571
  Dating of leases and preference right lease, 23207
  Prospecting permittee, 2648, 7110
  Testing permits; federally-owned deposits, 21203
Minerals management:
  Environment and safety; coal mining operating regulations, 53360, 56830
Mining claims:
  Location; recordation of unpatented claims and filing of assessment work information, 54084
  Surface management; environmental impacts from mining operations, 53428
Oil and gas leasing:
  Fees, rentals and royalty; fractional interests, 14375
  Fees for filing instrument of transfer and rental rates, increases, 11314, 16660
  Fractional or future interest leases and permits, 14375
Recreation management:
  Coral communities on Outer Continental Shelf, 27380
  Off-road vehicles; use on public lands, 31518
Rights-of-way:
  Damages liability; State or other government agency, 34977
Trespass:
  Coal exploration without license, 48754
  Coal mined not pursuant to lease, 23207
  Recodification, 31504, 43912
Withdrawals, restorations, and revocations; intention to relinquish, 43411

NOTICES

Airport leases:
  Alaska, 1094, 9248, 17795, 27096, 29890, 29891, 38531, 39358, 40193, 52908
  Arizona, 20199, 41123, 56861
  California, 49538
  Colorado, 38533, 38534
  Idaho, 27981
  Nevada, 10456, 22613, 38531, 44197, 44200, 48579
  Wyoming, 55755
Alaska native claims; cemetery site and historical place applications, 50476
Alaska native selections; applications, etc.:
  Arctic Slope Regional Corp., 36527, 36672, 40193
  Atkasook Corp., 50872
  Cook Inlet Region, Inc., 52343
  Kaktovik Inupiat Corp., 51472
  Ouzinkie Native Corp., 41122
  Tigara Corp., 51474
  Ukpeagvik Inupiat Corp., 36525
Applications, etc.:
  Alaska, 2266, 27854
  Arizona, 1301, 22963, 22964, 46889
  California, 35873, 41440, 56861
  Colorado, 784, 2267, 12311, 12312, 13638, 14549, 17795, 22611, 25039, 27980, 29736, 30051, 32763, 32764, 33568, 33569, 34991, 36674, 43204, 44197, 45592, 47086, 48572, 50724, 53855
  Idaho, 45593
  Montana, 16989, 22289, 23216, 56861
  New Mexico, 1933, 2267, 3326, 3765, 4303, 4945, 5646, 5647, 6079, 6080, 6291, 7795, 8194, 8989, 10455, 10456, 10457, 11042, 11190, 11844, 13381, 13958, 14451, 14808, 14912, 15429, 15722, 16490, 16585, 16840, 18110, 19138, 20900, 21656, 22289, 23438, 23733, 24196, 26236, 26719, 27097, 27981, 28329, 28330, 29191, 30051, 30697, 31579, 32621, 32931, 32932, 34085, 34797, 36045, 36046, 36675, 36825, 38194, 39803, 42682, 42966, 43204, 44198, 44199, 45596, 45597, 46491, 46627, 47526, 47527, 48572, 49538, 49680, 50075, 50354, 50724, 51886, 52547, 52725, 54994, 55594, 55754, 55755, 55944, 56861, 56862
  Utah, 1933, 4303, 6080, 14451, 18690, 20200, 24437, 25918, 32449, 32621, 32932, 35081, 36826, 44874, 45593, 47527, 49893, 54034
  Wyoming, 2266, 5325, 6290, 8402, 8802, 9404, 9899, 11330, 13382, 13638, 14549, 16585, 16840, 16841, 17795, 17796, 17949, 20719, 21229, 21656, 22964, 23438, 23439, 24196, 27098, 29000, 31246, 31410, 37368, 37614, 39803, 41440, 41729, 44199, 44200, 45592, 48578, 49892, 50874, 52726, 52910, 52911, 54034, 55944, 56863
Authority delegations:
  Area Managers, Ariz., 29000, 31409
  Area Managers, Wyo., 9898
  District Managers, Alaska, 43924, 43925
  District Managers, Ariz., 18109, 20900
  District Managers, geothermal leases, 54824
  District Managers, N. Mex., 22613, 23733
  District Managers, Nev., 23438
  District Managers, Oreg., 52343

INDEX

District Managers, range management, 50725
District Managers, Wyo., 9898
District Managers Ariz., 18109, 20900
Montana State Office, Management Services Division Chief, et al., 35201
Utah State Office Lands and Minerals Operations Branch, Section Chiefs, 17796
Classification of lands:
Alaska; cemetery site and historical place application, 50476
Alaska; navigation and hazard easement, 22612, 38531
California; multiple use management; correction, 35080
California; Sonoma County, 49892, 53855
Montana; Blackfeet Indian Reservation, 26718
Oregon; Valley of Giants Outstanding Natural Area, 31579
Recreation and public purposes; termination, 27405
Coal lands, Federal, leasing; call for nominations and request for information, 22133, 22390, 25918
Coal lease offering by sealed bid and oral auction, Montana; hearing, 55944
Commercial permits and allocations on running rivers:
Utah, 15720
Committees; establishment, renewals, etc.:
California Desert Conservation Area Advisory Committee, 51662
Environmental statements; availability, etc.:
Alaska Natural Gas Transportation System, 13958
Alunite Project, Utah, 46357, 47977
Battle Mountain District, Nev.; domestic livestock grazing, 46357
Challis Planning Unit, Idaho, 22850, 24196, 29191, 43747
Colorado, northwest; coal resources development, 22850, 29191
Colorado oil shale plant complex construction and operation, 12
Denver Water Board, Colo.; water treatment facilities, 1932
EIS preparation schedule, 15879
Energy Power Plant, Utah, 32932
Greenlee Co., Ariz.; transmission line construction, 7534
Kaiparowits power project development, Utah, 9898
Los Padres National Forest, Calif.; phosphate lease, 23438
Oil, crude; transportation system from Valdez, Alaska to Midland, Tex., 51886
Outer Continental Shelf; Gulf of Mexico, oil and gas leasing, 21496, 22289, 37368, 49892
Outer Continental Shelf, Lower Cook Inlet, Alaska, 28808, 53138
Outer Continental Shelf, North Atlantic States, oil and gas leasing, 21496, 44716, 48794
Pacific Power & Light Co., 35737
Powder River Reservoir, Wyo., 3765, 9899
Sierra Pacific Power Co.; coal-fired power plant, Valmy, Nev., 30051
Timber management program, 42966
Transmission lines; Greenlee County, Ariz.; to El Paso, Tex., 32622
Transmission lines; Oreana, Nev., to Hint, Idaho, 45890
Geothermal resources areas; lease schedules, 16668, 19234
Grazing district boundaries:
Arizona, 25039
California, 22134
Colorado, 4945
Nevada, 22134
Wyoming, 41932
Indian lands, jurisdiction transfer:
Idaho, 47526
South Dakota, 56862
Joint bidders, qualified, oil and gas production; list, 5408, 16667, 20900
Meetings:
Alaska State Multiple Use Advisory Board, 8516, 20717, 48578
Albuquerque District Multiple Use Advisory Board, 7534, 27096, 36046, 52108
Anchorage District Advisory Board, 37137
Arizona Multiple Use Advisory Board, 3326, 43925
Arizona Strip District Advisory Board, 2652, 31578
Baker District Advisory Board, 10456, 37820
Bakersfield District Multiple Use Advisory Board, 6291, 17406, 19234, 24195
Boise District Advisory Board, 2266, 15039, 15430, 38531
Burley District Multiple Use Advisory Board, 1301, 20718, 40193
Burns District Advisory Board, 19234, 34797
California State Advisory Board, 7434, 19684, 22289, 26236, 29000, 35080
Canon City District Multiple Use Advisory Board, 4608
Casper District Multiple Use Advisory Board, 3490, 22135, 43203
Cedar City District Multiple Use Advisory Board, 32764, 48388
Coeur d'Alene District Multiple Use Advisory Board, 784, 12311, 26038
Colorado State Multiple Use Advisory Board, 35735
Coos Bay District Advisory Board, 18689
Craig District Advisory Board, 6780, 35735
Eugene District Multiple Use Advisory Board, 10933, 34084
Fairbanks District Advisory Board, 34330
Folsom District Multiple Use Advisory Board, 7968, 44062
Grand Junction District Advisory Board, 12, 18689
Idaho Falls District Multiple Use Advisory Board, 1301, 19684, 52725, 54824
Idaho State Multiple Use Advisory Board, 2405, 18334
Klamath Project, 9404
Lakeview District Advisory Board, 35544
Las Cruces District Multiple Use Advisory Board, 35080
Medford District Advisory Board, 2405, 22390, 39803, 47526
Moab District Multiple Use Advisory Board, 18530, 34085
Montana State Multiple Use Advisory Board, 8085, 35873, 48578
Montrose District Multiple Use Advisory Board, 3326, 34798, 45597
National Advisory Board, 14549, 30052, 46033
Nevada State Multiple Use Advisory Board, 19684, 50873
New Mexico Multiple Use Advisory Board, 1094, 6080, 23438, 36046
O&C Multiple Use Advisory Board et al., 12723, 47527
Oregon State Multiple Use Advisory Board, 16990
Outer Continental Shelf Environmental Studies Advisory Committee, 3491, 18446, 29891, 47086
Phoenix District Multiple Use Advisory Board, 12, 9404, 22613, 38531, 54034, 56403
Prineville District Multiple Use Advisory Board, 8401, 34798
Rawlins District Advisory Board, 3765, 18110, 24614, 48576
Redding District Advisory Board, 5140, 18690, 46627, 55244
Richfield District Multiple Use Advisory Board, 24916
Riverside District Multiple Use Advisory Board el al., 7535, 26038, 29192, 41729
Rock Springs District Multiple Use Advisory Board, 3109, 12311, 21385, 37137, 46492
Roseburg District Multiple Use Advisory Board, 7158, 36825
Roswell District Multiple Use Advisory Board, 10457, 28330, 35873, 45597
Safford District Multiple Use Advisory Board, 11330
Salem District Multiple Use Advisory Board, 2102, 50874
Salmon District Multiple Use Advisory Board, 2102, 18689, 52910, 54995
Salt Lake District Multiple Use Advisory Board, 13638, 16990, 29192, 34798, 48388
Shoshone District Multiple Use Advisory Board, 3110, 18110
Socorro District Multiple Use Advisory Board, 35081
Susanville District Multiple Use Advisory Board, 2267, 19234, 22390, 39803
Ukiah District Multiple Use Advisory Board, 8194, 35735
Utah State Multiple Use Advisory Board, 3884, 29191
Vale District Advisory Board, 4039, 18110, 38533
Vernal District Multiple Use Advisory Board, 20719, 41729
Wild Free-Roaming Horses and Burros National Advisory Board, 18882
Worland District Multiple Use Advisory Board, 4945, 27097, 46492
Wyoming State Multiple Use Advisory Board, 9899, 24614, 39804, 49538
Yuma District Multiple Use Advisory Board, 7968, 35544
Mining, surface; state reclamation law requirements; inquiry, 27993
Motor vehicles, off-road; area designations:
Idaho, 30698, 53498
Utah; antelope protection, 10455
Natural areas:
California, Negit Island; correction, 34797
Opening of public lands:
Arizona, 20718, 24614

California, 8193, 13958, 14911, 17406, 17583, 19356, 20718, 27405, 32279
Idaho, 23986
Montana, 8085, 41440
New Mexico, 17795, 22290, 50874
Oregon, 32279, 38531, 38532 47086, 48572, 49893, 50874, 51663, 52726, 52909
Utah, 22612, 32449, 329 ?, 38533
Washington, 37819, 47528, 51663, 52910
Organization and functions:
Administration/Records Management Specialist D.vision; records certification, 50873
Administrative Units, name changes; Nevada, 23438
Billings District Office; address change, 27096
Carson City District Office; address change, 52725
Montana Administrative District boundary and jurisdiction modifications, 27980, 35081
Montana State Office; location change, 18334
North Dakota Administrative District boundary and jurisdiction modifications, 43204
Outer Continental Shelf; oil and gas leasing, 2406, 3884, 4303, 10792, 11042, 14451, 14912, 21496, 22289, 29437, 29440, 45594, 46357, 51471
Outer Continental Shelf official protraction diagrams; availability, etc., 1801, 18882, 22613, 28808, 34330, 41932, 55754, 56863
Outer Continental Shelf oil and gas lease sales; restricted joint bidders, list, 14808, 43747, 46891
Protraction diagrams filing, availability:
Alaska, 52909
Nevada, 46491
Recreation management, access, etc.:
Blanca Wildlife Habitat Area, Colo., 21229
Rogue National Wild and Scenic River, Oreg., 24614
Survey plat filings:
Alaska, 36224, 36671, 45592, 47976, 49679, 49680, 49681, 49682
California, 1301, 4039, 14911, 22390
Colorado, 28809
Idaho, 41728
Utah, 48573, 48574, 48575, 48576, 48577, 48578, 48579
Wisconsin, 28330, 45597
Whitewater recreation use permits; Merced River, Calif., 47526
Withdrawal and reservation of lands, proposed, etc.:
Alaska, 4302, 7795, 30141, 33927, 44873
Arizona, 1503, 7534, 18446, 26590, 29190, 32764, 34798, 43203, 44716, 52724, 52725, 54545, 54546, 54547
Arkansas, 10114
California, 10691, 11189, 12072, 16584, 16585, 21655, 27096, 27097, 27404, 50873, 51660, 51661
Colorado, 12235, 33568, 34084, 45598, 55943
Florida, 28808, 36825
Idaho, 3109, 8988, 10455, 11042, 15039, 22611
Montana, 784, 37138, 41123
Nevada, 1503, 4303, 6290, 7434, 18690, 41728, 52908
New Mexico, 5325, 32931, 54994, 56862
Oregon, 21496, 34991, 38532, 46491, 47527, 51663
South Dakota, 39358
States, all public land, 22964
Utah, 10455, 15429, 16491, 30697, 31246
Washington, 20429, 55755
Wyoming, 31579

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

RULES
Criminal justice information systems; collection, storage, and dissemination of criminal history records, 11714, 34949
Environmental impact statements; preparation, 50822
Federal and federally-assisted programs and projects, 18653
Nondiscrimination; equal employment opportunity in federally-assisted programs; grants, 28478
Research and statistical information, identifiable, confidentiality, 54846
PROPOSED RULES
Federal and federally-assisted programs and projects, 8491, 36215
Nondiscrimination; equal employment opportunity in federally-assisted programs; grants, 31550, 51762
NOTICES
Committees; establishment, renewals, etc.:
Criminal Justice National Minority Advisory Council, 22389
Law Enforcement and Criminal Justice National Institute Advisory Committee, 24437
Conflict of interest, procurement under LEAA grants; hearing, 22963, 29436
Employee protection; State Planning Agency Grants Manual; proposed guideline revision, 23436
Meetings:
Criminal Justice National Minority Advisory Council, 22390, 38793
Criminal Justice Standards and Goals National Advisory Committee, 1801, 1928, 3325, 7967, 7968, 8085, 10080, 13957, 15352, 15353, 16985, 18445, 18446, 20428, 21495, 21496, 21655, 23216, 23985, 24195, 26038, 28327, 28553, 30141
Environmental Security Committee, 12072
Juvenile Justice and Delinquency Prevention National Advisory Committee, 1928, 7795, 16490, 22850, 33568, 45592, 51476, 55935
Law Enforcement and Criminal Justice National Institute Advisory Committee, 4607, 27854, 29436, 36045
Private Security Advisory Council, 3109, 5642, 8818, 14450, 18689, 22389, 23732, 26589, 31924, 43203

LEGAL SERVICES CORPORATION

RULES
Appeals on behalf of clients, 18513, 19110
Attorney hiring, 38509
Class actions, 51608
Definitions, 18511
Eligibility guidelines, 51604
Enforcement procedures, 51609
Fee-generating cases, 38505
Freedom of information; correction, 27837
Fund uses from sources other than LSC, 25902
Governing bodies of recipients, 25900
Juvenile assistance, 38507
Outside practice of law; guidelines, 18512, 19110
Political activities prohibited, 25901
Priorities in resource allocation, 51610
Refunding applications, 18081
Restrictions:
Criminal convictions challenging, 38508
Criminal proceedings assistance, 38506
Picketing, boycotts, strikes, illegal activities, 18514, 19110
PROPOSED RULES
Appeals on behalf of clients, 10629
Attorney hiring, 23730
Class actions, 41722
Eligibility guidelines, 23728
Enforcement procedures, 41723
Fee-generating cases, 18528
Fund uses from sources other than LSC, 18528
Governing bodies of recipients, 18526
Outside practice of law; guidelines, 10629
Political activities prohibited, 18527
Public disclosure of recipient policies, 41724
Refunding applications, 10630, 18524
Restrictions:
Criminal convictions challenging, 23730
Criminal proceedings assistance, 23729
Juvenile assistance, 23729
Picketing, boycotts, strikes, illegal activities, 9571
NOTICES
Audit and Accounting Guide for recipients and auditors, 29952, 32794
Equal employment opportunity resolution; availability, 18936
Grants and contracts; applications, 2281, 3788, 5151, 12249, 25942, 27450, 30214, 38222, 40569, 41478, 41759, 42709, 44077, 50358, 50874, 51635, 52565, 53721, 56242
Meetings:
Appropriations and Audit Committee, 36701, 39098, 46910, 52109
Board of Directors, 7837, 15761, 20625, 21704, 29041, 38222, 46389
Provision of Legal Services Committee, 15761
Regulations Committee, 1819, 7190, 12249, 20224, 33573, 41759, 55935
Recipient employee salary instructions, 50042, 51635
Support Centers; adoption of resolution, 10271, 17977

LIBRARY OF CONGRESS

See Copyright Office, Library of Congress. Copyrighted Works, New Technological Uses National Commission.

MANAGEMENT AND BUDGET OFFICE

RULES
Conduct standards, 24682
Freedom of information, 49085
Privacy Act; implementation, 38491
PROPOSED RULES
Freedom of information, 24610

UMI

Procurement regulatory system, Federal; establishment, 779, 34324, 43743

NOTICES
A-95 clearing houses, State and areawide directory, 12482
Assistance funded jointly, to State and local governments and nonprofit organizations, 32040
Automatic data processing requirements:
Government reliance on commercial services, 34370
Policy guidelines, 46531
Budget rescissions and deferrals, 1702, 2204, 4156, 6208, 7056, 10846, 12180, 15784, 16434, 18044, 19588, 20383, 24082, 27946, 28150, 28884, 32376, 32570, 34532, 36614, 38750, 39644, 40698, 42346, 43360, 44298, 44964, 49784, 50382, 53744, 55106
Buy American Act; proposed guidelines, 22325, 29042
CETA 1977 Forms Preparation Handbook; reports and recordkeeping, hearing, 23253
Clearance of reports; list of requests, 834, 835, 1339, 1340, 2284, 2450, 2696, 3145, 3146, 3788, 3789, 4078, 4685, 4867, 5359, 5869, 6344, 6808, 6809, 7825, 8129, 8130, 8236, 8839, 8840, 9428, 9429, 9939, 10272, 10492, 10718, 11370, 11371, 12097, 12366, 12777, 12938, 14021, 14022, 14601, 14602, 14824, 14960, 15370, 15463, 16229, 16523, 16714, 17632, 18559, 18938, 19384, 19790, 20454, 20455, 20747, 21414, 21714, 21715, 21849, 22326, 22895, 22898, 23495, 24037, 24038, 24958, 24959, 26280, 26281, 26959, 27141, 28046, 28047, 29919, 30407, 31430, 31897, 32477, 32674, 34127, 34833, 35034, 35035, 35581, 35770, 36554, 36555, 36848, 37370, 37681, 38239, 38833, 38834, 40571, 41479, 42253, 42254, 43477, 43968, 44478, 45626, 45919, 45920, 46530, 46920, 46921, 47115, 48005, 48006, 48618, 50079, 50738, 50878, 50879, 52346, 52347, 52566, 52567, 52927, 52928, 53722, 54570, 54571, 55613, 55614, 55756
Commercial standards-setting bodies, Federal interaction; proposed circular, 53723, 56687
Committees; establishment, renewals, etc.:
Business Advisory Council on Federal Reports, 14219
Statistical Policy, American Statistical Association Advisory Committee on, 22164
Statistics, Labor Advisory Committee on, 22165
Computer systems used by State and local governments; clarification of Federal policy, 38831
Consumer representation plans; memorandum for President, 42767
Federal and federally-assisted programs and projects; evaluation, review, and coordination, 2052
Government Procurement Commission recommendations:
Executive branch position, 10488, 20932, 21530, 30405, 32298, 33343, 35237, 38557
Grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations; uniform requirements, 32016
Hospital, medical care, and treatment costs, 26757
Industrial reports, current; hearing, 34128
Major systems aquisitions; policy, 14825
Meetings:
Business Advisory Council on Federal Reports, 4867, 14219, 16894, 32640, 48197
Contract pricing and profit policies, 40238, 44237
Executive, Legislative, and Judicial Salaries Commission, 42253, 48197, 49905, 51888
GNP Data Improvement Advisory Committee, 6343, 12938
Social Indicators Advisory Committee, 15923
Statistical Policy, American Statistical Association Advisory Committee on, 18174, 41973
Statistics Labor Advisory Committee, 19167
National Supply System Advisory Board; charter, 49205
Oil and natural gas reserves data collection; hearing, 27878
Privacy Act; systems of records, 28048, 30225, 32298, 34371, 37174, 38832, 41973, 44292, 44900, 47115, 49205, 51636, 53148, 55006, 55615
Procurement Institute, Federal:
Establishment, 30069
Organization and operation plan; inquiry, 1137
Staff positions, recruitment procedures, 45627
Procurement policy, Federal:
Audiovisual production services; uniform procurement system, 35237
Commercial products acquisition,, 55399
Conduct clauses, ethical, for contractors; proposed policy statement; inquiry, 38833
Contract pricing and profit policies; meeting, 40238, 44237
Cost comparisons under Circular A-76, 35581, 46528
Energy conservation, 34371
Small Business Emergency Relief Act; implementation guidelines, 2872
Student discipline procedures recordkeeping and reports; HEW Civil Rights Office procedures, hearing, 26959

MANPOWER ADMINISTRATION

See Employment and Training Administration.

MANPOWER POLICY, NATIONAL COMMISSION

NOTICES
Meetings, 6806, 8833, 43475, 50077

MARINE MAMMAL COMMISSION

RULES
Advisory Committee Act, Federal; implementation, 3306, 4020
Freedom of information, 3307, 4020
Privacy Act; implementation, 4

NOTICES
Meetings:
Marine Mammal Commission, 1654, 5352, 7168, 27786
Marine Mammals Scientific Advisors Committee, 1654, 5352, 20454, 27786, 50076, 56891
National Marine Fisheries Service, 7168
Privacy Act; systems of records, 21412, 28042, 39731, 50875

MARITIME ADMINISTRATION

RULES
Capital construction fund, 4265, 23960, 39751
Inflation impact statement, 32590
Merchant marine training:
Academy midshipmen; admission and training, 55715
National defense regulations, redesignation, 22562, 22563
Policy, practices, and procedures:
Fees for special statistical data, 50259
Statistical data for use in operating-differential subsidy application hearings, 50259
Subsidized vessels and operators:
Agricultural commodities from U.S. to U.S.S.R.; operating-differential subsidies for bulk cargo vessels, 3299, 18849
Bulk cargo vessels engaged in worldwide services; foreign flag competition, 32590
Bulk cargo vessels engaged in worldwide services; operating-differential subsidy, 54934
Vessel financing assistance:
Ship mortgage insurance fund debentures, Federal; transactions and operations; CFR Part revoked, 44403

PROPOSED RULES
Policy, practices, and procedures:
Fees for special statistical data, 17750, 19651, 22094
Statistical data for use in operating-differential subsidy application hearings, 17751, 19651, 22094
Vessel financing assistance:
Obligation guarantees, 44408, 52499

NOTICES
Applications, etc.:
Academy Tankers, Inc., et al., 52098, 53520
Aeron Marine Shipping Co., 3328, 12321
American Eagle Tanker Corp. et al., 52898, 53520, 54018, 56876
American Export Lines, Inc., 7166
American President Lines, Ltd., 9411, 18695, 19743, 35547, 52097, 53366
Aquarius Marine Co. et al., 10939
Atlantic Richfield Co., 7166
Barnett Bank of Miami Beach, 9411, 12322
Blackships, Inc., 8092, 8817
Bolton Shipping Co., Inc., et al., 50046, 51435
Chestnut Shipping Co., 7167
Citibank, N. A., 21389
Colby Shipping Co., Inc., 50046
Cove Tankers Corp., 15900, 18896, 19744
Farrell Lines Inc., 23445
First National City Bank, N.Y., 21389

Fredericksburg Shipping Co., 44439, 44723
Ingram Ocean Systems, Inc., 5337, 6786, 11194
Kurz, Charles, & Co., Inc., et al., 9582, 16192
Lykes Bros. Steamship Co., Inc., 10462, 47089
Margate Shipping Co. et al., 7167, 45893
Marine Midland Bank-New York, 1613
Mobil Oil Corp., 5337, 8092
Pacific Far East Line, Inc., 4843, 10939, 19744, 48562, 56876
Prudential Lines, Inc., 18130, 22290, 55737
Pyramid Sugar Transport, Inc., 1614, 5856
Sea Tankers, Inc., 9411
Sea Transport Corp. et al., 52898
Sun Transport, Inc., 5338, 56877
Transeastern Shipping Corp. et al., 54017
Waterman Steamship Corp., 10462, 18897, 24202, 27767
Zapata Bulk Transport, Inc., 21664, 22619
Zapata Products Tankers, Inc., 11194
Bid invitations:
SS United States, 1505, 53125
Capital construction fund:
Applications; Freedom of Information Act provisions; 32460, 35007
Interest rates on nonqualified withdrawals, 28565
Diesel engines, slow speed; ship propulsion; domestic manufacture, 18896, 49512
Environmental statements; availability, etc.:
Chemical waste incinerator ship project, 24744
Vessels engaged in offshore oil and gas drilling operations, 2659
Foreign construction cost computations:
Breakbulk vessels MA design C1-M-122a, 2000 DWT, 53125
Containership, MA design C4-S-1q type vessel, 9001
Containership, MA design C5-S-78a type vessel, 32461, 36058
Containership, MA design C6-S-85b type vessel, 52511
Containership, MA design C8-S-85d, 5339
Dry bulk carriers, 53125
Heavy lift cargo, MA design C1-MT-123a type vessel, 46037
Integrated tug/barge, MA design IB5-MT-121a type vessel, 30375
Liquefied natural gas, MA design LG8-S-102a type vessel, 30375, 35547
Self-propelled roll-on/roll-off barge, MA design C2-MTR-125a type vessel, 51054
Meetings:
National Assessment and Planning Conference on U.S. Flag Bulk Shipping, 21664
Oceans, commercial development, 18696, 21389
U.S. Merchant Marine Academy Advisory Board, 10103, 40203, 52511
Oceans, commercial development; conference, 18696, 21389
Operating-differential subsidy procedures manual; proposed amendments, 41950, 44876
Ship financing program; inspection requirements, 26055, 35008
Trustee name change, approved:
National Bank of Tulsa, Okla., 24744
Shawmut Bank of Boston, N.A., Mass., 1505
War risk insurance values; interim binders as of July 1, 1975, 5234

MATERIALS TRANSPORTATION BUREAU

See also Hazardous Materials Operations Office. Pipeline Safety Operations Office.

RULES
Hazardous materials; preemption and enforcement procedures, 38167

MEXICO AND UNITED STATES, INTERNATIONAL BOUNDARY AND WATER COMMISSION

RULES
Freedom of information, 8474
Privacy Act; implementation, 19625

PROPOSED RULES
Privacy Act; implementation, 5292

NOTICES
Privacy Act; systems of records, 8144, 35834, 36004

MINERALS, MINING

See Hearings and Appeals Office, Interior Department.
Interim Compliance Panel (Coal Mine Health and Safety).
Land Management Bureau.
Mines Bureau.
Mining Enforcement and Safety Administration.

MINES BUREAU

NOTICES
Environmental statements; availability, etc.:
Mining regions; surface subsidence control, 51128
Freedom of information; privileged or confidential information, policy statement, 52546
Lead and zinc production and consumption; meetings, 41440
Meetings:
Coal Advisory Committee, 52344, 56718
Coal Mine Safety Research Advisory Committee, 5141, 18110, 24477, 31246, 36046, 41730, 45035, 50355, 55945
Lead and zinc production and consumption, 41440
Mineral resources, joint study with Geological Survey; New River Gorge Area, W. Va., 26944
Procurement actions, legal review, 15881, 21255

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

RULES
Coal mine health and safety:
Electric face equipment, self-propelled; extension of time for installation of canopies or cabs, 23200
Illumination standards for working places, 43534
Surface work areas; asbestos exposure, 10223
Metal and nonmetallic mine safety:
Fire prevention and control, explosives, etc., 23612, 23614, 23616, 28266, 33263
Respiratory protective devices; permissibility tests:
Gas masks and self-contained breathing apparatus, 10892, 12302
Vinyl chloride, exposure to, 13919

PROPOSED RULES
Coal mine health and safety:
Civil penalty cases; summary disposition, 45574
Illumination standards for working places, 14102
Mandatory standards, 13939
Surface mines and work areas; training and retraining of miners, 31556, 50299, 52890
Underground mines; training and retraining of miners, 31553, 49838, 52890
Metal and nonmetallic mine safety:
Explosives, safety standards; hearing, 16163
Respiratory protective devices; permissibility tests:
Gas and vapor respirators, single-use, 44864, 49506

NOTICES
Coal mine health and safety:
Illumination systems; testing and evaluation, 14108
Hearings, etc.:
Scotia Mine, Oven Fork, Ky., 11190, 11592, 16491
Zippertubing Co.; coal mine trailing cable splices, 51128
National Mine Health and Safety Academy; fee schedule for training and use of space, 48139

MOTOR VEHICLES

See Environmental Protection Agency. Federal Highway Administration. General Services Administration Interstate Commerce Commission. National Highway Traffic Safety Administration. Urban Mass Transportation Administration.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

See Oceans and Atmosphere, National Advisory Committee.

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

See Economic Opportunity, National Advisory Council.

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

See Extension and Continuing Education, National Advisory Council.

UMI

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

See Education of Disadvantaged Children, National Advisory Council.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RULES

Administrative authority and policy:
  Facilities planning and projects, coordination, 8339, 16550
Conduct standards, 2632, 31526, 35479
Employment, NASA and aerospace related; reporting procedures, 53652
Freedom of information; availability of agency records, 9307
Information release to news and information media, 22930
Official seal, insignia, logotype, official program and astronaut badges, and flags, 11276
Privacy Act; implementation, 52866
Procurement, 53436

PROPOSED RULES

Privacy Act; implementation, 43201

NOTICES

Aerospace contractors, direct awards of $10 million or more, list, 53722
Agent certification:
  Haskin, Dr. Larry A., 51087
  King, Dr. James Jr., 34833
Aviation Safety Reporting System; design and implementation; agreement with FAA, 15914
Committees; establishment, renewals, etc.:
  Applications Steering Committee et al., 6128, 16618, 24221, 47289, 49683
  Jupiter Orbiter Probe 1981 Mission, 36848
  Research and Technology Advisory Council, 19782
  Space Science Steering Committee, 4365
  Space Technology Steering Committee, 19782
Environmental statements; availability, etc.:
  Ames Research Center, 29497, 49683
  Langley Research Center, Hampton, Va., 38827
  Space shuttle orbiter, overland transport, 5456, 16887, 19163, 50358
  Space shuttle solid rocket motor design, 43474
Meetings:
  Aeronautical Propulsion Research and Technology Advisory Council Committee, 15452
  Aerospace Safety Advisory Panel, 26614
  Aircraft Fuel Conservation Technology Advisory Board, 18477
  Applications Steering Committee, 4364, 4981, 24462, 27450, 37677, 45917, 46520, 48196, 50727
  Closed meetings, availability of report, 32794
  Historical Advisory Committee, 40237
  Life Sciences Committee, 8548, 18937
  Research and Technology Advisory Council, 6335, 8234, 9629, 15070, 16713, 17021, 17430, 17431, 18720, 18936, 20930, 24780, 25054, 28367, 43475, 44077, 44078, 46062, 49556, 50727, 50875, 51888, 52565, 55248, 56420
  Space Program Advisory Council, 5870, 7182, 8234, 9630, 18937, 20930, 21529, 21847, 28368, 36553, 38827, 40237, 49556, 56737
  Space Science Steering Committee, 10480, 49557, 52110
  Space Systems Committee, 13419, 16229
  Stratospheric Research Advisory Committee, 5456, 24462, 28368, 36848
  Wage Committee, 21847
Patent licenses, exclusive:
  Fastco of California, 55248
  McClelland, Lefferts A., 45062
  Owens Enterprises Inc., 16229, 18558
  Tomar Electronics, 45063
Patent licenses, foreign exclusive:
  Bell & Howell Co., 55248
  Japan Engineering Development Co., 1546, 1819, 1973, 2127, 13678, 14015, 27787, 27867, 28042, 28367, 42245, 42709
  Licensing Management Corp., 21704, 42246, 42709, 42994, 52109
  Norfolk Corp., 20740
  Res-Q-Raft, Seattle, Wash., 40570
Privacy Act; systems of records, 8235, 16618, 38918

NATIONAL ARCHIVES AND RECORDS SERVICE

See also Federal Register Office.

RULES

Inflation impact statements, 45001, 46297
Property management, 7750, 8771, 13353, 14515, 14516, 45001, 46297

PROPOSED RULES

Inflation impact statement, 37607
Property management, 37607

NOTICES

Advisory committees, 1975 annual report to President; availability on microfilm, 16882
Meetings:
  Archives Advisory Council, 7591, 12248, 15761, 15914, 46389
Personal papers and official records in Federal agencies, disposition, 51149
Privacy Act; systems of records, 55504

NATIONAL BUREAU OF STANDARDS

RULES

Inventions, energy-related; procedures for evaluating, 43396
Standard reference materials, 8472
Traffic and conduct regulations on NBS grounds; definition of "site", 51787
Transcript services; CFR Part removed, 54167

PROPOSED RULES

Inventions, energy-related; procedures for evaluating, 24391

NOTICES

COBOL; Federal information processing standards; interpretations, 2270, 7801, 39056
Committees; establishment, renewals, etc.:
  Federal Information Processing Standards Task Group, 56686
  I/O channel interface; Federal information processing standards; specifications availability and inquiry, 56877
Meetings:
  Building Technology Advisory Committee Center, 12731, 29201, 45037
  Computer Networking Standards for Library and Information Science Community Task Force, 34099, 44439, 54209
  Federal Information Processing Standards Coordinating and Advisory Committee, 3766, 8818, 15356, 21835, 27856, 29461, 37639, 44724
  Federal Information Processing Standards Task Groups, 3767, 5861, 10463, 16847, 18459, 22855, 28817, 34334, 41735, 46633
  International Legal Metrology Advisory Committee, 4953, 30053
  Visiting Committee, 16193
NBS radio stations; discontinuance of certain broadcasts; inquiry, 47981, 49190
Optical character recognition (OCR) paper; proposed Federal information processing standard, 53836
Voluntary product standards:
  Carbonated soft drink bottles, 54970
  Coffee grinds; simplified practice recommendation; intent to withdraw, 5164, 12078
  Jewelry marking, 15356
  Magnetic media, proposed Federal information processing standards, 53520
  Timber, structural glued laminated, 19227, 33573

NATIONAL CAPITAL PLANNING COMMISSION

PROPOSED RULES

Privacy Act; implementation, 54001

NOTICES

Federal and federally assisted programs and projects; evaluation, review, and coordination, 47607, 53375
Privacy Act; systems of records, 53856

NATIONAL COMMISSION FOR MANPOWER POLICY

See Manpower Policy, National Commission.

NATIONAL COMMISSION ON ELECTRONIC FUND TRANSFERS

See Electronic Fund Transfers, National Commission.

NATIONAL COMMISSION ON PRODUCT SAFETY

See Product Safety Commission, National.

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

See Supplies and Shortages, National Commission.

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

See International Women's Year Observance, National Commission.

NATIONAL COMMUNICATIONS SYSTEM

NOTICES

Telecommunications standards:
  Coding and modulation requirements; nondiversity 2400 bit/second modems, 10480
  Data link control procedures, bit oriented, 28594
  Interfaces, data communications; electrical characteristics, etc., 45063
  Radiotelegraph systems, HF, used in government maritime mobile service; coding, modulation, and transmission, 9421

NATIONAL CREDIT UNION ADMINISTRATION

RULES

Federal Credit Unions:
  Organization and operation, 44687
Flood insurance, 7388
Involuntary liquidation; suspension or revocation of charter, 31184
Nondiscrimination on basis of sex; housing financing, 5628
Practice rules, 31184

PROPOSED RULES

Federal Credit Unions:
  Corporate central Federal credit unions, 41725
  Organization and operation; financial and statistical reports, 14792
  Organization and operations; surety bond and insurance coverage, 39771
  Pension plans, trustees and custodians of, 19131, 29712
Privacy Act; implementation, 44430
Security devices and procedures:
  Burglar alarm systems, 4606
  Vaults; minimum specifications, 4606
Share certificate issuance, 55199

NOTICES

Meetings:
  National Credit Union Board, 8128, 21413, 32477, 36701, 44900, 49897
Privacy Act; systems of records, 19782, 30308, 34370, 44982

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

PROPOSED RULES

Firefighting on Federal property, reimbursement of costs, 53596
Public safety awards, 30792

NOTICES

Meetings:
  Fire Prevention and Control National Academy Site Selection Board, 6807
  National Fire Safety and Research Office, 15357
National Academy Site Selection Board; instructions, 11195

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

See Arts and Humanities, National Foundation.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

RULES

Consumer information:
  Labeling, 13923
  Vehicle stopping distance, 1066, 24593, 34607
Defect and noncompliance notification, 56816
Defect notification and remedy; petitions for hearings, 56812
Engineering and traffic operations; speed limit enforcement; certification, 49808
Highway safety programs, State; uniform standards:
  Annual work program, 23948
  Fatality reduction, interim incentive grant criteria, 54170
  Political subdivision participation, 23948
Inspection standards, vehicle in use; response to petitions, 13923
Motor vehicle safety standards:
  Brake fluids, 54944
  Brake hoses, 8783, 28506, 52055
  Brake systems, air, 1598, 8347, 8789, 14875, 29703, 32221, 43153, 52057
  Brake systems, hydraulic, 1066, 2391, 5284, 16803, 24593, 29696
  Brake systems, motorcycle, 24593
  Bumper requirements, 9349, 27728, 35068
  Exterior protection, 9349
  Fuel system integrity, 9350
  Incorporation by reference, address changes, 52880, 56812
  Lamps, reflective devices, and associated equipment, 765, 1483, 6774, 24887, 35522, 46437, 50826
  Occupant crash protection, 36494
  Rearview mirrors, 7510, 36025, 56813
  School bus body joint strength, 3873
  School bus emergency exit requirements, 3871, 22357, 24592
  School bus passenger seating and crash protection, 4018, 28508, 54945
  School bus rollover protection, 3875, 36026
  Seat belts in Postal Service vehicles, 11312
  Tire selection and rims for other than passenger cars, 3479, 18659, 36658, 37116
  Tires, new pneumatic, for passenger cars, 3870, 16804, 40473
  Trailer manufacturing; used components, 27074
  Windshield mounting, 36494
  Windshield zone intrusion; van-type vehicle exclusion, 54946
Organization and functions, 47933

PROPOSED RULES

Consumer information:
  Tire quality grading standards, uniform, 54205
  Vehicle certification label, 3315
Defect and noncompliance responsibility; extension of time, 3485
Defect notification and remedy; petitions for hearings; extension of time, 3485
  Fuel economy, nonpassenger cars; average standards, 52087, 53832
  Fuel economy, passenger cars; average standards; exemptions, 53827
  Fuel economy, passenger cars; average standards, 1981-1984 model years, 41713
  Fuel economy, passenger cars; reduction of standards for 1978-1980 models, 46878
Highway safety programs, State; uniform standards:
  Fatality reduction, incentive grant criteria, 54189
  Motor vehicle inspections, registrations, motorcycle safety, etc., 3315, 8394, 20705, 23422
  Motor vehicle titling and theft, 51426
  Occupant crash protection, 24070, 24718, 29434, 31860, 33280
  Pedalcyclist safety, 3317
Inflation impact statement, 36037, 36513, 55368
Inspection standards, vehicle in use; suspension systems, 43191
Motor vehicle safety standards:
  Axle, gross weight rating; definition; extension of time, 3485
  Brake fluids, 4, 3485
  Brake hoses, 3485, 56835
  Brake systems, air, 3485
  Brake systems, air; agricultural commodity trailers, 1763, 27740
  Brake systems, air; buses, 20706
  Brake systems, hydraulic, 2828, 3485
  Bumper requirements, 9374
  Control location, identification, and illumination, 46460
  Exterior protection, 9374
  Glazing materials, 56837
  Lamps, reflective devices, and associated equipment, 15870, 18687, 30139, 48555, 52892
  Manufacturer identification codes; withdrawal, 43191
  Occupant crash protection, 24070, 24718, 29434, 29715, 31860, 33280
  Rearview mirrors, 36038, 45021
  School bus emergency exit requirement, 3878
  Seat belt anchorages, 54959
  Seat belt assemblies; inquiry, 54961
  Speedometers and odometers, 36513, 41716, 54204
  Tires, new pneumatic, for passenger cars, 43192
  Trailer manufacturing; used components, 3485
  vehicle identification number, 38189
  Windshield zone intrusion, 10451
Speed limit, National maximum;, 32240 enforcement
Vehicle classification, 55368

NOTICES

Bicycles, motorized; operational safety; inquiry; closing date established, 19750
Breath alcohol measuring devices:
  Qualified products list, 19750, 41737, 53384
Catalytic converters, effect on motor vehicle safety; meeting, 17958, 21217
Glazing material manufacturers; assignment of code numbers, 49919
Highway safety program:
  Funds, delay in apportionment; agreement with FHwA, 805

90-000 O - 77 - 9

INDEX

UMI

Policy revision; agreement with FHwA, 1838, 23995
Standards evaluation; meeting, 28571, 56899
Meetings:
Catalytic converters, effect on motor vehicle safety, 17958, 21217
Highway Safety National Advisory Committee, 3769, 5653, 11345, 35091, 43759, 46487, 47281, 55019, 55961
Highway safety program standards; evaluation of adequacy, 28571, 56899
Motor Vehicle Safety National Advisory Council, 3501, 7546, 12332, 15907, 24623, 26062, 36065, 41737, 49209
Youth Highway Safety Advisory Committee, 4628, 14920, 32772, 45897, 47281, 52118
Motor Vehicle Safety National Advisory Council; membership, etc., 10941
Motor vehicle safety standards; exemption petitions, etc.:
Advance Mixer, Inc.; air brake systems, 3501, 7983, 16858
American Jawa, Ltd.; motorcycle controls and displays, 53881
American Motors Corp.; lamps, reflective devices, and associated equipment, 26061, 47280
American-Coleman Co. et al.; air brake systems, etc., 21216
British Leyland U.K. Ltd.; transmission shift sequence, etc., 17415
British Leyland UK Ltd.; control location, identification, and illumination, 14426, 27108
Carrozzeria Zagato; key-lock warning systems, etc., 1508
Chevrolet four-wheel drive vehicles; fuel tank leaks; denied, 19156
Chevrolet Vegas, 1973; engine power loss, etc.; denied, 19156
Chrysler Corp.; fuel tank leaks; denied, 19156
Chrysler Corp.; tire selection and rims, 26062, 45895
Chrysler Corp. et al.; denied, 45896
Cimatti Ltd.; motor cycle controls and displays, 805, 11860
Daihatsu Motor Co., Ltd.; motorcycle headlamps and brake systems, 22403
Daihatsu Motor Co. Ltd.; lamps, reflective devices, and associated equipment, 35554
Dana Corp.; air brake systems, tandem control of wheel lockup, 43228
Dunlop of Japan, Ltd.; new pneumatic tires, 30206
Dunlop Tire & Rubber Corp.; new pneumatic tires for vehicles other than passenger cars, 17416
Fleetwood Enterprises, Inc., et al.; flammability of interior materials, 39829
Flxible Co.; glazing materials, 41736, 55019
Ford Granada, catalytic converter; denied, 52119
Ford Motor Co.; lamps, reflective devices, and associated equipment, 20731
Ford Motor Co.; windshield zone intrusion, 55408
Ford truck, power steering; denied, 52119
General Motors Corp.; tire selection and rims, 8412, 22404, 36064
Jeep Corp. et al., 15906, 37150
Jet Industries Ltd.; control location, identification and illumination, etc., 7545
Master Truck; air brake systems, 5347
Modular Ambulance Corp.; fuel system integrity, 55409
Monitor travel trailer, suspension system overload, 53881
Panther Westwinds Ltd.; side door strength, etc., 7168
Prevost Car, Inc.; bus window retention and release, 52933
Rite-Way Inc. of Indiana; air brake systems, 13
Rohr Industries, Inc.; lamps, reflective devices, and associated equipment; denied, 2666
Sebring Vanguard, Inc.; occupant crash protection, 52933
Subaru FF1, steering gear box housing; denied, 52119
Sutphen Fire Equipment Co. et al.; brake systems, 27108
Travel Batcher Corp.; air brake systems, 10942, 20204
Travel Equipment Corp.; flammability of interior materials, 16858, 36065
Volkswagen Super Beetle, uneven tire wear and steering instability; denied, 52119
Waterman, C. H., Industries; occupant crash protection, 38203, 53384
Wayne Corp.; fuel system integrity, 21216, 35555, 42696
Motorcycle helmets; safety sanctions determinations:
California, 1838
Illinois, 1838
Utah, 1838

NATIONAL INDUSTRIAL ENERGY COUNCIL

NOTICES
Meetings, 18937

NATIONAL INSTITUTE OF CORRECTIONS

NOTICES
Advisory Board; bylaws, 37612
Grant and contract review process, 49200

NATIONAL INSTITUTE OF EDUCATION

RULES
Grants programs:
Basic skills research, 42662
Education and work research, 42664
PROPOSED RULES
Grants programs:
Basic skills research, 18518
Education and work research, 18520
NOTICES
Career education program, experienced based; technical assistance, 4318
Committees; establishment, renewals, etc.:
Basic Skills Panel, 43756
Education and Work Panel et al., 32286
Laboratory and Center Operations Review Panel, 53547
Grants programs applications receipt, closing dates:
Basic skills, 18539
Education and work, 18539, 21666
Meetings:
Basic Skills Panel, 43756, 44726
Education and Work Panel, 32285, 33317
Educational Research National Council, 1095, 9585, 18338, 28567, 35755, 38806, 47273, 56398

NATIONAL INSTITUTES OF HEALTH

NOTICES
Bacterial Vaccines, Current Status and Prospects for Improved and New; symposium, 4059
Biomedical and behavior research personnel; National needs study, 44443
Chloroform, carcinogenesis bioassay of; availability of report, 23449
Committees; establishment, renewals, etc.:
Aging Review Committee et al., 20435
Allergy and Immunology Research Committee et al., 29205
Animal Resources Advisory Committee et al., 33577
Cancer and Nutrition Scientific Review Committee, 18462
Cancer Control and Rehabilitation Advisory Committee et al., 44445
Cancer Control Grant Review Committee, 12079
Cancer Institutional Fellowship Temporary Review Committee, 4058, 35206
Cancer Research Manpower Review Committee, 48151
Carcinogenesis Program Scientific Review Committees A and B, 12080
Carcinogenesis Scientific Advisory Committee, 6107
Carcinogens, Clearinghouse on Environmental, 20435
Cellular and Molecular Basis of Disease Review Committee, 54817
Center Support Grant Review Committee, 19149
Child Health and Human Development National Advisory Council et al., 20436
Clinical Cancer Program Project Review Committee, 19149
Dental Research Institutes and Special Programs Advisory Committee, 4058
Diabetes National Commission, 23743
Director, Advisory Committee to, et al., 18463
Epilepsy and Its Consequences Control Commission, 4058
Frederick Cancer Research Center Temporary Review Committee, 23745
Huntington's Disease and Its Consequences Control Commission, 4058
Maternal and Child Health Research Grants Review Committee, 23742
Neurological and Communicative Disorders Information Program Advisory Committee, 29205, 30379
Neurological Sciences Study Section, 54818
Public Advisory Committee, 38542
Recombinant DNA Molecule Program Advisory Committee, 47274

Environmental statements; availability, etc.:
Recombinant DNA molecule research guidelines, 38426
Heart, Blood Vessel, Lung and Blood Diseases, and Blood Resources Interagency Technical Committee; availability of annual report, 19747
Heart, Lung, and Blood National Institute; Director's third report; correction, 35009
Influenza Vaccine Test Program, 1976; conference, 54817
Kepone, carcinogenesis bioassay on; summary and availability, 14914
Mammalian DNA fragments, creation of bank of; inquiry, 55591
Meetings:
Aging National Advisory Council, 19150, 38542, 55591
Aging Review Committee, 12078, 19148, 23743, 45894
Allergy and Immunology Research Committee, 11064, 41773
Allergy and Immunology Study Section et al., 17805, 35552
Allergy and Infectious Diseases National Advisory Council, 4056, 8204, 19150, 33575, 35206, 37144, 54817
Allergy and Infectious Diseases National Institute, 16197
Animal Resources Advisory Committee, 17803, 38540, 55942
Arteriosclerosis and Hypertension Advisory Committee, 7802, 55590
Arteriosclerosis Specialized Centers of Research (SCOR) ad hoc Review Committee, 11064
Arthritis, Metabolism, and Digestive Diseases National Advisory Council, 3526, 17806, 55592
Arthritis, Metabolism, and Digestive Diseases National Institute, Board of Scientific Counselors, 4057, 32283
Arthritis and Related Musculoskeletal Diseases National Commission, 4057, 7540, 7802, 9237, 9585, 53374
Artificial Kidney-Chronic Uremia Advisory Committee, 4054, 8411, 9237, 32283, 47273
Automation in Medical Laboratory Sciences Review Committee, 11066
Bacterial Vaccines, Current Status and Prospects for Improved and New; symposium, 4059
Behavioral Sciences Research Contract Review Committee, 2105, 41773
Bioassay Models and Inhalation Toxicology Symposium, 37144
Biochemistry and physiology of Factor VIII workshop, 55593
Biomedical Library Review Committee, 19746, 41774
Blood Diseases and Resources Advisory Committee, 11065, 35208, 55590
Breast Cancer Task Force, 4054, 12079, 20435, 32281, 50515
Breast Cancer Treatment Committee et al., 23744
Cancer, Large Bowel, National Project Working Cadre, 6307
Cancer cause and prevention; workshop on application of field of immunology, 30378, 37144, 45895
Cancer Center Directors, 34668
Cancer Center Support Grant Review Committee, 20729
Cancer Centers Workshop, Comprehensive, Data Coordinators of, 38541
Cancer Control and Rehabilitation Advisory Committee, 14915, 30378, 32283, 32284, 39376
Cancer Control and Rehabilitation Interagency Coordinating Committee, 27996, 30378, 33575
Cancer Control Community Activities Review Committee, 16197, 19149, 27857, 33574, 43216, 50071
Cancer Control Grant Review Committee, 50071
Cancer Control Intervention Programs Review Committee, 16197, 19149, 27857, 33574
Cancer Control Supportive Services Review Committee, 2106, 16197, 19149
Cancer Immunodiagnosis Committee et al.; review of research contract proposals, 55592
Cancer Immunotherapy Committee, 2106, 11066, 19746, 27858
Cancer Immunotherapy International Meeting, 40214
Cancer Institute, National; advisory committees, , 2107, 2108, 3889, 4055, 6109, 9238, 16195, 16196, 17806, 18463, 18464, 27859, 32281, 32283, 44443, 44444, 44445, 50072, 50073, 53711, 54818
Cancer Institute, National; Board of Scientific Counselors, 33575, 37144
Cancer Institute, National; breast cancer detection-mammography, 29010
Cancer Institute, National; Cancer Biology and Diagnosis Division, 6108
Cancer Institute, National; Cancer Research, Resources and Centers Division, 33577
Cancer Institute, National; Cancer Treatment Division, 38542, 47273
Cancer Institute, National; Estrogens and Endometrial Cancer Workshop, 51882
Cancer Institute, National; Immunobiology Conference, 17805
Cancer Institutional Fellowship Temporary Review Committee, 9237, 38543
Cancer National Advisory Board, 4056, 17954, 18463, 27859, 32285, 44445, 54817
Cancer Panel, President's, et al., 9239, 12080, 14916, 23744, 37143, 48151
Cancer Project Working Cadre, National Large Bowel, 19746
Cancer Project Working Cadre, National Prostatic et al., 27860
Carcinogenesis Program, Division of Cancer Cause and Prevention, 2106
Cardiology Advisory Committee, 6107, 18463, 32284
Cell Membrane Structure and Function, Pathology Study Sections, 17805
Chemical/Biological Information-Handling Review Committee, 9237, 51882
Child Health and Human Development National Advisory Council, 6108, 17805, 33575, 33576
Child Health and Human Development National Institute, Board of Scientifc Counselors, 43216, 54817
Child Health and Human Development National Institute, Board of Scientific Counselors, 12079
Clinical Applications and Prevention Advisory Committee, 4056, 11065, 23743, 33574, 43217, 44443, 53709
Clinical Cancer Program Project Review Committee, 23743
Clinical Trials Review Committee, 11065, 16198, 27858, 44443
Combined Modality Committee et al., 38542
Communicative Disorders Review Committee, 14915, 17804, 38541
Comprehensive Sickle Cell Centers ad hoc Review Committee, 8411, 41774
Contraceptive Development Contract Review Committee, 43217
Contraceptive Evaluation Research Contract Review Committee, 6306, 30379
Coordinate Toxicology and Related Programs Committee, 2106
Dental Caries Program Advisory Committee, 2842, 17804, 41774, 47091
Dental Research Institutes and Special Programs Advisory Committee, 8204, 9001, 17953, 25043, 47273, 53710
Dental Research National Advisory Council et al., 6111, 17806, 27860, 35206, 53709
Dental Research National Institute, Scientific Counselors Board, 17804, 44726
Developmental Therapeutics Committee, 6307, 50072
Diabetes National Commission, 23743, 30379
Diagnostic Radiology Committee, 17804
Diagnostic Research Advisory Group, 18338
Digestive Diseases Advisory Council, 7441
Director, Advisory Committee to, 17803, 50515
DNA molecules, recombinant, support or conduct of research, 19746
DNA repair and carcinogenesis workshop, 45895
Educational Research National Council, 27773
Environmental Carcinogenesis Interagency Collaborative Group et al., workshop, 34669
Environmental Health Sciences National Advisory Council, 4055, 19151, 32284, 53710
Environmental Health Sciences National Institute, 4057, 5863, 18462, 53709
Enzyme Linked Immuno Specific Assay for Infectious Agents, 27858, 30379
Epilepsy Advisory Committee, 17805
Epilepsy and Its Consequences Control Commission, 13647, 19150, 23743, 27996
Experimental Therapeutics Study Section, 44444
Experimental Virology Study Section, 43217
Eye Institute, National, 17803, 48151
Eye National Advisory Council et al., 6108, 19151, 20436, 23744, 32284, 36678, 50073
Frederick Cancer Research Center Temporary Review Committee, 45894, 48152
Gastrointestinal Oncology Training Programs Guidelines Conference, 38541

INDEX

UMI

General Clinical Research Centers Committee, 17953, 41774, 56399
General Medical Sciences National Advisory Council, 6108, 20436, 35207, 56400
General Research Support Program Advisory Committee, 43217, 55942
Heart, Lung, and Blood National Advisory Council, 41449, 50072
Heart, Lung, and Blood National Institute Board of Scientific Counselors, 35207
Heart and Lung National Advisory Council, 6110, 19151, 27859
Heart and Lung National Institute Board of Scientific Counselors, 9239
Heart and Lung Research Review Committee A, 2107, 6107, 19150, 44444
Heart and Lung Research Review Committee B, 44445
High Blood Pressure Working Group, 8204, 19150, 32284, 51882
Huntington's Disease and its Consequences, Control Commission, 27421, 34668, 38807, 39827, 40213, 50515, 56399
Infectious Disease Committee, 4055, 38541, 48151
Influenza Vaccine Test Program, 1976, Conference, 54817
Influenza Vaccine Workshop, 44445
Kidney and Urinary Tract Diseases, Conference on Prevention, 12080
Lipid Metabolism Advisory Committee, 4055, 33575, 53710
Low Incidence Populations Workshop, 27860
Mammalian Cell Lines Committee, 11066, 34669, 45894
Maternal and Child Health Research Committee, 12079, 27858, 41775
Medical Laboratory Sciences Review Committee, 41775, 44063
Mental Retardation Research Committee, 27859, 48152
Minority Access to Research Careers Review Committee, 2107, 11065, 43217
Minority colleges and universities symposium, 45894
NANCDS, Council Planning Subcommittee, 4057
National Library of Medicine, Board of Regents, 4057, 17803, 33576, 54816
National Sickle Cell Education Symposium, 12079
Neurological and Communicative Disorders and Stroke National Advisory Council, 17806, 33576, 53710
Neurological and Communicative Disorders and Stroke National Institute, Board of Scientific Counselors, 6107, 27857, 32285
Neurological Disorders Program, Project A and B Review Committee, 14915, 14916, 35207
Pathobiological Chemistry Study Section et al., workshop, 34669
PCB's in mother's milk, EPA's sampling, 39376
Periodontal Diseases Advisory Committee, 2842, 17807, 47274
Pharmacology-Toxicology Research Program Committee, 11066, 20436, 43218, 56400
Population Research Committee, 11066, 19746, 43218
Primate Research Centers Advisory Committee, 19151, 38542
Pulmonary Diseases Advisory Committee, 13647, 33577, 50072
Pulmonary Specialized Centers of Research ad hoc Review Committee, 6307
Radiological Diagnosis of Cancer Research Program, 2843
Recombinant DNA Molecule Program Advisory Committee, 2105, 6307, 20437, 33577, 35010, 51882, 53711
Research and training grant awards; Heart, Lung, and Blood National Institute, 37144
Research Grants Division, Applied Physiology and Bioengineering, et al., 17954, 20729
Research Grants Division, Biomedical Communications Study Section, 2665
Research Grants Division, Pathology Study Sections, 17954
Research Resources National Advisory Council, 4055, 19746, 37143, 41137
Rod Anode Sources in Dental Radiography Workshop, 16198
Sickle Cell Disease Advisory Committee, 8411, 17807, 47274
Statistical Analysis and Quality Control Center, Temporary Committee, 17807
Toxicological Information Handling Symposium, 16197
Transplantation Immunology Committee, 45894
Tumor Promotion and Cofactors in Carcinogenesis Workshop, 34669
Virus Cancer Program, Annual Joint Working Conference, 38541
Virus Cancer Program Advisory Committee, 38543, 45895
Virus Cancer Program Scientific Review Committees A and B, 9239, 12080, 16198, 18465
Vision Research Program Committee, 12080, 45895
Whole Body Hyperthermia Symposium, 11066, 17807
PCB's in mother's milk, EPA's sampling; meeting, 39376
Platelet transfusions, single donor; scientific, legal, and ethical considerations; publication availability, 44445
Radiation development, grant and contract-supported; program establishment, 2106
Recombinant DNA molecule research; guidelines, 27902, 38426
Research contract proposals review; advisory committee meetings, 55592
Visiting scientist awards; program announcement, 48152

NATIONAL LABOR RELATIONS BOARD

RULES
Privacy Act; implementation, 1478
NOTICES
Appeals cases, table; refusal to issue complaints, 20740
Chairman's Task Force:
Interim Report and Recommendations 1976; availability, 49683
Organizational structure, procedures, etc.; inquiry, 1131
Meetings:
Chairman's Task Force, 28042, 41479, 55249
Privacy Act; systems of records, 39184

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

RULES
Atlantic fisheries, Northwest:
Commercial fisheries, regulated, 1067, 5399, 10067
Herring and mackerel; catch quotas, incidental taking, etc., 20885, 34047
Sea scallops, size limit for, 36662
Shrimp fisheries, offshore, 16806, 23680
Coastal zone management programs, 48113
Continental shelf:
Fisheries resources, 26019
Federal and federally-assisted programs and projects:
Intergovernmental and inter-agency coordination, 18069, 34017
Financial aid to fisheries:
Fees, 17912, 26694, 27843
Research and development; grant-in-aid program, 55535
Fishery conservation and management; Regional Fishery Management Councils, etc., 39436
Fishery products, processed:
Inspection and certification, 2395, 22818, 25015, 51796
Inflation impact statement, 24354
Marine mammals:
Endangered and threatened species; Hawaiian monk seals, 51612
Endangered and threatened species conservation; Federal/State cooperation, 24355
Endangered species parts and products; exemptions for pre-Act prohibitions, 34970, 35682, 36028
Incidental taking; commercial fishing operations for yellowfin tuna, 43550
Incidental taking of porpoises; limit, determining when reached, 23680, 43727, 45569, 47254
Incidental taking permits valid; American Tunaboat Association, 23205
Incidental taking permits voided, 21783, 22565
Pribilof Islands, administration, 49488
Taking and importation; Cape fur seals; waiver of moratorium, 7510, 30337, 36496, 51796, 54946
Taking and importation; Hawaiian monkseals; deplete species, 30120
Taking and importation; optimum sustainable population, definition clarification, 55536
Taking and importation; regulation violations; penalties and procedures for assessment, 20589
Taking and importation; State laws and regulations, approval and review, 36659
Marine sanctuaries:
Key Largo Coral Reef, 2379
Merchant marine and fisheries capital construction funds, 4258, 5810
Tuna, Atlantic fisheries, 8350, 20412, 22818, 26694, 27969, 29820, 32604
Tuna, Pacific fisheries, 11523, 24888

Uniform relocation assistance and real property acquisition policies; interim regulations, 41408
Weather modification activities; maintaining records and submitting reports, 23395
Wildlife transportation; assessment of civil penalties, 31825
PROPOSED RULES
Atlantic fisheries, Northwest:
Herring and mackerel; catch quotas, incidental taking, etc., 10451
Coastal energy impact program, 46724, 47089, 51425, 53673
Coastal zone management:
Administrative grants, 57004
Development grants, 53418
Federal consistency procedures, 42878, 50842
Interstate grants, 55786
Continental shelf:
Fishery resources, 19125
Fishery conservation and management:
Foreign fishing, 55905
Inflation impact statement, 46727
Marine mammals:
Endangered and threatened species; Hawaiian monk seals, 33922
Endangered and threatened species; sea turtles, similar appearing, 24380
Endangered and threatened species; totoaba, 56839
Incidental taking; commercial fishing operations for yellowfin tuna, 43729, 45015, 49507, 49859, 50458, 50842, 51052
Incidental taking of porpoises; determining when limit reached, 31227
Pribilof Islands, administration, 36507
Taking and importation; Cape fur seals; waiver of moratorium, 40167
Taking and importation; Hawaiian monk seals; depleted species, 24393
Taking and importation; optimum sustainable population, definition clarification, 44049
Taking and importation; seals and whales; waiver of moratorium, 15173, 21832, 22580, 36528
Merchant marine and fisheries capital construction funds, 4280
Tuna, Atlantic fisheries, 13364
Tuna, Pacific fisheries, 4942
Weather modification activities; maintaining records and submitting reports, 8064
NOTICES
Authority delegations:
National Marine Fisheries Service Director, 46361
Coastal Zone Management Office; meetings, 49876, 50710
Deep Ocean Mining Environmental Study Program; meeting with mining firms, 7801
Endangered species parts or products; certificates of exemption:, 39366, 42968, 48390, 48391, 50313, 52099, 54210, 55737, 56686, 56687
Endangered species permits; applications, 3767, 5413, 7439, 11858, 14204, 14205, 14206, 16677, 18695, 24621, 29008, 29739, 34335, 37385
Environmental statements; availability, etc.:
Coastal zone management, Calif., 41951, 44205
Coastal zone management, Hawaii; hearing, 14567, 19244
Coastal zone management, Oreg., 9907, 14204, 34335
Fishery conservation and management, 37639, 48763
Foreign fisheries, potential; hearings, 47570, 47571
Fishery management plans, preliminary; preparation; meeting, 35087
Fishery market news reports; inquiry, 9583
Fishery transfer applications:
Borovina, Mike, 19148
Gordon, Virgil L., 43214
Owen, David C., 56213
Pan-Alaska Fisheries, Inc., 5646
Trawler John J. Nagle, Inc., 22619
Fishing by foreign vessels in U.S. waters; fee schedule draft, 55925, 56879
Herring season closure; Pelagic fisheries, 51647
Marine mammal permit applications, etc.:
Alaska, Department of Fish and Game, 4843, 11594
Allen, Dianna W., 16676, 32623
American Tunaboat Association, 32624
Aquarium of Cape Cod, Inc., 11593, 23741
Aquatic Mammal Enterprises, 2841, 29738
Audubon Park and Zoological Garden, 45893, 56879
Baltimore Zoo, 16676, 32624
Beardsley Zoological Gardens, 29007, 40203
Brookfield Zoo, 2841
Coastal Marine Laboratory, 10247
Detroit Zoological Park, 21665, 36529
El Paso Zoological Park, 4843, 10247
Elsner, Robert, 14205, 34336
Fisherman's Marketing Association of Washington, 3887, 10248
Flanigan, Norbert J., 50463
Fouke Co., 1936, 14204, 21665, 48149, 54790
Hain, Dr. James H. W., Sea Education Association, 23741, 48390, 50464
Hall, John D., 16997, 29739
Henry Doorly Zoo, 28565, 40203
Irvine, Blair, 30152
Johnson, Murray L., 7167
Kahala Hilton, 28565, 55569
Kings Productions, Taft Broadcasting Co., 36529, 43429
Kooyman, Gerald L., 29007, 37384, 41735, 48390
Long Island Game Farm and Zoo, 24440
Los Angeles County Museum of Natural History, 32624
Marine Animal Productions, Inc., et al., 11594, 23742
Marine Resources Department, Maine, 22394, 50464
Mate, Bruce, 16676, 20605, 32624
Metroparks Zoo, 24927, 36529
Montreal Aquarium, 29739, 41736
Morro Bay Aquarium, 31247
Museum of Natural History of Los Angeles County, Calif., 22394
Mystic Marine Aquarium, 20605
Mystic Marinelife Aquarium, 44062, 48391
National Marine Fisheries Service, 3496
National Zoological Gardens of Sri Lanka, 6786
Naval Undersea Center, Biosystems Research Department, 24440, 56686
New England Aquarium, 56686
New York Zoological Society, 24927
Norris, Kenneth S., 28566, 35008, 44062
Northwest Fisheries Center, 6106, 10248, 11593, 14204, 15356, 25920, 32623, 41736, 54970
Ocean Wonderworld, 48764
Ocean World, Inc., 4844
Oklahoma City Zoo, 31248, 43429
Pan-Alaska Fisheries, Inc., 10248
Point Reyes Bird Observatory, 20903, 32624
Port Elizabeth Museum, 36529, 48391
Quinlan Marine Attractions, 2841, 54971
Ray, G. Carleton, and Douglas Wartzok, 13644, 25920
Rio Grande Zoological Park, 51861
Roger Williams Park Zoo, 48391
Scarpuzzi, Louis, Enterprises, Inc., 37384, 55569
Sea Education Association, 32625, 37385
Sea-Arama, Inc., 40204
Sea-World, Inc., 20904, 40204, 56879
Sealand of Cape Cod, Inc., 40529
Seneca Park Zoo, 23742
Shallenberger, Edward W., 55927
Shane, Susan, 10940, 21665
Sinha, Dr. Akhouri A., 13645, 23742
Siniff, Donald B., 46498
Six Flags Over Texas, 40204
Southwest Fisheries Center, 28566, 54971
Swartz, Steven L., 44063, 55569
Texas Instruments, Inc., 45037
Theater of the Sea, Inc., 14205, 29008, 54971
Twentieth Century-Fox Marineland, Inc., 11594, 20904
United Fisherman of Alaska, 4844
University of Florida, 5413
Waikiki Aquarium, 45037
Watkins, William A., and William E. Schevill, 13645, 25920, 25921
Windsor Safari Park Ltd., 16677, 29009
Winn, Howard E., 7439
Zoological Society of Buffalo, Inc., 45037, 55569
Marine Mammal Protection Act; report on administration, 30152
Marine mammals:
International program; report of NOAA/FWS task force, 34335
Meetings:
Caribbean Regional Fishery Management Council, 37640, 43428, 50046, 55925
Climate and Health Workshop, 20435
Coastal Zone Management Advisory Committee, 16193, 31584, 43429
Coastal Zone Management Office, 50710
Coastal Zone Management Program, Washington, 49876
Deep Ocean Mining Environmental Study Program, 7801
Fishery Management Regional Councils, conference, 34660
Foreign fisheries, potential; environmental statements, 47570, 47571
Gulf of Mexico Fishery Management Council, 37827, 44876, 51646, 54211

INDEX

UMI

Gulf Regional Fishery Management Council, 44876
International Marine Mammal Program, 16193
Marine Fisheries Advisory Committee, 3329, 12322, 16996, 20605, 27995, 42690
Marine Fisheries Service, National, 19744, 20605, 35087, 54210
Marine Fisheries Service, National, and Marine Mammal Commission, 7168
Marine Petroleum and Minerals Advisory Committee, 1506, 3329, 19744
Marine turtle program, 44877
Mid-Atlantic Regional Fishery Management Council, 37640, 41445, 43429, 50047, 52330, 55219, 56878
New England Regional Fishery Management Council et al., 37827, 39057, 40528, 41446, 43753, 46038, 47571, 48764, 53524, 54211, 55219
New York Bight MESA Advisory Committee, 50464
North Pacific Regional Fishery Management Council, 37828, 50047, 50463, 50464
Oceans, commercial development, 18696, 21389
Pacific Regional Fishery Management Council, 37828, 48764, 48765, 52511, 52512, 53525, 55927, 56878
Sea Grant Advisory Panel, 794, 7540, 18695, 44439
South Atlantic Regional Fishery Management Council, 37828, 44877, 48392, 51647, 52331, 56878
State fish and wildlife directors from coastal and Great Lakes States, 5413
Western Pacific Regional Fishery Management Council, 37829, 52331
Merchant Marine and Fisheries Capital Construction Funds; applicable rates of interest on nonqualified withdrawals, 28565
Oceans, commercial development; conference, 18696, 21389
Porpoise; incidental taking in commercial fishing operations, 14401, 42690
Porpoise mortality, progress in reducing; meeting, 20605
Salmon fisheries, pink and sockeye salmon, of Fraser River System; Canada-U.S. convention for 1976 season, 22392
Sea Level Datum of 1929; proposed name change to National Geodetic Vertical Datum of 1929, 20202
Sea turtles; green, loggerhead, Pacific ridley; hearing, 5413
Seal skins, Cape fur; importation moratorium waiver, 7537, 10940, 15437
Shrimp and snapper-grouper; fishing in Mexican Gulf of Mexico waters; agreement, 54210
Tuna, Atlantic Bluefin:
  Season closure, 39057, 41446
  Tagging operations closed, 31584
  Territorial sea; effect of regulations, 8092
Tuna, yellowfin; season closure, 11595
Turtle program, marine; meeting, 44877

NATIONAL PARK SERVICE

RULES

Airstrips designated:
  Glen Canyon National Recreation Area, Ariz.; correction, 27723
  Lake Mead National Recreation Area, Ariz.-Nev.; closure, 11505
Alcoholic beverage drinking:
  Petersburg National Battlefield, Va., 40107
Camping requirements:
  Shenandoah National Park, 10894
Fishing:
  Katmai National Monument, Alaska, 24123
  Mount Rainer National Park, Wash., 14863
  Rocky Mountain National Park, Colo., 24123
Gliders, powerless flying devices; prohibition without permit, 9553
Gulf Islands National Seashore, Fla. and Miss.; seaplanes and amphibious aircraft operation, 29120
Historic Places National Register, 1592, 5904
Mining and mining claims; interim regulations, 49824
National Capital Parks:
  Bicycling, roller skating and coasting, 42661
  Demonstrations and special events permits, 12879, 16147
  Soliciting, advertising sales, 34749
Off-road vehicle use:
  Gateway National Recreation Area, 19220
Oversand vehicles:
  Assateague Island National Seashore, Md. and Va., 15008, 15690
Ozark National Scenic Riverways, Mo.; business operations, 23959
Pet restrictions; dogs, cats, etc.:
  Rocky Mountain National Park, Colo., 49629
Public use and recreation:
  Closures and restrictions, 4537
  Smoking in caves, 45564
Snowmobile routes designation:
  Crater Lake National Park, Oreg., 33263
  Mount Rainier National Park, Wash., 33264
Vehicle maintenance:
  Petersburg National Battlefield, Va., 40107

PROPOSED RULES

Commercial and private operations:
  Trips in National park areas, 24892
El Portal administrative site; Yosemite National Park, Calif., 1600
Fishing:
  Blue Ridge Parkway, N.C. and Va., 12304
  Katmai National Monument, Alaska, 7110
Gulf Islands National Seashore, Fla. and Miss.; seaplanes and amphibious aircraft operation, 13940
Historic Places National Register; inclusion eligibility request procedures, 17688
Inflation impact statement, 46452
Lake Mead National Recreation Area, Arizona-Nevada; water safety, 11530
Mining and mining claims; interim regulations and proposal, 49862
National Capital Parks:
  Bicycling, roller skating and coasting, 11530
  Soliciting, advertising, sales, 14526
Off-road vehicle use:
  Gateway National Recreation Area, 2826
Ozark National Scenic Riverways, Mo.; business operations, 13612
Pet restrictions; dogs, cats, etc.:
  Isle Royale National Park, Mich., 46452
  Rocky Mountain National Park, Colo., 28291
Snowmobile routes designation:
  Crater Lake National Park, Oreg., 7950
  Mount Rainier National Park, Wash., 8496
  Sequoia and Kings Canyon National Parks, Calif., 12304
Whitewater boat trips:
  Colorado River, Grand Canyon National Park, Ariz., 24714

NOTICES

Authority delegations:
  Appomatox Court House National Historical Park, Va., Administrative Technician, 2837
  Arizona Archeological Center, Administrative Officer, 5410
  Blue Ridge Parkway, Va. and N.C., Administrative Officer, et al., 23986
  Boston National Historical Park, Mass.; Administrative Officer, 52548
  Cape Cod National Seashore, Mass., Administrative Officer, et al., 2836
  Chamizal National Memorial, Tex., Administrative Officer, 2836
  Chickasaw National Recreation Area, Okla., Administrative Officer, 19992
  Colonial National Historical Park, Va., Administrative Officer, et al., 2836
  Colorado National Monument, Colo., Administrative Assistant, 33314
  Construction Contracts Branch Chief, Contract Administration Division, Denver, et al., 7158
  Cumberland Gap National Historical Park, Ky., Administrative Officer, 35735
  Curecanti National Recreation Area, Colo., Administrative Officer, et al., 2836
  Denver Service Center, Manager, 35202
  Gateway National Recreation Area, Administrative Officer, et al., 7158
  George Washington Carver National Monument, Mo., Administrative Technician, 19993
  Grand Teton National Park, Wyo., Administrative Officer, et al., 19993
  Gulf Islands National Seashore, Administrative Officer, et al., 19992
  Harpers Ferry Center, Assistant Manager, Administration, et al., 22613
  Harpers Ferry Center, Manager, 17587, 35202
  Klamath Falls Group, Administrative Officer, et al., 23986
  Lake Mead National Recreation Area, Land Acquisition Officer, 19993
  Lyndon B. Johnson National Historic Site, Administrative Officer, et al., 19993
  Manhattan Sites, N.Y.; Administrative, 52548
  Mesa Verde National Park, Colo., Administrative Officer, et al., 33315
  Midwest Region Superintendents et al., 19993
  National Capital Parks, Director, 35202
  New York Group, Administrative Officer and Procurement Agent, 2836
  Officers or employees to maintain law and order, 44876
  Pacific Northwest Region, Superintendents, et al., 50357
  Regional directors, 20602, 28332, 35203
  Rocky Mountain Region, Superintendents, et al., 19994, 34799
  Sagamore Hill National Historic Site, N.Y.; Administrative Technician, 52548

  Southeast Region, Superintendents, et al., 50357
  Southwest Region, Associate Regional Director, Administration, 50356
  Statue of Liberty National Monument, N.Y.; Administrative Officer, 52548
  Western Region, Superintendents, et al., 50357
  White Sands National Monument, N. Mex., Administrative Technician, 23986
  Wind Cave National Park, S. Dak., Administrative Officer, et al., 2836
Boundary descriptions:
  Grand Canyon National Park, Ariz.; wilderness establishment hearings, 30358
  Upper St. Croix National Scenic Riverway, Wisc. and Minn., 15881
Cape Lookout National Seashore, establishment, 39363
Committees; establishment, renewals, etc.:
  Cape Cod National Seashore Advisory Commission, 20725
Concession contracts, standard language; inquiry, 28809, 32932
Concession permits, etc.:
  Amistad Recreation Area, 4946
  Anacostia Marine, Inc., 13971
  Badlands National Monument, 35082
  Blue Ridge Parkway, N.C., 33571
  Blue Ridge Parkway, Va., 22613
  Cape Hatteras National Seashore, 5330
  Castillo de San Marcos National Monument, 37138
  Chamizal National Memorial, 1622
  Fire Island National Seashore, 8517, 12313, 17588
  Fort Sumter National Monument, 53855
  George Washington Birthplace National Monument, 52108
  Grand Canyon National Park, Ariz., 21829, 39806
  Grand Portage National Monument et al., Minn., 55595
  Grand Teton National Park, Triangle X Ranch, 52108
  Great Smoky Mountains National Park, 50499
  Hot Springs National Park, 11047
  Lake Chelan National Recreation Area, 3327
  Olympic National Park, 5329, 43748
  Overton Beach, Lake Mead National Recreation Area, 35082
  Ozark National Scenic Riverways, 789
  Shenandoah National Park, Va., 56241
  Whiskeytown National Recreation Area, Calif., 44875
Development concept plans, etc.:
  Lake Mead National Recreation Area, 48388
Environmental statements; availability, etc.:
  Acadia National Park, Maine, 24926, 31582, 48148
  Alibates Flint Quarries National Monument, Tex., et al., 21385
  Bandelier National Monument, N. Mex., 11046
  Big Thicket National Preserve, Tex., 11591
  Biscayne National Monument, 19356, 31581
  Cedar Breaks National Monument, Utah, 53375
  Chaco Canyon National Monument, N. Mex., 56241
  Chesapeake and Ohio Canal National Histroical Park General Plan, 14552
  Cumberland Island National Seashore, Ga., 17949, 47086
  Cuyahoga Valley National Recreation Area, Ohio, 55595
  Delaware Water Gap National Recreation Area, 29193
  Fort Larned National Historic Site, Kans., 45035
  Fort Smith National Historic Site, Ark., 6295, 45035
  Fort Sumter National Monument, S.C., 47979
  Fort Vancouver National Historic Site, Wash., 16673
  Franklin Delano Roosevelt Home, National Historic Site, 5855
  Glen Canyon National Recreation Area, 16674
  Grand Canyon National Park, Ariz., 11047, 30358
  Guadalupe Mountains National Park, Tex., 8992, 16991
  Gulf Islands National Seashore, Miss., 47979
  Independence National Historical Park, Pa., 11046
  Longfellow National Historic Site, Mass.; extension of time, 1623
  Mammoth Cave National Park, Wilderness, Ky., 21255
  McKinley Park, Mount McKinley National Park, Alaska, 19146
  Mount Rainier National Park, Wash., 8403
  Pacific Northwest Region, 15881
  Pictured Rocks National Lakeshore, Mich., 40528
  St. Croix National Scenic Riverway, Minn. and Wisc., 27988
  Taft, William H., National Historic Site, Ohio, 41733
  Wilson's Creek National Battlefield, Mo., 53375
Environmental statements; prior preparation and processing activity standards; rescinded, 20601
Historic Places National Register, 5915
Historic Places National Register; additions, deletions, etc., 5841, 5902, 7159, 8086, 8992, 9248, 10115, 11048, 12075, 13383, 14553, 14559, 15432, 16587, 17587, 18447, 18454, 19240, 19993, 20430, 21386, 22135, 22145, 22973, 24197, 25040, 26726, 27747, 27757, 28331, 28815, 29891, 31246, 32450, 32458, 33571, 34800, 35736, 36675, 37623, 37632, 39054, 41124, 42686, 42687, 43928, 43936, 44717, 46034, 46893, 48139, 48147, 49542, 50498, 51668, 52547, 53506, 53516, 54996, 55594, 56403
Lands, transfer of jurisdiction from Agriculture Department; Superior National Forest; correction, 791
Management planning workshops, etc.:
  Bandelier National Monument, N. Mex., 51128
  Black Rock Canyon Campground, Joshua Tree National Monument, Calif., 22135
  Canaveral National Seashore, 31921
  Cuyahoga Valley National Recreation Area, 26591
  Death Valley National Monument, 14912
  Fire Island National Seashore, 26236
  Gateway National Recreation Area, N.Y., 15434
  Grand Canyon National Park, Ariz., 7158
  Haleakala National Park, Ohe'e's, Kipahulu District, 27758
  John Day Fossil Beds National Monument, 24742
  Lyndon B. Johnson National Historic Site, 31581
  Medicine Lake Highlands, etc., 17796
  Mesa Verde National Park, 15045
  Olympic National Park, Wash., 20602
Management policy review; inquiry, 37622
Meetings:
  Appalachian National Scenic Trail Advisory Council, 2268, 4609, 11047, 18691
  Biscayne National Monument, 19356
  Blue Ridge Parkway Extension, N.C.; workshops, 3326
  Boston National Historical Park Advisory Commission, 11844, 49682
  Canaveral National Seashore, 31921
  Canaveral National Seashore Advisory Commission, 28815, 36528
  Cape Cod National Seashore Advisory Commission, 1504, 12312, 40201, 50075
  Cape Lookout National Seashore, N.C., 34799
  Chesapeake & Ohio Canal National Historical Park Commission, 8517, 18691, 25918, 35873, 46357
  Cuyahoga Valley National Recreation Area, 26591
  Cuyahoga Valley National Recreation Area Advisory Commission, 4946, 18447, 34659
  Fire Island National Seashore, N.Y., 29736
  Fort Larned National Historic Site, 789
  Fort Vancouver National Historic Site, Wash., 43211
  Gateway National Recreation Area Advisory Commission, 16841, 22614, 27098, 31581, 39806, 41443, 48799, 55595
  Golden Gate National Recreation Area Advisory Commission, 1623, 7436, 17949, 22972, 38534, 52344
  Gulf Islands National Seashore Advisory Commission, 40201
  Haleakala National Park, Ohe's Kipahulu District, 27758
  Independence National Historical Park Advisory Commission, 8517, 23441, 37138, 51667
  Indiana Dunes National Lakeshore Advisory Commission, 16841
  Lake Mead National Recreation Area, 48388
  Mid-Atlantic Regional Advisory Committee, 13971, 39054
  Midwest Regional Advisory Committee, 789, 16990, 31581, 55946
  Minute Man National Historical Park Advisory Commission, 21385
  National Capital Memorial Advisory Committee, 5854, 12312, 24742
  National Parks, Historic Sites, Buildings and Monuments Advisory Board, 11331, 18446, 22135, 26726, 38534
  National Survey of Historic Sites and Buildings Consulting Committee, 5410, 34086
  North Atlantic Regional Advisory Committee, 7159, 19146, 35736

UMI

Organ Pipe Cactus National Monument, Ariz., 11190
Ozark National Scenic Riverways Advisory Commission, 39055
Pacific Northwest Regional Advisory Committee, 7797, 40201
Pictured Rocks National Lakeshore Advisory Commission, 21387, 46358
Recovery of Archaeological Remains Committee, 10937
Rocky Mountain Regional Advisory Committee, 15045, 34799, 54997
Sleeping Bear Dunes National Lakeshore Advisory Commission, 789, 9249, 32279, 42687
Southeast Regional Advisory Committee, 15045, 22390, 44717
Southwest Regional Advisory Committee, 9407, 24742, 44875
Stones River National Battlefield and Cemetery, 29736
Taft, William Howard, National Historic Site, 7162
Western Regional Advisory Committee, 8517, 19146, 36226, 50499
Mining claims, unpatented; recordation, 46357
Minute Man National Historical Park; establishment, 18447
Natural Landmarks National Registry, 5651, 22972
Potomac River bed, D.C., permit requirements, 34801
Procurement actions; legal review, 16991
Public use and recreation restrictions:
Aesateague Island National Seashore, 19707
Navajo National Monument, 45598
Pacific Northwest Region, 23736
Snowmobile routes and areas:
Bryce Canyon National Park, Utah, 9407
Cedar Breaks National Monument, Utah, 53145
Glacier National Park, Mont., 18334
Grand Teton National Park, Wyo., 55945
Pictured Rocks National Lakeshore, Mich., 40528
Rockefeller, John D., Jr. Memorial Parkway, 55946
Rocky Mountain National Park and Shadow Mountain National Recreation Area, Colo., 1933
Visitor transportation services; National Capital Parks, 3885, 27098

NATIONAL SCIENCE FOUNDATION

RULES
Project notification and review system; notification to States of award information, 8172, 19644

PROPOSED RULES
Privacy Act; implementation, 56340
Sunshine Act; implementation, 54956

NOTICES
Committees; establishment, renewals, etc.:
Alan T. Waterman Award Committee, 14952
Earthquake Prediction and Hazard Mitigation Advisory Group, 18730
Engineering Chemistry and Energetics Advisory Panel, 54569
Engineering Mechanics Advisory Panel, 54569
Ethnic minority participation in science and engineering; meeting, 54569
Law and Social Sciences Advisory Panel, 30070
Linguistics Advisory Panel, 5461
Memory and Cognitive Process Advisory Panel, 25054
National Science Foundation Advisory Council, 7824
Policy Research and Analysis Division Advisory Panel, 51477
Research Advisory Committee, 46911
Research Applications Policy Advisory Committee et al., 34124
Sacramento Peak Observatory Special Advisory Committee, 22997
Science Applications Task Force, 50876
Science Education Projects Advisory Panel, 44477
Science for Citizens Advisory Committee, 51150
Science Information Activities Task Force, 51477
Sensory Physiology and Perception Advisory Panel, 25055
Utility Advisory Panel, 9423
Very Large Array Ad Hoc Advisory Panel, 47114
Continuing education for scientists and engineers, problems; workshop, 51888
Deep Sea Drilling Project; organic geochemical studies of ocean core sediments; availability, 34833
Environmental statements; availability, etc.:
Anarctica, U.S. Program, 48423
Ross Ice Shelf Project, 28043
Ethics and values in science and technology; meeting, 49557
Meetings:
Alan T. Waterman Award Committee, 15380
Anthropology Advisory Panel, 5686, 20027, 44757
Anticipated Advances in Science and Technology Advisory Group et al., 8129, 9423, 12097, 12359, 14436, 21848, 22165, 29232, 29763
Astronomy Advisory Panel, 8434, 36553, 40570, 46389, 55756
Chemistry Advisory Panel, 11894, 33338
Computer Science and Engineering Advisory Panel, 17431, 47114
Contributions of Technology to Economic Strength Advisory Group, 3514, 7599, 8129, 8434, 9423, 11894, 12097, 14436, 21228, 21413, 22165, 29763
Developmental Biology Advisory Panel, 5871, 21848
Earth Sciences Advisory Panel, 7998, 24002, 49557
Earthquake Prediction and Hazard Mitigation Advisory Group, 21848, 24781, 30404
Ecological Sciences Advisory Panel, 43254
Economics Advisory Panel, 7165, 21228, 46911
Electrical Sciences and Analysis Advisory Panel, 5686
Energy Facility Siting Advisory Committee, 3918
Engineering Chemistry and Energetics Advisory Panel, 2127
Environmental Biology Advisory Panel, 3918, 18938
Ethical and Human Value Implications of Science and Technology Advisory Committee, 14218, 38828
Ethics and values in science and technology, 49557
Ethnic minority participation in science and engineering, 54569
Genetic Biology Advisory Panel, 8128, 8434, 26280, 46911
Geographical Research, workshop, 14951
History and Philosophy of Science Advisory Panel, 5871, 21530, 46521
Human Cell Biology Advisory Panel, 8839, 55949
International Decade of Ocean Exploration Proposal Review Panel, 8549, 24638, 29763, 32673, 46521, 49202, 50078
Law and Social Sciences Advisory Panel, 46063
Linguistics Advisory Panel, 18174, 43968
Long Run Energy Demand Workshop, 21848
Magnet Laboratory Visiting Committee, National, 51635
Materials Research Laboratories Advisory Panel, 45919
Mathematical Sciences Advisory Panel, 22426, 44477, 56422
Memory and Cognitive Processes Advisory Panel, 44232
Metabolic Biology Advisory Panel, 6808, 22426, 44477
Metallurgy and Materials Advisory Panel, 14952
Minority Institutions Science Improvement Program (MISIP) project directors, 46063
Minority Institutions Science Improvement Program (MISIP) Subpanel, 11221
Molecular Biology Advisory Panel, 7599, 26280, 45072
National Medal of Science, President's Committee, 52729
National Science Board, 21413, 45919, 50078, 52728, 54039
Neurobiology Advisory Panel et al., 2127, 3145, 20741, 21413, 43968
Oceanography Advisory Panel, 3788, 24780
Oceanography Project Support Advisory Panel, 40570
Physics Advisory Panel, 17823, 50078
Political Science Advisory Panel, 20625, 44900
Psychobiology Advisory Panel, 2870, 3145, 18730, 43476
Radiocarbon dating problems in archaeology; conference, 30404
Regulatory Biology Advisory Panel, 5871, 20931, 42709
Research Advisory Committee, 15, 1343, 7998, 8839, 43254, 56873
Research Applications Policy Advisory Committee, 20931, 50078
Research Applied to National Needs Program, symposium, 44757
Research initiation and support program, 48612
Sacramento Peak Observatory Ad Hoc Advisory Committee, et al.; closed meeting reports, 18478

Sacramento Peak Observatory Special Advisory Committee, 27450, 40570, 51150
Science Applications Task Force, 54258
Science Education Advisory Committee, 26280, 46521
Science Education Development and Research Division, 41761
Science Education Projects Advisory Panel, 15, 3515, 3919, 4365, 4645, 5152, 7165, 7998, 8549, 10094, 10481, 10718, 12097, 12359, 14020, 14952, 15071, 17632, 44478, 45626, 52566, 55393, 56873
Science for Citizens Advisory Committee, 55949
Science Information Activities Task Force, 55613
Science Programs ad hoc Advisory Group, 8236
Science teachers continuing education for elementary and secondary school, 42710
Scientific and Technical Information Managers, Federal Agency, 7164, 13678, 19383, 37858, 44079, 49557
Sensory Physiology and Perception Advisory Panel, 44079
Social and Developmental Psychology Advisory Panel, 44232
Social Psychology Advisory Panel, 5686, 19790
Sociology Advisory Panel, 6808, 20224, 41760
Student-originated studies program, project directors, 52566
Systematic Biology Advisory Panel, 1820, 19164, 44757
Systematic Biology and Ecological Sciences Advisory Panels, 46389
Systematic Biology and Environmental Biology Advisory Panels, 17432
Undergraduate Science Education Comprehensive Assistance, 34712, 36848
Utility Advisory Panel, 4645, 8839, 27451, 42710
Utility industry structure, factors affecting, workshop, 8236
Weather Modification Advisory Panel, 51149
Pre-college curriculum development projects, advisory group report; availability, 26280
Privacy Act; systems of records, 22426, 26614, 47384
Public service science residencies and internships; availability of draft program announcements, 55392
Radiocarbon dating problems in archaeology; conference, 30404
Research initiation and support program; meeting, 48612
Science for Citizens Programs; availability of materials, 53867
Science teachers, continuing education for elementary and secondary school; meeting, 42710
Scientific and technical information managers, Federal; meeting, 7164, 13678, 19383, 37858, 44079, 49557
Small business concerns; research applied to National needs program, 2450
Student-originated studies program, project directors' meeting, 52566

NATIONAL SHIPPING AUTHORITY

RULES
National defense regulations, redesignation, 22562, 22563

NATIONAL STUDY COMMISSION ON RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS

See Records and Documents of Federal Officials, National Study Commission.

NATIONAL TECHNICAL INFORMATION SERVICE

NOTICES
Inventions, government-owned; availability for licensing, 4052, 4053, 7467, 7468, 7469, 7470, 7472, 7473, 8201, 8203, 8204, 9250, 9252, 9253, 9254, 9256, 9258, 9259, 15723, 15725, 15726, 15728, 15729, 17799, 17800, 19358, 19360, 19361, 32625, 32626, 32627, 32629, 32630, 32631, 32632, 32633, 39366, 39367, 39368, 39369, 39370, 39371, 39372, 39373, 39374, 46361, 46362, 47090, 54790, 54791, 54792, 54793, 54794, 54795
Products and services, sales; Australia, 46363

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

See Transportation Policy Study, National Commission.

NATIONAL TRANSPORTATION SAFETY BOARD

RULES
Accidents, aircraft:
Practice rules and investigations, 39758, 41703
Reporting of accidents and incidents, 39758, 41703
Accidents, railroad; notification, 13925
Accidents, surface transportation:
Practice rules, 39759, 41703
Conduct standards, 39758, 41703
Information, availability, 16804, 39753, 39759, 41703
Organization and functions, information availability, etc.; reorganization, 39753, 41703
Privacy Act; implementation, 22358, 39758, 41703, 43154
Seal, official, 39758, 41703

PROPOSED RULES
Accidents, railroad; notification, 5298
Information, availability; fee schedule, 11565, 34082
Marine casualty investigations; Coast Guard and NTSB, 56837
Privacy Act; implementation, 15874

NOTICES
Aircraft accidents; investigation hearings, 5352, 21713
Aviation safety statistics, civil recommendations and responses; availability, 5352
Highway accidents; investigation hearings, 27137
Marine accidents; investigation hearings, 41767
Privacy Act; systems of records, 1820, 10482, 12626, 16928, 16929, 52038
Safety recommendations and accident reports; availability, responses, etc., 15, 1547, 2284, 3357, 4365, 6336, 7599, 8435, 9423, 10481, 11366, 12359, 14020, 14952, 15922, 16893, 17974, 18730, 19791, 20746, 21713, 22427, 23487, 24639, 26078, 27135, 28043, 29222, 30215, 31625, 32794, 34125, 35088, 36091, 37165, 38556, 39845, 41767, 43254, 44235, 45073, 46526, 47290, 48616, 49903, 50878, 52115, 52926, 53874, 55001, 55954, 56739

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

RULES
Commission operations and relocation procedures, 49982

PROPOSED RULES
Commission operations and relocation procedures, 38523

NAVY DEPARTMENT

RULES
Claims:
Administration of various Acts, provisions, etc., 26864
Admiralty, 26866
Affirmative, 26866
Foreign, 26866
Personnel, 26865
Property injuries, 26866
Conduct standards, 29809
Definitions, personnel functions, etc., 18073
Government inventions in custody of Navy Department, licensing, 55712
Hunting and fishing at Marine Corps Base, Quantico, Va., 22345
Islands under Navy jurisdiction; organizational changes, etc., 28957
Midway Island Code; administrative, criminal, and civil provisions, 29672
Navigation lights:
Submarine identification light display, 29119
Waivers, 26857
Organization and functions, 21775
Personnel:
Civilian employees; payment of allowances and differentials, 26864
Courts-martial manual supplement, 26857
Defense related employment; reporting procedures, 34746
Delivery; service of process and subpoenas; record production, 26860
Legal assistance, 26863
Medical and dental care, nonnaval, 30636
Medical facilities; trainees from accredited nonfederal institutions, 31378
Mentally incompetent, payments to, 26862
Naval Academy, appointment as midshipment; procedures and requirements, 41083
Naval Reserve Officers Training Corps, 27320
Physical disability; disposition of cases, 29814, 32742

INDEX

UMI

Privacy Act; implementation, 50662
Procurement directives, 55511
Property disposition, 26008
Public affairs:
  Financial transaction, personal; indebtedness and responsibility of naval personnel, 30115
  Practices and procedures, 29101
Relocation assistance and real property acquisition policies, 29119

PROPOSED RULES

Claims:
  Salvage, affirmative, 36666
Petroleum and oil shale reserves, Naval, 18860
Privacy Act; implementation, 51849

NOTICES

Committees; establishment, renewals, etc.:
  Naval Weapons Center Advisory Committee, 14805
  Underwater Sound Advisory Committee, 14548
Discharge review system, regional; hearing locations, 29190, 31242, 55376
Meetings:
  CNO Command and Control and Communications Advisory Committee, 16489
  CNO Executive Panel Advisory Committee, 1502, 10932, 11329, 16667, 27397, 35544, 39799, 44432, 45854, 50465, 55375
  Education and Training Advisory Board, 1503, 27397, 55376
  JANNAF Combustion Advisory Committee, 37137, 39054
  Marine Corps, Professional Education Advisory Committee, 16489
  Marine Corps History, Commandant's Advisory Committee, 35079
  Naval Academy, Academic Advisory Board, 44432
  Naval Academy, Board of Visitors, 10691, 44432
  Naval History Advisory Committee, 44873
  Naval Postgraduate School, Board of Advisors to Superintendent, 42682
  Naval Research Advisory Committee, 791, 7967, 23215, 41932, 50465
  Naval War College, Board of Advisors to President, 41727
  Naval Weapons Center Advisory Committee, 31242
  Navy Resale System Advisory Committee, 17949, 48563
  Oceanographic Advisory Committee, 23436
  Professional Education Advisory Committee, 51647
  Telecommunications, CNO Industry Advisory Committee, 3884
  Underwater Sound Advisory Committee, 34797, 47085, 52715
Natural gas rates establishment; Naval petroleum reserves, South Barrow, Alaska, 30140
Privacy Act; systems of records, 28807
X-ray trends organ dose index system; memorandum of understanding with FDA, 18459

NEW COMMUNITIES ADMINISTRATION

NOTICES

Environmental statements; availability, etc.:
  Gananda New Community Project, 39058, 41940

NEW COMMUNITY DEVELOPMENT CORPORATION

RULES

Bylaws; membership and quorum, 20396

PROPOSED RULES

Inflation impact statement, 35978
Public and private new community development; financing, 35978

NOTICES

Board of Directors, member appointment, 43223

NUCLEAR MATERIALS

See Energy Research and Development Administration.
Environmental Protection Agency.
Nuclear Regulatory Commission.

NUCLEAR REGULATORY COMMISSION

RULES

Advisory committees; change in duplication cost reference, 55851
Air transportation and packaging of radioactive materials; continuation of shipments during pendency of rulemaking proceeding, 5627
Effluent monitoring and reporting requirements, 21627
Environmental protection; licensing and regulatory policy and procedures; construction permit or operating license; applications, 15833
Freedom of information, 20645, 25997
Human uses of byproduct material; group licensing for certain medical uses, 7948, 16446, 16448, 34635, 56193
Licensing of source material:
  Industrial products or devices, use of depleted uranium, 53331
Nuclear material; criticality accident dosimetry capability, 31522
Plants and materials, physical protection:
  Region II Inspection and Enforcement Office; change in telephone and suite numbers, 55851
Practice rules:
  Applications, 15833, 16793
  Restricted data or National security information, special procedures applicable to adjudicatory proceedings, 53328
Privacy Act; implementation, 5289, 20645, 25997, 44997, 55322
Production and utilization facilities; licensing:
  Codes and standards for nuclear power plants, 6257, 23931, 53333
  Construction permits, environmental reports, etc., 15834, 16793
  Nuclear power reactors, specifications on effluents, 16446
  Safety analysis report copies, 31521
Radiation protection standards:
  Licensing of byproduct material; organization, addresses, etc., 16445
  Radioactive materials in air in restricted areas, exposure of individuals to concentrations; respiratory protective equipment, 52301
  Region II Inspection and Enforcement Office; change in telephone and suite numbers, 55851
Radiographic operations, licenses:
  Personnel monitoring of radiographers, 18645
Records; retention requirements, 18301, 21177
Trade secrets and confidential or privileged commercial or financial information; treatment, 11808

PROPOSED RULES

Environmental protection; licensing and regulatory policy and procedures:
  Light-water power reactors; use of mixed uranium-plutonium oxide fuels, 40506, 41931
  Uranium fuel cycle environmental statements, 45849
Financial assistance to participants in NRC proceedings; withdrawn, 50829
Financial protection requirements and indemnity agreements; Price-Anderson Act modification and extension, 11327, 13955, 40511
Licensing of source material:
  Personnel neutron dosimeters containing thorium; exemption, 26032
Nuclear material; accounting reporting requirements, 35537
Practice rules:
  Appeal Board decisions; review, 54206
  Applications, 16835, 27085
  Written testimony service, 37605
Privacy Act; implementation, 35073
Production and utilization facilities; licensing:
  Codes and standards for nuclear power plants, 43201
  Gas control systems, combustible; standards and containment design basis clarification, 46467
  Light-water power reactors; use of mixed uranium-plutonium oxide fuels, 40506, 41931
  Nuclear power reactors; early review of site stability, 16835, 27085
  Safety analysis reports; updating, 49123, 56204
Radiation protection standards:
  Caution signs, labels, etc., 18320
Sunshine Act; implementation, 55880

NOTICES

Abnormal occurrences; second report to Congress, 12365
Abnormal occurrences; third report to Congress, 15916
Abnormal occurrences; fourth report to Congress, 32796
Abnormal occurrences; fifth report to Congress, 46523
Committees; establishment, renewals, etc.:
  Atomic Safety and Licensing Board, 18733, 19788
Effluents from accidental and routine reactor releases, estimating aquatic dispersion; meeting, 24638

Environmental statements; availability, etc.:
  Allied-General Nuclear Services et al., 4641, 26615, 34705
  Arizona Public Service Co. et al., 8000
  Arkansas Power & Light Co., 21704
  Big Rock Point Plant, 24951
  Connecticut Yankee Atomic Power Co., 24634
  Consolidated Edison Co. of New York, Inc., 8000, 29228, 34120
  Consumers Power Co., 52111
  Dairyland Power Cooperative, 27788
  Dresden Nuclear Power Station, 24003
  Duke Power Co., 24952
  Kewaunee Nuclear Power Plant, 4643
  Meraphis State University, research reactor, 26620
  Metropolitan Edison Co. et al., 31623, 55952
  Northern States Power Co. of Minnesota et al., 27789
  Nuclear Fuel Services, Inc., 9428
  Offshore Power Systems, 43257
  Oxide fuels, mixed; hearing, 1133, 6343, 31621, 34123, 37172, 38830, 50877, 53873, 56892
  Pacemakers, plutonium-powered cardiac, 31623, 34121
  Potomac Electric Power Co., 9428
  Public Service Co. of Oklahoma, 29231
  Public Service Electric & Gas Co., 24007, 47292
  Puerto Rico Water Resources Authority, 36093
  Puget Sound Power & Light Co. et al., 28599
  Radioactive material accidental release to aqueous environment, 45918
  Radioactive material transported by air, etc., 12937
  Rio Algom Corp., 16893
  Rochester Gas & Electric Corp. et al., 1137, 26624
  Tennessee Valley Authority, 34706
  Uranium milling, 22430
  Wisconsin Electric Power Co. et al., 34707
  Zimmer, William H., Nuclear Power Station, 46525
Interfaces for standard designs; report availability, 48005
International Atomic Energy Agency codes of practice and safety guides; availability of drafts, 4642, 5457, 8001, 9937, 17432, 18359, 18735, 20743, 21706, 24004, 24952, 31622, 34120, 34121, 34707, 35575, 35576, 38230, 39849, 44760, 49899, 55004, 56891
Meetings:
  Atomic Industrial Forum; representatives, 46524
  Inservice inspection of prestressed concrete containment structures with grouted tendons, 55394
  Medical Uses of Isotopes Advisory Committee, 5461
  Nuclear Reactor Regulations Office, 15919, 24638
  Project Management Corp., 20745, 38233
  Reactor Safeguards Advisory Committee, 1131, 1338, 1549, 1820, 2127, 2871, 3111, 3112, 4076, 4863, 4864, 4865, 5353, 5458, 5681, 5682, 5683, 6341, 6342, 6343, 7476, 7999, 8000, 8439, 8833, 8834, 8837, 8838, 9427, 9937, 10485, 10486, 10487, 10967, 10972, 10973, 11367, 11887, 11888, 11889, 14218, 14436, 14438, 14956, 15921, 16517, 16518, 16519, 16520, 18359, 18732, 19164, 19166, 20229, 20230, 21708, 21709, 21710, 21711, 21712, 22431, 22893, 23495, 24007, 24635, 24953, 24954, 24955, 24956, 24957, 27137, 27138, 27139, 27140, 28595, 28598, 28599, 29763, 29764, 30224, 30745, 30746, 30747, 30748, 30749, 32297, 32796, 33341, 33342, 34704, 34705, 35576, 35577, 35580, 37173, 38222, 38223, 39846, 40539, 40540, 42246, 42249, 42250, 42251, 42252, 43783, 44758, 45071, 45917, 46524, 46525, 46912, 46913, 46914, 46915, 48005, 48612, 48820, 48821, 49203, 49204, 50361, 51087, 51478, 51482, 51483, 51484, 52114, 52349, 52922, 53376, 53377, 55394, 55395, 55396, 55397, 55399, 55950, 56895
  Standards Development Office et al, 15919, 24638, 44764
  Tennessee Valley Authority, 38233
Nuclear Energy Center Site Survey report; availability, 4077
Nuclear facility sites; study to improve efficiency of Federal-State review, 47293, 52114
Nuclear material export licenses, 28044
Personnel dosimetry performance testing, 44764
Pollutants, discharge into navigable waters; second memorandum of understanding with EPA; correction, 3515
Privacy Act; systems of records, 1973, 5355, 5356, 11892, 17981, 20228, 24955, 26625, 42328, 55394
Radiation exposure received by flight attendants from shipments of radioactive material, measurement report; availability, 55005
Radioactive materials; packaging for transport and transportation under certain conditions, 15921
Radioactive materials, transportation of; report availability, 34122
Radioactive wastes, commercial high-level; alternative processes for managing; report availability, 16517
Reactor, light water breeder; safety evaluation report availability, 31621
Regulatory guides; issuance and availability, 1336, 3114, 3922, 6340, 7594, 8437, 8833, 9426, 10484, 10965, 11369, 11370, 11894, 12931, 14015, 14955, 16892, 17980, 19789, 21707, 22167, 22896, 23494, 24638, 26082, 26083, 26624, 27790, 28045, 28598, 29226, 29231, 30069, 30217, 30223, 30744, 32797, 34121, 35105, 36093, 38234, 39853, 40539, 43259, 44765, 44766, 45071, 46919, 47293, 48005, 48615, 48616, 52113, 52350, 52925, 53869, 53870, **54262, 55005, 55394**
Safe power coalition; written testimony, 37605, 39849
Seal; adoption; correction, 833
Security agency study; report availability, 44233
Standard Review Plan; availability, 3115
Uranium fuel cycle, environmental effects; NRC licensing activities, 34707, 49898
Applications, etc.:
  Alabama Power Co., 48613, 50876
  Allied-General Nuclear Services et al., 1333, 4641, 17432
  Amersham/Searle Corp., 21704
  Arizona Public Service Co. et al., 7592, 15379, 22897, 27787
  Arkansas Power & Light Co., 827, 4981, 9424, 26615, 37167, 40535, 44759, 46521, 47294, 48003, 55950
  Associated Electric Cooperative, Inc., 3515, 3517
  Atlantic City Electric Co., 17980
  Babcock & Wilcox, 55003
  Babcock & Wilcox Co., 2871, 3919, 8440, 10485, 19789, 36553
  Baltimore Gas & Electric Co., 1131, 5458, 10968, 21705, 26616, 26617, 34705, 35578, 46915, 52114, 53867, 54258, 54259, 55950
  Boston Edison Co. et al., 3359, 6337, 12365, 16888, 20741, 22895, 24006, 26617, 27137, 32297, 32798, 33338, 37168, 40535, 44233, 55950, 56242
  Braun, C. F., & Co., et al., 20741
  Calvert Cliffs Unit 2 Nuclear Power Plant, 35578
  Carolina Power & Light Co. et al., 2128, 3919, 5456, 7593, 7594, 8436, 12361, 12931, 12932, 16888, 17977, 21705, 23487, 24002, 28596, 31619, 31621, 35575, 37168, 37678, 38224, 39847, 40536, 43256, 45067, 46522, 46916, 51479, 52113, 52922, 55951
  Central Maine Power Co. et al., 10968, 34123, 53872
  Chem-Nuclear Systems, Inc., 3919
  Cincinnati Gas & Electric Co. et al., 828, 2128, 12361
  Cleveland Electric Illuminating Co. et al., 1655, 14438, 15379, 20742, 24005, 42247
  Colorado State University, 48613
  Colorado State University Research Reactor, 1655
  Combustion Engineering, Inc., 1333
  Commonwealth Edison Co. et al., 1132, 1334, 3919, 3920, 4866, 4982, 5457, 6337, 8436, 10482, 10966, 12362, 12932, 14218, 14437, 17433, 17978, 20742, 23488, 24002, 24635, 26080, 27787, 27788, 29223, 30220, 32798, 32799, 33342, 35102, 35103, 35575, 36092, 36094, 38225, 38226, 39848, 40536, 42247, 44759, 44760, 45068, 48004, 48613, 48614, 50359, 52110, 52111, 52922, 53868, 54259, 54260, 54262, 56243
  Connecticut Yankee Atomic Power Co., 1338, 22998, 23488, 24634, 24636, 28597, 33338, 37169
  Consolidated Edison Co., 10483, 15380
  Consolidated Edison Co. of New York, Inc., et al., 828, 1655, 2447, 3359, 4642, 5459, 7999, 12933, 14957, 15917, 16889, 37172, 38226, 38227, 38830, 39848, 43256, 45919, 46522, 46916, 49898, 50358, 51480, 53873, 55951
  Consumers Power Co., 1335, 4866, 7595, 8002, 10966, 10969, 14958, 17433, 18733, 18735, 22428, 24951, 35579, 38829, 39848, 41760, 45067, 51481, 54260, 56243

INDEX

UMI

Dairyland Power Cooperative, 1132, 2448, 3920, 12934, 15918, 30743, 37169, 49898
Detroit Edison Co., 4866
Diagnostic Isotopes Corp., 50359
Dow Chemical Co., 50877
Duke Power Co., 828, 1132, 5354, 5683, 8436, 12362, 14016, 14438, 15370, 16889, 16890, 17433, 17978, 23489, 24003, 24955, 28597, 29229, 30220, 30221, 32297, 33339, 34120, 36093, 37169, 38228, 39848, 42247, 49202, 56243
Duquesne Light Co. et al., 5683, 11891, 12365, 17433, 23489, 24007, 28597, 29223, 29229, 30221, 38228, 55951
Edlow International Co., 10972, 20232, 21712
Exxon Nuclear Co., Inc., 29229, 30217, 31625, 32799, 43782, 54263
Florida Power Corp. et al., 55952
Florida Power & Light Co. et al., 829, 9936, 10969, 12363, 14016, 16521, 17434, 17978, 18733, 19786, 21705, 24003, 24005, 24636, 26617, 29230, 30221, 30744, 34120, 35103, 37170, 38229, 38829, 43783, 50877, 51480, 52923, 53868, 54263, 55003, 55004
Fluor Pioneer, Inc., 5461
General Atomic Co., 3920, 16891, 33342
General Electric Co. et al., 11891, 19790, 23489, 24952, 34706
General Electric Technical Services Co., Inc., 1657
Georgia Power Co. et al., 16, 829, 830, 831, 3921, 4642, 4866, 6338, 10970, 14958, 16521, 16891, 23490, 24636, 30218, 37678, 45068, 46917, 52111, 52112, 52923
Gulf States Utilities Co., 6338, 9939, 12363, 18735, 37678, 39849, 40537
Haddam Neck Plant, 24634
Houston Lighting & Power Co. et al., 831, 1136, 24636, 29230, 52924
Idaho State University, 1335, 19165
Illinois Power Co., 3113, 9425
Indiana & Michigan Electric Co. et al., 1656, 3921, 11370, 11891, 14016, 14954, 23494, 28044, 37679, 38230
Indiana & Michigan Power Co., 1656, 3921, 11891, 14016
Industrial Reactor Laboratories, Inc., et al., 56893
Institute for Resource Management, Inc., 24635
Iowa Electric Light & Power Co. et al., 1547, 6338, 8440, 12364, 12934, 17434, 30222, 32800, 45069, 53868, 56892
Iowa-Illinois Gas & Electric Co., 6337, 10482, 12932, 17433
Jersey Central Power & Light Co., 1548, 2448, 4643, 8437, 8440, 10483, 12935, 16891, 21706, 32800, 54261
Kansas City Power & Light Co., 2129, 3921, 10966
Kansas Gas & Electric Co. et al., 2129, 3921, 10966, 23490, 54263, 55005
Leboef, Lamb, Leiby & Macrae, 3359
Long Island Lighting Co., 831, 9425, 10487, 11367, 14958, 16889, 17979, 27789, 35104, 44767, 47291, 48004
Los Angeles Department of Water & Power et al., 4644, 19788
Lower Alloways Creek, Township of, N.J., 32801
Maine Yankee Atomic Power Co., 1136, 4982, 14017, 21711, 26617, 29224, 31622, 33339, 44761
Maine Yankee Atomic Power Station, 11892
Maritime Administration, 21706
Memphis State University, 14017, 26619, 55952
Metropolitan Edison Co. et al., 3360, 4982, 8441, 9938, 15918, 20743, 21706, 21711, 32800, 35104, 37170, 37679, 39849, 42248
National Aeronautics and Space Administration, 56893
National Bureau of Standards, 21256
Natural Resources Defense Council, 15371, 34709, 41759, 42253, 52926
Nebraska Public Power District, 1657, 3358, 4644, 5683, 6339, 7595, 15918, 18733, 19165, 20225, 20743, 23491, 24637, 26080, 26081, 28597, 43783, 44761, 45069, 51480
New England Coalition on Nuclear Pollution, 2448, 12365
New England Power Co. et al., 44761, 44763, 53869
New Jersey Department of Environmental Protection, 30222
New York State Board on Electric Generation Siting and Environment, joint hearings with NRC; extension of time, 28599
Niagara Mohawk Power Corp., 1548, 1657, 2449, 2695, 3360, 3921, 4644, 5457, 5685, 8437, 8441, 10970, 10971, 12936, 14018, 14957, 19788, 29224, 30222, 37170
Northeast Nuclear Energy Co. et al., 832, 1549, 1973, 3113, 3114, 6336, 6339, 9426, 10483, 10484, 12935, 14955, 15919, 16522, 17434, 24637, 26620, 29224, 30225, 30744, 31619, 32801, 33339, 35104, 38231, 38829, 38831, 40537, 43257, 44763, 52349, 52924, 55953
Northern Indiana Public Service Co., 53867
Northern States Power Co. et al., 4983, 5460, 6339, 7597, 8837, 12935, 16889, 20744, 21711, 22895, 23491, 26621, 30218, 30219, 31620, 35576, 37170, 38231, 38829, 42246, 43784, 44764, 45069, 45070, 47291, 48004, 48614, 49203, 50360, 51481, 52349
Nuclear Fuel Services, Inc., 37679
Nucleus, Inc., 30225
Oconee Nuclear Station, 1136
Offshore Power Systems, 2129, 11368, 17435, 18736, 21256, 37171, 38830, 47292, 51481
Oglethorpe Electric Membership Corp., 16, 830, 831, 4642, 6338, 10970, 14958, 16891
Ohio Edison Co. et al., 9939, 10966, 11887, 12937, 38830
Omaha Public Power District et al., 1335, 4983, 7593, 7595, 8442, 16892, 19787, 21707, 26621, 29225, 39850, 39851, 44764, 45070, 48614, 48615, 54261
Pacific Gas & Electric Co., 2449, 9425, 12366, 14017, 20225, 22165, 22895, 26081, 26622, 29225, 50360, 54262
Pacific Power & Light Co., 2695
Pennsylvania Power & Light Co., 39851
Pennsylvania Public Utility Commission, 44233
Perry Nuclear Power Plant, 1655
Philadelphia Electric Co. et al., 2129, 2130, 2694, 5684, 8442, 10484, 12936, 14957, 17435, 23491, 23492, 24637, 24953, 28044, 31620, 32801, 39851, 43258, 52112, 56894
Pilgrim Nuclear Power Station, 22895
Polytechnic Institute of New York, 6340, 44765
Portland General Electric Co. et al., 832, 1336, 2695, 4645, 8002, 8442, 14018, 17979, 23492, 24004, 26081, 26622, 38232, 38233, 39851, 39852, 46918, 52925, 56893
Potomac Electric Power Co., 14439, 26623, 32298
Power Authority of State of New York et al., 1657, 2449, 2695, 3360, 3921, 5457, 5685, 7593, 10483, 10485, 10970, 10971, 12366, 12933, 12936, 14018, 14957, 17979, 19166, 20225, 22167, 23492, 46523, 49900, 50877, 55004
Project Management Corp., 6341, 10967, 17435
Public Interest Research Group et al., 26081, 27141
Public Service Co. of Colorado, 832, 4867, 17435, 18734, 26623, 27789, 52112
Public Service Co. of Indiana, Inc., et al., 1336, 5685, 10485, 12366, 17979, 23493, 43258, 44233, 51482, 53874
Public Service Co. of New Hampshire et al., 6343, 29230, 30223, 36554, 52925
Public Service Co. of Oklahoma et al., 3515, 3517, 8835, 11369, 15379, 22894, 26624, 46918, 47292, 48615, 49900, 50876, 55394
Public Service Electric & Gas Co. et al., 14959, 17980, 35579, 37171, 39852, 40537, 44765, 53869, 55954
Puerto Rico Water Resources Authority, 38233
Puget Sound Power & Light Co. et al., 8835, 16889, 16890, 26082, 39852, 56894
Rochester Gas & Electric Corp. et al., 1136, 1820, 5685, 6337, 14438, 18359, 20745, 21256, 23493, 24006, 29232, 35579, 38234, 44766, 52113
Rockwell International Corp., 14955, 44766
Rocky Mountain Energy Co., 12364
Sacramento Municipal Utility District, 1658, 3517, 10972, 21708, 29226, 31623, 37171
Salem Unit No. 1 Nuclear Generating Station, 35579
San Diego Gas & Electric Co., 833, 1332, 3360, 8836, 12364, 15919, 21256
Security Engineering, Inc., 2130
Sierra Club and Prince George's Environment Coalition, 27790
Southern California Edison Co. et al., 833, 1332, 3360, 8836, 12364, 15919, 18734, 33340, 49203, 55954
State University of New York at Buffalo et al., 6340, 53870
Stone & Webster Engineering Corp. et al., 19788, 37680

Tennessee Valley Authority, 1137, 1337, 6341, 7597, 9937, 10486, 10967, 11369, 12366, 15920, 16522, 17435, 17436, 17437, 17980, 18736, 19789, 20744, 24004, 26082, 27791, 28598, 29226, 30224, 31620, 31624, 33340, 34122, 35105, 37171, 37172, 37680, 40538, 40539, 44765, 45069, 56244
Toledo Edison Co. et al., 1337, 3517, 4366, 4867, 7999, 18734, 26082, 26083, 44234
Union Electric Co., 6343, 17436, 18734, 22897, 44234
United Nuclear Corp., 30224
University of California at Los Angeles, 6341
University of California Regents, 43258
University of Michigan, 43782, 52350
Utah International, Inc., 9426
Vermont Yankee Nuclear Power Corp., 1333, 8438, 9427, 11892, 19166, 20228, 33340, 35580, 37680, 37681, 39853, 44234, 50360, 53871, 56243
Virginia Electric & Power Co., 2450, 4984, 10484, 14018, 14019, 14957, 16523, 16890, 17437, 20745, 22896, 24638, 27791, 28598, 29227, 31624, 34707, 38235, 38831, 42248, 51482, 52925, 53871
Washington Public Power Supply System et al., 833, 8836, 30219, 39854
Westinghouse Electric Corp., 1337, 8443, 27791, 55005, 56894, 56895
Wisconsin Electric Power Co. et al., 2130, 2131, 3115, 3922, 5354, 9427, 12365, 12937, 22896, 23492, 23493, 26624, 29228, 30745, 34122, 38236, 43259, 52351, 52926, 53871
Wisconsin Michigan Power Co., 2130, 2131, 3115, 3922, 5354, 9427, 12365, 12937
Wisconsin Public Service Corp. et al., 4643, 14019, 15920, 38237, 56244
Yankee Atomic Electric Co., 3922, 12936, 18734, 24005, 31624, 32802, 33340, 38238, 39854, 46919, 53872
Yankee Nuclear Power Station et al., 29228
Zion Station Units, 17981

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

RULES

Agriculture health and safety standards:
  Farm field equipment, farmstead equipment, and cotton gins; guarding, 10195, 11022, 22268, 22561, 46598
Construction health and safety standards:
  Ground fault circuit protection, 55703
Health and safety standards:
  Asbestos, exposure, 11504
  Coke oven emissions exposure, 46784
  Construction; ground fault circuit protection, 55703
  Diving operations, 24285, 48743
  Industrial slings; deletion of requirement prohibiting knots and wire rope clips, 13352
  Inflation impact statement, 46727
  Mechanical power presses, 40104
  Methylene bis (2-chloroaniline) exposure; carcinogens, 35184
  Injuries and illnesses, recording and reporting for employers of ten or fewer employees, 11022
  On-site consultation program contracts; agreement contents, 15004
  State plans for enforcement of standards:
    Alaska, 36206, 43406, 56315
    Arizona, 31813, 34251, 56315
    California, 1904, 43405, 51012
    Colorado, 51013, 51014
    Connecticut, 8956, 18835
    Hawaii, 26218, 34251
    Indiana, 10064
    Iowa, 14166, 18836, 23671, 39028
    Kentucky, 21775, 34252
    Maryland, 45564
    Minnesota, 36652, 42661
    Nevada, 8955
    New Mexico, 28788
    North Carolina, 17547, 22562, 41083, 43898, 43899, 43900, 43902
    Oregon, 8955, 23671
    South Carolina, 9547, 12654, 17547, 21775, 31205, 32425
    Tennessee, 34252
    Utah, 1904, 10064, 15005, 46599, 51014
    Virgin Islands, 43406
    Virginia, 42658
    Washington, 12655, 17548, 23672, 51016
    Wyoming, 28788, 30329

PROPOSED RULES

Agriculture health and safety standards:
  Dust, cotton; exposure, 56498
  Field sanitary facilities, 17576, 26716, 26941, 27378, 28797
Construction health and safety standards:
  Abrasive blasting, 23721
  Diving operations, 48950, 50008
  Ground-fault circuit protection; inflationary impact, 17576
Federal employees health and safety:
  Field Federal safety and health councils, 47492
  Training guidelines, 23722
Health and safety standards:
  Abrasive blasting, 23721
  Ammonia, anhydrous, 17229, 25019
  Ammonia exposure, 4943
  Amorphous silica; inquiry, 56336
  Arsenic, inorganic; exposure, 26029, 26229, 29425, 32911, 48746
  Asbestos, exposure; extension of time, 5837
  Coke oven emissions exposure, 10625, 12716, 35200
  Construction; ground-fault circuit protection, 3745, 17576
  Diving operations, 48950, 50008
  Dust, cotton; exposure, 56498
  Fire protection, 17257, 25019
  Hexavalent chromium exposure, 18869, 19973
  Housing, employment related; temporary labor camps, 18430, 22953, 27744
  Ketones; 2-butanone, 2-pentanone, cyclohexanone, hexone, methyl n-amyl ketone, ethyl butyl ketone; hearing, 29425
  Noise exposure; economic impact analysis availability and hearing, 24718, 32912
  Occupational exposure to 1,1,2,2 Tetrachloroethylene and 1,1,1 Trichloroethane, 16184
  Sulfur dioxide exposure, 3485, 21791
  Walking-working surfaces, 17105, 17227, 19349
Inflation impact statement, 26029, 26229, 29425, 48950, 56498
Longshoring health and safety standards:
  Diving operations, 48950, 50008
Ship repairing health and safety standards:
  Abrasive blasting, 23721
  Diving operations, 48950
Shipbreaking health and safety standards:
  Diving operations, 48950, 50008
Shipbuilding health and safety standards:
  Abrasive blasting, 23721
  Diving operations, 48950, 50008
State plans for enforcement of standards:
  Alaska, 22580, 28313, 34298, 36219, 56336
  California, 17579
  Colorado, 14541
  Connecticut, 4944
  Hawaii, 32912
  Iowa, 25019
  Kentucky, 4034
  Maryland, 4035, 24154
  Nevada, 12716
  North Carolina, 24154
  South Carolina, 12717
  Tennessee, 1918
  Vermont, 51040
  Virgin Islands, 43411
  Washington, 17580
  Wyoming, 11038, 51041
States without approved private employee plans, 14542

NOTICES

Applications, etc.:
  Air Products & Chemicals, Inc., 18943
  American Tobacco Co., 36283
  Borden Chemical, 18944
  Caterpillar Tractor Co., 51624
  Edwards Tank Erection, Inc., et al., 11634, 41976
  Fashion, Inc., 2883, 24791
  Firestone Plastics Co., 9634
  Haven Manufacturing Co., Inc., 54551
  Interlake Stamping Corp., 4994, 36702
  Joslyn Manufacturing & Supply Co., 30413, 56410
  Kansas City Central Paper Box Co., 26293
  Madison Foods, Inc., 51626
  Metalplate & Coatings, Inc., 56410
  Newport News Industrial Corp. of Ohio, 12107
  Prairie Tank & Construction Co. et al., 17642
  Smith Industries, Inc., 56411
  T.A. Loving Co., 15483
  Turner Construction Co., 10099
  Union Carbide Corp., 18945
Committees; establishment, renewals, etc.:
  Agriculture Standards Advisory Committee, 13434
  Construction Safety and Health Advisory Committee, 13433
  Longshoring Safety and Health Advisory Committee, 34386, 38558
  Occupational Safety and Health National Advisory Committee, 13433, 37684
Meetings:
  Agriculture Standards Advisory Committee, 1140, 2455, 11088, 22172
  Construction Safety and Health Advisory Committee, 1140, 20039, 23808, 30414, 34386

90-000 O - 77 - 10

INDEX

UMI

Occupational Safety and Health Federal Advisory Council, 15076, 27881, 29525, 45637, 51625, 54038
Occupational Safety and Health National Advisory Committee, 1660, 4994, 5464, 9016, 9635, 9636, 11636, 13433, 15076, 17023, 18946, 20458, 21378, 23808, 27881, 29525, 30413, 32917, 34387, 41175, 44777, 45637, 56411
Multi-employer worksites, citation guidelines; inquiry, 17639, 23808
Standards completion project; draft technical standards, 17640
State plans; development, enforcement, etc.:
Alaska, 39112, 47613, 52556, 52557, 52558, 53077, 56409
Arizona, 32917
California, 40241
Colorado, 5480, 43969, 44481
Connecticut, 17638, 26294
District of Columbia, 9016
Indiana, 54038
Iowa, 26294, 34835, 37683
Kentucky, 1980, 51625
Maryland, 5464, 21378, 43970, 46065
Michigan, 18483, 53078
Minnesota, 12746
Nevada, 24223
North Carolina, 15077, 51134, 51626
Oregon, 7186, 11087, 11088, 43485, 43486
South Carolina, 23809, 38559
Tennessee, 29923, 47613
Utah, 1980, 11635, 23004, 38559, 39113, 47614
Vermont, 11635, 39113, 46066
Virgin Islands, 49555
Virginia, 56412
Washington, 4687, 4688, 4689, 5464, 11087, 11636, 18484, 18485, 22655, 34836, 34837
Wyoming, 20039, 26766
Workplace safety standards; revision procedures, 17100, 19388

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

RULES
Conduct standards; implementation provisions, authority delegations, etc., 53011
Procedure rules, administrative law judges' decisions, discretionary review, 53015

PROPOSED RULES
Freedom of information, 53067
Practice rules, 26707, 34657
Procedures; review by Commission, 24724

NOTICES
Authority delegations:
Executive Secretary; administrative law cases, 37173
Privacy Act; systems of records, 56188

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

NOTICES
Meetings, 2870, 6127, 6806, 10696, 12096, 13677, 20224, 22326, 25942, 34119, 36270, 43964, 45624, 47114, 52110

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

See Science and Technology Policy Office.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

See Trade Negotiations, Office of Special Representative.

OHIO RIVER BASIN COMMISSION

NOTICES
Comprehensive coordinated joint plans; availability of reports:
Big Sandy-Guyandotte River Basin, 37682
Muskingum River Basin, 26959
Environmental statements; availability, etc.:
Monongahela River Basin Water and Related Land Study, 26959

OIL

See Domestic and International Business Administration.
Federal Energy Administration.
Geological Survey.
Land Management Bureau.

OUTDOOR RECREATION BUREAU

NOTICES
Environmental statements; availability, etc.:
Bruneau River, Idaho, 49682
Dolores National Wild and Scenic River, Colo., 49682
Lewis and Clark Trail, 55390
New River Gorge National, Wild and Scenic River, 32280
Obed National Wild and Scenic River, 47087
Penobscot Wild and Scenic River Study, 3494
Rio Grande National Wild and Scenic River, 19241
South Fork New River, N.C., 10694
Upper Delaware National Scenic and Recreational River, 32280

OVERSEAS PRIVATE INVESTMENT CORPORATION

NOTICES
Privacy Act; systems of records, 51570

PACKERS AND STOCKYARDS ADMINISTRATION

RULES
Market agency, dealer and packer bonds; bonding provisions, 53771
Organization and functions:
Authority delegations, office locations, etc.; procedural changes, 55321
Practice rules:
Disciplinary and reparation proceedings, 50450
Rate proceedings, 17873
Registrations; cancellation, 34008

PROPOSED RULES
Livestock and live poultry; accounting and payment provisions, 55831
Livestock sales and purcrases; credit terms; inventory and funds held in trust by meat packers, 55828
Market agency, dealer and packer bonds; bonding provisions, 40162
Registrations; cancellation, 21646

NOTICES
Posting and deposting of stockyards:
Aitkin Livestock Sales Barn, Aitkin, Minn., et al., 18890
California Auction & Liquidators, Riverdale, Calif., 48761
Joe Tate Commission Barn, Inc., Lebeau, La., et al., 51431
Lafayette County Livestock Auction, Lewisville, Ark., et al., 44722, 54518
Logan County Live Stock Market, Inc., Russellville, Ky., et al., 34332
Logan County Livestock Auction, Magazine, Ark., et al., 9579
Louisa Stockyards, Louisa, Ky., et al., 15723
Moores' Livestock Auction, Norco, Calif., et al., 32934
Morgan Livestock Marketing, Delta, Colo., et al., 20432
North Judson Livestock Market, North Judson, Ind., et al., 2838
Overland Stockyards, Hanford, Calif., et al., 26731, 27855
Ramona Auction Barn, Ramona, Calif., et al., 46358
Rector Livestock Auction, Rector, Ark., et al., 1611
White Livestock Commission Co., Inc., Leighton, Ala., et al., 9578, 17798
Rates and charges:
Atkins Livestock Auction, 7163
Central Arkansas Livestock Sale, Inc., 7162
Cleburne County Livestock Auction Sale, 7163
Major Lewis Livestock Auction Sales, 7164

PANAMA CANAL

RULES
Employment and compensation:
Civilian Federal employees, 8169
Conduct standards and employee responsibilities, 29378
Pay rates and allowances, 27722
Tropical differential, 27722, 38163, 53325
Military reservations:
Consolidation, 26148, 28789
Postal service:
Fee establishment, 18075
Professions and occupations; architects and engineers, registration and certification, 41089
Tolls; increase, 44395, 51794
Vessels:
Measurement, 13852, 42953
Navigation regulations, 21775

PROPOSED RULES
Tolls; increase, 19981, 27978, 33307

NOTICES
Accounting policy, 8840
Environmental statements; procedures for compliance with National Environmental Policy Act, 9203, 18360
Privacy Act; systems of records, 41358

PAROLE BOARD

RULES
Board abolished; duties and powers transferred to U.S. Parole Commission, 24349
Prisoners, youth offenders, and juvenile delinquents; parole, release, etc., 19327, 22344

PROPOSED RULES
Prisoners, youth offenders, and juvenile delinquents; parole, release, etc., 19341

PAROLE COMMISSION

RULES
Establishment of Commission; duties and powers transferred from Parole Board, 24349
Prisoners, youth offenders, and juvenile delinquents; parole, release, etc., 37319

PROPOSED RULES
Prisoners, youth offenders, and juvenile delinquents; parole, release, etc., 52889, 53811

NOTICES
Index to decisions; public reading room, 43424

PATENT AND TRADEMARK OFFICE

RULES
Patent cases:
Forms, 43721
Interference practice, 27832
Practice rules, 756, 43721
Trademark cases:
Forms, 756, 17727, 43721
Practice rules, 756, 16147

PROPOSED RULES
Inflation impact statement, 24895
Patent cases:
Forms, 24895, 26578
Interference practice, 7513, 52486, 55367
Practice rules; certificate of mailing, 24895, 26578
Practice rules; examining and appeal procedures, 43729, 52705
Trademark cases:
Forms, 24895, 26578

NOTICES
Government emblems and seals; international protection, 35741
Meetings:
Patent and Trademark Advisory Committee, 43430
Trademark Affairs Public Advisory Committee, 20728, 43214
Patents, public search room for; public use of records; new procedures, 29009

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

RULES
Freedom of information, 43143

PROPOSED RULES
Freedom of information, 14536
Privacy Act; implementation, 53492

NOTICES
Privacy Act; systems of records, 47012, 48821, 55955

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

RULES
Chapter heading revised; Pension and Welfare Benefit Programs, 55510
Employee pension benefit plans; minimum standards, 56473
Reporting and disclosure requirements; correction, 16961, 55511

PROPOSED RULES
Fiduciary responsibility:
Employee benefit plans; services and office space exemptions; hearing, 56758

NOTICES
Employee benefit plans:
Prohibitions on transactions, exemption proceedings, hearings, etc., 55664, 56412, 56760
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 55612

PENSION BENEFIT GUARANTY CORPORATION

RULES
Annual report, 32742
Guaranteed benefits, limitation on, 6194, 8346, 8769
Plan assets, allocation; interim regulation, 48481
Plan assets valuation, 18992, 20885
Plan benefits valuation; interim regulation, 48486
Premiums, declaration and payment, 32740, 38769, 42654
Trades or businesses under common control, 12303

PROPOSED RULES
Plan assets, allocation, 48492, 52890
Plan benefits valuation, 48498
Plan sufficiency and termination of sufficient plans, 48504
Premiums, declaration and payment, 23212, 23731
Privacy Act; implementation, 52485

NOTICES
Multiemployer Plans; inquiry, 53149
Privacy Act; systems of records, 22998, 50739, 54469

PENSION PLANS

See Civil Service Commission.
Employee Benefits Security Office.
Internal Revenue Service.
Pension and Welfare Benefit Programs Office.
Pension Benefit Guaranty Corporation.
Railroad Retirement Board.
Social Security Administration.
Veterans Administration.
Workers' Compensation Programs Office.

PERSONNEL INTERCHANGE, PRESIDENT'S COMMISSION

PROPOSED RULES
Privacy Act; implementation, 37134

NOTICES
Privacy Act; systems of records, 40050

PESTICIDES

See Environmental Protection Agency.
Food and Drug Administration.

PIPELINE SAFETY OPERATIONS OFFICE

RULES
Pipeline transportation of gas:
Bending limitations of pipe, 26018
Cast-iron pipelines, protection, 13588
Caulked bell and spigot joints, 23680
Corrosion control requirements, 29128
Emergency plans, 13586
Line markers, mains and transmission lines, 56808
Offshore facilities, 34605, 39752, 47253
Valves and welding, 13590
Pipeline transportation of liquids:
Bending limitations of pipe, 26018
Offshore facilities, 34040, 43152
Valves, etc., 13592

PROPOSED RULES
Pipeline transportation of gas:
Corrosion control requirements; plastic pipelines, 42221
Occupational safety and health standards; inquiry, 56834
Pipe bends, longitudinal seams in, 46463
Pipeline transportation of liquids:
Occupational safety and health standards; inquiry, 56834
Pipe bends, longitudinal seams in, 46463

NOTICES
Committees; establishment, renewals, etc.:
Technical Pipeline Safety Standards Committee, 4357
Meetings:
Technical Pipeline Safety Standards Committee, 10728, 52352
Offshore pipelines; memorandum of understanding with Interior Department, 23746
Petition for waiver; pipeline:
Alyeska Pipeline Service Co., 34103, 34375, 34677, 35556, 38202, 38810, 41737, 44207, 46488
Explorer Pipeline Co., 26061
Michigan Wisconsin Pipe Line Co., 16684
Pipeline transportation of liquids:
Platform piping operating pressure; interpretation, 46897

PLANTS

See Animal and Plant Health Inspection Service.
Fish and Wildlife Service.

UMI

POLICY DEVELOPMENT AND RESEARCH, OFFICE OF ASSISTANT SECRETARY

NOTICES

Innovative projects program; grants for community development projects, 10593
Meetings:
Urban signage forum, 10696

POLLUTION

See Coast Guard.
Environmental Protection Agency.
Environmental Quality, Citizen's Advisory Committee.
Environmental Quality Council.
Federal Aviation Administration.
Federal Maritime Commission.
Occupational Safety and Health Administration.

POSTAL RATE COMMISSION

RULES

Organization and functions:
Planning and Operations Office, 32743
Postal Service; filing of periodic reports, 47438
Privacy Act; implementation, 52455

PROPOSED RULES

Postal Service; determinations to close or consolidate post offices, appeals procedure, 45587
Postal Service; filing of periodic reports, 14903, 17981, 28850
Privacy Act; implementation, 34792
Rate case filing requirements and hearing procedures, 47498
Sunshine Act; implementation, 54950

NOTICES

Career and excepted service, 46389
Designation of officer to represent interests of general public, 47607
Mail classification, 1973 schedule, 4868, 22998
Mail classification, 1976 schedule, 22999, 23000, 39105, 40571, 44237, 45628, 47607, 48424, 50362, 54039, 55756
Mail classification, 1977 schedule, 50739
Postal rates and fees, 1975 changes, 16, 2285, 10494
Postal Services; filing of periodic reports:
Data Conference, 48424
First-class mail service improvement program review, 30070
Permanent service list, 34128
Representative officer, designation of, 15458
Privacy Act; systems of records, 36749
Private express statutes, implementation; policy statement, 34128
Visits to postal facilities, 21849, 22167, 30071, 31626, 45628, 51889

POSTAL SERVICE

RULES

Contract Appeals Board rules of practice, 7099, 7408
Contracting suspension and debarment proceedings, 19309
Domestic mail:
Official mail; postage and fees collection, 38166
Postal Service Manual; incorporation by reference, 35685
Sexually oriented advertisements; increased cost of list to persons, 22040
Sexually provocative or erotically arousing mail; prohibitory order against pandering advertisements, 31380
Freedom of information, 52052
International mail:
Publication 42; incorporation by reference, 35683
Publication 42; transmittal letter 84, 54864
Lottery tickets; sales by licensed blind persons, 23955
Organization and administration:
Director, International Postal Affairs Office; authority delegation, 52299
Groups and departments revised, 27354
Postal officials revision, 16941
Services performed for other agencies; housing vacancy surveys for FHLBB, 56196
Philately:
Commemorative stamp sales, 23955
New stamp issues, 6765
Postal regions; organization and title revisions, 3470
Postal Service Manual:
Addresses, nonmailable matter, second-class bulk mailings, etc., 29136
First-class, airmail, business reply mail, etc.; classification changes, 28481, 46295
Green border envelopes, cards, and aerogrammes; first-class mail, 6252
Incorporation by reference extended; Title 39 revision postponed, 26684
Mail, loose and undeliverable; handling procedures, 53677, 55524
Packaging, nonmailable matter, second class bulk mailing, etc., 6250
Presorting requirements for library rates, 53478
Rubber bands on packages of presorted first-class mail, 47236
Privacy Act; implementation, 24709
Procurement of property and services:
Postal Contracting Manual; description of contents, 20408
Postal Contracting Manual; mail transportation contracting, 44040

PROPOSED RULES

Domestic mail:
Official mail; postage and fees collection, 24726, 30354
Sexually oriented advertisements; increased cost of list to persons, 9395
Sexually provocative or erotically arousing mail; prohibitory order against pandering advertisements, 24726
Environmental statement procedures, 35725
Postal Service Manual:
Bulk third-class mail; local mail, 16579, 21368
First-class, airmail, business reply mail, etc.; classification changes, 22375
Official mail, contractor use of; restrictions revised, 44059, 50301

NOTICES

Environmental statements; availability, etc.:
Rochester Management Sectional Center and General Mail Facility, 52928
International mail; provisions adopted by 1974 Congress of Universal Postal Union, 4078
Meetings:
Corporate Disclosure Advisory Committee, 24038
Postal rates and fees:
Address-correction service; temporary increase, 22882
Domestic special mail services and other nonpostal services; temporary increases, 15381
Increases, temporary, 15381, 26959
International increases, 1140, 29919
International special mail services, 15457
Tables of changes, 29570
Privacy Act; systems of records, 2287, 4504, 7053, 12840, 18174, 19384, 19924, 31431, 32203, 32478, 45132
Temporary postage rates, 11221

POSTAL SERVICE COMMISSION

NOTICES

Postal policy; issues before Commission; inquiry and hearings, 51435, 55738

PRESIDENT'S COMMISSION ON PERSONNEL INTERCHANGE

See Personnel Interchange, President's Commission.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

See White House Fellowships, President's Commission.

PRESIDENT'S COMMITTEE ON SCIENCE AND TECHNOLOGY

See Science and Technology, President's Committee.

PRISONS BUREAU

NOTICES

Institutions; designations, 14805, 19233
Meetings:
Corrections Advisory Board National Institute, 9247, 23436, 37367

PRIVACY PROTECTION STUDY COMMISSION

NOTICES

Consumer- and commercial-reporting agencies and check-cashing and credit-card services; recordkeeping practices; hearings, 27878, 31431
Depository and lending institutions; recordkeeping practices; hearings, etc., 10494, 13678
Educational institutions; recordkeeping practices; hearings, etc., 35583, 45628
Employment and personnel recordkeeping practices; hearings; inquiry, 36270, 49685, 51636
Health care providers and institutions; recordkeeping practices; hearings, etc., 19265, 22638, 24781

Insurance institutions; recordkeeping practices; hearings, etc., 15458
Meetings, 1820, 4984, 19167, 28049, 43477, 45921, 48006, 50740
Privacy Act; systems of records, 40436, 51889
Public assistance and social services; hearings, 53724
Research and statistics; hearings and draft recommendations, 55007, 56896
Tax return confidentiality, Federal; recommendations, 6809, 7826

PROCUREMENT, FEDERAL

See General Services Administration.

PRODUCT SAFETY COMMISSION, NATIONAL

RULES

Conduct standards; CFR Part deleted, 43709

PUBLIC BUILDINGS SERVICE

RULES

Inflation impact statement, 50447, 52458
Procurement, 50447
Property management, 4264, 6772, 7944, 52458

PROPOSED RULES

Property management, 13378

NOTICES

Property transfer:
Nantahala National Forest, certain lands in; transfer to TVA, 55385
Property transfer; wildlife conservation:
Former Lyman National Fish Hatchery, Miss., 4980
Grand Forks Air Force Base, N. Dak., 3145
Iowa Army Ammunition Plant, Burlington, Iowa, 46519
Springville Fish Disease Laboratory, Utah, 4980
Real property, Federal; disposition of; environmental impact, 16882
Sculpture placement in E. A. Garmatz Federal Building and Courthouse plaza; hearing, 35232

PUBLIC DEBT BUREAU

NOTICES

Authority delegations:
Assistant Commissioner (Field), order of succession, 46031
Commissioner, order of succession, 46031

PUBLIC HEALTH SERVICE

See also Alcohol, Drug Abuse, and Mental Health Administration.
Disease Control Center.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

RULES

Grants:
Appeals procedures, 49986
Cancer research facilities, construction, 7390
Communicable disease control, 36814
Community health services, 23852, 53205, 57000
Community mental health centers, 26908, 29379
Comprehensive health planning and public health services, 8039
Drug abuse prevention, grants to States; allotment formula, 26012
Genetic and other diseases, service projects; hemophilia treatment centers, 38883
Health manpower education initiative projects, 29381
Health services research centers, 5226
Home health services, 35141
Hypertension programs, State allotments for, 30118
Medical and dental schools in District of Columbia, 17907, 37780
Medical programs, regional, 26908, 29379
Migrant health services, 38889
National Health Service Corps personnel, 31312
National Heart, Lung, and Blood Institute; prevention and control projects; technical amendments, 44174
Physician shortage areas; scholarships, 26685
Health maintenance organizations:
Operating costs, loans and loan guarantees; definition, 33557
Inflation impact statement, 52053, 53205, 57000
Medical care:
Disaster assistance for crisis counseling and training, 52053
National Health Service Corps:
Grants to assist with assigned personnel, 31312
National Heart, Lung, and Blood Institute; technical amendments, 44171
Occupational safety and health:
Investigations; places of employment, 45004
Professional standards review:
Area designations, 33436
Membership, organization, and functions of advisory groups, 7878, 28687
Physicians, notification and polling, 17865

PROPOSED RULES

Capital expenditures, limitation on Federal participation for, 11704
Disaster assistance:
Crisis counseling and training, 16169
Foreign quarantine:
Aircraft disinsecting, 4600
Grants:
Cancer research and demonstration centers, 46318
Community mental health centers, 48242
Drug abuse prevention functions; allotment of funds to States, 11553
Hypertension programs, State allotments for, 17931
National Health Service Corps personnel, 3822
Nurse practitioner training programs, 3552
Physician shortage areas; scholarships, 4295
Scientific peer review of applications and contract projects, 12986
Health maintenance organizations, 40292
Indian health; contract health services eligibility and requirements, 46792
Inflation impact statement, 46794, 48242
Medical care:
Disaster assistance for crisis counseling and training, 16169
National Health Service Corps:
Grants to assist with assigned personnel, 3822
Professional standards review:
Area designations, 17868, 56339
Information and data interim confidentiality and disclosure, 53215
Physicians, notification and polling, 29995
Statewide councils, 44286
Statewide councils, advisory groups, 28690
Professional standards review areas:
Minnesota, 12692
Tennessee, 12693

NOTICES

Authority delegations:
Health Services Administration, Administrator, 12330
Health Services Administration, Assistant Secretary for Health, 22622
Quality Standards Office, Director; health maintenance organizations, 55388
Regional Health Administrators et al., 15902, 27857
Forward Plan for Health, 1978-82; availability, 43947
Grants:
Community health services; medically underserved areas designation, 31248
Rural health initiative, 13388
Health maintenance organizations, qualified, 805, 4956, 7803, 9413, 15732, 20203, 24622, 30701, 33930, 41137, 47274, 52544, 54823, 56860
Health manpower shortage areas; designations and withdrawals, 27814
Immunization, National effort; new vaccines; meeting, 44446
Medically underserved areas and population groups; designation, 45718
Professional Standards Review Organizations; nominations, designations, etc.:
Texas, 28817

QUETICO-SUPERIOR COMMITTEE

NOTICES

Meetings, 7826

RAILROAD RETIREMENT BOARD

RULES

Loan guarantees proposed:
Basin Electric Power Cooperative, 53497
Privacy Act; implementation, 20580
Railroad Unemployment Insurance Act:
Employers' contributions and reports, 53475
Representative payees; duties and selection, 22557

NOTICES

Meetings:
Actuarial Advisory Committee, 18737
Privacy Act; systems of records, 11932, 35238, 40051, 55012
Protective payments under Regional Rail Reorganization Act, reimbursement procedure, 55955
Railroad retirement supplemental annuity program; determination of quarterly rate of excise tax, 7826, 21715, 35107, 50362

UMI

Unemployment insurance account; proclamation, 50879

RAILROADS

See Federal Railroad Administration.
Interstate Commerce Commission.
Railroad Retirement Board.
United States Railway Association.

RECLAMATION BUREAU

RULES
Teton Dam failure; claims for damages or loss, 29084, 32428, 42201

NOTICES
Environmental statements; availability, etc.:
Atmospheric Water Resources Management Program, 10243, 11330
Central Valley Project, Calif., 10458
Chief Joseph Dam Project, Wash., 14200, 16841
Colorado River Water Quality Improvement Program, 10244, 12730
Columbia Basin Project, Wash., 9406
Dallas Creek Project, Colo., 10458, 11190, 43424
Dolores Project, Colo., 48579
Fruitland Mesa Project, Colo., 37826
Garrison Diversion Unit, N. Dak., 24437, 27405
Kanopolis Unit, Kans., 45036, 45882
Missouri River reservoirs; water for energy, 46358
Narrows Unit, Colo., 20602
Orme Dam and Reservoir, Central Arizona Project, Ariz., 21496, 22614, 31582
Oroville-Tonasket Irrigation District, Wash., 55245
San Juan Powerplant, N. Mex., 37369
Savage Rapids Dam, Oreg., 21256
Savery-Pot Hook Project, Colo. and Wyo., 43205
Southern Nevada Water Project, Nev., 54036, 55244
Sugar Pine Dam Reservoir, and Conduit, Calif., 21832
WESCO Coal Gasification Project and expansion of Navajo Mine, 3110
Land; sales and transfers:
Arapaho National Forest, Colo., 5330
Columbia Basin Project, Wash., 5330
Meetings:
Colorado River Basin Salinity Control Advisory Council, 9575, 27854
Klamath Project, 9404
Procurement actions; legal review, 30373

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION

RULES
Freedom of information, 50993
Privacy Act, implementation, 50993
Procedure rules, 47910

PROPOSED RULES
Freedom of information, 36514
Privacy Act; implementation, 36514, 41726

NOTICES
Hearings, 47115, 49683
Meetings, 9011, 22638, 40571
Privacy Act; systems of records, 40048, 51087, 54569

RECREATION

See Fish and Wildlife Service.
Interior Department.
National Park Service.
Outdoor Recreation Bureau.

REGIONAL ACTION PLANNING COMMISSIONS

RULES
Conduct standards; Four Corners Regional Commission, 52441
Programs and projects; interagency evaluation review and coordination, 15836

PROPOSED RULES
Arts and crafts demonstration projects, indigenous, 55556
Economic development regions, 55554
Energy demonstration projects and programs, 55555
Grants-in-aid, Federal; supplements, 55556
Regional commissions, 55554
Regional transportation, 55554

REGIONAL ECONOMIC DEVELOPMENT, FEDERAL ADVISORY COUNCIL

NOTICES
Hearings, 54781
Meetings, 4854, 18897, 27866, 50856

REHABILITATION SERVICES ADMINISTRATION

See also Human Development Office.

NOTICES
Meetings:
Rehabilitation Services National Advisory Committee, 1507, 14574

RENEGOTIATION BOARD

RULES
Employers' contributions and contribution reports, 17538
Mandatory exemptions; common carriers by water, 46600
Organization and functions:
Regional offices established, 21448
Privacy Act; implementation, 5095

PROPOSED RULES
Organization and functions:
Regional offices established, 8984
Subcontracts to perform work or furnish materials; interpretation, 3882

NOTICES
General Counsel; compensation, 46654
Interest rates; excessive profits and refund, 24959
Organization and functions, 21530
Privacy Act; systems of records, 5152, 47017
Water carriers; contractors or subcontractors for transportation; financial statements filing; extension of time, 15384

REVENUE SHARING OFFICE

RULES
State and local governments; antirecession fiscal assistance, 44842, 50369

PROPOSED RULES
Fiscal assistance to State and local governments; assurances, reports, etc., 47054

NOTICES
Antirecession fiscal assistance:
Data verification requests; time limitation, 50369
Payments; assurances statement filing deadline, 54828
Waiver procedures modification, 55765
Entitlement data:
Computing allocations; improvement procedures, 2102, 6079, 7432, 8508, 24613, 27393, 53882
Entitlement funds; annual reporting requirements, 50081
Indian tribe and Alaskan native village; treatment of adjusted taxes, 35543

RURAL DEVELOPMENT SERVICE

NOTICES
Computer program and tapes; availability to time sharing companies, 12316

RURAL ELECTRIFICATION ADMINISTRATION

RULES
Bulletins; revision list and summary descriptions, 11014
Electric distribution plants:
Transformers, distribution; specifications, 28290
Transformers, pad-mounted; specifications, 26675
Freedom of information; REA bulletins, 33546
Loan accounts system; REA bulletin 20-9: 320-12 revised, 45997
Title insurance for realty investments; Bulletin 20-3 supplement, 46604
Wood poles, stubs, and anchor logs; preservative treatment, 56193

PROPOSED RULES
Chain link fence grounding-substation, typical; drawing No. TM-33, 13364
Electric and telephone bulletins; "Buy American", 12069
Electric distribution plants:
Primary line grounding drawings; specifications, 48744
Transformers, distribution; specifications, 9556
Transformers, pad-mounted; specifications, 9556
Irrigation loan studies; Bulletin 145-1 issuance, 36668
Load management programs; Bulletin 140-1 issuance, 48744
Loan program, guaranteed; for bulk power facilities, 56331
Nondiscrimination in construction financed with REA loans, 21356
Rural telephone program:
Buried plant housings; specification, 24717
Cables, filled telephone; specification, 30348, 43912
Cables, 600 volt neutral-supported secondary and service drop; specification, 30349
Carrier equipment and maintenance expenses; reporting form, 8060

Central office equipment; contracts and specifications, 775
Central office equipment, used; purchase of, 24137
Circuits, electronic trunk; specification, 55198
Common control switching equipment, purchase, 18430
Construction materials and equipment, field trial; bulletin, 4293
Engineering services and contract construction, 49992
Postloan engineering estimates, supporting, 30348
Preloan and postloan procedures, 43912
Station carrier equipment; specification, 5402
Station installation standards, 54494
Telephone plants; standards for acceptance tests and measurements, 15026
Telephone sets, type A; specification, 56331
Trunk carrier equipment; specification, 32433
Vinyl tape, all weather pressure sensitive; new specification, 42678
Timber products; quality control and inspection, 9557
Wood poles, stubs, and anchor logs; preservative treatment, 9557

NOTICES
Environmental statements; availability, etc.:
Arizona Electric Power Cooperative., Inc., 12077, 29456, 43428, 50459
Arkansas Electric Cooperative Corp., 37384
Basin Electric Power Cooperative et al., 2269, 22649, 28816, 34332, 48149
Big Rivers Electric Corp., 15481
Brazos Electric Power Cooperative, Inc., et al., 6781, 34803
Cajun Electric Power Cooperative, Inc., 792
Central Electric Power Cooperative, Inc., 22975
Chugach Electric Association, Inc., 34804, 50016
Cooperative Power Association, 54518
East Kentucky Power Cooperative, Inc., 17589, 51644
Golden Valley Electric Association, Inc., 22648, 39056
Indiana Statewide R.E.C., Inc., 16992, 42689
Lower Valley Power & Light, Inc., 11064
Minnkota Power Cooperative, Inc., 34332
Northern Michigan Electric Cooperative et al., 55216
Oglethorpe Electric Membership Corp., 5142, 24743, 41939
South Texas Electric Cooperative, Inc., 6781
Sunflower Electric Cooperative, Inc., 791, 35203
Tri-County Electric Association, Inc., 22649, 35204
Tri-State Generation & Transmission Association, Inc., 2269, 33572, 34804, 55216
United Power Association, 34333
Western Farmers Electric Cooperative, Inc., 16594
Loan guarantees proposed:
Arkansas Electric Cooperative Corp., 40202
Basin Electric Power Cooperative et al., 34332
Big Rivers Electric Corp., 27413
Caun Electric Power Cooperative, Inc., 20433
Chautaugua and Erie Telephone Corp., 36230
Chugach Electric Association, Inc., 47568
Colorado-Ute Electric Association, Inc., et al., 8088, 26244
Consolidated Natural Gas Co. et al., 47608
Continental Telephone Co. of Arkansas, 19242
Continental Telephone Co. of Texas, 19242
Continental Telephone Co. of the South, 13385
Cooperative Power Association et al., 20902
East Kentucky Power Cooperative, 27414
East Kentucky Power Cooperative, Inc., 2839, 14201
General Electric Power Cooperative, Inc., 25041
Golden Valley Electric Association, Inc., 53122
Indiana Statewide Rural Electric Cooperative, Inc., 48761
Kentucky Telephone Co., 13385
National Association of Securities Dealers, Inc., 47609
National Fuel Gas Co. et al., 47609
North Florida Telephone Co., 10082
North-West Telephone Co., 3496
Ogden Telephone Co., 22649
Oglethorpe Electric Membership Corp., 14201, 14202
Puerto Rico Water Resources Authority, 48762
South Mississippi Electric Power Association, 55216
Sugar Land Telephone Co., 19242
Sunflower Electric Cooperative, Inc., 8089
Tennessee Telephone Co., 35739
Tri-State Generation & Transmission Association, Inc., 35203
Westco Telephone Co., 15480
Western Farmers Electric Cooperative Anadarko, Okla., 18122
Western Illinois Power Cooperative, Inc., 51644
Manager employee contracts, 2419

SAFETY

See Coast Guard.
Consumer Product Safety Commission.
Disease Control Center.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hearings and Appeals Office, Interior Department.
Interim Compliance Panel (Coal Mine Health and Safety).
Mining Enforcement and Safety Administration.
National Highway Traffic Safety Administration.
National Transportation Safety Board.
Occupational Safety and Health Administration.
Occupational Safety and Health Review Commission.
Pipeline Safety Operations Office.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

RULES
Seaway regulations, 12227
Seaway regulations and rules; mooring at tie-up walls, 22563

PROPOSED RULES
Seaway regulations, 6287
Seaway regulations and rules; mooring at tie-up walls, 16183

NOTICES
Meetings, 2880, 19266, 30226, 47296

SCIENCE, ENGINEERING, AND TECHNOLOGY, FEDERAL COORDINATING COUNCIL

NOTICES
Meetings:
Intellectual Property and Information Committee, 52518

SCIENCE AND TECHNOLOGY, PRESIDENT'S COMMITTEE

NOTICES
Meetings, 52900

SCIENCE AND TECHNOLOGY POLICY OFFICE

NOTICES
Meetings:
Intergovernmental Science, Engineering and Technology Advisory Panel, 50879
Science and Technology, President's Committee, 48424

SECURITIES AND EXCHANGE COMMISSION

RULES
Authority delegations to Directors et al.:
Administrative Law Judge Chief, 21183
Corporation Finance Division Director et al., 20863, 29375
Market Regulation Division Director et al., 5275, 7940, 8949, 13595, 17374, 18809, 20577, 20579, 32736, 53473
Reports and Information Services Office, 1740
Financial statements:
Accounting practice changes, 35479
Disagreements with former accountants, 32737
Life insurance companies and related holding companies, increased disclosure, 13626, 42646
Replacement cost data, disclosure, 13596, 13626, 54922
Information:
Documentary materials available to public, 44696
Fees for records services, 31377
Proxy solicitation, 53785

INDEX

UMI

Interpretative releases:
Accounting bulletins, staff, 3733, 3736, 7940, 13600, 15839, 26083, 26679, 35163, 39006, 50814
Accounting series, New York City securities, 4817
Investment Company Act, 39013, 46851
Municipal securities brokers and dealers; financial responsibility program, 3469, 23668
Securities Act, 17374, 39010, 39013, 43399, 46851, 56306
Securities Exchange Act, 5277, 7089, 29989, 39010, 39014, 48335, 48336
Investment Advisers Act:
Brokers and dealers; extension and clarification of temporary exemption, 14507
Investment adviser, exclusion from definition, 12878
Papers and applications; requirements, 39019
Investment Company Act:
Alaska Native Claims Settlement Act corporations; exemptive rule rescinded, 8342
Contract; definition of "annually", 41911, 47032
Life insurance companies; separate accounts to fund certain variable life insurance contracts, 47023, 52668
Registration statements filing and processing, etc., 39013, 46851
Organization and functions:
Commission Secretary and Public Affairs Office Director, 55334
Investment Management Division; functions transferred from Corporation Finance Division, 29374, 40461
Regional and branch offices, updated listing, 44696
Reports and Information Services Office; establishment, 1740
Practice rules:
Pleadings, service of, 21184
Subpoenas, service of, 9865
Privacy Act; implementation, 44696
Public Utility Holding Company Act:
Form U5S, annual report; modifications, 17890
Forms; filing of applications and declarations, 26854
Insurance companies and investment bankers; clarification of distinction, 8768, 21184
Securities Act:
Bank holding companies, guides for statistical disclosure, 39010
Employee benefit plans; registration form changes, 52665, 56194
Employee bonus plans; filing fee computation, 30272
Environmental and social disclosure; forms, 21635
Offering sheet filing; notification of State securities administrators, 1272
Oil and gas reserve disclosure, 21765
Real estate limited partnerships, interests, 17374, 43399
Registration forms and annual and periodic reports, 53474, 56304
Registration statements filing and processing, etc., 39013, 46851
Sale and resale of securities; forms for periodic report disclosure, 24702
Securities Exchange Act:
Bank holding companies, guides for statistical disclosure, 39010
Broker-dealer, registration as; form, 7089
Broker-dealer, temporary exemption from registration, 18290
Broker-dealer financial responsibilities, 5277, 18809
Broker-dealer registration requirements; non-bank lenders, exemption, 50645
Broker-dealer reports; forms, 5274, 12638
Broker-dealers, nonmember; bonding rule, 53784
Broker-dealers, nonmember, fee changes; SEC fiscal year change, 35168
Brokers and dealers; fees, 30588
Brokers and dealers, newly registered; extension of exemptions, 10601, 39306
Brokers and dealers, temporary exemption from registration, 1741
Enforcement obligations; exchanges and associations, 51808
Environmental and social disclosure; forms, 21636
Fingerprinting of securities industry personnel, 13596, 17374
Foreign Governments, securities issued by; omission of certain information from prospectuses, 12010
Information, confidential treatment of, 20578
Inter-dealer quotation systems, submission of price quotations to, 30009, 50646
Life insurance companies and related holding companies, increased disclosure, 13626, 42647
Municipal securities; brokers and dealers effecting transactions, 15842, 24119
Municipal securities brokers and dealers; financial responsibility program, 3469, 23668, 44701
Municipal securities brokers and dealers; registration and withdrawal, 28948
Municipal securities brokers and dealers; temporary exemption extended, 22824, 39306
Municipal Securities Rulemaking Board; annual report, 36200
Net capital, uniform rule; for brokers and dealers, 39017, 48336
Off-board trading; governing by members of National securities exchanges, 4521
Oil and gas reserve disclosure, 21766
Projections of future economic performance; proxy solicitations, false or misleading statements, 19933
Proxy solicitation, 53784
Registration forms and annual and periodic reports; instruction on filings, 53474
Registration termination of classes of securities, 27961
Sale and resale of securities; forms for periodic report disclosure, 24702
Security holder proposals; proxy rules, etc., 5300
Self-regulatory organizations; responsibilities allocation program, 49093
Shareholder proposals; procedures for rendering informal staff advice, 29989
Stolen, missing, lost, or counterfeit securities; reporting and inquiry, 54923
Transactions yielding priority, parity, and precedence, 8037
Trading suspensions; informal review procedures, 18290, 44699
PROPOSED RULES
Financial statements:
Disagreements with former accountants, 19132
Insurance companies; accounting and disclosure requirements, 24727
Interim financial reporting; form; withdrawn, 7121
Marketable and other investment securities; disclosure requirements, 4833
Replacement cost data, disclosure; clarification, 45030
Investment Advisers Act:
Communications and advertising; withdrawn, 19988
Papers and applications; requirements, 22101, 25917
Recordkeeping requirements for investment advisers; withdrawn, 8498
Investment Advisors Act:
Agency cross transactions, advance disclosure requirements, 53808
Brokerage placement practices, disclosure by investment managers, 53359, 55366
Investment Company Act:
Alaska Native Claims Settlement Act corporations; exemptions; withdrawn, 8398
Brokerage placement practices, disclosure by investment managers, 53359, 55366
Combined orders for purchase and sale of securities; withdrawn, 8799
Contract; definition of "annually", 13955, 13956
Fraudulent, deceptive, and manipulative practices, reporting requirements and code of ethics; withdrawn, 8498
Investment company forms; withdrawn, 21796, 21797
Life insurance companies; separate accounts to fund certain variable life insurance contracts, 2256, 8078
Registration and retroactive registration of certain securities, 32760
Practice rules:
Incorporation by reference, 21796, 26588
Public Utility Holding Company Act:
Form U5S, annual report; modifications, 6776, 44863, 48130
Securities Act:
Brokerage placement practices, disclosure by investment managers, 53359, 55366
Business combination transactions; registration form, etc., 43876, 55203
Employee benefit plans; registration form changes, 30273, 30279
Investment company forms; withdrawn, 21796, 21797
Management background disclosure, uniform reporting requirements; forms and schedules, 49493, 55718
Oil and gas rights fractional and undivided interests; offeror limitations, 10
Primary Financing registration; Form S-16, 56331
Private placement exemptive rule, operation information inquiry, 53808
Projections of future economic performance; withdrawn, 19982
Real estate limited partnerships, interests, 17403

Registration statement forms, 32540
Registration statements on Form S-8, effective date of amendments, 52701
Sale and resale of securities; forms for periodic report disclosure; withdrawn, 24729
Securities Exchange Act:
Annual, quarterly, and current reports; forms, 23984
Broker-dealers; non-bank lenders, exemption from registration, 38787
Broker-dealers, nonmember; bonding rule, 35073
Broker-dealers, nonmember, fee changes; SEC fiscal year change, 23423
Broker-dealers, temporary exemption from registration, 5135
Brokerage placement practices, disclosure by investment managers, 53358, 55366
Brokers and dealers; fees, 1771, 16980
Brokers and dealers; written disclosure requirements, 41432, 50697
Business combination transactions; registration form, etc., 43876, 55203
Corporate disclosure system; forms, rules, and schedules, 29784
Enforcement obligations; exchanges and associations, 22959, 29434
Exchange member trading, 8075, 18432
Forms 10-K and 10-Q, 39048, 46353, 53488
Gold transactions; financial responsibility requirements for broker-dealers; withdrawal, 21653
Incorporation by reference, 21796, 26588
Interim financial reporting; form; withdrawal, 7121
Investment company forms; withdrawn, 21796, 21797
Management background disclosure, uniform reporting requirements; forms and schedules, 49493, 55718
Municipal securities; professionals and transactions, 4022
Municipal securities; professionals and transactions; withdrawn, 22847
Municipal securities brokers and dealers; record retention requirements, 48379
Net capital, uniform rule; for brokers and dealers, 5299, 12306, 48377, 53036
Net capital, uniform rule; for brokers and dealers; withdrawn, 39048
Projections of future economic performance; disclosure guidelines, 19986
Projections of future economic performance; withdrawn, 19982
Quotations for eligible securities; dissemination, 32856, 41104
Registration of classes of securities, 10078
Registration of transfer agents, 22596, 28798
Securities issuers reporting to multiple Federal agencies, 39048, 46353
Security holder proposals; proxy rules, etc., 29982
Self-regulatory organizations; final disciplinary actions, 27007
Self-regulatory organizations; responsibilities allocation program, 18879
Short sales, 16184, 19229, 56530, 56542
Stock appreciation rights, 19983
Stolen, missing, lost, or counterfeit securities; reporting and inquiry, 4834, 14907
Tender offers, 33004
NOTICES
Committees; establishment, renewals, etc.:
Corporate Disclosure Advisory Committee, 4871
Replacement Cost Implementation Advisory Committee, 17981
Report Coordinating Group, 17827
Composite central limit order repository, computerized; inquiry, 19274
Consolidated transaction reporting system; prohibition on retransmission of last sale reports; inquiry, 10499
Corporate disclosure; inquiry, 21370, 44769
Employee stock ownership plan; interpretation, 45632
Exchange membership and association with members; foreign membership, etc., 10662
Fiduciaries money managers; use of commission payments, 13678
Financial reporting; staff accounting bulletin, 26083, 26679
Foreign issuers of securities; disclosure improvement, 55012
Foreign securities; exemptions, 39399
Hungary, securities trading; applicability of Johnson Act, 56897
Investment adviser fees; notice of refund, 3368
Investor dispute resolution system; integrated nationwide, 23803, 27793, 50880, 54785
Meetings:
Accounting Series Release No. 193, 55615
Corporate Disclosure Advisory Committee, 4871, 12777, 44767, 48822, 54229
Market National Advisory Board, 837, 4374, 8452, 13681, 18737, 22434, 27451, 32802, 36094, 43482, 44770, 47300, 51890, 56422
Replacement Cost Implementation Advisory Committee, 17982, 24468, 29921, 36095, 44770, 46392, 48425, 52116
Report Coordinating Group, 6813, 11630, 14022, 28855, 30071, 35239
No-action and interpretative letters; monthly list, 13682, 53154
Privacy Act; systems of records, 5318, 5321, 11631, 41550
Securities Exchange Act:
Clearing agencies; applications for registration, 14455
Self-regulatory organizations; responsibilities allocation program; hearings, 49206
Securities information processors; registration applications:
Anschor Growth Fund, Inc., et al., 14796
Central Power & Light Co., 14797
Equity Funding Corp. of America, 14798
Maine Yankee Atomic Power Co., 14798
NASDAQ, Inc., 14794
Nelson Fund, Inc., 14800
Scudder International Fund, Inc., 14802
Vance, Sanders Exchange Fund, et al., 14803, 14804
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., et al., 1658, 1820, 2291, 2872, 2873, 5161, 6810, 8443, 11631, 11896, 12098, 12368, 13419, 14452, 14795, 16523, 17439, 17633, 18174, 18478, 18938, 18939, 20030, 22899, 23792, 24781, 29499, 32478, 36094, 37422, 39390, 41166, 43478, 44237, 46658, 46659, 47116, 48007, 48822, 52730, 53555, 54781, 55359
American Stock Exchange Clearing Corp., 14794, 14795, 20932
Boston Stock Exchange, 1340, 1658, 8840, 8842, 9941, 10679, 11374, 12099, 13420, 18568, 23253, 23496, 24781, 29766, 31272, 39107, 44767, 48007, 48198, 50363
Boston Stock Exchange, Inc., 5159, 8131
Boston Stock Exchange Clearing Corp., 12938
Bradford Securities Processing Services, Inc., 39107
Chicago Board Options Exchange, Inc., 1822, 2293, 2697, 8453, 8843, 8844, 10498, 10499, 10974, 11904, 12370, 13421, 15459, 17984, 17985, 18373, 19174, 21369, 21849, 24782, 27793, 30750, 31272, 32811, 35584, 35587, 36095, 36272, 37682, 38839, 39108, 41482, 44239, 45631, 48425, 54781, 55757, 55956
Cincinnati Stock Exchange, 1974, 2292, 4984, 7827, 8444, 8451, 11221, 16231, 22649, 25055, 31948
Depository Trust Co., 14453, 14798, 17823, 20627, 23001, 23498, 29772, 32802, 35587, 36274, 40572, 46656, 49906, 52731
Detroit Stock Exchange, 835, 6810, 8131, 17985, 20626, 21715
Midwest Clearing Corp. et al., 4374, 8238, 14799, 20234, 23003, 32814, 50880
Midwest Securities Trust Co., 6811, 8009, 8238, 11897, 14800, 18738, 20031, 23003, 29045, 29775, 32813, 34134, 36095, 41974, 46397, 48827
Midwest Stock Exchange, Inc., 838, 1341, 1824, 1976, 2876, 4986, 5463, 7183, 9431, 11906, 13422, 16528, 16531, 18478, 18479, 20932, 21716, 21719, 21851, 27142, 27880, 30409, 30410, 31431, 32803, 38847, 39110, 39856, 43481, 44776, 45921, 46657, 48008, 48428, 49910, 51486, 53880, 54783, 55406
Municipal Securities Rulemaking Board, 2450, 5152, 10503, 10685, 10686, 10689, 18175, 22650, 31273, 32803, 32804, 34712, 34715, 41171, 46657, 48428, 49685, 50743, 50880, 51156
National Association of Securities Dealers, Inc., 836, 5153, 5873, 9631, 15074, 16531, 16716, 19176, 23255, 31949, 32814, 33347, 43481, 45074, 47300, 55404
National Clearing Corp., 2702, 2877, 2878, 8550
New York Stock Exchange, Inc., 838, 1551, 1825, 3363, 3365, 3791, 4987, 5155, 5157, 5315, 5874, 6813, 7183, 7828, 8132, 8239, 8447, 8843, 11898, 11907, 12101, 12103, 12939, 13422, 13423, 13679, 15073, 16233, 16532, 17825, 18178, 18374, 19168, 19266, 19270, 20032, 20035, 20037, 21257, 21852, 21853, 21854, 22169, 23499, 25944, 26084, 26283, 26284, 26287, 27881, 30407, 31432, 34136, 34374,

INDEX

UMI

37863, 38847, 38855, 38856, 39110, 39111, 41974, 45633, 45634, 46397, 47121, 48009, 48198, 48430, 53152, 55013.
Options Clearing Corp., 838, 2290, 4987, 7826, 10504, 17826, 23501, 24785, 31433, 34139, 35588, 47296, 48829, 49905, 50365, 51157, 51891
Pacific Clearing Corp., 2451, 2452, 2703, 8452, 9013, 15761, 19168, 20626, 25057
Pacific Securities Depository Trust Co., 1977, 2453, 15762, 22652, 32300, 33346, 40573, 44768, 44769
Pacific Stock Exchange, Inc., 838, 1826, 4375, 6811, 7183, 7827, 8132, 8844, 10975, 13424, 14025, 16533, 19177, 20748, 21719, 22898, 23799, 24787, 26289, 28854, 29045, 29497, 30410, 31952, 31953, 32482, 33346, 34717, 35592, 37683, 38856, 39112, 39395, 41487, 42255, 44242, 51159, 51640, 53149, 53150, 53151, 53380, 53382
PBW Stock Exchange, Inc., 2293, 4376, 4870, 9433, 14800, 16535, 18369, 18372, 18482, 19267, 20234
Philadelphia Stock Exchange, Inc., 23801, 24222, 25057, 27881, 29043, 29922, 32806, 44769, 47122, 53383, 55758
Potomac Edison Co., 20627
Stock Clearing Corp., 2698, 12105, 12106, 17827, 20936, 22433, 31273
Stock Clearing Corp. of Philadelphia, 15923, 23802, 27796, 38860
TAD Depository Corp., 11904, 43483, 50366
Self-regulatory organizations; review of regulations, 53557
Short sales of securities, 3369
Street name study; transmittal of report to Congress, 53880
Hearings, etc.:
Acacia National Life Insurance Co. et al., 28855, 31272
Accumulation Fund, Inc., 6344, 10495
Adams Express Co., 41479
Admiralty Fund et al., 50740
Advance Investors Corp., 55759
Aetna Variable Annuity Life Insurance Co., 32806. 44771
Alabama Power Co., 839, 8444, 19268, 45630, 49907, 51153
Alaska Continental Development Corp., 31433
Allegheny Pittsburgh Coal Co. et al., 53875
Allegheny Power System, Inc., et al., 10495, 13419, 17633, 29765, 35593
Alliance Bond Fund, Inc., 11895
Allied Capital Corp., 48822
Allied Products Corp., 10496
Alrac Corp. et al., 17982
Alta Gold Corp., 2872
Alternate Energy Systems, Inc., 14452
American Airlines, Inc., et al., 17982, 27879
American Bakeries Co., 32975
American Birthright Trust, 48197
American Chain & Cable Co., Inc., 40571
American Commonwealth Financial Corp., 5152
American Electric Power Plant Co., Inc., et al., 3789, 12097, 12098, 12367, 52730, 54572
American Fund for Savings, 4984
American General Exchange Fund, 4367
American General Life Insurance Co., 18559
American General Life Insurance Co. of New York et al., 18737
American General Municipal Bond Fund, Inc., et al., 53378
American General Shares, Inc., 31434
American Income Trust et al., 38834
American Kitchen Foods, Inc., et al., 21257
American Liquid Trust, 30408
American Realty Trust, 5686
American Special Fund, Inc., et al., 32808, 50742
American Stock Exchange, Inc., et al., 3361, 29921
Americare Growth Fund, Inc., 36271
Ametex Corp., 44901
Aminex Resources Corp., 55250
Anchor Coupling Co. Inc., 51153
Anchor Reserve Fund, Inc., et al., 53876
Andersen, Arthur, & Co., 32810, 34374
Appalachian Power Co. et al., 12098, 23792, 23793, 32810, 34372
Arkansas Power & Light Co., 2288, 9940, 11083, 43479
Arkansas-Missouri Power Co. et al., 15071, 16230, 31435, 47117
Armco Steel Corp., 39855
Ascot Oils, Inc., 52729
Ashton, Harris J., 3518
Astron Fund, Inc., et al., 841, 48824
Axe-Houghton Fund A, Inc., et al., 44238
Bank of North Dakota, 55759
Bankers Security Variable Annuity Fund A et al., 8003
Bannak, 29042
Barber Oil Corp., 51154
Bay State Gas Co., 3147
Bayrock Fund, Inc., 20035, 20036
Beefsteak Charlie's, Inc., 16524
Bekland Resources Corp., 14022
Belmont Oil Co., 52729
Berkley Land & Investment Corp., 1821
Black Thunder Coal Co. et al., 26758
Boston Stock Exchange, 16230, 16231, 27792, 32478, 35910, 56245
Bradford Securities Processing Services, Inc., 47607
Brae Co., 38836
Bristol-Myers International Finance Co., 53556
Broad Street Investing Corp. et al., 46654
Brown, Alex., & Sons, 16618
Bunker Ramo Corp. et al., 4369, 10679, 29499
Burnham Fund, 1550
C.I. Mortgage Group, 10681
Canadian Javelin, Ltd., 17, 1821, 2696, 4868, 5462, 7826, 8451, 10094, 11904, 13424, 14960, 16231, 17983
Canadian Pacific Limited, 56896
Candlewycke Inns, Ltd., 1821, 10497
Cardinal Corporate Income Trust et al., 41480
Carex International, Inc., 28851
Carolina Wholesale Florists, Inc., 25942
Cavalier Oil & Gas Co., Inc., 4370, 51485
Central Power & Light Co. et al., 4078, 6128
Central & South West Corp. et al., 1979, 5310, 6128, 10681, 38837, 48826, 54573, 55760
Central States, Southeast and Southwest Areas Pension Fund, 46392
Century Petroleum Corp., 53381
Chase Fund of Boston et al., 38838
Checchi-Pacific Corp., 18478
Chemex Corp., 19167, 52731
Chestnut Street Exchange Fund et al., 41167, 51637
Chicago Board Options Exchange, Inc., 35239, 41767
Childs, Donald S., 1974, 1978, 55957
Cincinnati Stock Exchange, 28368, 29042, 45075, 50363, 51894, 53151
Colonial Equities, Inc., 5311, 11084
Colonial Ventures, Inc., 5312, 11084
Colt Industries, Inc., et al., 36274, 38840
Columbia Gas System, Inc., et al., 4371, 15072, 16525, 33344, 39390, 51638, 54040
Combustion Equipment Associates, Inc., 45631
Compass Growth Fund, Inc., 17633
Connecticut General Life Insurance Co. et al., 39391
Connecticut Light & Power Co. et al., 46394, 51639, 51892
Connecticut Mutual Life Insurance Co., 55760
Connecticut Yankee Atomic Power Co., 5462, 23794
Connett, Thomas E., 8444, 12100
Conrac Corp., 1550, 2290, 3518, 4985
Consolidated Gas Supply Corp., 2697
Consolidated Natural Gas Co. et al., 5878, 16526, 19385, 23496, 35239, 53556, 54041
Consolidated Tape Association et al., 4372
Consolidated Transaction Reporting System, 15924
Consultant's Mutual Investments, Inc., 9011
Continental Bankers Life Insurance Co. of South, 10681
Continental Individual Retirement Trust et al., 44239
Continental Vending Machine Corp., 17, 1824, 2874, 4868, 5686, 7828, 8451, 10503, 11905, 13682, 14960, 16527, 18939, 19168, 20748, 22900
Contran Corp., 29766, 29771
Corporate Income Fund Series Co., Inc., 46660
Dain, Kalman & Quail Inc., 25056
Dallas Oil & Gas, Inc., 51894
Daltex Petroleum Corp., 2874, 2875
Darin & Armstrong, Inc., 1977
Decair Corp., 46396
Delmarva Power & Light Co. et al., 3520, 21371, 30408, 46661
Delta States Oil Inc., 16231
Depository Trust Co. et al., 8550, 38841
Dimensional Entertainment Corp., 41768
Discount Corp. of New York, 49685
Diversified Industries, Inc., 24783, 26282, 27880, 29772, 31948, 32811, 34134, 36095, 37863, 39392, 45631, 46396, 47297, 48427, 50080
Dowdle Oil Corp., 17824
Dreyfus Fund Inc., 15462
Dyna Graphics International, Inc., 24468
E & E Mutual Fund, Inc., 20036

Eastern Utilities Associates et al., 2696, 3148, 28368, 41482, 43480
Eastern Utilities Association, 16231
Edie Special Institutional Fund, Inc., 3518, 11084
El Paso Natural Gas Co., 50881
Elkins Institute, Inc., 14452
Elpac, Inc., 56897
Emersons, Ltd., 16232, 17022, 19168, 20233
Energy International, Inc., 14022
Energy Marketing Consultants, 4372
Energy Reserve, Inc., 21372
Enntex Oil & Gas Co., 4373
Equitable Life Assurance Society of United States et al., 24783
Equitable Variable Life Insurance Co. et al., 35240
Equity Exchange Fund, 46662
Equity Funding Corp. et al., 34134
Equity Funding Corp. of America et al., 1550, 1824, 2290, 3923, 5313, 7183, 8451, 9630, 11374, 12777, 16232, 17634, 18738, 20037, 21716, 22900, 24469, 26282, 27880, 29773, 31272, 32811, 36095, 37863, 39392, 41768, 43784, 45632
F. G. Mutual Fund, Inc., et al., 53877
Fall River Electric Light Co. et al., 52731
Faulkner, Dawkins & Sullivan, Inc. et al., 22432
Federal Life Insurance Co. (Mutual), 11371
Federal Life Variable Annuity Account A, 11371
Federated Exchange Fund, 38842, 41483
FFV Accumulation Plan, 32812
Fidelity Daily Income Trust et al., 8445
Fidelity Exchange Fund, 14602
Fidelity Municipal Bond Fund, Ltd., 18560, 18562
Fiduciary Equity Associates., et al., 49908
Financiera Bancomer, S.A., 5313, 11084
First American-Australian Investors, Ltd., 55250
First California Fund, Inc., 9630
First Fund of Virginia, Inc., 32812
First Home Investment Corp. of Kansas, Inc., 9012
First Income Shares, Inc., et al., 47297
First National Bank of Chicago, 41483
First National Bank of Minneapolis, 8237
Fleming Berger Fund, Inc., 3361
Fore Fund, Inc., et al., 28851
Foundation Stock Fund, Inc., 33344
Founders of America Investment Corp., et al., 22900, 54574
Foursquare Fund, Inc., et al., 45632
Franklin Corp., 16232
Franklin Resources Liquid Assets Fund et al., 4985
Fremont Corp. et al., 35594
Fulton Reid & Staples Fund, Inc., 19277
Fund Research & Management, Inc., 10094
G.T. Pacific Fund, Inc., 53728
GAC Corp., 835, 1978, 3362, 4986, 6344, 7828
GAC Properties Credit, Inc., 835, 1978, 3362, 4986, 6344, 7828
General American Transportation Corp., 49913
General Ener-Tech, Inc., 19278
General Oil, Inc., 30071
General Public Utilities Corp. et al., 4868, 10682, 11905, 26960, 39855, 48826, 49910, 52732
Generics Corp. of America, 836, 1824
Georgia Power Co., 3923, 8008, 22168, 31948, 39392, 52733
Ginny Mae Fund, Inc., 18179
Government Employees Insurance Co., 8844, 10503, 11221, 12100, 14023, 15384, 23497, 26760, 28049
Granite State Electric Co. et al., 9942, 51154, 52733
Greenwich Liquidity Reserve, Inc., 39394
Gulf Power Co. et al., 1975, 32479, 38845
Hamilton Bancshares, Inc., 7828
Hammermill Paper Co., 11896
Harvest Fuels, Inc., 8447, 52734
Hauck, W. E., Inc., 23498, 50745
Hawick Fund, Inc., 54782
Highland Capital Corp. et al., 17634
Home Life Insurance Co. et al., 14605
Hornblower Equity Fund, Inc., 5687, 11085
Horne, Ransom, Jr., 54786
Hotel Taft Associates, 22168
Hyco Oil, Inc., 2875, 51892
I.I.I. Securities Corp., 13421
Image Systems, Inc., 35911
Income Fund of America, Inc., et al., 28853
Indiana & Michigan Electric Co., 1551, 11373, 21372, 23795, 35594, 36849
Indiana & Michigan Power Co. et al., 2850, 52734
Indiana-Kentucky Electric Corp., 32299
Industrial Acoutics Co., Inc., 51895
Institutional Liquid Assets, Inc., 10683
International Commodity Resources Corp., 29042
International Construction Systems, Inc., 47117
International Funeral Services of California, Inc., 54782
International Holdings Corp., 8237
International Investors Inc., 13421
Inventure Capital Corp., 3519
Investors Diversified Services, Inc., et al., 37423, 46396
Investors Income Fund, Inc., 32812
Investors Syndicate of America, Inc., 3923
Israel Investors Corp., 22901
Jersey Central Power & Light Co., 3520, 3790, 8549, 21374, 47118, 54042
John Hancock Investors, Inc., 14026
John Hancock Mutual Life Insurance Co., 14026
Kansas City Star Co., 44241
Kemper Municipal Bond Fund, Ltd., 8005
Kentucky Crude Oil & Gas, Inc., 5314, 51486
Kentucky Power Co. et al., 23796, 41768
Keystone Custodian Funds, Inc., et al., 49908
KMS Industries, Inc., 44241
Knickerbocker Fund, 49909
Knickerbocker Growth Fund, Inc., 49913
Lafitte Co., Inc., 36275
Laprada Oil & Gas Co., 4374
Lehman Corp., 3365
Life Insurance Co. of North America, 14023
Life Insurance Co. of North America Separate Account A, 14023
Lighthouse Fund B, Inc., 34373
Lincoln Fund, Inc., 33345
Lincoln National Direct Placement Fund, Inc., et al., 18368
Lord, Abbett & Co., 53877
Louisiana Power & Light Co., 33345, 40572, 43480, 50363, 54043
Macrodata Corp., 18737
Madison Foods, Inc., 50743
Magellan Fund, Inc., et al., 3362
Magnetco, Inc., 836
Main Dollar Stores, Inc., 10503
Maine Yankee Atomic Power Co., 5879, 9631
Major Petroleum Co., 41484
MAPI, Inc., 31273
Marathon Securities Corp., 9430
Maritime Fruit Carriers Co., Ltd., 12100
Massachusetts Cash Management Trust, 10683
Massachusetts Mutual Life Insurance Co. et al., 10684, 17635, 41484, 53728
MassMutual Income Investors, Inc., 10684
Medical Exploration, Inc., 37863
Medici Fund, Inc., 32813
Mercile Oil Co., 51486
Merrill Lynch Ready Assets Trust et al., 29773
Metro-Urban Investment Corp., 4986
Metropolitan Edison Co., 6128, 26282
Micron Corp., 34134
Middle South Energy, Inc., 842, 35594
Middle South Services, Inc., 16527
Middle South Utilities, Inc., et al., 842, 4869, 12371, 16527, 18179, 21373, 23796, 29767, 35241, 36276, 39394, 44775, 49207, 51156, 53879, 54044
Midland Capital Corp., 8444, 12100
Midwest Securities Trust Co., 29775
Midwest Stock Exchange, Inc. et al., 26760, 34135, 35241, 35242, 48427, 48428, 51891, 51895, 53152, 56245, 56422, 56423
Millmaster Onyx Corp., 25943
Milwaukee Equity Fund, Inc., 5160
Minnesota Tax-Exempt Income Trust, 47118
Mississippi Power Co., 2877, 13682
Mississippi Power & Light Co., 22903
Mobile Corp., 51896
Money Rates Income Fund, Inc., 30409
Monongahela Power Co. et al., 19175, 48827
Monsanto International Finance Co., 53381
Morgan, J. P., of Canada Ltd., 20932
Moxie Industries, Inc., 32976
MSL Industries, Inc., 48008
Municipal Fund Series Co., Inc., 55406
Municipal Securities Rulemaking Board, 10685, 49558, 51892
Mutual fund distribution bearing costs, 44770, 50080
Narragansett Capital Corp., 54575
Narragansett Electric Co. et al., 50364
NASDAQ, Inc., 34373, 41485
Nathan Hale Investment Corp., 36096
National Alfalfa Dehydrating & Milling Co., 30755
National Association of Securities Dealers, Inc., 1341, 47120
National Bank of North America, 43483

INDEX

UMI

National Fuel Gas Co. et al., 16714, 16716, 50364, 56245
National Municipal Trust et al., 32480
National Propane Corp., 21851
National Securities Clearing Corp., 23255, 49722
Neonex International, Ltd., 28854
Neotec Corp., 44903
Neuwirth Century Fund, Inc., 54785
New England Electric System, 9432, 41485, 41486
New England Energy Inc., 21374
New England Power Co., 23797, 55761
New England Securities Depository Trust Co., 20627, 43785
New Orleans Public Service, Inc., 47120, 49686
New York Stock Exchange, Inc., 14960
New York Venture Fund, Inc., et al., 18564
Nicor, Inc., et al., 36277
NN Investors Life Insurance Co., Inc., 51893
Northeast Fidelity Investment Co., 5160
Northeast Utilities et al., 5463, 9943, 14024, 21854, 43483
Northwest Utilities, 51895
Nuveen Income Fund et al., 26760
Nuveen Municipal Bond Fund, Inc., 53152
Nuveen Tax-Exempt Bond Fund et al., 37424
Ohio Edison Co. et al., 9945, 10095, 10096, 14219, 20934, 24221, 24784, 29042, 48828
Ohio Electric Co. et al., 26761
Ohio Power Co. et al., 15384, 23258, 23798, 27793, 44773, 44774, 53730
Oklahoma Coal & Oil Co., 4375
Omega-Alpha, Inc., 7183, 7474, 10097, 11371, 11907
One William Street Fund, Inc., et al., 3365, 41486
O'Neil Fund, 2701
Options Clearing Corp., 5159, 11085, 24223, 44903, 45634
Orion Capital Corp., 16232, 17634
Pacific Clearing Corp., Inc., 27795
Pacific Fidelity Life Insurance Co. et al., 3791
Pacific Securities Depository Trust Co., 51159
Pacific Stock Exchange, Inc., 14454, 24786, 30755, 48431, 51894
Paramount Mutual Fund, Inc., et al., 55762
PBW Stock Exchange, Inc., 5161, 15461, 16234, 18482
Peachtree Equity Securities, Inc., 3366
Peerless Weighing and Vending Machine Corp., 12104
Penn Central Co. et al., 55407
Penn Fruit Co., Inc., et al., 23497
Pennsylvania Electric Co., 2290, 3368, 11907, 16536
Pennsylvania Power Co., 10096, 13425, 19269
Pennsylvania Power & Light Co., 17636
Petco Oil & Gas, Inc., 843
Philadelphia Stock Exchange, Inc., 26762, 26763, 29775, 35242, 41769, 48432, 53382, 56246
Philipsborn, Inc., 56247
Precision Optics, Inc., 20037
Premier Oil & Gas, Inc., 11630, 54578
Prescott, Ball & Turbin, 44901
Presley Co., 14026, 16537, 16717, 18483, 19178, 20936
Prudential Insurance Co. of America et al., 10097
Pubco Corp., 1976
Public Service Co. of Oklahoma, 16717, 19178, 20935, 49910
Puritan Fund, Inc., 1826
Putnam Daily Dividend Trust, 50365
Putnam Municipal Bond Fund, 50744
Putnam Tax Exempt Income Fund, 55764
Rando, Joseph, Inc., 25057
Ravencliffs Development Co., 17826
Ready Reserves Trust, 29498
Reed Tool Co., 12105
Research Automation Corp., 5161
Reserve Management Corp. et al., 19278, 35911
Resource Exploration Inc., 11374
Reuters Ltd., 46398
RFI, Inc., et al., 54785
Richford Industries, Inc., 47123, 49912
Rio Grande Oil Co., 5321, 5322, 5323, 51487, 51488
Robino-Ladd Co., 56423
Russel, Frank, Co., Inc., 841
S W Industries, Inc., 53383
Sanitary Controls, Inc., 45634
Savings Bank Investment Fund, 25058
SBL Variable Annuity Account, 14220
SCM Overseas Capital Corp., 46399
Scudder Cash Investment Trust, 6129, 11085
Scudder Managed Municipal Bonds, 46658
Scudder Stevens & Clark Common Stock Fund Inc. et al., 16718
Sealaska Corp. et al., 6812
Second Congress Street Fund, Inc., 17637
Secure Life Investment Trust, 39395
Security Benefit Life Insurance Co., 14220
Selected American Shares, Inc., 47124
Selected Opportunity Fund, Inc., 13683, 23802
Selected Special Shares, Inc. et al., 13683, 47123
Seligman & Latz, Inc., 49912
Seymour Foods, Inc., et al., 38857
Shay Oil Co., 844
Shell International Finance, N.V., 40239
Smith, Barney Equity Fund, Inc., et al., 38239
Smith Barney, Harris Upham & Co. Inc., et al., 18566
SoGen-Swiss International Corp., 28369, 29920
Source Capital, Inc., et al., 39396
Southeast Acquisition Co. et al., 36097
Southern California Minority Capital Corp., 5879
Southern Co. et al., 7184, 8009, 8449, 9433, 10689, 14606, 15073, 29775
Southern Co. Services, Inc., 44775
Southern Crude Oil & Gas Co., Inc., 11632, 51488
Southwest Coal & Energy Co., 4377
Southwestern Electric Power Co., 1979, 10098, 11373, 29776, 37426, 42255
Southwestern Resources, Inc., 8449, 8450, 8451
Sports Fund, 51896
Standard & Poor's Intercapital Liquid Asset Fund, Inc., 29044
Standard Shares, Inc., 47301
State Mutual Securities, Inc., et al., 27795
State Street Exchange Fund, 11901, 38858
Stelber Industries, Inc., 6812
Stock Fund of America, Inc., et al., 20936, 49912
Sum Investment Corp., 13426
Swiss American Securities, Inc., 31273
Tax Exempt Bond Fund, 3520
Taxpayers Aid Society, Inc., 25944, 36098
TDP&L Investment Account 'B', Inc., 34135
Texas Coal & Energy Co., 4377
Thriftway Leasing Co., 49913
TI Corp. (of California), 3521, 3924
Transamerica Capital Fund, Inc., et al., 36850
Transjersey Bancorp., 18, 1341
Travelers Insurance Co. et al., 2700
Tri-State Oil & Gas, Inc., 4079, 4080
Trinwall Bond Fund, Inc., 2879
Trinwall Cash Reserve, Inc., 35242
U.S. Crude Oil & Gas, Inc., 844
Unified Funds, Inc., 8452
Union Electric Co. et al., 54579
United Air Lines, Inc., 20749
United Coin Services, Inc., 13686
United Founders Life Insurance Co., 16234
Universal Gas and Oil Co., Inc., 12107
Universe Tankships, Inc., 44242
Uslife Funds, Inc., et al., 39398
Utility Shares of America, Inc., 15462
UV Industries, Inc., 1826
Value Line Income Fund, Inc., et al., 43785
Vanguard Group, Inc., 7474
Varied Industry Plan, Inc., et al., 26763
Vermont Marble Co., 56246
Viking General Corp., 25944
Viking Growth Fund, Inc., 20037
Viking Growth Fund Systematic Investment Plans, 29771
Viking Investors Fund, 20038
Voyager Life Insurance Co. et al., 32814
W. T. Grant Co., 7185
Walker, Thomas B., Jr., 50080
Warner Bros., Inc., 50745
Weeden & Co., 29768
Weeden Corporate Bond Trust et al., 30410
Weeden Tax Exempt Bond Trust, 22903
Wellesley Income Fund, Inc., 26290
Wellington Fund, Inc., et al., 41489, 49914
Wells Fargo Securities Clearance Corp., 8237
West Penn Power Co., 48829
Western Massachusetts Electric Co., 46664
Western Orbis Co., 3924
Western Resources & Development, Inc., 37864
White, Weld & Co., Inc., 28370, 29770, 36850, 36851
Wood Struthers & Winthrop, Inc., 11908
Yankee Atomic Electric Co., 54045
Youghiogheny & Ohio Coal Co., 17826

SELECTIVE SERVICE SYSTEM

RULES

Induction allocations; lottery selection, 56803
Information availability, etc., 44169
Registration duty and responsibility, 56803

PROPOSED RULES

Induction allocations; lottery selection, 51618
Information availability, etc., 36669
Registration duty and responsibility, 51618

NOTICES

Privacy Act; systems of records, 53962

Registrants Processing Manual, 5331

SINAI SUPPORT MISSION

NOTICES

Authority delegations:
  Contracts, Associate Director, 50886
  Controller, 15074
  Financial Management Office, Controller, 9435
  Management Operations Office, Director, 9435
  Plans and Operations, Associate Director, 40574
  Program Office, Director, 15074, 42256
  Sinai Field Mission Director, 7185, 35595

SMALL BUSINESS ADMINISTRATION

RULES

Business loans:
  Advertising by participating lenders, 15404
  Agricultural enterprises; assistance eligibility and guidelines, 44856
  Charges and interest rates, 30586, 40091
  Guaranteed loans; notice of default, 10415, 16146, 33549
  Lenders; documentation submittal, 33245
  Media policy; clarification, 55508
  Property, real; sale or investment; loans to small general contractors, 47453
  Terms or conditions, statutory provisions, etc., 26203
Conduct standards, 29657, 33547
Disaster loans, 26203, 35675, 49970
Economic opportunity loans, 26202, 38161
Freedom of information, 30008, 35675
Lease guarantee; funding for 1977 FY, 37762
Loans to State and local development companies, 26202
Nondiscrimination in financial assistance programs:
  Lending institutions, notice to, 17723
Privacy Act; implementation, 43711
Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE); payment of out-of-pocket expenses, 43131
Small business investment companies:
  Farm land purchases, financing, 52648
  Funds to licensees, etc., 26201, 38161
Small business size standards:
  Construction contractors; special trades, 5809
  Definition of term 'number of employees', 9298
  Differentials for Hawaii, Virgin Islands, Puerto Rico, and Guam, 38162
  Government subcontractors, 5124
  Milk, fluid; Government procurement, 4013
  Petroleum refiner; redefinition, 39305
  Special trade construction, "grandfather" clause, 11477
Surety bond guarantee:
  Application procedures and policy, 43409
  Fees and policy, 16549, 20646

PROPOSED RULES

Business loans:
  Advertising by participating lenders, 6288
  Applications; processing fees, public notice, etc., 42962
  Charges and interest rates, 22103
  Media policy; clarification, 23731
  Nondiscrimination requirements; lending institutions and borrowers, 10234
  Parolees and probationers; acceptance of assistance applications, 54002
  Property, real; sale or investment, 33567
  Sale or transfer of guaranteed portion of loan, 21653
Disaster loans, 51837, 54002
Economic opportunity loans, 54003
Handicapped assistance loans, 44430, 54002
Lease guarantee:
  Parolees and probationers; acceptance of assistance applications, 54002
Loans to State and local development companies:
  Parolees and probationers; acceptance of assistance applications, 54002
Nondiscrimination in financial assistance programs:
  Lending institutions, notice to, 10234
Privacy Act; implementation, 8190
Procurement and technical assistance:
  Parolees and probationers; acceptance of assistance applications, 54002
Small business investment companies:
  Farm land purchases, financing, 37817
  Funds to licensees, 8800, 16580, 24915, 26716
  Limited partnerships, 47502
  Parolees and probationers; acceptance of assistance applications, 54002
Small business size standards:
  Differentials for Hawaii, Virgin Islands, Puerto Rico, and Guam, 22847
  Farm, small, definition of, 55202
  Government procurement and sales eligibility; protest procedures, 46624
  Refuse collection with or without disposal, 50274
  Shipbuilding and repairing; definition, 50002
  Surety bond guarantee assistance, 5837
Surety bond guarantee:
  Application procedures and fees, 1608, 3105, 37817
  Parolees and probationers; acceptance of assistance applications, 54002

NOTICES

Applications, etc.:
  A B Small Business Investment Co., Inc., 31953, 51896
  Affiliated Investment Fund, Ltd., 2454
  Allied Lending Corp., 45923
  American Asian Capital Corp., 27798, 54046
  Arizona First Small Business Investment Co., 2454
  Associated Capital Corp., 28371, 56248
  Atlantic Small Business Investment Corp., 52929
  BanCal Capital Corp., 21531, 36555
  Bankers' Capital Corp., 1979, 9945
  Beauhan Minority Investment Corp., 27142
  Beneficial Capital Corp., 20038, 34374
  Bohlen Capital Corp., 35912, 44080
  Brittany Capital Corp., 7829, 26625, 36277, 55958
  Bryan Capital, Inc., et al., 49559
  C.B.M.C. Capital Corp., 52736
  Capital Marketing Corp., 2455, 55015
  Capital Services & Resources, Inc., 49686
  Certified Grocers Investment Corp., 22320
  Chicago Community Ventures, Inc., 31953
  Chinese American Investment Corp., 34834
  Cinema Fund, Inc., 55015
  Coleman Capital Corp. et al., 2455
  Continental Capital Corp., 31436, 36555
  Continental Illinois Venture Corp., 34374, 39400
  Cottman Capital Corp., 4378, 43259, 50366
  Diman Financial Corp., 21531, 27798
  Dixie Capital Corp. et al., 31954, 42994, 46665
  Doan Resources Corp., 11909, 43786
  Dunkin' Donuts MESBIC, Inc., 8239
  East West United Investment Co., 9235, 47611
  Endeavour Capital Corp., 53154
  Equi-Tronics Capital Corp., 14027
  Equity Life Community Enterprises Corp., 39400
  Falcon Capital Corp., 15925
  Fidelity Capital Corp., 2704
  Fifty-Third Street Ventures, Inc., 21532, 33591
  Financial Opportunities, Inc., 43260
  First American Investment Corp., 2704
  First Business Investment Corp., 24469, 34834
  First Growth Capital, Inc., 2705
  First Oklahoma Venture Corp., 46063, 51489
  First SBIC of Arkansas, Inc., 24959, 42995
  First Small Business Investment Co. of Louisiana, Inc., 28050
  First Texas Investment Co., 26625, 31436
  First United Small Business Investment Co., Inc., 40239, 49559
  First Wisconsin Investment Corp., 54825
  Forsyth County Investment Corp., 41769, 51641
  Fourth Street Capital Corp., 52929
  Frontenac Capital Corp., 51641
  Grocers Capital Co., 7829
  Grocers Small Business Investment Corp., 49687
  Intercapco, Inc., 32815, 48199
  Intercapco West, Inc., 43260
  Irving Small Business Investment Co., Inc., 49559, 55616
  Market Capital Corp., 35106
  Massachusetts Capital Corp., 17638, 35913
  MCA New Ventures, Inc., 26961, 33590
  Mercantile Texas Capital Corp., 50367, 55958
  Merchant's Finance Co., Inc., 7600, 19387
  MESBIC Financial Corp. of Houston, 46531, 52736
  Minority Equity Capital Co., Inc., 30226
  NIA Corp., 9235
  Opportunity Capital Corp., 3505
  Permian Basin Capital Corp., 33591, 39401
  Phoenix MESBIC of Alabama, Inc., 55015
  Pioneer Investors Corp., 55616
  Preferred Capital for Small Business, Inc., 51897
  Preferred Capital for Small Business, Inc., et al., 37175
  Prime Capital Corp., 41769
  Professional Capital Corp., 52737
  Rand SBIC, Inc., 21259
  Republic Capital Corp., 56248
  SBIC of America, 24960
  SC Opportunities, Inc., 5163
  SCDF Investment Corp., 26764

INDEX

UMI

Sci-Tronics Fund, Inc., 36277
Security Beneficial Investment Corp., 15925
Sierra Capital Co., 21259
Small Business Enterprises Co., 52737, 53560
Small Business Investment Capital, Inc., 24960
Southern California Minority Capital Corp., 15463
Southwest Capital, Inc., 48199
Southwest Capital Corp., 11909
Southwest Capital Investments, Inc., 20750, 54046
Space Ventures, Inc., 36278
Taroco Capital Corp., 27143, 43261
Texas Capital Corp., 31954
Tower Ventures, Inc., 21719
TSM Corp., 37174, 53881
United Venture Capital Corp., 44904
United Venture Corp., Inc., 50367
Waterfield SBIC, Inc., 46532
Wisconsin Capital Corp., 7601
Authority delegations:
Community Development Office Director et al., 46665
Field offices, 8249, 17829, 28049, 50883
Finance and Investment Associate Administrator, 42994
Personnel Office, Director, 15762
Philadelphia District Office Director et al., 36702
Regional Director et al., 47610
Seattle District Office, 16234
Committees; establishment, renewals, etc.:
Equity and Venture Capital for Small Business, Task Force, 50746
Consumer representation plan, 42866
Disaster areas:
Alabama, 17637
Alaska, 845
Arkansas, 15925, 23003
California, 8239, 44080, 45923
Colorado, 33590, 37175
Connecticut, 22321
Florida, 2880
Georgia, 26068, 28050
Guam, 22653, 30226
Idaho, 24469, 32815
Illinois, 14027, 15762, 26764
Indiana, 18180
Iowa, 28050, 29233
Kansas, 10976, 29233, 29777, 31435
Kentucky, 9945
Louisiana, 15925
Maine, 7600, 9235, 15762, 18180, 41175
Maryland, 47611, 54825
Massachusetts, 7475, 18738, 19387
Michigan, 14028, 15762, 16619, 22321
Mississippi, 9945, 15925
Missouri, 10272, 29233, 32815
Montana, 2880, 10505, 32815, 47611
Nebraska, 8453, 16619, 19387, 22321
New Jersey, 14829, 37175, 52736
New Mexico, 40240, 45635
New York, 9434, 9945, 14028, 15762, 18181, 18568, 20750, 28599, 29233, 32815, 34834, 40240
North Dakota, 17638
Northern Mariana Islands of Pacific, 26764, 33591
Ohio, 22653, 33591
Oklahoma, 15925, 24469
Oregon, 1979, 4871
Pacific Islands Trust Territory, 18568, 26068
Pennsylvania, 19279, 29233, 31954, 35106, 48200, 50081
Rhode Island, 40240
South Dakota, 28050
Texas, 12249, 18738, 26068, 28050
Vermont, 16619, 35107, 36278
Washington, 1980
Wisconsin, 14028
Lending institutions; maximum interest rates, 56898
Loans and revolving line credit; maximum interest rates, 18, 14027, 27143, 44903
Meetings, advisory councils:
Albuquerque District, 17829, 21531, 48200
Atlanta District, 6345, 10504, 40240, 49915
Augusta District, 9434
Baltimore District, 17638, 20750, 36098
Birmingham District, 19386, 49915
Boise District, 14829
Boston District, 55615
Casper District, 14455, 40573
Charlotte District, 34834
Chicago District, 40573
Clarksburg District, 14455, 44243
Cleveland District, 14828, 35912, 50366
Columbia District, 9434, 44080
Columbus District, 14828, 51641
Concord District, 10505, 21531, 35771, 39400, 56898
Dallas District, 11085, 42994
Denver District, 3505, 36098
Des Moines District, 11085, 52736
Detroit District, 11086, 21531, 30226, 46664
Equity and Venture Capital Task Force, 52737
Fargo District, 14829, 44478
Hartford District, 19178, 26764, 32301, 48200
Hato Rey District, Virgin Islands Branch, 5163, 39401
Helena District, 40573
Honolulu District, 10504, 43260
Houston District, 14829, 36702
Indianapolis District, 4378, 10505
Jackson District, 11909, 43261
Jacksonville District, 40573
Jacksonville/Miami District, 11375
Kansas City District, 9434
Las Vegas District, 2455, 40574, 45635, 47610
Little Rock District, 10505, 44777
Los Angeles District, 7475, 29922
Louisville District, 9235, 36702
Lower Rio Grande Valley District, 11086, 44243
Lubbock District, 9434, 11567, 14027, 40240
Madison District, 10505, 35106, 37370
Marshall District, 6345
Minneapolis District, 16619
Montpelier District, 845, 11375, 52737
Nashville District, 11086, 41175
National SBIC, 3924, 43484, 55958
New Orleans District, 47610
New York District, 14828, 40574
Newark District, 14828, 44243
Oklahoma City District, 11086, 43261
Omaha District, 9236, 43969
Philadelphia District, 7601, 43261
Phoenix District, 11086, 41175
Pittsburgh District, 12249, 43261
Portland District, 6345, 42995
Providence District, 14828, 46532
Richmond District, 11909, 46532
Salt Lake City District, 12778, 33591
San Antonio District, 5464, 43969
San Diego District, 4080, 9434, 22172, 23003, 35106, 50883
San Francisco District, 9236, 44243
Seattle District, 18568, 43261
Sioux Falls District, 14455, 40574
Spokane District, 13426, 47610
St. Louis District, 14829, 44777
Syracuse District, 10505, 35913
Venture and Equity Capital Task Force, 45635, 50367
Washington, D.C. District, 9236, 11909, 15926, 49915
Wichita District, 14829
Privacy Act; systems of records, 7601, 41648
Small business size standards:
Petroleum refiner; definition; hearing, 19178

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

See Census Bureau.
Economic Analysis Bureau.

SOCIAL AND REHABILITATION SERVICE

RULES
Financial assistance programs:
Child support enforcement; correction, 5284
Eligibility coverage and conditions; disregard of certain benefits, 13357, 35678
Eligibility coverage and conditions; limitation established, 30647, 35847
Eligibility coverage and conditions; SSI beneficiaries' exclusion from AFDC, 54489, 56646
Experimental housing allowance program, 41437, 47065
State emergency welfare preparedness, Federal participation, 23387
Inflation impact statements, 27305, 41437, 55346, 55670
Medical assistance programs:
Capital expenditures, 48738
Fraud, 13585, 26221
Home health services, 35848
Hospital costs, inpatient; limitations on coverage, 51402
Intermediate care facility; resident rights, 12883
Psychiatric hospital services for inpatients under 21 years of age, 2198, 22055
Reassignment of claims; prohibition, 36208
Skilled nursing and intermediate care facilities; reimbursement for services, 27305, 53994
Utilization control and State expenditures, 23673
Mentally retarded; university affiliated facilities; construction grants, 26908
Public assistance programs:
Child support enforcement program; penalty for failure to have effective program, 55346
Cost allocation, 13584
Federal financial participation; claims deferral, 7104

Grants to States; reconsideration of disallowances, 42205
Income maintenance separation; revoked, 37781
Non-expendable personal property; capitalization and depreciation, 15329
Personnel administration standards, 7393
Quality control system, 12014
Subprofessionals and volunteers, training and use, 12015
Social services programs:
Families and children; income maintenance separation; revoked, 37781
Individuals; basic data file; revoked, 20585
Individuals and families; child day care; eligibility determination, etc., 55670
Individuals and families; eligibility determination, etc., 5635, 14166
Work incentive programs for recipients of aid to families with dependent children, 47688

PROPOSED RULES
Child support enforcement program; good cause for refusal to cooperate, 34299
Financial assistance programs:
Administration of programs, 8066
Eligibility coverage and conditions, 8066, 8070, 27973, 28796, 38776
Individual recipients; administrative and fiscal requirements, 8066
Individual recipients; money payments, 8066
Separation of services from assistance payments, 7115, 8066
State emergency welfare preparedness, Federal participation, 10914
Hearings, fair; for financial, medical assistance programs, etc., 52495
Inflation impact statements, 24717, 36156, 37341, 43420, 52499, 55727, 56832
Medical assistance programs:
Grants to States; utilization review, 13452
Hospital costs, inpatient; limitations on coverage, 16971
Hospital services, inpatient; reasonable cost reimbursement, 37341
Inpatient services in institutions; termination of payment, 24717
Medicaid payments to individual practitioners, upper limits, 52499
Quality control; negative case actions review, 55727
Reassignment of claims; prohibition, 5131
Separation of services from assistance payments, 7115, 8066
Skilled nursing and intermediate care facilities; reimbursement for services, 15560, 19988
State residency requirements for Medicaid, 24604
Public assistance programs:
ADP costs, 8065
Application and eligibility determination; information dissemination, 56832
Child support enforcement program; penalty for failure to have effective program, 43420
Demonstration projects to improve financial and medical assistance and related services, 5132
Federal financial assistance, 8066
Hearings, fair, 52495
Quality control; negative case actions review, 55727
Separation of services from assistance payments, 7115, 8066
Social services programs:
Individuals and families; eligibility determination, etc., 36156
Social welfare; research and demonstration projects, 5403

NOTICES
Authority delegations:
Deputy Administrator, et al.; emergency authority; order of succession, 46500
Child welfare services; Federal shares and allotment percentages for 1978 and 1979 FY, 46363
Indo-Chinese refugees; funding for English language and employment services for adults, 30701
Public assistance programs:
Grants to States; recommended standards for judicial review of disallowance reconsideration, 6115, 10237
Social services; eligibility determination by family median income for each State, 55753
Social services; Federal allotments to States; transitional quarter, 22856, 43220
Social services; Federal allotments to States; 1978 FY, 52544
State assistance expenditures; percentages and medical assistance percentages in determining Federal financial participation, 44879, 46364
Work incentive program, social and supportive services:
Entitlement limits, FY 1976 and transitional quarter, 47983
Entitlement limits, 1975 FY, 12732
Entitlement limits, 1976 FY, 22975, 33317, 42692
Entitlement limits, 1977 FY, 43221, 55754
Funds distribution, 55753

SOCIAL PROGRAMS

See ACTION.
Community Services Administration.
Food and Nutrition Service.
Health, Education, and Welfare Department.
Human Development Office.
Social and Rehabilitation Service.
Social Security Administration.

SOCIAL SECURITY ADMINISTRATION

RULES
Aged, blind, and disabled; supplemental security income for:
Appeals; time period for requesting, good cause extensions, 43399
Appeals Council review; time limitations, 54753
Benefits payment and expedited appeals process, 4256
Cost-of-living benefits adjustments; interim assistance payments, reimbursement to States, 20872
Hearing and reconsideration, time period for requesting, 47915
Income and exclusions for blind and special resource provision for State plan recipients, 47423
Income and resources of payments under other statutes, exclusion from, 13336
Indochinese refugee assistance; State fiscal liability limitations, etc., 36017
Investment of payments, 17892
Prehearing case review, 12222, 54755
Aged and disabled, health insurance for:
Appeals Council review; time limitations, 54753
Beneficiaries and providers of services; recovery of incorrect payments, 1492
Clinics, rehabilitation agencies, and public health agencies; conditions for participation, 20865
Equity capital of proprietary providers, return on, 46292
Health maintenance organizations; appeals, 39306, 41912
Health maintenance organizations; cost-basis and risk-basis; reimbursement, 49594, 53320
Health maintenance organizations, enrollment, appeals procedures, etc., 9311
Hearing and reconsideration, time period for requesting, 47915
Hearings, appeals and judicial review, 51588
Home health agency supervision; modification of standards in Connecticut, 17892
Information disclosure of post-hospital services and erroneous certifications by physicians, 21341, 22560
Provider reimbursement determinations and appeals, etc., 52050
Renal diseases, end-stage services, coverage of suppliers of, 22509
Rural hospitals; waiver of registered nursing service requirement, 27962
Services, laboratories, portable x-ray service providers, etc., 8481
Black lung benefits:
Administrative actions; initial determinations, appeal rights, etc., 30114
Appeals Council review; time limitations, 54753
Attorney fees; time limit for petitioning for approval, 10425
Child's benefits, entitlement, 33550
Entitlement, 4899, 7091
Hearing and reconsideration, time period for requesting, 47915
Hearings and appeals procedures, 53790
Investment of payments, 17892
Miners and widows; benefit payment rates as of October 1976, 53981
Freedom of information, 50998
Inflation impact statement, 54752, 54755
Information and official records disclosure:
Parent locator service, 27315
Old-age, survivors, and disability insurance:
Appeals Council review; time limitations, 54752
Benefits and lump sums, basic computation, 44362
Contribution and benefit base increases, 13911
Definitions and use of terms, 32886
Father's benefits, 13333
Hearing and reconsideration, time period for requesting, 47915
Hearings, appeals and judicial review, 51586
Hearings and appeals procedures, 53790
Investment of payments, 17891

INDEX

UMI

Prehearing case review, 12222, 54755
Retirement test monthly exempt amount, 21186
Special payments at age 72 years, 5630
Organization and functions:
Freedom of information, 50998
Hearings and Appeals Bureau procedures, 53791

PROPOSED RULES

Aged, blind, and disabled; supplemental security income for:
Appeals Council review; time limitations, 31229
Applications; cancellation of request for withdrawal, 35862
Applications; suspensions and terminations reporting requirements, 6074
Disability determination, children's; medical criteria, 53043
Earnings evaluation, 7415
Hearing and reconsideration, time period for requesting, 26934
Hearing decision reviews by Appeals Council, 26705
State payments, countable income exclusions, 44192
Aged and disabled, health insurance for:
Appeals Council review; time limitations, 31229
Checks, lost, stolen, or forged, replacement of, 7785
Contract requirements between HEW and health maintenance organization, 55718
Depreciation; allowances based on asset costs, 35198
Health centers, federally funded; reimbursement, 52067
Hearing and reconsideration, time period for requesting, 26932
Hearings, appeals and judicial review, 12035
Nomination or election, withdrawal; provider elections and intermediary changes, 43917
Prevailing charges, provision to prevent reduction, 22835
Provider agreements, termination; depreciation and recovery of excess cost, 46321
Provider costs reimbursement principles; combination method, 52069
Reasonable charges for medical services, etc., 40495
Renal disease program, end-stage; reasonable charges for services under, 49499
Skilled nursing facilities; consultants, 10563
Skilled nursing facilities: participation conditions; withdrawn, 1499
Utilization review; participation conditions, 13457
Black lung benefits:
Administrative actions; initial determinations, appeal rights, etc., 5405
Appeals Council review; time limitations, 31229
Attorney fees; time limit for petitioning for approval; correction, 1762
Child's benefits, entitlement, 13940
Hearing and reconsideration, time period for requesting, 26933
Hearing decision reviews by Appeals Council, 26705
Freedom of information, 1601, 21647, 51425
Inflation impact statement, 53043, 55718
Information and official records disclosure:
Conditions of disclosure; hearings, etc., 51425
Parent locator service, 16562
Physicians or providers of medical services under investigation, etc., 31228, 55557
Old-age, survivors, and disability insurance:
Appeals Council review; time limitations, 31229
Applications; cancellation of request for withdrawal, 35862
Benefits and lump sums, basic computation, 12018
Definitions and use of terms, 10446
Disability determination, children's; medical criteria, 53043
Earnings evaluation, 7415
Hearing and reconsideration, time period for requesting, 26932
Hearing decision reviews by Appeals Council, 26705
Hearings, appeals and judicial review, 12035
Missing persons; date of death determinations, 35861
Procedures, payments of benefits and representation of parties, 34060
Privacy Act; implementation, 51425
Research grants and contracts:
Adult day-care programs, experimental, 1603

NOTICES

Aged, blind, and disabled; Supplemental Security Income Study Group report; availability, 5142
Aged and disabled, monthly hospital insurance premium; uninsured aged, premium rate, 54823
Aged and disabled, supplementary medical insurance:
Actuarial and premium rates, monthly; July 1976-June 1977, 1310
Actuarial and premium rates, monthly; July 1977-June 1978, 55751
Authority delegations:
Assistant Bureau Director et al.; emergency Medicare services claims, 2271
Deputy Commissioner, et al., kidney transplant and dialysis services reimbursement limits, 55242
Deputy Commissioner et al.; administer and modify agreements with States, 6308
Deputy Commissioner et al.; enumeration functions, 6309, 8205, 28818, 30054
Program Operations Office positions, 19155
Foreign social insurance or pension system findings:
Pacific Islands Trust Territory, 56402
Trinidad and Tobago, 30054
Western Samoa, 35755
Hospital inpatient general routine service costs; schedule of limits, 18465, 20004, 26992
Medicare program, physical therapy services; cost evaluation guideline schedule, 36531
Physical therapy services; cost evaluation guideline schedule, 7542
Program review teams; establishment, 46364
Skilled nursing facility costs; schedule of limits, 36237
Vocational factors in disability determinations, meeting, 51471

SOIL CONSERVATION SERVICE

RULES

Archeological and historical properties encountered in SCS-assisted programs; protection procedures, 23181
Environmental statements; preparation guidelines, 24976
Equipment grants to conservation districts; CFR Part revoked, 29656
Organization and functions, 26674
Water resources:
Flood prevention projects, 13579
Purpose and applicability, 13579
Watershed projects, 7935, 13579
Wellton-Mohawk irrigation improvement program, 14172

PROPOSED RULES

Environmental statements; preparation guidelines, 9363
Equipment grants to conservation districts; CFR Part revoked, 1774
Irrigation improvement program, Wellton-Mohawk, 6
Land rights, water rights, and construction permits; acquisition of interest; terminated, 7415

NOTICES

Environmental statements on watershed projects; availability, etc.:
Anderson River, Ind., 7969
Attoyac Bayou, Tex., 5412
Bad Axe, Wis., 20726
Bailey-Cox-Newtson, Ind., 9408, 27767
Bayou Boeuf, La., 14564
Bayou Grosse Tete, La., 18122
Bear Creek, Mo., 9409
Bear Swamp, N.C., 14202
Beautiful Run, Va., 7969
Beaver Creek, Ohio, 8816, 23989
Big Pipe Creek, Md., 8816, 30052
Bosque Bottomlands, RC&D Measure, Tex., 4310
Boulder River, Mont., 4950, 24617
Boundary Creek, N. Dak., 18123
Brier Creek Flood Prevention and Land Drainage Measure, Ill., 793
Brushy-Peaceable Creeks, Okla., 41735
Buck and Doe Run Creeks, Mo., 23445
Bush River, Va., 24926
Cadron Creek, Ark., 24438
Callahan Creek, Mo., 24439
Cane Creek, Ark., 3327
Cane Creek, Tenn., 36528
Cane Creek Improvement Area RC&D Measure, Tenn., 16492, 23221
Carpinteria Valley, Calif., 16492
Cedar Creek, Tex., 34088
Cedar Run, Va., 18122
Chambers Creek, Tex., 19242
Choctaw Bayou, La., 20726
Choctaw Creek, Tex., 21662
Conewango Creek, N.Y., 48556

Cotton-Coon-Mission Creek Watershed, Okla. and Kans., 11191
Cottonwood Creek, Nebr., 12730
Cottonwood-Walnut Creek, N. Mex., 792
County Line Creek, N.C., 2103
Crabtree Creek, N.C., 24617
Crooked Creek, Ala., 19739
Cypress Creek, Ala. and Tenn., 21389
Deer Creek, Miss., 24339
Deer Creek RC&D Measure, Ind., 53122
Des Arc Bayou, Ark., 30052
Diamond Brook, Mass., 16189
Donaldson Creek, Ky., 6298
East Upper Maple River, Mich., 3327
Edwards Flood Prevention Measure, Kans., 24339
Elk Creek, W. Va., 4310
Elk Twomile Creek, W. Va., 792, 1504
Elmdale Group Drainage and Flood Prevention, Kans., 12078
Escondido Creek, Tex., 4950
Espanola-Rio Chama, N. Mex., 13973, 27994
Farm Brook, Conn., 4051
Ferron, Utah, 1504
Finn Creek, Okla, 29737
Flint Creek, N.Y., 26731
Furnace Brook, N. J., 20201
Goose Creek, Wash., 27995
Great Creek, Va., 26592
Grindstone-Lost-Muddy Creek, Mo., 24618
Grove River, Ga., 22115
Hackers Creek, W. Va., 20903
Hall-Flat Creek, Ind., 8817, 27100
Harquahala Valley, Ariz., 16845
Honolua, Hawaii, 27100
Indian Brook, N.H., 20903
Jordan Creek, Ind., 10938
Kickapoo Sandy, Okla., 12731
Lahontan State Recreation Area, Nev., 16190
Lakeview, Tex., 20727
Little Elm and Laterals, Tex., 1505
Little Raccoon Creek, Ind., 21662
Little River, Iowa, 3328, 26592
Little Sioux Flood Prevention Project, Iowa, 4842
Long Branch, Nebr., 27767
Lost River, Ind., 19357
Lower Medicine Creek, Nebr., 7438
Lower North River, Va., 25919
Matson Run RC&D, Del., 53122
McGee Lake Public Water-Based RC&D Measure, Wis., 19243
McKinney-Buzzard Creek, Okla., 2420, 24927
McNairy-Cypress Creek, Tenn., 4051
Meigs County Park, Tenn., 4310
Middle Colorado River, Southwest Laterals, Tex., 20201
Middle Walnut, Kans., 22851
Mill Branch, Ga., 27100
Mill Brook, N.Y., 15355
Mills Creek, Fla., 29738
Mispillion Recreation Project, Del., 24439
Mud Creek, Ala., 21663
Muddy Creek, Miss. and Tenn., 13973, 23222
Murphy Brook RC&D Measure, Vt., 47981
Neshaminy Creek, Pa., 19357
Newman, Calif., 18536
Newton-Hoffman Creeks, N. Y., 20727
Newtown-Hoffman Creeks, N. Y., 1505
North Black Vermillion, Kans., 12316
Oak Orchard Creek, N.Y., 2654
Okatoma Creek, Miss., 793
Ozan Creeks, Ark., 3328
Pecan Creek, Tex., 19243
Pembroke Area Flood Prevention and Drainage RC&D Measure, Ga., 21389
Pikeside Flood Prevention RC&D Measure, W. Va., 38536
Pilot Grove Creek, Tex., 18123
Pine River, Wis., 9409, 27100
Pohick Creek, Va., 10246
Pond Run, W. Va., 34088
Pony Creek, Iowa, 10246
Presque Isle Stream, Maine, 20727
Pryor, Creek, Okla., 22116
Rainy Mountain Creek, Okla., 7969
Reelfoot-Indian Creek, Tenn. and Ky., 18458
Richland Creek, Tex., 55734
Rock Creek (CASS), Ind., 15046
Running Water Draw and Lower Running Water Draw Watershed Projects, Tex., 11191
Sallacoa Creek Area, Ga., 21663, 22392
Salt Lick Creek, Ky., 15046
Sandy Creek, Tex., 5855
Second Broad River, N.C., 4951
Sedgwick-Sand Draws, Neb., 15046
Short Creek, Ohio, 26731
Shuqualak Creek, Miss., 4051
Smithville Green Brook Park, Tenn., 4310
Souhegan River, N. H. and Mass., 11858
South Fork, Ark., 4051
South Fourche, Ark., 10938
South Tyger River, S.C., 5855
Tallahage Creek, Miss., 25919
Tehuacana Creek, Tex., 20903
Ten Mile-Briar Creek, Ga., 54518
Three-Mile and Sulfur Draw, Tex., 21388
Twentyfive Mile Stream, Maine, 29201
Twin-Rush Creek, Ind., 13973
Upper Big Blue River, Ind., 9409
Upper Black Vermillion, Kans., 12317
Upper Buffalo Creek, W. Va., 22851
Upper Choptank River, Del. and Md., 793, 24440
Upper Nanticoke River, Del., 45602
Upper Petit Jean, Ark., 9410
Upper Quaboag River, Mass., 38537
Village and Walker Creek, Tex., 30053
Wailuku-Alenaio, Hawaii, 15047
Washington Mountain Brook, Mass., 55915
Watkins Glen RC&D Measure, N.Y., 38196
Wet Walnut Creek, Kans., 25919
Wet Walnut Creek Basin, Kans., 6082
Will Neill, Miss., 27100
Willow Creek, Tex., 5855
Winter Creek, Okla., 4951
Improvement works installation; Federal assistance authorized, 43937
Meetings:
Soil and Water Conservation Public Advisory Committee, 29738
Resource conservation and development and watershed protection and flood prevention programs; policy and procedures availability, 24618
Watershed improvement installation, Federal assistance:
Oak Orchard Creek, N.Y., 38536
Watershed planning assistance:
Alabama et al., 20200
California et al., 34089

STATE DEPARTMENT

See also Agency for International Development. Foreign Service Grievance Board.

RULES

Civil aviation; recommendations to President, 31548, 34743
Cultural exchange programs of foreign governments:
Federal employee participation, 36203
Freedom of information; fees, 29100
Grievance system; foreign service, 13912
International educational and cultural exchange program; increased per diem and allowances to participants, 30114
International traffic in arms:
Defense articles or services, sale; information on political contributions and fees or commissions, 40608
Privacy Act; implementation, 30114
Visas:
Immigrant; aliens ineligible, 37574
Immigrants, documentation; editorial changes, etc., 54927
Nonimmigrant documentary waivers; Summer Olympic Games participants, 22560

PROPOSED RULES

Cultural exchange programs of foreign governments:
Federal employee participation, 29410
Freedom of information; fees, 19649
International traffic in arms:
Agreements, manufacturing license and technical assistance, 56333
Arms, ammunition, and implements of war; combat equipment, significant, 56333
Defense articles or services, sale; information on political contributions and fees or commissions, 33446
Unclassified arms, ammunition and implements of war; licenses for; combat equipment, significant, 56333
Legal and related services:
Foreign Sovereign Immunities Act; suits, services, etc., 54495
Privacy Act; implementation, 12229, 56827
Visas:
Immigrant; aliens ineligible, 10230, 37591, 45571, 52485

NOTICES

Art objects, importation:
Egyptian Tutankhamun collection, 37609, 40192
Soviet costume collection, 47964
Soviet painting exhibition, 12239
Arts and artifacts; certification for international exhibition, 31409
Authority delegations:
Deputy Secretary, 13628
Educational and Cultural Affairs, Assistant Secretary, 20717
Maritime Affairs Office, Director, 21654
Oceans and International Environmental and Scientific Affairs, Assistant Secretary, 13628
Security Assistance, Deputy to Under Secretary, 48384
Bridge permit applications, U.S.-Mexico border:
Brownsville, Tex., 21382
Presidio County, Tex., 8083, 34796
Committee reports on closed sessions; availability, etc., 27979

INDEX

UMI

Committees; establishment, renewals, etc.:
Atlantic Tunas Conservation National Commission, Advisory Committee to U.S. Section, 16983
Consumer representation plan, 42875
Defense articles and services; eligibility of Mauritania to acquire from Jordan, 18530
Educational, scientific, and cultural materials importation; draft protocol to agreement, 42223
Foreign countries; fugitives, mutual extradition; model bilateral treaty, inquiry, 51897
Foreign Sovereign Immunities Act; guidelines, 50883
Indexes maintained in public reading room, 19676
Maritime boundaries between U.S. and Canada, 48619
Meetings:
Academic Music Advisory Panel, 5137, 55764
Fine Arts Committee, 19676, 50066, 52569
Folk Music and Jazz Advisory Panel, 5137, 40522
Foreign Relations of U.S. Advisory Committee, 46488
Human Settlements (Habitat), Advisory Committee for Participation in UN Conference, 16581, 19356, 26589
Inter-American Tropical Tuna Commission, U.S. Advisory Committee, 35539
International Book and Library Programs, Government Advisory Committee, 2651, 12239, 26589, 41105
International Conservation of Atlantic Tunas Commission, 43923
International Educational and Cultural Affairs, U.S. Advisory Commission, 1927, 8083, 13380, 17581, 27979, 37352, 43923, 45591
International Intellectual Property Advisory Committee, 11910, 43423
International North Pacific Fisheries Commission, 36520
International Radio Consultative Committee, U.S. National Committee, 1929, 19676, 26235, 36224, 36520, 38787, 39053, 49687, 49915, 50368, 50884, 56898
International Telegraph and Telephone Consultative Committee, 7432, 13380, 18688, 26942, 35539, 43202, 49559, 50368, 55616, 56898
Law of the Sea Advisory Committee, 15878, 37819, 42223
Music Advisory Panel, 12722, 38787
Northwest Atlantic Fisheries Advisory Committee, 11588, 18688, 42223, 46889, 48384
Ocean Affairs Advisory Committee, 2102, 24431, 55016, 56898
Overseas Schools Advisory Council, 18688, 47504
Private International Law Advisory Committee, 5408, 8818, 11188, 11910, 33926
Shipping Coordinating Committee, 1297, 2651, 3107, 4302, 5137, 6289, 7794, 7967, 8400, 8818, 9573, 11588, 11910, 12071, 12722, 13380, 17581, 17791, 18688, 21207, 22963, 26942, 27393, 28805, 31409, 32763, 35539, 35540, 35866, 36044, 38787, 39797, 41727, 42223, 43747, 45033, 46019, 46488, 46626, 47084, 49687, 49915, 50367, 52351, 54264, 54265, 55958
Transnational Enterprises Advisory Committee, 2651, 13628, 19676, 44203, 55408
Water Conference, U.N., 2102
Narcotics control assistance FY 1976; Mexico, Burma, Thailand, and Pakistan, 31923
Passports, foreign, validity:
Algeria, 2651
Bahamas, 2651
El Salvador et al., 45033
Passports, U.S., restriction on use:
Cambodia, 11911, 41105
Cuba, 11911, 41105
North Korea, 11911, 41105
Viet-Nam (North and South), 11911, 41106
Pipeline transit agreement between U.S. and Canada; availability of proposed treaty text, 19232
Pollution from dredging activities, international working group on abatement and control; report availability, 42680
Privacy Act; systems of records, 41330, 54580

SUPPLIES AND SHORTAGES, NATIONAL COMMISSION

PROPOSED RULES
Privacy Act; implementation, 14496
NOTICES
Meetings:
Growth Policy Processes National Advisory Committee, 2283, 7467, 10466, 15370, 19264, 24001, 29221, 34703, 38828, 45916, 48612, 49874, 52345
Privacy Act; systems of records, 14497, 51784
Shortage causes, long-range resource outlook, etc.; hearing, 37858, 44459

SUSQUEHANNA RIVER BASIN COMMISSION

RULES
Water uses during periods of low flow; guidelines, 43135
PROPOSED RULES
Water uses during periods of low flow; guidelines, 22598, 28372
NOTICES
Gang Mills Local Flood Protection Project and Binghamton wastewater management study; hearing, 53561
Water uses during periods of low flow; guidelines; hearings, 28372

TARIFF COMMISSION

See International Trade Commission.

TELECOMMUNICATIONS POLICY OFFICE

NOTICES
Committees; establishment, renewals, etc.:
Electromagnetic Radiation Management Advisory Council, 55960
Frequency Management Advisory Council, 55960
INMARSAT Preparatory Committee Working Group, 44478
Meetings:
Electromagnetic Radiation Management Advisory Council, 28857, 43477, 47116, 53149
Frequency Management Advisory Council, 4868, 17022, 29046, 48619
INMARSAT Preparatory Committee Working Group, 46389, 50362
Privacy Act; systems of records, 53644, 54263

TENNESSEE VALLEY AUTHORITY

NOTICES
Developmental activities; intergovernmental coordination, review, and approval; interim procedures, 26625
Environmental statements; list under preparation, 18940
Privacy Act; systems of records, 40437, 49064, 49688
Wheeler National Wildlife Refuge Lands; elimination of certain lands, 15388

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

NOTICES
Cotton textiles:
Brazil, 9586, 17809, 21680
China, Republic of, 814, 2272, 17009, 27774, 29898, 30212, 37152, 56213
Colombia, 18471, 27110, 30707, 41745
El Salvador, 16861, 32463
Haiti, 16203, 41746, 56879
Hong Kong, 21682, 35092
India, 11600, 11867, 15441, 18705, 24447, 24623, 30210, 32462, 43235, 55374, 55737
Japan, 45043
Korea, Republic of, 11600, 18343, 19252, 21401, 21679, 21681, 27775, 27863, 36067, 36831, 43440, 44452, 48765
Macau, 7170, 19251, 49876
Malaysia, 37153, 41942, 43440, 44451, 56880
Mexico, 15441, 18343, 26249, 30212
Pakistan, 9918, 10467, 17812, 28348, 41138, 44883, 51862, 54020
Philippines, Republic of, 38204, 42234
Polish People's Republic, 53366
Romania, 56214
Spain, 2667
Thailand, 5348, 56215
Exempt textile product shipments; certification requirements in country of origin, 27863
International trade arrangement, general agreement on tariffs and trade:
Brazil, 6791
China, Republic of, 46512
Jamaica, 6791
Japan, 46512
Romania, 46512
Man-made textiles:
China, Republic of, 814, 2272, 21855, 27774, 29898, 30212, 35018, 56213
Colombia, 27110, 30707, 41745
Haiti, 9005, 14585, 16203, 41746, 53366, 53367, 54019, 56879
Hong Kong, 21682, 35092

Korea, Republic of, 11600, 15441, 18343, 19252, 21401, 21679, 21681, 27863, 36067, 43440, 43764, 44452, 45897, 48765
Macau, 7170, 19251, 49876
Malaysia, 56880
Mexico, 7805, 14429, 15441, 18343, 26249, 30212, 37153
Philippines, Republic of, 38204, 42234
Romania, 55374
Thailand, 56215
Textile and apparel categories with Tariff Schedules of U.S. Annotated, 56881
Wool textiles:
China, Republic of, 2272, 30212
Colombia, 18471, 27110, 30707, 41745
Haiti, 41746
Hong Kong, 21682, 35092
Korea, Republic of, 18343, 19252, 21401, 21679, 21681, 27775, 27863, 36067, 43440, 44452, 48765
Macau, 7170, 19251
Mexico, 15441, 18343, 26249, 30212
Philippines, Republic of, 38204
Romania, 55374

TOBACCO PRODUCTS

See Alcohol, Tobacco and Firearms Bureau.

TRADE ADJUSTMENT ASSISTANCE OFFICE

NOTICES
Petitions and investigations, importation:
Mobile Oil Corp., 2883

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

RULES
Committee operations:
Trade Policy Committee Review Group, 9307
Unfair trade practices, procedures for complaints, 9307, 12299
NOTICES
Authority delegations:
Federal Law Enforcement Training Center, Director, 9398
Generalized system of preferences, articles eligible for, 8131, 10719, 11956, 12778, 15456, 18254, 20027, 37859, 45923, 51376, 52347, 54263, 55249
Import relief investigations; determinations:
Asparagus, 10976
Brandy; duty increase, proposed, 32298, 35107, 42994
Flatware, stainless steel; inquiry, 10721
Footwear, nonrubber, 8453
Honey, 29232
Pigments, ferricyanide and ferrocyanide blue, 15457
Slide fasteners and parts, 17829
Steel, alloy tool, from Japan, 39116, 43261, 43484, 50973
Meetings:
Trade Negotiations Advisory Committee, 5872, 18375, 31626, 48006
Privacy Act; systems of records, 54571
Trade barriers of foreign countries; inquiry, 3361
Unfair trade practices, petitions:
Canada; commercial eggs; review terminated, 9430
China, Republic of; household appliances, 15452
European Community; calculated added sugars in canned fruit, 15385, 17633
European Community; Mediterranean orange and grapefruit juices, 52567, 54039
European Community; soybeans, soybean meal, and soybean oil, 15384, 18738, 20455
Guatemala; withdrawn, 22434, 26758
Japan; steel products, 45628, 48618

TRANSPORTATION DEPARTMENT

See also Coast Guard.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Hazardous Materials Operations Office.
Materials Transportation Bureau.
National Highway Traffic Safety Administration.
Pipeline Safety Operations Office.
Saint Lawrence Seaway Development Corporation.
Urban Mass Transportation Administration.
RULES
Air transportation, international:
Discriminatory or unfair competitive practices; compensatory charges, 54770
Recommendations to President, 32594
Conduct standards, 17911
Daylight saving time, emergency; revoked, 40110
National defense regulations, redesignation, 22562
Organization and functions:
Authority delegation to Assistant Secretary for Administration et al., 45011, 49487
Authority delegation to Budget and Program Review Deputy Under Secretary, 44042, 44710
Authority delegation to Coast Guard Commandant, 14519
Authority delegation to Federal Aviation Administrator, 20172, 48122
Authority delegation to Federal Aviation Administrator et al., 29696, 31535
Authority delegation to Federal Highway Administrator et al., 41703
Authority delegation to Federal Railroad Administrator et al., 20680, 56327
Authority delegation to National Highway Traffic Safety Administrator et al., 25015, 35849, 42956
Authority delegation to Secretarial Officers, 1288
National Highway Traffic Safety Administration, 53798
Privacy Act; implementation, 22564, 24822
Relocation assistance and land acquisition:
Moving expense allowance schedule, 3300, 24589
PROPOSED RULES
Air transportation, international; discriminatory or unfair competitive practices; compensatory charges, 44871
Cargo security advisory standards; cargo loss reporting system and procedures, 41717
Privacy Act; implementation, 15872, 18244
NOTICES
Aircraft noise reduction requirements, financing; hearing, 48164, 51562
Asset depreciation range guidelines:
Electrical and electronic products manufacture, 49923
Authority delegations:
Coast Guard Correction of Military Records Board, 44067
Systems Development and Technology, Assistant Secretary, 12917
Committees; establishment, renewals, etc.:
Airport Security Advisory Committee, 1839
Civil Reserve Air Fleet Advisory Committee, 56423
Construction grants; hearings, etc.:
Capital Beltway (I-495) and Rosslyn, Va., construction of I-66 between, 36536, 42971
Interstate highway 40 in Memphis, 47987, 48829, 51642
Consumer representation plan, 42822
Deepwater Port Act, adjacent coastal state; Florida; conference, 9909
Deepwater port license applications, antitrust implications; conference, 49921
Foreign trade; potential impact of non-market cargo allocation; inquiry, 10942
Fuel economy standards for electric and other non-fuel vehicles; inquiry, 9221
Fuel flow meters; inquiry, 9221
Guarantee of trustee certificates; Chicago, Rock Island & Pacific Railroad Co., 17001
Meetings:
Transportation Quality, Citizens' Advisory Committee, 35557, 50886
Motor vehicle goals beyond 1980, interagency task force; inquiry, 17001, 20204
Motor vehicle goals beyond 1980, interagency task force; report availability, 38811
Motorcycle helmets; safety sanctions determinations:
California, 1838
Illinois, 1838
Utah, 1838
Nondiscrimination; equal employment opportunity noncompliance; Federal assistance; proposed ineligibility:
Arthur "Buzz" Haskins Co., 5419
Hancock & Kelley Construction Co., 27108
Haskins, Arthur "Buzz", 5419
Steiny, J. O., 4846
Steiny & Co., Inc., 4846
Pipeline, trans-Alaska crude oil; girth weld regulations, waiver petition, 52933
Privacy Act; systems of records, 8819, 28051, 42228, 53561
Railroad rights-of-way, conversion to alternate uses; inquiry, 42696
Regulations; analysis and review; policy improvement, 16200

TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION

PROPOSED RULES
Privacy Act; implementation, 54947
NOTICES
Meetings, 49558, 50738, 53378

INDEX

UMI

Privacy Act; systems of records, 54158

TRAVEL SERVICE

NOTICES
Medecin, Jacques; luncheon honoring, 49666
Meetings:
  Domestic tourism development and promotion, 42691
  Travel Advisory Board, 2660, 4844, 17414, 21665, 35087, 39375, 46633, 50324
Tourism, international promotion program; availability of matching funds, 11859, 30200

TREASURY DEPARTMENT

See also Alcohol, Tobacco and Firearms Bureau.
Comptroller of Currency.
Customs Service.
Federal Law Enforcement Training Center.
Fiscal Service.
Foreign Assets Control Office.
Internal Revenue Service.
Public Debt Bureau.
Revenue Sharing Office.

RULES
Currency and foreign transaction; financial recordkeeping and reporting:
  Monetary instruments; definition change, 27832
Equal employment opportunity, sanction proceedings:
  Hearings, 6760
Foreign diplomatic missions, protection; procedures for assistance to State and local governments, 55180
Foreign exchange; report form revised, 43720
Foreign exchange; report forms revoked, 26680
Freedom of information, 51396
Inflation impact statement, 55180
Merchant marine and fisheries capital construction funds, 4258, 5810
Privacy Act; implementation, 51396

PROPOSED RULES
Foreign diplomatic missions, protection; procedures for assistance to State and local governments, 40139
Freedom of information, 38187
Merchant marine and fisheries capital construction funds, 4258
Privacy Act; implementation, 38187

NOTICES
Antidumping:
  AC adapters from Japan, 14909, 18688, 28805
  Acrylic sheet from Japan, 3324, 17948
  Automobile body dies from Japan, 8400, 37136, 53385
  Automobiles from Belgium, 3490, 20188, 34982
  Automobiles from Canada, 3488, 20189, 34983
  Automobiles from France, 3488, 20190, 34984
  Automobiles from Italy, 3489, 20192, 34985
  Automobiles from Japan, 3489, 20193, 34986
  Automobiles from Sweden, 3490, 20194, 34987
  Automobiles from United Kingdom, 3488, 20195, 34988
  Automobiles from West Germany, 3489, 20196, 34989
  Capacitors, tantalum electrolytic fixed; from Japan, 16983, 31240
  Cement, Portland hydraulic; from Mexico, 21798, 37609, 41121
  Ceramic brick and tile, hollow or cored, from Canada, 4037, 18542, 26037
  Diamond tips for phonograph needles from United Kingdom, 21384
  Digital scales from Japan, 13638, 43746
  Knitting machinery for ladies' seamless hosiery from Italy, 6289, 20899, 36521
  Lead metal, primary; from Australia and Canada; petition referred to ITC, 1502
  Lithographic plates, multi-metal; from Mexico, 17581, 26718
  Melamine crystal from Japan, 24731, 26589, 41727
  Monosodium glutamate from Korea, 19990, 50747
  Paving equipment, self-propelled bituminous; from Canada, 44197
  Plastic tape, pressure sensitive; from Italy, 19990, 50748
  Plastic tape, pressure sensitive; from West Germany, 36521
  Polymethyl methacrylate, clear, from Japan, 12233
  Power transformers from Italy, 21208
  Power transformers from Sweden, 32248
  Pumps, water circulating, from Sweden, 783
  Pumps, water circulating, from United Kingdom, 9245
  Railway track maintenance equipment from Austria, 47970
  Round head steel drum plugs from Japan, 54829
  Rubber, butadiene acrylonitrile, from Japan, 782
  Saccharin from Japan, 52352
  Saccharin from Korea, 52352
  Ski bindings from Austria, 2834, 8510, 22607
  Ski bindings from Switzerland, 2834, 8511, 22609
  Ski bindings from West Germany, 2835, 8512, 22609
  Swimming pools, above-ground; from Japan, 16667, 44196, 56248
  Tires, industrial vehicle, from Canada, 21654, 34990
  Transformers, large power, from Switzerland, 29435
  Tuners from Japan, 21207, 29435
Asset depreciation range guidelines; manufacture of primary metals, ferrous, 3324
Authority delegations:
  Administrative Programs Office Director et al.; authority to affix seal, 56739
  Alcohol, Tobacco and Firearms Bureau, Director, 10079
  Assistant General Counsel et al., 53157
  Deputy Secretary, 50748
  Government Financial Operations Bureau, Commissioner, 9898, 51490
  Internal Revenue Service, Assistant General Counsel and Chief Counsel, 15720
  Mint Bureau, et al., Legal Counsels, 50371
  Operations Deputy Assistant Secretary et al., 37609
  Revenue Sharing Office Director, 37610
Bonds, Treasury:
  1995-2000, 18435
  1995-2000 series, 47973
  1996-2001 series, 32437, 34328
  2000-2005 series, 4839
Boycotts, international:
  List of countries requiring cooperation, 48384
  Reports, guidelines, 49923
Committees; establishment, renewals, etc.:
  International Monetary System Reform Advisory Committee, 32763
  Private Philanthropy and Public Needs Advisory Committee, 52352
  Small Business Advisory Committee on Economic Policy, 16488
Consumer representation plan, 42858
Forfeitures and claims; appeal procedures, 8192
Grant-in-aid information; notification to States; revision of circular, 2652
Hungary; full payment of all indebtedness to U.S., 56739
Meetings:
  Debt management advisory committees, 2402, 12071, 26943, 41438, 55765
  Small Business Advisory Committee on Economic Policy, 17405, 50748
Merchant Marine and Fisheries Capital Construction Funds; applicable rates of interest on nonqualified withdrawals, 28565
Notes, Treasury:
  A-1983 series, 4838, 4840
  A-1986 series, 18434
  B-1983 series, 47972, 49689
  B-1986 series, 32439
  C-1980 series, 9246, 10932
  C-1981 series, 37611
  D-1980 series, 21494, 23215
  D-1981 series, 1798, 2651
  D-1982 series, 55961
  E-1980 series, 36522, 37611
  E-1981 series, 12071, 13638, 37611
  F-1980 series, 52353, 53566
  F-1981 series, 26037, 27980
  G-1981 series, 41438, 43923
  H-1979 series, 4837, 6289
  J-1978 series, 1799, 1928, 2835
  J-1979 series, 32438, 33312
  K-1976 series, 11188
  K-1978 series, 12311
  K-1979 series, 47971, 49689
  L-1978 series, 18433, 19232
  M-1978 series, 20427, 21495
  N-1978 series, 24732, 26589
  P-1978 series, 29735, 31409
  Q-1977 series, 7551, 8400
  Q-1978 series, 35078, 36224
  R-1978 series, 39797, 42681
  S-1978 series, 46354, 47504
  T-1978 series, 50749, 51900
  U-1978 series, 55019, 56249
Organization and functions:
  Authority delegations, order of succession, etc., 20198, 37136, 42681
  Capital Markets and Debt Management, Office of Assistant Secretary, 14199, 20198
  Data Services, Assistant Commissioner Office; establishment, 50523
  International Affairs, Office of Assistant Secretary, 56423
  Legal Division, 19232, 50370

Secretary, et al.; order of succession, 47970
  Trade, Energy, and Financial Resources Policy Coordination Assistant Secretary, et al.; functions transfer, 5408
Privacy Act; systems of records, 32614, 35734, 45164, 53566
Tax Reform Act guidelines; boycott reports, etc., 48384, 49923
Tax treaties, income; various countries; list, 20427, 31578, 36520, 48830

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION

RULES
Privacy Act; implementation, 52677
Scholarship program, 42667

PROPOSED RULES
Privacy Act; implementation, 36222

NOTICES
Freedom of information, 36278
Privacy Act; systems of records, 36278, 52721
Scholarship program; closing date for nominations, 51076

UNEMPLOYMENT

See Economic Development Administration.
Employment and Training Administration.
Labor Department.
Railroad Retirement Board.

UNITED STATES COURT OF CLAIMS

NOTICES
Wounded Knee, S. Dak. occupation, victims; Chief Commissioner's order establishing deadline for filing of claims, 54829

UNITED STATES INFORMATION AGENCY

RULES
Freedom of information, 35480
Privacy Act; implementation, 41425

PROPOSED RULES
Privacy Act; implementation, 30029, 54003

NOTICES
Meetings:
  Information Advisory Commission, 2455, 10721, 32301
Privacy Act; systems of records, 8154, 10272, 13686, 20234, 22653, 41884, 54047

UNITED STATES RAILWAY ASSOCIATION

RULES
Reorganization, procedures for applications for loans to pay obligations of railroads, 11519, 50692

NOTICES
Abandonment and discontinuance of service:
  Lehigh Valley Co., 9435
  Penn Central Transportation Co., 4860
  Reading Co., 3149
Final system plan, 8846
Loan applications:
  Consolidated Rail Corp., 11633, 29924, 52739
Privacy Act; systems of records, 54471

URBAN AFFAIRS

See Community Planning and Development, Office of Assistant Secretary.
Community Services Administration.
Economic Development Administration.
Urban Mass Transportation Administration.

URBAN MASS TRANSPORTATION ADMINISTRATION

RULES
Charter bus operations, 14122, 56651
Elderly and handicapped, transportation services for, 18239, 45842
Organization, functions, and procedures, 56808
Planning assistance and standards:
  Elderly and handicapped, transportation programming for, 18234, 45842
  Federal and federally-assisted programs and projects; coordination, 10316, 33443
School bus operations, 14127

PROPOSED RULES
Accounts, uniform system; records and reporting system, 51536
Charter bus operations, 56680
Planning:
  Interstate highway system; disposition of Federal funds previously committed to segment withdrawn; inquiry, 42221

NOTICES
Capital and operating assistance funds; formula apportionment, 27278
Inflation impact statement, 34728
Investments in urban mass transportation; Federal policy on assistance, 41512
Meetings:
  Research and development priorities conference, 47281
  Urban System Study, 32461
Paratransit services, proposed policy; inquiry, 46412
Rail passenger service; grants, 34728
Rail transit equipment procurement contracts, proposed guidelines; hearing, 54825
Research and Development Priorities Conference, 4358
Transbus policy, 32286
Urban bus design and performance specification policies; hearing, 15735

URBAN REINVESTMENT TASK FORCE

NOTICES
Neighborhood preservation projects; application procedures, 55766

VESSELS

See Coast Guard.
Customs Service.
Engineers Corps.
Federal Maritime Commission.
Interstate Commerce Commission.
Maritime Administration.
National Shipping Authority.
Panama Canal.
Saint Lawrence Seaway Development Corporation.

VETERANS ADMINISTRATION

RULES
Adjudication; pensions, compensation, dependency, etc.:
  Aid and attendance allowance, 29680
  Annual income, 15411
  Apportionments, 14863, 21324
  Benefit awards; effective dates, 36493
  Burial expenses of deceased veterans, 38771
  Character of discharge, 12655
  Death compensation recipients' option to receive dependency and indemnity compensation, 17387
  Duty periods for eligibility establishment, 26681
  Federal employees' compensation, 20407, 29120
  Fiduciary type awards; certification, 12656
  Hospitalization adjustments, 18411
  Loan guaranty eligibility, 49636
  Pension benefits; liberalization, 56803
  Rate increase in pension and parents' dependency and indemnity compensation, 20407
  Severance pay, recoupment, 53797
  Spouse and surviving spouse, statutory definitions, etc., 18299
  Volunteer service programs; annual income, 17386
  Widows, widowers, and children; increased compensation, etc., 55873
Authority delegations:
  Contract Appeals Board, 24709
Contract appeals, 24705
Disabilities rating schedule, 11291, 34256
Educational benefits, overpayment, 38770
Inflation impact statement, 34256, 36493, 44039, 44858
Information release from other than claimant records; fees, 41425
Loan guaranty:
  Condominium title requirements; sale and leasing, 44039
  Direct loans; liberalization of eligibility and increase of maximum amount, 44858
  Interest rate change, 1913, 14864, 47049
  Mobile homes; increase in maximum guaranty, 32218
Privacy Act; implementation, 3857, 15009
Procurement, 3292, 4016, 5097, 19317, 19318, 21778, 32219, 46436, 48517, 51018
Vocational rehabilitation and education:
  Advance payments, authority to bar, 21190
  Counseling; change or reentrance, 32217
  Courses, approval and termination, 26682, 30640
  Measurement criteria, etc., 47929

PROPOSED RULES
Adjudication; pensions, compensation, dependency, etc.:
  Aid and attendance allowance, 19353
  Apportionments, 14907
  Benefit awards; effective dates, 27391
  Burial expenses of deceased veterans, 29188
  Death compensation recipients' option to receive dependency and indemnity compensation, 5303, 9201
  Duty periods for eligibility establishment, 19354
  Federal employees' compensation; concurrent benefits, 22103

INDEX

UMI

Fiduciary awards; certification, 4300
Income, annual, 5304
Incompetency determinations; due process, 49839
Loan guaranty eligibility, 39772
Pension benefits; liberalization, 49838
Severance pay, recoupment, 45031
Volunteer service programs; annual income, 9396
Widows, widowers, and children; increased compensation, 48747
Authority delegations:
General Counsel Office, 39339
Disabilities rating schedule, 4023, 27086
Flag for burial purposes, disposition; preference to sons eliminated, 54777
Inflation impact statement, 27086, 27391, 32247, 39772, 45031, 48747, 49839, 53824, 54004, 54201, 54777, 55558
Information release from other than claimant records; fees, 32247, 55558
Legal services; District Counsels, 39340
Life insurance:
National Service; payment to decedent's estate, 54004
United States Government; payment to decedent's estate, 54004
Loan guaranty:
Condominium title requirements; sale and leasing, 14198
Privacy Act; implementation, 5303
Procurement, 15877, 22599, 39051
Vocational rehabilitation and education:
Advance payments, authority to bar, 7790
Correspondence courses, inquiry, 55021
Courses, approval and termination, 7790, 12040
Measurement of courses, etc., 14396, 20425
Overpayments, entitlement charging, 53824
School failure to meet requirements, 54201
Television, open circuit training; acceptable number of credit-hours, 49506

NOTICES
Committees; establishment, renewals, etc.:
Medical School Assistance Review Committee et al., 40574
Consumer representation plan, 42831
Educational benefits, policies and procedures; correspondence courses, etc.; inquiry, 55021
Educational institutions using erroneous, deceptive, or misleading advertising or sales practices; Vietnam era veterans; agreement with FTC, 5867
Environmental statements; availability, etc.:
Augusta, Ga., VA Hospital, 6345
Madison, Wis., VA hospital, 13433
Federal and federally-assisted programs and projects; evaluation, review, and coordination, 10721, 18181
Meetings:
Career Development Committee, 9014, 39401
Cemeteries and Memorials Advisory Committee, 8010, 20938, 44080
Central Office Education and Training Review Panel, 14455, 34141, 38557, 48831
Cooperative Studies Evaluation Committee, 18375, 35913
Education and Rehabilitation, Administrator's Advisory Committee, 36280
Education and Training Central Office Revew Panel, 16537, 19708, 22283
Education and Training Central Office Review Panel, 12779, 37175
Educational Allowances Station Committee, 845, 2882, 4994, 7185, 7477, 8454, 11086, 12372, 14606, 19279, 19388, 21228, 22172, 23449, 24223, 24469, 26085, 27451, 28050, 29922, 30226, 31626, 35035, 38557, 44904, 45635, 46665, 47301, 47611, 48621, 52949, 53567, 55058, 56425
Geriatric Research and Clinical Centers Advisory Committee, 9014, 40240
Health Manpower Training Assistance Review Committee, 12779, 42711
Medical Advisory Group, Special, 16537, 32301
Medical Research Service Merit Review Boards, 9014, 11222, 34835
Medical School Assistance Review Committee, 12779, 42711
Structural Safety of Veterans Administration Facilities Advisory Committee, 4645, 10273, 40240, 44904, 50750
Voluntary Service National Advisory Committee, 37175
Wage Committee, 9236, 21532, 38557, 53730, 55963
Privacy Act; systems of records, 1551, 1552, 2880, 3792, 5360, 6345, 8010, 9294, 11632, 12779, 12780, 12940, 15075, 17439, 17829, 19387, 20938, 22653, 25058, 27798, 37718, 48200
Vocational rehabilitation benefits; spouse dependency allowance for female veterans, 14028
Wage Committee; annual report availability, 28599

VOCATIONAL REHABILITATION AND EDUCATION

See Education Office.
Social and Rehabilitation Service.
Veterans Administration.

WAGE AND HOUR DIVISION

RULES
American Samoa; wage orders; certain industries, 24121
Child labor:
Age minimum, certificates of age, etc., 26834
Violations and civil penalties, 26836
Farm labor contractor registration, 26821, 27318
Handicapped workers in competitive employment; minimum wages, 29378
Puerto Rico, Virgin Islands, and American Samoa; wage order procedures, 26680
Puerto Rico; wage orders; certain industries:
Agriculture, 43403
Education, 16957
Employment, newly covered, other than government service, 43403
Government services, 44695
Hospital and related institutions, 16957
Laundry and cleaning, 16956
Retail trade, 38504
Textile mill products, 34744

PROPOSED RULES
American Samoa, industries in; hearing date change, 3878
Child labor; minors between 14 and 16 years, 25020
Puerto Rico; wage orders; certain industries:
Footwear, nonrubber, 11038
Footwear, rubber and plastics, 11038
Textile mill products, 11038

NOTICES
Authority delegations:
Assistant Regional Administrators et al., 18949
Construction, Federal and federally-assisted; minimum wages, 17284
Facilities furnished to employees, reasonable cost or fair value; A. Duda & Sons, Inc., et al., 47615
Learners, certificates authorizing employment at special minimum wages, 5880, 15494, 29923, 47615
Meetings:
Sheltered Workshops Advisory Committee, 26773
Puerto Rico; various industry committees; appointment, convention, hearings, 15085, 21381, 36705, 40254
Students, full-time; certificates authorizing employment at subminimum wages, 1552, 3369

WAGE AND PRICE STABILITY COUNCIL

NOTICES
Antifreeze prices report; inquiry, 19368
Health care, rising costs; hearings and inquiry, 22407, 23751, 27997, 31252, 42711, 46369
Health care, rising costs; report, 40298
Inflation impact statement program; appraisal, 32463
Meetings:
Impact of Government Regulation on Steel Industry, 13982, 35213
State and Local Government Employees Compensation, Data Needs, 14920, 17010
Paper industry study; prices; hearing, 16861
Privacy Act; systems of records, 50711

WATER AND WATERWAYS

See Canada and United States-International Joint Commission.
Coast Guard.
Delaware River Basin Commission.
Engineers Corps.
Environmental Protection Agency.
Federal Maritime Commission.
Interior Department.
Interstate Commerce Commission.
Panama Canal.
Saint Lawrence Seaway Development Corporation.
Soil Conservation Service.
Water Resources Council.

WATER RESOURCES COUNCIL

RULES
Organization and functions, 20548
Vice-Chairmen, River Basin Commission; observer status, 54926
Privacy Act; implementation, 8343

PROPOSED RULES
Organization and functions, 15425
Privacy Act; implementation, 1921
NOTICES
Meetings:
Standing State Advisory Committee, 4378, 47611
Planning water and related land resources:
Discount rate change, 48010
Studies, 31627
Privacy Act; systems of records, 55963

WHITE HOUSE FELLOWSHIPS, PRESIDENT'S COMMISSION

NOTICES
Meetings, 8236, 16230, 54040
Privacy Act; systems of records, 44029

WHITE HOUSE OFFICE OF PUBLIC LIAISON

NOTICES
Consumer representation plans; hearings, 5691

WOMEN, STATUS OF, CITIZENS' ADVISORY COUNCIL

NOTICES
Community development block grants:
Discretionary grants; applications and criteria, 34301
Meetings, 14209

WORKERS' COMPENSATION PROGRAMS OFFICE

RULES
Federal employees' compensation, claims:
Forms availability, 2

WORKING LIFE PRODUCTIVITY AND QUALITY, NATIONAL CENTER

PROPOSED RULES
Privacy Act; implementation, 51613
NOTICES
Meetings:
Impact of government regulation on steel industry, 35213
Privacy Act; systems of records, 52284

INDEX

UMI

PRIVACY ACT PUBLICATIONS—Annual 1976

ACTION

PROPOSED RULES
Implementation, 19671
NOTICES
Systems of records, 53940

ACTUARIES, JOINT BOARD FOR ENROLLMENT

RULES
Implementation, 1493
NOTICES
Systems of records, 20454, 27786, 54465

ADMINISTRATIVE CONFERENCE OF UNITED STATES

RULES
Implementation, 15321
PROPOSED RULES
Implementation, 9188
NOTICES
Systems of records, 40040, 51053

AGENCY FOR INTERNATIONAL DEVELOPMENT

NOTICES
Systems of records, 38900

AGRICULTURE DEPARTMENT

RULES
Implementation, 22333
PROPOSED RULES
Systems of records, 13938
NOTICES
Systems of records, 3495, 3766, 4051, 5412, 8519, 12915, 15816, 16928, 29456, 31247, 34089, 39195, 42688, 44991, 47087, 47398, 47399, 47403, 48714

AIR FORCE DEPARTMENT

RULES
Implementation, 17549
PROPOSED RULES
Implementation, 8390, 55885
NOTICES
Systems of records, 42964, 55928

ALASKA LAND USE PLANNING COMMISSION, JOINT FEDERAL-STATE

NOTICES
Systems of records, 4979

AMERICAN BATTLE MONUMENTS COMMISSION

NOTICES
Systems of records, 40043

ARMS CONTROL AND DISARMAMENT AGENCY

RULES
Implementation, 19102
NOTICES
Systems of records, 21623, 29012, 55314, 55734

ARMY DEPARTMENT

RULES
Implementation, 1286, 19220, 47046
PROPOSED RULES
Implementation, 34764, 39325
NOTICES
Systems of records, 28806, 39798

ARTS AND HUMANITIES, NATIONAL FOUNDATION

NOTICES
Systems of records, 11629, 13891, 55308

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

NOTICES
Systems of records, 2429, 9587, 41526, 48711, 54211

CENTRAL INTELLIGENCE AGENCY

RULES
Implementation, 19105
PROPOSED RULES
Implementation, 12622, 13616
NOTICES
Systems of records, 12623, 12624, 12625, 19156, 19157, 37692

CIVIL AERONAUTICS BOARD

NOTICES
Systems of records, 5864, 6056, 6789, 40418

CIVIL RIGHTS COMMISSION

NOTICES
Systems of records, 26950, 53454, 54209

CIVIL SERVICE COMMISSION

NOTICES
Systems of records, 11075, 35757, 42158, 54522, 55568

COMMERCE DEPARTMENT

NOTICES
Systems of records, 23446, 24744, 33315, 34805, 35205, 36827, 38950, 48150

COMMODITY FUTURES TRADING COMMISSION

NOTICES
Systems of records, 39152

COMMUNITY SERVICES ADMINISTRATION

RULES
Implementation, 28497, 41090
PROPOSED RULES
Implementation, 18871
NOTICES
Systems of records, 19098, 20734, 39684

CONSUMER PRODUCT SAFETY COMMISSION

RULES
Implementation, 30323
NOTICES
Systems of records, 5655, 18279, 32875, 37291, 48398, 55220

DEFENSE DEPARTMENT

NOTICES
Systems of records, 1928, 2946, 6779, 9398, 15427, 16185, 27746, 30796, 32249, 32931, 36523, 39356, 43747, 44715, 49960

DEFENSE MAPPING AGENCY

NOTICES
Systems of records, 8513

DEFENSE SUPPLY AGENCY

RULES
Implementation, 18836, 25897, 39315
PROPOSED RULES
Implementation, 32231

ECONOMIC OPPORTUNITY, NATIONAL ADVISORY COUNCIL

PROPOSED RULES
Implementation, 49491
NOTICES
Systems of records, 49622

INDEX

UMI

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

NOTICES
Systems of records, 3117, 14498, 14921, 48272, 56884

ENVIRONMENTAL PROTECTION AGENCY

NOTICES
Systems of records, 39689

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICES
Systems of records, 27112, 34815, 42170, 46041, 51069

EXPORT-IMPORT BANK

RULES
Implementation, 19299
PROPOSED RULES
Implementation, 11323
NOTICES
Systems of records, 9420, 28011, 50788

FARM CREDIT ADMINISTRATION

NOTICES
Systems of records, 16612, 24625, 39693

FEDERAL COMMUNICATIONS COMMISSION

NOTICES
Systems of records, 26953, 41528

FEDERAL DEPOSIT INSURANCE CORPORATION

PROPOSED RULES
Implementation, 55717
NOTICES
Systems of records, 40424

FEDERAL ELECTION COMMISSION

RULES
Implementation, 43064
NOTICES
Systems of records, 54718, 54719

FEDERAL ENERGY ADMINISTRATION

RULES
Implementation, 48318
PROPOSED RULES
Implementation, 39767
NOTICES
Systems of records, 40076

FEDERAL HOME LOAN BANK BOARD

RULES
Implementation, 18515
PROPOSED RULES
Implementation;, 14902
NOTICES
Systems of records, 25050, 39168

FEDERAL LABOR RELATIONS COUNCIL

RULES
Implementation, 14725
PROPOSED RULES
Implementation, 1400
NOTICES
Systems of records, 1403, 14822, 54464

FEDERAL LAW ENFORCEMENT TRAINING CENTER

NOTICES
Systems of records, 32614, 33926, 44061

FEDERAL MARITIME COMMISSION

RULES
Implementation, 9153
NOTICES
Systems of records, 5670, 53754, 56707

FEDERAL MEDIATION AND CONCILIATION SERVICE

NOTICES
System of records, 55306

FEDERAL PAPERWORK COMMISSION

NOTICES
Systems of records, 41524

FEDERAL PAY, ADVISORY COMMITTEE

PROPOSED RULES
Implementation, 19973
NOTICES
Systems of records, 19991, 49080

FEDERAL POWER COMMISSION

NOTICES
Systems of records, 9010, 33332, 38932

FEDERAL REGISTER OFFICE

NOTICES
Dates and pages of publications, table, 4710
Publications guidelines, 32362

FEDERAL RESERVE SYSTEM

NOTICES
Systems of records, 30574, 39702

FEDERAL SERVICE IMPASSES PANEL

RULES
Implementation, 14725
PROPOSED RULES
Implementation, 1400
NOTICES
Systems of records, 1403, 54464

FEDERAL TRADE COMMISSION

NOTICES
Systems of records, 30069, 30087, 31618, 33949, 39711, 41759, 42937

FINE ARTS COMMISSION

RULES
Implementation, 2385
NOTICES
Systems of records, 53767

FISCAL SERVICE

NOTICES
Banking facilities on military installations, 6779, 9398

FOREIGN CLAIMS SETTLEMENT COMMISSION

RULES
Implementation, 19641
NOTICES
Systems of records, 2114, 19264, 50721, 56174

FOREST SERVICE

NOTICES
Systems of records, 15816

GAMBLING, COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD

NOTICES
Systems of records, 49897, 52640, 54211

GENERAL SERVICES ADMINISTRATION

RULES
Implementation, 14732, 42954
PROPOSED RULES
Implementation, 32245
NOTICES
Systems of records, 5868, 8548, 18557, 19261, 22164, 22407, 24745, 24938, 32793, 35767, 38088, 39389, 40695, 44756, 50722

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

NOTICES
Systems of records, 1182, 1405, 1936, 1937, 8524, 16297, 16603, 16999, 17414, 18336, 21320, 26735, 28569, 33874, 33932, 36188, 40707, 44063, 45039, 45617, 48392, 54223

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

RULES
Implementation, 13917, 44556
NOTICES
Systems of records, 16850, 18901, 44557, 50600, 52545

INTER-AMERICAN FOUNDATION

RULES
Implementation, 19211
NOTICES
Systems of records, 49470

INTERIOR DEPARTMENT

NOTICES
Systems of records, 2837, 7437, 8087, 8088, 12075, 12235, 15355, 24199, 36752, 41222

INTERNAL REVENUE SERVICE

NOTICES
Systems of records, 42680, 44196

INTERNATIONAL BROADCASTING BOARD

RULES
Implementation, 10413
PROPOSED RULES
Implementation, 6076
NOTICES
Systems of records, 6118, 47201, 53517

INTERNATIONAL TRADE COMMISSION

RULES
Implementation, 18810
PROPOSED RULES
Implementation, .7431
NOTICES
Systems of records, 7477, 40045, 52921

INTERSTATE COMMERCE COMMISSION

RULES
Implementation, 3087
NOTICES
Systems of records, 40430

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

PROPOSED RULES
Implementation, 49647
NOTICES
Systems of records, 50196

JUSTICE DEPARTMENT

RULES
Implementation, 12640, 32423
PROPOSED RULES
Implementation, 23206, 27972, 51089
NOTICES
Systems of records, 23215, 32448, 51089

LABOR DEPARTMENT

NOTICES
Systems of records, 3704, 7378, 34388, 54724, 55248

MANAGEMENT AND BUDGET OFFICE

RULES
Implementation, 38491
NOTICES
Systems of records, 28048, 30225, 32298, 34371, 37174, 38832, 41973, 44292, 44900, 47115, 49205, 51636, 53148, 55006, 55615

MARINE MAMMAL COMMISSION

RULES
Implementation, 4
NOTICES
Systems of records, 21412, 28042, 39731, 50875

MEXICO AND UNITED STATES, INTERNATIONAL BOUNDARY AND WATER COMMISSION

RULES
Implementation, 19625
PROPOSED RULES
Implementation, 5292
NOTICES
Systems of records, 8144, 35834, 36004

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RULES
Implementation, 52866
PROPOSED RULES
Implementation, 43201
NOTICES
Systems of records, 8235, 16618, 38918

NATIONAL ARCHIVES AND RECORDS SERVICE

NOTICES
Systems of records, 55504

NATIONAL CAPITAL PLANNING COMMISSION

PROPOSED RULES
Implementation, 54001
NOTICES
Systems of records, 53856

NATIONAL CREDIT UNION ADMINISTRATION

PROPOSED RULES
Implementation, 44430
NOTICES
Systems of records, 19782, 30308, 34370, 44982

NATIONAL LABOR RELATIONS BOARD

RULES
Implementation, 1478
NOTICES
Systems of records, 39184

NATIONAL SCIENCE FOUNDATION

PROPOSED RULES
Implementation, 56340
NOTICES
Systems of records, 22426, 26614, 47384

NATIONAL TRANSPORTATION SAFETY BOARD

RULES
Implementation, 22358, 39758, 41703, 43154
PROPOSED RULES
Implementation, 15874
NOTICES
Systems of records, 1820, 10482, 12626, 16928, 16929, 52038

NAVY DEPARTMENT

RULES
Implementation, 50662
PROPOSED RULES
Implementation, 51849
NOTICES
Systems of records, 28807

NUCLEAR REGULATORY COMMISSION

RULES
Implementation, 5289, 20645, 25997, 44997, 55322
PROPOSED RULES
Implementation, 35073
NOTICES
Systems of records, 1973, 5355, 5356, 11892, 17981, 20228, 24955, 26625, 42328, 55394

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

NOTICES
Systems of records, 56188

OVERSEAS PRIVATE INVESTMENT CORPORATION

NOTICES
Systems of records, 51570

PANAMA CANAL

NOTICES
Systems of records, 41358

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PROPOSED RULES
Implementation, 53492
NOTICES
Systems of records, 47012, 48821, 55955

PENSION BENEFIT GUARANTY CORPORATION

PROPOSED RULES
Implementation, 52485

INDEX

UMI

NOTICES
Systems of records, 22998, 50739, 54469

PERSONNEL INTERCHANGE, PRESIDENT'S COMMISSION
PROPOSED RULES
Implementation, 37134
NOTICES
Systems of records, 40050

POSTAL RATE COMMISSION
RULES
Implementation, 52455
PROPOSED RULES
Implementation, 34792
NOTICES
Systems of records, 36749

POSTAL SERVICE
RULES
Implementation, 24709
NOTICES
Systems of records, 2287, 4504, 7053, 12840, 18174, 19384, 19924, 31431, 32203, 32478, 45132

PRIVACY PROTECTION STUDY COMMISSION
NOTICES
Systems of records, 40436, 51889

RAILROAD RETIREMENT BOARD
RULES
Implementation, 20580
NOTICES
Systems of records, 11932, 35238, 40051, 55012

RECORDS AND DOCUMENTS OF FEDERAL OFFICIALS, NATIONAL STUDY COMMISSION
RULES
Implementation, 50993
PROPOSED RULES
Implementation, 36514, 41726
NOTICES
Systems of records, 40048, 51087, 54569

RENEGOTIATION BOARD
RULES
Implementation, 5095
NOTICES
Systems of records, 5152, 47017

SECURITIES AND EXCHANGE COMMISSION
RULES
Implementation, 44696
NOTICES
Systems of records, 5318, 5321, 11631, 41550

SELECTIVE SERVICE SYSTEM
NOTICES
Systems of records, 53962

SMALL BUSINESS ADMINISTRATION
RULES
Implementation, 43711
PROPOSED RULES
Implementation, 8190
NOTICES
Systems of records, 7601, 41648

SOCIAL SECURITY ADMINISTRATION
PROPOSED RULES
Implementation, 51425

STATE DEPARTMENT
RULES
Implementation, 30114
PROPOSED RULES
Implementation, 12229, 56827
NOTICES
Systems of records, 41330, 54580

SUPPLIES AND SHORTAGES, NATIONAL COMMISSION
PROPOSED RULES
Implementation, 14496
NOTICES
Systems of records, 14497, 51784

TELECOMMUNICATIONS POLICY OFFICE
NOTICES
Systems of records, 53644, 54263

TENNESSEE VALLEY AUTHORITY
NOTICES
Systems of records, 40437, 49064, 49688

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE
NOTICES
Systems of records, 54571

TRANSPORTATION DEPARTMENT
RULES
Implementation, 22564, 24822
PROPOSED RULES
Implementation, 15872, 18244
NOTICES
Systems of records, 8819, 28051, 42228, 53561

TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION
PROPOSED RULES
Implementation, 54947
NOTICES
Systems of records, 54158

TREASURY DEPARTMENT
RULES
Implementation, 51396
PROPOSED RULES
Implementation, 38187
NOTICES
Systems of records, 32614, 35734, 45164, 53566

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION
RULES
Implementation, 52677
PROPOSED RULES
Implementation, 36222
NOTICES
Systems of records, 36278, 52721

UNITED STATES INFORMATION AGENCY
RULES
Implementation, 41425
PROPOSED RULES
Implementation, 30029, 54003
NOTICES
Systems of records, 8154, 10272, 13686, 20234, 22653, 41884, 54047

UNITED STATES RAILWAY ASSOCIATION
NOTICES
Systems of records, 54471

VETERANS ADMINISTRATION
RULES
Implementation, 3857, 15009
PROPOSED RULES
Implementation, 5303
NOTICES
Systems of records, 1551, 1552, 2880, 3792, 5360, 6345, 8010, 9294, 11632, 12779, 12780, 12940, 15075, 17439, 17829, 19387, 20938, 22653, 25058, 27798, 37718, 48200

WAGE AND PRICE STABILITY COUNCIL
NOTICES
Systems of records, 50711

WATER RESOURCES COUNCIL
RULES
Implementation, 8343
PROPOSED RULES
Implementation, 1921
NOTICES
Systems of records, 55963

WHITE HOUSE FELLOWSHIPS, PRESIDENT'S COMMISSION
NOTICES
Systems of records, 44029

WORKING LIFE PRODUCTIVITY AND QUALITY, NATIONAL CENTER
PROPOSED RULES
Implementation, 51613
NOTICES
Systems of records, 52284

INDEX

UMI

FEDERAL REGISTER PAGES AND DATES

Pages	Date
1–747	Jan. 2
749–1034	5
1035–1266	6
1267–1464	7
1465–1575	8
1577–1735	9
1737–1834	2
1835–2065	13
2067–2224	14
2225–2363	15
2365–2626	16
2627–2803	19
2805–3071	20
3073–3267	21
3269–3453	22
3455–3731	23
3733–3846	26
3847–4010	27
4011–4250	28
4251–4505	29
4507–4805	30
4807–4875	Feb. 2
4877–5087	3
5089–5270	4
5271–5381	5
5383–5624	6
5625–5802	9
5803–6057	10
6059–6232	11
6233–6718	12
6719–7083	13
7085–7381	17
7383–7479	18
7481–7738	19
7739–7933	20
7935–8025	23
8027–8162	24
8163–8330	25
8331–8469	26
8471–8763	27
8765–8941	Mar. 1
8943–9082	2
9083–9296	3
9297–9531	4
9533–9856	5
9857–10058	8
10059–10207	9
10209–10412	10
10413–10595	11
10597–10875	12
10877–11012	15
11013–11170	16
11171–11266	17
11267–11461	18
11463–11803	19
11805–12006	22
12007–12213	23
12215–12271	24
12273–12634	25
12635–12874	26
12875–13328	29
13329–13575	30
13577–13893	31
13895–14160	Apr. 1
14161–14362	2
14363–14499	5
14501–14721	6
14723–14857	7
14859–14996	8
14997–15319	9
15321–15394	12
15395–15677	13
15679–15817	14
15819–16131	15
16133–16438	16
16439–16543	19
16545–16643	20
16645–16787	21
16789–16929	22
16931–17365	23
17367–17525	26
17527–17719	27
17721–17869	28
17871–18051	29
18053–18279	30
18281–18396	May 3
18397–18503	4
18505–18642	5
18643–18780	6
18781–19099	7
19101–19191	10
19193–19297	11
19299–19618	12
19619–19925	13
19927–20150	14
20151–20388	17
20389–20543	18
20545–20642	19
20643–20858	20
20859–21165	21
21167–21322	24
21323–21432	25
21433–21626	26
21627–21751	27
21753–22030	28
22031–22236	June 1
22327–22337	2
22329–22547	3
22549–22807	4
22809–22922	7
22923–23177	8
23179–23371	9
23373–23662	10
23663–23928	11
23929–24099	14
24101–24336	15
24337–24572	16
24573–24688	17
24689–24877	18
24879–24974	21
24975–25877	22
25879–25985	23
25987–26177	24
26179–26563	25
26565–26667	28
26669–26846	29
26847–27021	30
27023–27308	July 1
27309–27705	2
27707–27825	6
27827–27951	7
27953–28253	8
28255–28469	9
28471–28782	12
28783–28944	13
28945–29087	14
29089–29371	15
29373–29652	16
29653–29801	19
29803–30003	20
30005–30092	21
30093–30317	22
30319–30582	23
30583–31156	26
31157–31371	27
31373–31519	28
31521–31795	29
31597–32203	30
32205–32398	Aug. 2
32399–32574	3
32575–32688	4
32689–32875	5
32877–33244	6
33245–33543	9
33545–33880	10
33881–34003	11
34005–34238	12
34239–34570	13
34571–34730	16
34731–34935	17
34937–35051	18
35053–35153	19
35155–35475	20
35477–35674	23
35675–35842	24
35843–36012	25
36013–36191	26
36193–36484	27
36487–36637	30
36639–36785	31
36787–37088	Sept. 1
37089–37300	2
37301–37560	3
37561–37757	7
37759–38145	8
38147–38483	9
38485–38753	10
38755–38997	13
38999–39300	14
39301–39733	15
39735–40087	16
40089–40450	17
40451–41073	20
41075–41403	21
41405–41678	22
41679–41906	23
41907–42176	24
42177–42638	27
42639–42937	28
42939–43129	29
43131–43380	30

FEDERAL REGISTER PAGES AND DATES

Pages	Date
43381–43704	Oct. 1
43705–43887	4
43889–44029	5
44031–44150	6
44151–44355	7
44357–44686	8
44687–44850	2
44851–44993	13
44995–45533	14
45535–45815	15
45817–45975	18
45977–46286	19
46287–46424	20
46425–46578	21
46579–46839	22
46841–47017	26
47019–47201	27
47203–47405	28
47407–47907	29
47909–48096	Nov. 1
48097–48315	2
48317–48508	3
48509–48718	4
48719–49081	5
49083–49472	8
49473–49623	9
49625–49797	10
49799–49967	11
49969–50197	12
50199–50397	15
50399–50624	16
50625–50801	17
50803–50992	18
50993–51385	19
51387–51577	22
51579–51785	23
51787–52041	24
52043–52285	26
52287–52426	29
52427–52641	30
52643–52855	Dec. 1
52857–52975	2
52977–53314	3
53315–53459	6
53461–53647	7
53649–53767	8
53769–53966	9
53967–54159	10
54161–54473	13
54475–54749	14
54751–54916	15
54917–55146	16
55147–55319	17
55321–55505	20
55507–55704	21
55705–55843	22
55845–56191	23
56193–56296	27
56297–56621	28
56623–56765	29
56767–57072	30

INDEX

UMI



would you like to know

if any changes have been made in certain titles of the CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "Cumulative List of CFR Sections Affected," the "Federal Register Index," or both.

Cumulative List of CFR Sections Affected
$10.00
per year

The "Cumulative List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Federal Register Index **$8.00**
per year

Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies. Significant subjects are carried as cross-references.

A finding aid is included in each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Note to FR Subscribers: FR Indexes and the "Cumulative List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

Mail order form to:
Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

There is enclosed $_____ for _____ subscription(s) to the publications checked below:

..... **CUMULATIVE LIST OF CFR SECTIONS AFFECTED ($10.00 a year domestic; $12.50 foreign)**
..... **FEDERAL REGISTER INDEX ($8.00 a year domestic; $10.00 foreign)**

Name _____

Street Address _____

City _____ **State** _____ **ZIP** _____

Make check payable to the Superintendent of Documents

GPO: 1976—O-58-000

INDEX